

****UPDATED AS OF 4/19/2016**
CITY OF BILLINGS**

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

City Hall Conf. Room, Council Chamber

April 25, 2016

5:30 P.M.

CALL TO ORDER: Mayor Hanel, City Hall Conference Room

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Swanson

ROLL CALL: Councilmembers present on roll call were:

RECESS TO CLOSED EXECUTIVE SESSION (meeting will be called back to order at 6:30 pm in Council Chamber)

*Note: The closed Executive Session is solely for the purpose of discussing litigation strategy in which the only parties are NOT public bodies or associations, as described in Section 2-3-203(1) and (2). The meeting is closed, as allowed by Section 2-3-303, MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

MINUTES: April 11, 2016

COURTESIES:

PROCLAMATIONS: Give Local Yellowstone Day

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker

sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the back of the council chambers or at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:
 - A. **Bid Awards:**
 1. **Evidence CCTV System.** (Opened 4/12/16) Recommend rejecting all bids and directing staff to solicit new proposals.
 2. **New Carpeting for the Airport's Terminal's Baggage Claim and Ticket Counter Area.** (Opened 4/12/16) Recommend Northwest Floors, \$60,961.
 3. **W.O. 15-07, Orchard Lane Reconstruction.** (Opened 4/12/16) Recommend CMG Construction Inc., \$4,070,702.
 4. **W.O. 16-01, Schedule 1, Will James Area Water Main Replacement Project Phase II.** (Opened 4/12/16) Recommend Western Municipal Construction, Inc., \$1,196,660.
 5. **W.O. 16-01, Schedule 2A, Sanitary Sewer Replacement.** (Opened 4/12/16) Recommend COP Construction, LLC, \$555,221.
 6. **W.O. 16-01, Schedule 4, Southside Sanitary Sewer Replacement.** (Opened 4/12/16) Recommend Western Municipal Construction, Inc., \$420,953.
 7. **W.O. 16-07, Interstate 90 Water Main Crossing Project.** (Opened 3/29/16) Recommend Kinkaid Civil Construction, \$1,233,366.
 - B. **Consultant Agreement** with Alta Planning + Design to update the 2011 Bikeway and Trail Master Plan, not to exceed \$105,000.
 - C. **Amendment #2, Facilities Master Plan,** CTA Architects, \$6,400, and extend contract completion date to June 30, 2016.
 - D. **Acknowledge receipt of petition to vacate** Palladium Drive right of way within Copper Ridge Subdivision, 6th filing, Copper Ridge Development Corporation, petitioner, and setting a public hearing date of May 23, 2016.
 - E. **Acknowledge receipt of petition to vacate** a portion of the alley within Block 163 of Billings Original Townsite, Riverstone Health, petitioner, and setting a public hearing date of May 23, 2016.

- F. **Acknowledge receipt of petition to vacate** a portion of 3rd Avenue North and North Broadway, The Alberta Bair Theater Corporation, petitioner, and setting a public hearing date of May 23, 2016.
- G. **Acceptance of Donation** to Fire Department, Kurt Klinkhammer, Shur-Sales & Marketing/SCOTT Safety Account Representative, 21 SCOTT NxG2 4.5 2002 edition air-paks.
- H. **Ratification of Acceptance** of American Library Association Grant, \$1,000.
- I. **Grant Application Request** to submit Small Community Air Service Development Program (SCASDP) application and accept award.
- J. **Approval** of MET Transit's Updated Title VI Program.
- K. **Preliminary Subsequent Minor Plat** of Amended Lot 8, Block 1, Superior Homes Subdivision, located at 2139 Lake Elmo Drive; Dylan and Kelly Durose, owners; Interstate Engineering; agent; conditional approval and adoption of the findings of fact.
- L. **Bills and Payroll:**
 - 1. March 28, 2016
 - 2. April 4, 2016

REGULAR AGENDA:

- 2. **PUBLIC HEARING** and approval of allocation of FY2016-2017 CDBG and HOME program funds and approval of the FY2016-2017 Action Plan. Staff recommends approval of the Community Development Board's recommendation and prioritization. (Action: approval or disapproval of staff recommendation.)
- 3. **PUBLIC HEARING AND RESOLUTION** ordering improvements identified in W.O. 16-02, Miscellaneous Improvements Program. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 4. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #16-02:** Property described as Lot 1, Block 1, Adam and Mollie Subdivision, located south of Elysian Road and west of the Hogan Slough between Mullowney Lane and East Lane. McCall Development and the Yellowstone Boys and Girls Ranch Foundation, petitioners. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #946:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70), on a 10,417 square-foot parcel of land described as: Lot 11, Block 9, Central Acres Subdivision, 5th Filing. James Ouren, owner. Zoning Commission recommends denial and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

6. **PUBLIC HEARING AND SPECIAL REVIEW #936:** a special review to locate a 50-foot monopole support structure for new Verizon Wireless communication antennas in an EBURD-Central Works (EBURD-CW) zone, on a 1,335 square foot lease of a 24,500 square foot parcel of land described as: Lots 18-24, Block 19, Billings Original Town, and located at 401 N 17th Street. Kevin Howell, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

7. **PUBLIC HEARING AND SPECIAL REVIEW #939:** a special review to add 2 outdoor patios and 4,000 square feet of floor area to an existing restaurant and casino in an Entryway General Commercial (EGC) zone, a 3.125 acre parcel of land described as: Lot 1A, Block 1, Geyser Park Subdivision. Barbara Hawkins and Shawn Johnson, agents. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

8. **PUBLIC HEARING AND SPECIAL REVIEW #940:** a special review to allow the addition of a 320 square-foot outdoor seasonal patio on the public sidewalk adjacent to Doc Harper's in the Central Business District (CBD), on Lots 7-12 and a fraction of Lot 6, Block 93, Billings Original Town, Unit 2 of the Babcock Building. Bruce Harper, applicant. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

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

COUNCIL INITIATIVES

ADJOURN

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

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Evidence CCTV System

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

Bids were received by the Billings Police Department on April 12, 2016, to purchase a CCTV camera system for the Evidence Building. This camera system will be used to monitor the interior and exterior of the evidence building for security purposes and internal controls. This system will replace an obsolete analog system with digital technology. The bid invitation was advertised in the Billings Times on March 29, and April 7, 2016.

Three bids were received, two of which were near the anticipated budget amount and one that was substantially lower than expected. After reviewing all bids and bid documents, staff concluded that the Invitation for Bids did not include information and/or was not as clear as it needed to be given the exceptionally technical nature of the equipment, software, training, installation and on-going support. Those conclusions result in the staff recommending rejecting all bids and revising the solicitation to produce an equal and competitive environment for all potential vendors.

ALTERNATIVES ANALYZED

City Council may:

- Reject all bids and direct staff to redraft and solicit new proposals for the Evidence CCTV System; or,
- Provide staff with additional direction.

FINANCIAL IMPACT

Funding for this project is available and may be absorbed in the Police Department budget.

RECOMMENDATION

Staff recommends that Council reject all bids and direct staff to redraft and solicit new proposals for the Evidence CCTV System.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Approval of the Bid Award for New Carpeting in the Airport's Terminal Baggage Claim and Ticket Counter Areas

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Included in the the Airport's Capital Improvement Program and FY 2016 budget is new carpeting for the Airport's Concourse area. Since the Concourse area will probably be remodeled in the next few years, staff recommends moving the carpet project to the Terminal's Baggage Claim and Ticket Counter Areas. This project will remove and replace approximately 9,550 square feet of existing carpet in the the Airport's concourse exit, baggage claim, and ticket counter areas. The carpet in these heavy traffic areas is over six years old and did not wear well in the high traffic areas. Therefore, the replacement carpet will be a product that the Airport installed in the screening area about two years ago and is meeting performance expectations. The carpet replacement will take place at night and will not affect the traveling public. This project was advertised in the *Billings Times* on March 31 and April 7, and was posted on the City's Web site. On April 12, 2016, the following bids were received:

CONTRACTOR	BID
Northwest Floors	\$60,961.00
Pierce Flooring	\$67,579.69

Staff reviewed the bids and recommends award of this project to the low bidder, Northwest Floors.

ALTERNATIVES ANALYZED

City Council may:

- Approve the low bid and purchase new carpeting in the Airport's Terminal Baggage Claim and Ticket Counter Areas; or
- Reject all bids and delay the project.

FINANCIAL IMPACT

The total cost of this project is \$60,961. The funding for this project is available in the Airport's Capital Fund.

RECOMMENDATION

Staff recommends that the City Council approve a contract with Northwest Floors for new carpeting in the Airport Terminal's Baggage Claim and Ticket Counter areas for the amount of \$60,961.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Bid Award: W.O. 15-07 Orchard Lane Reconstruction

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 15-07 Orchard Lane Reconstruction is a project to reconstruct Orchard between King Ave East and State Avenue. The improvements on Orchard will include two travel lanes, a two way left turn lane, 7 foot sidewalks with new corner radiuses, and street lights. Schedules 1 is the base bid and schedule 2 is the additive alternate for the street lights for the SILMD that was approved by Council on April 11th. Staff opened bids on April 12, 2016. The contract was advertised on March 24th, 31st, and April 7th in the Billings Times and on the City's website. CMG Construction Inc. submitted the lowest responsible bid. The bids are higher than the budget, which is discussed in the financial impact portion of the Council memo, but after reviewing the bids, staff believes they are responsible bids. There are three bidders and the bids are close to each other, indicating that the project documents were well understood and the bids are competitive. Staff uses historical bids to anticipate costs for current projects, but the construction industry experiences fluctuating costs and there are many factors that drive the bid prices. By bidding competitively and seeing a tight grouping of bids, the City can be confident that the project costs are fair.

ALTERNATIVES ANALYZED

The Council may:

- Award W.O. 15-07, Orchard Lane Reconstruction to CMG Construction Inc. in the amount of \$4,070,702.00 for Schedules 1 & 2; or
- Do not award a contract and reject all bids. If this project is not awarded, Orchard Lane will not be reconstructed.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Schedule 1 & 2
CMG Construction Inc.	\$4,070,702.00
Wilson Bros. Construction	\$4,083,548.25
Knife River	\$4,325,571.95

The funding for the project was budgeted in FY16 and the sources are TIF, Sewer, Gas Tax, and Storm Drain. The project bids came in higher than expected but the SBURD would like to proceed and use TIF funds to make up the difference. A third quarter budget amendment will be forwarded to Council.

Project Budget	\$4,139,522
Previously Encumbered	\$382,622
This Contract	\$4,070,702

Budget Remaining	-\$313,802
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The project is primarily funded by tax increment financing (TIF) funds from the South Billings Urban Renewal District (SBURD). Gas tax is being contributed in the amount equal to an overlay which the City had planned for the street before the SBURD determined a full reconstruction was desired. Sewer funds are allocated for adding future sewer services and the City is contributing \$400,000 of storm funds due to the fact that the stormwater main in Orchard collects stormwater from other streets and must be sized accordingly.

RECOMMENDATION

Staff recommends the City Council award a contract for W.O. 15-07, Orchard Lane Reconstruction to CMG Construction Inc. in the amount of \$4,070,702.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Bid Award: W.O. 16-01 Schedule 1 - Will James Area Water Main Replacements Phase II

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-01, Will James Area Water Main Replacement Phase II, will replace 3,160 feet of 8-inch and 2,870 feet of 16-inch water main in Broadwater, Custer, and Terry Avenues from 29th Street West to 31st Street West.

The project was advertised on March 24th, 31st, and April 7th in the Billings Times and on the City's Website. Bids were opened on April 12, 2016, and six bids were received.

A public agency in Montana shall award a public contract for construction, repair, and public works to the lowest responsible bidder without regard for residency. However, a Montana resident bidder must be allowed a preference on a contract against the bid of a nonresident bidder from any state or country that enforces a preference for resident bidders. The preference given to Montana resident bidders must be equal to the preference given in the other state or country. See §18-1-102(1)(a), MCA.

The WY Supreme court has upheld its bid preference statute, §16-6-102, W.S. Wyoming's bid preference statute provides that Wyoming resident bidders will receive preference over nonresident bidders if the nonresident bid is not more than 5% lower than the lowest resident bid. Therefore, although Wyoming's nonresident bidder (Wilson Bros. Construction, LLC) submitted the lowest construction bid and would otherwise be awarded the project, its nonresident bid is not more than 5% lower than the lowest Montana resident bidder (Western Municipal Construction, Inc). In this case, Wilson Bros. Construction was only 0.68% lower than Western Municipal Construction, Inc. Therefore, the City must award this construction to the Montana resident bidder, Western Municipal Construction, Inc.

After considering preference to resident bidders, Western Municipal Construction, Inc. submitted the lowest responsible bid.

ALTERNATIVES ANALYZED

City Council may:

- Approve the construction contract with Western Municipal Construction, Inc. in the amount of \$1,196,660.00, or;
- Do not approve the construction contract. If the project is not constructed, the City's water distribution system will continue to experience ongoing maintenance problems such as the more frequently occurring main breaks in this area. Future repair costs and property damage claims can be minimized by completing this project.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Bid Amount
Western Municipal Construction, Inc.	\$1,196,660.00

Wilson Bros. Construction, LLC	\$1,247,982.75 (with 5% Bid Preference)
Pro Pipe Corporation	\$1,239,389.00
COP Construction, LLC	\$1,281,837.00
Kinkaid Civil Construction, LLC	\$1,293,380.00
Williams Civil Division, Inc.	\$1,435,000.00

The funding source is water revenues budgeted in FY 16.

Budget	\$3,750,000.00
Previously Encumbered	\$570,580.00
This Contract	\$1,196,660.00
Remaining budget	\$1,982,760.00

RECOMMENDATION

Staff recommends that Council approve a contract with Western Municipal Construction, Inc. for W.O. 16-01, Will James Area Water Main Replacement Project Phase II, in the amount of \$1,196,660.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: W.O. 16-01 Schedule 2A, Sanitary Sewer Replacement

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-01, Schedule 2A, Sanitary Sewer Replacement will consist of replacing 531 feet of 36-inch sanitary sewer main and construction of 6 new specialty lined manholes at the Waste Water Treatment Plant. All the raw sewage from the Billings Heights flows into this section of influent piping. The existing piping and manholes are corroded and need replacement.

Although this project is at the Waste Water Treatment Plant (WWTP), the piping is part of the collection system and is being replaced with the annual replacement projects instead of when the WWTP is reconstructed later in FY 16 and FY 17.

The project was advertised on March 24th, 31st, and April 7th in the Billings Times and on the City's Website. Bids were opened on April 12, 2016, and five bids were received. COP Construction, LLC submitted the lowest responsible bid.

ALTERNATIVES ANALYZED

City Council may:

- Approve the construction contract for WO 16-01 with COP Construction, LLC in the amount of \$555,221.00; or,
- Do not approve the construction contract. If the project is not approved, the sewer system will continue to corrode and could fail, causing sanitary sewer overflows for which the City could be fined.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Bid Amount
Dick Anderson	\$797,500.00
Western Municipal Construction, Inc.	\$753,240.00
Williams Civil Construction	\$587,523.00
COP Construction, LLC	\$555,221.00
Wilson Bros. Construction	\$688,485.00

Funding for this project will be from Wastewater Funds.

Budget	\$3,800,000.00
Previously Encumbered	\$734,127.00
This Contract	\$555,221.00
W.O. 16-01 Sch 4 Southside Sewer (also awarded this Council Meeting)	\$420,953.00

Remaining Budget

\$2,089,699

RECOMMENDATION

Staff recommends that Council approve a contract with COP Construction, LLC for W.O. 16-01, Schedule 2A Sanitary Sewer Replacement in the amount of \$555,221.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: W.O. 16-01 Schedule 4, Southside Sanitary Sewer Replacement

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-01, Schedule 4, Southside Sanitary Sewer Replacement will consist of replacing approximately 2,090 feet of 8-inch sanitary sewer main and reconnecting sanitary sewer services. The existing sewer is old clay tile pipe, which has many breaks and root intrusions and requires frequent maintenance to keep the system functioning.

The project was advertised on March 24th, 31st, and April 7th in the Billings Times and on the City's Website. Bids were opened on April 12, 2016 and 6 bids were received. Western Municipal Construction, Inc. submitted the lowest responsible bid.

ALTERNATIVES ANALYZED

City Council may:

- Approve the construction contract for WO 16-01 with Western Municipal Construction, Inc. in the amount of \$420,953.00; or,
- Do not approve the construction contract. If the project is not approved, the City will continue to experience ongoing maintenance problems. Future repair costs and property damage claims can be minimized by completing this project.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Bid Amount
Western Municipal Construction, Inc.	\$420,953.00
COP Construction, LLC.	\$445,450.00
Wilson Bros. Construction, Inc.	\$478,612.50
Dick Anderson Construction, Inc.	\$508,500.00
Kinkaid Civil Construction, LLC.	\$522,450.00
Pro Pipe Construction	\$699,597.00

Funding for this project will be from Wastewater Funds budgeted in FY16.

Budget	\$3,800,000.00
Previously Encumbered	\$734,127.00
This Project	\$420,953.00
WO 16-01 Schedule 2A (also awarded this Council Meeting)	\$555,221.00
Remaining budget	\$2,089,699.00

RECOMMENDATION

Staff recommends that Council approve a contract with Western Municipal Construction, Inc. for W.O. 16-01, Schedule 4 Southside Sanitary Sewer Replacement in the amount of \$420,953.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016
TITLE: W.O. 16-07, Interstate 90 Water Main Crossing Project
PRESENTED BY: David Mumford, Public Works Director
Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-07, Interstate 90 Water Main Crossing Project, will install approximately 3,000 lineal feet of 24-inch diameter trunk water main from the intersection of Gabel Road and South 24th Street West to the intersection of Elysian Road and East Lane. Work includes installing over 800 linear feet of pipe under Hogan Slough, MRL railroad tracks, Interstate 90 and the South Frontage Road using trenchless methods. Bid options for the trenchless portion of the work include using either the jack and bore or the directional drilling method. Alternates for different casing and carrier pipe materials are also bid options.

After being advertised in the Billings Times and on the City website March 10, 17 and 24, staff opened bids on March 29. Staff recommended that City Council delay awarding a contract until the April 25 meeting date in order to give staff additional time to review the bids. After evaluating the bids further, staff recommends that City Council award the construction project to Kinkaid Civil Construction in the amount of \$1,233,366.00.

ALTERNATIVES ANALYZED

City Council may:

- Approve award of the construction contract to Kinkaid Civil Construction, or;
- Disapprove award of the construction contract to Kinkaid Civil Construction. If the project is not constructed, the City's 2015 water main extension on Elysian Road will experience long-term problems maintaining water quality due to the large volume of water not being circulated through the the mile-long 24-inch diameter dead end pipe.

FINANCIAL IMPACT

Bids were received on March 29, 2016 for W.O. 16-07, Interstate 90 Water Main Crossing Project, and the following table shows the results:

	Kincaid Civil	COP Constr.	Central Excav.	EDK Eng.	Western Municipal
Sch 1 Jack & Bore Option. Base (DI Pipe)	\$1,187,066	\$1,280,833	\$1,450,809	\$2,421,902	No Bid
24-inch DR18 C905 PVC Bid Alternate	-\$16,014	\$13,602	-\$27,488.20	-\$83,986	No Bid
Asphalt, TC & Corros. Protect. Bid Additives	\$116,445	\$94,188	\$85,513	\$213,480	No Bid
Total, Sch 1 Jack & Bore (using PVC)	\$1,287,497	\$1,388,673	\$1,508,833.80	\$2,551,396	No Bid
Sch 2 Horiz. Direct. Drill Option. Base (DI Pipe)	\$1,147,595	\$1,233,677	\$1,286,663	\$1,761,724	\$1,471,222
24-inch DR18 C905 PVC Bid Alternate	-\$16,344	\$4,086	-\$27,240	-\$14,982	-\$14,982
Asphalt and Traffic Control Bid Additives	\$102,115	\$86,298	\$76,413	\$187,480	\$233,480
Total, Sch 2 Horiz. Direct. Drill (using PVC)	\$1,233,366	\$1,324,061	\$1,335,836	\$1,934,222	\$1,689,720

After evaluating several factors, staff recommends that the 800-foot crossing of MRL railroad tracks, I-90 and the Frontage Road be constructed by the horizontal directional drilling method using 30-inch fusible PVC casing and 24-inch fusible PVC carrier pipe. Staff also recommends that 1,400 feet of PVC water main be used in the open-cut portion of the work in lieu of ductile iron water main. Finally, staff recommends that additives for a 2-inch mill and overlay of East Lane and traffic control for potential intermediate bore pits be awarded in case they are needed for the project. As a result, staff recommends that the City Council award a construction contract to Kinkaid Civil Construction in the amount of \$1,233,366.00.

The project was budgeted in FY16 and utilizes water funds.

Budget Amount	\$1,900,000
Previously Encumbered	\$349,620
This Contract	\$1,233,366
Remaining Budget	\$317,014

RECOMMENDATION

Staff recommends that the City Council award a construction contract for the W.O. 16-07, Interstate 90 Water Main Crossing Project to Kinkaid Civil Construction in the amount of \$ 1,233,366.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: 2016 Bikeway and Trail Master Plan Update - Consultant Agreement

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Billings-Yellowstone County Metropolitan Planning Organization (MPO) has identified the need to update the 2011 Billings Area Bikeway and Trail Master Plan. Plans like these are updated on approximately a 5 year cycle for currency and to align with community trends and changes. The purpose of the plan is to review and prioritize on-street bikeways and key off-street trail connections, increase integration with MET Transit, identify funding for construction and maintenance of non-motorized facilities, provide recommendations for education and encouraging non-motorized transportation, maintain and increase bikeway and trail law enforcement, and promote the system as a healthy, safe mode of transportation.

The Planning Division, staff to the MPO, advertised a Request for Proposals (RFP) at the end of January and early February. Planning received four proposals and distributed those proposals to a consultant selection team made up of staff from Planning, City and County Engineering, City Parks and a member of the Bicycle and Pedestrian Advisory Committee. The selection team chose Alta Planning + Design from Bozeman to complete this plan update. Alta submitted as part of its RFP a proposed price not to exceed \$105,000, which is within the established budget. The plan is estimated to be completed by summer 2017.

The Consultant Selection Team will be expanded to an Project Oversight Committee made up of the members from the selection team and members of the Chamber of Commerce Trail Committee, Montana Department of Transportation, Billings TrailNet, RiverStone Health, Lockwood Pedestrian Safety Committee, County and City residents, and a member of the City Council and Board of County Commissioners will be invited to participate.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Consultant Agreement with Alta Planning + Design for a total contract amount not to exceed \$105,000, or;
- Disapprove the Consultant Agreement with Alta Planning + Design and direct staff to acceptable alternatives.

FINANCIAL IMPACT

The update to the 2011 Billings Area Bikeway and Trail Master Plan is identified in the 2016 Unified Planning Work Program (UPWP). The UPWP is the document that outlines activities for the Planning Division staff as well as the budgeting of the Federal Planning funds received by the MPO. The UPWP was approved by the City Council on September 14, 2015 and the Policy Coordinating Committee on September 15, 2015. The update to the Bikeway and Trail Master Plan is funded 100% through the Federal Planning funds received by the MPO.

RECOMMENDATION

Staff recommends the Council approve the contract not to exceed \$105,000 with Alta Planning + Design, and authorize the Mayor to sign the consultant agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Alta Consultant Agreement

CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2016, by and between the **CITY OF BILLINGS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as "**CITY**," and Alta Planning + Design, 125 West Main Street, Bozeman, Montana 59715, hereinafter referred to as "**CONSULTANT**."

WITNESSETH:

WHEREAS, the **CITY** proposes to obtain information regarding the development of a Billings Area Bikeway and Trail Master Plan Update and desires to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof.

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

WHEREAS, the **CONSULTANT** represents that he/she is fully qualified to perform such services personally and is in compliance with the Montana Statutes relating to the provisions of such services.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **PURPOSE**: **CITY** agrees to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof. In performing these services, the **CONSULTANT** shall at all times comply with all federal, state and local statutes, rules and ordinances applicable. These services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.
2. **TERM**: This **AGREEMENT** shall be for a period of one-year, from the execution of this **AGREEMENT**. This **AGREEMENT** may be extended for 1-three month option by mutual agreement of both parties, in writing, thirty (30) days prior to termination.
3. **PAYMENT**: In consideration of the services provided by the **CONSULTANT** under this **AGREEMENT**, the **CITY** agrees to pay **CONSULTANT** a price not to exceed \$105,000.00 as described in the Project Cost attached hereto as Exhibit "B".

In the event scope of work issues arise, the **CONSULTANT** shall immediately discuss them with the Project Manager for the **CITY**. It is understood that the Consultant will not perform any work that the **CITY** deems outside the scope prior to receiving written approval from the **CITY**, and at a rate agreed upon by both parties. Any payment for work not agreed upon by the **CITY** shall be denied.

CONSULTANT, shall invoice City monthly for the percentage of the work completed by the **CONSULTANT**. **CITY** shall pay undisputed invoices within thirty (30) days of the invoice date and may deduct five percent (5%) from each pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final invoice by the **CITY**, and determination has been made by the **CITY** that the scope of work has been satisfactorily completed.

4. INDEPENDENT CONTRACTOR STATUS: The parties agree that **CONSULTANT** is an independent Contractor for purposes of this **AGREEMENT** and is not to be considered an employee of the **CITY** for any purpose. **CONSULTANT** is not subject to the terms and provisions of the **CITY's** personnel policies handbook and may not be considered a **CITY** employee for workers' compensation or any other purpose. **CONSULTANT** is not authorized to represent the **CITY** or otherwise bind the **CITY** in any dealings between **CONSULTANT** and any third parties.

5. INDEMNITY AND INSURANCE:

- A. The Consultant shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the **AGREEMENT**.
- B. The Consultant agrees to indemnify, defend and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Consultant or its agents or employees.
- C. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Consultant, the Consultant shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Consultant's or any subcontractor's wrongful or negligent acts occurring as a result from the Consultant's performance pursuant to this **AGREEMENT**.
- D. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

The **CONSULTANT** shall provide the following insurance:

- 1. Workers' compensation and employer's liability coverage as required by Montana law.
- 2. Commercial general liability, including contractual and personal injury coverage's -- \$750,000 per claim and \$1,500,000 per occurrence.
- 3. Commercial automobile liability -- \$1,500,000 per accident.
- 4. Professional liability in the amount of \$1,500,000 per claim.

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the **CITY** prior to cancellation. **CONSULTANT** may use an

Excess Limits policy that drops down and follows form to meet the required insurance limits.

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

In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

CONSULTANT shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. **CONSULTANT** shall maintain workers' compensation insurance coverage for all members and employees of **CONSULTANT's** business, except for those members who are exempted as independent **CONSULTANTS** under the provisions of §39-71-401, MCA.

CONSULTANT shall furnish **CITY** with copies showing one of the following: **(1)** proof of registration as a registered Contractor under Title 39, Chapter 9, MCA; **(2)** a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or **(3)** proof of exemption from workers' compensation granted by law for independent Contractors.

6. AGREEMENTS OF CONSULTANT: As an inducement to the execution of this **AGREEMENT** by the **CITY** and in consideration of the agreements to be performed by the **CITY**, the **CONSULTANT** agrees that:

A. Qualifications

The **CONSULTANT** is qualified to perform the services to be furnished under this **AGREEMENT** and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform.

B. Solicitation of Agreement

The **CONSULTANT** has not employed any person to solicit this **AGREEMENT** and has not made, and will not make, any payment or any agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this **AGREEMENT**.

C. Facilities and Personnel

The **CONSULTANT** has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed.

D. Subcontracting

None of the work or services covered by this **AGREEMENT** shall be subcontracted without the prior approval of the **CITY**.

E. Affidavits of Compliance

The **CONSULTANT** will, if requested by the **CITY**, furnish the **CITY** affidavits certifying compliance with the provisions of this Section.

7. **AGREEMENTS OF CITY:**

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the City of Billings' portion of the project as designated in the scope of work.
- B. Name a Project Manager who shall be the liaison between the Consultant and the City of Billings. For this project, the Project Manager for **CONSULTANT** designated is Joe Gilpin and the Project Manager for **CITY** designated is Scott Walker.

8. **NONDISCRIMINATION:**

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

9. **PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this **AGREEMENT**. All actions taken by the **CONSULTANT** under this

AGREEMENT shall comply with all applicable statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this **AGREEMENT**.

10. **NONWAIVER:** The failure of either party at any time to enforce a provision of this **AGREEMENT** shall in no way constitute a waiver of the provision, nor in any way affect the validity of this **AGREEMENT** or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.
11. **DECLARATION OF NO FINANCIAL INTEREST:** The **CONSULTANT** hereby declares that he does not have any interest (including that of real estate agent or broker), direct or indirect, present or prospective, in any property described in Section 1 or in its sale, or any other interest, whether or not in connection with the property, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this **AGREEMENT**, any person having any such interest. Until the property is acquired by the **CITY** or excluded from its project by resolution of its governing body, the **CONSULTANT** and any employees of the **CONSULTANT**, so long as they are employed by the **CONSULTANT**, will not acquire any such interests and will not, for their own account or for other than the **CITY**, negotiate for any of the property, perform services in connection with the property, or testify voluntarily as a witness in a condemnation or other proceeding with respect to the property.
12. **SUCCESSORS AND ASSIGNS:** This **AGREEMENT** and all of the covenants hereof shall inure to the benefit of and be binding upon the **CITY** and the **CONSULTANT** respectively and his partners, successors, assigns, and legal representatives. Neither the **CITY** nor the **CONSULTANT** shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other party.
13. **CHANGES IN WORK:** Any change in the scope of **CONSULTANT'S** services as stated in this **AGREEMENT** for whatever reason, will be negotiated between the **CITY** and the **CONSULTANT** and an amendment to this **AGREEMENT** will be issued with the appropriate change of services and **AGREEMENT** fee noted.
14. **LEGAL RELATIONS:** The **CONSULTANT** shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.
15. **TERMINATION OF AGREEMENT:** The right is reserved by the **CITY** to terminate this **AGREEMENT** at any time upon not less than thirty (30) days written notice to the **CONSULTANT**. If one of the parties fails to comply with the terms and conditions of the Agreement, written notice may be provided describing the default. If the defaulting party fails to cure and correct the claimed default within a reasonable period specified in the notice, the non-defaulting party may terminate its services under the Agreement.

In the event the **CITY** terminates this **AGREEMENT**, the **CONSULTANT** shall be paid for the amount of work performed or services rendered to date of termination per the **AGREEMENT** fee.

16. **ENDORSEMENTS:** The **CONSULTANT** shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.
17. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of this **AGREEMENT**, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the **CITY**. Reproducibles of all notes, reports, and plans shall be made available at the **CITY'S** request. **CONSULTANT** shall not be liable for modifications to documents prepared by **CONSULTANT** which are made without **CONSULTANT'S** advice after delivery to **CITY**, nor shall **CONSULTANT** be liable for their use in projects other than the Project outlined within this Agreement.
18. **PUBLIC INFORMATION:** The **CONSULTANT** shall not issue any statements, releases, or information for public dissemination without prior written approval of the **CITY**.
19. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the **CITY**. Pre-existing works created by **CONSULTANT** outside of the services for **CITY** but utilized in connection with such services shall continue to be owned by **CONSULTANT**.
20. **RECORDS:** The **CONSULTANT** shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the **AGREEMENT** term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the **CITY** and copies thereof shall be furnished if requested.
21. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this **AGREEMENT** to retain an attorney to enforce any of the terms or conditions of the **AGREEMENT** or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.
22. **LITIGATION LOCATION:** The parties agree that this **AGREEMENT** shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the **AGREEMENT** or the performance of its terms.
23. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this **AGREEMENT** or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this **AGREEMENT**.

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

CITY OF BILLINGS, MONTANA

ALTA PLANNING + DESIGN
CONSULTANT (Print Name Above)

By _____
THOMAS W. HANEL,
MAYOR

By _____

Print Name _____

Print Title _____

APPROVED AS TO FORM:

By _____
BRENT BROOKS, CITY Attorney

EXHIBIT A SCOPE OF WORK

BILLINGS BIKEWAY AND TRAIL MASTER PLAN UPDATE

Scope of Work

Task 1: Project Management & Coordination

The following practices will be employed to achieve a successful project for the Billings Area:

Project Steering Committee (PSC) meetings. As in previous planning efforts the Alta team will lead frequent PSC meetings at the City/County Planning building. These monthly (on average) meetings will have the purpose of guiding the planning process, by discussing the status of and direction of the planning process, reviewing project deliverables, and creating buy-in for the plan by involving key City/County staff throughout. The composition of the PSC will be determined by City/County staff.

Working Papers. Each phase of the project will be punctuated by working papers. These deliverables are intended to be advance drafts of the eventual chapters of the final plan. Releasing them in smaller, time appropriate submissions, we achieve the benefits of the information being fresh, and in small enough doses to be reviewed and vetted by the PSC. By the time a full draft plan is available, nothing will be new or a surprise to the PSC.

Schedule/Budget Management. Alta uses Deltek Vision to manage the budgeting and scheduling portion of projects. This software allows Alta's project managers to track project costs in real time, maintain a schedule of future labor hours, and produce monthly progress reports. With each monthly invoice, Alta's project manager will provide a progress report that summarizes tasks completed and other key information to the MPO's Project Manager. Weekly informal updates will be provided as well to the MPO Project Manager on an as needed basis.

Public Hearings. Representation from the Alta team will be available to attend up to four (4) public hearings including the Technical Advisory Committee, the Policy Coordinating Committee and other governing bodies as required. If possible, Alta will work to schedule PSC meetings on the same days for efficiency.

Task 1 Deliverables:

- Up to nine (9) Project Steering Committee Meetings
- Progress reports submitted with monthly invoicing and more frequent email progress updates made between Alta's and the Billings MPO's Project Managers



- Attendance at up to four (4) public hearings

Task 2: Public Involvement

Crucial to the update process will be meaningful and substantial public involvement at every stage of the project. Demonstrating wide-spread community interest with substantial numbers of participating residents will be central to supporting the plan's direction and recommendations. As an initial exercise the Alta team will prepare a public involvement plan consistent with Yellowstone County guidelines to outline the plan's activities and avenues of involvement. We anticipate this to include the following:

1. **Project Website.** The project website will be the primary portal to project information, materials and many forms of involvement. The site will be attractive and have a unique URL which is easy to remember

We envision the website to be the portal for:

- a. **Project Wikimap.** This tool allows for the public to provide direct feedback on the existing bikeway and trail network in a familiar google maps based format. After an initial comment or route is suggested subsequent viewers can agree or disagree with the comment. This allows for a robust record that can inform recommendations and public need. Our recent efforts in Bozeman and Missoula have included this tool to great effect. In Missoula 770 distinct points were added to the map with a further 970 follow up comments to the initial points.
 - b. **Project Survey.** Alta will create and execute a non-statistically valid survey through the project website to gauge public opinion and interest on a variety of active transportation topics. Our goal will be to reach a large body of area residents that have an interest in active transportation and recreation.
 - c. **Project email newsletter.** Signups will be held at project events as well as on the project website to subscribe to the e-newsletter. This will be sent out at key points during the project such as to announce project milestones, deliverables for public review and meeting notices
 - d. **Social Media.** The project website will act as a vector for applicable social media. Where possible, we will seek to utilize existing social media such as Facebook to get the word out.
2. **Focus Groups.** The Alta team proposes to hold a series of focus groups with like themed project stakeholders. For example, separate meetings could be held for public health staff,



advocate staff, city and county parks & rec, city and county engineering, elected officials, or others. Up to four (4) focus group meetings are proposed.

3. **Public Meetings.** Two public meetings will be held to gather input on the development of the plan. The first will be near the beginning of the project to present the existing conditions and to solicit feedback on the existing network. The second meeting will be held later in the project to present draft recommendations and solicit comments. We will work with City/County planning to customize content and activities within the meetings to gather specific feedback such as on potential demonstration projects within the community. The second public meeting could include a work session to develop or refine a pilot project to be implemented quickly within the City of Billings prior to adoption of the plan. This project would demonstrate concepts and gauge public support.

Task 2 Deliverables:

- Public Involvement Plan
- Project Website including survey hosting, project newsletter signup and interactive mapping exercise.
- Up to four (4) focus group meetings
- Two (2) public meetings

Task 3: Vision, Goals & Objectives

Alta will work with the PSC to review the 2011 plan's vision, goals and objectives. With the 2013 Billings Complete Streets Benchmarking report that Alta assisted with, we know the level of data collection and frequency of effort that Billings is already undertaking. We can use this experience to expand upon the objectives with associated performance measures including potential new data sources and types of measurement that have not yet been undertaken. It will be important to undertake this task with a good representation of City/County staff from multiple departments.

Task 3 Deliverables:

- Working Paper 1: Vision, Goals & Objectives

Task 4: Existing Conditions Analysis

To get where you need to go, you need to know where you are. The purpose of this task is to develop a deep and comprehensive understanding of where Billings is today with respect to bicycle and trail infrastructure, programs and policies, and education and to set the stage to use



that information in a smart and integrated way to inform the decision making process for key investments that need to be made.

Alta will make use of supplied City/County supplied GIS database as a starting point for gathering and assembling data. Some of this analysis would plug seamlessly into an update of the 2013 Complete Streets Benchmarking Report. This task will include the following:

Background Document Review. We will review other relevant planning documents such as the LRTP, the Growth Policy and other applicable local, sub-regional regional and state development plans and policies. A special memo/working paper will be prepared about how consistent this plan update is or how it relates to each of these resources will be provided.

Updated Inventory of Facilities. We will update of on and off-street bikeway and trail facilities, parks and other spatial data. This data and other elements within the existing conditions analysis will be mapped in a visually attractive ARC GIS compatible format. We will also plot the growth in these facilities over time.

Updated Counts Analysis. We will update our previous analysis of manual (volunteer based) and automatic counter data that has been collected since 2010. Alta has expanded our capabilities to visualize this data using infographics and mapping to distill a wealth of information into easy to understand findings.

Demographic Analysis. We will use the American Community Survey to summarize current and changing demographics and population data for Billings. This will include analysis of journey to work data with the goal of tracking commuting trends over the past 15 years.

Existing Programs. Alta will, through stakeholder and PSC involvement, inventory existing programs occurring in and around Billings. This will include a brief description of each program/activity and will acknowledge all partner organizations for each entry.

Task 4 Deliverables:

- Working Paper #2: Existing Conditions

Task 5: Needs Analysis

Once the existing conditions are quantified, the needs of Billings' residents can be summarized using a variety of project tasks.

Level of Traffic Stress Analysis. The methods used for the Level of Traffic Stress Analysis were adapted from the 2012 Mineta Transportation Institute (MTI) Report 11-19: Low-Stress Bicycling and Network Connectivity. The approach outlined in the MTI report uses roadway network data, including posted speed limit, the number of travel lanes, and the presence and



character of bicycle lanes, as a proxy for bicyclist comfort level. Road segments are classified into one of four levels of traffic stress (LTS) based on these factors. The lowest level of traffic stress, LTS 1, is assigned to roads that would be tolerable for most children to ride, and could also be applied to multi-use paths that are separated from motorized traffic; LTS 2 roads are those that could be comfortably ridden by the mainstream adult population; LTS 3 is the level assigned to roads that would be acceptable to current “enthused and confident” cyclists; and LTS 4 is assigned to segments that are only acceptable to “strong and fearless” bicyclists, who will tolerate riding on roadways with higher motorized traffic volumes and speeds.

Public Involvement Summary. Alta will provide a cohesive summary complete with a set of infographics that summarize the results of our Public Involvement during the initial phases. This includes summary from the first public meeting and most importantly the results of the interactive mapping exercise on the project website.

New Bikeway Types. The state of the practice of on-street bikeways in particular has advanced considerably since the 2011 plan was adopted. The NACTO Urban Bikeway Design Guide was released and many cities have been implementing many innovative types of bikeways with the outcome being their networks being more accessible to a larger portion of residents. Alta will review advances in the industry including Separated Bike Lanes, Buffered Bike Lanes, and Bicycle Boulevards (included in the last plan, however not yet implemented). Additionally new intersection typologies and treatments will be presented.

Crash Analysis. Alta will review available crash data from the past 5 years for the billings area. Trends in both crash location, roadway type, and crash location will be analyzed. This data analysis may indicate safety improvements are needed at specific locations, or types of bikeways may be helpful to improve safety. As part of this task we will also review the results of the recent Community Safety Plan.

Benefits Analysis. Alta will utilize data from the American Community Survey and other sources to estimate the current levels of bicycling within the Billings area and use it to estimate the current annual benefits from bicycling on the community. This includes reduced vehicle miles traveled, emissions benefits, health benefits, household savings, etc. These benefits will be summarized with infographics and estimates of those benefits should mode share increase in the future due to the implementation of the plan. Additionally, we will perform a literature review to summarize current research into how investing in bikeway and trail networks impacts communities. This will include a discussion of overall community mobility (including aging in place), economic benefits (including tourism, property values, and employer attraction and talent retention), environmental benefits, quality of life and community health benefits.

Task 5 Deliverables:



Working Paper #3: Needs Analysis

Task 6: Recommendations

Following up on our robust existing conditions and needs analysis, the Alta team will audit and update the previous plan's recommendations. We will examine each prior recommendation for continued applicability, weigh it against collected public feedback and against changes in the state of the practice and changing nature of the city. Our recommendations will be detailed and recommend new facilities, programs, and policies for implementation in the City and County.

Lineal Facilities. With this update being a more substantial effort than in 2010, we anticipate being able to dive down to a more refined level of detail. For example, a bike lane can be provided one or more potential cross-sections within the existing curb-to-curb street width. Supplemental field work will be conducted as necessary to verify the feasibility of our recommendations. Not all possible routes may allow for safe and convenient facilities.

Spot Improvements. A spot improvement could be a new trailhead, new amenities, or crossing improvements to existing or new crossing locations. Detail about the type of improvement will be provided with each spot treatment proposal. Wayfinding signage recommendations will be included here at a high level with the intent of providing direction in the future development of an on and off-street trail system that is consistent with existing efforts by Parks (PRPL).

Policy & Code Recommendations. Alta will recommend a host of policy and code changes that will need to be formalized outside of this planning process. These could include changes to City/County subdivision regulations, maintenance practices, bike parking and other amenity provisions. Since the 2011 plan, Billings adopted a Complete Streets Policy. We will review the effectiveness and outcomes of this policy and advise the City on additional refinements that may be needed going forward. As part of the PSC process, we will also explore various policies such as requiring a certain level of connectivity in new development as measured through a 'connected node ratio' and other changes to ensure that Billings develops in a friendly way to active transportation. We will also recommend changes to the active transportation user counts if needed to keep a robust but practical data collection process moving forward.

Program Recommendations. The Alta team will recommend a series of programs based on the current programs and interest by relevant partner organizations in the area. We will also explore the effectiveness of the prior plan's recommendations and make changes accordingly with the intention that the recommended programs have buy-in and will be actionable within the new plan's lifespan.

Task 6 Deliverables:



- Working Paper #4: Recommendations

Task 7: Implementation

This task will take the raw recommendation from Task 6 and collaboratively evolve them into an action plan which the City, County or MPO can implement. This task includes the following:

Prioritization: Following the vetting and acceptance of the recommendations in Task 6, the Alta team will discuss the effectiveness of the prioritization scheme utilized in the previous plan and modify as necessary to produce a valuable, actionable methodology going forward. This could involve a similar evaluation which weighs the relative merits of each recommendation, or something simpler which phases groups of projects out for implementation into different time horizons

Cost Estimates: Planning level cost estimates will be developed for each project contained within the plan. These costs will be +/- 30% of the likely eventual construction cost and will be based on recent bid data and our experience implementing bikeways and trails nationwide.

Funding Sources: With the passage of MAP 21 and its Transportation Alternatives program, Billings has lost a reliable stream of CTEP dollars and is now forced to compete with every Montana community for a smaller pool of dollars. This task will explore other sources of funding, including creating a locally based and sustainable source of funding that could be used annually to develop and implement projects.

Task 7 Deliverables:

- Working Paper #5: Implementation

Task 8: Draft and Final Plan

Draft Plan. Utilizing the working papers, which will have already been reviewed by the PSC, the Alta Team will prepare a Draft Bicycle Master Plan document. The draft document, which will be a unified compilation of previous tasks' working papers and will therefore be comprised of information previously reviewed by staff and select stakeholders, will be submitted to the PSC electronically for review and comment. Upon direction from the MPO, the draft plan will be posted to the project website for public review.

Final Plan. We assume that internal reviewer comments will be compiled by the MPO project manager and unified direction will be provided to the Alta Team after the review period has ended. The Alta Team will address one round of comments and incorporate them into a Final Draft of the Billings Area Bikeway and Trail Master Plan. We will submit an electronic version of the Master Plan to MPO staff for review to ensure that all comments have been addressed. The



final plan will be delivered with 15 printed hard copies, and electronically on 10 flash drives and with native files for any subsequent updates. A pdf format of the plan will be produced that will be compatible with Digital Adobe Flipbook for the City of Billings Website.

Task 8 Deliverables:

- Draft Plan in pdf format for review by the PSC based on working papers 1-5
- Following revisions based on non-contradictory comments, Alta will deliver a final plan in pdf and hard copy format. 15 printed hard copies will be delivered.



EXHIBIT B SCHEDULE OF FEES AND CHARGES

Bikeway and Trail Master Plan Update									
Prepared by Alta Planning+Design, Inc. 3/14/16	Alta Planning+Design			Peaks to Plains Design		Total Labor (Hours)	Total Labor (Cost)	Direct Costs	Task Subtotal
	Project Manager	Planner 1	Planner 2	Public Involvement	Engineer				
Task Description									
Task 1: Project Management/Coordination									
1.1 General Project Management	10					10	\$1,750	\$1,800	\$3,550
1.2 Project Steering Committee Meetings	40	6	12	18		76	\$10,618		\$10,618
1.3 Public Hearings	12				8	20	\$3,020	\$400	\$3,420
Task 2: Public Involvement									
2.1 Public Involvement Plan	2	4				6	\$742		\$742
2.2 Project Website	2	20				22	\$2,310		\$2,310
2.3 Project Wikimap		8				8	\$784		\$784
2.4 Project Survey	4	8				12	\$1,484		\$1,484
2.5 Project Newsletter	6		8			14	\$1,690		\$1,690
2.6 Social Media			8	8		16	\$1,560		\$1,560
2.7 Focus Groups	8			20		28	\$3,700		\$3,700
2.8 Public Meetings (2)	12		24	30		66	\$7,470	\$1,200	\$8,670
Task 3: Vision, Goals & Objectives									
3.1 Working Paper 1: Vision Goals & Objectives	4		12	2		18	\$1,890		\$1,890
Task 4: Existing Conditions Analysis									
4.1 Background Document Review	6		20	6		32	\$3,340		\$3,340
4.2 Inventory of Facilities	4	24		2		30	\$3,282		\$3,282
4.3 Updated Counts Analysis	4	20				24	\$2,660		\$2,660
4.4 Demographic Analysis	4		16	2		22	\$2,210		\$2,210
4.4 Existing Programs	4		8	8		20	\$2,260		\$2,260
4.4 Working Paper #2: Existing Conditions	8	4	20	4		36	\$3,852		\$3,852
Task 5: Needs Analysis									
5.1 Level of Traffic Stress Analysis	4	40		2		46	\$4,850		\$4,850
5.2 Public Involvement Summary	2		12	8		22	\$2,230		\$2,230
5.3 New Bikeway Types	6		6			12	\$1,530		\$1,530
5.4 Crash Analysis	4		8			12	\$1,340		\$1,340
5.5 Benefits Analysis	4	20				24	\$2,660		\$2,660
5.6 Working Paper #3: Needs Analysis	6		20	6		32	\$3,340		\$3,340
Task 6: Recommendations									
6.1 Facility Recommendations (lineal & spot)	20	8		8		36	\$5,204		\$5,204
6.2 Policy & Code Recommendations	6	16	10	8		40	\$4,338		\$4,338
6.3 Program Recommendations		16		8		24	\$2,488		\$2,488
6.4 Working Paper #4: Recommendations	8	2	10	2		22	\$2,626		\$2,626
Task 7: Implementation									
7.1 Prioritization	8		20	4		32	\$3,460		\$3,460
7.2 Cost Estimates	4	8			20	32	\$3,484		\$3,484
7.3 Funding Sources	8	4		4		16	\$2,252		\$2,252
7.4 Working Paper #5: Implementation	2		10	2		14	\$1,380		\$1,380
Task 8: Draft & Final Plan									
8.1 Draft Plan	6		20	4		30	\$3,110		\$3,110
8.2 Final Plan	8		10			18	\$2,200	\$450	\$2,650
Total Hours	226	208	254	164	20	872			
Hourly Rate*	\$175	\$98	\$80	\$115	\$100				
TOTAL COSTS	\$39,550	\$20,384	\$20,320	\$18,860	\$2,000		\$101,114	\$3,850	

TOTALS	
Total Labor Estimate	\$101,114
Total Direct Costs	\$3,850
Total Estimated Budget	\$104,964



EXHIBIT C DBE AND NON-DISCRIMINATION NOTICE

DBE Goals

There are no DBE/WBE goals for this work, but firms are strongly encouraged to utilize DBE firms if applicable. A Montana certified DBE consultant list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>

Nondiscrimination Compliance

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice).

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, the Consultant (hereafter in this Section “the Party”), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

(1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.

(2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.

(3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.

(4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or



the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,

(a) Withholding payments to the Party under the Agreement until the Party complies, and/or

(b) Cancellation, termination or suspension of the Agreement, in whole or in part.

(6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, §49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

(1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.

(2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."



All video recordings produced and created under contract and/or agreement will be closed captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR §26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



EXHIBIT D CERTIFICATE OF LIABILITY INSURANCE

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Amendment #2 to Facilities Master Plan Contract with CTA

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The purpose of this contract amendment is to add a design fee of \$6400 and amend the contract completion date on the Facilities Master Plan contract with CTA Architects and Engineers. The City hired CTA to prepare a Facilities Master Plan and later added work to address the Council Initiative to improve the Municipal Court, Legal and Police areas on City Hall's 2nd floor. The CTA contract amendment #1 was for designing the 2nd floor changes. Space needs on 2nd floor forced staff and CTA to examine office possibilities on the 1st floor, where the City Attorney and other staff are located. That design work is the subject of this contract amendment #2.

ALTERNATIVES ANALYZED

There are no viable alternatives to approving Contract Amendment #2. CTA completed the design work and is currently performing the project inspection and administration for the 1st floor remodeling. The 1st floor work is included in the construction contract that Council approved in February, 2016.

FINANCIAL IMPACT

The \$6400 fee is an addition to the previously approved \$119,500 contact and will be paid from the City Attorney's FY 2016 budget.

RECOMMENDATION

Staff recommends that the City Council approve CTA contract amendment #2 for \$6400 and extend the contract completion date to June 30, 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

Amendment 2



AMENDMENT#2 TO CONTRACT

FOR

FACILITIES MASTER PLAN

This AGREEMENT, made and entered into this 8th day of February, 2016, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,
Billings, Montana 59103
Hereinafter designated the **CITY**
and
CTA Architects Engineers
13 North 23rd St, Billings, Montana, 59101
Hereinafter designated the **CONTRACTOR**

WITNESSETH

WHEREAS the CITY and the CONTRACTOR have entered into an AGREEMENT effective July 14, 2014, to provide a Facilities Master Plan including the full scope of services described, and;

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

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

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

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

2. Effective Date: This Agreement is effective upon the date of its execution and was to terminate on October 31, 2015. The parties may extend this agreement, by mutual concurrence, for delay from weather conditions in writing prior to its termination. The Parties agree to extend this AGREEMENT, which shall now terminate at midnight on **June 30, 2016.**

The parties also agree to add a fee in the amount of \$6,400 to said Contract for the services of designing, programming and overseeing the Construction of the option to add the 1st



floor area in the City Attorney Offices to the existing Hearing Room and Offices as per the Option approved by City Council of said modifications and attached to this Amendment.

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

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

CITY OF BILLINGS, MONTANA

By _____
Thomas Hanel or Designee,
Mayor

CTA Architects Engineers

By Robert LaPerle 3-07-2016

Print Name ROBERT LA PERLE

Print Title SR. PROJECT MANAGER

APPROVED AS TO FORM:

By Brent Brooks

BRENT BROOKS, City Attorney

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Acknowledge Receipt of Petition to Vacate Palladium Drive within Copper Ridge Subdivision 5th Filing and set a Public Hearing

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Copper Ridge Development Corp., the developer of Copper Ridge Subdivision 5th Filing, is replatting a portion of Copper Ridge Subdivision 5th Filing. With the new plat, which will be Copper Ridge Subdivision 6th Filing, the streets will be realigned. This requires the Palladium Drive right of way to be vacated and new right of way to be dedicated. Palladium Drive has not been constructed. Copper Ridge Development Corp. is the original developer, therefore, the vacated right of way to be vacated is granted at no cost to the developer. Attached is a map showing the right of way to be vacated. This Council action acknowledges the street vacation application and sets a public hearing date of May 23, 2016. The new plat for Copper Ridge Subdivision 6th Filing, which will dedicate new right of way, will be presented for approval at the May 23, 2016 City Council meeting.

ALTERNATIVES ANALYZED

The Council may:

- Acknowledge receipt of the petition to vacate the above mentioned right of way and set a public hearing for May 23, 2016; or
- Do not acknowledge the petition to vacate the right of way.

FINANCIAL IMPACT

Since the right of way proposed to be vacated will revert to the original developer and no streets are constructed, there is no cost for the vacation. New right of way will be dedicated to replace the vacated area.

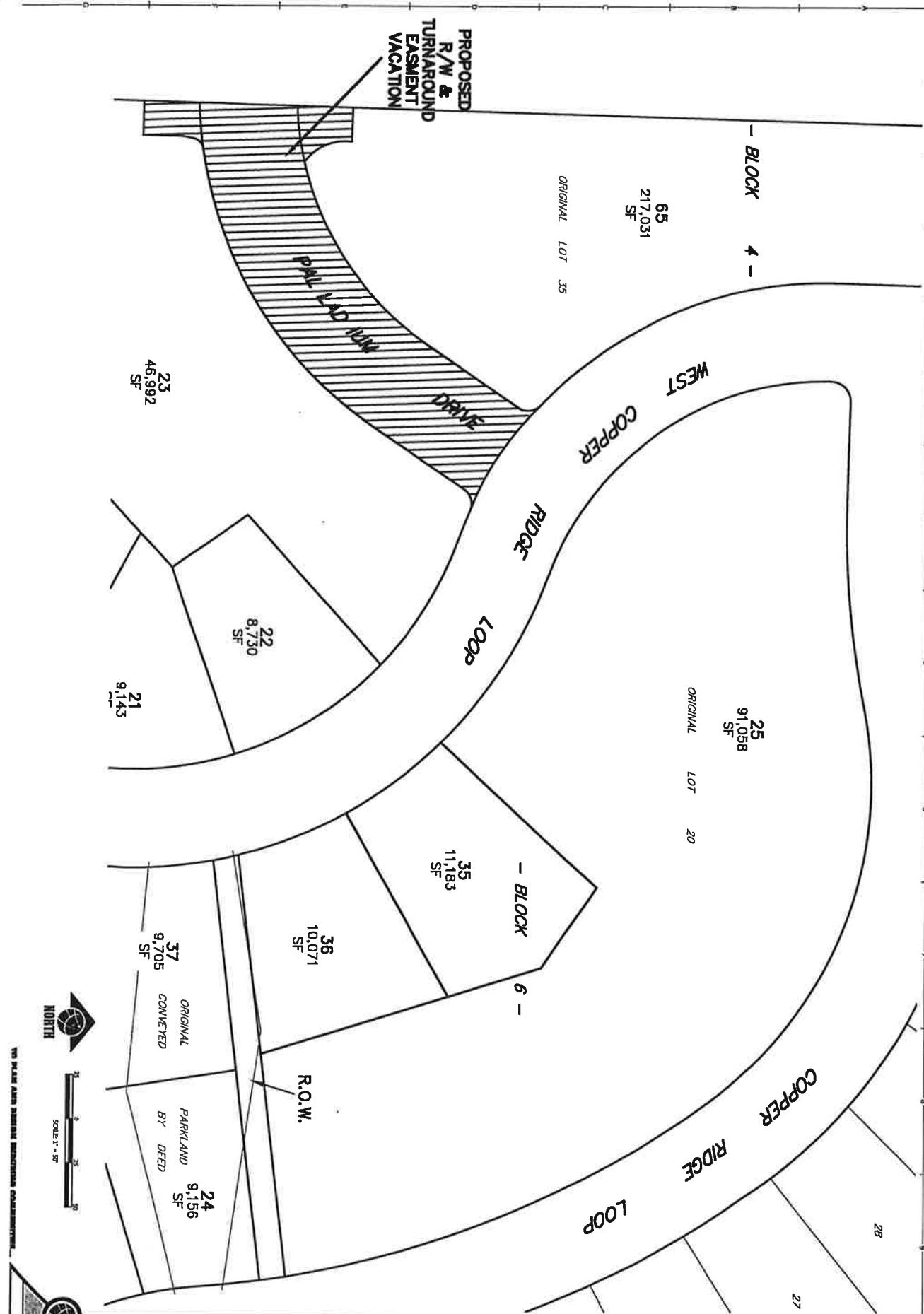
RECOMMENDATION

Staff recommends that Council acknowledge receipt of the petition to vacate Palladium Drive right of way within Copper Ridge Subdivision 6th Filing and set a public hearing for May 23, 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

Right of Way Exhibit



COPPER RIDGE SUBDIVISION, 5TH FILING
 PALLADIUM DRIVE
 SW 1/4 OF SECTION 25, T1N, R24E, PMM
 BILLINGS, MONTANA
 RIGHT-OF-WAY VACATION EXHIBIT

DATE:	02/27/2014
TITLE:	RIGHT-OF-WAY VACATION
PROJECT:	NO. 10
OWNER:	WHEELER
QUALITY ASSURANCE:	NAI
ENVIRONMENTAL:	
DATE:	
DESCRIPTION:	

SANDERSON STEWART
 www.sandersonstewart.com

10

FOR BEARING AND AREA COMPUTATIONS CONSULT THE ORIGINAL RECORDS.

© 2014 ALL RIGHTS RESERVED

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Acknowledge Receipt of Petition to Vacate a portion of alley within Billings Original Townsite Block 163 and Set a Public Hearing

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Riverstone Health has petitioned to vacate a portion of the alley within Block 163 of Billings Original Townsite. The alley is located between South 26th Street and South 27th Street and 2nd Avenue South and 3rd and Avenue South. Riverstone Health is proposing to construct a new building over the alley. There is a sanitary sewer line in the alley which only serves Riverstone Health and could be turned into a private service. Riverstone is working with the private utilities on easements or relocation. The right of way area proposed to be vacated is 3,000 square feet.

ALTERNATIVES ANALYZED

The Council may:

- Acknowledgment receiving the petition to vacate the above-mentioned right-of-way and set a public hearing for May 23, 2016; or
- Do not acknowledge the petition and terminate the right-of-way vacation process.

FINANCIAL IMPACT

The petitioners have submitted a letter establishing fair market value at \$3.55/sf for a total value of \$10,650.

