

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

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

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### AGENDA

**COUNCIL CHAMBERS**

**April 23, 2012**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McCall

**ROLL CALL:** Councilmembers present on roll call were:

**MINUTES:** April 9, 2012

**COURTESIES:**

**PROCLAMATIONS:**

- Administrative Professionals Day-April 25, 2012 and Administrative Professionals Week-April 22-28, 2012
- Child Abuse Prevention Month, April 2012

**ADMINISTRATOR REPORTS - TINA VOLEK**

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

1. **CONSENT AGENDA** -- Separations:

A. **Bid Awards:**

1. **W.O. 12-01, Water and Sanitary Sewer Main Replacement Projects.** (Opened 4/10/12) Schedule 1A, 1B, 1C : Recommend delay of bid award until May 14, 2012; Schedule 2A, 2B Base, 2B Additive Alternate, and 2C : Recommend COP Construction; \$2,233,047.

2. **W.O. 12-02, Miscellaneous/Developer-Related Project.** (Opened 4/10/12)  
Recommend J & J Concrete; \$570,255.20.
  3. **W.O. 12-27, Over Excavation of New Library Site.** (Opened 4/10/12)  
Recommend CMG Construction, Inc.; \$619,875.
- B. Approval** of revised agreement with Jon Dehler for 20-year naming rights of ballpark retroactive to 2008.
- C. Contract for Professional Services** with DOWL HKM for W.O. 12-04, Wastewater Collection System Study as part of the Integrated Water Plan Implementation Projects; \$202,130.
- D. Amendment #1, W.O. 10-29: Wastewater Treatment Plant West Mechanical MCC Replacement and Improvements.** Professional Services Contract, HDR Engineering; \$9,800.
- E. Amendment #1, W.O. 12-05: 5-Mile Lift Station Replacement.** Professional Services Contract, Morrison-Maierle, Inc; not to exceed \$536,544.
- F. Amendment #2, W.O. 05-15: Howard Heights Storm Drainage Improvements.** Professional Services Contract, Interstate Engineering, Inc.; \$14,963.10.
- G. Sidewalk Easement** with The Boyer Group for construction of boulevard sidewalk along 4th Avenue North.
- H. Acceptance of Donation** to the Police Department to be used for the purchase of a police canine; Downtown Billings Exchange Club; \$1,500.
- I. Resolution of Intent** to create SID 1393, Fritz Subdivision; curb and gutter, drive approaches, storm drain and street improvements to Cottonwood Boulevard; and set a public hearing date of May 29, 2012.
- J. Preliminary Plat Three-Year Extension** for Lake Hills Subdivision, 25th Filing, Amended, generally located along Ditton Drive and Lake Heights Drive at the north end of Lake Hills Subdivision; setting a new expiration date of June 23, 2015.
- K. Preliminary Plat Three-Year Extension** for Mont Vista Subdivision, generally located south of Rimrock Road between 50th Street West and 54th Street West; setting a new expiration date of June 22, 2015.
- L. Preliminary Amended Plat** of Foxtail Village Subdivision, 2nd Filing, Block 2, Amended, approximately 2.7 acres generally located on the north side of Grand Avenue just east of 60th Street West; conditional approval of the preliminary plat and adoption of the Findings of Fact.
- M. Bills and Payroll:**
1. March 26, 2012
  2. April 2, 2012

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #885 (DELAYED FROM 3/26/12):** a text amendment to Section 27-607 of the Billings, Montana, City Code clarifying that both livestock and fowl (poultry) are not allowed uses within the City of Billings. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)
3. **PUBLIC HEARING** and approval of allocation of FY2012-2013 CDBG and HOME program funds and approval of the FY2012-2013 Action Plan. Staff recommends approval of the Community Development Board's recommendation and prioritization. (Action: approval or disapproval of staff recommendation)
4. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #12-02:** three parcels totaling approximately 0.85 acres located on Lincoln Lane in the Billings Heights and addressed as 337 and 325 Lincoln Lane; Brent Nelson, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC 25-301 through 25-307 Nuisance Vegetation. An update providing clarity and consistency across several sections of the Nuisance Vegetation code. Code Enforcement Division Staff recommends approval. (Action: approval or disapproval of Code Enforcement Division Staff recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #891:** a text amendment to Sections 27-201 and 27-622 of the Billings, Montana City Code (BMCC) to eliminate the definition of "townhome" as a type of residential land use and update the section that requires a Master Site Plan review for multi-unit developments. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #892:** a text amendment to Section 27-1502 of the Billings, Montana City Code (BMCC) to align the local zone change procedures with new state law amendments passed in 2009 and 2011. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)
8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #893:** a text amendment to Sections 27-1508 and 27-1604 of the Billings, Montana City Code (BMCC) aligning the county zone change procedures and enforcement with new state law amendments passed in 2009. Zoning Commission recommends approval. (Action: approval or disapproval of staff recommendation.)

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

## **COUNCIL INITIATIVES**

## ADJOURN

*Additional information on any of these items is available in the City Clerk's Office.*

*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.*

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** W.O. 12-01 Water and Sanitary Sewer Main Replacement Projects, Contract Awards

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

W.O. 12-01, Water and Sanitary Sewer Main Replacement Projects will replace sanitary sewer, water main and related improvements. Work will be completed under two (2) separate schedules. Schedule 1 consists of about 5,200 feet of water main replacement work in Montana Ave. between N. 18th and N. 31st St. and about 4,200 feet of water main replacement in S. 27th St. between 5th Ave. S. and State Ave. Schedule 2 consists of about 8,300 feet of sanitary sewer main replacement work in the area generally bounded by 9th and 15th St. W. and Ave. C and Parkhill Dr. Schedule 2 also includes about 1,500 feet each of sanitary sewer and water main replacement at Grand Ave. between 30th St. W. and Patricia Ln. and a sanitary sewer lift station replacement at Sam Snead Trail in the Yellowstone Country Club. Each project schedule is divided into work zones in order to ensure flexibility for awarding the most work at the lowest price.

These replacement projects were bid on April 10, 2012. After evaluating the bids, staff recommends that the contract award for Schedule 1 be delayed until the next council meeting on May 14, 2012, and a contract for Schedule 2 be awarded to COP Construction. The delayed contract is for Schedule 1A--S. 27th St. from 5th to 9th Ave. S, Schedule 1B--S. 27th St. from 9th Ave. S. to State Ave. and Schedule 1C--Montana Ave. from N. 18th to N. 31st St. Staff is recommending delay to allow time to evaluate the bids in more depth. COP Construction would be awarded Schedule 2A--9th to 15th St. W., Schedule 2B Base--Grand Ave. Sewer 30th St. W. to Patricia Ln., Schedule 2C--Sam Snead Trail Lift Station Replacement, and Schedule 2B Additive No. 1 Water Main Replacement in Grand Avenue.

**ALTERNATIVES ANALYZED**

The Council may:

- Delay award of Schedule 1 of W.O. 12-01 until May 14, 2012, and award Schedule 2A, 2B, 2B additive alternate, and 2C of W.O. 12-01 to COP Construction in the amount of \$2,233,047.00.
- Do not award construction contracts on Schedules 1 and 2. If these projects are not constructed, the City's water distribution and sanitary sewer collection systems in these areas will continue to experience ongoing maintenance problems.

**FINANCIAL IMPACT**

The following bids were received and evaluated for W.O. 12-01.

**Schedule 1 - Water Main Replacement**

<b>Contractor</b>	<b>Sch. 1A</b>	<b>Sch. 1B</b>	<b>Sch. 1A/1B Deduct 1-1</b>	<b>Sch. 1C</b>	<b>Sch. 1C Alt 1-1</b>	<b>Sch. 1C Add 1-1</b>	<b>Sch. 1C Add 1-2</b>
Western Municipal	\$966,094.00	\$879,275.00	\$39,500.00	\$2,845,645.00	\$17,400.00	\$21,450.00	\$12,500.00
COP Construction	\$842,875.00	\$787,129.00	\$10,000.00	\$2,795,687.00	\$24,000.00	\$14,025.00	\$14,000.00

**SCHEDULE 2 – Sanitary Sewer and Water Main Replacement**

<b>Contractor</b>	<b>Schedule 2 Base (Sewer)</b>	<b>Schedule 2 Additive (Water)</b>	<b>Schedule 2 Base +Add</b>
Western Municipal	\$1,678,594.00	\$604,440.00	\$2,283,034.00
COP Construction	\$1,665,254.00	\$567,793.00	\$2,233,047.00

The funding for the project was budgeted in FY2012 and the sources are water and sanitary sewer revenues. A summary of the funding is as follows:

	<b>Water Replacements</b>	<b>Sanitary Sewer Replacements</b>
<b>Project Budget</b>	\$4,000,000	\$2,500,000
<b>Previously Encumbered</b>	\$855,819	\$565,965
<b>Awarded Contract (Sch 2)</b>	\$567,793	\$1,665,254
<b>Budget Remaining</b>	\$2,576,388	\$268,781

**RECOMMENDATION**

Staff recommends that Council delay award of a contract for Schedule 1 until May 14, 2012, and award a contract for the sum of Schedule 2A, 2B Base, 2C, and 2B Additive Alternate to COP Construction in the amount of \$2,233,047.00.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** W.O. 12-02 Miscellaneous/Developer Related Bid Award

**PRESENTED BY:** David Mumford

**Department:** Public Works

**Information**

**PROBLEM/ISSUE STATEMENT**

Bids were received for W.O. 12-02 Miscellaneous/Developer Related project on April 10, 2012. The project consists of curb, gutter, sidewalk, and storm drain improvements at various locations around the city. It consists of unfulfilled building permit obligations and the continuation of annual improvements that deal with tripping hazards, drainage problems, property owner requests, complaints, and other miscellaneous concrete work brought to the attention of the City Engineer's Office.

**ALTERNATIVES ANALYZED**

The Council may:

- Award the contract for W.O. 12-02 to J&J Concrete, Inc in the amount of \$570,255.20; or
- Reject all bids and do not award a contract for W.O. 12-02. If bids are rejected, builders' obligations will be unfulfilled and damaged or missing concrete would remain instead of being replaced.

**FINANCIAL IMPACT**

The following bids were received and evaluated for W.O. 12-02:

<b>Contractor</b>	<b>Base Bid</b>
J&J Concrete, Inc.	\$570,255.20
CMG Construction, Inc.	\$579,060.00
Riverside Sand & Gravel, Inc.	\$593,000.00

The funding for the project was budgeted in FY12 and the sources are direct property assessments, storm drain funds, gas tax funds, and water/sewer funds.

Project Budget	\$631,849.00
Previously Encumbered	\$0
This contract	\$570,255.20
Budget remaining	\$61,593.80

**RECOMMENDATION**

Staff recommends that Council award the contract for Work Order 12-02  
Miscellaneous/Developer Related project to J&J Concrete, Inc. in the amount of \$570,255.20.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Bid Award for WO 12-27 Over Excavation of Library Site

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

WO 12-27, Over Excavation of the Library Site, is planned to excavate all of the clay soils from the future library construction site and replace it with structural gravel fill. This is necessary in order to construct a structurally sound foundation for the new library building. The site is located along 6th Avenue North between North Broadway and North 29th Street.

The project was bid on April 10th, 2012, and four bids were received. CMG Construction, Inc. submitted the lowest responsible bid.

**ALTERNATIVES ANALYZED**

The Council may:

- Award WO 12-27 to CMG Construction, Inc. in the amount of \$619,875.00; or
- Do not award the contract and reject all bids. If this project is not constructed, it will delay construction of the new library and a more expensive structural support system would have to be constructed to support the new building.

**FINANCIAL IMPACT**

The following bids were received and evaluated for WO 12-27.

<b>Contractor</b>	<b>Base Bid</b>
CMG Construction, Inc.	\$619,875.00
COP Construction	\$690,075.00
Dick Anderson Construction	\$700,000.00
Jackson Contractor Group, Inc.	\$1,104,26.00

The funding for the project will be a loan from the Library Fund to the Library Construction Fund. Since the cost was not included in the FY 12 budget, it will require a budget amendment that staff plans to process in May. Once bonds are sold in June, 2012, bond proceeds will be deposited in the Construction Fund and the Library Fund loan will be repaid.

**RECOMMENDATION**

Staff recommends that Council award a contract to CMG Construction, Inc. in the amount of \$619,875.00.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Revised Agreement with Jon Dehler for Ballpark Contributions

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

In 2007, the \$12.5 million cost of issuing bonds to construct Dehler Park was offset by pledges totaling \$2.2 million from several individuals and businesses in town. The largest contribution was \$1 million from Jon Dehler in exchange for naming rights for the park for a period of 20 years. The construction bonds were split into Series 2007A Baseball Field and Stadium Fund accounts totaling \$10.7 million to be repaid from tax collections, and Series 2007B Baseball Field and Stadium Fund accounts to be paid from the donations. The difference between the \$2.2 million pledged and the \$1.8 million bonded in Series 2007B was used for interest.

In December 2007, Mr. Dehler sent the City the first \$400,000 of his \$1 million donation. However, he did not sign the Donation Agreement approved by the City Council in March 2008, instead offering amendments to the contract. City staff continued periodically negotiating with one of Mr. Dehler's staff, until that individual left the company, and then with Mr. Dehler, who has an international travel schedule.

In March 2012, Mr. Dehler signed the agreement that is now before the Council for approval. He made an additional \$50,000 payment, and asked that the City invoice him for future payments.

The chief difference between the version of the agreement approved by Council in 2008 and the document before Council now is the term over which payments are made. The original agreement called for additional payments of \$150,000 annually from 2008 through 2011. The new version calls for additional payments of \$100,000 annually from 2012 through 2017.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the agreement, granting Mr. Dehler the 20-year naming rights retroactive to 2008, and ensuring property owners will not be taxed for that portion of the bonds; or
- Not approve the agreement, and find a new donor or tax residents for that portion of the bond payment.

**FINANCIAL IMPACT**

Mr. Dehler's original contribution covered the first three of the 10 years of his portion of the Series 2007B bonds. Last year, without an agreement in place, the City taxed property owners for that portion. Since the agreement is now in place, and will extend past the life of the Series B bonds, the funds donated by Mr. Dehler in 2017 will be used to pay part of the money that otherwise would have been taxed to property owners, reducing the rate to them.

**RECOMMENDATION**

Staff recommends approval.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Revised Agreement

**DONATION AGREEMENT  
FOR THE NEW BASEBALL PARK**

**THIS DONATION AGREEMENT FOR THE NEW BASEBALL PARK** (this "Agreement") is made and entered into on \_\_\_\_\_, \_\_\_\_\_ by and between the CITY OF BILLINGS, a Montana Charter city ("CITY" hereinafter), and JON DEHLER, Billings, State of Montana ("DEHLER" hereinafter).

**RECITALS**

**WHEREAS**, CITY is the owner of a baseball PARK and city park facility located at North 27<sup>th</sup> Street and 9<sup>th</sup> Avenue North in Billings, Montana, known as Cobb PARK in Athletic Park ("Athletic Park" herein); and

**WHEREAS**, a \$12.5 million dollar bond election was approved by voters on November 7, 2006, to fund major renovations to and construction of the baseball PARK at the Athletic Park (the baseball PARK as so renovated and constructed, "PARK" hereinafter); and

**WHEREAS**, the purpose of this Agreement is to grant DEHLER exclusive naming rights for the PARK through use of signage and related activities as set forth in this Agreement, including the exclusive right to have the Logo (as hereinafter defined) affixed to the PARK in the form specified herein so the general public comes to know the PARK as the "DEHLER PARK," in consideration of the donations to be made by DEHLER to CITY in the total amount of \$1,000,000.00 as hereinafter provided.

**NOW, THEREFORE**, incorporating the foregoing recitals herein, CITY and DEHLER mutually agree as follows:

**1. DEFINITIONS.**

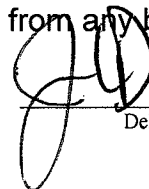
1.1. "Intellectual Property" means, collectively, the Mark and the Logo.

1.2. "Mark" means the word mark "DEHLER PARK."

1.3. "Logo" means the Mark written in the typeface designated on Exhibit "A", or in the derivative or associated trademark, service mark, design, or logotype that incorporates the Mark or any portion of the Mark and is approved by DEHLER in his sole and absolute discretion for use in accordance with this Agreement.

**2. DONATIONS; GRANT OF LICENSE.**

2.1. **IMPLEMENTATION.** In consideration of the exclusive rights granted to DEHLER by CITY pursuant to this Agreement, DEHLER has previously paid Four Hundred Thousand (\$400,000) Dollars to CITY and agrees to donate to CITY in immediately available funds, solely from his own funds and not from any business funds



Dehler

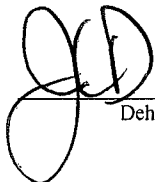
City

or accounts, the remaining balance of Six Hundred Thousand (\$600,000) Dollars in installments on the following dates and in the following amounts:

- (a) \$100,000.00 on July 2012;
- (b) \$100,000.00 on July 2013;
- (c) \$100,000.00 on July 2014;
- (d) \$100,000.00 on July 2015;
- (e) \$100,000.00 on July 2016; and
- (f) \$100,000.00 on July 2017

**2.2. Grant of License.** During the term of this Agreement, DEHLER grants CITY the right to use and to sublicense the use of the Intellectual Property subject to the terms of this Agreement. CITY acknowledges and agrees that (a) as between CITY and DEHLER, DEHLER is the sole owner of the Intellectual Property, (b) the goodwill arising from CITY's use of the Intellectual Property inures to the benefit of DEHLER and (c) CITY shall not acquire any rights in the Intellectual Property other than the rights of use set forth herein. The City's exercise of its license granted by DEHLER under this Section 2.2 shall at all times be in good taste and in a positive and promotional context as it relates to DEHLER and Athletic Park. CITY shall provide reasonable notice to DEHLER of CITY's intent to sublicense the Intellectual Property, including identification of the proposed sublicensee. DEHLER's consent to the sublicense is required, which consent DEHLER may not unreasonably withhold.

**3. NAMING RIGHTS.** DEHLER acknowledges and agrees that (a) as between CITY and DEHLER, CITY is the sole owner of the right to name the PARK and (b) CITY is licensing such naming rights to DEHLER solely during the term of this Agreement. CITY and DEHLER hereby agree the exclusive name of the PARK shall be "DEHLER PARK." CITY agrees to cause all announcements relating to the PARK, in any media, and all advertising for the PARK or any activity or event at the PARK, shall refer to the PARK as the "DEHLER PARK" to the extent any of the foregoing acts are controlled by CITY. CITY agrees to use its best efforts to identify the PARK as "DEHLER PARK" in any press releases, advertising, announcements, the answering of telephones, promotional and print materials produced, performed or disseminated by or for the account of CITY. In connection with the foregoing and notwithstanding anything to the contrary contained in this Agreement, DEHLER permits CITY to retain reasonable identification of the location of the "DEHLER PARK" as the City of Billings or in Billings, Montana. The PARK shall bear no name other than "DEHLER PARK" during the term of this Agreement.

  
Dehler \_\_\_\_\_ City

**4. SIGNAGE AND OTHER NAMING RIGHTS OF DEHLER.** DEHLER shall have the following rights in connection with the naming rights:

**4.1. Permanent Outdoor Signage for Duration of Agreement.** DEHLER shall have the right at DEHLER's expense to affix to the front and back of the PARK prominent and permanent outdoor signage containing the words "DEHLER PARK" and conforming to the dimensions set forth in the diagrams in Exhibit "B". CITY shall ensure that the signage is visible to all patrons attending events, rentals, or programs taking place at the PARK, as well as to patrons visiting the PARK or utilizing the City park adjacent to the PARK.

**4.2. Electronic Media.** CITY shall use its best efforts to cause the PARK to be referred to as "DEHLER PARK" in all public service announcements and/or press releases pertaining to the PARK. CITY shall cause "DEHLER PARK" to be displayed prominently on the PARK website as well as the City of Billings Parks and Recreation website.

**4.3. Print Media.** CITY shall cause the PARK to be referred to as "DEHLER PARK" in all print media advertising promoting PARK events and in all trade publications or brochures in which the PARK is listed.


**4.4. Printed Promotional Material.** CITY shall cause "DEHLER PARK" to be displayed prominently on all posters, flyers and promotions promoting PARK events and to appear on all event tickets printed for events at the PARK.

**4.5. Printed Electronic Communications.** CITY shall cause the PARK to be referred to as "DEHLER PARK" in all printed electronic communication mediums produced for the PARK.

**4.6. Printed Information Guides.** CITY shall cause all PARK information guides to refer to the PARK as "DEHLER PARK."

**4.7. Television and Radio.** CITY shall cause the PARK to be referred to as "DEHLER PARK" in all PARK event television commercials. CITY shall use its best efforts to cause "DEHLER PARK" to have local visibility through broadcasting events at the PARK including:

- 4.7.1. Grand opening events;
- 4.7.2. CITY sponsored community events and performances;
- 4.7.3. Private rentals for non-profit organizations and church groups; and
- 4.7.4. CITY sponsored cultural arts programs for youth.

  
Dehler \_\_\_\_\_ City

CITY shall use its best efforts to cause the PARK to be referred to as "DEHLER PARK" in all PARK event promotions or local radio, including the announcements of upcoming concerts and performances at the PARK.

**4.8. Directional Signage.** CITY shall use its best efforts to have the name "DEHLER PARK" displayed in association with the PARK on all promotional and street and highway directional signs which refer to the PARK.

**4.9. Outdoor Advertising.** CITY shall cause the PARK to be referred to as "DEHLER PARK" on any outdoor billboards owned or otherwise controlled by CITY promoting the PARK and events held at the PARK.


**4.10. Quality Control.** All signage and other usage or placement of the Intellectual Property by or on behalf of CITY shall be subject to the prior written approval of DEHLER. CITY shall not use or permit the Intellectual Property to be used in a manner or context which would disparage or reflect adversely upon the goodwill, reputation or community image of DEHLER and shall notify DEHLER in the event CITY discovers any infringing or harmful use of the Intellectual Property. DEHLER shall have the right to audit CITY's use of the Intellectual Property at the PARK or other premises of CITY during regular business hours upon reasonable notice.

**5. SPONSORSHIP OPPORTUNITIES.** DEHLER shall have the right of first refusal for sponsorship of CITY events at the PARK.

**6. RECREATION AND PARKS BROCHURE ADVERTISEMENT.** CITY shall use its best efforts to mention PARK events, where appropriate, in the CITY's Parks and Recreation brochure and shall refer to the PARK as "DEHLER PARK" in any such mention.

**7. TERM.** Unless sooner terminated as herein provided, this Agreement shall and continue in effect for 20 years thereafter. If the CITY receives an offer from a third party for any of the naming or other rights granted to DEHLER hereunder on or before the expiration of this Agreement, DEHLER shall have the right of first refusal to match such offer, and by doing so shall be entitled to such naming and other rights subject to its right of first refusal. If DEHLER successfully matches any such third party offer, Such new terms as agreed to between CITY and DEHLER shall be included as an amendment to this Agreement and shall take effect at the expiration date of the 20-year term. No such third party offer shall affect DEHLER's exclusive rights hereunder during this initial 20 year term of this Agreement.

**8. ASSIGNMENT.** Neither this Agreement, nor any interest in it, may be assigned or transferred by any party without the prior written consent of all the parties. In no event shall DEHLER assign this Agreement to any entity without the consent of CITY, which consent CITY may withhold in its sole and absolute discretion.

  
Dehler \_\_\_\_\_ City

9. **BINDING EFFECT.** The rights and obligations of this Agreement shall inure to the benefit of, and be binding upon, the parties to the Agreement and their heirs, administrators, executors, personal representatives, successors and assigns.

10. **COMPLIANCE WITH ALL LAWS.** DEHLER shall, at the sole cost of DEHLER, comply with all of the requirements of municipal, state and federal authorities now in force or which may hereafter be in force, pertaining to this Agreement, and shall faithfully observe in all activities, all municipal ordinances and state and federal statutes, rules or regulations, and permitting requirements now in force or which may hereafter be in force including, without limitation, obtaining a City of Billings business license where required.

11. **COUNTERPARTS.** This Agreement may be executed simultaneously or in one or more counterparts, each of which shall be deemed an original but all of which together constitute on and the same instrument.

12. **EXHIBITS.** In the event of a conflict between the terms, conditions or specifications set forth in this Agreement and those in exhibits attached hereto, the terms, conditions or specifications set forth in this Agreement shall prevail. All exhibits to which reference is made in this Agreement are deemed incorporated in this Agreement, whether or not actually attached.


13. **GOVERNING LAW.** The laws of the State of Montana (without giving effect to conflicts of laws principles thereof) will govern the validity of this Agreement, its interpretation and performance. Any litigation arising in any way from this Agreement shall be brought in Yellowstone County, Montana.

14. **FURTHER ASSURANCES.** Each party shall execute and deliver such papers, documents and instruments and perform such acts as are necessary or appropriate to implement the terms of this Agreement and the intent of the parties to this Agreement.

15. **NEGATION OF PARTNERSHIP.** CITY and DEHLER shall not become or be deemed a partner or joint venturer with any other party or associate in any such relationship with any other party by reason of the provisions of this Agreement.

16. **NO WAIVER OF DEFAULT.** The failure of any party to enforce against another party any provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time, and shall not serve to vary the terms of this Agreement.

17. **NOTICES.** All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified mail and be effective upon actual personal service or depositing in the United States mail. The parties shall be addressed as follows or at any other address designated by notice:

  
\_\_\_\_\_  
Dehler City

**CITY:** CITY OF BILLINGS  
P.O. Box 1178  
Billings, MT 59103  
Attention: \_\_\_\_\_

**DEHLER:** Jon Dehler  
200 Regal Street  
Billings, MT 59101

**8. RESOURCE ALLOCATION.** All obligations of CITY under the terms of this Agreement are subject to the appropriation and allocation of resources by the Billings City Council.

**19. GOVERNMENTAL AUTHORITY AND APPROVAL.** CITY represents and states to DEHLER that CITY has requisite power and authority to execute this Agreement and such execution and performance of this Agreement by CITY will not violate any existing statute, charter, rule, ordinance or any agreement or contract to which CITY is a party. CITY represents that no further City Council, City Administrator or other approvals are necessary for the execution and full performance hereunder by CITY.

**20. REMEDIES.** All remedies in law or equity shall be available to the parties upon breach of provisions of this Agreement, including, without limitation, termination by CITY in the event DEHLER fails to make donations in a timely fashion pursuant to paragraph 2.1 hereof. The election of one or more remedies shall not bar the use of other remedies unless the circumstances made the remedies incompatible.

**21. TAX EFFECT.** None of the parties (nor such parties' counsel or accountants) has made or is making in this Agreement any representation to any other party (or such party's counsel or accountants) concerning any of the tax effects or consequences on the other party of the transactions provided for in this Agreement. Each party represents that it has obtained, or may obtain, independent tax advice with respect thereto and upon which it, if so obtained, has solely relied.



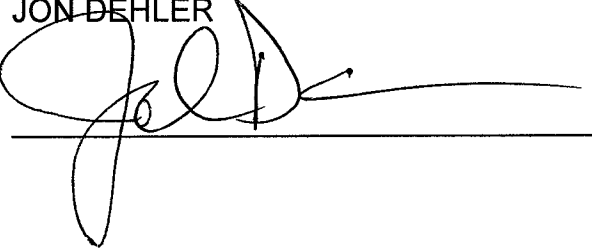
Dehler

City

22. TIME. Time is of the essence in this Agreement.

CITY OF BILLINGS, MONTANA

By \_\_\_\_\_  
Mayor

JON DEHLER  
  
\_\_\_\_\_

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** W.O. 12-14, Integrated Water Plan Implementation--Wastewater Collection System Study Contract Award

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Staff is requesting that the City Council award a professional engineering services contract in the amount of \$202,130.00 for DOWL HKM to conduct a study of the City's wastewater collection system as part of the Integrated Water Plan Implementation projects. DOWL HKM was selected for this study based on City staff review of project proposals submitted by prequalified firms. Morrison-Maierle (MMI), Kadrmas, Lee and Jackson (KLJ), Great West Engineering, and HDR Engineering were other firms considered for the project.

This project includes work necessary to evaluate the existing wastewater collection system and develop and recommend improvements in relation to Infiltration and Inflow (I/I) and remote treatment. One of the major components of this study is to update the City's collection system model so that it can be used to evaluate future flows for wastewater treatment plant upgrades and/or satellite treatment plants. A collection system flow monitoring plan will be implemented to measure and evaluate the amount of I/I impacting the system. A plan for reducing I/I will also be developed. After I/I reduction and satellite treatment options are identified, they will be screened to determine feasibility, ease of implementation, effectiveness in the near and long terms, reasonable level of success, and areas to apply. This project is identified in the CIP as a FY 12 project. Funding in the FY12 budget is sufficient for the study.

**ALTERNATIVES ANALYZED**

The Council may:

- Award the engineering contract to DOWL HKM; or
- Do not award the engineering contract to DOWL HKM. If this project is not completed, the City will be unable to sufficiently evaluate its sanitary sewer collection system in order to effectively implement an Integrated Water Plan.

**FINANCIAL IMPACT**

The funding for the project was budgeted in FY2012 and the source is wastewater funds.

**RECOMMENDATION**

Staff recommends that Council award a professional engineering services contract to DOWL HKM in the amount of \$202,130.00.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

WO12-14 PES Contract

# **Contract for Professional Engineering Services**

## **City of Billings W.O. 12-14 INTEGRATED WATER PLAN IMPLEMENTATION Wastewater Collection System Study**

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In consideration of the mutual promises herein, City of Billings and DOWL HKM agree as follows. This Contract consists of:

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 5 pages (Basic Services of Engineer);

Appendix B consisting of 1 page (Methods and Times of Payment);

Appendix C consisting of 1 page (Additional Services of Engineer);

Appendix D consisting of 3 pages (Schedule of Professional Fees);

Appendix E consisting of 1 page (Project Schedule);

Appendix F consisting of 5 pages (Certificate(s) of Insurance)

### **PART I SPECIAL PROVISIONS**

#### **Section 1. Definitions.**

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or the designee.
- B. "Billings" means the City of Billings.
- C. "Engineer" means DOWL HKM.
- D. "Contractor" means the third party responsible for the physical construction of the project.

#### **Section 2. Scope of Services.**

- A. The Engineer shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
- B. Billings shall pay the Engineer in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.
- C. Billings shall not allow any claim for services other than those described in this Section. However, the Engineer may provide, at its own expense, any other services that are consistent with this Contract.

- D. The Engineer shall provide as-built drawings as specified hereafter, as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings.
- ~~E. The Engineer shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.~~

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Engineer shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
- C. This Contract shall terminate at midnight on April 23, 2013.

Section 4. Compensation; Method of Payment.

- A. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Engineer shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Engineer's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Engineer of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Engineer within 30 days of receiving an acceptable invoice.
- B. The Engineer is not entitled to any compensation under this Contract, other than is expressly provided for in this Section.
- C. As a condition of payment, the Engineer shall have paid all City taxes currently due and owing by the Engineer.

Section 5. Termination of the Engineer's Services.

The Engineer's services under Section 2 of this Part may be terminated:

- A. By mutual consent of the parties.
- B. For the convenience of Billings, provided that Billings notifies the Engineer in writing of its intent to terminate under this paragraph at least 10 days prior to the effective date of the termination.
- C. For cause, by either party where the other party fails in any material way to perform its obligations under this Contract. Termination under this Subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within 30 days after receiving the notice.

Section 6. Duties Upon Termination

- A. If Billings terminates the Engineer's services for convenience, Billings shall pay the Engineer for its actual costs reasonably incurred in performing before termination

and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Engineer shall become the property of Billings.

- B. If the Engineer's services are terminated for cause, Billings shall pay the Engineer the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by Billings because of the Engineer's failure to perform satisfactorily. The reasonable value of the services rendered shall never exceed ninety percent (90%) of the total compensation allowable under Section 4 of this Part. Any finished or unfinished documents or materials prepared by the Engineer under this Contract shall become the property of Billings at its option.
- C. If the Engineer receives payments exceeding the amount to which it is entitled under Subsections A or B of this Section, he shall remit the excess to the Administrator within 30 days of receiving notice to do so.
- D. The Engineer shall not be entitled to any compensation under this Section until the Engineer has delivered to the Administrator all documents, records, Work product, materials and equipment owned by Billings and requested by the Administrator.
- E. If the Engineer's services are terminated for whatever reason the Engineer shall not claim any compensation under this Contract, other than that allowed under this Section.
- F. If a final audit has not been performed before the Engineer's services are terminated, Billings may recover any payments for costs disallowed as a result of the final audit.
- G. Except as provided in this Section, termination of the Engineer's services under Section 5 of this Part does not affect any other right or obligation of a party under this Contract.

#### Section 7. Insurance.

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

Section 8. Assignments.

Unless otherwise allowed by this Contract or in writing by the Administrator, any assignment by the Engineer of its interest in any part of this Contract or any delegation of duties under this Contract shall be void, and an attempt by the Engineer to assign any part of its interest or delegate duties under this Contract shall give Billings the right immediately to terminate this Contract without any liability for Work performed.

Section 9. Ownership; Publication, Reproduction and Use of Material.

- A. Except as otherwise provided herein, all data, documents and materials produced by the Engineer under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. The Engineer shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Engineer shall have the right to include photographic or artistic representations of the design and construction of the Project among the Engineer's promotional and professional materials. The Engineer's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Engineer in writing of the specific information considered by Billings to be confidential and proprietary.
- B. Equipment purchased by the Engineer with Contract funds: See Appendix A, Section 3. Scope of Work.
- C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Engineer from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this Contract must be limited to conceptual or preliminary use for adaptation, and the original Engineer's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

Any notice required pertaining to the subject matter of this Contract shall be either sent via facsimile (FAX) or mailed by prepaid first class registered or certified mail, return receipt requested to the following addresses:

Billings:           City Engineer (Debi Meling)  
                          City of Billings  
                          Public Works Department  
                          2224 Montana Avenue  
                          Billings, Montana 59101 FAX: (406) 237-6291 / PHONE : (406) 657-3097

Engineer: DOWL HKM  
Wade Irion, PE, Regional Manager  
222 North 32<sup>nd</sup> Street, Suite 700  
Billings, Montana 59101 FAX: (406) 656-6398 / PHONE: (406) 656-6399

Notices are effective upon the earlier of receipt, proof of good transmission (facsimiles only), or 5 days after proof of proper posting.

Section 11. Contract Budget.

In connection with its performance under this Contract, the Engineer shall not make expenditures other than as provided in line items in the Contract budget.

Section 12. Force Majeure.

- A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
- B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:
  - 1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
  - 2. Strikes or Work stoppages.
  - 3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
  - 4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

The Engineer shall establish and maintain a financial management system that:

- A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
- B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Engineer's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
- C. Effectively controls and accounts for all municipal funds and Contract property;
- D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
- E. Allocates administrative costs to direct service delivery units;
- F. Minimizes the time between receipt of funds from Billings and their disbursement by the Engineer;
- G. Provides accounting records supported by source documentation; and

- H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

In the event that any funding source for this Contract should impose additional requirements upon Billings for the use of those funds, the Engineer agrees to abide by those additional requirements immediately upon receipt of written notice thereof from Billings.

Section 15. Subcontracts.

The Engineer may enter into subcontracts for the purchase of goods and services necessary for the performance of this Contract, provided:

- A. Every subcontract shall be reduced to writing and contain a precise description of the services or goods to be provided and the nature of the consideration paid therefor.
- B. Every subcontract under which the Engineer delegates the provision of services shall be subject to review and approval by the Administrator before it is executed by the Engineer.
- C. Every subcontract in an amount exceeding \$1,000 shall require reasonable access to business records of the subcontractor relating to the purchase of goods or services pursuant to the subcontract.

**PART II  
GENERAL CONTRACT PROVISIONS**

**Section 1. Relationship of Parties.**

The Engineer shall perform its obligations hereunder as an independent Engineer of Billings. Billings may administer the Contract and monitor the Engineer's compliance with its obligations hereunder. Billings shall not supervise or direct the Engineer other than as provided in this Section.

**Section 2. Nondiscrimination.**

- A. The Engineer will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The Engineer will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Engineer agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The Engineer shall state, in all solicitations or advertisements for employees to Work on Contract jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
- C. The Engineer shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
- D. The Engineer shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Engineer under this Contract.
- E. The Engineer shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

**Section 3. Permits, Laws, and Taxes.**

The Engineer shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the Engineer under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Engineer shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

- A. This Contract shall only be amended, modified or changed by a writing, executed by authorized representatives of the parties, with the same formality as this Contract was executed.
- B. For the purposes of any amendment modification or change to the terms and conditions of this Contract, the only authorized representatives of the parties are:

Engineer: Wade Irion, PE, Regional Manager  
(title of position)

Billings: City Council or Authorized Designee

- C. Any attempt to amend, modify, or change this Contract by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Contract shall be brought in the District Court for the Thirteenth Judicial District of the State of Montana, Billings. The law of the State of Montana shall govern the rights and obligations of the parties under this Contract.

Section 7. Severability.

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

The Engineer shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Engineer or any agent, employee or subcontractor as a result of the Engineer's or any subcontractor's performance pursuant to this Contract.

- A. The Engineer shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Engineer, the Engineer shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Engineer's or any subcontractor's wrongful or negligent acts occurring as a result from the Engineer's performance pursuant to this Contract.

Billings shall indemnify, defend, save, and hold the Engineer harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of Billings or any agent, employee or subcontractor as a result of Billings' or any subcontractor's performance pursuant to this Contract.

- A. Billings shall not indemnify, defend, save and hold the Engineer harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of the Engineer occurring during the course of or as a result of the performance of the Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Engineer, Billings shall indemnify, defend, save, and hold the Engineer harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from Billings' or any subcontractor's wrongful or negligent acts occurring as a result from Billings' performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

The Engineer shall, at any time during normal business hours and as often as Billings may deem necessary, make available to Billings, for examination, all of its records with respect to all matters covered by this Contract for a period ending three years after the date the Engineer is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Engineer shall submit such other information and reports relating to its activities under this Contract, to Billings, in such form and at such times as Billings may reasonably require. The Engineer shall permit Billings to audit, examine and make copies of such records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Contract. Billings may, at its option, permit the Engineer to submit its records to Billings in lieu of the retention requirements of this Section.

Section 11. Availability of Funds.

Payments under this Contract may require funds from future appropriations. If sufficient funds are not appropriated for payments required under this Contract, this Contract shall terminate without penalty to Billings; and Billings shall not be obligated to make payments under this Contract beyond those which have previously been appropriated.

IN WITNESS WHEREOF, the parties have executed this Contract on the date and at the place shown below.

City of Billings

Engineer—DOWL HKM

\_\_\_\_\_  
City Council or Designee

\_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

IRS Tax ID # \_\_\_\_\_

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

APPROVED AS TO FORM:

Date: \_\_\_\_\_

By \_\_\_\_\_

BRENT BROOKS, City Attorney

STATE OF MONTANA            )  
  :ss.  
COUNTY OF YELLOWSTONE    )

On this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

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

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_

**Note: Final contract documents will require the Engineer's signature to be notarized.**

## Appendix A

### Basic Services of Engineer W.O. 12-14 IWPI--Wastewater Collection System Study

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#### Section 1. Engineer's Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Engineer's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.
- B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.
- C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Engineer shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.
- D. Engineer's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.
- E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.
- F. The Engineer shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.
- G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.
- H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.
- I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Engineer. Reports will be submitted in a timely manner to permit prompt resolution of problems.

- ~~J. Contract administration duties will include review of contractor certified payrolls for wage rate compliance. Discrepancies in certified payrolls will be resolved with the Contractor. A signed Engineer's Payroll Check Sheet (included in the Standard Modifications to MPWSS) will be submitted as proof of this review with one copy of each payroll.~~
- K. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project the Task Director designated for the Engineer is Ray Armstrong, PE, BCEE working under the Principal-in-Charge, Wade Iron, PE.

Section 2. Billings Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete Billings' portion of the project as designated in the scope of work.
- B. Name a Task Director who shall be the liaison between the Engineer and Billings. For this project, the Task Director designated is Randy Straus, PE working under the City Engineer, Debi Meling, PE.

Section 3. Scope of Work.

**SCOPE OF WORK:**

See the following pages:

## Appendix B

### Methods and Times of Payment W.O. 12-14 IWPI--Wastewater Collection System Study

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#### Section 1. Payments for Basic Services.

Billings shall authorize payment to the Engineer for services performed under Appendix A of this Agreement. Partial payment shall be due the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer.

Billings shall deduct ten percent (5%) from each monthly pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final documents by Billings, and determination that the scope of work has been satisfactorily completed.

- A. For services rendered under Appendix A of this Agreement, the Engineer shall be paid based upon actual time accrued, but not to exceed \$202,130.00 (Two Hundred Two Thousand One Hundred Thirty and No/100 Dollars) based on the following tasks:

100	Information Gathering	\$15,330.00
200	Flow Monitoring and Infiltration/Inflow Analysis	\$98,500.00
300	Sanitary Sewer Model	\$57,900.00
400	Satellite Treatment Options	\$12,000.00
500	Final Report	\$18,400.00

- B. Final payment shall be the above stated basic fee less all previous payments.

#### Section 2. Payments for Extra Services when Authorized by Billings.

Requests made or conditions identified by interested groups at the agency or public meetings which are beyond the scope and intent of the services to be performed under Appendix A shall be paid for on an hourly basis at the applicable fees in Appendix D or by an addendum to this Agreement.

#### Section 3. Corrections.

Costs of Billings work that is required for the purpose of correcting the Engineer's work shall be deducted from any payments due the Engineer if the Engineer fails to make the required corrections.

#### Section 4. Fee Increases

For contracts and services that are expected to require more than one (1) year to complete, the above stated basic services payments may be reviewed and adjusted annually by mutual agreement of the parties, based upon documented evidence that the Engineer's costs and hourly rates as shown in Appendix D have increased for all comparable clients.

## **Appendix C**

### **Additional Services of Engineer W.O. 12-14 IWPI--Wastewater Collection System Study**

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Extra Services of the Engineer will be paid only with written prior authorization by Billings.

- A. Requests made or conditions identified which are beyond the scope and intent of the services identified under Appendix A.

## **Appendix D**

### **Schedule of Professional Fees W.O. 12-14 IWPI--Wastewater Collection System Study**

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Current agreements for engineering services stipulate that the standard hourly rates are subject to review and adjustments. Hourly rates for services effective on the date of this Agreement are included below.

The itemized schedule provided below includes direct labor costs, normal payroll and overhead costs, transportation, furnishing equipment and materials normally required for performance of the work and reasonable profit. Direct project costs not itemized herein shall be paid for at actual cost.

The cost of Professional Liability Insurance coverage is included in the hourly rates of personnel.

## **Appendix E**

### **Project Schedule W.O. 12-14 IWPI--Wastewater Collection System Study**

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Based on a notice to proceed by Billings date no later than April 23, 2012, the completion date for the Engineer's work on the Study shall be January 25, 2013.

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

If the Engineer is behind on this Contract due to no fault of Billings, then the Engineer hereby acknowledges the right of Billings to withhold future Contracts to the Engineer in addition to any other remedy until this Contract is brought back on schedule or otherwise resolved.

## **Appendix F**

### **Certificate(s) of Insurance W.O. 12-14 IWPI--Wastewater Collection System Study**

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Attach Certificate(s) of Insurance

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** W.O. 10-29 WWTP West Mechanical MCC Replacement and Improvements,  
Contract Amendment No. 1

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Staff is requesting that the City Council consider authorizing and executing a Contract Amendment for Professional Services with HDR Engineering to provide design and construction administration services for W.O. 10-29 WWTP West Mechanical Motor Control Centers (MCC) Replacement and Improvements. The original Professional Services Agreement in the amount of \$49,300 was for design and construction administration for the replacement of the MCC, panel boards, Programmable Logic Controllers, fiber optic Ethernet Switches for Programmable Logic Controllers, and associated wiring in the West Mechanical Building at the wastewater treatment plant. Contract Amendment No. 1 for \$9,800 is for additional upgrades that include Waste Activated Sludge Pump Variable Frequency Drives, new control panels and Ethernet Switches for the Variable Frequency Drives, air compressor piping to pressurize the control panels, and associated wiring.

**ALTERNATIVES ANALYZED**

The Council may:

- Authorize Contract Amendment No. 1 with HDR Engineering in the amount of \$9,800; or
- Do not authorize the Contract Amendment No.1. If the contract amendment is not approved, the design can not be done for the necessary improvements at the WWTP.

**FINANCIAL IMPACT**

Funds for this Contract Amendment No.1 are available from Wastewater Funds budgeted in FY12. If approved, the Professional Services Contract with HDR Engineering will total \$59,100.00.

**RECOMMENDATION**

Staff recommends that Council authorize Contract Amendment No. 1 with HDR Engineering in the amount of \$9,800.00.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

WO 10-29 Contract Amendment

**AMENDMENT NUMBER ONE  
TO THE  
AGREEMENT FOR PROFESSIONAL ARCHITECTURAL AND  
ENGINEERING SERVICES  
BY AND BETWEEN THE CITY OF BILLINGS, MONTANA  
AND HDR ENGINEERING, INC.  
FOR PROJECT: W.O. 10-20 –  
WWTP WEST MECHANICAL MCC REPLACEMENT AND  
IMPROVEMENTS**

THIS AMENDMENT NUMBER ONETWO, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, modifies the Agreement for Professional Services, W.O. 10-29, by and between the City of Billings, Montana, and HDR Engineering, Inc., dated November 8, 2010. The Agreement is modified as follows:

Item 1:        Section 3.     Time for Performance

Change the contract termination date to December 15, 2012.

Item 2:        Section 4.     Compensation: Method of Payment

Increase the amount of compensation by Nine Thousand Eight Hundred and no/100 DOLLARS (\$9,800.00) to Fifty Nine Thousand One Hundred and no/100 DOLLARS (\$59,100.00).

Item 3:        **Appendix A - Basic Services of Engineer**

Section 3.     Scope of Work

Delete the second bullet time and Add the following bullet items under Scope of Work.

- Remove PLC 300R. For I/O that was going to PLC 300R, continue I/O through Control Panel 300R to PLC 300L.
- Add an air compressor and piping to pressurize CP 300L.
- Add modifications to RAS Pumps so that they can communicate via Ethernet with PLC 300L.
- Replacement four WAS Pump VFDs with new VFDs.
- Add control panel, Ethernet Switches, CAT 6 wire, Fiber, conduit and miscellaneous enclosures to provide communications with VFDs and East Mechanical remote I/O to PLC 300L.

All provisions of the Agreement dated November 8, 2010, shall remain in full force and effect except as amended herein.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number One as of the day and year first above written.

CONSULTANT

**HDR Engineering, Inc.**

BY: \_\_\_\_\_  
Amanda B. McInnis, P.E.

TITLE: Department Manager

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

ATTEST:

\_\_\_\_\_

CITY

**City of Billings**

BY: \_\_\_\_\_  
Mayor (or Council Designee)

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

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Amendment #1, Work Order 12-05, 5-Mile Creek Lift Station Replacement Design and Construction Administration Contract

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Mayor and Council are asked to consider amending the City's professional engineering services contract with Morrison-Maierle, Inc. (MMI) in the amount of \$536,544 to include engineering design and construction administration for the 5-Mile Creek Lift Station Replacement Project. The City has an existing contract with MMI for the preliminary design study which is now complete. This sanitary sewer lift station is located north of Mary Street and west of Bitterroot Drive near 5-Mile Creek. In its present state, the lift station is undersized for projected future service area demands and is nearing the end of its useful life due to significant corrosion and infiltration problems.

The scope of this amendment for design and construction administration services includes the following tasks:

- Survey
- Geotechnical Evaluation
- Permitting/Environmental Assessment
- SRF Requirements
- Design
- Bidding and Contracting Services
- Construction Administration

MMI was selected based on City staff review of project proposals submitted by prequalified firms. The other firm considered for the work was HDR Engineering.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the contract amendment with Morrison-Maierle Inc., or
- Do not approve the contract amendment with Morrison-Maierle Inc. If this sanitary sewer lift station is not replaced, it will continue to experience ongoing maintenance problems, remain undersized and the risk of failure will increase.

**FINANCIAL IMPACT**

Funding for engineering this project was budgeted in FY12 and is sufficient for the design and construction administration. The source of funding is an SRF loan to the Wastewater Fund. Funding for project construction has been budgeted for FY13. The amendment is in the amount of \$536,544 and brings the total contract amount to \$563,314.

**RECOMMENDATION**

Staff recommends that Council approve a contract amendment to the engineering services contract for design and construction administration on the 5-Mile Creek Lift Station Replacement Project to Morrison-Maierle, Inc. in the amount not to exceed \$536,544.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Cont Amend #1

**AMENDMENT NO. 1**  
**TO**  
**PROFESSIONAL ENGINEERING**  
**SERVICES**  
**W.O. 12-05, FIVE MILE LIFT STATION**

THIS AGREEMENT, made and entered into on \_\_\_\_\_, 2012, by and between the following:

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

and

Morrison-Maierle, Inc.  
315 N. 25<sup>th</sup> Street, Suite 102  
Billings, Montana 59101  
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated November 4, 2011, for Contractor to provide engineering services to the City for Work Order 12-05 Five Mile Lift Station, and;

WHEREAS, the City has need for additional engineering services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Contractor represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

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

Appendix A, Section 3 is amended as follows:

Add the following “Design, Bidding, and Construction Administration Phases Scope of Work” included herein.

**Design, Bidding, and Construction Administration Phases Scope of Work**

**TASK 11 - PROJECT MANAGEMENT**

Project management for the design phase will include all project coordination between the City and the consultant team members. This management task includes communication of ideas, questions, and issues to ensure the design encompasses the input from the project personnel for both the City and MMI. Specifically, meetings will include the following two (2) public meetings and general meetings: informational meeting with residents and interested citizens; Public Hearing; general meetings with property owners. Project management also includes the effort necessary to control the quality, schedule, and budget of the project.

**TASK 31 – DESIGN SURVEY**

A design survey will be conducted along the entire planned route to provide topographic information, utility locations as located by Montana One Call and applicable public/private utilities, property lines, structures, and all other information needed for design of the new sewer line and preparation of exhibits for right of way acquisition (limit of three (3)), if needed. Gaining permission to access property will be the responsibility of the Engineer.

This task includes stakeout of easement lines for use of the City, the property owners, and the Engineer. The lines are to be shown with survey laths, staked for this purpose to within +/- 0.5', and intervisible.

The horizontal and vertical datums for this project shall be approved by the City.

**TASK 32 – CONSTRUCTION SURVEY**

Provide personnel, equipment, and supplies for construction layout and control. Construction layout shall include, but not be limited to, measurements, lines, locations, and grades necessary for construction.

**TASK 39 – GEOTECHNICAL EVALUATION**

A geotechnical evaluation of the route, access roads, path route and lift station sites will be completed. Sufficient number of borings will be completed along the planned route and locations and will be used to compile the geotechnical information needed to ascertain the soil and groundwater conditions that will be reasonably expected during construction. Test results will include information needed to design access roads, stream crossings, gravity sewer main, and

proposed lift station. Also, soil information necessary for structural calculations of the lift station and recommendations for fill material and compaction will be provided. The information will be used in the design as well as provided in the contract documents. Design geotechnical work will include eleven (11) soil borings: One (1) 50' deep, eight (8) 30' deep, and two (2) 15' deep. The geotechnical report will also include a site specific dewatering assessment and recommendations. Seventy-five (75) quality assurance density tests and four (4) Proctors are included in the construction materials testing scope.

#### TASK 41 – PERMITTING/ENVIRONMENTAL ASSESSMENT

Necessary permits and environmental assessments needed for this project will be provided under this task. A “Joint Application for Proposed Work in Montana’s Streams, Wetlands, Floodplains, and Other Water Bodies” (Joint Application) will be submitted for both the Five Mile Creek crossings. This Joint Application meets the requirements of the U.S. Army Corps of Engineers Section 404 and Section 10 Permits, 310 Permit, the County Floodplain permit, the MDEQ 318 Authorization, DNRC Navigable Rivers Land Use License/Easement, and the Fish, Wildlife and Parks SPA 124 permit. An application for the City of Billings Floodplain Permit will also be submitted, if necessary. The City will review and sign all permits prior to submission.

Additional permits beyond those mentioned above, or a more intensive 404 Permit Application, if required by COE, are not included in this scope. The cost for the permits application fees listed in this section will be the responsibility of the Engineer.

Other work performed under this task will be the necessary environmental assessment work and the associated public hearings. At this time, it is anticipated that the environmental assessment work necessary will be that required under the Joint Application and the Uniform Application.

#### TASK 42 – SRF REQUIREMENTS

Due to the fact that an SRF Loan will be used for funding of this project, additional work may be necessary to meet the program requirements. The additional effort will consist of modifying the engineering study to a preliminary engineering report (PER) to meet the requirements of the uniform application. This task also includes coordinating and assisting the City in preparing a Uniform Application.

Submitting plans and specifications to the SRF program for review and approval, and providing reasonable documentation after bid for review and approval is considered part of Task 40.

#### TASK 43 – PRELIMINARY AND FINAL DESIGN

The preliminary and final design documents will be based on the recommended route as described in the Engineering Study dated March 2012 prepared by Morrison Maierle, Inc. The following work will be performed under this task:

- Prepare preliminary plans, specifications and estimate of probable cost at 30% and 70% complete for review by the City. Two (2) 24"x36" copies and two (2) 11"x17" copies of 30% plans, and two (2) 24"x36" copies and two (2) 11"x17" copies of 70% plans and specifications will be provided to the City. One copy of the 70% plans will be provided to each utility in the area. The 70% plans provided to the utilities will be annotated with potential conflicts noted as part of the design. Engineer will follow up with the utilities to ensure they received the plans sent to them. Engineer will hold a meeting for utilities to attend to discuss potential conflicts, if any occur.
- Coordinate with permitting agencies and public/private utilities, including MDEQ and DNRC.
- Prepare a complete traffic control plan to be used during the construction of the project. The plan will show the required detours, signing, and if necessary, the required construction phasing and public notification.
- Hold separate review meetings to review 30% and 70% submittals with City staff before development of next stage plan documents.
- Perform field review(s) with City and other agencies.
- Develop 95% plans, specifications, quantity summaries, and estimate of probable cost for final review by City staff. Engineer will meet with City staff to review 95% comments. Two (2) 24"x36" copies and two (2) 11"x17" copies will be provided to the City. One copy of the 95% plans will be provided to each utility in the area if any changes from the 70% utility review plans will affect the utilities.
- Two (2) public meetings will be held during the design phase to comply with SRF requirements.
- Seal and sign all final plans, specifications, submitted calculations, and reports with the seal of the Montana licensed Professional Engineer in responsible charge of the work.
- Submit plans and specifications to Montana Department of Environmental Quality for review and approval.
- Plans, specifications and permits for demolition and removal of all or part of the existing Five Mile Lift Station, once the new sewer main is operational and accepted by the City, are to be included with this project.
- Site work, including parking lots, an access road box culvert, and access roads are included in the design of the sewer lift station. The box culvert design includes hydrologic modeling and hydraulic sizing. Design of a bridge, open bottom culvert, or custom wing walls is not included in this scope.

The following list describes the assumptions that have been made in the development of the scope of services and fee estimate. These assumptions were made after conversations with necessary agencies and the City Staff:

- The route will be as described in the Engineering Study dated March 2012. If the route deviates in a material manner from that described in Section 7

of that report, the scope and fee of the design phase will need to be reviewed and renegotiated.

- The wet well will be a 20'x20' cast-in-place concrete structure.
- The control building will be constructed of split face block with interior finish, insulation, and heating.
- SCADA will be integrated into the City of Billings system. It is assumed that this work will work with the existing City of Billings SCADA system and a repeater will not be necessary.
- Valves, meters, actuators, etc. will be located in a single, buried cast-in-place valve vault.
- The project will include 1,250 linear feet of gravity sewer main.
- The project will include replacement of the two (2) existing Five Mile force main crossings and one (1) future dry Five Mile Creek force main crossing.
- The lift station(s) will be fed from new electrical service. This scope includes coordinating new electrical service to the site.
- Permanent emergency power will be part of the lift station(s). The generator will be fueled by natural gas. This scope includes coordinating natural gas service for the generator and heater.
- The lift station design will take into account future odor control measures.

#### TASK 44 – BIDDING AND CONTRACTING SERVICES

Bidding services will be provided as follows:

- Furnish contract plans and specifications in sufficient number for bidding and contracting the project. It is anticipated that forty (40) 11"x17" copies will be required.
- Provide bid advertisement text to City for publication. Submission of the advertisement to publications and the cost for advertising will be responsibility of the City.
- Answer prospective bidders' questions in regard to the project.
- Schedule and hold a pre-bid conference with interested contractors and suppliers. Publish minutes and any necessary addenda. Conduct pre-bid field review with Contractors, if necessary.
- Prepare and distribute addendums if necessary.
- Attend bid opening, analyze bid proposals, publish a bid tabulation, and make recommendations on awarding a construction contract.
- Prepare seven (7) copies of construction contract documents.
- Plan sales will be credited to this task of the project.

