

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

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## AGENDA

**COUNCIL CHAMBERS**

**January 26, 2015**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Yakawich

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

**MINUTES:** January 12, 2015 (pending)

**COURTESIES:**

**PROCLAMATIONS:**

**ADMINISTRATOR REPORTS - TINA VOLEK**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker sign-in required.** (Comments offered here are limited to one (1) minute. Please sign 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. **Landfill Dozer for Solid Waste Division.** (Opened 1/13/2015) Recommend Tractor and Equipment Company; \$596,917.

2. **Aerial Platform Truck for Fire Department.** (Opened 1/13/2015) Recommend delay of award until February 9, 2015.
  
- B. **Professional Services Contract** for W.O. 15-21, Logan Reservoir/Pump Station; HDR Engineering, Inc.; \$74,800.
  
- C. **Approval** of 2015 Budget for Exchange City Golf Corporation (Par 3 Golf Course).
  
- D. **Grant Application Request** to submit FY2015-2016 Montana State Historic Preservation Office Certified Local Government Grant application; \$5,500.
  
- E. **Second/Final Reading Ordinance for Zone Change #928:** A zone change from Residential Professional to Residential 7000 on Lots 4 and 5, Block 2, Justiss Subdivision, generally located northeast of the intersection of South 24th Street West and King Avenue West and addressed as 2313 and 2321 Henesta Drive. Boris Krizek, owner of Lot 4 and Dean Hardin Trust, owner of Lot 5; Lowell Cooke, Agent. Approval of the zone change and adoption of the determinations of the 10 criteria.
  
- F. **Second/Final Reading Ordinance expanding Ward V (Annexation #14-13)** for approximately 1.6 acres located on the northwest corner of the intersection of Shiloh Road and Central Avenue and addressed as 16 Shiloh Road. Leland and Lorraine Wells, owners.
  
- G. **Bills and Payroll:**
  1. December 29, 2014
  2. January 5, 2015
  3. October 1, 2014 through December 31, 2014 (Municipal Court)

#### **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting second quarter budget amendments for Fiscal Year 2014/2015. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
  
3. **PUBLIC HEARING AND RESOLUTIONS FOR ANNEXATION #14-06, #14-07, #14-08, #14-09, #14-10, #14-11, AND #14-12:** Approximately 18 acres, including road rights-of-way, in the area of East Billings between the East Billings Urban Renewal District (EBURD) and MetraPark. Service Candy Company; Bollinger Trust; Peter Yegen, Jr. Family Trust; Converse Properties, LLC; Cherry Properties, LLC; Earl L. Keenan, Jr. et al; and Industrial Land and Realty, LLC, owners. Staff

recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

**4. BILLINGS CLINIC ANNEXATION AND ZONE CHANGE REQUESTS**

**A. PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #14-14:** An un-platted, 80-acre parcel of land generally located on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road. Billings Clinic, owner and petitioner; Sanderson Stewart, agent. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

**B. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #929:** A zone change from Agriculture Open-Space to Planned Development with an underlying zoning of Community Commercial with special provisions for medical services, complementary uses and residential development on an un-platted, 80-acre parcel of land generally located on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road. Billings Clinic, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

**5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #930:** A text amendment to Section 27-306 of the Billings, Montana, City Code allowing dog grooming in Neighborhood Commercial zoning districts and prohibiting outdoor kennels or exercise areas associated with dog grooming. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

**6. PUBLIC HEARING AND SPECIAL REVIEW #921:** A special review to allow a 120-unit assisted living and memory care facility on property legally described as Lot 1, Block 1, Lenhardt Square Subdivision, 1st Filing, generally located at the southeast corner of South 44th Street West and Monad Road in the Lenhardt Square Planned Development. Stock-Naughton, LLP, owner; Sanderson Stewart, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission 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:** 01/26/2015

**TITLE:** Bid Award for Landfill Dozer for Solid Waste Division of the Public Works Department

**PRESENTED BY:** David Mumford, Public Works Director

**Department:** Public Works

**PROBLEM/ISSUE STATEMENT**

The fiscal year (FY) 2015 budget for the Solid Waste Division includes funding for the purchase of a new Compactor for the landfill. Recently, a dozer at the landfill was severely damaged by an engine fire that has rendered it inoperable. As a result, staff is recommending that the funding for the new Compactor be shifted for the purchase of a new dozer. This dozer is listed in the Equipment Replacement Plan (ERP) and was scheduled to be replaced in (FY) 2018. The existing compactor will be replaced in (FY) 2018. The compactor and the dozer are being switched regarding funding and the ERP.

The dozer is used to move material to cover active cells each day, which is a requirement of the Montana Department of Environmental Quality. Specifications were developed by the Solid Waste Division staff. A call for sealed bids was published on December 25, 2014, January 1 and 8, 2015 and bids were opened on January 13, 2015. Two bids were received.

**ALTERNATIVES ANALYZED**

The Council may:

- Award the bid as recommended; or
- Not award the bid. If not awarded the dozer will not be purchased, severely affecting landfill operations.

**FINANCIAL IMPACT**

The Solid Waste Division's FY2015 budget includes adequate funds to replace the Dozer instead of the Compactor. The City received 2 bids as outlined below. WHC put in a bid to only purchase the used Dozer.

Vendor	Bid Price	Trade in Price	One Year Service Warranty	Final Bid Price
Tractor and Equipment Company	\$672,750.00	\$91,015.00	\$15,182.00	\$596,917.00
WHC		\$55,000.00		

**RECOMMENDATION**

Staff recommends the City Council award the lowest bid to Tractor and Equipment Company in the amount of \$596,917.00 for the new unit, the one year service warranty and trading in the existing Dozer that had been damaged.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Bid Award - Aerial Platform Truck for Fire Department

**PRESENTED BY:** Paul Dextras, Fire Chief

**Department:** Fire

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**PROBLEM/ISSUE STATEMENT**

The existing 1997 aerial truck is scheduled for replacement in FY 2015. A call for sealed bids was announced in December, 2014 and the bid opening was held January 13, 2015. A total of five bids were received. Vendors submitting bids were: E-One, Smeal, Ferrara, Pierce and Sutphen. Smeal has withdrawn their bid. The truck proposed by Smeal has been sold. State law requires the governing body to consider bids at the meeting immediately following a bid opening. Fire staff needs additional time to review these bids and requests that the City Council delay approving a purchase until the February 9th meeting.

**ALTERNATIVES ANALYZED**

City Council may chose to approve or disapprove the staff recommendation.

**FINANCIAL IMPACT**

Within the Equipment Replacement Program, \$918,044 has been earmarked to replace the existing ladder truck in FY 2015

**RECOMMENDATION**

Staff recommends that the City Council postpone the Fire Department aerial truck replacement bid award to the February 9, 2015 meeting.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** W.O. 15-21--Logan Reservoir/Pump Station, Professional Services Contract with HDR Engineering, Inc.

**PRESENTED BY:** David Mumford, Public Works Director

**Department:** Public Works

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**PROBLEM/ISSUE STATEMENT**

This project will create additional water storage for Zone 5 (Airport vicinity) and potentially implement storage and pumping improvements associated with Zone 6 (area west of Airport and north of Hwy 3). A feasibility study will be completed first to determine the optimal size, location, and type of reservoir to be built as well as whether or not a new pump station is necessary or feasible. The initial scope of work covers only the feasibility study; a subsequent contract amendment will cover remaining professional services (design, bidding, construction management, etc.) relevant to the decisions made from the recommendations of the feasibility study.

Proposals were requested from qualified consulting firms to provide the required professional services. Three firms responded to the Request For Proposals, and HDR Engineering was chosen as the preferred consultant.

**ALTERNATIVES ANALYZED**

The Council may:

- Award a Professional Services Agreement to HDR Engineering (HDR); or
- Do not award an agreement to HDR. If this agreement is not approved, the project will be delayed.

**FINANCIAL IMPACT**

The project budget includes \$3,500,000 approved in the FY 2015 budget and will be funded with a SRF loan and supplemented with water funds. The contract is in the amount of \$74,800.00.

**RECOMMENDATION**

Staff recommends that Council approve the Professional Services Contract with HDR Engineering, Inc. for W.O. 15-21--Logan Reservoir/Pump Station in the amount of \$74,800.00.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

[WO 15-21 Professional Services Contract](#)

[WO 15-21 Appendix A](#)

[WO 15-21 Appendix B](#)

[WO 15-21 Appendix C](#)

[WO 15-21 Appendix D](#)

WO 15-21 Appendix E

WO 15-21 Appendix F

WO 15-21 Insurance Cert

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# Contract for Professional Architectural and Engineering Services

## City of Billings W.O. 15-21 – Logan Reservoir/Pump Station

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In consideration of the mutual promises herein, City of Billings and HDR Engineering, Inc. agree as follows. This Contract consists of:

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 7 pages (Basic Services of Consultant);

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

Appendix C consisting of 1 pages (Additional Services of Consultant);

Appendix D consisting of 1 pages (Schedule of Professional Fees);

Appendix E consisting of 1 pages (Project Schedule);

Appendix F consisting of 2 pages (Certificate(s) of Insurance); and

### **PART I SPECIAL PROVISIONS**

#### Section 1. Definitions.

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his/her designee.
- B. "Billings" means the City of Billings.
- C. "Engineer" and/or "Contractor" means HDR Engineering, Inc.

#### Section 2. Scope of Services.

- A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
- B. Billings shall pay the Contractor in accordance with Section 4.
- C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.
- D. The Contractor shall provide a minimum of one (1) copy of full-size and two (2) copies of half-size hard copy as-built drawings and two (2) CD's containing as-built drawings in digital format, as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings.

- E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
- C. This Contract shall terminate at midnight on March 31, 2017.

Section 4. Compensation; Method of Payment.

- A. Subject to the Contractor's satisfactory performance, Billings shall pay the Contractor no more than Seventy Four Thousand Eight Hundred and no/100 dollars (\$74,800.00) in accordance with this Section and Appendix B.
- B. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay the Contractor for all services provided not under dispute in the invoice. Billings will pay Contractor within 30 days of receiving an acceptable invoice.
- C. The Contractor is not entitled to any compensation under this Contract, other than is expressly provided for in this Section.
- D. As a condition of payment, the Contractor shall have paid all City taxes currently due and owing by the Contractor.

Section 5. Termination of the Contractor's Services.

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

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

Section 6. Duties Upon Termination

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

Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.

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

## Section 7. Insurance.

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

## Section 8. Assignments.

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

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

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

Section 10. Notices.

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

Billings: Will Robbins  
City of Billings  
Public Works Engineering  
2224 Montana Avenue  
Billings, Montana 59101  
e-mail: robbinsw@ci.billings.mt.us  
FAX: (406) 237-6291

Contractor: Jake Ostrander  
HDR Engineering, Inc  
2913 Millennium Circle  
Billings, MT 59102  
e-mail: jacob.ostrander@hdrinc.com  
FAX: (406) 652-2758

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

Section 11. Contract Budget.

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

Section 12. Force Majeure.

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

### Section 13. Financial Management System.

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

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

### Section 14. Funding Requirements.

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

### Section 15. Subcontracts.

The Contractor may enter into subcontracts for professional services necessary for the performance of this Contract, provided:

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

## PART II GENERAL CONTRACT PROVISIONS

### Section 1. Relationship of Parties.

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

### Section 2. Nondiscrimination.

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

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

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

Section 4. Nonwaiver.

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

Section 5. Amendment.

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

Contractor: Area Manager  
(title of position)

Billings: City Council or Authorized Designee

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

Section 6. Jurisdiction; Choice of Law.

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

Section 7. Severability.

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

Section 8. Integration.

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

Section 9. Liability.

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

- A. The Contractor shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs to the extent arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.

- B. Where claims, lawsuits or liability, including attorneys' fees and costs to the extent arise from wrongful or negligent act of both Billings and the Contractor, the Contractor shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which to the extent result from the Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

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

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

#### Section 10. Inspection and Retention of Records.

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

#### Section 11. Availability of Funds.

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

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

City of Billings

Contractor

\_\_\_\_\_  
THOMAS W. HANEL, Mayor

\_\_\_\_\_  
HDR Engineering, Inc.

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

\_\_\_\_\_

ATTEST:

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

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

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

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

IRS Tax ID # 47-0680568

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

APPROVED AS TO FORM:

By \_\_\_\_\_  
BRENT BROOKS, City Attorney

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

STATE OF MONTANA )

:ss.

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

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

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

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

## Appendix A

### Basic Services of Engineer City of Billings W.O. 15-21 – Logan Reservoir/Pump Station

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

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

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

## Section 2. Billings Rights and Duties.

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

## Section 3. Scope of Work.

The project consists of engineering services for the feasibility analysis, preliminary evaluation, design, bidding and construction phases for the City of Billings W.O. 15-21 – Logan Reservoir/Pump Station. The purpose of the project is to add additional water storage for the Zone 5 Pressure Zone and to evaluate and potentially implement storage and pumping improvements associated with the Zone 6 Pressure Zone. The size, location, type and style for the new Zone 5 Reservoir and the impacts associated with storage and pumping in the Zone 6 Pressure Zone will be determined through a feasibility study. The selected alternative from the feasibility study will be designed and constructed. The project will be funded with a State Revolving Fund (SRF) Loan.

The program will be implemented in the following phases:

- Phase I – Feasibility Study
- Phase II – Design, bidding and construction engineering services for the facilities selected during the feasibility study

The Phase I scope of work is summarized below. The work scope for Phase II of the project will be developed upon the completion of Phase I and presented in a subsequent contract amendment.

### **Phase I – Feasibility Study Scope:**

- Zone 5 Reservoir Size Evaluation
  - Evaluate current Zone 5 system demands, future area growth, land usage projections, fire flow requirements, and time period for new reservoir to meet criteria, to determine the proper size for the new Zone 5 Reservoir.
  - Evaluate storage requirements for Zone 6 and Zone 7 using same criteria to consider in sizing the Zone 5 Reservoir.

- Develop Technical Memorandum summarizing Zone 5 Reservoir Size Evaluation.
- Zone 5 Reservoir Site Evaluation
  - Five potential reservoir sites will be evaluated, sites A, B, C and D from the project proposal, and a potential site located within Zimmerman Park.
  - Site evaluation for each location to include:
    - Reservoir style and material: based on previously determined reservoir size
    - Waterline requirements
    - Pumping requirements
    - Water quality impacts
    - FAA coordination
    - Preliminary construction and life cycle cost analysis
    - Land acquisition requirements and easements for reservoir(s), pump station and waterlines and preliminary investigation to gauge land owner interest in selling.
- Existing Logan Reservoir Evaluation
  - Evaluate the feasibility of relocating the existing steel Logan Reservoir to an alternate site to serve the Zone 6 Pressure Zone.
  - Evaluate other options for the existing Logan Reservoir including:
    - Demolition and selling for scrap
    - Salvaging the tank to the City for future use
    - Selling tank to another interested party
  - Incorporate findings/requirements from the Cultural Study being performed by the airport relating to the existing Logan Reservoir into the final recommendation.
- Christensen Pump Station Evaluation
  - Evaluate alternatives associated with the existing Christensen Pump Station. Alternatives to include:
    - Increasing the capacity of and modifying the existing pump station.
    - Providing a new pump station. Pump station could be at existing site, new site, or within the stem of a new composite elevated reservoir. Along with evaluating a new pump station, investigate salvaging any pumps, misc. equipment from the existing pump station.
    - Building out the Ironwood Pump Station to provide Zone 6 Pumping. This alternative would include evaluating installation of a Zone 6 waterline from the Ironwood Pump Station to the existing Zone 6 waterline near Zimmerman Trail and Highway 3.
  - Evaluate benefits of adding Zone 6 Reservoir
    - Based on Zone 6 storage requirements previously developed, evaluate cost of including a Zone 6 Reservoir in the project.
    - Evaluate cost savings and other benefits to Christensen Pump Station alternatives.

**Phase II – Design, Bidding, and Construction Engineering Scope:**

(To be further defined and included upon the completion of Phase I)

- Preliminary design
- Land acquisition assistance
- Final design
- Bidding assistance
- Construction administration
- Construction inspection
- Operations and maintenance manual
- State revolving fund assistance

**DETAIL SCOPE OF SERVICES**

The scope of services that will be utilized on the Billings Logan Reservoir/Pump Station project is presented in the summaries for Tasks 100 through 800. The scope of services is organized as follows:

<u>Task Series</u>	<u>Description</u>
100	Project Initiation, Coordination, and Management
200	Feasibility Study
300	Preliminary Design and Land Acquisition Assistance <u>(scope and fee to be added by amendment)</u>
400	Final Design <u>(scope and fee to be added by amendment)</u>
500	Bidding Services <u>(scope and fee to be added by amendment)</u>
600	Construction Services <u>(scope and fee to be added by amendment)</u>
700	Operations & Maintenance Manual <u>(scope and fee to be added by amendment)</u>
800	State Revolving Fund Assistance <u>(scope and fee to be added by amendment)</u>

**TASK SERIES 100 – PROJECT INITIATION, COORDINATION, AND MANAGEMENT**

**101 – Project Initiation**

The purpose of this task is to kick off the project externally and internally. A project management plan (PMP) and all the support paperwork will be developed for all team members to have available to understand the project, the project team, and the project requirements. The PMP is updated with significant changes in the project. The project will be kicked off with the City with pertinent staff from the City and HDR to review the project components, schedule, and the process for completing the feasibility study.

- Deliverable: Meeting with City, agenda and meeting minutes.

### **102 – Meetings with City Staff**

During the feasibility study phase of the project, key members of the Consultant design team will meet with the City staff to review the project. Meeting minutes will be prepared and distributed to all parties attending the meeting. During the feasibility study, meetings will be held monthly with a review meeting at the completion of the draft study. Three (3) total meetings are planned for. Meetings to normally be held at the Water Treatment Plant Conference Room.

- Deliverable: Agenda and meeting minutes for each meeting.

### **103 – Feasibility Study Phase Project Management**

As part of this task, the Engineer's Project Manager will lead coordination of the project team with the City as well as supervise the project team. Project Manager and Accountant will monitor project status, maintain project schedule and prepare financial documents.

- Deliverable: Monthly Invoices

## **TASK SERIES 200 – FEASIBILITY STUDY**

This task series will evaluate the various components associated with the new Zone 5 Reservoir, and provide an evaluation and recommendation associated with the existing Logan Reservoir, Christensen Pump Station, and potential Zone 6 Reservoir and will select the desired project to move forward with design. The tasks associated with the feasibility study include the following:

### **201 – Zone 5 Reservoir Sizing**

Evaluate current Zone 5 system demands along with future area growth and land usage projections to determine appropriate equalizing and emergency storage volumes. Review Uniform Fire Code for current requirements applicable for Zone 5 land use classification to develop applicable fire flow storage volume. Coordinate with Logan International Airport staff; include additional airport volume potentially required for airport use. The storage requirements for Zone 6 and Zone 7 will also be considered and taken into consideration in the development of the recommended storage volume for the Zone 5 Reservoir.

- Deliverable: Technical Memorandum summarizing recommended Zone 5 Reservoir size

### **202 – Reservoir Site Evaluation**

Five potential sites for a new Zone 5 Reservoir will be evaluated. Sites include:

- Existing Logan Reservoir site (A)
- North of Highway 3, East of Rod and Gun Club Road (B)
- North of Highway 3, West of Rod and Gun Club Road (C)
- North of the Highway 3/Zimmerman Trail Intersection (D)
- Zimmerman Park (E)

The evaluation for each site will include the type of construction and materials of construction for a proposed reservoir at each location. Waterline and pumping requirements associated with each location, and potential additional facilities (Zone 6 Reservoir/Pump Station, etc.) that could be included with this project or in the future at each location.

### **203 – Water Modeling**

The existing City of Billings water model will be updated and evaluated to determine the impacts of a new reservoir at each of the proposed sites. System flows, pressures, and overall water quality will be included in the water modeling update.

- Deliverable: Summary of water modeling results to be included in evaluation.
- Assumptions: The existing City of Billings InfoWater Suite 10.0 Water Model is available for update.  
GIS data, where needed will be supplied by the City.

### **204 – FAA Coordination**

Each of the proposed reservoir sites and associated tank style/configuration will be evaluated to determine if coordination with the FAA is necessary due to height or proximity to the airport. If FAA coordination is necessary, preliminary discussions will be held with necessary FAA contacts to gauge the possibility of approval at all necessary sites.

- Deliverable: Summary of FAA coordination to be included in evaluation.

### **205 – Cost Estimates**

Preliminary construction and life cycle cost estimates will be developed for each of the proposed reservoir sites and reservoir types.

- Deliverable: Cost Estimates to be included in evaluation.

### **206 – Landowner Coordination**

Current property ownership for each of the proposed Reservoir sites will be determined, and preliminary discussions will be had with the landowners of each of the proposed reservoir sites to gauge landowner interest in selling property to the City.

- Deliverable: Summary of landowner coordination to be included in evaluation.

### **207 – Existing Logan Reservoir Evaluation**

Evaluate the feasibility of relocating the existing Logan Reservoir to proposed site D to serve the Zone 6 Pressure Zone versus demolition and scrap, or removal and storage of the existing elevated steel reservoir. Coordinate with airport on Culture Survey results to determine if relocating the existing reservoir is possible, or if the existing structure will need to remain in place. Pending results of culture survey, if deemed acceptable to remove the existing structure, develop preliminary cost estimates associated with each alternative.

- Deliverable: Memorandum on evaluation.
- Assumptions: Airport personnel or their designated personnel will perform the Culture Survey and furnish results to HDR. HDR will incorporate/include study findings as applicable if available prior to completion of the feasibility study.

**208 – Christensen Pump Station Evaluation**

Evaluate the Christensen Pump Station relating to each of the proposed reservoir sites. Depending on the site, the Christensen Pump Station evaluation may include leaving the pump station as is, increasing the capacity of the pump station, or relocating the pump station. Develop preliminary cost estimates associated with the alternatives.

- Deliverable: Memorandum on evaluation.

**209 – Zone 6 Reservoir Evaluation**

Evaluate providing a new Zone 6 Reservoir with this project; size based on task 201 storage requirements for Zone 6. Evaluation to compare costs associated with a new Zone 6 Reservoir versus costs associated with a new Zone 6 (Christensen) Pump Station. Evaluation will also include a summary of operational benefits of additional Zone 6 storage compared to a new pump station.

- Deliverable: Memorandum on evaluation.

**210 – Prepare Feasibility Study**

Prepare a feasibility study that summarizes the various evaluations performed associated with the project. Preliminary site plan and layout drawings will be developed for each alternate site that hasn't been previously eliminated as not being feasible. These drawings will be produced in 2D AutoCAD files.

**211 – Review Feasibility Study**

Conduct internal review of Feasibility Study. Incorporate review comments and submit to City for review. Conduct review meeting with the City.

- Deliverable – Draft Feasibility Study (3 hard copies, 1 electronic copy)

**212 – Finalize Feasibility Study**

Incorporate City review comments and finalize feasibility study.

- Deliverable – Final Feasibility Study  
(3 hard copies, 1 electronic copy, 1 hard copy delivered to SRF)

**TASK SERIES 300 – 800**

Scope details to be added by amendment.

## Appendix B

### Methods and Times of Payment City of Billings W.O. 15-21 – Logan Reservoir/Pump Station

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

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

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

- A. For services rendered under Appendix A of this Agreement, the Engineer shall be paid based upon actual time accrued, but not to exceed the following amounts:

1. Project Initiation, Coordination and Management	\$7,000.00
2. Feasibility Study	\$67,800.00

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TOTAL: \$74,800.00

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

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

Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of the services to be performed under Appendix A shall be paid for based on a negotiated fee.

#### Section 3. Corrections.

Costs of Billings work that is required for corrections to the Engineer's work which requires redoing by Billings shall be deducted from any payments due the Engineer, if the Engineer fails to make the required corrections.

#### Section 4. Fee Increases

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

## **Appendix C**

### **Additional Services of Engineer City of Billings W.O. 15-21 – Logan Reservoir/Pump Station**

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

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

**Appendix D**

**Schedule of Professional Fees  
City of Billings W.O. 15-21 – Logan Reservoir/Pump Station**

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Not Used

## Appendix E

### Project Schedule City of Billings W.O. 15-21 – Logan Reservoir/Pump Station

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Based on a notice to proceed by Billings dated no later than January 26, 2015, the completion date for the Engineer's work shall be:

A. Feasibility Study

1. Draft of Feasibility Study: June 2015
2. Final Feasibility Study: July 2015

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

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

## **Appendix F**

### **Certificate(s) of Insurance City of Billings W.O. 15-21 – Logan Reservoir/Pump Station**

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Certificate(s) of Insurance attached.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/1/2015

5/28/2014

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

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

PRODUCER Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	CONTACT NAME:	
	PHONE (A/C, No. Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Hartford Fire Insurance Company		19682
INSURED 13147 HDR ENGINEERING, INC. 8404 INDIAN HILLS DRIVE OMAHA, NE 68114-4049 BELLEVUE/KATIE WARD	INSURER B: Travelers Property Casualty Co of America	
	INSURER C: New Hampshire Insurance Company	
	INSURER D: Lexington Insurance Company	
	INSURER E: National Union Fire Ins Co Pittsburgh PA	
	INSURER F:	

**COVERAGES** HDRIN01      **CERTIFICATE NUMBER:** 2824447      **REVISION NUMBER:** XXXXXXXX

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CONTRACTUAL LIAB GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	Y	Y	37CSEQU0950	6/1/2014	6/1/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A A A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	37CSEQU0951 (AOS) 37CSEQU0952 (HI) 37CSE1160 (MA)	6/1/2014 6/1/2014 6/1/2014	6/1/2015 6/1/2015 6/1/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$	N	N	ZUP-10R64084-14-NF (EXCLUDES PROF. LIAB)	6/1/2014	6/1/2015	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$ XXXXXXXX
C C E	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	Y N/A	027527762 (AOS) 027527764 (ME) 027527763 (CA)	7/1/2014 7/1/2014 7/1/2014	7/1/2015 7/1/2015 7/1/2015	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	<input checked="" type="checkbox"/> ARCHS & ENGS <input checked="" type="checkbox"/> PROFESSIONAL LIABILITY	N	N	061853691	6/1/2014	6/1/2015	PER CLAIM: \$2,000,000. AGG: \$2,000,000.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: CLIENT #000194: ALL PROJECTS. CITY OF BILLINGS, ITS OFFICIALS, OFFICERS, EMPLOYEES & AGENTS ARE NAMED AS ADDITIONAL INSUREDS AS RESPECTS GENERAL & AUTOMOBILE LIABILITY, AS PER WRITTEN CONTRACT. WAIVER OF SUBROGATION APPLIES.

**CERTIFICATE HOLDER**

2824447  
CITY OF BILLINGS  
PUBLIC WORKS DEPARTMENT  
ATTN: DAVE MUMFORD  
2224 MONTANA AVE  
2ND FLOOR  
BILLINGS MT 59101

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Par 3 Golf Course 2015 Annual Budget

**PRESENTED BY:** Mike Whitaker, Parks, Recreation & Public Lands Director

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

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**PROBLEM/ISSUE STATEMENT**

Every year the Exchange City Golf Corporation (ECGC) is required to submit an annual budget to the City Council for approval in December or around the 1st of the year. The proposed budget for the 2015 operating year is being submitted by the ECGC Board of Directors for consideration for approval. The annual distribution of net profit is declared by the ECGC Board of Directors based on: 1st meeting the expenses of the operation; 2nd paying for the debt retirement; 3rd providing reserves for the operating expenses; 4th to provide a reserve for the proposed capita expenditure included in the proposed budget; 5th providing the net profit distribution to the City and the Downtown Exchange Club on a 2/3-1/3 basis, respectively, as outlined in the operating contract between the City of Billings and the ECGC. The 2015 proposed budget was reviewed by the Billing Parks, Recreation, and Cemetery (PRC) Advisory Board on December 10th, 2014. The PCR Board recommends the ECGC budget for 2015 be adopted as presented.

The proposed budget and fee structure is attached for your review.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the proposed ECGC 2015 annual budget and fee structure. (recommended)
  
- Approve the proposed ECGC 2015 annual budget and fee structure with requested changes.

**FINANCIAL IMPACT**

The proposed budget and fee structure includes a \$1.00 increase in green fees and a \$0.50 increase in the jumbo size container of golf balls at the driving range. The last fee adjustment in greens fees was in 2012. ECGC has indicated that the annual distribution will be \$14,000.00 for the City of Billings, down from the 2013 distribution of \$16,000.00.

**RECOMMENDATION**

Staff recommends approval of the 2015 ECGC annual budget and fee structure as presented.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Proposed Par 3 Budget and Fee Structure

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Exchange City Golf Course  
Proposed 2015 Budget

Description	2008	2009	2010	2011	2012	2013	2014	2014	2015	Proposed
	Actual	Actual	Actual	Actual	Actual	Budget	Budget	Projected	Budget	Increase
<b>Revenue</b>										
<b>Gree Fee Revenue</b>	227,712.00	225,710.00	244,147.00	242,000.00	254,876.00	260,000.00	265,000.00	234,000.00	<b>235,000.00</b>	30,000.00
<b>Range Revenue</b>	76,245.00	73,189.00	69,625.00	72,000.00	83,324.00	75,000.00	75,000.00	79,500.00	<b>75,000.00</b>	0.00
<b>Golf Cart Rental</b>	41,110.00	41,290.00	42,922.00	44,500.00	52,007.00	48,000.00	51,500.00	60,000.00	<b>60,000.00</b>	8,500.00
<b>Memberships</b>	34,470.00	30,999.00	33,539.00	30,000.00	38,174.00	30,000.00	30,000.00	34,000.00	<b>32,000.00</b>	2,000.00
	379,537.00	373,646.00	398,660.00	388,500.00	428,381.00	413,000.00	421,500.00	407,500.00	<b>402,000.00</b>	19,500.00
<b>Range Expenses</b>	15,771.00	14,778.00	15,692.00	11,700.00	19,850.00	20,000.00	20,000.00	16,000.00	<b>18,500.00</b>	1,500.00
<b>Grounds Operation</b>										
<b>Salary Superintendent</b>	47,330.00	48,000.00	49,045.00	48,900.00	52,150.00	52,500.00	54,000.00	54,000.00	<b>55,300.00</b>	1,300.00
<b>Salary and Wages</b>	58,117.00	49,737.00	61,732.00	56,425.00	64,980.00	61,100.00	64,596.00	57,993.00	<b>61,700.00</b>	2,896.00
<b>Payroll Taxes</b>	12,222.00	10,856.00	12,978.00	12,906.00	15,286.00	11,806.00	15,984.00	14,985.00	<b>14,120.00</b>	1,864.00
<b>Employee Benefits</b>			973.00	1,000.00	0.00					0.00
<b>Sub Total</b>	117,669.00	108,593.00	124,728.00	119,231.00	132,416.00	125,406.00	134,580.00	126,978.00	<b>131,120.00</b>	3,460.00
										0.00
<b>General Cost</b>										0.00
<b>Gas and Oil</b>	14,944.00	10,270.00	11,196.00	10,177.00	15,161.00	13,800.00	14,120.00	13,420.00	<b>14,120.00</b>	0.00
<b>Utilities</b>	9,993.00	9,629.00	14,475.00	10,105.00	11,480.00	10,500.00	11,110.00	11,100.00	<b>10,755.00</b>	355.00
<b>Fertilizer and Seed</b>	13,116.00	17,868.00	18,396.00	24,000.00	18,951.00	20,100.00	18,500.00	18,500.00	<b>18,500.00</b>	0.00
<b>Operating Supplies</b>	2,205.00	2,781.00	3,502.00	5,100.00	5,209.00	5,610.00	5,778.00	5,778.00	<b>5,778.00</b>	0.00
<b>Repairs and Maintenance</b>	5,622.00	6,813.00	9,050.00	8,650.00	8,774.00	10,275.00	10,500.00	5,150.00	<b>8,000.00</b>	2,500.00
<b>Rental Cart Maintenance</b>				1,780.00	991.00	1,400.00	600.00	690.00	<b>600.00</b>	0.00
<b>Contract Labor</b>	1,668.00	800.00	3,177.00	1,200.00	9,277.00	1,200.00	1,400.00	1,100.00	<b>1,400.00</b>	0.00
<b>Sand and Gravel</b>	5,774.00	3,061.00	3,255.00	4,500.00	3,864.00	6,300.00	4,400.00	3,800.00	<b>4,400.00</b>	0.00
<b>Irrigation</b>	5,810.00	2,631.00	3,484.00	4,433.00	7,339.00	5,100.00	5,500.00	5,500.00	<b>5,500.00</b>	0.00
<b>Travel and Dues</b>	693.00	364.00	200.00	1,300.00	1,298.00	1,600.00	1,800.00	1,800.00	<b>1,800.00</b>	0.00
<b>Insurance</b>	3,312.00	3,960.00	4,226.00	4,363.00	3,439.00	3,440.00	0.00		<b>0.00</b>	0.00
<b>Sub Total</b>	63,137.00	58,177.00	70,961.00	75,608.00	85,783.00	79,325.00	73,708.00	66,838.00	<b>70,853.00</b>	2,855.00
<b>Grounds Total</b>	180,806.00	166,770.00	195,689.00	194,839.00	218,199.00	204,731.00	208,288.00	193,816.00	<b>201,973.00</b>	6,315.00
<b>Clubhouse Operations</b>										
<b>Salary Golf Pro</b>	52,632.00	53,700.00	55,241.00	55,269.00	56,500.00	57,165.00	58,600.00	58,600.00	<b>59,900.00</b>	1,300.00

Exchange City Golf Course  
Proposed 2015 Budget

Description	2008	2009	2010	2011	2012	2013	2014	2014	2015	Proposed
	Actual	Actual	Actual	Actual	Actual	Budget	Budget	Projected	Budget	Increase
Salaries and Wages	28,359.00	29,567.00	28,214.00	30,348.00	33,119.00	32,500.00	32,970.00	39,676.00	39,700.00	6,730.00
Payroll Taxes	8,727.00	8,859.00	9,765.00	8,965.00	10,961.00	9,400.00	9,716.00	11,785.00	11,800.00	2,084.00
Employee Benefits	1,895.00	2,391.00	3,252.00	3,167.00	2,417.00	3,300.00	3,300.00	3,485.00	3,500.00	200.00
Sub-Total	91,613.00	94,517.00	96,472.00	97,749.00	102,997.00	102,365.00	104,586.00	113,546.00	114,900.00	10,314.00
General Cost										
Credit Card Fees	5,545.00	7,628.00	7,824.00	8,238.00	8,518.00	9,000.00	9,000.00	10,964.00	10,000.00	1,000.00
Offices Expenses	1,401.00	1,258.00	860.00	1,202.00	1,202.00	1,750.00	1,750.00	1,193.00	1,200.00	550.00
Legal and Accounting	12,001.00	10,140.00	12,260.00	12,550.00	9,512.00	10,500.00	10,500.00	9,188.00	9,200.00	1,300.00
Miscellaneous	1,356.00	210.00	85.00	220.00	75.00	100.00	500.00	875.00	500.00	0.00
Bad Dept Expense	127.00	358.00	276.00	33.00	5.00	250	250	0	0	250.00
Cash Over/Short	71.00	96.00	3.00	11.00	3.20	0		7.5		0.00
Dues and Subscription	1,411.00	1,392.00	1,256.00	1,081.00	1,798.50	1,500.00	1,500.00	1,877.00	1,800.00	300.00
Utilities	10,837.00	10,342.00	6,800.00	9,026.00	7,992.00	9,200.00	9,500.00	10,212.00	10,000.00	500.00
Telephone	2,585.00	1,356.00	1,384.00	1,352.00	1,389.00	1,400.00	1,400.00	2,091.00	2,000.00	600.00
Insurance	4,582.00	5,014.00	5,905.00	5,159.00	5,632.00	5,500.00	11,100.00	7,401.00	7,000.00	4,100.00
Advertising	4,885.00	3,457.00	3,806.00	3,272.00	4,242.00	3,600.00	3,700.00	6,432.00	5,500.00	1,800.00
Taxes and Licenses	15.00		0.00	0.00	30.00					0.00
Travel	100.00	250.00	150.00	100.00	0.00		500.00	220.00	500.00	0.00
Security	288.00			0.00	0.00		0.00			0.00
Customer Relations		574.00	0.00	0.00	0.00		500.00			500.00
Clubhouse Oper/Main	5,721.00	5,133.00	8,560.00	6,602.00	6,902.00	6,000.00	5,000.00	6,515.00	5,500.00	500.00
Sub-Total	50,783.00	47,016.00	49,169.00	48,824.00	47,284.30	48,800.00	55,200.00	56,975.50	53,200.00	2,000.00
Clubhouse Total	142,396.00	141,533.00	145,641.00	146,573.00	150,281.30	151,165.00	159,786.00	170,521.50	168,100.00	8,314.00
Total Operating Cost	338,973.00	323,081.00	357,022.00	353,112.00	388,330.30	375,896.00	388,074.00	380,337.50	388,573.00	499.00
Simple Revenue	40,564.00	50,565.00	41,638.00	35,388.00	40,050.70	37,104.00	33,426.00	27,162.50	13,427.00	



**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Certified Local Government Grant Program for Historic Preservation

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

The Montana State Historic Preservation Office has designated the City of Billings as a Certified Local Government (CLG) for historic preservation activities. As a CLG, the City is eligible to receive state funding to coordinate historic preservation efforts in the area. Applications for the FY2015 funding cycle from the State are due February 23, 2015. The City of Billings has been utilizing CLG funding for activities in support of the efforts of the Yellowstone Historic Preservation Board since 1997. A description of these activities is provided in Attachment 2. The City Council must authorize the submission to the state for funding for the FY15-16 grant cycle.

**ALTERNATIVES ANALYZED**

City Council may:

- Agree to participate in the State CLG program and accept CLG grant funding to coordinate historic preservation activities: or;
- Decline to participate in the State CLG program and not accept CLG grant funding to coordinate historic preservation activities. Declining participation would potentially limit historic preservation activities in Billings and Yellowstone County and/or require other funding sources to be accessed for historic preservation activities.

**FINANCIAL IMPACT**

City Council approval would allow the City of Billings to apply for \$5,500.00 in State of Montana Certified Local Government funding. The local cash match for the Certified Local Government will be \$2,500. The Planning Division will provide \$1,031 towards the local cash match. The Yellowstone Historic Preservation Board will request \$1,000 from Yellowstone County and \$469 from the City of Laurel towards the remaining local cash match of \$2,500. There is also an in-kind match of \$45,494 for a total cash match of \$47,994. The \$45,494 in-kind match is from calculating time and salary of the Historic Preservation Officer, as well as use of conference space and time of the Yellowstone Historic Preservation Board (See attached CLG Application). The total cash funding package for the grant program is \$8,000(\$5,500+\$2,500) that is used for consulting services provided by the Western Heritage Center to perform activities identified in the Yellowstone Historic Preservation Board Annual Work Plan.

**RECOMMENDATION**

Staff recommends that the City Council authorize the submission of an application for a \$5,500 Certified Local Government grant for the 2015-2016 funding cycle from the Montana State Historic Preservation Office.

**APPROVED BY CITY ADMINISTRATOR**

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Grant Application  
YHPB Work Plan

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# **Certified Local Government Grant Application**

**April 1, 2015 to March 31, 2016**

## **Application Deadline**

**February 23, 2015**

**Montana State Historic Preservation Office  
PO Box 201202  
Helena, MT 59620-1202  
(406) 444-7715**

## 2015-2016 GRANT APPLICATION

### CERTIFIED LOCAL GOVERNMENT PROGRAM

Certified Local Government: City of Billings

Address: 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Billings, MT 59101

Contact Person: Lora Mattox, AICP, Historic Preservation Officer, Transportation Planner

Tax ID: 816001237

Period of Grant Request: April 1, 2015 to March 31, 2016

**Scope of Work:** The National Park Service asks we grant funds to CLGs for kinds and levels of work that reflect increasing sophistication, skills, and roles by the Preservation Officers, in other words, tasks that reflect improvement in community thinking. For this section, please itemize regular work duties (not including special projects) – products or projects starting or completing, meetings to be attended, etc., and more specifically, ways in how the federal grant funds will help the local program to grow and develop. Please tie your tasks to your community's Preservation Plan. If not, please explain.

Check if Scope of Work is continued on additional pages.)

The Cities of Billings and Laurel, Yellowstone County, and the Crow Tribal Council entered into an inter-local agreement in July 1993 establishing the Yellowstone Historic Preservation Board (YHPB). Along with the inter-local agreement, the four governmental entities adopted ordinances setting up a multi-government YHPB, appointed nine (9) qualified board members, and a Historic Preservation Officer. Since that time, the YHPB has been meeting monthly and has continued to develop and refine an encompassing Historic Preservation Program implementing the specific goals of the historic element of the 2008 Growth Policy.

This year the CLG funding has been restored to the \$5,500 funding amount. The local match for these funds is provided by the City of Billings, City of Laurel, and Yellowstone County in the amount of \$2,500. This amount combined with the \$5,500 from the CLG provides \$8,000 for consulting services provided by the Western Heritage Center. In addition to the local funds, the Planning Division also provides in-kind match through the HPO salary, room usage, and supplies. Also, Historic Preservation Board member's time is also counted toward the in-kind match. As mentioned above, the CLG and local funds are used to contract services with the Western Heritage Center and assist in carrying out the following activities:

- Assist the Board and Historic Preservation officer in undertaking action to meet short and long-range goals established by the Board. See Attachment A.
- Provide professional services to assist the Board, Historic Preservation Officer, and the City in performing duties and responsibility identified in the City's Historic Preservation Ordinance MCA 27-500.
- Act as a historic preservation center by providing technical assistance, direction, and literature on the following:
  - Historic preservation tax credits

- National Register
- Federal historic preservation regulations, and
- Secretary of Interior Standards related to historic preservation activities.
- Attend community meetings related to preservation activities, on behalf of the Board upon request.
- Plan and coordinate activities and publicity during National Preservation Week in May.
- Carry out the responsibilities for the CLG program as outlined in “The Certified Local Government Program in Montana”.
- Submit semi-annual reports on the historic preservation efforts of the community carried out by the City under the CLG grant.

**BUDGET**

4-1-2015 to 3-31-2016 Budget	Cash Amount	Cash Source	In-kind Amount	In-kind Source	Total
<b>A. Salaries, Wages, Benefits</b>			\$42,240.00	HPO-\$44/hr x 80 hrs/mo x 12 mos CI/CO	\$42,240.00
<b>B. Office Rental</b>			\$1,000.00 Conference room @ 2 hrs/mo x \$50/hr x 10 mtgs/yr	CI/CO	\$1,000.00
<b>C. Equipment</b>			*	CI/CO	
<b>D. Supplies &amp; Materials</b> Itemize major categories			*	CI/CO	
<b>E. Postage</b>			*	CI/CO	
<b>F. Telephone &amp; Internet</b>			*	CI/CO	
<b>G. Photocopies</b>			*	CI/CO	
<b>H. Preservation Commission</b> Number of hours X * rate X number of members X number of meetings			\$2,254.80 6 members x 2hrs/mo x \$18.79 x 10 mtgs/year	YHPB	\$2,254.80

<b>I. Volunteers</b> Hours X * rate X number of volunteers.					
<b>J. Travel Mileage</b> Number of miles X \$0.56. Include funds for HPO and/or Commissioners to attend CLG annual training			*	CI/CO	
<b>K. Travel Meals</b> # of Meals X rate: Breakfast - \$5.00 Lunch - \$6.00 Dinner - \$12.00			*	CI/CO	
<b>L. Lodging</b> \$83.00 plus tax X number of nights			*	CI/CO	
<b>M. Project (s)</b> Expenses – fully itemized	\$5,500.00 \$2,500.00	F CI/CO			\$8,000.00
<b>N. Other Expenses –</b> fully itemized.					
<b>M. Total Expenses</b>	\$8,000.00		\$45,494.80	CI/CO	\$53,494.80

**SOURCE KEY:**

**F-Federal**

**CI-City**

**CO-County**

**NP- Private/Non-Profit**

\* Federally approved minimum rate for volunteers is \$18.79 per hour.

**SOURCES OF REVENUE/FUNDING**

**AMOUNT**

**Itemized Cash Match Source**

<u>City of Billings (Tax ID #: 816001237)</u>	<u>\$1,031.00</u>
<u>City of Laurel</u>	<u>\$ 469.00</u>
<u>Yellowstone County</u>	<u>\$1,000.00</u>

**Itemized In-Kind Match Source**

<u>Room rental for board meetings</u>	<u>\$1,000.00</u>
<u>YHPB member time</u>	<u>\$2,254.80</u>
<u>HPO time City of Billings</u>	<u>\$42,240.00</u>

**Federal HPF Grant Request from SHPO**

<u>CLG Funds</u>	<u>\$5,500.00</u>
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**TOTAL REVENUE**

<u>\$53,494.80</u>
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**Certified Local Government**  
**Historic Preservation Commission Chairperson or President**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (typed) Nancy Curriden, Chair, YHPB

Address 640 Sapphire Avenue, Billings, MT 59105

Telephone 406-254-0765

\*\*\*\*\*

**Certified Local Government**  
**Chief Elected Official**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (typed) Thomas W. Hanel,

Title Mayor, City of Billings

Address 210 N. 27<sup>th</sup> Street, Billings, MT 59101

Telephone 406-657-8433

(The local government administrator may sign **in addition** to the Chief Elected Official.)

\*\*\*\*\*

**Certified Local Government**  
**Historic Preservation Officer**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (typed) Lora Mattox, AICP, Historic Preservation

Address 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Billings, MT 59101

Telephone 406-247-8622

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Please attach the meeting minutes (or an alternate way in writing) at which your application was discussed and approved by the Preservation Board/Commission.

Please attach a list of the historic preservation board members' names citizen membership, terms (year ending), their professional discipline or status as a citizen member on the board, and contact information.

<p style="text-align: center;"><b>Yellowstone Historic Preservation Board Work Plan 2014-2015</b></p>
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Goals & Objectives:

- I. Promote the preservation of historic buildings, sites or neighborhoods.
- II. Increase community awareness on the benefits of historic preservation activities.
- III. Promote increased awareness of preservation activities and the work of the YHPB through the four governing bodies represented on the Board.
- IV. Comply with the duties and responsibilities of historic preservation organizations under the State Certified Local Government Program and the requirements of the Inter-local Agreement.

**2014-2015 Projects**

**1. Complete a National Registration for McKinley Elementary School.**

Time Frame: 2014-2015  
Who: YHPB Board and HPO/WHC, North Elevation Task Force  
Status: This project is moving forward with assistance of the Western Heritage Center. Funding is being sought to assist the completion of the nomination.

