

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

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

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### AGENDA

**COUNCIL CHAMBERS**

**July 22, 2013**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember McCall

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

**MINUTES:** July 8, 2013

**COURTESIES:** Police Volunteer Presentation

**PROCLAMATIONS:**

**ADMINISTRATOR REPORTS - TINA VOLEK**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #8 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to one (1) minute. Please sign in at the cart located at the back of the council chambers or 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. Park Restroom Remodels (Pioneer, Veteran's, Gorham, Central, Optimist, North, Stewart, Sacajawea and Mountview Cemetery) (Opened 7/9/13)**  
Recommend Fisher Construction, Inc.; \$434,941.

- B. Pretreatment Service Agreement** with Phillips 66 identifying terms and conditions to permit Phillips 66 Refinery industrial wastewater discharge into the City of Billings wastewater collection system for treatment; fees and rates based on an outside service contract, a one time System Development Fee, three year Industrial Permit Fees, and a monthly wastewater rate based on metered flow measurement.

- C. **Amendment #1, W.O. 12-42: Water Treatment Plant Laboratory Renovation.** Professional Services Contract, A&E Architects, \$21,000; and **extension** of contract term to June 30, 2014.
- D. **Amendment** to Subdivision Improvements Agreement for Montana Sapphire Subdivision, Lot 9A, Block 1, changing Section III (E)(3) to allow a right-in/right-out approach from S. Shiloh Road.
- E. **Approval** to initiate a street name change for South 12th Street West south of Midland Road; and set a public hearing date for August 12, 2013.
- F. **Resolution** creating a Council Ad Hoc Strategic Planning Committee consisting of Councilmembers Becky Bird, Angela Cimmino, Ken Crouch, and Jani McCall.
- G. **Preliminary Major Plat** of Grand Peaks Subdivision, 4th Filing, generally located on the east side of 54th Street West, north of Grand Avenue; J & S Development Company, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact.
- H. **Preliminary Major Plat** of Copper Ridge Subdivision, 5th Filing, generally located on the north side of Rimrock Road, east of 70th Street West, west of the existing Copper Ridge Subdivision; Copper Ridge Development Corp, owner; Sanderson Stewart, agent; conditional approval and adoption of the Findings of Fact.
- I. **Preliminary Plan of Subdivision for Rent or Lease** creating 96 residential rental units in four buildings on Tract 2A-3, Partington Park Subdivision, Fifth Filing, generally located on the southeast corner of the intersection of Avenue D and 17th Street West; West Park Shopping Center, LLC, owner; Sanderson Stewart, engineer; conditional approval and adoption of the Findings of Fact.
- J. **Bills and Payroll:**
  - 1. June 24, 2013
  - 2. July 1, 2013

**REGULAR AGENDA:**

- 2. **PUBLIC HEARING AND RESOLUTION** vacating a 10-foot right-of-way between Lots 10 and 11, Block 5, Wanigan Subdivision; Gerald Watson, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **PUBLIC HEARING AND SPECIAL REVIEW #907:** a special review to allow the expansion of an existing outdoor patio from 1,200 square feet to 1,575 square feet in a Community Commercial zone on Lot 2, Block 1; the south 150 feet of the east 52 feet and the west 96 feet of Lot 3, Block 1; and the south 150 feet of the west 23 feet of Lot 4, Block 1, Van Ornum Subdivision, located at 1525 Broadwater Avenue. Jeff & JoLynne Flatness and Paul DeVerniero, owners; A & E Architects, agent. Zoning Commission recommends conditional approval and granting the waiver of the 600-foot separation. (Action: approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND SPECIAL REVIEW #908:** a special review for a beer & wine license with gaming in a Community Commercial zone on Lots 1 through 8 (including Lots 6 & 7 of C/S 1716), Block 15, Central Heights Subdivision, 5th Filing, generally located at 111 South 24th Street West, Suite 14, Rimrock Mini-Mall. Rimrock Mini-Mall, LLC, owner; Blueline Engineering, agent. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #913:** a zone change from Community Commercial (CC) to Residential Manufactured Home (RMH) on an 8,832 square foot parcel of land described as Lot 13, Kuhlman Subdivision. Duane and Carol Long, owners; Heather Long, agent. Zoning Commission recommends approval of the zone change and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #914:** a zone change from Residential 9,600 (R-96) to Residential 8,000 (R-80) on a 1.67 acre parcel of land described as proposed Lot 1, Block 4, Falcon Ridge Estates Subdivision, 2nd Filing. Falcon Ridge II, LLC, owner; Dennis Buscher, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND RESOLUTION** accepting the offer from Asian Sea Grill to purchase the approximate 5,000 square foot restaurant space located on the ground floor of the Empire Parking Garage in the amount of \$251,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
8. **MPEA/POLICE 7/1/2013-6/30/2015 UNION CONTRACT.** 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 in at the cart located at the back of the council chambers or 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:** 07/22/2013

**TITLE:** Nine Restroom Facility Improvements Construction Bid Award

**PRESENTED BY:** Mike Whitaker

**Department:** Parks/Rec/Public Lands

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**Information**

**PROBLEM/ISSUE STATEMENT**

The 9 Restroom Facility Improvements project will upgrade or replace restroom facilities in Pioneer, Veterans, Gorham, Central, Optimist, North, Stewart and Sacajawea Parks and at Mountview Cemetery. Bids were opened on July 9, 2013. There was 1 bidder, Fisher Construction Inc., who had a base bid of \$385,780. As part of the bid documents there were several Additive Alternates that are in the best interest of the City to include along with the base bid. They include year round heating at Veterans Park, grinding, polishing and sealing concrete floors, a sewer line upgrade at Optimists Park and new sinks and cabinets at Gorham Park & Veteran's Park. The cost for these additions is \$49,161. By accepting these alternates at this time, the City will receive the best pricing and will realize significant cost savings through efficiencies in maintenance. Total cost for this contract with the four Additive Alternates will be \$434,941. The Architect's estimate of probable cost was \$591,268. The construction period will be for 100 days beginning on or about August 15th. See Attachment A for a listing of the restroom improvements at each of the nine park sites.

**ALTERNATIVES ANALYZED**

The City Council may:

- Accept the bid for \$434,941; or
- Reject the bid from Fisher Construction Inc. and provide direction to staff.

**FINANCIAL IMPACT**

The money for this project is from Park District One and was budgeted in FY 2013. The project couldn't proceed until second half taxes were collected, so the contract and work will actually occur in FY 2014. This will require a first quarter FY 2014 budget amendment.

**RECOMMENDATION**

Staff recommends that the City Council award the contract for 9 park restroom improvements to Fisher Construction Inc. for the amount of \$434,941.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Improvements description

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## 9 Restroom Facility Improvements

The following is a description of restroom improvements to be done under this contract at the 9 park sites:

1. Central Park: Install ADA accessible pre-fabricated modular restroom facility at new site in park and extend water, sewer and electricity to it.
2. Gorham Park: Re-roof existing building, update interior fixtures and finishes to comply with ADA standards, make exterior repairs and re-paint and make sidewalk modifications to comply with ADA Standards.
3. Mountview Cemetery: Install ADA accessible pre-fabricated modular restroom facility near cemetery office and extend water, sewer and electricity to it.
4. North Park: Update interior fixtures and finishes to comply with ADA standards, Install partitions, re-paint, add exterior lighting and make sidewalk modifications to comply with ADA Standards.
5. Optimist Park: Update interior fixtures and finishes to comply with ADA standards, interior and exterior paint and exterior lighting.
6. Pioneer Park: Interior and exterior paint, exterior lighting, new doors and new exterior hose bib.
7. Sacajawea Park: Demolish existing building, install ADA accessible pre-fabricated modular restroom facility, extend water, sewer and electricity and make sidewalk modifications to comply with ADA Standards.
8. Stewart Park: Make structural upgrades, interior fixtures and finishes to comply with ADA standards, install partitions, replace exterior siding and re-paint interior and exterior.
9. Veteran's Park: Re-roof existing building, update interior fixtures and finishes to comply with ADA standards, make exterior repairs and re-paint and make sidewalk modifications to comply with ADA Standards.

The following is a description of the Additive Alternates:

1. Veteran's Park: provide upgrades for year round heating and use.
2. Grinding and polishing to seal concrete floors in all existing restroom facilities to remain.
3. Optimist Park: Sewer line upgrades.
4. Gorham and Veteran's Parks: Install sink and cabinet work station for improved use of facility by users.

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Pretreatment Service Agreement with Phillips 66

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Approval of the Pretreatment Service Agreement with Phillips 66 is needed before Public Works can issue an Industrial Pretreatment Permit. The agreement identifies the terms and conditions to permit Phillips 66 refinery industrial wastewater discharge into the City's wastewater collection system for treatment. In general, this includes insuring compliance with City, State and Federal requirements, fee and rate methodology, limits on industrial loadings, and indemnification conditions. Staff has determined that the wastewater treatment plant has the capacity to treat this industrial wastewater.

Following the approval of the agreement, Public Works will issue a Significant Industrial User Discharge permit which specifically sets pollutant and flow limits, monitoring and reporting requirements, and configuration of Phillips 66 pretreatment plant and service lateral.

**ALTERNATIVES ANALYZED**

Council may:

- 1) Approve the agreement
- 2) Not approve the agreement

Not approving the Agreement will require Phillips 66 to pursue an alternate industrial wastewater discharge that would include direct discharge to the Yellowstone River.

**FINANCIAL IMPACT**

If the Agreement is approved, the City would assess fees and rates based on an outside service contract similar to the Lockwood Water and Sewer District Agreement. Phillips 66 would be assessed a one time System Development Fee, three year Industrial Permit Fees, and a monthly wastewater rate based on metered flow measurement.

**RECOMMENDATION**

Staff recommends that the City Council approve the Pretreatment Service Agreement between the City of Billings and Phillips 66.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Agreement

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# Pretreatment Service Agreement

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the CITY OF BILLINGS, MONTANA, a municipal corporation, hereinafter referred to as "CITY," and the PHILLIPS 66, Billings Refinery located at 401 S. 23<sup>rd</sup> Street, Billings, Montana 59101 referred to as "PHILLIPS 66" The CITY and PHILLIPS 66 may each hereinafter be referred to individually as a "Party" or collectively as the "Parties").

## W I T N E S S E T H

WHEREAS, the CITY is authorized under state law to establish, construct, reconstruct, extend, operate and maintain a municipal wastewater utility with a plant for the treatment and/or disposal of wastewater and to regulate, establish and change the rates, charges, and classifications imposed on persons served by the municipal wastewater utility; and

WHEREAS, PHILLIPS 66 requests to discharge treated non-domestic wastewater and limited stormwater, herein referred to as industrial wastewater, into the CITY's collection and treatment systems.

WHEREAS, the CITY has determined that it has sufficient capacity in the municipal wastewater system to treat and dispose of the PHILLIPS66 industrial wastewater in a manner that meets all the effluent limitations set forth in the CITY'S current Montana Pollutant Discharge Elimination System Permit, MT-0022586, and Article 26-600 Industrial Waste Discharge, Section 26-604 Prohibited Discharges and Limitations, and

WHEREAS, PHILLIPS 66 is an outside CITY contract customer and Significant Industrial Discharger subject to a wholesale rate fee schedule, and

NOW, THEREFORE, BE IT RESOLVED that in consideration of mutual covenants to be performed by the Parties hereto, it is hereby agreed as follows, inclusive of the referenced Attachments:

1. **Contractual Relationship:** Approval of this Agreement does not create on behalf of PHILLIPS 66 any ownership rights in the municipal wastewater system, nor is any joint venture, partnership, cooperative or other legal relationship between the CITY and PHILLIPS 66. The only relationship established by this Agreement shall be that of municipal wastewater utility (Public Works Department) and contractual customer (PHILLIPS 66), subject to the conditions set forth herein. Also, approval of this Agreement does not authorize any infringement of federal, state or local laws by either Party.

2. **Contractual Conditions:** This Agreement establishes the provisions and submittals for the acceptance of treated industrial wastewater from PHILLIPS 66. Per Billings Municipal Code 26-600 PHILLIPS 66 shall apply and must obtain an Industrial Discharge Permit and remit all fees prior to discharge into the wastewater system. Conditions specific to the Permit will be addressed in pretreatment application (Part A) and Industrial Discharge Permit (Part B).

3. **Point of Connection:** Under this agreement PHILLIPS 66 shall be limited to one industrial wastewater discharge lateral connection to the CITY'S municipal wastewater system as identified in the Industrial Discharge Permit. PHILLIPS 66 shall bear all costs associated with construction, operation, maintenance and replacement of all the appurtenances associated with the lateral connection to the point of connection of the municipal wastewater system.

The industrial wastewater discharge shall not be diluted with PHILLIPS 66 existing domestic discharge.

4. **Reserve Capacity:** CITY has allocated 80% of the Maximum Allowable Industrial Loading (MAIL) for selenium and arsenic in the first permit cycle to PHILLIPS 66 and also acknowledges and accepts a maximum daily discharge flow set by the CITY. Each Industrial Discharge Permit renewal will list and set both pounds per day (lbs/day) and/or concentration and the maximum daily discharge flow. PHILLIPS 66 acknowledges that mass limits, concentration limits, and number of specific pollutants will either remain the same, increase, or decrease with each renewal of the Industrial Discharge Permit as determined by the CITY.

Eighteen (18) months after the commencement of the PHILLIPS industrial discharge, the CITY will conduct a review of the PHILLIPS 66 industrial discharge monitoring data and the CITY wastewater treatment plant operating data. The CITY at its sole discretion will determine if revisions of the Local Limits, the MAHL, the MAIL, the PHILLIPS 66 Industrial Discharge Permit effluent limitations is needed.

Should it be determined that revisions of the PHILLIPS 66 Industrial Discharge Permit effluent limitations are necessary, these revisions will be made in accordance the CITY's pretreatment program and the reopener provisions of the PHILLIPS 66 Industrial Discharge Permit. In the event that a reduction in the PHILLIPS 66 Industrial Discharge Permit effluent limitations is made, the CITY will afford PHILLIPS 66 a minimum of a two-year compliance schedule in the Industrial Discharge Permit to comply with the reduced limits.

The CITY and PHILLIPS 66 shall initiate discussions no less than 90 days prior to the end of the first Industrial Discharge Permit cycle and all subsequent permit cycles to anticipate impacts to the PHILLIPS 66 Industrial Discharge Permit effluent limitations based upon, but not limited to, the MAHL, MAIL and the CITY's MPDES permit limits. Discussions can include alternative approaches to direct reductions of specific pollutants to the PHILLIPS 66 industrial wastewater discharge. The CITY will determine if these alternative approaches are acceptable. The CITY shall determine the permit limits for each subsequent Industrial Discharge Permit cycle.

5. **Compliance with Regulations:** PHILLIPS 66 hereby agrees to accept and abide by the following regulations governing pretreatment service:

- A. All applicable provisions of the Billings Montana City Code and the CITY'S Rules and Regulations Governing pretreatment service or any future amendments thereto;
- B. All state, federal and local regulations governing the discharging of wastewater and industrial wastes into the municipal wastewater system and any future amendments thereto;
- C. Any special conditions set forth in this Agreement and/or Industrial Discharge Permit, and
- D. Comply with the policies and procedures in the amended Enforcement Response Plan (ERP)

If PHILLIPS 66 violates any of said codes, regulations and/or special conditions, the indemnification provisions set forth in Section 19 then the CITY may, upon 30 days notice, deem the Agreement terminated. The CITY may extend this 30 day notice period if it receives information constituting good cause for a violation from PHILLIPS 66 and PHILLIPS 66 submits a written corrective action plan and schedule to the CITY that will correct the violation within a reasonable time. What constitutes a reasonable time pursuant to this provision will be determined on the basis of the nature and severity of the violation, regulatory mandates under which the CITY and PHILLIPS 66 are required to operate and the viability and expediency of the corrective action. Upon receiving this information, the CITY will inform PHILLIPS 66 of its intent to either 1) allow continued discharging under the Agreement or to 2) terminate the Agreement.

6. **Flow Measurement:** PHILLIPS 66, at its sole expense, shall install, operate and maintain any flow measuring facilities designated by the Director, for the purpose of measuring the flow of the PHILLIPS 66 industrial discharge being conveyed to the municipal wastewater system. PHILLIPS 66 shall keep said facilities in good operating condition at all times. The flow measuring facilities shall, accurately and continuously indicate and transmit to the municipal wastewater treatment plant the rate of flow and volume of all industrial wastewater discharge into the municipal wastewater system.

7. **Testing and Sampling:** PHILLIPS 66, at its sole expense, shall install, operate and maintain all sampling facilities designated by the Director for the purpose of testing and sampling the industrial discharge being conveyed to the municipal wastewater system. PHILLIPS 66 shall install sampling and testing facilities at or near the point of connection to the municipal wastewater system. The CITY shall have access to said facilities as needed to ensure compliance. PHILLIPS 66 shall provide the necessary safety training for appropriate CITY staff to have immediate access onto the plant site to inspect the equipment and/or collect samples per PHILLIPS 66 site access procedures.

The Director or designee shall determine the type of tests to be performed, frequency of sampling, limits for test compliance, and methods and points of sampling on PHILLIPS 66 effluent industrial wastewater. Said parameters are listed within the Industrial Discharge Permit and are subject to change with each reissuance of the permit. Such changes do not require renegotiations of this Agreement. PHILLIPS 66 may request in writing to modify both the number of parameters and sampling frequency during each three year permit cycle.

In the event that acute toxicity occurs in the CITY's POTW effluent demonstrated by two sampling events collected within 14 days, PHILLIPS 66 will financially participate on an equitable basis in supplemental toxicity testing, toxicity identification evaluations (TIE) and toxicity reduction evaluations (TRE) conducted by the CITY. The PHILLIPS 66 financial liability will be based on actual costs incurred by CITY, and will end at the time it is concluded that the PHILLIPS 66 industrial wastewater discharge did not contribute to the POTW effluent toxicity. The enforcement procedures per the CITY's Enforcement Response Plan would apply if the TRE and/or TIE indicated that the PHILLIPS 66 industrial wastewater discharge caused the toxicity in the POTW effluent.

8. **Noncompliance:** Upon making such determination, PHILLIPS 66 shall take immediate steps to correct the problem and regain full compliance. PHILLIPS 66 shall, as a result of such noncompliance, make timely payment to the CITY of all costs, damages and penalties imposed by this Agreement and/or by any other applicable codes and regulations including the Industrial Users Permit.

9. **Operation and Maintenance:** PHILLIPS 66 acknowledges that the failure by PHILLIPS 66 to properly operate and maintain its pretreatment plant can adversely influence the volume, rate of flow, and characteristics of the industrial wastewater discharged by PHILLIPS 66 into the municipal wastewater system.

10. **Modifications:** PHILLIPS 66 shall obtain the Director's written approval prior to modifying its pretreatment system or lateral appurtenances which can change the character, volume, or rate of discharge of its wastewater entering the municipal wastewater system over and above that specified in the Industrial Discharge Permit.

11. **Reopener :** It is understood by the Parties hereto that the CITY can only treat PHILLIPS 66 industrial wastewater to the extent the CITY is presently capable of treating wastewater, utilizing the existing municipal wastewater treatment facilities. In the event that DEQ, EPA or other agency requires a lower effluent limit, the CITY shall comply with such requirements and may require a reduction in the

discharge limits either during or at the reissuance of an Industrial Discharge Permit as determined by the CITY.

**12. Wastewater System Development Fees:** The System Development Fees (SDF) will be calculated by the CITY specifically for the PHILLIPS 66 connection. This fee shall be paid at the time of connection. If the system development fee is not paid at such time, this Agreement shall be null and void by the CITY.

The methodology used in calculating the system development fee for PHILLIPS 66 will be based on industry standard cost of service principles and in accordance with Title 7, Chapter 6, Part 16, Montana Code Annotated. The SDF calculation for PHILLIPS 66 will include only the fixed assets defined as the CITY's trunk line and waste water treatment plant facilities, capital improvement plan projects, and construction work in progress for which PHILLIPS 66 will receive a benefit.

**13. Billing:** PHILLIPS 66 agrees to pay all established rates, charges, and fees of the CITY, now existing or revised, including franchise fees and late payment fees as specified in the CITY's adopted schedule of rates and charges. PHILLIPS 66 shall pay to the CITY a monthly charge for the treatment and disposal of PHILLIPS 66 industrial wastewater. Monthly payments shall begin at the time PHILLIPS 66 commences discharge of wastewater into the municipal wastewater system. Payments are due and payable in full no later than thirty (30) days from the date of billing. In addition to the franchise fee and other rates, fees and charges specified herein, a six (6) percent surcharge will be applied to all monthly charges for the treatment and disposal of PHILLIPS 66 industrial wastewater. The surcharge shall not apply to system development fees and franchise fees.

Payments not received within thirty (30) days shall become delinquent and subject to a late-payment interest charge.

**14. Outside CITY Contract Wastewater Rate Methodology:** It is the intent of the Parties hereto that during the life of this Agreement, PHILLIPS 66 shall pay reasonable rates for treatment of its industrial wastewater and that the CITY, in turn, shall receive reasonable compensation for the treatment of the PHILLIPS 66 industrial wastewater. Accordingly, the wastewater rate charged to PHILLIPS 66 for treatment of its wastewater shall be based upon cost-of-service principles set forth in 40 Code of Federal Regulations (CFR) Part 35, and the Water Environment Federation's latest publication outlining standard principles for equitable cost of service analyses. When calculating the cost-of-service rate to be charged to PHILLIPS 66 for treatment of its industrial wastewater, the CITY shall use the "utility approach" to determine revenue requirements and the industry standards when allocating costs of service to cost components. In addition, the CITY shall, among other things, take into consideration the following when calculating the cost-of -service rate to be charged to PHILLIPS 66:

- A. The amount of capacity and level of service that the CITY is providing to PHILLIPS 66.
- B. Any capital contributions PHILLIPS 66 has made for the construction of the CITY'S wastewater treatment facilities.
- C. The amount of contributions made by inside-city customers towards facilities utilized to serve PHILLIPS 66.
- D. The amount of reserve capacity that the CITY has set aside for PHILLIPS 66 in the municipal wastewater system.

The CITY shall also take into consideration the fact that PHILLIPS 66 is classified as a non-owner customer under this Agreement, and as such, it should pay a return on investment to the CITY'S owner customers throughout the life of the Agreement. In order to recognize the risks incurred by the CITY in serving PHILLIPS 66, the rate of return to be used to calculate the return on investment shall be 15%, providing that the average 30-year treasury rate plus 600 basis points for the most recent twelve month

period ending June 30<sup>th</sup>, hereinafter referred to as “return on investment accelerator”, is 15% or less. If the return on investment accelerator exceeds 15.00%, the rate of return used to calculate the return on investment shall equal the rate of return on investment accelerator; however, the rate of return shall never be less than 15%.

PHILLIPS 66 shall pay its proportionate share of any federal, state or local fees assessed the municipal wastewater utility. Such fees shall be due and payable as set forth in Section 14, above. The CITY reserves the right to periodically adjust the rates set forth herein under the procedures set forth in paragraph 14 and 15.

15. **Wastewater Rate Study:** With respect to any future wastewater rate studies that would affect the industrial wastewater rates charged to PHILLIPS 66, the CITY shall give PHILLIPS 66 advance notice of its intent to undertake such a study. PHILLIPS 66 agrees to provide any information relevant to determining customer service characteristics.

Once the CITY has completed its written report, the CITY shall promptly provide a copy of the report to PHILLIPS 66.

If the CITY and PHILLIPS 66 are unable to agree on a reasonable and just wastewater rate to be charged PHILLIPS 66, then the CITY and PHILLIPS 66 shall have thirty (30) days from the date of submission of PHILLIPS 66 response to the CITY’S wastewater rate study within which to informally attempt to reach an agreement through non-binding mediation. The CITY and PHILLIPS 66 agree to work together in good faith in attempting to reach an agreement on a reasonable and just rate. In the event the Parties are unable to reach an agreement, PHILLIPS 66 may appeal the determination of CITY staff to the City Council through the normal publicly available challenge process . The determination of the City Council shall be final and binding upon both Parties.

16. **Term of Agreement:** This Agreement is renegotiable at any time if both Parties so consent in writing. Either party may terminate this Agreement by giving the other party two (2) years written notice. Upon expiration of the first fifteen (15) year term, this Agreement will automatically renew for three (3) additional six (6) year terms unless terminated by either party.

17. **Milestones:** PHILLIPS 66 shall have two (2) years from the date this Agreement is initially signed to begin discharging their industrial wastewater to the CITY’s wastewater treatment plant. Should PHILLIPS 66 fail to meet this milestone, this Agreement may be terminated immediately, or the CITY may extend the Agreement for a reasonable period of time upon receiving from PHILLIPS 66 information which the CITY deems to constitute good cause for the delay.

18. **Definitions:** Terms/phrases used herein this Agreement (such as but not limited to, industrial wastes, Montana Pollutant Discharge Elimination System (MPDES) Permit, municipal wastewater system, municipal wastewater treatment plant, , pollutant, pretreatment, Public Works Department, Public Works Director, rules and regulations, , Maximum Allowable Industrial Load (MAIL), Maximum Allowable Headworks Loading (MAHL) , user, wastewater, and wastewater meter ) shall be defined as set forth in the Billings Montana City Code or the CITY’S Rules & Regulations Governing Wastewater Service, or any future amendments thereto.

19 **Indemnification:** PHILLIPS 66 agrees to protect, release, indemnify, and hold the CITY and its agents harmless from and against any and all claims, losses, fines, penalties, damages, demands, suits, causes of action, judgments, costs and expenses (including attorneys' fees, costs of litigation and/or investigation and other costs associated therewith), and liabilities, of every kind, (collectively referred to hereafter as "claims"), including without limitation those relating to injury or death of any

persons whomsoever, damage (including environmental damage) to, loss of, or contamination or pollution of, any property or resource, or the violation of any laws, rules, or regulations and from any breach of this agreement, arising out of or connected, directly or indirectly, with PHILLIP 66'S exercise of any rights hereunder, regardless of the cause or causes thereof, including, without limitation any claims caused by or contributed to, in whole or in part, by the indemnified Parties' joint or concurrent negligence or fault (whether imposed by statute, rule, regulation or otherwise) and strict liability, except to the extent any such claims are caused solely by the indemnified Parties' gross negligence or willful misconduct.

The CITY agrees to indemnify, hold harmless, and defend PHILLIPS 66 and its successors and assigns from and against all liabilities, claims, penalties, forfeitures, suits, and costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorney's fees), which the PHILLIPS 66 may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations or orders, to the extent that such damage, is caused by; (1) the CITY'S breach of the Agreement between the CITY and PHILLIPS 66; or (2) any gross negligence or willful act or omission of the CITY or its employees or agents.

20. **Applicability Law:** The Parties agree that this Agreement is governed in all respects by the laws of the State of Montana and the Parties expressly agree that venue will be in Thirteenth Judicial District Court, Yellowstone County, Montana, and no other venue.

21. **Severability:** In the event any provision of this Agreement is declared void, invalid or contrary to law, the Parties hereto agree that the remaining provisions shall continue and remain in full force and effect. Failure to request an Industrial Discharge Permit renewal shall nullify this Agreement.

IN WITNESS WHEREOF, each of the Parties has executed and delivered this Agreement as of the date first above written.

CITY OF BILLINGS, MONTANA

PHILLIPS 66

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

By: \_\_\_\_\_  
Plant Manager

APPROVED AS TO FORM  
AND CONTENT

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

By: \_\_\_\_\_  
PHILLIPS 66 Attorney

Attest:

Attest:

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

\_\_\_\_\_  
Secretary

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** W.O. 12-42--Water Treatment Plant Laboratory Renovation, Contract Amendment No. 1

**PRESENTED BY:** David Mumford

**Department:** Public Works

**Information**

**PROBLEM/ISSUE STATEMENT**

Staff is requesting that City Council approve Amendment No. 1 to the City's contract with A&E Architects for W.O. 12-42, Water Treatment Plant Laboratory Renovation in the amount of \$21,000.00. The contract term would also be extended to June 30, 2014.

The contract price increase is for additional design work to replace the existing air handler and boiler plant that serves the lab and surrounding areas. The air handler and boiler are old and inefficient and are near the end of their operating lives, so staff requested that A&E Architects include the replacement of this equipment with the full renovation of the lab. Additional services include calculating and determining what equipment will best replace the existing equipment and associated HVAC systems, creating additional drawings and specifications for the bid package, additional phasing plans to keep the lab operational during replacement, and additional construction administration services. The contract time is being extended to allow the HVAC work to be performed late spring/early summer, eliminating the need for temporary heat during the winter when the other renovation work will be done.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve Contract Amendment No. 1 for A&E Architects; or
- Do not approve the contract amendment for A&E Architects.

The air handler and boiler need to be replaced, so if the contract amendment is not approved, the City will need to create another project to contract these services separately. With the current contract, A&E has become very familiar with the existing systems and can efficiently incorporate the work into the existing design.

**FINANCIAL IMPACT**

This project was approved by City Council in the FY13 CIP budget and will be funded with water funds. A summary of the funding is as follows:

Project Budget	\$1,200,000.00
Previously Encumbered	\$ 117,100.00
This Change	\$ 21,000.00
Budget Remaining	\$1,061,900.00

**RECOMMENDATION**

Staff recommends that the City Council approve Amendment No. 1 to the City's contract with A&E Architects for W.O. 12-42--Water Treatment Plant Laboratory Renovation in the amount of \$21,000.00 and extend the term of the contract to June 30, 2014.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

WO 12-42 AMENDMENT 1

---



## AMENDMENT TO CONTRACT

FOR

### **W.O. 12-42—Water Treatment Plant Laboratory Renovation**

This AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the following:

CITY OF BILLINGS, a municipal corporation,  
Billings, Montana 59103  
Hereinafter designated the CITY

and

A&E Architects  
608 N. 29<sup>th</sup> Street  
Billings, MT 59101

Hereinafter designated the CONTRACTOR

### WITNESSETH

WHEREAS the CITY and the CONTRACTOR have entered into an AGREEMENT dated February 11, 2013, to provide professional architectural and engineering services related to the above referenced project, and;

WHEREAS the CITY has the need to extend said contract, and;

WHEREAS the CITY has the authority to contract for said services, and;

WHEREAS the CONTRACTOR represents that he/she is qualified to perform said services, is in compliance with Montana statutes and is willing to furnish said services to the CITY, and;

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

- In Section 3.C. of Part I on Page 2, delete “February 28, 2014” and replace with “June 30, 2014”
- In Section 4.A. of Part I on Page 2, delete “One Hundred Seventeen Thousand One Hundred and no/100 dollars (\$117,100.00)” and replace with “One Hundred Thirty Eight Thousand One Hundred and no/100 dollars (\$138,100.00)”



- In Appendix A, Section 3. Scope of Work, add:

TASK SERIES 500—Additional HVAC Services

The purpose of this task will be to provide design, specifications, construction administration, and all related services associated with the replacement of the existing air handler and boiler plant that serves the lab and surrounding areas.

The scope of work includes the following:

- Replace original boilers and appurtenances
- Replace original pumps for the heating system
- Replace/reconfigure heating system piping to accommodate new boiler system
- Replace original chilled water pumps
- Replace/reconfigure chilled water piping
- Replace existing air handling system with new VAV air handling system
- Replace ductwork in basement and first floor as needd to accommodate change to VAV system (change of system operation required by energy code)
- Replace all temperature controls associated with boiler system, chilled water pumps, air handlers

Scope of services includes the following:

1. Additional HVAC calculations to size, schedule and specify VAV boxes and reheat coils for VAV operation, air handlers, boilers, pumps, air separators, expansion tanks
  2. Additional drawings/schematics
  3. Additional specification sections
  4. Additional phasing plans/descriptions
  5. Additional boiler, pump, accessory and air handler shop drawing review
  6. Additional two construction administration site visits to accommodate phasing of boiler replacement during the summer period
- In Appendix B, Section 1.A.,  
add “Task 500—Additional HVAC Services      \$21,000”;  
delete “\$117,100” and replace with “\$138,100”



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

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

**CITY OF BILLINGS, MONTANA**

**A&E Architects**  
**CONTRACTOR**

By \_\_\_\_\_  
**CHRISTINA F. VOLEK,**  
**City Administrator**

By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Print Title \_\_\_\_\_

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
**CARI MARTIN, CITY Clerk**

By \_\_\_\_\_  
**BRENT BROOKS, CITY Attorney**

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Amendment to Subdivision Improvement Agreement for Amended Lot 9A, Block 1, Montana Sapphire Subdivision

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

Montana Sapphire Subdivision, Amended Lot 9A, Block 1, located on the southwest corner of King Ave. West and South Shiloh Rd., was platted and recorded in September 2011. The subdivision plat shows a 40-foot wide access point onto S. Shiloh Rd. for Lot 9A-3 approximately 448 feet south of the intersection with King Ave. W. The remainder of this subdivision's S. Shiloh Rd. frontage is covered with a one-foot no-access strip. When the subdivision was platted in 2011, this 40-foot wide access point was contemplated as a right-in access only. As a result, the Subdivision Improvements Agreement (SIA) recorded with the plat indicated that the access be a "one-way ingress access into Lot 9A-3 centered on the mid point of the eastern boundary of Lot 9A-3...".

The owner of Lot 9A-3, Rimrock II, LLC, and the representing agent, Sanderson Stewart, are requesting that the SIA be amended for Montana Sapphire Subdivision, Amended Lot 9A, Block 1. The amendment requested would change Section III (E)(3) to allow a right-in / right-out approach from S. Shiloh Road in lieu of the previously approved one-way ingress access. No modification would be necessary to the plat itself to accommodate this request.

The City Subdivision Regulations, Section 23-1103, BMCC, describes the procedure for amending recorded SIAs and other supporting plat documents. It indicates that after a request to amend a document is received and reviewed by affected agencies, the Planning Division shall submit a recommendation to the City Council. The City Council may approve the request if it does not significantly alter the original approval and does not conflict with the review criteria set forth in these regulations. City Engineering staff has reviewed the request and support the SIA amendment for the right-in/right-out approach.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the request to amend the SIA for Montana Sapphire Subdivision, Amended Lot 9A, Block 1; or
- Deny the request to amend the SIA for Montana Sapphire Subdivision, Amended Lot 9A, Block 1.

**FINANCIAL IMPACT**

Neither approval nor denial of the amendment to the SIA would have a financial impact to the City.

**RECOMMENDATION**

Staff recommends that the City Council approve the request to amend the Subdivision Improvements Agreement for Montana Sapphire Subdivision, Lot 9A, Block 1.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Request to Amend SIA

Original SIA language

Final Plat

SIA modification document

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June 19, 2013

Ms. Juliet Spalding, AICP  
Planner II, Subdivision Coordinator  
City of Billings Planning Department  
510 North Broadway  
Billings, MT 59101

Reference: Private Contract No. 667 – Shiloh Road Approach for Rimrock Auto GMC/Cadillac  
Lot 9A-3 of Montana Sapphire Subdivision  
Project No. 92077.42

Dear Juliet:

On behalf of the Owners of Lot 9A-3 of Montana Sapphire Subdivision, Rimrock II, LLC, we are requesting an amendment to the Subdivision Improvements Agreement (SIA) for the Plat of Amended Lot 9A, Block 1 of Montana Sapphire Subdivision recorded September 16, 2011, under Document No. 3599460.

The request is to amend Section III (E) (3) on page five of the SIA to allow a right in/right out approach from Shiloh Road in lieu of the previously approved one-way ingress access. Attached is the current page five of the SIA showing the existing language along with the proposed page five of the SIA, which includes the proposed language to Section III (E) (3).

It is our understanding that the City Engineer's Office has reviewed and approved the request for the right in/right out approach.

Please contact me if you have any questions or need any additional information. Thank you.

Sincerely,



Patrick Davies, PE, SCDP, LEED AP  
Associate Principal/Senior Engineer

PJD/bjm  
Enc.

c: Rimrock Auto Group  
P:92077\_42\_SIA\_Amendment\_061913

## E. Access

No access will be permitted to the Amended Lot 9A from Shiloh Road and King Avenue West except by the street approaches as follows:

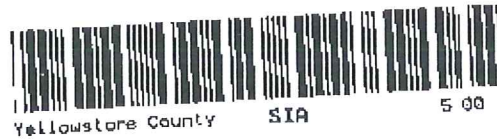
1. Montana Sapphire Drive (private drive) along the southern boundary of Lot 9A-5
2. The existing access from King Avenue West located in the northwest corner of Lot 9A-1
3. A right-in/right-out approach into Lot 9A-3 centered on the mid-point of the eastern boundary of Lot 9A as approved by the Montana Department of Transportation and the City of Billings. Design details for the right-in/right-out approach and Shiloh Drain crossing shall be reviewed and approved separately by the City Engineer's Office. The Shiloh Drain can only be piped for this access and the culvert shall be corrugated metal pipe or reinforced concrete pipe.

The following existing one-foot wide no access strips will be amended as follows:

1. The existing one-foot wide no access strip located on the eastern side of the access from King Avenue West in the northwest corner of Lot 9A will be modified to 50 feet in length as shown on the plat.
2. A 40-foot opening centered on the mid point of the eastern boundary of Lot 9A-3 will be provided within the one-foot no access strip running parallel to Shiloh Road.
3. The existing one-foot no access strip along the southern boundary of Lot 9A-5 shall be modified to 100 feet in length as shown on the plat.

The interior access roads within the Montana Sapphire development will provide the network for traffic circulation and connection with the above-described accesses to Shiloh Road and King Avenue West per the Declaration of Covenants, Conditions, Restrictions, and Reciprocal Easements filed with the original subdivision plat under records of the Yellowstone County Clerk and Recorder, Document No. 3173824.

City and Subdivider agree that access shall be provided between lots to provide interconnectivity. Access shall be provided from each lot for



E. Access

No access will be permitted to the Amended Lot 9A from Shiloh Road and King Avenue West except by the street approaches as follows:

1. Montana Sapphire Drive (private drive) along the southern boundary of Lot 9A-5.
2. The existing access from King Avenue West located in the northwest corner of Lot 9A-1.
3. A proposed one-way ingress access into Lot 9A-3 centered on the mid point of the eastern boundary of Lot 9A as approved by the Montana Department of Transportation and the City of Billings. This shall be an ingress driveway access only. Design details for the ingress and Shiloh Drain crossing shall be reviewed and approved separately by the City Engineer's Office. The Shiloh Drain can only be piped for this access and the culvert shall be corrugated metal pipe or reinforced concrete pipe.

The following existing one-foot wide no access strips will be amended as follows:

1. The existing one-foot wide no access strip located on the eastern side of the access from King Avenue West in the northwest corner of Lot 9A will be modified to 50 feet in length as shown on the plat.
2. A 40-foot opening centered on the mid point of the eastern boundary of Lot 9A-3 will be provided within the one-foot no access strip running parallel to Shiloh Road.
3. The existing one-foot no access strip along the southern boundary of Lot 9A-5 shall be modified to 100 feet in length as shown on the plat.

The interior access roads within the Montana Sapphire development will provide the network for traffic circulation and connection with the above-described accesses to Shiloh Road and King Avenue West per the Declaration of Covenants, Conditions, Restrictions, and Reciprocal Easements filed with the original subdivision plat under records of the Yellowstone County Clerk and Recorder, Document No. 3173824.

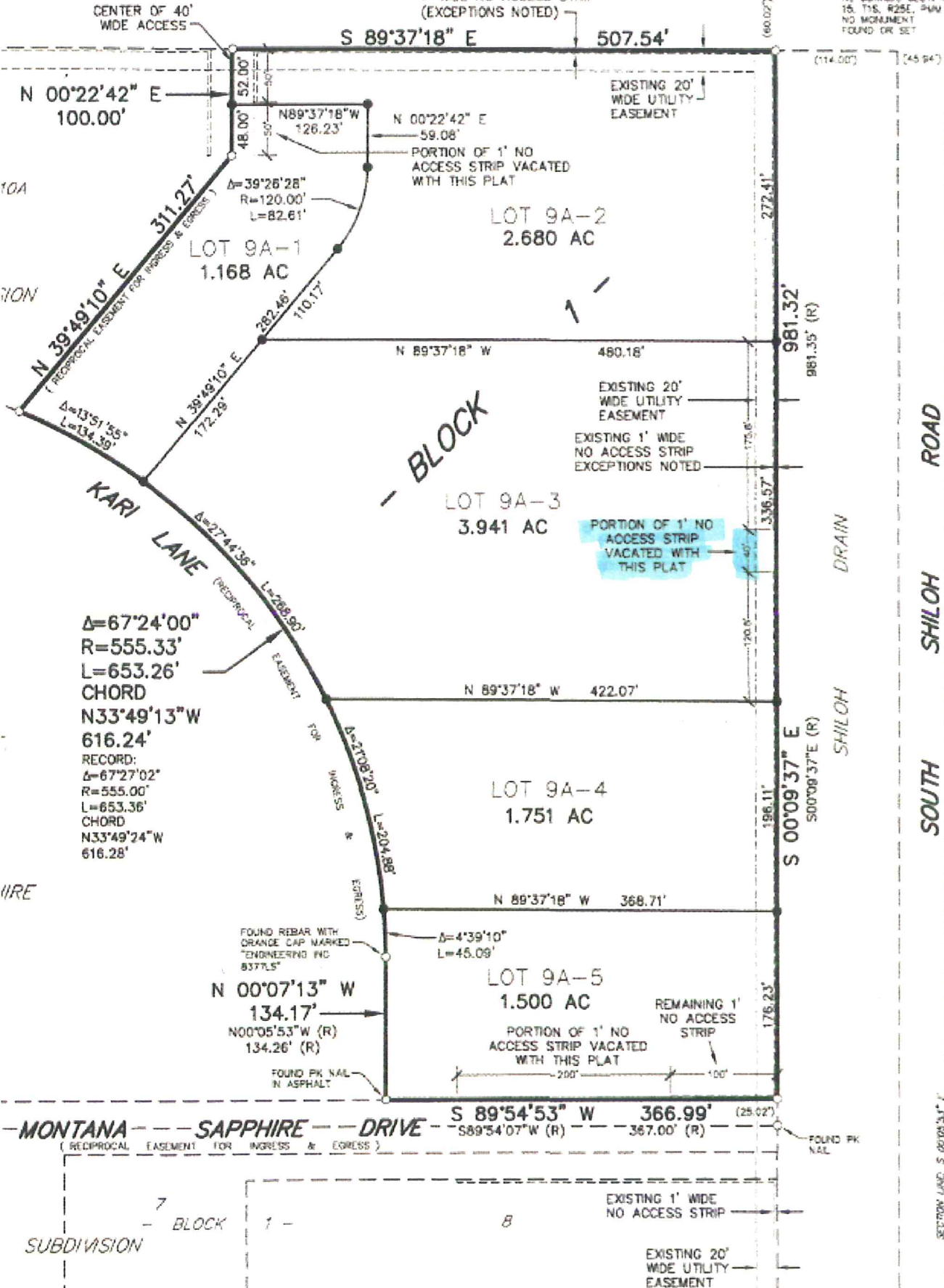
City and Subdivider agree that access shall be provided between lots to provide interconnectivity. Access shall be provided from each lot for

S 89°36'32" E

# KING AVENUE WEST

1' WIDE NO ACCESS STRIP (EXCEPTIONS NOTED)

NE CORNER, SECT. 15, T15, R25E, 34M NO MONUMENT FOUND OR SET



SOUTH SHILOH ROAD

SECTION LAND: S 89°05'34" E

SUBDIVISION

7 BLOCK

1 -

B

EXISTING 1' WIDE NO ACCESS STRIP

EXISTING 20' WIDE UTILITY EASEMENT

Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**MODIFICATION OF SUBDIVISION IMPROVEMENTS AGREEMENT  
PLAT OF AMENDED LOT 9A, BLOCK 1  
MONTANA SAPPHIRE SUBDIVISION**

This Modification of Subdivision Improvements Agreement (this “Modification”) made this \_\_\_\_\_ day of July, 2013, by the undersigned, **RIMROCK II, LLC**, (the “Subdivider”) and the City of Billings, a municipal corporation (“City”).

**RECITALS**

**WHEREAS**, the property described in Section 1, below, is subject to the terms of that certain Subdivision Improvements Agreement by and between Subdivider and City recorded September 16, 2011, under Document No. 3599460, in the office of the Yellowstone County Clerk and Recorder (the “Agreement”); and

**WHEREAS**, pursuant to Section X.H. of the Agreement, the Agreement may be modified in a writing executed in the same manner as the Agreement.

**AGREEMENT**

The parties hereby agree as follows:

1. Description of Property. The Agreement and this Modification relate to Amended Lot 9A, Block 1, Montana Sapphire Subdivision.
2. Amendment. Section III.E.3. of the Agreement shall be deleted and replaced with the following:

A right-in/right-out approach into Lot 9A-3 centered on the mid-point of the eastern boundary of Lot 9A as approved by the Montana Department of Transportation and the City of Billings. Design details for the right-in/right-out approach and Shiloh Drain crossing shall be reviewed and approved separately by the City Engineer’s Office. The Shiloh Drain can only be piped

for this access and the culvert shall be corrugated metal pipe or reinforced concrete pipe.

- 3. Ratification. But for the amendment expressly made in this Modification, Subdivider and City hereby ratify and confirm the provisions of the Agreement.

“SUBDIVIDER”

**RIMROCK II, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 2013, before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument as the \_\_\_\_\_ of **RIMROCK II, LLC**, and who acknowledged to me that said company executed the same.

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

\_\_\_\_\_  
Notary Public for the State of Montana  
Printed name: \_\_\_\_\_  
Residing in Billings, Montana  
My commission expires: \_\_\_\_\_



**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Initiate Street Name Change South 12th Street West to Songbird Drive and Set a Public Hearing for August 12, 2013

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Staff received a inquiry from Mr. Terry Jessee, a resident of Josephine Crossing Subdivision, about changing the name of South 12th Street West within that subdivision. Initial investigation revealed that the South 12th Street West name was extended from subdivisions to the north of Josephine Crossing and the street name is inconsistent with the adopted address grid south of the Interstate. Staff felt if a name change were implemented it should extend all the way north to Midland Road, rather than just dealing with the portion of South 12th Street West within Josephine Crossing. Mr. Jessee has worked with the Josephine Crossing developers and emergency services to arrive at the suggested name of Songbird Drive. Outside of Josephine Crossing, there are only two existing warehouse type structures north of Holiday Avenue that are addressed as South 12th Street West. These warehouses actually take their access off Weil Street. As part of the street name change process, notice of the proposed name change and public hearing will be sent to all owners of record for properties abutting South 12th Street West south of Midland Road.

**ALTERNATIVES ANALYZED**

The Council may:

- Initiate a street name change and set a public hearing for August 12, 2013; or
- Do not initiate a street name change.

**FINANCIAL IMPACT**

The Street-Traffic Division would incur nominal costs to replace street name signs at six intersctions (12 signs) if the street name change is approved.