RECOMMENDATION

Staff recommends that the City Council acknowledge the receipt of a petition to vacate a portion of the alley within block 163 of Billings Original Townsite and set a public hearing for May 23, 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

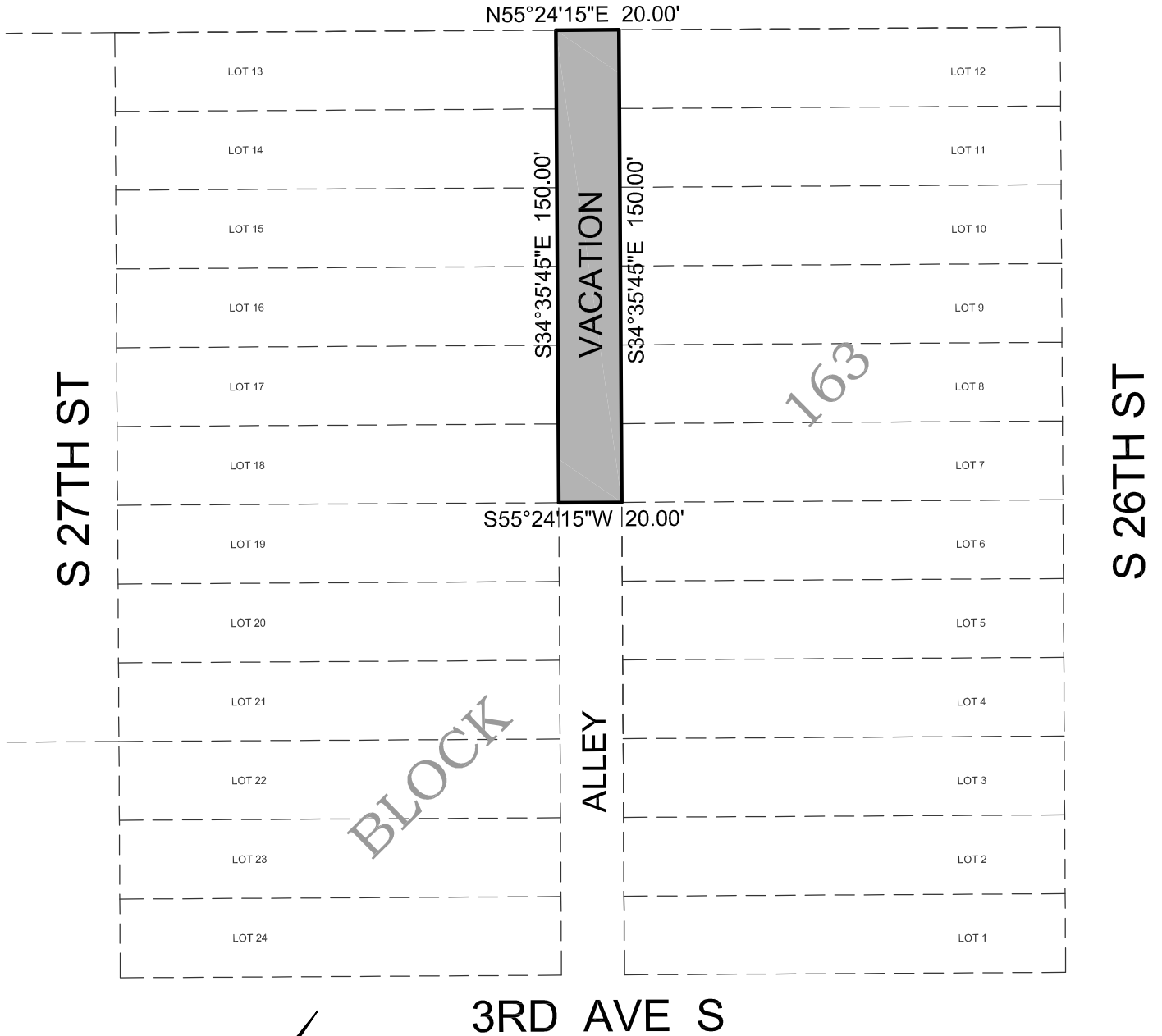
Alley Vacation Exhibit

EXHIBIT A

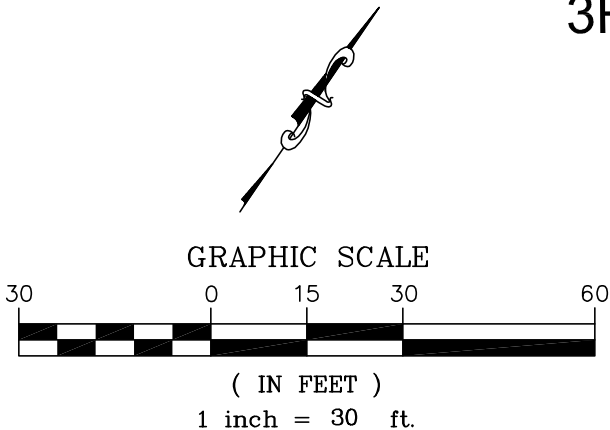
GRAPHIC DEPICTION

ALLEY RIGHT-OF-WAY VACATION WITHIN BLOCK 163 OF THE ORIGINAL TOWNSHIP OF BILLINGS

2ND AVE S (VACATED)



ALLEY RIGHT-OF-WAY BOUNDED BY: Beginning at the northeasterly corner of Lot 13 of Block 163 of the Plat of the Town (now City) of Billings, said plat being on file in the office of the Clerk and Recorder, Yellowstone County, Montana; thence N55°24'15"E, along the southerly line of that portion of 2nd Avenue South vacated by Resolution No. 04-18147, a distance of 20.00 feet to the northwesterly corner of Lot 12 of said Block 163; thence S34°35'45"E, along the westerly lines of Lots 7-12 of said Block 163, a distance of 150.00 feet, to the southwest corner of said Lot 7; thence S55°24'15"W, 20.00 feet, to the southeasterly corner of Lot 18 of said Block 163; thence N34°35'45"W, 150.00 feet along the easterly lines of Lots 13-18 of said Block 163, to the northeasterly corner of said Lot 13 and the Point of Beginning, containing approximately 3,000 square feet.



Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Acknowledge Receipt of Petition to Vacate a portion of 3rd Avenue North and North Broadway and set a Public Hearing

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Alberta Bair Theater Corporation has petitioned for the City to vacate a portion of 3rd Avenue North and North Broadway. The portions of right of way that is proposed to be vacated are over the existing sidewalk. Alberta Bair is proposing to expand the theater in the future.

Vacation of the right of way will allow this expansion. The area of the proposed right of way to be vacated is approximately 3,813 square feet. If the Alberta Bair theater has not expanded within 10 years, the property would revert back to right of way.

ALTERNATIVES ANALYZED

The Council may:

- Approve acknowledgment of the petition to vacate the above-mentioned right-of-way and set a public hearing for May 23, 2016; or
- Do not acknowledge the petition and terminate the right-of-way vacation process.

FINANCIAL IMPACT

A comparative market analysis was complete and valued the right of way at \$658,600. The City is the owner of the theater property and the owner of the right of way so the financial impact is unclear at this time.

RECOMMENDATION

Staff recommends that Council acknowledge receipt of the petition to vacate a portion of 3rd Avenue North and North Broadway right of way and set a public hearing for May 23, 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

Exhibit
Comparative Market Analysis

November 6, 2015

Ms. Debi Meling, PE
City Engineer
City of Billings
2224 Montana Avenue
Billings, MT 59101

RE: Broker Opinion of Value
Proposed Lot 1A, Block 45, Original Town of Billings

Dear Ms. Meling,

Please accept this broker opinion of value for the above referenced property. The opinion of value is not an appraisal and is intended to be the opinion of this broker based on information supplied and obtained throughout the process of determining the value in my opinion.

Subject Property:

Parcel: Proposed Lot 1A, Block 45, Original Town of Billings
Size: 17,800 SF
Zoning: CBD

Sales

1. Seller: Western Security Bank
Buyer: McHugh
Size: 21,000 SF
Price: \$882,000 (\$42.00/SF)
Date: 2014
2. Seller: Tolliver
Buyer: City of Billings
Size: 13,000 SF
Price: \$491,270 (\$37.79/SF)
Date: 2011
3. Seller: Honaker
Buyer: City of Billings
Size: 9,750 SF
Price: \$330,720 (\$33.92/SF)
Date: 2006
4. Seller: City of Billings Library
Buyer: Stockman Bank
Size: 7,000 SF
Price: \$219,940 (\$31.42/SF)
Date: 2011

3312 Fourth Avenue North
Billings, Montana 59101
+1 406 256 5000

naibusinessproperties.com

Valuation Conclusion

Based on the information collected, it is this broker's opinion that the value of the subject property has a value of \$658,600 (\$37.00/SF).

This valuation has been prepared subject to the assumptions and limiting conditions. The opinion of value is not to be considered an appraisal, but the unbiased opinion of this real estate broker. Thank you.

Sincerely,



Michael Walker

PROPOSED AMENDED PLAT OF LOTS 1, 2, 3 AND 4, BLOCK 45,
ORIGINAL TOWN OF BILLINGS

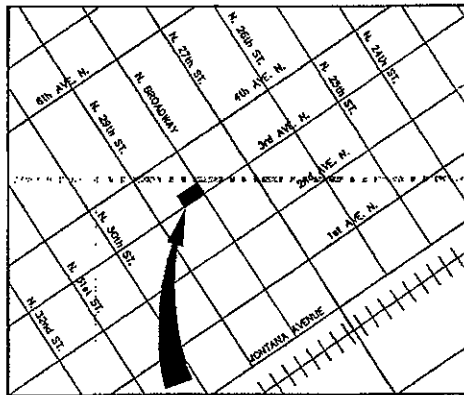
SITUATED IN THE NW1/4 OF SECTION 3, T. 1 S., R. 26 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : FOX THEATRE CORP.

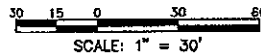
AUGUST 2015

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE



SCALE: 1" = 30'

Plotfile of: J:\new_billings\m_a_j\new_billings\01010_01_AB1_PREPLAT.DWG

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: DONATION: SCOTT NxG2 4.5 2002 EDITION AIR-PAKS

PRESENTED BY: Paul Dextras, Fire Chief

Department: Fire

PROBLEM/ISSUE STATEMENT

Kurt Klinkhammer, Shur-Sales & Marketing/SCOTT Safety Account Representative has offered to donate to the City of Billings Fire Department, twenty-one (21) SCOTT NxG2 4.5 2002 edition Air-Paks. These units are the same type and style as existing Fire Department units and can be seamlessly integrated into the Fire Department's inventory. The Billings Fire Department has self-contained breathing apparatus (SCBA) equipment that is nearing the end of its expected use. A new generation of this equipment is currently on the market and will be considered for purchase in the FY 2018 budget process. In the interim, the department will use the donated equipment to repair and replace the present units at no cost to the City.

ALTERNATIVES ANALYZED

City Council may accept or not accept the donation of 21 SCOTT NxG2 Air-Paks.

FINANCIAL IMPACT

The SCOTT NxG2 Air-Paks, 2002 edition are being donated to the City of Billings Fire Department at no cost. Because of their age, these airpaks have no cash value, except to a Fire Department still using NxG2 airpaks. A check of online auctions found two refurbished units for sale on ebay at \$975 and \$1200.

RECOMMENDATION

Staff recommends that the City Council accept the donation of twenty-one (21) SCOTT Air-Paks from Shur-Sales & Marketing.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Ratify Emergency Acceptance of a \$1,000 Library Financial Literacy Exhibit Grant

PRESENTED BY: Tina Volek, City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Billings Public Library has been offered a \$1,000 American Library Association grant to host a traveling financial literacy exhibit called "Thinking Money." The exhibit was developed by the American Library Association Public Programs Office in collaboration with the FINRA Investor Education Foundation.

A letter of agreement for the grant had to be signed and returned by April 8, 2016, three days before a City Council Business Session. On April 5, the City Administrator sent the City Council an e-mail telling the members that she would sign the letter April 6 unless she heard otherwise from a Council Member. The only comment received was one of support, so the letter was signed and returned. It now needs ratification by the City Council.

ALTERNATIVES ANALYZED

City Council may:

- Ratify the signing of the agreement; or
- Disapprove the signing of the agreement, resulting in the withdrawal of the Billings Public Library from the national traveling exhibition.

FINANCIAL IMPACT

The agreement requires that the Library hold four programs in conjunction with the exhibit, one of which must be an opening event. The Library staff will use its time to organize the events, but no other expenditures are anticipated.

RECOMMENDATION

Staff recommends that the City Council ratify approval of the \$1,000 American Library Association grant for the traveling exhibit, "Thinking Money".

APPROVED BY CITY ADMINISTRATOR

Attachments

Library Grant Letter

American Library Association
Public Programs Office
50 East Huron Street
Chicago, Illinois 60611-2795
USA

TDD 312 944 7298
<http://www.ala.org/publicprograms/>

Telephone 312-280-5287
Fax 312-280-5759
E-mail brussell@ala.org

ALA American Library Association

Letter of Agreement

This is an agreement between the traveling exhibition host site and the American Library Association (ALA) Public Programs Office for the exhibition *Thinking Money*.

Please return a signed Letter of Agreement to ALA by April 8, 2016; agreement may be e-mailed to brussell@ala.org or faxed to 312-280-5759. We must have a copy of this agreement on file in order for your site to participate in the project.

The Billings Public Library agrees to serve as a host for the national tour of the traveling exhibition *Thinking Money*. *Thinking Money* was developed by the American Library Association Public Programs Office in collaboration with the FINRA Investor Education Foundation, whose support made this exhibition possible.

Failure to comply with the conditions described below may result in the site being removed from the tour, and will affect the host's opportunities to take part in other exhibition tours and programs offered through the ALA Public Programs Office.

Display dates

- The host agrees to display the exhibition during the dates stated in the itinerary prepared by ALA.

Programming requirements

- The host agrees to present a minimum of four public programs, events or activities related to the personal finance themes explored in the exhibition. These may include an opening event for the exhibition and/or educational programs and activities offered in collaboration with community organizations, schools, universities, community colleges or government agencies. To ensure that all programming is strictly noncommercial, the public programs may not be offered in conjunction with financial services firms, including banks, investment advisers and brokerage firms. The programs should include one opening event. Any one of these programs may be combined with the opening event.
- The host agrees to provide the ALA Public Programs Office with titles, presenters, and times of all exhibition public programs at least one month before the exhibition opens at the site.

Local project administration

- The host agrees to appoint one staff member as the project director (local coordinator) of the project. Project directors are required to attend the exhibition orientation workshop in Orlando, FL on June 24,

2016. The project director must oversee public program development and publicity, coordinate the planning of local programs and must be present to supervise the setting-up and taking down of the exhibition.

- The host agrees to file a programming allowance request form and use the \$1,000 programming allowance from the FINRA Foundation to support *Thinking Money* programming-related expenses.
- The host agrees to charge no fees for viewing the exhibition or attending related programs. Fundraising programs are allowed, as long as the four required programs are free and open to the public.

Security and Handling

- The host agrees that the project director will supervise the unpacking and setting-up, and the taking down and repacking of the exhibit, following the instructions given to the host site by FINRA and ALA. The host site will display the exhibit according to the guidelines provided by ALA.
- The host will carefully follow all instructions provided by ALA for setting up, operating and taking down and packing all exhibition components.
- The host agrees to display the exhibition in an appropriate and safe environment. An appropriate environment means that the exhibition is not displayed outdoors, in a tent area, or in a temporary building, but in an open area or gallery inside a permanent building. The exhibit should be monitored by staff every 30 minutes during peak periods of use, and every hour during off-peak times. The host should examine the exhibit at the end of each day to determine that all components are in working order and undamaged. Host will report any damage or other important information about the exhibition to ALA as soon as possible after it is observed.

Intellectual property rights

- The host recognizes that portions of the exhibit and accompanying marketing materials and publicity images may use trademarks, logos, artwork, photographs, renderings, props and other property (together, the "Intellectual Property") belonging to or licensed to FINRA, ALA and other institutions or individuals who contributed to the exhibition. All rights in and to the Intellectual Property are hereby expressly reserved to ALA. The host site shall not modify, delete, obliterate or otherwise alter the use or appearance of any such item. In the event of the violation of Intellectual Property Rights, the American Library Association reserves the right to terminate the host site's use of the exhibition.

Advertising and publicity

- The host agrees to promote exhibition-related programs to the widest possible public audience.
- The host agrees to follow the guidelines provided in the exhibition press kit for use of FINRA and ALA names and logos, and to use the official exhibition credit language in all publicity to ensure that all parties are properly credited in all publicity and communications relating to the exhibit.
- The host agrees to the following provisions regarding photography or filming of the exhibition: 1) Photography of the exhibition by the host and the public is permitted; 2) Filming of the exhibition may be done by the press and the host for publicity purposes, but any other filming must be approved in advance in writing by the American Library Association.

Damages and insurance

- The host agrees to indemnify and to hold harmless FINRA and ALA Public Programs Office against all damages, claims, suits or other legal proceedings arising from or attributed to negligent or improper operation or display of the exhibit by the host site, or violation of third party rights resulting from any unauthorized creation, use, display, or modification of the exhibit or advertising or publicity materials relating to the exhibit.
- The host agrees to maintain responsibility for the condition of the exhibition. Sites will be held responsible for damage to or loss of the exhibition when it is under their control. ALA is not responsible for personal injury or property damage arising from the installation, use, or defective nature of the traveling display.
- The host agrees to add an insurance rider in the value of \$55,000 on their insurance policy for the time the exhibit is at the host site or arrange to have the exhibition insured under the host site's comprehensive insurance for \$55,000, and to provide a certificate of insurance or letter from an authorized insurance agent to the ALA Public Programs Office no later than 45 days prior to the exhibit opening day at the host site. Sites should insure the exhibition for 10 days prior to and 10 days following the exhibition display dates.

Reporting forms

- The host agrees to provide all reports to ALA by the deadlines requested, including a programming form with details of all programs, an exhibition condition report, and a final project report (forms will be provided by ALA).
- The host agrees to participate in the exhibition evaluation, including carrying out surveys and submitting data as requested.

Shipping

- ALA will make reasonable efforts to assure prompt delivery of the exhibit. However, ALA cannot be responsible for damages, financial or otherwise, incurred by the host site as a result of delay in delivery or failure to deliver the exhibit due to circumstances beyond its control.
- FINRA and ALA reserve the right to cancel the exhibition tour at any time.

Please complete and sign this Letter of Agreement and return to ALA by April 8, 2016.


 Signature of Host Institution Director

Christina F. Volek, City Administrator
 Name and Title (please print or type)

4-5-16
 Date

Melanie Welch, Project Director
 ALA Public Programs Office

Date

Please scan (preferred) and return a signed copy of this document (keep a copy for your records) to:
brussell@ala.org

You may also fax to: 312-280-5759 or

Mail to:

Thinking Money Agreement
American Library Association
Public Programs Office
50 E. Huron St.
Chicago, IL 60611

Regular City Council Meeting

Meeting Date: 04/25/2016

-- **TITLE:** Submittal of Small Community Air Service Development Grant

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

The City Airport staff has been working closely with other community organizations to entice new and needed air service to Billings. The Airport would like to apply for a Small Community Air Service Development Program (SCASDP) grant through the U.S. Department of Transportation (DOT), and subsequently accept and execute the grant if successful in securing funds through this competitive process. Council approval is required to submit the application, accept the grant, and execute any grant certifications and assurances.

ALTERNATIVES ANALYZED

City Council may:

- Authorize submitting an SCASDP grant application and for the Mayor to execute any SCASDP grants, and grant certifications and assurances; or
- Disapprove submitting the SCASDP grant application, subsequently reducing the potential to secure enough funding to provide an adequate revenue guarantee for pursuing new airline service.

FINANCIAL IMPACT

There would not be any negative financial impact to the City of Billings Logan International Airport other than the time commitment to administer the grant. Local matches will come from private community funds. The SCASDP grant request would be in the \$600,000 to \$700,000 range, but the final amount will be based on how the DOT allocates the total available grant funds.

BACKGROUND

Recently, the City's Airport staff in conjunction with members from the Billings Chamber of Commerce Air Service Committee, the staff of Big Sky Economic Development (BSED), and Board members and staff of the Tourism Business Improvement District (TBID), have all been working closely together to entice new and needed air service to Billings. One of the necessary requirements needed to be successful when working to enhance local air service is the ability to offer a revenue guarantee to the airline being courted. The revenue guarantee provides the airline the ability to consider the new market (Billings) without the fiscal worry of startup costs, marketing, and immediately making a profit in a new market with entrenched competitors. Typically, the revenue guarantee is funding raised or pledged by the local business community. Additionally, smaller airports can also apply to the DOT for a SCASDP grant to supplement the dollars already pledged by the Community, thereby allowing for a more robust revenue guarantee offer to the airline being pursued.

STAKEHOLDERS

New air service can significantly impact a community for the better. New direct flights into new markets provide a new opportunity for local businesses to expand into the new destination market or provide better connections to other cities where the business traveler desires to go. It also provides new leisure market opportunities, as travelers go and explore new destinations or benefit from better connections to other leisure markets. New direct service also entices travel from that new destination, bringing new travelers to our community that may not have come without that direct service. This benefits the local travel industry. Since the Billings Logan International Airport is a regional air transportation hub serving most of eastern Montana and northern Wyoming, the benefiting stakeholders extends well beyond the boundaries of the City of Billings. Finally, most new service competition may initially entice lower ticket prices from current carriers, which benefits all local travelers.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Seeking additional funding to utilize for securing new air service falls in line with the City Council Goal of "A comprehensive, multi-modal transportation system that supports the Growth Policy to accommodate the future needs of Billings' residents and the business community." Additional air service is also important in achieving the City Council Goal to "Further the economic vitality of Billings, and the greater region, by fostering community partnerships and maintaining a strong and efficient infrastructure."

RECOMMENDATION

Staff recommends that the City Council approve the SCASDP grant submittal, and if successfully awarded a grant, for the Mayor to execute the grant and any grant certifications and assurances.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Approval of MET Transit's Updated Title VI Program

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Transit

PROBLEM/ISSUE STATEMENT

As a recipient of Federal transit funding, MET Transit is required to have a Title VI Program in place with the Federal Transit Administration (FTA). Title VI of the Civil Rights Act of 1964 states: "No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance based on race, color, or national origin." In addition to the requirement to submit an updated Title VI Program every three years, on August 28, 2012, the FTA published a notice in the Federal Register announcing changes to the Title VI Circular. One of the new requirements of the Circular is that the MET's Title VI Program, including any updates to the program, must now be approved by the City Council. Updates to the Title VI Program include new contact information, an update to the foreign language interpreter list, an updated inventory of the locations of the MET's bus shelters and bus benches, and an update in the ridership information/data.

ALTERNATIVES ANALYZED

City Council may:

- Approve the updated Title VI Program; or,
- Disapprove the updated Title VI Program and jeopardize receiving any further FTA grant funding.

FINANCIAL IMPACT

As a recipient of Federal transit funding, MET must have a Title VI Program in place. Failure to submit an updated Program may jeopardize or delay the award of the annual \$1.7 million FTA operating grant, as well as the annual capital grants.

RECOMMENDATION

Staff recommends that the City Council approve the updated Title VI Program.

APPROVED BY CITY ADMINISTRATOR

Attachments

Title VI Policy 2016 Updated

CITY OF BILLINGS
NONDISCRIMINATION POLICY STATEMENT
AND
COMPLAINT PROCEEDURE
FOR THE
MET TRANSIT BUS PROGRAM

The Billings MET Transit Program (hereinafter referred to as the "Recipient") hereby agrees to comply with the following Federal Statutes, Federal Highway Administration Regulations, Federal Transit Administration, and the Montana Department of Transportation, and the policies and procedures promulgated by the Federal Highway Administration, as a condition to the receipt of Federal Funds.

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. section 2000d).

The City of Billings MET Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

The MET Transit Bus program provides transportation within the City limits of Billings through both a demand response system and a fixed route program. A rider wishing to use the demand response system may call the Billings MET Transit office and arrange for a pickup and delivery within the bus service area. This service provides these riders with a “curb to curb” transit service. Fixed Route bus riders are picked up and dropped off at a specific location on the fixed route. MET Transit operates with no program priorities, in that all riders’ requests are handled on an equal basis.

This plan was developed to guide the City of Billings MET Transit in its administration and management of Title VI-related activities.

II. Title VI Contact

The City Administrator of the City of Billings has Title VI responsibility for the MET Transit Bus program, and is responsible for initiating and monitoring Title VI activities, preparing required documents, conducting complaint investigations, and generally implementing the procedures described in the Program. The City Administrator also has the authority to delegate responsibility for certain items to other individuals, where appropriate. All reports, investigations, and reviews will be prepared by or submitted to the City Administrator within the prescribed time constraints.

Christina Volek, City Administrator
City of Billings
City Hall, 210 North 27th Street
PO Box 1178
Billings, MT 59103
volekC@ci.billings.mt.us

The organizational chart for the City of Billings is found in **Appendix 1**.

III. Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed in the Administrative Offices of the City of Billings MET Transit Office at 1705 Monad Road, Billings, MT 59101, in all MET Transit vehicles, at both transfer centers and on MET Transit's website: www.mettransit.com.

Additional information relating to nondiscrimination obligation can be obtained from the City of Billings MET Transit Planning and Development Coordinator.

Debra Hagel, Transit Planning and Development Coordinator
City of Billings MET Transit
1705 Monad Road
Billings, MT 59101
406-657-8218
hageld@ci.billings.mt.us

A copy of the poster is found in **Appendix 2**.

IV. Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Billings MET Transit where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

V. Record Keeping:

The City Administrator will maintain permanent records, which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

VI. Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of Billings MET Transit (hereinafter referred to as "the MET") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint form. The City of Billings MET Transit investigates complaints received no more than 180 calendar days after the alleged incident. The MET will process complaints that are complete.

Once the complaint is received, the MET will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The MET shall also provide assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the MET shall make every effort to address all complaints in an expeditious and thorough manner.

The MET has 60 days to investigate the complaint. If more information is needed to resolve the case, the MET may contact the complainant. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the MET can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has 7 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

**TITLE VI
COMPLAINT FORM
City of Billings MET Transit**

SECTION I:

Last Name	First Name	Middle Name	
Address	City	ST.	ZIP
Home Phone	Work Phone	Cell Phone	

Electronic Mail Address: _____

SECTION II:

Are you filing this complaint on your own behalf?	Yes*	No
*If you answered "yes" to this question, go to Section III. If not, please supply the name and relationship of the person for whom you are complaining:		

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	Yes	No
---	-----	----

SECTION IV

Have you previously filed a Title VI complaint with this agency?

Yes

No

SECTION V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes

No

If yes, check all that apply:

Federal Agency: _____

State Agency: _____

Federal Court: _____

Local Agency: _____

State Court: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

SECTION VI

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

You may attach any written materials or other information that you think is relevant to your complaint.

Signature of Complainant

Date

Please submit this form in person at the address below, or mail this form to:

City of Billings MET Transit
Debra Hagel, Transit Planning & Development Coordinator
1705 Monad Road
Billings, MT 59101

FOR CLERICAL USE ONLY	
DATE COMPLAINT RECEIVED BY RECIPIENT	
Month: _____	Day: _____ Year: _____
Complaint #: _____	



Title VI Investigations, Lawsuits, and Complaints

	Date	Summary	Status	Action(s) Taken
	(Month, Day, Year)	(include basis of complaint: race, color, or national origin)		
Investigations				
1.				
2.				
3.				
Lawsuits				
1.				
2.				
3.				
Complaints				
1.				
2.				
3.				

- a. There are no outstanding lawsuits or complaints naming the City of Billings MET Transit which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.
- b. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the City of Billings MET Transit and, to the best of our knowledge, there are not presently any ongoing civil rights review activities being conducted with respect to the City of Billings MET Transit.
- c. There are currently no pending construction projects which would negatively impact minority communities being performed by the City of Billings MET Transit.

VII. Public Participation Plan

Prior to increasing fares or implementing a major reduction* of transit service the City Of Billings conducts the following locally developed process to solicit and consider public comment:

- 1. Staff will hold at least two public meetings at various locations in the city to advise the public of recommended changes.
- 2. Public meetings will be held in an ADA accessible building. Participants will be presented with all information on proposed changes.
- 3. Posters will be placed on the buses and at the transfer centers stating Date, Time and Place of all meetings.

4. Information on all proposed changes will be posted on MET Transit's website.
5. A public hearing about such fare increase/major service reduction is scheduled before the City Council and notice of the Council Agenda, including such public hearings, is provided to the media.
6. A public hearing is held before the City Council and all public comment is heard and considered by the City Council and Staff prior to implementation. All minutes from the public hearing is documented.

*A major reduction in service would involve at least 25% of total system service hours.

VIII. Language Assistance Plan

Based on the US Department of Transportation (USDOT) – Federal Transit Administration Office of Civil Rights guidance concerning recipients' responsibilities to LEP persons, there are four factors to consider in determining MET Transit's obligation to provide LEP services.

1. *The number or proportion of LEP persons serviced or encountered in the eligible service population.*

Based on the 2010 U.S. Census Bureau, Billings has a small percentage of its total population belonging to the LEP population.

- Per the 2010 U.S. Census Bureau, Billings has a population base of 89.6% Caucasian/White , 5.2% Hispanic or Latino, 4.4% American Indian and Alaska Native, and 0.8% Black/African American or other nationalities.
- Per the 2010-2014 American Community Survey (ACS), Billings has a population of 4,039 persons who speak a language other than English. Of that number there are a total of 133 persons or 1.1% of the population who speak English less than "very well". **See Appendix 4.**

2. *The frequency with which LEP individuals come in contact with the program.*

- Based on contacts with our transit vehicle drivers, calls to MET Transit's customer service telephone line and riders coming into our Administrative office to purchase passes or request schedules, we have had no interaction with LEP individuals.

3. *The nature and importance of the program, activity, or service provided by the recipient to people's lives.*

- Many of MET Transit's patrons are transit-dependent and the MET is important in providing access to employment, personal business/errands, schools and colleges.

4. *The resources available to the recipient and cost.*

MET has contacted the following departments and agencies to analyze how they handle individuals with LEP. Following is a summary:

Billings City/County Planning Department: They have no policy for LEP and have had very few inquiries over the years.

City of Billings Police Department and Courts Department: Both departments have very few inquiries. However, they have a list of individuals (with phone numbers and the language they

specialize in) that they can contact when they have clients who need help interrupting English or reading an English document. They have provided MET with a copy of the list for our use.

Human Resources Development Council (HRDC): They have very few inquiries; however, they do have a couple of staff members who speak Spanish and help when needed.

Montana Public Health & Human Services (Public Assistance): They have very few inquiries, however, they call the Modern Language Department at Montana State University-Billings to provide assistance if needed by a client.

As stated above MET now has a list of individuals (with phone numbers and the language they specialize in) that we may contact for help if a client requests a schedule or information in another language. This “language list” has been made available to staff for any future LEP requests. See **Appendix 3**.

IX. Aviation & Transit Board

BMCC Section 5-201 – 204 created an Aviation and Transit Board. The Aviation and Transit Board shall be composed of seven members, each serving four year terms, each of whom will possess the qualifications for office required for the office of Mayor and shall be appointed by the Mayor with the consent of the Council. These positions are advertised in the local paper and on the City’s website.

The Board shall be a citizen’s advisory board to the City Council to aid the City Council in formulating City policy in matters pertaining to the MET Transit System, Airport and the concomitant properties. The primary responsibility of the Board is to review existing and proposed City policies and to review City department activities to ensure that City policies are being implemented and carried out, and further, to report any shortcomings and make recommendations to the City Council.

The Board meets monthly and meetings are open to the public. Meeting dates are posted well in advance on MET Transit’s website and in *The Billings Times*.

Body	Caucasian	Latino	African American	Asian American	Native American
Population	89.6%	5.2%	0.8%	0.7%	4.4%
Aviation & Transit Committee	100%*	0%	0%	0%	0%

*Currently the Board has one woman and six men

System-wide Service Standards and Policies

VEHICLE LOAD

Standard

Vehicle load factor is the ratio of number of seats to number of passengers on each trip. At this time none of MET's buses exceeds their capacity. All passengers are able to utilize a seat during their trip. The load factors in the MET Transit system are all less than 1:1. Route headways vary between 30 and 60 minutes, depending on the route. We do not differentiate between peak and off-peak hours.

Policy

Service frequencies are adjusted to ensure that the maximum load standards are met whenever possible.

Methodology

The Weekly Vehicle Load Factor (Table 1) details the average weekly load factor for all MET routes.

Comparison to Service Standard

The table shows a load factor of less than 1:1 for all routes. These load factors compare favorably to the standard of 1:1.

Table 1

WEEKLY VEHICLE LOAD FACTOR

<u>ROUTE</u>	<u>NUMBER OF SEATS</u>	<u>AVERAGE NO.</u>	<u>LOAD FACTOR</u>	<u>PASSENGERS</u>
1D	2,640	465		.17
2P	2,145	275		.13
3D	3,630	585		.16
4P	1,650	145		.09
5D	7,260	2,050		.28
6P	1,980	245		.12
7D	3,630	725		.20
8P	1,980	170		.09

9D	3,630	600	.17
10D	3,135	1,150	.37
13P	2,145	295	.26
14P	1,155	150	.18
15P	1,320	310	.23
16P	1,815	420	.23
17P	1,320	310	.23
18M	990	450	.45
19D	3,630	770	.21

*Data from 2015 calendar year

VEHICLE ASSIGNMENT

Standard

The Operations Supervisor is responsible for assigning vehicles to routes. Assignments are made from a vehicle list indicating buses available for all day runs. The Maintenance Department is responsible for ensuring that there are a sufficient number of vehicles available to provide service on all routes and to schedule vehicles for regular maintenance.

Policy

MET has a 25-bus fleet, operating 20 buses on weekdays and 6 buses on Saturdays. Table 2 (Fleet Roster) lists the vehicles in the fleet; all buses are ADA accessible. MET currently has six Nova buses and 19 Gillig buses and they are assigned randomly.

Methodology

MET Fleet Roster (Table 2) provides an overview of the fleet, including the age of a bus and seating capacity.

Comparison to Service Standard

All buses serve minority and low income areas.

Table 2

FLEET ROSTER

<u>Make/Model</u>	<u>Year</u>	<u>Seating Capacity</u>
1828/Nova	2002	33 seats
1829/Nova	2002	33 seats

1830/Nova	2002	33 seats
1831/Nova	2002	33 seats
1832/Nova	2002	33 seats
1833/Nova	2002	33 seats
1801/Gillig	2004	33 seats
1802/Gillig	2004	33 seats
1803/Gillig	2004	33 seats
1804/Gillig	2004	33 seats
1805/Gillig	2004	33 seats
1806/Gillig	2004	33 seats
1807/Gillig	2005	33 seats
1808/Gillig	2005	33 seats
1809/Gillig	2005	33 seats
1810/Gillig	2005	33 seats
1811/Gillig	2005	33 seats
1812/Gillig	2006	33 seats
1813/Gillig	2006	33 seats
1814/Gillig	2006	33 seats
1815/Gillig	2006	33 seats
1816/Gillig	2006	33 seats
1817/Gillig	2007	33 seats
1818/Gillig	2011	33 seats
1819/Gillig	2011	33 seats

VEHICLE HEADWAY

Standard

Vehicle headway is defined as a measurement of the time interval between two vehicles traveling in the same direction on the same route.

Vehicle headways are determined by route (see Table 3). MET service includes 30 and 60 minute headways.

We do not differentiate between peak and off-peak service.

Policy

MET policy is to provide a level of service that meets the service demand as measured by ridership, vehicle load factors and population density. Vehicle load factors at maximum load points are used to determine the individual routes headway.

Methodology

Vehicle headway is outlined in Table 3. All buses serve minority and low income areas.

Comparison to Service Standard

All buses serve minority areas. Thus, vehicle headways are based on ridership and passenger demand, and not based on race, income, or other Title VI population groups.

Table 3

MET TRANSIT VEHICLE HEADWAYS

<u>Route</u>	<u>Headway</u>	<u>Initial Departure Time</u>
1M	30 minutes	8:35 am (M-F)
2P	60 minutes	5:58 am (M-F)
3D	60 minutes	6:20 am (M-F) 8:10 am (Sat)
4P	60 minutes	6:20 am (M-F) 8:10 am (Sat)
5D	30 minutes	5:50 am (M-F) 8:10 am (Sat)
6P	60 minutes	6:20 am (M-F)
7D	60 minutes	6:20 am (M-F) 8:10 am (Sat)
8P	60 minutes	6:20 am (M-F)
9D	60 minutes	6:20 am (M-F) 8:40 am (Sat)
10D	60 minutes	6:50 am (M-F)
13P	60 minutes	6:20 am (M-F) 9:10 am (Sat)
14P	60 minutes	5:50 am (M-F)
15P	60 minutes	6:50 am (M-F)
16P	60 minutes	5:50 am (M-F)
17P	60 minutes	6:45 am (M-F)
18M	60 minutes	6:50 am (M-F) 8:40 am (Sat)
19D	60 minutes	6:18 am (M-F) 8:05 am (Sat)

DISTRIBUTION OF TRANSIT AMENITIES

Standard

Transit amenities refer to items of comfort and convenience available to the general riding public, such as passenger shelters and benches.

Bus Shelters: MET Transit provides bus shelters along bus routes. Several factors help determine whether a bus stop will receive a shelter. These factors include ridership volume, availability of right-of-way, passenger demand, the need for added protection from inclement weather and concentration of elderly or disabled passengers in the area. Currently we have 25 shelters located along MET routes.

Bus Benches: Several factors help determine the placement of bus benches. These factors include ridership volume, availability of right-of-way, visual impact of the bench for advertising, and concentration of elderly or disabled passengers in the area. Currently there are 266 benches along MET routes.

Policy

It is the policy of MET to distribute its transit amenities in a manner to serve a maximum number of customers.

Methodology

Table 4 is an example of where we locate our bus shelters and bus benches on all MET routes.

Comparison to Service Standard

MET has communicated the need for equitable placement of amenities and will continue to monitor these placements.

Table 4

Bus Shelter Locations:

<u>Location</u>	<u>Located by</u>
Monad/24 th St. W.	Buffalo Wild Wings
Steward Park Transfer Center	West of Rimrock Mall
Central/Santa Fe	Billings Health & Rehab
Grand/17 th St. W.	US Bank/"old" West Park Plaza

15th St. W./Ave B
 Poly/13th St. W.
 825 Ave D
 Ave D/8th St W.
 N. 30th/12th Ave N.
 N. 27th/near Rimrock Road exit
 2417 8th Ave N.
 N. 25th/8th Ave N.
 2675 Central Ave
 7th N./N.19th St.
 N. 23rd St/between 3rd & 4th Ave N.
 S. 28th/8th Ave S.
 9th St S./S.30th
 2850 King Ave W.
 Rosebud/21st W.
 Grand/8th St. W.
 Wicks Lane/west of Bench Blvd
 Poly/Ash
 Rimrock/Yucca
 S. 27th/10th
 220 N. 25th St.

Sears/"old" West Park Plaza
 First Presbyterian Church
 Pleasant View Apartments
 Pleasant View Apartments
 St. Vincent Hospital
 MSU-Billings (tennis courts)
 Prairie Towers
 Prairie Towers
 Lamplighter Square
 Big Sky Apartments
 Sr. Community Center/Parks & Rec
 Fraser Towers
 Southside Senior Center
 Arby's/Casino
 Job Service
 Holiday Station
 Walmart
 MSU-Billings (north side of Poly)
 MSU-Billings
 Passages
 Downtown Transfer Center

Bus Stop Benches

1	1st Av N & 27 th	SEC	Sheraton
2	1st Av N & 27 th	NWC	Jakes
3	1st Av N & Division	NWC	Central High School
4	1st Av S & 28 th	SEC	Meadowgold Dairy
5	1st Av S & 27 th	NWC	Parking Lot
6	2nd Av N & 27 th	SWC	Rockman Interiors
7	2nd Av N & N32nd	SWC	Parking Lot
8	3rd Av N & 26th	NEC	Parking Lot
9	4th Av N & 28 th	SEC	US Bank Parking
10	4th Av N & 13 th	SWC	Empty Lot
11	4th Av N & 18 th	SWC	Jefferson Bus Lines
12	4th Av N & 27 th	SWC	Midas
13	4th Av N & 27th	SEC	Master Lube
14	4th Av N & 30 th	SWC	Grand Bagel
15	4th Av N & 31 st	SWC	Drive-in Bank
16	4th Av N & 32 nd	SWC	Parking Lot
17	4th Av N & Exposition	SEC	Metra Park
18	6 th Avenue N & 13 th St	NEC	Lot
19	8 th Ave N & 27th	NWC	Parking Lot

20	6th Av N & 29 th	NEC	Streeter Bros.
21	6th Av N & 30 th	NEC	Empty Building
22	6th Av N & 31 st	NEC	Office Building
23	7th Av N @ Albertsons	SEC	Albertsons
24	8th Av N & 27 th	SEC	KFC
25	9 th Ave N & 29th	NWC	Psych Center
26	9th Av N & 27 th	NWC	Billings Clinic
27	9th Av N & 27 th	SEC	Perkins
28	9th Av N & 27 th	NEC	Dehler Park
29	9th Av N & 27 th	SWC	Hospital Lot
30	10 th Ave N & 27th	NWC	Billings Clinic
31	9th Av N & 29 th	NWC	Motel
32	10th Av N & 30th	NEC	Billings Clinic
33	11th Av N & 27th	SEC	MRI
34	11th Av N & 27th	NWC	Parking Lot
35	11th Av N & 30th	SEC	Deaconess Research
36	12th Av N & 27th	SWC	Parking Lot
37	12th Av N & 27th	NWC	Parking Lot
38	12th Av N & 27th	SEC	Parking Lot
39	12th Av N & 29th	SEC	Medical Building
40	12th Av N & 30th	SEC	St. Vincent's
41	12th Av N & 30th	NEC	St. Vincent's
42	8th W & Miles	SWC	Residential
43	13th W & Av D	NEC	Dental Office
44	15th W & Wyoming	SEC	BAC
45	15th W & Miles Av.	SEC	Apartments
46	15th W & Miles Av.	NWC	Apartments
47	15th W & Av B	SEC	Pawn Shop
48	30th W & Belvedere Dr.	NWC	Will James
49	Colton & 17 th	SEC	Condos
50	Colton & 17 th	SWC	Office Building
51	Colton & 24 th	SEC	Duplex
52	Elevation & 30 th	SEC	Merrilac Hall
53	Arnold Dr. & 24th St. W	SEC	Caldwell Bankers
54	Broadwater & 5th	NEC	Office Bldg.
55	Broadwater & 5th	SWC	Parking Lot
56	Broadwater & 5th	SEC	Dominos
57	Broadwater & 6th	NEC	Residential
58	Broadwater & 6th	SWC	Residential
59	Broadwater & 7th	SWC	Parking Lot
60	Broadwater & 8th	SWC	Lock shop
61	Broadwater & 8th	NEC	Residential
62	Broadwater & 14th	SWC	TLC

63	Broadwater & 14th	NEC	Parking Lot
64	Broadwater & 15th	SWC	Red Rooster Café
65	Broadwater & 15th	NWC	Kwik Way
66	Broadwater & 15th	NEC	Doc & Eddies
67	Broadwater & 15th	SEC	Army Reserve
68	Broadwater & 19th	NEC	Hair Co.
69	Broadwater & 19th	SWC	Laundromat
70	Broadwater & 24th	NEC	Tattoo Shop
71	Broadwater & 24th	NWC	Softies
72	Broadwater & 24th	SWC	Used Car Lot
73	Broadwater & 24th	SEC	One Source Lighting
74	Broadwater & 32nd	SWC	Christian School
75	Broadwater & 29th	SWC	Residential
76	Broadwater & Gay Pl.	SEC	Office Center
77	Broadwater & Parkview	NWC	Lillis Park
78	Broadwater & Vermillion	NEC	Empty Blvd.
79	Broadwater & 35th	SEC	Apartments
80	Central & 6 th	SWC	Lot
81	Central & 8 th	NEC	Auto Repair
82	Central & 8 th	SWC	Kwik Way
83	Central & 12 th	NEC	Batteries Plus
84	Central & 12 th	SWC	Parking Lot
85	Central & 15 th	NWC	Bucks Bar
86	Central & 15 th	NEC	Enduro Seat Covers
87	Central & 19 th	NEC	Church
88	Central & 19 th	SWC	Empty Lot
89	Central & Santa Fe	SEC	Frame Shop
90	Central & Santa Fe	SWC	Mongolian Grill
91	Central & Santa Fe	NWC	Apartments
92	Central & 24 th	SWC	Hardees
93	Central & 24 th	NEC	Car Wash
94	Central & 24 th	NWC	US Bank
95	Central & 29 th	SWC	Brewer Dental
96	Central & 29 th	NWC	Condos
97	Central & 32 nd	SWC	Altana Federal Credit
98	Central & 32 nd	SEC	Quest
99	Central & 32 nd	NEC	Empty Lot
100	Central & 35th	NWC	Lot
101	Mall Dr. & 24 th	NWC	Rimrock Mall
102	Mall Dr. & 24 th	SEC	Strip Mall
103	Grand & Division	SWC	Office Building
104	Grand & 3 rd	NEC	Apartments
105	Grand & 3 rd	SWC	Office Building

106	Grand & 5 th	SWC	Parking Lot
107	Grand & 8 th	SWC	Empty Lot
108	Grand & 8 th	NEC	Holiday Station
109	Grand & 13 th	NWC	Dotty's Casino
110	Grand & 13 th	SWC	Football Field
111	Grand & 13 th	NEC	Casino
112	Grand & 14 th	SWC	O'Reilly's Auto Parts
113	Grand & 14 th	NEC	Aaron's
114	Grand & 15 th	SWC	Mustard Seed
115	Grand & 15 th	SEC	Blood Bank
116	Grand & 15 th	NEC	Grand Fireplace
117	Grand & 16 th	SWC	Pizza Hut Parking Lot
118	Grand & 17 th	SWC	Mattress King
119	Grand & 18 th	NEC	Kids Store
120	Grand & 19 th	NEC	Gunsmith
121	Grand & 19 th	SWC	Pittsburg Paint
122	Grand & 24 th	NWC	Security Federal
123	Grand & 24 th	SEC	Optical
124	Grand & 30 th	SEC	Stone Mtn Pottery
125	Grand & 32 nd	SEC	Field
126	Lewis & 15 th	NWC	Residential
127	Lewis & 15 th	SEC	Park
128	Lewis & 15 th	NEC	Mobile Home Park
129	Lewis & 16 th	NEC	Residential
130	Lewis & 19 th	NEC	Residential
131	Lewis & 24 th	SEC	Kwik Way
132	Lewis & 24 th	NEC	Empty Lot
133	Lewis & 24 th	SWC	Residential
134	Lewis & 24 th	NWC	Church
135	Montana & N27 th	SEC	St. Vincent DePaul
136	Monad & 19 th	NEC	Par 3
137	Monad & 19 th	SWC	Northwestern Energy
138	Monad & 24 th	NWC	Auto Dealer
139	Monad & 24 th	NEC	Kwik Way
140	Monad & 24 th	SWC	Car Lot
141	Monad & 26 th	NEC	Car Lot
142	Parkhill & Virginia Ln.	SWC	Residential
143	Parkhill & 13 th	SWC	Residential
144	Parkhill & 17 th	SEC	Residential
145	Parkhill & 17 th	NEC	Empty Lot
146	Poly & Ash St.	NWC	MSU-B
147	Poly @ Rocky Ent.	NEC	RMC
148	Poly & 17 th	SEC	17 th St. Station

149	Poly & 15 th	SWC	Granary
150	Poly & 13 th	NEC	Residential
151	Poly & N27	SEC	Rock Pile
152	Poly & N27	NWC	MSUB
153	Poly & Rehberg	SEC	Church
154	Poly & Rehberg	SWC	Residential
155	Poly & Rehberg	NWC	Residential
156	Poly & Zimmerman Tr.	SWC	Lot
157	Rehberg & Colton	NWC	Empty Lot
158	Rehberg & Av B	SEC	Car Wash
159	Rehberg & Av C	NWC	Residential
160	Pueblo & 24 th	SEC	Nutra-Life
161	Rimrock & 13 th	SWC	School
162	Rimrock & 13 th	NEC	Residential
163	Rimrock & 17 th	NEC	Residential
164	Rimrock & 17 th	SEC	Dental Office
165	Rimrock & Rehberg	SEC	Residential
166	Rimrock & Rehberg	NEC	Residential
167	Rimrock & 38 th	SWC	St. John's
168	Rimrock & Zimmerman Tr.	NEC	Residential
169	Rimrock & Yucca	SWC	MSU-B Parking
170	Rimrock & Virginia Ln.	NEC	Residential
171	Rosebud & 24 th	NEC	Pier One
172	Lampman & 24 th	NWC	Barnes & Noble
173	St. Johns & 24 th	NWC	Sports Authority
174	St. Johns & 24 th	SEC	Mt. Olive Church
175	Stillwater & 24 th	SWC	Golden Corral
176	24th St. W @ Old Chicago	NWC	Empty Lot
177	24th St. W & Alderson	SEC	Bargain Store
178	24th St. W & Rosebud	NEC	Parking Lot
179	24th St. W & Av. C	SEC	Parking Lot
180	Main & Airport Rd.	SEC	Parking Lot
181	Main & Airport Rd.	NWC	Parking Lot
182	Main & Lake Elmo Dr.	SEC	Fast Break Auto Glass
183	Main & Hansen	NWC	First Interstate Bank
184	Main & Hilltop	SWC	Bank
185	Main & Hilltop	NWC	Bank
186	Main & Hilltop	SEC	Rich's Flooring
187	Main & Crow	NWC	KFC
188	Main & Lake Elmo	NWC	Casino
189	Main @ Don's Car Wash	SEC	Don's Car Wash
190	Main & Logan	SEC	Kwik Way
191	Main & Logan	NWC	Parking Lot

192	Main & Radford	SEC	Empty Lot
193	Main & Milton	SEC	Strip Mall
194	Main & Milton	NWC	Blockbuster
195	Main & Wicks	SWC	Security Bank
196	Main & Wicks	SEC	C-Store
197	Main & Judith	SEC	Four Seasons
198	Main & Liberty	NWC	TSC Store
199	Main & Pemberton	NEC	Car Wash
200	Main @ Target	NEC	Target Ent.
201	Hilltop & Yellowstone Rv.Rd.	SWC	Residential
202	Wicks @ Clinic	SWC	St. Vincent Clinic
203	Wicks & Babcock	SWC	Planned Parenthood
204	Wicks @ Wal-Mart	SWC	Lot
205	Wicks & Bench	NEC	Church
206	Wicks & Hawthorne	SEC	Empty Lot
207	Wicks & Lake Elmo	SWC	Office Building
208	Wicks & Lake Elmo	NEC	Church Parking
209	Wicks & Lake Elmo	NWC	Salon
210	Alkali Creek & Senators	NEC	Residential
211	Senators & Gold Dust	SWC	Empty Lot
212	Lake Elmo & Reda	NWC	Residential
213	S 26 th W & Phyllis Ln	NWC	Apartments
214	King Av W & 24th	NWC	City Brew
215	King Av W & 29th	SWC	Cattle Company
216	King Av W & 28th	NEC	Verizon
217	King Av W @ Rocky Mtn. B	NEC	Bank
218	King Av W @ Stockman Bk.	SWC	Bank
219	King Av W & 20th	NEC	Holiday C-Store
220	King Av W & Kingpark Dr.	NEC	Bldv.
221	King Av W & 30th	NEC	Used Car Lot
222	King Av E & Newman	NEC	Lot
223	King Av E & Hallowell	NEC	Lot
224	King Av E & Calhoun	NEC	Lot
225	Kingpark Dr. & Rosebud	SEC	Strip Mall
226	Monad & 19th St. W	NEC	Par 3
227	Monad & 32 nd	SWC	Bldv.
228	State & Orchard	SWC	3G's
229	S. Blgs Blvd & Wonderpark	SWC	Industrial
230	Laurel Rd & Marshall Dr.	SWC	Parking Lot
231	Laurel Rd & Moore Ln	SWC	Bldv.
232	N24th @ 1st Av & 2nd	MDL	Sage Tower
233	1 st Ave N & 13th	NEC	Lot
234	1 st Ave S & S 27th	SEC	Riverstone Health

235	2 nd Ave N & 30th	SWC	Parking Lot
236	3 rd Ave N & 30th	NEC	Parking Lot
237	Colton & 17th	SWC	Office Building
238	Grand & Rehberg	SWC	Hair Salon
239	Grand & Rehberg	NEC	C Store
240	Lewis & 8 th	NEC	Boulevard
241	Lewis & 13 th	SWC	Residential
242	Lewis & 14 th	NEC	Lewis & Clark
243	Montana & N 27 th	NWC	Office Building
244	Poly & North 29 th	SEC	Hospital Lot
245	Rimrock & Beartooth	NEC	Boulevard
246	Rimrock & 38 th	NEC	Walking Path
247	Main & Papa Murphy's	NEC	Papa Murphy's Pizza
248	Broadwater & 32 nd	NWC	Golf Course
249	Broadwater & 29 th	SEC	Church
250	Central & Moore Ln	NEC	Rental Shop
251	Bench & Lynch	SWC	Behind Walmart
252	King Ave W & 24 th	NWC	City Brew
253	King Ave W @ Lithia	NEC	Auto Dealer
254	King Ave W & Shiloh	SEC	First Interstate Bank
255	King Ave W @ Kohl's	SEC	Walking Path
256	King Ave W & 32 nd	SWC	Walking Path
257	King Ave E & Calhoun	SWC	Cabela's
258	Monad & 32 nd	SWC	Boulevard
259	Monad & 38 th	SEC	Boulevard
260	Gabel Rd & Zoo Dr	NWC	Field
261	Gabel Rd & 32 nd	NWC	Lot
262	Spring Cr & Broso Park	NEC	VA Clinic
263	Majestic & Broso Park	NWC	VA Clinic
264	State & Hallowell	SEC	Dollar Store
265	Shiloh @ Scheel's Exit	SEC	Lot
266	Shiloh & Pierce Parkway	NEC	Lot

ON-TIME PERFORMANCE

Standard

MET operates on a pulse system. This means that one set of buses arrives and departs the Transfer Centers at the same time and then a second set of buses arrives and departs the Transfer Centers. A vehicle is considered on time if it departs the Transfer Center no more than 5 minutes late. It is also unacceptable for vehicles to depart the Transfer Center ahead of schedule.

While there are posted time points along each route, on-time performance is primarily measured at the Transfer Centers. Due to the fact that the majority of transfers are conducted at the transfer centers, it

is imperative for the efficient operation of the system that vehicles are “on-time” at the Transfer Centers to accommodate those transfers.

Policy

MET’s on-time performance objective is 90% or greater.

Methodology

MET currently tracks this data through our security camera’s on all buses, as they record the length of time of each trip.

Comparison to Service Standard

Currently all buses on each route maintains their on-time performance. Adjustments are made whenever it is deemed necessary.

TRANSIT ACCESS

Standard

MET routes were designed to distribute and provide service equitably throughout the City. Our routes are situated so that the majority of residents are within a ¼ mile walk of bus service. Additionally, the highest concentration of low income population exists in the southern portion of our city and three of our routes serve that area.

Policy

When providing transit service to an area, it is the policy of MET to provide service that is most helpful to the largest populations of Billings’ low income and minority districts.

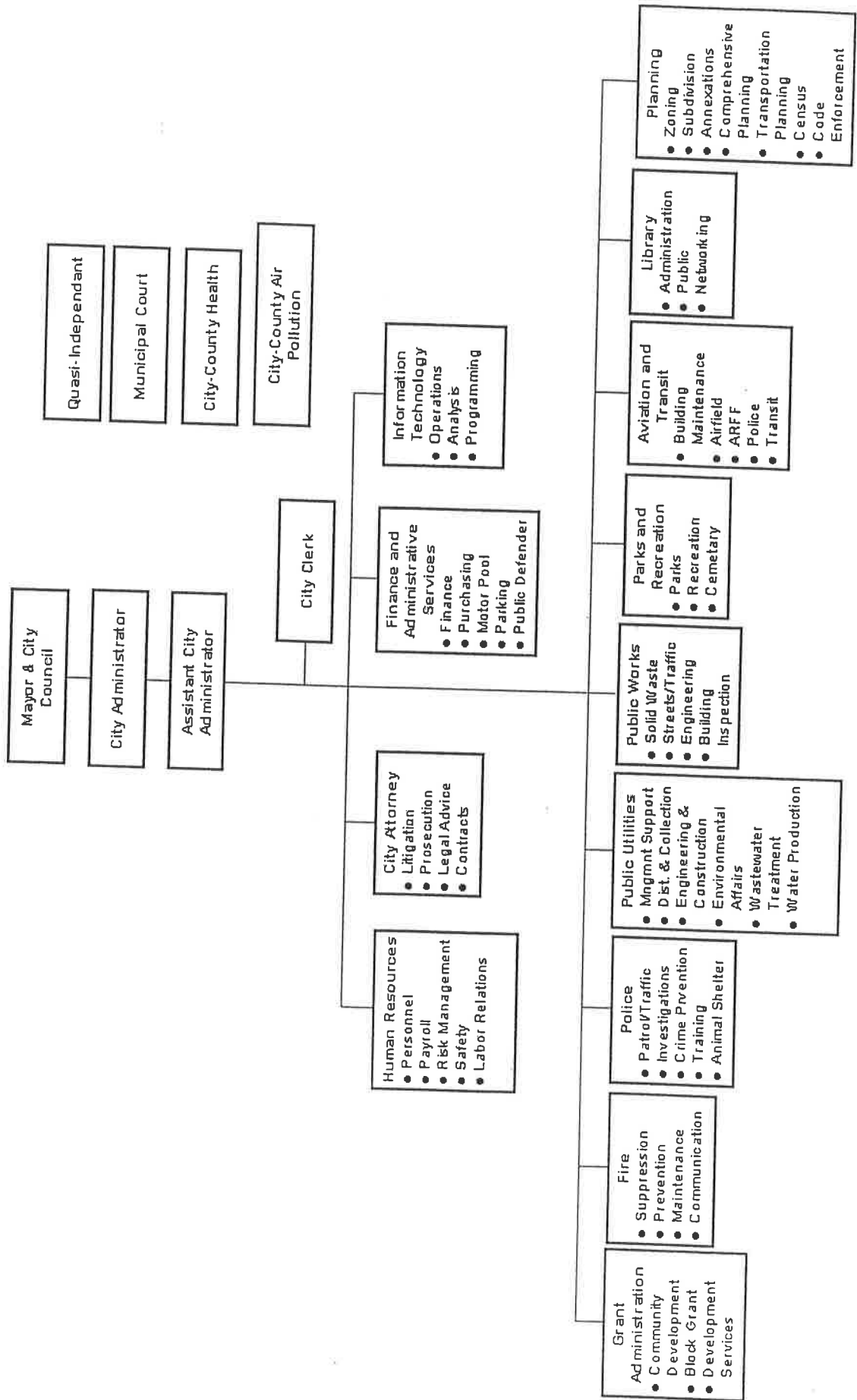
Methodology

Demographic profile maps indicate that our routes service our targeted populations.

Comparison to Service Standard

Billings has a 90% White population, a 5% Hispanic population and 5% other population (Black, American Indian, Asian, Native Hawaiian, etc.). All of our buses are equipped with wheelchair lifts and all of our routes are distributed equitably throughout the City providing equal access to all riders.

CITY OF BILLINGS ORGANIZATIONAL CHART



MET Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services or programs on the basis of race, color or national origin or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability in connection with the provision of transportation service.

To obtain more information on MET Transit's nondiscrimination obligations or to file a Title VI complaint, contact Debra Hagel, Transit Planner at 657-8218 or fax 657-8419. You may file a written complaint no later than 180 days after the date of the alleged discriminate at:

**City of Billings, MET Transit
Debra Hagel, Transit Planner
P.O.Box 1178
Billings, MT 59103**



MET Transit es cometido al contrato de un seguro que ninguna persona es excluida de la participación en, o negada los beneficios de, o ser sujeta a la discriminación en el recibo de sus servicios o programas sobre la base de raza, color o origen en nacional o cualquier otra característica protegida según la ley, incluso el Título VI del Acto de Derechos Civil de 1964, como enmendado. Adelante, bajo el Acto de Americanos con Discapacidades (ADA) de 1990, ninguna entidad discriminará a un individuo con una discapacidad física o mental en relación a la provisión del servicio de transporte.

Para obtener más información en las obligaciones de no discriminación del MET Transit o archivar una queja de Título VI, póngase en contacto con Debra Hagel, Planificador de Tránsito en 657-8218 o el fax 657-8419. Usted puede presentar una demanda escrita no más tarde que 180 días después de que la fecha del presunto discrimina en:

**City of Billings, MET Transit
Debra Hagel, Transit Planner
P.O.Box 1178
Billings, MT 59103**



Language Interpreters Call Out List

Revised February 26, 2015

<u>LANGUAGE</u>	<u>NAME</u>	<u>PHONE NUMBER</u>
<u>ARABIC</u>		
<u>CHINESE- CANTONESE</u>	Vicki Aguilar	(406)698-6181 (cell)
	Kalvin Tang	(406)672-2086 (cell)
	Stella Lee	(406)652-3894 (H) (406)661-6444 (cell)
<u>CHINESE- MANDARIN</u>	Stella Lee	(406)652-3894 (H) (406)661-6444 (cell)
<u>DANISH</u>	Inga Larsen	(406)656-6557 (H)
<u>FRENCH</u>	Vicki Derry	(406)656-5732 (H)
<u>GERMAN</u>	Uri Barnea	(406)672-2097 (cell)
	Hanneclore Carter	(406)259-8561 (H)
<u>HEBREW</u>	Uri Barnea	(406)672-2097 (cell)
<u>HUNGARIAN</u>	Uri Fulop	(406)670-1814 (cell)
<u>ICELANDIC</u>	Inga Larsen	(406)656-6557 (H)
<u>ITALIAN</u>		
<u>JAPANESE</u>	Makiko Yamashita	(406)861-2095 (cell)
<u>KOREAN</u>	Dae Shinn	(406)672-4285 (cell)
<u>LATVIAN</u>	Jolanda Cagle	(406)672-1671 (cell)
	Baiba Fulop	(406)248-2715 (cell)
<u>NORWEGIAN</u>	George Sarsten	(406)656-2956 (H)
<u>PAKISTANI</u>	DR. Shafiq Khaleel	(406)252-2040 (H)
	Dafneem Khaleel	(406)252-2040 (H)
<u>POLISH</u>	DR. Nina Tomasewshi	(406)238-6380 (W)
<u>PERSIAN/FARCEE</u>	Gina Amini	(406)245-8127 (H)
<u>PORTUGESE</u>		

Language Interpreters Call Out List

RUSSIAN

Jolanda Cagle	(406)672-1671 (cell)
DR. Nina Tomasewshi	(406)238-6380 (W)

SIGN LANGUAGE

Brenda Burch	(406)252-0426 (H) (406)861-3536 (cell)
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SLOVAK

Milous Repka	(406)238-0092 (H)
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SPANISH

Dr. G.A. St. John Robinson	(406)256-9573 (H) (406)657-2966 (W)
Michelle Cormier	(406)661-2200 (cell)
Angie Cormier	(406)661-5200 (cell)
Margarita Valencia-Naranjo	(406)208-1353 (cell)
Daisy Valencia-Naranjo	(406)371-6525 (cell)

SWEDISH

TIAWANESE

Dan A. Danahy	(406)656-2165 (H)
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YUGOSLAVIAN

YIDDISH

Uri Barnea	(406)672-2097 (cell)
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LANGUAGE SPOKEN AT HOME					(X)
Population 5 years and over	99,582	+/-365	99,582		+/-0.5
English only	95,543	+/-658	95.9%		+/-0.5
Language other than English	4,039	+/-537	4.1%		+/-0.3
Speak English less than "very well"	1,137	+/-303	1.1%		+/-0.3
Spanish	1,633	+/-346	1.6%		+/-0.2
Speak English less than "very well"	485	+/-223	0.5%		+/-0.2
Other Indo-European languages	927	+/-226	0.9%		+/-0.1
Speak English less than "very well"	118	+/-51	0.1%		+/-0.2
Asian and Pacific Islander languages	587	+/-199	0.6%		+/-0.2
Speak English less than "very well"	401	+/-176	0.4%		+/-0.3
Other languages	892	+/-286	0.9%		+/-0.1
Speak English less than "very well"	133	+/-109	0.1%		+/-0.1

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Superior Homes Subdivision, Amended Lot 8, Block 1 - Subsequent Minor Preliminary Plat

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On March 15, 2016, Interstate Engineering, agent for Dylan and Kelly Durose, applied for preliminary Subsequent Minor plat approval for Superior Homes Subdivision, Amended Lot 8, Block 1. The proposed subdivision creates 2 lots for residential development. The subject property is generally located at 2139 Lake Elmo Drive, north of Sharron Lane. The property is zoned Residential 6000 (R-60). There is one existing home on the northern side of the parcel and the new lot to the south will be available for new residential construction.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this subsequent minor preliminary plat. The 35 working day review period for this proposed plat ends on May 3, 2016. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the review period, the City Council is required to:

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

FINANCIAL IMPACT

Should the City Council approve the preliminary plat, the applicant is expected to complete the final plat approval process and the subject property may further develop under private ownership, resulting in additional tax revenues.

