

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

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

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## AGENDA

**COUNCIL CHAMBERS**

**January 22, 2018**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Cromley

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

Cromley,  Yakawich,  Brewster,  Ewalt,  Friedel,  Joy,  Sullivan,  Ronning,  
 Clark,  Brown

**MINUTES:** January 8, 2018 (Pending)

**COURTESIES:**

**PROCLAMATIONS:**

**ADMINISTRATOR REPORTS - BRUCE MCCANDLESS**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 4b, 5, 6 and 7 ONLY. Speaker sign-in required.** (Comments are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign the roster located on the cart at the back of Council chambers or at the podium. Comments 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. MUNICIPAL COURT / CITY COUNCIL CHAMBERS AUDIO / VISUAL EQUIPMENT REPLACEMENT:**

1. **Contract** with AVI Systems, Inc., \$158,503.
  2. **Resolution** approving \$43,503 transfer from Council Contingency to the City Clerk budget for the audio/video system replacement.
- B. Acceptance** of donation to the Billings Fire Department from ExxonMobil for purchase or upgrades to emergency response equipment for the rescue team; \$2,500.
- C. Approval** of Tax Increment Finance District funds (TIFD) from East Billings Urban Renewal District (EBURD) to Slow River, LLC, for qualified property improvements reimbursement to properties at 119-123 North 19th Street; \$45,356.97.
- D. Approval** of Revolving Loan Fund to Jilan Hall-Johnson - The Sassy Biscuit; \$40,000.
- E. Grant Application Request** to submit the Recreational Trails Program grant application to provide funding for a restroom facility at the Shiloh Conservation Area; up to \$45,000.
- F. Grant Application Request** to submit FY18-FY19, Montana State Historic Preservation Office Certified Local Government (CLG) Grant application; \$5,500.
- G. Grant Application Request** to submit the MDT Transit Planning Division applications for Sections 5310, 5339 or any other available capital grants, and to accept and execute any subsequently awards Grant Agreement(s) for replacement of up to two vans and other capital needs.
- H. Resolution of Intent** to construct W.O. 17-06, reconstruction of Midland Road with improvements, and setting a public hearing date for February 12, 2018.
- I. Resolution of Intent** to create SID 1404, Annafeld Subdivision improvements (parks and street light improvements), and setting a public hearing date for February 12, 2018.
- J. Resolution of Intent** to create SILMD 324, Midland Road (street lights), discontinue SILMD 287, and setting a public hearing date for February 12, 2018.

**K. Second/Final Reading Ordinance for Zone Change 961:** a zone change from Residential Professional (RP) to Community Commercial (CC) on a 1.42-acre portion of C/S 2465, Parcel 6A, generally located north of Rimrock Road and West of 62nd Street West. Magnus Land Development, LLC, owner; Performance Engineering, agent. Approval of the zone change and adoption of the findings of the 10 criteria.

**L. Bills and Payroll:**

1. December 26, 2017

2. January 2, 2018

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** authorizing filing of of the annual Federal Transit Administration Section 5307 Grant Application. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for FY2018. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **301 ORCHARD LANE:**
  - a. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 17-01:** property is located at 301 Orchard Lane on the east side of the street in southwest Billings. L.B. Stone Properties Group, LLC, Owner; Nick Czalpa, Petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)
  - b. **DEVELOPMENT AGREEMENT** with L.B. Stone Properties Group, LLC, to construct public improvements on recently annexed property, generally located at 301 Orchard Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **BABCOCK THEATRE LEASE / SALE.** Staff recommends Art House Cinema & Pub for the lease of the Babcock Theater. (Action: approval or disapproval of staff recommendation.)
6. **APPROVAL OF CITY COUNCIL COMMITTEE AND BOARD ASSIGNMENTS:** selections to be made at this meeting and assignments made at February 12, 2018 Regular Business meeting. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

7. **CITY ADMINISTRATOR REPLACEMENT AND RECRUITMENT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**PUBLIC COMMENT on “NON-AGENDA ITEMS”.** **Speaker Sign-in required.** *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster located on the cart at the back of 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 Denise R. Bohlman, City Clerk, at 657-8210.*

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Award of Contract for Professional Design and Equipment for Audio/Visual System - Municipal Court/City Council Chambers

**PRESENTED BY:** Bruce McCandless, Assistant City Administrator

**Department:** City Hall Administration

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

The current audio/visual system in the Municipal Court/City Council Chambers was installed in 2006 and is failing. City Council approved funding in the FY18 budget to replace the system. A Request for Proposals (RFP) was advertised on August 18 and 25, 2017. A mandatory site visit was held for prospective vendors on August 30, 2017. The deadline to receive proposals was September 15, 2017. Two proposals were received and one didn't meet the RFP requirements. A staff review committee recommended awarding a contract to AVI Systems, Inc.

The committee members were Denise Bohlman, City Clerk; Brittanica Park, Municipal Court Administrator; Bruce McCandless, Assistant City Administrator; David Watterson, Information Technology Director; and Tim Harrington, Community Channel 7 manager.

AVI Systems, Inc. provided three options for the Council to consider. The price to replacing the audio system is below the budgeted amount of \$115,000. Two options that include upgrading the room's video capabilities exceed the budget. Staff and AVI presented the options to the Council at the January 2, 2018 work session. The City Council asked staff and AVI to refine the proposals to include the audio improvements and as much of the video equipment as possible within a total amount not to exceed \$163,000. The Council indicated that it might be willing to appropriate up to \$48,000 of the Council Contingency account to fill the gap between the budget and the equipment's full price. The refined proposal will replace the audio equipment and most of the proposed video upgrades for a price of \$158,503.

Please see the attached list of equipment changes.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve a contract with AVI Systems, Inc. for \$158,503, or
- Postpone action; or
- Disapprove a contract and direct staff to re-advertise for additional proposals.

**FINANCIAL IMPACT**

The FY2018 budget contains \$115,000 for this project. The Council Contingency account is budgeted for \$65,000 and no funds have been spent in FY18. An annual maintenance agreement may be entered into in future fiscal years for system recertification, system support and ongoing training for approximately \$11,000/yr.

**RECOMMENDATION**

Staff recommends that the City Council award a contract to AVI Systems, Inc. to replace the Municipal Court/City Council Chambers audio system and to upgrade the video system for a price not to exceed \$158,503.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Listed Changes to Refined Proposal  
Refined Final Proposal

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## **Audio/Visual System Upgrade** **City Council Chambers/Municipal Court**

Staff negotiated with AVI, Systems, Inc., the following equipment from the 3 proposals to best suit the City Council's requests:

The entire audio system is replaced with the list of equipment below:

- 14 replacement wireless mics (utilized by both Council and Court);
- 4 replacement wired mics;
- 2 hand-held wireless mics;
- 24" ceiling mic (added \$3,653, for Muni Court recording of proceedings);
- 14 ceiling speakers;
- Hearing assistance devices.

Enhancements to the visual equipment:

- Video conferencing audio and video control functions;
- Additional projector and motorized projection screen (went with "lamped" projectors, rather than the proposed "laser" projectors and reduced equipment costs by \$6,960);
- 65" flat panel monitor with replace the existing monitor in the corner;
- Additional video outputs for monitor connection for Judge and witness stand;
- Removed from the proposals the flat panel in the lobby and speakers (reduced equipment costs by \$3,525);
- A used laptop will be utilized for a second, mobile controller device.

Additional services added:

- Remote monitoring service / technical support was added (\$1,000).

Given the refinement of the proposals, this proposal will provide the maximum impact with the funding allowed. The adjusted price is \$158,503.

# Retail Sales Agreement



AVI Systems Inc., 2300 E 54th Street N, Suite 2 Sioux Falls, SD, 57104 | Phone: (605)782-4141, Fax: (605)782-4142

**Proposal Number: 853930**  
Prepared For: Billings Montana, City of  
**Attn: Denise R. Bohlman**

**Proposal Date: January 12, 2018**  
**City Court/Council Des-Build - V4 AV -**  
**1/9/2018**

Prepared By: Mark Hunt  
Phone: (406)969-3336  
Email: mark.hunt@avisystems.com

## BILL TO

Attn: Denise R. Bohlman  
Billings Montana, City of  
PO Box 1178 N/A  
Billings, MT, 59103  
Phone: (406)657-8224  
Email:bohlmand@ci.billings.mt.us  
Customer Number:14340

## SITE

Attn: Denise R. Bohlman  
Billings Montana, City Of  
PO Box 1178 N/A  
Billings, MT, 59103  
Phone: (406)657-8210  
Email: bohlmand@ci.billings.mt.us

## COMMENTS

## PRODUCTS AND SERVICES SUMMARY

Equipment	\$90,871.00
Integration	\$65,282.00
PRO Support	\$0.00
Shipping & Handling	\$2,350.00
Tax	\$0.00
<b>Grand Total</b>	<b>\$158,503.00</b>

Unless otherwise specified. The prices quoted reflect a discount for a cash payment (i.e., check, wire transfer) made by Customer in full within the time stated for payment on each invoice. Discount only applies to new items included on the invoice, and only applies if the balance on the invoice is paid in full.

All returned equipment is subject to a restocking charge. The prices are valid for 30 days and may be locked in by signing this Retail Sales Agreement.

Overdue balances are subject to a finance charge of 1.5% per month, or interest at the highest rate permitted by applicable law. In the event AVI must pursue collection of unpaid invoices, Customer agrees to pay all of AVI's costs of collection, including its attorneys' fees.

## INVOICING AND PAYMENT TERMS

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Customer and AVI have agreed on the payment method of CASH. Payment must be remitted by stated method. To the extent Customer seeks to use of any payment methods other than stated, and that payment method results in an increased transaction cost to AVI, the new payment must be approved in writing, and the Customer shall be responsible for paying the increased transaction cost to AVI associated with the change in payment method. Payments shall be made 30 days from invoice date. So long as the invoice has been sent and the Customer's payment is made within the terms work will continue.

AVI uses progress billing, and invoices for equipment and services allocated to the contract on a monthly basis. Unless otherwise specified, all items quoted (goods and services) as well as applicable out of pocket expenses (permits, licenses, shipping, etc.) are invoiced in summary (including applicable sales taxes due for each category of invoiced items).

Customer is to make payments to the following "Remit to" address:

AVI Systems  
NW8393 PO Box 1450  
Minneapolis, MN 55485-8393

**If Payment Method is ACH:** Customer must make all payments in the form of bank wire transfers or electronic funds transfers through an automated clearinghouse with electronic remittance detail, in accordance with the payment instructions AVI Systems provides on its invoice to Customer.

A monthly summary of detailed equipment received is available upon request. Equipment received may be different than equipment billed based on agreed billing method.

## TAXES AND DELIVERY

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Unless stated otherwise in the "Products and Services Summary" above, AVI will add and include all applicable taxes, permit fees, license fees, and delivery charges to the amount of each invoice. Taxes will be calculated according to the state law(s) in which the product(s) and/or service(s) are provided. Unless Customer provides a valid tax exemption certificate for any tax exemption(s) claimed, AVI shall invoice for and collect all applicable taxes in accordance with state law(s), and Customer will be responsible for seeking a tax credit/refund from the applicable taxing authority.

## AGREEMENT TO QUOTE AND DOCUMENTS CONSTITUTING YOUR CONTRACT WITH AVI

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Customer hereby accepts the above quote for goods and/or services from AVI. When duly executed and returned to AVI, AVI's Credit Department will check Customer's credit and approve the terms. After approval by AVI's Credit Department and signature by AVI, this Retail Sales Agreement will, together with the [AVI General Terms & Conditions](http://www.avisystems.com/AVITermsOfSale.pdf) (which can be found at [www.avisystems.com/AVITermsOfSale.pdf](http://www.avisystems.com/AVITermsOfSale.pdf)) form a binding agreement between Customer and AVI. (This Retail Sales Agreement and the AVI General Terms & Conditions of Sale (the "T&Cs") are referred to collectively as the "Agreement"). If not defined in this Agreement, all capitalized terms shall have the meaning given to them in the T&Cs. Should AVI's Credit Department determine at any point prior to AVI commencing work that Customer's credit is not adequate, or should it otherwise disapprove of the commercial terms, AVI reserves the right to terminate the Agreement without cause and without penalty to AVI.

## AGREED AND ACCEPTED BY

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\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date

**AVI Systems, Inc.**

\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date

## **CONFIDENTIAL INFORMATION**

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The company listed in the “Prepared For” line has requested this confidential price quotation, and shall be deemed “Confidential Information” as that term is defined in the T&Cs. This information and document is confidential and is intended solely for the private use of the customer identified above. Customer agrees it will not disseminate copies of this quote to any third party without the prior written consent of AVI. Sharing a copy of this quote, or any portion of the Agreement with any competitor of AVI is a violation of this confidentiality provision. If you are not the intended recipient of this quote (i.e., the customer), you are not properly in possession of this document and you should immediately destroy all copies of it.

## SERVICES TO BE PROVIDED

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### INTEGRATION SERVICES

In developing a comprehensive proposal for equipment and integration services AVI Systems' Sales Representatives and Engineering teams must make some assumptions regarding the physical construction of your facility, the availability of technical infrastructure and site conditions for installation. If any of the conditions we have indicated in the site survey form are incorrect or have changed for your project or project site, please let your Sales representative know as soon as possible. Conditions of the site found during integration effort which are different from those documented may influence the price of the system solution, integration or services. To ensure that you have an accurate proposal based on your facility and specific to the conditions of your project, please review all project documentation carefully.

### INTEGRATION SCOPE OF WORK

#### 1. SUMMARY:

The City of Billings is upgrading their City Court/City Council room AV

#### 2. SYSTEM DESCRIPTION:

##### 2.1. City Court/City Council Chambers

2.1.1. Functionality Description: A multi-function multi-layout space with flexible AV systems to accommodate the reconfigurable use of the space. The audio and video systems will be installed to allow for configuration of those systems and functionality to provide support for both Court proceedings and City Council meetings. Court proceedings could include in person hearings, jury trial, & video arraignments. Evidence and video presentations can be made from the room when using the designated input connections. City Council meetings will primarily use the space in a traditional head table and audience configuration. The same desks used for court will be rotated and configured to provide for the seating of council members. Video presentations can be made from the same designated connection that the court uses. Wireless and wired microphones will be used to support the court and council uses due to the reconfiguration of the space. Additional projection systems will be added to the space near the jury box location to allow for better viewing of presentations and content in the council configuration. The current video conferencing monitor will be replaced and along with the conferencing camera relocated to the soffit above the desks separating the well from the gallery. This will provide an additional screen for council members to see content as well as a more natural viewing angle for the judge during video calls. The existing ceiling speakers will be replaced with updated technology. Additional speakers will be added to provide more complete audio coverage of the gallery areas allowing the audience to hear discussions more clearly. The system will be controlled from a touch screen interface custom designed for the City of Billings. All normal day to day operations of the system will be available on the screen eliminating the need for additional remotes and controls in the room. Provisions will be made to accommodate an iPad that the City will provide along with the App that the City will buy as a flexible wireless control system that will mimic the wired touch screen. The layout and functionality of the user interface will be discussed and will evolve over several discussion periods with the client and AVI programmer. AVI will bring years of experience and best practices to work with the owner representatives to develop a user interface that will provide the right level of functionality, reliability and ease of use for the systems in the space.

Typical controls will include:

- Power On/Off for all components of the AV system
- Room use configuration (Court or Council use)
- Video Conferencing functions (Camera control, call control)
- Audio Conferencing (dial and answer controls)
- Audio and video switching and control (source select, volume control, record levels)

##### 2.1.2. Display Devices:

2.1.2.1. The existing projection screen installed in the ceiling will remain in place and be reused.

2.1.2.1.1. Control of the screen will be integrated into the new control system if possible. **(screen make and model is unknown and it is not known if there is a low voltage control option for the screen)**

2.1.2.2. A new higher lumen HD projector will be installed to replace the existing ceiling mounted product.

2.1.2.2.1. The new projector will be configured to allow for the placement to remain the same as the old.



2.1.2.2.2.



2.1.2.3. A new motorized projection screen will be mounted on the face of the soffit above the front of the jury box. **Color of the fascia of the screen housing will need to be determined prior to ordering.**



2.1.2.4.

2.1.2.5. A new HD projector will be installed in the ceiling to provide the image on the new projection screen.

2.1.2.6. The existing flat panel display will be replaced with a new larger image smaller bezel model.



2.1.2.7.

2.1.2.7.1. This flat panel will be installed on the face of the soffit above the gallery rail.

**2.1.2.8. Additional video outputs will be provided at the judge and witness bench locations for connection of monitors if requested or required.**

2.1.2.9. A video output feed will also be provided to the broadcast systems. AVI needs to be determined what will be necessary for conversion of the video output feed to the Everts Fiber converter of Billings Community Cable.

### 2.1.3. Source Devices:

2.1.3.1. Wireless presentation connection will be provided.



2.1.3.1.1.

2.1.3.1.2. This device will be put on the City's network for access. AVI will work with IT on the specifics regarding this.

2.1.3.2. An AV input wall plate will be installed on the gallery side of the rail for presentation connection

2.1.3.2.1. The plate will have a single VGA (HD15) and audio (3.5mm) connection along with an HDMI

### 2.1.4. AV Switching Devices:

2.1.4.1. An AV Digital Media switch will be installed to provide audio and video switching and routing capabilities.

2.1.4.2. All devices will be routed through the switch and will be available at the displays in the room for viewing

2.1.4.3. The switching will also provide the presentation sources as content for the video conferencing system for viewing on the far side when in a call.

2.1.4.4.



2.1.5. Audio Devices:

2.1.5.1. New wireless microphones will be provided for use on the tables during both court and council uses



2.1.5.2.

2.1.5.3. The existing wired locations will remain wired and be reused. **The cabling for these existing wired locations may need to be re-cabled.**



2.1.5.4.

2.1.5.5. A new audio processor will provide switching and control of all microphones and audio devices in the room.



2.1.5.6.

2.1.5.7. A new amplifier will provide power for the speakers in the room



2.1.5.8.

2.1.5.9. New ceiling recessed speakers will be installed in place of the existing product.

2.1.5.9.1. Additional speakers will be added to provide better coverage of the gallery area

2.1.5.9.1.1. **Consideration needs to be considered about these speakers will need to be cut into different tiles than the current speakers if the same ceiling tiles are to be used.** It has been discussed that the City of Billings is going to replace and update those tiles in the space.



2.1.5.9.2.

2.1.5.10. The existing connection in the judge's chambers will be maintained in the new system.

2.1.5.11. Recording feeds will be provided to the existing computer

2.1.5.12. An audio feed will be provided to the broadcast equipment

2.1.6. Conferencing Devices:

2.1.6.1. The existing Polycom HDX series codec will be integrated into the AV system and relocated to the new AV rack.

2.1.6.1.1. The existing camera will be relocated with the monitor to the soffit above the gallery rail

2.1.6.2. A new audio conferencing codec (telephone conferencing) will be installed with the audio processor

- 2.1.6.3. The microphones in the room, wired and wireless, will be used to pick up audio to be heard on the other end of the call. The ceiling speakers will provide audio from the far end of the call to be heard in the room.
- 2.1.6.4. Dialing capabilities for both audio and video conferencing calls will be present on the touch screen interface
- 2.1.7. Control/Network Devices:
  - 2.1.7.1. The AV system can be connected to the owner furnished network to allow for mobile control (iPad) or control via PC/Laptop while on the owner network.
  - 2.1.7.2. The existing codec network connection will remain in use.
    - 2.1.7.2.1. The existing drop will need to be re-routed to the new rack location or a new drop provided.
  - 2.1.7.3. The system will be controlled via touch screen and a simple to use graphic interface.
  - 2.1.7.4. All typical day to day controls and functions will be available on the touch screen control



2.1.7.5.  
2.1.7.6. Wired Crestron Control Pad



Wireless iPad Control

- 2.1.7.6.1. Controls typically include: Power On/Off, Volume, Mode select (Court or Council) Microphone control....
- 2.1.8. Equipment Housing:
  - 2.1.8.1. An equipment rack will be placed to house all the AV equipment head end in one location
    - 2.1.8.1.1. The exact location and size of the equipment rack is still TBD
    - 2.1.8.1.2. This space will need proper venting, power and network drops specified below.
  - 2.1.8.2. The remain equipment not mentioned above will be used in the integration of major system components



2.1.8.3.

2.1.9. Remote Monitoring:

- 2.1.9.1. AVI will provide a Computer NUC that will be connected to the AV rack that will be networked to be able to remote into the AV system to check on equipment within the system. A copy of Bomgar will be licensed and provided by AVI systems.

**3. PROJECT SPECIFIC CUSTOMER SCOPE OF WORK REQUIREMENTS: (NOTE)**

**3.1. AC Power**

- 3.1.1. Two (2) 15A (min) circuits installed at the rack location
  - 3.1.1.1. Two double duplex receptacles
- 3.1.2. One (1) 15A (min) circuit at the new projector location
- 3.1.3. One (1) 15A (min) circuit at the new projection screen location
- 3.1.4. One (1) 15A (min) circuit at the flat panel display location in the Courtroom

**3.2. Data connections and configuration**

- 3.2.1. Five (5) data connections installed at the rack location
  - 3.2.1.1. Video conferencing
  - 3.2.1.2. Audio conferencing (VoIP) Need to verify again. Could be analog.
  - 3.2.1.3. Control system
  - 3.2.1.4. Wireless Presentation connection
  - 3.2.1.5. Future

**3.3. Construction of rack room location**

- 3.3.1. A suitable location for the rack needs to be constructed
- 3.3.2. Location should be constructed with ventilation, cable paths, and power in mind

**4. PROJECT SPECIFIC INSTALLATION CONSIDERATIONS: (NOTE)**

**4.1. AVI will provide onsite integration services for defined phases of the construction project:**

- 4.1.1. The prerequisite tasks that are shown for each phase must be completed before AVI can proceed with the integration process.
- 4.1.2. Return trips to the jobsite due to incomplete construction tasks that prevent AVI from completing scheduled work are not included in this bid response and will be assessed a Mobilization Fee and Travel Expenses as detailed below. (Section 7.5)

**4.2. Installation: (NOTE)**

- 4.2.1. All AC power as described above must be in place and energized
- 4.2.2. All data as described above must be in place and energized
- 4.2.3. Rack location must be fabricated and finished
- 4.2.4. Full access to the room for duration of installation
- 4.2.5. The installation process is expected to take 10 business days to complete and must be scheduled and planned for accordingly in the scheduling of the room.
- 4.2.6. These days would be scheduled after completion of all prerequisite tasks shown above

**4.3. Testing/Commissioning: (NOTE)**

- 4.3.1. Owner with authority to sign off on system completion and functionality must be present upon completion of installation
  - 4.3.1.1. Every effort will be made to schedule this time as far in advance as possible based on installation progress
- 4.3.2. Owner and owner representatives to be included in the training and operation of the system must be present upon completion of installation

**5. KNOWLEDGE TRANSFER (TRAINING)**

- 5.1. This is geared specifically towards the end-user / operator. The purpose of this knowledge transfer is to provide operators with the necessary knowledge to confidently and comfortably operate all aspects of the integrated system. Training is to be performed at the time of system completion unless specified below.
  - 5.1.1. -

**6. EXCLUSIONS:** The following work is **not included** in our Scope of Work:

- 6.1. All conduits, high voltage, wiring panels, breakers, relays, boxes, receptacles, etc.
- 6.2. Concrete saw cutting and/or core drilling
- 6.3. Fire wall, ceiling, roof and floor penetration
- 6.4. Necessary gypsum board replacement and/or repair
- 6.5. Necessary ceiling tile or T-bar modifications, replacements and/or repair
- 6.6. Installation of ceiling mounted projection screen
- 6.7. All millwork (moldings, trim, cut outs, etc.)
- 6.8. Patching and Painting
- 6.9. Permits (unless specifically provided for and identified within the contract)
- 6.10. Unless specifically noted lifts and scaffolding are not included

**7. NOTICE: THIS SCOPE OF WORK IS DELIVERED ON THE BASIS OF THE FOLLOWING ASSUMPTIONS:**

- 7.1. The room(s) match(es) the drawings provided
- 7.2. Site preparation by others includes electrical and data placement per specifications.
- 7.3. Site preparation will be verified by AVI Systems project manager or representative before scheduling of the installation. All work areas should be clean and dust free prior to the beginning of on-site integration of electronic equipment.
- 7.4. Customer communication of readiness will be considered accurate and executable by AVI Systems project manager.
- 7.5. In the event of any arrival to site that AVI Systems is not able to execute work and definable progress, the Customer will be charged a **\$250.00 Mobilization Fee & Travel Expenses** to offset the lost time due to the lack of readiness. The Mobilization Fee & Travel Expenses will be presented as a Contract Change Order and will/may halt work until acceptance by the Customer and rescheduling of the integration effort is agreed upon.
- 7.6. Rescheduling and redeployment of AVI Systems technicians due to unacceptable site preparation may cause scheduling delays of up to 15 business days.
- 7.7. There is ready access to the building / facility and the room(s) for equipment and materials.
- 7.8. There is secure storage for equipment during a multi-day integration.
- 7.9. If Customer furnished equipment and existing cabling is to be used, AVI Systems assumes that these items are in good working condition at this time and will integrate into the designed solution. Any repair, replacement and/or configuration of these items that may be necessary will be made at an additional cost.
- 7.10. All Network configurations including IP addresses are to be provided, operational and functional before AVI Systems final integration begins. AVI Systems will not be responsible for testing the LAN connections.
- 7.11. Cable or Satellite drops must be in place with converter boxes operational before the completion of integration. Any delay resulting in extra work caused by late arrival of these items will result in a change order for time and materials.
- 7.12. Document review / feedback on drawings / correspondence will be completed by the Customer within two business days (unless otherwise noted).

7.13. The documented Change Control process will be used to the maximum extent possible – the Customer will have an assigned person with the authority to communicate/approve project Field Directed Change Orders and Contract Change Orders (see Appendix).

**8. AVI SYSTEMS, INC. GENERAL INTEGRATION SERVICES RESPONSIBILITIES**

- 8.1. AVI Systems, Inc. will provide services/work for the project as described above in the Scope of Work or per the attached separate Scope of Work document detailing the scope of work to be performed.
- 8.2. Provide equipment, materials and service items per the contract products and services detail.
- 8.3. Provide systems equipment integration and supervisory responsibility of the equipment integration.
- 8.4. Provide systems configuration, checkout and testing.
- 8.5. Provide project timeline schedules.
- 8.6. Coordinate with the owner/contractor or other parties involved with this project to insure that proper AC electrical power and cableways and/or conduits are provided to properly integrate the equipment within the facilities.
- 8.7. Provide manufacturer supplied equipment documentation.
- 8.8. Provide final documentation and “as built” system drawings
- 8.9. Provide system training following integration to the designated project leader or team as directed in the project specification documents.

**9. GENERAL CUSTOMER INTEGRATION SERVICES RESPONSIBILITIES**

- 9.1. Provide for the construction or modification of the facilities for soundproofing, lighting, electrical, HVAC, structural support of equipment, and decorating as appropriate.
- 9.2. Provide for the ordering, provisioning, installation, wiring and verification of any Data Network (LAN, WAN, T1, ISDN, etc.) and Telephone Line (Analog or Digital) equipment and services prior to on-site integration.
- 9.3. Provide all necessary cableways and/or conduits required to facilitate AV systems wiring.
- 9.4. Provide all necessary conduit, wiring and devices for technical power to the AV systems equipment.
- 9.5. Provide reasonable accesses of AVI Systems, Inc. personnel to the facilities during periods of integration, testing and training, including off hours and weekends.
- 9.6. Provide a secure area to house all integration materials and equipment.
- 9.7. Provide a project leader who will be available for consultation and meetings.
- 9.8. Provide timely review and approval of all documentation (Technical Reports, Drawings, Contracts, etc.).

**PRODUCTS AND SERVICES DETAIL**

**PRODUCTS:**

<u>Model #</u>	<u>Mfg</u>	<u>Description</u>	<u>Qty</u>	<u>MSRP</u>	<u>Price</u>	<u>Extended</u>
<b>Wireless Mics</b>						
MXW8=-Z10	SHURE	DESKTOP BASE TRANSCEIVER	14	\$725.00	\$488.00	\$6,832.00
MX415/C	SHURE	15" Shock-Mounted Gooseneck, Cardioid, includes surface mount Preamplifier	14	\$374.00	\$256.00	\$3,584.00
MXWAPT8=-Z10	SHURE	8-CH ACCESS POINT TRANSCEIVER	2	\$4,260.00	\$2,863.00	\$5,726.00
MXWNCS8	SHURE	8-CH NETWORKED CHARGING STATION	4	\$2,220.00	\$1,492.00	\$5,968.00
MXW2/SM58	SHURE	Handheld Transmitter with SM58® Microphone (Includes one SB902 Battery)	2	\$716.00	\$482.00	\$964.00
MXA910W	SHURE	CEILING ARRAY,INTELLIMIX,WHT,24INCH	1	\$4,500.00	\$3,653.00	\$3,653.00
<b>Wired Mics</b>						
MX418D/C	SHURE	MICROPHONE	3	\$374.00	\$256.00	\$768.00
MX418S/C	SHURE	MICROPHONE	1	\$294.00	\$201.00	\$201.00
<b>Audio Infrastructure/Ceiling Speakers &amp; Hearing As</b>						

FG-118070-00	QSC	PROCESSOR,Q-SYS CORE 510i,100-240V,CTO MODEL	1	\$6,020.00	\$4,484.00	\$4,484.00
FG-212100-00	QSC	DIGITAL,Q-SYS IO FRAME T2	2	\$2,340.00	\$1,797.00	\$3,594.00
FG-212107-00	QSC	ACCESSORY,CIML4 TYPE2,Q-SYS CIML4 KIT TYPE2	9	\$330.00	\$248.00	\$2,232.00
FG-212111-00	QSC	ACCESSORY,CDN64,Q-SYS CDN64 KIT	1	\$1,500.00	\$1,118.00	\$1,118.00
FG-212103-00	QSC	ACCESSORY,COL4 TYPE 2,,,Q-SYS COL4 KIT TYPE 2	4	\$300.00	\$223.00	\$892.00
FG-212104-00	QSC	ACCESSORY,CODP4 TYPE2,,,Q-SYS CODP4 KIT TYPE 2	1	\$460.00	\$340.00	\$340.00
FG-112207-00	QSC	ACCESSORY,Q-SYS RP1 KIT,4 PACK	1	\$50.00	\$38.00	\$38.00
FG-112206-00	QSC	ACCESSORY,Q-SYS CR1 KIT	1	\$42.00	\$32.00	\$32.00
FG-002202-00	QSC	AMPLIFIER,SPA2-60-NA,100-240V	4	\$530.00	\$386.00	\$1,544.00
FG-001608-00	QSC	SPEAKER,AD-C6T-LP,6.5"CEILING,LOW PROFILE,W/XFMR	14	\$200.00	\$148.00	\$2,072.00
WIR SYS 7518 PRO	WILLIAMS SOUND	Mid-range infrared listening system includes: (1) WIR TX75 C infrared transmitter/modulator, (1) WIR	1	\$2,162.00	\$1,525.00	\$1,525.00
GS516TP-100NAS	NETGEAR	Netgear ProSAFE Ethernet Switch,16 total Ports, 8 x POE - 8 x RJ-45 - 10/100/1000Base-T - PoE Ports	1	\$540.18	\$499.00	\$499.00

### Projectors/Screen/Displays/Mounts

CPWU8461	HITACHI	WUXGA 6000lm Install Projector. HDBT, 2 HDMI inputs, Accentualizer Mode, HDCR, Dicom Mode, Power Zoo	2	\$7,795.00	\$3,900.00	\$7,800.00
37566LS LCM1U	DA-LITE CHIEF	CONTOUR 94D 50X80NPA MW SINGLE CEILING MOUNT, LARGE, BLACK	1	\$1,350.00	\$1,039.00	\$1,039.00
CMS440P2	CHIEF	SUSPENDED CEILING BRIDGE W/ POWER	1	\$347.00	\$267.00	\$267.00
RPMAUW CMS009012W 65SM5KD-B	CHIEF CHIEF LG	UNIVERSAL RPMA ADJ. PIPE 9" TO 12" WHITE 65" FHD, 450 nit, 2 HDMI, 1 DP, 1 DVI, 1 RGB, 1 RS232, 1 RJ-45, 1 USB 3.0 IR Attached, Landscape& Po	3	\$324.00	\$250.00	\$750.00
			2	\$246.00	\$190.00	\$380.00
			3	\$94.00	\$73.00	\$219.00
			1	\$3,689.00	\$2,562.00	\$2,562.00

### Video Infrastructure

R9861520NA AVI-TBD-MATERIAL	BARCO	ClickShare-200 Set NA, Incl Ba NUC for remote diagnostics Integration Materials	1	\$1,750.00	\$1,728.00	\$1,728.00
			1	\$0.00	\$1,000.00	\$1,000.00
DM-MD8X8-RPS	CRESTRON	8x8 DigitalMedia™ Switcher w/Redundant Power Supply	1	\$5,500.00	\$3,526.00	\$3,526.00
DMC-4K-C-HDCP2	CRESTRON	HDBaseT® Certified 4K DigitalMedia 8G+® Input Card for DM® Switchers	2	\$1,100.00	\$706.00	\$1,412.00
DMC-4K-HD-HDCP2	CRESTRON	4K HDMI® Input Card for DM® Switchers	3	\$800.00	\$513.00	\$1,539.00
DMC-4K-CO-HD-HDCP2	CRESTRON	2-Channel HDBaseT® Certified 4K DigitalMedia 8G+® Output Card for DM® Switchers	2	\$1,300.00	\$834.00	\$1,668.00
DMC-4K-HDO	CRESTRON	2-Channel 4K Scaling HDMI® Output Card for DM® Switchers	2	\$1,800.00	\$1,154.00	\$2,308.00
DM-RMC-4K-SCALER-C	CRESTRON	4K DigitalMedia 8G+® Receiver & Room Controller w/Scaler	4	\$1,800.00	\$1,800.00	\$7,200.00
HD-DA2-4K-E	CRESTRON	1-to-2 4K HDMI® Distribution Amplifier	1	\$300.00	\$300.00	\$300.00
DM-TX-4K-100-C-1G-B-T	CRESTRON	Wall Plate 4K DigitalMedia 8G+® Transmitter 100, Black Textured	1	\$700.00	\$700.00	\$700.00
DM-PSU-8	CRESTRON	8-Port PoDM Power Supply for DM 8G+® I/O Cards	1	\$1,200.00	\$770.00	\$770.00

AV3	CRESTRON	3-Series Control System®	1	\$4,400.00	\$2,629.00	\$2,629.00
<b>Control System</b>						
TSW-1060-B-S	CRESTRON	10.1" Touch Screen, Black Smooth	1	\$2,400.00	\$1,539.00	\$1,539.00
TSW-1060-TTK-B-S	CRESTRON	Tabletop Kit for TSW-1060, Black Smooth	1	\$250.00	\$161.00	\$161.00
JG539A#ABA	HP	HP 1910 Series 24-Port PoE+ Ethernet Smart Managed Switch	1	\$579.00	\$579.00	\$579.00
<b>Equipment Rack</b>						
BGR-38SA-27LRD	MIDDLE ATLANTI	38SP/27D LRD,STAND ALONE	1	\$1,301.00	\$824.00	\$824.00
BPDF-38	MIDDLE ATLANTI	38SP, PLEXI FRONT DOOR	1	\$640.00	\$406.00	\$406.00
BGR-RDC38	MIDDLE ATLANTI	38SP BGR REAR CABLE DOOR	1	\$273.00	\$173.00	\$173.00
CBS-BGR	MIDDLE ATLANTI	BGR CASTER KIT W/Hardware	1	\$222.00	\$141.00	\$141.00
IBGR-276FT-FC	MIDDLE ATLANTI	INT'L 4-1/2"DC BGR FAN TOP,4FANS,FAN CNTRL,BLK	1	\$513.00	\$325.00	\$325.00
UPS-1000R-IP	MIDDLE ATLANTI	RKMNT UPS,1000VA/750W,NTWRK INTERFACE CARD,2SP(3-1/2"),BLK	1	\$1,690.00	\$1,071.00	\$1,071.00
RLNK-915R	MIDDLE ATLANTI	15A,9 OUTLET,IP CONTROLLED RACKMOUNT POWER	1	\$458.00	\$291.00	\$291.00
RLNK-SW715R-NS	MIDDLE ATLANTI	15A RACKMOUNT CONTROLLED & MONITORED POWER SWITCH	1	\$1,098.00	\$696.00	\$696.00
LACE-37-OWP	MIDDLE ATLANTI	64-3/4"H,4-3/4"W SLOT LACER,6 PACK	1	\$292.00	\$185.00	\$185.00
LB-2A-4PK	MIDDLE ATLANTI	"L"SHAPED LACING BAR,2"OFFSET,4 PACK	2	\$32.00	\$21.00	\$42.00
LB-4A-4PK	MIDDLE ATLANTI	"L"SHAPED,LACING BAR,4"OFFSET,4 PACK	1	\$36.00	\$23.00	\$23.00
HCM-1	MIDDLE ATLANTI	1SP HORIZ CBL MGR MICRO CLIPS	2	\$39.00	\$25.00	\$50.00
TW12	MIDDLE ATLANTI	(12)CABLE/WIRE MANAGEMENT STRAPS	2	\$18.00	\$12.00	\$24.00
MID-SS	MIDDLE ATLANTI	SLIDING SHELF	1	\$202.00	\$128.00	\$128.00
VBK-BGR-SA	MIDDLE ATLANTI	BGR-SA VENT BLOCKER	2	\$24.00	\$16.00	\$32.00
UTB-A2-14	MIDDLE ATLANTI	UNIVERSAL TECHBOX,1-2SP,WITH F/R COVERS,14"D	1	\$502.00	\$318.00	\$318.00
		Engineering & Drawings				\$7,480.00
		Project Management				\$3,128.00
		Programming				\$14,241.00
		Cable Placement				\$9,520.00
		In Shop Fabrication				\$1,089.00
		On Site Integration				\$15,162.00
		Training				\$792.00
		Travel				\$2,408.00
		Travel Expense				\$4,748.00
		Integrations Cables & Connectors				\$4,950.00
<b>Sub-Total: City Court/Council Des-Build - V4 AV - 1/9/2018</b>						<b>\$156,389.00</b>
<b>Total:</b>						<b>\$156,389.00</b>

## AVI Systems General Terms and Conditions of Sale

The following General Terms & Conditions of Sale (the "T&Cs") in combination with either (a) a signed Retail Sales Agreement or (b) Quote under which AVI Systems, Inc ("AVI") agrees to supply goods or services constitute a binding contract (the "Agreement") between AVI and the entity identified on page one of the Retail Sales Agreement or Quote (the "Customer"). In the absence of a separately negotiated "Master Services Agreement" between AVI and Customer signed in "wet ink" by the Chief Executive Officer or Chief Financial Officer of AVI, these T&C's shall apply. Any terms and conditions set forth in any correspondence, purchase order or Internet based form from Customer to AVI which purport to constitute terms and conditions which are in addition to those set forth in this Agreement or which attempt to establish conflicting terms and conditions to those set forth in this Agreement are expressly rejected by AVI unless the same has been manually countersigned in wet ink by an Officer of AVI.

**1. Changes In The Scope of Work** – Where a Scope of Work is included with this Agreement, costs resulting from changes in the scope of this project by the Customer, including any additional requirements or restrictions placed on AVI by the Customer or its representatives, will be added to the contract price. When AVI becomes aware of the nature and impact of the change, a contract Change Order will be submitted for review and approval by the Customer before work continues. AVI has the right to suspend the work on the project pending Customer's written approval of the Change Order.

**2. Ownership and Use of Documents and Electronic Data** – Where applicable, drawings, specifications, other documents, and electronic data furnished by AVI for the associated project under this Agreement are instruments of the services provided. These items are "Confidential Information" as defined in this Agreement and AVI shall retain all common law, statutory and other reserved rights, including any copyright in these instruments. These instruments of service are furnished for use solely with respect to the associated project under this Agreement. The Customer shall be permitted to retain copies of any drawings, specifications, other documents, and electronic data furnished by AVI for information and reference in connection with the associated project and for no other purpose.