**RECOMMENDATION**

Staff recommends City Council initiate a street name change for South 12th Street West south of Midland Road and set a public hearing for August 12, 2013.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Name Change S. 12th St W map

Name Change Resolution

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# Street Name Change South 12th Street West to Songbird Drive



RESOLUTION NO. 13-\_\_\_\_\_

A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE ARTICLE 22-700,  
RENAMING A PORTION OF SOUTH 12<sup>TH</sup> STREET WEST TO SONGBIRD DRIVE.

WHEREAS, the City Council has authority to change the name of any street or avenue pursuant to Article 22-700, Billings, Montana City Code (BMCC); and

WHEREAS, the City Clerk published a notice of the public hearing in accordance with Section 22-702, Billings, Montana City Code (BMCC); and

WHEREAS, the City Clerk mailed a notice of the public hearing to each property owner, or his agent abutting South 12<sup>th</sup> Street West, south of Midland Road in accordance with Section 22-702, Billings, Montana City Code (BMCC); and

WHEREAS, the name South 12<sup>th</sup> Street West is inconsistent with the adopted address grid south of the Interstate; and

WHEREAS, the City Council of Billings finds that the renaming of South 12<sup>th</sup> Street West is acceptable; and

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

That once a copy of this resolution is filed with the Yellowstone County clerk and Recorder, the street of South 12<sup>th</sup> Street West, south of Midland Road is deemed changed to SONGBIRD DRIVE.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this \_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Thomas W. Hanel, Mayor

Attest:

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

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Appointment of Strategic Planning Ad Hoc Council Committee

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

The Billings City Council last created a completely new strategic plan in FY 2007, and funding is budgeted for a new plan in FY 14. At a July 1, 2013, work session, Council Members indicated they want to create an ad hoc Council committee to help guide the process. BMCC Section 2-224 mandates that an ad hoc Council committee be adopted by a resolution that requires the following as a minimum: (a) The purpose or charge of the committee; (b) The scope of its responsibilities; (c) The composition of the committee; and (d) The duration of the committee. The code also requires the City Administrator to assign appropriate staff to any committee created under this paragraph to ensure compliance with all applicable open public meetings law. Council Members Becky Bird, Angela Cimmino, Ken Crouch and Jani McCall all have volunteered to serve on the ad hoc committee.

**ALTERNATIVES ANALYZED**

The City Council may --Approve the resolution; --Modify the resolution; or --Disapprove the resolution and leave the task for structuring the strategic process to the staff.

**FINANCIAL IMPACT**

The FY 14 budget contains \$30,000 for the strategic planning process.

**RECOMMENDATION**

Staff recommends approving the resolution.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Strategic Planning Resolution

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**RESOLUTION NO. 13-\_\_\_\_\_**  
**A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, CITY COUNCIL,**  
**CREATING AN AD-HOC CITY COUNCIL COMMITTEE**  
**ON STRATEGIC PLANNING**

**WHEREAS**, the City Council last created a complete strategic plan in Fiscal Year 2007, and there is a need to create a new plan for use in Fiscal Year 2014 and future years; and

**WHEREAS**, the City Council desires to appoint an ad hoc committee from its members to assist in the selection of a facilitator and in the strategic planning process; and

**WHEREAS**, BMCC 2-224 provides for Council appointment by resolution of ad hoc Council advisory committees as needed.

**NOW, THEREFORE, BE IT RESOLVED BY THE BILLINGS, MONTANA, CITY COUNCIL AS FOLLOWS:**

- 1. Ad-Hoc Committee Creation:** There is hereby created a Council Ad Hoc Strategic Planning Committee.
- 2. Membership:** The Committee shall consist of the following members, to be appointed by vote of a majority of the Mayor and City Council:
  - a. Becky Bird
  - b. Angela Cimmino
  - c. Ken Crouch
  - d. Jani McCall
- 3. Purpose:** The Committee shall be responsible for the following:
  - a. Review a request for proposals (RFPs) to identify a facilitator for the strategic planning process before the RFP is issued; assist in evaluating responses to the RFPs; and making a recommendation to the Council on the selected facilitator; and
  - b. Work with the facilitator to schedule the strategic planning process for the Council and public.
- 4. Duration:** The Ad Hoc Municipal Judicial Nominating Committee shall serve until the strategic planning process is complete.

**PASSED AND APPROVED** by the City Council of the City of Billings, Montana, this 22<sup>nd</sup> day of July, 2013.

**THE CITY OF BILLINGS**

**BY:** \_\_\_\_\_  
Thomas W. Hanel, MAYOR

**ATTEST:**

**BY:** \_\_\_\_\_  
Cari Martin, City Clerk

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Grand Peaks Subdivision, 4th Filing -- Preliminary Major Plat

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

**Information**

**PROBLEM/ISSUE STATEMENT**

On May 1, 2013, owner, J & S Development Company, applied for preliminary major plat approval for Grand Peaks Subdivision, 4<sup>th</sup> Filing. The proposed subdivision creates 32 lots from a 9.15 acre tract of land. The subject property is located on the east side of 54<sup>th</sup> Street West, north of Grand Avenue and is zoned Residential-7000 (R-70). The proposal would create 31 lots for single-family homes, and one storm water retention area lot. The Yellowstone County Board of Planning reviewed the plat and conducted a public hearing at its June 25, 2013, meeting. Sanderson Stewart is the representing agent.

**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 July 26, 2013. 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: 54 <sup>th</sup> Street West	Northeast of the intersection of Grand Avenue and
---	---

Legal Description: the SW ¼, Section 32, T1N, R25E	Lot 4, Block 1, Bishop-Fox Subdivision, located in
---	--

Owner/Subdivider: President	J&S Development Co.; Jeff Junkert,
--------------------------------	------------------------------------

Engineer and Surveyor:	Sanderson Stewart
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Existing Zoning:	R-70
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Existing land use:	Agricultural
Proposed land use:	Single-family residential
Gross and Net area:	9.145 acres; 6.525 acres
Proposed number of lots:	32
Lot size:	Max: 11,757 square feet Min.: 7,069 square feet
Parkland requirements:	Parkland dedication is proposed to be met by a cash payment in lieu of land dedication.

## **STAKEHOLDERS**

A public hearing was conducted by the Yellowstone County Board of Planning on June 25, 2013. Property owners adjacent to the subject property were notified by certified mail of the hearing and a legal notice was published in the Billings Times. No public comments were received.

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

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

## **RECOMMENDATION**

The Planning Board recommends conditional approval of the preliminary plat of Grand Peaks Subdivision, 4th Filing and adoption of the Findings of Fact as presented in the staff report.

### 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 impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
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**

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### **Attachments**

Preliminary Plat  
Findings of Fact

Mayor's Letter

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# PRELIMINARY PLAT OF GRAND PEAKS SUBDIVISION, FOURTH FILING

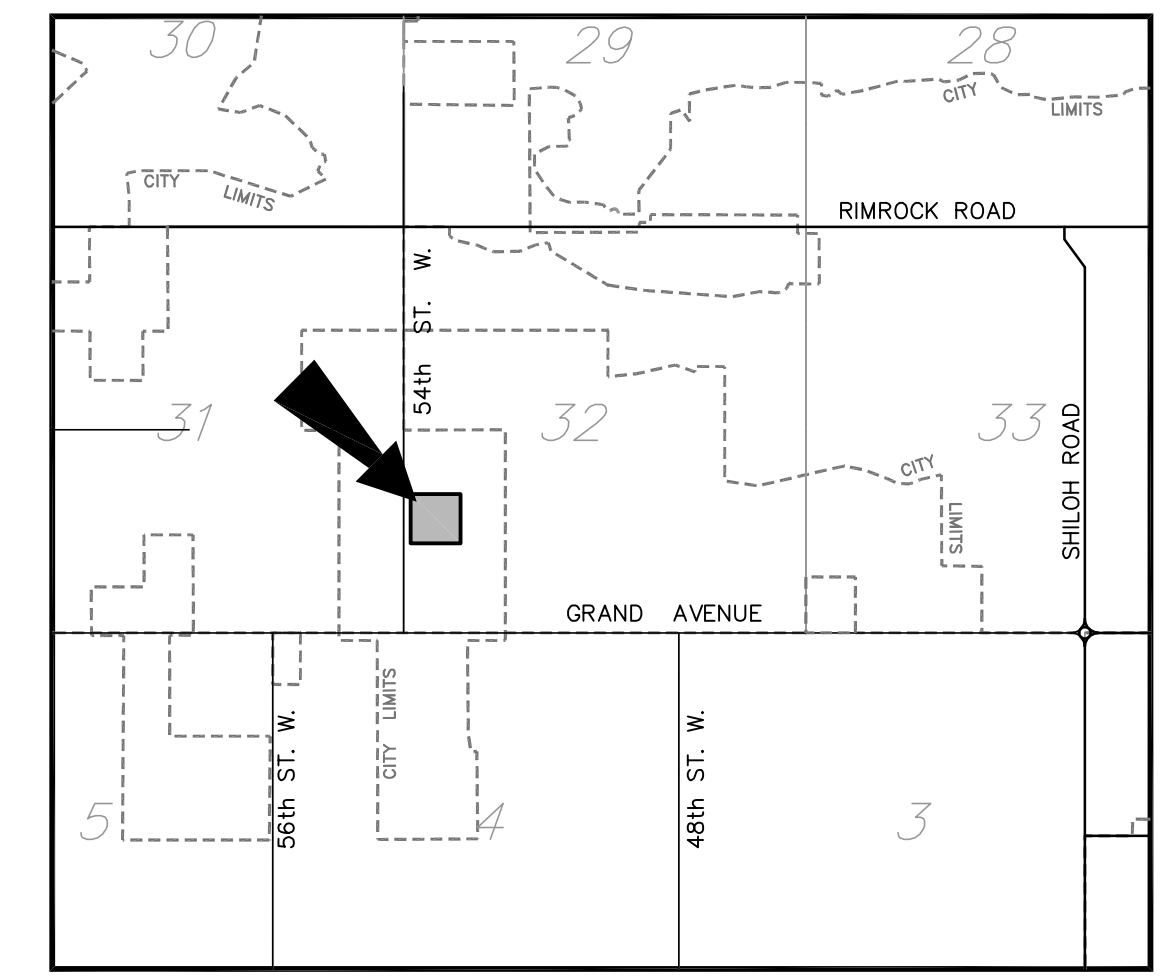
BEING LOT 4 IN BLOCK 1 OF BISHOP-FOX SUBDIVISION  
SITUATED IN THE SW1/4 OF SECTION 32, T. 1 N., R. 25 E., P.M.M.,  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : J&S DEVELOPMENT COMPANY

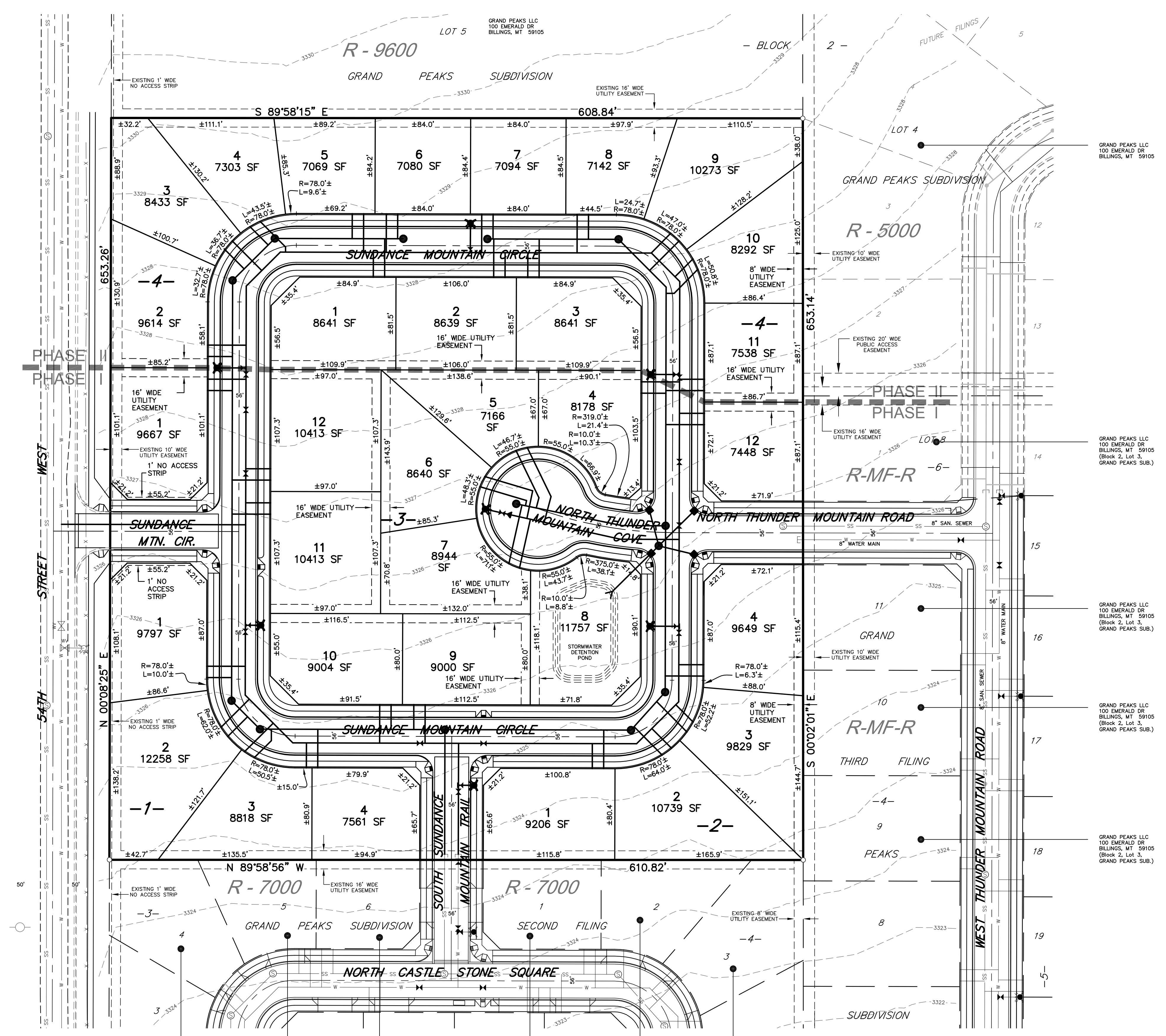
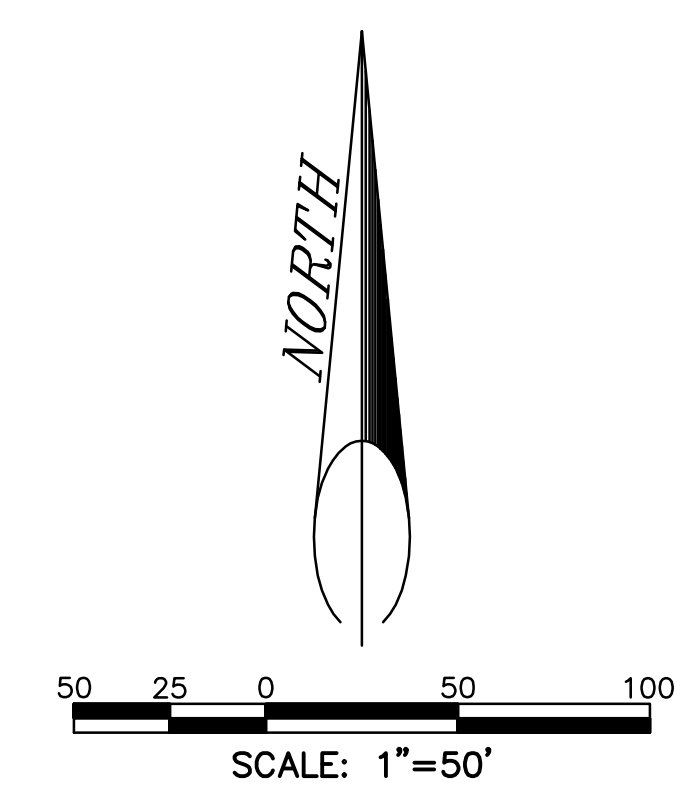
MAY, 2013

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

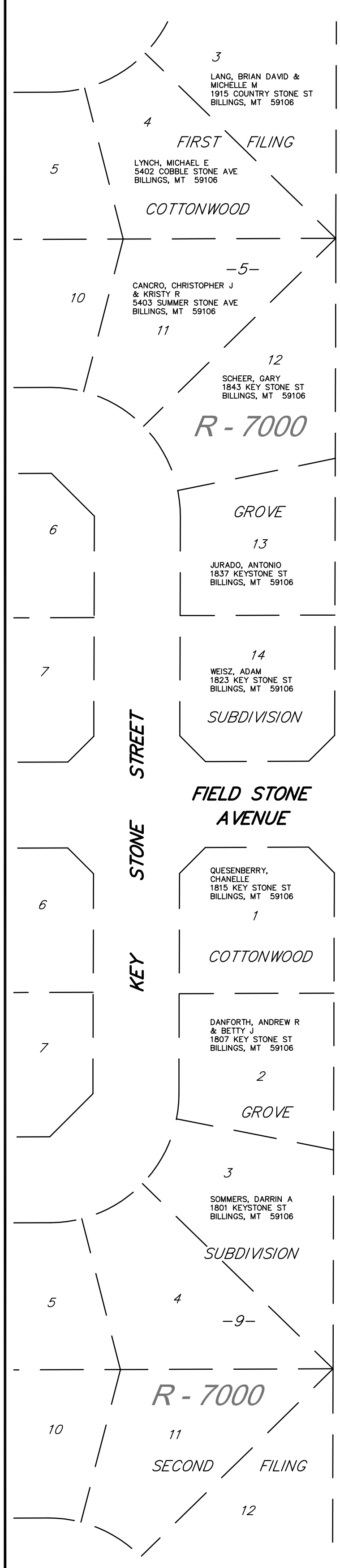


VICINITY MAP  
NOT TO SCALE



**PLAT DATA**

GROSS AREA	=	9.145 AC
NET AREA	=	±6.525 AC
NUMBER OF LOTS	=	32
MINIMUM LOT SIZE	=	±7,069 SF
MAXIMUM LOT SIZE	=	±11,757 SF
LINEAL FEET OF STREETS	=	±2,037 LF
PARKLAND REQUIREMENT	=	±0.718 AC
PARKLAND DEDICATION	=	CASH-IN-LIEU
EXISTING ZONING	=	R-7000
SURROUNDING ZONING:		
NORTH	=	R-9600
SOUTH	=	R-7000
EAST	=	R-5000/R-MF-R
WEST	=	R-7000
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	SINGLE-FAMILY RESIDENTIAL



J & S DEVELOPMENT CO  
1844 S CASTLE STONE SQ  
BILLINGS, MT 59106

JUNKERT, JOSHUA MICHAEL  
1720 S CASTLE STONE SQUARE  
BILLINGS, MT 59106

KLEIN, CHRISTOPHER & KAREN  
1720 S CASTLE STONE SQ  
BILLINGS, MT 59106

## **FINDINGS OF FACT – Grand Peaks Subdivision, 4<sup>th</sup> Filing**

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Grand Peaks Subdivision, 4<sup>th</sup> Filing and has provided them for review by the City Council, as follows:

**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 23-302.H.2.]**

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

Although the subject property is currently being used for irrigated crop production, it is located in the City limits and has been slated for urban development since it was originally platted in 2007. With this further platting and development, the property will be removed from crop production and irrigation water rights will be severed. Adjacent cropland properties will be guaranteed access to existing irrigation water rights via ditch easements currently in place. As such, this development should not have a negative effect on the agricultural industry.

### **2. Effect on local services**

- a. Utilities** – Water services will be provided by the City of Billings. There are three existing water mains, in 54<sup>th</sup> Street West, South Sundance Mountain Trail and North Thunder Mountain Road, to which the development can connect. The developer will install new 8-inch 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 main in South Sundance Mountain Trail. The subdivider will install new 8-inch 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 shall be provided by surface drainage via curbs and gutters to underground storm drains that discharge into a new storm water retention pond located on Lot 8, Block 3. The storm water pond shall be sized appropriately to hold all the required storm water, and will be deeded to the City of Billings' Public Works Department after final plat approval. 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 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** – Internal streets, Sundance Mountain Circle, North Thunder Mountain Road, North Thunder Mountain Cove, and South Sundance Mountain Trail will be built to current City street standards including 34-foot width of hard surface, curbs, gutters, and boulevard-style sidewalks.

A cash contribution for the future improvement of 54<sup>th</sup> Street West will be made prior to final plat approval for Phase I, and for Phase II, prior to the City’s signing of the release of restrictions on transfers and conveyances for Phase II lots.

Additionally, based on the Traffic Impact Study completed for this subdivision, the subdivider shall make contributions to the future improvement of intersections at Grand Ave. and 54<sup>th</sup> St. West, and Rimrock Road and 54<sup>th</sup> St. West on a phased basis.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station (which also has a part-time police department presence) is located very near to the subdivision, on 54<sup>th</sup> St. West (Station #7). 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. Arrowhead Elementary School, Lewis and Clark Middle School, and West High School are slated to serve students in this subdivision according to SD #2 Facilities Director, Lew Anderson.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision is proposed to be met by making cash contributions in lieu of land dedication. The cash will be used toward the eventual construction of Cottonwood Park, just to the northwest of the subdivision, across 54<sup>th</sup> St. West. The lot owners within the subdivision will also be required to join a Park Maintenance District for Cottonwood Park once it is developed. The developer proposes to provide the monetary contribution in two phases, in accordance with the phasing plan proposed for the subdivision development.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). It is recommended as a condition of approval that the developer work with the USPS to identify appropriate locations of CBUs prior to final plat approval (**Condition #1**).

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

The subject property is flat, agricultural property that has been planned for urban development since its original platting in 2007. One item of potential concern related to the natural environment identified during previous filings was the soils underlying the site. A geotechnical evaluation was done for the building sites in the area in April of 2010. The study was prepared to investigate soil, rock, and groundwater conditions and provide recommendations to support

design and construction of foundation and drainage elements. The study indicated that the property has soils that are characterized by a relatively low bearing capacity and high consolidation potential under the anticipated foundation loads. As a result, the study recommends using “underpinning or deep foundation systems (piers or piles)” or over-excavation and soil replacement, to ensure foundation stability. The recommendations of the geotechnical study will be enforced at the time of building permit issuance for the future homes on the proposed lots.

Additionally, as with certain areas of previous filings of this subdivision, portions of southwest corner of this Filing are located within the “1% Annual Chance Flood Hazard Area” Cove Creek/Little Cove Creek drainage as identified in the 2008 West Billings Flood Study. In order to mitigate this concern, affected lots will be required to have a finished floor elevation at least two feet above the base flood elevation. A note indicating this requirement as well as an exhibit showing the affected lots, and their required finish floor areas will be provided with the final Subdivision Improvement Agreement (SIA).

#### **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**

As noted above in #3, the proposed subdivision is located in an area with soils of relatively low bearing capacity and high consolidation potential under the anticipated foundation loads. The soil conditions have been disclosed in the SIA, and mitigation measures will be employed at the time of site construction, as enforced through the building permit process.

#### **B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.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 Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

##### **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: Contiguous development focused in and around existing population centers separated by open space (p. 6).

## **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 Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. No trail corridors are identified on the plan within this subdivision.

### **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 23-302.H.3.a.]**

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 proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]**

The subject property is located within the R-70 zoning districts and shall comply with the standards set forth in Section 27-308, BMCC.

### **F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]**

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

### **G. 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 23-302.H.3.c.]**

Legal and physical access is provided to the proposed lots from Sundance Mountain Circle, and South Sundance Mountain Trail, North Thunder Mountain Road, and North Thunder Mountain Cove.

## **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Grand Peaks Subdivision, 4<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway and 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, July 22, 2013.

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Thomas W. Hanel, Mayor

July 23, 2013

J&S Development Co.  
1644 S. Castle Stone Square  
Billings, MT 59106

Dear Property Owners:

On July 23, 2013, the Billings City Council conditionally approved the preliminary plat of Grand Peaks Subdivision, 4<sup>th</sup> Filing, subject to the following conditions of approval:

1. To minimize impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
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.

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

Sincerely,

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Thomas W. Hanel, Mayor

Pc: Dennis Randall, PE, Sanderson Stewart

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Copper Ridge Subdivision, 5th Filing -- Preliminary Major Plat

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

On May 1, 2013, owner, Copper Ridge Development Corp., applied for preliminary major plat approval for Copper Ridge Subdivision, 5<sup>th</sup>Filing. The proposed subdivision creates 77 new lots; 73 lots for single-family residential development and 4 large lots for redevelopment in the future. The subject property is generally located on the north side of Rimrock Road, east of 70<sup>th</sup>Street West and west of the existing Copper Ridge Subdivision. The property is zoned Residential-7000-Restricted (R-70-R). The Yellowstone County Board of Planning reviewed the plat and conducted a public hearing at its June 25, 2013, meeting and recommends conditional approval. Sanderson Stewart is the representing agent.

**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 July 26, 2013. 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

LegalDescription: Lot 35, Block 4, and all of Blocks 5, 6, & 7, in Copper Ridge Subdivision, 2<sup>nd</sup>Filing, and Lot 61, Block 4 in Copper Ridge, 3<sup>rd</sup>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: 36.24 acres; 30.22 acres

Proposed number of lots: 77

Lot size: Max: 4.98 acres  
Min.: 8,061 square feet

Parkland requirements: Parkland requirements were planned for the entire Copper Ridge Subdivision Master Plan area in 2005. Slight modifications are proposed with this plat.

## **STAKEHOLDERS**

A public hearing was conducted by the Yellowstone County Board of Planning on June 25, 2013. Property owners adjacent to the subject property were notified by certified mail of the hearing and a legal notice was published in the Billings Times. One adjacent property owner phoned the Planning Division for further information on the parkland modification. No public comments were received at the Public Hearing.

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

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

## **RECOMMENDATION**

The Planning Board recommends conditional approval of the preliminary plat of Copper Ridge Subdivision, 5th Filing and adoption of the Findings of Fact as presented in the staff report.

### 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, plans to complete the extension of the water and sewer mains in Rimrock Road from the intersection of West Copper Ridge Loop to the western boundary of the subject property shall be specified in Section VI. of the final Subdivision Improvements Agreement (SIA) as approved by City Public Works prior to final plat approval.
2. To minimize effects on local services, design specifications of the storm water management area within the parkland on the southern portion of the subdivision shall be reviewed and approved by City Engineering and City Parks, Recreation and Public Lands (PRPL) prior to final plat approval. The final Subdivision Improvements Agreement (SIA) shall include a note to this effect in Section V.
3. To minimize effects on local services, the street vacation of the section of Cove Creek Drive previously platted on the south side of Copper Ridge Square Park shall be approved prior to final plat approval.
4. To minimize effects on local services, Section III.B. of the final SIA shall be updated to indicate that the developer will install boulevard sidewalks along the north and west boundaries of Copper Ridge Square Park at the time of adjacent street improvement.
5. To mitigate impacts on local services, the parkland exchange shall be completed prior to

final plat approval.

6. 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.
7. 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**

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**Attachments**

Preliminary Plat

Findings of Fact

Mayor's letter

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PRELIMINARY PLAT OF

# COPPER RIDGE SUBDIVISION, 5TH FILING

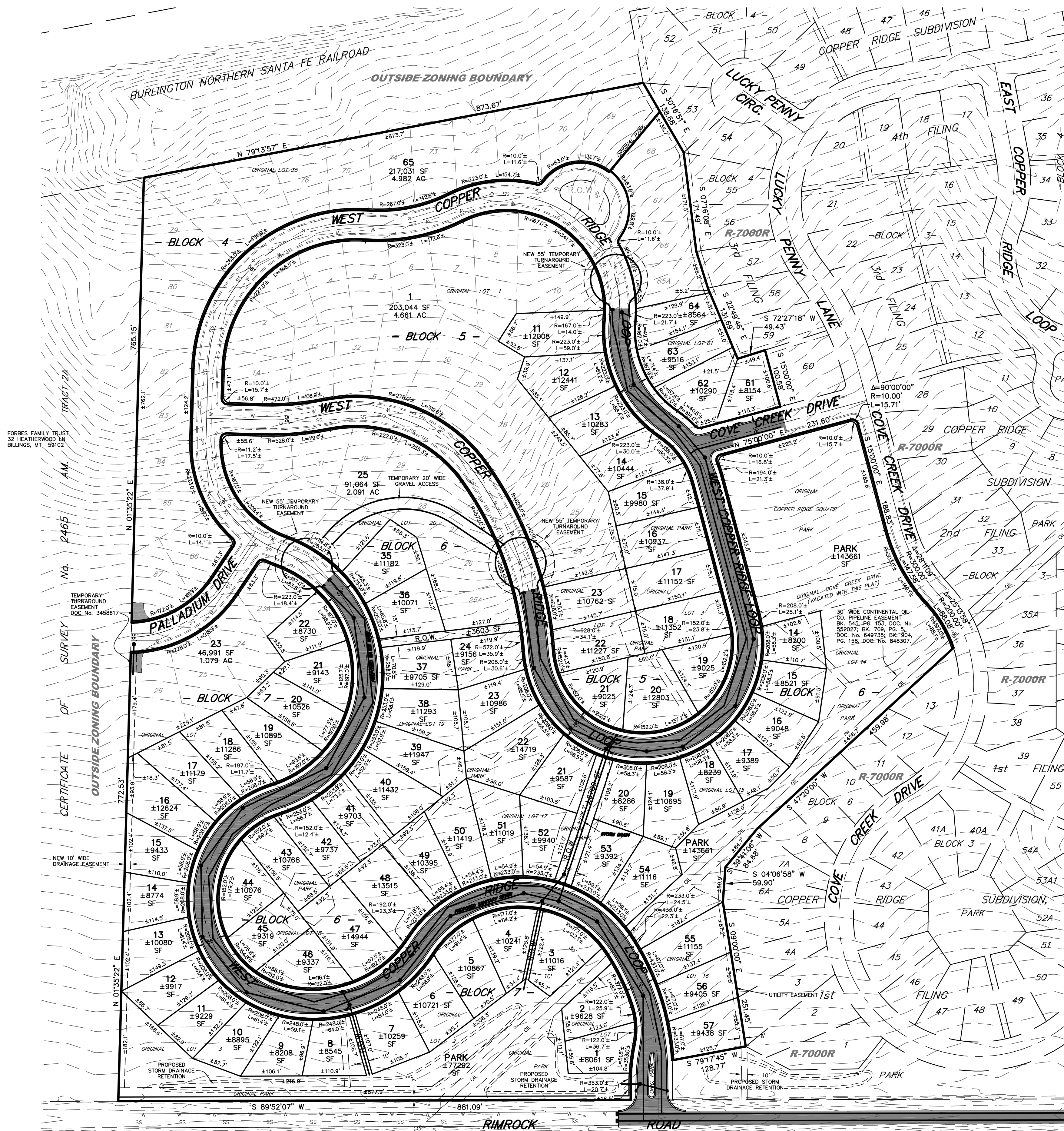
BEING LOT 35 OF BLOCK 4, ALL OF BLOCKS 5, 6, & 7, AND COPPER RIDGE SQUARE (PARK) WITHIN COPPER RIDGE SUBDIVISION, 2ND FILING AND LOT 61 OF BLOCK 4 WITHIN COPPER RIDGE SUBDIVISION, THIRD FILING SITUATED IN THE SW1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE DEVELOPMENT CORP.

MAY, 2013

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



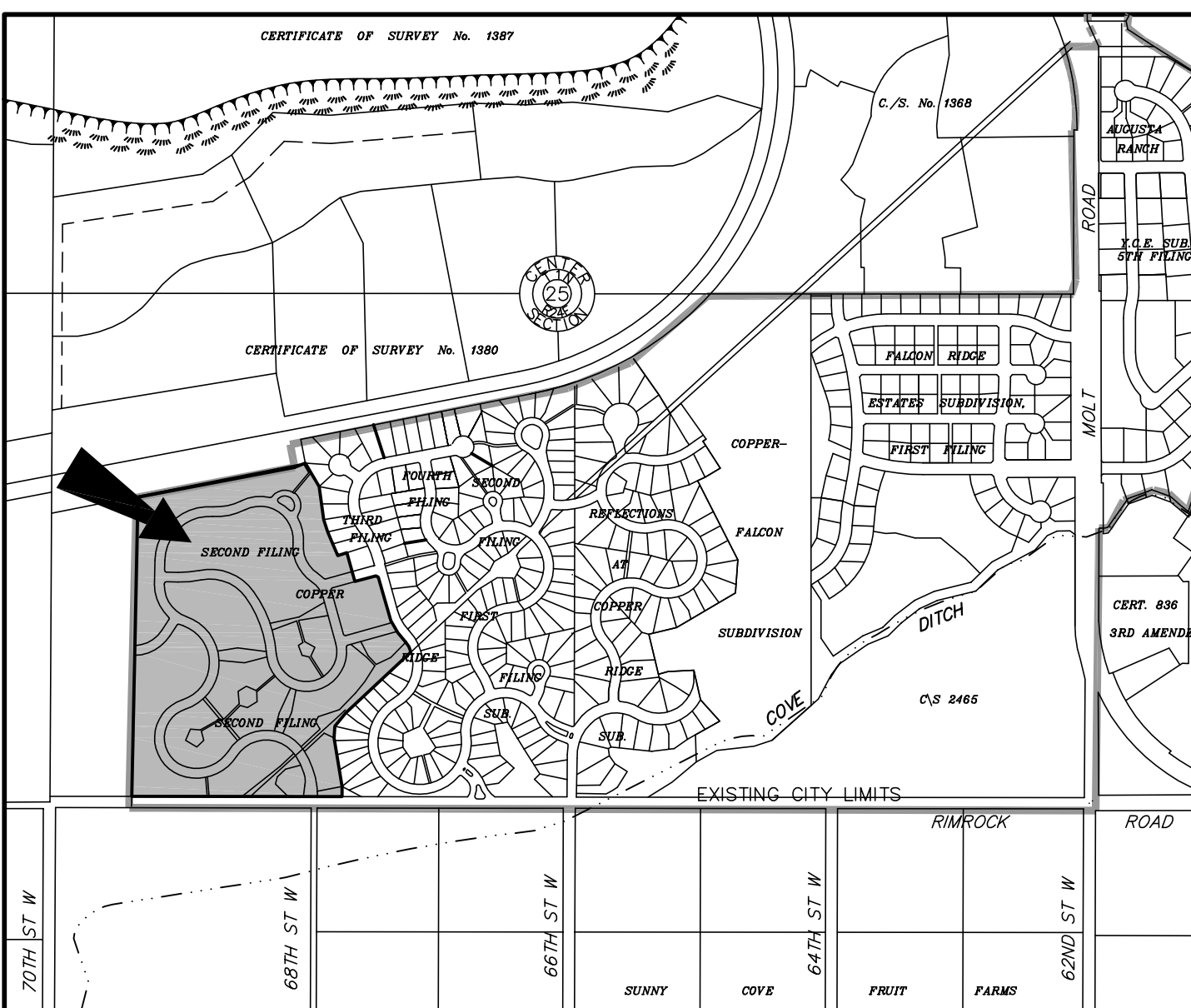
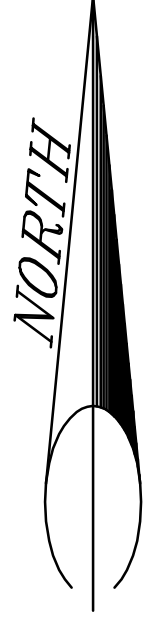
### ADJACENT OWNERS

- LOT 52, BLK 4, COPPER RIDGE SUB, 3RD FLG  
COPPER RIDGE DEVELOPMENT CORPORATION  
175 N 27TH ST STE 940  
BILLINGS, MT 59101
- LOT 53, BLK 4, COPPER RIDGE SUB, 3RD FLG  
COPPER RIDGE DEVELOPMENT CORPORATION  
175 N 27TH ST STE 940  
BILLINGS, MT 59101
- LOT 54, BLK 4, COPPER RIDGE SUB, 3RD FLG  
COPPER RIDGE DEVELOPMENT CORPORATION  
175 N 27TH ST STE 940  
BILLINGS, MT 59101
- LOT 55, BLK 4, COPPER RIDGE SUB, 3RD FLG  
SMON, DEANNA K  
3382 LUCKY PENNY LN  
BILLINGS, MT 59106
- LOT 56, BLK 4, COPPER RIDGE SUB, 3RD FLG  
ORMSBY, STEVE  
3374 LUCKY PENNY LN  
BILLINGS, MT 59106
- LOT 57, BLK 4, COPPER RIDGE SUB, 3RD FLG  
OAKLAND BUILT HOMES INC  
175 N 27TH ST STE 940  
BILLINGS, MT 59101
- LOT 58, BLK 4, COPPER RIDGE SUB, 3RD FLG  
OAKLAND BUILT HOMES INC  
175 N 27TH ST STE 940  
BILLINGS, MT 59101
- LOT 59, BLK 4, COPPER RIDGE SUB, 3RD FLG  
COPPER RIDGE DEVELOPMENT CORPORATION  
175 N 27TH ST STE 940  
BILLINGS, MT 59101
- LOT 60, BLK 4, COPPER RIDGE SUB, 3RD FLG  
RANDALL, TYLER & JENNIFER  
3501 COPPER RIDGE LOOP  
BILLINGS, MT 59106
- LOT 28, BLK 3, COPPER RIDGE SUB, 2ND FLG  
PANSLEY, TROY A & ERICA L  
3345 LUCKY PENNY LN  
BILLINGS, MT 59106
- LOT 29, BLK 3, COPPER RIDGE SUB, 2ND FLG  
RICHMOND, AUSTIN J & KAYCE S  
2400 BITTON DR  
BILLINGS, MT 59105
- LOT 30, BLK 3, COPPER RIDGE SUB, 2ND FLG  
LABBE, JENNY & RICHARD  
3352 LUCKY PENNY LN  
BILLINGS, MT 59106
- LOT 31, BLK 3, COPPER RIDGE SUB, 2ND FLG  
ZAKMLA, JEFFREY S  
3315 LUCKY PENNY LN  
BILLINGS, MT 59106
- LOT 32, BLK 3, COPPER RIDGE SUB, 2ND FLG  
EGGE, PETER A & MEGAN J  
6747 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 33, BLK 3, COPPER RIDGE SUB, 2ND FLG  
SOMES, PHILIP A & MERRYL L  
6745 COVE CREEK DR  
BILLINGS, MT 59106
- PARKLAND IN BLK 3, COPPER RIDGE SUB, 2ND FLG  
CITY OF BILLINGS  
PO BOX 1178  
BILLINGS, MT 59103
- LOT 35A, BLK 3, COPPER RIDGE SUB, 1ST FLG  
HAITER, KYLE A & SHERRI R  
6741 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 36, BLK 3, COPPER RIDGE SUB, 1ST FLG  
WEBER, RICHARD B  
6739 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 13, BLK 6, COPPER RIDGE SUB, 1ST FLG  
GUTHRIE, TROY P & JESSICA J  
6730 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 12, BLK 6, COPPER RIDGE SUB, 1ST FLG  
WEBER, RICHARD B  
6728 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 11, BLK 6, COPPER RIDGE SUB, 1ST FLG  
TOSSON, RAIN M  
6726 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 10, BLK 6, COPPER RIDGE SUB, 1ST FLG  
WEBER, RICHARD B  
6724 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 9, BLK 6, COPPER RIDGE SUB, 1ST FLG  
BAWFIELD, JASON D & CALLE M  
6724 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 8, BLK 6, COPPER RIDGE SUB, 1ST FLG  
EVANSON, RONALD D  
6722 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 7A, BLK 6, COPPER RIDGE SUB, 1ST FLG  
HALE, BROOKE  
81 LOWER LUTHER RD  
RED LODGE, MT 59908
- LOT 6A, BLK 6, COPPER RIDGE SUB, 1ST FLG  
LANGVA, SAM & DIANNA  
6718 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 5A, BLK 6, COPPER RIDGE SUB, 1ST FLG  
GRUSONIK, WILLIAM C &  
6716 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 4A, BLK 6, COPPER RIDGE SUB, 1ST FLG  
TAYLOR, JAMES SCOTT  
6714 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 3, BLK 6, COPPER RIDGE SUB, 1ST FLG  
FULTON, EILEEN M & MATTHEW E  
6712 COVE CREEK DR  
BILLINGS, MT 59106
- LOT 2, BLK 6, COPPER RIDGE SUB, 1ST FLG  
WOMBOLT, ANTHONY W & AMANDA K  
6710 COVE CREEK DR  
BILLINGS, MT 59106
- PARKLAND IN BLK 6, COPPER RIDGE SUB, 1ST FLG  
CITY OF BILLINGS  
PO BOX 1178  
BILLINGS, MT 59103

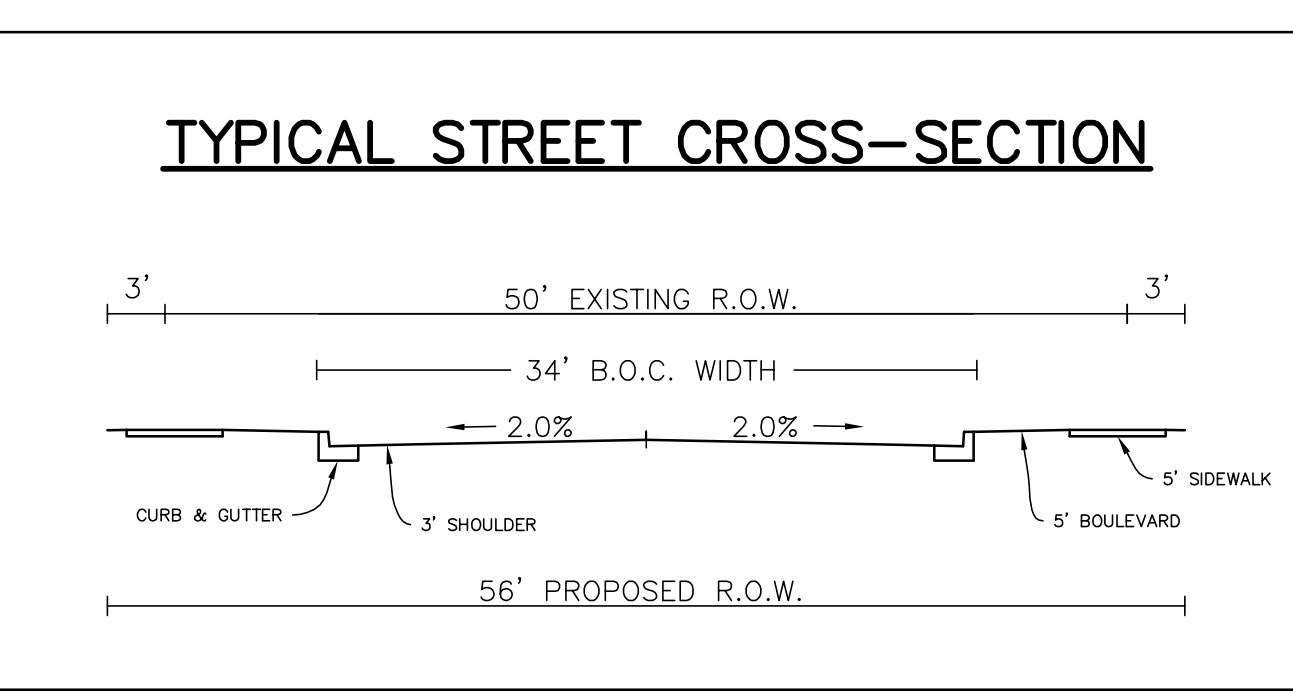
UNPLATTED RESIDENTIAL - 15000 SUNNY COVE FRUIT FARMS

HAGEMAN FARMS  
7 GOODWILL CT  
NEWPORT BEACH, CA 92663

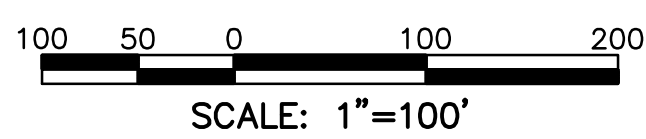
HAGEMAN FARMS  
7 GOODWILL CT  
NEWPORT BEACH, CA 92663



VICINITY MAP  
NOT TO SCALE



### TYPICAL STREET CROSS-SECTION



SCALE: 1"=100'

### PLAT DATA

GROSS AREA	=	36.238 AC
NET AREA	=	±30.222 AC
NUMBER OF LOTS	=	77
MINIMUM LOT SIZE	=	±8,061 SF
MAXIMUM LOT SIZE	=	±217,031 SF
EXISTING ZONING	=	RESIDENTIAL-7000 RESTRICTED
SURROUNDING ZONING:		
NORTH	=	OUTSIDE ZONING BOUNDARY
SOUTH	=	RESIDENTIAL-15000
EAST	=	RESIDENTIAL -7000 RESTRICTED
WEST	=	OUTSIDE ZONING BOUNDARY
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL DEVELOPMENT
PARKLAND VACATION	=	±59,547 SF
PARKLAND DEDICATION	=	±80,969 SF
TOTAL PROPOSED PARKLAND	=	±220,945 SF (5.072 AC)

## **FINDINGS OF FACT – Copper Ridge Subdivision, 5<sup>th</sup> Filing**

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 5<sup>th</sup> Filing and has provided them for review by the City Council, as follows:

**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 23-302.H.2.]**

### **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.

Water and sewer extensions in Rimrock Road from the intersection of West Copper Ridge Loop to the western property line will be handled with the review and approval process of the 6<sup>th</sup> Filing in the future. There is some language in the proposed 5<sup>th</sup> Filing SIA that needs to be clarified in order to establish these future requirements (**Condition #1**).

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 retention areas in the proposed parkland along Rimrock Road. In order to ensure the effectiveness of the retention areas while maintaining the functionality of the parkland, it is recommended as a condition of approval that both the City Engineering and Parks Departments review and approve the storm water management plans and design specifications, and a note to this effect should be added to final SIA (**Condition #2**). 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 subdivision is accessed by Rimrock Road, a 24-foot wide paved street that turns into gravel surface west of its intersection with Cove Creek Parkway. With this 5<sup>th</sup> Filing, Rimrock will be improved to the 24-foot wide paved section to the intersection of West Copper Ridge Loop. The improvement of Rimrock Road beyond West Copper Ridge Loop to the western boundary of the subject property will be addressed during the review of the 6<sup>th</sup> Filing. The City will require a cash contribution for half of a City standard residential street, with asphalt, curb, gutter and sidewalk.

The lots within the subdivision will be served by the construction of two sections West Copper Ridge Loop and by the extension of Cove Creek Drive. The rights-of-way for these streets were platted with the Copper Ridge Subdivision, 2<sup>nd</sup> Filing in 2008. In order to meet current City standards, an additional three feet of right-of-way on both sides of the streets (6 additional feet total) is being provided with this 5<sup>th</sup> filing. One other proposed change to the original street layout is the vacation of the southern street along the ‘Copper Ridge Square Park’, formerly known as Cove Creek Drive. This proposal will help tie together the previously platted central park with the other park areas and pathways throughout the 5<sup>th</sup> and 6<sup>th</sup> Filings. City Engineering and PRPL are agreeable to this proposal. The vacation will just need to be completed prior to or concurrent with the final plat approval (**Condition #3**).

