

****UPDATED AS OF 12/16/2015****

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

December 21, 2015

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Bird

ROLL CALL: Councilmembers present on roll call were:

MINUTES: December 14, 2015

COURTESIES:

PROCLAMATIONS: Vietnam Veterans Appreciation

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items #1 and 2 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. Mayor Hanel recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Ken Behling	Aviation & Transit Board	01/01/16	12/31/19
2	Dan Farmer	Aviation & Transit Board	01/01/16	12/31/19
3	Kristi Drake	Bicycle & Pedestrian Advisory Comm	01/01/16	12/31/18
4	No Applications	Bicycle & Pedestrian Advisory Comm	01/01/16	12/31/18
5	Kerri Crowe	Billings BID	01/01/16	12/31/19
6	Scott Turner	Billings BID	01/01/16	12/31/19
7	No Applications	Board of Appeals - Builder	01/01/16	12/31/19
8	Michael Downing	Board of Ethics	01/01/16	12/31/19
9	David Wanzenried	Board of Health	01/01/16	12/31/18
10	James Corson	Community Development - At Large	01/01/16	12/31/19
11	Rebecca Bey	Community Development - Low Mod	01/01/16	12/31/19
12	Jon Muessig	County Water District Billings Heights	01/01/16	12/31/21
13	Fred Buford	Exchange City Golf Course	01/01/16	12/31/18
14	Maureen Jurovich	Housing Authority	01/01/16	12/31/20
15	No Applications	Housing Authority - Resident Comm*	01/01/16	12/31/16
16	No Applications	Housing Authority - Resident Comm	01/01/16	12/31/17
17	Shawna Hawkins	Human Relations Commission*	01/01/16	12/31/18
18	No Applications	Human Relations Commission*	01/01/16	12/31/18
19	No Applications	Human Relations Commission	01/01/16	12/31/19
20	No Applications	Human Relations Commission	01/01/16	12/31/19
21	No Applications	Human Relations Commission	01/01/16	12/31/19
22	William Lamdin	Library Board	01/01/16	12/31/19
23	No Applications	Mayor's Homelessness - Lending*	01/01/16	12/31/16
24	Constance Heidenreich	Mayor's Homelessness - Librarian*	01/01/16	12/31/18
25	Nick Little	Mayor's Homelessness - Work Force Ag*	01/01/16	12/31/18
26	Danielle Wang	Mayor's Homelessness - Health Care*	01/01/16	12/31/18
27	No Applications	Mayor's Homelessness - Consumer*.	01/01/16	12/31/16
28	No Applications	Billings Parking Board*	01/01/16	12/31/18
29	No Applications	Billings Parking Board*	01/01/16	12/31/18
30	Kevin Odenthal	Billings Parking Board	01/01/16	12/31/19

31	Brian Rossiter	Billings Parking Board	01/01/16	12/31/19
32	No Applications	Billings Parking Board*	01/01/16	12/31/17
33	Jared LeFevre	Planning Board - Ward II	01/01/16	12/31/17
34	Patrick Klugman	Planning Board - Ward V*	01/01/16	12/31/16
35	Deborah Willis	Police Board	01/01/16	12/31/18
36	Ken Kingman	Police Board	01/01/16	12/31/18
37	Rod Wilson	Public Works Board	01/01/16	12/31/19
38	David Wanzenried	Public Works Board	01/01/16	12/31/19
39	Travis Jones	Public Works Board*	01/01/16	12/31/17
40	Arthur Westwood	Tourism BID*	01/01/16	06/30/18
41	Ron Alles	Traffic Control Board	01/01/16	12/31/19
42	Nancy Curriden	Yellowstone Historic Preservation Board	01/01/16	12/31/17
43	Dan Wagner	Zoning Commission	01/01/16	12/31/19
44	Dennis Ulvestad	Zoning Commission	01/01/16	12/31/19
45	Michael Larson	Zoning Commission	01/01/16	12/31/19
46	James Mariska	Zoning Commission	01/01/16	12/31/19

*15 Unexpired term of Kathleen Grooms

*17 Vacancy not filled

*18 Unexpired term of Charlene Sleeper

*23 Vacancy not filled

*24 Unexpired term of Bernard Rose

*25 Unexpired term of Don Christman

*26 Unexpired term of Kathryn Waitman

*27 Unexpired term of Gary Knopp

*28 Vacancy not filled

*29 Unexpired term of Gordon Gooselaw

*32 Unexpired term of Andy Piccioni

*34 Unexpired term of Dick Clark

*39 Unexpired term of Ryan Sullivan

*40 Unexpired term of Benjamin Kerns

B. Bid Awards

- 1. Two New Current Model Articulated Motor Patrols.** (Opened 12/15/15)
Recommend Tractor and Equipment, \$459,700.

C. Amendment #2, W.O. 09-15: Grand Avenue, Zimmerman Trail to Shiloh Road,
Professional Services Contract, HDR Engineering, Inc., \$311,562.

D. Amendment #4, Concourse B Upgrade Project, Architectural Services Contract,
CTA Architects and Engineers, \$236,622.

- E. **Acceptance of Donation** to Billings Police Department, Montana Sheriffs and Peace Officer Association for Alcohol Compliance Check Program.
- F. **Approval** of Tax Increment Financing Assistance from South Billings Boulevard Urban Renewal District Tax Increment Funds to Northridge Assets, LLC for development of Comfort Suites hotel at 4910 Southgate Drive; \$370,847 in four equal installments of \$92,711.75.
- G. **Approval** of Tax Increment Financing Assistance from East Billings Urban Renewal District Tax Increment Funds to Erving Properties for installing sidewalks at 1525 1st Avenue North; \$11,100.
- H. **Approval** of Tax Increment Financing Assistance from East Billings Urban Renewal Tax Increment District funds to Converse Properties, LLC for tree removal and landscaping at 905 2nd Avenue North; \$8,758.
- I. **Resolution of Intent** to create SILMD 321, Grand Avenue between 30th Street West and Shiloh Road (street lights), and set a public hearing date for January 25, 2016.
- J. **Bills and Payroll:**
 - 1. November 30, 2015

REGULAR AGENDA:

- 2. **FUNDING FOR COMMUNITY INNOVATIONS RESOURCE OUTREACH COORDINATORS:** \$75,000 from General Fund unbudgeted reserve to Rimrock Foundation in FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

COUNCIL INITIATIVES

ADJOURN

Additional information on any of these items is available in the City Clerk's Office. Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Billie Guenther, City Clerk, at 657-8210.

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Boards & Commissions Appointments

PRESENTED BY: Tina Volek, City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Mayor is requesting that the City Council confirm appointments for Board and Commission positions that are vacant due to resignations and term limits.

ALTERNATIVES ANALYZED

Council may:

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

FINANCIAL IMPACT

The proposed action has no financial impact.

RECOMMENDATION

Mayor Hanel recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
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APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Two New Articulated Motor Patrols

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Two bids were received by the Street/Traffic Division for the Public Works Department on December 15 to purchase two new current year Articulated Motor Patrols. This purchase will replace two existing Motor Patrols that are included in the FY 2016 Equipment Replacement Plan (ERP).

ALTERNATIVES ANALYZED

City Council may:

- Approve the award of the two Articulated Motor Patrols, or;
- Disapprove the award of the two new Articulated Motor Patrols. The existing Motor Patrols are nearing the end of their useful life.

FINANCIAL IMPACT

The City received 2 bids for the two Articulated Motor Patrols as shown below:

Vendor	Net Bid	Trade In	Warranty	Total Bid
Tractor and Equipment	\$487,550.00	Unit 1204 \$28,000.00 Unit 1212 \$15,000.00	\$7,575.00 \$7,575.00	\$459,700.00
RDO Equipment	\$506,500.00	Unit 1204 \$22,000.00 Unit 1212 \$ 9,000.00	\$2,200.00 \$2,200.00	\$479,900.00

RECOMMENDATION

Staff recommends awarding the bid for the purchase of the two Articulated Motor Patrols in the amount of \$487,550.00 to Tractor and Equipment. Staff also recommends trading the existing Motor Patrol units 1204 and 1212 for \$43,000.00. The 5 year transmission/engine warranty is \$7,575.00 per Motor Patrol for a total of \$15,150.00. Total bid amount less trade and along with 5 year warranties is \$459,700.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: W.O. 09-15 Grand Avenue Zimmerman Trail to Shiloh Road -
Professional Services Contract Amendment #2

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The professional services contract with HDR Engineering, Inc. for design of Work Order 09-15 Grand Avenue, Zimmerman Trail to Shiloh Road, was approved at the November 9, 2009, City Council Meeting. Design was delayed to allow discussion of access issues with the adjacent property owners and due to the fact that construction will not be until 2016. The original contract with HDR Engineering, Inc. did not include the design of roundabouts, development of the specifications, or construction administration. The construction administration includes full time inspection and testing during construction. A contract amendment has been approved for the design of the roundabouts. After further research, it was determined that HAWK signals must be included with the construction of the multi-lane roundabouts due to new regulations. Contract amendment #2 is for the design of the HAWK signals, preparation of the specifications, bidding services, and the construction administration. It is anticipated that this project will be bid and constructed in 2016, and it was always anticipated that a contract amendment was necessary in order to add construction administration and development of the specifications.

ALTERNATIVES ANALYZED

The Council may:

- Approve Professional Services Contract Amendment #2 in the amount of \$311,562.00; or
- Do not approve Professional Services Contract Amendment #2. If not approved, roundabouts at those intersections will not be designed with HAWK signals which will not meet current federal requirements. Also, the project cannot be constructed without construction administration.

FINANCIAL IMPACT

This Contract Amendment #2 is for \$311,562.00 and brings the total professional services contract with HDR Engineering, Inc. to \$566,168.00. Funding for this project is from arterial and gas tax funds. There is sufficient funding in the budget for this amendment.

RECOMMENDATION

Staff recommends that Council approve Professional Services Contract Amendment #2 with HDR Engineering, Inc. in the amount of \$311,562.00 for W.O. 09-15, Grand Avenue, Zimmerman Trail to Shiloh Road.

APPROVED BY CITY ADMINISTRATOR

AMENDMENT NO. 2
TO
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
W.O. 09-15
GRAND AVENUE – ZIMMERMAN TRAIL TO SHILOH ROAD

THIS AGREEMENT, made and entered into on November 9, 2009, by and between the following:

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

and

HDR Engineering, Inc.
2913 Millennium Circle
Billings, Montana 59102
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated November 9, 2009, for Contractor to provide engineering services to the City for Work Order 09-15 Grand Avenue – Zimmerman Trail to Shiloh Road, and;

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

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

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

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

Part I, Section 4. is amended as follows:

Increase the amount of compensation by Three Hundred Eleven Thousand Five Hundred Sixty Two and no/100 DOLLARS (\$311,562) to Five Hundred Sixty Six Thousand One Hundred Sixty Eight and no/100 DOLLARS (\$566,168.00).

Appendix A, Section 3. Add the following to the Scope of Work:

- Modify Task 304 to include the following:
 - Develop 60% Pedestrian HAWK Signals design plans

Assumptions:

- Design for HAWK signals for the multi-lane approaches to the roundabouts at 36th and 38th St.
 - Signals will not be included on the single lane approaches to the roundabouts.
- Modify Task 403 to include:
 - Finals plans will include design for Pedestrian HAWK Signals.
 - Include roadway lighting design from Zimmerman to 30th St W.
 - Add Task 406 – Prepare Preliminary Detailed Specifications
 - Detailed specifications will be prepared for front-end specifications and technical specifications.
 - Add Task 407 – Prepare Final Detailed Specifications
 - Incorporate review comments and prepare final specifications for advertising.
 - Add Task 501 – Bidding Administrative Assistance
 - Prepare bid documents and distribute to prospective bidders. Answer bidder questions and prepare addendum as needed. Schedule and conduct pre-bid meeting.
 - Add Task 502 – Post-Bid Administrative Assistance
 - Attend bid opening. Receive, evaluate and tabulate bids. Assess completeness of bid. Make recommendations to the City on award of contract. Issue Notice of Award.
 - Add Task 601 – Construction Initiation Services
 - After award of the construction contract, the Consultant will prepare Contracts and Conformed Documents and conduct a preconstruction conference and prepare minutes summarizing the conference. The consultant will provide the contractor with 3 sets of “for construction” plans and specifications.
 - Add Task 602 – Office Assistance and Administration
 - During the construction phase of the project, the Consultant will provide office assistance to the City on the administration of the project. This effort will include review and preparation of change orders, interpretation of drawings and specifications including answering requests for information (RFI), monitoring of compliance with procedure requirements on the project, coordinating with the contractor, evaluation of pay estimates, review for compliance of certified pay-rolls, and conducting weekly (or as needed) construction meetings.

- Add Task 603 – Field Services
 - The Consultant will provide full-time on-site construction administration/inspection services and construction staking.
 - The consultant will provide weekly inspection reports and provide immediate notifications if issues arise during construction.
 - The consultant will provide material testing to complete City of Billings Quality Assurance testing. All material and density testing will be in conformance with City of Billings testing specifications and Standard Mods for street and storm utility construction and in conformance with the approved plans and specifications. Inspections will be documented and included in final close-out documents for project.
 - Full-time on-site construction administration assumes a 120 calendar day construction schedule. Services include project documentation including daily diaries and photographs in conformance with City of Billings and industry standards; coordinate and manage materials testing firm; Check that materials are documented and meet project specifications; Identify non-compliant work in a timely manner for correction; Document and track project quantities; Verify quality and content of work complies with contract documents; Review project documents to be accurate and current; Document and report field conditions to the City; Coordinate daily with City; Establish progress report schedule.
- Add Task 604 – Construction Wrap-Up and Acceptance
 - Upon completion of the construction of the improvements, the Consultant will schedule and hold a final project walk-through and assist the City in the final wrap-up of the project, preparation of a punch list, preparation of Certificate of Substantial Completion, information review and recommendation of final acceptance.
- Add Task Series 700 – As-Built Plans
 - Add Task 701 – Develop As-Built plans based on mark-ups from field services.

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

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

CITY OF BILLINGS, MONTANA

HDR Engineering, Inc.
CONTRACTOR

By _____
THOMAS W. HANEL,
Mayor

By _____

Title _____

ATTEST

BILLIE GUENTHER, City Clerk

APPROVED AS TO FORM:

By _____

BRENT BROOKS, City Attorney

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Approval of Amendment 4 with CTA Architects and Engineers for Architectural Services for the Concourse B Upgrade Project

PRESENTED BY: Kevin Ploehn, Acting Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

On January 14, 2013, the City Council approved a five-year contract with CTA Architects and Engineers, to provide the Airport with architectural and engineering services needed for building and building equipment designs, specifications and bidding documents, and related construction administration. The five-year term contract is amended each time a project is undertaken, and Amendment 4 for \$236,622 includes the services listed above for this project.

The project CTA will be designing will be the first phase of the Terminal Building upgrades. This project will be located on the east end of the B Concourse and will remove the east end stairwell, add on 2,000 square feet to the existing building, demolish the existing restroom areas, and reestablish all of the space in a configuration for new restrooms and a new Concourse B food and beverage concession. The newly constructed space will also accommodate a dump station on the ramp level for the airlines to empty their lavatory carts. The estimated construction costs for the project is at \$2,300,000. The scope of work and associated fees for this project were reviewed and subsequently negotiated between staff and CTA. Staff believes the fees for this project are acceptable for this architectural work.

ALTERNATIVES ANALYZED

City Council may:

- Approve Amendment 4 for architectural services with CTA; or
- Decline to approve Amendment 4 with CTA, and advise staff on how to proceed.

FINANCIAL IMPACT

The total cost of Amendment 4 is \$236,622. The architectural fees are funded 90% with Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funds and 10% local match funds. It is anticipated that the FAA's portion will be \$212,959.80 and the City's match will be \$23,662.20. This project's local match funds are available in the Airport's Capital Account.

RECOMMENDATION

Staff recommends the City Council approve Amendment 4 with CTA Architects and Engineers for the architectural services for the Concourse B Upgrade project for the amount of \$236,622.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Approval of Funding from Montana Sheriff's and Peace Officer Association for Underage Alcohol Compliance Checks

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

The Montana Sheriff's and Peace Officer Association (MSPOA) would like to allocate funds to the Billings Police Department for Underage Alcohol Compliance Checks. Law enforcement officers supervise underage youth who attempt to purchase alcohol and if the attempt is successful, the establishment is penalized. Underage alcohol compliance checks conducted by law enforcement agencies can reduce the likelihood of illegal alcohol sales at checked alcohol establishments. Each compliance check performed will be reimbursed by the MSPOA in the amount of \$70 to compensate for overtime accrued by officers. Since the number of compliance checks is unknown, but the total amount of reimbursement may exceed the Council's \$500 limit on donations, the Police Department is requesting that the City Council approve this donation from the MSPOA.

ALTERNATIVES ANALYZED

The City Council may:

- Allow the Billings Police Department to be compensated by the MSPOA for each compliance check performed; or
- Not allow the Billings Police Department to be compensated by the MSPOA for each compliance check performed, which would result in the program being eliminated.

FINANCIAL IMPACT

There is no impact to the General Fund as all costs will be covered by the MSPOA.

RECOMMENDATION

Staff recommends that the City Council allow the Billings Police Department to accept the donation from the MSPOA for the Alcohol Compliance Check program.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: SBURA TIF Funds Request for Northridge Assets, LLC

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The South Billings Urban Renewal Association (SBURA) is requesting approval of \$370,847.00 in tax increment assistance from the South Billings Boulevard Urban Renewal District (SBBURD) paid to Northridge Assets, LLC for public improvements associated with the development of a Comfort Suites hotel located at 4910 Southgate Drive. Northridge Assets, LLC will be constructing an 84-room hotel building on a parcel that was previously a parking lot and part of a miniature golf course located near the corner of King Avenue East and Southgate Drive. Northridge Assets, LLC is investing approximately \$7.9 million into this project.

The construction of this project will provide new investment in the SBBURD. The project is consistent with the South Billings Master Plan and the City's Infill Policy. This project is a significant part of the continued private sector investment in and development of the area. This project is the result of a recruitment effort coupled with the incentive programs available from the SBURA and the City of Billings.

Tax increment finance (TIF) funds will be used to offset the cost of public improvements required of the developer to include public utilities improvements, demolition and abatement costs, landscaping, sidewalk, curb, gutter, and drive approach. Attached is an information packet providing a detailed analysis of the project. The terms for the expenditure of these funds are formalized in the attached Development Agreement.

The application for TIF Assistance was approved by the SBURA Board of Directors on September 1, in the amount of \$370,847.00. This amount is to be paid in four equal annual installments of \$92,711.75. The initial payment and subsequent payments will be made on June 1st of each year following the issuance of a certificate of occupancy.

ALTERNATIVES ANALYZED

The City Council may either approve or deny the recommendation from the SBURA on the expenditure of these funds.

FINANCIAL IMPACT

The Development Agreement specifies a total incentive of \$370,847.00 to be paid in four equal installments of \$92,711.75 to Northridge Assets, LLC as part of the SBURA TIF Application Program. There will be sufficient funds budgeted in the FY16-17 SBBURD budget for payment of this development incentive.

RECOMMENDATION

The South Billings Urban Renewal Association Board of Directors recommends approval of installment payments totaling \$370,847.00 from the South Billings Boulevard Urban Renewal District tax increment district funds to assist Northridge Assets, LLC with this redevelopment project.

APPROVED BY CITY ADMINISTRATOR

Attachments

Development Agreement Northridge Assets
Northridge TIF Assistance Application

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) - dated as of this _____, day of _____, 2015, is entered into by and between **Northridge Assets, LLC**, a North Dakota limited liability company, with an address of 1551 28th Ave South Suite L, Grand Forks, ND 58201, the **City of Billings (the “City”)**, a municipal corporation with an address of 210 North 27th Street Billings, Montana 59103, and **South Billings Urban Renewal Association, Inc. (SBURA)**, a 501(c)(6) non-profit organization located at 430 S Billings Blvd, Billings, MT 59101, (collectively, the “Parties”).

WITNESSETH:

WHEREAS, pursuant to City of Billings Ordinance No. 08-5462 (the “Ordinance”) the City has created the South Billings Boulevard Urban Renewal District (the “Urban Renewal District”) which contains a tax increment provision;

WHEREAS, Northridge Assets, LLC plans to develop certain property located within the Urban Renewal District as a new hotel on property more particularly described in the Northridge Assets, LLC TIF Application Packet (the “Project”) and has provided the Urban Renewal District with a schedule of development.

WHEREAS, the City requires certain details and specification of the rights, duties, obligations and responsibilities which exist in connection with the construction of certain public improvements, consisting of curb, gutter, and sidewalk, drive approaches, landscaping, demolition and abatement, and public utilities as well as all engineering and architectural services, labor material costs, and other costs associated with the construction and installation thereof, as more particularly set forth in the Northridge Assets, LLC TIF Application Packet attached hereto and made a part hereof (hereafter the “Public Improvements”);

WHEREAS, it is the Parties’ intention and desire that a portion of the tax increment revenue generated from the Project (the “Project Tax Increment Revenue”) be used to pay for the costs of a portion of the Public Improvements;

WHEREAS, pursuant to the Ordinance, the City has determined that the Project and Public Improvements to be constructed therewith are Urban Renewal Projects and that such improvements are eligible for tax increment financing;

WHEREAS, the City, and the SBURA, pursuant to the Ordinance creating the Urban Renewal District has determined that it is appropriate to return a portion of the Project Tax Increment Revenue to Northridge Assets, LLC.

WHEREAS, the SBURA board of Directors has voted at its September 1st, 2015 Board of Directors meeting to recommend funding the Northridge Assets, LLC TIF

application for a certain amount, pursuant to a Memorandum of Understanding approved by the City January 13, 2014 establishing the roles of the parties.

NOW THEREFORE, for good and valuable consideration, the Parties hereto hereby agree, covenant and represent as follows:

Section 1. Development of the Project.

- 1.A. The SBURA has prepared an application packet titled “Northridge Assets, LLC TIF Application Packet” which projects the amount of Project Tax Increment Revenue that will be generated from development of the Project. Northridge Assets, LLC represents that they have undertaken or will undertake construction of the Project, which consists of the construction of an approximately 56,000 square foot hotel property, public utility improvements, demolition and abatement, landscaping, as well as sidewalk, curb, gutter, and drive approaches located at 4908 Southgate Drive near the corner of King Avenue East and South Billings Boulevard.