**3. Proprietary Protection of Programs** – Where applicable this Agreement does not cause any transfer of title, or intellectual rights, in control systems programs, or any materials produced in connection therewith, including any source code. Any applications or programs supplied by AVI are provided, and are authorized for installation, execution, and use only in machine-readable object code form. This Agreement is expressly limited to the use of the programs by the Customer for the equipment in connection with the associated project. Customer agrees that it will not seek to reverse-engineer any program to obtain source codes, and that it will not disclose the programs source codes or configuration files to any third party, without the written consent of AVI. The programs, source codes and configuration files, together with AVI' know-how and integration and configuration techniques, furnished hereunder are proprietary to AVI, and were developed at its private expense. If Customer is a branch of the United States government, for purposes of this Agreement any software furnished by AVI hereunder shall be deemed "restricted computer software", and any data, including installation and systems configuration information, shall be deemed "limited rights data", as those terms are defined in FAR 52.227-14 of the Code of Federal Regulations.

**4. Shipping and Handling and Taxes** – The prices shown are F.O.B. manufacturer's plant or AVI's office depending on where items are located when direction is issued to ship to the point of integration. The Customer, in accordance with AVI's current shipping and billing practices, will pay all destination charges. In addition to the prices on this Agreement, the Customer agrees to pay amounts equal to any sales tax invoiced by AVI, or (where applicable) any use or personal property taxes resulting from this Agreement or any activities hereunder. Customer will defend, indemnify and hold harmless AVI against any claims by any tax authority for all unpaid taxes or for any sales tax exemption claimed by Customer.

**5. Title** – Where applicable, title to the Equipment passes to the Customer on the earlier of: (a) the date of shipment from AVI to Customer, or (b) the date on which AVI transmits its invoice to Customer.

**6. Security Interest** – In addition to any mechanics' lien rights, the Customer, for value received, hereby grants to AVI a security interest under the Minnesota commercial code together with the a security interest under the law(s) of the state(s) in which work is performed or equipment is delivered. This security interest shall extend to all Equipment, plus any additions and replacements of such Equipment, and all accessories, parts and connecting Equipment now or hereafter affixed thereto. This security interest will be satisfied by payment in full unless otherwise provided for in an installment payment agreement. The security interest shall be security for all sums owed by Customer under this Agreement. A copy of this Agreement may be filed as a financing statement with the appropriate authority at any time after signature of the Customer. Such filing does not constitute acceptance of this Agreement by AVI

**7. Risk of Loss or Damage** – Notwithstanding Customer's payment of the purchase price for Equipment, all risk of loss or damage shall transfer from AVI to Customer upon transfer of Title to Customer. Customer shall be responsible for securing insurance on Equipment from this point forward.

**8. Receiving/Integration** – Unless the Agreement expressly includes integration services by AVI, the Customer agrees to furnish all services required for receiving, unpacking and placing Equipment in the desired location along with integration. Packaging materials shall be the property of the Customer.

**9. Equipment Warranties** – To the extent AVI receives any warranties from a manufacturer on Equipment; it will pass them through to Customer to the full extent permitted by the terms of each warranty. Factory warranties vary by manufacturer, and no additional warranties are expressed or implied.

**10. General Warranties** – Each Party represents and warrants to the other that: (i) it has full right, power and authority to enter into and fully perform its obligations under this Agreement, including without limitation the right to bind any party it purports to bind to this Agreement; (ii) the execution, delivery and performance of this Agreement by that Party does not conflict with any other agreement to which it is a Party or by which it is bound, and (iii) it will comply with all applicable laws in its discharge of its obligations under this Agreement. AVI warrants, for a period of 90 days from Substantial Completion, the systems integration to be free from defects in workmanship. CUSTOMER WARRANTS THAT IT HAS NOT RELIED ON ANY

INFORMATION OR REPRESENTATION PROVIDED BY OR ON BEHALF OF AVI WHICH IS NOT EXPRESSLY INCLUDED IN THESE GENERAL TERMS AND CONDITIONS OR THE RETAIL SALES AGREEMENT. EXCEPT AS EXPRESSLY SET FORTH HEREIN. AVI DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES WITH REGARD TO THE EQUIPMENT, MATERIALS AND SERVICES PROVIDED BY AVI, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON INFRINGEMENT AND TITLE.

**11. Indemnification** – Customer shall defend, indemnify and hold harmless AVI against all damages, claims, liabilities, losses and other expenses, including without limitation reasonable attorneys' fees and costs, (whether or not a lawsuit or other proceeding is commenced), that arise in whole or in part from: (a) any negligent act or omission of Customer, its agents, or subcontractors, (b) Customer's failure to fully conform to all laws, ordinances, rules and regulations which affect the Agreement, or (c) Customer's breach of this Agreement. If Customer fails to promptly indemnify and defend such claims and/or pay AVI's expenses, as provided above, AVI shall have the right to defend itself, and in that case, Customer shall reimburse AVI for all of its reasonable attorneys' fees, costs and damages incurred in settling or defending such claims within thirty (30) days of each of AVI's written requests. AVI shall indemnify and hold harmless Customer against all damages, claims, liabilities, losses and other expenses, including without limitation reasonable attorneys' fees and costs, (whether or not a lawsuit or other proceeding is commenced), to the extent that the same is finally determined to be the result of (a) any grossly negligence or willful misconduct of AVI, its agents, or subcontractors, (b) AVI's failure to fully conform to any material law, ordinance, rule or regulation which affects the Agreement, or (c) AVI's uncured material breach of this Agreement.

**12. Remedies** – Upon default as provided herein, AVI shall have all the rights and remedies of a secured party under the Minnesota commercial code and under any other applicable laws. Any requirements of reasonable notice by AVI to Customer, or to any guarantors or sureties of Customer shall be met if such notice is mailed, postage prepaid, to the address of the party to be notified shown on the first page of this Agreement (or to such other mailing address as that party later furnishes in writing to AVI) at least ten calendar days before the time of the event or contemplated action by AVI set forth in said notice. The rights and remedies herein conferred upon AVI, shall be cumulative and not alternative and shall be in addition to and not in substitution of or in derogation of rights and remedies conferred by the Minnesota commercial code and other applicable laws.

**13. Limitation of Remedies for Equipment** – AVI's entire liability and the Customer's sole and exclusive remedy in all situations involving performance or nonperformance of Equipment furnished under this Agreement, shall be the adjustment or repair of the Equipment or replacement of its parts by AVI, or, at AVI option, replacement of the Equipment.

**14. Limitation on Liability** – EXCEPT IN CIRCUMSTANCES INVOLVING ITS GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, THE TOTAL LIABILITY OF A AVI UNDER THIS AGREEMENT FOR ANY CAUSE SHALL NOT EXCEED (EITHER FOR ANY SINGLE LOSS OR ALL LOSSES IN THE AGGREGATE) THE NET AMOUNT ACTUALLY PAID BY CUSTOMER TO AVI UNDER THIS AGREEMENT DURING THE TWELVE (12) MONTH PERIOD PRIOR TO THE DATE ON WHICH AVI'S LIABILITY FOR THE FIRST SUCH LOSS FIRST AROSE.

**15. No Consequential Damages** – AVI SHALL NOT HAVE ANY LIABILITY TO CUSTOMER OR TO ANY OTHER PERSON OR ORGANIZATION FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, PUNITIVE OR SPECIAL DAMAGES OF ANY DESCRIPTION (INCLUDING WITHOUT LIMITATION LOST PROFITS OR LOSS OR INTERRUPTION OF BUSINESS), WHETHER BASED ON CONTRACT, NEGLIGENCE, TORT, OR ANY OTHER LEGAL THEORY, REGARDLESS OF WHETHER ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND IRRESPECTIVE OF THE NUMBER OR NATURE OF CLAIMS.

**16. Acceleration of Obligations and Default** – Payment in full for all "Equipment," which is defined as all goods identified in the section of the Agreement with the same title, as well for any and all other amounts due to AVI shall be due within the terms of the Agreement. Upon the occurrence of any event of default by Customer, AVI may, at its option, with or without notice, declare the whole unpaid balance of any obligation secured by this Agreement immediately due and payable and may declare Customer to be in default under this Agreement.

**17. Choice of Law, Venue and Attorney's Fees** – This Agreement shall be governed by the laws of the State of Minnesota in the United States of America without reference to or use of any conflicts of laws provisions therein. For the purpose of resolving conflicts related to or arising out of this Agreement, the Parties expressly agree that venue shall be in the State of Minnesota in the United States of America only, and, in addition, the Parties hereby consent to the exclusive jurisdiction of the federal and state courts located in Hennepin County, Minnesota in the United States of America and waive any right to assert in any such proceeding that Customer is not subject to the jurisdiction of such court or that the venue of such proceeding is improper or an inconvenient forum. The Parties specifically disclaim application (i) of the United Nations Convention on the International Sale of Goods, 1980, and (ii) of Article 2 of the Uniform Commercial Code as codified. In the event AVI must take action to enforce its rights under the Agreement, the court shall award AVI the attorney's fees it incurred to enforce its rights under this Agreement.

**18. General** – Headings are for reference purposes only and shall not affect the meaning or interpretation of this Agreement. The Parties acknowledge and agree that the Agreement has been negotiated by the Parties and that each had the opportunity to consult with its respective counsel, and shall be interpreted fairly in accordance with its terms and without any strict construction in favor of or against either Party based on draftsmanship of the Agreement. This Agreement is not assignable by Customer without the prior written consent of AVI. Any attempt by Customer to assign any of the rights, duties, or obligations of this Agreement without such consent is void. AVI reserves the right to assign this Agreement to other parties in order to fulfill all warranties and obligations expressed herein, or upon the sale of all or substantially all of AVI's assets or business. This Agreement can only be modified by a written agreement duly signed by persons authorized to sign agreements on behalf of the Customer and of AVI, and variance from the terms and conditions of the Agreement in any order or other written notification from the Customer will be of no effect. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. AVI is not responsible for any delay in, or failure to, fulfill its obligations under this Agreement due to causes such as natural disaster, war, emergency conditions, labor strike, acts of terrorism, the substantial inoperability of the Internet, the inability to obtain supplies, or any other reason or any other cause or condition beyond AVI's reasonable control. Except as otherwise stated in the Agreement, AVI is not obliged to provide any services hereunder for Equipment located outside the United States or Puerto Rico. Scheduled completion dates are subject to change based on material shortages caused by shortages in cable and materials that are industry wide.

**19. Confidentiality.** The term “Confidential Information” shall mean the inventions, trade secrets, computer software in both object and source code, algorithms, documentation, know how, technology, ideas, and all other business, customer, technical, and financial information owned by AVI or the Customer, which is designated as confidential, or communicated in such a manner or under such circumstances as would reasonably enable a person or organization to ascertain its confidential nature. All the Confidential Information of a party to this Agreement shall be maintained in confidence by the other party, and neither party shall, during the term of this Agreement or for a period of three (3) years subsequent to the termination of this Agreement, divulge to any person or organization, or use in any manner whatsoever, directly or indirectly, for any reason whatsoever, any of the Confidential Information of the other party without receiving the prior written consent of the other party. AVI and the Customer shall take such actions as may be reasonably necessary to ensure that its employees and agents are bound by the provisions of this Section, which actions shall, as may be reasonably requested by either party, include the execution of written confidentiality agreements with the employees and agents of the other party. The provisions of this Section shall not have application to any information that (i) becomes lawfully available to the public; (ii) is received without restriction from another person or organization lawfully in possession of such information; (iii) was rightfully in the possession of a party without restriction prior to its disclosure; or (iv) is independently developed by a party or its employees or agents without access to the other party’s similar information.

**20. Nonsolicitation -** To the extent permitted by applicable law, during the term of this Agreement and for a period of one (1) year after the termination this Agreement, each Party agrees that it shall not knowingly solicit or attempt to solicit any of the other Party’s executive employees or employees who are key to such Party’s performance of its obligations under this Agreement (“Covered Employees”). Notwithstanding the foregoing, nothing herein shall prevent either Party from hiring as an employee any person who responds to an advertisement for employment placed in the ordinary course of business by that Party and/or who initiates contact with that party without any direct solicitation of that person by that Party or its agents.

**21. Price Quotations and Time to Install** – AVI often installs systems at the end of a construction project. The price quoted contemplates that AVI shall have access to the location for the time shown for AVI to complete its work after the work of all other contractors is substantially complete which means, generally, all other trades are no longer generating dust in the location, and final carpeting/flooring is installed (the “Prepared Area”) Failure to give AVI access to the Prepared Area for the amount of time shown for the installation may result in increased installation costs, typically in a manner proportionate to the reduction of time given to AVI to complete its work compared to the original schedule.

**22. Price Quotations** – Unless otherwise specified, all prices quoted reflect a discount for a cash payment (i.e., check, wire transfer) made by Customer in full within the terms of each invoice. Payment in other forms, including credit card, p-card, or other non-cash payments shall be subject to a convenience above the cash price. Please speak to your AVI representative if you have any questions in this regard.

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Council Contingency transfer to City Clerk for audio/video systems - \$43,503

**PRESENTED BY:** Bruce McCandless, Assistant City Administrator

**Department:** City Hall Administration

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

The City Clerk budgeted \$115,000 in FY 2018 to replace the audio system in the Council Chambers/Municipal Courtroom. The Clerk issued an RFP for audio and video upgrades and a staff committee recommended the proposal submitted by AVI Systems. The Clerk presented three audio/video proposals to the Council at the January 2, 2018 work session. The audio system can be replaced within the budgeted amount but two proposals also included video and additional audio enhancements. The City Council directed staff to work with AVI to develop a proposal that will replace all of the audio system and enhance the video capabilities within a proposed maximum budget of \$163,000. The Council indicated that it might be willing to allocate Council Contingency funds for the difference between the budgeted amount and the final price. Staff and AVI developed a proposal to accomplish the Council's directive and it has a final price of \$158,503. Staff prepared and is presenting to the City Council, a resolution that approves a \$43,503 transfer from Council Contingency to the City Clerk budget for the audio/video system replacement.

**ALTERNATIVES ANALYZED**

The City Council may approve the resolution that transfers \$43,503 Council Contingency to the City Clerk's budget, or it may disapprove the resolution and funds transfer. The City Clerk and AVI developed a proposal that replaces all of the audio system and enhances the video system as described in an accompanying staff report and recommendation. Staff believes that the proposal meets the directive that the Council gave at the January 2 work session. If the Council does not approve the resolution and wants to replace only the audio system, the purchase can be accomplished within the approved budget of \$115,000.

**FINANCIAL IMPACT**

The FY 2018 budget for audio/video system replacement is \$115,000. The City Clerk's budget is an account/division within the General Fund. The Council Contingency is also a General Fund division and is budgeted \$65,000 annually. The account has historically been used to take advantage of opportunities that were not identified when the Council approved the annual budget. The Council rarely spends the entire account balance and \$0 have been used in this fiscal year. If the Council approves the transfer of \$43,503, the Contingency account balance will be \$21,497.

**RECOMMENDATION**

Staff recommends that the City Council approve the resolution that transfers \$43,503 from Council Contingency to the City Clerk budget to replace the audio and video systems in the Council Chambers/Municipal Courtroom.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution - Council contingency

---

RESOLUTION NO. 18-

A RESOLUTION BY THE BILLINGS MONTANA CITY COUNCIL,  
APPROVING THE TRANSFER OF \$43,503 COUNCIL  
CONTINGENCY FUNDS TO THE CITY CLERK BUDGET TO  
REPLACE THE AUDIO/VIDEO SYSTEMS IN THE CITY COUNCIL  
CHAMBERS/MUNICIPAL COURTROOM

WHEREAS, the City Council Contingency account is a means for the City Council to take advantage of opportunities or to remedy problems that could not be anticipated when the fiscal year began; and

WHEREAS, the Council approved the FY 2018 City Clerk budget of \$115,000 to replace the Council Chambers/Municipal Courtroom audio system; and

WHEREAS, staff recommends and the City Council endorses replacing the audio and video systems for a total price of \$158,503; and

WHEREAS, the FY 2018 Council Contingency account has a \$65,000 balance as of January 22, 2018.

NOW, THEREFORE BE IT RESOLVED BY THE BILLINGS CITY COUNCIL THAT \$43,503 of FY 2018 Council Contingency funding shall be transferred to the City Clerk budget to assist in replacing the audio and video systems in the City Council Chambers/Municipal Courtroom.

ADOPTED by the Billings City Council on January 22, 2018.

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William A. Cole, Mayor

Attest:

---

Denise R. Bohlman, City Clerk

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018  
**TITLE:** \$2,500 Donation from ExxonMobil  
**PRESENTED BY:** William Rash, Interim Fire Chief  
**Department:** Fire  
**Presentation:** No

---

**PROBLEM/ISSUE STATEMENT**

ExxonMobil presented the City of Billings Fire Department with a check in the amount of \$2,500 on December 20, 2017. The accompanying letter from Trevor Gilskey states that these funds are in general support of Billings Fire Department and to be used to purchase and upgrade emergency response equipment for the Department. City policy requires that any donation exceeding \$500.00 must be accepted by the Council before the funds can be expended.

**ALTERNATIVES ANALYZED**

City Council may accept or reject the donation.

**FINANCIAL IMPACT**

Acceptance of this donation will allow the Fire Department to purchase or upgrade emergency response equipment for the rescue team.

**RECOMMENDATION**

Staff recommends that the City Council accept the \$2,500 donation from ExxonMobil.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** EBURD Tax Increment Assistance - Slow River, LLC - Demolition and Redevelopment, 119-123 North 19th Street

**PRESENTED BY:** Wyeth Friday

**Department:** Planning & Community Services

**Presentation:** No

---

**PROBLEM/ISSUE STATEMENT**

The Billings Industrial Revitalization District (BIRD) Board of Directors is presenting this recommendation to the City Council for allocating \$45,356.97 in tax increment finance district funds (TIFD) from the East Billings Urban Renewal District (EBURD) to Slow River, LLC. The property is 119-123 North 19th Street and funds would be used to demolish a house and redevelopment costs associated with permitting new construction, frontage improvements, utilities and storm water management (See Slow River, LLC TIFD Application Attachment). If approved, the TIFD funds will reimburse the applicant for the described costs for the redevelopment of the property for two, duplex units and four detached single-family units. The applicant plans to begin construction in the spring of 2018. The BIRD Board of Directors voted to support funding of this application at its meeting on November 14, 2017, under its authority per the Memorandum of Understanding between the City of Billings, Big Sky Economic Development, and the BIRD, Inc. approved by the City Council in February 2014.

**ALTERNATIVES ANALYZED**

The City Council is the final authority in disbursing TIFD funding. The City Council may:

- Approve the recommendation from the BIRD Board for the expenditure of these TIFD funds, or;
- Disapprove the recommendation from the BIRD Board for the expenditure of these TIFD funds.

**FINANCIAL IMPACT**

The request is for a total of \$45,356.97 to be paid in one payment to Slow River, LLC, for the identified work (See Slow River TIFD Application Attachment). The funds are payable when the applicant completes the entire redevelopment project. There is funding in the FY17-18 EBURD project budget for payment of TIFD assistance. This project is to start in the spring of 2018 and is likely to be completed in FY19 (after June 30, 2018) under a new project budget cycle. The current total cash balance for the EBURD is about \$1.4 million.

**RECOMMENDATION**

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends that the City Council approve a reimbursement totaling \$45,356.97 from the EBURD tax increment finance district funds to Slow River, LLC.

# APPROVED BY CITY ADMINISTRATOR

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## Attachments

Slow River TIF Application

EBURD Financial Worksheet and Recommendation

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**BILLINGS INDUSTRIAL REVITALIZATION DISTRICT**

**BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.  
EBURD PROCEEDS APPLICATION**

Project Name: 19<sup>th</sup> STREET Townhomes Date Submitted: \_\_\_\_\_

**APPLICANT INFORMATION**

- 1. Name: Slow River, LLC
- 2. Address: P.O. Box 4153 Bozeman, MT. 59772
- 3. Telephone Number: \_\_\_\_\_ Cell# 406-580-8181

**PROJECT INFORMATION**

- 1. Building Address: 119 N. 19<sup>th</sup>, Billings, MT. 59101  
+ 123 N. 19<sup>th</sup>
- 2. Legal Description: Billings Orig. Homesite Block: 83 LOT: 13, 2 N 5' 21 14
- 3. Ownership: Slow River, LLC  
Address: P.O. Box 4153 Bozeman, MT. 59772

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

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

5. Existing/Proposed Business: \_\_\_\_\_  
Business Description: \_\_\_\_\_

6. Employment: Existing FTE Jobs \_\_\_\_\_  
New Permanent FTE Jobs created by project \_\_\_\_\_ Construction FTE Jobs \_\_\_\_\_

7. Architectural Firm: ELS Architects PC  
 Address: 129 N. 25<sup>th</sup> Ave. Bozeman, MT. 59718  
 Architect: ERYN SCHWER
8. Description of Project: (Attach narrative explanation & plans.)
9. Rehabilitation/construction plans: (Attach schematics, site and landscaping plans.)
10. Project Schedule: (Attach time line or schedule through completion.)

### PROJECT COSTS

#### Land and Site Improvements (Itemized)

1. <u>Concrete + Asphalt</u>	\$ <u>33,479.30</u>
2. <u>Water Lines</u>	\$ <u>10,697.50</u>
3. <u>Sewer Lines</u>	\$ <u>15,381.50</u>
4. <u>Storm Drains + Boulder Pit</u>	\$ <u>8,734.80</u>
Subtotal	\$ <u>68,293.10</u>

#### Construction/Rehabilitation Costs (Use general construction trade divisions)

1. <u>Div 1 + Div 2</u>	\$ <u>65,814.00</u>
2. <u>Div 6 + Div 7</u>	\$ <u>232,290.40</u>
3. <u>Div 8</u>	\$ <u>26,482.62</u>
4. <u>Div 9</u>	\$ <u>68,981.60</u>
5. <u>Div 15</u>	\$ <u>106,074.00</u>
6. <u>Div 16</u>	\$ <u>39,000.00</u>
7. _____	\$ _____
8. _____	\$ _____
Subtotal	\$ <u>538,642.62</u>

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

### PROJECT COSTS

#### Land and Site Improvements (Itemized)

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
	Subtotal	\$ _____

#### Construction/Rehabilitation Costs (Use general construction trade divisions)

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____
6.	_____	\$ _____
7.	_____	\$ _____
8.	_____	\$ _____
	Subtotal	\$ _____

#### Fees

1.	Architectural/Engineering	\$ <u>36,094.06</u> (Including Geo Tech)
2.	Permits <u>City of Billings</u>	\$ <u>28,339.90</u>
3.	_____	\$ _____
	Subtotal	\$ <u>64,433.96</u>

Total Project Development Costs \$ 603,086

### PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

#### A. Applicant Equity

Cash Invested \$ 64,433.96

Land & Buildings  
(if value is more than State of Montana valuation then a current appraisal must be submitted) \$ 111,000.00

Other Demolition \$ 15,706.34

\_\_\_\_\_ \$ \_\_\_\_\_

A. Subtotal Applicant Equity \$ 191,140.30

#### B. Lender Commitments (Attach Bank Loan Commitment letter, Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
<u>Stackman Bank</u>	\$ <u>825,000.00</u>	<u>5</u> %	<u>20</u> yrs	\$ <u>2,500.00</u> /Month
_____	\$ _____	_____ %	_____ yrs	\$ _____/Month

B. Total Loan Amount \$ 825,000.00

#### C. TIFD request for funds for eligible public improvements.

MCA Statute  
(office use only)

<u>Demolition of Structure</u>	\$ <u>15,706.34</u>	_____
<u>Civil Engineering Fees</u>	\$ <u>24,499.81</u>	_____
<u>Architecture Fees</u>	\$ <u>8,744.25</u>	_____
<u>Soil Engineering</u>	\$ <u>2,850.00</u>	_____
<u>Landscaping</u>	\$ <u>4,055.00</u>	_____

<u>Permits - City of Billings</u>	\$ <u>28,339.90</u>	_____
<u>Infrastructure</u>	\$ <u>60,751.05</u>	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

C. Subtotal TIFD Funds Requested \$ 144,946.35

D. Other Source of Funding \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Sources of Funds Summary (Post totals from above.)

A. Applicant Equity	\$ <u>191,140.30</u>
B. Lender Commitments	\$ <u>825,000.00</u>
C. TIFD Funds Request	\$ _____
D. Other Funds	\$ _____
<b>Total Project Financing</b>	<b>\$ <u>1,016,140.30</u></b>

**APPLICANT STATEMENT OF QUALIFICATIONS  
AND FINANCIAL RESPONSIBILITY**

APPLICANT

1. Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

## APPLICANT STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

### APPLICANT

1. Name: Slow River, LLC

Address: P.O. Box 4153 Bozeman, MT. 59772

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

3.  corporation/LLC.  
 nonprofit or charitable institution  
 partnership known as \_\_\_\_\_  
 Other (explain): \_\_\_\_\_

Date of organization: \_\_\_\_\_

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

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
Shawn Shahan P.O. Box 4153 Bozeman, MT. 59772	50% member
Lori J. Martindale 200 Lower School Rd. Belgrade, MT. 59714	50% member

1. Provide a current financial statement (consisting of a Balance Sheet and Profit & Loss Statement) & Current Tax Return for each private entity involved in the project. This application and all financial information become part of the public record when submitted to the BIRD and is available upon request under the State of Montana Public Information Rules.

2. Has the APPLICANT or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?  
No  Yes \_\_\_\_\_ If yes, give date, place, and under what name

---

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

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### CONSTRUCTION CONTRACTOR

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

Name: Tight Lines Carpentry, LLC

Address: 2045 Pryor Lane, Billings, MT 59102

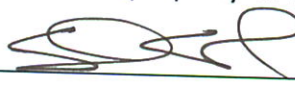
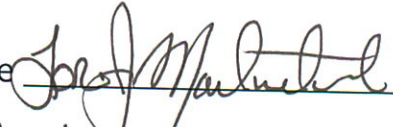
2. Has named contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?  
No  Yes \_\_\_\_\_ if yes, explain.

3. Attach copies of bids to application:

4. If Applicant intends to do any of the construction themselves then APPLICANT shall provide three (3) independent contractor bids which must accompany this application for the work to be provided.

CERTIFICATION

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

Signature <u></u>	Signature <u></u>
Title <u>Member</u>	Title <u>Member</u>
Address <u>P.O. Box 4153</u> <u>Bozeman, MT. 59722</u>	Address <u>Zoo Lower School Rd.</u> <u>Bozeman, MT. 59714</u>
Date <u>6/1/17</u>	Date <u>6/1/17</u>

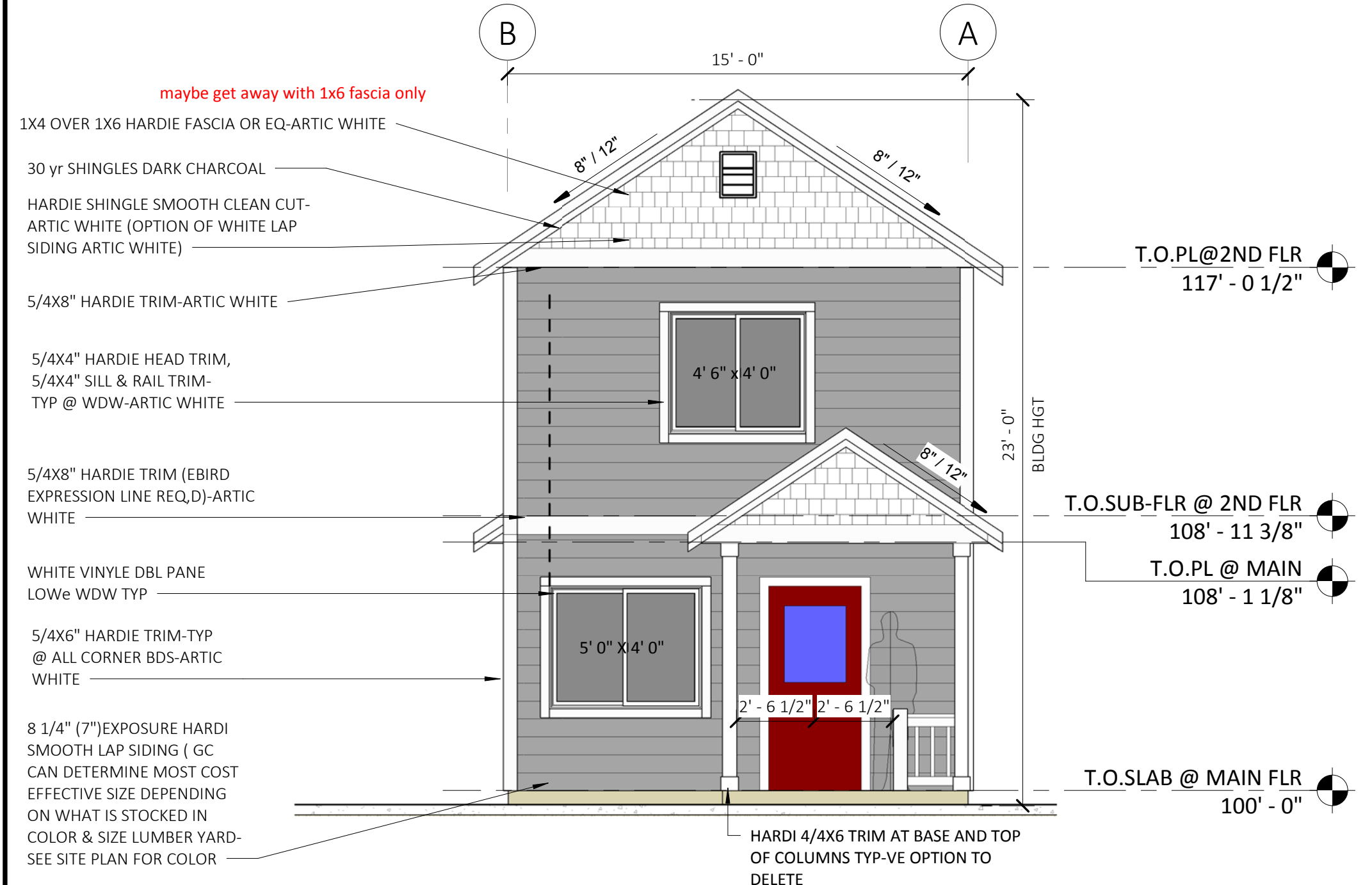
Slow River LLC – Residential development in the East Billings Urban Renewal District (EBURD)

This project will build and sell (4) 2-story cottages with attached garages and (2) up/down duplexes. The project location is on two lots at 2<sup>nd</sup> Ave. North and N. 19<sup>th</sup> Street.

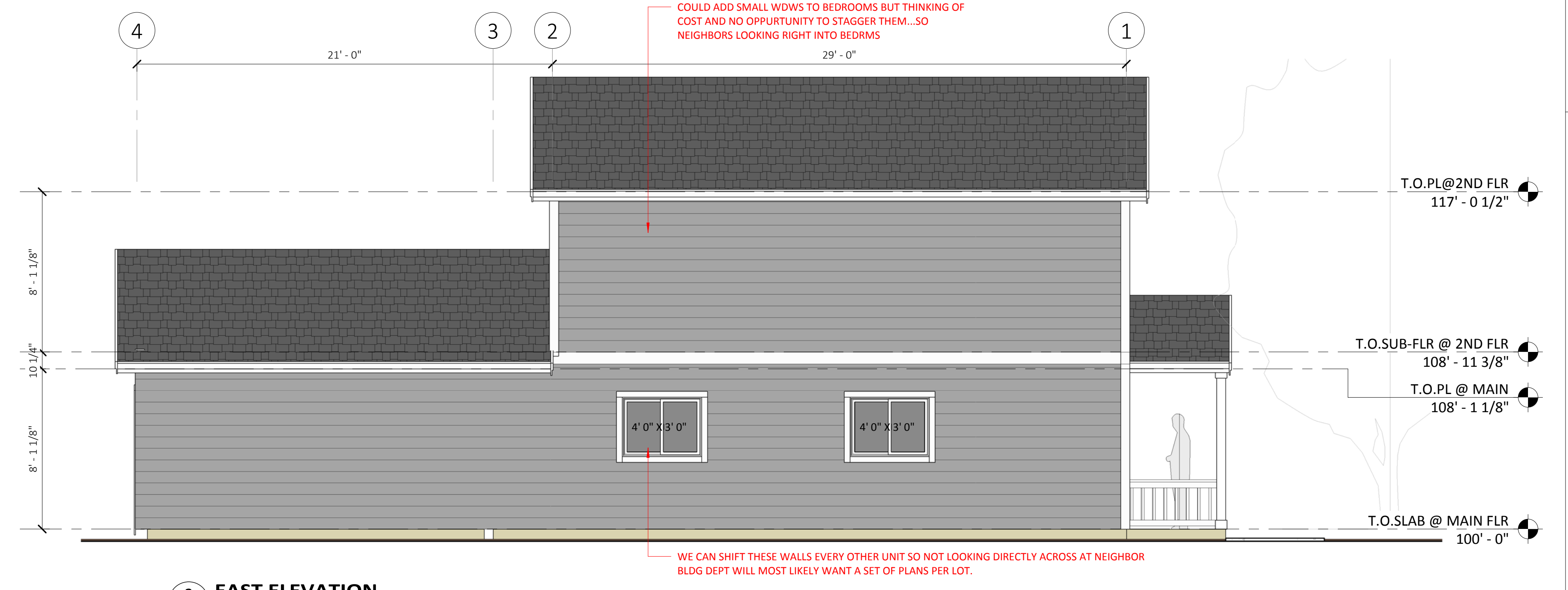
The original lot will be subdivided into 6 individual lots to accommodate the cottages and duplexes. This will make it possible for owner-occupancy of the residences.

An old, blighted 1940's era home has been demolished to make way for this new development.

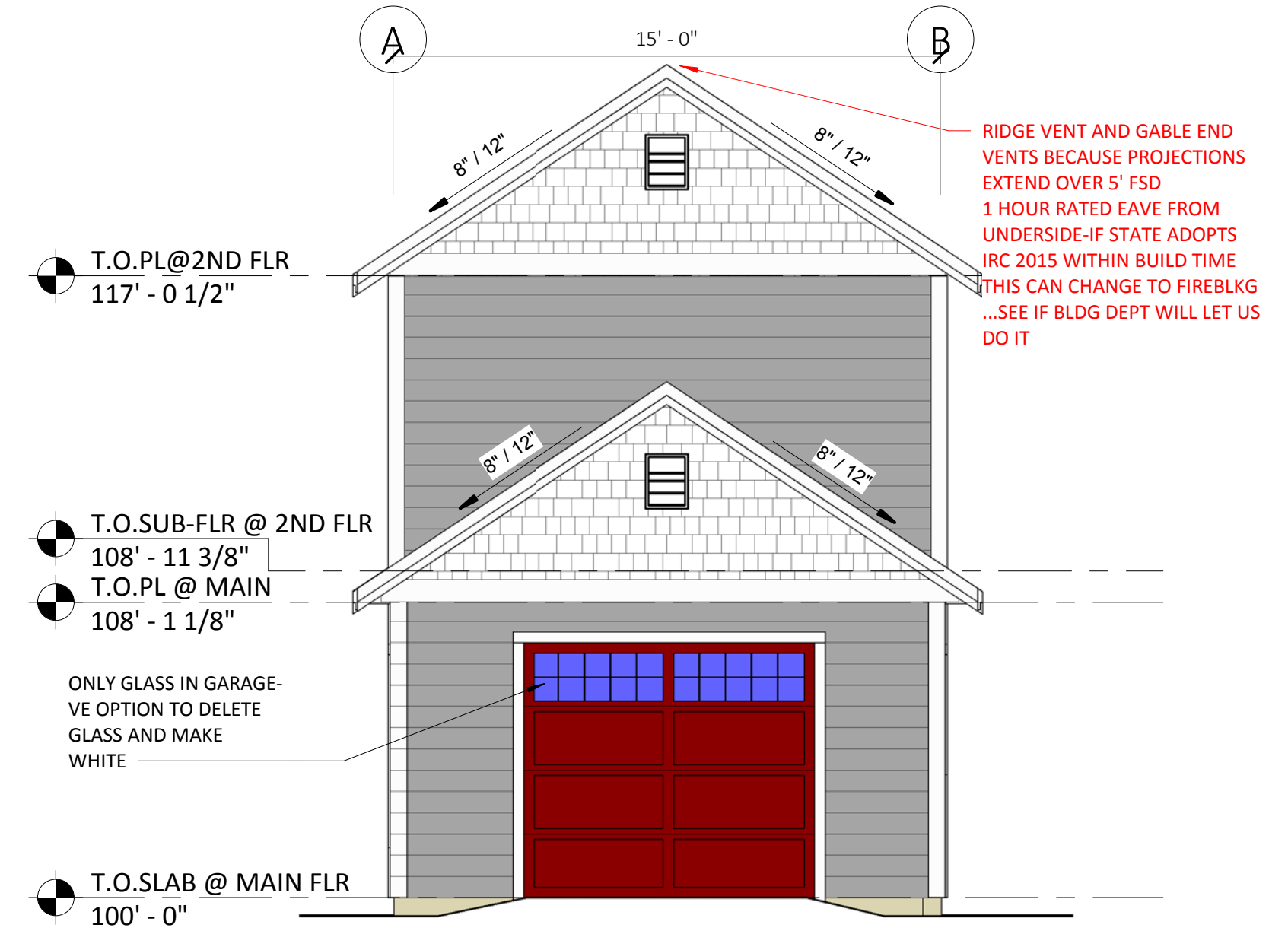
The cottages and duplexes are designed to be affordable workforce housing and are located within the Railspur Village district within the EBURD. This fits the plan for this district which is mixed use residential and retail developments.



