

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

May 14, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Denis Pitman

ROLL CALL: Councilmembers present on roll call were:

MINUTES: April 23, 2012

COURTESIES:

PROCLAMATIONS:

- Emergency Medical Services Week, May 20-26, 2012
- National Day of Prayer, May 3, 2012
- Public Service Recognition Week, May 6-12, 2012
- National Bike Walk Bus Week, May 13-19, 2012

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #7 & #8 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. Billings Logan International Airport Screening Lobby Renovation** (Opened 4/24/2012); Recommend General Contractors Construction Company, Inc.; \$180,881.

2. **W.O. 12-01, Water and Sanitary Sewer Main Replacement Projects, Schedules 1A, 1B, and 1C, plus three additive alternates.** (Opened 4/10/12) (Delayed from 4/23/2012); Recommend COP Construction; \$4,467,716.
 3. **W.O. 10-27, Central Avenue Widening and Sidewalks** (Opened 4/24/2012); Recommend Riverside Sand & Gravel, Inc.; \$299,400 pending CTEP approval.
- B. **Contract for Professional Services** with HDR Engineering for W.O. 12-15, Wastewater Treatment Facility Plan as part of the Integrated Water Plan Implementation Projects; \$521,900.
 - C. **Approval** of Builder/Selling Agent and Housing and Development Agreement for Kings Green Subdivision, Phase IV, Affordable Housing Project (10 single-family homes on Jackson Street); Real Estate Dynamics, Inc.; 5% total commission.
 - D. **Park 1 Lease Agreement** with Big Sky Imaginarium, LLC (6/1/12-5/31/17) with one, 5-year renewal option. Revenue first year - \$24,000; revenue subsequent years - current year plus 3%.
 - E. **Approval** of Parking Advisory Board's recommendation of a 3-month extension of the meter reduction trial period beginning May 15 and the re-signing and 2-hour parking enforcement for areas previously removed from the test area.
 - F. **Acknowledging Receipt of Petition to Annex #12-04:** 13.39 acres at the west end of Bell Avenue located west of Shiloh Road and north of Monad Road; Dorn-Lowe, LLC, Petitioners; and setting a public hearing date for May 29, 2012.
 - G. **Acceptance of Anonymous Donation** to the Human Relations Commission to help defray operating expenses; \$500.
 - H. **Approval and acceptance** of the State Highway Traffic Safety Billings STEP Overtime Grant for traffic enforcement funding; \$10,000.
 - I. **Grant Application Request** to submit 2012 Internet Crimes Against Children (ICAC) operational continuation application for \$230,650 and accept award.
 - J. **Smart Growth Implementation Assistance Award from U.S. Environmental Protection Agency**
 1. **Acceptance** of Smart Growth Implementation Assistance Award from U.S. Environmental Protection Agency providing technical assistance to help develop a framework for collaborative planning between the City and School District #2.
 2. **Approval of Resolution** establishing an Ad Hoc Collaborative School Planning Committee to develop a model city-school collaborative infrastructure planning process.
 - K. **Resolution** amending boundaries of Special Improvement Lighting Maintenance Districts #281 and #307 removing certain properties from Lighting District #281 and placing them in Lighting District #307 following completion of Shiloh Road project.

- L. **Resolution** authorizing the issuance and calling for the public sale of up to \$16,300,000 General Obligation Library Bonds, Series 2012.
- M. **Second/Final Reading Ordinance** amending BMCC 25-301 through 25-307, Nuisance Vegetation, providing clarity and consistency across several sections of the code.
- N. **Second/Final Reading Ordinance for Zone Change #891:** a text amendment to Sections 27-201 and 27-622 of the BMCC eliminating the definition of "townhome" as a type of residential land use and updating the section requiring a Master Site Plan review for multi-unit developments.
- O. **Second/Final Reading Ordinance for Zone Change #892:** a text amendment to Section 27-1502 of the BMCC to align local zone change procedures with new state law amendments passed in 2009 and 2011.
- P. **Second/Final Reading Ordinance for Zone Change #893:** a text amendment to Sections 27-1508 and 27-1604 of the BMCC aligning county zone change procedures and enforcement with new state law amendments passed in 2009.
- Q. **Preliminary Major Plat** of Copper Ridge Subdivision, 3rd Filing, generally located on the north side of Rimrock Road, east of 70th Street West, and north of the existing Copper Ridge Subdivision. Copper Ridge Development Corp., owner; Sanderson Stewart, representing agent; conditional approval and adoption of the Findings of Fact.
- R. **Preliminary Major Plat** of Copper Ridge Subdivision, 4th Filing, generally located on the north side of Rimrock Road, east of 70th Street West, and north of the existing Copper Ridge Subdivision. Copper Ridge Development Corp., owner; Sanderson Stewart, representing agent; conditional approval and adoption of the Findings of Fact.
- S. **Preliminary Major Plat** of Reflections at Copper Ridge Subdivision, 2nd Filing, generally located on the north side of Rimrock Road, east of Copper Ridge Subdivision, and north of the existing Reflections at Copper Ridge Subdivision. Reflections at Copper Ridge, LLC, owner; Sanderson Stewart representing agent; conditional approval and adoption of the Findings of Fact.
- T. **Preliminary Major Plat** of Reflections at Copper Ridge Subdivision, 3rd Filing, generally located on the north side of Rimrock Road, east of Copper Ridge Subdivision, and north of the existing Reflections at Copper Ridge Subdivision. Reflections at Copper Ridge, LLC, owner; Sanderson Stewart, representing agent; conditional approval and adoption of the Findings of Fact.
- U. **Bills and Payroll:**
 - 1. April 9, 2012
 - 2. April 16, 2012

3. April 23, 2012

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** adopting Wastewater Rate and Fee Schedule effective July 1, 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE**
#OP-12-01: A variance from Section 1203, Off-Street Parking Requirements, allowing reduction from the required 92 off-street parking stalls to 76 off-street parking stalls at 2475 Enterprise Avenue located on Lot 2, Block 1, of Claimstake Subdivision. Streets Properties, LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** de-annexing approximately 13.82 acres of undeveloped land known as Tract 81-A, Certificate of Survey 2165, in the Briarwood Planned Unit Development; James and Stella Ziegler, petitioners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annex #12-02: three parcels totaling approximately 0.85 acres legally described as Lots 1, 2, and 3 of Skinner Subdivision and located at 325 and 337 Lincoln Lane. Brent Nelson, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTION** revising the 2011 Limits of Annexation Map. Staff recommends approval as recommended by the Annexation Committee. (Action: approval or disapproval of staff recommendation.)
7. **DISPOSAL OF PARK 4 PARKING STRUCTURE.** Staff recommends accepting the purchase offer from United Industries/United Properties in the amount of \$2,620,000 and using the funds to retire a portion of the Park 2 debt. (Action: approval or disapproval of staff recommendation.)
8. **APPROVAL** of testimony supporting adoption of the Urban-Rural Map/Plan to be presented at the Montana Districting and Apportionment Commission Billings Public Hearing scheduled for May 15, 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

COUNCIL INITIATIVES

ADJOURN

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

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

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Renovation of the Screening Lobby for Billings Logan International Airport

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

Included in the Airport's FY 2012 budget is the Renovation of the Screening Lobby. The Transportation Security Administration (TSA) is upgrading the security screening equipment at airports around the nation and as a result, Billings Logan International Airport has received one new AIT scanner and is scheduled to receive a second AIT and three new x-ray machines sometime this Fall. This new equipment will result in a space configuration for three security screening lanes and will require remodeling the existing lobby to create enough space for the new equipment. This project will remove the steel and glass partition walls around the existing screening equipment and the planter just outside of the screening area. A new wall will be built east of the restaurant fire escape stairs and tie into the west side of the ticket counters. Additionally, a 20' coiling door will be installed under the mezzanine to provide security when the screening lobby is closed. This renovation, coupled with the addition of the new screening equipment, will enhance the TSA's ability to timely process passengers through security. This project was advertised in The Billings Times for two weeks and on the City's Website. On April 24, 2012, the following bids were received:

| CONTRACTOR | BID |
|--|------------|
| General Contractors Construction Company, Inc. | \$180,881 |
| High Tech Construction | \$197,300 |
| Hardy Construction | \$214,900 |

ALTERNATIVES ANALYZED

The City Council may:

- Approve the award of the Renovation of the Screening Lobby Project; or
- Decline the award, reject all bids, and not complete the project at this time.

FINANCIAL IMPACT

The total cost of this project is \$180,881. The source of funding for this project is the Airport's Passenger Facility Charge (PFC) capital account.

RECOMMENDATION

Staff recommends that the City Council approve the award of the Renovation of the Screening Lobby to the low bidder General Contractors Construction Company, Inc., for \$180,881.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: W.O. 12-01 Water and Sanitary Sewer Main Replacement Projects, Schedule 1 Contract Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

W.O. 12-01, Schedule 1, Water Main Replacement Projects will replace water main and related improvements. Work in South 27th Street is being split into two sections: approximately 2,300 feet of water main will be replaced between 5th and 9th Avenue South (Schedule 1A), and about 1,900 feet will be replaced between 9th Ave. S. and State Avenue (Schedule 1B). Work in Montana Avenue will replace approximately 5,400 feet of water main between North 18th and 31st Street (Schedule 1C).

All of the 2012 water and sanitary sewer main replacement projects were bid on April 10, 2012 and Council awarded a contract for the Schedule 2 work to COP Construction on April 23, 2012. Staff recommended that the contract award for the Schedule 1 work be delayed until the May 14, 2012 Council meeting to allow time to evaluate the bids in more depth. After evaluating the bids and available budget, staff now recommends that Schedules 1A, 1B and 1C be awarded to COP Construction in the amount of \$4,467,716.00.

ALTERNATIVES ANALYZED

The Council may:

- Award a construction contract for Schedules 1A, 1B and 1C of W.O. 12-01 along with the three additive alternates in the amount of \$4,467,716.00.
- Do not award a construction contract for Schedule 1 of W.O. 12-01. If these projects are not constructed, the City's water distribution system in these areas will continue to experience ongoing maintenance problems.

FINANCIAL IMPACT

The following bids were received and evaluated for Schedule 1 of W.O. 12-01.

Schedule 1 - Water Main Replacement

| Contractor | Sch. 1A | Sch. 1B | Sch. 1A/1B Deduct 1-1 | Sch. 1C | Sch. 1C Alt 1-1 | Sch. 1C Add 1-1 | Sch. 1C Add 1-2 |
|-------------------|----------------|----------------|----------------------------------|----------------|----------------------------|----------------------------|----------------------------|
| 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 |

The funding for the project is from water revenues.

RECOMMENDATION

Staff recommends that Council award a contract for Schedule 1 of W.O. 12-01 for the sum of Schedule 1A, 1B and 1C plus the three additive alternates in the amount of \$4,467,716.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: W.O. 10-27 Central Avenue Widening and Sidewalks Bid Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Bids were received on April 24, 2012 for W.O. 10-27, Central Avenue Widening and Sidewalks. The project consists of curb and gutter, sidewalk, drive approaches and street widening on Central Avenue from 29th St W to 32nd St W.

ALTERNATIVES ANALYZED

The Council may:

- Award the contract for W.O. 10-27 to Riverside Sand & Gravel, Inc in the amount of \$299,400.00; or
- Reject all bids and do not award a contract for W.O. 10-27. If bids are rejected, the CTEP agreement to construct sidewalks within this corridor will be unfulfilled.

FINANCIAL IMPACT

The following bids were received and evaluated for W.O. 10-27:

| Contractor | Base Bid |
|-----------------------------------|-----------------|
| Riverside Sand & Gravel, Inc. | \$299,400.00 |
| Knife River - Billings | \$338,778.30 |
| CMG Construction, Inc. | \$385,704.00 |
| HL Ostermiller Construction, Inc. | \$480,158.90 |

The funding for the project was budgeted in FY12 and the sources are direct property assessments, gas tax, and CTEP funds.

| | |
|-----------------------|--------------|
| Project Budget | \$354,054.00 |
| Previously Encumbered | \$0 |
| This Contract | \$299,400.00 |
| Budget Remaining | \$54,654.00 |

RECOMMENDATION

Staff recommends that Council award the contract for Work Order 10-27 Central Avenue Widening and Sidewalks project to Riverside Sand & Gravel, Inc. in the amount of \$299,400.00 pending CTEP approval.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: W.O. 12-15 Integrated Water Plan Implementation--Wastewater Treatment Facility Plan, Contract Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The Council is asked to award a professional engineering services contract in the amount of \$521,900.00 for HDR Engineering, Inc. to conduct a study of the City's Wastewater Treatment Facility (WWTF) as part of the Integrated Water Plan Implementation (IWPI) projects. HDR was selected for this study based on City staff review of project proposals submitted by prequalified firms. Morrison-Maierle (MMI), DOWL HKM, Kadmas, Lee and Jackson, and Great West Engineering were the other firms considered for the project.

The City of Billings will be under a new wastewater discharge permit within the next year. Additionally, the treatment facility will need to meet more stringent discharge standards for total nitrogen and phosphorus. The goal of this facility plan is to work with the City to develop a strategy to meet our new wastewater discharge permit requirements while looking long term at the proposed Montana Department of Environmental Quality (MDEQ) nutrient standards.

The strategy will work with the existing wastewater treatment facility. Work will include developing the design criteria with regards to the discharge limits and flow rates. Concurrent IWPI studies and activities will be underway to provide technical data to help develop those criteria. Significant effort will put into evaluating the plant equipment, data and flow schemes. A process model will be created. The plan will determine appropriate processes and evaluate the potential plant capacity if modifications are made to the existing processes. Piping, equipment and other facility components will be partially laid-out, and a cost estimate will be completed to assist the City of Billings in developing a funding strategy.

ALTERNATIVES ANALYZED

The Council may:

- Award the engineering contract to HDR Engineering; or
- Do not award the engineering contract to HDR Engineering. If this project is not completed, the City will be unable to sufficiently evaluate its Wastewater Treatment Facility and effectively implement an Integrated Water Plan.

FINANCIAL IMPACT

The funding for the project was budgeted in FY2012 and the source is wastewater funds. A summary of the funding is as follows:

| | |
|-----------------------|-------------|
| Project Budget | \$2,000,000 |
| Previously Encumbered | \$0 |
| This Contract | \$521,900 |
| Budget Remaining | \$1,478,100 |

RECOMMENDATION

Staff recommends that Council award a professional engineering services contract to HDR Engineering in the amount of \$521,900.00.

APPROVED BY CITY ADMINISTRATOR

Attachments

WO 12-15 Draft PES Contract

Contract for Professional Engineering Services
City of Billings W.O. 12-15
INTEGRATED WATER PLAN IMPLEMENTATION
Wastewater Treatment Facility Plan

In consideration of the mutual promises herein, City of Billings and HDR Engineering, Inc. 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 11 pages (Basic Services of Engineer);
- Appendix B consisting of 2 pages (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 HDR Engineering, Inc.
- 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 December 31, 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: HDR Engineering, Inc.
Craig Habben, PE, Senior Project Manager
6300 S Old Village Pl, Suite 100
Sioux Falls, SD 57108 CELL: (406) 698-4271 / OFFICE: (605) 782-8101

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.

DRAFT

**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: Craig Habben, PE, Senior Project 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 arising 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.

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

City of Billings

Engineer--HDR Engineering, Inc.

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. 12-15 IWPI--Wastewater Treatment Facility Plan

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 Craig Habben, PE working under the Principal-in-Charge, John Doe, 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:

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Scope of Services

The City of Billings faces changing effluent discharge conditions in the Yellowstone River driven by new regulatory requirements and water quality impairment (303d) listings. These changing effluent discharge conditions will significantly impact treatment and discharge to the Yellowstone. For the City of Billings, these conditions call for an update to the wastewater treatment facilities plan to account for the impact of the recently approved Senate Bill 367, the future Total Maximum Daily Loads (TMDL) expected after 2015 by Montana Department of Environmental Quality (MDEQ) and anticipated discharge permit changes expected during permit renewal negotiation in 2012. These changes indicate that reexamination of the 2006 wastewater facilities master plan (2006 MP) that forms the basis for the City's current and future wastewater facilities would be prudent.

Historically, the City of Billings has been required to remove carbonaceous biochemical oxygen demand (BOD) and total suspended solids (TSS) at a permitted level to meet requirements for the Yellowstone River. The existing plant is a conventional activated sludge plant and is designed for 85% removal for BOD and TSS. The plant is also capable of, although not designed for, removing ammonia seasonally in the summer months when water temperatures are higher. However, as flows and loads increase, improvements will be needed.

The future plans for the City of Billings Wastewater Treatment Plant (WWTP) will be based on control of nitrogen (and ammonia), phosphorus, and metals. A significant change in potential effluent limits for the Yellowstone River discharge will be driven by the Yellowstone River TMDL. Preliminary modeling and sampling work is underway in support of that work. In addition, change will be driven by Senate Bill 367 passed in the 2011 legislature. Senate Bill 367 indicates in the near term the City of Billings will likely get a variance from low instream nutrient standards and would be allowed to only treat its effluent to 10 mg/L total nitrogen and 1 mg/L total phosphorus until 2016. These levels represent significant improvements to the facility. Future limits will likely include lower nutrient targets.

In addition, new metals limits are likely in upcoming permits and several local industries that may contribute metals to the system have approached the City to request connections. These issues need to be addressed.

The objectives for this facilities plan are:

- Update the 2006 MP to reflect new loads including industrial discharges
- Update treatment process considerations to ensure that the basis in facilities planning provides the City with a long-term treatment program to sustain utility operations
- Update site layout requirements
- Provide detailed cost information to support financial and rate analysis

The final wastewater treatment facilities plan (WWTFP) will be a document organized into memorandums by the major task headings for Tasks 100-600 shown below. The memorandums will summarize existing components and provide recommendations for future infrastructure.

| Task | |
|------|---|
| 100 | Establish Wastewater Design Criteria |
| 200 | Water Quality and Regulatory Requirements |
| 300 | Existing Plant Evaluation |
| 400 | Treatment Alternative Evaluation |
| 500 | Resource Recovery Evaluation |
| 600 | Recommended Facility Plan |
| 700 | Project Management |
| 800 | Early Action Tasks |
| 900 | Project Reports |

A detailed description of the scope divided up by the tasks and subtasks is included below.

Task 100 Establish Wastewater Design Criteria

The purpose of Task 100 is to establish design criteria including the new flow stream from Lockwood. Also, the potential of taking on additional industrial flow will be evaluated.

Subtask 101 – Define Future Wasteloads

Based on flows provided in the collection system study and existing plant data, define future wasteloads for BOD, TSS, nitrogen, phosphorus and metals.

Deliverables:

- Write-up and tables summarizing design criteria in the WWTFP.

Subtask 102 – Define Capacity to serve area Industry

Four industries have approached the City to discuss connection into the collection system. Define flow and load implications including metals compliance issues, pretreatment requirements (following EPA Region 8 Guidelines) and treatability issues at the WWTP for these industries.

Deliverable:

- Summary section in WWTFP on industrial connections including potential issues and solutions.

Task 200 Water Quality and Regulatory Requirements

The purpose of Task 200 is to identify water quality and regulatory requirements driving treatment, effluent management and biosolids recovery and disposal considerations.

Water Quality Modeling

Subtask 201 – Water Quality Modeling Support

Preliminary review of the MDEQs Yellowstone River Water Quality model (Qual2K model linked to AT2K algorithm) indicate that going to treatment levels below 10 mg/L TN and 1 mg/L may have no reduction in algae concentrations downstream of the City's outfall. This water quality modeling effort will document six different water quality modeling scenarios using the MDEQ model. Two will have the City WWTP treating to 10 mg/L total nitrogen, 1.0 mg/L total phosphorus. Two will have the City treating to 4 mg/L total nitrogen and 0.08 mg/L total phosphorus. The last two will have the City treating to 0.3 mg/L total nitrogen and 0.03 mg/L total phosphorus. Each nutrient will be evaluated independently. Two meetings with MDEQ to discuss modeling results are assumed.

WWTP Discharge Permit

Subtask 202 – Permit Support

The City of Billings discharge permit expired in October of 2011 and has been administratively extended.. Two meetings with the permit writer in Helena are assumed during permit development. One comment letter on the draft permit will be prepared. One appeal letter is also assumed, along with an appeal mediation meeting in Helena.

Subtask 203 – Long Term Permitting Issues

In conjunction with the draft permit meetings above, long term compliance issues will be discussed. A timeline with possible new parameters and estimated treatment levels will be developed.

503 Biosolids Rule

Subtask 204 – Biosolids Rule Summary

Summarize 503 Biosolids Rule with emphasis on the items most pertinent to options for the City of Billings in terms of biosolids disposal.

Miscellaneous Permits

Subtask 205 – Air Quality Permit

Proposed upgrades will be evaluated in terms of impact on the Air Quality Permit to determine any limitations of the improvements based on air quality.

Subtask 206 – Stormwater Permit

Proposed improvements will be reviewed for any concerns related to the Stormwater Permit or necessary provisions to address the permit. .

Deliverable:

- Each subtask item will have a written section in the facilities plan.

Task 300 Existing Plant Evaluation

The purpose of Task 300 is to define the capacity, conditions and limitations of the existing WWTP facilities and process.

Subtask 301 – Evaluate equipment, structures and support facilities

Update inventory from the 2006 MP of major plant equipment, with condition assessment, useful life estimate and updated schedule of replacement or overhaul. Evaluate condition of existing support facilities including structural condition, non-structural components, HVAC condition and associated code compliance. Senior personnel in each discipline except electrical (Electrical Master Plan recently completed) will conduct an on-site evaluation of the entire plant and provide follow up write-ups and recommendations.

Deliverables:

- Written section in WWTFP on equipment and schedule of replacement
- Written sections in WWTFP on support facilities

Subtask 302 – Treatment Plant Data Compilation

Collect and summarize all existing plant performance data and create summary liquids/solids balance. Include data and results from stress testing. This analysis will be used to estimate current and future flow, BOD, TSS and nutrient loadings to each WWTP unit process with consideration of the other studies being conducted by the City.

Subtask 303 – Evaluate Flow Schemes.

Evaluate options for flow schemes into and through the plant that relate to a secondary treatment maximum capacity of 26 mgd or less. Review the addition of flow equalization or other means to handle peak flows. Also revisit evaluation in 2006 MP for bypassing Special Manhole No. 2.

Deliverables:

- Schematics and layout of options
- Estimated costs

Subtask 304 – Create Process Model of Existing Plant

Create BioWin process model of existing plant and calibrate to plant data. Set up model to evaluate nutrient removal.

Deliverables:

- BioWin Model
- Text summary about the model and results for WWTFP.

Task 400 Treatment Alternative Evaluation

This task will use the information developed in Tasks 100-300 and 800 to develop alternatives for the WWTP to meet various levels of nutrient criteria and other discharge criteria for the Yellowstone River. Additionally, options will be evaluated for treatment levels required to meet alternative discharges such as reuse, farm irrigation and others developed in the Reuse and Reclamation Study.

Subtask 401 – Evaluate Capacity of Existing Plant to Meet Future Requirements

Using developed design criteria, determine capacity and level treatment of the existing plant by modifying existing structures to meet future discharge permit requirements. Example modifications would include aeration basin reconfiguration, addition of pumping equipment for internal recycles, addition of mixers etc. Addition of new basins or other major structures would not be included. The BioWin Model and budgetary costs will be used to help evaluate process options.

Deliverables:

- BioWin Model results
- Facility layouts of the options
- Schematics of the options
- Write up in the WWTFP

Subtask 402 – Evaluate Alternative Processes to meet Future Requirements

This task will expand on Task 401 to evaluate additional treatment alternatives (primary, secondary and tertiary processes) required to meet higher levels of treatment for more stringent water quality requirements. The alternatives will look at different capacity requirements including the current design capacity of 26 mgd and other capacities less than 26 mgd that may result from alternative discharges or de-rating of the plant. The evaluation will look at potential site layouts, solids stream impacts, side stream impacts, peak flow events (flow equalization), compatibility with current operational practices and existing processes.

Additional considerations in the evaluation include seasonal operation as it relates to near-term (summer only) and potential long-term (year round) nutrient requirements. Logical phases for implementation will be recommended along with plant capacity and

expected treatment performance during each phase. The BioWin Model and budgetary capital and operating costs will be used to help evaluate process options. Preliminary process schematics will be included. A maximum of three alternatives will be looked at in detail.

Deliverables:

- BioWin Model results.
- Facility layouts of the options
- Schematics of the options
- Write up in the WWTFP

Subtask 403 – Process Approach Workshop

Conduct a workshop to select the preferred treatment processes, operation strategy and phasing for meeting the future effluent requirements for each potential plant discharge.

Deliverable:

- Incorporate pertinent discussion from workshop in Subtasks 401 and 402.

Task 500 Resource Recovery Evaluation

The objective of this task is to look at ways to better use the resources (biosolids, digester gas and, heat) available at the plant. Reuse of treated water will not be evaluated as reuse is a part of another study being conducted. The facility plan will coordinate with reuse study as each plan will have an impact on the other.

Subtask 501 – Develop Concepts for Resource Recovery

Evaluate alternative approaches for further utilizing resources at the plant including:

- Nutrient Recovery (fertilizer production)
- Grease Receiving (improve digester gas production)
- Biosolids Composting and Land Application (beneficial use of biosolids)
- Energy Recovery (maximize beneficial use of digester gas)
- Heat Recovery (maximize use of the heat from energy recovery for digesters and building heat)

Provide economic analysis of favorable options.

Deliverable:

- Summary and analysis in WWTFP

Subtask 502 – Resource Recovery Concepts Workshop

Combine with Subtask 403.

Deliverable:

- Incorporate pertinent discussion from workshop in Subtasks 501 and finalize summary.

Task 600 Recommended Facility Plan

The purpose of this task is to combine the recommendations of previous tasks and provide partial P&IDs, general layouts and a budgetary cost estimate. In addition a recommended operation plan and phasing plan will be developed.

Subtask 601 – Ancillary Facilities Recommendation

Summarize recommendations for equipment, piping, valves, structures, HVAC components, electrical and non-structural components from previous tasks that are not directly related to nutrient improvements.

Subtask 602 – Partial P&IDs

P&IDs of recommended improvements for each phase will be developed to the extent that includes piping, major valves and equipment requirements. SCADA control diagrams will not be included.

Subtask 603 – Equipment and Piping Considerations

Equipment will be selected to determine budget cost and general layout requirements. Large diameter piping will be considered during general layouts of tunnels and galleries to estimate facility sizing.

Subtask 604 – Facility Preliminary Layouts and Site Layout

Utilizing design criteria for unit processes and equipment requirements, provide general layouts for units processes, associated buildings and interconnecting tunnels where appropriate to facilitate budgetary cost estimating.

Subtask 605 – Cost Estimate

Using the general layouts developed, equipment cost information and large diameter pipe requirements, develop a budgetary cost estimate. As layouts are general and drawings developed are limited a detailed unit take-off will not be possible. Approximate units quantities will be developed where appropriate to develop a budgetary cost estimate.

Subtask 606 – Recommended Phasing and Operations Plan

Based on projected flows, loadings and anticipate upcoming discharge requirements, provide recommendations for phasing is applicable and an operations plan that would include potential seasonal operation.

Subtask 607 – Recommendations Review Workshop

Present recommended facilities, cost estimate, phasing and operations plan.

Deliverables:

- Partial P&IDs
- New Equipment List
- BIM (3D) Model
- Recommended Site Layout

- Cost Estimate
- Phasing and Operations Plan
- Minutes of Workshop

Task 700 Project Management

Subtask 701 – Meetings with Staff

The consultant will meet with City staff on periodic basis to review project progress, coordinate information needed from the City. This subtask does not include meetings in the individual tasks. Twelve meetings are assumed.

Subtask 702 – Meetings with Stakeholders

The consultant will prepare information, attend meetings and provide meeting minutes for (2) two Stakeholder meetings.

Subtask 703 – Project Management

The consultant will keep the City staff updated with project progress, coordinate scheduling, and monitor the budget.

Task 800 Early Action Tasks

Subtask 801 – Innovative Compliance Workshop

Conduct a workshop to review the treatment process options available to the City for the nutrient levels targeted. Possible candidates include:

- Annamox
- Sidestream P removal
- Biological P and N removal

In addition, the current regulatory compliance issues will be reviewed and the team will determine any near term piloting and or sampling that would be beneficial for support of the discharge permit, TMDL or facilities planning preparation.

Subtask 802 – Sampling Analysis

Analyze sampling results from additional sampling conducted by the City and make additional recommendations throughout the sampling period.

Task 900 Project Reports

Subtask 901 – Prepare Draft Facilities Plan

Compile all draft chapters into a facilities plan comprised of chapters from analysis conducted in the tasks above including:

- Executive Summary
- Establish Wastewater Design Criteria
- Water Quality and Regulatory Requirements
- Existing Plant Evaluation
- Treatment Alternative Evaluation
- Resource Recovery Evaluation
- Recommended Facility Plan
- Appendix
 - Sample Data

Provide five hard copies for the City staff to review.

Subtask 902 – Draft Plan Workshop

Meet with City staff to review the draft plan, discuss plan content and potential revisions.

Subtask 903 – Prepare Final Facilities Plan

Prepare a final facilities plan incorporating a single set of review comments from the draft chapters. Provide five hard copies to the City and one .pdf version.

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Appendix B

Methods and Times of Payment W.O. 12-15 IWPI--Wastewater Treatment Facility Plan

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 \$521,900.00 (Five Hundred Twenty One Thousand Nine Hundred and No/100 Dollars) based on the following tasks:

| | | |
|-----|---|--------------|
| 100 | Establish Wastewater Design Criteria | \$21,200.00 |
| 200 | Water Quality and Regulatory Requirements | \$64,400.00 |
| 300 | Existing Plant Evaluation | \$103,200.00 |
| 400 | Treatment Alternative Evaluation | \$59,400.00 |
| 500 | Resource Recovery Evaluation | \$19,900.00 |
| 600 | Recommended Facility Plan | \$154,700.00 |
| 700 | Project Management | \$29,900.00 |
| 800 | Early Action Tasks | \$20,300.00 |
| 900 | Project Reports | \$48,900.00 |

- 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.

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Appendix C

Additional Services of Engineer W.O. 12-15 IWPI--Wastewater Treatment Facility Plan

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.

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Appendix D

Schedule of Professional Fees W.O. 12-15 IWPI--Wastewater Treatment Facility Plan

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.

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Appendix E

Project Schedule W.O. 12-15 IWPI--Wastewater Treatment Facility Plan

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.

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Appendix F

**Certificate(s) of Insurance
W.O. 12-15 IWPI--Wastewater Treatment Facility Plan**

Attach Certificate(s) of Insurance

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Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Housing Development & Construction Agreement - Kings Green Subdivision, Phase IV, Affordable Housing RFP

PRESENTED BY: Brenda Beckett, Community Development Manager

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The last ten (10) lots of the King's Green Subdivision (Phase 4) are ready for development and sale. The City advertised a Request for Proposals (RFP) March 1 and 8, 2012, seeking a qualified development entity to design, construct, finance, manage development, market and sell each property to low-income homebuyers, coordinate the transfer of properties to buyers and other associated tasks that ensure the successful completion of the City of Billings' affordable housing goals.

The RFP sought proposals to develop ten new, affordable, single family homes for low income residents of Billings on vacant lots owned by the City of Billings and located at (map attached):

- 903 Jackson Street
- 917 Jackson Street
- 931 Jackson Street
- 945 Jackson Street
- 954 Jackson Street
- 959 Jackson Street
- 973 Jackson Street
- 980 Jackson Street
- 1010 Jackson Street
- 1030 Jackson Street

The following organizations submitted responses to the RFP:

- Real Estate Dynamics, Inc.
- Bodini Enterprises LLC
- Asphalt Plus, Inc.
- Discovery Meadows Inc. (received after the RFP submittal deadline)

A four-member RFP Review Committee reviewed each proposal, evaluated each proposal in accordance with the information, objectives, site information, key parameters, and proposal contents specified within the RFP, and ranked them accordingly using the attached RFP Decision Matrix created for this purpose. The Community Development Board (CD Board) reviewed the RFP and RFP Decision Matrix at their April 3, 2012, meeting. The CD Board subsequently voted to approve Real Estate Dynamics, Inc. (RED) as the Builder/Selling Agent for the Kings Green Subdivision, Phase IV, Affordable Housing Project, with the understanding that when Real Estate Dynamics, Inc. serves as both the buyer's and seller's agent, that the total commission will be 5% (instead of 3% for being the buyer's agent and 3% for being the seller's agent, making it a total of 6%).

Following CD Board approval of the Builder/Selling Agent, City staff negotiated the Housing Development and Construction Agreement with RED.

If approved by the City Council, RED will construct 10 homes similar to those built in the previous phases of the King Green Subdivision. RED anticipates building a mix of two-bedroom homes, three-bedroom homes, and four-bedroom homes. 100% of the houses will be targeted to families below 80% of Area Median Income (AMI).

ALTERNATIVES ANALYZED

1. Approve the CD Board recommendation of Real Estate Dynamics, Inc. as Builder/Selling Agent for the Kings Green Subdivision, Phase IV, Affordable Housing Project and approve the Housing Development and Construction Agreement with Real Estate Dynamics, Inc.
2. Do not approve the CD Board-recommended Builder/Selling Agent for the Kings Green Subdivision, Phase IV, Affordable Housing Project and do not approve the Housing Development and Construction Agreement with Real Estate Dynamics. Choosing this alternative would result in delaying the project and could increase the cost of construction as well as the final purchase price of the houses.

FINANCIAL IMPACT

CDBG and HOME funds are provided to the City by HUD for affordable housing projects. HOME funds in the amount of \$389,043 have been allocated for constructing site improvements for the Kings Green Subdivision, 3rd Filing, Phase IV, Affordable Housing Project. Site improvements are currently under construction under a separate contract.

RED has received pre-approval of construction funding from 1st Interstate Bank to complete the project. This is the same lender who provided RED construction lending for Kings Green Subdivision, Phases I, II, and III. RED has also arranged for buyer mortgage financing with most mortgage lending banks in Billings to provide opportunities for buyer home financing.

RED's key personnel have also made available personal capital of \$100,000 for initial funding for working capital support for this project.

RED has secured all necessary insurance coverage with Payne Financial, Hoiness LaBar Insurance Company.

Homebuyers using City of Billings First Time Home Buyers funds are eligible to use the Montana Board of Housing's 5.5% set-aside for their primary mortgage. Alternatively, homebuyers could use FHA or conventional loans.

HOME Requirements Review

- The HOME 25% match requirement will be met through the mortgages secured by the purchasers of the houses.
- HOME requires all of the units be sold to households with 80% or less AMI.
- Because the Kings Green, Phase IV, Affordable Housing Project includes less than 12 HOME-assisted units, Davis-Bacon wage rates do not apply.

- Each home sold will be subject to recapture provisions and HOME funds will be secured through a Deed Restrictions Agreement and a Montana Trust Indenture, which will be signed by the purchasers at closing. These documents will ensure that HOME funds will return to the program, which will enable the City to assist other low income homebuyers in the future.

BACKGROUND

The City of Billings conducted a Housing Needs Assessment in December 2010. The combination of the household forecast and housing needs surveys were the basis for the housing needs assessment and the determination of the priorities to meet the needs in Billings. The Assessment identified a high need for owner-occupied housing in the 51% to 80% of Median Family Income range. The change in the number of households in this category increases by approximately 36 per year; a total of 254 new affordable units are needed from 2008 to 2015.

The barriers to building new affordable housing are the increasing cost of construction and materials, and the increasing cost of infrastructure. Other barriers to homeownership are the lack of down payment assistance and a lack of knowledge regarding the home buying process and available assistance.

PROCEDURAL HISTORY

- February 1995 - Yellowstone County donated 14.5 acres of tax-deed property to the City of Billings. This land was donated by the County on the condition that it was used for the creation of affordable housing.
- June 12, 1995 - A public hearing was held by the City Council on the proposed sale of the land. Many neighbors expressed concern over the development of the property. In response, the City Council placed four criteria on the development of the land to assure a quality development that would compliment the existing neighborhood. These criteria included:
 1. Property to be used solely for affordable housing projects;
 2. Access must be provided to the adjacent park property;
 3. Development must mitigate negative impacts on the surrounding neighborhood; and
 4. All conditions will be enforced by a Development Agreement.
- June 1995 - City Council received a request for zone change. The project required a zone change from R5000 to R6000 which was opposed by the neighbors and the zone change was denied by the City Council.
- August 1995 - City staff issued a Request for Proposals (RFP) for the use of the land from area developers, builders and non-profit organizations with proposals due on October 13, 1995.
- October 1995 - Staff receives a proposal from Yellowstone Construction. Chuck Platt and Jerry Neumann were partners in Yellowstone Construction. The partnership is now dissolved and the new proposal was from Chuck Platt and Tim Hudson of Diamond Realtors and Laughlin Construction.
- December 1995 - Public Hearing held on selection of developer. Yellowstone Construction's proposal accepted by City Council to build 68 homes.
- May 1996 - major plat accepted by City Council.
- August 1996 - Development agreement was approved and signed by Mayor Tooley.
- January 1997 - City received preliminary contract for site improvements costs of Phase I & II.
- May 1997- City quit-claimed first two lots to Yellowstone Construction to begin first phase.

- June 1997 to June 2000 - City experienced flooding problems in the area causing the footings of the first two homes to flood halting project. City received letter from Chuck Platt and Jerry Neumann stating that project at present is not feasible as currently designed. They expressed interest in finding a solution stating that storm drain concerns must be addressed for the project and the existing neighbors for a successful project. The City hired an engineer to evaluate solutions to storm drain problems in the area. Yellowstone Construction quit-claimed the parcels back to City. City staff met with the developer and Southwest Corridor Task Force chairman to discuss preliminary storm drain report. Twenty-seven different alternatives were explored and narrowed down to two alternatives for final analysis by the engineer. City received a grant of \$300,000 to combine with other local resources to provide a storm water-retention facility for the area. Retention facility reviewed and closed out by State CDBG.
- December 2001 - New RFP was issued with due date of January 18, 2002.
- January 18, 2002 - One proposal was submitted by Diamond Realtors and Laughlin Construction.
- March 2002 - Neighborhood meeting held to discuss project and obtain feedback from people attending. Flood mitigation performed at site questioned as to its intended success.
- March 2002 - Community Development Staff met with Public Works staff to discuss concerns.
- April 2002 - Second neighborhood meeting held so that City Engineer could address storm drain concerns.
- June 2002 - Third meeting was held to discuss housing plans and to obtain feedback. No concerns were expressed regarding housing but Task Force still concerned about storm drain issues.
- August 2002 - Developer, City staff and Task Force Chairman meet at Kings Green site to discuss concerns and possible resolutions.
- August 22, 2002 - Resolutions to further mitigate fears discussed and received support from task force to proceed.
- September 3, 2002 - CD Board recommends approval of the project and entering into new development agreement.
- October 2002 - Staff, developer, and Engineering, Inc. staff worked on revising plat and submitting for approval.
- December 2002 - Revised plat submitted.
- December 2003 - Housing Development Agreement signed with Real Estate Dynamics, Inc.
- December 2004 - Final home in Kings Green, Phase I, is purchased.
- June 2005 - Kings Green, Phase II, RFP.
- August 2005 - Staff Recommendation to CD Board for Kings Green, Phase II.
- November 2007 - Final home in Kings Green, Phase II, is purchased.
- February 2008 - Kings Green, Phase III, RFP.
- March 2008 - Staff Recommendation to CD Board for Kings Green, Phase III.
- August 2010 - Final home in Kings Green, Phase III, is purchased.
- March 2012 – Kings Green, Phase IV, RFP.
- April 2012 – Staff Recommendation to CD Board for Kings Green, Phase IV.
- May 2012 – Staff recommendation to the City Council (this memo).

STAKEHOLDERS

This project shows a strong partnership and commitment to achieving affordable housing goals for the City of Billings. As the developer of the previous phases, RED is familiar with all of the history and challenges associated with the project. RED also contributed a significant amount of time in working with staff and the Southwest Corridor Task Force to assure that the existing neighborhood had an ample opportunity for input and participation in the proposed project.

RECOMMENDATION

Staff recommends the City Council approve the CD Board recommendation of Real Estate Dynamics, Inc. as Builder/Selling Agent for the Kings Green Subdivision, Phase IV, Affordable Housing Project, and that the Council approve the Housing Development and Construction Agreement with Real Estate Dynamics, Inc.

APPROVED BY CITY ADMINISTRATOR

Attachments

Kings Green Subdivision Map

Kings Green IV RFP

Kings Green RFP Decision Matrix



Attachment to CD Board Recommendation

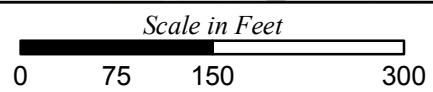
RED Proposal - Kings Green IV

RED Price Matrix - Kings Green IV

Housing Development and Construction Agreement - Kings Green, Phase IV

Jackson Street Properties

-  Jackson Street Properties
-  Other Property Boundary





City of Billings

Request for Proposals

For

KINGS GREEN SUBDIVISION, PHASE IV AFFORDABLE HOUSING

REQUEST FOR PROPOSALS
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- SECTION 5:** SCOPE OF WORK

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- ATTACHMENT B:** TERMS AND CONDITIONS
- ATTACHMENT C:** PRICING MATRIX
- ATTACHMENT D:** CONDITIONS AND NON-COLLUSION FORM
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SECTION 1: General Information

Request For Proposals (RFP): **KINGS GREEN SUBDIVISION, PHASE IV, AFFORDABLE HOUSING RFP – TLR03302012**

THE ABOVE DESCRIPTION AND NUMBER MUST APPEAR ON ALL PROPOSALS AND RELATED CORRESPONDENCE.

THIS IS NOT AN ORDER

| | | |
|--|--|---|
| <p>RESPOND NO LATER THAN</p> <p>5:00 PM ON FRIDAY, MARCH 30, 2012</p> | <p>RFP INITIATIVE:</p> <p>KINGS GREEN SUBDIVISION, PHASE IV, AFFORDABLE HOUSING</p> | <p>All suppliers must respond in detail to each element of this RFP in order to be considered for contract award.</p> <p>Three signed HARD copies of the proposals should be mailed to the contact person at the address below with the price schedule in a separate sealed envelope. An ELECTRONIC copy of the complete proposal, minus the price schedule, must also be e-mailed or hand delivered to the contact person below.</p> |
| <p>Proposer Name: (This section to be completed by proposer)</p> | | <p>SEND ALL CORRESPONDENCE TO THE CONTACT BELOW</p> <p>Community Development Division City of Billings 510 N Broadway, 4th Floor (Parmly Library Bldg) Billings, MT 59101</p> <p><i>or</i></p> <p>Community Development Division City of Billings P.O. Box 1178 Billings, MT 59103</p> <p>CONTACT PERSON: Name: Tam Rodier, Seasonal CD Coordinator Email: rodier@ci.billings.mt.us PHONE: (406) 247-8601 FAX: (406) 657-8327</p> |

SECTION 2: Information, Objectives, Site Information, Key Parameters, Proposal Contents, Etc.

Introduction

This Request for Proposals (RFP) is issued by the City of Billings for the purpose of obtaining proposals and pricing for developing ten (10) new affordable single-family homes for low income residents of the City of Billings on vacant lots owned by the City of Billings (10 lots). Potential lots for development are zoned R-5000. Lots to be developed are: Lots 5A-1, 6A, 7A, 8A, Block 6, and Lots 40A, 41A, 42A, 43A, 44A, and 45, Block 3, Kings Green Subdivision, Third Filing (map showing these lots is included later within this section).

The purpose of this RFP is to seek a qualified development entity to design, construct, finance, manage development of the property described, market each home/property for sale to low income homebuyers, sell the properties to qualified low income homebuyers, coordinate the transfer of properties to buyers, and other associated tasks that ensure the successful completion of the City of Billings' affordable housing goals within the Kings Green Subdivision.

These lots may be provided for a nominal fee provided the goal of affordable housing is achieved.

Individuals or organizations interested in submitting a proposal must provide a written statement of interest, must demonstrate the financial capacity to assume projects of this diversity and magnitude, have the ability to accomplish specific development goals, and have experience with the successful development of similar projects involving public/private participation. Also considered will be the developer's demonstrated sensitivity to quality in land use planning, housing development design and architecture, and ability to meet or exceed "Visit-ability" standards (see "Visit-ability" specifics later in this section).

The proposer must provide responses to all information requested in the "Proposal Contents" section in a clear and concise manner. Additional information may be requested by the City after review of each proposal.

Objective

Provide land at a nominal fee to encourage the development of affordable single-family housing for occupancy by low income households of the City of Billings. Affordable housing and low income households are defined according to the City of Billings' HOME Program regulations. These are available from the City's Community Development Division office for review.

Assistance for site improvements is available from funding the City receives from the U.S. Department of Housing and Urban Development (HUD) through its HOME Investment Partnership. The City of Billings committed \$389,000 for the development of site improvements for this project and construction is currently underway.

Site Information

In February 1995, Yellowstone County donated 14.5 acres of tax-deed property to the City of Billings for the purpose of creating affordable housing. The City obtained the services of Engineering Incorporated (now called Sanderson Stewart) to provide engineering and platting services.

The City also applied for, and received, a flood mitigation grant for this development and the surrounding area.

A phase one Environmental Site Audit was conducted and is available for inspection upon request in the City's Community Development Division offices.

Map showing lots to be developed:



Key parameters

Key parameters that must be considered in developing proposals include, but are not limited to, the following:

1. The City must recover its investment of funding provided through the City’s HOME Program. However, the City will defer or reduce repayment if the development achieves the City’s goal of affordable housing. All proposals will be evaluated on the basis of the development package and the price to be paid for the property by a qualifying homebuyer. Preference will be given to proposers who can complete construction on all ten (10) homes by the end of calendar year 2012.
2. Developer should build single-family slab-on-grade housing under the current R-5000 zoning.
3. Completed housing should include finished landscaping or “Xeriscaping.”
4. Housing proposed should be compatible in value, design and amenities with the surrounding neighborhood.
5. On June 12, 1995, the City Council placed four criteria on the development of the land to assure quality development that would compliment the existing neighborhood. These specific criteria are:
 - Property is to be used solely for affordable housing;
 - Access must be provided to the adjacent park property;
 - Development must mitigate negative impacts on the surrounding neighborhood; and
 - All conditions will be enforced by a Development Agreement.
6. 100% of the homes constructed will be sold to households at or below 80% of the median family income for Billings, Montana. 80% of median family income for a family of four is currently set at \$51,700.

| | HOUSEHOLD SIZE | | | | | | | |
|------------------|-----------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| | <u>1 PERSON</u> | <u>2 PERSONS</u> | <u>3 PERSONS</u> | <u>4 PERSONS</u> | <u>5 PERSONS</u> | <u>6 PERSONS</u> | <u>7 PERSONS</u> | <u>8 PERSONS</u> |
| LOW INCOME (80%) | 36,200 | 41,400 | 46,550 | 51,700 | 55,850 | 60,000 | 64,150 | 68,250 |

7. Proposals must comply with all applicable federal, state and local development regulations, codes and ordinances.

Proposal Contents

Please provide a written response in a clear and concise fashion to each of the following:

1. List the organization or company sponsoring the project, the type of organization, contact person(s), phone number(s), address(es), and qualifications of key personnel.
2. Describe the project, the goal of the project, and how the project addresses the City of Billings’ affordable housing needs. This should include basic housing design and amenity package.

3. Explain from where additional funding for the project will be obtained. Are these funds committed? If so, provide documentation demonstrating this commitment. Demonstrate financial capability to undertake the project. Submit a proposed financial plan, detailing projected funding sources including developer's capital to be invested in the project.
4. Define the target group(s) that will occupy the housing to be assisted by income level. If the housing is targeted to a special needs group(s), indicate which special needs group(s) is/are being targeted. Proposal should include a marketing plan that will promote outreach to the target group(s).
5. Describe the number of units to be assisted, the type of units, how "Visit-ability" standards will be incorporated into each unit, and the unit mix (number of bedrooms in each unit). If special types of units are aimed at target group(s) defined above, please describe.

"Visit-ability" standards include:

- One zero step entrance on an accessible route—at the front, back, side, or through the garage;
 - All main floor interior passage doors with 32 inches clear passage space;
 - At least a half or full main floor bathroom with basic maneuvering space;
 - Levered handles for exterior and interior doors (except exterior swing doors);
 - Outlets mounted not less than 15 inches above floor covering;
 - Light switches, control boxes and/or thermostats mounted no more than 48 inches above floor covering;
 - Walls adjacent to toilets, bathtubs and shower stalls reinforced for later installation of grab bars; and
 - Lever style faucets for laundry hook-up, lavatory and kitchen sink.
6. What is the proposed sales price of each house design? (Note: the cost of land should not be figured into sales price).
 7. Provide a proposed development schedule, including time required for design, commencement, and completion of construction, and project phasing, if applicable.
 8. Complete a schedule of estimated costs for the project, including the City-owned land, building site work, architectural fees, building site clean up work following construction (including removal of excavated dirt), and all other costs for the project.
 9. Describe the realtor's duties and responsibilities as the City of Billings' selling agent/ business agent and outline all associated costs to the City of Billings.
 10. Describe how adverse impacts to existing neighborhood residents will be minimized, including noise, dust, construction traffic, etc.
 11. Describe how the construction phase of the project will be managed. (Note that under new HOME rules, completed homes must be transferred to an approved low income homebuyer within six months of completion.)

12. Acknowledgement that all projects will be reviewed by City Staff for their effect on providing affordable housing in Billings and forwarded to the City Council for action.
13. List any terms and/or special conditions the proposer firm or individual may have on the City or City staff.
14. Do you understand and agree to enter into a Housing Development and Construction Agreement for Kings Green, Phase IV, if your proposal is accepted?

EQUAL EMPLOYMENT OPPORTUNITY

Proposer must comply with the provision of all applicable federal laws, including Title VI and Title VII of the Civil Rights Act of 1964. Any subcontracting by the proposer subjects the subcontracting firm(s) or individuals to the same provisions of federal law. In accordance with the Montana Government Code of Fair Practices (49-3-2-7 MCA), the proposer must agree that the hiring of persons to work on this contract will be made on the basis of merit and qualification without discrimination on the basis of race, color, creed, sex, age, religion, marital or family status, physical or mental disability, or national origin. The U.S. Department of Housing and Urban Development (HUD) also prohibits discrimination based on sexual orientation or gender identity.

FAIR HOUSING OPPORTUNITY

The City of Billings and HUD enforces the Fair Housing Act. Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental and financing of dwellings based on race, color, creed, sex, age, religion, marital or family status, physical or mental disability, or national origin. HUD also prohibits discrimination based on sexual orientation or gender identity.

It is the intent of the City of Billings to review and assess the RFP responses to determine if the response from solicited proposers can meet the needs of the City of Billings.

Proposers are expected to provide their best and most competitive proposal.

Attachment F, the Intent to Respond form, must be completed and faxed at least two (2) days prior to the advertised RFP due date.

SECTION 3: Information for Proposers

Disclaimer

This RFP does not form or constitute a contractual document. The City of Billings shall not be liable for any loss, expense, damage or claim arising out of the advice given or not given or statements made or omitted to be made in connection with this RFP. The City also will not be responsible for any expenses which may be incurred in the preparation of this RFP. This RFP is not to be construed as a contract or commitment of any kind.

Instructions to Proposers

EXAMINATION OF DOCUMENTS

Before submitting the proposals, the proposer shall:

1. Carefully examine the Standards and Specifications as well as all other attached documents;
2. Fully inform yourself of the existing conditions and limitations;
3. Include with the proposal sufficient information to cover all items required in the specifications.

PROPOSAL MODIFICATIONS

In addition to any other information and documentation requested in this RFP, any forms provided herein shall be included in the submitted proposal. Modifications, additions or changes to the terms and conditions of this request for proposals may be cause for rejection of the proposal. Proposals submitted without required forms may be rejected. No oral, telephone, email, fax or telegraphic proposals or modifications will be considered.

CERTIFICATION OF ALTERATION OR ERASURE

A proposal shall be rejected should it contain any material alteration or erasure, unless, before the proposal is submitted each such alteration or erasure has been initialed in INK by the authorized agent signing the proposal.

SIGNATURE

All proposals shall be typewritten or prepared in ink and must be signed in longhand by the proposer or proposer's agent or designee, with his/her usual signature. A proposal submitted by a partnership must be signed with the partnership name to be followed by the signature and designation of the partner signing. Proposals by corporations must be signed with the legal name of the corporation, followed by the name and signature of an authorized agent or officer of the corporation. Proposals submitted by a proprietorship must be signed by the owner, and the name of each person signing shall be typed or printed legibly below the signature.

WITHDRAWAL OF PROPOSALS

Proposers may withdraw their proposal either personally or by written request at any time prior to the due date set for receiving proposals. No proposal may be withdrawn or modified after the due date and time, unless and until the award of the contract is delayed for a period exceeding ninety (90) days.

QUOTE VALID

The proposer must honor their quote for a period of ninety (90) days after the RFP due date.

CERTIFICATION

The proposer certifies that the proposal has been arrived at independently and has been submitted without any collusion designed to limit competition. The proposer further certifies that the materials, products, services and/or goods offered herein meet all requirements of the stated specifications and are equal in quality, value and performance with highest quality, nationally advertised brand and/or trade names.

INSURANCE REQUIREMENTS

The proposer certifies that it/they can comply with the City of Billings insurance requirements of:

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including minimum contractual and personal injury coverage -- \$750,000 per claim and \$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 claim.

Each policy of insurance shall provide for no less than thirty (30) days' advance written notice to the City prior to cancellation.

The City shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

DISPOSITION OF PROPOSALS

All materials submitted in response to this RFP become the property of the City of Billings. Information provided in response to this RFP will be held in confidence and will not be revealed or discussed with competitors. However, one copy of each proposal submitted shall be retained for the official files of the Department and will become public record after award of the Contract. The responses received from this RFP may be distributed, however, by written request pursuant to the Freedom of Information Act of 1996. Fee or Price schedules submitted, but not reviewed by the City, do not become a public record and shall only be retained for official files.

The Consultant understands that, if selected, the City reserves the right to provide its opinion publicly and privately regarding the Consultant's performance.

QUESTIONS

Questions regarding the Request for Proposals contents may be sent to the contact person listed in Section 1 via email no later than 2 business days prior to due date for proposals. The City of Billings will make every effort to provide a written response within 2 business days. Whenever responses to inquiries would constitute a modification or addition to the original RFP, the reply will be made in the form of an addendum to the Request for Proposals, a copy of which will be forwarded to all Proposers who have submitted an "Intent to Respond" form (Attachment F).

Proposer must submit their questions using the "Master Q & A" form found in **Attachment E**, and provide, at a minimum, the following:

- Proposer name, requester, and appropriate contact information.
- The question; clearly stated.
- Specific reference to the applicable Request for Proposals section(s).

RFP SUBMISSION

Upon the submission of the RFP response, the proposer acknowledges that all information is accurate and complete. In addition, please send three (3) hard copies via U.S. mail to the point of contact listed in Section I. An electronic copy of the complete proposal must also be e-mailed or delivered to the contact person.

RFP PROCESS TIMELINES

DATES

| | |
|--|--|
| RFP/legal ad done: | February 24, 2012 |
| Advertise: | March 1, 2012 March 8, 2012 |
| Proposals due by 5:00PM: | Friday, March 30, 2012 |
| Evaluate and choose: | April 2-6, 2012 |
| Preliminary Council memo due: | 12:00 Noon, April 5, 2012 (City Council meeting agenda placeholder) |
| Finalized Council memo and contract due: | Noon, April 12, 2012 (Complete Council memo with staff recommendation & negotiated agreement) |
| City Council meeting: | April 23, 2012 |

SECTION 4: RFP Evaluation and Selection Processes

Initial Evaluation

Proposals received will undergo an initial review to determine:

- Compliance with instructions stated in the RFP
- Compliance with proposal submittal date

Phase II Evaluation

The following criteria will be used by the City of Billings in evaluating the developers submitting responses to this RFP.

- 1. Developer Experience (10 points):**
 - a. Development of HOME/CDBG funded projects.
 - b. Success of comparable developments, as evidenced by the following:
 - i. Economic success (success in attracting buyers or tenants, financing, etc.), and
 - ii. Quality of past projects including architectural/site/design/landscape amenities
 - c. Timeliness of performance
 - d. Ability to deliver products as initially represented, on time and within budget.
- 2. Quality and Creativity of Response to the RFP (20 points):**
 - a. Proposals that provide for the best overall quality and design, while maintaining affordability and with the least assistance from the City, will be judged most favorably.
 - b. Ability to offer the maximum quality to buyers for the most affordable price.
 - c. Ability to design units that achieve Energy Star Certification.
 - d. Ability to incorporate "Visit-ability" standards into unit designs.
 - e. Quality of proposed site design, architectural design, landscape plan and other amenities.
 - f. Ability to incorporate Green building materials into design.
 - g. Demonstration that the key parameters referenced have been considered.
 - h. Compatibility with the surrounding neighborhood, including neighborhood acceptance and support for the proposed design.
- 3. Management/Marketing Experience (10 points):**
 - a. Management success in comparable developments.
 - b. Experience in developing and marketing mixed income housing.
 - c. Success in marketing and sales of developed units.
 - d. Evidence of commitment to outreach to low income buyers.
 - e. Affirmative marketing success.
- 4. Financial Capacity of Developer (20 points):**
 - a. Ability to raise equity and debt financing, including current relationships with major lenders.
 - b. Resources and tenacity commonly referred to as "staying power."
 - c. Amount and type of financial assistance required from the City, if any.
- 5. Organizational/Management Approach (10 points):**
 - a. Clear lines of responsibility within the developer's organization, and between the developer's organization and any other joint venture participants, that the City can rely upon to be responsive and effective.
 - b. Organizations who have achieved Community Housing Development Organization (CHDO) certification through the City of Billings.

6. **Qualifications of the Development Team Members (10 points):**
 - a. Design and development expertise.
 - b. Financial expertise.
 - c. Marketing expertise.
 - d. Management expertise.
7. **Planning/Design Experience (10 points):**
 - a. Housing developments.
 - b. Overall architectural and landscape design quality that meets Universal Design Accessibility Standards.
 - c. Projects in urban and suburban settings.
 - d. Success of previous projects in terms of ability to complete projects on time and within budget.
8. **Economic Impact (10 points):**
 - a. Number of housing units created.
 - b. Total new tax revenues created.
 - c. Total project cost.
 - d. Leverage ratio (i.e., ratio of public to private funding).
 - e. Developer's ability to meet targeted set-asides provided herein.

The City reserves the right to conduct interviews with all or some of the Proposers at any point during the evaluation process. However, the City may determine that interviews are not necessary. In the event interviews are conducted, information provided during the interview process shall be taken into consideration when evaluating firms using the above-stated criteria.

The City also reserves the right to make such additional investigation as it deems necessary to establish the competence and financial stability of any firm submitting a proposal.

SECTION 5: Scope of Work

Below is a general outline of the anticipated scope of work. However, the final scope of work will be negotiated with the successful proposer.

Summary

The City of Billings Community Development Division is seeking a qualified development entity to design, construct, finance, manage development of the property described, market each home/property for sale to low income homebuyers, sell the properties to qualified low income homebuyers, coordinate the transfer of properties to buyers, and other associated tasks that ensure the successful completion of the City's affordable housing goals within the Kings Green Subdivision. This includes the development of ten (10) new affordable single-family homes for low income residents of the City of Billings on vacant lots owned by the City of Billings within the Kings Green Subdivision, 3rd Filing, Phase IV.

1. Design
 - a. Unit types
 - b. Unit mix
 - c. Land use planning, "Visit-ability," Green and/or Energy Star amenities, landscaping/Xeriscaping, and other features

2. Construction
 - a. Schedule/phasing
 - b. Budget
 - c. Quality
 - d. Clean up
3. Financing
 - a. Commitments
 - b. Insurance and bonding
 - c. Financial Planning
4. Management
 - a. Construction
 - b. Neighborhood impacts
 - c. Sales
5. Target Marketing
 - a. Low income
 - b. Special needs group(s)?
6. Selling
 - a. Prior to construction
 - b. After construction
7. Documents
 - a. Ownership transfer
 - b. Recording
8. City of Billings' Affordable Housing goals

ATTACHMENT A

VALIDATION QUESTIONS FOR PROPOSER

GENERAL INFORMATION

- 1) Company Name
Address:
Contact Name:
Contact Phone:
Contact Email:
Website/URL:
- 2) How many facilities/locations do you have in the U.S? Please list.
- 3) How many years has your company been doing business under this name?
- 4) Total Full-Time Employees.
- 5) Do you have Small Business Administration Status? If yes, can you provide documentation?
- 6) What are your standard payment terms?
- 7) References - Please attach a Word® document with all contact information for at least the following three references:
 - a) New Company (started doing business with them in the past 12 months)
 - b) Retained Company (have been doing business with them for 3 + years)
 - c) Former Company (contract terminated in the past 2 years)
- 8) Can you provide a statement and meet the City of Billings minimum insurance requirements of \$750,000 per claim and \$1,500,000 per occurrence, and the City being named as an additional insured?

FUNCTIONALITY

- 1) A certificate of insurance must be provided prior to signing the contract, commencing on the day contract begins. Are you willing to comply with these requirements?
- 2) You must instruct your insurance broker/carrier to notify the City of Billings should your coverage change. Are you willing to do this?

QUALITY AND SERVICE

- 1) Do you have a quality assurance program? If yes, please attach a copy.
- 2) Are your employees required to take a mandatory drug test?

LEGAL ISSUES

- 1) Are there any pending lawsuits against your company? If yes, please explain.

REPORTING

- 1) Can your company provide at least monthly progress reports?
- 2) If yes to the previous question, please attach samples of all reports that are currently available.

ATTACHMENT B

STANDARD TERMS AND CONDITIONS

In case of default by the successful proposer or failure to deliver the goods or services within the time specified, the City Purchasing Agent, after written notice, may procure them from other sources and hold contractor responsible for excess costs occasioned thereby.

The specifications attached to the instructions to proposers establish a standard of quality desired by the City of Billings. Any proposer may submit quotations on any article that substantially complies with these specifications as to quality, workmanship and service. The City of Billings reserves the right to make its selections of materials or services purchased, based on its best judgment as to which articles substantially comply with the requirements of the specifications. This RFP is not to be construed as a contract or commitment of any kind.

No alteration in any of the terms, conditions, delivery, quality, or specifications will be effective without prior written consent of the City of Billings.

No exception to delivery or service dates shall be allowed unless prior written approval is first obtained from the City of Billings.

The contractor warrants all articles supplied under this contract to conform to specifications herein. The contractor will deliver a warranty stating that all articles supplied under the contract are fit and sufficient for the purpose manufactured, merchantable, and free from defects.

The contractor agrees not to be discriminate against any client, employee or applicant for employment or for services, because of race, color, creed, sex, age, religion, marital or family status, physical or mental disability, national origin, sexual orientation or gender identity with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs and termination; rates of pay or other forms of compensation; selection for training; rendition of services. It is further understood that any contractor who is in violation of this shall be barred forthwith from receiving awards of any purchase order for the City unless a satisfactory showing is made that discriminatory practices have terminated and that a reoccurrence of such acts are unlikely.

The City reserves the right to cancel and terminate this contract forthwith upon giving 10 days written notice to the contractor.

Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this contract, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorneys' fees, including fees for in-house attorneys, expended or incurred in connection therewith.

Where applicable, possible or required, the proposer is required to submit descriptive literature, sample material, design sketches and detailed shop drawings. Failure to submit required items may result in rejection of the proposal or termination of contract.

The successful proposer may not make any advertising or sale use of the fact that contract items are being used by purchaser and other approved agencies, under penalty of contract termination. News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the City of Billings.

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

The contractor may not assign or subcontract the agreement, or the right to receive reasonable performance of any act called for by the contract, shall be deemed waived by a waiver by City of a breach thereof as to any particular transaction or occurrence.

Regardless of FOB point, contractor agrees to bear all risks of loss, injury, or destruction of goods and materials ordered herein and such loss, injury, or destruction shall not release contractor from any obligation hereunder.

ATTACHMENT C

PRICE MATRIX

(This page to be sent with proposal in a separate, sealed envelope)

| Project Name | Price |
|---|-------|
| Kings Green Subdivision, Phase IV, Affordable Housing RFP – TLR03302012 | |
| Estimated costs for City-owned land | |
| Building site work | |
| Architectural fees | |
| Price per square foot | |
| Landscaping | |
| Building site clean up work following construction (including removal of excavated dirt) | |
| Realtor Fee % - Selling Agent | |
| Realtor Fee % - Business Agent | |
| Other associated costs (provide breakdown) | |

ATTACHMENT D

CONDITIONS AND NON-COLLUSION FORM

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

Legal Name of Firm/Corporation

Authorized Signature

Address

Printed Name

City/State/Zip

Title

Date

Telephone Number

ATTACHMENT E

MASTER Q & A FORM

PROJECT: Kings Green Subdivison, Phase IV, Affordable Housing RFP – TLR03302012

| | |
|------------------------|---|
| Master Q&A | Any questions regarding this Request for Proposals should be submitted according to the process outlined below. The City will make every effort to answer within two (2) days of receiving the questions. |
| | |
| Q&A Process | <ol style="list-style-type: none"> 1. Prepare questions or concerns on the template provided. 2. Complete the table in full, providing a date for each question and a section of the RFP to reference (if applicable). 3. Submit the completed form via email to <u>rodier@ci.billings.mt.us</u>. Attach associated documents as necessary. <p>Please contact <u>Tam Rodier at (406) 247-8601</u> with any questions regarding this process.</p> |

Questions from: _____ **Company:** _____

Email Address: _____

| # | Date | Reference Section | Question or Comment | City Response |
|---|------|-------------------|---------------------|---------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |

ATTACHMENT F

INTENT TO RESPOND FORM

RFP: Kings Green Subdivision, Phase IV, Affordable Housing RFP – TLR03302012

Dated _____

Fax the following **Intent to Respond** form to City of Billings' Community Development Division at (406) 657-8327 within two (2) days of RFP date even if your company chooses NOT to participate in the RFP.

To: City of Billings
Attn: Tam Rodier, Seasonal CD Coordinator
Fax: (406) 657-8327

| | |
|-------------|-----------------|
| From: _____ | Contact Name |
| _____ | Company Name |
| _____ | Company Address |
| _____ | |
| _____ | Phone Number |
| _____ | Fax Number |
| _____ | Email Address |

We intend to respond to this RFP by the specified due date:

Yes _____ No _____

Company Name Date

Contact Name (please print) Title

Signature of Contact Person

By signing the above, I certify that I am authorized by the Company named above to respond to this request.

ATTACHMENT G

SUPPLIER CONTACT INFORMATION

Company Contacts:

| | |
|---------------------------------------|--|
| Primary Contact Person (Name): | |
| Title/Function: | |
| Address | |
| Business Hours Phone: | |
| Fax: | |
| Internet E-mail Address: | |
| Name of Person Responding to Request: | |
| Title/Function: | |
| Address: | |
| Phone: | |
| Fax: | |
| Internet E-mail Address: | |

General Company and Financial Information

| | |
|------------------------|--|
| Company Name: | |
| Headquarters Address: | |
| City, State, ZIP | |
| Headquarters Phone: | |
| Headquarters FAX: | |
| Company Owned By: | |
| Percent % Ownership: | |
| Years In Business | |
| Name of CIO | |
| Name of CEO/President: | |

RFP Decision Matrix

| PROPOSER: Real Estate Dynamics, Inc. | | | | | | | |
|--|------------------------|-------------|-------------|-------------|-------------|-------------|--|
| | Points Possible | Reviewer #1 | Reviewer #2 | Reviewer #3 | Reviewer #4 | Reviewer #5 | Average Score |
| Developer Experience | 10 | 10 | 10 | | 10 | 10 | 10 |
| Quality and Creativity of Response to the RFP | 20 | 20 | 20 | | 18 | 20 | 19.5 |
| Management/Marketing Experience | 10 | 10 | 10 | | 10 | 10 | 10 |
| Financial Capacity of Developer | 20 | 20 | 20 | | 18 | 20 | 19.5 |
| Organizational/Management Approach | 10 | 7 | 5 | | 9 | 8 | 7.25 |
| Qualifications of the Development Team Members | 10 | 10 | 10 | | 9 | 10 | 9.75 |
| Planning/Design Experience | 10 | 10 | 10 | | 9 | 10 | 9.75 |
| Economic Impact | 10 | 10 | 9 | | 10 | 10 | 9.75 |
| Total Score by Ranker | 100 | 97 | 94 | 0 | 93 | 98 | |
| Comments | | | | | | | Total Average Score 95.5 |

| PROPOSER: Bonini Enterprises, LLC | | | | | | | |
|--|------------------------|-------------|-------------|-------------|-------------|-------------|---|
| | Points Possible | Reviewer #1 | Reviewer #2 | Reviewer #3 | Reviewer #4 | Reviewer #5 | Average Score |
| Developer Experience | 10 | 7 | 2 | | 8 | 6 | 5.75 |
| Quality and Creativity of Response to the RFP | 20 | 18 | 10 | | 17 | 12 | 14.25 |
| Management/Marketing Experience | 10 | 7 | 8 | | 8 | 8 | 7.75 |
| Financial Capacity of Developer | 20 | 15 | 20 | | 17 | 17 | 17.25 |
| Organizational/Management Approach | 10 | 7 | 2 | | 9 | 5 | 5.75 |
| Qualifications of the Development Team Members | 10 | 8 | 8 | | 7 | 6 | 7.25 |
| Planning/Design Experience | 10 | 10 | 2 | | 8 | 7 | 6.75 |
| Economic Impact | 10 | 4 | 5 | | 9 | 10 | 7 |
| Total Score by Ranker | 100 | 76 | 57 | 0 | 83 | 71 | |
| Comments | | | | | | | Total Average Score 71.75 |

| PROPOSER: Asphalt Plus, Inc. | | | | | | | |
|--|------------------------|-------------|-------------|-------------|-------------|-------------|--|
| | Points Possible | Reviewer #1 | Reviewer #2 | Reviewer #3 | Reviewer #4 | Reviewer #5 | Average Score |
| Developer Experience | 10 | 2 | 1 | | 7 | 2 | 3 |
| Quality and Creativity of Response to the RFP | 20 | 7 | 8 | | 15 | 10 | 10 |
| Management/Marketing Experience | 10 | 2 | 4 | | 6 | 3 | 3.75 |
| Financial Capacity of Developer | 20 | 15 | 5 | | 15 | 10 | 11.25 |
| Organizational/Management Approach | 10 | 5 | 4 | | 8 | 5 | 5.5 |
| Qualifications of the Development Team Members | 10 | 5 | 7 | | 6 | 5 | 5.75 |
| Planning/Design Experience | 10 | 2 | 2 | | 7 | 3 | 3.5 |
| Economic Impact | 10 | 5 | 3 | | 7 | 8 | 5.75 |
| Total Score by Ranker | 100 | 43 | 34 | 0 | 71 | 46 | |
| Comments | | | | | | | Total Average Score 48.5 |

| PROPOSER: Discovery Meadows Inc. | | | | | | | |
|--|-----------------|-------------|-------------|-------------|-------------|-------------|---------------|
| | Points Possible | Reviewer #1 | Reviewer #2 | Reviewer #3 | Reviewer #4 | Reviewer #5 | Average Score |
| Developer Experience | 10 | | | | | | #DIV/0! |
| Quality and Creativity of Response to the RFP | 20 | | | | | | #DIV/0! |
| Management/Marketing Experience | 10 | | | | | | #DIV/0! |
| Financial Capacity of Developer | 2 | | | | | | #DIV/0! |
| Organizational/Management Approach | 1 | | | | | | #DIV/0! |
| Qualifications of the Development Team Members | 10 | | | | | | #DIV/0! |
| Planning/Design Experience | 10 | | | | | | #DIV/0! |
| Economic Impact | 10 | | | | | | #DIV/0! |
| Total Score by Ranker | 100 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Average Score | | | | | | | 0 |

Proposal Disallowed
 Received after 5:00 pm 3/30/12 Deadline

Comments:

| SUMMARY RESULTS | Total Average Score | Ranking |
|----------------------------|---------------------|---------|
| Real Estate Dynamics, Inc. | 95.5 | 1 |
| Bonini Enterprises, LLC | 71.75 | 2 |
| Asphalt Plus, Inc. | 48.5 | 3 |
| Discovery Meadows Inc. | 0 | N/A |

RFP REVIEW COMMITTEE RECOMMENDATION

The following information is provided for the CD Board's review at their April 3, 2012 Meeting.

