REVISED - 9/21/18

Regular Agenda Item 9, REMOVED

Special Meeting 9/19/18 Minutes, ADDED

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS **September 24, 2018** **5:30 P.M.**

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Gibbs

ROLL CALL: Councilmembers present on roll call were:

☐ Cromley, ☐ Yakawich, ☐ Brewster, ☐ Ewalt, ☐ Joy, ☐ Friedel, ☐ Gibbs, ☐ Ronning, ☐ Clark, ☐ Brown

MINUTES:

- September 10, 2018
- September 19, 2018 - Special Meeting

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 8 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. **Bid Awards:**

1. **3 - 2019 37,000 GVW Single Axle Trucks with Dump, Sander and Plow.** (Opened 9/11/18) Recommend I-State Truck Center; $431,650.

2. **2019 58,000 12-Yard Dump Trucks with Snow Plow Assembly and Sander.** (Opened 9/11/18) Recommend I-State Truck Center; $170,581.

3. **New Makeup Air Units for Airport Terminal Building Kitchen.** (Opened 9/11/18) Recommend Empire Heating & Cooling; $141,768.

4. **Striping and Road Markings for 10 Roundabouts.** (Opened 9/11/18) Recommend Streamline Markings, Inc.; $98,041.70.

5. **W.O. 18-16, Filter Building Console Replacement.** (Opened 9/11/18) Recommend Ace Electric, Inc.; $690,000.

6. **W.O. 18-26, Grand Peaks Pond Improvement Project.** (Opened 9/11/18) Recommend rejecting all bids.

B. **Change Order No. 1, W.O. 18-30, City County Drain Mitigation,** COP Construction; $10,713.16.

C. **Montana Legislative Lobbyist Services Contract,** Crowley Fleck; not to exceed $40,000.

D. **Amendment No. 1, Pretreatment Service Agreement,** ExxonMobil Corporation; $712,561.

E. **2018 Justice Assistance Grant (JAG) Application,** Memorandum of Understanding (MOU) with Yellowstone County, and award for City of Billings Police Department; $86,331.

F. **Tax Increment Financing Assistance** from East Billings Urban Renewal District (EBURD) Tax Increment Funds for the EBURD Planting Program; up to $40,000.

G. **Revolving Loan Fund** to RYM Properties, LLC; $225,000.

H. **Second/Final Reading Ordinance** repealing BMCC Section 13-502, City Administrator Signing Authority.

I. **Copper Ridge Subdivision, 7th Filing** final plat.

J. **High Sierra Subdivision, 6th Filing** final plat.

K. **High Sierra Subdivision, 9th Filing** final plat.

L. **Bills:**

1. August 27, 2018

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTIONS** setting assessments on the following:

A. SID 1405

B. Weed Abatement

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

3. **PUBLIC HEARING** to receive input on the City's FY17-18 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action is necessary.

4. **PUBLIC HEARING AND RESOLUTION** approving reduction of the Arterial Construction Fee assessment for residents in commercial zones. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

5. **PUBLIC HEARING AND RESOLUTION** establishing a Wastewater System Development Fee between the City of Billings and ExxonMobil Corporation. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

6. **PUBLIC HEARING AND SPECIAL REVIEW 969:** a special review to allow a beer and wine license without gaming less than the required 600 feet from a public park and a public school on a 36.82 acre parcel of land located at 316 South 24th St. West. Matthew Colebank, owner; Steven Zeier, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 970:** a zone change from Neighborhood Commercial (NC) to Community Commercial (CC) on a .91-acre parcel of land described as: Tract 1C of Certificate of Survey 566. No Cash Water, owner; Jeff Essmann, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

8. **POLICE EVIDENCE FACILITY EXPANSION.** 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.

Consent **1. A. 1.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: 3 - 2019 37,000 GVW Single Axle Trucks with Dump/Sander/Plow

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Six bids were received by the Street/Traffic Division for the Public Works Department on September 11, 2018, to purchase 3 - 2019 37,000 GVW Single Axle trucks with Dump/sander/plow. This purchase will replace existing trucks that are included in the FY19 Equipment Replacement Plan (ERP).

ALTERNATIVES ANALYZED

City Council may:

- Approve purchasing 3 - 37,000 GVW single axle trucks with dump/sander/plow from the low bidder, or;
- Disapprove the purchase. The existing trucks are nearing the end of their useful lives.

FINANCIAL IMPACT

The City received 6 bids for the 3 trucks as shown below:

Bidders Name	Net Price	Trade In	Warranty	Total Bid Price
I-State (Bid #1)	$157,382.00 $157,382.00 $157,382.00	1180 $16,000.00 1181 $16,000.00 1188 $18,000.00	$3,168.00 x 3 = $9504.00	$431,650.00
I-State (Bid #2)	$163,941.00 $163,941.00 $163,941.00	1180 $16,000.00 1181 $16,000.00 1188 $18,000.00	$3,168.00 x 3 =$9504.00	$451,327.00
Motor Power (Bid #1)	$152,681.00 $152,681.00 $152,681.00	1180 $11,500.00 1181 $11,500.00 1188 $12,000.00	$4,740.00 x 3 = $14,220.00	$437,263.00
Motor Power (Bid #2)	$159,240.00 $159,240.00 $159,240.00	1180 $11,500.00 1181 $11,500.00 1188 $12,000.00	$4,740.00 x 3 = $14,220.00	$456,940.00
Tri State (Bid #1)	$173,649.00 $173,649.00 $173,649.00	1180 $18,000.00 1181 $18,000.00 1188 $18,000.00	$3,815.00 x 3 = $11,445.00	$478,392.00
Tri State (Bid #2)	$167,840.00 $167,840.00 $167,840.00	1180 $18,000.00 1181 $18,000.00 1188 $18,000.00	$3,815.00 x 3 = $11,445.00	$460,965.00

RECOMMENDATION

Staff recommends that the City Council accept the low bid and purchase the 3 trucks from I-State in the net amount of $431,650.00. This amount includes the trade of 1180, 1181 & 1188 for $50,000 and 5 year engine/transmission warranties for $9,504.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 2.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: 2019 58,000 12 yard dump trucks with snow plow assembly and sander

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Three bids were received by the Street/Traffic Division for the Public Works Department on September 11, 2018 to purchase 1 - 2019 58,000 GVW, 12 yd dump truck with snow plow assembly and sander. This purchase will replace an existing truck that is included in the FY19 Equipment Replacement Plan (ERP).

ALTERNATIVES ANALYZED

City Council may:

- Approve purchasing 1 - 58,000 GVW, 12 yd dump truck with snow plow assembly and sander, or;
- Disapprove the purchase. The existing truck is nearing the end of its useful lives.

FINANCIAL IMPACT

The City received 3 bids for the truck as shown below:

Bidders Name	Net Price	Trade In	Warranty	Total Bid
IState	$197,180.00	$30,000.00	$3,401.00	$170,581.00
Motor Power	$199,459.00	$16,000.00	$4,940.00	$188,399.00
Tristate	$214,190.00	$30,000.00	$3,737.00	$187,927.00

RECOMMENDATION

Staff recommends that the City Council accept the low bid and purchase the truck from IState in the amount of $170,581.00. This amount includes the trade-in of Unit #1156 for $30,000.00 and 5 year engine/transmission warranty for $3,401.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 3.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Award of New Makeup Air Units for the Airport Terminal Building Kitchen

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

Presentation: No

PROBLEM/ISSUE STATEMENT

One of the Airport Terminal's HVAC projects that needs to be completed is the replacement of the Makeup Air Units for the Airport Terminal Building kitchen area. These Makeup Air Units supply fresh outside air with heating and cooling for the Terminal Building kitchen area, replacing the air exhausted by the kitchen hood fan system and keeping the kitchen area at comfortable temperature levels. The existing units are twenty-five years old, have been suffering repeated failures, and cannot sufficiently serve the kitchen area. This project was advertised in the *Yellowstone County News* on August 24, 31, and September 7, and was posted on the City and Airport's Websites. On September 11, 2018, the following bids were received:

CONTRACTOR	BID
Empire Heating and Cooling	$141,768
NorPac Sheetmetal	$144,794
Engineers Estimate	$150,000

ALTERNATIVES ANALYZED

City Council may:

- Approve the construction contract for the replacement of the Makeup Air Units for the Terminal Building kitchen area; or
- Reject all bids and advise staff on how to proceed.

FINANCIAL IMPACT

The total cost of this project is $141,768. The budget authority and the funds for the project are available in the Airport's Capital account.

RECOMMENDATION

Staff recommends the City Council approve the award of the Makeup Air Units for the Airport Terminal Building kitchen to Empire Heating and Cooling, for the amount of $141,768.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 4.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Striping and Road Markings for 10 Roundabouts

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Street/Traffic Division for the Public Works Department received 2 bids for painting pavement markings for the 10 roundabouts specified in the bid. These pavement markings will be painted in epoxy paint and will also include grinding/cleaning markings prior to re-striping. The Public Works Department advertised in the *Yellowstone County News* on August 31 & September 7, 2018 and ope ed bids on September 11, 2018.

ALTERNATIVES ANALYZED

City Council may:

- Approve the bid for the painting and striping of the 10 roundabouts, or;
- Disapprove the bid for the painting and striping of the 10 roundabouts. Eventually the striping will fade and be unrecognizable.

FINANCIAL IMPACT

The cost for the striping and road markings for the 10 roundabouts is an approved supplemental budget request for the FY19 budget for the Street/Traffic Division. 2 suppliers responded for the request for bids. Bidding results are as follows:

Bidders Name	Total Bid Price
Streamline Markings, Inc	$ 98,041.70
Highmark Traffic	$195,000.00

RECOMMENDATION

Staff recommends the council accepts the low bid for striping and road markings for $98,041.70 from Streamline Markings, Inc.

APPROVED BY CITY ADMINISTRATOR

Attachments

Roundabouts Exhibit

STRIPING and ROAD MARKINGS FOR
10 ROUNDABOUTS IN BILLINGS, MT

1. **Description:** This bid describes striping and road markings for 10 roundabouts in Billings, MT. The bid will include all markings described in Exhibit B.

2. **Locations:**
Zoo Drive & Shiloh Rd
Hesper Rd & Shiloh Rd
Knife River & Shiloh Rd
King Ave West & Olympic Park Dr (Kohls)
King Ave West & Shiloh Rd
Monad Rd & Shiloh Rd
Central Ave & Shiloh Rd
Broadwater Ave & Shiloh Rd
Grand Ave & Shiloh Rd
Hilltop Road & Bench Blvd

Per Exhibit B.

3. **Marking Description:** Bid calls for all striping and markings including crosswalks, sharkteeth, arrows/onlys, fishhooks, white lane dividers, yellow edge lines, white fog lines, white skips, white islands and yellow islands.

All the above referenced striping and road markings is from the North-South, East-West, painted islands inward. On North leg of roundabouts: distances referenced are from the north side of north crosswalk. On South leg of roundabouts: distance referenced are from the south side of south crosswalk. On West leg of roundabouts: distance referenced are from west side of west crosswalk. On East leg of roundabouts: distance referenced are from east side of east crosswalk. The distances are noted on each drawing (Exhibit B).

Applied paint shall be Epoxy and include grinding/cleaning of existing markings prior to restriping.

4. **Traffic Control:** Provided by selected successful bidder

Consent **1. A. 5.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: W.O. 18-16 -- Filter Building Console Replacement, Construction Contract

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

The Filter Building at the Water Treatment Plant (WTP) was constructed in 2007. The controls and monitors for all filters are located in consoles within the filter gallery. The equipment has reached its useful life due to the constant use and age. The six consoles and associated wiring and equipment have started to fail and therefore need to be replaced. W.O. 18-16 provides for the replacement of all this equipment and other miscellaneous improvements associated with the consoles. Construction/installation will be phased over the winter months during periods of lowest water demand.

The bidding for this contract was advertised August 17, 24, and 31, and September 7, 2018, in the *Yellowstone County News* and on the City's website. Bids were opened September 11, 2018, and Ace Electric was the lowest responsible bidder.

ALTERNATIVES ANALYZED

City Council may:

- Award a construction contract to the low bidder, Ace Electric, Inc., in the amount of $690,000.00, or;
- Reject all bids, which will delay the project and result in further corrosion and equipment failure, which could be detrimental to being able to provide adequately filtered water.

FINANCIAL IMPACT

The following bids were received and evaluated.

Construction Contractor (Bidder)	Total Bid Amount
Ace Electric, Inc.	$690,000.00
Colstrip Electric, Inc.	$743,510.00

This project is being funded with Water funds as approved in the FY 2019 budget. There are adequate funds for this contract amount.

RECOMMENDATION

Staff recommends that the City Council award a construction contract to Ace Electric, Inc. for W.O. 18-16, Filter Building Console Replacement in the amount of $690,000.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 6.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: W.O. 18-26; Grand Peaks Pond Improvement Project

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 18-26, Grand Peaks Pond Improvement Project would construct a small lift station for a City-owned storm water retention pond serving Grand Peaks Subdivision located north of Grand Avenue and east of 54th Street West. The project would install approximately 140 lineal feet of 12 and 6 inch gravity storm water piping, retention pond inlet and outlet structures, a storm water pumping station, and approximately 400 lineal feet of 2-inch storm water force main.

After being advertised in the *Yellowstone County News* and on the City website August 31 and September 7, staff received two bids on September 11, 2018. Upon review of the various bid items in comparison to the Engineer's Estimate of $67,000, staff recommends that the bids be rejected. Staff will revisit the project scope and specifications and rebid a project that can be both successful and more cost-effective.

ALTERNATIVES ANALYZED

City Council may:

- Approve award of the construction contract, or;
- Disapprove award of the construction contract. If the project is not constructed, storm water that fills the existing retention pond will continue to accumulate without effectively infiltrating. City maintenance crews will need to continue regular pond maintenance practices of pumping out storm water and unplugging silted-in pipes. City staff recommends rebidding a project in the fall of 2018 with a revised scope that will be more cost-effective.

FINANCIAL IMPACT

Bid results are as follows:

	Engineer's Estimate	Western Municipal	Castlerock Excavation
Total Project Bid	$67,000	$113,840	$111,954

Staff recommends that bids be rejected for W.O. 18-26, Grand Peaks Pond Improvement Project and no contract be awarded. Staff recommends that the project scope and specifications be re-evaluated and a more cost-effective project be re-bid in the fall of 2018.

RECOMMENDATION

Staff recommends that bids be rejected for W.O. 18-26, Grand Peaks Pond Improvement Project and no contract be awarded.

APPROVED BY CITY ADMINISTRATOR

Consent **1. B.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: W.O. 18-30 City County Drain Mitigation Change Order #1

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 18-30 City County Drain Mitigation is a project to mitigate for the movement of the Yellowstone River into the City County Drain. The City County Drain is a very important storm drain outfall for the city's storm drain system and the migration of the river channel to the north has made the outfall essentially unusable for much of the year. City Council approved a resolution June 11, 2018 declaring the work an emergency. City staff hired COP Construction to install a cutoff wall in the channel to separate the city's storm drain system from the river. The original contract was for $40,000 but additional work was needed due to the number and intensity of storms the city experienced this spring and summer. The total for the work was $50,713.16 so a change order in the amount of $10,713.16 needs to be executed.

ALTERNATIVES ANALYZED

City Council may:

- Approve change order #1 in the amount of $10,713.16. There is no option as the work has been completed.

FINANCIAL IMPACT

There are adequate storm drain funds available for this change order.

RECOMMENDATION

Staff recommends that the City Council approve the change order for COP Construction in the amount of $10,713.16.

APPROVED BY CITY ADMINISTRATOR

Attachments

Change Order #1
Emergency Resolution

CHANGE ORDER

No. 1

PROJECT: **W.O. 18-30**

DATE OF ISSUANCE: 9/24/18

OWNER: (Name & Address) City of Billings, 2224 Montana Ave., Billings, MT 59101

OWNER'S PROJECT NO. W.O. 18-30

CONTRACTOR: **COP Construction**

ENGINEER: Office of the City Engineer

ENGINEER'S PROJECT NO. W.O. 18-30

CONTRACT FOR: W.O. 18-30 City County Drain

You are directed to make the following changes in the Contract Documents.

Description: Repair of channel bank and adjacent area following flooding. Lower one section of the sheet pile to accommodate higher flows.

Purpose of Change Order: Accommodate river and channel flows as levels changed. Repair area after continued rainfall and flooding.

Attachments: (**List documents supporting change) N/A**

CHANGE IN CONTRACT PRICE:	**CHANGE IN CONTRACT TIME:**
Original Contract Price	Original Contract Time
$ 40,000.00	N/A days
Previous Change Orders No. ___	Net Change from previous Change Orders
$ N/A	N/A
Contract Price prior to this Change Order	Contract Time prior to this Change Order
$ 40,000.00	N/A days
Net Increase of this Change	Net Increase (decrease) of this Change
$ 10,713.16	0 days
Contract Price with approved Change Order	Contract Time with approved Change Order
$ 50,713.16	N/A days

RECOMMENDED:

By _____
Engineer

APPROVED:

By _____
Owner

APPROVED:

By _____
Contractor

RESOLUTION 18-10730

A RESOLUTION DECLARING AN EMERCENCY AND WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS AS CONTAINED IN 7-5-4302 AND 7-5-4303 MCA

WHEREAS, the City-County Drain outfall has been damaged and must be repaired immediately so that the drain can continue to operate, and

WHEREAS, 7-5-4302 MCA requires cities to advertise for competitive bids and to award the bid to the lowest responsive bidder, and

WHEREAS, competitive bidding requires an advertising and award process that would delay the repair, and

WHEREAS, 7-5-4303 MCA allows cities to waive the competitive bidding requirements if ¾ of the members present at the meeting of the City Council declare an emergency.

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

1. EMERGENCY DELCARED. The damage to the City-County drain outfall and potential damage to private property are declared an emergency due to the unanticipated event, the damage incurred and the requirement to repair the drain outfall.

2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirements for repairing the drain outfall as permitted by 7-5-4303 MCA.

APPROVED by at least ¾ of the members present at the meeting of the City Council of the City of Billings, Montana, on the 11th day of June, 2018.

CITY OF BILLINGS

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

CITY OF BILLINGS * YELLOWSTONE COUNTY, MONTANA * SEAL

ATTEST:

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

Consent **1. C.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Montana Legislative Lobbyist Services Contract

PRESENTED BY: Kevin Iffland, Assistant City Administrator

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

Mayor and Council directed staff to advertise and complete a Request for Proposals (RFP) for **Montana Legislative Lobbyist Services**. The RFP was advertised in the *Yellowstone County News* and on the City's website. All persons and firms who had been recommended or previously expressed interest were also personally notified via email.

Five proposals were received to perform these services. The selection committee, made up of Mayor Cole, Councilman Clark, Councilman Yakawich, County Commisioner Robyn Driscoll and Assistant City Administrator Kevin Iffland, reviewed all five proposals and met on August 10, 2018, to discuss. The committee then interviewed the top two selected firms on August 22, 2018. The committee unanimously selected Crowley Fleck to serve as the City's Legislative Lobbyist for one year, with the opportunity to extend for four (4) two-year options after review and by mutual agreement.

ALTERNATIVES ANALYZED

City Council may:

- Approve a one year contract, with four two-year renewal options, with Crowley Fleck, or;
- Award a contract to a different firm; or,
- Disapprove a contract with the recommended firm and provide additional guidance for staff.

FINANCIAL IMPACT

The contract amount for the first year of this contract will not exceed $40,000 plus usual and customary travel and incidental expenses for anything required by the City beyond two trips to Billings and ordinary office expenses.

RECOMMENDATION

Staff recommends that the City Council award a one year contract with Crowley-Fleck, with the opportunity to extend for four (4) two-year options after review and by mutual agreement. The contract amount for the extension periods will be negotiated prior to the beginning of each renewal term.

APPROVED BY CITY ADMINISTRATOR

Consent **1. D.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Pretreatment Service Agreement with ExxonMobil Corporation

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

The Pretreatment Service Agreement with ExxonMobil Corporation was approved at the December 19, 2016 Council meeting. The agreement identifies the terms and conditions to permit the ExxonMobil Corporation's refinery industrial wastewater discharge into the City's wastewater collection system for treatment. The ExxonMobil Corporation will utilize the Lockwood sewer system to convey this discharge to the City for treatment. In general, the Agreement includes insuring compliance with City, State and Federal requirements, fee and rate methodology, limits on industrial loadings, and indemnification conditions. This Agreement states that the ExxonMobil Corporation acknowledges and accepts a maximum daily discharge of 2.0 million gallons per day (2 MGD) and that they may request a variance to the 2 MGD if they anticipate the flow limit might be exceeded. ExxonMobil Corporation is requesting an increase in the maximum daily discharge from 2 MGD to 2.5 MGD and understands that this change also results in a larger System Development Fee (SDF) that ExxonMobil Corporation must pay prior to connection to the City. Staff has determined that the wastewater treatment plant has the capacity to treat this additional .5 MGD of industrial wastewater. The amendment to the Pretreatment Service Agreement with ExxonMobil Corporation is attached and includes the change to increase the maximum daily discharge from 2 MGD to 2.5 MGD.

ALTERNATIVES ANALYZED

Council may:

- Approve the amendment to the Pretreatment Service Agreement with ExxonMobil Corporation; or
- Not approve the amendment. Not approving the amendment to the Pretreatment Service Agreement will require ExxonMobil Corporation to meet the requirements of the current Agreement to not exceed the maximum daily flow of 2 MGD unless a variance is requested by ExxonMobil 48 hours prior to the day on which the flow is expected to exceed 2 MGD and ExxonMobil's SDF will be based on the max flow of 2 MGD.

FINANCIAL IMPACT

If the amendment to the Pretreatment Service Agreement is approved, the one-time System Development Fee will increase by $712,561.

RECOMMENDATION

Staff recommends that the City Council approve the amendment to the Pretreatment Service Agreement between the City of Billings and ExxonMobil Corporation.

APPROVED BY CITY ADMINISTRATOR

Attachments

Amendment

AMENDMENT NO. 1

TO

PRETREATMENT SERVICE AGREEMENT BETWEEN EXXONMOBIL AND CITY OF BILLINGS

THIS AGREEMENT, made and entered into on _____, 2018, by and between the following:

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

and

ExxonMobil Refinery
700 Exxonmobil Road
Billings, Montana 59101.
Hereinafter designated ExxonMobil

WITNESSETH:

WHEREAS, the City and ExxonMobil entered into a Pretreatment Services Agreement dated December 19, 2016, for ExxonMobil to discharge industrial wastewater to the City's wastewater system under the City's Pretreatment program, and;

WHEREAS, ExxonMobil has requested an increase to their industrial wastewater maximum daily discharge flow from 2.0 to 2.5 million gallons per day (MGD), and;

WHEREAS, the City has determined that it has sufficient capacity in its wastewater system to treat and dispose of the additional 0.5 MGD from ExxonMobil;

NOW, THEREFORE, BE IT RESOLVED that in consideration of mutual covenants to be performed by the City and ExxonMobil, it is hereby agreed as follows:

1. The City will accept a maximum daily discharge flow of 2.5 MGD.
2. ExxonMobil acknowledges that the system development fee will be based, in part, on the maximum daily discharge flow of 2.5 MGD.
3. All other terms and conditions of the agreement to which this amendment applies shall remain in full effect.

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

CITY OF BILLINGS, MONTANA

By_____
WILLIAM A. COLE, Mayor

EXXONMOBIL

By_____

Print Name_____

Print Title_____

Consent **1. E.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: 2018 JAG Application and Acceptance of Award in the amount of $86,331

PRESENTED BY: Rich St. John, Police Chief

Department: Police

Presentation: No

PROBLEM/ISSUE STATEMENT

The City has been notified that funding is available for the 2018 Justice Assistance Grant (JAG). This $86,331 grant is a joint application between the Billings Police Department and the Yellowstone County Sheriff's Office, with the Billings Police Department acting as the grant administrator. The Yellowstone County Sheriff's Office (YCSO) will use its $13,274 allocation to purchase two rifle scopes, a critical incident negotiation phone controller, garden tractor/mower for its training facility and shooting range, a camera and tablet, personal protective equipment and clothing, and first aid and search and rescue tools and supplies.

The Police Department plans to use its $73,057 allocation to purchase interior patrol car equipment, patrol rifle ammunition, 4 radar units, NIK Drug Kits, tasers and cartridges, and barricades and traffic cones. The grant will also help purchase uniforms and promotional items. Promotional items will be distributed to the community at events. Examples of promotional items are kids activity books, stay safe kits, bracelets, etc.

The attached agreement is part of the application submittal. Staff is requesting Council approval to submit the application, accept the $86,331 grant award, approve the agreement with Yellowstone County and authorize the Mayor to sign the award documents when they are received.

ALTERNATIVES ANALYZED

Council may:

- Approve the application and acceptance of award of the 2018 JAG Grant in the amount of $86,331; or
- Not approve the application and acceptance of award of the 2018 JAG Grant in the amount of $86,331. This action would result in the City's General Fund having to absorb costs to maintain patrol cars and ammunition.

FINANCIAL IMPACT

There will be no cost to the City as no match is required.

RECOMMENDATION

Staff recommends that the City Council approve the 2018 JAG application submission in the amount of $86,331; accept the grant award; approve the grant sharing agreement with Yellowstone County and authorize the Mayor to sign the award documents when they are received.

APPROVED BY CITY ADMINISTRATOR

Attachments

MOU Final

THE STATE OF MONTANA, COUNTY OF YELLOWSTONE
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF BILLINGS, AND YELLOWSTONE COUNTY
2018 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
$86,331 #2018-H3097-MT-DJ

This Memorandum of Understanding (MOU) is made and entered into this ____ day of _____, 2018, between the City of Billings (CITY) acting through its Mayor, and Yellowstone County (COUNTY) acting through its Chairman of the Board of County Commissioners.

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party, and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the City agrees to provide the County $13,274.00 from the JAG award.

WHEREAS, the CITY and the COUNTY will file a joint application with the CITY serving as applicant/fiscal agent for the JAG funds.

WHEREAS, the CITY and the COUNTY believe it to be in their best interests and the best interests of both of them to reallocate the JAG funds in this matter so as to continue to qualify for future JAG awards and in order to maximize the benefit from this 2018 JAG award.

NOW THEREFORE, the CITY and COUNTY agree as follows:

1.The purpose of this MOU is to provide a binding promise by the City of Billings to share the proceeds of a $86,331.00 JAG award with the County of Yellowstone.

2.This MOU shall commence on the date the Justice Assistance Grant (JAG) is funded by the U.S. Department of Justice, and the funds are received by the City, and it shall terminate on September 30, 2021 unless the parties mutually agree, in writing, to an earlier termination date. This cooperative undertaking shall be financed exclusively from the JAG proceeds. CITY agrees to pay the COUNTY a total of $13,274.00 of JAG funds. The COUNTY agrees to use $13,274.00 for the program between the date of this agreement and September 30, 2021, the last day on which these funds may be spent, according the terms of the JAG.

3.Nothing in the performance of this MOU shall impose any liability for claims against the CITY or COUNTY. Each party to this agreement will be responsible for its own actions in providing services under this MOU and will save the other party harmless from and defend and indemnify them for any claims that arise due to or on account of any activities that are funded in whole or in part by JAG proceeds, and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party. The parties to this MOU do not intend for any third party to obtain a right by virtue of this MOU. No separate legal entity shall be created by this contract. The accounting for funds received by each of the local governing bodies shall be done by the City of Billings Finance Department and the County of Yellowstone Sheriff's Office, respectively. The City of Billings Financial Services Manager shall administer the disbursement of JAG proceeds in cooperation with the County of Yellowstone Sheriff's Office. No personnel costs will be funded from these proceeds by either party so neither party will be required to file reports or make payments of retirement system contributions pursuant to §19-2-506, MCA.

4.In the event that any payment that is expected to be made pursuant to this JAG is not received by the City of Billings, or in the event that either party violates the terms of this MOU either party may terminate this agreement by giving written notice to the mayor (for notice to the City) or to the commission chair (for notice to

the County) of the manner in which the other party has violated the provisions hereof. If a party so notified does not remedy the default within fifteen (15) days of receipt of the notice of the violation, then the party giving notice of the violation is released and discharged from any further obligation under this MOU and the MOU is of no further legal effect.

By entering into the MOU, the parties do not intend to create any obligations express or implied other than those set out herein; further, this MOU shall not create any rights in any party not a signatory hereto.

City of Billings, Montana

/s/ William A. Cole, Mayor

County of Yellowstone

/s/ John Ostlund, Chairman
Yellowstone County Commissioners

APPROVED AS TO FORM:

/s/ Brent Brooks
City Attorney's Office

/s/ Kevin Gillen
Yellowstone County Attorney's Office

Consent **1. F.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: EBURD Tax Increment Assistance - Distict Landscape Planting Program

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 $40,000 in tax increment finance funds (TIF) from the East Billings Urban Renewal District (EBURD) to provide financial assistance to property owners in the District that wish to install trees and irrigation improvements along the street frontages of their property. The EBURD Planting Program will cover up to 50% of the costs associated with purchasing and planting trees and installing irrigation systems. The BIRD Board also has partnered in the program with the Parks, Recreation and Public Lands Department (PRPL). PRPL is providing $50 per tree up to a maximum of 80 trees to encourage tree planting in this area of the City. This funding proposal is not for a single development project, but this program has the potential to improve the streetscape across the EBURD area as is allowed under MCA 7-15-4288(4).

The BIRD Board of Directors voted to support funding of this application at its meeting on August 14, 2018, 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 TIF funding. This proposed program appears to conform to the City's TIF Policy. The City Council may:

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

FINANCIAL IMPACT

The request is for a total of $40,000 to be assigned to the EBURD Planting Program in the EBURD Budget. The BIRD Board will review and approve individual applications for landscaping improvements. Approved applications will be eligible for funding on a reimbursement basis (See BIRD Board Letter and Planting Program Flyer Attached). There is funding in the FY19 EBURD project budget for payment of TIF assistance, however a budget amendment for FY19 will need to follow this action, if approved by the Council, to include this specific expenditure. Staff also recommends this line item be revisited during the FY20 Budget preparations so any balance may be carried over for the new budget year.

RECOMMENDATION

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends that the City Council approve up to $40,000 from the EBURD tax increment finance district funds for the EBURD Planting Program.

APPROVED BY CITY ADMINISTRATOR

Attachments

BIRD Board Letter on Planting Program
EBURD Planting Program Flyer

BILLINGS INDUSTRIAL REVITALIZATION DISTRICT

1413 4th Avenue North, Suite C • Billings, MT 59101

August 20, 2018

Wyeth Friday
Planning & Community Services Director
City of Billings

Re: EBURD Planting Program

The BIRD board has authorized the development of a Planting Program designed to reimburse property owners up to half their cost for planting trees and landscaping in the East Billings Urban Renewal District.

We anticipate that most of the reimbursement requests will be small in size. In light of this, we would like to request authorization from the City Council to spend up to $40,000 on landscaping and planting in the EBURD for this program. Individual applications for landscaping reimbursements drawing on this sum will be approved by the BIRD board and the remittances requested from City Finance.

If it looks like we will need to exceed the $40,000 in approved funds we will come back to council for a new authorization.

Sincerely,

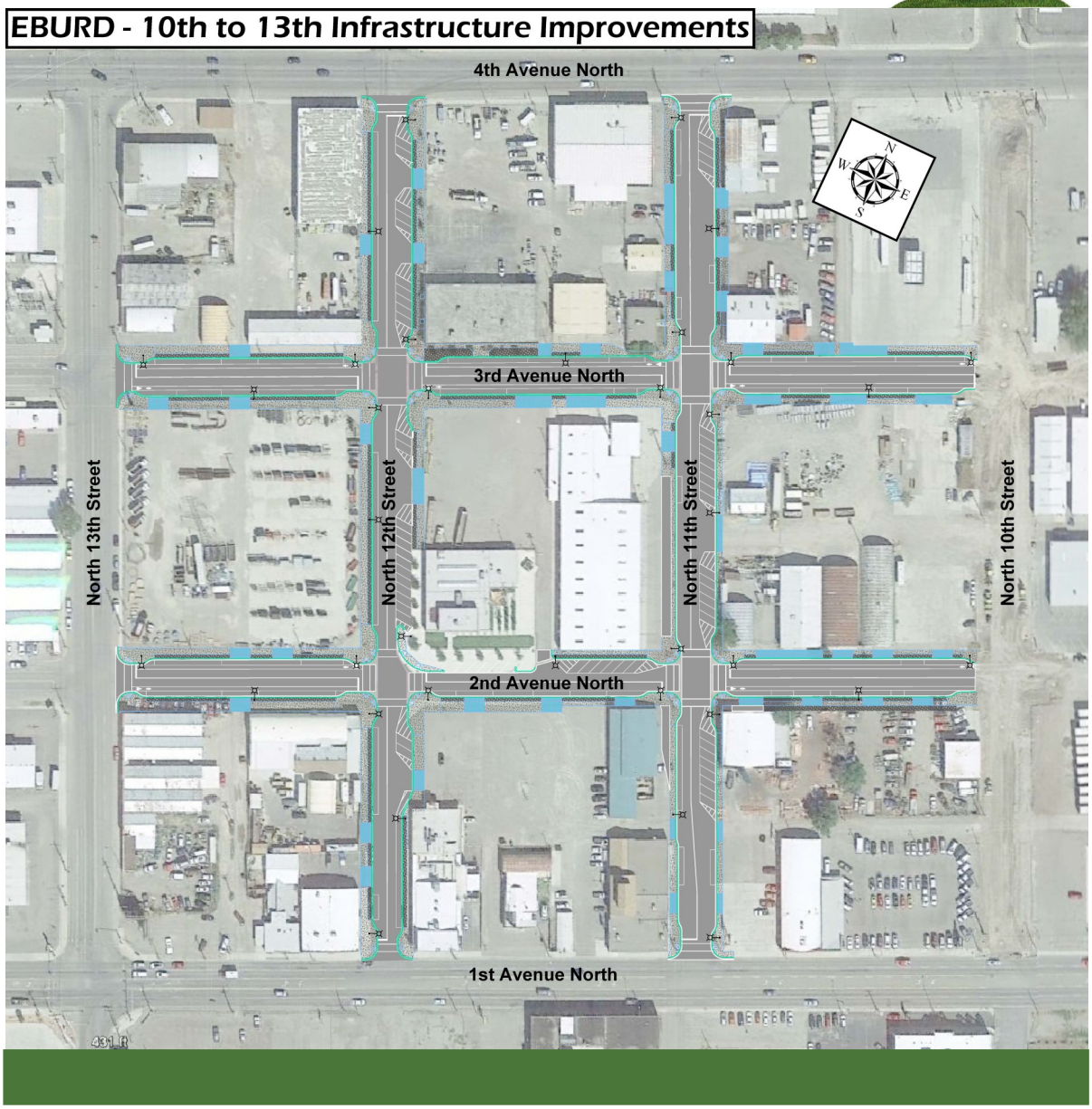
Tim Goodridge
EBURD Coordinator

BIRD
BILLINGS INDUSTRIAL REVITALIZATION DISTRICT

50% OFF

BIRD PLANTING PROGRAM

Plant trees, and beautify your property while we fix the streets.



Up to 50% off the cost of planting trees and installing irrigation is available through the BIRD.

Call Tim at **272-4321** to get information and get quotes from qualified companies.

Street reconstruction scheduled to begin in July of 2018

Consent **1. G.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Loan Approval Recommendation for RYM Properties, LLC

PRESENTED BY: Andy Zoeller, Finance Director

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee held a meeting on July 20, 2018. The committee conditionally approved and recommends a loan of $225,000 to RYM Properties LLC. Matt Robertson presented financial information and this loan will be used for renovation and remodeling of the building at 2610 Montana Avenue. If approved, the City of Billings will file a lien on the property and take a second position behind the mortgaging bank, Yellowstone Bank. The three owners will also provide personal repayment guarantees.

ALTERNATIVES ANALYZED

City Council may:

- Approve, or;
- Disapprove

If Council does not approve the loan, other financing at a higher rate will be considered.

FINANCIAL IMPACT

Currently the Downtown Revolving Loan fund (7230) has cash on hand of $615,000 and no other loans pending at this time. The budget for fiscal 2019 for new loans is $400,000.

RECOMMENDATION

The Downtown Revolving Loan committee recommends that the City Council approve the $225,000.00 loan to RYM Properties LLC.

APPROVED BY CITY ADMINISTRATOR

Attachments

Title Company
RYM Properties LLC

REVOLVING LOAN COMMITTEE LOAN APPROVAL ITEMS
RYM Properties LLC
8/31/2018

1	Loan amount	225000
2	Ratio of loan to project costs	20%
3	Percent of owner equity required	23%
4	Interest rate	3.25%
5	Interest rate is annually adjusted to Wall Street Journal Prime less 100 basis points as of the last business day in September.	
6	Term of loan in years	20 year amortization 10 year payback
7	Balloon payment at term	yes $131,338.64
8	Monthly payment based on:	$1280/month
	Calculation term	20 years
	Minimum interest rate if actual loan rate is less than 5%	3.25%
9	Collateralized by a deed of trust	yes
10	What will the deed of trust be subordinate to?	
	Second to Yellowstone Bank -- Will do title search to verify	
11	Personal guarantees	
	Personal guarantees from 3 members or RYM Properties	
12	UCC security interest required on fixtures, furniture, and equipment?	no

Consent **1. H.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Second Reading of Ordinance Repealing BMCC 13-502 - City Administrator Signing Authority for Contract Amendments and Change Orders

PRESENTED BY: Andy Zoeller, Finance Director

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

Billings, Montana City Code, Section 13-502, currently authorizes the City Administrator to execute amendments and change orders as long as any increase in contract amount does not exceed:

a. Ten (10) percent of the contract price;
b. Five hundred thousand dollars ($500,000.00); or
c. The original budgeted contingency, whichever is less.

City staff is recommending that the City Administrator also be authorized to approve any amendment or change order that does not exceed his/her signing authority allowed by resolution, which will allow for more consistency and decrease the number of small amendments and change orders that require Council action.

As a separate item, the City Council approved Resolution No. 18-10756 at its September 10 meeting. It encompasses all of the signing authority pertinent information including the City Administrator contract amendment and change order authority language.

The public hearing and first reading occurred at the September 10, 2018, Council meeting.

ALTERNATIVES ANALYZED

City Council may:

- Approve the ordinance and repeal of BMCC 13-502;
- Modify the ordinance and repeal of BMCC 13-502; or,
- Disapprove the repeal of BMCC 13-502.

FINANCIAL IMPACT

Other than time savings, the City will have no financial impact by approving repeal of BMCC 13-502.

RECOMMENDATION

Staff recommends that the City Council approve on second reading this ordinance repealing BMCC 13-502.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance 18-____ Repealing 13-502

ORDINANCE NO. **18-** _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REPEALING SECTION 13-502; DELEGATING TO THE CITY ADMINISTRATOR THE AUTHORITY TO EXECUTE CERTAIN CONTRACT AMENDMENTS OR CHANGE ORDERS.

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

Section 1. That Section 13-502 of the Billings, Montana City Code be repealed:

"~~Sec. 13-502. Execution of contract.~~

~~(a) Within ten (10) working days after the acceptance of a bid, the bidder and the city shall make, execute and deliver to each other in duplicate a contract in accordance with the bid; provided, that the parties to the contract may extend the period for execution.~~

~~(b) The city administrator is authorized to execute amendments or change orders to all contracts executed by the mayor if the changes are: (1) Within the scope of the project or purchase, provided that increases in the scope of street improvement projects to add improvements requested and paid for by adjacent property owners are permissible;~~

~~(2) Executed in writing; and,~~

~~(3) Any increase in contract amount does not exceed:~~

~~a. Ten (10) percent of the contract price;~~

~~b. Five hundred thousand dollars ($500,000.00); or~~

~~c. The original budgeted contingency, whichever is less.~~

~~(c) The total amount of all change orders or amendments on any given project will be cumulatively combined and when any single amendment or change order exceeds the limit under subsection (b) the proposed change must be presented to the city council for approval. However, where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city council may, upon recommendation of the city administrator, extend the aggregate limits of subsection (b) in an amount set by council resolution for a specific project.~~

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 10th day of September, 2018.

PASSED, ADOPTED and APPROVED on second reading this 24th day of September, 2018.

CITY OF BILLINGS

By_____
William A. Cole, Mayor

ATTEST:

By _____
Denise Bohlman, City Clerk

Consent **1. I.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Final Plat of Copper Ridge Subdivision, 7th Filing

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

The final plat for Copper Ridge Subdivision, 7th Filing is being presented to City Council for approval. The subject property is located north or Rimrock Road and is on both sides of 70th Street West. The land is zoned Residential 7000 and Residential 5000 and is proposed for residential development. The representing agent is Sanderson Stewart, and the owner is Copper Ridge West, Inc. The proposed plat received preliminary approval on November 13, 2017. Staff has determined the proposed plat has met all the conditions of approval and is forwarding a recommendation of final approval to the City Council. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or disapprove the final plat of Copper Ridge Subdivision, 7th Filing. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in Section 76-3-611, MCA, and Section 23-307, BMCC.

FINANCIAL IMPACT

Should the City Council approve the final plat, the newly created lots may be developed, increasing the tax and assessment revenues for the City while also generating service demands.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Copper Ridge Subdivision, 7th Filing.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat

SIA

PLAT OF

COPPER RIDGE SUBDIVISION, 7TH FILING

BEING TRACTS 1 & 2 OF CERTIFICATE OF SURVEY No. 3682
SITUATED IN THE SW1/4 OF SECTION 25 & THE S1/2 OF SECTION 26, T. 1 N., R. 24 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC — MARCH, 2018

PREPARED BY : SANDERSONSTEWART — BILLINGS, MONTANA

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-4-125(1)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this ____ day of _____, 20____ .

_____
City Engineer's Office

ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

_____ _____
Examining Land Surveyor — Date

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b) / 76-3-207(3), M.C.A.

Date: _____

Yellowstone County Treasurer

By: _____
Deputy

CERTIFICATE OF CITY ATTORNEY

This document has been reviewed by the City Attorney's office and is acceptable as to form.

DATED: _____

Reviewed by: _____

NOTICE OF APPROVAL

STATE OF MONTANA)
: ss
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

_____ _____
Date — President

_____
Executive Secretary

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
: ss
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing PLAT OF COPPER RIDGE SUBDIVISION, 7TH FILING, and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this ____ day of _____, 20____ .

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No.: _____

DECLARATION

Document No.: _____

CONSENT TO PLATTING

Document No.: _____ _____

Document No.: _____

TEMPORARY TURNAROUND EASEMENT

Document No.: _____

TEMPORARY EMERGENCY ACCESS EASEMENT

Document No.: _____

STORM WATER RETENTION EASEMENT

Document No.: _____

RELEASED FOR CLERK AND RECORDER

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
: ss
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That COPPER RIDGE WEST, INC., the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the SW1/4 of Section 25 and the S1/2 of Section 26, T. 1 N., R. 24 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Tracts 1 & 2 of Certificate of Survey No. 3682, as recorded in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3839547.

The park requirement for this subdivision has been met by a cash-in-lieu donation in the amount of $ 45,415.99 .

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as COPPER RIDGE SUBDIVISION, 7TH FILING, and the lands included in all streets, avenues, and parks as shown on the annexed plat are hereby granted and donated to the use of the public forever.

COPPER RIDGE WEST, INC., a Montana corporation
OWNER: TRACT 1, C.O.S. 3682

By: _____
Title: PRESIDENT

GARY OAKLAND
OWNER: TRACT 2, C.O.S. 3682

By: _____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 22nd day of August, 2018, before me, the undersigned Notary Public for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as President of COPPER RIDGE WEST, INC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

_____
Notary Public in and for the State of Montana

STATE OF MONTANA)
: ss
County of Yellowstone)

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA
BRITTANY CECIL
NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires
April 05, 2021

On this 22nd day of August, 2018, before me, the undersigned Notary Public for the State of Montana, personally appeared GARY OAKLAND, known to me to be the person who signed the foregoing instrument and acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.

_____
Notary Public in and for the State of Montana

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA
BRITTANY CECIL
NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires
April 05, 2021

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
: ss
County of Yellowstone)

The undersigned, a Land Surveyor licensed in the State of Montana, states that during September, 2016 and November, 2017, a survey was performed under his supervision of a tract of land to be known as COPPER RIDGE SUBDIVISION, 7TH FILING, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 116.172 acres and the net area is 107.292 acres.

SANDERSON STEWART

By: _____

MONTANA MICHAEL DEAN BERTRAM 18972LS LICENSED PROFESSIONAL LAND SURVEYOR

Montana License No. 18972LS

Date: August 22, 2018

16064_01FP_PROD.DWG 16064.01 8/2/18 MDB

PLAT OF

COPPER RIDGE SUBDIVISION, 7TH FILING

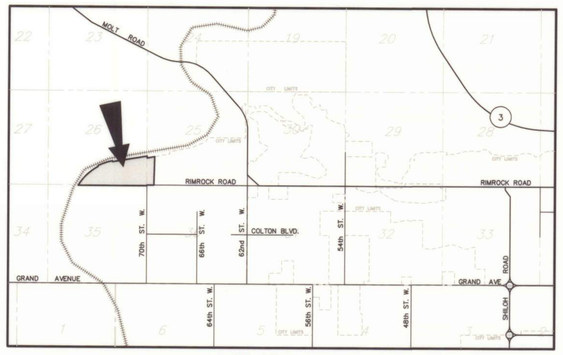
BEING TRACTS 1 & 2 OF CERTIFICATE OF SURVEY No. 3682
SITUATED IN THE SW1/4 OF SECTION 25 & THE S1/2 OF SECTION 26, T. 1 N.,
R. 24 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC

MARCH, 2018

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE

BASIS OF BEARING: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT SE CORNER OF SECTION 26, T1N, R24E, P.M.M., A 3" BRASS CAP MARKED "CASHELL ENG 1719ES", IS 0.999990898; THE CONVERGENCE ANGLE IS -0°11'57". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- ○ FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART 18972LS", OR AS NOTED
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

NORTH
150 75 0 150 300
SCALE: 1"=150'

C.O.S. No. 1380
TRACT 4

CERT. OF SURVEY No. 201

RIGHT - OF - WAY
BURLINGTON NORTHERN SANTA FE RAILROAD

S 01°52'00" W
102.48'
N 79°31'03" E 417.55'
1959.81'
S 10°32'18" E
50.00'
N 79°27'42" E
486.79'

Δ=16°41'48"
R=2814.79'
L=820.26'
CHORD
N71°06'48"E
817.36'

Δ=7°03'12" L=346.52'
Δ=9°38'36" L=473.75'
RADIAL S 17°35'31" E
N 00°25'32" W
56.15'

SEE SHEET 4

LOT 10
-BLOCK 5-

1384.75'

-BLOCK 2-
1580.76'
COPPER LOOP
RIDGE
6th FILING
SUBDIVISION
COPPER RIDGE BLVD.
COPPER CREEK
WEST
5th FILING
-4-
-5-
-6-
-7-

Δ=31°39'49"
R=2764.79'
L=1527.91'
CHORD
N46°24'30"E
1508.55'

CERTIFICATE OF SURVEY No. 3682

1287.02'
S 01°52'01" W
N 01°52'01" E

-BLOCK 3-
LOT 15
1,089,000 SF
25.000 AC
TRACT 2

LOT 16
1,161,784 SF
26.671 AC

LOT 10
TRACT 1
-BLOCK 3-

-BLOCK 5-
-BLOCK 4-
-BLOCK 1-

SEE SHEET 3

-BLOCK 3-

S 01°52'36" W

FOUND 2-1/2" ALUM. CAP MARKED "SANDERSON STEWART 18972LS"

EXISTING 60' WIDE TEMPORARY ACCESS EASEMENT DOCUMENT No. 3797294

388.29'
819.83'
S 89°36'57" W 1100.09' RIMROCK ROAD S 89°33'19" W
2647.82'
N 89°51'06" W 407.81'
S 02°03'13" W 29.98'
S 01°45'05" W 6.98'
RIMROCK ROAD

TRACT A
C.O.S. 1651
30'

SE CORNER, SECT. 26, T1N, R24E, PMM, FOUND 3" BRASS CAP MARKED "CASHELL ENG 1719ES"

70TH ST. W.