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. Typically, the sidewalks are installed by the home builder on a lot-by-lot basis, as lots develop. However, in this case there are two instances where the streets will front lengthy stretches of parkland, along Cove Creek Drive and West Copper Ridge Loop where Copper Ridge Square Park resides, as well as along Rimrock Road, where the park/stormwater retention facilities exist. In these cases, it is the City’s policy that the developer is responsible for installing these sidewalks at the time of the street private contract (as with Copper Ridge Square park) or provide a cash contribution for their installation (as with the Rimrock Road frontage). It is recommended as a condition of approval that Section 3.B. of the SIA be updated to reflect this requirement (**Condition #4**).

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 62<sup>nd</sup> Street West and Rimrock Road. A proportionate contribution will similarly be made for this Fifth 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 54<sup>th</sup> St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR). There are three portions of West Copper Ridge Loop drive that temporarily terminate beyond 150 feet in length. In all instances, standard-design turnarounds are proposed, as well as a temporary 20-foot wide connector street as shown on the plat connecting the western stretches. All of these streets will be looped with the completion of the 6<sup>th</sup> filing.
- 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 District Facilities Manager, Lew Anderson, indicated that Boulder Elementary was currently over capacity, while the other schools were below, but near capacity. Also, the subdivision is currently on a bus route.
- 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.

A few minor amendments are proposed with this Fifth filing in order to consolidate parkland into more usable open park areas. Originally the subdivision had planned for three very small pocket parks behind the lots within Block 5 & 6. The new proposal vacates those pocket parks, and instead dedicates additional park adjacent to the Copper Ridge Square Park and linear corridor adjoining the large park/storm water area along Rimrock Road. PRPL is satisfied with this proposal as it creates park space usable by all neighborhood residents, and is easier and more efficient to maintain. The subdivider will need go through the proper procedures to vacate the formerly dedicated parkland, prior to or concurrent with the final plat approval (**Condition #5**).

- 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, storm water 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 will be no impacts to public health, safety and welfare as a result of this subdivision.

### **B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.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 Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

#### **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. A trail corridor exists within parkland dedicated to the City in the previous 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 as both BNSF and PRPL are not amenable to its creation for safety reasons.

**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 23-302.H.3.a.]**

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 proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]**

The subject property is located within R-70-R zoning. 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.

**F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]**

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

**G. 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 23-302.H.3.c.]**

Legal and physical access is provided to the proposed lots from Cove Creek Drive and West Copper Ridge Loop.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Copper Ridge Subdivision, 5<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, July 22, 2013.

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Thomas W. Hanel, Mayor

July 23, 2013

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

Dear Property Owners:

On July 23, 2013, the Billings City Council conditionally approved the preliminary plat of Copper Ridge Subdivision, 5<sup>th</sup> Filing, subject to the following conditions of approval:

1. To minimize effects on local services, plans to complete the extension of the water and sewer mains in Rimrock Road from the intersection of West Copper Ridge Loop to the western boundary of the subject property shall be specified in Section VI. of the final Subdivision Improvements Agreement (SIA) as approved by City Public Works prior to final plat approval.
2. To minimize effects on local services, design specifications of the storm water management area within the parkland on the southern portion of the subdivision shall be reviewed and approved by City Engineering and City Parks, Recreation and Public Lands (PRPL) prior to final plat approval. The final Subdivision Improvements Agreement (SIA) shall include a note to this effect in Section V.
3. To minimize effects on local services, the street vacation of the section of Cove Creek Drive previously platted on the south side of Copper Ridge Square Park shall be approved prior to final plat approval.
4. To minimize effects on local services, Section III.B. of the final SIA shall be updated to indicate that the developer will install boulevard sidewalks along the north and west boundaries of Copper Ridge Square Park at the time of adjacent street improvement.
5. To mitigate impacts on local services, the parkland exchange shall be completed prior to final plat approval.
6. 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.
7. 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.

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

Sincerely,

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Thomas W. Hanel, Mayor

Pc: Mac Fogelsong, PE, Sanderson Stewart

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Tract 2A-3, Partington Park Subdivision-- Preliminary Major Subdivision for Rent or Lease

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

On May 1, 2013, subdivider, BrookWater Advisors, Tom Sroufe, Managing Partner, applied for preliminary major plan approval for West Park Apartments. The proposed subdivision for rent or lease creates 96 residential rental units in 4 buildings on Tract 2A-3 of Partington Park Subdivision, Fifth Filing. The subject property is generally located on the southeast corner of the intersection of Avenue D and 17<sup>th</sup> Street West. The property is zoned Community Commercial (CC) and is surrounded to the south and east by the West Park Promenade and Sears. The Yellowstone County Board of Planning reviewed the plat and conducted a public hearing at its June 25, 2013, meeting. Sanderson Stewart is the representing agent.

**ALTERNATIVES ANALYZED**

In accordance with state law, the City Council has 60 working days to act upon this major preliminary subdivision for rent or lease; the 60 working day review period for the proposed plan ends on July 26, 2013. State and City subdivision regulations also require that preliminary plans 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 Plan

**FINANCIAL IMPACT**

Should the City Council approve the preliminary subdivision for rent or lease, the subject property may further develop under private ownership, resulting in additional tax revenues.

**BACKGROUND**

General location: Southeast corner of Avenue D and 17<sup>th</sup> Street West

Legal Description: Lot 2A-3, of Amended Plat of lot 2A-1, Partington Park Subdivision, 5<sup>th</sup> Filing, located in the SE ¼, Section 36, T1N, R25E

Owner/Subdivider: West Park Shopping Center, LLC (c/o MK Property Services, LLC), owner; BrookWater Advisors, LLC, Thomas Sroufe, Managing Partner, subdivider

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: Community Commercial

Existing land use: vacant under-used parking area

Proposed land use: multi-family residential

Gross and Net area: 3.83 acres

Proposed number of lots: 1 lot / 96 dwelling units

Parkland requirements: Parkland dedication requirement of 0.421 acres will be met by the provision of a park area (0.464 acres) for the benefit of the residents.

## **STAKEHOLDERS**

A public hearing was conducted by the Yellowstone County Board of Planning on June 25, 2013. Property owners adjacent to the subject property were notified by certified mail of the hearing and a legal notice was published in the Billings Times.

The owners of the adjacent property at 1702 Avenue C spoke regarding concerns about the traffic issues that they already experience on 17th Street West, with peak-hour traffic backing up to the their driveway at Avenue C from the corner at Grand Ave. They felt that with the additional traffic from this development, conditions would become even worse. Also, they were concerned that Avenue C would become more heavily used, though it is a residential street with families and children living along it.

Also expressing concerns were two representatives of adjacent businesses. The building on the southeast corner of 17th Street West and Avenue D is owned by the State Mental Health Center. This building, which is directly adjacent to the proposed new development, currently rents parking spaces from the owner of the proposed development and would have to give up those spaces if the project moves forward. They have a significant shortage of parking on their lot to serve the employees and clients of the Center with only 16 spaces. It was not clear if the staff from the State Mental Health Center had contacted the property owners of the proposed development to see what future parking options might be available to the State Mental Health Center staff and clients.

The other concerned neighbor was representing the Plaza office complex on the north side of Avenue D, directly across from Avenue D access to this property. She was concerned that the proposal was not providing enough parking for its future residents, with only 1.69 spaces per unit. She felt there should be two spaces per unit and several more spaces available for adjacent businesses. She also expressed concern over the current traffic issues.

The applicant's architectural and engineering representatives spoke to these issues, indicating that City Traffic Engineering staff did not have any mitigation requirements for the traffic that would be created by the new development. They indicated the residential use would have no greater, and perhaps less, of an impact on traffic than the commercial use that it would be replacing. Staff pointed out that the parking being provided exceeds the City Code requirement and the units proposed are a mix of studio, one bedroom, and two bedroom apartments being marketed to young professional tenants who have a greater interest in walking, biking and public transit.

Based on the comments received, the Planning Board indicated concern about the traffic situation at this site and voted to recommend a condition of approval that requires the applicant work with City Traffic Engineering to verify that no mitigation measures need to be employed for the project. The Planning Board indicated that because the site is providing above and beyond its required parking, that it should not be held responsible for the possible parking needs of others in the vicinity.

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

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

### **RECOMMENDATION**

The Planning Board recommends conditional approval of the preliminary plan of Tract 2A-3 of Partington Park Subdivision, 5th Filing and adoption of the Findings of Fact as presented in the staff report.

#### 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 ensure compliance with zoning and all applicable site development codes, the final overall site development documents, including but not limited to landscaping plans, building elevations, grading and drainage plans, parking and access plans, and utility locations, shall be submitted by the applicant and reviewed and approved by City staff prior to final plan approval by City Council.
2. To ensure zoning compliance, a zoning variance for the building setback on 17<sup>th</sup> St. West shall be requested and approved by the City Board of Adjustments, or an alternative site plan that meets the zoning requirements shall be submitted prior to final plan approval.
3. To minimize impacts on local services, a reciprocal access and utility easement shall be provided for all applicable shared accesses and other facilities pertinent to the subject property and surrounding properties.
4. To minimize impacts on local services, utility easements shall be provided as requested by the City, MDU, and NorthWestern Energy on the final plan.
5. To minimize impacts on local services and public health and safety, the subdivider shall work with City Traffic Engineering to identify and reasonably mitigate any projected new traffic impacts from the development on 17<sup>th</sup> Street West and Avenue D.
6. 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.
7. 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**

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#### **Attachments**

Site Plan West Park Apartments

Findings of Fact

West Park Apt. color rendering

Landscape plan

Mayor's letter

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SCHEMATIC  
21 MAR 13  
3 STORY APARTMENTS  
4 TO 20 UNITS PER FLOOR

96 UNITS  
163 PARKING  
1.69 STALLS/UNIT

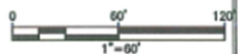
AREA ±168,518 S.F.  
3.87 ACRES  
24.8 UNITS/ACRE

SITE AREA REQUIRED:  
BLDG 1: 22,000 SQ. FT.  
BLDG 2: 22,000 SQ. FT.  
BLDG 3: 22,000 SQ. FT.  
BLDG 4: 94,000 SQ. FT.  
TOTAL: 160,000 SQ. FT.

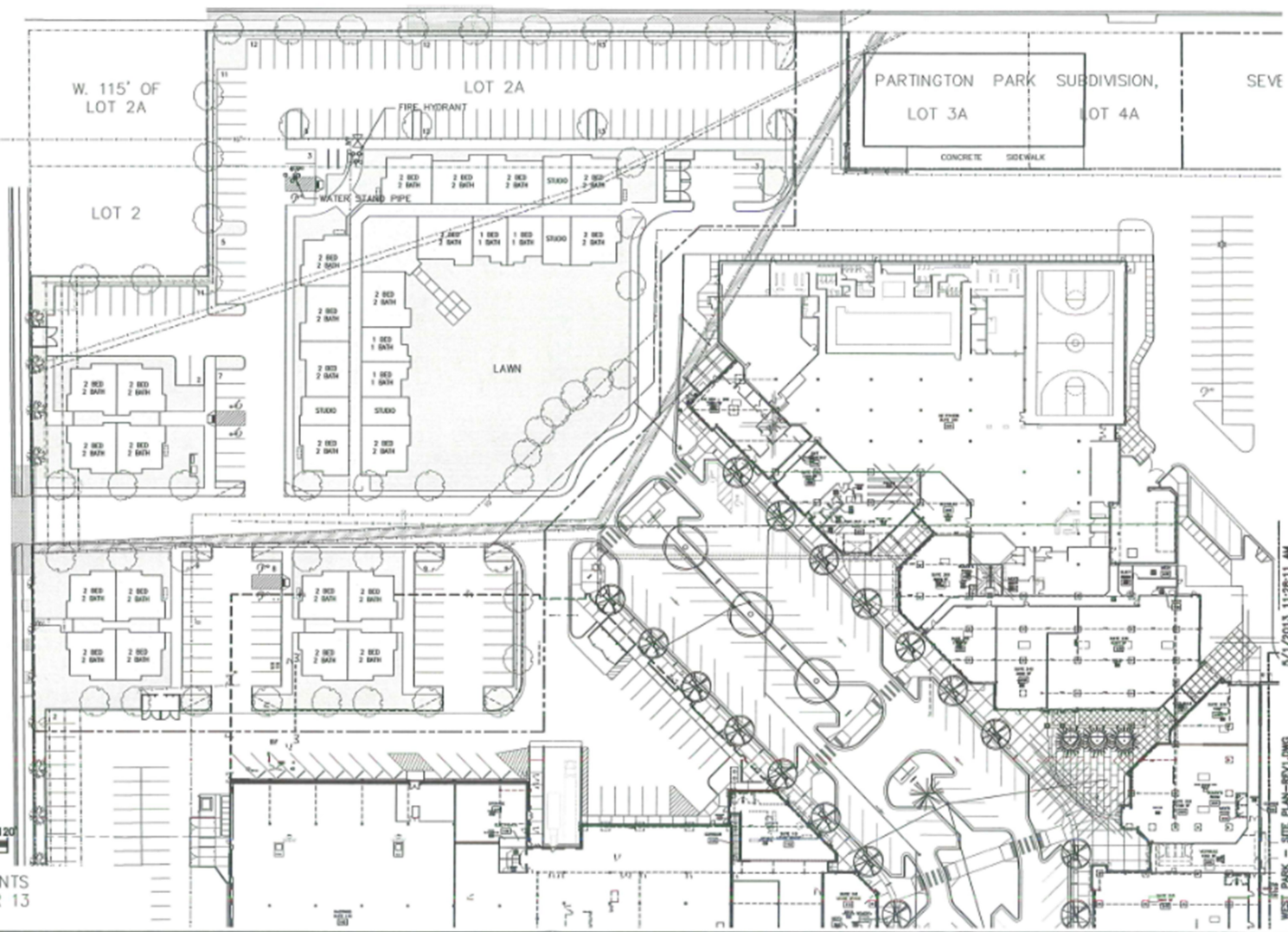
- 12 - STUDIO
- 12 - 1 BED/1 BATH
- 72 - 2 BED/2 BATH

FRONT YARD 20'  
SIDE YARD 5'  
SIDE YARD 10' STREET  
REAR YARD 15'

APPROXIMATE LOCATION OF UTILITIES TO BE VERIFIED



WEST PARK APARTMENTS  
SCHEMATIC 26 MAR 13



5/1/2013 11:28:11 AM  
WEST PARK - SITE PLAN-REV1.DWG

**FINDINGS OF FACT – Tract 2A-3 of Partington Park Subdivision, Fifth Filing**  
**Subdivision for Rent or Lease**

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plan of the West Park Apartments on Tract 2A-3 of Partington Park Subdivision, Fifth Filing and has provided them for review by the City Council, as follows:

**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 23-302.H.2.]**

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

The subject property is part of a shopping plaza within an urban setting. There has been no agricultural activity in the vicinity for many decades, and there are no irrigation facilities on or affected by the subject property.

**2. Effect on local services**

- a. Utilities** – Water services will be provided by the City of Billings. The subdivider will tie into the existing 12-inch water main in 17<sup>th</sup> Street West, and extend separate private water lines for domestic and fire services.

Sanitary sewer service will also be provided by the City by connecting to the existing sewer main in 17<sup>th</sup> Street West. All internal sanitary sewer lines will be privately owned, and will be installed 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 NorthWestern Energy will provide electric services to the subdivision. Any necessary easements will need to be shown on the face of the plat as requested by these utility providers (**Condition #4**).

- b. Storm water** – Storm water drainage for the internal private streets shall be provided by surface drainage via curbs and gutters to underground storm drain lines. These lines will then discharge into an underground storm water detention area within the proposed park space. 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 Public Works 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. Dumpster sites will be finalized with the final site development plan.
- d. Streets** –The subject property fronts 17<sup>th</sup> Street West and Avenue D. Both streets are existing and upgrades are not being proposed with this development. Any deficiencies in sidewalks or curb will be evaluated at the time of building permit. 17<sup>th</sup> Street West experiences a moderate volume of traffic with a 2013 Traffic Count of 9,030 average

daily trips at this location. Based on traffic loads, the limited right-of-way width and a challenging intersection at Grand Avenue, Planning Board would like the applicant to work with City Traffic Engineering to verify that the traffic generated from this new development would not warrant some form of mitigation (**Condition #5**).

In addition to this further traffic evaluation, there is one contingency with the site development in regard to 17<sup>th</sup> Street West. This street is classified as a minor arterial on the Billing Urban Area Functional Classification Map. For minor arterials, the Unified Zoning Code requires a 60-foot setback from the centerline of the street to any structures. The current proposal shows the two western-most 12-plex building slightly encroaching on the 60-foot setback. The subdivider has submitted a request for a zoning variance and that request is in the review process. It is recommended as a condition of approval that the zoning variance be granted by the City Board of Adjustments prior to the final plan approval. If this is not the case, the final site plan shall be updated to comply with the required zoning code setback (**Condition #2**).

Internal streets are private, and owned and maintained by the developer (those on the subject property), and the adjacent lot owners (those within the West Park Promenade). A reciprocal access and utility agreement is in place so that all residents and shoppers may have unrestricted use of the internal street network. Evidence of this agreement shall be provided prior to final plan approval (**Condition #3**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1928 17<sup>th</sup> St. West (17<sup>th</sup> St. West/Parkhill Dr.) (Station #3). The subdivision is located within the ambulance service area of American Medical Response (AMR). Two points of access shall be provided to meet the emergency access road design standards and fire hydrants shall be installed and the apartments will have sprinklers installed.
- f. **Schools** – The subdivision is located within School District #2. Students from the proposed subdivision will likely attend Rose Park Elementary School, Lewis and Clark Middle School and Senior High School. The affected schools appear to have adequate capacity to serve the students of this proposed subdivision.
- g. **Parks and Recreation** – The underlying subject property has not previously provided parkland as required by state and local subdivision laws. Because this proposal is for multi-family residential development, a parkland provision of 16,117 square feet is required (11% of the net lot area). The site plan includes a 20,200 square foot central park/open space for the benefit of the residents to meet this requirement. Staff is agreeable to this proposal.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to meet their needs.

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

The subject property is in a developed urban setting.

A geotechnical study, dated April 20, 2013, was performed to evaluate the subsurface soil conditions and give structural recommendations for building on the site. Furthermore, best management practices for storm water pollution prevention will be enforced during the construction of the project.

Overall the subdivision should have a minimal effect on the natural environment.

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

There are no known endangered or threatened species on the property. Since the property is in the center of the urban environment, the subdivision should have a minimal effect on wildlife and wildlife habitat.

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

Fire hydrants will be constructed to meet fire department requirements and apartment buildings will have sprinkler systems installed. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

### **B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.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 Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

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

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

- a. Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6)
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods. (p. 6)
- c. Goal: Contiguous development focused in and around existing population centers separated by open space. (p.6)
- d. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6)

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

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

### **3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. The plan identifies a proposed short-term bike lane along 17<sup>th</sup> St. West, and a proposed bicycle boulevard along Avenue D. No improvements are proposed at this time, however they may be installed in the future if the City upgrades either street.

#### **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 23-302.H.3.a.]**

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and in general 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 proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]**

The subject property is located within the community commercial zoning district. In cases where residential properties are proposed in CC zoning, the Residential Multi-Family-Restricted zoning restrictions must be followed. Preliminary plans conform to these requirements with one exception. The required setback from 17<sup>th</sup> Street West is 60 feet from centerline. A zoning variance is being concurrently requested, and its approval will be required to move forward with the final plans as proposed (**Condition #2**). Final development plans will be reviewed for compliance with zoning prior to final plan approval (**Condition #1**).

#### **F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]**

The subdivider will work with MDU and NWE to provide easements needed for the provision of easements on the final plan. (**Condition #4**).

#### **G. 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 23-302.H.3.c.]**

Legal and physical access is provided to the proposed development from 17<sup>th</sup> Street West and Avenue D.

### **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plan of Tract 2A-3, Partington Park Subdivision (West Park Apartments) does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update, and does not conflict with the Transportation or Bikeway and Trail Plans.

- The proposed subdivision will comply with state and local subdivision regulations, local zoning, and will provide legal and physical access to each lot if conditions of approval are met.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, July 22, 2013.

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Thomas W. Hanel, Mayor



## COLLABORATIVE DESIGN

ARCHITECTS

[www.collaborativedesignarchitects.com](http://www.collaborativedesignarchitects.com)

406.248.3443

West Park Plaza Apartments

NOT TO SCALE

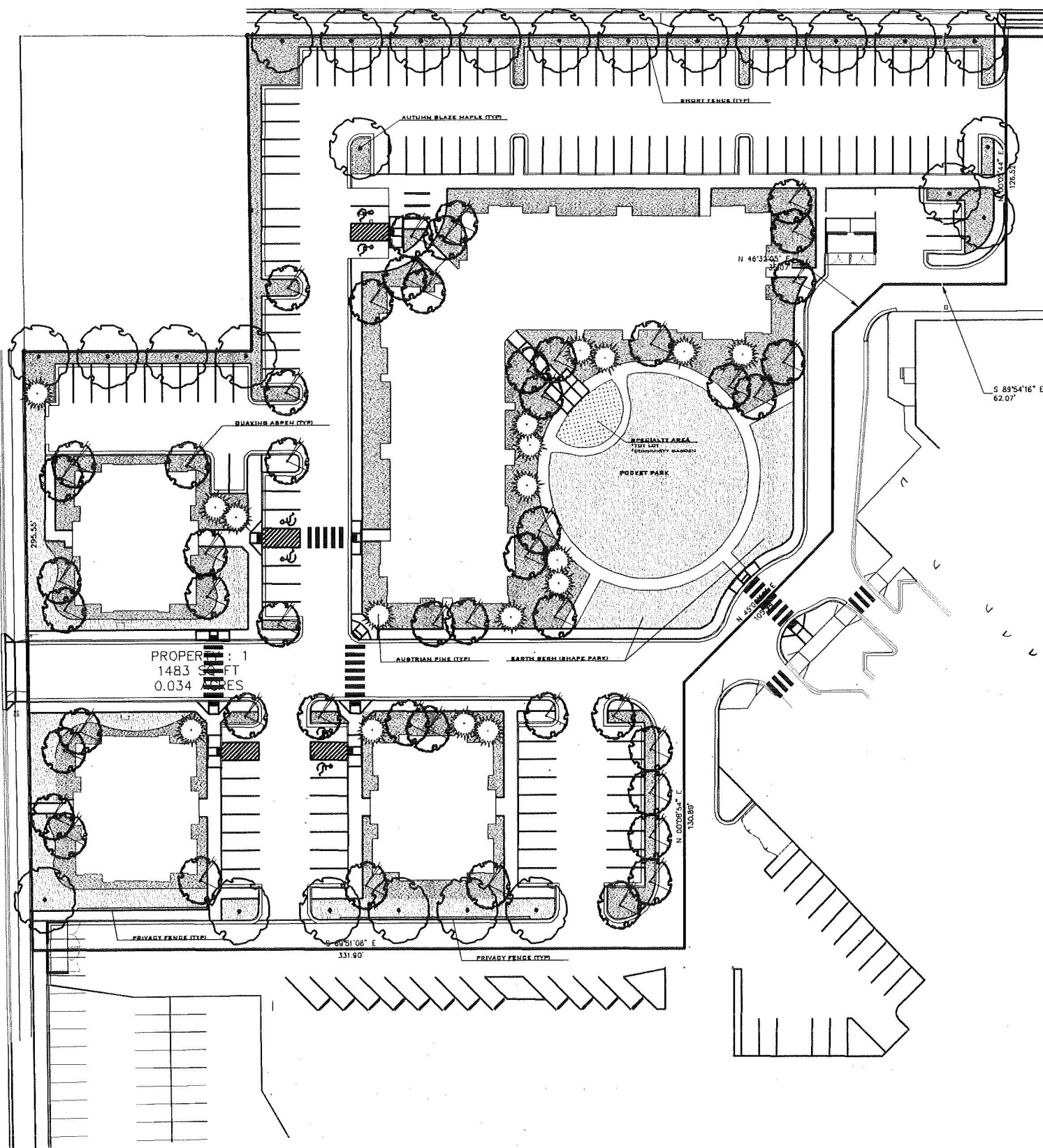
AVENUE

"D"

WEST STREET

17TH STREET

17TH STREET



PROPERTY : 1  
1483 SQ. FT  
0.034 ACRES

### LEGEND

- 3'-5' DIA. MOSS ROCK BOULDERS (TYP.)
- 6' CONCRETE EDGING (TYP.)
- SHRUB BED
- 2' HGT. BLOCK ROCK BOULDERS (TYP.)
- ANNUAL BED (TYP.)
- GRASS BED (TYP.)

### PLANT SCHEDULE

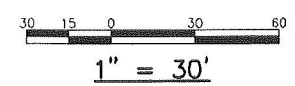
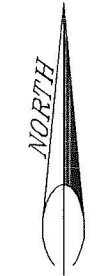
CLASSIFICATION/SPECIES	COMMON NAME	SIZE
<b>SUMMARY LIST - TREES</b>		
AB ACER X FREEMANI 'JEFFREY'	AUTUMN BLAZE MAPLE	2.5' GAL.
AP PINUS NISRA	AUSTRIAN PINE	6-12'
DA POULUS TREMULOIDES	SHAKING ASPEN (SINGLE & MULTI-STEM)	2' GAL.
<b>SUMMARY LIST - SHRUBS/PERENNIALS/GRASSES/GROUNDCOVERS</b>		
BC JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP JUNIPER	5 GAL. CONT.
BL DELPHINIUM GRANDIFLORUM 'BLUE HIRSH'	BLUE HIRSH DELPHINIUM	5 GAL. CONT.
CM MAHONIA REPENS	CREeping MAHONIA	1 GAL. CONT.
CR BERBERIS THUNBERGII 'CRIMSON PYGMY'	CRIMSON PYGMY DWARF JAPANESE BARBERY	5 GAL. CONT.
DF PINUS MUGO 'MUGO'	DWARF MUGO PINE	7 GAL. CONT.
MS SALVIA X SYLVESTRIS 'BLUE HILL'	BLUE HILL MEADOW BAGE	5 GAL. CONT.
PV VINCA MINOR 'VARIEGATA'	VARIEGATED COMMON PERIWINKLE	1 GAL. CONT.
RS SALICAZARICHTIS X ACHUTIFLORA 'KARL FORKSTER'	FORKSTER'S FEATHER REED GRASS	3 GAL. CONT.
RT CORNUS STOLONIFERA 'FARROW'	ARCTIC FIRE RED TWIG DOGWOOD	5 GAL. CONT.

### PLANTING NOTES

1. ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH ANA SPECIFICATIONS FOR NUMBER ONE GRADE.
2. AUTOMATIC IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS. TREES AND SHRUBS MUST BE IRRIGATED BY A SEPERATE ZONE THAN BOD / GRASS.
3. ALL TREES TO BE BALLED & SURLAPPED, ROOT CONTROL BAG, OR CONTAINERIZED. BURLAP AND CONTAINERS TO BE REMOVED AT TIME OF PLANTING.
4. ALL SHRUB BEDS TO BE MULCHED WITH 2" DEPTH OF 5/8" - MINUS CLEAN CRUSHED LOCAL LIMESTONE MULCH. LOCAL SURFACE WITH FABRIC WEED BARRIER.
5. ALL PLANTER BEDS TO BE LINED WITH 6" INTERLOCKING RYERSON EDGER OR APPROVED EQUAL.
6. MINOR CHANGES IN SPECIES AND PLANT LOCATIONS MAY BE MADE DURING CONSTRUCTION AS REQUIRED BY SITE CONDITIONS. OVERALL QUANTITY AND QUALITY TO BE CONSISTENT WITH APPROVED PLANS. ALL CHANGES TO BE APPROVED BY OWNERS REPRESENTATIVE.
7. PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED SHALL BE THOROUGHLY LOOSENEED. SOIL SHALL BE AMENDED WITH ORGANIC COMPOST AT A RATE OF 3 CU/YDS PER 1,000 SF AND TILLED TO DEPTH OF AT LEAST 6".
8. TO THE MAXIMUM EXTENT FEASIBLE, TOPSOIL THAT IS REMOVED DURING CONSTRUCTION SHALL BE CONSERVED FOR LATER USE IN AREAS REQUIRING REVEGETATION AND LANDSCAPING.
9. WHERE PLANTS OF THE SAME SPECIES ARE GROUPED TOGETHER, THE PLANTS SHALL BE SIMILAR IN FORM, SIZE, AND CHARACTER.
10. CALL FOR UTILITY LOCATES PRIOR TO PLANTING.
11. DEVELOPER SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS TO ENSURE THE PROPOSED GRADING, STORM DRAINAGE, OR OTHER CONSTRUCTION DOES NOT CONFLICT NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
12. NO PLANTINGS EXCEEDING 30' IN HEIGHT WILL BE ALLOWED WITHIN CLEAR VISION TRIANGLE.
13. CONTRACTOR TO MAINTAIN AND WARRANTY FOR ONE YEAR AFTER FINAL ACCEPTANCE BY OWNER.
14. PLACEMENT OF PLANT MATERIAL TO BE FIELD ADJUSTED AS NECESSARY TO ACCOMMODATE PROPOSED LIGHT POLES, FLAGPOLES, SURFACE UTILITY PADS/EQUIPMENT, ETC.

### LANDSCAPE SITE NOTES

1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND EXISTING UTILITY LOCATIONS PRIOR TO EXCAVATION.
2. CONTRACTOR TO PROTECT ALL EXISTING UTILITIES, ROADS AND STREETS, AND STRUCTURES, REPAIR BACK TO ORIGINAL CONDITION IF DAMAGE HAS OCCURRED DURING CONSTRUCTION.
3. CONTRACTOR SHALL ENSURE A MAXIMUM 3:1 SLOPE IN ALL LAWN AREAS (REF. CIVIL DRAWINGS).
4. ALL FILL MATERIAL (EITHER FROM THE SITE OR ELSEWHERE) SHALL BE CLEAN AND FREE OF DELETERIOUS MATERIAL. NO ASPHALT, CONCRETE, WOOD, OR TOXIC MATERIAL SHALL BE USED FOR BERMS OR OTHER REQUIRED FILL. ONLY TOPSOIL OR COMMON EARTH SHALL BE USED AS FILL.
5. CONTRACTOR TO COORDINATE SLEEVING AS NECESSARY WITH OWNER'S REPRESENTATIVE.
6. CONTRACTOR TO COORDINATE PAVING/STONE COLOR SELECTIONS WITH OWNER'S REPRESENTATIVE.
7. CONTRACTOR TO STAKE PROPOSED IMPROVEMENTS AS SHOWN ON DRAWINGS FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION. LAYOUT REVISIONS MAY BE MADE IN THE FIELD TO ADJUST TO ACTUAL SITE CONDITIONS.
8. CONTRACTOR SHALL REVIEW EXISTING CONDITIONS AND APPLY PROPOSED GRADES (PER CIVIL DRAWINGS) AS NECESSARY TO ACHIEVE THE INTENT OF THE PLAN. FINAL GRADING SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE.
9. CONTRACTOR SHALL PROVIDE SMOOTH TRANSITION FROM PROPOSED GRADES TO EXISTING GRADES FOR NATURAL APPEARANCE.
10. SITE FURNISHINGS (INCLUDING BENCHES, TRASH CANS, AND POTS) ARE NOT INCLUDED IN THIS PACKAGE.
11. LOCATION AND SELECTION OF BOULDERS TO BE FIELD APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO PLACEMENT.
12. CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES. THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
13. CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION ACTIVITIES WITH OTHER TRADES.
14. DURING PLANTING AND IRRIGATION SYSTEM INSTALLATION, CONTRACTOR SHALL KEEP ADJACENT PAVING AREAS AND WORK AREAS CLEAN AND IN ORDERLY CONDITION.
15. ALL PLANTING BEDS TO BE FILLED WITH TOP QUALITY TOPSOIL, MIN. 12" DEPTH. INSTALL WEED BARRIER FABRIC IN ALL SHRUB BEDS. MULCH SHRUB BEDS WITH A MINIMUM 2" LAYER OF ROCK MULCH APPROVED BY OWNER'S REPRESENTATIVE.
16. ADD 6" MINIMUM TOPSOIL TO ALL TURF AREAS TO BE SOEDED.



**SANDERSON STEWART**  
www.sandersonstewart.com

**WEST PARK APARTMENTS**  
INCLUDING LOT 2A OF PARTINGTON PARK SUBDIVISION  
SEWER MAINS LESS THE WEST 115' OF SAID LOT 2A  
SITUATED IN THE SE 1/4 OF SECTION 36, T. 1 N., R. 25 E., P. 14 M.  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PRELIMINARY LANDSCAPE PLAN

C.A.D. PAP  
DATE: 5/23/13  
REVISIONS:  
  
APPROVED BY:  
QUALITY ASSURANCE:  
  
SCALE: 1"=30'  
FILE: WEST PARK AP19.BAS  
PROJECT NO.: 85017.17  
SHEET 1 OF 1

July 23, 2013

BrookWater Advisors, LLC  
Thomas Sroufe, Managing Partner  
8306 428<sup>th</sup> Avenue SE  
Snoqualmie, WA 98065

West Park Shopping Center, LLC  
c/o MK Property Services, LLC  
P.O. Box 997  
Snoqualmie, WA 98065

Dear Applicants:

On July 22, 2013, the Billings City Council conditionally approved the preliminary plan of the West Park Apartments proposed on Tract 2A-3 of Partington Park Subdivision, Fifth Filing, subject to the following conditions of approval:

1. To ensure compliance with zoning and all applicable site development codes, the final overall site development documents, including but not limited to landscaping plans, building elevations, grading and drainage plans, parking and access plans, and utility locations, shall be submitted by the applicant and reviewed and approved by City staff prior to final plan approval by City Council.
2. To ensure zoning compliance, a zoning variance for the building setback on 17<sup>th</sup> St. West shall be requested and approved by the City Board of Adjustments, or an alternative site plan shall be drawn up to meet the zoning requirements, prior to final plan approval.
3. To minimize impacts on local services, a reciprocal access and utility easement shall be provided for all applicable shared accesses and other facilities pertinent to the subject property and surrounding properties.
4. To minimize impacts on local services, utility easements shall be provided as requested by the City, MDU, and NorthWestern Energy on the final plan.
5. To minimize impacts on local services and public health and safety, the subdivider shall work with City Traffic Engineering to identify and reasonably mitigate any new traffic impacts from the development on 17<sup>th</sup> Street West and Avenue D.
6. 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.

7. 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.

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

Sincerely,

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Thomas W. Hanel, Mayor

Pc: Dennis Randall, PE, Sanderson Stewart

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Payment of Claims June 24, 2013.

**PRESENTED BY:** Patrick M. Weber, Financial Director

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,557,362.18 have been audited and are presented for your approval for payment. A complete listing of the claims dated June 24, 2013 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 the Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Claim payments June 24, 2013

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Check Date	Check	Name	Amount	Account	Item Desc
06/24/2013	766839	A & I Distributors	\$5,068.70	5410-31230-402310	oil for landfill p m s for equipment oil changes
06/24/2013	766839	A & I Distributors	\$494.45	6010-00000-141000	2316260 PO NUM 292185
06/24/2013	766839	A & I Distributors	\$2,877.85	6010-00000-141000	2316260 PO NUM 292185
06/24/2013	766839	A & I Distributors	\$60.00	6010-00000-141000	2316260 PO NUM 292185
06/24/2013	766839	A & I Distributors	\$33.44	1500-21120-402320	2316260
06/24/2013	766839	A & I Distributors	\$33.61	2110-31320-402320	2316260
06/24/2013	766839	A & I Distributors	\$33.16	5410-31220-402320	2316260
06/24/2013	766839	A & I Distributors	\$988.90	6010-00000-141000	2320875 PO NUM 292185
06/24/2013	766839	A & I Distributors	\$50.00	5710-71440-402320	149228
06/24/2013	766839	A & I Distributors	\$494.45	5710-71440-402320	2316637
06/24/2013	766839	A & I Distributors	\$4,856.63	6010-00000-141000	2323000 PO NUM 292185
06/24/2013	766839	A & I Distributors	\$50.26	5120-84000-402310	Blower oil
06/24/2013	766844	Acuity Brands Lighting Inc	\$2,395.00	2110-00000-141318	STREET LIGHTS PO NUM 292586
06/24/2013	766844	Acuity Brands Lighting Inc	\$3,044.00	2110-00000-141318	STREET LIGHTS PO NUM 292587
06/24/2013	766862	Billings Clinic	\$600.00	1500-21200-407910	Sane Registration 2013049 -
06/24/2013	766862	Billings Clinic	\$600.00	1500-21200-407910	Sane Registrtrion 2013048 -
06/24/2013	766862	Billings Clinic	\$600.00	1500-21200-407910	Sane Registration 2013047 -
06/24/2013	766862	Billings Clinic	\$600.00	1500-21200-407910	Sane Registration 2013045 -
06/24/2013	766862	Billings Clinic	\$600.00	1500-21200-407910	Sane Registration 2013043 -
06/24/2013	766862	Billings Clinic	\$600.00	1500-21200-407910	Sane Registration 2013042 -
06/24/2013	766867	Billings Pipe & Pump	\$49,646.04	4210-84930-409340	WO 13-06 Rehberg Ranch Irrigation Center Pivot
06/24/2013	766871	Business Tax Section	\$501.47	4210-84930-409340	WO 13-06 Rehberg Ranch Irrigation Center Pivot
06/24/2013	766871	Business Tax Section	\$443.44	2050-31310-409390	
06/24/2013	766871	Business Tax Section	\$2,581.09	4050-71250-409697	WO 12-03 #3 City Crack Seal Invoice #1. Cargo Ramp Slot Four Expansion - Federal
06/24/2013	766871	Business Tax Section	\$286.79	4050-71250-409698	Invoice #1. Cargo Ramp Slot Four Expansion - Local
06/24/2013	766871	Business Tax Section	\$106.06	5020-74000-402450	
06/24/2013	766871	Business Tax Section	\$44.33	4050-71250-409697	Water Treatment Facility Roof Repair; Change Order #1 approved 02.01.13; Change Order #2 approved 05.13.13 Invoice #1. Cargo Ramp Slot Four Expansion - Federal
06/24/2013	766871	Business Tax Section	\$4.93	4050-71250-409698	Invoice #1. Cargo Ramp Slot Four Expansion - Local
06/24/2013	766871	Business Tax Section	\$686.90	2030-15130-409224	business tax for Zayo utility relocate/bury of fiber cables
06/24/2013	766871	Business Tax Section	\$31.23	5020-00000-201100	WTP Roof Repair - Retainage Release
06/24/2013	766871	Business Tax Section	\$621.91	1990-15050-409310	WO 12-39 Newman Lane Improvements
06/24/2013	766871	Business Tax Section	\$13.12	2050-31310-409310	WO 12-39 Newman Lane Improvements
06/24/2013	766871	Business Tax Section	\$90.06	8400-31840-409310	WO 12-39 Newman Lane Improvements
06/24/2013	766874	Cmg Construction, Inc.	\$61,568.99	1990-15050-409310	WO 12-39 Newman Lane Improvements
06/24/2013	766874	Cmg Construction, Inc.	\$1,299.38	2050-31310-409310	WO 12-39 Newman Lane Improvements
06/24/2013	766874	Cmg Construction, Inc.	\$8,915.94	8400-31840-409310	WO 12-39 Newman Lane Improvements

06/24/2013	766877	County Water District Of Billings Heights	\$16.95	0100-51120-403420	Water charges-Arrowhead.
06/24/2013	766877	County Water District Of Billings Heights	\$845.42	0100-51120-403420	Water charges-Hawthorne.
06/24/2013	766877	County Water District Of Billings Heights	\$926.02	8720-51980-403420	Water charges for Twin Oaks.
06/24/2013	766877	County Water District Of Billings Heights	\$703.73	0100-51120-403420	Water charges for Arrowhead.
06/24/2013	766877	County Water District Of Billings Heights	\$269.84	8720-51980-403420	Water charges for Rolling Hills.
06/24/2013	766877	County Water District Of Billings Heights	\$195.92	0100-51120-403420	Water charges for Cleavenger.
06/24/2013	766877	County Water District Of Billings Heights	\$1,190.43	8720-51980-403420	Water charges for Walden Grove.
06/24/2013	766877	County Water District Of Billings Heights	\$632.48	8720-51980-403420	Water charges for France's.
06/24/2013	766877	County Water District Of Billings Heights	\$111.69	8720-51980-403420	Water charges for Luthern.
06/24/2013	766877	County Water District Of Billings Heights	\$686.69	0100-51120-403420	Water charges for Primrose.
06/24/2013	766877	County Water District Of Billings Heights	\$743.66	8720-51980-403420	Water charges for Uinta.
06/24/2013	766880	Csg Systems Inc	\$5,943.01	5020-73110-403110	Billing statements
06/24/2013	766880	Csg Systems Inc	\$3,962.00	5120-83110-403110	Billing statements
06/24/2013	766880	Csg Systems Inc	\$2,039.47	5020-73110-403111	Billing statements
06/24/2013	766880	Csg Systems Inc	\$1,359.64	5120-83110-403111	Billing statements
06/24/2013	766880	Csg Systems Inc	\$128.75	5410-31210-403365	Toxic Trash Roundup
06/24/2013	766880	Csg Systems Inc	\$2,062.50	7750-51540-407249	Memorial Tree Program
06/24/2013	766882	Data Imaging System, Inc.	\$4,995.00	2090-44510-403590	113-029648 Part 2 of scanning 2005 commercial plans.
06/24/2013	766883	Dell Computer L P	\$3,678.35	5020-74000-402925	Domain Controller Server
06/24/2013	766883	Dell Computer L P	\$108.29	5020-73110-402190	Toner cartridges
06/24/2013	766883	Dell Computer L P	\$72.19	5120-83110-402190	Toner cartridges
06/24/2013	766883	Dell Computer L P	\$108.29	5020-75000-402190	Toner cartridges
06/24/2013	766883	Dell Computer L P	\$72.19	5120-85000-402190	Toner cartridges
06/24/2013	766884	Denny Menholt Frontier Chevrolet	\$49,686.19	5130-84910-409440	One (*1) 2013 Model 3/4 Ton 4x4 Extended Cab Long Box Pickup w/Service Body, Snow Plow, and Crane. Schedule VII. Exterior color - Blue Granite Metallic/Interior color - Ebony Cloth. Replaces Unit #7822.
06/24/2013	766884	Denny Menholt Frontier Chevrolet	-\$1,500.00	5130-84910-409440	Trade in Unit 7822 - 1997 Chevy S10 Pickup
06/24/2013	766886	Dept Of Natural Resources	\$8,400.00	8450-31860-409120	WO 09-12 Inner Belt Loop - ROW Acquisition Parcel 8 Tract of Land in E2SE4, Sec18T1NR26E
06/24/2013	766887	Donaldson Construction and Roofing	\$3,091.42	5020-00000-201100	WTP Roof Repair - Retainage Release
06/24/2013	766887	Donaldson Construction and Roofing	\$10,501.18	5020-74000-402450	Water Treatment Facility Roof Repair; Change Order #1 approved 02.01.13; Change Order #2 approved 05.13.13
06/24/2013	766888	Dorsey & Whitney Llp	\$18,000.00	8320-15720-405510	\$5,545,000 SID 1385 Refunding Bonds, Series 2013 legal services
06/24/2013	766889	Dowl Hkm	\$108,833.28	8400-31840-409310	WO 10-19 Shiloh Conservation Area Amendment #1
06/24/2013	766889	Dowl Hkm	\$3,515.47	5030-00000-201100	WO 13-01 2013 Water & Sewer Projects

06/24/2013	766889	Dowl Hkm	\$13,752.28	5130-00000-201100	WO 13-01 2013 Water & Sewer Projects
06/24/2013	766890	Downtown Billings Partnership, Inc.	\$2,116.01	2030-15130-409224	valet parking reimbursement
06/24/2013	766890	Downtown Billings Partnership, Inc.	\$900.00	2030-15130-403547	June - Aug 2013 billboard rental
06/24/2013	766891	DST Forms, Inc	\$468.80	0100-15120-402190	Finance Dept No. 10 Blue Window Envelopes
06/24/2013	766891	DST Forms, Inc	\$4,254.60	5210-15220-403210	Manual Parking Tickets.
06/24/2013	766891	DST Forms, Inc	\$160.00	5210-15220-403210	Shipping
06/24/2013	766891	DST Forms, Inc	\$30.00	5210-15220-403210	Proof.
06/24/2013	766900	Fehr & Peers	\$7,702.84	2400-43010-407214	invoice 87328
06/24/2013	766901	Fiserv	\$5,575.00	2400-43010-403590	inv 12000
06/24/2013	766901	Fiserv	\$6,407.00	2960-65010-407270	Office Move Equipment Purchases
06/24/2013	766910	Graybar Electric Co	\$2,758.03	6060-19310-409480	Fiber Project (9-1-1 Center) (Depot, PRPL & Miller Building Fiber)
06/24/2013	766910	Graybar Electric Co	\$2,989.75	6200-19110-409480	Fiber Project (9-1-1 Center) (Depot, PRPL & Miller Building Fiber)
06/24/2013	766912	Great West Engineering, Inc	\$14,611.12	5440-31230-409390	WO 11-19 Landfill Phase 5 Expansion
06/24/2013	766912	Great West Engineering, Inc	\$19,450.43	5440-31230-409390	WO 12-29 Solid Waste Management Plan
06/24/2013	766917	Hardrives Construction Inc	\$43,900.44	2050-31310-409390	WO 12-03 #3 City Crack Seal
06/24/2013	766920	Henke Manufacturing Corporation	\$29,488.00	2110-31320-409420	folding v plow and low profile quick hitch. these plows are approved in the 2013 ERP
06/24/2013	766931	Jones Construction	\$260.00	6500-15660-403990	Inv. #3215 Billings Operations Center Painting of two (2) extra doors
06/24/2013	766931	Jones Construction	\$13,800.00	6300-17530-407310	Inv. #3214 Repair of an overhead garage door header at BOC #2013-042
06/24/2013	766937	Knife River (JTL Group Inc.)	\$4,388.96	4050-71250-409697	Invoice #1. Cargo Ramp Slot Four Expansion - Federal Share
06/24/2013	766937	Knife River (JTL Group Inc.)	\$487.66	4050-71250-409698	Invoice #1. Cargo Ramp Slot Four Expansion - Local Share
06/24/2013	766937	Knife River (JTL Group Inc.)	\$255,527.84	4050-71250-409697	Invoice #1. Cargo Ramp Slot Four Expansion - Federal Share
06/24/2013	766937	Knife River (JTL Group Inc.)	\$28,391.98	4050-71250-409698	Invoice #1. Cargo Ramp Slot Four Expansion - Local Share
06/24/2013	766937	Knife River (JTL Group Inc.)	\$3,805.96	2110-31320-404710	asphalt for 6th & n29th
06/24/2013	766937	Knife River (JTL Group Inc.)	\$1,644.75	2110-31320-404520	1 1/2" crushed base used in alleys and gravel streets
06/24/2013	766937	Knife River (JTL Group Inc.)	\$1,394.90	2110-31320-404710	asphalt used for 6th N & N30th
06/24/2013	766937	Knife River (JTL Group Inc.)	\$66.12	2110-31320-404710	asphalt used at 6th N & N30th
06/24/2013	766938	Kochs Tennis Court Service	\$2,980.00	8730-51990-403690	Repairs to four tennis courts at Central Park.
06/24/2013	766938	Kochs Tennis Court Service	\$4,200.00	8730-51990-403690	Repairs to tennis courts at Pioneer.
06/24/2013	766938	Kochs Tennis Court Service	\$1,600.00	8730-51990-403690	Repairs to tennis courts at Lillis and North.
06/24/2013	766943	LeadsOnline LLC	\$7,868.00	1500-21200-407910	Invoice 224186 - LeadsOnline Total Track Service Package Renewal 7/1/13 - 6/30/14