**2. To assist North Elevation Task Force in the development of a Historic Residential District, provide technical assistance as needed.**

Time Frame: Continuing until complete  
Who: YHPB Board, WHC and staff, North Elevation Task Force  
Status: WHC finalizing the completion of the site inventory forms. When the McKinley School nomination is complete, that narrative will be useful for the North Elevation Task Force to complete the nomination for the residential neighborhood.

**3. Contact MSU-B to inquire about taking the lead on contacting property owners to potentially list 2 or 3 historic barns, silos or other historic detached structures in Yellowstone County.**

Time Frame: 2014-2016  
Who: WHC  
Status: WHC contacting Professor Rust to gauge interest.

- 4. The board held a workshop featuring Ellen Crain in October of 2013. The board will gauge interest of a local "champion" to approach the local governments in the interest of establishing a formal archive system.**

Time Frame: 2014-2015  
Who: YHPB, WHC, HPO, Yellowstone Genealogy Forum, possibly Montana SHPO  
Status: In progress.

### **Annual Board Activities**

- 1. Continue the review of building permits submitted for properties located within the designated historic district.**

Time Frame: Ongoing  
Who: Committee and HPO

- 2. Continue the review of Community Development Block Grant rehabilitation projects as needed.**

Time Frame: Ongoing  
Who: YHPB/WHC

- 3. Continue to review and update the information relating to the Downtown Billings Electronic Walking Tour. Discuss with the City of Laurel to include its new downtown historic district in the application.**

Time Frame: Yearly  
Who: Committee/WHC

- 4. To continually update the local governing bodies of the activities undertaken by the YHPB, annual PowerPoint Presentations will be made to the City of Billings, the City of Laurel and Yellowstone County.**

Time Frame: Yearly  
Who: Chair/WHC/HPO  
Status: The scheduling of these meetings will take place yearly during spring.

- 5. To provide up to date information to the general public, continually update the web site and social media sites on activities and programs.**

Time Frame: Ongoing  
Who: WHC

- 6. Provide resources to property owners who are interested in listing a property to the National Register. Including State Historic Preservation Office contacts, literature and technical assistance.**

Time Frame: Ongoing  
Who: YHPB Board/HPO/WHC

- 7. Expand YHPB meetings to alternate locations. To take advantage of some of our many historic venues, the board wishes to expand meetings to alternate locations.**

Time Frame: Ongoing  
Who: HPO/WHC

- 8. Due to a loss of potential historic buildings within the City of Billings, an effort is being made to notify WHC and a member of the board about upcoming demolitions. The Building Division notifies HPO on the release of demolition permits, HPO notifies members of the demolition and a determination is made to either document/photograph building.**

Time Frame: Ongoing  
Who: HPO/WHC/Board

- 9. Continue exploration of grant opportunities to provide additional funds to the YHPB for historic preservation projects.**

Time Frame: Ongoing  
Who: HPO/WHC

- 10. Consultant, Historic Preservation Officer and YHPB will attend training meetings as needed. Historic Preservation Officer will attend the required annual Montana State Historic Preservation Conference.**

Time Frame: Ongoing  
Who: WHC/HPO

- 11. To provide a forum for Historic Preservationist to share their successes and discuss projects and to present historic preservation awards, continue to host the Historic Preservation Roundtable yearly.**

Time Frame: Yearly  
Who: WHC/HPO/Board  
Status: Preservation Month - March

- 12. Celebrate National Historic Preservation Month. Board will decide on a program, speakers and other events to commemorate this event.**

Time Frame: Yearly  
Who: Committee/WHC  
Status: This event will occur yearly during May.

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Zone Change 928 - 2nd reading of ordinance

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential Professional (RP) to Residential 7,000 (R-70) on Lots 4 and 5 of Block 2, Justiss Subdivision. Each parcel is 10,625 square feet in area and the lots each have a 2-family dwelling. The property is generally located at 2313 and 2321 Henesta Drive northeast of the intersection of S 24th St West and King Avenue West. The current zoning does not allow duplex dwellings. The properties are owned by the Dean Hardin Trust (Lot 5 – 2321 Henesta) and Boris Krizek (Lot 4 – 2313 Henesta). Lowell Cooke is the agent for the owners. A pre-application meeting was held at 1215 24th Street West on June 27, 2014. The Zoning Commission conducted a public hearing on December 2, 2014, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 3-0-1 vote. The City Council approved the zone change on 1st reading on January 12, 2015.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the zone change as recommended by the Zoning Commission and adopt the findings of the 10 criteria;
- Deny the zone change and adopt different findings of the 10 criteria;
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

**FINANCIAL IMPACT**

The zone change should not have a significant impact on city finances. The city fees assessed based on zoning - arterial construction and storm water maintenance - will be lower based on the new R-70 zoning. The zone change will stabilize the property value of the 2 duplexes by allowing this owner and future owners to invest with standard financing and insurance.

**RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 928 on a 3-0-1 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ordinance

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**ORDINANCE NO. 15-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lots 4 & 5, Block 2 Justiss Subdivision, a 21,250 square foot parcel of land, generally located at 2313 and 2321 Henesta 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 Lots 4 & 5, Block 2 Justiss Subdivision, a 21,250 square foot parcel of land, generally located at 2313 and 2321 Henesta Drive is presently zoned **Residential Professional (RP)** 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 Professional (RP) to Residential 7,000 (R-70)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7,000 (R-70)** as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading January 12, 2015.

PASSED, ADOPTED AND APPROVED on second reading January 26, 2015.

CITY OF BILLINGS:

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

ATTEST:

BY: Cari Martin, City Clerk  
Zone Change #928 – 2313 and 2321 Henesta Drive

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Ward Ordinance Second Reading - Annexation #14-13

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexation of property into the City. The City Council approved the annexation of property located at 16 Shiloh Road (Annexation #14-13) on December 15, 2014. This requires a change in the boundaries of Ward V. Two readings are required for this action. The first reading of the ordinance was conducted on January 12, 2015 along with a public hearing. The second reading is scheduled for this meeting.

**ALTERNATIVES ANALYZED**

City Council may approve or not approve the ordinance to amend the boundaries of Ward V on first reading.

- Approving the ordinance will modify the boundaries of Ward V to include the property located at 16 Shiloh Road.
- Denying the ordinance will not modify the boundaries of Ward V and create a problem where property inside the City Limits is not within one of the City Ward Boundaries.

**FINANCIAL IMPACT**

There is no budget/financial impact from this action.

**RECOMMENDATION**

Staff recommends that Council approve this ordinance on second reading, adding recently annexed property to Ward V.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ward Ordinance

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**ORDINANCE NO. 15-\_\_\_\_\_**

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

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

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward V the following described real property:

A tract of land situated in the NE1/4 of Section 27, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

A tract of land situated in the SE1/4 of Section 3 and the NE1/4 of Section 10, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as: Being Lot 1-A of Amended Lots 1 and 22, Block 2 of Certificate of Survey No. 2727-M, Recorded February 7<sup>TH</sup>, 1997, under Document Number 1862477. Including all adjacent Right-Of-Way of Shiloh Road, Shiloh Drain, and Central Avenue. Also, including that portion of Central Avenue extending west to the existing City of Billings city limits (approximately 70 feet).

Containing 3.515 gross and 2.039 net acres more or less.

(# 14-13) See Exhibit "A" Attached

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

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 12<sup>th</sup> day of January, 2015.

PASSED by the City Council on the second reading this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

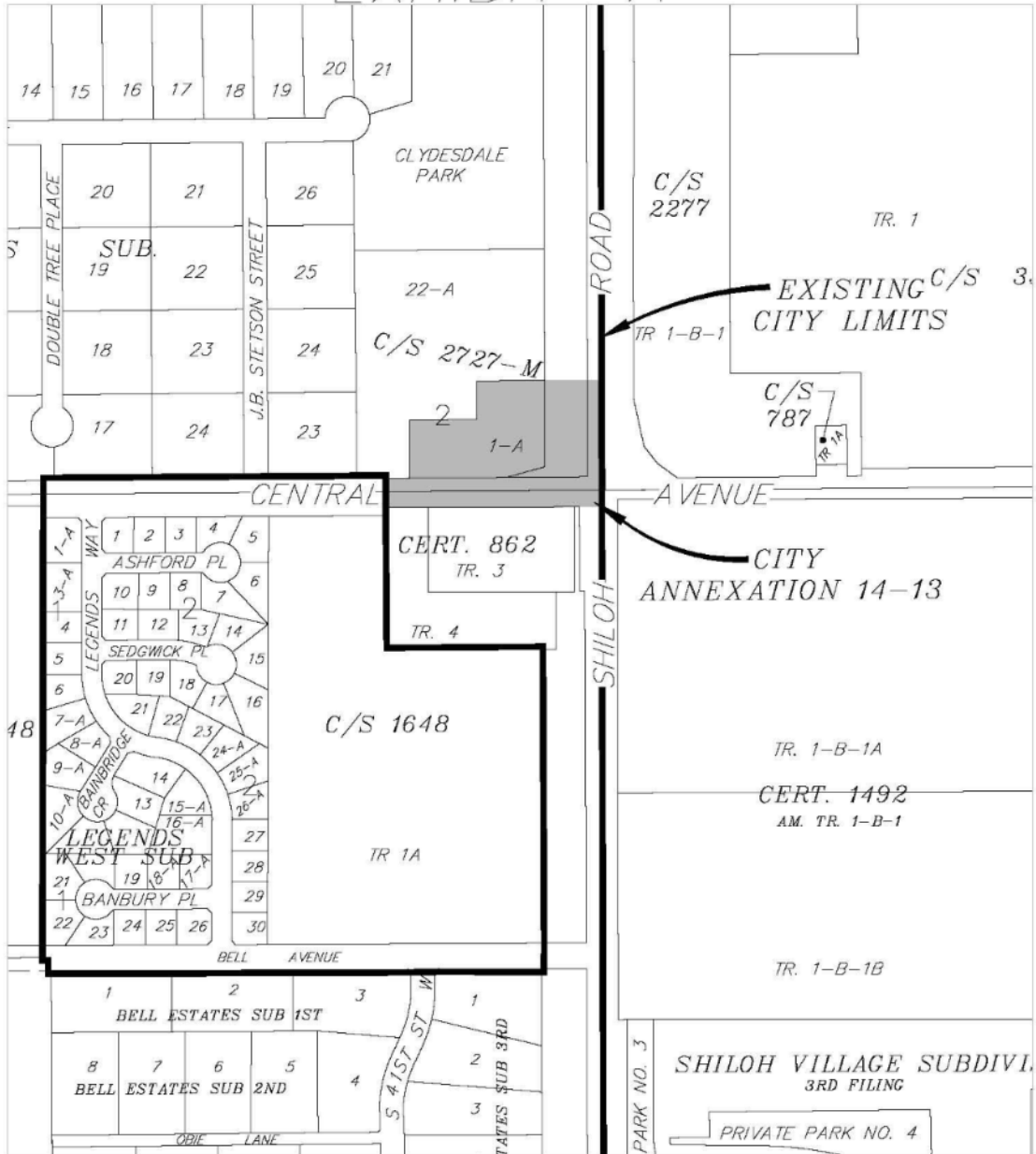
\_\_\_\_\_  
Thomas W. Hanel, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, CITY CLERK

(AN 14-13)

EXHIBIT "A"



**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Payment of Claims December 29, 2014

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

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$646,116.60 have been audited and are presented for City Council payment approval. A complete listing of the claims dated December 29, 2014, 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 memo 12-29-2014

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Check Date	Check Name	Amount	Account	Item Desc
12/29/2014	781097 Alpine Plumbing, Heating & Cooling	\$3,947.00	6500-15660-403990	Inv. #67491 PD1 Received 12/12/2014
12/29/2014	781097 Alpine Plumbing, Heating & Cooling	\$1,476.00	6500-15670-403690	Inv. 68002
12/29/2014	781097 Alpine Plumbing, Heating & Cooling	\$120.00	6500-15660-402450	Inv. 68003
12/29/2014	781097 Alpine Plumbing, Heating & Cooling	\$905.00	6500-15660-402450	Inv. 68004
12/29/2014	781101 Billings Depot Inc	\$5,366.67	6600-31100-405310	Rent
12/29/2014	781101 Billings Depot Inc	\$8,050.00	6700-31410-405310	Rent
12/29/2014	781106 Brenntag Pacific Inc	\$5,963.62	2110-31320-404720	hicothaw used to melt snow on streets
12/29/2014	781109 Carquest Auto Parts	\$728.59	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
12/29/2014	781109 Carquest Auto Parts	\$15.39	5020-75000-402320	NONSTOCKING ITEMS-P.U.D.
12/29/2014	781109 Carquest Auto Parts	\$27.71	5020-77000-402320	NONSTOCKING ITEMS-P.U.D.
12/29/2014	781109 Carquest Auto Parts	\$3.30	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
12/29/2014	781109 Carquest Auto Parts	\$13.98	5120-84000-402450	V-belts
12/29/2014	781109 Carquest Auto Parts	\$103.59	5020-74000-402290	Battery
12/29/2014	781109 Carquest Auto Parts	\$103.59	5020-74000-402290	Battery
12/29/2014	781109 Carquest Auto Parts	\$60.34	6010-00000-141000	1910-326673 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$30.45	6010-00000-141000	1910-326798 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$334.50	6010-00000-141000	1910-326798 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$38.46	6010-00000-141000	1910-327314 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$7.00	6010-00000-141000	1910-327332 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$25.18	6010-00000-141000	1910-327334 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$62.25	6010-00000-141000	1910-327363 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$16.80	6010-00000-141000	1910-327505 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$35.00	6010-00000-141000	1910-328061 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$11.32	6010-00000-141000	1910-328176 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$7.02	6010-00000-141000	1910-328449 PO NUM 296398
12/29/2014	781109 Carquest Auto Parts	\$7.46	0100-51210-402320	1910-326674
12/29/2014	781109 Carquest Auto Parts	\$51.14	5410-31220-402320	1910-326680
12/29/2014	781109 Carquest Auto Parts	\$37.42	5020-75000-402320	1910-326798
12/29/2014	781109 Carquest Auto Parts	\$5.50	5020-75000-402320	1910-326799
12/29/2014	781109 Carquest Auto Parts	\$46.52	6010-15530-402650	1910-326808
12/29/2014	781109 Carquest Auto Parts	\$11.52	6010-15530-402320	1910-326997
12/29/2014	781109 Carquest Auto Parts	\$16.71	6010-15530-402650	1910-327332
12/29/2014	781109 Carquest Auto Parts	\$77.76	1500-22260-402320	1910-327425
12/29/2014	781109 Carquest Auto Parts	\$92.59	1500-22260-402320	1910-327427
12/29/2014	781109 Carquest Auto Parts	-\$17.00	1500-22260-402320	1910-327428
12/29/2014	781109 Carquest Auto Parts	\$14.97	0100-51120-402320	1910-327484
12/29/2014	781109 Carquest Auto Parts	\$32.99	5410-31220-402320	1910-327503
12/29/2014	781109 Carquest Auto Parts	\$30.49	1500-22260-402320	1910-327537
12/29/2014	781109 Carquest Auto Parts	\$41.90	2110-31320-402320	1910-327626
12/29/2014	781109 Carquest Auto Parts	-\$41.90	2110-31320-402320	1910-327694
12/29/2014	781109 Carquest Auto Parts	\$24.06	5410-31220-402320	1910-327776
12/29/2014	781109 Carquest Auto Parts	\$54.00	1500-21120-402320	1910-327945
12/29/2014	781109 Carquest Auto Parts	\$99.00	5410-31230-402320	1910-328101
12/29/2014	781109 Carquest Auto Parts	\$4.72	5410-31220-402320	1910-328161
12/29/2014	781109 Carquest Auto Parts	\$56.08	0100-51120-402320	1910-328237
12/29/2014	781109 Carquest Auto Parts	\$72.51	0100-51120-402320	1910-328282
12/29/2014	781109 Carquest Auto Parts	\$39.58	1500-22260-402320	1910-328339
12/29/2014	781109 Carquest Auto Parts	\$3.51	1500-21120-402320	1910-328439
12/29/2014	781109 Carquest Auto Parts	\$23.23	1500-22260-402320	1910-327592
12/29/2014	781109 Carquest Auto Parts	\$190.29	0100-51120-402320	1910-328360
12/29/2014	781109 Carquest Auto Parts	-\$12.03	0100-51120-402320	1910-328481
12/29/2014	781109 Carquest Auto Parts	\$52.27	5410-31220-402320	1910-328674
12/29/2014	781109 Carquest Auto Parts	\$172.11	5410-31220-402320	1910-32675
12/29/2014	781114 Cop Construction Co	\$83,424.77	5130-85910-409340	WO 13-01 2013 Water & Sewer Replacement
12/29/2014	781114 Cop Construction Co	\$1,492.48	5130-85910-409340	WO 13-01 2013 Water & Sewer Replacement
12/29/2014	781123 Desert Mountain Corporation	\$4,869.78	2110-31320-404721	ice slicer used to melt snow on streets
12/29/2014	781126 Doppstadt US LLC	\$11,715.47	5410-31230-409410	Freight charge to bring the shredder/grinder from
12/29/2014	781129 Dxp/Strategic Supply Inc	\$670.00	1500-22290-402925	7463762: RESCUE EQUIPMENT - CMC
12/29/2014	781129 Dxp/Strategic Supply Inc	\$2,064.30	1500-22290-402925	7463769: RESCUE EQUIPMENT - CMC
12/29/2014	781129 Dxp/Strategic Supply Inc	\$38.00	1500-22290-402925	7463762: RESCUE EQUIPMENT - CMC294009
12/29/2014	781129 Dxp/Strategic Supply Inc	\$15.49	1500-22290-402925	7463762: SHIPPING & HANDLING
12/29/2014	781129 Dxp/Strategic Supply Inc	\$21.08	1500-22290-402925	7463769: SHIPPING & HANDLING (HARNESS
12/29/2014	781141 Hawkins Inc.	\$225.14	5020-74000-402450	CL2 parts
12/29/2014	781141 Hawkins Inc.	\$2,334.03	5020-74000-402450	CL2 parts
12/29/2014	781142 HDR, Inc.	\$660.69	8400-31840-403590	Review of the proposed changes to MS4 permit
12/29/2014	781142 HDR, Inc.	\$2,852.27	5030-74910-409390	WO 12-43 WTP Backup Power Phase III; CO#1
12/29/2014	781142 HDR, Inc.	\$131,187.85	5130-84910-409390	WO 14-11 WWTP Nutrient Upgrade Expansion &
12/29/2014	781142 HDR, Inc.	\$12,301.55	5120-82110-403540	WO 12-13 IWPI Reuse and Reclamation Study
12/29/2014	781142 HDR, Inc.	\$6,709.94	5020-72110-403540	WO 12-13 IWPI Reuse and Reclamation Study
12/29/2014	781142 HDR, Inc.	\$3,354.97	8400-31840-403590	WO 12-13 IWPI Reuse and Reclamation Study
12/29/2014	781146 Iaff	\$4,640.90	9000-00000-209920	Payroll Summary
12/29/2014	781148 Ingram Library Services Inc.	\$82.14	2600-55190-403227	Inv 81977609
12/29/2014	781148 Ingram Library Services Inc.	\$8.24	2600-55190-403333	Inv 81977610
12/29/2014	781148 Ingram Library Services Inc.	\$101.59	2600-55190-403226	Inv 81977611
12/29/2014	781148 Ingram Library Services Inc.	\$13.19	2600-55190-403241	Inv 81977611
12/29/2014	781148 Ingram Library Services Inc.	\$32.99	2600-55190-403222	Inv 81977612
12/29/2014	781148 Ingram Library Services Inc.	\$20.40	2600-55190-403227	Inv 81977612

Check Date	Check	Name	Amount	Account	Item Desc
12/29/2014	781148	Ingram Library Services Inc.	\$20.65	2600-55190-403226	Inv 81977613
12/29/2014	781148	Ingram Library Services Inc.	\$28.89	2600-55190-403333	Inv 81977614
12/29/2014	781148	Ingram Library Services Inc.	\$16.51	2600-55190-403227	Inv 81977615
12/29/2014	781148	Ingram Library Services Inc.	\$10.17	2600-55190-403227	Inv 81977616
12/29/2014	781148	Ingram Library Services Inc.	\$15.92	2600-55190-403226	Inv 81977617
12/29/2014	781148	Ingram Library Services Inc.	\$8.97	2600-55190-403227	Inv 81977617
12/29/2014	781148	Ingram Library Services Inc.	\$15.33	2600-55190-403227	Inv 81977618
12/29/2014	781148	Ingram Library Services Inc.	\$428.54	2600-55190-403226	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$753.43	2600-55190-403227	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$278.54	2600-55190-403241	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$35.75	2600-55190-403242	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$175.32	2600-55190-403255	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$81.35	2600-55190-403333	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$54.69	2600-55190-403382	Inv 81977619
12/29/2014	781148	Ingram Library Services Inc.	\$194.91	2600-55190-403333	Inv 82007338
12/29/2014	781148	Ingram Library Services Inc.	\$57.73	2600-55190-403334	Inv 82007338
12/29/2014	781148	Ingram Library Services Inc.	\$15.59	2600-55190-403227	Inv 82007339
12/29/2014	781148	Ingram Library Services Inc.	\$30.66	2600-55190-403226	Inv 82007340
12/29/2014	781148	Ingram Library Services Inc.	\$71.94	2600-55190-403227	Inv 82007340
12/29/2014	781148	Ingram Library Services Inc.	\$20.04	2600-55190-403333	Inv 82007341
12/29/2014	781148	Ingram Library Services Inc.	\$14.75	2600-55190-403241	Inv 82007342
12/29/2014	781149	Integrated Information Solutions Inc.	\$4,900.00	6200-19110-405370	TS3100 LTO6 Tape Library
12/29/2014	781149	Integrated Information Solutions Inc.	\$75.00	6200-19110-403120	Shipping
12/29/2014	781149	Integrated Information Solutions Inc.	\$1,606.00	6200-19110-405370	1 Year Hardware Maintenance Agreement 3573-L2U 11/1/14-10/31/15
12/29/2014	781150	Intradyn	\$5,625.00	6200-19110-409480	RazorSafe 180-B1 Email Compliance Vault
12/29/2014	781150	Intradyn	\$1,500.00	6200-19110-409480	RazorSafe 180-B1 Email Compliance Vault
12/29/2014	781150	Intradyn	\$131.35	6200-19110-403120	Shipping
12/29/2014	781157	John's Home & Yard Service	\$1,800.00	5210-15240-403990	November 2014. Invoice #'s 70093, 70124, 70160
12/29/2014	781157	John's Home & Yard Service	\$900.00	5210-15910-403990	November 2014. Invoice #'s 70093, 70124, 70160
12/29/2014	781157	John's Home & Yard Service	\$1,500.00	5210-15920-403990	November 2014. Invoice #'s 70093, 70124, 70160
12/29/2014	781157	John's Home & Yard Service	\$750.00	5210-15930-403990	November 2014. Invoice #'s 70093, 70124, 70160
12/29/2014	781168	LSC Transportation Consultants, Inc.	\$5,233.28	5710-71410-407335	General Transit Planning and Development
12/29/2014	781179	Montana CSED	\$4,625.92	9000-00000-209926	Payroll Summary
12/29/2014	781180	Montana Dakota Utilities Co	\$399.49	5610-71170-403440	205 087 7152 2. Edwards Jet Center. December
12/29/2014	781180	Montana Dakota Utilities Co	\$3,526.72	6500-15670-403440	9297801000 4
12/29/2014	781180	Montana Dakota Utilities Co	\$4,601.00	6500-15660-403440	9897331000 0
12/29/2014	781180	Montana Dakota Utilities Co	\$1,158.20	6500-15660-403440	9937331000 4
12/29/2014	781180	Montana Dakota Utilities Co	\$4,052.11	2600-55120-403440	2199244851 0
12/29/2014	781180	Montana Dakota Utilities Co	\$1,570.14	5610-71170-403440	7065801000 7
12/29/2014	781180	Montana Dakota Utilities Co	\$13.20	5210-15920-403440	7173531000 6
12/29/2014	781180	Montana Dakota Utilities Co	\$28.54	5120-85000-403440	7354531000 2
12/29/2014	781180	Montana Dakota Utilities Co	\$3,700.45	6500-15660-403440	7576331000 2
12/29/2014	781180	Montana Dakota Utilities Co	\$13.20	5610-71170-403440	8065801000 6
12/29/2014	781180	Montana Dakota Utilities Co	\$1,221.68	1500-22210-403440	8858801000 4
12/29/2014	781180	Montana Dakota Utilities Co	\$25.60	5020-74000-403440	9215801000 6
12/29/2014	781180	Montana Dakota Utilities Co	\$30.71	5120-85000-403440	9550431000 4
12/29/2014	781180	Montana Dakota Utilities Co	\$26.40	0100-51260-403440	0619431000 6
12/29/2014	781180	Montana Dakota Utilities Co	\$393.81	6500-15660-403440	1307331000 8
12/29/2014	781180	Montana Dakota Utilities Co	\$1,054.22	1500-21710-403440	1692331000 3
12/29/2014	781180	Montana Dakota Utilities Co	\$2,247.75	5610-71130-403440	2855801000 6
12/29/2014	781180	Montana Dakota Utilities Co	\$73.57	1500-21150-403410	51411704789
12/29/2014	781180	Montana Dakota Utilities Co	\$44.36	5020-74000-403440	3735801000 9
12/29/2014	781180	Montana Dakota Utilities Co	\$44.36	5020-74000-403440	3735801000 9
12/29/2014	781180	Montana Dakota Utilities Co	\$55.60	1500-21150-403410	06290794947
12/29/2014	781180	Montana Dakota Utilities Co	\$414.98	0100-51270-403440	4377801000 9
12/29/2014	781180	Montana Dakota Utilities Co	\$616.72	1500-22210-403440	4421901000 4
12/29/2014	781180	Montana Dakota Utilities Co	\$779.74	1500-22210-403440	5336531000 1
12/29/2014	781180	Montana Dakota Utilities Co	\$152.00	6600-31100-403440	5953731000 1
12/29/2014	781180	Montana Dakota Utilities Co	\$228.01	6700-31410-403440	5953731000 1
12/29/2014	781180	Montana Dakota Utilities Co	\$26.33	5120-85000-403440	5967331000 5
12/29/2014	781180	Montana Dakota Utilities Co	\$2,533.40	5710-71430-403440	9628801000 0
12/29/2014	781180	Montana Dakota Utilities Co	\$970.90	5610-71130-403440	06882310003 / 31454601
12/29/2014	781180	Montana Dakota Utilities Co	\$8,957.84	5610-71120-403440	5955801000 1
12/29/2014	781180	Montana Dakota Utilities Co	\$6,780.10	5120-84000-403440	2937801000 2
12/29/2014	781180	Montana Dakota Utilities Co	\$13,560.20	5120-84000-403440	2937801000 2
12/29/2014	781180	Montana Dakota Utilities Co	\$6,780.09	5120-84000-403440	2937801000 2
12/29/2014	781180	Montana Dakota Utilities Co	\$318.93	5610-71170-403440	295 580 1000 4. Aero Interiors. December 2014
12/29/2014	781180	Montana Dakota Utilities Co	\$473.58	5610-71170-403440	185 580 1000 7. TSA Building. December 2014
12/29/2014	781180	Montana Dakota Utilities Co	\$1,745.65	5610-71190-403440	889 373 1000 6. Car Wash. December 2014
12/29/2014	781180	Montana Dakota Utilities Co	\$802.59	5610-71190-403440	129 573 1000 1. Mud Wash. December 2014
12/29/2014	781180	Montana Dakota Utilities Co	\$245.55	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz. December
12/29/2014	781180	Montana Dakota Utilities Co	\$236.20	5610-71190-403440	629 573 1000 6. Detail Bay 2 National Alamo.
12/29/2014	781180	Montana Dakota Utilities Co	\$141.97	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise.
12/29/2014	781180	Montana Dakota Utilities Co	\$236.93	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget.
12/29/2014	781180	Montana Dakota Utilities Co	\$94.49	5610-71190-403440	529 573 1000 7. Detail Bay 5 Thrifty/Dollar.

Check Date	Check	Name	Amount	Account	Item Desc
12/29/2014	781187	Montana State Fireman's Assoc	\$3,518.65	9000-00000-209924	Payroll Summary
12/29/2014	781189	Morrison Maierle Inc	\$6,832.18	5130-85910-409340	WO 14-01 2014 Water & Sewer Replacement -
12/29/2014	781189	Morrison Maierle Inc	\$1,500.00	5130-85910-409340	WO 14-01 2014 Water & Sewer Replacement -
12/29/2014	781189	Morrison Maierle Inc	\$2,426.75	5130-85910-409340	WO 14-01 2014 Water & Sewer Replacement -
12/29/2014	781189	Morrison Maierle Inc	\$38,059.56	5130-85910-409340	WO 15-01 Sch 2 2015 Sewer Main Replacement
12/29/2014	781194	MT Waterworks	\$2,631.19	5020-00000-141000	SYSTEMS PO NUM 296806
12/29/2014	781194	MT Waterworks	\$140.00	5020-73120-402380	Comp flange
12/29/2014	781203	NorthWestern Energy	\$329.43	5610-71170-403410	0712792-1. IP-7. December 2014
12/29/2014	781203	NorthWestern Energy	\$17.11	5610-71170-403410	0712799-6. IP-8. December 2014
12/29/2014	781203	NorthWestern Energy	\$1,268.89	5610-71170-403410	0712800-2. IP-9. December 2014
12/29/2014	781203	NorthWestern Energy	\$62.27	5610-71130-403410	0719616-5. ARFF Facility Lights. December 2014
12/29/2014	781203	NorthWestern Energy	\$231.91	5610-71170-403410	0712817-6. IP-House. December 2014
12/29/2014	781203	NorthWestern Energy	\$439.91	5610-71170-403410	1264299-7. Big Sky Ground Deicer. December
12/29/2014	781203	NorthWestern Energy	\$301.98	6600-31100-403410	Electricity
12/29/2014	781203	NorthWestern Energy	\$452.97	6700-31410-403410	Electricity
12/29/2014	781203	NorthWestern Energy	\$489.08	8720-51980-403410	10590933
12/29/2014	781203	NorthWestern Energy	\$1,412.92	5210-15910-403410	15942824
12/29/2014	781203	NorthWestern Energy	\$380.09	5710-71480-403410	17847567
12/29/2014	781203	NorthWestern Energy	\$2,864.14	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE
12/29/2014	781203	NorthWestern Energy	\$3,492.12	5210-15920-403410	07208341
12/29/2014	781203	NorthWestern Energy	\$172.61	6070-22350-403410	07215809
12/29/2014	781203	NorthWestern Energy	\$10.24	0100-51120-403410	07222375
12/29/2014	781203	NorthWestern Energy	\$7.40	0100-51120-403410	07222474
12/29/2014	781203	NorthWestern Energy	\$94.39	0100-51120-403410	07222557
12/29/2014	781203	NorthWestern Energy	\$26.22	0100-51120-403410	07222573
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07222607
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07222615
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07222623
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07222656
12/29/2014	781203	NorthWestern Energy	\$57.32	0100-51120-403410	07222664
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07222680
12/29/2014	781203	NorthWestern Energy	\$14.19	0100-51120-403410	07222698
12/29/2014	781203	NorthWestern Energy	\$12.21	0100-51120-403410	07222920
12/29/2014	781203	NorthWestern Energy	\$29.44	0100-51120-403410	07222938
12/29/2014	781203	NorthWestern Energy	\$7.40	0100-51120-403410	07229057
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07230279
12/29/2014	781203	NorthWestern Energy	\$112.31	0100-51120-403410	07230352
12/29/2014	781203	NorthWestern Energy	\$8.61	0100-51120-403410	07230360
12/29/2014	781203	NorthWestern Energy	\$183.29	0100-51120-403410	07230378
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07230386
12/29/2014	781203	NorthWestern Energy	\$47.21	0100-51120-403410	07230428
12/29/2014	781203	NorthWestern Energy	\$11.28	0100-51120-403410	07230444
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07230519
12/29/2014	781203	NorthWestern Energy	\$0.00	0100-51120-403410	07230527
12/29/2014	781203	NorthWestern Energy	\$17.59	0100-51120-403410	07230550
12/29/2014	781203	NorthWestern Energy	\$27.25	0100-51120-403410	07230568
12/29/2014	781203	NorthWestern Energy	\$8.02	0100-51120-403410	07230576
12/29/2014	781203	NorthWestern Energy	\$32.00	0100-51120-403410	07230584
12/29/2014	781203	NorthWestern Energy	\$31.65	0100-51120-403410	07229339
12/29/2014	781203	NorthWestern Energy	\$9.25	0100-51120-403410	07230907
12/29/2014	781203	NorthWestern Energy	\$7.40	0100-51120-403410	07231624
12/29/2014	781203	NorthWestern Energy	\$7.40	0100-51120-403410	07236441
12/29/2014	781203	NorthWestern Energy	\$7.40	0100-51120-403410	07236458
12/29/2014	781203	NorthWestern Energy	\$23.73	0100-51120-403410	07894371
12/29/2014	781212	Qwest Communications	\$53.73	2250-22320-403450	Qwest 406-245-2296 911 Qwest
12/29/2014	781212	Qwest Communications	\$45.65	2250-22320-403450	Qwest 406-245-3107 911 Qwest
12/29/2014	781212	Qwest Communications	\$45.65	2250-22320-403450	Qwest 406-245-3108 911 Qwest
12/29/2014	781212	Qwest Communications	\$39.44	5020-74000-403450	Qwest 406-245-3659 PUD Alarm Water Tower
12/29/2014	781212	Qwest Communications	\$45.66	5610-71100-403450	Qwest 406-245-5834 Airport Alarm
12/29/2014	781212	Qwest Communications	\$119.32	1500-22250-403450	Qwest 406-245-7469 Fire
12/29/2014	781212	Qwest Communications	\$45.66	1500-21110-403450	Qwest 406-245-7481 Police
12/29/2014	781212	Qwest Communications	\$228.20	6060-19310-403450	Qwest 406-248-3049 Main System T1 City/County
12/29/2014	781212	Qwest Communications	\$311.26	6070-22350-403450	Qwest 406-248-3635 Fire Airport Radio Tower
12/29/2014	781212	Qwest Communications	\$311.26	6070-22350-403450	Qwest 406-248-3636 Fire Airport Radio Tower
12/29/2014	781212	Qwest Communications	\$47.18	6010-15500-403450	Qwest 406-256-5047 Motor Pool
12/29/2014	781212	Qwest Communications	\$45.47	5610-71100-403450	Qwest 406-256-7070 Airport
12/29/2014	781212	Qwest Communications	\$31.06	5120-85000-403450	Qwest 406-259-2328 PUD Sahara Sand Lift
12/29/2014	781212	Qwest Communications	\$46.97	2110-31320-403450	Qwest 406-259-3298 PW Traffic 3728 McDougall
12/29/2014	781212	Qwest Communications	\$53.45	6600-31100-403450	Qwest 406-259-7758 Measured Lines Depot 60% 6700 31410 403450 40% 6600 31100 403450
12/29/2014	781212	Qwest Communications	\$80.17	6700-31410-403450	Qwest 406-259-7758 Measured Lines Depot 60% 6700 31410 403450 40% 6600 31100 403450
12/29/2014	781212	Qwest Communications	\$118.32	1500-22250-403450	Qwest 406-373-3742 Fire RR Crossing Alarm
12/29/2014	781212	Qwest Communications	\$45.68	2250-22320-403450	Qwest 406-651-0282 Fire 5 911 Line
12/29/2014	781212	Qwest Communications	\$91.31	1500-21110-403450	Qwest 406-656-1046 PD3 FAX Line

Check Date	Check	Name	Amount	Account	Item Desc
12/29/2014	781212	Qwest Communications	\$31.06	2400-43010-407214	Qwest 406-656-9578 Planning Traffic Central
12/29/2014	781212	Qwest Communications	\$31.06	2400-43010-407214	Qwest 406-656-9604 Planning Traffic Central 9th
12/29/2014	781212	Qwest Communications	\$50.06	5610-71170-403450	Qwest 406-256-6014 Airport P9 Building
12/29/2014	781212	Qwest Communications	\$311.26	2250-22320-403450	Qwest 406-245-7101 9-1-1 Center Landfill #2
12/29/2014	781212	Qwest Communications	\$311.26	2250-22320-403450	Qwest 406-245-7102 9-1-1 Center Fox Reservoir
12/29/2014	781212	Qwest Communications	\$46.97	5410-31230-403450	Qwest 406-256-7001 Solid Waste Scale House 5410 31230 403450
12/29/2014	781214	Rehbein Enterprises Inc	\$10,000.98	2120-43700-409390	Inv 3_STPE 1099 (84) Aronson Bypass at Swords
12/29/2014	781219	Sanderson Stewart	\$729.00	5020-72110-403540	17th Street Topo Review
12/29/2014	781219	Sanderson Stewart	\$2,052.77	5030-75910-409340	WO 14-13 Mallowney/Elysian Water & Sewer Ext
12/29/2014	781219	Sanderson Stewart	\$3,079.16	5130-85910-409340	WO 14-13 Mallowney/Elysian Water & Sewer Ext
12/29/2014	781219	Sanderson Stewart	\$24,967.34	5030-75910-409340	WO 15-01 2015 Water & Sewer Project - Sch 3
12/29/2014	781219	Sanderson Stewart	\$5,615.22	5030-75910-409340	WO 14-01 2014 Water & Sewer Projects - Sch 1
12/29/2014	781219	Sanderson Stewart	\$166.06	8400-31840-409310	WO 14-01 2014 Water & Sewer Projects - Sch 1
12/29/2014	781219	Sanderson Stewart	\$10,800.00	8400-31840-409310	WO 14-01 2014 Water & Sewer Projects - Sch 1
12/29/2014	781219	Sanderson Stewart	\$453.30	2120-43700-409390	inv 38634 Aronson Bypass Trail at Swords Park
12/29/2014	781227	Solid Waste Systems Inc	\$454.47	6010-00000-141000	73970 PO NUM 296975
12/29/2014	781227	Solid Waste Systems Inc	\$344.67	6010-00000-141000	73983 PO NUM 296975
12/29/2014	781227	Solid Waste Systems Inc	\$869.16	5410-31220-402320	73931
12/29/2014	781227	Solid Waste Systems Inc	\$27.10	5410-31220-402320	73931
12/29/2014	781227	Solid Waste Systems Inc	\$321.22	5410-31220-402320	73984
12/29/2014	781227	Solid Waste Systems Inc	\$13.97	5410-31220-402320	73984
12/29/2014	781227	Solid Waste Systems Inc	\$4,056.57	5410-31220-402320	74093
12/29/2014	781227	Solid Waste Systems Inc	\$88.94	5410-31220-402320	74093
12/29/2014	781232	Sunset Excavation	\$11,286.00	5050-75150-403671	Water Repair List 06.06.14 - Payment #1
12/29/2014	781232	Sunset Excavation	\$4,200.00	5050-75150-403671	2916 Stillwater
12/29/2014	781232	Sunset Excavation	\$4,800.00	5050-75150-403671	3106 Stillwater
12/29/2014	781234	Terracon Consultants Inc.	\$3,075.00	2250-22320-403590	PROJECT #26147097 - RELOCATION OF 911
12/29/2014	781238	Town & Country Supply Association	\$11,186.59	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
12/29/2014	781239	Tractor & Equipment Co.	\$4,827.95	5410-31230-402320	misc parts
12/29/2014	781239	Tractor & Equipment Co.	\$5,965.86	5410-31230-405333	cat rental at landfill
12/29/2014	781244	Verizon Wireless	\$200.07	1500-21700-403450	Animal Shelter MDT
12/29/2014	781244	Verizon Wireless	\$1,861.37	7170-21660-403450	CCSIU Cell/PTT
12/29/2014	781244	Verizon Wireless	\$40.01	7170-21660-403450	CCSIU Air Card
12/29/2014	781244	Verizon Wireless	\$80.02	7170-21660-403450	CCSIU RAVEN
12/29/2014	781244	Verizon Wireless	\$40.01	0100-13130-403450	City Administration 406-839-4295 Bruce McCandless
12/29/2014	781244	Verizon Wireless	\$80.02	0100-43210-403450	Code Enforcement Air Cards
12/29/2014	781244	Verizon Wireless	\$40.01	1500-22210-403450	Fire MiFi 406-839-3253
12/29/2014	781244	Verizon Wireless	\$40.01	2200-22330-402410	Fire HAZMAT MDT 406-670-1284
12/29/2014	781244	Verizon Wireless	\$840.39	1500-22210-403450	Fire MDT
12/29/2014	781244	Verizon Wireless	\$80.02	6200-19110-403450	ITD
12/29/2014	781244	Verizon Wireless	\$120.05	2600-55170-403450	Library Outreach Air Cards
12/29/2014	781244	Verizon Wireless	\$4,054.10	1500-21110-403450	Police MDT Toughbooks
12/29/2014	781244	Verizon Wireless	\$470.28	5710-71470-403160	MET Transit Tablets
12/29/2014	781244	Verizon Wireless	\$40.01	1500-21110-403450	Police ICAC 406-690-7347
12/29/2014	781244	Verizon Wireless	\$40.01	1500-21110-403450	Police MiFi 406-633-0820
12/29/2014	781244	Verizon Wireless	\$160.04	1500-21110-403450	Police US Marshall Toughbooks
12/29/2014	781244	Verizon Wireless	\$40.01	0100-51120-403450	PRPL-PARKS PMD Air Card 406-794-6977
12/29/2014	781244	Verizon Wireless	\$240.06	2090-44510-403450	PW-Building Air Cards
12/29/2014	781244	Verizon Wireless	\$216.05	5020-75000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450 40% 5120-85000-403450
12/29/2014	781244	Verizon Wireless	\$144.04	5120-85000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450 40% 5120-85000-403450
12/29/2014	781244	Verizon Wireless	\$100.05	6700-31410-403450	PW Engineering
12/29/2014	781244	Verizon Wireless	\$70.03	2110-31320-403450	PW-Streets 406-697-0361 iPad 406-633-1991 iPad
12/29/2014	781244	Verizon Wireless	\$18.02	5020-75000-403450	PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450 40% 5120-85000-403450
12/29/2014	781244	Verizon Wireless	\$12.00	5120-85000-403450	PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450 40% 5120-85000-403450
12/29/2014	781244	Verizon Wireless	\$162.49	5020-73120-403450	Meter Reader Account 4420118965-00001 502-73120-403450
12/29/2014	781244	Verizon Wireless	\$80.02	7170-21660-403450	CCSIU MDT
12/29/2014	781244	Verizon Wireless	\$40.01	1500-21110-403450	POLICE IPAD St. John 406-690-5995 150-21110-403450
12/29/2014	781244	Verizon Wireless	\$240.06	2110-31320-403450	PW-STREETS CITY WORKS 2110-31320-403450
12/29/2014	781244	Verizon Wireless	\$24.01	5020-75000-403450	PW-DIS-COLL CITYWORKS 406-633-1311 60% 5020-75000-403450 40% 5120-85000-403450

Check Date	Check	Name	Amount	Account	Item Desc
12/29/2014	781244	Verizon Wireless	\$16.02	5120-85000-403450	PW-DIS-COLL CITYWORKS 406-633-1311 60% 5020-75000-403450 40% 5120-85000-403450
12/29/2014	781246	Water Control Corporation	\$3,395.30	5120-84000-402450	UV lamps

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015  
**TITLE:** Payment of Claims January 5, 2015  
**PRESENTED BY:** Patrick M. Weber, Finance Director  
**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,032,626.39 have been audited and are presented for City Council payment approval. A complete listing of the claims dated January 5, 2015, 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 memo 01-05-2015