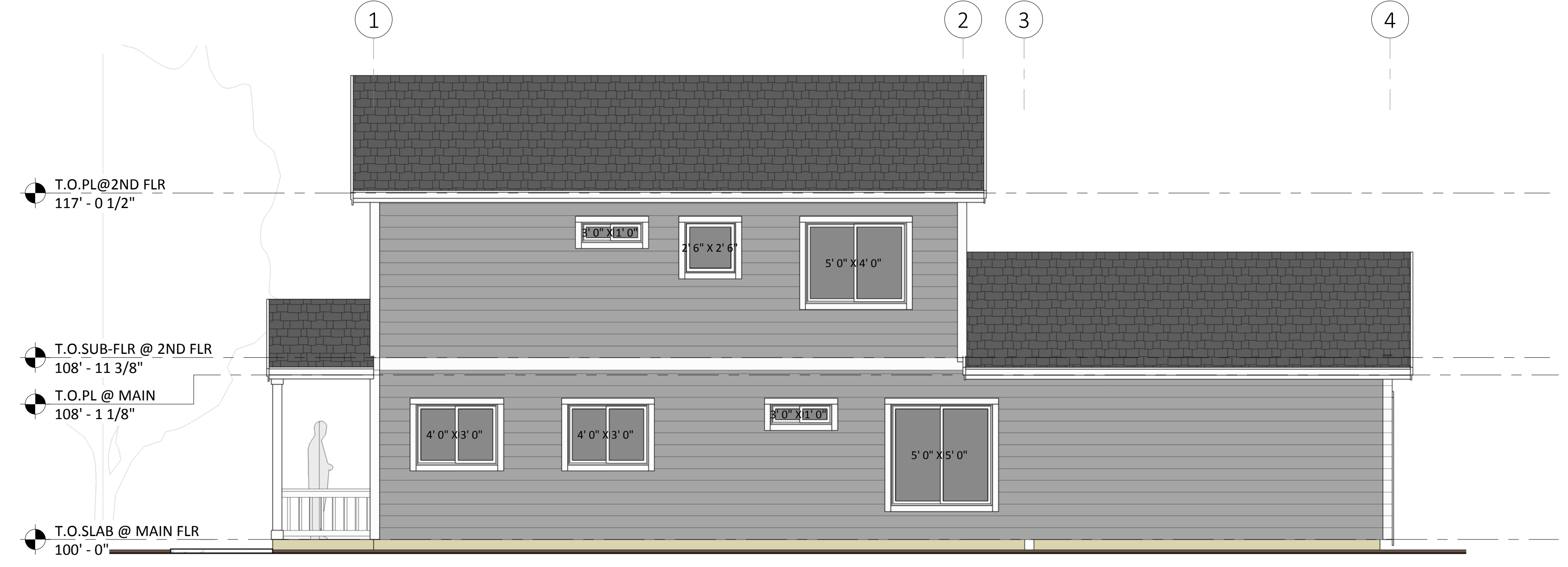
1 NORTH ELEVATION  
A3-1 1/4" = 1'-0"



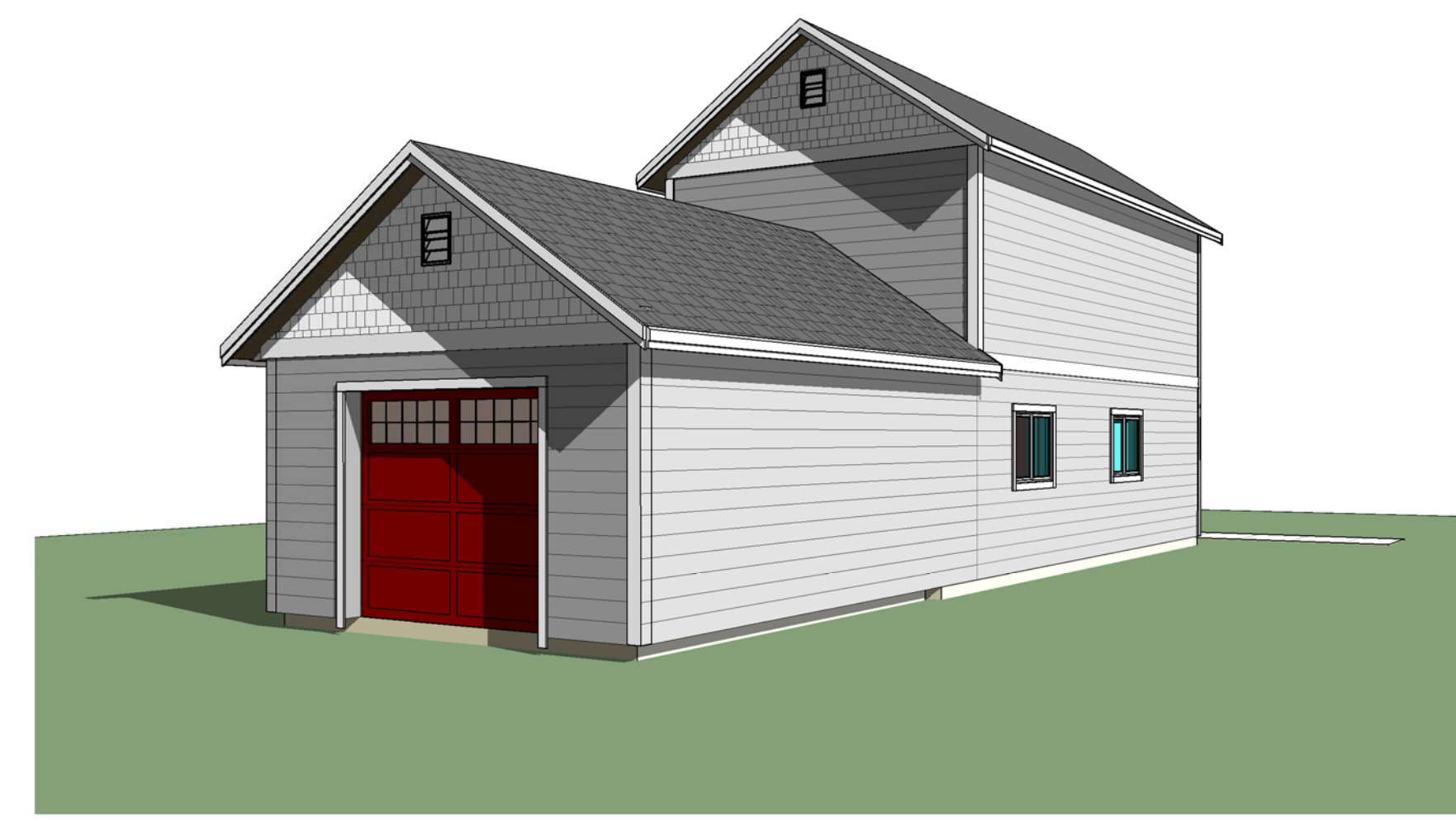
2 EAST ELEVATION  
A3-1 1/4" = 1'-0"



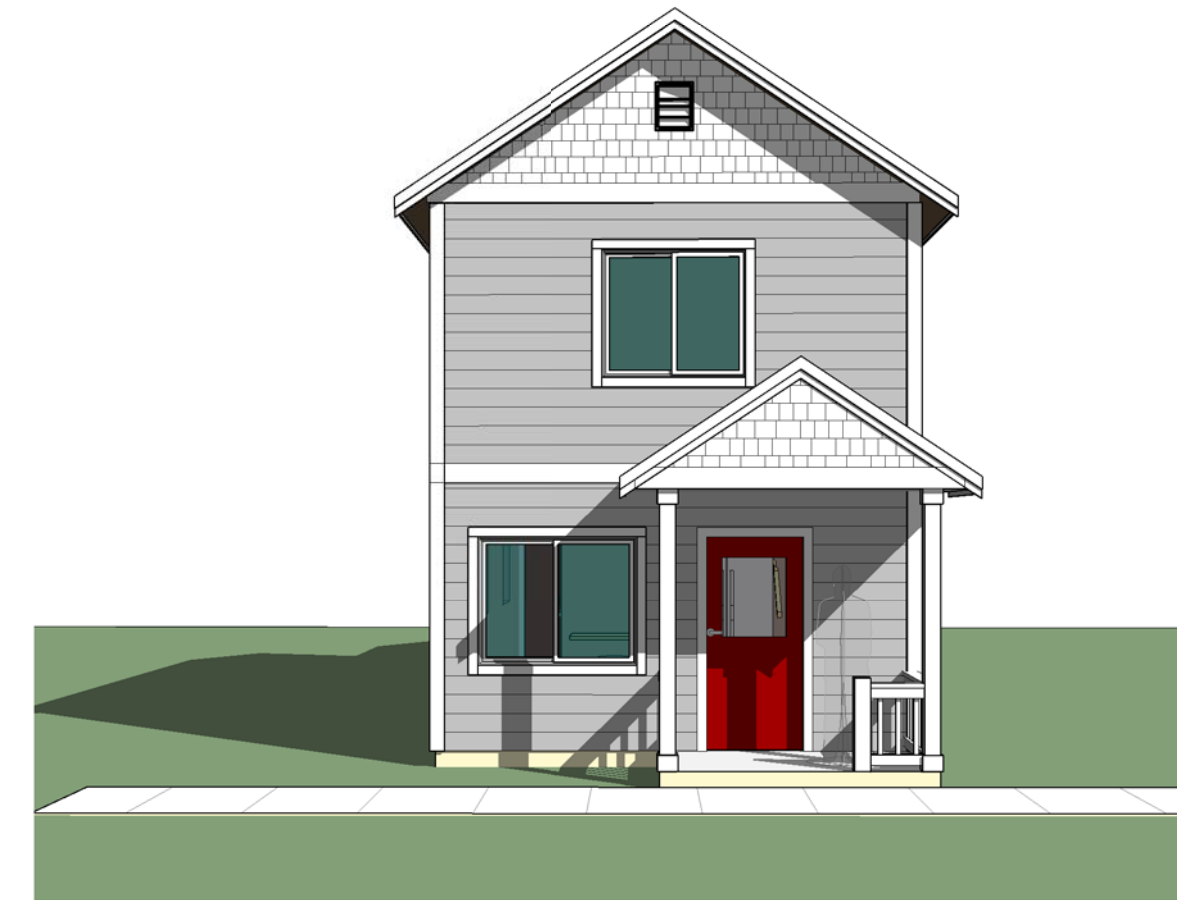
3 SOUTH ELEVATION  
A3-1 1/4" = 1'-0"



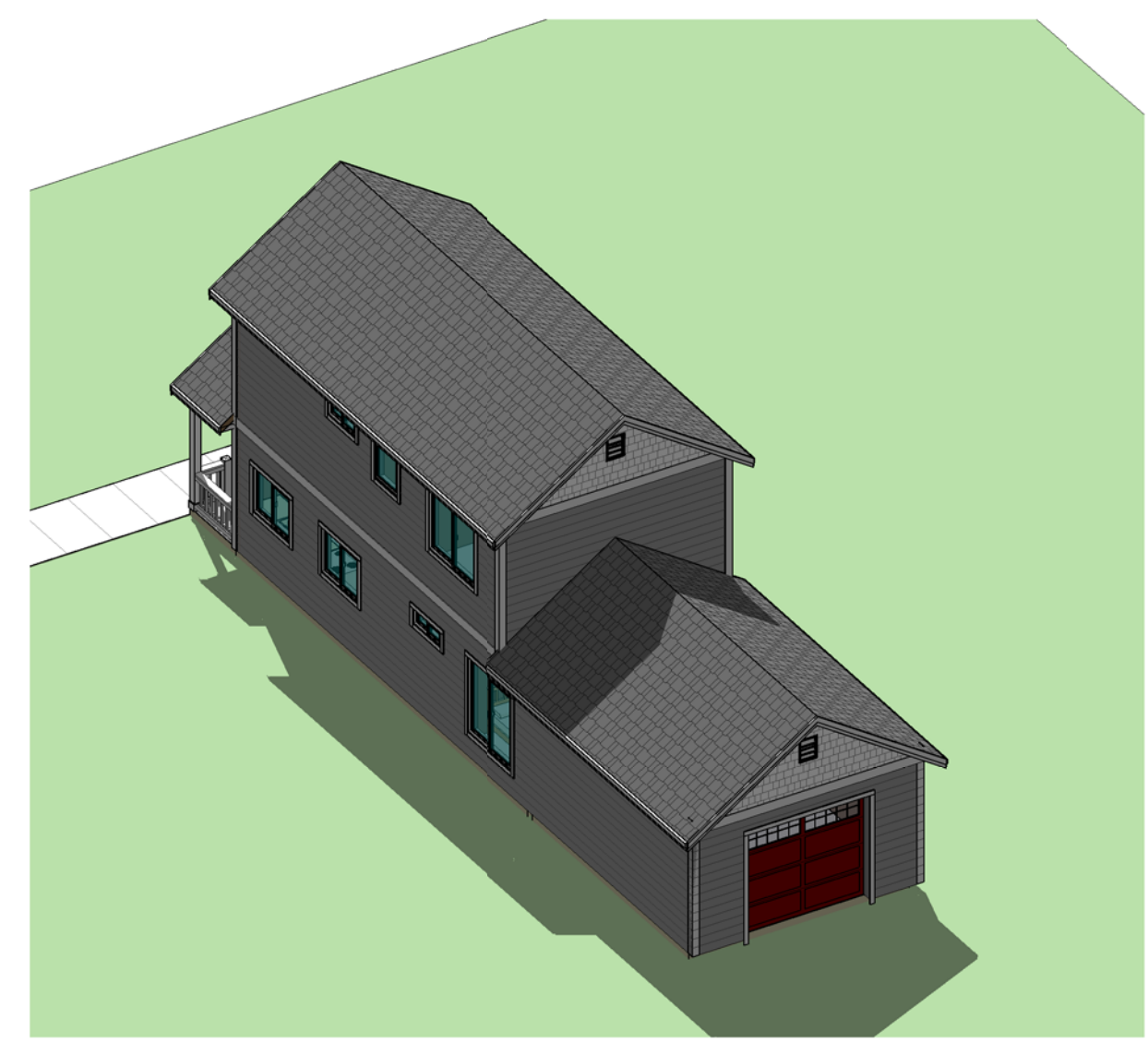
4 WEST ELEVATION  
A3-1 1/4" = 1'-0"



5 ALLEY VIEW  
A3-1



6 FRONT VIEW  
A3-1



7 arial  
A3-1

3/2 COTTAGE

PROJECT #:

PHASE	DATE
PRE	
SD	
DD	
CD	

**ELSA**  
ARCHITECTS

REV	DESC	DATE
1		
2		
3		
4		

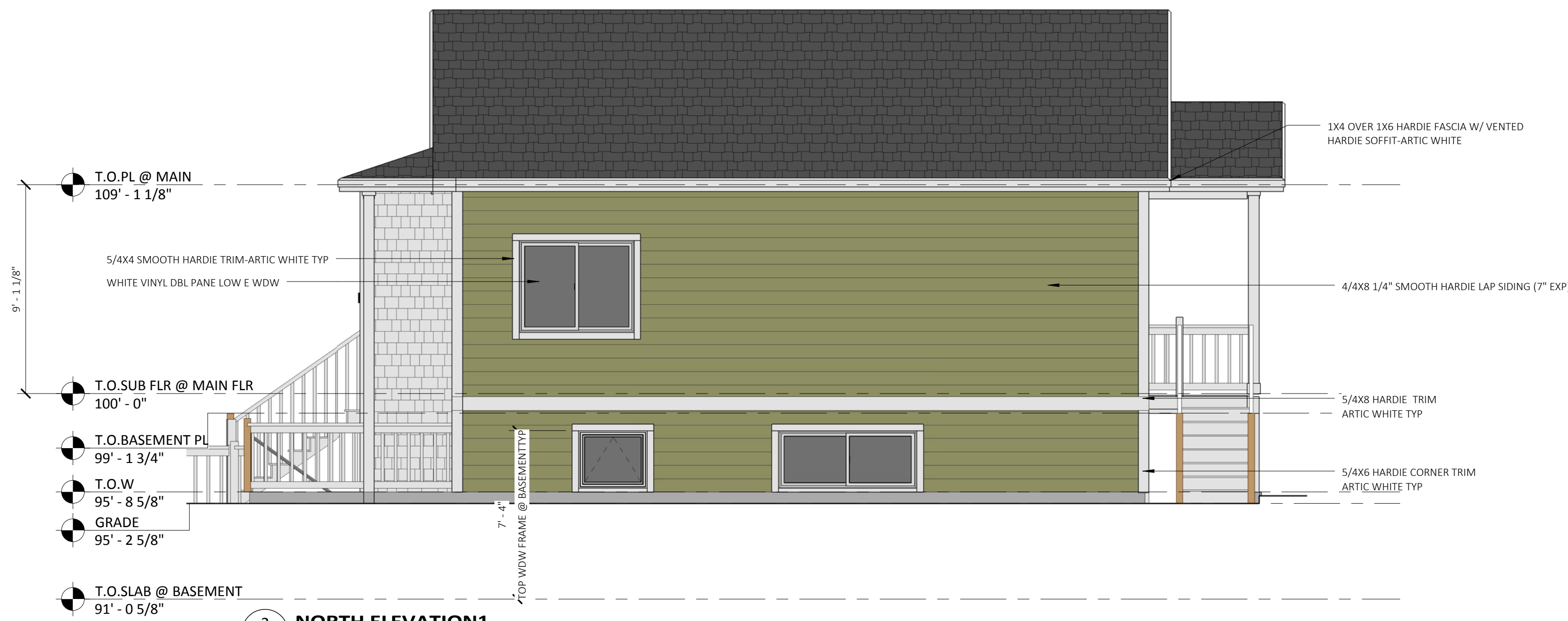
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EXTERIOR ELEVATIONS

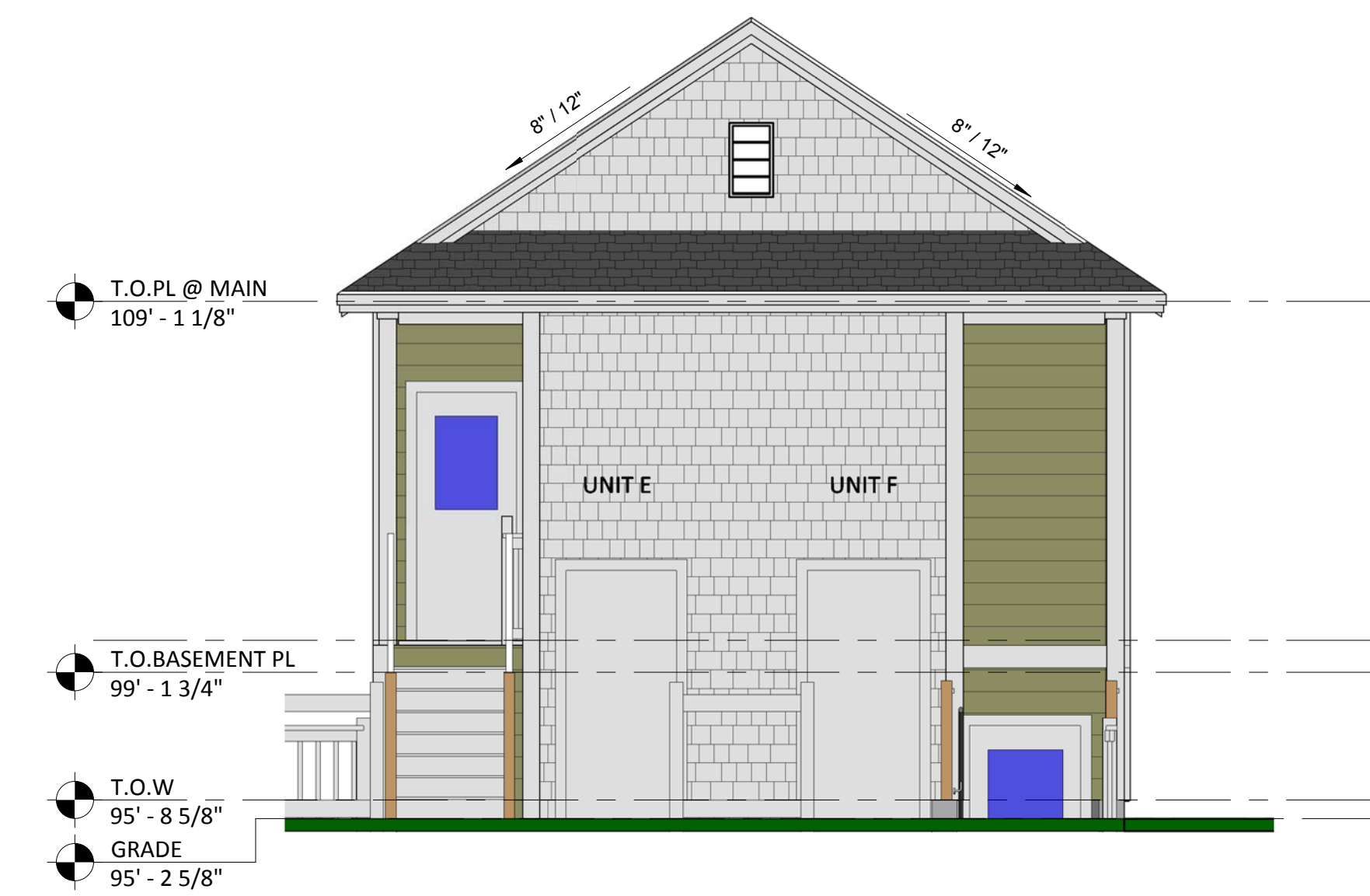
SCHEMATIC

A3-1

5.10.17



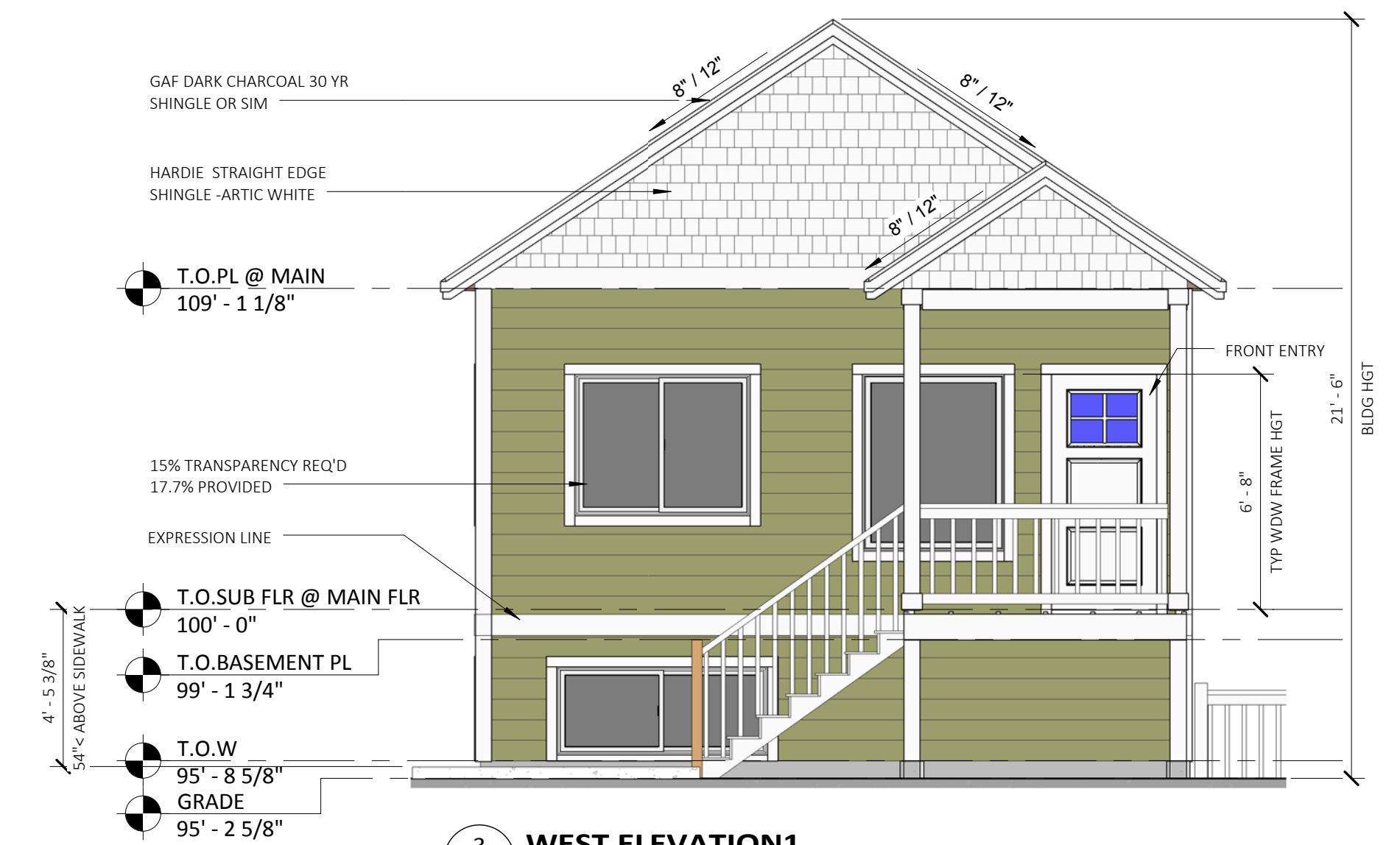
**2 NORTH ELEVATION1**  
A3-1 1/4" = 1'-0"



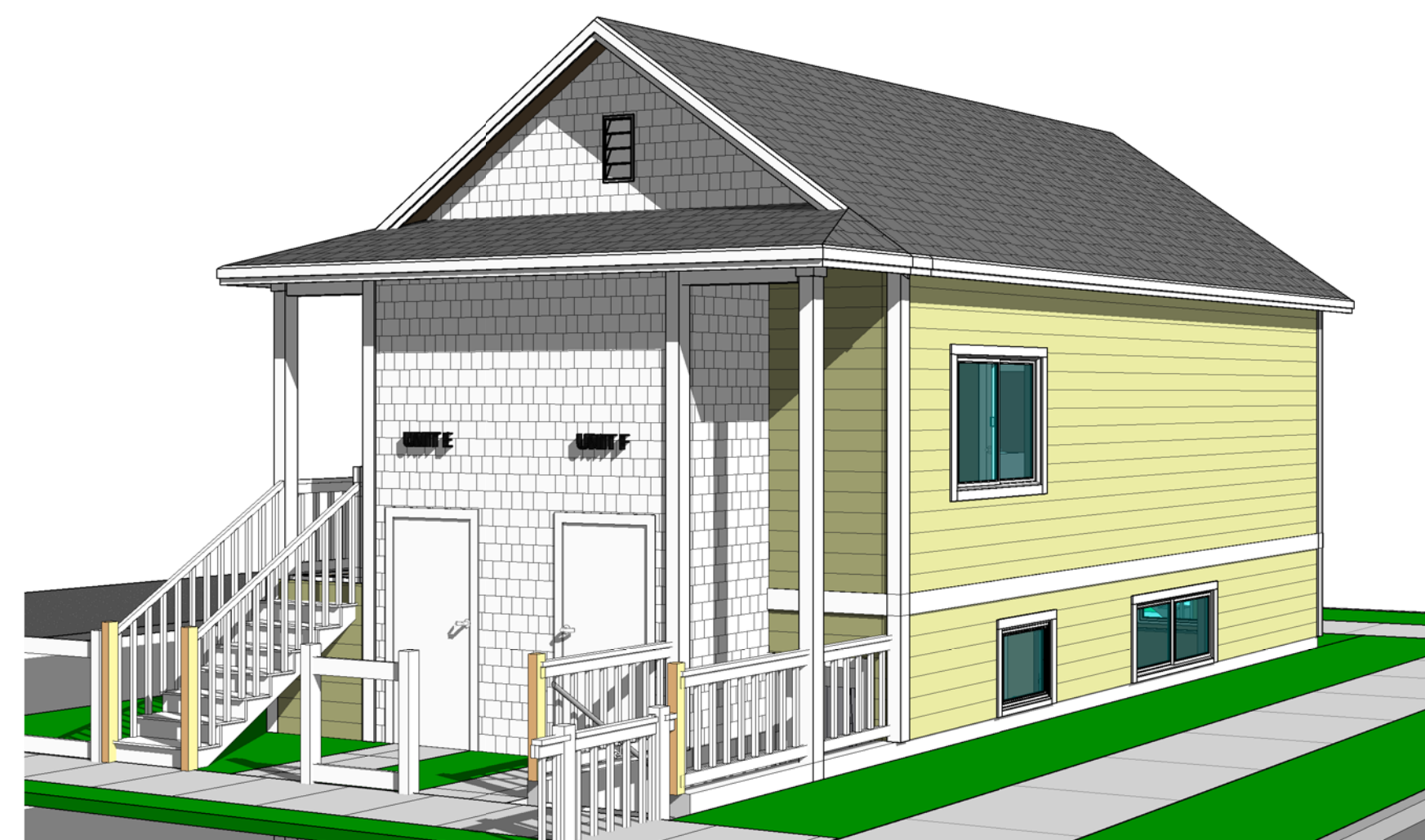
**1 EAST ELEVATION**  
A3-1 1/4" = 1'-0"



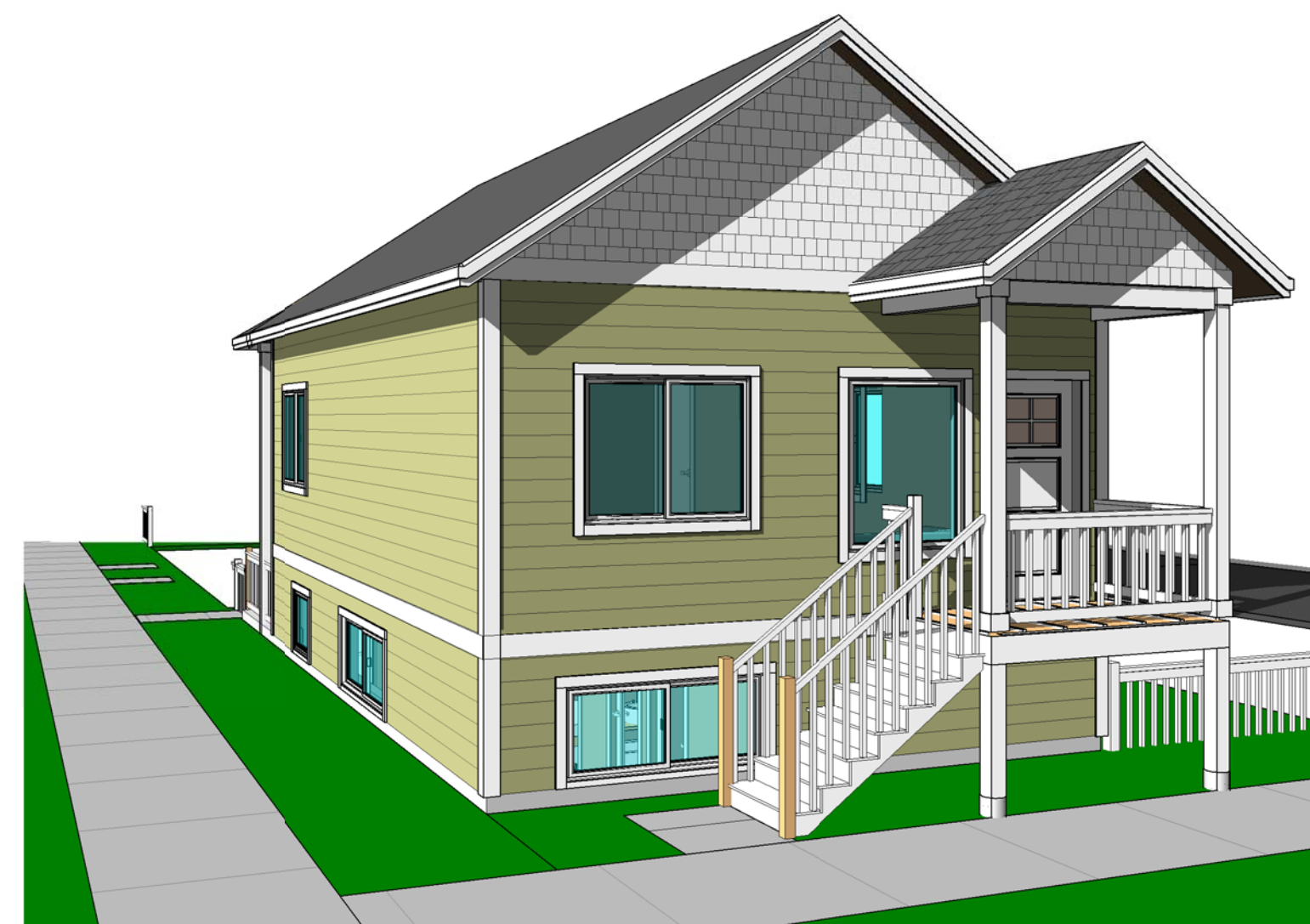
**4 SOUTH ELEVATION**  
A3-1 1/4" = 1'-0"



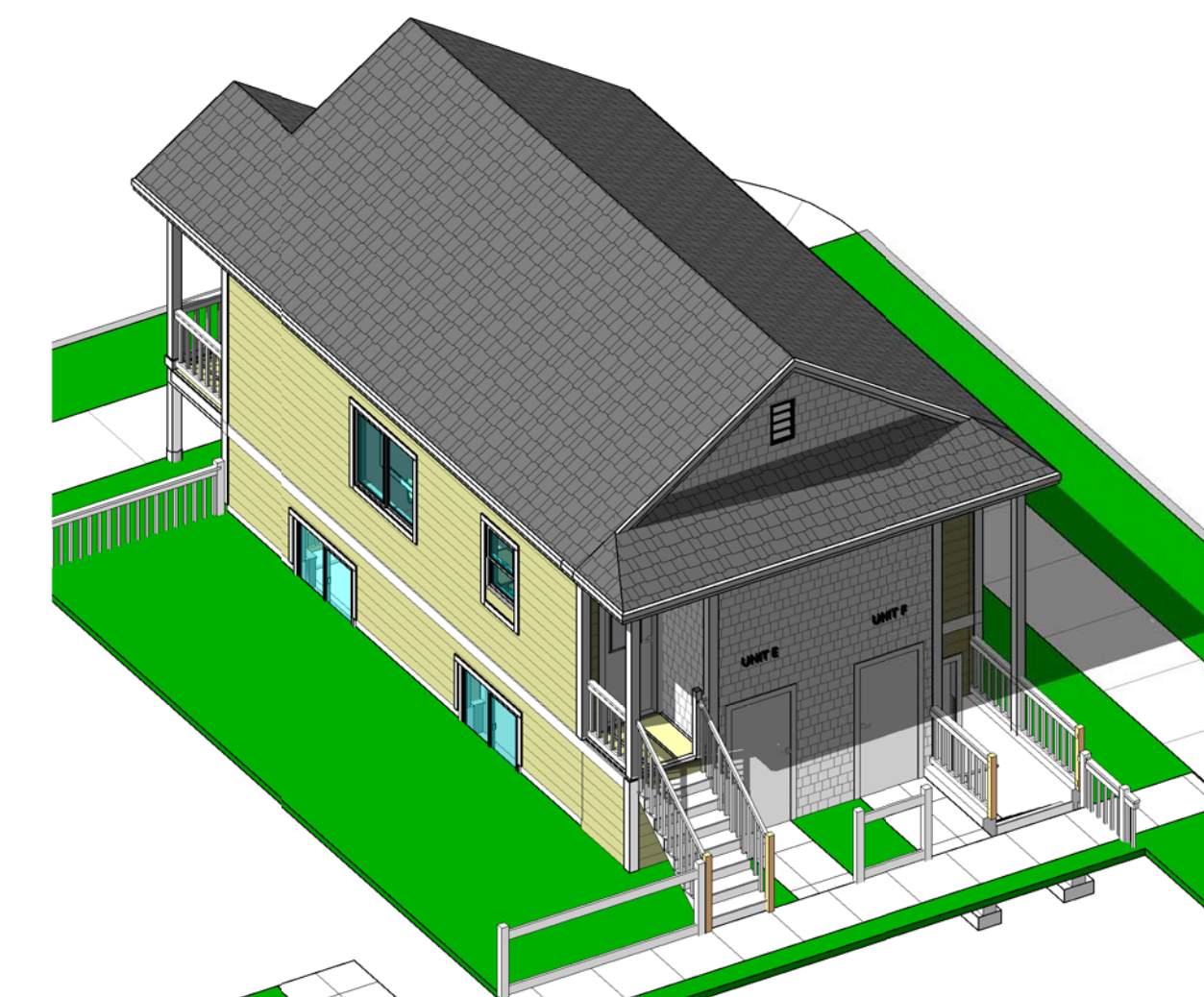
**3 WEST ELEVATION1**  
A3-1 1/4" = 1'-0"



**5 ENTRY VIEW**  
A3-1



**6 FRONT VIEW**  
A3-1



**7 arial**  
A3-1

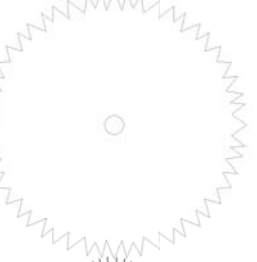


PHASE	DATE
PRE	
SD	
DD	
CD	



REV	DESC	DATE
1		
2		
3		
4		

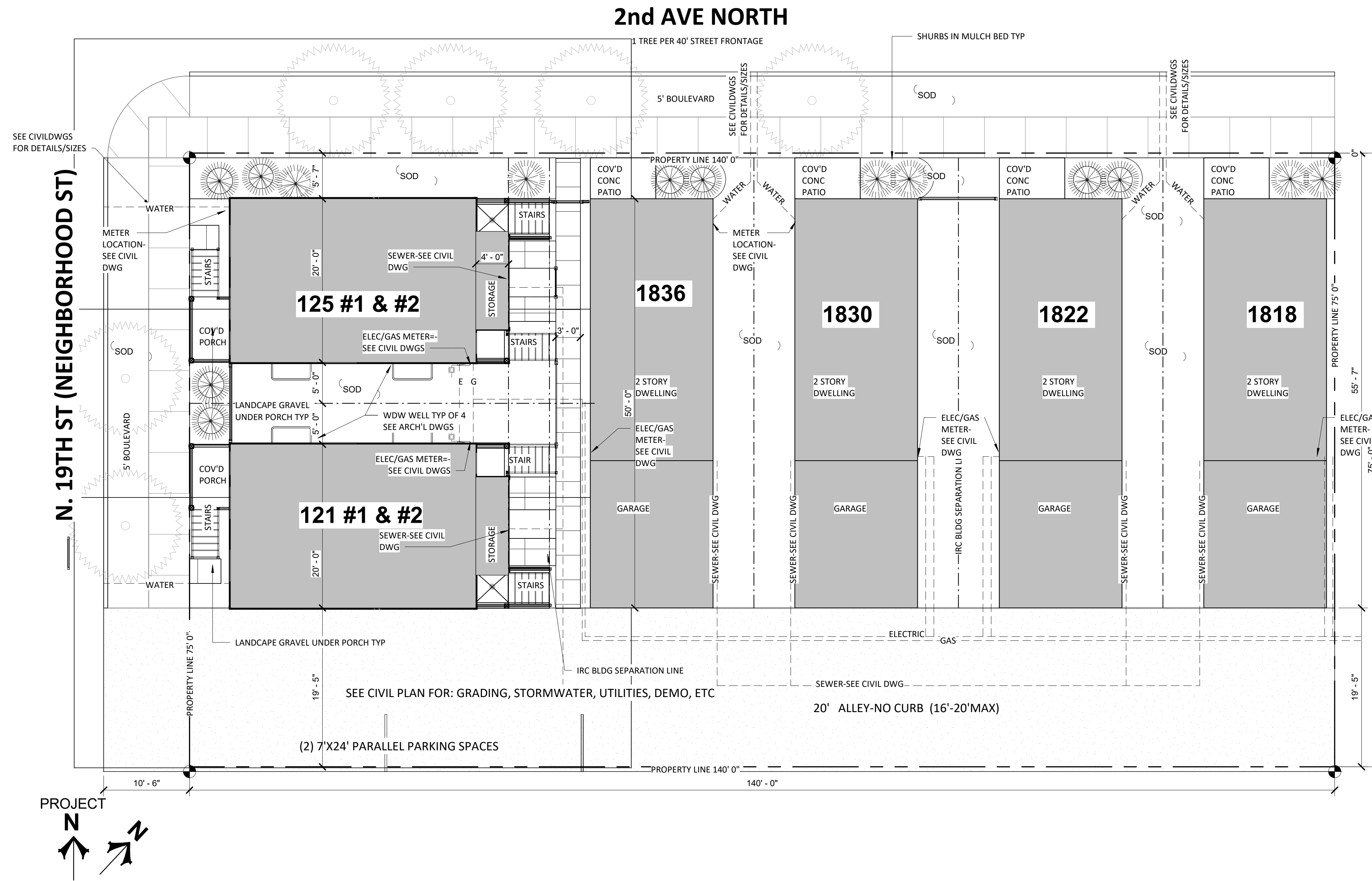
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# LANDSCAPE TABLE

SYMBOL	PLANT NAME (SCIENTIFIC)	SIZE @ PLANTING	MATURE SIZE	QTY	DROUGHT TOLERANT
	EXTG BOULEVARD TREES				
	COTONEASTER(COTONEASTER LUCIDUS)	1.6 GAL POT	6'	6	YES
	GOLDFLAME SPIREA (SPIREA X BUMALDA 'GOLDFLAME')	1.6 GAL POT	2-3'H X 3-4'W	8	YES

## LANDSCAPING NOTES

- IRRIGATION PROVIDED WITH AUTOMATIC DRIP SYSTEM @ PLANTINGS AND SPRAYERS AT SOD WITH RAIN DETECTION.
- TREE PLANTING HOLES WILL BE TWICE THE DIAMETER OF THE ROOT BALL, WITH THE ROOT FLARE VISIBLE AND ABOVE THE GROUND.
- ALL NEW LAWN AREAS SHALL BE DROUGHT TOLERANT SOD FROM A LOCALLY GROWN SOURCE.
- NO TREE SHALL BE PLANTED WITHIN 10' OF WATER OR SEWER LINES. OR CLOSER THAN 4' TO PARKING SPACES.
- ALL SHRUB PLANTING WILL BE MULCHED WITH 3-4" OF 2" BARK INSTALLED OVER WEED FABRIC



1 SITE PLAN  
A1-2 1/8" = 1'-0"



N. 19TH ST & 2ND AVE N  
BILLINGS MT  
PROJECT #:

PHASE	DATE
PRE	
SD	
DD	10.31.16
CD	



REV	DESC	DATE
1		11.28.16
2		12.23.16
3		
4		

DRAWN BY: Author

CONSTRUCTION DOCUMENTS

LANDSCAPE PLAN

A1-2

7.26.17



# Yellowstone County, Montana

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[Full Orion Detail](#)

## Owner Information

**\*Please Note:** Owner information is supplied by the **Montana Department of Revenue**. To request updates to addresses or other ownership information, please **contact the DOR office at 896-4000**. Records for the current year will **not** be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax ID: A00546

### Primary Party

Primary Owner Name: SLOW RIVER LLC

2017 Mailing Address: SLOW RIVER LLC  
8105 ALAMOSA CIR  
BOZEMAN, MT 59718-9502

Property Address: 123 N 19TH ST

Township: 01 N Range: 26 E Section: 33

Subdivision: BILLINGS ORIGINAL TOWNSITE Block: 83 Lot: 13

Full Legal: BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E,  
BLOCK 83, Lot 13, & N5' LT 14

GeoCode: 03-1033-33-4-07-03-0000

[Show on Map](#) (May not work for some newer properties.)