RFP Review Committee Recommendation

Based on the results of the RFP Decision Matrix (provided separately), the 4-member RFP Review committee recommends that the CD Board approve Real Estate Dynamics, Inc. (RED) as the Builder/Selling Agent for the Kings Green Subdivision, Phase IV, Affordable Housing Project.

SELECTION CRITERIA

The RFP Review Committee evaluation of the RFP Selection Criteria is presented below.

1. Developer Experience (10 points possible). A total of 10 points was awarded to Real Estate Dynamics for these criteria:

- a. Development of HOME/CDBG funded projects.

RED has experience as the Builder/Selling Agent for Kings Green Subdivision, Phases I, I and III, which included HOME Program funding for the site improvements as well as First Time Home Buyers assistance through the City.

- b. Success of comparable developments, as evidenced by the following:
 - i. Economic success (success attracting buyers or tenants, financing, etc.),

Kings Green Subdivision, Phases I, II and III, have been extremely successful. All houses were sold within 6 months of being built, and some of the last houses were sold before they were built. In addition, changing the orientation of the houses on the lot gives the illusion of several different floor plans, which also attracts buyers.

- ii. Quality of past projects including architectural/site/design/ landscape amenities

The quality of the proposed homes is similar to what RED constructed with Kings Green Subdivision, Phases I, II and III.

Plans are to change the orientation of the houses, as well as offer differing garage choices in order to fit the lot size and create an illusion of differing houses.

RED's proposal for Kings Green, Phase IV, includes 2 bedrooms/1 bath (1008 square feet), 3 bedrooms/1.75 bath (1,276 square feet) and 4 bedrooms/1.75 bath (1,417 square feet) for estimated sales price of \$119,400 to \$150,475 (without the cost of land and infrastructure).

c. Timeliness of performance

RED completed Kings Green Subdivision, Phases I, II and III, on time.

d. Ability to deliver products as initially represented, on time and within budget.

RED completed Kings Green Subdivision, Phases I, II and III, on time and within budget.

2. Quality and Creativity of Response to the RFP (20 points possible). A total of 19.5 points was awarded to Real Estate Dynamics for these criteria:

a. Proposals that provide for the best overall quality and design, while maintaining affordability and with the least assistance from the City will be judged most favorably.

RED delivered good overall quality and design in Kings Green Subdivision, Phases I, II and III, with minimal assistance from the City.

b. Ability to offer the maximum quality to buyers for the most affordable price.

RED's proposal for Kings Green, Phase IV, is similar to what was delivered in all three previous phases of the subdivision.

c. Ability to design units that achieve Energy Star Certification.

All three home designs are Energy Star Certified and include a high level of energy saving design features to reduce utility costs for home buyers now and in the future as heating, cooling and electric trend upwards. This is an additional provision that helps preserve the affordability of these homes in the future.

d. Ability to incorporate "Visit-ability" standards into unit designs.

All three home designs are one-level living with no step entry, oversized 32 inch doors as a minimum throughout, wide design access to bath fixtures, single lever plumbing fixtures, lever handle door knobs throughout, outlets and switch boxes per suggested visit-ability standards, and appropriate reinforcement in walls

adjacent to toilets, bathtubs and shower stalls for installation of grab bars when needed.

- e. Quality of proposed site design, architectural design, landscape plan and other amenities.

Architectural designs are similar to what RED constructed in Phases I, II and III. The quality of the proposed homes is similar to what RED constructed with Kings Green Subdivision, Phases I, II and III.

All homes will have landscaping included with the homes with an underground sprinkling system provided with grass seeded yards and decorative rock landscaped areas.

- f. Ability to incorporate Green building materials into design.
- g. Demonstration that the key parameters referenced have been considered.

All the items in the Proposal Content portion of the RFP were clearly answered in RED's proposal.

- h. Compatibility with the surrounding neighborhood, including neighborhood acceptance and support for the proposed design.

Because the project concept is basically the same as in Phases I, II and III, and all three phases have been accepted and supported by the neighborhood, this is adequate.

- 3. Management/Marketing Experience (10 points possible). A total of 10 points was awarded to Real Estate Dynamics for these criteria:

- a. Management success in comparable developments.

RED managed and marketed Kings Green Subdivision, Phases I, II and III, with great success.

- b. Experience in developing and marketing mixed income housing.

RED developed and marketed Kings Green Subdivision, Phases I, II, and III, and sold all previously constructed homes with great success.

- c. Success in marketing and sales of developed units.

RED developed and marketed Kings Green Subdivision, Phases I, II, and III, and sold all previously constructed homes with great success.

d. Evidence of commitment to outreach to low income buyers.

RED proposes they will sell 100% of the homes constructed to households at or below 80% of the median family income for Billings, Montana. They will use the HOME Program, First Time Home Buyer Program, and other low income buyer assistance programs to accomplish this goal.

e. Affirmative marketing success.

One of RED's partners is a realtor familiar with and knowledgeable about affirmative marketing. RED will follow an Affirmative Fair Housing Marketing Plan. RED will list the homes for sale on the Multiple Listing Service (MLS). All ads comply with the Fair Housing Act. Flyers and brochures will also be developed for the homes.

4. Financial Capacity of Developer (20 points possible). A total of 19.5 points was awarded to Real Estate Dynamics for these criteria:

a. Ability to raise equity and debt financing, including current relationships with major lenders.

Construction funding is in place with 1st Interstate Bank. This is the same lender who provided construction lending for Phases I, II and III. RED has also arranged for home buyer permanent mortgage financing with the entire mortgage lending banks in the City of Billings and also contacted various other mortgage brokers for a full market opportunity for buyer home financing.

RED's key personnel, Timothy Hudson and Blake Laughlin, have made available personal capital of \$100,000 for initial funding for working capital support for this project, in addition to securing the various financial lines of credit for this project.

b. Resources and tenacity commonly referred to as "staying power."

RED has successfully marketed and sold all the houses in Kings Green Subdivision, Phases I, II and III.

c. Amount and type of financial assistance required from the City, if any.

5. Organizational/Management Approach (10 points possible). A total of 7.25 points was awarded to Real Estate Dynamics for these criteria:

- a. Clear lines of responsibility within the developer's organization, and between the developer's organization and any other joint venture participants, that the City can rely upon to be responsive and effective.

The lines of responsibility between RED's two principles is clearly drawn and identified in their submitted proposal. Past experience with RED has proven it to be effective.

- b. Organizations who have achieved Community Housing Development Organization (CHDO) certification through the City of Billings.

6. Qualifications of the Development Team Members (10 points possible). A total of 9.75 points was awarded to Real Estate Dynamics for these criteria:

- a. Design and development expertise.

RED designed, constructed and sold the homes within Kings Green Subdivision, Phases I, II, and III, with great success.

- b. Financial expertise.

RED managed the financial aspects associated with Kings Green Subdivision, Phases I, II and III, with great success.

- c. Marketing expertise.

RED successfully marketed Kings Green Subdivision, Phases I, II and III, with great success.

- d. Management expertise.

RED managed the development of Kings Green Subdivision, Phases I, II and III with great success.

7. Planning/Design Experience (10 points possible). A total of 9.75 points was awarded to Real Estate Dynamics for these criteria:

- a. Housing developments.

RED planned, designed, and constructed all the homes within Kings Green Subdivision, Phases I, II and III, with great success.

- b. Overall architectural and landscape design quality that meets Universal Design Accessibility Standards.

RED's proposal meets the architectural and landscape design quality and Universal Design Accessibility Standards as stipulated within the RFP.

- c. Projects in urban and suburban settings.

RED planned, designed, and constructed the homes within Kings Green Subdivision, Phases I, II and III, with great success.

- d. Success of previous projects in terms of ability to complete projects on time and within budget.

RED planned, designed, and constructed all the homes within Kings Green Subdivision, Phases I, II and III, with great success.

8. Economic Impact (10 points possible). A total of 9.75 points was awarded to Real Estate Dynamics for these criteria:

- a. Number of housing units created.

10, as stipulated within the RFP.

- b. Total new tax revenues created.

- c. Total project cost.

As detailed in the price matrix (\$119,400 for 2-bedroom; \$140,450 for 3-bedroom; \$150,475 for 4-bedroom)

- d. Leverage ratio (i.e., ratio of public to private funding).

To be determined based on homebuyer need (First Time Home Buyer Program, MBOH, etc.). Each home will include a zero interest, deferred loan secured by a Deed Restriction and Montana Trust Indenture for 1/10 the cost of the site improvements currently under construction.

- e. Developer's ability to meet targeted set-asides provided herein.

Kings Green Subdivision 2012

Affordable Housing RFP TLR033020212

Proposal Submitted by:

Real Estate Dynamics, Inc.
3780 Heritage Drive
Billings, Montana 59102

Timothy J. Hudson
Blake Laughlin



RFP Submittal for:

Dated March 26, 2012

Kings Green Subdivision, Phase IV Affordable Housing RFP-TLR03302012

Thank for the opportunity to submit a proposal for the above RFP. We have read the RFP requirements and we are confident that this submittal meets any and all stated intentions, conditions and limitations for the RFP. We mutually understand that this RFP does not form or constitute a contractual document and understand that should our proposal be accepted, a contractual development contract thereafter shall be mutually reviewed, accepted and signed. This proposal is being submitted by Real Estate Dynamics, Inc., which is jointly owned by Timothy J. Hudson and Blake Laughlin. Mr. Hudson is additionally licensed in Montana as a Supervising Real Estate Broker and is an Associate Broker with Montanan Real Estate Brokers. Mr. Laughlin is the owner of Laughlin Construction and he has been a successful builder/contractor in the Billings area for over 30 years. These experiences and involvements will allow us to professionally perform the duties necessary to complete the contract requested by this RFP. Real Estate Dynamics has been the successful contractor for the completion of Phase I, II and III of the Kings Green Project. We have successfully delivered 39 homes and have met all previous contract criteria in performance and fulfillment of those RFPs and contracts.

Certification

Real Estate Dynamics has carefully examined all Standards, Specifications and Documents provided in this RFP. Herein, we are providing sufficient information to cover all requested and required proposal specifications for response to this RFP. Our project will meet the key parameters of the RFP as follows:

1. The land development cost (projected at \$389,000) shall be proportionally allocated to the 10 housing units with the use of the City's Home Program and each affordable home shall allow for recapture provisions. One hundred percent of all homes sales shall meet the requirements of this program. We shall co-ordinate fully with the City of Billings to provide all necessary documents and evidence to support these sales. We shall build and complete all 10 homes as promptly as possible with the use of available programs for financing to fulfill the purpose of the development agreement.
2. All homes shall be single family slab-on-grade within the current R-5000 zoning and shall be built to an Energy Star Efficiency Certification.
3. All homes shall have landscaping included with the homes with an underground sprinkling system provided with grass seeded yards and decorative rock landscaped areas.
4. Housing proposed in this RFP will be consistent in performance, design, amenities and value with the previous homes in the Kings Green Phase Developments. Each phase has allowed us to review and enhance our product quality. We shall have the benefit to again engage in this practice, if accepted for the last phase of this project construction.

5. Our project will fulfill the four criteria for the development of the land as required by the Billings City Council on June 12, 1995, including affordable housing use, adjacent park access, mitigation of negative impacts on the surrounding neighborhood, and fulfillment of the development agreement for this contract.
6. In addition, 100% of the homes constructed will be sold to households at or below 80% of the median family income for Billings, Montana. We will use the HOME Program, 1st time buyer programs, and other low income buyer assistance programs to accomplish this goal.
7. Our proposal shall comply with all applicable federal, state and local development regulations, codes and ordinances. Our company will comply with all equal employment opportunity practices. We shall be in compliance with the Fair Housing Act. We will not discriminate on the basis of race, color, creed, sex, age, religion, martial or family status, physical or mental disability, or national origin. We shall also not discriminate based on sexual orientation or gender identity.
8. Timothy Hudson, President of Real Estate Dynamics, Inc., certifies, that this proposal has been submitted without any collusion designed to limit competition. I further certify that all materials, products, services and/or goods offered herein meet all requirements and specifications and are equal in quality, value and performance with the highest quality of nationally advertised brand and/or trade names.

Completed Attachment F

We have completed Attachment F, the Intend to Respond form, and provided a copy herein and have obtained an email confirmation that this has been received by the City of Billings, prior to the deadline.

Herein, Real Estate Dynamics, Inc. acknowledges that three hard copies of this proposal have been mailed to the point of contact and an electronic copy of the complete proposal has also been emailed or delivered to the contact person prior to the RFP deadline of March 30, 2012.

Proposal Contents

- 1.) Offering Organization: See attachment A, A-1, Monthly Work Job Report and Personnel Profiles, as requested. These attachments provide organization contact information, references, qualifications of key personnel, and company structure.
- 2.) Project Goal: The project is to maximize the opportunity of affordable housing in Billings and to complete the final phase of the Kings Green Subdivision Project in a successful manner. We will deliver 10 homes to households that meet the median family income guidelines while fulfilling all local, state, and federal guidelines and funding requirements of the HUD HOME Program.
- 3.) Design and Amenities: We will offer a two bedroom 1008 sq. ft. home, a three bedroom 1276 sq. ft. home and a four bedroom 1417 sq. ft. home with universal design features that address accessibility and “visit-ability”, energy efficiency and healthy living, and low maintenance and low ownership entry costs. These homes will be one level, no step entry homes with in-floor radiant heat from gas “boiler type” heaters. (See Amenities and Benefits of Home Features sections)

- 4.) Capital and Funding: Our construction funding is in place with 1st Interstate Bank, Kristin Fairlee, at 401 N. 31st St., Billings, Montana 59101, phone 406-255-5139. This is the same lender who provided construction lending for Phases I, II, and III of Kings Green Subdivision. In addition, we have arranged for buyer permanent mortgage financing with the entire mortgage lending banks in the City of Billings and also contacted various other mortgage brokers for a full market opportunity for buyer home financing. The key personnel of Timothy Hudson and Blake Laughlin have made available personal capital of \$100,000 for initial funding for working capital support for this project, in addition to securing the various financial lines of credit for this project. All necessary insurance coverage have been reviewed and secured with Payne Financial, Hoiness LaBar Insurance Company.
- 5.) Target Groups: Our universal and accessible design has been successful in the first three phases of this project. We know our target group and the design allows for functional appeal and performance for a wide range of users. Our design eliminates any possible home flaws that would effectively discriminate against end users within the necessary economic parameters for family income requirements for this subdivision. Largely, our history shows that we sell 39% to two bedroom families, 53% to three bedroom families and 8% to four bedroom families. We have buyers from many labor industries including, utility services, health services, professional companies, municipal services, retail, construction and labor providers. Thus, we have a true work force housing penetration. Our target buyers are families of all ages who have limited resources to buy stable housing. This includes single parents, displaced parents, retired people, mentally and physically impaired buyers, single member homebuyers and other first time buyers entering the market place. Through our marketing and personal service we have successfully penetrated all these groups and helped them to enjoy homeownership. Additionally, with these families we have helped to build a stable neighborhood.
- 6.) Marketing, Outreach & Duties: We follow an affirmative fair housing market plan. This is reinforced by Montana Real Estate Brokers and by the Billings Association of Realtors. Homes in the subdivision will be listed in the Billings Multiple Listing Service. All ads comply with the Fair Housing Act. By listing the homes for sale in our MLS, we provide broad market exposure to buyers of all categories and open the homes to a full market exposure to qualified buyers. We provide website access to data on this subdivision and the available buyer programs. Additionally, we list all links to sources and partners who are available to assist buyers. Flyers and brochures are provided for the homes. Also, open houses and affordable home tours whenever possible are provided. We educate the realtors, buyers, lenders and other partners on the programs and point out what Kings Green has to offer. In addition we support affordable housing alliances and resources. All sales are reviewed for proper documentation, and all files are checked for compliance with programs as part of our real estate services. This is closely coordinated with the City of Billings, Community Development.
- 7.) Good Neighbor Policy: Emphasis on minimizing adverse construction impacts to the existing neighborhood is part of our construction plan. We have limited daylight work hours, waste and material control, controlled access to the work site and onsite management to administer all work, subcontractors, noise, traffic and safety. Through project planning and oversight we

eliminate duplication, shipments and delays which minimizing the intrusion on neighboring families. (See Quality and Service description in Attachment A-1)

- 8.) Performance Schedule: Real Estate Dynamics, Inc. can build each home within a 60 day construction time, subject to weather. With master planning and sales coordination, we can build two or more homes to be delivered within a 90 day period, again weather permitting. Quality will not be compromised, but winter frost and ground freeze will be taken into account when starting all homes or foundations. All construction scheduling will adhere to practices of efficiency and cost control. We will consider financing availability for programs for end buyers when scheduling construction. By following this design/delivery practice, we will minimize adverse impacts on the subdivision and maximize the effective performance for the HOME Program funding for the City of Billings. All scheduling will be discussed and coordinated with the city to meet all necessary performance and funding standards. All construction scheduling and product control will be handled by Blake Laughlin. All marketing, financing, sales and business management will be handled by Tim Hudson.

Home Amenities

Real Estate Dynamics, Inc. a Billings company owned by Tim Hudson and Blake Laughlin, was presented the **“Duh, It’s the Right Thing To Do!”** award by Montana Fair Housing and the **Affordable Homeownership Partnership Award** from the Montana Board of Housing for New Construction for past construction design and standards for Kings Green Subdivision. We plan to continue to provide the same quality product in phase IV of this project.

We will build a two bedroom one bath home with an oversized single attached garage with 1008 sq.ft., a three bedroom one and three quarter bath home with an oversized single garage with 1276 sq. ft and a four bedroom one and three quarter bath home with an oversized single garage with 1476 sq. ft. All homes will have extra off street parking allowing for two additional cars to be parked. In addition, all homes will be energy star certified.

Floor plan Layouts

The following are drawings of the three floor plan designs for the homes to be provided with our proposal. We reserve the right to make slight changes in the floor plan layout should lot configurations or setbacks require.

2 Bedroom, 1 Bath (1008 sqft) Plan with Attached Oversized Single Garage (Energy Star Certified)



2 Bedroom w/ attached Garage

Main Living Area = 1,008 s.f.
Garage = 308 s.f.

Includes:

Single Attached Garage

In-floor Radiant Heat

All Kitchen Appliances

Construction Features

EXTERIOR FEATURES FOR EASE OF LIVING

All Concrete Reinforced Frost Protected Monolithic Foundation

In-floor Hot Radiant Heating with "No Wear" Stained Floor Surfaces

R49 fiberglass ceiling insulation

R-19 fiberglass wall insulation

R-10 Dow Blue Board floor slab insulation

Maintenance Free Vinyl Siding

Maintenance Free Vinyl Windows

Maintenance Free Aluminum Fascia and Vinyl Soffit

Steel Insulated Entry Door with Side Lite

Oversized Single Garage with Maintenance Free Metal Raised Panel Garage Door

30 Year Rated Shingles

Rear Door Pad

Landscaped Yard

INTERIOR FEATURES FOR COMFORT AND PRIDE

Single Control “washer-less” Chrome Faucets
Main Bath with 60” One-Piece Tub
Utility/Mechanical Room
Large Kitchen with Stainless Steel Sink
Laminate “Self-Edge” Countertops
Quality Kitchen Cabinets with “New” Urban Features
Range, Dishwasher, Refrigerator, Microwave and Disposal
Textured Walls with Accent Colors
Painted 32” Interior Doors, Casings & Trim

VISIT-ability Design for Community Inclusiveness

No Step Ease of Entry at Front Door with Wide Door Entries.
1008 Finished Sq. Ft. of Single Level Living
Open, Spacious and Comfortable Home Design
Two (2) Off Street Parking Spaces
Ease of Living with Low Maintenance Interior, Exterior and Yard Area
Neighborhood Parkway Corridor – Section of the City Bike Path Plan

3 Bedrooms, 1.75 Bath (1,276 sqft) with Oversized Single Attached (Energy Star Certified)



3 Bedroom w/ attached Garage

Main Living Area = 1,276 s.f.
Garage = 320 s.f.

Includes:

Single Attached O/S Garage

In-Floor Heat

All Kitchen Appliances

Construction Features

EXTERIOR FEATURES FOR EASE OF LIVING

- All Concrete Reinforced Frost Protected Monolithic Foundation
- In-floor Hot Radiant Heating with "No Wear" Stained Floor Surfaces
- R49 fiberglass ceiling insulation
- R-19 fiberglass wall insulation
- R-10 Dow Blue Board floor Slab insulation
- Maintenance Free Vinyl Siding
- Maintenance Free Vinyl Windows
- Maintenance Free Aluminum Fascia and Vinyl Soffit

Steel Insulated Entry Door with Side Lite
Oversized Single Garage with Maintenance Free Metal Raised Panel Garage Door
30 Year Rated Shingles
Sliding Glass Patio Door with Back Yard Patio Pad
Landscaped Yard

INTERIOR FEATURES FOR COMFORT AND PRIDE

Single Control “washer-less” Chrome Faucets
Main Bath with 60” One-Piece Tub and Tubular Skylight
Master bath with 48” Walk-in Shower
Utility Room with Window, Sink, Storage, and Washer/Dryer Hookups
Large Kitchen with Stainless Steel Sink and Large Useable Counter Space
Laminate “Self edge” Countertops with a Morning Breakfast Counter
Designer Hanging Lights Above Breakfast Counter
Quality Kitchen Cabinets with “New” Urban Features
Range, Dishwasher, Refrigerator, Microwave and Disposal
Textured Walls with Accent Colors
Painted 32” Interior Doors, Casings & Trim

VISIT-ability DESIGN FOR COMMUNITY INCLUSIVITY

No Step Ease of Entry at the Front Door and ADA Approved Interior Doors
1,276 or 1,440 Finished Square Feet of Single Level Living
Open, Spacious and Comfortable Home Design
2 Off Street Parking Spaces
Ease of Living with Low Maintenance Interior, Exterior and Yard Area
Neighborhood Parkway Corridor – Section of the City Bike Path Plan

4 Bedrooms, 1.75 Bath (1,417 sqft) with Oversized Single Attached Garage (Energy Star Certified)



4 Bedroom w/ attached Garage

Main Living Area = 1,417 s.f.
Garage = 320 s.f.

Includes:

- Single Attached O/S Garage**
- In-Floor Heat**
- All Kitchen Appliances**

Construction Features

EXTERIOR FEATURES FOR EASE OF LIVING

- All Concrete Reinforced Frost Protected Monolithic Foundation
- In-floor Hot Radiant Heating with “No Wear” Stained Floor Surfaces
- R49 fiberglass ceiling insulation
- R-19 fiberglass wall insulation
- R-10 Dow Blue Board floor slab insulation
- Maintenance Free Vinyl Siding
- Maintenance Free Vinyl Windows

Maintenance Free Aluminum Fascia and Vinyl Soffit
Steel Insulated Entry Door with Side Lite
Oversized Single Garage with Maintenance Free Metal Raised Panel Garage Door
30 Year Rated Shingles
Sliding Glass Patio Door with Back Yard Patio Pad

INTERIOR FEATURES FOR COMFORT AND PRIDE

Single Control “washer-less” Chrome Faucets
Main Bath with 60” One-Piece Tub and Tubular Skylight
Master bath with 48” Walk-in Shower
Utility Room with Window, Sink, Storage, and Washer/Dryer Hookups
Large Kitchen with Stainless Steel Sink and Large Useable Counter Space
Laminate “Self edge” Countertops with a Morning Breakfast Counter
Designer Hanging Lights Above Breakfast Counter
Quality Kitchen Cabinets with “New” Urban Features
Range, Dishwasher, Refrigerator, Microwave and Disposal
Textured Walls with Accent Colors
Painted 32” Interior Doors, Casings & Trim

VISIT-ability DESIGN FOR COMMUNITY INCLUSIVITY

No Step Ease of Entry at the Front Door and ADA Approved Interior Doors
1,276 or 1,440 Finished Square Feet of Single Level Living
Open, Spacious and Comfortable Home Design
2 Off Street Parking Spaces
Ease of Living with Low Maintenance Interior, Exterior and Yard Area
Neighborhood Parkway Corridor – Section of the City Bike Path Plan

Benefits of Home Features

Visit-ability Benefits: All of our homes are one level living with no step entry, oversized 32 inch doors as a minimum throughout, wide design access to bath fixtures, single lever plumbing fixtures, lever handle door knobs throughout, outlets and switch boxes per suggested visit-ability standards, and appropriate reinforcement in walls adjacent to toilets, bathtubs and shower stalls for installation of grab bars when needed. These items provide for home accessibility for aging, impaired or disabled family members or visitors to enjoy and use the home without impacting other family usability in the home. This makes for a broad appeal of our homes to our target group.

Energy Star Certified Home: This high level of energy saving design reduces utility costs for our buyers now and in the future as heating, cooling and electric trend upward. This is an additional provision that helps preserve the affordability of these homes in the future.

Maintenance Free Exterior: All of our homes are maintenance free exteriors with vinyl siding, windows and soffits along with prefinished metal fascia. One of the largest expenses owners face is home exterior upkeep and this helps reduce homeowner cost for years to come. In addition, quality 30 year dimensional asphalt shingles are provided on the home.

Gas Radiant Floor Heat: Our heating system is a special engineered gas heated in floor radiant heat system with capacities to provide efficient home heat and an abundance of hot water for domestic use. Proven results of the system show that the heat control setting can average 5-10 degrees below the average thermostat setting for homeowners. Heat savings result from this. Plus there are less major components to replace in the future. Additionally, the homeowner has no noisy forced air system. The home is a healthier home as no dust, germs or air born particles are circulated as would be the case with forced air systems. Likewise, this system is less likely to dry out your breathing passages, skin or home furnishings.

Hard Surface Decorative Stained Concrete Floors: This design provides attractive safe hard surface flooring which serves an active family well. This provides low cost upkeep with long-term durability. In addition, it serves impaired or disabled individuals with a safe, "no catch" surface for walking or for accommodation for mobility devices to be safely used. In addition it provides design flexibility for area rugs to be used with future replacement at a reasonable cost to the homeowner.

Full Home Appliance Package: Our homes have a full kitchen appliance package with energy efficient oven/range, refrigerator, dishwasher and built-in microwave for move-in ready use. New homeowners face little cost upon purchase with these provided, again lowering owner homeowner entry cost.

Landscaped Yard with Underground Sprinkling System: Each home has rain gutters and down spouts and is landscaped with rock accents to keep water away from the home foundations. In addition we install an easy to operate sprinkler system and seed the yard with grass. This allows for the quick development of a grass yard and the easy maintenance and efficient cost control for future watering.

Organization Key Personnel Profiles:

Timothy J. Hudson, President and Managing Partner for Real Estate Dynamics, Inc.

Tim has been a resident of Montana for all of his life and has resided in Billings for over 50 years. Tim has extensive experience in real estate, affordable housing sales and development, financial management, community service, real estate sales and management for residential and commercial properties. The following work and service history support this experience:

Present:

Treasurer Billings Association of Realtors

Chairman of Montana Association of Realtors Association Management Committee and Executive Committee member

Licensed Supervising Real Estate Broker in State of Montana and Associate Broker with Montana Real Estate Brokers

Certifications: Graduate Realtors Institute Certificate, Certified Residential Specialist, At Home with Diversity Certification and Short Sale Foreclosure Specialist Certification

Various Community Committees such as Affordable Housing Committee, East Billings Urban Renewal District Ad Hoc Committee, and Advisory Board Member for homeWord.

Board Member for Beartooth Bank, Billings, Montana

Board Director for Billings Association of Realtors

Past:

2010 Billings Association President

Past Chair and/or member of MLS Committee, Work Force Housing Committee, Government Affairs Committee, Quality of Life Committee, and Billings RPAC committee.

Past member of Montana Association of Realtors Risk Management Committee, Realtor Forms Committee and National Association of Realtors Risk Management Committee.

General Manager for Pierce Homes and RV's for 20+ years with various affordable housing projects completed in Montana and Wyoming. Also provided affordable modular home projects with this company for the City of Billings, Community Development.

Commercial Loan Officer and other various lending positions with First Bank System in Montana and Minnesota.

Graduate of Rocky Mountain College with Bachelors Degree in Mathematics.

Blake Laughlin, Vice President and Construction Management Partner for Real Estate Dynamics, Inc.

Present:

As owner and manager of Laughlin Construction, he is the contract building partner for Kings Green Subdivision.

He is a successful custom home builder, commercial remodeler, and design build specialist for 30+ years in Billings.

Licensed Montana Contractor

Member of the Billings and Montana Home Builders Association

Successful builder, designer, and developer for Kings Green Subdivision, phases I, II, and III

Past:

He has annually developed and delivered 4-10 custom homes to satisfied buyers on a new build or remodel basis in the Billings Area.

Completed construction contracts with city, state and federal requirements.

Remodeled numerous commercial buildings and business locations for local and national businesses and franchises.



First Interstate Bank
401 N. 31st St.
P.O. Box 30918
Billings, MT 59116-0918
406-255-5000

March 21, 2012

Real Estate Dynamics
3780 Heritage Drive
Billings, MT 59102

RE: Financing Commitment

To Whom It May Concern:

First Interstate Bank has approved financing for Real Estate Dynamics for the construction of homes in the Kings Green Subdivision, Billings, MT.

Please consider this letter as a satisfactory form of financing approval in accordance to the Kings Green Subdivision, Phase IV, Affordable Housing RFP – TL.R03302012.

Sincerely,

Kris Fairlee
Assistant Vice-President
First Interstate Bank

ATTACHMENT A

Response

VALIDATION QUESTIONS FOR PROPOSER

GENERAL INFORMATION

- 1) Company Name : Real Estate Dynamics, Inc.
.Address: 3780 Heritage Drive, Billings, Montana 59102
Contact Name: Timothy J. Hudson, President
Contact Phone: 406-656-8896
Contact Email: thudson125@msn.com Website/URL: N/A
- 2) How many facilities locations do you have in the U.S? (One) Billings, MT. 59102
- 3) How many years has your company been doing business under this name? Seven years
- 4) Total Full-Time Employees. Two owners and nine full time construction employees + subcontractors
- 5) Do you have Small Business Administration Status? Yes, If yes, can you provide documentation?
- 6) What are your standard payment terms? Net 10 days
- 7) References -Please attach a Word© document with all contact information for at least the following three references:
 - a) New Company (started doing business with them in the past 12 months)
 - b) Retained Company (have been doing business with them for 3 + years)
 - c) Former Company (contract terminated in the past 2 years) See Document A-1 & Explanation
- 8) Can you provide a statement and meet the City of Billings minimum insurance requirements of \$750,000 per claim and \$1,500,000 per occurrence, and the City being named as an additional insured? Yes

FUNCTIONALITY

- 1) A certificate of insurance must be provided prior to signing the contract, commencing on the day contract begins. Are you willing to comply with these requirements? Yes
- 2) You must instruct your insurance broker/carrier to notify the City of Billings should your coverage change. Are you willing to do this? Yes

QUALITY AND SERVICE

- 1) Do you have a quality assurance program? If yes, please attach a copy. See explanation on Document A-1
- 2) Are your employees required to take a mandatory drug test? No

LEGAL ISSUES

- 1) Are there any pending lawsuits against your company? No, None If yes, please explain.

REPORTING

- 1) Can your company provide at least monthly progress reports? YES
- 2) If yes to the previous question, please attach samples of all reports that are currently available. See Document A-2

Attachment A-1

References

Real Estate Dynamics, Inc. is a corporation formed specially to handle the phased development specifically for the Kings Green Subdivision. Incorporated in 2003 the company has served as a public-private partnership with the City of Business for the development of the HUD approval affordable subdivision known as Kings Green. There are 48 lots for single family homes for buyers at or below the 80% of the median family income for Billings, Montana. This public/private project was to be done in four phased development contracts. Real Estate Dynamics has successfully bid and completed three phases of this project to date, starting in 2004 and completing in 2010. We have built and delivered 39 homes of the 48 proposed homes and have met all the criteria in the performance of these contracts. This is the final phase of 10 homes per the original project design.

Real Estate Dynamics is owned 100% by Timothy Hudson and Blake Laughlin and our company performs all duties of construction, administration, financial management, sales and document administration with coordination with the City of Billings for the successful completion of this contract, within the HUD Home Program guidelines. The project relies on co-ordination and financing over-site with the City of Billings, Community Development and overlapping buyer assistance programs to achieve this success. As a licensed Broker, we market the homes through the Billings Multiple Listing Service, provide construction financing and obtain permanent financing for qualified buyers. Blake Laughlin's company, Laughlin Construction performs all construction, site control and quality administration on a cost plus contract for Real Estate Dynamics, Inc. This allows us to maintain hands on quality control of the product delivered to the buyer.

7.) Requested References: (For Addendum A—General Information Item 7)

- a.) New Company –Construction Contract with Blake Laughlin, Yellowstone Wood Shop & Laughlin Construction for U-Cross Foundation-Contract for Library Improvements. Phone 307-737-2291, 30 Big Red Lane, Clearmont, Wyo. 82835 or www.ucrossfoundation.org
- b.) Retained Company-We have been doing business with the City of Billings since 2004. City of Billings, Community Development—Built 39 homes in Kings Green, Contact Brenda Beckett, 657-8286
- c.) Former Client—Susan and Cliff Edwards, 4375 Laredo Place, Billings, Montana, 59102, with Laughlin Construction –Contract completed in 2011.
- d.) First Interstate Bank, 401 N. 31st. Billings, MT. 59101, Kristen Fairlee 255-5183
- e.) Payne Financial/Hoiness Labar Insurance, Jim Watson, 406-238-1906

Quality and Service

We have two quality assurance programs for our Kings Green Project. The first program requires us to maintain an on-site project manager, who red tags and checks all completed work of employees and subcontractors. He also is the contact for service needs for existing home customers. The project

manager, the contractors and employees are on an incentive performance program. Based on quality control, product performance and workmanship, our company has instituted a bonus program. This has worked very well to assure we are a customer driven company with quality ratings and customer satisfaction. Much of the bonus's are based on doing the job thoroughly and right the first time and eliminating call backs.

The second assurance program is a walk through program with the home buyer prior to closing. We note any concerns or corrections prior to the delivery of the home. We explain all warranties, operations of all systems, explain all future home maintenance requirements, and describe preventive care for the home. In addition we provide the buyer with contractor names and phone numbers for service and warranty needs. We also explain the benefits of our home design to the buyer and give them healthy living hints and energy saving ideas relating to their new home.

Document A-2

Monthly REDI 2012 Job Report (Example)

| | | | |
|------------------------------|--------------|---------------|---------------|
| Actual to Date | 111,792 | | |
| Projected Cost | 135,000 | | |
| Projected Sales Price | Home 1 | \$ 144,900.00 | |
| Projected Job Costs | | | \$ 135,000.00 |
| Cost of Construction to Date | \$ 54,000.00 | | |
| Land Cost Allocation | \$ 38,900.00 | | |
| Product Total | | \$ 92,900.00 | |
| Upfront & Financing | | | |
| Appraisal | | | |
| Title insurance/recording | | | |
| Interest Cost | \$ 1,500.00 | | |
| Property Taxes | \$ 345.00 | | |
| Plan Costs | \$ 175.00 | | |
| loan Fees | \$ 1,090.00 | | |
| Subtotal | | \$ 3,110.00 | |
| Known End Sale Fees | | | |
| Bank Charges | \$ 457.00 | | |
| Contractor Override | \$ 4,400.00 | | |
| Subcontractors Bonus | \$ 1,000.00 | | |
| Sale Costing Costs | \$ 795.00 | | |
| Interest Expense | \$ 600.00 | | |
| Legal & Professional Fees | \$ 330.00 | | |
| Property Taxes | \$ 200.00 | | |
| Sales Commissions | \$ 7,800.00 | | |
| Supplies Business | \$ 200.00 | | |
| Subtotal | | \$ 15,782.00 | |
| Total Expenses | | | \$ 111,792.00 |
| | | | \$ 23,208.00 |
| % Complete | | | 85% |
| Profit Margin+/- Goal | | | \$ 9,900.00 |

ATTACHMENT B

STANDARD TERMS AND CONDITIONS

In case of default by the successful proposer or failure to deliver the goods or services within the time specified, the City Purchasing Agent, after written notice, may procure them from other sources and hold contractor responsible for excess costs occasioned thereby.

The specifications attached to the instructions to proposers establish a standard of quality desired by the City of Billings. Any proposer may submit quotations on any article that substantially complies with these specifications as to quality, workmanship and service. The City of Billings reserves the right to make its selections of materials or services purchased, based on its best judgment as to which articles substantially comply with the requirements of the specifications. This RFP is not to be construed as a contract or commitment of any kind.

No alteration in any of the terms, conditions, delivery, quality, or specifications will be effective without prior written consent of the City of Billings.

No exception to delivery or service dates shall be allowed unless prior written approval is first obtained from the City of Billings.

The contractor warrants all articles supplied under this contract to conform to specifications herein. The contractor will deliver a warranty stating that all articles supplied under the contract are fit and sufficient for the purpose manufactured, merchantable, and free from defects.

The contractor agrees not to discriminate against any client, employee or applicant for employment or for services, because of race, color, creed, sex, age, religion, marital or family status, physical or mental disability, national origin, sexual orientation or gender identity with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs and termination; rates of pay or other forms of compensation; selection for training; rendition of services. It is further understood that any contractor who is in violation of this shall be barred forthwith from receiving awards of any purchase order for the City unless a satisfactory showing is made that discriminatory practices have terminated and that a recurrence of such acts are unlikely.

The City reserves the right to cancel and terminate this contract forthwith upon giving 10 days written notice to the contractor.

Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this contract, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorneys' fees, including fees for in-house attorneys, expended or incurred in connection therewith.

Where applicable, possible or required, the proposer is required to submit descriptive literature, sample material, design sketches and detailed shop drawings. Failure to submit required items may result in rejection of the proposal or termination of contract.

The successful proposer may not make any advertising or sale use of the fact that contract items are being used by purchaser and other approved agencies, under penalty of contract termination. News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the City of Billings.

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

The contractor may not assign or subcontract the agreement, or the right to receive reasonable performance of any act called for by the contract, shall be deemed waived by a waiver by City of a breach thereof as to any particular transaction or occurrence.

Regardless of FOB point, contractor agrees to bear all risks of loss, injury, or destruction of goods and materials ordered herein and such loss, injury, or destruction shall not release contractor from any obligation hereunder.

ATTACHMENT D

CONDITIONS AND NON-COLLUSION FORM

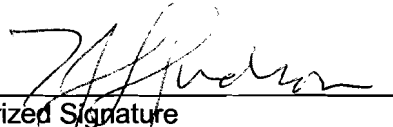
To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

| | |
|----------------------------------|---|
| <u>Real Estate Dynamic, Inc.</u> | <u></u> |
| Legal Name of Firm/Corporation | Authorized Signature |
| <u>3780 Heritage Drive</u> | <u>Timothy J. Hudson</u> |
| Address | Printed Name |
| <u>Billings, MT 59102</u> | <u>President</u> |
| City/State/Zip | Title |
| <u>3/26/12</u> | <u>406-656-8896</u> |
| Date | Telephone Number |

ATTACHMENT F

INTENT TO RESPOND FORM

RFP: Kings Green Subdivision, Phase IV, Affordable Housing RFP – TLR03302012

Dated 3/19/12

Fax the following **Intent to Respond** form to City of Billings' Community Development Division at (406) 657-8327 within two (2) days of RFP date even if your company chooses NOT to participate in the RFP.

To: City of Billings
Attn: Tam Rodier, Seasonal CD Coordinator
Fax: (406) 657-8327


From: Timothy J. Hudson **Contact Name**
Real Estate Dynamics, Inc. **Company Name**
3780 Heritage Drive **Company Address**
Billings, Montana 59102
406-656-8896 **Phone Number**
406-656-8898 **Fax Number**
thudson125@msn.com **Email Address**

We intend to respond to this RFP by the specified due date:

Yes X No _____

Real Estate Dynamics, Inc. **Company Name** 3/19/12 **Date**

Timothy J. Hudson **Contact Name (please print)** President **Title**

 **Signature of Contact Person**

By signing the above, I certify that I am authorized by the Company named above to respond to this request.

ATTACHMENT G

SUPPLIER CONTACT INFORMATION

Company Contacts:

| | |
|---------------------------------------|---------------------------------------|
| Primary Contact Person (Name): | Timothy J. Hudson |
| Title/Function: | President |
| Address: | 3780 Heritage Drive |
| Business Hours Phone: | 406-656-0571 [8:00 am to 5:00 pm] |
| Fax: | 406-656-8898 |
| Internet E-mail Address: | thudson125@msn.com |
| Name of Person Responding to Request: | Timothy J. Hudson |
| Title/Function: | President - Real Estate Dynamics, Inc |
| Address: | 3780 Heritage Drive |
| Phone: | 406-656-8896 |
| Fax: | 406-656-8898 |
| Internet E-mail Address: | thudson125@msn.com |

General Company and Financial Information

| | |
|------------------------|---------------------------------|
| Company Name: | Real Estate Dynamics, Inc. |
| Headquarters Address: | 3780 Heritage Drive |
| City, State, ZIP | Billings, MT 59102 |
| Headquarters Phone: | 406-656-8896 |
| Headquarters FAX: | 406-656-8898 |
| Company Owned By: | Timothy Hudson - Blake Laughlin |
| Percent % Ownership: | 50% 50% |
| Years In Business | 8 years |
| Name of CIO | Timothy J. Hudson |
| Name of CEO/President: | Timothy J. Hudson |

RECEIVED

MAR 27 2012


COM. DEV. DIV.

Community Development Division
City of Billings
P.O. Box 1178
Billings, MT 59103

Reponse to:
KINGS GREEN SUBDIVISION, PHASE IV, AFFORDABLE
HOUSING RFP - TLR03302012

CONTACT PERSON:
Attn: Tam Rodier, Seasonal CD Coordinator

I certify I have submitted this proposal for the above RFP for Real Estate Dynamic, Inc.



Timothy J. Hudson
President

3/26/12

ATTACHMENT C**PRICE MATRIX****(This page to be sent with proposal in a separate, sealed envelope)**

| Project Name | Price |
|---|--------------|
| Kings Green Subdivision, Phase IV, Affordable Housing RFP - TLR03302012 | \$119,400.00 |
| Estimated costs for City-owned land | 38,900.00 |
| Building site work | \$3,500.00 |
| Architectural fees | \$650.00 |
| Price per square foot | 118.45/sqft |
| Landscaping | \$4,000.00 |
| Building site clean up work following construction (including removal of excavated dirt) | \$500.00 |
| Realtor Fee % - Selling Agent | \$3,585.00 |
| Realtor Fee % - Business Agent | \$3,585.00 |
| Other associated costs (provide breakdown) | \$3,945.00 |

**

| | |
|-------------------------|----------|
| ** Appraisal | 450.00 |
| Title Ins. | 650.00 |
| Loan Fees | 900.00 |
| Interest Cost | 1,000.00 |
| Recording/Closing Costs | 575.00 |
| Property Taxes | 370.00 |

ATTACHMENT C**PRICE MATRIX****(This page to be sent with proposal in a separate, sealed envelope)**

| Project Name | Price |
|---|--------------|
| Kings Green Subdivision, Phase IV, Affordable Housing RFP - TLR03302012 | \$140,450.00 |
| Estimated costs for City-owned land | 38,900.00 |
| Building site work | \$3,500.00 |
| Architectural fees | \$650.00 |
| Price per square foot | 110.07/sqft |
| Landscaping | \$4,000.00 |
| Building site clean up work following construction (including removal of excavated dirt) | \$500.00 |
| Realtor Fee % - Selling Agent | \$4,225.00 |
| Realtor Fee % - Business Agent | \$4,225.00 |
| Other associated costs (provide breakdown) | \$4,525.00 |

**

| | |
|-------------------------|----------|
| ** Appraisal | 450.00 |
| Title Ins. | 750.00 |
| Loan Fees | 1,050.00 |
| Interest Cost | 1,200.00 |
| Recording/Closing Costs | 575.00 |
| Property Taxes | 500.00 |

ATTACHMENT C**PRICE MATRIX****(This page to be sent with proposal in a separate, sealed envelope)**

| Project Name | Price | |
|---|--------------|----|
| Kings Green Subdivision, Phase IV, Affordable Housing RFP - TLR03302012 | \$150,475.00 | |
| Estimated costs for City-owned land | 38,900.00 | |
| Building site work | \$3,500.00 | |
| Architectural fees | \$650.00 | |
| Price per square foot | 106.19/sqft | |
| Landscaping | \$4,000.00 | |
| Building site clean up work following construction (including removal of excavated dirt) | \$500.00 | |
| Realtor Fee % - Selling Agent | \$4,515.00 | |
| Realtor Fee % - Business Agent | \$4,515.00 | |
| Other associated costs (provide breakdown) | \$5,125.00 | ** |

| | |
|-------------------------|----------|
| ** Appraisal | 450.00 |
| Title Ins. | 800.00 |
| Loan Fees | 1,200.00 |
| Interest Cost | 1,500.00 |
| Recording/Closing Costs | 575.00 |
| Property Taxes | 600.00 |

After recording, please return to:
Community Development Division
City of Billings
PO Box 1178
Billings, MT 59103

HOUSING DEVELOPMENT AND CONSTRUCTION AGREEMENT
Kings Green Subdivision, Third Filing
Phase IV

HOME Investment Partnerships Program

Between the

City of Billings
A Montana Municipal Corporation
Whose address is
PO Box 1178, Billings, Montana, 59103
the "City"

and

Real Estate Dynamics, Inc.
A For-Profit Sub S Corporation
whose address is
3780 Heritage Drive, Billings, MT 59102
The "Builder/Selling Agent (BSA)"

Date: _____

WHEREAS, the BSA desires to work with the City to build affordable housing on City-owned property in the City of Billings, Yellowstone County, Montana, commonly known as Kings Green Subdivision, Third Filing; legal description as follows:

Lots 5A-1, 6A, 7A, 8A, Block 6, and Lots 40A, 41A, 42A, 43A, 44A, and 45, Block 3, Kings Green Subdivision, Third Filing, all in Kings Green Subdivision, in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana.

WHEREAS, the City has concurrently entered into a HOME Contract with the United States Department of Housing and Urban Development (HUD) whereby the City will receive and administer HOME monies to provide financing, in part, for site development for the project to be undertaken by the BSA;

WHEREAS, the City desires to develop the land for affordable housing, and the City desires to use HOME funds for site improvement, engineering fees, and related development costs for affordable housing;

WHEREAS, the BSA is desirous of obtaining access to City-owned and developed land and is willing to assume obligations to the City under the HOME contract on the terms and conditions, as provided herein; and

WHEREAS, the City has selected Real Estate Dynamics, Inc. (RED) as the BSA for the Project.

WITNESSETH THAT the BSA and the City mutually agree as follows:

A. PURPOSE

The purpose of this written Agreement is to ensure compliance with 24 CFR 92.504, which provides for the funding of approved project activities by the City through its HOME Investment Partnerships Program (HOME) written agreement with HUD; and to achieve the purposes of Title II of the Cranston-Gonzalez National Affordable Housing Act, Title II, Public Law 101-625, approved November 1990, 104 Stat. 4079, 42 U.S.C. 12701-12839, as amended.

B. ROLES AND RESPONSIBILITIES

The BSA agrees to build ten (10) single-family units. Each home will be constructed with universal design features that address accessibility and "Visit-ability," receives Energy Star Certification, includes finished landscaping or "Xeriscaping," and meets all other specifications contained in the Kings Green Subdivision, Phase IV, Affordable Housing Request for Proposals – TLR03302012 to which RED submitted a proposal. The units will be a mixture of the three basic plans:

- 2 bedrooms, 1 bathroom, and 1,008 square feet, or
- 3 bedrooms, 1.75 bathrooms, and 1,276 square feet, or
- 4 bedrooms, 1.75 bathrooms, and 1,417 square feet.

The City agrees to oversee the project during construction. Upon completion of the single-family homes, the City agrees to provide subsidy assistance to the homebuyer. The City will also enter into a HOME agreement with the homebuyer.

C. DOCUMENTS INCORPORATED INTO THIS AGREEMENT BY REFERENCE BUT NOT ATTACHED HERETO

The BSA agrees to comply with all federal, state, and local laws applicable to activities undertaken through this agreement, including: all program requirements that regulate and restrict the use of the funds under the HOME Investment Partnership Program 24 CFR Part 92 and the regulations issued there under, now or hereafter, including but not limited to 24 CFR, and the regulations, policies, guidelines, and requirements as they relate to the application, acceptance, and use of federal funds for this program; BSA's project application statements as identified in the response to the Request for Proposals as received in the Community Development Division on March 27, 2012, along with associated price quotes; Uniform Relocation Act; and Section 104(d) and all amendments to these laws that govern the use of HOME funds. Incorporated by reference is Title VI of the Civil Rights Act of 1964, Executive Order 11246, Section 3, Federal Labor Standards set forth in 24 CFR 570-605 and the Americans with Disabilities Act.

D. ACCEPTANCE OF HOME PROGRAM REQUIREMENTS

1. The BSA will comply with all applicable parts and requirements of the National Affordable Housing Act of 1990 (as amended), as now in effect or as they may be amended during the term of this Agreement; applicable state and federal laws, regulations, administrative directives and procedures; and local ordinances and resolutions.
2. The BSA will comply with all applicable parts and requirements of Section 3 of the Housing and Urban Development (HUD) Act of 1968.
3. The BSA agrees to the following:
 - a. Project Schedule
The construction of site improvements was completed and inspected on _____, 2012 by the City. Housing construction will be completed by _____.

BSA including weather dependent items within two (2) years from the date of this current agreement; unless an extension is granted by the City. BSA agrees that it will be responsible for any and all damage it causes to the already in place infrastructure, including but not limited to sidewalks, streets, curbs, gutters, utilities and storm drain system.

b. Project Budget

The site improvements project budget has been estimated and approved for \$389,000. Projected construction costs for the range of houses to be constructed are on file with the BSA and the City.

4. The BSA agrees that all contracts entered into by the BSA for the completion of the activities described in Section I (SCOPE OF ACTIVITIES AND PROJECT RESTRICTIONS) of this Agreement will contain provisions requiring contractors to comply with all applicable HOME requirements. These contract provisions are to be included in all subcontracts.
5. The BSA expressly agrees to comply with federal statutes and regulations governing the HOME program.
6. Initial Homebuyer's Period of Affordability / RECAPTURE Provisions: The BSA agrees that all homes constructed under this Agreement will initially be sold to a low-income homebuyer under the terms of the restrictions contained in the Warranty Deed and will be subject to recapture provisions. For purposes of this Agreement, the period of affordability and the recapture provisions are:

Ten (10) years as required by HOME regulations for per-unit subsidies from \$15,000 to \$40,000, which will apply to the homebuyers who receive down payment assistance and/or the site improvements subsidy, and

Fifteen (15) years as required by HOME regulations for per-unit subsidies over \$40,000, which will apply to the homebuyers who receive down payment assistance and/or the site improvements subsidy.

Subsidy will include site improvements and First Time Home Buyers assistance.

The BSA understands that recapture provisions for each assisted unit will be enforced and will begin after the transfer of the property to the homebuyer. Repayment of the homebuyer's HOME loan will be deferred for the term of the recapture provisions, provided that the property owner is in full compliance with the agreement. At the time of sale or refinance of the property at any time, the full amount of the HOME loan will become due in full. The loan will become due in full should the property become a rental during the affordability period. In the event that the property owner sells the property during the term of the recapture provisions, the full amount of the City's HOME investment will be due and payable to the extent that net proceeds are available to repay the homebuyer's loan. The BSA agrees to inform all potential low-income homebuyers of all applicable recapture provisions.

E. PERSONNEL

The BSA represents that it has, or shall secure, at its own expense, all personnel required in performing the services under this Agreement. All of the services required hereunder shall be performed by the BSA, or under this/her supervision, and all personnel engaged in the work shall be fully qualified and shall be eligible under the law to perform such services. Where the State or local public jurisdictions require licensure for the provision of services provided hereunder, the BSA and any subcontractors shall be properly licensed. The BSA

will provide at the time of this Agreement; an Irrevocable Standby Letter of Credit; Commercial General Liability Insurance in the amount of \$1.5 million per occurrence and \$750,000 per claim; and workers compensation insurance carried by any sub-contractor who contracts directly with the BSA for the construction services related to this agreement. Other professional services subcontracted for by the BSA will provide proof of insurance as required by Montana Law.

F. BONDS AND INSURANCE

The BSA will provide before construction an Irrevocable Standby Letter of Credit in the amount of \$100,000 during the time the BSA holds the title to any lot on which a unit is being constructed and has not yet been sold/transferred to an approved low-income homebuyer for the time period reference in Paragraph I, Section 8; Commercial General Liability Insurance in the amount of \$1.5 million per occurrence and \$750,000 per claim, and workers compensation insurance carried by any sub-contractor who contracts directly with the BSA for the construction services related to this Agreement. Other professional services subcontracted by the BSA will provide proof of insurance as required by Montana Law.

Insurance: The BSA shall secure and maintain such insurance policies, including those set forth below, as will protect itself, its subcontractors and, unless otherwise specified, the City from all claims for bodily injuries, death, and/or property damage which may arise under this Agreement; whether the acts were made by the BSA or City or by any subcontractor or anyone employed by them directly or indirectly. The following insurance policies are required:

- a. Commercial General Liability in an amount not less than \$1.5 million per occurrence and \$750,000 per claim for injuries, including accidental death, to any one person; and
- b. Builder's Risk Insurance in an amount not less than \$750,000; and
- c. Commercial automobile liability -- \$1,500,000 per accident.

Insurance certificates shall be filed with the City giving satisfactory evidence of insurance as stipulated above at the time the Agreement is signed. The Commercial General Liability Insurance certificate shall be maintained during the life of the Agreement. The Builders Risk Insurance shall be secured prior to initiating construction on the first unit.

All insurance certificates shall name the City as an additional insured party and contain the following language, "The Company agrees that it will give the City of Billings, Montana, 30 days prior written notice of its intent to cancel or materially change the described policy." This language, however, if accompanied by a disclaimer or any other language, which negates company responsibility for failing to provide said notice, will not be acceptable.

The insurer and the insurance form must be satisfactory to the City Attorney for the City of Billings. Further, the BSA will ensure all subcontractors performing work on the project maintain public liability, property, and casualty insurance and stationary workers compensation insurance coverage in compliance with Montana Law.

Bonds/Irrevocable Standby Letter of Credit: The BSA will provide an Irrevocable Standby Letter of Credit issued by a responsible lending company for \$100,000. The Irrevocable Letter of Credit will be filed with the City of Billings City Clerk at the time the City transfers a lot to the BSA through a Realty Transfer Certificate. The Irrevocable Letter of Credit will remain on file with the City during the time BSA holds title to any lot while a house is being constructed on the lot, or it is scheduled to be constructed on,

and has not yet been sold/transferred to an approved low-income homebuyer for the time period referenced in Paragraph I, Section 8, conditioned that BSA shall faithfully perform the terms and conditions of this Agreement and shall save the City harmless from the negligent acts of the BSA, its agents or servants in their performances of the terms and conditions of the Agreement, and shall pay all proper claims of subcontractors and suppliers. The City will release the Irrevocable Letter of Credit at the request of the BSA at any time that all lots transferred to the BSA upon which construction has begun are fully constructed and have received a Certificate of Occupancy. Prior to the construction resuming on a lot, the BSA will file an Irrevocable Letter of Credit with the City.

G. EFFECTIVE DATE AND TIME OF PERFORMANCE

The Project shall commence as soon as practicable after the execution of this Agreement and shall be undertaken and performed in accordance with the schedule set forth in this Agreement between the City and the BSA. The BSA agrees that time is of the essence in the performance of its obligations under this Agreement, and that completion of the Project shall occur no later than two (2) years from the date of this Agreement.

H. TERMINATION DATE

This agreement shall terminate no later than two (2) years after the date upon which it was executed, plus any authorized extensions as set forth in writing in the Agreement between the City and the BSA.

I. SCOPE OF ACTIVITIES AND PROJECTED RESTRICTIONS

1. The major components of the project include the construction of a total of 10 units of affordable owner-occupied, single-family, housing units for low-income households to be located in Kings Green Subdivision, 3rd Filing, Phase IV. The City will provide the BSA with access to City-owned land located in the Kings Green Subdivision, 3rd Filing, to construct 10 single-family dwelling units affordable to low-income households in this fourth phase.

The units to be constructed in the development will comply with affordability restrictions and design standards as specified herein. All of the units will initially be sold to low-income households as defined by HOME Program regulations and verified through documentation provided by individuals purchasing the properties.

2. Low-Income Benefit
All of the homes constructed will initially be sold to a household who qualifies as a low-income family as defined by HOME Program regulations. Low-income households are defined as those households whose income is less than 80% of the current Area Median income (AMI) for their particular family size. The City will provide the BSA with the current income guidelines upon request. The City will approve the homebuyers and monitor the principal residency requirement compliance.
3. Contract Administration
All site improvements undertaken with the use of HOME funds were completed by the City under a public contract that complied with HOME Program regulations for construction contracts.

The BSA will be responsible for administration of all home building contracts and related work associated with this construction for the project. Construction contracts entered into between the BSA and contractors, sub-contractors, and suppliers will be considered private contracts but must also be undertaken in compliance with City, state and federal regulations for construction contracts.

At or before closing, the BSA will provide a one-year warranty on quality of construction and materials to homebuyer. At closing, the BSA will release all liens on the property in the name of the BSA.

4. Property Standards

Upon completion of each individual home, the new home will, at a minimum, meet the International Residential Code; all adopted local and state building codes and standards, as well as Section 8 Housing Quality Standards. Homes will be constructed according to the BSA's response to the Request for Proposals received the Community Development Division on March 27, 2012. All representations made in the BSA's response to the Request for Proposals will be considered part of this Agreement.

The BSA agrees to provide the City with detailed information for each home to be constructed prior to the initiation of the construction of each home. The City will verify estimated costs and construction standards for compliance with the HOME Program affordability provisions.

5. Per Unit Subsidy

All HOME funds provided for site improvements, in the amount of \$_____ per unit, will be enforced by the City through RECAPTURE restrictions imposed upon the initial home buyer according to the terms, conditions and reverter clause set out in the Warranty Deed. The initial property owners may apply for and may receive assistance under the City of Billings' First Time Home Buyer Program separate from this Agreement in an amount to be determined by need and household income. Assistance provided through the First Time Home Buyer Program is also subject to RECAPTURE provisions.

6. Time of Performance

This agreement shall cover 10 dwelling units in Phase IV as identified herein and be effective upon full and proper execution. The Agreement shall expire upon completion but not later than two (2) years from the date of execution. The time of performance may be extended by a modification to this Agreement, subject to mutual written agreement by the BSA and the City. To initiate this process, a request in writing for an extension of project time and performance shall be submitted to the City's Community Development Division by the BSA three (3) months prior to the agreement completion term. It shall include full justification for the extension requested.

7. Cost of Site Improvements

Site improvements work has been paid for through the HOME Program under a public contract between the City of Billings and private contractors. No HOME funds will be paid to the BSA for site improvements.

8. Control of Land

Each individual building lot will remain in the name and control of the City until the point in time that the BSA is ready to initiate construction of a home on the lot.

At that time, a Warranty Deed with restrictions and a reverter clause will be provided by the City to the BSA enforcing the terms and conditions of this agreement and the BSA must initiate construction on the site within 30 days and complete within 180 days after initiation of construction. The BSA has the option of beginning construction on no more than six (6) houses at any one time. The BSA may not begin construction on an additional house until a Certificate of Occupancy has been issued for at least one (1) house. At no time shall BSA have more than six (6) houses under construction.

The BSA will execute a Quit Claim Deed concurrently for said lot, to return ownership to the City, should construction not take place in a timely manner or should the BSA violate any terms of this Agreement or the restrictions in the Warranty Deed. This Quit Claim Deed will be held in escrow at American Title & Escrow until final transfer of ownership to the new homebuyer.

Each individual lot will be sold by the City to the BSA with a Warranty Deed for Valuable Consideration, subject to certain restrictions and a reverter clause. The BSA will not sell undeveloped lots to a third party, or allow the construction of a home on a lot by a third party, without the written permission of the City and only in accordance with the terms of this Agreement.

The BSA, upon construction of a home on the property and the subsequent sale of the individual developed property (lot) to a home buyer, shall include all covenants, deeds and restrictions enforced in the Warranty Deed, which run with the land and are in effect and enforceable through the period of affordability to ensure the HOME RECAPTURE restrictions are carried forth through the period of affordability.

9. Cost Verification, Project Costs, and Profit Level

PROJECT EXPENSES shall be defined as follows: Building permit fees, house plan expenses, site preparation, excavation, backfill and grading, decking, foundation materials and labor, waterproofing and fill, dirt and debris removal from site, concrete work, lumber, framing, roofing, HVAC, siding, plumbing, electrical, insulation, ceilings and drywall, garage doors, painting, finish carpentry and hardware, cabinets, vanities, countertops, electrical fixtures, sewer and water excavation, mirrors and medicine cabinets, appliances, floor covering and underlayment, gutters, landscaping, temporary utility costs, interest expense, closing costs associated with construction financing, cleaning costs, insurance, warranty, FHA inspection fees, and normal industry overhead expense allocation and other items directly related to the construction of the home as allowed for in the project.

PROFIT LEVEL shall be defined as follows: Profit as defined by sales proceeds less approved project expenses.

The BSA agrees to provide the City with verification of all project expenses and a statement of profit level post construction of each home. The City will allow a maximum profit level of 15% of the total project costs which includes marketing and selling fees. There will be a maximum 5% commission on homes sold by the BSA, when the BSA serves as both the buyer's and seller's agent. Total project costs are determined by the cash value of site improvements investment per lot in addition to construction costs of each home.

A project budget estimating project expenses will be provided by the BSA to the City prior to the start of construction on each home. The budget must be pre-approved by the City prior to initiation of construction on each home. The City will verify project expenses and profit level based on detailed documentation of project expenses provided by the BSA when construction is completed.

REQUEST FOR DISBURSEMENT OF FUNDS is to be submitted by the BSA. The City will review, approve and submit payment for approved expenditures to BSA within 30 days of receipt of the Request for Disbursement of Funds.

10. Sales Price / Qualification as Affordable Housing: Homeownership \$92.254

All properties sold by the BSA to homebuyers must be sold at an appraised value that does not exceed 95% of FHA 203(b) Mortgage Limits. The appraised value also includes the value of the contribution of land and site improvements to the property. Furthermore, to prevent construction of homes below the standard of

homes constructed in previous phases of the Kings Green Subdivision, the appraised value of the properties cannot be less than 70% of the FHA 203(b) Mortgage Limits as modified from time to time. The City will provide the BSA with notice of future modifications upon request.

The sales price of the property cannot exceed the project expenses plus 15% profit level to maintain housing affordability. Such affordability will be maintained by the agreed covenant to sell all of the homes to households who qualify as low-income as defined by HOME Program regulations.

The value of the land and site improvements will be included in the sales price of the home for appraisal purposes. As all households will qualify as low-income family as defined by HOME regulations, a Deed Restriction Credit will be given to the eligible buyer and will not be included as part of the homebuyer's principal part of the mortgage loan to assure the affordability of the homes.

In the event a home is not sold within 90 days after construction, the BSA may choose to reduce the sales price and reduce or eliminate the profit level (in consultation with the City) to or below the project expenses as certified to the City by the BSA. In such an event, the City would subsidize the purchase of the home by a lower-income household up to the amount of the certified project expenses as defined by the selling price and the BSA will forego gaining any profit level on the sale of the home.

Both the City and BSA recognize material costs and market conditions may limit contract performance. Prior to commencing construction on one or more homes, an appraisal shall be conducted using the proposed home plan. Should the results of the appraisal be less than a sales price meeting the specifications in Section I, SCOPE OF ACTIVITIES AND PROJECTED RESTRICTIONS, paragraph 10, the BSA shall not commence construction unless the home is pre-sold to an approved buyer at a price acceptable to City and the BSA that allows the terms of this agreement to be met. Prior to construction, the City and BSA shall review the pre-sold buyer terms to mutually agree to commence this construction.

As construction within Phase IV progresses, if the appraisal histories for the pre-sold homes show selling prices are consistently supported by appraisal results, the City and BSA may agree to initiate construction and performance of this agreement on a non pre-sold basis.

Additionally, should appraisals be less than a sales price meeting the specifications in Section I, SCOPE OF ACTIVITIES AND PROJECTED RESTRICTIONS, paragraph 10, the City may elect to have the BSA commence construction on a home-by-home basis with the intent to compensate the BSA as stated in Section I. SCOPE OF ACTIVITIES AND PROJECTED RESTRICTIONS, paragraph 11, HOME Program Proposed Rule. Prior to the commencement of construction, the City and BSA shall establish an agreed upon compensation to the BSA at the time the home is converted to a HOME rental unit, under the terms of Section I, SCOPE OF ACTIVITIES AND PROJECTED RESTRICTIONS, paragraph 11.

11. HOME Program Proposed Rule

If the HOME Program Proposed Rules released in December 2011 are formally adopted during the term of this agreement, the BSA and City agree to implement the rules for the homes covered by this agreement that have not been transferred to an eligible low-income homebuyer as stipulated within this agreement.

Under the proposed rules, in the event the BSA does not sell a home to an eligible low-income homebuyer within six (6) months of the home receiving a Certificate of

Occupancy, the unit must be converted to a HOME rental unit and operated in compliance with §92.252 for the affordability period applicable to rental projects (20 years for new construction). If this happens, the BSA will be compensated for eligible and City-approved home expenses plus 15% profit, less realtor fees and any BSA projected closing and/or other costs that were not paid by the BSA. BSA shall provide a projected cost and profit to the City for these homes for approval prior to commencement of construction.

12. Square Footage, Cost Estimate, and House Plans

The BSA agrees to assure that the housing units constructed in the Kings Green Subdivision are compatible with the existing homes constructed in Phases I, II and III of the Kings Green Subdivision and the minimum square footage of each home to be constructed will not be less than 900 square feet per level.

The BSA will provide the City general specifications, cost estimates and house plans for each home constructed under the terms of this Agreement prior to initiation of construction to assure quality and affordability. These specifications and plans may be modified upon written approval of the City. The City will provide the BSA with written approval of each home prior to initiation of construction.

J. LIAISON AND NOTICE

Tam Rodier or Dina Billington are the City's liaisons with the BSA.
Timothy J. Hudson is the BSA's liaison with the City.

Notice will be sufficient if given in writing and mailed to the parties' liaison at the addresses described above.

K. OWNERSHIP AND PUBLICATION OF MATERIALS

All reports, information, data, and other materials prepared by any subcontractor pursuant to this Agreement are to be the property of the City and BSA. The City and BSA each have the nonexclusive and unrestricted authority to release, publish, or otherwise use in whole or in part, information relating to it. No materials produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written permission from the City and BSA.

L. ACCESS TO RECORDS

The BSA will supply to the City copies of all current records, including, but not limited to: contracts; approved invoices and lien releases; project budgets; cash flow statements; annual audits; and any and all financial records which impact the performance of the BSA under the terms of this written agreement.

The BSA may, at the City's discretion, be considered in breach of this agreement by failing to provide any and all requested documentation in a timely manner. Failure to provide access to records is grounds for termination of this Agreement.