- 1.B. Northridge Assets, LLC has obtained or will obtain the necessary approval from the City for all construction related to the Project. Northridge Assets, LLC shall construct all on-site improvements in accordance with City ordinances and any other applicable local, state and/or federal laws or regulations. The proposed development plan conforms to the current zoning of the Property. All improvements and construction thereon and adjacent to the Project, including, but not limited to off-site development, building construction, landscaping, and lighting shall be performed in accordance with all local, state, and/or federal regulations and laws, and as approved by the City. Northridge Assets, LLC acknowledges that the Project is subject to applicable utility system development fees in place at the time a building permit was secured as to the construction and/or the extension of services to the Project or any portion thereof. Those fees shall be due and payable from Northridge Assets, LLC at the time of request for service extensions.

Section 2. Construction and Maintenance of the Public Improvements. Northridge Assets, LLC will construct the Public Improvements as a part of the construction project. Northridge Assets, LLC agrees to maintain the adjacent sidewalks and boulevard landscaping as per City policy.

Section 3. Assessments, Taxes, and Abatements. Northridge Assets, LLC acknowledges and understands that the Project will be assessed for real property taxes and at some time in the future may be assessed with respect to special improvement districts. In this regard, Northridge Assets, LLC agrees to pay when due and applicable

all special improvement district assessments and taxes. It is understood that the Northridge Assets, LLC shall at no time pursue a tax abatement either through the City of Billings or Yellowstone County. Application for a tax abatement by Northridge Assets, LLC will terminate this agreement in its entirety including any future reimbursement payments.

Section 4. Reimbursements. Consistent with the Parties' desire that a portion of the Project Tax Increment Revenue, specific to this Project, be used to reimburse Northridge Assets, LLC for a portion of the costs of Public Improvements, the City agrees to allocate up to and not to exceed \$370,847.00. This reimbursement is to be reimbursed in four (4) equal installments of \$92,711.75. The initial reimbursement payment by the City to Northridge Assets, LLC is conditional upon the issuance of a Certificate of Occupancy from the City of Billings Building Division. The initial payment and subsequent payments will be made on June 1st of each year following the issuance of said permit. It is understood that at no time shall Northridge Assets, LLC be reimbursed for more than the portion of the cost of the total agreed upon qualified public improvements. The cost of said Public Improvements may be subject to Audit by the City.

Section 5. Obligation of the City. The City intends to refund a portion of the costs for Public Improvements as set forth above to Northridge Assets, LLC using South Billings Boulevard Urban Renewal District tax increment dollars when this project has been granted a Certificate of Occupancy by the City of Billings Building Division. Subsequent annual reimbursement payments are to be made with South Billings Boulevard Urban Renewal District tax increment dollars.

Section 6. Entire Agreement. This Agreement supersedes all prior written or oral understandings or negotiations that the Parties may have undertaken and constitutes the entire agreement between the Parties.

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

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

Section 9. Successors and Assigns. The stipulations and agreements of this Agreement shall be binding upon the Parties' successors and assigns.

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

City of Billings
2825 3rd Avenue North, 4th Floor
Billings, MT 59101
Attn: Candi Millar

Northridge Assets, LLC
1551 28th Ave South, Suite L
Grand Forks, ND 58201
Attn: Brett Carlson

South Billings Urban Renewal Association, Inc.
430 S Billings Blvd
Billings, MT 59101
Attn: Shawn Hanser

Section 11. Attorney Fees. If it becomes necessary for any party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, or to give any notice required herein, then the prevailing party shall be entitled to recover from the other party its' reasonable attorney fees and costs.

Section 12. Amendments. Amendments or modifications to this Agreement or any provisions herein shall be made in writing by the party requesting the change and upon written acceptance and execution by all parties shall become a part of this Agreement.

Section 15. Force Majeure. For the purposes of this Agreement "Force Majeure" shall mean any act of God, fire, earth movement, flood, explosion, action of the elements, war, invasion insurrection, acts of terrorism, riot, mob violence, sabotage, inability to procure general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, action of labor unions (unless provoked in bad faith violation of any labor laws by the party claiming its obligation or undertaking was prevented or delayed), condemnation, requisition, laws, orders of governmental or civil or military or naval authorities, or any other cause, similar to the foregoing, not within the

NORTHRIDGE ASSETS, LLC

By: _____
Its:

STATE OF MONTANA)
)
)
County of Yellowstone)

 This instrument was acknowledged before me on the ____ day of _____,
2015, by _____, the _____,
of Northridge Assets, LLC

SEAL

Sign: _____
Print Name: _____
Notary Public for the State of Montana
Residing at Billings, MT
My Commission expires: _____

**SOUTH BILLINGS URBAN RENEWAL
ASSOCIATION.**

By: _____
Its: President

STATE OF MONTANA)
)
)
County of Yellowstone)

This instrument was acknowledged before me on the ____ day of _____,
2015 ,by _____, the _____,
of South Billings Urban Renewal Association.

SEAL

Sign: _____
Print Name: _____
Notary Public for the State of Montana
Residing at Billings, MT
My Commission expires: _____



MEMORANDUM

From: Steve Zeier, Zeier Consulting, LLC

To: SBURA Board of Directors

RE: Northridge Assets, LLC Application for TIF Funds

Northridge Assets, LLC, a Choice Hotels operator, has submitted the attached TIF Assistance Application for your consideration at the September 1st, 2015 meeting of the South Billings Urban Renewal Association Board of Directors.

Please see the attached documentation regarding the project. The project consists of the construction an 84 guestroom four story Comfort Suites hotel, landscaping, demolition and abatement of current structures, and adjacent offsite improvements located adjacent to 4910 Southgate Drive. The attached information packet provides a detailed look at the project.

Northridge Assets, LLC is investing approximately \$7.9 million dollars into this project. The TIF application is for a request of \$370,847 for TIF eligible improvements such as curb, gutter, sidewalk, street improvements, utility improvements, demolition and abatement, and landscaping. This represents less than 45% of the increment that will be generated as a result of this project. The incentive number is limited by the amount of TIF eligible activities as a result if this project. Any reimbursemet amount is to be captured in a Development Agreement to be drafted at a later date for approval by the City of Billings City Council.

A recommendation to approve this application, conditional upon agreement of a multi year reimbursement schedule, is being forwarded for the following reasons:

- 1) The project is consistent with the adopted South Billings Master Plan for the recruitment and incentivizing of businesses to locate in the South Billings Boulevard Urban Renewal District.
- 2) The project is an ideal infill project in that it develops parcels that are currently vacant and/or underutilized and not generating significant tax revenue.
- 3) The scale and scope of the project is consistent with the adjacent commercial development.
- 4) It will provide incremental tax dollars to provide for future development projects.
- 5) The project will create 8 FTE jobs and over 100 construction jobs.
- 6) This project will stimulate growth in the adjacent commercial subdivision.

Please contact me with any questions. I look forward to discussing this at the September board meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Zeier". The signature is cursive and somewhat stylized.

Steve Zeier

enc: TIF Application Packet

cc: SBURA Board, Candi Millar, Brett Carlson

Northridge Assets, LLC.
1551 28th Ave South Suite L
Grand Forks, ND 58201

August 22, 2015

South Billings Urban Renewal Association, Inc.
PO Box 21462
Billings, MT 59102

Tax Increment Financing Assistance

SBURA,

On behalf of Northridge Assets, LLC, I am pleased to inform you of our company's intent to construct an 84 guestroom Comfort Suites in the City of Billings's South Billings Boulevard Urban Renewal District. The Comfort Suites will be a four story, slab on grade, wood framed structure. The hotel will accommodate guests with an indoor pool and spa, fitness center, conference room, a marketplace for extra amenities, coffee bar, and business center. I have attached construction documents that detail the floor plans, elevations, landscaping plans, and the civil engineering documents.

I will be submitting initial CD's to the City of Billings Building Division on Friday, August 28th, 2015 for a Foundation Permit. The remainder of the CD's will be submitted in full in October 2015. Upon approval from the Building Division by means of a Building Permit, we expect to continue construction through July 2016.

On behalf of our team at Northridge, I want to extend our gratitude for the time and consideration received for the Billings Comfort Suites. Should additional information be required, please contact me through the email address and number below.

Please see Attachment 1 for "Criteria For Review" information.

Regards,



Brett Carlson
Director of Development
Northridge Construction, Inc.
bcarlson@northridgenet.com
(218) 230-4170



Ryan Carlson
Vice President of Operations
Northridge Assets, LLC.
ryan@northridgenet.com
(701) 772-4422

Attachment 1

1. **Relevance:** The Billings Comfort Suites will provide new commercial infill on an otherwise unoccupied lot that projects a highly visible profile to the adjacent Interstate 90 and South Billings Boulevard exit which will improve the appearance of the land use. Furthermore, the hotel will provide an addition to the tax base and strengthen the local economy.
2. **Economic Stimulus:** The hotel will consist of 84 guestrooms, serviced by full and part time employees living in the community. The construction will be financed by private investment. While operating, the hotel will generate incremental tax revenue as well as symbiotic relationships with the surrounding businesses as we provide services to similar demographics.
3. **Tax Generation:** The current Property Assessment Value will be increased substantially with the finished construction of the hotel. Upon completion of a new assessment, the tax generation will provide an increased benefit than the properties' current state.
4. **Employment Generation:** The hotel will generate 5 full time employees and 14 part time employees while operating. The construction of the hotel will provide over 100 jobs through the duration of the build out.
5. **Elimination of Blight:** Currently the property contains a parking lot and the remnants of a mini golf course. The construction of the hotel will improve the appearance of a high profile section of Interstate 90 which is currently void of any structures.
6. **Special/Unique Opportunities:** The hotel will establish a vital link between the growing West end and downtown area for employees, business travelers and transient guests while providing economic synergies for neighboring businesses.
7. **Impact Assessment:** The site layout has been designed to mitigate as much environmental impact as possible by salvaging the majority of the current parking lot for future use and minimizing the addition of impervious material. This layout would allow for continued use of the already designed storm water beneath the parking lot. However, there will be a need to mitigate the impervious created by the building footprint. The building exterior is designed to provide a hospitable appearance with the use EIFS and Stone.
8. **Financial Assistance:** Financing provided through private investors and a lending institution.
9. **Project Feasibility:** The site, which has outstanding visibility from the interstate and is centrally located within the city, has provided us a premier hotel site. The opportunity to gain TIF funding has also encouraged our development in this district. The market, as a whole, has seen some decline with the influx of hotels constructed but we are confident the market is strong enough to support long term operations.
10. **Ability to Perform:** Northridge is well-suited to undertake new hotel construction with the Billings Comfort Suites. This construction marks our eighth hotel we will build, all of which are under the Choice Hotels flag.
11. **Timely Completion:** Northridge is capable of building this hotel within the timeline stated due to past experience on similar projects of this size and would expect a 6-9 month build out.
12. **Payment of Taxes:** Northridge will pay all applicable taxes at the appropriate time.

SOUTH BILLINGS BOULEVARD TAX INCREMENT FINANCING (TIF) ASSISTANCE
APPLICATION

Project Name: Comfort Suites Date Submitted: 8/27/15

APPLICANT INFORMATION

1. Name: Northridge Assets, LLC.
2. Address: 1551 28th Ave South, Suite L., Grand Forks, ND 58201
3. Telephone Number: (701) 772-4422

PROJECT INFORMATION

1. Building Address: Southgate Drive, Billings, MT 59101
2. Legal Description: Geyser Park Subd., S17, T01 S, R26 E, Block 1, Lot 1B, Amd (15)
3. Ownership: Northridge Assets, LLC.
4. Address: Same as above.
5. If property is not owned by the Applicant, list leasehold interests (Attach evidentiary materials.)
Lessor's Name: _____
Lessor's Address: _____
6. Existing/Proposed Businesses: Former Geyser Park Family Fun Center / Proposed hotel.
7. Business Description: 84 Room, limited service hotel.
8. Employment: Existing FTE jobs 0
9. New Permanent FTE jobs created by project 8 Construction FTE jobs 100
10. Architectural Firm: Lightowler Johnson Associates, Inc.
Address: 700 Main Ave., Fargo, ND 58103

Representative: Joe Loring

8. Description of Project: (Attach narrative explanation.)
9. Rehabilitation/construction plans: (Attach schematics, site and landscaping plans.)
10. Project Schedule: (Attach time line or schedule through completion.)

CRITERIA FOR REVIEW

Materials contained in TIF Assistance applications are used to assess the merits of projects in relation to the goals and objectives of the South Billings Urban Renewal Master Plan in relation to other district development and urban renewal projects. Projects will be evaluated based on the following criteria. Please provide an explanation and supporting documentation for how the project addresses each criterion.

1. Relevance to the South Billings Urban Renewal Master Plan – Documentation of the project’s consistency with the goals in the Master Plan.
2. Economic Stimulus – The amount of economic activity to be generated by the, as well as the leverage ratio of public to private investment. Applications should contain credible, measurable information substantiating Applicant’s claims of economic stimulus.
3. Tax Generation – The increase in taxable value due to new construction/rehabilitation as estimated by the County Assessor’s office.
4. Employment Generation – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.
5. Elimination of Blight – The project’s direct and indirect impact on the physical and fiscal condition within the District.
6. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need, or addresses community goals. The provision of public space or workforce housing are examples of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the Applicant i.e. lender participation and state and federal grant monies,
9. Project Feasibility – Demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.

10. Developer's Ability to Perform – Applicant's capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.
11. Timely Completion – The feasibility of completing the project according to the Applicant's project schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid at the time of application.

PROJECT COSTS

Land and Site Improvements (Itemized)

Division 2

1. Equity in Land and Buildings	\$ <u>700,000</u>
2. <i>Grading / Geo Piers</i>	\$ <u>275,994</u>
3. <i>Utilities</i>	\$ <u>144,164</u>
4. <i>Parking / Landscape / Irrigation</i>	\$ <u>175,000</u>
Subtotal	\$ <u>1,295,158</u>

Construction/Rehabilitation Costs (Use general construction trade divisions) Per CSI's Master Format 16 Divisions

1. <i>Division 3,4,5</i>	\$ <u>337,000</u>
2. <i>Division 6,7</i>	\$ <u>536,678</u>
3. <i>Division 8</i>	\$ <u>75,000</u>
4. <i>Division 9,10</i>	\$ <u>1,372,286</u>
5. <i>Division 11,12</i>	\$ <u>871,156</u>
6. <i>Division 14,15,16</i>	\$ <u>1,675,482</u>
7. <i>Division 1 / General / Soft Costs</i>	\$ <u>1,538,117.59</u>
8.	\$ _____
Subtotal	\$ <u>6,405,719.59</u>

Fees

1. Architectural design/Supervision	\$ <u>89,150.95</u>
2. Permits <u>Building/MEP</u>	\$ <u>30,000</u>
3. Other fees <u>Sys. Development Fees</u>	\$ <u>159,971.46</u>
Subtotal	\$ <u>279,122.41</u>
Total Project Development Costs	\$ <u>7,980,000</u>

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested <u>/TIF</u>	\$ <u>2,093,000</u>
Land & Buildings	\$ <u>700,000</u>
Other (Specify) _____	\$ _____
_____	\$ _____
Subtotal	\$ <u>2,793,000</u>

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	
_____	\$ <u>5,187,000</u>	_____ %	<u>20</u> yrs	\$ _____/Month
_____	\$ _____	_____ %	____ yrs	\$ _____/Month
Total Loan Amount				\$ <u>5,187,000</u>

TIF Request for improvements within the Public Right of Way

Eligible Improvements (See Schedule "A")

Public Utilities	\$ <u>144,164</u>
Demolition and Abatement	\$ <u>76,683</u>
Landscape, Green Areas, etc.	\$ <u>100,000</u>
Sidewalks, curbs, gutters, drive approaches	\$ <u>50,000</u>
Subtotal	\$ <u>370,847</u>

Sources of Funds Summary (Post totals from above.)

Developer Equity	\$ <u>2,362,080</u>
Lender Commitments	\$ <u>5,187,000</u>
TIF Request	\$ <u>130,120</u> <u>\$370,847.00</u>
Other Funds (Specify) <u>Additional Equity</u>	\$ <u>\$60,073</u>
Total Project Financing	\$ <u>7,980,000</u>

DEVELOPER STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

Applicant

1. Name: Northridge Assets, LLC.

Address: 1551 28th Ave S., Suite L. Grand Forks, ND 58201

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

3. The applicant is:

_____ A corporation.

_____ A nonprofit or charitable institution or corporation

X _____ A partnership known as LLC.

_____ Other (explain): _____

Date of organization: May 2013

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

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
<u>Jon Miskavage</u>	<u>45 %</u>
<u>Ryan Carlson</u>	<u>20 %</u>
<u>Jeremy Miskavage</u>	<u>35 %</u>
_____	_____

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, or profit and loss statements.

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

3. Has the applicant or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:
No Yes _____ If yes, give date, charge, place, court and action taken for each case.

CONSTRUCTION CONTRACTOR

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

Name: Northridge Construction, Inc.

Address: 1551 28th Ave South, Suite L., Grand Forks, ND 58201

2. Has such contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?

No Yes If yes, explain.

CERTIFICATION

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

Signature 

Signature 

Title Development Director

Title Treasurer / Owner

Address 1551 28th Ave South Suite L.

Address 1551 28th Ave South

Grand Forks, ND 58201

Suite L

Date 8/27/15

Date 8/27/15

Northridge Assets, LLC SBBURD TIF Application

12.2015

PROJECT COSTS

Land and Site Improvements	
Equity in Land and Buildings	\$0
Grading / Geo Piers	\$275,994
Utilities	\$144,164
Parking / Landscape / Irrigation	\$175,000
SUBTOTAL	\$595,158
Construction Costs	
Division 3,4,5	\$337,000
Division 6,7	\$536,678
Division 8	\$75,000
Division 9,10	\$1,372,286
Division 11,12	\$871,156
Division 14,15,16	\$1,675,482
Division 1, General, Soft costs	\$1,538,117
SUBTOTAL	\$6,405,719
Fees	
A/E Fees	\$89,151
SDF Fees	\$159,971
Permits	\$30,001
SUBTOTAL	\$279,123
TOTAL	
PROJECT TOTAL	\$7,280,000

PROJECT FINANCING

Developer Equity (Cash)	\$2,093,000
Land & Buildings	\$700,000
TOTAL	\$2,793,000
Lender Commitment	\$5,187,000

TIF ELIGIBLE IMPROVEMENTS

Public Utilities	\$144,164
Demolition and Abatement	\$76,683
Landscaping	\$100,000
Sidewalks, Curb, Gutter, Drive Approaches	\$50,000
TOTAL TIF ELIGIBLE EXPENSES	\$370,847

SOUTH BILLINGS BLVD FY16 BUDGET

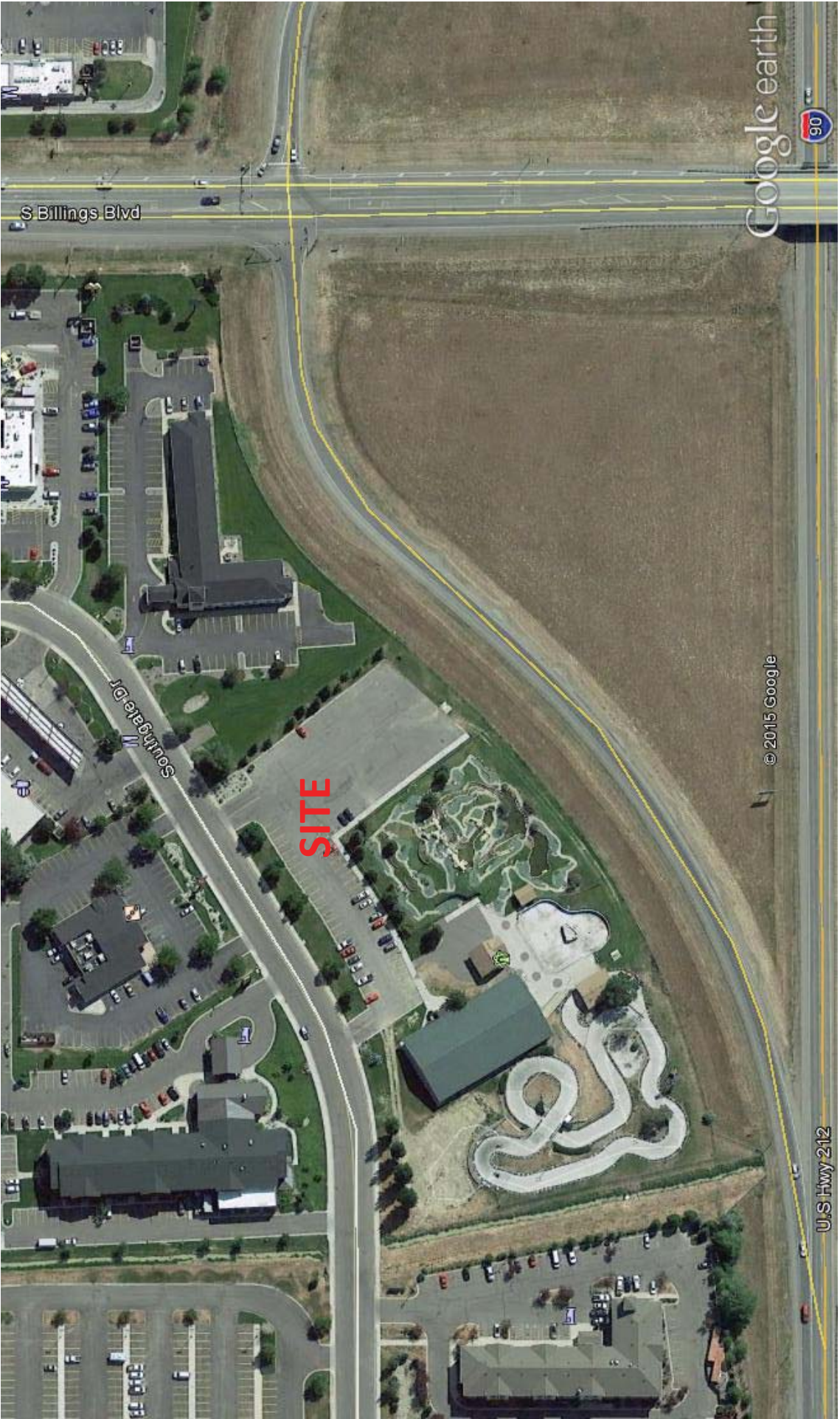
Fund Balance Beginning	\$3,804,227
Revenue	
Taxes	\$1,439,500
Intergovernmental	\$256,000
Investment Earnings	\$8,000
Proceeds from Debt	\$3,300,000
Total Revenue	\$5,003,500
Expenditures	
Operation & Maintenance	\$207,105
Capital	\$4,355,000
Principal	\$60,000
Interest	\$300,000
Total Expenditures	\$4,922,105
Fund Balancing End	<u>\$3,885,662</u>