## Property Assessment Information

Levy District:

### Assessed Value Summary

Assessed Land Value = \$ 30,100.00

Assessed Building(s) Value = \$ 0.00

Total Assessed Value = \$ 30,100.00

### Assessed Value Detail Tax Year: 2017

Class Code	Amount
2201 - Residential City or Town	30,100.00
Lots = \$	
Total = \$	30,100.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the



# Yellowstone County, Montana

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## Owner Information

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Tax ID: A00547

### Primary Party

Primary Owner Name: SLOW RIVER LLC

2017 Mailing Address: SLOW RIVER LLC  
8105 ALAMOSA CIR  
BOZEMAN, MT 59718-9502

Property Address: 119 N 19TH ST

Township: 01 N Range: 26 E Section: 33

Subdivision: BILLINGS ORIGINAL TOWNSITE Block: 83 Lot: 15

Full Legal: BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E,  
BLOCK 83, Lot 15, & S20' LT 14

GeoCode: 03-1033-33-4-07-04-0000

[Show on Map](#) *(May not work for some newer properties.)*

### Property Assessment Information

Levy District:

#### Assessed Value Summary

Assessed Land Value = \$ 30,625.00

Assessed Building(s) Value = \$ 0.00

Total Assessed Value = \$ 30,625.00

#### Assessed Value Detail Tax Year: 2017

Class Code	Amount
2201 - Residential City or Town	30,625.00
Lots = \$	
Total = \$	30,625.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the

**EAST BILLINGS URBAN RENEWAL DISTRICT (EBURD)**

11/1/2017

Billings Industrial Revitalization District (BIRD) Recommended Assistance

**Project:**

Slow River LLC - 119-123 N 19th Street. North Billings, MT 50101

Tax parcel: A00546; A00547

Demolished and abated a blighted building on the property at the corner of 2nd Ave. North and N 19th Street.

Building (4) residential cottages and (2) duplexes on the property.

These will be available for purchase and qualify as work-force housing.

Eligible Public Improvements	Requested	Recommended	MCA Statute
Demolition an abatement of structures and removal of blight	26,231.84		7-15-4288 (2)
Architecture, Permits, Survey	64,433.96		7-15-4233 (m)(n)
Utilities (water)	10,679.50		7-15-4288 (4)
Utilities (sewer)	15,381.50		7-15-4288 (4)
Pollution Reduction (stormwater retention system)**	8,734.80		7-15-4288 (12)
Landscaping	4,055.00		7-15-4288 (4)
Curb/Gutter/sidewalks	15,429.75		7-15-4288 (4)
<b>TOTAL</b>	<b>144,946.35</b>	<b>-</b>	

Current taxable value	60,725.00
Projected taxable value on completion	1,190,000.00
value added	1,129,275.00
estimated annual increment generated	11,292.75
multiplied by remaining TIF years (25)	282,318.75

**Public Benefit:**

This project eliminates blight and correlates with the EBURD Master Plan by providing new work-force housing within the district.

As a catalyst project for housing in the district this project is of considerable value in furthering the objectives in the EBURD Master Plan for the Railspur Village.

**EAST BILLINGS URBAN RENEWAL DISTRICT (EBURD)**

11/1/2017

Billings Industrial Revitalization District (BIRD) Recommended Assistance

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Building (4) residential cottages and (2) duplexes on the property.

These will be available for purchase and qualify as work-force housing.

Eligible Public Improvements	Requested	Recommended	MCA Statute
Demolition an abatement of structures and removal of blight	26,231.84	15,739.10	7-15-4288 (2)
Architecture, Permits, Survey	39,514.10	9,878.53	7-15-4233 (m)(n)
Utilities (water)	10,679.50	1,067.95	7-15-4288 (4)
Utilities (sewer)	15,381.50	1,538.15	7-15-4288 (4)
Pollution Reduction (stormwater retention system)**	8,734.80	3,493.92	7-15-4288 (12)
Landscaping	4,055.00	2,838.50	7-15-4288 (4)
Curb/Gutter/sidewalks	15,429.75	10,800.83	7-15-4288 (4)
<b>TOTAL</b>	<b>120,026.49</b>	<b>45,356.97</b>	<b>38%</b>

Current taxable value	60,725.00
Projected taxable value on completion	1,190,000.00
value added	1,129,275.00
estimated annual increment generated	11,292.75
multiplied by remaining TIF years (25)	282,318.75

**Public Benefit:**

This project eliminates blight and correlates with the EBURD Master Plan by providing new work-force housing within the district.

As a catalyst project for housing in the district this project is of considerable value in furthering the objectives in the EBURD Master Plan for the Railspur Village.

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Loan Approval Recommendation for The Sassy Biscuit Co.

**PRESENTED BY:** Andy Zoeller

**Department:** City Hall Administration

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

The Downtown Revolving Loan Committee met on Wednesday, Jan. 3, 2018, and conditionally approved a loan for \$40,000 to The Sassy Biscuit Co. (Jilan Hall- Johnson). The business will be located at 115 N. 29th Street as a tenant. The money will be used to purchase equipment, supplies and other initial operating costs. She is tentatively set to open in February 2018. The City will apply to be the first position lien holder on the Beer and Wine License when it is approved by the State of Montana.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the loan for up to \$40,000, or;
- Disapprove the loan

If Council does not approve the loan, the applicant will need to obtain financing from another source..

**FINANCIAL IMPACT**

The Downtown Revolving Loan fund currently has about \$900,000 in cash-on-hand with 3 loans pending. If all loans are disbursed, the balance of the cash will be around \$450,000.

**RECOMMENDATION**

The Downtown Revolving Loan Committee recommends that the City Council approve the \$40,000 loan to The Sassy Biscuit (Jilan Hall-Johnson) to be secured by the Beer and Wine License from the State of Montana.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

The Sassy Biscuit

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**REVOLVING LOAN COMMITTEE LOAN APPROVAL ITEMS**  
**The Sassy Biscuit Co**  
1/3/2018

1	Loan amount	<b>\$ 40,000</b>
2	Ratio of loan to project costs	
3	Percent of owner equity required	20%
4	Interest rate-Prime rate at 9/30/08 was 5%. Therefore loan rate is 5% floor	<b>3.25%</b>
5	Interest rate is annually adjusted to Wall Street Journal Prime less 200 basis points as of the last business day in September.	
6	Term of loan in years <b>15 year amortization, 10 year payment</b>	<b>10</b>
7	Balloon payment at term	<b>15,695.68</b>
8	Monthly payment based on:	
	Payment calculated	<b>\$282/month</b>
	Calculation term	<b>15 year amort</b>
	Minimum interest rate if actual loan rate is less than 5%	3.25%
9	Collateralized by a deed of trust	<b>yes</b>
10	What will the deed of trust be subordinate to?	
	<b>1st position lien on the Beer and Wine license</b>	
11	Personal guarantees	
12	UCC security interest required on fixtures, furniture, and equipment?	

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Recreational Trails Program Grant - Shiloh Conservation Area Restroom

**PRESENTED BY:** Wyeth Friday

**Department:** Planning & Community Services

**Presentation:** No

**PROBLEM/ISSUE STATEMENT**

The City of Billings is seeking grant funding for the installation of a restroom facility at the Shiloh Conservation Area site west of Shiloh Road and north of the Knife River gravel mining operations. Pedestrian and bicycle activity at the Shiloh Conservation Area is significant, with preliminary pedestrian and bicycle counts this summer of more than 200 users over a two day period during the week, which has encouraged staff to look at providing a restroom facility. Recreational Trails Program (RTP) Grant applications for the 2018 grant cycle are due February 1, 2018. Staff is requesting the City Council approve the submittal of this grant application.

The RTP grant is designated for the development of recreational trails and facilities to serve those trails, and grants are available for up to \$45,000. The RTP grant provides reimbursement after monies have been expended for construction and requires a 20% local match. The local match for this project, of up to \$9,000, will be provided by the City of Billings Engineering Division. This restroom facility will be of similar design as the restroom facility located atop the Rimrocks at Swords Park. There will be no City water/sewer connections and it will be a vault type restroom facility only.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the submittal of a Recreational Trails Program Grant for a restroom at the Shiloh Conservation Area, or;
- Disapprove the submittal of a Recreational Trails Program Grant for a restroom at the Shiloh Conservation Area.

**FINANCIAL IMPACT**

This Recreational Trails Program grant application is being written to provide funding for the installation of a restroom facility that will be ADA accessible at the Shiloh Conservation Area. The project is estimated to have a base cost of \$42,000. The application will request up to \$45,000, which is the maximum amount the City could receive. This grant provides reimbursement after monies have been expended for the development and requires a 20% match. The match, which will not exceed \$9,000, will be provided by the City of Billings Engineering Division. This grant and the local match will be the sole funding sources for this project.

**RECOMMENDATION**

Staff recommends that the City Council approve submitting a Recreational Trails Program grant to provide funding for a restroom facility at the Shiloh Conservation Area and authorize the Planning Division to submit the grant application.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

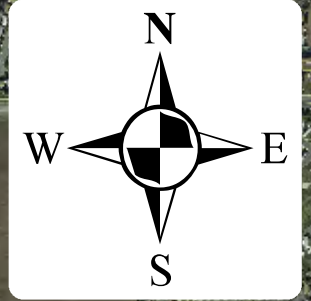
Shiloh Conservation Location Map

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# SHILOH CONSERVATION AREA - LOCATION MAP

King Avenue West

Shiloh Conservation Area



Shiloh Road

Hesper Road

Interstate - 90

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

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

**PRESENTED BY:** Wyeth Friday

**Department:** Planning & Community Services

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

The Montana State Historic Preservation Office has designated the City of Billings as a Certified Local Government (CLG) for historic preservation activities. As a CLG, the City is eligible annually to receive state funding to coordinate historic preservation efforts in the area. Applications for the FY18-FY19 funding cycle from the State are due February 21, 2018. The City of Billings has been utilizing CLG funding for activities that support the efforts of the Yellowstone Historic Preservation Board since 1997. A description of these activities is provided in Attachment 2. Major recent projects completed by the Yellowstone Historic Preservation Board include the listing of the North Elevation Historic District to the National Register of Historic Places. This is the first residential historic district listed in the City of Billings. Before the CLG application can be submitted, the City Council must authorize the application for the FY18-FY19 CLG grant cycle.

**ALTERNATIVES ANALYZED**

The City Council may:

- Agree to participate in the State CLG program and approve submitting a CLG grant application that provides funding to coordinate historic preservation activities; or
- Decline to participate in the State CLG program and not authorize a CLG grant application. Declining participation would potentially limit historic preservation activities in Billings and Yellowstone County, and/or require other funding sources to be accessed for historic preservation activities.

**FINANCIAL IMPACT**

City Council approval would allow the City of Billings to apply for \$5,500 in State of Montana Certified Local Government funding.

- The local cash match for the Certified Local Government grant will be \$44,740. The cash match includes funds from the Planning Division of \$43,271, including a portion of the Historic Preservation Officer's salary of \$42,240 and \$1,031 in cash that will go toward consultant fees. The Yellowstone Historic Preservation Board will request \$1,000 from Yellowstone County and \$469 from the City of Laurel that will also be used for consultant fees.
- There is also an in-kind match of \$3,390.40 generated from board members' time, use of the Planning Division conference room, and other incidentals for a total match of \$48,130.40.
- The total funding package is \$53,630.40 (\$48,130.40 (Match) + \$5,500 (CLG Grant))(See attached CLG Application).

- The total cash funding package for the grant program is \$8,000 (\$5,500+\$2,500(local cash contribution)) that is used for consulting services provided by the Western Heritage Center to perform activities identified in the Yellowstone Historic Preservation Board Annual Work Plan.

## **RECOMMENDATION**

Staff recommends that the City Council authorize submitting an application to the State Historic Preservation Office for a \$5,500 Certified Local Government grant for the FY18-FY19 funding cycle.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

CLG Grant Application  
2018-19 YHPB Work Plan

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# **Certified Local Government Grant Application**

**April 1, 2018 to March 31, 2019**

## **Application Deadline**

**February 21, 2018**

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

## 2018-2019 GRANT APPLICATION

### CERTIFIED LOCAL GOVERNMENT PROGRAM

Certified Local Government: City of Billings

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

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

Tax ID: 816001237

Period of Grant Request: April 1, 2018 to March 31, 2019

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

If not, please explain.

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

The Cities of Billings and Laurel, Yellowstone County, and the Crow Tribal Council entered into an inter-local agreement in July 1993 establishing the Yellowstone Historic Preservation Board (YHPB). Along with the inter-local agreement, the four governmental entities adopted ordinances setting up a multi-government YHPB, appointed nine (9) qualified board members, and a Historic Preservation Officer. Since that time, the YHPB has been meeting monthly and has continued to develop and refine an encompassing Historic Preservation Program. In 2016, the City of Billings adopted Billings Beyond, a Growth Policy for the Billings Urbanized Area. An area of the policy identified “Place Makers” as a community goal and states, “The Billings area should continue to make places that we all enjoy by preserving and improving public space as well as the natural and historic landscapes to bring the community together where people are comfortable and share activities. These places are ones that you go back to, share with visitors and recall when someone asks you to describe your community”. One of the objectives includes protection and preservation such as historic preservation controls, preservation of view sheds, preservation of natural areas and the preservation of historic places.

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

- Assist the Board and Historic Preservation officer in undertaking action to meet short and long-range goals established by the Board. See Attachment A.
- Provide professional services to assist the Board, Historic Preservation Officer, and the City in performing duties and responsibility identified in the City’s Historic Preservation Ordinance MCA 27-500.

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

**BUDGET**

4-1-2018 to 3-31-2019 Budget	Cash Amount	Cash Source	In-kind Amount	In-kind Source	Total
<b>A. Salaries, Wages, Benefits</b>	\$42,240.00	HPO-\$44/hr x 80 hrs/mo x 12 mos CI/CO			\$42,240.00
<b>B. Office Rental</b>			\$1,000.00 Conference room @ 2 hrs/mo x \$50/hr x 10 mtgs/yr	CI/CO	\$1,000.00
<b>C. Equipment</b>			*	CI/CO	
<b>D. Supplies &amp; Materials</b> Itemize major categories			*	CI/CO	
<b>E. Postage</b>			*	CI/CO	
<b>F. Telephone &amp; Internet</b>			*	CI/CO	
<b>G. Photocopies</b>			*	CI/CO	
<b>H. Preservation Commission</b> Number of hours X * rate X number of members X number of meetings			\$2,788.80 7 members x 2hrs/mo x \$19.92 x 10 mtgs/year	YHPB	\$2,788.80

<b>I. Volunteers</b> Hours X * rate X number of volunteers.					
<b>J. Travel Mileage</b> Number of miles X \$0.535. Include funds for HPO and/or Commissioners to attend CLG annual training			*	CI/CO	
<b>K. Travel Meals</b> # of Meals X rate: Breakfast - \$5.00 Lunch - \$6.00 Dinner - \$12.00			*	CI/CO	
<b>L. Lodging</b> \$93.00 plus tax X number of nights			*	CI/CO	
<b>M. Project (s)</b> <b>Expenses</b> – fully itemized	\$5,500.00 \$2,500.00	F CI/CO			\$8,000.00
<b>N. Other Expenses</b> – fully itemized.					
<b>M. Total Expenses</b>					

**SOURCE KEY:**

**F-Federal**

**CI-City**

**CO-County**

**NP- Private/Non-Profit**

\* Federally approved minimum rate for volunteers is \$19.92 per hour.

**SOURCES OF REVENUE/FUNDING**

**AMOUNT**

**Itemized Cash Match Source**

**Itemized Cash Match Source**

<u>City of Billings (Tax ID #: 816001237</u>	<u>\$1,031.00</u>
<u>City of Billings</u>	<u>\$42,240.00</u>
<u>City of Laurel</u>	<u>\$ 469.00</u>
<u>Yellowstone County</u>	<u>\$1,000.00</u>

**Itemized In-Kind Match Source**

<u>Room rental for board meetings</u>	<u>\$1,000.00</u>
<u>YHPB member time</u>	<u>\$2,788.80</u>

**Federal HPF Grant Request from SHPO**

<u>CLG Funds</u>	<u>\$5,500.00</u>
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<b>TOTAL REVENUE</b>	<b><u>\$54,028.80</u></b>
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**Certified Local Government**  
**Historic Preservation Commission Chairperson or President**

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

Name (typed) \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

\*\*\*\*\*

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

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

Name (typed) William A. Cole

Title Mayor, City of Billings

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

Telephone 406-657-8433

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

\*\*\*\*\*

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

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

Name (typed) Lora Mattox

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

Telephone 406-247-8622

\*\*\*\*\*

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

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

## **Yellowstone Historic Preservation Board Work Plan 2018-2019**

### Goals & Objectives:

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

### **2018-2019 Projects**

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

Time Frame: 2018-2019  
Who: YHPB Board, HPO/WHC, State Historic Preservation Office (SHPO)  
Status: SHPO is currently working on this nomination with the intent to submit by mid-2018

#### **2. Assist the North Elevation Historic District neighborhood with the ribbon cutting/celebration of the National Register District sign installation for the district and the neighborhood celebration.**

Time Frame: May, 2018  
Who: HPO/WHC/YHPB/North Elevation Historic District  
Status: Preliminary work being completed.

#### **3. YHPB will continue to explore funding opportunities for assistance in listing individual properties/districts to the National Register. Several properties have been brought to the YHPB including Laurel's Riverside Park (German prison camp) and the mausoleum at Mountview Cemetery.**

Time Frame: 2018-2019  
Who: YHPB, WHC, HPO, Yellowstone Genealogy Forum, possibly Montana SHPO  
Status: Continuing.

- 4. YHPB will continue partnering with AT&T, SHPO, and the City Parks Department in the preparation of a Memorandum of Understanding and the development of a National Register Nomination for Pioneer Park. This project was developed as part of a mitigating impacts of the placement of a cell tower on the Montana Power Building in the downtown.**

Time Frame: 2018-2019  
Who: YHPB, WHC, HPO, PRPL, Montana SHPO  
Status: Continuing.

### **Annual Board Activities**

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

Time Frame: Ongoing  
Who: Committee and HPO

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

Time Frame: Ongoing  
Who: YHPB/WHC

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

Time Frame: Yearly  
Who: Committee/WHC

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

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

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

Time Frame: Ongoing  
Who: WHC

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

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

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

Time Frame: Ongoing  
Who: HPO/WHC

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

Time Frame: Ongoing  
Who: HPO/WHC/Board

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

Time Frame: Ongoing  
Who: HPO/WHC

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

Time Frame: Ongoing  
Who: WHC/HPO

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

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

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

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

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Submittal and Acceptance of Grant Application to the Montana Department of Transportation (MDT) for Capital Assistance

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

**Department:** Transit

**Presentation:** No

**PROBLEM/ISSUE STATEMENT**

Each year the City of Billings MET Transit Division (MET) applies for various types of grants with the Transit Planning Division of the State of Montana Department of Transportation (MDT). These grant funds may be available for planning, capital, training, demonstration, or operating assistance. MET was advised by the MDT of the availability of Federal grant funds for capital assistance.

Under the current Transportation Bill, FAST-ACT, Section 5310 provides funding that has been allocated to the State of Montana's three larger urban systems (Missoula, Great Falls, and Billings) for capital assistance. This program will be administered by MDT and MET can apply for funding for up to two Paratransit vans. This grant funding will provide 80% of the cost of the vans with a local match contribution of 20%. These vans will be included in the FY 19 MET capital budget and City Equipment Replacement Program (ERP).

Additionally, Section 5339 funding can become available for capital funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus related facilities. Should capital grant funds become available under the Section 5339 program, MET would like to apply for these funds as well. The Section 5339 grant funding is also an 80% grant, 20% local share program and will be used for bus or bus equipment replacements.

In order to apply with the MDT for these grants, it is necessary to include with the grant applications a City Council approved Resolution formally authorizing the City of Billings' Director of Aviation and Transit to submit the MDT on-line grant application, the annual certifications and assurances, and any other documents required to secure the grant funding from the MDT, and for the Mayor to execute any subsequent grant agreements with the MDT.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the Resolution for the City of Billings to apply for and execute grant agreements administered by MDT to purchase vehicles or provide other capital assistance; or
- Disapprove the Resolution.

**FINANCIAL IMPACT**

Through the 5310 grants, the MET will be able to replace up to two vans should the funding be available. For two vans the cost would be approximately \$128,000 ( 80% ) of Federal share, and \$32,000 (20%) of Local share. The 5339 grant could provide approximately \$300,000 of grant funding to be applied towards a Capital project such as bus replacements, at the 80% grant and 20% local share ratio.

## **RECOMMENDATION**

Staff recommends that the City Council approve the Resolution authorizing the City of Billings MET Transit to apply to the MDT Transit Planning Division for any Section 5310, 5339 or any other available capital grants and allowing the Mayor to execute any subsequently awarded Grant Agreement(s) provided by the MDT.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Resolution

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AUTHORIZING RESOLUTION

RESOLUTION NO. 18-

**A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS WITH THE TRANSIT PLANNING DIVISION, STATE OF MONTANA DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION FUNDS FOR PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS.**

WHEREAS, the City of Billings has the power to enter into agreements with the Montana Department of Transportation; and

WHEREAS, the Montana Department of Transportation has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, all contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Montana Department of Transportation required for the project.

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

1. That the City of Billings Director of Aviation and Transit is authorized to execute and file all on line applications with the Montana Department of Transportation – Transit Planning Division to aid in the financing of all transit planning, capital, training, demonstration and/or operating assistance projects.
2. That the City of Billings Director of Aviation and Transit is authorized to execute and file with such applications the annual certifications and assurances, and any other documents required by the Montana Department of Transportation – Transit Planning Division effectuating the purpose of the proposed projects, including the local share.
3. That the City of Billings Mayor is authorized to execute grant and cooperative agreements with the Montana Department of Transportation – Transit Planning Division.

4. That the City of Billings Transit Planner is designated to furnish such additional information as the Montana Department of Transportation – Transit Planning Division may require in connection with all the applications.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the 22nd day of January 2018.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

By: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** W.O. 17-06 Midland Road Improvements - Resolution of Intent to Construct Improvements and set a Public Hearing

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

**Department:** Public Works

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

The proposed project is a reconstruction of Midland Road with improvements that include curb and gutter, sidewalk, and trail. Public Works staff had a neighborhood meeting in August 2017 with the property owners and have since met with the individual property owners to go over the project and the impacts to their property. This project is proposed to be constructed as a Work Order which allows specific assessments to the properties. Each property has a different assessment based on the cost of constructing improvements that may benefit only that property.. In general, the properties are being assessed for the curb and gutter, sidewalk or equivalent trail width, 5.5 feet of street to be installed and any construction necessary to match their property to the curb. South Billings Blvd. Urban Renewal District (SBBURD) TIF and City funds are being used to reconstruct most of the road in the project and is consistent with how similar streets are being constructed in other neighborhoods. In order to construct this project, Council must pass a Resolution of Intent and set a Public Hearing for the project in order to assess owners for their share of the improvement costs.

**ALTERNATIVES ANALYZED**

The Council may:

- Pass the Resolution of Intent and set a Public Hearing date of February 12, 2018; or
- Do not pass the Resolution of Intent. If the Council does not adopt the Resolution, the property owners cannot be assessed and the work will not occur because there is no other source of financing for the improvements.

**FINANCIAL IMPACT**

The proposed project is funded through multiple sources, including direct property assessments, for a total estimated budgeted amount of \$4,200,000.

FY 18 Budgeted Amounts	
Estimated Assessments	\$920,000
TIF	\$2,743,622
Gas Tax Funds	\$400,000
Storm Drain Funds	\$350,000

Funding budgeted in FY 18 is sufficient for the proposed project.

## **RECOMMENDATION**

Staff recommends that the City Council approve this Resolution of Intent to construct W.O. 17-06 and set a public hearing date for February 12, 2018.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Resolution of Intent  
Exhibit A  
Exhibit B

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RESOLUTION NO. 17-06

A RESOLUTION RELATING TO W.O. 17-06, MIDLAND ROAD IMPROVEMENTS; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO ORDER IN 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.

WHEREAS, the city is granted the power pursuant to M.C.A. 7-14-4109 to order certain improvements without creation of a special improvement district and certain sections of curb and gutter, sidewalks, drive approaches, alley approaches and/or appurtenant features have deteriorated, settled and cracked, or none exist, or some of the foregoing do not exist; and

WHEREAS, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of curbs and gutters, sidewalks, drive approaches, alley approaches, and/or appurtenant features or combinations thereof; and

WHEREAS, said improvements should be ordered as provided by law.

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

1. INTENTION TO ORDER IN. It is the intention of the Council to order the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, appurtenant improvements in certain locations, which improvements and locations are more fully described in Exhibits "A" and "B" attached hereto.
2. AFFECTED PROPERTIES. All properties, which will be required to pay any portion of the costs of the improvements identified herein, are listed and the owners of those properties are identified on Exhibit "B" attached hereto.
3. ESTIMATED COSTS. The estimated assessed costs of the proposed improvements, including construction costs, incidental expenses, engineering fees, legal fees, administrative fees and bond issuance costs, but exclusive of interest charges, will be \$920,000.00 as described below:

Construction Costs	\$823,029.25
Engineering Project Management	\$19,370.75
Finance	\$1,200.00
Revolving Fund	\$46,000.00
Bond Discount	\$18,400.00
Issuance Costs	\$12,000.00
<hr/> Total Assessed Costs	<hr/> \$920,000.00

Estimated unit costs for construction only, not including engineering, legal, administrative, and bond costs as follows:

New Construction:

Unclassified Excavation	\$18.00/CY
1-1/2 Minus Crushed Agg. Base	\$27.00/CY
Asphalt Concrete Surface A-Mod	\$80.00/TN
Concrete Sidewalk	\$5.50/SF
Curb and Gutter	\$15.00/LF
Asphalt Multi-Use Trail	\$3.20/SF
Concrete Drive Approach	\$8.00/SF
Remove and Replace Asphalt Driveway	\$3.60/SF
8" SD Service Connection	\$45.00/LF
Hydroseeding	\$2.00/SY

The actual cost to be assessed against any benefited property will be determined by the actual amount of work done adjacent to the property.

4. ASSESSMENT OF COSTS. All costs of constructing the curbs, gutters, sidewalks, and drive approaches, including engineering, administrative and bond costs, will be assessed against the properties which are adjacent to the improvements installed. As shown on Exhibit "B", assessments will be levied against 23 separate lots, parcels, or tracts.

The costs for each property will vary depending upon the actual construction that is required adjacent to each property. The average total assessment, including engineering, administrative, and bond costs is estimated to be \$40,000.00, with a high of \$141,401.00, low of \$1,020.00, and a median of \$36,352.00.

5. PERIOD OF ASSESSMENT. The assessments for all improvements and costs shall be paid in not more than twelve (12) annual installments, plus interest, provided however, that payment of one-half of each annual installment, plus interest, may be deferred to May 31 of the year following the assessment.
6. PROPERTY OWNER OPTION TO CONSTRUCT IMPROVEMENTS. In the event that the City Council orders in the above-described improvements following the public hearing, then the owners of all properties to be assessed for the costs of said improvements will be notified of such action in writing. Said owners will have thirty (30) days from the date of said notice in which to install the required improvements at their own expense. In the event the owners do not install these improvements, the City will do so and will assess the costs against the benefited properties as described herein.

7. METHOD OF FINANCING; PLEDGE OF REVOLVING FUND; FINDINGS AND DETERMINATIONS.

The City will issue **Sidewalk, Curb, and Gutter Improvement Bonds** in an aggregate principal amount not to exceed \$920,000 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the Project. This Council further finds it is in the public interest, and in the best interest of the City and the Project, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect to the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

- (a) Estimated Market Value of Parcels. The estimated total market value of the lots, parcels, or tracts in the Project, as of the date of adoption of this resolution, as estimated by the County Assessor, is \$65,447,400. The average market value is \$2,845,539 with a high of \$26,353,200 and a low of \$16,339 and median value of \$1,769,400. The special assessments to be levied against each lot, parcel, or tract are less than the increase in the estimated market value of the properties as a result of the construction of the improvements.
- (b) Diversity of Property Ownership. For the 23 Tax codes in this project, there are 18 separate owners. It is unlikely that financial difficulties would arise that would require a loan to be made from the Revolving Fund.
- (c) Comparison of Special Assessments, Property Taxes and Market Value. Currently, no properties have an SID levied against them.

As noted in Section 4, the estimated average assessment levied by this project will be \$40,000.00. With an average market value of \$2,845,539.00, and an average yearly principal payment of \$3,333.33 (monthly principal of \$277.78) assuming 6% interest rate, the amount of assessment versus the value of the property would appear acceptable. As such, no unusual need for loans from the Revolving Fund would be expected. Further information comparing the total cost (estimate) to the market value for each parcel is listed in Exhibit "B".

- (d) Delinquencies. For tax year 2016, Zero (0) parcels were delinquent. This rate is above the average city collection rate of 95%.

Therefore, given the delinquency history of this Project area, no unusual need for loans from the Revolving Fund would be expected.

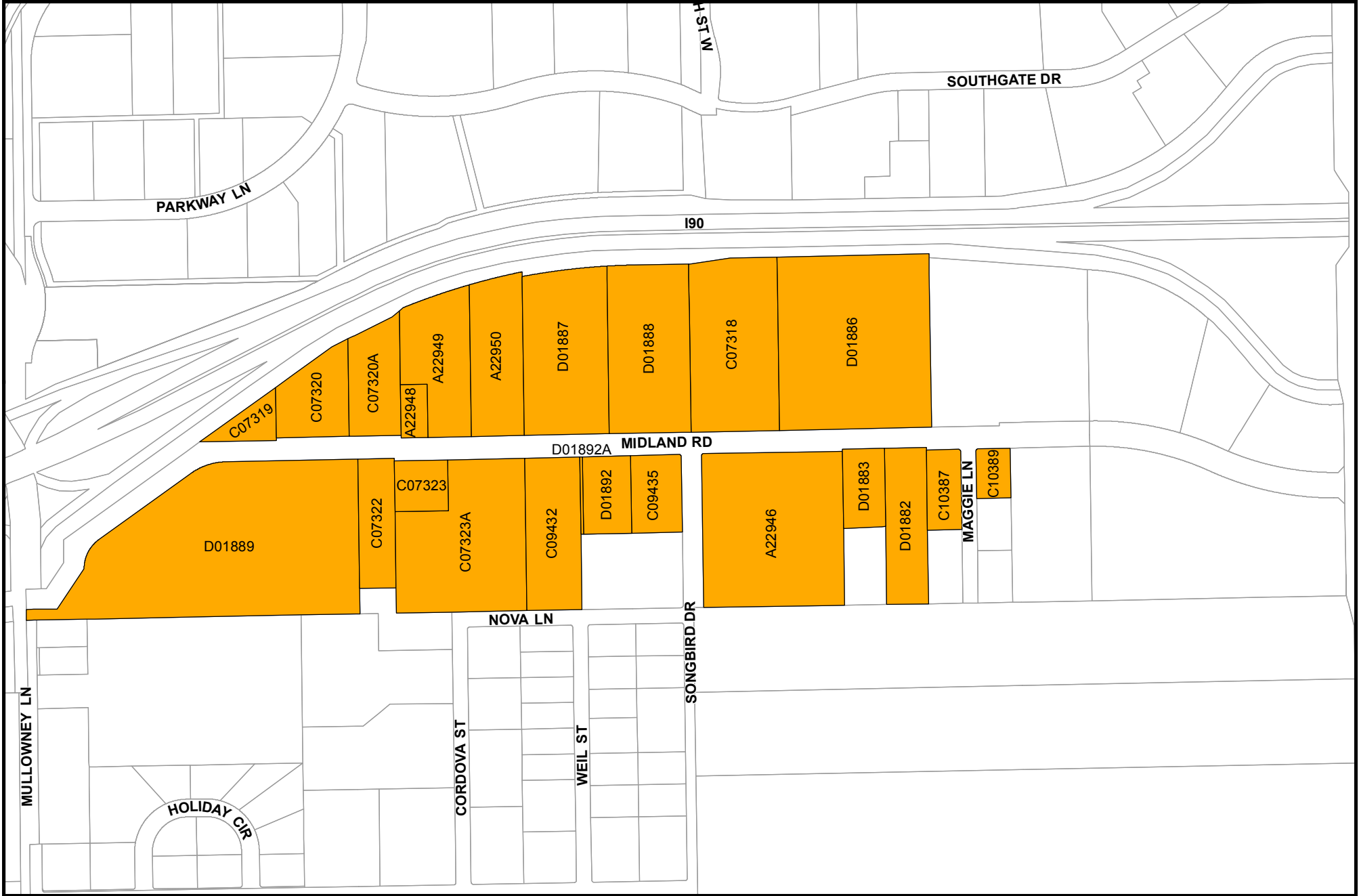
- (e) The Public Benefit of the Improvements. Current City Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new curb, gutter, and drive approaches is to be borne by the adjoining property owners.

## **8. REIMBURSEMENT EXPENDITURES.**

- (a) 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.
- (b) 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 provision 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.
- (c) 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 \$920,000 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.
- (d) Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or



# W.O. 17-06 Midland Road Improvements Exhibit A



## Exhibit B

### WO 17-06 Midland Road Improvements

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 18-10 Assessment (C)	A + B + C	Market Value
A22946		\$0.00	\$0.00	\$64,816.01	\$64,816.01	\$4,928,844.00
A22948		\$0.00	\$0.00	\$14,339.73	\$14,339.73	\$107,768.00
A22949		\$0.00	\$0.00	\$24,330.78	\$24,330.78	\$3,362,600.00
A22950		\$0.00	\$0.00	\$24,460.18	\$24,460.18	\$578,424.00
C07318		\$0.00	\$0.00	\$44,040.02	\$44,040.02	\$2,723,200.00
C07319		\$0.00	\$0.00	\$36,142.19	\$36,142.19	\$489,800.00
C07320		\$0.00	\$0.00	\$36,509.89	\$36,509.89	\$4,879,800.00
C07320A		\$0.00	\$0.00	\$24,614.92	\$24,614.92	\$402,897.00
C07322		\$0.00	\$0.00	\$31,408.98	\$31,408.98	\$2,936,400.00
C07323		\$0.00	\$0.00	\$30,154.67	\$30,154.67	\$392,597.00
C07323A		\$0.00	\$0.00	\$64,088.59	\$64,088.59	\$3,910,700.00
C09432		\$0.00	\$0.00	\$43,209.78	\$43,209.78	\$2,332,600.00
C09435		\$0.00	\$0.00	\$37,927.45	\$37,927.45	\$736,200.00
C10387		\$0.00	\$0.00	\$23,962.67	\$23,962.67	\$395,900.00
C10389		\$0.00	\$0.00	\$27,337.91	\$27,337.91	\$952,200.00
D01882		\$0.00	\$0.00	\$25,812.12	\$25,812.12	\$461,846.00
D01883		\$0.00	\$0.00	\$36,352.04	\$36,352.04	\$1,789,100.00
D01886		\$0.00	\$0.00	\$71,676.88	\$71,676.88	\$3,031,258.00
D01887		\$0.00	\$0.00	\$42,878.18	\$42,878.18	\$2,379,527.00
D01888		\$0.00	\$0.00	\$36,802.19	\$36,802.19	\$1,769,400.00
D01889		\$0.00	\$0.00	\$141,400.98	\$141,400.98	\$26,353,200.00
D01892		\$0.00	\$0.00	\$36,712.31	\$36,712.31	\$516,800.00
D01892A		\$0.00	\$0.00	\$1,020.09	\$1,020.09	\$16,339.00
Average				\$40,000.00	\$40,000.00	\$2,845,539.00
Median				\$36,352.00	\$36,352.00	\$1,769,400.00
Low				\$1,020.00	\$1,020.09	\$16,339.00
High				\$141,401.00	\$141,401.00	\$26,353,200.00

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** SID 1404 Annafeld Subdivision Parks and Streetlights Resolution of Intent to Create District and Set a Public Hearing

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

**Department:** Public Works

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

McCall Development Inc., developer of Annafeld Subdivision, desires to construct public improvements in the subdivision that include street lights and park improvements. They would like to complete these improvements utilizing a special improvement district which is allowed per their Subdivision Improvements Agreement. Annafeld Subdivision is located south of Elysian Road near Elysian School. The park improvements proposed will be constructed in accordance with the park master plan for the subdivision and the street lights will be installed along each street frontage. McCall Development previously constructed the streets and utilities within Annafeld Subdivision 1st Filing totaling \$1,267,144.06 worth of improvements. These improvements will count towards their required improvements in order to meet the requirements of the City's Raw Land District Requirements (Resolution No. 87-15592). The already constructed improvements represent approximately 56% of the total improvement costs when including street, utility, street lights, and parks improvements.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the Resolution of Intent to Create SID 1404 and set a public hearing for the February 12, 2018, City Council Meeting; or
- Not approve the Resolution of Intent to Create SID 1404. If not approved, the parks and street light improvements will have to be constructed with a private contract.

**FINANCIAL IMPACT**

The total estimated costs of the improvements are \$1,000,000.00 which will be paid from SID bonds and assessed to the properties within the SID boundary.

**RECOMMENDATION**

Staff recommends that Council approve the Resolution of Intent to Create SID 1404 and set a public hearing date for February 12, 2018.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Exhibit B  
Exhibits C through F

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CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No. \_\_\_\_\_, entitled: **RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1404; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND** (the "Resolution") was duly adopted by the City Council of the City at a meeting on January 22, 2018; that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: \_\_\_\_\_;  
\_\_\_\_\_;  
voted against the same: \_\_\_\_\_;  
\_\_\_\_\_;  
or were absent: \_\_\_\_\_.

WITNESS my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Denise Bolhman  
City Clerk

RESOLUTION NO. 18-\_\_\_\_\_

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1404; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

Section 1. Proposed Improvements; Intention to Create District. The City proposes to undertake certain local improvements within Annafeld Subdivision First Filing (the "Annafeld Subdivision") as more particularly described herein (the "Improvements") to benefit certain properties located in the City as more particularly described herein. The costs of the Improvements are to be assessed as more particularly described herein. It is the intention of this Council to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, Special Improvement District No. 1404 (the "District") for the purpose of undertaking the Improvements and assessing the properties in the District for the costs thereof.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Special Improvement District No. 1404 of the City of Billings, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A list of each of the properties in the District is shown on Exhibit F hereto (which is hereby incorporated herein and made a part hereof) and each of the property owners in the District is shown on Exhibit D hereto. The Annafeld Subdivision is coterminous with the boundaries of the District.

Section 4. General Character of the Improvements. The general character of the Improvements, as shown in Exhibit E, consists of the construction and installation of streetlights and park improvements within the District.

Section 5. Engineer and Estimated Costs of the Improvements. The Engineer for the Improvements is Sanderson Stewart who has been selected by McCall Development, Inc., the owner of all of the properties in the District and the developer of the Annafeld Subdivision (the "Developer"), as more particularly described in Section 8(f). The Engineer and has estimated that the costs of the Improvements (excluding engineering, design and construction administration costs) are \$1,000,000 and more particularly described on Exhibit C hereto (which is hereby incorporated herein and made a part hereof) and such costs have been reviewed by the City's Public Works Department. Costs of the Improvements include costs of the construction and installation of the Improvements, costs for the

creation of the District, costs of funding a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"), costs associated with the sale of the Bonds (as hereinafter defined), and all other incidental costs (excluding engineering, design and construction administration costs). All costs of engineering, design and construction administration related to the Improvements will be paid for by the Developer and will not be assessed against properties in the District.

Section 6. Property to be Assessed; Assessment Methodologies.

6.1. Property to be Assessed. The properties in the District will benefit from, and be benefited by, the Improvements and will be assessed for costs of the Improvements as specified in Sections 6 and 7. Costs of the Improvements shall be assessed against the property in the District based on the area option method described in Section 7-12-4162, M.C.A., as particularly applied and set forth in this Section 6.

6.2. Assessment Methodologies.

(a) Area Option Method. Each property within the District will be assessed for that portion of the total costs of the Improvements that the assessable area of such property bears to the total assessable area of all properties in the District. The total assessable area of all properties to be assessed is 643,422 square feet. The costs of the Improvements to be assessed against properties in the District, per square foot of assessable area, are estimated to be \$1.554419. If an increase occurs in the number of properties within the boundaries of the District (due to the subdivision of any one or more properties or otherwise) during the term of the Bonds, the assessment per property then in the District will be recalculated as provided in M.C.A. 7-12-4162(3)(b).

6.3. Assessment Methodologies Equitable and Consistent With Benefit. This Council hereby determines that the method of assessment and the assessment of costs of the Improvements against the properties in the District as prescribed in this Section 6 are equitable and in proportion to and not exceeding the special benefits derived from the Improvements by the properties to be assessed therefor. In addition, the Subdivision Improvements Agreement for the Annafeld Subdivision provides that the streetlight and park improvements will be borne by the landowners through either a private contract or the creation of a Special Improvement District.