TRACT 6 TRACT 5 TRACT 4 TRACT 3 TRACT 1

CERTIFICATE OF SURVEY No. 1651

CERTIFICATE OF SURVEY No. 1651

UNPLATTED

RESERVED FOR CLERK AND RECORDER

16064_01FP_PROD.DWG 16064.01 8/2/18 MDB

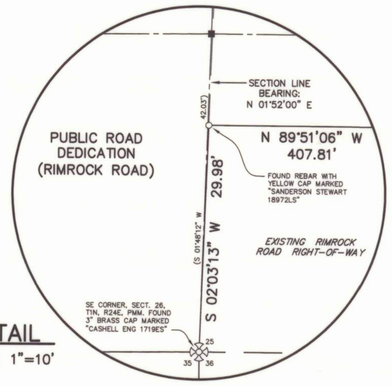
BASIS OF BEARING: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT SE CORNER OF SECTION 26, T1N, R24E, P.M.M., A 3" BRASS CAP MARKED "CASHELL ENG 1719ES", IS 0.99990898; THE CONVERGENCE ANGLE IS −0°11'57". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- ○ FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART 18972LS", OR AS NOTED
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

AREA DATA

NET AREA (92 LOTS)	107.292 AC
ROAD DEDICATION	8.880 AC
GROSS AREA	116.172 AC



DETAIL
SCALE: 1"=10'

PLAT OF
COPPER RIDGE SUBDIVISION, 7TH FILING

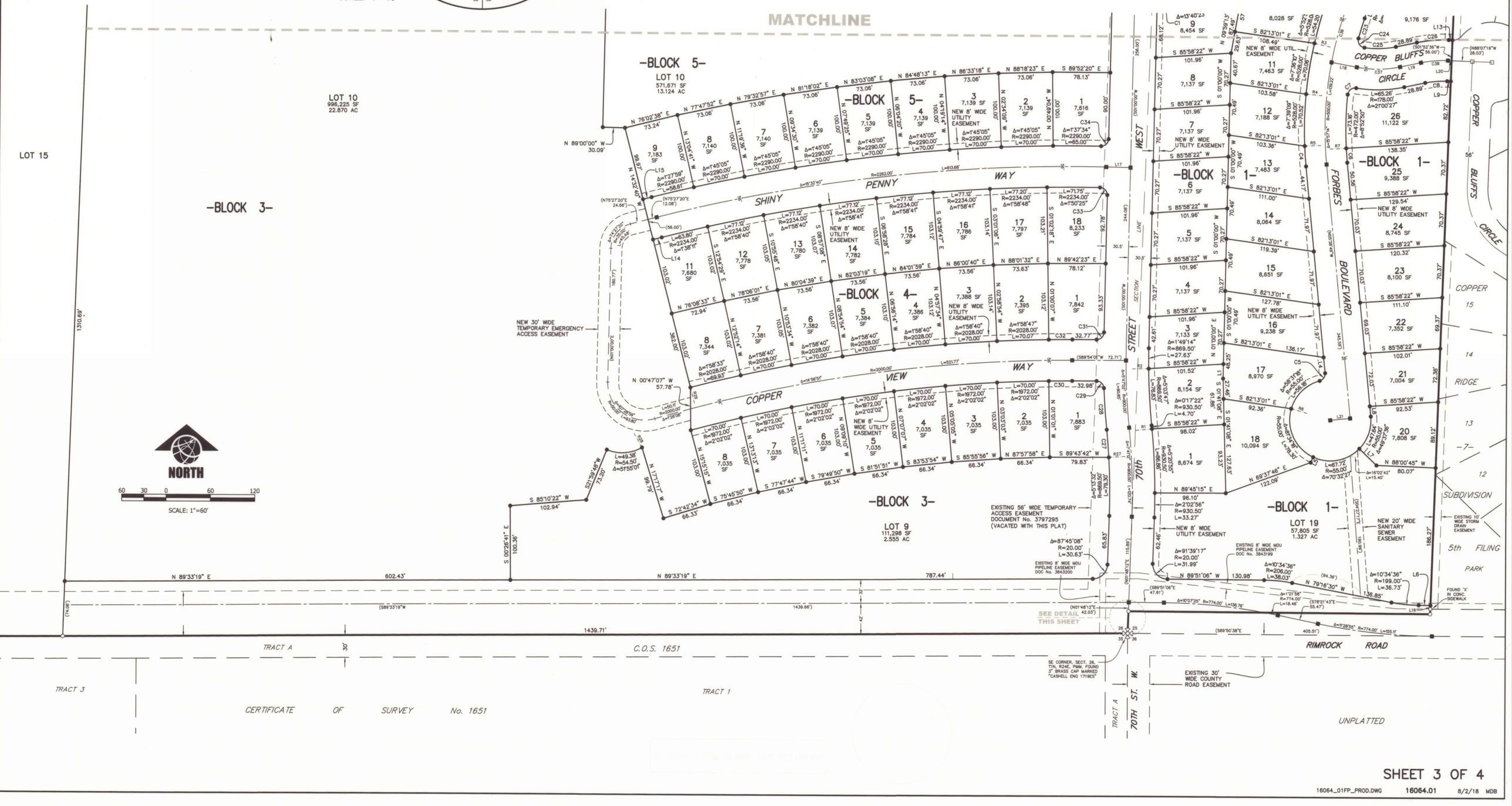
BEING TRACTS 1 & 2 OF CERTIFICATE OF SURVEY No. 3682
SITUATED IN THE SW1/4 OF SECTION 25 & THE S1/2 OF SECTION 26, T. 1 N., R. 24 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC

MARCH, 2018

PREPARED BY : SANDERSONSTEWART

BILLINGS, MONTANA



16064_01FP_PROD.DWG 16064.01 8/2/18 MDB

PLAT OF

COPPER RIDGE SUBDIVISION, 7TH FILING

BEING TRACTS 1 & 2 OF CERTIFICATE OF SURVEY No. 3682

SITUATED IN THE SW1/4 OF SECTION 25 & THE S1/2 OF SECTION 26, T. 1 N., R. 24 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC

MARCH, 2018

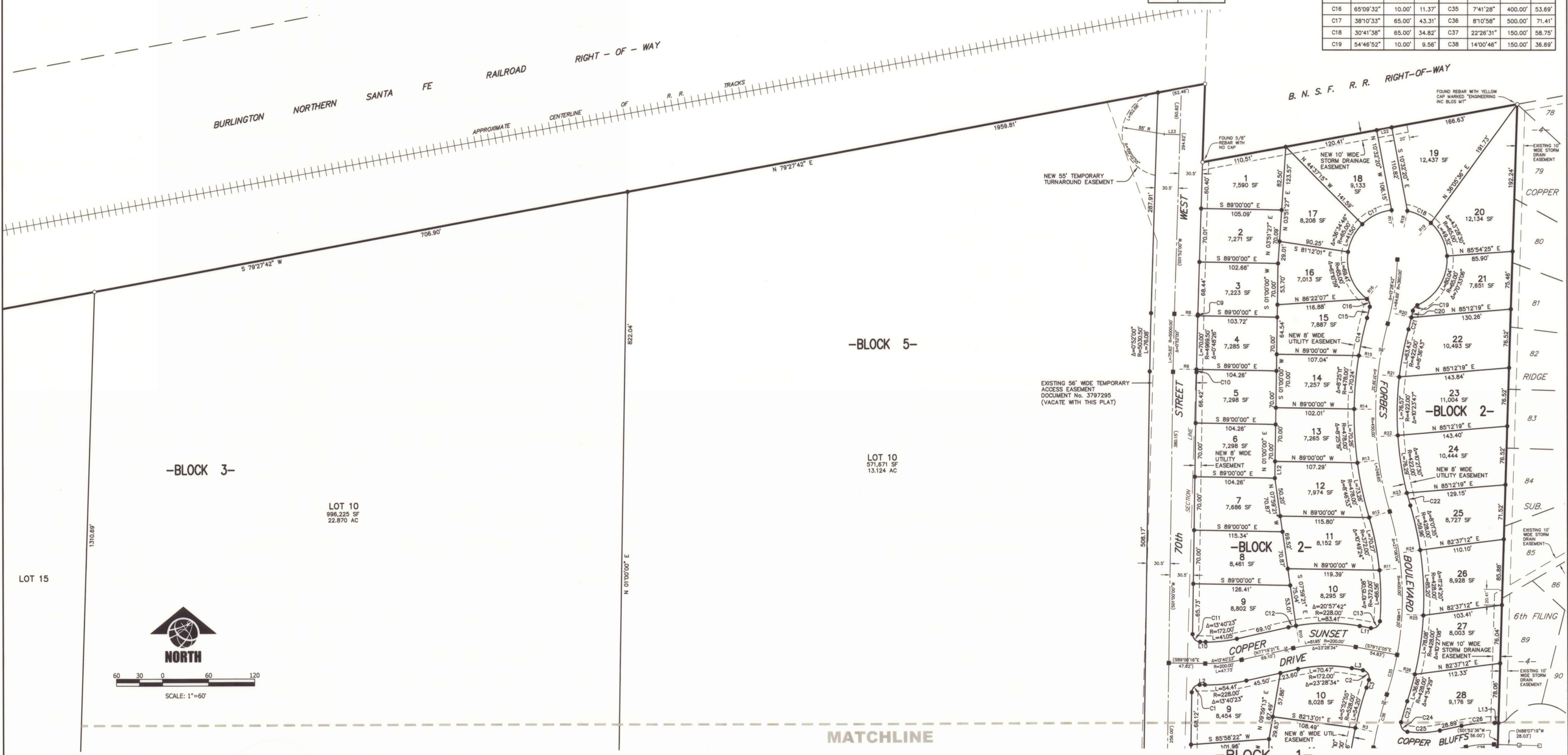
PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

LINE TABLE			LINE TABLE		
Line #	Bearing	Distance	Line #	Bearing	Distance
L1	N 01°00'00" E	19.77'	L13	N 88°07'19" W	4.99'
L2	S 89°00'16" E	7.13'	L14	N 75°27'20" E	12.08'
L3	S 79°12'05" E	14.83'	L15	S 75°27'20" W	12.08'
L4	S 05°38'49" E	21.45'	L16	N 01°52'36" E	5.00'
L5	S 24°31'10" W	8.00'	L17	S 89°00'00" E	32.81'
L6	N 89°51'06" W	16.07'	L18	N 79°41'35" W	34.85'
L7	S 46°01'12" E	32.17'	L19	S 77°51'54" W	28.89'
L8	N 05°38'49" W	13.92'	L20	N 88°07'19" W	4.99'
L9	S 88°07'19" E	4.99'	L21	S 84°21'11" W	27.00'
L10	N 89°00'16" W	7.12'	L22	N 79°31'03" E	20.00'
L11	N 79°12'05" W	14.83'	L23	S 88°08'00" E	20.50'
L12	S 01°00'00" W	21.75'			

RADIAL TABLE		RADIAL TABLE	
Radial #	Bearing	Radial #	Bearing
R1	S 84°24'21" W	R16	N 37°37'01" E
R2	N 89°10'46" E	R17	S 06°26'42" E
R3	S 77°23'32" E	R18	S 11°44'17" W
R4	S 84°59'42" E	R19	S 42°25'54" W
R5	N 87°21'09" E	R20	N 76°59'31" W
R6	S 73°54'33" E	R21	S 83°15'20" E
R7	N 86°42'57" E	R22	N 86°20'53" E
R8	S 88°09'06" E	R23	N 75°59'22" E
R9	S 88°57'31" E	R24	S 81°43'26" W
R10	S 10°09'47" E	R25	N 86°52'14" W
R11	S 84°31'15" W	R26	N 76°25'06" W
R12	S 73°41'51" W	R27	S 86°34'40" W
R13	N 82°28'44" E	R28	N 29°55'13" W
R14	S 89°05'56" E	R29	S 14°50'47" E
R15	S 80°40'45" E		

CURVE TABLE				CURVE TABLE			
Curve #	Delta	Radius	Length	Curve #	Delta	Radius	Length
C1	89°59'44"	10.00'	15.71'	C20	1°19'50"	388.00'	9.01'
C2	96°01'32"	10.00'	16.76'	C21	2°20'54"	388.00'	15.90'
C3	1°39'56"	372.00'	10.81'	C22	2°17'31"	422.00'	16.88'
C4	2°59'58"	528.00'	27.64'	C23	3°27'08"	472.00'	28.44'
C5	80°15'34"	10.00'	14.01'	C24	97°08'44"	10.00'	16.96'
C6	2°21'46"	472.00'	19.46'	C25	20°01'36"	122.00'	42.64'
C7	93°16'34"	10.00'	16.28'	C26	14°00'46"	178.00'	43.53'
C8	14°00'46"	122.00'	29.84'	C27	2°27'40"	869.50'	37.35'
C9	0°01'05"	4969.50'	1.57'	C28	3°28'05"	930.50'	56.32'
C10	0°02'29"	4969.50'	3.58'	C29	87°41'04"	10.00'	15.30'
C11	90°00'16"	10.00'	15.71'	C30	0°55'02"	1972.00'	31.57'
C12	2°30'52"	228.00'	10.01'	C31	88°54'01"	10.00'	15.52'
C13	96°01'32"	10.00'	16.76'	C32	0°54'08"	2028.00'	31.94'
C14	6°02'08"	478.00'	50.35'	C33	90°11'53"	10.00'	15.74'
C15	2°34'50"	332.00'	14.95'	C34	89°48'30"	10.00'	15.67'
C16	65°09'32"	10.00'	11.37'	C35	7°41'28"	400.00'	53.69'
C17	38°10'33"	65.00'	43.31'	C36	8°10'58"	500.00'	71.41'
C18	30°41'38"	65.00'	34.82'	C37	22°26'31"	150.00'	58.75'
C19	54°46'52"	10.00'	9.56'	C38	14°00'46"	150.00'	36.69'



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RESERVED FOR CLERK AND RECORDER

SHEET 4 OF 4

16064_01FP_PROD.DWG 16064.01 8/2/18 MDB

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

SUBDIVISION IMPROVEMENTS AGREEMENT
COPPER RIDGE SUBDIVISION, SEVENTH FILING
CITY OF BILLINGS
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Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT
COPPER RIDGE SUBDIVISION, SEVENTH FILING

THIS AGREEMENT is made and entered into this ___ day of _____, 20___, by and between **COPPER RIDGE WEST, INC.,** whose address for the purpose of this agreement is 175 North 27th Street, Suite 900, Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of Copper Ridge Subdivision, Seventh Filing, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held on the 24th day of October, 2017, by the Yellowstone County Board of Planning, the Board recommended for approval, subject to certain conditions, an area known as Copper Ridge Subdivision, Seventh Filing, and

WHEREAS, at a regular meeting held on the 13th day of November, 2017, the City Council approved, subject to certain conditions, a preliminary plat of Copper Ridge Subdivision, Seventh Filing, and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of Copper Ridge Subdivision, Seventh Filing, upon filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings subdivision regulations; the rules, regulations, policies, and resolutions of the City of Billings; and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

Subdivider requests no variances.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising therefrom is the responsibility of the lot owners.

B. Lot owners should be aware that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this subdivision, which outlines additional requirements specific to this subdivision design.

C. Lot owners should be aware that the United States Postal Service mail delivery will be made only to centralized delivery locations. Such locations shall consist of from 8 to 16 mailboxes per location. The location of each centralized mailbox setting is shown on the overall development plan and the private contract construction plans. Subdivider shall install the mailboxes within the private contract for the Seventh Filing.

D. Lot owners shall be advised that land in proximity to the northern boundary of Copper Ridge Subdivision is a right-of-way owned by the Burlington Northern Santa Fe Railroad, upon which they actively operate a transportation business. The noise from moving trains is clearly audible in the subdivision. This activity is protected by state law and can be expected to continue indefinitely. Subdivider, for itself and all successor owners of property within Copper Ridge Subdivision, hereby waives any right to object and/or protest the noise created by normal operation of trains running along the railway, acknowledges that the railroad right-of-way is private property, and further acknowledges that Copper Ridge Subdivision and successor owners of lots within the subdivision have an affirmative duty to stay off the Burlington Northern Santa Fe Railroad property and to keep children, guests, and invitees off the property.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.

F. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

G. Certain lots as shown on the final plat of Copper Ridge Subdivision, Seventh Filing contain storm water drainage easements with a drainage swale along property lines. This storm water drainage easement and drainage swale is for conveying storm water and shall not be altered in any way to inhibit the conveyance of storm water. It shall be the lot owners' responsibility to maintain and perpetuate this storm water swale, as a fully functional swale.

H. The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.

I. The lowest openings on each home (window well, walk-out basement doors, and equivalent openings) shall be located outside drainage paths. If this is not possible, the homebuilder and lot owners must take necessary measures to protect these openings from being inundated from surface water flows. Allow enough space between window wells and property lines to provide sufficient swales and drainage away from window wells, and meet applicable building codes for drainage requirements.

J. The developer and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated

with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

Right-of-way widths. Copper View Way, Copper Bluffs Circle, Copper Sunset Drive, Forbes Boulevard, and Shiny Penny Way shall be 56-foot rights-of-way. 70th Street West shall be a 61-foot right of way. Rimrock Road to 70th Street West is classified as a collector street. The minimum right of way for a collector street is 74 feet. A 60-foot right of way has previously been dedicated across the frontage of the property. An additional dedication will be provided with this plat on the north side of Rimrock Road.

Pavement widths. Copper View Way, Copper Bluffs Circle, Copper Sunset Drive, Forbes Boulevard, and Shiny Penny Way shall be 34 feet back of curb to back of curb. 70th Street West shall be 30-feet of asphalt and curb and gutter on the east side of the street. Rimrock Road will be completed with curb and gutter on the north side of Rimrock Road and 30-feet of asphalt from the eastern boundary of the subdivision to 70th Street West (approximately 380 lineal feet). A borrow ditch will remain on the south side of Rimrock Road. These roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, city subdivision regulations, and Uniform Building Code. No street improvements will be constructed on Rimrock Road west of 70th Street West at this time. A 20-foot wide temporary gravel emergency access road will connect the west ends of Shiny Penny Way and Copper View Way. This temporary gravel emergency access road will support fire apparatus vehicle loading (40 tons) during all weather conditions. The 20-foot wide gravel emergency access road will be maintained by the developer until the temporary emergency access road is replaced with a hard surface paved road.

B. Sidewalks

City and Subdivider agree that developer will install handicap accessibility ramps at time of private contract construction. No additional boulevard sidewalks will be installed by the developer as part of construction improvements.

Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction. Sidewalks shall be 5-foot-wide boulevard sidewalks. The sidewalk along the frontages of Lot 19, Block 1 (Rimrock Road, 70th Street West and Forbes Boulevard) shall be 5-foot-wide boulevard sidewalk to be constructed with the private contract for the subdivision. The sidewalk along the right-of-way frontage between Lots 18 and 19, Block 2 shall be 5-foot boulevard sidewalk to be constructed with the private contract for this subdivision.

C. Street Lighting

Construction or installation of streetlights in subdivision shall not be required at this time, but streetlights are included in the Waiver, which also includes a maintenance district for street light energy and maintenance.

D. Traffic Control Devices

1. The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.

2. Street name signs shall be installed at all intersections.

3. The City and Subdivider agree that the Subdivider will make cash contributions to improvements at the following intersection:

   Rimrock Road and 62nd Street West – 11.17 percent
   Grand Avenue and 70th Street West – 7.89 percent
   70th Street West and Colton Boulevard – 9.04 percent

   The percentages are based on 378 total lots in the subdivision. Each filing will contribute their proportionate share of the contributions.

   The amount and timing of these contributions shall be as outlined below. These contributions represent a fair and equitable amount based on subdivision traffic using these intersections and may be used by the City for design and construction of geometric improvements, auxiliary turn lanes, or intersection controls such as traffic signals or roundabouts, at these intersections. Improvements

will not be constructed until the City determines they are needed and the timing and extent of the improvements shall be at the City's sole discretion.

The amount of the contributions for the Rimrock Road/62nd Street West, Grand Avenue/70th Street West, and 70th Street West/Colton Boulevard intersections shall be as follows:

	Rimrock Road/62nd Street West	Grand Ave./70th Street West	70th Street West/Colton Blvd.
Seventh Filing (86-Residential Lots	$6,353.31	$4,487.70	$5,141.80
Lot 10, 15 and 16, Block 3; Lot 10, Block 5	$21,571.69	$15,237.30	$17,458.20

The contributions for Copper Ridge Subdivision, Seventh Filing (86-residential lots) shall be made prior to final plat approval. No building permits or private contract permits will be issued until Subdivider has made the cash contribution to the City.

It is anticipated that Lots 10, 15 and 16, Block 3 and Lot 10, Block 5 will be developed in separate subdivision filings. The total cash contribution attributable to Lots 10, 15 and 16, Block 3 and Lot 10, Block 5 shall be as stated above; however, the contribution may be apportioned over the various phases based on the amount of traffic each is expected to generate. No building permits or private contract permits shall be issued for Lots 10, 15 and 16, Block 3 and Lot 10, Block 5 until payment has been made for the phase being developed at that time.

E. Access

Access will be provided in two locations for the subdivision. One will be an extension of Copper Bluffs Circle and the other an extension of 70th Street West and Rimrock Road.

F. Public Transit

There are no MET Transit routes that service this subdivision at this time. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from two existing locations. The Copper Ridge Subdivision, Seventh Filing, will complete a street connection from Copper Bluffs Circle and from 70th Street West. In addition, fire hydrants will be installed at the required locations as reviewed and approved by the City of Billings Fire Department.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

A. All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Department by the Subdivider. The stormwater in the subdivision will be managed on-site through surface flow on the streets,

inlets, piping, and stormwater detention facilities. The stormwater design for Copper Ridge Subdivision, Seventh Filing, will conform to the current City of Billings Stormwater Management Manual and be reviewed by the City of Billings Public Works Department.

B. The developer will construct three large detention basins along the southern boundary of the subdivision. The developer will construct one detention facility with this filing located on Lot 19, Block 1. The developer will also construct a portion of another stormwater detention facility on Lot 9, Block 3. The remaining detention facilities will be constructed with future filings. The detention facilities will be located on Home Owner's Association (HOA) owned lots and shall be operated and maintained by the HOA. The stormwater detention facilities will have an outlet to Rimrock Road and be piped to a City of Billings owned stormwater management facility located near the intersection of 62nd Street West and Rimrock Road.

i. The Subdivider may direct runoff from this filing and future filings to the City of Billings stormwater management facility located near the intersection of Rimrock Road and 62nd Street West. The City of Billings will review the stormwater storage provided on-site to ensure compliance with the City of Billings Stormwater Management Manual (SWMM). The Subdivision will be required to retain, or provide treatment, of the water quality volume/flow on-site in accordance with the SWMM.

ii. All required stormwater storage for the subdivision will be provided on-site. Therefore, no off-site stormwater contributions to the City of Billings stormwater management facility will be required.

iii. The storm drain pipe in Rimrock Road will be sized to account for flow from Rimrock Road, a restricted flow from Copper Ridge Subdivision, Seventh Filing (including the area north of the railroad tracks that drains to the subdivision through an existing culvert (approximately 300 feet east of 70th Street West) under the railroad tracks), and up to 1 cfs from the existing Copper Ridge Subdivision or other subdivision. The Subdivider shall install the storm drain improvements in Rimrock Road from just east of 70th Street West east to the Birely Drain (approximately 3,200 lineal feet) with the private contract for the development. The Subdivider shall be reimbursed by the City of Billings for the Rimrock Road proportionate share of the storm drain improvements. In the future, if storm drain from the existing Copper Ridge Subdivision, or other

subdivision to the south, is connected to the storm drain in Rimrock Road, they too will be required to reimburse the Subdivider for their proportionate share of the Rimrock Road storm drain improvements. The City of Billings shall reimburse the Subdivider at the time of storm drain construction based on their proportionate share of actual construction and engineering design costs. In the future, if an additional subdivision connects to the storm drain, their reimbursement to the Subdivider would be due at the time of connection and be based on their proportionate share of the construction and engineering design costs.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of/to water mains and sanitary sewers to the Public Works Department, Engineering Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees and franchise fee in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules and regulations of, and as approved by, the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

Service to the subdivision will be provided from the existing 12-inch water main stub in Rimrock Road and also from an existing12-inch water main stub in Copper Bluffs Circle. The Subdivider will extend the existing 12-inch water main from the existing terminus in Rimrock Road westward to

70th Street West and then into the subdivision. The Subdivider will also extend the existing 12-inch water main stub in Copper Bluffs Circle from the existing terminus into the subdivision. No water main will be installed in Rimrock Road west of 70th Street West at this time.

Extension of the water mains will provide a looped system for the subdivision upon full build out of the Seventh Filing. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. It is anticipated that each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

A cash-in-lieu payment of $34,829.00 for the 12-inch water main and two fire hydrants has been previously made for the water main improvements from the existing terminus to the western boundary of Copper Ridge Subdivision, Fifth Filing (approximately 860 lineal feet). This previous contribution will be applied toward the construction the 12-inch water main to the subdivision in Rimrock Road, or be refunded to the developer and the developer will construct the water main to the subdivision.

B. Sanitary Sewer

Service to the subdivision will be from the existing 8-inch sanitary sewer stub located in Copper Bluffs Circle and also from an existing 18-inch sanitary sewer main located in Rimrock Road. The Subdivider shall extend the existing 18-inch sanitary sewer west to approximately 70th Street West, or a smaller sixed main as approved by the City Engineering Department.

Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own service. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

Improvements noted herein shall include, but not be limited to, any and all interim improvements that may be deemed necessary due to phased or partial construction.

The 18-inch, or smaller, sanitary sewer main in Rimrock Road from the existing terminus to the western edge of Copper Ridge Subdivision, Fifth Filing will be installed at the time of the Copper Ridge Subdivision, Seventh Filing improvements, either with the private contract or by a separate project, at the City's discretion. The cost of the installation of the sanitary sewer main in Rimrock Road from the existing terminus to the western edge of Copper Ridge Subdivision, Fifth Filing will be paid by the City of Billings. No sanitary sewer main will be installed in Rimrock Road west of 70th Street West at this time.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Seventh Filing has a total of 86 residential lots, requiring a parkland dedication of 1.731 acres. The Subdivider will make a cash in-lieu contribution for the 1.731 acres in lieu of parkland dedication.

VIII. HOMEOWNER'S ASSOCIATIONS

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

A. Contact Information

HOA shall provide contact information of the senior board official to the City Engineering Department upon the establishment of the HOA and/or changing of board members.

B. Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the on-site stormwater drainage facilities located on Lot 19, Block 1 and Lot 9, Block 3. The HOA shall share the cost of maintenance of the community stormwater facilities.

IX. SOILS/GEOTECHNICAL STUDY

The Subdivider has retained an engineering firm to prepare a geotechnical analysis for this property. A copy of the entire geotechnical report prepared by Rawhide Engineering, Inc., dated July 28, 2017, is available for review at the City Building and/or Planning Division offices. There are variable soil conditions throughout the Subdivision, and the potential exists for collapsible soils within the Subdivision. A lot specific geotechnical report shall be the responsibility of the lot owner. The Subdivider has contracted with Rawhide Engineering to perform a preliminary geotechnical analysis for this property dated July 28, 2017.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.

2. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.

3. Provide positive drainage away from residences.

4. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97 percent of ASTM D698.

5. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.

6. Due to the hydro-collapse and settlement potential of native soils on this site, plants should not be placed within 3 feet of foundations. Care should be taken with the landscaping not to create drainage obstructions, such as concrete curbing, which will collect and retain water near the foundations.

7. As noted in the Rawhide Engineering July 28, 2017 report, and in accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineering Department and Public Works Department, Distribution and Collection Division.

XI. LEGAL PROVISIONS

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.

C. The covenants, agreements, and all statements in this agreement apply to and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.

D. 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 giving notice shall be entitled to reasonable attorney fees and costs.

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

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

"SUBDIVIDER"

COPPER RIDGE WEST, INC.

By: _____

Its: PRESIDENT

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 20th day of August, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as the President of **COPPER RIDGE WEST, INC.,** and who acknowledged to me that said company executed the same.

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

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA

BRITTANY CECIL
NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires April 06, 2021

_____
Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

This Agreement is hereby approved and accepted by City of Billings, this ___ day of _____, 20___.

"CITY" **CITY OF BILLINGS, MONTANA**

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of_____, 20___, 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 the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHTS TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and sole owner of the hereinafter described real property, do hereby waive for a period of 20 years after the date that the final subdivision plat is filed, the right to protest the formation of one or more special improvement district(s) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and are supported by sufficient independent consideration to which the undersigned is a party, and shall run with the land and shall be binding upon the undersigned, its successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Copper Ridge Subdivision, Seventh Filing

"SUBDIVIDER" **COPPER RIDGE WEST, INC.**

By: _____

Its: PRESIDENT

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 22nd day of August, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as the President of **COPPER RIDGE WEST, INC.**, and who acknowledged to me that said company executed the same.

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

_____
Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

Consent **1. J.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Final Plat of High Sierra Subdivision, 6th Filing

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

The final plat for High Sierra Subdivision, 6th Filing is being presented to City Council for approval. The subject property is located north of Annandale Road, east of Gleneagles Boulevard and north of the Lake Hills Golf Course in the Heights. The land is zoned Residential 9600 and Residential 7000 Restricted and is proposed for residential single family development. The representing agent is Sanderson Stewart, and the owner is High Sierra II, Inc. The proposed plat received preliminary approval on February 9, 2009. There have been four extensions approved for this subdivision. The fourth request set a deadline for final submittal at February 9, 2019. Final check print was submitted on June 29, 2018 and the final mylars were submitted on August 27, 2018. Staff has determined that the proposed plat has met all the conditions of approval and is forwarding a recommendation of final approval to the City Council. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or disapprove the final plat of High Sierra Subdivision, 6th Filing. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in Section 76-3-611, MCA, and Section 23-307, BMCC.

FINANCIAL IMPACT

Should the City Council approve the final plat, the newly created lots may be developed, increasing the tax and assessment revenues for the City while also generating service demands.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of High Sierra Subdivision, 6th Filing.

APPROVED BY CITY ADMINISTRATOR

Attachments

Signed Mylar

SIA and Waiver

PLAT OF

HIGH SIERRA SUBDIVISION, 6TH FILING

BEING LOT 1A, BLOCK 2 OF AMENDED PLAT OF LOT 2, BLOCK 1 AND LOTS 1, 2, & 3, BLOCK 2 OF MARISELA SUBDIVISION

SITUATED IN THE SW1/4 OF SECTION 9, T. 1 N., R. 26 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II INC.

PREPARED BY : SANDERSON STEWART

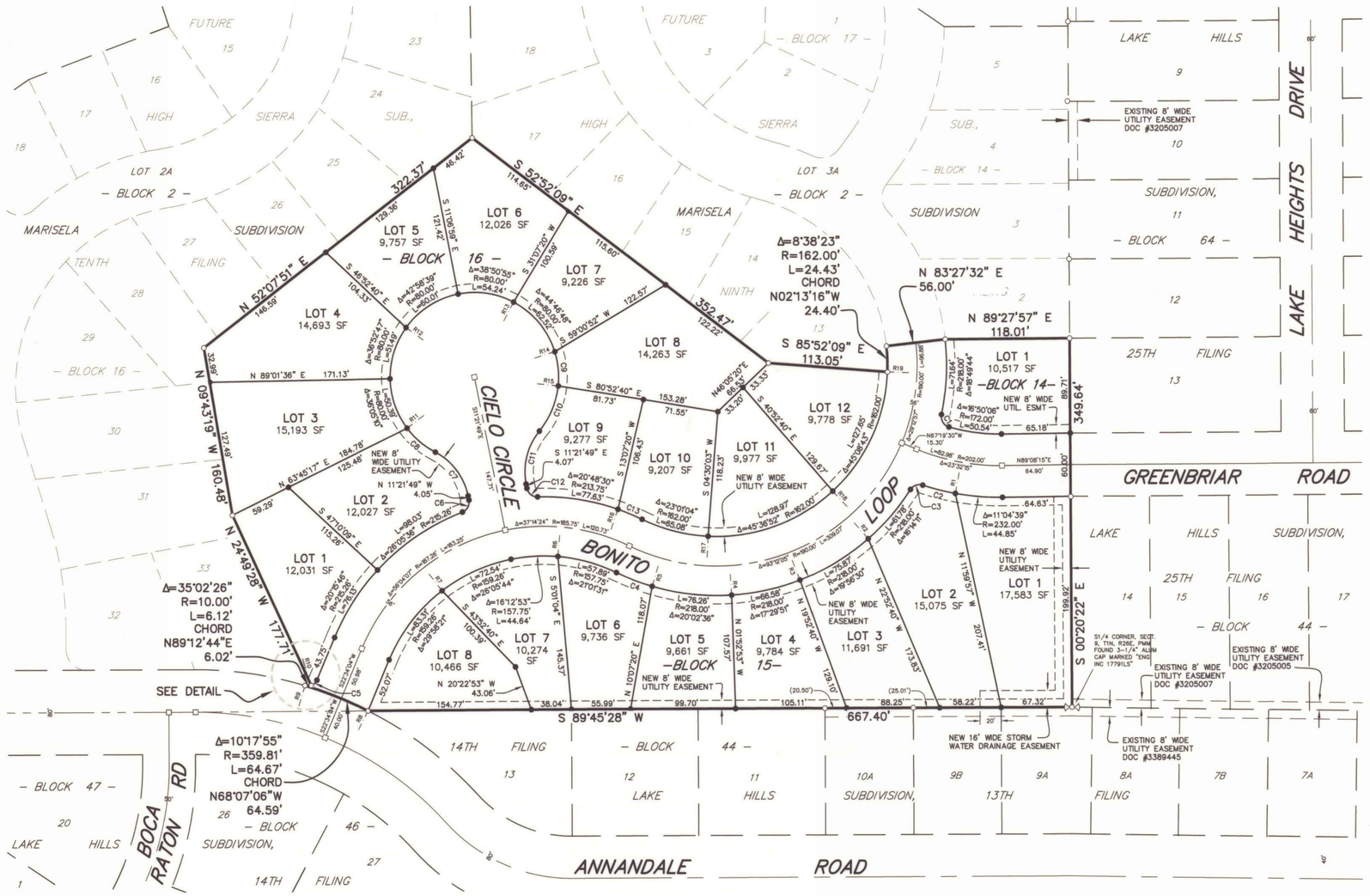
MARCH, 2018

BILLINGS, MONTANA

BASIS OF BEARING: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT THE S1/4 CORNER OF SECT. 9, T1N, R26E, PMM, A 3-1/4" ALUM. CAP MARKED "ENG INC 17791LS" IS 1.000000192; THE CONVERGENCE ANGLE IS -0°03'28". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

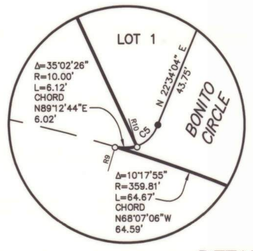
- ○ FOUND SURVEY MONUMENT, REBAR WITH CAP MARKED "ENGINEERING INC 8377-S", OR AS NOTED
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.



CURVE TABLE				CURVE TABLE			
Curve #	Delta	Radius	Length	Curve #	Delta	Radius	Length
C1	86°18'56"	10.00'	15.06'	C8	25°21'33"	80.00'	35.41'
C2	7°58'05"	230.00'	31.99'	C9	23°34'06"	80.00'	32.91'
C3	75°31'50"	10.00'	13.18'	C10	33°36'39"	80.00'	46.93'
C4	9°34'25"	218.00'	36.43'	C11	51°03'19"	60.00'	53.46'
C5	49°18'39"	8.84'	7.61'	C12	80°13'19"	10.00'	14.00'
C6	80°17'17"	10.00'	14.01'	C13	6°39'12"	213.75'	24.82'
C7	51°03'19"	60.00'	53.46'				

RADIAL TABLE		RADIAL TABLE	
Radial #	Bearing	Radial #	Bearing
R1	N 10°12'54" E	R11	N 52°56'26" E
R2	N 41°10'48" W	R12	S 54°05'37" E
R3	N 21°14'18" W	R13	S 27°43'56" W
R4	N 03°44'27" W	R14	S 72°30'45" W
R5	N 16°18'10" E	R15	N 83°55'09" W
R6	N 04°51'04" E	R16	S 19°13'23" W
R7	N 37°27'34" W	R17	N 02°51'30" E
R8	S 27°01'52" W	R18	N 42°45'22" W
R9	S 16°43'57" W	R19	N 87°54'05" W
R10	N 18°18'21" W		



DETAIL

SCALE: 1"=20'

AREA TOTALS

	sq. feet	acres
NET AREA (21 LOTS)	242,242	5.561
STREET DEDICATION	73,632	1.690
GROSS AREA	315,874	7.251

NORTH

60 30 0 60 120

SCALE: 1"=60'

NOTICE OF APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Date _____ President _____

Executive Secretary _____

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing PLAT OF HIGH SIERRA SUBDIVISION, 6TH FILING, and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this _____ day of _____, 20___ .

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

CERTIFICATE OF CITY ATTORNEY

This document has been reviewed by the City Attorney's office and is acceptable as to form.

Date: _____

Reviewed by: _____

ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

Examining Land Surveyor _____ Date _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b)/ 76-3-207(3), M.C.A.

Date: _____

Yellowstone County Treasurer

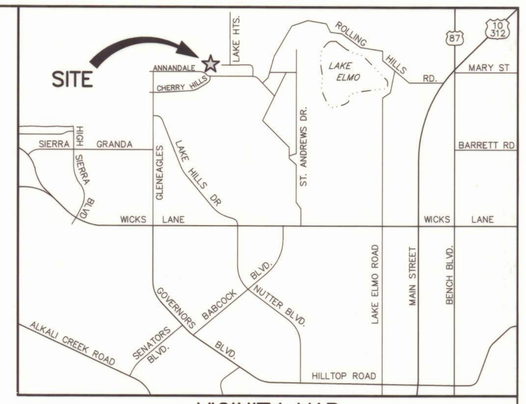
By: _____
Deputy

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-4-125(1)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this _____ day of _____, 20____ .

_____
City Engineer's Office



VICINITY MAP

NOT TO SCALE

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
:ss
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That HIGH SIERRA II, INC., the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the situated in the SW1/4 of Section 9, T. 1 N., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 1A, Block 2 of Amended Plat of Lot 2, Block 1 and Lots 1, 2, & 3, Block 2 of Marisela Subdivision, according to the official plat on file in the office of the Clerk & Recorder of Yellowstone County, Montana, under Document No. 3724339.

The park requirement for this subdivision has been met by a cash-in-lieu donation in the amount of $_____ .

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as HIGH SIERRA SUBDIVISION, 6TH FILING, and the lands included in all streets, avenues, and parks as shown on the annexed plat are hereby granted and donated to the use of the public forever.

HIGH SIERRA II, INC.

By: _____

Title: PRESIDENT

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 2nd day of August, 2018, before me, the undersigned Notary Public for the State of Montana, personally appeared Gene Ockland, known to me to be the persons who signed the foregoing instrument as President of HIGH SIERRA II, INC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

_____
Notary Public in and for the State of Montana

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA

BRITTANY CECIL
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
April 06, 2021

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
:ss
County of Yellowstone)

The undersigned, a Land Surveyor licensed in the State of Montana, states that during the month of March, 2018, a survey was performed under his supervision of a tract of land to be known as HIGH SIERRA SUBDIVISION, 6TH FILING, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 7.251 acres and the net area is 5.561 acres.

SANDERSON STEWART

By: _____

Montana License No. 18972LS

Date: August 22, 2018

MONTANA MICHAEL DEAN BERTRAM 18972LS LICENSED PROFESSIONAL LAND SURVEYOR

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No.: _____

CONSENT TO PLATTING

Document No.: _____

STORM WATER DRAINAGE EASEMENT

Document No.: _____

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

SUBDIVISION IMPROVEMENTS AGREEMENT
HIGH SIERRA SUBDIVISION, SIXTH FILING
CITY OF BILLINGS
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Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT
HIGH SIERRA SUBDIVISION, SIXTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____, 2018, by and between **HIGH SIERRA II, INC.,** whose address for the purpose of this agreement is 174 North 27th Street, Suite 900; Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**; Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of High Sierra Subdivision, Sixth Filing, being Lot 1, Block 2 of Marisela Subdivision, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held by the Yellowstone County Board of Planning on the 13th day of January, 2009, the Board recommended for approval, subject to certain conditions, an area known as the High Sierra Subdivision, Sixth Filing; and

WHEREAS, at a regular meeting held on the 9th day of February, 2009, the City Council approved, subject to certain conditions, a preliminary plat of High Sierra Subdivision, Sixth Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of High Sierra Subdivision, Sixth Filing, upon filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations; the

rules, regulations, policies, and resolutions of the City of Billings; and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

A. Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City of Billings Subdivision Regulations (Section 23-1101):

No variances are being requested with this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners will be required to construct that segment of the required 5-foot wide boulevard style sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising therefrom is the responsibility of the lot owners.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the geotechnical investigation report for this property, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical investigation prior to construction. Assessment and mitigation, if any, of these conditions shall be the responsibility of the lot owner.

D. There is attached hereto a waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments

described herein. Said waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.

E. Lot owners should be aware that agricultural activities could be present on surrounding properties. Any impacts associated with agricultural activities and any issue arising therefrom is the responsibility of the lot owners.

F. Lot owners should be aware that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this subdivision, which outlines additional requirements specific to this subdivision design.

G. Future development of the Master Planned area shall be in general conformance with the Master Plan exhibit, unless an amendment is reviewed and approved by the governing body.

H. Each owner of a completed lot shall be a member of the High Sierra Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

I. Certain lots as shown on the final plat of High Sierra Subdivision, Sixth Filing contain storm water drainage easements with a stormwater drainage facilities. This stormwater drainage easement and drainage facilities (including swales, walls, etc.) is for conveying storm water and shall not be altered in any way to inhibit the conveyance of storm water. It shall be the lot owners' responsibility to maintain and perpetuate these stormwater facilities.

J. The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.

K. The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff

from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window well, walk-out basement doors, etc.) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

III. TRANSPORTATION

A. Streets

1. Bonito Loop and Cielo Circle within the subdivision shall be public and shall be located within a 56-foot right-of-way and have a street width of 34-foot back of curb to back of curb. These internal access roads shall be built to grade with a satisfactory subbase, base course, drive over curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, city zoning ordinance, and Uniform Building Code.

2. Greenbriar Road within the subdivision shall be public and shall match the existing Greenbriar Road right-of-way of 60 feet. The internal road for Greenbriar Road will also match the existing width and shall be 37-foot back of curb to back of curb to the intersection of Bonito Loop. This internal access road shall be built to grade with a satisfactory subbase, base course, drive over curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, city zoning ordinance, and Uniform Building Code.

3. Annandale Boulevard shall be a minor arterial and shall be located within an existing 80-foot right-of-way and have a street width of 49-foot back of curb to back of curb. Annandale Road shall be

built to grade with a satisfactory subbase, base course, drive over curb and gutter, and asphalt surface. Annandale Boulevard shall be built by the Subdivider and/or by a combination of Subdivider, City of Billings Capital Improvement Project, and adjacent lot owner participation. This street shall be built in accordance with the City of Billings site development ordinance, city zoning ordinance, and Uniform Building Code.

B. Sidewalks

Individual lot owners will be responsible for the construction of the 5-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. Sidewalks shall be boulevard sidewalks. The Subdivider shall construct sidewalks at each intersection, including intersection accessibility ramps.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time, but street lights are included in the waiver referenced herein for construction of the same in the future. A maintenance district will be formed for future maintenance of the street lights.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City engineering office.

A master plan traffic accessibility study has been completed for High Sierra Subdivision, Fifth through Twelfth Filings. In addition, a memorandum has been completed to address the traffic related impacts of High Sierra Subdivision, Sixth Filing. The installation of a signal at the intersection of Wicks Lane and St. Andrews Drive should be considered within the next one to two years. Based on the proportionate share calculations, the High Sierra Subdivision, Sixth Filing, would be required to contribute 0.5%, or $1,250.00.

E. Access

One access to the subdivision will be provided from Annandale Road. Another access will be provided for the subdivision from Greenbriar Road. In addition, accesses will be provided for connectivity to future development. These accesses include extensions of Annandale Road and Bonito Loop.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies Annandale Road as a primary bikeway. As such, an on-street bikeway will be provided on Annandale Road; therefore, City and Subdivider agree that trail requirements are being met for the subdivision.

