****ATTENTION****

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws:

- The Agenda Packet is available for viewing on the City's website at: https://ci.billings.mt.us/117/Agendas-Minutes
- Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting.
- The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. The Public may also view online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
- Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Council via email before 3:00 PM, on Monday, September 28th, at: https://ci.billings.mt.us/1538/City-Council-E-mail-Messages
- Emails received after 3:00 PM and prior to 5:00 PM, may be read during the meeting.
- The Public may call in during specific Public Comment periods at **406.237.6196**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact Denise Bohlman, City Clerk, bohlmand@billingsmt.gov, with any questions.

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

Council Chambers are Closed. The meeting will be held remotely via virtual meeting room. Please see coversheet for details and instructions for viewing and participation.

September 28, 2020 **5:30 P.M.**

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Purinton

ROLL CALL: Councilmembers present on roll call were: ☐ Shaw, ☐ Yakawich, ☐ Neese, ☐ Ewalt, ☐ Joy, ☐ Choriki, ☐ Purinton, ☐ Ronning, ☐ Boyett, ☐ Brown

MINUTES: September 14, 2020

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the 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. Mayor Cole recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
1	No Applications	Library Board*	10/01/20	12/31/21
2	Thelma Armstrong	Parks, Recreation & Cemetery Board*	10/01/20	12/31/21
3	Joe Studiner	Tourism BID	10/01/20	10/01/24
4	Ron Spence	Tourism BID	10/01/20	10/01/24

* 1 Unexpired term of Stella Fong
* 2 Unexpired term of Clark Johnson

B. Bid Awards:

1. **Fire Station #6 Exterior Repairs.** (Opened 9/15/20) Recommend TW Clark; $156,900.

2. **Winter Traction Material.** (Opened 9/15/20) Recommend Knife River, $23.00/ton, for one year with option for years two and three based upon mutual consent.

3. **Two 2021 37,000 G.V.W. Single Axle Trucks with Dump/Sander/Plow.** (Opened 9/15/20) Recommend I-State Truck Center; $322,264.

4. **Three 2021 58,000 G.V.W. 12-yd. Dump Truck with Snowplow Assembly and Sanders.** (Opened 9/15/20) Recommend Tri-State; $662,569.48.

C. Reimbursement Agreement with High Sierra II, Inc. for construction of public water and sanitary sewer main.

D. Resolution amending the boundaries of SILMDs 14, 97, and 99, and discontinuing SILMD 248.

E. Second/Final Reading Ordinance expanding Ward I (Annexation 20-02) for approximately .475 gross acres located at 1053 Lincoln Lane. Propriedad, LLC, owners.

F. **Bills for the Weeks of:**

1. August 24, 2020

2. August 31, 2020

Recommended Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

REGULAR AGENDA:

2. **PUBLIC HEARING** to receive input on the City's FY2019-2020 Draft Comprehensive Annual Performance Evaluation Report (CAPER) for Community Development Block Grant (CDBG) and HOME Programs. No action is necessary.

- *Presented by: Brenda Beckett, Community Development Manager*

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 982:** a zone change from Residential Professional (RP) to Residential Multi-Family (RMF) on Block 4, Lot 4-8, Sunset Subdivision, a 39,793 square foot parcel of land, generally located at 1127 Alderson Avenue. 1127 Alderson Avenue, LLC , owner; Michael Burke, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) ** Quasi-Judicial*

- *Presented by: Karen Husman, Planner I*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 982 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

** Quasi-Judicial* – Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 983:** a zone change from Public to Residential 8,000 (R-80) for the southern 1.98 acres of Lot 2, Block 1, Cherry Creek Estates Subdivision. Cherry Island, LLC, owner; Blueline Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) ** Quasi-Judicial*

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 983 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

** Quasi-Judicial* – Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

5. **PUBLIC HEARING AND RESOLUTION** adopting annual Special Improvement Light Maintenance District (SILMD) assessments for FY21. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Jennifer Duray, Deputy Public Works Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve a Resolution adopting annual SILMD assessments for FY21, as recommended by staff.