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Check Date	Check Name	Amount	Account	Item Desc
01/05/2015	781255 Alfa Laval	\$6,915.46	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM
01/05/2015	781264 Bison Motor Company	\$190,450.75	6400-21650-409440	10 interceptors from the ERP plan.
01/05/2015	781264 Bison Motor Company	\$27,207.25	1500-21120-409440	1 Interceptor for SRO.
01/05/2015	781265 Brenntag Pacific Inc	\$5,903.33	2110-31320-404720	hicothaw liquid used for snow melting on streets
01/05/2015	781269 Civicplus	\$4,809.11	6200-19110-403552	3rd Quarterly Fee for Hosting and Support City Website
01/05/2015	781270 Cop Construction Co	\$9,900.00	5030-00000-201100	WO 13-01 2013 Water & Sewer Replacement
01/05/2015	781270 Cop Construction Co	\$14,145.86	5130-00000-201100	WO 13-01 2013 Water & Sewer Replacement
01/05/2015	781278 Desert Mountain Corporation	\$4,351.35	2110-31320-404721	ice slicer for melting snow on streets
01/05/2015	781278 Desert Mountain Corporation	\$4,261.67	2110-31320-404721	ice slicer for melting snow on streets
01/05/2015	781278 Desert Mountain Corporation	\$4,373.46	2110-31320-404721	ice slicer used for melting snow on streets
01/05/2015	781278 Desert Mountain Corporation	\$4,326.78	2110-31320-404721	ice slicer for melting snow on streets
01/05/2015	781278 Desert Mountain Corporation	\$4,879.60	2110-31320-404721	ice slicer used for melting snow
01/05/2015	781278 Desert Mountain Corporation	\$4,882.07	2110-31320-404721	ice slicer used to melt snow on streets
01/05/2015	781278 Desert Mountain Corporation	\$4,269.04	2110-31320-404721	ice slicer used to melt snow on streets
01/05/2015	781279 Diamond Parking	\$3,234.00	2600-55110-403963	Parking Lot Rental
01/05/2015	781281 Downtown Billings BID, Inc.	\$3,313.00	8720-51980-403990	BID contract for PMD 684011 and 684013 Oct-
01/05/2015	781281 Downtown Billings BID, Inc.	\$3,313.00	8720-51980-403990	BID contract for PMD 684011 and 684013 Oct-
01/05/2015	781281 Downtown Billings BID, Inc.	\$125,316.14	7800-15750-407680	Account Balance
01/05/2015	781283 Ebms	\$1,485.00	6270-17520-403511	January 2015 Fee Breakdown
01/05/2015	781283 Ebms	\$23,615.00	6270-17520-403512	January 2015 Fee Breakdown
01/05/2015	781283 Ebms	-\$887.37	6270-17520-403512	January 2015 Fee Breakdown
01/05/2015	781283 Ebms	\$44,552.15	6270-17520-403515	January 2015 Fee Breakdown
01/05/2015	781283 Ebms	\$616.00	6270-17520-403517	January 2015 Fee Breakdown
01/05/2015	781283 Ebms	\$3,293.50	6270-17520-405161	January 2015 Fee Breakdown
01/05/2015	781293 Great West Engineering, Inc	\$4,013.00	5410-31230-403590	Consultant for Landfill Operations
01/05/2015	781300 Inland Western Retail Real Estate	\$70,912.00	1980-15060-407840	First half 2014 property tax refund
01/05/2015	781306 Montana Conservation Corps Inc	\$4,500.00	8730-51990-403581	Trail maintenance and general maintenance.
01/05/2015	781306 Montana Conservation Corps Inc	\$4,500.00	8730-51990-403581	Russian Olive removal.
01/05/2015	781307 Montana Dakota Utilities Co	\$113.13	5020-74000-403440	5104901000 5
01/05/2015	781307 Montana Dakota Utilities Co	\$38.64	5020-74000-403440	5270331000 4
01/05/2015	781307 Montana Dakota Utilities Co	\$147.51	5020-74000-403440	5669231000 8
01/05/2015	781307 Montana Dakota Utilities Co	\$40.45	5020-74000-403440	6004901000 6
01/05/2015	781307 Montana Dakota Utilities Co	\$40.44	5020-74000-403440	6004901000 6
01/05/2015	781307 Montana Dakota Utilities Co	\$33.59	5020-74000-403440	6104901000 4
01/05/2015	781307 Montana Dakota Utilities Co	\$101.65	5020-74000-403440	6669231000 7
01/05/2015	781307 Montana Dakota Utilities Co	\$509.41	5020-74000-403440	7004901000 5
01/05/2015	781307 Montana Dakota Utilities Co	\$733.43	5410-31230-403440	7703901000 2
01/05/2015	781307 Montana Dakota Utilities Co	\$25.60	5020-74000-403440	8004901000 4
01/05/2015	781307 Montana Dakota Utilities Co	\$57.55	5020-74000-403440	8320011000 1
01/05/2015	781307 Montana Dakota Utilities Co	\$30.77	5120-85000-403440	8685631000 7
01/05/2015	781307 Montana Dakota Utilities Co	\$1,337.69	5020-74000-403440	9004901000 3
01/05/2015	781307 Montana Dakota Utilities Co	\$150.99	0100-51410-403440	9278901000 3
01/05/2015	781307 Montana Dakota Utilities Co	\$302.30	5020-74000-403440	0104901000 0
01/05/2015	781307 Montana Dakota Utilities Co	\$515.17	0100-51410-403440	0378901000 0
01/05/2015	781307 Montana Dakota Utilities Co	\$40.75	5020-74000-403440	1104901000 9
01/05/2015	781307 Montana Dakota Utilities Co	\$427.70	5020-74000-403440	2104901000 8
01/05/2015	781307 Montana Dakota Utilities Co	\$1,431.08	5020-73140-403440	3104901000 7
01/05/2015	781307 Montana Dakota Utilities Co	\$477.02	5120-83140-403440	3104901000 7
01/05/2015	781307 Montana Dakota Utilities Co	\$116.89	0100-51120-403440	3711011000 6
01/05/2015	781307 Montana Dakota Utilities Co	\$1,299.93	5020-73140-403440	4104901000 6
01/05/2015	781307 Montana Dakota Utilities Co	\$433.31	5120-83140-403440	4104901000 6
01/05/2015	781307 Montana Dakota Utilities Co	\$4,301.50	5020-74000-403440	5004901000 7
01/05/2015	781309 Montana Seals & Packing	\$2,695.36	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM
01/05/2015	781310 Moulton Bellingham PC	\$14,918.00	0100-16110-403560	Inv. 110773, Watters Matter
01/05/2015	781310 Moulton Bellingham PC	\$720.00	0100-16110-403560	Inv. 110524, Storm Water - Copper Ridge
01/05/2015	781311 Neil Drywall Inc	\$1,620.00	5210-15930-402450	Inv. 2850 Painting and materials
01/05/2015	781311 Neil Drywall Inc	\$78.00	6500-15670-402340	Inv. 2850 Painting and materials
01/05/2015	781311 Neil Drywall Inc	\$1,530.00	6500-15670-403690	Inv. 2850 Painting and materials
01/05/2015	781313 Network Information Systems	\$44,270.40	5030-74910-409390	WO 08-16 Water Treatment Plant SCADA Phase
01/05/2015	781315 NorthWestern Energy	\$236.69	0100-51120-403410	07231707
01/05/2015	781315 NorthWestern Energy	\$7.40	0100-51120-403410	08317026
01/05/2015	781315 NorthWestern Energy	\$2,409.28	5210-15910-403410	15696362
01/05/2015	781315 NorthWestern Energy	\$341.64	1500-21150-403410	19841501
01/05/2015	781315 NorthWestern Energy	\$282.18	1500-21150-403410	19841550
01/05/2015	781315 NorthWestern Energy	\$521.59	5210-15950-403410	21283197
01/05/2015	781315 NorthWestern Energy	\$2,914.08	5210-15940-403410	30674162
01/05/2015	781315 NorthWestern Energy	\$6,695.71	6500-15670-403410	01005073
01/05/2015	781315 NorthWestern Energy	\$458.27	1500-22210-403410	07125370
01/05/2015	781315 NorthWestern Energy	\$97.11	0100-51220-403410	07126832
01/05/2015	781315 NorthWestern Energy	\$25.20	5710-71480-403410	07127640
01/05/2015	781315 NorthWestern Energy	\$555.67	5210-15950-403410	07208291
01/05/2015	781315 NorthWestern Energy	\$436.78	1500-22210-403410	07208408
01/05/2015	781315 NorthWestern Energy	\$157.39	5020-74000-403410	07222524
01/05/2015	781315 NorthWestern Energy	\$0.00	5020-74000-403410	07230436
01/05/2015	781315 NorthWestern Energy	\$2,419.41	5020-73140-403410	2251 Belknap
01/05/2015	781315 NorthWestern Energy	\$12,903.53	5020-74000-403410	2251 Belknap

Check Date	Check	Name	Amount	Account	Item Desc
01/05/2015	781315	NorthWestern Energy	\$48,388.25	5020-74000-403410	2251 Belknap
01/05/2015	781315	NorthWestern Energy	\$806.47	5120-83140-403410	2251 Belknap
01/05/2015	781315	NorthWestern Energy	\$53,577.85	5120-84000-403410	725 Hwy 87 East
01/05/2015	781315	NorthWestern Energy	\$2,044.74	5020-74000-403410	3116 17th St West
01/05/2015	781315	NorthWestern Energy	\$2,044.73	5020-74000-403410	3116 17th St West
01/05/2015	781315	NorthWestern Energy	\$1,519.93	0100-51270-403410	Monthly electrical charges for office and senior
01/05/2015	781315	NorthWestern Energy	\$5,102.55	2600-55120-403410	Electric Usage
01/05/2015	781319	Public Utilities	\$426.38	8720-51980-403420	165403-19797
01/05/2015	781319	Public Utilities	\$7,339.96	5120-84000-403420	187212152
01/05/2015	781320	RW Billings LLC	\$6,702.00	1980-15060-407840	first half 2014 property tax refund
01/05/2015	781321	Sam's Club	\$64,530.00	1980-15060-407840	first half 2014 property tax refund
01/05/2015	781322	Sanderson Stewart	\$634.35	2400-43010-407214	Final payment 00-2014-113-7
01/05/2015	781322	Sanderson Stewart	\$1,089.81	8400-00000-201100	WO 14-01 2014 Water & Sewer Projects - Sch 1
01/05/2015	781322	Sanderson Stewart	\$15,409.93	5030-00000-201100	WO 14-01 2014 Water & Sewer Projects - Sch 1
01/05/2015	781329	Town & Country Supply Association	\$12,020.81	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
01/05/2015	781332	Verizon Wireless	\$550.72	5610-71100-403450	Airport
01/05/2015	781332	Verizon Wireless	\$152.84	1500-21700-403450	Animal Shelter
01/05/2015	781332	Verizon Wireless	\$86.18	7170-21660-403450	CCSIU
01/05/2015	781332	Verizon Wireless	\$54.31	0100-16110-403450	Legal
01/05/2015	781332	Verizon Wireless	\$53.08	1500-22250-403450	Comm Center 911
01/05/2015	781332	Verizon Wireless	\$69.74	6500-15650-403450	Facilites BOC Plus 70% of 406-672-3027
01/05/2015	781332	Verizon Wireless	\$84.47	6500-15670-403450	Facilities City Hall Plus 30% of 406-672-3027
01/05/2015	781332	Verizon Wireless	-\$20.92	0100-15120-403450	Finance Pat Weber
01/05/2015	781332	Verizon Wireless	\$778.99	1500-22210-403450	Fire Department
01/05/2015	781332	Verizon Wireless	\$74.93	0100-17500-403450	Human Resources
01/05/2015	781332	Verizon Wireless	\$13.13	6200-19130-403450	ITD GIS
01/05/2015	781332	Verizon Wireless	\$13.13	6200-19110-403450	ITD
01/05/2015	781332	Verizon Wireless	\$26.26	2600-55170-403450	Library Outreach
01/05/2015	781332	Verizon Wireless	\$470.40	2600-55120-403450	Library
01/05/2015	781332	Verizon Wireless	\$42.81	0100-11000-403450	Mayor
01/05/2015	781332	Verizon Wireless	\$136.37	6010-15500-403450	Motor Pool
01/05/2015	781332	Verizon Wireless	\$192.22	0100-12200-403450	Drug Court
01/05/2015	781332	Verizon Wireless	\$89.41	0100-12120-403450	Municipal Court Judge
01/05/2015	781332	Verizon Wireless	\$13.13	2400-43010-403450	Planning
01/05/2015	781332	Verizon Wireless	\$4,235.94	1500-21110-403450	Police
01/05/2015	781332	Verizon Wireless	\$91.16	2510-21870-403450	Police Forensic 406-794-6880 406-698-7323
01/05/2015	781332	Verizon Wireless	\$749.34	1500-21110-403450	Police Resource Officers
01/05/2015	781332	Verizon Wireless	\$28.01	2490-21960-403450	Police DV 406-698-1391
01/05/2015	781332	Verizon Wireless	\$170.01	5210-15210-403450	Parking
01/05/2015	781332	Verizon Wireless	\$196.68	0100-51100-403450	PRPL Admin
01/05/2015	781332	Verizon Wireless	\$260.57	0100-51210-403450	PRPL Recreation
01/05/2015	781332	Verizon Wireless	\$336.12	0100-51210-403450	PRPL Seasonal
01/05/2015	781332	Verizon Wireless	\$69.90	0100-51400-403450	Cemetery
01/05/2015	781332	Verizon Wireless	\$43.90	0100-51120-403450	Parks PMD
01/05/2015	781332	Verizon Wireless	\$933.58	0100-51120-403450	Parks
01/05/2015	781332	Verizon Wireless	\$219.64	0100-51120-403450	Parks Irrigation
01/05/2015	781332	Verizon Wireless	\$125.53	6600-31100-403450	Public Works Admin
01/05/2015	781332	Verizon Wireless	\$142.77	2090-44510-403450	Building
01/05/2015	781332	Verizon Wireless	\$235.11	6700-31410-403450	Engineering
01/05/2015	781332	Verizon Wireless	\$188.83	5410-31210-403450	Solid Waste
01/05/2015	781332	Verizon Wireless	\$361.35	2110-31320-403450	Streets
01/05/2015	781332	Verizon Wireless	\$207.72	5410-31230-403450	Solid Waste On Call
01/05/2015	781332	Verizon Wireless	\$461.82	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450
01/05/2015	781332	Verizon Wireless	\$307.88	5120-85000-403450	Distribution & Collection 40\$ 5120-85000-403450
01/05/2015	781332	Verizon Wireless	\$658.13	5020-74000-403450	Water Treatment PWBelknap-WT
01/05/2015	781332	Verizon Wireless	\$441.57	5020-73120-403450	PWBLKNP MTRSHOP
01/05/2015	781332	Verizon Wireless	\$69.71	5020-73110-403450	Belknap Office 60% 5020-73110-403450
01/05/2015	781332	Verizon Wireless	\$46.48	5120-83110-403450	Belknap Office 40\$ 5120-83110-403450
01/05/2015	781332	Verizon Wireless	\$92.15	5020-73140-403450	Belknap Office 60% 5020-73110-403450
01/05/2015	781332	Verizon Wireless	\$30.72	5120-83140-403450	Belknap Office 40\$ 5120-83110-403450
01/05/2015	781332	Verizon Wireless	\$92.88	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450
01/05/2015	781332	Verizon Wireless	\$92.88	5020-73140-403450	PWBLKNP STORES 25% 5120-83140-403450
01/05/2015	781332	Verizon Wireless	\$30.72	5120-83140-403450	PWBLKNP STORES 75% 5020-73140-403450
01/05/2015	781332	Verizon Wireless	\$30.72	5120-83140-403450	PWBLKNP STORES 25% 5120-83140-403450
01/05/2015	781332	Verizon Wireless	\$922.88	5120-84000-403450	Wastewater Treatment Plant
01/05/2015	781332	Verizon Wireless	\$23.68	6060-19310-403450	TeleComm Manager
01/05/2015	781332	Verizon Wireless	\$92.49	5710-71420-403160	On Call MET
01/05/2015	781332	Verizon Wireless	\$52.91	5710-71410-403450	MET Transit
01/05/2015	781332	Verizon Wireless	\$93.38	0100-43210-403450	Code Enforcement
01/05/2015	781332	Verizon Wireless	\$293.75	0100-51120-403450	Parks Seasonal

Check Date	Check	Name	Amount	Account	Item Desc
01/05/2015	781332	Verizon Wireless	\$178.18	5020-74000-403450	PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-403450 50% 5120-84300-403450
01/05/2015	781332	Verizon Wireless	\$178.19	5120-84300-403450	PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-403450 50% 5120-84300-403450
01/05/2015	781334	Western Municipal Construction Inc	\$5,964.75	8400-31840-409310	WO 14-01 2014 Storm Drain Project Sch 1A
01/05/2015	781334	Western Municipal Construction Inc	\$64,683.63	5030-75910-409340	WO 14-01 2014 Water Main Replacement and

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Payment of Claims - October 1, 2014 through December 31, 2014

**PRESENTED BY:** Sheila Kolar, Municipal Court Judge

**Department:** Court

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$791,002.20 have been audited and presented for Council approval. Claims include payments to the general fund, County Treasurer, individual victims, businesses for restitution, disbursement of surcharges and revenues, and return of bonds posted to ensure court appearance. A complete listing of claims dated October 1, 2014 through December 31, 2014 is attached to this memo and is on file in the Municipal Court.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve, or;
- Disapprove

**FINANCIAL IMPACT**

This results in \$589,679.90 to the General Fund and \$201,322.30 in payments to the County Treasurer, individuals and businesses for bond returns, restitution and victims.

**RECOMMENDATION**

Staff recommends the Council approve the Municipal Court Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Payment of Claims

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## Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 10/01/2014 to 12/31/2014

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
20217	10/03/2014	Billings Parks, Recreation and Land	50.00	Cleared	10/31/2014
20218	10/03/2014	Carol Ann Laforge	50.00	Cleared	10/31/2014
20219	10/03/2014	Carol Jean Baer	15.00	Cleared	10/31/2014
20220	10/03/2014	Carol Jean Baer	15.00	Cleared	10/31/2014
20221	10/03/2014	Cassie Hoiness	101.00	Cleared	10/31/2014
20222	10/03/2014	City Of Billings - Street/Traffic Dept	25.00	Cleared	10/31/2014
20223	10/03/2014	City Of Billings Police Dept	100.00	Cleared	10/31/2014
20224	10/03/2014	City Treasurer	171559.18	Cleared	10/31/2014
20225	10/03/2014	City of Billings Animal Shelter	40.00	Cleared	10/31/2014
20226	10/03/2014	Crime Victim Compensation Program	25.00	Cleared	10/31/2014
20227	10/03/2014	Daniel Cox	25.00	Cleared	10/31/2014
20228	10/03/2014	Dave Welch	50.00	Cleared	10/31/2014
20229	10/03/2014	Dloni Jackson	5.00	Cleared	10/31/2014
20230	10/03/2014	Douglas Owen Morgan J	100.00	Cleared	10/31/2014
20231	10/03/2014	Dustin Cole Jessen	275.00	Cleared	10/31/2014
20232	10/03/2014	Express Pawn	139.00	Cleared	10/31/2014
20233	10/03/2014	First National Pawn	25.00	Cleared	10/31/2014
20234	10/03/2014	Greg Gordon	50.00	Cleared	10/31/2014
20235	10/03/2014	Jason Romell Dix	50.00	Cleared	10/31/2014
20236	10/03/2014	Julie Sullivan	50.00	Cleared	10/31/2014
20237	10/03/2014	June Ortman	50.00	Cleared	10/31/2014
20238	10/03/2014	Kasi Kipar	554.68	Outstanding	
20239	10/03/2014	Kohl's Corporate Loss Prevention	50.00	Cleared	10/31/2014
20240	10/03/2014	Kristina Rae Richardson	60.00	Cleared	10/31/2014
20241	10/03/2014	Leonard E Kenney	20.00	Cleared	10/31/2014
20242	10/03/2014	Levi Lange	2000.00	Cleared	10/31/2014
20243	10/03/2014	Mallory Elaine Keyes	100.00	Cleared	10/31/2014
20244	10/03/2014	Municipal Services Bureau	9949.84	Cleared	10/31/2014
20245	10/03/2014	NAPA Distribution Center Attn: Loren Zo	50.00	Cleared	10/31/2014
20246	10/03/2014	Richard James Brown	25.00	Cleared	10/31/2014
20247	10/03/2014	Robert A Spadt Jr	50.00	Cleared	10/31/2014
20248	10/03/2014	Robert Burton	50.00	Cleared	10/31/2014
20249	10/03/2014	Scheels	50.00	Cleared	10/31/2014
20250	10/03/2014	Scott Collins	50.00	Cleared	10/31/2014
20251	10/03/2014	Sean P Erhard	50.00	Cleared	10/31/2014
20252	10/03/2014	Sean Shinneman	595.00	Cleared	10/31/2014

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Check Number	Date	Payee	Amount	Status	Cleared
20253	10/03/2014	Sears	60.00	Cleared	10/31/2014
20254	10/03/2014	Steven Ross Johnson	50.00	Cleared	10/31/2014
20255	10/03/2014	Steven Sullivan	50.00	Cleared	10/31/2014
20256	10/03/2014	Subrogation Unit	50.00	Cleared	10/31/2014
20257	10/03/2014	Tom Cummings	100.00	Cleared	10/31/2014
20258	10/03/2014	Wesley Glen	50.00	Cleared	10/31/2014
20259	10/03/2014	Westley Fuchs	100.00	Cleared	10/31/2014
20260	10/03/2014	Westley Fuchs	100.00	Cleared	10/31/2014
20261	10/03/2014	Yellowstone County Treasurer	12157.50	Cleared	10/31/2014
20262	10/10/2014	State Farm Insurance	30.94	Cleared	10/31/2014
20263	10/10/2014	Assurant Health	55.00	Cleared	10/31/2014
20264	10/10/2014	City of Billings	50.00	Cleared	10/31/2014
20265	10/10/2014	Clay Schreder	95.00	Cleared	10/31/2014
20266	10/10/2014	Cody James Inabnit	870.00	Cleared	10/31/2014
20267	10/10/2014	Community Solutions Inc	50.00	Cleared	10/31/2014
20268	10/10/2014	Dakota Smith	720.00	Cleared	10/31/2014
20269	10/10/2014	Daniel Degele	50.00	Cleared	10/31/2014
20270	10/10/2014	David Hargett Sr	195.00	Cleared	10/31/2014
20271	10/10/2014	David Alan Smith	1095.00	Cleared	10/31/2014
20272	10/10/2014	David Allen Long	50.00	Cleared	10/31/2014
20273	10/10/2014	Destinee Gondara	50.00	Cleared	10/31/2014
20274	10/10/2014	Donna Forbes	50.00	Cleared	10/31/2014
20275	10/10/2014	Ervallynn Nomee	50.00	Outstanding	
20276	10/10/2014	Ervin Schwiebert	50.00	Cleared	10/31/2014
20277	10/10/2014	First National Pawn	30.00	Cleared	10/31/2014
20278	10/10/2014	Gypsy Wind	40.00	Cleared	10/31/2014
20279	10/10/2014	Jacob Adkison	250.00	Cleared	10/31/2014
20280	10/10/2014	Jacob Adkison	545.00	Cleared	10/31/2014
20281	10/10/2014	James Joseph O'tremba	150.00	Cleared	10/31/2014
20282	10/10/2014	James Novotny	19.06	Cleared	10/31/2014
20283	10/10/2014	Jeffrey Arnold Johnson	400.00	Cleared	10/31/2014
20284	10/10/2014	John C Hogenson, Sr.	500.00	Cleared	10/31/2014
20285	10/10/2014	John Henry Johnson	1095.00	Cleared	10/31/2014
20286	10/10/2014	John Wayne Beckner	135.00	Cleared	10/31/2014
20287	10/10/2014	Jordan Kreuz	55.00	Cleared	10/31/2014
20288	10/10/2014	Kathy Eder	170.00	Cleared	10/31/2014

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Check Number	Date	Payee	Amount	Status	Cleared
20289	10/10/2014	Kathy Killsnight	195.00	Cleared	10/31/2014
20290	10/10/2014	Les Benner	50.00	Cleared	11/30/2014
20291	10/10/2014	Lonnie R Peterson	25.00	Cleared	10/31/2014
20292	10/10/2014	Margaret Racheal Romero	50.00	Cleared	10/31/2014
20293	10/10/2014	Marquay Scales	620.00	Cleared	10/31/2014
20294	10/10/2014	Memri Spottedelk	50.00	Cleared	10/31/2014
20295	10/10/2014	Ninfa Morado	100.00	Cleared	10/31/2014
20296	10/10/2014	Orlando Christopher Mota	50.00	Cleared	10/31/2014
20297	10/10/2014	Peter Prevost	20.00	Cleared	10/31/2014
20298	10/10/2014	Shelly Stanley	1000.00	Cleared	10/31/2014
20299	10/10/2014	Speak Easy Casino	50.00	Outstanding	
20300	10/10/2014	Stephanie Nichole See	705.00	Outstanding	
20301	10/10/2014	Target AP Recovery	50.00	Cleared	11/30/2014
20302	10/10/2014	Taylor Ita	50.00	Cleared	11/30/2014
20303	10/10/2014	Western Pawn	25.00	Cleared	11/30/2014
20304	10/17/2014	State Farm	50.00	Cleared	11/30/2014
20305	10/17/2014	Target	50.00	Outstanding	
20306	10/17/2014	Aaron Wade Montoya	1500.00	Outstanding	
20307	10/17/2014	Aaron Wade Montoya	1500.00	Outstanding	
20308	10/17/2014	Adam Heimbuck	50.00	Cleared	11/30/2014
20309	10/17/2014	Bank Stockman	50.00	Cleared	10/31/2014
20310	10/17/2014	Big Horn Resort	50.00	Cleared	10/31/2014
20311	10/17/2014	Billings Clinic	25.00	Cleared	11/30/2014
20312	10/17/2014	Billings Police	50.00	Cleared	10/31/2014
20313	10/17/2014	C.jay Deeney	100.00	Cleared	10/31/2014
20314	10/17/2014	City Of Billings-c/o JoLynn Yerger	20.00	Cleared	10/31/2014
20315	10/17/2014	City Of Billings-c/o JoLynn Yerger	92.00	Cleared	10/31/2014
20316	10/17/2014	Cody R Nafts	1500.00	Outstanding	
20317	10/17/2014	Collin Gregory Lardy	15.00	Outstanding	
20318	10/17/2014	Crime Victim Compensation Program	25.00	Cleared	10/31/2014
20319	10/17/2014	Crime Victim Compensation Program	25.00	Cleared	10/31/2014
20320	10/17/2014	Crime Victim Compensation Program	100.00	Cleared	10/31/2014
20321	10/17/2014	Dupree Arnell Scott	50.00	Cleared	10/31/2014
20322	10/17/2014	Edward R Hawthorne	50.00	Cleared	11/30/2014
20323	10/17/2014	Frank Rollifson	50.00	Cleared	10/31/2014
20324	10/17/2014	Heather Petley	55.00	Cleared	10/31/2014

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Check Number	Date	Payee	Amount	Status	Cleared
20325	10/17/2014	James Silas Morrison	15.00	Cleared	11/30/2014
20326	10/17/2014	Janessa Clark	275.00	Cleared	10/31/2014
20327	10/17/2014	Jennifer Baldner	75.00	Cleared	11/30/2014
20328	10/17/2014	Karen Gossett	50.00	Cleared	10/31/2014
20329	10/17/2014	Karen Reinke	1000.00	Cleared	10/31/2014
20330	10/17/2014	Kassandra Harsch	720.00	Cleared	10/31/2014
20331	10/17/2014	Kenneth Samuel Roberts	370.00	Cleared	10/31/2014
20332	10/17/2014	Kevin Foster	25.00	Cleared	10/31/2014
20333	10/17/2014	Lawrence James Bell	50.00	Cleared	10/31/2014
20334	10/17/2014	Linda Oistad	50.00	Cleared	10/31/2014
20335	10/17/2014	Mandi Toews	50.00	Cleared	10/31/2014
20336	10/17/2014	Margaret Cresswell	500.00	Cleared	10/31/2014
20337	10/17/2014	Michael Hitt	720.00	Cleared	10/31/2014
20338	10/17/2014	Natalia Elaura Ramirez	40.00	Cleared	10/31/2014
20339	10/17/2014	Nina Gutierrez	1045.00	Cleared	10/31/2014
20340	10/17/2014	Pete Portra	50.00	Cleared	10/31/2014
20341	10/17/2014	Rainbow Property Management	25.00	Cleared	10/31/2014
20342	10/17/2014	Speak Easy Casino	50.00	Outstanding	
20343	10/17/2014	Stacie M Warehime	25.00	Cleared	10/31/2014
20344	10/17/2014	Step Inc	50.00	Cleared	10/31/2014
20345	10/17/2014	Target AP Recovery - (TK-2013-7412)	50.00	Outstanding	
20346	10/17/2014	Tenille Dahlin	50.00	Cleared	10/31/2014
20347	10/17/2014	Tim R Howe	50.00	Outstanding	
20348	10/17/2014	Tyler Holliday	50.00	Outstanding	
20349	10/17/2014	Wendi Noelle Largent	100.00	Cleared	10/31/2014
20350	10/24/2014	City of Billings	50.00	Cleared	10/31/2014
20351	10/24/2014	Sears	50.00	Outstanding	
20352	10/24/2014	South Forty	25.00	Cleared	11/30/2014
20353	10/24/2014	Target	50.00	Outstanding	
20354	10/24/2014	Amanda Baker	865.00	Cleared	10/31/2014
20355	10/24/2014	Barbara Berg	137.99	Cleared	10/31/2014
20356	10/24/2014	Barbara Powelson	50.00	Cleared	11/30/2014
20357	10/24/2014	Bryan G Wallace	100.00	Cleared	10/31/2014
20358	10/24/2014	Cesar Mejia	595.00	Cleared	11/30/2014
20359	10/24/2014	City of Billings - Police	98.00	Cleared	10/31/2014
20360	10/24/2014	Crime Victim Compensation Program	50.00	Cleared	11/30/2014

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Check Number	Date	Payee	Amount	Status	Cleared
20361	10/24/2014	Damian Mcgrath	1000.00	Outstanding	
20362	10/24/2014	David Rudolph	120.00	Cleared	10/31/2014
20363	10/24/2014	Dennis Huber	445.00	Cleared	10/31/2014
20364	10/24/2014	Diana Robinette	1540.00	Cleared	10/31/2014
20365	10/24/2014	Douglas Golden	50.00	Cleared	10/31/2014
20366	10/24/2014	Eddie Altenberg	1000.00	Cleared	10/31/2014
20367	10/24/2014	Elliott Andrew Pickel	15.00	Cleared	11/30/2014
20368	10/24/2014	Greg Gordon	50.00	Outstanding	
20369	10/24/2014	Janice Weed	590.00	Cleared	11/30/2014
20370	10/24/2014	Jared Mcgee	150.00	Cleared	10/31/2014
20371	10/24/2014	Jarrett Wanner	50.00	Cleared	10/31/2014
20372	10/24/2014	Jennifer Lorraine Stokes	100.00	Cleared	11/30/2014
20373	10/24/2014	Joseph Giacomini	720.00	Cleared	10/31/2014
20374	10/24/2014	Karen Geraldine Zaso	20.00	Cleared	11/30/2014
20375	10/24/2014	Kittybelle Fisher	410.00	Cleared	10/31/2014
20376	10/24/2014	Mandy Maxwell	50.00	Cleared	11/30/2014
20377	10/24/2014	Megan Kelly Lorentz	15.00	Cleared	10/31/2014
20378	10/24/2014	Mershan A Herrera	13.05	Outstanding	
20379	10/24/2014	Moises Avila	15.00	Outstanding	
20380	10/24/2014	Motel 6	50.00	Cleared	11/30/2014
20381	10/24/2014	Reece Kalfell	50.00	Cleared	11/30/2014
20382	10/24/2014	Richard Brocious	15.00	Cleared	11/30/2014
20383	10/24/2014	Rosco Lagge	50.00	Cleared	10/31/2014
20384	10/24/2014	Ryan Christopher Berns	50.00	Cleared	10/31/2014
20385	10/24/2014	Scott Aaron Laber	300.00	Cleared	11/30/2014
20386	10/24/2014	Sears	15.00	Outstanding	
20387	10/24/2014	Shayla Rae Reynolds	2500.00	Cleared	10/31/2014
20388	10/24/2014	Sheryl Cox	720.00	Cleared	10/31/2014
20389	10/24/2014	Soco Marketing attn: Michelle Stocktin	50.00	Cleared	10/31/2014
20390	10/24/2014	Susanne Biglake Hill	50.00	Cleared	11/30/2014
20391	10/24/2014	TJ Yzaguirre	25.00	Cleared	10/31/2014
20392	10/24/2014	Tahitian Nights	50.00	Cleared	10/31/2014
20393	10/24/2014	Thomas Paul Kosche	50.00	Cleared	10/31/2014
20394	10/24/2014	Travis D Brien	45.00	Cleared	11/30/2014
20395	10/24/2014	Tyson Salley	640.00	Cleared	11/30/2014
20396	10/24/2014	UHaul	32.00	Cleared	10/31/2014

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Check Number	Date	Payee	Amount	Status	Cleared
20397	10/24/2014	Wall Mart	50.00	Cleared	11/30/2014
20398	10/24/2014	Walmart	50.00	Cleared	11/30/2014
20399	10/24/2014	Western Security	50.00	Cleared	11/30/2014
20400	10/31/2014	Andrew Cooper	25.00	Cleared	11/30/2014
20401	10/31/2014	April M Lapke	50.00	Cleared	11/30/2014
20402	10/31/2014	Bailey Olson	100.00	Cleared	11/30/2014
20403	10/31/2014	Bank Stockman	50.00	Voided	
20404	10/31/2014	Billings Clinic	25.00	Cleared	11/30/2014
20405	10/31/2014	Billings Police	50.00	Cleared	11/30/2014
20406	10/31/2014	Brad Blythe	150.00	Outstanding	
20407	10/31/2014	Carol Ann Laforge	25.00	Cleared	11/30/2014
20408	10/31/2014	Chelsea Clark	195.00	Cleared	11/30/2014
20409	10/31/2014	City Treasurer	138112.66	Cleared	11/30/2014
20410	10/31/2014	First National Pawn	50.00	Cleared	11/30/2014
20411	10/31/2014	First National Pawn	50.00	Cleared	11/30/2014
20412	10/31/2014	Greg & Lani Monical	50.00	Cleared	11/30/2014
20413	10/31/2014	James Novotny	50.00	Cleared	11/30/2014
20414	10/31/2014	Jennelle Lorraine Billstein	15.00	Outstanding	
20415	10/31/2014	Judy M Bacon	15.00	Cleared	11/30/2014
20416	10/31/2014	Judy M Bacon	15.00	Cleared	11/30/2014
20417	10/31/2014	Kohl's Corporate Loss Prevention	50.00	Cleared	11/30/2014
20418	10/31/2014	Leonard E Kenney	41.00	Cleared	11/30/2014
20419	10/31/2014	Mallory Elaine Keyes	50.00	Cleared	11/30/2014
20420	10/31/2014	Mary Valley	100.00	Cleared	11/30/2014
20421	10/31/2014	Melissa Dorene Miller	50.00	Cleared	11/30/2014
20422	10/31/2014	Michael Robert Bogy	1000.00	Cleared	11/30/2014
20423	10/31/2014	Municipal Services Bureau	7778.33	Cleared	11/30/2014
20424	10/31/2014	NAPA Distribution Center Attn: Loren Zo	50.00	Cleared	11/30/2014
20425	10/31/2014	Orlando Christopher Mota	50.00	Cleared	11/30/2014
20426	10/31/2014	Rainbow Property Management	25.00	Cleared	11/30/2014
20427	10/31/2014	Rayne Dabel	25.00	Outstanding	
20428	10/31/2014	Robert A Spadt Jr	50.00	Cleared	11/30/2014
20429	10/31/2014	Roy D Kessler	50.00	Cleared	11/30/2014
20430	10/31/2014	Sharon Bonogofsky-Parker	50.00	Cleared	11/30/2014
20431	10/31/2014	Target AP Recovery	50.00	Outstanding	
20432	10/31/2014	Todd Kenneth Eames	720.00	Outstanding	

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20433	10/31/2014	Wall Mart	49.97	Cleared	11/30/2014
20434	10/31/2014	Wall Mart	50.00	Cleared	11/30/2014
20435	10/31/2014	Walmart	50.00	Cleared	11/30/2014
20436	10/31/2014	Westley Fuchs	200.00	Cleared	11/30/2014
20437	10/31/2014	Yellow Taxi Co	50.00	Cleared	11/30/2014
20438	10/31/2014	Yellowstone County Treasurer	10165.82	Cleared	11/30/2014
20439	11/07/2014	City of Billings	40.00	Voided	11/30/2014
20440	11/07/2014	Best Buy	50.00	Outstanding	
20441	11/07/2014	Billings School District #2	50.00	Cleared	11/30/2014
20442	11/07/2014	Brent Sterrett	50.00	Cleared	11/30/2014
20443	11/07/2014	Brian Thompson	350.00	Cleared	11/30/2014
20444	11/07/2014	Brooknee Frances Boyer	454.26	Outstanding	
20445	11/07/2014	Carol Ann Laforge	25.00	Cleared	11/30/2014
20446	11/07/2014	City Of Billings - Street/Traffic Dept	50.00	Outstanding	
20447	11/07/2014	Crime Victim Compensation Program	25.00	Cleared	11/30/2014
20448	11/07/2014	David Allen Long	50.00	Cleared	11/30/2014
20449	11/07/2014	Dawn Hampton	50.00	Outstanding	
20450	11/07/2014	Donna Forbes	50.00	Cleared	11/30/2014
20451	11/07/2014	Emori Sage Dodson	100.00	Cleared	11/30/2014
20452	11/07/2014	Felicis Caylon	100.00	Cleared	11/30/2014
20453	11/07/2014	First Interstate Bank Attn: Brian Brown	25.00	Cleared	11/30/2014
20454	11/07/2014	First National Pawn	40.00	Cleared	11/30/2014
20455	11/07/2014	Gordon Gildroy	50.00	Cleared	11/30/2014
20456	11/07/2014	Jacob Brotzler	50.00	Cleared	11/30/2014
20457	11/07/2014	James Joseph O'tremba	150.00	Cleared	11/30/2014
20458	11/07/2014	Jason Romell Dix	50.00	Outstanding	
20459	11/07/2014	John Junnila	25.00	Cleared	11/30/2014
20460	11/07/2014	Josh Dewitz	35.00	Outstanding	
20461	11/07/2014	Josh Schreier	158.47	Outstanding	
20462	11/07/2014	June Ortman	50.00	Cleared	11/30/2014
20463	11/07/2014	Katherine Lucille Klimper	45.00	Cleared	11/30/2014
20464	11/07/2014	Kathy Eder	170.00	Cleared	11/30/2014
20465	11/07/2014	Laura Hopkins	114.99	Cleared	11/30/2014
20466	11/07/2014	Leanne Yucha	50.00	Outstanding	
20467	11/07/2014	Les Benner	50.00	Cleared	11/30/2014
20468	11/07/2014	Memri Spottedelk	50.00	Cleared	11/30/2014

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20469	11/07/2014	Michael Schmelzel	500.00	Outstanding	
20470	11/07/2014	Michael Shawn Neil	1065.00	Cleared	11/30/2014
20471	11/07/2014	Nona Main	100.00	Outstanding	
20472	11/07/2014	Paul Rosales	50.00	Outstanding	
20473	11/07/2014	Richard James Brown	25.00	Cleared	11/30/2014
20474	11/07/2014	Ruth Killman	500.00	Cleared	11/30/2014
20475	11/07/2014	Ryan Matthew Lenhardt	584.67	Cleared	11/30/2014
20476	11/07/2014	Scott Carlson	50.00	Cleared	11/30/2014
20477	11/07/2014	Shane Allen Fitch	440.00	Cleared	11/30/2014
20478	11/07/2014	Soco Marketing attn: Michelle Stocktin	50.00	Cleared	11/30/2014
20479	11/07/2014	Steven Ross Johnson	50.00	Cleared	11/30/2014
20480	11/07/2014	Teresa Wegner	50.00	Cleared	11/30/2014
20481	11/07/2014	Verna Turnsplenty	267.40	Cleared	11/30/2014
20482	11/07/2014	Vicki T Cunningham	174.00	Cleared	11/30/2014
20483	11/07/2014	Western Pawn	15.00	Cleared	11/30/2014
20484	11/14/2014	Casa Village	50.00	Cleared	11/30/2014
20485	11/14/2014	Target	50.00	Outstanding	
20486	11/14/2014	Alexander Detwiler	20.00	Outstanding	
20487	11/14/2014	Altimus Distributing	50.00	Cleared	11/30/2014
20488	11/14/2014	Cesar Rosales-Saldana	245.00	Outstanding	
20489	11/14/2014	City of Billings	50.00	Cleared	11/30/2014
20490	11/14/2014	Cody Harris	25.00	Cleared	11/30/2014
20491	11/14/2014	Community Solutions Inc	50.00	Cleared	11/30/2014
20492	11/14/2014	Crime Victim Compensation Program	100.00	Outstanding	
20493	11/14/2014	Daniel Cox	50.00	Cleared	11/30/2014
20494	11/14/2014	Ervallynn Nomee	50.00	Outstanding	
20495	11/14/2014	Gypsy Wind	50.00	Cleared	11/30/2014
20496	11/14/2014	Jared Mcgee	50.00	Cleared	11/30/2014
20497	11/14/2014	Jennifer Baldner	50.00	Outstanding	
20498	11/14/2014	Jennifer Jill Vasseur	25.00	Outstanding	
20499	11/14/2014	Jeremiah Charles Desjarlais	75.00	Cleared	11/30/2014
20500	11/14/2014	Joey Stovall	50.00	Outstanding	
20501	11/14/2014	Julie Sullivan	50.00	Cleared	11/30/2014
20502	11/14/2014	Karen Gossett	25.00	Cleared	11/30/2014
20503	11/14/2014	Kevin Frazer	1930.00	Cleared	11/30/2014
20504	11/14/2014	Kody Tadday	500.00	Cleared	11/30/2014

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20505	11/14/2014	Leonard E Kenney	30.00	Cleared	11/30/2014
20506	11/14/2014	Makenzie E Shellnutt	15.00	Cleared	11/30/2014
20507	11/14/2014	Nicole L. Miller	195.00	Cleared	11/30/2014
20508	11/14/2014	Peter Prevost	50.00	Outstanding	
20509	11/14/2014	Scott Collins	100.00	Outstanding	
20510	11/14/2014	Sean P Erhard	50.00	Cleared	11/30/2014
20511	11/14/2014	Sharon Torske	50.00	Outstanding	
20512	11/14/2014	Shaun Michael Lambrecht	1185.00	Cleared	11/30/2014
20513	11/14/2014	Speak Easy Caslno	50.00	Outstanding	
20514	11/14/2014	St. Vincent Healthcare	100.00	Cleared	11/30/2014
20515	11/14/2014	Taylor Ita	25.00	Outstanding	
20516	11/14/2014	Tim R Howe	50.00	Outstanding	
20517	11/14/2014	Tom Cummings	100.00	Cleared	11/30/2014
20518	11/14/2014	Tyler Holliday	25.00	Outstanding	
20519	11/14/2014	William Richard Funk	100.00	Cleared	11/30/2014
20520	11/21/2014	South Forty	25.00	Outstanding	
20521	11/21/2014	Walmart	14.96	Outstanding	
20522	11/21/2014	Adam Heimbuck	50.00	Outstanding	
20523	11/21/2014	Assurant Health	55.00	Outstanding	
20524	11/21/2014	Barbara Powelson	50.00	Outstanding	
20525	11/21/2014	Big Horn Resort	50.00	Cleared	11/30/2014
20526	11/21/2014	Billings Parks, Recreation and Land	50.00	Outstanding	
20527	11/21/2014	Billings School District #2	46.95	Outstanding	
20528	11/21/2014	Caleb Dwain Berglee	720.00	Outstanding	
20529	11/21/2014	City Of Billings-c/o JoLynn Yerger	20.00	Cleared	11/30/2014
20530	11/21/2014	City of Billings Animal Shelter	50.00	Outstanding	
20531	11/21/2014	Crime Victim Compensation Program	25.00	Outstanding	
20532	11/21/2014	Crime Victim Compensation Program	25.00	Outstanding	
20533	11/21/2014	Dallas Austafson	1045.00	Outstanding	
20534	11/21/2014	Destinee Gondara	50.00	Outstanding	
20535	11/21/2014	Douglas D Quast	720.00	Outstanding	
20536	11/21/2014	Douglas Golden	50.00	Outstanding	
20537	11/21/2014	Douglas Owen Morgan J	200.00	Cleared	11/30/2014
20538	11/21/2014	Dupree Arnell Scott	60.00	Cleared	11/30/2014
20539	11/21/2014	Elizabeth Eby	895.00	Outstanding	
20540	11/21/2014	Express Pawn	319.00	Outstanding	

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20541	11/21/2014	Greg Gordon	25.00	Outstanding	
20542	11/21/2014	Harry OneBear	195.00	Cleared	11/30/2014
20543	11/21/2014	Jami Dawn Hiller	15.00	Cleared	11/30/2014
20544	11/21/2014	Janice McFarland	95.00	Outstanding	
20545	11/21/2014	Janice McFarland	95.00	Outstanding	
20546	11/21/2014	Jerry Schuster	1000.00	Cleared	11/30/2014
20547	11/21/2014	Jerry Schuster	1000.00	Cleared	11/30/2014
20548	11/21/2014	Jerry Schuster	1000.00	Cleared	11/30/2014
20549	11/21/2014	Jerry Schuster	1000.00	Cleared	11/30/2014
20550	11/21/2014	Karen Geraldine Zaso	20.00	Outstanding	
20551	11/21/2014	Katina Lynn Waymire	15.00	Outstanding	
20552	11/21/2014	Lana Deeney	720.00	Outstanding	
20553	11/21/2014	Leandra Beckman	1000.00	Outstanding	
20554	11/21/2014	Lonnie R Peterson	25.00	Cleared	11/30/2014
20555	11/21/2014	Luke Bates	720.00	Outstanding	
20556	11/21/2014	Mandy Maxwell	50.00	Outstanding	
20557	11/21/2014	Mary B Mccolley	15.00	Outstanding	
20558	11/21/2014	Motel 6	50.00	Outstanding	
20559	11/21/2014	NAPA Distribution Center Attn: Loren Zoë	50.00	Outstanding	
20560	11/21/2014	Patrick Billings	15.00	Outstanding	
20561	11/21/2014	Randal Tedlund	595.00	Outstanding	
20562	11/21/2014	Reece Kalfell	50.00	Outstanding	
20563	11/21/2014	Robbin Bartley	100.00	Outstanding	
20564	11/21/2014	Robbin Bartley	200.00	Outstanding	
20565	11/21/2014	Robert A Spadt Jr	60.00	Cleared	11/30/2014
20566	11/21/2014	Robert Burton	40.00	Cleared	11/30/2014
20567	11/21/2014	Robert Lasson	250.00	Outstanding	
20568	11/21/2014	Robert Lasson	1000.00	Cleared	11/30/2014
20569	11/21/2014	Robyn Cotton	5.00	Outstanding	
20570	11/21/2014	Ryan Christopher Berns	50.00	Outstanding	
20571	11/21/2014	Scott Aaron Laber	300.00	Cleared	11/30/2014
20572	11/21/2014	Stacie M Warehime	25.00	Outstanding	
20573	11/21/2014	Subrogation Unit	50.00	Outstanding	
20574	11/21/2014	Target AP Recovery - (TK-2013-7412)	50.00	Outstanding	
20575	11/21/2014	Thomas Joseph Cervantes	15.00	Outstanding	
20576	11/21/2014	Tina Hoeger	100.00	Outstanding	