G. Public Transit

No improvements with regard to public transit are anticipated at this time. The nearest access to the public transit system occurs near Skyview High School on Siesta Avenue between High Sierra Boulevard and Fantan Street.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from Annandale Road and Greenbriar Road. The City will provide emergency service. Fire hydrants shall be provided at each street intersection and at intermediate locations where distances exceed 500 feet. Approved turn arounds will be located on any dead-end street in excess of 150 feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.

- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

All storm drainage improvements shall comply with the provisions of Section 23-407, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings engineering department by the Subdivider. The stormwater will be handled through surface flow on the streets, inlets, and piping. The stormwater will be directed to the north to a temporary stormwater detention facility. In the future, when the permanent stormwater detention facilities are constructed the stormwater from High Sierra Subdivision, Sixth Filing will be directed to that facility. The stormwater design for High Sierra Subdivision, Sixth Filing, will conform to the "Lake Hills Stormwater Management Study" and the "High Sierra Subdivision, Fifth through Twelfth Filings, Stormwater Management Master Plan Report" dated June 2008 and submitted to the City of Billings on June 6, 2008. The majority of stormwater from High Sierra Subdivision, Sixth Filing will be directed to the north and not to the Lake Hills Storm Drain. The stormwater flow to the Lake Hills Storm Drain will be reduced after the construction of High Sierra Subdivision, Sixth Filing. Therefore, no contribution to the Lake Hills Storm Drain will be required.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings and the County Water District of Billings Heights.

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department, Distribution and Collection Division, and the County Water District of Billings Heights. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review

and approval of any project plans and specifications. The appropriate water and wastewater fees and franchise fee in effect shall be submitted with the applications.

It is acknowledged that the properties subject to the Subdivision Improvements Agreement shall be subject to the appropriate buy-in fee for the County Water District of Billings Heights in effect at the time of payment. Fees shall be paid as applied for in the extension application and as per the first paragraph above.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees and franchise fee in effect at the time new sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.), shall be in accordance with design standards, specifications, rules and regulations of, and as approved by the City of Billings Public Works Department, County Water District of Billings Heights, Fire Department, and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making one connection located in Annandale Road and one located in Greenbriar Road. There is an existing 12-inch water main located in Annandale Road and an existing 8-inch water main located in Greenbriar Road. Both water mains are a part of the County Water District of Billings Heights. A new 8-inch water main will be installed in the local interior streets (Bonito Loop and Cielo Circle). The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the County Water District of Billings Heights.

B. Sanitary Sewer

The subdivision will be served by connecting to an existing 8-inch sanitary sewer main located in Greenbriar Road. The sanitary sewer located within the subdivision will consist of 8-inch sanitary sewer main.

There is an existing 10-inch sanitary sewer main in Annandale Road. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution and Collection Division.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way where possible and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the city engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. Based on the density of the proposed subdivision, 0.613 acres of parkland is required. The Subdivider and City agree that 0.613 acres of the parkland dedication will be met through a cash-in-lieu payment for this subdivision.

VIII. SOILS/GEOTECHNICAL STUDY

The Subdivider has performed a preliminary geotechnical analysis for this property. This geotechnical analysis will include all items as shown in Appendix F(6) in the City of Billings Subdivision Regulations.

Recommendations from the report include:

1. Approximately 6 inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Site and lot grading can be accomplished using conventional earthmoving equipment.

3. Fill should be placed and compacted to a minimum of 95 percent relative compaction in accordance with the ASTM D698 compaction test method.

4. Provide positive drainage away from residences

5. Street subgrade outside of utility trenches should be placed at a minimum of 95 percent of ASTM D698 and utility trench backfill should be placed at 97 percent of ASTM D698.

6. The street section for the local streets shall include 3 inches of asphaltic concrete over a 9-inch base course. The street section for the minor arterial (Annandale Boulevard) will be based on the determined traffic loads.

7. The potential for sulfate attack from existing soils appears to be negligible and Type I cement may be used.

8. There is the potential for the presence of moderate to highly expansive claystone bedrock. Expansive bedrock has a history of distress-related damage to residential homes.

9. For home construction, it is recommended that a more comprehensive investigation be completed prior to installing foundations so lot-specific site conditions can be determined.

IX. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineering Department and Public Works Department, Collection and Distribution Division.

X. PHASING OF IMPROVEMENTS

The Subdivider will commence development of all lots within High Sierra Subdivision, Sixth Filing. No phasing is proposed.

XI. LEGAL PROVISIONS

A. The Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.

C. The covenants, agreements, and all statements in this agreement apply to and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.

D. 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 giving notice shall be entitled to reasonable attorney fees and costs.

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

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

"SUBDIVIDER"

HIGH SIERRA II, INC.

By: _____

Its: PRESIDENT

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 2nd day of August, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as the President of HIGH SIERRA II, INC., and who acknowledged to me that said company executed the same.

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

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA

BRITTANY CECIL
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
April 06, 2021

_____
Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

This Agreement is hereby approved and accepted by City of Billings, this _____ day of _____, 200__.

"CITY"

CITY OF BILLINGS,
MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of_____, 200__, 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 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 in Billings, Montana
My commission expires:_____

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHTS TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

High Sierra Subdivision, Sixth Filing

SUBDIVIDER **HIGH SIERRA II, INC.**

By: _____

Its: PRESIDENT

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 31st day of August, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as the President of HIGH SIERRA II, INC., and who acknowledged to me that said company executed the same.

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

SARA GUNDERSON NOTARY PUBLIC for the State of Montana Residing at Billings, Montana My Commission Expires September 14, 2018

Notary Public for the State of Montana

Consent **1. K.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Final Plat of High Sierra Subdivision, 9th Filing

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

The final plat for High Sierra Subdivision, 9th Filing is being presented to City Council for approval. The subject property is located north of Annandale Road and east of Gleneagles Boulevard north of Lake Hills Golf Course in the Heights. The land is zoned Residential 7000 Restricted and is proposed for residential single family development. The representing agent is Sanderson Stewart, and the owner is High Sierra II, Inc. The proposed plat received preliminary approval on August 26, 2014. An extension was requested and granted August 17, 2017 to extend the preliminary approval to August 25, 2018. The final check print was submitted to staff on July 5, 2018 and the final Mylar was received on August 24, 2018. Staff has determined that the proposed plat has met all the conditions of approval and is forwarding a recommendation of final approval to the City Council. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or disapprove the final plat of High Sierra Subdivision, 9th Filing. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in Section 76-3-611, MCA, and Section 23-307, BMCC.

FINANCIAL IMPACT

Should the City Council approve the final plat, the newly created lots may be developed, increasing the tax and assessment revenues for the City while also generating service demands.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of High Sierra Subdivision, 9th Filing.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat

SIA and Waiver

BASIS OF BEARING: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT THE S1/4 CORNER OF SECT. 9, T1N, R26E, PMM, A 3-1/4" ALUM. CAP MARKED "ENG INC 17791LS" IS 1.000000192; THE CONVERGENCE ANGLE IS -0°03'28". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- ○ FOUND SURVEY MONUMENT, REBAR WITH CAP MARKED "ENGINEERING INC 8377-S", OR AS NOTED
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

PLAT OF

HIGH SIERRA SUBDIVISION, 9TH FILING

BEING LOT 3A, BLOCK 2 OF AMENDED PLAT OF LOT 2, BLOCK 1 AND LOTS 2 & 3, BLOCK 2 OF MARISELA SUBDIVISION

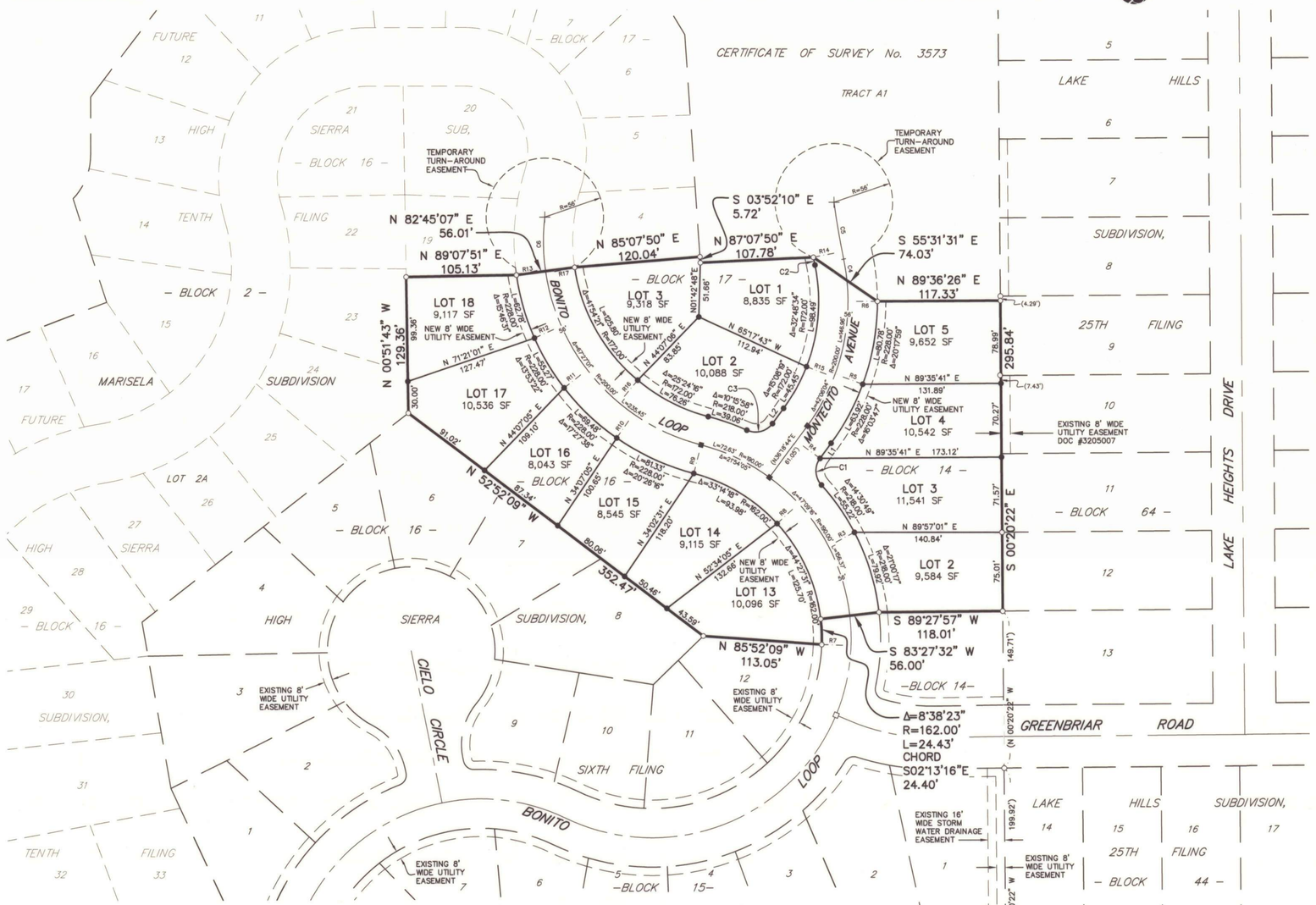
SITUATED IN THE SW1/4 OF SECTION 9, T. 1 N., R. 26 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

MARCH, 2018

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



LINE TABLE		
Line #	Bearing	Distance
L1	N 36°18'44" E	17.94'
L2	S 36°18'44" W	17.94'

RADIAL TABLE		RADIAL TABLE	
Radial #	Bearing	Radial #	Bearing
R3	S 62°27'39" W	R11	N 52°18'34" E
R4	S 53°41'50" E	R12	N 66°11'56" E
R5	N 69°45'03" W	R13	N 81°57'38" E
R6	S 89°56'56" W	R14	S 78°53'19" W
R7	S 87°52'55" E	R15	N 68°49'35" W
R8	S 47°38'57" W	R16	N 39°48'55" E
R9	S 14°24'39" W	R17	N 81°43'16" E
R10	N 34°50'55" E		

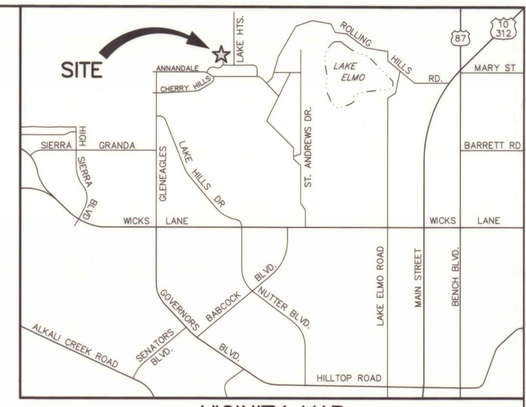
CURVE TABLE			
Curve #	Delta	Radius	Length
C1	78°21'53"	20.00'	27.35'
C2	0°31'34"	823.43'	7.56'
C3	78°21'53"	20.00'	27.35'
C4	5°50'50"	200.00'	20.41'
C5	3°56'16"	800.00'	54.98'
C6	14°53'04"	200.00'	51.96'

AREA TOTALS	sq. feet	acres
NET AREA (13 LOTS)	125,012	2.870
STREET DEDICATION	36,254	0.832
GROSS AREA	161,266	3.702

NORTH

60 30 0 60 120

SCALE: 1"=60'



VICINITY MAP

NOT TO SCALE

NOTICE OF APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Date — President

Executive Secretary

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing PLAT OF HIGH SIERRA SUBDIVISION, 9TH FILING, and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this _____ day of _____, 20___ .

CITY OF BILLINGS, MONTANA

By: _____ Mayor

Attest: _____ City Clerk

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-4-125(1)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this ____ day of _____, 20____ .

City Engineer's Office

ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

Examining Land Surveyor — Date

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b)/ 76-3-207(3), M.C.A.

Date: _____

Yellowstone County Treasurer

By: _____ Deputy

CERTIFICATE OF CITY ATTORNEY

This document has been reviewed by the City Attorney's office and is acceptable as to form.

Date: _____

Reviewed by: _____

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
:ss
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That HIGH SIERRA II, INC., the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the situated in the SW1/4 of Section 9, T. 1 N., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 3A, Block 2 of Amended Plat of Lot 2, Block 1 and Lots 1, 2, & 3, Block 2 of Marisela Subdivision, according to the official plat on file in the office of the Clerk & Recorder of Yellowstone County, Montana, under Document No. 3724339.

The park requirement for this subdivision has been met by a cash-in-lieu donation in the amount of $_____ .

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as HIGH SIERRA SUBDIVISION, 9TH FILING, and the lands included in all streets, avenues, and parks as shown on the annexed plat are hereby granted and donated to the use of the public forever.

HIGH SIERRA II, INC.

By: _____

Title: PRESIDENT

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 22nd day of August, 2018, before me, the undersigned Notary Public for the State of Montana, personally appeared Gary DeWaal, known to me to be the persons who signed the foregoing instrument as President of HIGH SIERRA II, INC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA
BRITTANY CECIL NOTARY PUBLIC for the State of Montana Residing at Billings, Montana My Commission Expires April 06, 2021

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
:ss
County of Yellowstone)

The undersigned, a Land Surveyor licensed in the State of Montana, states that during the month of March, 2018, a survey was performed under his supervision of a tract of land to be known as HIGH SIERRA SUBDIVISION, 9TH FILING, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 3.702 acres and the net area is 2.870 acres.

SANDERSON STEWART

By: _____

Montana License No. 18972LS

Date: August 22, 2018

MONTANA MICHAEL DEAN BERTRAM 18972LS LICENSED PROFESSIONAL LAND SURVEYOR

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No.: _____

CONSENT TO PLATTING

Document No.: _____

Document No.: _____

TEMPORARY TURNAROUND EASEMENT

Document No.: _____

TEMPORARY TURNAROUND EASEMENT

Document No.: _____

RESERVED FOR CLERK AND RECORDER

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

SUBDIVISION IMPROVEMENTS AGREEMENT
HIGH SIERRA SUBDIVISION, NINTH FILING
CITY OF BILLINGS
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Return To:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT
HIGH SIERRA SUBDIVISION, NINTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____ 20 18, by and between **HIGH SIERRA II, INC.,** whose address for the purpose of this agreement is 175 North 27th Street, Suite 900; Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of High Sierra Subdivision, Ninth Filing, being Lot 3A, Block 2 of Amended Plat of Lot 2, Block 1 and Lots 2 and 3, Block 2 of Marisela Subdivision, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held by the Yellowstone County Board of Planning on the 22nd day of July, 2014 the Board recommended for approval, subject to certain conditions, an area known as the High Sierra Subdivision, Ninth Filing; and

WHEREAS, at a regular meeting held on the 25th day of August, 2014 the City Council approved, subject to certain conditions, a preliminary plat of High Sierra Subdivision, Ninth Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of High Sierra Subdivision, Ninth Filing, upon filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations; the rules,

regulations, policies, and resolutions of the City of Billings; and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

No variances are being requested with this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners will be required to construct that segment of the required five-foot wide boulevard-style sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife, and any damage arising therefrom, is the responsibility of the lot owners.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the geotechnical investigation report for this property, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical investigation prior to construction. Assessment and mitigation, if any, of these conditions shall be the responsibility of the lot owner.

D. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

E. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best

Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

F. There is attached hereto a waiver waiving the right to protest the creation of the special improvement district, or districts, which, by this reference, is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners, of the developments described herein. Said waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.

G. Lot owners should be aware that agricultural activities could be present on surrounding properties. Any impacts associated with agricultural activities, and any issue arising therefrom, is the responsibility of the lot owners.

H. Lot owners should be aware that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this subdivision, which outlines additional requirements specific to this subdivision design.

I. Each owner of a completed lot shall be a member of the High Sierra Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

J. The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.

K. The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed

to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window well, walk-out basement doors, etc.) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

III. TRANSPORTATION

A. Streets

Bonito Loop and Montecito Avenue within the subdivision shall be public and shall be located within a 56-foot right-of-way, and have a street width of 34-foot back of curb to back of curb. These internal access roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings Site Development Ordinance, Subdivision Regulations, and Uniform Building Code.

B. Sidewalks

City and the Subdivider agree that the developer will install accessibility ramps at time of private contract construction. Individual lot owners will be responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The City reserves the right to construct any missing sidewalk and assess the property owners three years after construction of a phase.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time. If street lights are installed, a maintenance district will be formed for future maintenance of the street lights.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering Department.

A master plan traffic accessibility study has been completed for High Sierra Subdivision, Fifth through Twelfth Filing. That study analyzed impacts to eight intersections affected by additional traffic generated with the development of High Sierra Subdivision. Three of those intersections were noted for improvements: Wicks Lane/Fantan Street; Wicks Lane/Gleneagles Boulevard; and Wicks Lane/St. Andrews Drive. An update to the study has been completed for this filing. Based on the 13 lots proposed within this subdivision, the percent of traffic contribution to these intersections is as follows:

Wicks/Fantan:	0.32 percent	$800.00
Wicks/Gleneagles:	0.29 percent	$725.00
Wicks/St. Andrews:	0.25 percent	$625.00

As requested by the City of Billings Public Works Department, cash contributions to intersection improvements will be determined at the time of final plat.

E. Access

One access will be provided for the subdivision from Bonito Loop. This street, as well as Montecito Avenue will provide access for future filings within High Sierra Subdivision. Location of these accesses shall be subject to review and approval by the City engineering office.

F. Billings Area Bikeway and Trail Master Plan

No bikeway and trails for this specific area.

G. Public Transit

No improvements with regard to public transit are anticipated at this time. The nearest access to the public transit system occurs near Skyview High

School on Siesta Avenue, between High Sierra Boulevard and Fantan Street.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from Bonito Loop. The City will provide emergency service. Fire hydrants shall be provided at each street intersection, and at intermediate locations where distances exceed 500 feet. Appropriate turn arounds will be located on any street in excess of 150 feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings engineering department by the Subdivider. Because the City of Billings storm drain system is not available in the area of the subdivision, stormwater will be handled on site through surface flow on the streets, inlets, and piping. The stormwater design for High Sierra Subdivision, Ninth Filing, will conform to the current City of Billings Stormwater Maintenance Manual.

A cut-off ditch will be constructed west of this subdivision and direct stormwater runoff to the north. A temporary stormwater detention pond constructed with this filing of High Sierra Subdivision. The temporary stormwater detention pond will remain in place until the permanent stormwater facilities are constructed with a future filing of High Sierra Subdivision. The stormwater ditch and stormwater detention pond will be located in an easement and will allow for access and maintenance.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of, or connection to, water mains and sanitary sewers. The property owner shall submit applications for extension/connection of water mains and sanitary sewers to the Public Works Department, Distribution, and Collection Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction, and prior to review and approval of any project plans and specifications. The appropriate water and wastewater fees, and franchise fee in effect shall be submitted with the applications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees and franchise fee in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.), shall be in accordance with design standards, specifications, rules and regulations of, and as approved by the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making a connection to an existing water main stub located in Bonito Loop. The existing water main in these streets is an 8-inch in diameter main and is a part of the County Water District of Billings Heights water distribution system. A new 8-inch water main will be installed in the local interior streets. The water main within the

subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

B. Sanitary Sewer

The subdivision will be served by one connection to an existing 8-inch sanitary sewer main located in Bonito Loop. The sanitary sewer located within the subdivision will consist of an 8-inch sanitary sewer main. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way, where possible, and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the city engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Ninth Filing has a total of 13 lots, requiring a parkland dedication of 0.316 acres. The Subdivider will make a cash contribution in lieu of parkland dedication.

VIII. SOILS/GEOTECHNICAL STUDY

The Subdivider has performed a preliminary geotechnical analysis for this property dated June 16, 2014.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.

2. Site and lot grading can be accomplished using conventional earthmoving equipment. In areas where significant cuts will be made for streets and utility installation the auger was able to drill to depths of 25-feet. Typically, if the shale can be drilled with an auger it can also be excavated with a large track hoe.

3. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.

4. Provide positive drainage away from residences.

5. Street subgrade, utility trenches, parking areas and concrete flatwork should be placed at a minimum of 97 percent of ASTM D698.

6. A large track hoe or specialized equipment bay be required during foundation excavations, depending on the location and depth of the excavation. Auger refusal was encountered in several of the borings at depths of 9 to 12 feet. The boring logs should be reviewed for conditions across the site.

7. For home construction, the majority of the foundation will be located on weathered sandstone bedrock or weathered shale bedrock. Two alternative foundation recommendations are provided within the geotechnical report.

IX. FINANCIAL GUARANTEES

Except as otherwise provided, the Subdivider shall install and construct said required improvements with cash, or by private contracts secured by letters of credit, or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall

be installed as approved by the City Engineering Department and Public Works Department, Collection and Distribution Division.

X. LEGAL PROVISIONS

A. The Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.

C. The covenants, agreements, and all statements in this agreement apply to, and shall be binding, on the heirs, personal representatives, successors, and assigns of the respective parties.

D. 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 giving notice shall be entitled to reasonable attorney fees and costs.

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

F. The Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. The Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

"SUBDIVIDER"

HIGH SIERRA II, INC.

By: _____

Its: PRESIDENT

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 2nd day of August, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as the President of **HIGH SIERRA II, INC.**, and who acknowledged to me that said company executed the same.

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

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA

BRITTANY CECIL
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
April 06, 2021

_____
Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

This Agreement is hereby approved and accepted by City of Billings, this ____ day of _____, 20___.

"CITY" CITY OF BILLINGS, MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of_____, 20___, 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 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 in Billings, Montana
My commission expires:_____

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHTS TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

High Sierra Subdivision, Ninth Filing

SUBDIVIDER **HIGH SIERRA II, INC.**

By: _____

Its: PRESIDENT

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 31st day of August, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gary Oakland, known to me to be the person who signed the foregoing instrument as the President of **HIGH SIERRA II, INC.**, and who acknowledged to me that said company executed the same.

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

SARA GUNDERSON NOTARY PUBLIC for the State of Montana Residing at Billings, Montana My Commission Expires September 14, 2018

_____
Notary Public for the State of Montana

Consent **1. L. 1.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Payment of Claims August 27, 2018

PRESENTED BY: Andy Zoeller

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

Claims in the amount of $1,805,729.35 have been audited and are presented for City Council payment approval. A complete listing of the claims dated August 27, 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

Attachments

memo82718

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816440	Associated Glass Inc	Water	9,616.76	Replacement of single pane windows at electrical shop at WTP
08/27/2018	816442	B & B Telecable Inc	Light Maintenance	2,850.00	street light directional bore
08/27/2018	816449	Billings Electric Co, Inc	Parks Maintenance	279.35	Install new pole - 2078
08/27/2018	816449	Billings Electric Co, Inc	Property Ins	5,995.00	Inv. #2079 Claim #2018-027
08/27/2018	816449	Billings Electric Co, Inc	Parks Maintenance	1,009.20	Street light repair-2073
08/27/2018	816456	Business Tax Section	Wastewater	121.45	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816456	Business Tax Section	Airport	122.99	AIP 53 Concourse B Upgrades Concession & Janitor Room
08/27/2018	816456	Business Tax Section	Airport	40.75	Airline Support Facility Access Road
08/27/2018	816456	Business Tax Section	Airport	4.00	AIP 53 Concourse B Upgrades Restroom & Holdroom
08/27/2018	816456	Business Tax Section	Airport	4.62	AIP 53 Concourse B Upgrades Restroom & Holdroom
08/27/2018	816456	Business Tax Section	Airport	208.27	AIP-57 Operations Building Ramp Rehabilitation - Local Share
08/27/2018	816456	Business Tax Section	Gas Tax	1,125.54	WO 17-06 Midland Road Improvements
08/27/2018	816456	Business Tax Section	Sidewalk Construction	41.26	WO 18-10 Poet Streets - Overlay & Curb; 4 WO1810 Askin
08/27/2018	816456	Business Tax Section	Sidewalk Construction	1,197.12	WO 17-06 Midland Road Improvements
08/27/2018	816456	Business Tax Section	Sidewalk Construction	106.88	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816456	Business Tax Section	Arterial Streets	3,849.89	WO 16-05 Central Ave - 32nd St West to Shiloh;3 WO1605 CMG
08/27/2018	816456	Business Tax Section	Gas Tax	791.73	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816456	Business Tax Section	Public Safety	288.20	Police Interior Range Building improvements.
08/27/2018	816456	Business Tax Section	Park District 1	100.00	Tax on South splash pad contract-General Contractors.
08/27/2018	816456	Business Tax Section	Water	97.14	Replacement windows at electrical shop at WTP
08/27/2018	816456	Business Tax Section	Water	156.70	WATER REPAIR LIST 06/23/2017
08/27/2018	816456	Business Tax Section	Tax Increment South	2,279.93	WO 17-06 Midland Road Improvements
08/27/2018	816456	Business Tax Section	Storm Sewer	2,556.16	Hilltop Rd & Aronson Ave Storm Drain Extsn
08/27/2018	816456	Business Tax Section	Water	118.95	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816456	Business Tax Section	Wastewater	2,348.08	2018 Water & Sewer Replacement
08/27/2018	816456	Business Tax Section	Gas Tax	990.19	WO 18-10 Poet Streets - Overlay & Curb; 4 WO1810 Askin
08/27/2018	816456	Business Tax Section	Public Safety	148.75	ELECTRICAN SERVICES TO UPGRADE FIRE STATION #4
08/27/2018	816456	Business Tax Section	Airport	1,874.40	AIP-57 Operations Building Ramp Rehabilitation - Federal Share
08/27/2018	816456	Business Tax Section	Airport	633.15	Airport Operations Building Roof Replacement Project
08/27/2018	816456	Business Tax Section	Tax Increment South	109.11	Business tax on the construction of Optimist parking lot
08/27/2018	816456	Business Tax Section	Airport	36.00	AIP 53 Concourse B Upgrades Restroom & Holdroom
08/27/2018	816456	Business Tax Section	Airport	41.54	AIP 53 Concourse B Upgrades Restroom & Holdroom
08/27/2018	816457	C & L Service Inc	Public Safety	14,726.25	FIRE4: ELECTRICIAN SERVICES TO UPGRADE STATION
08/27/2018	816461	Century Link	EOC 911	50.33	406-245-2296 911

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816461	Century Link	Public Safety	119.32	406-245-7469 Fire
08/27/2018	816461	Century Link	Public Safety	45.66	406-245-7481 Police
08/27/2018	816461	Century Link	Telephone System	228.20	406-248-3049 Main System T1 City/County Tie
08/27/2018	816461	Century Link	Radio	311.26	406-248-3635 Fire Airport Radio Tower WCK
08/27/2018	816461	Century Link	Radio	311.26	406-248-3636 Fire Airport Radio Tower Jellison
08/27/2018	816461	Century Link	Fleet	53.84	406-256-5047 Motor Pool
08/27/2018	816461	Century Link	Airport	53.64	406-256-7070 Airport
08/27/2018	816461	Century Link	Airport	45.66	406-245-5834 Airport Alarm
08/27/2018	816461	Century Link	Water	39.44	406-245-3659 PUD Alarm Water Tower
08/27/2018	816461	Century Link	EOC 911	45.65	406-245-3107 911
08/27/2018	816461	Century Link	EOC 911	45.65	406-245-3108 911
08/27/2018	816461	Century Link	Engineering	100.55	406-259-7758 Measured Lines Depot
08/27/2018	816461	Century Link	P.W. Admin	67.03	406-259-7758 Measured Lines Depot
08/27/2018	816461	Century Link	Public Safety	118.32	406-373-3742 Fire RR Crossing Alarm
08/27/2018	816461	Century Link	Public Safety	49.17	406-651-0282 Fire 5 911 Line
08/27/2018	816461	Century Link	City County Planning	36.63	406-656-9578 Planning Traffic Central Broadwater
08/27/2018	816461	Century Link	City County Planning	36.63	406-656-9604 Planning Traffic Central 9th
08/27/2018	816461	Century Link	Airport	56.98	406-256-6014 Airport P9 Building
08/27/2018	816461	Century Link	EOC 911	311.26	406-245-7101 9-1-1 Center Landfill #2
08/27/2018	816461	Century Link	EOC 911	311.26	406-245-7102 9-1-1 Center Fox Reservoir #2
08/27/2018	816461	Century Link	Solid Waste	50.57	406-256-7001 Solid Waste Scale House
08/27/2018	816461	Century Link	Airport	56.98	406-252-0721 Airport 1FB Line
08/27/2018	816461	Century Link	Parking	49.17	406-252-2041 Park 2 Elevator Phone
08/27/2018	816465	Chicago Title of MT	CDBG	15,000.00	FTHB Libby Parker 3295 Granger Avenue East #14
08/27/2018	816466	Chicago Title of MT	CDBG	15,000.00	FTHB Megan Price 803 North 24th
08/27/2018	816467	Civicplus	Information Resources	5,845.50	2nd Quarter Hosting & Support Fees
08/27/2018	816467	Civicplus	Information Resources	75.00	SSL Certificate Quarterly Fee Renewal
08/27/2018	816467	Civicplus	Airport	537.47	2nd Quarter Custom Mobile App Fee Airport
08/27/2018	816467	Civicplus	Airport	274.25	2nd Quarter Civic Send Airport
08/27/2018	816467	Civicplus	Information Resources	274.25	2nd Quarter CivicSend IT
08/27/2018	816468	CMG Construction LLC	Arterial Streets	381,138.76	WO 16-05 Central Ave - 32nd St West to Shiloh;3 WO1605 CMG
08/27/2018	816468	CMG Construction LLC	Sidewalk Construction	10,580.88	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816468	CMG Construction LLC	Wastewater	12,023.78	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816468	CMG Construction LLC	Gas Tax	78,381.90	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816468	CMG Construction LLC	Water	11,775.78	WO 16-05 Central Ave - 32nd St West to Shiloh; 3 WO1605 CMG
08/27/2018	816473	Cucancic Construction Inc	Public Safety	28,531.80	Finish interior of Police Range Building Improvements.
08/27/2018	816477	Dell Computer L P	EOC 911	19,045.74	Precision 5820 Towers, 24" Monitors, sound bars- 911 Center
08/27/2018	816481	DOWL	Water	990.00	Water & Sewer Sch 1 N 27th Watermain
08/27/2018	816481	DOWL	Storm Sewer	8,563.00	WO 18-30 City County Drain Flood Mitigation
08/27/2018	816483	Ebms	City Health Ins Fund	1,485.00	September 2018 Fee Breakdown
08/27/2018	816483	Ebms	City Health Ins Fund	25,578.60	September 2018 Fee Breakdown
08/27/2018	816483	Ebms	City Health Ins Fund	55,101.50	September 2018 Fee Breakdown
08/27/2018	816483	Ebms	City Health Ins Fund	840.00	September 2018 Fee Breakdown
08/27/2018	816483	Ebms	City Health Ins Fund	1,770.00	September 2018 Fee Breakdown
08/27/2018	816483	Ebms	City Health Ins Fund	4,651.20	September 2018 Fee Breakdown
08/27/2018	816491	Fisher's Technology	Library	7,624.00	Canon imageRUNNER ADVANCE 4545i multi-function printer
08/27/2018	816494	Gallagher Benefit Services	City Health Ins Fund	16,625.75	Inv. #152139
08/27/2018	816496	General Contractors Constr	Airport	3,564.00	AIP 53 Concourse B Upgrades Restroom & Holdroom
08/27/2018	816496	General Contractors Constr	Airport	396.00	AIP 53 Concourse B Upgrades Restroom & Holdroom
08/27/2018	816505	HDR, Inc.	Wastewater	282,836.01	WWTP Nutrient Upgrade Expansion & Improvements
08/27/2018	816507	High Point Networks LLC	EOC 911	3,714.00	Network Switch with 3yr. warranty coverage 9-1-1 Center
08/27/2018	816507	High Point Networks LLC	EOC 911	100.00	12 cables- Comm. Center & City Hall
08/27/2018	816507	High Point Networks LLC	Telephone System	500.00	12 cables -City Hall & Comm. Center
08/27/2018	816511	InfoSend Inc	Water	1,965.95	140077; BILLINGS & POSTAGE JULY MO FEES
08/27/2018	816511	InfoSend Inc	Water	7,863.82	140077; BILLINGS & POSTAGE JULY MO FEES
08/27/2018	816511	InfoSend Inc	Wastewater	5,242.55	140077; BILLINGS & POSTAGE JULY MO FEES
08/27/2018	816511	InfoSend Inc	Wastewater	1,310.64	140077; BILLINGS & POSTAGE JULY MO FEES
08/27/2018	816512	Ingram Library Services Inc.	Library	8.27	35694952
08/27/2018	816512	Ingram Library Services Inc.	Library	10.11	35694953
08/27/2018	816512	Ingram Library Services Inc.	Library	142.49	35694954
08/27/2018	816512	Ingram Library Services Inc.	Library	173.86	35694954
08/27/2018	816512	Ingram Library Services Inc.	Library	27.50	35741035
08/27/2018	816512	Ingram Library Services Inc.	Library	280.36	35741035
08/27/2018	816512	Ingram Library Services Inc.	Library	23.38	35741035
08/27/2018	816512	Ingram Library Services Inc.	Library	26.54	35741036
08/27/2018	816512	Ingram Library Services Inc.	Library	69.15	35741036
08/27/2018	816512	Ingram Library Services Inc.	Library	28.77	35741037
08/27/2018	816512	Ingram Library Services Inc.	Library	1,319.20	35741038

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08/27/2018	816512	Ingram Library Services Inc.	Library	415.45	35741043
08/27/2018	816512	Ingram Library Services Inc.	Library	391.89	35741043
08/27/2018	816512	Ingram Library Services Inc.	Library	9.59	35741043
08/27/2018	816512	Ingram Library Services Inc.	Library	315.11	35741043
08/27/2018	816512	Ingram Library Services Inc.	Library	17.10	35741042
08/27/2018	816512	Ingram Library Services Inc.	Library	33.04	35741041
08/27/2018	816512	Ingram Library Services Inc.	Library	29.48	35741040
08/27/2018	816512	Ingram Library Services Inc.	Library	132.30	35741039
08/27/2018	816512	Ingram Library Services Inc.	Library	9.59	35862115
08/27/2018	816512	Ingram Library Services Inc.	Library	45.64	35862115
08/27/2018	816512	Ingram Library Services Inc.	Library	112.06	35862113
08/27/2018	816512	Ingram Library Services Inc.	Library	19.59	35862113
08/27/2018	816512	Ingram Library Services Inc.	Library	11.80	35862114
08/27/2018	816512	Ingram Library Services Inc.	Library	26.71	35862114
08/27/2018	816512	Ingram Library Services Inc.	Library	10.19	35862112
08/27/2018	816512	Ingram Library Services Inc.	Library	34.22	35862111
08/27/2018	816512	Ingram Library Services Inc.	Library	21.50	35857840
08/27/2018	816512	Ingram Library Services Inc.	Library	45.03	35797634
08/27/2018	816512	Ingram Library Services Inc.	Library	52.19	35797632
08/27/2018	816512	Ingram Library Services Inc.	Library	10.99	35797633
08/27/2018	816512	Ingram Library Services Inc.	Library	41.33	35797633
08/27/2018	816512	Ingram Library Services Inc.	Library	61.40	35797633
08/27/2018	816512	Ingram Library Services Inc.	Library	133.06	35797633
08/27/2018	816512	Ingram Library Services Inc.	Library	13.79	35797631
08/27/2018	816512	Ingram Library Services Inc.	Library	44.01	35760272
08/27/2018	816512	Ingram Library Services Inc.	Library	58.58	35760272
08/27/2018	816512	Ingram Library Services Inc.	Library	16.77	35760272
08/27/2018	816512	Ingram Library Services Inc.	Library	29.44	35797630
08/27/2018	816512	Ingram Library Services Inc.	Library	147.75	35862116
08/27/2018	816512	Ingram Library Services Inc.	Library	40.45	35862116
08/27/2018	816512	Ingram Library Services Inc.	Library	107.55	35862117
08/27/2018	816512	Ingram Library Services Inc.	Library	17.69	35862118
08/27/2018	816512	Ingram Library Services Inc.	Library	153.33	35862119
08/27/2018	816512	Ingram Library Services Inc.	Library	401.64	35862119

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08/27/2018	816512	Ingram Library Services Inc.	Library	44.97	35862119
08/27/2018	816512	Ingram Library Services Inc.	Library	43.98	35862119
08/27/2018	816512	Ingram Library Services Inc.	Library	41.04	35868491
08/27/2018	816512	Ingram Library Services Inc.	Library	120.45	35868491
08/27/2018	816512	Ingram Library Services Inc.	Library	10.78	35868491
08/27/2018	816512	Ingram Library Services Inc.	Library	21.99	35868491
08/27/2018	816512	Ingram Library Services Inc.	Library	7.35	35946645
08/27/2018	816512	Ingram Library Services Inc.	Library	27.55	35946646
08/27/2018	816512	Ingram Library Services Inc.	Library	11.99	35952456
08/27/2018	816512	Ingram Library Services Inc.	Library	19.25	35952456
08/27/2018	816512	Ingram Library Services Inc.	Library	26.73	35952457
08/27/2018	816512	Ingram Library Services Inc.	Library	17.69	35952457
08/27/2018	816512	Ingram Library Services Inc.	Library	53.67	35952458
08/27/2018	816512	Ingram Library Services Inc.	Library	238.50	35952459
08/27/2018	816512	Ingram Library Services Inc.	Library	15.93	35952460
08/27/2018	816512	Ingram Library Services Inc.	Library	3.75	35952461
08/27/2018	816514	Insight Public Sector	Capital Replacement	6,600.00	10 Keyboards, 4 Docking stations- Police
08/27/2018	816514	Insight Public Sector	Public Safety	1,100.00	Qty.2 CF-33 Panasonic Toughbooks and keyboards
08/27/2018	816514	Insight Public Sector	Public Safety	6,300.00	Qty.2 CF-33 Panasonic Toughbooks and keyboards
08/27/2018	816514	Insight Public Sector	Public Safety	1,100.00	Qty.2 Extended Service Package
08/27/2018	816517	Jay's Waterline Repair	Water	15,513.30	WATER REPAIR LIST 06/23/2017
08/27/2018	816523	Knife River (JTL Group Inc.)	Street/Traffic Oper	63.36	1 1/2" crushed base
08/27/2018	816523	Knife River (JTL Group Inc.)	Street/Traffic Oper	771.65	asphalt
08/27/2018	816523	Knife River (JTL Group Inc.)	Street/Traffic Oper	49.35	3/4" bedding rock
08/27/2018	816523	Knife River (JTL Group Inc.)	Street/Traffic Oper	2,682.00	asphalt
08/27/2018	816523	Knife River (JTL Group Inc.)	Street/Traffic Oper	3,962.40	asphalt
08/27/2018	816523	Knife River (JTL Group Inc.)	Street/Traffic Oper	64.15	1 1/2" crushed base
08/27/2018	816525	L P Anderson Tire Co. Inc.	General	55.00	1100382
08/27/2018	816525	L P Anderson Tire Co. Inc.	Airport	3,724.68	Invoice #1101225, A-13 Tires
08/27/2018	816525	L P Anderson Tire Co. Inc.	Street/Traffic Oper	60.00	1100948
08/27/2018	816525	L P Anderson Tire Co. Inc.	Public Safety	16.50	2020159
08/27/2018	816525	L P Anderson Tire Co. Inc.	Public Safety	60.00	1100816
08/27/2018	816525	L P Anderson Tire Co. Inc.	Street/Traffic Oper	259.50	1100487
08/27/2018	816525	L P Anderson Tire Co. Inc.	Street/Traffic Oper	19.50	1100662

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08/27/2018	816525	L P Anderson Tire Co. Inc.	Public Safety	1,188.60	1100520
08/27/2018	816525	L P Anderson Tire Co. Inc.	Public Safety	137.50	1100486
08/27/2018	816526	LSC Environmental Product	Solid Waste	30,002.50	Posi Shell for the Landfill 38946
08/27/2018	816527	M-B Companies, Inc.	Airport	8,177.26	Invoice #229949. 2 Broom Cores
08/27/2018	816529	Mailing Technical Services	General	995.18	Mailing of the Senior Scoop newsletter
08/27/2018	816529	Mailing Technical Services	Central Services	5,850.24	Postage Fund (weekly bills)
08/27/2018	816537	MT Chamber Foundation	General	5,000.00	2018-2019 MT Infrastructure Coalition Support
08/27/2018	816541	Montana Peterbilt LLC	Solid Waste	360.03	52945
08/27/2018	816541	Montana Peterbilt LLC	Solid Waste	2,014.76	53485
08/27/2018	816541	Montana Peterbilt LLC	Solid Waste	75.00	53485
08/27/2018	816541	Montana Peterbilt LLC	Solid Waste	51.16	53717
08/27/2018	816541	Montana Peterbilt LLC	Solid Waste	72.20	53883
08/27/2018	816544	Morrison Maierle Inc	Wastewater	18,624.75	WO 18-01 2018 Water & Sewer Replacement Sch 3; 184975/7
08/27/2018	816544	Morrison Maierle Inc	Wastewater	51,876.11	WO 18-01 2018 Water & Sewer Sch 2 Sanitary Sewer; 184974/9
08/27/2018	816546	Moulton Bellingham PC	General	1,285.00	Inv. #126456 Ron Hill v. COB
08/27/2018	816546	Moulton Bellingham PC	General	357.50	Inv. #126457 Stone et al v. COB
08/27/2018	816546	Moulton Bellingham PC	General	2,243.50	Inv. #126458 Abromeit et al v. COB
08/27/2018	816546	Moulton Bellingham PC	General	857.50	Inv. #126459 Palmer Enterprises et al v. COB
08/27/2018	816548	MT Waterworks	Street/Traffic Oper	158.34	tops/water lids for manholes
08/27/2018	816548	MT Waterworks	Water	338.68	24" POLYWRAP .008 MIL - PIPE WRAP
08/27/2018	816548	MT Waterworks	Water	372.00	#13 NOZZLE CAP 4 1/2" - K11 HYDRANT
08/27/2018	816548	MT Waterworks	Wastewater	404.08	WWTP Nutrient Upgrade Expansion & Improvements
08/27/2018	816548	MT Waterworks	Water	174.00	INVENTORY
08/27/2018	816548	MT Waterworks	Water	168.00	MARKING PAINT GREEN - GREEN SP P/N: S03631
08/27/2018	816548	MT Waterworks	Water	165.96	K1113NS 2 1/2" HOSE NOZZLE CAP - 3200212 P/N: 3200212
08/27/2018	816548	MT Waterworks	Water	398.94	HOSE NOZZLE K81 - 1/4 TURN (#K8140) P/N: 3187382
08/27/2018	816548	MT Waterworks	Water	586.02	DRAIN VALVE K1130 - K-11 HYDRANT (K1130) P/N: K1130
08/27/2018	816548	MT Waterworks	Water	166.00	K1135 TOP PLATE 5 1/4" - 2185972 P/N: 333-030-00620
08/27/2018	816548	MT Waterworks	Water	72.00	STEM COUPLING PINS K1122 - K11 HYDRANT P/N: 442886P
08/27/2018	816556	Northwest Pipe Fittings	Water	89.55	T10 3/4" CHAMBER FOR DISC - SIDE 4" TRU FLO
08/27/2018	816556	Northwest Pipe Fittings	Water	19.58	2" PVC SCH 80 SXS 45 - (817020)
08/27/2018	816556	Northwest Pipe Fittings	Water	165.78	1 1/2" PVC SCH 80 TXT BAL - L VALVE -CHEMTROL
08/27/2018	816556	Northwest Pipe Fittings	Water	27.50	117-20 2" PVC REPAIR - COUPLING (117-20 2")
08/27/2018	816556	Northwest Pipe Fittings	Water	27.60	PRIMER-FOR PVC FITTINGS-W - ITH BRUSH-NW PIPE