06/24/2013	766957	Montana Tire Distributor Inc	\$3,976.00	5710-71470-402390	28 tires for the Para vans
06/24/2013	766958	Moody's Investors Service	\$4,000.00	5610-71100-403590	Invoice #P0079782. Airport rating invoice
06/24/2013	766960	Morrison Maierle Inc	\$39,625.38	4050-71250-409697	Invoice #130867. Cargo Ramp Slot 4 CA - Federal Share
06/24/2013	766960	Morrison Maierle Inc	\$4,402.82	4050-71250-409698	Invoice #130867. Cargo Ramp Slot 4 CA - Local Share
06/24/2013	766960	Morrison Maierle Inc	\$1,069.00	5130-84910-409390	WO 09-26 WWTP CLARIFIER I NFRAStructure
06/24/2013	766960	Morrison Maierle Inc	\$42,937.87	4210-85930-409340	WO1205 5-Mile Creek Lift Station; CO#1 apprvd by CC 04/23/12
06/24/2013	766960	Morrison Maierle Inc	\$11,682.94	5020-72110-403540	WO 12-16 IWPI Water Distribution System Study
06/24/2013	766961	MPERA	\$5,110.21	0100-51120-401160	Sara Alderson Mandatory Contributions Bill.
06/24/2013	766967	Northwest Pipe Fittings	\$409.90	5020-73120-402380	Hydrant meter parts
06/24/2013	766967	Northwest Pipe Fittings	\$360.00	5020-73120-402380	Upgraded registers
06/24/2013	766967	Northwest Pipe Fittings	\$326.35	5020-00000-141000	SYSTEMS PO NUM 292789
06/24/2013	766967	Northwest Pipe Fittings	\$2,437.20	5020-73120-402380	1" meter registers
06/24/2013	766967	Northwest Pipe Fittings	\$21.05	5020-74000-402360	Parts for Staples generator
06/24/2013	766967	Northwest Pipe Fittings	\$193.05	5020-00000-141000	SYSTEMS PO NUM 292756
06/24/2013	766967	Northwest Pipe Fittings	\$269.80	5020-00000-141000	SYSTEMS PO NUM 292784
06/24/2013	766967	Northwest Pipe Fittings	\$158.70	5020-73120-402380	Meter parts
06/24/2013	766967	Northwest Pipe Fittings	\$222.33	5120-84000-402450	Parts for H1 AFT
06/24/2013	766967	Northwest Pipe Fittings	\$5.66	5020-74000-402450	Gaskets for WPA pump
06/24/2013	766967	Northwest Pipe Fittings	\$1,710.00	5020-73120-402380	Meter parts
06/24/2013	766967	Northwest Pipe Fittings	\$29.34	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292680
06/24/2013	766967	Northwest Pipe Fittings	\$10,100.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292739
06/24/2013	766967	Northwest Pipe Fittings	\$7,929.25	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292740
06/24/2013	766967	Northwest Pipe Fittings	\$11,448.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292741
06/24/2013	766967	Northwest Pipe Fittings	\$277.54	2110-31320-403650	adapter/pipe/breakers/nipple/tee/plug/elbow/coupling for irrigation supplies on S27th islands
06/24/2013	766967	Northwest Pipe Fittings	\$180.48	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292745
06/24/2013	766967	Northwest Pipe Fittings	\$1,132.75	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292746
06/24/2013	766967	Northwest Pipe Fittings	\$5.60	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292747
06/24/2013	766967	Northwest Pipe Fittings	\$130.20	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292748
06/24/2013	766967	Northwest Pipe Fittings	\$375.38	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292751
06/24/2013	766967	Northwest Pipe Fittings	\$99.84	5020-00000-141000	SYSTEMS PO NUM 292751
06/24/2013	766967	Northwest Pipe Fittings	\$1,097.57	5020-74000-402450	Piping for Leavens
06/24/2013	766967	Northwest Pipe Fittings	\$21.93	5020-00000-141000	SYSTEMS PO NUM 292540
06/24/2013	766967	Northwest Pipe Fittings	\$21.64	6010-00000-141000	1119598 PO NUM 292198
06/24/2013	766967	Northwest Pipe Fittings	\$2,640.00	5020-73120-402380	Meter parts
06/24/2013	766967	Northwest Pipe Fittings	\$222.23	5120-84000-402450	AFT Drain parts
06/24/2013	766967	Northwest Pipe Fittings	\$15.52	5020-75000-402410	Faucet wrench
06/24/2013	766967	Northwest Pipe Fittings	\$54.90	5120-84000-402360	sump floats for SSP
06/24/2013	766967	Northwest Pipe Fittings	\$58.20	5020-74000-402450	sprinkler system parts
06/24/2013	766967	Northwest Pipe Fittings	\$25.44	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292671
06/24/2013	766967	Northwest Pipe Fittings	\$204.95	5020-73120-402380	hydrant meter parts
06/24/2013	766967	Northwest Pipe Fittings	\$186.16	5020-74000-402450	Dampner for F A

06/24/2013	766967	Northwest Pipe Fittings	\$256.00	5020-73120-402380	check valve repair kits
06/24/2013	766967	Northwest Pipe Fittings	\$3,764.00	5020-73120-402380	hydrant meters
06/24/2013	766967	Northwest Pipe Fittings	\$42.74	5410-31230-402320	valve for water truck at landfill unit# 141
06/24/2013	766967	Northwest Pipe Fittings	\$998.58	5020-00000-141000	SYSTEMS PO NUM 292642
06/24/2013	766967	Northwest Pipe Fittings	\$258.02	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292644
06/24/2013	766967	Northwest Pipe Fittings	\$1,702.61	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292646
06/24/2013	766967	Northwest Pipe Fittings	\$382.78	5020-00000-141000	SYSTEMS PO NUM 292646
06/24/2013	766967	Northwest Pipe Fittings	\$17.76	5120-84000-402450	Sprinkler parts
06/24/2013	766967	Northwest Pipe Fittings	\$39.16	5120-84000-402450	Drain flusher
06/24/2013	766967	Northwest Pipe Fittings	\$3.58	5020-74000-402450	Fittings for pump install
06/24/2013	766967	Northwest Pipe Fittings	\$131.84	5020-73140-402450	PVC repair fittings
06/24/2013	766967	Northwest Pipe Fittings	\$43.94	5120-83140-402450	PVC repair fittings
06/24/2013	766967	Northwest Pipe Fittings	\$542.50	5020-73120-402380	Curb box couplings
06/24/2013	766967	Northwest Pipe Fittings	\$16.66	5120-85000-402320	Nipple for water truck
06/24/2013	766967	Northwest Pipe Fittings	\$59.64	2110-31320-403650	1 1/2" thrd full port ball valve for irrigation systems in the ROW
06/24/2013	766967	Northwest Pipe Fittings	\$23.88	2110-31320-402360	pvc repair coupling/pvc coupling items for streetlights
06/24/2013	766967	Northwest Pipe Fittings	\$7.96	2110-31320-403650	1 1/4" pvc repair coupling/1 1/4" pvc schd40 sxs coupling for 33rd & 3rd
06/24/2013	766967	Northwest Pipe Fittings	\$5,810.56	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292655
06/24/2013	766967	Northwest Pipe Fittings	\$817.90	5020-00000-141000	SYSTEMS PO NUM 292658
06/24/2013	766967	Northwest Pipe Fittings	\$144.19	5020-00000-141000	SYSTEMS PO NUM 292660
06/24/2013	766967	Northwest Pipe Fittings	\$132.30	2110-31320-403650	elbows/adapters/couplings/pip e to be used for irrigation on s27th islands
06/24/2013	766969	NorthWestern Energy	\$11,359.48	2110-31320-403410	Signal Bills
06/24/2013	766969	NorthWestern Energy	\$479.68	8100-31830-403410	SILMD 008 ACCT# 0712544-6
06/24/2013	766969	NorthWestern Energy	\$492.11	8100-31830-403410	SILMD 009 ACCT# 0712545-3
06/24/2013	766969	NorthWestern Energy	\$1,352.56	8100-31830-403410	SILMD 010 ACCT# 0712546-1
06/24/2013	766969	NorthWestern Energy	\$3,970.11	8100-31830-403410	SILMD 013 ACCT# 0721276-4
06/24/2013	766969	NorthWestern Energy	\$1,954.93	8100-31830-403410	SILMD 014 ACCT# 0721277-2
06/24/2013	766969	NorthWestern Energy	\$1,186.14	8100-31830-403410	SILMD 017 ACCT# 0712553-7
06/24/2013	766969	NorthWestern Energy	\$91.93	8100-31830-403410	SILMD 018 ACCT# 0712554-5
06/24/2013	766969	NorthWestern Energy	\$443.87	8100-31830-403410	SILMD 095 ACCT# 0712556-0
06/24/2013	766969	NorthWestern Energy	\$12,764.55	8100-31830-403410	SILMD 097 ACCT# 0712557-8
06/24/2013	766969	NorthWestern Energy	\$1,557.69	8100-31830-403410	SILMD 099 ACCT# 0712558-6
06/24/2013	766969	NorthWestern Energy	\$2,550.36	8100-31830-403410	SILMD 100 ACCT# 0712559-4
06/24/2013	766969	NorthWestern Energy	\$1,688.14	8100-31830-403410	SILMD 107 ACCT# 0712560-2
06/24/2013	766969	NorthWestern Energy	\$4,233.78	8100-31830-403410	SILMD 109 ACCT# 0712561-0
06/24/2013	766969	NorthWestern Energy	\$173.64	8100-31830-403410	SILMD 113 ACCT# 0712562-8
06/24/2013	766969	NorthWestern Energy	\$981.43	8100-31830-403410	SILMD 114 ACCT# 0712563-6

06/24/2013	766969	NorthWestern Energy	\$214.36	8100-31830-403410	SILMD 115 ACCT# 0712564-4
06/24/2013	766969	NorthWestern Energy	\$562.72	8100-31830-403410	SILMD 116 ACCT# 0712565-1
06/24/2013	766969	NorthWestern Energy	\$3,106.26	8100-31830-403410	SILMD 117 ACCT# 0712566-9
06/24/2013	766969	NorthWestern Energy	\$224.53	8100-31830-403410	SILMD 118 ACCT# 0712567-7
06/24/2013	766969	NorthWestern Energy	\$147.90	8100-31830-403410	SILMD 119 ACCT# 0712568-5
06/24/2013	766969	NorthWestern Energy	\$2,411.64	8100-31830-403410	SILMD 121 ACCT# 0712570-1
06/24/2013	766969	NorthWestern Energy	\$183.24	8100-31830-403410	SILMD 122 ACCT# 0712571-9
06/24/2013	766969	NorthWestern Energy	\$321.55	8100-31830-403410	SILMD 123 ACCT# 0712572-7
06/24/2013	766969	NorthWestern Energy	\$937.86	8100-31830-403410	SILMD 124 ACCT# 0712573-5
06/24/2013	766969	NorthWestern Energy	\$375.14	8100-31830-403410	SILMD 125 ACCT# 0712574-3
06/24/2013	766969	NorthWestern Energy	\$187.56	8100-31830-403410	SILMD 126 ACCT# 0712575-0
06/24/2013	766969	NorthWestern Energy	\$687.18	8100-31830-403410	SILMD 127 ACCT# 0712576-8
06/24/2013	766969	NorthWestern Energy	\$481.03	8100-31830-403410	SILMD 128 ACCT# 0712577-6
06/24/2013	766969	NorthWestern Energy	\$321.55	8100-31830-403410	SILMD 129 ACCT# 0712578-4
06/24/2013	766969	NorthWestern Energy	\$121.69	8100-31830-403410	SILMD 130 ACCT# 0712579-2
06/24/2013	766969	NorthWestern Energy	\$830.69	8100-31830-403410	SILMD 131 ACCT# 0712580-0
06/24/2013	766969	NorthWestern Energy	\$226.01	8100-31830-403410	SILMD 133 ACCT# 0712581-8
06/24/2013	766969	NorthWestern Energy	\$521.61	8100-31830-403410	SILMD 134 ACCT# 0712582-6
06/24/2013	766969	NorthWestern Energy	\$503.87	8100-31830-403410	SILMD 135 ACCT# 0712583-4
06/24/2013	766969	NorthWestern Energy	\$446.07	8100-31830-403410	SILMD 136 ACCT# 0712584-2
06/24/2013	766969	NorthWestern Energy	\$360.88	8100-31830-403410	SILMD 137 ACCT# 0712585-9
06/24/2013	766969	NorthWestern Energy	\$723.48	8100-31830-403410	SILMD 138 ACCT# 0712586-7
06/24/2013	766969	NorthWestern Energy	\$241.17	8100-31830-403410	SILMD 139 ACCT# 0712587-5
06/24/2013	766969	NorthWestern Energy	\$562.02	8100-31830-403410	SILMD 143 ACCT# 0712588-3
06/24/2013	766969	NorthWestern Energy	\$26.78	8100-31830-403410	SILMD 144 ACCT# 0712589-1
06/24/2013	766969	NorthWestern Energy	\$458.12	8100-31830-403410	SILMD 145 ACCT# 0712590-9
06/24/2013	766969	NorthWestern Energy	\$348.34	8100-31830-403410	SILMD 146 ACCT# 0712591-7
06/24/2013	766969	NorthWestern Energy	\$451.34	8100-31830-403410	SILMD 147 ACCT# 0712592-5
06/24/2013	766969	NorthWestern Energy	\$1,380.85	8100-31830-403410	SILMD 149 ACCT# 0712593-3
06/24/2013	766969	NorthWestern Energy	\$733.00	8100-31830-403410	SILMD 150 ACCT# 0712594-1
06/24/2013	766969	NorthWestern Energy	\$616.32	8100-31830-403410	SILMD 151 ACCT# 0712595-8
06/24/2013	766969	NorthWestern Energy	\$4,195.33	8100-31830-403410	SILMD 152 ACCT# 0712596-6

06/24/2013	766969	NorthWestern Energy	\$526.85	8100-31830-403410	SILMD 153 ACCT# 0712597-4
06/24/2013	766969	NorthWestern Energy	\$1,191.11	8100-31830-403410	SILMD 154 ACCT# 0712598-2
06/24/2013	766969	NorthWestern Energy	\$482.34	8100-31830-403410	SILMD 155 ACCT# 0712599-0
06/24/2013	766969	NorthWestern Energy	\$893.34	8100-31830-403410	SILMD 157 ACCT# 0712600-6
06/24/2013	766969	NorthWestern Energy	\$777.10	8100-31830-403410	SILMD 158 ACCT# 0712601-4
06/24/2013	766969	NorthWestern Energy	\$1,057.60	8100-31830-403410	SILMD 159 ACCT# 0712602-2
06/24/2013	766969	NorthWestern Energy	\$696.70	8100-31830-403410	SILMD 160 ACCT# 0712603-0
06/24/2013	766969	NorthWestern Energy	\$1,030.70	8100-31830-403410	SILMD 161 ACCT# 0712604-8
06/24/2013	766969	NorthWestern Energy	\$58.69	8100-31830-403410	SILMD 162 ACCT# 0712605-5
06/24/2013	766969	NorthWestern Energy	\$633.22	8100-31830-403410	SILMD 163 ACCT# 0712606-3
06/24/2013	766969	NorthWestern Energy	\$366.43	8100-31830-403410	SILMD 164 ACCT# 0712607-1
06/24/2013	766969	NorthWestern Energy	\$857.48	8100-31830-403410	SILMD 165 ACCT# 0712608-9
06/24/2013	766969	NorthWestern Energy	\$229.06	8100-31830-403410	SILMD 167 ACCT# 0712609-7
06/24/2013	766969	NorthWestern Energy	\$549.74	8100-31830-403410	SILMD 171 ACCT# 0712610-5
06/24/2013	766969	NorthWestern Energy	\$521.58	8100-31830-403410	SILMD 172 ACCT# 0712611-3
06/24/2013	766969	NorthWestern Energy	\$1,145.31	8100-31830-403410	SILMD 173 ACCT# 0712612-1
06/24/2013	766969	NorthWestern Energy	\$962.04	8100-31830-403410	SILMD 174 ACCT# 0712613-9
06/24/2013	766969	NorthWestern Energy	\$320.68	8100-31830-403410	SILMD 175 ACCT# 0712614-7
06/24/2013	766969	NorthWestern Energy	\$41.92	8100-31830-403410	SILMD 176 ACCT# 0712615-4
06/24/2013	766969	NorthWestern Energy	\$251.98	8100-31830-403410	SILMD 178 ACCT# 0712616-2
06/24/2013	766969	NorthWestern Energy	\$503.87	8100-31830-403410	SILMD 179 ACCT# 0712617-0
06/24/2013	766969	NorthWestern Energy	\$343.59	8100-31830-403410	SILMD 180 ACCT# 0712618-8
06/24/2013	766969	NorthWestern Energy	\$1,607.74	8100-31830-403410	SILMD 181 ACCT# 0712619-6
06/24/2013	766969	NorthWestern Energy	\$572.58	8100-31830-403410	SILMD 182 ACCT# 0712620-4
06/24/2013	766969	NorthWestern Energy	\$1,145.24	8100-31830-403410	SILMD 183 ACCT# 0712621-2
06/24/2013	766969	NorthWestern Energy	\$366.43	8100-31830-403410	SILMD 184 ACCT# 0712622-0
06/24/2013	766969	NorthWestern Energy	\$137.44	8100-31830-403410	SILMD 185 ACCT# 0712623-8
06/24/2013	766969	NorthWestern Energy	\$592.33	8100-31830-403410	SILMD 186 ACCT# 0712624-6
06/24/2013	766969	NorthWestern Energy	\$229.06	8100-31830-403410	SILMD 187 ACCT# 0712625-3
06/24/2013	766969	NorthWestern Energy	\$274.87	8100-31830-403410	SILMD 188 ACCT# 0712626-1
06/24/2013	766969	NorthWestern Energy	\$229.06	8100-31830-403410	SILMD 189 ACCT# 0712627-9
06/24/2013	766969	NorthWestern Energy	\$1,122.40	8100-31830-403410	SILMD 190 ACCT# 0712628-7

06/24/2013	766969	NorthWestern Energy	\$409.20	8100-31830-403410	SILMD 191 ACCT# 0712629-5
06/24/2013	766969	NorthWestern Energy	\$297.77	8100-31830-403410	SILMD 192 ACCT# 0712630-3
06/24/2013	766969	NorthWestern Energy	\$733.00	8100-31830-403410	SILMD 193 ACCT# 0712631-1
06/24/2013	766969	NorthWestern Energy	\$245.12	8100-31830-403410	SILMD 194 ACCT# 0712632-9
06/24/2013	766969	NorthWestern Energy	\$204.22	8100-31830-403410	SILMD 195 ACCT# 0712633-7
06/24/2013	766969	NorthWestern Energy	\$65.64	8100-31830-403410	SILMD 196 ACCT# 0712634-5
06/24/2013	766969	NorthWestern Energy	\$65.64	8100-31830-403410	SILMD 197 ACCT# 0712635-2
06/24/2013	766969	NorthWestern Energy	\$114.52	8100-31830-403410	SILMD 198 ACCT# 0712636-0
06/24/2013	766969	NorthWestern Energy	\$69.95	8100-31830-403410	SILMD 200 ACCT# 0712637-8
06/24/2013	766969	NorthWestern Energy	\$481.03	8100-31830-403410	SILMD 201 ACCT# 0712638-6
06/24/2013	766969	NorthWestern Energy	\$754.04	8100-31830-403410	SILMD 202 INV# 0712639-4
06/24/2013	766969	NorthWestern Energy	\$17.51	8100-31830-403410	SILMD 203 ACCT# 0712640-2
06/24/2013	766969	NorthWestern Energy	\$339.18	8100-31830-403410	SILMD 204 ACCT# 0712641-0
06/24/2013	766969	NorthWestern Energy	\$33.55	8100-31830-403410	SILMD 205 ACCT# 0712642-8
06/24/2013	766969	NorthWestern Energy	\$320.68	8100-31830-403410	SILMD 206 ACCT# 0712643-6
06/24/2013	766969	NorthWestern Energy	\$366.43	8100-31830-403410	SILMD 207 ACCT# 0712644-4
06/24/2013	766969	NorthWestern Energy	\$294.94	8100-31830-403410	SILMD 208 ACCT# 0712645-1
06/24/2013	766969	NorthWestern Energy	\$526.85	8100-31830-403410	SILMD 209 ACCT# 0712646-9
06/24/2013	766969	NorthWestern Energy	\$78.78	8100-31830-403410	SILMD 210 ACCT# 0712647-7
06/24/2013	766969	NorthWestern Energy	\$43.76	8100-31830-403410	SILMD 211 ACCT# 0712648-5
06/24/2013	766969	NorthWestern Energy	\$43.76	8100-31830-403410	SILMD 212 ACCT# 0712649-3
06/24/2013	766969	NorthWestern Energy	\$26.26	8100-31830-403410	SILMD 213 ACCT# 0712650-1
06/24/2013	766969	NorthWestern Energy	\$459.07	8100-31830-403410	SILMD 214 ACCT# 0712651-9
06/24/2013	766969	NorthWestern Energy	\$137.44	8100-31830-403410	SILMD 216 ACCT# 0712652-7
06/24/2013	766969	NorthWestern Energy	\$364.16	8100-31830-403410	SILMD 217 ACCT# 0712653-5
06/24/2013	766969	NorthWestern Energy	\$204.19	8100-31830-403410	SILMD 220 ACCT# 0712654-3
06/24/2013	766969	NorthWestern Energy	\$8.40	8100-31830-403410	SILMD 221 ACCT# 0712655-0
06/24/2013	766969	NorthWestern Energy	\$69.15	8100-31830-403410	SILMD 222 ACCT# 0712656-8
06/24/2013	766969	NorthWestern Energy	\$105.02	8100-31830-403410	SILMD 223 ACCT# 0712657-6
06/24/2013	766969	NorthWestern Energy	\$1,761.27	8100-31830-403410	SILMD 224 ACCT# 0712658-4
06/24/2013	766969	NorthWestern Energy	\$334.63	8100-31830-403410	SILMD 225 ACCT# 0712659-2
06/24/2013	766969	NorthWestern Energy	\$281.40	8100-31830-403410	SILMD 226 ACCT# 0712660-0
06/24/2013	766969	NorthWestern Energy	\$569.23	8100-31830-403410	SILMD 227 ACCT# 0712661-8

06/24/2013	766969	NorthWestern Energy	\$777.10	8100-31830-403410	SILMD 228 ACCT# 0712662-6
06/24/2013	766969	NorthWestern Energy	\$401.94	8100-31830-403410	SILMD 229 ACCT# 0712663-4
06/24/2013	766969	NorthWestern Energy	\$937.89	8100-31830-403410	SILMD 230 ACCT# 0712664-2
06/24/2013	766969	NorthWestern Energy	\$562.72	8100-31830-403410	SILMD 231 ACCT# 0712665-9
06/24/2013	766969	NorthWestern Energy	\$2,438.44	8100-31830-403410	SILMD 232 ACCT# 0712666-7
06/24/2013	766969	NorthWestern Energy	\$764.90	8100-31830-403410	SILMD 233 ACCT# 0712667-5
06/24/2013	766969	NorthWestern Energy	\$450.78	8100-31830-403410	SILMD 234 ACCT# 0712668-3
06/24/2013	766969	NorthWestern Energy	\$481.44	8100-31830-403410	SILMD 235 ACCT# 0712669-1
06/24/2013	766969	NorthWestern Energy	\$153.19	8100-31830-403410	SILMD 236 ACCT# 0712670-9
06/24/2013	766969	NorthWestern Energy	\$389.34	8100-31830-403410	SILMD 237 ACCT# 0712671-7
06/24/2013	766969	NorthWestern Energy	\$14.37	8100-31830-403410	SILMD 238 ACCT# 0712672-5
06/24/2013	766969	NorthWestern Energy	\$91.63	8100-31830-403410	SILMD 239 ACCT# 0712673-3
06/24/2013	766969	NorthWestern Energy	\$367.66	8100-31830-403410	SILMD 240 ACCT# 0712674-1
06/24/2013	766969	NorthWestern Energy	\$600.35	8100-31830-403410	SILMD 241 ACCT# 0712675-8
06/24/2013	766969	NorthWestern Energy	\$80.40	8100-31830-403410	SILMD 242 ACCT# 0712676-6
06/24/2013	766969	NorthWestern Energy	\$107.19	8100-31830-403410	SILMD 244 ACCT# 0712677-4
06/24/2013	766969	NorthWestern Energy	\$83.30	8100-31830-403410	SILMD 245 ACCT# 0712678-2
06/24/2013	766969	NorthWestern Energy	\$321.55	8100-31830-403410	SILMD 246 ACCT# 0712679-0
06/24/2013	766969	NorthWestern Energy	\$1,119.93	8100-31830-403410	SILMD 247 ACCT# 0712680-8
06/24/2013	766969	NorthWestern Energy	\$2,374.23	8100-31830-403410	SILMD 248 ACCT# 0712681-6
06/24/2013	766969	NorthWestern Energy	\$2,652.81	8100-31830-403410	SILMD 249 ACCT# 0718734-7
06/24/2013	766969	NorthWestern Energy	\$7.53	8100-31830-403410	SILMD 250 ACCT# 1301786-8
06/24/2013	766969	NorthWestern Energy	\$186.29	8100-31830-403410	SILMD 250 ACCT# 0719001-00
06/24/2013	766969	NorthWestern Energy	\$3,807.73	8100-31830-403410	SILMD 251 ACCT# 0718801-4
06/24/2013	766969	NorthWestern Energy	\$535.92	8100-31830-403410	SILMD 252 ACCT# 0719162-0
06/24/2013	766969	NorthWestern Energy	\$1,873.97	8100-31830-403410	SILMD 253 ACCT# 0719644-7
06/24/2013	766969	NorthWestern Energy	\$138.35	8100-31830-403410	SILMD 254 ACCT# 0719763-5
06/24/2013	766969	NorthWestern Energy	\$131.25	8100-31830-403410	SILMD 255 ACCT# 0720813-5
06/24/2013	766969	NorthWestern Energy	\$806.52	8100-31830-403410	SILMD 257 ACCT# 0720360-7
06/24/2013	766969	NorthWestern Energy	\$2,527.87	8100-31830-403410	SILMD 258 ACCT# 0720606-3
06/24/2013	766969	NorthWestern Energy	\$6.96	8100-31830-403410	SILMD 259 ACCT# 1301786-8
06/24/2013	766969	NorthWestern Energy	\$1,215.05	8100-31830-403410	SILMD 259 ACCT# 0720810-1

06/24/2013	766969	NorthWestern Energy	\$482.34	8100-31830-403410	SILMD 261 ACCT# 0720705-3
06/24/2013	766969	NorthWestern Energy	\$3,041.78	8100-31830-403410	SILMD 262 ACCT# 0720937-2
06/24/2013	766969	NorthWestern Energy	\$851.29	8100-31830-403410	SILMD 263 ACCT# 0720716-0
06/24/2013	766969	NorthWestern Energy	\$150.91	8100-31830-403410	SILMD 264 ACCT# 0721427-3
06/24/2013	766969	NorthWestern Energy	\$339.22	8100-31830-403410	SILMD 265 ACCT# 0721556-9
06/24/2013	766969	NorthWestern Energy	\$35.10	8100-31830-403410	SILMD 266 ACCT# 0721684-9
06/24/2013	766969	NorthWestern Energy	\$71.49	8100-31830-403410	SILMD 269 ACCT# 0833098-7
06/24/2013	766969	NorthWestern Energy	\$402.41	8100-31830-403410	SILMD 270 ACCT# 0906944-4
06/24/2013	766969	NorthWestern Energy	\$967.28	8100-31830-403410	SILMD 271 ACCT# 0995095-7
06/24/2013	766969	NorthWestern Energy	\$2,722.82	8100-31830-403410	SILMD 272 ACCT# 0905005-5
06/24/2013	766969	NorthWestern Energy	\$195.28	8100-31830-403410	SILMD 273 ACCT# 0926386-4
06/24/2013	766969	NorthWestern Energy	\$61.27	8100-31830-403410	SILMD 274 ACCT# 0907926-0
06/24/2013	766969	NorthWestern Energy	\$437.07	8100-31830-403410	SILMD 276 ACCT# 0961926-3
06/24/2013	766969	NorthWestern Energy	\$799.92	8100-31830-403410	SILMD 277 ACCT# 1058710-3
06/24/2013	766969	NorthWestern Energy	\$214.48	8100-31830-403410	SILMD 278 ACCT# 1087619-1
06/24/2013	766969	NorthWestern Energy	\$59.55	8100-31830-403410	SILMD 279 ACCT# 1124127-0
06/24/2013	766969	NorthWestern Energy	\$663.87	8100-31830-403410	SILMD 280 ACCT# 1045653-1
06/24/2013	766969	NorthWestern Energy	\$61.27	8100-31830-403410	SILMD 281 ACCT# 1079722-3
06/24/2013	766969	NorthWestern Energy	\$348.61	8100-31830-403410	SILMD 283 ACCT# 1172743-5
06/24/2013	766969	NorthWestern Energy	\$328.07	8100-31830-403410	SILMD 285 ACCT# 1206985-2
06/24/2013	766969	NorthWestern Energy	\$230.29	8100-31830-403410	SILMD 286 ACCT# 1296582-8
06/24/2013	766969	NorthWestern Energy	\$83.35	8100-31830-403410	SILMD 287 ACCT# 1246537-3
06/24/2013	766969	NorthWestern Energy	\$1,730.10	8100-31830-403410	SILMD 288 ACCT# 1303978-9
06/24/2013	766969	NorthWestern Energy	\$322.26	8100-31830-403410	SILMD 289 ACCT# 1685375-6
06/24/2013	766969	NorthWestern Energy	\$97.15	8100-31830-403410	SILMD 290 ACCT# 1433921-2
06/24/2013	766969	NorthWestern Energy	\$589.45	8100-31830-403410	SILMD 292 ACCT# 1481532-8
06/24/2013	766969	NorthWestern Energy	\$229.06	8100-31830-403410	SILMD 293 ACCT# 1481534-4
06/24/2013	766969	NorthWestern Energy	\$458.12	8100-31830-403410	SILMD 294 ACCT# 1481535-1
06/24/2013	766969	NorthWestern Energy	\$107.19	8100-31830-403410	SILMD 295 ACCT# 1481536-9
06/24/2013	766969	NorthWestern Energy	\$1,231.70	8100-31830-403410	SILMD 296 ACCT# 1481537-7
06/24/2013	766969	NorthWestern Energy	\$206.16	8100-31830-403410	SILMD 297 ACCT# 1481539-3
06/24/2013	766969	NorthWestern Energy	\$183.24	8100-31830-403410	SILMD 298 ACCT# 1481540-1

06/24/2013	766969	NorthWestern Energy	\$390.31	8100-31830-403410	SILMD 300 ACCT# 1662840-6
06/24/2013	766969	NorthWestern Energy	\$1,728.01	8100-31830-403410	SILMD 301 ACCT# 1687005-7
06/24/2013	766969	NorthWestern Energy	\$187.13	8100-31830-403410	SILMD 302 ACCT# 1607534-3
06/24/2013	766969	NorthWestern Energy	\$679.11	8100-31830-403410	SILMD 305 ACCT# 1695873-8
06/24/2013	766969	NorthWestern Energy	\$159.82	8100-31830-403410	SILMD 306 ACCT# 1740353-6
06/24/2013	766969	NorthWestern Energy	\$1,881.23	8100-31830-403410	SILMD 307 ACCT# 2049005-8
06/24/2013	766969	NorthWestern Energy	\$255.89	8100-31830-403410	SILMD 308 ACCT# 2072459-7
06/24/2013	766969	NorthWestern Energy	\$242.16	8100-31830-403410	SILMD 309 ACCT# 2001311-6
06/24/2013	766969	NorthWestern Energy	\$251.39	8100-31830-403410	SILMD 310 ACCT# 2060519-2
06/24/2013	766969	NorthWestern Energy	\$50.70	8100-31830-403410	SILMD 320 ACCT# 0712569-3
06/24/2013	766970	NorthWestern Energy	\$1,358.55	5610-71130-403410	0100484-5 June 2013 ARFF Facility
06/24/2013	766970	NorthWestern Energy	\$2,045.16	5610-71130-403410	0100483-7. June 2013 Runway Lights
06/24/2013	766970	NorthWestern Energy	\$629.87	5610-71170-403410	1669567-8. June 2013 TSA Building
06/24/2013	766970	NorthWestern Energy	\$23.35	5610-71130-403410	1647695-4. June 2013 Aero Interiors
06/24/2013	766970	NorthWestern Energy	\$9.25	5610-71170-403410	1264299-7. June 2013 Old Hertz Car Wash
06/24/2013	766970	NorthWestern Energy	\$122.16	5610-71170-403410	1341288-7. June 2013 Old National/Alamo Car Wash
06/24/2013	766970	NorthWestern Energy	\$7.56	5610-71170-403410	1341289-5. June 2013 Old Thrifty/Dollar Car Wash
06/24/2013	766970	NorthWestern Energy	\$158.63	5610-71170-403410	1341291-1. June 2013 Old Enterprise Car Wash/Big Sky Ground Support
06/24/2013	766970	NorthWestern Energy	\$452.80	5610-71170-403410	1341295-2. June 2013 Big Sky Ground Support
06/24/2013	766970	NorthWestern Energy	\$1,390.64	5610-71190-403410	1993430-6. June 2013 Car Wash
06/24/2013	766970	NorthWestern Energy	\$315.02	5610-71190-403410	2001846-1. June 2013 Mud Wash
06/24/2013	766970	NorthWestern Energy	\$188.98	5610-71190-403410	2001848-7. June 2013 Detail Bay 1 Hertz
06/24/2013	766970	NorthWestern Energy	\$219.23	5610-71190-403410	2001855-2. June 2013 Detail Bay 2 National/Alamo
06/24/2013	766970	NorthWestern Energy	\$119.65	5610-71190-403410	2001862-8. June 2013 Detail Bay 3 Enterprise
06/24/2013	766970	NorthWestern Energy	\$161.81	5610-71190-403410	2001865-1. June 2013 Detail Bay 4 Avis
06/24/2013	766970	NorthWestern Energy	\$81.48	5610-71190-403410	2001867-7. June 2013 Detail Bay 5 Thrifty/Dollar
06/24/2013	766970	NorthWestern Energy	\$156.97	5120-85000-403410	822 Shiloh Crossing
06/24/2013	766971	OAC Services Inc	\$12,526.45	2030-15130-409224	Empire Parking Garage Project Management Services
06/24/2013	767008	Sunset Excavation	\$4,500.00	5050-75150-403671	2290 King Ave West
06/24/2013	767013	Tire-Rama	\$355.95	5410-31220-402390	tire repairs
06/24/2013	767013	Tire-Rama	\$1,344.00	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,334.50	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,236.00	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,510.72	5410-31220-402390	new tires for stock
06/24/2013	767013	Tire-Rama	\$75.00	2110-31320-402320	1050215855

06/24/2013	767013	Tire-Rama	\$192.50	5410-31220-402390	sw pick up #20 johns new tire
06/24/2013	767013	Tire-Rama	\$1,340.97	5410-31220-402390	new tires for stock
06/24/2013	767013	Tire-Rama	\$796.50	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,403.50	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,340.97	5410-31220-402390	new tires for stock
06/24/2013	767013	Tire-Rama	\$1,476.50	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,189.50	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,398.00	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,414.50	5410-31220-402390	our recaps from plant
06/24/2013	767013	Tire-Rama	\$1,099.92	5410-31220-402390	new tags tires for stock
06/24/2013	767013	Tire-Rama	\$1,270.50	5410-31220-402390	recaps from plant
06/24/2013	767013	Tire-Rama	\$1,350.00	5410-31220-402390	recaps from plant
06/24/2013	767014	Titan Machinery Inc	\$206,593.00	2110-31320-409420	2013 4-wheel mechanical broom high dump sweeper
06/24/2013	767014	Titan Machinery Inc	-\$49,000.00	2110-31320-409420	trade in of unit#'s 1249 & 1256
06/24/2013	767014	Titan Machinery Inc	\$3,163.00	2110-31320-409420	5 year transmission and engine warranty
06/24/2013	767016	Town & Country Supply Association	\$26,769.12	5610-71180-402313	Invoice #104672. QTA Car Rental Fuel
06/24/2013	767016	Town & Country Supply Association	\$35,932.80	6010-00000-141000	104212 PO NUM 292910
06/24/2013	767016	Town & Country Supply Association	\$12,082.00	6010-00000-141000	108430 PO NUM 292911
06/24/2013	767017	Tractor & Equipment Co.	\$10,148.72	5410-31230-402320	BLW00139748
06/24/2013	767017	Tractor & Equipment Co.	\$225.12	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292834
06/24/2013	767019	Tvetene Turf, Inc.	\$4,225.00	5610-71130-403650	Invoice #806387, CM #806419/806925. New grass/sod and fertilizer for west of Ops. Center landscaping improvements.
06/24/2013	767033	Yellowstone Electric Co	\$6,733.64	2250-22320-402120	911 CENTER: UPS SYSTEM FAILED. EMERGENCY SERVICE CALL - BATTERY SHOWING LOW, CAN'T GET IT TO CHARGE. REPLACED UPS SYSTEM BATTERIES. 7HRS LABOR (\$518.00); \$6,140.64 BATTERIES + \$75.00 SHIPPING.
06/24/2013	767034	Yellowstone Valley Elec	\$364.67	8100-31830-403410	SILMD 299 Vintage Estates
06/24/2013	767034	Yellowstone Valley Elec	\$135.49	5120-85000-403410	54th St West/Dovetail Ave
06/24/2013	767034	Yellowstone Valley Elec	\$19.00	5120-85000-403410	Winchester Tri/Rod & Gun Club
06/24/2013	767034	Yellowstone Valley Elec	\$59.00	5120-84000-403410	Briarwood Blvd/O'Shea Cir
06/24/2013	767034	Yellowstone Valley Elec	\$2,171.69	5020-74000-403410	Thomas Pump Station
06/24/2013	767034	Yellowstone Valley Elec	\$668.84	5120-84000-403410	Rehberg Ranch North Pond
06/24/2013	767034	Yellowstone Valley Elec	\$165.68	5120-85000-403410	4523 Iron Horse trl
06/24/2013	767034	Yellowstone Valley Elec	\$1,196.99	5120-84000-403410	Rehberg Aeration Ponds
06/24/2013	767034	Yellowstone Valley Elec	\$768.12	5410-31230-403410	power bill for landfill
06/24/2013	767034	Yellowstone Valley Elec	\$608.95	1500-22210-403410	MONTHLY ELECTRICAL SERVICE - FIRE STATION #7 AND PD#3 - 1501 54TH STREET WEST - ACCOUNT #4179013
06/24/2013	767034	Yellowstone Valley Elec	\$159.54	6070-22350-403410	41790002: LANDFILL TOWER SITE ELECTRICAL SERVICE
06/24/2013	767034	Yellowstone Valley Elec	\$0.00	6070-22350-403410	41790004: FOX/TANK TOWER SITE ELECTRICAL SERVICE

06/24/2013 767034 Yellowstone Valley Elec  
06/24/2013 767035 Zayo Group LLC

\$245.98 5120-85000-403410 2229 Blue Creek Rd  
\$68,003.10 2030-15130-409224 utility relocation agreement for  
relocate and bury of fiber  
cables

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Payment of Claims July 1, 2013.

**PRESENTED BY:** Patrick M. Weber Finance Director

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$4,176,519.16 have been audited and are presented for your approval for payment. A complete listing of the claims dated July 1, 2013 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 the Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Council Reports 7-03

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Check Date	Check	Name	Amount	Account	Item Desc
07/01/2013	767040	A & E Architects, PC	\$8,376.40	4980-55360-409390	New Library Building - Construction Management Services
07/01/2013	767040	A & E Architects, PC	\$20,625.00	5030-74910-409390	WO 12-42 WTP Laboratory Renovation
07/01/2013	767040	A & E Architects, PC	\$25,486.87	8730-51990-409370	Encumbrance for A&E to do the construction documents for the facility improvements of 9 park restrooms using Park District 1 funding.
07/01/2013	767057	American Title & Escrow	\$10,000.00	2770-65810-407277	FTHB John Hopkins 208 Hilltop
07/01/2013	767061	Archie Cochrane	\$4,071.50	6300-17530-407310	BPD Car #1571
07/01/2013	767061	Archie Cochrane	\$161.87	1500-21120-402320	5104296
07/01/2013	767061	Archie Cochrane	\$110.37	1500-21120-402320	5104297
07/01/2013	767061	Archie Cochrane	\$112.03	1500-21120-402320	5104373
07/01/2013	767061	Archie Cochrane	\$24.79	6010-15530-402650	5104444
07/01/2013	767061	Archie Cochrane	-\$24.79	6010-15530-402650	5104469
07/01/2013	767073	Billings Depot Inc	\$5,295.87	6600-00000-143000	Rent
07/01/2013	767073	Billings Depot Inc	\$7,943.80	6700-00000-143000	Rent
07/01/2013	767077	Black Box Network Services	\$2,741.36	5120-84000-402450	Waste Water Router Upgrade
07/01/2013	767079	Border States Electric	\$76.92	5120-85000-402360	Cable tie & aluminum for lift station
07/01/2013	767079	Border States Electric	\$173.61	2110-31320-402430	pvc couplings/90 degree pvc/bonding wire/clamps for signal repair
07/01/2013	767079	Border States Electric	\$71.00	5120-84000-402360	Camera feeds in office
07/01/2013	767079	Border States Electric	\$296.70	5120-84000-402360	Warning pilot lights
07/01/2013	767079	Border States Electric	\$80.41	5020-74000-402410	Conduit tools
07/01/2013	767079	Border States Electric	\$80.41	5120-84000-402410	Conduit tools
07/01/2013	767079	Border States Electric	\$33.32	2110-31320-402430	lubricant for pulling wire for signals
07/01/2013	767079	Border States Electric	\$253.50	2110-31320-402430	heat shrink and taps for signal repair
07/01/2013	767079	Border States Electric	\$111.20	5120-84000-402360	Shop supplies
07/01/2013	767079	Border States Electric	\$128.19	5120-84000-402360	Terminals and lugs
07/01/2013	767079	Border States Electric	\$25.26	5020-74000-402360	Bulbs for water tank ground lights
07/01/2013	767079	Border States Electric	\$12.63	5020-74000-402360	WTP lighting
07/01/2013	767079	Border States Electric	\$14.03	5020-74000-402410	Misc tools
07/01/2013	767079	Border States Electric	\$14.04	5120-84000-402410	Misc tools
07/01/2013	767079	Border States Electric	\$46.20	5020-74000-402360	Label cartridges for wire labeler
07/01/2013	767079	Border States Electric	\$46.20	5120-84000-402360	Label cartridges for wire labeler
07/01/2013	767079	Border States Electric	\$30.32	5020-74000-402360	Electrical cord
07/01/2013	767079	Border States Electric	\$1,085.20	2110-00000-141318	STREET LIGHTS PO NUM 291473
07/01/2013	767079	Border States Electric	\$299.82	2110-00000-141318	STREET LIGHTS PO NUM 292190
07/01/2013	767079	Border States Electric	\$299.82	2110-00000-141318	STREET LIGHTS PO NUM 292190
07/01/2013	767079	Border States Electric	\$111.10	5120-84000-402360	fuses for sat tank instrument loops
07/01/2013	767079	Border States Electric	\$49.60	2110-31320-402360	electrical tape
07/01/2013	767079	Border States Electric	\$50.38	2110-00000-141318	STREET LIGHTS PO NUM 292190
07/01/2013	767079	Border States Electric	\$99.23	2110-00000-141318	STREET LIGHTS PO NUM 292190
07/01/2013	767079	Border States Electric	\$335.26	2110-00000-141318	STREET LIGHTS PO NUM 292190
07/01/2013	767079	Border States Electric	\$118.38	5020-74000-402360	Restock of electrical supplies
07/01/2013	767079	Border States Electric	\$233.46	5020-74000-402360	Lighting on chemical bldg
07/01/2013	767079	Border States Electric	\$116.73	5020-74000-402360	Lighting and conduit for chemical bldg
07/01/2013	767079	Border States Electric	\$174.04	5120-85000-402360	Rehberg conduit remodel
07/01/2013	767079	Border States Electric	\$34.92	5120-85000-402360	Rehberg conduit remodel
07/01/2013	767079	Border States Electric	\$207.36	5020-73140-402450	Safety light battery
07/01/2013	767079	Border States Electric	\$69.12	5120-83140-402450	Safety light battery
07/01/2013	767079	Border States Electric	\$233.64	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292780
07/01/2013	767079	Border States Electric	\$199.88	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292782
07/01/2013	767079	Border States Electric	\$36.70	5020-74000-402360	Lighting switch
07/01/2013	767079	Border States Electric	\$1,305.00	5020-74000-402360	PCL software upgrade
07/01/2013	767079	Border States Electric	\$9.54	5120-84000-402360	AFT Controller
07/01/2013	767079	Border States Electric	\$98.90	5120-84000-402360	Panel for gas detectors in digesters
07/01/2013	767079	Border States Electric	\$19.19	5020-74000-402410	Allen wrench
07/01/2013	767079	Border States Electric	\$53.00	5120-84000-402360	Parts for gas detector upgrade
07/01/2013	767088	Business Tax Section	\$17,432.18	4980-55110-409220	Construction of new Library, demolition of existing building & site development features
07/01/2013	767088	Business Tax Section	\$107.45	5050-75150-403671	Water Service Repairs