#### TASK 50 – CONSTRUCTION ADMINISTRATION

Construction administration will include the following tasks:

- Coordinate appropriate testing of materials intended for incorporation into the project and require documentation of testing results.
- Provide review of construction to check the Contractor's work for compliance with the drawings, specifications, and other applicable documents, codes or standards. Review of work shall be made on a full-time basis while any

major item of work is in progress. Major items of work shall be gravity sewer and force main installation; subgrade preparation; gravel base course preparation; concrete pouring and finishing; all piping, electrical, and structural construction for lift station, valve vault, and control building; access road preparation and construction; and paving. The Engineer shall provide a minimum of 48 hours notice for Billings personnel when specific inspections or testing require their presence on the project. Each daily review shall be documented in permanent reproducible form and kept in consecutive order with the project file. Copies of the daily review reports shall be furnished to Billings as requested during construction. Engineer will notify Billings immediately of contract problems or deviation from approved plans.

- This scope includes one (1) full-time resident project representative (RPR) for five months and one month at half time (80 hours) over the anticipated duration of the project. This scope is based on 880 hours of RPR time.
- Interpret geotechnical test results and recommendations and coordinate with field observations.
- The Engineer shall record the location and depth, where available, of all underground utilities.
- Review the construction operations and the traffic control for construction, prior to the start of work. Engineer shall ascertain that the Contractor has all needed permits to accomplish his work during construction.
- Check shop drawings, samples, equipment, asphaltic concrete mix design, concrete mix design, aggregate, and other data submitted by the Contractor for compliance with drawings and specifications.
- Prepare change orders.
- Prepare monthly pay estimates and final pay estimates for construction and prepare contract administration forms on a monthly basis. These will be submitted in Billings' approved format.
- Engineer shall follow compliance procedures outlined in Administrative Order No. 119 regarding the City of Billings Davis-Bacon Act.
- Engineer shall provide City with geotechnical testing reports during construction.
- Issue notice to the Contractor to suspend work in whole or part when, in the opinion of the Engineer, and when directed by the Owner, work is not being, or cannot be performed in accordance with the contract documents and specifications.
- Contact Billings for any proposed plan or specification changes when required due to initial design and engineering deficiencies in order to complete the project in its original concept. Plan and specification changes shall be prepared by the design engineer.
- Prepare and recommend work change directives and change orders when necessary due to conditions encountered during construction. The Engineer is not authorized to order additional work without the approval of Billings' Task Director. Any work resulting in contract overage will be processed by approved change orders using Billings' standard format.

## TASK 60 – CLOSEOUT

Closeout services will be provided as follows:

- Following receipt of review comments from Billings, make necessary changes and furnish Billings with two (2) sets of 24"x36" paper, one (1) Portable Document Format (PDF) of 24"x36" size, and one (1) electronic set in AutoCAD (\*.dwg) format, of record drawings.
  - Elevations indicating the depth of bury of critical lift station elevations (including, but not limited to gravity main invert into wet well, and force main elevations in the valve vault) as may be deemed appropriate by the City Engineer.
  - All above elevations shall be referenced to a permanent benchmark elevation – clearly show on the plans.
  - Record drawings and are due within 60 days of Contractor's final payment and before final payment to the Engineer.
- Schedule and make final inspection with Billings and certify to Billings all construction items were constructed according to plans and specifications and are acceptable to the Engineer.
- Schedule and make an inspection with Billings prior to the expiration of construction warranty period and provide a certification of final acceptance. If any problems are found, send a list of deficiencies to Billings and Contractor and continue until acceptable.
- Approximately eleven (11) months after construction is completed, a one-year walkthrough will be attended by a representative of the design team. A follow-up letter of findings and recommendations will be provided to the City.

**TASK 61 – OPERATIONS AND MAINTENANCE MANUAL**

Based on design information, shop drawings, and as built information provided by the contractor, prepare an O&M Manual for the Five Mile Lift Station. This task includes compiling, organizing, reviewing, and transmitting the information. No custom written operational instructions are anticipated. Two draft copies for review and three (3) copies of the O&M Manual will be provided to the City.

**TASK 88 – QUALITY ASSURANCE**

Internal quality assurance will be provided for all reports, plans and specifications furnished to the City or other agencies.

Appendix B, Section 1, Paragraph A is amended to include the following:

Delete the existing fee table and replace with the following table of fees.

Design Study Phase	\$ 26,770
Task 11 Project Management	\$ 9,120
Task 31 Design Survey	\$ 17,090
Task 32 Construction Survey	\$ 9,615
Task 39 Geotechnical	\$ 33,000
Task 41 Permitting	\$ 11,853
Task 42 SRF Requirements	\$ 31,090
Task 43 Preliminary and Final Design	\$ 194,180
Task 44 Bidding and Contracting Services	\$ 18,450

Task 50 Construction Administration	\$ 185,711
Task 60 Closeout	\$ 16,529
Task 61 O & M Manual	\$ 2,926
Task 88 Quality Assurance	\$ 6,980
<b>Total Professional Engineering Services</b>	<b>\$ 563,314</b>

The total addition to the Contract by this Amendment is \$536,544.

The allocation of fees within the remaining tasks is for administrative purposes only and not to be considered ceiling amounts for each task. The fees for each task can be shifted between tasks but the project total will not be changed unless by contract amendment.

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

CONSULTANT

NAME: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

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

CITY OF BILLINGS, MONTANA

BY: \_\_\_\_\_  
City Council or Designee

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

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Work Order 05-15 Howard Heights Storm Drainage Improvements, Contract Amendment #2

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

The Howard Heights project constructed storm drain improvements in Nutter Boulevard and Shamrock Lane as well as a detention pond located within Howard Heights/Dickie Park. The original professional services contract with Interstate Engineering, Inc. was in the amount of \$125,700 and provided for design services of the storm drain trunk main. Contract Amendment No. 1, in the amount of \$75,000, provided for construction staking, on call construction administration services, and design completion of Howard Heights/Dickie Park. This Contract Amendment No. 2, in the amount of \$14,963.10, is for design alterations that occurred during construction that resulted from conflicts that arose during construction.

**ALTERNATIVES ANALYZED**

The Council may:

- Authorize Contract Amendment No. 2 with Interstate Engineering, Inc. in the amount of \$14,963.10; or
- Do not authorize Contract Amendment No. 2.

**FINANCIAL IMPACT**

Funds for Contract Amendment No. 2 will be paid from Storm Drain Funds. If approved, the professional services contract with Interstate Engineering, Inc. will total \$213,508.10.

**RECOMMENDATION**

Staff recommends that the Council authorize the Mayor to sign Contract Amendment No. 2 with Interstate Engineering, Inc. in the amount of \$14,963.10.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Amendment #2

**AMENDMENT NO. 2**

**TO**

**CONTRACT FOR PROFESSIONAL SERVICES**

**CITY OF BILLINGS W.O. 05-15 Howard Heights Storm Drainage**

THIS AGREEMENT, made and entered into on \_\_\_\_\_, 2012, by and between the following:

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

and

Interstate Engineering, Inc.  
P.O. Box 20953  
1211 Grand Avenue, Ste 6  
Billings, MT 59104  
hereinafter designated the CONTRACTOR

WITNESSETH:

WHEREAS, the City and Consultant have entered into a contract dated November 28, 2005, and Contract Amendment #1 dated May 24, 2010 for Consultant to provide engineering services to the City for W.O. 05-15 Howard Heights Storm Drainage and;

WHEREAS, the City needed additional engineering services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Consultant represents that he was qualified to perform such services, was in compliance with Montana Statutes relating to the registration of professional engineers and furnished such services to the City;

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

Part I, Special Provisions, Section 4.A. is amended to add the following:

Billings shall pay the Consultant no more than fourteen-thousand, nine-hundred, sixty-three dollars and ten cents (\$14,963.10) in accordance with this Section.

Appendix A, Section 3. is amended to add the following:

For work associated with field changes during construction.

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

CONTRACTOR

NAME: Interstate Engineering, Inc.

BY: William J. Smith

TITLE: OFFICE Mgr

DATE: April 2, 2012

CITY OF BILLINGS, MONTANA

BY: \_\_\_\_\_  
Mayor

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

ATTEST:

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

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
City Attorney

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Sidewalk Easement For GSA Building located on 4th Avenue North

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

The Boyer Company is constructing a new building for the GSA at the corner of 4th Avenue North and North 20th Street. With the construction of the new building, it becomes necessary to construct new boulevard sidewalk along 4th Avenue North and North 20th Street. There is not enough right of way along 4th Avenue North to construct boulevard sidewalk, so the Boyer Company has agreed to grant the city a right of way easement along 4th Avenue North for the sidewalk.

**ALTERNATIVES ANALYZED**

The Council may:

- Accept the right of way easement allowing construction of boulevard sidewalk along the 4th Avenue North, or
- Do not accept the right of way easement. If an easement does not exist, curb-style sidewalk would have to be installed, which is not desired along an arterial street.

**FINANCIAL IMPACT**

There is no financial impact because the property owner is donating the sidewalk easement.

**RECOMMENDATION**

Staff recommends that the City Council accept the right of way easement from The Boyer Group to allow boulevard sidewalk construction along 4th Avenue North.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Sidewalk Right of Way Easement

RETURN TO  
City Clerk  
City of Billings  
P.O. Box 1178  
Billings, MT 59103

### **SIDEWALK RIGHT-OF-WAY EASEMENT**

**THIS INDENTURE**, made and entered into this \_\_\_\_\_ day of 2012 by and between the following:

GSA BILLINGS, L.C.  
90 South 400 West, Suite 200  
Salt Lake City, UT 84101,  
hereinafter referred to as **GRANTOR**

and

**CITY OF BILLINGS**, a Municipal Corporation  
City Hall – 210 North 27th Street  
PO Box 1178  
Billings, Montana 59103-1178,  
hereinafter referred to as **GRANTEE**

**FOR VALUABLE CONSIDERATION**, the receipt of which is hereby acknowledged;

**WITNESSETH THAT GRANTOR** does hereby grant, sell, and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk and accessibility ramps over, across, under, and through the real property more particularly described as follows:

A tract being in the SW1/4 of Section 33 T.1N., R.26E., P.M.M., City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows:

A tract of land eight (8) feet wide and being contiguous to the Northwesterly right-of-way line of 4<sup>th</sup> Avenue North. Said tract being the southeasterly eight (8) feet of Lots 1, 24, 25 (also known as vacated alley), and 26 (also known as vacated North 21<sup>st</sup> Street), Block 15 of Amended Plat of a Portion of Block 15, Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under document # 910841



**ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE**

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

\_\_\_\_\_  
Mayor, City of Billings

**ATTEST:**

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

STATE OF MONTANA        )  
  :SS  
County of Yellowstone    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, a Notary Public in and for the State of Montana, personally appeared TOM HANEL and \_\_\_\_\_, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

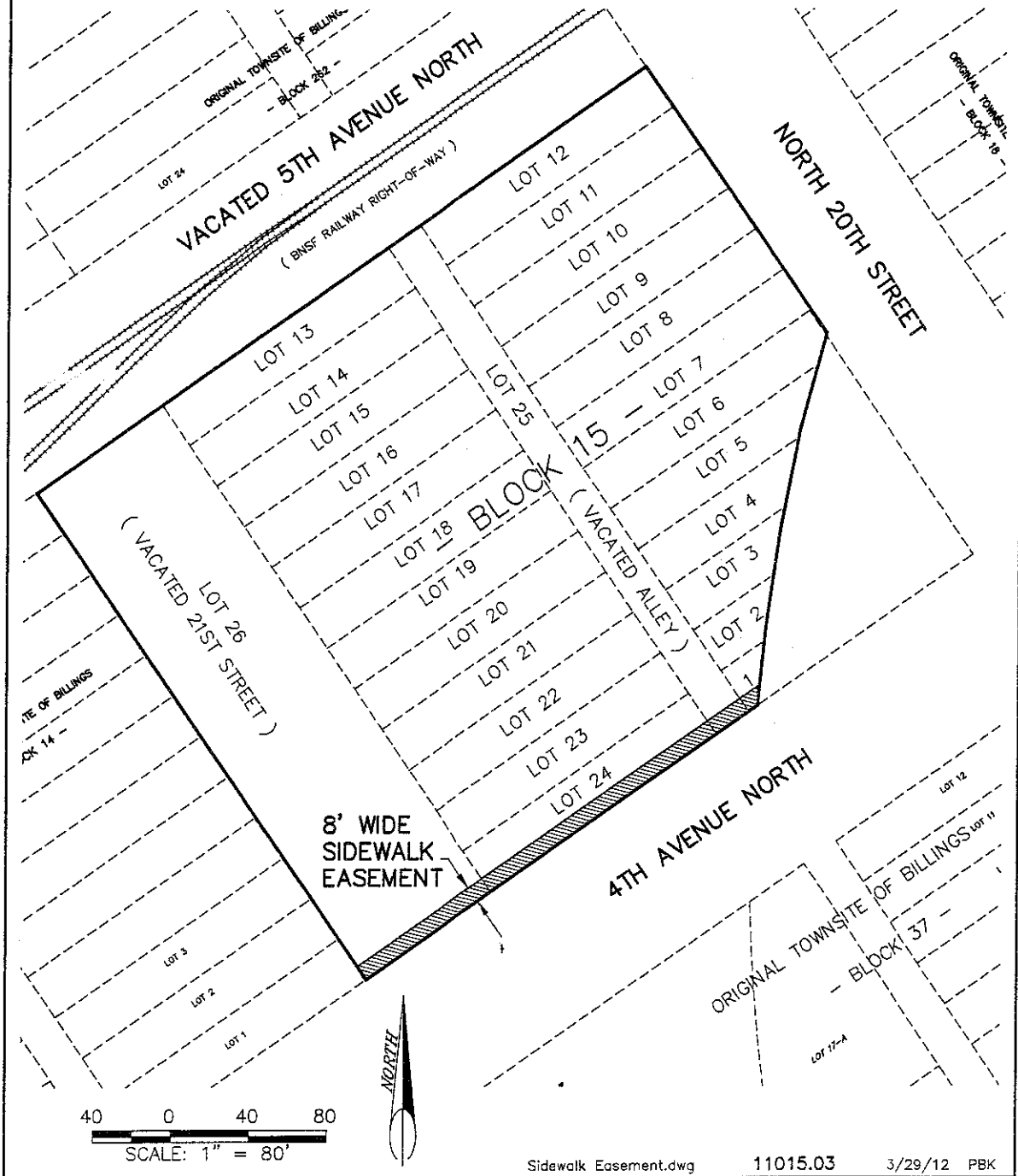
\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

# EXHIBIT A

## PUBLIC SIDEWALK EASEMENT

WITHIN  
BLOCK 15 OF THE ORIGINAL TOWN OF BILLINGS

PREPARED FOR : GSA BILLINGS, LC & THE CITY OF BILLINGS, MONTANA      MARCH 2012  
 PREPARED BY : SANDERSON STEWART       BILLINGS, MONTANA



**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Acceptance of Donation to Purchase a Police Canine

**PRESENTED BY:** Rich St. John

**Department:** Police

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**Information**

**PROBLEM/ISSUE STATEMENT**

A police canine was recently retired due to a combination of age and injury; therefore, leaving only two police canines to cover three shifts. Police canines are essential to law enforcement in detecting drugs and the apprehension of criminals. The police canines are also critical to minimize officer risk. \$8,300 is needed to purchase a canine, which includes training and initial veterinarian costs. Thus far, the Department has received \$7,157 in donations and there are pledges for the remaining costs. The Downtown Billings Exchange Club wishes to donate \$1,500 to the Billings Police Department to purchase a Police Canine. Council policy requires that any donation of more than \$500 must be approved by the City Council. Donation verification forms directing funds to the Canine Program have been signed and will be forwarded to the City Clerk. City Council is being asked to accept the donation for \$1,500 from the Downtown Billings Exchange Club.

**ALTERNATIVES ANALYZED**

The City Council may:

- Accept the donation to purchase a Police Canine; or
- Not accept the donation for the Police Canine which would result in the loss of canine coverage for one of the three police shifts.

**FINANCIAL IMPACT**

This donation will afford the Billings Police Department the opportunity to purchase a police canine without using City funds.

**RECOMMENDATION**

Staff recommends that City Council accept the donation in the amount of \$1,500 from the Downtown Billings Exchange Club to purchase a police canine.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** SID 1393 Fritz Subdivision Resolution of Intent to Create District and Set a Public Hearing

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Some of the property owners within Fritz Subdivision have expressed interest in creating an SID to pave their existing gravel streets. Fritz Subdivision is located in the Heights, near Yellowstone River Road and Hawthorne Ln. SID 1393 will construct the missing curb and gutter, drive approaches, storm drain, and street improvements to Cottonwood Boulevard, Kenneth Street, Kelly Lane, and Eldora Drive within Fritz Subdivision. The Public Works Department held a public meeting with the property owners and conducted a mail survey and more than half of the owners are in favor of creating the SID. Per the City's SID policy, the City will need to pay for paving half of width of the street and new curb and gutter along park frontage, which includes the bike path and along the non-addressed side of corner lots. The City would contribute \$218,033.28 of gas tax funds and storm funds to the SID.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the Resolution of Intent to Create SID 1393 and set a public hearing for May 29, 2012, City Council Meeting; or
- Do not approve the Resolution of Intent to Create SID 1393.

**FINANCIAL IMPACT**

The total estimated costs of the improvements are \$413,033.28. The costs of the improvements are to be paid from the following sources: (1) \$213,000.00 of Special Improvement District bonds; and (2) \$218,033.28 cash contribution from the City of Billings utilizing gas tax and storm funds.

**RECOMMENDATION**

Staff recommends that Council approve the Resolution of Intent to Create SID 1393 and set a public hearing date for May 29, 2012.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

SID 1393 Resolutio of Intent

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No. \_\_\_\_\_, entitled: **RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1393; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND** (the Resolution" was duly adopted by the City Council of the City at a meeting on April 23, 2012 that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.)

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: \_\_\_\_\_;  
voted against the same: \_\_\_\_\_;  
or were absent: \_\_\_\_\_.

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

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

RESOLUTION NO. 12-\_\_\_\_\_

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1393; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

**Section 1. Proposed Improvements; Intention To Create District.** The City proposes to undertake certain local Improvements (the "Improvements") to benefit certain property located in the City. The Improvements consist of the construction of Eldora Lane, Cottonwood Boulevard, Kelly Lane, and Kenneth Street within Fritz Subdivision, as more particularly described in Section 5. The total estimated costs of the Improvements are \$431,033.28. The costs of the Improvements are to be paid from the following sources: (1) \$213,000.00 of Special Improvement District bonds hereinafter described; and (2) \$218,033.28 of cash contribution by the City of Billings. It is the intention of this Council to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, a Special Improvement District (the "District") for the purpose of financing costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of Special Improvement District bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$213,000.00. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefited by the Improvements.

**Section 2. Number of District.** The District, if the same shall be created and established, shall be known and designated as Special Improvement District No. 1393 of the City of Billings, Montana.

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

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

**Section 5. General Character of the Improvements.** The general character of the Improvements, as shown in Exhibit E, is the construction of curb and gutter, storm drain, and necessary street improvements fronting Lots along Eldora Lane, Cottonwood Boulevard, Kelly Lane, and Kenneth Street within Fritz Subdivision.

**Section 6. Engineer and Estimated Cost.** The Engineer for this project will be chosen from a list of pre-approved consultants. The City Engineer's Office has estimated that the costs of the Improvements, including all incidental costs, are \$431,033.28.

**Section 7. Assessment Methods.**

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

**7.1.1 Equal Amount Method.**

Assessment #1 will include the construction of street and storm drain improvements to Cottonwood Boulevard, Kelly Lane, Kenneth Street, and Eldora Lane within Fritz Subdivision. The properties to be assessed for these improvements include Fritz Subdivision 2<sup>nd</sup> Amended Block 1, Lots 3-11 and Block 4, Lots 1-5; Fritz Subdivision Block 3, Lots 1-6 and Block 2, Lots 8 & 9. For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving street improvements, shall equally bear the costs of the street improvements to arrive at an equal cost for the street improvements. The total estimated cost of Assessment #1 is \$202,000.00 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving street improvements and not paying a cash contribution, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be \$9,181.8182.

Assessment #2 will include the construction of curb and gutter and drive approaches along Kenneth Street. The properties to be assessed for these improvements include Fritz Subdivision Block 3, Lot 1 and Block 2, Lots 8 & 9. For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving curb and gutter and drive approach improvements, shall equally bear the costs of the curb and gutter and drive approach improvements to arrive at an equal cost for the curb and gutter and drive approach improvements. The total estimated cost of Assessment #2 is \$11,000.00 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving curb and gutter and drive approach improvements and not paying a cash contribution, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be \$3,666.67.

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

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

**Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations.** The City will issue the Bonds in an aggregate principal amount not to exceed \$213,000.00 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the properties in the District. This Council further finds it is in the public interest, and in the best interest of the City and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the city to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

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

(a) **Estimated Market Value of Parcels.** The estimated market value of the lots, parcels, or tracts in the District as of the date of adoption of this resolution, as estimated, by the County Assessor for property tax purposes ranges from \$63,635.00 to \$104,315.00, and is set forth in Exhibit F. The average market value is \$77,593.82 with the median being \$76,556.00. The special assessments to be levied under Section 7 against each lot, parcel, or tract in the District is less than the increase in estimated value of the lot, parcel, or tract as a result of the construction of the Improvements.

(b) **Diversity of Property Ownership.** There are a total of 22 parcels within the district boundaries. No improvements, public or private, are located on any of the parcels within the District. All of the parcels are owned by separate owners.

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

is set forth in Exhibit F.

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

(e) **The Public Benefit of the Improvements.** The total estimated costs of the Improvements are \$431,033.28. The costs of the Improvements are to be paid from the following sources: (1) \$213,000.00 of Special Improvement District bonds hereinafter described; and (2) \$218,033.28 of cash contribution by the City of Billings. All of the properties are zoned Residential 7000. All of the parcels are developed. The public improvements contemplated under the terms of this proposed District are required by the City Subdivision, Site Development and Zoning Ordinances in order for the parcels to develop.

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

**10.01. Regulations.** The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

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

**10.03. Declaration of Intent.** The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$213,000.00 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement

under Section 1.150-2(d)(3) of the Regulations.

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

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

**Section 11. Public Hearing Protests.** At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (May 18, 2012), written protest against the proposed Improvements, or against the extension or creation of the District or both, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said, regular meeting will be held on Tuesday the 29<sup>th</sup> day of May 2012, at 6:30 p.m., in the Council Chambers, at 220 North 27<sup>th</sup> Street, in Billings, Montana.

**Section 12. Notice of Passage of Resolution of Intention.** The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Billings Times, a newspaper of general circulation in the county on May 3 and May 10, 2012, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 23<sup>rd</sup> day of April 2012.

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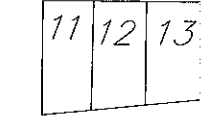
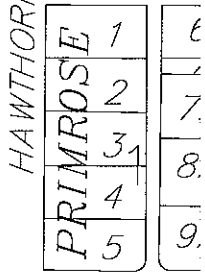
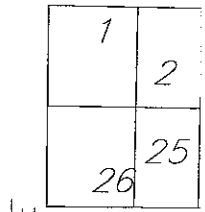
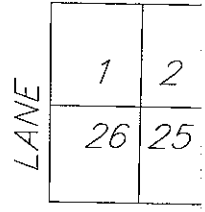
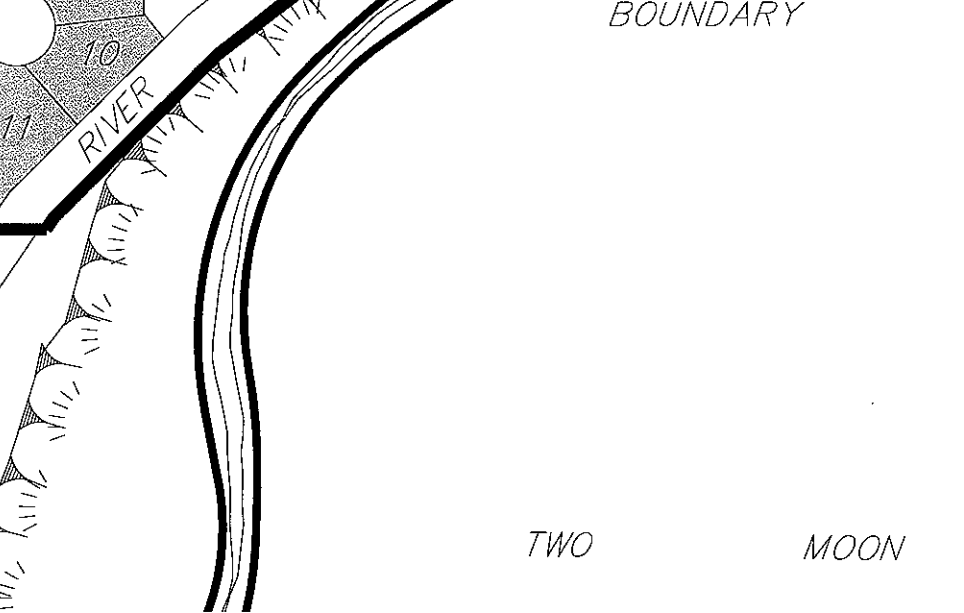
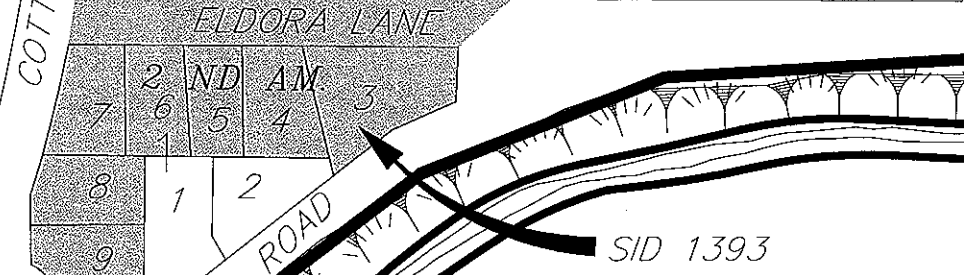
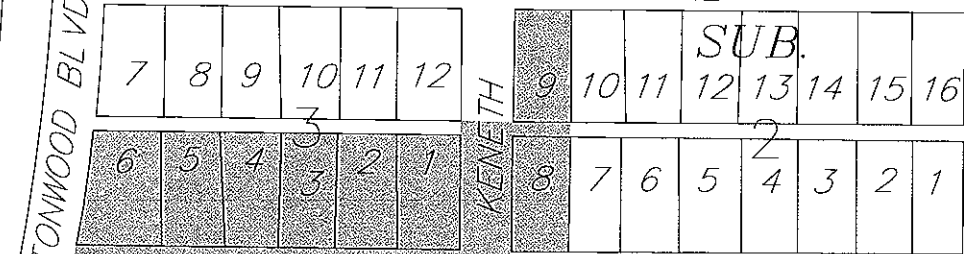
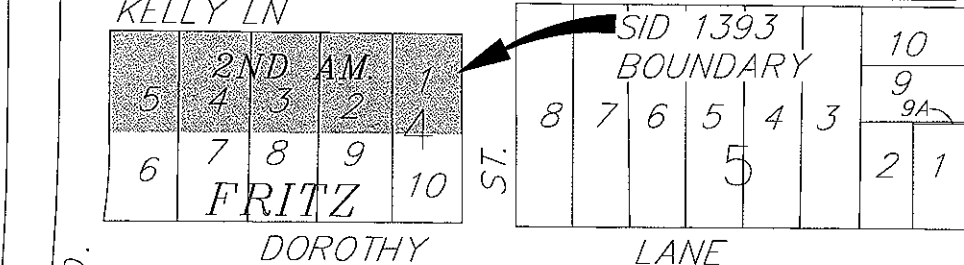
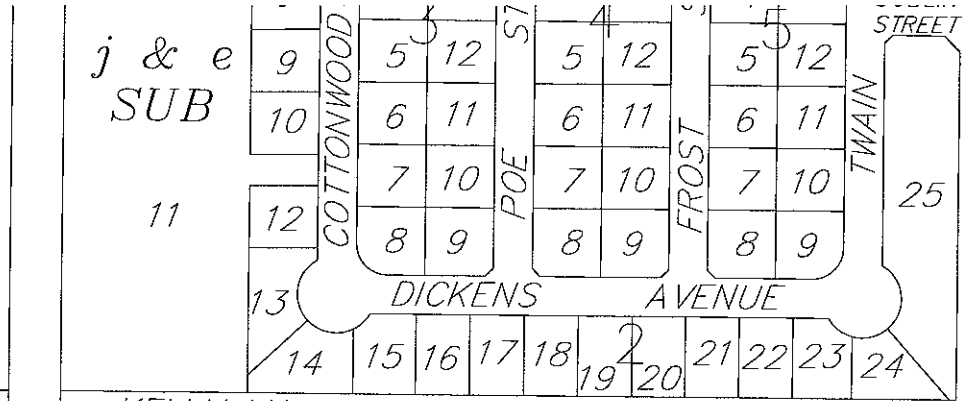
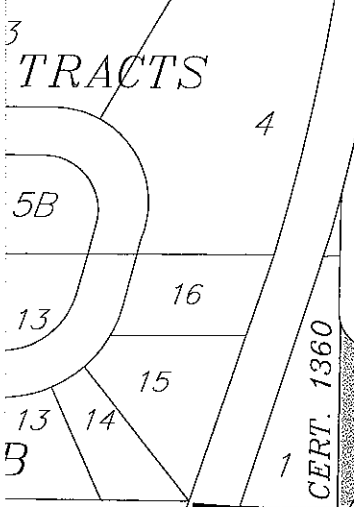
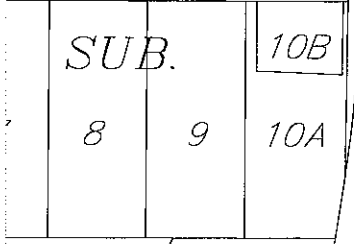
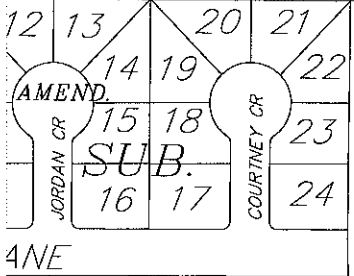
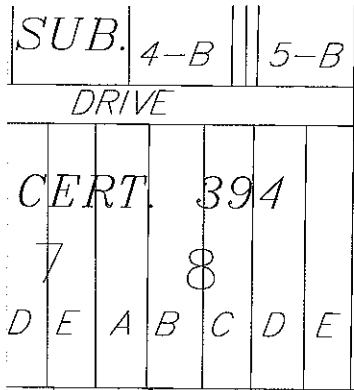
Mayor

Attest:

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City Clerk

# EXHIBIT "A" 99 99



## SID 1393 EXHIBIT B

Lots 1, 2, 3, 4, 5, & 6, Block 3, Fritz Subdivision, Recorded November 28, 1953, under Document No. 515899;

Lots 8 & 9, Block 2, Fritz Subdivision, Recorded November 28, 1953, under Document No. 515899

Lots 1, 2, 3, 4, & 5, Block 4, Fritz Subdivision 2<sup>nd</sup> Amended Blocks 1 & 4, Recorded April 14, 1966, under Document No. 776498

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, Block 1, Fritz Subdivision 2<sup>nd</sup> Amended Blocks 1 & 4, Recorded April 14, 1966, under Document No. 776498

**SID 1393 Fritz Subdivision**  
**Exhibit C Engineers Estimate of Probable Cost**  
**Prepared By: City of Billings**

Item Number	Description	Quantity	Unit	Engineers Estimate		City Contribution Quantity	City Contribution Amount	Assessment #1 Streets Quantity	Assessment #1 Streets Amount	Assessment #2 Curb and Gutter And Approach Quantity	Assessment #2 Curb and Gutter And Approach Amount
				Unit Prices Dollars	Amount Dollars						
100	TAXES, BONDS, INSURANCE (7%)	1	LS	\$21,243.76	\$21,243.76	0.560	\$11,879.71	0.480	\$9,121.92	0.010	\$212.14
101	MOBILIZATION	1	LS	\$12,500.00	\$12,500.00	0.560	\$7,000.00	0.430	\$5,375.00	0.010	\$125.00
102	CURB AND GUTTER	2900	LF	\$12.00	\$34,800.00	1,624.00	\$19,488.00	841.00	\$10,092.00	485.00	\$5,220.00
103	CURB AND GUTTER REMOVAL	400	LF	\$5.00	\$2,000.00	224.00	\$1,120.00	176.00	\$880.00	0.00	\$0.00
104	ASPHALT	1700	TON	\$248.00	\$421,600.00	952.00	\$236,656.00	748.00	\$20,944.00	0.00	\$0.00
105	ASPHALT OIL	102	TON	\$400.00	\$40,800.00	57.12	\$22,848.00	44.88	\$17,952.00	0.00	\$0.00
106	BASE GRAVEL 1.1/2" MINUS	1600	CY	\$35.200	\$56,320.00	896.00	\$19,712.00	704.00	\$15,488.00	0.00	\$0.00
107	ASPHALT REMOVAL	266	SY	\$10.00	\$2,660.00	148.96	\$1,489.60	117.04	\$1,170.40	0.00	\$0.00
108	6-INCH CONCRETE VALLEY GUTTER/ FILLET	700	SF	\$6.00	\$4,200.00	392.00	\$2,352.00	308.00	\$1,848.00	0.00	\$0.00
109	6 INCH CONCRETE APPROACH	2100	SF	\$6.00	\$12,600.00	1,100.00	\$6,600.00	1,000.00	\$6,000.00	0.00	\$0.00
110	4 INCH CONCRETE DRIVEWAY	300	SF	\$5.00	\$1,500.00	0.00	\$0.00	0.00	\$0.00	300.00	\$1,500.00
111	UNCLASSIFIED EXCAVATION	3500	CY	\$15.00	\$52,500.00	1,960.00	\$29,400.00	1,540.00	\$23,100.00	0.00	\$0.00
112	ADJUST SEWER MANHOLE	8	EA	\$2,400.00	\$19,200.00	4.00	\$1,200.00	4.00	\$1,200.00	0.00	\$0.00
113	ADJUST WATER VALVE	11	EA	\$2,250.00	\$24,750.00	5.00	\$1,250.00	6.00	\$1,500.00	0.00	\$0.00
114	TRAFFIC CONTROL	1	LS	\$5,000.00	\$5,000.00	0.560	\$2,800.00	0.430	\$2,150.00	0.010	\$50.00
115	CONCRETE FLATWORK REMOVAL	17	SY	\$15.00	\$255.00	0.00	\$0.00	17.00	\$255.00	0.00	\$0.00
116	MANHOLE BARREL ADJUSTMENT	2	EA	\$750.00	\$1,500.00	1.00	\$750.00	1.00	\$750.00	0.00	\$0.00
117	RELOCATE MAILBOX	3	EA	\$150.00	\$450.00	0.00	\$0.00	3.00	\$450.00	0.00	\$0.00
118	NEW STREET SIGN	10	EA	\$450.00	\$4,500.00	5.00	\$2,250.00	5.00	\$2,250.00	0.00	\$0.00
119	SPRINKLER AND LANDSCAPE RESTORATION	1	LS	\$2,500.00	\$2,500.00	0.50	\$1,250.00	0.50	\$1,250.00	0.00	\$0.00
120	BOULDER PIT	1	LS	\$15,000.00	\$15,000.00	0.56	\$8,400.00	0.44	\$6,600.00	0.00	\$0.00
121	FENCE REMOVAL/REPLACEMENT FOR BOULDER PIT	75	LF	\$10.00	\$750.00	42.00	\$420.00	33.00	\$330.00	0.00	\$0.00
122	CURB PAINT	3	GAL	\$325.00	\$975.00	1.68	\$210.00	1.32	\$165.00	0.00	\$0.00
123											
				Sub-Total	\$303,053.76		\$167,075.51		\$128,871.32		\$7,107.14
				Contingency 10%	\$30,305.38		\$16,707.53		\$12,887.13		\$710.71
				Design and CA 20.5%	\$62,126.02		\$34,250.44		\$26,418.62		\$1,456.96
				<b>Total</b>	<b>\$395,485.16</b>		<b>\$218,033.28</b>		<b>\$168,177.07</b>		<b>\$9,274.81</b>
				City Contribution							
				Subtotal	\$177,451.88				\$168,177.07		\$9,274.81
				Finance Fee 2.5%	\$5,325.00				\$5,058.75		\$266.25
				Engineering Fee 3.5%	\$7,455.00				\$7,082.25		\$372.75
				Revolving Fund 5%	\$10,650.00				\$10,117.50		\$532.50
				Bond Discount 2%	\$4,260.00				\$4,047.00		\$213.00
				Issuance Costs 3%	\$6,390.00				\$6,070.50		\$319.50
				Bank Fees	\$1,000.00				\$950.00		\$50.00
				Roundoff	\$468.12				\$496.93		(\$28.81)
				<b>Total</b>	<b>\$213,000.00</b>				<b>\$202,000.00</b>		<b>\$11,000.00</b>
				22 Properties Assessment Per Property					\$9,181.8182		\$3,666.67
				3 Properties Assessment Per Property					\$2,000.00		\$1,000.00

**SID 1393 Fritz Subdivision**  
**Exhibit D Property Owner Description and Assessment**  
**Prepared By: City of Billings**

<b>TAX ID</b>	<b>OWNER</b>	<b>ASSESSMENT #1 STREETS</b>	<b>ASSESSMENT #2 CURB &amp; GUTTER</b>	<b>TOTAL ASSESSMENT</b>
C00339	Bunch, Terrence L Jr 1040 Kelly Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00339A	Hoyt, Brett H & Kathi E 1034 Kelly Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00339B	Nantes, Francisco & Toni G 1026 Kelly Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00340	Allard, Lyle W 1020 Kelly Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00340A	Zindler, Katie 1014 Kelly Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00332	Puder, George H Iii & Carlyne R 1017 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00331	Askin, Tanya 1023 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00330	Larson, Richard S & Nicolette S 1029 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00329	Dinsmore, Candace 1035 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00328	Dennis, Eileen A 1041 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00327	Stonebraker, Patrick & Elizabeth 1102 Kenneth St Billings, Mt 59105	\$9,181.82	\$3,666.67	\$12,848.48
C00323	Morgan, Landon 1040 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00323A	Kallias, Phil J 1032 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00323B	Davis, Adam S & Stephanie A 1024 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00323C	Cole, Cory A & Katrina M 1018 Eldora Ln Billings, Mt 59105	\$9,181.82		\$9,181.82
C00323D	Tillinger, Gerald L 1031 Cottonwood Blvd Billings, Mt 59105	\$9,181.82		\$9,181.82
C00323G	Neprud, Duane A & Larae L 1013 Cottonwood Blvd Billings, Mt 59105	\$9,181.82		\$9,181.82

	Downing, Timothy J & Tracy L			
C00323F	1019 Cottonwood Blvd Billings, Mt 59105	\$9,181.82		<b>\$9,181.82</b>
	Sinhold, Petra E			
C00323E	1025 Cottonwood Blvd Billings, Mt 59105	\$9,181.82		<b>\$9,181.82</b>
	Mohler, Mark E & Susan M			
C00323H	1007 Cottonwood Blvd Billings, Mt 59105	\$9,181.82		<b>\$9,181.82</b>
	Benjamin, Richard C & Colleen E			
C00324H	1115 Kenneth St Billings, Mt 59105	\$9,181.82	\$3,666.67	<b>\$12,848.48</b>
	Maichel, Elmer L & Shirley T			
C00324G	1101 Kenneth St Billings, Mt 59105	\$9,181.82	\$3,666.67	<b>\$12,848.48</b>
		<b>\$202,000.00</b>	<b>\$11,000.00</b>	<b>\$213,000.00</b>

**SID 1393 Fritz Subdivision**  
**Exhibit E Description of Improvements**  
**Prepared by: City of Billings**

Special Improvement District No. 1393 shall construct street, storm drain, drive approach, and curb and gutter improvements to Cottonwood Boulevard, Kelly Lane, Kenneth Street, and Eldora Lane within Fritz Subdivision.

**SID 1393 Fritz Subdivision**  
**Exhibit F Property Market Value and Delinquency**  
**Prepared By: City of Billings**

TAX I.D. NUMBER	PREVIOUS SID #	PREVIOUS SID PAY-OFF	SID 1393 DELINQUENT ASSESSMENT	SID 1393 ASSESSMENT	SID PAY-OFF + DELINQUENT + ASSESSMENT	ESTIMATED MARKET VALUE	ESTIMATED MARKET VALUE AFTER IMPROVEMENTS
C00339				\$9,181.82	\$9,181.82	\$72,396.00	\$81,577.82
C00339A				\$9,181.82	\$9,181.82	\$75,663.00	\$84,844.82
C00339B				\$9,181.82	\$9,181.82	\$72,511.00	\$81,692.82
C00340				\$9,181.82	\$9,181.82	\$73,094.00	\$82,275.82
C00340A				\$9,181.82	\$9,181.82	\$70,882.00	\$80,063.82
C00332				\$9,181.82	\$9,181.82	\$86,508.00	\$95,689.82
C00331				\$9,181.82	\$9,181.82	\$92,677.00	\$101,858.82
C00330				\$9,181.82	\$9,181.82	\$75,334.00	\$84,515.82
C00329				\$9,181.82	\$9,181.82	\$63,635.00	\$72,816.82
C00328				\$9,181.82	\$9,181.82	\$64,247.00	\$73,428.82
C00327				\$12,848.48	\$12,848.48	\$75,159.00	\$88,007.48
C00323				\$9,181.82	\$9,181.82	\$80,281.00	\$89,462.82
C00323A				\$9,181.82	\$9,181.82	\$81,145.00	\$90,326.82
C00323B				\$9,181.82	\$9,181.82	\$76,904.00	\$86,085.82
C00323C				\$9,181.82	\$9,181.82	\$81,677.00	\$90,858.82
C00323D				\$9,181.82	\$9,181.82	\$75,188.00	\$84,369.82
C00323G				\$9,181.82	\$9,181.82	\$77,395.00	\$86,576.82
C00323F				\$9,181.82	\$9,181.82	\$104,315.00	\$113,496.82
C00323E				\$9,181.82	\$9,181.82	\$77,341.00	\$86,522.82
C00323H				\$9,181.82	\$9,181.82	\$76,208.00	\$85,389.82
C00324H				\$12,848.48	\$12,848.48	\$77,109.00	\$89,957.48
C00324G				\$12,848.48	\$12,848.48	\$77,395.00	\$90,243.48
<b>AVERAGE</b>		\$0.00	\$0.00	\$9,681.82	\$9,681.82	\$77,593.82	\$87,275.82
<b>MEDIAN</b>		\$0.00	\$0.00	\$9,181.82	\$9,181.82	\$76,556.00	\$86,304.82
<b>LOW</b>		\$0.00	\$0.00	\$9,181.82	\$9,181.82	\$63,635.00	\$72,816.82
<b>HIGH</b>		\$0.00	\$0.00	\$12,848.48	\$12,848.48	\$104,315.00	\$113,496.82

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Lake Hills Subdivision, 25th Filing, Amended: Preliminary Plat Approval Extension Request

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

**Information**

**PROBLEM/ISSUE STATEMENT**

Lake Hills Subdivision, 25th Filing, Amended is a proposed subdivision that would re-plat 24 lots originally created by Lake Hills Subdivision, 25th Filing, into 28 new lots for residential use. The property is located along Ditton Drive and Lake Heights Drive at the north end of Lake Hills Subdivision in the Heights. City Council granted conditional approval of the preliminary plat of Lake Hills Subdivision, 25th Filing, Amended on June 23, 2008. Section 23-302.M. of the City Subdivision Regulations stipulates that the conditional approval of major preliminary plats shall be in force for not more than three years unless extended by City Council at the request of the subdivider. Last year, prior to the three-year expiration, the applicants requested from City Council one additional year to prepare the final plat for approval. At that time, only one year was allowed to be requested. The Council extended the three-year preliminary plat approval period at that time to June 23, 2012.

The 2011 State Legislature passed a bill allowing the governing body to approve the extension of preliminary plat approval beyond one additional year, to a time period mutually agreed upon by the Council and the subdivider. The current preliminary plat approval will expire on June 23, 2012, and the subdivider has requested an additional three-year extension to that approval period for reasons described on page two of Attachment 1.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the request to extend the preliminary plat approval for three additional years; or
- Deny the request.

Section 23-302.M. lists seven criteria for City Council to consider when evaluating a request for a preliminary plat approval extension request. They are as follows:

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

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

## **FINANCIAL IMPACT**

Platting and subsequent development of 28 lots for residential development would increase the tax revenues for the City. Allowing the subdivider additional time to prepare the final plat documents for approval and recording should not have any direct financial impact to the City.

## **RECOMMENDATION**

Planning staff recommends that the City Council approve the request for an extension of the preliminary plat approval date for Lake Hills Subdivision, 25th Filing, Amended, for three years, and set the new expiration date to June 23, 2015.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

2012 Extension Request

Review criteria

Preliminary Plat

SLS INVESTMENTS  
2519 Sunnyview Lane  
Billings, MT 59102

March 12, 2012

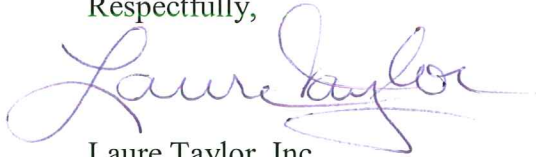
Juliet Spalding  
Planning Office  
510 N Broadway  
Billings, MT 59101

Dear Juliet,

Our preliminary plat for Lake Hills Subdivision 25<sup>th</sup> filing is going to expire on June 23, 2012. We would like to extend this for three years to June 23, 2015. Will you do this for us or is there something else we need to do?

Thank you for your help.

Respectfully,



Laure Taylor, Inc.  
698-4809



Susan B. Lovely, Inc.  
698-1601



## Spalding, Juliet

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**From:** Laure Taylor & Steve Judd [taylor@finduahome.com]  
**Sent:** Wednesday, March 21, 2012 2:33 PM  
**To:** Spalding, Juliet  
**Subject:** Extension of preliminary plat for Lake Hills Sub 25th

Hello Juliet,

Since the SIDS for Phase III will require us to obtain a loan for \$800,000 to \$1,000,000 we want to have some lots presold with closing to take place when a building permit can be obtained on the lot.

Last year we worked with our banker and came up with a plan where a builder could put \$5,000.00 down on a lot and build a house on the lot without any more money out of their pocket, providing they had good credit and could obtain loan approval for a construction loan from our banker. We expected to pre-sell 4-6 lots and have the infrastructure work finished by spring of 2012 at the latest. With the downturn in the economy in the last few years we could not get enough lots pre sold.

Looking at the economic forecasts for Billings we are hoping to be able to do Phase III in the next two years. We are asking for a three year extension in case the forecasts do not come to fruition as soon we would like.

If there is anything else you would like from me, just let me know.

Thank you for your help,

Laure

**Laure Taylor** *GRI, eCertified*

*Senior Vice President, Senior Broker*

**Steve Judd** *eCertified*

*Vice President, Senior Broker*

Prudential Floberg Realtors

1550 Poly Drive

Billings, MT 59102

Phone (406) 698-4809

Fax (406) 248-7653

<http://www.finduahome.com/>

<mailto:taylor@finduahome.com>

Licensed to do business in the state of Montana

## **Preliminary Plat Approval Extension Request—Review Criteria**

### **Lake Hills Subdivision, 25<sup>th</sup> Filing, Amended**

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

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

The preliminary plat for Lake Hills Subdivision, 25<sup>th</sup> Filing, Amended was conditionally approved in 2008. Since that time, only minor changes to the City Subdivision Regulations have been made, and none of the amendments will cause this proposal to be out of compliance.

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

The proposed subdivision re-plats a number of lots within the original Lake Hills Subdivision, 25<sup>th</sup> Filing. Construction of the public improvements will be funded by a Special Improvement District (SID), since there are lots fronting the new streets that are not owned by the subdividers. No phasing is proposed, but the subdividers have been awaiting initiation of the SID until a number of lots are pre-sold. No improvements have been made at this time.

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

The subdivider has not proposed to phase this subdivision, but will develop the improvements for all 28 lots at once. They would like to wait on development until some of the lots are pre-sold.

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

The subdivision improvements will complete a connection between Ditton Drive and Lake Heights Drive, however there are no other development plans hinging on the completion of this connection. Delay of the subdivision should not have a negative impact on infrastructure development needs.

5. *Duration of the requested extension;*

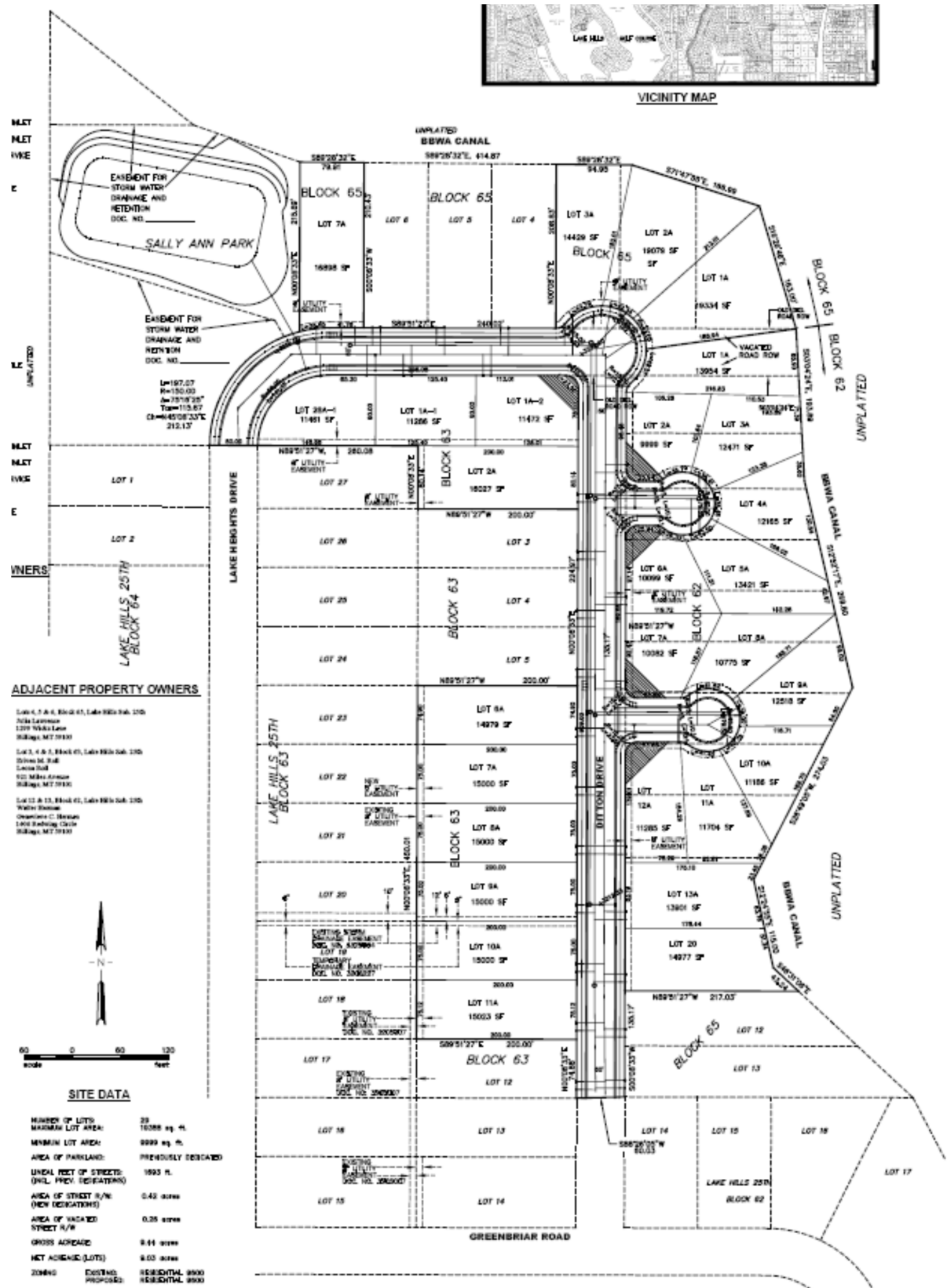
The subdivider has requested an additional three years. It is likely that the economic climate will change within the next three years, and the subdivision will become more marketable as a result.

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

The subdividers have worked with their lender to come up with a financing package for builders which would enable them to build a house on a lot with only \$5,000 down. The ability of the subdividers to complete the project will depend on attracting a number of builders to commit to this package.

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

# Lake Hills Subdivision, 25<sup>th</sup> Filing, Amended – Preliminary Plat approved on June 23, 2008



**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Mont Vista Subdivision: Preliminary Plat Approval Extension Request

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

Mont Vista Subdivision is a proposed subdivision that would create 122 lots for residential use out of 63.9 acres. The property is located south of Rimrock Road, between 50th Street West and 54th Street West. It is zoned Planned Unit Development (PUD) with underlying zoning districts for single-family and multi-family residences, and parks/open space. City Council granted conditional approval of the preliminary plat of Mont Vista Subdivision on June 22, 2009. Section 23-302.M. of the City Subdivision Regulations stipulates that the conditional approval of major preliminary plats shall be in force for not more than three years unless extended by City Council to a period of time mutually agreed-upon by Council and the subdivider. The three year preliminary plat approval period will expire on June 22, 2012, and the subdivider has requested a three-year extension to that approval period.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the request to extend the preliminary plat approval for three years; or
- Deny the request.

Section 23-302.M. lists seven criteria for City Council to consider when evaluating a request for a preliminary plat approval extension request. They are as follows:

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

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

**FINANCIAL IMPACT**

Platting and subsequent development of 122 lots for residential development would increase the tax revenues for the City. Allowing the subdivider additional time to prepare the final plat documents for approval and recording should not have any direct financial impact to the City.

## **RECOMMENDATION**

Planning staff recommends that the City Council approve the request for an extension of the preliminary plat approval date for Mont Vista Subdivision for three years, and set the new expiration date to June 22, 2015.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Request letter

Preliminary plat with zoning

Review Criteria for extension request

**William J. Krutzfeldt**  
**P.O. Box 1265**  
**Miles City, Mt. 59301**

March 26, 2012

Juliet Spalding  
Planner II  
City of Billings and Yellowstone County Planning  
510 N. Broadway  
Billings, MT 59101

Re: Mont Vista Subdivision Plat Approval Extension Request

Dear Ms. Spalding:

This letter is to request a three (3) year extension of time to extend the preliminary plat approval for the Mont Vista Subdivision.

This extension is needed because the land is involved in litigation and the estimated time for litigation completion is three (3) years.

The existing litigation has delayed any progress with moving the plat toward final approval.

Please provide me your written approval of extension.

Thank you.

Best regards,

  
William Krutzfeldt

EXISTING ZONING: R96  
ZONING: PLANNED DEVELOPMENT(PD)

# PLANNED DEVELOPMENT EXHIBIT

MONT VISTA SUBDIVISION, LOCATED IN THE N 1/2 OF THE NW 1/4 OF SECTION 32,  
T. 1 N., R. 25 E. OF P.M.M., CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

## AREA & LAND USE LEGEND

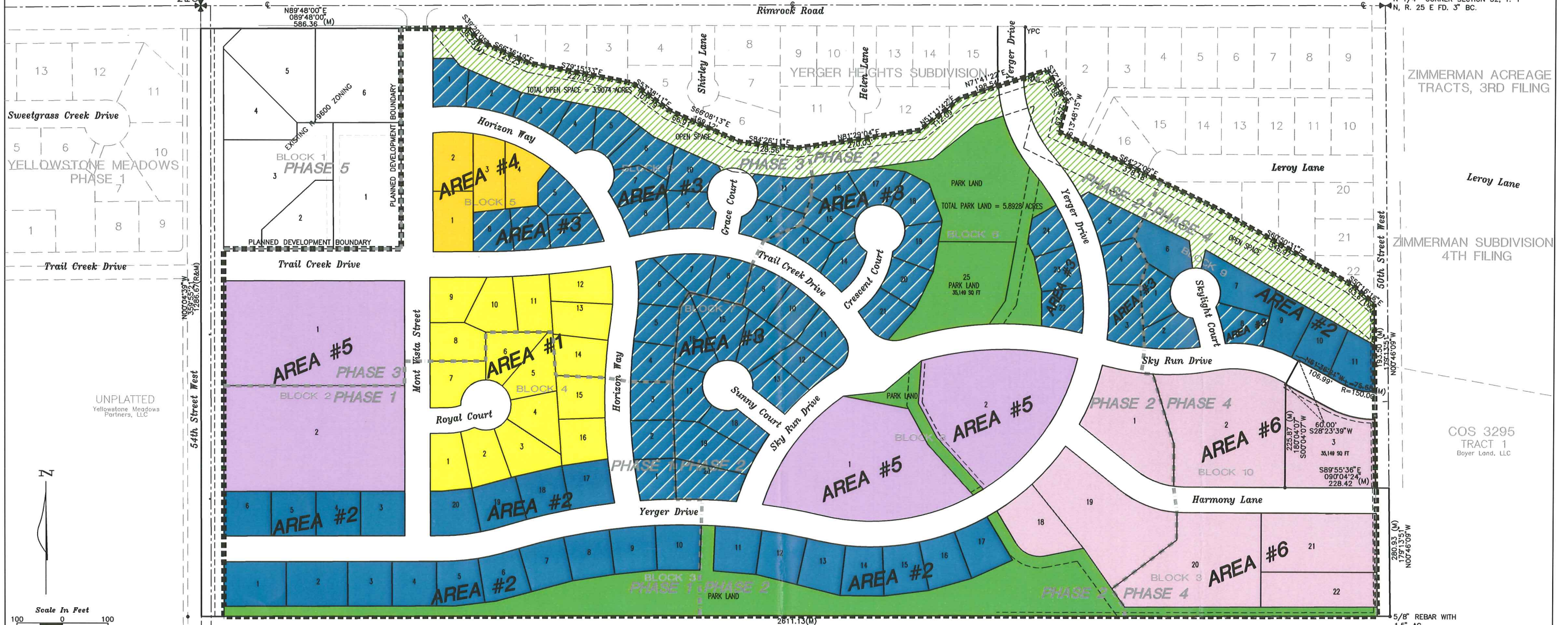
- PLANNED DEVELOPMENT BOUNDARY
- AREA #1 (SINGLE FAMILY)
- AREA #2 (SINGLE FAMILY OR TWIN HOME)
- AREA #3 (SINGLE FAMILY)
- AREA #4 (SINGLE FAMILY OR MULTI FAMILY)
- AREA #5 (SINGLE FAMILY OR PATIO HOME)
- AREA #6 (SINGLE FAMILY OR TOWN HOME)
- OPEN SPACE (170,208 SQ FT, 3.9074 ACRES)
- PARK LAND (256,690 SQ FT, 5.8928 ACRES)

HART ACREAGE TRACTS  
TRACT 1  
Charles E. Schweiger

COS 1834  
TRACT 2B  
Ned Zimmerman  
Van Zimmerman

COS 1834  
TRACT 3-C  
Aviara, Inc.