BACKGROUND

General location:	Generally located at 2139 Lake Elmo Drive, north of Sharron Lane.
Legal Description:	Superior Homes Subdivision, Lot 8, Block 1
Owner/Subdivider:	Dylan and Kelly Durose
Engineer and Surveyor:	Interstate Engineering
Existing Zoning:	Residential-6000 (R-60)
Existing land use:	Residential
Proposed land use:	Residential
Gross/net area:	24,111 square feet

Proposed number of lots: 2
Lot size: 12,058.09 sf / 12,053.03 sf
Parkland requirements: In accordance with 76-3-621(3)(c), MCA this subdivision is exempt from parkland dedication.

STAKEHOLDERS

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

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 City of Billings and Yellowstone County Growth Policy, the 2014 Billings Urban Area Long Range Transportation Plan, the 2011 Billings Area Bikeway and Trail Master Plan, and the Billings Heights Neighborhood Plan are discussed within the Findings of Fact.

SUMMARY

RECOMMENDATION

Staff recommends conditional approval of the preliminary subsequent minor plat of Superior Homes Subdivision, Amended Lot 8, Block 1, and adoption of the Findings of Fact as presented in the staff report to the City Council.

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

1. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
Mayors Letter

Findings of Fact

The Planning staff has prepared the Findings of Fact for the preliminary plat of Superior Homes Subdivision, Amended Lot 8, Block 1. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3)(a) and BMCC 23-303(H)(1)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used for agriculture, and has no irrigation facilities serving it. There is currently one single family dwelling on the subject lot and the owners are proposing to create one additional lot for infill development. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on vacant areas already within the urban core. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service for the proposed lots is provided by County Water District of Billings Heights (CWDBH). There is existing water service from a water main in Lake Elmo Drive for the existing residential structure. When the new lot develops a new water service to the new lot will be installed and any applicable fees paid at that time. No changes are proposed to the existing water service to the existing house.

Sewer services are to be provided by the City of Billings. The existing sewer service is from the sewer main in Lake Elmo Drive. When the new lot develops a new sewer service to the new lot will be installed and any applicable fees paid at that time. No changes are proposed to the existing sewer service to the existing house.

Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat (**Condition #1**).

- b. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual.
- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – The property currently has an existing access on Lake Elmo Drive. Any new access to the proposed lot would be reviewed by the City of Billings Engineering division.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1601 St. Andrews Drive (Station #6), the only station in the Billings Heights. The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** –This residential subdivision should have a minimal effect on schools since only one additional lot is being created.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision.
- h. **Mail Delivery** - The United States Postal Service may require that a Central Box Unit be installed for new on-site delivery. However, since only one additional residence is proposed, the USPS will have to review the delivery method in this area.

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development on the property will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

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

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

- a. **Goal:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).
- b. **Goal:** New developments that are sensitive to and compatible with the character of adjacent city neighborhoods and County townsites (p.6).
- c. **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).
- d. **Goal:** More housing and business choices within each neighborhood (p. 6).

2. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified within the plan.

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan covers this area. No new improvements will be required with this subdivision to meet the Trail Plan recommendations. However, pedestrian facilities are being installed on Bench Blvd. and when development occurs on the subject property, boulevard sidewalk will be required to be installed by the developer on Ahoy Avenue and Rome Street.

4. The Billings Heights Neighborhood Plan

This proposed subdivision is in compliance with several of the goals and objectives of the Heights Neighborhood Plan including:

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.

Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.

Goal: Encourage infill housing.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]

The subject property is located in Residential-7000 zoning. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

The plat provides easements for utilities throughout the proposed subdivision. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #1**).

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-303(H)(2)(c)]

Access to the subdivision shall be from an existing access on Bench Blvd. Bench Blvd. is a controlled access corridor as per MDOT. Any additional approaches or modifications to the existing approaches will require MDOT approval. Approaches onto Ahoy Ave. or Rome St. shall meet the requirements of the City of Billings site development ordinance.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Superior Homes Subdivision, Amended Lot 8, Block 1, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy, and the 2006 Billings Heights Neighborhood Plan, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, April 25, 2016

Thomas W. Hanel, Mayor

AMENDED PLAT

LOT 8, BLOCK 1

SUPERIOR HOMES SUBDIVISION

CITY OF BILLINGS, MONTANA

OLD DESCRIPTION:
Lot 8, Block 1 of Superior Home Subdivision

NEW DESCRIPTION:
Lot 8A, Block 1 of Superior Home Subdivision

Lot 8B, Block 1 of Superior Home Subdivision

CERTIFICATE OF OWNER'S INTENT
We certify that the purpose of this survey is within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(2)(a), MCA, and the City of Billings Subdivision Regulations.

We also certify that this survey is located within jurisdictional areas that have adopted grow policies pursuant to chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided. Therefore, this survey is exempt from review by the Department of Environmental Quality pursuant to Section 76-4-125(2)(d).

Dated this _____ day of _____, 20_____.

Dylan J. DuRose _____

Kelly M. DuRose _____

STATE OF _____)
COUNTY OF _____) ss

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Dylan J. and Kelly M. DuRose, known to me to be the person/persons who signed the foregoing Certificate of Owner's Intent and who acknowledged to me that they executed the same. Witness my hand and seal, the day and year herein above written.

Notary Public in and for the State of _____ Residing at _____ My Commission expires _____

VICINITY MAP



CERTIFICATE OF GOVERNING BODY
I, Mayor of Billings, do hereby certify that the use of the exemption claimed on the accompanying plat has been duly reviewed, and has been found to conform to the requirements of the MSPA, Section 76-3-101, et seq., MCA, and the City of Billings Subdivision Regulations.

Dated this _____ day of _____, 2016.

Mayor, City of Billings _____

Attest: _____
City Clerk

CERTIFICATE OF COUNTY TREASURER
I hereby certify, pursuant to Section 76-3-611(1)(b), M.C.A., that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

Dated this _____ day of _____, 2016.

_____, Treasurer

SURVEYOR'S CERTIFICATE
I, Adam Clayton Thompson, a Montana Professional Land Surveyor, do hereby certify, that I have performed the survey shown on the attached plat in November 2015, and that said survey is true and complete as shown and that the monuments found and set are of the character and occupy the positions shown thereon. This survey was performed at the request of Dylan and Kelly DuRose.

Adam Clayton Thompson, Montana PLS No. 20341



LEGEND

- ✕ FOUND - QUARTER SECTION CORNER
- ⊕ FOUND - SECTION CORNER (R) RECORD DISTANCE
- FOUND - MONUMENT CORNER (M) MEASURED DISTANCE
- SET - REBAR WITH ORANGE PLASTIC CAP - RLS 20341 LS

BASIS OF BEARING:
WEST LINE - SECTION LINE 31 (N00°06'38"E)

© INTERSTATE ENGINEERING INC. 2016

SEC	TWN	RNG	STATE OF MONTANA COUNTY OF _____ FILED FOR RECORD THIS _____ DAY OF _____, 20____ A.D. AT _____ O'CLOCK _____ M.
15	1N	26E	COUNTY CLERK AND RECORDER BY _____ DEPUTY FEE PAID \$ _____
AMENDED PLAT NUMBER: _____			

Revision No.	Date	By	Description

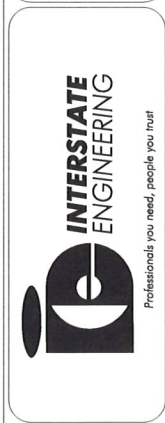
AMENDED PLAT
LOT 8, BLOCK 1
SUPERIOR HOMES SUBDIVISION
CITY OF BILLINGS, MONTANA

Drawn By: A.M.R.
Checked By: A.C.T.

Project No.: Y15-11-007
Date: JANUARY 2016

Interstate Engineering, Inc.
P.O. Box 20953
1211 Grande Avenue, Suite 6
Billings, Montana 59104
Ph: (406) 256-1920
Fax: (406) 256-9178
www.interstateeng.com

Other offices in Minnesota, North Dakota and South Dakota



April 25, 2016

Dylan and Kelly Durose
2139 Lake Elmo Drive
Billings, MT 59105

Dear Property Owners:

On April 25, 2016, the Billings City Council conditionally approved the preliminary plat of Superior Homes Subdivision, Amended Lot 8, Block 2, subject to the following conditions of approval:

1. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

If you have questions please contact Dave Green at (406) 247-8666 or by email at greend@ci.billings.mt.us.

Sincerely,

Thomas W. Hanel, Mayor

Pc: Interstate Engineering Inc. Aaron Redland

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Payment of Claims March 28, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$901,399.27 have been audited and are presented for City Council payment approval. A complete listing of the claims dated March 28, 2016, 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

councilmemo_3.28.2016

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792522	AirSide Solutions Inc	\$ 2,908.10	5610-71130-403653	Invoice #24587D-02. Flushmounts - In pavement lights for airfield lighting
03/28/2016	792527	Archie Cochrane	\$ 40.82	0100-51120-402320	5176920
03/28/2016	792527	Archie Cochrane	\$ 134.49	1500-22310-402320	5176935
03/28/2016	792527	Archie Cochrane	\$ 8.28	1500-21120-402320	5176985
03/28/2016	792527	Archie Cochrane	\$ 39.90	2110-31320-402320	5176995
03/28/2016	792527	Archie Cochrane	\$ 16.00	6010-15500-402320	5177030
03/28/2016	792527	Archie Cochrane	\$ 18,840.00	5030-74910-409440	Schedule 2 2016 Model Four Door Sedan No Trade New vehicle for PWA Exterior color-Deep Impact Blue Interior color-Dune Cloth 2016 Ford Fusion
03/28/2016	792530	Auto Trim Design	\$ 398.00	5020-73120-402320	NONSTOCKING ITEMS-P.U.D.
03/28/2016	792530	Auto Trim Design	\$ 398.00	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
03/28/2016	792530	Auto Trim Design	\$ 598.00	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
03/28/2016	792530	Auto Trim Design	\$ 861.05	5020-73120-402320	NONSTOCKING ITEMS-P.U.D.
03/28/2016	792530	Auto Trim Design	\$ 815.91	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
03/28/2016	792540	Bound Tree Medical LLC	\$ 38.64	2200-22390-409460	0064-02 MAGNESIUM SULFATE 50%, 1GM, 2ML VIAL 25EA/BX
03/28/2016	792540	Bound Tree Medical LLC	\$ 19,799.76	2200-22390-409460	0370-01 CYANOKIT 5GM HYDROXOCOBALAMIN KIT, CONTAINS 1 IV ADMIN SET AND 1 TRANSFER SPIKE, 16EA/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 131.88	2200-22390-409460	0618-16 MINERAL HVY OIL 16OZ
03/28/2016	792540	Bound Tree Medical LLC	\$ 2,507.94	2200-22390-409460	0812-00 NITHIODOTE KIT, INCL ONE SODIUM NITRITE (300MG/10ML VIAL) AND ONE SODIUM THIOSULFATE (12.5GM/50ML)
03/28/2016	792540	Bound Tree Medical LLC	\$ 558.00	2200-22390-409460	710100 THERAPEUTIC LENS 12/BOX MORGAN
03/28/2016	792540	Bound Tree Medical LLC	\$ 15.00	2200-22390-409460	30055 MEDSTROM - NEBULIZER W/TEE ADULT 50/EA (CASE)
03/28/2016	792540	Bound Tree Medical LLC	\$ 16.20	2200-22390-409460	30557 MEDSTROM - NEBULIZER W/MASK ADULT 50EA/CASE
03/28/2016	792540	Bound Tree Medical LLC	\$ 17.10	2200-22390-409460	0003 BITE STICK, LATEX FREE 10EA/PK
03/28/2016	792540	Bound Tree Medical LLC	\$ 17.88	2200-22390-409460	2114-31412 MEDSTROM - NG TUBE 16FR 280EA/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 17.88	2200-22390-409460	2114-32216 MEDSTROM - NG TUBE 12FR 280EA/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 1.86	2200-22390-409460	1340-67507 MEDICHOICE LUBRICATING JELLY, STERILE 5GM PACKET 150EA/BOX
03/28/2016	792540	Bound Tree Medical LLC	\$ 67.74	2200-22390-409460	118-2B0962EA LIDOCAINE 2GM/DEXTROSE 5% 250ML BAG
03/28/2016	792540	Bound Tree Medical LLC	\$ 6.12	2200-22390-409460	600-10 PREFILLED IV FLUSH SYRINGE STERILE 10ML NORMAL SALINE, 12ML SYRINGE
03/28/2016	792540	Bound Tree Medical LLC	\$ 79.08	2200-22390-409460	6102-04 FUROSEMIDE, 40MG, 4ML VIAL
03/28/2016	792540	Bound Tree Medical LLC	\$ 257.94	2200-22390-409460	373369 NALOXONE, 2MG, 2ML, LUER JET PREFILLED SYRINGE

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792540	Bound Tree Medical LLC	\$ 210.00	2200-22390-409460	0517113001 EPINEPHRINE, 1:1,000, 30MG, 30ML VIAL
03/28/2016	792540	Bound Tree Medical LLC	\$ 256.68	2200-22390-409460	374911 ATROPINE, 1MG, 10ML LIFESHIELD PREFILLED SYRINGE
03/28/2016	792540	Bound Tree Medical LLC	\$ 791.88	2200-22390-409460	6006-10 ATROPINE, 8MG, 20ML VIAL
03/28/2016	792540	Bound Tree Medical LLC	\$ 43.14	2200-22390-409460	9501-25 ALBUTEROL 0.083% 2.5MG/3ML 25 VIALS/BX
03/28/2016	792540	Bound Tree Medical LLC	\$ 1,713.00	2200-22390-409460	000002145001 GLUCAGON 1MG LILLY KIT RED BOX 2050A
03/28/2016	792540	Bound Tree Medical LLC	\$ 168.84	2200-22390-409460	311-19 CALCIUM GLUCONATE 10%, 100MG/ML 10ML VIAL 25/PK
03/28/2016	792540	Bound Tree Medical LLC	\$ 569.94	2200-22390-409460	371255 ADENOCARD 12MG, 4ML ANSYR SYRINGE 1002C
03/28/2016	792540	Bound Tree Medical LLC	\$ 311.94	2200-22390-409460	373412 ADENOCARD 6MG/2ML ANSYR SYRINGE
03/28/2016	792540	Bound Tree Medical LLC	\$ 100.74	2200-22390-409460	9746-10EA TERBUTALINE 1MG, 1ML VIAL 10EA/BX
03/28/2016	792540	Bound Tree Medical LLC	\$ 173.88	2200-22390-409460	371035 SODIUM BICARBONATE, 8.4%, 50ML LUER JET PREFILLED SYRINGE
03/28/2016	792540	Bound Tree Medical LLC	\$ 171.48	2200-22390-409460	371651 THIAMINE, 100MG/ML, 2ML VIAL
03/28/2016	792540	Bound Tree Medical LLC	\$ 77.28	2200-22390-409460	16662 MEDSTROM - TOURNIQUET LF 25PC BOX 30BX/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 35.88	2200-22390-409460	353444 EXTENSION SET CSE8SL ULTRASITE NEEDLEFREE VALVE STANDARD BORE 6 1/2 IN 100/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 1.56	2200-22390-409460	1633-03010 SYRINGE ONLY, 10CC, LUER SLIP, 100EA/BX 12BX/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 3.48	2200-22390-409460	620010 SYRINGE ONLY LUER LOCK 10CC 100EA/BX
03/28/2016	792540	Bound Tree Medical LLC	\$ 1.08	2200-22390-409460	132-309585EA SYRINGE, BD, 3CC LUER LOCK TIP, DISPOSABLE 800EA/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 23.52	2200-22390-409460	8361 SAFETEC SPRAY BOTTLE, ISOPROPYL ALCOHOL 2OZ 24EA/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 568.38	2200-22390-409460	10237 HARTWELL, VENTILATOR, SUREVENT DISPOSABLE TUBING/HOSE/MANOMETER 10EA/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 7,739.94	2200-22390-409460	2144-KV311 KING VISION KIT INCL 1 REUSABLE DIGITAL DISPLAY, 3 CHANNELED DISPOSABLE BLADES, 1 STANDARD DISP BLADE, CD
03/28/2016	792540	Bound Tree Medical LLC	\$ 101.70	2200-22390-409460	2733-57505 PROBE COVERS, BRAUN THERMOSCAN THERMOMETER, DISPOSABLE 200/BX 25BX/CS
03/28/2016	792540	Bound Tree Medical LLC	\$ 36.12	2200-22390-409460	601324X NACL IV BAGS (1000)
03/28/2016	792540	Bound Tree Medical LLC	\$ 71.82	2200-22390-409460	0616-03 AMIODARONE, 150MG, 3ML VIAL
03/28/2016	792540	Bound Tree Medical LLC	\$ 58.32	2200-22390-409460	00744490301 LIDOCAINE, 2%, 100MG, 5ML ANSYR PREFILLED SYRINGE
03/28/2016	792540	Bound Tree Medical LLC	\$ 6.60	2200-22390-409460	0074488810 SODIUM CHLORIDE 0.9% 10ML PLASTIC FLIP-TOP SINGLE DOSE VIAL 2112 25EA/BX

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792540	Bound Tree Medical LLC	\$ 67.50	2200-22390-409460	370741 TETRACAINE 0.5% GTTS 2ML BOTTLE 12EA/BX
03/28/2016	792540	Bound Tree Medical LLC	\$ 224.97	2200-22390-409460	2370-63016 PEEP OXYGEN SYSTEM
03/28/2016	792540	Bound Tree Medical LLC	\$ 15.62	2200-22390-409460	SHIPPING: INVOICE #82084640
03/28/2016	792541	Brenntag Pacific Inc	\$ 3,523.00	5120-84000-402220	Calcium Hypochlorite
03/28/2016	792543	Business Tax Section	\$ 812.86	2100-31100-409311	WO 15-05 Poly Drive Bike/Pedestrian; Fund Trsfr from 8450 \$55.24
03/28/2016	792543	Business Tax Section	\$ 1,232.66	8450-31860-409310	WO 15-05 Poly Drive Bike/Pedestrian; Fund trsfr to 2100 (55.24)
03/28/2016	792543	Business Tax Section	\$ 291.88	8400-00000-201100	WO 12-31 Yegen Drain Phase 1
03/28/2016	792543	Business Tax Section	\$ 737.94	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion; CO # 1 06/30/15
03/28/2016	792543	Business Tax Section	\$ 75.17	2050-00000-201100	WO 16-03 2016 Overlay/Crack Seal - Contract #1 Crack Seal
03/28/2016	792552	Custom Concrete Inc	\$ 4,961.00	1500-21500-403967	Sidewalk repair.
03/28/2016	792564	Downtown Billings Partnership, Inc.	\$ 64,584.25	2030-15130-407946	4th Quarter FY2016
03/28/2016	792565	Dxp/Strategic Supply Inc	\$ 1,463.00	1500-22290-402410	045123: enforcement BREATHING CARTRIDGES
03/28/2016	792565	Dxp/Strategic Supply Inc	\$ 877.80	2200-22330-402410	045135 CBRN cap-1: HAZMAT/CANISTER BREATHING CARTRIDGES
03/28/2016	792565	Dxp/Strategic Supply Inc	\$ 1,380.00	1500-22290-402640	XPP5570R: LOW PROFILE RIGHT ANGLE FLASHLIGHT
03/28/2016	792565	Dxp/Strategic Supply Inc	\$ 1,150.00	1500-22290-402640	NSP4650G, HELMET LIGHTS, BLACK
03/28/2016	792591	HDR, Inc.	\$ 25,115.53	5030-74910-409390	WO 15-10 WTP Chemical Building/Disinfection Improvements
03/28/2016	792596	Impact Absorbents, Inc.	\$ 943.83	2110-31320-402320	50404
03/28/2016	792596	Impact Absorbents, Inc.	\$ 943.84	5410-31220-402320	50404
03/28/2016	792596	Impact Absorbents, Inc.	\$ 943.87	6010-15530-402650	50404
03/28/2016	792600	Interstate Power Systems, Inc.	\$ 10,709.59	5410-31230-402320	R007036541.01
03/28/2016	792614	Kois Brothers Equipment Co	\$ 200.64	6010-00000-141000	106282 PO NUM 299564
03/28/2016	792614	Kois Brothers Equipment Co	\$ 315.85	5410-31220-402320	106234
03/28/2016	792614	Kois Brothers Equipment Co	\$ 1,800.95	5410-31220-402320	105796
03/28/2016	792614	Kois Brothers Equipment Co	\$ 117.11	5410-31220-402320	105796
03/28/2016	792614	Kois Brothers Equipment Co	\$ 825.86	5410-31220-402320	105823
03/28/2016	792614	Kois Brothers Equipment Co	\$ 3,351.00	5410-31220-402320	105952
03/28/2016	792614	Kois Brothers Equipment Co	\$ 303.21	5410-31220-402320	105952
03/28/2016	792614	Kois Brothers Equipment Co	\$ 843.30	5410-31220-402320	106312
03/28/2016	792614	Kois Brothers Equipment Co	\$ 76.28	5410-31220-402320	106312
03/28/2016	792621	Mailing Technical Services	\$ 72.80	0100-15120-403110	Finance
03/28/2016	792621	Mailing Technical Services	\$ 4,669.32	6050-15150-403110	Postage Fund (weekly bills)
03/28/2016	792621	Mailing Technical Services	\$ 61.05	2400-43010-403110	Planning - special mailing
03/28/2016	792630	Montana Dakota Utilities Co	\$ 623.31	1500-21710-403440	169 233 1000 3

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792630	Montana Dakota Utilities Co	\$ 1,327.67	2600-55120-403440	219 924 4851 0
03/28/2016	792630	Montana Dakota Utilities Co	\$ 1,038.75	5610-71130-403440	285 580 1000 6
03/28/2016	792630	Montana Dakota Utilities Co	\$ 3,374.27	5120-84000-403440	293 780 1000 2
03/28/2016	792630	Montana Dakota Utilities Co	\$ 6,748.53	5120-84000-403440	293 780 1000 2
03/28/2016	792630	Montana Dakota Utilities Co	\$ 3,374.27	5120-84000-403440	293 780 1000 2
03/28/2016	792630	Montana Dakota Utilities Co	\$ 12.03	5020-74000-403440	373 580 1000 9
03/28/2016	792630	Montana Dakota Utilities Co	\$ 12.03	5020-74000-403440	373 580 1000 9
03/28/2016	792630	Montana Dakota Utilities Co	\$ 115.73	0100-51270-403440	437 780 1000 9
03/28/2016	792630	Montana Dakota Utilities Co	\$ 54.32	0100-51120-403410	501 473 1000 2
03/28/2016	792630	Montana Dakota Utilities Co	\$ 37.99	1500-21150-403410	514 117 0478 9
03/28/2016	792630	Montana Dakota Utilities Co	\$ 45.20	5020-74000-403440	541 380 1000 1
03/28/2016	792630	Montana Dakota Utilities Co	\$ 68.99	6600-31100-403440	595 373 1000 1
03/28/2016	792630	Montana Dakota Utilities Co	\$ 103.50	6700-31410-403440	595 373 1000 1
03/28/2016	792630	Montana Dakota Utilities Co	\$ 4,066.90	5610-71120-403440	595 580 1000 1
03/28/2016	792630	Montana Dakota Utilities Co	\$ 27.22	5120-85000-403440	596 733 1000 5
03/28/2016	792630	Montana Dakota Utilities Co	\$ 732.13	5610-71170-403440	706 580 1000 7
03/28/2016	792630	Montana Dakota Utilities Co	\$ 13.88	5210-15920-403440	717 353 1000 6
03/28/2016	792630	Montana Dakota Utilities Co	\$ 73.92	5210-15950-403440	799 152 1209 0
03/28/2016	792630	Montana Dakota Utilities Co	\$ 13.34	5610-71170-403440	806 580 1000 6
03/28/2016	792630	Montana Dakota Utilities Co	\$ 376.72	1500-22210-403440	885 880 1000 4
03/28/2016	792630	Montana Dakota Utilities Co	\$ 32.50	5020-74000-403440	921 580 1000 6
03/28/2016	792630	Montana Dakota Utilities Co	\$ 1,840.14	6500-15670-403440	929 780 1000 4
03/28/2016	792630	Montana Dakota Utilities Co	\$ 27.75	5120-85000-403440	955 043 1000 4
03/28/2016	792630	Montana Dakota Utilities Co	\$ 1,137.92	5710-71430-403440	962 880 1000 0
03/28/2016	792630	Montana Dakota Utilities Co	\$ 65.43	2910-66980-407275	FORECLOSURE PROGRAM - 619 CusterAct #083 487 0466 2 / Bill date 2/9/2016 (Statement lost; paying from Past Due Notice)
03/28/2016	792630	Montana Dakota Utilities Co	\$ 58.91	5610-71170-403440	283 116 0655 3. IP-12. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 87.31	5610-71170-403440	295 580 1000 4. Aero Interiors. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 179.52	5610-71170-403440	185 580 1000 7. TSA Building. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 755.71	5610-71190-403440	889 373 1000 6. Car Wash. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 283.98	5610-71190-403440	129 573 1000 1. Mud Wash. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 43.36	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 101.79	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 36.93	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 54.08	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget. March 2016
03/28/2016	792630	Montana Dakota Utilities Co	\$ 42.29	5610-71190-403440	529 573 1000 7. Detail Bay 5 Thrifty/Dollar. March 2016
03/28/2016	792631	Montana Lines Inc	\$ 80,473.00	2100-31100-409311	WO 15-05 Poly Drive Bike/Pedestrian; Fund Trsrfr 5468.11 from 8450

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792631	Montana Lines Inc	\$ 122,032.19	8450-31860-409310	WO 15-05 Poly Drive Bike/Pedestrian; Trsfr (5468.11) to Fund 2100 3.21.2016
03/28/2016	792634	MT Waterworks	\$ 2,501.07	5020-75000-402920	heater with stand and bag
03/28/2016	792634	MT Waterworks	\$ 833.68	5120-85000-402920	heater with stand and bag
03/28/2016	792634	MT Waterworks	\$ 604.80	2110-31320-402380	15" x 14' sewer pipe
03/28/2016	792635	Musol Limited	\$ 3,515.68	5120-84000-402220	MPOX40/55 gallon drums
03/28/2016	792638	Northwest Pipe Fittings	\$ 96.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299785
03/28/2016	792638	Northwest Pipe Fittings	\$ 24.41	5120-84000-402450	parts for womens restroom
03/28/2016	792638	Northwest Pipe Fittings	\$ 41.23	5120-84000-402450	wwtp womens restroom
03/28/2016	792638	Northwest Pipe Fittings	\$ 1,778.16	5020-74000-402450	pud wtp staples check valve
03/28/2016	792638	Northwest Pipe Fittings	\$ 845.11	5020-74000-402450	filter building heater replace
03/28/2016	792638	Northwest Pipe Fittings	\$ 2.16	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299792
03/28/2016	792638	Northwest Pipe Fittings	\$ 11,900.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299921
03/28/2016	792638	Northwest Pipe Fittings	\$ 1,115.50	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299922
03/28/2016	792638	Northwest Pipe Fittings	\$ 50.84	5120-84000-402450	misc pipe
03/28/2016	792638	Northwest Pipe Fittings	\$ 132.24	5120-84000-402450	aft sample line for inventory
03/28/2016	792638	Northwest Pipe Fittings	\$ 3.60	5120-84000-402450	pvc elbow
03/28/2016	792638	Northwest Pipe Fittings	\$ 61.65	5120-84000-402450	engine gas train
03/28/2016	792638	Northwest Pipe Fittings	\$ 1,667.50	5020-73120-402410	throttle valve assy
03/28/2016	792638	Northwest Pipe Fittings	\$ 81.48	5120-84000-402450	secondary tunnel
03/28/2016	792638	Northwest Pipe Fittings	\$ 9.84	5120-84000-402450	pipe clamp
03/28/2016	792638	Northwest Pipe Fittings	\$ 27.53	5020-74000-402450	fb unit for heater
03/28/2016	792638	Northwest Pipe Fittings	\$ 46.18	5020-74000-402450	parts
03/28/2016	792638	Northwest Pipe Fittings	\$ 42.48	5020-74000-402450	parts
03/28/2016	792638	Northwest Pipe Fittings	\$ 11,313.60	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299859
03/28/2016	792638	Northwest Pipe Fittings	\$ 11.52	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299860
03/28/2016	792638	Northwest Pipe Fittings	\$ 1,198.75	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 299866
03/28/2016	792638	Northwest Pipe Fittings	\$ 118.38	5120-84000-402450	Brass hex bushing strainer pvc
03/28/2016	792638	Northwest Pipe Fittings	\$ 188.10	5120-84000-402450	bronze strainer
03/28/2016	792639	NorthWestern Energy	\$ 2,432.98	5020-73140-403410	2251 Belknap ave
03/28/2016	792639	NorthWestern Energy	\$ 12,975.89	5020-74000-403410	2251 Belknap ave
03/28/2016	792639	NorthWestern Energy	\$ 48,659.59	5020-74000-403410	2251 Belknap ave
03/28/2016	792639	NorthWestern Energy	\$ 810.99	5120-83140-403410	2251 Belknap ave
03/28/2016	792639	NorthWestern Energy	\$ 2,539.80	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE - ACCT #0100476-1
03/28/2016	792639	NorthWestern Energy	\$ 843.67	5020-74000-403410	Airport Rd Waldo
03/28/2016	792639	NorthWestern Energy	\$ 55,242.48	5120-84000-403410	725 Hwy 87 E
03/28/2016	792639	NorthWestern Energy	\$ 62.89	5610-71130-403410	0719616-5. ARFF Facility Lights. March 2016
03/28/2016	792639	NorthWestern Energy	\$ 325.59	5610-71170-403410	0712792-1. IP-7. March 2016
03/28/2016	792639	NorthWestern Energy	\$ 15.25	5610-71170-403410	0712799-6. IP-8. March 2016
03/28/2016	792639	NorthWestern Energy	\$ 1,320.15	5610-71170-403410	0712800-2. IP-9. March 2016

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792639	NorthWestern Energy	\$ 334.32	5610-71170-403410	0712809-3. IP-12. March 2016
03/28/2016	792639	NorthWestern Energy	\$ 185.49	5610-71170-403410	0712817-6. IP-House. March 2016
03/28/2016	792639	NorthWestern Energy	\$ 340.81	6600-31100-403410	Electricity
03/28/2016	792639	NorthWestern Energy	\$ 511.21	6700-31410-403410	Electricity
03/28/2016	792639	NorthWestern Energy	\$ 446.93	5210-15950-403410	0720829-1
03/28/2016	792639	NorthWestern Energy	\$ 2,636.07	5210-15920-403410	0720834-1
03/28/2016	792639	NorthWestern Energy	\$ 204.40	6070-22350-403410	0721580-9
03/28/2016	792639	NorthWestern Energy	\$ 14.01	0100-51120-403410	0722237-5
03/28/2016	792639	NorthWestern Energy	\$ 7.55	0100-51120-403410	0722247-4
03/28/2016	792639	NorthWestern Energy	\$ 95.62	0100-51120-403410	0722255-7
03/28/2016	792639	NorthWestern Energy	\$ 35.74	0100-51120-403410	0722257-3
03/28/2016	792639	NorthWestern Energy	\$ 20.72	0100-51120-403410	0722266-4
03/28/2016	792639	NorthWestern Energy	\$ 12.33	0100-51120-403410	0722269-8
03/28/2016	792639	NorthWestern Energy	\$ 12.35	0100-51120-403410	0722292-0
03/28/2016	792639	NorthWestern Energy	\$ 31.17	0100-51120-403410	0722293-8
03/28/2016	792639	NorthWestern Energy	\$ 9.94	0100-51120-403410	0722905-7
03/28/2016	792639	NorthWestern Energy	\$ 48.24	0100-51120-403410	0722933-9
03/28/2016	792639	NorthWestern Energy	\$ 107.49	0100-51120-403410	0723035-2
03/28/2016	792639	NorthWestern Energy	\$ 9.11	0100-51120-403410	0723036-0
03/28/2016	792639	NorthWestern Energy	\$ 193.34	0100-51120-403410	0723037-8
03/28/2016	792639	NorthWestern Energy	\$ 47.64	0100-51120-403410	0723042-8
03/28/2016	792639	NorthWestern Energy	\$ 19.49	0100-51120-403410	0723055-0
03/28/2016	792639	NorthWestern Energy	\$ 26.90	0100-51120-403410	0723056-8
03/28/2016	792639	NorthWestern Energy	\$ 10.77	0100-51120-403410	0723057-6
03/28/2016	792639	NorthWestern Energy	\$ 21.53	0100-51120-403410	0723058-4
03/28/2016	792639	NorthWestern Energy	\$ 9.40	0100-51120-403410	0723090-7
03/28/2016	792639	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723162-4
03/28/2016	792639	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723644-1
03/28/2016	792639	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723645-8
03/28/2016	792639	NorthWestern Energy	\$ 28.07	0100-51120-403410	0789437-1
03/28/2016	792639	NorthWestern Energy	\$ 1,160.55	5210-15920-403410	1594282-4
03/28/2016	792639	NorthWestern Energy	\$ 245.14	5710-71480-403410	1784756-7
03/28/2016	792639	NorthWestern Energy	\$ 2,015.36	5210-15940-403410	3067416-2
03/28/2016	792639	NorthWestern Energy	\$ 527.64	5410-31230-403410	3252194-0
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0722260-7
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0722261-5
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0722262-3
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0722265-6
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0722268-0
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0723027-9
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0723038-6

Check Date	Check	Name	Amount	Account	Item Desc
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0723044-4
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0723051-9
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0723052-7
03/28/2016	792639	NorthWestern Energy	\$ -	0100-51120-403410	0723170-7
03/28/2016	792643	Peterson Office Furniture	\$ 395.27	0100-17500-402110	Chairs - Conference Room
03/28/2016	792643	Peterson Office Furniture	\$ 5,930.05	6500-15670-402190	Chairs - Conference Room
03/28/2016	792643	Peterson Office Furniture	\$ 1,184.81	6500-15670-402925	Chairs - Conference Room
03/28/2016	792656	Sanderson Stewart	\$ 24,459.26	5030-75910-409340	WO 16-01 2016 Water/Sewer Replc; Sch 3 17th St Wtr
03/28/2016	792656	Sanderson Stewart	\$ 43,928.55	5030-75910-409340	WO 16-07 I-90 Water System Loop
03/28/2016	792659	Securitas Security Services USA, Inc	\$ 1,088.33	5210-15910-403970	Security patrol in City owned parking garages I, II, III. 2/1/16 - 2/29/16.
03/28/2016	792659	Securitas Security Services USA, Inc	\$ 1,088.34	5210-15920-403970	Security patrol in City owned parking garages I, II, III. 2/1/16 - 2/29/16.
03/28/2016	792659	Securitas Security Services USA, Inc	\$ 1,088.33	5210-15930-403970	Security patrol in City owned parking garages I, II, III. 2/1/16 - 2/29/16.
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 1,210.00	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 1,210.00	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 1,210.00	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 1,210.00	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 1,210.00	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 1,210.00	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 996.79	5410-00000-115010	SPRINT PROP SERV-SP67XC01 MR Refund Voucher
03/28/2016	792664	Sprint Prop Serv-Sp67Xc017	\$ 13,310.00	6070-22350-407840	Refund from Radio Fund
03/28/2016	792689	Western Municipal Construction Inc	\$ 73,055.45	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion; CO #1 06/30/15
03/28/2016	792689	Western Municipal Construction Inc	\$ 28,896.59	8400-00000-201100	WO 12-31 Yegen Drain Phase 1
03/28/2016	792693	Yellowstone Valley Animal Shelter	\$ 5,449.92	1500-21700-403990	contract adjustment
03/28/2016	792695	Z & Z Seal Coating Inc	\$ 7,442.09	2050-00000-201100	WO 16-03 2016 Overlay/Crack Seal - Contract #1 Crack Seal
03/28/2016	792696	Zeier Consulting LLC	\$ 38,422.50	1990-15050-403590	1602 - 2nd Quarter 2016
03/28/2016	792696	Zeier Consulting LLC	\$ 3,498.67	1990-15050-403590	1602 - travel and printing reimbursement per contract

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Payment of Claims April 4, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$902,117.17 have been audited and are presented for City Council payment approval. A complete listing of the claims dated April 4, 2016, 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

councilmemo_4.4.2016

Check Date	Check	Name	Amount	Item Desc
3/29/2016	792697	Ebms	\$ 1,565.00	March 2016 Breakdown
3/29/2016	792697	Ebms	\$ 24,703.10	March 2016 Breakdown
3/29/2016	792697	Ebms	\$ 47,766.00	March 2016 Breakdown
3/29/2016	792697	Ebms	\$ 714.00	March 2016 Breakdown
3/29/2016	792697	Ebms	\$ 3,895.50	March 2016 Breakdown
3/29/2016	792697	Ebms	\$ 3,950.80	March 2016 Breakdown
4/4/2016	792698	A+ Electric Motor Repair Inc	\$ 4,105.00	Motor repair for pump at Amend.
4/4/2016	792699	Ace Electric Inc	\$ 22,021.87	damaged conduit by garbage truck
4/4/2016	792709	Big Sky Fire Equipment	\$ 792.00	15555 S-155 BADGE, RHODIUM, W/MT STATE SEAL, CAPTAIN
4/4/2016	792709	Big Sky Fire Equipment	\$ 792.00	15561 S-155 BADGE, RHODIUM, W/MT STATE SEAL, ENGINEER
4/4/2016	792709	Big Sky Fire Equipment	\$ 1,584.00	15560 S-155 BADGE, RHODIUM, W/MT STATE SEAL, FIREFIGHTER
4/4/2016	792709	Big Sky Fire Equipment	\$ 195.00	OFFICER
4/4/2016	792709	Big Sky Fire Equipment	\$ 138.00	21187 C-118S, LAPEL PIN, GOLD, 2X BUGLES
4/4/2016	792709	Big Sky Fire Equipment	\$ 138.00	21197 C-119S LAPEL PIN, GOLD, 3X BUGLES
4/4/2016	792714	Billings Machine & Welding Shop Inc.	\$ 150.00	remove brass bushing from pump shaft
4/4/2016	792714	Billings Machine & Welding Shop Inc.	\$ 4,744.50	Repairs to Amend irrigation pump.
4/4/2016	792714	Billings Machine & Welding Shop Inc.	\$ 495.00	brass sleeve to fit pump
4/4/2016	792716	Bison Motor Company	\$ 40,619.74	cloth No trade
4/4/2016	792717	Booksite	\$ 3,280.00	RB7877
4/4/2016	792721	Brockwhite Company Llc	\$ 2,110.46	the airfield
4/4/2016	792721	Brockwhite Company Llc	\$ 2,110.46	the airfield
4/4/2016	792722	Business Tax Section	\$ 258.36	WO 15-12 Gabel Road & 32nd W Traffic Signal Improvements
4/4/2016	792722	Business Tax Section	\$ 3,536.43	WO 15-10 WTP Chemical Bldg/Disinfection
4/4/2016	792722	Business Tax Section	\$ 113.75	WO 15-38 Solid Waste CNG Short-Term Fueling Station
4/4/2016	792722	Business Tax Section	\$ 12.40	WO 15-38 Solid Waste CNG Short-Term Fueling Station; CO#1 11/13/2015
4/4/2016	792722	Business Tax Section	\$ 128.00	WO 15-38 Solid Waste CNG Short-Term Fueling Station; CO#2 01/06/2016
4/4/2016	792722	Business Tax Section	\$ 30.68	WO 15-38 Solid Waste CNG Short-Term Fueling Station; CO#3 03/23/16
4/4/2016	792722	Business Tax Section	\$ 222.45	Emergency repairs at WWTP
4/4/2016	792727	Connor's Garage Door Service	\$ 4,140.00	Invoice #2999. Replace baggage drop off door.
4/4/2016	792728	Cop Construction Co	\$ 350,106.57	WO 15-10 WTP Chemical Bldg/Disinfection
4/4/2016	792734	Cy-Corp	\$ 5,100.00	Tilt trailer for hauling 16" mowers.
4/4/2016	792736	Digital Video Systems	\$ 3,140.00	Work on the cameras at the Landfill
4/4/2016	792740	DPS Company LLC	\$ 4,850.00	Invoice #DPS-LP2. Remove Bag Claim Planter and Repair Walls
4/4/2016	792744	Ebms	\$ 1,575.00	April 2016 Fee Breakdown
4/4/2016	792744	Ebms	\$ 24,780.50	April 2016 Fee Breakdown

Check Date	Check	Name	Amount	Item Desc
4/4/2016	792744	Ebms	\$ 47,916.84	April 2016 Fee Breakdown
4/4/2016	792744	Ebms	\$ 679.00	April 2016 Fee Breakdown
4/4/2016	792744	Ebms	\$ 1,516.50	April 2016 Fee Breakdown
4/4/2016	792744	Ebms	\$ 3,963.25	April 2016 Fee Breakdown
4/4/2016	792757	Hardrives Construction Inc	\$ 4,970.83	Invoice #4796. Crack repairs on runway 7/25
4/4/2016	792758	Hardy Construction Co.	\$ 11,260.55	WO 15-38 Solid Waste CNG Short-Term Fueling Station
4/4/2016	792758	Hardy Construction Co.	\$ 1,227.60	WO 15-38 Solid Waste CNG Short-Term Fueling Station; CO#1 11/13/15
4/4/2016	792758	Hardy Construction Co.	\$ 12,672.00	WO 15-38 Solid Waste CNG Short-Term Fueling Station; CO#2 01/06/2016
4/4/2016	792758	Hardy Construction Co.	\$ 3,038.32	WO 15-38 Solid Waste CNG Short-Term Fueling Station; CO#3 03/23/16
4/4/2016	792763	Iaff	\$ 4,387.76	Payroll Summary
4/4/2016	792765	Ingram Library Services Inc.	\$ 19.77	92246744
4/4/2016	792765	Ingram Library Services Inc.	\$ 9.44	92246744
4/4/2016	792765	Ingram Library Services Inc.	\$ 36.60	92246745
4/4/2016	792765	Ingram Library Services Inc.	\$ 147.37	92246745
4/4/2016	792765	Ingram Library Services Inc.	\$ 69.32	92246746
4/4/2016	792765	Ingram Library Services Inc.	\$ 79.07	92246746
4/4/2016	792765	Ingram Library Services Inc.	\$ 30.80	92246746
4/4/2016	792765	Ingram Library Services Inc.	\$ 55.74	92246747
4/4/2016	792765	Ingram Library Services Inc.	\$ 8.27	92246748
4/4/2016	792765	Ingram Library Services Inc.	\$ 33.54	92251025
4/4/2016	792765	Ingram Library Services Inc.	\$ 12.95	92251025
4/4/2016	792765	Ingram Library Services Inc.	\$ 41.85	92251025
4/4/2016	792765	Ingram Library Services Inc.	\$ 15.34	92251026
4/4/2016	792765	Ingram Library Services Inc.	\$ 96.44	92251027
4/4/2016	792765	Ingram Library Services Inc.	\$ 100.13	92251028
4/4/2016	792765	Ingram Library Services Inc.	\$ 19.24	92251029
4/4/2016	792765	Ingram Library Services Inc.	\$ 21.39	92251029
4/4/2016	792765	Ingram Library Services Inc.	\$ 11.99	92251030
4/4/2016	792765	Ingram Library Services Inc.	\$ 30.62	92251031
4/4/2016	792765	Ingram Library Services Inc.	\$ 270.10	92251032
4/4/2016	792765	Ingram Library Services Inc.	\$ 20.65	92251032
4/4/2016	792765	Ingram Library Services Inc.	\$ 17.68	92251033
4/4/2016	792765	Ingram Library Services Inc.	\$ 10.00	92259820
4/4/2016	792765	Ingram Library Services Inc.	\$ 10.19	92259821
4/4/2016	792765	Ingram Library Services Inc.	\$ 18.35	92259822

Check Date	Check	Name	Amount	Item Desc
4/4/2016	792765	Ingram Library Services Inc.	\$ 128.56	92259822
4/4/2016	792765	Ingram Library Services Inc.	\$ 380.80	92259822
4/4/2016	792765	Ingram Library Services Inc.	\$ 10.78	92259822
4/4/2016	792765	Ingram Library Services Inc.	\$ 42.57	92259822
4/4/2016	792765	Ingram Library Services Inc.	\$ 17.98	92259822
4/4/2016	792765	Ingram Library Services Inc.	\$ 38.47	92265664
4/4/2016	792765	Ingram Library Services Inc.	\$ 120.42	92265664
4/4/2016	792765	Ingram Library Services Inc.	\$ 32.67	922339282
4/4/2016	792765	Ingram Library Services Inc.	\$ 16.52	92339383
4/4/2016	792765	Ingram Library Services Inc.	\$ 10.02	92339383
4/4/2016	792765	Ingram Library Services Inc.	\$ 9.59	92339384
4/4/2016	792765	Ingram Library Services Inc.	\$ 15.33	92339385
4/4/2016	792765	Ingram Library Services Inc.	\$ 5.99	92339385
4/4/2016	792765	Ingram Library Services Inc.	\$ 34.99	92339386
4/4/2016	792765	Ingram Library Services Inc.	\$ 11.99	92339287
4/4/2016	792765	Ingram Library Services Inc.	\$ 222.25	92339288
4/4/2016	792765	Ingram Library Services Inc.	\$ 14.97	92339288
4/4/2016	792765	Ingram Library Services Inc.	\$ 16.49	92339289
4/4/2016	792765	Ingram Library Services Inc.	\$ 200.61	92339289
4/4/2016	792765	Ingram Library Services Inc.	\$ 668.96	92339289
4/4/2016	792765	Ingram Library Services Inc.	\$ 24.15	92339289
4/4/2016	792765	Ingram Library Services Inc.	\$ 10.79	92339289
4/4/2016	792765	Ingram Library Services Inc.	\$ 31.77	92339290
4/4/2016	792765	Ingram Library Services Inc.	\$ 139.14	92340352
4/4/2016	792765	Ingram Library Services Inc.	\$ 11.44	92340352
4/4/2016	792766	Jares Fence Company Inc.	\$ 2,842.19	new hangar. 23 Fence post
4/4/2016	792768	Jtl Group Inc DbA Knife River	\$ 5,543.84	SYSTEMS PO NUM 300157
4/4/2016	792775	Library Ideas LLC	\$ 15,999.00	Invoice 49761
4/4/2016	792777	MES-NW	\$ 4,667.00	MTBILL00070 EV-1 TRADITIONAL HELMET, BLACK WITH NFPA EZ FLIPS
4/4/2016	792777	MES-NW	\$ 67.38	SHIPPING: INVOICE #IN1012233
4/4/2016	792783	Montana CSED	\$ 3,959.09	Payroll Summary
4/4/2016	792784	Montana Dakota Utilities Co	\$ 133.19	010 490 1000 0
4/4/2016	792784	Montana Dakota Utilities Co	\$ 166.03	037 890 1000 0
4/4/2016	792784	Montana Dakota Utilities Co	\$ 28.52	061 943 1000 6
4/4/2016	792784	Montana Dakota Utilities Co	\$ 13.34	062 907 9494 7

Check Date	Check	Name	Amount	Item Desc
4/4/2016	792784	Montana Dakota Utilities Co	\$ 32.42	110 490 1000 9
4/4/2016	792784	Montana Dakota Utilities Co	\$ 159.00	130 733 1000 8
4/4/2016	792784	Montana Dakota Utilities Co	\$ 193.23	210 490 1000 8
4/4/2016	792784	Montana Dakota Utilities Co	\$ 369.44	310 490 1000 7
4/4/2016	792784	Montana Dakota Utilities Co	\$ 123.15	310 490 1000 7
4/4/2016	792784	Montana Dakota Utilities Co	\$ 59.37	371 101 1000 6
4/4/2016	792784	Montana Dakota Utilities Co	\$ 367.83	410 490 1000 6
4/4/2016	792784	Montana Dakota Utilities Co	\$ 122.61	410 490 1000 6
4/4/2016	792784	Montana Dakota Utilities Co	\$ 298.15	442 190 1000 4
4/4/2016	792784	Montana Dakota Utilities Co	\$ 2,006.40	500 490 1000 7
4/4/2016	792784	Montana Dakota Utilities Co	\$ 57.60	510 490 1000 5
4/4/2016	792784	Montana Dakota Utilities Co	\$ 21.31	527 033 1000 4
4/4/2016	792784	Montana Dakota Utilities Co	\$ 274.86	533 653 1000 1
4/4/2016	792784	Montana Dakota Utilities Co	\$ 95.67	566 923 1000 8
4/4/2016	792784	Montana Dakota Utilities Co	\$ 10.04	600 490 1000 6
4/4/2016	792784	Montana Dakota Utilities Co	\$ 10.05	600 490 1000 6
4/4/2016	792784	Montana Dakota Utilities Co	\$ 14.72	610 490 1000 4
4/4/2016	792784	Montana Dakota Utilities Co	\$ 35.09	666 923 1000 7
4/4/2016	792784	Montana Dakota Utilities Co	\$ 227.53	700 490 1000 5
4/4/2016	792784	Montana Dakota Utilities Co	\$ 28.29	735 453 1000 2
4/4/2016	792784	Montana Dakota Utilities Co	\$ 1,653.29	757 633 1000 2
4/4/2016	792784	Montana Dakota Utilities Co	\$ 273.24	770 390 1000 2
4/4/2016	792784	Montana Dakota Utilities Co	\$ 53.55	800 490 1000 4
4/4/2016	792784	Montana Dakota Utilities Co	\$ 42.21	832 001 1000 1
4/4/2016	792784	Montana Dakota Utilities Co	\$ 30.82	868 563 1000 7
4/4/2016	792784	Montana Dakota Utilities Co	\$ 704.33	900 490 1000 3
4/4/2016	792784	Montana Dakota Utilities Co	\$ 71.15	927 890 1000 3
4/4/2016	792784	Montana Dakota Utilities Co	\$ 2,483.63	989 733 1000 0
4/4/2016	792784	Montana Dakota Utilities Co	\$ 516.87	993 733 1000 4
4/4/2016	792786	Montana State Fireman's Assoc	\$ 3,422.23	Payroll Summary
4/4/2016	792787	Moulton Bellingham PC	\$ 3,252.50	Inv. 115387, Watters Matter, 2-29-16
4/4/2016	792792	MT Waterworks	\$ 3,921.74	SYSTEMS PO NUM 300168
4/4/2016	792792	MT Waterworks	\$ 2,766.10	SYSTEMS PO NUM 300158
4/4/2016	792792	MT Waterworks	\$ 963.20	SYSTEMS PO NUM 300159
4/4/2016	792792	MT Waterworks	\$ 909.56	2 Milwaukee IPS Globe Valves

Check Date	Check	Name	Amount	Item Desc
4/4/2016	792792	MT Waterworks	\$ 4,536.00	15" x 14 sections of sewer pipe
4/4/2016	792792	MT Waterworks	\$ 1,691.03	lux ave gate valve gasket tee solid plug
4/4/2016	792792	MT Waterworks	\$ 3,652.32	SYSTEMS PO NUM 300163
4/4/2016	792797	NorthWestern Energy	\$ 5,910.44	Electric Usage
4/4/2016	792797	NorthWestern Energy	\$ 2,329.14	3116 17TH St West
4/4/2016	792797	NorthWestern Energy	\$ 2,329.14	3116 17TH St West
4/4/2016	792797	NorthWestern Energy	\$ 1,685.15	2750 Bitterroot Dr Lift
4/4/2016	792797	NorthWestern Energy	\$ 1,349.58	Monthly electrical charges for account 0100506-5 BBC.
4/4/2016	792797	NorthWestern Energy	\$ 394.73	FIRE6: MONTHLY ELECTIC SERVICE (1601 ST. ANDREWS)
4/4/2016	792797	NorthWestern Energy	\$ 6,045.58	0100507-3
4/4/2016	792797	NorthWestern Energy	\$ 438.81	0712537-0
4/4/2016	792797	NorthWestern Energy	\$ 102.57	0712539-6
4/4/2016	792797	NorthWestern Energy	\$ 98.33	0712683-2
4/4/2016	792797	NorthWestern Energy	\$ 25.45	0712764-0
4/4/2016	792797	NorthWestern Energy	\$ 348.01	0720840-8
4/4/2016	792797	NorthWestern Energy	\$ 130.75	0722252-4
4/4/2016	792797	NorthWestern Energy	\$ 1,246.41	0723043-6
4/4/2016	792797	NorthWestern Energy	\$ 7.55	0831702-6
4/4/2016	792797	NorthWestern Energy	\$ 7.55	0920801-8
4/4/2016	792797	NorthWestern Energy	\$ 53.80	1059093-3
4/4/2016	792797	NorthWestern Energy	\$ 19.22	1160780-1
4/4/2016	792797	NorthWestern Energy	\$ 1,533.87	1569636-2
4/4/2016	792797	NorthWestern Energy	\$ 20.78	1635289-0
4/4/2016	792797	NorthWestern Energy	\$ 302.56	1984150-1
4/4/2016	792797	NorthWestern Energy	\$ 265.61	1984155-0
4/4/2016	792797	NorthWestern Energy	\$ 7.55	3020837-5
4/4/2016	792797	NorthWestern Energy	\$ 233.61	3279035-4
4/4/2016	792798	Ostlund's Fire Protection Inc	\$ 3,970.00	BILLINGS AIRPORT
4/4/2016	792806	Proforce Law Enforcement	\$ 407.69	WIT MNT (AC32069)
4/4/2016	792806	Proforce Law Enforcement	\$ 9,314.50	11002, TSR X26P BLK CLASS III LASER
4/4/2016	792806	Proforce Law Enforcement	\$ 620.51	22012, TSR TACT PERFORMANCE POWER MAG
4/4/2016	792806	Proforce Law Enforcement	\$ 551.10	11501, TSR HLST X26P BLACKHAWK RH
4/4/2016	792806	Proforce Law Enforcement	\$ 330.66	11504, TSR HLST X26P BLACKHAWK LH
4/4/2016	792806	Proforce Law Enforcement	\$ 975.20	44205, TSR CART M26/X26 21FT NON-COND
4/4/2016	792806	Proforce Law Enforcement	\$ 586.33	44550, TSR X26P/X26 SIMULATION SUIT

Check Date	Check	Name	Amount	Item Desc
4/4/2016	792806	Proforce Law Enforcement	\$ 847.80	44203, TSR CART M26/X26 25FT XP
4/4/2016	792806	Proforce Law Enforcement	\$ (1,100.00)	TRD-TSR2016, TSR TRADE 2016-NO WARRANTY
4/4/2016	792806	Proforce Law Enforcement	\$ 42.45	HANDLING
4/4/2016	792807	Qwest Communications	\$ 33.36	Qwest 406-245-1044 Airport Terminal Power M
4/4/2016	792807	Qwest Communications	\$ 49.34	Qwest 406-245-1789 Transit STS
4/4/2016	792807	Qwest Communications	\$ 60.17	Qwest 406-245-7193 Solid Waste Landfill
4/4/2016	792807	Qwest Communications	\$ 104.02	Qwest 406-245-9820 Solid Waste Landfil
4/4/2016	792807	Qwest Communications	\$ 33.36	Qwest 406-245-9906 PW Traffic Signal 4th 27
4/4/2016	792807	Qwest Communications	\$ 47.98	Qwest 406-252-2041 Park 2 Elevator Phone
4/4/2016	792807	Qwest Communications	\$ 95.96	Qwest 406-252-9412 Airport
4/4/2016	792807	Qwest Communications	\$ 49.34	Qwest 406-254-7038 MET Transit
4/4/2016	792807	Qwest Communications	\$ 7,300.01	Qwest 406-255-9700 E911
4/4/2016	792807	Qwest Communications	\$ 47.98	Qwest 406-655-0728 Fire Maintenance Shop
4/4/2016	792807	Qwest Communications	\$ 33.36	Qwest 406-657-3014 Parks 3890 Stillwater
4/4/2016	792807	Qwest Communications	\$ 2,700.42	Qwest 406-657-8377 Main System Centrex
4/4/2016	792807	Qwest Communications	\$ 54.68	Qwest 406-252-0721 Airport 1FB Line
4/4/2016	792807	Qwest Communications	\$ 73.94	Qwest 406-248-9124 Met Measured Lines 406-248-9124 406-248-9179
4/4/2016	792807	Qwest Communications	\$ 68.60	Qwest 406-248-3329 Airport Measured Lines 406-248-3329 406-248-9989
4/4/2016	792807	Qwest Communications	\$ 112.27	Qwest 406-657-3009 PUD Measured Lines 406-657-3009 406-247-8579
4/4/2016	792807	Qwest Communications	\$ 40.69	Qwest 406-245-6600 Crime Prevention Alarm
4/4/2016	792807	Qwest Communications	\$ 40.46	Qwest 406-657-3054 Park 1 Elevator Phone
4/4/2016	792807	Qwest Communications	\$ 71.91	Qwest BOC Measured Lines 406-252-3774 406-252-3789
4/4/2016	792807	Qwest Communications	\$ 137.51	6060-19310-403450
4/4/2016	792807	Qwest Communications	\$ 68.44	6060-19310-403450
4/4/2016	792807	Qwest Communications	\$ 33.98	Qwest 406-245-4437 Kenco Security Alarm IT Alarm
4/4/2016	792807	Qwest Communications	\$ 34.30	Qwest 406-245-1743 Fire Elevator 1500-22210-403450
4/4/2016	792815	Plumbing & Hea	\$ 4,607.70	2300 Grant Road - Mislocated sewer line.
4/4/2016	792823	Sunset Excavation	\$ 3,800.00	209 S 29TH
4/4/2016	792824	Tetra Tech, Inc.	\$ 2,200.00	Landfill monitoring and consulting Year 2 of contract
4/4/2016	792824	Tetra Tech, Inc.	\$ 784.00	Landfill monitoring and consulting Year 2 of contract
4/4/2016	792824	Tetra Tech, Inc.	\$ 417.50	Landfill monitoring and consulting Year 2 of contract
4/4/2016	792826	Town & Country Supply Association	\$ 8,603.51	219572 PO NUM 300201
4/4/2016	792826	Town & Country Supply Association	\$ 11,506.52	219565 PO NUM 300198
4/4/2016	792826	Town & Country Supply Association	\$ 14,008.90	Invoice #218149. QTA Car Rental Fuel
4/4/2016	792826	Town & Country Supply Association	\$ 1,917.45	Invoice #219358. Fuel for burn pit

Check Date	Check	Name	Amount	Item Desc
4/4/2016	792827	Tractor & Equipment Co.	\$ 238.32	WATER PARTS AND SUPPLIES PO NUM 300174
4/4/2016	792827	Tractor & Equipment Co.	\$ 6,450.00	B2241301 PO NUM 300194
4/4/2016	792827	Tractor & Equipment Co.	\$ 837.87	Parts for Landfill equipment
4/4/2016	792827	Tractor & Equipment Co.	\$ 1,138.65	Parts for Landfill equipment
4/4/2016	792840	Yellowstone Electric Co	\$ 3,192.00	Invoice #BIL4442. Annual Fire Alarm Testing for Terminal
4/4/2016	792840	Yellowstone Electric Co	\$ 25,576.96	WO 15-12 Gabel Road & 32nd Street W Traffic Signal Improvement

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Public Hearing & Action on Annual Action Plan and Budget Allocations

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The City Council is scheduled to hold a public hearing on the FY2016-2017 Annual Action Plan and the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program funding. The public hearing is a mandatory condition to receive U.S. Department of Housing and Urban Development (HUD) entitlement funding. City Council action is needed to approve the Annual Action Plan and budget recommendations in preparation for HUD's submission deadline on May 13 (see Attachment A). A preliminary informational presentation was made during the April 18 City Council Work Session.