TIF INCENTIVE ANALYSIS

Additional Value Total	\$7,280,000	
TIF Dollar Multiplier	1.27%	Per TIF Example Calc Table
Est Increment Generated	\$92,456.01	Per Year
TIF Time Remaining	25	yrs.
(25 year TIF Bond issued in 2015)		
(Project online mid-2016)		
SUB TOTAL EST INCREMENT	\$2,311,400	
Less current 2015 tax base total	\$209,390.25	
(\$8,375.61 annually)		
Total Est Increment	\$2,102,009.88	
(over the life of the TIF)		
45% Max TIF Incentive	\$945,904.44	
TIF ELIGIBLE EXPENSES	\$370,847.00	
(per TIF application policy , max TIF incentive is the smaller of the two calculations)		

TIF EXAMPLE CALC TABLE

For every \$1,000,000 invested, a return of \$12,730 can go the TIF District		
Hypothetical TIF revenue estimate for \$1 million new assessed real property value		
TIF Calculation	Value	Comment
Assessed Value	1,000,000	Real property increment only
Taxable Value	19,000	Tax rate of Class 4 property now 1.90% per MCA 15-6-134(3)(c)
Mill Levy	670.02	2015 Mill Levy Rates as per Yellowstone County Treasurer
Real Property Tax	12,730	Taxable value x by mill levy
Updated 12/2015 to reflect the impact of Montana DOR Reappraisal per SB 157		



1000
300

feet
meters

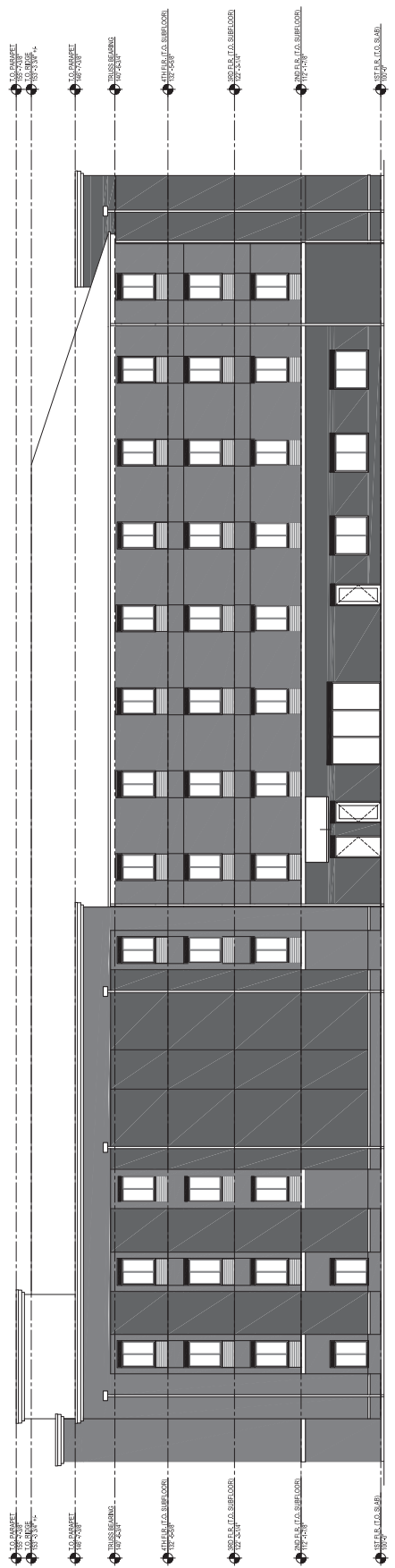




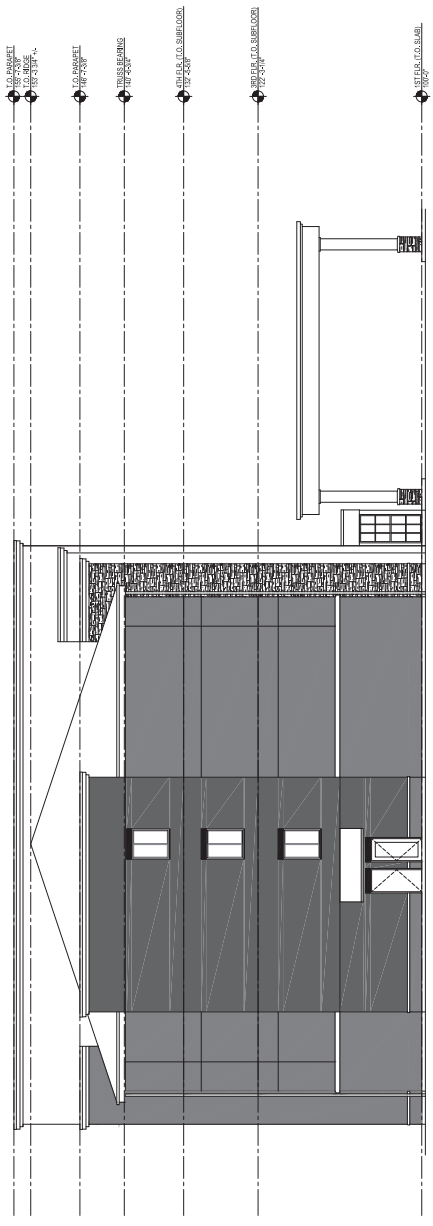
DATE	2/18/2016
PROJECT	COMFORT SUITES
PROJECT NAME	COMFORT SUITES
PROJECT ADDRESS	1000 N. 10TH ST.
DRAWN BY	JL
CHECKED BY	JL
DATE	2/18/2016

EXTERIOR
 ELEVATIONS

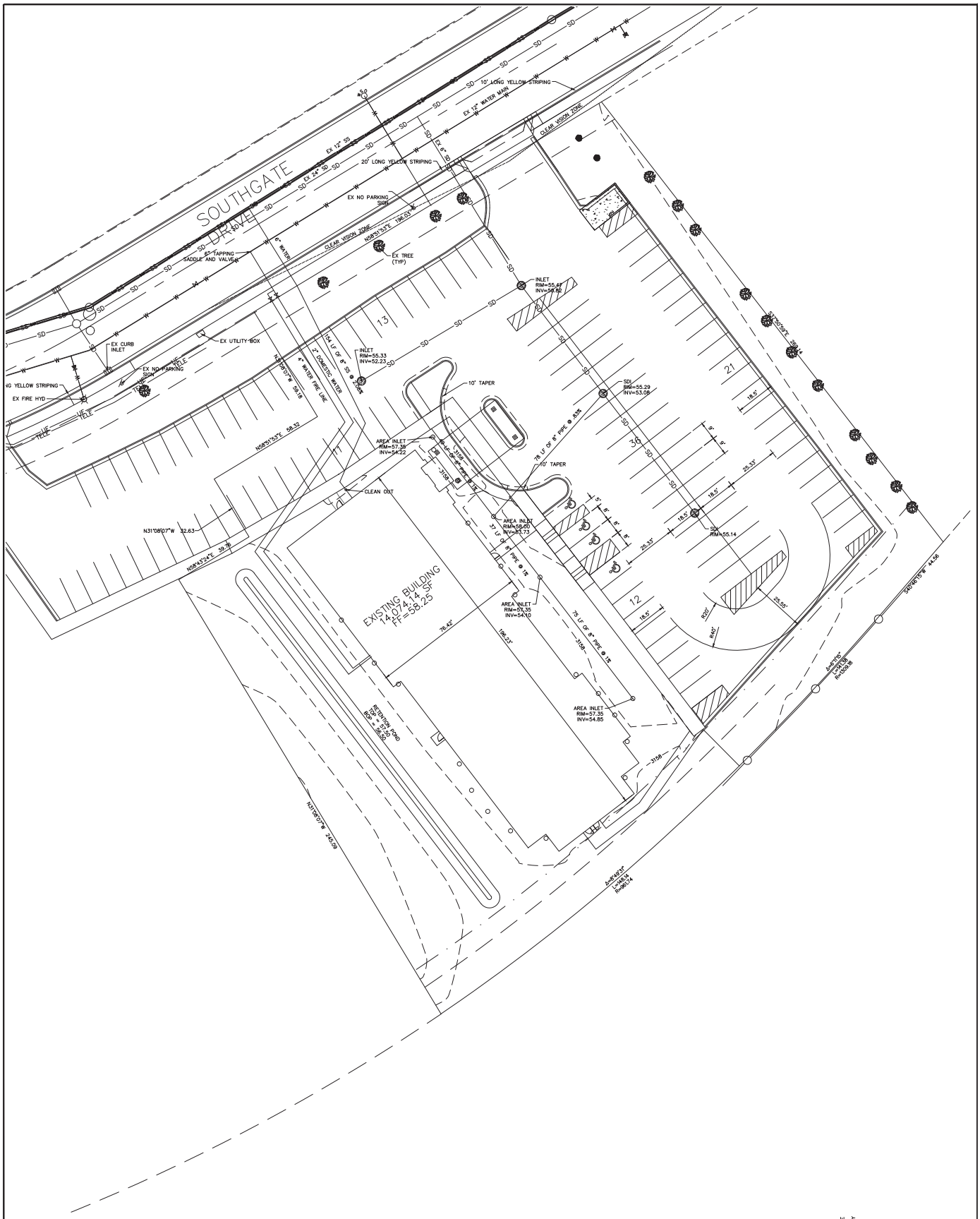
A201



1 BACK BUILDING ELEVATION
 SCALE: 1/8" = 1'-0"

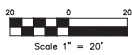


2 LEFT SIDE BUILDING ELEVATION
 SCALE: 1/8" = 1'-0"



NOTES:

- EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. SERVICE LINES (WATER, POWER, GAS, STORM, SEWER, PHONE, TV) MAY NOT BE STRAIGHT LINES OR AS INDICATED ON THE PLANS. CONTRACTOR SHALL CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.
- UTILITY INSTALLATION SHALL BE INSTALLED PER MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS, SIXTH EDITION, APRIL 2010 AND CITY OF BILLINGS STANDARD MODIFICATIONS, MARCH 2013.
- ALL WELL, GAS, ELECTRICAL, POWER, PHONE AND CABLE TO BE COORDINATED BY THE OWNER'S SUBS.



**FOR REVIEW PURPOSES ONLY
NOT FOR CONSTRUCTION**

- LEGEND:**
- CATCH CURB
 - SPILL CURB
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER LINE
 - UNDERGROUND POWER
 - OVERHEAD POWER
 - UNDERGROUND TELEPHONE
 - UNDERGROUND GAS
 - SUBJECT PROPERTY BOUNDARY
 - ADJACENT PROPERTY BOUNDARY
 - ADJACENT RECORD BEARING AND DISTANCE
 - SANITARY SEWER MANHOLE
 - FIRE HYDRANT
 - WATER VALVE
 - UTILITY POLE
 - TRANSFORMER
 - TELEPHONE BOX
 - PULL BOX IRRIGATION

2
4
SHEET

LOT 1B, BLOCK 1, GEYSERS PARK SUB
SITE PLAN

NO.	REVISIONS	DATE
1		
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blue line
ENGINEERING

2110 OVERLAND AVE.
SUITE 119B
BILLINGS, MT 59102
PHONE (406) 294-2294
FAX (406) 294-2295

PLANTING SPECIFICATIONS:

1. PLANTING BED PREPARATION: ALL MASS PLANTING BEDS SHALL BE FILLED TO A MINIMUM DEPTH OF TEN (10) INCHES. AMENDMENTS SHALL BE APPLIED AFTER CULTIVATION OR EXCAVATION FROM THE SITE AND PLANTING HOLES AND PRODUCE AMENDMENTS TO MEET MOIST TOP SOIL SPECIFICATIONS. REMOVE ALL DEBRIS INCLUDING ROCKS LARGER THAN THREE (3) INCHES IN DIAMETER.
2. FERTILIZER: ALL PLANT MATERIALS SHALL BE FERTILIZED, UPON INSTALLATION, WITH GRENED BONE MEAL AND/OR OTHER SPECIFIED FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS UNLESS NOTED OTHERWISE.
3. MULCH: ALL PLANTING HOLES SHALL BE MULCHED WITH ONE (1) INCH DEEP MULCH OVER THE ROOT BALL. MULCH SHALL BE APPLIED TO THE ENTIRE PLANTING AREA.
4. POLYLANDSCAPE FABRIC: ALL DECIDUOUS AND EVERGREEN TREES TO RECEIVE 2" DEEP SHREDED HARDWOOD MULCH WITH NO MULCH IN DIRECT CONTACT WITH THE TREE TRUNK.
5. CONTRACTOR'S RESPONSIBILITY: TO TAKE EVERY STEP NECESSARY TO MAINTAIN THE TREES AND SHRUBS IN AN UPRIGHT AND PLUMB CONDITION AT ALL TIMES UNTIL THE END OF THE PLANT GUARANTEE PERIOD. ESPECIALLY WHERE SOIL OR WIND CONDITIONS ARE A PROBLEM. AT THE END OF THE PLANT GUARANTEE PERIOD THE CONTRACTOR SHALL REMOVE STAKING IF INSTALLED, PRIOR TO OWNER ACCEPTANCE. SCHEDULING OF DEBRIS REMOVAL SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT. DO NOT SCALE DRAWINGS.
6. EDGING: EDGING SHALL BE 1" COMMERCIAL GRADE EDGING WITH THREE (3) METAL ANCHOR STAKES PER 2' FOOT SECTION. ALL MASS PLANTING BEDS SHALL HAVE EDGING PLACED BETWEEN MULCH AREA AND ANY ADJACENT TURF AREA.

GENERAL LANDSCAPE NOTES:

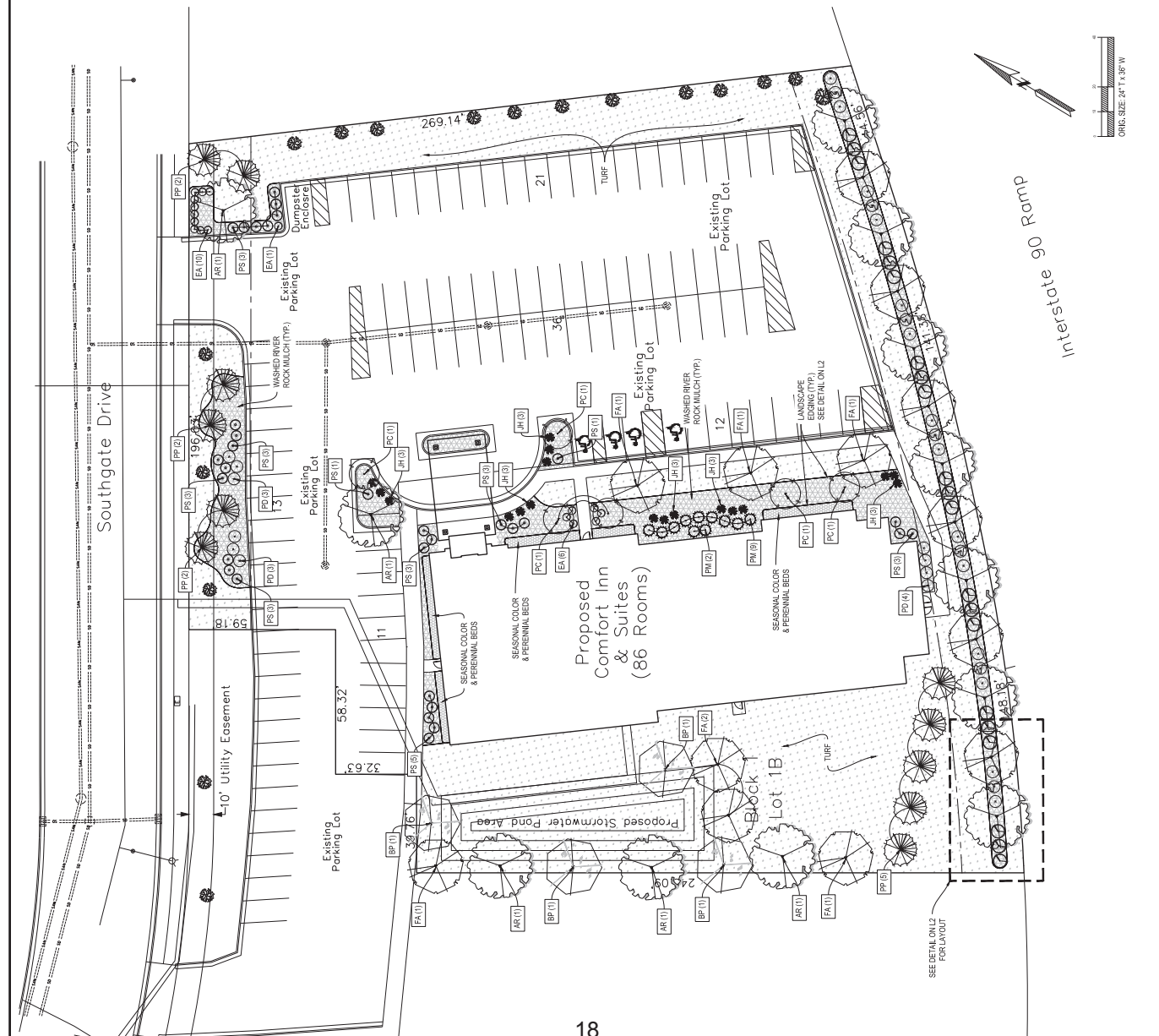
1. LANDSCAPE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS ON THE PROPERTY WITH THE GENERAL CONTRACTOR AND BY CALLING THE UTILITIES UNDERGROUND LOCATION SERVICE PRIOR TO STAKING PLANT LOCATIONS.
2. ALL PLANTING MATERIALS AND UNITS, USE LARGER UNIT SIZES OR VARY THE SPECIES AT THE TIME OF PLANTING IF THERE ARE AVAILABILITY CONSTRAINTS PER THE LANDSCAPE DESIGNER'S WRITTEN APPROVAL.
3. COORDINATE CONSTRUCTION AND PLANTING INSTALLATIONS WITH OTHER CONTRACTORS WORKING ON SITE.
4. NO PLANTING SUBSTITUTIONS SHALL BE ACCEPTED UNLESS APPROVAL IS REQUESTED FROM THE LANDSCAPE DESIGNER PRIOR TO THE SUBMISSION OF A BID AND/OR QUOTE.
5. CONTRACTOR'S RESPONSIBILITY FOR ALL ONGOING MAINTENANCE OF THE NEWLY INSTALLED MATERIALS UNTIL THE TIME OF OWNER SIGN-OFF.
6. CONTRACTOR SHALL PROVIDE A WRITTEN REQUEST TO THE LANDSCAPE DESIGNER FOR THE OWNER ACCEPTANCE INSPECTION.
7. CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL, THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE AFTER THE COMPLETION OF PLANTING ALL LANDSCAPE MATERIALS AND UNITS. ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER.
8. SOIL BE RECOMMENDED AT ENTRY AREAS BUT NOT REQUIRED. SEED OPEN AREAS UNLESS OTHERWISE NOTED. REFERENCE SWPPP NOTES FOR PROPER INSTALLATION AND MAINTENANCE.
9. REFER TO PAGE 12, LANDSCAPE DETAILS FOR LANDSCAPE DETAILS.

PLANTING NOTES:

1. PLANT LOCATIONS ARE TO BE ADJUSTED AS NECESSARY TO SCREEN UTILITIES BUT NOT BLOCK WINDOWS OR IMPERE ACCESS.
2. ALL GROUND COVER AREAS SHALL BE TOP-DRESSED WITH 1/2" LAYER OF BARK MULCH OVER FIBER MAT W/ED BARRIER. ALL PERENNIAL AND ANNUAL PLANTINGS SHALL BE PLACED NO FARTHER THAN 6" FROM EDGE OF PAVEMENT, EDGE OF LEADER OR BACK OF CURB.
3. SPACING SHALL ENSURE FULL COVERAGE IN ONE YEAR.
4. ALL TREES SHALL RECEIVE 2" DEEP MULCHING UNLESS OTHERWISE NOTED.
5. BRANCHES OF ANY EXISTING PLANTS TO REMAIN, IF EXISTING PLANTS TO REMAIN ARE DAMAGED DURING CONSTRUCTION, THE PLANTS SHALL BE REPLACED WITH THE SAME SPECIES AND SIZE AS THOSE DAMAGED.
6. ALL PLANTING MATERIALS SHALL BE INSTALLED AND MAINTAINED FOR A MINIMUM OF ONE YEAR PRIOR TO THE LANDSCAPE DESIGNER'S REVIEW.
7. NECESSARY, FINAL LAYOUT TO BE REVIEWED BY THE LANDSCAPE ARCHITECT. ANY CHANGES MUST BE SUBMITTED TO THE CITY FOR REVIEW.
8. THE QUALITY OF PLANT MATERIAL SHALL FOLLOW THE GUIDELINES OF THE AMERICAN STANDARD FOR NURSERY STOCK.
9. PLANTINGS SHALL BE WARRANTED (FOR REPLACEMENT) FOR ONE YEAR AFTER FINAL ACCEPTANCE.
10. UNLESS SPECIFICALLY NOTED OTHERWISE, THE DEVELOPER SHALL LANDSCAPE ALL RIGHT-OF-WAY WITH SOO AND WOODS. ALL PLANTINGS SHALL BE APPROVED BY THE CITY FORESTER'S OFFICE. TREES SHALL BE PRE-APPROVED BY THE CITY FORESTER'S OFFICE AND SHALL BE A MINIMUM OF 25' FROM PROPERTY CORNERS AT INTERSECTIONS, 25' FROM STREET LIGHTS AND 10' FROM EDGE OF DRIVEWAYS.
11. THE NOTED LANDSCAPE TOTALS ARE GIVEN AS A CONVENIENCE TO THE LANDSCAPE CONTRACTOR. THE LANDSCAPE CONTRACTOR IS TO VERIFY WHERE EXISTING TREE MASSINGS ARE FOUND ON SITE, WHETHER SHOWN ON DRAWINGS OR OTHERWISE THEY SHALL BE PROTECTED AND SAVED. ANY QUESTION REGARDING WHETHER PLANT MATERIAL SHOULD REMAIN OR NOT SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE DESIGNER PRIOR TO REMOVAL.
12. ALL PLANTINGS SHALL RECEIVE COMMERCIAL GRADE EDGING. ALL MASS PLANTING AREAS SHALL HAVE EDGING PLACED BETWEEN THE MULCHED AREA AND ANY ADJACENT TURF.
13. ALL PLANTINGS SHALL RECEIVE COMMERCIAL GRADE EDGING. ALL MASS PLANTING AREAS SHALL HAVE EDGING PLACED BETWEEN THE MULCHED AREA AND ANY ADJACENT TURF.
14. PROVIDE AN 18" CLEARANCE BETWEEN THE BUFFER PLANTINGS AND THE FENCE LINE.
15. PROVIDE AN 18" CLEARANCE BETWEEN THE BUFFER PLANTINGS AND BUFFER YARDS ARE BASED OFF ONE HUNDRED (100) FOOT DIMENSIONS UNLESS NOTED OTHERWISE.
16. REFER TO GRADING PLAN AND SWPPP PLAN FOR LOCATION OF Silt FENCE AND LIMITS OF CONSTRUCTION.
17. ALL PLANTINGS SHALL BE PLACED AGAINST THE TRUNK OF THE TREE, ROOT CROWN OR UNDER THE DRIP LINE. INSTALL TREES PER PLANTING DETAILS.
18. ONE SHRUB AND PERENNIAL PER TYPE AND SIZE IN EACH PLANTING BED SHALL BE CLEARLY IDENTIFIED (COMMON OR LATIN NOMENCLATURE) AND SHALL NOT BE REMOVED UNTIL AFTER OWNER ACCEPTANCE. EVERY TREE SHALL BE IDENTIFIED.