N 1/4 CORNER SECTION 32, T. 1  
N., R. 25 E. FD. 3" BC.



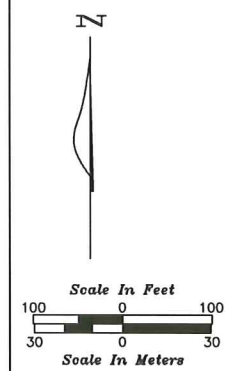
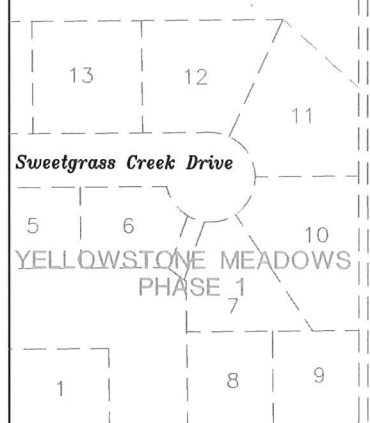
ZIMMERMAN ACREAGE TRACTS, 3RD FILING

ZIMMERMAN SUBDIVISION 4TH FILING

COS 3295  
TRACT 1  
Boyer Land, LLC

COS 1952  
TRACT 1  
Sean Brody

COS 1952  
TRACT 2A  
Keith Clark  
Myrna J. Clark  
Ala Clark



**C&H**  
Engineering and Surveying Inc.  
1091 Stoneridge Drive • Bozeman, MT 59718  
Phone (406) 587-1115 • Fax (406) 587-9768  
www.chengineers.com • info@chengineers.com

PARK

## **Preliminary Plat Approval Extension Request—Review Criteria**

### **Mont Vista Subdivision**

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

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

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

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

The proposed subdivision is proposed to be developed in phases. The owner was in the process of securing financing for Phase 1 when the banking crisis hit. He is now in litigation with the lending institution. No improvements have been made at this time.

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

The subdivider has proposed to phase this subdivision, but has not secured financing for Phase 1, and therefore cannot file the final plat.

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

Delay in its platting and development will not have an impact on nearby development as there is no other development depending on the infrastructure to be built.

5. *Duration of the requested extension;*

The subdivider has requested an additional three years in order to settle a lawsuit involving the property. It is likely that suit will be settled within the next three years, and the subdivision should be able to proceed.

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

The subdivider has put a great deal of effort and investment into the property already. The property is zoned and master planned to match the proposed subdivision plat.

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

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Preliminary Amended Plat--Foxtail Village Subdivision, 2nd Filing, Block 2, Amended

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

On March 15, 2012, the Planning Division received an application for preliminary plat approval for Amended Block 2, Foxtail Village Subdivision, 2nd Filing. The subject property is located on the north side of Grand Avenue, just east of 60th Street West. The amended plat shows 16 lots originally platted in Foxtail Village, 2nd Filing, aggregated into one large lot for a future condominium development. The new lot is approximately 2.7 acres in size, is zoned Residential-7000 (R-70), and is proposed for single-family and duplex condominiums. The owner is Cal Kunkel and the representing agent is Sanderson Stewart.

**ALTERNATIVES ANALYZED**

In accordance with state law, the City Council has 35 working days to act upon this minor preliminary plat; the 35 working day review period for the proposed plat ends on May 3, 2012. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

**FINANCIAL IMPACT**

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

**BACKGROUND**

General location: North side of Grand Avenue, just east of 60th Street West.

Legal Description: Lots 1-16, Block 2, Foxtail Village Subdivision, 2nd Filing

Owner/Subdivider: Cal Kunkel

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70

Existing land use: vacant

Proposed land use: Single-family and duplex condominiums

Gross/Net area: 2.67 acres

Proposed number of lots: 1

Parkland requirements: Parkland dedication requirements were previously met.

## **STAKEHOLDERS**

A public hearing is not scheduled for the City Council meeting; however nearby property owners may attend the City Council meeting. The Planning Division has received no public comments or questions regarding the proposed subdivision.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

Consistency with the Growth Policy, the Transportation Plan 2009 Update, and Heritage Trail Plan are discussed within the Findings of Fact.

## **RECOMMENDATION**

Staff recommends conditional approval of the preliminary amended plat of Amended Block 2, Foxtail Village Subdivision, 2nd Filing, and adoption of the Findings of Fact as presented in the staff report to the City Council.

### Recommended Conditions of Approval

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

1. To mitigate impacts on agriculture and local services, a letter from the Birely Drain shall be provided indicating permission to discharge storm water into the drain, prior to final plat approval.
2. To ensure the provision of easements and minimize effects on public health and safety, the subdivider shall work with the City Engineering Division and the private utility companies to determine suitable locations for utility easements, if necessary.
3. To mitigate impacts on local services, the developer shall coordinate mailbox locations with the U.S. Postal Service prior to final plat approval.
4. Minor changes may be made in the Subdivision Improvements Agreement and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Preliminary Plat

Findings of Fact

Site Photos

Mayors Letter

# FOXTAIL VILLAGE SUBDIVISION, SECOND FILING

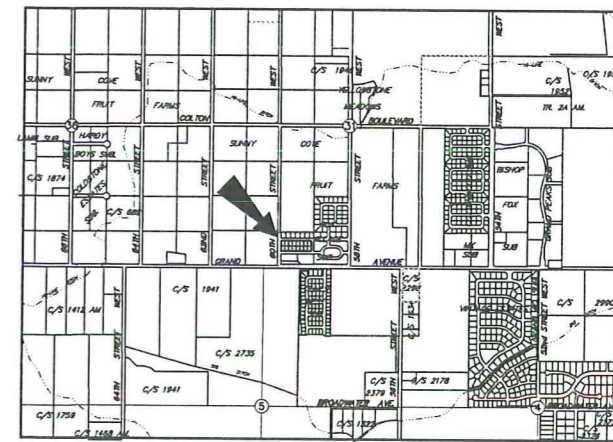
SITUATED IN THE SW1/4 OF SEC. 31, T. 1 N., R. 25 E., P.M.M.  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: CAL KUNKEL

MARCH, 2012

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

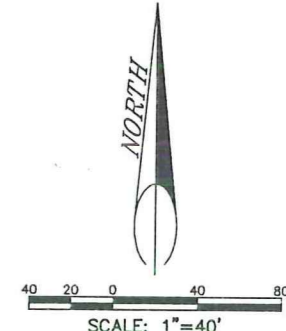
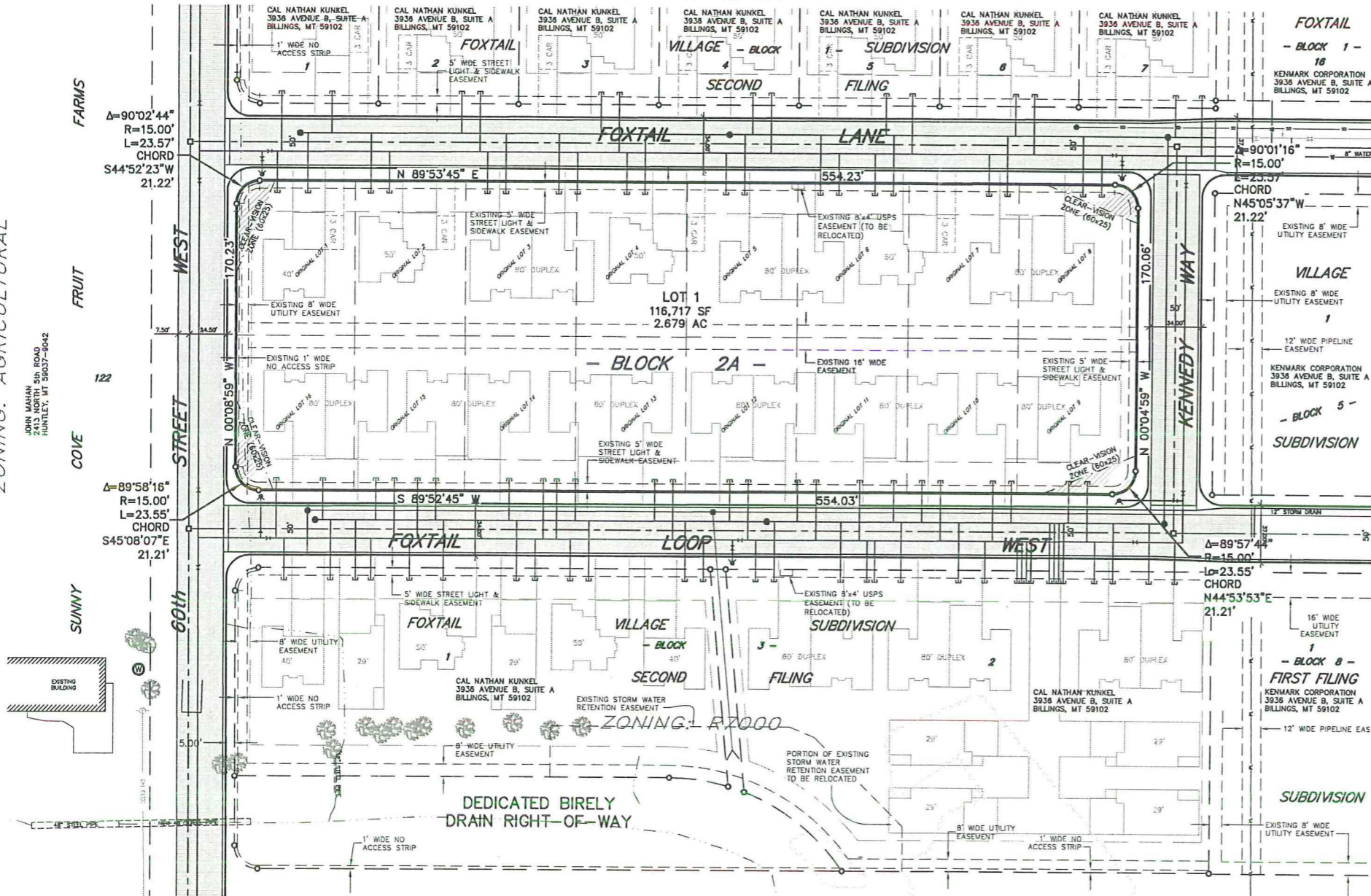


VICINITY MAP  
NOT TO SCALE

ZONING: AGRICULTURAL

ZONING: R9600

ZONING: R7000



### PLAT DATA

GROSS AREA	=	2.679 ACRES
NET AREA	=	2.679 ACRES
NUMBER OF LOTS	=	1
LINEAL FEET OF STREETS	=	NA
PARKLAND DEDICATION	=	PREVIOUSLY MET
EXISTING ZONING	=	AGRICULTURAL OPEN
SURROUNDING ZONING:		
NORTH	=	R9600
SOUTH	=	R7000
EAST	=	R7000
WEST	=	AGRICULTURAL OPEN
EXISTING LAND USE	=	AGRICULTURAL
PROPOSED LAND USE	=	RESIDENTIAL DEVELOPMENT

**Amended Block 2, Foxtail Village Subdivision, 2<sup>nd</sup> Filing**  
**Findings of Fact**

Staff is forwarding the recommended Findings of Fact for Amended Block 2, Foxtail Village Subdivision, 2<sup>nd</sup> Filing for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations (Sections 23-304(c), BMCC).

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

**1. Effect on agriculture and agricultural water user facilities**

The subject property is vacant former cropland located in the City limits that has been slated for urban development since it was originally planned in 2005. The Birely Drain is south of the property, adjacent to Block 3 of Foxtail Village Subdivision, 2<sup>nd</sup> Filing. This is an irrigation drain ditch and the development of this property shall not impair its function. A 48-inch culvert will be installed under 60<sup>th</sup> Street West when it is constructed, in order to continue the Birely Drain channel to the west. Also, the subdivider is proposing to drain storm water into the ditch. Discharging water into the drain requires the approval of the Birely Drain board of directors, and therefore a letter of approval is required as a condition of approval (**Condition #1**).

Any other ditches within the project boundaries shall be perpetuated for the benefit of upstream and downstream users. At the time the original 2<sup>nd</sup> Filing final plat was approved a written agreement was reached with adjacent property owners to the north that a drain ditch along the western edge of the subject property would be redirected into the City's stormwater drain system and discharged as it had historically been done, into the Birely Drain. When 60<sup>th</sup> Street West is constructed for this development, the adjustment to this drain ditch will be accomplished. Overall, this development should not have a negative effect on the agricultural industry.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains in the subdivision. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements shall be shown on the final plat that are acceptable to these utility providers (**Condition #2**).

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to a detention pond to the south and then discharged into the Birely Drain. To ensure permission is granted from the Birely Drain board to discharge storm water into the drain, a letter from the board is required to be submitted from them with the final plat documents. Additionally, a Storm Water Pollution Prevention Plan (SWPPP) is required for the property prior to any construction activity on the site. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.
- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The lots within the subdivision would be served by the extension of the existing streets, Foxtail Lane and Foxtail Loop West, east of the subject property to 60<sup>th</sup> Street West, which will also be built to connect with Grand Avenue to the south. These internal street rights-of-way were dedicated previously with the 2<sup>nd</sup> Filing plat but with a width of 50 feet. Although the current City standard requires 56-foot rights-of-way, no changes are being proposed to the street layout, and therefore the City cannot require the additional right-of-way dedication with this 2<sup>nd</sup> Filing Amendment. Instead, to accommodate the needed infrastructure, 5-foot wide sidewalk and street light easement will be provided parallel to the 50-foot street dedications.

Foxtail Lane, Foxtail Loop West, and Kennedy Way are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. 60<sup>th</sup> Street West will be built to the half-street standard, with 30 feet of pavement, and curb, gutter and boulevard sidewalk on the east side of the street only. The rest of the street will be completed if and when the adjacent property to the West develops in the City.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7). The Billings Chief of Police noted in comments that “...Already in established patrol area. Continued development without increase in resources may adversely affect our ability to provide timely service.” The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Central Heights Elementary, Lewis and Clark Middle School, and Senior High School. A response from Senior High principal, Dennis Holmes, indicated that Senior now has a capacity of 1,900 students and a current enrollment is 1,600 students.

- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. When the Foxtail Village Subdivision, 2<sup>nd</sup> Filing was originally reviewed and accepted by the City in 2008, parkland provisions were met by a cash contribution in lieu of land dedication. The funds were dedicated to developing Cottonwood Park, which is north and east of the subject property.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filing of this subdivision. Prior to final plat approval the developer shall coordinate mailbox locations with the postal service (**Condition #3**).

### **3. Effect on the natural environment**

The subject property is generally flat previously irrigated agricultural land. Though it is not currently cultivated, surrounding properties to the north, south and west all have some level of agricultural activity on them. As a result, the ground water in this area is high, especially during irrigation season. A geotechnical study has been completed for this property and recommends specific mitigation measures for the groundwater and soil conditions. These measures will be implemented at the time of building permit review.

In addition to groundwater, surface stormwater will need to be carefully considered. The Cove Creek drainage south of Rimrock Road, whose channel was obliterated by agricultural activity many years ago, effectively flows to the ditches and lowest ground surface in the area. In major storm events flooding would take the form of shallow sheet flows. Part of the western edge of this property is within the 100-year flood plain of Cove Creek south of Rimrock Road as identified in a floodplain study done by PBS&J in 2007. Though this floodplain area south of Rimrock Road is not yet regulated by FEMA, it is the best available data for this drainage, and as such the city recommends that the main finish floor of each house is at least 18 inches above the top of curb elevation in the front of each lot to prevent inundation of the main floor. A note to this effect is found in the SIA. Also during development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. If these precautionary measures are taken into account, the effect on (and from) the natural environment should be minimal.

### **4. Effect on wildlife and wildlife habitat**

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

### **5. Effect on the public health, safety and welfare**

Based on the provision for emergency services and mitigation measures proposed for ground and surface water, as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision.

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

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

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

**1. Yellowstone County-City of Billings 2008 Growth Policy**

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

- a. Goal: More housing and business choices within each neighborhood (p. 6).
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).
- c. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

**2. Urban Area Transportation Plan 2009 Update**

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

**3. Billings Area Bikeways and Trail Master Plan**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. No future trail corridors are identified adjacent to the subject property, but Grand Avenue is identified as having a future bike lane. There are no immediate plans for this corridor.

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

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

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

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

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

The subject property is located within R-70 zone. The lot size conforms to the requirements of this zone. Further setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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

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

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

Legal and physical access is provided to the proposed lots from Foxtail Lane, Foxtail Loop West, Kennedy Way and 60<sup>th</sup> Street West.

**CONCLUSIONS OF FINDINGS OF FACT**

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

Approved by the Billings City Council, April 23, 2012.

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Thomas W. Hanel, Mayor

# Amended Block 2, Foxtail Village Subdivision, 2<sup>nd</sup> Filing

## Photos of Subject Property



View from western terminus of Foxtail Lane looking west out across subject property.



View of existing development along Foxtail Lane looking west.

April 24, 2012

Cal Kunkel  
3313 Stonewall Lane  
Billings, MT 59102

Dear Mr. Kunkel:

On April 23, 2012, the Billings City Council conditionally approved the preliminary plat of Amended Block 2, Foxtail Village Subdivision, 2<sup>nd</sup> Filing, subject to the following conditions of approval:

1. To mitigate impacts on agriculture and local services, a letter from the Birely Drain shall be provided indicating permission to discharge storm water into the drain, prior to final plat approval.
2. To ensure the provision of easements and minimize effects on public health and safety, the subdivider shall work with the City Engineering Division and the private utility companies to determine suitable locations for utility easements, if necessary.
3. To mitigate impacts on local services, the developer shall coordinate mailbox locations with the U.S. Postal Service prior to final plat approval.
4. Minor changes may be made in the Subdivision Improvements Agreement and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact the Juliet Spalding at (406) 247-8684 or by email at [spaldingj@ci.billings.mt.us](mailto:spaldingj@ci.billings.mt.us) .

Sincerely,

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Thomas W. Hanel, Mayor

Pc: Will Ralph, PE, Sanderson Stewart

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Payment of Claims March 26, 2012.

**PRESENTED BY:** Pat M. Weber, Finance Director

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,028,498.17 have been audited and are presented for your approval for payment. A complete listing of the claims dated March 26, 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**

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**Attachments**

List of claims greater than \$2500.

AP Report > \$2,500 for 03/26/2012

Check Date	Check	Name	Amount	Account	Item Desc
03/26/2012	754068	A & I Distributors	146.77	5710-71440-402320 288393	
03/26/2012	754068	A & I Distributors	158.95	5410-31220-402310	55 gal vavl air shield
03/26/2012	754068	A & I Distributors	-0.08	6010-15530-402650	A & I
03/26/2012	754068	A & I Distributors	811.07	5610-71130-402310	Invoice #2145965. Oil for equipment at Ops.
03/26/2012	754068	A & I Distributors	-0.11	5710-71440-402320	MP
03/26/2012	754068	A & I Distributors	489.06	6010-00000-141714	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	494.56	6010-00000-141000	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	3,190.00	6010-00000-141000	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	18.60	1500-22260-402320	MP
03/26/2012	754068	A & I Distributors	50.26	5120-84000-402310	oil
03/26/2012	754068	A & I Distributors	113.18	5020-74000-402450	oil
03/26/2012	754068	A & I Distributors	1,781.08	5410-31230-402310	oil and grease for landfill
03/26/2012	754068	A & I Distributors	67.00	1500-22260-402320	MP
03/26/2012	754068	A & I Distributors	89.95	5710-71440-402320	A & I
03/26/2012	754068	A & I Distributors	4.55	6010-15530-402650	MP
03/26/2012	754068	A & I Distributors	494.45	5710-71440-402310	MP
03/26/2012	754068	A & I Distributors	1,428.90	6010-00000-141000	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	-3.42	6010-15530-402650	MP
03/26/2012	754068	A & I Distributors	-0.11	6010-15530-402650	A & I
03/26/2012	754068	A & I Distributors	37.51	6010-00000-141000	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	-0.05	6010-15530-402650	MP
03/26/2012	754068	A & I Distributors	29.99	1500-21120-402320	MP
03/26/2012	754068	A & I Distributors	72.00	5410-31220-402320	MP
03/26/2012	754068	A & I Distributors	649.80	6010-00000-141000	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	29.98	2110-31320-402320	MP
03/26/2012	754068	A & I Distributors	72.00	6010-15530-402650	MP
03/26/2012	754068	A & I Distributors	1,771.00	6010-00000-141000	MP PO NUM 288393
03/26/2012	754068	A & I Distributors	29.98	5410-31220-402320	MP
03/26/2012	754068	A & I Distributors	1,158.08	6010-00000-141000	PO Number 288393
03/26/2012	754068	A & I Distributors	335.06	6010-00000-141000	PO number 288393
03/26/2012	754070	Adamson Police Products	0.00	1500-21400-402270	Free Shipping
03/26/2012	754070	Adamson Police Products	864.00	1500-21400-402270	Item #RA1200 - Winchester 12 ga 00 Buck Low Recoil

03/26/2012	754070	Adamson Police Products	3,040.00	1500-21400-402270	Item #RA40B - Winchester 40SW 180 gr Bonded
03/26/2012	754075	Archie Cochrane	3,886.67	6300-17530-407310	Inv. #814188-1 Building #1069 #2012-019
03/26/2012	754075	Archie Cochrane	9.38	1500-21120-402320	288997
03/26/2012	754075	Archie Cochrane	19.29	2090-44520-402320	288997
03/26/2012	754075	Archie Cochrane	133.43	1500-21120-402320	288997
03/26/2012	754075	Archie Cochrane	107.49	1500-21120-402320	288998
03/26/2012	754075	Archie Cochrane	322.75	1500-21120-402320	288998
03/26/2012	754075	Archie Cochrane	30.24	5710-71470-402320	288997
03/26/2012	754075	Archie Cochrane	198.92	1500-21120-402320	288997
03/26/2012	754075	Archie Cochrane	144.21	1500-21120-402320	288998
03/26/2012	754075	Archie Cochrane	130.55	1500-21120-402320	288998
03/26/2012	754075	Archie Cochrane	436.21	1500-21120-402320	288998
03/26/2012	754075	Archie Cochrane	95.85	1500-21720-402320	288998
03/26/2012	754076	Armacost Trane Service Co	1,662.50	5610-71120-402450	Invoice #22272. Repair chiller #2.
03/26/2012	754076	Armacost Trane Service Co	3,827.56	5610-71120-402450	Invoice #22311. New control module & service to chiller #1.
03/26/2012	754077	Associated Employers Of Montana	700.00	1500-22210-403590	Library/Fire/Airport facilitation
03/26/2012	754077	Associated Employers Of Montana	118.75	2600-55110-403590	Library/Fire/Airport facilitation
03/26/2012	754077	Associated Employers Of Montana	135.75	5610-71100-403590	Library/Fire/Airport facilitation
03/26/2012	754077	Associated Employers Of Montana	518.43	0100-17500-403870	February 2012 12-55500
03/26/2012	754077	Associated Employers Of Montana	172.82	0100-51270-401140	February 2012 12-55500
03/26/2012	754077	Associated Employers Of Montana	525.00	0100-17500-403870	February 2012 12-55473
03/26/2012	754077	Associated Employers Of Montana	175.00	0100-51270-401140	February 2012 12-55473
03/26/2012	754077	Associated Employers Of Montana	160.32	0100-17500-403870	February 2012 12-55494
03/26/2012	754077	Associated Employers Of Montana	53.43	0100-51270-401140	February 2012 12-55494
03/26/2012	754077	Associated Employers Of Montana	105.82	0100-17500-403870	February 2012 12-55557
03/26/2012	754077	Associated Employers Of Montana	35.28	0100-51270-401140	February 2012 12-55557
03/26/2012	754077	Associated Employers Of Montana	255.00	0100-17500-403870	February 2012 12-55558
03/26/2012	754077	Associated Employers Of Montana	85.00	0100-51270-401140	February 2012 12-55558
03/26/2012	754077	Associated Employers Of Montana	53.44	0100-17500-403870	February 2012 12-55596
03/26/2012	754077	Associated Employers Of Montana	17.81	0100-51270-401140	February 2012 12-55596
03/26/2012	754077	Associated Employers Of Montana	154.32	0100-17500-403870	February 2012 12-55561
03/26/2012	754077	Associated Employers Of Montana	51.45	0100-51270-401140	February 2012 12-55561
03/26/2012	754077	Associated Employers Of Montana	142.50	0100-17500-403870	February 2012 12-55777
03/26/2012	754077	Associated Employers Of Montana	47.50	0100-51270-401140	February 2012 12-55777
03/26/2012	754077	Associated Employers Of Montana	285.00	0100-17500-403870	February 2012 12-55776

03/26/2012	754077	Associated Employers Of Montana	95.00	0100-51270-401140	February 2012	12-55776
03/26/2012	754077	Associated Employers Of Montana	213.75	0100-17500-403870	February 2012	12-55775
03/26/2012	754077	Associated Employers Of Montana	71.25	0100-51270-401140	February 2012	12-55775
03/26/2012	754077	Associated Employers Of Montana	89.07	0100-17500-403870	February 2012	12-55597
03/26/2012	754077	Associated Employers Of Montana	29.68	0100-51270-401140	February 2012	12-55597
03/26/2012	754085	Billings Bench Water Assn	6,406.00	0100-51120-403420	Supplement water for several city parks	
03/26/2012	754096	Brown And Caldwell	1,610.34	5030-00000-201100	WO 08-16 SCADA Replacement - Upgrade Phase 2; Ret Release #1	
03/26/2012	754096	Brown And Caldwell	2,343.15	5030-00000-201100	WO 08-16 SCADA Replacemnt - Upgrade Phase 2; Ret Release #1 Innoprise	
03/26/2012	754114	Cop Construction Co	110,417.67	5030-75910-409340	WO 10-12 WTP LOW SRVC PUMP STATION #1; Pymt#7	
03/26/2012	754115	Cta Architects	5,900.00	6500-15650-403540	Inv. #94264 Billings City Hall Boiler Feasibility Study	
03/26/2012	754117	D N D Security	561.16	5210-15910-403970	GARAGE SECURITY P1,2,3,4	
03/26/2012	754117	D N D Security	561.16	5210-15920-403970	GARAGE SECURITY P1,2,3,4	
03/26/2012	754117	D N D Security	561.16	5210-15930-403970	GARAGE SECURITY P1,2,3,4	
03/26/2012	754117	D N D Security	561.19	5210-15940-403970	GARAGE SECURITY P1,2,3,4	
03/26/2012	754117	D N D Security	300.00	5710-71480-402450	Patrol security for Downtown Transfer Center	
03/26/2012	754119	David B. Heine	5,203.00	4660-31610-407840	SID 1369 Moore Lane; Refund	
03/26/2012	754120	Dell Computer L P	328.41	2970-65010-402925	Monitor Quote 612297849	
03/26/2012	754120	Dell Computer L P	2,436.51	0100-15120-402925	Dell Mobile Precision M4600 Quote 613252057	
03/26/2012	754133	Fremont Motor Powell Lic	30,352.82	6400-51600-409440	Order a 2012 Ford F250 for the Parks Dept. Truck will include a snow plow. Color is green gem metallic and steel gray cloth interior. Will be doing a trade for \$2100.00. Received vehicle. Ready for payment.	
03/26/2012	754135	Galles Filter Service	83.22	5710-71440-402320	MP	
03/26/2012	754135	Galles Filter Service	64.80	5710-71440-402320	MP	
03/26/2012	754135	Galles Filter Service	-39.12	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.	
03/26/2012	754135	Galles Filter Service	39.12	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.	
03/26/2012	754135	Galles Filter Service	73.38	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.	
03/26/2012	754135	Galles Filter Service	314.78	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.	
03/26/2012	754135	Galles Filter Service	78.86	6010-00000-141714	MP PO NUM 288397	
03/26/2012	754135	Galles Filter Service	106.99	6010-00000-141714	MP PO NUM 288397	
03/26/2012	754135	Galles Filter Service	168.10	6010-00000-141000	MP PO NUM 288397	

03/26/2012	754135	Galles Filter Service	178.27	6010-00000-141000	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	183.05	6010-00000-141000	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	221.95	6010-00000-141000	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	311.16	6010-00000-141000	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	100.48	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288646
03/26/2012	754135	Galles Filter Service	101.72	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288750
03/26/2012	754135	Galles Filter Service	83.37	6010-00000-141714	288397 PO NUM 288397
03/26/2012	754135	Galles Filter Service	54.40	5020-74000-402450	filter
03/26/2012	754135	Galles Filter Service	58.84	5410-31230-402320	GALLES
03/26/2012	754135	Galles Filter Service	3.56	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	6.90	1500-21120-402320	MP
03/26/2012	754135	Galles Filter Service	8.65	5710-71440-402320	MP
03/26/2012	754135	Galles Filter Service	7.88	5710-71440-402320	288397
03/26/2012	754135	Galles Filter Service	354.77	6010-00000-141000	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	3.94	1500-22260-402320	MP
03/26/2012	754135	Galles Filter Service	154.56	6010-00000-141714	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	178.89	6010-00000-141000	MP PO NUM 288397
03/26/2012	754135	Galles Filter Service	6.45	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	20.70	1500-21120-402320	MP
03/26/2012	754135	Galles Filter Service	29.81	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	95.12	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	43.31	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	19.66	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	35.16	2110-31320-402320	MP
03/26/2012	754135	Galles Filter Service	12.93	5120-84000-402320	MP
03/26/2012	754137	Gillig Corporation	194.16	6010-00000-141714	288995 PO NUM 288995
03/26/2012	754137	Gillig Corporation	962.88	6010-00000-141714	288994 PO NUM 288994
03/26/2012	754137	Gillig Corporation	279.12	5710-71440-402320	288995
03/26/2012	754137	Gillig Corporation	277.34	6010-00000-141714	288994 PO NUM 288994
03/26/2012	754137	Gillig Corporation	932.85	5710-71440-402320	288995
03/26/2012	754139	Government Leasing and Finance, Inc.	67,763.88	7180-21600-406100	Camera System Contract Payment 1 - Contract 077-0018837-004, Principal
03/26/2012	754139	Government Leasing and Finance, Inc.	426.10	7180-21600-406200	Camera System Contract Payment 1, Contract #077-0018837-004, Interest

03/26/2012	754149	Hdr Inc	528.73	5130-84910-409390	WO 10-29 WWTP WEST MECHANICAL MCC; Pymt 11/368474-H
03/26/2012	754149	Hdr Inc	17,423.88	5030-74910-409390	WO 11-08 WTP 2011 TRANSFER PUMP: Pymt9/368473-H
03/26/2012	754149	Hdr Inc	3,408.57	5020-72110-403540	WO 11-11 WTP RAPID MIX STUDY;Pymt#2/368471-H
03/26/2012	754149	Hdr Inc	4,642.23	4160-74930-409220	WO0426 ZONE 4 RESERVOIR AND FACILITIES: PYMT 61/368468-H
03/26/2012	754149	Hdr Inc	3,235.63	4210-84930-409340	WO0822 WWTP DISINFECTION SYSTEM IMPROVEMENTS; Pymt 36/368478-H
03/26/2012	754149	Hdr Inc	2,194.16	5020-00000-201100	WO 09-23 Electrical Master Plan Update; Ret Release #1 HTE
03/26/2012	754149	Hdr Inc	279.25	5020-00000-201100	WO 09-23 Electrical Master Plan Update; Ret Release #1 Innoprise
03/26/2012	754149	Hdr Inc	696.81	5030-74910-409390	WO 10-11 WTP HIGH SRVCE PUMP STATION H2-1; Pymt 21/368476-H
03/26/2012	754149	Hdr Inc	12,703.68	5030-75910-409340	WO 10-12 WTP LOW SRVCE PUMP STATION #1
03/26/2012	754149	Hdr Inc	2,194.13	5120-00000-201100	WO 09-23 Electrical Master Plan Update; Ret Release #1 HTE
03/26/2012	754149	Hdr Inc	279.25	5120-00000-201100	WO 09-23 Electrical Master Plan Update; Ret Release #1 Innoprise
03/26/2012	754153	Iaff	4,215.75	9000-00000-209920	PAYROLL SUMMARY
03/26/2012	754154	Ibm Corporation	3,271.80	6200-19110-402925	8GB Memory Quote 148556986 NEW QUOTE 148643748
03/26/2012	754154	Ibm Corporation	3,898.00	6200-19110-402925	Blade Server Quote 148497809
03/26/2012	754154	Ibm Corporation	9,129.00	6200-19110-409480	IBM System x3650 M3 (File & Print Server) Quote 148579094
03/26/2012	754156	Ingram Library Services	140.90	2600-55190-403333	Inv 03567513
03/26/2012	754156	Ingram Library Services	7.17	2600-55190-403241	Inv 03567515
03/26/2012	754156	Ingram Library Services	34.49	2600-55190-403333	Inv 03567514
03/26/2012	754156	Ingram Library Services	4.19	2600-55190-403226	Inv 03567517
03/26/2012	754156	Ingram Library Services	12.95	2600-55190-403255	Inv 03567517
03/26/2012	754156	Ingram Library Services	20.39	2600-55190-403333	Inv 03567517
03/26/2012	754156	Ingram Library Services	17.40	2600-55190-403333	Inv 03567516
03/26/2012	754156	Ingram Library Services	40.20	2600-55190-403226	Inv 03567518
03/26/2012	754156	Ingram Library Services	49.02	2600-55190-403227	Inv 03567518

03/26/2012	754156	Ingram Library Services	20.94	2600-55190-403255	Inv 03567518
03/26/2012	754156	Ingram Library Services	10.78	2600-55190-403227	Inv 03567519
03/26/2012	754156	Ingram Library Services	14.75	2600-55190-403226	Inv 03705855
03/26/2012	754156	Ingram Library Services	10.02	2600-55190-403333	Inv 03705855
03/26/2012	754156	Ingram Library Services	15.93	2600-55190-403226	Inv 03705852
03/26/2012	754156	Ingram Library Services	4.79	2600-55190-403333	Inv 03705854
03/26/2012	754156	Ingram Library Services	14.74	2600-55190-403226	Inv 03705850
03/26/2012	754156	Ingram Library Services	15.31	2600-55190-403226	Inv 03705851
03/26/2012	754156	Ingram Library Services	79.70	2600-55190-403222	Inv 03705853
03/26/2012	754156	Ingram Library Services	413.30	2600-55190-403226	Inv 03705853
03/26/2012	754156	Ingram Library Services	523.67	2600-55190-403227	Inv 03705853
03/26/2012	754156	Ingram Library Services	108.58	2600-55190-403255	Inv 03705853
03/26/2012	754156	Ingram Library Services	10.15	2600-55190-403333	Inv 03642846
03/26/2012	754156	Ingram Library Services	15.92	2600-55190-403226	Inv 03685740
03/26/2012	754156	Ingram Library Services	74.26	2600-55190-403333	Inv 03685741
03/26/2012	754156	Ingram Library Services	9.00	2600-55190-403227	Inv 03685742
03/26/2012	754156	Ingram Library Services	155.89	2600-55190-403226	Inv 03685743
03/26/2012	754156	Ingram Library Services	44.13	2600-55190-403226	Inv 03685744
03/26/2012	754156	Ingram Library Services	14.72	2600-55190-403227	Inv 03685744
03/26/2012	754156	Ingram Library Services	96.02	2600-55190-403226	Inv 03685745
03/26/2012	754156	Ingram Library Services	4.19	2600-55190-403241	Inv 03685746
03/26/2012	754156	Ingram Library Services	15.30	2600-55190-403226	Inv 03685747
03/26/2012	754156	Ingram Library Services	59.19	2600-55190-403226	Inv 03685748
03/26/2012	754156	Ingram Library Services	19.12	2600-55190-403333	Inv 03685748
03/26/2012	754156	Ingram Library Services	20.20	2600-55150-402280	Inv 03685749
03/26/2012	754156	Ingram Library Services	8.84	2600-55190-403333	Inv 03705845
03/26/2012	754156	Ingram Library Services	14.74	2600-55190-403226	Inv 03705846
03/26/2012	754156	Ingram Library Services	15.00	2600-55190-403226	Inv 03705847
03/26/2012	754156	Ingram Library Services	597.57	2600-55190-403333	Inv 03705848
03/26/2012	754156	Ingram Library Services	730.08	2600-55190-403333	Inv 03705849
03/26/2012	754156	Ingram Library Services	9.19	2600-55190-403255	Inv 03567520
03/26/2012	754156	Ingram Library Services	8.97	2600-55190-403226	Inv 03616870
03/26/2012	754156	Ingram Library Services	38.98	2600-55190-403227	Inv 03616870
03/26/2012	754156	Ingram Library Services	62.51	2600-55190-403333	Inv 03616871
03/26/2012	754156	Ingram Library Services	10.44	2600-55190-403242	Inv 03616872
03/26/2012	754156	Ingram Library Services	32.39	2600-55190-403382	Inv 03616872
03/26/2012	754156	Ingram Library Services	14.72	2600-55190-403226	Inv 03616873

03/26/2012	754156	Ingram Library Services	130.22	2600-55190-403226	Inv 03616874
03/26/2012	754156	Ingram Library Services	29.78	2600-55190-403226	Inv 03616875
03/26/2012	754156	Ingram Library Services	92.00	2600-55190-403226	Inv 03616876
03/26/2012	754156	Ingram Library Services	24.75	2600-55190-403222	Inv 03616877
03/26/2012	754156	Ingram Library Services	63.11	2600-55190-403226	Inv 03616877
03/26/2012	754156	Ingram Library Services	282.34	2600-55190-403226	Inv 03616878
03/26/2012	754156	Ingram Library Services	73.53	2600-55190-403226	Inv 03616879
03/26/2012	754156	Ingram Library Services	23.40	2600-55190-403227	Inv 03616879
03/26/2012	754156	Ingram Library Services	29.47	2600-55190-403333	Inv 03616879
03/26/2012	754156	Ingram Library Services	40.90	2600-55190-403333	Inv 03616880
03/26/2012	754156	Ingram Library Services	10.02	2600-55190-403333	Inv 03616881
03/26/2012	754156	Ingram Library Services	37.85	2600-55190-403333	Inv 03642842
03/26/2012	754156	Ingram Library Services	22.00	2600-55190-403222	Inv 03642843
03/26/2012	754156	Ingram Library Services	53.09	2600-55190-403382	Inv 03642844
03/26/2012	754156	Ingram Library Services	78.22	2600-55190-403333	Inv 03642845
03/26/2012	754156	Ingram Library Services	0.03	2600-55190-403226	Inv 03685747
03/26/2012	754157	Integrated Information Solutions In	87.32	6200-19110-405370	Media Charge Invoice 34926
03/26/2012	754157	Integrated Information Solutions In	2,875.00	6200-19110-405370	1 YR EDD iseries HA Software Maintenance Invoice 64922
03/26/2012	754160	Istate Truck Center	96,836.00	6400-22400-409460	MT-45 FREIGHTLINER/CURRENT MODEL/17- FT CARGO AREA
03/26/2012	754160	Istate Truck Center	524.00	6400-22400-409460	VOYAGER BACKUP CAMERA W/C COLOR LCD MONITOR
03/26/2012	754165	Kadmas Lee & Jackson	3,103.82	8450-31860-409310	WO 04-12 ALKALI CREEK ROAD; Pymt 26/139087
03/26/2012	754176	Mike Donovan	3,054.70	4660-31610-407840	SID 1369 Moore Lane; Refund Tax ID
03/26/2012	754178	Modern Machinery	12,355.62	2110-31320-402320	288980
03/26/2012	754178	Modern Machinery	1,107.90	2110-31320-402320	288980
03/26/2012	754178	Modern Machinery	602.00	2110-31320-402320	288980
03/26/2012	754178	Modern Machinery	160.92	2110-31320-402320	288980
03/26/2012	754180	MONTANA CSED	5,018.63	9000-00000-209926	Child Support
03/26/2012	754183	Montana State Fireman's Assoc	2,699.32	9000-00000-209924	PAYROLL SUMMARY
03/26/2012	754193	National Research Center Inc	4,150.00	0100-14110-403587	Citizens survey
03/26/2012	754195	New World Systems	1,496.62	2250-22320-403822	2012 CONF REGIS:PKG A:(\$945.00):ROBERT HOLBROOK, NEW WORLD, PLUS 2 NITES LODGING (\$551.62) - CHICAGO, MAY 5-9 2012

03/26/2012	754195	New World Systems	945.00	1500-22210-403823	Package A: Includes two nights (Sun/Mon) lodging at Sheraton Chicago Hotel/Towers, meals, registration
03/26/2012	754195	New World Systems	1,496.62	6200-19120-403870	New World Conference Joyce Miller Invoice 018317
03/26/2012	754195	New World Systems	1,496.62	2250-22320-403822	REGISTRATION (\$945.00) & 2 NITES LODGING (\$275.81x2=\$551.62) / 2012 NEW WORLD CONFERENCE - CHICAGO MAY 5-9
03/26/2012	754195	New World Systems	1,496.62	6200-19120-403870	New World Conference Barb McRae Invoice 018318
03/26/2012	754199	Northwest Industrial	393.85	2110-31320-402320	MP
03/26/2012	754199	Northwest Industrial	48.50	5410-31220-402320	NORTHWEST INDUSTRIAL
03/26/2012	754199	Northwest Industrial	202.20	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288755
03/26/2012	754199	Northwest Industrial	37.68	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288785
03/26/2012	754199	Northwest Industrial	94.48	5020-75000-402320	NORTHWEST INDUSTRIAL
03/26/2012	754199	Northwest Industrial	77.92	2110-31320-402320	NORTHWEST INDUSTRIAL
03/26/2012	754199	Northwest Industrial	75.44	2110-31320-402380	slings for lifting storm sewer pipes
03/26/2012	754199	Northwest Industrial	12.11	5020-75000-402410	supplies
03/26/2012	754199	Northwest Industrial	122.18	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288675
03/26/2012	754199	Northwest Industrial	7.30	5020-74000-402450	tool
03/26/2012	754199	Northwest Industrial	10.99	5020-75000-402410	tool
03/26/2012	754199	Northwest Industrial	161.66	5020-75000-402410	tool box
03/26/2012	754199	Northwest Industrial	387.42	5410-31220-402290	tool box for truck unit #0182
03/26/2012	754199	Northwest Industrial	58.71	5120-84000-402450	tools
03/26/2012	754199	Northwest Industrial	60.50	5020-74000-402450	tools
03/26/2012	754199	Northwest Industrial	246.60	5020-74000-402450	tools
03/26/2012	754199	Northwest Industrial	264.30	6010-15530-402410	NORTHWEST INDUSTRIAL
03/26/2012	754199	Northwest Industrial	5.59	5120-84000-402450	PART+
03/26/2012	754199	Northwest Industrial	12.06	5020-75000-402410	parts
03/26/2012	754199	Northwest Industrial	40.00	5120-84000-402360	parts
03/26/2012	754199	Northwest Industrial	130.92	5410-31220-402290	12 shovels
03/26/2012	754199	Northwest Industrial	42.36	5120-84000-402360	drill bit
03/26/2012	754199	Northwest Industrial	99.30	5020-73120-402380	locks
03/26/2012	754199	Northwest Industrial	20.06	5020-75000-402410	hammer

03/26/2012	754199	Northwest Industrial	75.42	2110-31320-402420	hammer drill bits for sign installation
03/26/2012	754199	Northwest Industrial	5.56	5020-73120-402410	fittings
03/26/2012	754200	Northwest Pipe Fittings	25.32	5120-84000-402450	fittings
03/26/2012	754200	Northwest Pipe Fittings	75.60	5120-85000-404220	fittings
03/26/2012	754200	Northwest Pipe Fittings	172.48	5120-84000-402450	fittings
03/26/2012	754200	Northwest Pipe Fittings	232.14	5020-74000-402450	fittings
03/26/2012	754200	Northwest Pipe Fittings	11.67	5020-74000-402360	freight
03/26/2012	754200	Northwest Pipe Fittings	123.05	5120-84000-402450	fitings
03/26/2012	754200	Northwest Pipe Fittings	116.80	5020-73120-402380	meter parts
03/26/2012	754200	Northwest Pipe Fittings	4,995.00	5020-73120-402380	meter reading
03/26/2012	754200	Northwest Pipe Fittings	-60.84	5020-74000-402450	credit
03/26/2012	754200	Northwest Pipe Fittings	388.30	5020-74000-402450	actuator
03/26/2012	754200	Northwest Pipe Fittings	228.00	5020-74000-402360	1858034
03/26/2012	754200	Northwest Pipe Fittings	40.65	6010-15530-402650	288400
03/26/2012	754200	Northwest Pipe Fittings	101.14	6010-00000-141000	288400 PO NUM 288400
03/26/2012	754200	Northwest Pipe Fittings	22.20	5120-85000-402120	pvc
03/26/2012	754200	Northwest Pipe Fittings	37.74	5020-74000-402450	pvc
03/26/2012	754200	Northwest Pipe Fittings	46.32	5020-74000-402450	pvc
03/26/2012	754200	Northwest Pipe Fittings	48.71	5020-75000-404410	pvc
03/26/2012	754200	Northwest Pipe Fittings	10,569.24	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288679
03/26/2012	754200	Northwest Pipe Fittings	11,104.40	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288754
03/26/2012	754200	Northwest Pipe Fittings	20.30	5020-74000-402450	union
03/26/2012	754200	Northwest Pipe Fittings	60.84	5020-74000-402450	union
03/26/2012	754200	Northwest Pipe Fittings	67.22	5020-74000-402450	valve
03/26/2012	754200	Northwest Pipe Fittings	159.30	5120-84000-402450	valve
03/26/2012	754200	Northwest Pipe Fittings	28.56	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288613
03/26/2012	754200	Northwest Pipe Fittings	34.72	5020-00000-141000	SYSTEMS PO NUM 288676
03/26/2012	754200	Northwest Pipe Fittings	186.78	5020-00000-141000	SYSTEMS PO NUM 288786
03/26/2012	754200	Northwest Pipe Fittings	2,431.25	5020-73120-402380	reader parts
03/26/2012	754201	Northwestern Energy	12,020.99	2110-31320-403410	NWE SIGNALS
03/26/2012	754201	Northwestern Energy	3,845.34	8100-31830-403410	SILMD 013 ACCT# 0721276-4
03/26/2012	754201	Northwestern Energy	1,141.25	8100-31830-403410	SILMD 017 ACCT# 0712553-7
03/26/2012	754201	Northwestern Energy	1,867.51	8100-31830-403410	SILMD 014 ACCT# 0721277-2
03/26/2012	754201	Northwestern Energy	1,288.54	8100-31830-403410	SILMD 010 ACCT# 0712546-1

03/26/2012	754201	Northwestern Energy	472.89	8100-31830-403410	SILMD 009 ACCT# 0712545-3
03/26/2012	754201	Northwestern Energy	460.78	8100-31830-403410	SILMD 008 ACCT# 0712544-6
03/26/2012	754201	Northwestern Energy	593.85	8100-31830-403410	SILMD 151 ACCT# 0712595-8
03/26/2012	754201	Northwestern Energy	4,042.32	8100-31830-403410	SILMD 152 ACCT# 0712596-6
03/26/2012	754201	Northwestern Energy	507.60	8100-31830-403410	SILMD 153 ACCT# 0712597-4
03/26/2012	754201	Northwestern Energy	1,147.64	8100-31830-403410	SILMD 154 ACCT# 0712598-2
03/26/2012	754201	Northwestern Energy	464.76	8100-31830-403410	SILMD 155 ACCT# 0712599-0
03/26/2012	754201	Northwestern Energy	860.73	8100-31830-403410	SILMD 157 ACCT# 0712600-6
03/26/2012	754201	Northwestern Energy	50.85	8100-31830-403410	SILMD 158 ACCT# 0712601-4
03/26/2012	754201	Northwestern Energy	1,016.76	8100-31830-403410	SILMD 159 ACCT# 0712602-2
03/26/2012	754201	Northwestern Energy	671.33	8100-31830-403410	SILMD 160 ACCT# 0712603-0
03/26/2012	754201	Northwestern Energy	993.14	8100-31830-403410	SILMD 161 ACCT# 0712604-8
03/26/2012	754201	Northwestern Energy	56.36	8100-31830-403410	SILMD 162 ACCT# 0712605-5
03/26/2012	754201	Northwestern Energy	604.73	8100-31830-403410	SILMD 163 ACCT# 0712606-3
03/26/2012	754201	Northwestern Energy	87.91	8100-31830-403410	SILMD 164 ACCT# 0712607-1
03/26/2012	754201	Northwestern Energy	826.24	8100-31830-403410	SILMD 165 ACCT# 0712608-9
03/26/2012	754201	Northwestern Energy	220.70	8100-31830-403410	SILMD 167 ACCT# 0712609-7
03/26/2012	754201	Northwestern Energy	529.69	8100-31830-403410	SILMD 171 ACCT# 0712610-5
03/26/2012	754201	Northwestern Energy	502.19	8100-31830-403410	SILMD 172 ACCT# 0712611-3
03/26/2012	754201	Northwestern Energy	805.29	8100-31830-403410	SILMD 173 ACCT# 0712612-1
03/26/2012	754201	Northwestern Energy	926.93	8100-31830-403410	SILMD 174 ACCT# 0712613-9
03/26/2012	754201	Northwestern Energy	308.96	8100-31830-403410	SILMD 175 ACCT# 0712614-7
03/26/2012	754201	Northwestern Energy	40.24	8100-31830-403410	SILMD 176 ACCT# 0712615-4
03/26/2012	754201	Northwestern Energy	242.77	8100-31830-403410	SILMD 178 ACCT# 0712616-2
03/26/2012	754201	Northwestern Energy	485.54	8100-31830-403410	SILMD 179 ACCT# 0712617-0
03/26/2012	754201	Northwestern Energy	331.04	8100-31830-403410	SILMD 180 ACCT# 0712618-8
03/26/2012	754201	Northwestern Energy	1,575.01	8100-31830-403410	SILMD 181 ACCT# 0712619-6
03/26/2012	754201	Northwestern Energy	551.74	8100-31830-403410	SILMD 182 ACCT# 0712620-4
03/26/2012	754201	Northwestern Energy	1,103.51	8100-31830-403410	SILMD 183 ACCT# 0712621-2
03/26/2012	754201	Northwestern Energy	353.11	8100-31830-403410	SILMD 184 ACCT# 0712622-0
03/26/2012	754201	Northwestern Energy	132.43	8100-31830-403410	SILMD 185 ACCT# 0712623-8
03/26/2012	754201	Northwestern Energy	565.69	8100-31830-403410	SILMD 186 ACCT# 0712624-6
03/26/2012	754201	Northwestern Energy	220.70	8100-31830-403410	SILMD 187 ACCT# 0712625-3
03/26/2012	754201	Northwestern Energy	264.83	8100-31830-403410	SILMD 188 ACCT# 0712626-1
03/26/2012	754201	Northwestern Energy	220.70	8100-31830-403410	SILMD 189 ACCT# 0712627-9
03/26/2012	754201	Northwestern Energy	1,147.64	8100-31830-403410	SILMD 190 ACCT# 0712628-7
03/26/2012	754201	Northwestern Energy	394.30	8100-31830-403410	SILMD 191 ACCT# 0712629-5

03/26/2012	754201	Northwestern Energy	286.91	8100-31830-403410	SILMD 192 ACCT# 0712630-3
03/26/2012	754201	Northwestern Energy	706.24	8100-31830-403410	SILMD 193 ACCT# 0712631-1
03/26/2012	754201	Northwestern Energy	234.09	8100-31830-403410	SILMD 194 ACCT# 0712632-9
03/26/2012	754201	Northwestern Energy	195.06	8100-31830-403410	SILMD 195 ACCT# 0712633-7
03/26/2012	754201	Northwestern Energy	62.69	8100-31830-403410	SILMD 196 ACCT# 0712634-5
03/26/2012	754201	Northwestern Energy	62.69	8100-31830-403410	SILMD 197 ACCT# 0712635-2
03/26/2012	754201	Northwestern Energy	110.34	8100-31830-403410	SILMD 198 ACCT# 0712636-0
03/26/2012	754201	Northwestern Energy	66.87	8100-31830-403410	SILMD 200 ACCT# 0712637-8
03/26/2012	754201	Northwestern Energy	463.46	8100-31830-403410	SILMD 201 ACCT# 0712638-6
03/26/2012	754201	Northwestern Energy	720.06	8100-31830-403410	SILMD 202 INV# 0712639-4
03/26/2012	754201	Northwestern Energy	16.72	8100-31830-403410	SILMD 203 ACCT# 0712640-2
03/26/2012	754201	Northwestern Energy	344.45	8100-31830-403410	SILMD 204 ACCT# 0712641-0
03/26/2012	754201	Northwestern Energy	32.20	8100-31830-403410	SILMD 205 ACCT# 0712642-8
03/26/2012	754201	Northwestern Energy	308.96	8100-31830-403410	SILMD 206 ACCT# 0712643-6
03/26/2012	754201	Northwestern Energy	353.11	8100-31830-403410	SILMD 207 ACCT# 0712644-4
03/26/2012	754201	Northwestern Energy	253.26	8100-31830-403410	SILMD 208 ACCT# 0712645-1
03/26/2012	754201	Northwestern Energy	507.60	8100-31830-403410	SILMD 209 ACCT# 0712646-9
03/26/2012	754201	Northwestern Energy	75.24	8100-31830-403410	SILMD 210 ACCT# 0712647-7
03/26/2012	754201	Northwestern Energy	41.80	8100-31830-403410	SILMD 211 ACCT# 0712648-5
03/26/2012	754201	Northwestern Energy	41.80	8100-31830-403410	SILMD 212 ACCT# 0712649-3
03/26/2012	754201	Northwestern Energy	25.09	8100-31830-403410	SILMD 213 ACCT# 0712650-1
03/26/2012	754201	Northwestern Energy	441.79	8100-31830-403410	SILMD 214 ACCT# 0712651-9
03/26/2012	754201	Northwestern Energy	132.43	8100-31830-403410	SILMD 216 ACCT# 0712652-7
03/26/2012	754201	Northwestern Energy	347.77	8100-31830-403410	SILMD 217 ACCT# 0712653-5
03/26/2012	754201	Northwestern Energy	230.56	8100-31830-403410	SILMD 220 ACCT# 0712654-3
03/26/2012	754201	Northwestern Energy	8.04	8100-31830-403410	SILMD 221 ACCT# 0712655-0
03/26/2012	754201	Northwestern Energy	66.07	8100-31830-403410	SILMD 222 ACCT# 0712656-8
03/26/2012	754201	Northwestern Energy	100.33	8100-31830-403410	SILMD 223 ACCT# 0712657-6
03/26/2012	754201	Northwestern Energy	1,690.55	8100-31830-403410	SILMD 224 ACCT# 0712658-4
03/26/2012	754201	Northwestern Energy	342.27	8100-31830-403410	SILMD 225 ACCT# 0712659-2
03/26/2012	754201	Northwestern Energy	268.73	8100-31830-403410	SILMD 226 ACCT# 0712660-0
03/26/2012	754201	Northwestern Energy	543.67	8100-31830-403410	SILMD 227 ACCT# 0712661-8
03/26/2012	754201	Northwestern Energy	748.79	8100-31830-403410	SILMD 228 ACCT# 0712662-6
03/26/2012	754201	Northwestern Energy	387.29	8100-31830-403410	SILMD 229 ACCT# 0712663-4
03/26/2012	754201	Northwestern Energy	745.56	8100-31830-403410	SILMD 230 ACCT# 0712664-2
03/26/2012	754201	Northwestern Energy	542.21	8100-31830-403410	SILMD 231 ACCT# 0712665-9
03/26/2012	754201	Northwestern Energy	2,349.62	8100-31830-403410	SILMD 232 ACCT# 0712666-7