07/01/2013	767088	Business Tax Section	\$47.45	5620-71200-409310	Invoice #13-000064-F. South View Drive & West End Parking Lot
07/01/2013	767088	Business Tax Section	\$2,539.85	4210-85930-409340	WO 12-05 Five Mile Lift Station
07/01/2013	767088	Business Tax Section	\$70.70	2050-00000-201100	WO 12-04 Accessibility Ramps
07/01/2013	767088	Business Tax Section	\$81.45	5130-00000-201100	WO 12-12 Bench Blvd Sanitary Sewer
07/01/2013	767088	Business Tax Section	\$6.30	8400-00000-201100	WO 12-12 Bench Blvd Sanitary Sewer
07/01/2013	767088	Business Tax Section	\$5,761.76	4160-74930-409340	WO 09-19 Zone 3 East Fox Reservoir Expansion
07/01/2013	767088	Business Tax Section	\$21.84	5620-00000-201100	Invoice #13-000064-R Parking Lot Paving Retainage Release
07/01/2013	767088	Business Tax Section	\$6.19	5620-00000-201100	Invoice #13-000064-R Sanitary Sewer Extension Retainage Release
07/01/2013	767088	Business Tax Section	\$58.51	5620-71200-409310	Invoice #13-000120-F. East End Taxilane Expansion
07/01/2013	767088	Business Tax Section	\$7,183.05	2050-31310-409390	WO 13-03 Street Maintenance - #1 Overlay
07/01/2013	767088	Business Tax Section	\$50.00	8730-51990-403990	Business tax for roof replacement at South, Rose and Riverfront Park shelters and restroom. Payment #2
07/01/2013	767092	Castlerock Excavating Inc	\$8,063.05	5130-00000-201100	WO 12-12 Bench Blvd Sanitary Sewer
07/01/2013	767092	Castlerock Excavating Inc	\$623.70	8400-00000-201100	WO 12-12 Bench Blvd Sanitary Sewer
07/01/2013	767092	Castlerock Excavating Inc	\$2,300.00	5130-85910-409340	WO 12-12 Bench Blvd Sewer Extensions
07/01/2013	767093	CDM Smith Inc	\$13,209.25	5020-72110-403590	Water & Wastewater Rate Study
07/01/2013	767093	CDM Smith Inc	\$21,997.75	5120-82110-403590	Water & Wastewater Rate Study
07/01/2013	767093	CDM Smith Inc	\$1,754.29	5020-00000-201100	Water & Wastewater Rate Study FY14
07/01/2013	767093	CDM Smith Inc	\$1,662.87	5120-00000-201100	Water & Wastewater Rate Study FY14
07/01/2013	767094	CDW Government Inc	\$3,655.20	6200-19110-409480	(4) Proline 10GBASE-LR XFP F/Nortel
07/01/2013	767095	CK Roofing	\$4,950.00	8730-51990-403990	Riverfront, Rose and South roof replacement. Business tax is withheld from quoted amount leaving balance owed contractor \$9,900.
07/01/2013	767098	Connor's Garage Door Service	\$1,638.00	5610-71130-402450	Invoice #2580. Preventative maintenance on overhead doors at Ops.
07/01/2013	767098	Connor's Garage Door Service	\$1,306.00	5610-71130-402450	Invoice #2581. Annual Maintenance to large overhead doors at Ops Center.
07/01/2013	767098	Connor's Garage Door Service	\$355.00	5610-71130-402450	Invoice #2503. Maintenance on large overhead doors at Ops. Center
07/01/2013	767098	Connor's Garage Door Service	\$795.00	5610-71130-402450	Invoice #3021. North parking bay door replacement
07/01/2013	767098	Connor's Garage Door Service	\$1,537.00	5610-71130-402450	Invoice #3024. Annual maintenance to large overhead doors at Ops. Center
07/01/2013	767108	Dell Computer L P	\$2,543.31	1500-22240-402925	(1) Dell Precision M6700
07/01/2013	767111	Dixie Petro-Chem	\$980.25	0100-51260-402290	Chlorine for pools.
07/01/2013	767111	Dixie Petro-Chem	\$1,633.75	0100-51260-402290	Chlorine for pools.
07/01/2013	767111	Dixie Petro-Chem	\$2,752.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292965
07/01/2013	767111	Dixie Petro-Chem	\$375.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292966
07/01/2013	767114	DXP Enterprises, Inc.	\$3,248.84	5610-71150-402320	Invoice #5929732. ASME cylinder and installation
07/01/2013	767124	Ennis Paint Inc.	\$11,267.00	2110-31320-402340	white totes of traffic paint
07/01/2013	767124	Ennis Paint Inc.	\$22,438.00	2110-31320-402340	yellow totes of traffic paint
07/01/2013	767145	Great West Engineering, Inc	\$19,000.86	5440-31230-409390	WO 11-19 Landfill Phase 5 Expansion
07/01/2013	767145	Great West Engineering, Inc	\$19,559.33	5440-31230-409390	WO 12-29 Solid Waste Management Plan
07/01/2013	767146	Guardian Security Inc	\$6,220.25	2600-55120-403574	iNV 995970
07/01/2013	767147	Hach Company	\$3,392.95	5020-74000-402360	Chlorine process analyzer
07/01/2013	767147	Hach Company	\$177.65	5120-84000-402223	Ammonia, sensor cap
07/01/2013	767151	HDR, Inc.	\$1,988.52	5020-72110-403540	DRINKING WATER SOURCE STUDY
07/01/2013	767151	HDR, Inc.	\$32,910.00	5030-00000-201100	WO 10-12 Blgs Low Srvc Pump Station #1 Expansion
07/01/2013	767151	HDR, Inc.	\$2,155.32	5130-00000-201100	WO 10-29 WWTP West Mechanical MCC Replacement
07/01/2013	767151	HDR, Inc.	\$2,432.94	5030-74910-409390	WO 12-45 3 MG Staples Reservoir Liner
07/01/2013	767151	HDR, Inc.	\$2,941.16	5030-74910-409390	WO 12-44 WTP High Srvc Pump H2-3
07/01/2013	767151	HDR, Inc.	\$7,025.27	5030-74910-409390	WO 12-43 WTP Backup Power Phase III

07/01/2013	767151	HDR, Inc.	\$60,712.35	5120-82110-403540	WO 12-15 IWPI WWTF Plan
07/01/2013	767151	HDR, Inc.	\$13,735.89	4160-74930-409340	WO 09-19 Zone 3 East Fox Reservoir
07/01/2013	767151	HDR, Inc.	\$1,371.92	5030-74910-409390	WO 11-11 WTF Rapid Mixer
07/01/2013	767151	HDR, Inc.	\$9,189.70	5020-74000-403540	WO 12-21 WTP Chemical Bldg/Disinfection Improvements
07/01/2013	767158	Hughes Law P.L.L.C	\$650.00	0100-12140-403520	June Invoice
07/01/2013	767158	Hughes Law P.L.L.C	\$1,875.00	0100-12140-403520	Judge Pro Tem MAY
07/01/2013	767159	laiff	\$4,361.90	9000-00000-209920	Payroll Summary
07/01/2013	767160	IBM Corporation	\$6,258.00	6200-19110-405370	VMware vSphere 5.1 Software Licenses & Support 1 year on Two Processors
07/01/2013	767162	Ingram Library Services Inc.	\$15.90	2600-55190-403226	INV 72011411
07/01/2013	767162	Ingram Library Services Inc.	\$10.61	2600-55190-403333	INV 72011411
07/01/2013	767162	Ingram Library Services Inc.	\$14.75	2600-55190-403227	INV 72011412
07/01/2013	767162	Ingram Library Services Inc.	\$10.99	2600-55190-403242	INV 72011413
07/01/2013	767162	Ingram Library Services Inc.	\$15.90	2600-55190-403226	INV 72011414
07/01/2013	767162	Ingram Library Services Inc.	\$80.88	2600-55190-403226	INV 72011415
07/01/2013	767162	Ingram Library Services Inc.	\$4.79	2600-55190-403241	INV 72011415
07/01/2013	767162	Ingram Library Services Inc.	\$29.99	2600-55190-403227	INV 72011416
07/01/2013	767162	Ingram Library Services Inc.	\$15.34	2600-55190-403226	INV 72011417
07/01/2013	767162	Ingram Library Services Inc.	\$20.34	2600-55190-403222	INV 72011418
07/01/2013	767162	Ingram Library Services Inc.	\$344.81	2600-55190-403226	INV 72011418
07/01/2013	767162	Ingram Library Services Inc.	\$23.70	2600-55190-403227	INV 72011418
07/01/2013	767162	Ingram Library Services Inc.	\$241.35	2600-55190-403255	INV 72011418
07/01/2013	767162	Ingram Library Services Inc.	\$930.81	2600-55190-403333	INV 72011418
07/01/2013	767162	Ingram Library Services Inc.	\$14.13	2600-55190-403226	INV 72030394
07/01/2013	767162	Ingram Library Services Inc.	\$16.51	2600-55190-403226	INV 72030395
07/01/2013	767162	Ingram Library Services Inc.	\$6.48	2600-55190-403333	INV 72030396
07/01/2013	767162	Ingram Library Services Inc.	\$73.59	2600-55150-402280	INV 72030397
07/01/2013	767162	Ingram Library Services Inc.	\$29.99	2600-55190-403227	INV 72030398
07/01/2013	767162	Ingram Library Services Inc.	\$9.57	2600-55190-403226	INV 72030399
07/01/2013	767162	Ingram Library Services Inc.	\$309.55	2600-55190-403242	INV 72030400
07/01/2013	767162	Ingram Library Services Inc.	\$25.49	2600-55190-403226	INV 72074561
07/01/2013	767162	Ingram Library Services Inc.	\$11.99	2600-55190-403255	INV 72074562
07/01/2013	767162	Ingram Library Services Inc.	\$4.79	2600-55190-403226	INV 72074563
07/01/2013	767162	Ingram Library Services Inc.	\$11.79	2600-55190-403241	INV 72074564
07/01/2013	767162	Ingram Library Services Inc.	\$28.88	2600-55190-403333	INV 72074565
07/01/2013	767162	Ingram Library Services Inc.	\$21.30	2600-55190-403226	INV 72074566
07/01/2013	767162	Ingram Library Services Inc.	\$9.59	2600-55190-403227	INV 72074566
07/01/2013	767162	Ingram Library Services Inc.	\$14.13	2600-55190-403226	INV 72074567
07/01/2013	767162	Ingram Library Services Inc.	\$11.79	2600-55190-403255	INV 72074568
07/01/2013	767162	Ingram Library Services Inc.	\$36.68	2600-55190-403333	INV 72074568
07/01/2013	767162	Ingram Library Services Inc.	\$21.99	2600-55190-403242	INV 72074569
07/01/2013	767162	Ingram Library Services Inc.	\$59.90	2600-55190-403383	INV 72074570
07/01/2013	767162	Ingram Library Services Inc.	\$5.49	2600-55190-403222	INV 72116763
07/01/2013	767162	Ingram Library Services Inc.	\$17.97	2600-55190-403242	INV 72116764
07/01/2013	767162	Ingram Library Services Inc.	\$64.78	2600-55190-403222	INV 72116765
07/01/2013	767162	Ingram Library Services Inc.	\$51.81	2600-55190-403226	INV 72116765
07/01/2013	767162	Ingram Library Services Inc.	\$22.00	2600-55190-403222	INV 72116766
07/01/2013	767162	Ingram Library Services Inc.	\$43.21	2600-55190-403226	INV 72116766
07/01/2013	767162	Ingram Library Services Inc.	\$15.92	2600-55190-403227	INV 72116766
07/01/2013	767162	Ingram Library Services Inc.	\$23.39	2600-55190-403255	INV 72116766
07/01/2013	767162	Ingram Library Services Inc.	\$98.34	2600-55190-403333	INV 72116766
07/01/2013	767162	Ingram Library Services Inc.	\$266.01	2600-55190-403242	INV 72116767
07/01/2013	767162	Ingram Library Services Inc.	\$56.78	2600-55150-402280	INV 72116768
07/01/2013	767162	Ingram Library Services Inc.	\$216.30	2600-55190-403226	INV 72122124
07/01/2013	767162	Ingram Library Services Inc.	\$64.77	2600-55190-403227	INV 72122124
07/01/2013	767162	Ingram Library Services Inc.	\$385.38	2600-55190-403255	INV 72122124
07/01/2013	767162	Ingram Library Services Inc.	\$4.79	2600-55190-403226	INV 72122125
07/01/2013	767162	Ingram Library Services Inc.	\$8.37	2600-55190-403226	INV 72122126
07/01/2013	767162	Ingram Library Services Inc.	\$23.99	2600-55190-403242	INV 72122127
07/01/2013	767162	Ingram Library Services Inc.	\$14.74	2600-55190-403227	Inv 72203738
07/01/2013	767162	Ingram Library Services Inc.	\$10.02	2600-55190-403255	Inv 72203738
07/01/2013	767162	Ingram Library Services Inc.	\$112.70	2600-55190-403222	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$141.77	2600-55190-403226	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$178.02	2600-55190-403227	Inv 72203739

07/01/2013	767162	Ingram Library Services Inc.	\$81.52	2600-55190-403241	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$21.44	2600-55190-403242	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$348.71	2600-55190-403255	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$32.56	2600-55190-403333	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$151.73	2600-55190-407930	Inv 72203739
07/01/2013	767162	Ingram Library Services Inc.	\$15.34	2600-55190-403226	Inv 72203740
07/01/2013	767162	Ingram Library Services Inc.	\$9.43	2600-55190-403333	Inv 72203741
07/01/2013	767162	Ingram Library Services Inc.	\$15.31	2600-55190-403226	Inv 72203742
07/01/2013	767162	Ingram Library Services Inc.	\$65.77	2600-55190-403226	Inv 72203743
07/01/2013	767162	Ingram Library Services Inc.	\$61.83	2600-55190-403226	Inv 72203744
07/01/2013	767162	Ingram Library Services Inc.	\$8.97	2600-55190-403226	Inv 72203745
07/01/2013	767162	Ingram Library Services Inc.	\$12.41	2600-55190-403333	Inv 72203745
07/01/2013	767162	Ingram Library Services Inc.	\$164.08	2600-55190-403242	Inv 72203746
07/01/2013	767162	Ingram Library Services Inc.	\$24.36	2600-55190-403255	Inv 72290809
07/01/2013	767162	Ingram Library Services Inc.	\$26.69	2600-55190-403241	Inv 72290810
07/01/2013	767162	Ingram Library Services Inc.	\$21.22	2600-55190-403333	Inv 72290810
07/01/2013	767162	Ingram Library Services Inc.	\$177.72	2600-55190-403227	Inv 72290811
07/01/2013	767162	Ingram Library Services Inc.	\$182.56	2600-55190-403333	Inv 72290811
07/01/2013	767162	Ingram Library Services Inc.	\$8.99	2600-55190-403226	Inv 72290812
07/01/2013	767162	Ingram Library Services Inc.	\$9.59	2600-55190-403241	Inv 72290813
07/01/2013	767162	Ingram Library Services Inc.	\$14.72	2600-55190-403226	Inv 72290814
07/01/2013	767162	Ingram Library Services Inc.	\$10.99	2600-55190-403242	Inv 72290815
07/01/2013	767162	Ingram Library Services Inc.	\$15.34	2600-55190-403226	Inv 72290816
07/01/2013	767162	Ingram Library Services Inc.	\$19.25	2600-55190-403222	Inv 72290817
07/01/2013	767162	Ingram Library Services Inc.	\$100.62	2600-55190-403226	Inv 72290817
07/01/2013	767162	Ingram Library Services Inc.	\$20.64	2600-55190-403226	Inv 72290818
07/01/2013	767162	Ingram Library Services Inc.	\$28.86	2600-55190-403333	Inv 72290818
07/01/2013	767162	Ingram Library Services Inc.	\$120.96	2600-55190-403242	Inv 72290819
07/01/2013	767162	Ingram Library Services Inc.	\$102.07	2600-55190-403226	Inv 72314632
07/01/2013	767162	Ingram Library Services Inc.	\$122.93	2600-55190-403227	Inv 72314632
07/01/2013	767162	Ingram Library Services Inc.	\$38.96	2600-55190-403255	Inv 72314632
07/01/2013	767162	Ingram Library Services Inc.	\$24.90	2600-55190-403226	Inv 72314633
07/01/2013	767162	Ingram Library Services Inc.	\$29.93	2600-55190-403227	Inv 72314633
07/01/2013	767162	Ingram Library Services Inc.	\$55.11	2600-55190-403255	Inv 72314633
07/01/2013	767162	Ingram Library Services Inc.	\$4.19	2600-55190-403333	Inv 72314633
07/01/2013	767162	Ingram Library Services Inc.	\$8.25	2600-55190-403334	Inv 72314633
07/01/2013	767162	Ingram Library Services Inc.	\$63.48	2600-55190-403227	Inv 72314634
07/01/2013	767162	Ingram Library Services Inc.	\$21.99	2600-55190-403222	Inv 72314635
07/01/2013	767162	Ingram Library Services Inc.	\$8.40	2600-55190-403226	Inv 72314636
07/01/2013	767162	Ingram Library Services Inc.	\$68.48	2600-55190-403333	Inv 72314637
07/01/2013	767162	Ingram Library Services Inc.	\$197.27	2600-55190-403242	Inv 72314638
07/01/2013	767164	Interfaith Hospitality Network Of Yellowstone Co	\$2,883.83	2960-66790-407275	Interfaith Hospitality Network April - June 2013 Reimbursement
07/01/2013	767167	J & J Concrete Inc.	\$6,998.73	2050-00000-201100	WO 12-04 Accessibility Ramps
07/01/2013	767168	Jackson Contractor Group Inc	\$1,725,785.82	4980-55110-409220	Construction of new Library, demolition of existing building & site development features.
07/01/2013	767172	Jones Construction	\$3,450.00	6300-17530-407310	Repairs to a south colum of the carpot at BPD. #2012-144
07/01/2013	767182	Knife River (JTL Group Inc.)	\$711,122.40	2050-31310-409390	WO 13-03 2013 Street Maintenance - #1 Overlay
07/01/2013	767182	Knife River (JTL Group Inc.)	\$3,890.71	5620-71200-409310	Invoice #13-000119-F. East End Taxilane Expansion
07/01/2013	767182	Knife River (JTL Group Inc.)	\$3,138.38	2110-31320-404710	asphalt for 15th st west & Central
07/01/2013	767182	Knife River (JTL Group Inc.)	\$4,697.55	5620-71200-409310	Invoice #13-000063-F Repave South View Drive & West End Parking Lot
07/01/2013	767182	Knife River (JTL Group Inc.)	\$2,162.08	5620-00000-201100	Retainage Release Parking Lot Paving
07/01/2013	767182	Knife River (JTL Group Inc.)	\$612.71	5620-00000-201100	Retainage Release Sanitary Sewer Extension
07/01/2013	767182	Knife River (JTL Group Inc.)	\$4,880.19	5620-00000-201100	Invoice #13-000119-R Retainage Release
07/01/2013	767182	Knife River (JTL Group Inc.)	\$1,408.82	2110-31320-404710	asphalt for division/n32nd st
07/01/2013	767182	Knife River (JTL Group Inc.)	\$2,812.42	2110-31320-404710	asphalt for 6th N & N28th
07/01/2013	767196	Mailing Technical Services	\$148.72	5210-15210-403110	parking - special inserts only
07/01/2013	767196	Mailing Technical Services	\$1,043.64	0100-15120-403110	Finance
07/01/2013	767196	Mailing Technical Services	\$4,653.22	6050-15150-403110	Postage Fund (weekly bills)

07/01/2013	767196	Mailing Technical Services	\$71.87	1500-21110-403110	Invoice 175815, Evidence Mailings
07/01/2013	767200	Mes-Nw	\$414.00	1500-22290-402640	HP-EEZNFPA, EZ FLIP FACE SHIELDS FOR HELMETS
07/01/2013	767200	Mes-Nw	\$0.00	1500-22290-402490	ADZ-8-28 PRO SET: 8-LB SLEDGE W/30" PRO-BAR & STRAP (FIRE HOOKS)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22290-402490	PIKE POLE, 10-FT W/RUBISH HOOD & D-HANDLE (LEATHERHEAD)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22290-402490	FLAT HEAD AXE 6-LB (LEATHER HEAD)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22290-402490	PICK HEAD AXE, 6-LBS (LIME-YELLOW)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22290-402490	HINGE HOOK (FIRE HOOKS)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22310-402690	PULASKI W/36" STRAIGHT HANDLE 3.75-LBS
07/01/2013	767200	Mes-Nw	\$0.00	1500-22290-402640	LOCKING 'D' CARIBINERS, RED SMC - SM18505N (PMI)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22240-402120	UNIFIRE PS-20DG-SB 20 CHAIN SAW WITH SABER TOOTH CHAIN (QUOTE #QT-00209253-2 DATED 5/17/2013)
07/01/2013	767200	Mes-Nw	\$1,409.00	1500-22240-402120	K970/K12FD RESCUE SAW W/BLADE (QUOTE #QT-00209645-1 DATED 5/17/2013)
07/01/2013	767200	Mes-Nw	\$39.24	1500-22240-402120	ESTIMATED SHIPPING/HANDLING
07/01/2013	767200	Mes-Nw	\$1,895.00	1500-22240-402120	UNIFIRE PS-20DG-SB 20 CHAIN SAW WITH SABER TOOTH CHAIN (QUOTE #QT-00209253-2 DATED 5/17/2013)
07/01/2013	767200	Mes-Nw	\$0.00	1500-22240-402120	K970/K12FD RESCUE SAW W/BLADE (QUOTE #QT-00209645-1 DATED 5/17/2013)
07/01/2013	767200	Mes-Nw	\$55.65	1500-22240-402120	ESTIMATED SHIPPING/HANDLING
07/01/2013	767205	Midwest Tape	\$29.98	2600-55190-403222	Inv 91057610
07/01/2013	767205	Midwest Tape	\$152.73	2600-55190-403225	Inv 91057610
07/01/2013	767205	Midwest Tape	\$20.78	2600-55190-403334	Inv 91057612
07/01/2013	767205	Midwest Tape	\$83.94	2600-55190-403336	Inv 91057612
07/01/2013	767205	Midwest Tape	\$432.89	2600-55190-403255	Inv 91057613
07/01/2013	767205	Midwest Tape	\$137.94	2600-55190-403225	Inv 91074502
07/01/2013	767205	Midwest Tape	\$11.99	2600-55190-403334	Inv 91074504
07/01/2013	767205	Midwest Tape	\$9.58	2600-55190-403336	Inv 91074504
07/01/2013	767205	Midwest Tape	\$192.95	2600-55190-403255	Inv 91074505
07/01/2013	767205	Midwest Tape	\$260.58	2600-55190-403336	Inv 91074506
07/01/2013	767205	Midwest Tape	\$47.97	2600-55190-403336	INV 91019990
07/01/2013	767205	Midwest Tape	\$23.99	2600-55190-403336	INV 91019992
07/01/2013	767205	Midwest Tape	\$13.99	2600-55190-403222	INV 91019993
07/01/2013	767205	Midwest Tape	\$139.73	2600-55190-403225	INV 91019993
07/01/2013	767205	Midwest Tape	\$15.99	2600-55190-403243	INV 91019994
07/01/2013	767205	Midwest Tape	\$37.97	2600-55190-403222	INV 91019995
07/01/2013	767205	Midwest Tape	\$265.88	2600-55190-403225	INV 91019995
07/01/2013	767205	Midwest Tape	\$13.99	2600-55190-403222	INV 91019996
07/01/2013	767205	Midwest Tape	\$26.38	2600-55190-403334	INV 91019996
07/01/2013	767205	Midwest Tape	\$818.81	2600-55190-403336	INV 91019996
07/01/2013	767205	Midwest Tape	\$275.94	2600-55190-403255	INV 91019997
07/01/2013	767205	Midwest Tape	\$18.99	2600-55190-403222	INV 91039816
07/01/2013	767205	Midwest Tape	\$116.96	2600-55190-403225	INV 91039818
07/01/2013	767205	Midwest Tape	\$51.96	2600-55190-403222	INV 91039819
07/01/2013	767205	Midwest Tape	\$60.36	2600-55190-403225	INV 91039819
07/01/2013	767205	Midwest Tape	\$203.06	2600-55190-403334	IINV 91039940
07/01/2013	767205	Midwest Tape	\$944.91	2600-55190-403336	IINV 91039940
07/01/2013	767205	Midwest Tape	\$144.96	2600-55190-403255	INV 91039941
07/01/2013	767210	Montana Conservation Corps Inc	\$3,500.00	8730-51990-403581	Wilson Park rehab.
07/01/2013	767211	Montana CSED	\$4,085.81	9000-00000-209926	Payroll Summary
07/01/2013	767212	Montana Dakota Utilities Co	\$252.64	0100-51260-403440	0619431000 6
07/01/2013	767212	Montana Dakota Utilities Co	\$14.79	6500-15660-403440	1307331000 8
07/01/2013	767212	Montana Dakota Utilities Co	\$12.82	1500-21150-403410	06290794947
07/01/2013	767212	Montana Dakota Utilities Co	\$106.19	1500-22210-403440	4421901000 4
07/01/2013	767212	Montana Dakota Utilities Co	\$10.87	5020-74000-403440	5270331000 4

07/01/2013	767212	Montana Dakota Utilities Co	\$98.10	1500-22210-403440	5336531000	1
07/01/2013	767212	Montana Dakota Utilities Co	\$25.64	5120-85000-403440	7354531000	2
07/01/2013	767212	Montana Dakota Utilities Co	\$454.77	6500-15660-403440	7576331000	2
07/01/2013	767212	Montana Dakota Utilities Co	\$124.67	5410-31230-403440	7703901000	2
07/01/2013	767212	Montana Dakota Utilities Co	\$24.34	5120-85000-403440	8685631000	7
07/01/2013	767212	Montana Dakota Utilities Co	\$153.21	6500-15660-403440	9897331000	0
07/01/2013	767212	Montana Dakota Utilities Co	\$145.36	6500-15660-403440	9937331000	4
07/01/2013	767212	Montana Dakota Utilities Co	\$10.87	1500-21150-403410	51411704789	
07/01/2013	767212	Montana Dakota Utilities Co	\$9.15	4280-65900-409180	MDU Account #67229010003 / 502 S 33rd Street Irma House II (HOME Program)	
07/01/2013	767212	Montana Dakota Utilities Co	\$61.43	5610-71130-403440	06882310003 / 31454601	
07/01/2013	767212	Montana Dakota Utilities Co	\$10.87	5610-71130-403440	16882310002 / 31454801	
07/01/2013	767212	Montana Dakota Utilities Co	\$417.79	1500-21710-403440	1692331000	
07/01/2013	767212	Montana Dakota Utilities Co	\$330.84	5610-71130-403440	2855801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$1,752.78	5120-84000-403440	2937801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$3,505.56	5120-84000-403440	2937801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$1,752.78	5120-84000-403440	2937801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$6.09	5020-74000-403440	3735801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$6.08	5020-74000-403440	3735801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$36.96	0100-51270-403440	4377801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$10.87	0100-51120-403410	5014731000	
07/01/2013	767212	Montana Dakota Utilities Co	\$10.87	5020-74000-403440	5413801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$61.54	2600-55120-403440	5797801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$39.74	6600-31100-403440	5953731000	
07/01/2013	767212	Montana Dakota Utilities Co	\$59.62	6700-31410-403440	5953731000	
07/01/2013	767212	Montana Dakota Utilities Co	\$4,353.47	5610-71120-403440	5955801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$28.24	5120-85000-403440	5967331000	
07/01/2013	767212	Montana Dakota Utilities Co	\$59.26	1500-22210-403440	6686701000	
07/01/2013	767212	Montana Dakota Utilities Co	\$74.44	5610-71170-403440	7065801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$14.14	5210-15920-403440	7173531000	
07/01/2013	767212	Montana Dakota Utilities Co	\$10.87	5610-71170-403440	8065801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$52.99	1500-22210-403440	8858801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$25.64	5020-74000-403440	9215801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$557.83	6500-15670-403440	9297801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$24.99	5120-85000-403440	9550431000	
07/01/2013	767212	Montana Dakota Utilities Co	\$462.73	5710-71430-403440	9628801000	
07/01/2013	767212	Montana Dakota Utilities Co	\$44.07	5610-71170-403440	295 580 1000 4. June 2013 Aero Interiors	
07/01/2013	767212	Montana Dakota Utilities Co	\$46.00	5610-71170-403440	185 580 1000 7. June 2013 TSA Building	
07/01/2013	767212	Montana Dakota Utilities Co	\$295.03	5610-71190-403440	889 373 1000 6. June 2013 Car Wash	
07/01/2013	767212	Montana Dakota Utilities Co	\$261.19	5610-71190-403440	129 573 1000 1. June 2013 Mud Wash	
07/01/2013	767212	Montana Dakota Utilities Co	\$12.82	5610-71190-403440	229 573 1000 0. June 2013 Hertz Detail Bay	
07/01/2013	767212	Montana Dakota Utilities Co	\$27.13	5610-71190-403440	629 573 1000 6. June 2013 National/Alamo Detail Bay.	
07/01/2013	767212	Montana Dakota Utilities Co	\$23.89	5610-71190-403440	329 573 1000 9. June 2013. Enterprise Detail Bay	
07/01/2013	767212	Montana Dakota Utilities Co	\$23.89	5610-71190-403440	429 573 1000 8. June 2013. Avis/Budget Detail Bay	
07/01/2013	767212	Montana Dakota Utilities Co	\$14.12	5610-71190-403440	529 573 1000 7. June 2013 Thrifty/Dollar Detail Bay	
07/01/2013	767217	Montana State Fireman's Assoc	\$3,240.05	9000-00000-209924	Payroll Summary	
07/01/2013	767221	Morledge Alkali Creek LLC	\$8,179.32	8450-31860-409120	WO 09-12 Inner Belt Loop ROW Acquisition - Parcel No. 7 Approved by CC 05/13/12	
07/01/2013	767222	Morrison Maierle Inc	\$824.43	4070-71280-409397	Invoice #130923. Pond A,B,C Expansion - CA 2447.088.01	
07/01/2013	767222	Morrison Maierle Inc	\$513.27	5620-71200-409310	Invoice #130824. South View Drive & West End Parking Lot Paving-CA	
07/01/2013	767222	Morrison Maierle Inc	\$44.63	5620-71200-409310	Invoice #130824. Extend Sanitary Sewer - CA	
07/01/2013	767222	Morrison Maierle Inc	\$1,673.69	5620-71200-409310	Invoice #130824. East Taxilane Extension - CA	
07/01/2013	767222	Morrison Maierle Inc	\$16,492.53	5030-00000-201100	WO 10-08 WTP Clearwell CT Improvements	

07/01/2013	767231	MT Waterworks	\$711.79	5020-00000-141000	SYSTEMS PO NUM 292920
07/01/2013	767231	MT Waterworks	\$2,347.00	5020-00000-141000	SYSTEMS PO NUM 292973
07/01/2013	767233	Natgun Corporation	\$570,413.57	4160-74930-409340	WO 09-19 Zone 3 East Fox Reservoir Expansion
07/01/2013	767235	Neil Drywall Inc	\$2,835.00	6500-15660-403990	Police Department painting Inv. #2387
07/01/2013	767237	Network Information Systems	\$1,780.00	5120-84000-402360	WWTP Wirless
07/01/2013	767237	Network Information Systems	\$1,650.00	2600-55180-403690	Inv 506
07/03/2013	767334	NorthWestern Energy	\$112.38	8720-51980-403410	10590933
07/03/2013	767334	NorthWestern Energy	\$1,023.94	5210-15910-403410	15942824
07/03/2013	767334	NorthWestern Energy	\$13.32	0100-51120-403410	07231624
07/03/2013	767334	NorthWestern Energy	\$7.40	0100-51120-403410	07236441
07/03/2013	767334	NorthWestern Energy	\$7.72	0100-51120-403410	07236458
07/03/2013	767334	NorthWestern Energy	\$21.04	0100-51120-403410	07894371
07/03/2013	767334	NorthWestern Energy	\$2,036.06	5210-15920-403410	07208341
07/03/2013	767334	NorthWestern Energy	\$184.59	6070-22350-403410	07215809
07/03/2013	767334	NorthWestern Energy	\$12.90	0100-51120-403410	07222375
07/03/2013	767334	NorthWestern Energy	\$7.40	0100-51120-403410	07222474
07/03/2013	767334	NorthWestern Energy	\$227.96	0100-51120-403410	07222516
07/03/2013	767334	NorthWestern Energy	\$92.28	0100-51120-403410	07222557
07/03/2013	767334	NorthWestern Energy	\$38.79	0100-51120-403410	07222631
07/03/2013	767334	NorthWestern Energy	\$43.72	0100-51120-403410	07222664
07/03/2013	767334	NorthWestern Energy	\$16.21	0100-51120-403410	07222698
07/03/2013	767334	NorthWestern Energy	\$11.79	0100-51120-403410	07222920
07/03/2013	767334	NorthWestern Energy	\$62.13	0100-51120-403410	07222938
07/03/2013	767334	NorthWestern Energy	\$8.39	0100-51120-403410	072229057
07/03/2013	767334	NorthWestern Energy	\$108.33	0100-51120-403410	07230352
07/03/2013	767334	NorthWestern Energy	\$8.76	0100-51120-403410	07230360
07/03/2013	767334	NorthWestern Energy	\$186.11	0100-51120-403410	07230378
07/03/2013	767334	NorthWestern Energy	\$31.28	0100-51120-403410	07230428
07/03/2013	767334	NorthWestern Energy	\$81.48	0100-51120-403410	07230485
07/03/2013	767334	NorthWestern Energy	\$128.74	0100-51120-403410	07230501
07/03/2013	767334	NorthWestern Energy	\$491.65	0100-51120-403410	07230543
07/03/2013	767334	NorthWestern Energy	\$7.97	0100-51120-403410	07230550
07/03/2013	767334	NorthWestern Energy	\$14.23	0100-51120-403410	07230568
07/03/2013	767334	NorthWestern Energy	\$10.81	0100-51120-403410	07230576
07/03/2013	767334	NorthWestern Energy	\$17.55	0100-51120-403410	07230584
07/03/2013	767334	NorthWestern Energy	\$107.20	0100-51120-403410	07229339
07/03/2013	767334	NorthWestern Energy	\$1,222.38	0100-51120-403410	07222870
07/03/2013	767334	NorthWestern Energy	\$42.66	0100-51270-403410	07123870
07/03/2013	767334	NorthWestern Energy	\$163.60	0100-51220-403410	07125362
07/03/2013	767334	NorthWestern Energy	\$28.63	0100-51220-403410	07208184
07/03/2013	767334	NorthWestern Energy	\$301.41	0100-51260-403410	07208218
07/03/2013	767334	NorthWestern Energy	\$8,303.77	5020-74000-403410	07222649
07/03/2013	767334	NorthWestern Energy	\$5,089.00	5020-74000-403410	07230402
07/03/2013	767334	NorthWestern Energy	\$790.64	0100-51120-403410	07230451
07/03/2013	767334	NorthWestern Energy	\$7.40	5020-74000-403410	07230592
07/03/2013	767334	NorthWestern Energy	\$512.72	1500-22210-403410	08715468
07/03/2013	767334	NorthWestern Energy	\$365.27	0100-51120-403410	09254962
07/03/2013	767334	NorthWestern Energy	\$478.59	6500-15660-403410	09758087
07/03/2013	767334	NorthWestern Energy	\$846.82	5020-74000-403410	11164522
07/03/2013	767334	NorthWestern Energy	\$48.79	5610-71170-403410	11389269
07/03/2013	767334	NorthWestern Energy	\$1,049.44	6500-15660-403410	11608023
07/03/2013	767334	NorthWestern Energy	\$2,846.80	6500-15660-403410	11608049
07/03/2013	767334	NorthWestern Energy	\$3,555.49	6500-15660-403410	12693917
07/03/2013	767334	NorthWestern Energy	\$0.52	2110-31320-403410	17488966
07/03/2013	767334	NorthWestern Energy	\$35.87	0100-51120-403410	18366666
07/03/2013	767334	NorthWestern Energy	\$487.08	0100-51120-403410	07222573
07/03/2013	767334	NorthWestern Energy	\$193.16	0100-51120-403410	07222607
07/03/2013	767334	NorthWestern Energy	\$18.63	0100-51120-403410	07222615
07/03/2013	767334	NorthWestern Energy	\$18.07	0100-51120-403410	07222623
07/03/2013	767334	NorthWestern Energy	\$73.57	0100-51120-403410	07222656
07/03/2013	767334	NorthWestern Energy	\$17.24	0100-51120-403410	07222680
07/03/2013	767334	NorthWestern Energy	\$20.86	0100-51120-403410	07230386
07/03/2013	767334	NorthWestern Energy	\$416.89	0100-51120-403410	07230444
07/03/2013	767334	NorthWestern Energy	\$19.87	0100-51120-403410	07230519

07/03/2013	767334	NorthWestern Energy	\$38.80	0100-51120-403410	07230527
07/03/2013	767334	NorthWestern Energy	\$9.25	0100-51120-403410	07230907
07/03/2013	767334	NorthWestern Energy	\$846.43	0100-51120-403410	07231707
07/03/2013	767334	NorthWestern Energy	\$387.42	6600-31100-403410	17413147
07/03/2013	767334	NorthWestern Energy	\$581.15	6700-31410-403410	17413147
07/03/2013	767334	NorthWestern Energy	\$134.24	5710-71480-403410	17847567
07/03/2013	767334	NorthWestern Energy	\$2,710.17	1500-22210-403410	FIRE1: 0100476-1 - ELECTRICAL SERVICE CHARGES - FY2013 - 2305 8TH AVENUE NORTH
07/03/2013	767334	NorthWestern Energy	\$303.18	5610-71170-403410	0712792-1. June 2013 IP-7
07/03/2013	767334	NorthWestern Energy	\$13.35	5610-71170-403410	0712799-6. June 2013 IP-8
07/03/2013	767334	NorthWestern Energy	\$1,274.62	5610-71170-403410	0712800-2. June 2013 IP-9
07/03/2013	767334	NorthWestern Energy	\$18.43	5610-71170-403410	0712817-6. June 2013 IP-House
07/03/2013	767334	NorthWestern Energy	\$59.37	5610-71130-403410	0719161-5. June 2013 ARFF Building Lighting
07/01/2013	767241	NorthWestern Energy	\$114.36	4050-71250-409697	Invoice #90174856. New meter at 501 Northview Dr. Runway Project
07/01/2013	767241	NorthWestern Energy	\$12.71	4050-71250-409698	Invoice #90174856. New meter at 501 Northview Dr. Runway Project
07/01/2013	767241	NorthWestern Energy	\$64.49	4050-71250-409697	Invoice #90174855. New meter at 503 Northview Dr. Runway Project
07/01/2013	767241	NorthWestern Energy	\$7.17	4050-71250-409698	Invoice #90174855. New meter at 503 Northview Dr. Runway Project
07/03/2013	767335	Northwestern Energy-Billing Dv	\$11,321.94	4050-71250-409697	Invoice #90174856. 501 Northview Dr. AIP 43/44 Runway
07/03/2013	767335	Northwestern Energy-Billing Dv	\$1,257.99	4050-71250-409698	Invoice #90174856. 501 Northview Dr. AIP 43/44 Runway
07/03/2013	767335	Northwestern Energy-Billing Dv	\$6,384.91	4050-71250-409697	Invoice #90174855. 503 Northview Dr. AIP 43/44 Runway
07/03/2013	767335	Northwestern Energy-Billing Dv	\$709.43	4050-71250-409698	Invoice #90174855. 503 Northview Dr. AIP 43/44 Runway
07/01/2013	767246	Ostermiller Construction	\$2,700.00	8400-31840-403660	Install 2 asphalt berms
07/01/2013	767256	Power Service Inc	\$4,024.09	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM 292914
07/01/2013	767260	Prorover	\$20,800.00	0100-51140-403990	Prune trees in parks.
07/01/2013	767263	Qwest Communications	\$88.84	5610-71100-403450	Qwest 406-252-9412 Airport
07/01/2013	767263	Qwest Communications	\$45.67	5710-71410-403450	Qwest 406-254-7038 MET Transit
07/01/2013	767263	Qwest Communications	\$7,291.03	2250-22320-403450	Qwest 406-255-9700 E911
07/01/2013	767263	Qwest Communications	\$44.42	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
07/01/2013	767263	Qwest Communications	\$44.82	0100-51120-403450	Qwest 406-652-5507 Parks
07/01/2013	767263	Qwest Communications	\$30.63	2110-31320-403450	Qwest 406-652-8104 PW Traffice Signal 24 Central
07/01/2013	767263	Qwest Communications	\$33.95	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
07/01/2013	767263	Qwest Communications	\$44.42	1500-22250-403450	Qwest 406-655-0728 Fire Maintenance Shop
07/01/2013	767263	Qwest Communications	\$29.80	0100-51120-403450	Qwest 406-657-3014 Parks 3890 Stillwater
07/01/2013	767263	Qwest Communications	\$3,308.87	6060-19310-403450	Qwest 406-657-8377 Main System Centrex
07/01/2013	767263	Qwest Communications	\$92.40	6060-19310-403450	Qwest 406-657-3009 PUD Measured Lines 406-657-3009 406-247-8579
07/01/2013	767263	Qwest Communications	\$29.80	6060-19310-403450	Qwest 406-657-3054 Park 1 Elevator Phone
07/01/2013	767263	Qwest Communications	\$125.20	6060-19310-403450	Qwest BOC Measured Lines 406-252-3774 406-252-3789
07/01/2013	767266	Rimrock Engineering Inc	\$3,915.00	5440-31230-409390	WO 11-19 Landfill Phase 5 Expansion, Materials Testing
07/01/2013	767266	Rimrock Engineering Inc	\$100.00	8400-31840-409310	WO 13-02 2013 Misc Developer; Inv 03-18436
07/01/2013	767266	Rimrock Engineering Inc	\$1,245.00	1990-15050-409310	WO 12-39 Newman Lane Improvements; Inv 03-18437
07/01/2013	767266	Rimrock Engineering Inc	\$250.00	4450-31650-409311	WO 13-02 2013 Misc. Developer; Inv 03-18480

07/01/2013	767266	Rimrock Engineering Inc	\$700.00	1990-15050-409310	WO 12-39 Newman Lane Improvements; Inv 03-18494
07/01/2013	767267	Rimrock Foundation	\$5,817.82	2460-12530-403590	May 31, 2013 State Funds
07/01/2013	767267	Rimrock Foundation	\$5,816.80	7380-12640-403560	May 31, 2013 SAMHSA
07/01/2013	767267	Rimrock Foundation	\$5,470.79	7380-12640-403590	May 31, 2013 SAMHSA
07/01/2013	767267	Rimrock Foundation	\$3,204.57	7380-12640-403990	May 31, 2013 SAMHSA
07/01/2013	767267	Rimrock Foundation	\$5,287.82	7380-12660-403590	May 31, 2013 SAMHSA
07/01/2013	767267	Rimrock Foundation	\$6,406.75	7380-12660-403590	May 31, 2013 SAMHSA
07/01/2013	767270	Sanderson Stewart	\$2,310.61	4700-31610-409310	SID 1395 Boca Raton Road
07/01/2013	767270	Sanderson Stewart	\$202.41	2050-31310-409310	SID 1395 Boca Raton Road
07/01/2013	767270	Sanderson Stewart	\$166.48	8400-31840-409310	SID 1395 Boca Raton Road
07/01/2013	767292	Stewart Title Company	\$15,000.00	2770-65810-407277	FTHB David Gibbs 733 Saint Johns Avenue
07/01/2013	767293	Sundown Security	\$666.67	5210-15910-403970	June 1-30. Patrol of City Parking Garages I, II, III.
07/01/2013	767293	Sundown Security	\$666.66	5210-15920-403970	June 1-30. Patrol of City Parking Garages I, II, III.
07/01/2013	767293	Sundown Security	\$666.67	5210-15930-403970	June 1-30. Patrol of City Parking Garages I, II, III.
07/01/2013	767293	Sundown Security	\$184.00	0100-15120-403590	pick up from depot and pud, deliver to city hall
07/01/2013	767293	Sundown Security	\$136.80	5020-73110-403962	pick up from depot and pud, deliver to city hall
07/01/2013	767293	Sundown Security	\$91.20	5120-83110-403962	pick up from depot and pud, deliver to city hall
07/01/2013	767293	Sundown Security	\$213.50	6600-31100-403590	pick up from depot and pud, deliver to city hall
07/01/2013	767293	Sundown Security	\$363.00	0100-15120-403590	pick up and deliver mail boxes 1819 & 1178
07/01/2013	767293	Sundown Security	\$1,340.76	5610-71100-403581	Invoice #40820. Skycap services 6/7/13- 6/13/13
07/01/2013	767294	Sunset Excavation	\$10,637.55	5050-75150-403671	Water Service Repairs
07/01/2013	767296	Terracon Consultants	\$2,415.00	2050-31310-409390	WO 13-03 2013 Street Maint - #1 Overlay: Various invoices T419096,T419574, T419579, T420587, T422043, T422203, T422207, T422211
07/01/2013	767296	Terracon Consultants	\$565.00	2050-31310-409390	WO 13-03 2013 Street Maint - #1 Overlay
07/01/2013	767296	Terracon Consultants	\$555.00	2050-31310-409390	WO 13-03 2013 Street Maint - #1 Overlay
07/01/2013	767296	Terracon Consultants	\$435.00	6700-31410-403590	Zimmerman Trail Rock Fall Review
07/01/2013	767296	Terracon Consultants	\$895.00	2050-31310-409390	WO 13-03 2013 Street Maint - #1 Overlay
07/01/2013	767297	Tetra Tech, Inc.	\$4,454.68	5410-31230-403590	Landfill Monitoring
07/01/2013	767301	Tire - Rama	\$1,483.36	5410-31220-402390	tires for garbage trucks
07/01/2013	767301	Tire - Rama	\$1,304.00	5410-31220-402390	tires for garbage trucks
07/01/2013	767301	Tire - Rama	\$1,483.36	5410-31220-402390	tires for the garbage trucks
07/01/2013	767305	Town & Country Supply Association	\$23,613.75	6010-00000-141000	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$13,653.60	6010-00000-141000	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$1,013.82	0100-51420-402320	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$335.53	1500-22260-402310	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$283.37	1500-22260-402310	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$667.48	1500-22260-402310	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$73.82	1500-22260-402310	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$850.10	1500-22260-402310	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	\$434.51	1500-22260-402310	Orig chk #766371 See attachment for detail
07/01/2013	767305	Town & Country Supply Association	-\$0.01	1500-22260-402310	Orig chk #766371 See attachment for detail