PLANT LIST:

TREES	PLANT LIST	PLANT LIST	PLANT LIST
BA	Baldia pinnatifida 'Elegance'	7' GAL	1
PP	Pinus strobus	6' HT	11
AR	Acer rubrum 'October Glory'	2' GAL	12
PC	Prunus cerasifera 'Newport'	1 1/2" GAL	6
FA	Forsythia americana 'Adam Purple'	2' GAL	13
SMALL TREES / SHRUBS			
PH	Pinus mugo pumila 'Compact Select'	#5 GAL	11
JH	Juniperus horizontalis 'Blue Chip'	#2 GAL	18
DP	Dwarf Forsythia	#2 GAL	31
PD	Physocarpus opulifolius 'Dart's Gold'	#2 GAL	31
FI	Forsythia x intermedia 'Lynwood Variety'	#2 GAL	31
EA	Eurotia alata	#2 GAL	F
PERENNIALS			
SS	Schizanthus scoparium 'The Blues'	#1 GAL	128
BG	Bouteloua gracilis 'Blonde Ambition'	#1 GAL	
AN	Anemone nemorosa 'Purple Dome'	#1 GAL	
AR	Artemisia tridentata 'Purple Dome'	#1 GAL	
GA	Gallardia Arizona Sun	#1 GAL	



Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: EBURD TIF Assistance Request - Erving Properties

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Billings Industrial Revitalization District (BIRD) Board of Directors is requesting approval of \$11,100.00 in tax increment assistance from the East Billings Urban Renewal District (EBURD) paid to Erving Properties for public improvements.

The funding will be used to reimburse the cost of installing new concrete sidewalks along 1st Avenue North. This project is consistent with the East Billings Urban Renewal District Master Plan.

Tax increment finance (TIF) funds will reimburse the applicant, Erving Properties, the cost of replacing concrete sidewalks at 1525 1st Avenue North, Billings, Montana.

The application for TIF Assistance was recommended for approval by the BIRD Board of Directors on October 28, 2015 in the amount of \$11,100.00.

ALTERNATIVES ANALYZED

The City Council may either approve or deny the recommendation from the BIRD on the expenditure of these funds.

FINANCIAL IMPACT

The amount of the request is for a total of \$11,100.00 to be paid in one payment to Erving Properties. The funds are payable upon approval of the project by the City and submittal of an invoice to the City. There will be sufficient funds budgeted in the FY16-17 EBURD budget for payment of this development incentive.

RECOMMENDATION

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends that the City Council approve a reimbursement for public sidewalks totaling \$11,100.00 from the East Billings Urban Renewal District tax increment district funds to Erving Properties.

APPROVED BY CITY ADMINISTRATOR

Attachments

Erving TIF Assistance Application



City of Billings
East Billings Urban Renewal District

T.I.F.D Project Information and Application

Increment Generating Development Projects

Effective June 1st, 2014

Billings Industrial Revitalization District (BIRD)
1413 4th Ave N, Suite C
Billings, MT 59101
406.545.7007

TAX INCREMENT FINANCING APPLICATION PROCESS FOR POTENTIAL
PUBLIC INFRASTRUCTURE ASSISTANCE VIA A DEVELOPMENT
AGREEMENT AND POSSIBLE ISSUANCE OF TIFD BONDS

IMPORTANT: The material below outlines the Tax Increment Development Agreement application process and the responsibilities of the person or firm requesting TIF fund assistance (hereinafter known as APPLICANT) and the Billings Industrial Revitalization District, Inc. (hereinafter known as BIRD). Please review this information carefully before submitting the application or finalizing your development plans.

INTRODUCTION

The BIRD is responsible for advising the City of Billings (hereinafter known as CITY), of the East Billings Tax Increment District, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 part 42 Montana Code Annotated, "Urban Renewal." Tax Increment Financing (TIF) is an important element of the program as it provides a means to finance public urban renewal activities that assist and enhance private development within the district. A TIF program operates by first establishing a base year taxable value for all properties within the urban renewal district. Property taxes continue to be paid to all taxing jurisdictions on the basis of the base year valuation. All increases in property taxes above this base valuation due to new development or reappraisals are assigned to the TIF District (TIFD.) They are then invested in district revitalization activities.

Consideration of TIFD assistance is available to private developers for public infrastructure (See Schedule "A" attached) components of projects within the boundaries of the East Billings TIFD.

ELIGIBLE ACTIVITIES

As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated, TIF may be used to finance certain urban renewal activities. The BIRD will review applications and make recommendations to the CITY Council for assistance to projects eligible under this statute. Requests are evaluated on criteria outlined in the "Criteria for Review" section below. Special emphasis will be placed on those projects that exemplify the East Billings Urban Renewal District (EBURD) Master Plan. This plan is available for download at the BIRD website, www.billingsbird.com.

Projects requesting TIFD funds will either be increment generating where development will contribute to increased tax revenue for the TIF District, or non-increment generating projects that improve the aesthetics, character, safety and/or quality of life in the area.

This application is intended for eligible increment generating projects (see Appendix A for guidelines on TIF eligible projects.) All requests for TIFD funds are subject to approval by the Billings CITY Council and TIFD fund availability.

APPLICATION PROCESS AND TIMELINE

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

1. Initial Contact. Contact Kelly McCarthy, BIRD Development Director, 1413 4th Avenue North, Suite C Billings, MT 59101, 406-545-7007, to discuss the project and determine preliminary eligibility for TIF assistance.
2. Prepare a Written Application. The APPLICANT must prepare a written application for each project assistance request. Applications must be received by the BIRD staff in advance of work on the project. Development Agreements must be approved and signed prior to commencement of construction (see #6 below.) Waiver of this requirement can be considered when public safety or other factors warrant. For all TIF requests, the APPLICANT must complete a "Developer's Statement of Qualification and Financial Responsibility" which includes submittal of personal financial statements.
3. Staff Review. Upon submittal of all necessary information, the BIRD staff will review the project and the need for funding. At any point in the review process the staff or Board may request more information of the APPLICANT or solicit comment on the project from other public agencies. Items included in personal financial statements become public documents and are subject to public review or presentation to or comment by other agencies.
4. East District Development Review Team (BIRD BOARD MEMBERSHIP) Review. The BIRD Board serves as the review committee and will evaluate the application and staff recommendations. The review committee reserves the right to seek additional project review from supporting committees of the BIRD and from other public agencies. The review committee will issue preliminary approval/disapproval of the assistance request or any part thereof and will make a recommendation to the Billings CITY Council.
5. CITY Council Review. Projects will be forwarded to the Billings CITY Council for final approval and consideration of a Development Agreement that will clearly spell out the public investment required to be applied towards public infrastructure and/or development improvements within the public right of way. CITY Council approval is required before the BIRD and the CITY enter a Development Agreement with the APPLICANT.
6. Development Agreement. The BIRD, the CITY and the APPLICANT must execute a mutual agreeable legally binding Development Agreement which establishes the terms and conditions of TIF assistance. Sample Development Agreements are available at our office for reference. The Development Agreement may include, but is not limited to, the following:
 - Complete architectural design specifications and site plan

- Time frame for project development, construction and completion
- Specifications for release of funds related to public infrastructure
- Cash flow and pro forma statements for a minimum of five years of the development
- Terms and conditions of the various financings
- Commitment letters and loan documents related to the various financings
- Ownership of completed development
- Events of default; remedies
- Zoning approval
- Tenant commitments
- Non-liability of CITY officials and BIRD
- Cause for termination

7. Timing. Following the above process for approval, the APPLICANT can expect a minimum of 60 days between submitting an application to the BIRD and receiving a decision from the CITY Council.

COMMITMENT OF FUNDS

Upon CITY Council approval of a project, the BIRD will commit funds to the project from the annual East Billings TIFD project budget subject to availability of funds and/or potential for Tax Increment Bond issuance. Committed funds will be encumbered for a period of 180 days, by which time construction must have commenced. Commencement of construction means the date on which the first building permit is issued. Projects that have not commenced construction within 180 days risk losing the committed funds. Funds will be released only if the project is developed and constructed as presented in the Development Agreement. Funds will be released as specified by the Development Agreement or following project's receipt of a Certificate of Occupancy from the City of Billings if not specified. When necessary, the BIRD will encumber funds for additional fiscal years to accommodate construction schedules.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the EBURD Master Plan. The BIRD evaluates projects based on the following criteria. Please prepare written response and provide supporting documentation for each of the applicable criteria areas.

1. Relevance to the EBURD Master Plan – Documentation of the project's impact in relation to the goals and objectives of the EBURD Master Plan, particularly mixed-use development. Urban design elements will also be considered, including pedestrian emphasis, quality of design, and Billings' personality.
2. Economic Stimulus – The amount of economic activity to be generated by the project is assessed, as well as the leverage ratio of public to private investment. Applications

should contain credible, measurable information substantiating APPLICANT claims of economic stimulus.

3. Tax Generation – The increase in taxable value due to new construction/rehabilitation is estimated by the County Assessor's office or State Department of Revenue to determine tax increment generation.
4. Employment Generation – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.
5. Elimination of Blight – The project's direct and indirect impact on the physical and fiscal deterioration within the Tax Increment District and the community.
6. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need, or addresses specific BIRD or community goals. The restoration of historic property or the provision of an unmet community need, are examples of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the APPLICANT, i.e. lender participation and state and federal grant monies, are examined to assess the need for TIF assistance.
9. Project Feasibility – A determination of feasibility is made on the strength of the APPLICANT's demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the APPLICANT's capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.
11. Timely Completion – The feasibility of completing the project according to the APPLICANT's project schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date



BILLINGS INDUSTRIAL REVITALIZATION DISTRICT

**BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.
EAST DISTRICT TAX INCREMENT FINANCING (TIF) APPLICATION**

Project Name: _____ Date Submitted: _____

APPLICANT INFORMATION

1. Name: Shane Erving
2. Address: 19 South Broadway Billings MT 59101
3. Telephone Number: 406-670-4219

PROJECT INFORMATION

1. Building Address: 123 N. 16th St. Billings MT 59101
2. Legal Description: Tax ID A00536
3. Ownership: 100%

Address: 1525 1st Ave N.

4. If property is not owned by the APPLICANT, list leasehold interests (Attach evidentiary materials.)

Name: _____

Address: _____

5. Existing/Proposed Businesses: Car Sales

Business Description: Retail

6. Employment: Existing FTE Jobs 2

New Permanent FTE Jobs created by project 4 Construction FTE Jobs _____

7. Architectural Firm: MR. Concrete Inc.

Address: 535 Turnblewood Drive

Billings, MT 59105

406-861-1634⁶

Representative: Shane Erving

- 8. Description of Project: (Attach narrative explanation.)
- 9. Rehabilitation/construction Plans: (Attach schematics, site and landscaping plans.)
- 10. Project Schedule: (Attach time line or schedule through completion.)

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Equity in Land and Buildings	\$ <u>400,000</u>
2.	\$ _____
3.	\$ _____
4.	\$ _____
Subtotal	\$ <u>400,000</u>

Construction/Rehabilitation Costs (Use general construction trade divisions)

1. concrete	\$ <u>11,600</u>
2. Asphalt	\$ <u>24,000</u>
3. Garage Doors	\$ <u>25,000</u>
4. Flooring	\$ <u>15,000</u>
5. metal	\$ <u>20,000</u>
6. Electrical	\$ <u>6,000</u>
7. Removal of Cabins	\$ <u>2,500</u>
8. Electrical & Plumbing (moved from cabin)	\$ <u>1,000</u>
9.	\$ _____
10.	\$ _____
Subtotal	\$ <u>107,100</u>

Fees

1. Architectural design/Supervision \$ 50.-
2. Permits Yes \$ 500.00
3. Other fees _____ \$ _____
Subtotal \$ 500.00
Total Project Development Costs \$ 107,600.00

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested \$ 107,600.00
Land & Buildings \$ 400,000
Other (Specify) _____ \$ _____
_____ \$ _____
Subtotal \$ 507,600.00

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
<u>Rocky Mountain</u>	<u>\$ 755,710.00</u>	<u>4.75 %</u>	<u>10 yrs</u>	<u>\$ 59,790.00 /Month</u>
<u>Rocky Mountain</u>	<u>\$ 110,800.00</u>	<u>5.25 %</u>	<u>15 yrs</u>	<u>\$ 1,825.00 /Month</u>
Total Loan Amount				<u>\$ 866,515.00</u>

TIF Request FOR improvements within the Public Right of Way

Eligible Improvements (See Narrative)

SIDEWALK \$ 11,600
SIDEWALK GROUT \$ 1,001.39

Kelley and Access \$ 25,000.00
 Ramps
 Equipment Rental \$ 135.00
 to move electrical
 Subtotal \$ 37,736.39

Sources of Funds Summary (Post totals from above.)

Developer Equity \$ 507,600.00
 Lender Commitments \$ 866,515.00
 TIF Request \$ 37,736.39
 Other Funds (Specify) _____ \$ _____
 Total Project Financing \$ 1,411,851.39

DEVELOPER STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY
 APPLICANT

1. Name: Shane Erving
 Address: 19 S. Broadway Billings MT 59101

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

3. A corporation.
 _____ A nonprofit or charitable institution or corporation
 _____ A partnership known as _____
 _____ Other (explain): _____

Date of organization: _____

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

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
Shane Erving 19 South Broadway Billings, MT 59101	100%

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, and/or profit and loss statements.
2. Has the APPLICANT or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?
No Yes _____ If yes, give date, place, and under what name

3. Has the APPLICANT or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:
No Yes _____ If yes, give date, charge, place, court and action taken for each case.

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.
Name: Shane Erving
Address: 19 S. Broadway Billings MT 59101
2. Has named contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?
No Yes _____ If yes, explain.

CERTIFICATION

I (we), Shane Erving (please print),
certify that the statements and estimates within this Application as well as any and all
documentation submitted as attachments to this Application or under separate cover are true and
correct to the best of my (our) knowledge and belief. I/We certify that I/We will make no
application for any other tax abatement that may be available for this real property or building.

Signature 

Signature _____

Title _____

Title _____

Address 19 S Broadway

Address _____

Billings, MT 59101

Date _____

Date _____



Appendix A

Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation

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

Dear BIRD Board,

I would first like to thank you for taking your time today to review my application.

As the owner of the property, Auto Resource, I have fully invested my time and finances into making sure that my company will enhance a 'new' used car buying experience and business to the surrounding area by continuing to work with other businesses in the EBURD district. I am also managing the construction project because I believe in hard work and rolling my sleeves up to get things done right. I previously managed another construction project in which I remodeled 19 South Broadway from a simple laundry shop into the 9th rated auto sales company in Yellowstone County for volume units sold and am ranked in the top 25 in the nation with the fifth largest lender in the nation.

The Auto Resource building started out as a truck parts warehouse and is being transformed into a used car buying and selling experience with a beautiful, bright showroom with large glass windows thus increasing the property value and amount of taxes I will be paying to reinvest in the EBURD area. New concrete was laid on the city sidewalk from the alley of N. 15th Street to the corner of 2nd Ave. North, as the previous sidewalk was hazardous as well as unable to plow in the winter. After laying the new concrete the sidewalk is now both smooth and safe. We also have multiple ramps making access to the lot safe and pothole free. I have already made a significant investment in my building and have equity of \$400,000.00. I have hired two employees and have plans to hire at least eight more. Along with the employment opportunities I also am a sponsor to the Heights Little League baseball and Southside Traveling Basketball teams. Auto Resource brings money and business to the EBURD district by conducting daily business with many businesses located in the EBURD district, including but not limited to; mechanics, Repo services, car detail shops, gas stations, and vehicle transportation.

I fit into the EBURD Master Plan because I am bringing business into and conducting business with fellow EBURD area members. Our business will also stimulate the economy positively, both increasing the taxes for the area, and business security for us and our neighbors. As stated above I have already hired two employees and am planning to hire at least eight more within the next few months as we finish construction. My business positively impacts the businesses in the EBURD area and our new improved lot has been redone to make sure it is no longer a danger to walk or drive on. I believe we are bringing the much needed safe, fresh, and cutting edge the EBURD area is looking for.

Our timeline to complete all construction is November 1st, 2015. The cutting for the showroom windows is already in the beginning stages and should be done within that time limit. All of our property taxes are paid to date and I am not receiving any other monetary assistance from anyone other than Rocky Mountain Bank which I have two loans through.

Once again thank you for your time and please consider our TIFD application for funding,