03/26/2012	754201	Northwestern Energy	730.53	8100-31830-403410	SILMD 233 ACCT# 0712667-5
03/26/2012	754201	Northwestern Energy	430.51	8100-31830-403410	SILMD 234 ACCT# 0712668-3
03/26/2012	754201	Northwestern Energy	459.76	8100-31830-403410	SILMD 235 ACCT# 0712669-1
03/26/2012	754201	Northwestern Energy	146.30	8100-31830-403410	SILMD 236 ACCT# 0712670-9
03/26/2012	754201	Northwestern Energy	375.20	8100-31830-403410	SILMD 237 ACCT# 0712671-7
03/26/2012	754201	Northwestern Energy	13.79	8100-31830-403410	SILMD 238 ACCT# 0712672-5
03/26/2012	754201	Northwestern Energy	88.28	8100-31830-403410	SILMD 239 ACCT# 0712673-3
03/26/2012	754201	Northwestern Energy	351.13	8100-31830-403410	SILMD 240 ACCT# 0712674-1
03/26/2012	754201	Northwestern Energy	577.72	8100-31830-403410	SILMD 241 ACCT# 0712675-8
03/26/2012	754201	Northwestern Energy	77.45	8100-31830-403410	SILMD 242 ACCT# 0712676-6
03/26/2012	754201	Northwestern Energy	103.28	8100-31830-403410	SILMD 244 ACCT# 0712677-4
03/26/2012	754201	Northwestern Energy	80.06	8100-31830-403410	SILMD 245 ACCT# 0712678-2
03/26/2012	754201	Northwestern Energy	309.83	8100-31830-403410	SILMD 246 ACCT# 0712679-0
03/26/2012	754201	Northwestern Energy	1,076.30	8100-31830-403410	SILMD 247 ACCT# 0712680-8
03/26/2012	754201	Northwestern Energy	2,282.15	8100-31830-403410	SILMD 248 ACCT# 0712681-6
03/26/2012	754201	Northwestern Energy	2,556.17	8100-31830-403410	SILMD 249 ACCT# 0718734-7
03/26/2012	754201	Northwestern Energy	10.13	8100-31830-403410	SILMD 250 ACCT# 1301786-8
03/26/2012	754201	Northwestern Energy	177.90	8100-31830-403410	SILMD 250 ACCT# 0719001-00
03/26/2012	754201	Northwestern Energy	3,346.71	8100-31830-403410	SILMD 251 ACCT# 0718801-4
03/26/2012	754201	Northwestern Energy	516.39	8100-31830-403410	SILMD 252 ACCT# 0719162-0
03/26/2012	754201	Northwestern Energy	1,803.62	8100-31830-403410	SILMD 253 ACCT# 0719644-7
03/26/2012	754201	Northwestern Energy	132.13	8100-31830-403410	SILMD 254 ACCT# 0719763-5
03/26/2012	754201	Northwestern Energy	137.98	8100-31830-403410	SILMD 255 ACCT# 0720813-5
03/26/2012	754201	Northwestern Energy	770.22	8100-31830-403410	SILMD 257 ACCT# 0720360-7
03/26/2012	754201	Northwestern Energy	2,276.21	8100-31830-403410	SILMD 258 ACCT# 0720606-3
03/26/2012	754201	Northwestern Energy	9.34	8100-31830-403410	SILMD 259 ACCT# 1301786-8
03/26/2012	754201	Northwestern Energy	1,184.17	8100-31830-403410	SILMD 259 ACCT# 0720810-1
03/26/2012	754201	Northwestern Energy	464.76	8100-31830-403410	SILMD 261 ACCT# 0720705-3
03/26/2012	754201	Northwestern Energy	2,930.15	8100-31830-403410	SILMD 262 ACCT# 0720937-2
03/26/2012	754201	Northwestern Energy	849.91	8100-31830-403410	SILMD 263 ACCT# 0720716-0
03/26/2012	754201	Northwestern Energy	144.13	8100-31830-403410	SILMD 264 ACCT# 0721427-3
03/26/2012	754201	Northwestern Energy	327.09	8100-31830-403410	SILMD 265 ACCT# 0721556-9
03/26/2012	754201	Northwestern Energy	51.78	8100-31830-403410	SILMD 266 ACCT# 0721684-9
03/26/2012	754201	Northwestern Energy	68.28	8100-31830-403410	SILMD 269 ACCT# 0833098-7
03/26/2012	754201	Northwestern Energy	384.33	8100-31830-403410	SILMD 270 ACCT# 0906944-4
03/26/2012	754201	Northwestern Energy	931.05	8100-31830-403410	SILMD 271 ACCT# 0995095-7
03/26/2012	754201	Northwestern Energy	2,624.39	8100-31830-403410	SILMD 272 ACCT# 0905005-5

03/26/2012	754201	Northwestern Energy	188.26	8100-31830-403410	SILMD 273 ACCT# 0926386-4
03/26/2012	754201	Northwestern Energy	58.51	8100-31830-403410	SILMD 274 ACCT# 0907926-0
03/26/2012	754201	Northwestern Energy	417.40	8100-31830-403410	SILMD 276 ACCT# 0961926-3
03/26/2012	754201	Northwestern Energy	771.19	8100-31830-403410	SILMD 277 ACCT# 1058710-3
03/26/2012	754201	Northwestern Energy	204.84	8100-31830-403410	SILMD 278 ACCT# 1087619-1
03/26/2012	754201	Northwestern Energy	57.32	8100-31830-403410	SILMD 279 ACCT# 1124127-0
03/26/2012	754201	Northwestern Energy	633.99	8100-31830-403410	SILMD 280 ACCT# 1045653-1
03/26/2012	754201	Northwestern Energy	331.60	8100-31830-403410	SILMD 283 ACCT# 1172743-5
03/26/2012	754201	Northwestern Energy	315.88	8100-31830-403410	SILMD 285 ACCT# 1206985-2
03/26/2012	754201	Northwestern Energy	222.01	8100-31830-403410	SILMD 286 ACCT# 1296582-8
03/26/2012	754201	Northwestern Energy	123.76	8100-31830-403410	SILMD 287 ACCT# 1246537-3
03/26/2012	754201	Northwestern Energy	1,667.86	8100-31830-403410	SILMD 288 ACCT# 1303978-9
03/26/2012	754201	Northwestern Energy	307.75	8100-31830-403410	SILMD 289 ACCT# 1685375-6
03/26/2012	754201	Northwestern Energy	124.82	8100-31830-403410	SILMD 290 ACCT# 1433921-2
03/26/2012	754201	Northwestern Energy	568.04	8100-31830-403410	SILMD 292 ACCT# 1481532-8
03/26/2012	754201	Northwestern Energy	220.70	8100-31830-403410	SILMD 293 ACCT# 1481534-4
03/26/2012	754201	Northwestern Energy	441.39	8100-31830-403410	SILMD 294 ACCT# 1481535-1
03/26/2012	754201	Northwestern Energy	103.28	8100-31830-403410	SILMD 295 ACCT# 1481536-9
03/26/2012	754201	Northwestern Energy	1,186.63	8100-31830-403410	SILMD 296 ACCT# 1481537-7
03/26/2012	754201	Northwestern Energy	198.62	8100-31830-403410	SILMD 297 ACCT# 1481539-3
03/26/2012	754201	Northwestern Energy	176.57	8100-31830-403410	SILMD 298 ACCT# 1481540-1
03/26/2012	754201	Northwestern Energy	376.19	8100-31830-403410	SILMD 300 ACCT# 1662840-6
03/26/2012	754201	Northwestern Energy	1,664.92	8100-31830-403410	SILMD 301 ACCT# 1687005-7
03/26/2012	754201	Northwestern Energy	273.24	8100-31830-403410	SILMD 302 ACCT# 1607534-3
03/26/2012	754201	Northwestern Energy	958.87	8100-31830-403410	SILMD 305 ACCT# 1695873-8
03/26/2012	754201	Northwestern Energy	227.73	8100-31830-403410	SILMD 306 ACCT# 1740353-6
03/26/2012	754201	Northwestern Energy	336.61	8100-31830-403410	SILMD 309 ACCT#0712569-3
03/26/2012	754201	Northwestern Energy	48.43	8100-31830-403410	SILMD 320 ACCT# 0712569-3
03/26/2012	754201	Northwestern Energy	309.83	8100-31830-403410	SILMD 123 ACCT# 0712572-7
03/26/2012	754201	Northwestern Energy	176.57	8100-31830-403410	SILMD 122 ACCT# 0712571-9
03/26/2012	754201	Northwestern Energy	2,323.80	8100-31830-403410	SILMD 121 ACCT# 0712570-1
03/26/2012	754201	Northwestern Energy	142.03	8100-31830-403410	SILMD 119 ACCT# 0712568-5
03/26/2012	754201	Northwestern Energy	215.83	8100-31830-403410	SILMD 118 ACCT# 0712567-7
03/26/2012	754201	Northwestern Energy	2,992.66	8100-31830-403410	SILMD 117 ACCT# 0712566-9
03/26/2012	754201	Northwestern Energy	542.21	8100-31830-403410	SILMD 116 ACCT# 0712565-1
03/26/2012	754201	Northwestern Energy	206.57	8100-31830-403410	SILMD 115 ACCT# 0712564-4
03/26/2012	754201	Northwestern Energy	165.84	8100-31830-403410	SILMD 113 ACCT# 0712562-8

03/26/2012	754201	Northwestern Energy	877.88	8100-31830-403410	SILMD 114 ACCT# 0712563-6
03/26/2012	754201	Northwestern Energy	4,079.55	8100-31830-403410	SILMD 109 ACCT# 0712561-0
03/26/2012	754201	Northwestern Energy	1,626.65	8100-31830-403410	SILMD 107 ACCT# 0712560-2
03/26/2012	754201	Northwestern Energy	2,447.94	8100-31830-403410	SILMD 100 ACCT# 0712559-4
03/26/2012	754201	Northwestern Energy	1,494.42	8100-31830-403410	SILMD 099 ACCT# 0712558-6
03/26/2012	754201	Northwestern Energy	434.19	8100-31830-403410	SILMD 095 ACCT# 0712556-0
03/26/2012	754201	Northwestern Energy	12,224.92	8100-31830-403410	SILMD 097 ACCT# 0712557-8
03/26/2012	754201	Northwestern Energy	87.78	8100-31830-403410	SILMD 018 ACCT# 0712554-5
03/26/2012	754201	Northwestern Energy	541.99	8100-31830-403410	SILMD 143 ACCT# 0712588-3
03/26/2012	754201	Northwestern Energy	232.37	8100-31830-403410	SILMD 139 ACCT# 0712587-5
03/26/2012	754201	Northwestern Energy	697.14	8100-31830-403410	SILMD 138 ACCT# 0712586-7
03/26/2012	754201	Northwestern Energy	346.88	8100-31830-403410	SILMD 137 ACCT# 0712585-9
03/26/2012	754201	Northwestern Energy	429.84	8100-31830-403410	SILMD 136 ACCT# 0712584-2
03/26/2012	754201	Northwestern Energy	485.54	8100-31830-403410	SILMD 135 ACCT# 0712583-4
03/26/2012	754201	Northwestern Energy	502.20	8100-31830-403410	SILMD 134 ACCT# 0712582-6
03/26/2012	754201	Northwestern Energy	217.62	8100-31830-403410	SILMD 133 ACCT# 0712581-8
03/26/2012	754201	Northwestern Energy	800.42	8100-31830-403410	SILMD 131 ACCT# 0712580-0
03/26/2012	754201	Northwestern Energy	129.11	8100-31830-403410	SILMD 130 ACCT# 0712579-2
03/26/2012	754201	Northwestern Energy	309.83	8100-31830-403410	SILMD 129 ACCT# 0712578-4
03/26/2012	754201	Northwestern Energy	463.46	8100-31830-403410	SILMD 128 ACCT# 0712577-6
03/26/2012	754201	Northwestern Energy	662.09	8100-31830-403410	SILMD 127 ACCT# 0712576-8
03/26/2012	754201	Northwestern Energy	180.75	8100-31830-403410	SILMD 126 ACCT# 0712575-0
03/26/2012	754201	Northwestern Energy	361.46	8100-31830-403410	SILMD 125 ACCT# 0712574-3
03/26/2012	754201	Northwestern Energy	903.70	8100-31830-403410	SILMD 124 ACCT# 0712573-5
03/26/2012	754201	Northwestern Energy	434.43	8100-31830-403410	SILMD 147 ACCT# 0712592-5
03/26/2012	754201	Northwestern Energy	441.39	8100-31830-403410	SILMD 145 ACCT# 0712590-9
03/26/2012	754201	Northwestern Energy	25.80	8100-31830-403410	SILMD 144 ACCT# 0712589-1
03/26/2012	754201	Northwestern Energy	1,358.02	8100-31830-403410	SILMD 149 ACCT# 0712593-3
03/26/2012	754201	Northwestern Energy	335.66	8100-31830-403410	SILMD 146 ACCT# 0712591-7
03/26/2012	754201	Northwestern Energy	706.24	8100-31830-403410	SILMD 150 ACCT# 0712594-1
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07229057
03/26/2012	754202	Northwestern Energy	531.09	6500-15660-403410	09758087
03/26/2012	754202	Northwestern Energy	676.79	5610-71170-403410	1341295-2. March 2012 utilities 1563 Aviation PI.
03/26/2012	754202	Northwestern Energy	8.19	0100-51120-403410	07230360
03/26/2012	754202	Northwestern Energy	499.79	5610-71190-403410	2001846-1. March 2012 utilities 3301 Overlook Dr. QTA mudwash

03/26/2012	754202	Northwestern Energy	97.55	0100-51120-403410	07230352
03/26/2012	754202	Northwestern Energy	1,135.24	5610-71190-403410	1993430-6. March 2012 utilities 3307 Overlook Dr. QTA carwash.
03/26/2012	754202	Northwestern Energy	170.18	0100-51120-403410	07230378
03/26/2012	754202	Northwestern Energy	88.16	0100-51120-403410	07230428
03/26/2012	754202	Northwestern Energy	16.43	0100-51120-403410	07230543
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07230550
03/26/2012	754202	Northwestern Energy	7.56	0100-51120-403410	07230576
03/26/2012	754202	Northwestern Energy	16.79	0100-51120-403410	07230568
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07230584
03/26/2012	754202	Northwestern Energy	58.46	0100-51120-403410	07229339
03/26/2012	754202	Northwestern Energy	2,480.30	5610-71130-403410	0100483-7. March 2012 utilities Airport runway lights
03/26/2012	754202	Northwestern Energy	38,966.39	5020-74000-403410	01006063 MAR12
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07222474
03/26/2012	754202	Northwestern Energy	8.95	0100-51120-403410	07231707
03/26/2012	754202	Northwestern Energy	3,584.52	6500-15660-403410	12693917
03/26/2012	754202	Northwestern Energy	10,391.04	5020-74000-403410	01006063 MAR12
03/26/2012	754202	Northwestern Energy	10.18	0100-51120-403410	07222375
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07231624
03/26/2012	754202	Northwestern Energy	3,044.31	6500-15660-403410	11608049
03/26/2012	754202	Northwestern Energy	638.28	5610-71170-403410	1669567-8. March 2012 utilities 1737 Highway 3 W
03/26/2012	754202	Northwestern Energy	1,867.65	5610-71130-403410	0100484-5. March 2012 utilities Airport ARFF facility.
03/26/2012	754202	Northwestern Energy	1,948.32	5020-73140-403410	01006063 MAR12
03/26/2012	754202	Northwestern Energy	88.72	0100-51120-403410	07222557
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07236441
03/26/2012	754202	Northwestern Energy	649.44	5120-83140-403410	01006063 MAR12
03/26/2012	754202	Northwestern Energy	8.82	0100-51120-403410	07222664
03/26/2012	754202	Northwestern Energy	7.56	0100-51120-403410	07236458
03/26/2012	754202	Northwestern Energy	25.97	5610-71130-403410	1647695-4. March 2012 utilities 2271 Overlook Dr. de-icer
03/26/2012	754202	Northwestern Energy	11.35	0100-51120-403410	07222920
03/26/2012	754202	Northwestern Energy	8.95	2110-31320-403410	08554040
03/26/2012	754202	Northwestern Energy	7.15	5610-71170-403410	1341289-5. March 2012 utilities 1555 Aviation Pl.

03/26/2012	754202	Northwestern Energy	141.11	5120-85000-403410	17568932	MAR12
03/26/2012	754202	Northwestern Energy	18.50	0100-51120-403410	07222938	
03/26/2012	754202	Northwestern Energy	140.35	0100-51120-403410	09254962	
03/26/2012	754202	Northwestern Energy	217.48	5610-71170-403410	1341291-1.	March 2012 utilities 1559 Aviation Pl.
03/26/2012	754202	Northwestern Energy	45,168.95	5120-84000-403410	01005917	MAR12
03/26/2012	754202	Northwestern Energy	7.15	0100-51120-403410	07222698	
03/26/2012	754202	Northwestern Energy	20.32	0100-51120-403410	07894371	
03/26/2012	754202	Northwestern Energy	160.57	5610-71170-403410	1341288-7.	March 2012 utilities 1553 Aviation Pl.
03/26/2012	754202	Northwestern Energy	73.95	5610-71170-403410	1264299-7.	March 2012 utilities 1551 Aviation Place #1.
03/26/2012	754202	Northwestern Energy	818.21	6500-15660-403410	11608023	
03/26/2012	754202	Northwestern Energy	707.11	5020-74000-403410	01004852	MAR12
03/26/2012	754202	Northwestern Energy	206.71	6070-22350-403410	07215809	
03/26/2012	754202	Northwestern Energy	8.95	0100-51120-403410	07230907	
03/26/2012	754210	Porcupine Mountain LLC	3,023.60	4660-31610-407840	SID 1369	Moore Lane; Refund Tax ID A23885
03/26/2012	754213	Public Works-Administration	1,240.00	5020-75000-403680	Eng Permits Wtr Main Break	02-01-12 Inv# 102513
03/26/2012	754213	Public Works-Administration	12,937.60	5050-75150-403671	Eng Permits WSRP	03-02-12 Inv# 149281
03/26/2012	754213	Public Works-Administration	1,050.40	5050-75150-403671	Eng Permits WSRP	02-01-12 Inv# 102513
03/26/2012	754213	Public Works-Administration	930.00	5020-75000-403680	Eng Permits - Water Breaks	03-02-12 Inv# 149281
03/26/2012	754214	Qwest Communications	53.44	5410-31230-403450	Qwest 406-245-7193	Solid Waste Landfill
03/26/2012	754214	Qwest Communications	44.67	5710-71470-403450	Qwest 406-245-1789	Transit STS
03/26/2012	754214	Qwest Communications	92.43	5410-31230-403450	Qwest 406-245-9820	Solid Waste Landfil
03/26/2012	754214	Qwest Communications	28.82	2110-31320-403450	Qwest 406-245-9906	PW Traffic Signal 4th 27
03/26/2012	754214	Qwest Communications	86.88	5610-71100-403450	Qwest 406-252-9412	Airport
03/26/2012	754214	Qwest Communications	43.44	5610-71100-403450	Qwest 406-248-3068	Airport Ind Park Gate 9
03/26/2012	754214	Qwest Communications	28.82	5610-71100-403450	Qwest 406-245-1044	Airport Terminal Power M
03/26/2012	754214	Qwest Communications	226.32	6060-19310-403450	Qwest Airport Measured Lines	406-248-3329 406-248-9989
03/26/2012	754214	Qwest Communications	231.51	6060-19310-403450	Qwest MET Measured Lines	406-248-9124 406-258-9179
03/26/2012	754214	Qwest Communications	3,532.03	6060-19310-403450	Qwest Main System Centrex	406-657-8377
03/26/2012	754214	Qwest Communications	28.82	0100-51120-403450	Qwest 406-657-3014	Parks 3890 Stillwater

03/26/2012	754214	Qwest Communications	43.44	1500-22250-403450	Qwest 406-655-0728 Fire Maintenance Shop
03/26/2012	754214	Qwest Communications	44.67	5710-71410-403450	Qwest 406-254-7038 MET Transit
03/26/2012	754214	Qwest Communications	29.63	2110-31320-403450	Qwest 406-652-8104 PW Traffice Signal 24 Central
03/26/2012	754214	Qwest Communications	5,131.72	2250-22320-403450	Qwest 406-255-9700 E911
03/26/2012	754215	Recreation Supply Company	6,276.22	0100-51260-402290	Dropship pal lift-standard footrest included. Portable handicap aquatic lift for swimming pool.
03/26/2012	754221	Rimrock Foundation	4,044.93	2460-12530-403590	Drug Court for February 2012
03/26/2012	754221	Rimrock Foundation	3,890.99	7380-12640-403560	SAMHSA for February 2012
03/26/2012	754221	Rimrock Foundation	3,318.31	7380-12640-403590	SAMHSA for February 2012
03/26/2012	754221	Rimrock Foundation	1,013.53	7380-12640-403990	SAMHSA for February 2012
03/26/2012	754222	Riverstone Health	7,245.00	0100-15110-321611	July-October 2011 business license health inspection fees.
03/26/2012	754230	Ruddock John	2,700.00	1500-22240-403810	TUITION ASSISTANCE: Spring 2012 - PHI305 ETHICAL THINKING (4CR); PSY369 SOCIAL PYSCH (4CR)
03/26/2012	754230	Ruddock John	217.50	1500-22240-403810	LAB/TECH/MATERIAL FEES & ONLINE TEXTBOOK FEE
03/26/2012	754247	Star Service Inc	2,580.86	4160-74930-409220	WO 04-26 ZONE 4 RESERVOIR; Pymt#28
03/26/2012	754247	Star Service Inc	2,426.49	4160-74930-409220	WO 04-26 ZONE 4 RESERVOIR PHASE 2; Pymt#28
03/26/2012	754247	Star Service Inc	1,190.99	4160-74930-409220	WO 04-26 ZONE 4 RESERVOIR; Pymt#28
03/26/2012	754247	Star Service Inc	5,050.04	4160-74930-409220	WO 04-26 ZONE 4 RESERVOIR; Pymt#28
03/26/2012	754254	Tetra Tech, Inc.	7,483.00	4980-55360-409390	Inspection of Underriner Building & recommendations prior to demolition (per scope of work.)
03/26/2012	754256	Thomas Properties, LLC	6,349.56	4660-31610-407840	SID 1369 Moore Lane; Refund Tax ID A27196 & A27198
03/26/2012	754258	Town & Country Supply Association	27,389.60	5610-71180-402313	Invoice #92982. Fuel for QTA fuel site
03/26/2012	754258	Town & Country Supply Association	920.84	1500-22260-402310	FIRE1: UNLEADED (280 GALLONS) DELIVERED 3/19/2012
03/26/2012	754258	Town & Country Supply Association	1,039.33	1500-22260-402310	FIRE1:UNLEADED (324 gallons)delivered 3/9/2012
03/26/2012	754258	Town & Country Supply Association	951.06	1500-22260-402310	FIRE3: DIESEL (284 GALLONS) DELIVERED 3/19/2012

03/26/2012	754258	Town & Country Supply Association	797.01	1500-22260-402310	FIRE5: DIESEL (238 DIESEL) DELIVERED 3/19/2012
03/26/2012	754258	Town & Country Supply Association	582.69	1500-22260-402310	FIRE6: DIESEL (174 GALLONS) DELIVERED 3/19/2012
03/26/2012	754258	Town & Country Supply Association	-0.03	1500-22260-402310	less/decimal point correction/#93223
03/26/2012	754258	Town & Country Supply Association	2,772.81	1500-22260-402310	FIRE2: DIESEL (828 GALLONS) DELIVERED 3/19/2012
03/26/2012	754258	Town & Country Supply Association	665.96	1500-22260-402310	FIRE1: #2 DYED DIESEL (200 gallons) delivered 3/9/2012
03/26/2012	754258	Town & Country Supply Association	602.78	1500-22260-402310	FIRE1: DIESEL (180 GALLONS) DELIVERED 3/19/2012
03/26/2012	754267	Wasteco Supply	49,987.00	5410-31220-404270	300 gallon barrels for solid waste
03/26/2012	754273	Yellowstone Valley Elec	154.41	6070-22350-403410	41790002:LANDFILL TOWER S ITE/ELEC SERVICE
03/26/2012	754273	Yellowstone Valley Elec	824.98	5020-74000-403410	4179006 MAR12
03/26/2012	754273	Yellowstone Valley Elec	772.66	1500-22210-403410	FIRE 7: MONTHLY ELECTRICAL SERVICE TO STATION
03/26/2012	754273	Yellowstone Valley Elec	0.00	6070-22350-403410	41790004:TANK(FOX) TOWER SITE/ELEC SERVICE
03/26/2012	754273	Yellowstone Valley Elec	59.00	5120-84000-403410	4179006 MAR12
03/26/2012	754273	Yellowstone Valley Elec	163.67	5120-85000-403410	4179008 MAR12
03/26/2012	754273	Yellowstone Valley Elec	19.00	5120-85000-403410	4179011 MAR12
03/26/2012	754273	Yellowstone Valley Elec	247.95	5120-85000-403410	4179015 MAR12
03/26/2012	754273	Yellowstone Valley Elec	165.97	5120-85000-403410	4179010 MAR12
03/26/2012	754273	Yellowstone Valley Elec	1,144.08	5120-84000-403410	4179008 MAR12
03/26/2012	754274	Yellowstone Valley Veterinary, Inc	3,636.78	4660-31610-407840	SID 1369 MOORE LANE; REFUND TAX ID# C12345A
03/26/2012	754275	Yellowstone Valley Veterinary, Inc	5,198.83	4660-31610-407840	SID 1369 Moore Lane; Refund Tax ID C12345A

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Payment of Claims April 2, 2012.

**PRESENTED BY:** Pat M. Weber, Finance Director

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$811,004.47 have been audited and are presented for your approval for payment. A complete listing of the claims dated April 2, 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**

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**Attachments**

List of claims greater than \$2500.

**AP Report > \$2,500 for 04/02/2012**

Check Date	Check	Name	Amount	Account	Item Desc
04/02/2012	754276	A-1 Landscaping & Nursery	1,788.00	6300-17530-407310	Inv. #4464 repairs to roundabout at King & Olympic #2010-176
04/02/2012	754276	A-1 Landscaping & Nursery	70.00	2660-67730-407291	Inv. 4475, Snow Removal on Lynn and Custer
04/02/2012	754276	A-1 Landscaping & Nursery	200.00	5210-15910-403990	SNOW REMOVAL
04/02/2012	754276	A-1 Landscaping & Nursery	330.00	5210-15920-403990	SNOW REMOVAL
04/02/2012	754276	A-1 Landscaping & Nursery	200.00	5210-15930-403990	SNOW REMOVAL
04/02/2012	754276	A-1 Landscaping & Nursery	200.00	5210-15940-403990	SNOW REMOVAL
04/02/2012	754276	A-1 Landscaping & Nursery	535.00	5210-15240-403990	SNOW REMOVAL
04/02/2012	754287	American Title & Escrow	21,065.00	2970-65550-407275	3/21/2012 Housing Rehab, Michelle Zahn, 220 S. 29th St.
04/02/2012	754305	Brenntag Pacific Inc	4,806.66	2110-31320-404721	Ice Slicer
04/02/2012	754305	Brenntag Pacific Inc	4,928.84	2110-31320-404721	ice slicer
04/02/2012	754319	Ebms	2,025.00	6270-17520-403511	EBMS April 2012 charges
04/02/2012	754319	Ebms	17,140.70	6270-17520-403512	EBMS April 2012 charges
04/02/2012	754319	Ebms	38,061.17	6270-17520-403515	EBMS April 2012 charges
04/02/2012	754319	Ebms	3,349.50	6270-17520-403515	EBMS April 2012 charges
04/02/2012	754319	Ebms	7,504.30	6270-17520-405161	EBMS April 2012 charges
04/02/2012	754336	High Tech Construction	44,440.11	5620-71200-409290	Airport's West End Office Building Project
04/02/2012	754339	Housing Authority Of Billings	45,000.00	2970-66801-407275	CDBG Reimb. Req. #1, Qtr 3
04/02/2012	754341	Interstate Powersystems	4,985.99	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM 289019
04/02/2012	754342	Jtl Group Inc Dba Knife River	1,702.92	2110-31320-404520	1 1/2" crushed base
04/02/2012	754342	Jtl Group Inc Dba Knife River	2,293.25	2110-31320-404520	3/4" crushed base
04/02/2012	754342	Jtl Group Inc Dba Knife River	36.41	2110-31320-404520	1 1/2" crushed base
04/02/2012	754342	Jtl Group Inc Dba Knife River	197.32	2110-31320-404520	1 1/2" crushed base
04/02/2012	754349	Library Ideas LLC	13,900.00	2600-55190-403381	Freegal Music Subscription - renewal
04/02/2012	754358	Montana Dakota Utilities Co	22.05	5020-74000-403440	07342023
04/02/2012	754358	Montana Dakota Utilities Co	100.28	5610-71170-403440	073869 28. March 2012 utilities. Row 1 Hangar #2.
04/02/2012	754358	Montana Dakota Utilities Co	390.17	5610-71130-403440	31454601
04/02/2012	754358	Montana Dakota Utilities Co	10,940.71	6500-15660-403440	32781001
04/02/2012	754358	Montana Dakota Utilities Co	61.51	5020-74000-403440	401 RIMROCK RD
04/02/2012	754358	Montana Dakota Utilities Co	42.05	2660-67730-407291	Inv. dated 3/16/2012, NSP Property on Lynn, Acct No. 06747827, Gas Heating Exp.

04/02/2012	754358	Montana Dakota Utilities Co	35.26	5020-74000-403440	07365822
04/02/2012	754358	Montana Dakota Utilities Co	35.26	5020-74000-403440	07365822
04/02/2012	754358	Montana Dakota Utilities Co	279.48	5610-71170-403440	073858 25. March 2012 utilities. 1737 Hwy 3. TSA Building
04/02/2012	754358	Montana Dakota Utilities Co	10.40	5610-71130-403440	31454801
04/02/2012	754358	Montana Dakota Utilities Co	38.15	2660-67730-407291	Inv. Dated 3/16/2012, NSP Property on Custer, Acct No. 06585125, Gas Heating Exp.
04/02/2012	754358	Montana Dakota Utilities Co	1,570.70	5610-71130-403440	07385922
04/02/2012	754358	Montana Dakota Utilities Co	434.26	5610-71190-403440	379125 01. March 2012 utilities. QTA Mudwash
04/02/2012	754358	Montana Dakota Utilities Co	1,202.56	5610-71190-403440	377185 02. March 2012 utilities. QTA Car Wash
04/02/2012	754358	Montana Dakota Utilities Co	6,976.31	5610-71120-403440	7387221
04/02/2012	754358	Montana Dakota Utilities Co	960.40	5610-71170-403440	07388722
04/02/2012	754358	Montana Dakota Utilities Co	103.71	5610-71190-403440	379127 01. March 2012 utilites. Hertz Detail Bay #1
04/02/2012	754358	Montana Dakota Utilities Co	10.40	5610-71170-403440	07388824
04/02/2012	754358	Montana Dakota Utilities Co	76.24	5610-71190-403440	379131 01. March 2012 utilities. Nat/Alamo Detail Bay #2
04/02/2012	754358	Montana Dakota Utilities Co	2,631.24	5120-84000-403440	07555321
04/02/2012	754358	Montana Dakota Utilities Co	5,262.47	5120-84000-403440	07555321
04/02/2012	754358	Montana Dakota Utilities Co	2,631.24	5120-84000-403440	07555321
04/02/2012	754358	Montana Dakota Utilities Co	69.93	5610-71190-403440	379128 01. March 2012 utilities. Enterprise Detail Bay #3
04/02/2012	754358	Montana Dakota Utilities Co	351.36	0100-51270-403440	07586821
04/02/2012	754358	Montana Dakota Utilities Co	102.56	5610-71190-403440	379129 01. March 2012 utilities. Avis/Budget Detail Bay #4
04/02/2012	754358	Montana Dakota Utilities Co	1,829.37	6500-15670-403440	07610421
04/02/2012	754358	Montana Dakota Utilities Co	56.77	5610-71190-403440	379130 01. March 2012 utilities. Thrifty/Dollar Detail Bay #5
04/02/2012	754358	Montana Dakota Utilities Co	2,757.61	2600-55120-403440	07617521
04/02/2012	754358	Montana Dakota Utilities Co	104.33	5210-15950-403440	07624629
04/02/2012	754358	Montana Dakota Utilities Co	32.04	5210-15950-403440	07624725
04/02/2012	754358	Montana Dakota Utilities Co	38.87	5210-15950-403440	07624823
04/02/2012	754358	Montana Dakota Utilities Co	1,800.32	5710-71430-403440	07647023
04/02/2012	754358	Montana Dakota Utilities Co	844.01	1500-22210-403440	07676421
04/02/2012	754358	Montana Dakota Utilities Co	376.94	1500-22210-403440	07935121

04/02/2012	754358	Montana Dakota Utilities Co	503.96	5410-31230-403440	08073321
04/02/2012	754358	Montana Dakota Utilities Co	60.77	5020-74000-403440	31753602
04/02/2012	754358	Montana Dakota Utilities Co	781.40	1500-21710-403440	32062801
04/02/2012	754358	Montana Dakota Utilities Co	1,917.04	6500-15660-403440	32577402
04/02/2012	754358	Montana Dakota Utilities Co	184.74	6500-15660-403440	32629302
04/02/2012	754358	Montana Dakota Utilities Co	594.84	6500-15660-403440	32708002
04/02/2012	754358	Montana Dakota Utilities Co	22.62	5120-85000-403440	32739201
04/02/2012	754358	Montana Dakota Utilities Co	24.34	5120-85000-403440	33154101
04/02/2012	754358	Montana Dakota Utilities Co	13.82	5210-15920-403440	34941902
04/02/2012	754358	Montana Dakota Utilities Co	23.18	5120-85000-403440	35059801
04/02/2012	754358	Montana Dakota Utilities Co	339.92	1500-22210-403440	35322001
04/02/2012	754358	Montana Dakota Utilities Co	35.07	5120-85000-403440	36738301
04/02/2012	754358	Montana Dakota Utilities Co	100.12	6600-31100-403440	37667401
04/02/2012	754358	Montana Dakota Utilities Co	150.20	6700-31410-403440	37667401
04/02/2012	754363	Morrison Maierle Inc	6,767.67	5030-75910-409340	WO 10-08 WTP CLEARWELL CT; Pymt#13/120050
04/02/2012	754363	Morrison Maierle Inc	5,016.29	2100-51510-409390	WO 11-10 25th Street Pedestrian Bridge; Pymt5/120280
04/02/2012	754363	Morrison Maierle Inc	777.53	2360-43700-409370	WO 11-10 25th Street Pedestrian Bridge; Pymt /120280
04/02/2012	754371	National Environmental Health Association	4,500.00	0100-14110-408124	Priority Based Budgeting February 2012
04/02/2012	754378	Northwestern Energy	6,507.75	6500-15670-403410	01005073
04/02/2012	754378	Northwestern Energy	606.47	1500-22210-403410	07125370
04/02/2012	754378	Northwestern Energy	382.32	5610-71170-403410	0712792-1. March 2012 utilites. Building 17
04/02/2012	754378	Northwestern Energy	78.51	2600-55120-403410	07244643
04/02/2012	754378	Northwestern Energy	102.86	8720-51980-403410	10590933
04/02/2012	754378	Northwestern Energy	294.14	5710-71480-403410	17847567
04/02/2012	754378	Northwestern Energy	1,579.33	5020-74000-403410	3116 17TH ST WEST
04/02/2012	754378	Northwestern Energy	2,340.09	1500-22210-403410	FIRE 1: ELECTRIC SERVICE TO STATION & 911 CENTER
04/02/2012	754378	Northwestern Energy	1,270.67	0100-51270-403410	Monthly electric charges for PRPL office and community center.
04/02/2012	754378	Northwestern Energy	91.22	0100-51220-403410	07126832
04/02/2012	754378	Northwestern Energy	16.05	5610-71170-403410	0712799-6. March 2012 utilities. IP8 Building L20
04/02/2012	754378	Northwestern Energy	7.15	0100-51120-403410	08317026
04/02/2012	754378	Northwestern Energy	88.53	5210-15950-403410	13815279

04/02/2012	754378	Northwestern Energy	252.65	1500-21150-403410	19841501
04/02/2012	754378	Northwestern Energy	1,579.33	5020-74000-403410	3116 17TH ST WEST
04/02/2012	754378	Northwestern Energy	22.74	5710-71480-403410	07127640
04/02/2012	754378	Northwestern Energy	1,203.89	5610-71170-403410	0712800-2. March 2012 utilities. IP-9
04/02/2012	754378	Northwestern Energy	1,806.85	0100-51120-403410	15942824
04/02/2012	754378	Northwestern Energy	252.92	1500-21150-403410	19841550
04/02/2012	754378	Northwestern Energy	7.15	5610-71170-403410	0712809-3. March 2012 utilities. IP-11
04/02/2012	754378	Northwestern Energy	437.04	5210-15950-403410	07208291
04/02/2012	754378	Northwestern Energy	218.42	5610-71170-403410	0712817-6. March 2012 utilities. 1011 Medicine Rock Road.
04/02/2012	754378	Northwestern Energy	4,105.24	5210-15920-403410	07208341
04/02/2012	754378	Northwestern Energy	56.69	5610-71130-403410	0719616-5. March 2012 utilities. ARFF Facility Lights
04/02/2012	754378	Northwestern Energy	263.98	1500-22210-403410	07208408
04/02/2012	754378	Northwestern Energy	1,978.88	5020-74000-403410	07230436
04/02/2012	754378	Northwestern Energy	165.13	5610-71190-403410	2001848-7. March 2012 utilities. Detail Bay #1
04/02/2012	754378	Northwestern Energy	232.52	5610-71190-403410	2001855-2. March 2012 utilities. Detail Bay #2
04/02/2012	754378	Northwestern Energy	119.98	5610-71190-403410	2001862-8. March 2012 utilities. Detail Bay #3
04/02/2012	754378	Northwestern Energy	161.88	5610-71190-403410	2001865-1. March 2012 utilities. Detail Bay #4
04/02/2012	754378	Northwestern Energy	108.19	5610-71190-403410	2001867-7. March 2012 utilities. Detail Bay #5
04/02/2012	754381	One Eighty Communications	40.60	5610-71100-403450	Airport 2948370 Airport Alarm
04/02/2012	754381	One Eighty Communications	3,917.62	6060-19310-403450	Main Bill Acct 00001906
04/02/2012	754381	One Eighty Communications	195.67	6060-19310-403450	Main Bill T-1 Account 00018768
04/02/2012	754381	One Eighty Communications	39.00	1500-21110-403450	CPC line 247-8592 Account 00018768
04/02/2012	754381	One Eighty Communications	46.00	0100-51120-403450	Dehler Park line 867-7275
04/02/2012	754381	One Eighty Communications	326.56	6600-31100-403450	One Eighty Depot □ 60% 6700 31410 403450 40% 6600 31100 403450
04/02/2012	754381	One Eighty Communications	489.86	6700-31410-403450	One Eighty Depot □ 60% 6700 31410 403450 40% 6600 31100 403450
04/02/2012	754381	One Eighty Communications	79.95	6200-19110-403452	IT Internet Connection

04/02/2012	754381	One Eighty Communications	1,526.97	2600-55180-403590	Library Internet Connection
04/02/2012	754386	Polydyne Inc	47,025.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288989
04/02/2012	754389	Power Service Inc	1,480.25	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM 288942
04/02/2012	754389	Power Service Inc	4,854.68	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM 289022
04/02/2012	754391	Public Utilities	1,221.22	5120-84000-403420	187212152
04/02/2012	754391	Public Utilities	150,817.31	8050-15700-405350	6712510003200
04/02/2012	754391	Public Utilities	420.96	5120-85000-403420	671274846
04/02/2012	754391	Public Utilities	88.72	2110-31320-403420	671294847
04/02/2012	754394	Qwest Communications	48.71	2250-22320-403450	Qwest 406-245-2296 911 Qwest
04/02/2012	754394	Qwest Communications	45.65	2250-22320-403450	Qwest 406-245-3107 911 Qwest
04/02/2012	754394	Qwest Communications	45.65	2250-22320-403450	Qwest 406-245-3108 911 Qwest
04/02/2012	754394	Qwest Communications	39.44	5020-74000-403450	Qwest 406-245-3659 PUD Alarm Water Tower
04/02/2012	754394	Qwest Communications	45.66	5610-71100-403450	Qwest 406-245-5834 Airport Alarm
04/02/2012	754394	Qwest Communications	39.44	2600-55120-403450	Qwest 406-245-7337 Library Alarm CKT
04/02/2012	754394	Qwest Communications	119.32	1500-22250-403450	Qwest 406-245-7469 Fire
04/02/2012	754394	Qwest Communications	45.66	1500-21110-403450	Qwest 406-245-7481 Police
04/02/2012	754394	Qwest Communications	228.20	6060-19310-403450	Qwest 406-248-3049 Main System T1 City/County Tie
04/02/2012	754394	Qwest Communications	311.26	6070-22350-403450	Qwest 406-248-3635 Fire Airport Radio Tower WCK
04/02/2012	754394	Qwest Communications	311.26	6070-22350-403450	Qwest 406-248-3636 Fire Airport Radio Tower Jellison
04/02/2012	754394	Qwest Communications	43.44	5210-15920-403450	Qwest 406-252-2041 Park 2 Elevator Phone
04/02/2012	754394	Qwest Communications	86.88	5610-71100-403450	Qwest 406-252-9412 Airport
04/02/2012	754394	Qwest Communications	44.94	6010-15500-403450	Qwest 406-256-5047 Motor Pool
04/02/2012	754394	Qwest Communications	44.35	5610-71100-403450	Qwest 406-256-7070 Airport
04/02/2012	754394	Qwest Communications	28.82	5120-85000-403450	Qwest 406-259-2328 PUD Sahara Sand Lift Station
04/02/2012	754394	Qwest Communications	44.67	2110-31320-403450	Qwest 406-259-3298 PW Traffic 3728 McDougall
04/02/2012	754394	Qwest Communications	51.56	6600-31100-403450	Qwest 406-259-7758 Measured Lines Depo 60% 6700 31410 403450 40% 6600 31100 403450

04/02/2012	754394	Qwest Communications	77.34	6700-31410-403450	Qwest 406-259-7758 Measured Lines Depo 60% 6700 31410 403450 40% 6600 31100 403450
04/02/2012	754394	Qwest Communications	118.32	1500-22250-403450	Qwest 406-373-3742 Fire RR Crossing Alarm
04/02/2012	754394	Qwest Communications	43.44	2250-22320-403450	Qwest 406-651-0282 Fire 5 911 Line
04/02/2012	754394	Qwest Communications	43.44	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
04/02/2012	754394	Qwest Communications	44.35	0100-51120-403450	Qwest 406-652-5507 Parks
04/02/2012	754394	Qwest Communications	29.63	2110-31320-403450	Qwest 406-652-8104 PW Traffice Signal 24 Central
04/02/2012	754394	Qwest Communications	33.22	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
04/02/2012	754394	Qwest Communications	43.44	1500-21110-403450	Qwest 406-656-1046 PD3 FAX Line
04/02/2012	754394	Qwest Communications	28.82	2400-43010-407214	Qwest 406-656-9578 Planning Traffic Central Broadwater
04/02/2012	754394	Qwest Communications	28.82	2400-43010-407214	Qwest 406-656-9604 Planning Traffic Central 9th
04/02/2012	754394	Qwest Communications	28.82	0100-51120-403450	Qwest 406-657-3014 Parks 3890 Stillwater
04/02/2012	754394	Qwest Communications	3,620.61	6060-19310-403450	Qwest 406-657-8377 Main System Centrex
04/02/2012	754394	Qwest Communications	48.24	5610-71170-403450	Qwest 406-256-6014 Airport P9 Building
04/02/2012	754394	Qwest Communications	10.57	2250-22320-403450	Qwest 406-255-9703 Account 84400267 911 Line
04/02/2012	754398	Safetech, Inc	32,900.00	4980-55360-409390	Underriner Bldg Demo - Asbestos Abatement
04/02/2012	754398	Safetech, Inc	-329.00	4980-55360-409390	Less 1% Gross Receipts Withholding
04/02/2012	754400	Sanderson Stewart	1,245.17	2330-43700-409390	SWORDS PARK TRAIL STPE 10 99 (60)
04/02/2012	754400	Sanderson Stewart	81,771.88	5030-75910-409340	WO 12-01 2012 Water & Sewer Replacement Sch 1; Pymt4/33567
04/02/2012	754401	Security By Kenco	4,560.00	5020-74000-402360	30X DOME PTZ D/N CAMERA
04/02/2012	754405	Srs Crisafulli Inc	2,841.76	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
04/02/2012	754408	Sunset Excavation	675.00	5050-75150-403671	1621 ALDERSON
04/02/2012	754408	Sunset Excavation	3,100.00	5050-75150-403671	700 TORCH DR
04/02/2012	754409	Terryberry Manufacturing	3,206.73	0100-17500-403365	Service Awards - pins and watches Inv. #934162
04/02/2012	754412	Town & Country Supply Association	36,798.55	6010-00000-141000	289002 PO NUM 289002
04/02/2012	754412	Town & Country Supply Association	20,075.37	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288985
04/02/2012	754412	Town & Country Supply Association	662.63	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288988

04/02/2012	754412	Town & Country Supply Association	23,441.60	6010-00000-141714	289004 PO NUM 289004
04/02/2012	754412	Town & Country Supply Association	6,676.80	6010-00000-141714	289004 PO NUM 289004
04/02/2012	754419	Verizon Wireless	484.81	5610-71100-403450	Airport
04/02/2012	754419	Verizon Wireless	215.05	1500-21700-403450	Animal Shelter MDT
04/02/2012	754419	Verizon Wireless	131.55	1500-21700-403450	Animal Shelter
04/02/2012	754419	Verizon Wireless	394.09	7170-21660-403450	CCSIU Cell/PTT
04/02/2012	754419	Verizon Wireless	86.16	7170-21660-403450	CCSIU
04/02/2012	754419	Verizon Wireless	43.01	7170-21660-403450	CCSIU Air Card
04/02/2012	754419	Verizon Wireless	86.02	7170-21660-403450	CCSIU RAVEN
04/02/2012	754419	Verizon Wireless	49.11	0100-16110-403450	Legal
04/02/2012	754419	Verizon Wireless	53.29	1500-22250-403450	Comm Center 911
04/02/2012	754419	Verizon Wireless	43.01	1500-22210-403450	Fire MIFI
04/02/2012	754419	Verizon Wireless	64.81	6500-15650-403450	Facilities BOC□ Plus 70% of 406-672-3027
04/02/2012	754419	Verizon Wireless	688.47	1500-22210-403450	Fire MDT
04/02/2012	754419	Verizon Wireless	84.30	6500-15670-403450	Facilities City Hall□ Plus 30% of 406-672-3027
04/02/2012	754419	Verizon Wireless	129.03	6200-19110-403450	ITD Air Card & MIFI
04/02/2012	754419	Verizon Wireless	89.80	0100-15120-403450	Finance Pat Weber
04/02/2012	754419	Verizon Wireless	129.03	2600-55170-403450	Library Outreach Air Cards
04/02/2012	754419	Verizon Wireless	633.37	1500-22210-403450	Fire Department
04/02/2012	754419	Verizon Wireless	3,539.34	1500-21110-403450	Police MDT Toughbook
04/02/2012	754419	Verizon Wireless	58.84	0100-17500-403450	Human Resources
04/02/2012	754419	Verizon Wireless	43.01	1500-21110-403450	Police ICAC
04/02/2012	754419	Verizon Wireless	13.12	6200-19130-403450	ITD GIS
04/02/2012	754419	Verizon Wireless	165.94	1500-21110-403450	Police US Marshall MDT
04/02/2012	754419	Verizon Wireless	26.24	6200-19110-403450	ITD
04/02/2012	754419	Verizon Wireless	43.01	0100-51120-403450	Parks PMD Air Card
04/02/2012	754419	Verizon Wireless	258.06	2090-44510-403450	Building Air Cards
04/02/2012	754419	Verizon Wireless	26.24	2600-55170-403450	Library Outreach
04/02/2012	754419	Verizon Wireless	43.01	6700-31410-403450	Engineering Air Card
04/02/2012	754419	Verizon Wireless	160.05	2600-55120-403450	Library
04/02/2012	754419	Verizon Wireless	42.80	0100-11000-403450	Mayor
04/02/2012	754419	Verizon Wireless	25.81	5020-75000-403450	PUD Air Card 406-794-8054□ 60% 5020 75000 403450 40% 5120 85000 403450

04/02/2012	754419	Verizon Wireless	17.20	5120-85000-403450	PUD Air Card 406-794-8054 □ 60% 5020 75000 403450 40% 5120 85000 403450
04/02/2012	754419	Verizon Wireless	86.02	0100-43210-403450	Code Enforcement Air Cards
04/02/2012	754419	Verizon Wireless	49.19	6010-15500-403450	Motor Pool
04/02/2012	754419	Verizon Wireless	53.17	0100-12200-403450	Drug Court
04/02/2012	754419	Verizon Wireless	158.84	0100-12120-403450	Municipal Court Judge
04/02/2012	754419	Verizon Wireless	13.12	2400-43010-403450	Planning
04/02/2012	754419	Verizon Wireless	2,917.98	1500-21110-403450	Police
04/02/2012	754419	Verizon Wireless	90.56	2510-21870-403450	Police Forensic 406-794-6880 □ 406-698-7323
04/02/2012	754419	Verizon Wireless	357.15	1500-21110-403450	Police Resource Officers
04/02/2012	754419	Verizon Wireless	22.83	2490-21960-403450	Police DV 406-698-1391
04/02/2012	754419	Verizon Wireless	48.12	5210-15210-403450	Parking
04/02/2012	754419	Verizon Wireless	66.01	0100-51100-403450	PRPL Admin
04/02/2012	754419	Verizon Wireless	128.30	0100-51210-403450	PRPL Recreation
04/02/2012	754419	Verizon Wireless	46.05	0100-51400-403450	Cemetery
04/02/2012	754419	Verizon Wireless	43.89	0100-51120-403450	Parks PMD
04/02/2012	754419	Verizon Wireless	1,702.48	0100-51120-403450	Parks
04/02/2012	754419	Verizon Wireless	195.74	0100-51120-403450	Parks Irrigation
04/02/2012	754419	Verizon Wireless	351.29	6600-31100-403450	Public Works Admin
04/02/2012	754419	Verizon Wireless	138.34	2090-44510-403450	Building
04/02/2012	754419	Verizon Wireless	311.78	6700-31410-403450	Engineering
04/02/2012	754419	Verizon Wireless	98.53	5410-31210-403450	Solid Waste
04/02/2012	754419	Verizon Wireless	427.42	2110-31320-403450	Streets
04/02/2012	754419	Verizon Wireless	86.41	5410-31230-403450	Solid Waste On Call
04/02/2012	754419	Verizon Wireless	653.51	5020-75000-403450	Distribution & Collection 60% 5020-75000- 403450 □ Distribution & Collection 40\$ 5120-85000-403450
04/02/2012	754419	Verizon Wireless	435.66	5120-85000-403450	Distribution & Collection 60% 5020-75000- 403450 □ Distribution & Collection 40\$ 5120-85000-403450
04/02/2012	754419	Verizon Wireless	19.35	5020-77000-403450	PUD Environmental 50% 5020-77000-403450 □ PUD Environmental 50% 5120-87000-403450

04/02/2012	754419	Verizon Wireless	19.35	5120-87000-403450	PUD Environmental 50% 5020-77000-403450 □ PUD Environmental 50% 5120-87000-403450
04/02/2012	754419	Verizon Wireless	806.17	5020-74000-403450	Water Treatment □ PWBelknap-WT
04/02/2012	754419	Verizon Wireless	441.39	5020-73120-403450	PWBLKNP MTRSHOP
04/02/2012	754419	Verizon Wireless	69.66	5020-73110-403450	Belknap Office 60% 5020-73110-403450 □ Belknap Office 40\$ 5120-83110-403450
04/02/2012	754419	Verizon Wireless	46.44	5120-83110-403450	Belknap Office 60% 5020-73110-403450 □ Belknap Office 40\$ 5120-83110-403450
04/02/2012	754419	Verizon Wireless	87.15	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450 □ PWBLKNP STORES 25% 5120-83140-403450
04/02/2012	754419	Verizon Wireless	29.05	5120-83140-403450	PWBLKNP STORES 75% 5020-73140-403450 □ PWBLKNP STORES 25% 5120-83140-403450
04/02/2012	754419	Verizon Wireless	1,039.88	5120-84000-403450	Wastewater Treatment Plant
04/02/2012	754419	Verizon Wireless	35.17	6060-19310-403450	TeleComm Manager
04/02/2012	754419	Verizon Wireless	91.88	5710-71420-403160	On Call MET
04/02/2012	754419	Verizon Wireless	40.61	5710-71410-403450	MET Transit
04/02/2012	754419	Verizon Wireless	2.82	0100-43210-403450	Code Enforcement □ (Credit \$88.66)
04/02/2012	754419	Verizon Wireless	178.84	5710-71470-403160	MET Verizon AVL Account 770599076-00001
04/02/2012	754423	Western Engineered Solutions	1,388.00	5120-84000-402360	INSPECT AND TEST BREAKER
04/02/2012	754423	Western Engineered Solutions	2,916.00	5120-84000-402360	INSPECT AND TEST BREAKER

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Zone Change #885 - Livestock and Poultry - Continued Public Hearing and 1st reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change that will amend Section 27-607 of the Billings, Montana, City Code (BMCC) to clarify that both livestock and fowl (poultry) are not allowed uses within the City of Billings. The current code requires consultation of 3 sections of the code to determine whether poultry is an allowed or prohibited use. The proposed amendment will make the prohibition clear within Section 27-607 without requiring a reading of other sections of the code. The City Zoning Commission initiated this amendment on February 7, 2012. The Zoning Commission conducted a public hearing on March 6, 2012, and is forwarding a recommendation of approval on a 4-0 vote. The City Council conducted a public hearing on March 26, 2012, and voted to delay action on this item for 30 days.

**ALTERNATIVES ANALYZED**

The City Council may:

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

**FINANCIAL IMPACT**

There should be no financial impact to the City from the zone change amending the text of the regulations.

**BACKGROUND**

The current code was unified with the County Zoning Regulations in 1997 and it appears some language was inadvertently deleted at the time. The City Council and the City Zoning Commission considered requests to amend the zoning code to allow poultry (urban chickens) and both the Council and the Zoning Commission declined to initiate those amendments. The clarification of the code will ensure appropriate and accurate enforcement of the prohibition of poultry within the city limits.

In order to make the regulations consistent, the proposed amendment adds the word "fowl" to the first sentence under Section 27-607 - a supplementary section to the main zoning district regulations for residential zoning at 27-305 and commercial/industrial zoning at 27-306. This does not effect the current prohibition on raising livestock and fowl within the city limits, but ensures consistency among all Code sections related to the same subject. The current code requires consultation of 3 sections - 27-201 (Definitions), 27-305 (Residential Uses) or 27-306 (Commercial/Industrial Uses) and 27-607 (Livestock and Fowl) to determine whether poultry is an allowed use within the city limits. Keeping livestock and fowl within the city limits has not

been an allowed use since at least 1972.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on March 6, 2012, and received testimony from Doug Ruebke, Carol Braaten, Emily Gocke-Smith, Kyle Pirami, TJ Wierenga, Carol Sunderland, Dan House and Nathan Blanding.

Doug Ruebke testified in favor of the amendment. He stated he sits on the Animal Control Board but is not representing the views of that board but his personal views. He advised the Zoning Commission to review the code in depth so any and all potential loopholes are closed and the code is very clear that chickens and other fowl are not allowed in the city limits.

Carol Braaten testified in opposition to the zone change. She stated she represents a large group of constituents in Billings who are advocating to keep a small number of female chickens. She stated there have always been people in Billings who keep a few hens and there is no point to adding a few words to make all of the hen keepers outlaws. Ms. Braaten stated the hens kept in Billings are pets, they are not livestock or fowl as the code states. These are not large commercial agriculture operations. She urged the Zoning Commission not to shut the door on the possibility of keeping a few chickens in Billings.

Emily Gocke-Smith testified in opposition of the zone change. She stated she is involved with the advocates for urban hens and is a veterinarian. She provided testimony to the Zoning Commission last June in support of the change to the code to allow hens. She stated she now understood how the code should be read but is still not in favor of the amendment. She stated some people who keep hens now were told by city staff the code was vague and went ahead and acquired chickens based on the vagueness of the code. She stated this amendment would place a finality on the code that currently does not exist.