Section 7. Payment for Improvements. Costs of the Improvements are to be paid from the proceeds of Special Improvement District Bonds (the "Bonds") in an aggregate principal amount not to exceed \$1,000,000.00.

Section 8. Bond Financing; Pledge of Revolving Fund; Findings and Determinations. The Bonds will be repaid from the assessments for costs of the Improvements, together with interest thereon calculated pursuant to M.C.A. 7-21-4189, to be levied against the properties in the District. Assessments for the costs of the Improvements, together with interest thereon, shall be payable over a term not exceeding 15 years, each in equal semiannual installments as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Principal of and interest on the Bonds will be

paid from such assessments.

All property owners in the District shall have the opportunity to prepay their assessments prior to sale of the Bonds. After the Bonds are issued, all property owners in the District have the right to prepay assessments as provided by law.

This Council further finds that it is in the public interest, and in the best interest of the City and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize the issuance of the Bonds and the pledge of the Revolving Fund therefor, this Council has taken into consideration the following factors:

(a) Estimated Market Value of Parcels. The estimated market value of the properties in the District as of the date of adoption of this resolution, as estimated by the County Assessor, ranges from \$735 to \$829, and is set forth in Exhibit F. The estimated average market value of the properties in the District is \$782 and the median market value of the properties in the District is \$782. These estimated market values assume that the properties in the District constitute agricultural land and do not take into account the street and utility improvements constructed and installed in 2017 by the Developer, as more particularly described in Section 8(f). The special assessments to be levied against the properties in the District are less than the increase in estimated value of the properties as a result of the construction of the Improvements. All of the properties in the District are zoned Planned Unit Development.

(b) Diversity of Property Ownership. There are a total of 71 properties in the District, all of which are owned by the Developer. No improvements, public or private, are located on any of the properties within the District, other than the street and utility improvements, as more particularly described in Section 8(f).

(c) Comparison of Special Assessments, Property Taxes and Market Value. Based on an analysis of the aggregate amount of the proposed assessments, any outstanding assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a property in the District) against each property in the District in comparison to the estimated market value of such property after the Improvements, the City concludes that, overall, the estimated market value of the properties in the District exceeds the sum of the proposed assessments, outstanding assessments and delinquent property taxes, and is set forth in Exhibit F.

(d) Delinquencies. An analysis of the amount of delinquencies in the payment of outstanding assessments or property taxes levied against the properties in the District is set forth in Exhibit F, which analysis shows that of 71 properties, 0 properties were delinquent.

(e) Public Benefit of the Improvements. The Developer dedicated the public park land to the City for purposes of public parks and the street lights are being built in the public right-of-way and serve a public benefit.

(f) Other Factors. The Annafeld Subdivision is located in the southwestern part of the City, south of Elysian Road. This is one of the fastest growing areas within the City. The Developer intends to undertake the development of a residential community, which will include a diverse mix of single family, cottage, town home and apartment living options, with approximately 1000 residences. In 2017, the Developer installed the streets and utilities serving the properties in the Annafeld Subdivision. The costs of the street and utility improvements (\$1,267,144.06) have been reviewed by the City's Public Works Department. The street and utility improvements are solely within the boundaries of the District and in accordance with the City's Special Improvement District Policy regarding raw land subdivisions as set forth in Resolution No. 05-18234 adopted by the Council on January 24, 2005 (the "Raw Land Policy") shall constitute On-Site Improvements (i.e., those improvements located within the boundaries of a Special Improvement District) in satisfaction of the requirement that the Developer directly pay or finance 50% or more of the costs of the On-Site Improvements in connection with the of the District and the issuance of the Bonds. The costs of the street and utility improvements, when combined with the costs of the Improvements, represent 56% of the total On-Site Improvements. In addition, all costs of engineering, design and construction administration related to the Improvements will be paid for by the Developer and will not be assessed against properties in the District.

## Section 9. Reimbursement Expenditures.

9.1 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.

9.2 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 provision 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.

9.3 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 \$1,000,000.00 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.

9.4 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.

9.5 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 evidence 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 10. Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the City Clerk until 12:00 p.m., M.T., on the expiration date of said 15-day period (February 12, 2018), written protest against the proposed Improvements, or against the extension or creation of the District or both, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said, regular meeting will be held on Monday the 12<sup>th</sup> day of February 2018, at 6:30 p.m., in the Council Chambers, at 220 North 27<sup>th</sup> Street, in Billings, Montana.

Section 11. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Yellowstone County News, a newspaper of general circulation in Yellowstone County on January 26 and February 2, 2018, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation, with real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 22<sup>nd</sup> day of January 2018.

---

Mayor

Attest:

---

City Clerk

# S.I.D. #1404 - EXHIBIT A

UNPLATTED

11111N  
SUBDIVISION  
LOT 9

ELYSIAN ROAD

18  
19

LOT 2

ADAM & MOLLIE  
WALTER SUBDIVISION,  
FIRST FILING

-BLOCK 1-

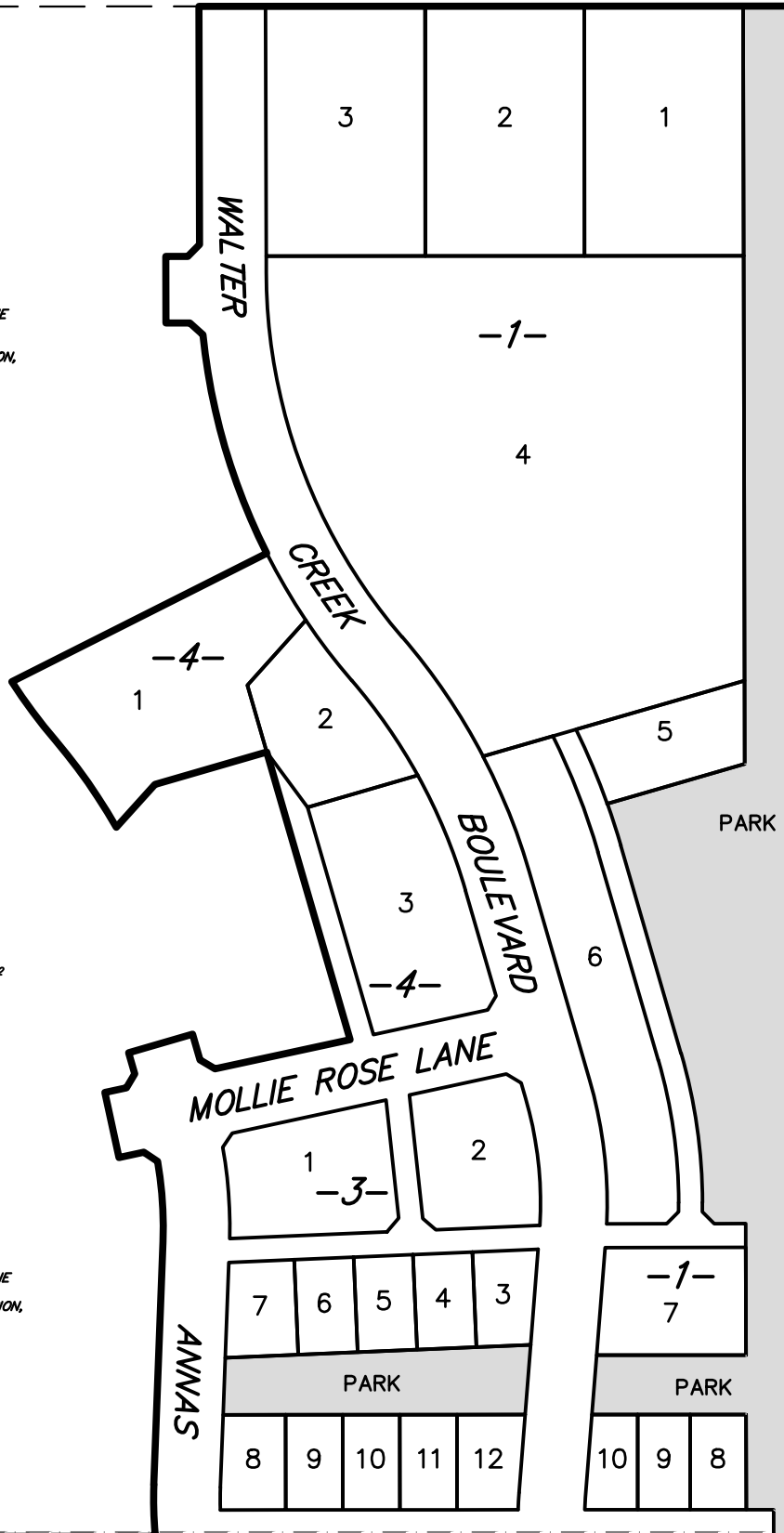


**NORTH** LOT 2

SCALE: 1" = 150'

ADAM & MOLLIE  
WALTER SUBDIVISION,  
FIRST FILING

-BLOCK 1-



11111N  
SUBDIVISION  
LOT 9

ADAM & MOLLIE  
WALTER SUBDIVISION,  
FIRST FILING

LOT 2

HARMONY MEADOWS  
SUBDIVISION,  
FIRST FILING

-BLOCK 1-

MATCHLINE

MATCHLINE

1 of 2

# S.I.D. #1404 - EXHIBIT A

MATCHLINE

MATCHLINE

CERTIFICATE  
OF  
SURVEY  
No. 3594

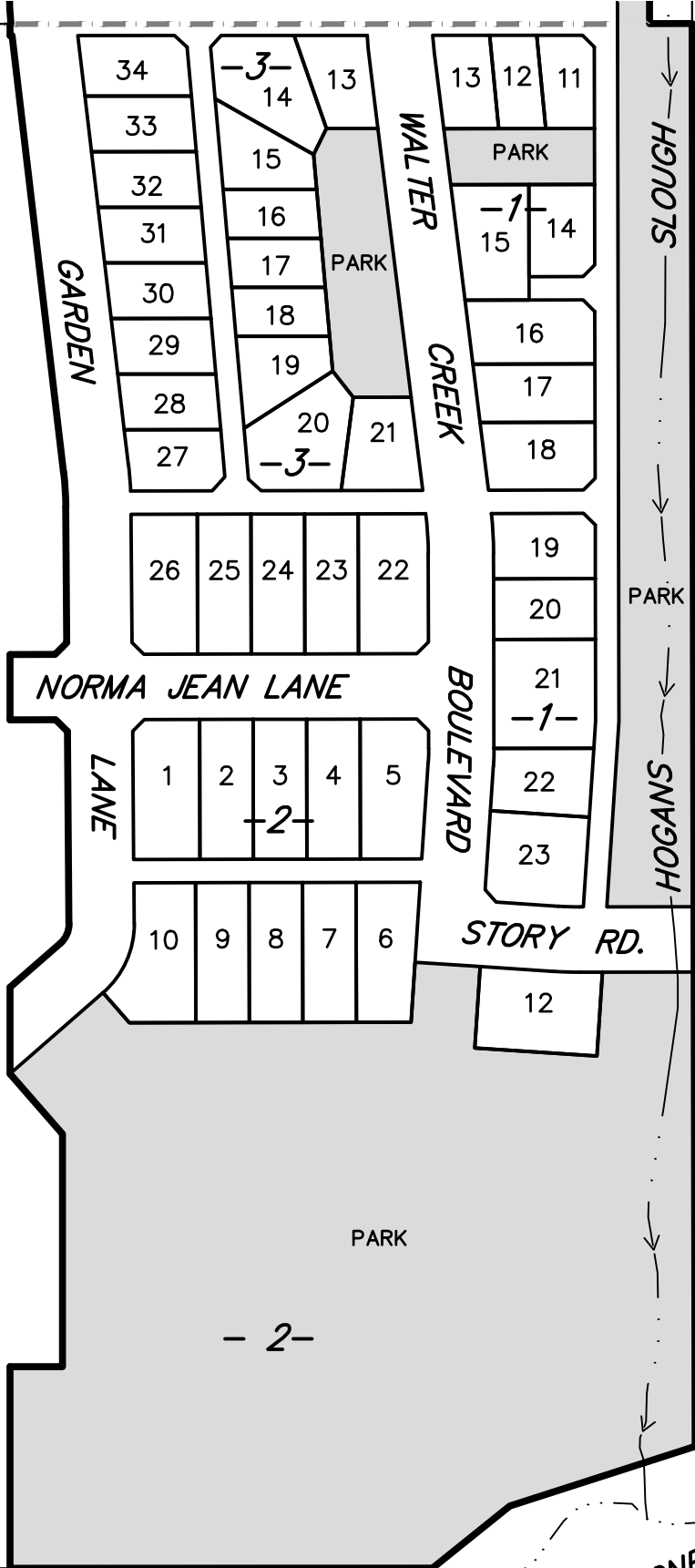


**NORTH**

SCALE: 1" = 150'

TRACT 2

CERTIFICATE  
OF  
SURVEY  
No. 3594



LOT 2  
SUBDIVISION,  
MEADOWS  
HARMONY  
FIRST  
FILING  
-BLOCK 1-

## SID 1404 EXHIBIT B

SID 1404 includes Annafeld Subdivision Block 1, Lots 1-23, Block 2, Lots 1-10, 12, Block 3, Lots 1-34, Block 4, Lots 1-3.

**SID 1404 Annafeld Parks and Streetlights**  
**Exhibit C Engineers Estimate of Probable Cost**  
**Prepared By: City of Billings**

Item Number	Description	Quantity	Unit	Engineers Estimate	
				Unit Prices	Amount
				Dollars	Dollars
100	Street Lights	1	LS	\$250,000.00	\$250,000.00
101	Park Construction	1	LS	\$656,800.00	\$646,800.00
				Sub-Total	\$896,800.00
				<b>Total</b>	<b>\$916,800.00</b>
Engineering					
				Finance Fee	\$1,200.00
				Revolving Fund 5%	\$50,000.00
				Bond Discount 2%	\$20,000.00
				Issuance Costs	\$12,000.00
				<b>\$1,000,000.00</b>	<b>643,422</b>
				Area to be assessed	\$1.5541899
				Assessment per SF	

**SID 1404 Annafeld Parks and Streetlights**  
**Exhibit D Property Owner Description and Assessment**  
**Prepared By: City of Billings**

TAX ID	OWNER	LOT AREA	ASSESSMENT #1	
			STREETLIGHT	PARK
			\$1,55419/SF	
A36416	Mccall Development, Inc. 1536 Mullaney Lane Ste 100 Billings, Mt 59101	28,074.00	\$43,692.33	
A36417	Mccall Development, Inc. 1537 Mullaney Lane Ste 100 Billings, Mt 59102	28,106.00	\$43,682.06	
A36418	Mccall Development, Inc. 1538 Mullaney Lane Ste 100 Billings, Mt 59103	28,151.00	\$43,752.00	
A36419	Mccall Development, Inc. 1539 Mullaney Lane Ste 100 Billings, Mt 59104	135,844.00	\$211,127.39	
A36420	Mccall Development, Inc. 1540 Mullaney Lane Ste 100 Billings, Mt 59105	8,971.00	\$13,942.64	
A36421	Mccall Development, Inc. 1541 Mullaney Lane Ste 100 Billings, Mt 59106	25,015.00	\$38,878.06	
A36422	Mccall Development, Inc. 1542 Mullaney Lane Ste 100 Billings, Mt 59107	11,028.00	\$17,139.61	
A36423	Mccall Development, Inc. 1543 Mullaney Lane Ste 100 Billings, Mt 59108	3,768.00	\$5,856.19	
A36424	Mccall Development, Inc. 1544 Mullaney Lane Ste 100 Billings, Mt 59109	3,530.00	\$5,486.29	
A36425	Mccall Development, Inc. 1545 Mullaney Lane Ste 100 Billings, Mt 59110	3,329.00	\$5,173.90	
A36426	Mccall Development, Inc. 1546 Mullaney Lane Ste 100 Billings, Mt 59111	3,590.00	\$5,579.54	
A36427	Mccall Development, Inc. 1547 Mullaney Lane Ste 100 Billings, Mt 59112	3,231.00	\$5,021.59	
A36428	Mccall Development, Inc. 1548 Mullaney Lane Ste 100 Billings, Mt 59113	3,853.00	\$5,988.29	
A36429	Mccall Development, Inc. 1549 Mullaney Lane Ste 100 Billings, Mt 59114	4,401.00	\$6,839.99	
A36430	Mccall Development, Inc. 1550 Mullaney Lane Ste 100 Billings, Mt 59115	6,047.00	\$9,309.47	
A36431	Mccall Development, Inc. 1551 Mullaney Lane Ste 100 Billings, Mt 59116	5,873.00	\$9,127.76	
A36432	Mccall Development, Inc. 1552 Mullaney Lane Ste 100 Billings, Mt 59117	5,081.00	\$7,896.84	
A36433	Mccall Development, Inc. 1553 Mullaney Lane Ste 100 Billings, Mt 59118	5,479.00	\$8,515.41	
A36434	Mccall Development, Inc. 1554 Mullaney Lane Ste 100 Billings, Mt 59119	4,861.00	\$7,554.92	
A36435	Mccall Development, Inc. 1555 Mullaney Lane Ste 100 Billings, Mt 59120	4,541.00	\$7,057.58	
A36436	Mccall Development, Inc. 1556 Mullaney Lane Ste 100 Billings, Mt 59121	8,140.00	\$12,651.11	
A36437	Mccall Development, Inc. 1557 Mullaney Lane Ste 100 Billings, Mt 59122	4,795.00	\$7,452.34	
A36438	Mccall Development, Inc. 1558 Mullaney Lane Ste 100 Billings, Mt 59123	6,567.00	\$10,206.37	
A36441	Mccall Development, Inc. 1559 Mullaney Lane Ste 100 Billings, Mt 59124	6,808.00	\$10,577.82	
A36442	Mccall Development, Inc. 1560 Mullaney Lane Ste 100 Billings, Mt 59125	5,508.00	\$8,560.48	
A36443	Mccall Development, Inc. 1561 Mullaney Lane Ste 100 Billings, Mt 59126	5,508.00	\$8,560.48	
A36444	Mccall Development, Inc. 1562 Mullaney Lane Ste 100 Billings, Mt 59127	5,508.00	\$8,560.48	
A36445	Mccall Development, Inc. 1563 Mullaney Lane Ste 100 Billings, Mt 59128	6,719.00	\$10,442.60	
A36446	Mccall Development, Inc. 1564 Mullaney Lane Ste 100 Billings, Mt 59129	6,114.00	\$9,502.32	
A36447	Mccall Development, Inc. 1565 Mullaney Lane Ste 100 Billings, Mt 59130	5,508.00	\$8,560.48	
A36448	Mccall Development, Inc. 1566 Mullaney Lane Ste 100 Billings, Mt 59131	5,508.00	\$8,560.48	
A36449	Mccall Development, Inc. 1567 Mullaney Lane Ste 100 Billings, Mt 59132	5,508.00	\$8,560.48	
A36450	Mccall Development, Inc. 1568 Mullaney Lane Ste 100 Billings, Mt 59133	7,215.00	\$11,213.48	
A36452	Mccall Development, Inc. 1569 Mullaney Lane Ste 100 Billings, Mt 59134	7,383.00	\$11,474.58	

	Mccall Development, Inc. 1570 Muldowney Lane Ste 100 Billings, Mt		
A36454	59135	13,833.00	\$21,499.11
	Mccall Development, Inc. 1571 Muldowney Lane Ste 100 Billings, Mt		
A36455	59136	12,098.00	\$18,802.59
	Mccall Development, Inc. 1572 Muldowney Lane Ste 100 Billings, Mt		
A36456	59137	4,039.00	\$6,277.37
	Mccall Development, Inc. 1573 Muldowney Lane Ste 100 Billings, Mt		
A36457	59138	4,000.00	\$6,216.76
	Mccall Development, Inc. 1574 Muldowney Lane Ste 100 Billings, Mt		
A36458	59139	4,000.00	\$6,216.76
	Mccall Development, Inc. 1575 Muldowney Lane Ste 100 Billings, Mt		
A36459	59140	4,000.00	\$6,216.76
	Mccall Development, Inc. 1576 Muldowney Lane Ste 100 Billings, Mt		
A36460	59141	4,658.00	\$7,239.42
	Mccall Development, Inc. 1577 Muldowney Lane Ste 100 Billings, Mt		
A36461	59142	4,327.00	\$6,724.98
	Mccall Development, Inc. 1578 Muldowney Lane Ste 100 Billings, Mt		
A36462	59143	3,840.00	\$5,968.09
	Mccall Development, Inc. 1579 Muldowney Lane Ste 100 Billings, Mt		
A36463	59144	3,840.00	\$5,968.09
	Mccall Development, Inc. 1580 Muldowney Lane Ste 100 Billings, Mt		
A36464	59145	3,840.00	\$5,968.09
	Mccall Development, Inc. 1581 Muldowney Lane Ste 100 Billings, Mt		
A36465	59146	4,343.00	\$6,749.85
	Mccall Development, Inc. 1582 Muldowney Lane Ste 100 Billings, Mt		
A36466	59147	4,238.00	\$6,586.66
	Mccall Development, Inc. 1583 Muldowney Lane Ste 100 Billings, Mt		
A36467	59148	6,581.00	\$10,228.12
	Mccall Development, Inc. 1584 Muldowney Lane Ste 100 Billings, Mt		
A36468	59149	4,322.00	\$6,717.21
	Mccall Development, Inc. 1585 Muldowney Lane Ste 100 Billings, Mt		
A36469	59150	3,373.00	\$5,242.28
	Mccall Development, Inc. 1586 Muldowney Lane Ste 100 Billings, Mt		
A36470	59151	3,373.00	\$5,242.28
	Mccall Development, Inc. 1587 Muldowney Lane Ste 100 Billings, Mt		
A36471	59152	3,373.00	\$5,242.28
	Mccall Development, Inc. 1588 Muldowney Lane Ste 100 Billings, Mt		
A36472	59153	4,364.00	\$6,782.49
	Mccall Development, Inc. 1589 Muldowney Lane Ste 100 Billings, Mt		
A36473	59154	6,947.00	\$10,796.96
	Mccall Development, Inc. 1590 Muldowney Lane Ste 100 Billings, Mt		
A36474	59155	4,785.00	\$7,436.80
	Mccall Development, Inc. 1591 Muldowney Lane Ste 100 Billings, Mt		
A36475	59156	7,121.00	\$11,067.39
	Mccall Development, Inc. 1592 Muldowney Lane Ste 100 Billings, Mt		
A36476	59157	5,520.00	\$8,579.13
	Mccall Development, Inc. 1593 Muldowney Lane Ste 100 Billings, Mt		
A36477	59158	5,520.00	\$8,579.13
	Mccall Development, Inc. 1594 Muldowney Lane Ste 100 Billings, Mt		
A36478	59159	5,520.00	\$8,579.13
	Mccall Development, Inc. 1595 Muldowney Lane Ste 100 Billings, Mt		
A36479	59160	6,730.00	\$10,459.70
	Mccall Development, Inc. 1596 Muldowney Lane Ste 100 Billings, Mt		
A36480	59161	4,239.00	\$6,588.21
	Mccall Development, Inc. 1597 Muldowney Lane Ste 100 Billings, Mt		
A36481	59162	3,981.00	\$6,187.23
	Mccall Development, Inc. 1598 Muldowney Lane Ste 100 Billings, Mt		
A36482	59163	4,049.00	\$6,292.92
	Mccall Development, Inc. 1599 Muldowney Lane Ste 100 Billings, Mt		
A36483	59164	4,117.00	\$6,388.60
	Mccall Development, Inc. 1600 Muldowney Lane Ste 100 Billings, Mt		
A36484	59165	4,185.00	\$6,504.29
	Mccall Development, Inc. 1601 Muldowney Lane Ste 100 Billings, Mt		
A36485	59166	4,253.00	\$6,609.97
	Mccall Development, Inc. 1602 Muldowney Lane Ste 100 Billings, Mt		
A36486	59167	4,321.00	\$6,715.65
	Mccall Development, Inc. 1603 Muldowney Lane Ste 100 Billings, Mt		
A36487	59168	4,737.00	\$7,362.20
	Mccall Development, Inc. 1604 Muldowney Lane Ste 100 Billings, Mt		
A36490	59169	27,901.00	\$43,363.46
	Mccall Development, Inc. 1605 Muldowney Lane Ste 100 Billings, Mt		
A36491	59170	12,041.00	\$18,714.00
	Mccall Development, Inc. 1606 Muldowney Lane Ste 100 Billings, Mt		
A36492	59171	21,458.00	\$33,349.81
		643,422.00	\$1,000,000.04

**SID 1404 Annafeld Parks and Streetlights**  
**Exhibit E Description of Improvements**  
**Prepared by: City of Billings**

Special Improvement District No. 1404 shall construct streetlights and park improvements within Annafeld Subdivision 1st Filing within the City of Billings.

**SID 1404 Parks and Streetlights**  
**Exhibit F Property Market Value and Delinquency**  
**Prepared By: City of Billings**

TAX I.D. NUMBER	PREVIOUS SID #	PREVIOUS SID PAY-OFF	SID 1404 DELINQUENT ASSESSMENT	SID 1404 CASH CONTRIBUTION	SID PAY-OFF + DELINQUENT + SID 1404 ASSESSMENT	ESTIMATED MARKET VALUE	ESTIMATED MARKET VALUE AFTER IMPROVEMENTS
A36416			\$43,632.33	\$0.00	\$43,632.33		\$43,632.33
A36417			\$43,682.06	\$0.00	\$43,682.06		\$43,682.06
A36418			\$43,752.00	\$0.00	\$43,752.00		\$43,752.00
A36419			\$211,127.39	\$0.00	\$211,127.39		\$211,127.39
A36420			\$13,942.64	\$0.00	\$13,942.64		\$13,942.64
A36421			\$38,878.06	\$0.00	\$38,878.06		\$38,878.06
A36422			\$17,139.61	\$0.00	\$17,139.61		\$17,139.61
A36423			\$5,856.19	\$0.00	\$5,856.19		\$5,856.19
A36424			\$5,486.29	\$0.00	\$5,486.29		\$5,486.29
A36425			\$5,173.90	\$0.00	\$5,173.90		\$5,173.90
A36426			\$5,579.54	\$0.00	\$5,579.54		\$5,579.54
A36427			\$5,021.59	\$0.00	\$5,021.59		\$5,021.59
A36428			\$5,988.29	\$0.00	\$5,988.29		\$5,988.29
A36429			\$6,839.99	\$0.00	\$6,839.99		\$6,839.99
A36430			\$9,390.42	\$0.00	\$9,390.42		\$9,390.42
A36431			\$9,127.76	\$0.00	\$9,127.76		\$9,127.76
A36432			\$7,896.84	\$0.00	\$7,896.84		\$7,896.84
A36433			\$8,515.41	\$0.00	\$8,515.41		\$8,515.41
A36434			\$7,554.92	\$0.00	\$7,554.92		\$7,554.92
A36435			\$7,057.58	\$0.00	\$7,057.58		\$7,057.58
A36436			\$12,651.11	\$0.00	\$12,651.11		\$12,651.11
A36437			\$7,452.34	\$0.00	\$7,452.34		\$7,452.34
A36438			\$10,206.37	\$0.00	\$10,206.37		\$10,206.37
A36441			\$10,577.82	\$0.00	\$10,577.82		\$10,577.82
A36442			\$8,560.48	\$0.00	\$8,560.48		\$8,560.48
A36443			\$8,560.48	\$0.00	\$8,560.48		\$8,560.48
A36444			\$8,560.48	\$0.00	\$8,560.48		\$8,560.48
A36445			\$10,442.60	\$0.00	\$10,442.60		\$10,442.60
A36446			\$9,502.32	\$0.00	\$9,502.32		\$9,502.32
A36447			\$8,560.48	\$0.00	\$8,560.48		\$8,560.48
A36448			\$8,560.48	\$0.00	\$8,560.48		\$8,560.48
A36449			\$8,560.48	\$0.00	\$8,560.48		\$8,560.48
A36450			\$11,213.48	\$0.00	\$11,213.48		\$11,213.48
A36452			\$11,474.58	\$0.00	\$11,474.58		\$11,474.58
A36454			\$21,499.11	\$0.00	\$21,499.11		\$21,499.11
A36455			\$18,802.59	\$0.00	\$18,802.59		\$18,802.59
A36456			\$6,277.37	\$0.00	\$6,277.37		\$6,277.37
A36457			\$6,216.76	\$0.00	\$6,216.76		\$6,216.76
A36458			\$6,216.76	\$0.00	\$6,216.76		\$6,216.76
A36459			\$6,216.76	\$0.00	\$6,216.76		\$6,216.76
A36460			\$7,239.42	\$0.00	\$7,239.42		\$7,239.42
A36461			\$6,724.98	\$0.00	\$6,724.98		\$6,724.98
A36462			\$5,968.09	\$0.00	\$5,968.09		\$5,968.09
A36463			\$5,968.09	\$0.00	\$5,968.09		\$5,968.09
A36464			\$5,968.09	\$0.00	\$5,968.09		\$5,968.09
A36465			\$6,749.85	\$0.00	\$6,749.85		\$6,749.85
A36466			\$6,586.66	\$0.00	\$6,586.66		\$6,586.66
A36467			\$10,228.12	\$0.00	\$10,228.12		\$10,228.12
A36468			\$6,717.21	\$0.00	\$6,717.21		\$6,717.21
A36469			\$5,242.28	\$0.00	\$5,242.28		\$5,242.28
A36470			\$5,242.28	\$0.00	\$5,242.28		\$5,242.28
A36471			\$5,242.28	\$0.00	\$5,242.28		\$5,242.28
A36472			\$6,782.49	\$0.00	\$6,782.49		\$6,782.49
A36473			\$10,796.96	\$0.00	\$10,796.96		\$10,796.96
A36474			\$7,436.80	\$0.00	\$7,436.80		\$7,436.80
A36475			\$11,067.39	\$0.00	\$11,067.39		\$11,067.39
A36476			\$8,579.13	\$0.00	\$8,579.13		\$8,579.13
A36477			\$8,579.13	\$0.00	\$8,579.13		\$8,579.13
A36478			\$8,579.13	\$0.00	\$8,579.13		\$8,579.13
A36479			\$10,459.70	\$0.00	\$10,459.70		\$10,459.70
A36480			\$6,588.21	\$0.00	\$6,588.21		\$6,588.21
A36481			\$6,187.23	\$0.00	\$6,187.23		\$6,187.23
A36482			\$6,292.92	\$0.00	\$6,292.92		\$6,292.92
A36483			\$6,398.60	\$0.00	\$6,398.60		\$6,398.60
A36484			\$6,504.29	\$0.00	\$6,504.29		\$6,504.29
A36485			\$6,609.97	\$0.00	\$6,609.97		\$6,609.97
A36486			\$6,715.65	\$0.00	\$6,715.65		\$6,715.65
A36487			\$7,362.20	\$0.00	\$7,362.20		\$7,362.20
A36490			\$43,363.46	\$0.00	\$43,363.46		\$43,363.46
A36491			\$18,714.00	\$0.00	\$18,714.00		\$18,714.00
A36492			\$33,349.81	\$0.00	\$33,349.81		\$33,349.81
<b>AVERAGE</b>	<b>#DIV/0!</b>	<b>\$0.00</b>	<b>\$14,084.51</b>	<b>\$0.00</b>	<b>\$14,084.51</b>	<b>#DIV/0!</b>	<b>\$14,084.51</b>
<b>MEDIAN</b>	<b>#NUM!</b>	<b>\$0.00</b>	<b>\$7,896.84</b>	<b>\$0.00</b>	<b>\$7,896.84</b>	<b>#NUM!</b>	<b>\$7,896.84</b>
<b>LOW</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$5,021.59</b>	<b>\$0.00</b>	<b>\$5,021.59</b>	<b>\$0.00</b>	<b>\$5,021.59</b>
<b>HIGH</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$211,127.39</b>	<b>\$0.00</b>	<b>\$211,127.39</b>	<b>\$0.00</b>	<b>\$211,127.39</b>

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Resolution of Intention to Create SILMD 324 and Discontinue SILMD 287 and Set a Public Hearing Date

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

**Department:** Public Works

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

The Engineering Division has a street reconstruction project planned for Midland Road in the summer of 2018. The project will include installation of street lights along those portions of Midland Road that do not already have street lighting. Passage of this Resolution of Intent is the first step in the legal process of creating a lighting maintenance district to pay the costs of operating and maintaining the new lighting. Passage of this Resolution of Intent will trigger the mailing of legal notices to the affected property owners and set a Council public hearing at the February 12, 2018, City Council meeting.

There is an existing SILMD 287 on a portion of Midland Road, which uses High Pressure Sodium lamps. In order to create a uniform lighting pattern these lights will be converted to LED lamps. Therefore, this Resolution will also discontinue the existing SILMD 287 on Midland Road and replace it with SILMD 324 when it becomes energized. The new lighting will use steel mast arm-style poles with LED lamps and underground wiring. The existing lights will be retrofitted with LED lamps. The cost of installing the new lighting will be paid from the South Billings Blvd. Urban Renewal District (SBBURD). The adjacent property owners will only pay for electrical energy and maintenance, through an assessment on their property taxes.

**ALTERNATIVES ANALYZED**

City Council may:

- Pass the Resolution of Intent to create SILMD 324 to provide a source of funding for operation and maintenance of the street lights, discontinue SILMD 287 which will be absorbed into SILMD 324, and set a public hearing for February 12, 2018; or
- Do not pass the Resolution of Intent or set a public hearing date and continue SILMD 287. If the Council does not adopt the Resolution, the property owners cannot be assessed for operation and maintenance of the streetlights and the new lighting will not be installed.

**FINANCIAL IMPACT**

All costs of maintaining and providing energy for the lighting are paid from assessments against the properties within the light district. There are City owned properties within the district which will be assessed an estimated \$1,544.91.

**RECOMMENDATION**

Staff recommends the City Council approve a Resolution of Intent to create SILMD 324, discontinue SILMD 287, and set a public hearing for February 12, 2018.

# APPROVED BY CITY ADMINISTRATOR

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## Attachments

Resolution of Intent

SILMD 324 Exh A--287 Parcels

SILMD 324 Exh B--Map

SILMD 324 Exh C--324 Parcels

SILMD 324 Exh D--Assmt Data

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A RESOLUTION OF INTENTION TO CREATE **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 324** OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS AND TO DISCONTINUE **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 287** OF THE CITY OF BILLINGS, MONTANA.

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

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

SECTION 1:

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

SECTION 2:

That said district shall encompass properties in the existing district designated "Special Improvement Lighting Maintenance District No. 287" described in Exhibit "A" attached hereto, and, thus, "Special Improvement Lighting Maintenance District No. 287" shall be discontinued when the new Special Improvement Lighting Maintenance District is energized.

SECTION 3:

That said newly created district shall be known and designated as "Special Improvement Lighting Maintenance District No. 324", hereinafter called the District, and the boundaries of the District shall include lots, parcels and pieces of land directly abutting Midland Road between Mallownev Lane and South Billings Boulevard as shown on the map designated as Exhibit "B" and

District is hereby declared to be the property to be assessed for the costs and expenses of obtaining the electrical energy for and maintenance of said street lights.

SECTION 5:

That the general character of the improvements to be made for the District is declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of thirty five (35) LED luminaires mounted on steel poles with underground wiring (12 of which are currently in SILMD 287). The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

SECTION 6:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$9.05 per unit, per month, and that NorthWestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 7:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$8,000.00; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "D" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its Midland Road frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. The estimated cost of the District per year for property owners is on the basis of approximately \$ 0.810127 per lineal foot of property frontage.

SECTION 8:

That the entire cost of the District shall be paid by an annual assessment against the property in the District; that annually, pursuant to § 7-12-4332, MCA, the City Council shall adopt a resolution estimating the cost of maintaining said lights including a reserve, and furnishing electrical current and assessing all of said property within said District for the annual costs; that

SECTION 9:

That on the 12th day of February, 2018, at 6:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create such Special Improvement Lighting Maintenance District No. 324 and will hear objections and protests against the proposed improvements and the extent and creation of such District to be assessed, or any matter pertaining thereto, at said time and place, by any person, firm, or corporation who has filed a written protest with the City Clerk of the City of Billings within fifteen (15) days after the date on which the Notice of the passage of this Resolution of Intention is published in "Yellowstone County News".

SECTION 10:

That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "Yellowstone County News", a weekly newspaper published and circulated in the City of Billings, Montana, and to send a copy of said Notice to the owners of all the lots, blocks, pieces or parcels of land included within the boundaries of said Special Improvement Lighting Maintenance District No. 324. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 22nd day of January, 2018.