ALTERNATIVES ANALYZED

City Council may:

- 1) Hold a public hearing and approve the allocation of CDBG and HOME funding and the FY2016-2017 Action Plan as recommended by Staff and the Community Development Board.
- 2) Hold a public hearing and approve the allocation of CDBG and HOME funding and the FY2016-2017 Action Plan based on alternative funding strategies as determined by the City Council (Please refer to the Funding Allocation Requirements section of this Council memo).
- 3) Not hold a public hearing and do not approve allocations of CDBG and HOME funding and the FY2016-2017 Action Plan and return funding to HUD.

FINANCIAL IMPACT

HUD has awarded \$581,942 in new CDBG and \$294,209 in HOME funding to the City of Billings for use in affordable housing and other projects benefiting low income residents. Additional CDBG and HOME funding is anticipated through loan repayments in programs such as First Time Home Buyer and Housing Rehabilitation. The Corporation for National and Community Service has awarded the City of Billings approximately \$500,000 in federal funds to support the Billings Metro VISTA Project contingent on the City's CDBG allocation supporting the program.

Federal revenues allocated for the CDBG and HOME programs are provided through HUD (Attachment B). Staff and Community Development Board recommendations are attached (see Attachment C) and they comply with funding limitations. Any program income received will be allocated on a close / shovel-ready basis in previously approved programs, such as First Time Home Buyer, Housing Rehabilitation, Foreclosure Acquisition / Rehabilitation, Manufactured Home Repair, Affordable Housing Development, etc.

Priority-Based Budgeting: Recommendations reflect the results of the City's 2012 priority budgeting process by allocating funding to Tier One programs; First Time Homebuyer and home repair programs. Tier Two programs recommended for funding include the Foreclosure Acquisition / Rehabilitation and the Billings Metro VISTA Project.

BACKGROUND

Introduction

The five-year Consolidated Plan for FY2015-2019, approved by City Council in April 2015, is required for participation by the City of Billings in HUD programs; CDBG and HOME. The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated manner utilizing available federal and non-federal resources. The Plan addresses current housing needs and the priorities identified in the Plan's Housing Needs Assessment, Market Analysis and the 2013 Analysis of Impediments to Fair Housing Choice, as required by HUD. The assessment and analysis documents can be viewed online at www.ci.billings.mt.us/CDreports.

The City is also required to prepare and submit Annual Action Plans in alignment with priority needs identified in the five-year Consolidated Plan. The Community Development Board has completed the public input process and funding allocation recommendations for the FY2016-2017 Annual Action Plan.

Procedural History

The City of Billings has been a recipient of CDBG funds since the mid-1970s and HOME funds since the early 1990s. These funds have been provided and monitored by the federal government and must be primarily targeted in Billings to address community affordable housing and poverty-impact needs.

To allocate CDBG and HOME resources, the Community Development Division and Board facilitated an extensive process to gather public input on the use of federal funds. Applications were available at the beginning of December and due at the end of January. Applications were then forwarded to the Community Development Board and recommendations were prepared for City Council consideration. Neighborhood Task Force and community input was solicited in February and March on proposed projects (see Attachment D). The Community Development Board prepared recommendations for the use of CDBG and HOME funds on April 5, during the Board's routine monthly meeting.

The City Council public hearing is required by HUD and is part of a 30-day minimum public comment period beginning March 25 and extending to April 25. The City Council is also scheduled to act on the CDBG and HOME programs during the April 25 meeting. The Annual Action Plan will then be submitted by HUD's May 13 deadline for review and, pending HUD approval, the program year will begin July 1.

Funding Allocation Requirements

Allocation recommendations conform to pre-determined spending requirements on several categories including: CDBG and HOME administration caps (maximum of 20% and 10% of new funding respectively); public service caps (up to 15% of new CDBG funding); and Community Housing Development Organizations (at least 15% of new HOME funding). Changes made out of compliance with federal spending requirements would place the City's entitlement status for federal funds at risk.

The allocation of funding is restricted by eligibility requirements for CDBG and HOME and must meet pressing citywide community needs as identified in the Consolidated Plan; affordable housing, housing choice, and poverty-impact. HUD policy prohibits the use of federal funds to supplant local government funds on projects communities typically underwrite, regardless of whether federal grant dollars are available.

Funding Recommendation History

The City's CDBG and HOME funding allocations changed significantly in 2008 when the City Council asked the Community Development Board to reassess decision-making processes for repetitive grant requests. At that time, the City was funding 36 projects for FY2008-2009; 26 of which were grants to nonprofit organizations.

Council members noted that federal funds should be utilized as seed money to get organizations to seek other funding sources and repetitive grant awards impeded incentive to become self-sustaining. Council instructed staff to perform research on the City's grants to nonprofits to determine the degree of repetition in grant awards.

In 2009, Council noted appreciation for the Community Development Board's efforts to decrease the number of grants issued and allocate larger funding amounts to fewer organizations, while implementing three-year awards. A total of five public service grant awards were issued to nonprofit organizations. Two additional organizations received grant awards to carry out home repair programs.

In 2012, HUD's funding allocations plummeted to the lowest levels in history. The Community Development Board asked City staff to expand research previously conducted to include total monetary value of grants issued versus loans / liens. From 1994 to 2012, the Community Development Division issued over \$6.6 million in grants, over \$9 million in loans and placed liens of over \$2 million on affordable housing projects.

<u>Grants</u>	<u>Amounts</u>	<u>Total</u>
Subrecipients (317 activities)	\$3,267,340	
Infrastructure	\$708,014	
Parks	\$866,713	
Special Assessment Grants	\$493,295	\$6,636,565
Home Repair Programs	\$1,130,494	
Affordable Housing	\$170,709	
<u>Loans</u>	<u>Amounts</u>	<u>Total</u>
First Time Homebuyer	\$5,562,790	
Home Repair Programs	\$3,261,694	\$9,320,115
Affordable Housing	\$495,631	
<u>Liens</u>	<u>Amounts</u>	<u>Total</u>
Affordable Housing	\$1,854,677	\$2,172,705
Rental Rehabilitation	\$318,028	

That year, nine nonprofit agencies applied for grant funds and they were polled regarding the impact of not receiving funds. All of the organizations stated their agencies would remain open, but they may reduce the number of clients they could serve.

As a result, the Board made budget recommendations reflecting fiscal responsibility and sustainability, while prioritizing housing programs as per HUD requirements. The likelihood of continuing housing activities would substantially diminish if the City continued to fund grant programs not generating program income. The Board evaluated the long-term sustainability of operating loan programs rather than issuing grants. Four City programs were eliminated and substantial reductions were made in the three remaining home buyer / repair programs. Grants

were not issued to nonprofit organizations for the first time since the 1980s.

In 2015, staff was asked to create a document illustrating the history of changes from grant to loan programs (see Attachment E). From 1994 to 2015, over \$2.7 million in grants has been awarded to 40+ nonprofit organizations. Some organizations were only funded once and many had been funded repetitively; up to 24 awards. Total grant awards by organization ranged from \$2,000 to \$329,628.

FY2016-2017 Funding Recommendations

CDBG funding recommendations include the following:

- Administration set at the maximum cap; \$116,388.
- Housing Rehabilitation program support totaling \$175,000.
- Foreclosure Acquisition / Rehabilitation support totaling \$200,000.
- VISTA program support set at \$50,000, which will leverage approximately \$500,000 in grant funds from the Corporation for National and Community Service.
- Remaining CDBG funds to be allocated to the First Time Home Buyer program; \$40,554.

HOME funding recommendations include the following:

- Administration set at the maximum cap; \$29,421.
- Allocation of 15% of new HOME program funding set aside for Community Housing Development Organizations - as per federal regulation; \$44,131.
- Remaining HOME funds to be allocated to the First Time Homebuyer Loan Program; \$220,657.

Affordable Housing Project: The Community Development Board also recommends a total of \$175,000 in HOME funds be awarded to NeighborWorks Montana for the development of a twin home in Riverfront Pointe. Please refer to Attachment F; a detailed staff memo identifying project funding sources, procedural history, location, beneficiaries, deal structure, organizational strengths, financial plan and relativity to Consolidated Plan key findings and priorities. If funding is approved, a Development Agreement will be submitted to City Council for approval prior to June 2016.

Program Income: Additional program income received will be allocated on a close / shovel-ready basis in previously approved programs. Program income must be allocated, committed and expended prior to drawing CDBG and HOME entitlement funds as per federal requirement.

Public Comment: Comments of the speakers at the public hearings may relate to funding amounts awarded, activities prioritized for funding with lower federal revenue allocations, and general comments regarding the Annual Action Plan for FY2016-2017.

STAKEHOLDERS

Stakeholders for CDBG and HOME programs include:

1. **Program Recipients** - The City serves low income households through a variety of affordable housing programs such as home repair, home buyer, etc. Full descriptions of available programs can be found online at www.ci.billings.mt.us/comdev.
2. **Neighborhood Task Forces** - Task forces are asked to prioritize housing and neighborhood applications (see Attachment D) based on their perception of community

need. Funding recommendations are in alignment with task force priorities including emphasis on housing repair and home buyer programs.

3. **The Community Development Board** - As an advisory body to the City Council, the Board provides detailed oversight to both the CDBG and HOME programs throughout the year. The Board also facilitates an extensive public input process to prepare recommendations for the City Council consideration. Six of nine total Community Development Board members are representatives of low-income neighborhoods either by residence or task force delegation, ensuring low-income citizen involvement of planning and allocation processes.
4. **Non-Profit Organizations** - Community organizations serving those experiencing poverty are supported by the Billings Metro VISTA Project. VISTA members build capacity in order to complete assessments, expand or create new services to meet data-verified needs, build volunteer management programs and to generate cash and in-kind resources.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consolidated Plan: Projects proposed are consistent with the goals and priorities of the FY2015-2019 Consolidated Plan for the use of CDBG & HOME resources in Billings. The following strategies have been approved by the City Council in the Consolidated Plan to address Billings' housing and community development needs:

Strategy A. Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.

Strategy B. Create affordable housing opportunities to further improve access to and quality of the affordable housing stock.

Strategy C. Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide.

Strategy D. Support housing and community development specific to lower income and special needs households through poverty-impact initiatives.

Additional information regarding each strategy is located in the drafted FY2016-2017 Annual Action Plan; Attachment A. The Consolidated Plan, including the Housing Needs Assessment and Market Analysis, Analysis of Impediments to Fair Housing Choice, and the drafted FY2016-2017 Action Plan can be found online: www.ci.billings.mt.us/CDreports.

Welcome Home Billings: The City's ten-year plan to impact homelessness was adopted by the City Council in October 2009. Allocations supporting the Billings Metro VISTA Project as the City's anti-poverty strategy meet CDBG regulations and provide an avenue for human resources to build the capacity of non-profit organizations serving those experiencing poverty. For a comprehensive overview of VISTA projects published in the Billings Gazette, please see Attachment G.

City Council Strategic Plan: Projects align with the Council's Strategic Plan in the following strategies and objectives:

- **Comprehensive, Orderly Growth:** Develop, preserve and revitalize residential neighborhoods that are safe, attractive and provide diverse, affordable housing.
 - Dedicate resources to rehabilitate substandard housing via the provision of loan financing to lower income households in order to preserve and revitalize neighborhoods city-wide.
 - Dedicate resources to develop new affordable housing in all neighborhoods to

promote inclusion, diversity, equal opportunity and access.

- Dedicate resources to acquire and rehabilitate vacant and/or foreclosed properties in order to promote infill, stabilize neighborhoods, and prevent decline.
- **Sustainable Economic Development:** Provide a safe, healthy and attractive place to live and work; offer quality housing choices, accessible amenities and an environment that provides a desirable quality of life.
 - Dedicate resources to support homeownership and home repair opportunities through loan financing to low income households.
 - Support initiatives to alleviate poverty and promote economic opportunity through Welcome Home Billings, the city's ten-year plan to impact homelessness and the AmeriCorps Volunteers in Service to America (VISTA) program.
- **Involved, United Community:** Expand citizen participation in boards, commissions and other volunteer capacities to improve public understanding of and involvement in government functions.
 - Provide volunteer opportunities through the AmeriCorps VISTA and the Billings Metro VISTA Project.

SUMMARY

City staff and the Community Development Board have made recommendations for CDBG and HOME budget allocations and the FY2016-2017 Annual Action Plan is ready for Council adoption. The City Council is asked to consider public input received and make a final decision on the FY2016-2017 Annual Action Plan and accompanying budget allocations.

RECOMMENDATION

City staff and the Community Development Board recommend that the City Council conduct a public hearing and approve the FY2016-2017 Annual Action Plan and funding allocations.

APPROVED BY CITY ADMINISTRATOR

Attachments

- A - Drafted FY2016-2017 Annual Action Plan
 - B - FY2016-2017 Revenue
 - C - Recommendations
 - D - Task Force Priorities
 - E - Allocations & Funding History
 - F - Staff Memo - NeighborWorks Riverfront Pointe
 - G - Gazette Articles - Billings Metro VISTA Project
-



CITY OF BILLINGS

Annual Action Plan

FY2016-2017

DRAFT

Community Development Division
2825 Third Avenue North
Billings, Montana 59101
406.657.8281
www.ci.billings.mt.us/comdev

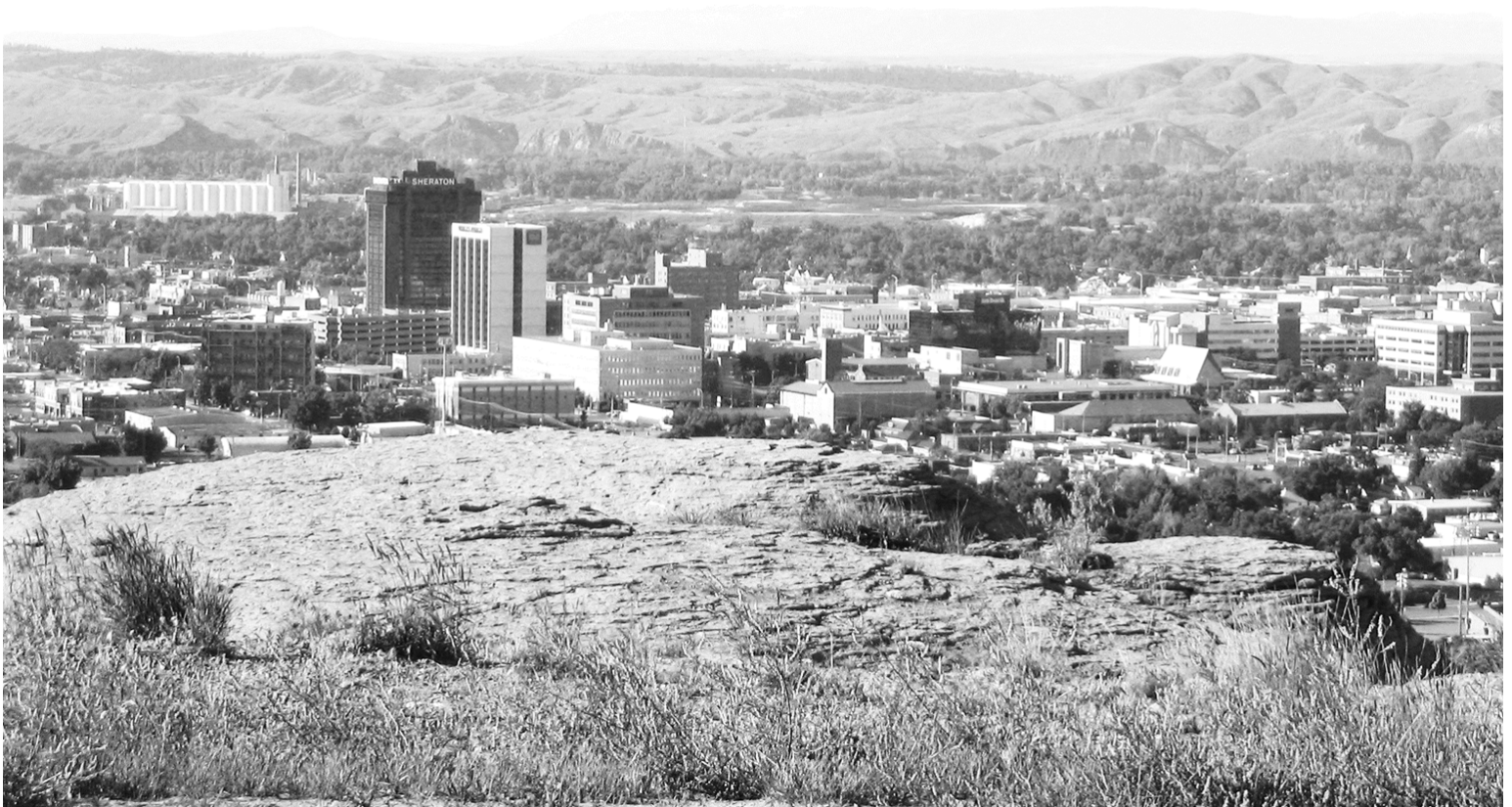


Table of Contents

Section I: Executive Summary	3
AP-05: Executive Summary.....	3
Section II: The Process	13
PR-05: Lead & Responsible Agencies.....	13
AP-10: Consultation.....	13
AP-12: Participation.....	22
Section III: Annual Action Plan	24
AP-15: Expected Resources	24
AP-20: Annual Goals and Objectives	26
AP-35: Projects	27
AP-38: Project Summary.....	29
AP-50: Geographic Distribution.....	30
AP-55: Affordable Housing	31
AP-60: Public Housing.....	32
AP-65: Homeless and Other Special Needs Activities.....	34
AP-75: Barriers to Affordable Housing	38
AP-85: Other Actions	40
AP-90: Program Specific Requirements.....	44
Section IV: Appendix	48
A. CDBG Application for Federal Assistance (SF-424).....	
B. HOME Application for Federal Assistance (SF-424).....	
C. Local Government Certifications.....	
D. Citizen Participation Plan	
E. Public Notice.....	
F. Public Comments.....	

Section I: Executive Summary

Introduction

Five-year Consolidated Plans and one-year action plans are required by the United States Department of Housing and Urban Development (HUD) for the City of Billings to receive funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs (HOME). The City's five-year Consolidated Plan for FY2015-2019 identifies activities to be carried out from July 1, 2015 through June 30, 2020 to address priority needs in the community and serves as a guiding document for the use of the City's CDBG and HOME funding.

This one-year Annual Action Plan addresses priority needs and outlines the use of the City's CDBG and HOME funding for activities to be carried out from July 1, 2016 to June 30, 2017. Plans must be submitted to HUD 45 days prior to the start of the City's year start date; July 1.

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

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

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

Purpose of the Consolidated Plan

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

The City must also report on the performance of activities funded via the Comprehensive Annual Performance Evaluation Report (CAPER) in September of each year. All of the City's documents can be found online at www.ci.billings.mt.us/CDreports.

The FY2015-2019 Consolidated Plan was developed following a process which integrated priorities identified via Needs Assessment, Market Analysis and the most current Analysis of Impediments to Fair Housing Choice. The development process also included input from neighborhood groups and a public hearing on housing and community development needs, relative to findings from all three research sources.

The FY2016-2017 Annual Action Plan was open for public comment extending from March 25 to April 25, 2016. A public hearing was held on April 25, 2016 during the Billings City Council meeting to accept public comments on the Annual Action Plan and to take action on proposed Community Development Board recommendations for funding allocation. The plan was approved by the Billings City Council on April 25, 2016.

Summary of the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Key Findings of the Needs Assessment: The City of Billings has been experiencing a rapid increase in population over the past several years. Historically, the City's population grew at a 1.5% annual rate and over the past four years, the population has grown by two percent each year.

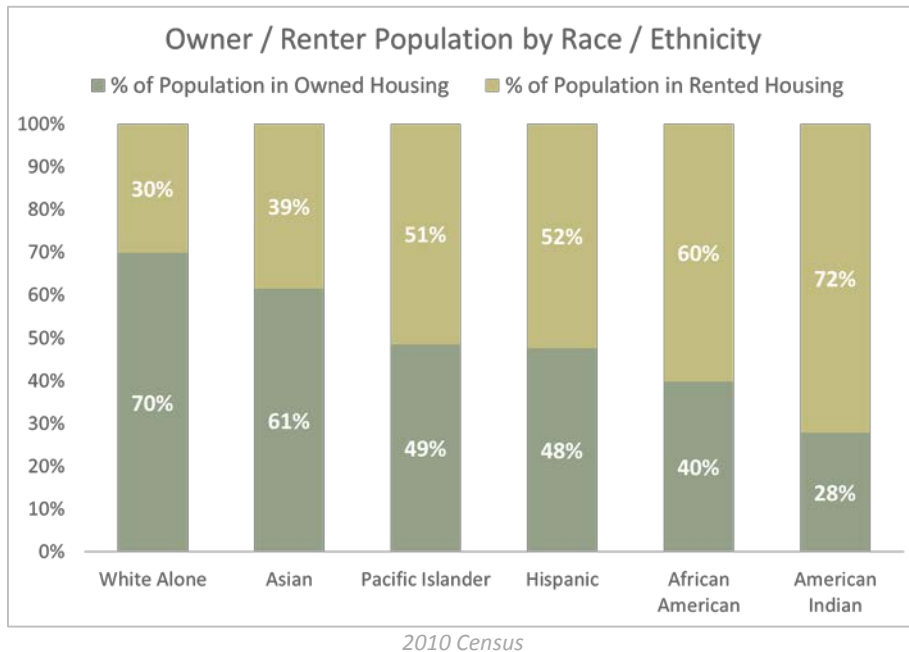
The two largest low income groups in the City are:

- Small family households (two to four members) with incomes from zero to 80% of the Area Median Income (AMI). For reference, the 2015 HOME income limits for a two person household at 80% AMI is \$41,100 and for a four person household the limit is \$51,350.
- Households with members aged at least 75 years with incomes from 30% to 80% AMI.

The most severe housing problem the City's residents experience is paying over 30% of their household income for housing expenses. This is a particularly acute issue for extremely low income households who are either small family or elderly households. Millennials and the elderly account for at least 40% of the City's population and these groups are also the fastest growing populations in Billings.

The need for the development of smaller rentals has reached critical levels; over 1,200 households are waiting for one-bedroom housing units, as per the Housing Authority of Billings. Low vacancy rates and the higher costs of housing have created a tight rental market, particularly for those seeking housing with the assistance of a voucher. Over half of voucher holders in Billings have not been able to secure housing, either due to high rent costs or poor unit conditions.

The City's Analysis of Impediments to Fair Housing Choice identified the beginnings of segregated neighborhoods and lending discrimination for Hispanic Americans in Billings. There appears to be a dual housing market; one for Whites and Asians and one for American Indians, Hispanics and African Americans. Differences between actual and expected racial / ethnic census tract composition are likely due to housing discrimination. The probability of a dual, discriminative market exacerbates access to local housing, particularly for minorities and special populations. The percentage of Whites who own homes is also significantly higher than that of minorities. Most minority households are renters.



The needs of special populations and those experiencing poverty continue to be a concern, including great needs relative to food security, healthcare, and the capacity of nonprofit organizations to provide resources to meet the needs of special populations. Homelessness is also on the rise; from 600 average people participating in an annual count survey (from 2005 to 2008) to 711 respondents on average from 2006 to 2014. The number of families experiencing homelessness has also increased; from an average of 80 families to 122.

As a result of findings discovered in the Needs Assessment and Market Analysis contained in the Consolidated Plan, priority needs for the Billings community are as follows:

- Affordable Housing Preservation
- New Affordable Housing Opportunity
- Housing Choice
- Poverty Impact

Strategies and Objectives: Therefore, the City's Consolidated Plan priorities have been distilled into the following strategies and objectives to meet priority needs:

- A: Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.
 - A1: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide.

- A2: Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development.
- B: Create affordable housing opportunities to further improve access to, and quality of, affordable housing stock.
 - B1: Provide affordable financing and support to promote homeownership opportunities citywide.
 - B2: Provide homebuyer education to all households utilizing acquisition programs.
 - B3: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.
- C: Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide.
 - C1: Ensure equal opportunity and housing choice with all programs and activities citywide.
 - C2: Ensure core programs are implemented citywide to promote desegregation and inclusive neighborhoods.
- D: Support housing and community development specific to lower income and special needs households through poverty-impact initiatives.
 - D1: Encourage collaboration to better address needs and to respond to opportunities for special needs populations.

HUD Objectives and Outcomes

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

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

HUD Objectives

- **Suitable Living Environment:** Activity benefits communities, families, or individuals by addressing issues in their living environment.
- **Decent Housing:** Housing activity that meets individual or community needs. This objective should not be used for activities where housing is an element of a larger effort.
- **Economic Opportunities:** Activity relates to economic development, commercial revitalization, and job creation.

HUD Outcomes

- **Availability / Accessibility:** Activity makes services, infrastructure, or shelter available and accessible. Please note: accessibility does not refer only to physical barriers.
- **Affordability:** Activity provides affordability in a variety of ways including: creation / maintenance of affordable housing; infrastructure hookups; services such as transportation / daycare.
- **Sustainability:** Activity provides livable / viable communities / neighborhoods by providing services or by removing slums / blight.

The chart on the following page illustrates the relationship between identified strategies, objectives, planned programs / activities, outcomes and funding sources. The City is also proposing several alterations to goals established in the Consolidated Plan. As per HUD staff instruction (February 22, 2016), these alterations do not require an amendment or substantial amendment. The City's Consolidated Plan noted projects, performance goals and allocations are managed on a close- and shovel-ready basis in order to facilitate rapid funding usage for high-demand programs.

CONSOLIDATED AND ANNUAL ACTION PLAN GOALS

Strategy	Objective	Activity	Outcome Type	Five Year Goal	One Year Goal	HUD Objective	HUD Outcome	Funding Source**
A: Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.	A1: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide.	Housing Rehabilitation	Housing Units	50 / 25*	5	Suitable Living Environment	Affordability	CDBG
		Manufactured Home Repair		25 / 1	0			CDBG NSP
	A2: Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development.	Foreclosure Acquisition / Rehabilitation		5	1			CDBG HOME
		Affordable Housing Development		10 / 4	2			
B: Create affordable housing opportunities to further improve access to and the quality of affordable housing stock.	B1: Provide affordable financing and support to promote homeownership opportunities citywide.	First Time Homebuyer	Housing Units	175	15	Decent Housing	Affordability	CDBG HOME
	B2: Provide homebuyer education to all households utilizing acquisition programs.		Households	175	15			
	B3: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.	Affordable Housing Development Program	Housing Units	See Above				
C: Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide.	C1: Ensure equal opportunity and housing choice with all programs and activities citywide.	All Programs	-	-		Suitable Living Environment	Availability / Accessibility	Admin
		Billings Home Center	Clients	250	50			
	C2: Ensure core programs are implemented citywide to promote desegregation and inclusive neighborhoods.	All Programs	-	-				
D: Support housing and community development specific to lower income and special needs households through poverty-impact initiatives.	D1: Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Billings Metro VISTA Project	Clients	1,000	200	Suitable Living Environment	Affordability	CDBG CNCS
		Billings Home Center	Clients	See Above			Availability / Accessibility	Admin
*Updated Five Year Goals								
**Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) HOME Investment Partnerships Program (HOME) CDBG or HOME Administration (Admin) AmeriCorps Volunteers in Service to America (VISTA) Corporation for National and Community Service (CNCS)								

Evaluation of past performance

An evaluation of past performance that help the City choose goals or projects.

The City of Billings has been receiving CDBG funds since the 1970s and began receiving HOME funds in the mid-1990s. Performance on past goals and projects has been adequate, given greatly declining federal resources. In 2001, the City received over \$1.4 million in new CDBG and HOME allocations. In FY2016-2017, the City’s allocation was \$876,151. This represents a nearly 40% decline in entitlement resources.

As a result, City staff have consolidated smaller programs focused on meeting priority needs, including affordable housing preservation and the provision of new housing opportunities. In 2012, stakeholders recommended prioritizing loan programs to maximize sustainability of community development programs in order to continue funding programs in the future. The City Council set this as a policy the same year. Historically low funding levels have greatly reduced the number of funding opportunities available to local nonprofit organizations and many Community Development programs have also been discontinued.

All of the City’s proposed programs, funding allocations and goals for the Consolidated Plan and Annual Action Plan are managed on a close- and shovel-ready basis in order to facilitate rapid funding usage for high-demand programs.

Activity	Performance Analysis & Recommendations
Housing Rehabilitation	<p>The City was only able to assist six households in FY15-16 and recommends scaling back performance goals due to demand.</p> <p>Contractor responsiveness and availability are current issues: registration with www.sam.gov has been difficult; and Billings currently has a very low unemployment rate, creating a competitive employment market.</p>
Manufactured Home Repair	<p>The City only had one applicant in FY15-16 and is recommending this program be put on hold until further notice. While the activity did not have a funding allocation in FY15-16, previous year’s funding was set-aside for use in the program.</p> <p>Recent changes to the program from grant to loan status, requiring equity in the homes prior to securing liens and owner reluctance to agree to a secondary lien are contributing factors.</p> <p>The program has also been ranked as a lower priority through the City’s public outreach and priority surveying efforts.</p>
Foreclosure Acquisition / Rehabilitation	<p>No changes recommended to this program or performance goal.</p> <p>The City has ownership of two homes at present: one is in the process of being sold to a low income household and one is in construction.</p>
Affordable Housing Development	<p>In FY15-16, the City received one project proposal for a twin home and anticipates the involved CHDO will not put forth another application until this project is complete.</p> <p>Staff recommends reducing the five year goal to four units and transferring the one year goal of two units from FY15-16 to FY16-17.</p>
First Time Homebuyer	<p>No changes recommended to this program. The City anticipates assisting 15 households this fiscal year given HOME funding allocations. This goal has been reduced primarily due to former and projected recaptured funds receipts.</p>
Billings Home Center	<p>No changes recommended to this program or performance goal.</p>
Billings Metro VISTA Project	<p>No changes recommended to this program or performance goal.</p>

Summary from citizen participation section of plan.

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

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

The City of Billings has adopted a *Citizen Participation Plan* which is implemented during Consolidated Plan processes in order to ensure active participation by residents and affiliate organizations. The City has also adopted a *Language Assistance Plan* to ensure meaningful access to program information and equal opportunity for persons with hearing impairment and limited English proficiency. Both plans can be found online at www.ci.billings.mt.us/CDreports.

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

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

- Encourage citizen participation in the development of the Consolidated / Annual Action Plan and the CAPER with emphasis on participation from individuals and households identified as low to moderate income, residents of blighted areas, minorities, those with limited English proficiency, the disabled, female-headed households and those residing in areas where funding will be utilized.
- Provide citizens with reasonable and timely access to meetings, information and records relating to the City's plan for utilizing funding in addition to allowing reasonable opportunity to comment on the Consolidated / Annual Action Plan, the Citizen Participation Plan and the CAPER.
- Finalize consultation with the Housing Authority of Billings on the development and implementation of the Consolidated Plan through the Annual Action Plan, which includes input from residents of public and assisted housing.
- Provide technical assistance to Neighborhood Task Forces which represent low income households and these areas contain the highest concentrations of minority populations in Billings.

- Provide public hearings to obtain citizen views and to respond to proposals and questions at all stages of the process. All hearings and meetings shall be provided in areas where accommodations for the disabled can be provided.

Public Hearings: The City holds two public hearings each year regarding housing and community development activities. The first public hearing is held by the City Council in April to provide nonprofit agencies, organizations, and individuals with an opportunity to provide input on the Consolidated / Annual Action Plan and the allocation of CDBG and HOME funds in the community. The second public hearing is held by the City Council in September to gather public input on the City's performance and progress in meeting the strategies included in the City's five-year Consolidated Plan and Annual Action Plan for the previous fiscal year ending on June 30. Each public hearing is accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.

Report / Plan Availability: The availability of the reports and plans required under the Consolidated Plan are published in the local newspaper with complete copies available on the internet at www.ci.billings.mt.us/CDreports and at the City's Community Development Division. The public notice describes the contents and purpose of each document including the location at which documents can be examined. A summary of the plan development process and public comments received during this process will be included in final version of the Consolidated Plan, Annual Action Plans, and Comprehensive Annual Performance and Evaluation Reports submitted to HUD.

Public Comments: The City must provide opportunities for public comment at least 30 days prior to Consolidated / Annual Action Plan submission, as required by HUD. City staff considers all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD and attach a summary of each comment to the final submission. If written comments are not accepted for inclusion in the Plan, the City will provide written explanation of why those comments were not accepted.

Criteria for amending the Consolidated / Annual Action Plans: 24 CFR part 91.105(c) of the Final Rule requires grantees of CDBG and HOME programs make public the criteria the City will use for determining what changes in planned or actual activities constitute a substantial amendment to the five-year Consolidated Plan and the one-year Annual Action Plan. An amendment to the approved plan will occur when City staff recommends:

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

Prior to the submission of any substantial change in the proposed use of federal housing and community development funds, the City will hold a public hearing to allow citizens reasonable notice of, and opportunity to comment on, proposed amendments. Public comment periods will not be less than thirty (30) days. *Substantial changes are defined as the creation of any new program or project to be funded under the City's HOME and CDBG programs.*

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year, which does not require a substantial amendment to the Consolidated Plan. Routine revenues are allocated on a close- and shovel-ready basis to programs identified in the Consolidated and Annual Action Plans to ensure timely commitment and expenditure.

Summary of public comments

Brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Public Comment & Hearing: The FY2016-2017 Annual Action Plan was open for public comment extending from March 25, 2016 to April 25, 2016. A public hearing was held on April 25, 2016 during the Billings City Council meeting to accept public comments on the Consolidated and Annual Action Plans, and Community Development Board recommendations for funding allocation. These plans were adopted by the Billings City Council on April 25, 2016. Public comments are included in the Appendix.

Neighborhood Task Force Meetings: City staff attended Neighborhood Task Force meetings in February in order to review Consolidated Plan goals, gather rankings on proposed projects and gather feedback on community needs. A total of nine Neighborhood Task Forces were contacted to schedule meetings and four total meetings were attended by staff. One additional Task Force requested staff email program ranking information so they could respond remotely. Neighborhood Task Force rankings are included in the Appendix.

Summary of comments or views not accepted and the reasons for not accepting them

All comments were taken into consideration during the development of the Action Plan.

Summary

Comments received supported the adoption and implementation of the Action Plan.

Section II: The Process

PR-05 Lead & Responsible Agencies

24 CFR 91.200(b)

Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The City of Billings - Community Development Division staff is responsible for preparing the Consolidated Plan and administration of CDBG and HOME grant programs.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Billings	Community Development Division
HOME Administrator	Brenda Beckett, Division Manager	

Table 1 – Responsible Agencies

Consolidated Plan Public Contact Information

Brenda Beckett, Community Development Manager
Community Development Division, 2825 3rd Avenue North, Billings, MT
Phone: 406-657-8281
Email: beckettb@ci.billings.mt.us
Web: www.ci.billings.mt.us/comdev

AP-10 Consultation

91.100, 91.200(b), 91.215(l)

Introduction

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

The Consolidated and Annual Action Plans are distributed widely during the public comment period and interested persons were invited to attend a number of staff-facilitated, regularly scheduled meetings to find out more about Community Development initiatives. Routine meetings were facilitated through staff for the Community Development Board and Neighborhood Task Forces in low income areas.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

Public Housing: The Housing Authority of Billings is primarily responsible for administration of the public housing and Section 8 Programs for the community. The Housing Authority will continue to work on developing additional units of low income housing in Billings. The Housing Authority is an independent organization established under the laws of the State of Montana. Board members for the Housing Authority are appointed by the Mayor for the City of Billings. City staff enjoy a cooperative and collaborative relationship with Housing Authority, including participation in task forces, committees, and affordable housing development. *91.100(c)*

Homeless Strategy and Housing Opportunities for Persons with AIDS: Public and private agencies have assisted the City in reviewing the Consolidated and Annual Action Plans and have been essential in the development and implementation of a ten-year plan to impact homelessness, *Welcome Home Billings*. Local organizations providing housing, health services, and social services have been intricately involved in planning processes for the homeless and chronically homeless, including members of the *Mayor’s Committee on Homelessness*. The City does not receive Housing Opportunities for Persons with AIDS (HOPWA) funding directly, but collaborates with the Yellowstone AIDS Project to implement goals and objectives to support HOPWA funding. *91.100(a)(2) & 91.100(b)*

Adjacent Governments: Communication regarding non-housing community development needs is conducted via collaboration through homeless initiatives and agencies serving the disabled, minorities, victims of domestic violence, the elderly, those with mental health / addiction issues and other vulnerable populations. Adjacent governments include: the State Department of Public Health and Human Services; the Montana Continuum of Care Coalition; and the South Central Montana Continuum of Care. Collaboration regarding economic development initiatives includes communication with the Big Sky Economic Development Authority, Beartooth Resource Conservation and Development District, the American Indian Development Corporation and other development agencies. *91.100(a)(4)*

Metropolitan Planning: The City of Billings - Community Development Division is included in the Planning and Community Services Department. The Department, overall, includes Code Enforcement, Planning / Transportation (includes the City of Billings and Yellowstone County), and the Building Division. These Divisions work internally to implement the Growth Policy, Infill Policy, Transportation Plan and Neighborhood Plans collectively. All City-assisted projects are reviewed for residential access to public transportation. *91.100(a)(5)*

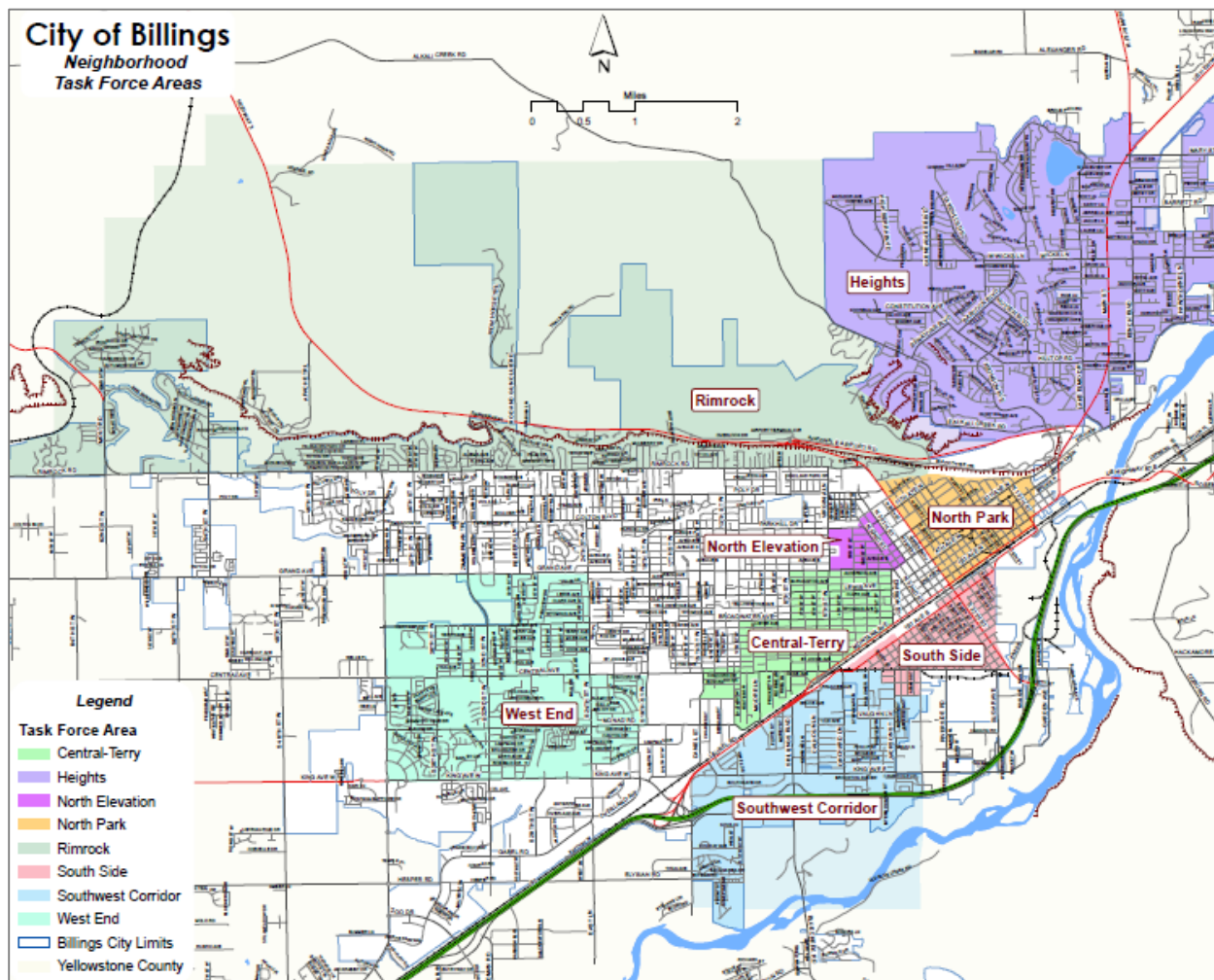
Community Development Board: The *Community Development Board* is a citizen’s advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed to represent low income neighborhoods of the City as defined by federal regulations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

The Community Development Board makes recommendations to the City Council regarding the Consolidated Plan, the Annual Action Plan, the Citizen Participation Plan, and the CAPER. In addition, the

Community Development Board reviews applications submitted for CDBG and HOME funding in order to make funding recommendations to the City Council for approval.

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

Neighborhood Task Forces Representing Low Income and Minority Households: In order to encourage citizen participation emphasizing the involvement of low income, female-headed households and minority residents in areas where housing and community development funds may be spent, the City has continued to work with neighborhood organizations representing the City's low income areas. These areas are predominantly illustrated as established Task Force areas in Billings. Several Neighborhood Task Forces identified in the map below has high concentrations of minority and low income households, including North Park, South Side, North Elevation, Southwest Corridor and Central Terry.



City staff will continue to work with Neighborhood Task Forces that represent the community's low income / minority areas to ensure input from these areas in the development and implementation of the City's community development strategies as described in the Consolidated Plan. The City will also continue to support the activities for the **Adjacent Neighborhood Committee**, which consists of Task Force officers who meet quarterly to collaborate and exchange information. The Community Development Division also seeks input by requesting project rankings from Task Force participants on housing and neighborhood activities for the annual allocation process. The Community Development Division staff attends meetings of low income Task Force neighborhoods when requested for specific presentations. Staff also provides information regarding housing and community development programs and activities during each allocation process and garners rankings of housing / neighborhood activities preferred for funding.

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

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

Establishing and maintaining partnerships with a myriad of organizations that support the community vision is the keystone to the Division's planning efforts.

Additional Minority Outreach: Actions taken to establish and oversee a minority outreach program to ensure inclusion of minorities and women, entities owned by minorities and women, including real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, and underwriters in all contracts is accomplished by the following:

- Facilitating the **Billings Partners for American Indian Homeownership**; a group of lenders, realtors and affordable housing professionals with an interest in increasing minority homeownership opportunities.
 - The Billings Partners for American Indian Home Ownership was formed in order to provide an organized approach to outreach and education for American Indians who would like to purchase a home. This group originated in the late 1990s due to Census data identifying a 26% American Indian homeownership rate compared to 67% for Whites and 45% for blacks and Hispanics. Their vision is to increase American Indian private homeownership in the greater Billings community. This organization has consisted of lenders, realtors, housing organizations, credit counseling organizations, Indian Health Service, Yellowstone County Extension Office, and others.
- Annual advertisement for contractor opportunities in construction are published in print media and distributed to low income and minority households.
- Maintaining a current email distribution list for the lending community and the real estate community at large in the Billings area.

- Opportunities for contracts are distributed to:
 - Chairpersons for the Neighborhood Task Forces, which cover both low income areas and higher concentrations of minority residents.
 - Housing Authority of Billings to post for residents utilizing public assistance, also a higher female headed-household and minority population.
 - Members of the Mayor’s Committee on Homelessness, representing social service providers serving high concentrations of low income, female-headed and minority households.

Affordable Housing Task Force: Consisting of lenders, realtors, the Housing Authority of Billings, local housing developers, and other organizations working in housing to ensure coordination and collaboration in identifying needs, undertaking actions to meet those needs, and evaluating activity effectiveness. The vision of the group is to successfully identify the housing needs of the community and provide expertise and innovative solutions to ensure attainable housing for all. Their mission is to work as a positive voice coordinating action, and organizing and energizing efforts to promote affordable housing in the Billings area.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

Continuum of Care Funding: The City’s work with the homeless is impacted significantly by the fact that it is not a direct recipient of Continuum of Care homeless funding. Funds are provided to the State of Montana and are distributed by the State to various regions in Montana through the Human Resource Development Councils (HRDCs). A Continuum of Care application is prepared on a statewide basis and the City plays a small role in this process. One or two organizations in Billings may receive Continuum of Care funding, but a very small percentage of the available Continuum of Care funding is allocated to local projects; five to seven percent annually.

Mayor’s Committee on Homelessness: Community Development Division staff began facilitating the Mayor’s Committee on Homelessness in 2006. City staff then developed a comprehensive ten-year plan and wide-ranging community initiative, *Welcome Home Billings*, to impact local homelessness and poverty. These efforts have been helpful in increasing overall collaboration and resources to assist the most vulnerable population in the Billings community, particularly chronically homeless individuals, unaccompanied youth, families, veterans and persons at risk of homelessness.

With the assistance from the Community Development Division, the Mayor’s Committee on Homelessness has been successful in efforts to gather data, implement national best practices, and involve the community in planning efforts and volunteer opportunities. Due to the lack of administrative funds to support the continuation of the Mayor’s Committee on Homelessness following planned sunset when the City’s Resolution expires at the end of calendar year 2016.

Membership of the Mayor’s Committee on Homelessness has involved broad stakeholder groups including representatives from the following arenas:

- Lending*
- Faith Community
- Housing*
- Service Providers*
- Civic / Business*
- Public Library
- Code / Law Enforcement
- Economic Development*
- Work Force Agency
- Veterans
- Academia
- Philanthropy
- Homeless Individuals* (participants)
- Health Care / Mental Health / Addiction*
- American Indian / Tribal*
- Other Interested Citizens*

**Denotes multiple member positions on the Committee*

Billings Metro VISTA Project: In order to maintain momentum for the homeless initiatives, the City's Community Development Division created an AmeriCorps Volunteers in Service to America (VISTA) program known as the *Billings Metro VISTA Project*; sponsored by the Corporation for National and Community Service. VISTA members work to create or expand community-based programs, services, and systems that prevent and intervene in homelessness through capacity-building activities. VISTA members may be supervised by City staff for over-arching, community-wide benefit programs and they can also be supervised by nonprofit organization staff who are spearheading efforts to impact poverty and homelessness.

Community Innovations Summit: In October 2014, the Community Development Division co-sponsored the *Community Innovations Summit* to address escalating issues with people living on the streets of downtown Billings. Pre-Summit efforts involved workshops, meetings, surveys and queries for specific community groups, including social service providers, business owners, Tribal leaders, members of law enforcement, corrections, courts systems, local and state government officials, and faith leaders. The Summit spurred several ongoing initiatives which can be followed on www.4sparechange.org. Monthly meetings continue to be held and supported by City Administration staff.

Statewide Continuum of Care: The Montana Continuum of Care Coalition (MT CoC) is the statewide organization designed to bring homeless service providers together from across the state in order to identify needs, inventory resources, recognize gaps and prioritize HUD funding as part of a greater planning effort to eradicate homelessness in Montana. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. In 2012, MT CoC restructured to incorporate a Board of Directors to oversee the operations of the coalition. The MT CoC consists of 15 delegates; ten from districts mirroring the same planning districts used by the Montana Department of Health and Human Services and five at-large delegates. The Board of Directors is the decision-making entity for the MT CoC and is responsible for ensuring compliance with the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act.

Local Continuum of Care: The South Central Montana Continuum of Care serves as the City's local Continuum of Care organization, although only a few organizations have received small amounts of funding in the past. It is a subsidiary of the MT CoC and represents Big Horn, Carbon, Stillwater, Sweet Grass, and Yellowstone counties. The South Central Montana Continuum of Care collaboratively works to develop, support, and promote a continuum of resources, services, and housing opportunities that prevent homelessness and promote long-term stability.

City staff periodically utilizes annual data collected from the Montana Housing Status Survey, commonly known as the Point-In-Time (PIT) Homeless Survey facilitated by the local Continuum of Care. Through analysis of secondary research sources including data collected locally through efforts of partners in the overall homelessness initiative, City staff is able to relay information regarding the service array in Billings to the community and to those that are homeless or those who may be at risk of homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate Emergency Solutions Grant (ESG) funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of Homeless Management Information System (HMIS)

The City does not receive ESG funds as an entitlement; these funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. Therefore the City does not develop performance standards, evaluate outcomes or develop funding, policies or procedures for the administration of HMIS. However, as an active collaborator with representative of the Continuum of Care and local homeless impact organizations and groups, input on such things is provided when requested.

District 7 HRDC received \$97,012 in ESG funds for FY2015-2016, which is utilized for homeless prevention activities and rapid-rehousing exclusively. HRDC staff report they've received 568 applications for ESG assistance and does not maintain a waiting list due to the volume of households in need. HRDC also received an additional \$79,861 in HUD Continuum of Care funds for rapid-rehousing homeless families living in shelters and they received 104 applications for assistance.

Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
1.	Housing Authority of Billings	Public Housing Authority; Services - Homeless	Housing Need Assessment; Public Housing Needs; Homeless Needs - Chronically Homeless, Families with Children, Veterans; Homelessness Strategy; Market Analysis	Email / phone / web retrieval; data exchange for the development of relevant sections
2.	Homewood	Housing	Housing Need Assessment; Market Analysis	
3.	Rimrock	Housing; Services - Persons with Disabilities	Housing Need Assessment; Homeless Needs - Chronically Homeless	
4.	Mental Health Center	Housing; Services - Persons with Disabilities	Housing Need Assessment; Non-Homeless Special Needs	
5.	Family Service, Inc.	Services - Housing	Housing Need Assessment; Market Analysis; Homeless Needs - Families with Children; Homelessness Strategy	
6.	District 7 HRDC	Services - Housing, Homeless, Children	Housing Need Assessment; Homeless Needs - Chronically Homeless, Families with Children; Homelessness Strategy	
7.	Adult Resource Alliance	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs	
8.	Big Sky Senior Services	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs	
9.	Living Independently for Today and Tomorrow	Housing; Services - Persons with Disabilities	Housing Needs Assessment; Market Analysis; Non-Homeless Special Needs	
10.	Yellowstone AIDS Project	Housing; Services - Persons with HIV/AIDS	Housing Needs Assessment; Market Analysis; Non-Homeless Special Needs	
11.	YWCA Gateway House	Housing; Services - Domestic Violence, Children	Housing Needs Assessment; Market Analysis; Homeless Needs - Families with Children	
12.	Billings Public Schools	Services - Homeless, Education	Homeless Needs - Families with Children	
13.	Billings Job Service	Services - Employment	Economic Development	
14.	Montana Fair Housing	Services - Housing; Fair Housing	Non-Homeless Special Needs	
15.	The Alliance	Health Agency	Non-Homeless Special Needs	
16.	Montana Department of Commerce	State; Housing	Housing Need Assessment; Market Analysis	
17.	Billings Public Works Department	Local Government	Non-Housing Community Development Needs	
18.	Billings Police Department	Local Government; Services - Domestic Violence, Homeless	Housing Need Assessment	
19.	Domestic Violence Unit	Local Government; Services - Domestic Violence	Housing Need Assessment	
20.	Big Sky Economic Development	County Government	Economic Development	
21.	City of Billings - Planning Division	Local Government; Planning Organization	Market Analysis	
22.	Montana Epidemiology, Addictive / Mental Disorders	Health Agency; Services - Health, Persons with HIV/AIDS, Disabilities, Homeless; State Government	Housing Need Assessment	
23.	Civic Consulting	Services - Homeless	Homeless Strategy	

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
24.	NeighborWorks Montana	Housing	Housing Need Assessment; Market Analysis	
25.	Downtown Billings Alliance	Business and Civic Leaders	Homeless Needs - Chronically Homeless	Survey, identified needs for serial inebriate population
26.	Neighborhood Task Forces	Civic Leaders; Low Income Area Representatives	All	Neighborhood Community / Public Meetings
27.	Adjacent Neighborhood Task Force	Civic Leaders; Low Income Area Representatives; Neighborhood Organization	All	Public Meeting
28.	Billings City Council	Local Government; Civic / Business Leaders	All	Public Hearing / Public Meeting
29.	Mayor's Committee on Homelessness	Housing; Services - Housing, Children, Health, Education; Health Agency; Business / Civic Leaders	Homeless Needs - Chronically Homeless, Families with Children, Unaccompanied Youth, Homelessness Strategy	The Mayor's Committee on Homelessness was consulted on relevant sections during public meetings and via email
30.	Affordable Housing Task Force	Housing; Public Housing Authority; Services - Housing; Regional Organization; Business Leaders	Housing Needs Assessment; Market Analysis; Economic Development	The Affordable Housing Task Force was consulted on relevant sections during public meetings and via email
31.	Community Development Board	Civic / Business Leaders, Low Income Area Representatives ; Neighborhood Leaders	All	Public Notice / Public Meeting
32.	HUD - Economic Market Analysis Division	Federal Government	Housing Need Assessment; Market Analysis	Email Data Exchange

Identify any Agency Types not consulted and provide rationale for not consulting

The City of Billings staff is not aware of any agency types that have not been consulted in preparation of the FY2016-2017 Annual Action Plan. City staff contacted many agencies to assist with the development of the Consolidated and Annual Action Plans and has widely circulated information relative to proposed programs and funding allocations to garner feedback. Additional efforts were made during the public comment period to distribute the Consolidated and Annual Action Plans for review and feedback.

Describe other local/regional/state/federal planning efforts considered when preparing the Plan

City staff considered neighborhood planning, development standards, capital improvement programs, the Annexation Policy, and the Growth Policy while developing the Consolidated and Annual Action Plans.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Montana State Continuum of Care	Identifies Federal and State resources to impact homelessness
City Council Strategic Plan	Billings City Council	Comprehensive, orderly growth; Sustainable economic development; and Involved, united community goals.
Growth Policy	City of Billings – Planning Division	Promotes affordable housing and infill development
Infill Policy	City of Billings – Planning Division	Promotes affordable housing and infill development
Annexation Policy	City of Billings - Planning Division	Promotes infill development
Transportation Plan	City of Billings – Planning Division	Improves transit impacting project affordability
Neighborhood Plans	City of Billings – Planning Division and Neighborhood Task Forces	Guides development efforts in each neighborhood
Consolidated Plan	Montana Department of Commerce – Community Development	State CDBG and HOME resources may be available to further projects

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation

91.105, 91.200(c)

Summary of citizen participation process and how it impacted goal-setting

Public comments are requested at least 30 days prior to submission of reports required under HUD’s Consolidated and Annual Action Plan process. City staff has considered all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated and Annual Action Plans and related reports to HUD and attach a summary of each comment to the final submission. If written comments were not accepted for inclusion in the Plan, City staff has provided written explanation of why those comments were not accepted. City staff will provide written responses to all written complaints and grievances related to the Consolidated and Annual Action Plans and the City’s housing and community development programs within 15 working days of receipt of the complaint or grievance where practical. Further detail on citizen participation can be found in the Executive Summary and Consultation subsections.

Citizen Participation Outreach

#	Mode of Outreach	Target of Outreach	Summary of response/attendance
Summary of comments not accepted and reasons: No comments were rejected.			
1	Public Notices	All Interested Citizens	Public Notices regarding the publication of the drafted Annual Action Plan on the City's website, the public comment period from March 25 to April 25 and the April 25, 2016 City Council Public Hearing were published in the Billings Times on March 24, March 31, and April 7, 2016.
	See below and in the Appendix for responses.		
2	Website	All Interested Citizens	The drafted Annual Action Plan was available online from March 25 to April 25, 2016 for public comment and feedback.
	Pending		
3	Neighborhood / Public Meetings	Community Leaders, Community Members, Neighborhood Task Forces, Low Income Residents, Public Housing Tenants, Minorities, Disabled, All Interested Citizens	<p>Presentations were given at the following Task Force Meetings:</p> <ul style="list-style-type: none"> - February 4, 2016: Adjacent Neighborhood - February 4, 2016: North Park - February 16, 2016: West End - February 18, 2016: South Side - February 23, 2016: Heights <p>A presentation was made during a televised City Council Work Session on April 18, 2016. A presentation was also made on a televised City Council meeting and a public hearing was also held on April 25, 2016.</p>
	A total of five community meetings were held in low income areas where high concentrations of low income and minority households exist. Presentations on the Consolidated and Annual Action Plans, Priority Needs and proposed programs were made.		
4	Paper Surveys	Neighborhood Task Forces, Low Income Residents, Public Housing Tenants, Minorities, Disabled	<p>Task Force Ranking Sheets Distributed and Returned.</p> <p>Additional surveys were conducted for homebuyers and renters to garner information relative to accessing housing.</p>
	Results support allocations to homebuyer, home repair and poverty-impact resources.		
5	Online Survey	Neighborhood Task Forces, low income residents, public housing tenants	Online survey ranking proposed programs was available and distributed to all listservs.
	Neighborhood Task Forces requesting involvement via email were sent the link to the City's drafted Annual Action Plan and an online survey was available via website and direct link in order to participate in rankings. Rankings were concurrent with results from Task Force Meetings. Nine total ranking responses were received supporting home buyer, home repair, affordable housing development and poverty impact projects.		
6	Public Notices	Nonprofit organizations with an interest in capacity building opportunities through VISTA	Public Notices regarding the availability of VISTA Host Site proposals was published in the Billings Times on December 10 and 17, 2015.
	The City received 17 applications for full-year volunteers from 14 organizations to support capacity building activities.		
7	Public Notices	Nonprofit organizations with an interest in CDBG and / or HOME funding opportunities	Public Notices regarding the availability of housing and community development funding requests was published in the Billings Times on December 10 and 17, 2015.
	The City did not receive any applications from nonprofit organizations seeking CDBG or HOME funding.		
8	Email	Nonprofits with an interest in the topics represented in the Consolidated and Annual Action Plans, Minorities, Disabled, Public Housing Tenants	Notices regarding the availability of the Consolidated and Annual Action Plans were sent via email to the Division's listservs, including the Mayor's Committee on Homelessness and the Affordable Housing Task Force. Representation from Businesses, Developers, Nonprofits, Philanthropic, and the faith communities were targeted.
	No public comments were received.		

Table 4 – Citizen Participation Outreach

Section III: Annual Action Plan

AP-15 Expected Resources

91.220(c)(1,2)

Introduction

Table 5 (below) illustrates the CDBG and HOME resources expected for the second year of this Consolidated Plan. The total amount expected for the remaining years of the Consolidated Plan take into account a five percent decrease in funding resources per year. There is no guarantee the City will continue to receive CDBG and / or HOME funding in future years. Other types of funding, including Emergency Shelter Grants, HOPWA funds, Section 8 funds, etc. are not included in the following table as the City of Billings is not a direct recipient.

CDBG administration allocations are capped at 20% of the new CDBG allocation in addition to eligible program income received during the project year. Maximum amounts for public service activities are capped at 15% of the new CDBG allocation and 15% of the previous year’s program income. HOME administration activities are capped at ten percent of the new HOME allocation and eligible program income received following the required affordability period. Revenue received during a project’s affordability period is considered recaptured and may not be used for administration.

Expected revenues from the CDBG program include repayments for funding loaned through the Housing Rehabilitation Loan program and other revitalization efforts. The City expects to receive approximately \$75,000 to \$150,000+ in repayments for the upcoming fiscal year which will be reprogrammed for programs identified herein.

Revenue expected for the HOME program includes recaptured and program income funding generated by the First Time Homebuyer Loan program. The City expects to receive approximately \$150,000 to \$300,000+ in HOME funding through these venues, and the funding will be utilized to further programs identified in the Consolidated and Annual Action Plans.

The City may also receive program income attributable to the Neighborhood Stabilization Program. The City utilizes 100% of federal funding to benefit low to moderate income households and / or areas. The City will not receive proceeds for Section 108 loan guarantees, surplus funds from urban renewal settlements, or float-funded activities.

Anticipated Resources

Program	Source of Funds	Expected Amount Available Year 2				Expected Amount Available Reminder of Con Plan	Narrative Description
		Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public / Federal	\$581,942	\$75,000	\$0	\$656,942	\$1,576,990	Entitlement Allocation
	Uses of Funds: Administration, Homeowner Rehabilitation, Homebuyer Acquisition, New Housing Development, Public Services						
HOME	Public / Federal	\$294,209	\$150,000	\$0	\$444,209	\$797,270	Entitlement Allocation
	Uses of Funds: Administration, Homebuyer Acquisition, New Housing Development						

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The HOME program requires 25% match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing (MBOH) and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

City staff does not anticipate publically owned land will be utilized to address needs identified in the Consolidated and Annual Action Plans.