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20577	11/21/2014	Wall Mart	10.12	Outstanding	
20578	11/21/2014	Wall Mart	39.88	Outstanding	
20579	11/21/2014	Wall Mart	50.00	Outstanding	
20580	11/21/2014	William Patow	470.00	Cleared	11/30/2014
20581	11/28/2014	Sears	115.00	Outstanding	
20582	11/28/2014	State Farm	50.00	Outstanding	
20583	11/28/2014	Target	50.00	Outstanding	
20584	11/28/2014	Andrew Cooper	50.00	Outstanding	
20585	11/28/2014	Billings Clinic	25.00	Outstanding	
20586	11/28/2014	C.jay Deeney	100.00	Outstanding	
20587	11/28/2014	City Treasurer	117386.86	Outstanding	
20588	11/28/2014	Community Solutions Inc	25.00	Outstanding	
20589	11/28/2014	Crime Victim Compensation Program	125.00	Outstanding	
20590	11/28/2014	Daniel Degele	50.00	Outstanding	
20591	11/28/2014	Dave Welch	50.00	Outstanding	
20592	11/28/2014	First Interstate Bank Attn: Brian Brown	25.00	Outstanding	
20593	11/28/2014	First National Pawn	40.00	Outstanding	
20594	11/28/2014	Frank Rollifson	50.00	Outstanding	
20595	11/28/2014	Hobby Lobby	9.00	Outstanding	
20596	11/28/2014	Kendrick David Schell	15.00	Outstanding	
20597	11/28/2014	Kevin Foster	50.00	Outstanding	
20598	11/28/2014	Kristy Annette Schneider	15.00	Outstanding	
20599	11/28/2014	Leanne Yucha	50.00	Outstanding	
20600	11/28/2014	Marquay Scales	620.00	Outstanding	
20601	11/28/2014	Melissa Hoffman	250.00	Outstanding	
20602	11/28/2014	Municipal Services Bureau	6217.59	Outstanding	
20603	11/28/2014	Northwest Energy	630.33	Outstanding	
20604	11/28/2014	Pete Portra	50.00	Outstanding	
20605	11/28/2014	Rainbow Property Management	25.00	Outstanding	
20606	11/28/2014	Rayne Dabel	25.00	Outstanding	
20607	11/28/2014	Ronald Joseph Anderson	50.00	Outstanding	
20608	11/28/2014	Roy D Kessler	50.00	Outstanding	
20609	11/28/2014	Sharon Bonogofsky-Parker	50.00	Outstanding	
20610	11/28/2014	Step Inc	30.00	Outstanding	
20611	11/28/2014	Tenille Dahlin	25.00	Outstanding	
20612	11/28/2014	Tom Cummings	100.00	Outstanding	

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20613	11/28/2014	Travis Ray Tate	15.00	Outstanding	
20614	11/28/2014	Wall Mart	100.00	Outstanding	
20615	11/28/2014	Walmart	50.00	Outstanding	
20616	11/28/2014	Western Pawn	22.55	Outstanding	
20617	11/28/2014	William J Sharp	195.00	Outstanding	
20618	11/28/2014	Yellow Taxi Co	50.00	Outstanding	
20619	11/28/2014	Yellowstone County Treasurer	9114.54	Outstanding	
20620	12/05/2014	Albertsons	60.00	Outstanding	
20621	12/05/2014	Sears	50.00	Outstanding	
20622	12/05/2014	Adam Barkhuff	715.00	Outstanding	
20623	12/05/2014	Amber M Haff	100.00	Outstanding	
20624	12/05/2014	Brett Carlson	445.00	Outstanding	
20625	12/05/2014	CHARLES & LEE ANN CARRANCO	472.60	Outstanding	
20626	12/05/2014	Carol Ann Laforge	50.00	Outstanding	
20627	12/05/2014	Charlotte Kelley	100.00	Outstanding	
20628	12/05/2014	Cody Harris	25.00	Outstanding	
20629	12/05/2014	Community Solutions Inc	25.00	Outstanding	
20630	12/05/2014	Crime Victim Compensation Program	100.00	Outstanding	
20631	12/05/2014	Darrel Locken	790.00	Outstanding	
20632	12/05/2014	David Kahn	1904.09	Outstanding	
20633	12/05/2014	Dennis D Huber	195.00	Outstanding	
20634	12/05/2014	Donna Forbes	50.00	Outstanding	
20635	12/05/2014	Emori Sage Dodson	75.00	Outstanding	
20636	12/05/2014	Erik George Peternel	42.78	Outstanding	
20637	12/05/2014	Gordon Gildroy	50.00	Outstanding	
20638	12/05/2014	Jacob Brotzler	50.00	Outstanding	
20639	12/05/2014	James Joseph O'tremba	150.00	Outstanding	
20640	12/05/2014	James Novotny	50.00	Outstanding	
20641	12/05/2014	Jamison Lloyd Wahlstrom	100.00	Outstanding	
20642	12/05/2014	Jason Romell Dix	50.00	Outstanding	
20643	12/05/2014	Joey Stovall	50.00	Outstanding	
20644	12/05/2014	June Ortman	50.00	Outstanding	
20645	12/05/2014	Katherine Lucille Klimper	45.00	Outstanding	
20646	12/05/2014	Katie Janisch	1040.00	Outstanding	
20647	12/05/2014	Kevin Foster	50.00	Outstanding	
20648	12/05/2014	Kohl's Corporate Loss Prevention	50.00	Outstanding	

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20649	12/05/2014	Kohl's Department Stores	46.00	Outstanding	
20650	12/05/2014	Kristin Richert	15.00	Outstanding	
20651	12/05/2014	Laurie Braun	950.00	Outstanding	
20652	12/05/2014	Memri Spottedelk	50.00	Outstanding	
20653	12/05/2014	Mindy Megerth	500.00	Outstanding	
20654	12/05/2014	Mindy Megerth	2000.00	Outstanding	
20655	12/05/2014	Monica Aalgaard	1385.00	Outstanding	
20656	12/05/2014	Naboth B Highfill	15.00	Outstanding	
20657	12/05/2014	Nathan Chiefchild	500.00	Outstanding	
20658	12/05/2014	Nathan Chiefchild	500.00	Outstanding	
20659	12/05/2014	Nathan Chiefchild	1000.00	Outstanding	
20660	12/05/2014	Peter Prevost	50.00	Outstanding	
20661	12/05/2014	Randoph E Tomlinson	435.22	Outstanding	
20662	12/05/2014	Rebecca Wattles	15.00	Outstanding	
20663	12/05/2014	Rebecca Wattles	15.00	Outstanding	
20664	12/05/2014	Robert Burton	50.00	Outstanding	
20665	12/05/2014	Sean P Erhard	50.00	Outstanding	
20666	12/05/2014	Steven Ross Johnson	25.00	Outstanding	
20667	12/05/2014	Tahitian Nights	50.00	Outstanding	
20668	12/05/2014	Taylor Ita	25.00	Outstanding	
20669	12/05/2014	Teresa Wegner	110.00	Outstanding	
20670	12/05/2014	Walmart	50.38	Outstanding	
20671	12/12/2014	Casa Village	50.00	Outstanding	
20672	12/12/2014	City of Billings	102.00	Outstanding	
20673	12/12/2014	Shopko	25.00	Outstanding	
20674	12/12/2014	Andrew Cooper	50.00	Outstanding	
20675	12/12/2014	Bank Stockman	50.00	Voided	
20676	12/12/2014	City Of Billings - Street/Traffic Dept	50.00	Outstanding	
20677	12/12/2014	City Of Billings-c/o JoLynn Yerger	20.00	Outstanding	
20678	12/12/2014	City of Billings	60.00	Outstanding	
20679	12/12/2014	Community Solutions Inc	25.00	Outstanding	
20680	12/12/2014	Community Solutions Inc	50.00	Outstanding	
20681	12/12/2014	Daniel Cox	50.00	Outstanding	
20682	12/12/2014	Daniel S Repka	50.00	Outstanding	
20683	12/12/2014	David Stark	857.15	Outstanding	
20684	12/12/2014	Gina Lynn Kingstad	100.00	Outstanding	

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20685	12/12/2014	Greg & Lani Monical	50.00	Outstanding	
20686	12/12/2014	Gypsy Wind	50.00	Outstanding	
20687	12/12/2014	James Michael Krebs	280.00	Outstanding	
20688	12/12/2014	Jarrett Wanner	100.00	Outstanding	
20689	12/12/2014	John Barry Marshall	445.00	Outstanding	
20690	12/12/2014	Justin Ray Kopp	250.00	Outstanding	
20691	12/12/2014	Justin Zwicke	295.00	Outstanding	
20692	12/12/2014	Karen Gossett	50.00	Outstanding	
20693	12/12/2014	Kathy Eder	170.00	Outstanding	
20694	12/12/2014	Les Benner	50.00	Outstanding	
20695	12/12/2014	Lucinda A Irmien	500.00	Outstanding	
20696	12/12/2014	Mark Lawler	100.00	Outstanding	
20697	12/12/2014	Mary Valley	50.00	Outstanding	
20698	12/12/2014	Michelle Kay Mulconery	275.00	Outstanding	
20699	12/12/2014	Natalie Clifton	1095.00	Outstanding	
20700	12/12/2014	Nicholas Arthur Dahlquist	195.00	Outstanding	
20701	12/12/2014	Oksana Zakharchenko	50.00	Outstanding	
20702	12/12/2014	Pamela Randall	1000.00	Outstanding	
20703	12/12/2014	Pamela Randall	1000.00	Outstanding	
20704	12/12/2014	Robert James Gillen	19.00	Outstanding	
20705	12/12/2014	Shawna Coleman	40.00	Outstanding	
20706	12/12/2014	Shiptons Big R	29.95	Outstanding	
20707	12/12/2014	Soco Marketing attn: Michelle Stocktin	50.00	Outstanding	
20708	12/12/2014	TJ Yzaguirre	50.00	Outstanding	
20709	12/12/2014	Tenille Dahlin	25.00	Outstanding	
20710	12/12/2014	Tyler Holliday	50.00	Outstanding	
20711	12/12/2014	Western Pawnbrokers	25.00	Outstanding	
20712	12/12/2014	Westley Fuchs	200.00	Outstanding	
20713	12/19/2014	Target	50.00	Outstanding	
20714	12/19/2014	Aaron Michael Dowell	50.00	Outstanding	
20715	12/19/2014	Albertsons	292.00	Outstanding	
20716	12/19/2014	Altimus Distributing	25.00	Outstanding	
20717	12/19/2014	Barbara Powelson	50.00	Outstanding	
20718	12/19/2014	Best Buy	50.00	Outstanding	
20719	12/19/2014	Big Horn Resort	50.00	Outstanding	
20720	12/19/2014	Brad Blythe	50.00	Outstanding	

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Bank: US BANK - Account: 150095602101

Date Range: From 10/01/2014 to 12/31/2014

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
20721	12/19/2014	Brian Martin Melby	870.00	Outstanding	
20722	12/19/2014	Christine Longfox	195.00	Outstanding	
20723	12/19/2014	Crime Victim Compensation Program	125.00	Outstanding	
20724	12/19/2014	Daniel Gillispie	790.00	Outstanding	
20725	12/19/2014	Daniel Joseph Degele Jr	50.00	Outstanding	
20726	12/19/2014	David Allen Long	50.00	Outstanding	
20727	12/19/2014	David Mark Frank	305.00	Outstanding	
20728	12/19/2014	Dawn Hampton	50.00	Outstanding	
20729	12/19/2014	Douglas Golden	50.00	Outstanding	
20730	12/19/2014	Ervallynn Nomee	50.00	Outstanding	
20731	12/19/2014	Ervln Schwegert	145.00	Outstanding	
20732	12/19/2014	First Interstate Bank Attn: Brian Brown	25.00	Outstanding	
20733	12/19/2014	First National Pawn	10.00	Outstanding	
20734	12/19/2014	Frank A Willison	500.00	Outstanding	
20735	12/19/2014	Jared Mcgee	78.73	Outstanding	
20736	12/19/2014	Jennifer Baldner	50.00	Outstanding	
20737	12/19/2014	John Junnila	25.00	Outstanding	
20738	12/19/2014	Johnny Ray Hisaw	15.00	Outstanding	
20739	12/19/2014	Karen Geraldine Zaso	20.00	Outstanding	
20740	12/19/2014	Lawrence James Bell	25.00	Outstanding	
20741	12/19/2014	Melissa Dorene Miller	250.00	Outstanding	
20742	12/19/2014	Michael B Anderson	1000.00	Outstanding	
20743	12/19/2014	Motel 6	50.00	Outstanding	
20744	12/19/2014	NAPA Distribution Center Attn: Loren Zo	50.00	Outstanding	
20745	12/19/2014	Nancy Simon Bjelland	791.81	Outstanding	
20746	12/19/2014	Philip Hurley	3500.00	Outstanding	
20747	12/19/2014	Reece Kalfell	15.00	Outstanding	
20748	12/19/2014	Sharon Torske	50.00	Outstanding	
20749	12/19/2014	Stacie M Warehime	25.00	Outstanding	
20750	12/19/2014	Susanne Biglake Hill	50.00	Outstanding	
20751	12/19/2014	Target AP Recovery - (TK-2013-7412)	50.00	Outstanding	
20752	12/19/2014	The Kohls	59.99	Outstanding	
20753	12/19/2014	Thomas Paul Kosche	50.00	Outstanding	
20754	12/19/2014	Tim R Howe	100.00	Outstanding	
20755	12/19/2014	Tina Hoeger	100.00	Outstanding	
20756	12/19/2014	Tonya Lepird	1095.00	Outstanding	

## Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 10/01/2014 to 12/31/2014

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
20757	12/19/2014	Victoria Nava Renya	890.00	Outstanding	
20758	12/19/2014	Wall Mart	25.00	Outstanding	
20759	12/19/2014	Wendi Noelle Largent	100.00	Outstanding	
20760	12/19/2014	William Richard Funk	50.00	Outstanding	
20761	12/31/2014	Albertsons	20.00	Outstanding	
20762	12/31/2014	South Forty	25.00	Outstanding	
20763	12/31/2014	State Farm	50.00	Outstanding	
20764	12/31/2014	Angela Arnett	98.00	Outstanding	
20765	12/31/2014	April M Lapke	50.00	Outstanding	
20766	12/31/2014	Ashley Buyse	100.00	Outstanding	
20767	12/31/2014	Bryan Glen Wallace	1000.00	Outstanding	
20768	12/31/2014	Bryan Glen Wallace	1000.00	Outstanding	
20769	12/31/2014	Cameron Standingrock	25.00	Outstanding	
20770	12/31/2014	Carol Ann Laforge	50.00	Outstanding	
20771	12/31/2014	Charles Edmunds	25.00	Outstanding	
20772	12/31/2014	City Treasurer	162621.20	Outstanding	
20773	12/31/2014	City of Billings Animal Shelter	25.00	Outstanding	
20774	12/31/2014	Community Solutions Inc	50.00	Outstanding	
20775	12/31/2014	Conner Mcandrew Ransone	100.00	Outstanding	
20776	12/31/2014	Crime Victim Compensation Program	25.00	Outstanding	
20777	12/31/2014	Crime Victim Compensation Program	25.00	Outstanding	
20778	12/31/2014	Dana Lynn Whiteman	200.00	Outstanding	
20779	12/31/2014	Dillard's	25.00	Outstanding	
20780	12/31/2014	Doran Stinger	390.00	Outstanding	
20781	12/31/2014	Doran Stinger	500.00	Outstanding	
20782	12/31/2014	Dupree Arnell Scott	60.00	Outstanding	
20783	12/31/2014	Edward R Hawthorne	50.00	Outstanding	
20784	12/31/2014	Erin Mosness	1000.00	Outstanding	
20785	12/31/2014	First National Pawn	150.00	Outstanding	
20786	12/31/2014	Frank Rollifson	50.00	Outstanding	
20787	12/31/2014	Holland Drew Plainfeather	135.00	Outstanding	
20788	12/31/2014	Jacob Baldry	1000.00	Outstanding	
20789	12/31/2014	James Michael Krebs	1409.00	Outstanding	
20790	12/31/2014	James Novotny	50.00	Outstanding	
20791	12/31/2014	Janice McFarland	545.00	Outstanding	
20792	12/31/2014	Jeffrey Scott Butts	595.00	Outstanding	

## Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 10/01/2014 to 12/31/2014

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
20793	12/31/2014	Joshua McFarland	283.80	Outstanding	
20794	12/31/2014	Julie Sullivan	100.00	Outstanding	
20795	12/31/2014	Justin Dooley	590.00	Outstanding	
20796	12/31/2014	Krista Nicole Scheeler	199.99	Outstanding	
20797	12/31/2014	Leanne Yucha	50.00	Outstanding	
20798	12/31/2014	Leonard E Kenney	30.00	Outstanding	
20799	12/31/2014	Lonnie R Peterson	25.00	Outstanding	
20800	12/31/2014	MSU Billings Bookstore	4.48	Outstanding	
20801	12/31/2014	Municipal Services Bureau	12366.23	Outstanding	
20802	12/31/2014	Musead Alharbi	100.00	Outstanding	
20803	12/31/2014	Nakeita Rindahl	50.00	Outstanding	
20804	12/31/2014	Noah E Savage	15.00	Outstanding	
20805	12/31/2014	Northwest Pawn	78.35	Outstanding	
20806	12/31/2014	Northwest Pawn	220.00	Outstanding	
20807	12/31/2014	Olga Gutierrez	295.00	Outstanding	
20808	12/31/2014	Rayne Dabel	25.00	Outstanding	
20809	12/31/2014	Richard S Grimm	1000.00	Outstanding	
20810	12/31/2014	Robert A Spadt Jr	60.00	Outstanding	
20811	12/31/2014	Roy D Kessler	50.00	Outstanding	
20812	12/31/2014	Ryan Christopher Berns	50.00	Outstanding	
20813	12/31/2014	Scheels	21.99	Outstanding	
20814	12/31/2014	Scott Aaron Laber	300.00	Outstanding	
20815	12/31/2014	Sharon Bonogofsky-Parker	50.00	Outstanding	
20816	12/31/2014	Subrogation Unit	50.00	Outstanding	
20817	12/31/2014	Teresa Wegner	94.18	Outstanding	
20818	12/31/2014	Wall Mart	50.00	Outstanding	
20819	12/31/2014	Western Pawn	72.45	Outstanding	
20820	12/31/2014	Yellowstone County Treasurer	11033.24	Outstanding	
20821	12/31/2014	Zeth Andrew Hilario	1000.00	Outstanding	

Number checks: 605

Total

791002.20

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Public Hearing and Resolution for FY15 Second Quarter Budget Amendments

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

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

Public Hearing and Resolution for FY15 Second Quarter Budget Amendments:

Fund 4060 - Airport - Customer Facilities Capital Fund (CFC)

The Airport Car Rental Transfer Lot project was included in the Airport's FY14 Capital Improvement Program, however due to the number of projects and the lower priority of the project the Airport's engineering firm was unable to complete design work in time to get the project bid in FY14.

Fund 5620 - Airport - Local Replacement Capital Fund

The Airport Terminal Loop Road project replaces the south portion of the Terminal Loop Road that experienced significant "frost heave", the result of poor drainage and last winter's numerous freeze/thaw cycles.

The Airport Operations Center Emergency Generator Replacement project will remove and replace a 22-year-old 200 KVA emergency generator.

Fund 2010 - East Tax Increment District

Budget authority is needed for the design and engineering work for the Exposition Gateway Infrastructure Project. Reserves will be used for the amendment.

Fund 2030 - North 27th Tax Increment District

The first amendment is for the final construction of the Empire Parking Garage. The second amendment is for the Tracy Lofts Grant. Reserves will be used for the amendments.

Fund 2020 - Downtown Tax Increment District

All delinquent taxes have been collected and a check will be issued to the Yellowstone County Treasures to be distributed to all taxing jurisdictions. This fund will be closed after this transaction.

Fund 2380 and 0100-11 - Certified Local Government and General Fund Council Contingency Planning was awarded the Northern Elevation Residential Historic Grant in the amount of \$12,000. Council approved using \$2,000 from Council Contingency to pay for the \$14,000 project.

Fund 0100-15 and 2330 - General Fund and Energy Efficiencies Grant Fund

Fund 2330 is being closed to the General Fund as the grant projects have been completed.

Fund 4680 and 2600 - Library Construction Fund and Library Fund

Reserves will be used to transfer money from the Library Fund to the Library Construction Fund

to cover costs associated with the new Library.

#### Fund 2360 - Trails/Bike Path Donations Fund

Public Works is requesting the budget authority be reestablished in the FY 2015 budget for the local share match for the Arrowhead School Trail Community Transportation Enhancement Program (CTEP) project.

#### Fund 2050 – Gas Tax Fund

Public Works is requesting the budget authority be reestablished in the FY 2015 budget for the Annual Americans with Disabilities Act (ADA) project. The CTEP projects being matched with Gas Tax Funds are the 19th Street West/Colton Boulevard Crossing, 44th Street West Multi-Use Path, Wicks Lane Multi-Use Path, King Avenue West: 32nd Street West to the BBWA Canal Multi-Use Path, and Jackson Street Sidewalks. It is also requested that the FY 2015 budget be amended for the design and Construction of the Exposition Gateway project.

#### Fund 8400 – Storm Sewer Operating Fund

Public Works is requesting a budget amendment to increase budget authority for consulting services to provide engineering support in developing a new State of Montana MS4 storm water general permit and a storm water manual. The professional services contract was approved by Council in December, 2014 and Public Works has sufficient cash in its Storm Fund to fund this budget increase.

#### Fund 4340 – Sidewalk Construction Fund

Public Works is requesting the FY 2015 budget authority be increased for the Poly Drive – 32nd Street West to 38th Street West project. Most of the project will be funded with Arterial and Sewer funds, but a portion of the project will be funded with sidewalk assessments. This sidewalk portion of the project was inadvertently left out of the FY 2015 budget. These costs will be paid for from the proceeds of the bond sale.

#### Fund 5410 – Solid Waste Operating Fund

Public Works is requesting a budget amendment in its Solid Waste Fund for a landfill site study to evaluate the installation of a CNG filling station and equipment/staff buildings. There is sufficient cash in the Solid Waste Fund for this study.

#### Fund 5440 – Solid Waste Landfill Construction Fund

Public Works is requesting a budget amendment in its Solid Waste Landfill Construction Fund for entrance upgrades to improve customer access and safety at the landfill. The project is needed because of an increase in landfill use and traffic and will be funded with landfill revenues.

### **ALTERNATIVES ANALYZED**

The Council may: Approve the requested budget amendments; or Not approve the requested budget amendments, which would put the City in violation of Montana Code Annotated.

### **FINANCIAL IMPACT**

The requested budget amendments will be funded by current revenues or reserves.

### **RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and approve the resolution approving and adopting the second quarter budget amendments for Fiscal Year 2014/2015.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

Exhibit A

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RESOLUTION 15-

A RESOLUTION TO MAKE **FISCAL YEAR 2014/2015** ADJUSTMENTS TO APPROPRIATIONS PURSUANT TO M.C.A. 7-6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND REVISIONS WITHIN THE GENERAL CLASS OF SALARIES AND WAGES, MAINTENANCE AND SUPPORT AND CAPITAL OUTLAY.

WHEREAS, M.C.A. 7-6-4006 provides that the City Council, upon proper resolution, adopted by said Council at a regular meeting and entered into its Minutes, may transfer or revise appropriations within the general class of salaries and wages, maintenance and support, and capital outlay, and

WHEREAS, based upon a Budget Review (**FY 2014/2015**), it is necessary to alter and change said appropriations.

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

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT A)

PASSED AND APPROVED by the City Council, this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, CITY CLERK

**EXHIBIT A**

**Revenue      Expenditure**

**Fund 4060 - Airport - Customer Facilities Capital Fund (CFC)**

The Airport is requesting a budget amendment to its CFC Capital Fund. The **Airport Car Rental Transfer Lot** project was included in the Airport's FY14 Capital Improvement Program, however due to the number of projects and the lower priority of the project the Airport's engineering firm was unable to complete design work in time to get the project bid in FY14. This lot will be used by the "On Airport" car rental companies to load and unload rental cars that are delivered just before the peak summer season and removed during the autumn and winter months. The constructed lot will have a 72,000 s.f. asphalt surface located adjacent to the QTA and away from traffic areas.

The CFC Capital Fund has sufficient funds to complete this project.

4060-71190-409310	673,000	Roads/Streets/Parking
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**Fund 5620 - Airport - Local Replacement Capital Fund**

The Airport is requesting a budget amendment to its local replacement capital fund for the following projects:

**The Airport Terminal Loop Road** project replaces the south portion of the Terminal Loop Road that experienced significant "frost heave", the result of poor drainage and last winter's numerous freeze/thaw cycles. This project removed existing pavement and base material, which was replaced with new base material for better drainage, a mesh material for more strength, and new asphalt paving. This project was a required repair that needed completed before winter. It was bid in conjunction with the paving for the Car Rental Transfer Lot project to get a better price.

**The Airport Operations Center Emergency Generator Replacement** project will remove and replace a 22-year-old 200 KVA emergency generator. The new 300 KVA generator will meet current and anticipated future electrical loads for the entire operations center. This project was budgeted in FY14, however the bidding process was not completed until FY15 when PFC funding was collected and available.

The Airport has sufficient funds to complete these projects.

5620-71200-409310	125,500	Roads/Streets/Parking
5620-71200-409490	275,500	Equipment

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**Fund 2010 - East Tax Increment District**

Budget authority is needed for the design and engineering work for the Exposition Gateway Infrastructure Project. Reserves will be used for the amendment.

2010-15070-409310	250,000	Capital
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**Fund 2030 - North 27th Tax Increment District**

The first amendment is for the final construction of the Empire Parking Garage. The second amendment is for the Tracy Lofts Grant. Reserves will be used for the amendments.

2030-15130-409291	333,000	Capital
2030-15130-407963	125,000	Development Incentives

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**Fund 2020 - Downtown Tax Increment District**

All delinquent taxes have been collected and a check will be issued to the Yellowstone County Treasures to be distributed to all taxing jurisdictions. This fund will be closed after this transaction.

2020-15030-407911	4,507.44	Yellowstone County
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**Fund 2380 and 0100-11 - Certified Local Government and General Fund Council Contingency**

Planning was awarded the Northern Elevation Residential Historic Grant in the amount of \$12,000. Council approved using \$2,000 from Council Contingency to pay for the \$14,000 project.

2380-43600-307514	2,000	Transfer In
0100-11100-408200		2,000 Transfer Out

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**Fund 0100-15 and 2330 - General Fund and Energy Efficiencies Grant Fund**

Fund 2330 is being closed to the General Fund as the grant projects have been completed.

0100-15110-307514	47,855.66	Transfer In
2330-15110-408225		47,855.66 Transfer Out

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**Fund 4680 and 2600 - Library Construction Fund and Library Fund**

Reserves will be used to transfer money from the Library Fund to the Library Construction Fund to cover costs associated with the new Library.

49800-55360-307529	276,530	Transfer In
2600-55110-408214		276,530 Transfer Out

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**Fund 2360 - Trails/Bike Path Donations Fund**

Public Works is requesting the budget authority be reestablished in the FY 2015 budget for the local share match for the Arrowhead School Trail Community Transportation Enhancement Program (CTEP) project. The design for this project began in FY 2014, but the construction will not be bid until FY 2015. There is sufficient cash in the Trails Fund for this project.

2360-43700-409370	11,105 Arrowhead Path CTEP Project
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**Fund 2050 – Gas Tax Fund**

Public Works is requesting the budget authority be reestablished in the FY 2015 budget for the Annual Americans with Disabilities Act (ADA) project. This project was in the FY 2014 budget, but was not bid because the bidding environment for concrete was very poor at that time and the City would have had to pay too much for the work. Additional budget authority is also requested for the local share match for several Community Transportation Enhancement Program (CTEP) projects. The CTEP Project Specific Agreements were approved at the September 22, 2014 Council meeting. The City Administrator has authority to amend the budget for grants approved by Council, but the local share match requires separate Council approval. The CTEP projects being matched with Gas Tax Funds are the 19th Street West/Colton Boulevard Crossing, 44th Street West Multi-Use Path, Wicks Lane Multi-Use Path, King Avenue West: 32nd Street West to the BBWA Canal Multi-Use Path, and Jackson Street Sidewalks. It is also requested that the FY 2015 budget be amended for the design and Construction of the Exposition Gateway project. This project includes infrastructure improvements in the East Billings Tax Increment Financing (TIF) District and Gas Tax funds will be used to supplement the TIF funds. Public Works has sufficient cash in its Gas Tax Fund for all of these projects.

2050-31310-409310	250,000 ADA Project
2050-31310-409310	16,104 19 <sup>th</sup> Street West/Colton Blvd Crossing
2050-31310-409310	13,688 44 <sup>th</sup> Street West Multi-Use Path
2050-31310-409310	34,221 Wicks Lane Multi-Use Path
2050-31310-409310	10,266 King Ave W 32 <sup>nd</sup> to BBWA Canal Path
2050-31310-409310	5,368 Jackson Street Sidewalks
2050-31310-409310	425,000 Exposition Gateway

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**Fund 8400 – Storm Sewer Operating Fund**

Public Works is requesting a budget amendment to increase budget authority for consulting services to provide engineering support in developing a new State of Montana MS4 storm water general permit and a storm water manual. The professional services contract was approved by Council in December, 2014 and Public Works has sufficient cash in its Storm Fund to fund this budget increase.

8400-31840-403590	119,900 MS4 Permit Assistance
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**Fund 4340 – Sidewalk Construction Fund**

Public Works is requesting the FY 2015 budget authority be increased for the Poly Drive – 32<sup>nd</sup> Street West to 38<sup>th</sup> Street West project. Most of the project will be funded with Arterial and Sewer funds, but a portion of the project will be funded with sidewalk assessments. This sidewalk portion of the project was inadvertently left out of the FY 2015 budget. These costs will be paid for from the proceeds of the bond sale.

4340-31650-386810	233,750	Bond Sale Revenue
4340-31650-409311		233,750 Sidewalk Construction Bond

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**Fund 5410 – Solid Waste Operating Fund**

Public Works is requesting a budget amendment in its Solid Waste Fund for a landfill site study to evaluate the installation of a CNG filling station and equipment/staff buildings. There is sufficient cash in the Solid Waste Fund for this study.

5410-31230-403590	80,000	Landfill Site Study
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**Fund 5440 – Solid Waste Landfill Construction Fund**

Public Works is requesting a budget amendment in its Solid Waste Landfill Construction Fund for entrance upgrades to improve customer access and safety at the landfill. The project is needed because of an increase in landfill use and traffic and will be funded with landfill revenues.

5440-31230-409390	300,000	Entrance Upgrades
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**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Public Hearing and Resolutions for East Billings Annexations #14-06, #14-07, #14-08, #14-09, #14-10, #14-11, #14-12

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

Seven owners of 12 properties in the area of east Billings between the East Billings Urban Renewal District (EBURD) and MetraPark submitted petitions to annex land to the City of Billings under Section 7-2-4600, MCA. The subject properties total about 18 acres, including road rights-of-way. The properties are a combination of developed and vacant land located on the north and south sides of 3rd and 4th Avenues North, the north side of 2nd Avenue North and the west side of the intersection of Exposition Drive (Main Street)/1st Avenue North/US 87 East (See Master Annexation Exhibit attached). The property owners are requesting annexation in order to obtain City services for existing development and future development of the properties in the City. The owners also have each signed an Annexation Incentive Development Agreement and Waiver that is to be executed between the property owners and the City to provide certain development incentives and cost sharing through the EBURD Tax Increment Finance District process. The City Council is considering action on the Annexation Incentive Development Agreements and Waivers along with the annexation petitions at this meeting.

The properties are located within the five-year annexation area of the City's Limits of Annexation Map and appear to meet many of the City's criteria in its Annexation Policy. The properties are currently zoned Controlled Industrial and would come into the City with the same zoning. However, Planning Division staff is working with the Billings Industrial Revitalization District Board and property owners in the area to develop an interim zoning to achieve the vision in the Exposition Gateway Concept Plan adopted by the City and County in 2013. The City is able to serve the property and further analysis and discussion is provided in the Consistency with Adopted Plans and Policies section of this memo. The City Council considers this annexation at two separate Council meetings. At the first meeting on January 12, the Council accepted the annexation petitions for these properties and set a public hearing date for January 26. At this meeting, the Council will conduct the hearing and decide if it will annex the properties. The Council may conduct a single public hearing, but needs to consider each resolution, including its applicable annexation incentive development agreement, separately and independently from the other annexation requests.

**ALTERNATIVES ANALYZED**

The City Council may approve or deny a petition submitted by owners of 50% or more of the real property in the area to be annexed (7-2-4601 (3)(b), MCA). The only alternative that is consistent with City Council policy and state law is to conduct a public hearing and review these requests before taking action.

In this situation, since the City has agreed to consider incentive agreements with the EBURD and with the property owners, and has begun the process of designing a major public infrastructure project for the area where all of these properties are located, not approving the

annexations would mean not entering into incentive agreements with the property owners and revisiting the viability of the infrastructure project.

## **FINANCIAL IMPACT**

The City is able to provide municipal water and sewer to some of the subject properties currently, and to all of the properties after the infrastructure improvement project is completed though funding from the City and from a bond paid back using EBURD funds. The owners may only be responsible for costs of connecting their properties to the City's systems under the incentive agreements included with these annexation petitions. Staff is recommending conditions of approval for these annexations that Development Agreements or Subdivision Improvement Agreements between the City and the property owner be executed if the properties are annexed and before development or redevelopment occurs.

## **BACKGROUND**

The subject properties total about 18 acres, including road rights of way. The properties are a combination of developed and vacant land located on the north and south sides of 3rd and 4th Avenues North, the north side of 2nd Avenue North and the west side of the intersection of Exposition Drive (Main Street)/1st Avenue North/US 87 East (See Master Annexation Exhibit attached). The properties are zoned Controlled Industrial. The zoning will remain the same after annexation, however Planning Division staff is working with the Billings Industrial Revitalization District Board and property owners in the area to develop an interim zoning to achieve the vision in the Exposition Gateway Concept Plan adopted by the City and County in 2013. The property is located within the five year annexation area of the City's Limits of Annexation Map and appears to meet many of the City's criteria in its Annexation Policy. The city limits are either adjacent or near to the subject properties on the north, south and west boundaries.

## **PROCEDURAL HISTORY**

- On October 6, 2014, the annexation petitions were submitted to the Planning Division through the Billings Industrial Revitalization District (BIRD). The BIRD Board asked that the City Council not consider the annexation petitions until January 2015 to provide a delay in the levy of City tax assessment to the properties until late 2015.
- On January 12, 2015 the City Council accepted the petitions to annex the properties and set a public hearing date for January 26.
- On January 26, the City Council will conduct the public hearing for the annexations and may take action on the request.
- On February 9, if the resolutions to annex the properties are approved by the City Council, a public hearing and first reading of an ordinance to include the properties in City Council Ward I will be conducted.
- On February 23, the City Council will conduct the second and final reading for the ordinance expanding the Ward I boundary.

## **STAKEHOLDERS**

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property on January 9, 2015 and published in the Billings Times on January 8. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

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

Although MCA 7-2-4400-4407 does not specify the need to prepare a public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. The proposed annexations comply with the adopted Annexation Policy criteria as follows:

1. The areas are located within the Limits of Annexation.
2. The City is, or will be, able to adequately provide municipal water and sewer services to the properties (a large infrastructure project funded through the EBURD TIF is in the design stages and is expected to be constructed in 2015).
3. Any existing or proposed public improvements within the area to be annexed must meet City standards. To provide continuity of jurisdiction and match the area of the public infrastructure project, the City is proposing to annex all of the road rights-of-way in the area, not just the rights-of-way adjacent to the properties that are petitioning for annexation. The additional road right-of-way annexation (Annexation #15-01) will come before the Council in February.
4. If annexed, any proposed land use will comply with the zoning. The properties are currently zoned Controlled Industrial and will remain zoned that way when annexed into the City. However, Planning Division staff is working with the Billings Industrial Revitalization District Board and property owners in the area to develop an interim zoning to achieve the vision in the Exposition Gateway Concept Plan adopted by the City and County in 2013.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. County Public Works staff did not respond to these annexation petitions, but County staff are aware of this proposal and there are County Rural Special Improvement District funds from County water lines in the area to be annexed that are intended to contribute toward the infrastructure improvements in the area of these annexations. County Public Works staff also are supportive of the City staff's recommendation to annex all of the road rights-of-way in the area to provide continuity of jurisdiction and match the area of the public infrastructure project, not just the rights-of-way adjacent to the properties that are petitioning for annexation. The additional road right-of-way annexation (Annexation #15-01) will come before the Council in February.

#### **City Facilities:**

Specific comments from City Departments are provided below. To ensure public improvements in the area to be annexed will meet, or be brought to, City standards at time of development, or redevelopment two conditions of annexation - one regarding future execution of a Development Agreement and one regarding future execution of a Subdivision Improvement Agreement are proposed.

- **Water:** These properties may be served by existing and new water lines in the area of these annexations. Service will depend on construction of City WO #15-08 Exposition Gateway Infrastructure Improvements. The design contract for this project was approved by City Council on November 10, 2014. The project is to be funded through EBURD TIF and City funds.
- **Sewer:** Access to sewer service for the properties is, or will be, available in the area of these annexations. Service will depend on construction of City WO #15-08 Exposition Gateway Infrastructure Improvements. The design contract for this project was approved by City Council on November 10, 2014. The project is to be funded through EBURD TIF and City funds.
- **Stormwater:** All of the runoff from these properties will need to be contained on site and meet the City of Billings requirements for storm water management. Any future development will be

constructed in compliance with City of Billings storm water regulations. Storm water management through the City system will depend on construction of City WO #15-08 Exposition Gateway Infrastructure Improvements. The design contract for this project was approved by City Council on November 10, 2014. The project is to be funded through EBURD TIF and City funds.

- **Transportation:** The properties petitioning for annexation have frontage on 2nd Avenue North, 3rd Avenue North, 4th Avenue North, North 7th Street, North 9th Street, North 10th Street, and Exposition Drive (Main Street). Access to the properties varies and infrastructure improvements are expected to clarify approaches and access based on the best design for the various street sections.
- **Fire Stations:** The properties are not currently served by the Billings Fire Department through the Billings Urban Fire Service Area. The Billings Fire Department will serve the properties upon annexation. The Billings Fire Marshall stated that the properties to be annexed contain both developed and undeveloped land and existing buildings and businesses in buildings may or may not be in compliance with the Fire Code. Upon annexation, the Billings Fire Department will conduct routine inspections (inspections are conducted of businesses in the City regularly) of the developed properties for compliance with Fire Code. The nearest fire station is Station #6, located at 1601 St. Andrews Drive, about 3 miles northwest of the subject property.
- **Parks:** The subject properties are zoned Controlled Industrial. However, Planning Division staff is working with the Billings Industrial Revitalization District Board and property owners in the area to develop an interim zoning to achieve the vision in the Exposition Gateway Concept Plan adopted by the City and County in 2013. It is likely that the future zoning will also be predominantly commercial in nature and so it is unlikely that park land dedication will be required in the future. As currently developed, the property will have little impact on parks within the area.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. The Plan calls for bike lanes on 6th Avenue North, 4th Avenue North, and 1st Avenue North in the area of these annexations. The Exposition Gateway Concept Plan also calls for pedestrian improvements along Exposition Drive as well as the other streets in the area. Many of these improvements will occur with the large infrastructure project planned for this area but some will come in the future as other projects occur in the area.

**General City Services:** These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property.

- **Transit:** MET transit system operators have no objections to the annexation request. Bus service is currently available through this area on 6th Avenue North, 4th Avenue North, 1st Avenue North, and along Exposition Drive (Main Street) on the eastern edge of the area.
- **Police:** The Police Department stated that these properties are near or within existing patrol areas. Without additional resources, continued development and annexation will adversely affect the Department's ability to deliver services within the present city boundaries.
- **Public Utilities:** The Public Works-- Distribution and Collection Division had no objection to the annexation request.

- **Public Works -Street and Traffic Division:** The Street and Traffic Division stated that it has no problems serving the property. However, service will depend on construction of City WO #15-08 Exposition Gateway Infrastructure Improvements. The design contract for this project was approved by City Council on November 10, 2014.
- **Public Works-Solid Waste:** The Solid Waste Division had no concerns with annexing the property.
- **Ambulance Service:** The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes; this annexation is within the area of acceptable response time.
- **Legal and Finance:** General Fund services, such as the Legal and Finance Departments should not be negatively impacted by these annexations. The Finance Department responded that it did not see any issues with the petition requests. Legal staff also did not have any issues with the annexations proposed.
- **Other Departments:** City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve property whether in the City or the County. Planning staff stated that these annexation petitions are a result of a carefully planned attempt to revitalize the area and City services are necessary to support the best land uses.

Annexation of these properties would adhere to the following goals and planning principles of the Billings Exposition Gateway Concept Plan:

- Improve properties and enhance businesses
- Development that creates a distinctive gateway
- Provide lodging, dining, and visitor attractions
- Create infrastructure over time
- Phased redevelopment

Annexation of these properties would adhere to the following goals, objectives and policies of the Yellowstone County and City of Billings 2008 Growth Policy:

- Contiguous development focused in and around population centers separated by open space (Land Use Element Goal, Page 6).
- Coordinated land use and facility planning among local governments, school districts, and private industries (Public Facilities and Services Element Goal, Page 14).
- Safe roadways supportive of vehicles, bicycles, and pedestrians ( Community Health Element Goal, Page 15).
- Visually appealing communities (Aesthetics Element Goal, Page 8).

## **RECOMMENDATION**

Staff recommends that the City Council conduct the public hearing and approve the resolutions, including annexation incentive development agreements, annexing the subject properties in the East Billings Area. The City Council may conduct a single public hearing, but is required to consider and vote for or against each resolution that annexes property to the City.

## **APPROVED BY CITY ADMINISTRATOR**

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## Attachments

[Annexation Petition #14-06](#)

[Annexation Petition #14-07](#)

[Annexation Petition #14-08](#)

[Annexation Petition #14-09](#)

[Annexation Petition #14-10](#)

[Annexation Petition #14-11](#)

[Annexation Petition #14-12](#)

[Master Annexation Map](#)

[AN#14-06 Resolution](#)

[AN#14-06 Incentive Agreement](#)

[AN#14-07 Resolution](#)

[AN#14-07 Incentive Agreement](#)

[AN#14-08 Resolution](#)

[AN#14-08 Incentive Agreement](#)

[AN#14-09 Resolution](#)

[AN#14-09 Incentive Agreement](#)

[AN#14-10 Resolution](#)

[AN#14-10 Incentive Agreement](#)

[AN#14-11 Resolution](#)

[AN#14-11 Incentive Agreement](#)

[AN#14-12 Resolution](#)

[AN#14-12 Incentive Agreement](#)

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



**NOTICE TO PETITIONER**

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**INSTRUCTIONS**

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

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**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
9/30/14	KAY J. Bollinger	<i>Kay J. Bollinger</i>	434 Tabriz Dr.