6. **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.)

- *Presented by: Jennifer Duray, Deputy Public Works Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a a resolution approving reduction of the Arterial Construction Fee assessment for residents in commercial zones, as recommended by staff.

7. **PUBLIC HEARING AND RESOLUTION** assessing the nuisance property abatements**.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Wyeth Friday, Planning Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing the nuisance property abatements, as recommended by staff.

8. **PUBLIC HEARING AND RESOLUTION** assessing the weed abatements**.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Wyeth Friday, Planning Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing the weed abatements, as recommended by staff.

9. **PUBLIC HEARING AND RESOLUTION** setting General Obligation (GO) Debt and Public Safety II (PS II) mill levy rates for FY21 per the passage of 60 mills. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Andy Zoeller, Finance Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution setting General Obligation (GO) Debt and Public Safety II (PS II) mill levy rates for FY21 per the passage of 60 mills, as recommended by staff.

10. **PUBLIC HEARINGS AND RESOLUTIONS relating to:**

A. **Revising** encroachment rental fees for FY21. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Jennifer Duray, Deputy Public Works Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution revising the encroachment rentals fees for FY21, as recommended by staff.

B. **Adopting** the encroachment assessments for FY21. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Andy Zoeller, Finance Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution adopting the encroachment assessments for FY21, as recommended by staff.

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 or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

COUNCIL INITIATIVES:

ADJOURN:

Council meetings may be viewed at any time by accessing Community 7 Television online at www.comm7tv.com and clicking on archived programs.

Consent **1. A. 1.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Board & Commission Appointments

PRESENTED BY: Chris Kukulski, City Administrator

Department: City Hall Administration **Division:** Administration

RECOMMENDATION

Mayor Cole recommends that the City Council confirm the appointments to the following boards and commissions.

	Name	Board/Commission	Term	
1	No Applications	Library Board*	10/01/20	12/31/21
2	Thelma Armstrong	Parks, Recreation & Cemetery Board*	10/01/20	12/31/21
3	Joe Studiner	Tourism BID	10/01/20	10/01/24
4	Ron Spence	Tourism BID	10/01/20	10/01/24

* 1 Unexpired term of Stella Fong

* 2 Unexpired term of Clark Johnson

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Mayor is requesting that the City Council confirm the appointments for Board and Commission positions that are vacant due to a resignation or term expiration.

ALTERNATIVES

City Council may:

- Approve the proposed appointments; or;
- Disapprove the appointments

FISCAL EFFECTS

The proposed action has no financial impact.

Consent **1. B. 1.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Bid Award - Fire Station #6 Exterior Repairs

PRESENTED BY: Iverson Jessica, Facilities Manager

Department: Facility Services

RECOMMENDATION

Staff recommends that the City Council award a contract for Hail Repairs to Fire Station #6 to TW Clark in the amount of $156,900.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Fire Station #6, located at 1601 St. Andrews Dr, sustained significant hail-related damage in August 2019. This project includes replacement and repair of the damaged building elements.

This project was advertised on 9/4/2020 and 9/11/2020 in the *Yellowstone County News* and on the City's website. Bids were opened on 9/15/2020 and 1 qualified bid was received. TW Clark submitted the lowest, responsible bid.

ALTERNATIVES

City Council may:

- Award the contract to TW Clark in the amount of $156,900, or;
- Not award the contract and delay the repairs to Fire Station #6.