Shane Erving



19 South Broadway
before pics

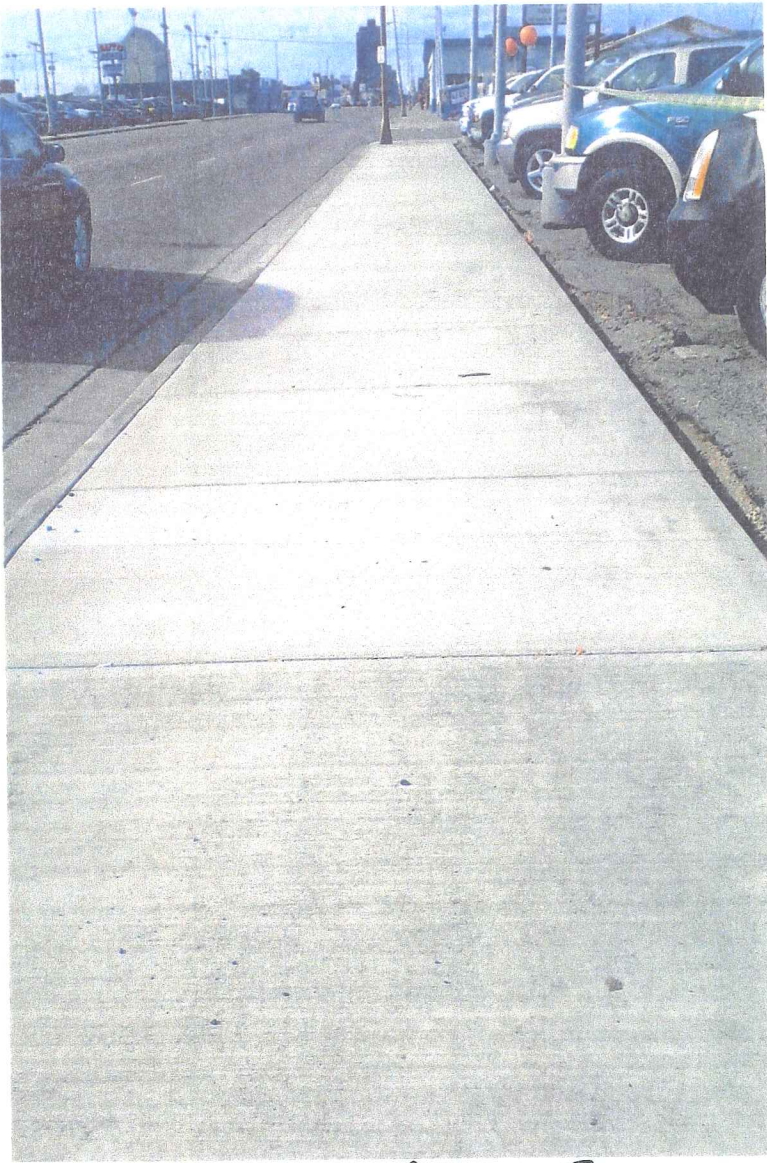




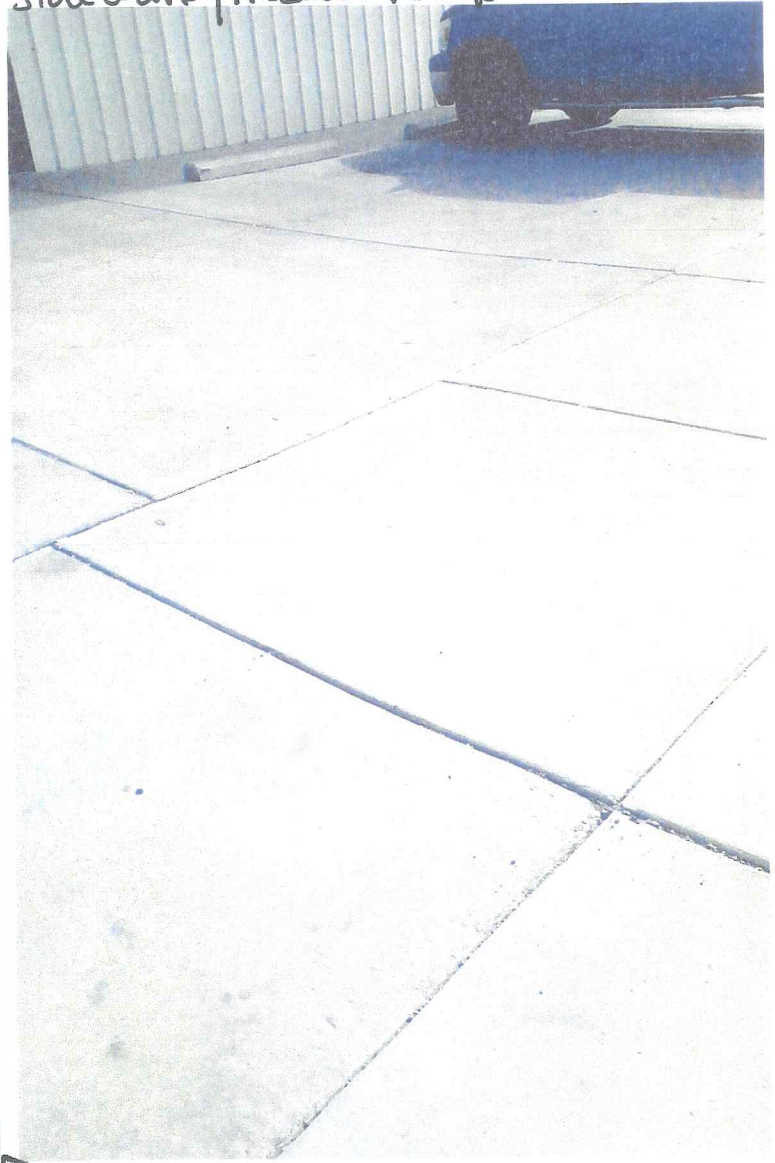
19. South Broadway
before pics

19 South Broadway
before pics





sidewalk | Access ramp front ↓



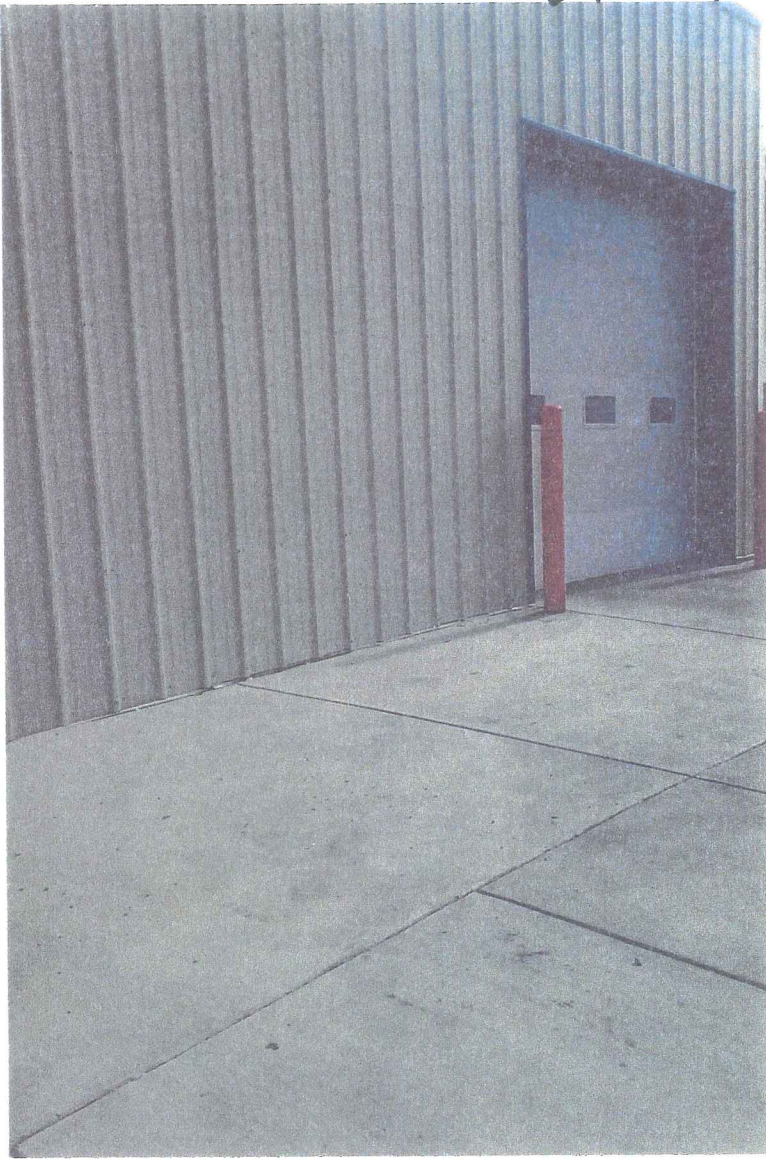
Auto Resource ↑ front side walk

Side walk
of
123 N
16th St.

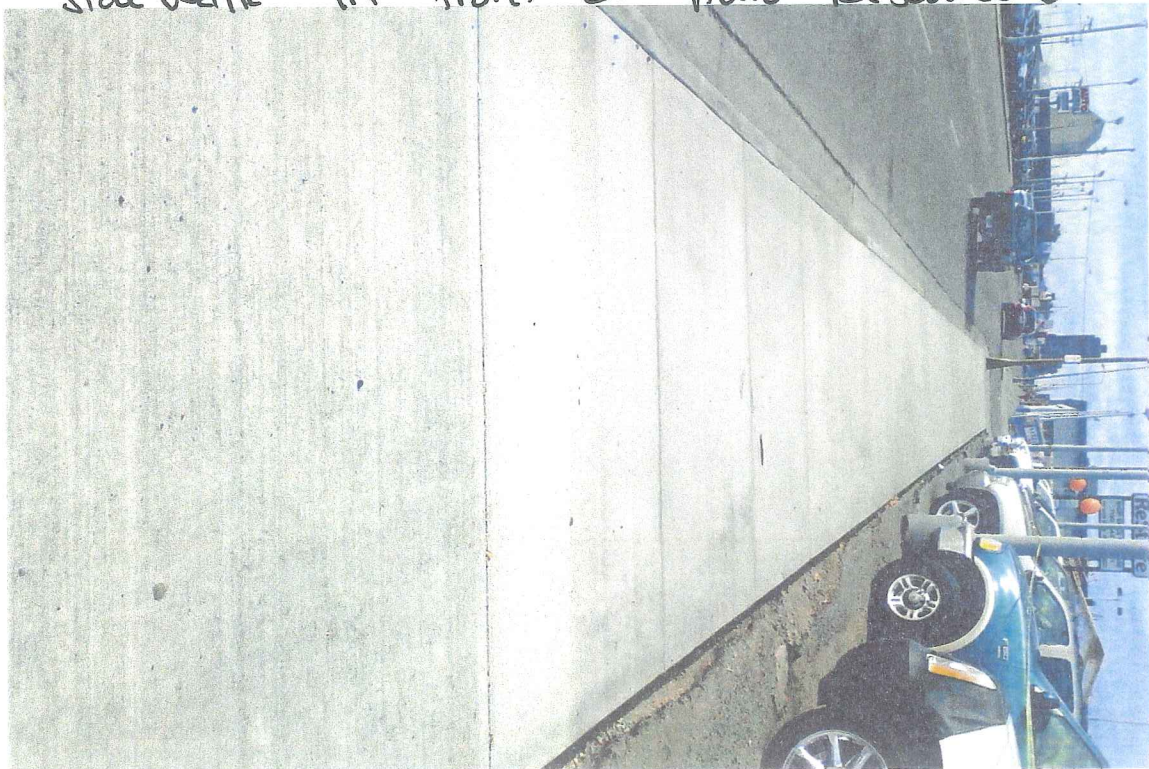


Access Ramp front ↗

↓ Main walkways to front door ↓



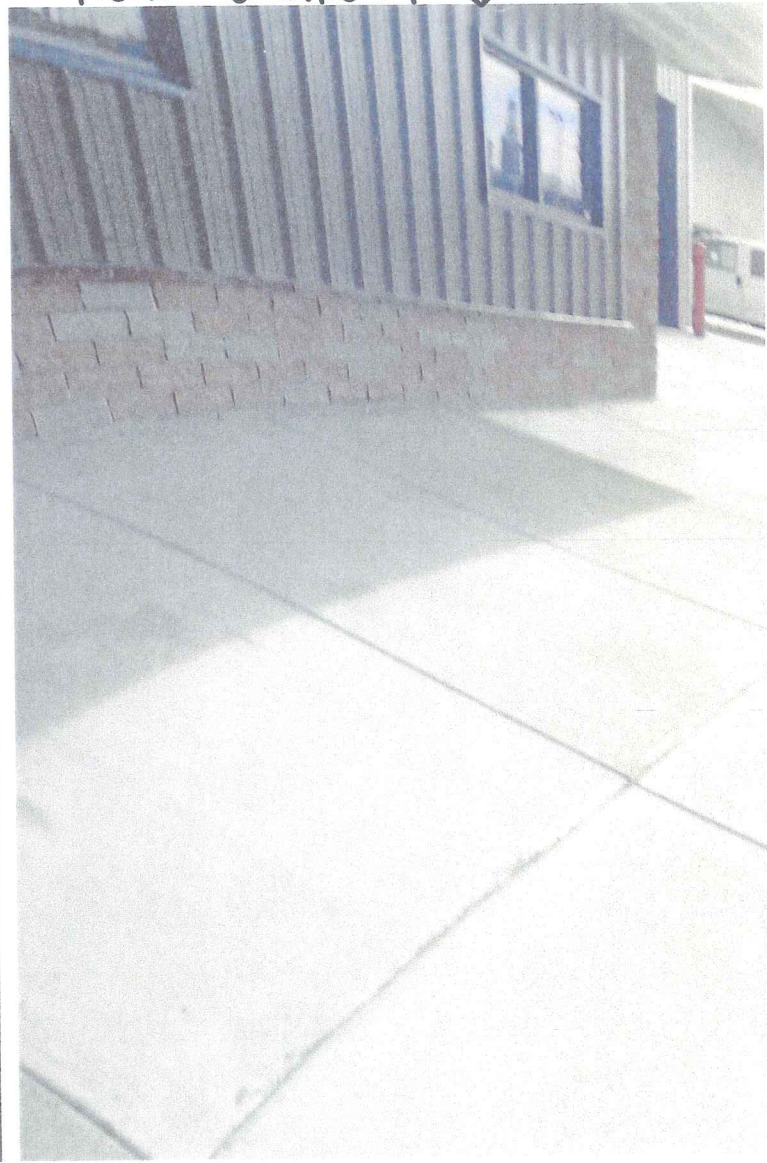
Side walk in front of Auto Resource ↓



Sidewalk on 2nd Ave side ↓



Front walkway ↓



Front Entrance ↓





Side walk of N. 16th ↗ ↗



M.R. Concrete, Inc.

**Matthew Roberts
535 Tumbleweed Drive
Billings, Mt 59105
(406) 861-1634**

Concrete Bid

September 10, 2015

Shane Erving

Project: Billings, MT

120 Feet of city sidewalk

15 Feet of curb

Tear out and replace- all materials included.

Total- \$11,600

Both parties agree on the quoted bid price. Any additional changes at the customer request will possibly change the quoted amount and a new contract will be revised. Payment is due in full upon job completion. We look forward to providing services to you.



Shane Erving

9-10-15

Date

Matthew Roberts

Date

**Please contact M.R. Concrete, Inc. with any questions you may have.
Thank you. Matthew Roberts**

Scheduled for Sept

BILLINGS Asphalt

~~70% WAS~~
Access Ramps
AND ALLEY

PAVING • SEAL COATING • STRIPING
PO BOX 30791, BILLINGS, MT 59107
PHONE (406) 855.5448 • FAX (406) 388.9501 • CELL (406) 839-1854
J@BILLINGSASPHALT.COM • WWW.BILLINGSASPHALT.COM

Name Shane Erving Phone 670.4219
Address 19th S. Broadway Fax _____ Date 7.30.2015
Billings MT 59101 Contact Shane
Job Location 16th/1st N. Email Shane Erving @ Yahoo. Com

SEALCOATING N/A Sq. Ft. COST: 0

1. Thoroughly clean and prepare all asphalt surfaces.
2. Apply two coat thickness with one spray application of Asphalt Based Sealer

CRACK SEALING N/A Linear Feet COST: 0

1. Clean and remove debris from cracks.
 2. Fill with Rubberized Crack Filler to prevent water penetration to sub-surface.
- Route/Machine Clean Cracks

ASPHALT REPAIR(Patching, Resurfacing, Paving) 18227 Sq.Ft.

Asphalt overlay 2" average B. Mod re COST: 25000⁰⁰
prelevel, w/ Gravel on Deep Edge
prelevel at low areas - TAKE LOT of ESSH EMISSION
mill High areas w/ tapered edges. OFFHAIL EXCESS Millings.

Mill or cut out & remove deteriorated asphalt.

LINE STRIPING
of Lines Some Striping Required COST: included

Yellow White Blue H.C. Arrows _____ No Park _____

OTHER SERVICES
Specify _____ COST: 0

Total Estimate: 25000
1 Year Warranty
Warranty does not cover any abnormal wear, oil spots, or pooling of water.
Acceptance of Proposal _____ Authorized Signature _____

This estimate may be withdrawn after 30 days. All proposals are subject to approval. Balances not paid within 30 days will be subject to a 15% service charge plus 2% per month. Cancellation of this proposal after either a verbal or written commitment will be charged a fee of 25% of the total job cost. Billings Asphalt is committed to providing you with the highest quality service, using the highest quality materials and equipment available. We staff courteous and qualified professional people whose goal is to deliver outstanding service and results to ensure your satisfaction. Clean and fill cracks with hot rubberized Crafo Crack Sealant. Reopening of cracks can be expected due to extreme weather conditions and will not be warranted. Cracks between asphalt and concrete will not be sealed. Alligator areas and/or areas that need to be patched will not be crack sealed. Settling of hot or cold applied crack sealers will occur if the cracks are more than 1/4 inch wide and 1/4 inch deep. Settling of the crack sealer is not a warranty issue. The crack remains sealed even if the sealant is not completely to the top of the crack.

RENTAL CASH CONTRACT

Date: 06/02/2015
 Contract #: 18008415
 PO #: Automotive Finance Center

Billings
 100 Steffes Road
 Billings, MT 59101-7364
 Phone: (406)259-9720
 Fax: (406)259-2824

Bill to: Acct # 7006958
 C O D SALES - BILLINGS
 100 STEFFES RD
 BILLINGS, MT 59101-7364
 Phone: 406-672-9782

Ship to: C O D SALES - BILLINGS
 CUSTOMER
 PICKUP-BILLINGS
 100 STEFFES ROAD
 BILLINGS, MT 59101
 Contact: Chris
 Phone: 406-672-9782

Ordered by: Chris Salesperson: Scott Anderson Coordinator: Scott Anderson

Rental Items Detail

Qty	E-Code	Make/Model Serial #	Description Meter Reading	Rental Rates			
				Day	Week	Month	Total
1	10093865	GY / GS1930 GS3012A-112728	Scissorlift 0-19' 30-39" Electric	\$110.00	\$220.00	\$510.00	\$110.00
1	10095825	JG / UT914 50005553	Deck Over 10K# Tilt Trailer	\$25.00	\$125.00	\$450.00	\$25.00

From 06/02/2015 16:00PM Thru 06/03/2015 15:00PM

Contract Totals

Subtotal:	\$135.00
Tax Total:	\$0.00
Grand Total:	\$135.00
Advance Received:	\$135.00

Payments & Refunds

Advance Received: Visa (**2605)	06/02/15	\$135.00
---------------------------------	----------	----------

Special Instructions:

* Charge based on rental amount.
 PLUS FUEL USAGE UPON RETURN at \$6.75 PER GALLON. LESSEE IS RESPONSIBLE FOR TERMINATING THE RENTAL BY CALLING (406)259-9720. PHYSICAL DAMAGE WAIVER IS NOT INSURANCE. The charge for physical damage waiver is 15 % of the gross rental charge. Lessee may decline physical damage waiver only if it provides Lessor prior to delivery of the equipment a certificate of insurance acceptable to Lessor. All rental rates are based on 8 hours of Equipment use per day, 40 hours per week or 160 hours per month. If the Equipment is used more per rental period, the overtime rate will apply.
 LESSEE IS RESPONSIBLE FOR THE DAILY MAINTENANCE OF EQUIPMENT. LESSEE IS RESPONSIBLE FOR FUEL, FLATS, DAMAGES AND CLEANUP FEES. LESSEE HEREBY LEASES THE REFERENCED EQUIPMENT ACCORDING TO THE RENTAL TERMS AND CONDITIONS HEREIN AND ON THE REVERSE SIDE.

X _____
 LESSEE - CUSTOMER'S SIGNATURE

X _____
 LESSOR - H & E EQUIPMENT SERVICES INC

X _____
 PLEASE PRINT NAME

If Other than Lessee, signature represents he/she is agent of and authorized to sign for Lessee.

INVOICE

KJ Construction
Kenny Hofer

DATE: 8-9-15

5636 Canterbury Trail, Billings, MT 59106
Phone 406.861.5028 Fax 406.245.4711

To: Brian Mark

Job: 2515 1st Ave N

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL				
	<p>I am sending an invoice for the following:</p> <table><tr><td>Eggart Engineering 6/22/2015</td><td>\$420.00</td></tr><tr><td>City permit 6/19/2015</td><td>109.75</td></tr></table> <p>Also enclosed, is the header detail from the engineer if you choose to use it.</p> <p>Please call with any questions.</p>	Eggart Engineering 6/22/2015	\$420.00	City permit 6/19/2015	109.75		
Eggart Engineering 6/22/2015	\$420.00						
City permit 6/19/2015	109.75						
		SUBTOTAL					
		SALES TAX					
		TOTAL	\$ 529.75				

(Must be paid in 10 days)

THANK YOU FOR YOUR BUSINESS!

INVOICE

KJ Construction

Kenny Hofer

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		SUBTOTAL	
		SALES TAX	
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X _____
 LESSEE - CUSTOMER'S SIGNATURE

X _____
 LESSOR - H & E EQUIPMENT SERVICES INC

X _____
 PLEASE PRINT NAME

If Other than Lessee, signature represents he/she is agent of and authorized to sign for Lessee.

Scheduled for Sept

BILLINGS Asphalt

PAVING • SEAL COATING • STRIPING

PO Box 30791, BILLINGS, MT 59107

PHONE (406) 855.5448 • FAX (406) 388.9501 • CELL (406) 839-1854

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Name Shane Erving Phone 670.4219
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Asphalt overlay 2" average B.Med AC COST: 25,000⁰⁰
prelevel, w/ Gravel on Deep Edge.
prelevel all low areas - TRUCK LOT w/ ESSH Emission
mill High areas w/ tapered edges. OFFHAIL Excess Millings.

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Specify _____ COST: 0

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1 Year Warranty
Warranty does not cover any abnormal wear, oil spots, or pooling of water.

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Company: APPROVED AUTO CREDIT
INC

Account Details

Information valid as of Friday, October 09, 2015 at 10:24 AM MST

Account Selection	Account Description	Current Balance	Available Balance
7915201435 - CRAZY CARLS LOT	CRAZY CARLS LOT	110,805.50	0.00

Request Specific Date Range

From To

Advanced Search >>

The system has completed your history request for dates 09/01/2015 through 10/09/2015 for 7915201435 - CRAZY CARLS LOT account.

Posted Transactions

Date	Transaction	Description	Debit	Credit	Principal	Interest	Escrow	Balance
09/09/2015	REG PMT - EFF DTE	Regular Payment - Effective Date		1,824.73	1,366.69	458.04	0.00	110,805.50
Totals			0.00	1,824.73	1,366.69	458.04	0.00	

First | Prev | Showing Records 1 - 1 of 1 | Next | Last

Select Export Format

Rocky Mountain Bank

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: EBURD TIF Assistance Request - Converse Properties

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Billings Industrial Revitalization District (BIRD) Board of Directors is requesting approval of \$8,758.00 in tax increment assistance from the East Billings Urban Renewal District (EBURD) paid to Converse Properties, LLC for public improvements.

The funding will be used to replace landscaping impacted and tree removal necessitated by the Exposition Gateway Infrastructure project. The property is located at 905 2nd Ave North, Billings, Montana. The landscaping and tree removal is consistent with the East Billings Renewal District Master Plan.

Tax increment finance (TIF) funds will be used to offset the cost of replacing landscaping and tree removal. The terms for the expenditure of these funds are formalized in the attached Development Agreement.

The application for TIF Assistance was approved by the BIRD Board of Directors on October 28, 2015 in the amount of \$8,758.00.

ALTERNATIVES ANALYZED

The City Council may either approve or deny the recommendation from the BIRD on the expenditure of these funds.

FINANCIAL IMPACT

The Development Agreement specifies a total of \$8,758.00 to be paid in one payment to Converse Properties, LLC. The funds are payable on completion of the project. There will be sufficient funds budgeted in the FY16-17 EBURD budget for payment of this development incentive.

RECOMMENDATION

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends that the City Council approve reimbursement for landscaping and tree removal, totaling \$8,758.00 from the East Billings Urban Renewal District tax increment fund to Converse Properties, LLC.

APPROVED BY CITY ADMINISTRATOR

Attachments

Converse TIF Assistance Application
Converse Development Agreement



City of Billings
East Billings Urban Renewal District

**T.I.F.D Project Information and
Application**
Increment Generating Development Projects
Effective June 1st, 2014

Billings Industrial Revitalization District (BIRD)
1413 4th Ave N, Suite C
Billings, MT 59101
406.545.7007

**TAX INCREMENT FINANCING APPLICATION PROCESS FOR POTENTIAL
PUBLIC INFRASTRUCTURE ASSISTANCE VIA A DEVELOPMENT
AGREEMENT AND POSSIBLE ISSUANCE OF TIFD BONDS**

IMPORTANT: The material below outlines the Tax Increment Development Agreement application process and the responsibilities of the person or firm requesting TIF fund assistance (hereinafter known as APPLICANT) and the Billings Industrial Revitalization District, Inc. (hereinafter known as BIRD). Please review this information carefully before submitting the application or finalizing your development plans.