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)

**DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS**

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 006, ALSO LOTS 7 THRU 14 & S 17 FT X	A09355	801 ½ 3 <sup>rd</sup> Avenue North	Vacant	SERVICE CANDY CO	SERVICE CANDY CO PO BOX 1794 BILLINGS, MT 59103-1794	
INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 05A, LOTS 1-5 BLK 11 AMND	A09355B	801 3 <sup>rd</sup> Avenue North	Vacant	SERVICE CANDY CO	SERVICE CANDY CO PO BOX 1794 BILLINGS, MT 59103-1794	
INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 059, ALSO LOTS 60 THRU 62 & N 17'X 110.00' OF ASPEN AVE ALLEY	A09375	Near 700 4 <sup>th</sup> Ave North. No stret frontage	Vacant	SERVICE CANDY CO	SERVICE CANDY CO PO BOX 1794 BILLINGS, MT 59103-1794	

**ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF**

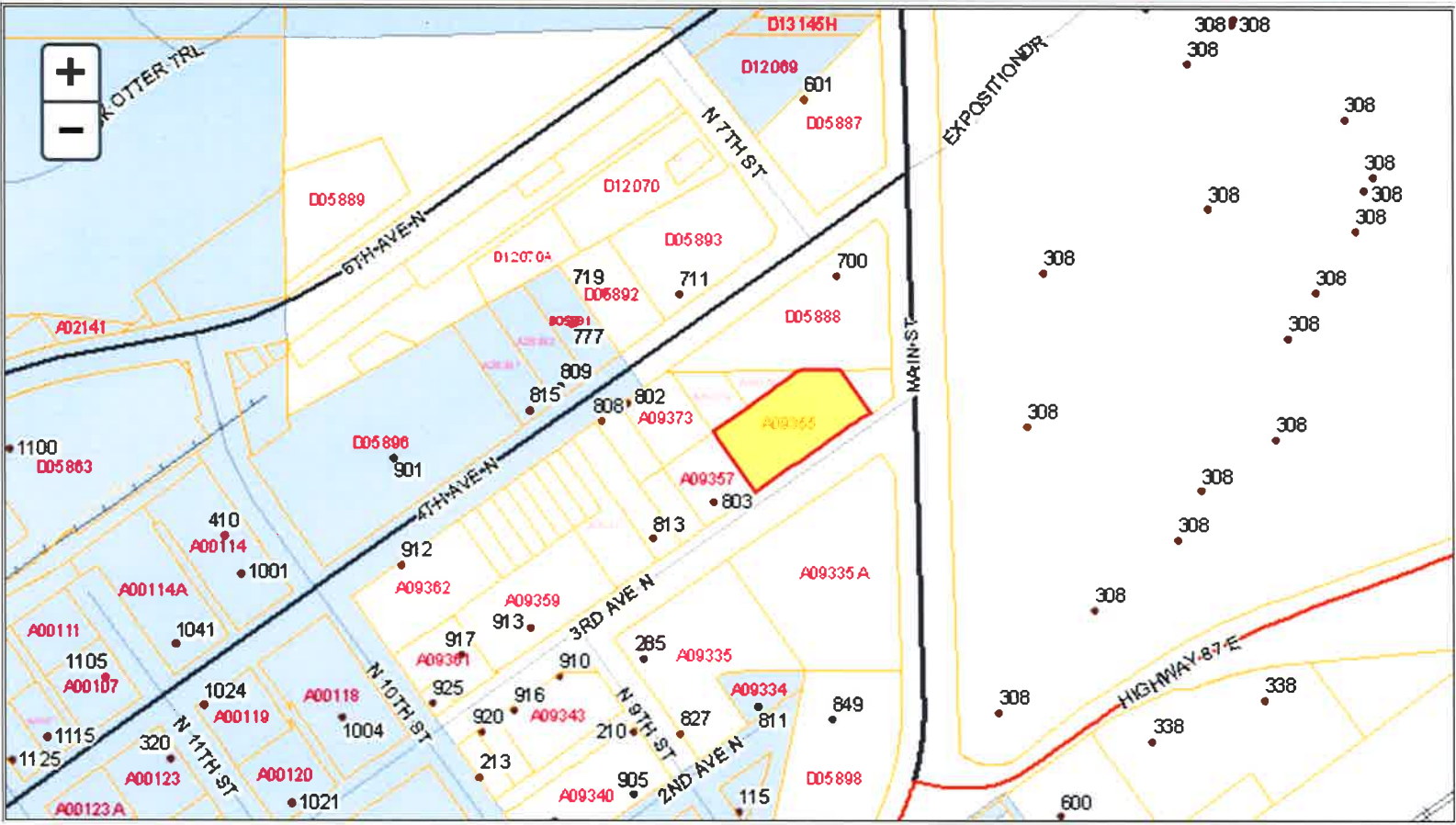
Date Submitted: 10/6/14

Received By: WAF

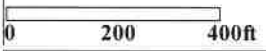
Petition Number: AN# 14-05

Fee Paid: BIRO paid

# Yellowstone County Interactive Mapping



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[Email Feedback](#)

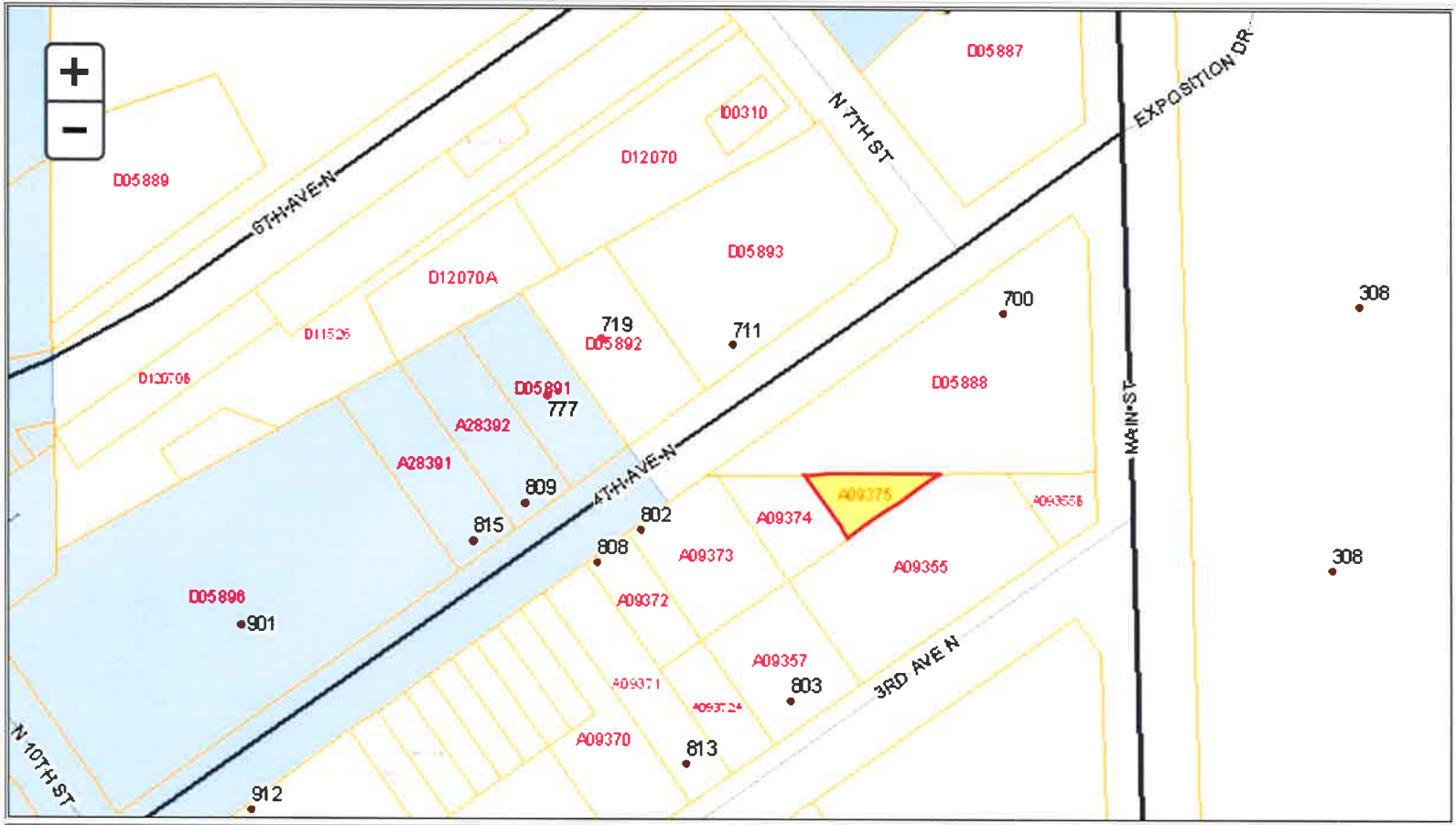
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### Results

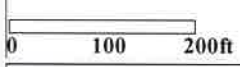
- Parcels
- Roads
- Structures
- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
- Traffic Counts
- 2010 Census Tracts
- Parks
- Creeks Canals



# Yellowstone County Interactive Mapping



Lon:-108.484 Lat:45.798



[Email Feedback](#)

## Legend

### Results

- Parcels
- Roads
- Structures
- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
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PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

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INSTRUCTIONS

- 1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.
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5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

RESIDENT FREEHOLDER ELECTORS

Table with 4 columns: Date, Print Name, Name Signature, Address. Row 1: 10/2/14, Jill Bantz, Jill Bantz, 1580 FOREST PARK DR. Blgs. mt

(continued on separate page)

Revised 7/14

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



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**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
30 Sep 2014	Brett Bollinger	<i>[Signature]</i>	802 4 <sup>th</sup> Ave N. Billings, MT 59101

(continued on separate page)



PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

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RESIDENT FREEHOLDER ELECTORS

Table with 4 columns: Date, Print Name, Name Signature, Address. Row 1: 9/30/14, Wendy Skalicky, Wendy Skalicky, 4074 Weaver Ln Dr, Maple Grove, MN

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)

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Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 53 - 54, & N17' X 126' OF ABN ADJ ALLEY	A09373	802 4TH AVE N	Commercial	BOLLINGER TRUST FBO JILL D BENTZ & (50%) BOLLINGER, BRETT & (U25%) SKALICKY, WENDY (U25%) SERVICE CANDY COMPANY	BOLLINGER TRUST FBO JILL D BENTZ & (50%) PO BOX 1794 BILLINGS, MT 59103	
INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 055, LTS 55 THRU 58 BLK 11 INDUSTRIALSUB 4TH & N 17'X 87.52' OF ABDN ADJ ALLEY	A09374		Vacant	BOLLINGER TRUST FBO JILL D BENTZ & (50%) BOLLINGER, BRETT & (U25%) SKALICKY, WENDY (U25%) SERVICE CANDY COMPANY	BOLLINGER TRUST FBO JILL D BENTZ & (50%) PO BOX 1794 BILLINGS, MT 59103	

**ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF**

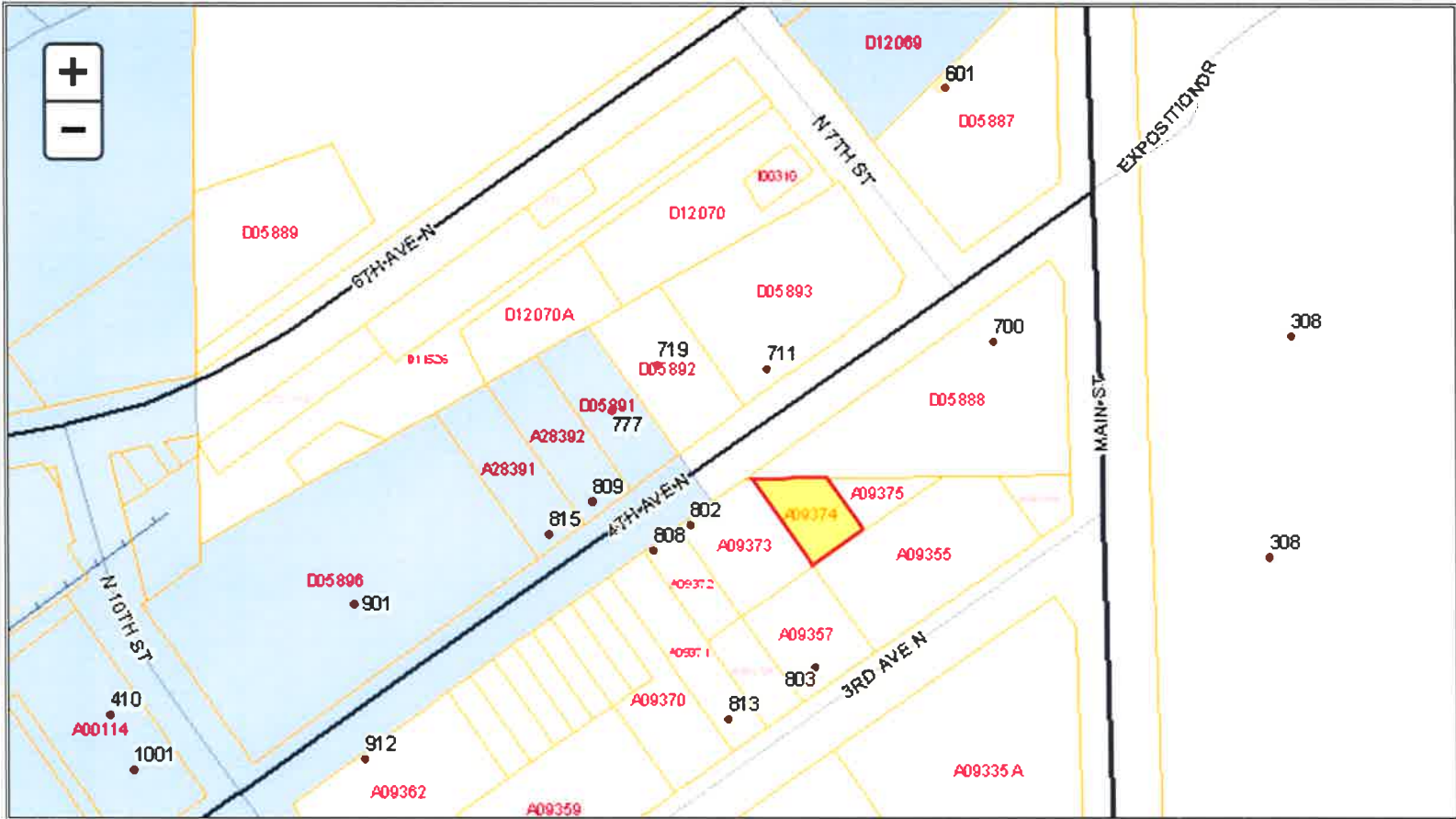
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Received By: WAF

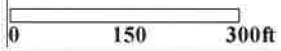
Petition Number: ANN# 14-07

Fee Paid: BIRD Paid

# Yellowstone County Interactive Mapping



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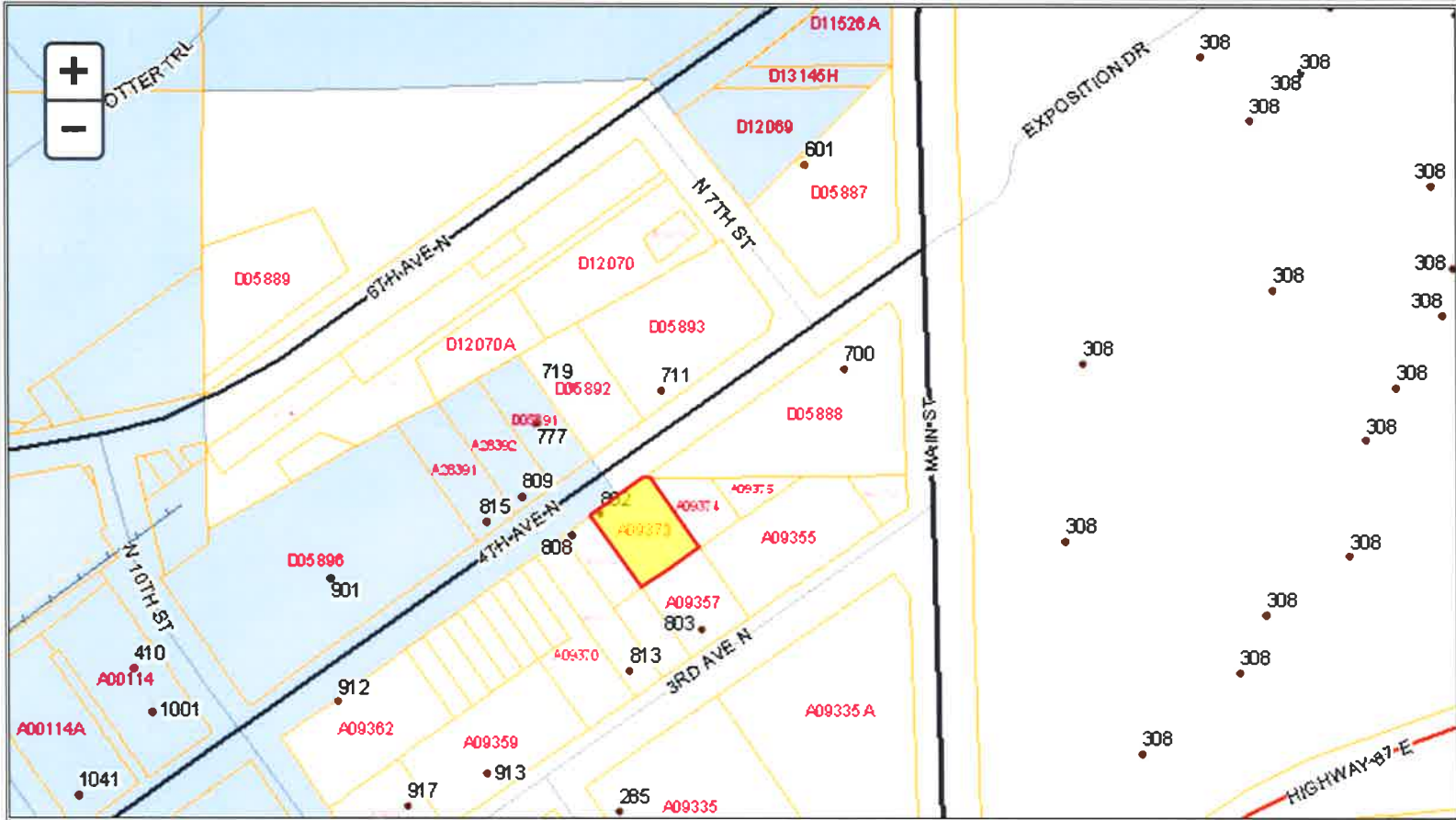
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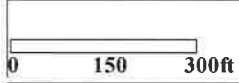
### Results

- Parcels
- Roads
- Structures
- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
- Traffic Counts
- 2010 Census Tracts
- Parks
- Creeks Canals

# Yellowstone County Interactive Mapping



Lon:-108.484 Lat:45.798



[Email Feedback](#)

### Legend

#### Results

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



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**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
9.30.2014	Peter Yegon III trustee	<i>Peter Yegon III</i>	P.O. Box 959, Billings, MT 59105
9.30.2014	E C Yegon III Trustee	<i>E C Yegon III</i>	PO Box 959, Billings, MT 59103

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)  
**DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS**

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
S34, T01 N, R26 E, 2213, PARCEL 001, FRAC TR 1 COS 2213 IN NW4NW4 S OF 4TH AVE N 26	D05888	700 4 <sup>th</sup> Ave North	Commercial	YEGEN, PETER JR FAMILY TRUST B & C	YEGEN, PETER JR FAMILY TRUST B & C PO BOX 959 BILLINGS, MT 59103-0959	
S34, T01 N, R26 E, C.O.S. 2212, PARCEL 1, I01092 HERE (12)	D05887	607 4TH AVE N	Commercial	YEGEN, PETER JR FAMILY TRUST B & C	YEGEN, PETER JR FAMILY TRUST B & C PO BOX 959 BILLINGS, MT 59103-0959	

**ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF**

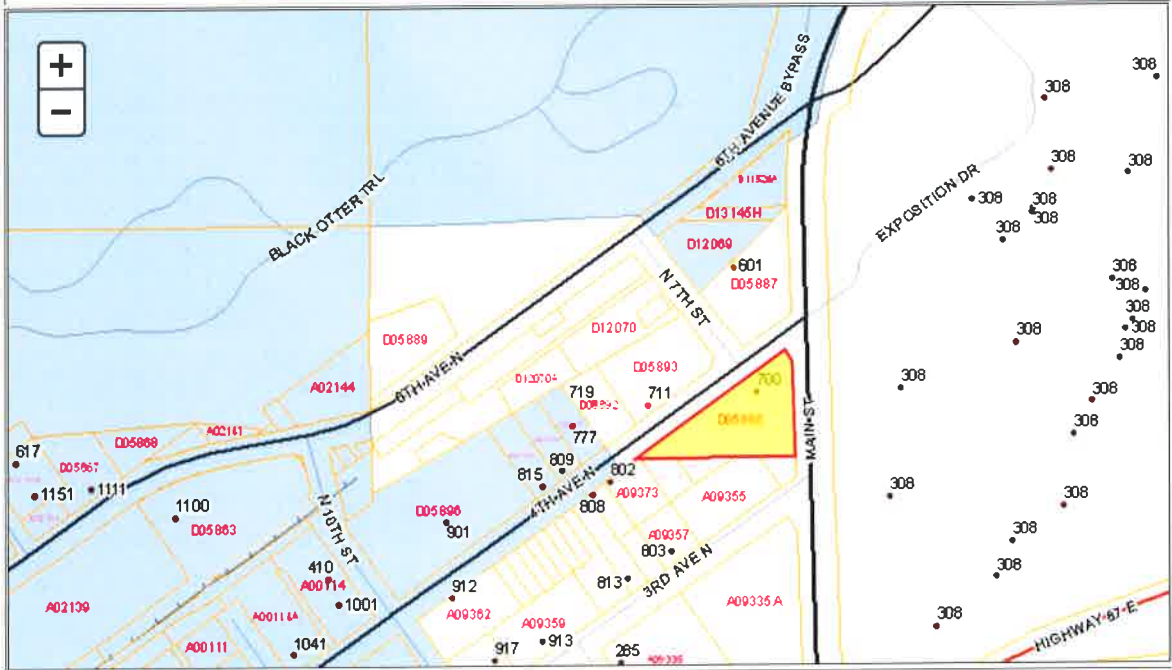
Date Submitted: 10/6/14

Received By: LAF

Petition Number: AN#14-08

Fee Paid: BIRO Paid

Yellowstone County Interactive Mapping



Lon:-108.490 Lat:45.799

Email Feedback

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Legend

Results

- Parcels
- Roads
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- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
- Traffic Counts
- 2010 Census Tracts
- Parks
- Creeks
- Canals

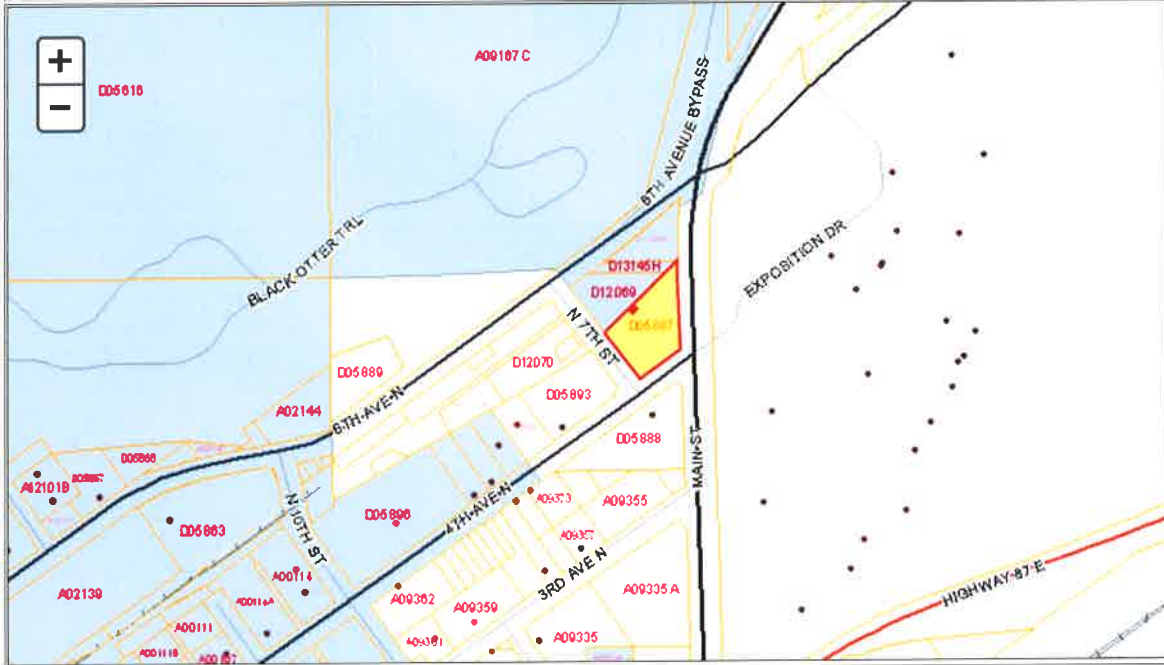
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**DISCLAIMER:** This is a product of the Yellowstone County, Montana GIS Department. This document is intended for informational purposes only and is not guaranteed to be accurate nor current. Yellowstone County expressly disclaims responsibility for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

**Yellowstone County Interactive Mapping**



Lon: -108.480 Lat: 45.798

[Email Feedback](#)



**Legend**

**Results**

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- Elections
- Levy Districts
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Total features returned: 1

TaxID	GEOCODE	Owner (Click on Owner Name for Tax Page)	Subdivision	Block	Lot	COS	Tract	Property Address
D05887 <a href="#">(show)</a>	03103334219010000	<a href="#">YEGEN, PETER JR FAMILY TRUST B &amp; C</a>				2212	1	607 4TH AVE N

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**INSTRUCTIONS**

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:

- a. The present and proposed boundaries of the municipality;
  - b. The present streets, major trunk water mains and sewer mains;
  - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4<sup>th</sup> Floor of Parmly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, and Finance Department. If no problems with the Petition have been noted by the departments, the City Clerk will schedule the Petition for City Council action.
  4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.
  5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
9/26/14	Thomas F. Converse		905 2 <sup>nd</sup> Avenue North

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)  
**DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS**

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 1 - 13, 44362 SQUARE FEET, (07)	A09340	923 2ND AVE N	Commercial	CONVERSE PROPERTIES LLC & (ETAL) SUZANNE DALY REAL ESTATE MANAGEMENT LLC PCM PROPERTY HOLDINGS LLC	CONVERSE PROPERTIES LLC & (ETAL) 2304 STONE CREEK TRL BILLINGS, MT 59106-8503	

**ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF**

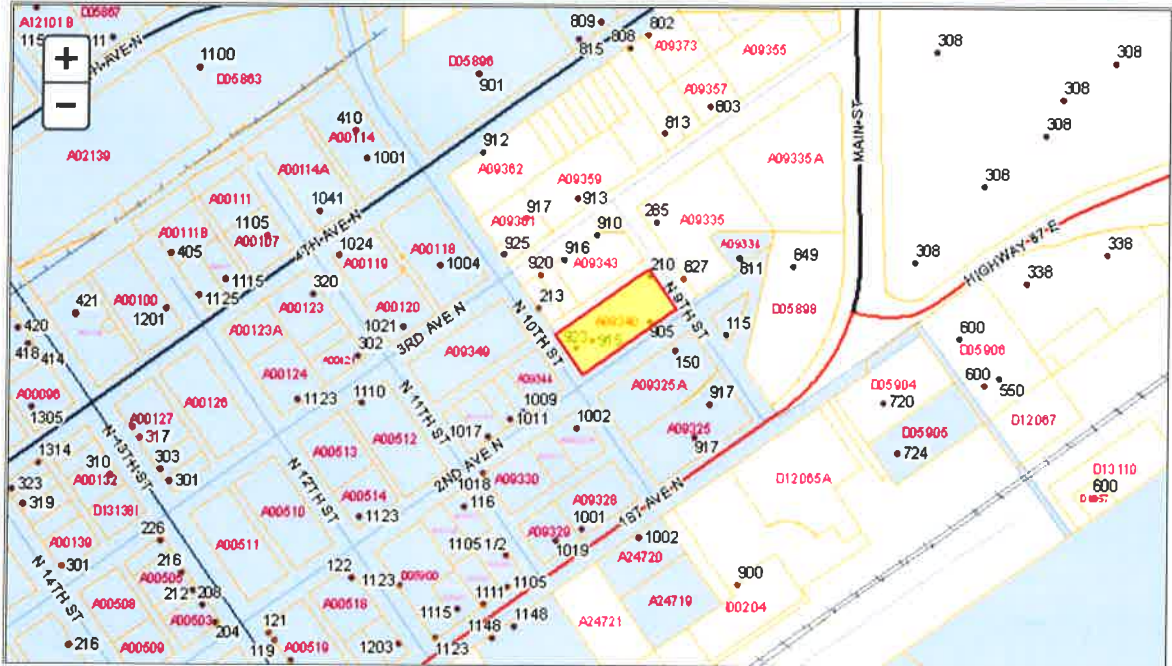
Date Submitted: 10/6/12

Received By: [Signature]

Petition Number: AMH/14-09

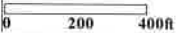
Fee Paid: BIRD paid

## Yellowstone County Interactive Mapping



Lon: -108.488 Lat: 45.797

[Email Feedback](#)



**Legend**

**Results**

- Parcels
- Roads
- Structures
- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
- Traffic Counts
- 2010 Census Tracts
- Parks
- Creeks Canals

Total features returned: 1

TaxID	GEOCODE	Owner <small>(Click on Owner Name for Tax Page)</small>	Subdivision	Block	Lot	COS	Tract	Property Address
A09340 <a href="#">(show)</a>	03103334211010000	<a href="#">CONVERSE PROPERTIES LLC &amp; (ETAL)</a>	INDUSTRIAL SUBD 2ND FILING	6	1			923 2ND AVE N

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Yellowstone County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

**PROPRIETARY INFORMATION: Any resale of this information is prohibited.**

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

**NOTICE TO PETITIONER**



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**INSTRUCTIONS**

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:

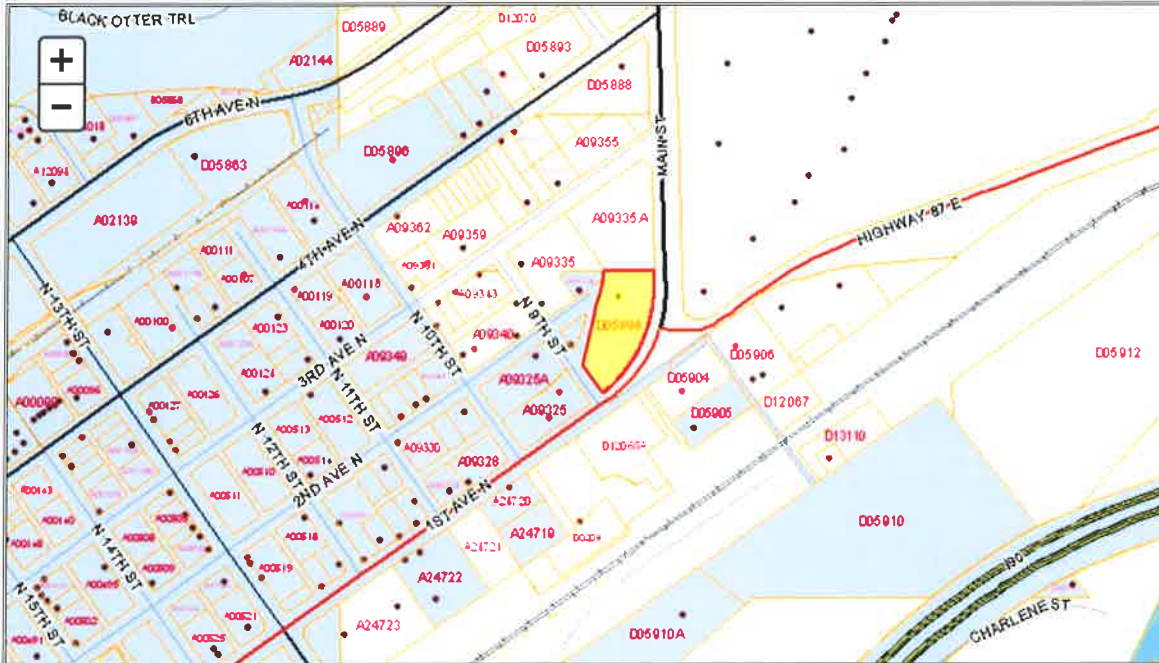
- a. The present and proposed boundaries of the municipality;
  - b. The present streets, major trunk water mains and sewer mains;
  - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
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**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
9/29/14	Amy L Berry	<i>Amy L Berry</i>	1159 Moon Valley, Billings Mt
7/29/14	Gale Berry	<i>Gale Berry</i>	1159 moons Valley 59105

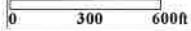


*Yellowstone County Interactive Mapping*



Lon:-108.491 Lat:45.798

[Email Feedback](#)



Legend

Results

- Parcels
- Roads
- Structures
- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
- Traffic Counts
- 2010 Census Tracts
- Parks
- Creeks Canals

Total features returned: 1

TaxID	GEOCODE	Owner (Click on Owner Name for Tax Page)	Subdivision	Block	Lot	COS	Tract	Property Address
D05898 <a href="#">(show)</a>	03103334213010000	<a href="#">CHERRY PROPERTIES LLC</a>				2196	1	849 MAIN ST

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

**NOTICE TO PETITIONER**



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  5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
9-22-14	John V. Keenan	<i>John V. Keenan</i>	711 4 <sup>th</sup> Ave N
"	"	Managing Partner	"

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)  
**DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS**

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
S34, T01 N, R26 E, 10, PARCEL 0D1, TR D-1,E,F-1A,F-2 & G-1 COS 10 2ND AM NE4NE4 1.30 AC	D05893	711 4TH AVE N	Commercial	KEENAN, EARL L JR JOHNSON, LEIGH ET AL	KEENAN, EARL L JR 4025 AUDUBON WAY BILLINGS, MT 59106-1448	

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

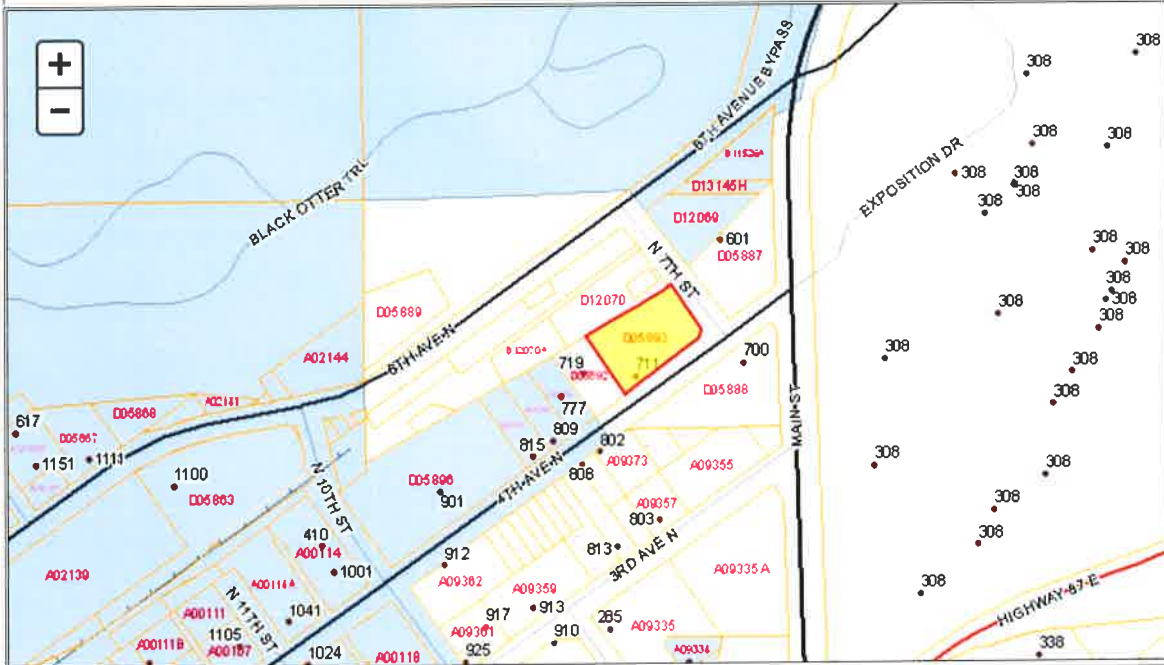
Date Submitted: 10/6/12

Received By: LAF

Petition Number: AN#14-11

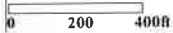
Fee Paid: BIRD paid

**Yellowstone County Interactive Mapping**



Lon:-108.482 Lat:45.799

[Email Feedback](#)



**Legend**

**Results**

- Parcels
- Roads
- Structures
- PLSS
- Fire Areas
- RSIDs
- Zoning
- Schools
- Elections
- Levy Districts
- Traffic Counts
- 2010 Census Tracts
- Parks
- Creeks Canals

Total features returned: 1

TaxID	GEOCODE	Owner (Click on Owner Name for Tax Page)	Subdivision	Block	Lot	COS	Tract	Property Address
D05893 <a href="#">(show)</a>	03103334217050000	<a href="#">KEENAN, EARL L JR</a>				10	0D1	711 4TH AVE N

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



**NOTICE TO PETITIONER**

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**INSTRUCTIONS**

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

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  - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
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  5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

**RESIDENT FREEHOLDER ELECTORS**

Date	Print Name	Name Signature	Address
<u>10-23-14</u>	<u>Dorothy Stratford</u>	<u>Dorothy Stratford</u>	<u>P.O. Box 331, Big Timber, MT. 59011</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)  
**DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS**

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
S34, T01 N, R26 E, 491, PARCEL 007, TR 7 COS 491 2ND AMND NW4NW4 S34T1NR26E	D05897	SW Corner of 3 <sup>rd</sup> Ave North and North 9 <sup>th</sup> Street	Vacant	INDUSTRIAL LAND & REALTY LLC	INDUSTRIAL LAND & REALTY LLC PO BOX 331 BIG TIMBER, MT 59011-0331	
INDUSTRIAL SUBD 2ND FILING, S34, A09343 T01 N, R26 E, BLOCK 6, Lot 18 - 26		910 and 916 3 <sup>rd</sup> Ave North	Commercial	INDUSTRIAL LAND & REALTY LLC	INDUSTRIAL LAND & REALTY LLC	

**ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF**

Date Submitted: 10/24/14 Received By: WAF Petition Number: AM4-12

Fee Paid: BFD Paid







## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract of land being a portion of Industrial Subdivision 4<sup>TH</sup> Filing: Being Lots 6 through 14 and 59 through 62, Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Recorded March 25, 1963, under Document Number 703562, along with Vacated alley per Yellowstone County Board of Commissioners Resolution, Document Number 851395, filed November 14, 1969; Also being Lot 5-A Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Amended Plat of Lots 1, 2, 3, 4 & 5, Block 11, Recorded October 26, 1983, under Document Number 1284720; Including all adjacent Right-Of-Way of Main Street / US-312 / US-87 and 3<sup>RD</sup> Avenue North.

Containing 2.143 gross and 1.258 net acres more or less.

(# 14-06) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:

- An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
  - A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-06)

EXHIBIT "A"



EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between The City of Billings, Montana ("City") and Service Candy Co. ("Landowner") for annexing the following parcel/s of land ("Property") described as INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 006, ALSO LOTS 7 THRU 14 & S 17 FT X 248.71 OFABDN ALLEY ADJ TO 7 THRU 14, Tax ID A09355; And Also INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 05A, LOTS 1-5 BLK 11 AMND, Tax ID A09355B And Also INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 059, ALSO LOTS 60 THRU 62 & N 17'X 110.92' OF ABDN ADJ ALLEY, Tax ID A09375 into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and

will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.

3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15 (fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be based upon criteria outlined in the Criteria for Review section. The TIFD was established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.
  - a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
6. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

7. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

- b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

Service Candy Co.

By: Kay Bollinger

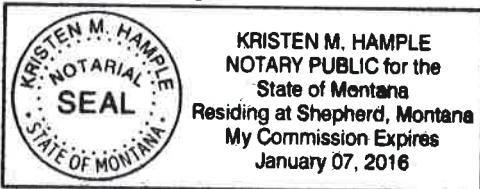
Its: President

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 26 day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared Kay Bollinger, known to me to be the President, who executed the foregoing instrument and acknowledged to me that he/she executed the same.



Kristen M Hample  
Notary Public in and for the State of Montana  
Printed Name: Kristen M Hample  
Residing at: Shepherd, Montana  
My commission expires: 1-7-2016

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA )

ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana

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

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract of land being a portion of Industrial Subdivision 4<sup>TH</sup> Filing:

Being Lots 53 through 58, Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Recorded March 25, 1963, under Document Number 703562, along with Vacated alley per Yellowstone County Board of Commissioners Resolution, Document Number 851395, filed November 14, 1969;

Including all adjacent Right-Of-Way 4<sup>TH</sup> Avenue North.

Containing 0.846 gross and 0.682 net acres more or less.

(# 14-07) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:
  - An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and

provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-07)



EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between The City of Billings, Montana ("City") and Bollinger Trust FBO Jill D. Bentz & Bollinger, Brett & Skalicky, Wendy & Service Candy ("Landowner") for the purpose of annexing the following parcel/s of land ("Property"), described as: INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 53 - 54, & N17' X 126' OF ABN ADJ ALLEY, Tax ID A09373; and also INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 055, LTS 55 THRU 58 BLK 11 INDUSTRIAL SUB 4TH & N 17' X 87.52' OF ABDN ADJ ALLEY, Tax ID A09374 into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.

3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15 (fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be based upon criteria outlined in the Criteria for Review section. The TIFD was established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.
  - a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
6. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

7. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
  - b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
  - c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any

notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

*Bollinger Trust FBO Jill D. Bentz & Bollinger, Brett & Skalicky, Wendy & Service Candy*

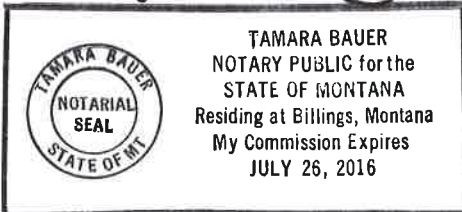
By: *Jill D. Bentz*  
 Its: *Trustee*

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 29<sup>th</sup> day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared Jill D. Bentz, known to me to be the person, who executed the foregoing instrument and acknowledged to me that he/she executed the same.



Tamara Bauer  
 Notary Public in and for the State of Montana  
 Printed Name: TAMARA BAUER  
 Residing at: Billings, Montana  
 My commission expires: 07-26-2016

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

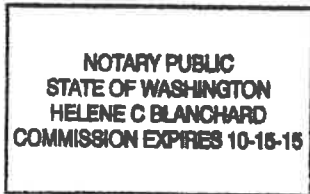
*Bollinger Trust FBO Jill D. Bentz & Bollinger, Brett & Skalicky, Wendy & Service Candy*

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

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

*washington*  
 STATE OF MONTANA ~~MT~~  
 : ss  
 County of ~~Yellowstone~~ *Spokane*

On this ~~29th~~ *13* day of ~~August~~ *September* 2014, before me, a Notary Public in and for the State of ~~Montana~~ *washington*, personally appeared *Brett Bollinger*, known to me to be the *owner*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.



*Helene C Blanchard*  
 Notary Public in and for the State of ~~Montana~~ *washington*  
 Printed Name: *Helene C Blanchard*  
 Residing at: *Spokane Valley, wa*  
 My commission expires: *10-15-15*

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

*Bollinger Trust FBO Jill D. Bentz & Bollinger, Brett & Skalicky, Wendy & Service Candy*

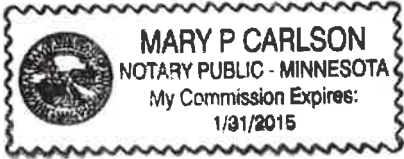
By: Wendy Skalicky  
Its: \_\_\_\_\_

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 29 day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_, who executed the foregoing instrument and acknowledged to me that he/she executed the same.



Mary Carlson  
Notary Public in and for the State of Montana  
Printed Name: Mary Carlson  
Residing at: SMFW  
My commission expires: 1/31/2015

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

By: \_\_\_\_\_  
Mayor  
Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA )

: ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Tracts of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract 1, Certificate of Survey Number 2212, Recorded October 26, 1983, under Document Number 1284766; Tract 1, Certificate of Survey Number 2213, Recorded October 26, 1983, under Document Number 1284767.

Including all adjacent Right-Of-Way of Main Street / US-312 / US-87, 4<sup>TH</sup> Avenue North & North 7<sup>th</sup> Street.

Containing 5.691 gross and 2.893 net acres more or less.

(# 14-08) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:
  - An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and

provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-08)

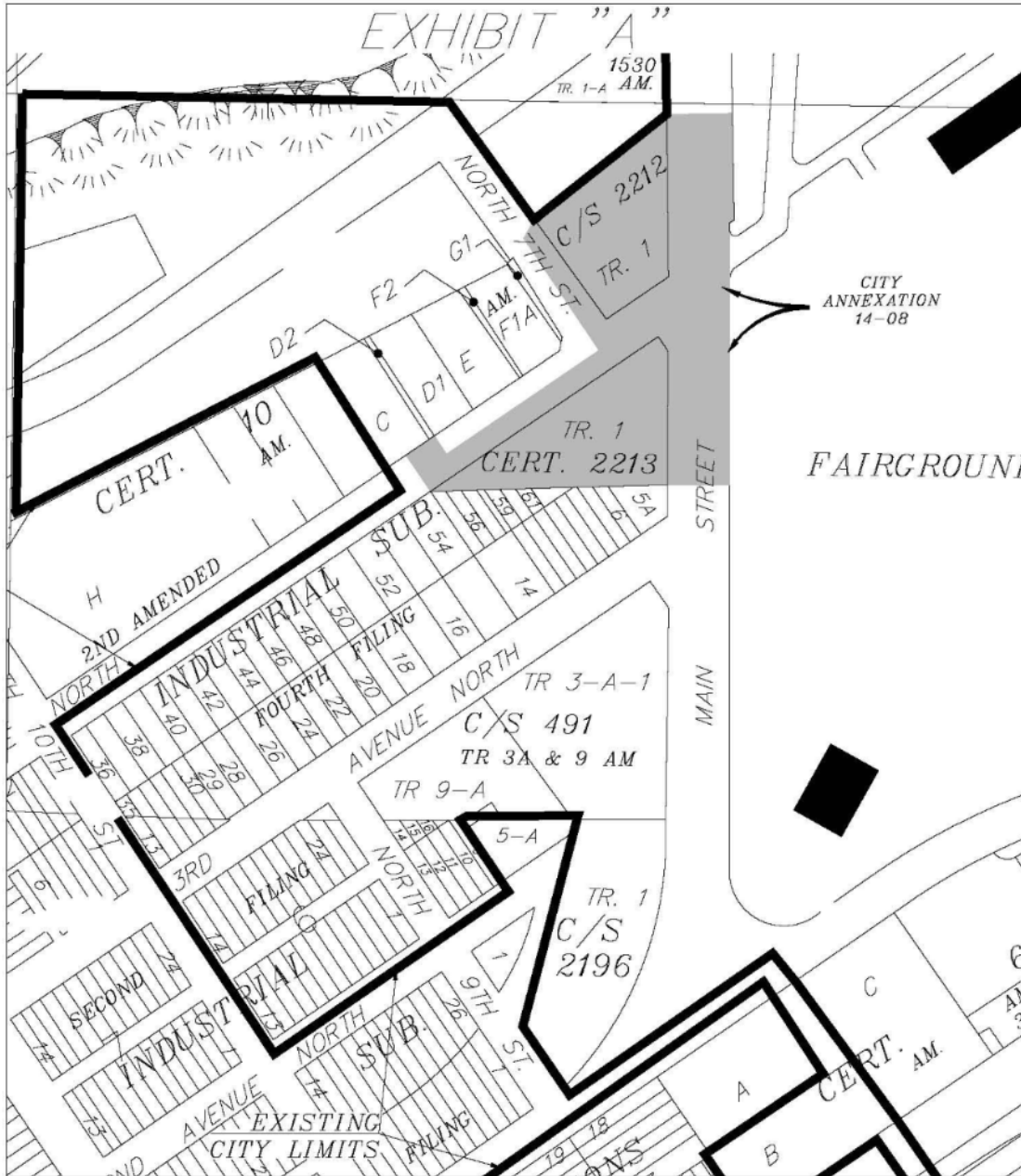


EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between The City of Billings, Montana ("City") and Yegen, Peter Jr. Family Trust B & C ("Landowner") for the purpose of annexing the following parcels of land ("Property"), described as: S34, T01 N, R26 E, C.O.S. 2212, PARCEL 1, I01092 HERE (12), Tax ID D05887, And Also S34, T01 N, R26 E, 2213, PARCEL 001, FRAC TR 1 COS 2213 IN NW4NW4 S OF 4TH AVE N 26, Tax ID D05888, into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.

3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15 (fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be based upon criteria outlined in the Criteria for Review section. The TIFD was established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.
  - a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
6. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

7. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
  - b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
  - c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any

notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

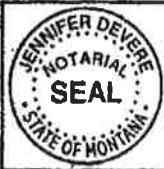
"LANDOWNER" **Yegen, Peter Jr. Family Trust B**

By: [Signature]

Its: Trustee

STATE OF MONTANA )  
 : ss  
 County of Yellowstone )

On this 30<sup>th</sup> day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared Peter Yegen III, known to me to be the Trustee, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

 JENNIFER DEVERE  
 NOTARY PUBLIC in and for the State of Montana  
 Residing at Billings, Montana  
 My Commission Expires at February 18, 2016

[Signature]  
 Notary Public Name: Jennifer Devere  
 Residing at: Billings  
 My commission expires: February 18, 2016


"LANDOWNER" **Yegen, Peter Jr. Family Trust C**

By: [Signature]

Its: Trustee

STATE OF MONTANA )  
 : ss  
 County of Yellowstone )

On this 30<sup>th</sup> day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared F.C. Yegen Jr., known to me to be the Trustee of (Subdivider), who executed the foregoing instrument and acknowledged to me that he/she executed the same.

 JENNIFER DEVERE  
 NOTARY PUBLIC in and for the State of Montana  
 Residing at Billings, Montana  
 My Commission Expires at February 18, 2016

[Signature]  
 Notary Public Name: Jennifer Devere  
 Residing at: Billings  
 My commission expires: February 18, 2016



## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract of land being a portion of Industrial Subdivision 2<sup>ND</sup> Filing:

Being Lots 1 through 13, Block 6 of Industrial Subdivision 2<sup>ND</sup> Filing, Recorded June 28<sup>TH</sup>, 1949, under Document Number 451738.

Including all adjacent Right-Of-Way of North 10<sup>TH</sup> Street, North 9<sup>TH</sup> Street, 2<sup>ND</sup> Avenue North and alley Right-Of-Way within said Block 6.