FISCAL EFFECTS

The following bids were received:

BIDDER	BASE BID	ALTERNATE #1	ALTERNATE #2	BASE BID + ALT #1
TW CLARK	$126,900.00	$30,000.00	($2,100.00)	$156,900.00
TIMBERMAN CONSTRUCTION	*REJECTED – DID NOT PROVIDE BID BOND*			

Alternate #1 (roof): Upgrade roof from asphalt shingles to 24 ga. standing seam metal roof (accepted)
Alternate #2 (siding): Deduct for siding from Hardiboard siding to vinyl siding (rejected - Hardiboard siding will be installed in lieu of vinyl)

The base bid amount minus the siding alternate and deductible ($119,800) will be funded by insurance claim funds paid out for the August 2019 hail event. The City's insurance carrier has reviewed and approved this bid. The cost for the material upgrades ($32,100) plus the Fire Department's share of the deductible ($5,000) will be paid by the Fire Department with deferred maintenance funds, which have been allocated in the FY21 budget for fire station improvements. The upgrades to more durable materials will improve the resiliency and longevity of this facility.

INSURANCE PAYS	$119,800.00
DEDUCTIBLE (FIRE DEPT PAYS)	$5,000.00
MATERIAL UPGRADES (FIRE DEPT PAYS)	$32,100.00
TOTAL PROJECT	$156,900.00

While the City only received one qualified bid on this project, upon review of the bid with our insurance carrier and our project manager, we do believe it is a competitive bid for the specified scope of work and is in line with current market conditions. See attached letter of recommendation from our project manager.

Attachments

Cushing Terrell Recommendation

Cushing Terrell

MEMORANDUM

Date:	September 17, 2020
To:	City of Billings 210 N 27th Street Billings, MT 59101
From:	Brady Gauer Roofing & Building Envelope Specialist Cushing Terrell
RE:	Fire Station 6 Roof & Siding Replacement Project Award Recommendation

---

To whom it may concern;

The Roof and Siding Replacement project for the City of Billings' Fire Station #6 building in the heights was bid on Tuesday afternoon, September 15, 2020.

The project received two bids at the time off the opening. Only one of the two bids met the appropriate bidding requirements of the project. The bid which was found by the city clerk to not meet these requirements was not opened or considered.

TW Clark Construction of Billings, MT provided the only qualifying bid to the project, offering a base bid price of $126,900 with an alternate #1 price of $30,000 and an alternate #2 deductive price of $2,100.

Alternate #1 involves the installation of a metal standing seam roof in lieu of the base bid's specified architectural shingles while Alternate #2 provides the installation of a vinyl siding system instead of the base bid's specified cement board siding.

Cushing Terrell has extensive experience working with TW Clark Construction. It is our opinion that TW Clark will deliver a quality job on the project for the City of Billings. We also believe that the pricing for the project provided by TW Clark falls in line with pricing currently being observed within the roofing and siding industries.

It is Cushing Terrell's recommendation that the City of Billings award the Fire Station 6 Roof and Siding Replacement project to TW Clark Construction.

Sincerely,

Brady J. Gauer

Brady J. Gauer
Roofing & Building Envelope Specialist

Consent **1. B. 2.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Bid Award for Winter Traction Material

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Street/Traffic

RECOMMENDATION

Staff recommends the City Council approve the award for the purchase of winter traction material for $23.00 per ton from Knife River for one year with the option of purchasing the winter traction material for years two and three based on the mutual consent of the City and the supplier.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Public Works Department uses winter traction material on City streets and roads during the winter months as an aid in ice and snow removal. On average, the Street/Traffic Division will use between 4,000 and 6,000 tons of this material for the season. The Public Works Department advertised for bids in the Yellowstone County News and on the City's website for two weeks. Bids were opened for the winter traction material on September 15, 2020. The City received 1 bid for this material.

ALTERNATIVES

City Council may:

- Approve the award for the purchase of the winter traction material, or:
- Disapprove the award for the purchase of the winter traction material. If not awarded, the Public Works Department will not be able to place sand for traction control this winter.

FISCAL EFFECTS

The cost for the winter traction material will be funded through the Public Works Department, Street/Traffic Division operations and maintenance budget. Bids were received on September 15, 2020. One supplier responded to the request for bid and the bidding result is as follows:

Vendor	Price per ton each Year
Knife River	$23.00/Tn Year 1
Knife River	$23.50/Tn Year 2
Knife River	$24.00/Tn Year 3

Although only one bid was received, staff believes the bid is a reasonable price for this product and is within the budget amount.