Goals Summary Information

#	Goal Name	Start / End Years	Category	Outcome & Objective	Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing Preservation	2016 to 2017	Affordable Housing	Affordability & Suitable Living Environment	Citywide	Affordable Housing Preservation	CDBG, NSP	6 Household Housing Units <i>Homeowner housing rehabilitated</i> <i>One foreclosed unit, 5 homeowner occupied units</i>
		Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock: <ul style="list-style-type: none"> • Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide. • Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development. 						
2	New Affordable Housing Opportunities	2016 to 2017	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	Availability / Accessibility & Decent Housing	Citywide	New Affordable Housing Opportunity	CDBG, HOME	2 Rental Units Constructed <i>The Affordable Housing Development Program is expected to create 2 new affordable housing units, which could be rental / owner, new construction / rehabilitation. This goal has been carried forward from FY15-16.</i>
		Create affordable housing opportunities to further improve access to and the quality of affordable housing stock: <ul style="list-style-type: none"> • Provide affordable financing and support to promote homeownership opportunities citywide. • Provide homebuyer education to all households utilizing acquisition programs. • Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. 						
3	Housing Choice	2016 to 2017	Other: Equal Opportunity	Availability / Accessibility & Suitable Living Environment	Citywide	Housing Choice	Admin	50 Households <i>Home Center and City Programs</i>
		Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide. <ul style="list-style-type: none"> • Ensure equal opportunity and housing choice with all programs and activities citywide. 						
4	Poverty Impact	2016 to 2017	Other	Affordability & Suitable Living Environment	Citywide	Poverty Impact	CNCS	200 Individuals <i>Public service activity for low income benefit, VISTA</i>
		Support housing and community development specific to lower income and special needs households through poverty-impact initiatives. <ul style="list-style-type: none"> • Encourage collaboration to better address needs and to respond to opportunities for special needs populations. 						
*Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) HOME Investment Partnerships Program (HOME) CDBG or HOME Administration (Admin) Corporation for National and Community Service (CNCS)								

Table 66 – Goals Summary

Introduction

The City of Billings is recommending a total of six projects for CDBG and HOME funding for FY2016-2017. Revenues received from CDBG, HOME, and other sources will be allocated to current programs under a close- / shovel-ready basis to ensure commitment and expenditure timeliness. In addition to the funding recommendations below, the City is recommending \$175,000 in funding for a NeighborWorks Community Housing Development Organization (CHDO) reserve and HOME revenue funding:

- \$45,257 in FY14-15 CHDO Reserve
- \$39,553 in FY15-16 CHDO Reserve
- \$44,131 in FY16-17 CHDO Reserve (see below)
- \$46,059 in either FY17-18 CHDO Reserve or HOME revenue

#	Project Name	FY2016-2017 Allocations	
		CDBG	HOME
1 & 2	Administration	\$116,388	\$29,421
3	Housing Rehabilitation	\$175,000	-
4	Foreclosure Acquisition / Rehabilitation	\$200,000	-
5	First Time Home Buyer	\$40,554	\$220,657
6	Billings Metro VISTA Project	\$50,000	-
7	Community Housing Development Organizations Affordable Housing Development	-	\$44,131

Table 7 – Project Information, Funding Allocations do not include Program Income

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities were established by identifying community needs through the Needs Assessment and Market Analysis:

- **Affordable Housing Preservation:** Housing Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and Foreclosure Acquisition / Rehabilitation.
- **New Affordable Housing Opportunities:** Community Housing Development Organizations, Affordable Housing Development, and First Time Home Buyer.
- **Poverty Impact:** Billings Metro VISTA Project.

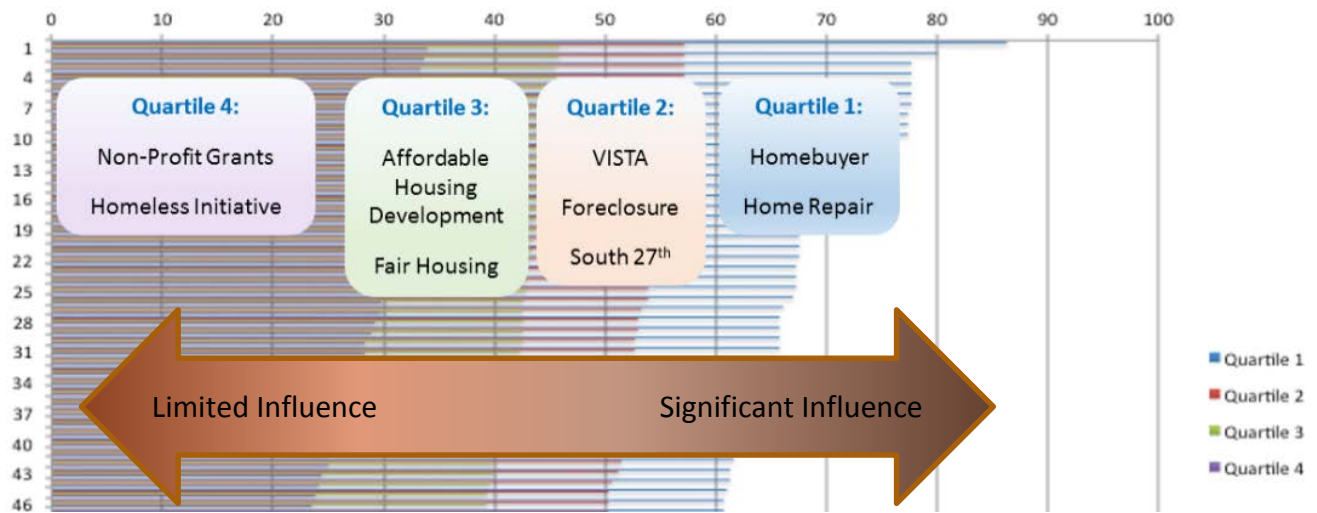
Please Note: The priority need identified to expand fair housing choice through the *Home Center* and efforts to support the implementation of *Welcome Home Billings* to impact homelessness are primarily supported by administrative activities and will not be allocated separately from the above.

Neighborhood Task Force rankings from 2008 to the present favor home repair / buyer and affordable housing development programs. Additionally, the City Council initiated an extensive priority based budgeting process to rank programs based on how they influence the City’s ability to achieve established community results, such as:

- Sustainable Economic Development

- Comprehensive, Orderly Growth and Development
- Community Resource Preservation
- Involved, Engaged and United Community

The home repair / buyer programs were ranked as having *significant influence* on the City’s ability to achieve desired community results and were ranked in the first quartile. The City’s VISTA and Foreclosure programs ranked in the second quartile, followed by Affordable Housing Development and fair housing programs.



Graphic Credit: www.pbbcenter.org; Modified by Community Development Staff to Illustrate Programs & Influence

The primary obstacle faced by the City in undertaking the activities described in its Consolidated and Annual Action Plans and meeting under-served needs is limited funding. The Needs Assessment identified the affordable housing needs and conditions of our community. These conditions, particularly the cost burden faced by very low income renters and homeowners, is difficult to address given existing resources.

In addition to funding for projects and programs, there is a need for additional funding for administration and planning costs to help design strategies and undertake projects to help meet these needs. There are no separate allocations to manage the implementation of Welcome Home Billings or efforts to create a Home Center outside of CDBG Administration. The City leverages its CDBG and HOME resources as evidenced by partnerships with the Montana Board of Housing and the Corporation for National and Community Service.

The City's ability to support community groups like the Mayor’s Committee on Homelessness, the Affordable Housing Task Force, and the Billings Partners for American Indian Home Ownership is significantly limited by administration funding and subsequent staffing levels. City staff can continue to support community partnerships to address housing and community development needs through the Billings Metro VISTA Project.

AP-38 Project Summary

#	Project Name	Target Area	Goals Supported / Needs Addressed	Funding Not Including Program Income	Target Date	Estimate # / Type Families Benefiting
1	Administration	City of Billings	-	CDBG: \$116,388 HOME: \$29,421	6/30/16	Not Applicable
		General grant administration for CDBG and HOME programs.				
2	Housing Rehabilitation	City of Billings	Affordable Housing Preservation	CDBG: \$175,000	6/30/16	5 Household Housing Units <i>Homeowner housing rehabilitated</i>
		<p>Description: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide. Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.</p> <p>Planned Activities: This program provides low income households with zero interest, no payment financing to make needed improvements. This program is intended to revitalize established neighborhoods and preserve the existing affordable housing stock through the completion of repairs to housing.</p>				
3	Foreclosure Acquisition / Rehabilitation	City of Billings	Affordable Housing Preservation	CDBG: \$200,000	6/30/16	1 Household Housing Unit <i>Homeowner housing rehabilitated</i>
		<p>Description: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide. Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development.</p> <p>Planned Activities: Funding to support the purchase of vacant and foreclosed properties for the purpose of rehabilitation and direct homeownership assistance to income qualified homebuyers as their primary residence. The purpose of the program is to stabilize neighborhoods, stem the decline of house values of neighboring homes due to foreclosure, and to preserve decent affordable housing.</p>				
4	Affordable Housing Development	City of Billings	New Affordable Housing Opportunity	HOME CHDO: \$44,131	6/30/16	2 Rental Units Constructed <i>The Affordable Housing Development Program is expected to create 2 new affordable housing units, which could be rental / owner, new construction / rehabilitation</i>
		<p>Description: Create affordable housing opportunities to further improve access to and the quality of affordable housing stock: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.</p> <p>Planned Activities: This funding would be utilized to facilitate the development of new affordable housing.</p>				
5	First Time Homebuyer	City of Billings	New Affordable Housing Opportunity	HOME: \$220,657 CDBG: 40,554	6/30/16	15 Households Assisted <i>Direct Financial Assistance to Homebuyers</i>
		<p>Description: Create affordable housing opportunities to further improve access to and the quality of affordable housing stock: Provide affordable financing and support to promote homeownership opportunities citywide.</p> <p>Planned Activities: This program provides financial resources to support low-income first time homebuyers with down payment and closing costs. Assistance is based on household size and income. Loans are 0% interest, no-payments due until the home is sold / refinanced.</p>				
6	Billings Metro VISTA Project	City of Billings	Poverty Impact	CDBG: \$50,000	6/30/16	200 Individuals <i>Public service activity for low income benefit</i>
		<p>Description: Support housing and community development specific to lower income and special needs households through poverty-impact initiatives. Encourage collaboration to better address needs and to respond to opportunities for special needs populations.</p> <p>Planned Activities: This public service activity would support costs to implement the Billings Metro VISTA Project. These AmeriCorps members work on poverty impact issues in the community including hunger, homelessness, education, and veterans / military family support. Members are placed at nonprofit organization Host Sites and the City to assist in capacity-building efforts to strengthen agencies and the poverty-impact service continuum.</p>				
<p><i>*Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) HOME Investment Partnerships Program (HOME) CDBG or HOME Administration (Admin) Corporation for National and Community Service (CNCS)</i></p> <p>Table 8 - Project Summary</p>						

Description of the geographic areas of the entitlement (including areas of low income and minority concentration) where assistance will be directed

The geographic area served by the Consolidated and Annual Action Plans is defined by the current City of Billings limits. Citation 24 CFR 91.220(f) reads as follows, “When appropriate, jurisdictions should estimate the percentage of funds they plan to dedicate to target areas.” Estimating the percentage of funds planned for dedication to target areas is not appropriate for the Billings community due to the following reasons:

- Geographic area is defined by the current City of Billings limits.
- Citywide strategies encourage the distribution of resources support affirmatively furthering fair housing and equal opportunity to avoid segregation in Billings.
- Geographic distribution of investments description includes the focus of resources on a citywide basis to support diversity across the community.
- The City of Billings is classified as a smaller city on a national scale.
- The actual dollar amount planned for allocation to each program is included in this Action Plan.

The City will focus distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community. Neighborhood Revitalization Strategy areas **have not been established** in Billings and there is no specific amount of funding allocated for a target area in the City’s geographic distribution of resources. **Therefore, the City plans to dedicate zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity and anti-segregation efforts.**

Geographic Distribution	
Target Area	Percentage of Funds
Citywide	100%

Table 7 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The strategies identified in the Consolidated and Annual Action Plans will be addressed on a citywide basis to encourage the distribution of low income affordable housing and other assistance to lower income households throughout the community.

Introduction

Planned affordable housing for the upcoming year include Housing Rehabilitation, Foreclosure Acquisition / Rehabilitation, Affordable Housing Development, and First Time Home Buyer. While many of these programs may serve the homeless or special needs households, the programs are not designed to exclusively serve one or more of the following cohorts. The Manufactured Home Repair program is currently funded through a previous year and outcomes are not included in the below charts to avoid duplication.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	23
Special-Needs	0
Total	23

Table 8 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	2
Rehab of Existing Units	6
Acquisition of Existing Units	15
Total	23

Table 9 - One Year Goals for Affordable Housing by Support Type

Introduction

The Housing Authority of Billings serves extremely low income, very low income, and low income citizens. The Housing Authority plans to apply for all grants that will assist the organization in adding units to its existing programs and any programs that complement existing services and are able to be implemented. The Housing Authority will continue to assess and implement modernization funds to upgrade and restore units and complete energy efficient repairs as needed.

Actions planned during the next year to address the needs to public housing

The Housing Authority may apply for funding to develop affordable housing through the Affordable Housing Development Program. In the past, the City has granted funds to build new units through the HOME and CDBG programs in neighborhoods where Housing Authority property exists. The City has also provided funding for a variety of rehabilitation and new construction projects to neighborhoods that have public housing units in need of upgrading.

The City has helped rehabilitate properties, sold land for new businesses, and granted land to nonprofits to assist with neighborhood revitalization efforts in neighborhoods where Housing Authority complexes have been built. The City has provided funding for parks and play areas for the neighborhoods where Housing Authority families reside. In addition, the businesses that have moved into areas where Housing Authority properties are located have contributed to the economic stability of the Housing Authority clients. The City's First Time Home Buyer program assists with home ownership down payment assistance and home ownership counseling for clients considering homeownership.

The City coordinates with the Housing Authority for environmental reviews, housing needs assessments, assists in funding new projects when appropriate, and assists with applications for supportive services when called upon for needed assistance.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority implements the Family Self-Sufficiency program. This program links participants to community agencies to help them become self-sufficient through individual goal setting. Fifty-five families participated in the program in 2014. Three families moved into homeownership, two with continued assistance and one without. Forty-one households have achieved homeownership through this program to date. Resident councils, an Advisory Board and the Family Self-Sufficiency Panel are involved in providing input on program needs and assisting others to become actively involved in the process. Additional information is included in the five-year plan on file at the Housing Authority office.

Each year, the Housing Authority goes through a process to assess physical needs addressed by tenants through their Resident Advisory Board for the Annual Plan process; comments are also solicited via Resident Council functions throughout the year. These comments, Board participation, tenant commissioners, and Public Housing Administration's daily communications with the Housing Authority's client base serve to assist in assessing client needs for physical adjustments, security issues, and needed

links with the community. The physical needs requests are implemented along with staff recommendations in the Capital Fund planning process.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. The Housing Authority is a High Performer for PHAS and, therefore, a review of troubled status needs is not required as part of the Consolidated and Annual Action Plan.

Introduction

As stated in the SP-60 Homelessness Strategy of the Consolidated Plan, the Community Development Division's plan is to support the following activities to the greatest extent feasible:

- Supporting the annual *Billings Community Connect* event, formerly known as Project Homeless Connect.
- Continuing to develop and distribute the City's *Resource Map* and *Notepad*, which includes a comprehensive downtown service directory for anyone seeking assistance.
- Supporting capacity building efforts for nonprofit organizations who provide direct assistance to the homeless and those at risk of homelessness through the *Billings Metro VISTA Project*.
- Supporting ongoing *Community Innovation Summit* efforts to engage those living on the streets in service provision and treatment.

The City does not receive McKinney-Vento Homeless Assistance Act funds and is not required to develop and implement a Discharge Coordination Policy. The Montana Continuum of Care (MT CoC) for the Homeless Coalition is the state's lead agency for addressing homeless activities, and is a statewide collaboration of diverse homeless service providers, nonprofit organizations and local and state governments. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. The system is established upon community and regionally based continuum of care systems, which form the statewide coalition and continuum of care process. The City supports the MT CoC in their efforts to establish a Statewide Discharge Coordination Policy.

The City's work with the homeless is impacted significantly by the fact that it is not a direct recipient of homeless funding. Funds are provided to the State of Montana and are distributed by the State to various regions in Montana through the Human Resource Development Councils. A Continuum of Care application is prepared on a statewide basis and the City plays a supportive role in this process.

The City's homeless activities are complemented by the work of a primary provider of shelter to individuals and women and families in Billings; the Montana Rescue Mission (MRM). The MRM effectively raises funds to support its various activities including job training and transitional housing programs. The Rescue Mission traditionally has not pursued or accepted government grants.

The City does not receive Emergency Shelter Grant funds. These funds are distributed statewide by the Montana Department of Public Health and Human Services through ten Human Resource Development Councils throughout the state. The local District 7 HRDC utilizes these funds to support rapid re-housing activities in conjunction with the local shelters.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Public and private agencies have assisted the City in developing a ten-year plan to impact homelessness, Welcome Home Billings. Local organizations that provide housing, health services, and social services have been intricately involved in planning processes for the homeless and chronically homeless, including members of the Mayor's Committee on Homelessness.

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals as noted in the Consolidated Plan SP-40 Institutional Delivery Structure section. Specific Goals and strategies relative to **outreach** activities are as follows.

Cross Cutting Goals - Awareness:

- B: Increase advocacy and public knowledge on behalf of the homeless.
- B4: Provide venues for those experiencing homelessness to have their ideas and concerns heard.

Programmatic Goals & Priorities - Services:

- G: Expand treatment /service capacity and linkage to essential services.
- G1: Expand coordinated intensive case management and street outreach services for the homeless.

The Mental Health Center manages the PATH outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. A complete listing of services, including outreach, is included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan.

Addressing the emergency shelter and transitional housing needs of homeless persons

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals as noted in the Consolidated Plan SP-40 Institutional Delivery Structure section. Specific Goals and strategies relative to **emergency and transitional housing** activities are as follows.

Programmatic Goals & Priorities - Housing:

- E: Increase the City's supply of decent, affordable housing.
- E1: Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery.
- E2: Seek federal, state and local funding sources to support affordable housing development for households with very low income (zero - 30% AMI).
- E3: Build local service provider capacity for affordable housing development, management and housing rehabilitation.
- E6: Facilitate collaborative grant and loan applications for affordable housing development to serve the homeless.

Programmatic Goals & Priorities - Prevention:

- F: Expand treatment / service capacity and linkage to essential services.
- F1: Increase funding dedicated to rent, utilities and mortgage assistance.
- F2: Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.
- F3: Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail, and behavioral health facilities.

- F4: Utilize housing first and rapid re-housing philosophies in developing housing options to shorten homelessness.
- F5: Support case management efforts to transition occupants from shelter care to permanent supportive housing.
- F6: Support landlord-tenant intervention to prevent eviction.

The shelter homeless needs for the Billings community are primarily met by the Montana Rescue Mission, which operates both a men’s shelter and a women and family shelter. Montana Rescue Mission does not seek nor utilize federal funds for its operation. Several local service providers assist homeless families by providing funding for rent, mortgage, utility, and deposit assistance.

The Community Crisis Center provides crisis intervention and 23 hour stays as a technique to impact chronic homelessness. The YWCA provides transitional housing for victims of domestic violence. A complete listing of services, including emergency and transitional housing, is included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan.

For those living on the downtown streets of Billings, a new position has been created for an addiction / mental health counselor to accompany two downtown police officers when engaging people living on the streets. This initiative has been undertaken as one of the many outcomes from the Community Innovations Summit, which was facilitated by the Community Development Division and the Downtown Billings Alliance. A [recent article](#) published by the Billings Gazette highlights immediate successes as a result of this program.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City’s ten-year plan to impact homelessness. Specific Goals and strategies relative to **service, housing and prevention** activities are as follows.

Programmatic Goals & Priorities - Housing:

- E5: Decrease barriers to obtaining existing housing units and refine housing placement services and coordination.

Programmatic Goals & Priorities - Prevention:

- F: Expand treatment / service capacity and linkage to essential services.
- F1: Increase funding dedicated to rent, utilities and mortgage assistance.
- F2: Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.
- F3: Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail, and behavioral health facilities.

- F4: Utilize housing first and rapid re-housing philosophies in developing housing options to shorten homelessness.
- F5: Support case management efforts to transition occupants from shelter care to permanent supportive housing.
- F6: Support landlord-tenant intervention to prevent eviction.

Programmatic Goals & Priorities - Services:

- G: Expand treatment /service capacity and linkage to essential services.
- G1: Expand coordinated intensive case management and street outreach services for the homeless.
- G2: Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.
- G3: Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.
- G4: Support increases in capacity for day center operations across the city.
- G5: Support expansion of community-based, criminal justice diversion and re-entry programs.
- G6: Establish one-stop shop to access all services for the homeless.

Programmatic Goals & Priorities - Assets:

- H: Increase personal income levels and economic opportunities.
- H1: Increase access to social service and income benefits by ensuring assistance is provided to complete applications.
- H2: Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.
- H3: Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.
- H4: Support the expansion of financial fitness and credit assistance programs.
- H5: Promote fair wage rates and competitive bidding through the expansion of social enterprise efforts.
- H6: Increase financial management services for those in need.

A complete list of service providers offering housing, services and prevention support is located in MA-30 Homeless Facilities and Services.

Helping low income individuals and families avoid becoming homeless, especially extremely low income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. Specific Goals and strategies relative to **prevention** activities are as follows.

Programmatic Goals & Priorities - Prevention:

- F: Expand treatment / service capacity and linkage to essential services.
- F1: Increase funding dedicated to rent, utilities and mortgage assistance.

Introduction

Several barriers to the affordable housing development and maintaining residency in housing have been identified. They include:

- **Economic Conditions:** The Needs Assessment and Market Analysis indicate median housing cost has exceeded median household income for certain household income levels. Lower income households have a difficult time affording and maintaining a suitable home in the current market.
- **Cost of Development:** This includes infrastructure costs and leapfrog development.
- **Difficulty in Paying for Needed Repairs:** Many low income households pay greater than 30% to 50% of their income for housing costs. Many of these households do not have the resources to pay for needed repairs to the property.
- **Few New Manufactured Housing Developments:** It is a challenging process for new manufactured housing developments to be approved, which may raise the price of existing lots due to the value of limited units. Owners of manufactured homes have a difficult time finding an affordable place for their housing unit. While manufactured housing has drawbacks, it also provides an affordable rental lot option for many families. The construction quality with manufactured housing continues to improve.
- **Tax Structure:** Dependence on property taxes to support local government costs, including infrastructure.

Additional barriers have been identified in the City's Analysis of Impediments to Fair Housing Choice, including:

- Concentrations of minorities that would not exist in a free market not distorted by discrimination suggest that Billings has a dual housing market; one for non-Hispanics, Whites and Asians and another for all other minorities.
- Discriminatory real estate industry practices such as racial and ethnic steering distort the free market in housing.
- Discrimination against Latinos in issuing government-backed mortgage and refinancing loans continues unabated in Billings as it does throughout the nation.
- The relatively high cost of housing continues to pose a barrier to fair housing choice in Billings.
- A review of Unified Zoning Regulations and review requirements to foster compliance with fair housing law and to promote inclusionary zoning.
- There is a serious shortage of housing affordable to holders of Housing Choice Vouchers in the areas where the proportion of public school students from low income neighborhoods is relatively low.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City plans on assisting with: housing affordability for renters / owners; cost of development; difficulty in paying for needed repairs; manufactured housing developments; and tax structure by implementing the following programs:

- Housing Rehabilitation
- Manufactured Home Repair
- Foreclosure Acquisition / Rehabilitation
- First Time Home Buyer
- Affordable Housing Development
- Billings Metro VISTA Project

Relative to the barriers identified in the City's Analysis of Impediments to Fair Housing Choice, the City plans on the following:

- Produce and disseminate consumer education on Fair Housing issues through ongoing publicity campaigns to make people aware that they can move anywhere in the area they can afford.
- Work to expand housing choices of existing and potential new residents beyond neighborhoods identified by their own race or ethnicity.
- Continue to partner with enforcement agencies providing testing of the real estate industry practitioners to identify discriminatory practices in rental and for-sale housing.
- Support the efforts of local housing counseling agencies, especially to Latinos, before they apply for a mortgage.
- Continue to provide brochures containing information apprising potential home buyers of the availability of housing counseling and how to spot / report discriminatory lending practices.
- Continue to work toward the provision of affordable housing through Community Development programs.
- Support the efforts of the Planning Division in reviewing:
 - Minimum percentage of affordable housing units per development with five or more units.
 - Housing Authority of Billings first right of refusal for inclusionary units.
 - Amendments for neighborhood plans to promote stable, socio-economically diverse neighborhoods throughout Billings.
 - Affirmative marketing and billboard advertising requirements.
 - Developer brochure distribution requirements.
 - Fair Housing logo / language requirements for agreements.
 - Occupancy requirements and equal treatment for group living for the disabled.
 - Accessory dwelling units / cottage cluster homes.
- Support efforts promote economic diversity in all schools to ensure every school has a majority of pupils coming from middle-class / higher-income households.
- Support the Housing Authority's efforts to expand the geographic range where holders of Housing Choice Vouchers look for housing.

Introduction

The City's programs have been designed to meet priority needs in the community. However, there is very limited funding coming through the City to meet the needs of local citizens.

Actions planned to address obstacles to meeting underserved needs

The City plans on meeting underserved needs through the following programs:

- **Affordable Housing Preservation:** Housing Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and Foreclosure Acquisition / Rehabilitation.
- **New Affordable Housing Opportunities:** Community Housing Development Organizations, Affordable Housing Development, and First Time Home Buyer.
- **Housing Choice:** Fair housing education in all City programs and supporting the Billings Home Center.
- **Poverty Impact:** Billings Metro VISTA Project.

Please Note: The priority need identified to expand housing choice is supported by administrative activities and will not be allocated separately from the above.

Actions planned to foster and maintain affordable housing

The City plans on maintaining affordable housing through the following programs:

- **Affordable Housing Preservation:** Housing Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and Foreclosure Acquisition / Rehabilitation.
- **New Affordable Housing Opportunities:** Community Housing Development Organizations, Affordable Housing Development, and First Time Home Buyer.

Actions planned to reduce lead-based paint hazards

The City continues to be in compliance with HUD's lead-based paint requirements as established in September of 2000. According to the American Community Survey estimates from 2007-2011, it is estimated that there are over 29,317 housing units built before 1979 that are at risk of containing lead-based paint, which comprises 64% of the total housing stock in Billings. Not all of the homes built prior to 1979 contain lead-based paint and lead hazards. However, projects involving structures built prior to 1978 are considered to have the potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

In 2012, the Center for Disease Control recommended action for children with elevated levels greater than or equal to five ug/dL. The Montana Department of Public Health and Human Services cited a [2012 field study](#) conducted in 11 counties in the state. Children enrolled in Medicaid aged one to five years were tested for elevated blood lead levels. Nearly 600 children participated in the study, and three percent of the children had levels \geq five ug/dL. One in four of the children tested had \geq one ug/dL. This information is the latest data available on children in Montana and exposure to lead as of March 2014.

The City will continue diligence while undertaking rehabilitation and construction activities in order to maintain the safety of households participating in federal programs. Participants in the City's housing programs are made aware of the requirements the City must follow when providing assistance. Education on the hazards of exposure to lead is provided for each rehabilitation project. The City currently offers risk assessments, through certified staff, paint inspections, clearance testing, and has access to lead-safe certified contractors to ensure compliance.

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

Actions planned to reduce the number of poverty-level families

As stated in the SP-60 Homelessness Strategy of the Consolidated Plan, the Community Development Division staff plans on supporting the following to the greatest extent feasible:

- The annual Billings Community Connect event, formerly known as Project Homeless Connect. Continuing to develop and distribute the City's Resource Map and Notepad, which includes a comprehensive downtown service directory for anyone seeking assistance.
- Efforts to strengthen nonprofit organizations who provide direct assistance to the homeless and those at risk of homelessness through the Billings Metro VISTA Project.
- Ongoing Community Innovation Summit efforts to engage those living on the streets in service provision and treatment.

To the greatest extent possible, City staff will continue to implement **Welcome Home Billings**, the City's ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals. The City also plans on reducing the number of poverty-level families through the Billings Metro VISTA Project.

Actions planned to develop institutional structure

Affordable Housing Preservation: The City has the comprehensive ability to address priority needs through home repair programs such as Housing Rehabilitation and Foreclosure Acquisition / Rehabilitation programs. Contractors trained in lead-safe work methods are limited and staff advertises contractor opportunity through print media, on the City's website, through the Neighborhood Task Forces and holding public informational meetings. Emphasis on the provision of opportunity to Section 3, minority and women-owned businesses ensures furthering equal opportunity to low income owners / employers, racial / ethnic minorities and businesses owned by women.

New Affordable Housing Opportunity: The City maintains positive relations with the Housing Authority of Billings, developers, lenders, realtors and others to ensure collaboration and engagement in the implementation of First Time Home Buyer and Affordable Housing Development programs. City staff currently facilitates regular meetings for the Affordable Housing Task Force and Billings Partners for American Indian Home Ownership to facilitate engagement and participation in City programs. The City has one currently certified Community Housing Development Organization and is actively seeking additional organizations for the purposes of affordable housing development.

Housing Choice: City staff maintain positive and close relationships with the staff at Montana Fair Housing, which is the primary organization in fair housing education and enforcement for the state. The City's Analysis of Impediments to Fair Housing Choice revealed the beginnings of segregated neighborhoods and lending discrimination for Hispanic Americans in Billings. The Analysis contained the following recommendation:

Billings should establish a housing service center, much like the Oak Park Regional Housing Center, where home seekers are introduced to housing options beyond the racial or ethnic neighborhoods to which they often feel they are limited. In Billings, the housing service center should seek to expand the housing search of minorities beyond the census tracts where the proportion of minorities is significantly greater than would be expected in a free market without discrimination. It should seek to expand the housing choices of Whites to those parts of the city where the proportion of Whites is less than would be expected in a discrimination-free housing market.

At the invitation of the City, NeighborWorks Montana researched the potential of a comprehensive housing center to serve low income renters and homeowners. All of the Billings housing organizations, including the City of Billings, the Housing Authority of Billings, Rebuilding Together, District 7 HRDC, Rural Dynamics, Beartooth Resource Conservation and Development, and Homeward agreed to join together to form the Home Center of Billings. A suitable building was located in downtown Billings, central to the City's low income and minority neighborhoods. The Home Center officially opened in July 2015.

The Home Center provides comprehensive housing services including fair housing information, housing education, counseling, development and revitalization. As a collaboration, no single entity will provide all of the services, but collectively, services can be available under one roof, creating the opportunity for a potential homebuyer or a renter seeking safe, affordable homes to access all of the services in a one-stop-shop.

Poverty Impact: CDBG and HOME resources are not adequate to meet the needs of the homeless and those experiencing poverty in Billings. The City's main anti-poverty initiative is the implementation of the Billings Metro VISTA Project. The City has provided full-year and summer associate support to 39 nonprofit organizations to date and the continuance of this initiative is imperative to support capacity building efforts to strengthen service delivery to those in need.

The Billings Metro VISTA Project enables the City to support nonprofit organizations in a sustainable fashion since the provision of public service grants is no longer an option due to historically low CDBG allocations. To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness through the end of calendar year 2016, when the Mayor's Committee on Homelessness' Resolution expires with the Billings City Council.

Actions planned to enhance coordination between public and private housing & social service agencies

The City will continue coordinating with public, private, and social service agencies to further activities and projects identified herein, including participation in the following groups and initiatives, to the greatest extent feasible given current funding levels and staff duties:

- Neighborhood Task Forces
- Adjacent Neighborhood Committee
- Affordable Housing Task Force
- Billings Partners for American Indian Home Ownership
- Billings Metro VISTA Project
- Resource Map and Notepad
- Mayor's Committee on Homelessness
- Community Innovations Initiatives
- Billings Community Connect

Introduction

The City of Billings has programmed all available revenues in current programs identified herein.

**Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)**

1. Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.	\$0
2. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$0
3. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	\$0
4. The amount of surplus funds from urban renewal settlements	\$0
5. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	\$0
6. The amount of income from float-funded activities.	\$0
Total Program Income:	\$0

Other CDBG Requirements

1. The amount of urgent need activities.	\$0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two, or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specific the years covered that include this Annual Action Plan.	100%
Years Covered are 2016-2017	

Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The above-noted regulation refers to the use of HOME funds for eligible activities. The City of Billings will not utilize HOME funds outside of the following allowable investments:

- Equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this part, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with the purposes of this part. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this part.
- Guarantee loans made by lenders and, if required, the participating jurisdiction may establish a loan guarantee account with HOME funds. The HOME funds may be used to guarantee the timely payment of principal and interest or payment of the outstanding principal and interest upon foreclosure of the loan. The amount of the loan guarantee account must be based on a reasonable estimate of the default rate on the guaranteed loans, but under no circumstances may the amount on deposit exceed 20% of the total outstanding principal amount guaranteed; except that the account may include a reasonable minimum balance. While loan funds guaranteed with HOME funds are subject to all HOME requirements, funds which are used to repay the guaranteed loans are not.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Recapture provisions permit the original homebuyer to sell the assisted property to any willing buyer during the period of affordability while the City is able to recapture all or a portion of the HOME assistance provided to the original homebuyer. The City utilizes recapture provisions exclusively when assisting homeowners and the provisions are enforced via a Promissory Note (not recorded), the use of a Deed Restriction Agreement and a Montana Trust Indenture that are both recorded at the Yellowstone County Clerk and Recorder's office. These written, legal documents contain language outlining the recapture provisions as established herein. The City does not use subrecipients or other grantees to carry out these activities.

Homebuyer Requirements: In order for homeownership housing to qualify as affordable housing eligible for HOME funding, it must be: single-family; considered modest housing; be acquired by a low income household for their principal residence; and meet affordability requirements for a single period of time as determined by the amount of assistance provided.

Direct HOME Subsidy: The amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes down payment and closing costs provided directly to the homebuyer, which resulted in a reduced purchase price from the fair market value of the home to an affordable price. The entire amount of HOME assistance is subject to recapture.

Net Proceeds: The sales price, less the superior loan repayment and any closing costs. The City will only recapture the net proceeds from a sale. Any loans or improvements made to the property after the time of the HOME assistance will be paid after the City is repaid the amount owed under its

recapture provisions. If the net proceeds are not sufficient to recapture the full HOME investment, the City will accept the available net proceeds as full payment.

Recapture Model - City Recaptures Entire HOME Assistance Amount: The City allows the assisted homebuyer to retain all appreciation and the City expects to recapture the entire direct HOME subsidy invested in the project. Therefore, the homeowner will retain any value of the appreciation of the property after the City's HOME assistance has been recaptured / repaid. The homeowner's down payment, principal payments, and any capital improvement investment made in the property after the HOME assistance was provided will be returned to the homeowner at closing after the City's HOME assistance is recaptured and repaid from the net proceeds as described above.

Subordination: The City does not subordinate loans in the First Time Homebuyer program and other homeowner-assisted projects without City Council approval. Therefore, if an assisted homeowner refinances the property, the City will need to be repaid the full amount of HOME assistance provided. Assisted homeowners wishing to pursue City Council approval may write a letter explaining the need for the subordination and submit it to the Community Development Division. Staff will then prepare a memo and place the subordination on the Community Development Board agenda for recommendation to the City Council.

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

Resale: the objective of the resale provision is to continue the affordability of a property in the event of resale and applies to HOME assisted projects restricting assistance to a development subsidy; construction, infrastructure, land acquisition, etc. In the event the City provides HOME assistance as an exclusive development subsidy, the seller would be obligated to either find an income-eligible buyer (under 80% AMI) who could afford the sales price or would have to sell the property back to the City / Developer at a price that will keep the property affordable for the next low-income buyer.

Housing providers may find the resale option beneficial as they may be able to retain control of the unit to ensure long-term affordability. Property sellers are entitled to a fair return on their investment; percentage of change in area median income over the period of ownership. The base price is the original homebuyer investment plus the value of any upgrades beyond maintenance. The sales price is the comparative price to the base price. In the event of a declining market, a loss on investment may constitute a fair return.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds. See 24 CFR 92.254(a)(4) are as follows:

Long Term Affordability: Under the recapture provision, there is no requirement that the original HOME-assisted homebuyer sell the unit to another low-income homebuyer.

Affordability Periods: For City-assisted homebuyer units under the recapture provision, the period of affordability is based upon the direct HOME subsidy provided to the homebuyer that enabled the homebuyer to purchase the unit. Any program income used to provide direct assistance to the homebuyer is included when determining the period of affordability. Recapture provisions for the First Time Homebuyer program are either five or ten years for each assisted property beginning after

the transfer of the property to the property owner as evidenced by the Deed Restriction Agreement, Montana Trust Indenture and Promissory Note.

4. **Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

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

Section IV: Appendix

Appendix A: CDBG Application for Federal Assistance (SF-424)

Appendix B: HOME Application for Federal Assistance (SF-424)

Appendix C: Local Government Certifications

Appendix D: Citizen Participation Plan

The City's Citizen Participation Plan is designed to ensure citizen involvement in the planning and reporting on programs covered under the HUD Consolidated and Annual Action Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's federally funded housing and community development programs. 91.105

Citizen Participation Plan Objectives

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

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

Community Development Board

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

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

Billings City Council

The Billings City Council is the final governmental policy body that reviews and takes action on the Annual Action Plan, including the Citizen Participation Plan. The Community Development Board presents recommendations to the City Council during a scheduled work session preceding the public hearing in April to deliver information on decisions made regarding recommendations. After receipt and consideration of public

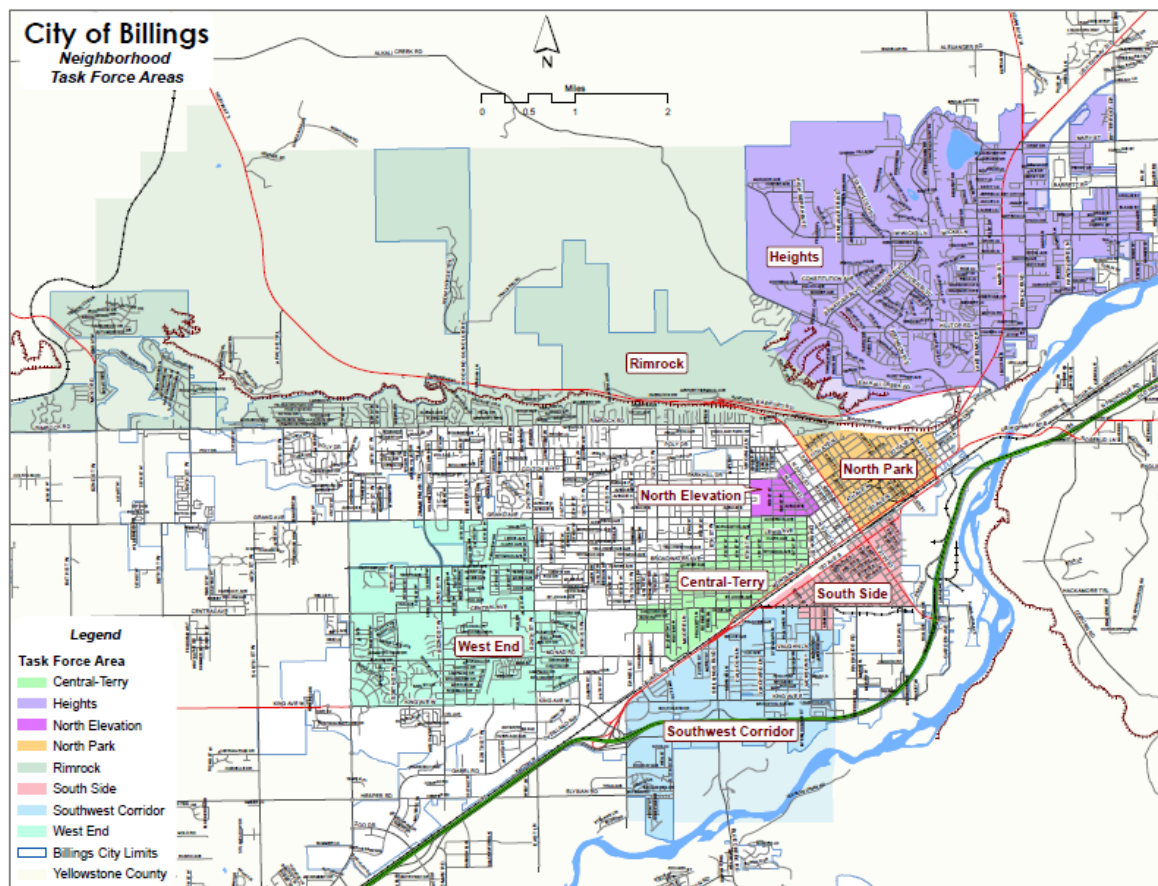
comments, the City Council approves the Annual Action Plan and proposed funding allocations. Following approval in May, the Annual Action Plan is forwarded to HUD.

Neighborhood Task Forces Representing Low-Income, Minority & Female-Headed Households

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

The City will continue to work with Neighborhood Task Forces that represent the community's low income and high minority areas to ensure input from these areas in the development and implementation of the City's community development strategies as described in the Consolidated Plan. The City will also continue to support the activities of the Adjacent Neighborhood Committee, which is comprised of Task Force officers who meet bi-monthly to collaborate and exchange information regarding the Task Force areas. The Community Development Division will continue to request project rankings from Task Force participants on housing and neighborhood activities for the annual allocation process.

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



Participation through Partnerships

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

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

Establishing and maintaining partnerships with a myriad of organizations that support the community vision is the keystone to the Division's planning efforts. The Community Development Division supports the following organizations and includes their input throughout the year:

- ***Affordable Housing Task Force*** – The Affordable Housing Task Force is comprised of lenders, realtors, the Housing Authority of Billings, local housing developers, and other organizations working in housing to ensure coordination and collaboration in identifying needs, undertaking actions to meet those needs, and evaluating activity effectiveness. The vision of the group is to successfully identify the housing needs of the community and provide expertise and innovative solutions to ensure attainable housing for all. Their mission is to work as a positive voice coordinating action, and organizing and energizing efforts to promote affordable housing in the Billings area.
- ***Billings Partners for American Indian Homeownership*** – The Billings Partners for American Indian Homeownership (BPAIH) was formed to provide an organized approach to outreach and education for American Indians who would like to purchase a home. This group has identified a 26% American Indian homeownership rate compared to 67% for Whites and 45% for blacks and Hispanics. Their vision is to increase American Indian private homeownership in the greater Billings community. This organization has been comprised of lenders, realtors, housing organizations, credit counseling organizations, Indian Health Service, Yellowstone County Extension Office, and others.
- ***Mayor's Committee on Homelessness*** - The Mayor's Committee began meeting in June 2006 following Mayor Tussing's charge to develop a ten-year plan to address the needs of the chronically homeless in Billings. The development of this plan was part of a national movement to change the way in which communities address homelessness and was the first of its kind in Montana. To date, over 300 cities across the nation have committed to implementing plans to impact chronic homelessness. The Mayor's Committee includes representation from a broad stakeholder group including housing / service providers, civic / business leaders, economic / work force agencies, faith based / philanthropy groups, and other interested parties.
- ***Fair Housing Organizations*** – The City actively partners with organizations with an interest in fair housing. In May 2004, the City Council required City staff to facilitate fair housing efforts via competitive processes in order to ensure equal access for organizations with an interest in fair housing. City staff has facilitated several grant applications for the Fair Housing Initiative Program (FHIP) available competitively through HUD and was awarded grant funding in 2006, 2007, 2008

and 2011. Continuing the practice of grant writing for fair housing activities this upcoming year is contingent on available staff time. Previous and current partners and Subrecipients of FHIP funding have included: Homeward; the Community Housing Resource Board; Interfaith Hospitality Network; the Billings Partners for American Indian Homeownership; Rimrock Foundation; Yellowstone AIDS Project; and Yellowstone County Council on Aging in Billings.

Racial / Minority / Female-Headed Household Participation

Actions taken to establish and oversee a minority outreach program to ensure inclusion of minorities and women, entities owned by minorities and women, including real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, and underwriters in all contracts is accomplished by the following:

- Facilitating the *Billings Partners for American Indian Homeownership*; a group of lenders, realtors and affordable housing professionals with an interest in increasing minority homeownership opportunities.
- Facilitating the *Affordable Housing Task Force*; a group of lenders, realtors and affordable housing professionals with an interest in affordable housing maintenance and development.
- Maintaining a current email distribution list for the lending community and the real estate community at large in the Billings area, including women, low income individuals, minorities, and female-headed households.
- Annual advertisement for contractor opportunities in construction in publications distributed to low-income, and minority and female-headed households.
- Contract opportunities for contracts are distributed to :
 - Chairpersons for the neighborhood task forces, which cover both low income areas and higher concentrations of minority residents, including female-headed households. The City's most concentrated minority populations are located in the Southside, Southwest Corridor, North Park, North Elevation, and Central – Terry Park task force neighborhoods.
 - Housing Authority of Billings to post for residents utilizing public assistance, also a higher female headed-household and minority population.
 - Members of the Mayor's Committee on Homelessness and the Billings Area Resource Network, representing social service providers serving high concentrations of low-income, female-headed and minority households.

For additional information on standard practices, please refer to the City's comprehensive [Section 3 procedures](#), available online.

Persons with Disabilities & Reasonable Accommodation

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

Limited English Proficiency & Language Assistance Plan

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

Technical Assistance

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

Public Involvement & Consolidated / Annual Action Plan Review

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

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

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

Public Hearings

The City holds public hearings each year regarding housing and community development activities. A public hearing is held by the City Council in April to provide nonprofit agencies, organizations, and individuals with an opportunity to provide input on the Consolidated / Annual Action Plan and the allocation of CDBG and HOME funds in the community. A second public hearing is held by the City Council in September to gather public input on the City's performance and progress in meeting the strategies included in the City's Consolidated Plan and Annual Action Plan for the previous fiscal year ending each June 30th. All public hearings are accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.

Report & Plan Availability

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

A summary of the plan development process and public comments received during this process will be included in final version of the Consolidated Plan, Annual Action Plans, and Comprehensive Annual Performance and Evaluation Report submitted to HUD. The Community Development Division office is located at 2825 3rd Avenue North, 6th Floor, Billings, Montana 59101 and has office hours Monday through Friday, 8:00am to 5:00pm.

Public Comments

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

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

Appendix E: Public Notice

Appendix F: Public Comments

Public Hearing: On April 25, 2016, a Public Hearing was held at the Billings City Council meeting at City Hall, 210 North 27th Street, Billings, Montana. Staff member Brenda Beckett presented materials on the Consolidated and Annual Action Plans and answered specific

Councilmember questions....

Public comments made at the meeting are summarized below:

COMMUNITY DEVELOPMENT DIVISION

FINAL Revenue FY 2016-2017

CDBG REVENUE

New Funding Sources - Eligible for use in Admin Cap

HUD CDBG Grant	\$581,942	HUD Allocation Estimate
----------------	-----------	-------------------------

Reallocated Funding Sources - Not Eligible for use in Admin Cap

None to date...

Total Reallocated Funding: \$0

CDBG Revenue Total: \$581,942

20% CDBG Administration Cap: \$116,388 Budget 20% HUD Allocation Only

Public Service Cap Calculation

15% of Prior Year Program Income	\$0	
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15% of New CDBG Allocation	\$87,291	
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15% Public Services Cap: \$87,291

Housing Rehabilitation Revolving Loan Fund - Minimum Allocation Calculation

FY2015-2016 New CDBG Allocation	\$562,741	
---------------------------------	-----------	--

Considered 'Prior Year' for FY16-17 Planning

1/12 of Prior Year's New CDBG Allocation Calculation	\$46,895	
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Maximum Program Income Allowed

New Program Income on FY2014-2015 (last completed) CAPER:	\$117,189	
---	-----------	--

\$ Over Maximum to be Re-Allocated to Housing Rehab: \$70,294

Program income over 1/12 of last year's new CDBG allocation allowed for reallocation if part of revolving loan fund.

HOME REVENUE

New Funding Sources - Eligible for use in Admin Cap

HUD HOME Grant	\$294,209	HUD Allocation Estimate
----------------	-----------	-------------------------

10% Cap on HOME Administration: \$29,421

15% CHDO Allocation Minimum: \$44,131

Reallocated Funding Sources - Not Eligible for use in Admin Cap

No projects identified

Total Reallocated Funding: \$0

HOME Revenue Total: \$294,209

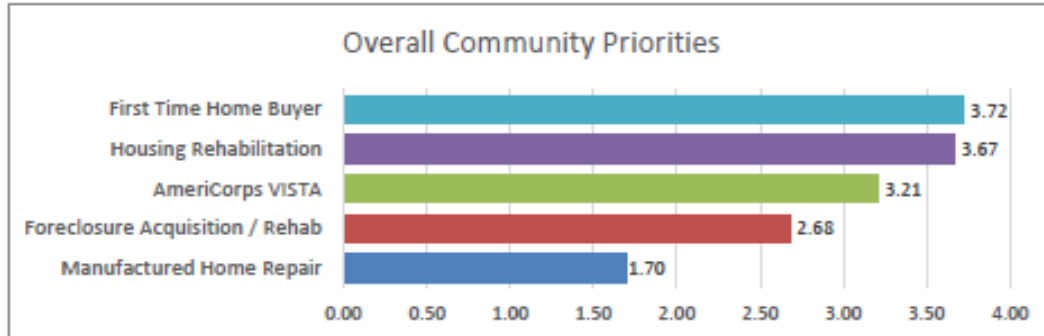
Total Available in CDBG & HOME: \$876,151

FY2016-2017 CDBG & HOME ALLOCATIONS

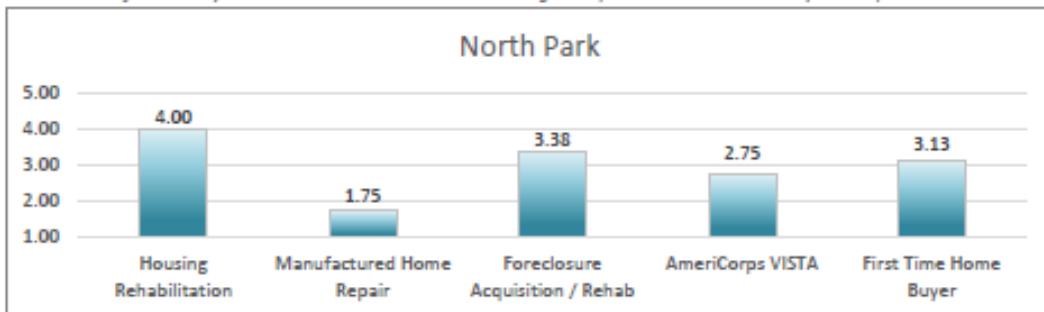
CDBG & HOME PROJECTS			Applications		Staff & CD Board Recommendations <i>Purple \$ set by Formulas</i>	
			CDBG	HOME	CDBG	HOME
Admin / Planning	HN-1	CDBG Administration - CAP: 20% of new CDBG \$	\$125,000	-	\$116,388	-
	HN-2	HOME Administration - CAP: 15% of new HOME \$	-	\$30,000	-	\$29,421
Affordable Housing	HN-3	Set-Aside for CHDOs - Min: 15% of new HOME \$	-	\$40,000	-	\$44,131
	HN-4	Affordable Housing Development		\$0	-	\$0
	HN-5	First Time Home Buyer Program	\$0	\$200,000	\$40,554	\$220,657
	HN-6	Housing Rehabilitation Loan Program	\$175,000	-	\$175,000	-
	HN-7	Minor / Manufactured Home Repair	\$25,000	-	\$0	-
	HN-8	Foreclosure Acquisition Rehab	\$200,000	-	\$200,000	-
CDBG PUBLIC SERVICES			Applications		Staff Recommendations	
Public Services	PS-1	VISTA Administration	\$50,000	-	\$50,000	-
Total Funded:			\$575,000	\$270,000	\$581,942	\$294,209
			\$845,000		\$876,151	

COMMUNITY DEVELOPMENT DIVISION PROGRAM PRIORITIES

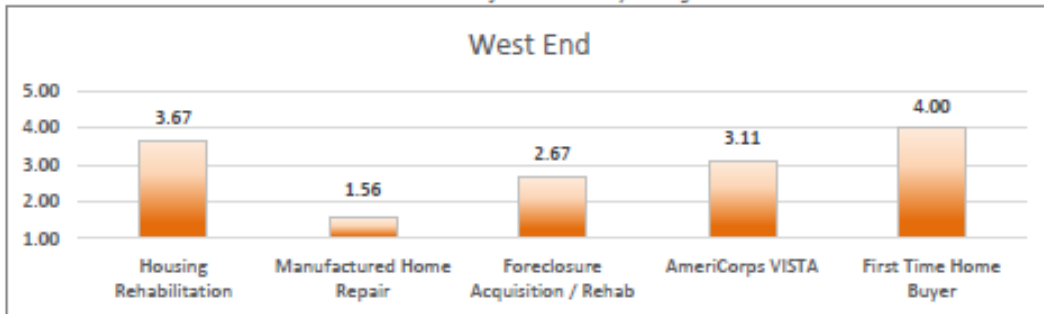
All respondents were asked to rank Community Development programs in order of priority.



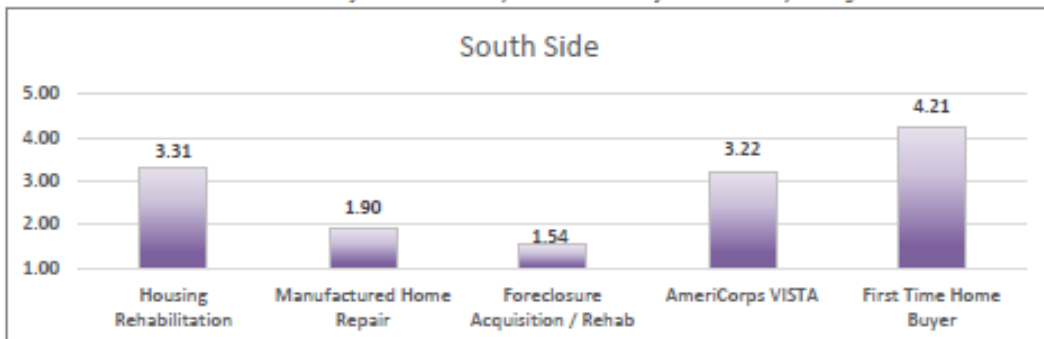
A total of 71 surveys were gathered: 42 during Task Force meetings and an additional 29 were submitted online. The online version of the survey was announced at Task Force meetings and placed on the Community Development website.



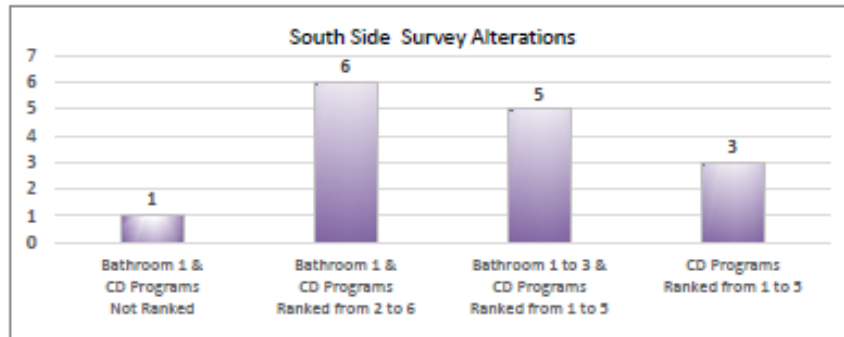
A total of eight surveys were received. Four were from voting members of the North Park Task Force and the remaining four were members of the community at-large.



A total of nine surveys were received from the West End Task Force. Three were from voting members of the Task Force, two were unknown and four indicated they were members of the community at-large.

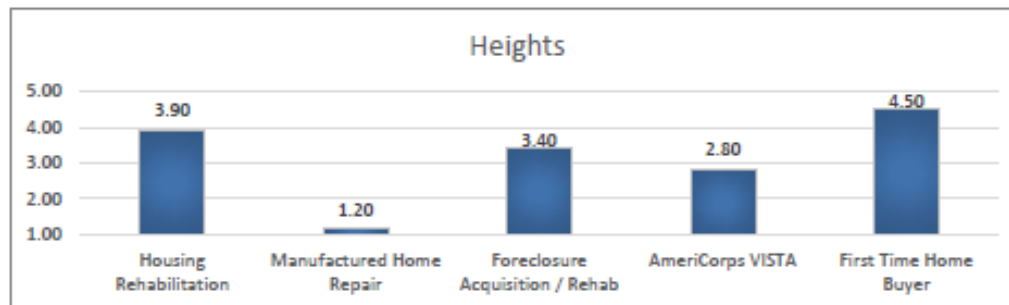


A total of 15 surveys were received from the South Side Task Force meeting. Twelve were from voting members of the South Side Task Force, and the remaining three surveys were from at-large members of the community.

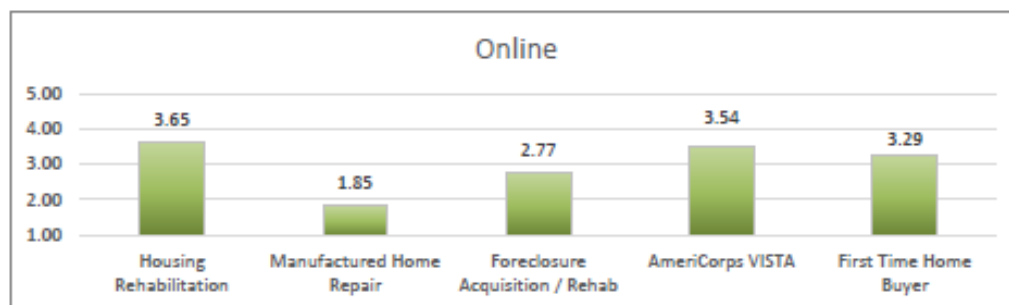


During the New Business section of the South Side meeting, the Task Force Chair instructed the attendees to write in a South Park bathroom as a priority. One respondent indicated the bathroom was the first priority and did not rank Community Development programs. Six members noted the bathroom was a first priority, then ranked Community Development programs beginning with second priority. Five respondents indicated support for the bathroom (three at first priority, one at second and one at third) and ranked Community Development programs from one to five.

Fourteen of the total 15 respondents ranked Community Development programs among their top three priorities.



A total of ten surveys were received. Eight were from voting members of the Heights Community Development Task Force, one was from a community member at large and one was unknown.



A total of 29 surveys were received from the community at-large. Seven respondents indicated they were members of a Neighborhood Task Force.

Comments submitted online:

Work and pay your bills. Save your money a little at a time. Take advantage of the low interest rates ...buy real estate

You all do great work, keep it up!

New construction or rental rehab should be number 2

I AM NOT IN FAVOR OF ANY KIND OF "LOAN" WITH NO RESPONSIBILITY OF REPAYMENT. IT DOES NOT MAKE THE RECIPIENT RESPONSIBLE FOR ANYTHING AND DEPRIVES HIM OF BUILDING SELF ESTEEM.

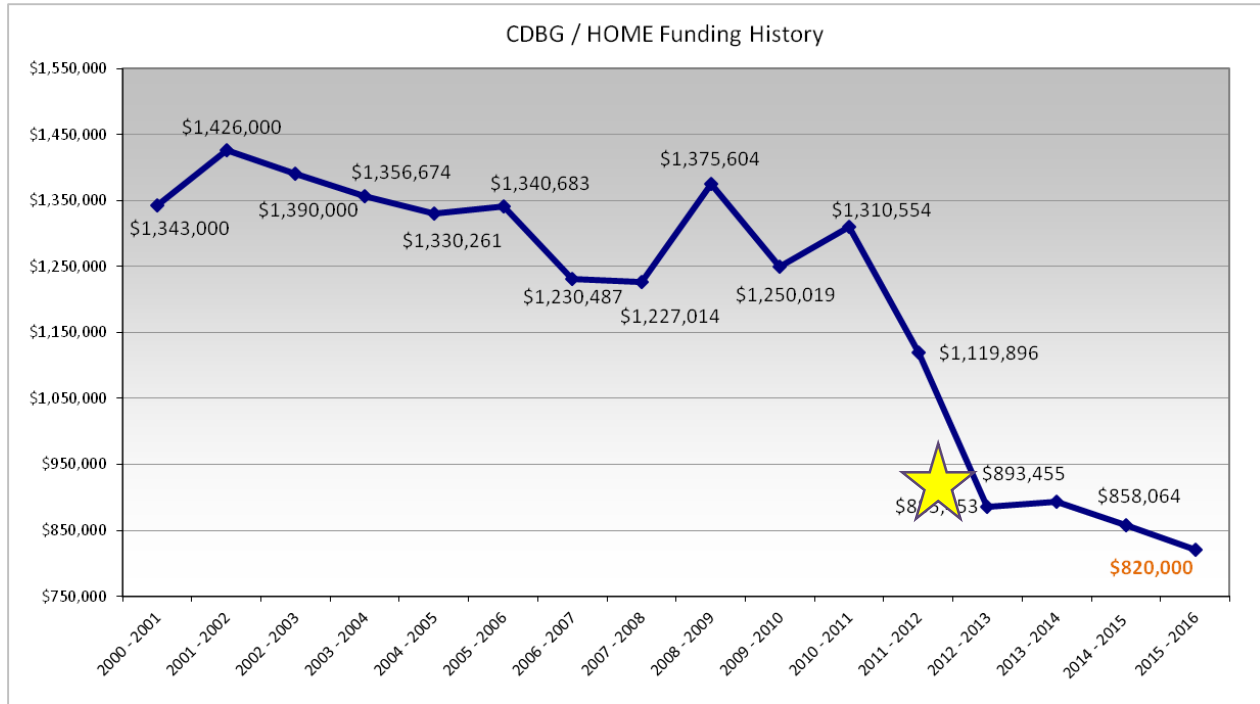
For the cause! The department is doing great things for the community. Very proud.