INTRODUCTION

The BIRD is responsible for advising the City of Billings (hereinafter known as CITY), of the East Billings Tax Increment District, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 part 42 Montana Code Annotated, "Urban Renewal." Tax Increment Financing (TIF) is an important element of the program as it provides a means to finance public urban renewal activities that assist and enhance private development within the district. A TIF program operates by first establishing a base year taxable value for all properties within the urban renewal district. Property taxes continue to be paid to all taxing jurisdictions on the basis of the base year valuation. All increases in property taxes above this base valuation due to new development or reappraisals are assigned to the TIF District (TIFD.) They are then invested in district revitalization activities.

Consideration of TIFD assistance is available to private developers for public infrastructure (See Schedule "A" attached) components of projects within the boundaries of the East Billings TIFD.

ELIGIBLE ACTIVITIES

As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated, TIF may be used to finance certain urban renewal activities. The BIRD will review applications and make recommendations to the CITY Council for assistance to projects eligible under this statute. Requests are evaluated on criteria outlined in the "Criteria for Review" section below. Special emphasis will be placed on those projects that exemplify the East Billings Urban Renewal District (EBURD) Master Plan. This plan is available for download at the BIRD website, www.billingsbird.com.

Projects requesting TIFD funds will either be increment generating where development will contribute to increased tax revenue for the TIF District, or non-increment generating projects that improve the aesthetics, character, safety and/or quality of life in the area.

This application is intended for eligible increment generating projects (see Appendix A for guidelines on TIF eligible projects.) All requests for TIFD funds are subject to approval by the Billings CITY Council and TIFD fund availability.

APPLICATION PROCESS AND TIMELINE

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

1. Initial Contact. Contact Kelly McCarthy, BIRD Development Director, 1413 4th Avenue North, Suite C Billings, MT 59101, 406-545-7007, to discuss the project and determine preliminary eligibility for TIF assistance.
2. Prepare a Written Application. The APPLICANT must prepare a written application for each project assistance request. Applications must be received by the BIRD staff in advance of work on the project. Development Agreements must be approved and signed prior to commencement of construction (see #6 below.) Waiver of this requirement can be considered when public safety or other factors warrant. For all TIF requests, the APPLICANT must complete a "Developer's Statement of Qualification and Financial Responsibility" which includes submittal of personal financial statements.
3. Staff Review. Upon submittal of all necessary information, the BIRD staff will review the project and the need for funding. At any point in the review process the staff or Board may request more information of the APPLICANT or solicit comment on the project from other public agencies. Items included in personal financial statements become public documents and are subject to public review or presentation to or comment by other agencies.
4. East District Development Review Team (BIRD BOARD MEMBERSHIP) Review. The BIRD Board serves as the review committee and will evaluate the application and staff recommendations. The review committee reserves the right to seek additional project review from supporting committees of the BIRD and from other public agencies. The review committee will issue preliminary approval/disapproval of the assistance request or any part thereof and will make a recommendation to the Billings CITY Council.
5. CITY Council Review. Projects will be forwarded to the Billings CITY Council for final approval and consideration of a Development Agreement that will clearly spell out the public investment required to be applied towards public infrastructure and/or development improvements within the public right of way. CITY Council approval is required before the BIRD and the CITY enter a Development Agreement with the APPLICANT.
6. Development Agreement. The BIRD, the CITY and the APPLICANT must execute a mutual agreeable legally binding Development Agreement which establishes the terms and conditions of TIF assistance. Sample Development Agreements are available at our office for reference. The Development Agreement may include, but is not limited to, the following:
 - Complete architectural design specifications and site plan

- Time frame for project development, construction and completion
 - Specifications for release of funds related to public infrastructure
 - Cash flow and pro forma statements for a minimum of five years of the development
 - Terms and conditions of the various financings
 - Commitment letters and loan documents related to the various financings
 - Ownership of completed development
 - Events of default; remedies
 - Zoning approval
 - Tenant commitments
 - Non-liability of CITY officials and BIRD
 - Cause for termination
7. Timing. Following the above process for approval, the APPLICANT can expect a minimum of 60 days between submitting an application to the BIRD and receiving a decision from the CITY Council.

COMMITMENT OF FUNDS

Upon CITY Council approval of a project, the BIRD will commit funds to the project from the annual East Billings TIFD project budget subject to availability of funds and/or potential for Tax Increment Bond issuance. Committed funds will be encumbered for a period of 180 days, by which time construction must have commenced. Commencement of construction means the date on which the first building permit is issued. Projects that have not commenced construction within 180 days risk losing the committed funds. Funds will be released only if the project is developed and constructed as presented in the Development Agreement. Funds will be released as specified by the Development Agreement or following project's receipt of a Certificate of Occupancy from the City of Billings if not specified. When necessary, the BIRD will encumber funds for additional fiscal years to accommodate construction schedules.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the EBURD Master Plan. The BIRD evaluates projects based on the following criteria. Please prepare written response and provide supporting documentation for each of the applicable criteria areas.

1. Relevance to the EBURD Master Plan – Documentation of the project's impact in relation to the goals and objectives of the EBURD Master Plan, particularly mixed-use development. Urban design elements will also be considered, including pedestrian emphasis, quality of design, and Billings' personality.
2. Economic Stimulus – The amount of economic activity to be generated by the project is assessed, as well as the leverage ratio of public to private investment. Applications

should contain credible, measurable information substantiating APPLICANT claims of economic stimulus.

3. Tax Generation – The increase in taxable value due to new construction/rehabilitation is estimated by the County Assessor’s office or State Department of Revenue to determine tax increment generation.
4. Employment Generation – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.
5. Elimination of Blight – The project’s direct and indirect impact on the physical and fiscal deterioration within the Tax Increment District and the community.
6. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need, or addresses specific BIRD or community goals. The restoration of historic property or the provision of an unmet community need, are examples of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the APPLICANT, i.e. lender participation and state and federal grant monies, are examined to assess the need for TIF assistance.
9. Project Feasibility – A determination of feasibility is made on the strength of the APPLICANT’s demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the APPLICANT’s capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.
11. Timely Completion – The feasibility of completing the project according to the APPLICANT’s project schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date



BILLINGS INDUSTRIAL REVITALIZATION DISTRICT

**BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.
EAST DISTRICT TAX INCREMENT FINANCING (TIF) APPLICATION**

Project Name: Original Equipment Landscape Date Submitted: 10-12-15

APPLICANT INFORMATION

- 1. Name: Convance Properties LLC et al
- 2. Address: 2304 Stone Creek Trail Billings, MT 59106
- 3. Telephone Number: 406-855-3799

PROJECT INFORMATION

- 1. Building Address: 905 2nd Ave North Billings, MT 59101
- 2. Legal Description: _____
- 3. Ownership: Convance Properties, LLC et al
Address: 2304 Stone Creek Trail Billings, MT 59106
- 4. If property is not owned by the APPLICANT, list leasehold interests (Attach evidentiary materials.)
Name: _____
Address: _____
- 5. Existing/Proposed Businesses: Original Equipment, Inc.
Business Description: wholesale distribution
- 6. Employment: Existing FTE Jobs 4
New Permanent FTE Jobs created by project None Construction FTE Jobs unknown
- 7. Architectural Firm: Pointscape, Inc.
Address: P.O. Box 95 Park City, MT 59063

Representative: Steve Lutke

8. Description of Project: (Attach narrative explanation.)

LANDSCAPING AND TREE REMOVAL OF AREAS IMPACTED BY RECENT STREET AND

9. Rehabilitation/construction Plans: (Attach schematics, site and landscaping plans.) *IF ANY STRUCTURE IMPROVEM*

10. Project Schedule: (Attach time line or schedule through completion.)

TREE REMOVAL - FALL OF 2015. LANDSCAPING - SPRING OF 2016

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Equity in Land and Buildings	\$ <u>1,750,000</u>
2.	\$ _____
3.	\$ _____
4.	\$ _____
Subtotal	\$ <u>1,750,000</u>

Construction/Rehabilitation Costs (Use general construction trade divisions)

1.	\$ <u>6678.00</u>
2.	\$ <u>1900.00</u>
3.	\$ _____
4.	\$ _____
5.	\$ _____
6.	\$ _____
7.	\$ _____
8.	\$ _____
9.	\$ _____
10.	\$ _____
Subtotal	\$ <u>1,758,578</u>

Fees

1. Architectural design/Supervision \$ _____
2. Permits _____ \$ _____
3. Other fees _____ \$ _____
Subtotal \$ _____
Total Project Development Costs \$ N/A

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested \$ #8578⁰⁰
Land & Buildings \$ _____
Other (Specify) _____ \$ _____
_____ \$ _____
Subtotal \$ 8578⁰⁰

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
<u>N/A</u>	\$ _____	_____%	____yrs	\$ _____/Month
_____	\$ _____	_____%	____yrs	\$ _____/Month
Total Loan Amount				\$ <u>N/A</u>

TIF Request FOR improvements within the Public Right of Way

Eligible Improvements (See Narrative)
\$ _____
\$ _____

\$ _____

\$ _____

Subtotal \$ _____

Sources of Funds Summary (Post totals from above.)

Developer Equity \$ 8578⁰⁰

Lender Commitments \$ _____

TIF Request \$ _____

Other Funds (Specify) _____ \$ _____

Total Project Financing \$ 8578⁰⁰

DEVELOPER STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

APPLICANT

1. Name: CONVERSE PROPERTIES, LLC ET AL.

Address: 2304 STONE CREEK TRAIL BILLINGS, MT 59106

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

- 3.
- _____ A corporation.
- _____ A nonprofit or charitable institution or corporation
- _____ A partnership known as _____
- Other (explain): LLC

Date of organization: 3/2007

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

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
<u>Tom Converse</u> <u>2304 STONE CREEK TRAIL</u> <u>BILLINGS MT 59106⁹</u>	<u>.20833%</u>

Kim McCleary
31 HIGHWOOD DR
GREAT FALLS, MT 59404

.20833%

SUZANNE DALY
6233 LA SALLE PLACE
NEW ORLEANS, LA 70118

.20833%

ANGIE CONVERSE
4845 DOWNTOWN AVE
BILLINGS, MT 59106

.20833%

PAULA MAYS
405 MORNINGSIDE DR
SAN ANTONIO, TX 78209

.16667%

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, and/or profit and loss statements. N/A

2. Has the APPLICANT or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?

No Yes If yes, give date, place, and under what name

3. Has the APPLICANT or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years: No Yes If yes, give date, charge, place, court and action taken for each case.

CONSTRUCTION CONTRACTOR

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

Name: POINTSCAPE, MAKE LIKE A TREE

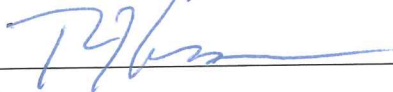
Address: P.O. Box 95, PARK CITY MT 59063 1208 ELWOOD AVE, Billings, MT 59101

2. Has named contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years? DO NOT KNOW.

No Yes If yes, explain.

CERTIFICATION

I (we), Converse Properties, LLC ET AL. (please print),
certify that the statements and estimates within this Application as well as any and all
documentation submitted as attachments to this Application or under separate cover are true and
correct to the best of my (our) knowledge and belief. I/We certify that I/We will make no
application for any other tax abatement that may be available for this real property or building.

Signature 

Signature _____

Title Representative

Title _____

Address 2304 Stone Creek Trail
Billings MT 59106

Address _____

Date 10-12-15

Date _____



Appendix A

Examples of TIF-Eligible Public Infrastructure Improvements

Demolition and Abatement

Relocation

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

PointScape

*hours of detail transformed
into a lifetime of enjoyment*

April 26, 2015

Proposal for:

**Original Equipment, Inc.
Attn. Tom Converse
905 2nd Ave. N.
Billings, MT 59101**

Bid prepared by:

**PointScape, Inc.
PO Box 95
Park City, MT 59063
Phone 860-9017**

DESCRIPTION

This proposal is for a landscape and sprinkler renovation. The proposal includes the following areas with details regarding each proposed aspect of installation.

1. This bid price assumes that all plant material, existing mulch and debris is removed by the city prior to landscape construction.
2. This proposal includes adapting the current system to water the lawn areas and add drip irrigation for the planter beds. The bid price assumes minimal changes to the current system including no additional piping under the sidewalk. Any additional changes will be evaluated, discussed and estimated to owner representative prior to additional work or charges being made.
3. Owner is encouraged to save the existing trees and existing landscape boulders by the front door if possible.
4. Additional landscape boulders will be installed with the salvaged boulders from the current landscape per diagram.
5. Plant material will be installed and will be watered with drip irrigation from the automatic sprinkler system. The planting will be consistent with the plant placement diagram attached. The trees and shrubs were chosen for their low maintenance, color, shape, hardiness, and mature size. The shrubs/perennials should reach mature sizes within 2-4 years and the trees within 12-15 years. The plant list includes:
 - (11) 5 gallon shrubs
 - (24) 1 gallon perennials/grasses
6. Aluminum edging will be installed.
7. Weed barrier will be installed to inhibit weed growth.
8. A mixture of 3-8" river rock and 5/8" crushed limestone will be installed in beds.
9. Sod will be installed in lawn area.

ADDITIONAL ITEMS








1. PointScape, Inc. assumes no responsibility for pre-existing condition on the site such as compaction and settling of recently excavated material such as foundation backfill, drain fields, septic tanks, etc.
2. PointScape assumes major water drainage issues are resolved at the time landscaping begins. Any gutter drains must be extended past landscape edging to drain beyond the edging into the lawn area.
3. Any unforeseen conflicts with utilities or buried material may require changes to this proposal. Changes must be discussed and agreed upon with the customer before being implemented.
4. A reasonable variance is assumed for the exact placement of hardscape and plant materials.

ESTIMATE AND TERMS OF PROPOSAL

The attached diagram is conceptual at this time pending the final design and construction by the city. This proposal is an estimate based on the information available prior to construction. Bid can be completed upon completion of city street and sidewalk work.

Estimate for proposal and Original Equipment Draft 1 diagram.....\$6,678

- Terms of contract: 20% due to schedule with 80% due upon completion.
- Installation is expected to take 2-3 workdays dependent upon weather conditions.
- This bid price is valid for a period of 30 days from its presentation, adjustments may need to be made after that time.

Plant Legend		
Symbol	Qty	Common
	4	Coral Bells
	11	Daylily, Stella de Oro
	3	Existing Deciduous Tree
	1	Existing Evergreen
	9	Grass, Karl Forester
	4	Ninebark, Summerwine
	7	Potentilla, Gold Drop

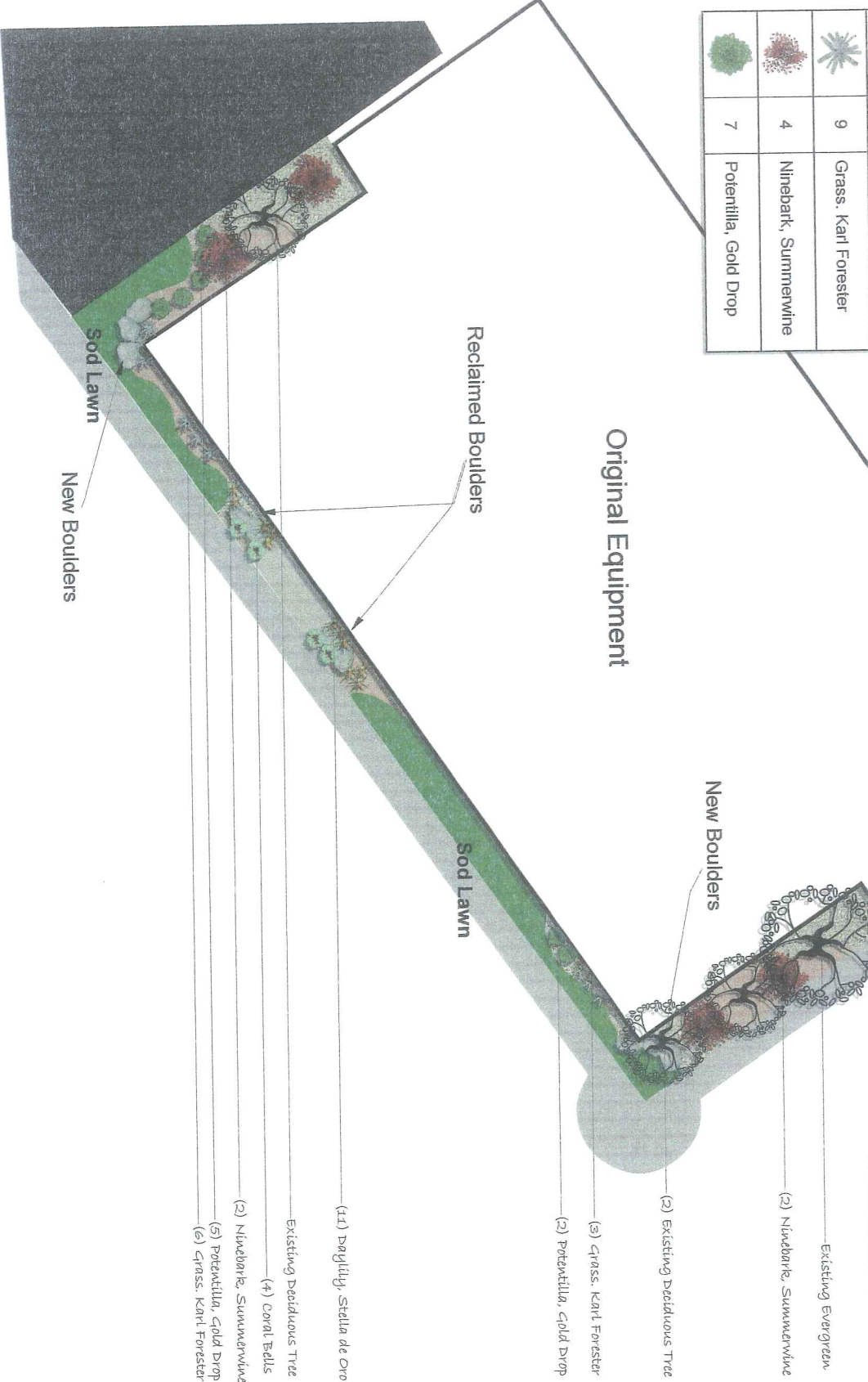
Page 1 of 1
 Date: 4.25.15
 Draft #: 1
 Contact: Tom Converse
 Address: 905 Second Ave North
 Billings, MT 59101

Pointscape Landscaping and Lawn Irrigation
Original Equipment Landscape Renovation

PO Box 95
 Park City, MT 59063
 (406) 860-9017
 pointscapeinc@yahoo.com

Planter Bed: Typical
 Aluminum Edging
 Drip Irrigation
 Weed Barrier
 3-8" River Rock with
 5/8" Crushed Limestone

Original Equipment



- (1) Existing Evergreen
- (2) Ninebark, Summerwine
- (3) Existing Deciduous Tree
- (4) Potentilla, Gold Drop
- (5) Grass, Karl Forester
- (6) Existing Deciduous Tree
- (7) Daylily, Stella de Oro
- (8) Coral Bells

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) - dated as of this 1, day of December, 2015, is entered into by and between Converse Properties, LLC, a Montana limited liability company, with an address of 905 2nd Ave North, Billings, Mt 59102, the **City of Billings (the “City”)**, a municipal corporation with an address of 210 North 27th Street Billings, Montana 59103, and **Billings Industrial Revitalization District, Inc. (BIRD)**, a 501(c)(6) non-profit organization (collectively, the “Parties”).

WITNESSETH:

WHEREAS, pursuant to City of Billings Ordinance No. 07-5441 (the “Ordinance”) the City has created the East Billings Urban Renewal District (the “Urban Renewal District”) which contains a tax increment provision;

WHEREAS, Converse Properties, LLC plans to develop certain property located within the Urban Renewal District as a landscaping project on property more particularly described in the TIF Application Packet (the “Project”) and has provided the Urban Renewal District with a schedule of development.

WHEREAS, the City requires certain details and specification of the rights, duties, obligations and responsibilities which exist in connection with the construction of certain public improvements, consisting of curb, gutter, and sidewalk, drive approaches, landscaping, street construction, and public utilities as well as all engineering services, architectural services, labor material costs, and other costs associated with the construction and installation thereof, as more particularly set forth in the TIF Application Packet attached hereto and made a part hereof (hereafter the “Public Improvements”);

WHEREAS, it is the Parties’ intention and desire that a portion of the tax increment revenue generated from the Project (the “Project Tax Increment Revenue”) be used to pay for the costs of a portion of the Public Improvements;

WHEREAS, pursuant to the Ordinance, the City has determined that the Project and Public Improvements to be constructed therewith are Urban Renewal Projects and that such improvements are eligible for tax increment financing;

WHEREAS, the City, and the BIRD, pursuant to the Ordinance creating the Urban Renewal District has determined that it is appropriate to return a portion of the Project Tax Increment Revenue to Converse Properties, LLC.

WHEREAS, the BIRD board of Directors has voted to recommend funding the landscaping and tree removal TIF application for a certain amount, pursuant to a Memorandum of Understanding approved by the City February 10, 2014 establishing the roles of the parties.

NOW THEREFORE, for good and valuable consideration, the Parties hereto hereby agree, covenant and represent as follows:

Section 1. Development of the Project.

- 1.A. The BIRD has prepared an application packet titled “Converse Properties, LLC TIF Application Packet” which projects the amount of Project Tax Increment Revenue that will be generated from development of the Project. Converse Properties, LLC represents that they have undertaken construction of the Project, which consists of landscaping and tree removal located at 905 2nd Ave North, Billings, MT 59101.

- 1.B. Converse Properties, LLC has obtained the necessary approval from the City for all construction related to the Project. Converse Properties, LLC shall construct all on-site improvements in accordance with City ordinances and any other applicable local, state and/or federal laws or regulations. The proposed development plan conforms to the current zoning of the Property. All improvements and construction thereon and adjacent to the Project, including, but not limited to off-site development, building construction, landscaping, and lighting shall be performed in accordance with all local, state, and/or federal regulations and laws, and as approved by the City. Converse Properties, LLC acknowledges that the Project is subject to applicable utility fees in place at the time a building permit was secured as to the construction and/or the extension of services to the Project or any portion thereof. Those fees shall be due and payable from Converse Properties, LLC at the time of request for service extensions.

Section 2. Construction and Maintenance of the Public Improvements. Converse Properties, LLC will construct the Public Improvements as a part of the construction project. Converse Properties, LLC agrees to maintain the adjacent sidewalks and boulevard landscaping as per City policy.