Consent **1. B. 3.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Two 2021 37,000 G.V.W. Single Axle Trucks with Dump/Sander/Plow

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Street/Traffic

RECOMMENDATION

Staff recommends that the City Council accept the low bid and purchase the two 2021 37,000 G.V.W. single axle trucks with dump/sander/plow from I-State Truck Center in the amount of $322,264.00. This includes the trade amount of $2,000 and the 5-year transmission/engine warranty in the amount of $2,797 each.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

One bid was received by the Public Works Street/Traffic Division on September 15, 2020 to purchase two 2021 37,000 G.V.W. single axle trucks with dump/sander/plow. This purchase will replace the existing unit 1195, 1986 Ford dump truck flatbed and a new dump truck. Both are included in the FY21 Equipment Replacement Plan (ERP) and in the FY21 budget.

ALTERNATIVES

City Council may:

- Approve purchasing the two 2021 37,000 G.V.W. Single Axle Trucks with Dump/Sander/Plow, or;
- Disapprove the purchase. The existing unit is nearing the end of its useful life.

FISCAL EFFECTS

The budgeted amount of the equipment is $340,000.00. The City received 1 bid for the two 2021 37,000 G.V.W. single axle trucks with dump/sander/plow as shown below:

Vendor	Net Price	Trade Amt	Warranty 5yr Eng/Trans	Total Bid
I-State Truck Center	$159,335.00x 2 =$318,670.00	$2,000.00	$2,797.00 x 2 = $5,594.00	$322,264.00

The bid is $17,736 less than the budgeted amount. The remaining budget will be utilized for other Street/Traffic division equipment overages.

Consent **1. B. 4.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Three 2021 58,000 G.V.W. 12 Yd Dump Truck with Snowplow Assembly and Sanders

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Street/Traffic

RECOMMENDATION

Staff recommends that the City Council accept the low bid and purchase the three 2021 58,000 G.V.W. 12-yd. dump trucks with snowplow assembly and sanders from Tri-State in the amount of $662,569.48. This includes a trade in amount of $38,000 and a 4-year transmission/ 5-year engine warranty in the amount of $4,902 each.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Two bids were received by the Public Works Street/Traffic Division on September 15, 2020 to purchase three 2021 58,000 G.V.W. 12-yd. dump trucks with snowplow assembly and sanders. This purchase will replace existing units 1190/1290/1390 and 1191/1291/1391 and provide one additional dump truck. All three dump trucks are included in the FY21 Equipment Replacement Plan (ERP) and in the FY 21 Street/Traffic division budget.

Unit 1190/1290/1390 will be traded in for $38,000 and unit 1191/1291/1391 will be transferred to the Solid Waste division to utilize in its operations.

ALTERNATIVES

City Council may:

- Approve purchasing the three 2021 58,000 G.V.W. 12-yd. dump trucks with snowplow assembly and sanders, or;
- Disapprove the purchase. The existing units are nearing the end of its useful life.

FISCAL EFFECTS

The City received 2 bids for the three 2021 58,000 G.V.W. 12-yd. dump trucks with snowplow assembly and sanders as shown below:

Vendor	Net Price	Trade	Warranty	Total Bid
Tri-State	$228,621.16 x 3 = $685,863.48	1190 - $38,000.00 1191 - $38,000.00	Trans 4yr - $2,857.00 ea Eng 5yr - $2,045.00 ea Total for 3 - $14,706.00	$662,569.48
Peterbilt	$231,438.00 x 3 = $694,314.00	1190 - $32,000.00 1191 - $32,000.00	5yr eng/trans Total for 3 - $14,826.00	$677,140.00

The FY21 budgeted amount is $635,676. The overage on this bid will be covered by savings on other equipment purchases in the Street/Traffic Division.