07/01/2013	767305	Town & Country Supply Association	\$769.49	1500-22260-402310	105970: FIRE1 / UNLEADED FUEL DELIVERED 6/21/2013
07/01/2013	767305	Town & Country Supply Association	\$693.80	1500-22260-402310	105970: FIRE1 #2 DYED DIESEL DELIVERED 6/21/2013
07/01/2013	767305	Town & Country Supply Association	\$21,726.00	6010-00000-141000	104226 PO NUM 293004
07/01/2013	767305	Town & Country Supply Association	\$13,053.60	6010-00000-141000	107906 PO NUM 293004
07/01/2013	767305	Town & Country Supply Association	\$12,138.00	6010-00000-141000	107924 PO NUM 293005
07/01/2013	767305	Town & Country Supply Association	\$767.33	0100-51420-402310	town&country 253 gal diesel 10926 062613
07/01/2013	767305	Town & Country Supply Association	\$12,166.00	6010-00000-141714	104693 PO NUM 292988
07/01/2013	767305	Town & Country Supply Association	\$3,298.40	6010-00000-141714	108475 PO NUM 292988
07/01/2013	767305	Town & Country Supply Association	\$620.41	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292925
07/01/2013	767305	Town & Country Supply Association	\$487.57	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 292926
07/01/2013	767306	Tractor & Equipment Co.	\$1,054.93	5410-31220-402320	BLW00139826
07/01/2013	767306	Tractor & Equipment Co.	\$357.76	5410-31220-402320	BLW00140139
07/01/2013	767306	Tractor & Equipment Co.	\$520.68	5410-31230-402320	battery for landfill unit 244
07/01/2013	767306	Tractor & Equipment Co.	\$2,019.94	5410-31230-402320	filters for the landfill equipment
07/01/2013	767314	Varec Inc	\$4,390.00	5120-84000-402360	Digester Cover Level Transmitter
07/01/2013	767314	Varec Inc	\$71.00	5120-84000-402360	Freight and handling charges
07/01/2013	767315	Verizon Wireless	\$200.05	1500-21700-403450	Animal Shelter MDT
07/01/2013	767315	Verizon Wireless	\$491.81	7170-21660-403450	CCSIU Cell/PTT
07/01/2013	767315	Verizon Wireless	\$40.01	7170-21660-403450	CCSIU Air Card
07/01/2013	767315	Verizon Wireless	\$80.02	7170-21660-403450	CCSIU RAVEN
07/01/2013	767315	Verizon Wireless	\$40.01	1500-22210-403450	Fire MIFI
07/01/2013	767315	Verizon Wireless	\$600.19	1500-22210-403450	Fire MDT
07/01/2013	767315	Verizon Wireless	\$80.02	6200-19110-403450	ITD Air Card & MIFI
07/01/2013	767315	Verizon Wireless	\$120.03	2600-55170-403450	Library Outreach Air Cards
07/01/2013	767315	Verizon Wireless	\$4,078.43	1500-21110-403450	Police MDT Toughbook
07/01/2013	767315	Verizon Wireless	\$40.01	1500-21110-403450	Police ICAC
07/01/2013	767315	Verizon Wireless	\$154.69	1500-21110-403450	Police US Marshall MDT
07/01/2013	767315	Verizon Wireless	\$40.01	0100-51120-403450	Parks PMD Air Card
07/01/2013	767315	Verizon Wireless	\$240.06	2090-44510-403450	Building Air Cards
07/01/2013	767315	Verizon Wireless	\$100.05	6700-31410-403450	Engineering Air Cards
07/01/2013	767315	Verizon Wireless	\$18.02	5020-75000-403450	PUD Air Card 60% 5020 75000 403450
07/01/2013	767315	Verizon Wireless	\$12.00	5120-85000-403450	PUD Air Card 40% 5120 85000 403450
07/01/2013	767315	Verizon Wireless	\$80.04	0100-43210-403450	PUD Air Card 60% 5020 75000 403450
07/01/2013	767315	Verizon Wireless	\$40.01	0100-13130-403450	PUD Air Card 40% 5120 85000 403450
07/01/2013	767315	Verizon Wireless	\$450.30	5710-71470-403160	Code Enforcement Air Cards
07/01/2013	767315	Verizon Wireless	\$40.01	2200-22330-402410	City Administration 406-839-4295
07/01/2013	767315	Verizon Wireless	\$76.15	1500-21110-403450	Bruce McCandless
07/01/2013	767315	Verizon Wireless	\$192.05	5020-75000-403450	Met Transit Tablets )
07/01/2013	767315	Verizon Wireless	\$128.03	5120-85000-403450	Monthly Charges
07/01/2013	767315	Verizon Wireless	\$30.02	2110-31320-403450	Fire HAZMAT MDT
07/01/2013	767315	Verizon Wireless	\$490.88	5610-71100-403450	Police MiFi 406-633-0820
07/01/2013	767315	Verizon Wireless	\$148.27	1500-21700-403450	PW-Distribution Collection
07/01/2013	767315	Verizon Wireless	\$85.92	7170-21660-403450	60% 5020-75000-403450
07/01/2013	767315	Verizon Wireless	\$51.01	0100-16110-403450	40% 5120-85000-403450
07/01/2013	767315	Verizon Wireless	\$52.62	1500-22250-403450	PW-Distribution Collection
07/01/2013	767315	Verizon Wireless	\$66.19	6500-15650-403450	60% 5020-75000-403450
07/01/2013	767315	Verizon Wireless	\$84.47	6500-15670-403450	40% 5120-85000-403450
07/01/2013	767315	Verizon Wireless	\$93.95	0100-15120-403450	PW-Streets 406-697-0361 iPad
07/01/2013	767315	Verizon Wireless	\$718.09	1500-22210-403450	Airport
07/01/2013	767315	Verizon Wireless	\$73.82	0100-17500-403450	Animal Shelter
07/01/2013	767315	Verizon Wireless			CCSIU
07/01/2013	767315	Verizon Wireless			Legal
07/01/2013	767315	Verizon Wireless			Comm Center 911
07/01/2013	767315	Verizon Wireless			Facilities BOC
07/01/2013	767315	Verizon Wireless			Plus 70% of 406-672-3027
07/01/2013	767315	Verizon Wireless			Facilities City Hall
07/01/2013	767315	Verizon Wireless			Plus 30% of 406-672-3027
07/01/2013	767315	Verizon Wireless			Finance Pat Weber
07/01/2013	767315	Verizon Wireless			Fire Department
07/01/2013	767315	Verizon Wireless			Human Resources

07/01/2013	767315	Verizon Wireless	\$13.07	6200-19130-403450	ITD GIS
07/01/2013	767315	Verizon Wireless	\$26.16	6200-19110-403450	ITD
07/01/2013	767315	Verizon Wireless	\$26.14	2600-55170-403450	Library Outreach
07/01/2013	767315	Verizon Wireless	\$339.08	2600-55120-403450	Library
07/01/2013	767315	Verizon Wireless	\$42.73	0100-11000-403450	Mayor
07/01/2013	767315	Verizon Wireless	\$52.45	6010-15500-403450	Motor Pool
07/01/2013	767315	Verizon Wireless	\$111.83	0100-12200-403450	Drug Court
07/01/2013	767315	Verizon Wireless	\$136.95	0100-12120-403450	Municipal Court Judge
07/01/2013	767315	Verizon Wireless	\$13.07	2400-43010-403450	Planning
07/01/2013	767315	Verizon Wireless	\$3,148.05	1500-21110-403450	Police
07/01/2013	767315	Verizon Wireless	\$90.39	2510-21870-403450	Police Forensic 406-794-6880 406-698-7323
07/01/2013	767315	Verizon Wireless	\$453.76	1500-21110-403450	Police Resource Officers
07/01/2013	767315	Verizon Wireless	\$23.03	2490-21960-403450	Police DV 406-698-1391
07/01/2013	767315	Verizon Wireless	\$70.13	5210-15210-403450	Parking
07/01/2013	767315	Verizon Wireless	\$134.15	0100-51100-403450	PRPL Admin
07/01/2013	767315	Verizon Wireless	\$126.73	0100-51210-403450	PRPL Recreation
07/01/2013	767315	Verizon Wireless	\$316.91	0100-51210-403450	PRPL Seasonal
07/01/2013	767315	Verizon Wireless	\$50.46	0100-51400-403450	Cemetery
07/01/2013	767315	Verizon Wireless	\$43.77	0100-51120-403450	Parks PMD
07/01/2013	767315	Verizon Wireless	\$1,253.90	0100-51120-403450	Parks
07/01/2013	767315	Verizon Wireless	\$122.48	6600-31100-403450	Public Works Admin
07/01/2013	767315	Verizon Wireless	\$139.75	2090-44510-403450	Building
07/01/2013	767315	Verizon Wireless	\$423.72	6700-31410-403450	Engineering
07/01/2013	767315	Verizon Wireless	\$59.16	5410-31210-403450	Solid Waste
07/01/2013	767315	Verizon Wireless	\$310.40	2110-31320-403450	Streets
07/01/2013	767315	Verizon Wireless	\$109.98	5410-31230-403450	Solid Waste On Call
07/01/2013	767315	Verizon Wireless	\$458.62	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450
					Distribution & Collection 40\$ 5120-85000-403450
07/01/2013	767315	Verizon Wireless	\$305.74	5120-85000-403450	Distribution & Collection 60% 5020-75000-403450
					Distribution & Collection 40\$ 5120-85000-403450
07/01/2013	767315	Verizon Wireless	\$797.86	5020-74000-403450	Water Treatment
					PWBelknap-WT
07/01/2013	767315	Verizon Wireless	\$439.95	5020-73120-403450	PWBLKNP MTRSHOP
07/01/2013	767315	Verizon Wireless	\$69.45	5020-73110-403450	Belknap Office 60% 5020-73110-403450
					Belknap Office 40\$ 5120-83110-403450
07/01/2013	767315	Verizon Wireless	\$46.29	5120-83110-403450	Belknap Office 60% 5020-73110-403450
					Belknap Office 40\$ 5120-83110-403450
07/01/2013	767315	Verizon Wireless	\$86.81	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450
					PWBLKNP STORES 25% 5120-83140-403450
07/01/2013	767315	Verizon Wireless	\$28.93	5120-83140-403450	PWBLKNP STORES 75% 5020-73140-403450
					PWBLKNP STORES 25% 5120-83140-403450
07/01/2013	767315	Verizon Wireless	\$1,054.66	5120-84000-403450	Wastewater Treatment Plant
07/01/2013	767315	Verizon Wireless	\$23.47	6060-19310-403450	TeleComm Manager
07/01/2013	767315	Verizon Wireless	\$91.67	5710-71420-403160	On Call MET
07/01/2013	767315	Verizon Wireless	\$49.34	5710-71410-403450	MET Transit
07/01/2013	767315	Verizon Wireless	\$91.67	0100-43210-403450	Code Enforcement
07/01/2013	767315	Verizon Wireless	\$164.49	5710-71470-403160	MET Transit AVL Account 770599076-00001
07/01/2013	767315	Verizon Wireless	\$972.62	0100-51120-403450	Parks Seasonal
07/01/2013	767321	Western Municipal Construction Inc	\$251,445.62	4210-85930-409340	WO 12-05 Five Mile Lift Station
07/01/2013	767328	Yellowstone County Finance Dpt	\$3,360.00	1500-21110-403590	May 2013 Prisoner Billing
07/01/2013	767329	Yellowstone County Sheriffs	\$118.40	7180-21600-407865	William Bedford Harvey. Case #13-01283.
07/01/2013	767329	Yellowstone County Sheriffs	\$256.50	7180-21600-407865	Chapman #11-0616/Fiant #11-0630.
07/01/2013	767329	Yellowstone County Sheriffs	\$417.50	7180-21600-407865	Case #10-05939.
07/01/2013	767329	Yellowstone County Sheriffs	\$425.00	7180-21600-407865	Zana Lee Lindley #08-43353.

07/01/2013 767329 Yellowstone County Sheriffs  
07/01/2013 767331 Yellowstone Valley Animal Shelter  
07/01/2013 767331 Yellowstone Valley Animal Shelter

\$1,800.00 7180-21600-407865 Yarlott & Morales. Case # 08-53438.  
\$20,666.67 1500-21700-403990 contract 4-22-13\5-21-13  
\$20,666.67 1500-21700-403990 city contract 5-22-13 through 6-21-13

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Public Hearing to Vacate a 10' Right of Way Intersecting Shawnee Drive

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Gerald Watson, owner of lots 10 and 11, Block 5, Wanigan Subdivision, has petitioned to vacate the 10' right of way between his lots. The 10' right of way was dedicated for a future walkway. The walkway will not be constructed due to the fact that it would lead to private commercial property and is not needed. Mr. Watson owns both lots fronting the right of way. The area of the right of way proposed to be vacated is approximately 1,400 square feet.

**ALTERNATIVES ANALYZED**

The Council may:

- After holding a public hearing, approve the vacation of the above-mentioned right-of-way; or
- Do not approve the vacation of the above-mentioned right-of-way.

**FINANCIAL IMPACT**

The petitioner obtained a comparative market analysis to establish the value of the right of way. River Crossing Inc. has established the value of the right of way at \$6,300.00.

**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing, approve the Resolution vacating a 10' right of way that intersects with Shawnee Drive and to accept the price of \$6,300 from the adjacent property owner.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

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RESOLUTION NO. 13-19296

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,  
DISCONTINUING AND VACATING 10-foot right of way  
strip between Lots 10 & 11, Block 5, Wanigan  
Subdivision.

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, as per Section 22-601 BMCC, requesting discontinuance and vacation of 10-foot right of way strip between Lots 10 & 11, Block 5, Wanigan Subdivision as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law.

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

1. DISCONTINUANCE AND VACATION. Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., 10-foot right of way strip between Lots 10 & 11, Block 5, Wanigan Subdivision more particularly described as follows:

10-foot right-of-way between Lots 10 & 11, Block 5, Wanigan Subdivision, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 736478.

Is hereby discontinued, abandoned and vacated and shall revert to adjacent property owners.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described 10-foot right of way strip between Lots 10 & 11, Block 5, Wanigan Subdivision is in the best interest of the public and can be done without any public detriment.

PASSED by the City Council and APPROVED this 29<sup>th</sup> day of July 2013.

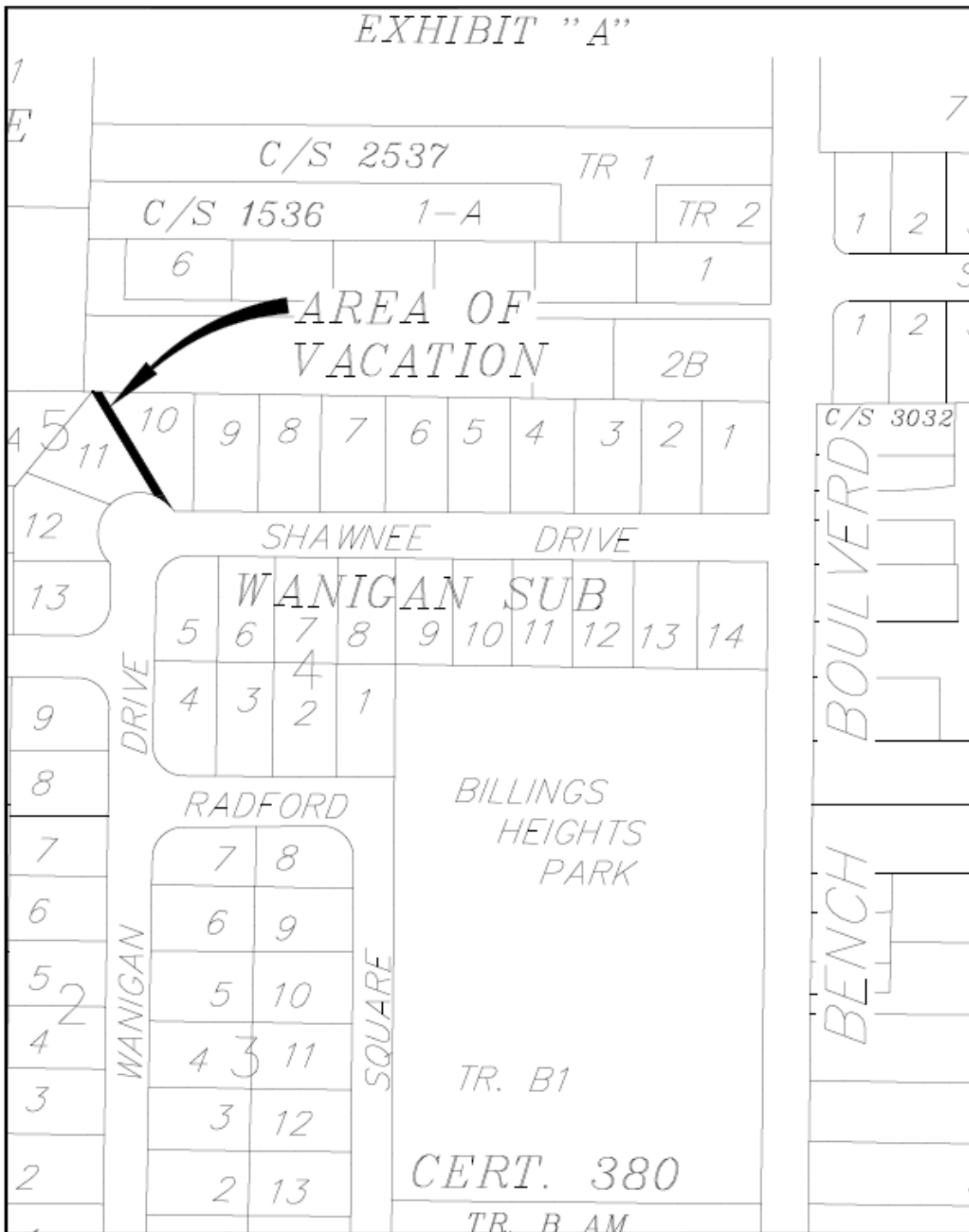
THE CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, City Clerk

EXHIBIT "A"



**Regular City Council Meeting**

**Meeting Date:** 07/22/2013  
**TITLE:** Special Review 907- Public Hearing  
**PRESENTED BY:** Candi Beaudry  
**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a special review request to allow the expansion of an existing outdoor patio from 1,200 square feet to 1,575 square feet in a CC zone on Lot 2, Block 1; the south 150 feet of the east 52 feet and the west 96 feet of Lot 3, Block 1; and the south 150 feet of the west 23 feet of Lot 4, Block 1, Van Ornum Subdivision. The lot is 1.079 acres and is generally located at 1525 Broadwater Avenue. The property is currently occupied by the Squire Lounge. The owners are Jeff & JoLynne Flatness and Paul DeVerniero. A & E Architects is the agent. The Zoning Commission conducted a public hearing on July 2, 2013, and is forwarding a recommendation of conditional approval on a 3-1 vote.

**ALTERNATIVES ANALYZED**

The Planning Division reviewed the application and recommended conditional approval and waiver of the 600-foot separation from Berg Park and the Apostolic Church. The Zoning Commission concurred with this recommendation. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2003 Growth Policy, and 3) The application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria in so far that it is within a Community Commercial (CC) district where on-premise consumption of alcoholic beverages and an outdoor patio attached to that business may be allowed by special review.

There is a public park with playground equipment within 600 feet (Berg Park at 17th Street West and Broadwater Avenue) and a church within 600 feet (Apostolic Church at 500 15th Street West, south of Broadwater Avenue). These are not new uses but previous special review applications have not captured these properties as within 600 feet of the Squire Lounge property. The City Council may approve a waiver of this 600-foot separation requirement. A waiver may be granted if a physical barrier exists between the uses such as an arterial street with no pedestrian crossing, buildings entirely block the view between the uses or there is no physical access between the uses. The Zoning Commission finds there are buildings located between these uses that entirely block the view between Berg Park, the Apostolic Church and the Squire Lounge and recommends the City Council grant the waiver of the 600-foot separation.

The application also conforms to the second and third criteria. The zoning regulations adopted by the City Council have designated several zoning districts where on-premise consumption of alcoholic beverages with an outdoor patio attached to that business may be allowed. This property has been licensed to serve alcoholic beverages since at least 1984. There are several other licensed locations within 2 blocks of this property.

The proposed use is in a zoning district that allows this use with a special review. The proposal is consistent with goals of the 2008 Growth Policy, specifically the goal of encouraging uses that are compatible with the character of the adjacent land use patterns. This site is surrounded by a mix of commercial businesses and will use an existing parking lot area behind the existing patio and an existing garage for the patio addition. Bullwhackers is located in a building directly north of the patio. This building will screen the patio from Wyoming Avenue and a pocket of multi-family uses on the north side of Wyoming. The CC zoning district in this area is intended for commercial uses convenient to the surrounding neighborhood with service-oriented businesses.

#### PROPOSED CONDITIONS:

1. The special review approval shall be limited to Lot 2, Block 1; the south 150' of the east 52' and the south 150' of the west 96' of Lot 3, Block 1; and the south 150' of the west 23' of Lot 4, Block 1, Van Ornum Subdivision, generally located at 1525 Broadwater Avenue.
2. Development of the site shall be in substantial conformance with the site plan submitted with this application and shown in this staff report. Deviations from the approved site plan that show additional patio area greater than 10% of the total approved patio area of 1,575 square feet, or a building addition greater than 10% of the existing building or new parking areas will require additional special review approval.
3. The owner is allowed to have background music and un-amplified live outdoor entertainment on the outdoor patio lounge. Background music is amplified music not audible beyond the outdoor patio lounge.
4. All new exterior lighting with the exception of sign lighting shall have full cut-off shields so light is directed to the ground and not onto adjacent property.
5. The patio shall have a minimum of a 4 foot tall fence enclosing the patio. Access to the patio shall be from the interior of the existing building. There shall be an emergency exit gate from the patio to the parking lot.
6. The applicant must provide drawings at the time of building permit submittal showing the property can meet the required parking for the existing business and new patio area of 375 square feet, and meet all requirements of site development and zoning.
7. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
8. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

**\*\*NOTE\*\*** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit or zoning compliance permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The use and development of the property must be in accordance with the submitted site plan.

#### **FINANCIAL IMPACT**

There should be no direct financial impact to the city if the special review is approved. A building permit to expand the patio will charge review and permitting fees commensurate with the service provided.

#### **BACKGROUND**

This is a special review request to add 375 square feet to an existing 1,200 square foot outdoor patio at the Squire Lounge. The location has an existing all-beverage liquor license with gaming and a 1,200 square foot outdoor patio lounge. Surrounding development is commercial in nature with a mix of retail sales and eating establishments and casinos. Property to the west across 16<sup>th</sup> Street West is residential, single family homes. The site plan included with the application shows the existing 1,200 square foot patio and the proposed 375 square foot expansion. The conditions of approval for the original patio included a prohibition on background music or an outdoor announcement system on the patio. In recent summer seasons many lounges, bars, casinos, restaurants and other locations with alcoholic beverage licenses have featured concerts on the parking lots or on patios. In some areas, this may be an appropriate activity. In densely developed areas near residential zones this may be too disruptive to the neighborhood.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on July 2, 2013, and received the staff recommendation and testimony from the applicant's agent, Dusty Eaton of A & E Architects. There was no other testimony at the hearing. The Zoning Commission received a letter of testimony from Cindy Smith of 1608 Wyoming Avenue (attached) that expressed concern with the parking lot concerts creating unacceptable levels of noise in the neighborhood. Planning staff indicated to the Zoning Commission that activity on the parking lot cannot be regulated through the special review process. Activity on the outdoor patio and within the structure can be addressed through conditions of approval. The noise ordinance and waivers granted to the noise limitations are handled through the Police Department.

Mr. Eaton explained the need to expand the patio to add more outdoor seating. Commission member Mike Boyett asked Mr. Eaton if the Fire Department had any concern with access around the building since the patio addition will close off a passage between the patio and an existing garage. Mr. Eaton stated he had consulted with the Fire Department and they had no concerns with access distances around the building. Mr. Eaton stated the new patio will be fenced and landscaped similar to the existing patio area. Closing off vehicle access should not pose an issue for patrons or emergency responders. Commission member Dan Wagner asked about the noise concerns from the neighbor on Wyoming Avenue. Mr. Eaton stated the best noise mitigation in this area is the landscaping to be installed. Mr. Eaton also indicated the south wall of Bullwhackers is about 1 1/2 stories and provides a good sound barrier to the neighborhood to the north. Commission member Mike Boyett stated the low frequency sounds from drums or bass notes will still be heard in any case. Chairman Leonard Dailey, Jr. asked what time frame the applicant has for construction of the patio expansion. Mr. Eaton stated if the special review is approved they are ready to submit a building permit right away and construction should be complete by the end of September or early October.

Mr. Boyett moved to recommend conditional approval to the City Council and motion was seconded by member Barbara Hawkins. The motion was approved on a 3-1 vote with Mr. Wagner voting no.

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

The consistency of this Special Review with adopted policies and plans is discussed in the Alternatives Analyzed section of this report.

## **RECOMMENDATION**

The Zoning Commission recommends conditional approval of Special Review 907 on a 3-1 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Zoning Map

Site photos

Site plan

Letter of comment Cindy Smith

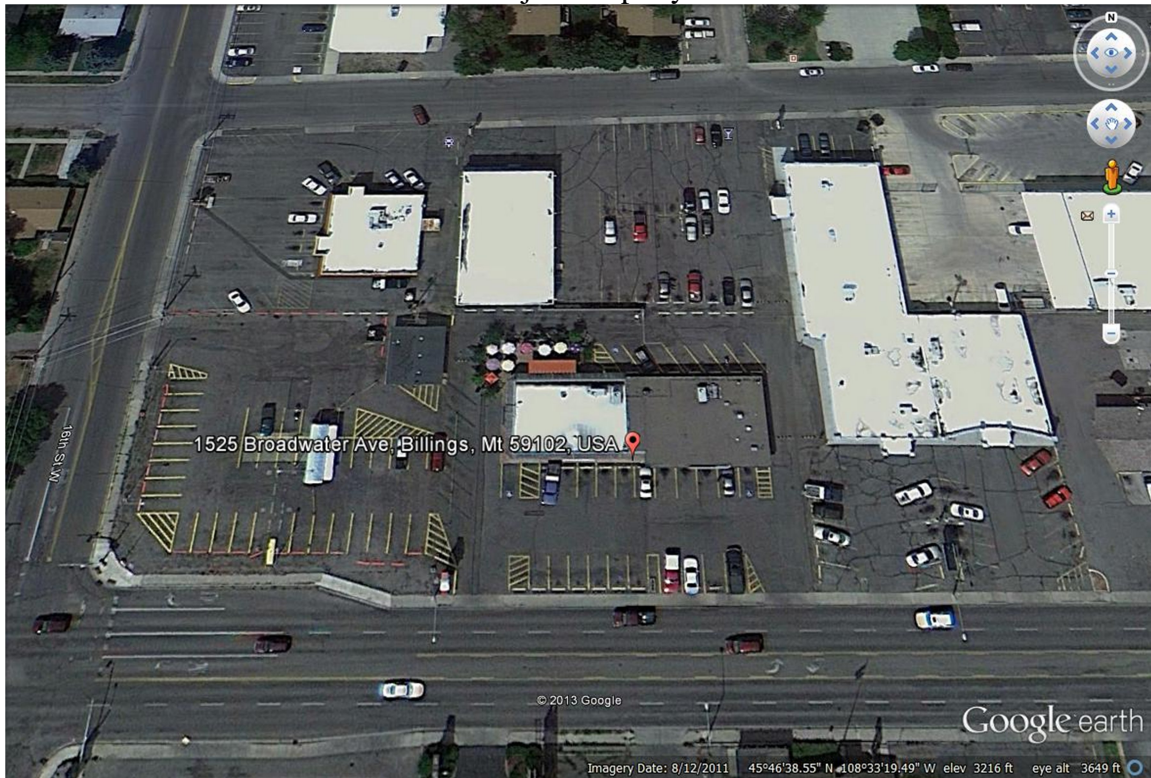
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**Attachment B**  
Site Photos – Special Review #907



Subject Property



Aerial

**Attachment B, continued**  
Site Photos – Special Review #907



View east on Broadwater Avenue

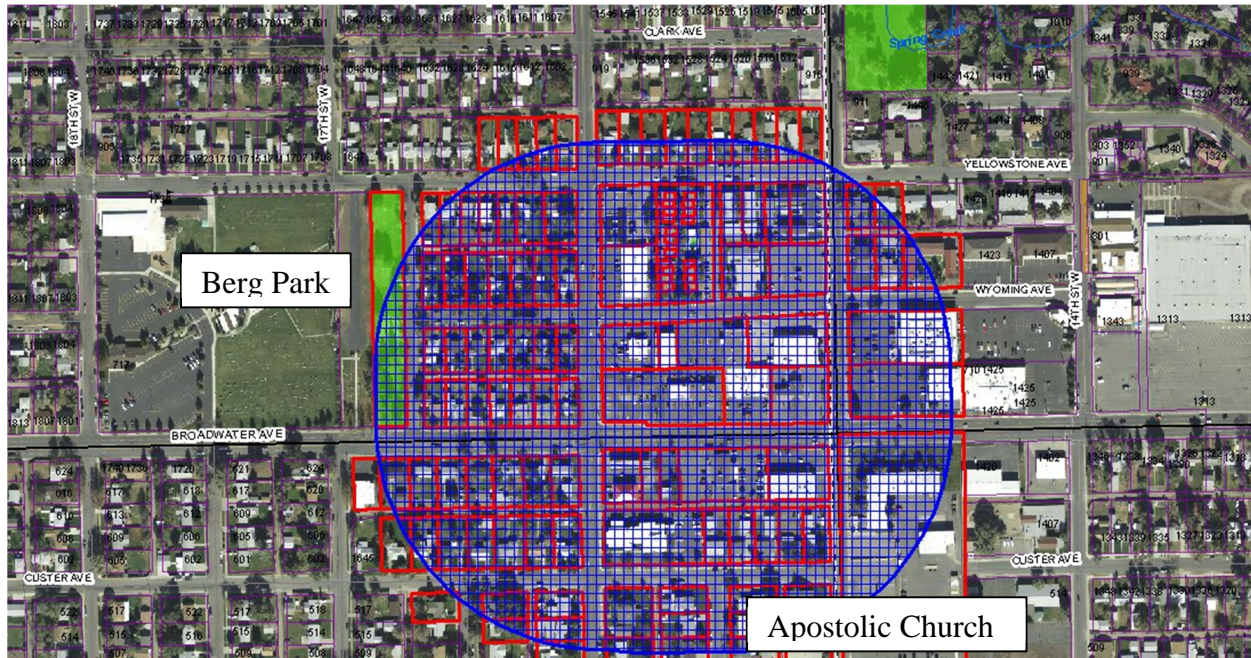


View west on Broadwater Avenue

**Attachment B, continued**  
Site Photos – Special Review #907



View south across Broadwater Avenue

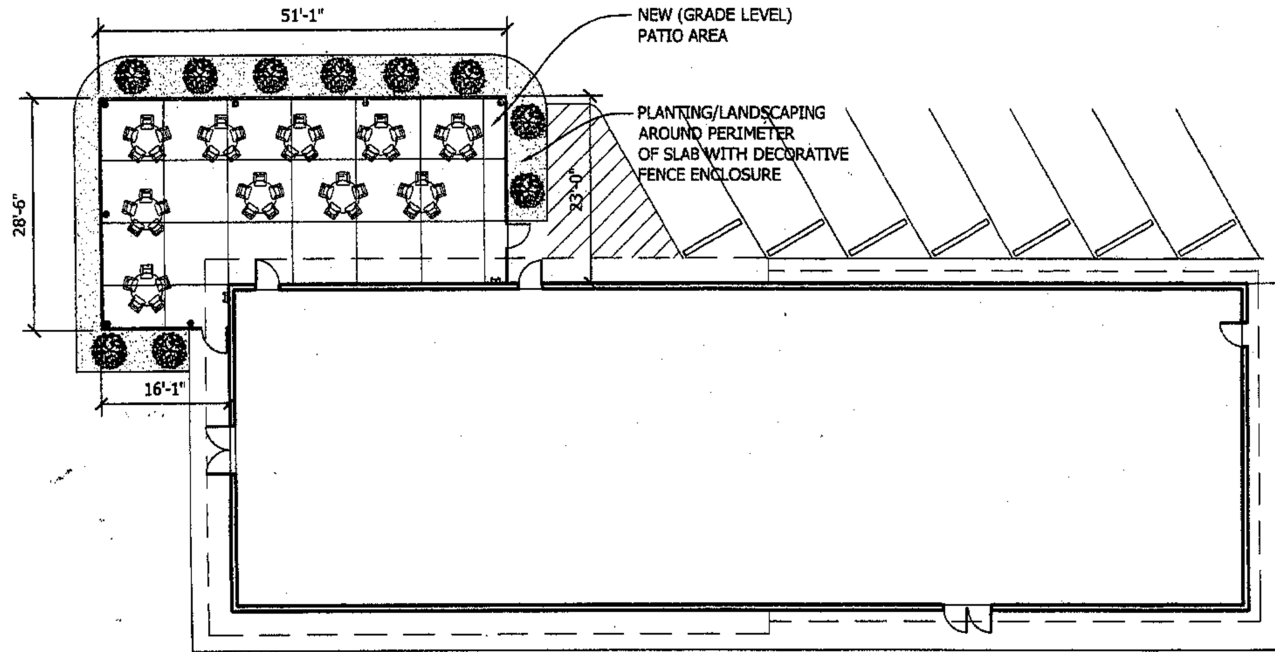


600-foot radius of subject property

**Attachment C**  
Site plan – Existing conditions

Bold Moves, Inc., a Montana close corporation  
d/b/a Squire Lounge / Broadwater Station Casino  
1525 Broadwater Avenue  
Billings, Yellowstone County, Montana 59102  
Montana All-Alcoholic Beverage License No. 03-101-9111-002

Existing  
Conditions



**16<sup>#</sup> SQUIRE BAR PATIO SITE PLAN**

A1.0 : A1.0



NORTH

1/16" = 1'-0"





City of Billings:

Sunday, late afternoon, I just sat down outside to have a quiet dinner on my patio. And the band ~~and~~ the Squire bar starts.... Doesn't do any good to go inside as the bass from the band is pounding, and it can be heard over the TV. So much for an enjoyable evening before the work week starts.

Ever since the Squire was allowed to build their current patio area, it has been nothing but a nightmare for the residents on the weekends. The Bands usually stop playing by 10 PM, but the patrons stay outside. The yelling, screaming and fighting does not stop then, they continue on until 2 AM or later. It's not very enjoyable to listen to any time of the day, much less when you are trying to sleep.

I think it would be a horrible "mistake" to let the Squire bar expand their patio. The changes of even more noise, loud bikes and loud conversations would just be that much more! Why should the residents in the area be subject to that?

They just let off one of "the bomb sounding" explosions again. It literally sounds like a building has exploded. I have no idea what it is, but it certainly should not be allowed. The noise is so loud it scares the crap out of you... My house shakes, kids are screaming and scared to death, and my dog is no where to be seen. Is this something a person should have to go through?? Granted the big bangs aren't every weekend, but even once is ridiculous in a residential area. I did call the police on Sunday and report the "big bang". I have done this several times in the past and will continue to call and complain. I just wish the city could do something about this.

Thank you for letting me share my "Objection" to the expansion of the Squire patio. Please consider the residents who live in the area. I think it would be a HORRIBLE MISTAKE!!

Cindy

16<sup>th</sup> & Wyoming

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013  
**TITLE:** Special Review 908 - Public Hearing  
**PRESENTED BY:** Candi Beaudry  
**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a special review request to allow the location of a beer & wine license with gaming in a CC zone on Lots 1 through 8 (including Lots 6 & 7 of C/S 1716), Block 15, Central Heights Subdivision 5<sup>th</sup> Filing in Suite 14, a 2,000 square foot tenant space (currently vacant Hawaiian BBQ). The property is generally located at 111 South 24<sup>th</sup> Street West and is known as the Rimrock Mini-Mall. The proposed business will be Jackrabbit Red's Casino. The property is within 600 feet of Central Heights Elementary School and will require a waiver of this separation distance. The owner is Rimrock Mini-Mall, LLC and the agent is Blueline Engineering. The Zoning Commission conducted a public hearing on July 2, 2013, and is forwarding a recommendation of denial on a 4-0 vote.

**ALTERNATIVES ANALYZED**

The Planning Division reviewed the requested waiver of the separation distance to Central Heights Elementary School and the special review request and recommended denial to the Zoning Commission. The Zoning Commission concurred with this recommendation. The view of the building is not entirely obstructed from the elementary school and there is direct pedestrian access between the school and the Rimrock Mini-Mall property.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) The application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria in so far that it is within a CC district where on premise consumption of alcoholic beverages may be allowed by special review approval.

The application does not conform to the second and third criteria. The zoning regulations adopted by the City Council have designated several zoning districts where on premise consumption of alcoholic beverages with gambling may be allowed. The proposed location however is within 600 feet of Central Heights Elementary School to the east. The view between the uses is not entirely blocked by buildings and there is direct pedestrian access between the properties. The location has not been licensed to serve alcoholic beverages. To the north on Central Avenue is a casino that was approved by the City Council in 1989. The Council granted the waiver of the 600-foot separation from the elementary school and from Mt. Olive Lutheran Church to the north. In 1989, the code did not have specific criteria for granting or denying waivers of the 600-foot separation requirement.

The proposal is not consistent with goals of the 2008 Growth Policy, specifically the goal of

encouraging uses that are compatible with the character of the adjacent land use patterns. South 24<sup>th</sup> Street West is a principal arterial street and the subject property is on the east side of this north /south arterial. East of the subject property is a mature single family neighborhood with an elementary school and a community park. The Central Heights neighborhood is bounded by arterial streets where commercial zoning and neighborhood services have developed over the past 35 years. Many of those businesses are compatible with the adjacent residences. The potential impacts from allowing an alcoholic beverage license in this neighborhood cannot be adequately mitigated by conditions of approval. A recent approval of an alcoholic beverage license in the Gorham Park neighborhood resulted in unmitigated impacts to the neighborhood including a robbery at the casino, a car crash into the building entry, and at least 3 thefts and burglaries in the past 6 months. These impacts cannot be mitigated through imposing conditions of approval on the special review request. The subject property is across a 20-foot alley from existing single family homes on Pueblo Drive. The existing businesses in the Rimrock Mini-Mall have typical business hours and generally do not have late night hours of operation. A location with a liquor license can stay open until 2 am daily.

## **FINANCIAL IMPACT**

Approval or denial of the special review request should have no foreseeable financial impact on city finances. If the special review is approved, a building permit may be necessary for interior remodeling of the tenant space but the fees charged would be commensurate with the service provided. If approved, the business would require a city business license but the fee charged is also commensurate with the service provided.

## **BACKGROUND**

This is a special review request to allow the location of a beer and wine license with gaming in Suite #14 of the Rimrock Mini-Mall at 111 South 24<sup>th</sup> Street West. Suite #14 contains approximately 2, 000 square feet and would be remodeled for the proposed tenant if the special review is approved. A previous restaurant – Hawaiian BBQ – was the tenant in this space. The owner has applied for a zone change for the north half of the Rimrock Mini-Mall property from NC to CC to allow this special review to be considered. The City Council approved the zone change on first reading on June 24, 2013.

The tenant spaces in the building have their primary entrances on South 24<sup>th</sup> Street West. For this space, there is also an exit door from the kitchen to the alley. This door would not be a customer entrance. There is another exit door between the restrooms to the alley. This is a fire safety exit and is accessible to customers.

Central Heights Elementary School is within 600 feet of the site. School District #2 has sent a letter of objection to granting the waiver of the 600-foot separation for this location. The applicant states in a letter requesting the waiver that the building is partially obstructed from view by the residential dwellings on Pueblo Drive and describes the physical access between the school and Suite 14 as challenging for a pedestrian. The City Council will need to approve a waiver of this 600-foot separation requirement in order to approve the special review request. A waiver may be granted if a physical barrier exists between the uses such as an arterial street with no pedestrian crossing, buildings entirely block the view between the uses, or there is no physical access between the uses.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on July 2, 2013, and received the staff recommendation, testimony from the applicant's agent, Marshall Phil, P.E., Rob Veltkamp, manager of the Rimrock Mini-Mall, Stuart Ellison, owner of the proposed restaurant/casino, and several surrounding property owners and residents in the area.

Mr. Marshall Phil, stated he does not agree with the staff recommendation to deny the requested waiver and approval for the beer and wine license with gaming for this location. Mr. Phil stated the primary use in the tenant space will be a restaurant not a bar or a casino. The beer and wine license has gaming attached but this will not be the focus of the business. He stated the employees will use the exit door from the kitchen to take out garbage and to receive deliveries. Mr. Phil stated the fire exit door between the restrooms will be an emergency exit and is alarmed so if anyone does go out that door an alarm is triggered. Mr. Phil stated the homes to the east on Pueblo Drive and the mature landscaping and trees block view between the school and the back of the building. He stated if someone was on the sidewalk on Eldorado Drive near the north end of the mini-mall, you could not see the entrance to the restaurant. Mr. Phil provided photographs and a drawing showing the relative walking distances between the access doors on the school and the front door of the restaurant. Mr. Phil pointed out the closest walking distance is 780 feet to the west entrance of the school and the main entrance is 1,215 feet. He stated the photos show the view from Central Heights Elementary to the back of the mini-mall. Mr. Phil also pointed out there is a direct unobstructed view of the Jackpot Casino at 2274 Central from the sidewalk on Eldorado Drive. Chairman Dailey asked Mr. Phil how the walking distances were measured. Mr. Phil stated they used a wheeled measuring device between school entrances and the restaurant entrances.

Mr. Veltkamp stated he was the manager of the Rimrock Mini-Mall and handles all the tenant lease agreements and maintenance. He stated the current owners have put in more than 1 million dollars in property improvements. He stated the reason for choosing this business is to have more restaurant and food choices in the mini-mall. Mr. Veltkamp stated the mini-mall now has Taste of Asia and the Baskin Robbins. He stated the Hawaiian BBQ has been closed and vacant for 6 months and they have considered some potential applicants that would be more bar and casino than restaurant but the owners are very particular about the uses they want to allow. He stated the business will be called Red's Grill and Casino. He stated the alley will only be used by employees for food deliveries and taking out garbage, He stated the mall cleans the alley on a regular basis and the mini-mall has a security patrol through the property and alley at least twice each night. He stated there is a good barrier between the mini-mall and the elementary school. Mr. Veltkamp stated they disagree with the Planning staff recommendation and he has checked with all the other tenants in the mini-mall and no one has an issue with the proposed restaurant and casino.

Mr. Stuart Ellison is the owner of the proposed restaurant. He stated the business is now called Jackrabbit Red's Casino and is located at the Flying J Truck Stop in Lockwood. Mr. Ellison provided examples of the proposed menu at the new location. He stated the business would be called Red's Grill and Casino at the new location. Mr. Ellison said the lease at the Flying J Truck Stop was not renewed so they have been looking for a new location. He stated there is high traffic in this area and an intense commercial neighborhood. He stated he has run the business for over 50 years and requires all employees to be specially trained for alcohol service and to provide security for the business such as not allowing loitering. He stated the floor plan is to have more seats for restaurant service than for gaming. He stated the Department of Revenue requires the installation of a bar only area for this type of license but the proposed bar only has 4 seats. He stated alcohol sales are not a big part of their income amounting to about \$128.00 per month in their current location. He stated the biggest income comes from food sales and the casino. He stated his servers limit the number of drinks per hour for anyone gaming and not eating in the restaurant. He stated he will employ 15 to 20 people at the new location.

Kay Brown of 116 Pueblo Drive testified in opposition to the waiver and granting the special review. She stated she does not want her home to be considered a barrier between this business and the school. She stated her children are her primary concern with the use. She stated right now when businesses close at 9 pm, they get their privacy back so they can enjoy their backyard. She stated if there was a business open until 2 am then her backyard would never have any privacy. She stated there are few stop signs in the neighborhood and no speed bumps to slow down traffic on Pueblo Drive. She stated there is a lot of school traffic in the area and would be concerned about impaired drivers from the business. She stated her home has already experienced one break in and she would expect this to happen again and more frequently if a casino goes in the mini-mall. She stated the north driveway at the mini-mall is right across from an entrance to Albertson's and people shoot across Eldorado without stopping. She stated the front of the mini-mall may look great but the back is not so good. She stated there are vagrants and transients in the alley now and some of the houses on Pueblo have no back yard fences. She urged the commission to not approved the request.

Jamie Gravney of 214 Pueblo Drive testified in opposition. She stated she has 3 children that attend elementary, middle, and high schools in the area. She stated all her children walk to school or cross 24th St West to catch the bus at Stewart Park. She stated her backyard fence is only 4 feet tall and is not really a privacy fence or a barrier to anyone. She said there is a cut through area where people can walk from the parking lot into the alley. She stated this type of restaurant was not appropriate across the alley from residences and so close to the elementary school.

Marjean Narum of 2248 Alamo Drive testified in opposition to the application. She stated there would not be adequate parking for this large restaurant and bar. She stated she is strongly opposed to the location because it would depress market values for homes in the area and was too close to the school. She stated the current zoning regulations were in place for a reason and waivers to those regulations should not be granted. She stated many children use the west entrance to the school and buses drop off kids all along Pueblo Drive and Alamo Drive. The residents on Pueblo have to share the alley with the mini-mall and this business would not be a good neighbor to those residents. She stated some of the potential customers would not be desirable to the existing neighborhood. She stated the playing field is used all day during the school year and in the summer, too. She urged the commission to recommend denial.

Darlene VIncelette of 140 Pueblo Drive testified in opposition. She stated she has lived on Pueblo since 1962 when there were only 2 businesses on 24th Street West. She stated it is ridiculous for the owner to say it will be mainly a food business if they are calling the business a casino. She stated there used to be a Montana State Liquor Store in the mini-mall and she said the alley was a mess with bottles and drunk people wandering around. She stated if the owners ever cleaned up the alley it was news to her since it always seems to be a mess. She stated there are enough casinos in Billings already. It seemed to her there were enough for each family to have their own private casino now. She urged the commission to deny the request.

Chairman Dailey asked the agent to provide rebuttal testimony concerning safety, alley use, traffic on Eldorado and the adequacy of parking. Mr. Phil stated the previous restaurant had enough spaces and this was approved by the city. The same number of spaces are required for restaurants regardless of whether they serve alcohol or not. He stated the existing traffic and drive approaches on Eldorado Drive have been in place for a number of years. He does not believe any added traffic from the new restaurant and casino would have an impact on this traffic. He stated safety and particularly the safety of children is a concern. He stated the new restaurant will not operate as a bar and casino but a restaurant mainly. He stated there are similar uses in the area that have not compromised the safety in the neighborhood. He stated the alley would only be used by employees and there would be no customers using the alley. He stated there may be some areas of the alley that get overlooked during the regular maintenance.

Commission member Dan Wagner made a motion to recommend denial of Special Review 908 and this was seconded by Mike Boyett. Commission member Barbara Hawkins stated she appreciated the exhibits and diagrams from the applicant but even the state law on separation distances between schools and on-premise alcohol service preclude this use in this location. She stated this not a good location for an alcohol service given the neighborhood traffic and the school. Chairman Dailey also pointed out the Superintendent of School District #2 sent a letter objecting to the waiver of the 600-foot separation distance so this an important issue. The Zoning Commission voted 4-0 to forward a recommendation of denial.