CITY OF BILLINGS

By \_\_\_\_\_  
William A. Cole Mayor

ATTEST:

By \_\_\_\_\_  
Denise R. Bohlman City Clerk

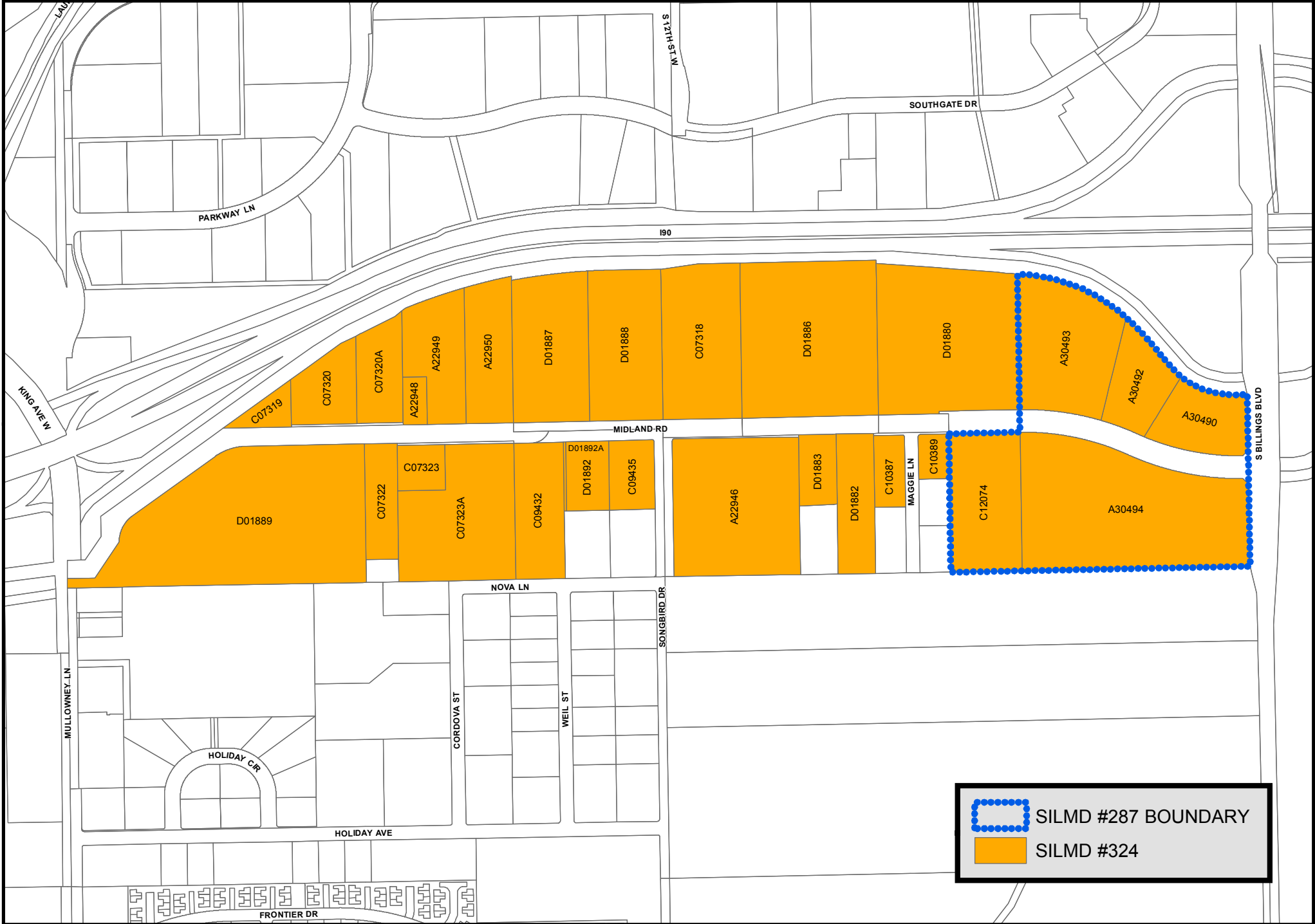
## EXHIBIT A


### SILMD 287--Ownership


GEOCODE	Tax Code	Owner Name	Legal Description	Address	City-State-Zip
03092717102040000	C12074	City of Billings	L 4 BLK 1 CEREUS SUB	PO Box 1178	BILLINGS MT 59103-1178
03092717103100000	A30490	JJRAY LLC	L 1-2 BLK 1 Blgs Operations Center Sub	2646 GRAND AVE STE 1	BILLINGS MT 59102-7113
03092717103300000	A30492	City of Billings	L 3 BLK 1 Blgs Operations Center Sub	PO Box 1178	BILLINGS MT 59103-1178
03092717103400000	A30493	City of Billings	L 4 BLK 1 Blgs Operations Center Sub	PO Box 1178	BILLINGS MT 59103-1178
03092717104100000	A30494	City of Billings	L 1 BLK 2, Blgs Operations Center Sub	PO Box 1178	BILLINGS MT 59103-1178

SILMD #324

"EXHIBIT B"



 SILMD #287 BOUNDARY

 SILMD #324

**EXHIBIT C**  
**SILMD 324--Ownership**

GEOCODE	Tax Code	Owner Name	Legal Description	Address	City	State	Zip
3092717101010000	A22946	MOUNTAIN STATES BAKERIES LLC	PINYON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1 - 2	315 NE 10TH AVE	PORTLAND	OR	97232-2712
3092717204040000	A22948	KENNEY, STEVEN A &	REGAL 8 SUB, S17, T01 S, R26 E, Lot 1	1215 24TH ST W	BILLINGS	MT	59102-3894
3092717204050000	A22949	G6 HOSPITALITY PROPERTY LLC	REGAL 8 SUB, S17, T01 S, R26 E, Lot 2	PO BOX 117508	CARROLLTON	TX	75011-7508
3092717205010000	A22950	WAGGONER REAL ESTATE, LLC	REGAL 8 SUB, S17, T01 S, R26 E, Lot 3	PO BOX 1516	BILLINGS	MT	59103-1516
3092717103100000	A30490	JJRAY LLC	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, LTS 1-2 (16).	2646 GRAND AVE STE 1	BILLINGS	MT	59102-7113
3092717103300000	A30492	CITY OF BILLINGS	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 3, 2.278 AC (04)	PO BOX 1178	BILLINGS	MT	59103-1178
3092717103400000	A30493	CITY OF BILLINGS	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 4, 5.774 AC (04)	PO BOX 1178	BILLINGS	MT	59103-1178
3092717104100000	A30494	CITY OF BILLINGS	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 2, Lot 1, 11.410 AC (04)	PO BOX 1178	BILLINGS	MT	59103-1178
3092717107010000	C07318	FARM TO MARKET ENGINES LLC	FOX-RUN SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, (LESS 5440 SF HWY)	PO BOX 1390	EASTSOUND	WA	98245-1390
3092717204010000	C07319	MAGGA LLC	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	4371 RANGEVIEW DR	BILLINGS	MT	59106-4735
3092717204020000	C07320	BIG SKY HOTELS LLC	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMND LT 2	1345 MULLOWNEY LANE	BILLINGS	MT	59101-6361
3092717204030000	C07320A	KENNEY, STEVEN A &	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B, AMND L:2	1215 24TH ST W	BILLINGS	MT	59102-3894
3092717202010000	C07322	G6 HOSPITALITY PROPERTY LLC	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, N510'	4001 INTERNATIONAL PKWY	CARROLLTON	TX	75007-1914
3092717202040000	C07323	BECK, PAUL	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMD	PO BOX 2310	RED LODGE	MT	59068-2310
3092717202030000	C07323A	LYNNE J ZIMMER REVOCABLE TRUST	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B1 - 2B2, AMD 266936 SQ FT (05)	4701 SUNDANCE CIR	SIOUX FALLS	SD	57105
3092717203010000	C09432	WAGGONER REAL ESTATE, LLC	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	PO BOX 1516	BILLINGS	MT	59103-1516
3092717203040000	C09435	TTK DEVELOPMENT LLC	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	PO BOX 51329	BILLINGS	MT	59105-1329
3092717101050000	C10387	RADI PROPERTIES LLC	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1A, AMND LT 1-2	1643 24TH ST W STE 205	BILLINGS	MT	59102-2677
3092717102030000	C10389	1111 LLC	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 2, Lot 1	1119 MAGGIE LN	BILLINGS	MT	59101-6348
3092717102040000	C12074	CITY OF BILLINGS	CEREUS SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	PO BOX 1178	BILLINGS	MT	59103-1178
3092717109010000	D01880	BRUMAR CORPORATION	S17, T01 S, R26 E, C.O.S. 1768, PARCEL 1, (LESS .187 ACRES HWY) & LTS 1-3 BLK 1 CEREUS SUB (10)	PO BOX 2192	BILLINGS	MT	59103-2192
3092717101030000	D01882	ELCO ENTERPRISES LLC	S17, T01 S, R26 E, C.O.S. 1430, PARCEL 1A2, AMND TRCT 1-A	740 BLUEGRASS DR W	BILLINGS	MT	59106-4536
3092717101060000	D01883	ELCO ENTERPRISES LLC	S17, T01 S, R26 E, C.O.S. 1430 AMD, PARCEL 1, AMD TR 1-A-1	740 BLUEGRASS DR W	BILLINGS	MT	59106-4536
3092717107020000	D01886	C & B OPERATIONS LLC	S17, T01 S, R26 E, C.O.S. 1353, PARCEL 1, (LESS .275 AC - HWY) 9.155 ACRES	30965 US HIGHWAY 212	GETTYSBURG	SD	57442-8709
3092717205020000	D01887	PROFFUTT LIMITED PARTNERSHIP	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 1	700 SOUTH 7TH ST	FARGO	ND	58103
3092717205030000	D01888	LOOMIS FAMILY LIMITED PTNSHP	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 2A-2B, AMD	5179 MIDLAND RD	BILLINGS	MT	59101-6340
3092717201010000	D01889	5500 MIDLAND HOLDINGS LLC	S17, T01 S, R26 E, C.O.S. 1091, PARCEL 4 & 5, (LESS 2130 SQ FT HWY) APPROX 13.66 ACRES	1275 W GRANADA BLVD STE 3B	ORMOND BEACH	FL	32174-8105
3092717203050000	D01892	LOCAL UNION 532 BUILDING CORP	S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2A, AMNDTR 2	PO BOX 80005	BILLINGS	MT	59108-0005
3092717203060000	D01892A	WAGGONER REAL ESTATE, LLC	S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2B, AMNDTR 2	PO BOX 1516	BILLINGS	MT	59103-1516

**Exhibit D**  
**SILMD 324**  
**Midland Road**

TAX_ID	Exist SILMD	OwnerName	Property Address	ShortLegal	Lot Frontage	Est. Annual Assmt. LF
A22946		MOUNTAIN STATES BAKERIES LLC	5150 MIDLAND RD	PINYON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1 - 2	555	\$449.62
A22948		KENNEY, STEVEN A &	MIDLAND RD	REGAL 8 SUB, S17, T01 S, R26 E, Lot 1	106	\$85.87
A22949		G6 HOSPITALITY PROPERTY LLC	5353 MIDLAND RD	REGAL 8 SUB, S17, T01 S, R26 E, Lot 2	172	\$139.34
A22950		WAGGONER REAL ESTATE, LLC		REGAL 8 SUB, S17, T01 S, R26 E, Lot 3	209	\$169.32
A30490	287	JJRAY LLC	4819 MIDLAND RD	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, LTS 1-2 (16).	462	\$374.28
A30492	287	CITY OF BILLINGS		BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 3, 2.278 AC (04)	203	\$164.46
A30493	287	CITY OF BILLINGS		BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 4, 5.774 AC (04)	361	\$292.46
A30494	287	CITY OF BILLINGS	4848 MIDLAND RD	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 2, Lot 1, 11.410 AC (04)	1,029	\$833.62
C07318		FARM TO MARKET ENGINES LLC	5151 MIDLAND RD	FOX-RUN SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, (LESS 5440 SF HWY)	350	\$283.54
C07319		MAGGA LLC	5435 MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	302	\$244.66
C07320		BIG SKY HOTELS LLC	5425 MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMND LT 2	289	\$234.13
C07320A		KENNEY, STEVEN A &	MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B, AMND L:2	205	\$166.08
C07322		G6 HOSPITALITY PROPERTY LLC	5400 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, N510'	144	\$116.66
C07323		BECK, PAUL	5364 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMD	210	\$170.13
C07323A		LYNNE J ZIMMER REVOCABLE TRUST	5250 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B1 - 2B2, AMD 266936 SQ FT (05)	304	\$246.28
C09432		WAGGONER REAL ESTATE, LLC	5220 MIDLAND RD	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	218	\$176.61
C09435		TTK DEVELOPMENT LLC	5160 MIDLAND RD	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	198	\$160.41
C10387		RADI PROPERTIES LLC	1110 MAGGIE LN	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1A, AMND LT 1-2	133	\$107.75
C10389		1111 LLC	1119 MAGGIE LN	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 2, Lot 1	133	\$107.75
C12074	287	CITY OF BILLINGS		CEREUS SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	314	\$254.38
D01880		BRUMAR CORPORATION	4941 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1768, PARCEL 1, (LESS .187 ACRES HWY) & LTS 1-3 BLK 1 CEREUS SUB (10)	624	\$505.52
D01882		ELCO ENTERPRISES LLC	MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1430, PARCEL 1A2, AMND TRCT 1-A	166	\$134.48
D01883		ELCO ENTERPRISES LLC	5044 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1430 AMD, PARCEL 1, AMD TR 1-A-1	166	\$134.48
D01886		C & B OPERATIONS LLC	5121 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1353, PARCEL 1, (LESS .275 AC - HWY) 9.155 ACRES	600	\$486.08
D01887		PROFFUTT LIMITED PARTNERSHIP	5221 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 1	336	\$272.20
D01888		LOOMIS FAMILY LIMITED PTNSHP	5179 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 2A-2B, AMD	322	\$260.86
D01889		5500 MIDLAND HOLDINGS LLC	5500 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1091, PARCEL 4 & 5, (LESS 2130 SQ FT HWY) APPROX 13.66 ACRES	1564	\$1,267.04
D01892		LOCAL UNION 532 BUILDING CORP	5200 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2A, AMNDTR 2	190	\$153.92
D01892A		WAGGONER REAL ESTATE, LLC		S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2B, AMNDTR 2	10	\$8.10

**\$8,000.00**

Total Assmt. \$ 8,000.00

**Total assesment basis** 9875 Lineal Feet  
Assessment Rate 0.81012658

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Zone Change 961 - Rimrock Road & 62nd St. West - 2nd Reading

**PRESENTED BY:** Monica Plecker

**Department:** Planning & Community Services

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential Professional (RP) to Community Commercial (CC) on a 1.42-acre portion of C/S 2465, Parcel 6A, a 39.38-acre parcel of land. The property is generally located north of Rimrock Road and West of 62nd Street West. A pre-application neighborhood meeting was held on October 25, 2017 at the Yellowstone Country Club, 3200 Paul Allen Way. The City Council conducted a hearing on January 8, 2018, and recommended of approval and adoption of the findings of the 10 criteria.

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 types 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:

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

**APPLICANT DATA**

Owner: Magnus Land Development, LLC.

Agent: Performance Engineering

The Planning staff reviewed the requested zoning and recommended approval based on the proposed findings of the 10 criteria. The Zoning Commission concurred with the recommendation and the findings. The proposed zoning meets many of the 2016 Billings Growth Policy guidelines.

Prior to making a decision on the requested zone change, the City Council shall consider the following findings and criteria:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

**Essential Investments, Strong Neighborhoods and Community Fabric:** Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning would allow neighborhood services in this mixed use area at an intersection where commercial nodes are encouraged.

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

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

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

Public health and public safety will be promoted by the proposed zoning. The proposed zoning allows a wide variety of commercial uses. A commercial node will provide opportunity for neighborhood services to develop that are not currently in place.

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

**Transportation:** Less than 1.5 acres of additional property is proposed to be zoned CC. There will likely be some increase in traffic. The area is served by two principle arterials, Rimrock Road and 62<sup>nd</sup> Street West.

**Water and Sewer:** The property was previously annexed into the City Limits and will be served by municipal water and sewer.

**Schools and Parks:** Schools should not be affected by the proposed zoning.

**Fire and Police:** The subject property is served by City public safety services. The Police and Fire Departments had 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.

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

The new zoning should have some effect on vehicle and pedestrian traffic. Since this development is in the City, critical pedestrian infrastructure like sidewalks will be required. The existing zoning could have a significant impact on the surrounding street networks given the variety of uses which are allowed in RP and CC zonings. The addition of 1.42 acres from RP to CC could have some or no effect on motorized traffic. The intended use stated in the application is multifamily and commercial office space. Multi-family housing is not allowable in RP, but is in Community Commercial. This could potentially cause an increase in number of vehicular trips per day.

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

The new zoning does promote compatible urban growth in this area. The intended commercial use is not an intrusion to the area and would be an extension of an existing CC zone. Given the proximity to Rimrock and 62<sup>nd</sup>, the intersection is an ideal location to provide neighborhood services.

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

The subject property is surrounded by a rapidly developing area of west Billings. Multi-family zoning is located just north of the property as well as single family and two family zones.

Commercial uses do not intrude on the existing character of the neighborhood as they would provide essential neighborhood services.

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

The property is currently undeveloped. Approval of the zone change would encourage infill development on a city parcel that is vacant and unimproved.

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

The proposed zoning may encourage the most appropriate use of this land in Billings. This specific location and use is appropriate.

**FINANCIAL IMPACT**

Until lots are developed, City fees for storm water, arterial construction and street maintenance will be based on the vacant rate of assessment. After development, taxes and fees will be based on the developed valuation.

**RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 961 on a 4 to 0 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ordinance

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**ORDINANCE NO. 18-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a 1.42 acre portion of Parcel 6A of C/S 2465, generally located north of Rimrock Road and west of 62<sup>nd</sup> Street West.

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 a 98-foot X 631-foot portion (totaling 1.42 acres) of Parcel 6A of C/S 2465 generally located north of Rimrock Road and west 62<sup>nd</sup> Street West that is presently zoned **Residential Professional (RP)** and is shown on the official zoning map.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential Professional (RP) to Community Commercial (CC) for a 1.42 acre portion of Parcel 6A C/S 2465** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Community Commercial (CC)** as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading January 8, 2018

PASSED, ADOPTED AND APPROVED on second reading January 22, 2018.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk  
Zone Change 961 – Rimrock Road & 62<sup>nd</sup> Street West

Consent 1. L. 1.

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Payment of Claims December 26, 2017

**PRESENTED BY:** Andy Zoeller

**Department:** City Hall Administration

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$3,819,953.55 have been audited and are presented for City Council payment approval. A complete listing of the claims dated December 26, 2017, are available in the Finance Department.

**ALTERNATIVES ANALYZED**

No other alternatives were analyzed.

**FINANCIAL IMPACT**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

**RECOMMENDATION**

Staff recommends that Council approve the Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

councilmemo\_12.26.2017

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Check Date	Check #	Name	Middle	Amount	Item Desc
12/26/2017	809996	A & E Architects, PC	Water	\$ 2,234.25	WO 18-12 Belknap Office Remodel
12/26/2017	809996	A & E Architects, PC	Wastewater	\$ 1,489.50	WO 18-12 Belknap Office Remodel
12/26/2017	810001	Alfa Laval Separation Inc	Water	\$ 3,723.57	WASTEWATER PARTS & SUPPLY
12/26/2017	810010	Askin Construction LLC	Gas Tax	\$ 12,560.62	WO 17-25 Elysian Rd Curb, Cutter
12/26/2017	810010	Askin Construction LLC	Water	\$ 36,909.68	WO 17-25 Elysian Rd Curb, Cutter
12/26/2017	810011	Associated Construction Eng	Wastewater	\$ 4,776.30	WO 17-20 Lift Station Backup Power
12/26/2017	810015	Bi Concrete Design	Facilities Mngmt	\$ 3,720.00	Inv. #2261
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 597.00	15562: S-155 BADGE, GOLD
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 288.00	21197: C-119S LAPEL PIN, GOLD
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 72.00	21127: C-122S LAPEL PIN, GOLD
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 72.00	LAPEL PIN, GOLD, 5X BUGLES
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 564.00	21167: C-116S LAPEL PIN
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 99.50	15558: S-155 BADGE, GOLD
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 99.50	15563: S-155 BADGE, GOLD
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 819.00	15555 S-155 BADGE
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 1,092.00	15560 S-155 BADGE
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 819.00	15561: S-155 BADGE
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 273.00	S-155 BADGE, RHODIUM
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 351.00	2196 C-196 LAPEL PIN, NICKEL
12/26/2017	810016	Big Sky Fire Equipment	Public Safety	\$ 58.50	21822 C-182 LAPEL PIN, NICKEL
12/26/2017	810018	Billings Depot Inc	Engineering	\$ 11,297.34	January 2018
12/26/2017	810018	Billings Depot Inc	P.W. Admin	\$ 2,824.33	January 2018
12/26/2017	810023	Billings Tourism	Tourism BID #2	\$ 814,142.00	Distributed November, paid Dec
12/26/2017	810027	Brenntag Pacific Inc	Street/Traffic Oper	\$ 6,263.00	hicothaw used to melt snow
12/26/2017	810027	Brenntag Pacific Inc	Street/Traffic Oper	\$ 7,361.00	hicothaw used to melt snow
12/26/2017	810032	Business Tax Section	Facilities Mngmt	\$ 467.50	Exterior Lighting Retrofit to LED
12/26/2017	810032	Business Tax Section	Property Ins	\$ 35.50	Gross receipts tax Dale & Jax
12/26/2017	810032	Business Tax Section	Water	\$ 260.13	Provide and install the cameras
12/26/2017	810032	Business Tax Section	Wastewater	\$ 601.23	2017 Water & Sewer Project - Sch
12/26/2017	810032	Business Tax Section	EOC 911	\$ 3,648.81	Business tax for 911 center
12/26/2017	810032	Business Tax Section	Parks Maintenance	\$ 85.91	Business tax on Wharton Asphalt
12/26/2017	810032	Business Tax Section	Solid Waste	\$ 111.78	Cameras for the Landfill per the TRP
12/26/2017	810032	Business Tax Section	Facilities Mngmt	\$ 107.27	Cucancic Construction Inc
12/26/2017	810032	Business Tax Section	Water	\$ 372.82	WO 17-25 Elysian Rd Curb, Cutter
12/26/2017	810032	Business Tax Section	Wastewater	\$ 7.39	WO 16-09 Grand Ave
12/26/2017	810032	Business Tax Section	Wastewater	\$ 32.80	WO 17-01 2017 Water & Sewer
12/26/2017	810032	Business Tax Section	Wastewater	\$ 9.27	WO 17-21 Belknap Service Center
12/26/2017	810032	Business Tax Section	Water	\$ 13.91	WO 17-21 Belknap Service Center
12/26/2017	810032	Business Tax Section	Water	\$ 1,258.76	WO 17-01 2017 Water & Sewer
12/26/2017	810032	Business Tax Section	Water	\$ 393.45	WO 17-01 2017 Water & Sewer
12/26/2017	810032	Business Tax Section	Gas Tax	\$ 126.88	WO 17-25 Elysian Rd Curb, Cutter

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12/26/2017	810032	Business Tax Section	Gas Tax	\$ 794.03	WO 18-03 2018 Street Maintenance
12/26/2017	810032	Business Tax Section	Wastewater	\$ 9,089.47	WO 14-11 Water Reclamation
12/26/2017	810032	Business Tax Section	Arterial Streets	\$ 466.65	WO 16-09 Grand Ave
12/26/2017	810041	Cop Construction Co	Water	\$ 38,951.99	WO 17-01 2017 Water & Sewer
12/26/2017	810041	Cop Construction Co	Wastewater	\$ 59,521.35	WO 17-01 2017 Water & Sewer
12/26/2017	810041	Cop Construction Co	Water	\$ 124,616.64	WO 17-01 20174 Water & Sewer
12/26/2017	810041	Cop Construction Co	Wastewater	\$ 3,247.20	WO 17-01 20174 Water & Sewer
12/26/2017	810047	CTA Inc	Wastewater	\$ 547.54	WO 17-22 Belknap Service Center
12/26/2017	810047	CTA Inc	Water	\$ 1,642.61	WO 17-22 Belknap Service Center
12/26/2017	810047	CTA Inc	EOC 911	\$ 9,028.05	911 Center Architect and Engineering
12/26/2017	810048	Cucancic Construction Inc	Facilities Mngmt	\$ 10,619.75	City Hall Administration Security
12/26/2017	810050	Cummins Rocky Mountain LLC	Transit	\$ 1,292.44	AUTO &TRUCK MAINT.ITEMS
12/26/2017	810050	Cummins Rocky Mountain LLC	Solid Waste	\$ 37.60	55641
12/26/2017	810050	Cummins Rocky Mountain LLC	Wastewater	\$ 225.15	1840 St Andrews Genset hard
12/26/2017	810050	Cummins Rocky Mountain LLC	Fleet	\$ 448.80	004-55183 PO NUM 304860
12/26/2017	810050	Cummins Rocky Mountain LLC	Fleet	\$ 673.20	55334 PO NUM 304860
12/26/2017	810050	Cummins Rocky Mountain LLC	Street/Traffic Oper	\$ 155.14	55784
12/26/2017	810050	Cummins Rocky Mountain LLC	Transit	\$ (125.00)	AUTO &TRUCK MAINT.ITEMS
12/26/2017	810050	Cummins Rocky Mountain LLC	Transit	\$ 97.54	AUTO &TRUCK MAINT.ITEMS
12/26/2017	810051	Dale & Jax Door & Glass Inc	Property Ins	\$ (35.50)	Reduce by 1% for MT Gross
12/26/2017	810051	Dale & Jax Door & Glass Inc	Property Ins	\$ 3,550.00	Replace broken window
12/26/2017	810051	Dale & Jax Door & Glass Inc	Facilities Mngmt	\$ 2,160.00	Inv. #19878
12/26/2017	810055	Digital Video Systems	Solid Waste	\$ 11,066.22	Cameras for the Landfill per the TRP
12/26/2017	810057	Dorsey & Whitney Llp	SID Fund	\$ 799.87	3391245 - Special Improvement
12/26/2017	810057	Dorsey & Whitney Llp	Engineering	\$ 2,399.63	3391245 - Special Improvement
12/26/2017	810058	DOWL	Rose Park Pool Construction	\$ 4,187.92	Inspections and materials testing
12/26/2017	810058	DOWL	Rose Park Pool Construction	\$ 942.24	Inspections and materials testing
12/26/2017	810058	DOWL	Water	\$ 25,816.29	WO 18-01 2018 Water & Sewer
12/26/2017	810058	DOWL	Water	\$ 2,600.00	WO 17-01 2017 Water & Sewer
12/26/2017	810059	Downtown Billings BID, Inc.	Downtown BID	\$ 151,230.34	Paid November, distributed Dec
12/26/2017	810060	Downtown Billings Partnership, Inc.	Tax Increment N 27th	\$ 67,825.50	3rd Qtr FY18 TIF
12/26/2017	810063	Ebms	City Health Ins Fund	\$ 1,485.00	January 2018 Fee Breakdown
12/26/2017	810063	Ebms	City Health Ins Fund	\$ 26,467.90	January 2018 Fee Breakdown
12/26/2017	810063	Ebms	City Health Ins Fund	\$ 55,118.98	January 2018 Fee Breakdown
12/26/2017	810063	Ebms	City Health Ins Fund	\$ 1,656.00	January 2018 Fee Breakdown
12/26/2017	810063	Ebms	City Health Ins Fund	\$ 4,652.80	January 2018 Fee Breakdown
12/26/2017	810068	Emergency Services Consulting International	Public Safety	\$ 13,108.00	CONSULTANT SERVICES: FIRE
12/26/2017	810075	Fisher Construction, Inc	EOC 911	\$ 361,232.19	911 Center construction
12/26/2017	810076	Fisher's Technology	Solid Waste	\$ 44.77	Copier Charges
12/26/2017	810076	Fisher's Technology	General	\$ 113.86	Copier ink
12/26/2017	810076	Fisher's Technology	General	\$ 113.85	Copier ink

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12/26/2017	810076	Fisher's Technology	General	\$ 113.86	Copier ink
12/26/2017	810076	Fisher's Technology	Central Services	\$ 64.82	COURT
12/26/2017	810076	Fisher's Technology	Public Safety	\$ 21.19	CO33- POLICE DETECTIVES
12/26/2017	810076	Fisher's Technology	Central Services	\$ 14.86	POLICE
12/26/2017	810076	Fisher's Technology	Central Services	\$ 4.79	BUILDING
12/26/2017	810076	Fisher's Technology	Central Services	\$ 8.06	FLEET
12/26/2017	810076	Fisher's Technology	Central Services	\$ 9.65	COURT
12/26/2017	810076	Fisher's Technology	Central Services	\$ 19.85	LEGAL
12/26/2017	810076	Fisher's Technology	Central Services	\$ 15.08	LEGAL
12/26/2017	810076	Fisher's Technology	Central Services	\$ 58.58	FINANCE
12/26/2017	810076	Fisher's Technology	Central Services	\$ 47.65	COURT
12/26/2017	810076	Fisher's Technology	Central Services	\$ 75.97	ADMINISTRATION
12/26/2017	810076	Fisher's Technology	Central Services	\$ 2,255.00	NML03394-CONTRACT
12/26/2017	810076	Fisher's Technology	Central Services	\$ 2,255.00	MUY13361- CONTRACT
12/26/2017	810076	Fisher's Technology	Library	\$ 2.74	LIBRARY
12/26/2017	810076	Fisher's Technology	Police Programs	\$ 1.70	HIDTA
12/26/2017	810086	Guardian Security Inc	Library	\$ 8,949.60	Invoice 220
12/26/2017	810086	Guardian Security Inc	Library	\$ 8,527.20	Invoice 218
12/26/2017	810086	Guardian Security Inc	Library	\$ 8,807.04	Invoice 217
12/26/2017	810093	HDR, Inc.	Wastewater	\$ 1,700.62	RNG Evaluation for use of Biogas
12/26/2017	810093	HDR, Inc.	Water	\$ 10,447.56	WO 14-11 WWTP Nutrient Upgrade
12/26/2017	810093	HDR, Inc.	Wastewater	\$ 102,695.58	WO 14-11 WWTP Nutrient Upgrade
12/26/2017	810093	HDR, Inc.	Tax Increment South	\$ 33,377.86	WO 17-06 Midland Road
12/26/2017	810093	HDR, Inc.	Water	\$ 7,306.75	WO 17-09 Leavens Reservoir Liner
12/26/2017	810098	Iaff	Sidewalk Debt Svc	\$ 4,894.04	Payroll Summary
12/26/2017	810109	Kadrmass Lee & Jackson	Water	\$ 1,435.00	WO 17-23 King Ave W Water
12/26/2017	810109	Kadrmass Lee & Jackson	Tax Increment South	\$ 5,954.12	WO 15-07 Orchard Lane
12/26/2017	810109	Kadrmass Lee & Jackson	Tax Increment South	\$ 1,343.80	WO 15-07 Orchard Lane; CO#1
12/26/2017	810109	Kadrmass Lee & Jackson	Wastewater	\$ 1,435.00	WO 17-23 King Ave W Water
12/26/2017	810111	Kenco Enterprises Inc.	Water	\$ 25,752.86	Provide and install the cameras
12/26/2017	810113	Knife River (JTL Group Inc.)	Water	\$ 13,680.73	cold mic asphalt
12/26/2017	810113	Knife River (JTL Group Inc.)	Wastewater	\$ 731.61	WO 16-09 Grand Ave
12/26/2017	810113	Knife River (JTL Group Inc.)	Arterial Streets	\$ 46,199.05	WO 16-09 Grand Ave
12/26/2017	810120	Mailing Technical Services	General	\$ 2,207.65	Fall/winter program guide
12/26/2017	810120	Mailing Technical Services	General	\$ 756.21	Community Center letter to members
12/26/2017	810120	Mailing Technical Services	Central Services	\$ 4,792.83	Postage Fund (weekly bills)
12/26/2017	810127	Midland Implement Co Inc	Street/Traffic Oper	\$ 6,045.00	toro groundsmaster 7210 snowblower
12/26/2017	810129	Montana CSED	Sidewalk Debt Svc	\$ 3,982.31	Payroll Summary
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 204.45	283 116 0655 3. IP-12 Alpine.
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 1,570.99	285 580 1000 6
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 95.25	295 580 1000 4. Aero Interiors.

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12/26/2017	810130	Montana Dakota Utilities Co	Water	\$ 9.48	373 580 1000 9
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 96.97	160 723 3573 6. UDSA. December
12/26/2017	810130	Montana Dakota Utilities Co	Water	\$ 9.49	373 580 1000 9
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 215.44	185 580 1000 7. TSA Building.
12/26/2017	810130	Montana Dakota Utilities Co	General	\$ 86.57	501 473 1000 2
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 279.46	129 573 1000 1. Mud Wash.
12/26/2017	810130	Montana Dakota Utilities Co	Water	\$ 17.81	541 380 1000 1
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 1,035.89	889 373 1000 6. Car Wash.
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 84.27	229 573 1000 0. Detail Bay 1 Hertz
12/26/2017	810130	Montana Dakota Utilities Co	Wastewater	\$ 26.95	596 733 1000 5
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 121.24	629 573 1000 6. Detail Bay 2
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 922.63	706 580 1000 7
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 5,139.26	595 580 1000 1
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 20.12	529 573 1000 7. Detail Bay 5
12/26/2017	810130	Montana Dakota Utilities Co	Wastewater	\$ 28.69	955 043 1000 4
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 61.15	429 573 1000 8. Detail Bay 4
12/26/2017	810130	Montana Dakota Utilities Co	Water	\$ 26.37	921 580 1000 6
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 42.65	329 573 1000 9. Detail Bay 3
12/26/2017	810130	Montana Dakota Utilities Co	Airport	\$ 13.19	806 580 1000 6
12/26/2017	810131	Montana Department Of Administration	General	\$ 3,000.00	FY 2017 CAFR State filing fee
12/26/2017	810132	Montana State Fireman's Assoc	Sidewalk Debt Svc	\$ 3,918.83	Payroll Summary
12/26/2017	810136	MPPA Montana Police Protective Association	Sidewalk Debt Svc	\$ 3,178.42	Payroll Summary
12/26/2017	810137	MT Waterworks	Street/Traffic Oper	\$ 364.80	culvert at airport property
12/26/2017	810137	MT Waterworks	Water	\$ 252.00	WATER PARTS AND SUPPLIES
12/26/2017	810137	MT Waterworks	Water	\$ 383.70	SYSTEMS PO NUM 304731
12/26/2017	810137	MT Waterworks	Water	\$ 412.96	SYSTEMS PO NUM 304739
12/26/2017	810137	MT Waterworks	Water	\$ 6,500.00	WATER PARTS AND SUPPLIES
12/26/2017	810137	MT Waterworks	Water	\$ 50.50	WATER PARTS AND SUPPLIES
12/26/2017	810137	MT Waterworks	Water	\$ 1,959.77	SYSTEMS PO NUM 304736
12/26/2017	810137	MT Waterworks	Water	\$ 588.50	SYSTEMS PO NUM 304735
12/26/2017	810137	MT Waterworks	Water	\$ 672.00	WATER PARTS AND SUPPLIES
12/26/2017	810137	MT Waterworks	Water	\$ 1,667.80	SYSTEMS PO NUM 304733
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,462.52	SILMD 010 ACCT# 0712546-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,038.69	SILMD 174 ACCT# 0712613-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 399.22	SILMD 240 ACCT# 0712674-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 4,403.19	SILMD 013 ACCT# 0721276-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 346.24	SILMD 175 ACCT# 0712614-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 648.56	SILMD 241 ACCT# 0712675-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,122.06	SILMD 014 ACCT# 0721277-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 45.34	SILMD 176 ACCT# 0712615-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 86.74	SILMD 242 ACCT# 0712676-6

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12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,281.19	SILMD 017 ACCT# 0712553-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 272.04	SILMD 178 ACCT# 0712616-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 115.64	SILMD 244 ACCT# 0712677-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 91.50	SILMD 018 ACCT# 0712554-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 544.07	SILMD 179 ACCT# 0712617-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 90.05	SILMD 245 ACCT# 0712678-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 13,890.92	SILMD 097 ACCT# 0712557-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,763.55	SILMD 181 ACCT# 0712619-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,211.05	SILMD 247 ACCT# 0712680-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 482.11	SILMD 095 ACCT# 0712556-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 370.96	SILMD 180 ACCT# 0712618-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 346.92	SILMD 246 ACCT# 0712679-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,668.00	SILMD 099 ACCT# 0712558-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 618.26	SILMD 182 ACCT# 0712620-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,566.98	SILMD 248 ACCT# 0712681-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,821.38	SILMD 107 ACCT# 0712560-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 395.70	SILMD 184 ACCT# 0712622-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 199.60	SILMD 250 ACCT# 0719001-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,759.22	SILMD 100 ACCT# 0712559-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,236.55	SILMD 183 ACCT# 0712621-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,862.19	SILMD 249 ACCT# 0718734-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 4,567.91	SILMD 109 ACCT# 0712561-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 148.38	SILMD 185 ACCT# 0712623-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 4,109.02	SILMD 251 ACCT# 0718801-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 188.51	SILMD 113 ACCT# 0712562-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 632.10	SILMD 186 ACCT# 0712624-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 578.22	SILMD 252 ACCT# 0719162-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 982.98	SILMD 114 ACCT# 0712563-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 247.33	SILMD 187 ACCT# 0712625-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,023.57	SILMD 253 ACCT# 0719644-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 231.29	SILMD 115 ACCT# 0712564-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 296.76	SILMD 188 ACCT# 0712626-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 150.20	SILMD 254 ACCT# 0719763-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 607.12	SILMD 116 ACCT# 0712565-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 247.33	SILMD 189 ACCT# 0712627-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 191.06	SILMD 255 ACCT# 0720813-5
12/26/2017	810140	NorthWestern Energy	Street/Traffic Oper	\$ 12,957.08	Signal Bills
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 518.73	SILMD 008 ACCT# 0712544-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 563.13	SILMD 172 ACCT# 0712611-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 15.52	SILMD 238 ACCT# 0712672-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 531.95	SILMD 009 ACCT# 0712545-3

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12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,236.53	SILMD 173 ACCT# 0712612-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 98.92	SILMD 239 ACCT# 0712673-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 3,352.20	SILMD 117 ACCT# 0712566-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,286.00	SILMD 190 ACCT# 0712628-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 889.50	SILMD 257 ACCT# 0720360-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 242.63	SILMD 118 ACCT# 0712567-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 441.84	SILMD 191 ACCT# 0712629-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,728.57	SILMD 258 ACCT# 0720606-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 159.92	SILMD 119 ACCT# 0712568-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 321.51	SILMD 192 ACCT# 0712630-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,444.02	SILMD 259 ACCT# 0720810-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,601.97	SILMD 121 ACCT# 0712570-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 791.38	SILMD 193 ACCT# 0712631-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 520.39	SILMD 261 ACCT# 0720705-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 197.85	SILMD 122 ACCT# 0712571-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 266.15	SILMD 194 ACCT# 0712632-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 3,282.49	SILMD 262 ACCT# 0720937-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 346.92	SILMD 123 ACCT# 0712572-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 221.79	SILMD 195 ACCT# 0712633-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 988.75	SILMD 263 ACCT# 0720716-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,011.87	SILMD 124 ACCT# 0712573-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 71.26	SILMD 196 ACCT# 0712634-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 163.86	SILMD 264 ACCT# 0721427-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 404.76	SILMD 125 ACCT# 0712574-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 71.26	SILMD 197 ACCT# 0712635-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 365.99	SILMD 265 ACCT# 0721556-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 202.37	SILMD 126 ACCT# 0712575-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 123.64	SILMD 198 ACCT# 0712636-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 54.23	SILMD 266 ACCT# 0721684-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 741.93	SILMD 127 ACCT# 0712576-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 106.21	SILMD 200 ACCT# 0712637-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 436.93	SILMD 270 ACCT# 0906944-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 519.34	SILMD 128 ACCT# 0712577-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 519.34	SILMD 201 ACCT# 0712638-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,044.47	SILMD 271 ACCT# 0995095-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 346.92	SILMD 129 ACCT# 0712578-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 588.17	SILMD 202 INV# 0712639-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,937.30	SILMD 272 ACCT# 0905005-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 131.39	SILMD 130 ACCT# 0712579-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 19.00	SILMD 203 ACCT# 0712640-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 210.77	SILMD 273 ACCT# 0926386-4

Check Date	Check #	Name	Middle	Amount	Item Desc
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 896.23	SILMD 131 ACCT# 0712580-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 398.21	SILMD 204 ACCT# 0712641-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 479.87	SILMD 276 ACCT# 0961926-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 244.03	SILMD 133 ACCT# 0712581-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 36.28	SILMD 205 ACCT# 0712642-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 862.62	SILMD 277 ACCT# 1058710-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 563.11	SILMD 134 ACCT# 0712582-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 346.24	SILMD 206 ACCT# 0712643-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 210.71	SILMD 278 ACCT# 1087619-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 544.07	SILMD 135 ACCT# 0712583-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 395.70	SILMD 207 ACCT# 0712644-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 64.27	SILMD 279 ACCT# 1124127-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 491.48	SILMD 136 ACCT# 0712584-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 293.24	SILMD 208 ACCT# 0712645-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 714.98	SILMD 280 ACCT# 1045653-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 390.21	SILMD 137 ACCT# 0712585-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 568.82	SILMD 209 ACCT# 0712646-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 460.41	SILMD 283 ACCT# 1172743-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 780.59	SILMD 138 ACCT# 0712586-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 85.51	SILMD 210 ACCT# 0712647-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 354.07	SILMD 285 ACCT# 1206985-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 260.22	SILMD 139 ACCT# 0712587-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 47.53	SILMD 211 ACCT# 0712648-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 248.39	SILMD 286 ACCT# 1296582-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 607.12	SILMD 143 ACCT# 0712588-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 47.53	SILMD 212 ACCT# 0712649-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 151.90	SILMD 287 ACCT# 1246537-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 28.80	SILMD 144 ACCT# 0712589-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 28.50	SILMD 213 ACCT# 0712650-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,866.30	SILMD 288 ACCT# 1303978-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 494.62	SILMD 145 ACCT# 0712590-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 495.93	SILMD 214 ACCT# 0712651-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 222.36	SILMD 289 ACCT# 1685375-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 375.85	SILMD 146 ACCT# 0712591-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 148.38	SILMD 216 ACCT# 0712652-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 155.55	SILMD 290 ACCT# 1433921-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 487.44	SILMD 147 ACCT# 0712592-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 359.48	SILMD 217 ACCT# 0712653-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 636.03	SILMD 292 ACCT# 1481532-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,567.70	SILMD 149 ACCT# 0712593-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 261.81	SILMD 220 ACCT# 0712654-3

Check Date	Check #	Name	Middle	Amount	Item Desc
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 247.33	SILMD 293 ACCT# 1481534-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 791.38	SILMD 150 ACCT# 0712594-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 9.06	SILMD 221 ACCT# 0712655-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 494.62	SILMD 294 ACCT# 1481535-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 664.96	SILMD 151 ACCT# 0712595-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 75.09	SILMD 222 ACCT# 0712656-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 115.64	SILMD 295 ACCT# 1481536-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 4,497.58	SILMD 152 ACCT# 0712596-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 114.03	SILMD 223 ACCT# 0712657-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,310.73	SILMD 296 ACCT# 1481537-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 568.82	SILMD 153 ACCT# 0712597-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,905.46	SILMD 224 ACCT# 0712658-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 222.60	SILMD 297 ACCT# 1481539-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,286.00	SILMD 154 ACCT# 0712598-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 410.13	SILMD 225 ACCT# 0712659-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 197.85	SILMD 298 ACCT# 1481540-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 520.39	SILMD 155 ACCT# 0712599-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 305.56	SILMD 226 ACCT# 0712660-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 420.96	SILMD 300 ACCT# 1662840-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 964.50	SILMD 157 ACCT# 0712600-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 618.19	SILMD 227 ACCT# 0712661-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 5,182.61	SILMD 301 ACCT# 1687005-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 838.41	SILMD 158 ACCT# 0712601-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 838.41	SILMD 228 ACCT# 0712662-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 341.13	SILMD 302 ACCT# 1607534-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,143.25	SILMD 159 ACCT# 0712602-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 433.66	SILMD 229 ACCT# 0712663-4
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,097.11	SILMD 305 ACCT# 1695873-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 751.66	SILMD 160 ACCT# 0712603-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,011.88	SILMD 230 ACCT# 0712664-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 256.21	SILMD 306 ACCT# 1740353-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,112.89	SILMD 161 ACCT# 0712604-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 607.12	SILMD 231 ACCT# 0712665-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 3,108.80	SILMD 307 ACCT# 2049005-8
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 63.49	SILMD 162 ACCT# 0712605-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 2,630.87	SILMD 232 ACCT# 0712666-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 276.01	SILMD 308 ACCT# 2072459-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 694.02	SILMD 163 ACCT# 0712606-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 830.49	SILMD 233 ACCT# 0712667-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 386.09	SILMD 309 ACCT# 2001311-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 395.70	SILMD 164 ACCT# 0712607-1