Kyle Pirami testified in opposition. He stated he is in favor of people keeping a few hens. He stated hens and chickens were quiet compared to dogs - with the exception of roosters. He stated if you have a sand box for your kids you know the neighbor's cats will use it for their litter box but people in Billings get to keep cats. He stated hens would not jump fences to use your backyard as a dumping ground. He stated hens are quiet at night compared to some dogs in Billings. He stated some people have hens based on city staff advice that the code was vague.

TJ Wierenga testified in opposition to the code amendment. She stated that she was the individual who spearheaded the effort last spring to request a code amendment to allow chickens in Billings. She stated last year she had to call the city staff 8 times before she got a clear answer that chickens were not allowed within the city. She presented a list of 150 cities in the United States that now allow the keeping of hens. She stated she conducted a hen expo last summer, maintains a website for chicken advocates, a Facebook page to share information, and runs a chicken relocation program for people who inadvertently raise a rooster or who are turned into the city code enforcement. She stated they have relocated about 5 dozen chickens so far and is now working with community gardens to compost chicken waste for use as fertilizer. She stated her group has a petition with over 250 signatures in favor of keeping chickens in Billings. She asked the Zoning Commission why it was outlawing chickens in Billings now, just when her group is working to change that prohibition. She stated there was no problem now with people who keep chickens in Billings. She stated she was concerned the heavy hand of enforcement would now be wielded against Billings chicken keepers.

Carol Sunderland testified in opposition to the amendment. She stated she testified in June last year to the Zoning Commission and to the City Council in the fall. She stated she personally does not want any chickens but wanted her friends and neighbors to be able to keep hens. She stated some members of the Zoning Commission and the Council have said they have nothing against hens but every vote and amendment states otherwise. She stated she expected the Zoning Commission and Council to be their representatives but appears they are not listening and have not reasonably considered the petitions of the advocates on this issue. She stated all she has ever heard from the Council and Commission is personal bias against chickens. She stated there were many people here in favor of hens but only one person against keeping hens.

Dan House testified in opposition to the amendment. He stated he understands the Zoning Commission's role is not to make major amendments to the proposal at this time but it should consider the testimony in favor of keeping hens in Billings. He stated he believes the Council is using the Zoning Commission as a cat's paw to prohibit keeping hens.

Nathan Blanding testified in opposition. He stated the Zoning Commission should make keeping hens legal throughout the city. He stated a small number of hens perhaps 3-6 would be a reasonable proposal. The hens would provide food for the homeowner and would not be a commercial operation at all. He stated it defies logic and common sense to continue this campaign against a small number of hens. He stated the existing code is up for interpretation and perhaps the Zoning Commission should make it clear that hens are allowed and not prohibited as the staff advocates.

There was no other testimony.

Commission Member Hawkins stated she had received an ex-parte telephone call from Bill Iverson on this issue urging her to not recommend approval of the text amendment. He stated a few hens would be a benefit to many within the city and she should vote accordingly. In response to a question from Chairman Dailey, Planning Staff clarified the intent of the amendment was not to prohibit chickens but to ensure a correct interpretation of the existing code. Planning Staff explained that all code enforcement is based on receiving a complaint and that complaint must be verified by a field inspection by a code enforcement officer. Planning Staff stated the amendment does not forestall or obstruct in anyway a future amendment of the code to allow keeping hens in Billings. Planning staff stated an amendment to allow hens in Billings is not under consideration with Zone Change #885. The Zoning Commission is forwarding a recommendation of approval on a 4-0 vote.

### **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

Prior to any action to approve or disapprove, the City Council will consider the recommendation of the Zoning Commission and consider the testimony provided at the public hearing. The Growth Policy recommends updating regulations to provide predictable land uses throughout neighborhoods and to provide compatible uses within those districts. The update to code provides clarity and consistency across several sections of the zoning code.

### **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval for Zone Change #885 on a 4-0 vote.

### **APPROVED BY CITY ADMINISTRATOR**

## Ordinance

**ORDINANCE NO. 12 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-607 – LIVESTOCK AND FOWL – TO DELETE LANGUAGE AND TO ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

**Section 2. DESCRIPTION.** The zoning regulation shall apply to all land within the City of Billings.

**Section 3. AMENDMENT.** That the Billings, Montana City Code be amended by revising Section 27-607 as follows:

**Sec. 27-607. Livestock and Fowl.**

Livestock and fowl, as defined in BMCC Section 27-201, shall not be maintained in any zoning district located within the limits of the city except as provided within Section 27-305 or 27-306. (~~see also BMCC Sections 4-501 through 4-505~~). However, horses may be permitted in the City when located within a Planned Development, as described in Section 27-1303, that is specifically designed to accommodate horses and/or equestrian centers.

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

**Section 5. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 6. 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 March 26, 2012.

PASSED, ADOPTED AND APPROVED on second reading April 9, 2012.

CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_

Cari Martin, City Clerk

ZC #885 – Text – Livestock & Fowl

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Public Hearing & Action on Allocations / Annual Action Plan for Community Development Block Grant (CDBG) & HOME Investment Partnership (HOME) Programs

**PRESENTED BY:** Brenda Beckett

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City Council is scheduled to hold a public hearing on the allocation of the City of Billings CDBG and HOME funding and annual Action Plan for FY2012-2013. The public hearing is a mandatory condition to receive U.S. Department of Housing and Urban Development (HUD) entitlement funding. City Council action is needed to approve the FY2012-2013 Action Plan and budget recommendations in preparation for HUD's submission deadline for the annual Action Plan on May 15 (see Attachment A). This Action Plan represents the third year of the City's overall five-year Consolidated Plan covering FY2010-2014. An additional informational presentation was made during an April City Council Work Session.

**ALTERNATIVES ANALYZED**

- 1) Hold a public hearing and approve the allocation of CDBG and HOME funding and the FY2012-2013 Action Plan as recommended by Staff and the Community Development Board.
- 2) Hold a public hearing and approve the allocation of CDBG and HOME funding and the FY2012-2013 Action Plan based on alternative funding strategies as determined by the City Council (Please refer to the *Funding Allocation Requirements* section of the Council memo).
- 3) Do not hold a public hearing and do not approve allocations of CDBG and HOME funding and the FY2012-2013 Action Plan and return funding to HUD.

**FINANCIAL IMPACT**

The Congressional budget for CDBG and HOME has been set to date for the City's FY2012-2013, reflecting a 21% overall budget decrease in new funding since last year. The City is receiving allocations of \$570,374 in new CDBG funding and \$314,609 in HOME funding; a nearly \$235,000 decrease since last year. Program income and funding remaining from completed projects brings the totals projected for allocation for this fiscal year to \$847,640 for CDBG and \$442,686 for the HOME program.

Federal revenues projected for the CDBG and HOME programs are provided through HUD (see Attachment B). Staff and Community Development Board recommendations are attached (see Attachment C) and comply with funding limitations.

## **BACKGROUND**

### **INTRODUCTION**

The Community Development Board has completed the recommendations and public input process for the allocation of CDBG and HOME funding for FY2012-2013. Also considered during this process is the City's FY2012-2013 Action Plan, which addresses needs identified through the Housing Needs Assessment (2010) and the Analysis of Impediments to Fair Housing Choice (2007). The drafted plans can be viewed online at [www.ci.billings.mt.us/CDreports](http://www.ci.billings.mt.us/CDreports).

The five-year Consolidated Plan for FY2010-2014 is required for participation by the City of Billings in HUD programs, including: CDBG and HOME; homeless programs funded under the McKinney-Vento Act; and the Housing for Persons with AIDS (HOPWA) program. The City of Billings does not receive McKinney-Vento or HOPWA funds, therefore the City's Consolidated Plan and Action Plans are focused on CDBG and HOME activities.

The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated fashion utilizing available federal and non-federal resources. The Consolidated Plan and Action Plan serve as planning tools for the City's CDBG and HOME programs and combines the planning and application requirements for the City's HUD-funded programs. This allows program planning and citizen participation to take place in a comprehensive context covering both programs.

### **PROCEDURAL HISTORY**

The City of Billings has been receiving CDBG funds since the mid-1970s and HOME funds since the early 1990s. These funds are provided by the federal government and are primarily targeted in Billings to address the affordable housing and neighborhood revitalization needs of the community.

In allocating CDBG and HOME resources, the Community Development Division facilitates an extensive process to gather public input on the use of federal funds. Applications were available at the beginning of December and due at the end of January. Applications are then forwarded to the Community Development Board and recommendations are prepared for the City Council consideration. Task force input was requested in February and March on housing and neighborhood projects (see Attachment D). The Community Development Board held budget hearings on the use of the CDBG and HOME resources on March 15 and prepared preliminary recommendations on April 3.

The City Council public hearing is required by the Federal government and is part of the 30-day public comment period on the program beginning March 23 and extending to April 23. The City Council is also scheduled to act on the CDBG and HOME programs during the April 23 meeting. An application will then be submitted by HUD's May 15 deadline for review and, pending HUD approval, the program year will begin July 1.

### **FUNDING ALLOCATION REQUIREMENTS**

Allocation recommendations conform to pre-determined spending requirements on several categories including: CDBG and HOME Administration caps (maximum of 20% and 10% of new funding prospectively); Public Service Caps (up to 15% of new CDBG funding); and Community

Housing Development Organizations (at least 15% of new HOME funding).

Changes within funding requirements are allowed within certain categories. Affordable Housing and Neighborhood Project funding amounts can be exchanged. A change in the Public Services category should result in an equal change in the same category. Changes made out of compliance with federal spending requirements would place the City's entitlement for federal funds at risk.

The allocation of funding is restricted by the eligibility requirements for CDBG and HOME funding. Projects are focused on activities that promote new affordable housing or preserving the existing supply of affordable housing and neighborhoods where the affordable housing stock is located. The applications for housing and neighborhood activities are consistent with this focus. The Community Development Board reviewed the proposed projects and analyzed various alternatives for funding.

The City is required to provide no more than 20% of its CDBG funding for administration and planning type activities (\$168,821), and no more than 10% of HOME funding for administrative purposes (\$31,461). The City must also provide at least 15% of its annual HOME allocation (\$47,191) for activities carried out by Community Housing Development Organizations (CHDOs). The City may, but is not required, to allocate up to 15% of CDBG resources (\$109,280) to nonprofit organizations or other projects classified as public service activities, ranging from daycare to crime prevention activities.

## **BUDGET RECOMMENDATION**

There is no doubt that the applicant organizations are worthy of funding, have a great social service need to meet with additional funding, and that City resources would be beneficial to their programs. There is, however, the reality of decreased funding allocations for this and future years to come. Staff projects an additional 9 - 10% decrease in funding next year (approximately \$88,500); this would bring the total budget decrease for this year and next year to \$323,000.

Recommendations from Staff and the Community Development Board reflect the following considerations:

- Long-term sustainability of operating loan programs rather than issuing grants, which will never be recouped by the City to use in future projects.
- Current and historical prioritizing of CDBG / HOME programs by Neighborhood Task Forces, favoring home repair and home buyer programs.
- All applicants were briefed prior to the application process on the state of the budget and the possibility of funding not continuing to support grant programs prior to the budget allocation process via email and in the application documents.
- Community Development Board members questioned each applicant during the on-site visitation process regarding the impact of not receiving funding for each of the programs. Impact in each case reviewed by the Board for all applicants during the April 3 recommendation session. The Board members felt that each organization had a plausible plan of action to accommodate a "zero funding" recommendation for City funds.
- Funding from the City should be considered a capacity-building effort for organizations to become fully self-sustaining; this does not happen with continued annual grant allocations.
- Organizations applying for funding have received City grant support ranging from \$55,649 to \$923,850; some organizations have received funding annually from the City since the mid-1990s and have had years to become fully self-sustaining.

Specific budget recommendations include the following:

- Administration in CDBG and HOME set at maximum caps for the programs.
- Mandatory allocation of 15% of new HOME program funding set aside for Community Housing Development Organizations - as per funding regulation.
- \$559,034 for the First Time Home Buyer Loan Program; this program has no forgiveness feature.
- \$350,000 for the Housing Rehabilitation Loan Program - with changes to the program allowing emergency repairs secured with Trust Indenture on stick-built homes and eliminating a forgiveness feature.
- \$133,819 to be allocated to a program patterned after the former Minor Home Repair grant program. The new **Manufactured Home Repair Loan Program** would contain, but is not limited to, the following features (based on Housing Rehabilitation Loan program standards):
  - Liens would be placed on manufactured homes for all repairs; this program would not be a grant program.
  - Trees impacting the housing unit can be removed / trimmed with this loan and exterior painting can also be included with this loan. This change would accommodate recommendations for zero funding in separate programs.
  - Current credit report would reflect no late house payments for one year.
  - Unit must be owner-occupied for at least a year.
  - No forgiveness feature for the lien, but the City would accept net proceeds on sale if the proceeds are less than the loan amount.
  - City is to be listed as an additional insured at closing.
  - Maximum loan amount allowed to be carried on a unit (including existing liens and the City's repair lien) would be based on a sliding scale, up to \$10,000 maximum. For example, newer units that are 10 years old or less would be able to carry 100% of the value of the unit. Older units (21 years old, up to 1976) would be allowed to carry 70% of the value.
  - Further program development would be completed on the program prior to launch on July 1, following historical research and Community Development Board discussion / approval of program guidelines.

## APPLICATIONS

The City received 12 applications for housing and neighborhood (bricks and mortar) activities and 6 applications for public service funding (social services). Application summaries for activities proposed this year are included as Attachment E. CDBG and HOME resources represent the main federal commitment to communities to address the need to preserve the existing supply of affordable housing and promote the development of new affordable housing. Few other federal, state or local resources are available to address these housing needs.

## PUBLIC COMMENT

Comments of the speakers at the public hearings may relate to funding amounts awarded, activities prioritized for funding with lower federal revenue allocations, and general comments regarding the Action Plan for FY2012-2013.

## STAKEHOLDERS

Stakeholders for CDBG and HOME programs include:

**1) Applicants for funding** - The City receives applications from a variety of organizations which apply for public service funding or for housing funding, such as, Living Independently for Today and Tomorrow and Interfaith Hospitality Network. A summary of the applicants is included as Attachment D and applications are available online: [www.ci.billings.mt.us/comdev](http://www.ci.billings.mt.us/comdev).

**2) Neighborhood Task Forces** – The task forces communicate neighborhood needs and solutions to those needs utilizing both CDBG and HOME resources. Task forces are also asked to prioritize housing and neighborhood applications. These priorities have been provided in Attachment D for your review. Funding recommendations are in alignment with Task Force priorities including emphasis on housing repair and first time home buyer programs.

**3) The Community Development Board** - As an advisory body to the City Council, provides detailed oversight to both the CDBG and HOME programs throughout the year and facilitates an extensive process to prepare recommendations for the City Council consideration.

## CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Projects proposed for consideration are consistent with the goals and objectives of the FY2010-2014 Consolidated Plan and the drafted FY2012-2013 Action Plan for the use of CDBG & HOME resources in Billings. The following strategies have been adopted by the City Council in the five-year Consolidated Plan to address Billings' housing and community development needs:

**Strategy A.** Promote the preservation of the existing supply of safe, affordable housing in the community.

**Strategy B.** Promote new affordable housing opportunities.

**Strategy C.** Work as an active partner with non-profits, neighborhood groups, and others to address housing and community development specific to lower income and special needs households.

**Strategy D.** Promote the preservation and revitalization of the community's older neighborhoods.

**Strategy E.** Provide assistance to agencies serving lower income households and special needs populations, particularly the homeless, public service activity funding to assist the homeless, the elderly, and those with disabilities.

*Additional information regarding each strategy is located in Attachment A.*

## ESTABLISHING COMMUNITY NEED

Community needs have been primarily identified through the 2010 Billings Housing Needs Assessment completed internally by City staff and the 2007 Analysis of Impediments to Fair Housing Choice. These assessments were undertaken utilizing focus groups, individual interviews, a community survey, and an examination of census and housing market data.

## HOUSING NEEDS

Primary strategies are proposed in the Consolidated Plan to meet the diverse needs of lower-income households in the community. These needs have been identified through the Billings Housing Needs Assessment. The Assessment was undertaken utilizing focus groups, individual interviews, a community survey, and an examination of census, economic and housing market data. This work and input from neighborhood groups and community partners resulted in the identification of the following characteristics of the community that the City will attempt to address with housing and community development activities:

1. The national recession has had some affect on housing prices in Billings, specific to homeownership, as the median home sale price in 2009 was lower than in 2008. This coupled with an increase in median household income has assisted in reducing the affordability gap. However, a four-person household earning 80% of the median household income would not be able to afford a median priced home in 2009 (\$177,500).
2. Approximately 437 new housing units are needed annually in Billings to keep up with historical growth patterns. For the past four years, building permit records indicate that the need for 437 new units has been met. This finding does not consider affordability of the housing units created.
3. The preservation of existing supply of affordable housing is an important factor influencing affordability for existing home owners and potential home buyers.
4. Supporting infill development and infrastructure would assist the City in preserving existing, older neighborhoods where the affordable housing stock is located.
5. About one-third of the people renting housing in Billings and looking to buy a home would prefer to purchase manufactured housing.
6. The national recession had a limited affect on rental housing prices in Billings. The affordability gap with rentals remains high. Rent and deposit assistance programs are crucial for low-income households, particularly for those with special needs (elderly, disabled, homeless).
7. An aging population and the associated increase in the percentage of the population with disabilities indicate a continued need for the implementation of Universal Design concepts in housing construction and rehabilitation.

## HOUSING OBJECTIVES

Consolidated Plan strategies are identified following each objective:

1. Home buyer assistance is still needed to close the affordability gap, and has been provided through the First Time Home Buyer program. The Affordable Housing Development program can also be utilized to develop affordable housing (*Strategy B*).
2. Support affordable housing development at the same levels. This goal is dependent on consistent levels of funding through CDBG and HOME programs (*Strategy B*).
3. Provide affordable financing opportunities for housing repair to maintain the affordable housing stock (*Strategy A*).

4. Provide CDBG / HOME financing opportunities through routine allocation processes and the Affordable Housing Development program (*Strategy B*).
5. Offer affordable financing through the Affordable Housing Development program (*Strategy B*).
6. Provide affordable financing for rental housing development / repair through the Affordable Housing Development program and deposit / rent assistance through Tenant Based Rental Assistance and Public Service grants (*Strategies B and E*).
7. Prioritize Universal Design in Request for Proposal processes and also through the Affordable Housing Development program (*Strategy B*).

## **FAIR HOUSING NEEDS**

The Analysis of Impediments to Fair Housing Choice was completed in December 2007 by the Center for Applied Economic Research, Montana State University - Billings. The following impediments are listed in order of severity - the most critical issues are at the top of the list:

1. Many members of protected classes do not appear to understand their housing rights under fair housing regulations.
2. Some landlords, property owners, and realtors do not act consistent with knowledge of fair housing regulations.
3. Income, credit, and housing affordability issues are tied to fair housing issues.
4. Lack of funding hampers the effectiveness of local services working on behalf of fair housing protected classes.
5. The lack of hard data concerning the effectiveness of specific fair housing programs hampers the goal of improving the delivery of fair housing services.

## **FAIR HOUSING OBJECTIVES**

Consolidated Plan strategies are identified following each objective:

1. Assist in the production and dissemination of consumer education on fair housing issues (*Strategy C*).
2. Re-evaluate the effectiveness of existing fair housing educational materials (*Strategy C*).
3. Plan for increasing significance of age-related disabilities (*Strategy C*).
4. Assist in the education of landlords, property owners and realtors on Fair Housing responsibilities (*Strategy C*).
5. Increase awareness among American Indians and other protected classes the location of available housing units (*Strategy C*).
6. Improve housing affordability (*Strategies A, B, and E*).
7. Provide credit education (*Strategy E*).

8. Revise existing fund model for fair housing education (*Strategies C and E*).

9. All fair housing outreach and education efforts should include measureable goals (*Strategy E*).

The FY2010-2014 Consolidated Plan, the drafted FY2012-2013 Action Plan, the 2010 Housing Needs Assessment and 2007 Analysis of Impediments to Fair Housing Choice can be found online: [www.ci.billings.mt.us/CDreports](http://www.ci.billings.mt.us/CDreports).

### **SUMMARY**

City staff and the Community Development Board have made recommendations for CDBG and HOME budget allocations for FY2012-2013. The annual Action Plan for FY2012-2013 has been drafted and is ready for Council adoption.

The City Council is asked to consider the input that is received and make a final decision on FY2012-2013 CDBG and HOME budgets and FY2012-2013 Action Plan.

### **RECOMMENDATION**

Staff recommends: the City Council hold a public hearing to gather public input on budget allocations and the drafted Action Plan; and approve the allocation of CDBG and HOME funding and the Action Plan for FY2012-2013 as recommended and prioritized by the Community Development Board.

### **APPROVED BY CITY ADMINISTRATOR**

---

#### **Attachments**

A - Annual Action Plan

B - Revenue

C - Budget Recommendations

D - Task Force Priorities

E - Application Summaries

FY2012-2013  
Year Three

*of the FY2010-2014  
Consolidated Plan*

# City of Billings Annual Action Plan



Community Development Division  
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## TABLE OF CONTENTS

<b>Section One - Executive Summary</b> .....	4
Purpose of the Consolidated Plan .....	5
HUD Objectives and Outcomes .....	5
Past Performance .....	6
Community Development Vision / Mission .....	6
Report Standards.....	6
<b>Section Two - Consultation &amp; Coordination</b> .....	7
General .....	7
Regulation Citations .....	7
Homeless Strategy & Housing Opportunities for Persons with AIDS .....	7
Adjacent Governments.....	7
Metropolitan Planning.....	8
Public Housing .....	8
Citizen Participation Plan.....	9
Citizen Participation Plan Objectives .....	9
Community Development Board .....	9
Billings City Council.....	10
Neighborhood Task Forces Representing Low / Moderate Income Households .....	10
Participation through Partnerships .....	12
Racial / Minority Participation.....	13
Persons with Disabilities & Reasonable Accommodation .....	13
Limited English Proficiency & Language Assistance Plan .....	13
Technical Assistance .....	13
Public Involvement & Consolidated Plan Review .....	13
Public Hearings .....	14
Report & Plan Availability.....	14
Public Comments.....	14
Criteria for Amending the Consolidated Plan .....	15
<b>Section Three - Strategies &amp; Compliance</b> .....	17
Overall Strategies .....	17
Institutional Structure .....	17
Anti-Poverty Strategy .....	18
Regulatory Compliance .....	19
Environmental Review.....	19
Lead-Based Paint .....	19
Historic Review .....	20
PCE Groundwater Contamination Site .....	20
Fair Housing & Equal Opportunity.....	21
Affirmative Marketing .....	23
Section 504 .....	23
Section 3 .....	23
Relocation Assistance & Displacement.....	24
Short Sales .....	24
Labor Standards.....	24
Housing Quality Standards .....	26
Monitoring.....	26
Timeliness.....	27
Performance Measures .....	28
Subsidy Layering .....	28

<b>Section Four - Consolidated Plan &amp; Budget Development</b> .....	29
Significant Aspects of the Process .....	29
<b>Section Five - Geographic Data</b> .....	31
Geographic Area .....	31
Lower-Income Household Concentration .....	31
Racial / Minority Concentration .....	32
Geographic Basis for Allocation of Investments .....	33
Basis for Assigning Priority - Overall Consolidated Plan .....	33
Obstacles to Meeting Underserved Needs - Overall Consolidated Plan .....	33
<b>Section Six - Resources</b> .....	34
Available Funding, Expenditure Limits & Match Requirements .....	34
Expected Program Income - CDBG & HOME .....	34
Neighborhood Stabilization Program Plan & Expected Program Income .....	34
CDBG Stimulus Funding .....	36
Resources Complimenting the HOME Program .....	36
Periods of Affordability for Current Resale / Recapture Projects.....	37
Fair Return to Seller.....	37
Use of Recaptured Funds.....	37
Tenant-Based Rental Assistance.....	37
<b>Section Seven - Annual Objectives &amp; Tables</b> .....	38
Required Tables (Narrative).....	38
<b>Table 3A:</b> Summary of Specific Annual Objectives & Affirmatively Furthering Fair Housing .....	41
<b>Table 3B:</b> Annual Affordable Housing Completion Goals .....	44
<b>Table 1C:</b> Consolidated Plan Activities by HUD Objective / Outcome.....	45
Objective Categories Table .....	47
<b>Section Eight - Other Required Narratives</b> .....	48
Public Housing Strategy .....	48
Public Housing Partnerships .....	48
Loss of Public / Assisted Housing Units .....	49
Barriers to Affordable Housing .....	49
Specific Housing Objectives for the City .....	49
Homeless Strategic Plan .....	50
Welcome Home Billings: Strategic Framework .....	51
Services in Place .....	53
Essential Services.....	54
Discharge Coordination Policy.....	54
<b>Appendices</b>	
A: Proposed Projects	
B: Final Estimated Budget	
C: Tables 3C - Consolidated Plan Listing of Projects	
D: Low Income Areas Maps & 2000 Census Maps	
E: Housing Needs Assessment	
F: Analysis of Impediments to Fair Housing Choice	
G: Statement of Work for Fair Housing Initiatives Program	
H: Welcome Home Billings	
I: Homeless Provider Survey & Service Matrix, Homeless Housing Inventory	
J: Neighborhood Stabilization Program Plan	
K: Language Assistance Plan	

## ***SECTION ONE - Executive Summary***

Five-year Consolidated Plans and one-year action plans are required by the U.S. Department of Housing and Urban Development (HUD) for the City of Billings to participate in and receive funding through the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME).

The City of Billings, acting primarily through the Community Development Division, will continue to act as the lead agency for administration of the City's CDBG and HOME Program activities targeted to meet the goals of the Consolidated Plan. The City works closely with the Housing Authority of Billings, nonprofit organizations, private developers, lending institutions, and neighborhood groups to garner feedback on proposed strategies and also to meet the goals established in this Consolidated Plan.

Consolidated planning activities are also required for homeless programs funded under the McKinney-Vento Homeless Assistance Act and the Housing Opportunities for Persons with AIDS (HOPWA) Program. The City does not receive McKinney funds or HOPWA funds directly. Separate Consolidated Plans are prepared by the City of Great Falls, the City of Missoula, and the State of Montana for non-entitlement areas of the state. The structure and content of this plan are based on specific HUD requirement for the preparation of the Consolidated Plan. Many terms used in this document are specific to the Consolidated Plan process and HUD programs. The reader may consult with the City of Billings - Community Development Division for additional information.

Focused on CDBG and HOME activities, the Consolidated Plan combines the planning and application requirements for the CDBG and HOME Programs. Consolidation of the submission requirements for the CDBG and HOME Programs allows program planning and citizen participation to take place in a comprehensive context covering both programs. The CDBG and HOME programs covered by the Consolidated Plan have three basic goals:

1. **To provide decent housing**, including maintaining the affordable housing stock in the community, increasing the availability of permanent housing that is affordable to lower-income households without discrimination, increasing support of housing which enables persons with special needs to live independently, and assisting homeless persons obtain affordable housing.
2. **To provide a suitable living environment**, which includes improving the safety and livability of neighborhoods, increasing access to quality facilities and services, reducing the isolation of income groups within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods, restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons, and conserving energy resources.
3. **To expand economic opportunities**, including creating jobs accessible to lower-income individuals, providing access to credit for community development activities which promote long-term economic and social viability, and empowering lower-income persons living in federally assisted and public housing to achieve self-sufficiency.

**All activities undertaken by the City utilizing CDBG and HOME funding must primarily benefit low and moderate income persons.** The strategies described in the Consolidated Plan outline a specific course of action for the community's housing and community development activities. The plan builds on local assets to meet the needs of the community and sets forth goals, objectives, and performance measures to ensure progress in achieving the strategies described in the plan.

### *Purpose of the Consolidated Plan*

The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated fashion utilizing available federal and nonfederal resources.

Consolidated plans are developed every five years and must be submitted to HUD not less than 45 days prior to the start of the grantee's program year start date (July 1 for the City). The City's five-year [Consolidated Plan for FY2010-2014](#) identifies activities to be carried out from July 1, 2010 through June 30, 2015 to address priority needs in the community and serves as a guiding document for the use of the City's CDBG Program and HOME funding.

This document constitutes the City's one-year Annual Action Plan for FY2012-2013 which identifies goals and strategies to be undertaken from July 1, 2012 through June 30, 2013. While both documents contain similar information, a more detailed presentation of needs and overarching strategies is described in the five-year plan. The Annual Action Plan describes identified resources to be utilized during the program year, which is not identified in the five-year plan. The City must also report on the performance of activities funded via the Comprehensive Annual Performance Evaluation Report (CAPER) in September of each year.

The FY2010-2014 Consolidated Plan and the FY2012-2013 Annual Action Plan followed a development process which integrated priorities identified in the 2010 Billings Housing Needs Assessment and the 2007 Analysis of Impediments to Fair Housing Choice. The development process also included input from neighborhood groups and public hearings on housing and community development needs, relative to findings from both data studies.

The FY2010-2014 Consolidated Plan and the FY2012-2013 Annual Action Plan was open for public comment extending from March 23, 2012 through April 23, 2012. A public hearing was held on April 23, 2012 during the Billings City Council meeting to accept public comments on the Annual Action Plan, and Community Development Board recommendations for funding allocation. The plan was adopted by the Billings City Council on April 23, 2012.

### *HUD Objectives and Outcomes*

HUD has developed specific performance measurements for each activity undertaken utilizing CDBG and / or HOME funding. The City's application process for funding through these programs includes identification of HUD objectives and outcomes to ensure compliance with activity requirements.

<b>HUD PERFORMANCE MEASUREMENTS</b>	
<i>Objectives</i>	<i>Outcomes</i>
Suitable Living Environment	Availability or Accessibility
Decent Housing	Affordability
Economic Opportunities	Sustainability

### Past Performance

The City - Community Development Division receives comments from HUD regarding action plans and performance annually. Overall evaluations conclude the City's CDBG and HOME programs are making strides in providing affordable housing and addressing community needs. Please refer to the latest [Comprehensive Annual Evaluation Report \(CAPER\)](#) for an analysis of the City's performance on Consolidated Plan goals for recent years and the resources utilized to meet objectives established ([www.ci.billings.mt.us](http://www.ci.billings.mt.us)).

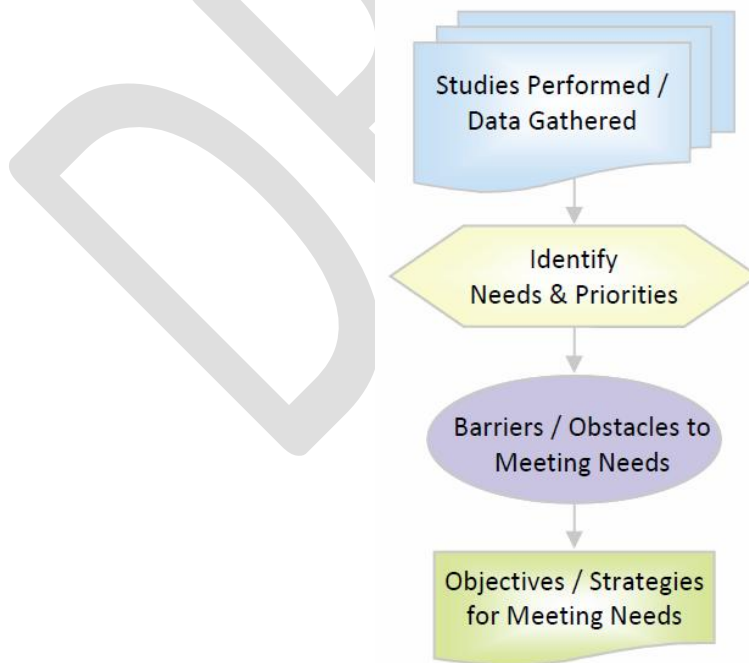
### Community Development Division Vision / Mission

**Vision:** The Community Development Division acts as a catalyst for joining community partners with resources to increase access to housing, to create a sustainable community, and to promote neighborhood revitalization.

**Mission:** The Community Development Division strives to exceed the expectations of our stakeholders by supporting our housing and community partners with quality leadership, accountability, and innovative programs and services.

### Report Standards

All reports generated by the Community Development Division are based on studies and data, the identification of needs and priorities, identifying obstacles and barriers to meeting those needs, and creating objectives and strategies to meet identified needs.



## SECTION TWO - Consultation & Coordination

91.200 (b) & 91.215(l)

### General

91.100(a)(1)

A number of organizations in the community are involved in affordable housing and community development-related activities in Billings and are asked to comment on the Consolidated Plan. The continued cooperation of these organizations in pursuing affordable housing for the community is required to meet the Consolidated Plan goals. Consultations include review of the plan with public and private agencies that provide health care, social services and fair housing education. Populations targeted for consultation include agencies that provide services for children, the elderly, the disabled, persons with HIV / AIDS and their families, and homeless individuals and families.

The Consolidated Plan is distributed widely during the public comment period and interested persons can attend a number of staff-facilitated, regularly scheduled meetings to find out more about Community Development initiatives. Routine meetings are facilitated through staff for the Community Development Board, the Adjacent Neighborhood Committee, the Billings Partners for American Indian Homeownership, the Affordable Housing Task Force, the Billings Area Resource Network and the Mayor's Committee on Homelessness. Additional information regarding these groups can be found throughout the Consolidated Plan.

The City impacts new and existing housing development and neighborhood revitalization through neighborhood planning, development standards, capital improvement programs, the Annexation Policy, and the Growth Policy.

### Regulation Citations

Throughout the Consolidated Plan, staff members have identified regulatory citations for the Code of Federal Regulations (CFR), shown in italics. The code references are located in sections of the Consolidated Plan required by regulation.

### Homeless Strategy & Housing Opportunities for Persons with AIDS

91.100(a)(2) & 91.100(b)

Public and private agencies have assisted the City in developing a ten-year plan to impact homelessness, *Welcome Home Billings*. Local organizations that provide housing, health services, and social services have been intricately involved in planning processes for the homeless and chronically homeless, including members of the *Mayor's Committee on Homelessness* and the *Billings Area Resource Network*. The City does not receive Housing Opportunities for Persons with AIDS (HOPWA) funding directly, but collaborates with the *Yellowstone AIDS Project* to implement goals and objectives to support HOPWA funding.

### Adjacent Governments

91.100(a)(4)

Communication regarding non-housing community development needs is conducted via collaboration through homeless initiatives and agencies serving the disabled. Adjacent governments include: the State Department of Public Health and Human Services; homeless presentation regarding the City's ten-year plan to impact homelessness, *Welcome Home Billings*, to the Yellowstone County Commissioners; and communication and recommendations to the State Continuum of Care coordination group.

Collaboration regarding economic development initiatives includes communication with the Big Sky Economic Development Authority, the Native American Development Corporation and other development agencies.

### *Metropolitan Planning*

91.100(a)(5)

The City of Billings - Community Development Division is included in the Planning and Community Services Department. The Department, overall, includes Code Enforcement, Planning / Transportation (includes the City of Billings and Yellowstone County), and the Building Division. These Divisions work internally to implement the Growth Policy, Transportation Plan and Neighborhood Plans collectively. All projects are reviewed for residential access to public transportation.

### *Public Housing*

91.100(c)

The Housing Authority of Billings (HAB) is primarily responsible for administration of the public housing and Section 8 Programs for the community. HAB will continue to work on developing additional units of low-income housing in Billings. HAB is an independent organization established under the laws of the State of Montana. Board members for HAB are appointed by the Mayor for the City of Billings. The City enjoys a cooperative and collaborative relationship with HAB, including participation in task forces, committees, and affordable housing development.

DRAFT

## *Citizen Participation Plan*

91.105

The Citizen Participation Plan for the City is designed to ensure citizen involvement in the planning and reporting on the City's programs covered under the HUD Consolidated Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's federally funded housing and community development programs.

### *Citizen Participation Plan Objectives*

The primary objectives of the City's Consolidated and Citizen Participation Plans are to:

- Encourage citizen participation in the development of the Consolidated Plan and the Comprehensive Annual Performance and Evaluation Report (CAPER) with emphasis on participation from individuals and households identified as low to moderate income, residents of blighted areas, minorities, those with limited English proficiency, the disabled, and those residing in areas where funding will be utilized.
- Provide citizens with reasonable and timely access to meetings, information and records relating to the City's plan for utilizing funding in addition to allowing reasonable opportunity to comment on the Consolidated Plan, the Citizen Participation Plan and the CAPER.
- Finalize consultation with the Housing Authority of Billings (HAB) on the development and implementation of the Consolidated Plan through the Annual Action Plan, which includes input from residents of public and assisted housing.
- Provide technical assistance to neighborhood task forces which represent the low to moderate income and the highest concentrations of minority populations in Billings.
- Provide public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. All hearings and meetings shall be provided in areas where accommodations for the disabled can be provided.

### *Community Development Board*

The Community Development Board is a citizen's advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed from lower-income neighborhoods of the City as defined by federal regulations for the Community Development Block Grant (CDBG) program and three members represent the community at large. This board serves in an advisory capacity to the City Council for the purpose of providing citizen input on policy decisions to the City Council. The primary responsibilities of the board are to review existing and proposed City policies and to review the Community Development Division's activities to ensure policies are being implemented and carried out.

The Community Development Board makes recommendations to the City Council regarding the Consolidated Plan, the Annual Action Plan, the Citizen Participation Plan, and the Comprehensive Annual Performance and Evaluation Report (CAPER). In addition, the Community Development Board reviews applications submitted for CDBG and HOME funding in order to make funding recommendations to the City Council for approval.

### *Billings City Council*

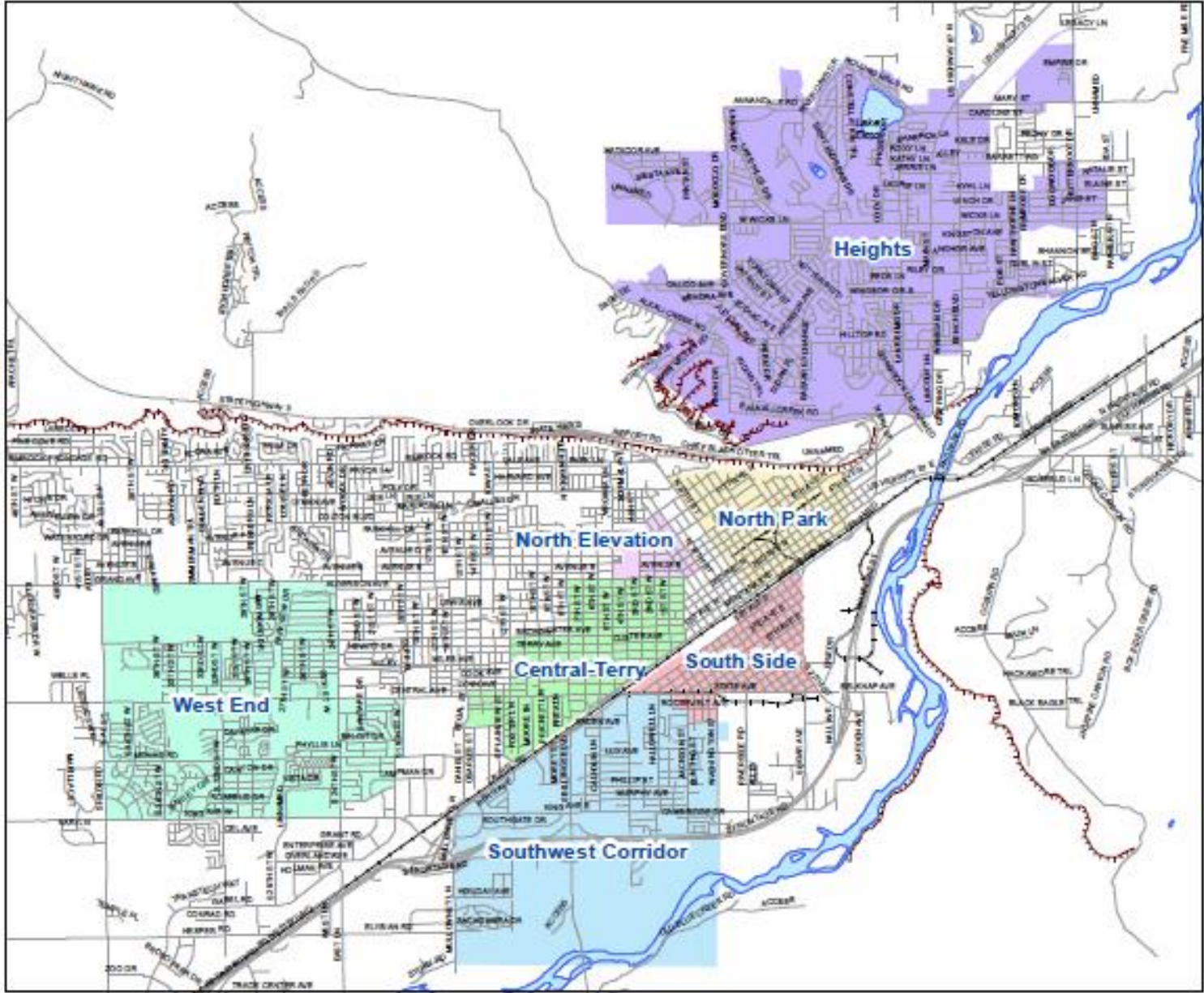
The Billings City Council is the final citizen policy body that reviews and takes action on the Annual Action Plan, including the Citizen Participation Plan. The Community Development Board presents recommendations to the City Council during a scheduled work session preceding the public hearing in April in order to deliver information on decisions made regarding recommendations. After receipt and consideration of public comments, the City Council approves the Annual Action Plan and proposed funding allocations. Following approval in May, the Annual Action Plan is forwarded to HUD.

### *Neighborhood Task Forces Representing Low / Moderate Income Households*

In order to encourage citizen participation emphasizing the involvement of lower-income residents in areas where housing and community development funds may be spent, the City will continue to work with neighborhood organizations representing the City's lower-income areas. These areas are predominantly illustrated as established Task Force areas in Billings. A map of the City's lower-income areas is located on the following page.

The City will continue to work with neighborhood task forces that represent the community's lower-income areas to ensure input from these areas in the development and implementation of the City's community development strategies as described in the Consolidated Plan. The City will also continue to support the activities for the Adjacent Neighborhood Committee, which is comprised of Task Force Officers who meet bi-monthly to collaborate and exchange information regarding the task force areas. The Community Development Division supports task force functions through the distribution of monthly newsletters to over 1,400 recipients, by facilitating the Adjacent Neighborhood Committee, and by requesting project rankings from task force participants on housing and neighborhood activities for the annual allocation process.

The Community Development Division staff attends meetings of lower-income task force neighborhoods when requested for specific presentations. Staff also provides information regarding housing and community development programs and activities during each allocation process and garners rankings of housing / neighborhood activities preferred for funding.



## *Participation through Partnerships*

The Community Development Division's vision is to act as a catalyst for joining community partners with resources to increase access to housing, to create a sustainable community and to promote neighborhood revitalization. The Division's mission focuses on striving to exceed the expectations of our stakeholders by supporting housing and community partners with quality leadership, accountability, and innovative programs and services. Guiding values and principles include:

- Embracing diversity and being respectful of all viewpoints.
- Utilizing creativity to develop best practices in programs, administration, and community service.
- Recognizing that our first responsibility is to low and moderate income individuals who would most benefit from programs.
- Showing integrity as public servants to thoughtfully manage and pursue resources to the benefit of the community.

Establishing and maintaining partnerships with myriad organizations that support the community vision is the keystone to the Division's planning efforts. In addition to neighborhood task forces and the Adjacent Neighborhood Committee, the Community Development Division supports the following organizations and includes their input throughout the year:

- ***Affordable Housing Task Force*** – The Affordable Housing Task Force is comprised of lenders, realtors, the Housing Authority of Billings (HAB) local housing developers, and other organizations working in housing to ensure coordination and collaboration in identifying needs, undertaking actions to meet those needs, and evaluating activity effectiveness. The vision of the group is to successfully identify the housing needs of the community and provide expertise and innovative solutions to ensure attainable housing for all. Their mission is to work as a positive voice coordinating action, and organizing and energizing efforts to promote affordable housing in the Billings area.
- ***Billings Partners for American Indian Homeownership*** – The Billings Partners for American Indian Home Ownership (BPAIH) was formed in order to provide an organized approach to outreach and education for American Indians who would like to purchase a home. This group has identified a 26% American Indian homeownership rate compared to 67% for whites and 45% for blacks and Hispanics. Their vision is to increase American Indian private homeownership in the greater Billings community. This organization is comprised of lenders, realtors, housing organizations, credit counseling organizations, Indian Health Service, Yellowstone County Extension Office, and others.
- ***Mayor's Committee on Homelessness*** - The Mayor's Committee began meeting in June 2006 following Mayor Tussing's charge to develop a 10-Year Plan to address the needs of the chronically homeless in Billings. The development of this plan was part of a national movement to change the way in which communities address homelessness and was the first of its kind in Montana. To date, over 300 cities across the nation have committed to implementing 10-Year Plans to impact chronic homelessness. The Mayor's Committee includes representation from a broad stakeholder group including housing / service providers, civic / business leaders, economic / work force agencies, faith based / philanthropy groups, and other interested parties.
- ***Fair Housing Organizations*** – The City actively partners with organizations with an interest in fair housing. In May 2004, the City Council required City staff to facilitate fair housing efforts via competitive processes in order to ensure equal access for organizations with an interest in fair

housing. City staff has facilitated several grant applications for the Fair Housing Initiative Program (FHIP) available competitively through HUD and was awarded grant funding in 2006, 2007, 2008 and 2011. Continuing the practice of grant writing for fair housing activities this upcoming year is contingent on available staff time. Previous and current partners and Subrecipients of FHIP funding include: homeWORD, the Community Housing Resource Board, Interfaith Hospitality Network, the Billings Partners for American Indian Homeownership; Rimrock Foundation; Yellowstone AIDS Project; and Yellowstone County Council on Aging in Billings.

### *Racial / Minority Participation*

The City's most concentrated minority populations are located in the Southside, Southwest Corridor, North Park, North Elevation, and Central – Terry Park Task Force neighborhoods. Outreach efforts include ongoing communication through task force newsletters, the Adjacent Neighborhood Committee, the Billings Partners for American Indian Homeownership, the Mayor's Committee on Homelessness, and the Billings Area Resource Network. Further details are located in Section Five - Geographic Data.

### *Persons with Disabilities & Reasonable Accommodation*

The City will provide accommodations for individuals with disabilities in public meetings, public hearings and in written documentation regarding programs and services available from the Division. Statements are included in notices of public hearings and service brochures indicating that office and hearing locations are accessible to persons with disabilities. Accommodations can be made for other disabilities as well.

### *Limited English Proficiency & Language Assistance Plan*

The City complies with federal regulations regarding the provision of a Language Assistance Plan in order to adequately provide for the needs of those individuals who have self-identified a primary language which is not English. Statements are included in notices of public hearings and service brochures regarding the availability of language interpretation for those requiring this accommodation.

### *Technical Assistance*

The Community Development Division provides technical assistance as requested and as staff time allows to lower income groups to develop proposals for housing and community development activities in the City limits. The technical assistance is offered any time proposals for the use of funding are requested, and is offered routinely in January prior to application deadlines for CDBG / HOME funding allocations.

### *Public Involvement & Consolidated Plan Review*

Citizen participation is the foundation of housing and community development programs. Reasonable efforts are made to make all citizens aware of public hearing and citywide events concerning the development of the Annual Action Plan.

City Council agendas covering housing and community development programs are made available to the public as required by Montana State Law. The City follows State Law governing advertising of public hearings required for CDBG and HOME activities. The City is required to advertise the public hearing on two consecutive Thursdays prior to the City Council Meeting on Monday or Tuesday in the event of a holiday.

Plans and reports on the City's housing and community development activities are made available for review by citizens, public agencies, and other interested parties. These documents are available at the Community Development Division and posted on its website at [www.ci.billings.mt.us](http://www.ci.billings.mt.us). All records regarding these activities are maintained according to the City Record Retention Schedule and as required by federal regulations.

### *Public Hearings*

The City holds three public hearings each year regarding housing and community development activities. The first public hearings are held each March by the Community Development Board to gather public input on the community and housing needs of Billings and strategies to meet those needs through Budget Hearings. The second public hearing is held by the City Council in April to provide nonprofit agencies, organizations, and individuals with an opportunity to provide input on the Consolidated Plan and the allocation of CDBG and HOME funds in the community. The third public hearing is held by the City Council in September to gather public input on the City's performance and progress in meeting the strategies included in the City's Five-Year Consolidated Plan and Annual Action Plan for the previous fiscal year ending each June 30<sup>th</sup>. All public hearings are accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.

### *Report & Plan Availability*

The availability of the reports and plans required under the Consolidated Plan is published in the local newspaper with complete copies available on the internet at [www.ci.billings.mt.us](http://www.ci.billings.mt.us) and at the City's Community Development Division. The public notice describes the contents and purpose of each document including the location at which the complete plan can be examined. Subrecipients, housing partners, and neighborhood task force chairpersons are contacted regarding the availability of the information described above.

A summary of the plan development process and public comments received during this process will be included in final version of the Consolidated Plan, Annual Action Plans, and Comprehensive Annual Performance and Evaluation Report submitted to the U.S. Department of Housing and Urban Development. The Community Development Division office is located at the Parmly Billings Library, 4<sup>th</sup> Floor, 510 North Broadway, Billings, Montana 59101 and has office hours Monday through Friday, 8:00am to 5:00pm.

### *Public Comments*

Public comments are requested at least 30 days prior to submission of reports required under HUD's Consolidated Plan process. The City will consider all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD and attach a summary of each comment to the final submission. If written comments are not accepted for

inclusion in the Plan, the City will provide written explanation of why those comments were not accepted.

The City provides written responses to all written complaints and grievances related to the Consolidated Plan requirement and the City's housing and community development programs within 15 working days of receipt of the complaint or grievance where practical.

For the purposes of reviewing the Annual Action Plan, public hearings were held on the following dates:

- March 15, 2012 - 9:00am - 2:00pm (advertised March 8 & 15, 2012)
- April 23, 2011 - 6:30pm (advertised March 22, 2012 and April 5, 2012)

The public comment period was held from March 23, 2012 through April 23, 2012, and the Consolidated Plan was available online at [www.ci.billings.mt.us](http://www.ci.billings.mt.us).

Public comments submitted for the Annual Action Plan include the following as stated in the Public Hearing held on April 25 during the City Council meeting:

- Name: Comment...

There were no other speakers, and the public hearing was closed.

#### *Criteria for Amending the Consolidated Plan*

24 CFR part 91.105(c) of the Final Rule requires grantees of CDBG and HOME programs make public the criteria the City will use for determining what changes in planned or actual activities constitute a substantial amendment to the Five-Year Consolidated Plan. An amendment to the approved plan will occur when the City of Billings decides:

- Not to carry out a project or activity described in the plan.
- To carry out a project not previously described.
- Substantially change the purpose or scope of a project.

Prior to the submission of any substantial change in the proposed use of federal housing and community development funds, the City of Billings will hold a public hearing to allow citizens reasonable notice of, and opportunity to comment on, proposed amendments. Public comment periods will not be less than thirty (30) days.

Substantial changes are defined as the creation of any new budget line item to be funded under the City's HOME and CDBG programs, or a budget amendment resulting in an increase or decrease in a previously approved line item of more than \$25,000.

## SECTION THREE - Strategies & Compliance

### Overall Strategies

This section combines overall strategies and regulatory references for Consolidated Plans in one area for ease of reference. Federal regulations accompany all federal funding allocations and all activities / projects funded through the Community Development Division's CDBG and HOME programs.

### Institutional Structure

91.215(k)(l)

As previously mentioned, the City's dedication to partnerships and inclusive participation contributes to the community's ability to meet overall community development goals. The Community Development Division is committed to assisting in capacity-building efforts for local nonprofit organizations and local partners in order to build a stronger community, and will continue to act as a catalyst to bridge the gaps between resources and organizations that can meet community need through housing development, social services and economic development.

Other organizations involved with housing and community development in Billings include:

- **Neighborhood Groups:** South Side Neighborhood Task Force, North Park Task Force, Central-Terry Park Neighborhood Task Force, North Elevation Task Force, Southwest Corridor Task Force, West End Task Force, and the Heights Community Development Task Force.
- **Economic Development Organizations:** Downtown Billings Alliance, Big Sky Economic Development Authority, and Beartooth Resource Conservation and Development Council.
- **Government Agencies:** Montana Board of Housing, the Montana Department of Commerce, and Yellowstone County.
- **Nonprofits:** Montana Homeownership Network, homeWORD, Community Leadership Development, Montana Rescue Mission, Family Service, Inc., Community Housing Resource Board, Habitat for Humanity, Yellowstone AIDS Project, Living Independently for Today and Tomorrow, and Rebuilding Together.
- **Private Sector:** Local Lending Institutions, Federal Home Loan Bank, Property Managers Association, Montana Landlords Association, Eastern Montana Landlords Association, and the Realtors and Home Builders Association.
- **Advisory groups:** Affordable Housing Task Force, Adjacent Neighborhood Committee, and the Billings Partners for American Indian Home Ownership.

Economic development strategies in the community are primarily served through the Big Sky Economic Development Authority and through the City's CDBG Public Services funding. Strengths of the current delivery system, including public housing, include the immense collaboration the City facilitates in Consolidated Plan development and implementation. Gaps in the current system can be met with increased funding allocated through the entitlement processes.

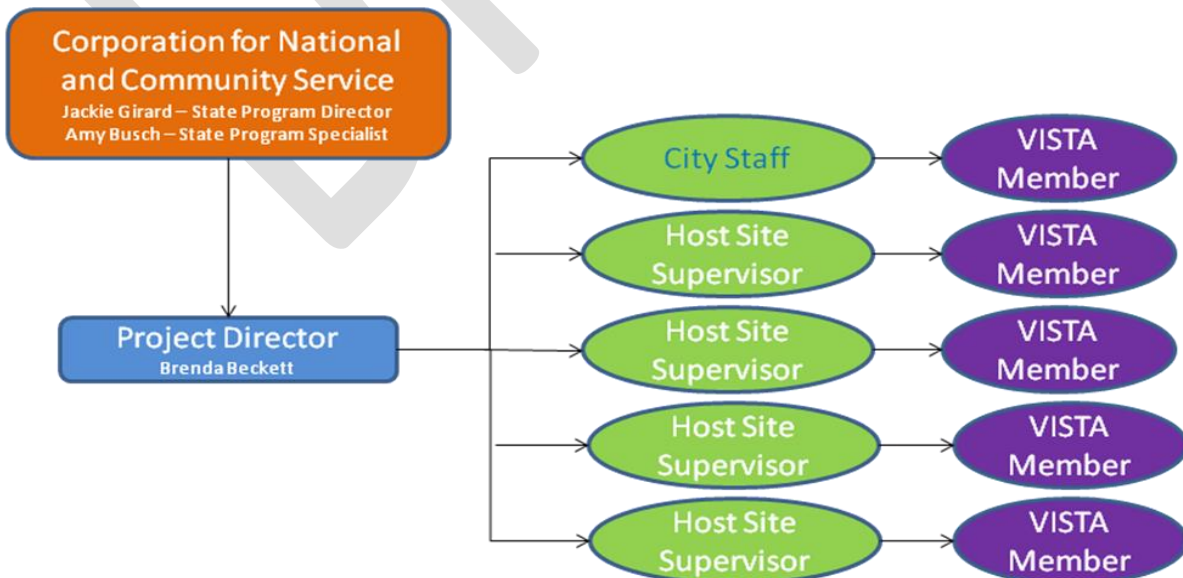
The Housing Needs Assessment contains comprehensive information on the lower income status of local households. Current findings indicate a need to address economic conditions locally and in the State of Montana in a comprehensive manner.

The Consolidated Plan strategies target the improvement of economic conditions of lower income households (as defined by the IRS determination of Adjusted Gross Income) in the community, including housing development, financing home repair, continuing partnerships and funding public service activities. The City’s strategies to promote affordable housing and fair housing city-wide, and to preserve the existing housing stock and the neighborhoods where the affordable housing stock is located, will compliment economic development efforts by providing safe, decent, and affordable housing and livable neighborhoods for lower income households in our community.

The City proposes to support statewide efforts to improve economic conditions and proposes to support the following specific activities in this Consolidated Plan to address economic conditions of low and moderate-income households in Billings:

- Continue to work with nonprofit organizations to help address the human service needs of lower income residents of the community in general and of our lower income neighborhoods in particular. This would be achieved primarily through funding of social service agencies as public service activities under the CDBG Program. (Strategy E)
- Continue to support the work of local economic development organizations to help create higher wage jobs for lower income persons. (Strategy C)
- Continue to apply for the **AmeriCorps\*VISTA (Volunteers in Service to America)** project status in order to bring full-time volunteers to work on capacity-building for the homeless initiatives through **Welcome Home Billings**, the City’s ten-year plan to impact homelessness. The City was awarded project status and placed seven VISTA members to work on poverty issues beginning in July 2009. The structure of the **Billings Metro VISTA Project (MVP)** serves to build the capacity of nonprofit organizations to work on poverty issues. (Strategy C)

**Billings Metro VISTA Project (MVP) Model**



## **Regulatory Compliance**

The following sections reference regulatory compliance issues for all projects and activities undertaken by the City with CDBG and HOME funding.