Last Update March 24, 2016

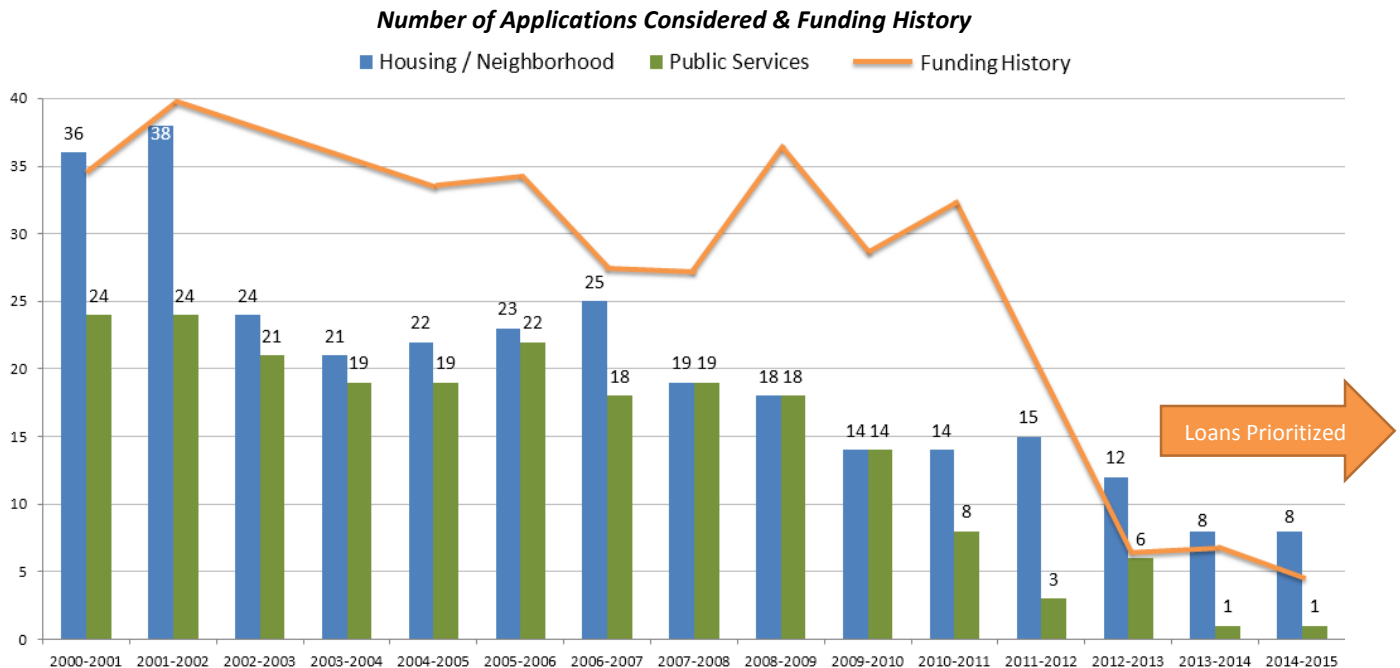
Community Development Division

ALLOCATION AND FUNDING HISTORY

Funding Levels: HUD funding levels have declined significantly in recent years and staff does not foresee these programs increasing in the future. Federal priorities are favoring competitive grant programs rather than entitlements like the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs. The Community Development Board and City Council began favoring loan programs rather than grants beginning in 2012-2013; the year funding levels significantly declined.



Grant to Loan Program Transition: When funding levels dropped to critical levels in 2012, the Community Development Board and City Council both supported prioritizing loan programs from 2012 forward. The following chart illustrates the number of housing / neighborhood and public service applications the Community Development Board considered. The chart also compares funding history to the number of applications.

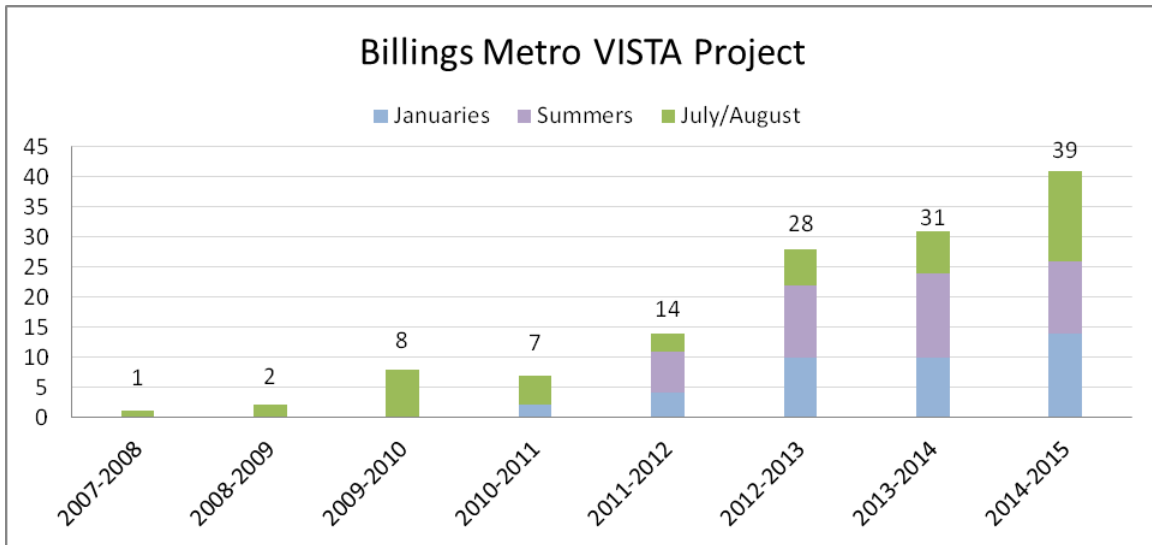


CDBG Public Service Grant Restrictions: In order to be eligible for CDBG funding, Public Service activities are required to be a *new or expanded service (quantifiable increase in level of a service over the past 12 months)*, as the intent of the fund is to support capacity-building. Many of the organizations applied for City funds year after year which would not be considered new or expanded services, if audited today.

Grants Awarded: Staff has records from 1994 to the present that can easily be reviewed for data purposes, which represents over \$2.7 million in grants awarded to over 40 non-profit organizations in Billings. Figures below do not represent additional funding for housing projects. For example, Interfaith Hospitality Network was provided with \$498,000 for housing to accommodate homeless families and the YWCA was awarded \$182,400 for the Gateway Shelter. Additional grant funding has been provided through fair housing education grants through the Fair Housing Initiatives Program (FHIP) for several organizations.

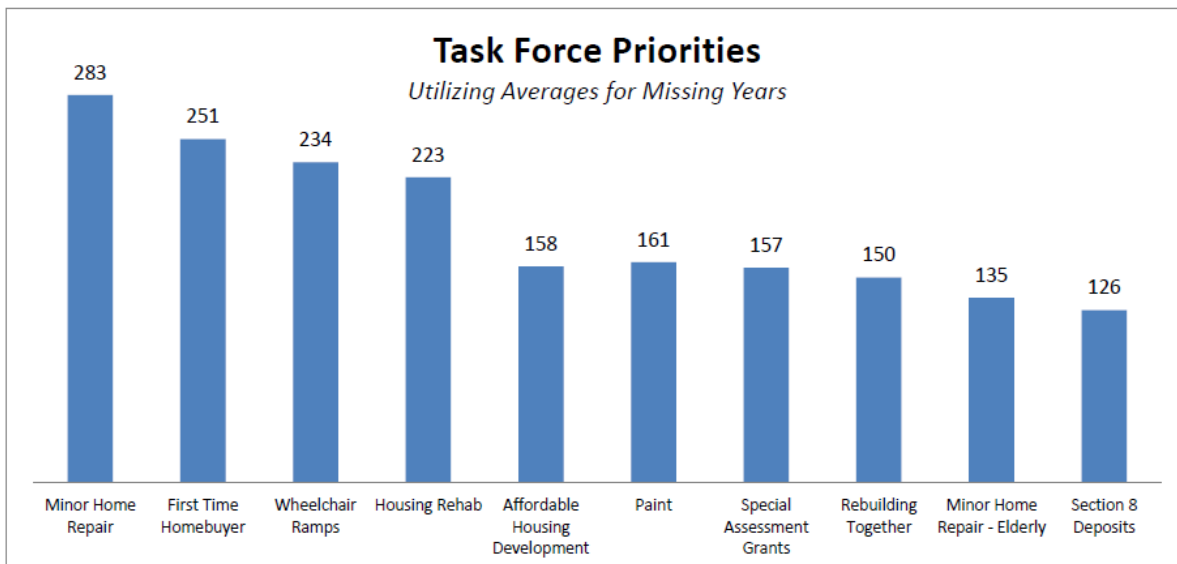
Non-Profit Organization	# Grants	Year Span	Total Grants
Big Brothers & Big Sisters	5	1997-2007	\$22,845
Big Sky Senior Services	24	1997-2010	\$316,458
Billings Health Planning Coalition	4	1997-2005	\$27,000
Billings Promise	1	1999	\$6,157
Boys & Girls Club	8	2000-2007	\$31,467
Big Sky Economic Development Authority	13	1994-2008	\$119,912
CASA	5	1997-2000	\$26,764
Community Day Care	2	1998-1999	\$11,000
Community Housing Resource Board <i>(includes FHIP funding)</i>	19	1992-2012	\$329,628
Consumer Credit Counseling	1	1999	\$1,761
Early Childhood Study	1	1996	\$10,750
Easter Seals	2	2008-2010	\$30,175
Family Service, Inc.	11	1992-2004	\$167,986
Family Tree Center	1	2000	\$3,250
Billings Food Bank	11	1996-2006	\$111,962
Forever Families	2	2007-2009	\$31,743
Friendship House	20	1996-2010	\$172,173
HRDC	16	1997-2008	\$135,118
In-Care Network	1	2000	\$2,000
Interfaith Hospitality Network <i>(does not include FHIP & housing funding)</i>	2	2005-2010	\$7,000
Kids School Program	3	2001-2003	\$19,334
Living Independently for Today & Tomorrow	13	1996-2010	\$145,269
Parents Let's Unite for Kids	5	2002-2006	\$12,167
Rebuilding Together	8	2004-2011	\$70,000
RiverStone Health – Medication Assistance Program	9	1999-2009	\$84,022
Sage Tower Community Network	1	2000	\$1,960
Scottish Rite Clinic	1	2008	\$5,000
Southgate Cop Shop	7	1999-2008	\$29,292
Southside Senior Center	1	2011	\$30,000
American Red Cross – Southside Smoke Detectors	1	1999	\$2,364
St. Vincent de Paul	1	2007	\$8,250
Task Force Enhancement	5	1999-2008	\$34,125
Temporary Teens	7	1999-2004	\$23,195
Tumbleweed	13	1996-2011	\$185,598
Vision Seekers After School Program	1	2001	\$9,000
Volunteers of America – Independence Hall	1	2009	\$30,000
Billings Board of Cooperative Housing	1	2000	\$4,438
Yellowstone AIDS Project <i>(does not include FHIP funding)</i>	1	1999	\$7,000
Yellowstone County Council on Aging	12	1996-2011	\$55,649
Young Families Early Head Start	15	1996-2009	\$249,674
YWCA <i>(does not include housing funding)</i>	13	1997-2009	\$158,575
Over 40 Organizations	268 Grants	17+ Years	\$2,735,061

VISTA: As funding dwindled to support non-profit organizations, the AmeriCorps Volunteers in Service to America (VISTA) program received additional allocations in funding to expand the program. The *Billings Metro VISTA Project* continues to be offered to support capacity-building activities as a resource to non-profit organizations working on poverty issues.



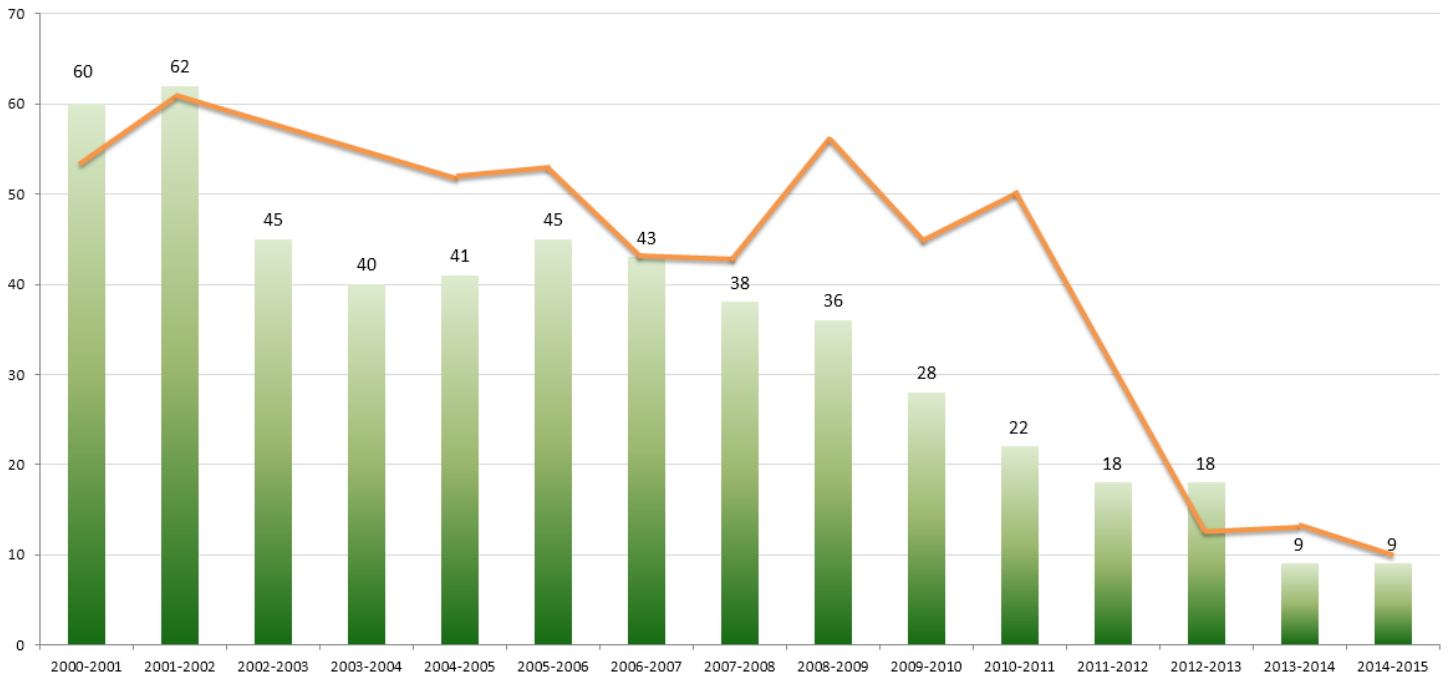
PUBLIC AND CITY COUNCIL PROGRAM PRIORITIES

Task Force Priorities: Task Force rankings from 2008-2012 favor home repair / buyer and affordable housing development programs. The following figures represent the rankings from all Task Forces combined. Averages are utilized for years when an application for a particular program was not submitted for additional funding.



Priority-Based Budgeting: The Division’s process for priority-based budgeting began in 2008 when the City Council asked the Community Development Board to examine recommendation processes. When surveyed, *the majority of Council members favored funding fewer organizations with larger amounts*. Half of the Council members asked the Board to shift funding focus to housing programs. Organizations were then given minimum and maximum application amounts shortly thereafter and the number of funding applications declined (see chart, following page).

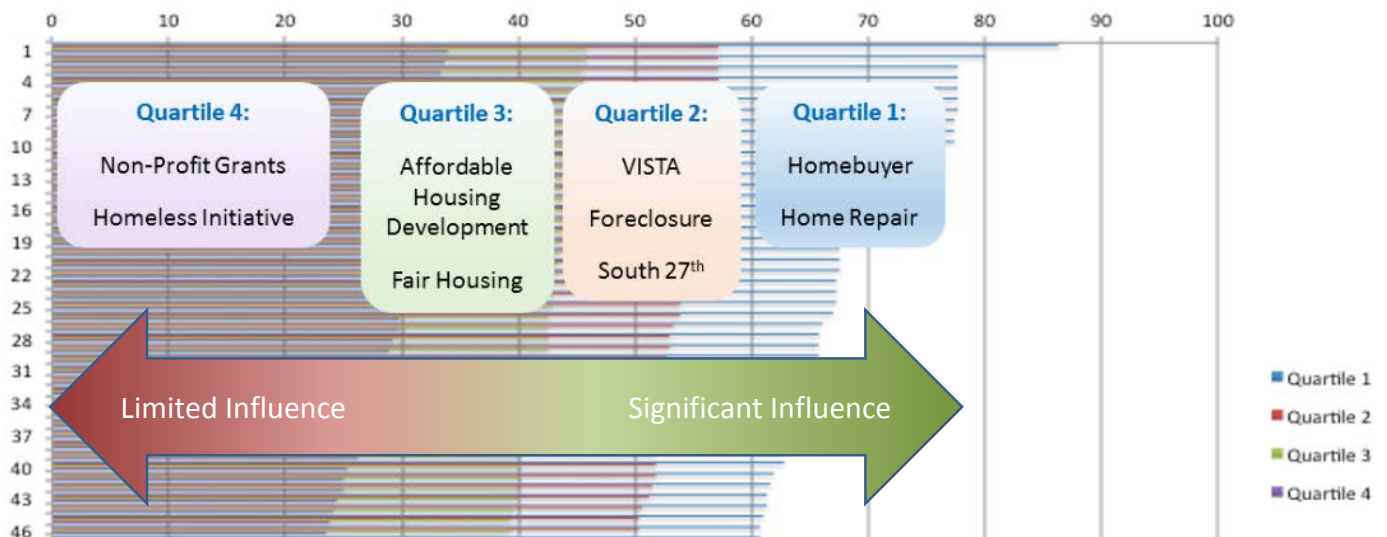
Total Number of Applications Considered & Funding History



Priority-Based Budgeting 2012: The City Council initiated an extensive process to rank programs based on how they influence the City’s ability to achieve established community results, such as:

- Sustainable Economic Development
- Comprehensive, Orderly Growth and Development
- Community Resource Preservation
- Involved, Engaged and United Community

The home repair / buyer programs were ranked as having *significant influence* on the City’s ability to achieve desired community results. However, grants to non-profit organizations and the homeless initiative were ranked as having limited influence.





COMMUNITY DEVELOPMENT DIVISION

Affordable Housing Development Program

2825 3rd Avenue North, Billings, MT 59101

406.657.3045

Fax: 406.294.7595

www.ci.billings.mt.us/chdo

DATE: March 22, 2016
TO: Community Development Board
TITLE: NeighborWorks Montana – Two Dwelling Development at Riverfront Pointe
DEPARTMENT: Planning & Community Development Division
PRESENTED BY: Dina Harmon, Community Development Program Coordinator

ISSUE STATEMENT

The City of Billings Community Development Division is required by federal regulation to commit 15 percent of its annual HUD HOME allocation to a Community Housing Development Organization (CHDO) for affordable housing development purposes. On February 19, 2016 an Affordable Housing Development Program application was submitted by NeighborWorks Montana requesting \$175,000 in HOME funding.

NeighborWorks Montana proposes to construct a two family “twin home” which will create two single family homeownership opportunities for low income families. The homes will have three bedrooms, two bathrooms, a double car garage, and will be universally designed including construction conformity with visitability standards of zero-step entries. The two single family residential homes will be built in the Riverfront Pointe Subdivision located in the Southwest Corridor neighborhood.

The City of Billings is required to allocate at least the following CHDO reserves to a viable project:

- FY14-15 \$45,257 (*Must be committed via legal agreement by June 30, 2016 or funds returned to HUD*)
- FY15-16 \$39,553
- FY16-17 \$44,131

An additional \$46,059 can be committed in either HOME program income or FY17-18 new CHDO reserve funds, dependent on project timing. Committing \$175,000 would allow the City to remain in compliance with CHDO allocation requirements. A portion of the HOME funding would be secured via recorded Deed Restriction and Montana Trust Indenture as a second lien against the property upon sale to a qualified first time home buyer. This second mortgage will be due in full from the homeowner to the City of Billings upon resale, refinance, or use of the property as a rental.

ALTERNATIVES ANALYZED

- 1) Approve funding for the proposed project, with or without conditions. A funding allocation to support this new construction project would assist the City in meeting affordable housing needs while ensuring compliance for CHDO allocations through FY17-18;
- 2) Not approve funding for the project. NeighborWorks Montana would have to secure additional conventional financing to complete the project, increasing costs passed on to the buyer, or the project would not move forward.

FINANCIAL IMPACT

NeighborWorks Montana is currently one of two CHDOs certified by the City of Billings. If funding is not committed to the proposed NeighborWorks Montana project, the City would be in jeopardy of noncompliance with federal regulations and would be required to return \$45,257 in funds to HUD if not allocated to another project by June 30, 2016.

PROCEDURAL HISTORY

- **January 5, 2016:** NeighborWorks Montana submitted a CHDO certification application to the City of Billings Community Development Division. The qualifications to become a CHDO were met and the organization was certified.
- **February 19, 2016:** NeighborWorks Montana submitted an Affordable Housing Development Program application to the City's Community Development Division requesting \$175,000 in HOME funding to develop an affordable housing project.
- **February 25, 2016:** A presentation was made at the Southwest Corridor Task Force meeting regarding the proposed project. Task force members were supportive of the project moving forward.
- **March 22, 2016:** Staff sent a memo detailing the project to the Community Development Board.
- **April 5, 2016:** NeighborWorks Montana staff will review the project with the Community Development Board during their regular monthly meeting. A recommendation must be made on this project in order to prepare documents for City Council.
- **April 25, 2016:** The City Council will review the FY16-17 Annual Action Plan and proposed budget, including funding for this project, and will make a final determination on allocation.

PROJECT REVIEW

Location: The property is located within the Billings city limits in the Southwest Corridor area. Parking and landscaping will be included in the site plan. Utilities are available at the site and the project conforms to infill development recommendations.

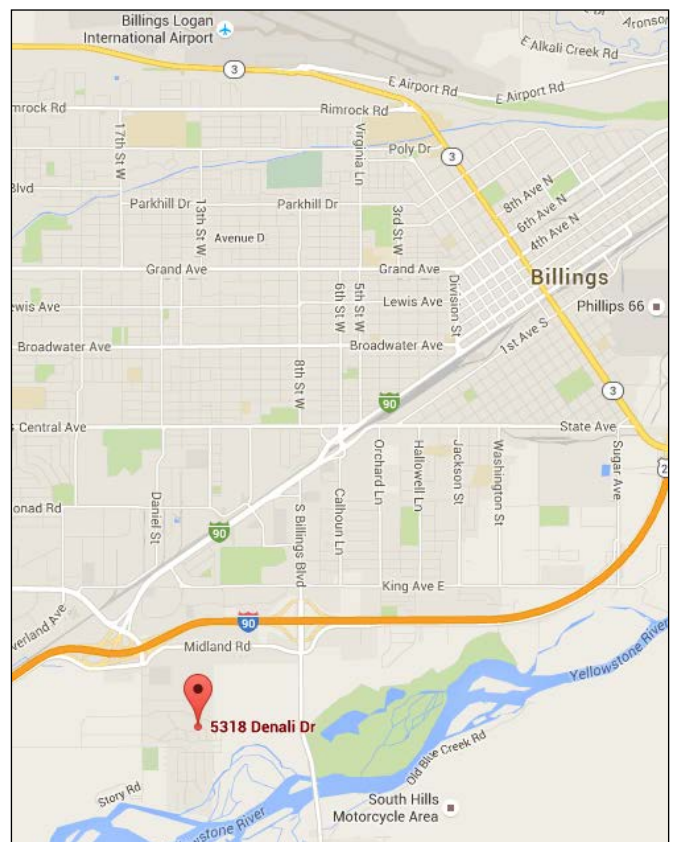
Staff does not anticipate environmental review issues at the site as the lot is located in a developed residential area and is not located adjacent to areas of potential environmental concern; the airport, PCE contamination site, or a four-lane street. Staff has begun the process of a full Environmental Assessment, including historic review, on this project.

Units: Proposed sales price of each unit will not exceed the lower of the following: 95 percent of the median purchase price for the area based on Federal Housing Administration (FHA) single family mortgage program; or the appraised value of the completed unit.

The homes will have three bedrooms, two bathrooms, a double car garage and will be universally designed including construction conformity with visitability standards of zero-step entries. Please refer to the last page of this memo for site plan rendering.

Beneficiaries & Deal Structure: The prospective buyer will apply directly with the lender of their choice for a first mortgage loan and will be reviewed through the City's First Time Home Buyer program to determine income eligibility. The household will be referred to the Home Center for homebuyer education classes and will enter into a buy/sell agreement with NeighborWorks Montana.

Total household income must not exceed 80 percent of the Area Median Income (AMI) as determined by HUD (see chart, following page). Buyers will be qualified for a first mortgage using 29 percent of household income with an estimated first mortgage from \$150,000 to \$160,000.



HUD HOME Income Limits - Effective June 1, 2015	
Household Size	80 Percent AMI Limit
1	\$35,950
2	\$41,100
3	\$46,250
4	\$51,350
5	\$55,500
6	\$59,600

NeighborWorks Montana is committing \$10,000 per unit from a Wells Fargo Targeted Market Grant to assist in financing construction of each of the units. HOME funds will be used for zero percent interest deferred second mortgages* to bring the homeowner’s housing payment to no more than 29 percent of household income and a total debt ratio no higher than 41 percent of household income. A \$15,000 zero percent interest deferred loan in third position will be provided with Community Frameworks funds.

**The City of Billings will be the recipient for repayment of second mortgage HOME funds upon resale, refinance or non-use as a primary residence.*

Organizational Strengths: NeighborWorks Montana staff has significant experience in affordable housing development, processing mortgage loans and determining required federal subsidy needed to bring forth successful projects. Organization staff will be working with local lenders for primary mortgages and with City staff for secondary mortgages. Marketing will be conducted through the Billings Association of Realtors and the homes will be listed on the Multiple Listing Service.

NeighborWorks Montana has developed 23 single family homes in Shelby, Ronan, Great Falls, Black Eagle, and Red Lodge. Staff has extensive knowledge, experience, and formal education to ensure the long term viability of the project. NeighborWorks Montana has the financial capacity to oversee and fund the proposed development.

Financial Plan: Sources of funds to complete the project financing to date are as follows:

NeighborWorks MT Equity	\$230,240
Community Frameworks	\$30,000
City of Billings HOME Funds Requested	\$175,000
Homeowner Labor, Loan Fees	\$4,260
Contribution from Seller of Land	\$5,500
Contractor Contribution	\$15,000
Wells Fargo Targeted Market Grant	\$20,000
Total Sources:	\$480,000

With \$175,000 in HOME funding allocated to the project, the total per unit subsidy would be \$87,500 for each of the two units. The maximum allowable HOME allocation for a three bedroom unit is \$252,662. Staff has recommended a HOME funding level for this project at 37 percent of total project costs. Projects previously funded include:

- **Pheasant Home:** \$554,191 for 16 units, with an overall cost per unit of \$34,637. Four of the units in the project were HOME-assisted, creating a \$138,548 subsidy for each HOME-assisted unit.
- **Southern Lights:** \$500,000 for 20 units, with a \$25,000 cost per unit; all of the units are HOME-assisted.
- **Acme:** \$143,400 for 19 HOME-assisted units, with a \$7,547 cost per unit.
- **Old Town Square:** \$242,000 for 8 HOME-assisted units, with a \$30,250 cost per unit.

Additional Reviews: A subsidy layering review has been completed using the income documentation of four different households with the sales price and approximate taxes for these homes. A review of the market assessment has also been completed. The market assessment reflects a strong need for single family housing in this particular price range.

NeighborWorks Montana will be required to sell each of the homes to income qualified households within six months of Certificate of Occupancy issuance. Staff does not anticipate issues with the organization meeting this deadline. The project is not located in an area where it will adversely affect affordable housing projects being completed by other organizations. Both the subsidy layering and market assessment reviews are available for inspection upon request.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

City staff completed the five-year Consolidated Plan in 2015 and the following key findings were identified as a result of a Housing Needs Assessment, Market Analysis and an Analysis of Impediments to Fair Housing Choice:

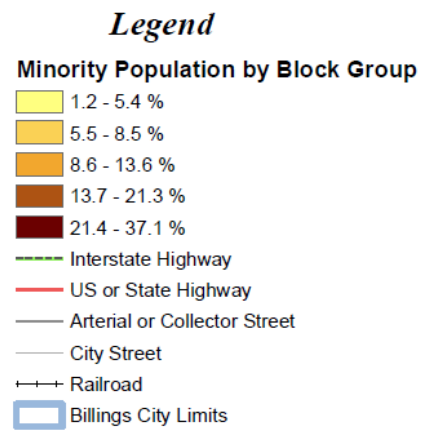
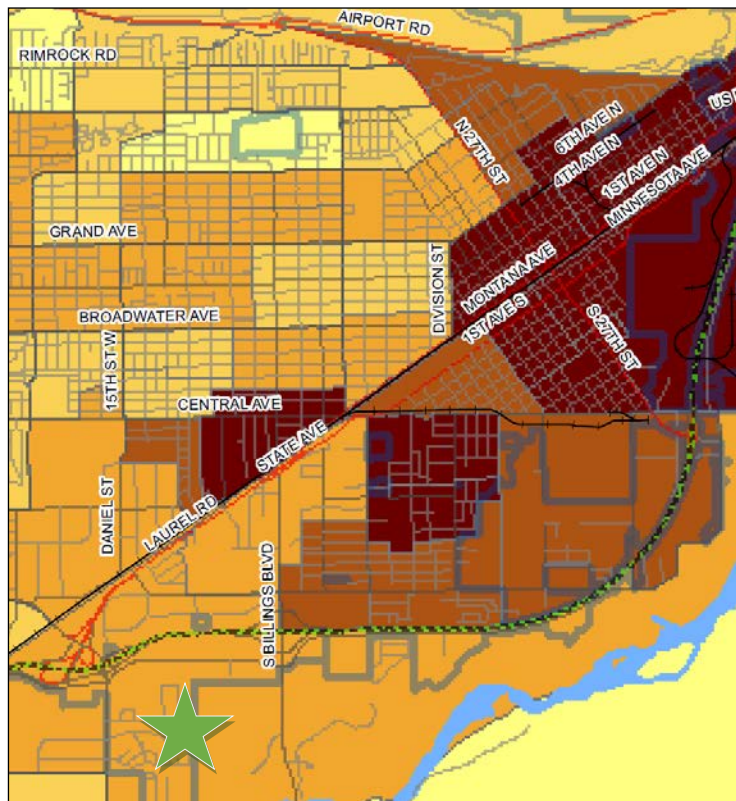
- **Housing Cost Burden:** The most severe housing problem for local residents is paying greater than 30 percent income for housing expenses.
- **Smaller Housing Units:** 1,200 households are on the Housing Authority waiting list for one-bedroom rental units.
- **Tight Housing Market:** Billings currently has a very low vacancy rate. Over half of the public housing voucher holders seeking housing have not been able to secure it due to high rent costs and poor unit conditions.
- **Minority Concentrations:** Data evidenced the beginnings of neighborhood segregation and lending discrimination against Hispanic Americans. Most White households own their homes. Most minority households are renting.
- **Homelessness is on the rise:** An average of 711 individuals are experiencing homeless on any given day in Billings, including 122 families.
- **Special Needs Populations:** Elderly, Disabled, Public Housing Residents and HIV/AIDS populations are in need of various services and support.

Priority needs have been identified in the five-year Consolidated Plan and include the provision of new affordable housing opportunity.



Key Findings & Priorities: This project will assist in addressing the following key findings as identified in the City’s five-year Consolidated Plan:

- **Housing Cost Burden:** Housing costs relative to principle mortgage, insurance and taxes will be maintained at less than 30 percent of household income.
- **Tight Housing Market:** While only producing two units, this project has the potential to be replicated in the future to assist in planned unit development through CHDO reserve channels.
- **Special Needs Populations:** Project design includes visitability standards with zero-step entrances.
- **Minority Concentrations:** HUD has encouraged the City to focus affordable housing development efforts outside of the highest minority concentrations of the City. The Southwest Corridor area for this project has a moderate level minority concentration; 8.6 to 13.6 percent according to the 2010 Census.



Population is expressed as a percentage of total population.

STAKEHOLDERS

- NeighborWorks Montana made a presentation to the Southwest Corridor Task Force February 25, 2016. Task force members were supportive of the project moving forward.
- Low income families and individuals in the community, as the project is targeted to families and individuals under 80 percent AMI.
- Disabled individuals and families in the community, as the project has been designed with visitability and accessibility features.
- Surrounding property owners would benefit from new, high-quality, single family housing for two families would be constructed to complement the neighborhood.

SUMMARY

An overall review of the application reveals the project is consistent with similar projects the City has funded in the past. The HOME subsidy amount is within limits and considered reasonable gap financing required to ensure long term project viability. Match requirements are being met as NeighborWorks Montana has committed to accommodate 63 percent of overall project costs. The project meets Section 504 and ADA accessibility requirements and the project is also consistent with the City’s Consolidated Plan.

There is a demonstrated need for affordable single-family units, as evidenced through data from the City’s recent Housing Needs Assessment, Market Analysis and the Analysis of Impediments to Fair Housing Choice. NeighborWorks Montana has extensive experience, both in developing and managing affordable housing projects, and they are knowledgeable about HOME program requirements.

RECOMMENDATION

Staff recommends the Community Development Board approve \$175,000 in funding for NeighborWorks Montana to construct a “twin home” development which will provide home ownership opportunities for two families in Riverfront Pointe.

COMMUNITY DEVELOPMENT BOARD DECISION

- Approval
- Denial
- Conditional Approval (state conditions):

Board Member Attest: 

Staff Attest: 

Community Development Board members requested the following information prior to decision:

- Square footage for one unit is 1,622 including the garage / 3,244 total.
- Proposed bus routes are within walkable distance from the project.

Billings Gazette Articles Featuring the Billings Metro VISTA Project Members



GOVERNMENT AND POLITICS

FEATURED

Well-traveled VISTA class settles in to bolster Billings, Red Lodge nonprofits

By MIKE FERGUSON mferguson@billingsgazette.com Feb 1, 2016

The new class of Billings Metro VISTAs is as diverse as the tasks they've been assigned to help Billings and Red Lodge residents lift themselv...

http://billingsgazette.com/news/local/government-and-politics/well-traveled-vista-class-settles-in-to-bolster-billings-red/article_095bc5b0-149f-55e8-932c-0f43246cc2ae.html



LOCAL NEWS

FEATURED

State tax credits will help build 30 affordable housing apartments in Billings Heights

By MIKE FERGUSON mferguson@billingsgazette.com Jan 21, 2016

Nearly \$3.4 million in Montana Board of Housing credits awarded to the Housing Authority of Billings on Tuesday will be used beginning this sp...

http://billingsgazette.com/news/local/state-tax-credits-will-help-build-affordable-housing-apartments-in/article_cde7a1f6-590f-5caf-b726-de550d633260.html



LOCAL NEWS

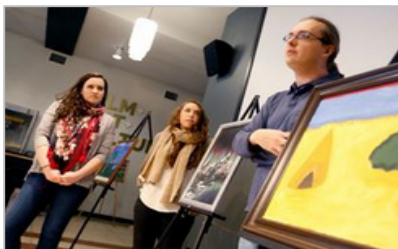
FEATURED

Three-day course designed to help Billings renters

By MIKE FERGUSON mferguson@billingsgazette.com Jan 19, 2016

Americorps VISTA worker Emily Aerts is halfway through her year-long commitment with the Home Center, and on Tuesday she went public with a pr...

http://billingsgazette.com/news/local/three-day-course-designed-to-help-billings-renters/article_5a48af47-75b3-599e-9e4f-13784754d440.html



GAZETTE OPINION

FEATURED

What works for Montana folks in crisis

Dec 12, 2015

I'm worried about my medication. I'm worried about my situation. The world, my future. The change of weather, 'winter'. My health, my legs. If...

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/what-works-for-montana-folks-in-crisis/article_3e76aca3-072d-5878-ab8b-8d2cda76305b.html



GOVERNMENT AND POLITICS

FEATURED

Billings parks department garners four awards

MIKE FERGUSON mferguson@billingsgazette.com Nov 25, 2015

Staff members and two programs of the Billings Department of Parks, Recreation and Public Lands recently have received awards, Director Michael...

http://billingsgazette.com/news/local/government-and-politics/billings-parks-department-garners-four-awards/article_5b016f77-b157-5e97-a06d-b0c2ac85ee63.html



RELIGION

FEATURED

'Go out and help': Faith communities to discuss resources available for helping poor, homeless

By SUSAN OLP solp@billingsgazette.com Nov 13, 2015

When the Rev. Dana Keener attended last year's Faith Engagement Panel Discussion and Resource Fair, it opened her eyes.

http://billingsgazette.com/lifestyles/faith-and-values/religion/go-out-and-help-faith-communities-to-discuss-resources-available/article_ca86231c-a905-5926-a77f-4aa84a685fec.html



Community Crisis Center gets great support

Courtesy photo Sep 30, 2015

From left: Dan Stephenson, Community Crisis Center manager MarCee Neary, Cahrissa Dasso, Liz Brennan and Ernie Szillat, owner of Creative Viny...

http://billingsgazette.com/community-crisis-center-gets-great-support/image_ef27effa-ba00-507a-9ad1-7a1aaa25523d.html



LOCAL NEWS

Phillips 66 hosts barbecue meet-and-greet at South Park

By MATT HUDSON mhudson@billingsgazette.com Sep 10, 2015

The largest property owner in Billings' south side neighborhood hosted a barbecue in the park for its neighbors Thursday evening.

http://billingsgazette.com/news/local/phillips-hosts-barbecue-meet-and-greet-at-south-park/article_02a36ef9-09bf-527b-bc6c-333615fcf502.html



GAZETTE OPINION

Gazette opinion: What Billings can learn from Vista volunteers

Pat Bellinghausen Sep 8, 2015

The Community Crisis Center sees people on their worst days. Last year, the center handled 9,971 crisis cases, providing mental health care, m...

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-what-billings-can-learn-from-vista-volunteers/article_bb62ec57-860f-5d96-a76a-99e6ab41ad78.html



MOVIES

Class teaches basics of making movie magic

By JACI WEBB jwebb@billingsgazette.com Jul 28, 2015

AmeriCorps VISTA volunteer Molly Brown knows that her teenage film students can pick up video editing faster than she can teach it. And that's OK.

http://billingsgazette.com/entertainment/movies/class-teaches-basics-of-making-movie-magic/article_26b16ee0-17f4-5f77-bf36-e7a34dd40eb8.html



LOCAL NEWS

VISTAs share their view of a better Billings

By MIKE FERGUSON mferguson@billingsgazette.com Jul 20, 2015

This year's crop of Billings' Metro VISTA volunteers is working to reduce poverty in part by impoverishing themselves.

http://billingsgazette.com/news/local/vistas-share-their-view-of-a-better-billings/article_105e76fe-45d6-5943-b015-fd4301361bda.html



LOCAL NEWS

Community discusses how to feed the 1 in 3 Montanans going hungry

By MIKE FERGUSON mferguson@billingsgazette.com Jul 8, 2015

The numbers can't tell the story of hunger's debilitating effect, especially on children, but they do point out the extent of the local hunger...

http://billingsgazette.com/news/local/community-discusses-how-to-feed-the-in-montanans-going-hungary/article_e135568d-522c-585e-97ce-4f66b3c53fcf.html



GAZETTE OPINION

Gazette opinion: Billings, let's unite to help at-risk kids

Pat Bellinghausen Jun 3, 2015

The number of homeless students is growing in Billings Public Schools. As the school year ends this week, Sue Runkle, the district's homeless ...

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-billings-let-s-unite-to-help-at-risk/article_4c53387b-cc2b-5581-b998-f89fc632d88b.html



RELIGION

Billings Youth Connect newest Faith Engagement project

By SUSAN OLP solp@billingsgazette.com May 29, 2015

Last fall, new relationships were forged between the faith community and area service providers.

http://billingsgazette.com/lifestyles/faith-and-values/religion/billings-youth-connect-newest-faith-engagement-project/article_866a8938-bf68-576e-94b9-1f21ad85c5f9.html

LOCAL NEWS

Military personnel, veterans can tap into Billings grocery bargains this weekend

By MIKE FERGUSON mferguson@billingsgazette.com Apr 8, 2015

To military personnel and their dependents, a base or post commissary is the go-to place for good deals on groceries.

http://billingsgazette.com/news/local/military-personnel-veterans-can-tap-into-billings-grocery-bargains-this/article_df663cdd-60bd-547f-bafe-00cc19048deb.html



LOCAL NEWS

2 new 3D printers will help youngsters gain 21st century skills

By MIKE FERGUSON mferguson@billingsgazette.com Mar 10, 2015

Two new printers at the Billings Public Library will help teens and youth design — and, with a little know-how, print — three-dimensional items.

http://billingsgazette.com/news/local/new-d-printers-will-help-youngsters-gain-st-century-skills/article_9c444f59-6021-5f12-a516-31ac1bf0a889.html



LOCAL NEWS

Event connects services, smiles with the people who need them most

By MIKE FERGUSON mferguson@billingsgazette.com Feb 3, 2015

Danielle Limberhand of Billings attended Tuesday's Community Connect event with her niece, Abby Pettit, and Abby's 1-year-old son, Jacy, becau...

http://billingsgazette.com/news/local/event-connects-services-smiles-with-the-people-who-need-them/article_9ca80272-e428-5446-a6e1-4295500a161f.html

LOCAL NEWS

Military, veterans' families can take advantage of new scholarship program

Gazette staff Jan 31, 2015

Working together with the Veterans of Foreign Wars Post 1634, Erica Zutz, a member of the AmeriCorps Volunteers in Service to America Billings...

http://billingsgazette.com/news/local/military-veterans-families-can-take-advantage-of-new-scholarship-program/article_bf7faed0-c75a-543f-8040-d0f80a603ebb.html



LOCAL NEWS

Vista volunteer works to ease burdens of military families

By MIKE FERGUSON mferguson@billingsgazette.com Nov 7, 2014

As the wife of a Coast Guard reservist who previously served eight years in active duty, Erica Zutz understands the challenges of military fam...

http://billingsgazette.com/news/local/vista-volunteer-works-to-ease-burdens-of-military-families/article_146f2919-31f9-5d4e-99b1-91f667cd8e7c.html



GAZETTE OPINION

Gazette opinion: Community solutions could change lives, save money

Pat Bellinghausen Nov 4, 2014

Hundreds of Billings people came together last week to work on solutions to the entwined problems of homelessness, mental illness and chemical...

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-community-solutions-could-change-lives-save-money/article_8f24bb6e-f7ac-5a4a-bf9e-5dc169755a40.html



LOCAL NEWS

Helping the poor brings service providers, people of faith together

By SUSAN OLP solp@billingsgazette.com Oct 28, 2014

In the midst of last year's bitterly cold winter, Tumbleweed Executive Director Sheri Boelter was facing a crisis.

http://billingsgazette.com/news/local/helping-the-poor-brings-service-providers-people-of-faith-together/article_e7a4f1ab-02b1-53d9-831c-17f4f4b77208.html



RELIGION

Planned panel, resource fair hope to help turn faith into action

By SUSAN OLP solp@billingsgazette.com Oct 18, 2014

All of the faith communities in Billings that took part in a recent survey say that helping the poor and homeless is woven into the fabric of ...

http://billingsgazette.com/lifestyles/faith-and-values/religion/planned-panel-resource-fair-hope-to-help-turn-faith-into/article_9dd4eed5-408c-5e45-89b8-773d3c8ed0fa.html



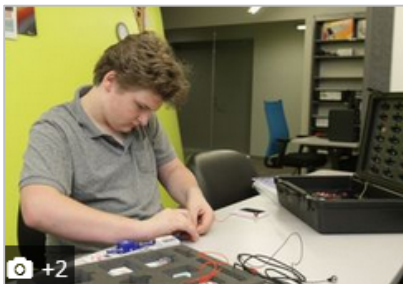
LOCAL NEWS

VISTA helps Billings veterans 'Suit Up'

By CHRIS CIOFFI ccioffi@billingsgazette.com Sep 28, 2014

Getting male veterans the right clothes for a job interview at an affordable price can sometimes be difficult.

http://billingsgazette.com/news/local/vista-helps-billings-veterans-suit-up/article_5b011a9f-72ed-5626-96fe-c8ccee85fa24.html



LOCAL EDUCATION

Mentoring program will aid youth at the Billings Library TECH Lab

By MIKE FERGUSON mferguson@billingsgazette.com Sep 22, 2014

An experienced mentor herself, Kersey Voss knows how much one-on-one attention can help a teenager.

http://billingsgazette.com/news/local/education/mentoring-program-will-aid-youth-at-the-billings-library-tech/article_da7ec765-4867-5172-9513-addd83935d20.html



LOCAL NEWS

Washington Elementary bike repair clinic aims to get kids back on two wheels

By NICK BALATSOS nbalatsos@billingsgazette.com Sep 10, 2014

With fat tires, tall handlebars and long spokes, fifth-grader Tyler Simenson's shiny chrome "chopper" sat with a flat for what felt like years.

http://billingsgazette.com/local/washington-elementary-bike-repair-clinic-aims-to-get-kids-back/article_9c8b5627-c28b-5a4b-abe8-c291b515e658.html



LOCAL NEWS

Low-income residents get cameras to document their experience

By CHRIS CIOFFI ccioffi@billingsgazette.com Aug 8, 2014

A project designed to give low-income Billings residents a chance to express themselves creatively while raising awareness of the issues they ...

http://billingsgazette.com/news/local/low-income-residents-get-cameras-to-document-their-experience/article_c5dd59ce-a680-59f2-84f8-7d830497312b.html

LOCAL NEWS

A day to recognize service to others

By MIKE FERGUSON mferguson@billingsgazette.com Apr 1, 2014

The best way to find yourself, Mahatma Gandhi said, is to lose yourself in the service of others.

http://billingsgazette.com/news/local/a-day-to-recoqnize-service-to-others/article_aeddc4a7-febd-5f75-bf7a-96f03b44fe1c.html



LOCAL NEWS

Vista volunteers putting together teen learning lab at library

By MIKE FERGUSON mferguson@billingsgazette.com Mar 31, 2014

Andrew Golden and Kersey Voss spend part of each workday playing and trying to think like the teenagers they serve.

http://billingsgazette.com/news/local/vista-volunteers-putting-together-teen-learning-lab-at-library/article_dc5417b0-0916-55cc-8f79-bf5505607aeb.html



LOCAL NEWS

AmeriCorps volunteers organizing community garden near Amend Park

By MIKE FERGUSON mferguson@billingsgazette.com Mar 24, 2014

Two recent college graduates will lead the city Department of Parks, Recreation and Public Lands' first foray into community gardening.

http://billingsgazette.com/news/local/ameri-corps-volunteers-organizing-community-garden-near-amend-park/article_a2fbe641-48a5-58a3-b0a6-5e831b6b26c3.html



LOCAL NEWS

Businesses, agencies gather to help Billings' at-risk and homeless

By ZACH BENOIT zbenoit@billingsgazette.com Jan 24, 2014

Hundreds of Billings' homeless and people at risk of homelessness got the opportunity Friday to learn about services to give them a hand and t...

http://billingsgazette.com/news/local/businesses-agencies-gather-to-help-billings-at-risk-and-homeless/article_61c0d570-8091-5a53-98b4-11cf37aaa685.html



LOCAL NEWS

Joshua Downes and Chelsia Davis

CASEY PAGE/Gazette Staff Nov 7, 2013

Joshua Downes, left, and Chelsia Davis of the Billings Metro VISTA Project do a pre-presentation of their homeless youth survey results for Tu...

http://billingsgazette.com/news/local/joshua-downes-and-chelsia-davis/image_2e2f701b-f096-509f-9f1c-464cbae7880a.html



LOCAL NEWS

New resources for homeless people unveiled

By ED KEMMICK ekemmick@billingsgazette.com Jun 25, 2013

Two new resources for homeless people were introduced at an afternoon reception in Billings on Tuesday.

http://billingsgazette.com/news/local/new-resources-for-homeless-people-unveiled/article_2780cdc2-e6d6-5668-8e36-f28fbf67a262.html



LOCAL NEWS

AmeriCorps VISTA workers meet at community garden

By CLAIR JOHNSON cjohnson@billingsgazette.com Jun 5, 2013

For a couple of hours Wednesday afternoon, the Whitetail Run Community Garden was humming with about 30 white-T-shirted young adults who pulled...

http://billingsgazette.com/news/local/americorps-vista-workers-meet-at-community-garden/article_dc9b2513-2813-53d5-875a-cc3bc84807d0.html



THEATRE

Telling their story: "And I Know" tackles homelessness

By JACI WEBB jwebb@billingsgazette.com Apr 18, 2013

If there's anything playwrights Ryan Gage and Shad Scott would like the audience to understand when they see their new play, "And I Know," it's...

http://billingsgazette.com/entertainment/arts-and-theatre/theatre/telling-their-story-and-i-know-tackles-homelessness/article_602d6016-1538-5083-88e3-6ff9d3fcb0d8.html



LOCAL NEWS

AmeriCorps duo digs into community gardening project

By CARMEN DAYE IRISH cirish@billingsgazette.com Mar 25, 2013

A new crop of community gardens in Billings will sprout in the coming spring weeks.

http://billingsgazette.com/news/local/americorps-duo-digs-into-community-gardening-project/article_9554e335-5844-53e7-9afe-af7fddd00500.html



THEATRE

Weekly Webb: More than a paycheck

Jaci Webb Feb 15, 2013

Jessie Obee was burned out working at a job where most of her coworkers only cared about the paycheck.

http://billingsgazette.com/entertainment/arts-and-theatre/theatre/weekly-webb-more-than-a-paycheck/article_6dbd5d5f-bb4a-57b1-85ac-354524c64085.html



LOCAL NEWS

Garden tool donations to help families grow their own food

By CARMEN DAYE IRISH cirish@billingsgazette.com Dec 4, 2012

Housing Authority of Billings Community Gardens and King's Ace Hardware have partnered to fight hunger in Billings with a Christmas garden too...

http://billingsgazette.com/news/local/garden-tool-donations-to-help-families-grow-their-own-food/article_bcec37a1-ffd0-5e76-b796-3bdd75030748.html



LOCAL NEWS

New community garden blossoms in the Heights

By ED KEMMICK ekemmick@billingsgazette.com Aug 13, 2012

Tom Moss would be proud.

+10

http://billingsgazette.com/news/local/new-community-garden-blossoms-in-the-heights/article_b141ff9a-5147-5b7f-b02f-e8d7b225e2f9.html



LOCAL NEWS

Veterans, volunteers raise community garden

By CLAIR JOHNSON cjohnson@billingsgazette.com Jul 16, 2012

Last year, the homeless veterans at Independence Hall and AmeriCorps VISTA volunteers raised about 1,200 pounds of vegetables and flowers from...

+4

http://billingsgazette.com/news/local/veterans-volunteers-raise-community-garden/article_67f96bb0-e5a6-577a-a882-36c7ae2878dd.html



LOCAL NEWS

Pantry program grows to help hungry teens

By SUSAN OLP solp@billingsgazette.com Apr 16, 2012

A program to feed hungry teens in Billings public schools has doubled in size in its first five months.

http://billingsgazette.com/news/local/pantry-program-grows-to-help-hungry-teens/article_f0c7b135-582d-501b-b942-5f81690b34c9.html



GAZETTE OPINION

Gazette opinion: Be part of ending homelessness in Billings

Mar 2, 2012

A steady job is what homeless Billings people say they most need to end their homelessness.

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-be-part-of-ending-homelessness-in-billings/article_8cf7432e-2049-599f-b6c7-72351a2cfdd6.html



LOCAL NEWS

Homeless count shows numbers going up

By LORNA THACKERAY lthackeray@billingsgazette.com Feb 23, 2012

Billings' homeless population continues to grow, at least according to preliminary results of the Jan. 26 Point-In-Time survey of the city's m...

http://billingsgazette.com/news/local/homeless-count-shows-numbers-going-up/article_ce3fc0ea-fede-590f-8f8d-bb17d57c9c18.html

LOCAL NEWS

Food being collected for Teen Pantries

Jan 4, 2012

In honor of Martin Luther King Day, AmeriCorps VISTA is hosting a food drive through Jan. 16 for Teen Pantries in Billings that focuses on hea...

http://billingsgazette.com/news/local/food-being-collected-for-teen-pantries/article_10ba6c82-ed23-597d-8018-f222d62ae377.html



GAZETTE OPINION

Gazette opinion: Billings nurtures new ideas to end homelessness

Dec 4, 2011

Seeds of prevention are being sown in an old warehouse behind the Salvation Army Thrift Store in downtown Billings.

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-billings-nurtures-new-ideas-to-end-homelessness/article_f35b1968-3352-50ae-b38f-958142b6ebe2.html



LOCAL EDUCATION

School food pantries shine light on overlooked population: needy teenagers

By ROB ROGERS Of The Gazette Staff Nov 30, 2011

For Sue Stahley, the food pantry now running at West High is a game changer.

http://billingsgazette.com/news/local/education/school-food-pantries-shine-light-on-overlooked-population-needy-teenagers/article_34505675-c55d-52be-a219-c554cddeae37.html



LOCAL NEWS

AmeriCorps workers, veterans plant community garden

By ED KEMMICK

Of The Gazette Staff Jul 25, 2011

When two AmeriCorps VISTA workers first talked about planting a community garden at Independence Hall, a residence for homeless veterans in th...

http://billingsgazette.com/news/local/ameri-corps-workers-veterans-plant-community-garden/article_e5540928-1ac5-5e93-9594-0b7d529760f9.html

GAZETTE OPINION

Gazette opinion: How savvy managers make ends meet on low income

Jul 19, 2011

When United Way of Yellowstone County wanted information about managing tight budgets, it asked some experts: Billings women who are successfu...

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-how-savvy-managers-make-ends-meet-on-low/article_1e082c03-0932-5fb3-ac17-ab530b761c34.html



LOCAL EDUCATION

Salvation Army volunteers plant community apple orchard

By ROB ROGERS Of The Gazette Staff Jun 16, 2011

More than a dozen volunteers were busy digging, planting and watering 50 apple trees Thursday afternoon in a vacant lot next to the Billings S...

http://billingsgazette.com/news/local/education/salvation-army-volunteers-plant-community-apple-orchard/article_ff1c835-cb61-53da-8a51-30829cbd9143.html



LOCAL EDUCATION

Bike, walk, bus transportation encouraged for this week

Gazette Staff May 17, 2011

Bike/Walk/Bus Week is under way in Billings and continues through Saturday with many events scheduled.

http://billingsgazette.com/news/local/education/bike-walk-bus-transportation-encouraged-for-this-week/article_67f05eea-80ce-11e0-919d-001cc4c03286.html



LOCAL NEWS

Celebrate Community: VISTA worker helps at the Hub

By CLAIR JOHNSON

Of The Gazette Staff Apr 18, 2011

From clean clothes to bras for women, Sara Stout is making a difference in the lives of the homeless in Billings.

http://billingsgazette.com/news/local/celebrate-community-vista-worker-helps-at-the-hub/article_b607a09c-095d-51e0-92cc-ee6a72cf5fe2.html



LOCAL NEWS

A wider mission

By ED KEMMICK Of The Gazette Staff Jan 2, 2011

If your main impression of the Salvation Army involves bell-ringers and food baskets, think again.

http://billingsgazette.com/news/local/a-wider-mission/article_ba87a1e5-eeb4-535a-bbc7-f7086b3f2592.html



THEATRE

Giving voice to the homeless

By JACI WEBB

Of The Gazette Staff Dec 10, 2010

Authenticity is key to any theater project, but when the story is about real people living on the streets, some just beyond Venture Theatre's ...

http://billingsgazette.com/entertainment/arts-and-theatre/theatre/giving-voice-to-the-homeless/article_888fb79a-79b4-552f-b774-bf331cc93a63.html



GAZETTE OPINION

Gazette opinion: Thanks to those who give back to community

Nov 25, 2010

While traffic crept slowly along icy, snowpacked Jackson Street, inside Orchard Elementary School a dozen children were trying to figure out h...

http://billingsgazette.com/news/opinion/editorial/gazette-opinion/gazette-opinion-thanks-to-those-who-give-back-to-community/article_e2363dcb-7790-5856-b864-7bca0c229727.html

LOCAL NEWS

Billings' other VISTAs contribute in their posts

LINDA HALSTEAD-ACHARYA Of The Gazette Staff Apr 18, 2010

Armed with a degree in studio arts from the University of Texas in Austin,

http://billingsgazette.com/news/local/billings-other-vistas-contribute-in-their-posts/article_ea158136-4b5d-11df-a818-001cc4c03286.html

LOCAL NEWS

New bike race hopes to raise money for homeless

CATHY ULRICH Of The Gazette Staff Mar 24, 2010

A new event Saturday will help raise money for a program to help homeless people.

http://billingsgazette.com/news/local/new-bike-race-hopes-to-raise-money-for-homeless/article_0b16f47c-37a0-11df-8f16-001cc4c002e0.html



LOCAL NEWS

Seven young volunteers sign on to fight homelessness in Billings

ED KEMMICK Of The Gazette Staff Jul 16, 2009

The fight against homelessness in Billings has picked up seven young recruits from around the country.

http://billingsgazette.com/news/local/seven-young-volunteers-sign-on-to-fight-homelessness-in-billings/article_23258f34-7260-11de-8c4e-001cc4c03286.html



LOCAL NEWS

Homeless event draws 100s

ZACH BENOIT Of The Gazette Staff Jan 30, 2009

According to the Mayor's Committee on Homelessness, about 650 homeless people are in Billings on any given day.

http://billingsgazette.com/news/local/homeless-event-draws-s/article_1be34967-c343-5cde-b223-2eebb81b3721.html

Pre- Billings Metro VISTA Project Article...Former City Administrator

LOCAL NEWS

VISTA changes lives

ED KEMMICK Of The Gazette Staff Apr 13, 2008

Former Billings City Administrator Dennis Taylor called his two years of service with VISTA in the early 1970s "one of the most formative expe..."

http://billingsgazette.com/news/local/vista-changes-lives/article_3d27d6ef-0adb-5bae-b01d-f9caf68b756a.html

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: W.O. 16-02 Miscellaneous Program - Public Hearing and Resolution Ordering Improvements

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

On March 28, 2016, Council passed a Resolution of Intent for the Miscellaneous improvements project and set a Public Hearing date of April 25, 2016. After conducting the Public Hearing, Council may pass a resolution ordering construction of improvements in order for the project to proceed. The project consists of curb, gutter, sidewalk, and storm drain improvements at various locations around the city. It consists of the continuation of annual improvements that deal with tripping hazards, drainage problems, property owner requests, complaints, and other miscellaneous concrete work brought to the attention of the City Engineer's Office. Typically, the property owners are responsible for paying for sidewalk replacement and the city is responsible to pay for curb and gutter replacement. Gas tax funds are utilized for curb and gutter replacement and storm drain funds are utilized for the replacement of inlets or addition of inlets at corners needed throughout the project. Gas tax funds are also used for corner lots. The property owner is responsible for sidewalk replacement on the shortest side of their lot.

ALTERNATIVES ANALYZED

The Council may:

- Pass the Resolution ordering construction of the improvements; or
- Do not pass the Resolution ordering construction of the improvements. If the Council does not pass the Resolution, the property owners cannot be assessed and the work will not occur because there is no other source of funding.

FINANCIAL IMPACT

The proposed project is funded through multiple sources, including direct property assessments, for a total budgeted amount of \$653,500.

FY 16 Budgeted Amounts	
Estimated Assessments	\$210,000
Storm Drain Funds	\$75,000
Gas Tax Funds	\$250,000

Funding budgeted in FY 16 is sufficient for the proposed project.

RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve a resolution ordering improvements identified in Work Order 16-02, Miscellaneous Program.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Ordering Improvements

Exhibit A

Exhibit B

RESOLUTION NO. 16 - _____

A RESOLUTION RELATING TO **W.O. 16-02, MISCELLANEOUS IMPROVEMENTS**; ORDERING THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

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

Section 1. Passage of Resolution of Intention. This Council, on **March 28, 2016**, adopted Resolution No. **16-10532** (the "Resolution of Intention"), pursuant to which this Council declared its intention to order in certain sidewalks, curb, gutter and street improvements, designated as **W.O. 16-02** (the "Project") of the City, under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of sidewalk, curb and sidewalk, curb and gutter improvement bonds drawn on the Project (the "Bonds"), the creation and administration of the Project, and the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on **April 25, 2016**, this Council conducted a public hearing on the ordering in of the Project and the making of the Improvements.

Section 3. Order. It is hereby ordered that the following improvements shall be constructed, reconstructed, repaired, or replaced:

See Exhibit "A" attached hereto.

Section 4. Affected Properties. All properties which will be required to pay any portion of the costs of the improvements identified herein are identified in Exhibit "B" attached hereto.

Section 5. Reimbursement Expenditures.