Containing 1.902 gross and 1.018 net acres more or less.

(# 14-09) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:
  - An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and

provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-09)



EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this 20<sup>th</sup> day of September, 2014 by and between The City of Billings, Montana ("City") and Converse Properties LLC & (ETAL) ("Landowner") for the purpose of annexing the following parcel of land ("Property"), described as: INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 1 - 13, 44362 SQUARE FEET, (07), Tax ID A09340 into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.
3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15

(fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be based upon criteria outlined in the Criteria for Review section. The TIFD was established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.

- a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
  5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
  6. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

7. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
  - b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
  - c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

**Converse Properties LLC & (ETAL)**

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

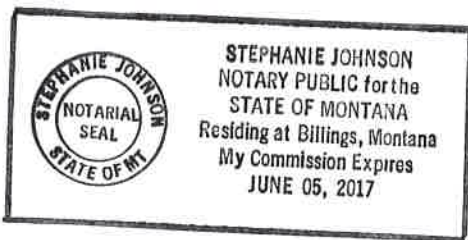
Its: \_\_\_\_\_

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 2<sup>nd</sup> day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared Thomas Converse, known to me to be the Rep & Sentative, who executed the foregoing instrument and acknowledged to me that he/she executed the same.



\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: STEPHANIE JOHNSON  
Residing at: Billings MT  
My commission expires: 6/5/17

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA )

: ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Being Tract 1, Certificate of Survey Number 2196, Recorded July 22<sup>ND</sup>, 1983, under Document Number 1273745.

Including all adjacent Right-Of-Way of Main Street / US-312 / US-87, 1<sup>ST</sup> Avenue North, 2<sup>ND</sup> Avenue North and adjacent alley.

Containing 4.204 gross and 2.110 net acres more or less.

(# 14-10) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:
  - An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-10)



EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this 29<sup>th</sup> day of Sept, 2014 by and between The City of Billings, Montana ("City") and Cherry Properties LLC ("Landowner") for the purpose of annexing the following parcel of land ("Property"), described as: S34, T01 N, R26 E, C.O.S. 2196, PARCEL 1, Tax ID D05898 into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.
3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15 (fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be based upon criteria outlined in the Criteria for Review section. The TIFD was

established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.

- a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
6. Curb, gutter and street improvements, along with storm sewer, sanitary sewer and water line upgrades, will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond. Such funding may be used only within an expanded TIF District, which will require County property owners to annex into the City of Billings. Properties that choose NOT to request annexation by September 30, 2014 cannot benefit from the TIF District Revenue Bond funding and, should the property owner in subsequent years request annexation, that property owner is responsible to reimburse the City of Billings for the property owner's share in the cost of those curb, gutter, street, storm sewer, sanitary sewer and water line improvements.
7. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

8. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

- b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

**Cherry Properties LLC**

By: Amy L. Berry

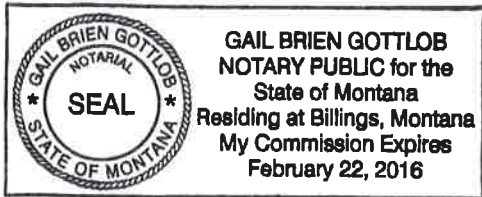
Its: Vice-pres./ Secy.

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 29 day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared Amy L. Berry, known to me to be the Vice-pres./Secretary who executed the foregoing instrument and acknowledged to me that he/she executed the same.



Gail Brien Gottlob  
Notary Public in and for the State of Montana  
Printed Name: Gail Brien Gottlob  
Residing at: Billings  
My commission expires: 02-22-2016

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA )

: ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana

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

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Tracts of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tracts D1, E and F2, Second Amended Certificate of Survey Number 10, Recorded March 26, 1954, under Document Number 521451; Tracts F-1A and G-1, Amended Tracts F-1 and G of the Second Amended Certificate of Survey Number 10, Recorded November 26, 1979, under Document Number 1149504.

Including all adjacent Right-Of-Way of 4<sup>TH</sup> Avenue North & North 7<sup>th</sup> Street.

Containing 1.792 gross and 1.298 net acres more or less.

(# 14-11) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:
  - An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and

provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-11)

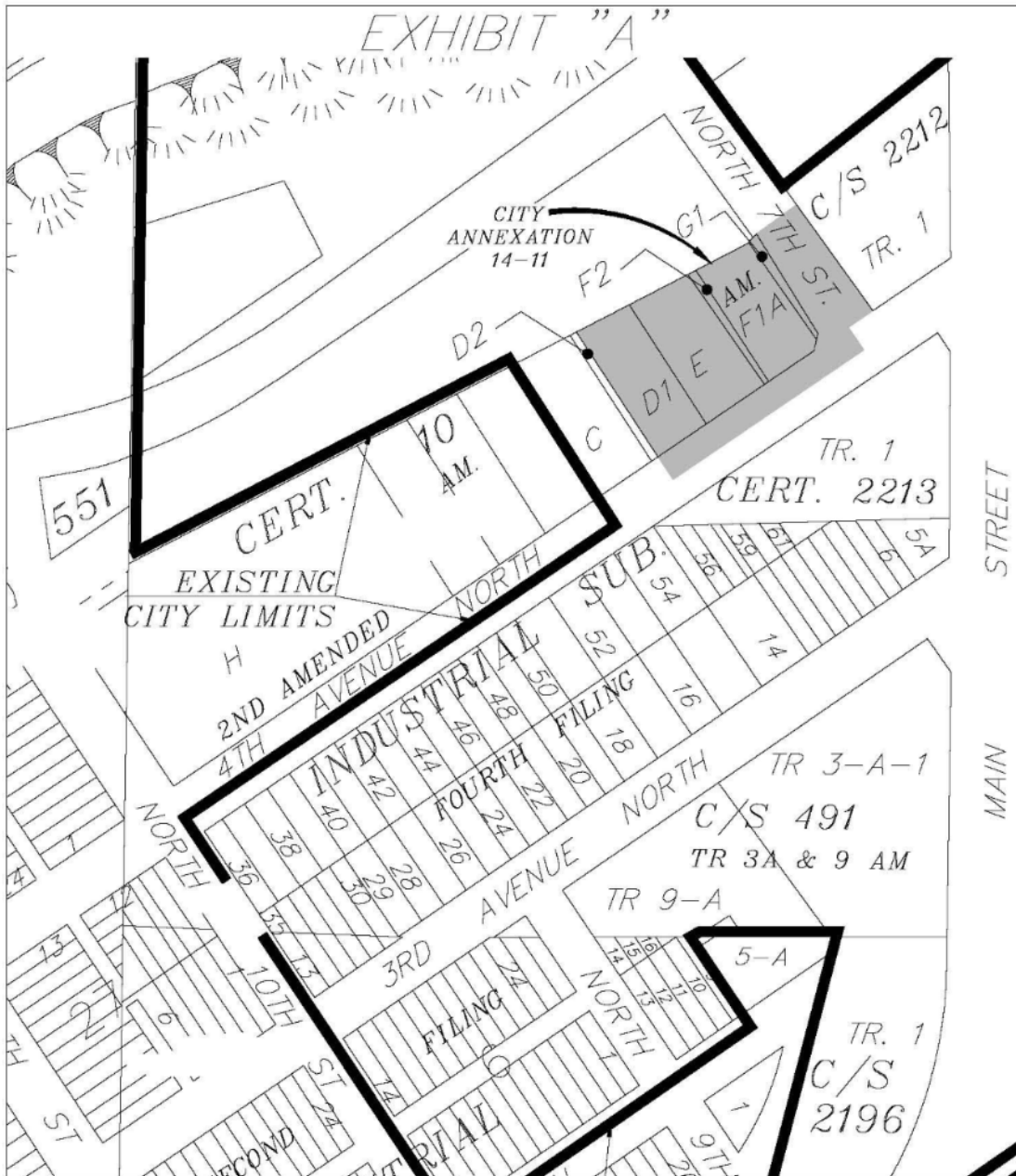


EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between The City of Billings, Montana ("City") and Keenan, Earl L. Jr. ("Landowner") for the purpose of annexing the following parcel of land ("Property"), described as: S34, T01 N, R26 E, 10, PARCEL 0D1, TR D-1,E,F-1A,F-2 & G-1 COS 10 2ND AM NE4NE4 1.30 AC, Tax ID D05893, into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.
3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15 (fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be

based upon criteria outlined in the Criteria for Review section. The TIFD was established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.

- a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
6. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

7. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
  - b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
  - c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

**Earl L. Keenan Jr.**

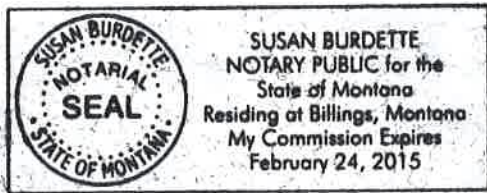
By: John V. Keenan John V. Keenan  
Its: Managing partner

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 22<sup>nd</sup> day of September, 2014, before me, a Notary Public in and for the State of Montana, personally appeared John V. Keenan, known to me to be the managing partner, who executed the foregoing instrument and acknowledged to me that he/she executed the same.



Susan Burdette  
Notary Public in and for the State of Montana  
Printed Name: Susan Burdette  
Residing at: Billings, MT  
My commission expires: 2-24-15

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA )

: ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Tracts of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being Lots 18 through 26, Block 6 of Industrial Subdivision 2<sup>ND</sup> Filing, Recorded June 28<sup>TH</sup>, 1949, under Document Number 451738; Also being Tract 7 of Corrected Plat of Second Amended Plat of Certificate of Survey No. 491 Recorded October 10<sup>th</sup>, 1961, under Document Number 670519.

Including all adjacent Right-Of-Way of North 9<sup>TH</sup> Street, 3<sup>RD</sup> Avenue North and alley Right-Of-Way within said Block 6.

Containing 1.513 gross and 0.700 net acres more or less.

(# 14-12) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following conditions:
  - An Annexation Incentive Development Agreement & Waiver will be executed between the property owner and the City.

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
  - A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-12)



EXHIBIT "A"

**ANNEXATION INCENTIVE DEVELOPMENT AGREEMENT & WAIVER**

This Agreement is made and entered into this 23<sup>rd</sup> day of Oct., 2014 by and between The City of Billings, Montana ("City") and Industrial Land & Realty LLC ("Landowner") for the purpose of annexing the following parcel/s of land ("Property"), described as: INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 18 – 26, Tax ID A09343, And Also S34, T01 N, R26 E, 491, PARCEL 007, TR 7 COS 491 2ND AMND NW4NW4 S34T1NR26E, Tax ID D05897, into the City.

**WITNESSETH:**

**WHEREAS**, the Landowner is petitioning the City to annex the Property, as authorized by 7-2-4601, MCA; and

**WHEREAS**, the Property meets the following criteria:

- a. It lies within the 5-Year Limit of Annexation as defined by the City's current Annexation Policy as provided in Resolution No. 11-19058 as amended by Resolution 14-10352, and
- b. It is eligible to be included in the East Billings Urban Renewal District (EBURD) in accordance with State statutes governing Urban Renewal Districts provided in Montana Code Annotated sections 7-15-4201 through 7-15-4324 (2013).

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. The Landowner must execute and deliver to the City this Agreement and the Annexation Petition, no later than September 30, 2014. Landowner may make TIF-qualified improvements to the Property not later than five (5) years from the date the Property is annexed into the City (the "Improvements"). The five (5) years represents the period of time that the Landowner will receive preference to TIFD funds for reimbursement of system development fees. The Landowner shall submit a Building Permit application for the proposed Improvements to the City before January 2, 2019. The cost of the improvements, as shown on the Building Permit application form, must equal or exceed twenty-five percent (25%) of the current (as of the date of this Development Agreement) assessed value of the Property, as determined by the Montana Department of Revenue.
2. Landowner is responsible for paying water and sanitary sewer system development fees per BMCC Section 26-107 and the current water and wastewater rate and fee schedule resolution. The System Development Fees will be reimbursed to the Landowner if and to the extent that tax increment funds are available for this purpose. The reimbursement may not exceed the total amount of system development fees that Landowner paid and will terminate when the tax increment district sunsets; regardless of the amount of reimbursement Landowner has received.

3. Each project is unique. Funding availability depends upon the number of years remaining in the district, with or without TIFD Bond extensions beyond the initial 15 (fifteen) year lifetime of the TIFD. TIF assistance with public infrastructure shall be based upon criteria outlined in the Criteria for Review section. The TIFD was established in 2006. Please note that property acquisition costs are *not* to be included in the calculations; *only* property improvements are to be considered. Property improvements are defined as all project costs excluding property acquisition. Generally TIF assistance may be awarded to the eligible PUBLIC PORTION (See Schedule "#1") of projects meeting the criteria and approval processes as described herein, subject to availability of funds.
  - a. As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (please see Attachment), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the BIRD will review applications for assistance to projects eligible under the following guidelines. The BIRD will place special emphasis on those projects that exemplify the EBURD Master Plan and the Exposition Gateway Concept Plan, particularly mixed-use developments.
4. The City shall act on the annexation petition no later than January 26, 2015. This shall allow approximately a 22 month time before the *ad valorem*, real property taxes are due on the real property. All other taxes, assessments, fees and charges that are applicable to the properties shall be due and payable per State laws and City of Billings ordinances, resolution and policies.
5. Sidewalks, curb, gutter, blacktopping of streets, storm sewer, sanitary sewer, and water line upgrades will be installed by the City of Billings and paid for using a Tax Increment Finance District Revenue Bond.
6. Landowner hereby waives for 20 years from the date of signing this Agreement all rights to protest the formation of one or more special improvement district(s) (SID) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require and the inclusion in an expanded East Billings Urban Renewal District (EBURD).

This Waiver shall run with the land and shall be binding upon the undersigned, its successors and assigns. Landowner hereby authorizes the City to record and file this Development Agreement against the property.

7. Legal Provisions
  - a. The Landowner of the Properties involved by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
  - b. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
  - c. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any

notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- d. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"LANDOWNER"

**Industrial Land & Realty LLC**

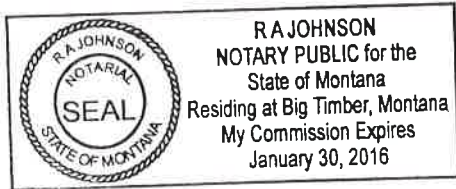
By: Dorothy S. Stratford  
Its: Member

STATE OF MONTANA )

: ss

County of Yellowstone )

On this 23<sup>rd</sup> day of Oct., 2014, before me, a Notary Public in and for the State of Montana, personally appeared Dorothy Stratford, known to me to be the member, who executed the foregoing instrument and acknowledged to me that he/she executed the same



RA Johnson  
Notary Public in and for the State of Montana  
Printed Name: RA Johnson  
Residing at: Big Timber  
My commission expires: Jan 30, 2016

This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 2014.

"CITY"  
CITY OF BILLINGS  
MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

7

STATE OF MONTANA )

: ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana

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

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

## Schedule 1

### Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation of tenants

Sidewalks, Curbs, Gutters

Public Utilities - Water, Wastewater, Storm Water

Private Utilities - Electrical, Natural Gas, Telecommunications

Intersection Signals

Street Surface Improvements

Crosswalks

Landscaping

Green Space

Improvement of Pedestrian Areas

Historical Restorations

Off Street Parking

Bridges

Pollution Reduction

Security Equipment

Architectural Design

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Public Hearing and Resolution for Annexation #14-14

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

Owner Billings Clinic submitted a petition to annex land to the City of Billings under Section 7-2-4600, MCA. The subject property is a parcel totaling about 80 acres. The property is located at the southwest corner of the intersection of Shiloh Road and Broadwater Avenue and is used for agricultural production at this time. The property owner is requesting annexation in order to obtain City services for development of the property in the future. The property is currently zoned Agriculture Open-Space and the Billings Clinic has applied for a zone change running concurrently with this annexation request to rezone the property to Planned Development with an underlying zoning of Community Commercial with special provisions for medical services, complementary uses, and residential development.

The property is located within the five-year annexation area of the City's Limits of Annexation Map and appears to meet many of the City's criteria in its Annexation Policy. The City is able to serve the property and further analysis and discussion is provided in the Consistency with Adopted Plans and Policies section of this memo. The City Council considers this annexation at two separate Council meetings. At the first meeting on January 12, the Council accepted the annexation petition for this property and set a public hearing date for January 26. At this meeting, the Council will conduct the hearing and decide if it will annex the property. The zone change is running through the process and a public hearing and action on it will follow the annexation action by the City Council at the this meeting.

**ALTERNATIVES ANALYZED**

The City Council may approve or deny a petition submitted by owners of 50% or more of the real property in the area to be annexed (7-2-4601 (3)(b), MCA). The only alternative that is consistent with City Council policy and state law is to conduct a public hearing and review the request before taking action.

**FINANCIAL IMPACT**

The City is able to provide municipal water and sewer to the subject property. Utilities may be extended from Shiloh Road. Staff is recommending the standard two conditions of approval for this annexation that a Development Agreement or Subdivision Improvement Agreement be executed with the City before development occurs on the property to identify infrastructure improvements and timing of those improvements to serve the property. The owners do not have immediate plans to develop the property but wish to access City services for the property for future planning.

**BACKGROUND**

The subject property totals about 80 acres. It is located at the southwest corner of the intersection of Shiloh Road and Broadwater Avenue. The property is currently used for agricultural production. It is zoned Agricultural Open Space but a zone change is being processed concurrently with this annexation to enable future development in the City. The property is located within the five year annexation area of the City's Limits of Annexation Map and appears to meet many of the City's criteria in its Annexation Policy. The city limits are adjacent to the subject property on the east boundary along Shiloh Road.

## **PROCEDURAL HISTORY**

- A pre-application neighborhood meeting for a zone change application to Planned Development was held at Faith Chapel on July 22, 2014
- On October 31, 2014, the annexation petition was submitted to the Planning Division by the owner. Since a zone change application to Planned Development was also submitted, the annexation petition schedule was aligned with the zoning schedule so the applications could run concurrently.
- On November 3, 2014, a zone change application was submitted to change the property zoning from Agricultural Open Space to Planned Development with an underlying zoning of Community Commercial (CC) with special provisions for medical services, complementary uses and residential development.
- On December 16, 2014, the Preliminary Review Meeting for the Planned Development Zone Change with surrounding owners, the applicant, and city staff was conducted
- On January 6, 2015, the City Zoning Commission conducted a public hearing on the zone change application and recommended approval to the City Council.
- On January 12, 2015 the City Council accepted the petition to annex the property and set a public hearing date for January 26.
- On January 26, the City Council will conduct the public hearing for the annexation and may take action on the request. If the annexation moves forward, the Council will also conduct a public hearing and consider the zone change application at its meeting on January 26.
- On February 9, if the resolution to annex is approved by the City Council, a public hearing and first reading of an ordinance to include the property in City Council Ward V will be conducted.
- On February 23, the City Council will conduct the second and final reading for the ordinance expanding the Ward V boundary.

## **STAKEHOLDERS**

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property on January 9 and published in the Billings Times on January 8. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

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

Although MCA 7-2-4400-4407 does not specify the need to prepare a public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the Limits of Annexation.
2. The City is able to adequately provide municipal water and sewer services to the property.
3. Any proposed public improvements within the area to be annexed must meet City standards.

4. All property owners within the area to be annexed must sign a Waiver of Right to Protest future Special Improvement Districts. The proposed conditions of annexation in the Resolution that the property owner enter into a Development Agreement or Subdivision Improvement Agreement with the City prior to development of the property will ensure that the waiver is signed.

5. If annexed, any proposed land use will comply with the zoning. (The property is currently zoned Agriculture Open-Space and the Billings Clinic has applied for a zone change running concurrently with this annexation request to rezone the property to Planned Development with an underlying zoning of Community Commercial with special provisions for medical services, complementary uses, and residential development.)

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. The County Public Works Department did not respond to this annexation request.

### **City Facilities:**

Specific comments from City Departments are provided below:

- Water: This property may be served by existing water lines in Shiloh Road.
- Sewer: Access to sewer service for the property is available on the west side of Shiloh Road.
- Storm Water: All of the runoff from this property will need to be contained on site and meet the City of Billings requirements for storm water management. Any future development will be constructed in compliance with City of Billings storm water regulations.
- Transportation: The subject property has frontage on Shiloh Road and road right-of-way or easements for the Broadwater Avenue frontage on the north and the Howard Avenue frontage on the south. Access to the property currently is from Shiloh Road but future access is anticipated also from Broadwater Avenue and Howard Avenue. Traffic impacts will be identified during the site development process and mitigating measures developed at that time.

Broadwater Road Easement: A 30-foot road easement for the Broadwater Avenue alignment runs along the adjacent property to the north on the border of the subject property. The City is required by State of Montana Code to annex all adjacent road rights-of-way into the City Limits when it annexes property. Montana Code Annotated §7-2-4211 provides that in all cases of annexations of property, the city “shall include the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed.” This law, enacted by the 2003 session of the Montana Legislature, requires the City to annex the road easement for Broadwater Avenue in this area since it is adjacent to the property proposed to be annexed on the south side of the Broadwater Avenue alignment. Staff has had ongoing discussions with the property owner regarding the options of the City annexing the easement and the property remaining under private ownership until development of Broadwater Avenue occurs in this area, or deeding the easement to the City now with no change in the use of the property until Broadwater Avenue is constructed. The owners has not informed staff of a final decision when this memo was prepared and so the road easement is currently included for annexation with the property owner retaining ownership at this time. Since there will be no assessments to the annexed road easement property until November 2016 if the annexation occurs in January 2015, there is adequate time for the owner and staff to complete a deed process for the easement to the City, if this is the property owner's desire.

- **Fire Stations:** The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to serve the property upon annexation. The Billings Fire Chief stated that as this and other annexations are built out, additional fire department resources will be needed. The nearest fire station is Station #7, located at 501 54th Street West, about 2.5 miles northwest of the subject property.
- **Parks:** The subject property is expected to be zoned Planned Development with underlying commercial and mixed uses allowed. It is expected that most of the property will be developed for commercial and medical campus uses, but if residential development does occur, park land dedication will be required in the future.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. A separated bike/ped. pathway is located along the western side of Shiloh Road. The Plan calls for a bike lane on Broadwater Avenue past the subject property. When Broadwater is improved to City standards in this whole area, bike lanes will be installed. Further, the City will require that the property owner install boulevard sidewalks for pedestrian access and safety along the property's Broadwater and Howard avenue frontages, as well as on internal streets in the future development.

**General City Services:** These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Police and Fire (See Fire comment above) departments did express concerns with providing additional services in newly annexed areas without additional resources.

- **Transit:** MET transit system operators have no objections to the annexation request. Bus service is not currently available near this property, with the closest service about half a mile east of the subject property at the intersection of Broadwater Avenue and 36th Street West.
- **Police:** The Police Department stated that while this property is in close proximity to an existing patrol area, continued development and annexation will eventually affect the Department's ability to deliver services unless it obtains additional resources.
- **Public Utilities:** The Public Works-- Distribution and Collection Division had no objection to the annexation request.
- **Public Works -Street and Traffic Division:** The Street and Traffic Division stated that it has no problems serving the property.
- **Public Works-Solid Waste:** The Solid Waste Division had no concerns with annexing the property.
- **Ambulance Service:** The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes; this annexation is within the area of acceptable response time.
- **Legal and Finance:** General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation. The Finance Department responded that it did not see any issues with the petition request. Legal staff also did not have any issues with

the annexation proposal.

- Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve property whether in the City or the County. Planning staff stated that this annexation petition was in line with the City's Annexation Policy and would provide a good return on investment for the Shiloh Road improvements as well as other area improvements like the Broadwater trail connection between Shiloh Road and Zimmerman Trail to be built in 2015.

Annexation of this property would adhere to the following goals, objectives and policies of the West Billings Plan:

- The West Billings Planning Area should contain commercial nodes of varying sizes located at the intersections of arterial streets (Planned Growth Goal, Page 17).
- Growth management and, and avoiding leapfrog development, shall primarily be accomplished through the orderly provision of public water and sewer services and the zoning of land, along with incentives for infill development within the City Limits (Planned Growth Goal, Page 23).

Annexation of this property would adhere to the following goals, objectives and policies of the Yellowstone County and City of Billings 2008 Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (Land Use Element Goal, Page 6).
- Contiguous development focused in and around population centers separated by open space (Land Use Element Goal, Page 6).

## **RECOMMENDATION**

Staff recommends that the City Council conduct the public hearing and conditionally approve the Resolution annexing the subject property.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

[Annexation Petition](#)

[Annexation Exhibit](#)

[Annexation Resolution](#)

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# PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

## NOTICE TO PETITIONER

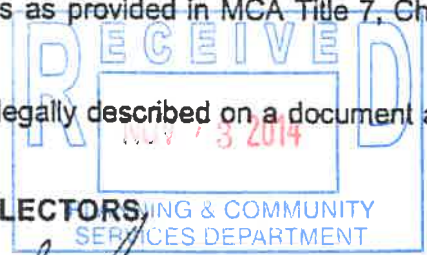
This is a Petition to the City of Billings requesting the annexation of property to the City, pursuant to MCA Title 7, Chapter 2, Part 46. Procedures for annexation are governed by the Statutes of the State of Montana. This Petition requires the signatures of more than 50% of the Resident Freeholder Electors to be considered for annexation.

## INSTRUCTIONS

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:

- a. The present and proposed boundaries of the municipality;
  - b. The present streets, major trunk water mains and sewer mains;
  - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4<sup>th</sup> Floor of Parnly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, and Finance Department. If no problems with the Petition have been noted by the departments, the City Clerk will schedule the Petition for City Council action.
  4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.
  5. A description of the territory to be annexed to the City is legally described on a document attached hereto.



### RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
11-3-2014	Mitch Goplen	<i>Mitch Goplen</i>	2800 10 <sup>th</sup> Ave N

(continued on separate page)



# EXHIBIT "A"



## RESOLUTION NO. 15 -

### A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the SE1/4 and the NE1/4 of Section 3 and the NW1/4 of Section 2, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being a parcel of unplatted land, being the N1/2, SE1/4 of Section 3, T.1S., R.25E., P.M.M.

Including all adjacent Right-Of-Way of Shiloh Road, Broadwater Avenue, Howard Avenue and Shiloh Drain.

Containing 84.643 gross and 79.138 net acres more or less.

(# 14-14) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
  - A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will

stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 26<sup>th</sup> day of January, 2015.

THE CITY OF BILLINGS:

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

Thomas W. Hanel, MAYOR

ATTEST:

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

CITY CLERK

(AN# 14-14)



**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Zone Change 929 - Public Hearing and 1st reading

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Agriculture Open-Space (A-1) to Planned Development (PD) with an underlying zoning of Community Commercial (CC) with special provisions for medical services, complementary uses and residential development. The location is on the southwest corner of the intersection of Broadwater Avenue and Shiloh Road, and is an unplatted 80-acre parcel of land. The property is currently owned by Billings Clinic and is leased for agricultural production. The property is outside the city limits, but a concurrent annexation petition has been submitted. The agent for the application is Pat Davies, P.E. of Sanderson Stewart. A pre-application neighborhood meeting was held at Faith Chapel on July 22, 2014, and a Preliminary Review meeting with surrounding owners, the applicant and city staff on December 16, 2014. The Zoning Commission conducted a public hearing on January 6, 2015, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 5-0 vote.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the zone change as recommended by the Zoning Commission and adopt the findings of the 10 criteria;
- Deny the zone change and adopt different findings of the 10 criteria;
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

**FINANCIAL IMPACT**

The annexation and zone change will increase the city's tax base. When development occurs, additional city services will be required and additional tax revenue will be realized.

**BACKGROUND**

The applicant is requesting to rezone an 80-acre parcel of land from A-1 to Planned Development with an underlying zoning of CC (PD-CC). The property has frontage on Shiloh Road to the east, Broadwater Avenue to the north, Howard Avenue to the south and 44<sup>th</sup> St West to the west. It is currently used for agricultural production. An annexation request is also in process at this time. There is a draft subdivision plat showing 4 lots along the frontage of Shiloh Road and 1 large lot for the remaining property. The subdivision has not been submitted. The applicant does not intend to submit the subdivision immediately. The proposed zone change would allow Billings Clinic to develop healthcare services including individual clinics. Also allowed within the proposed PD are service-related businesses, medical facilities, and residential uses. The PD also has a list of uses proposed to be prohibited including gambling, alcohol sales except as part of a restaurant or retail business and other businesses normally allowed in the CC zone that would be adverse to the majority of proposed medical uses. There

are proposed height limits of 45 feet within 150 feet of Broadwater Avenue, 44<sup>th</sup> St West and Howard Avenue and within 500 feet of Shiloh Road. In the interior portion of the lot a height limit of 10 stories is proposed rather than a numerical height limit in feet. The PD also proposes to adopt the Shiloh Road Corridor Overlay district standards for building design and landscaping standards.

The Planning Division held a Preliminary Review meeting with the surrounding owners, the developers, and city staff on December 16, 2014. Several surrounding neighbors were interested in the possibility of annexing at least a portion of their lots into the city when Billings Clinic develops Howard Avenue. These lots in Wells Garden Estates are 1-acre minimum lots and have frontage on Wells Place. There was also discussion about the phasing or timing of the improvements. Billings Clinic staff stated there is no short term time line for installation of any improvements. Street construction and extension of public utilities would not be done until a preliminary subdivision is proposed and approved by the city. There was discussion on the height limits and the landscaping treatment along Howard Avenue.

The proposed zoning is commercial with an emphasis on medical services and related healthcare businesses. Residential uses and mixed uses such as retail, office space and residential apartments are also possible. The neighborhood to the south, outside the city limits, is a mature rural neighborhood. The proposed PD has made provisions to mitigate any potential conflicts between these uses including height limitations and applying the Shiloh Corridor Overlay district standards throughout the property. There are existing agricultural uses in the area and the property to the north has been master planned for a mixture of residential and commercial uses when it is annexed to the city. The 2008 Growth Policy encourages compatible developments and annexations of property adjacent to the city limits. This property is adjacent to the city limits to the east. City services are available and can be extended to serve this property when Billings Clinic is ready to develop. The property will have street frontage on all property lines. Any impacts to the adjacent streets will be mitigated through the subdivision process.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on January 6, 2015, and received the Planning staff recommendation, testimony from the applicant and agent as well as one nearby property owner, Kathy Thiel, who owns 15 acres west of the subject property.

Mr. Pat Davies, P.E. of Sanderson Stewart and agent for the applicant stated the Shiloh Drain on the east side of the property has an easement in place and the city maintains the drain. He stated the streets, on the perimeter and access from Shiloh Road, will be developed as required by the city when the property is subdivided. He stated Billings Clinic is not prepared to subdivide the property immediately, but will be working on the design once the annexation and zoning are complete.

Mitch Goplen, Vice President of Facility Services for Billings Clinic, testified in favor of the application. He stated Billings Clinic does not have any firm plans for what will be built on the site at this time but will be working on that plan in the near future. He stated the staff of the clinic will work closely with their consultants on that plan. He stated the zoning provides the clinic with flexibility to meet changing demographics and medical service needs at all their locations. In response to a question from the Commission, Mr. Goplen stated this will be the first new Billings Clinic site outside of downtown where the clinic owns the property. He stated the property was purchased in 2004, and the clinic has been monitoring development in the area and noticed the increased activity in recent years. He stated the planning for the zoning has been on-going for the last 2 years. He stated he expects the planning for development and subdivision of the

property will take the same or longer amount of time.

Mary Dhyre, attorney for the Billings Clinic, stated she was the main author and steward of the Planned Development zoning document. She stated the plan has been studied and refined over the past 2 years to help frame the future of the new campus. She stated new medical campuses are adopting a "township" model to provide a variety of uses and activities including residential, shopping, recreation as well as a suite of medical services. She stated the plan has been adjusted to accommodate this flexibility while ensuring compatibility with adjacent property.

Kathy Thiel, an owner of 15 acres west of the subject property, stated she supports the proposed zone change. She stated her main concern was the Snow Ditch that runs between the 2 properties where 44th St West might be built one day. Staff clarified the future alignment of 44th Street West is proposed west of Mrs. Thiel's property and would not impact the ditch or the shared property line with Billings Clinic.

The Zoning Commission is recommending approval and adoption of the findings of the 10 criteria for Zone Change 929 on 5-0 vote.

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

Prior to making a decision on the requested zone change the City Council shall consider the findings of 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 allow Billings Clinic to develop new medical services in West Billings similar to other institutional uses on the east side of Shiloh Road. While there are existing agricultural uses to the north and west, it is likely these properties will also annex and develop in a similar urban pattern in the future. An existing rural neighborhood to the south may be affected by the development. The proposed PD has adopted the Shiloh Corridor Overlay district standards and a height limit adjacent to all property lines to mitigate potential impacts. The zoning district is compatible with the neighborhood character and land use patterns.

*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 and public safety will be promoted by the proposed zoning. Development of the agricultural land in the city after annexation, zoning and subdivision approval will promote the public health and safety of the adjacent residential neighborhood by providing public water and sewer and other public amenities to the area.

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

Transportation: The proposed zoning and subsequent subdivision will have an impact on the surrounding transportation systems. Mitigation of these impacts will be required as part of the subdivision approval.

Water and Sewer: The City will provide water and sewer to the property. There should be no additional impact to the system from the proposed zoning.

Schools and Parks: There may be a limited impact to schools from the proposed zone change. Residential development is an allowed use in the PD zone. It is unknown the type or mixture of housing choices that would be developed at this time.

Fire and Police: The subject property will be served by city public safety services. The Police Department had no concerns with the zone change and the Fire Department will be involved in the subdivision approval process. Access for emergency services will be assured through this process. Fire Station #7 is approximately 2.5 miles north and west of the Billings Clinic property.

*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?*

The new zoning will have an effect on vehicle and pedestrian traffic. The Shiloh Road frontage has a multi-use path already developed. The proposed PD will have internal private streets and requires safe and convenient pedestrian access between uses. Traffic generated will be determined at the time of subdivision and development.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow medical services, related uses as well as residential development in a growing area of West Billings.

*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 the district and the suitability of the property for a mix of uses, services and housing types in the neighborhood.

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

The property is currently vacant and used for agricultural production. The value of existing buildings should increase when the property is developed.

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

The proposed zoning will permit medical services and related facilities in this area of area and is an appropriate use.

**RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval and adoption of the findings of the 10 criteria for Zone Change 929 on a 5-0 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Zoning Map

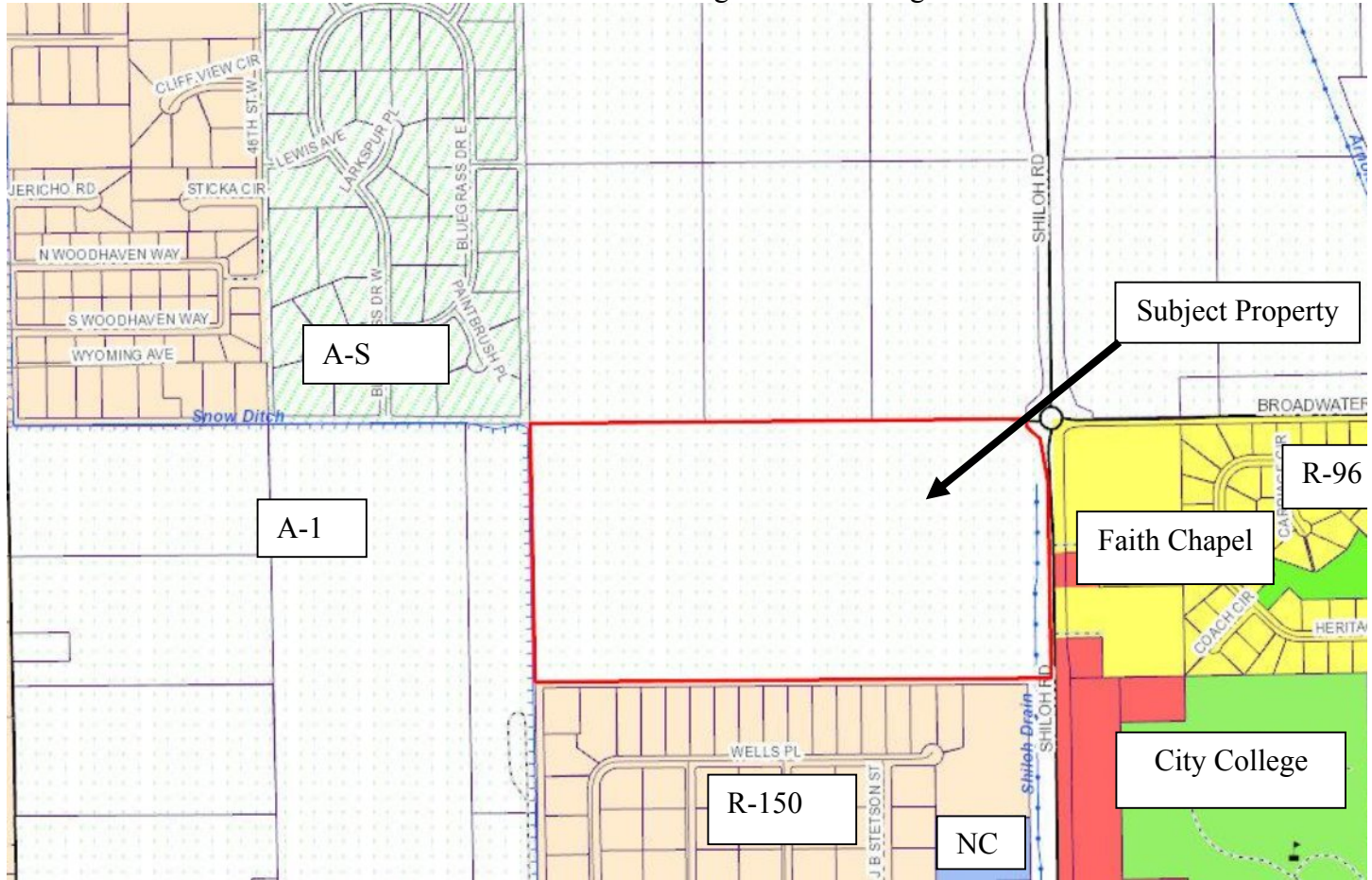
Site photos

Pre-Application Info and Applicant Letter

Ordinance and PD Agreement

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**Attachment A: Surrounding Zoning**  
**Zone Change #929 – Billings Clinic PD**



**Attachment C**  
Site Photographs, Zone Change #929 – Billings Clinic PD



Subject Property – view west from Shiloh Road



View south along multi-use path on Shiloh Road

**Attachment C, continued**  
Site Photographs, Zone Change #929 – Billings Clinic PD



View east across Shiloh Road – Faith Chapel

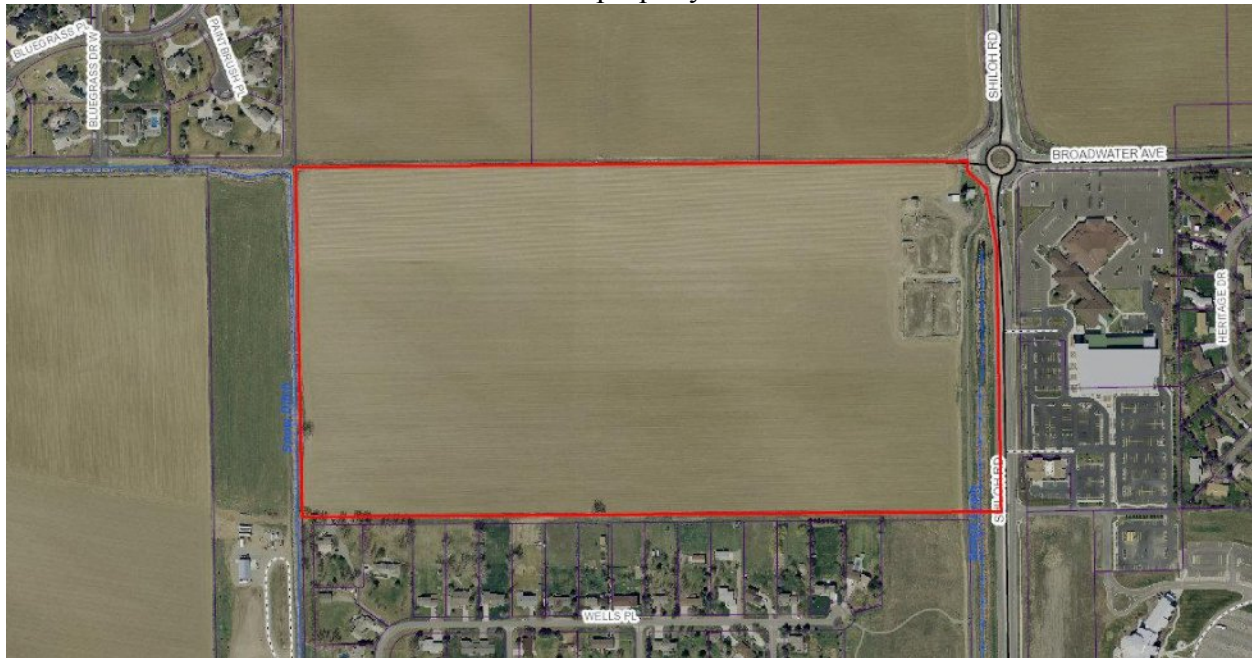


View north west across property

**Attachment C, continued**  
Site Photographs, Zone Change #929 – Billings Clinic PD



View north east from northeast corner of property – Broadwater Avenue & Shiloh Road



Aerial View

**Attachment C, continued**  
Site Photographs, Zone Change #929– Billings Clinic PD



Aerial view

**BILLINGS CLINIC WEST CAMPUS**  
 UNPLATTED TRACT OF LAND IN THE SE ¼ OF SEC. 3, T1S, R25E  
**NEIGHBORHOOD MEETING**  
 JULY 22, 2014, 5:30 P.M.  
 FAITH CHAPEL, 517 SHILOH ROAD, BILLINGS, MONTANA

NAME	ADDRESS	PHONE	EMAIL
Lee Richardson representing			
Holanda Cordero	-454?	652-5707	leandrina@gmail.com
Jerry & Bobbie Koch	4131 Wells Pl	656-8227	jbkoch@bresnan.net
Bobby & Linda Fedric	4139 Wells Pl.	656-8345	rlfedric@msn.com
ROBERT MURRY	52 <sup>1</sup> / <sub>2</sub> 16 <sup>TH</sup> SW	655-9860	
Lee & Mary Nagrodski	4305 wells pl.	656-0047	nagrodskiles63@yahoo.com
CAROL MCFARLAND	4140 WELLS PL	656-0458	
Arnie Frankop	4210 Wells Pl	534 3351	a.t.frankop@msn.com
Debbie Reichardt	4205 wells	656-9267	debrcircuit@msn.com
KEN REINHARDT	4205 WELLS PL	656-9207	Ken.Circuit@msn.com

**BILLINGS CLINIC WEST CAMPUS**  
 UNPLATTED TRACT OF LAND IN THE SE ¼ OF SEC. 3, T1S,R25E  
**NEIGHBORHOOD MEETING**  
 JULY 22, 2014, 5:30 P.M.  
**FAITH CHAPEL, 517 SHILOH ROAD, BILLINGS, MONTANA**

NAME	ADDRESS	PHONE	EMAIL
Charlie Kegan	Box 959 Blgs 59107	406 252 0163	chase@wyopa.net
Tom Hines	P.O. Box 21015 Blgs 59104	406 698 5574	tskinesjr40@yahoo.com
Jany Hines	✓	✓ 406 252 4634	ganyhines@wyopa.net
John & Kelly	<del>4437</del> Central	406-698-0641	Thiel49@comcast.net
Coal Wolf	1317 Colton Blvd	698-0589	ccwolf@mt@msn.com
Jan Bakko	4147 Wells Pl.	652-6564	jbakko@bresnan.net
Randy & Stevie Schwitz	4107 Wells Pl	652-1069	stevie@bresnan.net
Arlene & Dianna Larsen	4328 Wells Pl.	652-2637	AJLLARSEN@GMAIL.COM
Rich & Amy King	4123 Wells Place	655-3305	mtkingwood@msn.com
Joan Wotr	4115 Wells Pl	656-2454	three_wotr@outlook.com

## MEETING MINUTES

PROJECT: Billings Clinic West Campus Proposed Annexation and Zone Change – Unplatted portion of Sec. 3, T1S, R25E			
Project No: 11061			
Meeting Location: 517 Shiloh Road		Meeting Date: 7/22/14 - 5:30 P.M.	
Meeting Subject: Neighborhood Meeting		Prepared by: Lauren Waterton	
Attending:		(see attached sign-in sheet)	
Sanderson Stewart:	Pat Davies	Billings Clinic:	Mitch Goplen
	Lauren Waterton		Luke Kobold
			Julie Burton
Date of Issue: 7/23/14			

Minutes:

- Mitch Goplen opened the meeting and stated the purpose of the meeting is to meet the neighbors and let them know about upcoming applications to the City of Billings for Annexation and Zone Change. Mitch stated that Billings Clinic has owned the property since 2004 and is in the early stages of preparing for development of the site. He emphasized that there are no development plans for the site, only the desire to fulfill the mission of the Clinic to provide health care services to the community.
- Lauren Waterton presented an overview of the City annexation and zone change process, public meetings and timeline for review. The applications will be submitted simultaneously to the City for review, with the goal of City Council's review of both items at the same meeting. The Zoning Commission will review the application and recommend a decision based on 11 criteria described in the zoning code. She stated that the zoning of Planned Development will be requested because it best fits the needs of the Clinic in the development of a campus-like setting.
- Luke Kolbold reviewed some exhibits of photos of the Downtown Clinic as examples of the type of development that could be included in the campus. He stated that they focus on providing landscaping, healing gardens, quality materials and on-going maintenance.
- Luke stated that while they don't have specific plans, they know it will not be bars, casinos, or tattoo parlors.
- A gentlemen asked if residential was planned for the development.
- Mitch responded that no specific plans have been identified. Through the Planned Development Agreement (PDA) with the City, allowed uses will be specified, and residential uses could be included.
- A question was asked if a hospital would be built on the site.