### *Environmental Review*

The Community Development Division staff is fully trained in current Environmental Review Records procedures. The City utilizes multi-year review processes to accommodate environmental review for core programs including housing repair, planning activities, and down payment assistance programs. The City reviews each project for environmental clearance prior to securing funding.

### *Lead-Based Paint*

91.215 (i)

The City continues to be in compliance with HUD's lead-based paint requirements as established in September of 2000. According to the 2000 Census, it is estimated that there are over 28,000 housing units built before 1979 that are at risk of containing lead-based paint, which comprises 73% of the total housing stock in Billings. Not all of the homes built prior to 1979 contain lead-based paint and lead hazards. However, projects involving structures built prior to 1978 are considered to have the potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

Participants in the City's housing programs are made aware of the requirements the City must follow when providing assistance. Education on the hazards of exposure to lead is provided for each rehabilitation project. The City currently offers risk assessments, paint inspections, clearance testing, and has access to lead-safe certified contractors to ensure compliance.

In addition, the City also promotes lead-safe work practices training whenever it is offered in Montana, which gives local contractors the opportunity to become certified in lead-safe work methods. The City will continue to maintain working relationships and partner in furthering educational efforts with lead-based paint professionals to ensure HUD requirements are effectively met.

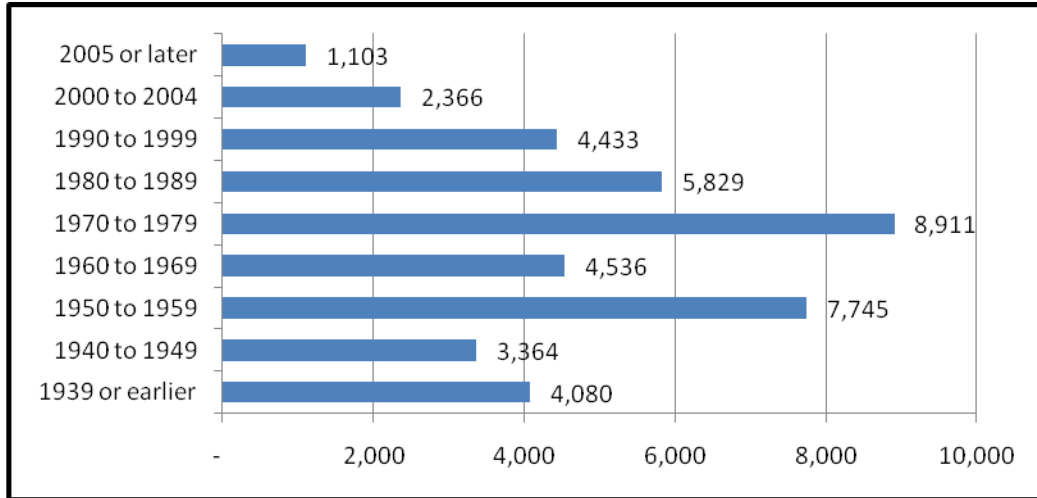
The Yellowstone County Health Department participated in the Montana Lead program from 1994 until 2000. A total of 1,703 tests were completed between May 25, 1994 and December 29, 1999 and City-County Health reported that no children under the age of six years old tested over 10 ug/dl. Twenty-nine individuals over the age of six had blood lead levels between 10 and 14 ug/dl and 17 had levels equal to or greater than 15 ug/dl. The Montana Lead program was discontinued due to lack of sustained funding and data on elevated blood levels is now reported to the Department of Health and Human Services, Public Health and Safety Division, which reported that only two children under the age of six were found to have elevated blood levels between 2000 and 2004. Both of these children had levels between 19 and 22 ug/dl. According to the Center for Disease Control, 114 children under the age of six were confirmed with elevated blood lead levels in Montana between 1997 and 2001.

Head Start, Inc. has been performing lead-testing for children participating in their programs. In 2009, three of the 360 participating children were tested and all three were found to have no elevation in lead. Overall, the incidence of high blood lead levels in Montana children is 0.27%. The State stopped sending data to the Center for Disease Control in 2006 because there was no data to be sent. The data collected to date in Billings indicates that elevated lead blood levels are not a priority concern.

### Historic Review

All activities and projects undertaken by the City are reviewed for the potential for historic significance prior to implementation. Approximately 15,000 homes in the City were built prior to 1959. These homes are more than 50 years old and require historic review to ensure the historic value of the property will be maintained while undergoing housing rehabilitation utilizing federal funding.

**Billings - Year Structure was Built, Shown in Numbers of Structures**



Source: U.S. Census Bureau, 2006-2008 American Community Survey Three-Year Estimates

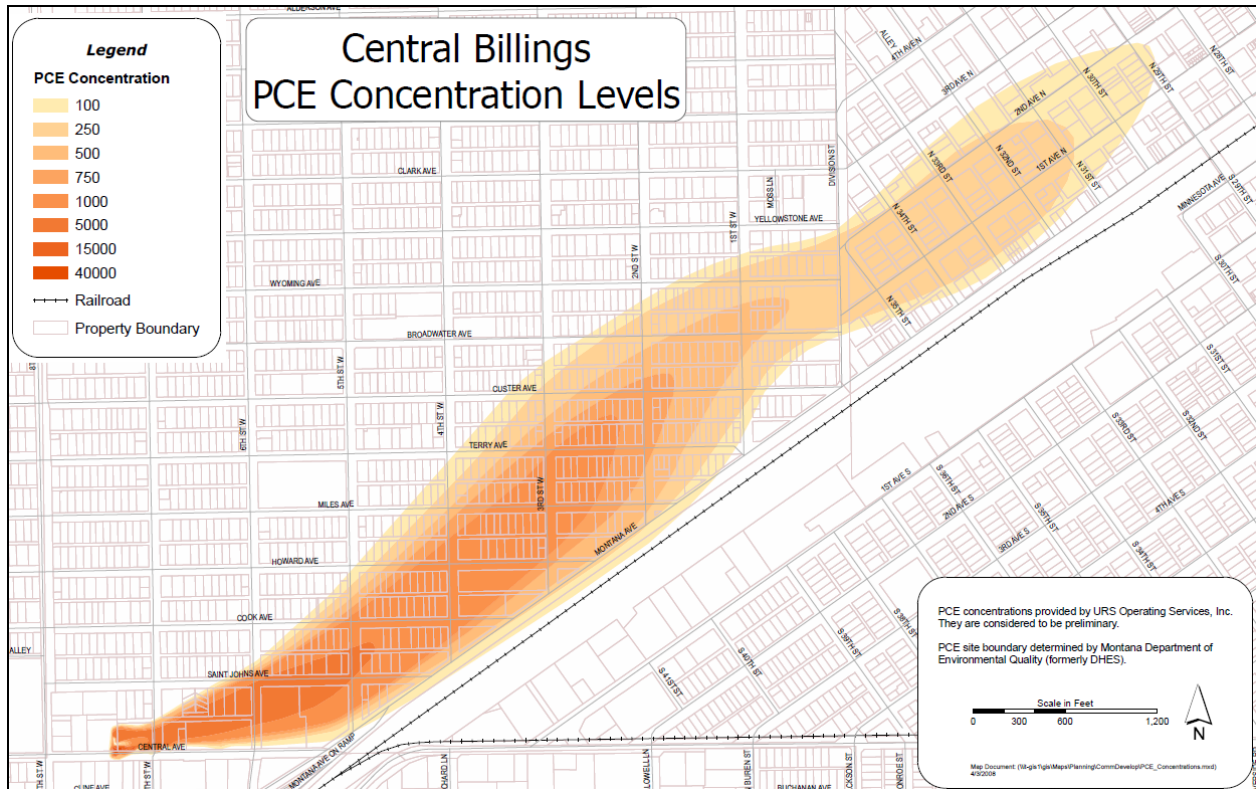
The City utilizes both the Yellowstone Historic Preservation Board and the State Historic Preservation Office to review projects for potential impacts on historic integrity prior to implementation.

### PCE Groundwater Contamination Site

The Environmental Protection Agency (EPA) has identified an area in the City limits with Perchloroethylene (PCE) groundwater contamination. This is a man-made chemical used for dry cleaning and degreasing metal parts. The EPA has finalized remediation in this area and has notified, tested, and remediated the high level PCE properties in the area (see map, following page).

The groundwater in this area is not potable; however, all of the residences / businesses in the area have established access to the City water system and do not rely on groundwater for drinking. The predominant issue when reviewing properties in this area for housing rehabilitation is exposure to soils in basements, active groundwater well systems and adequate ventilation.

The City has developed site-specific environmental review procedures in collaboration with the EPA and the procedures have been reviewed and approved by HUD. Properties in this area will be reviewed for open well systems, exposure to soil and adequate ventilation. Work lists containing remedies to address these issues are a priority for all properties located in the PCE area.



**Location of PCE Site in Billings**

### *Fair Housing & Equal Opportunity*

The City has completed an [Analysis of Impediments to Fair Housing Choice](#) (AI) study every five years since the 1990s. The Community Development Division staff is dedicated to supporting fair housing efforts and initiatives in Billings. This includes ensuring that activities, projects and programs funded utilizing CDBG and HOME funding are carried out without discrimination, directly or indirectly, on the basis of race, color, religion, gender, national origin, age, familial status, disability or creed.

**Primary Planning Tool:** The City utilizes the AI as a primary planning tool to develop strategies and activities for the Consolidated Plan, as illustrated in the identified Action Plan activities in the Annual Objectives and Tables section. The City’s AI is being updated at the time of publication. The most recent AI was completed in December 2007 by the Center for Applied Economic Research, Montana State University - Billings. The following impediments are listed in order of severity - the most critical issues are therefore at the top of the list:

1. Many members of protected classes do not appear to understand their housing rights under fair housing regulations.
2. Some landlords, property owners, and realtors do not act consistent with knowledge of fair housing regulations.
3. Income, credit, and housing affordability issues are tied to fair housing issues.
4. Lack of funding hampers the effectiveness of local services working on behalf of fair housing protected classes.

5. The lack of hard data concerning the effectiveness of specific fair housing programs hampers the goal of improving the delivery of fair housing services.

**Consolidated Planning:** Consolidated Plan strategies are identified following each objective (see Section Seven: Annual Objectives & Tables):

1. Assist in the production and dissemination of consumer education on fair housing issues. *(Strategy C)*
2. Re-evaluate the effectiveness of existing fair housing educational materials. *(Strategy C)*
3. Plan for increasing significance of age-related disabilities. *(Strategy C)*
4. Assist in the education of landlords, property owners and realtors on Fair Housing responsibilities. *(Strategy C)*
5. Increase awareness among American Indians and other protected classes regarding the location of available housing units. *(Strategy C)*
6. Improve housing affordability. *(Strategies A, B, and E)*
7. Provide credit education. *(Strategy E)*
8. Revise existing fund model for fair housing education. *(Strategies C and E)*
9. All fair housing outreach and education efforts should include measureable goals. *(Strategy E)*

**Affirmatively Furthering Fair Housing:** City staff also facilitates efforts to affirmatively further fair housing, such as:

- Base program development strategies on activities to ensure diversity and benefit across the city, which also assists in avoiding segregation.
  - Ensure all housing repair, development, and acquisition activities are based on program parameters allowing city-wide implementation to avoid segregation.
- Staff facilitation and administration of fair housing initiatives.
- Facilitating capacity-building efforts for local non-profit organizations.
- Facilitating specific grant-writing activities to further local educational efforts, when staff time allows.
- Promoting fair housing choice for all persons.
- Working to alleviate housing discrimination in Billings.
- Promoting housing that is accessible / usable by persons with disabilities.
- Providing opportunities for all persons to live in any given housing development.
- Reporting on efforts taken to further fair housing in the Comprehensive Annual Performance Evaluation Report, found [online](#).

**Fair Housing Initiatives Program (FHIP):** The City actively partners with organizations with an interest in fair housing and has facilitated several grant applications for the FHIP available competitively through HUD. The City was awarded this grant in 2006 for over \$93,000. In 2007 and 2008 grant awards were made for over \$99,000 for each year and in 2011-2012, the City was awarded another \$125,000 to further fair housing education and outreach. Previous and current partners and Subrecipients of FHIP

funding include: homeWORD, the Community Housing Resource Board, Interfaith Hospitality Network, the Billings Partners for American Indian Homeownership, Rimrock Foundation, Yellowstone AIDS Project and Yellowstone County Council on Aging in Billings.

This year, City staff plans to address urgent needs identified in this underserved area by partnering with several non-profit and community representation organizations to build capacity and expand the professional knowledge base regarding fair housing issues. Partnering organizations assists in building a comprehensive community-based response to pressing fair housing needs, including targeting: American Indians and other minority groups; the disabled - particularly those in recovery from addiction or individuals who have been diagnosed with HIV / AIDS; homeless families; and people experiencing poverty. Impediments these individuals face include segregation, steering, blatant discrimination, hostility, and disparate treatment when applying for housing during the rental application process and also when applying for housing financing.

Staff members also review policies, procedures and service outcomes on an annual basis through the Consolidated Plan and performance reporting processes to determine whether impediments to fair housing choice were inadvertently imposed. Plans for future actions are implemented to address concerns during the fiscal year allocation process.

### *Affirmative Marketing*

The City adheres to an Affirmative Marketing Procedure which furthers the City's commitment to nondiscrimination and equal opportunity in housing. Proposed affordable housing development projects with more than five units are required to submit an Affirmative Marketing Plan with the application for funding. Plans include procedures for marketing units to minority / disabled populations and performing significant outreach to ensure equal housing opportunity for potential renters / owners of the housing units.

Core programs (such as housing repair, down payment assistance, and special assessment grants) are advertised in Task Force Newsletters, which are distributed in identified low income and high-minority concentration areas. Core programs are also marketed to agencies serving the elderly, disabled and those experiencing homelessness.

The Citizen Participation Plan ensures comprehensive public notices and opportunities to solicit and receive public comment and participation in the allocation process. This process includes staff attendance at local neighborhood task force meetings during the allocation process. These areas have been identified with high minority densities and are predominantly low-income.

### *Section 504*

Minimum accessibility requirements are mandated with all affordable housing projects developed utilizing federal funding. Subrecipients of federal funding are all monitored for Section 504 accessibility requirements pursuant to ensure that non-dwelling service facilities are fully accessible to those with disabilities. All Subrecipients are provided a copy of the Self-Evaluation and Assessment of Accessibility to ensure compliance with Section 504 requirements.

### *Section 3*

Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons or business concerns residing in the community where the project is located.

Section 3 is both race and gender neutral. The preferences provided under this regulation are based on income-level and location. The Section 3 regulations were designed to encourage recipients of HUD funding to direct new employment and contracting opportunities to low-income residents, and the businesses that employ these persons, within their community regardless of race and / or gender.

The City has a [comprehensive procedure](#) for compliance with Section 3 requirements. This includes procedures to provide job training, employment and contract opportunities for low income residents in connection with projects and activities in their neighborhoods.

### *Relocation Assistance & Displacement*

The City minimizes displacement of persons and assists any persons displaced during the Division's affordable housing and redevelopment activities according to the Uniform Relocation Act. The Uniform Act provides important protections and assistance for people affected by the acquisition, rehabilitation, or demolition of real property for Federal or federally-funded projects.

This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a direct result of projects receiving federal funds, are treated fairly and equitably and receive assistance in moving from the property they occupy. The Division will require developers to make relocation benefits available to displaced persons during housing initiatives funded with federal dollars.

### *Short Sales*

The term "short sale" can be described as the sale of a property where the sale proceeds fall short of the balance owed on the loan. The City carries liens on properties as a result of owner participation in programs such as First Time Homebuyer and Housing Rehabilitation.

On occasion, the City is asked to participate in "short sales," which is a process that routinely begins with homeowner that is default on a first-position mortgage. This typically involves a request from a third-party to lower the balance of the lien owed to the City.

Foreclosure proceedings mandate owner protections that can be diluted when a third-party short sale takes place. The City will not participate in any third-party short sale when the City holds an interest in a property. This includes lowering the balance of liens placed when the owner participated in City-financed programs. Short sales initiated by the owner without a third-party will be considered on a case-by-case basis.

## *Labor Standards*

The Davis-Bacon Act requires, when applicable, the payment of prevailing wage rates, as determined by the US Department of Labor, to all laborers and mechanics on federally-funded construction projects. As a rule, CDBG construction contracts in excess of \$2,000 will trigger Davis-Bacon, and HOME contracts involving twelve or more HOME units will require Davis-Bacon compliance. Staff will evaluate each application to determine if Davis-Bacon applies to a specific project.

### *Davis-Bacon Definitions*

- **Laborer or mechanic:** Anyone performing construction work on the project, including trade journeymen, apprentices, and trainees. “Laborers” and “mechanics” are the two groups of workers that must be paid not less than Davis-Bacon wage rates.
- **Employee:** Every person who performs the work of a laborer or mechanic is “employed” regardless of any contractual relationship that may exist between a contractor or subcontractor and such person.
- **Apprentices and trainees:** The only workers who can be paid less than the wage rate on the wage decision for their work classification are “apprentices” and “trainees” registered in approved apprenticeship or training programs. Apprentices and trainees are paid wage rates in accordance with the wage schedule in the approved program. The maximum number of apprentices or trainees on the job site cannot be more than the ratio of apprentices or trainees to journeymen allowed in the approved program.
- **Prevailing wages:** Prevailing wages are listed on the wage decision for the project. The wage decision will list a minimum basic hourly rate of pay for each work classification. Wage decisions may include fringe benefits such as health insurance, retirement, vacation and contributions to training funds.
- **Site of work:** The “site of work” is where the Davis-Bacon wage rates apply, usually the boundaries of the project. “Site of work” can also include other adjacent or nearby property used by a contractor or subcontractor in the construction of the project.
- **Proper designation of trade:** A work classification on the wage decision for each worker based on the actual type of work he performed must be done. In addition, each worker must be paid no less than the wage rate on the wage decision for that classification regardless of skill level. The only people who can be paid less than the rate for their craft are apprentices and trainees registered in approved programs.
- **Split-classification:** Employees performing work in more than one classification should be paid the wage rates specified for each classification only if accurate time records showing the time spent in each classification of work are maintained. If accurate time records are not maintained, these employees must be paid the highest wage rate of all of the classifications of work performed.

**Wage Decisions:** Davis-Bacon wage decisions define the minimum wage payment requirements for classifications such as carpenters, electricians, plumbers, and roofers that work on the project. The geographically specific Davis-Bacon wage decision, provided by the Department of Labor, contains a schedule of work classifications and wage rates to be followed. Wage decisions can be found [online](#).

The prime contractor, or the party ultimately accountable for meeting Federal regulations, is responsible for several key steps in a Davis-Bacon contract. Prior to bidding a construction contract, the Davis-Bacon

wage decision must be obtained and included in the bid package. Once the project is underway, a copy of the wage decision and a copy of a Department of Labor "Notice to Employees" at the job site must be posted in a place easily accessible to construction workers employed at the project.

**Reporting:** A certified payroll report beginning the first week a company works on the project and continuing until the firm has completed its work will be required by the project monitor. The payrolls are certified because each payroll is signed and contains language certifying that the information is true and correct. "No work" payrolls may be submitted whenever there is a temporary break in work on the project.

The prime contractor reviews each subcontractor's payroll reports for compliance prior to submitting the reports to the contract administrator. The prime contractor is responsible for the full compliance of all subcontractors and will be held accountable for any wage restitution found due to any laborer or mechanic that is underpaid and for any liquidated damages that may be assessed for overtime violations.

Every contractor (including subcontractors) must keep a complete set of payrolls and time cards for a Davis-Bacon project for three years after the project is completed. The prime contractor must keep a complete set of all of the payrolls for every contractor for three years after completion of the project.

**Compliance Reviews:** The contract administrator or other inspector may visit the project site and interview workers concerning their employment on the project. The interviewer will record the interview information and will compare it to payrolls and related submissions to ensure that the labor standards requirements have been met. Additional information on this topic can be found on the Department of Housing and Urban Development [website](#).

### *Housing Quality Standards*

All City projects involving residential construction, rehabilitation, and / or acquisition shall meet the Division's standards to provide decent, safe and sanitary housing that minimally meets or exceeds all applicable local and State codes, rehabilitation standards, ordinances, and zoning ordinances. This includes meeting or exceeding Housing Quality Standards, which will be verified by staff inspection, as the City does not have approved rehabilitation standards. In addition to meeting quality standards, all housing projects undertaken by the City emphasize energy efficiency, universal design, and green building components whenever possible and feasible.

### *Housing Rehabilitation Standards*

**Standard condition dwelling unit:** A unit which currently meets *Housing Quality Standards* as described above with no major defects in the structure and only minor maintenance is required. The City of Billings does not currently have a rehabilitation code. Such a dwelling would have the following characteristics post-rehabilitation within the funding limits for each project: a reliable roof; a sound foundation; adequate and stable floors; walls and ceilings; surfaces and woodwork without serious damage or paint deterioration; sound windows / doors; adequate heating, plumbing and electrical systems; adequate insulation, and adequate water and sewer systems. With the exception of emergency rehabilitation, a unit in standard condition would not be eligible for City's housing rehabilitation or home repair funds.

**Financially Feasible:** The structure does not require more than \$25,000 to rehabilitate for a single or multi-family unit, which is within the maximum rehabilitation dollar amount for the City's rehabilitation program.

**Structurally Feasible:** The structure is determined sound and suitable for rehabilitation.

**Substandard Condition Suitable for Rehabilitation:** A dwelling unit not meeting the definition of a standard condition dwelling unit as defined above as reflected in the Housing Quality Standard inspection and the City's current housing code, but IS both structurally feasible and financially feasible to rehabilitate. The unit is likely to have deferred maintenance and may have some structural damage such as a leaking roof, deteriorated interior surfaces and inadequate insulation. The unit has other items noted as 'general standards of items that fail' as reflected by the Housing Quality Standard inspection.

**Not Financially Feasible:** The structure requires more than \$25,000 to rehabilitate for a single or multi-family unit.

**Poor Structural Condition:** The unit has a cracked foundation in multiple places, heavy structural damage through expansive soils or other causes.

**Substandard Condition NOT Suitable for Rehabilitation:** A dwelling unit in such poor condition that it is neither structurally nor financially feasible to rehabilitate.

**Substandard Condition Suitable for Emergency Rehabilitation:** A dwelling unit requiring emergency correction of livability problems. This includes the installation of a new furnace, water heater and other maintenance work critical to habitability / livability of the unit.

## Monitoring

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The goals to be achieved through the Consolidated Plan will be monitored on a yearly basis as required as part of the Comprehensive Annual Performance Evaluation Report (CAPER) submitted to HUD for the Consolidated Plan. Monitoring consists of:

- Examination of the community's use of available HUD, state, and local resources to meet the affordable housing and community development needs as outlined in the Consolidated Plan.
- Examination of the effectiveness of the programs that are in place.
- Review of public comments received on the community's performance in meeting the affordable housing and community development needs described in the City's Consolidated Plan.

The City funds a variety of Subrecipients to carry out CDBG and HOME funded activities each year. Each of these Subrecipients is required to enter into a detailed sub-recipient agreement that specifically describes funding use. Subrecipients will be monitored on-site by Community Development staff at least every other year to ensure compliance with the terms of the agreement and applicable regulations.

Projects assisted with CDBG funding to rehabilitate rental units as well as projects financed with HOME funding. Housing projects are monitored via site-visits on a schedule based on the number of units in the project:

<b># of Units</b>	<b>Frequency of On-Site Monitoring</b>
1 - 4 Units	Every 3 years
5 - 25 Units	Every 2 years
26+ Units	Every year
Source Documentation	Every 6 years
<i>Staff inspects 15% - 20% of the total HOME units per project, minimum one unit in each building</i>	

### *Timeliness*

The City is required to both commit and expend CDBG and HOME funding in a timely manner. The CDBG program mandates that the City carry less than 1.5 times the previous year's award in the HUD payment system at the beginning of May each year. HOME funding allocated to the City must be committed to specific projects via contract (which must be approved through City Council) within 24 months of allocation and funds must be expended within five years of initial allocation. Failure to comply with commitment and expenditure deadlines will result in funding being recaptured by HUD.

The City must draw down funds at acceptable rates to prevent funding recapture. Therefore, the City will adhere to the following procedures regarding timeliness:

- Allocating funding to grantees that can expend funding expeditiously.
- Prioritizing applications for funding based on timeline for expenditure.
- Reallocating funding from projects that have not expended funds to new projects.
- Draw funding from HUD systems at least quarterly to ensure compliance.
- Perform a timeliness review at the end of each calendar year and plan to move funding to progressive accounts / projects if timeliness will become an issue.
- Work with Community Housing Development Organizations (CHDO) to pre-allocate future mandatory CHDO reserve funding.
- Communicating the importance of timeliness to applicants, the Community Development Board and the City Council.

### *Performance Measures*

HUD requires certain objectives and outcomes be identified for all activities funded through CDBG and HOME. These include objectives for suitable living environment, the provision of decent housing and creating economic opportunities. Outcomes include increasing availability and / or accessibility, affordability and sustainability.

<b>HUD PERFORMANCE MEASUREMENTS</b>	
<i>Objectives</i>	<i>Outcomes</i>
Suitable Living Environment	Availability or Accessibility
Decent Housing	Affordability
Economic Opportunities	Sustainability

In addition to the utilization of HUD standard objectives and outcomes, the City will provide benchmark data on performance and outputs, including the following numbers:

- Housing units assisted
- Years in compliance with stated benchmarks / requirements
- Funding leveraged
- Meetings facilitated by staff
- Grant application submissions to further Consolidated Plan goals
- Strategic / Action Plans generated / implemented
- Organizations supported
- AmeriCorps\*VISTA members placed

### *Subsidy Layering*

All projects funded through the City with HOME funds that combine other federal funding sources will be reviewed to ensure the project will not use more federal funding than necessary to provide affordable housing. This includes a review of four major components, some requiring documentation and others requiring analysis and review of project details:

- Sources and Uses of Funds Statement
- Certification of Federal Assistance
- Project Development Budget
- Operating Pro-Forma, or Rate of Return on Equity Investment

### *Resale & Recapture - HOME Program*

The City must impose either resale or recapture requirements on housing assisted with the HOME program. Further development of this section pending...

### *Periods of Affordability for Current Resale / Recapture Projects*

Beginning on July 1, 2009, recapture provisions for the First Time Homebuyer program will be either five or ten years for each assisted activity beginning after the transfer of the property to the property owner as evidenced by the Mortgage Agreement.

The overall Kings Green Affordable Housing Development project will bring a total of 49 new affordable single-family units to the overall housing stock in Billings. Phases I, II and III have resulted in 39 units and Phase IV will be commencing this fiscal year to add an additional 10 units. These units will be subject to recapture provisions.

### *Fair Return to Seller*

Fair return to the seller will be accomplished by recapturing the net proceeds from the sale of the property up to the amount of HOME assistance provided. Net proceeds will be defined by the City of Billings as the sales price minus repayment, closing costs, and any acquisition loan made at the time of the HOME assistance. Any loans or improvements made to the property after the time of the HOME assistance will be paid after the City is repaid the amount owed under its recapture provisions. If the net proceeds are not sufficient to recapture the full HOME investment, the City will accept the available net proceeds as full payment. The homeowner's down payment, principal payments, and any capital improvement investment made in the property after the HOME assistance has been provided will be returned to the homeowner at closing after the City's HOME assistance has been recaptured from the net proceeds as described above. The homeowner also will retain any value of the appreciation of the property after the City's HOME assistance has been recaptured.

### *Use of Recaptured Funds*

Recaptured HOME funds will be used to assist other first time homebuyers to purchase property in Billings or other HOME eligible activities to be determined through the City's budget allocation process in accordance with the Citizen Participation Plan. Homebuyers must be low-income and must use the assisted property with the recaptured funds as their principal residence. Low-income and first time homebuyer status will be determined based on HOME program regulations.

The City of Billings does not propose the use of HOME funds to refinance existing debt secured by multi-family housing that is being rehabilitated with HOME funds.

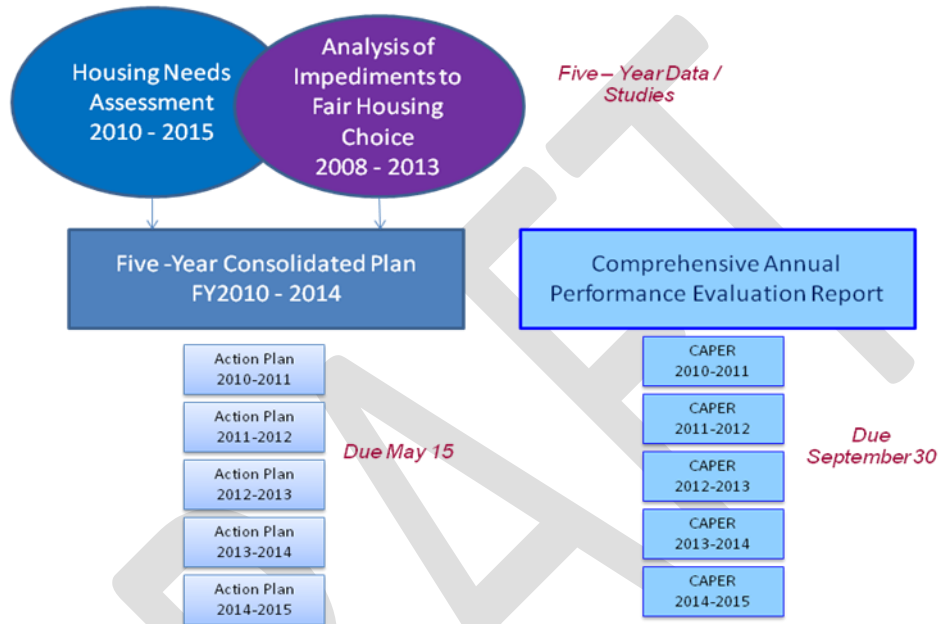
### *Tenant-Based Rental Assistance*

Tenant-Based Rental Assistance will be used to meet the priority need for rental deposit assistance as determined by the gap analysis in *Welcome Home Billings*, the City's 10-year plan to impact homelessness. This need was also identified in the Housing Needs Assessment. Additional information regarding this need can be found in the City's five-year Consolidated Plan. This investment should assist in narrowing the affordability gap for households with incomes less than 60% of the area median income.

## SECTION FOUR - Consolidated Plan & Budget Development

### Significant Aspects of the Process

The City utilizes significant public comment processes and coordinates input from various organizations and groups in order to maximize collaborative efforts while developing and implementing the Consolidated Plan. Both the Housing Needs Assessment and the Analysis of Impediments to Fair Housing Choice are utilized by City staff as **primary planning tools** for the development and implementation of Consolidated Plan activities.



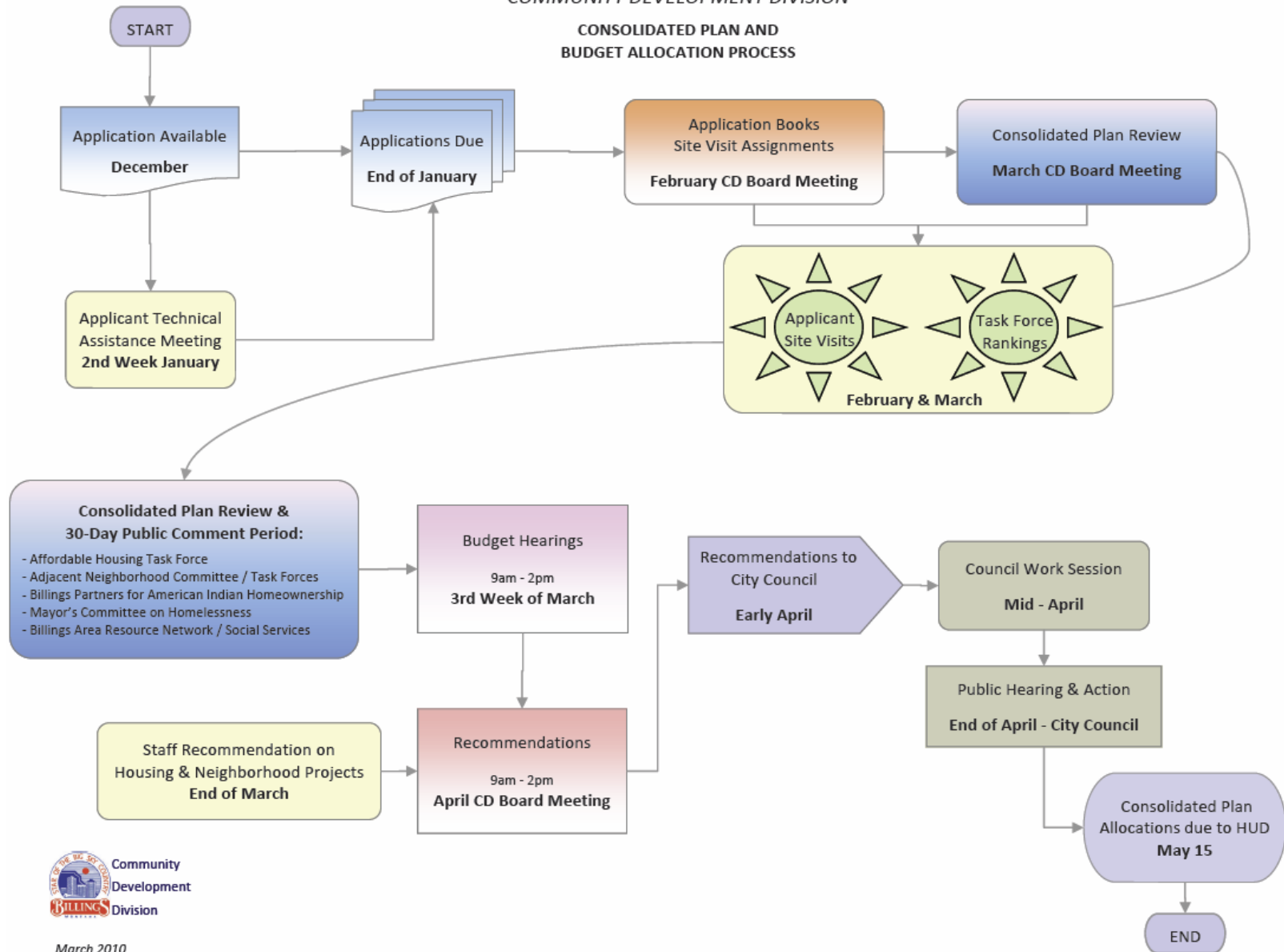
The Budget Allocation Process flowchart (following page) illustrates the significant aspects of public involvement and input processes utilized for Consolidated Plan development and implementation. The process includes a technical assistance meeting to facilitate training of CDBG / HOME applicants regarding application expectations and project requirements. All plans and studies are posted on the City’s website and emails are distributed announcing application and Consolidated Plan postings.

The Community Development Board conducts applicant site visits to review each application with the submitting organization. In addition, City staff visit each of the seven neighborhood task forces to garner housing / neighborhood activity rankings prior to the public comment period. The City also maintains extensive email distribution lists and utilizes these lists to make announcements of study results and drafted plans. Budget hearings are also held to give presentation opportunities to each applicant. Each neighborhood task force is also offered an opportunity to speak during the hearings.

A formalized public comment period is held for no less than 30 days and various community groups are visited during this time to garner feedback on studies, plans and activities. Agenda items are also scheduled for a City Council Work Session and regular City Council meeting; the latter includes an additional, specific public hearing to review the Consolidated Plan and activities. All meetings are open to the public, advertised in the regionally-distributed Billings Times newspaper and agendas offer a specific time for additional public comment.

COMMUNITY DEVELOPMENT DIVISION

CONSOLIDATED PLAN AND BUDGET ALLOCATION PROCESS



March 2010

## SECTION FIVE - Geographic Data

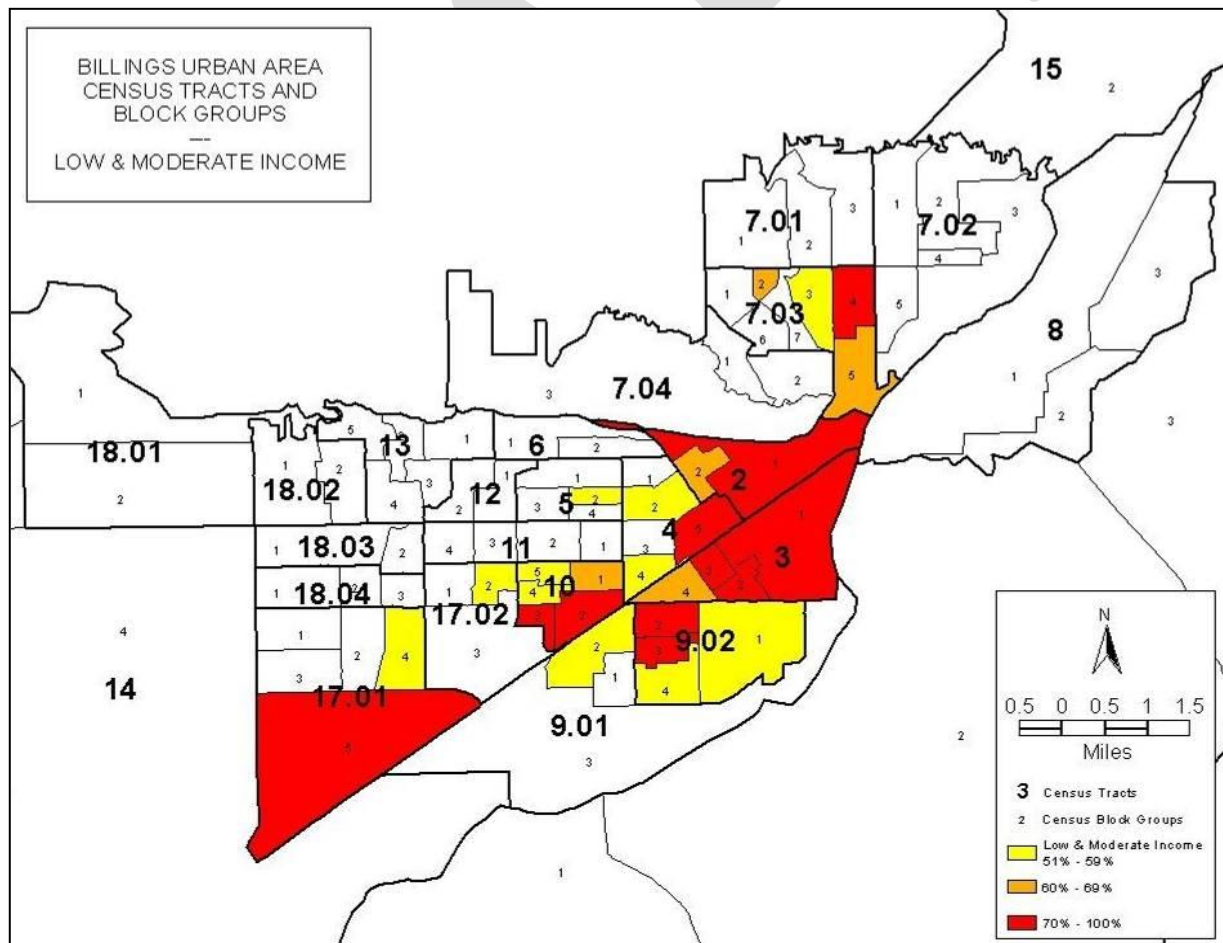
### Geographic Area

91.220(d)

The geographic area served by the Consolidated Plan is defined by the current City of Billings limits. Target areas include Census tracts and block groups with high concentrations of low to moderate income households, particularly those with higher concentrations of racial / minority households.

### Lower-Income Household Concentration

The strategies identified in the Consolidated Plan will be addressed on a citywide basis to encourage the distribution of low-income affordable housing and other assistance to lower income households throughout the community. Strategy D targets assistance provided through CDBG and related programs to lower income neighborhoods of the communities where the majority of the City's affordable housing stock is located. The map below identifies areas of the community with lower income population above 70%, between 60% and 69%, and between 51% and 59% to allow further prioritization of limited resources. The low income areas identified on the map maintain the presumption of affordability for the purposes of affordable housing development, recapture / resale and federal investment. Areas may be updated with the 2010 Census.



**Lower Income Areas in Billings**

### Racial / Minority Concentration

The City is in the process of updating the Analysis of Impediments to Fair Housing Choice at the time of publication. The 2007 Analysis of Impediments to Fair Housing Choice identified areas of the community with a concentration of minority households. Census Tracts 2, 3, and 9.02 (known as South-Central Billings) show the highest concentration of protected class residents.



**South-Central Billings - Highest Minority Population Concentrations**

City-wide, there is an estimated American Indian population of 4% and a Hispanic population of 5%. Central Billings (Census Tracts 2 and 4) has a Native American population of 7% and Hispanic population of 6% while South Billings (Census Tracts 3, 9.01, and 9.02) has a Native American population of 9% and a Hispanic population of 14%. These areas are lower income areas and targeted neighborhoods for the geographic distribution of resources as described above. The 2007 Analysis of Impediments to Fair Housing Choice can be viewed [online](#).

### Estimated Population Statistics for South-Central Billings

	<b>Total</b>	<b>White</b>	<b>Black / African American</b>	<b>American Indian &amp; Alaska Native</b>	<b>Asian</b>	<b>Native Hawaiian &amp; Other Pacific Islander</b>	<b>Other Race</b>	<b>Two or More Races</b>	<b>Hispanic Origin</b>
<b>Population</b>	11,361	8,913	164	1,145	44	9	573	513	1,485
<b>% of City</b>	13%	11%	33%	37%	8%	24%	44%	28%	40%

### *Geographic Basis for Allocation of Investments*

91.215(a)(2)

The City of Billings is the largest city with the highest population in the state. However, the city only has an estimated population of nearly 104,000 in 2008, according to the 2010 Billings Housing Needs Assessment. Billings would be classified as a smaller city on a national scale. Therefore, the City will focus distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community.

### *Basis for Assigning Priority - Overall Consolidated Plan*

Priorities for funding are based on both the most recent Housing Needs Assessment and the Analysis of Impediments to Fair Housing Choice. Priorities for housing development are identified as “High” “Medium” and “Low” based on data analysis.

### *Obstacles to Meeting Underserved Needs - Overall Consolidated Plan*

91.215(a)(3)

The primary obstacle faced by the City in undertaking the activities described in its Consolidated Plan and meeting under-served needs is the amount of available funding. The Housing Needs Assessment identified the affordable housing needs and conditions of our community. These conditions, particularly the cost burden faced by very low income renters and homeowners, is difficult to address given existing resources, and other needs of the community related to neighborhood improvement, housing preservation, and improving the economic conditions of lower income households.

In addition to funding for projects and programs, there is a need for additional funding for administration and planning costs to help design strategies and undertake projects to help meet these needs. The City attempts to leverage its CDBG and HOME resources as evidenced by past partnerships with the Montana Board of Housing, Wells Fargo, and Fannie Mae.

The City's ability to undertake such activities is limited by staffing levels. This issue has been partially addressed by establishing and supporting community partnerships to address housing and community development needs. The work of the Affordable Housing Task Force, Adjacent Neighborhood Committee, neighborhood groups, various Fair Housing organizations, and the Billings Partners for American Indian Homeownership increase local resources and capacity to address housing and community development needs.

## SECTION SIX - Resources

### *Available Funding, Expenditure Limits & Match Requirements*

91.220(c)(1&2)

CDBG administration and planning activities are estimated and budgeted at \$168,821 which is 20% of the new CDBG estimated allocation (\$570,374) in addition to eligible program income left over from the previous year and including income from the current year (\$277,266). The proposed budget includes \$3,533 in funding from projects which have been cancelled or completed (cannot be included in administration costs). One hundred percent of available funding will be used to benefit the low to moderate income households.

The maximum amount of funding available for Public Service Activities is \$109,280. This amount represents 15% of prior year income (15% of \$158,162 is \$23,724) and the new CDBG estimated allocation (15% of \$570,374 is \$85,556), and no additional reprogrammed funding from Public Services from prior years. Unfortunately, CDBG funding levels are so low this fiscal year the City chose to allocate \$## to Public Service activities.

HOME administration activities are estimated and budgeted at \$31,461 which includes 10% of estimated new HOME revenue (10% of \$314,609 is \$31,461). As First Time Homebuyer funding returned to the City prior to the affordability period expiring is considered "recaptured" funding, no additional "program income" has been received and considered eligible for additional administration expenses.

The HOME program requires 25% match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing (MBOH) and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing.

### *Expected Program Income - CDBG & HOME*

Program income expected for the CDBG program includes repayments for funding loaned through the Housing Rehabilitation Loan program and other revitalization efforts. The City expects to receive approximately \$100,000 in repayments for this fiscal year which will be reprogrammed for CDBG-eligible activities for next fiscal year. The City will not receive proceeds for Section 108 loan guarantees, surplus funds from urban renewal settlements, or float-funded activities.

Program income expected for the HOME program includes repayments from homeWORD for the High Sierra project in an annual amount of \$1,500 according to the HUD-approved work out plan completed in December 2009. Other repayments include recaptured and program income funding generated by the First Time Homebuyer Loan program. The City expects to receive approximately \$100,000 in HOME funding through these venues, and the funding will be re-programmed and utilized for HOME-eligible activities next fiscal year. The City of Billings programs 100% of CDBG and HOME funding to benefit low to moderate income households and / or areas.

### *Neighborhood Stabilization Program Plan & Expected Program Income*

The City of Billings approved a Substantial Amendment to the City of Billings' Annual Action Plan for FY2008-2009 on January 26, 2009 to utilize funds provided under the Housing and Economic Recovery

Act of 2008 (HERA) (Pub. L. 110-289, 122 Stat. 2654, enacted July 30, 2008) through the HUD Neighborhood Stabilization Program (NSP). The geographic area covered in the Action Plan and amendment is the City of Billings municipal boundaries, with priority emphasis on areas with a high foreclosure risk in low income task force areas.

The NSP provides \$19.6 million in CDBG funds to the Montana Department of Commerce (MDOC) to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. In addition, the funds can be used to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline of house values of neighboring homes.

The City of Billings intends to utilize granted funding and program income in a manner that complies with regulations established by HUD. This includes obligating funding via contract for service within 18 months of HUD's approval of the MDOC's Action Plan Amendment<sup>1</sup> and full expenditure of obligated funds within 48 months of HUD's approval date.

Approximately \$300,000 in program income is anticipated from the initial sale of vacant and foreclosed homes to low income households as acquisition funds are repaid to the City. Funding will be utilized to further the goals of the NSP program until July 30, 2013. Funding received thereafter is subject to the requirements of the CDBG program. As per HUD, the City will avoid the undue enrichment of entities, including individuals

All projects will be located in the City of Billings municipal limits which have been determined to be eligible for NSP project funding due to city blocks having HUD foreclosure risk scores between five and eight. Periods of affordability will be assigned in accordance with the subsidy amount committed and expended for each project. The City will not undertake activities which will trigger the Uniform Relocation Act. The City will be leveraging funding from available application sources including CDBG, HOME and partner-provided funding sources to facilitate NSP activities.

In general, the City will undertake the following activities, to be funded in part with NSP funding:

- Acquisition, rehabilitation (including infrastructure as part of redevelopment) and resale of foreclosed or abandoned homes to income-qualified homebuyers as their primary residence.
- Financial assistance to income-qualified homebuyers who are purchasing an abandoned or foreclosed home.
- Acquisition of properties and demolition of existing structures that meet the definition of blight in the community. These properties will be redeveloped in the future for use as permanent affordable housing.

As required, all NSP funding must be committed within an 18 month timeframe and must be carried out within four years. The projects will begin in early 2009 and will be continued until early 2013. The City's full Neighborhood Stabilization Program plan is available to view [online](#) and is included in the Appendices.

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<sup>1</sup> Montana Department of Commerce Website, November 2008, [http://housing.mt.gov/Includes/CP/ApplicationDocs/CP\\_NSP-Amendment.pdf](http://housing.mt.gov/Includes/CP/ApplicationDocs/CP_NSP-Amendment.pdf)

### *Resources Complimenting the HOME Program*

In addition to HOME funding, the City of Billings will also pursue the following resources:

- Montana Board of Housing of approximately five million dollars for first time homebuyer activities.
- Funding through financial institutions and organizations such as Fannie Mae American Communities Fund for new or rehabilitated housing.

In addition to these resources, the City of Billings will also either pursue or support applications for funding as requested for the following programs subject to the priorities established in the Consolidated Plan:

- HUD Section 202 Senior Housing
- HUD Section 811 Housing for the Physically Disabled
- HUD Supportive Housing and Shelter Plus Care Programs
- Special appropriations available through Congress for special projects
- Funding through the Federal Home Loan Bank
- Low-Income Housing Tax Credits

The City of Billings also is considered a partner in many activities that address the community's housing needs, particularly those carried out by human service agencies as public service activities in the CDBG program. The City's contribution to these projects often represents a small part of the overall funding resources to address a particular need. Furthermore, there are other local, state, and federal resources to address those needs such as FEMA funding for emergency shelters, funding received by the Housing Authority of Billings, and rental assistance provided by private non-profit assisted housing providers.

The City does not plan to use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds, with the exception of approval of a Community Housing Development Organization (CHDO) project. In this instance, the terms of repayment will be established in accordance with 24 CFR 92.206(b).

***SECTION SEVEN - Allocations & Project Descriptions***

Pending allocation...

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## SECTION EIGHT - Annual Objectives & Tables

### Required Tables

91.220(c)(3)

HUD's **Table 3A, Version One**, *Summary of Specific Annual Objectives*, is a summary of specific annual objectives which organizes objectives by type, including rental housing, owner housing, special needs, community development, public facilities, public services, and economic development. The table identifies sources of funds, performance indicators, expected numbers, actual numbers and the identification of HUD's established outcomes / objectives.

HUD's **Table 3A, Version Two** is a summary of specific annual objectives which organizes objectives by HUD's established outcomes / objectives, including:

- Availability / accessibility of decent housing (DH-1)
- Affordability of decent housing (DH-2)
- Sustainability of decent housing (DH-3)
- Availability / accessibility of suitable living environment (SL-1)
- Affordability of suitable living environment (SL-2)
- Sustainability of suitable living environment (SL-3)

<b>HUD OBJECTIVES / OUTCOMES MATRIX</b>			
	<i>Availability / Accessibility</i>	<i>Affordability</i>	<i>Sustainability</i>
<i>Decent Housing</i>	DH-1	DH-2	DH-3
<i>Suitable Living Environment</i>	SL-1	SL-2	SL-3
<i>Economic Opportunity</i>	EO-1	EO-2	EO-3

Version Two also identifies sources of funds, performance indicators, expected number, actual number and percent completed. These figures will be located in the City's Comprehensive Annual Performance Evaluation Report (CAPER) for each fiscal year.

The Table 3A provided in this Annual Action Plan meets the requirements of both versions (one and two, described above). Goals related to capacity-building for non-profit organizations and administrative support tasks such as newsletter distribution for low-income neighborhood task forces do not relate well to the established HUD Outcomes / Objectives matrix, and are also identified in the table as "Admin."

Table 3B: Annual Affordable Housing Completion Goals information will be provided in the CAPER. Expected annual number of housing units and funding source is currently identified in Goals for the Consolidated Plan and Tables 3C.

Tables 3C can be found in the Appendices.

**Affirmatively Furthering Fair Housing:** The following chart illustrates the results of the latest AI, including identified impediments to fair housing choice and recommended strategies to impact barriers. In order to further illustrate the City’s intent to affirmatively further fair housing, impediments and strategies identified in the AI are linked to the City’s overall Annual Action Plan activities in Table 3A.

<b>ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE</b>	
<b>Identified Impediments</b>	<b>Recommended Strategies</b>
<p><b>A.</b> Many members of protected classes do not appear to understand their housing rights under the Fair Housing regulations.</p>	<p><b>A1:</b> Produce and disseminate consumer education on Fair Housing issues.</p>
	<p><b>A2:</b> Re-evaluate effectiveness of existing educational materials.</p>
	<p><b>A3:</b> Plan for increasing significance of age-related disabilities.</p>
<p><b>B.</b> Some landlords, property owners, and realtors do not act consistent with knowledge of Fair Housing regulations.</p>	<p><b>B1:</b> Educate landlords, property owners and realtors on their Fair Housing Responsibilities.</p>
<p><b>C.</b> Income, credit and housing affordability issues are tied to fair housing.</p>	<p><b>C1:</b> Actions improving housing affordability / incomes will reduce impediments to fair housing.</p>
	<p><b>C2:</b> Education on using credit and maintaining credit scores is needed.</p>
<p><b>D.</b> Lack of funding hampers the effectiveness of local services working on behalf of fair housing protected classes.</p>	<p><b>D1:</b> Increase funding and capacity of organizations that may assist with fair housing education / outreach activities.</p>
<p><b>E.</b> The lack of hard data concerning the effectiveness of specific fair housing programs hampers the goal of improving the delivery of fair housing services.</p>	<p><b>E1:</b> All Fair Housing outreach / education efforts will include measurable goals and outcomes.</p>

**Integration of Livability Principles:** The formation of the interagency Partnership for Sustainable Communities involved HUD, the U.S. Department of Transportation and the US Environmental Protection Agency in June 2009. These three agencies are working together to support efforts to expand housing and transportation efforts while protecting the environment. This partnership promotes reinvestment in existing communities, expanding access to employment and education, and collaborative planning.

<b>LIVABILITY PRINCIPLES</b>		
<b>Principles</b>	<b>Strategies</b>	<b>City Principles</b>
<b>A.</b> Provide more transportation choices.	Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation’s dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.	Ensure all newly developed housing units supported with City funds are located adjacent to existing transportation services and undergo Environmental Review to assure impact to the environment is minimized.
<b>B.</b> Promote equitable, affordable housing.	Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.	Ensure equal access to projects supported by home repair, first time homebuyer, and development programs, and ensure projects are offered citywide.
<b>C.</b> Enhance economic competitiveness.	Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets.	Support public service activities, the development of social enterprise businesses and Section 3 activities.
<b>D.</b> Support existing communities.	Target federal funding toward existing communities through strategies like transit oriented, mixed-use development, and land recycling to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.	Ensure community revitalization efforts remain in overall strategies and activities of the Consolidated Plan and continue to work cooperatively with other departments to integrate planning.
<b>E.</b> Coordinate and leverage federal policies and investment.	Align federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.	Ensure partnerships, where possible, are created and maintained to maximize program usage.
<b>F.</b> Value communities and neighborhoods.	Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods; rural, urban, or suburban.	Support housing and transportation development activities designed to reflect existing neighborhoods and walkable / vailable communities.