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08/27/2018	816556	Northwest Pipe Fittings	Water	99.84	1" PVC SCH 80 TXT BALL VA - LVE -CHEMTROL
08/27/2018	816556	Northwest Pipe Fittings	Water	6.20	3"FULL FACE FLANGE GASKE - TS #150 0723210 (0723210)
08/27/2018	816556	Northwest Pipe Fittings	Water	3.75	-ADAPTOR-PVC-1-1/2-INCH S - CH-40 S X MIPT
08/27/2018	816556	Northwest Pipe Fittings	Water	2.05	ADAPTOR-1-INCH-PVC SCH 40 - - S X F-1PT
08/27/2018	816556	Northwest Pipe Fittings	Water	45.60	2" PVC SCH 40 TXT UNION - - NW PIPE
08/27/2018	816556	Northwest Pipe Fittings	Water	2.55	--ELLS-1-INCH-90-DEG-S X - S-PVC-SCH-40
08/27/2018	816556	Northwest Pipe Fittings	Water	6.80	1 X 3/4 PVC SCH 40 S X FI - P ADAPT - NW PIPE
08/27/2018	816556	Northwest Pipe Fittings	Water	10.80	-1/2 INCH TEES-CXC- NO-61 - 1
08/27/2018	816556	Northwest Pipe Fittings	Water	895.50	3/4" T-10 MEASURING - CHAMBER ASSY. (9826-000)
08/27/2018	816556	Northwest Pipe Fittings	Water	60.60	1 1/4 X 5 1/2 BLACK NIPPL - E
08/27/2018	816556	Northwest Pipe Fittings	Water	99.84	1" PVC SCH 80 TXT BALL VA - LVE -CHEMTROL
08/27/2018	816556	Northwest Pipe Fittings	Water	55.80	BRASS REDUCER COUPLING 3/ - 4 X 1/2
08/27/2018	816556	Northwest Pipe Fittings	Water	35.75	CAPS--2-INCH--SWEAT-WROT- - 9117
08/27/2018	816556	Northwest Pipe Fittings	Water	35.20	BRASS COUPLING 1/2 -
08/27/2018	816556	Northwest Pipe Fittings	Water	111.50	3/4" T-10 BOTTOM CAP CAST - IRON (9833-010)
08/27/2018	816556	Northwest Pipe Fittings	Water	59.98	-SOLDER PASTE 1-LB CANS - - -LEAD FREE--
08/27/2018	816556	Northwest Pipe Fittings	Water	13,745.00	P/N: 2022300
08/27/2018	816556	Northwest Pipe Fittings	Water	13,745.00	P/N: 2022300
08/27/2018	816556	Northwest Pipe Fittings	Water	13,745.00	P/N: 2022305
08/27/2018	816556	Northwest Pipe Fittings	Water	18,200.00	P/N: 2022310
08/27/2018	816556	Northwest Pipe Fittings	Water	18,564.00	P/N: 2022310
08/27/2018	816556	Northwest Pipe Fittings	Water	1,661.40	INVENTORY
08/27/2018	816556	Northwest Pipe Fittings	Water	11.50	PLUGS--1-1/4-INCH PVC SCH - 40 SLIP
08/27/2018	816556	Northwest Pipe Fittings	Water	418.64	S26215
08/27/2018	816556	Northwest Pipe Fittings	Water	31.60	3/4" 45 DEGREE BLACK SCH - 40 STD- NW PIPE
08/27/2018	816556	Northwest Pipe Fittings	Water	15.75	3/4" T-10 STRAINERS - (9831-001)
08/27/2018	816556	Northwest Pipe Fittings	Water	107.00	-1/2-INCH TYPE-M- RIDGID - COPPER PIPE-HARD
08/27/2018	816556	Northwest Pipe Fittings	Water	31.80	-1/2 INCH- 90-DEG BRASS ELL
08/27/2018	816556	Northwest Pipe Fittings	Water	97.64	1 X 3/4 COMPRESSION - COUPLING H15403 (H15403)
08/27/2018	816556	Northwest Pipe Fittings	Water	50.00	15394; REPAIR LS P-3
08/27/2018	816556	Northwest Pipe Fittings	Water	32.18	15667; STAPLES SPRINKLERS
08/27/2018	816556	Northwest Pipe Fittings	Water	26.60	16368; LSTRUCTURE SAMPLE PUMPS
08/27/2018	816556	Northwest Pipe Fittings	Wastewater	87.11	112379; #1 PRI SCUM PUMP
08/27/2018	816556	Northwest Pipe Fittings	Wastewater	323.59	11434; SEC DIGESTER WRF

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08/27/2018	816556	Northwest Pipe Fittings	Water	53.40	16806-1
08/27/2018	816556	Northwest Pipe Fittings	Water	2.08	17705; PUMP ON CHARLENE
08/27/2018	816556	Northwest Pipe Fittings	Water	310.31	18912; BACKFLOW REBUILD KIT CHEM BLDG- WTP
08/27/2018	816556	Northwest Pipe Fittings	Water	327.96	1996843; HIGH SERV AHU
08/27/2018	816556	Northwest Pipe Fittings	Water	28.86	1997512; IRR FLOATVALVE FOR PUMP
08/27/2018	816556	Northwest Pipe Fittings	Wastewater	109.58	1997797; SHOP INV WRF
08/27/2018	816556	Northwest Pipe Fittings	Water	359.72	19988; LAB WTRLN RPR
08/27/2018	816556	Northwest Pipe Fittings	Water	41.36	1999478; L-STRCT PUMP 4
08/27/2018	816556	Northwest Pipe Fittings	Street/Traffic Oper	19.61	Tape/elbows/bushings/insert for irrigation
08/27/2018	816556	Northwest Pipe Fittings	Water	53.60	2" PVC SCH 40 TXT UNION - - NW PIPE
08/27/2018	816556	Northwest Pipe Fittings	Water	533.88	2" T113 BRASS GATE VALVE P/N: 1191384
08/27/2018	816556	Northwest Pipe Fittings	Water	16.50	5/8" T-10 BOTTOM CAP - GASKET (8340-028)
08/27/2018	816556	Northwest Pipe Fittings	Water	41.96	2" PVC SCH 40 COMPRESSION - CPLG -NW PIPE
08/27/2018	816556	Northwest Pipe Fittings	Water	13.36	3/4" PVC SCH 80 SXS 45 - (817007)
08/27/2018	816556	Northwest Pipe Fittings	Water	10.88	3/4" PVC SCH 80 SXM - ADAPTER (836007)
08/27/2018	816556	Northwest Pipe Fittings	Water	19.58	2" PVC SCH 80 SXS 45 - (817020) P/N: 111-290-01300
08/27/2018	816556	Northwest Pipe Fittings	Water	570.00	P/N: 2038385
08/27/2018	816557	NorthWestern Energy	General	7.54	0723036-0
08/27/2018	816557	NorthWestern Energy	General	202.33	0723037-8
08/27/2018	816557	NorthWestern Energy	General	348.39	0722933-9
08/27/2018	816557	NorthWestern Energy	General	369.94	0723035-2
08/27/2018	816557	NorthWestern Energy	General	47.32	0722293-8
08/27/2018	816557	NorthWestern Energy	General	16.57	0722905-7
08/27/2018	816557	NorthWestern Energy	General	65.67	0723042-8
08/27/2018	816557	NorthWestern Energy	General	84.81	0723048-5
08/27/2018	816557	NorthWestern Energy	General	164.73	0723050-1
08/27/2018	816557	NorthWestern Energy	General	537.03	0723054-3
08/27/2018	816557	NorthWestern Energy	General	5.85	0723055-0
08/27/2018	816557	NorthWestern Energy	General	56.83	0723056-8
08/27/2018	816557	NorthWestern Energy	Facilities Mngmt	3,846.36	1269391-7
08/27/2018	816557	NorthWestern Energy	Solid Waste	1,346.91	3252194-0
08/27/2018	816557	NorthWestern Energy	Facilities Mngmt	1,279.84	1160802-3
08/27/2018	816557	NorthWestern Energy	Facilities Mngmt	1,508.58	1160804-9
08/27/2018	816557	NorthWestern Energy	General	324.29	0925496-2

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08/27/2018	816557	NorthWestern Energy	Facilities Mngmt	553.55	0975808-7
08/27/2018	816557	NorthWestern Energy	Street/Traffic Oper	5.85	0723645-8
08/27/2018	816557	NorthWestern Energy	General	40.13	0789437-1
08/27/2018	816557	NorthWestern Energy	General	5.85	0723162-4
08/27/2018	816557	NorthWestern Energy	Street/Traffic Oper	5.85	0723644-1
08/27/2018	816557	NorthWestern Energy	General	31.64	0723058-4
08/27/2018	816557	NorthWestern Energy	General	13.08	0723057-6
08/27/2018	816557	NorthWestern Energy	Wastewater	157.59	EA Electricity 3243625-5
08/27/2018	816557	NorthWestern Energy	General	149.29	Electrical charges for tennis courts at Pioneer Park
08/27/2018	816557	NorthWestern Energy	Wastewater	303.56	1756893-2 AUG 2018, MO SRVC FEES
08/27/2018	816557	NorthWestern Energy	Airport	47.81	3085107-5. New Employee Parking. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	16.23	1647695-4. De Icer. August 2018
08/27/2018	816557	NorthWestern Energy	Water	9,465.30	0100540-4
08/27/2018	816557	NorthWestern Energy	Airport	63.08	0719616-5. ARFF Facility Lights. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	1,923.92	0100483-7. Runway Lights. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	272.13	07127921-1. IP-7. August 2018
08/27/2018	816557	NorthWestern Energy	Radio	211.08	0721580-9
08/27/2018	816557	NorthWestern Energy	Airport	127.31	0712809-3. Alpine. August 2018
08/27/2018	816557	NorthWestern Energy	General	5.97	0722247-4
08/27/2018	816557	NorthWestern Energy	Airport	1,709.19	1993430-6. Car Wash. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	289.16	2001846-1. Mud Wash. August 2018
08/27/2018	816557	NorthWestern Energy	General	298.57	0722251-6
08/27/2018	816557	NorthWestern Energy	Airport	1,678.78	0100484-5. ARFF Facility. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	1,154.11	0712800-2. IP-9. August 2018
08/27/2018	816557	NorthWestern Energy	General	5.85	0722237-5
08/27/2018	816557	NorthWestern Energy	Airport	704.64	1669567-8. TSA Building. August 2018
08/27/2018	816557	NorthWestern Energy	General	16.09	0722269-8
08/27/2018	816557	NorthWestern Energy	Airport	31.67	1138926-9. Aero Interiors. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	273.68	3446396-8. USDA. August 2018
08/27/2018	816557	NorthWestern Energy	General	12.61	0722292-0
08/27/2018	816557	NorthWestern Energy	General	19.28	0722268-0
08/27/2018	816557	NorthWestern Energy	Airport	46.06	2001867-7. Detail Bay 5 Thrifty/Dollar. August 2018
08/27/2018	816557	NorthWestern Energy	General	31.25	0722266-4
08/27/2018	816557	NorthWestern Energy	Airport	226.87	2001865-1. Detail Bay 4 Avis/Budget. August 2018

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08/27/2018	816557	NorthWestern Energy	Airport	304.79	2001855-2. Detail Bay 2 National/Alamo. August 2018
08/27/2018	816557	NorthWestern Energy	Airport	188.82	2001862-8. Detail Bay 3 Enterprise. August 2018
08/27/2018	816557	NorthWestern Energy	General	78.89	0722263-1
08/27/2018	816557	NorthWestern Energy	Airport	296.98	2001848-7. Detail Bay 1 Hertz. August 2018
08/27/2018	816557	NorthWestern Energy	General	0.10	0722254-0
08/27/2018	816557	NorthWestern Energy	General	98.43	0722255-7
08/27/2018	816564	Performance Eng & Consult	SID Construction	27,896.70	SID 1403 Gleneagles Boulevard
08/27/2018	816567	Public Utilities	Wastewater	2,988.75	111176
08/27/2018	816571	RDO Equipment Co.	Solid Waste	50.37	PARTS FOR UNIT 259
08/27/2018	816571	RDO Equipment Co.	Solid Waste	121.72	PARTS FOR UNIT 259
08/27/2018	816571	RDO Equipment Co.	Solid Waste	4,955.00	PARTS AND LABOR FOR 229
08/27/2018	816571	RDO Equipment Co.	Solid Waste	42.18	PARTS AND LABOR FOR 229
08/27/2018	816571	RDO Equipment Co.	Solid Waste	240.00	PARTS AND LABOR FOR 259
08/27/2018	816571	RDO Equipment Co.	Solid Waste	1,250.00	PARTS AND LABOR FOR 259
08/27/2018	816571	RDO Equipment Co.	Solid Waste	99.56	OIL FOR UNIT 259
08/27/2018	816571	RDO Equipment Co.	Solid Waste	391.25	PARTS AND LABOR FOR 229
08/27/2018	816571	RDO Equipment Co.	Solid Waste	4,514.42	PARTS AND LABOR FOR 229
08/27/2018	816585	Tel Net Systems, Inc.	EOC 911	4,941.60	Labor to assist with copper/fiber install at 911 center
08/27/2018	816587	Terracon Consultants	Gas Tax	11,314.00	34 Mountain View Boulevard Rockfall Emergency Work
08/27/2018	816587	Terracon Consultants	Water	971.25	WO 18-20 Poet Street Water Project; 3 WO1820 Terracon
08/27/2018	816588	Tetra Tech, Inc.	Solid Waste	3,157.25	Landfill Gas and Groundwater Monitoring Services 51338783
08/27/2018	816588	Tetra Tech, Inc.	Solid Waste	670.75	Landfill Gas and Groundwater Monitoring Services 513838785
08/27/2018	816591	Tire-Rama	Solid Waste	2,610.00	Recapped tires for the garbage trucks
08/27/2018	816591	Tire-Rama	Solid Waste	4,582.50	Recapped tires for the garbage trucks
08/27/2018	816591	Tire-Rama	Solid Waste	4,731.00	Recapped tires for the garbage trucks
08/27/2018	816591	Tire-Rama	Public Safety	1,460.70	1050306258
08/27/2018	816591	Tire-Rama	Solid Waste	447.91	Tires for Landfill equipment
08/27/2018	816591	Tire-Rama	Solid Waste	806.28	Tires for unit number 0033 1050305475
08/27/2018	816591	Tire-Rama	Street/Traffic Oper	51.91	1050306003
08/27/2018	816591	Tire-Rama	Street/Traffic Oper	10.00	1050306440
08/27/2018	816593	Town & Country Supply	Public Safety	723.75	310595:FIRE 3 FUEL DELIVERED DIESEL
08/27/2018	816593	Town & Country Supply	Public Safety	784.06	310596:FIRE 1 FUEL DELIVERED DIESEL
08/27/2018	816593	Town & Country Supply	Public Safety	788.76	310596:FIRE 1 FUEL DELIVERED - UNLEADED
08/27/2018	816593	Town & Country Supply	Public Safety	899.86	310597:FIRE 6 FUEL DELIVERED DIESEL

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816593	Town & Country Supply	Fleet	22,390.70	309969 PO NUM 306661
08/27/2018	816593	Town & Country Supply	Transit	14,569.83	309979 PO NUM 306673
08/27/2018	816593	Town & Country Supply	Public Safety	1,032.32	310241:FIRE1 DIESEL DELIVERED 08/14/2018
08/27/2018	816593	Town & Country Supply	Public Safety	286.82	310594:FIRE 5 FUEL DELIVERED UNLEADED
08/27/2018	816593	Town & Country Supply	Transit	5,045.40	310631 PO NUM 306660
08/27/2018	816593	Town & Country Supply	Water	18,970.99	WATER PARTS AND SUPPLIES PO NUM 306473
08/27/2018	816593	Town & Country Supply	Public Safety	1,025.31	310594:FIRE 5 FUEL DELIVERED DIESEL
08/27/2018	816593	Town & Country Supply	Water	386.38	NONSTOCKING ITEMS-P.U.D.
08/27/2018	816593	Town & Country Supply	Water	408.71	NONSTOCKING ITEMS-P.U.D.
08/27/2018	816593	Town & Country Supply	Water	424.37	NONSTOCKING ITEMS-P.U.D.
08/27/2018	816600	Verizon Wireless	Airport	384.78	Airport
08/27/2018	816600	Verizon Wireless	Police Programs	80.02	CCSIU RAVEN
08/27/2018	816600	Verizon Wireless	General	160.62	City Attorney
08/27/2018	816600	Verizon Wireless	Library	80.91	LBRY OTRCH Library Outreach
08/27/2018	816600	Verizon Wireless	Library	160.62	Library
08/27/2018	816600	Verizon Wireless	Public Safety	3,106.19	MDT Toughbooks
08/27/2018	816600	Verizon Wireless	Transit	53.94	MET Transit Tablets
08/27/2018	816600	Verizon Wireless	Municipal Court Grants	160.62	Muni Court Drug Court
08/27/2018	816600	Verizon Wireless	Police Programs	311.62	CCSIU Cell/PTT
08/27/2018	816600	Verizon Wireless	Police Programs	53.54	CCSIU Cell/PTT
08/27/2018	816600	Verizon Wireless	Police Programs	147.91	CCSIU MDT
08/27/2018	816600	Verizon Wireless	Public Safety	(90.30)	Animal Control MDT
08/27/2018	816600	Verizon Wireless	Public Safety	10.32	Animal Control
08/27/2018	816600	Verizon Wireless	Water	26.97	PWBLKNP Water Treatment Brian Risser 406-696-4245
08/27/2018	816600	Verizon Wireless	Water	161.82	PWBLNP Comm-Meter CityWorks/Neptune
08/27/2018	816600	Verizon Wireless	Water	129.46	PW-DIS-COLL Cityworks 60/40
08/27/2018	816600	Verizon Wireless	Wastewater	86.30	PW-DIS-COLL Cityworks 60/40
08/27/2018	816600	Verizon Wireless	Wastewater	183.40	PW-Distribution Collection Tablets 60/40
08/27/2018	816600	Verizon Wireless	Water	275.09	PW-Distribution Collection Tablets 60/40
08/27/2018	816600	Verizon Wireless	Engineering	134.85	PW-Engineering
08/27/2018	816600	Verizon Wireless	Street/Traffic Oper	53.94	PW-Streets 406-647-1377 iPad, 406-633-1991 iPad
08/27/2018	816600	Verizon Wireless	Solid Waste	107.88	PW-Solid Waste
08/27/2018	816600	Verizon Wireless	Street/Traffic Oper	161.82	PW-Streets City Works
08/27/2018	816600	Verizon Wireless	Solid Waste	214.16	PW-SW-ON CALL Solid Waste On Call

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816600	Verizon Wireless	Water	1,061.74	PWBELKNAP-WT Water Treatment -Phones
08/27/2018	816600	Verizon Wireless	Solid Waste	429.30	Solid Waste Tablets -Routware
08/27/2018	816600	Verizon Wireless	Wastewater	557.10	PWBLKNP Electricians -Phones
08/27/2018	816600	Verizon Wireless	Wastewater	340.55	PWBLNP- Wastewater Treatment Plant -Phones
08/27/2018	816600	Verizon Wireless	Water	199.99	Mike Hecker -iPhone 7 Water Reclamation
08/27/2018	816600	Verizon Wireless	Water	10.79	PW Belknap-Air 60/40
08/27/2018	816600	Verizon Wireless	Water	350.75	PW Belknap Meter Shop
08/27/2018	816600	Verizon Wireless	Wastewater	16.18	PW Belknap-Air 60/40
08/27/2018	816600	Verizon Wireless	General	40.01	PRPL-Parks PMD Air Card 406-794-6977
08/27/2018	816600	Verizon Wireless	General	40.03	PRPL-Recreation 406-647-9937 Rose Park
08/27/2018	816600	Verizon Wireless	Public Safety	40.01	Police US Marshall Toughbooks
08/27/2018	816600	Verizon Wireless	Public Safety	40.01	Police MiFi 406-633-0820 406-598-6294
08/27/2018	816600	Verizon Wireless	General	53.54	Municipal Court Judge
08/27/2018	816600	Verizon Wireless	Public Safety	141.23	Police 406-670-8780
08/27/2018	816600	Verizon Wireless	Parking	26.97	Parking 406-690-5822
08/27/2018	816600	Verizon Wireless	Public Safety	80.02	iPad St John & iPad Lawrence
08/27/2018	816600	Verizon Wireless	Public Safety	40.01	Police ICAC 406-690-7347
08/27/2018	816601	Verizon Wireless	Parking	147.64	PRKING Enforcement (Parking)
08/27/2018	816601	Verizon Wireless	General	173.54	PRPL - Director Admin
08/27/2018	816601	Verizon Wireless	Public Safety	394.52	Police Resource Officers
08/27/2018	816601	Verizon Wireless	Police Programs	29.17	Police-Dom Viol 406-698-1391
08/27/2018	816601	Verizon Wireless	Police Programs	23.57	Police Forensic 406-794-6880 406-698-7323
08/27/2018	816601	Verizon Wireless	General	314.35	PRPL - Recreation Division
08/27/2018	816601	Verizon Wireless	General	83.40	PRPL-Cemetery
08/27/2018	816601	Verizon Wireless	General	787.24	PRPL-PARKS
08/27/2018	816601	Verizon Wireless	General	38.69	PRPL-PARK SHOPS
08/27/2018	816601	Verizon Wireless	P.W. Admin	36.42	Public Works Admin
08/27/2018	816601	Verizon Wireless	Solid Waste	48.53	PW-Solid Waste
08/27/2018	816601	Verizon Wireless	Engineering	169.36	PW-Engineering
08/27/2018	816601	Verizon Wireless	General	92.54	PRPL-Parks Seasonal
08/27/2018	816601	Verizon Wireless	General	198.50	PRPL Rec Seasonal
08/27/2018	816601	Verizon Wireless	General	299.99	Mark Jarvis -Samsung Galaxy S9
08/27/2018	816601	Verizon Wireless	General	299.99	Mike Pigg -Samsung S9
08/27/2018	816601	Verizon Wireless	Wastewater	106.45	PWBLNP-ENVIRONMENTAL 406-698-1590 406-850-1016

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816601	Verizon Wireless	Transit	13.20	Transit MET
08/27/2018	816601	Verizon Wireless	Telephone System	28.15	TeleComm Manager
08/27/2018	816601	Verizon Wireless	Transit	39.60	Trans-On Call MET
08/27/2018	816601	Verizon Wireless	Wastewater	505.75	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
08/27/2018	816601	Verizon Wireless	Water	58.38	PWBLKNP STORES
08/27/2018	816601	Verizon Wireless	Wastewater	19.46	PWBLKNP STORES
08/27/2018	816601	Verizon Wireless	Wastewater	46.72	PWBLKNP OFFICE
08/27/2018	816601	Verizon Wireless	Water	70.04	PWBLKNP OFFICE
08/27/2018	816601	Verizon Wireless	Water	155.70	PWBELKNAP-WT Water Treatment
08/27/2018	816601	Verizon Wireless	Water	439.35	PWBLKNP MTRSHOP
08/27/2018	816601	Verizon Wireless	Wastewater	290.53	PWBELKNAP-DIST COLL
08/27/2018	816601	Verizon Wireless	Water	435.80	PWBELKNAP-DIST COLL
08/27/2018	816601	Verizon Wireless	Solid Waste	66.30	PW-SW-ON CALL Solid Waste On Call
08/27/2018	816601	Verizon Wireless	Street/Traffic Oper	120.05	PW-STRT TRFC Streets
08/27/2018	816601	Verizon Wireless	General	58.85	Assistant City Administrator
08/27/2018	816601	Verizon Wireless	Police Programs	138.75	CCSIU
08/27/2018	816601	Verizon Wireless	Facilities Mngmt	71.08	Facilites BOC Plus 70% of 406-672-3027
08/27/2018	816601	Verizon Wireless	Public Safety	53.06	Comm Center 911
08/27/2018	816601	Verizon Wireless	Public Safety	2,928.40	Police
08/27/2018	816601	Verizon Wireless	General	23.22	Municipal Court Judge
08/27/2018	816601	Verizon Wireless	Fleet	79.67	Motor Pool
08/27/2018	816601	Verizon Wireless	Library	159.21	Library
08/27/2018	816601	Verizon Wireless	Public Safety	22.96	Fire Department
08/27/2018	816601	Verizon Wireless	Library	13.34	LBRY OTRCH Library Outreach
08/27/2018	816601	Verizon Wireless	Facilities Mngmt	59.57	Facilities City Hall Plus 30% of 406-672-3027
08/27/2018	816601	Verizon Wireless	Airport	114.51	Airport
08/27/2018	816603	Western Municipal Const	Wastewater	232,460.41	2018 Water & Sewer Replacement
08/27/2018	816604	Wilbur Ellis Co	Park District 1	2,840.00	Fertilizer for parks - 12081947
08/27/2018	816604	Wilbur Ellis Co	General	1,290.00	Fertilizer for parks-12131363
08/27/2018	816604	Wilbur Ellis Co	General	2,580.00	Fertilizer for parks - 12114366
08/27/2018	816604	Wilbur Ellis Co	Park District 1	2,840.00	Fertilizer for parks - 12077294
08/27/2018	816604	Wilbur Ellis Co	General	1,290.00	Fertilizer for parks - 12121560
08/27/2018	816604	Wilbur Ellis Co	General	1,290.00	Fertilizer for parks - 12114364
08/27/2018	816604	Wilbur Ellis Co	Park District 1	2,840.00	Fertilizer for parks - 12101086

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/27/2018	816604	Wilbur Ellis Co	Park District 1	2,840.00	Fertilizer for parks - 12087489
08/27/2018	816604	Wilbur Ellis Co	General	1,290.00	Fertilizer for parks-12131361
08/27/2018	816610	Yellowstone Co GIS	Information Resources	8,750.00	Yellowstone County GIS/MOU Agreement

Regular **2. A.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Public Hearing SID 1405 Spread of Assessments

PRESENTED BY: Andy Zoeller, Finance Director

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

The assessment for SID 1405 (EBURD street lights) has been completed by the Finance Division and is ready to spread on the tax rolls. This project and bond sale have previously been approved by Council. This project will install street lights from North10th Street to North 22nd Street and Montana Avenue to 6th Avenue North.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Approve the resolution; or
- Not approve the resolution. If Council does not approve the resolution, the property owners will not be assessed and the General Fund will be responsible for paying for the improvements.

FINANCIAL IMPACT

The amount of the bond sale was $1,090,000. The costs associated with SID 1405 are assessed per lot, per the attached resolution. The net effective interest rate is 3.80%. Under the State Statute 7-12-4189, the City is required to add ½ of 1% for a total rate of 4.30%. The .5% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution spreading assessments for SID 1405.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution SID 1405

Attachment A

RESOLUTION 18 _____

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1405, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1405 and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings, Montana as follows:

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1405 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name /Legal Description	Assessment Amount	Interest Rate	Years Assessed
A00076 GSA BILLINGS LC BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 15, Lot 7 - 24, & FRAC	$5,761.43	4.300	15
A00077 RICHARD D ZIER LIVING TRUST & (ETAL BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 16, Lot 1 - 9, & 20-24	$4,391.34	4.300	15
A00077A NEAL, CLAREN J BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 16, Lot 13A, & 14-16	$4,145.42	4.300	15
A00080	$3,513.07	4.300	15

ALLEN, GERALD L
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 18, Lot 14 - 17

A00081 $1,756.53 4.300 15
ALLEN, GERALD L
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 18, Lot 18 - 19

A00088 $3,513.07 4.300 15
CONNOLLY, BARBARA M
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 20, Lot 1 - 4

A00089 $1,756.53 4.300 15
STOCKTON, MYKEL
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 20, Lot 5 - 6

A00090 $4,391.34 4.300 15
MCDONNELL FAMILY IRREVOCABLE TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 20, Lot 7 - 11

A00094 $9,660.95 4.300 15
CALMONT LIMITED LIABILITY CO
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 21, Lot 1 - 11, & 14-2

A00096 $5,269.60 4.300 15
W B Y -LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 22, Lot 1 - 6, 21,000

A00097 $1,756.53 4.300 15
KLINE, TOBY R
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 22, Lot 7 - 8

A00098 $3,513.07 4.300 15
KLINE, TOBY R
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 22, Lot 9 - 12

A00104 $9,660.95 4.300 15
TYRSRUS, INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 23, Lot 14 - 24, LT 19

A00114 $11,382.35 4.300 15
BARRY OLEARY INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 25, Lot 1 - 10, & 11A

A00118 $5,656.04 4.300 15
WG PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, LTS 1-6 & 8-12 BLK 10 WITH V

A00119 $5,269.60 4.300 15
JOHNSTON FAMILY PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 10, Lot 18, FRAC LT &

A00120 $5,093.95 4.300 15

S & C LLP
INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 10, Lot 19 - 24, FRAC

A00121 $3,969.77 4.300 15
TRAIL CREEK PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 28, Lot 1 - 3

A00122 $1,756.53 4.300 15
TRAIL CREEK PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 28, Lot 4 - 5

A00123 $6,147.87 4.300 15
TRAIL CREEK PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 28, Lot 6 - 12

A00123A $4,391.34 4.300 15
TRAIL CREEK PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 28, Lot 13 - 17

A00124 $5,726.30 4.300 15
TRAIL CREEK PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 28, Lot 18 - 24

A00126 $7,728.75 4.300 15
FRANK FAMILY LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 29, Lot 1 - 12

A00127 $7,026.14 4.300 15
LMJ LAND & LIVESTOCK LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 29, Lot 13 - 20, FRAC

A00130 $4,215.68 4.300 15
FRANK FAMILY LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 29, Lot 21 - 24, (15)

A00132 $3,513.07 4.300 15
MAZABUKA LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 5 - 8

A00133 $1,756.53 4.300 15
MAZABUKA LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 9 - 10

A00134 $1,756.53 4.300 15
MAZABUKA LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 11 - 12, I-007

A00135 $1,756.53 4.300 15
MAZABUKA, LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 13 - 14

A00136 $1,756.53 4.300 15
MAZABUKA, LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 15 - 16

A00137 $1,756.53 4.300 15
MAZABUKA, LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 17 - 18

A00138 $1,756.53 4.300 15
CARROLL BROS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 19 - 20

A00139 $4,215.68 4.300 15
CARROLL BROS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 30, Lot 21 - 24

A00140 $5,093.95 4.300 15
SHIPTON SUPPLY CO INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 31, Lot 1 - 6

A00143 $5,269.60 4.300 15
DLB/JMS LLC
BILLINGS ORIGINAL TOWNSITE 613, S33, T01 N, R26 E,
BL

A00145 $3,513.07 4.300 15
MCDONNELL FAMILY IRREVOCABLE TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 31, Lot 13 - 16, W70'

A00146 $1,756.53 4.300 15
MCDONNELL FAMILY IRREVOCABLE TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 31, Lot 17 - 18, W70'

A00148 $5,093.95 4.300 15
MCDONNELL FAMILY IRREVOCABLE TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 31, Lot 19 - 24

A00149 $5,972.22 4.300 15
MCDONNELL FAMILY IRREVOCABLE TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 32, Lot 1 - 8

A00150 $3,513.07 4.300 15
MCDONNELL FAMILY IRREVOCABLE TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 32, Lot 9 - 12

A00151 $7,728.75 4.300 15
FLAT TIRE INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 32, Lot 13 - 24

A00154 $3,337.42 4.300 15
BIG ELMO INVESTMENTS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 1 - 2, (17)

A00160 $8,782.67 4.300 15
BIG ELMO INVESTMENTS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 3 - 12, (16)

A00161 $1,756.53 4.300 15

COLLUM, DICK
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 13 - 14

A00162 $1,756.53 4.300 15
RIDENOUR, RICK D
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 15 - 16

A00163 $1,756.53 4.300 15
ERICKSON, PATRICIA M
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 17 - 18

A00164 $1,756.53 4.300 15
WEIS, DANIEL J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 19 - 20

A00165 $1,756.53 4.300 15
WEIS, DANIEL J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 21 - 22, W2 LT

A00166 $2,494.28 4.300 15
RAGHORN INVESTMENT PROPERTIES LTD
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 23A, LT 23A

A00166A $1,686.27 4.300 15
RAGHORN INVESTMENT PROPERTIES LTD
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 33, Lot 24A

A00167 $3,337.42 4.300 15
FOX, RICHARD A & JUDY K
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 1 - 2

A00168 $1,756.53 4.300 15
KYDLAND, ANTON
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 3 - 4

A00169 $1,756.53 4.300 15
KYDLAND, ANTON
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 5 - 6

A00170 $1,756.53 4.300 15
WOLVERINE LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 7 - 8

A00171 $1,756.53 4.300 15
WOLVERINE LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 9 - 10

A00172 $1,756.53 4.300 15
WOLVERINE LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 11 - 12

A00173 $5,269.60 4.300 15
WOLVERINE LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 13 - 18, (11)

A00176 $5,093.95 4.300 15
Z & K DEVELOPMENT COMPANY LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 34, Lot 19 - 24, (16)

A00179 $7,728.75 4.300 15
Z & K DEVELOPMENT COMPANY LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 35, Lot 1 - 12

A00180 $7,728.75 4.300 15
Z & K DEVELOPMENT COMPANY LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 35, Lot 13 - 24, (16)

A00185 $3,794.11 4.300 15
SIGSWORTH, EVA
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 36, Lot 1 - 3

A00186 $1,334.97 4.300 15
BUMMER, JACOB
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 36, Lot 4, & S2 LT 5

A00187 $456.70 4.300 15
BUMMER, JACOB
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 36, Lot 5, N2 LT 5
(99

A00188 $2,634.80 4.300 15
KUEFFNER, JEFFREY R & COLLEEN
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 36, Lot 6 - 8, 10500
S

A00189 $3,513.07 4.300 15
NEELEY, JOHN
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 36, Lot 9 - 12

A00190 $7,728.75 4.300 15
BRAUN-AYERS PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 36, Lot 13 - 24

A00191 $3,337.42 4.300 15
FISHER, DONALD E
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 37, Lot 1 - 2

A00192 $2,634.80 4.300 15
MJ ROGERS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 37, Lot 3 - 5

A00194 $4,391.34 4.300 15
FOOS, SHEILA Y
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 37, Lot 6 - 10

A00196A $1,756.53 4.300 15
DANGERFIELD, REGGIE L & VALERIE D
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 37, Lot 11 - 12, (09)

A00196B $5,129.08 4.300 15
BILLINGS FOOD BANK INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 38, Lot 1A - 12A, LTS

A00196C $140.52 4.300 15
JEM LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 37, Lot 17A, AMND LTS

A00196D $5,620.91 4.300 15
JEM LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 37, Lot 18A, AMND LTS

A00202 $4,953.43 4.300 15
CHS INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 38, Lot 23A1, AMD
(09

A00436 $4,918.30 4.300 15
SCHAFF, ALLEN K TRUSTEE
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 64, Lot 1 - 8

A00437 $4,918.30 4.300 15
SCHAFF FAMILY TRUST
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 64, Lot 9 - 12

A00438 $4,918.30 4.300 15
CHS INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 64, Lot 13 - 18,
21000

A00441 $4,918.30 4.300 15
PDR LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 64, Lot 21 - 24

A00442 $3,337.42 4.300 15
DDG PARTNERSHIP A MT LLP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 1 - 2

A00443 $1,756.53 4.300 15
DDG PARTNERSHIP A MT LLP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 3 - 4

A00444 $878.27 4.300 15
DDG PARTNERSHIP A MT LLP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 5

A00445 $878.27 4.300 15
CLARK, ERNEST E
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 6

A00446 $1,756.53 4.300 15
LFS PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 7 - 8

A00447 $1,756.53 4.300 15

PELATT, LORELYN M
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 9 - 10

A00448 $3,337.42 4.300 15
JEM LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 11 - 12

A00449 $4,918.30 4.300 15
JEM LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 13 - 16

A00450 $4,918.30 4.300 15
JEM LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 65, Lot 17 - 24

A00451 $3,337.42 4.300 15
IAMS, DOUGLAS M
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 1 - 2

A00452 $1,756.53 4.300 15
SHEPOVALOF, DARRELL D
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 3 - 4

A00453 $1,756.53 4.300 15
4-D PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 5 - 6

A00453A $878.27 4.300 15
MAINMAST ROADS MANAGEMENT LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 7

A00454 $1,756.53 4.300 15
STUDER, RALPH P
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 8 - 9

A00455 $1,651.14 4.300 15
STUDER, RALPH P
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 10, & S22 FT
(

A00456 $2,950.98 4.300 15
STUDER, RALPH P
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 12, & N3 FT
LT

A00458 $878.27 4.300 15
CURRIE, TRENT
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 15

A00459 $1,756.53 4.300 15
CURRIE, TRENT
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 16 - 17

A00460 $1,756.53 4.300 15
CURRIE, TRENT

BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 18 - 19

A00461 $878.27 4.300 15
DANGERFIELD, MARGARETA, M
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 20

A00462 $1,756.53 4.300 15
HINES, WILLIAM BRADFORD & MARIAN GL
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 21 - 22

A00463 $2,353.76 4.300 15
LINKED SOLUTIONS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 23 - 24, W83'

A00464 $2,002.45 4.300 15
IAMS, DOUGLAS
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 66, Lot 23 - 24, E57'

A00465 $2,459.15 4.300 15
LARSEN, LARRY S
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 1 - 2, W70' LT

A00466 $2,107.84 4.300 15
SALVESON, BETTY
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 1 - 2, E70' LT

A00467 $1,756.53 4.300 15
SALVESON, BETTY
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 3 - 4

A00468 $1,756.53 4.300 15
SALVESON, BETTY JEAN
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 5 - 6

A00469 $1,756.53 4.300 15
HIGH COUNTRY PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 7 - 8

A00470 $1,756.53 4.300 15
SANDERSON, GARY L
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 9 - 10

A00471 $2,599.67 4.300 15
ROHDE, JOSEPH L & PAMELA S
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 11 - 12, E98'

A00472 $1,475.49 4.300 15
MORLEDGE, KARL E
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 11 - 12, W42'

A00473 $3,337.42 4.300 15
MORLEDGE, KARL E
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 13 - 14

A00475 $6,850.49 4.300 15
NORTHWEST INDUSTRIAL SUPPLY INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 67, Lot 15 - 24, (09)

A00476 $5,093.95 4.300 15
J & S PROPERTIES
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 1 - 6

A00479 $1,756.53 4.300 15
HOWE, MITCHELL J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 7 - 8

A00480 $1,756.53 4.300 15
HOWE, MITCHELL J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 9 - 10

A00481 $2,107.84 4.300 15
MAINMAST ROADS MANAGEMENT LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 11 - 12, E2 LT

A00482 $2,459.15 4.300 15
MAINMAST ROADS MANAGEMENT LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 11 - 12, W2 LT

A00483 $3,794.11 4.300 15
DUBELL, CHARLES
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 13 - 15

A00484 $1,756.53 4.300 15
ARE WE THERE YET ENTERPRISES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 16 - 17

A00485 $2,634.80 4.300 15
ELITE PROPERTIES OF MT LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 18 - 20

A00486 $4,215.68 4.300 15
DOLL, DAVID & SANDY
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 68, Lot 21 - 24

A00487 $3,337.42 4.300 15
KETCHUM, TANNER R &
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 69, Lot 1 - 2

A00487A $1,756.53 4.300 15
HARKINS, JERRY L & LEOLA R
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 69, Lot 3 - 4

A00488 $1,756.53 4.300 15
HANSON, DALE E & JUDITH G
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 69, Lot 5 - 6

A00489 $5,093.95 4.300 15
BILLINGS FOOD BANK INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 69, Lot 7 - 12

A00490 $15,457.51 4.300 15
J & S PROPERTIES INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 69, Lot 13 - 24

A00491 $15,457.51 4.300 15
BILLINGS MARBLE & GRANITE INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 70, Lot 1 - 12

A00492 $4,672.38 4.300 15
SWENSON, STAN J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 70, Lot 13 - 17

A00493 $5,550.65 4.300 15
SWENSON, STAN J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 70, Lot 18 - 24

A00495 $15,457.51 4.300 15
CARROLL BRO'S LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 71, Lot 1 - 12

A00499 $4,215.68 4.300 15
JMPT LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 71, Lot 13 - 16

A00500 $1,756.53 4.300 15
URIBE, CARLOS R &
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 71, Lot 17 - 18

A00502 $5,093.95 4.300 15
MONTANA SILVER CLOUD LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 71, Lot 19 - 24, (09)

A00503 $4,215.68 4.300 15
BOHNEN PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 1 - 4

A00504 $1,475.49 4.300 15
BOHNEN PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 5, & S16.6' LT

A00505 $3,794.11 4.300 15
BICKLER, BILL J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 7 - 10A1, & N8

A00507A $3,337.42 4.300 15
BAD ENTERPRISES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 12A1, AMND (2

A00508 $5,550.65 4.300 15
CARROLL BRO'S LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 13 - 19

A00509 $4,672.38 4.300 15
JELS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 20 - 24

A00510 $15,457.51 4.300 15
FRANK FAMILY LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 73, Lot 1 - 12

A00511 $15,457.51 4.300 15
FRANK FAMILY LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 73, Lot 13 - 24

A00512 $15,457.51 4.300 15
LARSON PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 74, Lot 1 - 12, & 1-9

A00513 $5,550.65 4.300 15
LARSON PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 74, Lot 13 - 19

A00514 $4,672.38 4.300 15
MAZABUKA, LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 74, Lot 20 - 24

A00517 $4,391.34 4.300 15
BIG SKY BOOKS INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 77, Lot 1 - 5, E75' LT

A00518 $5,550.65 4.300 15
LINDSEY, LEE
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 77, Lot 6 - 12

A00519 $5,093.95 4.300 15
FRANK FAMILY LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 77, Lot 13 - 22

A00521 $1,756.53 4.300 15
KCWD LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 78, Lot 1 - 8

A00523 $4,215.68 4.300 15
306 LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 78, Lot 9 - 12

A00524 $4,215.68 4.300 15
RIMROCK FOUNDATION
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 78, Lot 13 - 16

A00525 $1,756.53 4.300 15
RIMROCK FOUNDATION

BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 78, Lot 17 - 24

A00527 $878.27 4.300 15
GERALD AND DELLA STRUCKMAN LIVING T
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 79, Lot 1 - 7, (15)

A00527A $4,672.38 4.300 15
SOLO HOLDINGS LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 79, Lot 8 - 12, (15)

A00530A $1,791.67 4.300 15
SOLO HOLDINGS LLC
PREMIER PLAZA (10), S33, T01 N, R26 E, UNIT A, 35% COMMON AREA INTEREST, LO

A00530B $772.88 4.300 15
SOLO HOLDINGS LLC
PREMIER PLAZA (10), S33, T01 N, R26 E, UNIT B, 15% COMMON AREA INTEREST, LO

A00530C $632.35 4.300 15
SOLO HOLDINGS LLC
PREMIER PLAZA (10), S33, T01 N, R26 E, UNIT C, 12.5% COMMON AREA INTEREST,

A00530D $526.96 4.300 15
SOLO HOLDINGS LLC
PREMIER PLAZA (10), S33, T01 N, R26 E, UNIT D, 10% COMMON AREA INTEREST, LO

A00530E $1,405.23 4.300 15
SOLO HOLDINGS LLC
PREMIER PLAZA (10), S33, T01 N, R26 E, UNIT E, 27.5% COMMON AREA INTEREST,

A00531 $878.27 4.300 15
ERVING, JEREMY & DEANNE
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 80, Lot 1 - 7

A00532 $4,672.38 4.300 15
MCKENNEY, BRET K
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 80, Lot 8 - 12

A00533 $3,794.11 4.300 15
ERVING PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 80, Lot 13 - 15

A00534 $2,634.80 4.300 15
ERVING PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 80, Lot 16 - 19

A00537 $5,093.95 4.300 15
J & S PROPERTIES INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 81, Lot 13 - 24, (09)

A00537A $5,093.95 4.300 15
J & S PROPERTIES INC

BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 81, Lot 1 - 12, (09)

A00538 $5,093.95 4.300 15
PEKOVICH, GREG & BECKY
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 82, Lot 1 - 12

A00539 $5,093.95 4.300 15
KCWD LIMITED PARTNERSHIP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 82, Lot 13 - 18

A00540 $3,513.07 4.300 15
BARNETT PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 83, Lot 4 - 10,
28,000

A00545 $3,337.42 4.300 15
RAGS PROPERTY LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 83, Lot 11 - 12

A00546 $2,986.11 4.300 15
SLOW RIVER LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 83, Lot 13, (18)

A00547 $1,580.88 4.300 15
SLOW RIVER LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 83, Lot 15, (18)

A00548 $1,756.53 4.300 15
ROBERT WILLIAM CARPENTER REVOCABLE
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 83, Lot 16 - 17

A00549 $878.27 4.300 15
DALY, TROY
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 83, Lot 18

A00553 $3,513.07 4.300 15
SCHAFFER, MATTHEW W
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 84, Lot 5 - 10

A00556 $2,107.84 4.300 15
WAYVON LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 84, Lot 11 - 12, E2
LT

A00557 $2,459.15 4.300 15
TRAPP, PAULINE
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 84, Lot 11 - 12, W2
LT

A00558 $3,337.42 4.300 15
DRAGER INDUSTRIES LIMITED LIABILITY
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 84, Lot 13 - 14

A00559 $1,756.53 4.300 15
LARSEN, LARRY STOREY

BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 84, Lot 15 - 16

A00561 $1,756.53 4.300 15
ROLLER, VICKIE L & PAUL A
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 84, Lot 17 - 18

A00566 $5,093.95 4.300 15
ARTCRAFT REAL ESTATE LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 85, Lot 1 - 12

A00568 $4,918.30 4.300 15
JAMI DEVELOPMENT LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 86, Lot 5 - 12

A00569 $2,142.97 4.300 15
MERSHON, SUSAN
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 86, Lot 13 - 14, E60'8

A00570 $2,775.32 4.300 15
MERSHON, SUSAN
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 86, Lot 13 - 14, W79'4

A00842 $5,796.56 4.300 15
MERSHON, SUSAN
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 86, Lot 13 - 14, W79'4

A00843 $2,634.80 4.300 15
TAYLOR, WILEY E & CINDY R
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 115, Lot 10 - 12

A00847 $1,756.53 4.300 15
WESTERN PAWN BROKERS INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 116, Lot 7 - 8, S110'

A00849 $4,918.30 4.300 15
J BIRD LUV LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 116, Lot 9, LT 9 (EXCE

A00850 $14,719.77 4.300 15
PELATT TRUST LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 117, Lot 1 - 12

A00855 $7,553.10 4.300 15
PELICAN, FRANK T & CONSTANCE D
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 118, Lot 1 - 12, (LESS

A00857 $4,496.73 4.300 15
GRIFFIN FAMILY LLP
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 119, Lot 1 - 5

A00859 $6,147.87 4.300 15
PELICAN, FRANK T
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 119, Lot 6 - 12

A00871 $15,106.21 4.300 15
J & S PROPERTIES, INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 120, Lot 1 - 12

A00874 $15,106.21 4.300 15
J & S PROPERTIES INC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 121, Lot 1 - 12

A00876 $14,614.38 4.300 15
KAIROS PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 122, & BLK 123 & ALL A

A01902 $9,660.95 4.300 15
POPELKA ENTERPRISES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 255, Lot 2 - 23, & ABN

A01909 $8,958.33 4.300 15
FIRST INTERSTATE BANK
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 260, Lot 2 - 23, & LTS

A01915 $4,391.34 4.300 15
NEAL, CLAREN J
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 262, Lot 2 - 6, & ADJ

A01916 $4,566.99 4.300 15
MUSGRAVE PROPERTIES LLC
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 262, Lot 7 - 10, 13000

A02139 $9,660.95 4.300 15
SSI BIG SKY LLC
BILLINGS FIRST ADD, S33, T01 N, R26 E, BLOCK 352, Lot 2 - 23, & LT 2-23 BLK

A09329 $4,672.38 4.300 15
STONE, RANDOLPH D
INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 3, Lot 9 - 13

A09330 $5,093.95 4.300 15
STONE, RANDOLPH D
INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 3, Lot 14 - 19

A09331 $2,634.80 4.300 15
YOU AND ME PROPERTIES LLC
INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 3, Lot 20 - 22

A09331A $3,513.07 4.300 15
YURKO PROPERTIES LLC

INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 3, Lot 23 - 26

A09332 $2,634.80 4.300 15
B WHO U R LLC
INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 4, Lot 21 - 23

A09333 $3,794.11 4.300 15
EGGE, PETER A
INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 4, Lot 24 - 26

A09344 $3,688.72 4.300 15
LARSON PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 1 - 4, & E5' LT

A09345 $1,580.88 4.300 15
HALTER, LARRY R
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 6, & W20' LT 5

A09346 $1,756.53 4.300 15
D & R INVESTMENTS, INC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 7 - 8

A09347 $2,880.72 4.300 15
LARSON PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 9 - 11, & E7' L

A09348 $3,161.76 4.300 15
LARSON PROPERTIES, LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 13, & W18' LT 1

A09349 $8,115.19 4.300 15
LARSON PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 14 - 26

A27688 $1,510.62 4.300 15
SEIFFERT, ERROL R & LOIS R
BOXWOOD CONDOS, S33, T01 N, R26 E, UNIT 1, 45% COMMON AREA INTEREST, LOC @

A27689 $1,826.80 4.300 15
RAE LEE LLC
BOXWOOD CONDOS, S33, T01 N, R26 E, UNIT B, 55% COMMON AREA INTEREST, LOC @

A27701 $2,459.15 4.300 15
DDG PARTNERSHIP LLC
AIR-VEM CONDOS, S33, T01 N, R26 E, UNIT 2016, 50% COMMON AREA INTEREST, LOC

A27702 $2,459.15 4.300 15
DDG PARTNERSHIP LLP
AIR-VEM CONDOS, S33, T01 N, R26 E, UNIT 2024, 50% COMMON AREA INTEREST, LOC

D05863 $6,218.13 4.300 15
SSI BIG SKY LLC
S33, T01 N, R26 E, C.O.S. 1680, PARCEL 002, TR 2 & 3 COS 1680 (LESS ST) & T

D05865 $3,829.25 4.300 15
O'LEARY, BARRY INC
S33, T01 N, R26 E, 551, PARCEL 001, TR 1 COS 551 AMEND

D05883 $1,089.05 4.300 15
JEM LLC
S33, T01 N, R26 E, C.O.S. 1513, PARCEL 1, TR 1 COS 1513 ADJ TO BLK 37-38

D05896 $9,660.95 4.300 15
CON-WAY TRANSPORTATION SERVICES INC
S34, T01 N, R26 E, 10, PARCEL 00H, TR:H **C/S 10 2ND AMND

D05900 $8,009.80 4.300 15
B WHO U R, LLC
S34, T01 N, R26 E, C.O.S. 384, COS 384 & FRAC 90 X 110' , LTS 13-19 BLK 4 I

D05903 $4,918.30 4.300 15
ROOKHUIZEN, EDWARD J & DIANNA J TRT
S34, T01 N, R26 E, 1758, PARCEL 001, TR:1 C/S 1758 IN SWNW4

D12271 $10,539.22 4.300 15
MONTANA RAIL LINK
S03, T01 S, R26 E, MRL LEASE #500,500 121,285 SQ FT LESS 19,760 SQ FT UNDER

E00003B $14,052.28 4.300 15
MONTANA DAKOTA UTILITIES - ELECTRIC

E00004A $4,215.68 4.300 15
NORTHWESTERN ENERGY-T & D

E00088 $51,923.17 4.300 15
WG PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, LTS 1-6 & 8-12 BLK 10 WITH V

E00097 $106,270.39 4.300 15
WG PROPERTIES LLC
INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, LTS 1-6 & 8-12 BLK 10 WITH V

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments

become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 24, 2018 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit.