- Mitch responded that they don't know. At this time, they see medical uses, such as clinics, walk in urgent care and specialist, as potential uses.
- A question was asked if assisted living facilities would be included.
- Mitch responded that assisted living facilities would be included in the list of allowable uses in the PDA, but there is no specific plan for that use now.
- Someone asked about street improvements in the area.
- Pat Davies described the proposed street improvements, including the extension of Broadwater on the north side of the property, Howard Avenue on the south side and 44<sup>th</sup> Street on the west side. Internal streets will be developed as the plan is developed. As part of the Shiloh Road access plan, a right in, right out will be allowed into the property between Howard and Broadwater.
- Someone asked how wide Howard will be and another followed up with a question regarding the location of Howard relative to their existing lot lines.
- Pat stated that currently a 30' wide right-of-way for Howard exists along the northern property lines of the adjoining subdivision. The City would likely require an additional 40' of right-of-way along the Billings Clinic site. The actual width of the street would be determined once plans were submitted and a traffic study completed.
- Someone asked if the Clinic had any conversations with MSU-Billings regarding a site for dorm housing?
- Mitch stated that they had not.
- Several owners along Wells Place asked about potential annexation of their property into the City.
- Pat stated that the City does not force property to annex into the City, it is done by petition. Once Howard Avenue is completed, the owners of lots that back up to Howard would have the opportunity to petition for annexation, either individually or as a group. It would be up to

**BILLINGS CLINIC WEST SUBDIVISION**  
ZONE CHANGE APPLICATION FROM AGRICULTURAL OPEN  
TO PLANNED DEVELOPMENT

**RESPONSES TO APPLICATION QUESTIONS**

Billings Clinic owns approximately 80 acres on the west side of Billings, adjacent to Shiloh Road, between Broadwater Ave and Howard Ave. It is the vision for the Billings Clinic West project that a comprehensive mixed-use campus with a core of medical services surrounded by a neighborhood of compatible supporting facilities be planned and developed on this property. In order to implement this vision, a zone change from Agricultural to Planned Development is requested. The Planned Development zoning designation provides for flexible land use and design regulations through the creation of a development plan. It is intended that this document, plus the accompanying Planned Development Agreement will describe the purpose, intent and benefits of the Billings Clinic West project.

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

The primary goals and objective of the 2008 Growth Policy are divided into eight primary elements. This application will look at each element individually and evaluate the proposal's consistency with these goals and policies.

Land Use Element

The land use element of the Growth Policy acknowledges that growth is pressuring existing neighborhoods while rural communities are not equipped to handle growth. Sprawl threatens the existing rural character and the vitality of the City core. Affordable housing and mixed use projects are desired and should be encouraged. These statements point to complex issues that the City faces everyday: how can growth occur in a well-planned way that blends into the existing fabric of the city, without detracting from either the rural character or the central core? The plan of the Billings Clinic West area draws on these complexities to create a unique plan.

Billings Clinic has long thought to offer expanded services on the west side of the City. This is not to replace existing facilities, but rather, allow for expanded offerings and convenience to residents in a campus style setting. Why a campus-style medical complex? A medical campus will allow for a mix of compatible uses, all within one area. It will allow for users "one stop shopping" for their needs, reducing vehicle trips and improving efficiency. It will attract compatible uses that will benefit the customers, employees and residents in the area. It is envisioned that the uses within the Billings Clinic West campus would include medical offices, laboratories, research areas, pharmacies, restaurants, nursing homes, hotels, and other residential uses.

The master plan for the Billings Clinic West project incorporates all of the best land use elements of a community within a community. A Planned Development on this site will allow

for a more intense use of the property, integrated with open space and buffer area to adjoining uses. The campus will provide mixed uses which will serve the needs of the users of the medical services, employees, and adjacent residents. Mixed use development can reduce vehicle trips, allow for shared parking areas and increase pedestrian oriented activities. As stated in the Growth Policy, mixed use neighborhoods can improve the quality of life.

### Economic Development

The Billings Clinic West Campus is an expansion of their services into an easily accessible and customer-friendly campus near where people live. The new facilities add to and supplement the extensive services provided by the downtown campus. The location and subsequent growth of the west-end campus will provide new jobs and new opportunities for convenient health care services closer to where patient live. The downtown campus will continue to grow with highly specialized facilities such as the recent projects including the birthing center, the trauma center, the surgery center, and the cancer center. The downtown campus will always be an important anchor to Downtown Billings.

Over the next ten years, the Department of Labor projects that 5.7 million jobs will be created in the medical field. In fact, it will be the largest job producer of the major industries. Billings will be well served by the addition of medical services in the rapidly growing residential areas of the west end. The jobs created by the development will be living-wage jobs, thus strengthening the economic base in the community.

### Aesthetics

The Billings Clinic West campus will be a mixed-use development including commercial, civic, medical, clinical, and residential facilities in a pedestrian-friendly environment. The property is included in the Shiloh Corridor Overlay District which will guide the quality and appearance of the development in the areas of setbacks, building location, architectural details, parking, lighting, landscaping, and signage. Also, the recently completed Shiloh Road reconstruction project enhances the look of the corridor with landscaped boulevards, medians, and roundabouts, along with lighting, sidewalks, and a 10-foot wide multiuse path along the west side of the new street. The Billings Clinic West campus will build and expand upon the improvements in place along Shiloh Road

The new campus will be a unique, attractive, and more or less compactly developed neighborhood. The intent is to create a destination which encourages the integration of the business, medical, civic, and residential components all interconnected by well-designed pedestrian and vehicular access. A major design theme will be to provide an atmosphere which will encourage creativity and long-term continuity resulting in an attractive and inviting community within a community.

### Natural Resources

Development of the new Billings Clinic West campus will take approximately 80 acres out of irrigated farm production in West Billings. This pattern is a familiar one as the City grows westward. As development proceeds, farming of the undeveloped phases will likely continue



but with a dryland rather than an irrigated crop. Lateral irrigation ditches will be eliminated and only waste ditches serving upstream properties will be preserved.

Currently, the Shiloh Drain receives the irrigation wastewater and also serves as a control on the groundwater levels as flood irrigation in the valley occurs in the summer season. The City of Billings has taken over control and operation of the Shiloh Drain and incorporated it into the storm drainage system. The drain will continue to operate as an agricultural drain but will receive more storm runoff and less irrigation wastewater as development occurs. Storm drainage from new development will be required to meet the criteria of the City of Billings Stormwater Management Manual and overall impact on the groundwater should remain unchanged.

While undeveloped property is in agricultural production, weeds are controlled through farming practices. As development proceeds, weeds can again become a problem. As provided for in the Planned Development Agreement, a Billings Clinic West Owners Association will be formed for the project. The Owners Association will be responsible for many of the park and green space maintenance duties as the project develops, but also will be tasked with maintaining the undeveloped areas. In this way, the entire property will be kept weed free whether developed or undeveloped.

#### Open Space and Recreation

A key element in the Billings Clinic West campus is the open space plan. The open space includes the interconnecting walkways and greenspaces. The multi-use path of Shiloh Road goes through the east side of this property. Connecting to this path will allow for an expanded network for walking and biking. While the internal paths will be privately maintained, they will be granted public access.

#### Transportation

The requirement that a mixed-use campus, such as proposed here, include a pedestrian-friendly network of sidewalks and open space corridors can also present the challenge of adequate, safe, and efficient vehicular access. The master plan allows for traffic to leave the arterial of Shiloh Road and the collector of Broadwater Avenue and circulate easily to the desired internal destination.

All roads will have lighting and landscaping to soften the hardscape. Inter-connectivity within the neighborhoods and to the external streets is emphasized so entering and exiting traffic is not concentrated at a few intersections. Also, based on existing rights-of-way already partially provided by adjacent subdivisions, Broadwater Avenue and 44th Street West will provide alternate routes in and out of this development from the north, south, and west.

All streets and roads will have boulevard sidewalks on both sides. In addition, bike lanes will be included on-street along Broadwater, Howard, and 44th Street West. A 10-foot wide multi-use path will be built along the west side of the Shiloh Drain by the Shiloh Road reconstruction project.

#### Public Services

It is the intent of Billings Clinic to create this mixed-use development as a compatible and integrated match or fit with the surrounding neighborhoods. Through the Planned Development zoning process and the filing of the Planned Development Agreement, the neighbors can be assured that the master plan will be implemented as described, even though build-out of the entire project may take several years.

This property will be annexed into the City at the time of zoning and platting, and thus will be served by extension of City water and sewer lines. Water and sewer mains and lateral stubs are included in the utility upgrades as part of the Shiloh Road reconstruction project. The water and sewer mains are sized to serve development adjacent to and beyond Billings Clinic West Subdivision.

This property was included previously in the Billings Urban Planning Area and in the “red” or current area on the Limits of Annexation map dated March 10, 2008. These areas have been carefully considered and included in these maps as part of the planning for growth of the City.

#### Cultural and Historic Resources

Although there are no historic landmarks or structures on this property to be preserved, Billings Clinic wishes to create a campus which will encourage creativity and a respect for the heritage of the land and surrounding features of the valley. In this regard, the public and open spaces will provide opportunities for art and cultural opportunities. An example of this in the downtown campus is the healing garden outside the 10th Avenue entrance to the hospital.

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

The City of Billings has a long history of growing west into the irrigated farmland of the valley. Now, many residential neighborhoods are developed or are being developed east, west, and northwest of the Shiloh Corridor. To serve this growth, Shiloh Road has been reconstructed into a four-lane landscaped urban arterial from Zoo Drive to Rimrock Road.

Along this corridor, development of various types is underway or planned. These developments range from retail/commercial south of King Avenue to senior living, college of technology, veterinary clinic, convenience stores, banks, greenhouse/nursery, churches, and additional senior living facilities near Rimrock Road. With this growth, Billings Clinic has targeted a need for accessible medical services for these neighborhoods that would supplement the main clinic/hospital campus downtown.

The Planned Development zone proposed for this project will provide for the mix of uses required to make this project viable, and it will also establish the guidelines for the development through the preparation of the accompanying Planned Development Agreement with the City. The Planned Development Agreement will incorporate the criteria of the Shiloh Corridor Overlay District which was established specifically to create a visually attractive entryway into the City.

The master plan for the Billings Clinic West campus was designed to fit in terms of land use and access with the existing neighbors in mind. Existing developed neighborhoods adjacent to the campus are the single-family subdivisions along the south side and at the northwest corner, and the church and veterinary clinic across Shiloh Road to the east. Along the north and northeast sides is the planned development master plan of Cardwell Ranch owned by the Yegen family. The Cardwell Ranch plan has been integrated into the Billings Clinic plan from the outset, as they have been prepared by the same design team. Complementary land uses and transitions have been incorporated in the Billings Clinic West plan to provide maximum sensitivity to neighboring development.





**ORDINANCE NO. 15-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR an unplatted parcel known as the N1/2SE1/4 of Section 3, T1S, R25E, an 80 acre parcel of land, generally located on the southwest corner of the intersection of Shiloh Road and Broadwater Avenue

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the 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 an unplatted parcel known as the N1/2SE1/4 of Section 3, T1S, R25E, an 80 acre parcel of land, generally located on the southwest corner of the intersection of Shiloh Road and Broadwater Avenue is presently zoned **Agriculture-Open Space (A-1)** 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 **Agriculture-Open Space (A-1) to Planned Development (PD)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to the **attached Planned Development Agreement (Exhibit A)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading January 26, 2015.

PASSED, ADOPTED AND APPROVED on second reading February 9, 2015.

CITY OF BILLINGS:

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

ATTEST:

BY: Cari Martin, City Clerk  
Zone Change #929 – Broadwater & Shiloh – Billings Clinic

Exhibit A  
**PLANNED DEVELOPMENT AGREEMENT  
BILLINGS CLINIC WEST SUBDIVISION**

This **PLANNED DEVELOPMENT AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **BILLINGS CLINIC**, formerly known as Deaconess Billings Clinic, a Montana nonprofit corporation, with mailing address at P.O. Box 37000, Billings, Montana 59107-7000 ("Billings Clinic") and **THE CITY OF BILLINGS, MONTANA**, a Municipal corporation, with mailing address at 210 North 17<sup>th</sup> Street, Billings, Montana 59101 ("City").

**RECITALS**

**A.** Billings Clinic is the owner of fee simple title to 80 acres of real property ("Property") located in Yellowstone County, Montana described as follows:

**Township 1 South, Range 25 East, of the Principal Montana Meridian,  
Yellowstone County, Montana**

**Section 3: N½SE¼**

**EXCEPT that part conveyed to the State of Montana for the benefit and use of its State Highway Commission by Bargain and Sale Deed recorded January 20, 1955, in Book 511, under Document No. 536800, records of Yellowstone County, Montana.**

**EXCEPT that part conveyed to the State of Montana for the benefit and use of its State Highway Commission by Bargain and Sale Deed recorded January 20, 1955, in Book 511, under Document No. 536801, records of Yellowstone County, Montana.**

**EXCEPT that part conveyed to the State of Montana for the benefit and use of its State Highway Commission by Bargain and Sale Deed recorded March 11, 1955, in Book 519, under Document No. 539621, records of Yellowstone County, Montana.**

The Property shall be known as the **BILLINGS CLINIC WEST SUBDIVISION** (the "Subdivision").

**B.** Billings Clinic intends to develop the Subdivision as a mixed-use development including a Medical Services campus with other complimentary uses.

**NOW THEREFORE**, the parties to this Agreement establish and declare the following plan for the Subdivision which shall apply to the entire Subdivision and shall bind all of the present and future owners of Lots and Common Area within the Subdivision and shall run with the land.

**1. Recitals.** The foregoing Recitals are incorporated into the terms and conditions of this Agreement.

**2. Development Concept and Purposes.**

**a. Planned Unit Development.** The Property shall be developed as a Planned Unit Development in accordance with this Agreement and the Minor Plat attached hereto as **Exhibit A**. This Agreement is hereby approved and incorporated into the Ordinance.

**b. Purpose.** This Agreement is intended to create a subdivision with a township-like atmosphere containing a Medical Services campus with appropriate and complimentary commercial and retail uses and the possibility of residential uses. The Subdivision will contain features that promote superior functionality and way-finding, easy access to quality healthcare, a satisfying and safe environment for the individuals who work in and visit the Subdivision, easy pedestrian access, limited vehicular congestion, and pleasant and

consistent landscaping and architectural design. This Agreement is intended to provide Billings Clinic with maximum flexibility for future development within a sound development structure.

**3. Definitions.** Unless otherwise defined herein, all terms used in this Agreement shall have the same meanings as specified in Chapter 27 of the City of Billings, Montana Municipal Code. The following definitions apply to this Agreement:

**a. Common Area.** “Common Area” means any property or facility that Billings Clinic owns or creates by easement in the Subdivision that is for the common use or benefit of the Lot Owners and/or the Lot Owner’s tenants, employees, agents, patients, customers, licensees, and invitees. Common Area may include, but is not limited to, private streets, sidewalks, walking pathways, bike trails, park areas, gardens, water features, playgrounds, open spaces, and landscaped entryways and buffers within the Subdivision.

**b. Common Area Director.** “Common Area Director” means the person or firm appointed by Billings Clinic in accordance with the terms and conditions of this Agreement or otherwise to maintain the Common Areas within the Subdivision.

**c. Medical Services.** “Medical Services” shall be defined to its broadest extent to include, but not be limited to: hospitals and hospital-related services; hospital-related access points such as emergency facilities and helicopter access; medical and dental professional clinics and/or offices; medical laboratories; pharmacies; physical therapy facilities; research and testing facilities related to the practice of health and medicine; health and fitness-related businesses; and ancillary healthcare services, along with their customary accessory uses and structures.

**d. Medical Services Uses.** “Medical Services Uses” are uses relating to Medical Services.

**e. Lot.** “Lot” means a portion of the Subdivision depicted as a separately identified parcel on a recorded subdivision plat or survey that may be independently owned and conveyed. The term refers to the land as opposed to structures or other improvements on the Lot. The term does not include private streets within the Subdivision.

**f. Lot Owner.** “Lot Owner” means the record owner of a Lot, whether one or more.

**g. Manufacturing.** “Manufacturing” means to produce something by industrial process or to make something using raw materials, especially on a large industrial scale.

**h. Review Committee.** “Review Committee” shall mean that committee structured and appointed by Billings Clinic to have the duties and responsibilities identified in this Agreement or otherwise, including but not limited to responsibility for reviewing and approving or denying the design of all projects proposed for any Lot within the Subdivision.

**i. Shiloh Corridor Requirements.** “Shiloh Corridor Requirements” means the Shiloh Corridor Overlay District Zoning Regulations, Section 27-1400, et seq., City of Billings, Montana Municipal Code.

**j. Shiloh Drain and Shiloh Drain Easement Area.** “Shiloh Drain” and “Shiloh Drain Easement Area” mean the area established by the reservation made in the Quitclaim Deed and Reservation of Easement dated August 9, 2004 and recorded September 3, 2004 with the Yellowstone County Clerk and Recorder as Document No. 3303618.

**4. Persons Bound by this Agreement.** The City of Billings and all individuals, corporations, or other entities who presently have or shall hereafter acquire any interest in and to any of the Property within the Subdivision shall be held to agree to all of the terms of this Agreement and all such individuals, corporations, and other entities, their heirs, devisees, successors, assigns, tenants, and trustees shall be bound by this Agreement, the terms of which shall run with the land.

**5. Regulation of Uses.**

**a. Permitted Land Uses within the Subdivision.** The primary use of the Lots in the Subdivision shall be Medical Services Uses although other commercial, retail and professional uses and residential uses may also be permitted. In addition, the Subdivision may contain private streets, sidewalks, walking pathways, bike trails, park areas, gardens, water features, playgrounds, athletic fields, open spaces, and landscaped entryways.

**b. Interim Land Uses within the Subdivision.** Billings Clinic may, in its absolute and sole discretion, permit farming operations within the Subdivision.

**c. Prohibited Uses within the Subdivision.** The following land uses shall not be allowed as permitted uses and/or structures within the Subdivision:

**i. Alcoholic Beverages.** Any business or establishment that sells alcoholic beverages, including liquor stores and bars, unless operated in conjunction with a restaurant with food service and also excepting the sale of packaged beer and wine for off-premises consumption by a general retail store. A restaurant serving alcoholic beverages cannot engage in gaming or gambling activities. Alcoholic beverages may be sold at special catered events within the Subdivision with the prior express written consent of Review Committee, which consent may be withheld or granted in the exclusive discretion of the Review Committee.

**ii. Billboard Signs.**

**iii. Casinos.** Any establishment engaged in gaming or gambling activities, including casinos and bingo parlors.

**iv. Clubs & Fraternal Organizations.** Any clubs or fraternal organizations which serve alcoholic beverages or liquor.

**v. Pornographic Materials.** Any establishment selling or exhibiting pornographic materials or drug-related paraphernalia, except that such prohibition shall not limit the sale of books, periodicals, music products, and video products by a bookstore and/or music store carrying a full line of adult and/or children's titles, such as, by way of example, but not limited to, Barnes and Noble bookstores.

**vi. Sexually-Oriented Businesses.** Sexually-oriented businesses as defined by Section 27-611 of the City of Billings, Montana Municipal Code.

**vii. Tobacco Sales.** Sale of cigarettes, cigars, and tobacco products, except incidental to the operation of a general retail store.

**viii. Marijuana Sales,** whether for medical purposes or otherwise.

**ix. Automobile & Truck Repair, Sales & Service Businesses, Auto Parts Supply, Auto & Truck Leasing and Rental, RV Sales & Service, Heavy Truck/Tractor Sales & Service.**

**x. Taproom, Brewery, or Microbrewery,** except as incidental to a restaurant with food service.

**xi. Gas Stations & Service Stations for Automobiles, Trucks, Trailers, or Recreational Vehicles.**

**xii. Gun and Archery Ranges and the Sale of Guns and Ammunition,** unless incidental to a general retail store.

**xiii. Equipment Rental Shops,** unless related to Medical Services Uses.

**xiv. Manufactured Homes.**

**xv. Deferred Deposit Lenders, Wage Brokers, Pawnbrokers and Pawn Shops, and Consumer Loan Licensee Businesses.**

**xvi. Bail Bond Businesses.**

**xvii. Tattoo Parlors.**

**xviii. Pool or Billiard Hall.**

**xix. Propane Sales.**

**xx. Industrial Uses** that are inconsistent with commercial zoning or a commercial/Medical Services Uses development, including, but not limited to: warehouses, packing plants, grain mills, sawmills, petroleum refining, cement plants, bulk processing or storage of stone, clay, gravel, and/or glass, metal fabrication, recycling centers, cemeteries, mining, and general contractor operations.

**xxi. Manufacturing Uses,** unless related to Medical Services.

**xxii. Second Hand Stores, Flea Markets & Junk Shops.** This prohibits the sale of used household furniture and clothing, appliances, and equipment.

**xxiii. Car & Truck Washes.**

**xxiv. Fireworks.** The sale or manufacture of fireworks.

**xxv. Title Loan Businesses.**

**xxvi. Commercial Storage Facilities & Mini Storage Facilities.** This prohibits all storage rental facilities.

**xxvii. Tire Sales,** except as incidental to the operation of a general retail store.

**xxviii. Animal Kennels or Animal Raising Facility,** except that a Veterinarian can have limited overnight boarding in conjunction with the administration of veterinarian services.

**xxix. Building Contractor or Subcontractor Operations.**

**xxx. Livestock and Farm Equipment.** Any establishment engaged in the sale of livestock, ranch or farm equipment.

**xxxi. Massage Parlors,** excluding therapeutic massage.

**xxxii. Mortuary, Funeral Home, or Crematorium.**

**xxxiii. Truck Stops and Truck Terminals as defined by 27-201 of the City of Billings, Montana Municipal Code.**

**xxxiv. Warehouses,** unless incidental to Medical Services Uses.

**xxxv. Adult Book Store, Adult Video Store, Adult Movie Theater or other establishment selling, renting or exhibiting pornographic materials or drug-related paraphernalia,** except that this provision shall not prohibit the operation of a bookstore or video store which carries a broad inventory of books or videos and other materials directed towards the interest of the general public, as opposed to a specific segment thereof.

**xxxvi. Amusement Park or Arcade.**

**6. Condition of Subdivision Lots and Improvements.**

**a. Maintenance of Lots.** Lot Owners shall at all times, at their sole cost and expense, keep and maintain their Lot, and any improvements thereon, in a safe and clean condition and appearance and shall comply with all applicable governmental, health, fire, and safety laws, ordinances, regulations, requirements, directives and covenants. The owner of every unimproved Lot shall remove weeds, brush, and rubbish at least every three (3) months and when directed to do so by the City of Billings or Billings Clinic. The owner of every improved Lot shall remove any accumulated rubbish at regular and frequent intervals. Billings Clinic and the Common Area Director may perform any maintenance and clean-up on any Lot that is not maintained as required and may charge the Lot Owner for all costs relating to such work.

**b. Noxious Weeds.** All noxious weeds, as identified on the then current Yellowstone County Noxious Weed List, must be controlled on all Property within the Subdivision. All cost associated with such noxious weed control shall be the responsibility of each Lot Owner.

**c. Sewer and Water Facilities.** All development within the Subdivision shall be served by public sewer facilities and public water service.

**d. Outside Storage.** Outside storage shall not be permitted in the Subdivision except for limited, short-term outside storage during construction and designated storage areas approved by the Review Committee. No trailer (horse, boat, snowmobile, etc.), boat, camper, motor home, recreational vehicle, snowmobile, vehicle or other equipment generally associated with recreation and leisure time activity shall be situated or parked on any Lot or street in the Subdivision for more than five (5) days in any calendar year, unless it is enclosed by a garage meeting the design requirements of this Agreement and, at a minimum, the Shiloh Corridor Requirements. Notwithstanding the foregoing, the Review Committee may approve designated temporary parking for motor homes used by patients receiving Medical Services and their families.

e. **The Shiloh Drain.** Lot Owners shall at all times conduct their use and activities in a manner that will preserve the integrity of the Shiloh Drain, including the prevention of any degradation of water quality, any reduction in the flow of water, and any damage to the bed or banks of the Shiloh Drain. Lot Owners shall not conduct, permit or encourage any of the following activities:

i. The discharge of any liquid (except storm water runoff as directed by the details of an engineered storm drainage management plan), solid, or gas into the Shiloh Drain;

ii. The planting or dropping any non-native fish, animal, reptile, or plant into the Shiloh Drain area;

iii. The dumping of grass clippings or landscaping material or debris into the Shiloh Drain;

iv. The dumping of any refuse into the Shiloh Drain;

v. The polluting of the water in the Shiloh Drain; or

vi. The discharge of any Hazardous Materials into the Shiloh Drain. The term "Hazardous Materials" shall mean: petroleum products, asbestos, poly-chlorinated biphenyls, radioactive materials, and all other dangerous, toxic, or hazardous pollutants, contaminants, chemicals, materials or substances listed or identified in, or regulated by, any Environmental Law. The term "Environmental Law" shall mean all federal, state, county, city, local, and other statutes, laws, ordinances, and regulations which relate to or deal with human health or the environment, all as may be amended from time to time.

7. **Common Area.**

a. **General Common Area.** Billings Clinic may designate areas of the Subdivision, including the Shiloh Drain and setback buffers along public right-of-ways, as Common Areas for private streets, sidewalks, trails, pathways, park areas, gardens, water features, playgrounds, athletic fields, open spaces, green space, landscaped areas, lighting, and signage. Such Common Areas may consist of property owned by Billings Clinic outside of designated Lots or areas created by easement over Lots. The Common Area shall be developed and maintained at no cost to the City and the Lot Owners shall contribute on a prorata basis based upon Lot size to a fund for the purpose or development and maintenance of Common Areas.

b. **Private Streets.** The streets within the Subdivision shall be private streets owned by Billings Clinic to which the Lot Owners and their tenants, employees, agents, patients, customers, licensees, invitees and their successor and assigns shall be granted easements for use. Billings Clinic and the City of Billings Public Works Department will enter into a Development and Maintenance Agreement to provide for the development and maintenance of the private streets. With the development of the private streets within the Subdivision, Billings Clinic shall grant and convey to the City perpetual right-of-way easements for the purposes of constructing, reconstruction, maintaining, operating, servicing, repairing, and replacing sanitary sewers, water lines, and other utilities. The private streets shall be considered Common Area of the Subdivision and shall be maintained as Common Area by the Common Area Director. Billings

Clinic may require a minimum five (5) foot landscaped boulevard adjacent to the private streets, and the Lots within the Subdivision may be subject to reciprocal easements for the development of such buffers to serve the Subdivision. Each Lot Owner will be responsible for the development and maintenance of the landscaping contained in the landscaping buffers which shall meet specific design standards developed by Billings Clinic and enforced by the Common Area Director.

c. **Multi-Use Pathways.** Billings Clinic may provide for the development of sidewalks, trails and pathways, together with adjacent minimum five (5) foot wide landscaping buffers (“Multi-Use Pathways”) within the Subdivision to provide pedestrian and/or bicycle access throughout the Subdivision. Lots and Common Area within the Subdivision may be subject to reciprocal easements for the development, construction, and use of such Multi-Use Pathways to serve the Subdivision. No building shall be constructed within ten (10) feet of a Multi-Use Pathway easement, unless the express written consent of Billings Clinic, in its sole and absolute discretion, is obtained. Each Lot Owner will be responsible for the development and maintenance of the Multi-Use Pathways which shall meet specific design standards developed by Billings Clinic and enforced by the Common Area Director. Billings Clinic, at its discretion, can direct that certain maintenance functions relating to the Multi-Use Pathways shall be the responsibility of the Common Area Director.

8. **Site Development, Building, and Landscape Standards.** These standards are provided to establish minimum guidelines for the development of facilities within the Subdivision, including site work, landscaping, buildings and accessory structures, and parking areas. They are designed to provide developers with a guide that defines the aesthetic quality of the Subdivision and to create and maintain quality and harmony between all areas within the Subdivision, yet maintain flexibility to adjust to changes in the ever evolving arena of property development. These guidelines will not define specific styles of architectural character for the various uses possible in the Subdivision.

a. **General Development Standards.**

i. **General.** The following general development standards shall apply to the Subdivision:

- Except as specifically provided herein, the Shiloh Corridor Requirements shall be the minimum standards for the Subdivision and the underlying default zoning shall be Community Commercial.
- All site development shall be designed to encourage reciprocal access and parking between adjacent properties.
- All utilities shall be underground with any surface elements screened by structural or landforms and landscaping elements.
- All antenna and satellite receiver dishes shall be hidden from street view and otherwise screened from view by structures or landscaping elements.

ii. **Lot Coverage.** The total combined lot coverage for all structures on any Lot shall not exceed sixty percent (60%) of the total square footage of the Lot. However, a Lot Owner may request a variance for Lot coverage up to eighty percent (80%) after receiving the express written consent of the Review Committee. Approval of any Lot coverage variance will be through the City Board of Adjustments.

iii. **Setback Buffers.** In addition to the requirement of the Shiloh Corridor Requirements and setback requirements contained in the City of Billings, Montana Municipal Code relating to, among other things, clear vision triangles and arterials, the following setback buffers shall apply to the Subdivision:

- **Front Yard Setback:** Minimum of twenty-five (25) feet from the Lot line
- **Side Yard Setback:** Minimum of twenty (20) feet from the Lot line.
- **Rear Yard Setback:** Minimum of twenty (20) feet from the Lot line.

A. **Determining Setbacks.** The street side of a Lot shall be deemed to be the Front for the purposes of setbacks. If a Lot fronts two streets, the Lot Owner shall select one of the streets as the front for the purpose of determining setbacks.

B. **Building on Lot Lines.** The Review Committee, in its sole and absolute discretion, may allow the construction of buildings on Lot lines. In such event, the affected Lots must be owned by the owner, and may not be separately conveyed so long as the building remains. In the event that the Review Committee allows construction over a Lot line, no setbacks shall apply to the covered Lot line, and the combined Lots shall be treated as one (1) Lot. Upon the approval of the Review Committee, restrictive covenants shall be recorded against the affected Lots to provide that they may not be mortgaged or conveyed separately.

C. **Development of Setback Areas.** Setback areas that are not occupied by required minimum landscaping buffers may be used for driveways and parking.

D. **Required Landscaping of Buffer Areas.** All developments are required to place landscaped buffer areas adjacent to and along the length of all public rights-of-way. All landscaped buffer areas shall meet or exceed the Shiloh Corridor Requirements.

E. **Waivers and Variances.** A Lot Owner may request a variance of up to minus 10% of the setback requirements specified herein, after receiving the express written consent of the Review Committee. Approval of any setback variance will be by the City Board of Adjustments.

iv. **Green Belt Buffers Along the Shiloh Drain.** The Owners of all Lots adjoining the Shiloh Drain Easement Area shall maintain the easement area as a landscaped green belt. The Owners of all Lots along the Shiloh Drain Easement Area shall also maintain landscape space in the right-of-way up to the back of the curb or edge of the paving of the street.

v. **Height Restrictions.** Within the following perimeter of the Subdivision, building height cannot exceed forty-five (45) feet: 500 feet from Shiloh Road and 150 feet from Broadwater Avenue, 44<sup>th</sup> Street West and the southern boundary of the Subdivision. No building height restrictions exist within the interior portion of the Subdivision bounded by the above-described perimeter, except that the maximum number of stories in a building cannot exceed ten (10) stories.

vi. **Township-Like Development.** Lots may be developed with a juxtaposition of buildings of many different functions which encourages and facilitates easy pedestrian circulation, develops an identifying style, and creates a sense of place as a neighborhood environment.

b. **Site Development Standards.**

i. **Access.** Access to all Lots within the Subdivision shall be from internal private streets and by Multi-Use Pathways. Shared accesses are encouraged.

ii. **Parking.** Adequate off-street parking shall be provided by each Lot Owner for customers, visitors, and employees. Reciprocal parking arrangements between

Lots and adjacent uses are encouraged and can be utilized to ensure that the two Lots combined meet the parking requirements of this Agreement and the Shiloh Corridor Requirements. All off-street parking, access drives, and loading areas shall be paved and properly graded to ensure adequate drainage. All parking lots must be developed with proper integration of landscape and screening elements as provided herein or by other directive of Billings Clinic. The parking requirements for each Lot shall meet the standards of the City of Billings for each use proposed for a Lot, but shall not exceed 120% of the City's minimums. Each Lot Owner shall install a permanent bike rack for each building constructed on a Lot.

**A. Off-Site Parking.** Parking requirements may be satisfied by on-site parking, approved street parking, and off-site parking facilities, or any combination thereof. All uses must provide the required number of parking spaces designated for the use as defined by the current City of Billings Site Development Ordinance, but not more than the maximum number set forth in this PDA (120% of the City minimums). Required parking for buildings or uses located in the Subdivision shall be located within six hundred (600) feet of the building or use, which distance shall be measured along a straight line between the two (2) nearest points of the lots containing the main use and the accessory parking use.

Each off-street parking area shall be accessible by a public right-of-way and/or a private right-of-way and shall be owned or leased by the owner of the building, use, or activity served by such parking area. The term of any such lease shall be for the duration of the time that the building, use, or activity served by such parking area is in existence at such location. Each lease shall be subject to prior review by Billings Clinic and the City of Billings, and shall provided that if the right to use the designated off-site parking is for any reason terminated or forfeited prior to cessation of the use of the building, or cessation of the use or activity, Billings Clinic and the City shall be immediately advised. In case of such termination or forfeiture, the Lot Owners shall, within ninety (90) days of the termination or forfeiture, present the City and Billings Clinic with a plan to cure any parking shortage within twelve (12) months. All requirements for setbacks, landscaping, signage, and lighting shall apply to off-site parking facilities.

With respect to parking, no more than fifty (50) percent of the required parking for primarily "nighttime uses" may be provided or supplied off-site.

Handicapped accessibility requirements shall be satisfied on site.

**B. Shared Parking.** Billings Clinic and the City of Billings may authorize the joint use of off-street parking areas by nonresidential commercial business, Medical Services Uses, and other uses or activities, if the following conditions are met:

- No more than fifty percent (50%) of the off-street parking spaces required by this Agreement for primarily "nighttime uses" may be provided or supplied by a use in the other category, or of the other type (provided for a nighttime use by daytime use, and vice versa) by means of a joint parking lease or agreement.
- The building or use for which application is being made to utilize the off-street parking facilities of another building or use shall be located within six hundred (600) feet of such parking facilities, which distance shall be measured along a straight line between the two (2) nearest points of the lots containing the building or primary use and the lot containing the accessory parking use. Safe, lighted, and convenient pedestrian access shall connect the two (2) locations.
- The applicant shall show that there is and will be no substantial conflict between the principal operating hours at the two (2) buildings or uses for which joint use of off-street

parking facilities is proposed, and shall show that there are and will be no conflicting demands for such parking by the respective employees, customers and clients of the two (2) buildings or uses.

- At the time a building permit is applied for, the applicant shall present to Billings Clinic and the City of Billings an appropriate and enforceable lease or reciprocal parking agreement, executed by the parties concerned, for their joint use of off-street parking facilities. The term of the lease or agreement shall be for the duration of the time that each use is in existence at its said location. Each such lease or agreement shall provide that all parties thereto shall notify Billings Clinic and the City of Billings prior to its termination or dissolution for any reason, and shall provide for developing additional required parking at the share lot or at different sites for the users of the shared parking if changes occur to the ownership, types of uses, or parking needs, or if other circumstances require parking be provided at the same time and same location for the businesses served.
- No building permit shall be issued by the City of Billings until such lease or reciprocal parking agreement has first been reviewed by the City and found to meet the requirements of this PDA and to be binding and enforceable. A copy of each such agreement shall be filed with the respective building permit.
- Written approval is obtained from Billings Clinic, in its sole and absolute discretion.

In case of termination or dissolution of any such lease or reciprocal parking agreement, the Lot Owner shall, within ninety (90) days of the termination or forfeiture, present the City and Billings Clinic with a plan to cure any parking shortage within twelve (12) months.

**iii. Loading and Service Areas.** Loading and service areas shall not be permitted in the front of any Lot within the Subdivision and shall be screened from public view from all streets. Proper integration of landscape and screening elements must be provided between loading and service areas and any street or adjoining Lot. All loading and service areas shall be designed so that vehicles may load and unload without having to back up into any private street within the Subdivision or public right-of-way. All loading and service areas shall be carefully planned, positioned, and screened from off-site ground-level view and streets. On-site views of loading and service areas shall be minimized as much as possible. Screening elements may include landscape materials, landscaped berms and/or building materials similar to those used for the building located on the Lot and shall comply with all applicable building setbacks.

**iv. Garbage Collection Areas.** Garbage collection areas shall adhere to the following standards:

- All outdoor garbage containers and collection areas shall be screened visually with at least a six (6) foot tall enclosure so that outdoor garbage containers and collection areas are not visible from adjacent properties or Common Areas. No garbage containers or collection areas shall be located between a street and the front of a building, unless otherwise approved in writing by Billings Clinic.

- Garbage containers and collection areas should be appropriately designed to contain all garbage generated on site and deposited between collections. Deposited garbage should not be visible from outside the garbage container or collection area.
- Refuse collection areas should be located upon the Lot to provide clear and convenient access to refuse collection vehicles and thereby minimize wear and tear to on-site and off-site developments.

v. **Accessory Structures, Fences, and Walls.** Construction of accessory structures, fences, and walls shall be according to the following standards:

- All fences shall comply with the City of Billings, Montana clear vision standards, in compliance with §27-615 of the City of Billings, Montana Municipal Code.
- No fence or wall shall exceed a height of six (6) feet, except at trash enclosures or as otherwise approved in writing by Billings Clinic. Any wall over 6 feet must have a City Building Permit.
- No fence or wall shall be constructed between a street and the front of a building, unless otherwise approved in writing by Billings Clinic.
- Accessory structures, fences, and walls shall be of a character, color, and material to match the adjacent buildings and shall coordinate with the overall architectural scheme of the adjacent buildings and shall be integrated into the landscape of the Lot.
- Lot Owners within the Subdivision are required to seek Billings Clinic's written approval, in its sole and absolute discretion, prior to erecting, constructing, or requesting a permit from the City for accessory structures, fences, and walls as set forth herein.
- Chain link fencing, or other wire-type fencing, shall not be permitted in the Subdivision.

vi. **Snow Storage.** Areas adjacent to parking lots shall be provided for on-site snow storage. The snow storage area shall not be adjacent to the streets. Common storage areas between adjacent lots are encouraged. Landscaping shall be maintained if the storage is not done in the paved parking area. Minimum parking requirements shall not be reduced for snow storage.

vii. **Site Lighting Standards.** All outdoor lighting must comply with the Shiloh Corridor Requirements and must conform to uniform lighting requirements developed by Billings Clinic.

viii. **Exterior Mechanical and Electrical Equipment and Transformers.** All exterior mechanical and electrical equipment and transformers shall be screened. Screening may consist of plantings, shrubbery, or durable enclosures. Building parapets shall be designed and built so as to screen roof-mounted mechanical and electrical equipment. If a building parapet does not adequately screen roof-mounted mechanical and electrical equipment, an unobtrusive screening device shall be used. Such screening device shall coordinate with the overall architectural scheme or the equipment shall be completely enclosed within the structure of the building. Lot Owners within the Subdivision are required to seek

Billings Clinic's written approval, in its sole and absolute discretion, prior to erecting or constructing screening devices.

**ix. Utilities.** All exterior utilities, including but not limited to, drainage systems, sewers, gas lines, water lines, electrical, telephone, and communication wires and equipment shall be installed and maintained underground. Lot Owners within the Subdivision are not required to seek Billings Clinic's written approval prior to installing utilities as set forth herein.

**c. Landscape Design Standards.** Every Lot shall be developed in accordance with the Shiloh Corridor Requirements, even if a Lot is more than 500 feet from the centerline of Shiloh Road. Billings Clinic may develop more stringent and specific landscaping standards.

**i. Waiver or Variance (Modification) of Minimum Setbacks.** The minimum setbacks prescribed in the Shiloh Corridor Requirements may be waived or modified after review of the design for the development of the Lot or Lots. Any Waiver or Variance must be approved, in writing, by the Review Committee before application may be made to the City Board of Adjustments. Any Waiver or Variance approved by the Review Committee and the City Board of Adjustments must be submitted to the City along with any application for a Building Permit. The criteria for waiver, to be weighed and considered by the Review Committee are set forth below. Not all of the following criteria must be satisfied, as determined in the sole discretion of the Review Committee:

- The utility easement inside the street-side Lot line shall be maintained clear without overhangs, projections, trees, signs, or other improvements obstructing access to it or placed in it.
- The design concept for development of a Lot or Lots is master planned for a streetscape urban style with building facades located close to the streets and pedestrian ways.
- Landscaping required for buffer areas is located elsewhere upon the Lots.
- Pedestrian circulation and access is maintained to interconnect to adjacent properties;
- The sightline to the fronts of existing adjacent buildings is not obstructed.
- A written approval for waiver is issued by Billings Clinic, in its sole and absolute discretion.
- Written approval from adjacent Lot Owners or users.
- A demonstration of a hardship.

**ii. Irrigation.** All landscaping must be irrigated with an underground sprinkler system, designed and maintained to provide sufficient water for the landscaping to grow, survive and thrive. Water conservation systems are encouraged.

**iii. Loading and Service Areas.** Loading and service areas shall be enclosed with either solid screen walls not to exceed six (6) feet or landscaping elements planted in such a manner to create a visually opaque screen when mature. The plant material screen must develop 75% of its maturity within three (3) years from the time of planting.

iv. **Financial Responsibility.** The Lot Owner or its tenant shall have sole financial responsibility for the installation of all landscape improvements within the right-of-way adjacent to their Lot. The landscaping within the remaining yard will be installed by each Lot Owner or its Lessee to blend with the landscaping installed in the right-of-way.

v. **Damage or Demolition.** Any demolition in the right-of-way of the landscape and irrigations system installed by Billings Clinic or the Common Area Director at vehicular access points or by other construction-related disturbances shall be repaired and restored by the Lot Owner as part of the construction efforts in the development of the Lot. The Lot Owner shall maintain water flow within any common area irrigation system during construction and re-establish the existing plantings, grading and irrigation system altered during the construction process. Any other existing on-site landscaping disturbed or demolished during repairs, additions, remodels, or other work to a building or site or by disasters must be restored, replanted, or revised to a condition equal to or better than the quality that existed prior to the work or disaster. Like-size trees and shrubs must be used for replacement or existing trees and shrubs shall be relocated.

vi. **Landscaping.** Lots shall be landscaped and maintained in a neat, clean, orderly, and healthful condition. Maintenance shall include proper pruning of trees and shrubs, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. Required landscaped areas shall be provided with a permanent watering or sprinkling system which shall consist of underground piped water lines terminating in an appropriate number of sprinklers to insure a sufficient amount of water for plants within the landscaped area.

vii. **Reciprocal Landscaping Agreements.** The owner of any Lot in the Subdivision may enter into a reciprocal landscaping agreement with the owner of any other Lot in the Subdivision. The purpose of any such agreement shall be to ensure that the two Lots combined meet all of the landscaping requirements specified in this Agreement and the Shiloh Corridor Requirements. With respect to reciprocal landscaping, the affected Lots must be contiguous and must be developed to present a uniform appearance.

9. **Signs.**

a. **Signage.** Healthcare Purposes signs, as defined by Section 27-706(d) (2) City of Billings, Montana Municipal Code, shall be allowed in the Subdivision as though the Subdivision were a part of the Medical Corridor. All signs, other than Healthcare Purposes signs, shall comply with the Shiloh Corridor Requirements.

b. **Hospitals.** Nothing in this Agreement shall prohibit or restrict a hospital or clinic from using and/or displaying the types of signage required and/or mandated by any state or federal law or regulation with respect to any Hospital Emergency Room and/or Trauma Center.

c. **Sign Easement Areas.** Billings Clinic reserves an easement for Healthcare Purposes Signs, Way Finding Signs, and Green Space Signs in the Sign Easement Areas shown on the Plat. Billings Clinic reserves an easement, including ingress and egress, to access, service, install, repair, replace, and maintain signs within the Sign Easement Areas shown on the Plat. Only Healthcare Purposes Signs, Way Finding Signs, and Green Space Signs may be placed in the Sign Easement Areas. The Healthcare Purposes Signs, Way Finding Signs and Green Space Signs in the Sign Easement Areas may be Off Premises Signs. These signs may also provide public service information and announcements related to the community, the Subdivision, and the medical services community, and giving identity to the Subdivision in general.

d. **Sign Approval.** All signage in the Subdivision is subject to approval by the Review Committee. The Review Committee, in its sole and absolute discretion, may further limit or condition the use of any sign in the Subdivision that it deems to be inconsistent with the objectives for the Subdivision set forth in this Agreement. All signs shall require a Sign Permit from the City, except those signs exempt from City permits under Section 27-701, et seq. of the City of Billings, Montana Municipal Code.

e. **Sign Maintenance.** Any sign that has been approved or for which a permit has been issued shall be maintained by the Lot Owner or its tenant of the Lot on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit and this Agreement. Any damaged sign base shall be repaired within thirty (30) days. Any signage which has been damaged to such extent that it may pose a hazard to a passerby shall be repaired or removed immediately.

f. **Nonconforming Signs.** Nonconforming signs are not permitted. If any sign is erected or installed without proper permits or approvals, it shall be considered nonconforming and shall be removed. All signs which do not conform to the requirements of this Agreement are nonconforming and shall be removed or changed to conform to the requirements of this Agreement. Any sign not removed within thirty (30) days of notice of nonconformance may be removed by the Common Area Director and the costs for removal shall be the responsibility of the owner of the sign.

g. **Landscaping for Monument Signs.** All monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

#### 10. **Enforcement.**

a. **Right to Enforce.** The terms of this Agreement shall be enforced as provided for in Article 27-1100 of the City of Billings, Montana Municipal Code.

b. **Enforcement.** The terms of this Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and the Lot Owners. The terms of this Agreement may be enforced by the parties hereto, as well as Lot Owners.

c. **Abatement and Suit.** If, at any time, Billings Clinic or any Lot Owner within the Subdivision objects (the "Objecting Party") to any other Lot Owner's performance of its obligations under this Agreement (the "Defaulting Party"), the Objecting Party shall have all of its rights and remedies at law or in equity, by statute or otherwise. All such rights and remedies shall be cumulative. The Objecting Party shall, in addition to and not in contravention of all other rights and remedies it may have under this Agreement, have the right to provide the Defaulting Party with thirty (30) days' written notice of its objection, specifying the particulars of its objection. If, within thirty (30) days of receipt of such notice, the Defaulting Party fails or refuses to take action to remedy its performance under this Agreement, the Objecting Party may perform whatever maintenance, repair, or operation, or other curative action, as needed to remedy the default. The Defaulting Party shall pay upon demand to the Objecting Party the costs of such maintenance, repair, or operation, or other curative action, together with interest allowed by law, from the date of disbursement of such costs until paid in full. The Objecting Party is not responsible for the continued maintenance, repair, or operation of the Defaulting Party's obligations under this Agreement. The Objecting Party may also prosecute a proceeding at law or in equity against the Defaulting Party to enjoin a violation of the terms of this Agreement, to cause said violation to be remedied, or to recover damages for said violation.