The BSA and City will allow access to these records at any time during normal business hours by the City, the U.S. Department of Housing and Urban Development (HUD) and the Comptroller General. These records will be kept in the BSA's office at 3780 Heritage Drive, Billings, MT 59102. The City will keep its pertinent records at the Community Development Division office, currently located at 510 N Broadway, Billings, Montana.

Project Records Required to be Maintained by the City:

1. Documentation that the project meets applicable property standards for HOME new construction activities;

2. Documentation that the appraised value of each new home conforms to HOME Program requirement;
3. For each household purchasing a HOME assisted unit – a copy of the homebuyer application, income verification, terms & conditions and recapture provisions;
4. An approved Affirmative Marketing Plan which complies with 24 CFR 92.351; and
5. Immediate written notification of any pending legal action which names the BSA and the real property assets covered under this agreement.

BSA to provide all records described above to the City and must be retained for a period of five years after project closeout. The records demonstrating compliance with project requirements that apply for the period of affordability must be retained for at least five years after the required period of affordability. If any litigation, claim negotiation, audit or other action has been commenced before the expiration of the regular five year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular period, whichever is later.

Access to the records described above and all other documentation relating to the program is governed by all applicable state and federal laws as they pertain to disclosure of information to the public and to the individual's right of privacy.

M. PROGRESS REPORTING

The BSA will promptly submit quarterly status reports on project progress in writing.

N. AVOIDANCE OF CONFLICT OF INTEREST

The BSA will comply with the provisions of 24 CFR § 92.356; and with § 2-2-125, 2-2-201, 7-3-4367, 7-5-2106, and 7-5-4109, MCA, as applicable, regarding the avoidance of conflict of interest.

No officer, employee, or agent of the City or immediate relative (spouse, parent, sibling, child) shall be an investor, officer, employee or agent of the BSA or receive any compensation from the BSA during the term of this Agreement outside of approved project costs.

O. MODIFICATION AND ASSIGNABILITY OF AGREEMENT

This Agreement contains the entire agreement between the parties, and no statements, promises, or inducements made by either party, or agents of either party, which are not contained in or authorized by this written Agreement, are valid or binding. This Agreement may not be enlarged, modified, or altered except upon written agreement. This Agreement does not imply any continuing commitment by the City of Billings beyond the termination date noted herein.

The BSA accepts responsibility for adherence to the terms of this Agreement by contractor, subcontractor, or sub-recipient entities any by its agents, if any, to which it delegates authority to carry out portions hereof. For the purposes of this Agreement, legal actions pending (or in process) are considered a pending modification of the written agreement and require a written notice to the City as soon as the written agreement becomes part or party to a legal civil or criminal action.

P. CONSTRUCTION AND VENUE

This Agreement will be construed under and governed by the laws of the State of Montana. In the event of litigation concerning it, venue is the District Court of the Thirteenth Judicial District in and for the County of Yellowstone, State of Montana.

Q. INDEMNIFICATION

The BSA waives any and all claims and recourse against the City, including the right of contribution for loss or damage to persons or property arising from, growing out of, or in any way connected with or incidental to the BSA's or any contractor's, subcontractor's or sub-recipient's performance of this Agreement.

Further, the BSA will indemnify, hold harmless, and defend the City, its officers, agents and employees against any and all losses, claims, demands, damages, costs, expenses, or liability arising out of the BSA's or any contractor's, subcontractor's or sub-recipient's performance of this Agreement or in any way arising or resulting from any intentional or negligent act on the part of the BSA or its agents or employees or which result in personal injury or real or personal property damage to any person or entity including the City. In the event that the City is named as a co-defendant in any action relating to activities to be performed by the BSA or City or sub-recipient under this Agreement, the BSA will immediately notify the City of such fact in writing.

In addition, the City will indemnify, hold harmless, and defend the BSA, its officers, agents and employees against any and all losses, claims, demands, damages, costs, expenses, or liability arising out of the City's performance of this Agreement or in any way arising or resulting from any intentional or negligent act on the part of the City or its agents or employees or which result in personal injury or real or personal property damage to any person or entity including the BSA. In the event that the BSA is named as a co-defendant in any action relating to activities to be performed by the City or BSA under this Agreement, the City will immediately notify the SA of such fact in writing.

R. TERMINATION OF AGREEMENT

Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 60 days before the effective date of such termination. BSA agrees to complete construction of any homes started in the construction process prior to termination without cause. It is the intent of the parties that these remedies be exercised in a manner appropriate and to the end that this project shall continue to provide housing for the target population of low-income households.

Termination for Cause: If, through any cause, the BSA fails to fulfill in a timely and proper manner their obligations under this Agreement, or if the BSA violates any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement for cause by giving written notice to the BSA of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination.

It is understood that the BSA and City representatives shall enter into negotiations in an attempt to reach a solution mutually acceptable to both parties within five (5) days of notification of termination, if the City shall so request in writing. If no agreement is reached by the City and BSA then the matter will be referred to HUD for resolution. In any event, the City may terminate the agreement to fund an activity without cause or recourse from the BSA, its agents or subcontractors.

Notwithstanding the above, the BSA shall not be relieved of liability to the City for any damages sustained by the City by virtue of any breach of contract by the BSA or termination by BSA, and the City may withhold any payment to the BSA for the purpose of setoff until such time as the exact amount of damages due to the City from the BSA is determined.

Return of Material: In the event of termination, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the BSA under this Agreement, shall, at the option of the City, become the City's property, and City shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Remedies: Where either party violates or breaches contract terms, the other party, at its discretion, may, in addition to terminating this Agreement, institute such administrative, contractual, legal or equitable remedies available as may be appropriate. In such event, the party found in violation of the Agreement shall pay the other party's costs and reasonable attorney's fees incurred thereby.

S. UNIFORM RELOCATION ACT

The BSA will assure that the units are sold to homeowners who intend to use the property as their primary residence and that the units will not be rented prior to the initial sale of the property to a homeowner. In the event the BSA breaches this Agreement and rents the property, the BSA will be subject to compliance with the Federal Uniform Relocation Act, be solely responsible for the cost to comply with those requirements, and be subject to termination of this Agreement.

T. COMPLIANCE WITH LAWS

1. Median Income Level: The BSA agrees that 100% of the units to be constructed will be purchased and occupied by low-income households. Low-income households are defined as those households whose income is less than 80% of the current area median income (AMI) for their particular family size.
2. Political Activities: None of the funds, materials, property or services provided directly or indirectly under this Agreement shall be used for any partisan political activities or to further the election or defeat of any candidate for public office.
3. Construction Contracts: The BSA agrees to deny participation in construction contracts by ineligible, debarred or suspended persons or entities at 24 CFR Part 24. The BSA will provide the City with the names of contractors and subcontractors prior to entering into contracts. The City, within five (5) working days, will provide the BSA a written notice if the contractors are ineligible.
4. Environmental Review: The BSA will carry out each activity in compliance with all federal laws and regulations described in 24 CFR, Part 92, subpart H, except that the BSA does not assume the City's responsibility for the environmental review which will be completed by the City prior to the beginning of construction.
5. Drug-Free Work Place: The BSA certifies that it will provide a drug-free work place.
6. Davis-Bacon Wage Rates: The Davis Bacon Act is triggered in projects with twelve (12) or more HOME assisted units. Because Kings Green Subdivision, Phase IV, only contains ten (10) units, the City will NOT monitor Davis-Bacon wage rates with this project.
7. Equal Opportunity Provisions: During the performance of this contract, the BSA agrees to not discriminate against any applicant, employee, contractor or subcontractor due to race, color, creed, sex, age, religion, marital or family status,

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Lease Agreement For Big Sky Imaginarium, LLC.

PRESENTED BY: Chris Mallow - Parking Supervisor

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The ground level of the Park 1 Garage has six tenants that lease retail/office space. This space, located at 2906 3rd Ave North, was previously occupied by New Day Inc. and has been vacant for two and a half years. The Council is being asked to approve a new lease agreement with Big Sky Imaginarium, LLC for five years with one five-year option to renew. The company will use this space as a daycare center.

ALTERNATIVES ANALYZED

Staff has analyzed the following alternatives:

- (1) approve lease with Big Sky Imaginarium, LLC.;
- (2) seek a different tenant; this is one of the larger lease spaces and it has been difficult to find a tenant that is willing to assume the entire area.
- (3) leave space vacant; vacant space detracts from the desirability of the remaining spaces and it has negative income because utility and other basic operating costs must be paid by the owner even when the space is vacant and not producing income.

FINANCIAL IMPACT

The revenues are projected in the FY 2013 budget. The leased space consists of 3,032 square feet. Revenue for the first year will be \$24,000 (3,032 square feet x \$7.92). An allowance of \$25,000 has been granted to the Tenant to reimburse it for improvements that must be made before occupancy. Tenant will have proper insurance in place before access to the space is allowed. Revenue for subsequent leased years will increase by 3% of the previous year's annual amount.

RECOMMENDATION

Staff recommends that the City Council approve the lease agreement with Big Sky Imaginarium, LLC.

APPROVED BY CITY ADMINISTRATOR

Attachments

Draft Lease

**PARK ONE
LEASE AGREEMENT**

THIS INDENTURE, made and entered into this ____ day of _____, 20____, by and between the **CITY OF BILLINGS, MONTANA**, hereinafter referred to as "Landlord" and Big Sky Imaginarium, LLC. , 2906 3rd Ave N, City of Billings, County of Yellowstone, Montana, hereinafter referred to as "Tenant."

That in consideration of the covenants hereinafter contained on the part of the Landlord and Tenant to be observed and performed, the parties hereby agree:

1. LEASE

The Landlord does hereby grant, demise and lease unto the Tenant, for and in consideration of the rents, covenants, and agreements hereinafter specified to be paid, kept and performed by the Tenant, premises at 2906 3rd Ave North consisting of 3032 square feet of integrated part of building known as "Park 1" located between 29th and 30th Streets on 3rd Ave North, in Billings, Montana. The exact location and size of premises are shown on Exhibit "A" which is attached and made a part of this agreement.

2. TERM, POSSESSION, AND RENEWAL

The term of this lease shall be for an initial five years, starting on June 1st, 2012, through May 31st, 2017. Landlord grants to Tenant the one (1) options to renew this lease for a further term of five (5) years commencing on June 1st, 2017, and ending May 31st, 2022, both inclusive, subject to the provisions of this lease. However, that written notice of the exercise of this option shall be given by Tenant to Landlord at least ninety (90) days before expiration of the original term of this lease and provided further, that this option may be exercised by Tenant only in event all rents have been fully paid and that all provisions of this lease on the part of the Tenant to be observed have been fully and faithfully observed. Written consent by the Landlord is required in order to exercise lease renewal option.

3. RENT

Rent for the first 12 months of this lease shall be \$24,000.00 (3032 square feet x \$7.92) payable in twelve (12) equal monthly installments of \$2,000.00, beginning June 1st, 2012.

Rent for the subsequent years, including for any renewal option years, beginning June 1st, 2013, shall be the current rent plus 3%. Rent for each year shall be paid in twelve (12) equal monthly installments.

All rents shall be paid in advance by the first day of each month.

4. INSURANCE

Tenant shall provide fire and hazard insurance for the protection of the premises and the contents and shall be liable for said protection. Provided, however, that in case said premises shall be damaged by fire or other casualty for some cause not related to tenant's business or operation so as to render the premises untenable, in which case the Landlord shall at its cost repair the same. During the period the premises remain untenable, the rent shall abate, and provided further, if such repairs cannot or are not completed within 120 days, Tenant may elect to terminate its interest in this lease and the premises by giving notice thereof to Landlord. Tenant shall not be required to provide plate glass window insurance coverage.

Tenant shall obtain and maintain at all times during the term hereof, with a responsible insurer, naming the Landlord as an additional insured, comprehensive general liability insurance against any loss or liability, personal injury or property damages, and any expenses of the parties against any claim, demands, payments, suits, actions, recoveries or judgments for damages which might result from the use, occupation or condition of the premises in the amount of **\$750,000** for each claim and **\$1.5 million** per occurrence. Tenant shall furnish a copy of such insurance policy and renewals thereof to the Landlord and such policy shall not be canceled without a 30-day written notice to the Landlord.

5. UTILITIES SERVICES

Tenant agrees, at their own expense to pay for all utilities used by the Tenant on the premises during the term of this lease.

6. IDEMNIFICATION OF LANDLORD BY TENANT

Tenant hereby agrees to indemnify and hold the Landlord harmless at all times from and against all actions, claims, demands and all costs, expenses and fees, including attorney's fees, incurred by the Landlord, arising from the use, occupancy or non-use of the premises by the Tenant, or arising from the failure of the Tenant to maintain the premises as required by this lease. Such indemnification shall include but not be limited to carelessness, negligence, improper conduct or breach of this lease by Tenant or its agents, employees, customers, suppliers or licensees.

7. ADVERTISING SIGNS

The Tenant shall be allowed to provide, at their own expense, such advertising displays on the exterior of the building as may be appurtenant to their business, provided however that such displays will be in accordance with the laws and regulations of the State of Montana and the City of Billings, Montana, and that such displays will not deface, damage or devalue the demised property during their use or after their removal,

reasonable wear and tear expected. All signs must be approved in writing by the Landlord prior to installation which approval shall not be unreasonably withheld.

8. IMPROVEMENTS BY TENANTS

All improvements, alterations, additions and all such work shall be done at Tenant's expense and shall, unless Landlord elects otherwise, become the property of the Landlord at the conclusion of the lease, and shall remain upon and be surrendered with said premises, as a part thereof, at the end of the term or renewal of this lease. No improvements, alterations or additions shall be made by Tenant without the written consent of Landlord, which consent shall not be unreasonably withheld.

9. FIXTURES AND PERSONAL PROPERTY

All trade fixtures, equipment, signs, cabinets, shelves, showcases, counters, mirrors and other moveable personal property, shall remain the property of the Tenant and may be removed by Tenant at any time during, or at the termination of this lease agreement, provided, however, that the same can be removed without serious injury to the leased premises.

10. ASSIGNING AND SUBLETTING

Tenant shall not assign this agreement or sublet the premises in whole or in part without first obtaining the concurrence in writing from Landlord which shall not be unreasonably withheld.

11. LANDLORD'S ACCESS TO INSPECT

Landlord or its agent, at all reasonable times during business hours, shall have free access to the demised premises, for the purpose of examining and inspecting the same and making any needed repairs or alterations thereon which Landlord may see fit to make. In such case Landlord will make every reasonable effort not to interfere with the Tenant's operation of business.

12. TENANT TO HAVE PEACEABLE POSSESSION

Landlord covenants that Tenant shall peaceably hold and enjoy the premises so long as they are in faithful compliance with the terms hereof and the covenants thereof.

13. TRASH AND RUBBISH

The Landlord shall at its expense provide an area for the collection of and pickup of all trash and rubbish. The tenant shall provide containers for the collection of said rubbish. Said area may be a common area within or outside the premises.

14. ATTORNEY FEES AND COSTS ON VIOLATION OF LEASE

In the event that either party shall be required to commence any action, retain an attorney, or use in-house council to enforce the covenants or agreements of this lease, the party whose failure to perform occasioned such action shall pay and discharge all reasonable costs, expenses, and attorney fees, including fees of in-house council, which shall be made or incurred by the other party.

15. DEFAULT AND RE-ENTRY

If the Tenant shall neglect or fail to perform or observe any of the covenants contained herein on their part to be observed and performed for thirty (30) days after notice by the Landlord of such breach, or if tenant shall be adjudicated bankrupt or insolvent, or shall make an assignment for the benefit of creditors, or permit any mechanics or materialman's liens to be filed against the demised premises for labor or material furnished, which Tenant does not in good faith defend against, then and in any of said cases the Landlord may lawfully enter into and upon said premises or any part thereof and repossess the same, and expel the Tenant and those claiming under and through them and remove their effects, forcibly if necessary, without being deemed guilty of any manner of trespass, without prejudice to any remedies which might otherwise be used for arrears of rent or breach of covenant, and upon entry of the aforesaid, this Lease shall terminate and wholly expire.

16. CONDUCT OF BUSINESS BY TENANT

Recognizing that it is in the interest of Tenant's successful operation of their business, Landlord shall allow Tenant at Tenant's election to be open for business daily, including Sundays and Holidays, and Landlord shall not interfere, by regulation or other imposition, with the hours or the days of business operation by the Tenant. The Tenant covenants and agrees that from and after its initial opening for business, it will operate and conduct within the premises the business which it has been licensed and permitted to operate or such other lawful business licensed and permitted by Landlord. More specifically, Tenant is authorized to conduct the business or businesses more fully described in Exhibit B and no other businesses or occupations without written consent from Landlord.

17. NOTICES

All notices to be given hereunder by either party hereto shall be in writing and given by personal service or by first class mailing by registered or certified mail, return receipt requested. Said method of notice is deemed sufficient service thereof, and shall be deemed given as to the date when served or deposited in any post office. Either party may change address by written notice by certified or registered mail to the other. The initial address for receipt of notices is as follows:

Big Sky Imaginarium, LLC.
Troy or Tabitha Frasca
2906 3rd Ave North
Billings, MT 59101

Parking Division Director
City of Billings
P.O. Box 1178
Billings, MT 59103

18. MUTUAL RELEASE FOR HAZARDS COVERED BY INSURANCE

The Landlord and Tenant and all parties claiming under them hereby mutually release and discharge each other from all claims and liabilities arising from or caused by any hazard covered by insurance on the leased property, or covered by insurance, in connection with the property on or activities conducted on the leased property, regardless of the cause of the damage or loss to the extent such waiver of subrogation can be reasonably obtained.

19. COMPLIANCE WITH ALL EXISTING CITY ORDINANCES AND POLICE, FIRE, AND SANITARY MEASURES

Tenant agrees to use and occupy the above described premises in accordance with all lawful police, fire and sanitary regulations imposed by a municipal, state or federal authority, or made by fire insurance underwriters as the basis for insurance for said Landlord's interest in said building, and will observe and obey the laws, City ordinances and other requirements governing the conduct of Tenant's business with respect to the use of said premises.

20. SMOKE FREE CITY-OWNED OR LEASED BUILDINGS

All buildings owned or leased by the City of Billings are designated as smoke free as provided in the Montana Clean Indoor Air Act, Montana Code Annotated sections 50-40-102 through 50-40-201 (2009) and Sec. 2-402 of the Billings, Montana, City Code. The Tenant shall comply with all requirements of these laws.

21. WAIVER

A waiver of any breach or default by either Landlord or Tenant shall not be a waiver of any other breach or default. Landlord or Tenant approval of any act by the other requiring consent or approval shall not be deemed to waive or render unnecessary Landlord or Tenant consent to or approval of any other subsequent similar act by Landlord or Tenant.

22. PREVENTION OR DELAY

Any prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefore, governmental restriction, governmental regulations or controls, judicial orders, enemy or hostile governmental action, civil commotion, fire or other casualty, and other causes beyond the reasonable control of either party obligated to perform, shall excuse the performance by such part of its obligation hereunder for a period equal to any such

prevention, delay or stoppage, provided that Tenant shall be excused from performance only if the premises are rendered untenable or the Tenant is unable to operate their business because of the delay or stoppage.

23. PARKING SPACES

Up to six (6) covered spaces at the regular monthly rate in the Park 1 Garage are available to Tenant and will be on a space reserved in the garage, rather than an individual reserved space, concept.

24. TAXES AND ASSESSMENTS

Tenant shall pay and discharge all taxes, assessments, penalties, charges, rates, or liens of any nature whatsoever, that may, during the term hereof or any renewal, be levied, assessed, charged, imposed, or claimed on or against the demised premises or any improvements or fixtures thereon or appurtenances thereto, or any part thereof, or against the owner or owners of such land or the improvements, by reason of such ownership or tenancy, by whatsoever authority levied, assessed, charged, imposed, claimed, and whether the same is on or against the property herein leased, its improvements, fixtures, or appurtenances, or any part thereof, or on or against the income from the property or its improvements.

25. BINDING EFFECTS

The Covenants and agreements herein contained shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Lease on this ____ day of _____, 20____.

CITY OF BILLINGS (LANDLORD)

BY: _____
IT'S (MAYOR)

ATTEST:

CITY CLERK

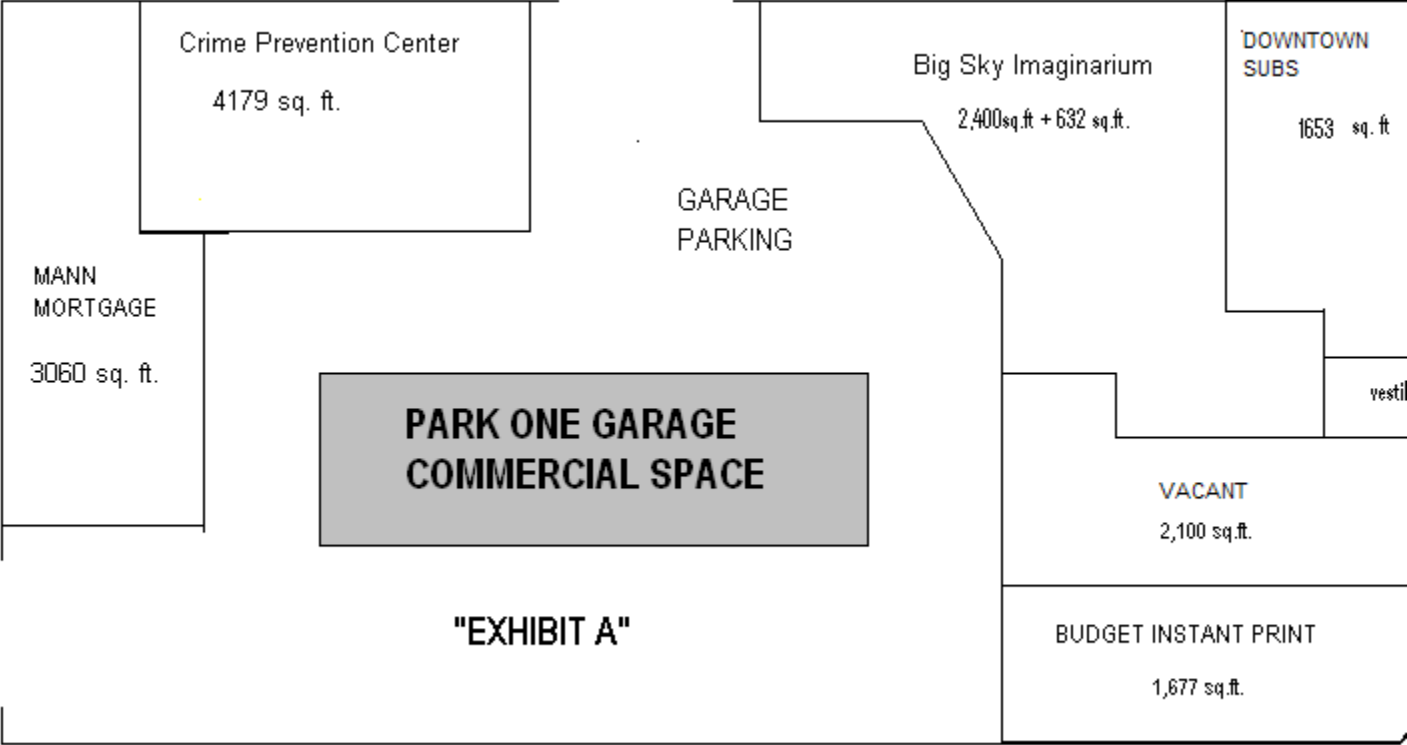
APPROVED AS TO FORM:

CITY ATTORNEY

Big Sky Imaginarium, LLC. (TENANT)

BY: _____

ITS _____



Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Parking Meter Elimination Trial Time Extension

PRESENTED BY: Bruce McCandless, Asst. City Administrator

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

In the fall, 2011, the Parking Advisory Board (PAB) recommended that the City Council approve allowing it to test whether removing parking meters from the downtown perimeter would have a positive impact on downtown parking. The theory was that free parking within easy walking distance of the downtown core would improve utilization of those parking spaces and might encourage downtown business employees and owners to use the free parking instead of abusing the more conveniently located metered parking. The PAB requested and the Council approved a six (6) month test, which expired March 31, 2012. Parking utilization was monitored during the test period and the results confirmed that the parking space usage increased, there was some evidence that parking meter abuse declined and there did not appear to be a negative impact on the City's parking garage occupancy. At its April 16 work session, the City Council heard the PAB's request for a three (3) month extension of the meter reduction trial so that parking during summer months could be tested and that areas that had meters restored during the initial test be signed and enforced as two (2) hour parking. Due to PAB and City Council meeting schedules, the test would begin on May 15 and run for three months from that date.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Parking Advisory Board request.
- Disapprove the request.
- Modify and approve the request.

FINANCIAL IMPACT

The test confirmed staff predictions that removing meters would produce a net loss for the Parking Fund. The net result of not collecting meter deposits or enforcement revenue and eliminating one meter enforcement position was a loss of \$15,000 for the trial period, or a predicted annual total of \$30,000.

RECOMMENDATION

The Parking Advisory Board recommends that the City Council approve a 3 month extension of the meter reduction trial period, beginning on May 15 and that the areas previously removed from the test area be signed and enforced for 2 hour parking.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Annexation #12-04: Acknowledge receipt of petition and set a public hearing date

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Dorn Lowe, LLC has submitted a petition to annex land to the City of Billings under 7-2-4600 MCA. The subject property is composed of one tract totaling about 13.39 acres and located at the west end of Bell Avenue. The property is west of Shiloh Road and North of Monad. The property is used for agricultural purposes at this time and does not have an address. The property owner is requesting annexation in order to obtain City services for development of the property for multi-family housing. The property is zoned Agricultural Open Space and the property owner has submitted a zone change application for Residential-Multi-Family to run concurrently with this annexation petition for Council consideration on May 29. The property is located within the five year annexation area of the City's Limits of Annexation Map. The property appears to meet some of the City's criteria in its Annexation Policy, although the proposal for high-density, multi-family development of the property appears to conflict with the Growth Policy, and City services delivery is still being analyzed by staff. A detailed review and analysis of the Annexation Policy criteria will be provided in the Council's public hearing memo. The City Council's policy is to consider annexations at two separate Council meetings. At the first meeting, the Council acknowledges receipt of a petition and sets a public hearing date. At the second meeting, the Council conducts the hearing and decides if it will annex the property.

ALTERNATIVES ANALYZED

MCA, Section 7-2-4600 allows owners of more than 50% of the property to petition the city for annexation. The only alternative that is consistent with City Council policy is to acknowledge receipt of the petition and set a public hearing date.

FINANCIAL IMPACT

City staff will analyze how City services may be provided to this property, determine the potential financial implications of property development, and make a recommendation on the annexation at the public hearing on May 29.

RECOMMENDATION

Staff recommends that the City Council acknowledge receipt of the annexation petition and schedule a public hearing for May 29, 2012 to consider annexing this property.

APPROVED BY CITY ADMINISTRATOR

Attachments

Annexation Petition

Exhibit A

Annexation Area Map from Petitioner

**PETITION
FOR ANNEXATION
TO THE CITY OF BILLINGS**

APR 2 2012
12-208

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 may 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 4th Floor of Parnly 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, and Finance Department. If no problems with the Petition have been noted by the departments, 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 |
|--------|------------|----------------|--|
| 4/2/02 | Rick Dorn | Rick Dorn | 2877 Overland Avenue Suite A, Billings, MT 59102 |
| | | | |
| | | | |
| | | | |
| | | | |

(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 |
|---|----------|----------------------------------|-----------------|-----------------------|---|--------------|
| Tract 1, Certificate of Survey No. 2828 | D00503 | Bell Avenue, west of Shiloh Road | Agricultural | Dorn Lowe LLC | 2877 Overland Avenue, Suite A, Billings, MT 59102 | 406/861-1002 |
| | | | | | | |
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ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: 4/2/12

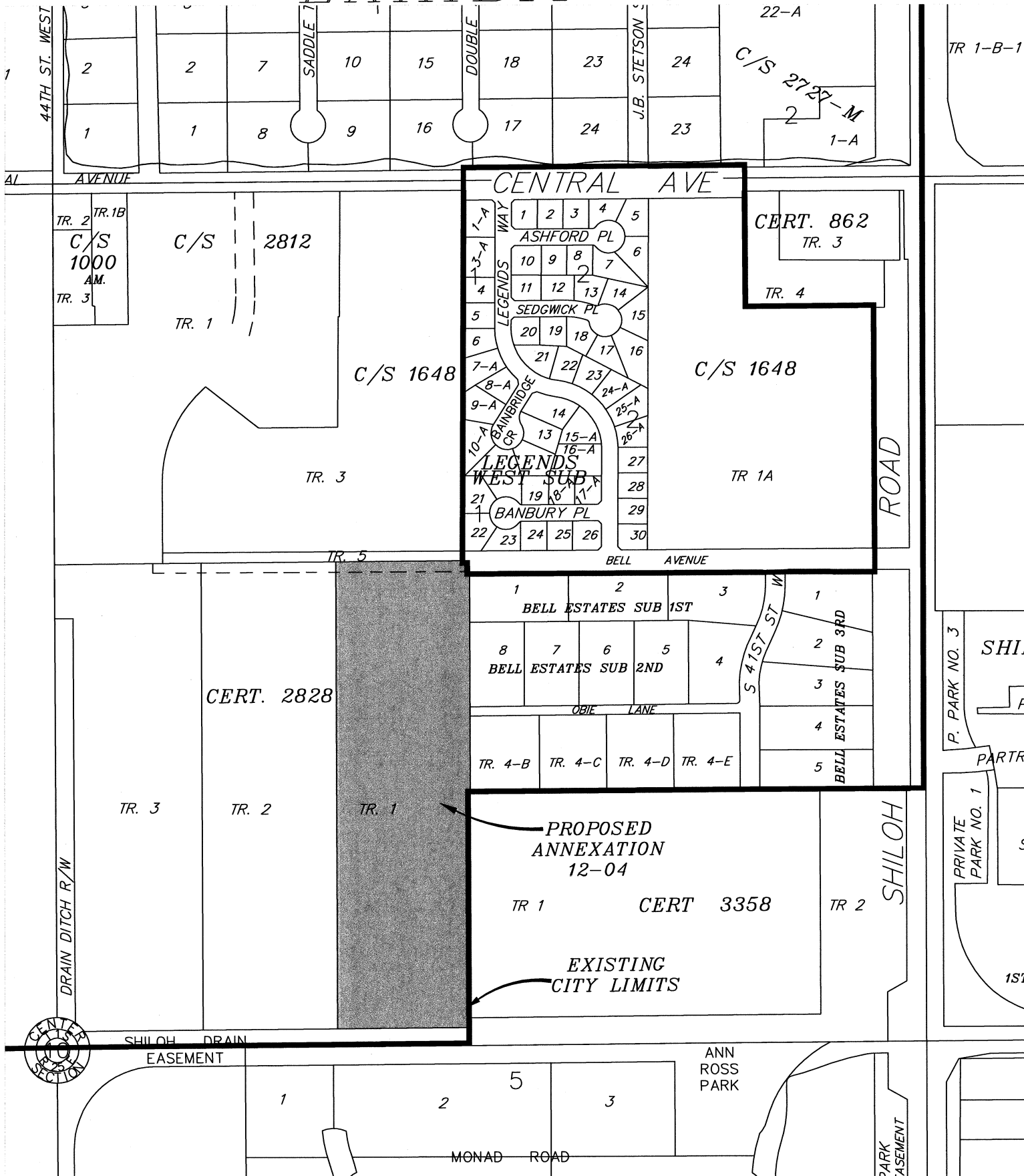
Received By: [Signature]

Petition Number: AN 12-04 (12-208)

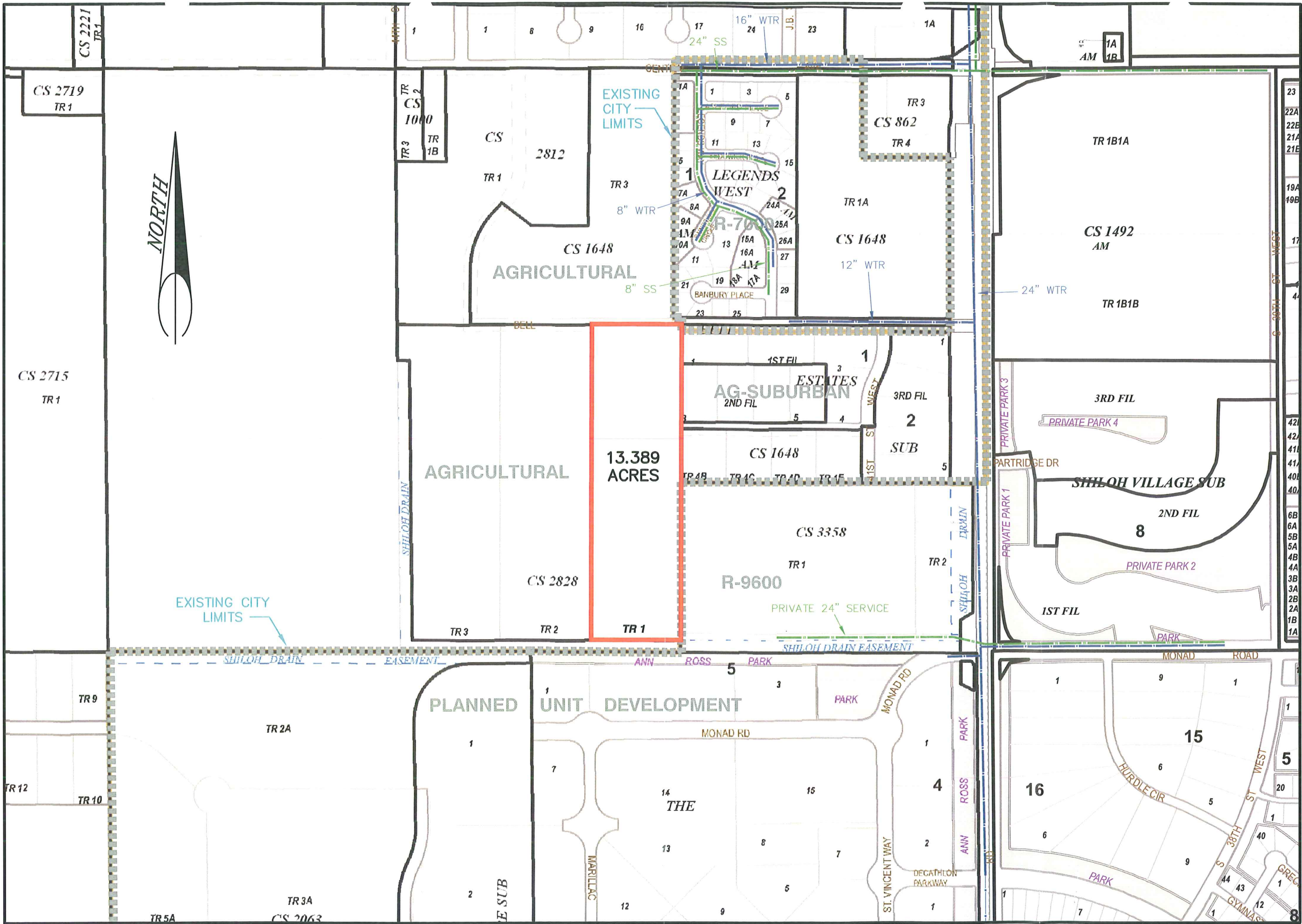
Fee Paid: 915⁰⁰ / 45⁰⁰ / 960⁰⁰

P:05117_Annex_Pet ¹⁹⁵⁴ ¹⁹⁵¹

EXHIBIT "A"



P:\PROJ_MGMT\12004_CS_2828_Tri1_Annexation_Zone_Change_PMA\CADD_C3D\BASE_DWG\12004 ANNEX EXHIBIT.dwg, 11x17, 4/2/2012 3:33:37 PM, mbertram, 1:1



13.389 ACRES

SANDERSON STEWART
www.sandersonstewart.com

TRACT 1 OF CERTIFICATE OF SURVEY No. 2828
SITUATED IN THE NE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

ANNEXATION EXHIBIT

| | |
|--------------------|---------------------|
| C.A.D. | MDB |
| DATE: | 4/02/12 |
| REVISIONS: | |
| APPROVED BY: | |
| QUALITY ASSURANCE: | |
| SCALE: | 1"=400' |
| FILE: | 12004 ANNEX EXHIBIT |
| PROJECT NO.: | 12004 |
| SHEET | 1 OF 1 |

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Acceptance of Anonymous Donation to the Human Relations Commission

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Human Relations Commission, through the Human Resources Department, is requesting that the City Council accept a \$500 donation from an anonymous donor. The money will be used to help cover costs for brochures, flyers, printing, participation fees for information fairs, table favors and fundraising materials/food.

ALTERNATIVES ANALYZED

The City Council may:

- Accept the \$500 donation from the anonymous donor; or
- Do not accept the \$500 donation, limiting the Human Relations Commission's ability to participate in informational events.

FINANCIAL IMPACT

The donation of \$500 will be put into a Human Resources revenue line item and a separate expenditure line item will be used for expenditures.

RECOMMENDATION

Staff recommends that the City Council accept the \$500 anonymous donation for the Human Relations Commission to help cover costs for brochures, flyers, printing, participation fees for information fairs, table favors and fundraising materials/food.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Approval of State Highway Traffic Safety Grant Award

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The State of Montana, State Highway Traffic Safety Division, has awarded the City a \$10,000 grant for deterrence of violations such as drunk driving, speeding, lack or misuse of safety restraints, and others. The grant will fund overtime for the officers involved in these traffic details. Staff is asking that Council approve and accept this grant and authorize the Mayor to sign the Standard Agreement (on file at the City Clerk's Office).

ALTERNATIVES ANALYZED

The City Council may:

- Accept the grant and approve the Standard Agreement for traffic enforcement funding; or
- Not accept the grant or approve the Standard Agreement for traffic enforcement funding and sacrifice valuable traffic enforcement details due to funding constraints.

FINANCIAL IMPACT

There is no City match required for this grant. The grant pays overtime costs or officers that are already assigned to traffic enforcement duty.

RECOMMENDATION

Staff recommends City Council approve and accept the State Highway Traffic Safety Billings STEP (Selective Traffic Enforcement Program) overtime grant in the amount of \$10,000, and authorize the Mayor to sign the Standard Agreement.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Submittal of Application and Acceptance of 2012 Internet Crimes Against Children (ICAC) Continuation Grant in the amount of \$230,650

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The City was notified that it is eligible for an Internet Crimes Against Children (ICAC) continuation grant for 2012 in the amount of \$230,650. This will be sixth year that the City could receive the grant. This grant financially supports the Billings Police Department and fourteen affiliated agencies in the education, investigation, and prosecution of on-line child exploitation and pornography cases. This grant is for a twelve (12) month period (July 1, 2012, through June 30, 2013) and will provide money for the salary and benefits of the program manager, overtime for the Montana affiliate task force officers, training, equipment, and supplies. The application must be completed, on line, by April 30, 2012. City Council is being asked to approve the submittal of the continuation grant application and acceptance of the grant award in the amount of \$230,650, and when the award documents are received, to authorize the Mayor to sign.

ALTERNATIVES ANALYZED

The City Council may:

- Approve application submittal and finalization of 2012 ICAC Continuation Grant; or
- Do not approve application submittal and finalization of 2012 ICAC Continuation Grant, which would result in less resources to investigate internet based child exploitation and pornography cases.

FINANCIAL IMPACT

One officer is assigned to the grant to investigate internet based child exploitation and pornography cases. This position is already budgeted in the Detectives Division however, overtime and operational costs related to on-going investigations will be reimbursed by the grant. There will be City dollars spent, but these expenditures will be reimbursed through quarterly draws.

RECOMMENDATION

Staff recommends that City Council approve the submittal of the 2012 ICAC Continuation Grant application and acceptance of the grant award in the amount of \$230,650, and when the award documents are received, to authorize the Mayor to sign.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Request to Accept Smart Growth Implementation Assistance Award

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

On March 22, 2010, the City Council approved a Letter of Interest to the US Environmental Protection Agency (EPA) requesting technical assistance to develop a collaborative planning process for siting school facilities. The City was not awarded the assistance at that time. Another round of technical assistance was announced by EPA in October, 2011, entitled the Smart Growth Implementation Assistance (SGIA) program. Staff revised the earlier Letter of Interest and obtained several letters of support from local agencies including Big Sky Economic Development, MET Transit, Riverstone Health, Billings Public Schools, Housing Authority of Billings, Montana Parent Teacher Association and the Chamber of Commerce. Senators Tester and Baucus also provided letters of support. Because this Letter of Interest was similar in scope to the original letter approved by the Council in 2010, staff did not request further approval from Council but did obtain the Mayor's signature. The Letter was submitted on October 28, 2011 to the EPA. Candi Beaudry, Planning and Community Services Department Director, and Kathy Aragon, School District 2 Trustee, were notified by email, on February 7, 2012 that the City had been awarded the technical assistance. Staff was instructed to not reveal the news until the EPA had arranged a media event to announce the award. The EPA allowed City staff to publicly announce the award and the planned media event on Friday, March 30. On April 2, 2012, Candi Beaudry and Kathy Aragon, joined by Jim Martin, EPA Region 8 Administrator and approximately 20 people representing the supporting agencies and the Montana congressional delegation, led a "walking school bus" from the school crossing at Poly Drive and 11th Street West to Highland Elementary School. At the school, the group examined the recently installed "boltage meter" which monitors the walk-to-school progress of the students and listened to the EPA Administrator announce the award of the Smart Growth Implementation Assistance to the City of Billings.

ALTERNATIVES ANALYZED

Staff is requesting City Council accept the award of the Smart Growth Implementation Assistance. The Council may choose to either accept or reject the award.

FINANCIAL IMPACT

The SGIA program is not a grant and there is no direct financial aid. Instead, the EPA will provide technical assistance to the City to help develop a framework for collaborative planning between the City and School District #2. The planning tools will emphasize school facility planning, but can also be used to coordinate other activities between the City and the Billings Public Schools. The process will be led by a team of qualified consultants selected by EPA and guided by a local committee of six citizens; three appointed by the Mayor and City Council and 3 appointed by the School District Superintendent. The committee will help define the scope and outcome of the project.

RECOMMENDATION

Staff recommends that the City Council accept the Smart Growth Implementation Assistance awarded to the City of Billings by the US EPA to develop a collaborative planning process between the City and Billings Public Schools.

APPROVED BY CITY ADMINISTRATOR

Attachments

SGIA Letter of Interest



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 657-8296
FAX (406) 657-8390

To: US Environmental Protection Agency
From: City of Billings, Montana
Subject: EPA Smart Growth Implementation Assistance Program – Letter of Interest
Date: October, 2011

1. **Project Contacts:** Candi Beaudry, City of Billings with support from School District 2 (SD2) city/county liaison committee (and including support from Big Sky EDA, Housing Authority of Billings, Riverstone Health, Montana Parent Teacher Association Billings, MT Safe Routes to School Network, Met Transit)
Name: Candi Beaudry
Title: Planning Director
Phone: 406 657-8249
Email: BeaudryC@ci.billings.mt.us
Address: 210 North 27th Street, Billings, MT 59101

2. Description of Smart Growth Challenge

School District 2 (SD2), Big Sky Economic Development Authority and the City of Billings request assistance to develop a collaborative school planning process/model to address the growth challenges the community faces. We strive to maximize sustainability through a planning model that includes weaves city, school and community plans. The City supports local diversification of jobs and tax base with mixed-use, compact development and varied housing, transportation and education options. The schools and school neighborhoods recognize the importance of working together to achieve both school and neighborhood vitality. As infill and workforce housing is developed and school-aged population shifts, the community faces the challenge of updating school boundaries and requesting taxpayer support to either repair existing or build new facilities. A collaborative planning model between city and schools with input from all stakeholders using a robust process that includes economic development, housing, public transportation, health, and land use conservation agencies and the community, will better inform decision makers on long term costs and benefits to community.

Although Billings' overall population increased from 67,000 to over 106,000 over the past 40 years, Billings' student population has remained relatively flat at under 16,000 students.

The City of Billings land area has increased at a greater rate than population resulting in fewer people per square mile compared to 1970. The only student population that has grown is the homeless population, (enrolled students who lack fixed, regular and adequate nighttime residence) which has increased from 100 in 2002 to nearly 500 children in 2011. Demands for affordable housing also continue to grow and outpace supply.

SD2 has opened, closed, enlarged and consolidated schools to adjust to changing patterns of growth and demographics. Several schools have been closed in the center of the city where there are plans for infill and workforce family housing. Infill capacity within the current city limits of annexation is estimated at 20+ years. Student population density remains low (i.e. 40 0-5 aged population per square mile vs. 300+ 0-5 aged per square mile in the city center). When the city annexed large areas of land, population density decreased affecting both general population and school-aged population. Most recently annexed land does not have infrastructure for walking and bicycling, access to transit, or access to affordable housing options. SD2 has an estimated \$120 million in deferred maintenance on its buildings, some of which are more than 100 years old. SD2 faces important decisions regarding the future of its facilities. The District is currently going through a strategic planning process with intentions to complete a student reboundary and develop recommendations regarding school configuration (K-6, K-5, K-8 etc) and size. The community and School District have had a long-term commitment to the elementary “neighborhood school” model but have gradually been moving away from the traditional model with consolidations, enlargements and closures. The community and School District would like to maintain the neighborhood school model to the extent possible. Several elementary schools remain “neighborhood” because they do not utilize bussing, and the surrounding neighborhoods include affordable, multifamily options for housing. Neighborhood schools also rely on a minimum housing unit density within 1- 1½-miles that can fill the school to capacity. Successful application of the neighborhood school model will help reverse the negative findings reported in the National Trust for Historic Preservation, “Helping Johnny Walk to School” regarding the Billings Public Schools. The City of Billings has completed a district wide elementary school infrastructure study through a Safe Routes to School Program Grant with the intent of improving the safety of children who are walking and bicycling to and from school.

This community will be faced with difficult decisions in the future to build, close, re-open, refurbish/remodel existing schools to serve generations to come. It is important to develop a careful strategy through collaborative planning to identify the most sustainable course of action for both the School District and the City. The School District and City would like to use the most up-to-date tools for collaborative planning between schools, city, housing, and transportation.

School facility planning utilizing a collaborative planning process between the City and Schools may help avoid any unintended negative consequences for the community. School facility planning, incorporating principles of livability, could examine the current location of schools in relation to our student population trends and City growth management plans. Given the School District’s budget shortfalls, a robust process of community input is needed for success. In order to refurbish, replace or build new, the School District needs to run successful bond levies.

3. Role of EPA-led Sustainable Communities Partnership Team

This project will develop a model for collaborative planning between City and SD2 that includes incorporating revitalization and infill plans, housing and transit plans to ensure a more viable, sustainable school-planning model for the future. It is our hope that the implementation team will analyze existing and updated demographic data regarding student enrollment, school and infrastructure location, and student population trends and work with the community to develop a sustainable community vision for schools that considers

the complexity of serving a relatively flat population of school children (with increasing numbers of students who are homeless), within an aging, geographically expanding community. SD2 is currently taking steps to develop a district wide capital improvement plan. Long-term effects of school size and location decisions on education, health, transportation, equity and the environment are rarely considered. Structural changes in schools are often related to capturing an immediate cost savings through closure or consolidation. This current model of short-term planning includes siting schools in newly developing locations where land is readily available or cost is least, with little consideration of housing unit density, affordability, transportation access/costs, or population demographics. Consequently, school land was acquired and developed on the fringes of the city and has contributed to low density, automobile-dependent, and high cost development. As an example of the disconnect between City and School District planning, SD2 has closed several schools in the city center, where the current plans for the East Billings Renewal District (EBURD) will bring workforce housing and infill projects to revitalize the area.

With the assistance of the SGIA team, we will develop a school-planning model that reflects the principles of smart growth and sustainability. Such a school-planning model includes a vision for schools as part of the local diversification of jobs and tax base with mixed-use compact development and varied housing types and services. The SGIA team will work to develop stakeholder and community consensus. We will identify barriers to infill development and any policies associated with school or city governance that may act as a barrier to integrated planning and sustainable growth. The model will address school development, school closure or school consolidation impacts on land use, transportation, environment and health. This project will help the community integrate planning for schools and community with a focus on equitable housing, schools, transportation and existing communities. It is our hope that the SGIA's technical assistance will help us better understand the challenges we face and involve the community in developing viable, sustainable, and actionable solutions for the future.

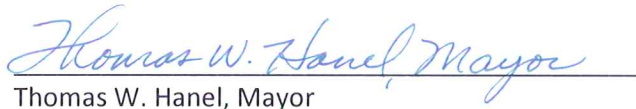
4. Potential Impact of the Project

Because of renewed national interest in walking and bicycling to school for its transportation, health, educational, and environmental benefits this model could be replicated in communities throughout the state as well as the nation. Billings is the largest city in Montana, however other cities and towns share similar concerns. The height of student enrollment in the state was in the mid 1990s with a plateau in enrollment for many districts, while others have experienced a steady decline. Cities, counties and school districts across the state are facing difficult financial and infrastructural decisions. Billings can be a leader in such future planning with successful interventions to be replicated to scale in some of our smaller communities. Professionals from all entities including urban planning, schools, transportation, health, housing, education and environment may have an interest in learning from this project.

5. Political and Public Support

The School District has invested in a city-county liaison with the deliberate intention of formalizing a model collaborative communication policy. City Council, the Mayor, School

Board, local public health, and citizen advocates for healthy community planning recognize the importance of collaborative planning and livability principles. The Billings community also supports the neighborhood planning and neighborhood elementary school concept. The Healthy Places community coalition, which includes membership from RiverStone Health, Billings Clinic and St. Vincent Healthcare, Billings Chamber of Commerce, Montana State University-Billings and others, is focusing efforts on creating safe and healthy neighborhoods to live, work and play. Results from a Yellowstone County Health Assessment that was completed in the fall of 2010 (funded by RiverStone Health, Billings Clinic and St. Vincent Healthcare) combined with the use of Health Impact Assessments (HIA), will continue to provide a framework for implementing smart growth principles. However, continued education, SGIA tools and implementation assistance as well as a robust community process are needed to convert stated support for livability principles into an applied model for collaborative planning.

A handwritten signature in blue ink that reads "Thomas W. Hanel, Mayor". The signature is written in a cursive style and is positioned above a horizontal line.

Thomas W. Hanel, Mayor

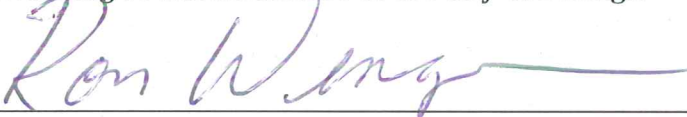
Abby Hall
US Environmental Protection Agency

This letter is written in support of the SGIA proposal from the City of Billings with support from School District 2 and multiple community partners including the Big Sky Economic Development Association, Housing Authority of Billings, Billings Met Transit, Riverstone Health and Montana Parent Teacher Association (PTA).

We are in full support of the proposal requesting assistance of the EPA-led Sustainable Communities Partnership Team for the development of a collaborative school-city planning model. We support the concept of the SGIA team helping facilitate stakeholder and community consensus through education using public participatory processes including alternative analysis and build-out analysis, or tools and assistance tailored to the specific needs of the Billings community and schools.

Most communities in Montana have experienced a similar plateau or decline in student enrollment and sprawl development that has children and community spread over much less densely populated land areas. A model for collaborative planning and community participation will benefit not only Billings but also many communities across the state that face identical concerns. Collaboration between schools, city, housing, transit and health using smart growth principles will encourage growth that fosters economic development, protects valuable resources, and improves health, transportation and education options.

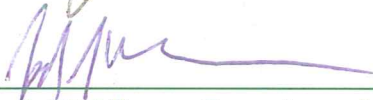
We are extremely grateful for this funding opportunity and strongly recommend the awarding of this assistance to the City of Billings.



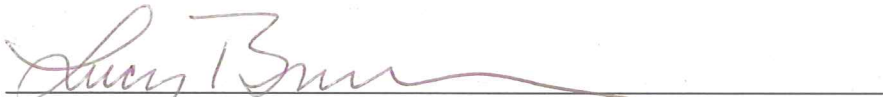
Ron Wenger, Transit Manager, Met Transit



John Felton, President/CEO and Health Officer, Riverstone Health



Josh Middleton, Superintendent, Billings Public Schools/School District 2



Lucy Brown, Executive Director, Housing Authority of Billings



Kathleen Aragon, MT Parent Teacher Association, MT Safe Routes To School Network Director



John Brewer, President/CEO, Billings Chamber of Commerce



EDA · EDC CREATING MONTANA BUSINESS OPPORTUNITIES

Ms. Abby Hall
U.S. Environmental Protection Agency
Smart Growth Implementation Assistance Program
hall.abby@epa.gov

October 26, 2011

Dear Ms. Hall,

Big Sky Economic Development Authority is pleased to express its full support of the SGIA proposal from the City of Billings in collaboration with School District 2. The project aligns school planning and the East Billings Urban Renewal District (EBURD) Master Plan Guiding Principles as outlined below (see also www.eburd.com).

EBURD Master Plan Guiding Principles

- **Economic Growth:** Foster economic growth in the District & surrounding region.
- **Centers:** Foster distinct mixed use, industrial, and hospitality centers with a strong sense of place and character.
- **Affordable Housing:** Create affordable housing opportunities and choices for the Billings workforce, seniors, families, and students.
- **Industrial Uses:** Ensure existing industrial uses can continue to operate as desired.
- **Trees & Open Space:** Improve the natural beauty of the District by reintroducing trees and environmental features.
- **River Connections:** Extend nonmotorized connections from the Billings Core to MetraPark, the Yellowstone River, and the Heights.
- **Edges:** Integrate the edges of the District with the North Park Neighborhood, the Downtown Core, the Medical Corridor, and the University.
- **Transportation:** Provide a variety of transportation connections and choices throughout the District and surrounding areas.
- **Infrastructure:** Complete the sewer and stormwater infrastructure and encourage methods for treating stormwater on site.
- **Environmental Risks:** Understand and reduce historic environmental risks, while encouraging future high environmental quality in air, water, and soil.
- **Environmental Consciousness:** Encourage environmental consciousness, green development, clean technology, and healthy living.
- **Collaboration:** Encourage community and stakeholder collaboration.
- **Predictable Choice:** Make development decisions predictable, fair, and cost effective.

The SGIA team will collaborate with the HUD-DOT-EPA Billings Sustainable Communities Partnership group to develop the model. The Partnership is comprised of more than 20 local transportation, housing, economic development, school, and other community stakeholders. The Partnership evolved from conversations among local transportation planners and HUD-DOT-EPA Region VIII representatives about the greater notion of sustainable development in the East Billings Urban Renewal District. The Partnership has been meeting consistently for more than a year and has been successful in collapsing silos among local planning organizations, compiling and sharing information, and vetting sustainable projects.

Big Sky Economic Development currently manages an EPA Brownfields Assessment Program grant and has assessed 23 parcels in the District. Recently, Big Sky Economic Development Authority applied for HUD-DOT-EPA Community Challenge Planning Grant funding on behalf of the Partnership. These funds, if awarded, will be used to create a Sustainable Communities Fund to seed sustainable development projects in the East Billings Urban Renewal District. This could be a viable source of funding with which to implement the collaborative planning model.

We are extremely grateful for this Smart Growth Implementation Assistance opportunity, and strongly recommend the awarding of this grant to the City of Billings.

Sincerely,

A blue ink signature of Steve Arveschoug, written in a cursive style.

Steve Arveschoug, Executive Director

A blue ink signature of Patty Nordlund, written in a cursive style.

Patty Nordlund, Community Development Manager

GRANITE TOWER
222 NORTH 32ND ST. SUITE 200
BILLINGS, MT 59101-1948

P 406.256.6871
F 406.256.6877

BIGSKYEDA-EDC.ORG

United States Senate
WASHINGTON, DC 20510-2602

October 27, 2011

Abby Hall
Office of Sustainable Communities
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Ms. Hall -

I am pleased to provide this letter of support for the City of Billings as they apply for the Environmental Protection Agencies' Smart Growth Implementation Assistance Program.

The City of Billings along with School District 2, Big Sky Economic Development, Billings Housing Authority, Riverstone Health and Billings Met Transit have formed a partnership to address the needs of a declined student enrollment and the growth challenges the community faces. This partnership strives to maximize sustainability through a planning model that includes local diversification of jobs and tax base with mixed-use, compact development and varied housing options that include access to schools by walking, biking or transit with consideration of all users regarding age or ability.

If selected, the EPA-led Sustainable Communities Partnership Team can analyze the existing and updated demographic data regarding student enrollment, school and infrastructure location and student population trends and work with the community to develop a sustainable community vision to fit the population needs. Collaboration between schools, city, housing, transit and health, is key to encourage economic growth. This model can be used and an example to other communities facing the same issues.

Again, this project carries with it my full support and I hope you will consider their application favorably. Please feel free to contact my office if I provide any additional information about my support of the City of Billings or its proposed project. I would also greatly appreciate if you kept my office informed about the status of this request.

Sincerely,



JON TESTER
MONTANA

COMMITTEES

APPROPRIATIONS
BANKING
INDIAN AFFAIRS
VETERANS' AFFAIRS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

United States Senate

SENATE HART BUILDING
SUITE 724
WASHINGTON, DC 20510
202-224-2644

MONTANA TOLL FREE NUMBER
1-866-554-4403

INTERNET:
<http://tester.senate.gov/contact>

October 27, 2011

Abbey Hall
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460-0001

Dear Ms. Hall,


It is with pleasure that I write in support of the Smart Growth Implementation Assistance (SGIA) proposal from the City of Billings. This application includes support from School District 2 and multiple community partners including the Big Sky Economic Development Association, Housing Authority of Billings, Billings Met Transit, RiverStone Health and the Montana Parent Teacher Association (PTA).

I support the concept of the SGIA team helping facilitate stakeholder and community consensus through education using public participatory processes, including alternative analysis and build-out analysis, or tools and assistance tailored to the specific needs of the Billings community and schools.

Most communities in Montana have experienced a similar plateau or decline in student enrollment and sprawl development that has children and community spread over much less densely populated land areas. A model for collaborative planning and community participation will benefit not only Billings but also many communities across the state that face identical concerns. Collaboration between schools, city, housing, transit and health using smart growth principles will encourage growth that fosters economic development, protects valuable resources, and improves health, transportation and education options by working together in future planning.

Thank you for your attention to this application. Please do not hesitate to contact me if I can provide any additional information.

Sincerely,



Jon Tester
United States Senator

BOZEMAN
(406) 586-4450

BUTTE
(406) 723-3277

GLENDIVE
(406) 365-2391

GREAT FALLS
(406) 452-9585

HELENA
(406) 449-5401

KALISPELL
(406) 257-3360

BILLINGS
(406) 252-0550

MISSOULA
(406) 728-3003

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Resolution Creating an Ad Hoc Collaborative School Planning Committee

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City Council is scheduled to accept an U.S. Environmental Protection Agency technical assistance award on May 14 to develop a model city-school collaborative planning process that addresses growth in School District #2 while trying to maximize the sustainability of existing neighborhoods.

Appointing a 6-member citizens' committee to undertake the process was discussed at a joint City Council/School District #2 Board of Trustees meeting on April 12, 2012. Three members each would be appointed by the Billings City Council and the School District #2 Superintendent. The City Council's appointees would constitute an ad-hoc committee. Council ad-hoc committees traditionally are created by a resolution that defines the committee's task and term of operation. Such a resolution is attached.

Applications for citizens' committee are due May 18 to the Mayor's Office and the School District #2 Superintendent's Office. If the ad-hoc committee is approved, the nominations may be made for the May 29 meeting.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the resolution creating an ad hoc committee; or
- Postpone consideration of creation of such a committee; or
- Deny creation of an ad hoc committee and find another way to conduct the study.

FINANCIAL IMPACT

The collaborative planning effort will receive up to \$75,000 from EPA to plan and build infrastructure. No dollar match is required. Volunteer committee members and City and school district representatives will provide time to the project.

RECOMMENDATION

Staff recommends approval of the resolution creating an ad hoc committee for collaborative City-School District #2 planning.

APPROVED BY CITY ADMINISTRATOR

Attachments

EPA Ad Hoc Committee

Resolution No. _____

**A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE
TO CREATE A MODEL CITY-SCHOOL COLLABORATIVE
INFRASTRUCTURE PLANNING PROCESS**

WHEREAS, the United States Environmental Protection Agency (EPA) has given the City of Billings and School District #2 one of five collaborative infrastructure planning awards to be granted nationally; and

WHEREAS, the Billings City Council and School District #2 Board of Trustees have agreed to create a 6-member citizen committee to develop a model city-school collaborative planning process, with each body appointing three of the members; and

WHEREAS, the City of Billings Code of Ordinances provides for an ad hoc Council committee to be created by a resolution outlining the committee's membership, duties and term of service.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, DOES HEREBY RESOLVE to appoint 3 members of the ad hoc committee to represent as many segments of the community as possible; and

FURTHER, charges the ad hoc committee with the responsibility of using EPA, City and School District #2 resources to help line up school planning with efforts to revitalize the community, create affordable housing and draw up school transportation plans; and

FURTHER, the City Council asks the committee to complete its work and report to the Council and School District #2 Board of Trustees by December 31, 2013.

APPROVED, this 14 day of May, 2012.

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Resolution Amending the Boundaries of Light Districts 281 and 307

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

With construction of the Shiloh Road Project, street lighting was installed along the Shiloh Road corridor (Light District 307.) When street lights were installed near the intersection of Shiloh Road and Grand Avenue (Light District 281), the existing street lights and power services at the intersection of Shiloh and Grand and those street lights and power service along Grand west of Shiloh were connected to Light District 307. This was done in order to prevent Light District 281 from being bisected by Light District 307, leaving remnants of existing District 281 both east and west of Shiloh. When the services were reconfigured, it affected the assessments of properties within Light District 281. This resolution is to remove certain properties from Light District 281 and place them in Light District 307 to reflect post construction conditions and ensure assessments to properties along Grand Avenue are correct.

ALTERNATIVES ANALYZED

The Council may:

- Approve this resolution thereby amending the boundaries of Light Districts 281 and 307 in order to accurately assess the properties affected by the Shiloh Road project; or,
- Do not approve this resolution nor amend the boundaries of Light Districts 281 and 307. Not approving this resolution will result in the affected properties receiving an incorrect light district assessment.

FINANCIAL IMPACT

There is no financial impact to the City of Billings associated with this resolution. Assessments to the remaining properties within District 281 will decrease. Assessments to those properties which will be added to District 307 will increase slightly; however, increases will be under three percent as allowed for in State law.

RECOMMENDATION

Staff recommends Council approve amending the boundaries of Light Districts 281 and 307 as described in the resolution.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Amending Boundaries

RESOLUTION NO. _____

A RESOLUTION AMENDING THE BOUNDARIES OF
SPECIAL IMPROVEMENT LIGHTING
MAINTENANCE DISTRICT NO. 281 AND NO. 307

WHEREAS, the City of Billings, Montana, on the 10th day of August, 2009, duly created Special Improvement Lighting Maintenance District No. 307; and

WHEREAS, the City of Billings, Montana, on the 13th day of September, 2004, duly created Special Improvement Lighting Maintenance District No. 281; and

WHEREAS, the boundaries of the Districts need to be modified after completion of the Shiloh Road project to reflect the modified street light circuitry; and

WHEREAS, pursuant to MCA 7-12-4335, the City Council may, by resolution, change the boundaries of any lighting district;

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

That the boundaries of Special Improvement Lighting Maintenance District No. 281 are hereby amended to remove the following properties from District 281:

- Lot 4A of Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28517).
- Lot 5A-1, Amended Plat of Lot 5A or Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28518).
- Lot 1A of Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28514).
- Lot 2A of Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28515).
- Lot 1A of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26424).
- Lot 1B of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26424A).
- Lot 1C-1 of Amended Plat of Lot 1C of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26424B).
- Lot 2A of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26425).
- Lot 5, Block 1, Circle Fifty Subdivision, (Tax Code A26434). Lot 6A of Amended Plat of Lot 6, Block 2, Circle Fifty Subdivision, (Tax Code A26434) shall remain in District 281.

And, that the boundaries of Special Improvement Lighting Maintenance District No. 307 are hereby amended to add the following properties and amended assessed property lengths to District 307:

- Lot 4A of Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28517), at an assessed length of 216.50 lineal feet along Grand Avenue.

- Lot 5A-1, Amended Plat of Lot 5A or Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28518), at an assessed length of 189.44 lineal feet along Grand Avenue.
- Lot 1A of Amended Lot 1, Block 1, Goodman Subdivision, 2nd Filing, (Tax Code A28514), at an assessed length of 274.27 lineal feet along Grand Avenue.
- Lot 1A of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26424), at an assessed length of 258.30 lineal feet along Grand Avenue.
- Lot 1B of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26424A), at an assessed length of 140.00 lineal feet along Grand Avenue.
- Lot 2A of Amended Lots 1 and 2, Block 1, Circle Fifty Subdivision, (Tax Code A26425), at an assessed length of 244.61 lineal feet along Grand Avenue.
- Lot 5, Block 1, Circle Fifty Subdivision, (Tax Code A26434), at an assessed length of 247.87 lineal feet along Grand Avenue.

PASSED by the City Council of the City of Billings, Montana and approved this _____ day of _____, 2012.

CITY OF BILLINGS

BY: _____
Mayor

ATTEST:

City Clerk

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Resolution Authorizing the Issuance and Sale of General Obligations Library Bonds

PRESENTED BY: Patrick M. Weber

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

On November 8, 2011, the voters authorized the City to issue and sell general obligation bonds for the purpose of paying the costs of constructing and equipping a new library building.

The City has been working with DA Davidson on selling the bonds. DA Davidson is the lead underwriter at 70% of the bond amount with Piper Jaffray as the underwriter of 30% of the bond amount. This resolution authorizes a private negotiated sale and outlines the terms and the pricing of the bonds.

After the Council approves the resolution, a bond purchase agreement will be executed.

ALTERNATIVES ANALYZED

Council may:

- Approve the resolution
- Not approve the resolution

FINANCIAL IMPACT

The debt service payments will be assessed to property owners starting November 2012.

RECOMMENDATION

Staff recommends that the City Council approve the attached resolution authorizing the issuance and sale of the Library general obligation bonds.

APPROVED BY CITY ADMINISTRATOR

Attachments

Library bond sale

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 UP TO \$16,300,000 GENERAL OBLIGATION LIBRARY BONDS, SERIES 2012; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE THEREOF AND THE SECURITY THEREFOR" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on May 14, 2012, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 14th day of May, 2012.

City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO UP TO \$16,300,000 GENERAL
OBLIGATION LIBRARY BONDS, SERIES 2012;
AUTHORIZING THE ISSUANCE AND PRIVATE
NEGOTIATED SALE THEREOF AND THE SECURITY
THEREFOR

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

Section 1. Recitals. The electors of the City at an election duly called, noticed and held on November 8, 2011, at which 31,406 of the 49,526 registered electors voted (63.41% of the registered electors voted), by a vote of 17,181 in favor and 13,023 opposed (56.88% of the votes cast were in favor), authorized this Council to issue and sell \$16,300,000 principal amount of general obligation bonds of the City for the purpose of paying the costs of designing, constructing and equipping a new library building in replacement of the Billings Parnly Library and related improvements (the "Project") and costs associated with the sale and issuance of the bonds. The City has determined that it is necessary and desirable and in the best interests of the City to issue general obligation bonds in an aggregate principal amount not to exceed \$16,300,000 (the "Series 2012 Bonds") to fund the Project. The indebtedness to be evidenced by the Bonds and all other indebtedness of the City does not exceed the limitation set forth in Section 7-7-4201, Montana Code Annotated.

Section 2. Sale and Terms.

2.01. Selection of Purchasers and Negotiation of Sale. Pursuant to Sections 7-7-4254 and 17-5-107, Montana Code Annotated, this Council hereby determines that it is in the best interests of the City to sell the Bonds at a private negotiated sale at a price not less than 97% of the principal amount thereof, including interest thereon to the date of delivery, to D.A. Davidson & Co., of Great Falls, Montana and Piper Jaffray & Co., Denver, Colorado (together, the "Purchasers").

2.03. Pricing and Terms. The Bonds shall be sold to the Purchasers on the terms and at a purchase price subject to the following limitations and conditions: (1) the aggregate principal amount of the Bonds shall not exceed \$16,300,000; (2) the maximum true interest cost on the Bonds shall not exceed 4.25% per annum; (3) the purchase price of the bonds shall not be less than 99.2% of the principal amount thereof, exclusive of original issue premium or discount; (4) the term of the Bonds shall not exceed 20 years commencing on July 1 of the fiscal year in which the City first levies taxes to pay principal of and interest on the Bonds; and (5) the Bonds shall be subject to redemption no later than one-half of their term and any day thereafter, at the option of the City, in whole or in part.

The City Administrator and the City Finance Director are authorized to reduce the principal amount of the Bonds if donations for construction of the Project are received prior to the sale.

2.04. Bond Purchase Agreement. The City Administrator and the City Finance Director in consultation with Springsted Incorporated, the City’s Financial Advisor, are hereby authorized and directed to approve the principal amount, maturity dates, interest rates and redemption provisions of the Bonds and compensation to the Purchasers, subject to the limitations contained in this Article 2. Upon approving such terms, the City Administrator and the City Finance Director are hereby authorized and directed to approve, execute and deliver to the Purchasers a bond purchase agreement (the “Bond Purchase Agreement”), containing the agreement of the City to sell, and the agreement of the Purchasers to purchase, the Bonds on the terms so approved, and containing such other provisions as such officers shall deem necessary and appropriate. In the event of the absence or disability of the City Administrator and City Finance Director, the Mayor or Deputy City Administrator shall make such approvals and execute and deliver the Bond Purchase Agreement. The execution and delivery by appropriate officers of the City of the Bond Purchase Agreement shall be conclusive as to the approval of such officers of the terms of the Bonds and the agreement of the City to sell the Bonds on such terms in accordance with the provisions thereof.