## GOALS FOR FY2012-2013 CONSOLIDATED PLAN

**Table 3A - Summary of Specific Annual Objectives & Affirmatively Furthering Fair Housing**

*July 1, 2012 through June 30, 2013 Goals, adjusted based on funding estimates*

Strategy	Objective	Activity	Measurement Type	FY12-13 Goals	Objectives / Outcomes	Funding Source	AI Barriers Impacted	AI Strategies Implemented	Livability Principles	
A: Promote the preservation of the existing supply of safe, affordable housing in the community.	Provide direct, affordable financing and assistance to low-income homeowners for the completion of needed repairs, citywide.	Housing Rehabilitation Loan Program	Housing Units	10	SL-2	CDBG	C	C1	B, C, F	
		Minor Home Repair Program	Housing Units	15	SL-2	CDBG	C	C1	B, C, F	
		Painting Program	Housing Units	10	SL-2	CDBG	C	C1	B, C, F	
	Provide financing and assistance through partnerships to facilitate needed repairs for special needs populations located citywide.	Wheelchair and accessibility ramps	Ramps - Housing Units	2	DH-1	CDBG	A, C, D	A3, C2, D1	B, C, F	
		Rehabilitation for special needs populations	Housing Units	3	DH-2	CDBG	A, C, D	A3, C2, D1	B, C, F	
	Benchmark Performance Measures	# units rehabilitated through City programs:			-	-	-	C	C1	B, C, F
		# units rehabilitated through partnership programs:			-	-	-	C	C1	B, C, F
		% of total funding allocated to enhance existing housing:			25%	-	-	C	C1	B, C, F
		# units resulting in energy-efficiency improvements:			-	-	-	C	C1	B, C, F
		# units resulting in ADA improvements:			-	-	-	C	C1	B, C, F
B: Promote new affordable housing opportunities.	Encourage the development of new affordable single-family, multi-family and special needs housing in the community through private developers and non-profit organizations.	Affordable Housing Development Program	Housing Units	0	SL-2	CDBG/HOME	A, C, D	A3, C2, D1	A, B, C, D, F	
		Complete Kings Green single-family development	Housing Units	10	SL-2	HOME	A, C, D	A3, C2, D1	A, B, C, D, F	
		Support the efforts of the Housing Authority of Billings	Five-Year Plan Implemented	1	DH-2	ADMIN	A, C, D	A3, C2, D1	E	
		Meet CHDO commitment / expenditure deadlines	Years in compliance	1	SL-2	HOME	C	C1	A, B, C, D, F	
	Provide affordable financing and support to promote homeownership opportunities citywide.	First Time Homebuyer Program	Households	35	SL-2	CDBG/HOME	C	C1	A, B, E, F	
			Cumulative Households	-	-	-	-	-	-	
		First Time Homebuyers - MBOH Set-Aside Use	Households	3	DH-2	-	C	C1	A, B, E, F	
			Leveraged Funding	\$0.3M	-	-	C	C1	A, B, E, F	
		Homebuyer Education	Households	100	EO-3	CDBG/HOME	A, C	A1, C1, C2	B, C, E, F	
		Billings Partners American Indian Homeownership	Homeownership Rate (1992 benchmark: 22%)	0.08	EO-1	ADMIN	A, B, C, D	A2, B1, C1, C2, D1	B, C, E, F	
	Benchmark Performance Measures	% of total funding allocated to promote new housing opportunity citywide:			48%	-	-	C	C1	A, B, C, D, E, F

Strategy	Objective	Activity	Measurement Type	FY12-13 Goals	Objectives / Outcomes	Funding Source	AI Barriers Impacted	AI Strategies Implemented	Livability Principles	
C: Active partnerships with non-profits, neighborhood groups and others to address housing and community development specific to lower income and special needs households.	Support partnerships and regular meetings to facilitate community participation and collaboration.	Affordable Housing Task Force	Quarterly Meetings	4	DH-2	ADMIN	B, C	B1, C1, C2	B, E, F	
		Adjacent Neighborhood Committee	Quarterly Meetings	4	SL-1	ADMIN	A, C	A1, C1	B, E, F	
		Billings Partners American Indian Homeownership	Quarterly Meetings	4	EO-1	ADMIN	A, B, C, D	A2, B1, C1, C2, D1	B, E, F	
		Analysis of Impediments to Fair Housing Choice completed by December 2012 to implement activities by 2013	Analysis / Plan completed	1	SL-1	ADMIN	A, B, C, D, E	A1, A2, A3, B1, C1, C2, D1, E1	B, E, F	
	Support task force newsletters and further capacity-building for self-sustainability.	Task Force newsletter support if adequate staff capacity is available	Newsletters	0 <i>Staffing not adequate</i>	SL-1	ADMIN	A, C, D	A1, A2, C1, D1	D	
	Encourage activities that promote fair housing and increase awareness of the rights of protected classes.	Continue to support organizations with an interest in fair housing to apply for FHIP, facilitate application if necessary	Consider annual submission of FHIP grant representing residents of Billings, depending on staff time availability	0 or 1	SL-1	ADMIN	A, B, C, D, E	A1, A2, A3, B1, C1, C2, D1, E1	B, E	
	Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Mayor's Committee on Homelessness	Bi-Monthly Meetings	6	EO-3	ADMIN	C	C1	B, E	
		Assist in the implementation of Welcome Home Billings, the City's ten-year plan to impact homelessness.	Completed FY09-11 & FY11-13 Action Plans	1	SL-1	ADMIN	C	C1	E	
			Completed FY09-11 & FY11-13 Performance Reports	1	SL-3	ADMIN	C	C1	E	
		Facilitate AmeriCorps*VISTA application and pursue project status	Annual submission of VISTA grant application / VISTA member placements	1	EO-1	ADMIN	C, D	C2	E	
	Benchmark Performance Measures	% of total funding allocated to support partnerships:			15%	-	-	-	-	E
		% of total funding (or \$ amount) to support fair housing initiatives:			-	-	CDBG	A, B, C, D, E	A1, A2, A3, B1, C1, C2, D1, E1	B, E
		# fair housing complaints referred to HUD ( <i>track only if FHIP award is granted</i> ):			-	-	ADMIN/FHIP	A, B, C, D, E	A1, A2, A3, B1, C1, C2, D1, E1	B
	D: Promote the preservation and revitalization of the community's older neighborhoods.	Preserve housing stock in older, lower-income neighborhoods.	See objectives / activities / goals outlined in Strategy A		-	SL-1	-	C	C1	B, F
Infill development of vacant lots and redevelopment of substandard properties.		Affordable Housing Development Program	See goals for Strategy B	-	SL-3	CDBG/HOME	C	C1	B, F	
		Redevelopment 27th Street Corridor	Redevelopment Projects	1	SL-3	ADMIN	-	-	C, D, F	

Strategy	Objective	Activity	Measurement Type	FY12-13 Goals	Objectives / Outcomes	Funding Source	AI Barriers Impacted	AI Strategies Implemented	Livability Principles
D: Promote the preservation and revitalization of the community's older neighborhoods, continued.	Support activities that provide amenities, neighborhood stabilization and maintain infrastructure needs.	Tree Program	Individuals	0 - 15	SL-3	CDBG	C	C1	B, C,
		Neighborhood improvements through the Capital Improvement Plan (CIP)	CIP Years Implemented	1	SL-3	-	C	C1	A, B, C, D, E, F
		Special Assessment Grants	Housing Units	4	SL-2	CDBG	C	C1	A, B, C, D, E, F
	Benchmark Performance Measures	% of total funding allocated to preserving older neighborhoods:		3%	-	-	C	C1	B, C, D
E: Provide assistance to agencies serving lower income and special needs populations, particularly the homeless, the elderly, minorities and those with disabilities.	Provide CDBG Public Service funding and HOME Tenant-Based Rental Assistance (TBRA) for deposits to non-profit organizations and provide assistance for supportive services, including job creation.	CDBG Public Service and HOME TBRA funding allocations for basic needs assistance and supportive services	Years Funding Committed	0	EO-1	CDBG/HOME	C	C1	B, C, E
			Organizations	0	EO-3	CDBG/HOME	C	C1	B, C, E
	Benchmark Performance Measures	% of total funding to support basic needs of special and lower-income populations:		9%	-	CDBG/HOME	A, C	C1, A3	B, C, E
Overall Benchmark Performance Measures	Total Budget Allocated			-	-	-	-	-	-
	Leveraging Ratio			-	-	-	-	-	E
	CDBG Timeliness Compliance			< 1.5	-	-	-	-	-
	# active CHDOs			-	-	-	-	-	A, E
	# of faith-based organizations funded			-	-	-	-	-	-
	Cumulative \$ of HOME funding used for homebuyer activities as of June 30 of each year			-	-	-	-	-	A, B, D, E, F
	% of previous year's HOME funding committed (for FY10-11, measure FY09-10), as of June 30			-	-	-	C	C1	-
	% of HOME CHDO funding reserved, two years ago (for FY10-11, measure FY08-09), as of June 30			-	-	-	C	C1	A, B, C, D, E, F
	% of completed HOME rental disbursements to all rental commitments, benchmark subject to HUD adjustment			> 72.37%	-	-	C	C1	-
	% of completed CHDO disbursements to all CHDO reservations, benchmark subject to HUD adjustment			> 49.28%	-	-	C	C1	A, B, C, D, E, F
	% of renters below 50% of the area median income			-	-	-	C	C1	B
	Note: 90% of rental and TBRA units must assist households less than 60% of the area median income			> 70%	-	-	C	C1	B
	% of occupied HOME rental units to all rental units, benchmark subject to HUD adjustment			> 90.81%	-	-	C	C1	-
Allocation years not distributed for HOME, benchmark subject to HUD adjustment			< 3.07%	-	-	-	-	-	
# of minority, disabled, elderly and female-headed households served			-	-	-	A, C	C1, A3	B, C, D, E	

**Table 3B - Annual Affordable Housing Completion Goals**

July 1, 2011 through June 30, 2012 Goals

<b>Activity</b>	<b>Measurement Type</b>	<b>3B Type</b>	<b>3B Activity</b>	<b>FY12-13 Goals</b>	<b># Completed</b>	<b>Funding Source</b>
Housing Rehabilitation Loan Program	Housing Units	Homeowner	Rehab Existing Unit	10		CDBG
Minor Home Repair Program	Housing Units	Homeowner	Rehab Existing Unit	15		CDBG
Painting Program	Housing Units	Homeowner	Rehab Existing Unit	10		CDBG
Wheelchair and accessibility ramps	Ramps - Housing Units	Combined Owner / Renter	Rehab Existing Unit	2		CDBG
Rehabilitation for special needs populations	Housing Units	Homeowner	Rehab Existing Unit	3		CDBG
Affordable Housing Development Program	Housing Units	Combined Owner / Renter	Production of New Units	0		CDBG/HOME
Complete Kings Green single-family development	Housing Units	Homeowner	Production of New Units	10		HOME
First Time Homebuyer Program	Households	Homeowner	Homebuyer Assistance	35		CDBG/HOME
Special Assessment Grants	Housing Units	Homeowner	Rehab Existing Unit	4		CDBG
Assist in the implementation of Welcome Home Billings, the City's ten-year plan to impact homelessness.	Completed FY09-11 & FY11-13 Action Plans	Beneficiary	Homeless Households	<b>See Welcome Home Billings Reports</b>		ADMIN
	Completed FY09-11 & FY11-13 Performance Reports	Beneficiary	Homeless Households			ADMIN

**CONSOLIDATED PLAN ACTIVITIES BY HUD OBJECTIVE / OUTCOME: *Table 1C***

<i>Objective</i>	<i>Activity</i>	<i>Measurement Type</i>	<i>FY12-13 Goals</i>	<i>HUD Objectives / Outcomes</i>	<i>Admin</i>
<b>DECENT HOUSING &amp; AVAILABILITY / ACCESSIBILITY</b>					
Provide financing and assistance through partnerships to facilitate needed repairs for special needs populations.	Wheelchair and accessibility ramps	Ramps - Housing Units	<b>2</b>	DH-1	-
<b>DECENT HOUSING &amp; AFFORDABILITY</b>					
Provide financing and assistance through partnerships to facilitate needed repairs for special needs populations.	Rehabilitation for special needs populations	Housing Units	<b>3</b>	DH-2	-
Encourage the development of new affordable single-family, multi-family and special needs housing in the community through private developers and non-profit organizations.	Support the efforts of the Housing Authority of Billings	Five-Year Plan Implemented	<b>1</b>	DH-2	Admin
Provide affordable financing and support to promote homeownership opportunities.	First Time Homebuyers - MBOH Set-Aside Use	Households	<b>3</b>	DH-2	-
Support partnerships and regular meetings to facilitate community participation and collaboration.	Affordable Housing Task Force	Quarterly Meetings	<b>4</b>	DH-2	Admin
<b>SUITABLE LIVING ENVIRONMENT &amp; AVAILABILITY / ACCESSIBILITY</b>					
Support partnerships and regular meetings to facilitate community participation and collaboration.	Adjacent Neighborhood Committee	Quarterly Meetings	<b>4</b>	SL-1	Admin
Support partnerships and regular meetings to facilitate community participation and collaboration.	Analysis of Impediments to Fair Housing Choice completed in December 2013 to implement activities for 2014-2019	Analysis / Plan completed	<b>1</b>	SL-1	Admin
Support task force newsletters and further capacity-building for self-sustainability.	Task Force newsletter support if staffing is adequate	Newsletters	<b>0</b>	SL-1	Admin
Encourage activities that promote fair housing and increase awareness of the rights of protected classes.	Continue to support organizations with an interest in fair housing to apply for FHIP, facilitate application if necessary	Consider annual submission of FHIP grant representing residents of Billings, depending on staff time availability	<b>0 or 1</b>	SL-1	Admin
Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Assist in the implementation of Welcome Home Billings, the City's ten-year plan to impact homelessness.	Completed FY09-11 & FY11-13 Action Plans	<b>1</b>	SL-1	Admin
Preserve housing stock in older, lower-income neighborhoods.	See objectives / activities / Goals outlined in Strategy A	See objectives / activities / Goals outlined in Strategy A	-	SL-1	-
<b>SUITABLE LIVING ENVIRONMENT &amp; AFFORDABILITY</b>					
Provide direct, affordable financing and assistance to low-income homeowners for the completion of needed repairs.	Housing Rehabilitation Loan Program	Housing Units	<b>10</b>	SL-2	-
	Minor Home Repair Program	Housing Units	<b>15</b>	SL-2	-
	Painting Program	Housing Units	<b>10</b>	SL-2	-

<i>Objective</i>	<i>Activity</i>	<i>Measurement Type</i>	<i>FY12-13 Goals</i>	<i>HUD Objectives / Outcomes</i>	<i>Admin</i>
Encourage the development of new affordable single-family, multi-family and special needs housing in the community through private developers and non-profit organizations.	Affordable Housing Development Program	Housing Units	0	SL-2	-
Encourage the development of new affordable single-family, multi-family and special needs housing in the community through private developers and non-profit organizations.	Complete Kings Green single-family development	Housing Units	10	SL-2	-
Encourage the development of new affordable single-family, multi-family and special needs housing in the community through private developers and non-profit organizations.	Meet CHDO commitment / expenditure deadlines	Years in compliance	1	SL-2	-
Provide affordable financing and support to promote homeownership opportunities.	First Time Homebuyer Program	Households	35	SL-2	-
Support activities that provide amenities, neighborhood stabilization and maintain infrastructure needs.	Special Assessment Grants	Housing Units	4	SL-2	-
<b>SUITABLE LIVING ENVIRONMENT &amp; SUSTAINABILITY</b>					
Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Assist in the implementation of Welcome Home Billings, the City's ten-year plan to impact homelessness.	Completed FY09-11 & FY11-13 Performance Reports	1	SL-3	Admin
Infill development of vacant lots and redevelopment of substandard properties.	Affordable Housing Development Program	See goals for Strategy B	-	SL-3	-
	Redevelopment 27th Street Corridor	Redevelopment Projects	1	SL-3	-
Support activities that provide amenities, neighborhood stabilization and maintain infrastructure needs.	Tree Program	Individuals	0 - 15	SL-3	-
	Neighborhood improvements through the Capital Improvement Plan	CIP Years Implemented	1	SL-3	-
<b>ECONOMIC OPPORTUNITY &amp; AVAILABILITY / ACCESSIBILITY</b>					
Provide affordable financing and support to promote homeownership opportunities.	Billings Partners American Indian Homeownership	Homeownership Rate (1992 benchmark: 22%)	40%	EO-1	Admin
Support partnerships and regular meetings to facilitate community participation and collaboration.	Billings Partners American Indian Homeownership	Quarterly Meetings	4	EO-1	Admin
Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Facilitate AmeriCorps*VISTA application and pursue project status	Annual submission of VISTA grant application / VISTA member placements	1	EO-1	Admin
Provide CDBG Public Service funding and HOME Tenant-Based Rental Assistance (TBRA) for deposits to non-profit organizations.	CDBG Public Service and HOME TBRA funding allocations for basic needs assistance	Years Funding Committed	0	EO-1	-

<i>Objective</i>	<i>Activity</i>	<i>Measurement Type</i>	<i>FY12-13 Goals</i>	<i>HUD Objectives / Outcomes</i>	<i>Admin</i>
<b>ECONOMIC OPPORTUNITY &amp; SUSTAINABILITY</b>					
Provide affordable financing and support to promote homeownership opportunities.	Homebuyer Education	Households	100	EO-3	-
Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Mayor's Committee on Homelessness	Bi-Monthly Meetings	6	EO-3	Admin
Provide CDBG Public Service funding and HOME Tenant-Based Rental Assistance (TBRA) for deposits to non-profit organizations.	CDBG Public Service and HOME TBRA funding allocations for basic needs assistance and supportive services	Organizations	2	EO-3	-

<b>OBJECTIVE CATEGORIES</b>					
Staff review includes Consolidated Plan, Welcome Home Billings, and the Neighborhood Stabilization Program.					
<input checked="" type="checkbox"/>	<b>Decent Housing</b>	<input checked="" type="checkbox"/>	<b>Expanded Economic Opportunities</b>	<input checked="" type="checkbox"/>	<b>Expanded Economic Opportunities</b>
<input checked="" type="checkbox"/>	Assisting homeless persons obtain affordable housing.	<input checked="" type="checkbox"/>	Improving the safety and livability of neighborhoods.	<input checked="" type="checkbox"/>	Job creation and retention.
<input checked="" type="checkbox"/>	Assisting persons at risk of becoming homeless.	<input checked="" type="checkbox"/>	Eliminating blighting influences and the deterioration of property and facilities.	<input checked="" type="checkbox"/>	Establishment, stabilization and expansion of small business (including micro-businesses).
<input checked="" type="checkbox"/>	Retaining the affordable housing stock.	<input checked="" type="checkbox"/>	Increasing the access to quality public and private facilities.	<input checked="" type="checkbox"/>	The provision of public services concerned with employment.
<input checked="" type="checkbox"/>	Increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability.	<input checked="" type="checkbox"/>	Reducing the isolation of income groups within areas through spatial de-concentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods.	<input checked="" type="checkbox"/>	The provision of jobs to low-income persons living in areas affected by those programs and activities under programs covered by the plan.
<input checked="" type="checkbox"/>	Increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence.	<input checked="" type="checkbox"/>	Restoring and preserving properties of special historic, architectural, or aesthetic value.	<input checked="" type="checkbox"/>	Availability of mortgage financing for low income persons at reasonable rates using non-discriminatory lending practices.
<input checked="" type="checkbox"/>	Providing affordable housing that is accessible to job opportunities.	<input checked="" type="checkbox"/>	Conserving energy resources and use of renewable energy sources.	<input checked="" type="checkbox"/>	Access to capital and credit for development activities that promote the long-term economic social viability of the community.

## SECTION NINE - Other Required Narratives

### Public Housing Strategy

The HAB serves local residents who are extremely low income, very low income, and low income. The HAB plans to apply for all grants that will assist the organization in adding units to its existing programs, and any programs that complement existing services and are able to be implemented by the HAB. The HAB will continue to assess and implement modernization funds to upgrade and restore units and complete energy efficient repairs as needed.

**Family Self-Sufficiency:** The HAB implements the Family Self-Sufficiency program whose graduates have a 55% homeownership rate. This program links participants to community agencies to help them become self-sufficient through individual goal setting. HAB has been operating the Section 8 Homeownership program since 2006. Thirty-five households have achieved homeownership through this program to date. Resident councils and the Advisory Board are involved in providing input on program needs and assisting others to become actively involved in the process. Additional information is included in the HAB's 5-Year Plan on file at the HAB office.

#### **Housing Authority of Billings Assistance Program Usage / Demand – October 2009**

<b>Assistance Programs</b>	<b>Vouchers / Units in Use</b>	<b>Waiting List</b>
Housing Authority Section 8	579	2,463
State Section 8 (HAB manages)	480	1,642
Public HAB (Income Eligibility)	271	1,161
MOD Rehab	35	443
Homeless Veterans	35	?
<b>Total:</b>	<b>1,400</b>	<b>5,709</b>

*Source: Housing Authority of Billings*

### Public Housing Partnerships

The City has provided a police officer for the HAB's Drug Elimination program since 1992. The HAB has been paying for this officer from its Operating Fund for the past several years and intends to continue to support this position as long as financially possible. The City has granted the HAB funds to build new units through the HOME and CDBG programs in neighborhoods where HAB property exists. The City has also provided funding for a variety of rehabilitation and new construction projects to neighborhoods that have Public Housing units in need of upgrading.

The City has helped rehabilitate properties, sold land for new businesses, and granted land to nonprofits to assist with neighborhood revitalization efforts in neighborhoods where HAB complexes have been built. The City has provided funding for parks and play areas for the neighborhoods where HAB families reside. In addition, the businesses that have moved into areas where HAB properties are located have contributed to the economic stability of the HAB clients. The City's HOME program assists with home ownership down payment assistance and home ownership counseling for clients considering homeownership.

The City coordinates with the HAB for environmental reviews, housing needs assessments, assists in funding new projects when appropriate, and assists with applications for supportive services when called upon for needed assistance. The HAB is a High Performer for PHAS and, therefore, a review of troubled status needs is not required as part of this Consolidated Plan.

### *Loss of Public / Assisted Housing Units*

The HAB does not anticipate any loss in public housing units during the period of this plan. Additionally, the City does not anticipate the loss of other assisted housing units in our community that are owned by other nonprofit housing providers during the period of this plan.

### *Barriers to Affordable Housing*

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Several barriers to the construction of affordable housing and maintaining residency in housing have been identified. They include:

- **Economic Conditions** – The Housing Needs Analysis reports median housing cost has exceeded median household income for certain household income levels. Lower income households have a difficult time affording and maintaining a suitable home in the current market and effects of the economic recession.
- **Cost of Development** - This includes infrastructure costs and leapfrog development.
- **Difficulty in Paying for Needed Repairs** - Many low-income households often pay the maximum percentage of their income for housing costs. Many of these households do not have the resources to pay for needed repairs to the property.
- **Few New Manufactured Housing Developments** - It is difficult for new manufactured housing developments to be approved, which raises the price of existing lots. Owners of manufactured homes have a difficult time finding an affordable place for their housing unit. While manufactured housing does have drawbacks, it also provides an affordable option for many families. The construction quality with manufactured housing continues to improve.
- **Tax Structure** - Dependence on property taxes to support local government costs, including infrastructure.

### *Specific Housing Objectives for the City*

Consolidated Plan strategies are identified following each objective and can be found in Section Eleven.

1. Homebuyer assistance is still needed to close the affordability gap, and has been provided through the First Time Homebuyer program. The Affordable Housing Development program can also be utilized to develop affordable housing. *(Strategy B)*
2. Support affordable housing development at the same levels. This goal is dependent on consistent levels of funding through CDBG and HOME programs. *(Strategy B)*
3. Provide affordable financing opportunities for housing repair to maintain the affordable housing stock. *(Strategy A)*
4. Provide CDBG / HOME financing opportunities through routine allocation processes and the Affordable Housing Development program. *(Strategy B)*

5. Offer affordable financing through the Affordable Housing Development program. *(Strategy B)*
6. Provide affordable financing for rental housing development / repair through the Affordable Housing Development program and deposit / rent assistance through Tenant Based Rental Assistance and Public Service grants. *(Strategies B and E)*
7. Prioritize Universal Design in Request for Proposal processes and also through the Affordable Housing Development program. *(Strategy B)*

## **Homeless Strategic Plan**

The Montana Continuum of Care (CoC) plans to facilitate increased partnership of local governments in addressing homelessness. The City supports this strategy and has become more involved with the CoC Coalition through the Mayor's Committee on Homelessness. A local Continuum of Care group has been convened through the Billings Area Resource Network. The Community Development Division works with service providers to shape outreach, referral and permanent supportive housing programs into a local continuum. Throughout this process, the City supports the Montana Continuum of Care's goals and strategies regarding homelessness, chronic homelessness, and homelessness prevention; the City also assists in the development of plans using services already in place.

*Welcome Home Billings* is the City's completed ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals. The "Strategic Framework" can be utilized as a tool and duplicated by other communities wishing to implement plans to impact homelessness. Further, the Mayor's Committee on Homelessness and the Billings Area Resource Network has committed to two-year action plans (located in the City's FY2010-2014 Consolidated Plan appendices) for implementation during FY2009-2011. These documents represent full commitments of the leadership involved in both groups, and primarily consist of fully-committed financial resources to implement the plans. Consolidated Plan Strategies are noted on the Programmatic Strategic Goals and Priorities for Housing, Prevention, Services and Assets.

# WELCOME HOME BILLINGS

## Strategic Framework

### Ten-year Plan to Impact Homelessness

**Vision:** No one in Billings has to be homeless. Everyone in Billings has access to tools and opportunities for safe, appropriate and affordable housing.

**Mission:** The Mayor's Committee on Homelessness has partnered with local organizations and community members to develop and implement a comprehensive ten-year plan in the pursuit of ending chronic homelessness in the Billings community.

## CROSS-CUTTING STRATEGIC GOALS

COLLABORATION	<b>A: Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.</b>	
	<b>A1:</b>	Develop resources for funding homeless initiatives and coordinate grant efforts.
	<b>A2:</b>	Support Project Homeless Connect as an annual event.
	<b>A3:</b>	Support the Billings Area Resource Network as a working homeless services / advisory body for the Mayor's Committee on Homelessness.
	<b>A4:</b>	Support the Business Consortium for Social Change to involve businesses in impacting the homeless / near-homeless.
	<b>A5:</b>	Create modes of communication between partnering organizations to facilitate coordination, avoid duplication, and increase collaboration to maximize resources.
AWARENESS	<b>B: Increase advocacy and public knowledge on behalf of the homeless.</b>	
	<b>B1:</b>	Utilize the ten-year plan to provide guidance regarding homeless policy for local, state, and federal entities.
	<b>B2:</b>	Increase understanding of the causes and economic realities of homelessness through targeted public awareness campaigns for homeless projects and service events.
	<b>B3:</b>	Promote understanding and respect for all people experiencing homelessness.
	<b>B4:</b>	Provide venues for those experiencing homelessness to have their ideas and concerns heard.
ACCOUNTABILITY	<b>C: Ensure innovation, fiscal responsibility and long-term effectiveness for projects and programs.</b>	
	<b>C1:</b>	Support both prevention and intervention modalities for projects and programs.
	<b>C2:</b>	Closely monitor trends in the needs of the homeless and near-homeless in Billings in order to respond to community need.
	<b>C3:</b>	Research innovation in homeless services and facilitate capacity-building with local service providers and community organizations to implement improved services.
	<b>C4:</b>	Support education efforts for case management, mentoring and services.
SUSTAINABILITY	<b>D: Ensure high standards for management, accountability and performance measurement.</b>	
	<b>D1:</b>	Embrace public involvement, comment and input for ten-year planning and project development efforts.
	<b>D2:</b>	Ensure performance measurements are implemented with each project and data is gathered and analyzed on a routine basis.
	<b>D3:</b>	Evaluate projects for long-term sustainability as part of the routine processes prior to endorsement or facilitation.
	<b>D4:</b>	Evaluate cost-effectiveness, essential services, and long-term business resource planning for all projects.
	<b>D5:</b>	Embrace public involvement, comment and input for ten-year planning and project development efforts.

# WELCOME HOME BILLINGS

## Strategic Framework

### Ten-year Plan to Impact Homelessness

## PROGRAMMATIC STRATEGIC GOALS & PRIORITIES

HOUSING		PREVENTION		SERVICES		ASSETS	
<b>E: Increase the city's supply of decent, affordable housing.</b> Con Plan Strategy B		<b>F: Provide adequate emergency homeless prevention programs.</b> Con Plan Strategies B, C, E		<b>G: Expand treatment /service capacity and linkage to essential services.</b> Con Plan Strategy C, E		<b>H: Increase personal income levels and economic opportunities.</b> Con Plan Strategy C, E	
<b>E1:</b>	Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery.	<b>F1:</b>	Increase funding dedicated to rent, utilities and mortgage assistance.	<b>G1:</b>	Expand coordinated intensive case management and street outreach services for the homeless.	<b>H1:</b>	Increase access to social service and income benefits by ensuring assistance is provided to complete applications.
<b>E2:</b>	Seek federal, state and local funding sources to support affordable housing development for households with very low income (0 - 30% Area Median Income).	<b>F2:</b>	Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.	<b>G2:</b>	Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.	<b>H2:</b>	Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.
<b>E3:</b>	Build local service provider capacity for affordable housing development, management and housing rehabilitation.	<b>F3:</b>	Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail, and behavioral health facilities.	<b>G3:</b>	Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.	<b>H3:</b>	Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.
<b>E4:</b>	Provide Community Housing Development Organization (CHDO) capacity-building opportunities through the City's Community Development Division.	<b>F4:</b>	Utilize <i>housing first</i> and <i>rapid re-housing</i> philosophies in developing housing options to shorten homelessness.	<b>G4:</b>	Support increases in capacity for day center operations across the city.	<b>H4:</b>	Support the expansion of financial fitness and credit assistance programs.
<b>E5:</b>	Decrease barriers to obtaining existing housing units and refine housing placement services and coordination.	<b>F5:</b>	Support case management efforts to transition occupants from shelter care to permanent supportive housing.	<b>G5:</b>	Support expansion of community-based, criminal justice diversion and re-entry programs.	<b>H5:</b>	Promote fair wage rates and competitive bidding through the expansion of social enterprise efforts.
<b>E6:</b>	Facilitate collaborative grant and loan applications for affordable housing development to serve the homeless.	<b>F6:</b>	Support landlord-tenant intervention to prevent eviction.	<b>G6:</b>	Establish one-stop shop to access all services for the homeless.	<b>H6:</b>	Increase financial management services for those in need.

### *Services in Place*

A complete list of service providers for the homeless can be found in the appendices. The City provides 15% of our annual CDBG allocation to Public Service activities in the community. In the past, the City has funded the YWCA Gateway Shelter, Tumbleweed Runaway and Homeless Youth Program, the District 7 Human Resources Development Council (HRDC), Family Service, Inc. and the Yellowstone Health Partnership. These programs provide services to the homeless and near-homeless and are described below.

The YWCA Gateway Shelter serves victims of domestic abuse and violence and sexual assault. CDBG funding is used to support general operating expenses of the program, which include housing, support, education, and advocacy for victims of domestic violence and sexual assault.

Tumbleweed Runaway and Homeless Youth Program is the only agency in Yellowstone County that directly addresses the needs of youth who are homeless, or at-risk of being homeless. The Tumbleweed program's goal is to divert youth from the juvenile justice system through the prevention of delinquency and other social problems. Youth are provided a positive alternative to running away / living on the streets. When youth are unable to return home, Tumbleweed provides shelter as appropriate, and also provides an alternative to jailing runaway and other status offender youth. Tumbleweed's mission and goals are all directed toward the prevention of homelessness, running away, severe family conflict, delinquency, and other social problems among youth.

HRDC receives Emergency Shelter Grants funds and provides emergency rent or mortgage assistance through those funds. They also administer the Low Income Energy Assistance Program for assistance in meeting the energy use needs of low-income families and individuals. Another program the HRDC administers is the Energy Share program, which helps low-income families remain in their homes. This program provides emergency utility assistance to low income families and individuals. The City provides funds to the HRDC for Housing Counseling, which prevents homelessness through default / foreclosure and rental counseling. Family Service, Inc. helps low-income individuals and families with emergency rent or mortgage expenses.

The City has provided funding to Yellowstone Health Partnership - Medication Assistance Program, which provides medications to low income households unable to pay for them, and also provides medications in the interim between the application and approval for SSI and Medicaid.

In addition to these activities, CDBG funding has been made available as a rehabilitation activity to build ramps for the disabled and to make accessibility improvements through the Housing Rehabilitation and Minor Home Repair programs.

HOME funding will also be available for housing for homeless and the special needs population, including Tenant-Based Rental Assistance. The City lists several goals and strategies in the Consolidated Plan which can be utilized to guide activities to assist the homeless, including promoting new affordable housing opportunities, emphasizing new / converted special needs housing, and working as an active partner with nonprofits, neighborhood groups, and others to address housing and community development needs.

### *Essential Services*

The Office of Public Assistance provides assistance for obtaining Food Stamps and Medicaid.

Food Banks are active participants in the local continuum and provide free groceries that oftentimes free up cash resources for rent, transportation and other essential needs. The City has funded the Food Bank with CDBG Public Services funds in the past to assist them in expanding their operational storage facility to meet ongoing and growing needs in the community.

The Salvation Army, St. Vincent de Paul and other faith-based organizations and churches in Billings also offer emergency assistance. Billings has the addition of a faith-based partnership, Interfaith Hospitality Network, to assist in providing assistance to homeless families. The Interfaith Hospitality Network is a unique partnership of area churches designed to assist homeless families by utilizing existing community resources. The churches provide rooms for overnight accommodations, congregations supply volunteers and food, and social service organization assess and refer homeless families to this and various other programs. Because the program utilizes volunteers, it does not accept person with substance abuse or untreated severe mental health issues. The program includes ten host congregations and four supporting congregations. The program does not require clients to attend church services or activities of the host congregation.

### *Discharge Coordination Policy*

The City does not receive McKinney-Vento Homeless Assistance Act funds and is not required to develop and implement a Discharge Coordination Policy. The City supports the MT CoC in their efforts to establish a Statewide Discharge Coordination Policy.

**COMMUNITY DEVELOPMENT DIVISION**

**FINAL Revenue FY 2012-2013**

**CDBG REVENUE**

*New Funding Sources - Eligible for use in Admin Cap*

HUD CDBG Grant	<b>\$570,374</b>	<b>Annual Allocation</b>
Prior Year Program Income - Rehab Loans / Parkview Conv.	\$149,877	Program income over 50% claimed last year
<b>Housing Rehab Loans Repayment</b>	<b>\$45,000</b>	<b>As of 12/30/11</b>
<b>First Time Homebuyer Repayment</b>	<b>\$10,000</b>	<b>As of 12/30/11</b>
<b>Land Sale - Block 142</b>	<b>\$68,856</b>	<b>As of 12/30/11</b>
<b>Total New Funding:</b>	<b>\$844,107</b>	
<b>20% Cap on CDBG Administration:</b>	<b>\$168,821</b>	

*Reallocated Funding Sources - Not Eligible for use in Admin Cap*

Prior Year Reprogrammed Funds / Reimbursements	\$110	Skatepark - Remaining Funding
<b>Minor Home Repair Reimbursements - Reprogram Funds</b>	<b>\$3,423</b>	<b>As of 12/30/11</b>
<b>Total Reallocated Funding:</b>	<b>\$3,533</b>	

**CDBG Revenue Total: \$847,640** \$277,266

*Public Service Cap Calculation*

15% of CDBG Allocation	\$85,556	
15% of previous year program income (\$158,162)	\$23,724	New sources of funding only, as reported on CAPER
<b>15% Public Services Cap:</b>	<b>\$109,280</b>	

*Housing Rehabilitation Revolving Loan Fund - Minimum Allocation Calculation*

Total New Program Income on CAPER:	\$158,162	Program income over 1/12 of last year's
Maximum Program Income Allowed (1/12 of last year's grant):	\$53,855	new CDBG allocation only allowed for
<b>\$ Over Maximum to be Re-Allocated to Housing Rehab:</b>	<b>\$104,307</b>	reallocation if part of revolving loan fund.

*Amount Available for Housing & Neighborhood Activities*

CDBG Revenue Total:	\$847,640
15% Public Services Cap:	\$109,280
<b>Housing &amp; Neighborhood:</b>	<b>\$738,360</b>
<b>Amount Allocated for Public Service Activities:</b>	<b>\$0</b>
<b>Revised Amount for Housing &amp; Neighborhood:</b>	<b>\$847,640</b>

**HOME REVENUE**

*New Funding Sources - Eligible for use in Admin Cap*

HUD HOME Grant	<b>\$314,609</b>	<b>Annual Allocation</b>
FTHB Loans Program Income	\$0	
<b>Total New Funding:</b>	<b>\$314,609</b>	
<b>10% Cap on HOME Administration:</b>	<b>\$31,461</b>	
<b>15% CHDO Allocation Minimum:</b>	<b>\$47,191</b>	

*Reallocated Funding Sources - Not Eligible for use in Admin Cap*

Prior Year Recaptured Funding	\$48,212	Recaptured \$ over 50% claimed last year
<b>FTHB Loans Recaptured</b>	<b>\$78,365</b>	<b>As of 12/30/11</b>
homeWORD High Sierra Repayment	\$1,500	<b>As of 12/30/11</b>
<b>Total Reallocated Funding:</b>	<b>\$128,077</b>	

**HOME Revenue Total: \$442,686**

**Total Available in CDBG & HOME: \$1,290,326**

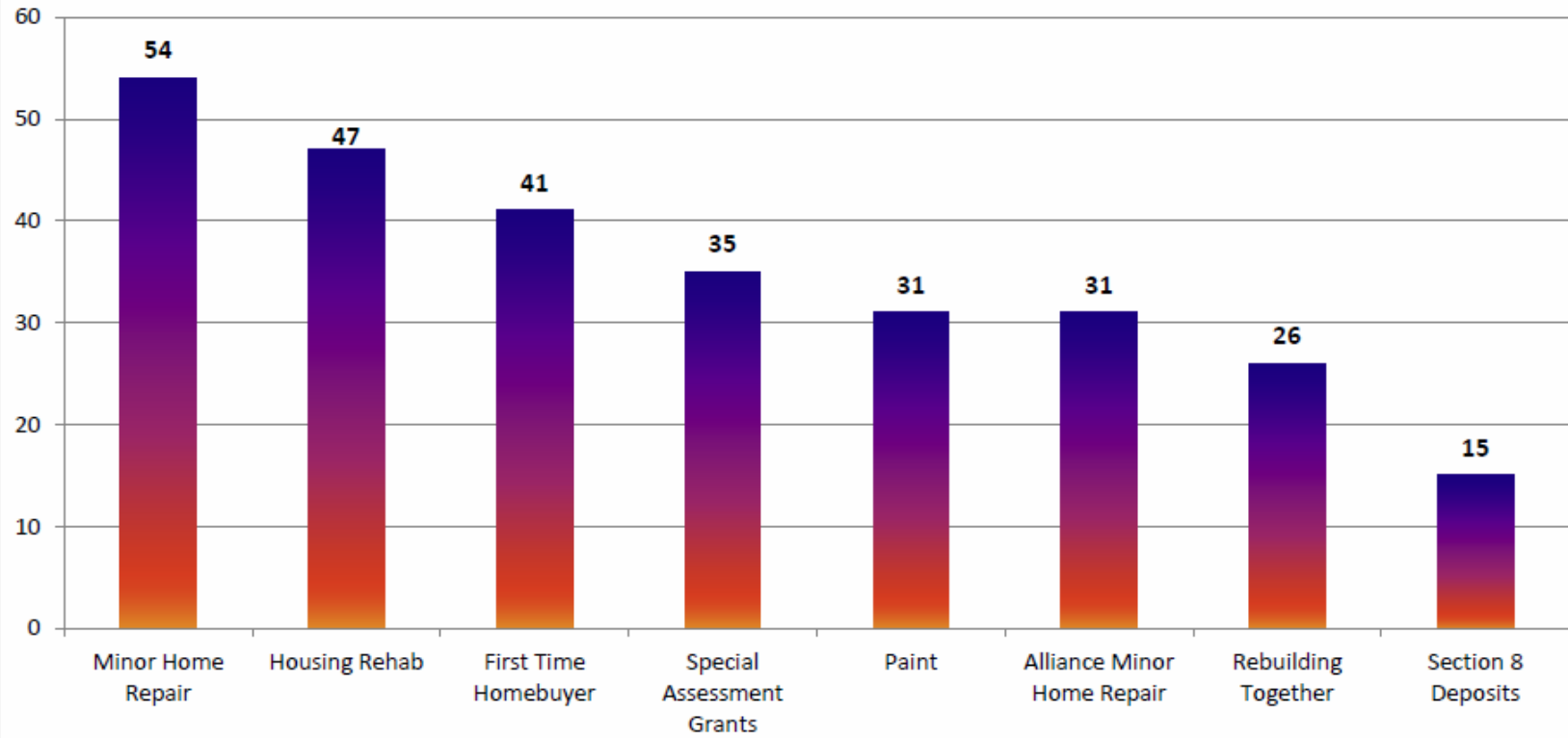
## CDBG & HOME ALLOCATIONS

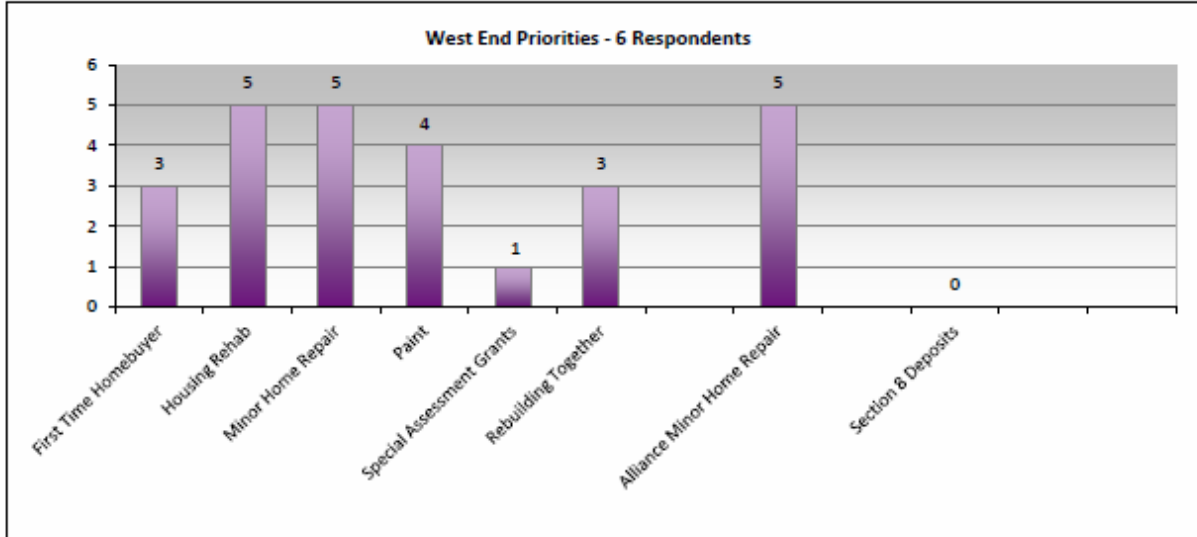
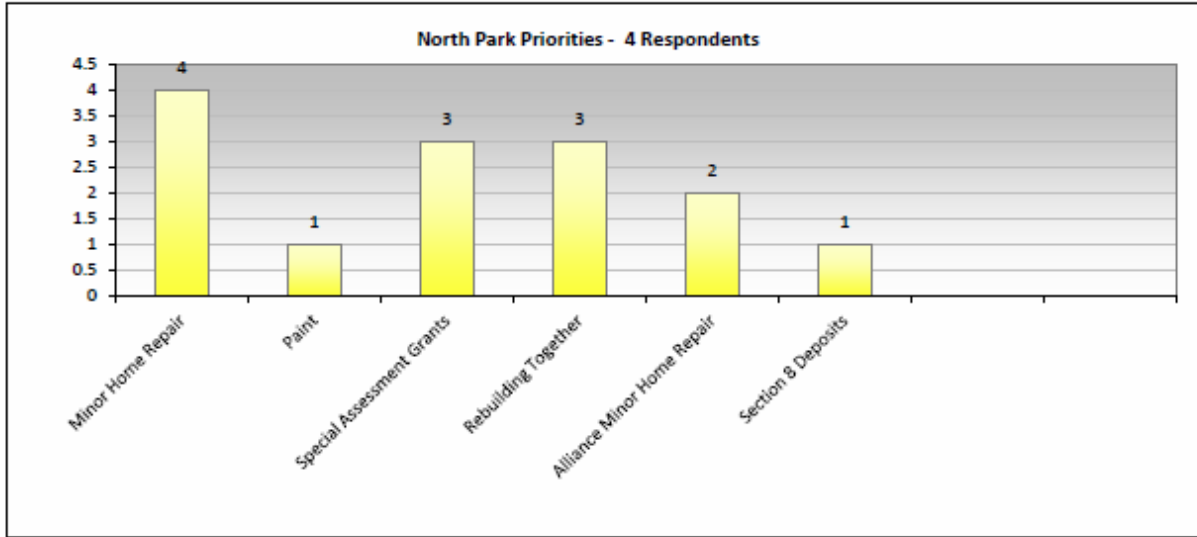
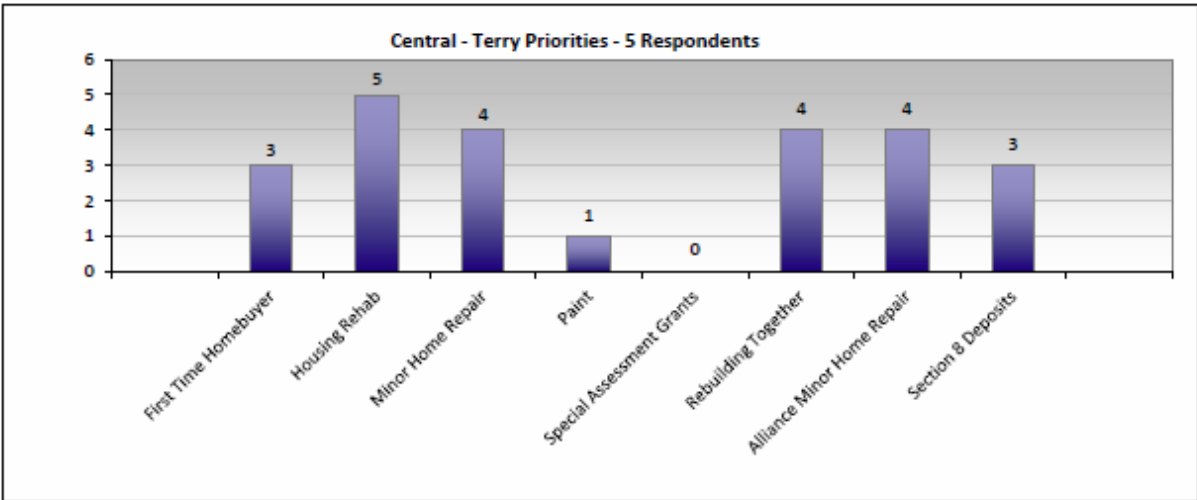
2012-2013

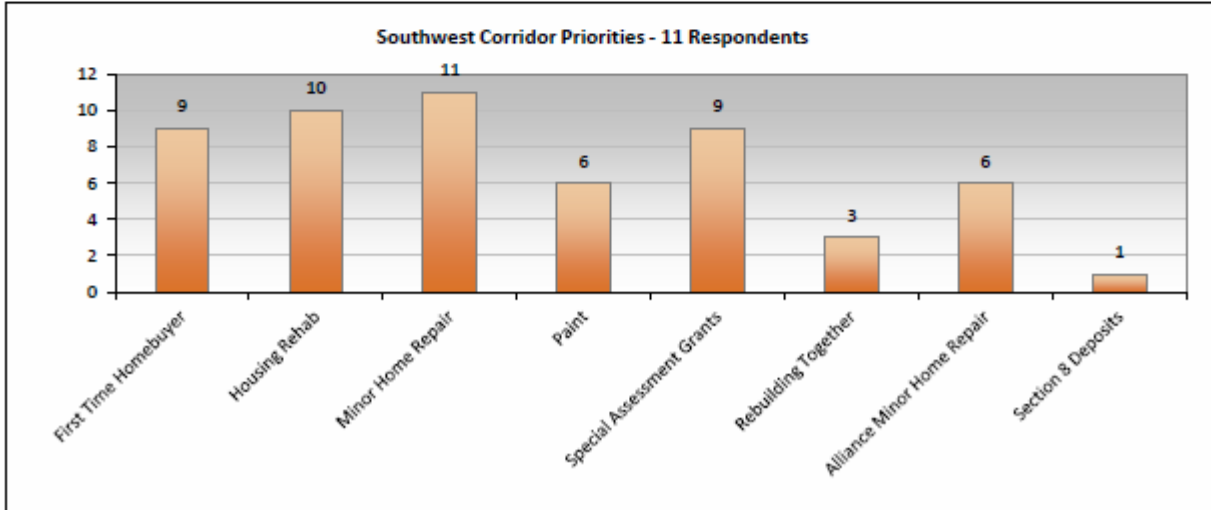
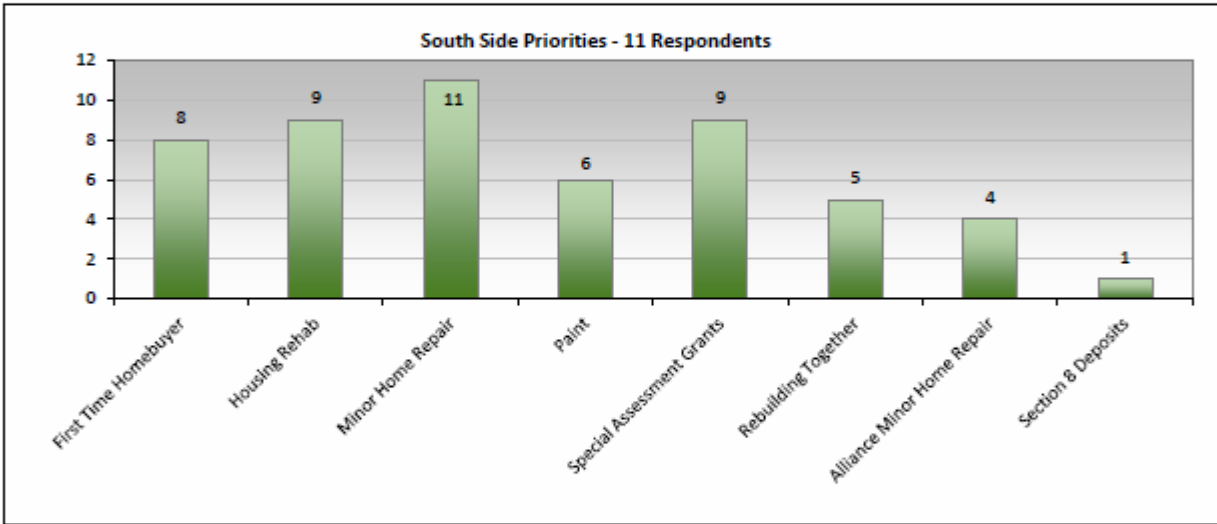
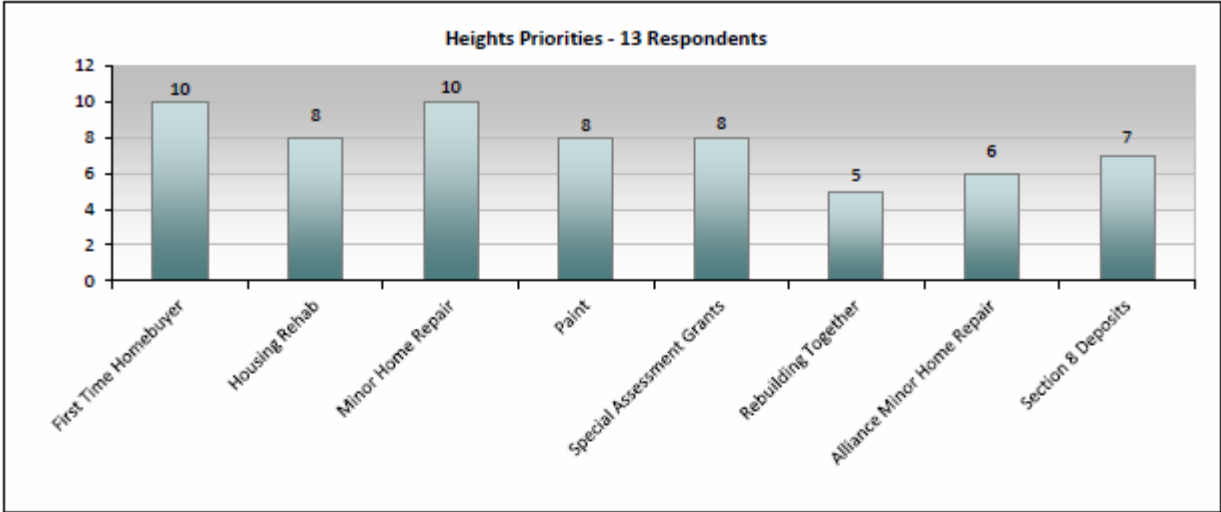
CDBG & HOME PROJECTS			2009-2010	2010-2011	2011-2012	ONE YEAR Requests		Granted Since mid-1990s	Staff & CD Board Recommendations	
						CDBG	HOME		CDBG	HOME
Admin / Planning	HN-1	CDBG Administration	\$171,068	\$175,000	\$143,656	\$175,000	-	-	\$168,821	-
	HN-2	HOME Administration	\$53,861	\$53,812	\$47,364	-	\$35,000	-	-	\$31,461
Affordable Housing	HN-3	Set-Aside for CHDOs	\$81,000	\$243,000	\$0	-	\$50,000	-	-	\$47,191
	HN-4	First Time Home Buyer Program	\$488,807	\$577,326	\$319,372	\$250,000	\$400,000	-	\$195,000	\$364,034
	HN-5	Housing Rehabilitation Loan Program	\$300,000	\$300,000	\$300,000	\$350,000	-	-	\$350,000	-
	HN-6	New Manufactured Home Repair Program Includes limited Tree / Paint	\$0	\$100,000	\$30,000	\$100,000	-	-	\$133,819	-
	HN-7	Paint Program	\$10,000	\$10,000	\$0	\$20,000	-	-	\$0	-
Neighborhood	HN-8	Special Assessment Grants	\$25,000	\$35,000	\$35,000	\$35,000	-	-	\$0	-
	HN-9	Property Management	\$15,000	\$20,000	\$15,000	\$20,000	-	-	\$0	-
Subrecipients Affordable Housing	HN-10	Rebuilding Together	\$10,000	\$10,000	\$10,000	\$10,000	-	\$70,000	\$0	-
	HN-11	Alliance Minor Home Repair	\$0	\$0	\$5,000	\$5,000	-	\$55,649	\$0	-
	HN-12	Housing Authority - Section 8 Deposit Assist.	\$15,000	\$15,000	\$5,000	-	\$10,000	\$923,850	-	\$0
<b>CDBG PUBLIC SERVICES</b>			<b>2009-2010</b>	<b>2010-2011</b>	<b>2011-2012</b>	<b>THREE YEAR Requests</b>	<b>Not Eligible for HOME</b>		<b>CDBG</b>	<b>Not Eligible for HOME</b>
Public Services	PS-1	Tree Planting & Removal Program	\$0	\$0	\$0	\$30,000	-	-	\$0	-
	PS-2	Big Sky Sr. Services - Prevention Elder Abuse	\$0	\$30,000 for Helping Hands	\$0	\$30,000	-	\$316,459	\$0	-
	PS-3	HRDC - Future ForGED Training Center	\$0	\$0	\$0	\$15,000	-	\$150,118	\$0	-
	PS-4	Yellowstone Health - Medication Assistance	\$27,000	\$0	\$0	\$27,000	-	\$84,022	\$0	-
	PS-5	Young Families - Early Head Start	\$30,000	\$0	\$0	\$30,000	-	\$249,674	\$0	-
	PS-6	YWCA - Gateway House	\$20,000	\$0	\$0	\$30,000	-	\$338,975	\$0	-
<b>Total Funded (includes projects not listed):</b>			<b>\$1,641,264</b>	<b>\$1,711,031</b>	<b>\$1,366,205</b>	<b>\$1,127,000</b>	<b>\$495,000</b>		<b>\$847,640</b>	<b>\$442,686</b>
						<b>Total CDBG / HOME:</b>			-	-
						<b>Total Estimated Available:</b>			<b>\$847,640</b>	<b>\$442,686</b>
						<b>Difference:</b>			<b>\$0</b>	<b>\$0</b>