Consent **1. C.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Reimbursement Agreement with High Sierra II, Inc.

PRESENTED BY: Debi Meling

Department: Public Works **Division:** Engineering

RECOMMENDATION

Staff recommends that the City Council authorize the Mayor to execute the Reimbursement Agreement for High Sierra II, Inc.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

In order to obtain City water and sanitary sewer service for High Sierra Subdivision,14th Filing, the property owner, High Sierra II, Inc., constructed public water and sanitary sewer mains from Morocco Drive from Sierra Grande Boulevard to Mission Oaks Drive. High Sierra II, Inc. does not own any of the properties fronting this water and sanitary sewer extension. The adjacent properties will connect into these extensions in the future. At such time that these adjacent properties request City water and sanitary sewer service from the subject mains, High Sierra II, Inc. desires to be reimbursed of their construction costs.

Reimbursement agreements are consistent with the Rule and Regulations Governing Water and Sanitary Sewer Services.

ALTERNATIVES

City Council may:

- Accept the reimbursement agreement; or
- Do not accept the reimbursement agreement. Rejecting the agreement would be contrary to the City's policy in which the Public Works Department collects reimbursement fees paid to the City and are accumulated and paid to the developer annually on each November 1st following acceptance of the constructed utilities. Payments are limited to reimbursement fees paid to the City on or before the tenth anniversary of the date of acceptance.

FISCAL EFFECTS

Since the fee is paid by adjacent property owners, the City has no financial obligation with a Reimbursement Agreement.

Attachments

Reimbursement Agreement

REIMBURSEMENT AGREEMENT
(Billings, Montana City Code Article 26-500)

THIS AGREEMENT entered into this _____ day of _____, 20___ between THE CITY OF BILLINGS, Billings, Montana, hereinafter referred to as the "CITY", and

High Sierra II, Inc., 175 North 27th Street, Suite 900, Billings, Montana, 59101, hereinafter referred to as "DEVELOPER".

W I T N E S S E T H

WHEREAS, Article 26-500 Billings, Montana City Code provides a procedure for certain developers to be reimbursed for a portion of the costs constructing special benefit facilities under certain circumstances; and

WHEREAS, no person, developer, customer or applicant shall acquire any vested rights under the terms and provisions of this agreement or Article 26-500 BMCC; and

WHEREAS, DEVELOPER has agreed to extend a special benefit facility for the purpose of providing water and wastewater service through plans and specifications approved by the City on the 11th day of May, 2020. Said plans and specifications generally provide for the construction of special benefit facilities which are specifically described in Exhibit 1, attached hereto; and

WHEREAS, DEVELOPER is desirous of obtaining reimbursement for a portion of the special benefit facilities hereafter described; and

WHEREAS, the CITY is desirous of reimbursing the DEVELOPER for a portion of such special benefit facilities.

NOW, THEREFORE, CITY and DEVELOPER, in consideration of their mutual promises to each other hereinafter stated, agree as follows:

1. The special benefit facilities which are eligible for reimbursement to the extent set forth in this Agreement are specifically described in Exhibit 1, attached hereto, and by this reference incorporated herein as if fully set out.

2. With respect to DEVELOPER'S entitlement to reimbursement, the CITY and DEVELOPER agree that the conditions specified in Section 26-504 BMCC, and the further conditions set forth hereinafter, must be met before DEVELOPER is entitled to or will receive any reimbursement. Said conditions are:

(a) Special benefit facilities, off-site or perimeter, which front and abut property not owned by the DEVELOPER, must be extended by the DEVELOPER at his expense. Costs of special benefit facilities which are financed through special improvement districts shall not be reimbursed.

(b) The extension of special benefit facilities must be for the purpose of serving property located within the corporate limits of the City. Costs of extension of special benefit facilities to serve property outside the City limits shall not be reimbursed.

(c) Total project costs for the extension of the special benefit facilities must be at least ten thousand dollars ($10,000.00).