Section 3. Official Statement. The City Finance Director, in consultation with Springsted Incorporated, the Purchasers and Dorsey & Whitney LLP, the City’s bond counsel, are authorized to prepare on behalf of the City an Official Statement, to be distributed by the Purchasers to prospective purchasers of the Bonds. The Official Statement shall contain such information as shall be advisable and necessary to describe accurately the City and the security for, and the terms and conditions of, the Bonds. The City Administrator and City Finance Director are authorized on behalf of the Council to deem the Preliminary Official Statement near “final” as of its date, in accordance with Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 14th day of May, 2012.

Mayor

Attest: _____
City Clerk

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Nuisance Vegetation - Code Amendment - 2nd reading

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

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. The Council on April 23 conducted a public hearing and passed this proposed amendment on first reading.

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.

RECOMMENDATION

The Code Enforcement Division staff recommends the City Council adopt the amendment to Section 25-300 of the BMCC.

APPROVED BY CITY ADMINISTRATOR

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: 05/14/2012

TITLE: Zone Change #891 - Text Amendment - Townhomes - 2nd reading

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

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. The City Council conducted a public hearing on April 23, 2012, and approved the zone change on first reading.

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.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of approval of Zone Change #891 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

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: 05/14/2012

TITLE: Zone Change #892 - Text Amendment - City Zone Change Procedures - 2nd reading

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

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. The City Council conducted a public hearing on April 23, 2012, and approved the zone change on 1st reading.

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.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of approval for Zone Change #892 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

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: 05/14/2012

TITLE: Zone Change #893 - Text Amendment - County Zone Change Procedures -
2nd reading

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

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 City Zoning Commission conducted a public hearing on April 3, 2012, and is forwarding a recommendation of approval on a 3-0 vote. The City Council conducted a public hearing on April 23, 2012, and approved the zone change on 1st reading.

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.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of approval for Zone Change #893 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

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.

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: 05/14/2012

TITLE: Preliminary Major Plat--Copper Ridge Subdivision, 3rd Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

On March 1, 2012, the Planning Division received an application for preliminary plat approval for Copper Ridge Subdivision, 3rd Filing. The proposed subdivision creates 18 new lots for single-family residential development and 5 large lots for future development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, and north of the existing Copper Ridge Subdivision. The property is zoned Residential-7000-Restricted (R-70-R). The owner is Copper Ridge Development Corp., and the representing agent is Sanderson Stewart.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat; the 60 working-day review period for the proposed plat ends on May 24, 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 60 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 of Rimrock Road

Legal Description: Lot 12, Block 3, and Lots 32-34, Block 4, and portions of previously dedicated parkland and street right-of-way in Block 4, Copper Ridge Subdivision

Owner/Subdivider: Copper Ridge Development, Corp.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70-R

Existing land use: Vacant

Proposed land use: Single-family residential

Gross and Net area: 14.08 acres; 11.66 acres

Proposed number of lots: 23

Lot size: Max: 2.49 acres

Min.: 8,355 square feet

Parkland requirements: Parkland requirements were planned for the entire Copper Ridge Subdivision Master Plan area in 2005. This current filing is proposing to modify that master plan slightly by reverting 0.386 acres of previously dedicated parkland back to private ownership; however, the overall parkland provided is still greater than the required amount.

Variance requested: No variances have been requested.

STAKEHOLDERS

A public hearing was held by the Yellowstone County Board of Planning on April 24, 2012 for this application. No public comments were provided at the hearing. The Planning Division received one phone call from an adjacent property owner who had questions regarding the proposed subdivision. The neighbor's questions were answered and she had no further concerns.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy, the Transportation Plan 2009 Update, and the Billings Area Bikeway and Trails Master Plan are discussed within the Findings of Fact attached to this memo.

RECOMMENDATION

The Planning Board conducted a public hearing on April 24 and is recommending conditional approval of the preliminary major plat of Copper Ridge Subdivision, 3rd 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 in the Findings of Fact:

1. To mitigate impacts on local services, previously dedicated right-of-way for Copper Penny Lane and East Copper Ridge Loop within the area of Copper Ridge Subdivision, 3rd Filing shall be vacated prior to final plat approval.
2. To minimize impacts on local services, the subdivider shall provide an acceptable appraisal or comparative market analysis, conducted by a 3rd party licensed appraiser or realtor of the park property in question, and compensate the City for the value of the vacated parkland (0.386 acres) prior to final plat approval.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

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

APPROVED BY CITY ADMINISTRATOR

Attachments

Preliminary Plat

Findings of Fact

Mayor Approval Letter

Resubmittal

PRELIMINARY PLAT OF COPPER RIDGE SUBDIVISION, THIRD FILING

BEING LOT 12 OF BLOCK 3, LOTS 32-34 OF BLOCK 4, AND DEDICATED PARKLAND & PUBLIC RIGHT-OF-WAY IN BLOCK 4 OF COPPER RIDGE SUBDIVISION, SECOND FILING SITUATED IN THE SW1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M. IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

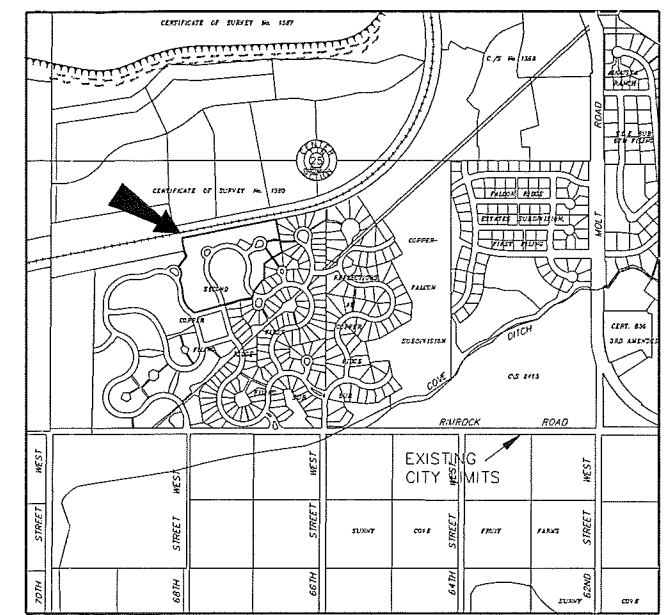
PREPARED FOR : COPPER RIDGE DEVELOPMENT CORP.

JANUARY, 2012

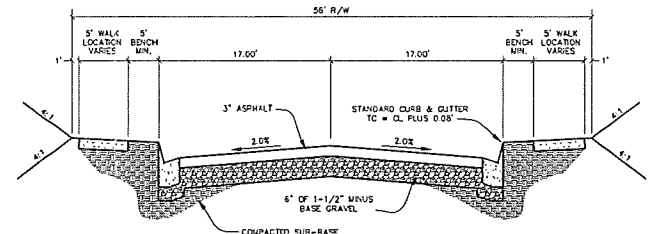
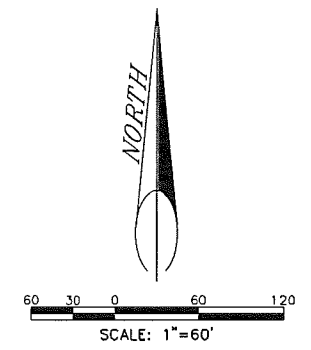
PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

CERT. OF SURVEY No. 1380



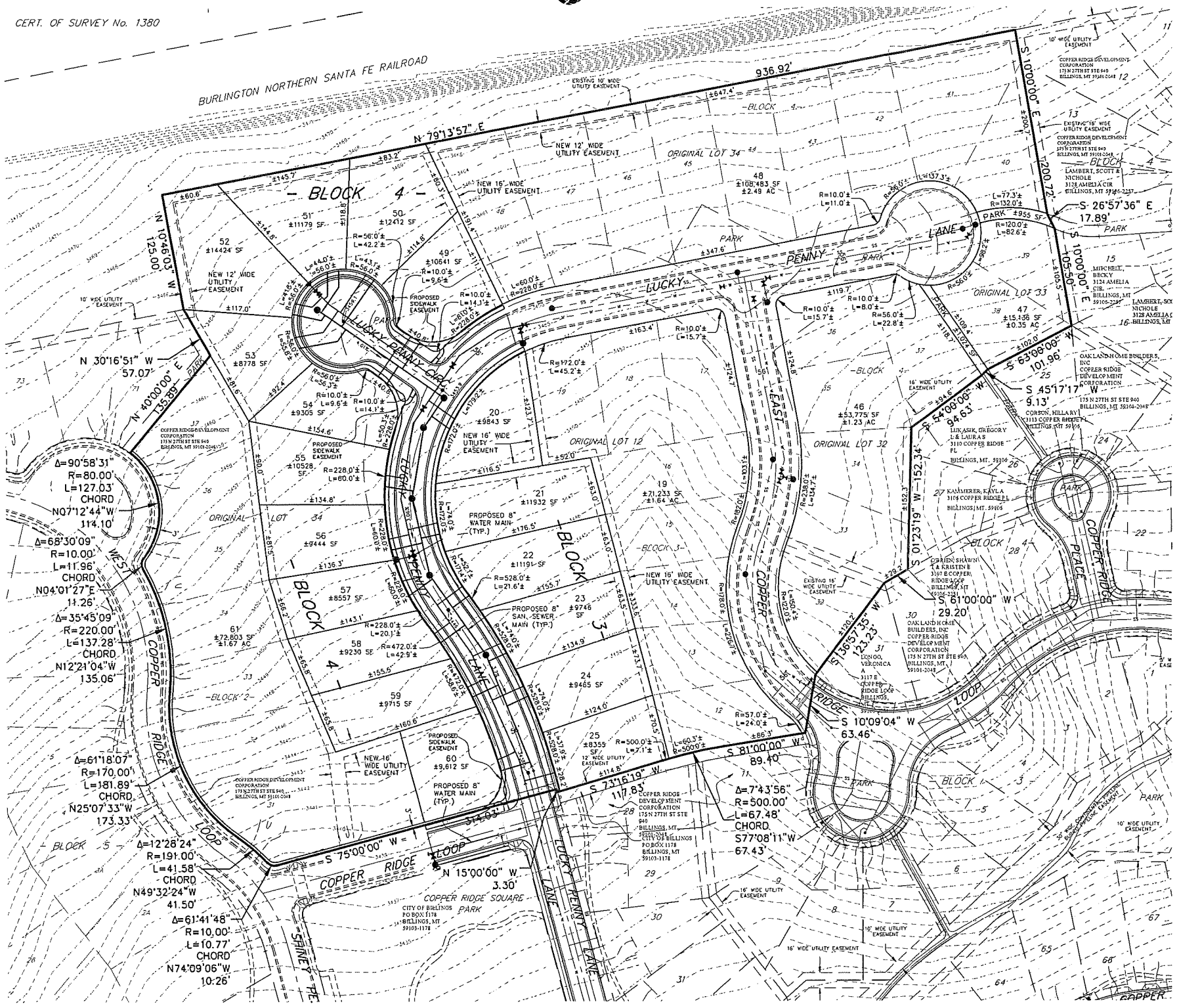
VICINITY MAP
NOT TO SCALE



TYPICAL ROAD SECTION
NOT TO SCALE

PLAT DATA

| | |
|------------------------|-----------------------------------|
| GROSS AREA | = ±14.075 AC |
| NET AREA | = ±11.657 AC |
| NUMBER OF LOTS | = 23 |
| MINIMUM LOT SIZE | = ±8,013 SF |
| MAXIMUM LOT SIZE | = ±2.49 AC |
| LINEAL FEET OF STREETS | = ±724.5 |
| PARKLAND REQUIREMENT | = MET PREVIOUSLY |
| PARKLAND DEDICATION | = VACATION - 0.386 ACRES VIA CASH |
| EXISTING ZONING | = R-7000R |
| SURROUNDING ZONING: | |
| NORTH | = OUTSIDE ZONING DISTRICT |
| SOUTH | = R-7000R |
| EAST | = R-7000R |
| WEST | = R-7000R |
| EXISTING LAND USE | = RESIDENTIAL |
| PROPOSED LAND USE | = RESIDENTIAL |



FINDINGS OF FACT

The Planning staff on behalf of the Planning Board has prepared the below Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 3rd Filing.

A. What are the effects on agriculture, local services, the natural environment, wildlife, 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 master planned in 2005. There are no irrigation facilities serving this property. As such, 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 all of 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 have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to a detention pond in the first filing of Copper Ridge Subdivision. 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 existing streets Lucky Penny Lane and East Copper Ridge Loop. These internal street rights-of-way were dedicated previously with the 2nd Filing plat. However, in order to create more regular shaped lots and eliminate the small islands of parkland previously platted, the

subdividers have proposed to slightly reconfigure the existing right-of-way and vacate two small pieces of parkland with this plat. This redesign will require that the previously dedicated right-of-way be vacated prior to final plat approval (**Condition #1**), and replatted as shown. City Engineering staff is agreeable to this redesign. The parkland would also need to be transferred back to the subdivider using the City's 'disposition of land' process. Parks, Recreation and Public Lands (PRPL) staff is agreeable to this transfer, as described below in the Parks section.

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision's impact on the street network in the surrounding area. Cash contributions have been made for previous filings for future intersection improvements at 62nd Street West and Rimrock Road. A proportionate contribution will similarly be made for this third filing as described in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th 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 Boulder 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 for parkland, or provide the equivalent cash contribution. When the Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Copper Ridge Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails. Relative to this Third Filing, the developer has proposed to reconfigure the streets slightly, and in doing so, has proposed to re-assume ownership of 0.386 acres of parkland that was situated in grassy islands within the street right-of-way. PRPL staff is agreeable to this reconfiguration since the parkland is too small to use for park purposes, and also difficult to maintain.

In order to accomplish this transaction, the subdivider must follow City's policy for land disposition which requires the subdivider to pay the fair market value of the vacated land. It is recommended as a condition of approval that the subdivider provide an acceptable

appraisal or comparative market analysis, by a 3rd party licensed appraiser or realtor of the property in question, and compensate the City for that value prior to final plat approval (**Condition #2**).

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on 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

There should be no impacts to public health, safety and welfare as a result of this subdivision.

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

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, 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).
- d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

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. An informal trail corridor exists within parkland dedicated to the City in the first two filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east. The plan also identifies a future trail corridor along the BNSF railroad right-of-way. There are no immediate plans to construct 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-R zone. The lot sizes conform to the requirements of this zone. Other building 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 Lucky Penny Lane and East Copper Ridge Loop.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 3rd 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, May 14, 2012.

Thomas W. Hanel, Mayor

May 15, 2012

Copper Ridge Development Corp.
175 N 27th St., Suite 900
Billings, MT 59101

Dear Sirs:

On May 14, 2012, the Billings City Council conditionally approved the preliminary plat of Copper Ridge Subdivision, 3rd Filing, subject to the following conditions of approval:

1. To mitigate impacts on local services, previously dedicated right-of-way for Copper Penny Lane and East Copper Ridge Loop within the area of Copper Ridge Subdivision, 3rd Filing shall be vacated prior to final plat approval.
2. To minimize impacts on local services, the subdivider shall provide an acceptable appraisal or comparative market analysis, conducted by a 3rd party licensed appraiser or realtor of the park property in question, and compensate the City for the value of the vacated parkland (0.386 acres) prior to final plat approval.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

Thomas W. Hanel, Mayor

Pc: Mac Fogelsong, PE, Sanderson Stewart

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Preliminary Major Plat--Copper Ridge Subdivision, 4th Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

On March 1, 2012, the Planning Division received an application for preliminary major plat approval for Copper Ridge Subdivision, 4th Filing. The proposed subdivision creates 25 new lots for single-family residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, north of the existing Copper Ridge Subdivision. The property is zoned Residential-7000-Restricted (R-70-R). The owner is Copper Ridge Development Corp., and the representing agent is Sanderson Stewart.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat; the 60 working-day review period for the proposed plat ends on May 24, 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 60 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 property tax revenues.

BACKGROUND

General location: North of Rimrock Road

Legal Description: Lot 19, Block 3, and Lots 46, 47, & 48, Block 4, Copper Ridge Subdivision, 3rd Filing

Owner/Subdivider: Copper Ridge Development, Corp.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70-R

Existing land use: Vacant

Proposed land use: Single-family residential

Gross and Net area: 5.71 acres; 5.69 acres

Proposed number of lots: 25

Lot size: Max: 14,892 square feet
Min.: 7,080 square feet

Parkland requirements: Parkland requirements were planned for the entire Copper Ridge Subdivision Master Plan area in 2005.

Variance requested: No variances have been requested.

STAKEHOLDERS

A public hearing was held by the Yellowstone County Board of Planning on April 24, 2012 for this application. No public comments were provided at the hearing. The Planning Division received one phone call from an adjacent neighbor who had questions about the proposal. The neighbor's questions were answered and she expressed no further concerns.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy, the Transportation Plan 2009 Update, and the Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board conducted a public hearing on April 24 and is recommending conditional approval of the preliminary major plat of Copper Ridge Subdivision, 4th 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. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
2. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Preliminary Plat

Findings of Fact

Mayor's Approval Letter

Resubmittal

PRELIMINARY PLAT OF COPPER RIDGE SUBDIVISION, FOURTH FILING

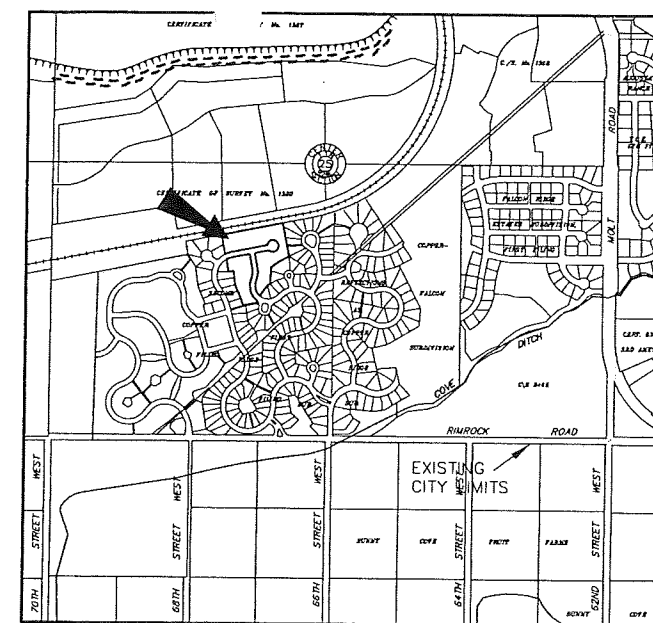
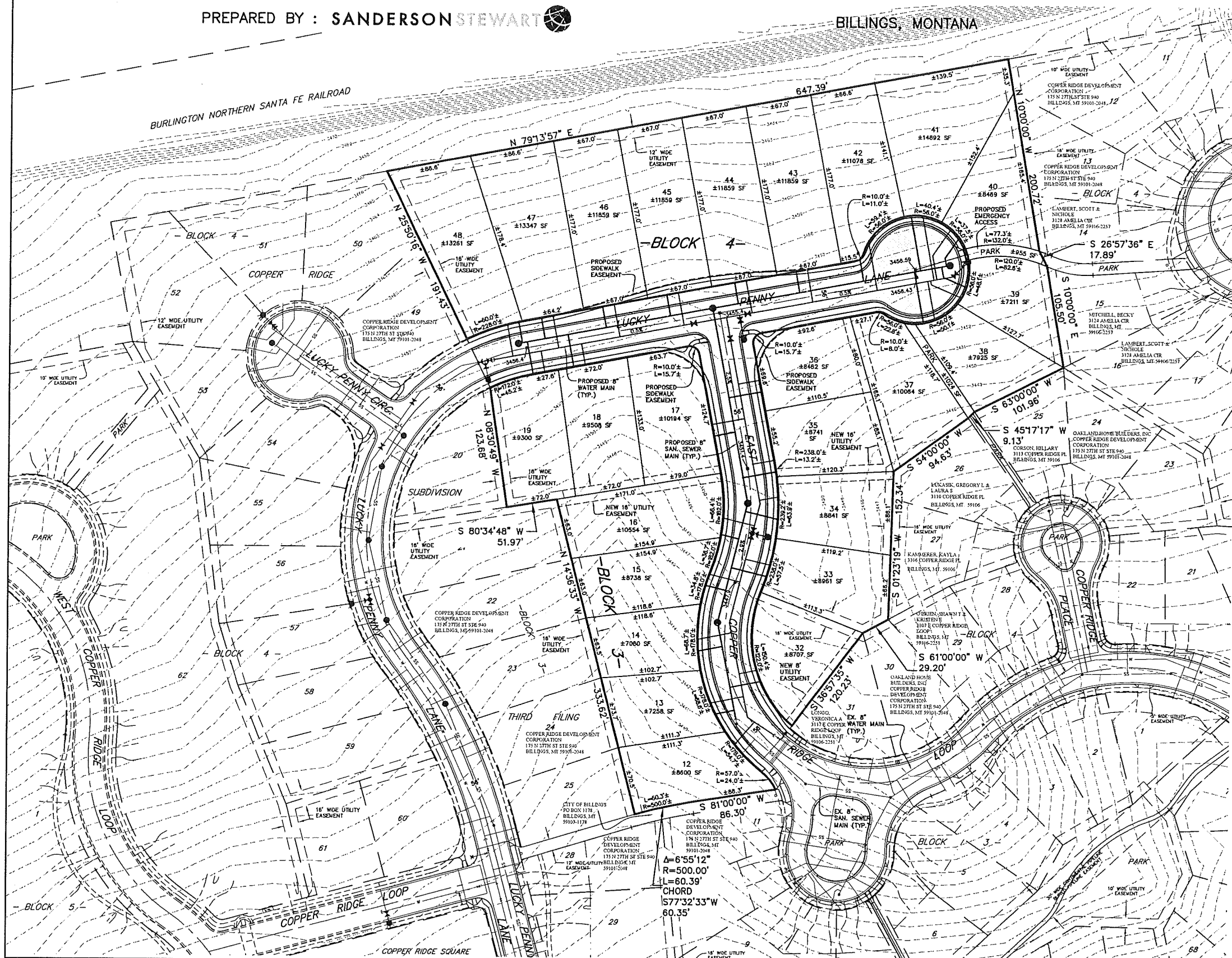
BEING LOT 19 OF BLOCK 3 AND LOTS 46, 47 & 48 OF BLOCK 4, COPPER RIDGE SUBDIVISION, THIRD FILING
SITUATED IN THE SW1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M. IN THE CITY OF BILLINGS,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE DEVELOPMENT CORP.

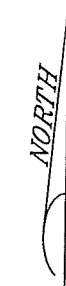
FEBRUARY, 2012

PREPARED BY : SANDERSON STEWART

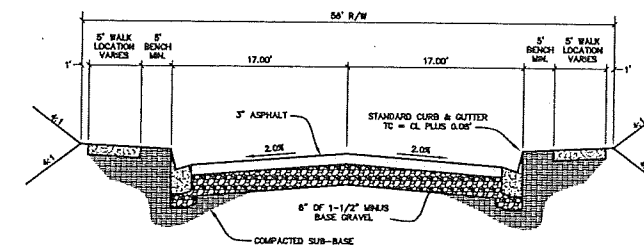
BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE



SCALE: 1"=50'



TYPICAL ROAD SECTION
NOT TO SCALE

PLAT DATA

| | |
|------------------------|---------------------------|
| GROSS AREA | = ±5.71 AC |
| NET AREA | = ±5.69 AC |
| NUMBER OF LOTS | = 25 |
| MINIMUM LOT SIZE | = ±7,080 SF |
| MAXIMUM LOT SIZE | = ±14,892 SF |
| LINEAL FEET OF STREETS | = ±954 |
| PARKLAND DEDICATION | = PREVIOUSLY MET |
| EXISTING ZONING | = R-7000R |
| SURROUNDING ZONING: | |
| NORTH | = OUTSIDE ZONING DISTRICT |
| SOUTH | = R-7000R |
| EAST | = R-7000R |
| WEST | = R-7000R |
| EXISTING LAND USE | = RESIDENTIAL |
| PROPOSED LAND USE | = RESIDENTIAL |

P:\PROJ_MGMT\96012_128_Copper_Ridge_3rd&4th_Reflections_2nd&3rd_PM\Copper_Ridge_3rd & 4th\CADD_C3D\BASE_DWG\COPPER RIDGE 4TH PP.DWG, 24.36 PLAT, 3/22/2012 9:10:55 AM, mbertram, 1:2:21875

FINDINGS OF FACT

The Planning staff on behalf of the Planning Board has prepared the below Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 4th Filing.

A. What are the effects on agriculture, local services, the natural environment, wildlife, 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 master planned in 2005. There are no irrigation facilities serving this property. As such, 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 all of 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 have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to a detention pond in the first filing of Copper Ridge Subdivision. 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 existing streets Lucky Penny Lane and East Copper Ridge Loop as reconfigured in the Copper Ridge Subdivision, 3rd Filing.

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision's impact on the street network in the surrounding area. Cash contributions have been made for previous filings for future intersection improvements at 62nd Street West and Rimrock Road. A proportionate contribution will similarly be made for this fourth filing as described in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th 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 Boulder 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 Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Copper Ridge Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails.
- 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 filings of this subdivision. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on 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

There should be no impacts to public health, safety and welfare as a result of this subdivision.

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

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, 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).
- d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

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. An informal trail corridor exists within parkland dedicated to the City in the first two filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east. The plan also identifies a future trail corridor along the BNSF railroad right-of-way. There are no immediate plans to develop 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-R zone. The lot sizes conform to the requirements of this zone. Other building 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 Lucky Penny Lane and East Copper Ridge Loop.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 4th 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, May 14, 2012.

Thomas W. Hanel, Mayor

May 15, 2012

Copper Ridge Development Corp.
175 N 27th St., Suite 900
Billings, MT 59101

Dear Sirs:

On May 14, 2012, the Billings City Council conditionally approved the preliminary plat of Copper Ridge Subdivision, 4th Filing, subject to the following conditions of approval:

1. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
2. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

Thomas W. Hanel, Mayor

Pc: Mac Fogelson, PE, Sanderson Stewart

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Preliminary Major Plat--Reflections at Copper Ridge Subdivision, 2nd Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

On March 1, 2012, the Planning Division received an application for preliminary major plat approval for Reflections at Copper Ridge Subdivision, 2nd Filing. The proposed subdivision creates 29 new lots for single-family residential development and one large lot for future development. The subject property is generally located on the north side of Rimrock Road, east of Copper Ridge Subdivision, north of the existing Reflections at Copper Ridge Subdivision. The property is zoned Residential-7000 (R-70). The owner is Reflections at Copper Ridge, LLC, and the representing agent is Sanderson Stewart.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat; the 60 working-day review period for the proposed plat ends on May 24, 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 60 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 of Rimrock Road

Legal Description: Lots 10 & 11, Block 2, and Lots 12 & 13, Block 3, in Reflections at Copper Ridge Subdivision, 1st Filing

Owner/Subdivider: Reflections at Copper Ridge, LLC

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70

Existing land use: Vacant

Proposed land use: Single-family residential

Gross and Net area: 9.34 acres; 9.14 acres

Proposed number of lots: 30

Lot size: Max: 1.72 acres

Min.: 8,041 square feet

Parkland requirements: Parkland requirements were planned for the entire Reflections at Copper Ridge Subdivision Master Plan area in 2007. The parkland was dedicated at that time; no changes are proposed for the 2nd filing.

Variance requested: No variances have been requested.

STAKEHOLDERS

A public hearing was held by the Yellowstone County Board of Planning on April 24, 2012 for this application. No public comments were provided at the hearing, aside from the applicant. 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 the Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board conducted a public hearing on April 24 and is recommending conditional approval of the preliminary major plat of Reflections at Copper Ridge 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 minimize effects on local services, if not previously made, the subdivider shall make the appropriate contributions to future improvements at the Rimrock Road/62nd Street West intersection for the first and second filings of Reflections at Copper Ridge Subdivision as identified in the Traffic Impact Analysis completed for this subdivision.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Preliminary Plat

Findings of Fact

Mayor's Approval Letter

PRELIMINARY PLAT OF REFLECTIONS at COPPER RIDGE SUBDIVISION SECOND FILING

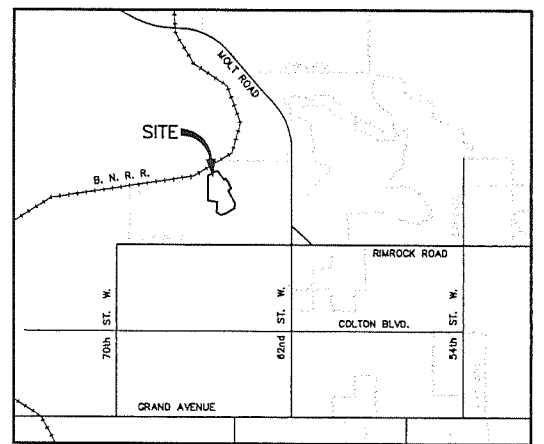
BEING LOTS 10 & 11 OF BLOCK 2 AND LOTS 12 & 13 OF BLOCK 3 IN
REFLECTIONS AT COPPER RIDGE SUBDIVISION
SITUATED IN THE SE1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : REFLECTIONS AT COPPER RIDGE, LLC

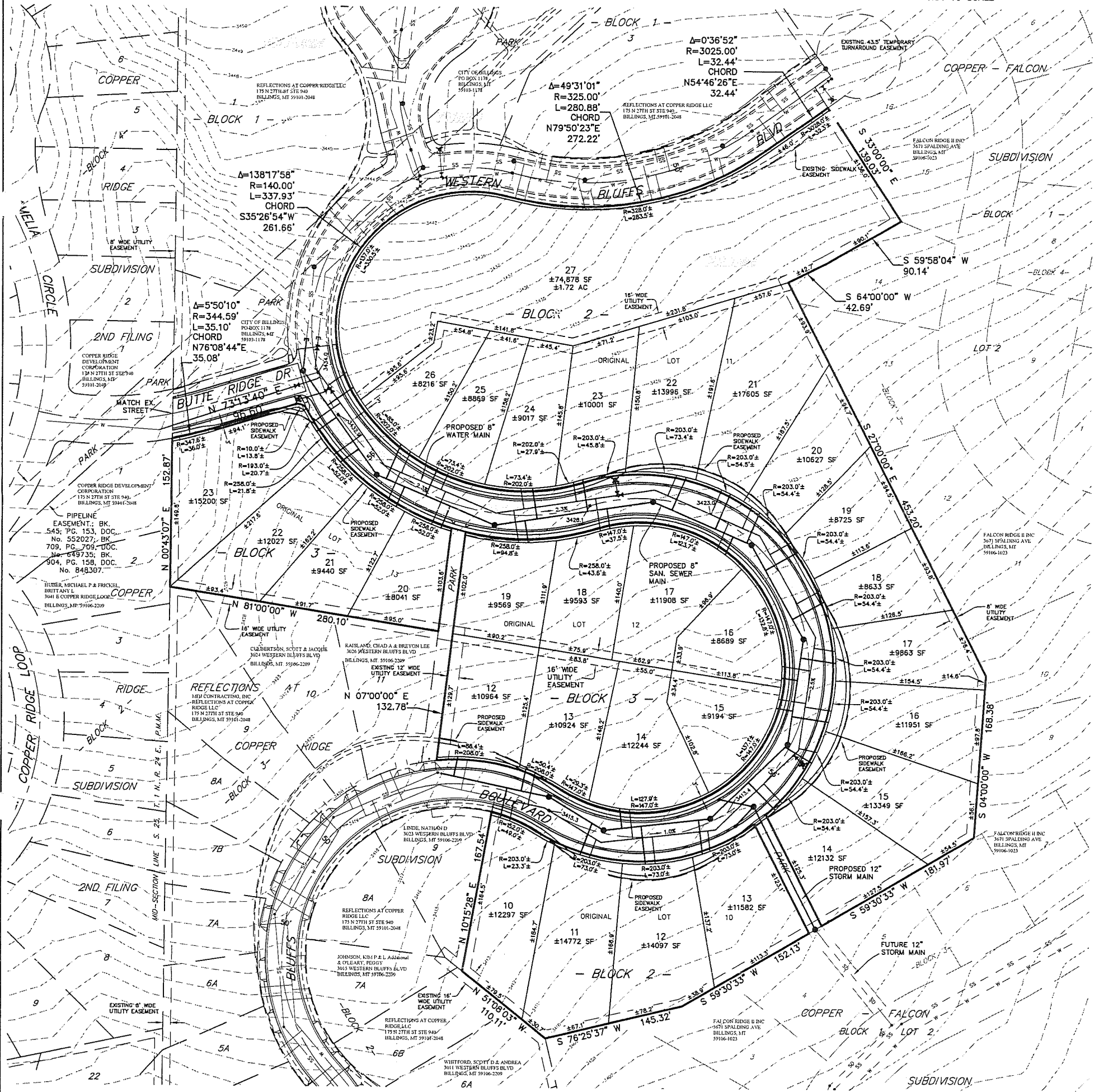
JANUARY, 2012

PREPARED BY : SANDERSON STEWART

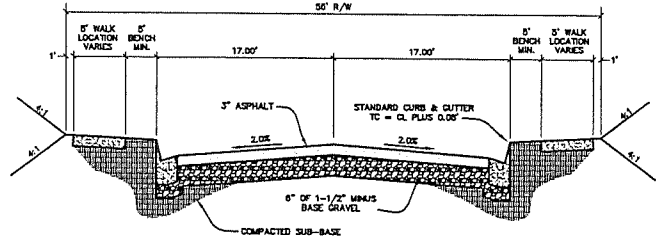
BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE



SCALE: 1"=50'



TYPICAL ROAD SECTION
NOT TO SCALE

PLAT DATA

| | | |
|------------------------|---|----------------|
| GROSS AREA | = | 9.343 AC |
| NET AREA | = | ±9.138 AC |
| NUMBER OF LOTS | = | 30 |
| MINIMUM LOT SIZE | = | ±8,041 SF |
| MAXIMUM LOT SIZE | = | ±74,878 SF |
| LINEAL FEET OF STREETS | = | ±1,359.6 |
| PARKLAND REQUIREMENT | = | PREVIOUSLY MET |
| EXISTING ZONING | = | R-7000 |
| SURROUNDING ZONING: | | |
| NORTH | = | R-15000 |
| SOUTH | = | R-7000 |
| EAST | = | R-9600 |
| WEST | = | R-7000R |
| EXISTING LAND USE | = | RESIDENTIAL |
| PROPOSED LAND USE | = | RESIDENTIAL |

FINDINGS OF FACT

The Planning staff on behalf of the Planning Board has prepared the below Findings of Fact for the preliminary plat of Reflections at Copper Ridge Subdivision, 2nd Filing.

A. What are the effects on agriculture, local services, the natural environment, wildlife, 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 master planned in 2007. The Cove Ditch is south of the property, adjacent to the 1st Filing of Reflections at Copper Ridge. However the subject property is not served by it. As such, 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 all of 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 have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to a detention pond to the south within the first filing of this subdivision. 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 street Western Bluffs Boulevard, which makes the connection to Butte Ridge Drive. These internal street rights-of-way were dedicated previously with the 1st Filing plat but

at a width of 50 feet. The current City standard requires 56-foot rights-of-way, so with this plat the additional six feet will be dedicated within the 2nd Filing area.

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision's impact on the street network in the surrounding area. Cash contributions were identified for future intersection improvements at 62nd Street West and Rimrock Road. Prior to final plat approval, if not already provided, the subdivider shall make the appropriate contribution for the first and second filings of Reflections at Copper Ridge (**Condition #1**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th 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 Boulder 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 Reflections at Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2007, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Reflections at Copper Ridge development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails. No changes or additions to the parkland master plan are being proposed with Reflections at Copper Ridge, 2nd Filing.
- 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. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During

development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on 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, 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) (1)]

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).
- d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

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. An informal trail corridor exists within parkland dedicated to the City in the first filing of this subdivision. This trail network connects the subdivision to a future trail identified in the plan along Cove Ditch to the south. The plan also identifies a future trail corridor along the BNSF railroad right-of-way. 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 sizes conform 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 Western Bluff Boulevard and Butte Ridge Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Reflections at Copper Ridge Subdivision, 2nd 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, May 14, 2012.

Thomas W. Hanel, Mayor

May 15, 2012

Reflections at Copper Ridge, LLC
175 N 27th St., Suite 900
Billings, MT 59101

Dear Sirs:

On May 14, 2012, the Billings City Council conditionally approved the preliminary plat of Reflections at Copper Ridge Subdivision, 2nd Filing, subject to the following conditions of approval:

1. To minimize effects on local services, if not previously made, the subdivider shall make the appropriate contributions to future improvements at the Rimrock Road/62nd Street West intersection for the first and second filings of Reflections at Copper Ridge Subdivision as identified in the Traffic Impact Analysis completed for this subdivision.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

Thomas W. Hanel, Mayor

Pc: Mac Fogelsong, PE, Sanderson Stewart

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Preliminary Major Plat--Reflections at Copper Ridge Subdivision, 3rd Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

On March 1, 2012, the Planning Division received an application for preliminary major plat approval for Reflections at Copper Ridge Subdivision, 3rd Filing. The proposed subdivision creates 21 new lots for single-family residential development. The subject property is generally located on the north side of Rimrock Road, east of Copper Ridge Subdivision, north of the existing Reflections at Copper Ridge Subdivision. The owner is Reflections at Copper Ridge, LLC, and the representing agent is Sanderson Stewart.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this minor preliminary plat; the 60 working-day review period for the proposed plat ends on May 24, 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 60 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 of Rimrock Road

Legal Description: Lots 1, 2 and 3, Block 1, and vacated Reflections Circle right-of-way in Reflections at Copper Ridge Subdivision, 1st Filing, and Lot 25, Block 2 of Reflections at Copper Ridge Subdivision, 2nd Filing.

Owner/Subdivider: Reflections at Copper Ridge, LLC

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70

Existing land use: Vacant

Proposed land use: Single-family residential

Gross and Net area: 7.454 acres; 7.403 acres

Proposed number of lots: 21

Lot size: Max: 21,255 square feet

Min.: 7,980 square feet

Parkland requirements: Parkland requirements were planned for the entire Reflections at Copper Ridge Subdivision Master Plan area in 2007. This current filing is proposing to modify that master plan slightly by reverting 13,889 square feet of previously dedicated parkland back to private ownership and dedicating in return, 14,082 square feet of new park area. The overall parkland provided is still greater than the overall required amount.

Variance requested: No variances have been requested.

STAKEHOLDERS

A public hearing was held by the Yellowstone County Board of Planning on April 24, 2012 for this application. No public comments were provided at the hearing. Also, the Planning Division has not received any 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 the Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board conducted a public hearing on April 24 and is recommending conditional approval of the preliminary major plat of Reflections at Copper Ridge Subdivision, 3rd 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 local services, previously dedicated right-of-way for Reflections Circle within the area of the Reflections at Copper Ridge Subdivision, 3rd Filing shall be vacated prior to final plat approval.
2. To minimize effects on local services, if not previously made, the subdivider shall make the appropriate contributions to future improvements at the Rimrock Road/62nd Street West intersection for Reflections at Copper Ridge Subdivision, 3rd Filing as identified in the Traffic Impact Analysis completed for this subdivision
3. To mitigate impacts on local services, the parkland exchange shall be completed prior to final plat approval.
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

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

APPROVED BY CITY ADMINISTRATOR

Attachments

Preliminary Plat

Findings of Fact

Mayor's Approval Letter

Resubmittal

PRELIMINARY PLAT OF REFLECTIONS at COPPER RIDGE SUBDIVISION THIRD FILING

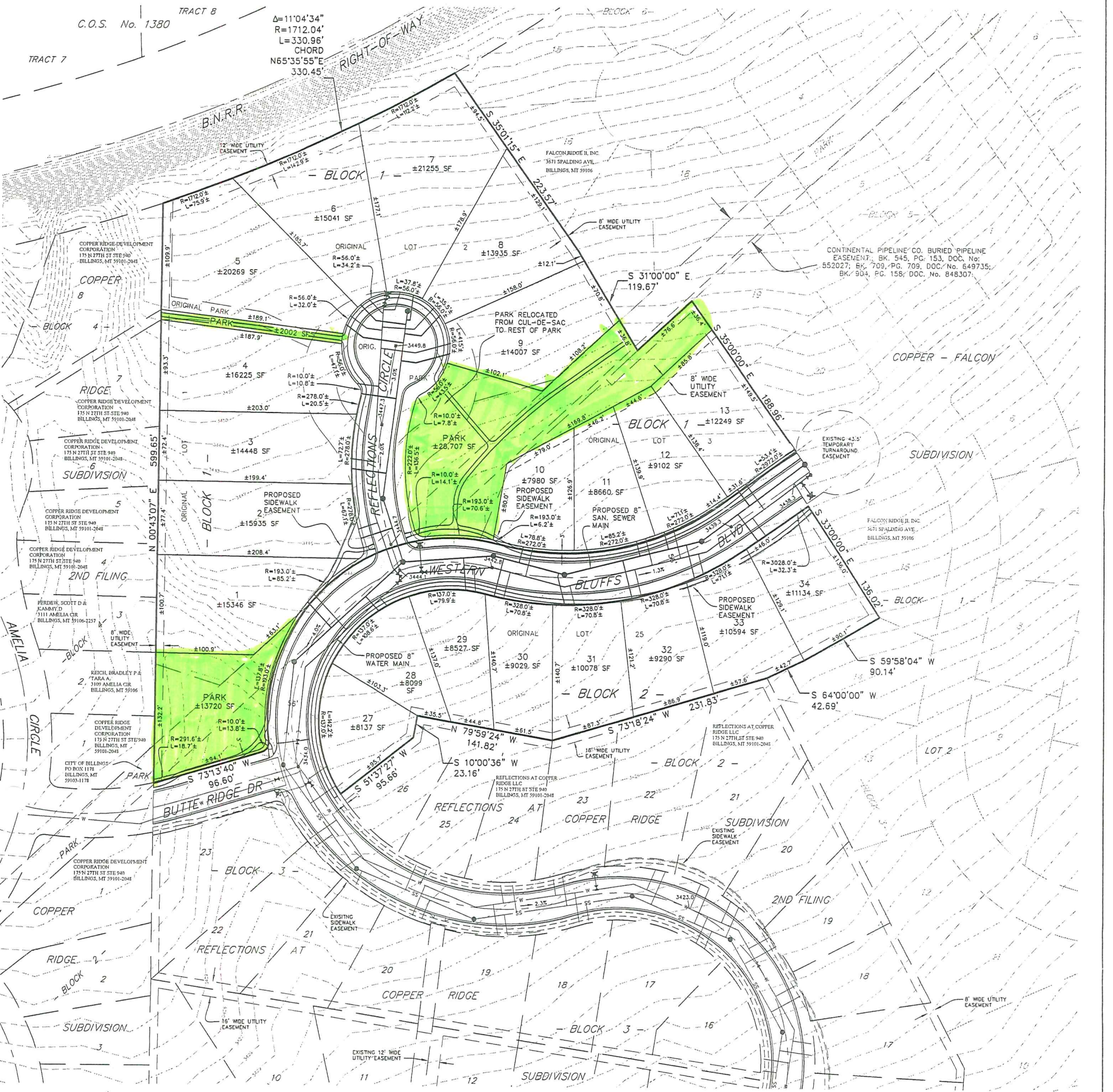
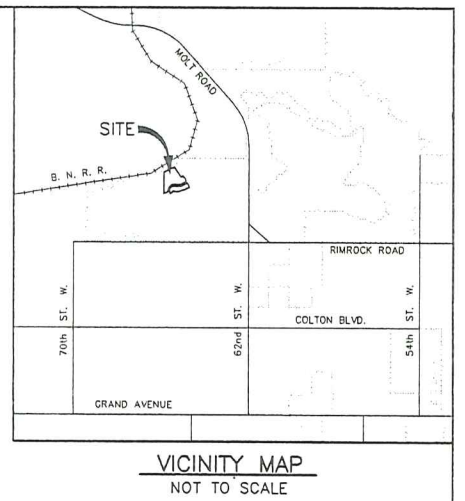
BEING LOTS 1, 2, 3 & PARKLAND IN BLOCK 1 AND VACATED REFLECTIONS CIRCLE RIGHT-OF-WAY IN REFLECTIONS AT COPPER RIDGE SUBDIVISION AND LOT 25 IN BLOCK 2 OF REFLECTIONS AT COPPER RIDGE SUBDIVISION, SECOND FILING SITUATED IN THE SE1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M. IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : REFLECTIONS AT COPPER RIDGE, LLC

JANUARY, 2012

PREPARED BY : SANDERSON STEWART

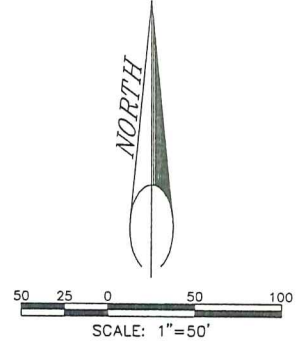
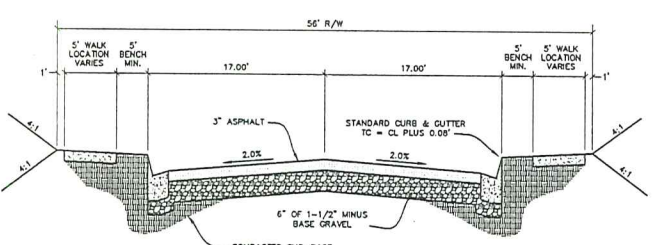
BILLINGS, MONTANA



C.O.S. No. 1380 TRACT 8
TRACT 7
 $\Delta = 11^{\circ}04'34''$
 $R = 1712.04'$
 $L = 330.96'$
CHORD
 $N65^{\circ}35'55''E$
 $330.45'$

PLAT DATA

| | |
|------------------------|---------------|
| GROSS AREA | = ±7.454 AC |
| NET AREA | = ±7.403 AC |
| NUMBER OF LOTS | = 21 |
| MINIMUM LOT SIZE | = ±7,980 SF |
| MAXIMUM LOT SIZE | = ±21,255 SF |
| LINEAL FEET OF STREETS | = ±925.7 |
| ORIGINAL PARKLAND | = 44,236 SF |
| PROPOSED PARKLAND | = 44,429 SF |
| EXISTING ZONING | = R-7000 |
| SURROUNDING ZONING: | |
| NORTH | = R-15000 |
| SOUTH | = R-7000 |
| EAST | = R-9600 |
| WEST | = R-7000R |
| EXISTING LAND USE | = RESIDENTIAL |
| PROPOSED LAND USE | = RESIDENTIAL |



FINDINGS OF FACT

The Planning staff on behalf of the Planning Board has prepared the below Findings of Fact for the preliminary plat of Reflections at Copper Ridge Subdivision, 3rd Filing.

A. What are the effects on agriculture, local services, the natural environment, wildlife, 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 master planned in 2007. The Cove Ditch is south of the property, adjacent to the 1st Filing of Reflections at Copper Ridge. However the subject property is not served by it. As such, 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 all of 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 have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to a detention pond to the south within the first filing of this subdivision. 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 street Western Bluffs Boulevard, which makes the connection to Butte Ridge Drive. Also, Reflections Circle will provide dead-end access to numerous lots. These internal

street rights-of-way were dedicated previously with the 1st Filing plat but at a width of 50 feet. The current City standard requires 56-foot rights-of-way, so with this plat the additional six feet will be dedicated within the 3rd Filing area. Additionally, the subdivider has proposed to reconfigure the Reflections Circle layout slightly to remove the park “island” in the middle of the cul-de-sac area. Public Works, Fire, and Parks Department staffs are all supportive of this reconfiguration. To accomplish this new layout, the subdivider shall vacate Reflections Circle as originally platted prior to final plat approval (**Condition #1**), and re-plate it with this new subdivision proposal.

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision’s impact on the street network in the surrounding area. Cash contributions were identified to provide a proportionate share for future intersection improvements at 62nd Street West and Rimrock Road. Prior to final plat approval, if not already provided, the subdivider shall make the appropriate contribution for the third filing of Reflections at Copper Ridge (**Condition #2**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th 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 Boulder 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 Reflections at Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2007, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Reflections at Copper Ridge development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails. With the proposed reconfiguration of Reflections Circle, parkland for Reflections at Copper Ridge, 3rd Filing will be slightly altered. As it is currently platted, the 3rd Filing provides 44,236 square feet of parkland. The reconfigured proposal would removed the park island from the middle of Reflections Circle and add square footage to two other park areas. Overall, the amount of parkland dedication will increase with this proposal, to 44,429 square feet, and will result in more usable park areas. Parks Department staff is supportive of this

reconfiguration, and has just indicated the need to ensure the proper procedures for transferring the property is followed in coordination with the final plat approval (**Condition #3**).

- 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. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on 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, 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) (1)]

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).

d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

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. An informal trail corridor exists within parkland dedicated to the City in the first filing of this subdivision. This trail network connects the subdivision to a future trail identified in the plan along Cove Ditch to the south. The plan also identifies a future trail corridor along the BNSF railroad right-of-way. 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 sizes conform 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 Western Bluff Boulevard and Reflections Circle.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Reflections at Copper Ridge Subdivision, 3rd 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, May 14, 2012.

Thomas W. Hanel, Mayor

May 15, 2012

Reflections at Copper Ridge, LLC
175 N 27th St., Suite 900
Billings, MT 59101

Dear Sirs:

On May 14, 2012, the Billings City Council conditionally approved the preliminary plat of Reflections at Copper Ridge Subdivision, 3rd Filing, subject to the following conditions of approval:

1. To mitigate impacts on local services, previously dedicated right-of-way for Reflections Circle within the area of the Reflections at Copper Ridge Subdivision, 3rd Filing shall be vacated prior to final plat approval.
2. To minimize effects on local services, if not previously made, the subdivider shall make the appropriate contributions to future improvements at the Rimrock Road/62nd Street West intersection for Reflections at Copper Ridge Subdivision, 3rd Filing as identified in the Traffic Impact Analysis completed for this subdivision
3. To mitigate impacts on local services, the parkland exchange shall be completed prior to final plat approval.
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

Thomas W. Hanel, Mayor

Pc: Mac Fogelsong, PE, Sanderson Stewart

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Payment of Claims April 9, 2012.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$586,427.55 have been audited and are presented for your approval for payment. A complete listing of the claims dated April 09, 2012, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

AP Report > \$2,500 for 04/09/2012

| Check Date | Check | Name | Amount | Account | Item Desc |
|------------|--------|------------------------------------|----------|-------------------|----------------------|
| 04/09/2012 | 754432 | Active Transportation Alternatives | 5,667.00 | 2400-43010-403560 | Alt Modes March 2012 |
| 04/09/2012 | 754439 | Archie Cochrane | 420.32 | 1500-21120-402320 | MP |
| 04/09/2012 | 754439 | Archie Cochrane | 393.90 | 1500-21120-402320 | 800 |
| 04/09/2012 | 754439 | Archie Cochrane | 314.00 | 1500-21120-402320 | MP |
| 04/09/2012 | 754439 | Archie Cochrane | 37.98 | 1500-21120-402320 | MP |
| 04/09/2012 | 754439 | Archie Cochrane | 112.03 | 1500-21120-402320 | 800 |
| 04/09/2012 | 754439 | Archie Cochrane | 134.92 | 1500-21120-402320 | 800 |
| 04/09/2012 | 754439 | Archie Cochrane | 107.49 | 1500-21120-402320 | 800 |
| 04/09/2012 | 754439 | Archie Cochrane | 68.76 | 1500-21120-402320 | 800 |
| 04/09/2012 | 754439 | Archie Cochrane | 107.49 | 1500-21120-402320 | 5072165 |
| 04/09/2012 | 754439 | Archie Cochrane | 87.50 | 1500-21120-402320 | 5072181 |
| 04/09/2012 | 754439 | Archie Cochrane | 46.37 | 5410-31220-402320 | 5072221 |
| 04/09/2012 | 754439 | Archie Cochrane | 174.51 | 5410-31230-402320 | 800 |
| 04/09/2012 | 754439 | Archie Cochrane | 246.60 | 1500-21120-402320 | 5072344 |
| 04/09/2012 | 754439 | Archie Cochrane | 16.93 | 5410-31230-402320 | 5072369 |
| 04/09/2012 | 754439 | Archie Cochrane | 16.95 | 1500-21120-402320 | 5072458 |
| 04/09/2012 | 754439 | Archie Cochrane | 107.49 | 1500-21120-402320 | 5072887 |
| 04/09/2012 | 754439 | Archie Cochrane | 107.49 | 1500-21120-402320 | 5072941 |
| 04/09/2012 | 754439 | Archie Cochrane | 83.06 | 2110-31320-402320 | 5072990 |
| 04/09/2012 | 754439 | Archie Cochrane | 238.14 | 5710-71470-402320 | 637838/1 |
| 04/09/2012 | 754439 | Archie Cochrane | 107.49 | 1500-21120-402320 | 5071263 |
| 04/09/2012 | 754439 | Archie Cochrane | 114.60 | 1500-21120-402320 | 5072737 |
| 04/09/2012 | 754439 | Archie Cochrane | 4.00 | 1500-21120-402320 | 5072795 |
| 04/09/2012 | 754439 | Archie Cochrane | 158.00 | 1500-21120-402320 | 5072866 |
| 04/09/2012 | 754439 | Archie Cochrane | 159.30 | 1500-21120-402320 | 5072881 |
| 04/09/2012 | 754439 | Archie Cochrane | 107.49 | 1500-21120-402320 | 5073229 |
| 04/09/2012 | 754439 | Archie Cochrane | 172.66 | 5020-75000-402320 | 5073320 |
| 04/09/2012 | 754439 | Archie Cochrane | 33.90 | 0100-51120-402320 | 5073554 |
| 04/09/2012 | 754439 | Archie Cochrane | 11.72 | 1500-21120-402320 | 5073682 |
| 04/09/2012 | 754439 | Archie Cochrane | 102.07 | 1500-21120-402320 | 5073804 |
| 04/09/2012 | 754439 | Archie Cochrane | 330.21 | 1500-21120-402320 | 5073826 |
| 04/09/2012 | 754439 | Archie Cochrane | 55.15 | 1500-21120-402320 | 5073874 |
| 04/09/2012 | 754439 | Archie Cochrane | 257.31 | 1500-21120-402320 | 5073974 |
| 04/09/2012 | 754439 | Archie Cochrane | 158.00 | 1500-21120-402320 | 5074179 |

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|------------|--------|---|-----------|-------------------|--|
| 04/09/2012 | 754440 | Big Sky Linen Supply | 553.00 | 5120-84000-402260 | WWTP |
| 04/09/2012 | 754440 | Big Sky Linen Supply | 669.90 | 5020-74000-402260 | WTP |
| 04/09/2012 | 754440 | Big Sky Linen Supply | 365.30 | 5120-85000-402260 | D&C |
| 04/09/2012 | 754440 | Big Sky Linen Supply | 547.95 | 5020-75000-402260 | D&C |
| 04/09/2012 | 754440 | Big Sky Linen Supply | 32.53 | 5120-83140-402260 | STORE ROOM |
| 04/09/2012 | 754440 | Big Sky Linen Supply | 105.72 | 5020-73140-402260 | STORE ROOM |
| 04/09/2012 | 754440 | Big Sky Linen Supply | 675.00 | 5020-73120-402260 | METER SHOP |
| 04/09/2012 | 754442 | Billings Gazette | 565.71 | 0100-14110-403110 | Online Banner |
| 04/09/2012 | 754442 | Billings Gazette | 312.32 | 5410-31220-403370 | Solid Waste |
| 04/09/2012 | 754442 | Billings Gazette | 3,816.00 | 0100-14110-403939 | City Link |
| 04/09/2012 | 754442 | Billings Gazette | 467.14 | 6010-15500-403330 | HR/Fleet |
| 04/09/2012 | 754442 | Billings Gazette | 1,314.32 | 5120-82110-403310 | HR/Waste Water |
| 04/09/2012 | 754442 | Billings Gazette | 847.18 | 0100-17500-403370 | Human Resources |
| 04/09/2012 | 754442 | Billings Gazette | 611.00 | 2600-55110-403360 | Library |
| 04/09/2012 | 754447 | Brenntag Pacific Inc | 5,453.40 | 2110-31320-404720 | hicothaw |
| 04/09/2012 | 754456 | CCSIU-Petty Cash | 2,565.87 | 7180-21600-407910 | PE/PI Money reimbursement |
| 04/09/2012 | 754460 | County Water District Of Billings Heights | 0.00 | 1500-22210-403420 | FIRE 6: WATER SERVICE - H EIGHTS FIRE STATION |
| 04/09/2012 | 754460 | County Water District Of Billings Heights | 19,719.36 | 8050-15700-405350 | fire hydrant rentals |
| 04/09/2012 | 754460 | County Water District Of Billings Heights | 197.68 | 5120-85000-403420 | 1840 ST ANDREWS |
| 04/09/2012 | 754460 | County Water District Of Billings Heights | 41.78 | 1500-22210-403420 | FIRE 6: WATER SERVICE - H EIGHTS FIRE STATION |
| 04/09/2012 | 754463 | Current Inc | 3,081.50 | 5130-85910-409340 | WO 09-11 Rimrock Rd 17th to Rehberg |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15910-403590 | PARKING SERVER |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15910-403590 | PARKING SERVER MOVE |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15920-403590 | PARKING SERVER MOVE |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15930-403590 | PARKING SERVER MOVE |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15940-403590 | PARKING SERVER MOVE |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15920-403590 | PARKING SERVER |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15940-403590 | PARKING SERVER |
| 04/09/2012 | 754472 | Entrance Controls | 761.25 | 5210-15930-403590 | PARKING SERVER |
| 04/09/2012 | 754489 | Hardrives Asphalt Co | 23,587.09 | 2050-31310-409390 | WO 11-03 2011 STREET MAINTENCE - CRACK SEAL; Pymt #4 |
| 04/09/2012 | 754493 | laff | 4,175.60 | 9000-00000-209920 | PAYROLL SUMMARY |
| 04/09/2012 | 754494 | lcl Performance Products Lp | 3,552.00 | 1500-22310-402690 | 50232737: #10000278 - phos-chek, class A fire foam #WD881 class 1 (5 gallon pails) |

| | | | | | |
|------------|--------|---|-----------|-------------------|--|
| 04/09/2012 | 754495 | Industrial Communications & Electronics | 11,836.50 | 9000-00000-229000 | BID deposit refund for Airport Operations Paging System Replacement project. |
| 04/09/2012 | 754522 | MONTANA CSED | 5,012.05 | 9000-00000-209926 | Child Support |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 4,427.46 | 6500-15660-403440 | 32781001 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 80.09 | 5020-74000-403440 | 04571122 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 10.95 | 5120-85000-403440 | 04695121 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 11.65 | 5020-74000-403440 | 08156322 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 11.65 | 5020-74000-403440 | 08156322 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 2,144.35 | 5020-74000-403440 | 08156221 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 1,045.33 | 5020-74000-403440 | 08156621 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 146.16 | 5020-74000-403440 | 08156421 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 51.78 | 5020-74000-403440 | 08156521 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 22.05 | 0100-51260-403440 | 34329601 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 64.82 | 5020-74000-403440 | 31563202 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 77.72 | 5020-74000-403440 | 31563302 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 67.73 | 0100-51120-403440 | 08767921 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 68.86 | 5020-74000-403440 | 08683522 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 76.95 | 0100-51410-403440 | 08543421 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 206.13 | 0100-51410-403440 | 08543521 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 136.63 | 5020-74000-403440 | 08157322 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 49.12 | 5020-74000-403440 | 08157221 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 348.51 | 5020-73140-403440 | 08157121 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 116.18 | 5120-83140-403440 | 08157121 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 930.75 | 5020-73140-403440 | 08157021 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 310.26 | 5120-83140-403440 | 08157021 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 200.58 | 5020-74000-403440 | 08156922 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 162.99 | 5020-74000-403440 | 08156721 |
| 04/09/2012 | 754523 | Montana Dakota Utilities Co | 24.99 | 5020-74000-403440 | 08156821 |
| 04/09/2012 | 754527 | Montana Municipal Interlocal | 7,231.90 | 6300-17530-407311 | Deductible Recovery Invoice #112004 |
| 04/09/2012 | 754527 | Montana Municipal Interlocal | 21,200.77 | 6300-17530-407311 | Invoice 212005 March Deductible Recovery Invoice |
| 04/09/2012 | 754529 | Montana State Fireman's Assoc | 2,713.74 | 9000-00000-209924 | PAYROLL SUMMARY |
| 04/09/2012 | 754530 | Morrison Maierle Inc | 312.95 | 5030-75910-409340 | WO 10-08 WTP CLEARWELL CT; Pymt 16/120279 |
| 04/09/2012 | 754530 | Morrison Maierle Inc | 49,541.90 | 4050-71250-409695 | AIP 42 Project Overlay of Runway 10L/28R-Federal |

| | | | | | |
|------------|--------|---------------------------|-----------|-------------------|--|
| 04/09/2012 | 754530 | Morrison Maierle Inc | 0.00 | 4050-71250-409695 | Invoice #120333. STORM WATER MASTER PLAN - PFC |
| 04/09/2012 | 754530 | Morrison Maierle Inc | 8,379.41 | 4070-71280-403590 | Invoice #120333. STORM WATER MASTER PLAN - PFC |
| 04/09/2012 | 754530 | Morrison Maierle Inc | 25,454.00 | 5620-71200-409310 | Invoice #120335. Terminal Circle Road Rehabilitation Project |
| 04/09/2012 | 754530 | Morrison Maierle Inc | 2,607.47 | 4050-71250-409696 | AIP 42 Project Overlay of Runway 10L28R-Local |
| 04/09/2012 | 754542 | Normont Equipment Company | 1,445.25 | 2110-31320-402420 | telspar sign post/red, white & green marking paint |
| 04/09/2012 | 754542 | Normont Equipment Company | 1,354.45 | 2110-31320-402320 | gutter wire for sweepers |
| 04/09/2012 | 754543 | Northwestern Energy | 281.97 | 5020-74000-403410 | 805 CONSTITUTION |
| 04/09/2012 | 754543 | Northwestern Energy | 347.66 | 1500-22210-403410 | FIRE #6 ELECTRICAL SERVICE TO FIRE STATION |
| 04/09/2012 | 754543 | Northwestern Energy | 29.81 | 1500-22210-403410 | 07125321 |
| 04/09/2012 | 754543 | Northwestern Energy | 102.34 | 5610-71130-403410 | 07125339 |
| 04/09/2012 | 754543 | Northwestern Energy | 187.48 | 0100-51410-403410 | 07125388 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07233844 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.78 | 8720-51980-403410 | 07238850 |
| 04/09/2012 | 754543 | Northwestern Energy | 141.49 | 6070-22350-403410 | 10069151 |
| 04/09/2012 | 754543 | Northwestern Energy | 10.49 | 5120-85000-403410 | 17040254 |
| 04/09/2012 | 754543 | Northwestern Energy | 663.11 | 5120-85000-403410 | 5 MILE CREEK & BITTERROOT |
| 04/09/2012 | 754543 | Northwestern Energy | 30,458.12 | 5610-71120-403410 | 0100482-9. March 12 utilities. Airport main vault. |
| 04/09/2012 | 754543 | Northwestern Energy | 307.50 | 5120-85000-403410 | 1840 SAINT ANDREWS |
| 04/09/2012 | 754543 | Northwestern Energy | 76.89 | 5120-85000-403410 | SAHARA DR & TABRIZ DR |
| 04/09/2012 | 754543 | Northwestern Energy | 482.24 | 5020-74000-403410 | SKYVIEW HIGH SCHOOL |
| 04/09/2012 | 754543 | Northwestern Energy | 2,044.66 | 5020-74000-403410 | SWORDS PARK BLACK OTTER TRAIL |
| 04/09/2012 | 754543 | Northwestern Energy | 15.09 | 5610-71130-403410 | 07125347 |
| 04/09/2012 | 754543 | Northwestern Energy | 62.85 | 0100-51410-403410 | 07125396 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.75 | 8720-51980-403410 | 07233851 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 11565272 |
| 04/09/2012 | 754543 | Northwestern Energy | 32.72 | 5120-85000-403410 | 17040304 |
| 04/09/2012 | 754543 | Northwestern Energy | 10.24 | 5020-74000-403410 | MOUNTAIN VIEW BLVD SPRINKLER CONTROL |
| 04/09/2012 | 754543 | Northwestern Energy | 2,114.05 | 5210-15910-403410 | P1 ELECTRICITY |
| 04/09/2012 | 754543 | Northwestern Energy | 1,711.85 | 5210-15940-403410 | P4 ELECTRICITY |

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| 04/09/2012 | 754543 | Northwestern Energy | 218.28 | 5610-71130-403410 | 07125354 |
| 04/09/2012 | 754543 | Northwestern Energy | 65.11 | 0100-51260-403410 | 07208416 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.75 | 8720-51980-403410 | 07233869 |
| 04/09/2012 | 754543 | Northwestern Energy | 15.70 | 5020-74000-403410 | 11608072 |
| 04/09/2012 | 754543 | Northwestern Energy | 15.09 | 2110-31320-403410 | 17389891 |
| 04/09/2012 | 754543 | Northwestern Energy | 1,185.54 | 1500-21710-403410 | 11834835 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 5020-74000-403410 | 18672659 |
| 04/09/2012 | 754543 | Northwestern Energy | 30.00 | 5610-71130-403410 | 07127913 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222532 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.75 | 8720-51980-403410 | 07233877 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.56 | 0100-51120-403410 | 12422226 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.49 | 0100-51120-403410 | 19022573 |
| 04/09/2012 | 754543 | Northwestern Energy | 20.73 | 5610-71130-403410 | 07127970 |
| 04/09/2012 | 754543 | Northwestern Energy | 9.07 | 0100-51120-403410 | 07222581 |
| 04/09/2012 | 754543 | Northwestern Energy | 4.96 | 0100-51120-403410 | 07233919 |
| 04/09/2012 | 754543 | Northwestern Energy | 3.32 | 8720-51980-403410 | 07233919 |
| 04/09/2012 | 754543 | Northwestern Energy | 32.00 | 0100-51120-403410 | 12300661 |
| 04/09/2012 | 754543 | Northwestern Energy | 12.38 | 0100-51120-403410 | 19412436 |
| 04/09/2012 | 754543 | Northwestern Energy | 34.06 | 5610-71130-403410 | 07127954 |
| 04/09/2012 | 754543 | Northwestern Energy | 199.04 | 0100-51120-403410 | 07222565 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.75 | 8720-51980-403410 | 07233885 |
| 04/09/2012 | 754543 | Northwestern Energy | 55.47 | 0100-51120-403410 | 12488631 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 5610-71170-403410 | 07128051 |
| 04/09/2012 | 754543 | Northwestern Energy | 15.18 | 0100-51120-403410 | 07222599 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.75 | 8720-51980-403410 | 07233927 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 5610-71130-403410 | 07128135 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.88 | 0100-51120-403410 | 07222722 |
| 04/09/2012 | 754543 | Northwestern Energy | 5.92 | 8720-51980-403410 | 07222722 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.87 | 8720-51980-403410 | 07233935 |
| 04/09/2012 | 754543 | Northwestern Energy | 19.13 | 8720-51980-403410 | 15138001 |
| 04/09/2012 | 754543 | Northwestern Energy | 2,142.86 | 5610-71130-403410 | 07195431 |
| 04/09/2012 | 754543 | Northwestern Energy | 127.27 | 0100-51120-403410 | 07222730 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07233943 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.69 | 8720-51980-403410 | 13127071 |
| 04/09/2012 | 754543 | Northwestern Energy | 26.15 | 8720-51980-403410 | 15138027 |
| 04/09/2012 | 754543 | Northwestern Energy | 29.59 | 5610-71130-403410 | 07197593 |
| 04/09/2012 | 754543 | Northwestern Energy | 11.78 | 0100-51120-403410 | 07222748 |

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| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07233950 |
| 04/09/2012 | 754543 | Northwestern Energy | 14.36 | 8720-51980-403410 | 15138043 |
| 04/09/2012 | 754543 | Northwestern Energy | 28.23 | 5610-71130-403410 | 07197601 |
| 04/09/2012 | 754543 | Northwestern Energy | 98.56 | 0100-51120-403410 | 07222755 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07233968 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.18 | 8720-51980-403410 | 15143886 |
| 04/09/2012 | 754543 | Northwestern Energy | 38.46 | 5610-71130-403410 | 07197619 |
| 04/09/2012 | 754543 | Northwestern Energy | 35.56 | 0100-51120-403410 | 07222771 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07233976 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.87 | 8720-51980-403410 | 15642093 |
| 04/09/2012 | 754543 | Northwestern Energy | 29.48 | 5610-71130-403410 | 07197627 |
| 04/09/2012 | 754543 | Northwestern Energy | 29.55 | 0100-51120-403410 | 07222789 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07233984 |
| 04/09/2012 | 754543 | Northwestern Energy | 43.68 | 5210-15240-403410 | 15696313 |
| 04/09/2012 | 754543 | Northwestern Energy | 29.06 | 5610-71130-403410 | 07202963 |
| 04/09/2012 | 754543 | Northwestern Energy | 15.09 | 0100-51120-403410 | 07222797 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07238355 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222805 |
| 04/09/2012 | 754543 | Northwestern Energy | 9.07 | 8720-51980-403410 | 07238363 |
| 04/09/2012 | 754543 | Northwestern Energy | 13.62 | 0100-51410-403410 | 16352890 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222813 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 8720-51980-403410 | 07238405 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 15882624 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.87 | 0100-51120-403410 | 16926669 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222839 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.95 | 8720-51980-403410 | 07238793 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222847 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.56 | 8720-51980-403410 | 07238835 |
| 04/09/2012 | 754543 | Northwestern Energy | 15.09 | 0100-51120-403410 | 07228083 |
| 04/09/2012 | 754543 | Northwestern Energy | 96.06 | 0100-51120-403410 | 07238843 |
| 04/09/2012 | 754543 | Northwestern Energy | 9.47 | 0100-51120-403410 | 07228521 |
| 04/09/2012 | 754543 | Northwestern Energy | 17.39 | 0100-51120-403410 | 07238876 |
| 04/09/2012 | 754543 | Northwestern Energy | 199.92 | 0100-51120-403410 | 07229958 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.08 | 8720-51980-403410 | 09718248 |
| 04/09/2012 | 754543 | Northwestern Energy | 8.28 | 0100-51120-403410 | 07229768 |
| 04/09/2012 | 754543 | Northwestern Energy | 10.59 | 0100-51120-403410 | 09208018 |
| 04/09/2012 | 754543 | Northwestern Energy | 171.44 | 0100-51120-403410 | 07229016 |