Section 3. Assessments and Taxes. Converse Properties, LLC acknowledges and understands that the Project will be assessed for real property taxes and at some time in the future may be assessed with respect to special improvement districts. In this regard, Converse Properties, LLC agrees to pay when due and applicable all special improvement district assessments and taxes.

Section 4. Reimbursements. Consistent with the Parties’ desire that a portion of the Project Tax Increment Revenue, specific to this Project, be used to reimburse Converse Properties, LLC for a portion of the costs of Public Improvements, the City agrees to allocate up to and not to exceed \$8,578.00. It is understood that at no time shall

Converse Properties, LLC be reimbursed for more than the portion of the cost of the total agreed upon qualified public improvements. The cost of said Public Improvements shall be subject to Audit by the City. The reimbursement will be made by the City to Converse Properties, LLC with a lump sum payable upon completion.

Section 5. Obligation of the City. The City intends to refund a portion of the costs for Public Improvements as set forth above to Converse Properties, LLC using East Billings Urban Renewal District tax increment dollars when this project has been inspected and approved by the City of Billings Planning Division.

Section 6. Entire Agreement. This Agreement supercedes all prior written or oral understandings or negotiations that the Parties may have undertaken and constitutes the entire agreement between the Parties.

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

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

Section 9. Successors and Assigns. The stipulations and agreements of this Agreement shall be binding upon the Parties' successors and assigns.

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

City of Billings
2825 3rd Avenue North, 4th Floor
Billings, MT 59101
Attn: Candi Millar

Converse Properties, LLC
905 2nd Avenue North
Billings, MT 59101
Attn: Mr. Tom Converse

Billings Industrial Revitalization District, Inc.
1413 4th Avenue North Suite C
Billings, MT 59101-1518
Attn: Marty Connell

Section 11. Attorney Fees. If it becomes necessary for any party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, or to give any notice required herein, then the prevailing party shall be entitled to recover from the other party its' reasonable attorney fees and costs.

Section 12. Amendments. Amendments or modifications to this Agreement or any provisions herein shall be made in writing by the party requesting the change and upon written acceptance and execution by all parties shall become a part of this Agreement.

Section 15. Force Majeure. For the purposes of this Agreement "Force Majeure" shall mean any act of God, fire, earth movement, flood, explosion, action of the elements, war, invasion insurrection, acts of terrorism, riot, mob violence, sabotage, inability to procure general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, action of labor unions (unless provoked in bad faith violation of any labor laws by the party claiming its obligation or undertaking was prevented or delayed), condemnation, requisition, laws, orders of governmental or civil or military or naval authorities, or any other cause, similar to the foregoing, not within the control of such party, provided, however, Force Majeure, shall not include lack of funds or inability of obtain financing. During any time period in which an element of Force Majeure may exist, the Parties hereto are excused as to any performance substantially affected thereby.

Section 16. Parties to this Agreement. The only parties to this Agreement are Converse Properties, LLC, the City, and BIRD, Inc. This Agreement establishes a right of reimbursement for the cost of Public Improvements paid by Converse Properties, LLC and the City shall honor that obligation as set forth herein.

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

**BILLINGS INDUSTRIAL REVITALIZATION
DISTRICT**

By: _____
Its: **President**

STATE OF MONTANA)
 :SS
County of Yellowstone)

This instrument was acknowledged before me on the ____ day of _____,
2015, by _____, the _____,

Of **BILLINGS INDUSTRIAL REVITALIZATION DISTRICT**

SEAL

Sign: _____
Print Name: _____
Notary Public for the State of Montana
Residing at Billings, MT
My Commission expires: _____

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Resolution of Intention to Create SILMD 321 and set a public hearing date

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Engineering Division has a street reconstruction project planned for Grand Avenue between Zimmerman Trail and Shiloh Road in the summer of 2016. The project will include installation of new street lights between 30th Street West and Shiloh as part of the street project. Passage of this Resolution of Intention is the first step in the legal process of creating a lighting maintenance district to pay the costs of operating and maintaining the new lighting. Passage of this Resolution of Intent will trigger the mailing of legal notices to the affected property owners and set a Council public hearing at the January 25, 2016, City Council meeting. To avoid having the formal protest period extend over the holidays, the legal notice will be published and mailed on January 7, 2016.

The new lighting will use steel mast arm style poles with LED lamps and underground wiring. The cost of installing the new lighting will be paid for by the street reconstruction project. The adjacent property owners will only pay for electrical energy and maintenance, through an assessment on their property tax statements. Light district assessments will average \$423 per property per year and are based on the lineal footage of property frontage along Grand Avenue. Pursuant to 7-12-4327 Montana Code Annotated, properties outside of, but contiguous to, the city limits will be assessed for their share of the energy and maintenance costs for the lighting.

ALTERNATIVES ANALYZED

City Council may:

- Pass the Resolution of Intent to create SILMD 321 to provide a source of funding for operation and maintenance of the streetlights and set a public hearing for January 25, 2016; or
- Do not pass the Resolution of Intent or set a public hearing date. If the Council does not adopt the Resolution, the property owners cannot be assessed for operation and maintenance of the streetlights and the new lighting will not be installed.

FINANCIAL IMPACT

All costs of maintaining and providing energy for the lighting are paid from assessments against the properties within the light district. There are no City owned properties within the district.

RECOMMENDATION

Staff recommends the City Council approve a resolution of intention to create SILMD 321 and set a public hearing for January 25, 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

SILMD 321 Res of Intent

SILMD 321 Exhibit A Map

SILMD 321 Exhibit B Ownership

SILMD 321 Ex C-Boundary Description

RESOLUTION NO. 15 - _____

A RESOLUTION OF INTENTION TO CREATE **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 321** OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COST.

WHEREAS, the City Council of Billings, Montana, has determined that the public interest and convenience require the creation of a Special Improvement Lighting Maintenance District as hereinafter provided;

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

SECTION 1:

That the public interest and convenience require, and it is deemed necessary, to create a Special Improvement Lighting Maintenance District for the purpose providing energy and maintenance for new street lights for lighting in said district; and the intention of said City Council to create such a district, hereinafter more particularly described, is hereby declared.

SECTION 2:

That said district shall be known and designated as "Special Improvement Lighting Maintenance District No. 321" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land abutting Grand Avenue between 30th Street West and Country Manor Boulevard, as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is attached hereto.

SECTION 3:

That the City of Billings, Montana, hereby finds, determines and declares that each of the lots, blocks, pieces and parcels of land situated within the boundaries of the District, will be especially benefited and affected by said improvements, and that all of the property included within the District is hereby declared to be the property to be assessed for the cost and expense

SECTION 5:

That the general character of the improvements to be made for the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of fifty-four (54) LED luminaires mounted on steel poles with underground wiring. The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

SECTION 6:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$10.41 per unit, per month, and that NorthWestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 7:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$14,800; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "B" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its assessable lot frontage bears to the total assessable lot frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. Excepting that in accordance with the Subdivision Improvements Agreement for Cardwell Ranch Subdivision, 1st Filing (Document 3510814 as recorded with the Yellowstone County Clerk and Recorder) the costs of lighting for the Grand Avenue frontage of Cardwell Ranch Subdivision shall be apportioned over the entire subdivision. Each lot within Cardwell Ranch Subdivision, 1st Filing shall be assessed for that portion of the whole cost for the Subdivision which its area bears to the total area of all lots in the Subdivision. The estimated cost of the District per year for property owners is on the basis of approximately \$1.38033949 per linear foot.

SECTION 8:

drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 9:

That on the 25th day of January, 2016, at 6:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create such Special Improvement Lighting Maintenance District No. 321 and will hear objections and protests against the proposed improvements and the extent and creation of such District to be assessed, or any matter pertaining thereto, at said time and place, by any person, firm, or corporation who has filed a written protest with the City Clerk of the City of Billings within fifteen (15) days after the date on which the Notice of the passage of this Resolution of Intention is published in "The Billings Times".

SECTION 10:

That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "The Billings Times", a weekly newspaper published and circulated in the City of Billings, Montana, and to send a copy of said Notice to the owners of all the lots, blocks, pieces or parcels of land included within the boundaries of said Special Improvement Lighting Maintenance District No. 321. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 21st day of December, 2015.

CITY OF BILLINGS

By _____
Thomas W. Hanel Mayor

ATTEST:

By _____
Billie Guenther City Clerk

**Exhibit B
SILMD 321
Grand Avenue**

TAX_ID	[OwnerName]	Property Address	[ShortLegalDescription]	Area	Frontage	Assmt Frontage	Est. Assmt
D11869	YEGEN GRAND AVE FARMS INC	3440 GRAND AVE	S02, T01 S, R25 E, C.O.S. 2702, PARCEL 2A, AMD (09)		2050.77	2051	\$2,831.08
D11871	YEGEN GRAND AVE FARMS INC		S02, T01 S, R25 E, C.O.S. 2702, PARCEL 3		751.72	752	\$1,038.02
A26436	ROCKY MOUNTAIN BANK	1410 38TH ST W	CIRCLE FIFTY SUBD, S33, T01 N, R25 E, BLOCK 2, Lot 7, 61,719 SQ FT (07)		239.88	240	\$331.28
C14725	JOE DRINGLE & DOROTHY DRINGLE REVOCABLE	3839 GRAND AVE	CIRCLE FIFTY SUBD, S33, T01 N, R25 E, BLOCK 2, Lot 6D, 45546 SQ FT (05)		185.92	186	\$256.74
A26434	D. L. SWAIN, INC	3875 GRAND AVE	CIRCLE FIFTY SUBD, S33, T01 N, R25 E, BLOCK 2, Lot 6A only		162	162	\$223.61
A31556	KREITZBERG, DARRELL	3765 GRAND AVE	HANCOCK GRAND SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 1A2, (05) 2.221 AC		304.25	304	\$419.62
A31557	WEST END COMMERCIAL PROPERTIES LLC (96.31% INT) &	3737 GRAND AVE	HANCOCK GRAND SUBD, S34, T01 N, R25 E, BLOCK 1, Lots 2B- 2C, AMD		313.27	313	\$432.05
D04783	MICHELOTTI SAWYERS & NORDQUIST MORTUARY INC	3605 GRAND AVE	S34, T01 N, R25 E, C.O.S. 2974, PARCEL 2A, AMD (13)		667.42	667	\$920.69
D04784	KZ BAR LIMITED PARTNERSHIP	3415 GRAND AVE	S34, T01 N, R25 E, C.O.S. 3364, PARCEL 1A, AMD (11)		1284.58	1285	\$1,773.74
			Cardwell Ranch 1st Filing--entire plat Grand Ave Frontage 2737.63 L.F.	45.2464	2737.63	0	
D11869B	YEGEN GRAND AVE FARMS INC	3440 GRAND AVE	CARDWELL RANCH SUB 1ST FILING (10), S2, T01 S, R25 E, BLOCK 1, Lot 1	2.5716	359.59	156	\$215.33
A34323	YEGEN GRAND AVE FARMS INC	3420 GRAND AVE	CARDWELL RANCH SUB 1ST FILING (10), S02, T01 S, R25 E, BLOCK 1, Lot 2	1.5109	209.88	91	\$125.61
A34325	YEGEN GRAND AVE FARMS INC	1235 ZIMMERMAN TRL	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 2	1.5967		97	\$133.89
A34326	YEGEN GRAND AVE FARMS INC	3335 SAGEGRASS DR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 3	1.7572		106	\$146.32
A34327	YEGEN GRAND AVE FARMS INC	3340 SAGEGRASS DR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 4	3.1674		192	\$265.03
A34328	YEGEN GRAND AVE FARMS INC	1102 SAGEGRASS PL	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 5	3.5376		214	\$295.39
A34329	YEGEN GRAND AVE FARMS INC	1125 SAGEGRASS PL	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 6	3.2186		195	\$269.17
A34330	YEGEN GRAND AVE FARMS INC	3305 SAGEGRASS DR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 7	2.7782		168	\$231.90
A34334	YEGEN GRAND AVE FARMS INC	1310 GOLDEN VALLEY CIR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 12	2.2779		138	\$190.49
A34335	YEGEN GRAND AVE FARMS INC	3060 MEADOW VIEW DR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 13	2.294		139	\$191.87
A34338	YEGEN GRAND AVE FARMS INC	1240 30TH ST W	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 16	2.3124		140	\$193.25
D11423	FRONTIER ONCOLOGY LLC	3144 GRAND AVE	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 10	6.6936	492.19	405	\$559.04
A34324	YEGEN GRAND AVE FARMS INC	1315 ZIMMERMAN TRL	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 1	2.0482	294.99	124	\$171.16
A34331	YEGEN GRAND AVE FARMS INC	1340 GOLDEN VALLEY CIR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 8	1.8639	286.45	113	\$155.98
A34332	YEGEN GRAND AVE FARMS INC	1335 GOLDEN VALLEY CIR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 9	2.2294	210.44	135	\$186.35
A34333	YEGEN GRAND AVE FARMS INC	1302 GOLDEN VALLEY CIR	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 11	1.8091	295.14	109	\$150.46
A34336	YEGEN GRAND AVE FARMS INC	3070 GRAND AVE	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 14	1.7988	295.33	109	\$150.46
A34337	YEGEN GRAND AVE FARMS INC	1310 30TH ST W	CARDWELL RANCH SUB 1ST FILING (10), S01, T01 S, R25 E, BLOCK 2, Lot 15	1.7809	293.62	108	\$149.08
A33939	WALGREEN CO	3333 Grand Ave	E D KING SUB (07), S34, T01 N, R25 E, BLOCK 1, Lot 3, (07) 66594 SQ FT		283.03	283	\$390.64
A28262M	BRITANNIA PLAZA	N/A--master record	BRITANNIA PLAZA, S34, T01 N, R25 E, MASTER CARD LOC @ LT 9 BLK 4 BRITANNIA SUB 1ST		0	0	
A28262A	LAIS PROPERTIES LLC	3307 Grand Ave	BRITANNIA PLAZA, S34, T01 N, R25 E, UNIT 1, 51% COMMON AREA INTEREST, LOC @ LT 9 BLK 4 BRITANNIA SUB 1ST		118.99	119	\$164.26
A28262B	CHASE FOLLETT LLP	3307 Grand Ave	BRITANNIA PLAZA, S34, T01 N, R25 E, UNIT 2, 49% COMMON AREA INTEREST, LOC @ LT 9 BLK 4 BRITANNIA SUB 1ST		114.32	114	\$157.36
A26693A	FIRST INTERSTATE BANK OF COMMERCE	3171 GRAND AVE	JUDD CENTER SUBD, S34, T01 N, R25 E, BLOCK 5, Lot 1A2, AMND		249.44	249	\$343.70
A26694	MILLINGTON, FAMILY PARTNERSHIP LP	3137 GRAND AVE	JUDD CENTER SUBD, S34, T01 N, R25 E, BLOCK 5, Lot 2A1, AMND (98)		583	583	\$804.74
A26693B	COMSTOCK REAL ESTATE HOLDINGS LLC	GRAND AVE	JUDD CENTER SUBD, S34, T01 N, R25 E, BLOCK 5, Lot 1A1B, AMND (98)		42	42	\$57.97
D11716	GRAND LUMBER CO	3201 GRAND AVE	S34, T01 N, R25 E, C.O.S. 2631, PARCEL 2		196.8	197	\$271.93
D11717	CALMONT LIMITED LIABILITY COMPANY	3209 GRAND AVE	S34, T01 N, R25 E, C.O.S. 2631, PARCEL 3		435.52	436	\$601.83
							\$14,800.04

Total assessment basis
Assessment rate

10722 Lineal feet
1.38033949

EXHIBIT "C"

SILMD 321 – BOUNDARY DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Grand Avenue between 30th St. West and Country Manor Boulevard in Yellowstone County, Montana. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

Lot 9, Block 4, Britannia Subdivision, as recorded May 25, 1994, under Document Number 1742438;

Tracts 2 & 3, Certificate of Survey 2631, as recorded June 24, 1991, under Document Number 1599065;

Tract 2A of Amended Tracts 1-A and 2, Certificate of Survey 2702, as recorded September 3, 2008, under Document Number 3478524;

Tract 3, Certificate of Survey 2702, as recorded July 7, 1992, under Document Number 1642566;

Tract 2A of Amended Tract 2, Certificate of Survey 2974, as recorded November 26, 2012, under Document Number 3647208;

Tract 1A, Certificate of Survey 3364 Amended, as recorded March 25, 2010, under Document Number 3544428;

All lots within Cardwell Ranch Subdivision, 1st Filing, as recorded June 8, 2009, under Document Number 3510813;

Lots 6A and 6D, of the Amended Plat of Lot 6, Block 2, Circle Fifty Subdivision as recorded June 16, 2004, under Document Number 3292596;

Lot 7, Block 2, Circle Fifty Subdivision as recorded February 6, 1985, under Document Number 1339215;

Lot 3, Block 1, E.D. King Subdivision as recorded December 18, 2006, under Document Number 3404172;

Lots 1A-2, 2-B and 2-C, of the Amended Plat of Lots 1A and 2, Block 1, Hancock-Grand Subdivision, as recorded September 23, 2004, under Document Number 3305752;

Lot 1-A-2 of the Amended Plat of Lot 1-A, Block 5, of the Amended Plat of Block 5, Judd Center Subdivision, as recorded August 10, 1994, under Document Number 1752645;

Lots 1-A-1-B, and 2-A-1 of the Amended Plat of Lots 1-A-1 and 2-A, Block 5, Judd Center Subdivision, as recorded December 29, 1997, under Document Number 1904145

Exempting there from all lands which are public street, road, or alley rights-of-way.

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Payment of Claims November 30, 2015

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,074,897.23 have been audited and are presented for City Council payment approval. A complete listing of the claims dated November 30, 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