5.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the

proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

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

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **\$210,000** after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

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

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

Section 6. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

Location of Work
Work Order 16-02
Miscellaneous and Developer Related
Exhibit "A"

A) Sidewalk: 402 N 32ND Street * 110 N 24th Street * 118 N 24th Street * 409 S 28th Street * 417 S 28th Street * 821 S 30th Street * 1023 S 28th Street * 2105 Clark Avenue * 2116 Clark Avenue * 2104 Clark Avenue * 910 Burlington Avenue * 340 Beverly Hill Boulevard * 336 Beverly Hill Boulevard * 330 Beverly Hill Boulevard * 326 Beverly Hill Boulevard * 724 Avenue B * 714 Avenue B * 712 Avenue B * 1504 7th Street W * 729 Avenue B * 733 Avenue B * 1603 Broadwater Avenue * 1740 Clark Avenue * 1728 Clark Avenue * 1708 Clark Avenue * 1704 Clark Avenue * 2134 Concord Drive * 844 Yellowstone Avenue * 842 Yellowstone Avenue * 838 Yellowstone Avenue * 825 Yellowstone Avenue * 935 Burlington * 2707 Miles Avenue * 1946 Avenue C * 401 S 37th Street * 425 Grand Avenue * 603 Avenue C * 645 Avenue C * 632 Avenue E * 630 Avenue E * 803 Yellowstone Avenue * 811 Yellowstone Avenue * 815 Yellowstone Avenue * 802 Yellowstone Avenue * 519 Van Bramer Drive * 515 Van Bramer Drive * 615 Glen Drive * 430 Glen Drive * 436 Glen Drive * 415 S 36th Street * 4501 Stone Street * 8th Street West * 1102 N 25th Street * 1112 N 26th Street * 1044 Burlington Avenue * 1040 Burlington Avenue * 1036 Burlington Avenue * 1030 Burlington Avenue * 1020 Burlington Avenue * 1810 Poly Drive * 385 Prospectors Lane * 3003 Grand Avenue * 930 Burlington Avenue * 924 Burlington Avenue * 927 Burlington Avenue * 1801 Bench Boulevard *

- B) Curb, Gutter: 2046 Clark Avenue * 25 S Crestwood Drive * 19 S Crestwood Drive * 15 S Crestwood Drive * 227 S Santa Fe Drive * 636 Crawford Drive * 640 Crawford Drive * 4627 Mitchell Avenue * 1517 7th Street West ***
- C) Sidewalk, Curb and Gutter: 113 N 29th Street * 121 S 26th Street * 420 S 30th Street * 821 S 28th Street * 812 S 29th Street * 2021 Yellowstone Avenue * 2110 Clark Avenue * Burlington Avenue (Park) * 1416 7th Street W * 1008 Broadwater Avenue * 1716 Clark Avenue * 218 Fair Park Drive * 941 Burlington Avenue * 417 Gay Place * 3714 4th Avenue South * 1926 Parkhill Drive * 1726 Avenue F * 4443 Stone Street * 435 Glen Drive * 310 Travois Trail * 1048 N 25th Street * 1048 N 23rd Street * 1038 N 23rd Street * 1045 Avenue E * 1004 Burlington Avenue * 1201 Romelda lane * 925 Burlington Avenue ***
- D) Sidewalk, Drive Aprons: 514 18th Street West ***
- E) Curb, Gutter, Sidewalk, Drive Aprons: 902 Burlington Avenue * 29 Lexington Drive * 2512 Terry Avenue * 2508 Terry Avenue * 2711 Miles Avenue * 2717 Miles Avenue * 2223 Hewitt Drive * 1121 Cottage Lane * 1055 Burlington Avenue * 4447 Stone Street * 426 Alderson Avenue * 2901 Minnesota Avenue ***
- F) Curb& Gutter, Drive Aprons: 2723 Miles Avenue * 2725 Miles Avenue * 1115 Burlington Avenue * 2641 Lewis Avenue * 28 19th Street West * 2931 Lewis Avenue ***
- G) ADA Ramps: 1204 10th Street West * 1043 Burlington Avenue * 1021 Burlington Avenue * 1201 Wunnicke Lane ***

H) Sidewalk Grinding: 711 Avenue B * 739 Avenue B * 741 Avenue B * 1736 Clark Avenue * 1732 Clark Avenue * 834 Yellowstone Avenue * 828 Yellowstone Avenue * 824 Yellowstone Avenue * 816 Yellowstone Avenue * 812 Yellowstone Avenue * 1920 Clark Avenue * 1906 Clark Avenue * 1904 Clark Avenue * 411 S 36th Street *

Exhibit B

WO 16-02 Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 16-02 Assessment (C)	A + B + C	Market Value
A00043		\$0.00	\$0.00	\$985.27	\$985.27	\$1,013,756.00
A00601		\$0.00	\$0.00	\$1,721.61	\$1,721.61	\$147,140.00
A00602		\$0.00	\$0.00	\$3,132.92	\$3,132.92	\$151,750.00
A00645		\$0.00	\$0.00	\$3,784.15	\$3,784.15	\$688,820.00
A00963		\$0.00	\$0.00	\$2,734.49	\$2,734.49	\$202,200.00
A01228		\$0.00	\$0.00	\$1,537.52	\$1,537.52	\$85,400.00
A01229		\$0.00	\$0.00	\$5,348.91	\$5,348.91	\$335,000.00
A01404		\$0.00	\$0.00	\$0.00	\$0.00	\$277,800.00
A01743		\$0.00	\$0.00	\$0.00	\$0.00	\$102,000.00
A01758		\$0.00	\$0.00	\$2,664.21	\$2,664.21	\$77,000.00
A01765		\$0.00	\$0.00	\$0.00	\$0.00	\$178,900.00
A01872		\$0.00	\$0.00	\$0.00	\$0.00	\$77,800.00
A02748		\$0.00	\$0.00	\$654.52	\$654.52	\$174,100.00
A02754		\$0.00	\$0.00	\$0.00	\$0.00	\$194,500.00
A02780		\$0.00	\$0.00	\$692.17	\$692.17	\$178,000.00
A02810		\$0.00	\$0.00	\$2,696.18	\$2,696.18	\$216,200.00
A02811		\$0.00	\$0.00	\$2,491.64	\$2,491.64	\$161,000.00
A02812		\$0.00	\$0.00	\$452.30	\$452.30	\$188,500.00
A02893		\$0.00	\$0.00	\$3,242.40	\$3,242.40	\$187,000.00
A02894		\$0.00	\$0.00	\$4,642.96	\$4,642.96	\$252,320.00
A02899A		\$0.00	\$0.00	\$0.00	\$0.00	\$36,443.00
A03006		\$0.00	\$0.00	\$985.27	\$985.27	\$167,000.00
A03007		\$0.00	\$0.00	\$4,616.20	\$4,616.20	\$184,900.00
A03008		\$0.00	\$0.00	\$1,959.25	\$1,959.25	\$215,300.00
A03009		\$0.00	\$0.00	\$3,275.03	\$3,275.03	\$222,300.00
A03031		\$0.00	\$0.00	\$868.36	\$868.36	\$143,821.00
A03034		\$0.00	\$0.00	\$228.28	\$228.28	\$151,097.00
A03035		\$0.00	\$0.00	\$735.56	\$735.56	\$181,425.00
A03037		\$0.00	\$0.00	\$1,022.69	\$1,022.69	\$201,931.00
A03038		\$0.00	\$0.00	\$479.04	\$479.04	\$156,500.00
A03039		\$0.00	\$0.00	\$90.65	\$90.65	\$169,100.00
A03043		\$0.00	\$0.00	\$365.38	\$365.38	\$212,600.00
A03044		\$0.00	\$0.00	\$409.07	\$409.07	\$162,700.00
A03045		\$0.00	\$0.00	\$181.30	\$181.30	\$166,100.00
A03046		\$0.00	\$0.00	\$181.30	\$181.30	\$144,400.00
A03326		\$0.00	\$0.00	\$3,803.95	\$3,803.95	\$408,270.00
A03845		\$0.00	\$0.00	\$4,968.43	\$4,968.43	\$183,500.00
A03846		\$0.00	\$0.00	\$90.65	\$90.65	\$157,300.00

Exhibit B

WO 16-02 Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 16-02 Assessment (C)	A + B + C	Market Value
A03847		\$0.00	\$0.00	\$90.65	\$90.65	\$160,000.00
A03848		\$0.00	\$0.00	\$756.80	\$756.80	\$145,300.00
A03851		\$0.00	\$0.00	\$4,385.49	\$4,385.49	\$132,400.00
A03853		\$0.00	\$0.00	\$1,162.15	\$1,162.15	\$172,900.00
A03854		\$0.00	\$0.00	\$6,657.72	\$6,657.72	\$144,400.00
A04431		\$0.00	\$0.00	\$0.00	\$0.00	\$170,600.00
A04432		\$0.00	\$0.00	\$131.20	\$131.20	\$172,900.00
A04433		\$0.00	\$0.00	\$0.00	\$0.00	\$172,000.00
A04528		\$0.00	\$0.00	\$593.16	\$593.16	\$170,200.00
A04608		\$0.00	\$0.00	\$0.00	\$0.00	\$177,300.00
A04637	1902	\$91.73	\$0.00	\$1,474.99	\$1,566.72	\$174,500.00
A04906B		\$0.00	\$0.00	\$2,203.60	\$2,203.60	\$191,700.00
A05458		\$0.00	\$0.00	\$668.00	\$668.00	\$178,000.00
A05459		\$0.00	\$0.00	\$560.27	\$560.27	\$193,700.00
A05460		\$0.00	\$0.00	\$1,244.17	\$1,244.17	\$198,100.00
A05461		\$0.00	\$0.00	\$90.65	\$90.65	\$183,500.00
A05462		\$0.00	\$0.00	\$90.65	\$90.65	\$137,100.00
A05463		\$0.00	\$0.00	\$181.30	\$181.30	\$173,200.00
A05465		\$0.00	\$0.00	\$181.30	\$181.30	\$168,600.00
A05466		\$0.00	\$0.00	\$181.30	\$181.30	\$163,300.00
A05739		\$0.00	\$0.00	\$736.34	\$736.34	\$193,100.00
A05762		\$0.00	\$0.00	\$209.19	\$209.19	\$209,800.00
A05763A		\$0.00	\$0.00	\$0.00	\$0.00	\$244,400.00
A05764		\$0.00	\$0.00	\$209.19	\$209.19	\$255,800.00
A05787		\$0.00	\$0.00	\$0.00	\$0.00	\$137,200.00
A05788		\$0.00	\$0.00	\$0.00	\$0.00	\$172,700.00
A06045		\$0.00	\$0.00	\$3,630.09	\$3,630.09	\$200,400.00
A06046		\$0.00	\$0.00	\$1,206.90	\$1,206.90	\$157,300.00
A06149		\$0.00	\$0.00	\$1,887.45	\$1,887.45	\$163,800.00
A06150		\$0.00	\$0.00	\$4,253.08	\$4,253.08	\$198,600.00
A06151		\$0.00	\$0.00	\$3,695.64	\$3,695.64	\$212,200.00
A06152		\$0.00	\$0.00	\$0.00	\$0.00	\$167,200.00
A06153		\$0.00	\$0.00	\$915.68	\$915.68	\$185,800.00
A07600		\$0.00	\$0.00	\$0.00	\$0.00	\$184,200.00
A07697		\$0.00	\$0.00	\$90.65	\$90.65	\$161,500.00
A07700		\$0.00	\$0.00	\$90.65	\$90.65	\$161,300.00
A07701		\$0.00	\$0.00	\$181.30	\$181.30	\$172,200.00
A07926		\$0.00	\$0.00	\$4,726.91	\$4,726.91	\$188,800.00

Exhibit B

WO 16-02 Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 16-02 Assessment (C)	A + B + C	Market Value
A07951		\$0.00	\$0.00	\$370.50	\$370.50	\$186,600.00
A08785		\$0.00	\$0.00	\$0.00	\$0.00	\$136,500.00
A08791		\$0.00	\$0.00	\$2,326.16	\$2,326.16	\$171,140.00
A09086		\$0.00	\$0.00	\$700.08	\$700.08	\$221,500.00
A09098		\$0.00	\$0.00	\$429.53	\$429.53	\$32,731,736.00
A09730	2904	\$1,056.91	\$0.00	\$565.39	\$1,622.30	\$142,700.00
A10061		\$0.00	\$0.00	\$941.34	\$941.34	\$129,900.00
A10063		\$0.00	\$0.00	\$6,279.79	\$6,279.79	\$258,400.00
A10069		\$0.00	\$0.00	\$914.09	\$914.09	\$194,700.00
A10496		\$0.00	\$0.00	\$864.99	\$864.99	\$191,000.00
A10690		\$0.00	\$0.00	\$753.71	\$753.71	\$124,100.00
A11020		\$0.00	\$0.00	\$0.00	\$0.00	\$219,000.00
A11029		\$0.00	\$0.00	\$1,385.28	\$1,385.28	\$258,100.00
A12403		\$0.00	\$0.00	\$3,553.86	\$3,553.86	\$132,000.00
A12404		\$0.00	\$0.00	\$1,487.58	\$1,487.58	\$153,700.00
A12876		\$0.00	\$0.00	\$5,669.14	\$5,669.14	\$165,300.00
A12877		\$0.00	\$0.00	\$414.85	\$414.85	\$167,400.00
A13280		\$0.00	\$0.00	\$271.94	\$271.94	\$149,500.00
A13284		\$0.00	\$0.00	\$1,003.54	\$1,003.54	\$163,200.00
A13285		\$0.00	\$0.00	\$922.58	\$922.58	\$185,200.00
A13293		\$0.00	\$0.00	\$2,558.82	\$2,558.82	\$145,482.00
A13462		\$0.00	\$0.00	\$5,326.86	\$5,326.86	\$191,000.00
A13488		\$0.00	\$0.00	\$874.68	\$874.68	\$155,500.00
A13489		\$0.00	\$0.00	\$836.75	\$836.75	\$134,100.00
A13517		\$0.00	\$0.00	\$1,799.94	\$1,799.94	\$169,600.00
A13566		\$0.00	\$0.00	\$551.44	\$551.44	\$175,900.00
A13567		\$0.00	\$0.00	\$613.62	\$613.62	\$188,800.00
A13583		\$0.00	\$0.00	\$3,975.47	\$3,975.47	\$189,000.00
A14091		\$0.00	\$0.00	\$2,621.81	\$2,621.81	\$187,700.00
A14092		\$0.00	\$0.00	\$3,143.38	\$3,143.38	\$127,100.00
A14149		\$0.00	\$0.00	\$1,658.27	\$1,658.27	\$141,000.00
A14516B		\$0.00	\$0.00	\$1,109.63	\$1,109.63	\$216,700.00
A14868		\$0.00	\$0.00	\$0.00	\$0.00	\$178,200.00
A15181		\$0.00	\$0.00	\$4,229.48	\$4,229.48	\$145,500.00
A16039		\$0.00	\$0.00	\$309.71	\$309.71	\$31,899.00
A16305		\$0.00	\$0.00	\$0.00	\$0.00	\$140,500.00
A16326		\$0.00	\$0.00	\$549.46	\$549.46	\$184,100.00
A16348		\$0.00	\$0.00	\$0.00	\$0.00	\$84,500.00

Exhibit B

WO 16-02 Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 16-02 Assessment (C)	A + B + C	Market Value
A16392		\$0.00	\$0.00	\$2,471.20	\$2,471.20	\$169,100.00
A16394		\$0.00	\$0.00	\$3,556.18	\$3,556.18	\$140,800.00
A16979		\$0.00	\$0.00	\$2,261.63	\$2,261.63	\$212,800.00
A17330		\$0.00	\$0.00	\$5,397.02	\$5,397.02	\$179,300.00
A18703		\$0.00	\$0.00	\$565.39	\$565.39	\$186,400.00
A18704		\$0.00	\$0.00	\$565.39	\$565.39	\$205,800.00
A18705		\$0.00	\$0.00	\$2,928.62	\$2,928.62	\$186,700.00
A18706		\$0.00	\$0.00	\$3,137.81	\$3,137.81	\$189,700.00
A18707		\$0.00	\$0.00	\$3,137.81	\$3,137.81	\$204,900.00
A18710		\$0.00	\$0.00	\$0.00	\$0.00	\$236,600.00
A18711		\$0.00	\$0.00	\$0.00	\$0.00	\$165,000.00
A18716		\$0.00	\$0.00	\$0.00	\$0.00	\$217,600.00
A18717		\$0.00	\$0.00	\$0.00	\$0.00	\$261,500.00
A18720		\$0.00	\$0.00	\$0.00	\$0.00	\$200,700.00
A18721		\$0.00	\$0.00	\$0.00	\$0.00	\$203,100.00
A19564		\$0.00	\$0.00	\$255.67	\$255.67	\$547,000.00
A22857		\$0.00	\$0.00	\$0.00	\$0.00	\$128,500.00
A26696		\$0.00	\$0.00	\$602.00	\$602.00	\$711,873.00
C02145C		\$0.00	\$0.00	\$1,876.64	\$1,876.64	\$181,600.00
D01277		\$0.00	\$0.00	\$2,426.57	\$2,426.57	\$186,300.00
D01278		\$0.00	\$0.00	\$2,091.87	\$2,091.87	\$193,300.00
D01279		\$0.00	\$0.00	\$2,970.46	\$2,970.46	\$203,100.00
D01280		\$0.00	\$0.00	\$2,876.32	\$2,876.32	\$258,597.00
D05143		\$0.00	\$0.00	\$596.07	\$596.07	\$5,722,975.00
E00097		\$0.00	\$0.00	\$11,704.01	\$11,704.01	\$0.00
Average				\$1,525.00	\$1,533.00	\$466,629.00
Median				\$754.00	\$757.00	\$178,000.00
Low				\$0.00	\$0.00	\$0.00
High				\$11,704.00	\$11,704.00	\$32,731,736.00

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Public Hearing and Resolution for Annexation #16-02

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

McCall Development, Inc. and the Yellowstone Boys and Girls Ranch Foundation submitted a petition to annex land they own using the provisions of Section 7-2-4600, MCA. The subject property is Lot 1, Block 1, Adam and Mollie Walter Subdivision and totals about 35 acres. The property is undeveloped and is being used for agricultural production. It is located west of the Hogans Slough, south of Elysian Road, and east of East Lane. The owners are requesting annexation in order to begin developing the property in the City under a recently approved County Planned Development Zoning and with a City Major Subdivision, which is going through the preliminary platting process now and will come to the City Council in May. The property is currently zoned Planned Development for a mixture of residential and commercial uses.

The property is located within the five-year annexation area of the City's Limits of Annexation Map and appears to meet some of the City's criteria in its Annexation Policy. The City is able to serve the property and further analysis and discussion is provided in the Consistency with Adopted Plans and Policies section of this memo. The City Council considers this annexation at two separate Council meetings. At the first meeting on March 28, the Council accepted the annexation petition for this property and set a public hearing date for April 25. At this meeting, the Council will conduct the hearing and decide if it will annex the property.

ALTERNATIVES ANALYZED

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

FINANCIAL IMPACT

The City is able to provide municipal water and sewer to the subject property via public lines in Elysian Road and through an easement on the subject property. Staff is recommending the two standard conditions of approval for this annexation: That a Development Agreement be executed with the City to identify infrastructure improvements and timing of those improvements to serve the property; and/or that a Subdivision Improvement Agreement be signed and recorded between the property owner and the City to identify infrastructure improvements and timing of those improvements to serve the property through a subdivision platting process. Since a preliminary platting process has started, it is expected that an SIA will be executed in the near future and address that condition. Since this property is being developed for residential and commercial uses at fairly high density, the City should realize significant property tax revenue on a per acre basis and also will receive payment for fees and assessments for City services.

BACKGROUND

The subject property totals about 35 acres. It is located south of Elysian Road and East of East Lane. It is in an area of County that the City included in its Limits of Annexation Map for future annexation a few years ago and where the City recently constructed water and sewer trunk lines to serve Elysian School that recently annexed and other properties that are expected to annex and develop in this area. The property is currently used for agricultural activities. It is bordered on the east by the Hogan Slough. The property appears to meet some of the City's criteria in its Annexation Policy. The city limits border the eastern edge of the property.

PROCEDURAL HISTORY

- On February 16, 2016, the annexation petition was submitted to the Planning Division by the owner's agent
- On March 28, the City Council accepted the petition to annex the property and set a public hearing date for April 25.
- On April 25, the City Council will conduct the public hearing for the annexation and may take action on the request.
- On May 9, if the City Council approves the annexation resolution, a public hearing and first reading of an ordinance to include the property in City Council Ward III will be conducted.
- On May 23 the City Council will conduct the second and final reading for the ordinance expanding the Ward III boundary.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property on April 8 and published in the Billings Times on April 7. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

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

1. The area is located within the Limits of Annexation.
2. The City is able to adequately provide municipal water and sewer services to the property.
3. Any proposed public improvements within the area to be annexed will meet City standards.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest future Special Improvement Districts. The proposed conditions of annexation in the Resolution that the property owner enter into a Development Agreement or Subdivision Improvement Agreement with the City will ensure that the waiver is signed. The proposed preliminary subdivision application process that has started for this property is likely to address the execution of a Subdivision Improvement Agreement prior to development of the property.
5. If annexed, any proposed land use will comply with the zoning. The property is currently zoned Planned Development for residential and commercial uses, and the development plans for the property will follow this zoning.

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

City Facilities:

Specific comments from City Departments are provided below:

- **Water:** This property is intended to be served by a trunk water line currently in Elysian Road across the north boundary of the property. The subject property will be responsible for connecting and extending service lines at the time of development.
- **Sewer:** The property will be served by an existing sanitary sewer line that runs from Elysian Road at the northeast corner of the subject property along the east side of the property along Hogans Slough. The subject property will be responsible for connecting and extending service lines at the time of development.
- **Storm water:** All of the storm water runoff from this property will need to meet the City of Billings requirements for storm water management. Any future development will follow the City of Billings storm water regulations. A preliminary subdivision submittal is in review for the subject property and the developer has provided preliminary drainage plans and details of the sites' storm water system.
- **Transportation:** The subject property fronts Elysian Road and will have access from Elysian Road. As the development of the property is completed, an additional east/west access at the southeast corner of the property will be provided. As the development is extended in the future, streets will be extended westerly to East Lane.
- **Fire Stations:** The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to serve the property upon annexation. The Billings Fire Chief stated that as this and other annexations are built out, additional fire department resources will be needed. The nearest fire station is Station #5, located at 604 South 24th Street, about 2.5 road miles north of the subject property.
- **Parks:** The subject property is to be developed with residential and commercial uses and significant park land development is planned for the property. The Planned Development zoning for the property and the preliminary plat under review show multiple park areas and linear parks throughout the property with planned connections to future development to the west and to the east. The Billings Parks, Recreation and Public Lands Department staff will review the proposed park areas as the property is developed.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. There is a long-range plan for a bike lane on Elysian Road and on East Lane. The developer of the subject property will be building a multi-use trail along the entire frontage of the property on the south side of Elysian Road and contributing to the construction of a pedestrian bridge over Hogan Slough adjacent to Elysian Road. The planned development for the subject property also is providing park land along the southern boundary near the Yellowstone River. This will provide an opportunity for future construction of portions of the Marathon Loop Trail along the southern end of the development.
- **School facilities:** The subject property would be served by Elysian School and Billings School District #2. Both districts are, and have, completed construction and redistricting efforts to address school capacities at all levels. However, as this subject property develops and additional development occurs in the area in the future, additional school planning and projects may be needed.

General City Services: These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Fire Department in its comments above did note its concerns as additional property is annexed into the City.

- Transit: MET transit system operators have no objections to the annexation request. However, the closest bus service to this property is about 1.5 miles to the northeast, north of the Mullowney Lane and Interstate-90 interchange. Route changes are being planned that may provide better MET service to this area.
- Police: The Police Department staff stated that while additional patrol staff have been approved, continued annexation and development may affect response times.
- Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.
- Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.
- Public Works-Solid Waste: The Solid Waste Division had no concerns with annexing the property, but pointed out that State Law allows the property owner to choose what garbage hauler may service the property after it is in the City.
- Ambulance Service: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. This property may be within the area of acceptable response time.
- Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.
- Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve the property whether it is in the City or the County. The Planning Division staff supports the annexation because the property is in the Red Area of Annexation, has access to City services, and is in an area close to the Yellowstone River where development on municipal services reduces the impact to groundwater or surface water.

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

- More housing and business choices within each neighborhood (Land Use Goal, Page 6). *The subject property is zoned Planned Development for Residential and Commercial uses. This zoning, if developed to its full capacity and density will provide more housing and business choices in this area of the community.*
- Protection of groundwater, surface water, riparian areas, air quality, and productive agricultural lands (Natural Resource Goal, Page 9). *Development of this property within the City will ensure that groundwater, surface water, and riparian areas are protected by the use of municipal water and sewer systems.*

- Protect and increase the availability of public access to natural areas and trails along the River (Natural Resources Goal, Page 10). *The proposed park areas and linear trail and park corridors will provide improved access to the Yellowstone River in this area of the community.*

RECOMMENDATION

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

APPROVED BY CITY ADMINISTRATOR

Attachments

Annexation Petition
Annexation Exhibit
Annexation Resolution
Applicant Area Exhibit



PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

NOTICE TO PETITIONER

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

INSTRUCTIONS

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

The map must show:

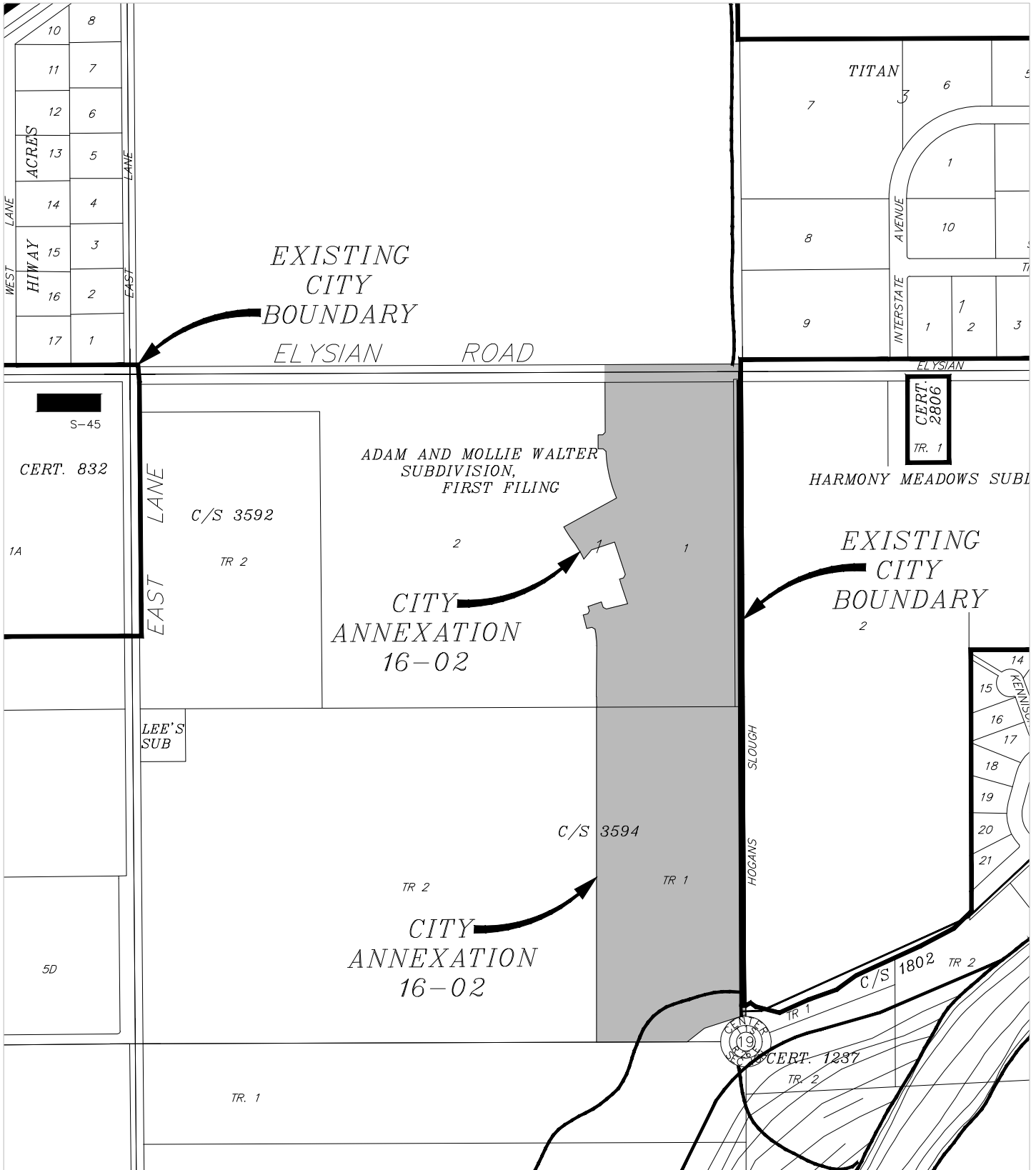
- a. The present and proposed boundaries of the municipality;
 - b. The present streets, major trunk water mains and sewer mains;
 - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition should be submitted to the Planning Department, Monday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

RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
02-12-2016	McCall Development Inc.		1536 Mullowney Ln Ste 100 Billings, MT 59101
02-12-2016	YBGR Foundation		2050 Overland Ave, Billings, MT 59102

(continued on separate page)

ANNEXATION 16-02 EXHIBIT "A"



RESOLUTION NO. 16 -

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

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

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

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

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

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

A tract of land situated in the SW1/4 of Section 18, and the NW 1/4 of Section 19 , T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Adam and Mollie Walter Subdivision, First Filing, Lots 1, Block 1, Recorded February 22, 2016, under Document No. 3769605, on file and of record in the Records of Yellowstone County; Tract 1, of Certificate of Survey No. 3594, Recorded July 29, 2015, under Document No. 3748158, on file and of record in the Records of Yellowstone County; Including all adjacent right-of-way of Elysian Road and Canyon Creek Ditch.

Containing 34.721 gross acres and 33.854 net acres more or less.

(# 16-02) See Exhibit "A" Attached

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

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

PASSED by the City Council and APPROVED this 25th day of April, 2016.

THE CITY OF BILLINGS:

BY: _____

Thomas W. Hanel, MAYOR

ATTEST:

BY: _____

Billie Guenther, CITY CLERK

(AN# 16-02)

LOT 1, BLOCK 1, ADAM AND MOLLIE SUBDIVISION, FIRST FILING AND TRACT 1, CERTIFICATE OF SURVEY No. 3594



PREPARED FOR : McCALL DEVELOPMENT, INC.

PREPARED BY : SANDERSON STEWART

ANNEXATION MAP
WITHIN
YELLOWSTONE COUNTY, MONTANA

FEBRUARY, 2016
BILLINGS, MONTANA

250 0 250 500
SCALE: 1"=500'



**PROPOSED ANNEXATION OF
JOSEPHINE LANDING SUBDIVISION,
FIRST FILING**
ZONED: N.C.

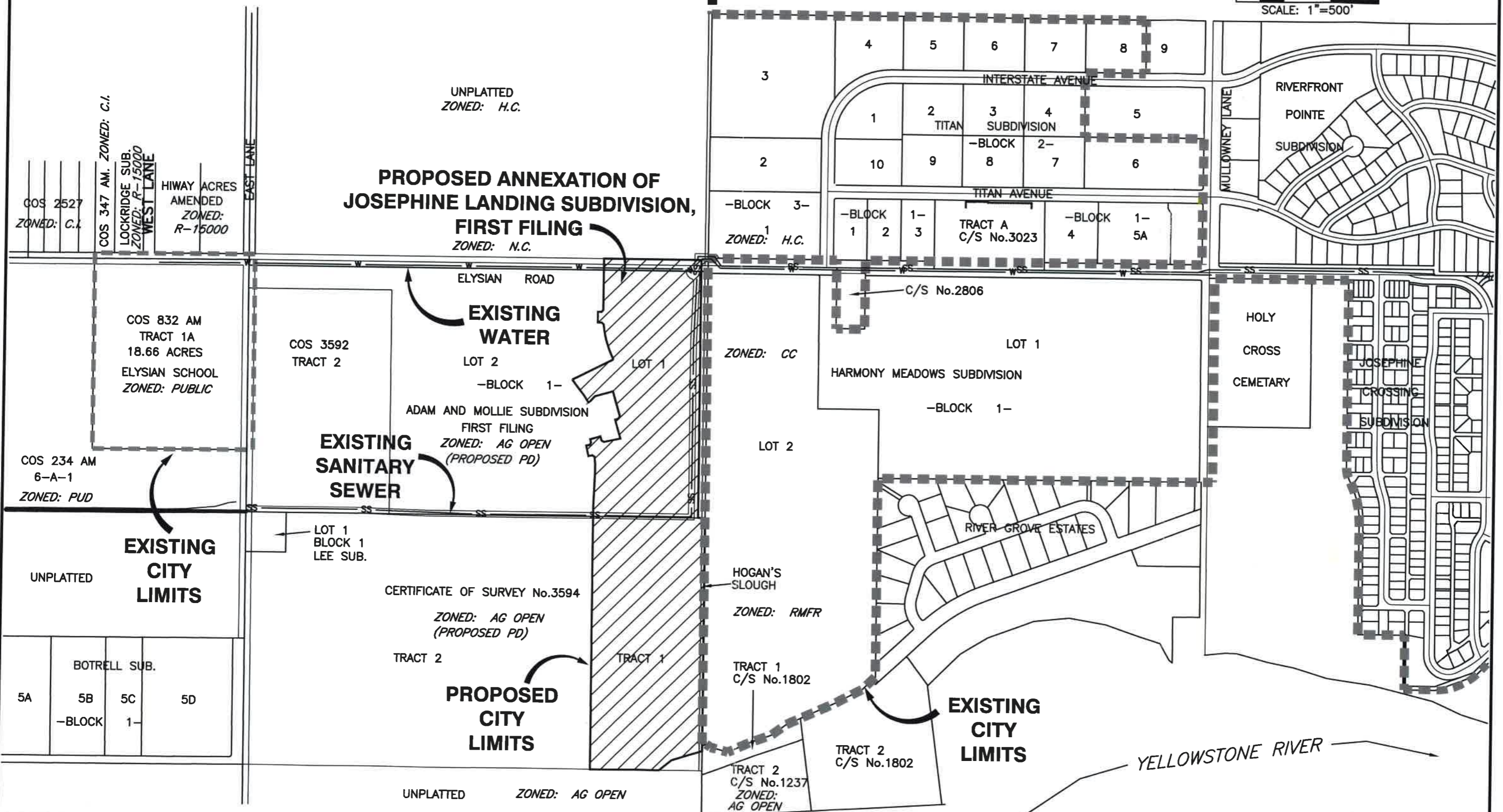
**EXISTING
SANITARY
SEWER**

**EXISTING
WATER**

**PROPOSED
CITY
LIMITS**

**EXISTING
CITY
LIMITS**

**EXISTING
CITY
LIMITS**



YELLOWSTONE RIVER

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Zone Change 946 - 3122 Lynn Avenue - Public Hearing

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70) on Lot 11, Block 9, Central Acres Subdivision, 5th Filing, a vacant, 10,417 square-foot parcel of land in the 3100 block of Lynn Avenue. A pre-application neighborhood meeting was held on February 10, 2016 at the Sunset Bowl, 1625 Central Avenue. The Zoning Commission conducted a public hearing on April 5, 2016, and is forwarding a recommendation of denial and adoption of the findings of the 10 criteria on a 4-1 vote.

The Planning Division has received a valid protest against the zone change. A valid protest requires the City Council to have a 2/3 majority vote of the members present at the hearing in favor of the zone change in order to approve the request.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

ALTERNATIVES ANALYZED

City Council may:

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

The Planning Division reviewed the proposed zone change and recommended approval based on the staff findings of 10 criteria for zone changes. The Zoning Commission did not concur with the staff findings and voted to recommend denial of the zone change.

The staff found the proposed zoning does give consideration to the surrounding neighborhood character and was compatible with the existing and proposed uses in the area. The staff found the neighborhood has a mixture of housing choices and a two-family dwelling would not be out of character for this area. The staff found the proposed zoning was supported by the city's Infill Policy by making the most efficient use of land where incremental density would be appropriate. The proposed zoning allows either single family or two-family dwellings by right but does not

allow multi-family dwellings (3 or more attached units). The proposed zoning would allow the construction of 2 dwelling units whether attached or detached. Construction could be as townhomes, with individual unit owners or as a duplex with 1 owner. The staff found the townhomes and duplexes in the immediate area are well-maintained and fit well with the adjacent single family dwellings.

The Zoning Commission found the proposed zoning and development of a two-family dwelling was not compatible with this block of Lynn Avenue. The Zoning Commission found there were no similar dwellings on this section of Lynn Avenue and a two-family dwelling would be out of character for this area. Prior to making its decision on the proposed zone change, the City Council shall consider the Zoning Commission findings of the 10 criteria:

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

The proposed zone change is not consistent with the following goals of the Growth Policy:

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

The proposed zoning would allow an undeveloped lot to be developed with either a single family dwelling or a two-family dwelling. The zoning code allows the owner to attach or detach the two dwelling units or to construct the dwelling units as townhomes. The proposed zoning is not compatible on this block of Lynn Avenue that is developed only with single family dwellings. The four-plex dwellings at the east end of the block are in a separate subdivision and were annexed and developed after the single family homes were built to the west. This part of the Central Acres Subdivision is only single family dwellings.

- The Infill Policy encourages development of vacant property within the City limits with emphasis on housing choice and efficient use of existing City infrastructure and services. The increment in density for the only vacant lot on this block of Lynn Avenue is not warranted and does not give due consideration to the existing pattern of development.

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

The new zoning requires minimum setbacks, and building separations. The setbacks and building separations in the existing and proposed zoning are identical. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

Development of the vacant land in the City will promote the public health and safety of the adjacent residential neighborhood by providing full development along the 3100 block of Lynn Avenue. Vacant lots tend to detract from adjacent property value and serve as a cut through for pedestrian traffic. Development of the lot could happen with the existing zoning. The proposed zoning does not promote the general welfare of the adjacent homeowners by allowing a distinctly different housing type in the middle of the block of single family dwellings.

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

Transportation: The proposed zoning and subsequent development will not have an impact on Lynn Avenue. Off street parking must be provided at the time of construction as well as completion of the street improvements such as sidewalks.

Water and Sewer: The City will provide water and sewer to the property. There is an existing sewer stubbed into the property from the alley. A water service connection will need to be constructed from Lynn Avenue to the new dwelling(s). There should be no additional impact to

the system from the proposed zoning.

Schools and Parks: There may be a limited impact to schools from the proposed zone change. Residential development is an allowed use in both the current zoning and the proposed zoning.

Fire and Police: The subject property will be served by city public safety services. The Public Safety departments have no concerns with the zone change.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. The setbacks, lot coverage and building height are the same for the existing and proposed zoning districts.

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

The new zoning may have a minor effect on vehicle and pedestrian traffic. A single family dwelling in general generates 8 to 10 traffic trips per day. This traffic includes trips by the dwelling occupants as well as service traffic trips such as mail delivery.

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

The new zoning does not promote compatibility with urban growth. The proposed zoning will allow one, two-family dwelling in the middle of a block of single family dwellings.

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

The proposed zoning does not consider the character of the district and the suitability of the property for development of a two-family dwelling.

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

The property is currently vacant. The value of existing buildings will increase when the property is developed. The property could be developed with a single family dwelling.

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

The proposed zoning will permit a two-family dwelling that is dissimilar to the adjacent single family dwellings. This would not encourage the most appropriate use of land at this location.

FINANCIAL IMPACT

If the zone change is denied, the land could continue to remain vacant or it could be developed with a single family dwelling. The City tax base would not be affected by the land remaining vacant unless the property is not maintained. Property tax values have remained stable and increasing on this block of Lynn with a few exceptions for property on the south side of Lynn Avenue. These values may be less stable due to the vacant land on Central Avenue that only recently has developed. City fees based on zoning would increase slightly if the zone change was approved.

BACKGROUND

This property is the only un-developed lot on the 3100 block of Lynn Avenue. The lot to the east, Lot 12 at 3116 Lynn Avenue, was in common ownership with the subject property prior to Mr. Ouren's purchase in 2009. The property has remained vacant except for the occasional prior use by the adjacent owner for storage of vehicles, boats, outdoor equipment and vehicles. A sanitary sewer line is stubbed into the property from the alley to the south. The surrounding zoning is R-96 to the east, west, and north of the subject property. South of the property across the alley is zoned NC and is developing as a retail center for neighborhood services. Property at the east end of this block is zoned R-60 and these lots are developed as four-plex townhomes.

Mr. Ouren conducted a pre-application meeting in February and several surrounding owners attended the meeting. The primary concern expressed by the surrounding owners is the number of non-owner occupied residences in the area. The zoning code does not require the occupancy of any dwelling unit by the owner of the property. The surrounding property owners have submitted a protest petition against the zone change. The number of signatures constitutes a valid protest of this zone change. A zone change with a valid protest cannot be approved except by the favorable vote of two-thirds (2/3) of the present and voting members of the City Council.

In general within the city limits, approximately 60% of dwelling units are owner occupied. On this block of Lynn Avenue, 10 of the 13 single family dwellings are owner occupied, or about 75% of the dwelling units. If the zone change is approved on this lot and 2 dwelling units are constructed and occupied by renters, the percentage of owner occupied units would drop to 65%. This is still within the same general character of most city neighborhoods. The development of a duplex or a townhome on the property would be a distinctly different housing type in the middle of the block of single family dwellings.

The neighborhood is near the intersection of 2 principal arterial streets - Central Avenue and 32nd Street West. The intersection has been improved in the past 5 years to handle the increasing traffic through this intersection, including dedicated left turn lanes and signals. The most recent traffic counts at this intersection are 27,821, with 32nd Street West having a higher count than Central Avenue. The City intends to complete arterial street improvement on Central Avenue from 35th St West to Shiloh Road during the next fiscal year (FY17). Signal timing along the 32nd Street West corridor from King Avenue West north to Poly Drive is also being addressed. Lynn Avenue has a stop controlled intersection with 32nd Street West just north of the signalized intersection. To the east, Lynn Avenue intersects with 31st Street West at an uncontrolled 3-way intersection. Lynn Avenue at this point is not a continuous street and the lots to the east would not allow a continuation of Lynn Avenue in the future.

The lot is large enough to support 2 dwelling units at nearly 1/4 of an acre, however similar sized lots on this block of Lynn Avenue are developed with single family dwellings. One block to the north is R-70 zoning on the north side of St John's Avenue. There is a mixture of single family and two-family dwellings in this area. On 31st Street West on the west side are 4 four-plex dwellings between Central Avenue and St. John's Avenue in an R-60 zone. These four-plexes were built in a different subdivision and annexed and zoned after the single family homes on Lynn Avenue were constructed.

Two-family dwellings built as townhomes can have 2 separate owners and generally have more property value than a two-family dwelling built as a simple duplex with one owner. The most recent set of townhomes built north of Lynn Avenue as two attached units has each unit valued at more than \$192,000. These taxable values are similar to surrounding single family homes. Older duplexes with one owner in this neighborhood are valued in the \$225,000 to \$250,000 range. The townhomes in the four-plex at the intersection of 31st St West and Central Avenue

are valued at \$138,000 to \$150,000 for each unit. The 2 end units have higher taxable value than the center 2 units.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on April 5, 2016, and received the staff recommendation and testimony from the applicant and surrounding property owners. Based on this testimony and findings of the Zoning Commission, the recommendation is to deny the requested zone change. The Planning staff recommended approval based on their findings of the 10 criteria for zone changes. The staff found there is not a significant impact on the surrounding neighborhood and development of a mid-block vacant lot in this older subdivision would provide stability to the surrounding property. The Zoning Commission did not concur with this finding.

Mr. Ouren, the applicant and owner of the property since 2009, testified in favor of the request. He stated he has actively offered the property to builders for construction of a single family dwelling. He stated it does not make economic sense to most builders and developers to construct a new single family dwelling that would have much greater value than surrounding older dwellings. He stated large lot single family dwellings are not as attractive to buyers in the current market, and a new home for sale at \$300,000 in this neighborhood would not sell. He stated most builders were interested in the lot if it could have a duplex or townhome since this would make sense financially and market-wise in this neighborhood. He stated he understood the concerns of the neighbors but agreed with the Planning staff assessment and findings of the 10 criteria. In response to a question from the Commission, Mr. Ouren stated he would not have alley access from the duplex or townhome. He stated each unit would have a 2-car garage and 2 driveway parking spaces.

Frank Dahl of 3134 Lynn Avenue, Bruce O'Banion of 3121 Lynn Avenue, and Gerald Voto of 3128 Lynn Avenue, all testified in opposition to the proposed zone change. Their concerns were the renting of additional dwellings on the street would drive down the quality of life and further crowd the on-street parking. They agreed that a \$300,000 home on a block of \$180,000 to \$200,000 homes would not make economic sense, but a smaller more modest home would fit in well. They stated a two-family dwelling would not be compatible in the middle of the block of single family dwellings. Mr. Voto stated he is not against zone changes and supported the zone change across the alley to commercial. Mr. Voto stated he has lived in his home since 1996 and understands the challenges of being a landlord. Mr. Voto stated the neighborhood already has enough rentals and housing choices and the area here should remain just single family dwellings.

Mr. Ouren stated in rebuttal even a modest size home would sell for more than the highest valued home on the block so development of this lot would not occur under the current zoning.

Commission member Mike Boyett moved to recommend denial of zone change based on the finding that the proposed zoning and use was not compatible with the existing single family homes, was not an appropriate development in the middle of the block, and is inconsistent with the area. Commission member Dennis Ulvestad seconded the motion. Commission member Michael Larson spoke in opposition to the motion. Mr. Larson stated that each request for zone change deserves an affirmative motion to prevent confusion when members voted. He stated his past experience as a zoning commission member and City Council member was a motion to deny a request did not allow a full and open debate on the issues and confused the voting. He

stated members can still vote against the zone change by voting no on a positive motion. The Commission conducted a roll call vote on the motion to recommend denial of the zone change. The Commission voted 4 in favor and 1 opposed to the motion. Commission member Michael Larson cast the no vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Consistency with Adopted Policies or Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

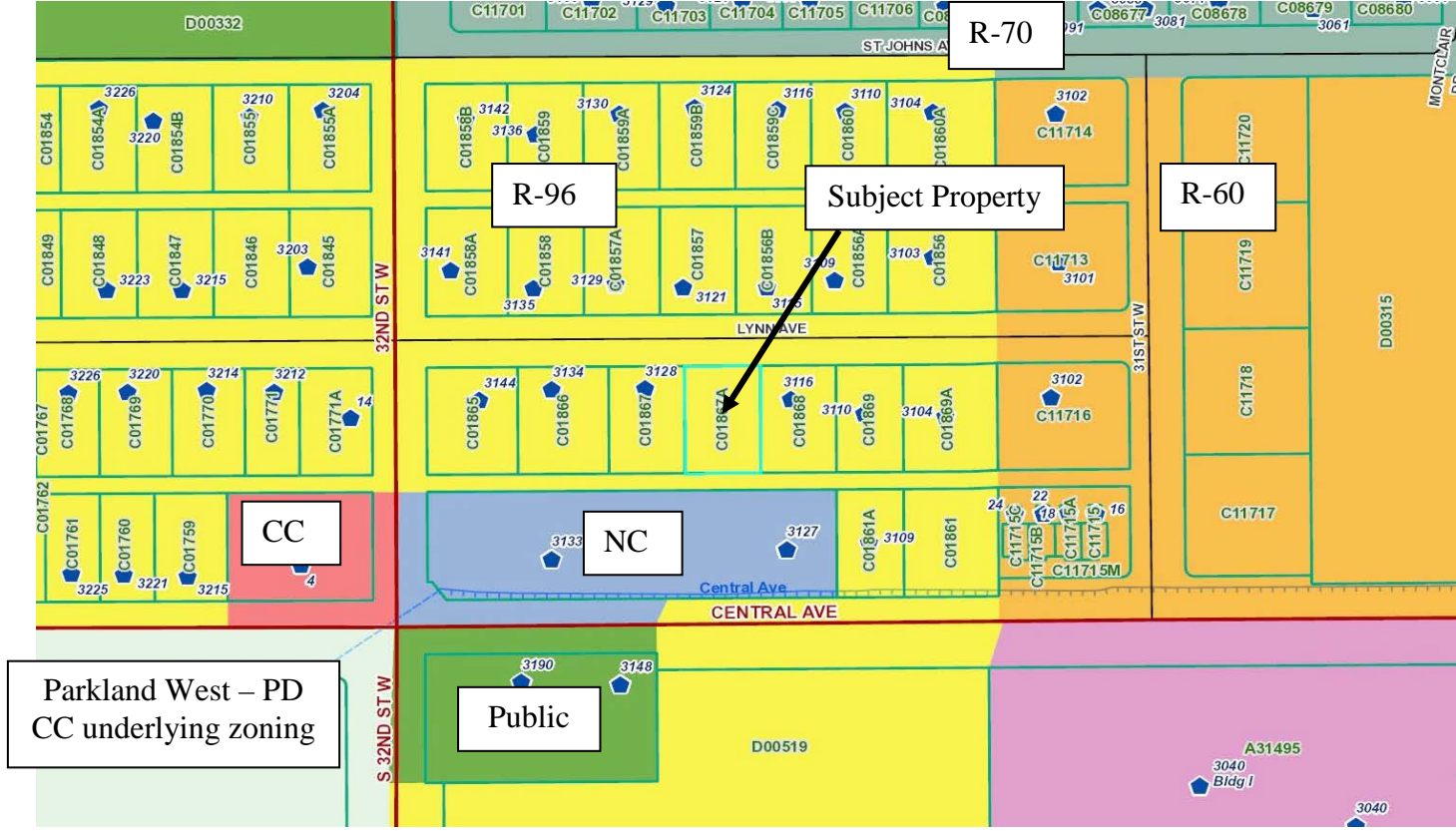
The Zoning Commission recommends denial and adoption of the findings of the 10 criteria for Zone Change 946 on a 4-1 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos
Valid Protest List
Letters of Opposition and Signed Protests
Applicant Letter and pre-app information
Ordinance

Surrounding Zoning
Zone Change #946 – 3122 Lynn Avenue



Parkland West – PD
CC underlying zoning



Subject Property from Lynn Avenue



View west along Lynn Avenue



View east along Lynn Avenue



View northwest across Lynn Avenue



View north across Lynn Avenue



2 side-by-side duplexes at 31st St West and St John's Avenue



Townhomes at South Daffodil

	TAX ID	OWNER NAME	MailAddress1	MAIL CITY	MAIL STATE	MAIL ZIP	ADDRESS NUM	STREET	ST SUFFIX	Protest ?
1	C01864A	CENTRAL AVENUE CENTER LLC	2609 SELVIG LN	BILLINGS	MT	59102-1636				
2	C01861A	KYHL T BRADLEY	3109 CENTRAL AVE	BILLINGS	MT	59102-6605	3109	CENTRAL	AVE	
		JENNIFER N BRADLEY								
3	C01869	GREGORY B SAMEL	124 PUEBLO DR	BILLINGS	MT	59102-5742	3110	LYNN	AVE	
4	C01868	RACHEL ANNE FOOS	3116 LYNN AVE	BILLINGS	MT	59102-6619	3116	LYNN	AVE	
5	C01867	GERALD J VOTO	3128 LYNN AVE	BILLINGS	MT	59102-6619	3128	LYNN	AVE	YES
		JOSEPHINE C VOTO								YES
6	C01866	FRANCIS E DAHL	3134 LYNN AVE	BILLINGS	MT	59102-6619	3134	LYNN	AVE	YES
		JOYCE V DAHL								YES
7	C01858	BILL W MIZELL	3135 LYNN AVE	BILLINGS	MT	59102-6618	3135	LYNN	AVE	YES
		FANNIE L MIZELL								YES
8	C01857A	SHAWN W JOHANNES	3129 LYNN AVE	BILLINGS	MT	59102-6618	3129	LYNN	AVE	YES
9	C01857	BRUCE O'BANION	3121 LYNN AVE	BILLINGS	MT	59102-6618	3121	LYNN	AVE	YES
10	C01856B	TODD E BROWN	745 S 56TH ST W	BILLINGS	MT	59106-2849	3115	LYNN	AVE	
11	C01856A	ANTHONY D BRAUN	2933 BEECH AVE	BILLINGS	MT	59102-1325	3109	LYNN	AVE	YES
		GERRI L VOTO-BRAUN								YES

Property Owners within 150 feet of Zone Change 946 R-96 to R-70

11 Properties within 150 feet - a valid protest consists of 25% of these lots or 3 properties in protest

If a property is owned by more than 1 person, both must sign the protest petition for the property to be in protest

6 properties signed protest - There is a valid protest for Zone Change 946

Questions For Mr. James Ouren at Zoning Commission and City Council Meetings

Who is Bryan Steele, he is not a neighbor that I know of?

Create affordable middle-low income housing? What kind of cheap homes are you planning to build to be middle-low income housing here vs: anywhere else in the city? What will your sale/rent price be? Will our property values be lower due to your side-by side.

Mr. Eaton's 4-plexes were built to be sold, and they are still rentals now with tenants frequently moving in and out. Besides this fact, the 4-plexes are in a different subdivision than ours and were established when the area was annexed into the city (1984 I think).

The zoning and restrictions on this block, in our subdivision, have never been changed, other than the commercial building on Central Ave. Which made sense to the neighborhood, since Central is a commercial street and will continue to change into a commercial area.

Will Mr. Owen be required to follow the same restrictions that are now on in our subdivision, including the height restrictions.

And lastly, AN EYESORE, NO Mr. Owen, open space is not an eyesore. The pheasants and rabbits feeding on the open lot is a pretty sight and we neighbors THANK YOU for this.



Bartley, Robbin

From: Gerri Braun <gerri@tonybraun.com>
Sent: Wednesday, March 23, 2016 7:07 PM
To: Bartley, Robbin
Subject: City Zone Change #946, Project Number 16-0025

My husband and I own the property located at 3109 Lynn Avenue. We received notification in the mail regarding a zoning change (#946 - 3122 Lynn Avenue).

I am writing you this evening to inform you that we vehemently oppose the vacant lot in question being used for anything other than a single family home.

I cannot attend the public hearing that has been scheduled for Tuesday, April 5, 2016 but want the record to reflect that I am opposed to this request for rezoning so that Mr. Ouren can build a duplex and/or townhouse.

I understand that Ms. Rachel Foos does not oppose this rezoning. I think that the committee needs to understand that she did not purchase that house, rather inherited it from her father when he passed away.

I chose to purchase the house located at 3109 Lynn Avenue back in 2001. One thing that drew me to the neighborhood at the time was that it was filled with single family homes. I would not be interested in purchasing a house on a block that is mixed with single family and multi-family homes. I believe that it affects resale value of the homes. I do not believe that Ms. Foos is as invested in the long term plans for the block as others that purchased homes on the street.

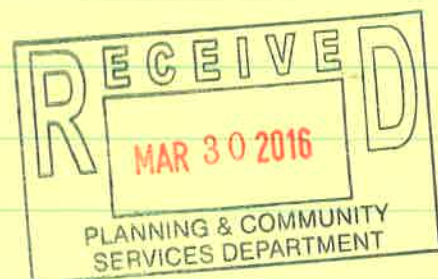
Thank you for your consideration.

Tony and Gerri Braun

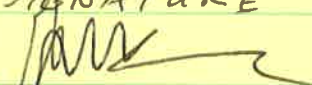


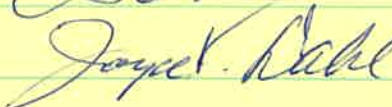
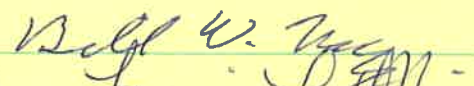
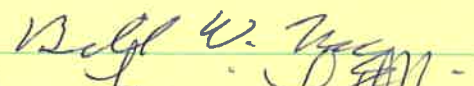

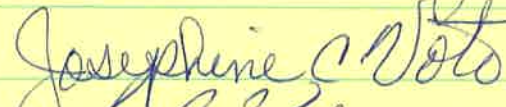
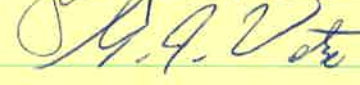
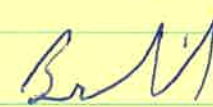
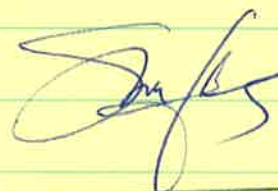


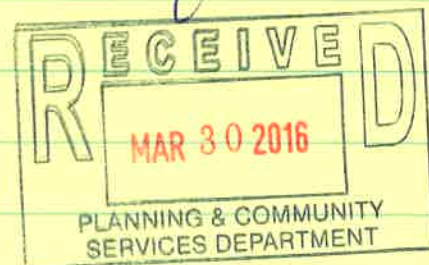
The following people live beyond the 150' area and they are against the zoning change at 3122 Lynn Ave.

ADDRESS	PRINTED NAME	SIGNATURE
3104 Lynn Ave	Susan Wilkerson	Susan Wilkerson
3104 Lynn Ave	Rodney Wilkerson	Rodney Wilkerson
3103 Lynn Ave.	Lois Coey	Lois Coey
3102 Lynn Ave.	JAMES COEY	James Coey
3144 Lynn Ave	Jerri Guy	Jerri Guy
3144 LYNN AVE	MIKE GUY	Mike Guy
3141 Lynn Ave	Norie Tochihara	Norie Tochihara



The following people are AGAINST the zoning change for the property at 3122 LYNN AVE.

ADDRESS	PRINTED NAME	SIGNATURE
3109 Lynn Ave	Gerrit Voto-Braun	
" " "	Anthony Braun	
3134 Lynn Ave	FRANCIS E. DAHL	
" " "	Joyce V. DAHL	
3135 Lynn Ave	Bill W. Mizell	
3135 Lynn Ave	Bill W. Mizell	
	FANNIE L. Mizell	
3128 LYNN	JOEY VOTO	
"	GERALD VOTO	
3121 Lynn Ave	Bruce O'Banion	
3129 Lynn Ave	Shawn Johannes	



Applicant letter and pre-application meeting notes
Zone Change #946 – 3122 Lynn Avenue

February 18, 2016

Reference: Proposed zone change for the property located at 3122 Lynn Ave.
(Lot 11 Block 9 Central Acres Subdivision 5th filing)
Owner: James O Ouren
PO Box 30723
Billings, MT 59107

To Whom It May Concern:

I, James Ouren conducted the pre-application neighborhood meeting for the proposed zone change. The meeting was held February 10th, 2016 at Sunset Bowl at 5:00 PM. The zone change application is based on materials provided at that pre-application meeting, which are included in this submittal. A sign in sheet from the meeting is included.


At the meeting there were six homeowners (five properties represented) and one homeowner from just outside the 300 ft radius. I opened by asking if everyone had read and understood what I was planning to do, they all acknowledged. Gerald Voto opened by saying he was opposed to the zone change, the others from the block said they were also opposed. Francis Dahl said he had talked to his neighbors and they were opposed. Bruce O'Banion said there was enough multifamily on the block already, to which Bill Mizell agreed. Susan Wilkerson said Eaton got 31st Street moved and was the only reason for the 4-plexes at the end of the block. We talked about the original restrictions on the subdivision allowing for 2-family dwellings and that changed after the city annexation, then zone changes allowed for duplexes and commercial development on the back side of the block across the alley. Gerald Voto stated very few homeowners live on the block. Susan Wilkerson said "the whole block is already rentals, we don't need anymore". Bryan Steele said he would like to see it developed as he and his wife don't like to see empty unkept lots when they take their nightly walks.

Answer the following questions:

- A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
- The development of this lot into 2 family homes would make use of County resources and services better by filling in the interior open space of the city rather than expanding further out for 2 families.
 - It will create a more attractive community by making use of empty space, therefore improving the image of the community.
 - It will create more affordable housing for 2 middle-low income families that can only afford townhouses.
 - Because of its close proximity to the businesses on the west end it can reduce commuting distance and therefore reducing drain on natural resources and traffic congestion.
 - By developing this lot it will fill in this section of sidewalk, increasing the safety of the neighborhood and increase property values by getting rid of an empty lot (eyesore).
- B. Explain your need for the intended zone change and why the property cannot be used under existing zoning.
- Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.
 - I need the zone change in order to build a 2-family dwelling. I have owned the lot for close to 7 years and the only interest I have received in it is for a duplex or a parking lot.
 - The restrictions and zoning on this block have been changed many times over the years and block consists of single family homes, duplexes, fourplexes, and commercial units.

On February 17, I caught up with Rachel Foss who resides to the east of my lot and she reconfirmed that she is not opposed to the zone change, (see enclosed letter)

Best Regards,



James O Ouren

Feb 17, 2016

To whom It may concern;

I Rachel Foos reside at 3116
Lynn Ave ^{and} do not object to Jim
Ouren building two townhouses next
to my property.

Sincerely,
Rachel Foos

January 28, 2016

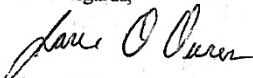
Reference: Proposed zone change for the property located at 3122 Lynn Ave.
(Lot 11 Block 9 Central Acres Subdivision 5th filing)
Owner: James O Ouren
PO Box 30723
Billings, MT 59107

To Whom It May Concern:

You are cordially invited to meet with James Ouren the owner of Lot 11 Block 9 Central Acres Subdivision. I will be having a neighborhood informational meeting and discussion regarding a zone change for the subject property. The property has been vacant for many years and has been used as a collection area for many peoples toys and trash. I propose a zone change from Residential 9600 to Residential 7000 in order to sufficiently utilize the property. This would allow for the building of a duplex for possible sale as townhouses.

The meeting is to be held in the basement meeting room at Sunset Bowl-1625 Central Ave-Billings, MT on Wednesday February 10th from 5pm to 6pm.