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

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

## **RECOMMENDATION**

The Zoning Commission is recommending denial of the waiver of the 600-foot separation to Central Heights Elementary and Special Review 908 on a 4-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

[Zoning Map](#)

[Site Photos](#)

[Site Plan and Applicant letter](#)

[Letters of Opposition](#)

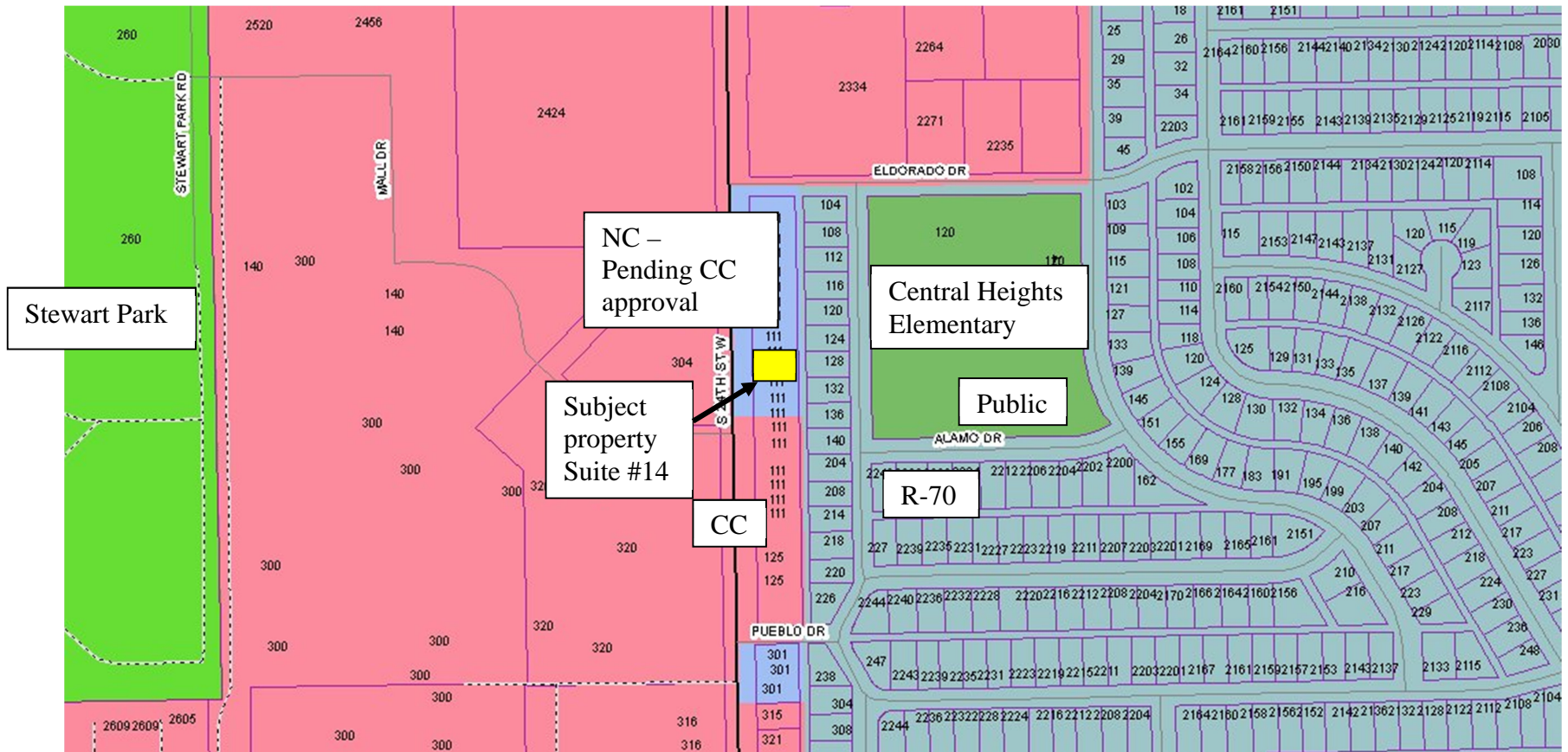
[Letters of Opposition](#)

[Applicant diagrams and photos](#)

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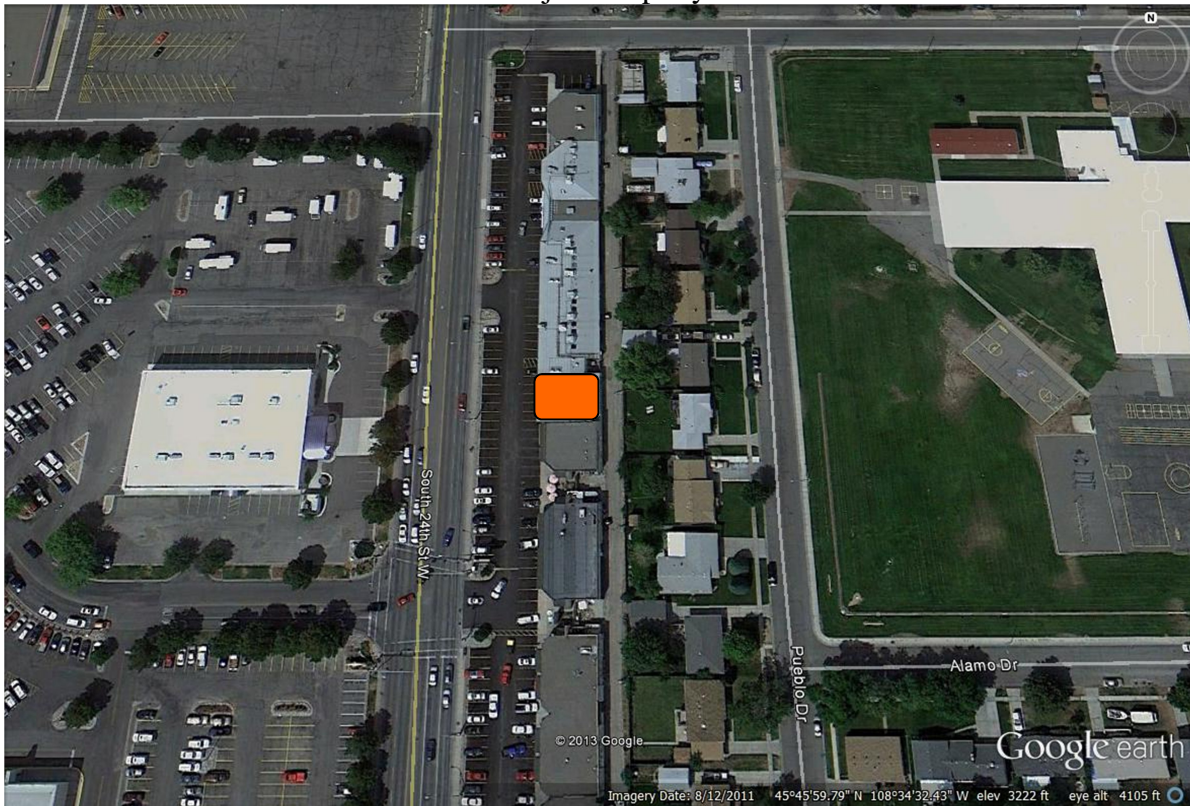
**Attachment A**  
Zoning Map – Special Review #908



**Attachment B**  
Site Photos – Special Review #908



Subject Property



Aerial

**Attachment B, continued**  
Site Photos – Special Review #908



View north on S 24<sup>th</sup> Street West

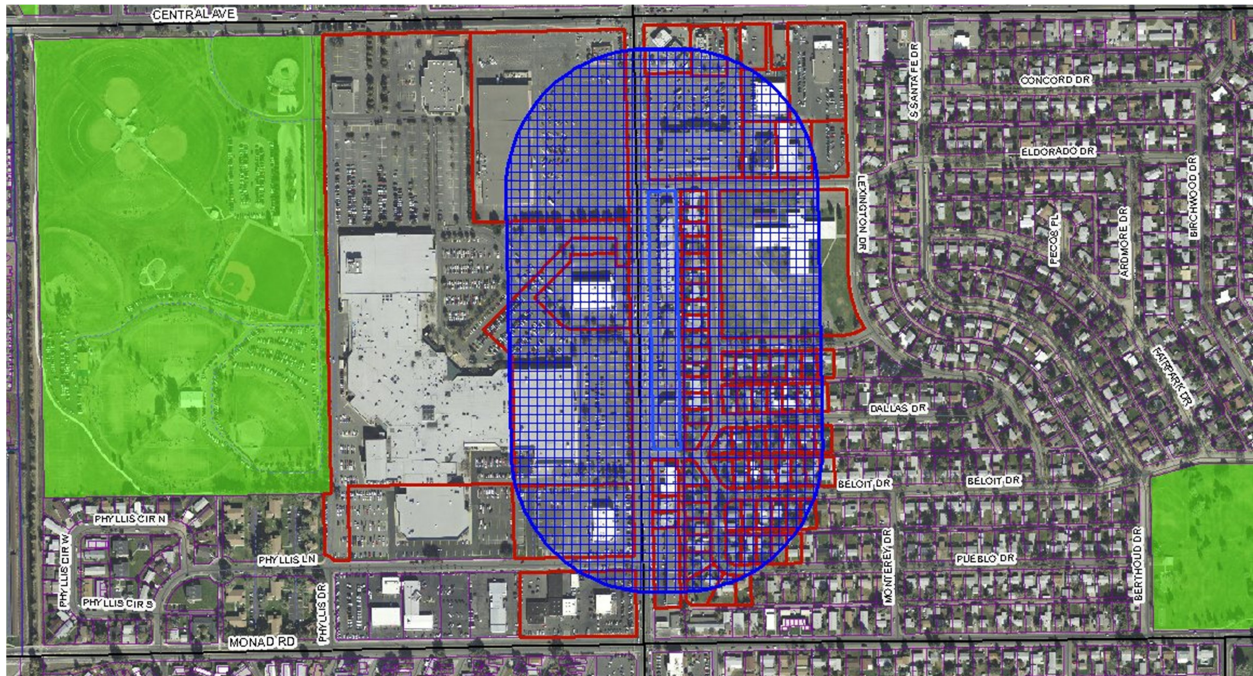


View south on S 24<sup>th</sup> Street West

**Attachment B, continued**  
Site Photos – Special Review #908



View west across S 24<sup>th</sup> Street West



600-foot radius of subject property

# Attachment C Site plan

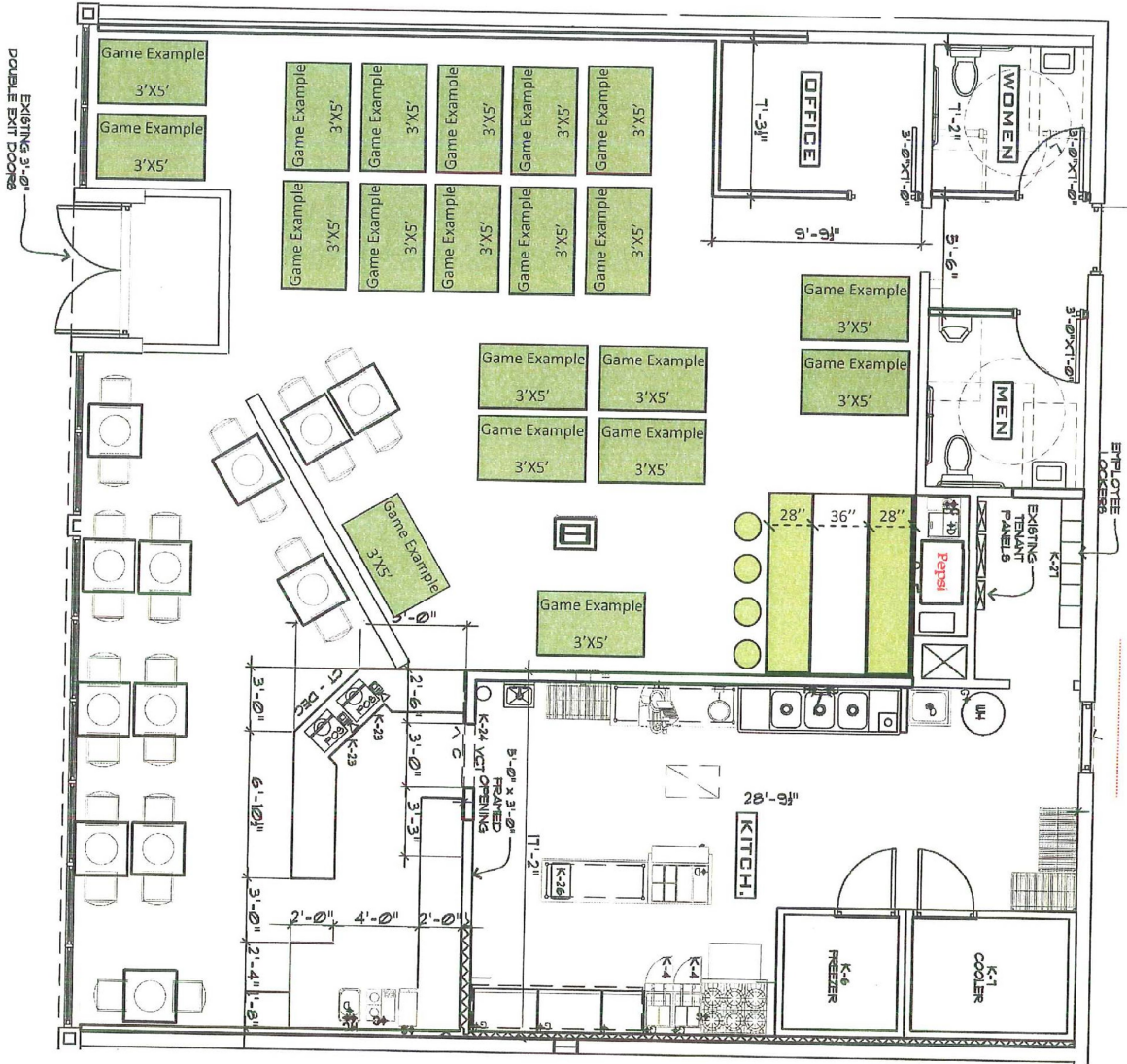
Wooly Bugger, Inc., a Montana close corporation

d/b/a Jackrabbit Red's Casino

111 South 24th Street West, Suite 14 of Rimrock Mini Mall

Billings, Yellowstone County, Montana

Montana On-Premise Consumption Retail Beer/Wine License No. 03-101-9253-301



## Attachment C Applicant Letter



2110 Overland Avenue, Suite 119B  
Billings, MT 59102  
Work: 406-294-2294  
Fax: 406-294-2295

June 3, 2013

Planning & Community Services Division  
4<sup>th</sup> Floor, Parmly Library  
510 North Broadway  
Billings, MT

To Whom it May Concern:

We are submitting this Special Review Application for the property located at 111 South 24<sup>th</sup> Street West, #14 (Tax ID # A04891). The following paragraphs are in response to the questions found within the City Special Review Application.

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

Economic Development Element Goal #1 asks for coordinated economic development efforts that target business recruitment, retention, and expansion. The opening of this business would serve this goal by creating new jobs and expanding upon the successful economic King Avenue region.

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

This is an empty unit at this point, and with the permit resulting from a special review, it will encourage other businesses to also set up in the area.

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

Allowing the special review to be passed will further diversify and boost business for this mini-mall. More customers being attracted could boost the local economy and make the decision to open future businesses in the area more appealing.

D) The business petitioning for special review approval would occupy one of the building spaces on 111 S 24<sup>th</sup> St West. The business would be primarily gaming, with a food and wine license.

This property is located within 600 feet of Central Heights School. We are requesting a waiver from the 600-foot separation required in Section 27-613, of the City of Billings Code. The physical barriers listed below are reasons to approve the waiver:

1. In response to 27-612 (a)(1)b.2., this commercial development faces South 24th Street. All advertising and access to the businesses are from the street, not the alley. The back of the structure functions as one of the buildings that obstruct the view from the school. The residential buildings on the west side of Pueblo Drive do not fully obstruct the view, but a large majority of the building is blocked.
2. In response to 27-612 (a)(1)b.3., there is no direct physical access between the school property and this complex. An individual must walk along Eldorado Drive, cross Pueblo Street and arrive at South 24th Street. Then that pedestrian walks along South 24th Street until arriving at the location. Cross the parking lot and then enter the front door. It is approximately 550 feet to the front door from the NE corner of Eldorado Drive and Pueblo Street. There is an additional 350 feet to the entrance to the school.

Additional information and materials specified within the Application forms are included in those forms and/or attached to this letter. We thank you very much for your continued support on this request, and for your consideration of our special review application. Please feel free to contact me at (406) 294-2294 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marshall Phil".

Marshall Phil

**Attachment D**  
**Letter from School District #2**



**Office of the Superintendent**  
Lincoln Center, Room 214  
415 North 30<sup>th</sup> Street  
Billings, Montana 59101-1298  
Phone: (406) 281-5066 Fax: (406) 281-6186



June 20, 2013

Planning Division  
c/o Nicole Cromwell  
City of Billings  
510 North Broadway  
Parmly Library 4<sup>th</sup> Floor  
Billings, Montana 59101

*RE: City Special Review #908, Project Number 13-138*

Dear Commission:

This letter serves as Billings Public Schools' ("the District's") testimony regarding Special Review #908—111 (aka 109) S. 24<sup>th</sup> Street West Suite #14. In short, the District asks the Commission to deny the request for waiver of the 600-foot separation to Central Heights Elementary and the proposed gaming establishment serving beer and wine. It is our belief that Billings does not want places of alcohol consumption and gaming less than a mere 600 feet from our schools.

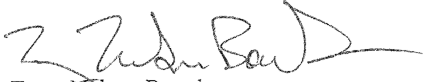
First, it is the District's position that the petitioners for the special review do not satisfy the City of Billings Code's requirements for potential waiver. The Code provides a 600 foot buffer between our schools and places serving alcohol and gaming establishments. The Code does indicate that waiver of this rule *may* be granted if there are barriers between the buildings. In order for a waiver to be considered, however, a building or building must "*entirely* obstruct the view between the separated uses." Sec. 27-612(a)(1)b. (emphasis added). Petitioner cannot show that occurs here, but instead notes that the school is merely partially obstructed by residential buildings. Moreover, petitioner asserts there is "no direct physical access between the school property and the complex," and describes distances and paths from existing front door to front door. Yet the span of a little over one residential yard separates the school's playground from the building itself, and no arterial street or buildings that entirely obstruct the view exist. From a technical standpoint, petitioner has not shown that a waiver can be granted.

Regardless of whether the elements are met, however, Billings Public Schools strongly urges the City of Billings to deny waiver as a matter of public safety and well-being. The City and the District share an obligation to keep our children as safe as possible. The relevant portions of the City Code of Billings was enacted to insure that our city is mindful of the welfare of all of its citizens, big and small. The 600 foot requirement is in place to protect our children and is not unreasonable. Nor is it an unreasonable request that our businesses actively engage in that interest, as well. Placing a gaming and alcohol establishment virtually across the street from an

City of Billings  
Planning Division  
June 20, 2013

elementary school undermines the regulations in place, and jeopardizes the safety and well-being of the District's students and staff. The District asks that waiver not be granted here.

Sincerely,

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Terry Nelson Bouck  
Superintendent

**From:** [Kylan Coghlan](#)  
**To:** [Mayor & Council](#)  
**Subject:** Special Review #908  
**Date:** Thursday, June 27, 2013 4:41:51 PM

---

I am writing to express that I am against any request that will allow a bar or casino within 600 feet of our schools and our young children, i.e. City Special Review #908.

I do not believe that the special exceptions are met, the structure is visible from 2 of the entrances of Central Heights Elementary and foot traffic has a single street separation from the playground. I believe that even should the special exceptions be met in the future, that the children enrolled at Central Heights Elementary are far more important than the location of another Casino or Bar.

If the property owners would like to change the strip mall to mini-storage – great, I approve. Anything else puts the children at greater risk, risk that you as a council member can help to limit. Vote your conscious, not a “Point of Order”. If your decision is appealed or it needs to go to the courts to be argued, at least you can say that you stood up for the children of your city and did the right thing. There are plenty of other locations for a casino in Billings. In addition, it is not your duty to help poorly informed business owners recoup moneys spent without the proper permits. (Shame on the realtor and shame on the owners that purchased the property without knowing how the property was zoned).

Sincerely  
Kylan Coghlan  
3037 Gloxinia Dr  
Billings MT

**Cromwell, Nicole**

---

**From:** Scott Walton <scottwalton500@hotmail.com>  
**Sent:** Saturday, June 29, 2013 6:07 PM  
**To:** Cromwell, Nicole  
**Cc:** Marjean Narum; Penny Walton  
**Subject:** Review #908

**Importance:** High

To whom it may concern,

My name is Scott Walton, I am a Home Owner/Resident in the Central Heights Subdivision east of the Rimrock Mini Mall that the Review #908 will affect. I am writing this statement as I will not be able to attend this hearing on July 2, 2013, and I want my statement to be heard.

I am **strongly against** the waiver for the ability to bring in gaming, beer and wine with the Jack Rabbit Red's Casino or any other Casino into any location in the Rimrock Mini Mall. You can not smoke in a Bar/Casino in Montana, but you can still smoke. Where will they smoke? In front of the building OR in the alley directly behind with these houses, with a back door open and music playing until 2:00 AM maybe? We have a zoning law in place for a reason that does not allow a casino within 600 feet of a school, let's keep it that way. I bought and live in this area for a reason, because of regulations that come with living close to a school, I have a child that will attend this school. Now as a tax paying citizen with a zoning law already in place you want to take that away! I do not think so.

I hope you remember that Central Heights Elementary School and Subdivision was here long before the Rimrock Mini Mall. I want my neighbor hood to be safe and secure, Casinos in general do not have a good record with crime/robberies. Thanks for your time.

Make it a Great Day!!

Scott Walton

**From:** [Shawna Halsey](#)  
**To:** [Mayor & Council](#)  
**Subject:** Special Review #908, Project Number 13-138  
**Date:** Monday, July 01, 2013 10:13:57 AM

---

I am opposed to a waiver of the 600 foot separation requirement that has been requested. There is no need to have gambling and alcohol consumption in an area that close to a school.

Shawna Halsey  
1365 Bluegrass Drive  
Billings, MT 59106  
406-652-4077

**From:** [jandmul@bresnan.net](mailto:jandmul@bresnan.net)  
**To:** [,Mayor & Council](#)  
**Subject:** casino  
**Date:** Monday, July 01, 2013 8:04:48 PM

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To all city council members.

Please do not allow alcohol or a casino so near to Central Heights school. There are casinos and alcohol beverages within 2 blocks of that location. I certainly hope you will honor the original ordinance it was set in place for the well-being of the school children. Also, it seems important to maintain that mall to be more "family friendly" with the ice cream store and Wild Bird Food and Supply store in that same area.

Thank you for reconsidering. Sincerely,

Barbara Mulvaney  
5842 Foxtail Ln.  
Billings, MT 59106

**Attachment D**  
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Phone: (406) 281-5066 Fax: (406) 281-6186



June 20, 2013

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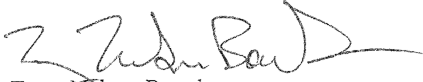
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City of Billings  
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Project Name \_\_\_\_\_

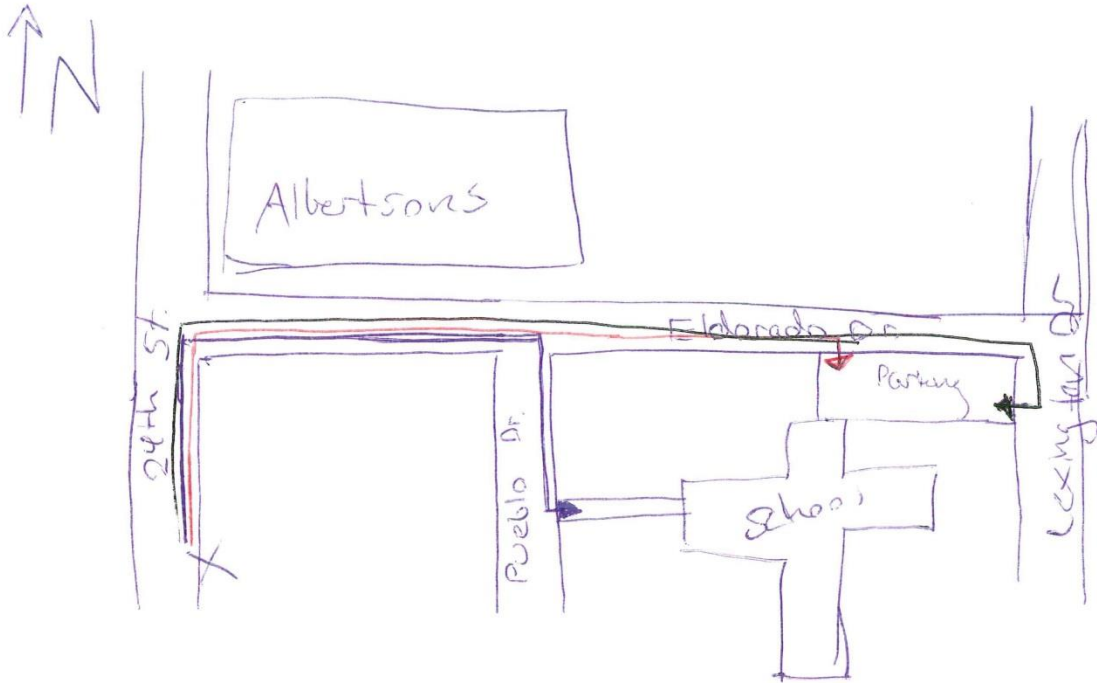
Job # \_\_\_\_\_

Date \_\_\_\_\_

**blueline**

**ENGINEERING**

2110 Overland Avenue, Suite 119B | Billings, MT 59102  
Work: 406-294-2294 | Fax: 406-294-2295



~~780'~~

780' to W. Entrance  
985' to N. Entrance  
1215' to E. Entrance

















Burgers served on a lightly grilled Brioche bun unless otherwise specified. All burgers are made from fresh beef that is never frozen, formed by hand 1/3 lb. seasoned beef patties. All burgers served with lettuce, tomato, onion and a pickle on request unless otherwise stated.



# Red's Grill

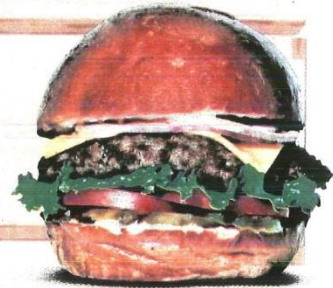
## Red's Grillers

Three-1 oz. Cheese Burgers served plain, cheese only. \$5.99

### Red's Classic Burger

A seasoned 1/3 lb. hand formed burger patty.

\$5.99 add cheese 30¢



### Apple wood Smoked Bacon Cheese Burger

Thick cut bacon & melted cheddar cheese \$8.29



### Mushroom Swiss Bacon Burger

Apple wood bacon, sautéed mushrooms

& melted Swiss cheese \$8.29

### Garlic Burger

Burger topped with roasted garlic, garlic mayo

& melted cheese. \$6.99

### **Santé Fe Chipotle Burger**

Burger topped roasted Poblano peppers, roasted red peppers, smoked chipotle cheese & chipotle mayo \$8.69

### **Jalapeno Burger**

Jalapenos, guacamole, Smoked Chipotle cheese & chipotle mayo \$8.29



### **Blackened Bacon Swiss Cheese Burger**

Blackened Seasoned burger topped with Swiss cheese and thick cut Apple wood bacon. \$8.69

### **Chipotle Onion Burger**

Sautéed onions and melted Smoked Chipotle cheese with Chipotle mayo \$7.99



### **Chili Burger**

Our handmade burger patty on a bun topped with Chili, cheese, and onion. \$8.69

### **Veggie Burger**

Handmade veggie burger on whole grain bun \$8.29

**Grilled Bacon & Cheese Sandwich**

Grilled thick cut bread melted cheese  
& Apple wood smoked Bacon \$5.99

**Grilled Cheese Sandwich**

Grilled thick cut bread with four types of melted cheese \$5.29

**Bucket of Fries**

Hand cut fries topped \$3.79



**Garlic Fries**

Hand cut fries topped with parmesan cheese,  
basil, olive oil, & garlic. \$4.79

**Loaded Fries**

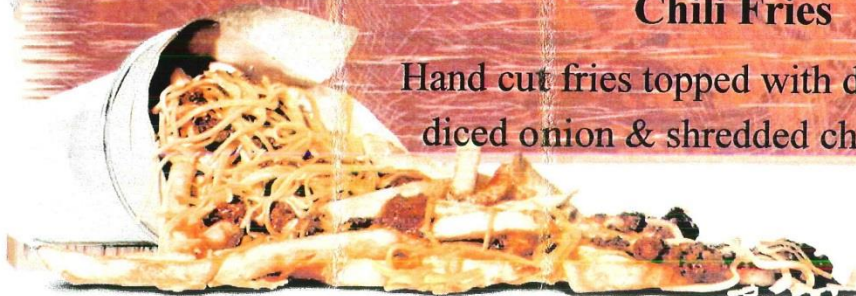
with shredded cheese, thick cut diced Apple wood bacon and  
diced onions. \$5.29

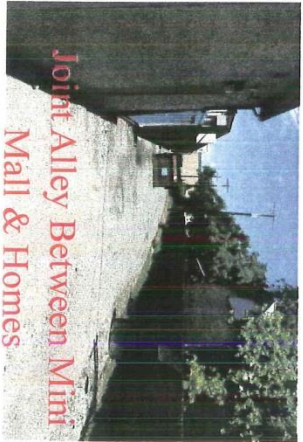
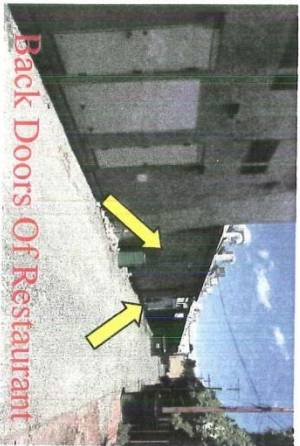
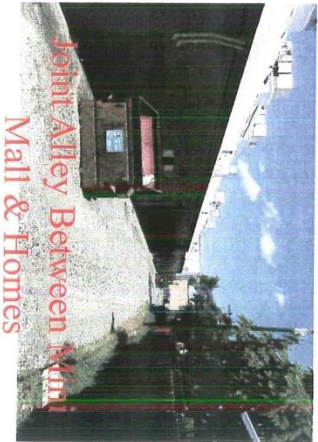
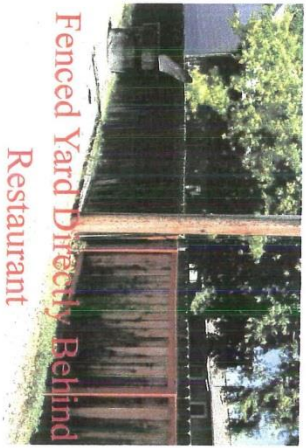
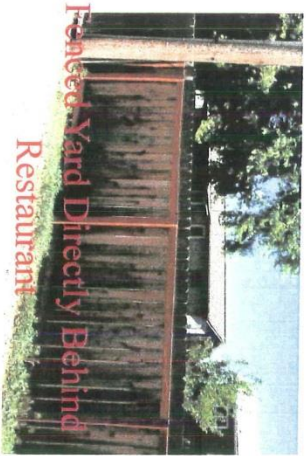
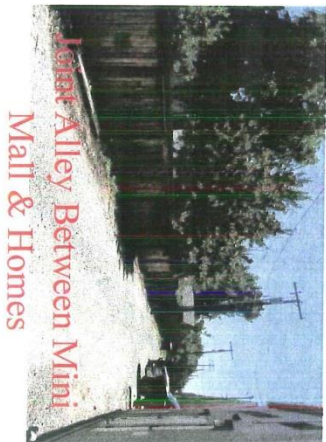
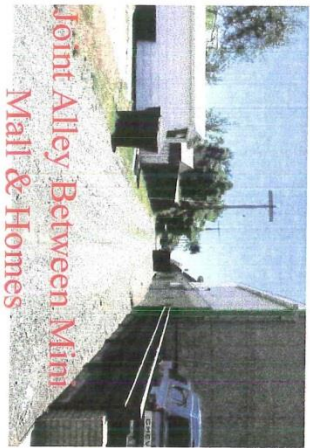
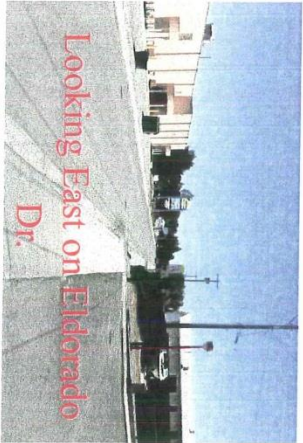
**Sweet Potato Fries**

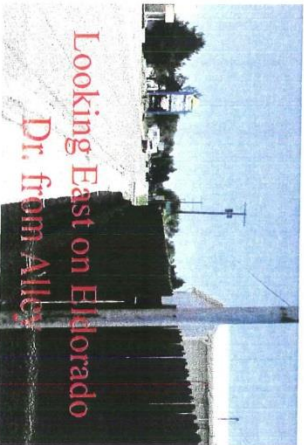
Hand cut sweet potato fries \$4.99

**Chili Fries**

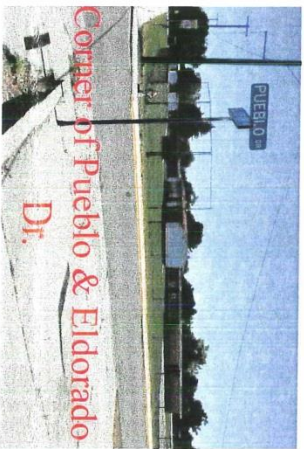
Hand cut fries topped with diced tomato,  
diced onion & shredded cheese. \$5.99



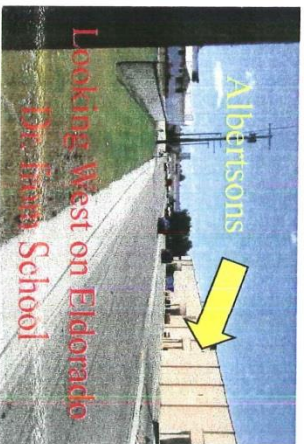




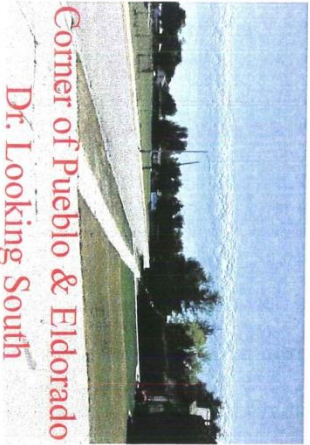
Looking East on Eldorado  
Dr. from Albertson's



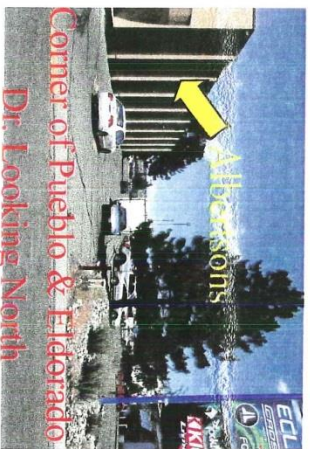
Corner of Pueblo & Eldorado  
Dr.



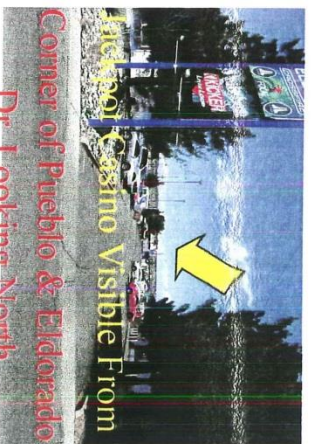
Looking West on Eldorado  
Dr. from School



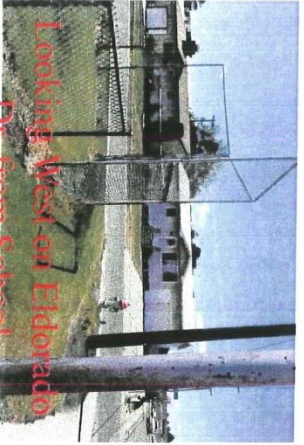
Corner of Pueblo & Eldorado  
Dr. Looking South



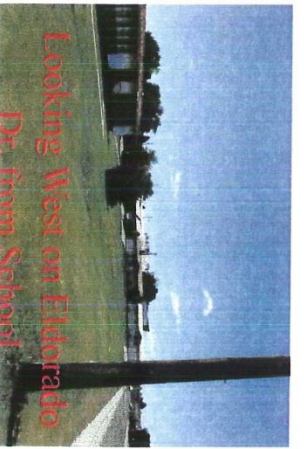
Corner of Pueblo & Eldorado  
Dr. Looking North



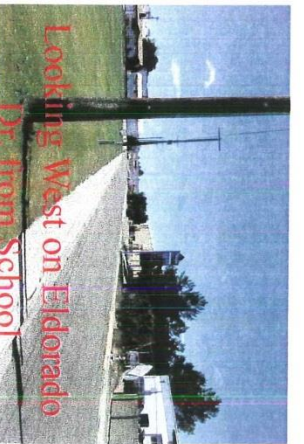
Corner of Pueblo & Eldorado  
Dr. Looking North



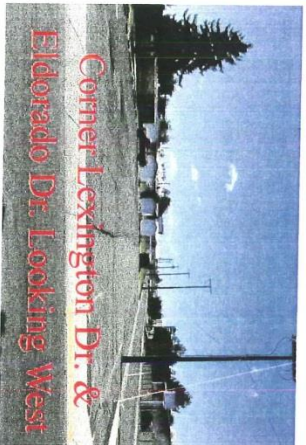
Looking West on Eldorado  
Dr. from School



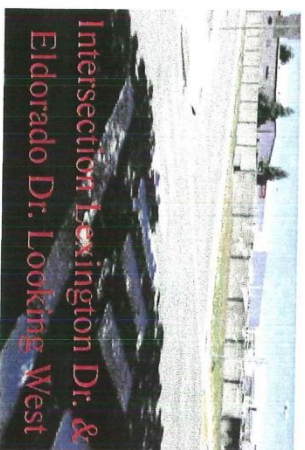
Looking West on Eldorado  
Dr. from School



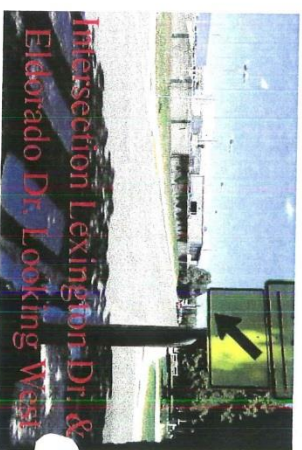
Looking West on Eldorado  
Dr. from School



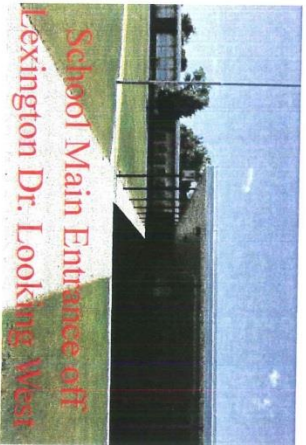
Corner Lexington Dr. & Eldorado Dr. Looking West



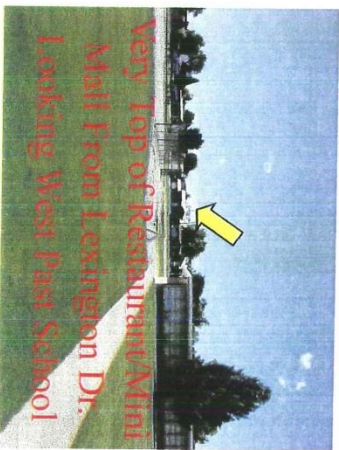
Intersection Lexington Dr. & Eldorado Dr. Looking West



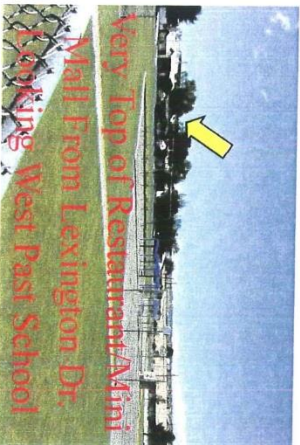
Intersection Lexington Dr. & Eldorado Dr. Looking West



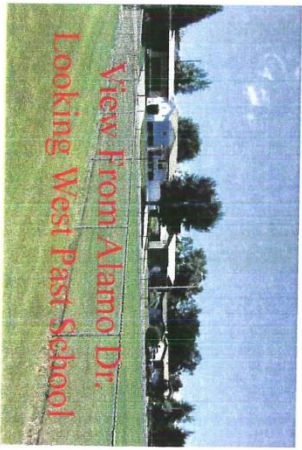
School Main Entrance off Lexington Dr. Looking West



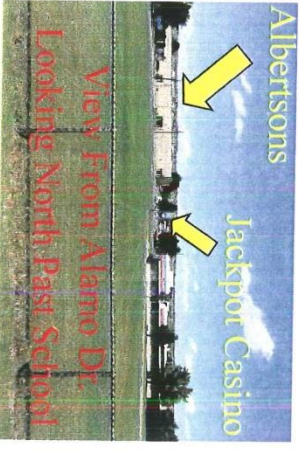
Very Top of Restaurant/Mini Mall From Lexington Dr. Looking West Past School



Very Top of Restaurant/Mini Mall From Lexington Dr. Looking West Past School



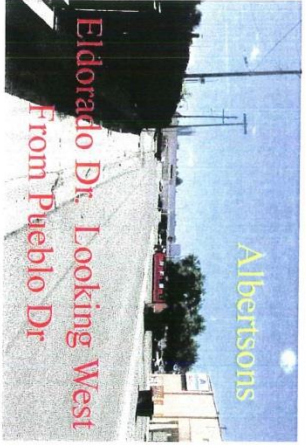
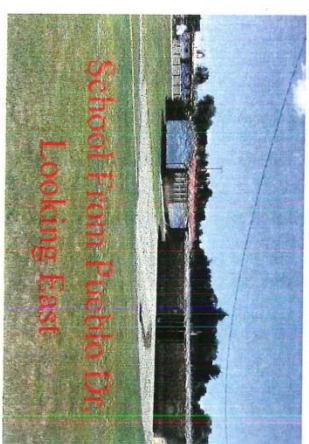
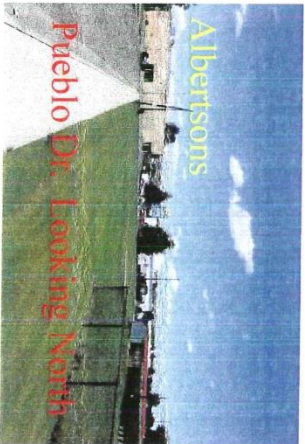
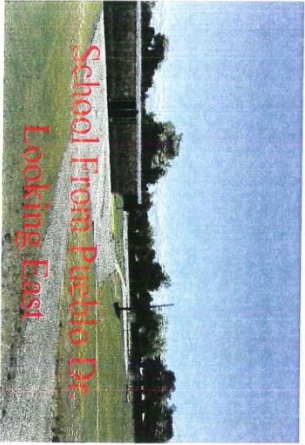
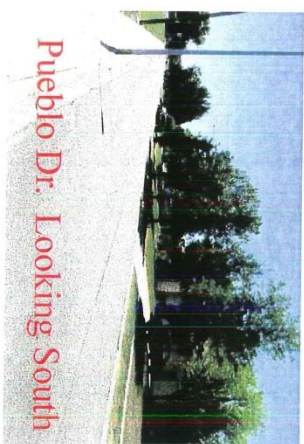
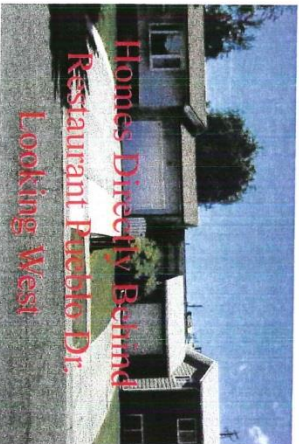
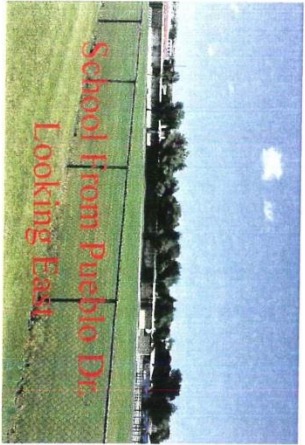
View From Alamo Dr. Looking West Past School



View From Alamo Dr. Looking North Past School

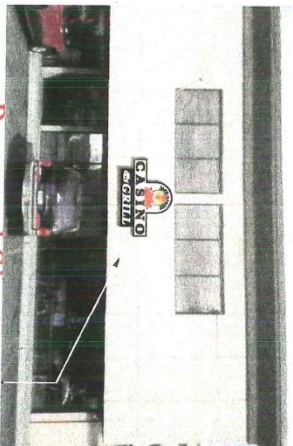
Albertsons

Jackpot Casino

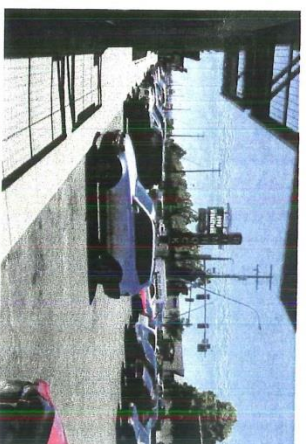




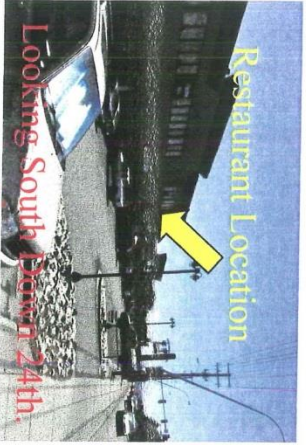
Restaurant



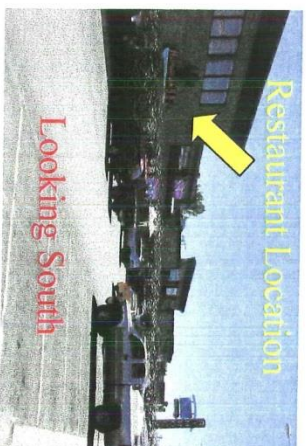
Proposed Signage



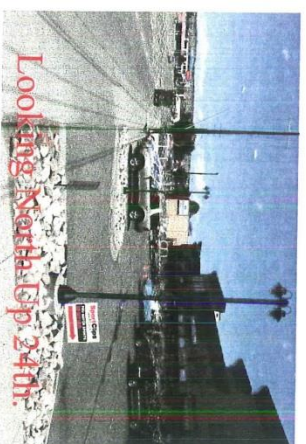
Looking South



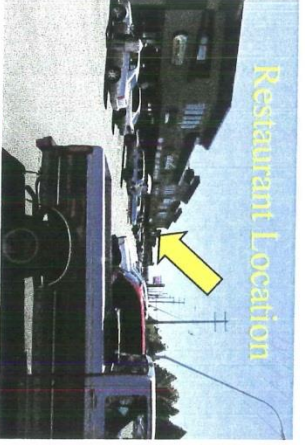
Street



Looking South



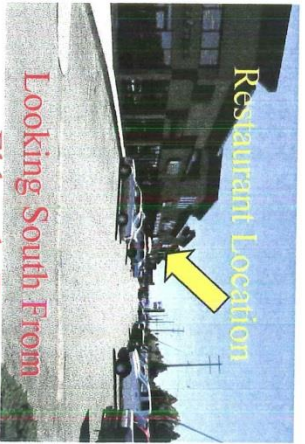
Street



Looking South



Looking North



Eldorado Dr.

## Montana Code Annotated 2011

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

**16-3-306. Proximity to churches and schools restricted.** (1) Except as provided in subsections (2) through (4), a retail license may not be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This section is a limitation upon the department's licensing authority.

(2) However, the department may renew a license for any establishment located in violation of this section if the licensee does not relocate an entrance any closer than the existing entrances and if the establishment:

(a) was located on the site before the place of worship or school opened; or

(b) was located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937.