Check Date	Check #	Name	Middle	Amount	Item Desc
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 467.33	SILMD 234 ACCT# 0712668-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 490.03	SILMD 310 ACCT# 2060519-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 925.14	SILMD 165 ACCT# 0712608-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 522.78	SILMD 235 ACCT# 0712669-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 302.65	SILMD 311 ACCT# 3014475-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 247.33	SILMD 167 ACCT# 0712609-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 166.33	SILMD 236 ACCT# 0712670-9
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 275.99	SILMD 312 ACCT# 3146127-0
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 593.55	SILMD 171 ACCT# 0712610-5
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 420.43	SILMD 237 ACCT# 0712671-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 514.60	SILMD 315 Acct# 3305804-1
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 1,147.03	SILMD 316 Acct# 3291842-7
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 108.82	SILMD 317 Acct# 3253826-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 807.58	SILMD 318 Acct# 3372018-6
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 55.02	SILMD 320 Acct# 0712569-3
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 472.12	SILMD 321 Acct# 3338917-2
12/26/2017	810140	NorthWestern Energy	Light Maintenance	\$ 103.99	SILMD 322 Acct# 3402033-9
12/26/2017	810141	NorthWestern Energy	Airport	\$ 3,051.95	0100483-7. Runway Lights.
12/26/2017	810141	NorthWestern Energy	Water	\$ 5,460.13	0100540-4
12/26/2017	810141	NorthWestern Energy	Wastewater	\$ 64,314.97	0100591-7
12/26/2017	810141	NorthWestern Energy	Airport	\$ 63.99	0719616-5. ARFF Facility Lights.
12/26/2017	810141	NorthWestern Energy	Water	\$ 718.96	0100485-2
12/26/2017	810141	NorthWestern Energy	Airport	\$ 98.16	3085107-5. New Employee Parking.
12/26/2017	810141	NorthWestern Energy	Airport	\$ 549.27	1669567-8. TSA Building.
12/26/2017	810141	NorthWestern Energy	Airport	\$ 272.89	3446396-8. USDA. December 2017
12/26/2017	810141	NorthWestern Energy	Airport	\$ 119.43	1138926-9. Aero Interiors.
12/26/2017	810141	NorthWestern Energy	Airport	\$ 356.21	0712809-3. IP-12 Alpine.
12/26/2017	810141	NorthWestern Energy	Airport	\$ 1,073.42	0712800-2. IP-9. December 2017
12/26/2017	810141	NorthWestern Energy	Solid Waste	\$ 2,533.40	3252194-0
12/26/2017	810141	NorthWestern Energy	Facilities Mngmt	\$ 1,052.17	1160804-9
12/26/2017	810141	NorthWestern Energy	Airport	\$ 189.41	2001867-7. Detail Bay 5
12/26/2017	810141	NorthWestern Energy	Airport	\$ 466.35	0712792-1. IP-7. December 2017
12/26/2017	810141	NorthWestern Energy	Facilities Mngmt	\$ 2,834.87	1269391-7
12/26/2017	810141	NorthWestern Energy	Facilities Mngmt	\$ 780.21	1160802-3
12/26/2017	810141	NorthWestern Energy	Airport	\$ 246.93	2001865-1. Detail Bay 4 Avis/Budget
12/26/2017	810141	NorthWestern Energy	Water	\$ 473.94	1116452-2
12/26/2017	810141	NorthWestern Energy	Airport	\$ 257.33	2001862-8. Detail Bay 3 Enterprise
12/26/2017	810141	NorthWestern Energy	Airport	\$ 355.96	2001848-7. Detail Bay 1 Hertz
12/26/2017	810141	NorthWestern Energy	Facilities Mngmt	\$ 546.67	0975808-7
12/26/2017	810141	NorthWestern Energy	Airport	\$ 338.71	2001855-2. Detail Bay 2
12/26/2017	810141	NorthWestern Energy	General	\$ 102.48	0925496-2

Check Date	Check #	Name	Middle	Amount	Item Desc
12/26/2017	810141	NorthWestern Energy	General	\$ 94.99	0723045-1
12/26/2017	810141	NorthWestern Energy	Airport	\$ 394.84	2001846-1. Mud Wash.
12/26/2017	810141	NorthWestern Energy	Water	\$ 2,638.49	0100606-3
12/26/2017	810141	NorthWestern Energy	Airport	\$ 46.31	1647695-4. De Icer. December 2017
12/26/2017	810141	NorthWestern Energy	Wastewater	\$ 879.49	0100606-3
12/26/2017	810141	NorthWestern Energy	Airport	\$ 1,647.64	1993430-6. Car Wash.
12/26/2017	810141	NorthWestern Energy	Airport	\$ 1,548.87	0100484-5. ARFF Facility.
12/26/2017	810141	NorthWestern Energy	Water	\$ 66,841.49	0100606-3
12/26/2017	810146	Performance Engineering & Consulting	SID Construction	\$ 26,694.75	SID 1403 Gleneagles Boulevard
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 164.72	Invoice 327809 - AR Optics
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 1,581.16	Invoice 330714 - AR Optics
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 372.35	Invoice 330894 - Light Bearing
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 136.45	8901 DEF #25 15 GRAM RELOAD
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 259.76	1032 DEF SMOKE TRI CHAMBER
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 190.60	8933 DEF LOW ROLL DD BODY
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 190.84	1050 DEF AEROSOL OC/CS
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 69.64	2042 DEF FLAMLESS EXPULSION
12/26/2017	810150	Proforce Law Enforcement	Public Safety	\$ 139.07	Handling
12/26/2017	810160	Sanderson Stewart	Tax Increment East	\$ 48,645.40	WO 18-06 EBURD N 10TH ST to N
12/26/2017	810160	Sanderson Stewart	Water	\$ 497.50	WO 17-25 Elysian Rd Curb, Gutter &
12/26/2017	810166	Sletten Construction Company	Wastewater	\$ 899,858.40	WO 14-11 Water Reclamation
12/26/2017	810170	Steepworld	General	\$ 4,285.00	Summer climbing camp and summer
12/26/2017	810176	TC SALES & SERVICE	Water	\$ 10,634.35	WWTP inventory parts
12/26/2017	810183	Town & Country Supply Association	Fleet	\$ 7,952.63	304803 PO NUM 304852
12/26/2017	810183	Town & Country Supply Association	Fleet	\$ 7,500.50	304777 PO NUM 304852
12/26/2017	810183	Town & Country Supply Association	Transit	\$ 4,075.31	BUS MET PO NUM 304851
12/26/2017	810183	Town & Country Supply Association	Transit	\$ 13,073.16	[
12/26/2017	810183	Town & Country Supply Association	Wastewater	\$ 483.34	Dyed diesel
12/26/2017	810185	Tristan Sophia PSYD	Public Safety	\$ 1,750.00	Return to Duty Evaluations
12/26/2017	810185	Tristan Sophia PSYD	Public Safety	\$ 2,500.00	Pre-Employment Evaluations
12/26/2017	810192	Veripic Inc	Public Safety	\$ 3,480.00	SLMA - 1 month of subscription
12/26/2017	810195	Weiss Electrical Service	Public Safety	\$ 3,216.00	8245:FIRE4-TROUBLE SHOOT PWR
12/26/2017	810195	Weiss Electrical Service	Public Safety	\$ 962.00	8245: 911 CTR REPLD BALLAST
12/26/2017	810198	Wharton Asphalt LLC	Parks Maintenance	\$ 8,505.09	Repairs at Rehberg Ranch trails.
12/26/2017	810198	Wharton Asphalt LLC	Gas Tax	\$ 78,608.97	WO 18-03 2018 Street Maintenance
12/26/2017	810205	Yellowstone County	General	\$ 57,872.96	Election charges for municipal
12/26/2017	810206	Yellowstone Electric Co	Facilities Mngmt	\$ 46,282.50	Exterior Lighting Retrofit to LED

**Consent 1. L. 2.**

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018  
**TITLE:** Payment of Claims January 2, 2018  
**PRESENTED BY:** Andy Zoeller  
**Department:** City Hall Administration  
**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$322,147.87 have been audited and are presented for City Council payment approval. A complete listing of the claims dated January 2, 2018, are available in the Finance Department.

**ALTERNATIVES ANALYZED**

No other alternatives were analyzed.

**FINANCIAL IMPACT**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

**RECOMMENDATION**

Staff recommends that Council approve the Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

councilmemo\_01.02.2018

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Check Date	Check #	Name	Fund Name	Amount	Item Desc
01/02/2018	810216	Century Link	EOC 911	\$ 45.97	406-245-2296 911
01/02/2018	810216	Century Link	EOC 911	\$ 45.65	406-245-3107 911
01/02/2018	810216	Century Link	EOC 911	\$ 45.65	406-245-3108 911
01/02/2018	810216	Century Link	Water	\$ 39.44	406-245-3659 PUD Alarm Water Tower
01/02/2018	810216	Century Link	Airport	\$ 45.66	406-245-5834 Airport Alarm
01/02/2018	810216	Century Link	Public Safety	\$ 119.32	406-245-7469 Fire
01/02/2018	810216	Century Link	Public Safety	\$ 45.66	406-245-7481 Police
01/02/2018	810216	Century Link	Telephone System	\$ 228.20	406-248-3049 Main System T1
01/02/2018	810216	Century Link	Radio	\$ 311.26	406-248-3635 Fire Airport Radio Tower WCK
01/02/2018	810216	Century Link	Radio	\$ 311.26	406-248-3636 Fire Airport Radio Tower Jellison
01/02/2018	810216	Century Link	Parking	\$ 49.27	406-252-2041 Park 2 Elevator Phone
01/02/2018	810216	Century Link	Fleet	\$ 53.94	406-256-5047 Motor Pool
01/02/2018	810216	Century Link	Airport	\$ 52.39	406-256-7070 Airport
01/02/2018	810216	Century Link	Engineering	\$ 96.98	406-259-7758 Measured Lines Depot
01/02/2018	810216	Century Link	P.W. Admin	\$ 64.65	406-259-7758 Measured Lines Depot
01/02/2018	810216	Century Link	Public Safety	\$ 118.32	406-373-3742 Fire RR Crossing Alarm
01/02/2018	810216	Century Link	Public Safety	\$ 98.54	406-651-0282 Fire 5 911 Line
01/02/2018	810216	Century Link	City County Planning	\$ 36.73	406-656-9578 Planning Traffic Central Broadwater
01/02/2018	810216	Century Link	City County Planning	\$ 36.73	406-656-9604 Planning Traffic Central 9th
01/02/2018	810216	Century Link	Airport	\$ 121.16	406-256-6014 Airport P9 Building
01/02/2018	810216	Century Link	Airport	\$ 49.14	406-252-0721 Airport 1FB Line
01/02/2018	810216	Century Link	EOC 911	\$ 311.26	406-245-7101 9-1-1 Center Landfill #2
01/02/2018	810216	Century Link	EOC 911	\$ 311.26	406-245-7102 9-1-1 Center Fox Reservoir #2
01/02/2018	810216	Century Link	Solid Waste	\$ 101.34	406-256-7001 Solid Waste Scale House
01/02/2018	810218	CMG Construction LLC	Tax Increment South	\$ 10,023.75	Construction of public parking lot and stormwater
01/02/2018	810220	Comtech	General	\$ 3,624.00	Rose pool audio and page system
01/02/2018	810220	Comtech	General	\$ 1,371.00	Rose pool alarm system
01/02/2018	810228	General Contractors Constr	Park District 1	\$ 23,657.04	Development of the South Side splash pad
01/02/2018	810230	High Point Networks LLC	Street/Traffic Oper	\$ 7,485.00	210-ACWJ PowerEdge T630 Server Street/Traffic
01/02/2018	810230	High Point Networks LLC	Information Resources	\$ 40,047.00	VMware license renewal for Tyler/New World Public
01/02/2018	810237	M-B Companies, Inc.	Airport	\$ 3,243.35	Invoice #222755. A-18 High Speed Blower Bumper Ballast
01/02/2018	810240	Mercer Group Florida LLC	General	\$ 11,941.00	City Administrator Search after James Mercer was
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 314.82	209 077 5055 6
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 170.63	010 490 1000 0
01/02/2018	810242	Montana Dakota Utilities Co	General	\$ 29.20	061 943 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	Public Safety	\$ 13.66	062 907 9494 7
01/02/2018	810242	Montana Dakota Utilities Co	General	\$ 302.96	571 295 3342 8
01/02/2018	810242	Montana Dakota Utilities Co	Parking	\$ 163.90	303 725 2591 2
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 4,213.50	293 780 1000 2
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 200.41	210 490 1000 8
01/02/2018	810242	Montana Dakota Utilities Co	Library	\$ 1,594.47	219 924 4851 0

Check Date	Check #	Name	Fund Name	Amount	Item Desc
01/02/2018	810242	Montana Dakota Utilities Co	Public Safety	\$ 824.76	169 233 1000 3
01/02/2018	810242	Montana Dakota Utilities Co	Facilities Mngmt	\$ 221.46	130 733 1000 8
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 35.41	110 490 1000 9
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 82.20	566 923 1000 8
01/02/2018	810242	Montana Dakota Utilities Co	Public Safety	\$ 379.22	533 653 1000 1
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 55.63	527 033 1000 4
01/02/2018	810242	Montana Dakota Utilities Co	Public Safety	\$ 48.33	514 117 0478 9
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 73.29	510 490 1000 5
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 2,791.36	500 490 1000 7
01/02/2018	810242	Montana Dakota Utilities Co	Public Safety	\$ 311.19	442 190 1000 4
01/02/2018	810242	Montana Dakota Utilities Co	General	\$ 259.83	437 780 1000 9
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 226.16	410 490 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 678.50	410 490 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	General	\$ 55.63	371 101 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 186.14	310 490 1000 7
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 4,213.50	293 780 1000 2
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 558.44	310 490 1000 7
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 8,426.99	293 780 1000 2
01/02/2018	810242	Montana Dakota Utilities Co	Engineering	\$ 173.02	595 373 1000 1
01/02/2018	810242	Montana Dakota Utilities Co	P.W. Admin	\$ 43.25	595 373 1000 1
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 39.08	600 490 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 39.08	600 490 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 62.56	666 923 1000 7
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 250.94	700 490 1000 5
01/02/2018	810242	Montana Dakota Utilities Co	Parking	\$ 14.23	717 353 1000 6
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 29.04	735 453 1000 2
01/02/2018	810242	Montana Dakota Utilities Co	Facilities Mngmt	\$ 2,405.93	757 633 1000 2
01/02/2018	810242	Montana Dakota Utilities Co	Solid Waste	\$ 1,014.28	770 390 1000 2
01/02/2018	810242	Montana Dakota Utilities Co	Parking	\$ 65.67	799 152 1209 0
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 52.90	800 490 1000 4
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 83.95	832 001 1000 1
01/02/2018	810242	Montana Dakota Utilities Co	Wastewater	\$ 30.35	868 563 1000 7
01/02/2018	810242	Montana Dakota Utilities Co	Public Safety	\$ 634.64	885 880 1000 4
01/02/2018	810242	Montana Dakota Utilities Co	Water	\$ 662.53	900 490 1000 3
01/02/2018	810242	Montana Dakota Utilities Co	General	\$ 99.54	927 890 1000 3
01/02/2018	810242	Montana Dakota Utilities Co	Facilities Mngmt	\$ 2,060.22	929 780 1000 4
01/02/2018	810242	Montana Dakota Utilities Co	Transit	\$ 1,136.81	962 880 1000 0
01/02/2018	810242	Montana Dakota Utilities Co	Facilities Mngmt	\$ 4,359.09	989 733 1000 0
01/02/2018	810242	Montana Dakota Utilities Co	Facilities Mngmt	\$ 658.48	993 733 1000 4
01/02/2018	810245	Morin	Tax Increment N 27th	\$ 25,000.00	Le Fournil Bakery TIF Assistance
01/02/2018	810249	NorthWestern Energy	Public Safety	\$ 608.64	0712537-0

Check Date	Check #	Name	Fund Name	Amount	Item Desc
01/02/2018	810249	NorthWestern Energy	Airport	\$ 59.69	0712817-6. IP-House. December 2017
01/02/2018	810249	NorthWestern Energy	Wastewater	\$ 1,068.27	2132749-9
01/02/2018	810249	NorthWestern Energy	General	\$ 102.44	0712683-2
01/02/2018	810249	NorthWestern Energy	Facilities Mngmt	\$ 5,489.72	0100507-3
01/02/2018	810249	NorthWestern Energy	Airport	\$ 14.66	0712799-6. IP-8. December 2017
01/02/2018	810249	NorthWestern Energy	Water	\$ 1,437.36	0722252-4
01/02/2018	810249	NorthWestern Energy	Transit	\$ 24.05	0712764-0
01/02/2018	810249	NorthWestern Energy	Parking	\$ 441.84	0720829-1
01/02/2018	810249	NorthWestern Energy	Parking	\$ 2,850.17	0720834-1
01/02/2018	810249	NorthWestern Energy	Radio	\$ 182.48	0721580-9
01/02/2018	810249	NorthWestern Energy	Public Safety	\$ 371.07	0720840-8
01/02/2018	810249	NorthWestern Energy	General	\$ 5.85	0722237-5
01/02/2018	810249	NorthWestern Energy	General	\$ 5.85	0722247-4
01/02/2018	810249	NorthWestern Energy	General	\$ 51.83	0722251-6
01/02/2018	810249	NorthWestern Energy	General	\$ 0.10	0722254-0
01/02/2018	810249	NorthWestern Energy	General	\$ 99.54	0722255-7
01/02/2018	810249	NorthWestern Energy	General	\$ 36.01	0722257-3
01/02/2018	810249	NorthWestern Energy	General	\$ 2.01	0722260-7
01/02/2018	810249	NorthWestern Energy	General	\$ 117.70	0722266-4
01/02/2018	810249	NorthWestern Energy	General	\$ 13.43	0722269-8
01/02/2018	810249	NorthWestern Energy	General	\$ 12.76	0722292-0
01/02/2018	810249	NorthWestern Energy	General	\$ 23.38	0722293-8
01/02/2018	810249	NorthWestern Energy	General	\$ 5.85	0722905-7
01/02/2018	810249	NorthWestern Energy	General	\$ 125.16	0722933-9
01/02/2018	810249	NorthWestern Energy	General	\$ 122.38	0723035-2
01/02/2018	810249	NorthWestern Energy	General	\$ 7.57	0723036-0
01/02/2018	810249	NorthWestern Energy	Public Safety	\$ 310.35	1984150-1
01/02/2018	810249	NorthWestern Energy	Public Safety	\$ 241.68	1984155-0
01/02/2018	810249	NorthWestern Energy	Transit	\$ 284.35	1784756-7
01/02/2018	810249	NorthWestern Energy	P.W. Admin	\$ 174.99	1741314-7
01/02/2018	810249	NorthWestern Energy	Engineering	\$ 699.92	1741314-7
01/02/2018	810249	NorthWestern Energy	Parking	\$ 2,087.70	3067416-2
01/02/2018	810249	NorthWestern Energy	Parking	\$ 378.21	3279035-4
01/02/2018	810249	NorthWestern Energy	Parking	\$ 86.69	3463478-2
01/02/2018	810249	NorthWestern Energy	General	\$ -	0722261-5
01/02/2018	810249	NorthWestern Energy	General	\$ -	0722262-3
01/02/2018	810249	NorthWestern Energy	General	\$ -	0722265-6
01/02/2018	810249	NorthWestern Energy	General	\$ -	0723027-9
01/02/2018	810249	NorthWestern Energy	General	\$ -	0723038-6
01/02/2018	810249	NorthWestern Energy	General	\$ -	0723044-4
01/02/2018	810249	NorthWestern Energy	General	\$ -	0723051-9

Check Date	Check #	Name	Fund Name	Amount	Item Desc
01/02/2018	810249	NorthWestern Energy	General	\$ -	0723052-7
01/02/2018	810249	NorthWestern Energy	General	\$ -	0723170-7
01/02/2018	810249	NorthWestern Energy	Parking	\$ 923.06	1594282-4
01/02/2018	810249	NorthWestern Energy	Parking	\$ 1,572.29	1569636-2
01/02/2018	810249	NorthWestern Energy	Parks Maintenance	\$ 256.38	1059093-3
01/02/2018	810249	NorthWestern Energy	General	\$ 5.85	0831702-6
01/02/2018	810249	NorthWestern Energy	General	\$ 67.42	0789437-1
01/02/2018	810249	NorthWestern Energy	Street/Traffic Oper	\$ 5.85	0723645-8
01/02/2018	810249	NorthWestern Energy	Street/Traffic Oper	\$ 5.85	0723644-1
01/02/2018	810249	NorthWestern Energy	General	\$ 5.85	0723162-4
01/02/2018	810249	NorthWestern Energy	General	\$ 7.35	0723090-7
01/02/2018	810249	NorthWestern Energy	General	\$ 24.94	0723058-4
01/02/2018	810249	NorthWestern Energy	General	\$ 8.16	0723057-6
01/02/2018	810249	NorthWestern Energy	General	\$ 43.06	0723056-8
01/02/2018	810249	NorthWestern Energy	General	\$ 23.49	0723054-3
01/02/2018	810249	NorthWestern Energy	General	\$ 13.19	0723055-0
01/02/2018	810249	NorthWestern Energy	Water	\$ 188.22	0723043-6
01/02/2018	810249	NorthWestern Energy	General	\$ 55.65	0723042-8
01/02/2018	810249	NorthWestern Energy	General	\$ 199.49	0723037-8
01/02/2018	810250	OverDrive, Inc.	Library	\$ 29,517.90	Invoice CD-1526-005-07181713
01/02/2018	810252	Proforce Law Enforcement	Public Safety	\$ 4,931.75	nvoice 331865 - Taser Equipment
01/02/2018	810257	SHI International Corp	Information Resources	\$ 1,028.31	Qty.3 MS Office Professional -Barb, Rachel, Auras
01/02/2018	810257	SHI International Corp	Wastewater	\$ 148.34	Adobe Acrobat Pro Dist and collection
01/02/2018	810257	SHI International Corp	Street/Traffic Oper	\$ 738.70	2012 Microsoft Server 2016 license, 2 cores,
01/02/2018	810257	SHI International Corp	Water	\$ 222.51	Adobe Acrobat Pro Dist and collection
01/02/2018	810257	SHI International Corp	Information Resources	\$ 489.28	Qty.2 MS Office Standard -Melody, David O.
01/02/2018	810263	Town & Country Supply Association	Fleet	\$ 15,861.48	304741 PO NUM 304854
01/02/2018	810263	Town & Country Supply Association	Airport	\$ 18,361.70	Invoice #304897. QTA Car Rental Fuel
01/02/2018	810266	Verizon Wireless	Airport	\$ 111.51	Airport
01/02/2018	810266	Verizon Wireless	Police Programs	\$ 69.91	CCSIU
01/02/2018	810266	Verizon Wireless	Public Safety	\$ 54.08	Comm Center 911
01/02/2018	810266	Verizon Wireless	Facilities Mngmt	\$ 75.17	Facilities BOC Plus 70% of 406-672-3027
01/02/2018	810266	Verizon Wireless	Facilities Mngmt	\$ 59.72	Facilities City Hall Plus 30% of 406-672-3027
01/02/2018	810266	Verizon Wireless	Library	\$ 13.26	LBRY OTRCH Library Outreach
01/02/2018	810266	Verizon Wireless	Library	\$ 156.67	Library
01/02/2018	810266	Verizon Wireless	Public Safety	\$ 23.03	Fire Department
01/02/2018	810266	Verizon Wireless	Information Resources	\$ 13.26	ITD
01/02/2018	810266	Verizon Wireless	P.W. Admin	\$ 36.55	Public Works Admin
01/02/2018	810266	Verizon Wireless	General	\$ 38.76	PRPL-PARK SHOPS
01/02/2018	810266	Verizon Wireless	General	\$ 76.75	PRPL-Cemetery
01/02/2018	810266	Verizon Wireless	General	\$ 744.61	PRPL-PARKS

Check Date	Check #	Name	Fund Name	Amount	Item Desc
01/02/2018	810266	Verizon Wireless	General	\$ 283.67	PRPL - Recreation Division
01/02/2018	810266	Verizon Wireless	General	\$ 173.68	PRPL - Director Admin
01/02/2018	810266	Verizon Wireless	Parking	\$ 135.08	PRKING Enforcement (Parking)
01/02/2018	810266	Verizon Wireless	Police Programs	\$ 29.70	Police-Dom Viol 406-698-1391
01/02/2018	810266	Verizon Wireless	Public Safety	\$ 683.95	Police Resource Officers
01/02/2018	810266	Verizon Wireless	Police Programs	\$ 130.78	Police Forensic 406-794-6880 406-698-7323
01/02/2018	810266	Verizon Wireless	Public Safety	\$ 3,508.58	Police
01/02/2018	810266	Verizon Wireless	General	\$ 23.03	Muni Court Drug Court
01/02/2018	810266	Verizon Wireless	Fleet	\$ 71.32	Motor Pool
01/02/2018	810266	Verizon Wireless	General	\$ 44.27	Mayor
01/02/2018	810266	Verizon Wireless	Engineering	\$ 164.53	PW-Engineering
01/02/2018	810266	Verizon Wireless	Solid Waste	\$ 48.60	PW-Solid Waste
01/02/2018	810266	Verizon Wireless	Street/Traffic Oper	\$ 297.24	PW-STRT TRFC Streets
01/02/2018	810266	Verizon Wireless	Solid Waste	\$ 66.44	PW-SW-ON CALL Solid Waste On Call
01/02/2018	810266	Verizon Wireless	Water	\$ 438.23	PWBELKNAP-DIST COLL
01/02/2018	810266	Verizon Wireless	Wastewater	\$ 292.15	PWBELKNAP-DIST COLL
01/02/2018	810266	Verizon Wireless	Water	\$ 156.00	PWBELKNAP-WT Water Treatment
01/02/2018	810266	Verizon Wireless	Water	\$ 444.59	PWBLKNP MTRSHOP
01/02/2018	810266	Verizon Wireless	Water	\$ 70.22	PWBLKNP OFFICE
01/02/2018	810266	Verizon Wireless	Wastewater	\$ 46.82	PWBLKNP OFFICE
01/02/2018	810266	Verizon Wireless	Water	\$ 60.88	PWBLKNP STORES
01/02/2018	810266	Verizon Wireless	Wastewater	\$ 20.29	PWBLKNP STORES
01/02/2018	810266	Verizon Wireless	Wastewater	\$ 507.10	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
01/02/2018	810266	Verizon Wireless	Telephone System	\$ 23.64	TeleComm Manager
01/02/2018	810266	Verizon Wireless	Transit	\$ 39.80	Trans-On Call MET
01/02/2018	810266	Verizon Wireless	Transit	\$ 13.26	Transit MET
01/02/2018	810266	Verizon Wireless	Wastewater	\$ 108.54	PWBLNP-ENVIRONMENTAL 406-698-1590 406-850-
01/02/2018	810266	Verizon Wireless	General	\$ 19.23	PRPL-Parks Seasonal
01/02/2018	810266	Verizon Wireless	General	\$ 50.63	PRPL Rec Seasonal
01/02/2018	810266	Verizon Wireless	Public Safety	\$ (199.99)	Nick Lam Credit for Returned phone
01/02/2018	810266	Verizon Wireless	General	\$ 549.99	Cole McQuillan iphone Parks Dept
01/02/2018	810266	Verizon Wireless	General	\$ 829.98	City Council Ewalt, Frank Galaxy tab
01/02/2018	810267	Verizon Wireless	Solid Waste	\$ 3,014.82	Solid Waste iPads -Randy M, Tony L, Mike B
01/02/2018	810267	Verizon Wireless	Police Programs	\$ 29.99	CCSIU Intern phone
01/02/2018	810267	Verizon Wireless	Wastewater	\$ 351.05	PWBLNP- Wastewater Treatment Plant -Phones
01/02/2018	810267	Verizon Wireless	Wastewater	\$ 590.50	PWBLKNP Electricians -Phones
01/02/2018	810267	Verizon Wireless	Water	\$ 1,113.84	PWBELKNAP-WT Water Treatment -Phones
01/02/2018	810267	Verizon Wireless	Solid Waste	\$ 429.30	Solid Waste Tablets -Routware
01/02/2018	810267	Verizon Wireless	Solid Waste	\$ 214.48	PW-SW-ON CALL Solid Waste On Call
01/02/2018	810267	Verizon Wireless	Solid Waste	\$ 171.09	PW-Solid Waste
01/02/2018	810267	Verizon Wireless	Street/Traffic Oper	\$ 161.82	PW-Streets City Works

Check Date	Check #	Name	Fund Name	Amount	Item Desc
01/02/2018	810267	Verizon Wireless	Street/Traffic Oper	\$ 53.94	PW-Streets 406-647-1377 iPad, 406-633-1991 iPad
01/02/2018	810267	Verizon Wireless	Engineering	\$ 134.85	PW-Engineering
01/02/2018	810267	Verizon Wireless	Wastewater	\$ 192.27	PW-Distribution Collection Tablets 60/40
01/02/2018	810267	Verizon Wireless	Water	\$ 288.41	PW-Distribution Collection Tablets 60/40
01/02/2018	810267	Verizon Wireless	Wastewater	\$ 86.30	PW-DIS-COLL Cityworks 60/40
01/02/2018	810267	Verizon Wireless	Water	\$ 129.46	PW-DIS-COLL Cityworks 60/40
01/02/2018	810267	Verizon Wireless	Water	\$ 188.79	PWBLNP Comm-Meter CityWorks/Neptune
01/02/2018	810267	Verizon Wireless	Water	\$ 26.97	PWBLKNP Water Treatment Brian Risser 406-696-4245
01/02/2018	810267	Verizon Wireless	Water	\$ 323.66	PW Belknap Meter Shop
01/02/2018	810267	Verizon Wireless	Water	\$ 10.79	PW Belknap-Air 60/40
01/02/2018	810267	Verizon Wireless	General	\$ 40.01	Mayor -Tom Hanel 698-9127
01/02/2018	810267	Verizon Wireless	Library	\$ 161.38	Library
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 3,857.78	MDT Toughbooks
01/02/2018	810267	Verizon Wireless	Transit	\$ 404.55	MET Transit Tablets
01/02/2018	810267	Verizon Wireless	General	\$ 160.86	Muni Court Drug Court
01/02/2018	810267	Verizon Wireless	General	\$ 53.62	Municipal Court Judge
01/02/2018	810267	Verizon Wireless	Parking	\$ 26.97	Parking 406-690-5822
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 85.61	Police 406-670-8780
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 40.01	Police ICAC 406-690-7347
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 80.02	Police iPad St John 406-690-5955 Police iPad
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 40.01	Police MiFi 406-633-0820 406-598-6294
01/02/2018	810267	Verizon Wireless	General	\$ 40.01	PRPL-Parks PMD Air Card 406-794-6977
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 40.01	Police US Marshall Toughbooks
01/02/2018	810267	Verizon Wireless	General	\$ 56.01	PRPL-Recreation 406-696-1197 Batting Cages
01/02/2018	810267	Verizon Wireless	Wastewater	\$ 16.18	PW Belknap-Air 60/40
01/02/2018	810267	Verizon Wireless	General	\$ 160.86	City Attorney
01/02/2018	810267	Verizon Wireless	Library	\$ 53.94	LBRY OTRCH Library Outreach
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 1,145.30	Fire Department
01/02/2018	810267	Verizon Wireless	Police Programs	\$ 147.89	CCSIU MDT
01/02/2018	810267	Verizon Wireless	Police Programs	\$ 80.02	CCSIU RAVEN
01/02/2018	810267	Verizon Wireless	Police Programs	\$ 478.38	CCSIU Cell/PTT
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 273.21	Animal Control
01/02/2018	810267	Verizon Wireless	Public Safety	\$ 200.05	Animal Control MDT
01/02/2018	810267	Verizon Wireless	Airport	\$ 375.34	Airport

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Public Hearing and Resolution Authorizing Filing of the Annual Federal Transit Administration Section 5307 Grant

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

**Department:** Transit

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

Each year the City of Billings MET Transit Division applies for a Federal Transit Administration (FTA) Section 5307 formula grant through the U.S. Department of Transportation (USDOT) Federal Transit Act. The grant funds can be used for operating costs and capital assistance. For FY 17/18, MET Transit is intending to utilize this grant for operating costs as it has in past years. This is a matching grant prorated 50% Federal and 50% local dollars. The FTA will reimburse the City up to the apportioned allocation for the year, which will be \$1,844,325. This grant application requires a public hearing and a Resolution authorizing the Mayor to execute the grant documents with the USDOT. Public hearing notices were published in the *Yellowstone County News* on December 22 and 29, 2017 and January 5, 2018.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the Resolution that authorizes filing the grant application for the amount of \$1,844,325 to provide operating assistance; or
- Disapprove the Resolution and do not file the grant application. This would reduce MET operating revenue by approximately 34% and possibly require service reductions.

**FINANCIAL IMPACT**

For FY 17/18, the Section 5307 Federal grant application for operating assistance is for \$1,844,325, which represents approximately 34% of MET Transit's operating revenue.

**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and approve the Resolution authorizing the submittal of an application, and allowing the Mayor to execute all Section 5307 grant documents with the USDOT FTA related to the receipt of a grant offer.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Authorizing Resolution

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**RESOLUTION 18-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING AGENCY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION**

WHEREAS, the City of Billings has the power to enter into agreements with the Federal Transit Administration; and

WHEREAS, the Federal Transportation Administration has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, all contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

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

1. That the City of Billings Mayor is authorized to execute and file all applications on behalf of the City of Billings with the U.S. Department of Transportation, Federal Transit Administration to aid in the financing of all planning, capital, training, demonstration and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.
2. That the City of Billings Mayor is authorized to execute and file with such applications the annual certifications and assurances, and any other documents required by the U.S. Department of Transportation, Federal Transit Administration fulfilling the purpose of the proposed projects, including the local share.
3. That the City of Billings Mayor is authorized to execute grant and cooperative agreements with the U.S. Department of Transportation, Federal Transit Administration, on behalf of the City of Billings.

4. That the Director of Aviation & Transit is designated to furnish such additional information as the U.S. Department of Transportation, Federal Transit Administration may require in connection with all the applications.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF BILLINGS

By: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

By: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Public Hearing and Resolution for FY18 Budget Amendments

**PRESENTED BY:** Andy Zoeller

**Department:** City Hall Administration

**Presentation:** No

**PROBLEM/ISSUE STATEMENT**

Montana Code allows local governments to amend their fiscal year budget using the same method as that which is used for the original budget adoption. That is; public notice, public hearing, and Council adoption of the resolution. The proposed budget amendment for fiscal year 2018 is attached.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the proposed budget amendments; or,
- Not Approve the proposed budget amendments. Disapproval of these amendments may place the City in violation of State law.

**FINANCIAL IMPACT**

The proposed budget amendment amounts vary by fund. Each will be funded by operating revenues or reserves, as described within the budget resolution exhibit.

**BACKGROUND**

The following funds are requesting amendments to the budget:

**Fund 4340 - Sidewalk Construction Fund**

Public Works is requesting the budget authority in the FY 2018 budget for the cost of three sidewalk, curb, and gutter improvement projects. Sidewalk, curb, and gutters will be constructed as part of the Midland Road, Poet Streets, and Central Avenue projects. Similar to an SID, the improvements will be paid for by the sale of bonds and assessed back to the property owners benefiting from the improvements.

**Funds 4500 - Special Improvement District Fund**

Public Works is requesting the budget authority in the FY 2018 budget for the cost of two SID projects. The first project is for street light installation that is part of the EBURD street reconstruction project per the East Billings Urban Renewal District (EBURD) Master Plan. The street lights will be installed from North 10th Street to North 22nd Street and Montana Avenue to 6th Avenue North. The engineering contract for design of the EBURD infrastructure project was approved at the November 13, 2017 Council meeting. The construction of the street lights will be funded entirely by an SID which will be assessed to and paid for by property owners benefiting from the lights. The second project is for the construction of parks and street lights in Annafeld Subdivision which is located south of Elysian Road near Elysian School. This project will also be funded entirely by an SID.

## **RECOMMENDATION**

Staff recommends approval of the proposed budget amendments

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Exhibit A  
Resolution

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**EXHIBIT A**

Revenue      Expenditure

**Fund 4340 - Sidewalk Construction**

Public Works is requesting the budget authority in the FY 2018 budget for the cost of three sidewalk, curb, and gutter improvement projects. Sidewalk, curb, and gutters will be constructed as part of the Midland Road, Poet Streets, and Central Avenue projects. Similar to an SID, the improvements will be paid for by the sale of bonds and assessed back to the property owners benefiting from the improvements.

4340-31650-409311	920,000 Midland Road
4340-31650-409311	241,000 Poet Streets
4340-31650-409311	250,000 Central Avenue

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**Fund 4500 - Special Improvement District Construction**

Public Works is requesting the budget authority in the FY 2018 budget for the cost of two SID projects. The first project is for street light installation that is part of the EBURD street reconstruction project per the East Billings Urban Renewal District (EBURD) Master Plan. The street lights will be installed from North 10th Street to North 22nd Street and Montana Avenue to 6th Avenue North. The engineering contract for design of the EBURD infrastructure project was approved at the November 13, 2017 Council meeting. The construction of the street lights will be funded entirely by an SID which will be assessed to and paid for by property owners benefiting from the lights. The second project is for the construction of parks and street lights in Annafeld Subdivision which is located south of Elysian Road near Elysian School. This project will also be funded entirely by an SID.

4500-31610-409310	2,000,000 EBURD Street Light SID
4500-31610-409310	1,000,000 Annafeld Parks/Lights SID

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RESOLUTION 18-

A RESOLUTION ADOPTING FISCAL YEAR 2017/2018 ADJUSTMENTS TO APPROPRIATIONS PURSUANT TO M.C.A. 7-6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND REVISIONS WITHIN THE GENERAL CLASS OF SALARIES AND WAGES, MAINTENANCE AND SUPPORT AND CAPITAL OUTLAY.

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

WHEREAS, based upon a Budget Review (**FY 2017/2018**), it is necessary to alter and change said appropriations.

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

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT A)

PASSED AND APPROVED by the City Council, this 22nd day of January, 2018

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, CITY CLERK

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Public Hearing and Resolution for Annexation #17-01 (Delayed)

**PRESENTED BY:** Wyeth Friday

**Department:** Planning & Community Services

**Presentation:** Yes

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**PROBLEM/ISSUE STATEMENT**

Nick Czalpa submitted a petition to annex land on behalf of owner Lawrence B Stone Properties #16, LLC, using the provisions of Section 7-2-4600, MCA. The subject property is a 5-acre parcel located at 301 Orchard Lane. The property is described as the N1/2, SW1/4, SW1/4, NE1/4 of said Section 9 T.1S., R.26E., P.M.M., Yellowstone County, Montana, being wholly surrounded on the north by Tract 2, of Certificate of Survey No. 1954, on the east by Kissee Subdivision, on the South by Tracts A and B, of Certificate of Survey No. 1938, and on the west by Al's Subdivision, First Filing.

The property is developed with large warehouse and commercial space and was used by a metal fabrication and manufacturing facility in the past. The owners have completed some redevelopment and improvements to the property and are requesting annexation to access City services. The use of the property is intended for a wholesale building supply business for contractors. The property is zoned Controlled Industrial. The property owner also has coordinated with the City Engineering Division to complete a Development Agreement specifying public improvement requirements for the property. The Development Agreement is scheduled to be acted upon at this meeting of the City Council directly after the Council acts upon the annexation petition, assuming the Council approves annexation of the subject property.

The property is located within the City Annexation Petition Area on 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.