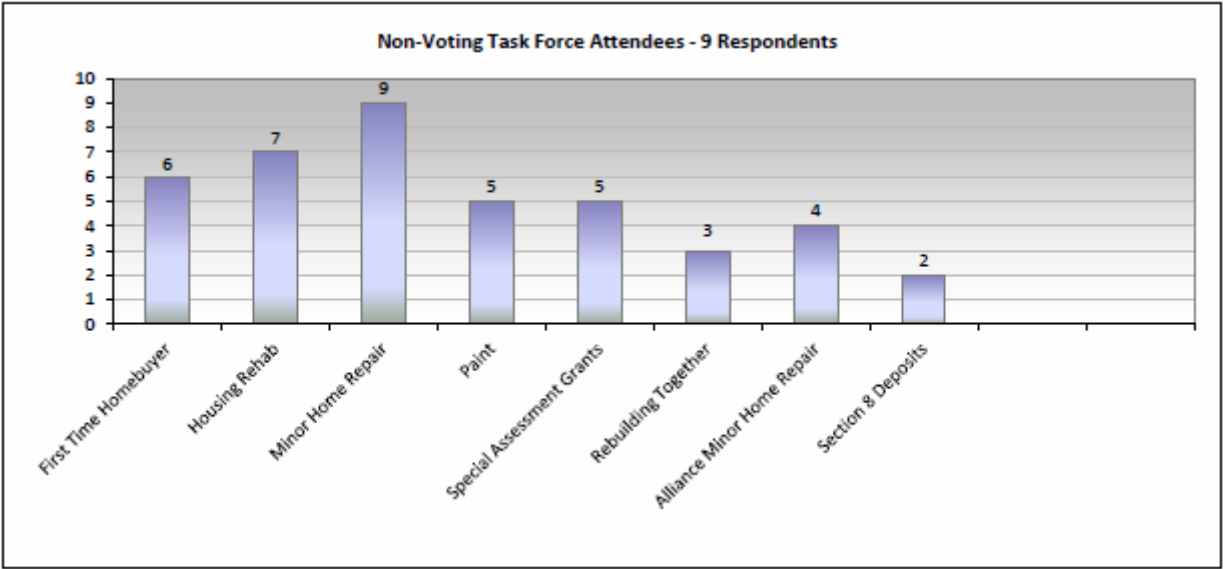
## Task Force Priorities - Combined

*66 Total Responses*

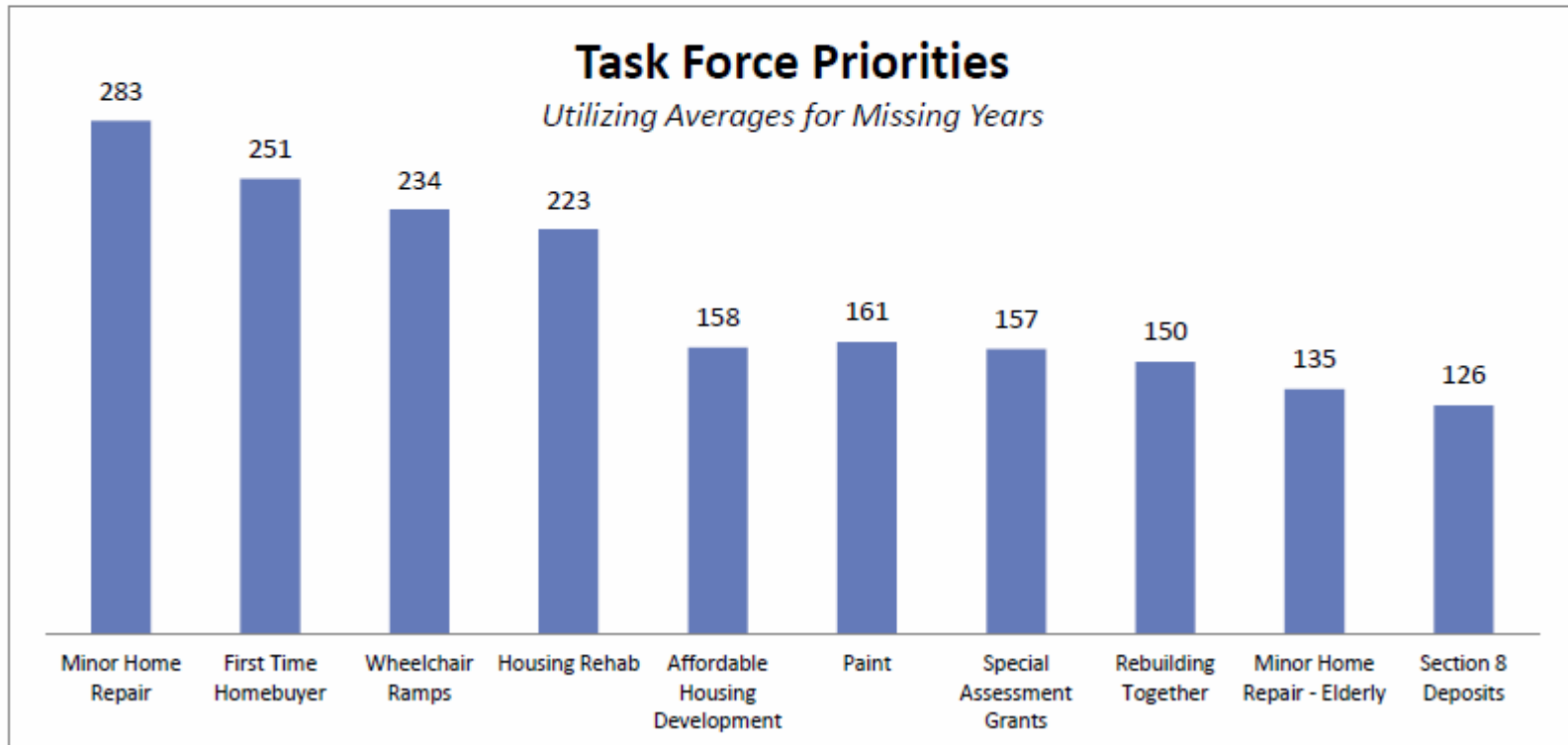




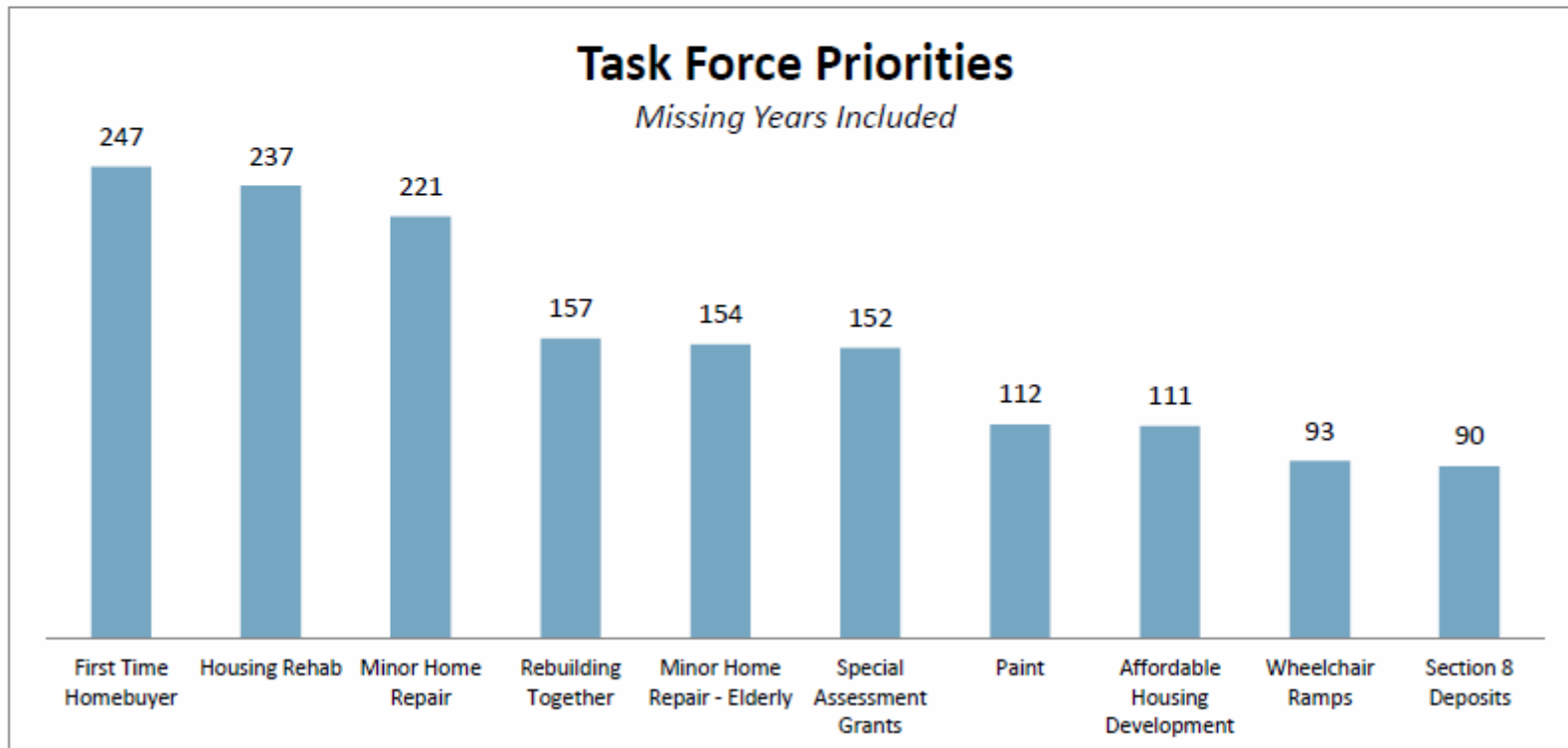




	FY12-13	FY11-12	FY10-11	FY09-10	FY08-09	TOTAL	Averages
Minor Home Repair	54	54	56	57	62	283	57
First Time Homebuyer	41	47	53	57	53	251	
Wheelchair Ramps	47	47	51	42	47	234	47
Housing Rehab	47	31	54	49	42	223	
Affordable Housing Development	0	41	32	44	41	158	32
Paint	31	35	35	28	32	161	32
Special Assessment Grants	35	26	30	33	33	157	
Rebuilding Together	26	15	51	29	29	150	
Minor Home Repair - Elderly	31	0	27	27	50	135	27
Section 8 Deposits	15	31	34	25	21	126	25



	FY12-13	FY11-12	FY10-11	FY09-10	FY08-09	TOTAL
First Time Homebuyer	41	43	53	57	53	247
Housing Rehab	47	45	54	49	42	237
Minor Home Repair	54	49	56		62	221
Rebuilding Together	26	22	51	29	29	157
Minor Home Repair - Elderly	31	32		41	50	154
Special Assessment Grants	35	21	30	33	33	152
Paint	31	18	35	28		112
Affordable Housing Development		26		44	41	111
Wheelchair Ramps			51	42		93
Section 8 Deposits	15	20	34		21	90





# PROJECT SUMMARIES

## Housing and Neighborhood Activities

FY2012-2013

#	Organization Name	Project Name	\$ Requested
HN-01	City of Billings	CDBG Administration	\$175,000
<p><i>General CDBG administration expenditures and salary and benefits for Community Development Block Grant (CDBG) Program. CDBG resources also provide the resources for administration of other grants related to community development received by the City.</i></p>			
HN-02	City of Billings	HOME Administration	\$35,000
<p><i>General HOME administration expenditures and salary and benefits for the HOME Program Coordinator.</i></p>			
HN-03	City of Billings	Community Housing Development Orgs	\$50,000
<p><i>A minimum of 15% of the HOME annual allocation is required by HUD to be reserved for Community Housing Development Organizations (CHDOs) for new housing development activities.</i></p>			
HN-04	City of Billings	First Time Homebuyer Program	\$650,000
<p><i>Assists low-income first time homebuyers with down payment and closing costs. Assistance is based on household size and income. Loans are 0% interest, no-payments due until the home is sold / refinanced.</i></p>			
HN-05	City of Billings	Housing Rehabilitation	\$350,000
<p><i>Housing rehabilitation assistance is available to low-income homeowners and staff costs to implement the program. Loans are 0% interest, no-payments due until the house is sold / refinanced, and are forgiven at \$1,000/year after the first 10 years.</i></p>			
HN-06	City of Billings	Minor Home Repair Program	\$100,000
<p><i>The City of Billings offers a Minor Home Repair grant program for low-income homeowners. This program is intended to revitalize established neighborhoods and preserve the existing affordable housing stock through the completion of emergency repairs to stick built homes and essential repairs to mobile / manufactured housing.</i></p>			
HN-07	City of Billings	Paint Program	\$20,000
<p><i>Funds will be used to assist up to 5 low-income homeowners with exterior painting projects to their owner-occupied stick built or mobile / manufactured homes. The maximum assistance for supplies and labor for each project is \$2,000 and will incorporate the use of lead-safe work methods if needed.</i></p>			
HN-08	City of Billings	Special Assessment Grants Program	\$35,000
<p><i>Funds will be used to provide grant funds to lower income households impacted by Special Improvement District assessments for public improvements in lower income areas, such as curb, gutter &amp; sidewalk projects. As Special Improvement Districts are formed and assessed to property taxes, these funds are utilized to pay off SIDs for lower income residents.</i></p>			
HN-09	City of Billings	Property Management	\$20,000
<p><i>Funds will be used to pay existing SIDs and maintain weeds and pay for snow removal on property previously acquired through the CDBG Program. These properties are primarily located along South 27th Street, the Kings Green Subdivision and the Neighborhood Stabilization Program for property management.</i></p>			
HN-10	Rebuilding Together Yellowstone County	Rebuilding Together - 2012 Projects	\$10,000
<p><i>Funds will be used to assist up to 5 low to moderate income homeowners with home repairs such as weatherization and replacement of furnaces.</i></p>			
HN-11	Adult Resource Alliance	Minor Home Repair	\$5,000
<p><i>The Minor Home Repair Program provides safety-related repairs (e.g. electrical, plumbing, carpentry and disability access) to low-income elderly homeowners.</i></p>			

#	Organization Name	Project Name	\$ Requested
HN-12	Housing Authority of Billings	Section 8 Deposit Assistance	\$10,000
<i>Deposit assistance for housing assistance program participants served by the Housing Authority of Billings.</i>			
<b>Total Requested</b>			<b>\$1,460,000</b>



## PROJECT SUMMARIES

### Public Service Activities

FY2012-2013

#	Organization Name	Project Name	\$ Requested
PS-1	City of Billings	Tree Planting & Removal Program	\$30,000
<i>Assistance to low income homeowners with a dangerous or diseased tree on their property. This program is available to help pay for the cost of tree trimming and / or removal. For those homeowners interested in replacing a tree, a matching grant may be available. This program can be used in conjunction with the Minor Home Repair and the Housing Rehabilitation programs.</i>			
PS-2	Big Sky Senior Services	Prevention of Elder Abuse	\$30,000
<i>CDBG funds will be used to hire a part-time employee to assist a Social Worker and bookkeeper to manage the representative payee accounts, apply for programs and assistance to keep the seniors living in their homes, respond to daily needs through running errands and attending doctor appointments.</i>			
PS-3	HRDC District 7	Future ForGED Training Center	\$15,000
<i>CDBG funds would be used to purchase \$10,000 in computer equipment the first year. Funding would be used to pay for GED testing fees for grant years 2 &amp; 3.</i>			
PS-4	Yellowstone Health Partnership	Medication Assistance Program	\$27,000
<i>CDBG funds would be used to pay for direct salary costs for the MAP Advocates over a three-year period. Advocates assist low-income, uninsured individuals apply directly to pharmaceutical companies for free or low-cost prescription medications.</i>			
PS-5	Young Families - Early Head Start	Building a Better Tomorrow	\$30,000
<i>CDBG would be used to purchase equipment, child care supplies, furniture, and manage building maintenance, repairs and grounds upkeep.</i>			
PS-6	YWCA	Gateway House & Violence Victim Services	\$30,000
<i>CDBG funds would be used to pay for expenses related to audit, contract services, office supplies, copy charges, phone / utilities, property taxes, insurance, building repair and maintenance and client transportation.</i>			
<b>Total Requested</b>			<b>\$162,000</b>

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Public Hearing and Resolution for Annexation #12-02

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

Brent Nelson submitted a petition to annex land to the City of Billings under 7-2-4600 MCA. The subject property is composed of three parcels totaling about 0.85 acres and located on Lincoln Lane in the Billings Heights. The property is addressed as 337 and 325 Lincoln Lane. Two of the parcels have single family homes on them and one parcel is undeveloped. The property owner is requesting annexation in order to obtain City services for redevelopment of the property for multi-family housing. The property is located within the five year annexation area of the City's Limits of Annexation Map and appears to meet many of the City's Annexation Policy criteria.

The Council acknowledged receipt of the petition at its April 9, 2012, meeting and set a public hearing for its April 23rd meeting. Before the Council voted to set the public hearing for April 23rd, Council Member Cimmino made a motion to delay action on the annexation petition until the Council's May 14 meeting. Council Member Cimmino stated that the Heights Task Force had not had time to meet and review the proposed annexation and the delay would give the Task Force time to do so. Staff informed the Council that the public hearing had already been advertised for April 23 and the property also had been posted with this date. Staff also informed Council that while it is not required by law, task forces are routinely informed of annexation petitions in their areas as a courtesy during the annexation process. Council Member Cimmino then amended her motion to conduct the public hearing on April 23 and continue it until May 14 to allow time for task force review. Staff informed Council that while there was nothing in State Law dictating the timing of action on annexations aside from public hearing requirements, the applicant had expressed interest in concluding the hearing on April 23rd and for the Council to act on the petition. The applicant was in attendance and stated this to Council. The Council did not approve the motion to extend the hearing until May 14.

**ALTERNATIVES ANALYZED**

The City Council may approve or deny a petition submitted by owners of 50% of the real property in the area to be annexed (7-2-4601 (3)(b), MCA).

**FINANCIAL IMPACT**

The City can provide municipal sewer service to the subject property and the County Water District of Billings Heights can provide water service to the property. It will be the responsibility of the owner to extend City sewer and Heights Water services to the property from services in Lincoln Lane. Staff is recommending a standard condition of approval for this annexation be that a development agreement between the City and the property owner be executed to clarify how City services will be provided. If the proposed annexation is approved, the property is expected to be developed in the future for residential purposes and will contribute additional tax revenue to the City.

## **BACKGROUND**

The subject property is composed of three parcels totaling about 0.85 acres and located on Lincoln Lane in the Billings Heights. The property is addressed as 337 and 325 Lincoln Lane. . The City Limits is at the west edge of the subject property on Lincoln Lane and it is within the red boundary of the limits of annexation as specified by the Annexation Map last adopted by the City Council on May 23, 2011.

## **PROCEDURAL HISTORY**

- On February 27, 2012, the annexation petition was submitted to the Planning Division.
- On April 9, the City Council acknowledged receipt of the annexation petition and set a public hearing for April 23.
- On April 23, the City Council will conduct the public hearing for the annexation and may take action on the request.
- On May 14, if the resolution to annex is approved by the City Council, a public hearing and first reading of an ordinance to expand the Ward II City Council boundary will be conducted.
- On May 29, the City Council will conduct the second and final reading for the ordinance expanding the ward boundary.

## **STAKEHOLDERS**

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing. Notice of the public hearing was posted on the property on April 6 and published in the Billings Times on April 5. The Planning Division received one phone inquiry regarding the proposed annexation at the time this memo was prepared. The caller was concerned that her property might also be annexed with this action. She was informed that it would not.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The City Council has expressed concerns regarding how annexing additional properties may affect the City's ability to provide services to new developments without diminishing the services provided to existing City residents. To address these concerns, the City Council adopted an annexation policy that lists criteria for suitable annexations. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the Limits of Annexation.
2. The City is able to adequately provide municipal sewer services and the property is within the County Water District of Billings Heights service area for water. Sewer and water services will require extension of lines by the property owner at the time of development from existing lines in Lincoln Lane.
3. Any proposed improvements to the property will meet City standards.
4. As part of a Development Agreement, the owners will sign a Waiver of Right to Protest the creation of any Special Improvement Districts.
5. The property is zoned Community Commercial. Any proposed land use will comply with the zoning. Future development also may conform to the goals of the City of Billings and Yellowstone County Growth Policy.

Although MCA 7-2-4600 allows the municipality to waive the requirement of an annexation public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. State law lists the required contents of a public services plan including a 5-year (minimum) plan that outlines how and when services and infrastructure will be extended to the annexed area and how they will be financed. This report follows that general

format.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. All City departments responded favorably and detailed responses are provided below. The County Public Works Departments responded, indicating that there are no issues with this annexation request.

**City Facilities:** The following improvements and facilities are necessary to provide adequate services to the subject property.

- **Water:** Water service is available from the County Water District of Billings Heights by connecting to a service line in Lincoln Lane adjacent to the subject property. The cost to extend service for the property will be at the developer's expense.
- **Sewer:** The property may be served by the developer connecting to the existing City sanitary sewer in Lincoln Lane. The cost to extend sewer service for the property will be at the developer's expense.
- **Stormwater:** There is a stormwater line in Lincoln Lane. Storm water impacts will be identified during the site development process and mitigating measures developed at that time meeting the requirements of the city and the public works department at the time of development.
- **Transportation:** The subject property has frontage on Lincoln Lane, which is a residential street. No issues have been identified by City Engineering or Street and Traffic staffs. Any specific traffic impacts will be identified during the site development process and mitigating measures developed at that time.
- **Fire Stations:** The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to service the property upon annexation. The nearest fire station is Station #6 located at 1601 St. Andrews, about 2.3 miles north of the subject property.
- **Parks:** The subject property is zoned Community Commercial and very small in size, so no park land dedication will be provided if this property is subdivided.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. No off-street trail or bike lanes are proposed on Lincoln Lane at the west edge of the subject property.

**General City Services:** These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property.

- **Transit:** MET transit system operators have no objections to the annexation request, but the nearest bus route follows Main Street in the Billings Heights and is about 1/4 mile west of the subject property.
- **Police:** The Police Department states that the subject property is near an established patrol area and there should be no significant impact to including the property in a patrol area.

- **Public Utilities:** The Public Works-- Distribution and Collection Division had no objection with the annexation request as long as the owner agrees to fund the necessary sewer connection costs, and agrees to a waiver of protest for future SIDs through a Development Agreement or Subdivision Improvement Agreement as condition in the Annexation Resolution.
- **Public Works -Street and Traffic Division:** The Street and Traffic Division stated that it has no problems serving the property.
- **Public Works-Solid Waste:** The Solid Waste Division notes that it can serve the property when developed, but noted that Senate Bill 234 passed in the 2011 State Legislature dictates that it is up to the property owner as to whether the City or a private carrier collects solid waste from the property.
- **Ambulance Service:** The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes; this annexation is within the area of acceptable response time.
- **Legal and Finance:** General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation. No comments were received from the Finance Department or Legal Department at the time this report was prepared.
- **Other Departments:** City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve new development whether in the City or the County.

Annexation of this property would adhere to the following goals, objectives and policies of the Yellowstone County and City of Billings 2008 Growth Policy:

- Contiguous development focused in and around existing population centers (Land Use Goal, Page 6).
- More housing and business choices within each neighborhood (Land Use Goal, page 6).
- Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land (Natural Resources Goal, page 13).

Annexation of this property would adhere to the following goals and objectives of the Billings Heights Neighborhood Plan:

- To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood (Land Use Goal, Page 20).
- To encourage the annexation of county parcels into the City of Billings. (Land Use Objective, Page 20).
- Encourage infill housing (Housing Goal, Page 23).

## **RECOMMENDATION**

Staff recommends that the City Council conduct the public hearing and approve the Resolution annexing the subject property, subject to the following conditions of approval:

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements, and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

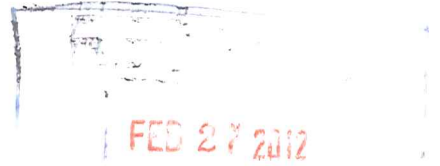
Annexation Petition

Annexation Exhibit

Annexation Resolution

# PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

\$900.<sup>00</sup>



## NOTICE TO PETITIONER

This is a Petition to the City of Billings requesting the annexation of property to the City, pursuant to MCA Title 7, Chapter 2, Part 46. Procedures for annexation are governed by the Statutes of the State of Montana. This Petition requires the signatures of more than 50% of the Resident Freeholder Electors to be considered for annexation.

### INSTRUCTIONS

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:

- a. The present and proposed boundaries of the municipality;
  - b. The present streets, major trunk water mains and sewer mains;
  - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4<sup>th</sup> Floor of Parmly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, Parks and Recreation Department, and the Finance Department. If the departments find no problems with the Petition, the City Clerk will schedule the Petition for City Council action.
  4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.
  5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

### RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
2-27-12	CRN LLC	 B NELSON	P.O. Box 20832 Billings, MT 59104

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)  
**DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS**

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
325 Lincoln Lane Skinner subd. LOT 002 SEC: 27	A13974	Heights of Lincoln	Residential Multi Family	CRN LLC	P.O. Box 20832 Billings, MT 59104	406-652-4941
	A13973	Heights of Lincoln	Residential Multi Family	CRN LLC	P.O. Box 20832 Billings, MT 59104	406-652-4941
337 Lincoln Lane	A13972	Heights of Lincoln	Residential Multi Family	CRN LLC	P.O. Box 20832 Billings, MT 59104	406-652-4941

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: 2/27/10

Received By: *[Signature]*

Petition Number: 12-02

Fee Paid: 960<sup>00</sup>

R/256787

Project # 12-114

NC  
CZ

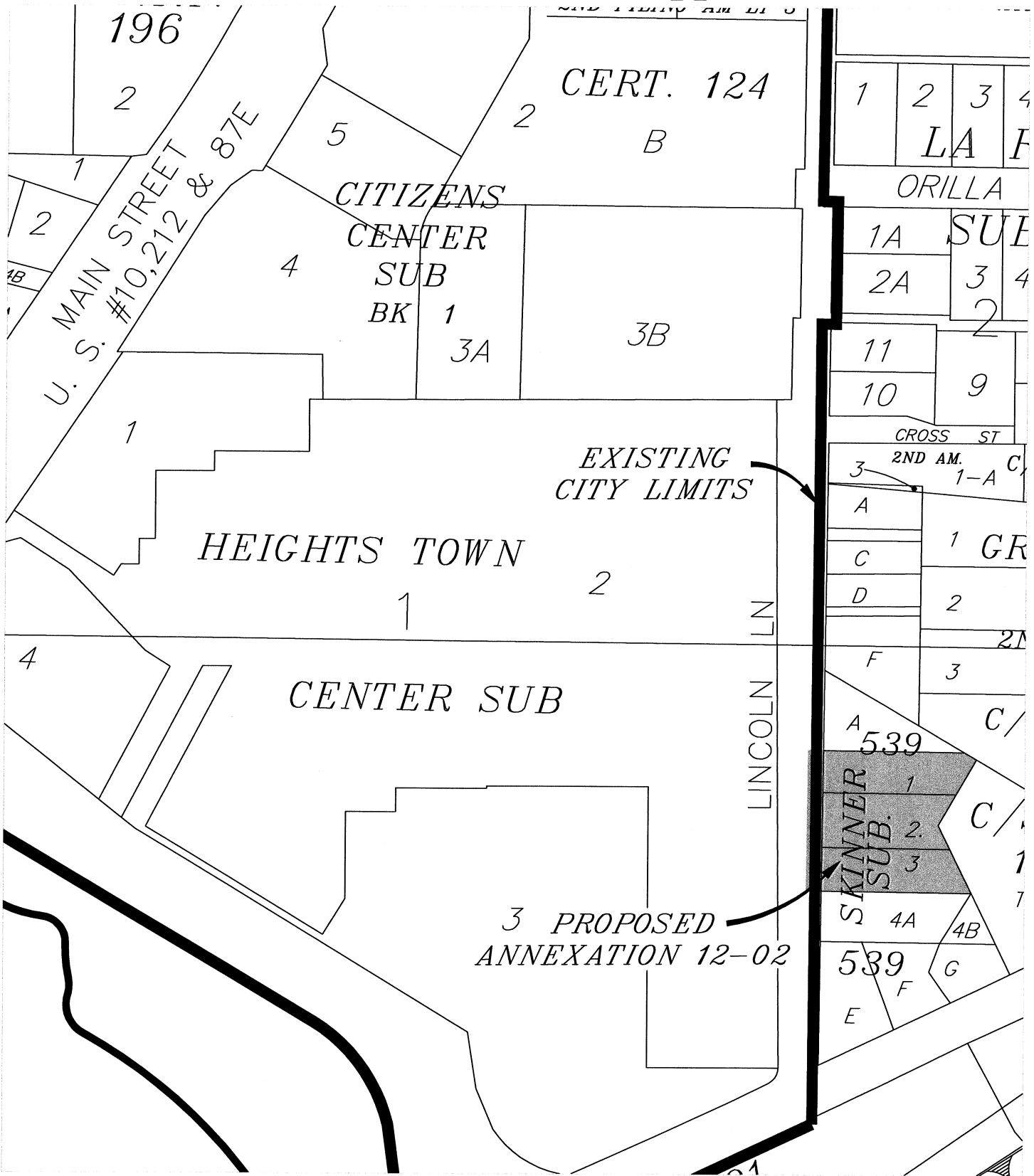


 community commercial

 subject properties

A 13972 , A 13973 , A 13974

# EXHIBIT "A"



## RESOLUTION NO. 12-

A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the SE1/4 of Section 27, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Skinner Subdivision, Lots 1, 2 & 3, Block 1, Recorded April 10, 1957, under Document No. 581364, Records of Yellowstone County. Including all adjacent right-of-way of Lincoln Lane.

Containing 0.848 gross acres and 0.761 net acres more or less.

(# 12-02) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
  - A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 23<sup>rd</sup> day of April, 2012.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_

Thomas W. Hanel, MAYOR

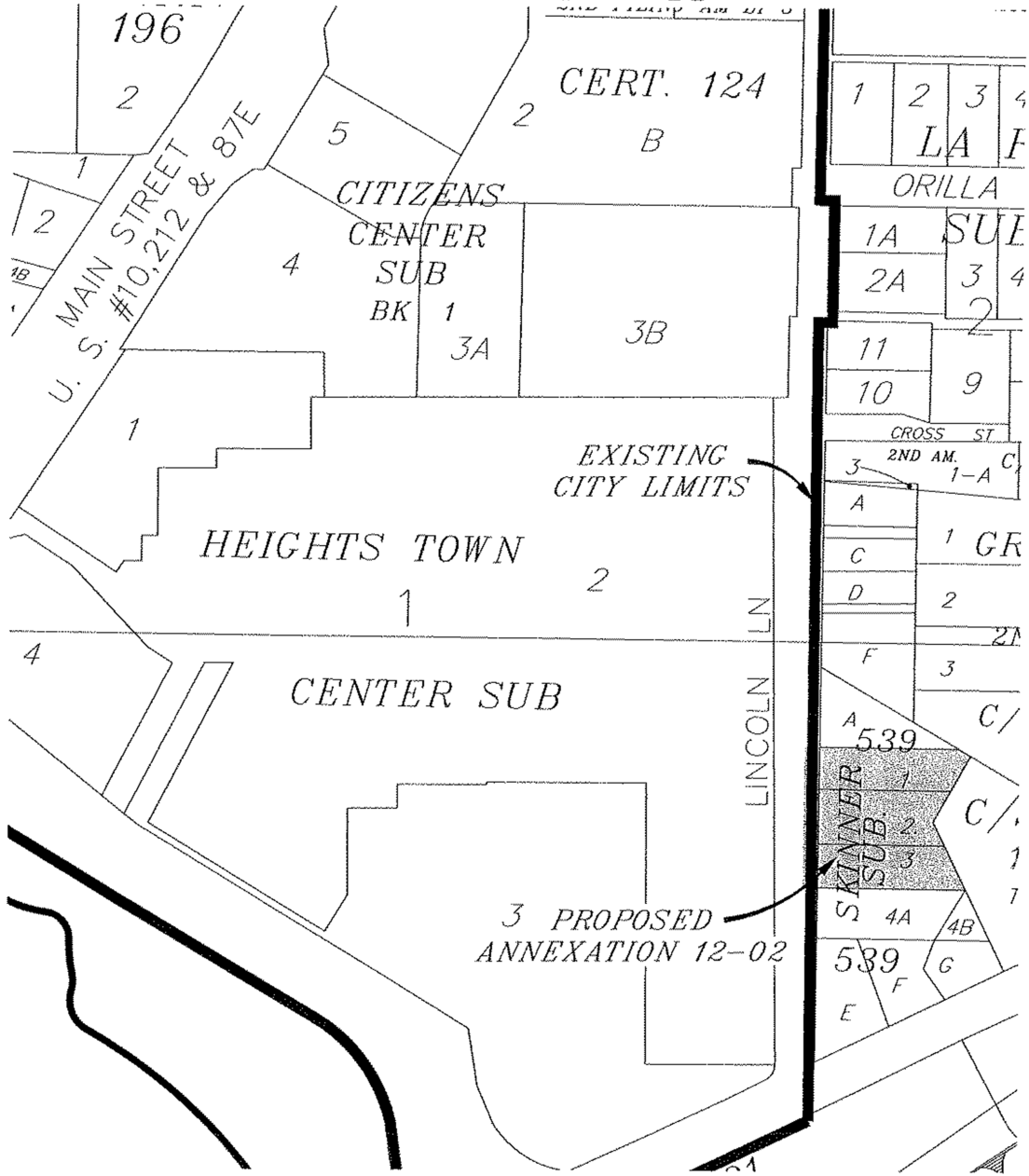
ATTEST:

BY: \_\_\_\_\_

CITY CLERK

(AN# 12-02)

# EXHIBIT "A"



**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Public Hearing and 1st reading Amending BMCC 25-301 through 25-307  
Nuisance Vegetation

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City has adopted a code to address Nuisance Vegetation on property within the city limits. The regulations have been carefully crafted to issues of health and safety posed by the overgrowth or neglect of vegetation including in alleys, boulevards, or on vacant and undeveloped parcels. It has come to the attention of the Code Enforcement Division that language in the code could be construed to mean that owners may be required to use push or riding mowers only when removing nuisance weeds on their property. The code does not specify that hand-held weed cutting implements (grass trimmers or weed whackers) may be required as a means to cut or remove vegetation. This is an unintended loophole in the code. The proposed amendment will amend the code to revise the language to be clear and concise.

**ALTERNATIVES ANALYZED**

The City Council may:  
Approve the language as submitted;  
Deny the proposed change;  
Amend the draft language;  
Or delay action on the proposed amendment.

The Code Enforcement Division has discussed alternatives to amending the code however, the language as currently written in Section 25-300 does not allow an alternative interpretation that would include hand-held vegetation trimmers.

**FINANCIAL IMPACT**

There should be no fiscal impact to the City from the proposed amendment. City personnel presently use hand-held trimmers for weed removal.

**BACKGROUND**

This section of the city code has been in place since at least 1967 and has been amended several times in order to clarify the language. This amendment will close an unintended loophole in the existing language. Property owners have argued that trimming the weeds against fences is not included in the definition since these cannot "normally be cut by a push or ridden mower". In addition, nuisance vegetation on sloped property cannot normally be cut by a push or ridden mower and normally is cut by using a hand-held trimmer. This code amendment is intended to close this loophole in the language to better enforce the nuisance vegetation code.

**STAKEHOLDERS**

There is not an advisory board or commission that reviews or oversees this section of the city code. Revisions to the language have been reviewed internally by staff and forwarded to the City Council for consideration. There should be no financial impact to residents from the proposed change.

**CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The update to code provides clarity and consistency across several sections of the Nuisance Vegetation code.

**RECOMMENDATION**

The Code Enforcement Division staff recommends the City Council adopt the amendment to Section 25-300 of the BMCC.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ordinance

**ATTACHMENT A**  
**ORDINANCE NO. 12-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 25-300, WEEDS AND/OR OFFENDING VEGETATION, TO AMEND DEFINITIONS, DUTY TO REMOVE NUISANCE VEGETATION, NOTICE AND ADD APPEAL PROCEDURES, ADOPT THE REVISIONS AS AN AMENDMENT TO THE VEGETATION REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

**Section 1. RECITALS.** *Title 7, Chapter 22, Part 41, MCA, and Section 25-300*, allows the City of Billings to declare and determine what vegetation within the city or town shall be nuisance weeds; require the owner or owners of any property within the city to cut or remove nuisance weeds from their premises and the one-half of any road or street lying next to the land or boulevard abutting thereon; and provide the manner in which they shall be exterminated; and, in the event the owner or owners of any of said premises neglect to exterminate or remove the nuisance weeds, for levying the cost of such extermination or removal as a special tax against the property.

**Section 2. DESCRIPTION.** The regulation shall apply to all land within the City of Billings.

**Section 3.** That the Billings, Montana City Code be amended by revising Section 25-300 to delete language and add new language to the existing regulations to read as follows:

Sec. 25-301. Definitions.

[For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:]

*Developed parcel* means any parcel of land that has been used or is being used for commercial or residential use with a principal structure covering over five (5) percent of the parcel.

*Weeds cut or removed* means **reducing the height of the nuisance weeds to four (4) inches or less. weeds that can normally be cut by the use of a push or ridden mower.**

Sec. 25-302. - Duty to remove nuisance weeds.

The existence of nuisance weeds in violation of this section constitutes a public nuisance.

(1) *Developed parcel.* It shall be the duty of every owner of a developed parcel to cut, **destroy or remove, or cause to be cut, destroyed** or removed, all nuisance weeds in excess of twelve (12) inches in height growing thereon and upon one-half (½) of any road, street or alley abutting this property to a height of four (4) inches or less.

(2) *Undeveloped parcel.* It shall be the duty of every owner of an undeveloped

parcel to cut, ~~destroy or remove, or cause to be cut, destroyed~~ or removed, all nuisance weeds in excess of twelve (12) inches in height growing thereon and upon one-half (½) of any road, street or alley abutting this property to a height of four (4) inches or less on property located within one hundred fifty (150) feet of any developed parcel, road, or park.

(3) *Traffic hazards.* All nuisance weeds on any parcel shall also comply with and be subject to all requirements imposed under sections ~~22-441, 22-443 and~~ 27-615, concerning visibility at intersections, alleys and drive approaches.

(4) *City property.* The city administrator shall designate responsibility for ~~cutting or~~ removal of nuisance weeds on city properties to the appropriate city department(s).

#### Sec. 25-303. - Notice to destroy.

The city clerk or designee shall give notice to ~~cut or remove destroy~~ nuisance weeds within the city limits by publishing notice to the public at least once each week for two (2) consecutive weeks in a newspaper of wide circulation within the city. The last publication shall not be less than seven (7) days prior to April 30th. Such notice shall at a minimum advise the public as follows:

(1) That all owners of real property are responsible for ~~cutting or removing destroying~~ all nuisance weeds in prohibited areas ~~by extermination, removal or cutting~~ not later than April 30th of each year and to keep the areas free of nuisance weeds through September 30th of that year.

(2) Failure to ~~cut or remove~~ the nuisance weeds may cause the city to cut or remove the weeds and charge the cost thereof against the real property together with an administrative cost equal to twenty-five (25) percent of the ~~cutting/ removal~~ cost and a penalty of twenty-five dollars (\$25.00) for the first time the city provides the cutting/removal, fifty dollars (\$50.00) for the second cutting/removal and seventy-five dollars (\$75.00) for the third and any subsequent times the city provides cutting/removal per calendar year.

#### Sec. 25-304. - Failure to comply.

Upon first failure, neglect or refusal to maintain the prohibited areas free from nuisance weeds during the prescribed period, the city shall give notice to the non-complying owner, agent or occupant thereof. Such notice shall provide at a minimum:

(1) That the non-complying owner, or agent thereof, shall be allowed ten (10) days from the date of notice of noncompliance to ~~exterminate cut~~ or remove nuisance weeds;

(2) That upon failure to comply the city may by its own work forces or by contract cause the weeds to be ~~exterminated, removed or cut or removed~~ and the cost thereof shall be assessed against the non-complying real property together with an additional administrative fee as set forth in subsection 25-303(2);

(3) If the owner, of any parcel continues to allow nuisance weeds to grow in violation of this article after the city has already ~~exterminated, removed, or cut or removed~~ nuisance weeds at that same parcel during the preceding ~~twelve (12)~~ six (6) months, the city may at its sole discretion ~~exterminate, remove or cut or remove~~ the weeds again as needed without any additional notice to the owner. Charges as in subsection 25-303(2), including penalty, will be assessed for each time the city

cuts or removes the nuisance weeds;

(4) That the assessed amount together with costs and penalties shall constitute a lien on the non-complying real property and will be taxed as a special assessment against the real property.

Sec. 25-305. - Notice.

Notice of a violation under this article shall be made by either:

- (1) Posting a copy of the notice on the parcel;
- (2) Mailing a copy of the notice by first class U.S. Mail to the owner of the property at the last known address shown on the tax rolls of Yellowstone County; or
- (3) Personal service upon the owner.

Notice shall be deemed given and complete the day the notice is posted, mailed, or personally served.

Sec. 25-306. - Failure to comply municipal infraction.

A violation of the provisions of this article shall be a municipal infraction. Persons found to have committed a violation of this article shall be subject to civil penalties as specified in section 18-1304.

Sec. 25-307. - Assessment.

(a) Annually the city shall prepare a list of all lots, tracts and parcels of real property within the city from which and adjacent to which nuisance weeds were cut or removed or exterminated by the city and for which such charges and penalties have not yet been paid, the list shall include as a minimum the following:

- (1) Name as shown by the tax rolls, common address if known;
- (2) Tax code of the property;
- (3) Legal description of the lot, tract or parcel;
- (4) Cost of the weed cutting/removal for that property;
- (5) Administrative costs;
- (6) Penalty assessed.

(b) The assessment list shall be incorporated into a special assessment resolution in proper form which resolution shall be presented to the city council. From and after passage of the resolution, the assessments stated therein, together with administrative costs and penalty shall constitute a special tax, as provided in MCA 7-22-4101 and a lien on the real property shown on the assessment list. A copy of the resolution after passage shall be certified to the official collecting the city taxes and assessments.

Sec. 25-308. - Appeals.

(a) In the event an owner disagrees with a notice of violation, or due to extreme hardship is incapable of complying with the provisions of this article, the owner may appeal a violation notice to the director of planning within seven (7) days of receiving the violation notice. Such appeal must be in writing and must set forth the specific reasons why the violation notice is not well taken, or why the owner is unable to comply with the provisions of this chapter. The director of planning shall review the appeal and make a determination as to the validity of the owner's basis for objecting to the action

demanded, and shall promptly notify the owner of the decision reached. For good cause shown, or in cases of extreme hardship, the director of planning may make a determination that the provisions of this article are inapplicable to a certain parcel. Decisions of the director of planning are final, and subject only to judicial review.

(b) An owner may file a written appeal of any costs, fees and penalties imposed under this article to the director of planning within seven (7) days of being billed. Such appeal must be in writing and must set forth the specific reasons as to the owner's objections to the costs, fees, and penalties imposed. The director of planning shall review the appeal and make a determination as to the validity of the owner's basis for objecting the costs, fees, and penalties imposed, and shall promptly notify the owner of the decision reached. For good cause shown, or in cases of extreme hardship, the director of planning may modify or waive costs, fees and penalties imposed under this article. Decisions of the director of planning are final, and subject only to judicial review.

Sec. 25-309. - Time calculations.

All time periods referenced in this article shall be calculated as actual calendar days, including weekends and holidays.

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

**Section 5. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 6. 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 April 23, 2012.

PASSED, ADOPTED AND APPROVED on second reading May 14, 2012.

CITY OF BILLINGS:

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

ATTEST:

BY:  
Cari Martin, City Clerk

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Zone Change #891 Public Hearing - Text Amendment - Townhomes

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change that will amend Sections 27-201 and 27-622 of the Billings, Montana City Code (BMCC) to eliminate the definition of “townhome” as a type of residential land use and update the section that requires a Master Site Plan review for multi-unit developments. In 2011, the Montana Legislature approved a bill, HB0460, to amend state law to include a definition of a townhome under the unit ownership act (MCA 70-23-101 et seq). The zoning code regulates land uses and buildings but does not regulate ownership or types of ownership. The proposed amendment would update the code to align the definition of condominium and townhome/townhouse with the new state law. In March 2012, the City Council approved a previous amendment that eliminated “townhouse” as a type of use within residential zones. Townhomes can now be allowed in any residential zone provided enough lot area exists for more than 1 dwelling unit on an undivided lot. The City Zoning Commission initiated this amendment on February 7, 2012. The Zoning Commission conducted a public hearing on April 3, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

**ALTERNATIVES ANALYZED**

The City Council may:

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

**FINANCIAL IMPACT**

There should be no financial impact from the proposed amendment.

**BACKGROUND**

In 1977, the City Zoning Code defined “rowhouse” as a type of use. This definition has evolved over the years. In 1977, rowhouses were defined as three or more single dwelling units attached with the common wall along a property line. Rowhouses were allowed only by special review approval in R-50, R-60, RMF and RMF-R zoning districts. By 1985, the term “rowhouse” was replaced by the term “townhouse” then defined as two or more single dwelling units with common walls on the dividing line and fee simple ownership of the land and structure. The code required a property line between the units to be defined as a “rowhouse” or “townhouse”. The definition and regulation by special review in certain zoning districts identified the use by its architectural style. The building code has also adopted a definition of “townhome or townhouse” that anticipates a type of fire-rated construction that essentially isolates each dwelling unit from another.

In 2011, the Montana Legislature adopted a definition of townhome into law that relates to the ownership of the dwelling unit. The change in state law was primarily to handle the current lending practices in the real estate industry. The zoning code regulation of a townhome is an artifact of a previous era and is centered on the architecture – 2 or more attached dwelling units with a property line between each unit. The building code definition is geared toward life and safety of each unit owner. The new state law definition is focused on the type of ownership and financing of the property. These 3 definitions – zoning code, building code, and unit ownership type – have created confusion for owners, regulators and lenders.

The current zoning code does not and should not regulate the type of ownership of property. Townhomes should be allowed in any residential zoning district as long as lot area requirements are met and setbacks, building heights and lot coverage maximums are also observed. The zoning code requires multi-unit developments where more than two dwelling units share common private facilities such as internal driveways or private streets, to submit a Master Site Plan. The Master Site Plan ensures compliance with local codes including fire access, utilities, engineering, building and zoning. Attached dwelling units are allowed in several zoning districts. If an owner proposes to divide those dwelling units along common walls by a property line, then a side setback variance would be required. The proposed amendment will clarify the local regulation and ensure that existing and proposed townhomes are not unnecessarily regulated.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on April 3, 2012, and received the staff report and recommendation of approval. There was no other testimony. The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The proposed amendment will align the local definition of a townhome or townhouse with state law. The amendment will eliminate confusion for local real estate investors, banks and mortgage companies. The previous definition in the local zoning regulations was in conflict with the state law definition.

## **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval of Zone Change #891 on a 3-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Ordinance

Attachment A – Draft Ordinance

**ORDINANCE NO. 12 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201- DEFINITIONS AND SECTION 27-622 – NEW CONDOMINIUMS AND MULTI-UNIT DEVELOPMENTS - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.*

**Section 2. DESCRIPTION.** The zoning regulation shall apply to all land within the City of Billings.

**Section 3. AMENDMENT.** That the Billings, Montana City Code be amended by revising Section 27-201 as follows:

1. **SEC. 27-201. DEFINITIONS.**

**CONDOMINIUM:** ~~Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit. Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.~~

**TOWNHOME OR TOWNHOUSE:** ~~A building or structure that has two (2) or more one (1) family dwelling units erected as a single building, each being separated from the adjoining unit or units by an approved fire wall or walls along individual property lines and providing for fee simple ownership of land and dwelling unit. Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.~~

**MULTI-UNIT DEVELOPMENTS:**

- Condominium, Townhome, Townhouse or Commercial development projects that include common, private facilities shared by buildings or lots.
- Residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

**Section 4. AMENDMENT.** That the Billings, Montana City Code be amended by revising Section 27-622 as follows:

**Sec. 27-622. New Condominiums, Townhome, Townhouse and Multi-Unit Developments.**

New Condominiums, Townhouse, Townhome and Multi-Unit Developments are allowed in all zoning districts if they meet all applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622 and 27-623 of the Billings Municipal Code. Projects subject to these regulations include condominium, townhome, townhouse or commercial development projects that include common, private facilities shared by buildings or lots, and residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

Prior to filing a condominium, townhome or townhouse Declaration of Unit Ownership with the County Clerk and Recorder, or applying for building permits for the multi-unit development, the owner(s) shall submit to the Planning Division:

- (1) A City approved master site plan showing the dimensions of the lot(s) containing the condominium, townhouse, townhome units or multiple commercial units and the location and dimensions of all buildings containing the units.
- (2) A copy of the Declaration of Unit Ownership if creating a condominium, townhouse or townhome.

Only after determining that the condominium, townhome, townhouse or multi-unit development project has a City approved master site plan, as required in Section 1 above, that complies with the applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622, and 27-623 of the Billings Municipal Code will the Planning Division issue a condominium, townhome or townhouse Certificate of Compliance or approve a building permit.

For condominiums, townhomes or townhouses, the Certificate of Compliance will be filed with the County Clerk and Recorder prior to recording the Declaration of Unit Ownership. The Certificate shall state:

- (1) The legal description of the property.
- (2) The condominium, townhomes or townhouse units are exempt from 76-3-203, MCA because they comply with zoning, or in the case of new development, comply with zoning based on the City approved master site plan.
- (3) Any changes to the City approved Master Site Plan must be reviewed by the City through the Planning Division.

**Section 5. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 7. 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 April 23, 2012.

PASSED, ADOPTED AND APPROVED on second reading May 14, 2012.

CITY OF BILLINGS:

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

ATTEST:

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

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Zone Change #892 - Test Amendment - City Zone Change Procedures - Public Hearing and 1st reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change that will amend Section 27-1502 of the Billings, Montana City Code (BMCC) to align the local zone change procedures with new state law amendments passed in 2009 and 2011. In 2009, the Montana Legislature approved HB 486, to amend state law to clarify the criteria for zone changes. In 2011, the Montana Legislature approved HB 181, to amend state law to allow zone change protests by condominium or townhome owners. Both of the changes require amendments to local zoning codes. The City Zoning Commission initiated this amendment on February 7, 2012. The Zoning Commission held a public hearing on April 3, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

**ALTERNATIVES ANALYZED**

The City Council may:

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

**FINANCIAL IMPACT**

There should be no financial impact from the proposed amendment.

**BACKGROUND**

The state periodically updates authority for municipal and county zoning. These provisions are the parameters under which all local zoning must be formed. These provisions set standards for each jurisdiction to follow when changing zoning districts and the minimum notification requirements for those changes. The proposed amendment will bring local codes into conformance with state law.

**STAKEHOLDERS**

The Zoning Commission conducted a public hearing on April 3, 2012, and received the staff report and recommendation of approval. There was no other testimony. The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

**CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The proposed amendment will align the local zone change criteria with the criteria as amended by the Montana legislature in 2009 and 2011 for all municipal zoning jurisdictions. Consistency with state law is the foundation of defensible and reasonable zoning decisions by the governing body.

**RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval for Zone Change #892 on a 3-0 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ordinance

Attachment A – Draft Ordinance  
**ORDINANCE NO. 12 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1502 – AMENDMENTS TO CHAPTER - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.*

**Section 2. DESCRIPTION.** The zoning regulation shall apply to all land within the City of Billings.

**Section 3. AMENDMENT.** That the Billings, Montana City Code be amended by revising Section 27-1502 as follows:

**SEC. 27-1502. AMENDMENTS TO CHAPTER.**

(c) *Planning department study and responsibility.* The zoning coordinator, upon receiving an application for rezoning of an area or a particular piece of property shall do the following:

(2) Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the growth policy comprehensive plan;

(4) ~~Advertise~~ Publish notice of the application in a newspaper of general circulation at least fifteen (15) days in advance of the date of the city zoning commission public hearing. The notice shall contain: the classification sought, the location of the property, and the date, time and place of the city zoning commission public hearing;

(d) *City zoning commission action.* The city zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application has been legally advertised. Each application shall be presented to the city zoning commission by the zoning coordinator, together with his/her findings and conclusions on the matter. The city zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A report of the

commission's ~~recommendation decision~~ and the zoning coordinator's findings and conclusions shall be submitted to the city council. The city zoning commission shall make a recommendation to the city council to:

- (1) Deny the application; or
- (2) Grant the application.

The city zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for ~~the recommendation to granting, denying, or allow recommending~~ withdrawal of the amendment within fifteen (15) days following the public hearing. In no case shall the city zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the city zoning commission shall consider, among other things, the following:

- (1) Whether the new zoning ~~was~~ is designed in accordance with the growth policy comprehensive plan;
- (2) Whether the new zoning ~~was~~ is designed to ~~lessen congestion in the streets~~ secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will ~~secure safety from fire, panic and other dangers~~ facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will ~~prevent the overcrowding of land~~ effect motorized and nonmotorized transportation;
- (7) Whether the new zoning will ~~avoid undue concentration of population~~ promote compatible urban growth;
- ~~(8) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements;~~
- ~~(9) Whether the new zoning gives reasonable consideration to the character of the district;~~
- ~~(10) (8) Whether the new zoning gives reasonable consideration to the character of the district and the peculiar suitability of the property for particular uses;~~
- ~~(11) (9) Whether the new zoning was adopted with a view to~~ will conserve ~~ing~~ the value of buildings; and
- ~~(12) (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.~~

~~The city zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he/she has a direct or indirect interest.~~

(e) *City council public hearing.* Before taking action on an application for an amendment to the official map, and after presentation of the city zoning commission report, the city council shall hold a public hearing on the application.

As provided in Montana Code Annotated, Section 76-2-305(2) (1999)-, in the event of a protest petition against such zone change signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, one hundred fifty (150) feet from a lot included in a proposed change, such proposed amendment shall not become effective except by the favorable vote of two-thirds ( 2/3) of the present and voting members of the city council. For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the planning department office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the city council.

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

**Section 5. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 6. 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 April 23, 2012.

PASSED, ADOPTED AND APPROVED on second reading May 14, 2012.

CITY OF BILLINGS:

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

ATTEST:

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

**Regular City Council Meeting**

**Meeting Date:** 04/23/2012

**TITLE:** Zone Change #893 - Text Amendment - County Zone Change Procedures - Public Hearing and 1st reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change that will amend Sections 27-1508 and 27-1604 of the Billings, Montana City Code (BMCC) to align the County zone change procedures and enforcement with new state law amendments passed in 2009. The zoning code is a unified code for the city and the 4 ½-mile jurisdictional area outside the city limits in the county. In order to incorporate the changes that apply outside the city limits, the City Council must adopt an ordinance to effect the changes. In 2009, the Montana Legislature approved HB 486, to amend state law to clarify the criteria for zone changes. The changes require amendments to local ordinances to conform to the new requirements. The City Zoning Commission initiated this amendment on February 7, 2012 and the County Zoning Commission initiated this amendment on February 13, 2012. The Zoning Commission conducted a public hearing on April 3, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

**ALTERNATIVES ANALYZED**

The City Council may:

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

**FINANCIAL IMPACT**

There may be some financial impact to the Planning Division since additional public notification locations are required by the amendments. This is required by state law.

**BACKGROUND**

The state periodically updates it's authority for municipal and county zoning. These provisions are the parameters under which all local zoning must be formed. These provisions set standards each jurisdiction must follow when changing zoning districts and the minimum notification requirements for those changes. The proposed amendment will bring local codes into conformance with state law.

**STAKEHOLDERS**

The Zoning Commission conducted a public hearing on April 3, 2012, and received the staff report and recommendation of approval. There was no other testimony. The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The proposed amendments will bring the local zoning regulations in to alignment with new state law requirements for public notification of County zone changes, criteria for zoning decisions, and enforcement of zoning code violations outside the city limits.

## **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval for Zone Change #893 on a 3-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Ordinance

Attachment A – Draft Ordinance  
**ORDINANCE NO. 12 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1508 – AMENDMENTS TO CHAPTER – AND TO 27-1604 – ENFORCEMENT TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

**Section 2. DESCRIPTION.** The zoning regulation shall apply to all land within the City of Billings and the 4 ½-mile jurisdictional zoning are of Yellowstone County.

**Section 3. AMENDMENT.** That the Billings, Montana City Code be amended by revising by revising Section 27-1508 and 27-1604 to delete language and add new language as follows:

**SEC. 27-1508. AMENDMENTS TO CHAPTER**

(c) *Planning department action.* The zoning coordinator, upon receiving an application for rezoning an area or a particular piece of property, shall do the following:

- (2) Study each application with reference to its appropriateness and effect on existing and proposed land uses, and its correspondence with the growth policy comprehensive plan;
- (3) ~~Advertise~~ Publish notice of the application in a newspaper of general circulation at least fifteen (15) days in advance of the date of the county zoning commission public hearing. The notice shall contain: the classification sought, the location of the property, ~~and the date, time and place of the county zoning commission public hearing~~ and that the proposed zone change information is on file for public inspection at the office of county clerk and recorder;
- (6) Place notice of the county zoning commission public hearing and Board of County Commissioners public hearing on the property subject to rezoning

and in four (4) other public places at least forty-five (45) ~~fifteen (15)~~ days in advance of the date of the Board of County Commissioners public hearing; and

(d) *County zoning commission action.* The county zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing for which the application has been legally advertised. Each application shall be presented to the county zoning commission by the zoning coordinator or his/her designee, together with his/her findings and conclusions on the matter. The county zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A report of the commission's recommendation ~~decision~~ and the zoning coordinator's findings and conclusions shall be submitted to the board of county commissioners.

The county zoning commission shall make a recommendation to the board of county commissioners to:

- (1) Approve the application; or
- (2) Deny the application.

The county zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for the recommendation to granting, denying, or allowing ~~withdrawal~~ of the amendment within fifteen (15) days following the public hearing. In no case shall the county zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

In making its recommendation to the board of county commissioners for an amendment to the official map or text of this chapter, the county zoning commission shall consider, among other things, the following:

- (1) Whether the new zoning ~~was~~ is designed in accordance with the growth policy comprehensive plan;
- (2) Whether the new zoning ~~was~~ is designed to ~~lessen congestion in the streets~~ secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will ~~secure safety from fire, panic and other dangers~~ facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will ~~prevent the overcrowding of land~~ effect motorized and nonmotorized transportation;
- (7) Whether the new zoning will ~~avoid undue concentration of population~~ be compatible with urban growth in the vicinity of cities or towns;

- ~~(8) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements;~~
- ~~(9) Whether the new zoning gives reasonable consideration to the character of the district;~~
- (40) (8) Whether the new zoning gives reasonable consideration to the character of the district and the peculiar suitability of the property for particular uses;
- (41) (9) Whether the new zoning was adopted with a view to will conserving the value of buildings; and
- (42) (10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County; and
- (11) Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.

(e) *Board of county commissioners action.* Notice of the board of county commissioners public hearing shall be ~~placed~~ published once a week for two weeks in a newspaper of general circulation. The notice shall contain the time, date and place of the board of county commissioners public hearing, the boundaries of the proposed district, the general character of the proposed zoning district or regulations and that the proposed zoning regulations or district boundary change are on file for public inspection at the office of the county clerk and recorder. Before taking any action on an application for an amendment to the official map, or amendment to the text of this chapter the board of county commissioners shall first consider the findings and recommendations of the county zoning commission. In no case shall the board approve an amendment for a classification other than the one advertised. The board shall:

- (1) Approve the application;
- (2) Deny the application;
- (3) Allow withdrawal of the application; or
- (4) Delay action on the application for a period not to exceed thirty (30) days.

**SEC. 27-1604. PENALTIES FOR VIOLATION.**

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any Resolution/Ordinance made under authority conferred hereby, the proper authorities of the City or County may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises. Outside the Billings city limits and for the purposes of enforcing this section, the county shall attempt to obtain

voluntary compliance at least 30 days before filing a complaint for a violation of this part that is subject to the penalties under section (a) above.

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

**Section 5. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 6. 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 April 23, 2012.

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Cari Martin, City Clerk