Best Regards,


James O Ouren

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 11, Block 9, Central Acres Subdivision, 5th Filing, a 10,417 square foot parcel of land, generally located at 3122 Lynn Avenue

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

2. DESCRIPTION That Lot 11, Block 9, Central Acres Subdivision, 5th Filing, a 10,417 square foot parcel of land, generally located at 3122 Lynn Avenue is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Residential 7,000 (R-70)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7,000 (R-70)** as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading April 25, 2016

PASSED, ADOPTED AND APPROVED on second reading May 9, 2016.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk
Zone Change #946 – 3122 Lynn Avenue

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Special Review 936 - Public Hearing - 401 N 17th St - Verizon Wireless

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to allow the location of a 50-foot monopole support structure for new Verizon Wireless communication antennas in an EBURD-Central Works (EBURD-CW) zone, on Lots 18-24, Block 19, Billings Original Town, a 1,335 square foot lease on a 24,500 square foot parcel of land generally located at 401 N 17th Street. The Zoning Commission conducted a public hearing on April 5, 2016, and is forwarding a recommendation of conditional approval and adoption of the findings of the 3 criteria.

Special Review applications are reviewed using criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not change the zoning of a property. They are tied to specific uses that are permitted in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Review requests, unlike Zone Changes, may be conditioned to mitigate potential impacts from the use on the subject property or surrounding properties.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the request
- Conditionally approve the request
- Deny the request
- Allow the applicant to withdraw the request
- Delay action on the request for up to 30 days

Planning reviewed the application and recommended conditional approval to the Zoning Commission. The Zoning Commission concurred. The Planning staff found this use may be made less-obtrusive in this area of Billings under the standards required by the EBURD zoning. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) the proposal is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in that the application complies with the requirements of Section 27-1500. The application also conforms to the second and third criteria. It conforms to most parts of the Unified Zoning Regulations, with the exception of the fence material and this has been addressed with a proposed condition of approval. The location is in

one of the zoning districts that allows wireless communication equipment. The application is conforming to the purposes of the regulations and the 2008 Growth Policy. This location is a compatible use with the surrounding uses and will improve the site with the screening fence/wall in place to enclose the proposed equipment and cell tower. The location should have minimal impact on the surrounding uses or neighbors. The Zoning Commission is recommending conditions for this special review based on the approval criteria for special review uses.

The Zoning Commission recommends the following conditions of approval:

1. The special review is limited to Lots 18-24, Block 19, Billings Original Town generally located at 401 North 17th Street.
2. The special review approval is for the location of a wireless communication facility and no other use is intended or implied.
3. The applicant will meet the required zoning code, EBURD-CW, for fences, walls, and all other codes that apply at the time of construction.
4. The monopole will be constructed with a non-reflective material to eliminate glare.
5. The proposed 'New Verizon Outdoor Generator' shall be a 'Whisper Quiet Generator' to eliminate loud generator noises in the area.
6. No construction or demolition activity will occur before 7 am or after 8 pm daily.
7. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
8. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

FINANCIAL IMPACT

If the special review request is approved and development occurs, this will add value to the Tax increment Finance District for EBURD. Added tax value above the base year will be set aside for payment of future public improvements in the district.

BACKGROUND

This is a special review to locate a new cell tower at 401 North 17th Street. There are two existing antenna towers in the EBURD itself and several more in the downtown area. The applicant states in its letter that this new cell tower is needed to provide the services to the north park area and areas south to the river. With the newer technologies on phones and the increased demand of wireless devices, the new tower will provide customers with advanced technology capabilities. The applicant believes this will be a benefit with new businesses moving into the area and for the residents where wireless technology is becoming more common place.

The City has approved 86 special reviews in the the Billings Original Town Subdivision (much of the core of downtown) since the early 1970's. Most have been for all beverage licenses and setbacks. A quick review of the zoning history for the Billings Original Town Subdivision shows that there have been 5 special reviews for antennas and one for a satellite dish. There are two existing antennae towers in the EBURD, according to review by staff. There also are additional existing wireless and radio antenna in the immediate area west of the EBURD and north of the EBURD on the rimrocks.

This property is in the East Billings Urban Revitalization District (EBURD) and is zoned Central Works (CW). The EBURD code does not specify a maximum allowed height that would preclude

an applicant from going through the special review process. In the EBURD code Section 27-1806, Table 27-1806-1 Use Table by District, Wireless Transmission Facility, the table shows wireless transmission facilities in all districts need a special review. In the same section under paragraph 'U', it defines wireless communication facilities and references Section 27-1503 for the special review requirements and also Section 27-620 for the requirements that need to be met with the tower such as setbacks from residential uses, lot coverage and height, fencing, buffering and landscape, lighting, signage and maintenance.

All these requirements of Section 27-620 apply to wireless communication towers with the exception of fencing. EBURD code defines a more strict fencing code than required by Section 27-620. This property is in the CW district. In the EBURD code, allowed materials for fences and walls are brick, stone, cast stone, wood, painted, matte finish vinyl or wood composites. Prohibited materials include barbed wire, chain link, exposed cinder or concrete block, metal mesh, and razor wire and single wire fences. In addition, fences along the front yard or front lot line shall have a maximum opacity (transparency) of fifty (50) percent. In the CW District where this antenna is proposed, the maximum height of any fence or wall shall be eight (8) feet. On the drawing submitted by the applicant, it shows chain link fencing material with barbed wire at the top. This fencing material is not allowed in the CW zoning where this property is located. In section 27-620 (f) (10) code also states that the wireless structure (monopole) must be muted by being painted a neutral color and/or textured and painted to match surrounding buildings. The structure cannot have a reflective surface that would attract attention or reflect the sun light. The applicant will need to meet the EBURD code requirements and all other requirements of zoning, building and engineering code that apply at the time of construction.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on April 5, 2016, and received the staff recommendation and testimony from Kevin Howell (Digital Skylines), the agent for Verizon Wireless. No other testimony was received.

Mr. Howell stated the need for this facility is driven by market demand for additional data services by wireless users. He stated nationwide about 50% of phone customers have no land line in their residence any longer. In response to a question from the Commission, Mr. Howell stated he does not see a need right now for additional wireless towers in EBURD but this may occur in the future when 5G wireless access becomes a reality. He stated in general locations near schools, hospitals and other medical professional buildings is where wireless coverage is in high demand. He stated he visited 6 potential new sites in Billings in the afternoon after he got off the plane. He stated there is still high demand and some gaps in coverage in Billings. He stated these facilities will be necessary infrastructure for the re-development in EBURD.

Commission member Michael Larson made a motion to recommend conditional approval and adoption of the findings of the 3 criteria and this was seconded by Mike Boyett. The Zoning Commission voted unanimously in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with Adopted Policies and Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

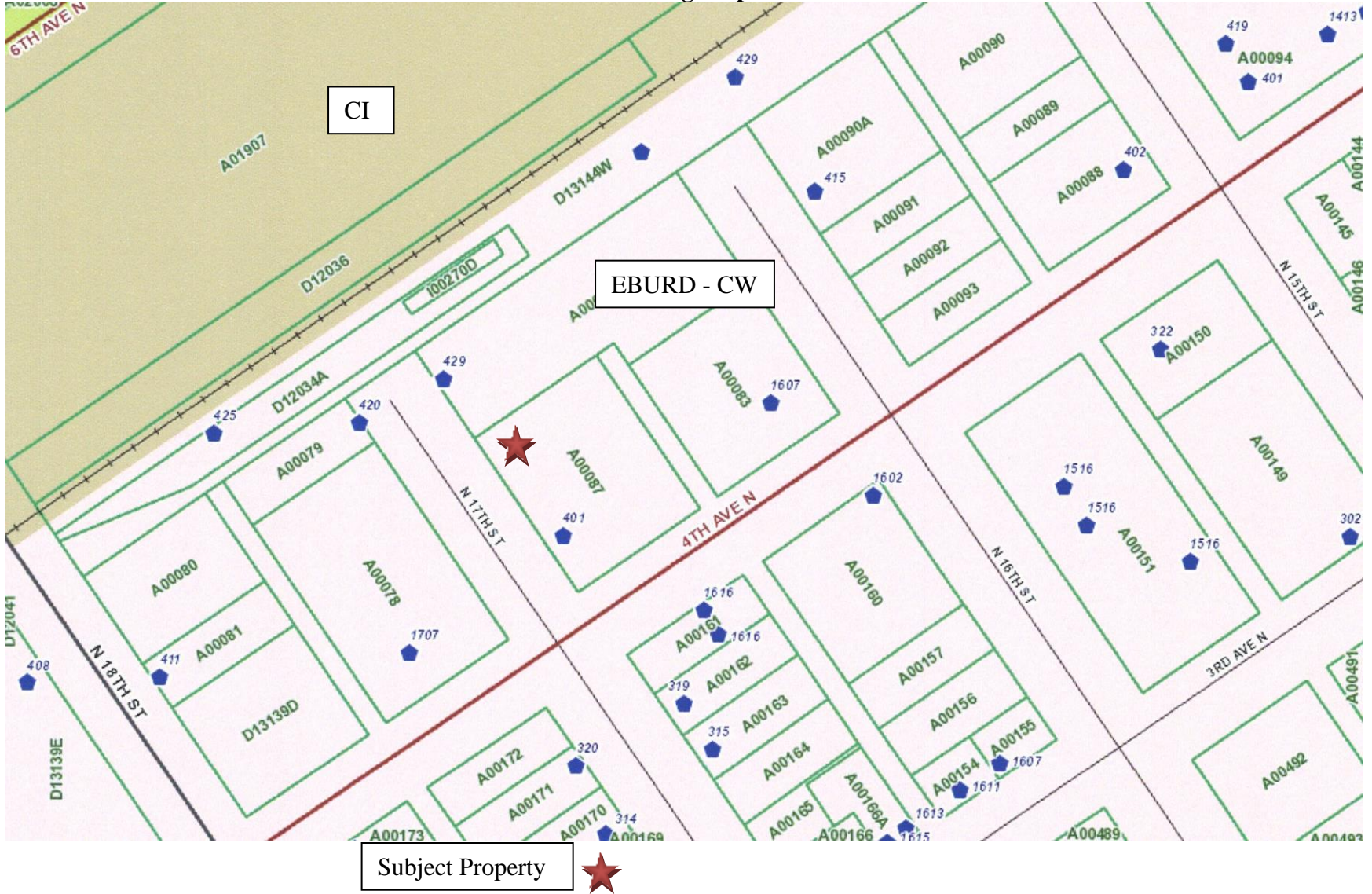
The Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 936, on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos
Site Plan and Applicant Letter

Zoning Map



Site photos



Subject Property



Looking east across subject property

Site photos



Looking south from subject property

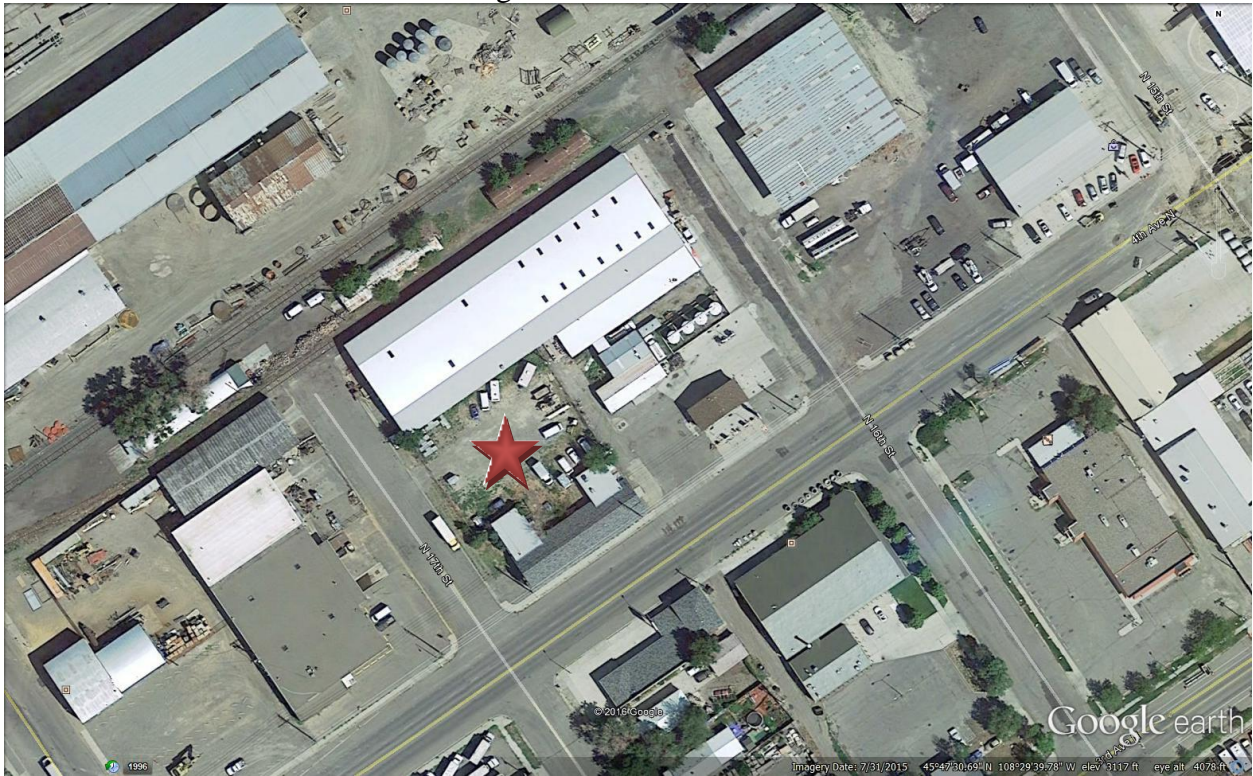


Looking west across North 17th Street from subject property

Site photos

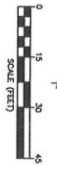
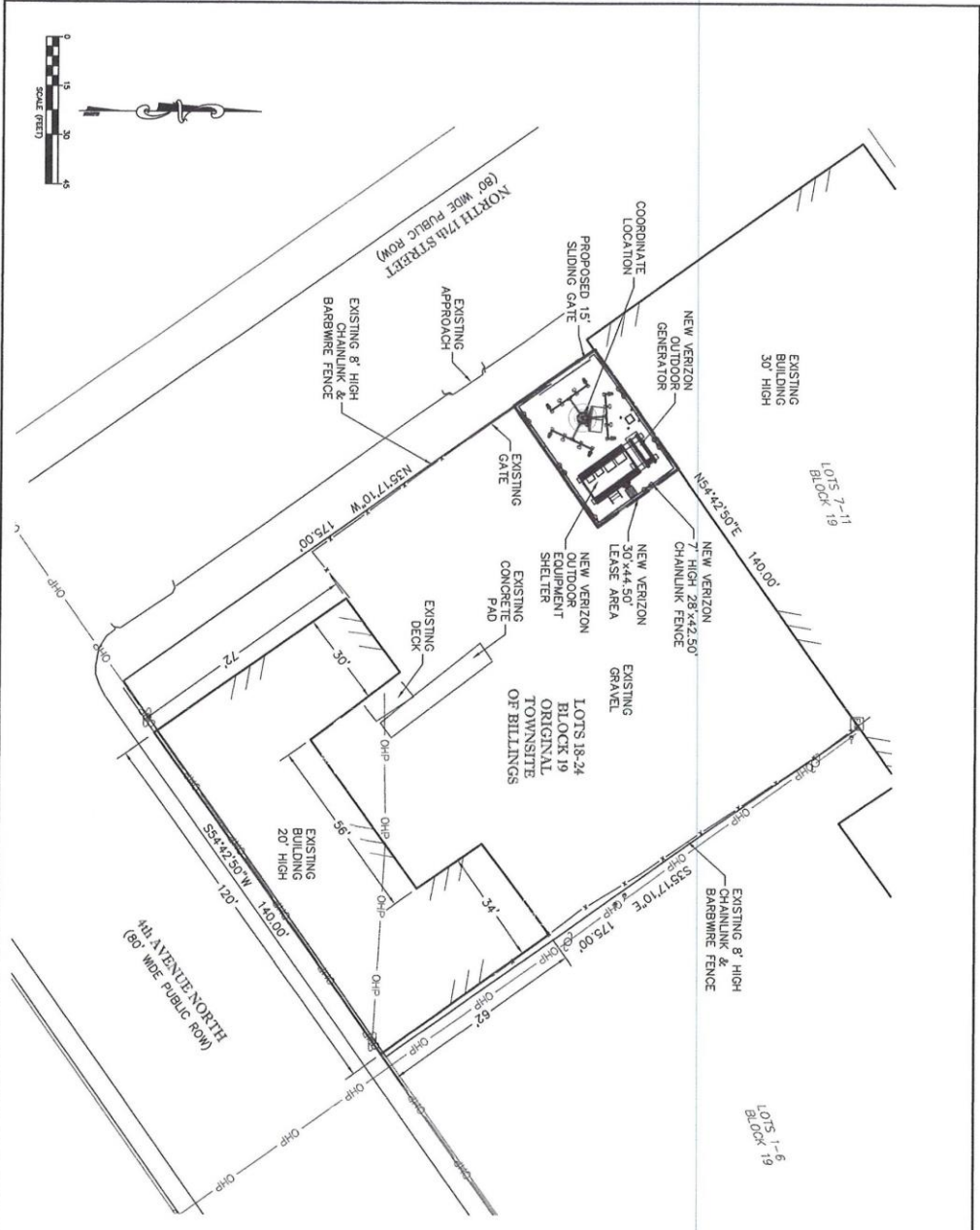


Looking south on North 17th Street



Subject Property 

Site Plan



DESIGNED FOR:



DESIGNED BY:
4230 WATSON, MS
HELIX, WATSON 59601

2020 WATSON ENGINEERING
PROJECT NO. 10110222
10110222
www.2020watson.com
www.2020watson.com

2020 WATSON ENGINEERING
Geotechnical Engineering
Land Surveying



ENGINEER APPROVALS:

REVISIONS	DESCRIPTION	DATE	BY	CHK
A	FOR LAND APPROVAL	04/17/23	MMB	CF

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SITE NAME:

BIL NORTH PARK

SITE ADDRESS:

SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER:

C-1

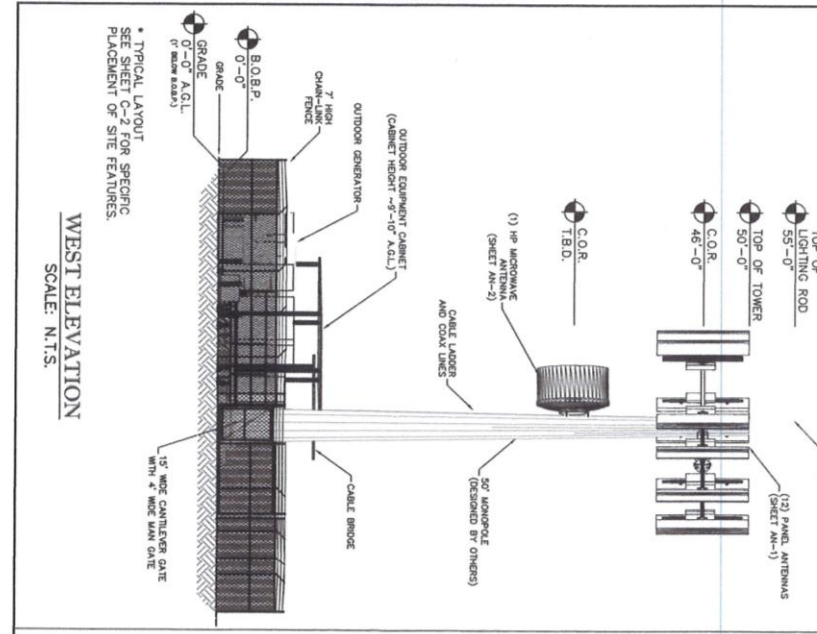
SAVED DATE:

KEY:

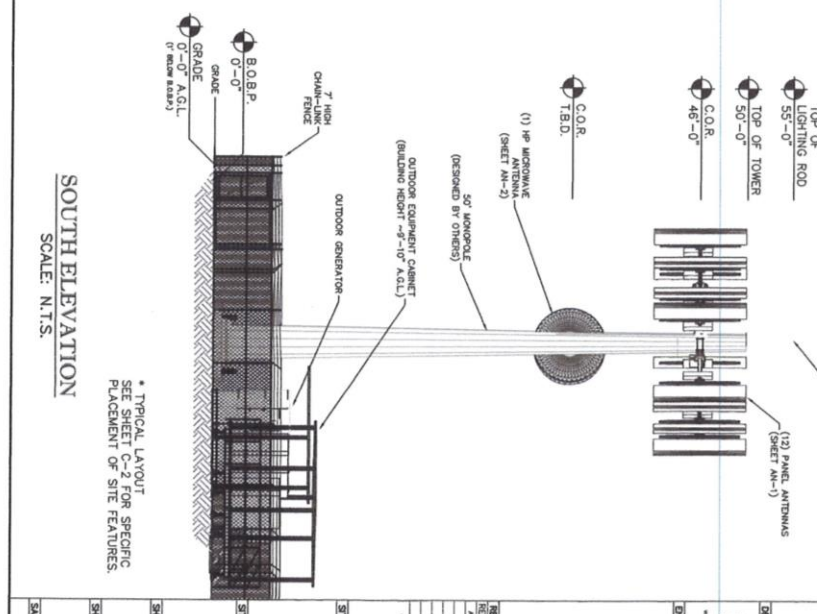
C.O.R. =	CENTER OF ROTATION
A.L. =	ATTACHMENT LEVEL
B.T. =	BOTTOM TIP LEVEL
T.L. =	TOP TIP LEVEL
A.G.L. =	ABOVE GRADE LEVEL
B.O.B.P. =	BOTTOM OF BASE PLATE

TOWER HEIGHT NOTE:
ALL TOWER ELEVATIONS ARE TO THE ATTACHMENT LEVEL. THE BOTTOM OF BASE PLATE IS 1' ABOVE GRADE.

TOWER FINISH NOTE:
THE TOWER SHALL HAVE A FINISH OF THE SAME TYPE AND GRADE AS THE SURROUNDING GRAY FINISH.



WEST ELEVATION
SCALE: N.T.S.



SOUTH ELEVATION
SCALE: N.T.S.

DESIGNED FOR:

verizonwireless

2720 BOZEMAN AVE
HELEN, MONTANA 59601

DESIGNED BY:

32 KENNEDY DRIVE
PO BOX 1000
HELEN, MONTANA 59601
www.verizonwireless.com

Civil Engineering
Geotechnical Engineering
Land Surveying

LLP

ENGINEER APPROVAL:

REVISIONS	DESCRIPTION	DATE	BY	CHK
1	FOR LUMP SUM APPROVAL	03/14/13	TRP	CF

THE INFORMATION IN THIS SET OF DOCUMENTS HAS BEEN PREPARED BY THE ENGINEER OR ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OR ARCHITECT.

SITE NAME: BIL NORTH PARK

SITE ADDRESS: ---

SHEET TITLE: ELEVATIONS

SHEET NUMBER: C-4

ISSUED DATE: ---

Applicant Letter

City of Billings
Special Review Application
N 17th Street / Verizon Wireless site BIL North Park

Additional Information Enclosed:

Answer the following questions:

- a. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The proposed Verizon Wireless facility is consistent with the goals and policies of the adopted Growth Policy in three ways:

- i. Land Use – The parcel on which VZW is proposing to build their facility is located in an industrial area. The monopole and equipment will be between two buildings just off of the railroad tracks. This area of town has a large population of wireless users (both voice and data) and needs the additional infrastructure to accommodate the growing demand
- ii. Economic Development – Wireless coverage and capacity is a necessity in today's world. Consumers and businesses expect their phone and internet connection to work everywhere. This site is intended to serve the business community south towards the river as well as the North Park residential community to the northwest. In order to attract and keep businesses in the area, Billings must have accessible and reliable wireless service.
- iii. Aesthetics – The proposed monopole will be located between two buildings in an industrial area. At 50' tall, the tower will have a minimal visual impact on the neighboring community.

- b. Why is there a need for the intended use of the property at this location?

Verizon Wireless has determined that the North Park area of Billings is growing short on wireless capacity on the Verizon Wireless network. A lack of capacity will eventually block calls, delay emergency responses, and slow down wireless data rates. According to the most recent national study, over 45% of homes rely solely on wireless phones. This means that over two in every five homes are relying on wireless service to reach 911.

Full disclosure – Verizon Wireless is building a 4G LTE site, which means voice calls will be carried over their LTE network. This is a change and will require customers to have a device capable of advanced calling.

What is a 4G LTE site? A Verizon Wireless 4G LTE cell site uses the latest technology to carry both voice and data. Voice service is provided over VOLTE or Voice Over Long Term Evolution technology through a service Verizon Wireless calls Advanced Calling 1.0.

Advanced Calling offers high-definition or HD voice and video calling. To complete calls on this new cell site, customers' phones must be capable of Advanced Calling and that feature must be activated in the phone itself. Both customers on a call must be served by 4G LTE and have the Advanced Calling feature activated to experience HD voice and video service. Customers with older 1X, 3G or 4G devices without Advanced Calling will not experience a change in voice service.

- c. Why is there a need for the intended use of the property at this location?

Verizon Wireless is the largest wireless carrier in the United States. The Verizon Wireless customers, including the City of Billings, rely on Verizon Wireless to continually invest in wireless infrastructure to prevent reduced functionality as the demand for wireless services (smartphones, tablets, etc.) increases.

- d. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

Verizon Wireless is proposing a 50' monopole in the unpaved area behind the building located on the northeast corner of N 17th St. and 4th Ave N and in front of the warehouse that borders the railroad tracks. A Special Review is required because the area is zoned EBURD – Central Works.

Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Special Review 939 - Public Hearing - 4910 Southgate Drive

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to add 2 outdoor patios and 4,000 square feet of floor area to an existing restaurant and casino in an Entryway General Commercial (EGC) zone, on Lot 1A, Block 1, Geyser Park Subdivision, a 3.125 acre parcel of land. The Zoning Commission conducted a hearing on April 5, 2016, and is forwarding a recommendation of conditional approval.

Special Review applications are reviewed using criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not change the zoning of a property. They are tied to specific uses that are permitted in a give zoning district but are subject to a review by the City prior to the use being allowed. Special Review requests, unlike Zone Changes, may be conditioned to mitigate potential impacts from the use on the subject property or surrounding properties.

ALTERNATIVES ANALYZED

City Council may:

- Approve the request
- Conditionally approve the request
- Deny the request
- Allow the applicant to withdraw the request
- Delay action on the request for up to 30 days

The Planning Division has reviewed the application and the three criteria for special reviews and is recommending conditional approval. The Zoning Commission concurred with this recommendation and findings. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) the proposal is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

The proposed addition of the outdoor patios for the restaurant and casino meet all the requirements of the zoning regulations and the proposed building addition also meets these regulations. The location is in one of the zoning districts that allows an all beverage license with gaming by special review approval. An on-site liquor store is not a special review use per se, but a condition of the previous special review limited the expansion of the building to no more than 1,200 square feet without an additional review. The application meets the objectives and

purposes of the zoning regulations and is consistent with the 2008 Growth Policy. The Zoning Commission is recommending several conditions of approval to mitigate the likely impacts of the addition and the outdoor patios on this property. Outdoor patios have been used in other locations for staging outdoor concerts and events so it is reasonable to limit these uses in close proximity to the hotels in the area. The liquor store is an allowed use so mitigation of this addition will be limited to the appearance of the building addition and access to the new building.

The Zoning Commission proposes the following conditions of approval:

1. The special review is limited to Lot 1A, Block 1, Geysers Park Subdivision generally located at 4910 Southgate Drive.
2. The special review approval is for the addition of 2 outdoor patios; 1 at 1,300 square feet and 1 at 1,500 square feet; and for the addition of 4,000 square feet to the existing 12,000 building where an all beverage license with gaming is currently located. No other use is intended or implied.
3. Any expansion of the outdoor patios greater than 280 square feet or a building addition greater than 1,600 square feet will require additional special review approval.
4. All exterior lighting, including security lighting, shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the outdoor areas shall be 20 feet above grade. Entryway lighting shall be recessed lighting so no part of the lens or fixture projects below the entrance canopy.
5. The outdoor patios are allowed to have background music when the patios are open for use by patrons. Background music may be amplified or non-amplified but should not be audible more than 25 feet from the outside of the patio.
6. Each patio shall have a surrounding fence at 42 inches in height and an exit gate to a sidewalk or adjacent paved area. No entry through the exit gate is allowed and each patio may only be accessed through the building or entry vestibule.
7. There shall be no outdoor announcement system whether permanent or temporary on any part of the property.
8. No outdoor area shall be used for any event where amplified sound systems are in use.
9. The owner will provide bicycle parking for up to 6 bicycles on the west side of the building and for up to 4 bicycles on the north side of the building addition to the east. The racks selected and spacing required shall be as recommended by the City of Billings Bicycle Parking Guidelines.
10. The 4,000 square foot addition to the building shall be complementary in color and design to the existing and remodeled building.
11. Any centralized solid waste storage shall be enclosed by a wall on three sides and a closing gate or gates on the fourth side. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) are visible from the outside.
12. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
13. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

FINANCIAL IMPACT

If the special review is approved, additional building permit fees will be required to add the building and patios to the site. The property tax base will increase based on the additional value to the property.

BACKGROUND

The property received a special review approval in 1995 (SR 557) for the outdoor go-cart track and bumper boats for Geyser Park. In 2015, the property was sold and a special review was approved (SR 934) to allow the location of an all beverage license in the existing building for the re-location of the Bayou Restaurant from Parkway Lane.

This is a special review request to allow the expansion of an existing building and add 2 outdoor patios where an all beverage license is to be located. The outdoor patios will serve the restaurant area (a 1,300 square foot non-smoking patio) and the casino (a 1,500 square foot smoking allowed patio). The additional building area of 4,000 square feet is intended for a liquor store.

The City has approved three locations for alcoholic beverage sales on Southgate Drive, and one included gaming. This area of Billings has quite a few hotels and a destination store for outdoor enthusiasts. It also is near Amend Park, a large City park facility that hosts statewide and regional soccer events, as well as special events throughout the year. This restaurant will give travelers and locals another option for a sit down restaurant and it is within walking distance of the nearby hotels. There are no churches, parks with playing fields or playgrounds or schools within 600 feet of this proposed location. The addition of the outdoor patios will allow outdoor dining for the restaurant and outdoor seating for the casino patrons on a seasonal basis.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on April 5, 2016, and received the staff recommendation and testimony from the applicant's agents, Barbara Hawkins and Shawn Johnson. No other testimony was received.

Barbara Hawkins stated the reason for the special review was to add the outdoor patios primarily and the liquor and convenience store floor area. She stated when the special review was submitted last fall, not all of the marketing and design was completed for the new location. She stated as demolition and remodeling has proceeded, additional markets have been identified in this area of town. Mr. Johnson, owner of the Bayou on Parkway Lane, and the proprietor of this proposed new location, stated adding the liquor store and convenience store will be filling a vacant market in this area of Billings, both for residents and the traveling public. He stated the need for 2 separate patios - one for non-smoking and one where smoking is allowed - will accommodate the diversity of patrons of the restaurant and lounge. In response to a question from the Commission, Mr. Johnson stated he was aware of the proximity of the Indian Reservation and all his employees are well trained in alcohol sales and on-premise service. He stated it is his intent to be a great addition to this area of Billings and will be a good neighbor to all the surrounding businesses.

Commission member Dennis Ulvestad moved to recommend conditional approval and adoption of the findings of the 3 criteria and this was seconded by Mike Boyett. The Commission voted unanimously in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with Adopted Policies and Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

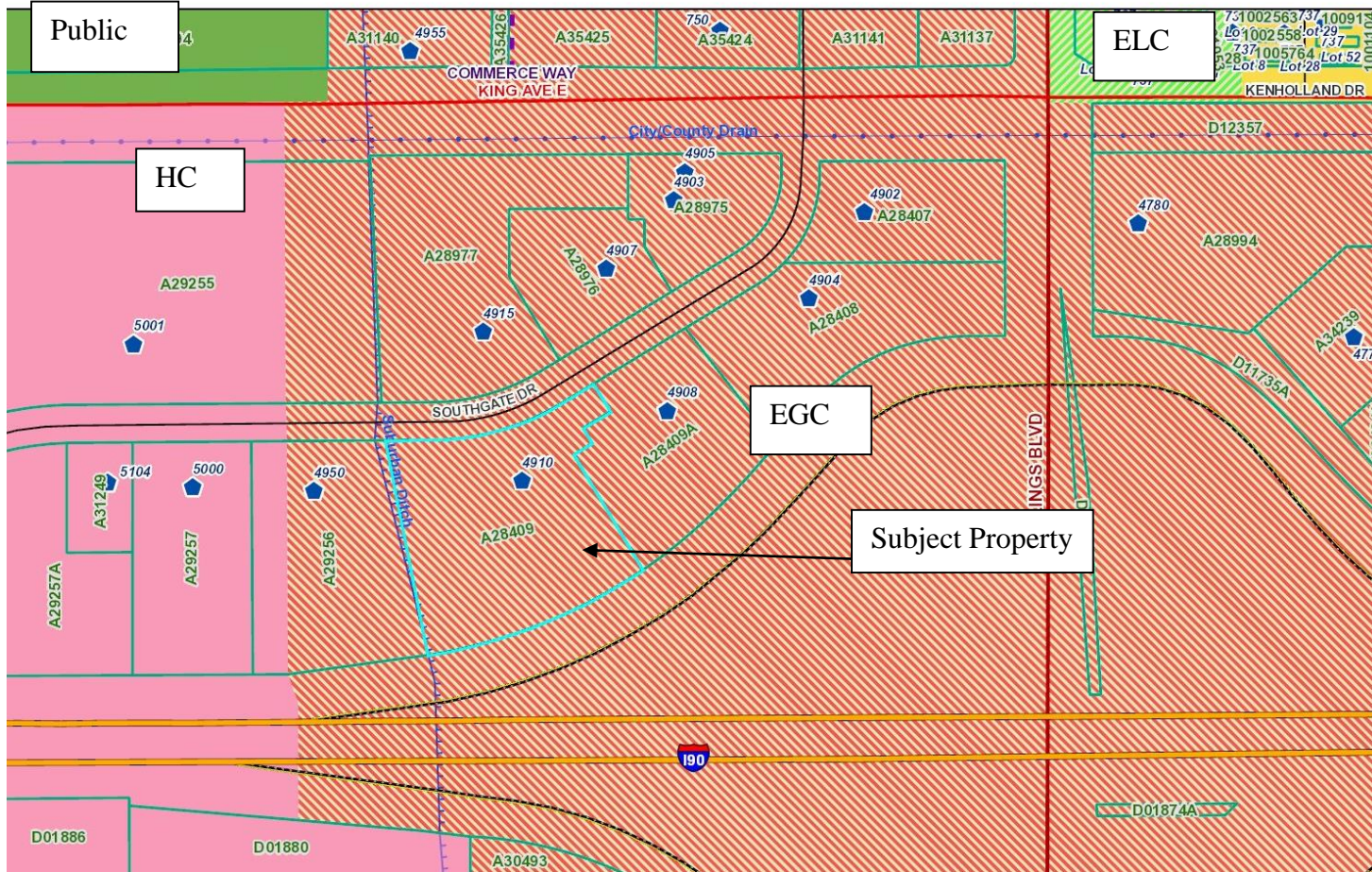
The Zoning Commission recommends that the City Council grant conditional approval and adoption of the findings of the 3 criteria for Special Review 939, on a 5-0

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos
Site Plan and Applicant Letter

Zoning Map – Special Review #939
4910 Southgate Dr





Subject Property – view west along Southgate Drive



View east along Southgate Dr – Comfort Inn and Suites under construction at 4908 Southgate Dr



View north and east across Southgate Drive



View north across Southgate Drive

Special Review 939
Site Plan and Applicant Letter

NICOLE

APPLICATION FORM
CITY SPECIAL REVIEW Billings Special Review# 939 - Project # PZ-16-00033

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the City of Billings Zoning Regulations.

Present Zoning: Entryway General Commercial

Special Review Requested: Addition of 4000 square foot of retail space and two patios one in front - NON-Smoking and ONE IN back for designated Smoking

TAX ID# A 28409 CITY ELECTION WARD # _____

Legal Description of Property: LOT 1A, Block 1 AMENDED, Geysers Park Subd, S17, T01S, R24E

Address or General Location (If unknown, contact City Engineering): 4910 Southgate Drive

Size of Parcel (Area & Dimensions): 3.125 Acres

Present Land-Use: Vacant Building



Covenants or Deed Restrictions on Property: Yes _____ No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): America Foods

(Recorded Owner) 4910 Southgate Drive, Billings, MT 59101

(Address) 406-672-6151 (Phone Number) AmericaFoodsMT@gmail.com (email)

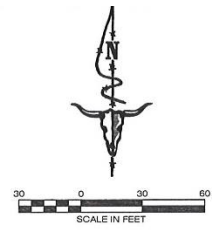
Agent(s): Dave Hawkins

(Name) 3307 GRAND Ave Ste 103A, Billings, MT 59102

(Address) 406-591-0195 (Phone Number) DHawkins@treasure.state.electric.com (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: D Hawkins (Recorded Owner) Date: 2-29-16



Regular City Council Meeting

Meeting Date: 04/25/2016

TITLE: Special Review 940 - Public Hearing - 116 N Broadway

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to allow the addition of a 320 square-foot outdoor seasonal patio on the public sidewalk adjacent to Doc Harper's in the Central Business District (CBD), on Lots 7-12 and a fraction of Lot 6, Block 93, Billings Original Town, Unit 2 of the Babcock Building. The Zoning Commission conducted a hearing on April 5, 2016, and is recommending conditional approval.

Special Review applications are reviewed using criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not change the zoning of a property. They are tied to specific uses that are permitted in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Review requests, unlike Zone Changes, may be conditioned to mitigate potential impacts from the use on the subject property or surrounding properties.

ALTERNATIVES ANALYZED

City Council may:

- Approve the request
- Conditionally approve the request
- Deny the request
- Allow the applicant to withdraw the request
- Delay action on the request for up to 30 days

The Planning Division reviewed the application with staff and other City departments, including Engineering and Parking, and recommended conditional approval to the Zoning Commission. The Zoning Commission concurred with this recommendation.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Unified Zoning Regulations; 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy; and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria because it is within the CBD zoning district where an outdoor patio with service of alcohol may be allowed by special review. The proposal meets all other zoning requirements within the CBD. The application also conforms to the second and third criteria. The zoning regulations adopted by the City Council have designated several

zoning districts where outdoor patios may be allowed where alcohol is served. The CBD zone is one of those districts. The adjacent properties are not primarily residential and they have similar customer and employee traffic. There are several apartments above ground floor businesses in this area, so restrictions on outdoor events on the patio are proposed. The proposed seasonal outdoor patio will allow Doc Harper's to enjoy similar benefits as surrounding neighbors without permanently occupying the public right of way year round. The proposal is consistent with the goals of the 2008 Growth Policy, specifically the goal of encouraging uses that are compatible with the character of the adjacent land use patterns. This site is surrounded by a mix of commercial businesses within the city limits. The CBD zoning district is intended to accommodate stores, hotels, governmental and cultural centers and service establishments at the central focal point of the city's arterial and transportation system. There are direct impacts from the proposed seasonal patio and the Zoning Commission is recommending several mitigating conditions.

The Zoning Commission recommends the following conditions of approval:

1. The special review approval shall be limited to Unit 2 of the Babcock Building located on Lots 7 through 12 and a fraction of Lot 6, Block 93, Billings Original Town, generally located at 116 North Broadway.
2. This special review is to allow the installation of a temporary outdoor patio of 320 square feet on the public right-of-way directly adjacent to the business.
3. The installation of the temporary outdoor patio will not occur before May 1 of each calendar year and shall not remain in place after October 31 of each calendar year.
4. The installation of the temporary outdoor patio shall not occur in any calendar year unless an Encroachment Permit has been issued by the City Engineering Division and a signed Memorandum of Understanding with the Parking Division is in place to off-set the loss of the 3 on-street diagonal parking spaces.
5. The installation of the temporary outdoor patio shall be in substantial conformance with the site plan submitted with the application, including materials and the general location of benches, temporary sidewalks, and seating areas.
6. There shall not be any outdoor amplified music, announcement system or music system broadcast on the patio after 10 pm daily. Background music is allowed before 10 pm.
7. No signs, banners, or placards shall be posted on the fencing or benches.
8. Temporary planters or barriers will be placed at the top of the 3 on-street diagonal parking spaces to prevent vehicle parking against the benches and planters adjacent to the temporary walkway. The temporary planter or barrier design and placement will be determined by the City Engineering Division.
9. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

FINANCIAL IMPACT

If the special review is approved, the City may experience some lost revenue from the seasonal removal of 3 metered parking spaces. The Parking Division and the applicant are working on a plan to cover this part-year loss of revenue, including identifying 3 short term parking spaces (10 minute spaces) that could be converted to 2-hour metered spaces among other alternatives. The temporary revenue loss should be off-set through the memorandum of understanding to be developed with the Parking Division. If the seasonal patio is approved, it will generate encroachment rental fees to the City through the Engineering Division, and will increase activity in the downtown area after normal business hours.

BACKGROUND

The applicant is requesting permission to install an outdoor seasonal patio on the public sidewalk outside the main entrance for Doc Harper's at 116 N. Broadway. The applicant will use materials easily removed at the end of the outdoor season, so no permanent structures or encroachments are proposed at this time. The City has approved permanent encroachments for several downtown restaurants with on-premise alcohol service. The first location granted a permanent encroachment was Montana Brewing Company in April 2000, directly across the street from Doc Harper's. Since 2000, the City has granted several other permanent encroachments for outdoor patios including the Travel Cafe (now Broadway Deli) at 313 N Broadway, the Carlin Hotel at N 25th St and Montana Avenue, and the Golden Phoenix (now Rowdy's) at 222 N Broadway. Other eating establishments have less formal outdoor dining with just a few tables and chairs set out during business hours.

The agent, Bruce Harper, has submitted a request to the State Liquor Licensing Division to alter the premises to include a 320 square foot outdoor patio for patrons. The agent has applied for a City of Billings Encroachment Permit from the City Engineering Division and has opened discussion with the Parking Division regarding the 3 on-street parking spaces that will be impacted by the proposed patio. The property received special review approval to locate an all beverage license without gaming (SR 918) in 2014. This area of downtown has received 26 other special review approvals to locate liquor licenses.

Places that serve alcohol must comply with state regulations about where and when patrons may be served. Local zoning regulations require a special review whenever an outdoor patio is added at a location that requires a special review for the type of liquor license on the premises. For example, a restaurant that serves beer and wine and has a gaming restricted license does not need a special review to add an outdoor patio. A microbrewery allowed by the zoning regulations does not need a special review to add an outdoor patio. All locations within the Central Business District (CBD) are exempt from the local 600-foot separation requirement to churches, schools and public parks with playgrounds.

North Broadway is a downtown commercial street with two-way traffic, on-street parking and wide sidewalks for a high level of pedestrian activity. The 2015 traffic count data indicates an average daily traffic count of approximately 4,700 vehicles per day on this section of N. Broadway. The vehicle traffic on this street is lower than adjacent and surrounding arterial streets. Vehicle traffic is not indicative of commerce in the area as most businesses rely on pedestrian access for their businesses. This block of N. Broadway also has a high level of use for the on-street parking. In 2000, the City allowed Montana Brewing Company to eliminate 4 parallel parking spaces in front of its property to accommodate the outdoor patio and relocation of the sidewalk into the parking lane. A similar elimination of on-street parallel parking spots occurred for the Golden Phoenix outdoor patio in the 200 block of N Broadway. The agent is negotiating with the Parking Division to mitigate the seasonal loss of 3 on-street diagonal parking spaces proposed for this outdoor patio. Mitigation may include payment of the

anticipated loss of revenue, payment for retrofitting nearby parking spaces to 2-hour parking meters, and other potential solutions.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on April 5, 2016, and received the staff recommendation and testimony from Bruce Harper (the applicant), Mike Matthews of 115 N. Broadway, and Tracy Scott, the Parking Division Manager. No other testimony was received.

Mr. Harper testified the outdoor seating for patrons of downtown restaurants and lounges is almost a requirement for the market. People appreciate the ability to sit outside in the evening during clement weather and enjoy their hors d'ouerves, tapas, meals and beverages. He stated it was obvious last summer during the first year of operating Doc Harper's that outdoor seating was essential for success downtown. He stated he has been talking about this small, seasonal patio for Doc Harper's since last November with City staff including Debi Meling, City Engineer, planning staff, and other departments. He stated the downtown has an active nightlife and the proposed patio should fit well with all the other activities. Mr. Harper stated he would like to request a change to staff proposed condition #6 - allowing music only until 8 pm - to allow the background music on the patio until 10 pm. He stated he can hear the Montana Brew Pub patio music going after 8 pm and he understands the need to have an evening cut-off time but would like to have music until 10 pm.

Chairman Dan Wagner stated he was not in favor of allowing the music beyond 8 pm. He stated this condition would be important for the peace and quiet of residents. In response to a question from the Commission, Mr. Harper stated he is open from 4 pm until midnight. He stated they did open earlier during the day on Farmer's Market Saturday's last summer, but did not attract many early customers.

Mike Matthews stated he lives in an apartment across the street and is a partner in the Babcock Building. He stated the outdoor music and nightlife noise is normal for downtown residents and something that is not bothersome to the apartment dwellers in the area. He stated Billings has waited a long time to have its regular nightlife back downtown and this project will only support this activity. He stated on any given week night you will see people out at the ice cream shop, the coffee shop, restaurants and shopping after business hours.

Tracy Scott stated the Parking Division is in favor of supporting an active downtown and is working with the applicant to find a good solution for the 3 parking spots that will be seasonally closed for the patio and "parklet". She stated she has not seen a parklet installed in downtown Billings but has seen them in other communities and in professional publications. A "parklet" is the temporary closure of on-street parking spaces for use by people. Parklets offer a place to stop, to sit, and to rest while taking in the activities of the street. She stated the Parking Advisory Board would be meeting April 12 and has invited Mr. Harper to attend and discuss the proposal. She stated she will be working with the advisory board and City administration to devise a policy for parklets so future applicants can have some certainty during the process.

Commission member Michael Larson moved to recommend conditional approval, amend condition #6 to allow background music until 10 pm, and adopt the findings of the 3 criteria. The motion was seconded by Dennis Ulvestad. The Zoning Commission voted unanimously in favor

of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with Adopted Policies and Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

The Zoning Commission recommends that the City Council grant conditional approval and adoption of the findings of the 3 criteria fro Special Review 940, on a 5-0 vote.

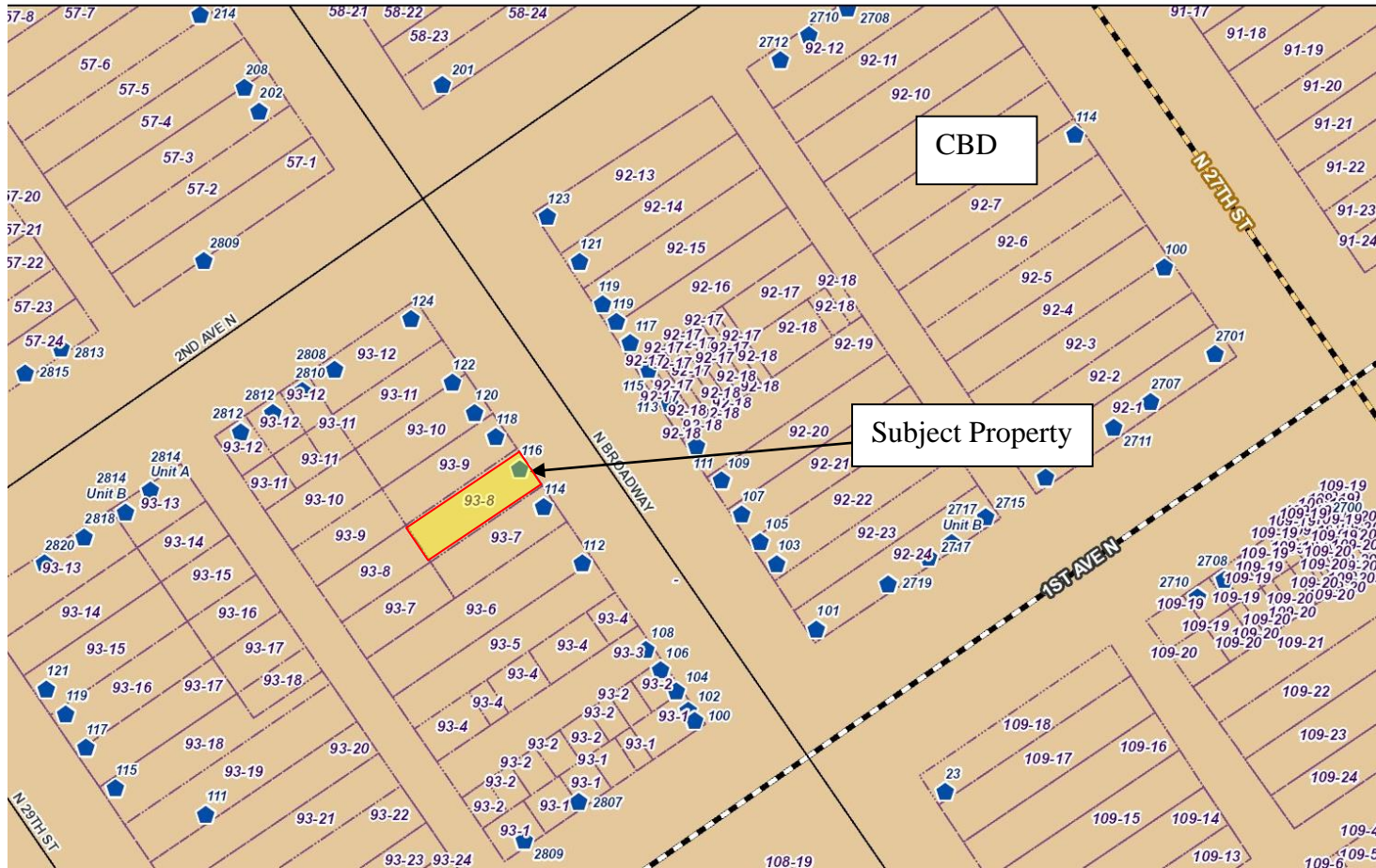
APPROVED BY CITY ADMINISTRATOR

Attachments

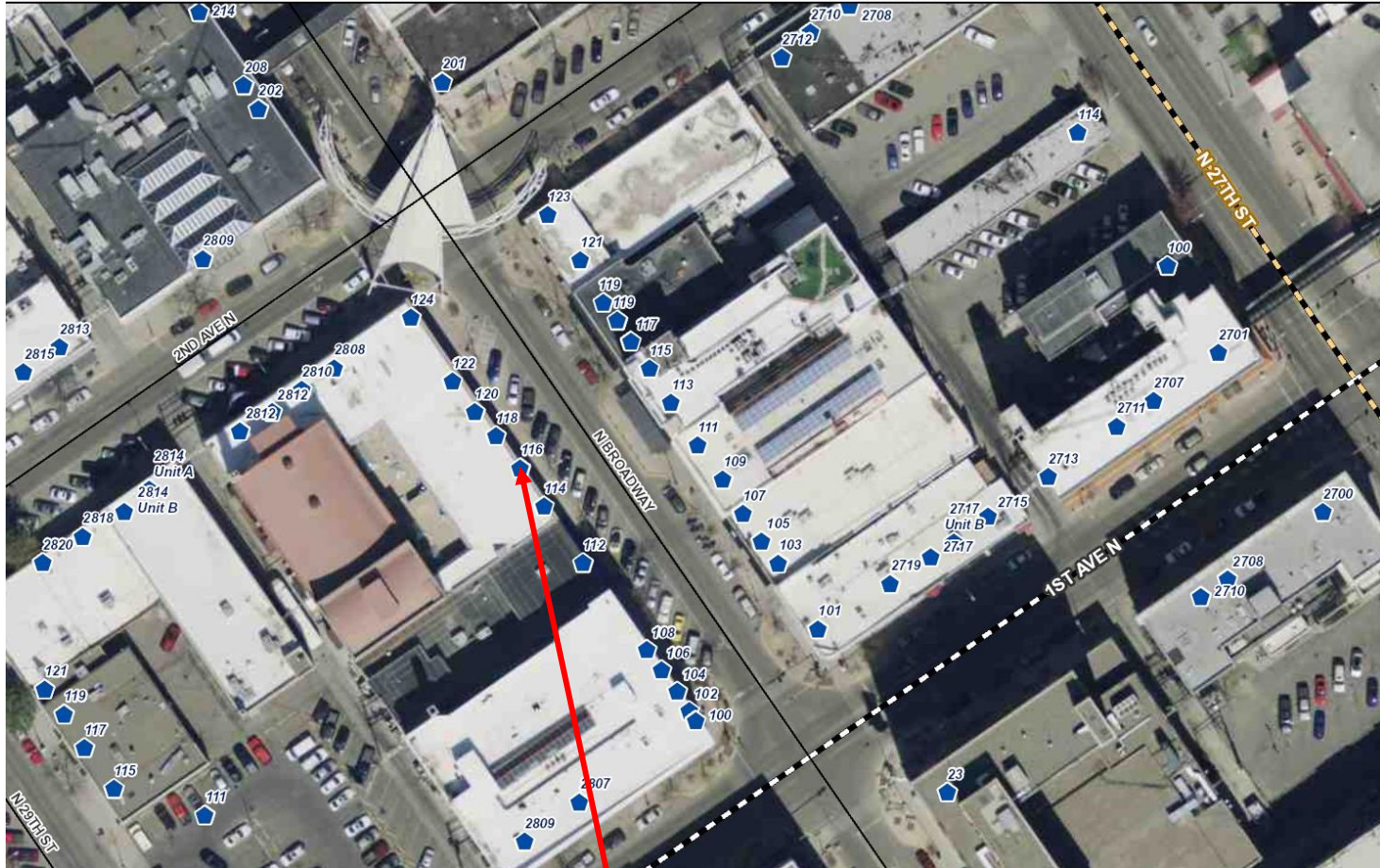
Zoning Map and Site Photos
Site Plan and Applicant Letter

Zoning Map – Special Review #940

116 N Broadway



116 N Broadway



Subject Property



Subject Property – 116 N Broadway



View north along N Broadway



View east across N Broadway



View south along N Broadway



Special Review 940
Site Plan and Applicant Letter

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

The addition of a seasonal patio to Doc Harper's Tavern in the Babcock building on North Broadway will present an alternative to most other all-beverage facilities in the downtown area. Doc Harper's offers high end cocktails - martinis, manhattans, gibsons and rob boys - and sophisticated after dinner cocktails such as brandies, scotches and classic whiskeys. The addition of an outdoor patio with high end alcoholic beverage services will bring a second unique facility to the all-beverage license operations now available in downtown Billings. The Montana Brewing Company located directly across the street from Doc Harper's does have a permanent patio facility now existing. Another outdoor service of alcoholic beverages will be attractive to downtown Billings and will add to and improve quality of life. Approval of this outdoor addition to Doc Harper's will promote the live-work environment of downtown Billings. Permitting a second outdoor beverage garden/patio will present a real alternative to other beverage operations throughout downtown Billings business and residential community, thus promoting, enhancing and complimenting both commercial and residential clientele. This additional and enhanced seasonal use of the property contributes to a high quality of life for new and existing residents. The facility will promote the Babcock building and support the downtown Billings hotel and guest services facilities. It will help to invigorate the entire Billings economy and will attract Billings residents and Billings tourists, conventioners and business representatives. Promotion of business, and thus economic development, is a primary goal of the City of Billings Growth Policy of the Billings Zoning Ordinance.

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

North Broadway is undoubtedly the heart of downtown Billings. Literally everything starts, evolves around, or concludes with Sky Point. The introduction of an outdoor patio to Doc Harper's existing indoor all-beverage license facility will present a unique addition and complement to Doc Harper's current beverage and light food facility in downtown Billings. The existence of an outdoor patio at this location will help to promote a vibrant and viable North Broadway in the heart of downtown Billings. Sky Point activities - farmers' markets - Burn the Point activities - parade activities - community events - will all be enhanced in downtown Billings by the addition of a second full beverage license with outdoor patio service on North Broadway.

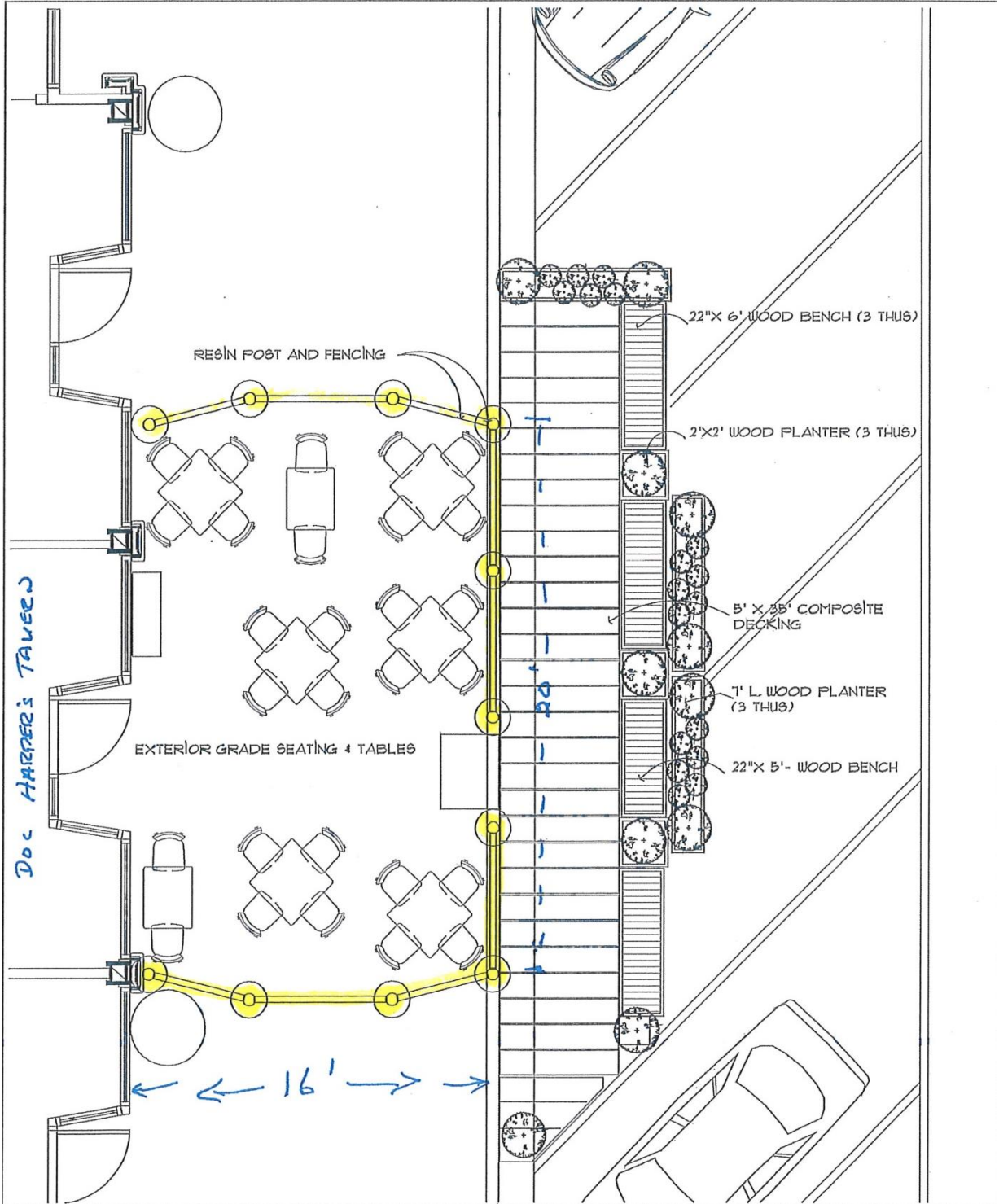
C. How will the public interest be served if this application is approved?

The Billings community and visitors/guests to the Billings area will be provided a unique addition to Doc Harper's now-existing hors d'oeuvres and beverage service in downtown Billings. Metropolitan areas such as Denver, Seattle, Portland, Boise and Rapid City are praised and repeatedly visited by persons seeking drinking, dining and entertainment experiences such as downtown Billings now provides and which outdoor seating and food and beverage services will only enhance. The idea of limiting the patio services to seasonal and, therefore, temporary use, is adopted from Portland where temporary patios have proven to be a better alternative to the permanent dislocation of parking spaces and other long-term negative impact on traffic flow. Alberta Bair patrons, YAM patrons, arts and crafts patrons, sports fans, tourists and conventioners seek out and support the very kind of bar services and light food proprietors as will be featured at

Doc Harper's full service bar which will now be available on the street during good weather days. Doc Harper's high end bar service and "small plates" facility has already earned the reputation as one of the "go to" places in downtown Billings, and, of course, such reputation will be enhanced with the addition of outdoor facilities for food and beverages. Doc Harper's expects to continue to restrict its hours to midnight closing.

D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

This Special Review is for permission to serve alcoholic beverages "outside" Doc Harper's Tavern facility at 116 North Broadway. The planning is not yet complete, but the current intention is to enclose a portion of the sidewalk and the street area in the immediate vicinity of Doc Harper's current leasehold premises. Attached please find a copy of the Montana Department of Revenue letter dated February 19, 2016, approving the request to alter the licensed premises to include the patio. The exterior improvements are to be seasonal in nature and open to conduct business operations from about May 1 each year to about the end of October. The improvements will be temporary in nature and removed by the end of October each year and reinstalled in the late Spring - about May 1 each year.



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Proposed Patio Addition
 Doc Harpers TAVERN
 116 N 28th Billings, MT
 (BROADWAY)

PROJ. NO. 1602

DATE Jan 2016

Site Plan

SHEET 1 OF 1