SECTION 4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED this 24th day of September, 2018.

CITY OF BILLINGS:

BY:_____
William A. Cole, Mayor

ATTEST:

BY:_____
Denise R. Bohlman, City Clerk

Regular **2. B.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Public Hearing & Resolution for Weed Assessments

PRESENTED BY: Andy Zoeller

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

The annual weed assessments have been completed by the Finance Department and are ready to be spread on the tax rolls by the attached resolution.

Pursuant to the Billings Montana City Code (BMCC), Section 25-304, property owners are notified in writing and given ten (10) days from the date of the notice of noncompliance to exterminate weeds or tall grass from their property. If owners fail to cut the vegetation, the City may cut it and assess the costs to the real property, together with an additional administrative fee of 25% of the cost of removal, plus a $25 penalty. If the charges are not paid within a given time, the costs and penalties constitute a lien on the property and special assessments may be levied. The General Fund initially pays the costs, so the collected assessments reimburse those expenses.

The properties on the attached list had weeds removed from them during the growing season, the owners didn't pay the charges and the properties may be assessed to recover the costs, penalty and fee.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Approve the resolution; or
- Not approve the resolution, in which case the property owners will not be assessed, and the General Fund will be responsible for paying for the weed removal.

FINANCIAL IMPACT

The assessments total $8,861.58 and the payments will reimburse the General Fund.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and pass the attached assessment resolution.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Weeds

RESOLUTION NO. 18_____

A RESOLUTION LEVYING A SPECIAL TAX UPON PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE COST OF CUTTING AND/OR EXTERMINATING WEEDS.

WHEREAS, Billings, Montana City Code, Section 25-307, provides that the City Clerk shall prepare and present a resolution containing a list of all parcels of land in the City, from which and adjacent to which, the weeds were cut, exterminated and/or removed, and such list shall contain opposite the number of such lots or description of such parcels of land, the name of the owner, if known, and the amount of cost for cutting and removing such weeds.

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

1. LEVYING OF SPECIAL ASSESSMENT. That for the purpose of collecting funds to defray the cost of cutting and removing of weeds, there is hereby levied an assessment upon the owners and the lots or parcels described on the list attached hereto.

2. ASSESSMENT AND COLLECTION. Said assessment shall be placed upon the assessment rolls and collected in the same manner as other assessments.

3. DISPOSITION OF COLLECTIONS. All monies collected from the assessment shall be paid to the General Fund of the City of Billings.

4. NOTICE OF HEARING. On **Monday, September 24th, 2018,** at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the

final adoption of this resolution. The City Clerk published notice hereof twice, on September 14th and 21st, 2018 in the Yellowstone County News.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 24th day of September, 2018.

CITY OF BILLINGS:

BY:_____
William A. Cole, MAYOR

ATTEST:

BY:_____
Denise R. Bohlman, CITY CLERK

Exhibit A

NAME	MOWING ADDRESSS	TAX CODE	AMOUNT
ADY, SUZANNE	4 CAMPBELL DR	A17003	177.50
AYERS, ERIC A & ANDREA	923 NUTTER BLVD.	A19736	177.50
BARNES, MAKALA	2511 RANCHO RD.	A13075	290.00
BURNS, JESSE R & HOLLY C	4434 FRANCES	A07422	177.50
DANGERFIELD, ROBIN & TRACY	1022 24TH St W	A10211	177.50
FD GROUP 9 LLC	4188 STATE AVE.	A20297	402.50
FLETCHER, BRETT M	2503 LAKE HEIGHTS DRIVE	C08266	515.00
GRILL, NATHAN J & SHANNDA	26 LEWIS AVENUE	A17701	177.50
GUARDIAN TAX MT LLC	1 1ST AVENUE SOUTH	A08852	177.50
H & P INVESTMENTS LLC	5131 CLEMSON AVE.	A35458	233.75
HERRERA, RAMON & CHANTAE	3697 SPARTAN CIR.	C10065	346.25
HLL LLC	5152 CHAPEL HILL DRIVE	A35761	177.50
HOLY, CAROL	1732 PARKHILL DRIVE	A09810	177.50
HUISENGA, HERMAN R	2206 FAIRVIEW PLACE	A05661	205.63
KODIAK PROPERTIES HOLDINGS LLC	ORCHARD LANE	D01611	290.00
KRELL, TYLER	2140 MONAD RD.	C01603	177.50
L&L CONSTRUCTION INC	3364 PIPESTONE DR.	A25055	177.50
L&L CONSTRUCTION INC	3352 PIPESTONE DR.	A25056	177.50
LAFONT, ALVINA	4031 2ND AVENUE S.	A08948	227.50
LAFONT, ALVINA	4037 2ND AVENUE S.	A08949	177.50
LAFORGE, QUINTAN	46 WASHINGTON ST	A14662	

			290.00
LAIS DEVELOPMENT INC	622 N. 16TH ST.	A02024	177.50
LAIS DEVELOPMENT INC	620 N. 16TH ST.	A02023	177.50
LAIS DEVELOPMENT INC	624 N. 16TH ST.	A02025	177.50
LANA L FAVERO TRUST	3520 COOK AVENUE	C01802	425.00
MEREDITH W H	1709 ST JOHNS AV	A17539	177.50
MONAD ONE LLP	824 24TH ST W.	A10221	177.50
MONAD ONE LLP	1012 24TH ST W.	A10213	177.50
ORTIZ, RAMON & SYDIA	2121 GEORGE ST	C01615	290.00
PROPRIEDAD LLC	2307 11TH AVENUE N.	A16258	290.00
REGAL LAND DEVELOPMENT INC	6150 CANYONWOODS DR.	A33658	402.50
RIMROCK54 LLC	5206 CHAPEL HILL DR.	A35760	177.50
STANG, LESLIE	1236 N. 24TH ST.	A16526	177.50
STEVENSON, FRED W JR	1114 20 ST W	A02685	177.50
THELEN, JOSHUA	821 25TH STREET WEST	A10230	515.00
TRNKA, VACLAV	304 VAN BRAMER DR	A12618	177.50
WONG, ROBERT HOY KAOHU	3471 CANYON DRIVE	C09659	233.45
	Total		**8,861.58**

Regular **3.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Public Hearing for the FY2017-2018 Draft Comprehensive Annual Performance Evaluation Report (CAPER)

PRESENTED BY: Brenda Beckett

Department: Planning & Community Services

Presentation: Yes

PROBLEM/ISSUE STATEMENT

As a recipient of the Community Development Block Grant (CDBG) and HOME Investment Partnerships program (HOME) funding, the United States Department of Housing and Urban Development (HUD) requires City staff to submit a performance report annually within 90 days following June 30, the end of each program year. This report is called the Comprehensive Annual Performance Evaluation Report (CAPER). As part of the community review process under HUD requirements, City staff must make the report available for public comment for a minimum 15-day period. Staff has set this from September 8 through September 24, 2018. Staff must also coordinate a public hearing to receive comments, which has been scheduled during the regular City Council meeting on September 24, 2018. The Council must conduct a public hearing to collect any comments from the community, but no further Council action is required on the CAPER at this time. A notice of the availability of the draft report has been published and provided to community partners. The drafted CAPER has been provided as an attachment to this report. Updated versions also may be viewed online at www.CityofBillings.net/caper.

ALTERNATIVES ANALYZED

City Council's only option under HUD requirements is to hold the public hearing on the CAPER in order to continue receiving CDBG and HOME funds, and to continue to comply with Federal law.

FINANCIAL IMPACT

The Annual Performance Report summarizes the City's progress in achieving the goals of its five-year Consolidated Plan and Annual Action Plan for 2017-2018 (Federal Fiscal Year 2017 and City Fiscal Year 2018). The City received $597,181 in new federal CDBG funding and $273,573 in new HOME funding during this period to carry out home buyer/repair and poverty-impact initiatives.

RECOMMENDATION

Staff recommends the City Council hold a public hearing on September 24, 2018 to receive input on the City's Draft CAPER. No further action is required at this time.

APPROVED BY CITY ADMINISTRATOR

Attachments

CITY OF BILLINGS

Comprehensive Annual Performance Evaluation Report

FY2017-2018

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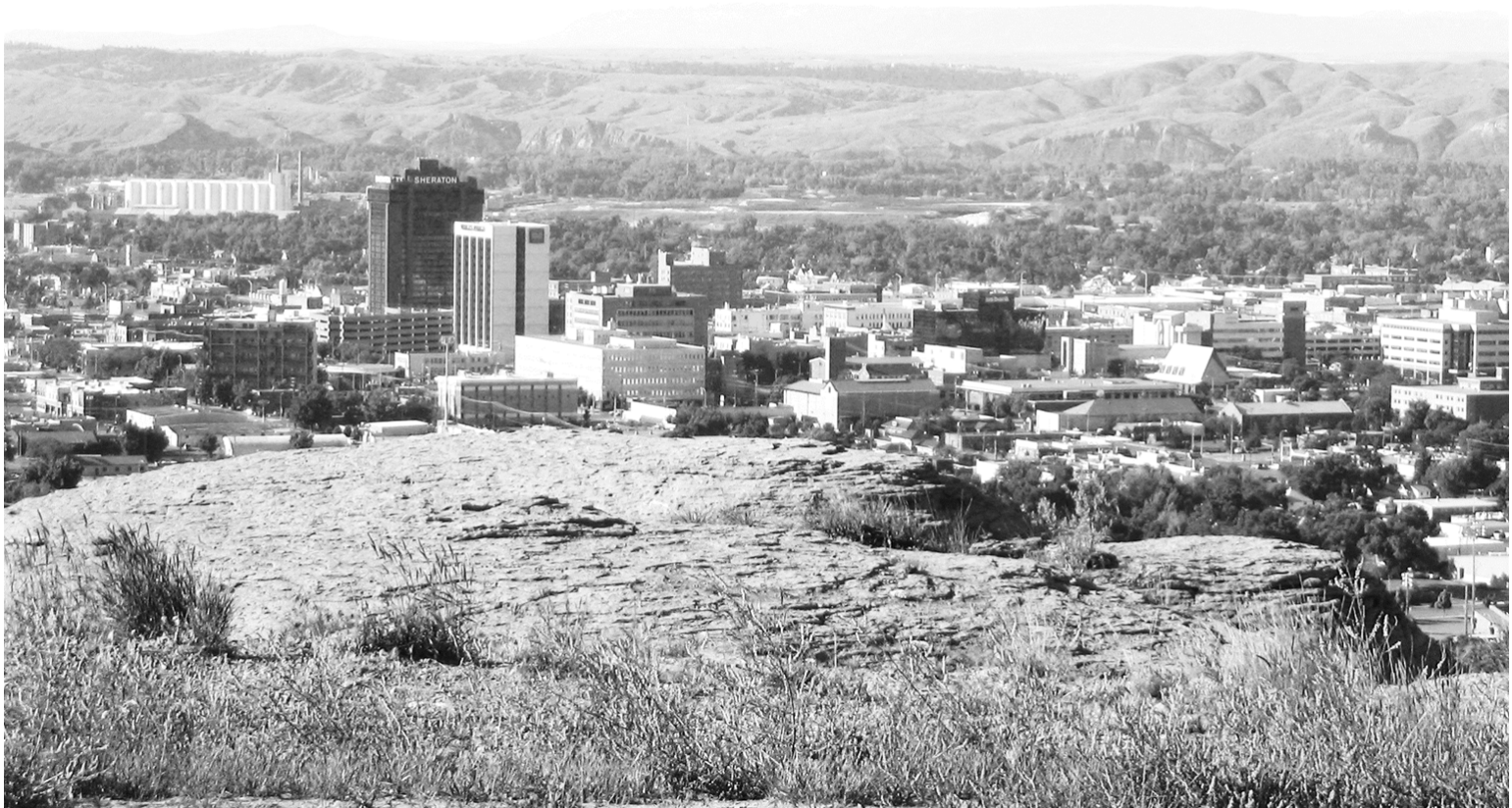
Community Development Division
2825 Third Avenue North
Billings, Montana 59101
406.657.8281
www.CityofBillings.net/ComDev
www.CityofBillings.net/CDreports



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IDIS Reports - PENDING

PR03: CDBG Activity Summary Report

PR05: Drawdown Report by Project and Activity

PR07: Drawdown Report by Voucher Number

PR09: Receipt Fund Type Detail Report

PR22: Status of HOME Activities - Entitlement

PR23: CDBG / HOME Summary of Accomplishments

PR25: Status of CHDO Funds by Fiscal Year Report

PR26: CDBG Financial Summary Report

PR27: Status of HOME Grants - Entitlement

PR33: Home Matching Liability Report

PR49: HOME Deadline Compliance Status Report

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CR-05 Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. *91.520(a)*

This could be an overview including major initiatives/highlights that were proposed and executed throughout the program year.

Introduction

Presented herein is the City of Billings FY2017-2018 Comprehensive Annual Performance and Evaluation Report (CAPER) for the federally funded Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). Both CDBG and HOME funds were granted to the City of Billings as an entitlement community through the United States Department of Housing and Urban Development (HUD).

The CAPER covers a program year beginning on July 1 to June 30 and it illustrates the City's progress in meeting goals established in the five-year Consolidated Plan and the Annual Action Plan. The City of Billings - Community Development Division manages several programs to meet the goals of the Consolidated Plan and the Annual Action Plan. Funding for each program is allocated on a shovel- and close-ready basis in order to ensure efficient use of funds.

Public Comment

The public comment period for this CAPER exceeded the 15 day minimum; it began on September 8 and ended on September 24, 2018. The Billings City Council also held a public hearing to take comments on accomplishments represented in the CAPER. Notice of the public comment period and hearing was published in the Yellowstone County News for three consecutive weeks.

Public comment during the hearing is as follows…pending.

Progress Assessment

The City of Billings met most of the goals established for both the Consolidated and Annual Action Plan. Each of the City's highest priorities and activities are listed below, along with accomplishments for each program.

Affordable Housing Preservation

- **Housing Rehabilitation:** Four low income households were assisted with financing to carry out major home repairs. This program is being revamped to increase use and efficacy following a slower construction season and difficulty in gaining contractor compliance with registration through the System for Award Management (SAM). Extensive marketing and outreach activities have been conducted and a good number of applications have been processed.
- **Foreclosure Acquisition / Rehabilitation:** One property has been purchased, rehabilitated and sold to a low income household. Two additional properties have been purchased and construction is underway on both.

New Affordable Housing Opportunity

- **Affordable Housing Development:** The City of Billings has executed a written agreement with NeighborWorks Montana, a certified Community Housing Development Organization (CHDO), to build two new homeownership housing units - Riverfront Point II. Construction has begun and the units will be sold to income-eligible households next fiscal year. The City has met the annual goal to allocate at least 15 percent of new HOME funds to CHDO activities.
- **First Time Home Buyer:** A total of 59 households were assisted with down payment and closing

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costs through HOME and CDBG programs. Ten additional households were assisted with a City Council non-federal contribution to Community Development housing programs, bringing the total number of households assisted to 69. This is the highest annual number of households ever served in the City's First Time Home Buyer program.

Poverty Impact

- **Billings Metro VISTA Project:** Several AmeriCorps Volunteers in Service to America (VISTA) members were dedicated to impacting poverty and homelessness in Billings. Overall, the project provided education, housing, health and social services to 508 individuals in the Billings area.

The following table compares proposed and actual outcomes for the FY2015-2019 Consolidated Plan *(Expected / Actual Strategic Plan)* and the FY2017-2018 Annual Action Plan *(Expected / Actual Program Year).*

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Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. *91.520(g)*

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Table 1 - Accomplishments –Strategic Plan to Date and Program Year

Goal	Category	Source / Amount*	Indicator	Unit of Measure	Expected Strategic Plan	Actual Strategic Plan	% Complete	Expected Program Year	Actual Program Year	% Complete
					FY2015-2019			FY2017-2018		
Affordable Housing Preservation	Affordable Housing	CDBG: $1,797,516 HOME: $0	Homeowner Housing Rehabilitated	Household Housing Unit	31	**16**	51.6%	6	**5**	83%
New Affordable Housing Opportunity	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $0 HOME: $1,298,722	Rental units constructed	Household Housing Unit	0	**0**	-	0	**0**	-
			Homeowner Housing Added	Household Housing Unit	4	**2**	50%	0	**0**	-
			Direct Financial Assistance to Homebuyers	Households Assisted	175	**174**	99.43%	20	**69**	345%
Poverty Impact	Poverty Impact	CDBG: $339,329 HOME: $0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2,000	**1,898**	94.9%	200	**508**	254%

Staff Note: HUD's Integrated Disbursement and Information System (IDIS) screen shows as Table 1 - Accomplishments - Program Year and Table 2 - Accomplishments - Strategic Plan to Date

**Monetary figures in this chart represent the estimated investment of CDBG and HOME funds noted in the Consolidated Plan for a five-year period.*

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Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Billings utilizes CDBG funds to address low income housing needs through home repair, home buyer, and affordable housing development programs. The City also supports a public service activity to assist nonprofit organizations in meeting the needs of those experiencing homelessness and / or poverty. The following priorities have been identified as specific objectives and are included in the Consolidated Plan.

Affordable Housing Preservation: The use of CDBG funds to preserve existing housing positively influences housing accessibility and affordability for current low income home owners and potential homebuyers. Nearly 10,000 households in Billings have one or more housing problems. The majority of homeowners are cost burdened; paying greater than 30% of household income for housing expenses. Additional funding to maintain or improve their homes is, often times, out of reach.

New Affordable Housing Opportunity: Using CDBG funds to create low income housing opportunities improves access to, and the quality of, the affordable housing stock. Low income households need access to affordable housing and there are a limited number of housing units available, as indicated in the Consolidated Plan's Market Analysis. In addition, the Consolidated Plan's Needs Assessment indicates the majority of homeowners and renters are cost burdened; paying greater than 30% of household income for housing expenses. The number of people in need is rising, including the homeless, the elderly, and the disabled.

Poverty Impact: The number of people experiencing poverty and homelessness is rising in Billings. As noted in the Consolidated Plan's Needs Assessment, there are over 700 people experiencing homelessness in Billings at any one point in time. From 2005 through 2008, the average number of people experiencing homelessness was significantly smaller at 600 people.

Nonprofit social service organizations greatly benefit from the use of CDBG funds to support the Billings Metro VISTA Project. VISTA members work to alleviate poverty through the expansion or improvement of services such as housing, healthcare, education, employment, and financial literacy to alleviate poverty conditions for very low income citizens.

Housing Choice: While not funded through CDBG or HOME funds this fiscal year, expanding housing choice is an important goal for the City of Billings - Community Development Division. Enhancing housing choice for existing and potential new residents fosters stable, socio-economically diverse neighborhoods citywide.

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CR-10 Racial and Ethnic Composition of Families Assisted

Describe the families assisted (including the racial and ethnic status of families assisted). *91.520(a)*

Race / Ethnicity	CDBG	HOME	Non-Federal	Totals
White	310	26	10	346
Black or African American	16			236
Asian				
American Indian or American Native	173	4		
Native Hawaiian or Other Pacific Islander				
American Indian and Black				
Multi-Racial	43			
Totals	**542**	**30**	**10**	**582**
Hispanic	22	0	0	22
Not Hispanic	520	30	10	560

Table 2 – Table of assistance to racial and ethnic populations by source of funds

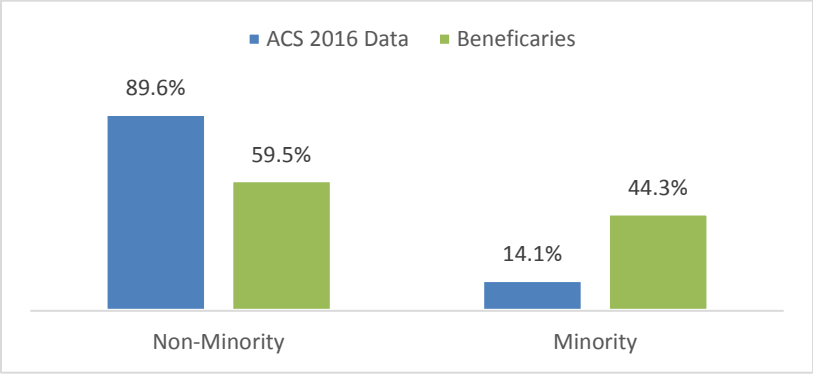
Narrative

The City assisted a total of 572 beneficiaries with CDBG and HOME this fiscal year. Ten additional households were assisted with non-federal funds in the First Time Home Buyer program, bringing the total beneficiaries served to 582.

236 out of 582 beneficiaries self-reported they were a racial minority; just over 40 percent of the total number of people served through the Community Development Division. Twenty-two people reported that they were Hispanic; four percent of the total number of beneficiaries.

Special Categories		CDBG	HOME	CDBG / HOME Totals	Non-Federal	Totals All Programs
Single Head of Household	Female	21	12	33	6	**39**
	Male	2		2	1	**3**
Disabled		39	2	41	0	**41**
Elderly		54	3	57	0	**57**

Out of the total 582 beneficiaries assisted, 42 were single head of households (over seven percent), 41 self-reported disabilities (seven percent) and 57 were elderly (just under ten percent). *Please note, the above charts were adapted from HUD's IDIS system as IDIS does not include a category for multi-racial beneficiaries or totals.*



The 2010 Census and 2016 American Community Survey (ACS) estimates indicate a 14.1 overall percent minority rate in Billings, including Hispanics. Over forty-four percent of the City's beneficiaries were racial and ethnic minorities this past fiscal year when calculated using category percentages collectively.

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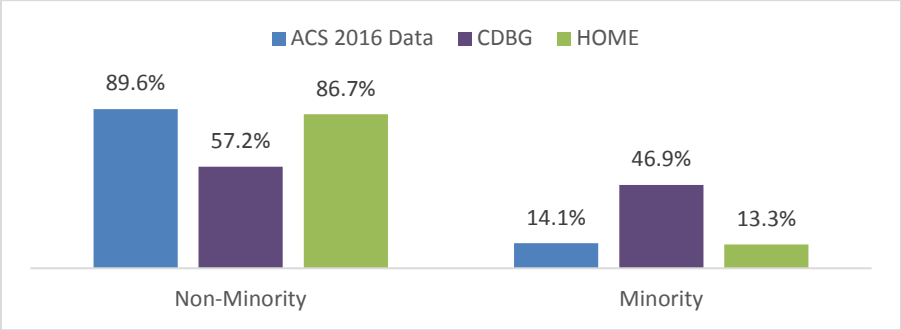
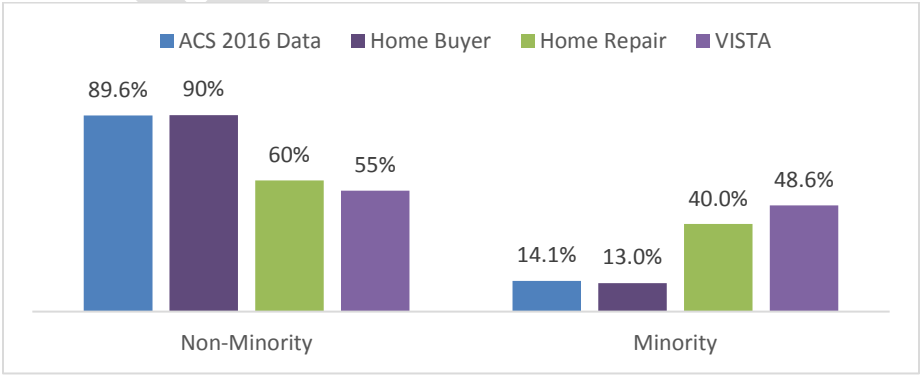
Beneficiaries by Program and Funding Source									
Race / Ethnicity		Home Buyer			Housing Development	Home Repair	Foreclosure	VISTA	Totals
		CDBG	HOME	City*	HOME	CDBG	CDBG	CDBG	
White		26	26	10		2	1	281	**346**
Black or African American								16	**16**
Asian									
American Indian or American Native		1	4			1		171	**177**
Native Hawaiian or Other Pacific Islander									
American Indian and Black									
Multi-Racial		2				1		40	**43**
Subtotals		**29**	**30**	**10**		**4**	**1**	**508**	**582**
Totals		**69**				**4**	**1**	**508**	
Hispanic		2				0		20	**22**
Not Hispanic		27	30	10		4	1	488	**560**
Special Populations		Home Buyer			Housing Development	Home Repair	Foreclosure	VISTA	Totals
		CDBG	HOME	City*	HOME	CDBG	CDBG	CDBG	
Single Head of Household	Female	4	12	6		2	1	14	**39**
	Male	2		1					**3**
Disabled Households			2				1	38	**41**
Elderly			3					54	**57**

**Non-federal funds dedicated by the City of Billings*

Demographics by Funding Source: The 2016 ACS data indicates an approximate 14 percent minority rate. Approximately 47 and 13 percent of CDBG and HOME beneficiaries were minorities this fiscal year, respectively.



Demographics by Program: Although the First Time Home Buyer program only served nine racial / ethnic minority households, the total percentage of minority households is similar to the ACS overall percentage (14.1 ACS percent compared to 13 percent home buyer). Forty percent of the home repair / foreclosure program households were racial / ethnic minorities (two of five total households). Just under 49 percent of the Billings Metro VISTA Project beneficiaries were racial / ethnic minorities (247 minority beneficiaries out of 508 total beneficiaries).



Ongoing Marketing: The Community Development Division staff makes concerted efforts to market available programs and opportunities to attract minorities, the disabled and female-headed households to participate. The **Montana Relay 711** phone number is placed on all City correspondence, publications, notices, and on program brochures. Information on home repair and purchase programs is continually available via the City of Billings website (www.CityofBillings.net/homebuyer and www.CityofBillings.net/homerepair), at the Community Development office, the City's Building Division and the Billings Home Center.

Community Outreach: Staff participates and facilitates many community events to promote home buyer / repair programs and contractor opportunity, including the *Phillips 66 Meet in the Park* event held each September in South Park, a lower income neighborhood. The South Side Neighborhood has high concentrations of low income, racial / ethnic minorities, and female-headed households.

City staff has contacted seven mobile home park managers to distribute brochures on home buyer / repair programs and contractor opportunity. Staff also provided a contractor's ad to two local title companies who manage rehabilitation accounts for various construction agencies.

Each spring, staff presents information on the Consolidated Plan, housing programs, contractor opportunity, and to garner feedback on federal funding allocations to Neighborhood Task Forces representing low income communities. Home buyer / repair brochures, contractor opportunity, and marketing materials are provided to the Office of Indian Education for distribution during their Native Family Nights. Materials are also provided to the Indian Health Board.

Staff conducted workshops on the City's housing programs and contractor opportunity at the *Senior & Community Center* and has manned a booth at a *Community Resource Fair*, which allowed one-on-one interactions with participants. Both events are held in the North Park neighborhood, which is highly concentrated with low income and minority households. Postcards advertising contractor opportunity are also printed and distributed to the City's Building Division for display on their front counter.

Advertising: Print advertisement for home buyer / repair programs and contractor ads have appeared in multiple publications including the Tidbits of Billings, Generation Link, the CityLink, and the Senior News. Online banner ads have been placed in the Billings Gazette to be displayed on their website. A full-color insert was enclosed in more than 35,000 utility bills and direct mailed to City residents.

Marketing and Outreach Results: The City received 127 applications for home buyer / repair programs (see chart below). Nineteen total applicants self-identified as racial or ethnic minorities (15 percent). The City has registered new contractors to assist with the home repair programs. This is a significant achievement as the home repair programs has very low outcomes due, in part, to lack of contractor engagement. The public utilities mailer resulted in the highest number of responses and requests for more information on the City's home buyer and repair programs. Application denials are typically due to Area Median Income limits for both home buyer and repair programs.

All Applicants by Program and Funding Source				
Race / Ethnicity		Home Buyer	Home Repair	Totals
White		93	19	112
Black or African American				
Asian				
American Indian or American Native		10	1	11
Native Hawaiian or Other Pacific Islander				
American Indian and Black				
Multi-Racial		3	1	4
Totals		**106**	**21**	**127**
Hispanic		4	0	4
Not Hispanic		102	21	123
Special Populations		Home Buyer	Home Repair	Totals
Single Head of Household	Female	51	5	56
	Male	7	2	9
Disabled Households		4	8	12
Elderly		3	6	9

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CR-15 Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	HUD	$931,593	$1,041,884
HOME	HUD	$586,106	$543,291

Table 3 - Resources Made Available

Narrative

Resources Made Available

- **CDBG:** New CDBG entitlement funds totaled $597,181 and program income received during the fiscal year totaled $334,412. The City of Billings had a total of $931,593 in CDBG funds available this fiscal year.
- **HOME:** New HOME entitlement funds totaled $273,573 and recaptured funding and other HOME revenues totaled $312,534 ($27,990 in program income and $284,544 in recaptured funds). The City of Billings had a total of $586,106 available in HOME funds this fiscal year.

Amount Expended During Program Year

- **CDBG:** Expenditures in entitlement and program income funds totaled $1,041,884 this fiscal year. This included funding allocated in previous fiscal years that was expended this year. This year's timeliness ratio was **1.03** as measured on May 2, 2018; well below the maximum 1.5 ratio.
- **HOME:** Expenditures in entitlement and program income funds totaled $543,291 this fiscal year. This included funding allocated in previous fiscal years that was expended this year.

As required by HUD, City staff ensures the use of currently available program income prior to drawing down entitlement funds in the CDBG program.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100%	100%	City of Billings Limits

Table 4 – Identify the geographic distribution and location of investments

Narrative

As per findings and recommendations from the City's Analysis of Impediments to Fair Housing Choice, the investment of federal funds is not distributed to a specific geographical location in Billings. The City of Billings utilizes federal funding on a citywide basis, targeting qualified low income households for investment and programs.

Priorities for funding are based on both the most recent Needs Assessment in this Consolidated Plan and the Analysis of Impediments to Fair Housing Choice, completed in 2013. Citation 24 CFR 91.220(f) reads as follows, *"When appropriate, jurisdictions should estimate the percentage of funds they plan to dedicate to target areas."* Estimating the percentage of funds planned for dedication to target areas is not appropriate for the Billings community due to the following reasons:

- Geographic area is defined by the current City of Billings limits.
- Strategies encourage the distribution of resources citywide to support affirmatively furthering fair housing, equal opportunity, and the avoidance of segregation in Billings.

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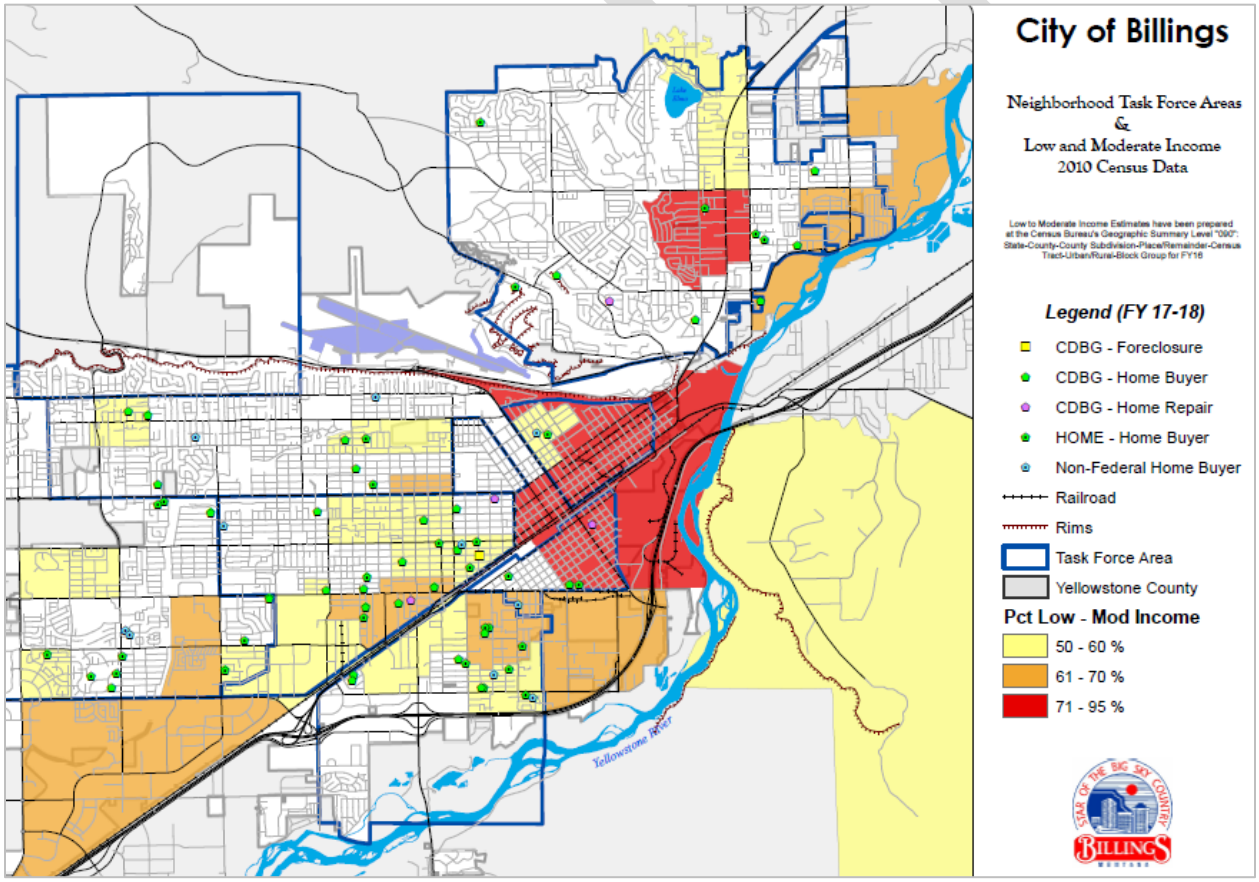
- The description for geographic distribution includes the focus of resources on a citywide basis to support diversity across the community.
- The City of Billings is classified as a smaller city on a national scale.
- The preliminary dollar amount dedicated to each program is included in the Annual Action Plan.

The City has focused distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community. The City's performance in serving predominantly low income households is clear via Integrated Distribution Information System (IDIS) reporting; nearly 100%.

Neighborhood Revitalization Strategy areas have not been established in Billings and there is no specific amount of funding allocated for a target area in the City's geographic distribution of resources. Therefore, the City has dedicated zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity and anti-segregation efforts.

The following map clearly illustrates the disbursement of federal investments to promote equal opportunity in all neighborhoods for the City's home buyer, repair and foreclosure programs for this fiscal year. No indirect activities, such as sidewalk / infrastructure repair, were undertaken this fiscal year.



Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Publically-Owned Land:

The requirements set forth in CFR 24 91.220 and 91.520 are as follows:

- Where the jurisdiction deems it appropriate, the jurisdiction *may* indicate publicly owned land or property located within the jurisdiction that *may be used* to address the needs identified in the plan.
- The performance report must include a *description of the resources made available*, the investment of available resources, the geographic distribution and location of investments, the families and persons assisted (including the racial and ethnic status of persons assisted), actions taken to affirmatively further fair housing, and other actions indicated in the strategic plan and the action plan.

The City of Billings does not have plans to use publicly owned land to address needs identified in the Consolidated Plan. However, the Billings City Council supported the Community Development Division's housing programs by dedicating $250,000 in non-federal funds in 2013. The City Council recently dedicated an additional $195,321 in non-federal funding to further the City's housing programs. The City's generous and dedicated financial support should be recognized, even if the City does not use publicly owned land to support the Consolidated Plan.

Overall Leveraging: The City continually makes strides in obtaining other public and private resources to address identified needs. The total leveraging for CDBG and HOME this fiscal year is $11,402,198 which calculates to a leveraging ratio of 1:13. Included in this figure are the following notable leveraging resources:

- **Montana Board of Housing (MBOH) and Lender Financing:** $10,542,063 in loans secured in conjunction with its First Time Home Buyer and Foreclosure programs. Several lenders also offer below-market, fixed interest rates for low income homebuyers.
- **AmeriCorps VISTA:** This fiscal year, VISTA members generated $313,623 in cash and in-kind contributions and the City garnered an additional $522,962 to support the program.

Since 2005, City staff has generated an additional $6,952,141 in cash and grant awards (outside of CDBG and HOME) to further goals developed in the City's Consolidated Plans. This includes significant funds to further fair housing education through the Fair Housing Initiative Programs.

HOME Leveraging: The HOME program requires 25 percent match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Home Buyer loans issued through private lenders and the MBOH and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	$5,561,109
2. Match contributed during current Federal fiscal year	$717,083
3 .Total match available for current Federal fiscal year (Line 1 plus Line 2)	$6,278,192
4. Match liability for current Federal fiscal year	$127,510
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	$6,150,682

Table 5 – Fiscal Year Summary - HOME Match Report

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Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Non-Federal Cash	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated Labor	Bond Financing	Total Match
1504-7	10/5/2016	$110					**11,603**	$11,713
1504-9	10/7/2016	$110					**16,876**	$16,986
1504-12	10/17/2016	$110					**13,304**	$13,414
1504-13	10/17/2016	$110					**3,911**	$4,021
1504-11	10/21/2016	$110					**3,227**	$3,337
1504-16	10/21/2016	$110					**4,619**	$4,729
1504-15	10/26/2016	$110					**9,908**	$10,018
1504-14	11/1/2016	$110					**17,349**	$17,459
1504-17	11/22/2016	$110					**14,460**	$14,570
1504-18	11/28/2016	$110					**16,744**	$16,854
1504-19	12/20/2016	$110						$110
1504-20	1/17/2017	$110						$110
1504-21	1/25/2017	$110					**10,944**	$11,054
1504-22	3/31/2017	$110					**800**	$910
1504-24	3/31/2017	$110					**14,623**	$14,733
1504-23	4/7/2017	$110					**16,245**	$16,355
1504-25	4/10/2017	$110					**6,442**	$6,552
1504-27	4/27/2017	$110						$110
1504-26	5/15/2017	$110					**3,670**	$3,780
1504-28	6/21/2017	$110					**8,589**	$8,699
1504-30	7/10/2017	$110					**8,120**	$8,230
1504-29	7/13/2017	$110					**6,285**	$6,395
1504-31	7/28/2017	$110					**7,906**	$8,016
1504-32	8/1/2017	$110					**14,720**	$14,830
CC-1	5/19/2017	$110					**2,904**	$3,014
CC-2	6/16/2017	$110					**10,200**	$10,310
CC-3	6/23/2017	$110					**3,832**	$3,942
1510	10/7/2016	$110					**10,815**	$10,925
1513	10/31/2016	$110						$110
1515	11/11/2016	$110					**10,246**	$10,356
1514	11/22/2016	$110					**11,603**	$11,713
1516	11/22/2016	$110					**5,881**	$5,991
1522	12/15/2016	$110					**8,776**	$8,886
1518	12/19/2016	$110					**16,010**	$16,120
1520	12/22/2016	$110					**80,797**	$80,907
1517	12/23/2016	$110						$110
1519	12/29/2016	$110						$110
1523	1/9/2017	$110					**11,294**	$11,404
1532	2/1/2017	$110					**14,367**	$14,477
1526	3/10/2017	$110					**11,531**	$11,641
1525	3/17/2017	$110						$110
1524	3/24/2017	$110						$110
1528	4/17/2017	$110						$110
1527	4/24/2017	$110					**1,500**	$1,610
1529	5/1/2017	$110					**10,960**	$11,070
1530	5/15/2017	$110					**16,395**	$16,505
1531	5/15/2017	$110					**40,318**	$40,428
1534	5/22/2017	$110					**5,940**	$6,050

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Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	**Date of Contribution**	**Non-Federal Cash**	**Foregone Taxes, Fees, Charges**	**Appraised Land/Real Property**	**Required Infrastructure**	**Site Preparation, Construction Materials, Donated Labor**	**Bond Financing**	**Total Match**
1533	6/21/2017	$110					**17,407**	$17,517
1538	8/1/2017	$110					**11,056**	$11,166
1537	8/11/2017	$110					**3,708**	$3,818
1540	8/18/2017	$110						$110
1543	8/29/2017	$110					**4,114**	$4,224
1542	8/31/2017	$110					**12,658**	$12,768
1539	9/1/2017	$110					**18,216**	$18,326
1541	9/7/2017	$110					**17,407**	$17,517
1551	9/13/2017	$110					**11,269**	$11,379
1550	9/15/2017	$110					**12,799**	$12,909
1552	9/25/2017	$110						$110
1553	9/29/2017	$110					**6,126**	$6,236
1548-01	7/10/2017	$110					**8,120**	$8,230
1548-02	7/13/2017	$110					**6,285**	$6,395
1548-03	7/21/2017	$110					**4,963**	$5,073
1548-04	7/25/2017	$110					**1,640**	$1,750
1548-05	7/27/2017	$110					**3,608**	$3,718
1548-06	7/28/2017	$110					**8,021**	$8,131
1548-07	8/1/2017	$110					**14,720**	$14,830
1548-08	8/1/2017	$110						$110
1548-09	8/22/2017	$110						$110
1548-10	9/5/2017	$110					**9,172**	$9,282
1548-11	9/8/2017	$110					**3,911**	$4,021
CC-01	7/6/2017	$110					**4,660**	$4,770
CC-02	7/12/2017	$110					**3,973**	$4,083
CC-03	7/12/2017	$110					**13,787**	$13,897
CC-04	7/14/2017	$110					**12,802**	$12,912
CC-05	9/1/2017	$110					**12,751**	$12,861
CC-06	9/19/2017	$110					**1,724**	$1,834
							Total	**$717,083**

Table 6 – Match Contribution for the Federal Fiscal Year: October 1, 2016 through September 30, 2017

HOME Program Income *Enter the program amounts for the reporting period*				
Balance on hand at beginning of reporting period	**Amount received during reporting period**	**Total amount expended during reporting period**	**TBRA Amount**	**Balance on hand at end of reporting period**
$0	$27,990	$27,990	$0	$0

Table 7 – Program Income (Recaptured and Repaid Funds Not Included)

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Minority Business Enterprises and Women Business Enterprises *Indicate the number and dollar value of contracts for HOME projects completed during the reporting period*						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts	0	0	0	0	0	0
Number	0	0	0	0	0	0
Dollar Amount	$0	0	0	0	0	$0
Subcontracts	0	0	0	0	0	0
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts	0	0	0			
Number	0	0	0			
Dollar Amount	$0	0	$0			
Subcontracts	0	0	0			
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 – Minority Business and Women Business Enterprises

Minority Owners of Rental Property *Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted*						
	Total	**Minority Business Enterprises**				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition *Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition*		
Parcels Acquired	0	0
Businesses Displaced	0	0
Nonprofit Organizations Displaced	0	0
Households Temporarily Relocated, not Displaced	0	0

Households Displaced	Total	**Minority Property Enterprises**				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

Minority and Women Business Enterprises: The City of Billings receives a small amount of HOME funding which is primarily utilized for down payment and closing cost assistance through the First Time Home Buyer program. As such, the opportunity to provide HOME-funded contracts is limited to affordable housing projects initiated and carried out by Community Housing Development Organizations (CHDOs). This fiscal year, the City entered into a CHDO development agreement with NeighborWorks Montana for the development of two new homeowner housing units.