**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 existing mains in Orchard Lane just west of the subject property. Since the property is already developed, staff is recommending one condition 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. The Development Agreement is also on the City Council's agenda for this same meeting so that if the annexation is approved the Council may also act to execute the Development Agreement between the City and the property owner. The City will receive property tax revenue and payment for fees and assessments for City services after the property is developed. The commercial use of the property is expected to cover the costs of delivering City services to the property.

## **BACKGROUND**

The subject property totals about 5 acres. It is located at 301 Orchard Lane on the east side of the street in southwest Billings. There is property inside the City Limits surrounding the subject property. The property is developed with warehouse and commercial business facilities and has been used for fabrication and manufacturing in the past. The property appears to meet some of the City's criteria in its Annexation Policy.

## **PROCEDURAL HISTORY**

- On February 13, 2017, the annexation petition was submitted to the Planning Division by the owner's agent.
- The annexation petition was scheduled to go to the City Council in April, 2017, but the owner asked to temporarily suspend the process and the petition was not moved forward to complete the review process and bring it to City Council until October, 2017.
- On January 22, 2018, the City Council will conduct the public hearing for the annexation and may take action on the request.
- On February 12, 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 February 26, 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 January 4, 2018, and published in the *Yellowstone County News* on December 29. 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 Montana Code does not require the City to prepare a provision of public services plan for Annexation by Petition (Section 7-2-4600, MCA), it is the City's custom to have staff prepare an analysis of predicted impacts to services and facilities, and information on how services will be provided to the property after annexation. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the City's Annexation Petition Area on its Limits of Annexation Map.

2. The City is able to provide municipal water and sewer services to the property.
3. Any existing and 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 condition of annexation that the property owner enter into a Development Agreement with the City will ensure that the waiver is signed.
5. If annexed, any proposed land use will comply with the zoning. The property is currently zoned Controlled Industrial. Any further development or redevelopment of the property will comply with the zoning regulations.

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 have comments on this annexation request.

### **City Facilities:**

Specific comments from City Departments are provided below:

- **Water:** This property is already served by an existing water main located in Orchard Lane along the front of the subject property.
- **Sewer:** The property will be served by an existing sanitary sewer main located in Orchard Lane along the west frontage of the subject property. The subject property will be responsible for connecting to the existing sewer main in coordination with City Public Works.
- **Storm water:** All of the storm water runoff from this property will need to meet the City of Billings requirements for storm water management. The property owner installed some improvements prior to moving this annexation petition forward and City Public Works has reviewed the installation design to insure it meets City Standards. Any future redevelopment also will follow the City of Billings storm water regulations.
- **Transportation:** The subject property will be served by Orchard Lane that runs along the western boundary of the property. Orchard Lane was reconstructed to meet City Collector Road Standards in 2016. Frontage improvements for the subject property were completed at that time and no further improvements are needed at this time. Any future frontage improvements along and within the Orchard Lane right-of-way will be reviewed by the City of Billings.
- **Fire Stations:** The subject property will be served by the City of Billings Fire Department. The Billings Fire Chief stated that the Department is in support of this annexation given its location in the City. The nearest fire station is Station #4, located at 476 6th Street West, about 1 road mile northwest of the subject property.
- **Parks:** The subject property is zoned Controlled Industrial and not allowed to develop with residential uses, so park land dedication or a cash-in-lieu contribution would not occur under the current zoning and development of the property.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the 2017 Billings Area Bikeway and Trail Master Plan Update. Curb walk was installed during the reconstruction of Orchard Lane, providing some pedestrian facilities along this corridor. Orchard Lane also was originally identified to have bike lanes installed. However, modifications to the design of the road reconstruction took the bike lanes out. There are bike lanes installed on Calhoun Lane to the

west and future plans to provide a Bike Boulevard on Hallowell Lane to the east when that street is reconstructed.

- School facilities: The subject property would be served by Billings School District #2. Since it is zoned Controlled Industrial and development for commercial purpose, it will have no impact on student capacity for the schools that serve it.

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

- Transit: MET transit system operators have no objections to the annexation request. MET Transit currently serves this area with two buses, Route 9-Central and Route 19-SS Loop that both traverse Orchard Lane, making access for employees at the subject property very convenient.

- Police: The Police Department staff stated the Department can serve the area as it within an established patrol area as the City Limits are surrounding the subject property in this area of southwest Billings.

- 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 has no concerns with annexing the property, but pointed out that State Law allows the property owner to choose which 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 appears to be within the area of acceptable response time.

- 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 City Annexation Petition Area, is wholly surrounded by the City Limits, and has access to all City services.

Annexation of this property would generally follow guidelines of the **2016 City of Billings Growth Policy** and use of the property for commercial uses would also meet some elements of the Growth Policy Guidelines. Commercial and industrial uses of the property will help address the cost effectiveness of providing City services in the area, and infill development like this near existing City infrastructure also is more cost effective as per the Essential Investments Growth Guideline. Supporting successful businesses like the one operating on the subject property that provide local jobs benefits the community and a diversity of available jobs can ensure a strong

Billings' economy. These goals meet elements of the Prosperity Growth Guideline.

Reuse of this property for commercial uses that are not as intense as manufacturing and fabrication activity on this site is more in accordance with the **2012 South Billings Master Plan**. The Plan identified this area as supporting and encouraging jobs and job training activity and involving business activity that fit with the mixed use nature of this portion of South Billings where residential and commercial uses are often close together or even mixed along some of the neighborhoods main corridors. The proposed use of this property as a distribution business for contractor building materials to serve the local area is a better fit with the mixed-use nature of this portion 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**

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### **Attachments**

Annexation Petition  
Annexation Exhibit  
Applicant Exhibit  
Annexation Resolution

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# PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

## NOTICE TO PETITIONER

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

## INSTRUCTIONS

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

The map must show:

- a. The present and proposed boundaries of the municipality;
  - b. The present streets, major trunk water mains and sewer mains;
  - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4<sup>th</sup> Floor at 2825 3<sup>rd</sup> Avenue North, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, Parks and Recreation Department, and the Finance Department. If the departments find no problems with the Petition, the City Clerk will schedule the Petition for City Council action.
  4. 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.

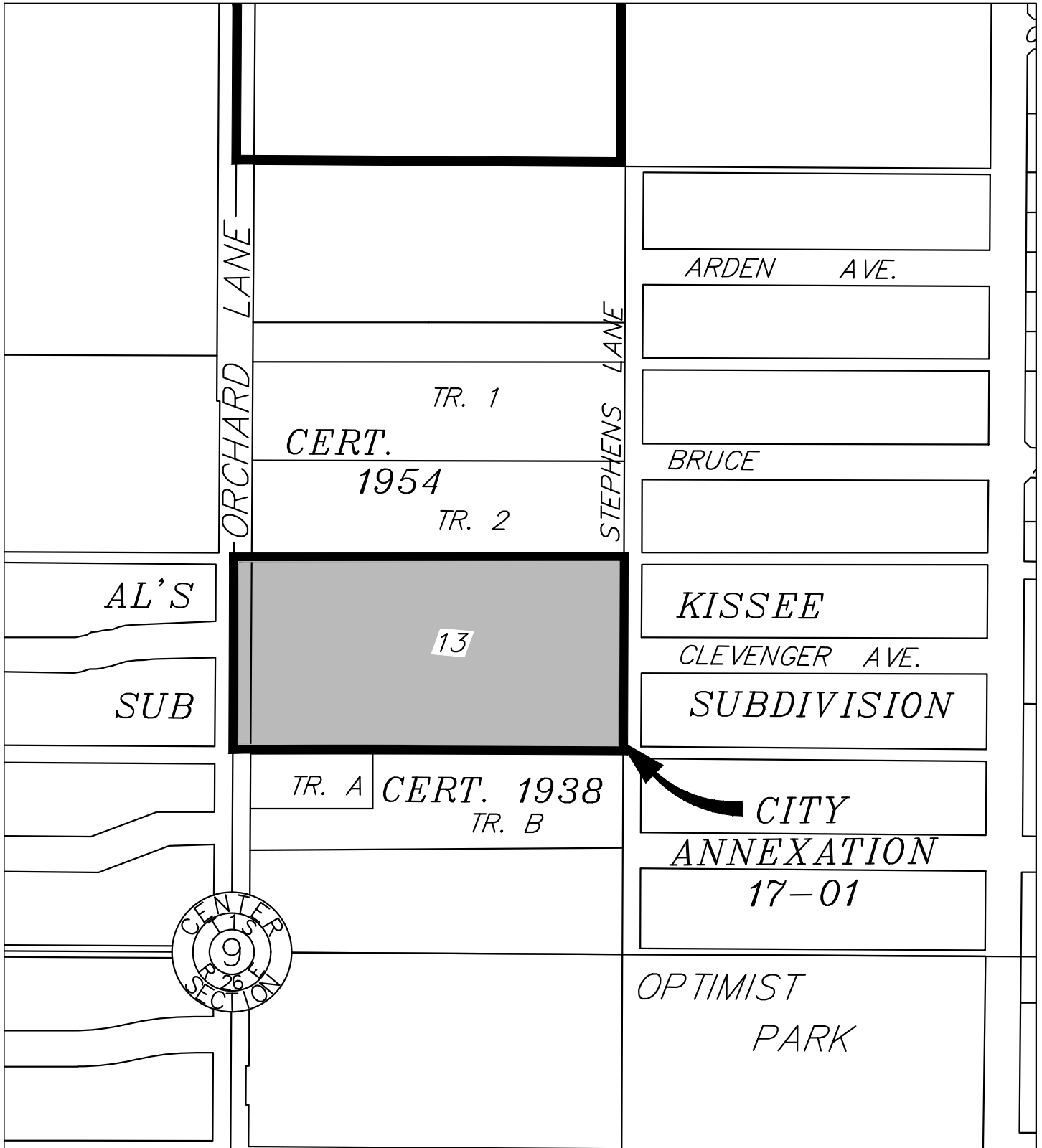
## RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
2/2/17	Nick Czaplak	<i>Nick Czaplak</i>	301 Orchard Ln.

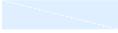



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# EXHIBIT "A"



### Legend

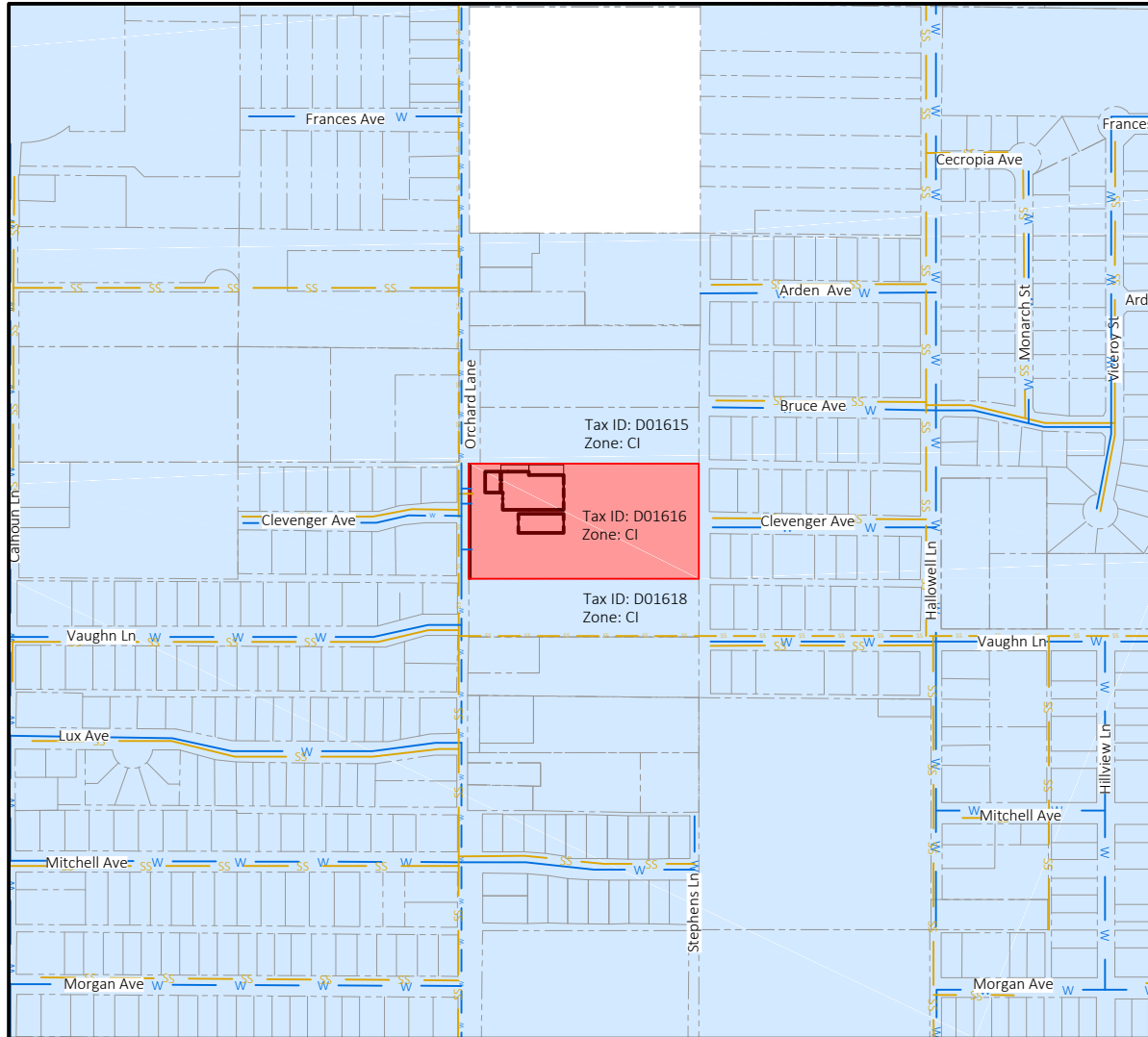
-  City Limits
-  Area Requesting Annexation
-  Main City Water Supply Lines
-  Main City Sewer Lines

Petitioner: LB Stone Properties Group  
 PO Box 3949  
 Spokane, WA 99220

Property: 301 Orchard Lane  
 Billings, MT 59101

Tax ID: D01616

Zoning: Controlled Industrial (CI)



PROJECT:  
 301 Orchard Lane  
 Billings MT 59101

SHEET TITLE:  
 Annexation to the City of Billings MT

DRAWN BY: Randal Ruiz

DATE: 25 January, 2017



**LBSTONE**  
 PROPERTIES GROUP

THESE DRAWINGS ARE THE PROPERTY OF THE LB STONE PROPERTIES AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE PRIOR WRITTEN APPROVAL BY THE LB STONE PROPERTIES.

**RESOLUTION NO. 18 -**

**A RESOLUTION APPROVING PETITION 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:

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 unplatted land situated in the NE1/4 of Section 9, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being the N1/2, SW1/4, SW1/4, NE1/4 of said Section 9 T.1S., R.26E., P.M.M., Yellowstone County, Montana, being wholly surrounded:

On the north Tract 2, of Certificate of Survey No. 1954, Recorded November 29, 1979, under Document Number 1149891; On the east by Kissee

Subdivision, Recorded May 29, 1956, under Document Number 564232;

On the South by Tracts A and B, of Certificate of Survey No. 1938, Recorded September 26, 1979, under Document Number 1143039; On the west by Al's

Subdivision, First Filing, Recorded February 15, 1965, under Document Number 748408;

Including all adjacent right-of-way of Orchard Lane per County Road Petition No. 92, declared County Road December 7, 1899; Also that portion of Orchard Lane per Right-Of-Way Easement Recorded May 31, 2016, under Document Number 3778578;  
Containing 5.000 gross and 4.773 net acres more or less.  
(# 17-01) See Exhibit "A" Attached

2. CONDITION. The annexation is approved, subject to the following condition:
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded.
  
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 22<sup>nd</sup> day of January, 2018.

CITY OF BILLINGS:

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

William A. Cole, Mayor

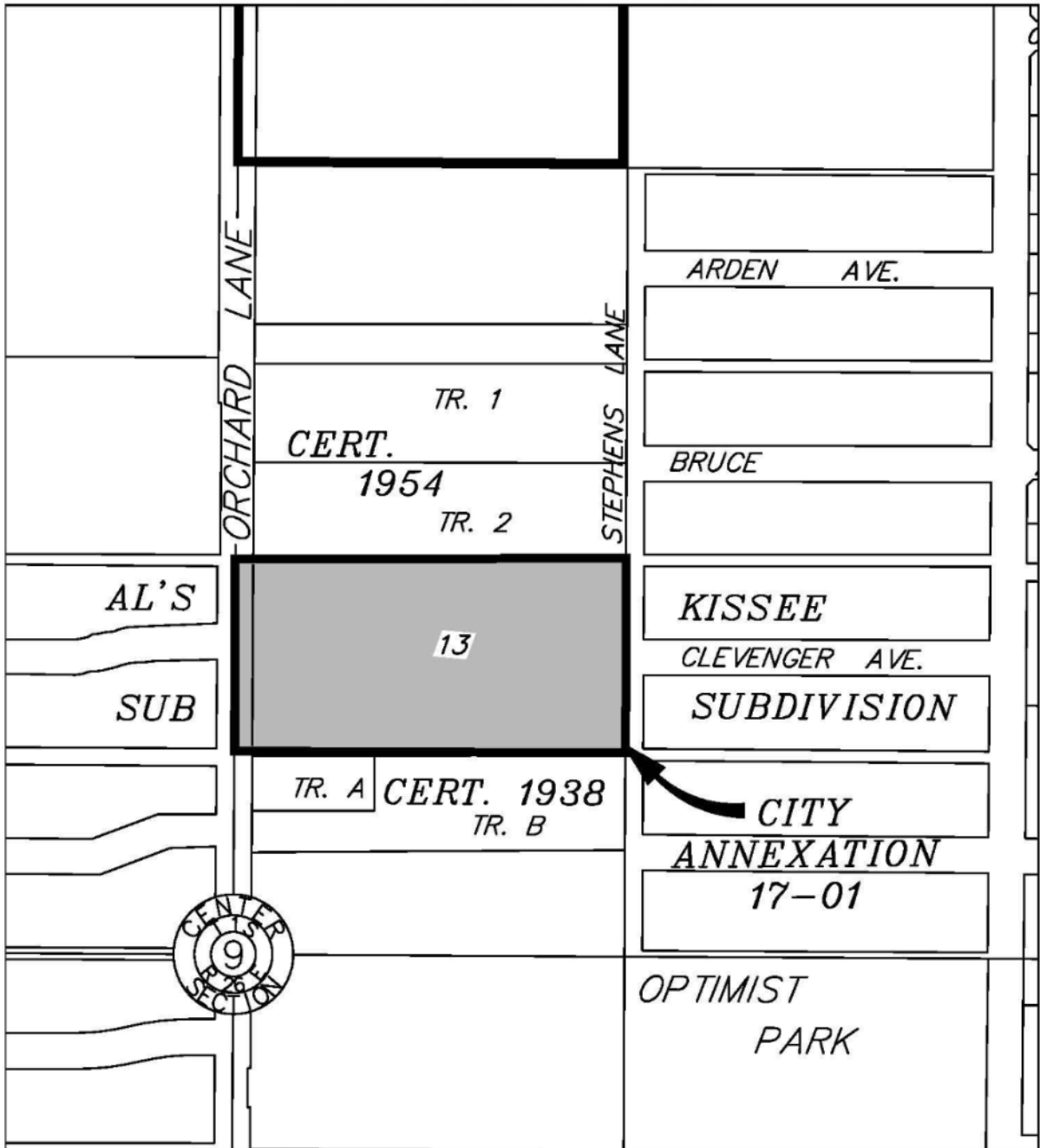
ATTEST:

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

Denise R. Bohlman, City Clerk

(AN# 17-01)

*EXHIBIT "A"*



**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** Development Agreement with L.B. Stone for 301 Orchard Lane

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

**Department:** Public Works

**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

At the January 22, 2018 meeting, City Council will consider annexation of the property located at 301 Orchard Lane. L.B. Stone has purchased the property and desires to be in the City. Typically, as a condition of approval of the annexation, the property owner is to enter into a development agreement with the City of Billings outlining necessary future public improvements. The property owner has submitted the attached Development Agreement, and the Council will consider whether to approve the agreement. Most of the required improvements have been completed with the Orchard Lane project completed in 2016. The development agreement outlines any improvements that may come up in the future.

**ALTERNATIVES ANALYZED**

City Council may:

- If the annexation is approved, then approve the development agreement with the property owner; or
- Disapprove the development agreement. If the agreement is not approved, the responsibility for infrastructure improvements will not be clearly designated as the property owner's responsibility.

**FINANCIAL IMPACT**

There is no financial impact to the City with acceptance of this development agreement. If the agreement is not accepted, the City may become responsible for improvements instead of the developer.

**RECOMMENDATION**

Staff recommends that the City Council approve the development agreement with L.B. Stone.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Development Agreement

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## **DEVELOPMENT AGREEMENT**

**THIS DEVELOPMENT AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Lawrence B. Stone Properties #161, LLC, a Washington limited liability company, 2800 E Main Avenue, PO Box 3949, Spokane, WA 99220-3949, hereinafter referred to as “L.B. Stone” or “Owner” and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, Billings, Montana, 59101, hereinafter referred to as the “CITY.”

**WHEREAS**, L.B. Stone is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

5.00 acres, located at S09, T01S, R26E, N2SWSWNE4  
Yellowstone County, MT, hereinafter referred to as “301 Orchard Lane”

**WHEREAS**, L.B. Stone, has submitted to the City a Petition for Annexation of 301 Orchard Lane; and

**WHEREAS**, L.B. Stone desire to annex 301 Orchard Lane to the City,

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties do hereby agree as follows:

1. Sanitary Sewer. L.B. Stone shall connect to the City sanitary sewer system. The recent construction of Orchard Lane has provided a sanitary sewer stub on the property at 301 Orchard Lane. The sites existing sewer lines will be connected to the sanitary sewer stub. Associated costs thereto shall be the responsibility of L.B. Stone. Owner will be required to pay system

development fees and connection permit fees at the time of sewer hook up.

2. Water. 301 Orchard Lane is currently connected to the City water system. Existing connection will remain. Both parties understand that no further work is necessary.
3. Right of Way. Both parties agree that the current right-of-way is properly sized. No work is necessary.
4. Curb, Gutter, streets, sidewalks. Both parties agree that adjacent Orchard lane is new, fully functional and meets the needs of both parties for the foreseeable future. No work is needed.
5. Other Public Improvements. No specific time schedule is contemplated for construction of other public improvements serving the property. The city shall rely on the attached Waiver filed concurrently herewith, to ensure the installation of any or all remaining public improvements. Said improvements shall include, but not be limited to, street construction & paving, curb & gutter, sidewalks, driveways, sanitary sewer and domestic water improvements. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof.
10. Compliance. Nothing herein shall be deemed to exempt the 301 Orchard Lane from compliance with any current or future City laws, rules, regulations, or policies that are applicable to the development, redevelopment, or use of the subject property.
11. Runs with Land. The covenants, agreements, and all statements in this Agreement and in the incorporated and attached Waiver shall run with the land and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
12. Attorney's Fees. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party shall be entitled to reasonable attorney fees and costs, including those fees and costs of in-house counsel.
13. Amendments and Modifications. Any amendments or modifications of this Agreement 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 have executed this Agreement as of the day and year first above written.

“L.B. Stone”  
Lawrence B. Stone Properties #161, LLC

By: \_\_\_\_\_  
Lawrence B. Stone  
Managing Member

STATE OF \_\_\_\_\_ )  
:ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by Lawrence B. Stone, as Managing Member of Lawrence B. Stone Properties #161, LLC

(SEAL)

\_\_\_\_\_  
Print Name  
Notary Public for the State of Montana  
Residing in: \_\_\_\_\_  
My Commission expires: \_\_\_/\_\_\_/20\_\_\_

“CITY”  
CITY OF BILLINGS, MONTANA

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

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

Approved as to Form: \_\_\_\_\_  
City Attorney

STATE OF MONTANA     )  
  :SS  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to in the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

Printed Name: \_\_\_\_\_  
Residing at Billing, Yellowstone County,  
Montana  
My commission expires \_\_\_\_\_

## **WAIVER OF RIGHT TO PROTEST**

**FOR VALUABLE CONSIDERATION**, the undersigned, Owner of the hereinafter described real property, does hereby waive the right to protest the formation of one or more Special Improvement Districts (SID) for the construction, reconstruction or maintenance of sidewalks, street lights, street light energy and maintenance, storm sewer lines, if any, within the area and other incidental improvements which the City of Billings may require.

The Waiver and Agreement shall run with the land and shall be binding upon the undersigned, its successors and assigns, and shall be recorded in the office of County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follow to wit:

5.00 acres, located at S09, T01S, R26E, N2SWSWNE4



**Regular City Council Meeting**

**Meeting Date:** 01/22/2018  
**TITLE:** Babcock Theater Lease  
**PRESENTED BY:** Bruce McCandless, Assistant City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes

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**PROBLEM/ISSUE STATEMENT**

In 2008, the City of Billings approved a grant to the Babcock LLC to assist with purchasing and restoring the Babcock building, located at the corner of N. Broadway and 2nd Ave. North. The development agreement required the owners to perform specified restoration work on the theater and to deed that portion of the property to the City at a later date. To prepare for the theater's transfer to the City, the City Council created an Ad Hoc Committee to advise it. In 2017, the committee directed staff to develop and issue a Request for Proposals (RFP) to Lease, as well as an Invitation for Bids to buy, the Babcock Theater.

Both documents were advertised November 17 and 24, 2017, in the *Yellowstone County News*. All parties who had previously expressed interest, were personally notified via email. The City received two responses to the RFP to lease the theater by the December 8, 2017 deadline and received no bids to purchase the building.

The proposals to lease the property, from Vintage Theater Partners, LLC and Art House Cinema & Pub, were distributed to and reviewed by members of the Ad Hoc Committee. A meeting was held on December 12, 2017, and the committee decided that presentations by each proposer would be requested. Presentations were made by the two proposers on January 4, 2018. The Ad Hoc Committee met on January 10, 2018, to make a recommendation to Council, which is to accept the proposal from Art House and to negotiate a lease and operating agreement between the City and the non-profit company.

**ALTERNATIVES ANALYZED**

Council may:

- Proceed with contract/lease negotiations with Art House Cinema and Pub; or,
- Reject the Committee's recommendation and proceed with contract/lease negotiations with Vintage Theater Partners, LLC; or,
- Reject both proposals and provide staff with further direction.

**FINANCIAL IMPACT**

The RFP indicated that the property would be leased to a proposer for five (5) years, with an option to renew for up to five (5) one-year terms for \$1/year. The intent is that the Proposer is responsible for all expenses related to the Babcock Theater, and also retains net revenues from its operation. The Council approved \$500,000 in the FY 2018 budget for capital replacement/improvements and discussed budgeting the same amount in FY 2019. The Council approved a payment of about \$127,000 for the Green Room, located next to the theater, and associated personal property, leaving a balance of \$373,000.

## **RECOMMENDATION**

The Ad Hoc Committee recommends that the City Council approve the Art House Cinema & Pub proposal and to negotiate a lease for the Babcock Theater property.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

March 2017 Ad Hoc Committee Report to Council

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## MEMORANDUM

**To:** Mayor & City Council  
**Date:** Wednesday, March 01, 2017  
**Subject:** Babcock Ad-Hoc Subcommittee Report on Theater Uses & Management

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The City Council created an 11-member Ad Hoc Advisory Committee on Future Uses and Management of the Babcock Theater on March 14, 2016, under BMCC Sec. 2-224 Ad hoc council advisory committees. The Committee originally was directed to make recommendations to the City Council no later than Dec. 31, 2016, a date that was extended to Feb. 27, 2017, by City Council action in December 2016. This document presents recommendations by the Committee to the Council for a Work Session on Feb. 21, 2017.

### How the City Is Acquiring the Babcock Theater

The City Council approved \$1.9 million of Downtown Tax Increment Financing District (TIFD) funds on Sept. 22, 2008, for Babcock, LLC, to acquire and complete Phase I improvements to the Babcock Building at 2<sup>nd</sup> Avenue North and North Broadway. Babcock LLC consists of Mike Matthew, Kay Foster and Kimberly A. and Donald J. Olsen. The project was a legacy development qualified under the Downtown Billings Partnership (DBP) Large Project Gap Funding after the 1976 downtown TIFD expired, and \$4.22 million remained after all debt payments in the district has been made. Grants, investments and loans were used to pay for an additional \$2 million worth of improvements to the Babcock Building in Phases II and III.

In exchange for the financing, the City was to receive the 760-seat Babcock Theater that was part of the complex at no additional cost by April 1, 2016. The City Council in May 2013 amended the agreement and extended the transfer to March 15, 2017, in order to allow Babcock LLC to take full advantage of historic preservation tax credits that occurred five years after the Babcock was placed on the National Register of Historic Places.

### Background & Community

The Babcock was built in 1907 as a theater. In 1920, it was rebuilt as a movie theater. In 1935, it burned and was rebuilt in the post-World War II Skouaz style seen today. It will become the fourth downtown entertainment facility owned by the City: the Alberta Bair Theater, the Depot and Moss Mansion all are City-owned, but operated by not-for-profit entities (501C3s).

Two other theaters also operate in Billings. They are the Nova Center for the Performing Arts, which combines the Rimrock Opera and the Venture Theatre; and the Billings Studio Theatre,

which operates on the Rocky Mountain College campus. Both are 501C3s with no City affiliation.

In addition, there are several other companies that operate performance venues such as the Shrine, clubs such as the Brew Pub, and movie theaters including the Carmike chain and the Art House Cinema and Pub. The City's Dehler Park and Yellowstone County's Rimrock Arena have hosted live performances, and the Downtown Billings Association (DBA) hosts Alive After 5, and other street events during the summer. The Blues Fest also operates downtown annually.

### Committee Activities

The Committee met 7 times. Copies of the minutes of those meetings are available on the City's web site at <http://www.ci.billings.mt.us/2467/Babcock-Theater>. Activities included touring the theater; discussing possible uses for the facility, including retail or office space; and meeting with individuals knowledgeable about its history and the operations of the Babcock and similar venues.

Committee members also met with two outside groups, the Cultural Partners and the Alberta Bair Theater management:

- The Cultural Partners, a collaborative group of museums, theaters, and other culturally related activities, encouraged the Committee to find an existing 501C3 with which to partner, instead of adding an additional competitor to organizations already seeking limited public support in Billings. Cultural Partner members suggested the Babcock's niche was to provide performing space for local organizations and groups that were not big enough or did not have the resources to play the Alberta Bair. It also could serve as a smaller, seated venue for outside groups that want an intimate performing site, or for lectures, movies and other events that would not attract more than 1,000 people.
- The Alberta Bair management felt it was not financially possible to manage the smaller Babcock Theater along with its own, larger venue. They graciously offered, however, to send groups they could not accommodate to the Babcock, and to provide what assistance they could.

In addition, the Committee received contacts from two other entities. If the Council decides to proceed in either direction, it probably would be best to require requests for proposals as a follow-up to ensure the City is receiving the best terms it can in doing business with them or similar companies:

- The Knitting Factory, a Spokane-based group, expressed interest in leasing the Babcock. Babcock Committee members were concerned about litigation involving the company and the Wilma Theatre in Missoula, as addressed in the attached story from the Missoulian.
- A purchase offer within the last 10 days through a local commercial Realtor from a church that operates in a theater in another community. This contact included a request to price the theater's value.

### Facility Operations & Needs

The Babcock Theater has no debt. For the past 20 years, it has been operated sporadically, with events ranging from ballet recitals to boxing. Ms. Olsen currently manages the theater for

Babcock, LLC, although there was an external manager for a period of time in 2014-15. Major costs include taxes, for which the City would not be responsible, insurance and utilities. The theater's financials for the years 2010 through 2015 are attached, as provided to the Committee by Babcock, LLC.

The theater currently rents for \$1,000 a night and up, depending on the staffing needed. It costs \$100 an hour for rehearsals and non-profits. There were 60 events in 2014; 36 in 2015; and 42 events in 2016.

The Babcock has recently upgraded roofing, ceiling and electrical, plumbing, fire sprinkling and heat pump systems. It shares with other building tenants the costs of handicapped accessible restrooms, a lobby, other utilities and trash, which are billed on a pro-rata basis of 28% to the theater.

However, the Babcock does not own the following, all of which would be needed in the near future to make it marketable to more groups:

- A sound system, with the current system being stored for and leased from its Missoula owner;
- A lighting system;
- A stage curtain, needed for professional plays;
- A removable floor suitable for dance troops (a rubber Marley floor); and
- Rigging.

The City also does not own the Green Room, a dressing/kitchen/restroom/laundry facility for use by performers, which lies in the basement under another piece of the Babcock property. When the building was divided into condominiums, the space apparently was assigned to another unit under which it is directly located. It would need to be purchased or leased from Babcock, LLC for use when any event occurs.

#### Alternatives Available

The City Council could agree to accept title to the theater property at its business session on March 13, 2017, and:

- 1) Ask the Committee to continue exploring options for its use, with specifics on what other directions it would like the Committee to take;
- 2) Ask the Committee to negotiate with Ms. Olsen to continue to manage the Babcock for a year, while seeking a non-profit organization to ultimately take over the operations;
- 3) Instruct staff to issue a request for proposals (RFP) for the sale of the theater; or
- 4) Instruct staff to issue an RFP for an outside organization to manage the facility for a period of 5 or more years.

#### Recommendations

The Ad-Hoc Advisory Committee on Future Uses and Management of the Babcock Theater recommends that the City retain ownership of the facility and authorize the Committee to negotiate with Ms. Olsen for a 1-year contract to manage the theater. The committee also

recommends the Council direct staff to issue RFPS for both the lease and the sale of the theater, in order to ensure it has the best chance of remaining stable in the future.

The City Council allocated \$20,000 in the General Fund Non-Department account of the Fiscal Year (FY) 2017 budget for a Babcock study. That money has not been touched, and could be used to help pay Ms. Olsen and the utilities for the balance of the budget year. A similar allocation would be needed in the FY '18 budget to cover the remaining six months of the contract. At that time, the theater would be turned over to an operator who would be expected to operate it at no additional cost to the City.

Ms. Olsen has said that there will be additional expenses that would be billed back to users of the theater, but might require some up-front, short-term financing from the City during the next year. They include:

- Event security;
- Cleaning;
- Individuals who stay at the theater to assist performers from the time the event is set up until it is taken down;
- Ticket and merchandising sales, which would be done both on-line and at the ticket booth.

In addition, the Committee recommends that the City consider making capital investments listed in the Facilities Operations and Needs portion of this report in FY '18 and FY '19 to make it more attractive as a performance venue. Estimated costs would be \$500,000 each budget year.

The Committee appreciates the Council's interest in maintaining the Babcock as an important piece of the City's cultural heritage.

Council Member Angela Cimmino  
Council Member Richard Clark  
Council Member Alvin Swanson  
Ian Elliott, Directing Community  
Lisa Harmon, Downtown Billing Association  
Jack Nickels, Cultural Partners Chairman  
Jeff Yeley, owner of Jimmy Johns in the Babcock Building  
Ruth Towe, Interested Resident  
Wayne Wilcox, Comedy Producer  
William R. Wilson, former Alberta Bair Theater Executive Director (resigned)

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018  
**TITLE:** City Council Committee/Board Assignments  
**PRESENTED BY:** Bruce McCandless, Assistant City Administrator  
**Department:** City Hall Administration  
**Presentation:** No

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**PROBLEM/ISSUE STATEMENT**

Following every municipal election, the Mayor and Council select members to serve on a variety of boards or commissions that operate under separate authority but include Councilmembers as voting or nonvoting members. The names of the organizations, their usual meeting dates and times and the 2016-2018 Billings members are shown on the attached list.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve appointments to the boards and commissions, or;
- Disapprove some or all appointments. Disapproval would diminish the City's influence with these boards and commissions.

**FINANCIAL IMPACT**

There should not be a significant financial impact. Councilmembers are eligible for actual travel expense reimbursement and at least one of the organizations reimburses the individual or the City for travel costs.

**RECOMMENDATION**

Staff recommends that the Mayor and Council select from among its members to serve as the City's representatives on the subject boards and commissions. Any assignments not made at this meeting should be made at the February 12, 2018 Regular Business meeting.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Councilmember Committees

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<b>Council Member Committees</b>		
Big Sky EDA Board	Mike Yakawich	Second Thursday of the month in the Yellowstone Room @ 222 N. 32nd Street First floor @ 7:30 AM
Community Development Board	Larry Brewster Angela Cimmino (Alt)	First Tuesday of the month in the Miller Building, 2825 3rd Avenue North, 6th floor @ 3:00 PM
Policy Coordinating Committee	Larry Brewster Dick Clark (Alt)	Third Tuesday of the month in the Yellowstone County Commissioners Board Room, 217 N. 27th Street @ 12:00 Noon
Montana League of Cities & Towns *Travel covered for Helena meeting	Tom Hanel	Late June in Helena*; October annual conference
Beartooth RC & D	Mike Yakawich	Third Thursday of odd numbered months various locations; winter meetings 1:30 PM, summer meetings 5:30 PM
Bright & Beautiful	Angela Cimmino Shaun Brown (Alt)	Third Wednesday of month @ Perkins on 27th Street @ 12:00 Noon
DBP Board	Ryan Sullivan (non-voting)	Fourth Friday of the month in GW Bldg, 2722 3rd Avenue North 1st Floor Conference Room @ 7:30 AM

**Regular City Council Meeting**

**Meeting Date:** 01/22/2018

**TITLE:** City Administrator Recruitment

**PRESENTED BY:** Karla Stanton, Human Resources Director

**Department:** City Hall Administration

**Presentation:** Yes

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**PROBLEM/ISSUE STATEMENT**

The former City Administrator retired on September 30, 2017, and Mr. Bruce McCandless was named Interim City Administrator. Prior to the City Administrator's departure, the City Council issued a Request for Proposals for Executive Search Services. The City Council selected The Mercer Group, Inc. and began working with Mr. Jim Mercer, and subsequently with Mr. WD Higginbotham. Four applicants were interviewed on November 30, 2017. Council selected a candidate on December 1, negotiations ensued between the candidate and a City Council subcommittee, but negotiations were unsuccessful and the candidate withdrew. As a result, the City Council needs to determine next steps in the City Administrator recruitment process.

**ALTERNATIVES ANALYZED**

City Council may:

- Contact the remaining finalists, determine if any of them are still interested in the position and attempt to negotiate a contract with the candidate that the Council selects.
- Immediately begin recruiting a City Administrator with The Mercer Group's assistance.
- Immediately begin the recruiting process and select another Executive Search firm
- Continue with the Interim City Administrator assignment and delay recruiting for an indefinite time.
- Enter into an Agreement with Mr. McCandless as the City Administrator for a set term, recruit and hire an Assistant City Administrator and recruit a new City Administrator before the end of the contract term.
- Recruit and contract with an individual as City Administrator for 1-2 years and recruit a longer term City Administrator before the end of the contract term.

The staff believes that the first three (3) alternatives are problematic. None of the remaining finalists received majority support from the former Mayor and Council. The recently seated Mayor and three (3) Councilmembers did not participate in the selection process and may not be prepared at this time to offer the position to any of the candidates. Immediately re-starting the recruitment may not be fruitful. Negative media reports from the previous recruitment may inhibit some qualified managers from applying for the job. The Council should take some time to discuss and agree on a selection process and schedule. It should consider surveying other cities and use professional associations to help it decide what salary and benefits it is willing to offer to a selected candidate. Mr. McCandless may be willing to remain indefinitely in the interim position, but doing so diminishes his ability to lead staff and may discourage hiring an Assistant City Administrator. It may also require two (2) departments with interim directors to function that way for well over a year. Either of the final alternatives

could work well depending on what the Council wants to accomplish in 2018 and its longer term goals for City leadership.

## **FINANCIAL IMPACT**

The financial impact of the alternatives are as follows:

- The cost for Mercer to continue the search for City Administrator candidates is estimated at \$15,000 to \$20,000. The Mercer Group guarantee to conduct another recruitment under the former contract applies only if the Council had been unable to select a candidate from the hiring pool that Mercer presented.
- The estimated cost to hire another Executive Search firm is estimated at \$20,000 to \$25,000.
- The cost to contract with Mr. McCandless is unknown and subject to negotiations.
- The estimated cost to hire an outside individual as a short term City Administrator is estimated to be \$12,000 to \$15,000 per month.

Funds for another executive search are not budgeted in FY 2018. However, there have been considerable salary savings in the City Administrator budget, so funding another search will probably not exceed the budget.

## **RECOMMENDATION**

Staff recommends that City Council select one of the options presented.

## **APPROVED BY CITY ADMINISTRATOR**

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