(d) DEVELOPER shall provide to the CITY sufficient verifiable cost data to determine the appropriate reimbursement fee to be charged to prospective customers under Section 26-503 BMCC within thirty (30) days of final inspection of the special benefit facilities and approval and acceptance by the CITY that all construction was completed according to the approved plans and specifications.

(e) DEVELOPER shall enter into a standard reimbursement agreement with the CITY at the time the CITY approves the DEVELOPER'S application for extension of special benefit facilities.

(f) Upon completion of the extension of the special benefit facilities, the DEVELOPER must convey all right, title and interest in the facilities to the CITY.

(g) DEVELOPER shall, at all times, provide to the CITY a current address for purposes of mailing reimbursement payments to DEVELOPER.

(h) Extension of special benefit facilities must be done in compliance with all rules, regulations, resolutions and ordinances of the City, including but not limited to standards for design and construction of the facilities.

DEVELOPER agrees that it will not be entitled to any reimbursement whatsoever until the above conditions have been completely satisfied. DEVELOPER'S violation of any of the conditions set forth herein or in Article 26-500, Billings, Montana City Code may, at the option of the City, result in denial of any and all reimbursement to the DEVELOPER.

3. In addition, it is expressly agreed that any reimbursement payment is conditioned upon the following:

(a) Reimbursements are payable solely from revenues derived from payment of reimbursement fees as established in Article 26-500 BMCC. Reimbursement payments are limited to reimbursement fees actually collected for connections with the special benefit facilities described in Exhibit 1, less all administrative costs incurred by the CITY. In no event will reimbursement payments exceed the actual cost to the DEVELOPER of extending the special benefit facilities.

(b) Reimbursement fees paid to the CITY shall be accumulated and paid to the DEVELOPER annually on each November 1st following acceptance of the special benefit facilities by the CITY beginning on November 1, 2020, and ending on November 1, 2030.

(c) Reimbursement payments shall not include any interest charges.

(d) Reimbursement payments to the DEVELOPER shall be limited to reimbursement fees paid to the CITY on or before the 10th anniversary of the date of acceptance by the CITY of the special benefit facilities described in Exhibit 1 attached hereto. Any reimbursement fees paid to the CITY after said anniversary date shall be retained by the CITY and used for construction of additional water and/or wastewater system facilities.

Acceptance of the special benefit facilities for purposes of reimbursement as set forth in this agreement shall be evidenced by written notice of a letter from the Public Works Department of the

City and directed to the DEVELOPER at the address set forth in the first paragraph of this agreement.

4. The CITY agrees that it will require prospective customers owning property located outside a DEVELOPER'S subdivision and desiring to connect a service line or lines to any special benefit facilities which has been extended at the DEVELOPER'S expense to pay a reimbursement fee to the CITY in compliance with Section 26-503 BMCC.

5. The CITY, by this agreement, is not guaranteeing that reimbursement fees in a sufficient amount to fund full reimbursement to the DEVELOPER will be collected within the 10-year period. The CITY is only agreeing that it will develop a plan under Section 26-503 BMCC that will assure that prospective customers owning property located outside a DEVELOPER'S subdivision and desiring to connect a service line or lines to the special benefit facility described in Exhibit 1, which has been extended at the DEVELOPER'S expense, shall pay a fee and said fee shall be distributed as set forth herein. This fee applies only to connections and does not apply to additional extensions of the special benefit facility. **The fee to be charged said prospective customers shall be based upon the final total project costs ($80,760.00) and shall be $47.46 per lineal foot of lot frontage for water main and $41.85 per lineal foot of lot frontage for sewer main, attributable to the future development of Lots 3-7, Block 12, and Lots 3-7 Block 13 for Water; and Lots 2-7, Block 12, and Lots 2-7, Block 13, for Sewer, all in High Sierra Subdivision, First Filing, or subsequent subdivision of these same lots. These lots front Morocco Drive north of Sierra Granda Boulevard, in Billings, Montana.**

6. The address for mailing the reimbursement payment to the DEVELOPER shall be that address specified in the first paragraph of this agreement. Any change in address of the DEVELOPER shall be sent to the Public Works Department of the City of Billings at P.O. Box 30958, Billings, MT 59111. The designation of a new address shall be accompanied by a copy of this agreement.