Attachments

Check Date	Check Name	Amount	Account	Item Desc
11/30/2015	789649 Ace Electric Inc	\$25,551.31	5120-84300-402360	WWTP Main Tunnel lighting
11/30/2015	789649 Ace Electric Inc	\$12,024.14	5120-84300-403660	WWTP Main Tunnel lighting
11/30/2015	789659 American Title & Escrow	\$10,000.00	2910-66800-407275	FTHB Autumn Spencer 14 Berg Avenue
11/30/2015	789662 Archie Cochrane	\$12,089.42	6300-17530-407310	Inv. 835594-1 BPD Car #1585
11/30/2015	789662 Archie Cochrane	\$1,139.95	6300-17530-407310	Inv. 694572-1 BPD Car #1585
11/30/2015	789662 Archie Cochrane	\$52.59	1500-21120-402320	5167592
11/30/2015	789662 Archie Cochrane	\$54.46	1500-21120-402320	5167614
11/30/2015	789662 Archie Cochrane	\$12.64	1500-21120-402320	5167685
11/30/2015	789662 Archie Cochrane	\$12.71	1500-21120-402320	5167715
11/30/2015	789663 Arrow Striping & Manufacturing Inc	\$3,149.81	2110-31320-402340	Dyna mix paint mixer
11/30/2015	789663 Arrow Striping & Manufacturing Inc	\$3,600.00	2110-31320-402340	glass beads for paint striping
11/30/2015	789663 Arrow Striping & Manufacturing Inc	\$2,275.00	5610-71130-403660	Invoice #23511. Contracted painting on the airfield
11/30/2015	789664 Asphalt Plus Inc	\$2,232.86	2100-51510-409390	WO 13-20 Arrowhead School Path CO#3
11/30/2015	789664 Asphalt Plus Inc	\$346.09	2360-43700-409370	WO 13-20 Arrowhead School Path CO#3
11/30/2015	789676 Business Tax Section	\$22.55	2100-51510-409390	WO 13-20 Arrowhead School Path CO#3
11/30/2015	789676 Business Tax Section	\$3.50	2360-43700-409370	WO 13-20 Arrowhead School Path CO#3
11/30/2015	789676 Business Tax Section	\$225.55	1990-15050-409310	WO 13-15 Calhoun Lane
11/30/2015	789676 Business Tax Section	\$30.04	5130-85910-409340	WO 13-15 Calhoun Lane
11/30/2015	789676 Business Tax Section	\$58.23	1990-15050-409310	WO1315 CO#2 Calhoun Road Improvements 9-
11/30/2015	789676 Business Tax Section	\$50.87	5130-85910-409340	WO1315 CO#2 Calhoun Road Improvements 9-
11/30/2015	789676 Business Tax Section	\$102.59	1990-15050-409310	WO 13-15 Calhoun Lane; CO#3 11/13/15 &
11/30/2015	789676 Business Tax Section	\$289.85	1990-15050-409310	WO 13-15 Calhoun Road: Move 232.19 from 2100
11/30/2015	789676 Business Tax Section	\$258.09	5120-84300-402360	WWTP Main Tunnel lighting
11/30/2015	789676 Business Tax Section	\$121.46	5120-84300-403660	WWTP Main Tunnel lighting
11/30/2015	789676 Business Tax Section	\$254.22	2050-31310-409310	WO 15-03 2015 Street Maintenance - Overlay
11/30/2015	789676 Business Tax Section	\$536.84	5410-31220-409250	WO 15-38 Solid Waste CNG Short-Term Fueling
11/30/2015	789676 Business Tax Section	\$87.38	4050-71250-409685	AIP49 North Side Public Aircraft Parking Ramp -
11/30/2015	789676 Business Tax Section	\$9.71	4050-71250-409686	AIP49 North Side Public Aircraft Parking Ramp -
11/30/2015	789676 Business Tax Section	\$459.83	4730-31610-409310	SID 1398 Mountain View Blvd
11/30/2015	789676 Business Tax Section	\$421.77	8400-31840-409310	SID 1398 Mountain View Blvd
11/30/2015	789676 Business Tax Section	\$104.50	2050-31310-409310	SID 1398 Mountain View Blvd
11/30/2015	789676 Business Tax Section	\$18.20	2050-31310-409310	WO 15-03 2015 Street Maintenance - Chip Seal
11/30/2015	789676 Business Tax Section	\$414.25	2050-31310-409310	WO 15-32 Evergreen Dr Drainage Improvements
11/30/2015	789676 Business Tax Section	\$43.31	2050-00000-201100	WO 15-15 Shawnee Drive
11/30/2015	789676 Business Tax Section	\$435.14	4050-00000-201100	AIP 49 North Side Public Aircraft Ramp Retainage
11/30/2015	789676 Business Tax Section	\$57.85	2050-00000-201100	WO 15-02 2015 Misc. Developer
11/30/2015	789676 Business Tax Section	\$16.24	8400-00000-201100	WO 15-02 2015 Misc. Developer
11/30/2015	789676 Business Tax Section	\$68.33	4480-00000-201100	WO 15-02 2015 Misc. Developer
11/30/2015	789680 Cmg Construction, Inc.	\$43,077.51	4050-00000-201100	AIP 49 North Side Public Aircraft Ramp Retainage
11/30/2015	789680 Cmg Construction, Inc.	\$8,651.60	4050-71250-409685	AIP49 North Side Public Aircraft Parking Ramp -
11/30/2015	789680 Cmg Construction, Inc.	\$961.29	4050-71250-409686	AIP49 North Side Public Aircraft Parking Ramp -
11/30/2015	789680 Cmg Construction, Inc.	\$45,523.17	4730-31610-409310	SID 1398 Mountain View Blvd
11/30/2015	789680 Cmg Construction, Inc.	\$41,755.23	8400-31840-409310	SID 1398 Mountain View Blvd
11/30/2015	789680 Cmg Construction, Inc.	\$10,345.50	2050-31310-409310	SID 1398 Mountain View Blvd
11/30/2015	789689 Dxp/Strategic Supply Inc	\$150.92	1500-22290-402290	SCOAV 2011280-02 SCBA NOSECUP ASSY,
11/30/2015	789689 Dxp/Strategic Supply Inc	\$7.59	1500-22290-402290	SHIPPING
11/30/2015	789689 Dxp/Strategic Supply Inc	\$2,725.80	1500-22290-402290	805773 SCOTT SCBA KEVLAR MASKS
11/30/2015	789689 Dxp/Strategic Supply Inc	\$19.52	1500-22290-402290	SHIPPING/HANDLING (INVOICE #8345050)
11/30/2015	789694 Faro Technologies Inc	\$10,195.75	7180-21600-402925	Crash investigation tools and software.
11/30/2015	789709 Hardy Construction Co.	\$53,147.86	5410-31220-409250	WO 15-38 Solid Waste CNG Short-Term Fueling
11/30/2015	789710 HCL Truck Equipment Inc	\$6,450.00	5410-31220-402320	V flared snow plow for 3/3 ton Chevy pickup
11/30/2015	789711 HDR, Inc.	\$21,304.50	8450-31860-409310	WO 09-15 GRAND AVE/ZIMMER MAN TRAIL
11/30/2015	789711 HDR, Inc.	\$47,039.64	8450-31860-409310	WO 09-15 Grand Avenue Zimmerman Trail to
11/30/2015	789716 Iaff	\$4,598.71	9000-00000-209920	Payroll Summary
11/30/2015	789720 Integra Chemical Company	\$3,761.95	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
11/30/2015	789722 Interstate Power Systems, Inc.	\$6,760.45	5710-71440-403690	AUTO &TRUCK MAINT.ITEMS
11/30/2015	789722 Interstate Power Systems, Inc.	\$1,070.11	5710-71440-402390	AUTO &TRUCK MAINT.ITEMS
11/30/2015	789722 Interstate Power Systems, Inc.	-\$966.00	5710-71440-403690	AUTO &TRUCK MAINT.ITEMS
11/30/2015	789724 J & J Concrete Inc.	\$5,726.45	2050-00000-201100	WO 15-02 2015 Misc. Developer
11/30/2015	789724 J & J Concrete Inc.	\$1,608.75	8400-00000-201100	WO 15-02 2015 Misc. Developer
11/30/2015	789724 J & J Concrete Inc.	\$6,764.87	4480-00000-201100	WO 15-02 2015 Misc. Developer
11/30/2015	789727 Knife River (JTL Group Inc.)	\$25,167.80	2050-31310-409310	WO 15-03 2015 Street Maintenance - Overlay
11/30/2015	789727 Knife River (JTL Group Inc.)	\$1,801.80	2050-31310-409310	WO 15-03 2015 Street Maintenance - Chip Seal
11/30/2015	789727 Knife River (JTL Group Inc.)	\$22,329.90	1990-15050-409310	WO 13-15 Calhoun Lane
11/30/2015	789727 Knife River (JTL Group Inc.)	\$2,973.55	5130-85910-409340	WO 13-15 Calhoun Lane
11/30/2015	789727 Knife River (JTL Group Inc.)	\$5,764.77	1990-15050-409310	WO 13-15 Calhoun Road Improvements CO#2 9-
11/30/2015	789727 Knife River (JTL Group Inc.)	\$5,036.13	5130-85910-409340	WO 13-15 Calhoun Road Improvements CO#2 9-
11/30/2015	789727 Knife River (JTL Group Inc.)	\$10,156.82	1990-15050-409310	WO 13-15 Calhoun Lane; CO#3 11/13/2015 &
11/30/2015	789727 Knife River (JTL Group Inc.)	\$28,694.07	1990-15050-409310	WO 13-15 Calhoun Road: Move 22986.30 from
11/30/2015	789727 Knife River (JTL Group Inc.)	\$372.71	2110-31320-404710	asphalt
11/30/2015	789727 Knife River (JTL Group Inc.)	\$177.14	2110-31320-404520	1 1/2" crushed base
11/30/2015	789727 Knife River (JTL Group Inc.)	\$2,595.09	2110-31320-404520	winter sand/salt
11/30/2015	789727 Knife River (JTL Group Inc.)	\$0.01	2110-31320-404520	underage
11/30/2015	789727 Knife River (JTL Group Inc.)	\$267.18	2110-31320-404710	asphalt
11/30/2015	789732 Montana CSED	\$3,752.79	9000-00000-209926	Payroll Summary
11/30/2015	789734 Montana Dakota Utilities Co	\$182.17	0100-51410-403440	0378901000 0
11/30/2015	789734 Montana Dakota Utilities Co	\$15.74	5020-74000-403440	5270331000 4

Check Date	Check	Name	Amount	Account	Item Desc
11/30/2015	789734	Montana Dakota Utilities Co	\$315.30	5410-31230-403440	7703901000 2
11/30/2015	789734	Montana Dakota Utilities Co	\$38.38	5020-74000-403440	8004901000 4
11/30/2015	789734	Montana Dakota Utilities Co	\$28.06	5120-85000-403440	8685631000 7
11/30/2015	789734	Montana Dakota Utilities Co	\$67.97	0100-51410-403440	9278901000 3
11/30/2015	789734	Montana Dakota Utilities Co	\$120.76	5020-74000-403440	0104901000 0
11/30/2015	789734	Montana Dakota Utilities Co	\$16.90	5020-74000-403440	1104901000 9
11/30/2015	789734	Montana Dakota Utilities Co	\$116.75	5020-74000-403440	2104901000 8
11/30/2015	789734	Montana Dakota Utilities Co	\$314.99	5020-73140-403440	3104901000 7
11/30/2015	789734	Montana Dakota Utilities Co	\$105.00	5120-83140-403440	3104901000 7
11/30/2015	789734	Montana Dakota Utilities Co	\$350.29	5020-73140-403440	4104901000 6
11/30/2015	789734	Montana Dakota Utilities Co	\$116.76	5120-83140-403440	4104901000 6
11/30/2015	789734	Montana Dakota Utilities Co	\$1,288.80	5020-74000-403440	5004901000 7
11/30/2015	789734	Montana Dakota Utilities Co	\$43.30	5020-74000-403440	5104901000 5
11/30/2015	789734	Montana Dakota Utilities Co	\$23.21	5020-74000-403440	5669231000 8
11/30/2015	789734	Montana Dakota Utilities Co	\$14.19	5020-74000-403440	6004901000 6
11/30/2015	789734	Montana Dakota Utilities Co	\$14.19	5020-74000-403440	6004901000 6
11/30/2015	789734	Montana Dakota Utilities Co	\$28.94	5020-74000-403440	6104901000 4
11/30/2015	789734	Montana Dakota Utilities Co	\$32.97	5020-74000-403440	6669231000 7
11/30/2015	789734	Montana Dakota Utilities Co	\$85.19	5020-74000-403440	7004901000 5
11/30/2015	789734	Montana Dakota Utilities Co	\$433.77	5020-74000-403440	9004901000 3
11/30/2015	789734	Montana Dakota Utilities Co	\$54.77	5610-71170-403440	283 116 06553 3. IP-12 Alpine Air. November
11/30/2015	789734	Montana Dakota Utilities Co	\$35.84	5610-71170-403440	295 580 1000 4. Aero Interiors. November 2015
11/30/2015	789734	Montana Dakota Utilities Co	\$141.42	5610-71170-403440	185 580 1000 7. TSA Building. November 2015
11/30/2015	789734	Montana Dakota Utilities Co	\$510.09	5610-71190-403440	889 373 1000 6. Car Wash. November 2015
11/30/2015	789734	Montana Dakota Utilities Co	\$267.92	5610-71190-403440	129 573 1000 1. Mud Wash. November 2015
11/30/2015	789734	Montana Dakota Utilities Co	\$38.70	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz. November
11/30/2015	789734	Montana Dakota Utilities Co	\$98.38	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo.
11/30/2015	789734	Montana Dakota Utilities Co	\$77.73	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise.
11/30/2015	789734	Montana Dakota Utilities Co	\$131.09	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget.
11/30/2015	789734	Montana Dakota Utilities Co	\$35.26	5610-71190-403440	529 573 1000 7. Detail Bay 5. Thrifty/Dollar.
11/30/2015	789734	Montana Dakota Utilities Co	\$25.76	0100-51260-403440	0619431000 6
11/30/2015	789734	Montana Dakota Utilities Co	\$87.49	6500-15660-403440	1307331000 8
11/30/2015	789734	Montana Dakota Utilities Co	\$12.88	1500-21150-403410	06290794947
11/30/2015	789734	Montana Dakota Utilities Co	\$225.46	1500-22210-403440	4421901000 4
11/30/2015	789734	Montana Dakota Utilities Co	\$220.88	1500-22210-403440	5336531000 1
11/30/2015	789734	Montana Dakota Utilities Co	\$12.88	5210-15920-403440	7173531000 6
11/30/2015	789734	Montana Dakota Utilities Co	\$27.48	5120-85000-403440	7354531000 2
11/30/2015	789734	Montana Dakota Utilities Co	\$970.31	6500-15660-403440	7576331000 2
11/30/2015	789734	Montana Dakota Utilities Co	\$1,090.83	6500-15660-403440	9897331000 0
11/30/2015	789734	Montana Dakota Utilities Co	\$411.96	6500-15660-403440	9937331000 4
11/30/2015	789737	Montana State Fireman's Assoc	\$3,411.68	9000-00000-209924	Payroll Summary
11/30/2015	789739	Morrison Maierle Inc	\$1,884.00	8400-31840-409310	WO 12-31 East End Industrial Storm Drain; Fund
11/30/2015	789739	Morrison Maierle Inc	\$34,698.37	4260-31840-409310	WO 12-31 East End Industrial Storm Drain; Fund
11/30/2015	789739	Morrison Maierle Inc	\$27,127.77	8400-31840-409310	WO 12-31 East End Industrial Storm Drain; Fund
11/30/2015	789739	Morrison Maierle Inc	\$84,028.03	4260-31840-409310	WO 12-31 East End Industrial Storm Drain; Fund
11/30/2015	789746	National Research Center	\$8,900.00	0100-14110-403587	Citizens Survey
11/30/2015	789747	NorMont Equipment Company	\$1,344.00	2110-31320-404710	emulsion for the road patching machine
11/30/2015	789747	NorMont Equipment Company	\$577.75	2110-31320-402420	Anchors for telspar posts
11/30/2015	789747	NorMont Equipment Company	\$191.52	2110-31320-402420	round reflectors
11/30/2015	789747	NorMont Equipment Company	\$760.00	2110-31320-402420	sign brackets
11/30/2015	789748	NorthWestern Energy	\$2,714.07	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE - ACCT
11/30/2015	789748	NorthWestern Energy	\$6,535.93	6500-15670-403410	01005073
11/30/2015	789748	NorthWestern Energy	\$362.08	1500-22210-403410	07125370
11/30/2015	789748	NorthWestern Energy	\$96.62	0100-51220-403410	07126832
11/30/2015	789748	NorthWestern Energy	\$24.81	5710-71480-403410	07127640
11/30/2015	789748	NorthWestern Energy	\$311.57	5210-15950-403410	07208291
11/30/2015	789748	NorthWestern Energy	\$1,800.57	5210-15920-403410	07208341
11/30/2015	789748	NorthWestern Energy	\$330.20	1500-22210-403410	07208408
11/30/2015	789748	NorthWestern Energy	\$1,848.85	5020-74000-403410	07230436
11/30/2015	789748	NorthWestern Energy	\$7.45	0100-51120-403410	08317026
11/30/2015	789748	NorthWestern Energy	\$1,001.52	6500-15660-403410	1160802-3
11/30/2015	789748	NorthWestern Energy	\$1,880.49	6500-15660-403410	1160804-9
11/30/2015	789748	NorthWestern Energy	\$2,746.61	6500-15660-403410	1269391-7
11/30/2015	789748	NorthWestern Energy	\$1,218.34	5210-15910-403410	1594282-4
11/30/2015	789748	NorthWestern Energy	\$1,489.34	5210-15910-403410	1569636-2
11/30/2015	789748	NorthWestern Energy	\$55,275.37	5120-84000-403410	725 US HWY 87
11/30/2015	789748	NorthWestern Energy	\$2,780.23	5020-73140-403410	2251 Belknap
11/30/2015	789748	NorthWestern Energy	\$14,827.92	5020-74000-403410	2251 Belknap
11/30/2015	789748	NorthWestern Energy	\$55,604.69	5020-74000-403410	2251 Belknap
11/30/2015	789748	NorthWestern Energy	\$926.74	5120-83140-403410	2251 Belknap
11/30/2015	789748	NorthWestern Energy	\$61.40	5610-71130-403410	0719616-5. ARFF Facility Lights. November 2015
11/30/2015	789748	NorthWestern Energy	\$348.24	5610-71170-403410	0712792-1. IP-7. November 2015
11/30/2015	789748	NorthWestern Energy	\$16.42	5610-71170-403410	0712799-6. IP-8. November 2015
11/30/2015	789748	NorthWestern Energy	\$1,310.12	5610-71170-403410	0712800-2. IP-9. November 2015
11/30/2015	789748	NorthWestern Energy	\$245.53	5610-71170-403410	0712809-3. IP-11. November 2015
11/30/2015	789748	NorthWestern Energy	\$56.36	5610-71170-403410	0712817-6. IP-House. November 2015
11/30/2015	789748	NorthWestern Energy	\$264.71	5710-71480-403410	17847567

Check Date	Check	Name	Amount	Account	Item Desc
11/30/2015	789748	NorthWestern Energy	\$213.40	1500-21150-403410	19841501
11/30/2015	789748	NorthWestern Energy	\$200.67	1500-21150-403410	19841550
11/30/2015	789748	NorthWestern Energy	\$1,733.73	5210-15940-403410	30674162
11/30/2015	789748	NorthWestern Energy	\$397.70	6600-31100-403410	Electricity
11/30/2015	789748	NorthWestern Energy	\$596.55	6700-31410-403410	Electricity
11/30/2015	789748	NorthWestern Energy	\$2.40	0100-51120-403410	07222607
11/30/2015	789748	NorthWestern Energy	\$0.00	0100-51120-403410	07222615
11/30/2015	789748	NorthWestern Energy	\$0.00	0100-51120-403410	07222623
11/30/2015	789748	NorthWestern Energy	\$0.10	0100-51120-403410	07222656
11/30/2015	789748	NorthWestern Energy	\$0.00	0100-51120-403410	07222680
11/30/2015	789748	NorthWestern Energy	\$0.00	0100-51120-403410	07230279
11/30/2015	789748	NorthWestern Energy	\$0.00	0100-51120-403410	07230386
11/30/2015	789748	NorthWestern Energy	\$0.00	0100-51120-403410	07230519
11/30/2015	789748	NorthWestern Energy	\$1.61	0100-51120-403410	07230527
11/30/2015	789748	NorthWestern Energy	\$2,646.56	5020-74000-403410	3116 17th St W
11/30/2015	789748	NorthWestern Energy	\$2,646.55	5020-74000-403410	3116 17th St W
11/30/2015	789748	NorthWestern Energy	\$9.30	0100-51120-403410	07230907
11/30/2015	789748	NorthWestern Energy	\$608.17	0100-51120-403410	07231707
11/30/2015	789749	Paddock Heating & Cooling	\$300.00	1500-22260-403670	1221 FIRE1: REPLACED THERMOSTATS ON
11/30/2015	789749	Paddock Heating & Cooling	\$1,965.00	1500-22260-402450	1222 FIRE2: REPLACED DAMAGED
11/30/2015	789749	Paddock Heating & Cooling	\$155.00	1500-22260-403670	1223 FIRE6: REPLACED THERMOSTAT IN
11/30/2015	789749	Paddock Heating & Cooling	\$1,075.00	1500-22260-402450	1224 FIRE5: REPL'D DAMAGED PLYMOVENT
11/30/2015	789751	Permaletter Sign Co	\$1,127.00	5410-31220-403620	Decals for the new garbage trucks
11/30/2015	789751	Permaletter Sign Co	\$2,540.00	5410-31220-403620	Decals for the new garbage trucks
11/30/2015	789751	Permaletter Sign Co	\$1,420.00	5410-31220-403620	Decals for the new garbage trucks
11/30/2015	789755	Riverstone Health	\$11,249.70	0100-14110-403931	October - December 2015 (Less \$.30 paid extra in
11/30/2015	789759	Sanderson Stewart	\$8,238.93	2400-43010-407214	invoice 40251 (3)
11/30/2015	789765	Springline Construction INC	\$41,010.75	2050-31310-409310	WO 15-32 Evergreen Dr Drainage Improvements
11/30/2015	789768	Town & Country Supply Association	\$7,059.43	6010-00000-141000	216373 PO NUM 299275
11/30/2015	789768	Town & Country Supply Association	\$16,505.15	6010-00000-141000	215880 PO NUM 299276
11/30/2015	789768	Town & Country Supply Association	\$15,607.70	5610-71180-402313	Invoice #217036. Fuel for QTA
11/30/2015	789769	Tractor & Equipment Co.	\$132.60	5120-85000-402320	BLCS0610942
11/30/2015	789769	Tractor & Equipment Co.	\$406.55	0100-51120-402320	BLO0432
11/30/2015	789769	Tractor & Equipment Co.	\$2,162.16	5410-31230-402320	BLW00161728
11/30/2015	789769	Tractor & Equipment Co.	\$56,162.84	5410-31220-402320	BLW00162021
11/30/2015	789769	Tractor & Equipment Co.	\$67.41	5410-31230-402320	Parts for Landfill equipment
11/30/2015	789777	Winkler Excavating Inc	\$4,287.61	2050-00000-201100	WO 15-15 Shawnee Drive
12/01/2015	789778	Bcs Scrip	\$33,825.00	6270-17520-401432	Wellness Gift Cards 2015

Regular City Council Meeting

Meeting Date: 12/21/2015

TITLE: Resource Outreach Coordinator Funding for Community Innovations

PRESENTED BY: Tina Volek, City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The City Council directed staff at its Dec. 7, 2015, work session to put Resource Outreach Coordinator (ROC) funding for the Motivated Addictive Alternative Program (MAAP) on the Dec. 21, 2015, business session. MAAP is a program that addresses chronic, serial inebriation by offering addiction counseling as an alternative to citation to persons arrested for open container or alcohol-related trespass offenses throughout Billings. Offenders who are cited five times in any 30-day period are offered treatment as an alternative to incarceration if convicted in Municipal Court.

MAAP is a result of a Community Innovations initiative created in October 2014 by the Downtown Business Association (DBA), Rocky Mountain Native American Council, the Rimrock Foundation, Community Crisis Center, City of Billings and numerous other partners. The group studied transiency and chronic addiction treatment models in several other communities, primarily San Diego's Serial Inebriate Program, before developing the MAAP model. Business leaders and residents at the Dec. 7 work session reported improved conditions in downtown, and urged the Council to support the program.

Joel Simpson, the current ROC, has been providing both street intervention in cooperation with police officers and counseling services for about a year. His position initially was funded by a \$15,000 contribution from the Downtown Billing Association (DBA) and \$35,000 from Rimrock Foundation as part of the Community Innovations initiative to address homelessness issues in downtown Billings. Agencies that provide grants to such programs have asked the City of Billings to indicate its commitment to sustain MAAP by providing some funding for it. After consultation with the DBA and Rimrock Foundation, City staff has recommended that the City contribute \$25,000 to funding Mr. Simpson's position, with the remainder to come from the two agencies.

At the Dec. 7 work session, the Council expressed concern about displacement of chronic inebriates from downtown to the rest of the City as a result of the MAAP program, and suggested the City should fund an additional ROC at a cost of \$50,000 to those who are displaced. This would bring the total City contribution for Fiscal Year 2016 to \$75,000. City staff recommends that the Council contract with Rimrock Foundation for the position.

ALTERNATIVES ANALYZED

City Council may:

- Approve a \$75,000 contribution from the Fiscal Year (FY) 2016 General Fund unbudgeted reserve to Rimrock Foundation to support the current Resource Outreach Coordinator (ROC) position, and add another ROC to assist the current Motivated Addiction Alternative Program (MAAP) and deal with those displaced to other parts of the City by MAAP; or
- Approve a \$25,000 contribution from the FY 2016 General Fund unbudgeted reserve to Rimrock Foundation to support the current ROC, and direct staff to provide a supplemental budget request for FY 2017 to fund a second ROC; or
- Not approve any additional ROC funding, leaving the program costs to be sustained by the DBA and Rimrock Foundation.

FINANCIAL IMPACT

The General Fund unbudgeted reserve balance currently is about \$14 million, much of it accrued to provide support for Public Safety services through 2020. The Motivated Addiction Alternative Program is reducing incidences of public intoxication, transiency and crime downtown and has the long-range potential to impact more than \$8 million spent annually by public and private organizations in Billings to provide emergency services to those with chronic inebriation and mental health issues.

RECOMMENDATION

Staff recommends approval of \$75,000 to support part of the existing Resources Outreach Coordinator's (ROC) position and to add a second ROC position in Fiscal Year 2016, in part to provide services to persons displaced to other parts of the community.

APPROVED BY CITY ADMINISTRATOR