#### 11. **General Provisions.**

a. **Appointment of Agent.** Billings Clinic may, in its sole and absolute discretion, hire, appoint, or designate an individual or entity to fulfill its duties and obligations

hereunder. Notice of appointment shall be made in writing and shall be recorded in the real estate records of Yellowstone County, Montana, and shall contain the legal description for the Subdivision, or any portion thereof, affected by the appointment. Notice of appointment shall also be provided to the City at the address specified herein. Once the notice of appointment has been recorded in the real estate records of Yellowstone County, Montana, Billings Clinic shall have no further responsibility or liability for the future performance or non-performance of this Agreement, and the City and all Lot Owners shall look exclusively to the appointed person or entity. Billings Clinic may, in its sole and absolute discretion, withdraw an appointment or make an additional appointment by simply recording such notice in the real estate records of Yellowstone County, Montana, and providing a copy of such notice to the City.

**b. Neutral Interpretation.** Billings Clinic and the City hereby stipulate and agree that this Agreement shall be construed using neutral interpretation, and that this Agreement shall not be construed in favor of any party or against any party.

**c. Amendment, Modification, and Termination.** This Agreement may not be amended, modified, or terminated, in whole or in part, except with the unanimous written consent of Billings Clinic and the City. All amendments and modifications shall be made in accordance with the procedures set forth under the City of Billings, Montana Municipal Code.

**d. Notices.** All notices or demands required to be given hereunder shall be in writing and shall be served upon the other party either personally or by registered or certified mail. Service by registered or certified mail shall be conclusively deemed made three (3) days after deposit thereof in the United States Mail, postage prepaid, addressed to the party to whom service is to be given, as hereinafter provided, and the issuance of the registry or certification receipt therefore. All notices or demands to Billings Clinic or the City shall be given at the following addresses or such other addresses as Billings Clinic or the City may from time to time designate by written notice given to the other party as hereinabove required.

If to Billings Clinic: Billings Clinic  
Attn: Vice President Facility Services  
PO Box 37000  
Billings, Montana 59107-7000

With copies to: Legal Department  
Billings Clinic  
PO Box 37000  
Billings, Montana 59107-7000

If to the City: City of Billings  
Attn: City Clerk  
P.O. Box 1178  
Billings, Montana 59103

**e. Waiver.** Failure of one party to notify the other party of a default in the manner provided in this Agreement shall not be deemed a waiver of any rights which the non-defaulting party may otherwise have at law or in equity.

**f. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Montana.

**g. Limitation on Enforcement.** This Agreement is for the benefit of Billings Clinic, the City, the Lot Owners, and their heirs, devisees, assigns, and trustees, and may only be enforced by such parties. No other person or entity shall be entitled to claim a breach of

this Agreement or to enforce the covenants, conditions, and restrictions contained herein, judicially or otherwise.

**h. Force Majeure.** Any prevention, delay or stoppage due to strikes, lock outs, labor disputes, Acts of God, inability to obtain labor or materials or reasonable substitute therefore, governmental restrictions, terrorist acts, governmental regulations, inclement weather, governmental controls, enemy or hostile government action, civil commotion, fire or other casualty and other causes beyond the reasonable control of the party obligated to perform, shall excuse the performance by such party for a period equal to any such prevention, delay or stoppage. All parties shall use reasonable efforts to overcome whatever may be impeding their performance of any obligation hereunder.

**i. Severability.** Should any provision of this Agreement be or become invalid, void, illegal or unenforceable, it shall be considered separate and severable from this Agreement, and the remaining provisions shall remain in force and be binding upon the parties hereto as though such invalid, void, illegal or unenforceable provision had not been included.

**j. No Partnership.** The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the parties.

**k. Captions and Headings.** The paragraph headings used throughout this instrument are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

**l. Entire Agreement.** This Agreement contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any party.

**m. Construction.** In construing the provisions of this Agreement, whenever the context has required, the use of a gender shall include all other genders, and the use of the singular shall include the plural, and the use of the plural shall include the singular.

**n. Joint and Several Obligations.** In the event any party hereto is composed of more than one person, the obligations of said party shall be joint and several.

**o. Conflict.** It is the intent of the parties to implement the Shiloh Corridor Requirements throughout the Subdivision. In the event of any conflict between the express terms of this Agreement and the Shiloh Corridor Requirements, the express terms and conditions of the Agreement shall govern. In the event that there is any conflict between this Agreement and other zoning regulations and/or ordinances, the terms and conditions of this Planned Development Agreement shall govern.

**p. Run with the Land.** The terms and conditions of this Agreement shall run with the land and shall be binding upon and shall inure to the benefit of Billings Clinic, the City, the Lot Owners, and their heirs, successors, and assigns.

**q. Contact Person.** Billings Clinic shall designate a contact person who may be contacted with respect to any questions, comments, or concerns. The contact person shall be the \_\_\_\_\_ or his/her designee. At the time of recording, the contact person shall be \_\_\_\_\_, \_\_\_\_\_ (telephone (406) \_\_\_\_\_).

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they executed the foregoing instrument.

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

\_\_\_\_\_ (Signature)

(SEAL)  
Name)

\_\_\_\_\_ (Printed

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

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Zone Change 930 - Public Hearing and 1st reading - All Dog Grooming in NC zone

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change that will amend Section 27-306 of the Billings, Montana, City Code (BMCC) to allow Dog Grooming in Neighborhood Commercial (NC) zoning districts. In 1997, when the City and County unified the zoning regulations, dog grooming was designated as an allowed use in only 4 zoning districts – Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI). Prior to 1997, the City Zoning Regulations did not allow dog grooming or other Animal Services (SIC 075) in the CC zone. The Zoning Commission conducted a public hearing on January 6, 2015, and is forwarding a recommendation of approval on a 5-0 vote.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the zone change as recommended by the Zoning Commission;
- Deny the zone change; or
- Withdraw the zone change; or
- Delay action on the zone change for up to 30 days.

**FINANCIAL IMPACT**

The amendment to change and increase the allowable uses in NC zones will increase the marketability of existing or new NC zoned property. This may increase the property value of the 300+ NC zoned properties within the city limits.

**BACKGROUND**

Ed Jordan and Gerry Neumann, are partners in a new development project currently under construction on the northeast corner of 32<sup>nd</sup> Street West and Central Avenue. The property is zoned NC. Several years ago, the City Council changed the zoning of this land from Residential 9,600 (R-96) to Neighborhood Commercial (NC) to facilitate the redevelopment and infill of this corner property. Mr. Neumann did not chose the CC zoning for the property because of the directly adjacent residential neighborhood and the possibility of high intensity uses allowed in the CC zone, such as bars, casinos, warehousing and other high traffic uses. Mr. Jordan currently has a veterinary clinic located on Shiloh Road. Part of his business is provision of dog grooming services. Mr. Jordan would like to re-locate the dog grooming services to this new location. Mr. Jordan and Mr. Neumann were not aware of the prohibition on dog grooming in the NC zone. Mr. Jordan was advised the issue could be resolved by either changing the zoning of the property from NC to CC or requesting an amendment to the text of Zoning Regulations to allow this use in the NC zone. On November 24, 2014, the City Council voted to initiate the amendment to the zoning regulations.

The Planning Division considered the amendment and attached one criteria for this use within the NC zoning districts. The criteria is meant to prevent potential impacts to surrounding residences. The criteria prohibits any outdoor kennels or exercise areas associated with dog grooming in NC zoning districts.

### **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on January 6, 2015, and received the staff recommendation and testimony from Mr. Jorden. No other testimony was received. The Zoning Commission is forwarding a recommendation of approval on a 5-0 vote.

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

The Zoning Commission recommends approval based on the Planning staff recommendation and the testimony received at the public hearing. The code discrepancy that allows a veterinary clinic by special review in the NC zone but prohibits all dog grooming is likely a drafting oversight and overly restrictive for this zone. The members recognize the business operation with the proposed restrictions on outdoor kennels or exercise areas, will be a positive addition in many neighborhoods.

### **RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change 930 on a 5-0 vote.

### **APPROVED BY CITY ADMINISTRATOR**

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#### **Attachments**

Ordinance

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Attachment A – Draft Ordinance

**ORDINANCE NO. 15 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-306 – COMMERCIAL AND INDUSTRIAL USES - TO ADD LANGUAGE TO ALLOW DOG GROOMING IN NEIGHBORHOOD COMMERCIAL ZONING DISTRICTS AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

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

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

**Section 3. AMENDMENT.** That the Billings, Montana City Code be amended by revising Section 27-306 as follows:

**Sec. 27-306. District Regulations: Commercial and Industrial Uses.**

TITLES AND DESCRIPTION OF INDUSTRIES  SR - SPECIAL REVIEW A - ALLOWED	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
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<b>07</b> AGRICULTURAL SERVICES (EXCEPT BELOW): – Offices only 0741 Veterinary services for livestock: – Boarding – Outpatient only 0742 Veterinary services for animal specialties: – Boarding – Outpatient only 075 Animal services, except veterinary (except below): – Dog grooming* – Public animal shelters * In NC zones no outdoor exercise areas or kennels allowed	A	A	A	A	A	A	A		A
				SR		A	A		
		SR	SR	A		A	A		SR
			A	A		A	A		A
		A*	A	A		A	A	A	

**Section 5. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 7. EFFECTIVE DATE.** This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading January 26, 2015

PASSED, ADOPTED AND APPROVED on second reading February 9, 2015.

CITY OF BILLINGS:

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

ATTEST:

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

Zone Change #930 – Text Amendment – Dog grooming in NC zones

**Regular City Council Meeting**

**Meeting Date:** 01/26/2015

**TITLE:** Special Review 921 - Assisted Living and Memory Care - Lenhardt Square

**PRESENTED BY:** Candi Millar, Planning & Community Services Department Director

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a special review request to allow the location of a 120-unit assisted living and memory care facility at the southeast corner of S 44th Street West and Monad Road in the Lenhardt Square Planned Development. The property is zoned MF-R that allows multi-family developments but requires special review for any assisted living facility for more than 8 residents. The property received a previous special review approval (SR #917) to allow a 100-unit facility but since that approval on July 28, 2014, the plan has been amended to increase the number of units and re-arrange the approved site. These changes trigger a new special review application. The property is legally described as Lot 1, Block 1, Lenhardt Square Subdivision, 1st Filing. The lot is a total of 8.327 acres and includes the assisted living facility, parking areas, internal access roads and landscaping area detailed on the site plan. The owner is Stock-Naughton, LLP and the agent is Sanderson Stewart. The Zoning Commission conducted a public hearing on January 6, 2015, and is forwarding a recommendation of conditional approval and adoption of the findings of the 3 criteria on a 5 to 0 vote.

**ALTERNATIVES ANALYZED**

The Planning Division reviewed the application and recommended conditional approval to the Zoning Commission. 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 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 district where an assisted living facility may be allowed by special review. The proposal appears to meet all of the zoning requirements within the Lenhardt Square Planned Development zone. The application also conforms to the second and third criteria. The zoning regulations adopted by the City Council have designated all residential zoning districts as areas where assisted living facilities for more than 8 persons may be allowed. Lenhardt Square has adopted identical provisions as well as specific criteria for special review applications such as architectural and building scale compatibility, traffic generation and compatibility with adjacent uses. The proposal is consistent with goals of the 2008 Growth Policy, and the Lenhardt Square Planned Development – specifically the goal of encouraging uses that are compatible with the character of the adjacent land use patterns. This site is adjacent to multi-family uses within the City limits and will share a common boundary with the St. Vincent’s Healthcare medical campus to the east. There are no direct impacts from the proposed location of the assisted living facility that need to be mitigated by conditions of approval. The recommended conditions are standard conditions applicable to all special review approvals.

The Zoning Commission recommends approval, subject to the following conditions:

1. The special review approval is for the construction of an assisted living and memory care facility with 120 units.
2. The approval is limited to Lot 1, Block 1 of Lenhardt Square Subdivision, 1st Filing, generally located on S 44th Street West.
3. Increases in the number of units or the number of off-street parking spaces greater than 10% of the numbers shown on the site plan will require additional special review approval.
4. The site will be developed in substantial conformance with the submitted site plan dated 12-08-14. Minor modifications to the site plan are acceptable.
5. 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.
6. 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 an increase in property value from the development of the assisted living and memory care facility at this location. Additional city services will be provided such as police, fire, and other public safety services.

## **BACKGROUND**

This is a special review request to construct an assisted living facility in a multi-family district in the Lenhardt Square Planned Development zone. The underlying zoning allows up to 20 dwelling units per acre for residential use. An assisted living and memory care facility is not considered a multi-family residential use since additional services are provided to residents that can no longer live independently. The Planned Development zoning requires a special review for assisted living facilities that have more than 8 residents. The proposed use is for 120 units in a 2-story structure with a basement. Memory care is a specialized type of assisted living for persons with Alzheimer's or other chronic conditions that limit their ability to provide day-to-day care for themselves. There are several assisted living facilities in this area of Billings including Highgate House, Morning Star, Tendernest and St. John's Retirement Community. As the number of people age 65 and older increases, the demand for assisted living and similar supportive living facilities will increase. The population age 65 and older in Yellowstone County in 1990 was about 14,000, or 12% of the total population. In 2013, this population group increased to 23,000 or about 15% of the total population. Census projections estimate by 2030, persons over age 65 will approach 39,000 or 22% of the total population in Yellowstone County.

South 44th Street West is a new subdivision road that will connect with Monad Road and continue through the adjacent subdivision to Shiloh Road. Currently, there is a single connection with King Avenue West to the south. As additional dwellings, businesses, and building activity increases, traffic control may be required at this intersection. The intersection of Monad Road and Shiloh is controlled by a traffic roundabout. Traffic counts on King Avenue West at the intersection of S 44th Street West are about 6,400 vehicles per day and on Shiloh Road at the King Avenue West roundabout

averages more than 10,000

vehicles per day. Any additional traffic from the proposed use will be primarily from employees, visitors, and deliveries since most of the residents will no longer be driving. The site plan shows at least 74 off-street parking spaces.

The site plan shows the facility as a single, 2-story structure and complies with the Planned Development zoning regulations for height, setbacks and lot coverage. Additional site characteristics such as signage, lighting, landscaping, and building design will be reviewed at the time of building permit submittal. The site plan appears to show abundant landscaping, pedestrian connections, and similar outdoor amenities. The Planned Development zoning has specific requirements for these types of facilities.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on January 6, 2015, and received the staff recommendation and testimony from the applicant's agent, Sanderson Stewart. No other testimony was received. The Zoning Commission is recommending conditional approval and adoption of the findings of the 3 criteria on a 5 to 0 vote.

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

The Consistency with Adopted Policies and Plans is discussed the Alternatives Analyzed section above.

## **RECOMMENDATION**

The Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 921 on a 5 to 0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

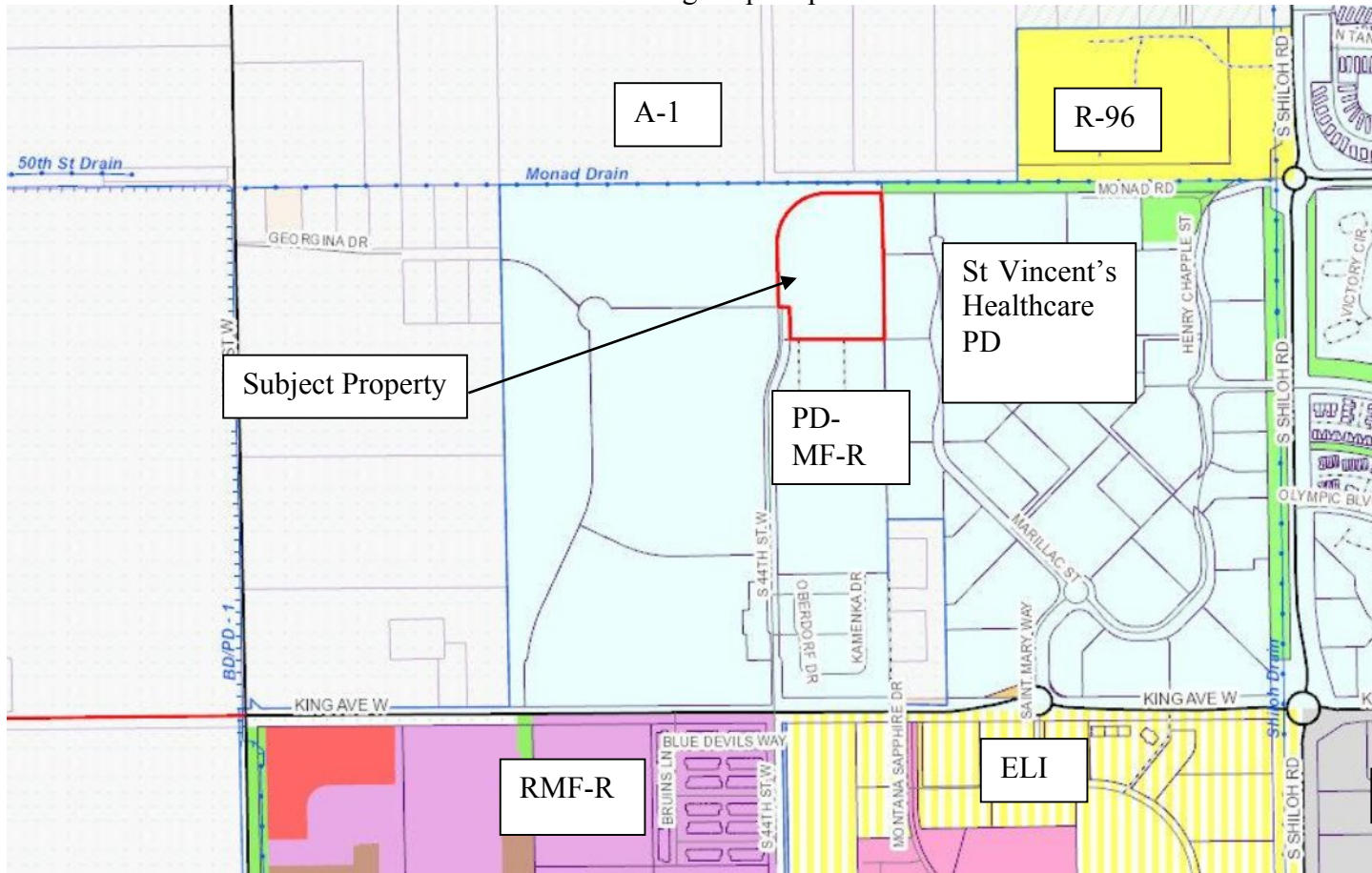
[Zoning Map](#)

[Site Photos](#)

[Site Plan and Applicant Letter](#)

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**Attachment B**  
Zoning Map – Special Review #921



Subject Property



**Attachment C, continued**  
Site Photos – Special Review #921

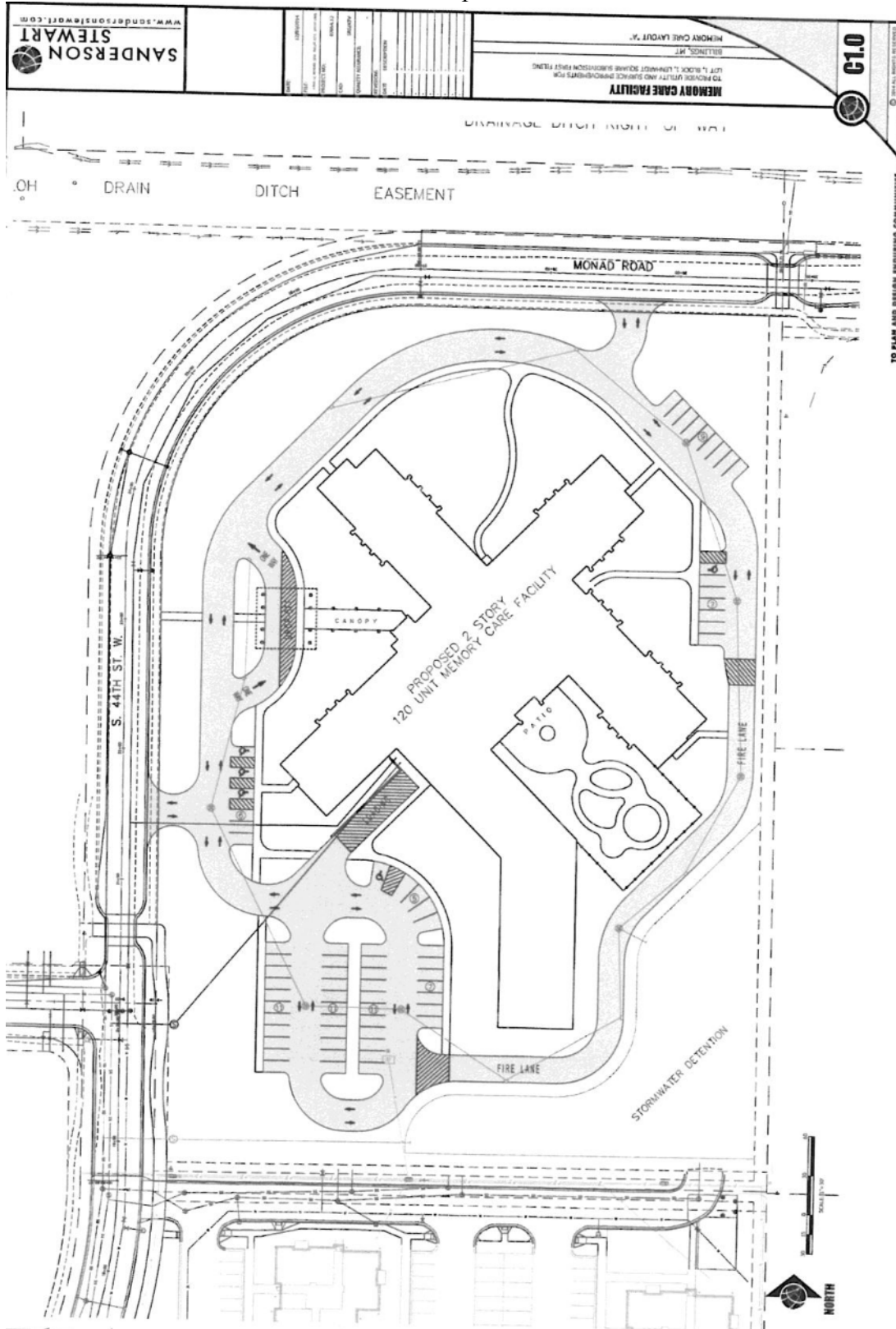


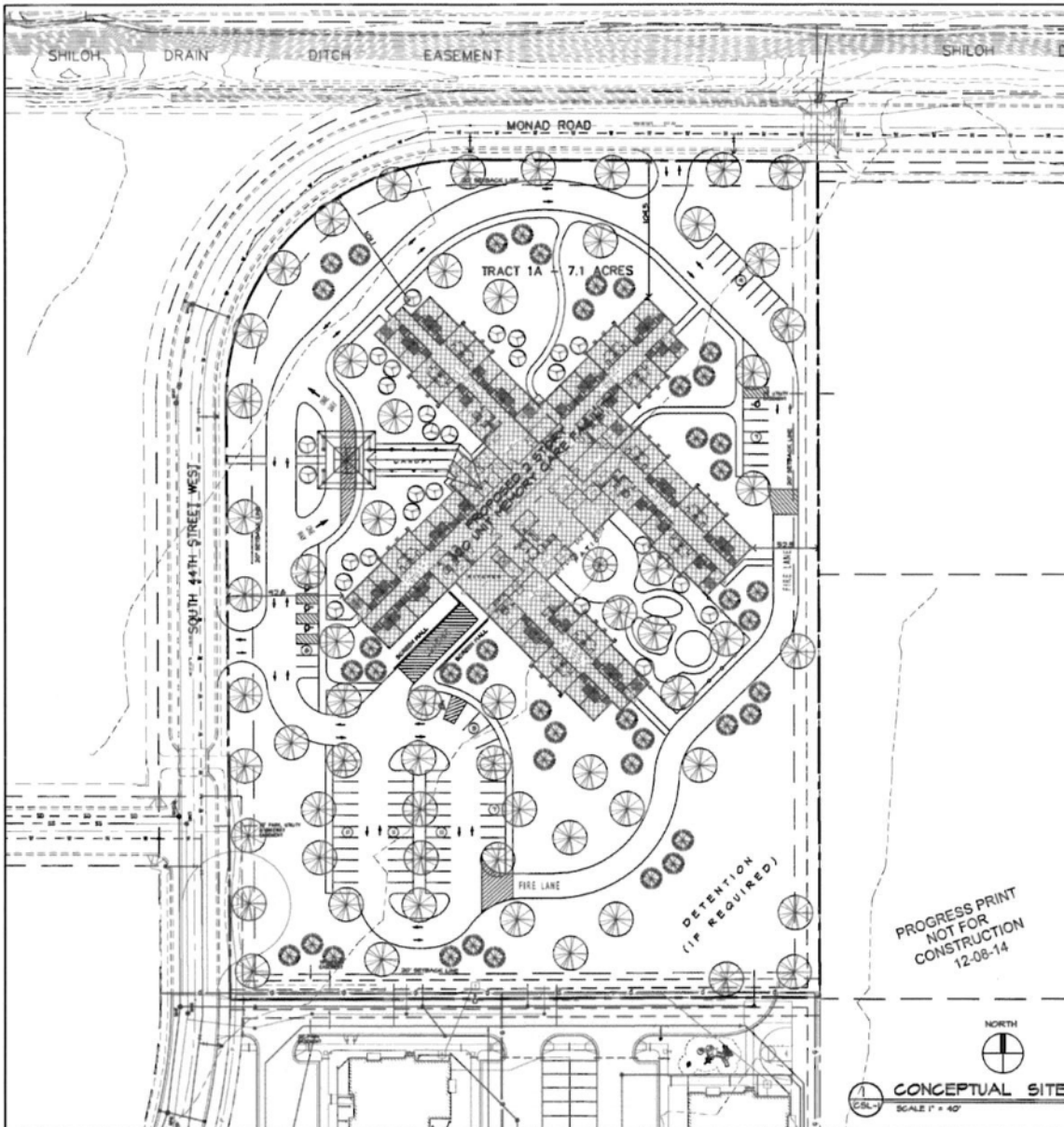
View south and east along 44<sup>th</sup> Street West – multi-family apartments under construction



View north and west along 44<sup>th</sup> Street West

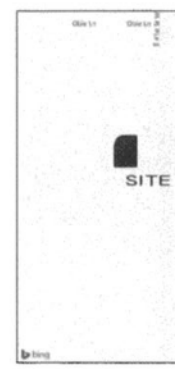
# Attachment D Site plan





**PRELIMINAL**

- SITE AREA
- ZONING
- PHASE I MEMORY CARE UNITS
- ACCESSIBLE PARKING SPACE
- TOTAL PARKING SPACES

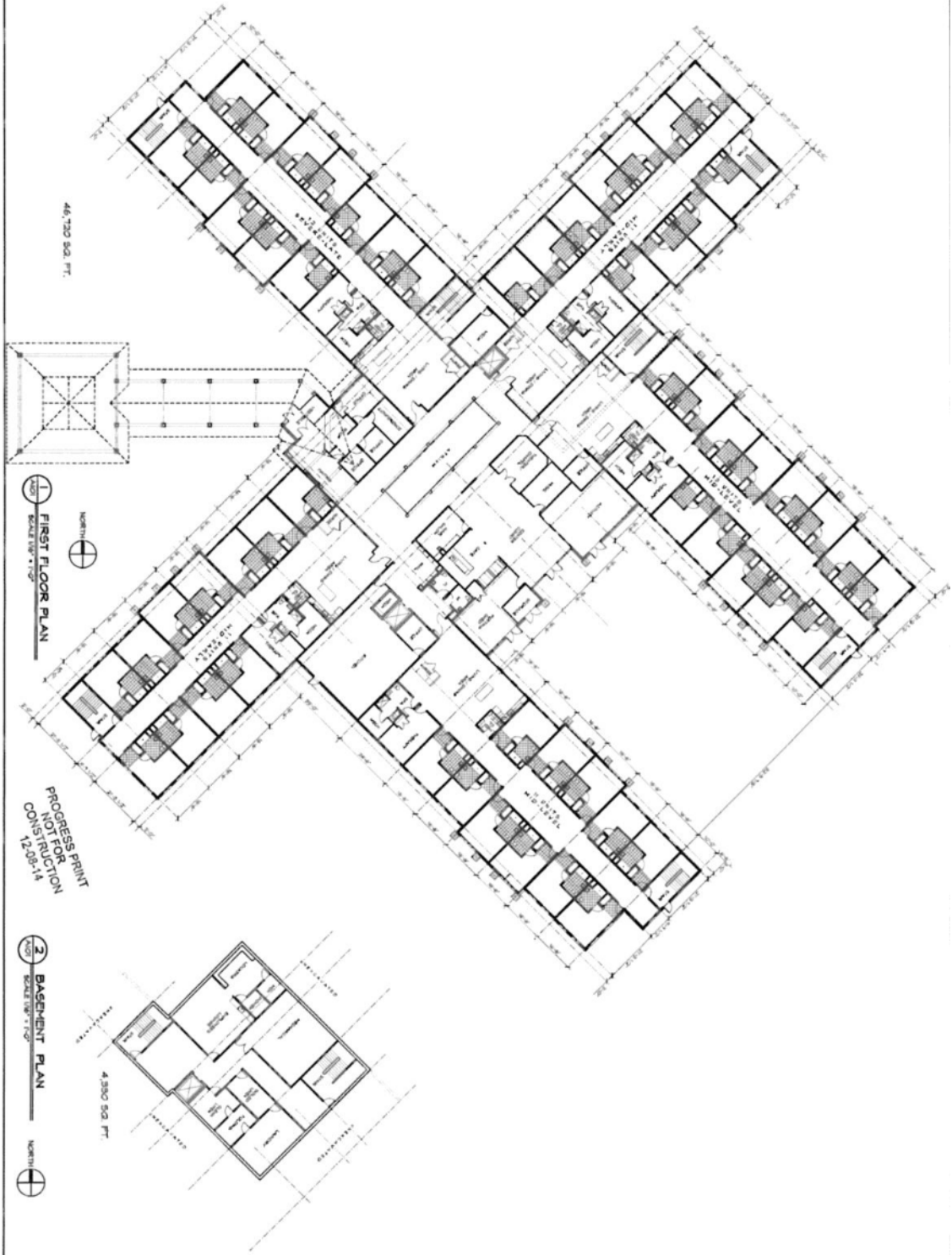


PROGRESS PRINT  
NOT FOR  
CONSTRUCTION  
12-08-14



**CONCEPTUAL SITE LAYOUT**  
SCALE 1" = 40'

VICINI  
NO SCALE



46,700 SQ. FT.

1 FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

PROGRESS PRINT  
FOR NOT FOR  
CONSTRUCTION  
12.08.14

2 BASEMENT PLAN  
SCALE: 1/8" = 1'-0"

4,350 SQ. FT.

PROJECT	120 UNIT MEMORY CARE FACILITY
DATE	12-08-14
SCALE	AS SHOWN
NO.	A-101

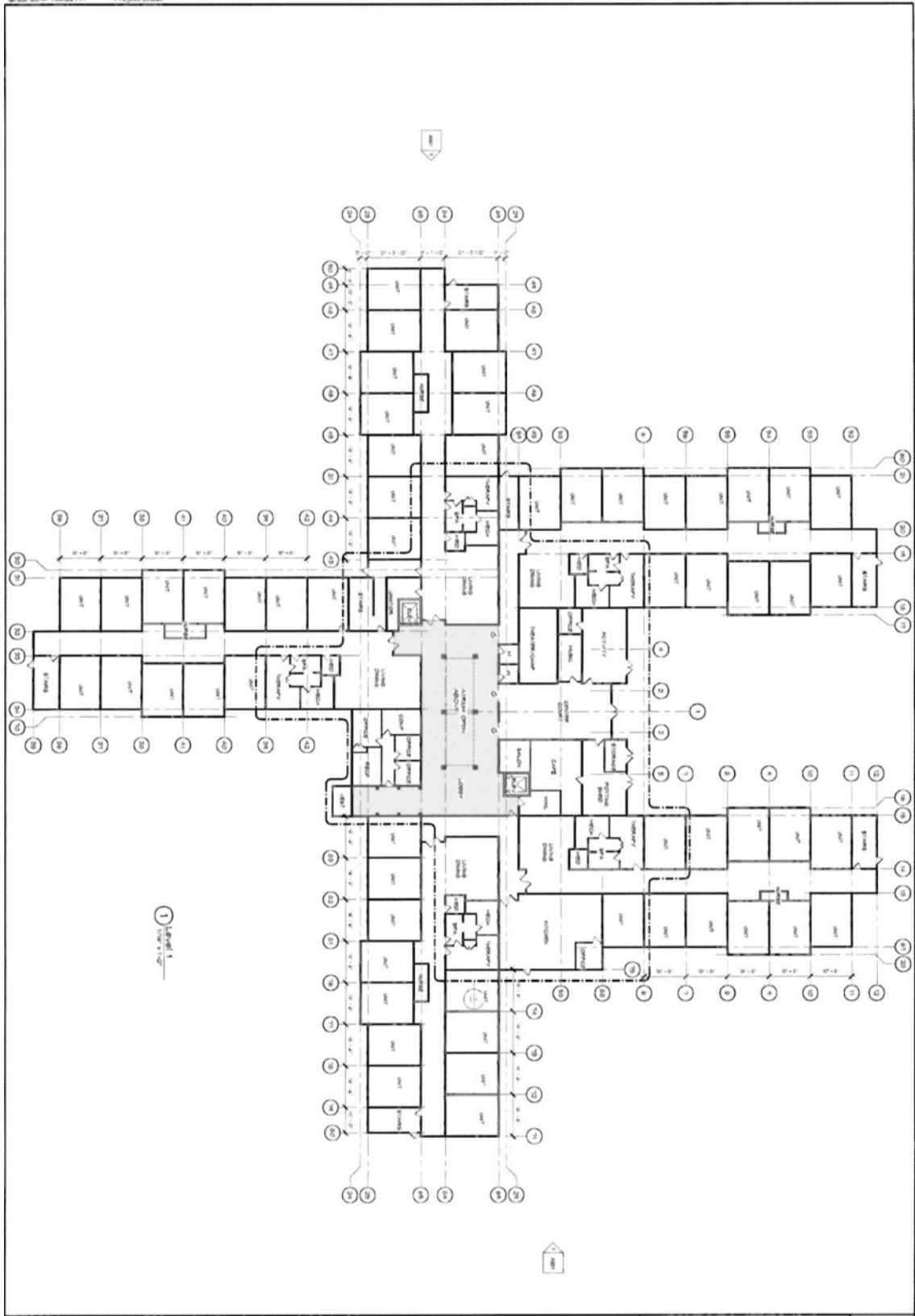
**120 UNIT MEMORY CARE FACILITY**  
BILLINGS, MONTANA

NO.	DATE	BY	DESCRIPTION

Tyson and Billy Architects, P.C.

4050 Murray Drive  
Billings, MT 59107  
(406) 237-8222  
Fax: (406) 237-8274





1 Level 1  
 1'-0" = 1'-0"

FIRST FLOOR PLAN  
 A101

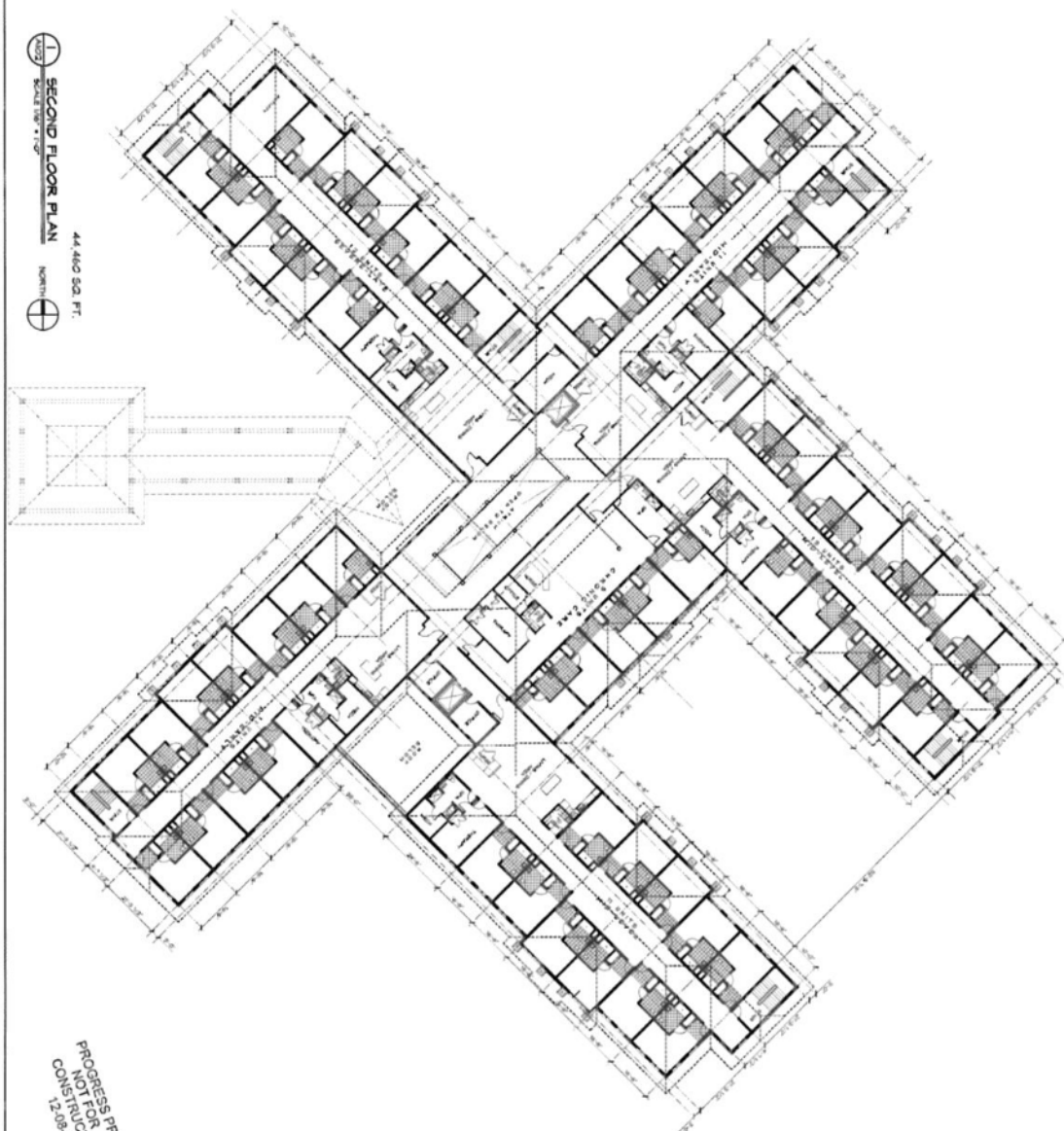
Billings Montana 120 unit Assisted Living  
 Billings, Montana

PROJECT NUMBER	ISSUE DATE	DATE	ADDED	CHECKED	CONTRACTOR	NO. CHG. CO.

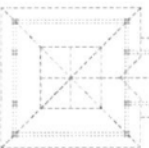
OWNER	ARCHITECT

Tyson and Billy Architects, P.C.  
 4000 MONROE DRIVE  
 ROCKFORD, IL 61107  
 (815) 224-6222  
 FAX: (815) 224-6210  
 www.tysonandbilly.com



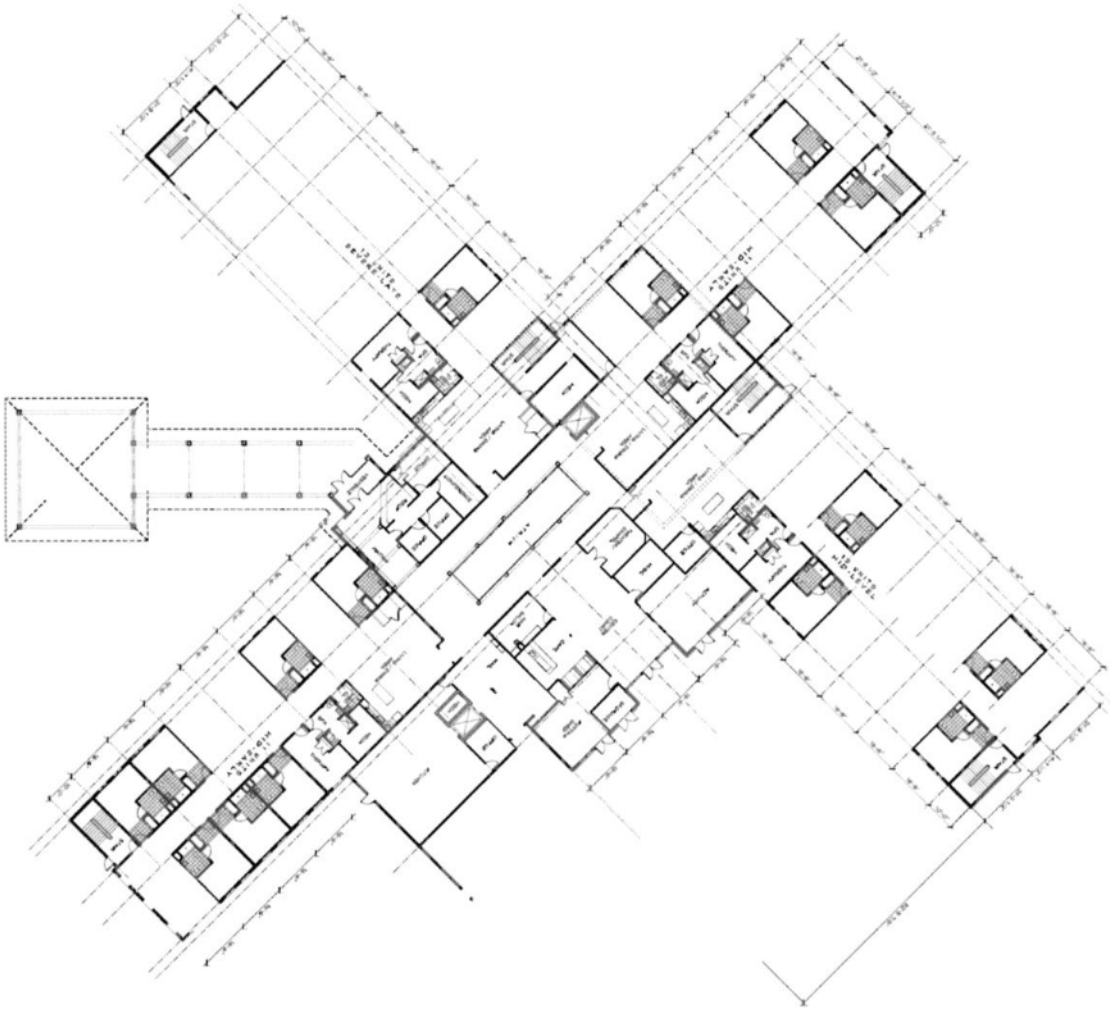


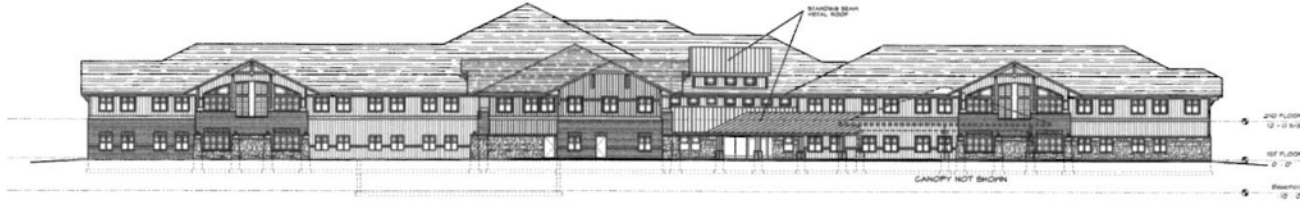

**SECOND FLOOR PLAN**  
 44,440 SQ. FT.  
 NORTH



PROGRESS PRINT  
 NOT FOR  
 CONSTRUCTION  
 12-08-14

SECOND FLOOR PLAN		120 UNIT MEMORY CARE FACILITY		Tyson and Billy Architects, P.C.	
A-102		BILLINGS, MONTANA		4000 WYOMING DRIVE BILLINGS, MT 59101 (406) 239-8333 FAX (406) 239-8316 WWW.TYSONANDBILLYARCHITECTS.COM	
DATE	NOV 13 2014	BY	JD	CONTRACTOR	STANDARD





1 NORTHWEST ELEVATION  
SCALE 1/8" = 1'-0"



2 NORTHEAST ELEVATION  
SCALE 1/8" = 1'-0"



3 SOUTHWEST ELEVATION  
SCALE 1/8" = 1'-0"



4 SOUTHEAST ELEVATION  
SCALE 1/8" = 1'-0"

December 1, 2014  
Project No. 07054.12

LOT 1, BLOCK 1  
LENHARDT SQUARE SUBDIVISION, FIRST FILING  
SPECIAL REVIEW APPLICATION

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**INTRODUCTION**

The attached Special Review Application is being submitted on behalf of Stock Land Properties, Inc. to allow an assisted living facility serving up to 120 persons. An exhibit identifying the subject parcels is attached to this application for reference along with a proposed site plan.

The following information is provided to satisfy the supplemental information requirements for the Special Review Application.

**A. In what way is the proposal consistent with the goals and policies of the adopted growth policy?**

The proposed special review request is consistent with the land use element goals and objectives as it is consistent with the nature of the existing neighborhood and the type of uses allowed under the proposed zoning are compatible with adjacent uses. The proposed special review request may also encourage economic development by allowing more flexibility in land use.

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

The need for assisted living facilities continues to increase and this location provides a suitable location for such a facility as it is compatible to the adjacent land uses and will compliment the neighborhood.

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

The approval of this application will serve the public interest by providing a locally owned quality assisted living facility that will serve a growing market demand.



To Plan and Design  
Enduring Communities...

- D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why this special review is being sought.**

The property is intended to be developed into a new single assisted living facility serving 100 persons. The special review is being sought because the current zoning allows for assisted living facilities serving eight persons, but does allow for assisted living facilities serving more than eight persons if approved by special review.