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| 04/09/2012 | 754543 | Northwestern Energy | 7.69 | 8720-51980-403410 | 08814550 |
| 04/09/2012 | 754543 | Northwestern Energy | 9.07 | 0100-51120-403410 | 07228620 |
| 04/09/2012 | 754543 | Northwestern Energy | 0.58 | 0100-51120-403410 | 07931348 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07230253 |
| 04/09/2012 | 754543 | Northwestern Energy | 76.41 | 0100-51120-403410 | 07230055 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 09789173 |
| 04/09/2012 | 754543 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07230469 |
| 04/09/2012 | 754543 | Northwestern Energy | 9.15 | 0100-51120-403410 | 07230493 |
| 04/09/2012 | 754543 | Northwestern Energy | 18.49 | 0100-51120-403410 | 07230535 |
| 04/09/2012 | 754543 | Northwestern Energy | 17.39 | 0100-51120-403410 | 07230642 |
| 04/09/2012 | 754543 | Northwestern Energy | 17.39 | 0100-51120-403410 | 07230659 |
| 04/09/2012 | 754554 | Public Utilities | 9.49 | 5120-85000-403420 | 13670319854 |
| 04/09/2012 | 754554 | Public Utilities | 4,181.21 | 5610-71100-403420 | 68407759 |
| 04/09/2012 | 754555 | Qwest Communications | 41.26 | 5610-71190-403450 | QTA Emergency phone April 2012 |
| 04/09/2012 | 754555 | Qwest Communications | 28.82 | 5610-71100-403450 | Qwest 406-245-1044 Airport Terminal Power M |
| 04/09/2012 | 754555 | Qwest Communications | 43.44 | 5610-71100-403450 | Qwest 406-248-3068 Airport Ind Park Gate 9 |
| 04/09/2012 | 754555 | Qwest Communications | 44.67 | 5710-71410-403450 | Qwest 406-254-7038 MET Transit |
| 04/09/2012 | 754555 | Qwest Communications | 92.43 | 5410-31230-403450 | Qwest 406-245-9820 Solid Waste Landfil |
| 04/09/2012 | 754555 | Qwest Communications | 28.82 | 2110-31320-403450 | Qwest 406-245-9906 PW Traffic Signal 4th 27 |
| 04/09/2012 | 754555 | Qwest Communications | 53.44 | 5410-31230-403450 | Qwest 406-245-7193 Solid Waste Landfill |
| 04/09/2012 | 754555 | Qwest Communications | 44.67 | 5710-71470-403450 | Qwest 406-245-1789 Transit STS |
| 04/09/2012 | 754555 | Qwest Communications | 65.14 | 6060-19310-403450 | Qwest 406-248-9124 Measured Lines MET |
| 04/09/2012 | 754555 | Qwest Communications | 179.04 | 5610-71170-403450 | Qwest 406-252-0721 1FB Line Airport |
| 04/09/2012 | 754555 | Qwest Communications | 61.62 | 6060-19310-403450 | Qwest 406-248-3329 Measured Lines Airport |
| 04/09/2012 | 754555 | Qwest Communications | 44.67 | 2110-31320-403450 | Qwest 406-259-3298 PW Traffic 3728 McDougall |
| 04/09/2012 | 754555 | Qwest Communications | 43.44 | 1500-22250-403450 | Qwest 406-655-0728 Fire Maintenance Shop |
| 04/09/2012 | 754555 | Qwest Communications | 11,290.10 | 2250-22320-403450 | Qwest 406-255-9700 E911 |
| 04/09/2012 | 754555 | Qwest Communications | 28.82 | 5120-85000-403450 | Qwest 406-259-2328 PUD Sahara Sand Lift Station |
| 04/09/2012 | 754560 | Rimrock Engineering Inc | 5,500.00 | 4070-71280-409397 | Invoice #03-15505. Geotechnical investigation of storm retention ponds ABC |
| 04/09/2012 | 754561 | Ring-O-Matic, Inc. | 24,968.00 | 4060-71190-409290 | QTA Car Wash pit vacuum cleaning system with a 750 gal hydraulic tilt spoils tank. |
| 04/09/2012 | 754568 | Shallow Creek Kennels, Inc | 8,500.00 | 7090-21910-396620 | Pre Titled, Dual Purpose Capable Police Service Dog, Invoice 12957 |
| 04/09/2012 | 754575 | Sundown Security | 184.00 | 0100-15120-403590 | pick up from depot and pud, deliver to city hall |

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| 04/09/2012 | 754575 | Sundown Security | 136.80 | 5020-73110-403962 | pick up from depot and pud, deliver to city hall |
| 04/09/2012 | 754575 | Sundown Security | 91.20 | 5120-83110-403962 | pick up from depot and pud, deliver to city hall |
| 04/09/2012 | 754575 | Sundown Security | 213.50 | 6600-31100-403590 | pick up from depot and pud, deliver to city hall |
| 04/09/2012 | 754575 | Sundown Security | 1,371.75 | 5610-71100-403581 | Invoice #38645. Skycap services 3/16-3/22/12 |
| 04/09/2012 | 754575 | Sundown Security | 363.00 | 0100-15120-403590 | pick up and deliver mail boxes 1819 & 1178 |
| 04/09/2012 | 754575 | Sundown Security | 1,387.25 | 5610-71100-403581 | Invoice #38648. Skycap services 3/23-3/29/12 |
| 04/09/2012 | 754581 | Titan Machinery Inc | 697.24 | 2110-31320-402320 | 1C11386 |
| 04/09/2012 | 754581 | Titan Machinery Inc | 697.24 | 2110-31320-402320 | 1C11386A |
| 04/09/2012 | 754581 | Titan Machinery Inc | 396.10 | 2110-31320-402320 | 1C11336 |
| 04/09/2012 | 754581 | Titan Machinery Inc | 1,136.05 | 5120-85000-402320 | NONSTOCKING ITEMS-P.U.D. |
| 04/09/2012 | 754581 | Titan Machinery Inc | 816.22 | 2110-31320-402320 | 1C11382 |
| 04/09/2012 | 754583 | Town & Country Supply Association | 877.71 | 1500-22260-402310 | 92610: FIRE 1 DIESEL 260 GALLONS DELIVERED ON 4/2/2012 |
| 04/09/2012 | 754583 | Town & Country Supply Association | 17,320.46 | 6010-00000-141000 | 18295 PO NUM 289034 |
| 04/09/2012 | 754583 | Town & Country Supply Association | 25,355.26 | 6010-00000-141000 | 18295 PO NUM 289065 |
| 04/09/2012 | 754583 | Town & Country Supply Association | 864.80 | 1500-22260-402310 | 92610: FIRE 1 / UNLEADED 250 GALLONS DELIVERED 4/2/2012 |
| 04/09/2012 | 754583 | Town & Country Supply Association | 675.16 | 1500-22260-402310 | 92610: FIRE 5 DIESEL 200 GALLONS DELIVERED 4/2/2012 |
| 04/09/2012 | 754588 | U.S. Bank | 57.09 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 84.63 | 2110-31320-403650 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 5.57 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -429.35 | 2110-31320-403650 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 502.50 | 0100-11000-403824 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 429.35 | 2110-31320-403650 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | -309.00 | 5610-71130-403822 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 118.32 | 1500-21120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 875.38 | 1500-21120-402290 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 170.00 | 6700-31410-403824 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 21.75 | 6600-31100-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 125.00 | 0100-16110-403821 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 218.00 | 1500-21120-402120 | PCard Transaction Description: MEDICAL |
| 04/09/2012 | 754588 | U.S. Bank | 80.00 | 5610-71130-402240 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 124.30 | 5020-77000-402280 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 66.26 | 6500-15660-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 1,268.19 | 5610-71120-402240 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 364.54 | 6500-15670-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 100.32 | 6500-15670-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 112.50 | 6500-15660-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 787.40 | 6500-15660-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 68.62 | 6500-15660-402120 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 50.00 | 5610-71150-402290 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 134.95 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 113.92 | 5610-71120-402260 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 16.44 | 2660-67730-407291 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 71.01 | 2660-67730-407291 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 449.05 | 1500-21400-403822 | PCard Transaction Description: HOTELS |

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| 04/09/2012 | 754588 | U.S. Bank | 149.00 | 2400-43010-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 449.05 | 1500-21400-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 234.44 | 1500-21120-402220 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 216.60 | 2600-55130-402190 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 45.00 | 0100-16110-403821 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 385.00 | 0100-12120-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 108.00 | 2600-55110-403360 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 273.45 | 2600-55110-403360 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 1,390.32 | 5610-71120-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 107.91 | 5610-71120-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 73.23 | 2600-55110-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 73.23 | 2600-55110-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 620.00 | 6500-15660-402450 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 70.00 | 5610-71170-403660 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 85.00 | 5610-71190-403660 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 129.00 | 5610-71120-403660 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 81.00 | 5610-71170-403660 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 123.00 | 6500-15660-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | -227.92 | 5210-15910-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 79.68 | 2110-31320-402290 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 117.11 | 5610-71120-402450 | PCard Transaction Description: WHOLESAL TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 34.80 | 5610-71190-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 32.00 | 6700-31410-402320 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 28.88 | 5120-84000-402360 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 10.95 | 1500-21580-403870 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 113.74 | 5710-71430-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 149.00 | 0100-51420-402320 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 26.00 | 1500-21110-401170 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 528.80 | 5610-71130-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 280.00 | 5710-71470-403822 | PCard Transaction Description: OTHER TRAVEL |
| 04/09/2012 | 754588 | U.S. Bank | 30.19 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 18.92 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 171.28 | 0100-51120-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 7.98 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 18.75 | 1500-21500-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 29.26 | 2110-31320-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 100.48 | 5410-31230-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 129.00 | 5610-71120-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 276.42 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.98 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 2.88 | 5710-71430-402450 | PCard Transaction Description: WHOLES TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 18.17 | 6500-15660-402210 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 395.00 | 5610-71120-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 122.40 | 5610-71120-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 1,454.00 | 5610-71120-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 439.00 | 8720-51980-403650 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 1,348.20 | 0100-16110-402925 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 6.66 | 5020-74000-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 7.70 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 124.00 | 5610-71150-403660 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 115.52 | 0100-51120-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 43.81 | 5410-31230-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 132.00 | 0100-43210-402190 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 45.69 | 5710-71410-403822 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 102.14 | 2510-21870-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 124.30 | 2510-21870-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 144.00 | 5210-15910-402450 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 29.00 | 1500-21200-402610 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 871.50 | 0100-16110-403220 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 871.50 | 0100-16110-403220 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 909.25 | 0100-12120-403390 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 80.00 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 98.00 | 5710-71480-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 123.00 | 2110-31320-403350 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 246.00 | 6600-31100-403350 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 984.00 | 6700-31410-403350 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 293.94 | 2600-55190-403382 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 183.90 | 1500-21120-402220 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 91.95 | 7180-21600-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 76.77 | 2110-31320-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 264.16 | 5410-31220-402920 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 828.08 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 12.50 | 0100-51420-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 109.95 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 218.84 | 8720-51980-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 112.17 | 8720-51980-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 18.34 | 2660-67730-407291 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 45.65 | 2660-67730-407291 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 16.05 | 2660-67730-407291 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 14.99 | 5610-71130-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 12.57 | 0100-51120-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 19.99 | 2110-31320-402430 | PCard Transaction Description: OTHER |

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| 04/09/2012 | 754588 | U.S. Bank | 59.98 | 2110-31320-402320 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | -25.99 | 5610-71150-402440 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 25.99 | 5610-71150-402440 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 118.65 | 0100-51120-402410 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 298.00 | 5410-31220-404270 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 80.00 | 5410-31220-404270 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 50.00 | 5610-71190-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 15.00 | 0100-51210-403665 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 14.00 | 1500-21120-402120 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 1,008.95 | 5610-71130-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 400.00 | 6500-15660-403660 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 891.54 | 5610-71170-403660 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 228.87 | 2600-55190-403382 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 1500-22230-403350 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 1500-22230-403350 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 2090-44510-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 2090-44510-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 2090-44510-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 35.00 | 5610-71120-403660 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 168.00 | 5610-71190-403660 | PCard Transaction Description: BUSINESS EXPENS |

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| 04/09/2012 | 754588 | U.S. Bank | 35.00 | 5610-71120-403660 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 30.00 | 5610-71150-402290 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 1,025.00 | 0100-16110-403220 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 26.84 | 0100-15120-403210 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 191.44 | 1500-21110-403110 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 6.06 | 5710-71440-402450 | PCard Transaction Description: MEDICAL |
| 04/09/2012 | 754588 | U.S. Bank | 3.99 | 2600-55190-403227 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 379.47 | 1500-21150-402279 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 164.30 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 16.51 | 0100-51120-402330 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 403.75 | 5410-31220-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 45.90 | 5410-31220-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 72.18 | 5410-31220-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 26.52 | 5610-71120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 157.96 | 5610-71120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 29.38 | 5610-71120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 60.06 | 5610-71190-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 205.00 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 307.45 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 55.86 | 0100-51120-402330 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 134.99 | 6500-15670-402240 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 37.24 | 0100-51420-402330 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 177.95 | 2110-31320-402320 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 41.36 | 5610-71130-402320 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 29.47 | 5610-71130-402320 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 14.00 | 2510-21870-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 78.54 | 1500-21150-403822 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 237.30 | 6700-31410-403824 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 237.30 | 6700-31410-403824 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 106.93 | 1500-21120-403590 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 517.43 | 2110-31320-402290 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 50.00 | 2400-43010-408199 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 27.60 | 0100-13130-403360 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 26.10 | 0100-13130-403360 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 1,709.00 | 0100-51120-402925 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 14.34 | 0100-51120-403990 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 51.88 | 5410-31230-402290 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 149.12 | 5410-31230-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 204.40 | 5710-71440-402320 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.11 | 5610-71150-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 164.48 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 30.00 | 5410-31220-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 92.97 | 5210-15910-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 24.45 | 5210-15940-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.63 | 5210-15910-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.63 | 5210-15920-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.63 | 5210-15930-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.61 | 5210-15940-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.75 | 5210-15910-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.75 | 5210-15920-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.75 | 5210-15930-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.76 | 5210-15940-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 134.95 | 5610-71120-402240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 34.09 | 5610-71120-402240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 85.18 | 6500-15660-402320 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 17.94 | 2650-67720-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 372.25 | 8720-51980-403650 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 710.68 | 2110-31320-402320 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 1,230.00 | 5610-71190-403660 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 775.00 | 5610-71190-403660 | PCard Transaction Description: BUILDING SERVIC |

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| 04/09/2012 | 754588 | U.S. Bank | 399.50 | 2600-55180-403690 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 304.00 | 6500-15660-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 533.50 | 6500-15670-403690 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 261.81 | 5610-71170-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 608.75 | 8400-31840-403824 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 12.00 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 10.00 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 53.20 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 2.72 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 5.00 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 145.23 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 72.00 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 24.00 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 323.81 | 1500-21200-402610 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 69.44 | 1500-21200-402631 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 65.05 | 5610-71150-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 50.00 | 0100-12530-403575 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 170.00 | 5020-74000-403350 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 39.35 | 2110-31320-402920 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 21.89 | 5210-15230-402120 | PCard Transaction Description: OTHER |

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| 04/09/2012 | 754588 | U.S. Bank | 8.75 | 5610-71150-402290 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 10.76 | 2650-67720-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 8.46 | 5020-74000-402450 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 12.20 | 5710-71410-403110 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 92.00 | 0100-51270-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 200.00 | 2510-21870-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 31.00 | 0100-51420-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 77.66 | 5710-71470-403690 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 106.00 | 0100-51420-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 68.50 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 635.00 | 5610-71150-403660 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 7.07 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 525.00 | 5410-31230-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 458.50 | 5610-71130-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 104.00 | 6500-15660-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 40.00 | 6500-15660-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 18.98 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 16.62 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 8.07 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 11.45 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 7.49 | 2600-55190-403226 | PCard Transaction Description: OFFICE SUPPLIES |

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| 04/09/2012 | 754588 | U.S. Bank | 26.70 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 4.00 | 2600-55190-403333 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 6.48 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 23.79 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 15.58 | 2600-55190-403255 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 65.49 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 9.54 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 44.99 | 5210-15210-408199 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 520.00 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 240.00 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 240.00 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 280.00 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 160.00 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 160.00 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 195.00 | 2600-55190-403380 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 60.83 | 2400-43010-408199 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 97.44 | 6500-15660-402360 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 33.06 | 6500-15660-402360 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 77.31 | 5610-71130-402260 | PCard Transaction Description: OTHER |

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| 04/09/2012 | 754588 | U.S. Bank | 46.94 | 2600-55120-403690 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 30.42 | 2600-55120-402690 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 23.09 | 5410-31230-402320 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 1,500.00 | 2510-21870-403560 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 134.36 | 5610-71150-402440 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 106.93 | 1500-21400-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 95.16 | 7180-21600-403870 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 155.88 | 5610-71130-402320 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 168.39 | 5610-71130-402320 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.40 | 5610-71130-402320 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.98 | 0100-51120-402410 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 31.98 | 5210-15230-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 306.99 | 5610-71130-403650 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 25.27 | 0100-51120-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 78.78 | 0100-51420-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 22.41 | 2110-31320-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 14.94 | 2110-31320-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 66.50 | 2110-31320-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 23.00 | 2650-67720-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 134.10 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 104.88 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 8.01 | 0100-51120-402330 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 65.00 | 2110-31320-405333 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 124.00 | 1500-21150-403822 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 27.50 | 2110-31320-402260 | PCard Transaction Description: OTHER |

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| 04/09/2012 | 754588 | U.S. Bank | 130.16 | 0100-12200-403210 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 2.79 | 5610-71100-403390 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 37.95 | 5610-71130-403660 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 87.46 | 5610-71130-403660 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 246.64 | 0100-51270-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 540.72 | 2600-55120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 332.06 | 2600-55120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 80.57 | 6500-15660-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 169.69 | 6500-15660-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 685.21 | 6500-15660-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 135.82 | 6500-15660-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 66.64 | 5710-71470-402630 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 149.50 | 5020-77000-403350 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 149.50 | 5120-87000-403350 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 195.00 | 6700-31410-403824 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 195.00 | 6700-31410-403824 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 79.99 | 0100-51100-402190 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 17.02 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 821.70 | 1500-21200-403822 | PCard Transaction Description: AIRLINE |

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| 04/09/2012 | 754588 | U.S. Bank | 94.97 | 1500-22240-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 5.77 | 2110-31320-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 10.40 | 2110-31320-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 44.00 | 5610-71130-403655 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -80.00 | 5610-71130-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 193.00 | 1500-21120-402261 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 685.00 | 1500-21400-403822 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 9.00 | 6500-15650-402310 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 363.06 | 1500-21400-403822 | PCard Transaction Description: OTHER TRAVEL |
| 04/09/2012 | 754588 | U.S. Bank | 98.49 | 5610-71140-402260 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 555.44 | 5610-71140-402260 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 33.26 | 2110-31320-403410 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 66.00 | 1500-21200-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 104.82 | 8720-51980-403410 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 180.70 | 8720-51980-403410 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 287.37 | 8720-51980-403410 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 19.00 | 8720-51980-403410 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 42.00 | 0100-12200-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 25.55 | 0100-51120-402410 | PCard Transaction Description: VEHICLE EXPENSE |

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| 04/09/2012 | 754588 | U.S. Bank | 126.98 | 5610-71130-402320 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 11.84 | 6500-15660-402450 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 33.56 | 6500-15660-402450 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 76.80 | 0100-51120-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 32.89 | 0100-51120-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 161.30 | 1500-21120-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 228.50 | 1500-21200-407910 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 530.20 | 5610-71130-403650 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 439.35 | 5610-71130-403650 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 366.71 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 136.50 | 1500-22250-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 92.55 | 5610-71150-402290 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 525.00 | 1500-21720-403824 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 290.84 | 2710-67100-403240 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 465.60 | 2970-65010-403581 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 560.00 | 0100-43210-403585 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 215.00 | 1500-21110-403170 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 285.00 | 1500-21110-403170 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 210.90 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 27.16 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 85.55 | 0100-51120-402410 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 166.02 | 8720-51980-403650 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 59.37 | 8720-51980-403650 | PCard Transaction Description: WHOLESAL TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 87.00 | 1500-21110-403574 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 68.50 | 2600-55120-403660 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 37.50 | 5210-15910-403970 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 75.00 | 5210-15920-403970 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 75.00 | 5210-15930-403970 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 75.00 | 5210-15940-403970 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 29.00 | 5410-31230-403660 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 553.98 | 6500-15660-402450 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 480.00 | 6500-15660-402450 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 17.60 | 6600-31100-403660 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 26.40 | 6700-31410-403660 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 38.00 | 1500-22210-403760 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 112.26 | 2600-55190-403226 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 112.26 | 2600-55190-403226 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 144.00 | 2600-55110-403824 | PCard Transaction Description: BUSINESS EXPENS |

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| 04/09/2012 | 754588 | U.S. Bank | 243.00 | 2600-55110-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 163.00 | 2600-55110-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 221.00 | 2600-55110-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 243.00 | 2600-55110-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 100.00 | 2400-43010-403824 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 766.19 | 5610-71130-403650 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 163.61 | 1500-22290-402490 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 135.44 | 0100-17500-403210 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 112.15 | 0100-17500-403210 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 110.46 | 0100-15120-403210 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 60.29 | 0100-51120-402330 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 41.56 | 0100-51120-402330 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.49 | 0100-51120-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 251.58 | 0100-51120-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 3.86 | 5210-15910-402120 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.08 | 5610-71120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 500.00 | 7090-21910-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 500.00 | 7090-21910-403822 | PCard Transaction Description: BUSINESS EXPENS |

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| 04/09/2012 | 754588 | U.S. Bank | 500.00 | 7090-21910-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 500.00 | 7090-21910-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 500.00 | 7090-21910-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 53.95 | 1500-22310-402690 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 97.00 | 6500-15650-403450 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 10.00 | 5610-71100-402120 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 33.50 | 1500-22290-402120 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 440.00 | 0100-15120-403350 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 17.83 | 2970-65010-403110 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 275.00 | 5120-84000-403820 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 30.00 | 2050-31310-403590 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 45.20 | 1500-22210-403760 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 19.85 | 1500-21400-402270 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 19.70 | 1500-21400-402270 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 105.56 | 1500-21120-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 195.00 | 6050-15160-403690 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 16.70 | 6700-31410-402190 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 21.14 | 1500-21400-402280 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 282.75 | 5610-71150-402290 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 186.25 | 5610-71130-403660 | PCard Transaction Description: OFFICE SERVICES |

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| 04/09/2012 | 754588 | U.S. Bank | 12.00 | 5610-71130-403660 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 42.00 | 5610-71130-402450 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 5610-71150-402290 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 60.60 | 5610-71150-402290 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 619.50 | 5710-71410-403822 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 360.00 | 6500-15660-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 630.00 | 6500-15660-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 1,730.00 | 6500-15670-403690 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 115.00 | 5610-71120-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 279.00 | 6010-15530-403990 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 13.80 | 1500-21120-402120 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 24.50 | 1500-21200-402120 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 4.50 | 5710-71430-402450 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 58.00 | 6500-15660-402450 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 514.57 | 5610-71150-402220 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 1,611.75 | 6500-15670-403690 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 32.90 | 5610-71100-402120 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 15.65 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 196.04 | 0100-51120-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 34.86 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 221.64 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 273.44 | 1500-22230-403824 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 273.44 | 1500-22230-403824 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 89.81 | 5710-71410-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 85.22 | 5610-71130-402320 | PCard Transaction Description: AUTO/RV DEALERS |
| 04/09/2012 | 754588 | U.S. Bank | 207.92 | 5610-71130-402320 | PCard Transaction Description: AUTO/RV DEALERS |
| 04/09/2012 | 754588 | U.S. Bank | 531.50 | 0100-16110-403310 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 11.95 | 5210-15230-402290 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 11.95 | 5210-15230-402120 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 10.99 | 2200-22330-402410 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 77.93 | 6700-31410-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 15.48 | 5610-71130-403653 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 50.24 | 5610-71130-403653 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 66.00 | 5710-71410-403822 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 53.42 | 2510-21870-403822 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 1,144.91 | 1500-21500-402190 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 395.96 | 1500-21500-402190 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 618.93 | 1500-21500-402271 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 95.00 | 1500-21110-403170 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 634.15 | 5610-71130-402320 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 89.83 | 0100-16110-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 47.20 | 0100-16110-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 3.59 | 0100-17500-402110 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 108.85 | 0100-17500-402110 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 2.82 | 0100-17500-402110 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 46.98 | 0100-13130-402110 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 29.55 | 0100-43210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 95.17 | 0100-15120-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 243.98 | 0100-15120-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 2,404.91 | 0100-12200-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 196.52 | 0100-12200-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 23.70 | 0100-51120-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 23.69 | 0100-51210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 24.41 | 0100-51100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 20.58 | 0100-51270-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.77 | 0100-51270-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 71.80 | 1500-22250-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 406.62 | 1500-21500-402190 | PCard Transaction Description: WHOLES TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 69.55 | 1500-21500-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 154.31 | 1500-21200-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 257.57 | 1500-21500-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 21.00 | 1500-21150-402285 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 38.56 | 2090-44510-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 210.43 | 2090-44510-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 16.69 | 2090-44510-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 31.20 | 2400-43010-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 191.35 | 2550-21420-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 245.96 | 2600-55130-403690 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 153.04 | 2600-55130-402150 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 28.79 | 2600-55110-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 802.91 | 2600-55180-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 273.23 | 2760-67500-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 109.99 | 2760-67500-403240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 26.38 | 5020-73110-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 27.22 | 5020-75000-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 17.58 | 5120-83110-402190 | PCard Transaction Description: WHOLES TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 18.15 | 5120-85000-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 356.29 | 5120-85000-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 334.55 | 5120-84000-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 52.20 | 5210-15920-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 163.00 | 5210-15210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 46.89 | 5210-15920-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 3.48 | 5210-15910-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 21.37 | 5210-15930-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 62.28 | 5410-31210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 153.84 | 5410-31210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 76.53 | 5410-31210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 61.91 | 5410-31210-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 101.76 | 5610-71190-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 35.37 | 5610-71100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 75.98 | 5710-71470-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 101.22 | 6010-15500-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 52.43 | 6010-15500-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 19.99 | 6010-15500-402190 | PCard Transaction Description: WHOLES TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 2.71 | 6010-15500-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 98.70 | 6050-15160-402160 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 421.80 | 6050-15160-402160 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 71.80 | 6050-15160-402160 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 173.50 | 6050-15160-402160 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 231.08 | 6200-19110-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 30.29 | 6600-31100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 41.55 | 6600-31100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.97 | 6600-31100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 205.83 | 6600-31100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 8.61 | 6600-31100-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 229.41 | 6600-31100-403390 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 39.98 | 6700-31410-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 15.99 | 6700-31410-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 118.06 | 6700-31410-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 107.70 | 6700-31410-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 15.00 | 5610-71150-402290 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 316.58 | 6500-15660-402450 | PCard Transaction Description: WHOLES TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 97.59 | 6500-15660-402240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 95.20 | 5610-71120-402240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 291.00 | 5610-71120-402240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 79.20 | 5610-71120-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.67 | 5210-15940-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.66 | 5210-15930-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.66 | 5210-15920-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.66 | 5210-15910-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 12.00 | 5210-15930-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 14.75 | 5610-71190-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 132.00 | 2400-43180-403824 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 480.00 | 0100-51120-403824 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 75.90 | 0100-16110-403520 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 151.80 | 0100-16110-403520 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 75.90 | 0100-16110-403520 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | -35.99 | 0100-12200-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -39.18 | 1500-21150-402975 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 261.99 | 1500-22310-402690 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 19.50 | 5610-71100-408199 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 43.50 | 5610-71100-408199 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | -19.50 | 5610-71100-408199 | PCard Transaction Description: OFFICE SERVICES |

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| 04/09/2012 | 754588 | U.S. Bank | -43.50 | 5610-71100-408199 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | -12.68 | 6010-15500-402190 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -31.29 | 6200-19110-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 757.83 | 0100-51120-402330 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 90.72 | 2110-31320-402310 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 513.94 | 2110-31320-402320 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 392.26 | 0100-51120-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 727.98 | 1500-22260-402120 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 436.43 | 5610-71120-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 470.12 | 2110-31320-404160 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 24.70 | 2110-31320-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 1.98 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 534.20 | 7380-12640-403824 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 534.20 | 7380-12640-403824 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 534.20 | 7380-12640-403824 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 229.00 | 2110-31320-403823 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 230.77 | 2510-21870-403822 | PCard Transaction Description: RENTAL CARS |
| 04/09/2012 | 754588 | U.S. Bank | 310.10 | 2760-67500-403822 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 310.10 | 2760-67500-403822 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 310.10 | 2760-67500-403822 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 138.75 | 0100-13130-403824 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 655.70 | 1500-21720-403824 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 425.70 | 2250-22320-403822 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 425.70 | 2250-22320-403822 | PCard Transaction Description: AIRLINE |

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| 04/09/2012 | 754588 | U.S. Bank | 36.00 | 0100-13130-403360 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 700.20 | 7380-12640-403824 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 110.45 | 0100-51420-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 61.50 | 0100-51420-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 7.83 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 26.22 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 94.38 | 0100-51120-402330 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 46.48 | 8720-51980-403650 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 42.00 | 2510-21870-403822 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 59.29 | 0100-51120-402290 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 94.40 | 1500-21200-402610 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 79.96 | 1500-21500-402271 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 80.96 | 1500-21500-402271 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 80.96 | 1500-21500-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 104.37 | 1500-21500-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 445.70 | 5710-71410-403822 | PCard Transaction Description: AIRLINE |
| 04/09/2012 | 754588 | U.S. Bank | 43.68 | 1500-21400-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 43.68 | 1500-21400-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 75.62 | 1500-21150-402975 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 22.34 | 2600-55150-402280 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 343.90 | 1500-21200-402610 | PCard Transaction Description: OTHER |

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| 04/09/2012 | 754588 | U.S. Bank | 79.99 | 1500-21200-402610 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 170.96 | 2110-31320-402320 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 25.00 | 2600-55150-402280 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 36.99 | 5610-71150-402440 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 31.98 | 1500-21500-402190 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 37.94 | 0100-51120-402260 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 16.35 | 1500-21500-402190 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 42.96 | 1500-21120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 37.92 | 2110-31320-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 15.13 | 5210-15210-402190 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 51.45 | 5710-71430-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.84 | 5710-71430-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 23.82 | 5710-71440-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 272.69 | 1500-21500-402271 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 191.50 | 1500-21500-402190 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 180.33 | 5210-15910-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 189.26 | 5210-15940-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 72.00 | 5210-15930-402450 | PCard Transaction Description: BUILDING SERVIC |
| 04/09/2012 | 754588 | U.S. Bank | 47.94 | 5610-71150-402290 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 161.74 | 6500-15650-402190 | PCard Transaction Description: OFFICE SUPPLIES |

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| 04/09/2012 | 754588 | U.S. Bank | 11.68 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 18.11 | 0100-51120-402330 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 24.99 | 0100-51420-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 4.70 | 0100-51420-402330 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 24.99 | 0100-51120-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 10.99 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 12.99 | 0100-51120-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 18.98 | 0100-51120-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 9.46 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.98 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 113.96 | 0100-51120-402330 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 149.41 | 0100-51120-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 18.88 | 2110-31320-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 33.98 | 2110-31320-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 15.85 | 2600-55120-402340 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -69.80 | 2600-55120-402690 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 9.98 | 5020-77000-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.69 | 5120-83140-402120 | PCard Transaction Description: WHOLES TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 6.29 | 5210-15230-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 6.49 | 5210-15230-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 2.13 | 5210-15930-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 4.45 | 5210-15920-402190 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.11 | 5210-15910-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 3.99 | 5210-15910-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 53.98 | 5410-31220-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.99 | 5410-31220-404270 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 21.98 | 5410-31220-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 7.99 | 5710-71430-403660 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 14.96 | 6500-15660-402210 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 38.44 | 6500-15660-402450 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.96 | 6500-15660-402210 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.99 | 8720-51980-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 275.30 | 2600-55190-403244 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 422.84 | 2600-55190-403243 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 87.00 | 0100-12200-403240 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 50.00 | 0100-12120-403824 | PCard Transaction Description: OFFICE SERVICES |

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| 04/09/2012 | 754588 | U.S. Bank | 362.81 | 2600-55190-403225 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 119.93 | 2600-55190-403336 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 640.00 | 0100-15120-403350 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 39.54 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 39.61 | 0100-51120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 19.97 | 1500-22260-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 66.97 | 1500-21120-402120 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 35.28 | 1500-21120-402290 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 149.00 | 5410-31220-402410 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 33.43 | 5610-71120-403660 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.94 | 8720-51980-403650 | PCard Transaction Description: WHOLES TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 487.97 | 2200-22330-402410 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 34.50 | 0100-51120-402290 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 2,100.00 | 2110-31320-403650 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 895.00 | 7090-21910-402120 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 7.15 | 0100-51120-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 40.61 | 0100-51270-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 21.50 | 1500-21120-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 907.20 | 2110-31320-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 72.00 | 2600-55120-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 1,009.10 | 5410-31220-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 408.90 | 5410-31230-402260 | PCard Transaction Description: OTHER |

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| 04/09/2012 | 754588 | U.S. Bank | 307.41 | 6010-15530-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 90.00 | 6010-15530-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 645.20 | 6500-15670-403690 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 428.75 | 6500-15660-402450 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 29.99 | 0100-51120-402290 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 237.00 | 1500-22290-402410 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 13.93 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 19.97 | 5210-15230-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 81.42 | 5610-71120-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 44.73 | 5610-71120-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 14.97 | 5610-71120-402450 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 74.54 | 0100-51120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 12.53 | 2110-31320-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 136.19 | 2110-31320-402420 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 316.00 | 0100-16110-403310 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 181.41 | 1500-22310-402690 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 110.00 | 0100-12120-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 25.05 | 6060-19310-402122 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 115.00 | 5610-71150-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 115.00 | 5610-71150-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 414.95 | 1500-21200-402610 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 150.00 | 0100-12530-403575 | PCard Transaction Description: EATING/DRINKING |

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| 04/09/2012 | 754588 | U.S. Bank | 23.54 | 0100-51420-402330 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 548.00 | 1500-21200-402610 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 43.98 | 1500-21200-402120 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 50.00 | 1500-21150-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 31.95 | 1500-21200-403822 | PCard Transaction Description: OTHER TRAVEL |
| 04/09/2012 | 754588 | U.S. Bank | 7.00 | 7380-12640-403824 | PCard Transaction Description: OTHER TRAVEL |
| 04/09/2012 | 754588 | U.S. Bank | 17.00 | 2650-67720-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 3.00 | 5210-15230-402120 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 218.23 | 2600-55190-403380 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 223.00 | 1500-21200-402610 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 150.21 | 2110-31320-402290 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | -375.00 | 2110-31320-403823 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 686.33 | 2600-55120-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 129.73 | 5210-15910-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 277.92 | 5210-15930-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 402.78 | 5210-15920-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 273.89 | 5210-15940-403660 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 572.15 | 6500-15670-403690 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 17.45 | 0100-13130-403360 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 354.50 | 5610-71170-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -46.54 | 5610-71150-402320 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -69.90 | 5610-71150-402320 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | -123.28 | 5610-71150-402320 | PCard Transaction Description: WHOLESALE TRADE |

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| 04/09/2012 | 754588 | U.S. Bank | 69.90 | 5610-71150-402320 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 12.99 | 2510-21870-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 276.00 | 5120-87000-402280 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 168.00 | 5410-31210-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 10.00 | 5410-31210-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 138.35 | 1500-21150-403822 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 862.19 | 7090-21910-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 862.19 | 7090-21910-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 862.19 | 7090-21910-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 862.19 | 7090-21910-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 862.19 | 7090-21910-403822 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 80.97 | 0100-51120-402260 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 16.70 | 1500-21710-402240 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 141.70 | 5710-71430-402260 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 411.41 | 5710-71430-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 77.10 | 5710-71430-403660 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 279.70 | 5710-71440-402260 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 25.94 | 5710-71480-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 171.56 | 0100-51420-402290 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 959.80 | 0100-11000-402925 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 198.99 | 2600-55180-402120 | PCard Transaction Description: MAIL/TELEPHONE |

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| 04/09/2012 | 754588 | U.S. Bank | 170.91 | 6200-19110-405370 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 2,294.16 | 6200-19110-405370 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 330.26 | 6200-19110-405370 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 140.80 | 2600-55110-407930 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 87.00 | 6600-31100-402190 | PCard Transaction Description: MRO SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 100.58 | 5610-71120-402240 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 9.98 | 0100-51420-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.98 | 0100-51270-402450 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 83.31 | 0100-51120-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 34.99 | 0100-51120-402410 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 169.99 | 2110-31320-402920 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 69.99 | 2110-31320-402290 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 94.89 | 2110-31320-402420 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 113.40 | 2110-31320-402920 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 75.98 | 2600-55120-402690 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 11.96 | 5710-71470-402630 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 142.85 | 1500-21700-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 839.00 | 6500-15670-403690 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 61.49 | 5020-73110-402190 | PCard Transaction Description: OFFICE SERVICES |

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| 04/09/2012 | 754588 | U.S. Bank | 40.99 | 5120-83110-402190 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 390.32 | 2400-43010-407214 | PCard Transaction Description: WHOLESALE TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 7.00 | 5710-71470-403822 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 99.99 | 0100-51120-402260 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 140.15 | 2960-65010-407270 | PCard Transaction Description: EATING/DRINKING |
| 04/09/2012 | 754588 | U.S. Bank | 36.00 | 6200-19110-402190 | PCard Transaction Description: OTHER |
| 04/09/2012 | 754588 | U.S. Bank | 194.70 | 1500-21110-403740 | PCard Transaction Description: HOTELS |
| 04/09/2012 | 754588 | U.S. Bank | 275.00 | 1500-21400-403822 | PCard Transaction Description: OFFICE SERVICES |
| 04/09/2012 | 754588 | U.S. Bank | 61.03 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 39.98 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 23.48 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 6.00 | 2600-55190-403226 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 17.79 | 2600-55190-403226 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 19.95 | 2600-55190-403227 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 9.99 | 2600-55190-403222 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 29.99 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 59.96 | 2600-55190-403225 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 19.95 | 2600-55190-403227 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 15.00 | 2600-55190-403227 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 10.16 | 2600-55190-403241 | PCard Transaction Description: OFFICE SUPPLIES |

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| 04/09/2012 | 754588 | U.S. Bank | 199.00 | 5210-15210-408199 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 72.25 | 0100-12530-403575 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 210.00 | 1500-22290-402120 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 45.94 | 2400-43010-403824 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 9.99 | 2600-55120-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 5.34 | 2600-55120-403420 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 38.95 | 2650-67720-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 60.00 | 0100-12530-403575 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 133.11 | 1500-22210-403760 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 40.65 | 2600-55110-403360 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 9.98 | 2650-67720-402290 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 8.99 | 0100-51100-403360 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 13.47 | 2400-43010-403824 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 6.99 | 5610-71100-403390 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 9.36 | 1500-21110-401170 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 149.95 | 2510-21870-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 79.00 | 2510-21870-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 69.00 | 2510-21870-402190 | PCard Transaction Description: OFFICE SUPPLIES |

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| 04/09/2012 | 754588 | U.S. Bank | 29.00 | 2510-21870-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 1,313.00 | 2510-21870-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 371.96 | 1500-21720-403824 | PCard Transaction Description: OTHER TRAVEL |
| 04/09/2012 | 754588 | U.S. Bank | 10.00 | 0100-51420-402330 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 10.98 | 5610-71120-402450 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 439.67 | 5610-71130-402320 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 595.00 | 0100-12120-403824 | PCard Transaction Description: BUSINESS EXPENS |
| 04/09/2012 | 754588 | U.S. Bank | 79.98 | 1500-21720-402290 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 87.99 | 1500-21500-402120 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | 63.98 | 5710-71410-402190 | PCard Transaction Description: OFFICE SUPPLIES |
| 04/09/2012 | 754588 | U.S. Bank | -166.46 | 1500-21120-402260 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 48.90 | 1500-21120-402261 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 470.46 | 1500-21120-402261 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 558.78 | 1500-21120-402260 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 517.61 | 5610-71150-402260 | PCard Transaction Description: MAIL/TELEPHONE |
| 04/09/2012 | 754588 | U.S. Bank | 84.20 | 0100-51120-402410 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | -18.72 | 0100-51120-402410 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 56.99 | 5210-15230-402390 | PCard Transaction Description: VEHICLE EXPENSE |

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|------------|--------|-----------|--------|-------------------|--|
| 04/09/2012 | 754588 | U.S. Bank | 3.36 | 5610-71130-402450 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 101.95 | 5610-71130-402320 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 50.79 | 0100-51120-402290 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 75.54 | 0100-51120-402290 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 35.41 | 2400-43010-403720 | PCard Transaction Description: VEHICLE EXPENSE |
| 04/09/2012 | 754588 | U.S. Bank | 135.00 | 0100-51120-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 320.00 | 2110-31320-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 112.50 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 112.50 | 8720-51980-403650 | PCard Transaction Description: WHOLESale TRADE |
| 04/09/2012 | 754588 | U.S. Bank | 142.52 | 2110-31320-402380 | PCard Transaction Description: WHOLESale TRADE |

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Payment of Claims April 16, 2012.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,439,589.82 have been audited and are presented for your approval for payment. A complete listing of the claims dated April 16, 2012, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

AP Report > \$2,500 for 04/16/2012

| Check Date | Check | Name | Amount | Account | Item Desc |
|------------|--------|----------------------------------|----------|-------------------|---|
| 04/16/2012 | 754615 | Billings Clinic | 7,904.96 | 5610-71150-402220 | Invoice #4995. 4 AED with cabinets, pads & trainer |
| 04/16/2012 | 754617 | Billings Depot Inc | 5,166.67 | 6600-31100-405311 | rent |
| 04/16/2012 | 754617 | Billings Depot Inc | 7,750.00 | 6700-31410-405311 | rent |
| 04/16/2012 | 754620 | Billings Police Protective Assoc | 2,661.00 | 6500-15660-403660 | Inv. 04042012 January - March cleaning of training facility |
| 04/16/2012 | 754622 | Billings Times | 13.44 | 5020-72110-403310 | Public Works utilities. |
| 04/16/2012 | 754622 | Billings Times | 324.00 | 5020-73120-402190 | Public Works utilities. |
| 04/16/2012 | 754622 | Billings Times | 8.96 | 5120-82110-403310 | Public Works utilities. |
| 04/16/2012 | 754622 | Billings Times | 97.60 | 0100-13130-403360 | Administration |
| 04/16/2012 | 754622 | Billings Times | 9.20 | 5610-71100-403210 | Airport |
| 04/16/2012 | 754622 | Billings Times | 9.20 | 5710-71410-403310 | Airport |
| 04/16/2012 | 754622 | Billings Times | 15.40 | 5710-71470-403310 | Met |
| 04/16/2012 | 754622 | Billings Times | 107.00 | 2090-44510-403210 | Building |
| 04/16/2012 | 754622 | Billings Times | 90.00 | 2090-44520-402290 | Building |
| 04/16/2012 | 754622 | Billings Times | 18.40 | 0100-51400-403310 | Cemetery |
| 04/16/2012 | 754622 | Billings Times | 264.50 | 2970-65010-403310 | Community Development |
| 04/16/2012 | 754622 | Billings Times | 120.00 | 5210-15210-403370 | Parking |
| 04/16/2012 | 754622 | Billings Times | 774.50 | 6700-31410-403310 | Engineering |
| 04/16/2012 | 754622 | Billings Times | 44.00 | 0100-15120-403310 | Finance |
| 04/16/2012 | 754622 | Billings Times | 34.40 | 2600-55110-403290 | Library |
| 04/16/2012 | 754622 | Billings Times | 284.00 | 1500-21500-403210 | Police Department |
| 04/16/2012 | 754622 | Billings Times | 287.30 | 2400-43010-403310 | City-County Planning |
| 04/16/2012 | 754622 | Billings Times | 42.40 | 2110-31320-403370 | Streets |
| 04/16/2012 | 754622 | Billings Times | 32.80 | 0100-51120-403290 | Parks |
| 04/16/2012 | 754622 | Billings Times | 103.20 | 0100-51120-403370 | Parks |
| 04/16/2012 | 754622 | Billings Times | 16.80 | 2400-43010-403310 | Planning |
| 04/16/2012 | 754622 | Billings Times | 107.60 | 2400-43010-403310 | Planning and Community Services |
| 04/16/2012 | 754622 | Billings Times | 25.20 | 2400-43010-403310 | Planning |
| 04/16/2012 | 754632 | Cardinal Tracking Inc | 8,577.80 | 5210-15220-403553 | ANNUAL SOFTWARE LICENSE AND CUSTOMER SUPPORT RENEWEL |
| 04/16/2012 | 754636 | Csg Systems Inc | 1,616.77 | 5120-83110-403111 | STATEMENT MAILINGS |
| 04/16/2012 | 754636 | Csg Systems Inc | 4,716.76 | 5120-83110-403110 | STATEMENT MAILINGS |
| 04/16/2012 | 754636 | Csg Systems Inc | 2,425.15 | 5020-73110-403111 | STATEMENT MAILINGS |

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|------------|--------|-------------------------------|-----------|-------------------|---|
| 04/16/2012 | 754636 | Csg Systems Inc | 7,075.13 | 5020-73110-403110 | STAEMENT MAILINGS |
| 04/16/2012 | 754637 | CTA Architects | 5,117.75 | 4120-71550-409250 | Architectural services for the Metroplex and Bus Maintenance Area Upgrades Amendment to contract approved by City Council on Feb 13, 2012. FTA Grant MT-03-0026. Upgrades include HVAC, lighting and overhead garage doors. |
| 04/16/2012 | 754640 | Dept Of Justice Dci | 3,422.62 | 2520-21870-401220 | Reimburement for OT from ICAC Recover & Continuations. August & January. |
| 04/16/2012 | 754640 | Dept Of Justice Dci | 47.99 | 2510-21870-403560 | Reimburement for OT from ICAC Recover & Continuations. August & January. |
| 04/16/2012 | 754641 | DLT Solutions | 4,032.89 | 6700-31410-402120 | Autodesk Gold Support Renewal 1 year |
| 04/16/2012 | 754642 | Dowl Hkm | 4,100.00 | 8450-31860-409310 | Aronson Erosion Issues |
| 04/16/2012 | 754642 | Dowl Hkm | 16,223.46 | 8450-31860-409310 | WO 09-20 Rimrck Rd Forsythia Blvd to Shiloh Rd; Amend#1 apprvd 03-23-12 |
| 04/16/2012 | 754643 | Downtown Billings Partnership | 56,250.00 | 2030-15130-407946 | professional management services funded by the N 27th TIFD |
| 04/16/2012 | 754657 | Farr Associates Architecture | 2,760.00 | 2010-15070-407968 | Phase 2: form based code development |
| 04/16/2012 | 754662 | Fisher Construction | 5,054.78 | 5210-15940-402450 | PARK 4 REPAIR TO 6TH AVE N DRIVE APPROACH & BUSINESS LICENSE |
| 04/16/2012 | 754665 | Frontier Fence | 7,666.45 | 6300-17530-407310 | Chain Linn fence repair at Stewart Park Inv. #5106 |
| 04/16/2012 | 754677 | Great West Engineering | 37,421.35 | 5440-31230-409390 | WO 11-19 Landfill Phase 5 Expansion; Pymt 1/9540 |
| 04/16/2012 | 754678 | Guardian Security Inc | 6,352.50 | 2600-55120-403574 | Inv 995686 |
| 04/16/2012 | 754685 | Ibm Corporation | 8,159.00 | 6200-19110-409480 | IBM System x3650 M3 (Exchange Server) |
| 04/16/2012 | 754689 | Ingram Library Services | 61.30 | 2600-55190-403226 | Inv 3918133 |
| 04/16/2012 | 754689 | Ingram Library Services | 20.36 | 2600-55190-403333 | Invoice 3737840 |
| 04/16/2012 | 754689 | Ingram Library Services | 16.47 | 2600-55190-403242 | Inv 3737841 |
| 04/16/2012 | 754689 | Ingram Library Services | 16.46 | 2600-55190-403333 | Inv 3918134 |
| 04/16/2012 | 754689 | Ingram Library Services | 1,052.72 | 2600-55190-403333 | Inv 3737842 |
| 04/16/2012 | 754689 | Ingram Library Services | 27.50 | 2600-55190-403241 | Inv 3918135 |
| 04/16/2012 | 754689 | Ingram Library Services | 332.72 | 2600-55190-403333 | Inv 3737843 |
| 04/16/2012 | 754689 | Ingram Library Services | 49.73 | 2600-55190-403242 | Inv 3918136 |
| 04/16/2012 | 754689 | Ingram Library Services | 9.60 | 2600-55190-403226 | Inv 3814782 |
| 04/16/2012 | 754689 | Ingram Library Services | 24.79 | 2600-55190-403333 | Inv 3948369 |
| 04/16/2012 | 754689 | Ingram Library Services | 14.75 | 2600-55190-403226 | Inv 3814781 |

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|------------|--------|-------------------------|--------|-------------------|-------------|
| 04/16/2012 | 754689 | Ingram Library Services | 21.80 | 2600-55190-403333 | Inv 3948368 |
| 04/16/2012 | 754689 | Ingram Library Services | 15.33 | 2600-55190-403226 | Inv 3814780 |
| 04/16/2012 | 754689 | Ingram Library Services | 373.79 | 2600-55190-403333 | Inv 3948367 |
| 04/16/2012 | 754689 | Ingram Library Services | 21.99 | 2600-55190-403222 | Inv 3814783 |
| 04/16/2012 | 754689 | Ingram Library Services | 55.55 | 2600-55190-403226 | Inv 3814783 |
| 04/16/2012 | 754689 | Ingram Library Services | 21.20 | 2600-55190-403333 | Inv 3814783 |
| 04/16/2012 | 754689 | Ingram Library Services | 38.10 | 2600-55190-403226 | Inv 3948370 |
| 04/16/2012 | 754689 | Ingram Library Services | 107.12 | 2600-55190-403227 | Inv 3948370 |
| 04/16/2012 | 754689 | Ingram Library Services | 15.90 | 2600-55190-403226 | Inv 3834826 |
| 04/16/2012 | 754689 | Ingram Library Services | 16.47 | 2600-55190-403222 | Inv 3948371 |
| 04/16/2012 | 754689 | Ingram Library Services | 23.74 | 2600-55190-403226 | Inv 3834827 |
| 04/16/2012 | 754689 | Ingram Library Services | 157.60 | 2600-55190-403333 | Inv 3948372 |
| 04/16/2012 | 754689 | Ingram Library Services | 27.48 | 2600-55190-403242 | Inv 3845586 |
| 04/16/2012 | 754689 | Ingram Library Services | 14.74 | 2600-55190-403226 | Inv 4002366 |
| 04/16/2012 | 754689 | Ingram Library Services | 15.34 | 2600-55190-403227 | Inv 4002366 |
| 04/16/2012 | 754689 | Ingram Library Services | 48.55 | 2600-55190-403333 | Inv 3845587 |
| 04/16/2012 | 754689 | Ingram Library Services | 36.70 | 2600-55190-403333 | Inv 4002367 |
| 04/16/2012 | 754689 | Ingram Library Services | 53.13 | 2600-55190-403333 | Inv 3845588 |
| 04/16/2012 | 754689 | Ingram Library Services | 40.68 | 2600-55190-403242 | Inv 4002368 |
| 04/16/2012 | 754689 | Ingram Library Services | 68.98 | 2600-55190-403382 | Inv 4002368 |
| 04/16/2012 | 754689 | Ingram Library Services | 23.98 | 2600-55190-403226 | Inv 3845589 |
| 04/16/2012 | 754689 | Ingram Library Services | 39.59 | 2600-55190-403227 | Inv 3845589 |
| 04/16/2012 | 754689 | Ingram Library Services | 170.99 | 2600-55190-403226 | Inv 4002369 |
| 04/16/2012 | 754689 | Ingram Library Services | 18.58 | 2600-55190-403226 | 3845590 |
| 04/16/2012 | 754689 | Ingram Library Services | 16.47 | 2600-55190-403334 | 3845590 |
| 04/16/2012 | 754689 | Ingram Library Services | 21.35 | 2600-55190-403226 | Inv 4002370 |
| 04/16/2012 | 754689 | Ingram Library Services | 78.80 | 2600-55190-403333 | Inv 3845591 |
| 04/16/2012 | 754689 | Ingram Library Services | 15.90 | 2600-55190-403226 | Inv 4002371 |
| 04/16/2012 | 754689 | Ingram Library Services | 14.16 | 2600-55190-403227 | Inv 4002371 |
| 04/16/2012 | 754689 | Ingram Library Services | 8.40 | 2600-55190-403226 | Inv 4002372 |
| 04/16/2012 | 754689 | Ingram Library Services | 49.50 | 2600-55190-403222 | Inv 4002373 |
| 04/16/2012 | 754689 | Ingram Library Services | 9.00 | 2600-55190-403226 | Inv 4002373 |
| 04/16/2012 | 754689 | Ingram Library Services | 522.20 | 2600-55190-403241 | Inv 4002374 |
| 04/16/2012 | 754689 | Ingram Library Services | 108.27 | 2600-55190-403242 | Inv 4002374 |
| 04/16/2012 | 754689 | Ingram Library Services | 15.92 | 2600-55190-403226 | Inv 4002375 |
| 04/16/2012 | 754689 | Ingram Library Services | 14.74 | 2600-55190-403226 | Inv 4002376 |
| 04/16/2012 | 754689 | Ingram Library Services | 19.24 | 2600-55190-403222 | Inv 4002377 |

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|------------|--------|-------------------------|--------|-------------------|-------------|
| 04/16/2012 | 754689 | Ingram Library Services | 99.06 | 2600-55190-403226 | Inv 4002377 |
| 04/16/2012 | 754689 | Ingram Library Services | 23.71 | 2600-55190-403226 | Inv 4002378 |
| 04/16/2012 | 754689 | Ingram Library Services | 133.96 | 2600-55190-403226 | Inv 3814779 |
| 04/16/2012 | 754689 | Ingram Library Services | 30.22 | 2600-55190-403222 | Inv 3948366 |
| 04/16/2012 | 754689 | Ingram Library Services | 9.57 | 2600-55190-403227 | Inv 3814778 |
| 04/16/2012 | 754689 | Ingram Library Services | 3.59 | 2600-55190-403333 | Inv 3918144 |
| 04/16/2012 | 754689 | Ingram Library Services | 20.04 | 2600-55190-403333 | Inv 3814777 |
| 04/16/2012 | 754689 | Ingram Library Services | 8.99 | 2600-55190-403226 | Inv 3918143 |
| 04/16/2012 | 754689 | Ingram Library Services | 115.12 | 2600-55190-403226 | Inv 3814775 |
| 04/16/2012 | 754689 | Ingram Library Services | 159.04 | 2600-55190-403226 | Inv 3918141 |
| 04/16/2012 | 754689 | Ingram Library Services | 13.19 | 2600-55190-403227 | Inv 3918142 |
| 04/16/2012 | 754689 | Ingram Library Services | 56.97 | 2600-55190-403222 | Inv3814776 |
| 04/16/2012 | 754689 | Ingram Library Services | 26.68 | 2600-55190-403226 | Inv3814776 |
| 04/16/2012 | 754689 | Ingram Library Services | 33.02 | 2600-55190-403333 | Inv3814776 |
| 04/16/2012 | 754689 | Ingram Library Services | 57.17 | 2600-55190-403333 | Inv 3814774 |
| 04/16/2012 | 754689 | Ingram Library Services | 111.03 | 2600-55190-403222 | Inv 3918140 |
| 04/16/2012 | 754689 | Ingram Library Services | 216.79 | 2600-55190-403226 | Inv 3918140 |
| 04/16/2012 | 754689 | Ingram Library Services | 271.39 | 2600-55190-403227 | Inv 3918140 |
| 04/16/2012 | 754689 | Ingram Library Services | 111.88 | 2600-55190-403255 | Inv 3918140 |
| 04/16/2012 | 754689 | Ingram Library Services | 83.79 | 2600-55190-403333 | Inv 3918140 |
| 04/16/2012 | 754689 | Ingram Library Services | 101.40 | 2600-55190-403226 | Inv 3814773 |
| 04/16/2012 | 754689 | Ingram Library Services | 19.44 | 2600-55190-403333 | Inv 3918139 |
| 04/16/2012 | 754689 | Ingram Library Services | 25.47 | 2600-55190-403226 | Inv 3918138 |
| 04/16/2012 | 754689 | Ingram Library Services | 78.80 | 2600-55190-403333 | 3737845 |
| 04/16/2012 | 754689 | Ingram Library Services | 41.09 | 2600-55190-403226 | Inv 3737844 |
| 04/16/2012 | 754689 | Ingram Library Services | 14.97 | 2600-55190-403227 | Inv 3737844 |
| 04/16/2012 | 754689 | Ingram Library Services | 106.14 | 2600-55190-403226 | Inv 3918137 |
| 04/16/2012 | 754689 | Ingram Library Services | 10.61 | 2600-55190-403255 | Inv 3918137 |
| 04/16/2012 | 754692 | Istate Truck Center | 138.81 | 5410-31220-402320 | 6789.01 |
| 04/16/2012 | 754692 | Istate Truck Center | 154.00 | 5410-31220-402320 | 6824.01 |
| 04/16/2012 | 754692 | Istate Truck Center | 26.40 | 5410-31220-402320 | MP |
| 04/16/2012 | 754692 | Istate Truck Center | 992.13 | 5410-31220-402320 | 6789.01 |
| 04/16/2012 | 754692 | Istate Truck Center | 145.74 | 2110-31320-402320 | 6621.01 |
| 04/16/2012 | 754692 | Istate Truck Center | 749.50 | 5410-31220-402320 | MP |
| 04/16/2012 | 754692 | Istate Truck Center | 13.00 | 2110-31320-402320 | MP |
| 04/16/2012 | 754692 | Istate Truck Center | 198.57 | 2110-31320-402320 | 6620.01 |
| 04/16/2012 | 754692 | Istate Truck Center | 359.30 | 5410-31220-402320 | 34103.03 |

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|------------|--------|--------------------------------|-----------|-------------------|--|
| 04/16/2012 | 754694 | Kairos Development Corporation | 500.74 | 6600-31100-405311 | storage rent |
| 04/16/2012 | 754694 | Kairos Development Corporation | 2,002.96 | 6700-31410-405311 | storage rent |
| 04/16/2012 | 754699 | Kois Brothers Equipment Co | 450.00 | 2110-31320-402320 | 93391 |
| 04/16/2012 | 754699 | Kois Brothers Equipment Co | 750.00 | 2110-31320-402320 | 93580 |
| 04/16/2012 | 754699 | Kois Brothers Equipment Co | 2,761.04 | 5410-31220-402320 | 93606 |
| 04/16/2012 | 754699 | Kois Brothers Equipment Co | 1,266.26 | 5410-31220-402320 | 288398 |
| 04/16/2012 | 754699 | Kois Brothers Equipment Co | 47.14 | 5020-75000-402320 | 93643 |
| 04/16/2012 | 754699 | Kois Brothers Equipment Co | 195.00 | 5410-31220-402320 | MT31217 |
| 04/16/2012 | 754704 | M-B Co Inc Of Wisconsin | 8,298.60 | 5610-71130-402320 | (3) complete sets of broom cores for High Speed Runway Sweepers to remove snow/ice from the airfield. |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 668.55 | 5620-71200-409290 | Airport Hwy 3 Building. AH3 09.01 Lighting |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 59,546.05 | 5620-71200-409290 | Airport Terminal. APT 04.01 Digital Controls |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 1,520.64 | 5620-71200-402450 | Airport Operations Center. AOC 25.01 Retro Commissioning |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 4,716.86 | 5620-71200-409290 | Airport Operations Center. AOC 09.01 Lighting |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 79,988.72 | 5620-71200-409290 | Airport Terminal. APT 09.01 Building Lighting |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 1,052.71 | 5620-71200-402450 | Airport Terminal. APT 25.01 Retro Commissioning |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 6,402.31 | 5620-71200-409290 | Airport Terminal. APT 08.01 VFD Installation |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 6,623.28 | 5210-15910-402450 | Parking 1 lighting |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 34,081.48 | 5210-15920-402450 | Parking 2 lighting |
| 04/16/2012 | 754706 | Mckinstry Co Llc | 32,434.78 | 5210-15930-402450 | Parking 3 lighting |
| 04/16/2012 | 754707 | Meadow Green Sales | 294.24 | 5610-71130-403650 | Invoice #2084. Additional supplies: ramp & blades for new mower. |
| 04/16/2012 | 754707 | Meadow Green Sales | 14,625.00 | 5630-71220-409490 | Invoice #2083. Walker MTGHGHS 23 Commercial Riding Mower with 42" deck & power dump box. |
| 04/16/2012 | 754713 | Montana Department Of | 23,923.10 | 5410-31230-407635 | Landfill quarterly license payment |
| 04/16/2012 | 754716 | Montana Municipal Interlocal | 24,011.38 | 6300-17530-407311 | Inv. 312006 Deductible Recovery Invoice 4-4-2012 |
| 04/16/2012 | 754724 | New World Systems | 640.00 | 1500-22210-403553 | 019343: 4-HRS/TRAINING SERVICE - FIRE RECORDS MSP PROJECT FOR FIRE & ITD STAFF - ALAN MORAVANSKY VISIT 03/25/2012. PROJECT #BIL0537-C-11-01-B-04 |

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|------------|--------|----------------------|----------|-------------------|---|
| 04/16/2012 | 754724 | New World Systems | 2,082.70 | 1500-22210-403553 | 019377: TRAVEL EXPENSE - FIRE RECORDS MSP PROJECT TRAINING FOR FIRE & ITD - 03/30/2012 (AIRFARE, CAR RENTAL, GAS, LODGING, PARKING, PER DIEM) - ALAN MORAVANSKY |
| 04/16/2012 | 754725 | Newman Traffic Signs | 449.40 | 2110-31320-402420 | PED SYM P/N T-W11-236/2E7Z |
| 04/16/2012 | 754725 | Newman Traffic Signs | 103.30 | 2110-31320-402420 | Yield ahead sym P/NT-W3-2A36/2E3C |
| 04/16/2012 | 754725 | Newman Traffic Signs | 455.00 | 2110-31320-402420 | Yield P/N T-R1-236/2C3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 252.60 | 2110-31320-402420 | Circular intersect sym P/N T-W2-636/2E3B |
| 04/16/2012 | 754725 | Newman Traffic Signs | 74.10 | 2110-31320-402420 | Freight on shipment |
| 04/16/2012 | 754725 | Newman Traffic Signs | 89.65 | 2110-31320-402420 | Layout saves as MT-LL4842 P/NT-ECG048042/2N3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 100.95 | 2110-31320-402420 | Layout saved as MT-LLRL48482 P/N T-ECG048048/2J3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 100.95 | 2110-31320-402420 | Layout saved as MT-LL048048 |
| 04/16/2012 | 754725 | Newman Traffic Signs | 100.95 | 2110-31320-402420 | Layout saved as MT-LL0480482 P/N T-ECG048048/2J3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 327.40 | 2110-31320-402420 | Layout as saved MT-LLRL4848 P/N T-SP048048/2J3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 125.10 | 2110-31320-402420 | Layout saves as MT-LLRL3030 P/N T-SP030030/213A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 350.00 | 2110-31320-402420 | Blank punched for 1 post P/N T-BL030030/2Z |
| 04/16/2012 | 754725 | Newman Traffic Signs | 198.00 | 2110-31320-402420 | No parking any time P/N T-R7-1R12/2K3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 44.70 | 2110-31320-402420 | MT-Arrow 30x30 P/N T-ECG030030/213A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 109.80 | 2110-31320-402420 | Speed limit 55 P/N T-R2-136/2L3A |
| 04/16/2012 | 754725 | Newman Traffic Signs | 109.80 | 2110-31320-402420 | Speed Limit 45 P/N T-R2-136/2L3A |
| 04/16/2012 | 754728 | Northwestern Energy | 3,101.50 | 5710-71430-403410 | Electricity for Metroplex 2/23/12 to 3/26/12 |
| 04/16/2012 | 754728 | Northwestern Energy | 8.99 | 2660-67730-407291 | Inv. due 4/16/2012 for Lynn Ave. NSP Property |
| 04/16/2012 | 754728 | Northwestern Energy | 91.58 | 2660-67730-407291 | Inv. Due Date 4/19/2012, for Custer NSP Property |
| 04/16/2012 | 754728 | Northwestern Energy | 465.73 | 5710-71430-403410 | 07192255 |
| 04/16/2012 | 754728 | Northwestern Energy | 16.53 | 0100-51120-403410 | 08134892 |
| 04/16/2012 | 754728 | Northwestern Energy | 148.79 | 5120-85000-403410 | 62ND ST W @ IRONWOOD LIFT STATION |
| 04/16/2012 | 754728 | Northwestern Energy | 169.81 | 5020-74000-403410 | 11422532 |
| 04/16/2012 | 754728 | Northwestern Energy | 57.01 | 0100-51120-403410 | 18494088 |
| 04/16/2012 | 754728 | Northwestern Energy | 7,876.79 | 2600-55120-403410 | Account 100467-0 Electric |
| 04/16/2012 | 754728 | Northwestern Energy | 7.99 | 8720-51980-403410 | 19486679 |

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|------------|--------|---------------------------------|------------|-------------------|---|
| 04/16/2012 | 754728 | Northwestern Energy | 61.66 | 0100-51120-403410 | 11914041 |
| 04/16/2012 | 754728 | Northwestern Energy | 58.00 | 0100-51120-403410 | 19049444 |
| 04/16/2012 | 754728 | Northwestern Energy | 219.23 | 1500-22210-403410 | 07208176 |
| 04/16/2012 | 754731 | One Eighty Communications | 3,543.37 | 6060-19310-403450 | Main Bill Acct 00001906 |
| 04/16/2012 | 754731 | One Eighty Communications | 195.67 | 6060-19310-403450 | Main Bill T-1 Account 00018768 |
| 04/16/2012 | 754731 | One Eighty Communications | 39.00 | 1500-21110-403450 | CPC line 247-8592 Account 00018768 |
| 04/16/2012 | 754731 | One Eighty Communications | 40.60 | 5610-71100-403450 | Airport 2948370 Airport Alarm |
| 04/16/2012 | 754731 | One Eighty Communications | 489.86 | 6700-31410-403450 | Depot 60% |
| 04/16/2012 | 754731 | One Eighty Communications | 46.00 | 0100-51120-403450 | Dehler Park line 867-7275 |
| 04/16/2012 | 754731 | One Eighty Communications | 326.56 | 6600-31100-403450 | Depot 40% |
| 04/16/2012 | 754731 | One Eighty Communications | 79.95 | 6200-19110-403452 | IT Internet Connection |
| 04/16/2012 | 754731 | One Eighty Communications | 2.50 | 1500-22250-403450 | Comm Center Long Distance Charges |
| 04/16/2012 | 754731 | One Eighty Communications | 980.00 | 2600-55180-403590 | Library Internet |
| 04/16/2012 | 754737 | Palm Tree Construction | 3,775.00 | 5050-75150-403671 | 259 NUBIAS |
| 04/16/2012 | 754744 | Portable Computer Systems, Inc. | 38,144.00 | 1500-21500-409480 | Item # DS-PAN-111-2-P, Docking station: Panasonic Toughbook 30/31, 2 high gain |
| 04/16/2012 | 754744 | Portable Computer Systems, Inc. | 288,636.00 | 1500-21500-409480 | Item #CF-31JBGHF1M, Win7, Intel Core i5- 2520M 2.50GHz, vPro, 13.1 XGA Touch, 320GB(7200rpm), 4GB, Intel WiFi a/b/g/n, TPM, Bluetooth, Dual Pass (Upper:WWAN/Lower:Selectable), Smartcard, Verizon 4G LTE, GPS, Fingerprint, Emissive Backlit Keyboard, etc |
| 04/16/2012 | 754744 | Portable Computer Systems, Inc. | 26,599.00 | 1500-21500-409480 | Item #CF-SVCLTNF4Y, Panasonic ToughBook Protection Plus (4 years) |
| 04/16/2012 | 754744 | Portable Computer Systems, Inc. | 7,040.00 | 1500-21500-409480 | Item #CF-LNDDC120, LIND 120 Watt 12-32 Volt Input Car Adapter for ToughBooks PC |
| 04/16/2012 | 754756 | Rimrock Foundation | 13,952.86 | 2700-67110-407275 | Business Consortium Request for Reimb. No. 7, Rehab of Enterprise House |
| 04/16/2012 | 754761 | Safetech, Inc | 4,850.00 | 2050-31310-403590 | WO 12-30 Grand Avenue Dairy Queen Demolition; Inv 7688 |
| 04/16/2012 | 754768 | Solid Waste Systems Inc | 3,011.22 | 2110-31320-402320 | 0054892-IN |
| 04/16/2012 | 754768 | Solid Waste Systems Inc | 170.22 | 5410-31220-402320 | 0054894-IN |
| 04/16/2012 | 754768 | Solid Waste Systems Inc | 72.15 | 5410-31220-402320 | 055367-IN |
| 04/16/2012 | 754768 | Solid Waste Systems Inc | 3,401.39 | 5410-31220-402320 | 0054929-IN |
| 04/16/2012 | 754768 | Solid Waste Systems Inc | 756.20 | 5410-31220-402320 | 0054058-IN |