Minority Owners of Rental Property: The City has not provided assistance to Minority Business Enterprises for the development of affordable rental housing this fiscal year. Therefore, information relative to Minority Owners of Rental Property is not currently available.

Relocation: City staff members work to minimize displacement of persons through the City's affordable housing, foreclosure and redevelopment activities. The Uniform Relocation Act provides important protections and assistance for people affected by the acquisition, rehabilitation, or demolition of real property for federal or federally-funded projects. The law was enacted by Congress to ensure that people whose real property is acquired, or who move as a direct result of projects receiving federal funds, are treated fairly and equitably and receive assistance in moving from the property they occupy.

The City requires developers to make relocation benefits available to displaced persons during housing initiatives funded with federal dollars. Properties with resident tenants are not eligible for purchase through the City's First Time Home Buyer program. The City's Foreclosure Acquisition / Rehabilitation program focuses on the acquisition of vacant, foreclosed homes without the displacement of any residents.

This fiscal year, no persons were displaced through affordable housing acquisition, rehabilitation or development activities.

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CR-20 Affordable Housing *91.520(b)*

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low income, low income, moderate income, and middle income persons served.

	One-Year Goal	Actual
Number of homeless households to be provided affordable housing units	0	0
Number of non-homeless households to be provided affordable housing units	26	74
Number of special-needs households to be provided affordable housing units	0	0
Total	**26**	**74**

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through rental assistance	0	0
Number of households supported through the production of new units	0	0
Number of households supported through the rehab of existing units	5	4
Number of households supported through the acquisition of existing units	21	70
Total	**26**	**74**

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City of Billings established housing unit goals specifically relating to the First Time Home Buyer, home repair and housing development programs. The City exceeded the one-year affordable housing goals in home buyer programs and made acceptable progress in meeting the five-year home repair goals established in the Consolidated Plan.

The goal established for the development of affordable housing units was set at two units for this fiscal year. The City's Affordable Housing Development Program supports the development of both rental and homeownership housing and the City has set a five-year goal to produce or rehabilitate at least four housing units. City staff facilitated the execution of a CHDO development agreement with NeighborWorks Montana to develop two homeownership housing units, which were completed this fiscal year.

The 74 units represented in the non-homeless households provided with affordable housing includes:

- Four Housing Rehabilitation program households, #1546.
- One Foreclosure program household #1503 (Terry Avenue).
- 69 First Time Home Buyer households, including: 29 CDBG beneficiaries, #1548; 30 HOME beneficiaries, #1538 through #1572; and ten additional households served with non-federal funds.

The PR-03 CDBG Activity Summary Report in HUD's IDIS system indicates the following:

- Six Housing Rehabilitation program households closed in FY2015-2016 (#1476) and two more homes closed in FY2017-2018 (#1502). In FY2017-2018, a total of four

households were assisted (#1546).

- In the Foreclosure Acquisition / Rehabilitation program:
  - Activity 1503:
    - The Chamberlain property was purchased in April 2015, rehabilitated and then sold to a low income household in November 2016. This is a FY16-17 accomplishment.
    - The Terry Avenue property was purchased in March 2017, rehabilitated, and then sold to a low income household in March 2018. This is a FY17-18 accomplishment.
  - Activity 1547 includes pending accomplishments for FY18-19:
    - The Plainview home was acquired by the City in September 2018 and rehabilitation is nearly finished. When complete, it will be sold to a low income household.
    - The 19th Street home was acquired by the City in February 2018 and rehabilitation is currently underway. When complete, it will be sold to a low income household.
- 28 households were assisted through the CDBG First Time Home Buyer program in FY2016-2017 (#1504) and 29 households were assisted in FY2017-2018 (#1548).
- 234 beneficiaries were served through the Billings Metro VISTA Project in FY2016-2017 (#1505) and an additional 508 beneficiaries were served in FY2017-2018 (#1549).

Homeless and Rental Assistance Goals: Goals relative to the provision of affordable housing units for the homeless and rental assistance were set at zero this fiscal year. Federal affordable housing investments supported home buyer / repair programs, which are primarily designed to assist low income households to achieve and maintain homeownership. The City's Consolidated Plan identifies the many housing options available to those experiencing homelessness, some of which the City funded through alternative means.

Discuss how these outcomes will impact future annual action plans.

The City of Billings is utilizing CDBG and HOME funds to support home buyer, repair, and development programs. Outcomes are based on program demand and available federal and non-federal funding resources to carry out planned activities. City staff will continue to set achievable annual action plan goals and will adjust the Consolidated Plan as needed to reflect changes in available federal and non-federal funding and program demand.

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Include the number of extremely low income, low income, and moderate income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Persons Served	CDBG Actual	HOME Actual
Extremely Low income	2	4
Low income	32	26
Moderate income	0	0
Total	**34**	**30**

Table 13 – Number of Persons Served (Affordable Housing)

Narrative Information

All of the City's beneficiaries served this fiscal year had household incomes less than 80 percent of the Area Median Income (AMI) level. In the CDBG program, *low and moderate income* refers to households under 80 percent of the AMI, which is the same threshold in determining factor in the HOME program's *low income* determination. All of the City's affordable housing beneficiaries were homeowners or were assisted in achieving homeownership. Therefore, the City did not offer rental assistance during this fiscal year.

CDBG actual data illustrated in Table 13 includes homebuyer and home repair programs combined. The HOME actual category includes homebuyer and housing development activities. Actions taken to foster and maintain affordable housing include the following:

- **CDBG First Time Home Buyer:** A total of 29 homeowner households were assisted. All of the households were low and moderate income (less than 80% AMI). There were no extremely low income households served in this program.
- **HOME First Time Home Buyer:** A total of 30 homeowner households were assisted. Four were extremely low income and 26 were low income.
- **Home Repair / Foreclosure Programs:** Five total households were assisted through the City's home repair and foreclosure programs. Two were extremely low income and three were low income (less than 80% AMI).
- **Affordable Housing Development:** The City finalized an agreement with NeighborWorks Montana to develop two new homeownership housing units. Construction has begun on Riverfront Point II and the units will be sold to low income households (less than 80% AMI).

The City of Billings met or exceeded most of the one-year goals for affordable housing programs and did not provide assistance to middle-income households. None of the beneficiaries receiving housing assistance reported they were experiencing homelessness or involuntarily displaced. The City fell short of meeting its goal to rehabilitate five housing units through home repair programs, but greatly exceeded the goal to provide assistance to acquire existing units.

Efforts to address *worst case needs* refers to low income renter households who pay more than half of their income for rent, live in seriously substandard housing, including the homeless, or who have been involuntarily displaced. This fiscal year, the City did not create any goals to assist rental households with rental assistance. However, the City may have assisted rental households in acquiring a home through the homebuyer programs.

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The needs of the disabled are, in part, addressed through the City's home repair programs via improvements aimed at increasing accessibility. This fiscal year, three households assisted through Community Development Division's housing programs self-reported that they were disabled.

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CR-25 Homeless & Other Special Needs Affordable Housing *91.220(d, e); 91.320(d, e); 91.520(c)*

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs.

The City does not directly receive Continuum of Care, Emergency Shelter Grant, or other federal funds to exclusively support efforts to impact homelessness. CDBG resources have decreased dramatically, which greatly inhibits the City's ability to support overall administrative activities to coordinate services to benefit the homeless, particularly when the City does not directly receive mainstream federal funding sources to impact homelessness. Therefore, the City's progress in reaching out to homeless persons, particularly unsheltered persons, is greatly limited.

In 2006, City staff began the process of writing a ten-year plan to impact homelessness. Local housing, health, and social service organizations have been intricately involved in planning processes for the homeless and chronically homeless. The Billings City Council created the Mayor's Committee on Homelessness, which is comprised of twenty individuals representing nonprofit organizations, lending, housing, philanthropy, social service providers, code and law enforcement, economic development, work force agencies, veterans, civic and business leaders, philanthropic organizations, academia, health care, American Indian stakeholders, and those experiencing homelessness. In 2009, the City's ten-year plan to impact homelessness, ***Welcome Home Billings***, was adopted by the Billings City Council.

To the greatest extent possible, City staff has continued to implement Welcome Home Billings with support provided through the Billings Metro VISTA Project. VISTA members have been placed at 50 nonprofit Host Site organizations to work on specific anti-poverty initiatives to assist people in accessing housing, healthcare, education and employment.

The Community Development Division staff has implemented the following:

- Development and distribution of the City's ***Resource Map*** and ***Notepad***, which includes a comprehensive downtown service directory for anyone seeking assistance. Members of the Mayor's Committee on Homelessness and local nonprofit organizations have committed to updating this resource after the print versions have been fully distributed. These resources are also available at the City office and are also online:
    - www.CityofBillings.net/resourcemap
    - www.CityofBillings.net/notepad
- Placement of full-year and ten-week summer associate VISTA members at local nonprofit organizations primarily serving the homeless and those at risk of homelessness through the ***Billings Metro VISTA Project***.
- Provide support to further the ***Community Innovation Summit***, which is now engaging those living on the streets in service provision and treatment.

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

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Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through addressing the emergency shelter and transitional housing needs of homeless persons.

The City of Billings is addressing homelessness to the greatest extent possible, although the City does not directly receive Emergency Solutions Grants, McKinney Vento Homeless Assistance Act grants, or other federal funding to specifically address the housing needs of the homeless. Temporary housing needs for the homeless in Billings are primarily met by the Montana Rescue Mission (MRM) Women's & Children's Shelter, MRM's Men's Shelter, the Community Crisis Center, YWCA's Gateway House, Volunteers of America's Independence Hall, Family Promise of Yellowstone Valley, and Rimrock. A complete listing of services, including emergency and transitional housing, is included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan.

MRM does not seek nor utilize federal funds for its operation. Several local service providers assist homeless families by providing funding for rent, mortgage, utility, and deposit assistance. The Community Crisis Center provides crisis intervention and 23-hour stays as a technique to impact chronic homelessness. The YWCA provides transitional housing for victims of domestic violence.

Volunteers of America's Independence Hall is a 20-bed men's facility that has been providing transitional housing and services for honorably discharged veterans since 2009. While residing at Independence Hall, veterans are able to continue receiving treatment through the Department of Veterans Affairs and are given opportunities to participate in activities designed to help them reconnect with the community and get back to independent living. Independence Hall has served approximately 400 veterans since it opened in 2009.

City staff has provided over $800,000 in HUD Economic Development Initiative and State financing to establish new housing for those experiencing homelessness in Billings:

- In October 2008, the City of Billings released a Request for Proposals to develop new housing to serve those experiencing homelessness utilizing a housing first philosophy of management. A total of $500,000 was awarded to Family Promise of Yellowstone Valley, formerly known as Interfaith Hospitality Network. Two duplex apartment properties were acquired and rehabilitated, resulting in a total of four rental units serving homeless families. Thirty-two families, equaling 97 individuals, have been assisted through this project to date.
- In August 2010, the City of Billings released another Request for Proposals to develop a combined housing and employment project for occupancy by individuals and / or families experiencing homelessness. This type of social enterprise is considered a national best practice. A total of $300,000 was awarded to Rimrock, formerly Rimrock Foundation, to acquire and rehabilitate a single-family home to house up to six men who have experienced chronic homelessness. Twenty-five individuals have been supported through this social enterprise business and housing program.

For those living on the downtown streets of Billings, a new position has been created for an addiction / mental health counselor to accompany two downtown police officers when engaging people living on the streets. This initiative has been undertaken as one of the many outcomes from the Community Innovations Summit, which was facilitated by the Community Development Division, City Administration, and the Downtown Billings Alliance. A recent article published by the Billings Gazette highlights immediate successes as a result of this program. A complete list of service providers offering housing, services and prevention support is located in MA-30 Homeless Facilities and Services section of the Consolidated Plan.

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Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through helping low income individuals and families avoid becoming homeless, especially extremely low income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City does not receive or administer McKinney Vento Homeless Assistance Act or Emergency Solutions Grant funds to support programs to directly meet the needs of the homeless. The City did not receive requests this fiscal year for CDBG or HOME funding to assist the homeless.

The Montana Continuum of Care (MT CoC) for the Homeless Coalition is the state's lead agency for addressing homeless activities through federal CoC funds, which includes the City of Billings. The MT CoC is a statewide collaboration of diverse homeless service providers, nonprofit organizations, local and state governments dedicated to preventing homelessness. The avoidance of discharging people living in federally funded programs to homelessness is a primary philosophy for Montana service providers.

CoC awards to organizations located in the City of Billings have historically been very low, as renewal grants are prioritized over pro-rata need and geographic distribution. Organizations in Billings have previously received five to seven percent of the over $2.5 million awarded to the statewide Continuum of Care each year.

- The Housing Authority's Shelter Plus Care program provides housing assistance payments to individuals or families who are homeless and disabled, primarily with serious mental illness, addiction, or other conditions. Case management is provided by the South Central Montana Regional Mental Health Center. Over the past decade, the Housing Authority of Billings has provided housing to an estimated 1,650 households who were experiencing homelessness.
- District 7 HRDC receives Emergency Solutions Grant funding which is utilized for homeless prevention activities and rapid-rehousing exclusively. HRDC staff reports they do not maintain a waiting list due to the volume of households in need. HRDC also received HUD CoC funds for rapid-rehousing homeless families living in shelters.

Additional local organizations providing prevention services include Family Service, Inc., the Food Bank, the Center for Children and Families, Harmony House, the Yellowstone AIDS Project, St. Vincent de Paul, and Tumbleweed, to name a few.

To the greatest extent possible, City staff has continued to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. The City assists in the prevention of homelessness through the development and distribution of the City's ***Resource Map*** and ***Notepad***, which includes a comprehensive downtown service directory for anyone seeking assistance. These resources have been distributed to health / mental health care facilities, foster care and other youth facilities, and local corrections programs.

Through the Billings Metro VISTA Project, over 1,000 beneficiaries have received direct services relating to housing, food security, economic opportunity, education and employment support. Full-year and summer associate VISTA members have supported 50 nonprofit organizations in the Billings area from 2007 to the present. For other accomplishments, please see the response to the first question in this section (CR-25).

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Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

As previously stated, the City of Billings does not receive mainstream federal funding to reduce and end homelessness. To the greatest extent possible, City staff has continued to implement Welcome Home Billings, the City's ten-year plan to impact homelessness.

The City's ***Resource Map*** and ***Notepad*** includes a comprehensive downtown service directory for anyone seeking assistance. These resources have been distributed to health / mental health care facilities, foster care and other youth facilities, and local corrections programs.

The City sponsored a full-year VISTA member to assist NeighborWorks Montana in researching the feasibility of establishing a comprehensive housing center to serve low income renters and homeowners. The VISTA member facilitated a working group comprised of the Billings affordable housing organizations to bring the Home Center into fruition. Participants included the City of Billings, the Housing Authority of Billings, Rebuilding Together Yellowstone County, District 7 HRDC, Rural Dynamics, Beartooth Resource Conservation and Development, and Homeword.

After 18 months of planning, the Home Center opened in July 2015 and it is located in downtown Billings, which is central to the City's low income neighborhoods. The City provided a second, full-year VISTA member from July 2015 to July 2016 to help create the Home Center's housing programs. Today, the Home Center provides comprehensive housing services including information on available units, fair housing information, housing education and counseling. Housing services are coordinated under one roof, creating the opportunity for potential homebuyers and renters seeking safe, affordable homes and access all housing services in a one-stop-shop.

Additional information regarding crosscutting strategic and programmatic goals to impact homelessness is located in SP-40 Institutional Delivery Structure of the Consolidated Plan. For other accomplishments, please see the response to the first question in this section (CR-25).

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CR-30 Public Housing *91.220(h), 91.320(j)*

Actions taken to address the needs of public housing.

The Housing Authority of Billings is eligible to apply for funding through the City's Affordable Housing Development Program. In the past, the City has granted funds to support the Housing Authority's efforts to expand affordable housing opportunities. The City has also provided funding for a variety of rehabilitation and new construction projects to neighborhoods that have public housing units.

The City has helped rehabilitate properties, sold land for new businesses, and granted land to nonprofits to assist with neighborhood revitalization efforts in neighborhoods where Housing Authority complexes have been built. The City has also provided funding for parks and play areas for the neighborhoods where Housing Authority families reside. The City's First Time Home Buyer program assists with home ownership down payment assistance and home ownership counseling for clients interested in purchasing their first home.

City staff coordinates with the Housing Authority of Billings to facilitate environmental reviews, housing quality inspections, housing needs assessments, and assists with applications for supportive services when required. The City has also dedicated VISTA resources to support food security initiatives and a new reading literacy program. Several community gardens have been created on residential properties owned and managed by the Housing Authority.

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

The Housing Authority implements the Family Self-Sufficiency program, which links participants to community agencies to help them become self-sufficient through individualized goal setting. Fifty-one families participated in the program. The Housing Authority expanded the program to include clients from the Montana Department of Commerce (MDOC). Four Housing Authority families became homeowners and two MDOC families became homeowners with Housing Choice Voucher assistance. Forty-nine households have achieved homeownership through this program to date. Resident councils, an Advisory Board and the Family Self-Sufficiency Panel are involved in providing input on program needs and assisting others to become actively involved in the process. Additional information is included in the five-year plan on file at the Housing Authority office.

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

Actions taken to provide assistance to troubled PHAs.

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

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CR-35 Other Actions *91.220(j), 91.320(i-j)*

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. *91.220 (j); 91.320 (i)*

According to the City's most recent Analysis of Impediments to Fair Housing Choice, most of the typical exclusionary provisions that would hinder affordable housing development do not exist in the current Billings zoning codes. However, the following issues may act as barriers to affordable housing investment:

- Density bonuses have not been established to offset the cost of development if a project contains a certain percentage of affordable housing.
- There is currently not a way to fast-track the approval processes for affordable housing development projects.

  However, fast-tracking may not be as important in Billings as it is in other parts of the country. Subdivision review times are set by the Montana State Legislature. Building permit reviews for single-family homes (one to four units) are three to five days and commercial permits, including multi-family with five or more units in a structure, take four to six weeks to review. Other areas of the country, and some cities in Montana, take 30 days or longer for single-family reviews and four to six months for commercial reviews.
- The City does not currently permit a waiver or reduction of impact fees, including water and wastewater system development fees, to promote affordable housing development.
- The use of accessory dwelling units is not a widely practiced housing development strategy.

Other public policy concerns relate to inadequate funding to further affordable housing development. Dwindling federal resources greatly inhibits the City's ability to generate new affordable housing.

City staff has recently updated the Growth Policy, which highlights the need for affordable housing development. While this document is essentially a planning guide, staff are hopeful that policy leaders will take into account the essential nature of potential barriers to affordable housing investment when making policy determinations.

Actions taken to address obstacles to meeting underserved needs. *91.220(k); 91.320(j)*

The City has been meeting underserved needs through the following programs:

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

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

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Actions taken to reduce lead-based paint hazards. *91.220(k); 91.320(j)*

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

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

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

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

In summary, the City of Billings has achieved full compliance with HUD lead-based paint requirements. City staff continues to develop local contractor capacity for regulatory compliance. Certified Risk Assessors are utilized for assessments and clearance activities. All rehabilitation projects facilitated and monitored by City staff are brought to lead-safe standards.

Actions taken to reduce the number of poverty-level families. *91.220(k); 91.320(j)*

The City supports efforts to improve economic conditions and supports activities to address economic conditions of low income households in Billings. All of the Consolidated Plan strategies target the improvement of economic conditions of lower income households in the community, including housing development, financing home repair and buyer activities, continuing partnerships to support community needs and funding public service activities. Specifically, the City's efforts to reduce the number of persons living below the poverty level include CDBG and HOME funding allocations to home buyer / repair programs. The results of this fiscal year's actions are as follows:

- **First Time Home Buyer:** Four extremely low income households and 65 low income households acquired their first home.
- **Home Repair:** One extremely low income and three low income households received assistance to make needed repairs to their homes.
- **Foreclosure Acquisition / Rehabilitation:** One extremely low income household was able to purchase a fully-renovated home.

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The City has continued to work with nonprofit organizations to help address the human service needs of lower income residents of the community in general and also to serve lower income neighborhoods. This has been achieved in the past through funding allocations to social service organizations under CDBG Public Service activities, including the VISTA program. In addition, HOME program requirements stipulate serving low income households exclusively.

The City of Billings - Community Development Division staff began working with the AmeriCorps VISTA program in 2007 to assist with the development and implementation of Welcome Home Billings, the City's ten-year plan to impact homelessness. This project generates full-time volunteers to work in nonprofit organizations to support homeless and poverty-impact initiatives.

By July 2009, the City had earned an official project designation and the Billings Metro VISTA Project was established. This initiative is particularly important when funding levels decline; all work completed must impact poverty and homelessness. Volunteers work to provide social services to those experiencing homelessness and / or poverty. Examples of projects undertaken this fiscal year include: furthering childhood literacy and food security for public housing residents at the Housing Authority of Billings; assisting the Parks and Recreation Department expand food security for low income households through the development of a community garden located in Billings' Southwest Corridor neighborhood; assisting economically disadvantaged children succeed in education through monitored mentoring programs; and expanding health education for American Indians in Billings.

Actions taken to develop institutional structure. *91.220(k); 91.320(j)*

The City of Billings is the lead government entity responsible for Consolidated Plan activities funded through CDBG and HOME. The City's ability to carry out home repair / buyer and poverty impact programs relies heavily on partnerships in the community, representing a significant strength in institutional structure. Gaps in institutional structure would, in part, be remedied with additional administrative funds to further coordinate services. The City has been carrying out housing, homeless and other community development activities to address the following priorities as listed below.

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

New Affordable Housing Opportunity: The City maintains positive relations with the Housing Authority of Billings, CDBG and HOME officials at the Montana Department of Commerce, private industry developers, lenders, realtors and others to ensure collaboration and engagement in the implementation of First Time Home Buyer and Affordable Housing Development programs. The City has two currently certified nonprofit CHDOs and is actively seeking additional project opportunities for the purposes of affordable housing development.

Housing Choice: City staff maintain positive and close relationships with the staff at Montana Fair Housing; the primary nonprofit agency in fair housing education and enforcement for the state. Staff actively supports efforts to hire additional fair housing testers, particularly minorities, through targeted recruitment efforts. In addition, local housing organizations made it possible to open the Home Center; a one-stop shop for housing needs. One of the goals of the Home Center is to address the beginnings of segregated neighborhoods and lending discrimination for Hispanic Americans in Billings, as identified in

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the City's Analysis of Impediments to Fair Housing Choice. Staff also attends a South Park annual event in September to promote home buyer / repair programs as well as contractor opportunity.

Poverty Impact: CDBG and HOME resources are not adequate to meet the needs of the homeless and those experiencing poverty in Billings. The City's main anti-poverty initiative is the implementation of the Billings Metro VISTA Project. The City has provided full-year and summer associate VISTA support to dozens of nonprofit organizations in the Billings area to date. The continuance of this initiative is imperative to strengthen service delivery to those in need. The Billings Metro VISTA Project enables the City to support nonprofit organizations in a sustainable fashion since the provision of public service grants is no longer an option due to historically low CDBG allocations.

Actions taken to enhance coordination between public and private housing and social service agencies. *91.220(k); 91.320(j)*

The City of Billings works in collaborative partnership with social service providers, other government agencies, and the private sector to further all community development programs, including the Housing Authority of Billings and the CDBG and HOME administrators at the Montana Department of Commerce.

City staff believes positive collaboration and coordination of programs and services will enhance the community's ability to meet the needs of low income citizens. Additional information on collaboration with social service agencies, public, and private housing organizations is noted in the response to the previous question regarding institutional structure. The City has continued coordinating with public, private, and social service agencies to further activities and projects identified herein, including participation in the following groups and initiatives:

- **Neighborhood Task Forces:** City staff attends Neighborhood Task Force meetings each spring in order to garner feedback relative to available programs, accomplishments, and proposed use of federal funds for future programs. The Neighborhood Task Forces represent areas in Billings with high residency concentrations of minority, low income, and female-headed households.
- **Adjacent Neighborhood Committee:** The Planning and Community Services Department facilitates a quarterly meeting for the Neighborhood Task Force officers to collaborate. The City Council has dedicated $12,000 in non-federal funds to support Task Force newsletters, public information mailings, and community events.
- **Community Innovations Initiatives:** In October 2014, staff members from the Community Development Division, City Administration, and the Downtown Billings Alliance facilitated the Community Innovations Summit. The Summit was the catalyst for a multi-jurisdictional, coordinated response to downtown street homelessness. City staff and community leaders addressed legislation, the justice system, law enforcement and business environments. A recent article, published by the Billings Gazette, highlights immediate successes as a result of this collaboration.
- **Resource Map and Notepad:** City staff has continued to distribute the City's ***Resource Map*** and ***Notepad***, which includes a comprehensive downtown service directory
- **Billings Metro VISTA Project:** The City has assisted dozens of nonprofit social service organizations to expand and enhance programs for the homeless and those experiencing poverty. Priority focus areas include housing, financial literacy, employment, education, food security and access to healthcare.

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Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. *91.520(a)*

The City maintains records reflecting the Analysis of Impediments to Fair Housing Choice and actions taken to overcome the effects of the impediments identified in the Analysis of Impediments. A summary of the actions taken follow in the narrative, map and chart below.

The City's Analysis of Impediments to Fair Housing Choice, cited in the Consolidated Plan's Needs Assessment, revealed the beginnings of segregated neighborhoods and lending discrimination for Hispanic Americans in Billings. The Analysis contained the following recommendation:

> *Billings should establish a housing service center… where home seekers are introduced to housing options beyond the racial or ethnic neighborhoods to which they often feel they are limited.*

The City sponsored a full-year VISTA member to assist NeighborWorks Montana in researching the feasibility of establishing a comprehensive housing center to serve low income renters and homeowners. The VISTA member facilitated a working group comprised of the Billings affordable housing organizations to bring the Home Center into fruition. Participants included the City of Billings, the Housing Authority of Billings, Rebuilding Together Yellowstone County, District 7 HRDC, Rural Dynamics, Beartooth Resource Conservation and Development, and Homeword.

After 18 months of planning, the Home Center opened in July 2015 and it is located in downtown Billings, which is central to the City's low income neighborhoods. The City provided a second, full-year VISTA member from July 2015 to July 2016 to help create the Home Center's housing programs. Today, the Home Center provides comprehensive housing services including information on available units, fair housing information, housing education and counseling. Housing services are coordinated under one roof, creating the opportunity for potential homebuyers and renters seeking safe, affordable homes and access all housing services in a one-stop-shop.

The City has focused distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community. The City's performance in serving predominantly low income households is clear via Integrated Distribution Information System (IDIS) reporting; nearly 100%.

Neighborhood Revitalization Strategy areas have not been established in Billings and there is no specific amount of funding allocated for a target area in the City's geographic distribution of resources. Therefore, the City has dedicated zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity and anti-segregation efforts.

The following map clearly illustrates the disbursement of federal investments to promote equal opportunity in all neighborhoods for the City's home buyer, repair and foreclosure programs for this fiscal year. *Please note, no indirect benefits activities (sidewalk repairs, infrastructure) were undertaken this fiscal year.*

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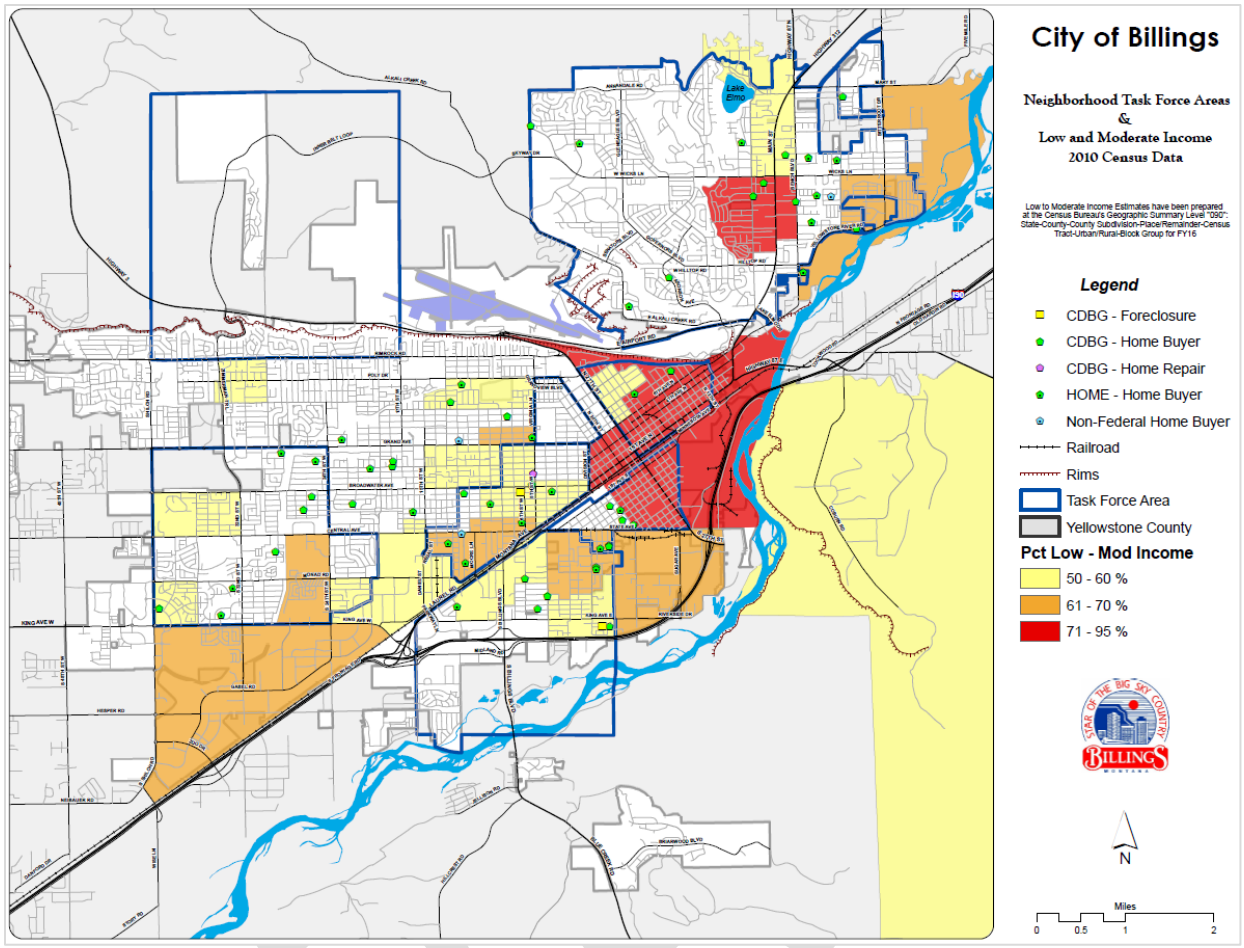
City of Billings
Neighborhood Task Force Areas
&
Low and Moderate Income
2010 Census Data
Low to Moderate Income Estimates have been prepared at the Census Bureau's Geographic Summary Level "150": State-County-County Subdivision-Place/Remainder-Census Tract-Urban/Rural-Block Group for FY16
Legend
CDBG - Foreclosure
CDBG - Home Buyer
CDBG - Home Repair
HOME - Home Buyer
Non-Federal Home Buyer
Railroad
Rims
Task Force Area
Yellowstone County
Pct Low - Mod Income
50 - 60 %
61 - 70 %
71 - 95 %
N
Miles
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0.5
1
2

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Analysis of Impediments to Fair Housing Choice (AI) Matrix

The following chart illustrates City staff's documentation and record-keeping on selected impediments identified in the latest AI, including identified impediments and actions taken during the fiscal year. Small staff size, limited funding and constrained sphere of influence greatly reduce City staff's ability to address each of the eleven impediments identified in the AI.

**References Original AI Numbers for Impediments and Recommendations.*

Selected Impediments	*Actions Taken*
A. Concentrations of minorities that would not exist in a free market not distorted by discrimination suggest that Billings has a dual housing market; one market for non-Hispanics, Whites and Asians and another for all other minorities (AI 1*).	**A1:** Produced and disseminated consumer education on Fair Housing issues to make people aware that they can move anywhere in the area they can afford. This effort is supported through the Billings Home Center.
	A2: Worked to expand housing choices for existing and potential new residents beyond neighborhoods identified by their own race or ethnicity by supporting the activities of the Billings Home Center, including rental and homeowner education. Presentations for housing programs are made each February at Neighborhood Task Force meetings, where high minority and low income households are concentrated. City staff also provided on-site workshops, distributed various publications and conducted an extensive outreach and advertising campaign throughout the year to increase access and equal opportunity for minorities, the disabled, the elderly, and single-headed households. Please refer to *CR-05 Goals and Outcomes, CR-10 Racial and Ethnic Composition of Families Assisted,* and *CR-15 Resources and Investments* for details on outcomes of these actions taken to address this impediment.
B. Discriminatory real estate industry practices such as racial and ethnic steering distort the free market in housing (AI 2*).	**B1:** Continued to partner with enforcement agencies providing testing of the real estate industry practitioners to identify discriminatory practices in rental and for-sale housing. This fiscal year, City staff also assisted in recruiting new fair housing testers, particularly minorities, for Montana Fair Housing.
C. Discrimination against Latinos in issuing government-backed mortgage and refinancing loans continues unabated in Billings as it does throughout the nation (AI 3*).	**C1:** Continued to support the efforts of local housing counseling agencies, especially to Latinos, before they apply for a mortgage. This fiscal year, all of the City's First Time Home Buyer participants attended pre-acquisition counseling through the Billings Home Center's homebuyer education class. This fiscal year, nearly 400 people attended homebuyer education classes. City staff attends a community park event each September in the Billings South Side neighborhood to promote home ownership, home repair, and fair housing assistance. Staff will also utilize this opportunity to recruit Section 3 contractors. This neighborhood has a high concentration of Hispanic and other minority households. City staff also provided on-site workshops, distributed various publications and conducted an extensive outreach and advertising campaign throughout the year to increase access and equal opportunity for minorities, the disabled, the elderly, and single-headed households. Please refer to *CR-05 Goals and Outcomes, CR-10 Racial and Ethnic Composition of Families Assisted,* and *CR-15 Resources and Investments* for details on outcomes of these actions taken to address this impediment.

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	C2: Continued to provide brochures containing information apprising potential homebuyers of the availability of housing counseling and how to spot / report discriminatory lending practices. This effort is supported through the Community Development office, on the City's website, and the Billings Home Center. City staff has also updated its website to include information on nondiscrimination, accommodations and the City's grievance procedure. Please refer to www.CityofBillings.net/ComDev for details (sent direct link to FHEO on August 23, 2017).
D. The relatively high cost of housing continues to pose a barrier to fair housing choice in Billings (AI 4*).	**D1:** Continued to work toward the provision of affordable housing through Community Development programs including home buyer, home repair, housing development and poverty-impact programs. Please refer to *CR-05 Goals and Outcomes, CR-10 Racial and Ethnic Composition of Families Assisted,* and *CR-15 Resources and Investments* for details on outcomes of these actions taken to address this impediment. The City's Affordable Housing Development program includes the opportunity to provide federal and local funds to facilitate the conversion of rental properties to limited equity cooperatives (4C*), as recommended in the City's AI. Although funds were available this fiscal year, the City did not receive any proposals for this type of housing development.
E. Review Unified Zoning Regulations and review requirements to foster compliance with fair housing law and to promote inclusionary zoning (AI 4 through 10*).	**E1:** The City's Planning Division is also preparing to review all of the City's zoning codes relative to continuity and to promote inclusionary zoning. The project began in late 2017 and continue through 2019. The Community Development Division staff is currently working with Planning Division staff to recruit an AmeriCorps VISTA volunteer to assist in the zoning review. The overall goal of the VISTA project is to reduce concentrated poverty while improving access to: quality education; affordable housing; employment opportunities; and healthcare through the development and implementation of a statewide plan to overcome barriers to housing choice and promote inclusivity. This will require data analysis to aid in the identification of: racially concentrated areas of poverty; factors contributing to segregation; housing access disparities; and disproportionate housing needs. The capacity built through this project will result in improved access to quality housing, education, healthcare and employment opportunities to ensure long-term success. Continued to provide staff support to the Planning Division in reviewing: - Minimum percentage of affordable housing units per development with five or more units (AI 4A*). - Housing Authority of Billings first right of refusal for inclusionary units (AI 4B*). - Amendments for neighborhood plans to promote stable, socio-economically diverse neighborhoods throughout Billings (AI 5*). - Affirmative marketing and billboard advertising requirements (AI 6A and 6B*). - Developer brochure distribution requirements (AI 6C*). - Fair Housing logo / language requirements for agreements (AI 6D*). - Occupancy requirements and equal treatment for group living for the disabled (AI 7 and 8*). - Accessory dwelling units / cottage cluster homes (AI 9 and 10*). **Staff Note:** AI 6E* recommended building requirements should only be issued if the Americans with Disabilities Act accessibility requirements are met. The City of Billings Building Division has been compliant for many years.

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F. There is a serious shortage of housing affordable to holders of Housing Choice Vouchers in the areas of Billings where the proportion of public school students from low income neighborhoods is relatively low (AI 11*).	**F1:** Continued to offer support for efforts to promote economic diversity in all schools to ensure every school has a majority of pupils coming from middle-class / higher-income households. In previous fiscal years, the City placed AmeriCorps VISTA members in the Planning Division to work with the school district to improve access to schools via alternative modes of transportation.
	F2: Continued to offer support for the Housing Authority's efforts to expand the geographic range where holders of Housing Choice Vouchers look for housing.

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CR-40 Monitoring *91.220, 91.230)*

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Overall monitoring includes the following for CDBG and HOME programs:

- Examination of the community's use of available HUD, state, and local resources to meet the affordable housing and community development needs as outlined in the Consolidated Plan.
- Examination of the effectiveness of, and demand for, the Community Development Division's programs.
- Review of public comments received on the community's performance in meeting the affordable housing and community development needs described in the City's Consolidated Plan.

Organizations: The City may fund a variety of organizations to carry out CDBG and HOME activities each year. Written agreements are executed that describe applicable regulations, the scope of work and funding. This fiscal year, the City entered into an agreement with NeighborWorks Montana to develop two homeownership housing units. Organizations receiving City funds are monitored by Community Development staff to ensure compliance with the terms of the agreement and applicable regulations, including Section 3 and minority business outreach.

Affordable Housing Projects: Housing projects are monitored via desk review and / or site-visits, including inspections, on a schedule based on the number of units in the project:

# of Units	***Frequency of On-Site Monitoring***
1 - 4 Units	Every 3 years
5 - 25 Units	Every 2 years
26+ Units	Every year
Source Documentation	Every 6 years
Staff inspects 15% - 20% of the total HOME units per project, minimum one unit in each building	
10+ HOME-Assisted Units = Annual Financial Review	

On-site visits include property standards completion and ongoing compliance inspections, tenant file review, household income verification, etc. City staff also conducts annual desk reviews to ensure leases are in compliance with HOME regulations; rents are compliant with HOME limits; tenant incomes are reviewed annually and they are within eligibility limits; the property owner/manager is inspecting the property at least annually; that adequate project reserves have been established and annual reports are received; and the year-end profit and loss statements show the project is profitable and/or sustainable for the period of affordability.

Risk Assessments: Affordable housing projects are also scrutinized via routine Risk Assessment in order for City staff to evaluate the relative level of risk of noncompliance for each project in the assisted portfolio. The risk assessment includes reviewing:

- Number of units
- Staff turnover and experience
- Funding amounts, affordability periods and type of assistance provided
- File and project documentation
- Past performance

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Projects with higher risk assessment scores are prioritized for intensive case management efforts to bring the project into compliance. These projects typically undergo multiple site visits and extensive technical assistance from City staff.

First Time Home Buyers: Homebuyers receiving HOME assistance are monitored for residency requirements annually through the United States Postal Service. City staff sends a newsletter via first class mail to each assisted household. If homeowners have changed primary residency, the mail is returned to the City office. Noncompliant projects are prioritized for intervention through the City's legal office.

Community Housing Development Organizations (CHDOs): The City requires CHDOs apply for recertification on an annual basis to ensure continued requirements are being met for CHDO designation throughout applicable affordability periods. The application includes (but is not limited to) maintenance of Board composition, including at least one-third membership by residents of low income neighborhoods and no more than one-third may be public officials or local / state employees. Staff also conducts a CHDO capacity review every time a new project is funded to ensure the organization has the ability to carry out functions of the proposed project. This fiscal year, NeighborWorks Montana and Homeword were certified as active CHDOs.

Citizen Participation Plan: Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports. *91.105(d); 91.115(d)*

As noted in the first section of this CAPER (CR-05), the public comment period for the City's CDBG and HOME CAPER exceeds the minimum 15-day requirement. A public hearing is also held before the Billings City Council at the end of the public comment period. Notice of both the public comment period and hearing are published in a local newspaper for three consecutive weeks. Public comments are noted in the first section of the CAPER.

The City's Citizen Participation Plan includes garnering input throughout annual allocation and performance reporting procedures and continuing to work with stakeholders to address needs. City staff encourages citizen participation in the consolidated planning process and makes special efforts to include low income citizens, minorities, non-English speaking persons, persons with disabilities, and female-headed households. City staff is also fully prepared to comply with Citizen Participation requirements for the development of the Assessment of Fair Housing.

Community Development Board: The City of Billings created the Community Development Board in the 1970s to ensure low income citizen participation and consultation for the use of federal funds. By City ordinance, six of the nine Board members must reside in low income areas or be designated as representatives of a low income neighborhood.

The Board meets on the first Tuesday of each month and is responsible for making recommendations to the City Council for the use of federal funds and monitoring program implementation. The Board members review drafted Consolidated Plans, Annual Action Plans and CAPERs and they annually attend Neighborhood Task Force meetings and public events to promote the City's programs.

Website Posting & Email Solicitation: The drafted CAPER was posted to the City's website and a public notice was published for three consecutive weeks to notify the public about the drafted document and the City Council's public hearing. In addition, the following organizations received emails and direct links to the CAPER to promote review and facilitate public comment. These organizations primarily serve minorities, persons with disabilities, and female-headed households. Staff encouraged the agencies to share this information with their clients and other organizations who may be interested in the drafted CAPER.

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CAPER OUTREACH		
#	**Organization**	**Services and Client Demographics**
1.	Housing Authority of Billings	The Housing Authority of Billings provides housing and services to low income families and to the homeless. The predominant population is very low income, minority and female-headed households (over 400 families). The Housing Authority also serves the elderly, disabled, minority families and the homeless.
2.	Homeword	Homeword began as a project of WORD (Women's Opportunity and Resource Development, Inc.) in 1994, in response to the growing need for affordable housing in Montana. Homeword is a housing developer and housing provider serving those working low-wage jobs, seniors on fixed incomes, people with disabilities, female-headed households, domestic violence survivors, veterans and formerly homeless people.
3.	Rimrock	Rimrock is a local housing and service provider representing persons with disabilities, minorities, and those experiencing addiction or who are in recovery.
4.	Mental Health Center	The Mental Health Center is a regional housing and service provider representing persons with disabilities, including those experiencing mental illness, addiction and / or homelessness. The Mental Health Center also serves a high number of minority clients.
5.	Family Service, Inc.	A local service provider assisting very low income families, minorities, female-headed households and those with disabilities. Services include food and clothing distribution, health supplies, vision care assistance, etc.
6.	District 7 HRDC	A regional service provider assisting low income households, female-headed households, minorities, the disabled and disadvantaged youth. Services include childcare assistance, food programs, alternative education, emergency housing assistance, employment / training opportunities, energy assistance, and housing and supportive services for young mothers.
7.	Adult Resource Alliance	A local service provider assisting elderly and disabled citizens with access to nutrition programs, socialization and volunteer opportunities, transportation and home health care services.
8.	Big Sky Senior Services	A local service provider assisting elderly and disabled citizens with access to home healthcare services and prevention of elder abuse.
9.	Living Independently for Today and Tomorrow	A local housing and service provider for the disabled. Services include independent living skills programs, personal care assistant support, peer mentoring, etc.
10.	Yellowstone AIDS Project	A housing and service provider supporting those with HIV/AIDS. Services include testing, pharmaceutical assistance, housing assistance, meal programs, transportation and access to pantries.
11.	Rocky Mountain Tribal Leader's Council	An organization dedicated to improving health, economic development and education for Tribes and their members. Services include addiction treatment / recovery and good health and wellness.
12.	YWCA Gateway House	A local housing and service provider for victims of domestic violence; primarily female-headed households and minorities. Services include housing, legal advocacy, employment / training, and case management to access mainstream benefits.
13.	Montana Migrant Council	An organization providing healthcare and dental visits to extremely low income agricultural workers and their families. The vast majority of the people served are minorities.
14.	Montana Fair Housing	A private, full-service nonprofit organization dedicated to the elimination of housing discrimination in Montana. Services provided to minorities, female-headed households, the disabled and the elderly include education, advocacy, and legal support.
15.	Montana Department of Commerce	State agency providing HUD HOME and CDBG resources to meet housing and community development needs.
16.	NeighborWorks Montana	An organization providing affordable housing opportunities for families and individuals. This organization provides housing assistance and options for low income households, minorities, female-headed households and the disabled.