(3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both in the original package for off-premises consumption.

(4) Subsection (1) does not apply within the applicable jurisdiction of a local government that has supplanted the provisions of subsection (1) as provided in [16-3-309](#).

**History:** En. Sec. 13, Ch. 84, L. 1937; Sec. 4-415, R.C.M. 1947; amd. and redes. [4-4-107](#) by Sec. 92, Ch. 387, L. 1975; R.C.M. 1947, [4-4-107](#); amd. Sec. 1, Ch. 152, L. 1981; amd. Sec. 1, Ch. 662, L. 1983; amd. Sec. 196, Ch. 56, L. 2009.

*Provided by Montana Legislative Services*

42.12.129 DETERMINATION OF PROXIMITY TO PLACE OF WORSHIP OR SCHOOL

- (1) In order to apply the provisions of 16-3-306, MCA, the department must find:
- (a) the entrance doors of the premises proposed for licensing and the entrance doors of the place of worship or school are situated on the same street; and
  - (b) the physical address of the premises proposed for licensing is designated as the same street as the physical address of the place of worship or school; and
  - (c) the distance, measured in a straight line, from the entrance doors of the business proposed for licensing and the entrance doors of the place of worship or school is 600 feet or less.
- (2) If the above three-part test is not met in its entirety, the provisions of 16-3-306, MCA, do not apply.
- (3) The distance between entrance doors is measured by a geometric straight line, regardless of intervening property and buildings. An entrance is considered to be a means of ingress to the premises generally used by the public. This does not include egress-only doors, delivery, or service entrances.
- (4) In the event that a county or city government should enact an ordinance or resolution supplanting the provisions of 16-3-306, MCA, the restriction shall not apply.
- (5) A conformed copy of such supplanting ordinance or resolution must be submitted to the department by the applicant.

History: 16-1-303, MCA; IMP, 16-3-306, MCA; NEW, 1980 MAR p. 1086, Eff. 3/28/80; AMD, 1984 MAR p. 325, Eff. 2/17/84; AMD, 2001 MAR p. 449, Eff. 3/23/01; AMD, 2003 MAR p. 21, Eff. 1/17/03; AMD, 2012 MAR p. 1846, Eff. 9/21/12.

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Zone Change 913 - Public Hearing and 1st reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Community Commercial (CC) to Residential Manufactured Home (RMH) on Lot 13 of Kuhlman Subdivision, an 8,832 square foot parcel of land. The property is owned by Duane and Carol Long (Long Brothers Trucking) and the agent is Heather Long. The property is 1 lot in multiple lots used by Long Brothers Trucking for storage of materials and repair of trucks. Lot 13 had a manufactured home in the past but the last manufactured home was removed more than 1 year ago and another manufactured home cannot be re-established except through a zone change. The owners conducted a pre-application neighborhood meeting on May 22, 2013, at the subject property. The pre-application meeting notes are included as Attachment C. The Zoning Commission conducted a public hearing on July 2, 2013, and is forwarding a recommendation of approval on a 4-0 vote.

**ALTERNATIVES ANALYZED**

State law at Section 76-2-304, MCA, requires that all zone changes be reviewed in accordance with 10 criteria. Using the 10 criteria to determine the appropriateness of the zone change request, the City Council may:

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

**FINANCIAL IMPACT**

Approval of the zone change will lower the fees assessed on this lot for arterial construction and storm water system maintenance.

**BACKGROUND**

The applicant is requesting to rezone 1 parcel on the east end of the property generally located at 441 Josephine Drive. In 1978, Mr. Long petitioned the County to re-zone the property from RMF to CC so his business could continue to grow and expand at this location. At the time, there was a manufactured home on the property and this continued to be the case until a few years ago when it was removed. Mr. Long would now like to place a newer manufactured home on the east end of the property. The ability to replace a manufactured home on the property expired after the last one was removed and not replaced for more than 1 year. The owner is seeking a zone change from CC to RMH so another manufactured home can be placed only on Lot 13. Lots 14 through 19 will remain CC zoning and the business will continue on these lots. The lot and the manufactured home will have an address of 441 Josephine Drive. The remaining lots owned by Mr. & Mrs. Long will retain the previous address of 429 Josephine Drive.

The properties to the north and south is zoned RMF and have manufactured homes. Property to the east is zoned CC but is developed with a manufactured home. One of the lots to the south and east is developed for apartments. This area between Main Street and Lake Elmo Drive is a mixture of zoning and land uses ranging from commercial storage, repair businesses, apartments, manufactured homes and site-built homes. The Heights Neighborhood Plan indicates a goal of maintaining similar housing choices within established neighborhoods. A zone change to RMH for this lot will reflect similar housing in this area and is compatible with other housing choices.

The current volume of traffic on Lake Elmo Drive averages 6,470 vehicle trips per day. There should be no impact on Lake Elmo Drive traffic from this zone change. There is already an access drive onto Josephine Drive, a paved street, with graveled boulevards. There should be no traffic impacts to Josephine Drive.

The Billings Heights Neighborhood Plan indicates the property between Main Street and Bench Boulevard should develop with a mixture of uses including commercial, retail and higher density residential uses. The 2008 Growth Policy encourages the implementation of compatible zoning in existing neighborhoods. The proposed zoning and use is compatible with the area. The Planning staff received one inquiry from a neighboring property owner regarding the zone change and the individual seemed satisfied with the information provided to him. Staff did not receive any phone calls or letters of concern from surrounding owners.

The RMH zone requires a front property line minimum setback of 20 feet, an 8-foot side setback and a 20-foot rear setback. It appears the manufactured home will meet the required setbacks, lot coverage and other zoning requirements for the RMH zone.

The applicant conducted a pre-application neighborhood meeting on May 22, 2013 and 1 surrounding owner attended the meeting. The meeting notes are included in Attachment C.

The Billings Heights Neighborhood Plan adopted by the City in 2006 states the purpose of the plan is to guide the long-term growth of Billings Heights. A preferred land use map was developed locating and encouraging the retention of most commercial uses along Main Street and to locate a mixture of uses between Main Street and the parallel streets of Lake Elmo Drive and Bench Boulevard. The 2008 Growth Policy encourages the compatibility of adjacent zoning to new zoning especially in established neighborhoods. The proposed zoning is compatible with the adjacent zoning and existing land uses.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on July 2, 2013 and received the staff recommendation. No other persons testified. The Zoning Commission considered the staff recommendation of approval. Commission member Barbara Hawkins made a motion to recommend approval and this was seconded by Dan Wagner. The motion was approved on a 4-0 vote.

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

The Planning Division reviewed the application and recommended approval based on the ten (10) criteria for zone changes. The subject property is adjacent to a mixture of residential uses and commercial uses. Uses allowed in the RMH zoning are compatible with the surrounding zoning and neighborhood character. The 2008 Growth Policy and the Billings Heights Neighborhood Plan encourage predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

Prior to any making a decision on the proposed zone change, the City Council shall consider the following 10 criteria:

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

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

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

The proposed zoning would permit the owner to re-establish a manufactured home on this lot in an area that has a mixture of manufactured homes and multi-family residences. The proposed zoning is consistent with the neighborhood character and land use patterns between Main Street and Lake Elmo Drive. The proposed zoning is compatible with the existing uses on Josephine Drive and Kuhlman Drive to the north.

- More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)

The existing zoning is restricted to commercial uses and site-built residential homes. The proposed zoning will allow the owner to re-establish a manufactured home on the lot while retaining the commercial zoning and uses to the west.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health, safety and general welfare will be promoted by the proposed zoning. The owner will have the opportunity to establish a conforming use of the lot. The resident of the manufactured home will be able to observe the activity on the commercial lot during non-business hours and this will enhance public safety.

4. Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will no have no impact on the surrounding streets.

Water and Sewer: The City provides sewer to the property and water is provided by Billings Heights Water District.

Schools and Parks: There should not be any impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by the city Public Safety Services.

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

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

6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation from a single family residence averages between 8 and 10 vehicle trips per day. This includes deliveries to the residence in addition to trips to and from by the occupants. The site is currently developed and the change in zoning should not have any effect on existing traffic patterns.

7. Will the new zoning will promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The new zoning will allow a manufactured home to be established in an area of mixed uses and mixed housing choices.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of district and the suitability of the property for residential uses.

9. Will the new zoning conserve the value of buildings?

The existing commercial building and development to the west of Lot 13 will be conserved by the new zoning.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will permit manufactured homes to located in an area that has many lots developed with manufactured homes and is the most appropriate use of the property.

## **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval of Zone Change 913 and adoption of the findings of the 10 criteria on a 4-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Zoning Map

Site photos

Pre application meeting notes and applicant letter

Ordinance

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**Attachment B**  
Site Photographs, Zone Change #913 – 441 Josephine Drive



Subject Property



Aerial Map

**Attachment B, continued**  
Site Photographs, Zone Change #913 – 441 Josephine Drive



View east on Josephine Drive



View west on Josephine Drive

**Attachment B, continued**  
Site Photographs, Zone Change #913 – 441 Josephine Drive



View south across Josephine Drive



Long Brothers Trucking storage yard – west of subject lot

**Attachment C**  
**Applicant's Letter**

**Pre-Application Statement of Owner(s) or Agent(s)**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** CC
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Change to RMH. Lot size 75 ft. by 117.77 ft.  
8,832.75 sq. ft.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Lot 13, Kuhlman Subdivision,  
N<sup>2</sup>S<sup>2</sup> W<sup>4</sup>SE<sup>4</sup> Sec. 22 T1N R26E
5. **Neighborhood Task Force Area:** Yes //  No. If Yes. Name of Task Force and mailing address of Chairperson:  
\_\_\_\_\_
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 22, day of May, 2013.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Duane and Carol Long Telephone: 406-254-0085  
**Address:** 19 Neather Drive Email: \_\_\_\_\_  
Billings MT 59105

**Agent (s):** Neather Long Telephone: 406-245-0575  
**Address:** 1216 Caroline St. Email: construction515@msn.com  
Billings MT 59105

LONG BROS. TRUCKING INC.

5:00 PM MAY 22, 2013

RE: Neighborhood Meeting Concerning Zone Change at 441 Josephine Dr.

Attendance Record

Name/Attendee:

Comments:

Charles Harper	Questions on zoning that would affect my property
① Name Long	

NOTES: Esther Rivera called on 5/11/13 - she was leaving town and could not come to the meeting. Said she was OK with the zone change.

One person showed up for the meeting and received the phone call. There were no other comments.

RECEIVED

**ZONE CHANGE APPLICATION**

CITY OF BILLINGS  
Planning & Community Services Dept.  
4<sup>th</sup> Floor, Parmly Library  
510 North Broadway  
Billings, MT 59101

**Question 1. A.: In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?**

Answer: Please refer to Lot 12 in the Kuhlman Subdivision on Josephine Drive. It has a trailer house on that lot. Also refer to lots 20 through 27 on Kuhlman Drive. They all have trailer homes on those lots as well. Pictures are enclosed (attached).

**Question 2. B.: Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit with the existing zoning and land uses of the immediate area.**

Answer: We would like this lot (13) zone changed from CC to RMH because we would like place a trailer home on that lot. This trailer home will be a residence and as of now the water, electricity and gas cannot be hooked up under the current zone.

Many of the surrounding lots have trailer homes on them. Lot 12 has a trailer home on it as well as lots 20 through 27. See enclosed (attached) pictures.

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**ORDINANCE NO. 13-\_\_\_\_\_**  
AN ORDINANCE AMENDING THE ZONE CLASSIFICATION  
FOR Lot 13, Kuhlman Subdivision generally located at 441  
Josephine Drive

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That Lot 13, Kuhlman Subdivision is presently zoned **Community Commercial (CC)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Community Commercial (CC) to Residential Manufactured Home (RMH)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential Manufactured Home (RMH)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading July 22, 2013.

PASSED, ADOPTED AND APPROVED on second reading August 12, 2013.

CITY OF BILLINGS:

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

ATTEST:

BY: Cari Martin, City Clerk  
Zone Change #913 – 441 Josephine Drive

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Zone Change 914 - Public Hearing and 1st reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential 9,600 (R-96) to Residential 8,000 (R-80) on proposed Lot 1, Block 4, Falcon Ridge Estates Subdivision 2nd Filing, a 1.67 acre parcel of land. The property is owned by Falcon Ridge II, LLC and the agent is Dennis Buscher. The owners conducted a pre-application neighborhood meeting on May 23, 2013, at the Yellowstone Country Club. The pre-application meeting notes are included as Attachment C. The Zoning Commission conducted a public hearing on July 2, 2013, and is forwarding a recommendation of approval on a 3-0-1 vote.

**ALTERNATIVES ANALYZED**

State law at Section 76-2-304, MCA, requires that all zone changes be reviewed in accordance with 10 criteria. Using the 10 criteria to determine the appropriateness of the zone change request, the City Council may:

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

**FINANCIAL IMPACT**

If the zone change is approved, the fees assessed to the property for arterial construction and storm water system maintenance will increase.

**BACKGROUND**

The applicant is requesting to rezone 1 parcel in a proposed subdivision to allow additional dwelling units for patio homes. The proposed zoning is identical to 2 adjacent lots in Falcon Ridge Subdivision, 1st Filing that were developed for patio homes (The Villas at Falcon Ridge). The lot is proposed to be 1.67 acres and under current zoning could have 7 single family detached patio homes. The proposed zoning would allow up to 14 single family dwellings or 7 duplex (2-family) dwellings. The current zoning only allows single family detached dwellings and proposed zoning allows single family detached or two-family attached dwellings. The proposal is to develop 9 single family detached patio homes similar in style to the Villas at Falcon Ridge to the east.

The property to the north is zoned R-96 and will have less density but should be compatible with the proposed zoning. Property to the east is zoned R-80 and Public. The area to the south is zoned R-70 and is either developed for single family dwellings or is vacant land. The neighborhood streets are all low volume residential streets with on-street parking. The proposed zoning should not have an impact on local streets.

The West Billings Neighborhood Plan indicates this area will develop for residential uses at a variety of densities including single family, two-family and multi-family dwellings. A commercial node at 62nd Street West and Rimrock Road has been approved but is not yet developed. The 2008 Growth Policy encourages the implementation of compatible zoning in existing neighborhoods. The proposed zoning and use is compatible with the area. The Planning staff did not receive any phone calls or letters of concern from surrounding owners.

The applicant conducted a pre-application neighborhood meeting on May 23, 2013 and two surrounding owners attended the meeting. The meeting notes are included in Attachment C.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on July 2, 2013 and received the staff recommendation and testimony from Dennis Buscher, agent, and from Stan Helgeson, the proposed builder for the patio homes. No other persons testified. The Zoning Commission considered the staff recommendation of approval, the 10 criteria for the zone change, and the testimony of the applicant's agent and builder. Commission member Mike Boyett made a motion to recommend approval of Zone Change 914 and adoption of the findings in the 10 criteria and the motion was seconded by Dan Wagner. Commission member Barbara Hawkins stated she had a conflict of interest on this application because she and Mr. Buscher were partners in another development. The Commission approved the motion on a 3-0-1 vote.

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

The Planning Division reviewed the application and recommended approval based on the ten (10) criteria for zone changes. The Zoning Commission concurred with this recommendation. The subject property is adjacent to R-80 zoning to the east and is compatible with the R-96 and R-70 to the north, south and west. Uses allowed in the R-80 zoning are compatible with the surrounding zoning and neighborhood character. The 2008 Growth Policy and the West Billings Neighborhood Plan encourage predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

Prior to any making a decision on the proposed zone change, the City Council shall consider the following 10 criteria:

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

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

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

The proposed zoning would permit the owner to increase the density of dwellings on the lot from 7 to as many as 14 units. The proposal is for 9 dwelling units. The proposed zoning is consistent with the neighborhood character and land use patterns. The proposed zoning is compatible with the existing and proposed uses.

- More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)

The existing zoning is restricted to single family residences on lots of at least 9,600 square feet. The proposed R-80 can allow single family dwellings on lots of at least 8,000 square feet or two-family dwellings (attached or detached on undivided lots) on lots of at least 10,000 square feet. The proposed zoning will allow more housing choices in this area.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?  
Public health, safety and general welfare will be promoted by the proposed zoning. The owner will have the opportunity to establish a block of patio homes that will have common area around the homes. The homes will be connected to city services and have access to city streets.

4. Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will have no impact on the surrounding streets.

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

Schools and Parks: There should not be any impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by the city Public Safety Services.

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

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

6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation from a single family residence averages between 8 and 10 vehicle trips per day. This includes deliveries to the residence in addition to trips to and from by the occupants. The site will be developed to include access to streets, sidewalks and the off-street trail system in the area. The new zoning should not have any effect on existing traffic patterns.

7. Will the new zoning will promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The new zoning will allow an increase in density that is compatible with urban growth.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of district and the suitability of the property for residential uses.

9. Will the new zoning conserve the value of buildings?

The proposed zoning will have a positive effect on the value of buildings in the area.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will permit single family or two-family dwellings and is the most appropriate use of the property.

## **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval of Zone Change 914 and adoption of the findings of the 10 criteria on a 3-0-1 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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## **Attachments**

Zoning map

Site photos

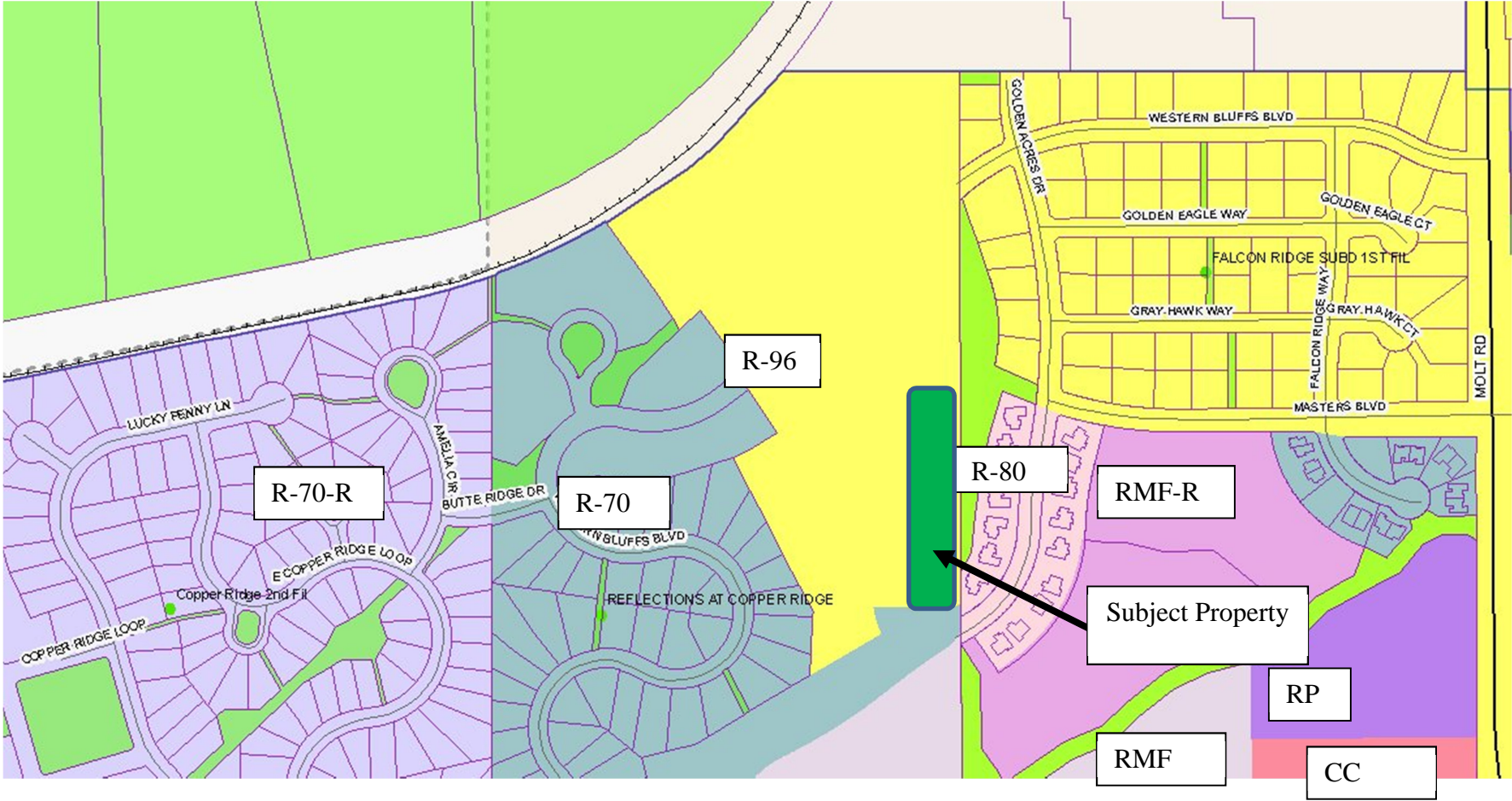
Pre application meeting notes and applicant letter

Applicant Map

Ordinance

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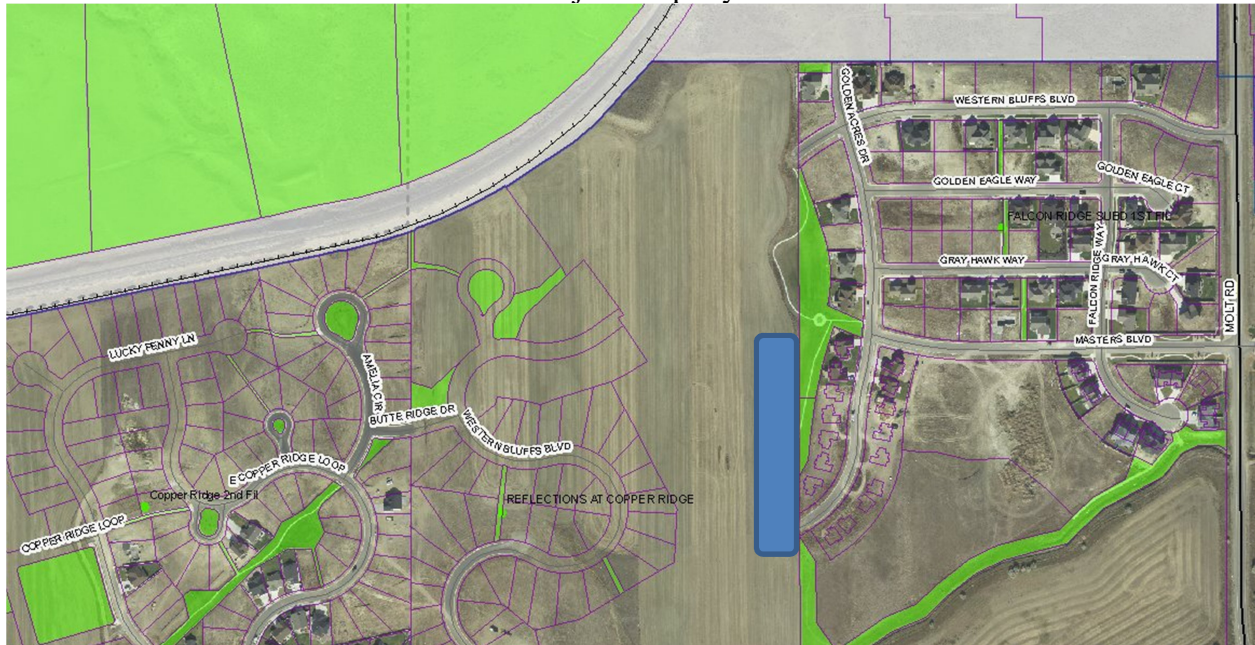
**Attachment A: Surrounding Zoning**  
Zone Change #914 – Falcon Ridge II



**Attachment B**  
Site Photographs, Zone Change #914 – Falcon Ridge II



Subject Property



Aerial Map

**Attachment B, continued**  
Site Photographs, Zone Change #914 – Falcon Ridge II



View north of subject property



View south and east of subject property

**Attachment B, continued**  
Site Photographs, Zone Change #914 – Falcon Ridge II



The Villas at Falcon Ridge east of the subject property



The Villas at Falcon Ridge – south end of Golden Acres Drive

## Attachment C Applicant's Letter

Neighborhood meeting  
Held: May 23, 2013  
Location: Yellowstone Country Club - Meeting room

### Roster of persons who attended

Ray Christopher 406-534-1330 3148 Golden Acres Drive  
Ryan Helgeson 406-698-3019 3138 Golden Acres Drive  
Dennis Buscher 406-698-1488 3671 Spalding Avenue  
Stan Helgeson 406-698-9180 Po Box 1332 Billings, MT 59103

### Synopsis of meeting:

Ray Christopher who is the present Vice President of the Villas of Falcon Ridge Home Owners Association stated that a meeting was held by the Home Owners Association to discuss this zone change. He said that all the members were excited about the project and were all in favor of the zone change. He was at the meeting to represent the Falcon Ridge Home Owners Association. They like the fact that Stan Helgeson is going to build the same quality units that the Falcon Ridge Home Owners Association home owners are living in.

A. In what ways is this proposal consistent with the 2008 growth policy?

1.) This zone change will preserve the neighborhoods integrity because the development is just extending the Villa's at Falcon Ridge high end patio homes development. All city services will be extended to this property.

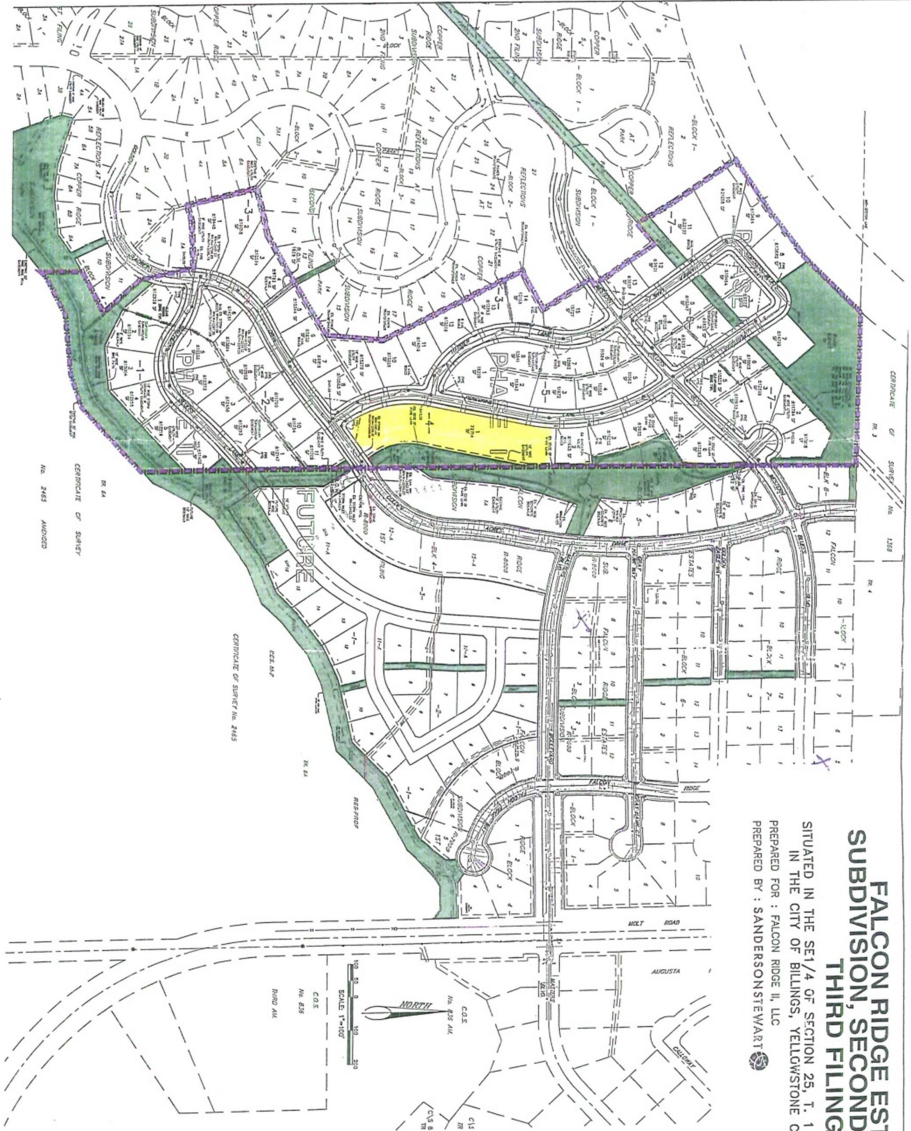
2.) This will be a contiguous fill in development .

B. Why do we need the zone change?

1.) We are planning on building high end patio homes just like the Villa's at Falcon Ridge development. This development is popular because of the low maintenance and smaller yards.

2.) The feasibility of the project is greatly enhanced by being able to build 8 units on the land instead of 6 units.

Sincerely,  
Dennis Buscher - President  
Falcon Ridge LLC  
406-698-1488



**FALCON RIDGE ESTATES  
SUBDIVISION, SECOND FILING &  
THIRD FILING**

SITUATED IN THE SE 1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M.  
IN THE CITY OF BILLINGS, TELLONSTONE COUNTY, MONTANA  
PREPARED FOR : FALCON RIDGE II, LLC  
MARCH, 2013  
PREPARED BY : SANDERSON STEWART



**ORDINANCE NO. 13-\_\_\_\_\_**  
AN ORDINANCE AMENDING THE ZONE CLASSIFICATION  
FOR proposed Lot 1, Block 4, Falcon Ridge Estates, 2<sup>nd</sup>  
Filing generally located on Peregrine Lane

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That proposed Lot 1, Block 4 of Falcon Ridge Estates Subdivision, 2<sup>nd</sup> Filing is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Residential 8,000 (R-80)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 8,000 (R-80)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading July 22, 2013.

PASSED, ADOPTED AND APPROVED on second reading August 12, 2013.

CITY OF BILLINGS:

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

ATTEST:

BY: Cari Martin, City Clerk  
Zone Change #914 – Lot 1, Block 4, Falcon Ridge Estates Subdivision, 2<sup>nd</sup> Filing

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Public Hearing and Empire Parking Garage Retail Space Sale

**PRESENTED BY:** Bruce McCandless

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City of Billings is constructing the Empire Parking Garage on Montana Avenue between N. 27th and N. 28th Street (Broadway). The structure's ground floor that faces Montana Avenue is designed to accommodate 16,500 sq. ft. of retail/office space. The City intends to sell all of the spaces to a single or to multiple owners/operators. The owner of the Asian Sea Grill submitted an unsolicited offer of \$251,000 for the approximate 5,000 sq. ft. restaurant space. In accordance with BMCC 22-902, staff advertised all of the property for sale, scheduled a public hearing and notified surrounding property owners. Staff requests that the City Council conduct a public hearing and consider approving the unsolicited offer plus any others that are submitted prior to the deadline of July 16.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the unsolicited offer from the Asian Sea Grill and/or any others received by the deadline date
- Disapprove the offer but accept some or all competing offers
- Decline to approve any offers at this time and provide guidance to staff on selling the property

**FINANCIAL IMPACT**

The Empire Parking Garage budget anticipates receiving at least \$500,000 for the retail spaces. Anything above that amount will lessen reliance on the Tax Increment District Fund in FY 2014 and 2015.

**BACKGROUND**

The City of Billings is constructing the Empire Parking Garage on Montana Avenue between N. 27th and N. 28th Street (Broadway). The structure's ground floor that faces Montana Avenue is designed for eight (8) retail/office spaces in approximately 16,500 sq. ft. The structure should be ready for occupancy in April or May, 2014. The City intends to sell all of the spaces to a single or to multiple owners/operators. Council approved the unit ownership (condo) agreement in January, 2013. The space on the corner of N. 27th and Montana will accommodate a restaurant and it is the largest of the planned units at about 5,000 sq. ft. The City's construction cost is about \$50/sq. ft. and a market analysis valued the space at about \$45/sq. ft.

Mr. Bill Honaker (Alley Cat/Securities Bldg.) had an option to purchase the corner property but he declined to purchase it at the stated price. City staff and Mr. Honaker worked for several months to develop an alternative valuation but were unsuccessful and he abandoned his purchase option. He has the first right of refusal to purchase the property until it is completed

and ready for occupancy.

The owner of the Asian Sea Grill submitted an unsolicited offer of \$251,000 for the approximately 5,000 sq. ft. restaurant space. The major advantage of accepting the offer is that it represents about 1/2 of the needed income from selling all of the retail/office units, but represents only about 1/3 of the available square footage. The offer covers most of the City's building construction costs for that space. It does not cover all costs and when land and site development costs are added, the total is over \$70/sq. ft. This corner space is unquestionably the most desirable and valuable space among the retail units. Selling it without simultaneously selling the interior units will make marketing the interior spaces harder. The City may be unable to sell the remaining units before the garage opens and potential buyers can see who and what uses will occupy the other units. The interior units are less likely to sell for prices that cover construction costs because the most desirable space has already been sold.

In accordance with BMCC 22-902, staff advertised all of the property for sale, scheduled a public hearing and notified surrounding property owners. Other than an early effort by the DBP, this is the first time the property has been advertised for sale because staff and Mr. Honaker were engaged in negotiations that included attempting to establish price through an appraisal. Given that situation, the property has not been adequately marketed and selling the most desirable unit may be premature. If Council accepts or rejects the offer, the staff will work with downtown stakeholders to develop a comprehensive marketing package and will more aggressively market the property. The City could also consider engaging a real estate professional to market the retail/office units.

## **RECOMMENDATION**

Staff recommends that the City Council accept the offer from Asian Sea Grill to purchase the retail unit on 27th and Montana Ave. for \$251,000. If Council approves the purchase, staff will begin aggressively marketing the remaining retail units

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Buy-sell

Floor plan

Resolution

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**COMMERCIAL BUY - SELL AGREEMENT**  
(Including Earnest Money Receipt)



1 **This Agreement stipulates the terms of sale of this property. Read carefully before signing. This is a**  
2 **legally binding contract. If not understood, seek competent advice.**

4 Billings, Montana, (date) 6/14/2013,  
5 Asian Seagrill Shorelong, as  
6  Joint Tenants with rights of survivorship,  Tenants in common,  Single in his/her own right,  
7  Other \_\_\_\_\_ (hereinafter  
8 called "Buyer") agrees to purchase, and the Seller agrees to sell the following described real property  
9 (hereinafter referred to as "Property") commonly known as 2701 Montana Ave Unit H  
10 \_\_\_\_\_ in the City of Billings,  
11 County of Yellowstone, Montana, legally described as: \_\_\_\_\_

16 TOGETHER with all interest of Seller in vacated streets and alleys adjacent thereto, all easements and other  
17 appurtenances thereto, and all improvements thereon. All existing permanently installed fixtures and  
18 equipment that are attached property are included in the purchase price, such as electrical, plumbing and  
19 heating fixtures except: \_\_\_\_\_

22 **PERSONAL PROPERTY:** The following items of personal property and other assets are set forth hereafter  
23 or per attached addendum, free of liens and without warranty of condition, are included and shall be  
24 transferred by bill of sale: \_\_\_\_\_

26 **PURCHASE PRICE AND TERMS:**

27 Total purchase price is Two Hundred Fifty-One Thousand  
28 U.S. Dollars (\$ 251,000.00) payable as follows:  
29 \$ 2,500.00 earnest money to be applied at closing.  
30 \$ 248,500.00 as additional cash payment, payable on or before closing.  
31 \$ 0.00 balance of the purchase price will be financed as follows:

\_\_\_\_\_  
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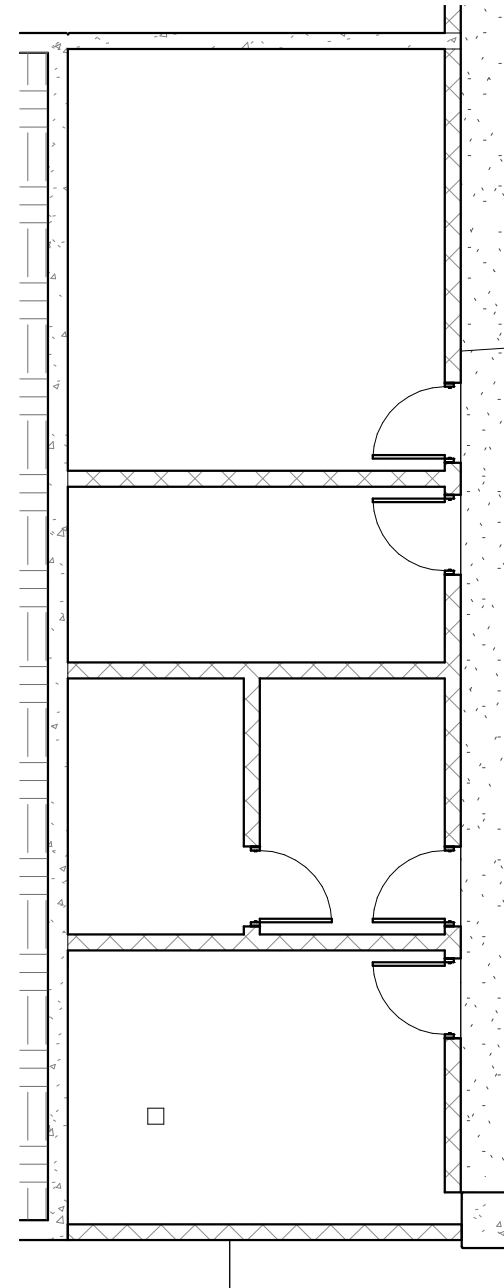
47 **CLOSING DATE:** The date of closing shall be (date) 4/16/2014. The parties may, by  
48 mutual agreement, close the transaction at any time prior to the date specified. The Buyer and Seller will  
49 deposit with the closing agent all instruments and funds necessary to complete the purchase in accordance  
50 with this Agreement.

W  
Buyer's Initials

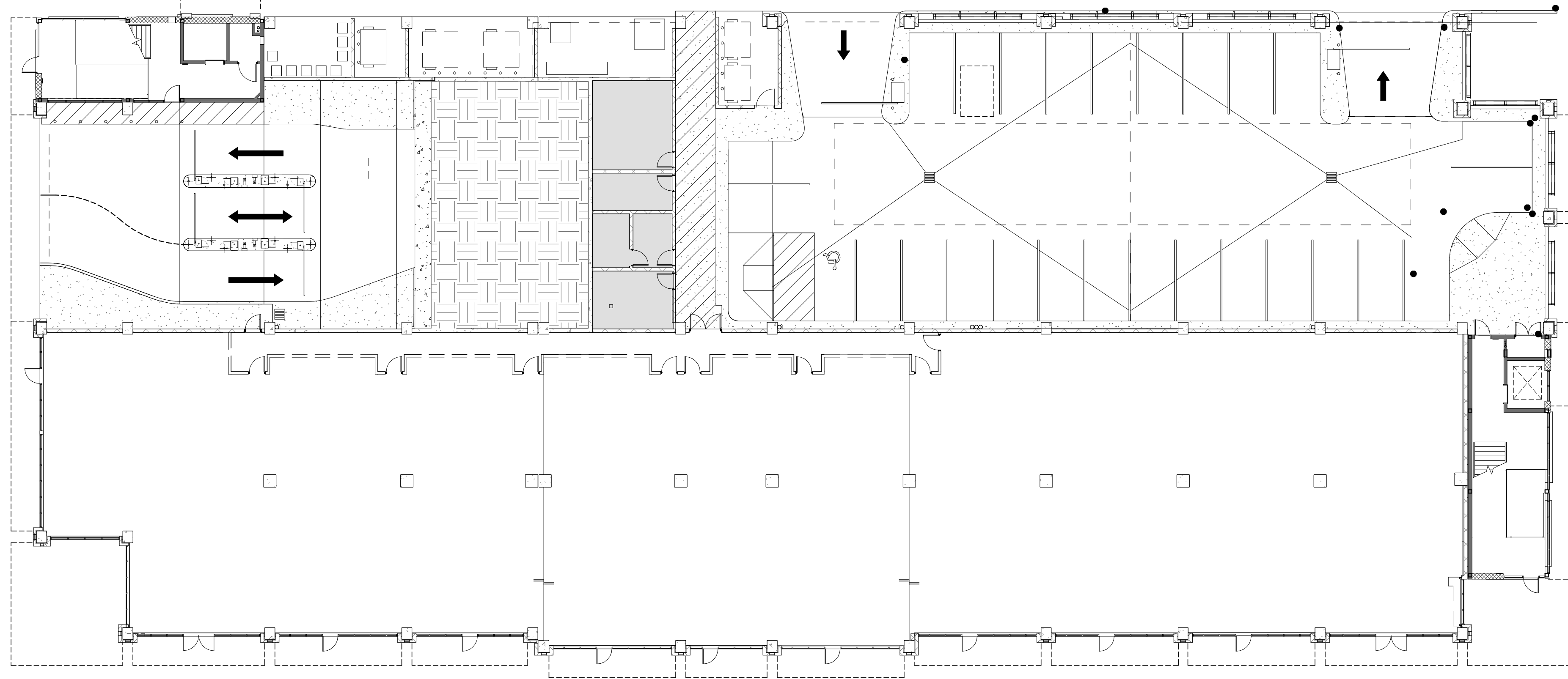
©MONTANA ASSOCIATION OF REALTORS®  
Commercial Buy-Sell Agreement, June 2012

Page 1 of 8 / \_\_\_\_\_  
Seller's Initials

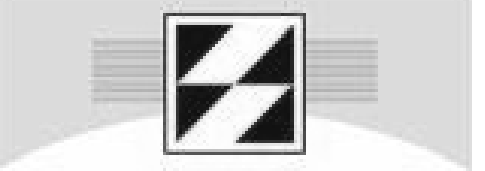
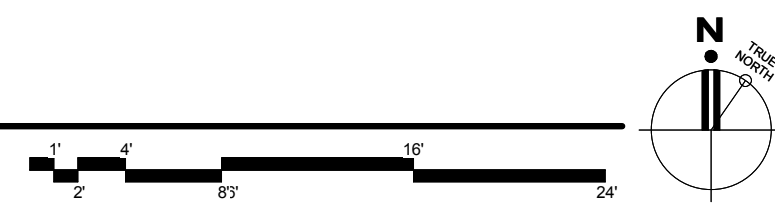




**2 ENLARGED PLAN AT MECH/ELECT ROOMS**  
1/8" = 1'-0"



**1 Level 1 Plan**  
1/16" = 1'-0"



**SCHUTZ FOSS**  
ARCHITECTS, P.C.  
ARCHITECTURE · INTERIORS · PLANNING



4545 EAST MCKINLEY STREET  
PHOENIX, ARIZONA 85008  
TELEPHONE: 602.954.9060  
FACSIMILE: 602.954.6954  
WWW.DFDG.COM

DOCUMENT COPYRIGHTED IN 2012

**ISSUE**

02.01.2013 - Foundation Bid Package
03.18.2013 - Owner Review Set
04.08.2013 - QC Review Set
04.16.2013 - Permit Review Set

**REVISIONS**

4-29-13	Plan Review Comments	1
4-29-13	Plan Coordination	2
6-13-13	Plan Review Comments	4

**SLETTEN CONSTRUCTION COMPANY**  
**Empire Parking Garage**  
Billings, Montana

1228  
DFDG PROJECT NUMBER

CONSTRUCTION DOCUMENTS  
**LEVEL 1 PLAN**

**A210**  
PLOT DATE: 7/9/2013 10:30:41 AM SHEET NUMBER

RESOLUTION 13 - \_\_\_\_\_

A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE, ARTICLE 22-900: SALE, DISPOSAL OR LEASE OF CITY PROPERTY, DESCRIBING THE PROPERTY TO BE DISPOSED OF, AND AUTHORIZING CITY OFFICIALS TO PROCEED WITH THE LAND DISPOSAL

WHEREAS, the City of Billings owns and desires to dispose of public property located at 2701 Montana Avenue, Retail Unit H; and

WHEREAS, the public property to be disposed of is more particularly described as follows:

Retail Unit H in the Empire Garage, A Unit Ownership property, and its proportionate limited and general common area, located on the following described real property;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 109, Original Town, now City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document #16312.

WHEREAS, the notice required by Section 22-902 of the Billings Montana City Code has been duly published and mailed; and

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on July 22, 2013.

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

That the City staff are authorized to proceed with the sale of Unit H, 2701 Montana Avenue to Asian Seagrill Shorelong for a total price of \$251,000.

That the Mayor is authorized to execute all needed documents to transfer the unit when feasible, estimated to be in April, 2014.

APPROVED by the City Council of the City of Billings, Montana this 22<sup>nd</sup> day of July, 2013.

THE CITY OF BILLINGS:

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

ATTEST:

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

**Regular City Council Meeting**

**Meeting Date:** 07/22/2013

**TITLE:** Approval of a 2013-2015 Contract with MPEA Billings Police Unit

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

A tentative agreement on renewal of a contract between the City and the Montana Public Employees Association(MPEA) Billings Police Unit was reached on July 3, 2013. The proposed contract runs retroactively from July 1, 2013, through June 30, 2015. The MPEA's 113 members are expected to vote on the contract the week of July 15. If it is ratified by MPEA, the City Council is being asked to consider approving the contract at its meeting of July 22.

Major changes to the new agreement include:

- A 2.9% cost of living adjustment (COLA) for each year of the two years of the contract;
- An absence control agreement in which an employee may be subject to progressive discipline for using sick leave under false pretenses, for repetitive tardiness or sick leave use, or for using sick leave more than three times in conjunction with scheduled days off, legal holidays, weekends and similar times;
- A pay for performance feature in which an employee who does not earn at least a "meets expectations" rating in any of seven major areas during his or her annual performance evaluation will not be eligible for a pay step increase or incentive/certification pay for the next year;
- An increase in the amount of the City's payment applied to an employee's gross pay for retirement that is limited to the City's actual increase in the premium or 15%, whichever is less;
- An increase from four to six visits in the number of City-paid trips to Employee Assistance for officers and their families;
- An increase from 24 to 48 hours as the maximum amount of standby for which an officer is authorized;
- Allowing an officer to volunteer to work two full shifts straight for additional pay, relieving the least senior officers from absorbing all of those shifts;
- Including the Police Chief into the first step of the grievance process;
- Increasing by one minute the time which an officer has to pass the Montana Physical Fitness Test to be consistent with a change made by the Montana Law Enforcement Academy; and
- Creation of a dedicated, recorded phone line that officers can check the day before trial to make sure they still need to come in to testify on their days off.

The contract is being updated and a copy will be provided to the Council in the July 19, 2013, Friday Packet.

**ALTERNATIVES ANALYZED**

If the contract is ratified by the MPEA, the Council may:

- Approve the contract as presented, with pay retroactive to July 1, 2013;
- Postpone action on the contract to obtain additional information; or
- Deny approval of the contract, forcing negotiations to resume.

A simple majority vote of the Council is needed for approval.

**FINANCIAL IMPACT**

A 2.9 percent COLA will cost \$249,400 for Fiscal Year (FY) 2014 and \$256,633 for FY 15.

The cost of the health insurance to retirement benefit will depend on any increase in premiums that occur in January.

**RECOMMENDATION**

Staff recommends approval of the contract, retroactive to July 1, 2013.

**APPROVED BY CITY ADMINISTRATOR**

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