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|------------|--------|-----------------------------------|-----------|-------------------|---|
| 04/16/2012 | 754769 | St Vincent Occupational Health | 599.46 | 1500-22210-403510 | 31824:FRANCIS (FRANK) ODERMANN, ANNUAL FIRE PHYSICAL 03/02/2012 |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 1,530.00 | 0100-17500-403572 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 227.06 | 1500-21110-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 40.00 | 1500-22240-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 17.50 | 1500-22250-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 630.00 | 5020-74000-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 84.00 | 5020-75000-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 56.00 | 5120-85000-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 280.00 | 5410-31210-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 70.00 | 5610-71130-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 70.00 | 5710-71420-403510 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754769 | St Vincent Occupational Health | 480.00 | 6270-17520-405160 | Invoice #31837 March Drug testing, on-site nursing, DOT physicals, respiratory fits |
| 04/16/2012 | 754772 | Sunset Excavation | 7,697.25 | 5050-75150-403671 | WATER REPAIR LIST 01.27.12 INVOICE 025722 |
| 04/16/2012 | 754773 | Town & Country Supply Association | 14,180.69 | 6010-00000-141000 | 93051 PO NUM 289164 |
| 04/16/2012 | 754773 | Town & Country Supply Association | 7,086.80 | 6010-00000-141714 | 93367 PO NUM 289165 |
| 04/16/2012 | 754773 | Town & Country Supply Association | 29,469.28 | 5610-71180-402313 | Invoice #93046. Car Rental facility fuel |
| 04/16/2012 | 754773 | Town & Country Supply Association | 13,234.40 | 6010-00000-141000 | 94294 PO NUM 289210 |
| 04/16/2012 | 754773 | Town & Country Supply Association | 13,515.20 | 6010-00000-141000 | 92547 PO NUM 289119 |
| 04/16/2012 | 754773 | Town & Country Supply Association | 23,268.52 | 6010-00000-141000 | 92757 PO NUM 289163 |
| 04/16/2012 | 754773 | Town & Country Supply Association | 23,952.28 | 6010-00000-141714 | 93041 PO NUM 289126 |
| 04/16/2012 | 754774 | Tractor & Equipment | 687.80 | 5410-31230-402320 | air element for landfill |
| 04/16/2012 | 754774 | Tractor & Equipment | 81.27 | 5410-31230-402320 | BLCSO509710 |
| 04/16/2012 | 754774 | Tractor & Equipment | 1,767.95 | 5410-31230-402320 | filters and elements landfill |
| 04/16/2012 | 754774 | Tractor & Equipment | 190.88 | 5410-31230-402320 | coupling guard seal o ring parts for landfill |

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|------------|--------|------------------------------|------------|-------------------|---|
| 04/16/2012 | 754780 | United Truck & Equipment Inc | 7,615.00 | 5410-31230-402320 | 122499 |
| 04/16/2012 | 754783 | Valmont Industries Inc | 7,900.00 | 2110-00000-141318 | WATER PARTS AND SUPPLIES PO NUM 288990 |
| 04/16/2012 | 754786 | WatchGuard Video | 10,800.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754786 | WatchGuard Video | 3,600.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754786 | WatchGuard Video | 9,504.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754786 | WatchGuard Video | 179,820.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754786 | WatchGuard Video | 6,750.00 | 7180-21600-409480 | Invoice BCMINV0000028 |
| 04/16/2012 | 754786 | WatchGuard Video | 90.00 | 7180-21600-409480 | Invoice BCMINV0000028 - Shipping |
| 04/16/2012 | 754786 | WatchGuard Video | 9,504.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754786 | WatchGuard Video | 10,368.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754786 | WatchGuard Video | 900.00 | 7180-21600-409480 | Invoice 4REINV0000380 |
| 04/16/2012 | 754786 | WatchGuard Video | 9,504.00 | 7180-21600-409480 | Invoice 4REINV0000381 |
| 04/16/2012 | 754789 | Womack Machine West | 33.00 | 5410-31220-402320 | 99828 |
| 04/16/2012 | 754789 | Womack Machine West | 82.66 | 2110-31320-402320 | 100103 |
| 04/16/2012 | 754789 | Womack Machine West | 124.58 | 6010-15530-402650 | 100259 |
| 04/16/2012 | 754789 | Womack Machine West | 36.86 | 2110-31320-402320 | 100104 |
| 04/16/2012 | 754789 | Womack Machine West | 140.44 | 5410-31220-402320 | 100260 |
| 04/16/2012 | 754789 | Womack Machine West | 40.29 | 5410-31220-402320 | 100450 |
| 04/16/2012 | 754789 | Womack Machine West | 6.00 | 2110-31320-402320 | 99963 |
| 04/16/2012 | 754789 | Womack Machine West | 20.64 | 5020-75000-402320 | 100261 |
| 04/16/2012 | 754789 | Womack Machine West | 482.44 | 5410-31220-402320 | 99962 |
| 04/16/2012 | 754789 | Womack Machine West | 208.66 | 5410-31220-402320 | 100451 |
| 04/16/2012 | 754789 | Womack Machine West | 263.54 | 5410-31220-402320 | 99964 |
| 04/16/2012 | 754789 | Womack Machine West | 161.92 | 2110-31320-402320 | 100577 |
| 04/16/2012 | 754789 | Womack Machine West | 710.67 | 5410-31220-402320 | 99965 |
| 04/16/2012 | 754789 | Womack Machine West | 660.83 | 5020-75000-402320 | 100579 |
| 04/16/2012 | 754789 | Womack Machine West | 690.23 | 5020-75000-402320 | 100580 |
| 04/16/2012 | 754789 | Womack Machine West | 41.56 | 5410-31220-402320 | 0100105 |
| 04/16/2012 | 754789 | Womack Machine West | 29.00 | 6010-00000-141000 | 0100258 PO NUM 289161 |
| 04/16/2012 | 754789 | Womack Machine West | 223.12 | 2110-31320-402320 | 100106 |
| 04/16/2012 | 754789 | Womack Machine West | 33.00 | 5410-31220-402320 | 100581 |
| 04/16/2012 | 754789 | Womack Machine West | 6.14 | 6010-00000-141000 | 100583 PO NUM 289167 |
| 04/16/2012 | 754789 | Womack Machine West | 19.86 | 2110-31320-402320 | 0100738 |
| 04/16/2012 | 754789 | Womack Machine West | 160.35 | 2110-31320-402320 | 0100737 |
| 04/16/2012 | 754789 | Womack Machine West | 129.99 | 5410-31220-402320 | 99826 |
| 04/16/2012 | 754789 | Womack Machine West | 66.00 | 5410-31220-402320 | 99737 |

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|------------|--------|-----------------------------------|-----------|-------------------|---------------------------------------|
| 04/16/2012 | 754789 | Womack Machine West | 3.55 | 5020-75000-402320 | 0100736 |
| 04/16/2012 | 754789 | Womack Machine West | 61.14 | 5410-31220-402320 | 100583 |
| 04/16/2012 | 754789 | Womack Machine West | 104.53 | 5410-31220-402320 | 0100576 |
| 04/16/2012 | 754789 | Womack Machine West | 23.82 | 6010-00000-141000 | 100578 PO NUM 289162 |
| 04/16/2012 | 754789 | Womack Machine West | 17.08 | 5410-31220-402320 | 100582 |
| 04/16/2012 | 754789 | Womack Machine West | 100.80 | 5410-31220-402320 | 105361 |
| 04/16/2012 | 754793 | Yellowstone Valley Animal Shelter | 20,666.67 | 1500-21700-403990 | contract service 2\22\12 thru 3\21\12 |

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Payment of Claims April 23, 2012.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$763,669.36 have been audited and are presented for your approval for payment. A complete listing of the claims dated April 23, 2012, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

AP Report > \$2,500 for 04/23/2012

| Check Date | Check | Name | Amount | Account | Item Desc |
|------------|--------|------------------------|----------|-------------------|--|
| 04/23/2012 | 754794 | 2M Company Inc | 2,082.57 | 5020-74000-402450 | PARTS/SUPPLIES |
| 04/23/2012 | 754794 | 2M Company Inc | 2,194.89 | 5020-74000-402450 | PARTS/SUPPLIES |
| 04/23/2012 | 754795 | A & I Distributors | 1,704.51 | 6010-00000-141000 | MP PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 75.53 | 5710-71440-402320 | 2155562 |
| 04/23/2012 | 754795 | A & I Distributors | -0.22 | 6010-15530-402650 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 0.27 | 6010-15530-402650 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 119.55 | 6010-00000-141000 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 2,179.10 | 6010-00000-141714 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 3,326.63 | 6010-00000-141000 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 361.35 | 5710-71440-402320 | 2158659 |
| 04/23/2012 | 754795 | A & I Distributors | 29.07 | 6010-15530-402650 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 62.07 | 6010-00000-141000 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 142.45 | 6010-00000-141000 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 128.40 | 5410-31220-402290 | windshield wash |
| 04/23/2012 | 754795 | A & I Distributors | 119.23 | 6010-00000-141000 | MP PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 142.45 | 2110-31320-402320 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 515.60 | 6010-00000-141000 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | -0.23 | 6010-15530-402650 | MP |
| 04/23/2012 | 754795 | A & I Distributors | 29.07 | 2110-31320-402320 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 1,394.58 | 6010-00000-141000 | 288393 PO NUM 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 75.00 | 5410-31220-402320 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 30.20 | 1500-21120-402320 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 29.99 | 2110-31320-402320 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 29.98 | 5410-31220-402320 | 288393 |
| 04/23/2012 | 754795 | A & I Distributors | 137.25 | 5020-75000-402320 | 288393 |
| 04/23/2012 | 754816 | Border States Electric | 798.00 | 5020-00000-141000 | ELECTRICAL FOR WTP & WWTP PO NUM 288869 |
| 04/23/2012 | 754816 | Border States Electric | 19.42 | 5030-74910-409390 | WO0816 SCADA IMPROVEMENTS |
| 04/23/2012 | 754816 | Border States Electric | 449.84 | 5120-84000-402360 | BALLASTS |
| 04/23/2012 | 754816 | Border States Electric | 4.11 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 10.48 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 70.75 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 75.41 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 133.65 | 5020-74000-402360 | elec parts |

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|------------|--------|------------------------------|-----------|-------------------|---|
| 04/23/2012 | 754816 | Border States Electric | 295.38 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 557.49 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 1,865.83 | 5020-74000-402360 | elec parts |
| 04/23/2012 | 754816 | Border States Electric | 262.73 | 5120-84000-402360 | elec. parts |
| 04/23/2012 | 754816 | Border States Electric | 360.00 | 5020-74000-402360 | elec. parts |
| 04/23/2012 | 754816 | Border States Electric | 464.68 | 5120-84000-402360 | electrical |
| 04/23/2012 | 754816 | Border States Electric | 2.90 | 5120-85000-402360 | electrical parts |
| 04/23/2012 | 754816 | Border States Electric | 39.10 | 5020-74000-402360 | electrical parts |
| 04/23/2012 | 754816 | Border States Electric | 46.72 | 2110-31320-402430 | conduit/straps/caps |
| 04/23/2012 | 754816 | Border States Electric | 9.82 | 2110-31320-402430 | connectors for signals |
| 04/23/2012 | 754816 | Border States Electric | -178.84 | 5120-84000-402360 | credit |
| 04/23/2012 | 754816 | Border States Electric | -309.11 | 5020-74000-402360 | credit |
| 04/23/2012 | 754816 | Border States Electric | 599.43 | 5120-84000-402360 | part repaired |
| 04/23/2012 | 754816 | Border States Electric | 131.39 | 5020-74000-402360 | parts |
| 04/23/2012 | 754816 | Border States Electric | 18.88 | 5020-74000-402360 | freight |
| 04/23/2012 | 754816 | Border States Electric | 9.20 | 5020-74000-402360 | fuse |
| 04/23/2012 | 754816 | Border States Electric | 68.58 | 2110-31320-402430 | screwdriver bits/silicon lubricant |
| 04/23/2012 | 754816 | Border States Electric | 147.68 | 5020-74000-402360 | SENSORS |
| 04/23/2012 | 754816 | Border States Electric | 110.00 | 2110-00000-141318 | STREET LIGHTS PO NUM 288395 |
| 04/23/2012 | 754816 | Border States Electric | 5.50 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288869 |
| 04/23/2012 | 754830 | Connor's Garage Door Service | 2,870.00 | 5610-71130-402450 | Invoice #1886. Major repairs to overhead door ARFF building north maintenance door. Busted shaft/springs. |
| 04/23/2012 | 754832 | CTA Architects | 4,231.50 | 4070-71280-409290 | Invoice #94597. Architectural Services for Expansion of Screening Lobby 2/27/12-3/31/12 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | 47.04 | 5710-71440-402320 | 004-32133 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | 1,488.08 | 2110-31320-402320 | 004-39447 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | 1,297.00 | 5410-31220-402320 | 004-39690 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | 69.82 | 5710-71440-402320 | 004-32139 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | -80.00 | 2110-31320-402320 | 004-39569 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | -450.00 | 5410-31220-402320 | 004-39776 |
| 04/23/2012 | 754833 | Cummins Rocky Mountain Llc | 185.88 | 5710-71440-402410 | Tools to replace injectors |
| 04/23/2012 | 754843 | Dowl Hkm | 9,512.00 | 5030-75910-409340 | WO 12-01 2012 WATER & SEWER REPLC PRJ; Pymt#7 |
| 04/23/2012 | 754843 | Dowl Hkm | 42,809.10 | 5130-85910-409340 | WO 12-01 2012 WATER & SEWER REPLC PRJ; Pymt#7 |

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|------------|--------|-------------------------------------|-----------|-------------------|---|
| 04/23/2012 | 754858 | Galles Filter Service | 62.88 | 6010-00000-141714 | 288397 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 10.04 | 6010-00000-141714 | 249438 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 15.53 | 2110-31320-402320 | 250017 |
| 04/23/2012 | 754858 | Galles Filter Service | 39.38 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288853 |
| 04/23/2012 | 754858 | Galles Filter Service | 19.24 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 289257 |
| 04/23/2012 | 754858 | Galles Filter Service | 35.08 | 5120-84000-402320 | 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 111.83 | 6010-00000-141714 | 288397 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 255.66 | 6010-00000-141000 | 249258 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 12.08 | 2110-31320-402320 | 249725 |
| 04/23/2012 | 754858 | Galles Filter Service | 203.73 | 6010-00000-141714 | 250484 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 5.52 | 2110-31320-402320 | 250485 |
| 04/23/2012 | 754858 | Galles Filter Service | 428.46 | 6010-00000-141000 | 250251 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 4.37 | 5710-71470-402320 | 250484 |
| 04/23/2012 | 754858 | Galles Filter Service | 820.65 | 6010-00000-141000 | 288397 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 23.70 | 6010-00000-141000 | 249725 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 3.78 | 2090-44520-402320 | 250393 |
| 04/23/2012 | 754858 | Galles Filter Service | 38.32 | 6010-00000-141000 | 249237 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 3.78 | 5210-15220-402320 | 249548 |
| 04/23/2012 | 754858 | Galles Filter Service | 287.62 | 6010-00000-141000 | 249933-AA PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 29.01 | 5710-71440-402320 | 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 109.85 | 6010-00000-141000 | 288397 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 121.08 | 6010-00000-141000 | 288397 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 39.12 | 5020-74000-402450 | filter |
| 04/23/2012 | 754858 | Galles Filter Service | 11.05 | 6500-15660-402320 | PO 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 7.56 | 5210-15220-402320 | 250522 |
| 04/23/2012 | 754858 | Galles Filter Service | 7.48 | 6010-00000-141000 | 250603 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 159.50 | 6010-00000-141000 | 250485 PO NUM 288397 |
| 04/23/2012 | 754858 | Galles Filter Service | 7.70 | 2110-31320-402320 | 250522 |
| 04/23/2012 | 754863 | Good Earth Works Co Inc The | 80,440.07 | 4670-51630-409310 | Payment #3 for construction of Yellowstone Family Park. |
| 04/23/2012 | 754863 | Good Earth Works Co Inc The | 3,900.00 | 2050-31310-409310 | WO 11-02 Misc Developer; Boulevard Tree's Inv dated 04-12-12 |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 30,918.04 | 5620-71200-406100 | Invoice #200874253. Contract payment for lighting project |

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| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 33,556.96 | 5620-71200-406200 | Invoice #200874253. Contract payment for lighting project |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 4,922.02 | 5210-15910-406100 | Invoice #200874261. Loan payment for lighting project |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 4,823.21 | 5210-15910-406200 | Invoice #200874261. Loan payment for lighting project |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 5,842.74 | 5210-15920-406100 | Invoice #200874261. Loan payment for lighting project |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 5,725.45 | 5210-15920-406200 | Invoice #200874261. Loan payment for lighting project |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 2,826.48 | 5210-15930-406100 | Invoice #200874261. Loan payment for lighting project |
| 04/23/2012 | 754864 | Government Leasing and Finance, Inc | 2,769.74 | 5210-15930-406200 | Invoice #200874261. Loan payment for lighting project |
| 04/23/2012 | 754866 | Graphic-Imprints | 642.80 | 0100-51240-402250 | Sport-Tex Fleece pullover for recreation programs. |
| 04/23/2012 | 754866 | Graphic-Imprints | 1,000.00 | 0100-51250-402250 | Sport-Tex Fleece pullover for recreation programs. |
| 04/23/2012 | 754866 | Graphic-Imprints | 1,000.00 | 0100-51260-402290 | Sport-Tex Fleece pullover for recreation programs. |
| 04/23/2012 | 754874 | Iaff | 4,175.60 | 9000-00000-209920 | PAYROLL SUMMARY |
| 04/23/2012 | 754875 | Ingram Library Services | 7.77 | 2600-55190-403226 | Inv 04013136 |
| 04/23/2012 | 754875 | Ingram Library Services | 66.87 | 2600-55190-403227 | Inv 04013137 |
| 04/23/2012 | 754875 | Ingram Library Services | 48.17 | 2600-55190-403241 | Inv 04013138 |
| 04/23/2012 | 754875 | Ingram Library Services | 63.17 | 2600-55190-403242 | Inv 04013138 |
| 04/23/2012 | 754875 | Ingram Library Services | 126.90 | 2600-55190-403333 | Inv 04013139 |
| 04/23/2012 | 754875 | Ingram Library Services | 30.07 | 2600-55190-403226 | Inv 04022196 |
| 04/23/2012 | 754875 | Ingram Library Services | 21.99 | 2600-55190-403242 | In 04022197 |
| 04/23/2012 | 754875 | Ingram Library Services | 60.74 | 2600-55190-403226 | 04022198 |
| 04/23/2012 | 754875 | Ingram Library Services | 30.05 | 2600-55190-403226 | 04022199 |
| 04/23/2012 | 754875 | Ingram Library Services | 10.02 | 2600-55190-403333 | 04022200 |
| 04/23/2012 | 754875 | Ingram Library Services | 20.34 | 2600-55190-403222 | Inv 04022201 |
| 04/23/2012 | 754875 | Ingram Library Services | 334.31 | 2600-55190-403226 | Inv 04022201 |
| 04/23/2012 | 754875 | Ingram Library Services | 736.29 | 2600-55190-403227 | Inv 04022201 |
| 04/23/2012 | 754875 | Ingram Library Services | 159.68 | 2600-55190-403333 | Inv 04022201 |
| 04/23/2012 | 754875 | Ingram Library Services | 21.99 | 2600-55190-403334 | Inv 04022201 |
| 04/23/2012 | 754875 | Ingram Library Services | 30.95 | 2600-55190-403226 | Inv 04040802 |

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|------------|--------|-------------------------------------|----------|-------------------|--------------------------------|
| 04/23/2012 | 754875 | Ingram Library Services | 9.41 | 2600-55190-403333 | Inv 04040803 |
| 04/23/2012 | 754875 | Ingram Library Services | 13.56 | 2600-55190-403226 | Inv 04040804 |
| 04/23/2012 | 754875 | Ingram Library Services | 16.49 | 2600-55190-403242 | Inv 04104571 |
| 04/23/2012 | 754875 | Ingram Library Services | 15.00 | 2600-55190-403382 | Inv 04104571 |
| 04/23/2012 | 754875 | Ingram Library Services | 15.90 | 2600-55190-403226 | Inv 04104572 |
| 04/23/2012 | 754875 | Ingram Library Services | 14.72 | 2600-55190-403226 | Inv 04104573 |
| 04/23/2012 | 754875 | Ingram Library Services | 5.99 | 2600-55190-403255 | Inv 04104573 |
| 04/23/2012 | 754875 | Ingram Library Services | 97.59 | 2600-55190-403226 | Inv 04104574 |
| 04/23/2012 | 754875 | Ingram Library Services | 20.30 | 2600-55190-403333 | 04104575 |
| 04/23/2012 | 754875 | Ingram Library Services | 19.77 | 2600-55190-403226 | 04104576 |
| 04/23/2012 | 754875 | Ingram Library Services | 10.02 | 2600-55190-403333 | 04104576 |
| 04/23/2012 | 754875 | Ingram Library Services | 140.16 | 2600-55190-403222 | Inv 04123391 |
| 04/23/2012 | 754875 | Ingram Library Services | 429.34 | 2600-55190-403226 | Inv 04123391 |
| 04/23/2012 | 754875 | Ingram Library Services | 386.41 | 2600-55190-403227 | Inv 04123391 |
| 04/23/2012 | 754875 | Ingram Library Services | 175.92 | 2600-55190-403255 | Inv 04123391 |
| 04/23/2012 | 754875 | Ingram Library Services | 53.07 | 2600-55190-403334 | Inv 04123391 |
| 04/23/2012 | 754875 | Ingram Library Services | 79.80 | 2600-55190-403334 | Inv 04123391 |
| 04/23/2012 | 754875 | Ingram Library Services | 20.99 | 2600-55190-403222 | Inv 04104577 |
| 04/23/2012 | 754875 | Ingram Library Services | 10.02 | 2600-55190-403333 | Inv 04104577 |
| 04/23/2012 | 754875 | Ingram Library Services | 20.12 | 2600-55190-403226 | Inv 04104578 |
| 04/23/2012 | 754875 | Ingram Library Services | 63.68 | 2600-55190-403226 | Inv 04104579 |
| 04/23/2012 | 754875 | Ingram Library Services | 28.75 | 2600-55190-403226 | Inv 04104580 |
| 04/23/2012 | 754875 | Ingram Library Services | 11.91 | 2600-55190-403241 | Inv 04051112 |
| 04/23/2012 | 754875 | Ingram Library Services | 77.15 | 2600-55190-403227 | Inv 04051113 |
| 04/23/2012 | 754875 | Ingram Library Services | 5.89 | 2600-55190-403333 | Inv 04104581 |
| 04/23/2012 | 754875 | Ingram Library Services | 50.98 | 2600-55190-403227 | Inv 04123388 |
| 04/23/2012 | 754875 | Ingram Library Services | 16.19 | 2600-55190-403382 | Inv 04123389 |
| 04/23/2012 | 754875 | Ingram Library Services | 8.37 | 2600-55190-403241 | Inv 04123390 |
| 04/23/2012 | 754876 | Integrated Information Solutions In | 3,500.00 | 6200-19120-403550 | V7R1 Upgrade 9406-520 SN07054D |
| 04/23/2012 | 754876 | Integrated Information Solutions In | 2,022.00 | 6200-19120-403550 | Restoring V7R1 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 809.31 | 1500-22260-402320 | 3121269-00 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 140.00 | 1500-22260-402320 | 2120774-00 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 80.46 | 1500-22260-402320 | 2120774-00 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 110.40 | 1500-22260-402320 | 3120041-02 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 286.12 | 1500-22260-402320 | MP |
| 04/23/2012 | 754888 | L N Curtis & Sons | 680.04 | 1500-22260-402320 | 3120041-00 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 102.13 | 1500-22260-402320 | 3117452-00 |

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|------------|--------|-------------------------------|----------|-------------------|---|
| 04/23/2012 | 754888 | L N Curtis & Sons | 2,539.20 | 1500-22260-402320 | 3120041-03 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 33.18 | 1500-22260-402320 | 3120041-03 |
| 04/23/2012 | 754888 | L N Curtis & Sons | 16.34 | 1500-22260-402320 | 3120041-02 |
| 04/23/2012 | 754889 | Labor Ready Inc | 1,834.80 | 5410-31230-403581 | labor at landfill |
| 04/23/2012 | 754889 | Labor Ready Inc | 4,372.94 | 5410-31230-403581 | labor at landfill |
| 04/23/2012 | 754889 | Labor Ready Inc | 4,403.52 | 5410-31230-403581 | labor at landfill mass clean up |
| 04/23/2012 | 754891 | Land Design Inc | 4,095.00 | 4670-51630-409310 | Task 7 - Construction Administration (20%) and the contract amendment #2 - Dowl-HKM |
| 04/23/2012 | 754895 | LSC | 1,701.19 | 2030-15130-403547 | Downtown circulator pilot project |
| 04/23/2012 | 754895 | LSC | 2,551.80 | 2400-43010-407214 | Downtown circulator pilot project |
| 04/23/2012 | 754897 | M-B Co Inc Of Wisconsin | 3,056.40 | 5610-71130-402320 | Invoice #163783. B-3 runway broom. Installed a new part that was recently designed by M-B to resolve issues with the broom head on our older broom. |
| 04/23/2012 | 754898 | Mailing Technical Services | 433.47 | 2600-55110-403110 | Mailing Service - March 2012 |
| 04/23/2012 | 754898 | Mailing Technical Services | 142.80 | 5210-15210-403110 | parking - special inserts only |
| 04/23/2012 | 754898 | Mailing Technical Services | 458.29 | 5410-31210-403110 | Solid Waste-special mailing |
| 04/23/2012 | 754898 | Mailing Technical Services | 4,919.98 | 6050-15150-403110 | Finance |
| 04/23/2012 | 754910 | MONTANA CSED | 4,843.13 | 9000-00000-209926 | Child Support |
| 04/23/2012 | 754914 | Montana Radiator Works | 152.00 | 5410-31220-402320 | 35591 |
| 04/23/2012 | 754914 | Montana Radiator Works | 215.00 | 5410-31220-402320 | 36178 |
| 04/23/2012 | 754914 | Montana Radiator Works | 552.00 | 5410-31220-402320 | 36217 |
| 04/23/2012 | 754914 | Montana Radiator Works | 152.00 | 5410-31220-402320 | 35612 |
| 04/23/2012 | 754914 | Montana Radiator Works | 112.00 | 2110-31320-402320 | 35614 |
| 04/23/2012 | 754914 | Montana Radiator Works | 2,608.00 | 5710-71440-402320 | 35651 |
| 04/23/2012 | 754914 | Montana Radiator Works | 919.00 | 5410-31220-402320 | 35697 |
| 04/23/2012 | 754914 | Montana Radiator Works | 174.00 | 1500-21120-402320 | 35736 |
| 04/23/2012 | 754914 | Montana Radiator Works | 1,527.94 | 5410-31220-402320 | 35740 |
| 04/23/2012 | 754914 | Montana Radiator Works | 159.00 | 1500-21120-402320 | 35898 |
| 04/23/2012 | 754917 | Montana State Fireman's Assoc | 2,728.88 | 9000-00000-209924 | PAYROLL SUMMARY |
| 04/23/2012 | 754919 | Morrison Maierle Inc | 3,384.12 | 4050-71250-409693 | Invoice #120380 AIP-40 TW "G" RELOCATE - DESIGN / FEDERAL |
| 04/23/2012 | 754919 | Morrison Maierle Inc | 166.51 | 4050-71250-409694 | Invoice #120381 AIP-40 RW 10L RESURFACE APPROACH-DESIGN/LOCAL |
| 04/23/2012 | 754919 | Morrison Maierle Inc | 3,163.64 | 4050-71250-409693 | Invoice #120381 AIP-40 RW 10L RESURFACE A PPROACH-DESIGN/FEDERAL |

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| 04/23/2012 | 754919 | Morrison Maierle Inc | 178.11 | 4050-71250-409694 | Invoice #120380 AIP-40 TW "G" RELOCATE - DESIGN / LOCAL |
| 04/23/2012 | 754924 | Mppa | 2,505.73 | 9000-00000-209923 | PAYROLL SUMMARY |
| 04/23/2012 | 754929 | Napa Auto Parts | 85.20 | 5120-84000-402450 | PARTS/SUPPLIES |
| 04/23/2012 | 754929 | Napa Auto Parts | 81.24 | 6010-00000-141000 | 289129 PO NUM 289204 |
| 04/23/2012 | 754929 | Napa Auto Parts | 60.27 | 6010-00000-141000 | 289554 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 3.29 | 6010-15530-402650 | 290460 |
| 04/23/2012 | 754929 | Napa Auto Parts | 39.88 | 6010-00000-141000 | 290460 PO NUM 289306 |
| 04/23/2012 | 754929 | Napa Auto Parts | 149.00 | 5710-71440-402320 | 292204 |
| 04/23/2012 | 754929 | Napa Auto Parts | 8.17 | 6010-00000-141000 | 295988 PO NUM 289246 |
| 04/23/2012 | 754929 | Napa Auto Parts | 34.72 | 2110-31320-402320 | 219643 |
| 04/23/2012 | 754929 | Napa Auto Parts | 9.90 | 2110-31320-402320 | 277076 |
| 04/23/2012 | 754929 | Napa Auto Parts | 18.15 | 6010-00000-141714 | 283638 PO NUM 289102 |
| 04/23/2012 | 754929 | Napa Auto Parts | 48.99 | 5710-71440-402320 | 287547 |
| 04/23/2012 | 754929 | Napa Auto Parts | 143.07 | 6010-00000-141714 | 287547 PO NUM 289309 |
| 04/23/2012 | 754929 | Napa Auto Parts | 14.66 | 6010-00000-141000 | 277447 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 66.65 | 5710-71440-402320 | 277526 |
| 04/23/2012 | 754929 | Napa Auto Parts | 35.88 | 1500-21120-402320 | 287924 |
| 04/23/2012 | 754929 | Napa Auto Parts | 19.93 | 1500-21120-402320 | 288030 |
| 04/23/2012 | 754929 | Napa Auto Parts | 19.10 | 6010-00000-141000 | 288327 PO NUM 289251 |
| 04/23/2012 | 754929 | Napa Auto Parts | 51.98 | 6010-00000-141000 | 289516 PO NUM 289204 |
| 04/23/2012 | 754929 | Napa Auto Parts | 80.07 | 6010-00000-141000 | 292435 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 0.93 | 2600-55170-402320 | 297201 |
| 04/23/2012 | 754929 | Napa Auto Parts | 51.12 | 5410-31220-402320 | 277076 |
| 04/23/2012 | 754929 | Napa Auto Parts | 24.83 | 6010-00000-141000 | 277076 PO NUM 289247 |
| 04/23/2012 | 754929 | Napa Auto Parts | 123.92 | 6010-00000-141000 | 283814 PO NUM 289102 |
| 04/23/2012 | 754929 | Napa Auto Parts | 28.00 | 5710-71440-402320 | 287205 |
| 04/23/2012 | 754929 | Napa Auto Parts | 37.86 | 5410-31220-402320 | 287301 |
| 04/23/2012 | 754929 | Napa Auto Parts | 19.92 | 6010-00000-141000 | 289516 PO NUM 289204 |
| 04/23/2012 | 754929 | Napa Auto Parts | 35.88 | 5710-71440-402320 | 290076 |
| 04/23/2012 | 754929 | Napa Auto Parts | 115.14 | 6010-00000-141714 | 290076 PO NUM 289309 |
| 04/23/2012 | 754929 | Napa Auto Parts | 47.76 | 6010-00000-141714 | 292204 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 4.79 | 6010-00000-141000 | 292443 PO NUM 289306 |
| 04/23/2012 | 754929 | Napa Auto Parts | 17.97 | 1500-22260-402320 | 294282 |
| 04/23/2012 | 754929 | Napa Auto Parts | 27.96 | 6010-00000-141000 | 277447 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 32.45 | 5710-71440-402320 | 277559 |
| 04/23/2012 | 754929 | Napa Auto Parts | 55.61 | 1500-21120-402320 | 287943 |

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| 04/23/2012 | 754929 | Napa Auto Parts | 1.50 | 6010-00000-141000 | 288340 PO NUM 289251 |
| 04/23/2012 | 754929 | Napa Auto Parts | 12.49 | 1500-21120-402320 | 288349 |
| 04/23/2012 | 754929 | Napa Auto Parts | 59.98 | 6010-00000-141000 | 289516 PO NUM 289204 |
| 04/23/2012 | 754929 | Napa Auto Parts | 9.90 | 6010-00000-141000 | 294117 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 53.52 | 6010-00000-141000 | 288516 PO NUM 289251 |
| 04/23/2012 | 754929 | Napa Auto Parts | 267.70 | 1500-21120-402320 | 290574 |
| 04/23/2012 | 754929 | Napa Auto Parts | 105.68 | 6010-00000-141000 | 294282 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 27.38 | 5410-31220-402320 | 281384 |
| 04/23/2012 | 754929 | Napa Auto Parts | 20.84 | 6010-00000-141000 | 281510 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 44.13 | 5410-31220-402320 | 288276 |
| 04/23/2012 | 754929 | Napa Auto Parts | 126.62 | 6010-00000-141714 | 279148 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 9.32 | 5020-75000-402320 | 280392 |
| 04/23/2012 | 754929 | Napa Auto Parts | 47.17 | 1500-21120-402320 | 288228 |
| 04/23/2012 | 754929 | Napa Auto Parts | 29.59 | 6010-00000-141000 | 288516 PO NUM 289251 |
| 04/23/2012 | 754929 | Napa Auto Parts | 167.42 | 5710-71470-402320 | 289858 |
| 04/23/2012 | 754929 | Napa Auto Parts | 24.75 | 6010-00000-141000 | 294141 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 23.33 | 6010-00000-141000 | 282263 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 5.98 | 5710-71440-402320 | 284176 |
| 04/23/2012 | 754929 | Napa Auto Parts | 46.40 | 1500-22260-402320 | 289914 |
| 04/23/2012 | 754929 | Napa Auto Parts | 94.60 | 1500-22260-402320 | 292765 |
| 04/23/2012 | 754929 | Napa Auto Parts | 52.68 | 6010-00000-141000 | 296019 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 21.69 | 6010-15530-402650 | 286073 |
| 04/23/2012 | 754929 | Napa Auto Parts | 154.98 | 6010-00000-141000 | 289332 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 142.86 | 1500-21120-402320 | 290709 |
| 04/23/2012 | 754929 | Napa Auto Parts | 2.88 | 6010-00000-141000 | 297201 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 11.78 | 5410-31220-402320 | 288510 |
| 04/23/2012 | 754929 | Napa Auto Parts | 29.89 | 6010-00000-141000 | 288645 PO NUM 289251 |
| 04/23/2012 | 754929 | Napa Auto Parts | 43.35 | 1500-21120-402320 | 291838 |
| 04/23/2012 | 754929 | Napa Auto Parts | 58.62 | 6010-00000-141000 | 295816 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 20.28 | 6010-00000-141000 | 281532 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 14.62 | 2110-31320-402320 | 281586 |
| 04/23/2012 | 754929 | Napa Auto Parts | 85.92 | 6010-00000-141000 | 282057 PO NUM 289103 |
| 04/23/2012 | 754929 | Napa Auto Parts | 45.24 | 2110-31320-402320 | 282916 |
| 04/23/2012 | 754929 | Napa Auto Parts | 15.78 | 2110-31320-402320 | 289521 |
| 04/23/2012 | 754929 | Napa Auto Parts | 82.50 | 6010-00000-141000 | 292246 PO NUM 289251 |
| 04/23/2012 | 754929 | Napa Auto Parts | 25.56 | 5410-31220-402320 | 292510 |
| 04/23/2012 | 754929 | Napa Auto Parts | 13.54 | 6010-00000-141000 | 296019 PO NUM 289262 |

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| 04/23/2012 | 754929 | Napa Auto Parts | 145.86 | 1500-21120-402320 | 292638 |
| 04/23/2012 | 754929 | Napa Auto Parts | 374.80 | 5020-75000-402320 | 286035 |
| 04/23/2012 | 754929 | Napa Auto Parts | 7.91 | 6010-15530-402650 | 292457 |
| 04/23/2012 | 754929 | Napa Auto Parts | 107.74 | 5410-31220-402320 | 285545 |
| 04/23/2012 | 754929 | Napa Auto Parts | 7.40 | 5210-15220-402320 | 291766 |
| 04/23/2012 | 754929 | Napa Auto Parts | 43.38 | 6010-15530-402650 | 285680 |
| 04/23/2012 | 754929 | Napa Auto Parts | 35.85 | 6500-15660-402320 | 292232 |
| 04/23/2012 | 754929 | Napa Auto Parts | 33.38 | 6700-31410-402320 | 284355 |
| 04/23/2012 | 754929 | Napa Auto Parts | 130.98 | 0100-51120-402320 | 285893 |
| 04/23/2012 | 754929 | Napa Auto Parts | 79.84 | 5020-73120-402320 | 285093 |
| 04/23/2012 | 754929 | Napa Auto Parts | 57.19 | 1500-21120-402320 | 285893 |
| 04/23/2012 | 754929 | Napa Auto Parts | 32.07 | 2110-31320-402320 | 283444 |
| 04/23/2012 | 754929 | Napa Auto Parts | 205.18 | 5410-31220-402320 | 497864 |
| 04/23/2012 | 754929 | Napa Auto Parts | 16.64 | 6010-15530-402650 | 286128 |
| 04/23/2012 | 754929 | Napa Auto Parts | 238.80 | 6010-00000-141000 | 286420 PO NUM 289104 |
| 04/23/2012 | 754929 | Napa Auto Parts | 122.16 | 1500-22260-402320 | 292010 |
| 04/23/2012 | 754929 | Napa Auto Parts | 88.29 | 6010-00000-141000 | 502522 PO NUM 289262 |
| 04/23/2012 | 754929 | Napa Auto Parts | 46.02 | 5410-31230-402320 | 282537 |
| 04/23/2012 | 754929 | Napa Auto Parts | 552.38 | 1500-21120-402320 | 292248 |
| 04/23/2012 | 754929 | Napa Auto Parts | 8.11 | 1500-22260-402320 | 293078 |
| 04/23/2012 | 754929 | Napa Auto Parts | 32.00 | 5410-31230-402320 | 293616 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 54.30 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288893 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 19.30 | 5020-73120-402380 | valve |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 126.91 | 5120-84000-402450 | valve |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 106.76 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288846 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 20.89 | 5020-75000-402410 | tool |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 521.01 | 5020-00000-141000 | SYSTEMS PO NUM 288933 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 260.50 | 5020-00000-141000 | SYSTEMS PO NUM 288941 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 92.10 | 2110-31320-402380 | 3" and 4" pvc pipe |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 118.00 | 5120-84000-402450 | FITTINGS |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 144.16 | 5120-84000-402223 | fittings |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 82.80 | 5020-73120-402380 | METER PART |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 5.34 | 2110-31320-402290 | bushing/adapter for deice station |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 197.92 | 5020-75000-402380 | lead wool |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 230.11 | 5020-00000-141000 | SYSTEMS PO NUM 288896 |

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| 04/23/2012 | 754937 | Northwest Pipe Fittings | 1,198.80 | 5020-00000-141000 | SYSTEMS PO NUM 288935 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 153.93 | 5020-00000-141000 | SYSTEMS PO NUM 289015 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 14,959.32 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288892 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 5.88 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288898 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 3,362.94 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288933 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 71.12 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288940 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 766.12 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288990 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 1,106.90 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 288990 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 281.25 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 289021 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 10,676.00 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 289025 |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 34.51 | 5020-75000-402380 | pipe fitting |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 554.40 | 5020-74000-402450 | plug |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 115.42 | 5120-84000-402450 | pvc |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 14.86 | 5020-74000-402450 | PVC FITTINGS |
| 04/23/2012 | 754937 | Northwest Pipe Fittings | 49.48 | 5020-74000-402450 | steel wool |
| 04/23/2012 | 754939 | Northwestern Energy | 12,871.19 | 2110-31320-403410 | Signal Bills |
| 04/23/2012 | 754939 | Northwestern Energy | 460.31 | 8100-31830-403410 | SILMD 008 ACCT# 0712544-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 501.91 | 8100-31830-403410 | SILMD 172 ACCT# 0712611-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 13.78 | 8100-31830-403410 | SILMD 238 ACCT# 0712672-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 472.47 | 8100-31830-403410 | SILMD 009 ACCT# 0712545-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 871.34 | 8100-31830-403410 | SILMD 173 ACCT# 0712612-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 88.25 | 8100-31830-403410 | SILMD 239 ACCT# 0712673-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,863.43 | 8100-31830-403410 | SILMD 014 ACCT# 0721277-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 40.20 | 8100-31830-403410 | SILMD 176 ACCT# 0712615-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 77.43 | 8100-31830-403410 | SILMD 242 ACCT# 0712676-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,302.60 | 8100-31830-403410 | SILMD 010 ACCT# 0712546-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 926.54 | 8100-31830-403410 | SILMD 174 ACCT# 0712613-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 350.31 | 8100-31830-403410 | SILMD 240 ACCT# 0712674-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 3,820.85 | 8100-31830-403410 | SILMD 013 ACCT# 0721276-4 |

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| 04/23/2012 | 754939 | Northwestern Energy | 308.84 | 8100-31830-403410 | SILMD 175 ACCT# 0712614-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 577.32 | 8100-31830-403410 | SILMD 241 ACCT# 0712675-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 309.72 | 8100-31830-403410 | SILMD 129 ACCT# 0712578-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 718.38 | 8100-31830-403410 | SILMD 202 INV# 0712639-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 68.11 | 8100-31830-403410 | SILMD 269 ACCT# 0833098-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 463.27 | 8100-31830-403410 | SILMD 128 ACCT# 0712577-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 463.27 | 8100-31830-403410 | SILMD 201 ACCT# 0712638-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 45.69 | 8100-31830-403410 | SILMD 266 ACCT# 0721684-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 661.81 | 8100-31830-403410 | SILMD 127 ACCT# 0712576-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 66.73 | 8100-31830-403410 | SILMD 200 ACCT# 0712637-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 327.00 | 8100-31830-403410 | SILMD 265 ACCT# 0721556-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 180.69 | 8100-31830-403410 | SILMD 126 ACCT# 0712575-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 110.30 | 8100-31830-403410 | SILMD 198 ACCT# 0712636-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 143.80 | 8100-31830-403410 | SILMD 264 ACCT# 0721427-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 361.34 | 8100-31830-403410 | SILMD 125 ACCT# 0712574-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 62.56 | 8100-31830-403410 | SILMD 197 ACCT# 0712635-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 837.75 | 8100-31830-403410 | SILMD 263 ACCT# 0720716-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 903.36 | 8100-31830-403410 | SILMD 124 ACCT# 0712573-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 62.56 | 8100-31830-403410 | SILMD 196 ACCT# 0712634-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,928.90 | 8100-31830-403410 | SILMD 262 ACCT# 0720937-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 309.72 | 8100-31830-403410 | SILMD 123 ACCT# 0712572-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 194.61 | 8100-31830-403410 | SILMD 195 ACCT# 0712633-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 464.60 | 8100-31830-403410 | SILMD 261 ACCT# 0720705-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 176.49 | 8100-31830-403410 | SILMD 122 ACCT# 0712571-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 233.54 | 8100-31830-403410 | SILMD 194 ACCT# 0712632-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,173.52 | 8100-31830-403410 | SILMD 259 ACCT# 0720810-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,322.95 | 8100-31830-403410 | SILMD 121 ACCT# 0712570-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 705.93 | 8100-31830-403410 | SILMD 193 ACCT# 0712631-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 7.52 | 8100-31830-403410 | SILMD 259 ACCT# 1301786-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 141.89 | 8100-31830-403410 | SILMD 119 ACCT# 0712568-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 286.79 | 8100-31830-403410 | SILMD 192 ACCT# 0712630-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,433.14 | 8100-31830-403410 | SILMD 258 ACCT# 0720606-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 112.61 | 8100-31830-403410 | SILMD 130 ACCT# 0712579-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 16.69 | 8100-31830-403410 | SILMD 203 ACCT# 0712640-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 383.44 | 8100-31830-403410 | SILMD 270 ACCT# 0906944-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 800.13 | 8100-31830-403410 | SILMD 131 ACCT# 0712580-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 348.69 | 8100-31830-403410 | SILMD 204 ACCT# 0712641-0 |

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| 04/23/2012 | 754939 | Northwestern Energy | 930.50 | 8100-31830-403410 | SILMD 271 ACCT# 0995095-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 217.50 | 8100-31830-403410 | SILMD 133 ACCT# 0712581-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 32.17 | 8100-31830-403410 | SILMD 205 ACCT# 0712642-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,623.64 | 8100-31830-403410 | SILMD 272 ACCT# 0905005-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 501.91 | 8100-31830-403410 | SILMD 134 ACCT# 0712582-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 308.84 | 8100-31830-403410 | SILMD 206 ACCT# 0712643-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 188.20 | 8100-31830-403410 | SILMD 273 ACCT# 0926386-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 485.33 | 8100-31830-403410 | SILMD 135 ACCT# 0712583-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 352.97 | 8100-31830-403410 | SILMD 207 ACCT# 0712644-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 58.37 | 8100-31830-403410 | SILMD 274 ACCT# 0907926-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 429.69 | 8100-31830-403410 | SILMD 136 ACCT# 0712584-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 246.79 | 8100-31830-403410 | SILMD 208 ACCT# 0712645-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 416.42 | 8100-31830-403410 | SILMD 276 ACCT# 0961926-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 346.55 | 8100-31830-403410 | SILMD 137 ACCT# 0712585-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 507.38 | 8100-31830-403410 | SILMD 209 ACCT# 0712646-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 771.01 | 8100-31830-403410 | SILMD 277 ACCT# 1058710-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 696.88 | 8100-31830-403410 | SILMD 138 ACCT# 0712586-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 75.08 | 8100-31830-403410 | SILMD 210 ACCT# 0712647-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 204.35 | 8100-31830-403410 | SILMD 278 ACCT# 1087619-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 232.29 | 8100-31830-403410 | SILMD 139 ACCT# 0712587-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 41.71 | 8100-31830-403410 | SILMD 211 ACCT# 0712648-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 57.30 | 8100-31830-403410 | SILMD 279 ACCT# 1124127-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 541.80 | 8100-31830-403410 | SILMD 143 ACCT# 0712588-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 41.71 | 8100-31830-403410 | SILMD 212 ACCT# 0712649-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 632.49 | 8100-31830-403410 | SILMD 280 ACCT# 1045653-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 25.79 | 8100-31830-403410 | SILMD 144 ACCT# 0712589-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 25.03 | 8100-31830-403410 | SILMD 213 ACCT# 0712650-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 49.76 | 8100-31830-403410 | SILMD 281 ACCT# 1079722-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 441.21 | 8100-31830-403410 | SILMD 145 ACCT# 0712590-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 441.49 | 8100-31830-403410 | SILMD 214 ACCT# 0712651-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 330.35 | 8100-31830-403410 | SILMD 283 ACCT# 1172743-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 335.54 | 8100-31830-403410 | SILMD 146 ACCT# 0712591-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 132.37 | 8100-31830-403410 | SILMD 216 ACCT# 0712652-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 315.72 | 8100-31830-403410 | SILMD 285 ACCT# 1206985-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 434.16 | 8100-31830-403410 | SILMD 147 ACCT# 0712592-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 346.94 | 8100-31830-403410 | SILMD 217 ACCT# 0712653-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 221.95 | 8100-31830-403410 | SILMD 286 ACCT# 1296582-8 |

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| 04/23/2012 | 754939 | Northwestern Energy | 1,344.25 | 8100-31830-403410 | SILMD 149 ACCT# 0712593-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 239.55 | 8100-31830-403410 | SILMD 220 ACCT# 0712654-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 115.87 | 8100-31830-403410 | SILMD 287 ACCT# 1246537-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 705.93 | 8100-31830-403410 | SILMD 150 ACCT# 0712594-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 8.03 | 8100-31830-403410 | SILMD 221 ACCT# 0712655-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,667.45 | 8100-31830-403410 | SILMD 288 ACCT# 1303978-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 593.63 | 8100-31830-403410 | SILMD 151 ACCT# 0712595-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 65.91 | 8100-31830-403410 | SILMD 222 ACCT# 0712656-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 307.02 | 8100-31830-403410 | SILMD 289 ACCT# 1685375-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 4,040.82 | 8100-31830-403410 | SILMD 152 ACCT# 0712596-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 100.09 | 8100-31830-403410 | SILMD 223 ACCT# 0712657-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 117.52 | 8100-31830-403410 | SILMD 290 ACCT# 1433921-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 507.38 | 8100-31830-403410 | SILMD 153 ACCT# 0712597-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,688.51 | 8100-31830-403410 | SILMD 224 ACCT# 0712658-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 567.83 | 8100-31830-403410 | SILMD 292 ACCT# 1481532-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,147.15 | 8100-31830-403410 | SILMD 154 ACCT# 0712598-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 331.90 | 8100-31830-403410 | SILMD 225 ACCT# 0712659-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 220.61 | 8100-31830-403410 | SILMD 293 ACCT# 1481534-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 464.60 | 8100-31830-403410 | SILMD 155 ACCT# 0712599-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 268.09 | 8100-31830-403410 | SILMD 226 ACCT# 0712660-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 441.21 | 8100-31830-403410 | SILMD 294 ACCT# 1481535-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 860.36 | 8100-31830-403410 | SILMD 157 ACCT# 0712600-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 542.40 | 8100-31830-403410 | SILMD 227 ACCT# 0712661-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 103.25 | 8100-31830-403410 | SILMD 295 ACCT# 1481536-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 748.51 | 8100-31830-403410 | SILMD 158 ACCT# 0712601-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 748.51 | 8100-31830-403410 | SILMD 228 ACCT# 0712662-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 998.55 | 8100-31830-403410 | SILMD 296 ACCT# 1481537-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,015.88 | 8100-31830-403410 | SILMD 159 ACCT# 0712602-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 387.16 | 8100-31830-403410 | SILMD 229 ACCT# 0712663-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 198.54 | 8100-31830-403410 | SILMD 297 ACCT# 1481539-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 671.08 | 8100-31830-403410 | SILMD 160 ACCT# 0712603-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 903.35 | 8100-31830-403410 | SILMD 230 ACCT# 0712664-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 176.49 | 8100-31830-403410 | SILMD 298 ACCT# 1481540-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 992.71 | 8100-31830-403410 | SILMD 161 ACCT# 0712604-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 542.02 | 8100-31830-403410 | SILMD 231 ACCT# 0712665-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 376.08 | 8100-31830-403410 | SILMD 300 ACCT# 1662840-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 56.30 | 8100-31830-403410 | SILMD 162 ACCT# 0712605-5 |

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| 04/23/2012 | 754939 | Northwestern Energy | 2,348.76 | 8100-31830-403410 | SILMD 232 ACCT# 0712666-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,664.21 | 8100-31830-403410 | SILMD 301 ACCT# 1687005-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 603.33 | 8100-31830-403410 | SILMD 163 ACCT# 0712606-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 728.85 | 8100-31830-403410 | SILMD 233 ACCT# 0712667-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 216.53 | 8100-31830-403410 | SILMD 302 ACCT# 1607534-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 352.97 | 8100-31830-403410 | SILMD 164 ACCT# 0712607-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 429.50 | 8100-31830-403410 | SILMD 234 ACCT# 0712668-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 937.29 | 8100-31830-403410 | SILMD 305 ACCT# 1695873-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 825.93 | 8100-31830-403410 | SILMD 165 ACCT# 0712608-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 458.69 | 8100-31830-403410 | SILMD 235 ACCT# 0712669-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 211.93 | 8100-31830-403410 | SILMD 306 ACCT# 1740353-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 220.61 | 8100-31830-403410 | SILMD 167 ACCT# 0712609-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 145.96 | 8100-31830-403410 | SILMD 236 ACCT# 0712670-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 324.36 | 8100-31830-403410 | SILMD 309 ACCT#0712569-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 529.45 | 8100-31830-403410 | SILMD 171 ACCT# 0712610-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 375.04 | 8100-31830-403410 | SILMD 237 ACCT# 0712671-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 48.32 | 8100-31830-403410 | SILMD 320 ACCT# 0712569-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,444.97 | 8100-31830-403410 | SILMD 100 ACCT# 0712559-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,080.98 | 8100-31830-403410 | SILMD 183 ACCT# 0712621-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,555.24 | 8100-31830-403410 | SILMD 249 ACCT# 0718734-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,626.06 | 8100-31830-403410 | SILMD 107 ACCT# 0712560-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 352.97 | 8100-31830-403410 | SILMD 184 ACCT# 0712622-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 8.14 | 8100-31830-403410 | SILMD 250 ACCT# 1301786-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 165.47 | 8100-31830-403410 | SILMD 113 ACCT# 0712562-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 564.38 | 8100-31830-403410 | SILMD 186 ACCT# 0712624-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 3,515.78 | 8100-31830-403410 | SILMD 251 ACCT# 0718801-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 4,078.06 | 8100-31830-403410 | SILMD 109 ACCT# 0712561-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 132.37 | 8100-31830-403410 | SILMD 185 ACCT# 0712623-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 177.48 | 8100-31830-403410 | SILMD 250 ACCT# 0719001-00 |
| 04/23/2012 | 754939 | Northwestern Energy | 877.55 | 8100-31830-403410 | SILMD 114 ACCT# 0712563-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 220.61 | 8100-31830-403410 | SILMD 187 ACCT# 0712625-3 |
| 04/23/2012 | 754939 | Northwestern Energy | 516.21 | 8100-31830-403410 | SILMD 252 ACCT# 0719162-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 206.49 | 8100-31830-403410 | SILMD 115 ACCT# 0712564-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 264.72 | 8100-31830-403410 | SILMD 188 ACCT# 0712626-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,802.51 | 8100-31830-403410 | SILMD 253 ACCT# 0719644-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,991.39 | 8100-31830-403410 | SILMD 117 ACCT# 0712566-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,147.15 | 8100-31830-403410 | SILMD 190 ACCT# 0712628-7 |

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| 04/23/2012 | 754939 | Northwestern Energy | 133.41 | 8100-31830-403410 | SILMD 255 ACCT# 0720813-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 542.02 | 8100-31830-403410 | SILMD 116 ACCT# 0712565-1 |
| 04/23/2012 | 754939 | Northwestern Energy | 220.61 | 8100-31830-403410 | SILMD 189 ACCT# 0712627-9 |
| 04/23/2012 | 754939 | Northwestern Energy | 131.82 | 8100-31830-403410 | SILMD 254 ACCT# 0719763-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 215.66 | 8100-31830-403410 | SILMD 118 ACCT# 0712567-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 394.13 | 8100-31830-403410 | SILMD 191 ACCT# 0712629-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 768.39 | 8100-31830-403410 | SILMD 257 ACCT# 0720360-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 87.57 | 8100-31830-403410 | SILMD 018 ACCT# 0712554-5 |
| 04/23/2012 | 754939 | Northwestern Energy | 485.33 | 8100-31830-403410 | SILMD 179 ACCT# 0712617-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 79.98 | 8100-31830-403410 | SILMD 245 ACCT# 0712678-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,140.49 | 8100-31830-403410 | SILMD 017 ACCT# 0712553-7 |
| 04/23/2012 | 754939 | Northwestern Energy | 242.67 | 8100-31830-403410 | SILMD 178 ACCT# 0712616-2 |
| 04/23/2012 | 754939 | Northwestern Energy | 103.25 | 8100-31830-403410 | SILMD 244 ACCT# 0712677-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 12,208.12 | 8100-31830-403410 | SILMD 097 ACCT# 0712557-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,574.44 | 8100-31830-403410 | SILMD 181 ACCT# 0712619-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,075.25 | 8100-31830-403410 | SILMD 247 ACCT# 0712680-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 1,492.42 | 8100-31830-403410 | SILMD 099 ACCT# 0712558-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 551.51 | 8100-31830-403410 | SILMD 182 ACCT# 0712620-4 |
| 04/23/2012 | 754939 | Northwestern Energy | 2,280.03 | 8100-31830-403410 | SILMD 248 ACCT# 0712681-6 |
| 04/23/2012 | 754939 | Northwestern Energy | 421.19 | 8100-31830-403410 | SILMD 095 ACCT# 0712556-0 |
| 04/23/2012 | 754939 | Northwestern Energy | 330.91 | 8100-31830-403410 | SILMD 180 ACCT# 0712618-8 |
| 04/23/2012 | 754939 | Northwestern Energy | 309.72 | 8100-31830-403410 | SILMD 246 ACCT# 0712679-0 |
| 04/23/2012 | 754940 | Northwestern Energy | 1,549.61 | 5610-71130-403410 | 0100484-5. ARFF Facility April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 2,357.01 | 5020-74000-403410 | 07222649 |
| 04/23/2012 | 754940 | Northwestern Energy | 254.98 | 0100-51120-403410 | 09254962 |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222698 |
| 04/23/2012 | 754940 | Northwestern Energy | 784.19 | 5610-71170-403410 | 1669567-8. TSA West End Building April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 8.92 | 0100-51120-403410 | 07222664 |
| 04/23/2012 | 754940 | Northwestern Energy | 511.26 | 6500-15660-403410 | 09758087 |
| 04/23/2012 | 754940 | Northwestern Energy | 33.99 | 5610-71130-403410 | 1647695-4. 2271 Overlook De-Icer April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07222474 |
| 04/23/2012 | 754940 | Northwestern Energy | 8.95 | 2110-31320-403410 | 08554040 |
| 04/23/2012 | 754940 | Northwestern Energy | 83.37 | 5610-71190-403410 | 2001867-7. QTA Detail Bay 5 April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 2,025.82 | 5610-71130-403410 | 0100483-7. Runway Lights April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 88.63 | 0100-51120-403410 | 07222557 |
| 04/23/2012 | 754940 | Northwestern Energy | 474.75 | 1500-22210-403410 | 08715468 |
| 04/23/2012 | 754940 | Northwestern Energy | 67.24 | 0100-51120-403410 | 07230428 |

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|------------|--------|---------------------|----------|-------------------|------------|--------------------------------|
| 04/23/2012 | 754940 | Northwestern Energy | 2,521.87 | 5020-74000-403410 | 07230402 | |
| 04/23/2012 | 754940 | Northwestern Energy | 170.02 | 0100-51120-403410 | 07230378 | |
| 04/23/2012 | 754940 | Northwestern Energy | 8.49 | 0100-51120-403410 | 07230360 | |
| 04/23/2012 | 754940 | Northwestern Energy | 97.38 | 0100-51120-403410 | 07230352 | |
| 04/23/2012 | 754940 | Northwestern Energy | 22.24 | 0100-51120-403410 | 07222938 | |
| 04/23/2012 | 754940 | Northwestern Energy | 142.29 | 5610-71170-403410 | 1341291-1. | 1559 Aviation Place April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07229057 | |
| 04/23/2012 | 754940 | Northwestern Energy | 501.19 | 5610-71170-403410 | 1341295-2. | 1563 Aviation Place April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 11.33 | 0100-51120-403410 | 07222920 | |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 5610-71170-403410 | 1341289-5. | 1555 Aviation Place April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 18.74 | 0100-51120-403410 | 07222870 | |
| 04/23/2012 | 754940 | Northwestern Energy | 64.75 | 5610-71170-403410 | 1264299-7. | 1551 Aviation Place April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 8.95 | 0100-51120-403410 | 07230451 | |
| 04/23/2012 | 754940 | Northwestern Energy | 209.89 | 0100-51120-403410 | 07230543 | |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07230550 | |
| 04/23/2012 | 754940 | Northwestern Energy | 17.90 | 0100-51120-403410 | 07230568 | |
| 04/23/2012 | 754940 | Northwestern Energy | 9.14 | 0100-51120-403410 | 07230576 | |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07230584 | |
| 04/23/2012 | 754940 | Northwestern Energy | 38.46 | 5020-74000-403410 | 07230592 | |
| 04/23/2012 | 754940 | Northwestern Energy | 61.50 | 0100-51120-403410 | 07229339 | |
| 04/23/2012 | 754940 | Northwestern Energy | 228.52 | 6070-22350-403410 | 07215809 | |
| 04/23/2012 | 754940 | Northwestern Energy | 7.56 | 0100-51120-403410 | 07236458 | |
| 04/23/2012 | 754940 | Northwestern Energy | 3,263.25 | 6500-15660-403410 | 12693917 | |
| 04/23/2012 | 754940 | Northwestern Energy | 75.96 | 5610-71190-403410 | 2001862-8. | QTA Detail Bay 3 April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 86.90 | 0100-51260-403410 | 07208218 | |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07236441 | |
| 04/23/2012 | 754940 | Northwestern Energy | 2,869.18 | 6500-15660-403410 | 11608049 | |
| 04/23/2012 | 754940 | Northwestern Energy | 146.98 | 5610-71190-403410 | 2001855-2. | QTA Detail Bay 2 April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 12.98 | 0100-51120-403410 | 07222375 | |
| 04/23/2012 | 754940 | Northwestern Energy | 20.19 | 0100-51120-403410 | 07894371 | |
| 04/23/2012 | 754940 | Northwestern Energy | 121.11 | 5610-71190-403410 | 2001865-1. | QTA Detail Bay 4 April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 33.33 | 0100-51220-403410 | 07208184 | |
| 04/23/2012 | 754940 | Northwestern Energy | 8.95 | 0100-51120-403410 | 07231707 | |
| 04/23/2012 | 754940 | Northwestern Energy | 823.38 | 6500-15660-403410 | 11608023 | |
| 04/23/2012 | 754940 | Northwestern Energy | 36.58 | 0100-51120-403410 | 18366666 | |
| 04/23/2012 | 754940 | Northwestern Energy | 127.59 | 5610-71190-403410 | 2001848-7. | QTA Detail Bay 1 April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 1,180.82 | 5610-71190-403410 | 1993430-6. | QTA Car Wash April 2012 |

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|------------|--------|----------------------------------|-----------|-------------------|---|
| 04/23/2012 | 754940 | Northwestern Energy | 157.21 | 0100-51220-403410 | 07125362 |
| 04/23/2012 | 754940 | Northwestern Energy | 7.15 | 0100-51120-403410 | 07231624 |
| 04/23/2012 | 754940 | Northwestern Energy | 88.79 | 5610-71170-403410 | 11389269 |
| 04/23/2012 | 754940 | Northwestern Energy | 7.68 | 2110-31320-403410 | 17488966 |
| 04/23/2012 | 754940 | Northwestern Energy | 797.32 | 5020-74000-403410 | AIRPORT RD/17TH W/HWY 3/WALDO |
| 04/23/2012 | 754940 | Northwestern Energy | 39,752.03 | 5120-84000-403410 | 725 HWY 87 EAST |
| 04/23/2012 | 754940 | Northwestern Energy | 153.35 | 5120-85000-403410 | 822 SHILOH CROSSING |
| 04/23/2012 | 754940 | Northwestern Energy | 446.91 | 5610-71190-403410 | 2001846-1. QTA Mudwash April 2012 |
| 04/23/2012 | 754940 | Northwestern Energy | 40.91 | 0100-51270-403410 | 07123870 |
| 04/23/2012 | 754940 | Northwestern Energy | 8.95 | 0100-51120-403410 | 07230907 |
| 04/23/2012 | 754940 | Northwestern Energy | 305.92 | 5020-74000-403410 | 11164522 |
| 04/23/2012 | 754940 | Northwestern Energy | 7.46 | 2110-31320-403410 | 17403577 |
| 04/23/2012 | 754941 | NS Corporation | 5,022.38 | 5610-00000-141000 | Invoice #56596. Inventory parts for QTA |
| 04/23/2012 | 754957 | Reliable | 663.77 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 289175 |
| 04/23/2012 | 754957 | Reliable | 2,730.38 | 5020-00000-141000 | WATER PARTS AND SUPPLIES PO NUM 289254 |
| 04/23/2012 | 754964 | Rocky Mountain Welding & Fab Inc | 15,384.00 | 5410-31220-404270 | 6 and 8 yd frontload dumpsters |
| 04/23/2012 | 754983 | Tire-Rama | 15.00 | 2110-31320-402390 | 1050-193853 |
| 04/23/2012 | 754983 | Tire-Rama | 17.48 | 1500-22260-402390 | 288402 |
| 04/23/2012 | 754983 | Tire-Rama | 15.00 | 5410-31220-402390 | tire repair |
| 04/23/2012 | 754983 | Tire-Rama | 40.50 | 5410-31230-402390 | tire repair at landfill |
| 04/23/2012 | 754983 | Tire-Rama | 380.00 | 5410-31220-402390 | tire repairs |
| 04/23/2012 | 754983 | Tire-Rama | 390.00 | 5410-31220-402390 | tire repairs |
| 04/23/2012 | 754983 | Tire-Rama | 537.60 | 5410-31220-402390 | tire repairs |
| 04/23/2012 | 754983 | Tire-Rama | 880.78 | 5410-31230-402390 | tire repairs at landfill |
| 04/23/2012 | 754983 | Tire-Rama | 400.00 | 5410-31220-402390 | repairs for sw |
| 04/23/2012 | 754983 | Tire-Rama | 2,973.20 | 5410-31220-402390 | new tires |
| 04/23/2012 | 754983 | Tire-Rama | 2,973.20 | 5410-31220-402390 | new tires for stock |
| 04/23/2012 | 754983 | Tire-Rama | 2,973.20 | 5410-31220-402390 | new tires for stock |
| 04/23/2012 | 754983 | Tire-Rama | 4,459.80 | 5410-31220-402390 | new tires for stock |
| 04/23/2012 | 754983 | Tire-Rama | 262.00 | 5410-31220-402390 | our recaps from plant |
| 04/23/2012 | 754983 | Tire-Rama | 1,321.50 | 5410-31220-402390 | our recaps from plant |
| 04/23/2012 | 754983 | Tire-Rama | 3,483.50 | 5410-31220-402390 | our recaps from plant |
| 04/23/2012 | 754983 | Tire-Rama | 40.00 | 2110-31320-402390 | 1050-194128 |
| 04/23/2012 | 754984 | Titan Machinery Inc | 261.85 | 2110-31320-402320 | IC11173 |
| 04/23/2012 | 754984 | Titan Machinery Inc | 663.29 | 2110-31320-402320 | IC11203 |

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|------------|--------|-----------------------------------|-----------|-------------------|--|
| 04/23/2012 | 754984 | Titan Machinery Inc | 1,632.14 | 2110-31320-402320 | IC11553 |
| 04/23/2012 | 754984 | Titan Machinery Inc | 209.88 | 2110-31320-402320 | IC10853A |
| 04/23/2012 | 754985 | Torgerson's LLC | 1,201.30 | 5410-31230-402320 | P13161 |
| 04/23/2012 | 754985 | Torgerson's LLC | 6.76 | 5410-31230-402320 | P13691 |
| 04/23/2012 | 754985 | Torgerson's LLC | 105.40 | 2110-31320-402320 | P151.73 |
| 04/23/2012 | 754985 | Torgerson's LLC | 16.54 | 5410-31230-402320 | P13691 |
| 04/23/2012 | 754985 | Torgerson's LLC | 55.98 | 5410-31230-402320 | P13395 |
| 04/23/2012 | 754985 | Torgerson's LLC | 112.56 | 5410-31230-402320 | P14650 |
| 04/23/2012 | 754985 | Torgerson's LLC | 44.23 | 5410-31230-402320 | P13881 |
| 04/23/2012 | 754985 | Torgerson's LLC | 78.85 | 5410-31230-402320 | P14208 |
| 04/23/2012 | 754985 | Torgerson's LLC | 196.64 | 5410-31230-402320 | P13821 |
| 04/23/2012 | 754985 | Torgerson's LLC | 292.89 | 5410-31230-402320 | P13881 |
| 04/23/2012 | 754985 | Torgerson's LLC | 84.26 | 5410-31230-402320 | P13032 |
| 04/23/2012 | 754985 | Torgerson's LLC | 779.81 | 5410-31230-402320 | P13789 |
| 04/23/2012 | 754986 | Town & Country Supply Association | 398.71 | 1500-22260-402310 | FIRE1:DIESEL FUEL (120 GALLONS) DELIVERED ON 4/10/2012 |
| 04/23/2012 | 754986 | Town & Country Supply Association | 33,868.90 | 6010-00000-141000 | 92773 PO NUM 289292 |
| 04/23/2012 | 754986 | Town & Country Supply Association | 1,049.76 | 1500-22260-402310 | 93420:FIRE 1/UNLEADED FUEL (300 GALLONS) DELIVERED ON 4/10/2012 |
| 04/23/2012 | 754986 | Town & Country Supply Association | 13,190.50 | 6010-00000-141000 | 94307 PO NUM 289297 |
| 04/23/2012 | 754989 | Tristate Equipment | 158.03 | 2110-31320-402320 | M57072 |
| 04/23/2012 | 754989 | Tristate Equipment | 57.63 | 5410-31220-402320 | M57590 |
| 04/23/2012 | 754989 | Tristate Equipment | 56.85 | 6010-00000-141000 | M57590 PO NUM 289228 |
| 04/23/2012 | 754989 | Tristate Equipment | 5.32 | 5410-31220-402320 | M57683 |
| 04/23/2012 | 754989 | Tristate Equipment | 62.02 | 5410-31220-402320 | M57774 |
| 04/23/2012 | 754989 | Tristate Equipment | 56.24 | 5410-31220-402320 | M58347 |
| 04/23/2012 | 754989 | Tristate Equipment | 250.29 | 5410-31220-402320 | M57895 |
| 04/23/2012 | 754989 | Tristate Equipment | 49.83 | 5410-31220-402320 | M57928 |
| 04/23/2012 | 754989 | Tristate Equipment | 53.61 | 5410-31220-402320 | M57825 |
| 04/23/2012 | 754989 | Tristate Equipment | 69.73 | 5410-31220-402320 | M58586 |
| 04/23/2012 | 754989 | Tristate Equipment | 201.05 | 5410-31220-402320 | M57844 |
| 04/23/2012 | 754989 | Tristate Equipment | 770.99 | 5410-31220-402320 | M58668 |
| 04/23/2012 | 754989 | Tristate Equipment | 620.60 | 5410-31220-402320 | M58069 |
| 04/23/2012 | 754989 | Tristate Equipment | 14.70 | 5410-31220-402320 | M58143 |
| 04/23/2012 | 754989 | Tristate Equipment | 364.05 | 5410-31220-402320 | N20948 |
| 04/23/2012 | 754989 | Tristate Equipment | 29.90 | 5410-31230-402320 | M58095 |
| 04/23/2012 | 754989 | Tristate Equipment | 30.45 | 5410-31220-402320 | M58241 |

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| 04/23/2012 | 754989 | Tristate Equipment | 10.00 | 5410-31220-402320 | M58241 |
| 04/23/2012 | 755001 | Wingfoot Commercial Tire | 857.72 | 1500-22260-402390 | 176-1033199 |
| 04/23/2012 | 755001 | Wingfoot Commercial Tire | 1,476.80 | 1500-22260-402390 | 176-10333223 |
| 04/23/2012 | 755001 | Wingfoot Commercial Tire | 195.00 | 2110-31320-402390 | 176-1033186 |
| 04/23/2012 | 755001 | Wingfoot Commercial Tire | 181.82 | 1500-22260-402390 | 176-1033199 |
| 04/23/2012 | 755001 | Wingfoot Commercial Tire | 48.25 | 5210-15220-402320 | 176-1033241 |
| 04/23/2012 | 755001 | Wingfoot Commercial Tire | 204.76 | 1500-22260-402390 | 176-10333223 |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 256.53 | 5120-85000-403410 | 2229 BLUE CREEK RD |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 163.76 | 6070-22350-403410 | 41790002:LANDFILL TOWER S ITE/ELEC SERVICE |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 165.26 | 5120-85000-403410 | 54TH ST W/DOVETAIL |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 59.00 | 5120-84000-403410 | BRIARWOOD BLVD/O'SHEA CIR |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 659.56 | 1500-22210-403410 | FIRE 7: MONTHLY ELECTRICAL SERVICE TO STATION |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 19.00 | 5120-84000-403410 | REHBERG RANCH NORTH PONDS |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 19.00 | 5120-85000-403410 | WINCHESTER TRL/ROD & GUN CLUB |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 188.21 | 5120-85000-403410 | REHBERG SEWER LIFT |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 0.00 | 6070-22350-403410 | 41790004:TANK(FOX) TOWER SITE/ELEC SERVICE |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 1,342.19 | 5020-74000-403410 | THOMAS PUMP STATION |
| 04/23/2012 | 755002 | Yellowstone Valley Elec | 1,181.00 | 5120-84000-403410 | REHBERG AERATION PONDS |

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Public Hearing & Resolution Adopting Wastewater Rates and Fees

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The existing wastewater rates and fees are no longer adequate to provide for the operation and maintenance and capital investment necessary to continue providing quality service and infrastructure to the City's customers. Cost-of-service rate studies were completed for both water and wastewater in FY 2011 by Public Works staff for fiscal years 2012 and 2013 and an interim update was performed in FY 2012. During this interim update, it was determined that water rates require no adjustment for FY 2013, but wastewater rates need to be increased for electricity and chemical price increases, as well as to fund the construction of wastewater treatment plant improvements required to meet new Federal regulations for nitrogen and phosphorus removal. The preliminary design for these improvements is programmed in the Capital Improvement Plan in FY 2013 and for construction in FY 2015. A public hearing is required per MCA 69-7-111. The attached resolution specifies the proposed rates and fees. The proposed rate and fee adjustments include:

1. Increasing the wastewater volume rate and minimum monthly charges for all customer classes.
2. Adjusting the formula for wastewater System Development Fees (SDFs) for connections to the wastewater system with meters larger than four inches to correct the previous formula which had an error in it. There is no change in SDFs for any other meter connection sizes.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the resolution
- Disapprove the resolution and continue to charge the current rates in FY 2013. If rates are not increased in FY 2013, it will require a significantly larger increase in FY 2014 in order to have sufficient money available to begin the Federally required improvements to the wastewater treatment plant and to have adequate rates in place to sell bonds. Failure to meet the Federal regulations would result in the City being non-compliant with the State and Federal Clean Water Acts and could result in fines, as well as the inability to service additional hookups.