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Minorities: Organizations representing minorities included in the solicitation of comments on the City's CAPER include the Housing Authority of Billings, Homeword, Rimrock, the Mental Health Center, Family Service, Inc., District 7 HRDC, Rocky Mountain Tribal Leader's Council, YWCA Gateway House, Montana Migrant Council, Montana Fair Housing, and NeighborWorks Montana.

Female-Headed Households: Organizations representing female-headed households included in the solicitation of comments on the City's CAPER include the Housing Authority of Billings, Homeword, Family Service, Inc., District 7 HRDC, YWCA Gateway House, Montana Fair Housing, and NeighborWorks Montana.

Disabled Citizens: Organizations representing the disabled included in the solicitation of comments on the City's CAPER include the Housing Authority of Billings, Homeword, Rimrock, the Mental Health Center, Family Service, Inc., District 7 HRDC, Adult Resource Alliance, Big Sky Senior Services, Living Independently for Today and Tomorrow, Yellowstone AIDS Project, Montana Fair Housing, and NeighborWorks Montana.

The City's procedure is to utilize Montana's Relay (TTY 711) system to communicate with persons with hearing and / or speech impairment and places the TTY 711 number in public notices, program brochures and other documents utilized for public communication. Montana Relay makes it possible to make phone calls between a standard telephone and a text telephone. After calling 711, an operator translates between the calling parties, speaking aloud whatever is typed, so the standard phone user can hear it. The operator also types whatever is said so the text telephone user can read it.

Non-English Speaking Citizens: The City contains a very small percentage of non-English speaking citizens; less than four percent of the City's total population. At this level, the City does not meet the five percent or 1,000 people threshold utilized to determine the need for additional language publication and accommodation. According to data derived from the 2011 Census, there are an estimated 13,040 Spanish-language speakers in the entire state of Montana; 1.4 percent of the State's population. With such a small number of individuals who are non-English speaking, City staff did not publish the public notice for the public hearing in an alternative language.

City staff has written and implemented a Language Assistance Plan to establish guidelines to ensure access to program information and further equal opportunity for persons with hearing impairment and limited English proficiency. The Language Assistance Plan states that the City of Billings Community Development Division will offer interpretation and / or translation services upon request, and whenever such services are needed; staff is responsible for contacting a vendor to schedule the earliest possible date / time for interpretation/translation services ensuring the convenience of the individual with limited English proficiency.

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CR-45 CDBG *91.520(c)*

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The objectives set forth in the Consolidated Plan are still viable and appropriate:

- Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide.
- Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development.
- Provide affordable financing and support to promote homeownership opportunities citywide. Provide homebuyer education to all households utilizing acquisition programs.
- Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.

The following objectives are still viable and appropriate, but will not be included in HUD's IDIS system as there is no separate funding source allocated to activities:

- Ensure equal opportunity and housing choice with all programs and activities citywide.
- Implement core programs citywide to promote desegregation and inclusive neighborhoods. Encourage collaboration to address needs and to respond to opportunities for special needs populations.

This fiscal year, staff has not identified reasons for changes to the First Time Home Buyer, Affordable Housing Development, or Foreclosure Acquisition / Rehabilitation programs. The Housing Rehabilitation and Manufactured Home Repair Loan programs are currently under staff review. There has been low demand for the programs in the last few years.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

The City of Billings - Community Development Division does not have an open BEDI grant.

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CR-50 HOME *91.520(d)*

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations.

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

City staff conducts annual reviews of affordable rental housing projects funded through the HOME program throughout the affordability period. HOME-funded projects requiring on-site inspections this year included: Grandview apartments (Accessible Space); Old Town Square apartments (Housing Authority of Billings); Southern Lights apartments (Homeword); Magic City Terrace apartments (Volunteers of America); Sage Towers apartments (Tamarack); YWCA Gateway House; and Pheasant Home apartments.

All of the issues detected during the inspection of HOME-assisted units were minor and were immediately remedied. A tenant had taken down their smoke detector in their unit due to it beeping from needing a new battery. The battery was replaced and the smoke detector was put back up. Another property needed to have the screws replaced on the handrail for the stairs as the handrail was wobbly and close to coming off the wall. One unit needed two screens replaced due to the tenant damaging the screens and removing them completely. Another unit need a bathroom light fixture replaced because it was no longer working and was the only source of light in the bathroom. All of the projects were reviewed this year and staff determined that they are being operated in compliance with HOME program regulations. Properties not meeting compliance with regulations are addressed through case-management and a targeted provisional work plan is created to bring the project into compliance.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. *92.351(b)*

The City adheres to an Affirmative Marketing Procedure to further the City's commitment to nondiscrimination and equal opportunity in housing. The intention of City staff's efforts is to attract those who are least likely to apply for housing and community development programs. City staff has assessed affirmative actions taken and believes the marketing completed for HOME units is adequate.

Affordable Housing: Proposed affordable housing development projects with more than five HOME units are required to submit an Affirmative Marketing Plan with the application for funding. Plans include procedures for marketing units to minority / disabled populations and performing significant outreach to ensure equal housing opportunity for potential renters / owners of the housing units.

Affirmative Marketing Action Plans were also reviewed during annual monitoring reviews. Organizations list the process by which they are marketing vacant units (rental offices, the local newspaper, and entrance of the project) in attempt to reach different minorities, genders, and the disabled.

Home Repair / Buyer: Presentations on these programs occur each spring at Neighborhood Task Force meetings. These communities represent low income and high-minority concentration areas in Billings. In recent fiscal years, information regarding the home repair / buyer programs and contractor opportunities have been distributed as follows:

- City staff emailed fliers to agencies serving the elderly, disabled and those experiencing homelessness including HRDC District 7, Rural Dynamics, Center for Children and Families,

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Rimrock Foundation, Family Service, Inc., the Mental Health Center and the Community Crisis Center.

- A flyer describing the home repair programs are sent to low income homeowners previously assisted through the First Time Home Buyer program and to local lenders.
- Print advertising appeared multiple issues of ***Tidbits of Billings*** (a weekly publication).
- Printed brochures and information are continually distributed through the Billings Home Center.
- Staff manned a booth, distributed print materials, and met with participants at the "Community Resource Fair".
- Over 35,000 full-color direct mail inserts were distributed to City residents via water bills.
- Distributed printed flyers, brochures and information through the Office of Indian Education and the Indian Health Board of Billings.
- Mailed letters and a supply of brochures to all Billings mobile home parks and offered to do workshop(s) for residents on the Manufactured Home Repair Loan Program.
- Information, applications, and other information are continuously available on City of Billings' website here.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

A total of $312,534 in program income and recaptured funds was received in the HOME program this fiscal year. Funding was committed and expended this fiscal year via the First Time Home Buyer program. Remaining funds have been committed to First Time Home Buyer program and the full amount will be utilized by the committed households close on their homes this fall.

HUD requires the City of Billings to utilize program income, repaid, and recaptured revenues prior to drawing down entitlement funds. Therefore, staff reduces previously committed entitlement funds from IDIS activities and replaces it with cash revenue funds for immediate use. The Consolidated Plan stipulates that federal resources will be allocated on a close- and shovel-ready basis, ensuring the efficient use of funds in programs that are in higher demand.

A total of 69 households achieved homeownership through the First Time Home Buyer program, 30 of which were funded using HOME dollars. The average purchase price of the homes was approximately $164,000. Thirteen percent of the total households were minorities, and 40 percent were single-headed households. Four households were extremely low income and the remaining households were low income.

Describe other actions taken to foster and maintain affordable housing. *91.220(k)*

The City has been managing the following programs to foster and maintain affordable housing:

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

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- **Poverty Impact:** The Billings Metro VISTA Project is providing support to Rebuilding Together to support affordable housing preservation.

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

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PUBLIC NOTICE

CITY OF BILLINGS
FY2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)
AND
HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)
COMPREHENSIVE ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

The City of Billings will hold a public hearing on the CDBG and HOME Comprehensive Annual Performance Evaluation Report (CAPER) at 5:30 pm on Monday, September 24, 2018, in the City Council Chambers at City Hall, 210 North 27th Street, Billings, MT.

The purpose of the Public Hearing is to obtain public comment on the City's performance under FY2017-2018 CDBG and HOME programs. Federal regulations require a minimum 15-day public comment period for the CAPER. The City of Billings exceeds this requirement by facilitating a public comment period beginning September 8 through September 24, 2018.

Copies of the City's drafted FY2017-2018 CDBG and HOME CAPER are available beginning September 7, 2018 for review from the Community Development office on the 6th floor of the Miller Building, 2825 3rd Avenue North, Billings, MT. The drafted CAPER, City Council agendas and minutes can also be viewed on line at www.CityofBillings.net/CDreports.

Additional information regarding the FY2017-2018 CDBG and HOME CAPER or the public hearing can be obtained by contacting the Community Development office at 406-657-8286 (Montana Relay 711), or via email at beckettb@ci.billings.mt.us.

The Public Hearing is accessible to individuals with physical disabilities. Special arrangements for participation in the public hearing by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. FHEO. PUBLISHED on September 7th, 14th and 21st, 2018.

Denise R. Bohlman
Billings City Clerk
P. O. Box 1178
Billings, MT 59103

9/7, 9/14, 9/21 2018
MNAXLP

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Public Hearing and Resolution Relating to Petitions for Reduction of Arterial Construction Fee

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

The City Council adopted Ordinance 05-5322 and Ordinance 08-5478 which allow commercial property owners and Residential Manufactured Home (RMH) zoned property owners to petition for reduced arterial fee assessments if the parcel is used solely as an owner-occupied, single family residence. The relief in both of these situations caps the parcel square footage at 9,600 square feet and calculates the assessment based on the R-9600 zoning rate instead of commercial or RMH zoning rates. The Public Works Department received 171 signed petitions involving 171 parcels. There were 169 parcels that met the criteria specified in Ordinances 05-5322 and 08-5478 for a reduction of the Arterial Construction Fee assessment. Two parcels zoned as residential professional did not meet the criteria as these parcels are not owner occupied.

ALTERNATIVES ANALYZED

City Council may:

- Approve the resolution reducing the Arterial Construction Fee assessments for the one hundred sixty-nine (169) parcels meeting the criteria of Ordinance 08-5478; or,
- Not approve the resolution if the Council finds that the properties do not meet the criteria.

FINANCIAL IMPACT

By reducing the Arterial Construction Fee assessments on the one hundred sixty-nine(169) parcels, the City will collect $11,196.44 less for FY 2019 than if the parcels were assessed according to their zoning instead of their single-family occupancy.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the proposed resolution reducing the Arterial Construction Fee assessments for the one hundred sixty-nine (169) parcels meeting the criteria of Ordinance 08-5478.

APPROVED BY CITY ADMINISTRATOR

Attachments

2018 Reduction of Arterial Construction Fee Assessments Resolution

RESOLUTION NO. 18- _____

A RESOLUTION OF THE CITY OF BILLINGS RESPONDING TO SUBMITTED PETITIONS FOR REDUCTION OF ARTERIAL CONSTRUCTION FEE ASSESSMENTS THAT WOULD APPEAR ON THE 2018 PROPERTY TAX STATEMENTS

WHEREAS, the City Council adopted Ordinance 05-5322 on April 11, 2005, in part to provide relief to commercially-zoned properties being used solely as owner-occupied single family residences, and

WHEREAS, Ordinance 05-5322 states, *"The City Council may provide an exemption to commercially zoned properties that are currently owner-occupied as a single-family residence. The property owner must annually request the exemption through the Public Works Department by August 31 of each year."*, and

WHEREAS, the City Council adopted Ordinance 08-5478 on September 8, 2008, in part to provide relief to Residential Manufactured Home (RMH)-zoned properties being used solely as owner-occupied single family residences, and

WHEREAS, the City Council may provide relief to property owners meeting the criteria of Ordinance 05-5322 and Ordinance 08-5478 by capping the parcel square footage at 9,600 square feet and calculating the assessment based on the R-9600 zoning rate instead of commercial or RMH zoning rates, and

WHEREAS, the Public Works Department received 171 completed and signed petitions, and

WHEREAS, the Public Works Department verified that 169 petitions involve properties meeting the criteria of Ordinance 08-5478, and

WHEREAS, reducing the assessments on these 169 parcels would affect the Arterial Construction Fee assessments appearing on the tax statements Yellowstone County will print and mail in October 2018, and

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

1. **REDUCTION OF ASSESSMENTS**: The Arterial Construction Fees assessments on the following 169 parcels shall be adjusted by Public Works Department staff and placed upon the assessment rolls and collected in the same manner as other City of Billings assessments.

TAX CODE	*ZONE*	*LAST NAME*	*FIRST NAME*	*PARCEL ADDRESS*	*Assessment if Petition IS Approved*
A00162	EBCW	Ridenour	Rick D	319 North 17th St	$36.34
A00163	EBCW	Erickson	Patricia	315 N 17th St	$36.34
A00561	EBRMS	Roller	Vickie L & Paul A	115 N 20th St	$36.34
A00691	CC	Pacente	Allan J & Paula K	111 N 34th St	$36.34
A00923	CBD	Walters	Tammie M & David	116 S 28th St	$49.82
A01068	PZD	Nava	Charles	207 S 28th St	$18.18
A01238	PZD	Bargar	Margaret C	504 S 26th St	$36.34
A01383	CC	Meza	Vincent J & Ryan E	412 S 28th St	$36.34
A01553	CC	Sawyer	Thomas G	623 S 26th St	$36.34
A01742	PZD	Nava	Randy	819 S 28th St	$27.26
A01743	PZD	Nava	Irene	821 S 28th St	$27.26
A02669	RP	Armstrong	Byron C	2133 Broadwater Ave	$38.16
A05114	CI	Weisbeck	Peter P & Lucile V	107 S 8th St W	$49.82
A07030	CC	Deibele	John R & Shelia M	112 Rhea Ln	$43.92
A07722	NC	Gustafson	Loren J & Kandy L	1921 Broadwater Ave	$37.38
A07764	RP	Lantz	Tim	1938 Broadwater Ave	$45.46
A07765	RP	Lingenfelter	Raymond	2026 Broadwater Ave	$42.84
A08533	CC	Brownell	Craig D & Susan M	415 Hansen Ln	$33.74
A08535	CC	Douglas	David	419 Hansen Ln	$33.74
A08539	CC	Miller	Thresa B	1037 Hansen Ln	$49.82
A08750	CI	Love	Justin & Kathleen Favero	112 S 36th St	$18.18
A08754	CI	Bustos	Jose A Jr & Marzene V	109 S 37th St	$36.34
A08810	CI	Munoz	Benjamin	109 S 38th St	$45.42
A09448A	HC	Lynch	Patrick & Carole	516 Josephine Dr	$49.82
A09950	HC	Rivera	Esther	451 Josephine Dr	$49.82
A11609	MCPZD	Heidenreich	Charles A	1022 N 30th St	$49.82
A11613	MCPZD	Llewellyn	Leonard Lee	1038 N 30th St	$36.34
A11635	MCPZD	Nilson	Terry	922 N 30th St	$36.34
A11959	NC	Hoskins	Tiffany L & William P Allen	45 Grand Ave	$27.26
A11960	NC	Lee	Sylvia	39 Grand Ave	$36.34
A12201	MCPZD	Jones	Edward E & Doris L	1032 N 29th St	$36.34
A13446	RP	Juarez	Joshua T	1608 Broadwater Ave	$49.82
A13645	RP	Brese	Derek & Christina	1342 Broadwater Ave	$36.34
A13650	RP	Janet B Bergman Revocable Trust		1322 Broadwater Ave	$36.34
A13654	RP	Aplin	Kenneth W & Ann M	1306 Broadwater Ave	$36.34
A15355	RP	Seifert	Teresa J	515 Broadwater Ave	$25.30
A15707	CC	Heringer	Michael P & Pam Allen	11 Custer Ave	$49.82
A15851	CC	Durden	Patricia A	117 Terry Ave	$27.26

A17766	NC	Shelley	Elizabeth A	28 Grand Ave	$36.34
A18077	NC	Livingston	Mary Jo	222 Grand Ave	$36.34
A18097	NC	Thompson	Dana Jo	334 Grand Ave	$36.34
A18098	NC	Schanaman	Floyd & Betty	332 Grand Ave	$36.34
A18788	CI	Ryan	Shaun Michael & Shiena Marie Medura	108 S 33rd St	$27.26
A18806	CI	Kautz	Deanna Orelup	111 S 35th St	$18.18
A18901	NC	Cox	Heith Patrick & Janice K	703 Custer Ave	$49.82
A19385	RMH	Stageberg	Alan V	628 Radford Sq S	$46.72
A19392	RMH	Scott	Sandee M	816 Radford Sq W	$49.82
A19393	RMH	Jaeger	Carl & Patsy	822 Radford Sq W	$49.82
A19396	RMH	Steiber	Donna J	844 Radford Sq W	$49.82
A19397	RMH	Solem	Curt & Shirley	852 Radford Sq W	$49.82
A19398	RMH	Grant	Beatrice & Ian	860 Radford Sq W	$49.82
A19403	RMH	Osborne	Phyllis	829 Radford Sq W	$49.82
A19404	RMH	Langeliers	Irene L	837 Radford Sq W	$49.82
A19410	RMH	Ann M George Revocable Trust		828 Radford Sq E	$49.82
A19411	RMH	Broyles	Diana K	820 Radford Sq E	$49.82
A19414	RMH	Boucher	Dean A & Alice L	851 Radford Sq N	$49.82
A19416	RMH	George	Scott	863 Radford Sq N	$49.82
A19418	RMH	Grossman	Jan & Betty A	634 Shawnee Dr	$49.82
A19424	RMH	Weber	Debra J	722 Shawnee Dr	$49.82
A19425	RMH	Sherman	Russell C	728 Shawnee Dr	$49.82
A19426	RMH	Lester	Robert G	734 Shawnee Dr	$49.82
A19428	RMH	Deshaw	Henry C & Beverly Breitenfeldt- Deshaw	946 Bench Blvd	$49.82
A19430	RMH	Drain	Carol R	727 Shawnee Dr	$49.82
A20267	RMH	Zinkowich,	Joyce Elaine & Kenneth LeRoy Wanner	210 Nash Ln	$49.82
A20271	RMH	Harper	Rondal D & Colleen M	234 Nash Ln	$49.82
A20272	RMH	O'Connor	Maurice G	240 Nash Ln	$49.82
A20283	RMH	Sengl	Robert K Etal	333 Reda Ln	$49.82
A20286	RMH	Willems	John Douglas & Dolores	315 Reda Ln	$49.82
A20288	RMH	Stapp	Sylvia Violet	303 Reda Ln	$49.82
A21246	RMH	The Hazen Family Trust		398 Windsor Cir N	$40.74
A21253	RMH	Ayers	George E & Beverly A	328 Windsor Cir N	$39.96
A21256	RMH	Heimbichner	Rueben	298 Windsor Cir N	$42.88
A21257	RMH	Faith	Laura M	288 Windsor Cir N	$37.80
A21267	RMH	Miner	David E &	233 Windsor Cir S	$37.80
A21270	RMH	Schessler	Alice	263 Windsor Cir S	$37.80
A21271	RMH	Fisher	Pauline	273 Windsor Cir S	$37.80
A21272	RMH	Klundt	Joy Anne	283 Windsor Cir S	$37.80

A21274	RMH	Smith	Patrick W & Carol F	303 Windsor Cir S	$34.16
A21275	RMH	Driscoll	Jerry D & Janet L	313 Windsor Cir S	$37.54
A21285	RMH	Ceartin	Rodger & Judy R	188 Windsor Cir N	$37.80
A21292	RMH	Dierenfield	Clem A, & Marianne M & Joie M	118 Windsor Cir N	$49.10
A21293	RMH	Benson	Willam L & Dawn	103 Windsor Cir S	$45.32
A21295	RMH	Doll	Susan F	123 Windsor Circle S	$37.80
A21298	RMH	Powell	Kenneth D	153 Windsor Cir S	$37.80
A21299	RMH	Madsen	Linda M	163 Windsor Circle S	$37.80
A21314	RMH	Harris	Ronda	155 Windsor Cir N	$38.16
A21321	RMH	Craig	Bonnie S	209 Windsor Cir N	$37.88
A21331	RMH	Gunsch	Edgar E &	305 Windsor Cir N	$49.82
A21341	RMH	Vogel	James G & Jean S	396 Windsor Cir S	$38.92
A21342	RMH	Fox	Larry K & Marilyn H	386 Windsor Cir S	$37.82
A21362	RMH	Lough	Robert B	196 Windsor Cir S	$37.80
A21366	RMH	Miller	Barbara Greenspan	174 Windsor Cir S	$37.80
A28961	RMH	Reitler	Dustin & Breanne	456 Katherine Ann Dr	$31.14
A28966	RMH	Manning	Karen L	516 Katherine Ann Dr	$40.64
A28974	RMH	Bohannon	Myrna C	537 Katherine Ann Pl	$49.82
A29126	RMH	Etchart	Colette M	821 Joyce Cir	$35.56
A29128	RMH	Stover	Steven T & Susan M	829 Joyce Cir	$38.58
A29129	RMH	Carson	Mark A & Janet	831 Joyce Cir	$40.56
A29130	RMH	Cozzens	Neva Joni	835 Joyce Cir	$34.58
A29136	RMH	Rasch	Marian	859 Joyce Cir	$34.44
A29143	RMH	Nottingham	Glennis	605 Clause Cir	$37.32
A29144	RMH	Bohlman	Denise	602 Clause Cir	$34.32
A29157	RMH	Bell	Lonnie R & Martha E	858 Joyce Cir	$34.26
A29158	RMH	Veatch	Wynona K & Casey E	862 Joyce Cir	$34.26
A29161	RMH	Kidd	Annette A	874 Joyce Cir	$37.92
A33486	HC	Roberts	Kevin & Carrie L	5407 Denali Dr	$39.18
A33491	HC	Ortiz	Jose Felipe & Jeanne Doreen	5437 Denali Dr	$40.88
A33492	HC	Molm	Brandon & Megan	5441 Denali Dr	$40.60
A33493	HC	Schaff	Mark D & Jerel F	5445 Denali Dr	$49.82
A33516	HC	Wham	Sarah	5411 Sacagawea Dr	$47.20
A33517	HC	Hanson	Keith E & Pamela D	5423 Scagawea Dr	$48.64
A33520	HC	Reda	David R	5438 Frontier Dr	$41.68
A33522	HC	Baker	Robert R & Margie L	5422 Frotier Dr	$41.66
A33525	HC	Flynn	Thomas J & Margaret A	5344 Frontier Dr	$48.34
A33528	HC	La Perle	Robert & Kim	5324 Frontier Dr	$42.56
A33529	HC	McMorris	Bruce & Patricia	5320 Frontier Dr	$39.62
A33530	HC	Radovich	Brianne E	5316 Frontier Dr	$39.66
A33533	HC	Thomas	Randy W & Ann E	5309 Denali Dr	$43.90

A33535	HC	Rasmussen	Guy & Jeanne	5317 Denali Dr	$42.74
A33537	HC	Juel	Lisa	5325 Denali Dr	$46.78
A33563	HC	Alexander	Bryan & Julie	1519 Chesapeake Ln	$42.56
A33564	HC	Wanner	Jarrett	5342 Denali Dr	$48.96
A33572	HC	Hasbrouck	James A & Frances A	5317 Sacajawea Dr	$45.46
A33574	HC	Godwin	David J & Donna M	1533 Wind River Ln	$42.12
A33591	HC	Krueger	Jeffery A & Jacee C	1514 Prairie Meadow Ln	$49.82
A33592	HC	Martian	Jaime	1522 Prairie Meadow Ln	$46.10
A33594	HC	Jones	Gabriel E & Deborah E	5215 Sacagaqwea Dr	$44.14
A33605	HC	Bellile	Thomas S & Alisha A	1513 Prairie Meadow Ln	$49.82
A33606	HC	Porter	Brian G	1521 Prairie Meadow Ln	$49.82
A33609	HC	Hickethier	Mike & Laura A	5202 Sacagawea Dr	$49.82
A33611	HC	Bertrand	Christopher J & Amber D	5210 Sacagawea Dr	$49.82
A33612	HC	Watt	John L & Tanya	5218 Sacagawea Dr	$49.82
A33623	HC	Godfrey	Lee	5346 Sacajawea Dr	$49.82
A33624	HC	Kane	Mark W & Sara C	5366 Sacagawea Dr	$49.82
A33624C	HC	Moos	Allen R	5354 Sacagawea Dr	$49.82
A33625	HC	Morgan	Sandy L	5402 Sacagawea Dr	$49.82
A33626	HC	Gustafson	Darrel	5410 Sacagawea Dr	$49.82
A33628	HC	Schaff	Ronald P	5424 Sacagawea Dr	$48.74
A33629	HC	Frette	Kurt	5430 Sacagawea Dr	$44.46
A33631	HC	Digiallonardo	Rober V & Grit	5446 Sacagawea Dr	$48.80
A36133	RMH	Paul	Craig & Linda	2280 Richards Rd	$49.82
C00722	HC	Buechler	Timothy & Teresa J.	711 Key City Dr	$49.82
C00723	HC	Hjort	Violet	709 Key City Dr	$49.82
C01067	RMH	Alberta	Terry L & Diana	520 N Lakeview Dr	$49.82
C01069	RMH	Klaassen	Ashley B	532 N Lakeview Dr	$49.82
C01071	RMH	Smith	Scott D & Valerie G	527 S Lakeview Dr	$49.82
C01073	RMH	Stark	James P & Wrenetta M	523 S Lakeview Dr	$49.82
C01078D	RMH	Nathan H & Bette A McCranie Family Trust		405 Robertson Rd	$46.02
C01230	HC	Anttila	Stanley V	642 Lambrecht Ln	$49.82
C01231	HC	Bowles	Donna R & Brenda M	649 Mattson Ln	$49.82
C01352	RMH	Moats	Steve & Shelly	541 Sharron Ln	$49.82
C01379	RMH	Pearson	Eugene	624 Pemberton Ln	$49.82
C01384	RMH	Gerondale	Linda	522 Pemberton Ln	$45.84
C01384D	RMH	Gillett	Mark A	458 Pemberton Ln	$45.84
C01454A	RMH	Bauer	Dennis A. & Taya A.	437 Roxy Lane	$49.82
C01455	RMH	LeCount	George W	427 Roxy Lane	$49.82

C01456	RMH	Dewald	Jonathan L & Bonita L	419 Roxy Ln	$49.82
C01478	RMH	Schlosser	Daniel A & Ida K	435 Jerrie Ln	$49.82
C01493A	RMH	Denny	Lisha G	419 Jaque Ln	$49.82
C01595	HC	Tucker	Renee E	625 Winemiller Ln	$49.82
C12313	HC	Himmelberger	Dennis L	233 Swords Ln	$49.82
D01463	CC	Dusek	Dustin	1134 Central Ave	$32.70
D01504	CI	Keyser	Darcy & Russell	236 Prickett Ln	$49.82
D01793	CC	Woods	Clinton & Astrid	258 Garden Ave	$49.82
D01811A	CC	Walter	Kenneth & Barbara	416 Garden Ave	$49.82
D05198	HC	Miller	Randy G & Ruetta	2110 Bench Blvd	$49.82
D05200	HC	Moats	Melville	2112 Main Street	$49.82
D05202	HC	Hatveldt	Art	2104 Bench Blvd	$49.82
D05332A	RP	Habeck	Robert J	331 Hunt Ln	$49.82

2. **DENIAL OF ASSESSMENT REDUCTION:** There will be no reduction to the Arterial Construction Fee assessments for the following parcels:

TAX CODE	*LAST NAME*	*FIRST NAME*	*PARCEL ADDRESS*
D05332	Habeck	Robert J & Maribeth	339 Hunt Ln
D05334	Habeck	Bob & Maribeth	332 Hunt Ln

3. **NOTICE OF HEARING**: On Monday, **September 24, 2018,** at 5:30 p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the final adoption of this resolution. The City Clerk is hereby directed to publish notice on September 7, 2018, and September 14, 2018, in the ***Yellowstone County News***.

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EFFECTIVE DATE: This resolution shall be effective upon final adoption.

ADOPTED and APPROVED by the City Council this **24th** day of **September 2018.**

CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

Regular **5.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Public Hearing and Resolution Establishing a System Development Fee for ExxonMobil Corporation

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Public Works engaged AE2S Nexus to calculate an appropriate System Development Fee (SDF) for ExxonMobill Corporation to pay prior to connection to the City's wastewater system. SDFs are one-time fees that are assessed on new connections and are necessary to provide adequate funding for growth related capital improvements.

MCA 7-6-1604 requires governmental entities to have an advisory committee to review calculating, assessing, and spending of system development fees. The Public Works Board and Public Works staff is currently serving in the capacity of the SDF advisory committee. The committee met in April 2018 to review the preliminary SDF for ExxonMobil Corporation and reviewed the final SDF results in September 2018 and unanimously supports the recommendation being made to City Council. The attached resolution specifies the proposed SDF calculated for ExxonMobil Corporation.

ALTERNATIVES ANALYZED

The City Council must hold a public hearing and then may:

- approve the resolution
- not approve the resolution. If Council does not approve the resolution, an amended resolution will need to be considered at a future City Council meeting in order to meet the terms of the Pretreatment Service Agreement between the City of Billings and ExxonMobil Corporation approved by Council in December 2016.

FINANCIAL IMPACT

The proposed System Development fee will generate a one-time revenue of $3,562,806 for the wastewater fund to be use for growth related capital projects.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the proposed resolution adopting the System Development Fee for ExxonMobil Corporation.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION 18-

A RESOLUTION ESTABLISHING WASTEWATER SYSTEM DEVELOPMENT FEES ENACTED PURSUANT TO PRETREATMENT SERVICE AGREEMENT BETWEEN THE CITY OF BILLINGS AND EXXONMOBIL CORPORATION

WHEREAS, a wastewater system development has been calculated for wastewater service to the ExxonMobil Corporation Billings Refinery in conformance with the applicable portions of the December 19, 2016 Pretreatment Service Agreement and the September 24, 2018 amendment to the Pretreatment Service Agreement between the City of Billings and ExxonMobil Corporation; and

WHEREAS, under Title 69, Chapter 7 of the Montana Code Annotated, and under the terms of City Resolution Number 13585, the City of Billings is authorized to regulate the City's municipal water and wastewater utility and to change water and wastewater rates, fees, and charges as may be deemed by the City Council to be reasonable and just.

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

1. That per the System Development Fee calculated specifically for ExxonMobil Corporation, the System Development Fee to be paid by ExxonMobil Corporation is $3,562,806.

2. That this Resolution is to be immediately filed in the City Clerk's Office and that the decision adopting the System Development Fee shall be final ten days after such are so filed.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the 24th day of September, 2018.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise Bohlman, City Clerk

Regular **6.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Special Review 969 - Public Hearing - 316 S 24th Street West

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: Yes

PROBLEM/ISSUE STATEMENT

This is a special review request to allow the location of a beer and wine license without gaming less than the required 600 feet – measured property line to property line – from a public park with a children's playing field and playground (Stewart Park), and from a public school (Central Heights Elementary). The license is proposed for the new Blaze Pizza restaurant in a vacant 2,700 square foot tenant space in the multi-tenant building at 316 S 24th St West. The property is described as Parcel A-1 of C/S 1136, 2nd amended, a 36.82 acre parcel of land (Rimrock Mall property) located in a Community Commercial (CC) zone. The business and on-premise consumption of beer and wine is allowable in Community Commercial zones. The special review request is for the waiver of separation distances to playing fields and schools.

Special Review applications are reviewed using City Code criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not require an ordinance for approval and are not zone changes on property. These reviews are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

ALTERNATIVES ANALYZED

City Council may:

- Approve the request;
- Conditionally approve the request;
- Deny the request;
- Allow the applicant to withdraw the request; or
- Delay action on the request for up to 30 days.

APPLICATION DATA
OWNER: Matthew Colebank
AGENT: Steven Zeier
LEGAL DESCRIPTION: S12, T01S, R25E, COS 1136, Parcel A1, 2nd Amended
ADDRESS: 316 S 24th Street West
CURRENT ZONING: Community Commercial
EXISTING LAND USE: Rimrock Mall, Vacant Tenant Space
PROPOSED USE: Restaurant
SIZE OF PARCEL: 36.82 acres, application is for one 2,700 sq. ft. Tenant Space

The Planning Division reviewed the application and recommended conditional approval of Special Review 969 and the waiver of the 600-foot separation requirement. The Zoning

Commission concurred with the recommendation on a 5-0 vote.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria per BMCC 27-1503:
1)The application complies with all parts of the Zoning Regulations,
2) The application is consistent with the objectives and purposes of the Zoning Regulations and the Growth Policy, and
3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the *first* criteria in so far that the zoning regulations adopted by the City Council have designated this zoning as an area where on-premise service of alcohol is allowed.

The application meets criteria from the *second* requirement and is consistent with some objectives of the 2016 Growth Policy:
Essential Investments:

- Infill development and development near existing City infrastructure may be the most cost effective

Community Fabric:

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity

Strong Neighborhoods:

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Prosperity:

- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed development will fill in a vacant tenant space along a major transportation corridor and will help support a new business and make greater use of an existing commercial and retail center.

The application also meets the *third* criteria in that it is compatible with surrounding land uses in the area. This site is in an already established and growing area of Billings, with good access to transportation choices. The area provides some access to essential everyday services such as restaurants, retail, entertainment, vehicle services and medical offices. There will be minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

PROPOSED CONDITIONS:

1. The special review is for 1 (one) beer and wine license with no-gaming to be located in the 2,700 sq.ft. tenant space located at 316 South 24th Street West at the southeast corner of

C/S 1136 Parcel A1, Amended. No other special review use is intended or implied.
2. The maximum floor area for the special review use is limited to 2,700 square feet. Increases of 10% or less are allowed under this special review approval.
3. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
4. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
5. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

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

FINANCIAL IMPACT

There will be little to no financial impact as the commercial space is existing, although it is currently vacant.

BACKGROUND

This is a special review request to locate a beer and wine license with no gaming in the tenant space located at 316 South 24th Street West in association with a new restaurant in an existing building. The 2,700 sq.ft. space will house the proposed Blaze Pizza. The building is located northwest of the intersection of 24th Street West and Phyllis Lane. The tenant space is located on a 36.82 acre parcel that contains the Rimrock Mall and shares a western boundary with Stewart Park. The City zoning code requires a property line to property line separation between locations that serve alcohol and any property used primarily for a church, a school, or public park with playgrounds or playing fields. The proximity of Stewart Park and Central Heights Elementary School will require a waiver by the City Council to allow the sale of alcoholic beverages in this location. Per BMCC 27-612, a waiver may be granted when 1 or more conditions exist such as the lack of a pedestrian connection, visual barriers between the locations or separation by an arterial street.

The tenant space located at 316 South 24th Street West is physically located more than 600 feet away from both Stewart Park and Central Heights Elementary School. However, because the tenant space sits on a roughly 36 acre parcel, when measured property line to property line the distance is less than 600 feet. Steward Park is immediately adjacent to the western boundary while Central Heights Elementary, located east of S. 24th Street West, is separated by approximately 392 feet. Physically, the building where the proposed Blaze Pizza will be located is approximately 1,120 feet from Stewart Park and 860 feet from Central Heights Elementary School. Both the park and school have barriers that separate them from the restaurant. Stewart Park is visually blocked by Rimrock Mall. Central Heights Elementary School is blocked visually by a commercial strip mall, a principal arterial, South 24th Street West, and residential homes. The Planning staff recommends the 600-foot separation requirement be waived for this application.

The tenant space is located in an existing commercial area and is part of the property where

Rimrock Mall is located. The property has access to good transportation choices. Access closest to the tenant space is served by a principal arterial, South 24th Street West.

STAKEHOLDERS

The City Zoning Commission conducted a public hearing on September 4, 2018, received the staff recommendation and testimony from the applicant and agent. Steve Zeier, agent, stated this would be the first Blaze Pizza in Montana and would be a great location. He reiterated the restaurant would have beer and wine with no gaming. Commissioner Ulvestad asked what type of services would be provided. Mr. Zeier stated that it is a sit-down pizza restaurant and would promote local products. Mr. Zeier further explained that the pizza counter is a "pick your own topping". Mr. Ulvestad further inquired how Lucky Lil's in the mall got its approval. Zoning Coordinator Nicole Cromwell stated its was granted a waiver at that time. She explained the same requirements are in place, but the criteria for special review has changed. Matthew Colebank, applicant, explained the intent of the business is to be able to build your own pizza and by the time your drinks are served, the pizza is ready. Commissioner Boyett asked if a drive-thru service would be allowed. The applicant stated that take out is an option in addition to the sit-down restaurant. Commissioner Michael Larson asked about the opening date. Mr Colebank stated they have a building permit and are currently remodeling. The goal is to obtain the Certificate of Occupancy by September 21st. However, service of alcohol would be dependent on the City Council's approval of the Special Review application at its September 24 meeting.

Commissioner Larson motioned to grant conditional approval of the 600 ft waiver. The motioned was seconded by Commissioner Boyett. The motioned passed on a 5-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Consistency with Adopted Plans and Policies is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

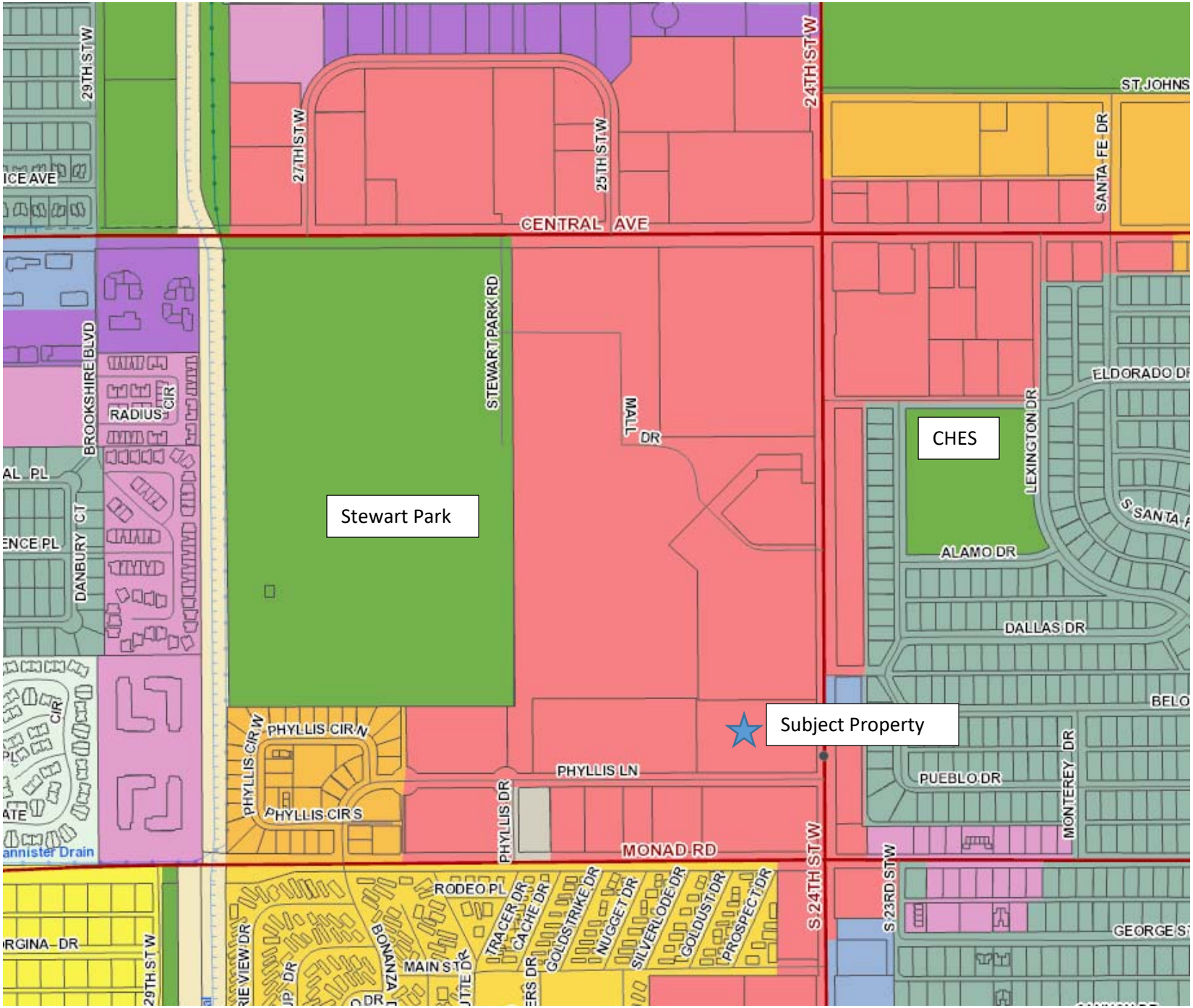
The Zoning Commission recommends conditional approval of the waiver of the 600-foot separation distance to the Central Heights Elementary School and Stewart Park for Special Review 967 on a 5-0 vote subject to the following conditions:

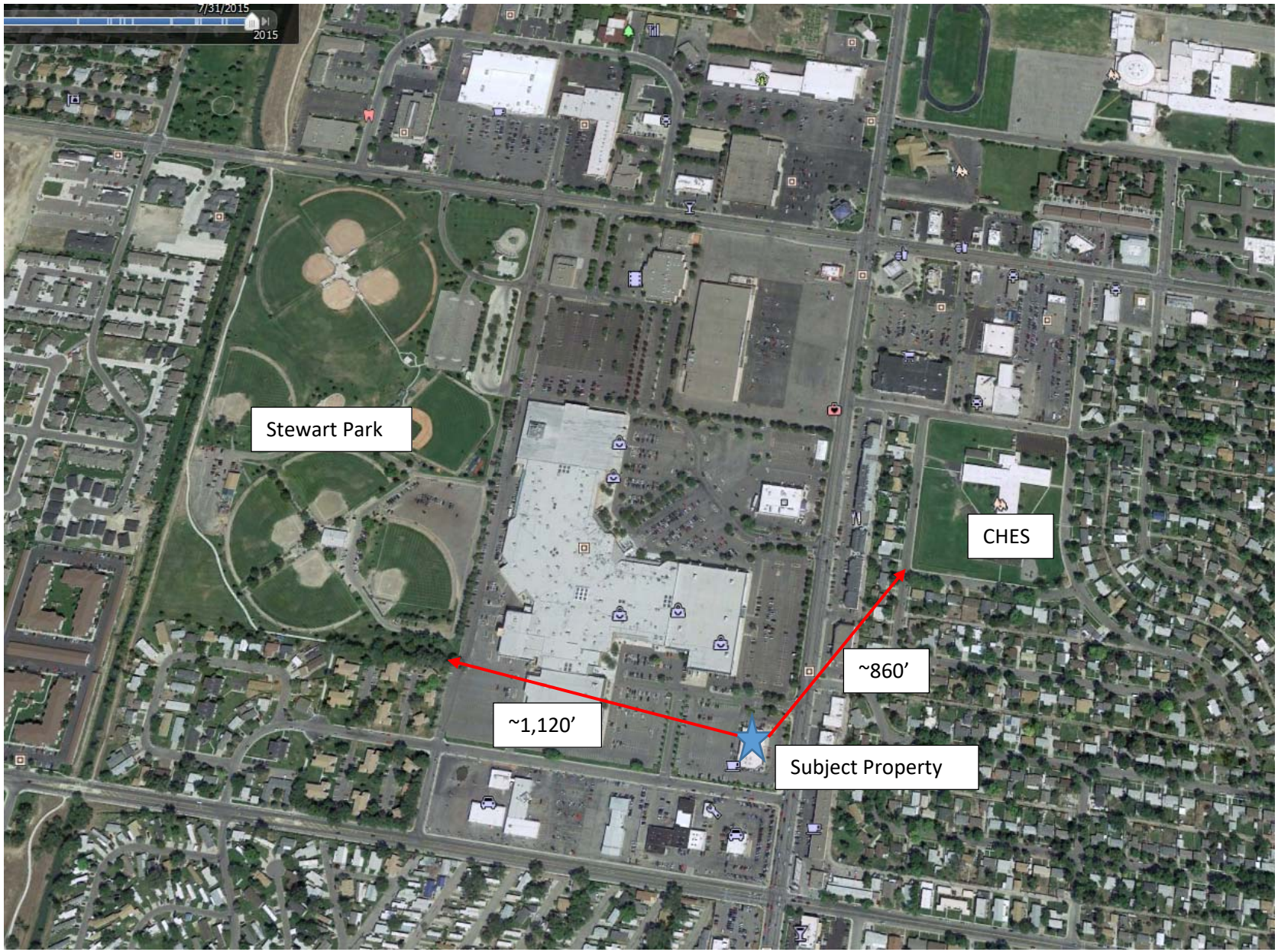
1. The special review is for 1 (one) beer and wine license with no-gaming to be located in the 2,700 sq.ft. tenant space located at 316 South 24th Street West located at the southeast corner of C/S 1136 Parcel A1, Amended. No other special review use is intended or implied.
2. The maximum floor area for the special review use is limited to 2,700 square feet. Increases of 10% or less are allowed under this special review approval.
3. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
4. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
5. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos
Application and Site Plan


CENTRAL AVE
29TH ST W
27TH ST W
25TH ST W
24TH ST W
ST JOHNS
SANTA FE DR
STEWART PARK RD
MALL DR
BROOKSHIRE BLVD
RADIUS CIR
DANBURY CT
Stewart Park
CHES
LEXINGTON DR
ELDORADO DR
ALAMO DR
DALLAS DR
PUEBLO DR
MONTEREY DR
Subject Property
PHYLLIS CIR W
PHYLLIS CIR N
PHYLLIS CIR S
PHYLLIS LN
PHYLLIS DR
MONAD RD
S 24TH ST W
S 23RD ST W
GEORGE ST
RODEO PL
TRACER DR
CACHE DR
GOLDSTRIKE DR
NUGGET DR
SILVERLODE DR
GOLDDUST DR
PROSPECT DR
BONANZA
MAIN ST
29TH ST W


7/31/2015
2015
Stewart Park
CHES
~860’
~1,120’
Subject Property

East

South east across 24th Street West

Subject Property

Subject Property

amc
5104
BILLINGS

Looking west from 24th Street West

APPLICATION FORM

CITY SPECIAL REVIEW **Billings Special Review#** 969 **- Project #** PZ-18-00123

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the City of Billings Zoning Regulations.