FINANCIAL IMPACT

The proposed rate and fee amendments will generate approximately \$1.3 million in additional wastewater revenues for FY 2013.

BACKGROUND

No additional background is available.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the proposed resolution adopting the wastewater rate and fee schedule effective July 1, 2012.

APPROVED BY CITY ADMINISTRATOR

Attachments

FY 13 Resolution

Attachment A

RESOLUTION 12-

**A RESOLUTION SPECIFYING WASTEWATER RATE AND FEE
SCHEDULE ADJUSTMENTS ENACTED PURSUANT TO TITLE 69,
CHAPTER 7, MONTANA CODE ANNOTATED.**

WHEREAS, a need is anticipated for extension, repair, improvement, and continued operation and maintenance of existing and proposed wastewater system facilities for the providing of wastewater services to inhabitants of the City of Billings, Montana; and

WHEREAS, under Title 69, Chapter 7 of the Montana Code Annotated, and under the terms of City Resolution Number 13585, the City of Billings is authorized to regulate the City's municipal wastewater utility and to change wastewater rates, fees, and charges as may be deemed by the City Council to be reasonable and just, and

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Billings and its environs to provide an adequate public wastewater system and to provide adequate funding to meet the cost of constructing, maintaining, and operating the same;

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

1. That any and all rate schedules for the wastewater utilities that are not specified in this resolution continue to be in effect at the rates specified in the previously approved schedules.
2. That the following schedule of rates, fees, and charges are found to be just, reasonable, and necessary for the continued sound operation of the wastewater utilities and that the proposed rates, fees, and charges are approved, adopted, and published as the rates, fees, and charges of the City of Billings, Montana wastewater utilities, effective July 1, 2012.

Schedule I

WASTEWATER MONTHLY VOLUME CHARGE

Customer Class

| <i>Dollars per Ccf</i> | (<i>\$</i>) |
|----------------------------------|---------------|
| Customer Within the City | |
| Residential | 2.50 |
| Commercial--Domestic Strength | 2.50 |
| Commercial--High Strength | 3.25 |
| Customer Outside the City | 2.50 |

Schedule IA

MINIMUM MONTHLY WASTEWATER CHARGES

| Meter Size | <u>Inside City</u> | <u>Outside City</u> |
|------------|--------------------|---------------------|
| | (\$) | (\$) |
| 3/4" | 6.35 | 7.00 |
| 1" | 7.44 | 8.19 |
| 1½" | 8.59 | 9.45 |
| 2" | 8.88 | 9.77 |
| 3" | 12.86 | 14.14 |
| 4" | 42.18 | 46.40 |
| 6" | 53.03 | 58.34 |
| 8" | 78.36 | 86.20 |
| 10" | 107.31 | 118.07 |

Schedule VI

WASTEWATER SYSTEM DEVELOPMENT FEES

| <u>Meter or Service Line Size</u> | |
|-----------------------------------|------------|
| 3/4-Inch or less (1 EDU) | \$ 1,878 |
| 1-Inch | \$ 5,766 |
| 1½-Inch | \$ 16,734 |
| 2-Inch | \$ 28,885 |
| 3-Inch | \$ 74,937 |
| 4-Inch | \$ 175,434 |

For connections to the wastewater system with meters larger than 4-inches or when the unique usage characteristics of a large wastewater user may require, the City will forecast the requirements for the flow, biochemical oxygen demand (BOD), and total suspended solids (TSS) to determine the number of EDUs. The System Development Fee (SDF) will be calculated as follows:

$$\$3.65 * \text{Flow} * \left[0.8 + \frac{\text{BOD} * 0.08}{200} + \frac{\text{TSS} * 0.12}{200} \right]$$

Where:

- Flow is the projected maximum monthly average wastewater flow of the new user in gallons per day, and
- BOD is the projected BOD loading of the new user's effluent in milligrams per liter, and
- TSS is the projected TSS loading of the new user's effluent in milligrams per liter.

The constants used in the above formula are:

- \$3.65 equals the unit cost of the existing system buy-in component plus the unit cost of the development-related new facility component.
- .8 equals the proportion of the City's wastewater facilities allocated to the flow parameter in its cost-of service analysis.

- .08 equals the proportion of the City's wastewater facilities allocated to the BOD parameter in its cost-of-service analysis
 - .12 equals the proportion of the City's wastewater facilities allocated to the TSS parameter in its cost-of-service analysis.
3. That this Resolution is to be immediately filed in the City Clerk's Office and that the decision adopting the adjusted rates shall be final ten days after such are so filed.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2012.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

SUMMARY OF PROPOSED RATE AND FEE ADJUSTMENTS

| WASTEWATER VOLUME CHARGES (PER CCF) | Current FY 12 | Proposed FY 13 | \$ Change |
|--|----------------------|-----------------------|------------------|
| Residential | \$2.20 | \$2.50 | \$0.30 |
| Commercial-Domestic Strength | \$2.20 | \$2.50 | \$0.30 |
| Commercial-High Strength | \$2.93 | \$3.25 | \$0.32 |

| WASTEWATER MINIMUM MONTHLY CHARGES | Current FY 12 | Proposed FY 13 | \$ Change |
|---|----------------------|-----------------------|------------------|
| <i>Meter Size (inside City)</i> | | | |
| 3/4" | \$6.26 | \$6.35 | \$0.09 |
| 1" | \$7.21 | \$7.44 | \$0.23 |
| 1-1/2" | \$8.21 | \$8.59 | \$0.38 |
| 2" | \$8.46 | \$8.88 | \$0.42 |
| 3" | \$11.92 | \$12.86 | \$0.94 |
| 4" | \$37.39 | \$42.18 | \$4.79 |
| 6" | \$46.82 | \$53.03 | \$6.21 |
| 8" | \$68.83 | \$78.36 | \$9.53 |
| 10" | \$93.98 | \$107.31 | \$13.33 |

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Public Hearing for Variance from Off Street Parking Requirements - OP # 12 - 01, Billings Gymnastic School

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Streets Properties, LLC is proposing to build a new Billings Gymnastic School. The proposed location of the Gymnastic School is 2475 Enterprise Avenue, on Lot 2, Block 1, of Claimstake Subdivision.

Schutz Foss Architects is the architect working on the project for Streets Properties, LLC. and has requested a variance from Section 1203 of the site development ordinance pertaining to off street parking requirements.

The table for off street parking has no classification for a gymnastic school and the closest definition for this type of usage is a Community Center or Health /Fitness Center. The minimum number of off street parking stalls required for a Community Center is 92 stalls and 100 stalls for a Health /Fitness Center (Attachment B).

The proposed site plan will provide 76 off street parking stalls (Attachment C). The developer has provided the results of a recent survey and parking count (Attachment D) that was completed at the Gymnastic School's current location. The survey shows that the greatest number of off street parking spaces that were used during any period was around 35 stalls.

City staff has reviewed the number of off street parking stalls proposed with this development and has determined that the number of off street parking stalls being provided on site is adequate and will have no adverse impacts on the surrounding neighboring properties or effect on traffic flow.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the variance; or
- Do not approve the variance. If this variance is denied, the owner's options to meet the requirements of the Site Development Ordinances will require redesign with a reduction in the size of the facility or relocating to a larger property that would allow for the additional off street parking stalls.

FINANCIAL IMPACT

There is no direct financial impact to the City. Advertising costs for the public hearing are offset by the variance application fee.

RECOMMENDATION

Staff recommends that the City Council approve the variance, allowing the reduction from the required 92 off street parking stalls to 76 stalls.

APPROVED BY CITY ADMINISTRATOR

Attachments

Billings Gymnastic School

Billings Gymnastic School

Billings Gymnastic School

Billings Gymnastic School

Billings Gymnastic School

Billings Gymnastic Center- 2449 Enterprise Avenue



APPLICATION FOR VARIANCE

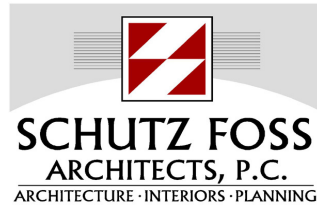
The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings-Section of the Site Development Ordinance.

- 1. Legal description of property: Lot 2, Block 1 - Claimstake Subdivision
Tax ID# C11632
- 2. Address (If unknown, contact the City Engineer's office) or general location: Next to MAACO Collision Repair which is 2475 Enterprise Ave.
- 3. Owner (s): Streets Properties, LLC
(Recorded Owner)
3870 Crestridge Court Billings, MT 59101
(Address)
406.860.0138 t-streets@live.com
(Phone Number) (Email)
- 4. Agent (s): Allen Rapacz - Architect - SchultzFoss Architects
(Name)
3030 4th Ave N. Billings, MT 59101
(Address)
406.855.0602 allene@schultzfoss.com
(Phone Number) (Email)
- 5. Section of the Site Development Ordinance that this request for variance applies to: 6-1203 - off-street parking requirements.
- 6. Reason for request: Reduction of parking spaces is requested due to nature of business not defined in the types of use in the table of minimum standards. Also owner has actual report of cars throughout the day.
- 7. Covenants for deed restriction on the property: Yes No

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for the variance requested. Also, that all the information presented is true and correct.

Signature: Thomas E Street Date: 3-13-2012
(Recorded Owner)

Fee: _____ Receipt #: _____ Hearing Date: _____ Application # _____



3030 4th Avenue North, Billings, MT 59101
 Phone (406) 252-9218 Fax (406) 252-6738

MEMO

DATE: March 13, 2012

TO: Wayne Ware
 Billings City Engineering Department
 210 N. 27th Street
 Billings, MT 59101

FROM: Allen Rapacz

RE: Billings Gymnastic School Parking Variance Application
 Project #1108

Wayne,

Following are calculations based on your advised building types per the previous staff meeting on March 1, 2012.

Because of the unique nature of this building type the Owner has also attached their analysis of actual parking over a time period to illustrate the real number of cars entering the current operation on a daily basis. The actual parking is significantly less than any building types called for in section 6-1203 off-street parking requirements.

| | |
|----------------------|--------------------|
| B Occupancy | 4,301 S.F. |
| <u>A-3 Occupancy</u> | <u>15,023 S.F.</u> |
| Total | 19,324 S.F. |

Community Center:

4 per 1,000 S.F. gross = 80 spaces
 or
 1 per 250 S.F. gross plus 1 per 4 seats plus 1 per employee = 92 spaces
 71 + 12 + 9

Health Club:

1 per 200 S.F. gross = 97 spaces
 or
 5 spaces plus 4 spaces for each 1,000 S.F. plus 1 space per 3 seats
 5 + 80 + 15 = 100 spaces

The new project would be most reflective as a community center with parking requirements for 80 spaces.

The floor space equipment does reduce the number of gymnast being able to use the floor in the main exercise area.

Other factors of very few gymnasts driving, split shifts with 15 minute time breaks and car pooling further support a request for a variance of 4 spaces. The pool is used on the off-season when the interior exercise room has little use.

We hereby request a variance of 4 parking spaces for the new Billings Gymnastics School.

PRELIMINARY

Date: 3.13.12 Drawn By: SMZ

| REVISION | Description | Date |
|----------|-------------|------|
| | | |
| | | |

BILLINGS, MT

BILLINGS GYMNASTICS SCHOOL

SCHUTZ FOSS
 ARCHITECTS, P.C.
 ARCHITECTURE · INTERIORS · PLANNING
 BILLINGS, MT & GILLETTE, WY.
 www.schutzfoss.com

3.0

Project No. 1108

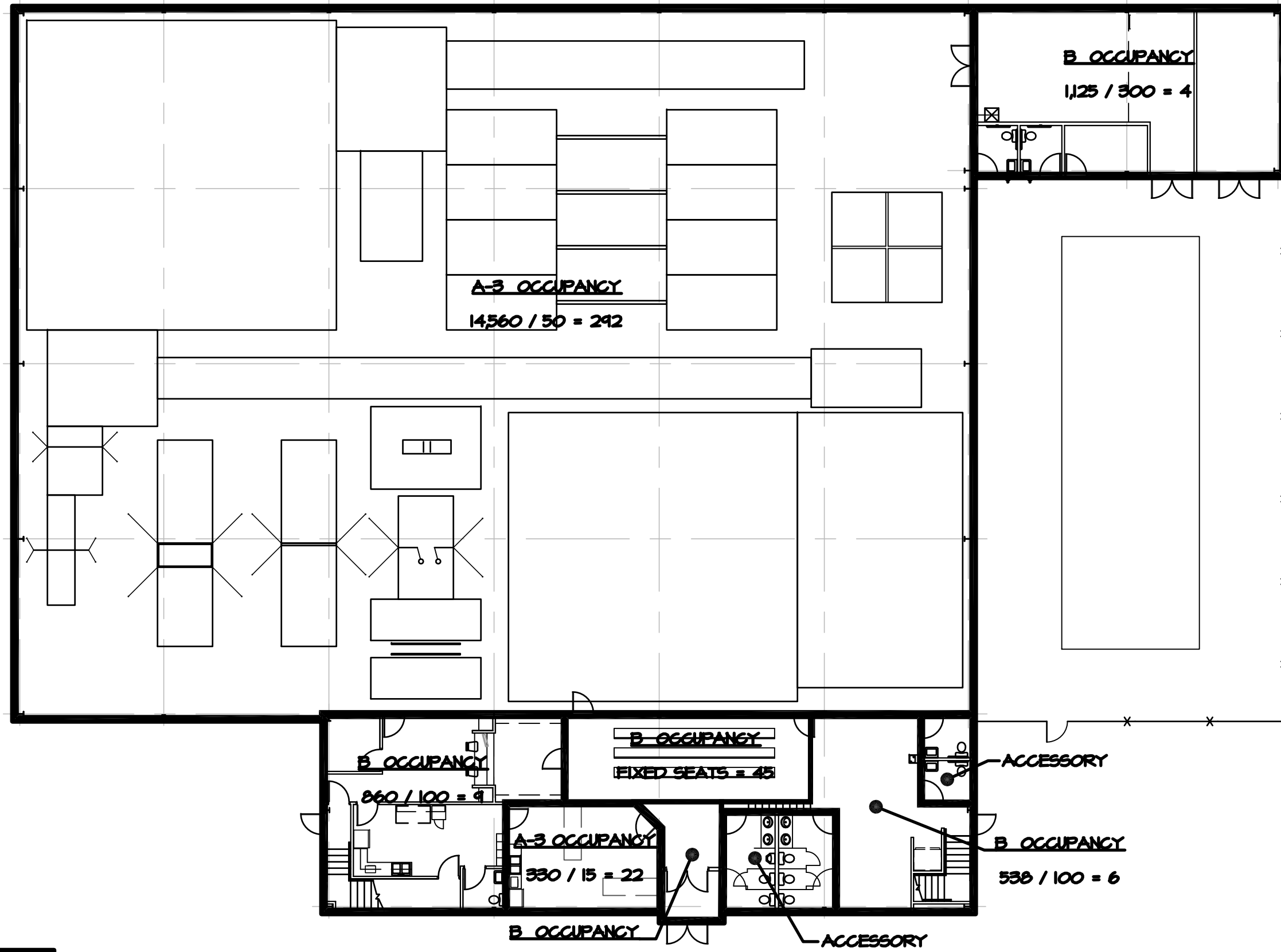
FIRE PROTECTION - 2009 I.B.C.
 BILLINGS GYMNASTIC SCHOOL, BILLINGS

OCCUPANCY TYPE B / A-3 - 508.3 NON-SEPARATED USE
 CONSTRUCTION TYPE IIB - BUILDING SPRINKLER THROUGHOUT I.B.C. 903.213

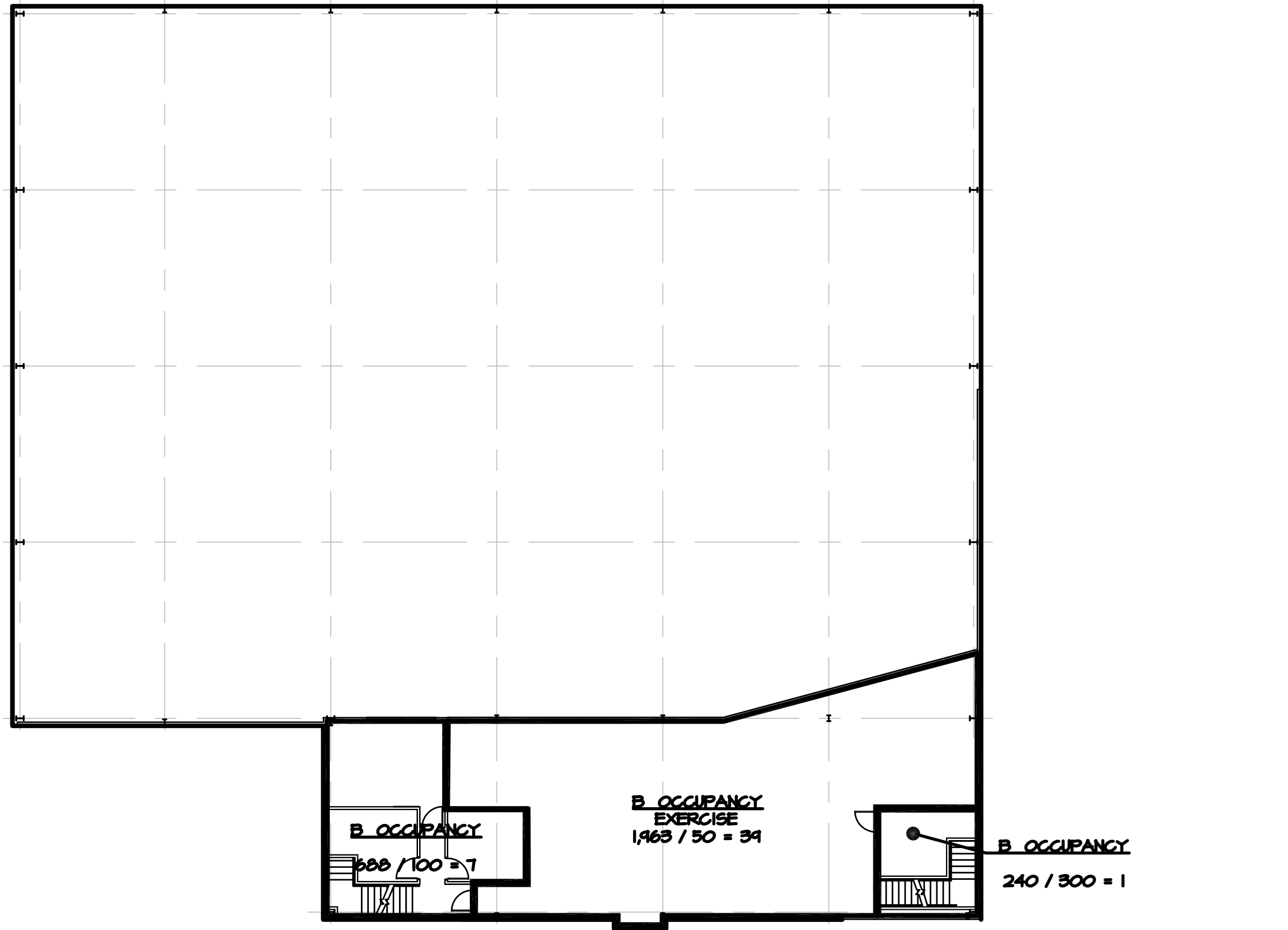
* I.B.C. 506.2 FRONTAGE INCREASE:
 $I_f = 100 \left[\frac{283}{633} - .25 \right] \frac{30}{30} \quad I_f = 14\% \text{ FRONTAGE INCREASE}$

* I.B.C. 506.1 AREA MODIFICATION:
 $A_a = 4500 + [(4500)(0.14)] + [(4500)(3)]$
 $A_a = 4500 + 1,805 + 28,500 = 34,805 \text{ S.F./FLOOR}$

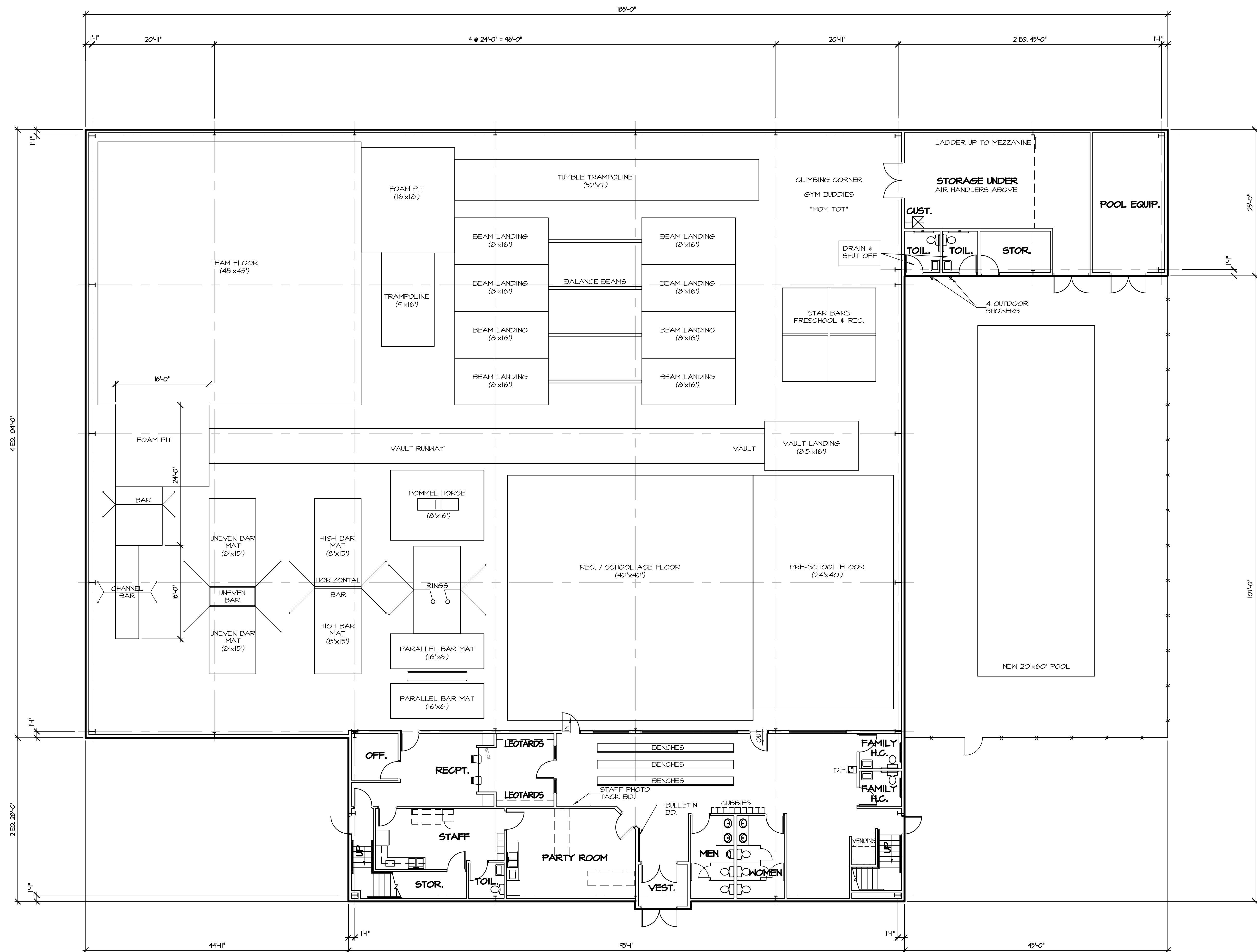
ACTUAL AREAS:
 B OCCUPANCY 5,804 S.F. TOTAL
 A-3 OCCUPANCY 14,551 S.F. TOTAL
 TOTAL BUILDING 20,355 S.F. TOTAL



MAIN FLOOR PLAN
 $1/16" = 1'-0"$



SECOND FLOOR PLAN
 $1/16" = 1'-0"$



MAIN FLOOR PLAN
 1/8" = 1'-0"

PRELIMINARY

| | | | |
|-------------|---------|--------------|----|
| Date: | 3.13.12 | Drawn By: | SM |
| Checked By: | | Scale: | |
| Revision: | | Description: | |
| 1 | | | |

BILLINGS GYMNASTICS SCHOOL
 BILLINGS, MT

BILLINGS GYMNASTICS SCHOOL

SCHUTZ FOSS ARCHITECTS, P.C.
 ARCHITECTURE-INTERIORS-PLANNING
 BILLINGS, MT & GILLETTE, WY.
 www.schutzfoss.com

FL201110263-1_schm2.dwg, 3/13/2012 2:58:17 PM, Addbe PDF

PRELIMINARY

Date: 3.13.12 Drawn By: SMZ

| Description | Rev. | Date |
|-------------|------|------|
| | | |

Copyright: All Plans & Written Information Appearing Herein Are the Express Written Consent of Schutz Foss Architects, P.C.

BILLINGS, MT

BILLINGS GYMNASTICS SCHOOL

SCHUTZ FOSS
ARCHITECTS, P.C.
 ARCHITECTURE · INTERIORS · PLANNING
 BILLINGS, MT, & GILLETTE, WY.
 www.schutzfoss.com

3.2
Project No. 1108



 **SECOND FLOOR PLAN**
 1/8" = 1'-0"

Billings Gymnastics School
Current Location at 240 S 8th St W, Billings, MT 59102

Points to Consider

Billings Gymnastics School has operated at its current location in Billings since 1982. All our students are 18 years old and younger. We only have 4 students old enough to drive themselves to class. For that reason, we should really only consider the size of the lobby for occupancy. The people occupying the lobby are the only people that actually drove to the gym.

Twenty Five percent of our students are siblings and a great many of our clients are in car pools.

Our current location is not in an area that a parent could easily run errands during their child's class time. That means that most stay. Our new location would be very close to Costco, ShopKo, Wal-Mart, and the mall to mention only a few. It is VERY likely that they will take advantage of that child free time to run their errands, making our parking load much lighter.

We are a gymnastics school. We do not hold competitions at our facility. When Billings Gymnastics School hosts a meet, it is held at a local arena (generally the Shrine).

We are proud to have been a positive part of Billings since 1977 and wish to continue to serve the youth of Billings in an updated facility.

Tom and Kari Streets

Billings Gymnastics School Current Parking Situation

These are car counts for one week of classes at our current location.
Both the parking lot and our overflow parking are listed.

| <u>Date:</u> | <u>Day:</u> | <u>Time:</u> | <u>Lot:</u> | <u>Overflow:</u> | <u>Total:</u> |
|--------------|-------------|--------------|-------------|------------------|---------------|
| 1/19/2012 | (Thursday) | 10:30 am | 13 | 7 | 20 |
| | | 11:30 am | 15 | 1 | 16 |
| | | 3:45 pm | 15 | 0 | 15 |
| | | 5:00 pm | 16 | 3 | 19 |
| | | 6:15 pm | 16 | 7 | 23 |
| | | 7:15 pm | 16 | 0 | 16 |
| 1/20/2012 | (Friday) | 9:30 am | 7 | 0 | 7 |
| | | 10:20 am | 12 | 1 | 13 |
| | | 3:40 pm | 9 | 0 | 9 |
| | | 4:50 pm | 10 | 1 | 11 |
| 1/23/2012 | (Monday) | 10:30 am | 14 | 0 | 14 |
| | | 11:40 am | 15 | 2 | 17 |
| | | 3:45 pm | 13 | 1 | 14 |
| | | 4:30 pm | 19 | 2 | 21 |
| | | 5:15 pm | 18 | 10 | 28 |
| | | 6:15 pm | 12 | 8 | 20 |
| | | 7:15 pm | 11 | 5 | 16 |
| 1/24/2012 | (Tuesday) | 10:40 am | 13 | 6 | 19 |
| | | 11:30 am | 19 | 2 | 21 |
| | | 1:30 pm | 18 | 1 | 19 |
| | | 4:15 pm | 19 | 11 | 30 |
| | | 5:15 pm | 15 | 6 | 21 |
| | | 6:15 pm | 19 | 10 | 29 |
| | | 7:15 pm | 11 | 1 | 15 |
| | | 9:30 am | 18 | 1 | 19 |
| 1/25/2012 | (Wed) | 10:30 am | 14 | 12 | 26 |
| | | 3:45 pm | 17 | 3 | 20 |
| | | 5:30 pm | 20 | 12 | 32 |
| | | 6:15 pm | 20 | 11 | 31 |
| | | 7:15 pm | 16 | 17 | 33 |

Billings Gymnastics School

Groups of Gymnast

Pre-school Classes

Gym Buddies 18 month-3years parent participation Student Teacher Ratio 8:1 45 minute class

Gym Kids 3/4 3-4 years of age Student Teacher Ratio 6:1 45 minute class

Gym Kids 5/6 5-6 years of age Student Teacher Ratio 7:1 1 hour class

**** 95% of the parents stay and watch****

School age Classes

Girls Level 1 & 2 first grade + Student Teacher Ratio 8:1 1 hour class

Boys Level 1 & 2 first grade+ Student Teacher Ratio 7:1 1 hour class

Girls Level 3 first grade + Student Teacher Ratio 8:1 1.5 hour class

Boys Level 3 first grade + Student Teacher Ratio 7:1 1.5 hour class

****50% of the parents stay and watch****

Team Gymnast

Level 4 Girls 2x per week 2 hour class

Level 4 Boys 2x per week 2 hour class

Level 5-10 Girls 4x per week 2.75 hour class

Level 5-10 Boys 4x per week 2.75 hour class

****5% of the parents stay and watch****

Class Schedule

| Class Schedule | Total Group | Total kids |
|---|-------------|------------|
| 9:00am GB (1) group GK3/4 (2) GK5/6 (1) | 4 | 27 |
| 10:00am GB (1) GK 3/4 (2) GK5/6 (1) | 4 | 27 |
| 3:15pm GK3/4 (1) GK5/6 (1) GL1 (1) GL2 (1) BL1(1) ****15 min Break**** | 5 | 36 |
| 4:30pm GL1 (2) GL2 (2) BL2(1) ****15 min Break**** | 5 | 39 |
| 5:45pm GL 1 (1) GL2 (1) | 2 | |
| 5:45pm Girls & Boys Team | 2 | 16+team |
| 6:45pm Girls & Boys level 3 | 2 | 15 |

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Public Hearing and Resolution to Exclude Tract 81A, C/S 2165 from the City Limits

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The Planning Division is requesting the City Council conduct a public hearing and consider a Resolution to Exclude Property described as Tract 81-A, Certificate of Survey 2165, in the Briarwood Planned Unit Development (PUD). The deannexation would result in about 13.82 acres of undeveloped land being taken out of the City on the southern edge of the Briarwood PUD. Petitioners and property owners James and Stella Ziegler have signed the attached petition to request this property be deannexed. A 20-day public comment period beginning April 12 was legally noticed on April 12 and April 19. No comments have been received as of April 25, 2012. City staff has reviewed this deannexation request and supports the deannexation of this property.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Resolution to Exclude Property to deannex the subject property; or
- Not approve the Resolution to Exclude Property and not deannex the subject property.

FINANCIAL IMPACT

This property was intended to be developed in the City for residential uses and has been providing City tax and assessment revenue even as undeveloped land for the past 10 years. The tax year 2011 taxes and assessments equal \$2,323, most of which is City storm and street maintenance revenue that will be lost if the property is deannexed. It is within the City's Limits of Annexation designated for annexation into the City within the next 5 years. This means that the City could deannex the property now and be petitioned to annex the property again at any time.

BACKGROUND

The Planning Division is requesting the City Council conduct a public hearing and consider a Resolution to Exclude Property described as Tract 81-A, Certificate of Survey 2165, in the Briarwood Planned Unit Development (PUD). The deannexation would result in about 13.82 acres of undeveloped land being taken out of the City on the southern edge of the Briarwood PUD. The zoning under the Briarwood PUD would remain in place on the property as the Briarwood PUD was created in the County originally and not rezoned when the property was brought into the City.

Staff has reviewed this deannexation petition and finds that the requested deannexation meets the criteria in the City's Deannexation Policy for deannexation. The requested deannexation is consistent with the City's Deannexation Policy in that:

- The property is currently adjacent only on the north side to the acceptable limits of

annexation as defined on the most recent update of the Limits of Annexation Map.

- The property is not encumbered with any improvement district.
- The property is only adjacent to public right-of-way where Dumbarton Road intersects the property at the northeast corner. No road right-of-way is dedicated or constructed on the parcel.
- The property is not currently connected to City water, wastewater, or storm drainage facilities, and cannot connect to these facilities without a significant expenditure of personal or public funds. However, the City would be able to serve the subject property from existing water and sewer lines in Dumbarton Road. There are no stormwater facilities in the area of this property and a system would have to be provided if the property were developed to meet the City standards. While costs to provide services to the property could be significant, this 13 acre property was originally planned to be developed under the Briarwood PUD for about 30 single-family residential lots.
- The property is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits.

From a service standpoint, City staff did not have any significant concerns with deannexation of the property since it has not yet been developed. Comments from the City Police, Fire, Public Works, and Planning departments expressed no significant impacts to their services if the property were deannexed. Other departments did not provide comments on the deannexation request. The Fire Department did point out that this property will fall under the Blue Creek Volunteer Fire Department if it is deannexed as it is not within the Billings Urban Fire Service Area in this area of the County.

STAKEHOLDERS

The property owner petitioning to deannex is the primary stakeholder in this process. The City has followed the procedures for deannexation as per 7-2-48 of the MCA, including advertising and allowing for a 20-day comment period on the deannexation request prior to conducting a public hearing on the request. The Planning Division has not received any public comment aside from the information submitted by the property owner for this deannexation request.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

This deannexation petition is in alignment with all of the deannexation criteria as set out in the City's Deannexation Policy and this is discussed in more detail in the Background Section of this report.

RECOMMENDATION

Staff recommends that Council approve the Resolution to Exclude property described as Tract 81-A, Certificate of Survey 2165, in the Briarwood Planned Unit Development (PUD) from the city limits based on the criteria laid out in the City's Deannexation Policy.

APPROVED BY CITY ADMINISTRATOR

Attachments

[Resolution to Exclude](#)

[Deannexation Exhibit](#)

[Deannexation Petition](#)

[City Deannexation Policy](#)

[Petitioner Statement](#)

RESOLUTION 12 - _____

A RESOLUTION TO EXCLUDE TERRITORY UNDER THE PROVISIONS OF TITLE 7, CHAPTER 2,
PART 48 OF THE MONTANA CODE ANNOTATED

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

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

WHEREAS, the boundaries of the territory that the Billings City Council desires to exclude is particularly described as follows:

TERRITORY DEANNEXED. A tract of land situated in the SW1/4 of Section 27, T.1S., R.26E., Billings, Yellowstone County, Montana, more particularly described as:

A 13.82 gross acre tract of land located on the south edge of the Briarwood Subdivision at the terminus of Dumbarton Road described as Tract 81A of Amended Tracts 29-33, 47-53, 62-67, 78-85, 90-94 of Certificate of Survey No. 2165, Recorded January 26, 1983, Under Document No. 1253064, Records of Yellowstone County, Montana, annexed under Resolution No. 02-17819, Recorded April 18, 2002, Under Document No. 3173017, Records of Yellowstone County, Montana. Containing 13.823 gross and net acres, more or less. (# 12-03) See Exhibit "A" Attached

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

- A. The Billings City Council desires to exclude the above described contiguous territory.
- B. All registered voters in the territory to be embraced were immediately notified, in writing.
- C. Notice of the City Council's intent to exclude said territory was passed under Resolution No. 12-19149, and published as provided in Section 7-1-4127, MCA, with notice that for a period of twenty (20) days after first publication of the notice, the Billings City Clerk accepted written comments approving or disapproving the proposed exclusion of the above described territory from the City of Billings from registered voters residing in the area proposed to be excluded.
- D. The City Clerk forwarded all written communication received by the Clerk to the City Council for consideration.
- E. A public hearing on the question of exclusion of said territory was held on May 14, 2012.

APPROVED AND PASSED by the City Council of the City of Billings this 14th day of May, 2012.

THE CITY OF BILLINGS

BY: _____

Thomas W. Hanel, MAYOR

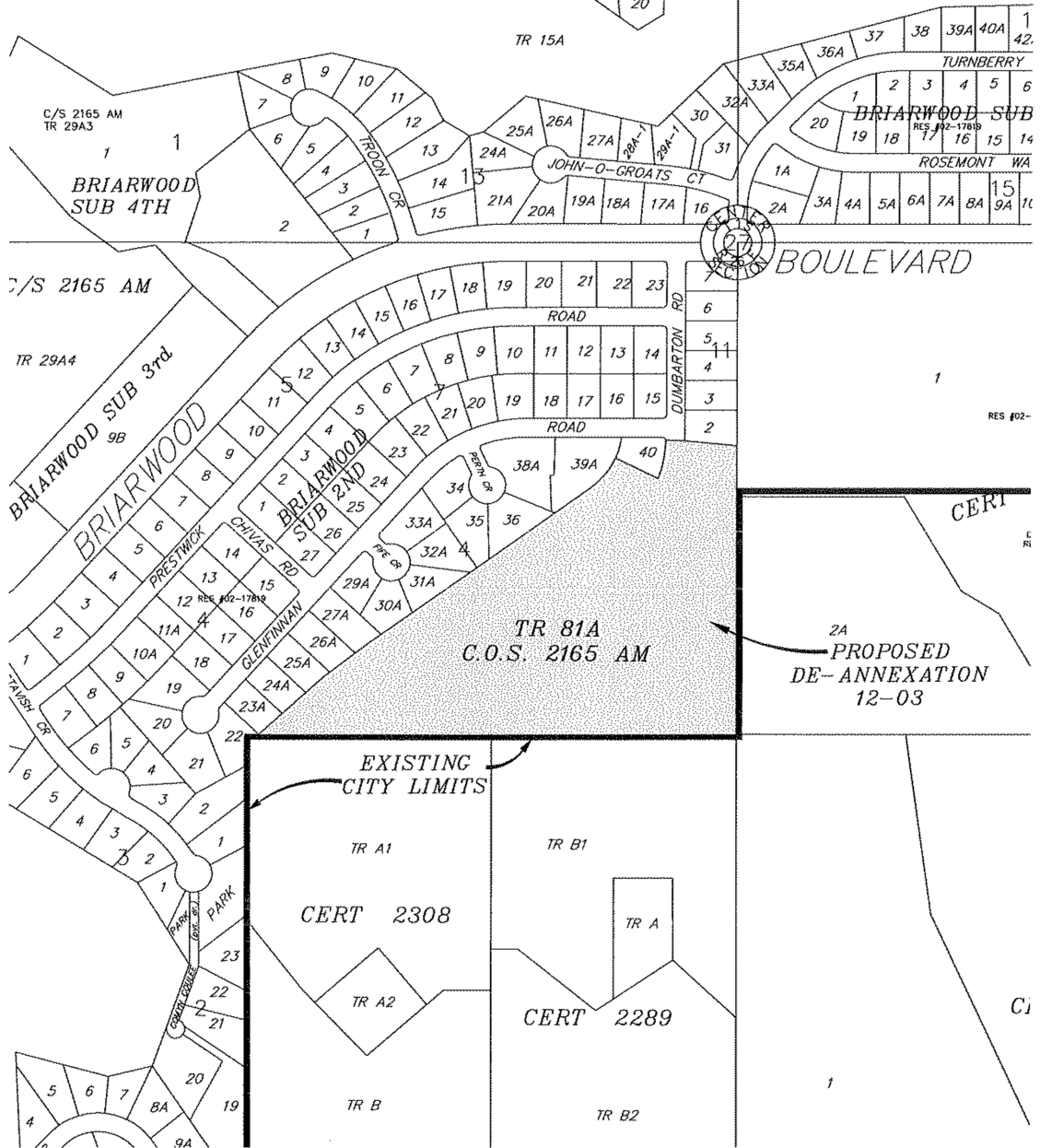
ATTEST:

BY: _____

Cari Martin, CITY CLERK

EXHIBIT A

3RD AM



**PETITION
FOR DE-ANNEXATION
FROM THE CITY OF BILLINGS**

NOTICE TO PETITIONER

This is a Petition to the City of Billings requesting the DE-annexation of property from the City, pursuant to MCA Title 7, Chapter 2, Part 48. Procedures for de-annexation are governed by the Statutes of the State of Montana. This Petition requires the signatures of not less than 75% of the Resident Freeholder Electors to be considered for de-annexation.

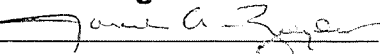
INSTRUCTIONS

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 de-annexation and all other property within one-quarter (1/4) mile.

The map must show:

- a. The boundaries of the municipality;
 - b. The present streets, major trunk water mains and sewer mains;
 - c. The zoning of the property requesting de-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 4th 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. If the Council finds that the petition is signed by the required number of owners of the territory to be excluded, and that the granting of said petition will be to the best interest of the city and the inhabitants thereof and will not materially mar the symmetry of the city, they shall pass a resolution of intent to De-Annex the territory. Then the City Clerk shall publish in the newspaper for two successive notice of the Council's Resolution of Intent to De-annex, of a 20-day comment period, and of an upcoming public hearing on the question of de-annexation.
 5. A description of the territory to be de-annexed from the City is legally described on a document attached hereto.

RESIDENT FREEHOLDER ELECTORS

| Date | Print Name | Name Signature | Address |
|----------|-----------------|--|---------------------|
| 02-17-12 | JAMES A. ZIGLER |  | 3040 HOWARD TREE RD |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

(continued on separate page)

RESOLUTION 05-18271

A RESOLUTION ESTABLISHING A POLICY RELATED TO THE EXCLUSION OF TERRITORY FROM THE CITY OF BILLINGS OTHERWISE REFERRED TO AS "DEANNEXATION", PURSUANT TO MANDATORY PROVISIONS OF SELF-GOVERNING LOCAL GOVERNMENTS, 7-1-114, MCA AND EXCLUSION OF TERRITORY, 7-2-4801, ET. SEQ., MCA.

WHEREAS, The City of Billings is subject to all state laws providing for the exclusion of territory from the City pursuant to 7-1-114, MCA, and

WHEREAS, The City Council desires a policy to determine when exclusion of territory is in the best interest of the City pursuant to 7-2-4801, et. seq., MCA,

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

That the City of Billings is committed to providing cost effective services to all territories within the City. It is recognized that in some instances the City may be incapable of providing these services to certain territories without unreasonably burdening the existing taxpayers or the individual landowner. In those cases, it may be in the best interest of the City and City residents to exclude these territories from the municipality.

The Billings City Council has the authority to exclude territory from the City in accordance with 7-2-4801, et seq, MCA. In doing so, the City Council must find that:

1. A petition, signed by a majority of qualified electors who voted in the last City election or by owners of not less than three-fourths in value of territory to be excluded, has been filed with the City Clerk; and
2. The territory to be excluded is within the existing City limits and on the border of the City; and
3. Granting the petition is in the best interest of the City; and
4. The exclusion of the territory will not mar the symmetry of the City.

Exclusion of the territory may be considered in the best interest of the City if the territory:

1. Is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without an unreasonable expenditure of personal or public funds, and
2. Is not adjacent to public rights-of-way, and
3. Is not encumbered by any indebtedness of any improvement district of which the territory is a part, and
4. Is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits, and
5. Is not adjacent to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map.

Passed by the City Council, this 23rd day of May, 2005



THE CITY OF BILLINGS:

BY: 

Charles F. Tooley

MAYOR

Mayor Pro Tem
in the absence
of the Mayor

ATTEST:

BY: 

Marita Herold, CMC/AEE CITY CLERK

April 2, 2012

TO: Mayor and Council, City of Billings
FROM: Mr. and Mrs. James "Ziggy" Ziegler
RE: Briarwood Subdivision Tax #D11136, 13.82 acres

Mayor and Council,

My wife Stella, and I have resided in the Briarwood Subdivision for 25 years. Adjacent to our home we own an undeveloped parcel consisting of 13.82 acres. When the City of Billings annexed Briarwood into the city limits it was our understanding that the taxes on this parcel may increase however slightly, therefore we did not object to the annexation at that time.

Since the annexation we have experienced a "considerable" increase in taxes, for example in 2002 the taxes were \$60.15 compared to \$1,619.07 in 2003 when annexed into the city limits. Since the annexation we have paid approximately \$16,000.00 in taxes, a majority the result of annexation.

Due to economic conditions and personal matters we have no intent of developing the parcel nor do we intend to sell to a developer, therefore we are respectfully seeking to have the parcel de-annexed. We are aware of the process and have paid the required fees for the application review. There are no improvements on the parcel such as streets, utilities, water or sewer.

Should you have any questions we would be pleased to respond and can be contacted at via the below information.

Respectfully,

J.A. "Ziggy" and Stella Ziegler

3040 Hollow Tree Road
Billings, MT 59101
Home 406.245.0973
Work 406.248.3060 (Stella's)
Mobile 406.672.6981

Attachments: Yellowstone County CAMA



Yellowstone County, Montana

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

Owner Information

Tax ID: D11136

Primary Party

Primary Owner Name: JAMES AND STELLA ZIEGLER LIVING TRUST

L Additional Legal Owners: ZIEGLER, JAMES A SR & STELLA A TRUSTEES

2011 Mailing Address: JAMES AND STELLA ZIEGLER LIVING TRUST

Address: 3040 HOLLOW TREE RD
BILLINGS, MT 59101-9422

Property Address: 3040 HOLLOW TREE RD

Township: 01 S Range: 26 E Section: 27

Certificate of Survey: 2165 Parcel: 81A

Full Legal: S27, T01 S, R26 E, 2165, PARCEL 81A, TR 81A COS 2165
AMENDED IN N2 27 1S 26E ANNEXED (03)

GeoCode: 03-0927-27-3-16-01-0000

[Show on Map](#)

Property Assessment Information

Levy District: BLUE CREEK CITY

Assessed value

Assessed Land Value = \$ 799.00

Assessed Building(s) Value = \$ 0.00

Total Assessed Value = \$ 799.00

Taxable Market Value*

Tax Year: 2011

| Class Code | Amount |
|---|--------------------|
| 1701 - Non-Qualified Ag Land 20-160 Acres | = \$ 719.00 |
| Total | = \$ 719.00 |

* The values shown are for the given tax year as supplied by the Department of Revenue. This value is used to calculate the property tax and is not the true market value of the property. The most recent market value is not allowed to be used by the Legislature. For questions regarding how the taxable market value is derived, please contact the Montana Department of Revenue, Appraisal/Assessment Office at 406-

896-4000.

City of Billings SID Payoff Information
 Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

| Year | 1st Half | 2nd Half | Total |
|-------------|-----------------|-----------------|--------------|
| 2000 | 147.02 P | 147.02 P | 294.04 |
| 2001 | 27.39 P | 27.38 P | 54.77 |
| 2002 | 30.08 P | 30.07 P | 60.15 |
| <u>2003</u> | 809.54 P | 809.53 P | 1,619.07 |
| <u>2004</u> | 831.25 P | 831.25 P | 1,662.50 |
| 2004 | 388.26 P | 388.25 T | 776.51 |
| <u>2005</u> | 861.94 P | 861.94 P | 1,723.88 |
| <u>2006</u> | 862.72 P | 862.72 P | 1,725.44 |
| <u>2007</u> | 917.79 P | 917.79 P | 1,835.58 |
| <u>2008</u> | 919.95 P | 919.94 P | 1,839.89 |
| <u>2009</u> | 923.01 P | 923.00 P | 1,846.01 |
| <u>2010</u> | 934.68 P | 934.66 P | 1,869.34 |
| <u>2011</u> | 1,161.42 P | 1,161.41 | 2,322.83 |

(P) indicates paid taxes. (T) indicates paid in protest.

Click on year for detail.

Jurisdictional Information

Commissioner Dist: 1 - John Ostlund (R) **School Attendance Areas**

Senate: 22 - Taylor Brown (R) **High:** SENIOR

House: 44 - Jonathan McNiven (R) **Middle:** RIVERSIDE

Ward: 1 (BILLINGS) **Elem:** BLUE CREEK

Brent R Cromley
Jim Frank Ronquillo

Precinct: 44A

Zoning: Planned Unit

Development

[Click Here to view](#)

[Billings Regulations](#)

[Click Here to view](#)

[Laurel Regulations](#)

Any comments or questions regarding the web site may be directed to the webmistress.

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Public Hearing and First Reading of Ordinance to Add Recently Annexed Property to Ward II

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexing property into the city. The City Council approved the annexation of Lots 1, 2 and 3, Skinner Subdivision on April 23, 2012 (Annexation #12-02). The property is located at 325 and 337 Lincoln Lane in the Billings Heights. This annexation requires a change in the boundaries of Ward II to include the subject property. Two readings are required for this action. The first reading of the ordinance is scheduled for May 14, 2012, and the second reading is scheduled for May 29, 2012.

ALTERNATIVES ANALYZED

The subject property has already been annexed into the City. The process to complete the annexation of the property is for the City Council to include the subject property in the corresponding City Ward. Ward II is the appropriate Ward for this property. The City Council should conduct the public hearing and may approve first reading of the ordinance that adjusts the Ward II boundary.

FINANCIAL IMPACT

There should be no direct financial impact to the City by adding the subject property to Ward II.

RECOMMENDATION

Staff recommends that Council hold a public hearing and approve this ordinance on first reading adding recently annexed property to Ward II.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ward Ordinance

ORDINANCE NO. 12-_____

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

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

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward II the following described real property:

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

PASSED by the City Council on the first reading this 14th day of May, 2012.

PASSED by the City Council on the second reading this 29th day of May, 2012.

THE CITY OF BILLINGS:

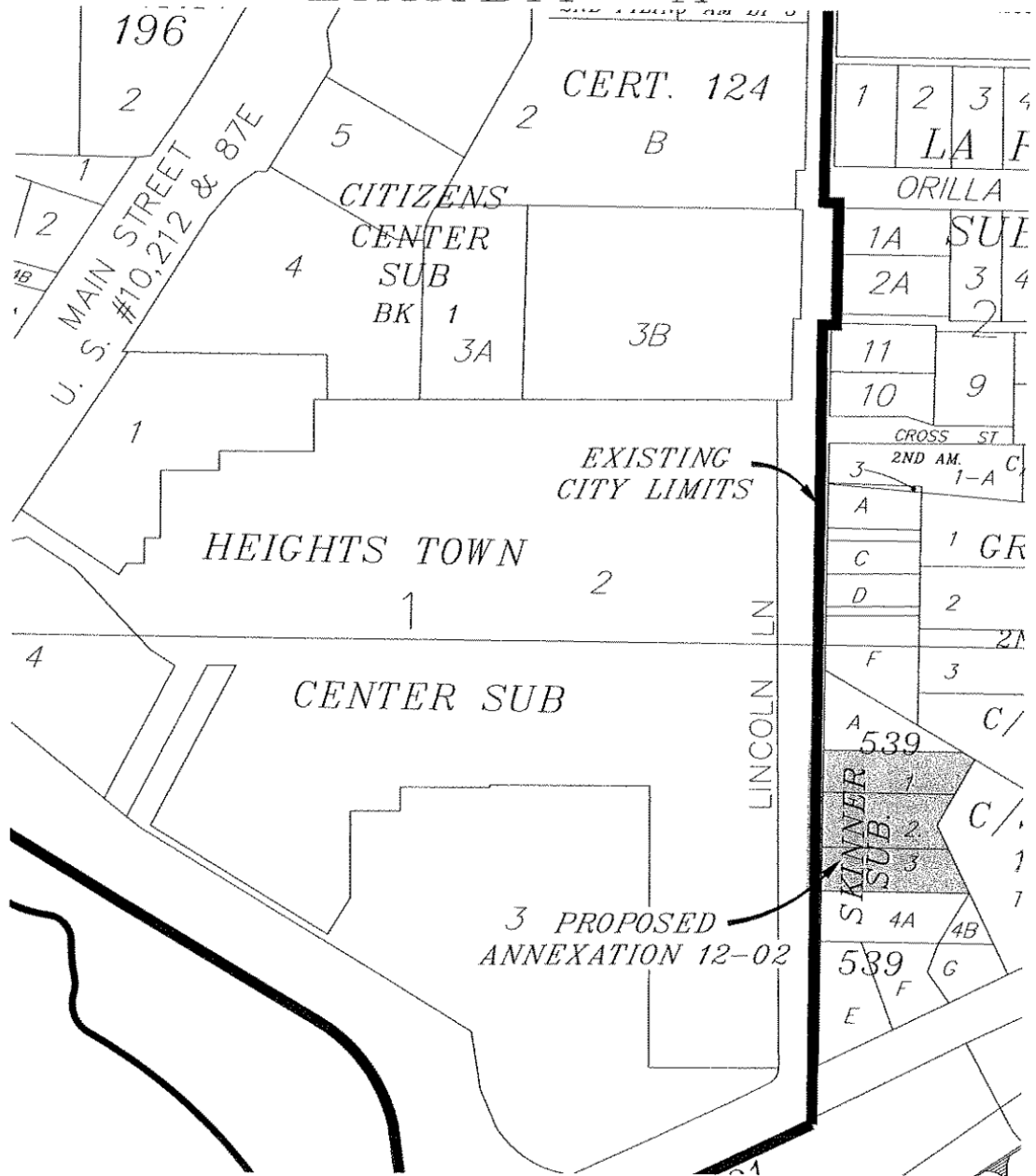
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

(AN 12-02)

EXHIBIT "A"



Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Public Hearing and Resolution to Revise the 2011 Limits of Annexation Map

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The City Council adopted the current Annexation Policy and Limits of Annexation Map on May 23, 2011. The Annexation Policy requires the City to review and consider updates to the policy and map whenever the Capital Improvements Plan is revised. Council approved the 2013-2017 Capital Improvements Plan at its March 12, 2012, Council meeting. Amendments to the Annexation Map were not ready at that time but staff is bringing these items forward as soon after the CIP adoption as practical.

To provide guidance on Annexation Policy and Map amendments, an Annexation Committee, consisting of representatives from the Parks, Recreation and Public Lands, Police, Fire, Public Works, Transit, Administration, and Planning Departments, and Billings School District 2, advises the City Council. The Committee has met four times from January 2012 through April 2012 to discuss revisions to the Map. The proposed amendments this year are only to the Limits of Annexation Map, not the Policy. The Map amendments for 2012 were presented at a Council Work Session on April 2. Additional information was provided at that meeting on one of the amendment proposals and the Council asked staff to reconvene the Annexation Committee to review the new information. The Committee is presenting the Council with its recommendations in the form of a resolution to revise the Limits of Annexation Map.

ALTERNATIVES ANALYZED

In making its recommendation on expanding the Limits of Annexation Map Red Area, staff considered the ability to serve areas outside the existing City limits based on existing resources, effects on City residents, and programmed improvements, including the CIP. The proposed revisions to the Map reflect these considerations and attempt not to favor one department's ability to provide service over another department's limitation.

In considering the Annexation Committee's recommendations, the Council may:

- Approve the Annexation Committee's recommendations as presented; or
- Modify and approve the Annexation Committee's recommendations; or
- Not approve any of the Annexation Committee's recommendations

FINANCIAL IMPACT

Annexation of property to the City of Billings will increase the City's tax base. At the same time, the City will bear the cost of additional service requirements. The Annexation Policy and the Limits of Annexation Map are management tools to help balance this cost-to-benefit ratio. The Annexation Committee's recommendations for changes to the Limits of Annexation Map also consider the benefits and costs to the City.

BACKGROUND

While there has been little annexation activity in the last few years, the City of Billings has annexed about nine square miles since 1999 (32.8 to 41.7 sq. mi.). This accounts for both annexations and deannexations. Many of those annexations required a considerable outlay of City funds to ensure acceptable levels of service to the annexed properties and to maintain the levels of service within the existing City limits. As these properties developed, the cost of providing certain services exceeded the revenue generated by the development. For this reason, the City Council asked staff to draft an Annexation Policy that would limit annexations to areas that could be served without incurring additional costs. The adopted policy established two limits of annexation when last updated. The red area (2011-2015) coincides with the immediate five years covered by the CIP and defines an area where annexation petitions may be supported in the short term. The second time period, designated as orange (Long Range Urban Planning Area), covers areas where City services may be extended but would require additional analysis and funding to support those services.

Limits of Annexation Map Amendment Request

Staff received two requests from a property owner to include properties in the 2012-2016 Limits of Annexation (red). The City's Parks Recreation and Public Lands Department also asked that the Committee consider including Phipps Park in the 2011-2015 Limits of Annexation (red) as well. While not described here in detail, the Committee also recommends the Council update the Map with any annexations or deannexations that have happened in the last year and ensure the Map is correct with these amendments. The properties that requested inclusion are discussed individually below and each Committee recommendation, and basis for the recommendation, is included.

Phipps Park

Phipps Park is a 347 acre City park located at the far northwestern edge of Billings in Yellowstone County. It straddles the edge of the zoning jurisdiction and is outside the Red Area and the Orange Area of the Limits of Annexation Map and is not classified. The Park is in the County and under County regulations and enforcement through the Yellowstone County Sheriff. The City has struggled with regulating activities in the park due to it not being inside the City. The City Fire Department responds to emergency calls at the Park, although it is not in its jurisdiction, enforcement of the City Fireworks Ban is not allowed in the Park since it is in the County. Staff supports bringing Phipps Park into the Red Area of the Limits of Annexation Map to enable the City to annex the Park in the near future, administer City Park Regulations, Fireworks Bans, coordinate Police and Fire response, and generally manage the Park under full City control. Bringing the Park into the red area and annexing it does not mean that the Park will be heavily developed or that City services, including water and sewer, will be extended to the Park. The Park was given to the City as a natural park and so improvements would likely not go beyond a vault toilet, picnic benches or other limited improvements.

Tracts 2A and 2B of C/S 2577, Amended, and City Park Land described as Tract 1-B, C/S 266

Property owners Jeff and Dana Sorenson submitted a request through Sanderson Stewart to include Tracts 2A and 2B of C/S 2577, Amended in the Red area on the Limits of Annexation Map. The 1.7 acre property is located south of Highway 3 just east of the intersection of Rod and Gun Club Road with Highway 3. The property could accommodate 2 to 3 single family dwellings based on the zoning and the topographic challenges of the site. A portion of City park land described as Tract 1-B, C/S 266 is adjacent to the subject property to the South and staff is suggesting that this park property also be considered for inclusion in the Red Area on the Limits of Annexation Map. Staff supports adding these properties to the Red area since the City Limits

already to the East, South, and West, City water and sewer can serve the property at the owner's expense, other City Services already cover the area, including Police, Fire, Utilities, Street and Traffic; and the property is small and will provide minimal impact to existing service demands.

Department Comments: Below are comments regarding this map amendment request provided by the various City Departments through the Annexation Committee. Overall, City staff support including this property in the Red Area on the Limits of Annexation Map:

Public Works: City water and low pressure sewer facilities are available to serve the subject property from the north side and south side of Highway 3. The property owner will be responsible for paying the cost of getting the services to the property. The Montana Department of Transportation has jurisdiction on access from Highway 3, although the property already has a shared access that is expected to be used. Other site development, stormwater, and traffic issues and impacts will be addressed after this property is annexed into the City and development is proposed. However, Public Works found that it is able to provide its services for the subject property of all development and service requirements are met.

The Fire Department and Parks Department did not have any concerns with this expansion. Fire can serve the property based on access and existing hydrants in the area. Parks did not expect any significant impact with only a few new homes expected on the property and supports the inclusion of the City park land adjacent to the south of the subject property in the Red area. There are not plans to provide services to park land in the future as it is along the rim rock cliffs.

MET Transit did not have concerns with this amendment, but pointed out that there are no plans for current or future bus services on Highway 3 in this area.

Planning supports including this property in the Red area based on the mitigation of impacts to the natural areas on the rim rocks with sanitary sewer and stormwater controls that will be required with future development in the City. The property is also very small in size and so overall service impacts are expected to be minimal.

The Police Department already serves properties along Highway 3 and in Rehberg Ranch Estates that are in the City in this area. The Police are able to serve this property but continue to monitor how any expansion of the City affects its ability to provide services.

City Administration did not have any specific concerns about the request, but did indicate that it would have been better to have all of the properties in this small area request the amendment together to be included in the Red and not have it done in pieces. There was discussion with the applicant regarding the interest of the neighboring property owners in being included in the amendment, but there was not interest from those property owners at this time.

Lot 1, Block 1, Long Subdivision, and Tracts 1A1 and 1B of C/S 1100

Property owner Knife River Corporation submitted a request through Sanderson Stewart to include Lot 1, Block 1, Long Subdivision, and Tracts 1A1 and 1B of C/S 1100 in the Red area on the Limits of Annexation Map. The 93 acre property is located west of Shiloh Road and north and south of Hesper Road. The property is currently zoned Agricultural Open Space and is used for gravel mining and business operations for Knife River. The property owner plans to develop the property for commercial uses similar to the existing development in Shiloh Crossing and Montana Sapphire subdivisions, both near Shiloh Road and King Avenue West. Staff does not support adding these properties to the Red area given concerns about being able to provide all

City services and adequate levels of those services to the property.

The applicant originally submitted a request to include its entire property in the Red area, consisting of more than 400 acres of land. This proposal was then reduced to 227 acres of the Knife River property west of Shiloh. Concerns voiced by the Annexation Committee about the size of the property, timing of development, and scale of service demands then prompted the applicant to modify the request to 93 acres. This final change happened late in the Annexation Committee's review process and so an additional meeting of the Committee was held to review the 93 acre proposal.

Department Comments: Below are comments regarding this map amendment request provided by the various City Departments through the Annexation Committee. Overall, City staff does not support including this property in the Red Area on the Limits of Annexation Map at this time:

Public Works: Providing adequate water and sewer service to the subject property has been a concern of Public Works staff since the first very large Knife River request was received and has continued to the latest 93-acre request being discussed here. The primary concern is Zone 3 capacity and storage limitations for the City's water system. Public Works indicated that while routine supply may not be a problem in this zone, the risk of not having adequate supply to support emergency situations is a problem until more storage is in place. In addition, the Public Works Department is currently under contract with a local consulting firm to complete a water master plan update for the whole City, which will include this area. The updated master plan will be evaluating the existing pressure zones and water storage in each of the city's pressure zones. This updated master plan is expected to be completed by spring 2013. Based on Zone 3 capacity and storage concerns and the upcoming water system analysis in the master plan update, Public Works is not recommending that the Knife River area be added to the Red annexation area until it has an opportunity to review the findings of the water master plan and determine the impact of the proposed development will have on the city's water system.

The Fire Department: The City Fire Department currently serves the subject property as it is within the Billings Urban Fire Service Area. However, the current gravel extraction use of the property is very different than the proposed commercial uses that could be developed on the property. Fire shares the concern of Public Works regarding the emergency water storage capacity in Zone 3. The Fire Department relies on specific fire flows from the City water system for fire fighting purposes and does not want to commit to providing emergency services to an area if there may be issues with water availability. Further, the Fire Department continues to address staffing challenges with its ladder truck and is concerned about the height and type of buildings that might be built in this area from a equipment service standpoint.

MET Transit did not have specific concerns with this amendment, but pointed out that there are no plans for bus services in this area of Shiloh Road to serve additional new development.

Planning found the reduced area requested for inclusion in the Red to be more realistic in terms of addressing some service impacts, but continued to have concerns about how quickly the property might develop and whether the proposed land uses were in alignment with the West Billings Plan. Information from the applicant and agent indicate that the development might be started in as little as 1 or 2 years, while build out might be 5 or 10 years, depending on market demands. Given the land already in the City and Red area that is partially developed or not developed at all in the area of the subject property, Planning staff is also concerned about the demand on City services that may occur in the existing City and Red area at build out.

The Police Department is able to serve the property as it is near existing patrol areas, but the Department continues to monitor how any expansion of the City affects its ability to provide services. The Department believes that it is critical that response time is adequate for the overall City and the more expansion that occurs the more difficult it becomes. The Police Department staff also clarified that while there is a Police presence at Fire Station 7, it is a part time presence and more people and equipment would be needed to go a 24 hour operation at that location.

City Administration did not have any specific concerns about the request, but shared the concerns stated by other staff regarding ability to serve the subject property while also maintaining services to all properties in the City Limits now or also already in the Red area but not yet annexed.

STAKEHOLDERS

Two written requests for including property within the 2012–2016 Limits of Annexation Red Area were received from private property owners. As per the Annexation Policy requirements, Urban Planning Studies were completed by Sanderson Stewart on behalf of the property owners and distributed to the City Annexation Committee for review and comment. Public comment was formally taken at the City Council Work Session on April 2 regarding the proposed amendments to the Limits of Annexation Map. Informal comment also was provided during several of the Annexation Committee Meetings when the agents of the property owners and, in one case, an employee of the property owner, attended the meetings.

Agent Sanderson Stewart for Knife River Corporation provided input at several Annexation Committee Meetings and at the Council Work Session on April 2 on the Knife River proposal. Sanderson Stewart indicated to the Annexation Committee that reduction in the size of the property being requested down to 93 acres for inclusion in the Red area reflected both an effort to address the timing and scope of development of the property in the next 5 years and also to help reduce the potential impact to City services like water and sewer infrastructure and capacity. Sanderson Stewart also indicated that while the City has entered reimbursement agreements in the past for water and sewer infrastructure, as well as provided funds when system lines are sized to accommodate capacity beyond the property under development, that Knife River was aware that there would be no guarantee that it would recoup costs for building the lines itself when it planned to develop. Sanderson Stewart also indicated to the Annexation Committee that demand for retail services like what is being built in Shiloh Crossing continues to be high and this property would be well suited for this kind of development to serve this need.