Present Zoning: Community Commercial

Special Review Requested: Location of a Billings Restaurant Beer & Wine License, with no gaming. The location address is 316 S 24th St W and is the future home of a Blaze Fast FIre'd Pizza.

Waiver of 600-ft separation requires Special Review

TAX ID# D00524 **CITY ELECTION WARD #** 5

Legal Description of Property: S12, T01 S, R25 E, C.O.S. 1136, PARCEL A1, 2ND AMND

Address or General Location (If unknown, contact City Engineering): 316 S 24th St W

Size of Parcel (Area & Dimensions): 36.82 Acres - 2,700 sf tenant space

Present Land-Use: Retail Shopping Center

Covenants or Deed Restrictions on Property: Yes X No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): MRB Pizza 1 LLC
(Recorded Owner)
3031 Grand Ave Suite 100 PMB 121
(Address)
406-670-4483
(Phone Number) (email)

Agent(s): Steven Zeier - NAI Business Properties
(Name)
3312 4th Ave N
(Address)
406-294-6315 szeier@naibusinessproperties.com
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: (See attached letter) Date:
(Recorded Owner)

NAI Business Properties
Commercial Real Estate Services, Worldwide.

July 24, 2018

Ms. Nicole Cromwell
City of Billings
2825 4th Ave North, 4th Floor
Billings, MT 59101

Re: Special Review Application for the location of a Billings, MT Restaurant Beer & Wine License.

Dear Nicole,

MRB Pizza 1, LLC, a Blaze Fast Fire'd Pizza franchisee, is under contract to acquire a City of Billings Restaurant Beer & Wine license # 03-101-9270-401. This license is for the sale of beer and wine only as part of a food service operation and does not allow gaming. The owners plan on locating this license at 316 S 24th St W as part of the remodeling of an existing space to a fast casual restaurant space. The applicant is seeking a waiver from Section 27-612(a)(1) requiring a 600 foot separation from an establishment that serves alcohol from churches, schools, and public playgrounds. Per section (b); (1), (2) & (3) a waiver is appropriate when there is a building obstructing the view and no direct physical access exists. In this case it is roughly 2,200 feet from the location to the public playground located at Stewart Park and roughly 1,600 feet from Central Heights Elementary School. In the case of the playground the mall building, the lack of a direct access fulfills the waiver requirement. In the case of the school an arterial street is between the two properties. The unique nature of the large mall parcel and the large park parcel requires the special review process in that they are adjacent. In the case of the school, it is within 600 feet of the far NW corner of the mall property. A waiver is appropriate in both cases.

Please see the information below as answers to the questions found in the Instructions, Section 1 of the Special Review Application Form.

Answer the following questions:

A. *In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?*
This application is most consistent with three Goals from the Growth Policy. These goals include Essential Investment, Place Making, and the Community Fabric goals. This project is a good example of infill development as it is a reuse of a currently existing space, it will provide additional service options to a busy and dense commercial corridor, as well as the surrounding neighborhoods.

B. *Why is there a need for the intended use of the property at this location?*
This is a prime retail and restaurant location that will serve the entire community. The ability to serve beer and wine as allowed provides the business owner a greater offering for services.

NAI Business Properties
Commercial Real Estate Services, Worldwide.

C. *How will the public interest be served if this application is approved?*
The public interest will be served by allowing for more and diverse dining options located adjacent to a large regional retail shopping center.

D. *Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.*
The intended use of this property is the remolding of an existing retail space for a Blaze Fast Fire'd fast casual pizza restaurant. This special review is being sought to conform with the Section 27.612 of the City of Billings zoning code that specifies the requirement of a special review where a public playground is within a certain distance of location where alcohol is served for on premise consumption.

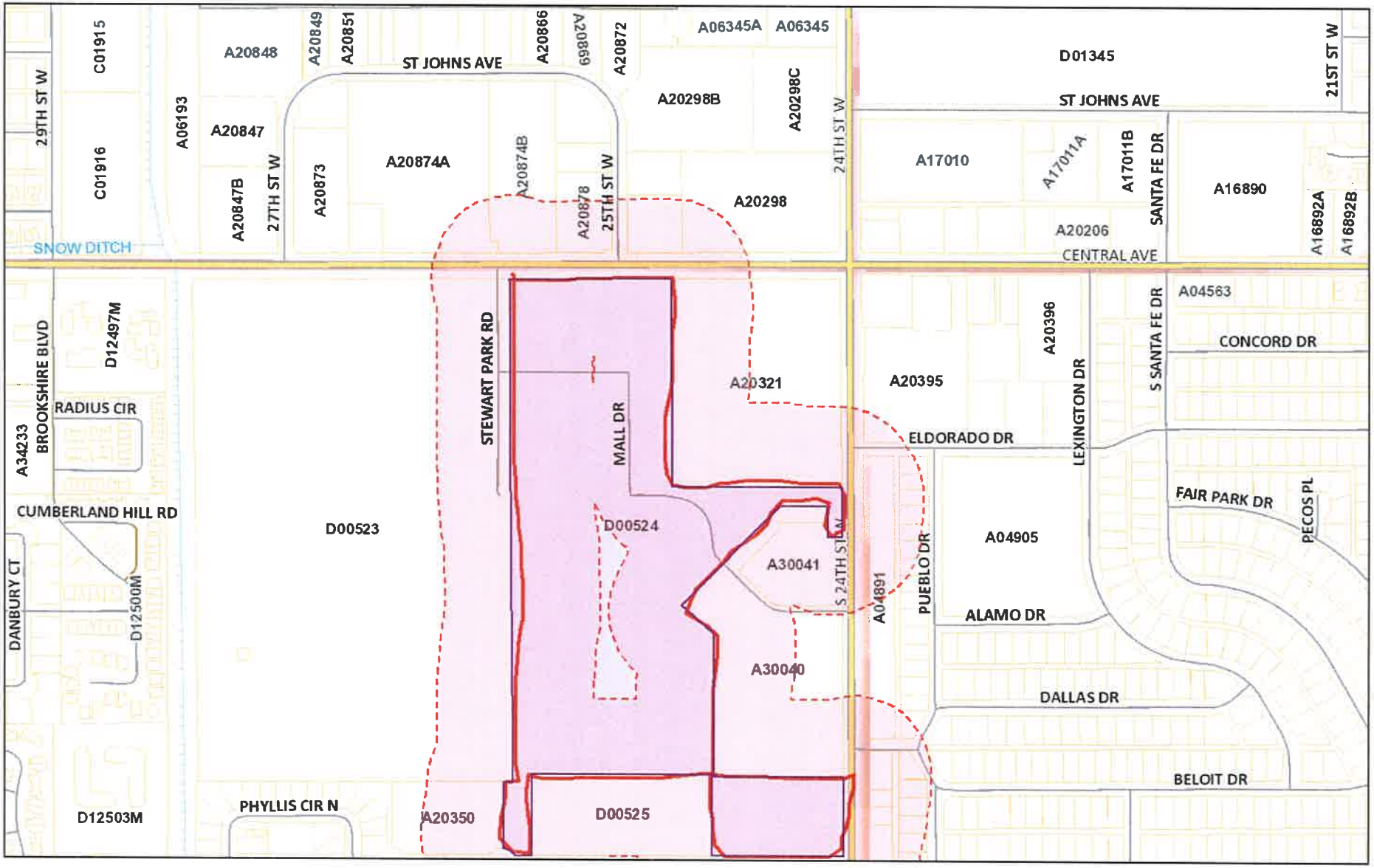
Thank you for your consideration of this request. Please contact me with any additional questions or request for more information.

Respectfully,

Steven Zeier

Certified Thru 7/10/2018 Dept of Revenue RG

300' Radius Map 300 S 24th St W - SR



July 30, 2018

polygonLayer Override 1

polylineLayer Override 1

polygonLayer Override 1

Steve Zeier
406 - 670 - 6969

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

Sources: Esri, Garmin, USGS, NPS

Yellowstone County

Regular City Council Meeting

Meeting Date: 09/24/2018
TITLE: Zone Change 970- 2015 Blue Creek Road
PRESENTED BY: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

PROBLEM/ISSUE STATEMENT

This is a zone change request from Neighborhood Commercial (NC) to Community Commercial (CC) on Tract 1C of C/S 566, a .91-acre parcel of land. A pre-application neighborhood meeting was held on July 30, 2018, at the Blue Creek Volunteer Fire Department. Tax ID: D01951. The Zoning Commission held its public hearing on September 4, 2018 and is forwarding a recommendation of approval.

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 (BMCC 27-1502) 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.

Prior to making a decision on the proposed zone change, the City Council shall consider the following findings as required by BMCC Sec. 27-1502(d):

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: Strong Neighborhoods: Neighborhoods that are safe and attractive and provide essential services are much desired. The proposed zoning will allow the owner to expand the existing structure for commercial uses to provide essential services in the neighborhood.

Prosperity: A diversity of available jobs can ensure a strong Billings' economy; Retaining and supporting existing businesses helps sustain a healthy economy. The proposed zoning will allow the owner to sustain and grow his business and provide essential services to the surrounding neighborhoods. Rezoning the parcel will allow construction of new commercial businesses which will require employees and provide jobs that will be a benefit to the community.

Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective. Neighborhoods that are safe and attractive and provide

essential services are much desired. The proposed zoning requires any development to install landscaping with a preference for it to be along the street frontage. New buildings, sidewalks, landscaping and fencing would make this area of Billings more visually appealing to residents and visitors. Infill development is the most cost effective since there is already infrastructure in place. Providing basic services near residential development is much desired and convenient to the local residential community.

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

3. Whether the new zoning will promote public health, public safety and general welfare?
Public health and public safety will be promoted by the proposed zoning. The property has an existing water distribution use. If approved, the new zoning will promote new businesses and predictable land use.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?
Transportation: The proposed zoning will not have any effect on the existing transportation system. Future uses may contribute some traffic to the surrounding street network, but Blue Creek Road is a Principal Arterial Street and can handle large traffic volumes.
Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks: Schools and parks 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 building separations to allow for adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
The new zoning will have no significant effect on transportation systems.

7. Will the new zoning promote compatible urban growth?
The new zoning does promote compatibility with urban growth. The proposed zoning will allow infill and new commercial uses that will be compatible with the existing neighborhood.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning south of the subject property and is an appropriate zone with the adjacent uses along this portion of Blue Creek Road.

9. Will the new zoning conserve the value of buildings?
Approval of the zone change will conserve the value of the property and will allow current development to expand. The value of existing buildings and the parcel will be improved and conserved by the proposed zoning

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will allow the existing business to expand and offer new commercial uses to serve the neighborhood. This is the most appropriate use of the land at this location.

FINANCIAL IMPACT

If the zone change is approved, it could improve the property and market value of the property. If the zone change is not approved, the current use may continue as it exists.

BACKGROUND

This is an application to change from Neighborhood Commercial (NC) to Community Commercial (CC) on Tract 1C of C/S 566, a .91-acre parcel of land. The requested zoning of CC will allow the applicant an opportunity to utilize the land for a greater diversity of potential businesses. If approved, the applicant is proposing a 5,000 square foot addition to the existing water service building for retail and other businesses to serve the neighborhoods nearby.

STAKEHOLDERS

The Zoning Commission held its public hearing on September 4, 2018, and received the staff recommendation of approval and testimony from the agent, Jeff Essmann. Mr. Essman said the proposed zoning of Community Commercial would allow more variety of uses such as retail, grocery and other storefronts, as well as auto parts and hardware stores. He explained the water service would remain and the proposal is to add on a 5,000 square foot building. He intends to have four units and keep one unit for his own office. There were no members of the public present for comment.

Dennis Ulvestad asked if the applicant had any businesses interested in renting at the location. Mr. Essmann answered that he had several interested, one was a veterinarian, who would not be able to operate under the Neighborhood Commercial zoning. There was discussion about the traffic in this area of Blue Creek Road and the speed limit along the route. Mr. Ulvestad commented that there would always be a concern when changing to CC that there could be a restaurant serving alcohol.

Commissioner Larson made a motion to forward a recommendation of approval and adoption of the findings of the 10 review criteria required by BMCC Sec. 27-1502(d) and the motion was seconded by Commissioner Boyett. The Commission voted 5-0 to approve the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Consistency with Adopted Policies or Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

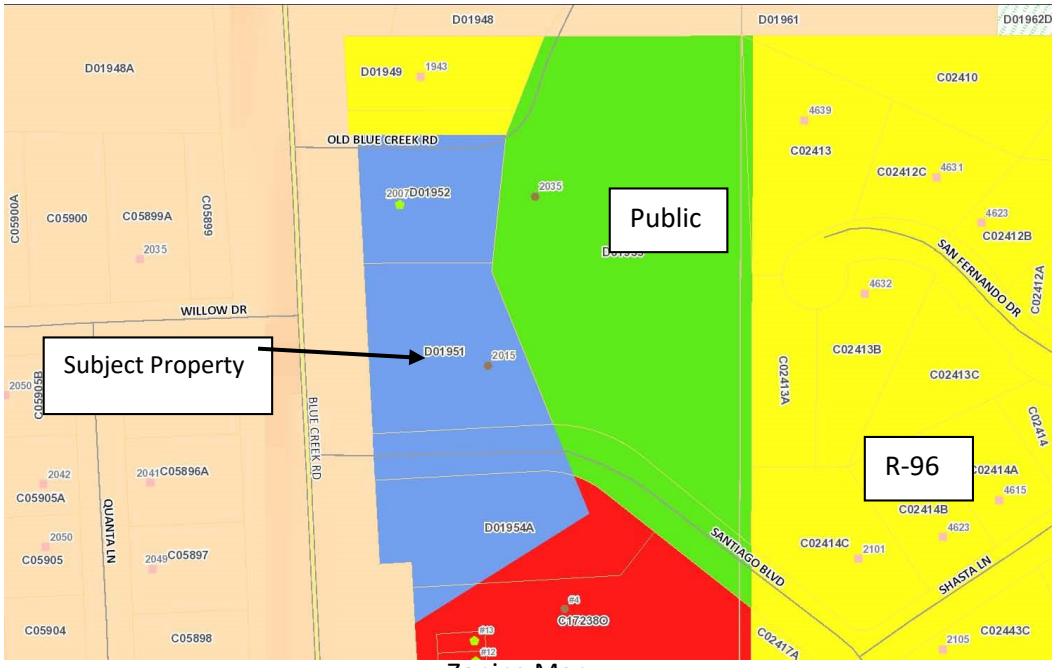
The Zoning Commission recommends approval and adoption of the findings of the 10 review criteria (BMCC 27-1502) for Zone Change 970.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map & Site Photos
Application and Site Plan
Ordinance

ATTACHMENTS



Zoning Map

Aerial Photo

Site Photos

Subject property

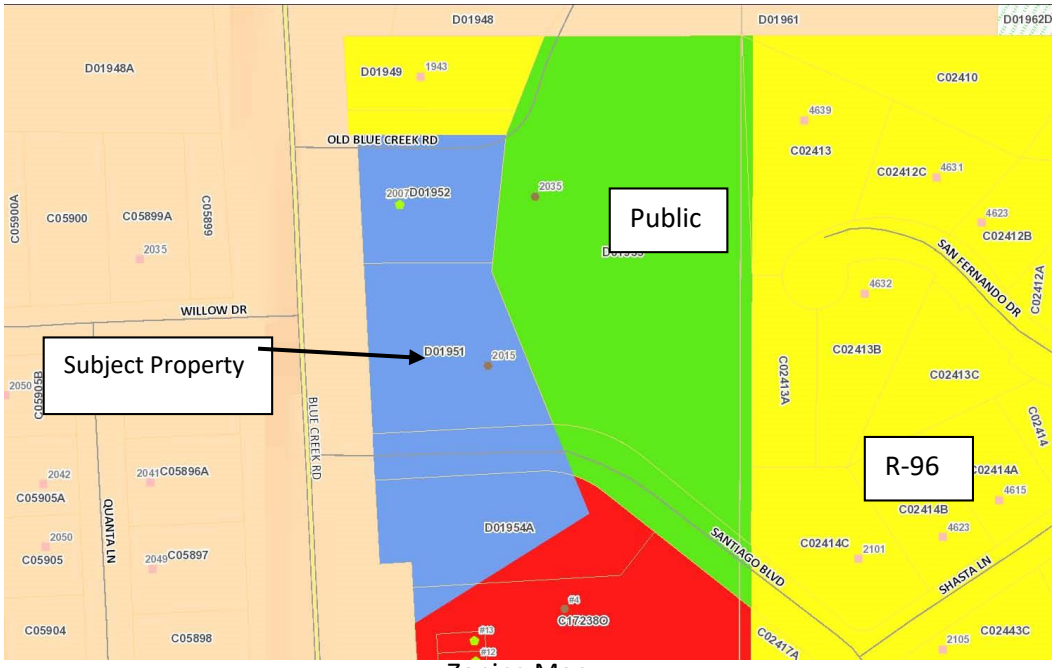
South

Site Photos

Looking North

Existing Stucture

ATTACHMENTS



Zoning Map

Aerial Photo

Site Photos

Subject property

South

Site Photos

Looking North

Existing Stucture

Application

APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** 970 **- Project #** PZ-18-00126

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: Neighborhood Commercial

Proposed Zoning: Community Commercial

TAX ID# D01951 CITY ELECTION WARD # 3

Legal Description of Property: Tract 1C of Certificate of Survey 566, Section 21, T1S, R26E PMM

Address or General Location (If unknown, contact City Engineering): 2015 Blue Creek Rd

Size of Parcel (Area & Dimensions): 0.91 acres or 39,640 SF

Present Land-Use: Water filling station and vacant land

Proposed Land-Use: Water filling station and approx 5000 SF multi-tenant commercial rental building

Covenants or Deed Restrictions on Property: Yes X No

If yes, please attach to application Applicant Letter to Board

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): No Cash Water LLC
(Recorded Owner)
PO Box 80945 Billings MT 59108
(Address)
406-534-3345 helpe nocashwater.com
(Phone Number) (email)

Agent(s): Jeff Essmann
(Name)
3130 McMasters Rd Billings MT 59101
(Address)
406-534-3345 jeffessmann@gmail.com
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: _____ Date: 8/1/2018
(Recorded Owner)

RECEIVED
AUG 02 2018
PLANNING & COMMUNITY SERVICES DEPARTMENT

Zone Change Application
2015 Blue Creek Road

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

   A. For the past 11 years I have operated No Cash Water at 2015 Blue Creek Road on a parcel that is zoned Neighborhood Commercial by the City of Billings. With the development of the new large storage facility on the 10 acres to the south of Santiago Boulevard across from my site, there is now no undeveloped property with Community Commercial zoning in the Blue Creek neighborhood.

   This proposal is consistent with the goals of the growth policy because it will encourage infill development within the existing city limits, it will allow better development of an underutilized property, it will encourage successful businesses that provide needed jobs in the community, and it will reduce long commute trips across the river to access businesses and services that are not currently available in the Blue Creek neighborhood.

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

   A. I have room on my parcel that will support future development of an approximately 5000 square foot retail building. Therefore, I seek a change in the zoning of my parcel from Neighborhood Commercial(NC) to Community Commercial(CC) so that a slightly wider array of potential businesses will be able to rent space and serve the needs of the neighborhood I live in. The list of potential tenant businesses that would be allowed under Community Commercial Zoning that are not permitted under Neighborhood Commercial zoning includes:

      1. Veterinary services
      2. Dog Grooming
      3. Residential Contractors
      4. Special Trade Contractors, i.e. Plumber, Electrician, HVAC
      5. Warehouse storage
      6. Hardware and Garden Supply
      7. Restaurant with beer and wine/no gaming (cabaret license)
      8. Civic, social and fraternal organizations

   The new zoning will be compatible with the existing zoning and land uses of the immediate area. There is a large parcel of Community Commercial to the south with a large storage facility under construction. There is a very busy convenience store with gas pumps

immediately adjacent to the north. There is a large parcel of well maintained city property to the east that serves as a buffer to the residential neighborhood of Cedar Park subdivision, and there is a very wide right of way for the busy highway that separates my parcel from the subdivision to the west. The additional traffic load generated by Community Commercial zoning versus Neighborhood Commercial zoning will be negligible.

Pre-Application Minutes

Statement on Pre-Application Meeting

Date and time of meeting July 30, 2018 at 6:30 pm
Location of meeting: Blue Creek Volunteer Fire Department Building
Proposed Zone Change: Neighborhood Commercial to Community Commercial
Address of parcel involved: 2015 Blue Creek Road Billings MT 59101
Legal Description: Tract 1C Certificate of Survey NO. 566 Section 21, T1S R25E PMM

The agent for the applicant, Jeff Essmann and his wife Sherry arrived at the Blue Creek Volunteer Fire Department building on Blue Creek Road at 6:20 pm on Monday July 30, 2018. They were met by Mr. Doug Beringer, a member of the Blue Creek VFD who opened the building and escorted them to the meeting room.

No one appeared to attend the meeting for the next thirty minutes. After Mr. Beringer gave the Essmanns a brief tour of the facility and equipment of the VFD, he signed the attendance sheet at the request of the Essmanns so that there would be independent confirmation that the pre-application meeting was held as required.

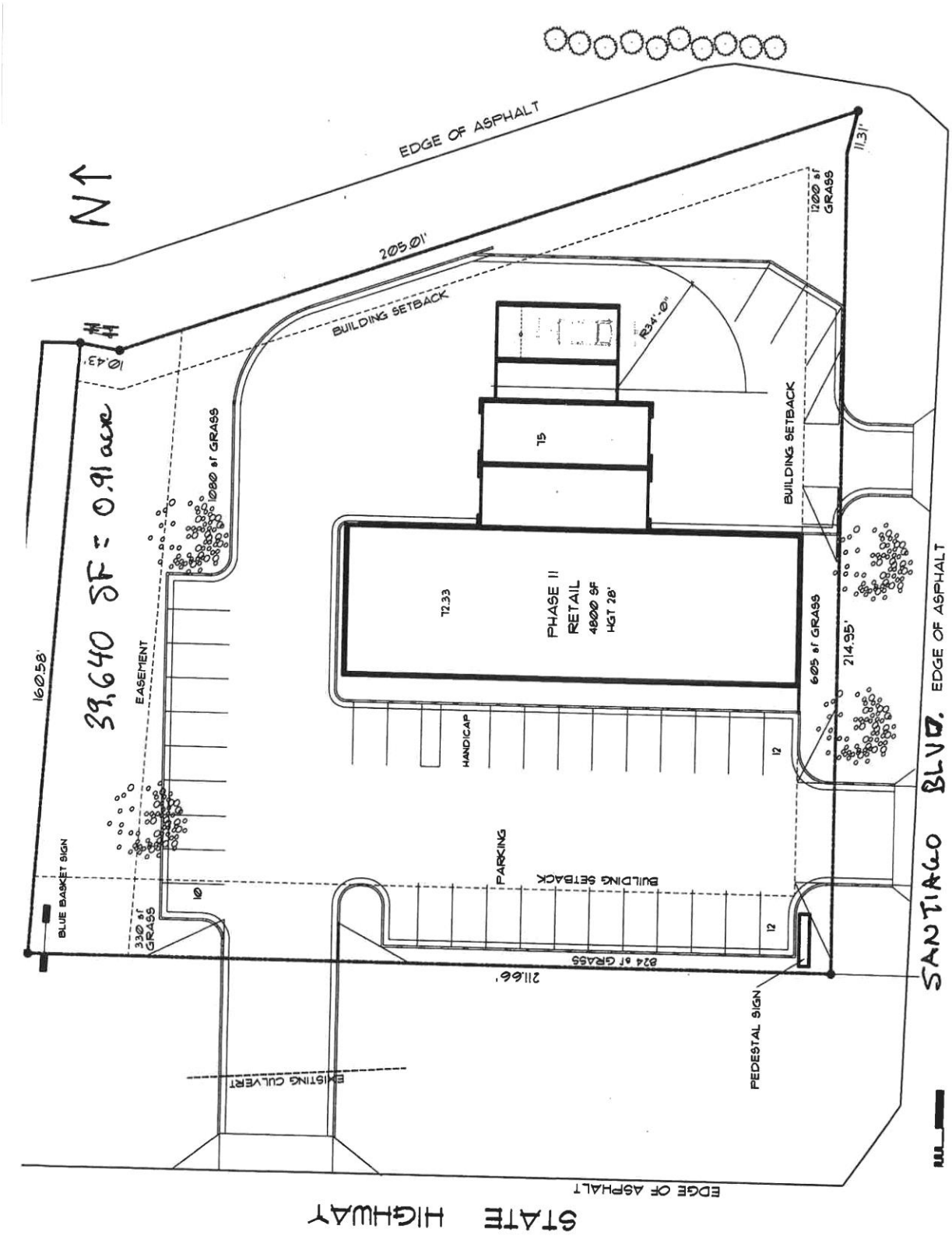
It is the conclusion of the agent for the applicant that at this time there is apparently no strong opposition to the proposed zone change for the parcel from Neighborhood Commercial to Community Commercial.

Signed this 2nd day of August, 2018

X _____

X _____

Proposed Site Plan



ORDINANCE NO. 18-

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON **TRACT 1C OF C/S 566, GENERALLY LOCATED 2015 BLUE CREEK ROAD.**

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. **TRACT 1C OF C/S 566, GENERALLY LOCATED 2015 BLUE CREEK ROAD** is presently zoned **Neighborhood Commercial** and is shown on the official zoning map within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **TRACT 1C OF C/S 566,** is hereby changed from **Neighborhood Commercial** to **Community Commercial** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Community Commercial** 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 September 24, 2018.

PASSED, ADOPTED AND APPROVED on second reading October 9, 2018.

CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk

Consent **8.**

Regular City Council Meeting

Meeting Date: 09/24/2018

TITLE: Options for Police Evidence Expansion

PRESENTED BY: Rich St. John, Police Chief

Department: City Hall Administration

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The City of Billings Police Department's Evidence Facility is a first priority in the approved City's Facilities Master Plan. The building requires an expansion to meet the growing demands on this Police operation which includes Evidence Storage, Processing, and Impound. The site at the Billings Operations Center is in proximity to the Police Patrol and Training Facility and is currently working well with logistics and efficiencies of location. The adjacent lot to the east of this site was purchased by the City a number of years ago. Staff is recommending moving forward with an expansion to this Evidence Facility and Impound lot at the current site that will maximize staff efficiencies and be designed to meet requirements of the IAPE (International Association for Property and Evidence) for level of standards and for future Accreditation.

ALTERNATIVES ANALYZED

Alternatives analyzed in this effort included a RFP for a conceptual design of an expanded Evidence Facility at the current site, as well as another RFP to evaulate alternative sites within the City. The conceptual design project included in-depth analysis of current conditions as of January, 2017 and full evaluation of procedures, processes, conditions and growth needs. The approach was to give greatest attention to the highest priority issues within Evidence and to address each of those in design. The subsequent RFP on Altenatives Sites resulted in a Recommendation to proceed on the existing site at the Billings Operations Center (BOC). On July 16, 2018, Staff presented alternatives at the City Council Work Session including a 5-year and a 10-year growth concept along with other options for storage of Police Operation Vehicles, such as the Crime Van. The Council advised that the 5 year plan may be too short a window and to come back with a recommendation that looks at the 10 year Option or explore the possibility of a 20 year Option.

Therefore, Staff is making a recommendation with some other choices for City Council to consider and Council may:

- Approve; or,
- Not Approve the recommendation: or,
- Modify and Approve Revised Recommendation to move forward.

FINANCIAL IMPACT

The recommendation of Option 2 (10-year Growth Plan) is presented and attached. Staff is recommending adding the Phase II Design Fee of $288,000 - $325,000 (depending on Option or modifications approved) to the FY19 Budget. Construction of the expansion will be included in the requested FY20 Budget. The Project will be added back into the City's CIP. The method of funding the construction will be determined by City Council at a later date upon further evaluation.

BACKGROUND

In December of 2016, a team consisting of Police Staff and Facilities unanimously received Council approval to award a Contract, as a result of a RFP process, to Schutz Foss Architects which included Roth Sheppard Architects of Denver. The scope of RFP required a firm with direct Police Operations and Evidence experience. The scope was to complete Phase I of a conceptual design process to identify and design a Billings Police Evidence expansion. After the initial Report, the project was presented for discussion to Council. There was public intervention in the process that challenged the site and cost in the Report. At the direction of City Council, another RFP was issued for the purpose of seeking alternative sites for this expansion. After completing that process, a recommendation was presented to Council to proceed with the Evidence Expansion at the current BOC site. Subsequently, the team reconsidered cost refinement options on the conceptual design and presented to a Council Work Session on July 16, 2018. The Police Department presented an Expansion with options including a 5-year and a 10-year Design with some variables for other Storage. The Work Session resulted in Council directing the Team to return with a recommendation on a 10-year Option and looking into some design options for a 20-year window of growth.

STAKEHOLDERS

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The expectation of this Expansion of the Police Evidence Facility is to assure the facility will meet requirements of the IAPE (International Association for Property and Evidence) which includes Temporary Storage, Documentation, Chain of Custody, Storage Locations and Methods, Notification Protocol, Distribution Procedures, Inventory Requirements, Right of Refusal, and Purging. In addition, it is a goal within the City Of Billings Police Department to attain Accreditation for their Evidence Facility, which would not be possible in the current facility. The proposed expansion is the first priority in the City's adopted Facilities Master Plan.

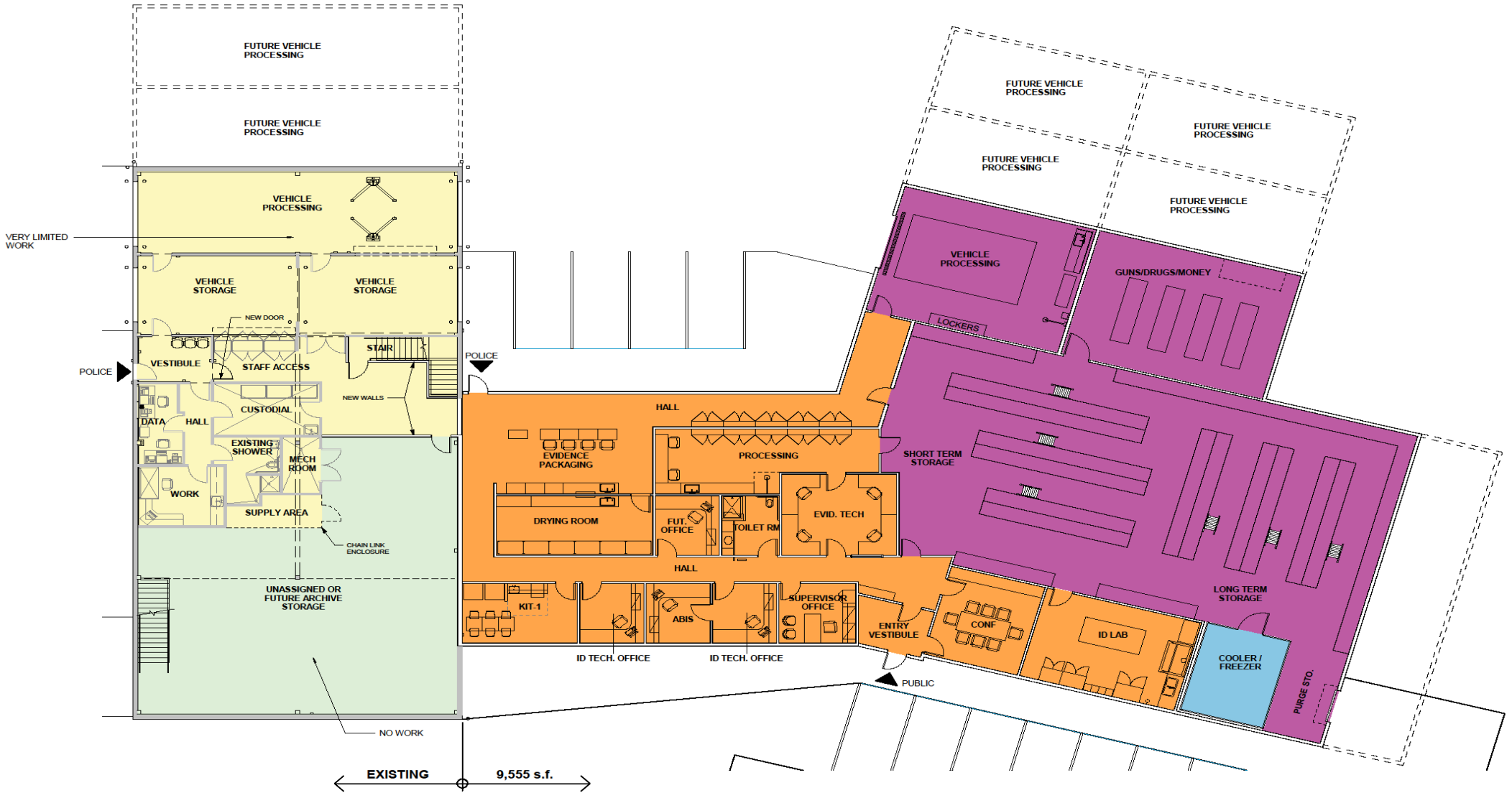
RECOMMENDATION

Staff recommends:

1) City Council approve Evidence Facility 10-Year Plan (Option 2) or add parts of 20-Year Plan
2) Move forward immediately with Phase II Design Contract with Schutz Foss/Roth Sheppard Architects
3) Place Evidence Expansion back into the CIP
4) Add design fees to FY19 Budget (Amendment) and Construction will be budgeted in FY20

APPROVED BY CITY ADMINISTRATOR

Attachments



FLOOR PLAN
1/8" = 1'-0"

OPTION 1 - 5 YEARS

PRELIMINARY

Date	MONTH ##, 2013
Issue	
Drawn by	SmN

REVISIONS

NUMBER	REVISION DESCRIPTION	DATE

BILLINGS EVIDENCE STORAGE

SCHUTZ FOSS ARCHITECTS, P.C.
ARCHITECTURE · INTERIORS · PLANNING
BILLINGS, MT. & GILLETTE, WY. & DICKINSON, N.D.
WWW.SCHUTZFOSS.COM

OPTION 1

Project No. 1701

3.0

8/24/2018 10:29:51 AM

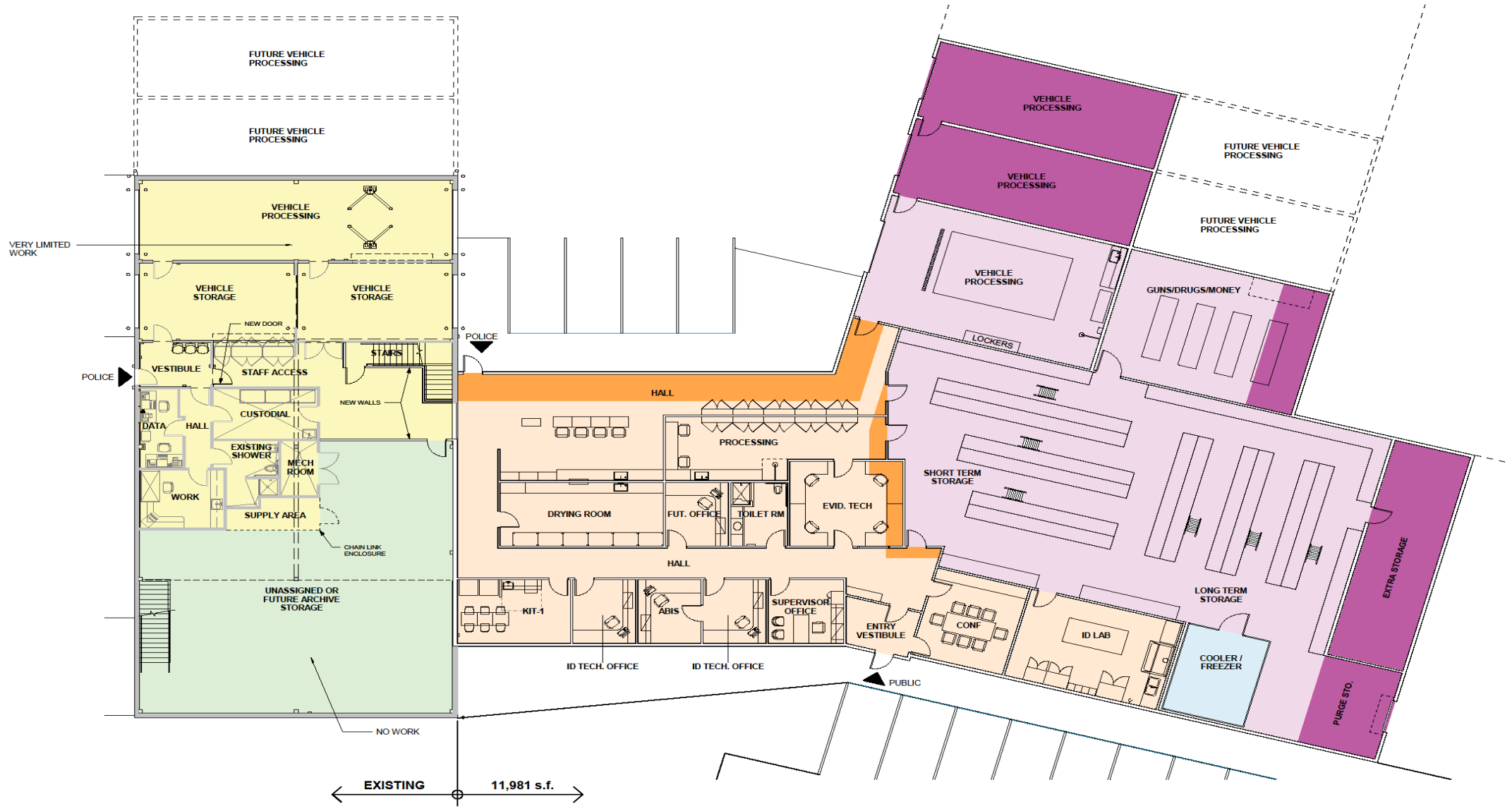
SCHLITZ FOSS
ARCHITECTS, P.C.

Summary Cost Estimate

Option 1
5 Year

Police Evidence Building Expansion
Billings, MT - Project # 1701
August 24, 2018

EXISTING BUILDING		
Minor work, walls, doors, etc.	$ 80,000.00	
NEW ADDITION		
Office, Storage & Vehicle Processing 9,555 SF x $163.50:	$ 1,562,242.50	
		$ 1,642,242.50
SITE WORK		
New Entrance Configuration, Public Parking, Impound Lot Increase:	266,316.00	
Site Lighting:	89,710.00	
Fencing: 8" high Trex with top wire.	160,000.00	
		$ 516,026.00
	SUBTOTAL:	**$ 2,158,268.50**
	Construction Contingency (15%):	$ 323,740.28
	A/E Compensation:	$ 250,000.00
	TOTAL CONSTRUCTION:	**$ 2,732,008.78**



FLOOR PLAN
1/8" = 1'-0"

OPTION 2 - 10 YEARS
RECOMMENDED

PRELIMINARY

Date	MONTH ##, 2013
Issue	
Drawn by	SmN

REVISIONS

NUMBER	REVISION DESCRIPTION	DATE

BILLINGS EVIDENCE STORAGE

SCHUTZ FOSS ARCHITECTS, P.C.
ARCHITECTURE · INTERIORS · PLANNING
BILLINGS, MT. & GILLETTE, WY. & DICKINSON, N.D.

OPTION 2

Project No. 1701

3.0

8/24/2018 10:16:54 AM

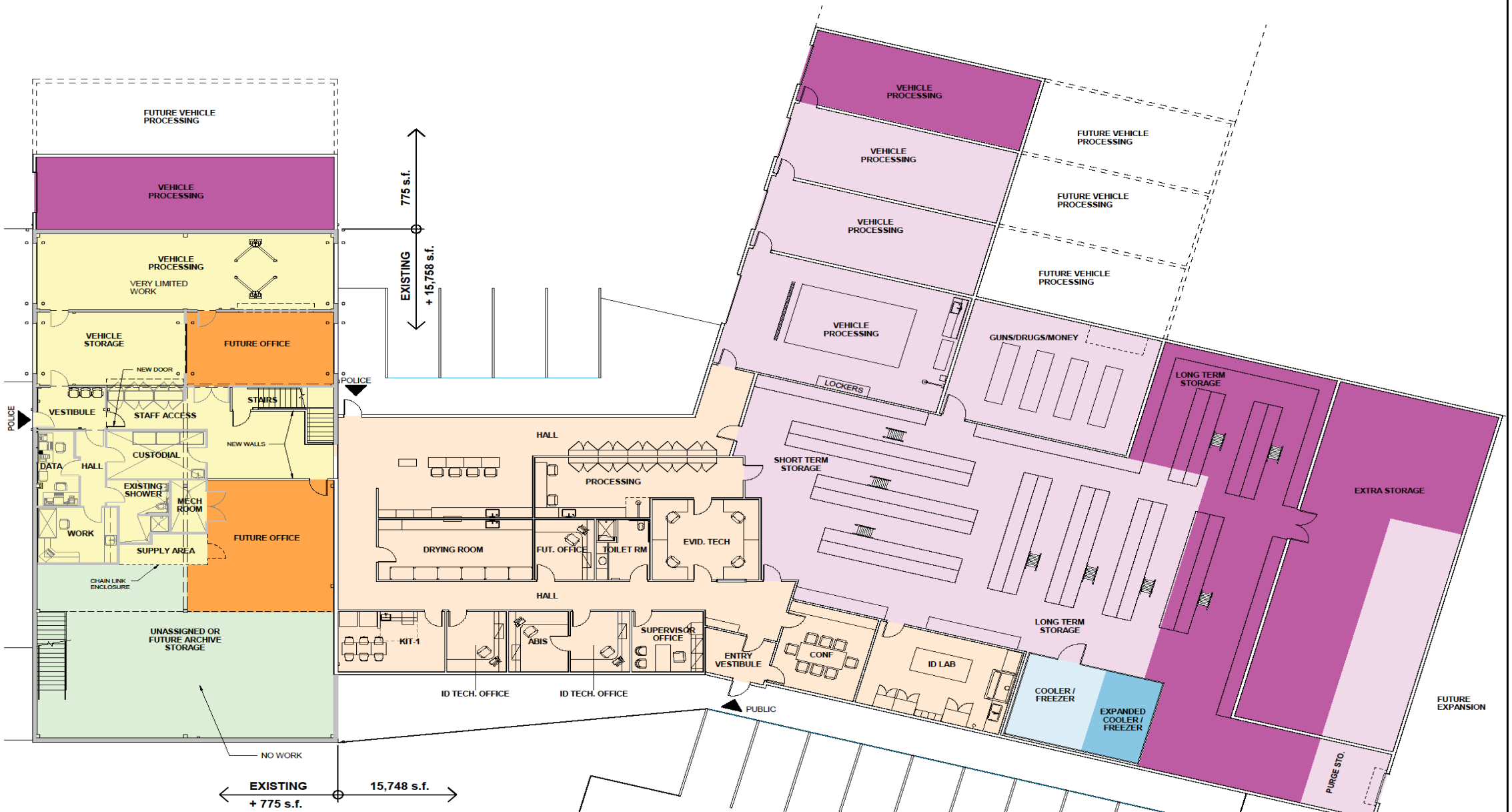
SCHUTZ FOSS
ARCHITECTS, P.C.

Summary Cost Estimate

Option 2
10 Year

Police Evidence Building Expansion
Billings, MT - Project # 1701
August 24, 2018

EXISTING BUILDING			
Minor work, walls, doors, etc.	$ 80,000.00		
NEW ADDITION			
Office, Storage & Vehicle Processing 11,981 SF x $163.50:	$ 1,958,893.00		
		$	**2,038,893.00**
SITE WORK			
New Entrance Configuration, Public Parking, Impound Lot Increase:	266,316.00		
Site Lighting:	89,710.00		
Fencing: 8" high Trex with top wire.	160,000.00		
		$	**516,026.00**
	SUBTOTAL:	**$**	**2,554,919.00**
	Construction Contingency (15%):	$	375,678.00
	A/E Compensation:	$	288,020.00
	TOTAL CONSTRUCTION:	**$**	**3,218,617.00**



FLOOR PLAN
1/8" = 1'-0"

OPTION 3 - 20 YEARS

PRELIMINARY

Date	MONTH ##, 2013
Issue	
Drawn by	SmN

REVISIONS

NUMBER	REVISION DESCRIPTION	DATE

BILLINGS EVIDENCE STORAGE

SCHUTZ FOSS ARCHITECTS, P.C.
ARCHITECTURE · INTERIORS · PLANNING
BILLINGS, MT. & GILLETTE, WY. & DICKINSON, N.D.

OPTION 3

Project No. 1701

3.0

8/24/2018 10:19:09 AM

SCHUTZ FOSS
ARCHITECTS, P.C.

Summary Cost Estimate

Option 3
20 Year

Police Evidence Building Expansion
Billings, MT - Project # 1701
August 24, 2018

EXISTING BUILDING		
Minor work, walls, doors, etc.	$ 80,000.00	
NEW ADDITION		
Office, Storage & Vehicle Processing 16,523 SF x $163.50:	$ 2,701,511.00	
		$ 2,781,511.00
SITE WORK		
New Entrance Configuration, Public Parking, Impound Lot Increase:	266,316.00	
Site Lighting:	89,710.00	
Fencing: 8" high Trex with top wire.	160,000.00	
		$ 516,026.00
	SUBTOTAL:	**$ 3,297,537.00**
	Construction Contingency (15%):	$ 494,631.00
	A/E Compensation:	$ 379,217.00
	TOTAL CONSTRUCTION:	**$ 4,171,385.00**
	Alternate Additional Work	
	On-site canopy for Police building	
	4,650 sf x $55.00:	**$ 255,750.00**

Recommendations

- **City Council approve Evidence Facility 10-Year Plan (Option 2) or add parts of 20-Year Plan**
- Move forward immediately with Phase II Design Contract with Schutz Foss/Roth Sheppard Architects
- Place Evidence Expansion back into CIP
- Add design fees to FY19 Budget (Amend) and Construction in FY20 Budget