A public hearing also is scheduled for this item on the City Council's May 14 Meeting Agenda and additional input from the public may be provided at that time before the Council takes action.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

In making its recommendations, the Annexation Committee takes into consideration many plans and policies, including, but not limited to, the Water and Wastewater Master Plan, Stormwater Master Plan, Yellowstone County and City of Billings Growth Policy, Billings Urban Area Transportation Plan 2009 Update, neighborhood or area plans, and the CIP. The proposed revisions to the Map reflect an effort to be consistent with adopted policies and plans, and attempt not to favor one department's ability to provide service over another department's limitation.

RECOMMENDATION

Staff recommends that Council approve the resolution to revise the Limits of Annexation Map as recommended by the Annexation Committee.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

Sorenson UPS

Knife River UPS

Annexation Policy

RESOLUTION NO 12 - _____

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, and further amended it by Resolution on April 10, 2006, and it is amended from time to time; and

WHEREAS, the Limits of Annexation Map was amended by Resolution on May 23, 2011; and

WHEREAS, the Policy states that the Map shall be revised whenever the Capital Improvements Plan is revised; and

WHEREAS, the City Council approved the 2013–2017 Capital Improvements Plan on March 12, 2012.

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

That the City Council now makes and adopts the amendments to the Limits of Annexation Map as shown on Attachment A.

APPROVED AND PASSED by the City Council of the City of Billings, this ____ day of May 14, 2012.

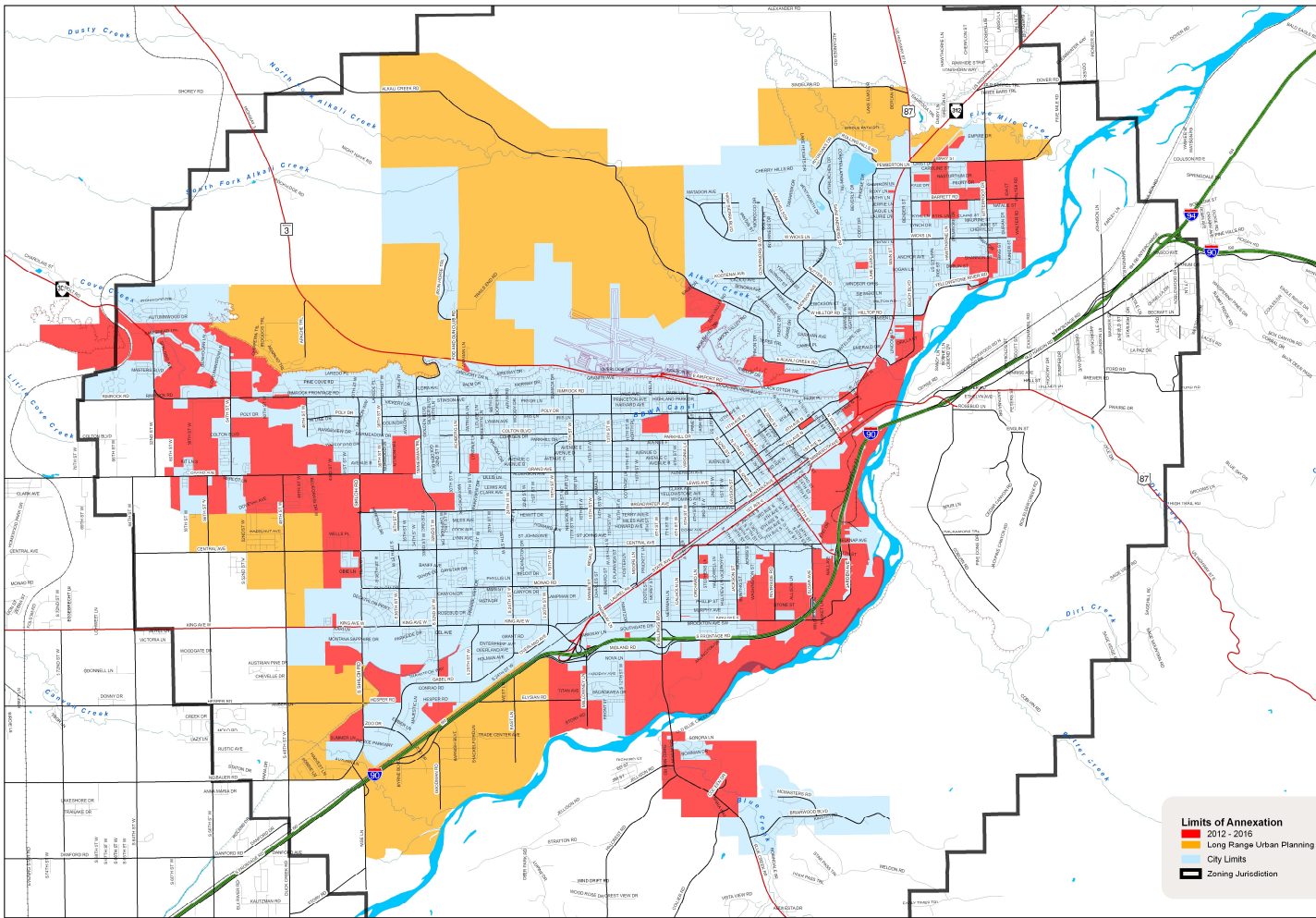
THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel MAYOR

ATTEST:

BY: _____
Cari Martin City Clerk

Attachment A



Limits of Annexation Map

Revised May 14, 2012



Map Document: \\fs-gis1\gis\Maps\Planning\Legal\LimitsOfAnnexation_May2012\lga.mxd
4/26/2012





URBAN PLANNING STUDY

FOR

TRACTS 2A and 2B, COS 2577 AM
BILLINGS, MONTANA

PREPARED FOR:

JEFF AND DANA SORENSON
1556 FOREST PARK DRIVE
BILLINGS, MT 59102

AND

CITY OF BILLINGS
210 N. 27TH STREET
BILLINGS, MT 59102

January 25, 2012

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INTRODUCTION AND BACKGROUND

The study area is located on the northern edge of the City limits within the Southwest $\frac{1}{4}$ of Section 26, of Township 1 North, Range 25 East. The study area encompasses two parcels and consists of 1.735 acres. As shown in Figure 1, the study area has direct access to Highway 3 and the City limits are adjacent to the study area to the east. While the zoning within the study area is Agricultural Suburban, the property is vacant and is located within a residential area.

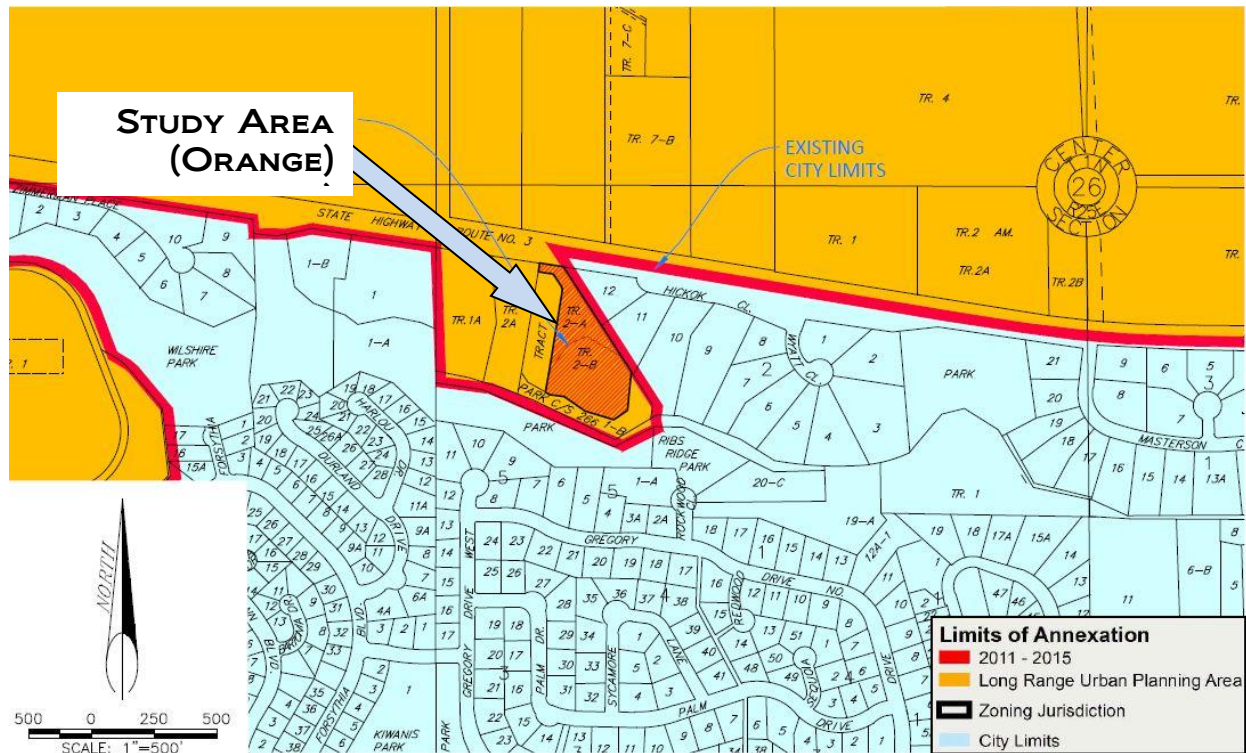


Figure 1: Urban Planning Study Area

EXISTING LAND CHARACTERISTICS

Topography and Geology

The study area covers 1.7 acres situated between Highway 3 and the Rimrocks. The area generally slopes away from the highway and then drops off significantly at the edge of the Rimrocks. Development on these parcels will be located between the highway and the top edge of the rock.

Soils

Within the study area, there are two soil types identified by the NRCS Soil Map. The northern portion of the study area is composed of Worland fine sandy loam (Wo), 2-7 percent slopes. The southern portion is Rock land (Rk), highlighted by the presence of the Rimrocks. See Figure 2 for soil locations.



Figure 2: Soil Types

Worland fine sandy loam is comprised of weathered sandstone, found in hilly locations, and is usually the thin layer of soil above a bedrock of sandstone. As its name implies, it is classified as a well-draining soil, with no limiting properties.

The Rockland area identifies the exposed Rimrocks that define this area. In geologic history, the Yellowstone River cut deep into the earth creating the present day Yellowstone Valley. This action exposed the sandstone cliffs.

LAND USE

Existing Land Use

Both parcels are currently vacant and located within a residential area. The current zoning is Suburban Agriculture.

Effects on Agriculture

There would be negligible effects on agriculture. While the current zoning is Agricultural Suburban, the topography and size of the parcels within the study area would prohibit any realistic use of the site for agriculture. Historically, given the lack of irrigation water, the site is unusable for sustained agriculture.

Historic Sites and Cultural Resources

The Cultural Resource Information System (CRIS) documents the historic sites and cultural resources that have been cataloged and recorded in the database. According to a search of the CRIS, there are resources in the vicinity, but none identified within the study area.

Wildlife

The Montana Natural Heritage Program (MTNHP) website indicates that based on the MTNHP search of the township, range, and section and surrounding 1-mile buffer, eight species of concern were observed in the area. These include Burrowing Owl, Pinyon Jay, Greater Sage Grouse, Spotted Bat, Townsend's Big-eared Bat, Black-tailed Prairie Dog, Greater Short-horned Lizard, Common Sagebrush Lizard, Western Hog-nosed Snake, and Milk snake. These species general habit arid grasslands and rock outcroppings.

Preferred Land Use

Development of these parcels will follow the existing development pattern in the surrounding area. The area south of Highway 3 is low density residential and it is intended that these parcels will be developed as such.

Projected/Estimated Population

The two parcels will in all likelihood have a total of two single family residences. Based on the average household size in Billings of 2.32 persons, the addition of two residences will increase the population by approximately 5 people. This is negligible in a city of approximately 100,000.

Effects of Urbanization on the Existing Environment

Because the study area is small and is contiguous to the existing City Limits, the impacts of development on these parcels will be minimal. Development of these parcels will continue the existing development pattern that exists along the south side of Highway 3.

TRANSPORTATION SYSTEM IMPACTS

The addition of the two parcels within the Study Area will have minimal impact on the transportation system within the City of Billings. There is currently an existing access to Highway 3 that is used by the property to the west. This access will serve these 2 parcels as well. Traffic generated from the two parcels will be minimal and have negligible impacts on the road system within Billings.

PUBLIC SERVICE EVALUATION

Water Service

Water service to the subject property will be provided by the City of Billings upon annexation. The water service would be provided by new services from an existing 12-inch diameter main that runs along the property frontage on the north side of Highway 3. No new City of Billings water main extensions are required to serve the property. The City Public Works Department indicates that two services would be extended to the property and paid for by the lot owner. Appropriate system development fees would be paid by the lot owner at the time of building permit submittal, which is anticipated for one of the lots to be in 2012.

Sanitary Sewer Service

Wastewater collection from the subject property will be provided by an existing City 2-inch diameter low-pressure sewer main that runs on the south side of Highway 3. No new City sewer main extensions are required to serve the property. Because the sewer adjacent to the property is a low-pressure main, an e/one grinder pump and low-pressure service line will be required for connection. The existing force main fronting the property has capacity for up to 79 additional e/one pump core units, so 2 units from this project appear feasible. Appropriate system development fees will be paid to the City of Billings at the time of building permit submittal, anticipated for one of the lots to be in 2012.

Stormwater Management

All new developments within the City limits are required to meet the criteria of the City of Billings *Stormwater Management Manual*, which requires management of increased runoff flows in excess of historic conditions. Residential single family home construction requires a Site Stormwater Plan (SSP), which will inform the City as to the drainage plan, the nature of the construction, project schedule, downstream conveyances, and project contact information. Residential development must not allow a site to drain onto a neighboring property, though runoff is permitted to drain to the adjacent street right-of-way. Due to the topography, site drainage will not be directed to the adjacent street. In the event that the City determines more detail or information is required, the City will require a Comprehensive Drainage Plan after reviewing the SSP.

Solid Waste

Solid waste disposal will be provided by the City of Billings or by private haulers such as Allied Waste or McKenzie Disposal, Inc. The City collection and disposal facility has the necessary capacity to accept solid waste from this development. The Landfill Master Plan shows the landfill will be available for continuous operation at current growth rate projections until the year 2042.

LOCAL SERVICE IMPACTS

Parks and Recreation

The *Parks 2020 Plan*, a document prepared by Fisher and Associates, P.C., serves as the Billings Parks, Recreation, and Open Space Master Plan. The plan outlines the types of open space, parks, and recreation activities that currently exist in Billings. In addition, the plan gives a guide for future development. Furthermore, the City of Billings has requirements in place for development that also dictates the amount of open space as the area grows.

The City of Billings also has prepared the Heritage Trail Plan for a bike and pedestrian trail system that encourages development to include trail systems that further enhance open space.

Schools

Based on 2 units and 0.7 students per unit, it is anticipated that approximately 2 students would be attributable to this study area.

Public Safety

The addition of the 2 parcels within the Study Area will have negligible effects on public safety services. Billings Police Department and Fire Department already provide services to adjoining lots. The addition of this study area will have minimal impact on services.

Emergency Medical Services

Both Billings Clinic at 2813 Ninth Avenue North and St. Vincent's Hospital at 1233 North 30th Street would provide routine and emergency medical services in the area. The ambulance service for the area would be provided by private industry (American Medical Response). The impact on City services, therefore, is expected to be minimal.

Library

The Parmly Billings Library (PBL) currently serves the subject area, as well as all of Yellowstone County. This service area includes approximately 135,000 people. All services are free, and the scope of services is large. The current facility is located in downtown Billings. In November 2011, voters approved a bond measure for construction of a new facility. Because the facility is a joint City-County library, it is not anticipated that the addition of the study area will impact the library services.

SUMMARY AND CONCLUSION

The Study Area's two parcels will have minimal impacts on City services. It is anticipated that the Study Area will be developed for single family residential use. The addition of two parcels will not have substantive impacts on City services.

Because the Study Area is adjoining City limits and adjacent to existing City services, the Study Area complies with the intent of the Annexation Policy for inclusion in the Red Area.



URBAN PLANNING STUDY

FOR

**LOT 1, BLOCK 1, LONG SUBDIVISION
AND PARCELS 1A1 AND 1B of COS 1100**
BILLINGS, MONTANA

PREPARED FOR:
KNIFE RIVER CORPORATION
4014 HESPER ROAD
BILLINGS, MT 59108

AND

CITY OF BILLINGS
210 N. 27TH STREET
BILLINGS, MT 59102

February 24, 2012

UPDATED APRIL 13, 2012

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INTRODUCTION AND BACKGROUND

The Study Area is located on the southwestern edge of the City limits, along Shiloh Road. The study area consists of the following parcels: Lot 1, Block 1, Long Subdivision and Parcels 1A1 and 1B of COS 1100. The area is approximately 93 acres and has been used as part of a gravel mining operation by Knife River. See Figure 1 for Study Area location. As that operation is nearing the end of its use, the landowner is developing plans for the next use of the property.

Knife River currently has three operations occurring within this property: gravel extraction and crushing, an asphalt batch plant and a ready mix concrete plant. As the gravel extraction is nearing completion, the facility will be phased out with the equipment disassembled and moved to other Knife River operations. As the phase out begins, Knife River is preparing for the redevelopment of the property. Because of its proximity along Shiloh Road and the location of the existing City limits, Knife River is seeking to have this property placed within red area of the Limits of Annexation Map of the City of Billings. This will enable a strategic redevelopment plan to be developed, initially for this 93 acres and ultimately for the entire 447 acre Knife River property.

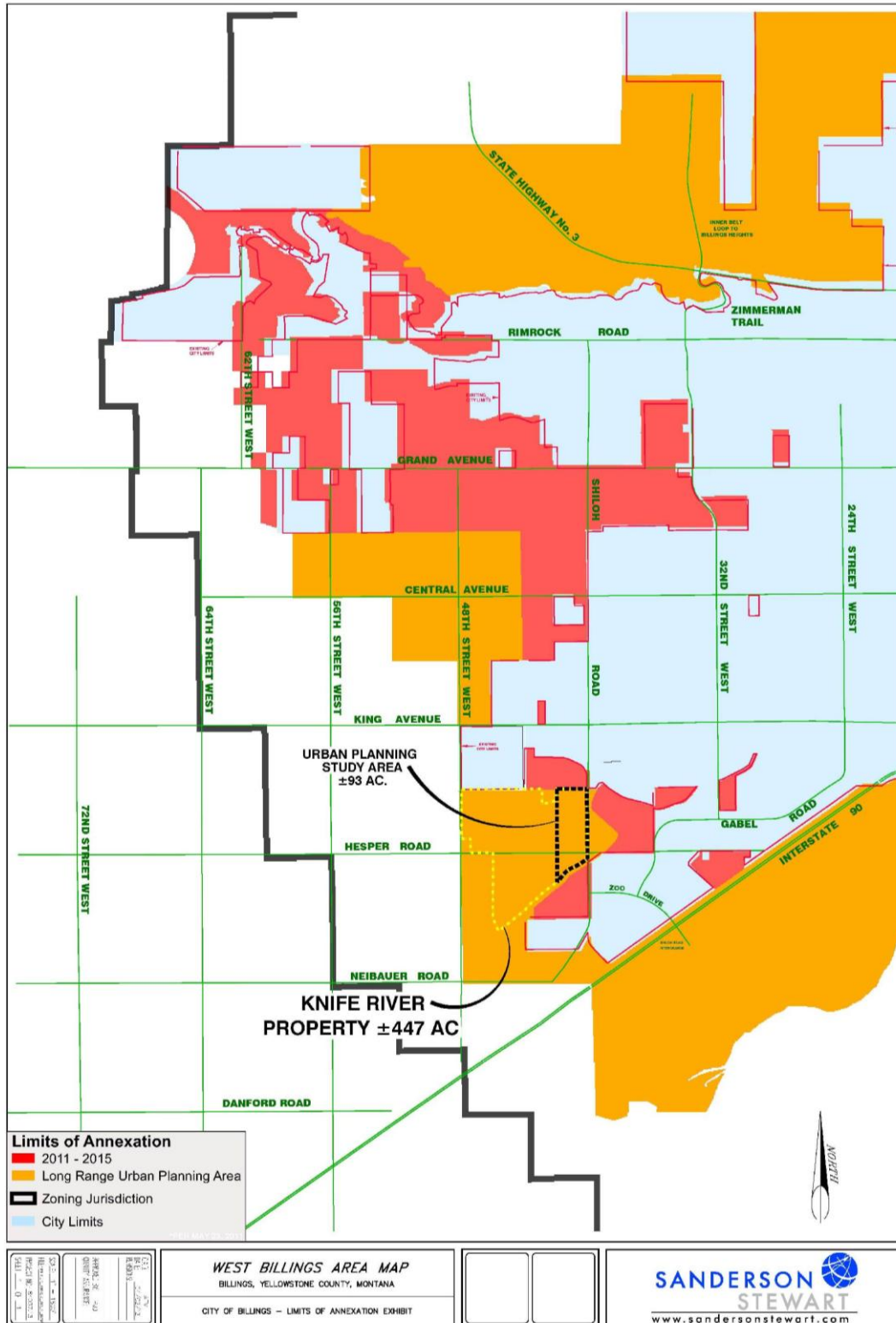


Figure 1: Study Area Location

EXISTING LAND CHARACTERISTICS

Topography and Geology

The area is generally level terrain. The Billings Bench Water Association (BBWA) canal runs along the southern boundary of the study area and the Hogan Slough borders the northern boundary. Due to the gravel mining operations in the study area, the terrain has been modified over the years, however there remains little relief in the overall terrain.

Soils

Within the study area, there are sixteen different soil types identified by the NRCS Soil Map (See Figure 2). The predominant soil type within the study area is loam, with some areas tending towards a more clay composition and some areas tending toward a more gravel composition. Loam is generally a well-draining topsoil, although depending upon the composition, can have compression and expansion issues. These characteristics can pose issues for building foundations if they are not properly designed. Given the amount of activity due to gravel extraction, it is anticipated that prior to any development activity, a soils investigation and geotechnical survey with engineering and construction recommendations be completed.



Figure 2: Soil Types

Map Unit Legend

| Yellowstone County, Montana (MT111) | | | |
|-------------------------------------|---|--------------|----------------|
| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
| Am | Alluvial land, seeped | 1.4 | 1.3% |
| An | Alluvial land, wet | 0.6 | 0.5% |
| Bm | Bew silty clay loam, 0 to 1 percent slopes | 7.9 | 7.3% |
| Hm | Haverson and Lohmiller soils, channeled, 0 to 35 percent slopes | 0.3 | 0.3% |
| Hx | Hysham-Laurel loams, 0 to 2 percent slopes | 14.7 | 13.7% |
| Kc | Keiser silty clay loam, 0 to 1 percent slopes | 15.6 | 14.6% |
| Ke | Keiser silty clay loam, 1 to 4 percent slopes | 7.9 | 7.4% |
| Kg | Keiser silty clay loam, 4 to 7 percent slopes | 0.0 | 0.0% |
| Le | Larim loam, 0 to 4 percent slopes | 8.3 | 7.7% |
| Lg | Larim gravelly loam, 0 to 4 percent slopes | 0.9 | 0.9% |
| Ll | Larim gravelly loam, 15 to 35 percent slopes | 6.3 | 5.9% |
| Sr | Shorey gravelly loam, 4 to 7 percent slopes | 1.2 | 1.1% |
| Te | Toluca clay loam, 0 to 1 percent slopes | 8.0 | 7.5% |
| Wf | Wanetta clay loam, 0 to 1 percent slopes | 22.0 | 20.5% |
| Wg | Wanetta clay loam, 1 to 4 percent slopes | 0.1 | 0.1% |
| Wl | Wanetta-Larim clay loams, 4 to 7 percent slopes | 12.0 | 11.2% |
| Totals for Area of Interest | | 107.1 | 100.0% |

LAND USE

Existing Land Use

The Study Area is currently used by the Knife River Corporation for gravel extraction and office operations. The aerial map below shows the study area has been used as part of the Knife River operations. The southern piece, south of Hesper Road, is no longer an active gravel mine area. As the mining operations are ending, the site is reclaimed and prepared for future use.



Figure 3: Existing Land Use

Proposed Future Land Use

A site study of the project area has been created showing a likely development scenario. It is envisioned that the initial 93 acres will be developed as a commercial area, with larger development sites along the western part of the area and smaller development site along Shiloh Road. The commercial development is envisioned to complement the existing development of Shiloh Crossing and Montana Sapphire. See [Exhibit A](#) for a Concept Site Plan for the 93 acre study area. The area within the Study Area south of Hesper Road, while still commercial in nature, will have a smaller scale to its buildings and may introduce some mixed use components. Development of this first phase is intended to begin within one year. As gravel stockpiles are used over the course of the construction season, the site will begin to be reclaimed for redevelopment. The facilities for the asphalt and concrete will be moved as redevelopment warrants. If the market for commercial sites is strong, the facilities will be moved and/or relocated to other Knife River properties, and the site reclaimed for redevelopment for commercial purposes.

[Exhibit B](#) shows a Master Land Use Concept Plan for the entire 447 acre property. The property will have a mix of uses, with a strong commercial/retail component along Shiloh Road and a mix of commercial, office and light industrial uses along the western portion of the property. South of Hesper Road will be mixed use office/retail/residential in the east half and medium to high density residential in the west half. This mix of uses will allow the property to be fully used, phased as development demand dictate and support the goals and policies of the West Billings Plan.

Effects on Agriculture

The Study Area is currently not used for agriculture. There has been active gravel pit activity within the study area for many years. Properties to the south and west have been used for agriculture. However, the addition of this area into the long range urban planning area would have minimal effects on these agricultural properties. There would be negligible effects on agriculture.

Historic Sites and Cultural Resources

The National Historic Preservation Act declared that the preservation of our irreplaceable heritage was in the Nation's interest, and called upon federal agencies to partner with states, Indian Tribes, local governments and the public in a spirit of stewardship. Montana's State Antiquities Act also makes provision for the safeguarding of our collective heritage. Montana State Historic Preservation Office (SHPO) was created as a result in order to ensure that the state's cultural and historic resources are protected for the enjoyment of future generations.

Previous studies of the area have identified historic irrigation and farmstead facilities. Due to the mining operations, it is not anticipated that inclusion of the study area into the long range urban planning area will have any effect on historical resources. The BBWA canal that runs along the southern edge of the study area has a long history, dating back to the early 1900s. As with all ditches and canals, the BBWA canal is controlled by the Association and has easements for the canal. Any alterations, crossings or use would require their approval.

Wildlife

The Montana Natural Heritage Program (MTNHP) website indicates that based on the MTNHP search of the township, range, and section and surrounding 1-mile buffer, indicates that there are nine species of concern within the area. They range from the spotted bat, which prefer arid rock outcroppings to soft shell turtles, preferring prairie rivers and streams. Given the current use of the study area as an industrial site, it is unlikely that there is much wildlife habitat within the study area.

Preferred Land Use

The study area is covered by the 2001 West Billings Plan, which is a neighborhood plan that provides community preferences for future land use and development in West Billings. The oldest existing development in the area was likely a reaction to the I-90 interchange location, and less expensive County property prices. However, with availability of City services, this area has become a prime location for a variety of urban land uses. Generally, as is reflected in the current zoning, this area is slated for light industrial and commercial uses due to the existing land uses and the easy access to the Interstate. The Future Land Use Map within the West Billings Plan indicates long term use of the Study Area as residential and potential gravel resource site. It also indicates the eastern portion of the study area, adjacent to Shiloh Road should be used for a flood detention area. The planned Shiloh Conservation Area directly to the north of the Study Area, is currently in a master plan phase of design. It is anticipated to have a stormwater detention facility as part of the master plan. Given its proximity to Shiloh Road and ultimate development of commercial uses to the east, developing the property for commercial uses appears to uphold the goals and policies of the West Billings Plan.

The following goals and policies from the West Billings Plan can be used to guide development decisions in this study area:

Goal: Establish development patterns that use land more efficiently.

Policy: Promote efficient utilization of land within the West Billings planning area by promoting well designed, more pedestrian friendly, urban development patters with a mix of uses and an efficient, creative use of land.

Policy: Commercial development along Shiloh should be developed as commercial nodes for neighborhood, community commercial and regional commercial center uses.

Goal: Identify Gravel Resource Land for Commercial Gravel Extraction, Minimize the Detrimental Effects of Gravel Extraction on the Environment and Other Land Uses, and Plan for the Eventual Post-Extractive Use of Gravel Sites.

Goal: Create Developments in West Billings that are Compatible with Their Surroundings and Provide a Safe and Desirable Environment for Residents, Shoppers, Workers and Visitors.

Policy: Regional commercial development to serve travelers, tourists and businesses is appropriate adjacent to the Shiloh Road-Interstate 90 interchange.

Policy: Commercial nodes should contain business development sites of various sizes to accommodate a variety of businesses.

The above goals and policies should be used to guide future development of the Study Area for its life beyond gravel extraction. The existing surrounding neighborhoods within the City limits are made up of light industrial and highway commercial enterprises, and some multi-family residences. It is likely a similar mix of land use will continue in the area.

A strong theme of the Plan is to concentrate development and reduce sprawl in West Billings. Reuse of this site, from gravel mine to commercial development along a major transportation corridor achieves many of the goals and policies of the Plan.

Projected/Estimated Population

The majority of the Study Area will ultimately be developed for commercial and retail use. Mixed use activity is contemplated in the southern portion (triangle area) of the site and is approximately 20 acres. Assuming an average density within a mixed use development of 10 units/acre; an addition of 200 residences could be added within the study area. In all likelihood, the density will be closer to 100 units, with an estimated population increase of 180. It is likely that dwelling units within the mixed use area will be smaller, attracting smaller households than typically found within the City.

Effects of Urbanization on the Existing Environment

The property within the Study Area has been used for industrial use for a number of years. It is inevitable that the gravel mining within the Study Area will end and a future use will be necessary and desired. The improvements to Shiloh Road enable improved transportation efficiencies. The Billings West Plan desires a plan to address the reuse of sites such as those within the study area. Given its proximity to the City limits, mix of adjacent uses, improvements to Shiloh Road, this area is logical of inclusion in the long range urban planning area.

TRANSPORTATION SYSTEM IMPACTS

The Study Area comprises approximately 93 acres located directly adjacent and to the west of Shiloh Road, the major north-south arterial street on the edge of the urbanized area of west Billings. The property is bordered on its south side by Hesper Road, a major east-west arterial.

Hesper Road is a two-lane road built to county standards that provides access to the mostly rural area west of Billings. At this time, it does not carry high traffic volumes by urban standards.

Shiloh Road is a four-lane road that serves as a commuter route along the city's western edge linking northwest Billings to Interstate 90. Because of the commuter influence, southbound traffic is typically heavier in the morning, with heavier northbound traffic in the evening.

Shiloh was recently reconstructed and widened to urban arterial standards as part of a Montana Department of Transportation project. Urban growth projections, including the development of

properties like this one along Shiloh Road, were incorporated into the travel demand models that were used to project future traffic volumes on the corridor. Adjacent to the Study Area, design year (2027) traffic volumes are projected to exceed 33,000 AADT. Shiloh Road currently carries about 7,000 AADT adjacent to the Knife River property. Several traffic engineering design reports were published in 2005 and 2006 during the development of the project, which document the methodology and conclusions of the design alternatives analysis.

As part of the Shiloh Road project, a strict access control plan was adopted for the corridor that limits access from Shiloh Road, with full access at the roundabout intersections and left-turn restricted access at intermediate points.

In addition to the design studies completed as part of the Shiloh Road Corridor project, several traffic impact studies have been completed for recent developments and master plans on the Shiloh Corridor:

- Shiloh Crossing Subdivision
- Montana Sapphire Subdivision
- St Vincent Healthcare Subdivision
- Billings Clinic West Subdivision

Most of these recent studies were completed either prior to or concurrent with the development of the Shiloh Road Corridor project.

A study was completed in May 2011 to analyze the post-construction traffic operations of the Shiloh Road-King Avenue roundabout. That study showed the Shiloh-King roundabout now carries about 1400 vehicles during the p.m. peak hour.

The Knife River Pit property encompasses a significant portion of the mostly undeveloped one-mile square section of land bounded by principal arterial streets: Shiloh Road, Hesper Road, King Avenue and 48th Street West. It has good access to arterial roads at its perimeter. There is no developed roadway system to provide access within the section. The *Billings Urban Area Long-Range Transportation Plan: 2009 Update* shows that collector-level roadways should be planned within the section to provide local access; generally one running north-south and one running east-west.

PUBLIC SERVICE EVALUATION

Water Service

When annexed, the subject area would be served by the City of Billings public water system. The subject area is located within the Zone 3 pressure zone. Currently there are discussions of the potential need for additional water storage in the west end of Zone 3 and the City of Billings is currently evaluating options for additional storage for this service area to provide for the growth needs of the west end of Billings.

Existing water service infrastructure exists adjacent to the site. This includes a 16-inch trunk water main extending from Shiloh Crossing Subdivision to the northeast corner of Lot 1, Block 1 of Long Subdivision. This water main was installed as part of the Shiloh Road Corridor Water and Sewer System Improvements to provide service for future development along the Shiloh Road Corridor. This 16-inch trunk water main would be extended south along the west side of Shiloh Road and to the west along Hesper Road to 44th Street West. Ultimately this 16-inch trunk water main would be



Figure 4: Existing and Proposed Water and Sewer

extended to 48th Street West where it would be connected to a future 36-inch trunk water main planned to be located along 48th Street West.

Lateral water mains would be extended within the development as required for the water service needs of the development. It is anticipated that a water main would be extended along the alignment of 44th Street West with a future connection to the proposed water main to be installed as part of the proposed King Meadows Subdivision at the northwest corner of Lot 4, Block 1 of Long Subdivision. This connection would provide a secondary loop back to the trunk water main in King Avenue West. It is anticipated that all water main extensions would be completed as part of the required site development improvements.

The study area is approximately 93 acres in size and will consist primarily of commercial development similar to the Shiloh Crossing and Montana Sapphire developments to the north. Actual development plans may result in different use patterns than are predicted and more accurate assessment of the impact on City services can be submitted during future platting if necessary. Build-out of the entire project is estimated to take 5 to 10 years with service needs increasing incrementally over time.

In estimating the impacts on City services, the information used was consistent with that presented in the *Water and Wastewater Facilities Master Plan 2006* prepared for the City of Billings by HDR, Inc., HKM, Inc., and JGA, Inc. These include the following:

| | |
|---|------|
| 1. Single-family density (dwelling units/acre): | 4 |
| 2. Multi-family density (du/ac): | 8 |
| 3. Average day per capita water use (gallons per day - gpd): | 219 |
| 4. Billings 2005 max. day water demand (million gallons per day - MGD): | 43.2 |
| 5. Average day to maximum day water use ratio: | 2.20 |
| 6. Maximum day to peak day water use ratio: | 1.50 |
| 7. Average day per capita wastewater (WW) flow (gpd): | 152 |
| 8. Average maximum month to average month WW flow ratio: | 1.17 |
| 9. Billings 2000 maximum month average day WW flow (MGD): | 7.33 |
| 10. Persons per dwelling unit: | 2.3 |

The following assumptions were also made:

Wastewater flow in commercial districts, including office and professional space, is equal to the median of the unit-flow rate (800 gpd – 1,500 gpd) presented in Metcalf & Eddy, *Wastewater Engineering*, or 1,150 gpd per acre.

Water Service

Domestic water demand for the subject property was estimated for the property based on the likely nature of development at the site. The site is expected to comprise of commercial development. Maximum day water demand is determined by applying a ratio factor of 2.20. Water demands from the subject property are summarized below:

Average daily water demand: 106,950 gpd

Max day average water demand: 235,290 gpd

Storage Capacity

When annexed, the subject area would be served by the City of Billings public water system. The subject area is located within the Pressure Zone 3. The *Water and Wastewater Facilities Master Plan 2006* indicates in the executive summary that Zones 3 and 4 are the most deficient on water storage and are the most critical. The master plan prioritizes Zone 3 storage in a number of recommended projects for storage upgrades to the existing City of Billings water system. The recommendations are as follows according to ranking: (2) Replace Staples Standpipe with 2.0 mega gallon (MG) reservoir and (3) Add 4.0 MG storage west of Rimrock and 62nd. In addition, the current Capital Improvements Plan (CIP) has approximately \$7.5 million dollars for fiscal year 2013 to construct new storage facilities for Zone 3 westend storage at the Chapple Reservoir location which will be an expansion of 2.0 MG which should meet current peak demands and future growth needs for the next 15-20 years.

The amount of additional storage required by the development is the sum of operational or equalizing storage (equal to 15 percent of peak day demand) and emergency storage (equal to half of maximum day demand). Fire storage is required per the Uniform Fire Code (UFC) and assumed equal to the commercial/industrial requirement of 3,750 gpm for three hours, (675,000 gallons), which is already figured into the storage deficit. Therefore, additional volume of storage requirement needed for the subject development would equal:

$$[(0.24 \text{ MG} * 1.50) * 0.15] + (0.24 \text{ MG} / 2) = 0.174 \text{ MG or } 174,000 \text{ gals}$$

Based on the analysis above, development of the proposed property would contribute approximately 0.174 MG of required storage upon full build out. Zone 3 storage is currently deficient for peak demands. Zone 3 has a current available storage of 5.50 MG, which was estimated to be 3.21 MG deficient at the time of the master plan report. As stated in the report, Zone 3 faces a large shortage which can be lessened by providing backup power at Staples Pump Station and transferring surplus Zone 2 flow to Zone 3 or 4. As shown above, a total of 8.0 MG of storage projects are recommended within the pressure zone, which would accommodate the proposed development area.

Pumping

Water to Zone 3 is pumped from three pump stations: Leavens, Staples, and Voelker, which can provide water to the zone. The combined capacity of these pump stations is 25.1 mega gallons per day (MGD) with one pumping unit out of service. Table 3-13 indicates that Zone 3 has a 10.9 MGD surplus capacity. Because the property will likely only increase demand by 0.24 MGD max day, the current pumping capacity is adequate for serving the site.

Distribution

Existing water service infrastructure exists adjacent to the site. This includes a 16-inch trunk water main extending from Shiloh Crossing Subdivision to the northeast corner of Lot 1, Block 1 of Long Subdivision. This water main was installed as part of the Shiloh Road Corridor Water and Sewer System Improvements to provide service for future development along the Shiloh Road Corridor. This 16-inch trunk water main would be extended south along the west side of Shiloh Road and to the west along Hesper Road to the alignment of 42nd Street West. Ultimately this 16-inch trunk water main would be extended to 48th Street West where it would be connected to a future 36-inch trunk water main planned to be located along 48th Street West. Lateral water mains would be extended within the development as required for the water service needs of the development.

Costs

As discussed above plans are currently in place for the City to expand the storage capacity for the Zone 3. This includes approximately \$7.5 million dollars in the current Capital Improvements Program to provide 2.0 MG of additional storage at the Chapple Reservoir.

Currently it is the City's policy to pay for general benefit facilities which include trunk water mains that exceed 12 inches in diameter. The estimated cost of the 16-inch water main extension is approximately \$180 to \$220 per lineal foot. The total 16-inch water main extension upon full build out is approximately 3,600 lineal feet for a total cost of approximately \$648,000 to \$792,000. This extension is not in the current CIP, but is identified in the facilities master plan to provide service for future growth to the west.

Per Section 26-504 of the City code, if the developer chooses to proceed with an extension project without waiting for its inclusion in the CIP, the developer is responsible for paying for the entire costs of construction. A compensation agreement will define the provisions covering payment of the City's portion of the project costs. Therefore, the development of the property could proceed prior to this main extension being in the CIP.

Wastewater Service

Treatment Capacity

When annexed, the subject area would be served by the City of Billings public wastewater system. According to the *Water and Wastewater Facilities Master Plan 2006*, the capacity of the Billings

wastewater treatment plant is 26 MGD. The year 2000 maximum month average day City wastewater flow is 7.33 MGD. Therefore, maximum month average day wastewater flows from the subject property (0.13 MGD) would represent 0.7 percent of the available wastewater treatment plant capacity:

$$[(0.13 \text{ MGD}) / (26 \text{ MGD} - 7.33 \text{ MGD})] * 100\% = 0.7\%$$

Distribution

The Shiloh Road Corridor Water and Sewer System Improvements project installed sanitary sewer facilities to provide service for future development along the Shiloh Road Corridor. This included a dry 18-inch sanitary sewer crossing along Hesper Road at the Hesper Road roundabout. This 18-inch trunk sewer main is planned to extend west along Hesper Road to serve both the subject area along with future development to the west. This 18-inch trunk sewer main would also need to be extended east along Hesper Road and connected to the existing 18-inch sewer main located at the intersection of Hesper Road and Gable Road. Lateral sewer mains would be extended north and south of the 18-inch trunk sewer main as required for the sanitary sewer service needs within the development. It is anticipated that the majority of the development could be served by gravity flow.

Costs

Currently it is the City's policy to pay for general benefit facilities which include trunk sewer mains that exceed 12 inches in diameter. The estimated cost of the 18-inch sewer main extension is approximately \$250 to \$290 per lineal foot. The total 18-inch sewer main extension upon full build out is approximately 3,500 lineal feet for a total cost of approximately \$875,000 to \$1,015,000. This cost includes removal and replacement of existing pavement along Hesper Road and the crossing of the BBWA canal. This extension is not in the current CIP, but is identified in the facilities master plan to provide service for future growth to the west.

Per Section 26-504 of the City code, if the developer chooses to proceed with an extension project without waiting for its inclusion in the CIP, the developer is responsible for paying for the entire costs of construction. A compensation agreement will define the provisions covering payment of the City's portion of the project costs. Therefore, the development of the property could proceed prior to this main extension being in the CIP.

Stormwater Management

Existing stormwater drainage facilities include the facilities recently installed as part of the Shiloh Road Reconstruction which provide stormwater drainage for Shiloh Road. Other existing water/drainage features include the Hogan's Slough and Shiloh Drain located north of the site within the Shiloh Conservation District parcel. These drainage features converge at the northwest corner of the Knife River roundabout and cross Shiloh Road and the BBWA Canal and continues to the flow to the southeast to the Yellowstone River. The Shiloh Drain and Hogan's Slough intercept a significant portion of stormwater runoff from the west end of Billings and also collect irrigation wastewater. The Shiloh Crossing Conservation District project is planned to develop a stormwater

treatment and storage facility to manage stormwater runoff from the west end of Billings. Other nearby features include the BBWA Canal which borders the subject area to the south and Canyon Creek is located southwest of the subject area.

The subject area is required to comply with the Stormwater Management Manual for the City of Billings dated February 2011. This manual requires for the management of increased stormwater runoff in excess of historic conditions along with treatment of stormwater runoff. It is anticipated that stormwater management will be integrated throughout the development and will include stormwater collection, conveyance, treatment and storage facilities. It is anticipated that the detained and treated stormwater runoff would discharge to Canyon Creek located southwest of the site at or below historic runoff rates. In addition, the development would coordinate with the Shiloh Conservation District project as it relates to management of stormwater runoff along with possible cooperative efforts between the two projects.

Solid Waste

Solid waste disposal will be provided by the City of Billings. The City collection and disposal facility has the necessary capacity to accept solid waste from this development. The Landfill Master Plan shows the landfill will be available for continuous operation at current growth rate projections until the year 2042. The total capacity of the landfill for its projected “life” is 20,000,000 tons. The landfill has currently had 4,000,000 tons of waste placed, which leaves 16,000,000 tons of capacity available.

A private hauler is currently serving portions of the area outside the current City limits. Consequently the City of Billings might not assume responsibility for the solid waste collection for up to 5 years under the provisions of MCA 7-2-4736, which states specifically:

Preservation of existing garbage or solid waste service in the event of annexation. (1) A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation except: (a) upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; or (b) after the expiration of 5 years, if a majority of the residents of the annexed or incorporated area sign a petition requesting the municipality to provide the service. (2) If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, after the expiration of 5 years, if a majority of the residents sign a petition requesting service from the municipality, the municipality may provide garbage and solid waste disposal service to the entire annexed or incorporated area. (3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate service.

After 5 years the property owners within the area can petition the City for solid waste collection. Depending on the number of properties and types of developments the Solid Waste Division may need to add additional staff and equipment.

LOCAL SERVICE IMPACTS

Parks and Recreation

The *Parks 2020 Plan*, a document prepared by Fisher and Associates, P.C., serves as the Billings Parks, Recreation, and Open Space Master Plan. The plan outlines the types of open space, parks, and recreation activities that currently exist in Billings. In addition, the plan gives a guide for future development. Furthermore, the City of Billings has requirements in place for development that also dictates the amount of open space as the area grows. Master Planning of the Study Area will include Parks and trail system to enhance the residential component of the development, provide connections to existing trails and future parks.

The City of Billings also has prepared the Heritage Trail Plan for a bike and pedestrian trail system that encourages development to include trail systems that further enhance open space.

Schools

Elysian School District #23 serves the kindergarten through 8th grade students, and is located southeast across Interstate-90 at 6416 Elysian Road. Current enrollment at Elysian School is approximately 116 students in the elementary school and 28 students in the middle school. Maximum capacity is 175 students.

School District #2 serves high school students in this area. At this time, existing high school students in the study area are within the West High School attendance boundary. West High is located at 2201 St. John's Avenue. It currently has an enrollment of 2,143 students, while its capacity is 1,600 students.

Public Safety

If annexed, the study area would receive police protection from the City of Billings Police Department. The Police Department is located at City Hall in the Billings Central Business District (approximately 7 miles from the study area). The department is in the initial exploratory stages of establishing a precinct at the new Fire Station #7 located at 54th Street West and Grand Avenue. At this time, the police unit at this location is used as an outpost for communications, but not a full-time staffed precinct. Response time to the study area would vary depending on the location of the mobile patrol unit in the general area at the time of need. If annexed, the study area would be included in an assigned area or beat for police officers. Police protection is already provided to the Montana Sapphire Subdivision at King Avenue West and Shiloh Road, Broso-Valley Park Subdivision at Zoo Drive and Gabel Road, and Shiloh Business Park Subdivision at Zoo Drive and Shiloh Road. This means police officers would not need to substantially expand their service boundary to serve this development. Although an impact from the inclusion of this area is anticipated, the contiguous nature of the parcels and the ability to increase police staff incrementally as development occurs over time should help mitigate demands placed upon the department.

Fire

The Billings Fire Department currently serves the study area as part of the Billings Urban Fire Service Area (BUFSA). Services provided include: Fire suppression, emergency medical response, dispatch and communication services for local fire, police and ambulance services, hazardous materials response, high angle and confined space rescue, vehicle accident extrication, fire investigations, building inspections, and fire education.

Property west of Shiloh Road will be served by Fire Station #7, located at 54th Street West and Grand Avenue. This new station was constructed with funds from a 2004 mill levy in order to provide better fire response times in this rapidly growing part of Billings. It is located approximately 4 miles from the study area.

Emergency Medical Services

Both Billings Clinic at 2813 Ninth Avenue North and St. Vincent's Hospital at 1233 North 30th Street would provide routine and emergency medical services in the area. The ambulance service for the area would be provided by private industry (American Medical Response). An AMR post location is located at King Avenue W and S 245h St W, approximately 3 miles to the study area.

Library

The Parnly Billings Library (PBL) currently serves the subject area, as well as all of Yellowstone County. This service area includes approximately 135,000 people. All services are free, and the scope of services is large. The current facility is located in downtown Billings. In November 2011, voters approved a bond measure for construction of a new facility. Because the facility is a joint City-County library, it is not anticipated that the addition of the study area will impact the library services.

SUMMARY AND CONCLUSION

The properties within the study area are geographically, environmentally, and economically suitable for urban commercial development. For the most part the area is flat land that is devoid of any major environmental constraints. The existing City limits are to the northeast and southeast corners of the study area, as well as to the northwest of the study area. Property directly to the north and south are currently in the red area. Public water and sewer mains are in close proximity to the area and there may be adequate service capacities. The connecting street systems have sufficient capacity for the additional development in the area and specific improvements to the streets would be addressed at the time of development. Since the development of the study area is intended to be predominantly commercial, public parkland needs should be minimal for the study area.

Provision of emergency services such as fire and police are always of concern. These departments continue to provide excellent service levels to the community, but funding is a continual challenge as growth occurs. The number of new businesses in this service area would not in and of itself cause service issues for these departments, however, it is necessary to continue to consider their resource

needs with each added development. Area school capacities should not be affected due to the projected land uses in the study area, however, the increased tax base upon development of these vacant properties should provide additional funding to the appropriate school districts.

In general, the subject area meets the necessary criteria to be added to the boundaries of the Urban Planning Area.

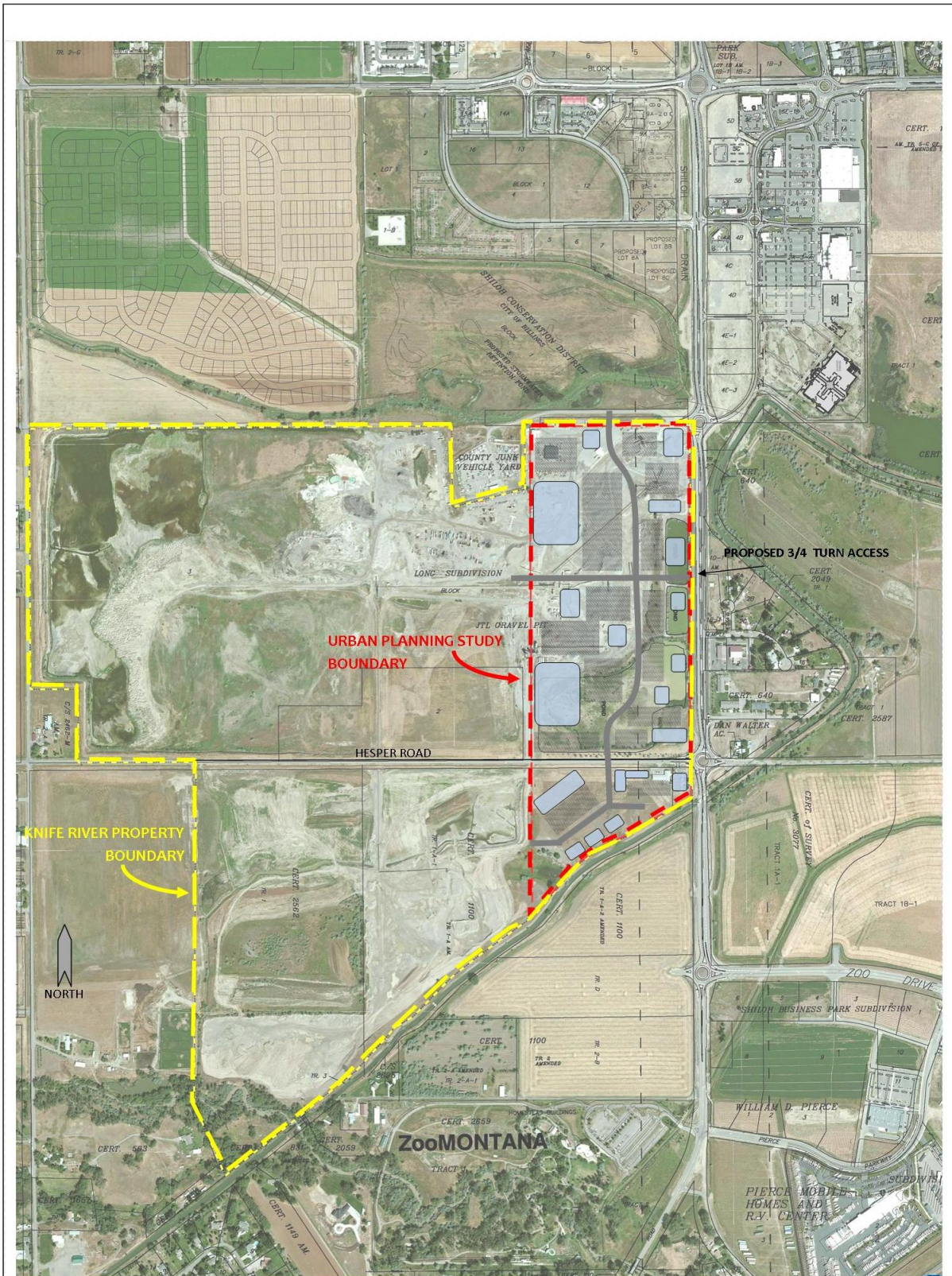


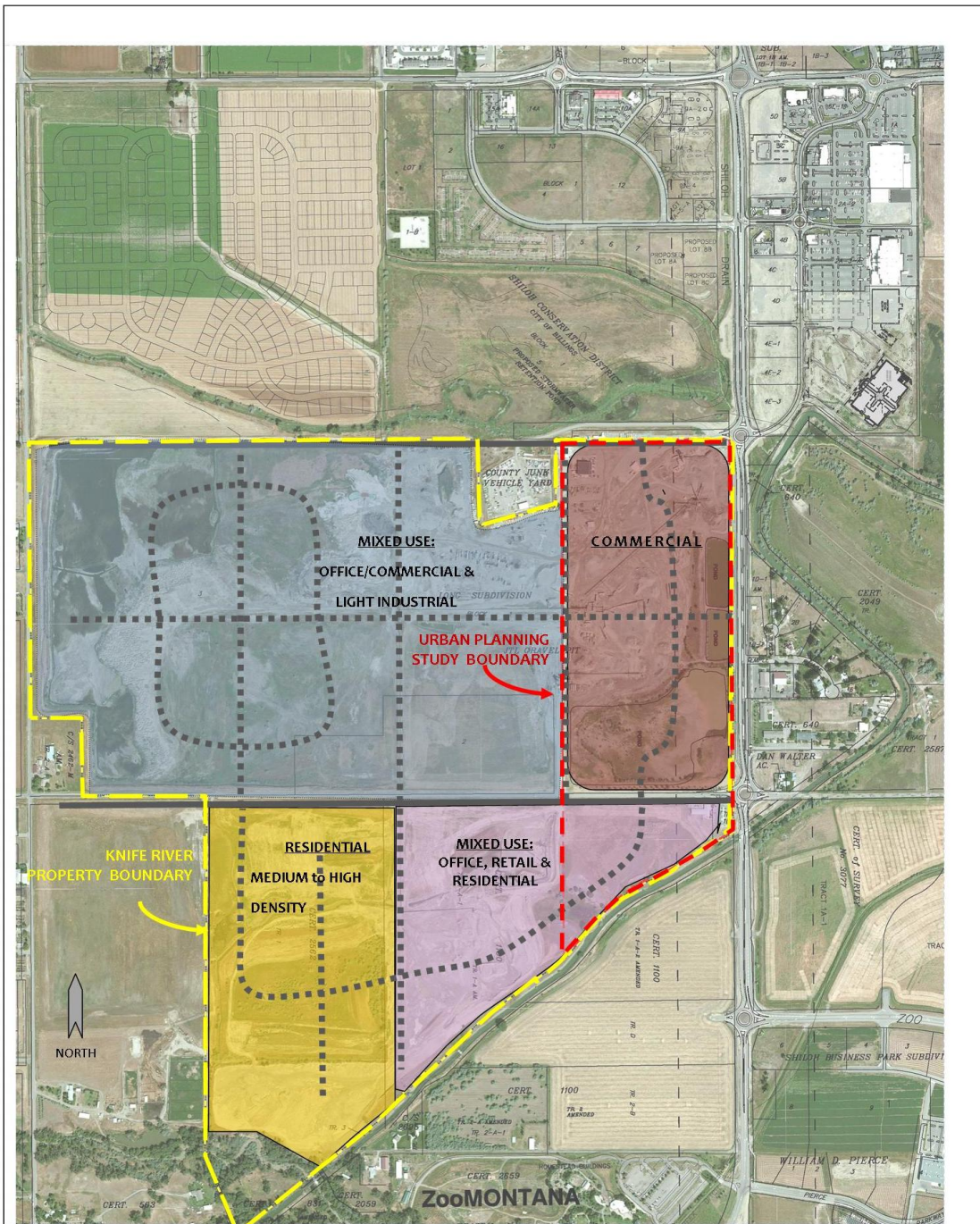
EXHIBIT A

KNIFE RIVER URBAN PLANNING STUDY AREA

BILLINGS, YELLOWSTONE COUNTY, MONTANA

CONCEPT SITE PLAN





ANTICIPATED DEVELOPMENT SCHEDULE

COMMERCIAL: IMMEDIATE

MIXED USE: OFFICE/RETAIL/RESIDENTIAL: PHASED DEVELOPMENT BEGINNING 2014

MIXED USE: OFFICE/COMMERCIAL/LIGHT INDUSTRIAL: PHASED DEVELOPMENT BEGINNING 2016

RESIDENTIAL: PHASED DEVELOPMENT BEGINNING 2017

EXHIBIT B

KNIFE RIVER URBAN PLANNING STUDY AREA

BILLINGS, YELLOWSTONE COUNTY, MONTANA

MASTER LAND USE CONCEPT PLAN



RESOLUTION NO 11-19058

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, and further amended it by Resolution on April 10, 2006, and it is amended from time to time; and

WHEREAS, the Limits of Annexation Map was amended by Resolution on June 8, 2009; and

WHEREAS, the Policy states that the Map shall be revised whenever the Capital Improvements Plan is revised; and

WHEREAS, the City Council approved the FY 2012 Modifications to the Capital Improvements Plan on March 28, 2011.

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

That the City Council now makes and adopts the following amendments to the Annexation Policy:

ANNEXATION POLICY Revised, May 23, 2011

1. Statement of Intent

The City of Billings intends to permit the annexation of land as to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the annexed territory and existing City properties.

2. Policy Statement

The City Council shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and the Billings Municipal City Code, Section 26-204 and Sections 20-301 through 305. The Council may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

- The area must be located within the Red Area of the Limits of Annexation as defined herein;

- The City must be able provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City;
- Existing or proposed public improvements within the area to be annexed must meet City standards;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- All residential property owners within the area to be annexed must create or join an existing park maintenance district;
- Residential densities within the area to be annexed must equal or exceed four dwelling units per acre; and
- The proposed land use within the area to be annexed must conform to the goals of the City of Billings and Yellowstone County Growth Policy.

3. Limits of Annexation Map (attached) - The City shall prepare a map showing limits of annexation for two time periods. The first time period shall be known as the Red Area and shall cover five years coinciding with the time period of the existing Capital Improvements Plan. The second time period shall be called the Long Range Urban Planning Area and the time frame shall remain undefined. In order for a property to be considered for annexation, it shall be located within the Red Area, on the Limits of Annexation Map.

A map update shall be prepared for Council consideration whenever the Capital Improvements Plan is revised. A map update may be initiated by City staff, or requested by a property owner, in preparation for a future annexation request. For any map update involving the addition of property to the Red Area of the map, an Urban Planning Study shall be completed by the petitioner who requests the update. An Urban Planning Study shall evaluate how a development proposal will impact the following elements:

- Streets and transportation
- Traffic circulation and generation
- Storm sewers and storm water management
- Wastewater service
- Sanitation and solid waste management
- Water service
- Parks, recreation and public lands
- Public safety (police, fire and other emergency services)
- Public schools
- Projected and estimated population
- Soils, geology and topography
- Effects of urbanization on the existing environment
- Effects on agriculture
- Existing and potential land use
- Historic sites
- Development timetables
- Capital improvements
- Methods of funding for public improvements
- Other considerations

Map updates will be recommended to City Council by a committee of representatives from City Administration, Public Works Distribution and Collection Division, Engineering Division, Fire Department, Parks Department, Planning Division, Police Department, and MET Transit.

Rationale

When proposing updates to the map, the committee shall consider and document for Council:

- distance from existing city services and response times;
- capacity and location of existing facilities and future upgrades or construction of new facilities;
- cost of city services;
- effect on existing residents; and
- conformance with all adopted plans including the Capital Improvements Plan, the Growth Policy, applicable area plans, the Billings Area Bikeway and Trails Master Plan, the most current Transportation Plan, the most current sewer, water and storm sewer plans, and other applicable adopted planning documents.

The Council will then determine and approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

4. Obligation of City

The City may choose to annex any property in accordance with the provisions of the following state statutes:

- Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
- Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
- Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
- Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
- Annexation by Petition (7-2-4601 et. seq., MCA)
- Annexation with the Provision of Services (7-2-4701 et. seq., MCA)

The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for; a) a development agreement prior to the issuance of a building permit, or b) a subdivision improvements agreement at the time of final subdivision plat approval. In the event the property to be annexed is already developed and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be

upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

5. Obligation of Petitioner

Petitions for annexation must comply with the provisions of Annexation by Petition (7-2-4601 et. seq., MCA) and Section 26-204 and Sections 20-301 through 305, BMCC. A fee, to be established by the City Administrator, must be paid at the time the petition is submitted. If the area to be annexed is not developed, petitioners are required to comply with the conditions of approval prior to the issuance of a building permit or at the time of final subdivision plat approval. If the area to be annexed is developed and requires the construction or installation of public improvements, the petitioner must enter into an annexation agreement prior to the City Council acting on the resolution of annexation.

APPROVED AND PASSED by the City Council of the City of Billings, this 23rd day of May, 2011.

THE CITY OF BILLINGS:



BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk

Regular City Council Meeting**Meeting Date:** 05/14/2012**TITLE:** Parking Structure 4 Disposal**PRESENTED BY:** Bruce McCandless**Department:** City Hall Administration

Information**PROBLEM/ISSUE STATEMENT**

The City worked with a consulting firm, Strategy 5, to assess the feasibility of selling the Park 4 parking structure to a private party. Strategy 5 estimated a value of \$4.6 million and the Council established a minimum asking price of \$4,675,000. Strategy 5 assisted staff with requesting proposals to purchase the garage and published the solicitation in national trade publications and locally. The City received one offer, from United Industries/United Properties (UP). UP's initial offer did not include a price but it asked for permission to appraise the property, which was granted. The appraisal price and UP's offer is for \$2,620,000. The Council requested that staff, Charlie Hamwey and Al Swanson review the offer but this committee made no recommendation to the Council. The Council received a staff presentation on the proposal at its February 22, 2011, work session. The City Council did not approve or disapprove the sale but asked staff to negotiate further with UP in order to obtain a higher price. Staff has been discussing the purchase with UP officials and developed three options for the Council's consideration. Staff is requesting that the City Council act to dispose of the garage or to retain it in the City's ownership.

ALTERNATIVES ANALYZED

The City Council could:

- Approve selling the garage to UP for \$2,620,000.
- Approve selling the garage to UP for \$3,100,000 and to finance a portion of the purchase price.
- Reject the UP offer and 1) attempt to sell the garage to another private party or 2) retain the garage and authorize staff to make operational changes that should improve function and net income.

If Council approves selling the garage to UP, staff would work with legal staff to finalize all required documentation and to convey the property at the earliest possible date. The funds would be deposited in the Parking Fund and could be used to retire Park 2 garage debt in order to reduce operating expenses.

Staff met with UP officials and discussed whether there are conditions that would prompt UP to offer a higher price for the property. Subsequent to that discussion, UP offered to purchase the property for a higher price if the City would finance a portion of the price. The offer proposes to pay \$620,000 (20%) at closing and to finance \$2,480,000 over ten years at the City's annual average earnings rate plus .5%, with a floor of 1% and a cap of 4%. The City uses that rate for internal borrowing, that is, when one fund borrows from another fund, such as when the Public Safety Fund borrowed money from the Solid Waste Fund in order to finance and build Fire Station #7. The present earning rate is .73%, so the lending rate would be 1.23% this year. The estimated annual payment, if this interest rate did not change over the loan term, is \$265,000

If Council rejects the UP offer, it could direct staff to market the garage again or to change its operations. Marketing the garage again is not likely to yield positive results because of low credit availability and because UP is the only logical local buyer because its properties surround the parking garage. If the City retains the garage, staff will proceed with a plan that has been dormant for over a year that would eliminate hourly, transient parking in Park 4 and eliminate 1 FTE employee in the Parking Division. The change would reduce operating costs and even if none of the hourly parking revenue is offset by renting the newly available monthly parking spaces, net income will increase. United Properties expressed some concerns about eliminating the hourly parking spaces, primarily because they are needed periodically by the bank or other UP tenants. Staff has developed an option that should work for those occasional needs and will produce a little more revenue.

City staff is recommending the first option; sell the garage for \$2,620,000. The best use of this money is to retire a portion of the debt on the Park 2 garage. The financial impact is explained below.

FINANCIAL IMPACT

Staff recommends that the \$2,620,000 payment be used to retire a portion of the Park 2 debt. Money was borrowed in 2006 in order to expand that structure and the City still owes \$5,200,000. The City borrowed those funds from Koch Financial at an average annual interest rate of 5.4%. The loan was subsequently sold to Capital One but that did not change the interest rate or annual debt payment. Before 2007, the Parking Fund had never paid debt costs because the City issued downtown Tax Increment Finance (TIF) bonds to construct all four of the City's garages. The annual debt payment is approximately \$495,000. If the Park 4 purchase price is used to retire half of the Park 2 debt and the remainder is refinanced at a lower interest rate, the Parking Fund could save as much as \$200,000 per year. Selling Park 4 reduces the Parking Fund's net income by up to \$150,000/year, so the net gain would be at least \$50,000 per year. Staff believes that the City should refinance the Park 2 debt whether or not the Park 4 proceeds are used to retire a portion of that debt. Annual bond interest rates are 1.5% - 2% lower today than they were in 2006. Even though refinancing has up-front costs, the lower borrowing rate still produces present value net savings. If Council decides to accept the UP request to finance the sale, staff recommends that the down payment and the annual payments be used to retire debt and to assist with the annual debt payment that will remain after refinancing a portion of the Park 2 debt.

RECOMMENDATION

The stakeholder committee made no recommendation. The staff recommends that the City Council accept the cash purchase offer of \$2,620,000 from United Industries/United Properties and use the funds to retire a portion of the Park 2 debt in order to improve the Parking Fund's financial position.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 05/14/2012

TITLE: Districting and Apportionment Commission Public Hearing Testimony

PRESENTED BY: Bruce McCandless

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

At the April 23, 2012 meeting, the City Council approved an initiative for staff to prepare testimony and other printed material for presentation to the Montana Districting and Apportionment Commission at its Billings Public Hearing, scheduled for 7:00 p.m. on May 15, 2012. The Council directed that the testimony should support the Commission's proposed Urban-Rural statewide plan or map. The draft testimony is presented for Council discussion and approval. The Council may also decide if any of its members will help or support the Mayor when he presents the testimony.

ALTERNATIVES ANALYZED

The City Council may approve the draft testimony or it may modify and approve it.

FINANCIAL IMPACT

There should not be a financial impact attached to this action.

RECOMMENDATION

Staff recommends that the City Council approve testimony that will be presented to the Montana Districting and Apportionment Commission at its May 15, 2012 Billings public hearing. The testimony supports the Commission's adoption of the Urban-Rural map/plan.

APPROVED BY CITY ADMINISTRATOR

Attachments

Draft Districting Commission testimony

Districting and Apportionment Commission Testimony – May 15, 2012

Mayor Tom Hanel

Welcome the Commissioners and staff to Billings

Districting is important to Billings and Yellowstone County because

We want the best possible representation for the City and for the County residents

Statewide redistricting and the election boundaries will be the starting point for City (wards) and county (districts) redistricting that will follow-up on the Commission's work

Billings and Yellowstone County submitted a proposed map/plan in December, 2011

One of only 5 plans submitted by the public

The only plan that was supported by City and County governments (Laurel included)

The only plan that also received support from business associations and other community groups

Residents and officials from the 5 areas represented by the public plans, including the Billings/Yellowstone County plan, know their communities better than anyone else.

These factors should be significant to the Commission

Billings Mayor and Council support the Urban – Rural plan that was prepared by State Legislative staff

Of the Commission's 5 plans, urban-rural plan is most similar to the one submitted by Billings/Yellowstone County

Recognize that the final, approved districting plan will not be exactly like any of the proposed plans, but the City of Billings requests that the Commission use the Urban Rural plan elements as the basis for redistricting Yellowstone County and Billings

Urban – Rural plan is

Not a Republican plan

Not a Chamber of Commerce plan

Not a plan designed to favor any political party or to make elections competitive or balanced (in fact, that is prohibited by state law)

It is a plan that meets all mandatory and discretionary districting criteria and best shows and describes the locally defined communities of interest in Billings and Yellowstone Co.

City Administrator Tina Volek will discuss the criteria and why the urban rural plan is best for this community.

City Administrator Tina Volek:

Welcome the Commissioners and staff to Billings

Billings – Yellowstone County and the Urban – Rural plans meet the

Mandatory criteria

Population equality – 1.5% mean deviation from the ideal population

Compact and contiguous districts – size and shapes are regular and boundaries follow well known features such as the Rimrocks, arterial streets, railroad, river, etc.

Voting Rights Act – the portion of the Crow Reservation in Y. Co. is treated the same by each plan

Race – discretionary criteria are not subordinated to racial considerations

Discretionary criteria – may be almost as important as the mandatory criteria in forming the Urban-Rural Plan districts

Follow existing political units

Yellowstone Co. is intact and adds only 1 other county to it (Treasure) to equal 15 House districts

Billings has 8 House districts totally within or mostly within the city limits and Billings residents appear to be majorities in 11 districts

School districts in the rural areas are mostly intact

No city or town is split unless it is necessary (Billings)

Observation – refer to above statement: county population of 147,972 / 9894 = 14.96 House districts – almost perfect 15 districts.

Billings population of 104,170 / 9894 = 10.53 House districts – nearly perfect 10.5 districts.

Follow geographic boundaries

River, railroad, interstate highway and both north-south and east-west arterials (or other major streets) form most of the boundaries

Communities of interest

Appearances do matter. The proposed districts respect neighborhood planning areas, elementary school attendance areas and many of the proposed districts are roughly equal in length and width.

Best defined by local officials

Stresses keeping neighborhoods and people and places with like characteristics together, not to create artificial diversity or create competitive partisan elections

Could also introduce:

Montana Constitution, Article V, Section 14 and/or

Montana Code Annotated, Title 5, Chapter 1, Part 1 : 5-1-115 Redistricting Criteria

(1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

(a) addresses of incumbent legislators or members of congress;

(b) political affiliations of registered voters;

(c) partisan political voter lists; or

(d) previous election results, unless required as a remedy by a court.