7. This agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their successors and assigns.

DATED this _____ day of _____, 20___.

DEVELOPER

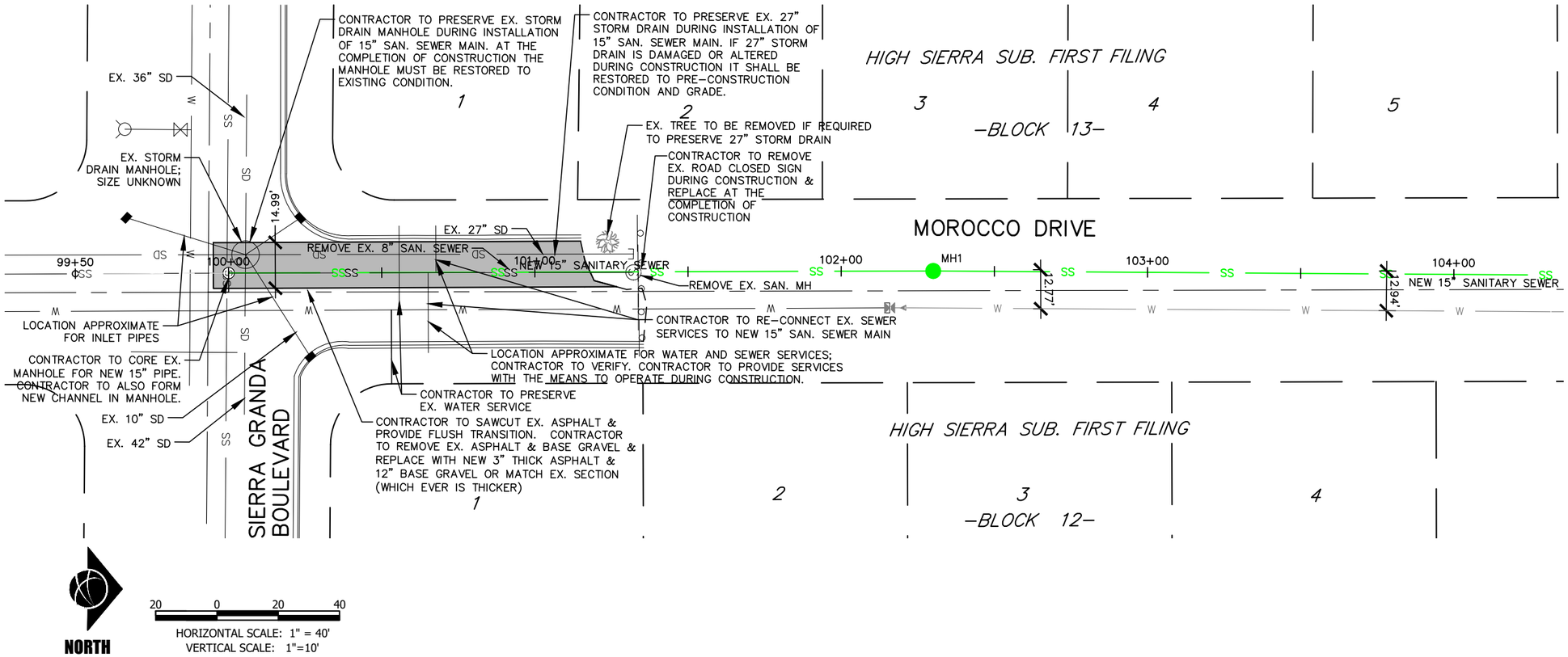
By _____

CITY OF BILLINGS

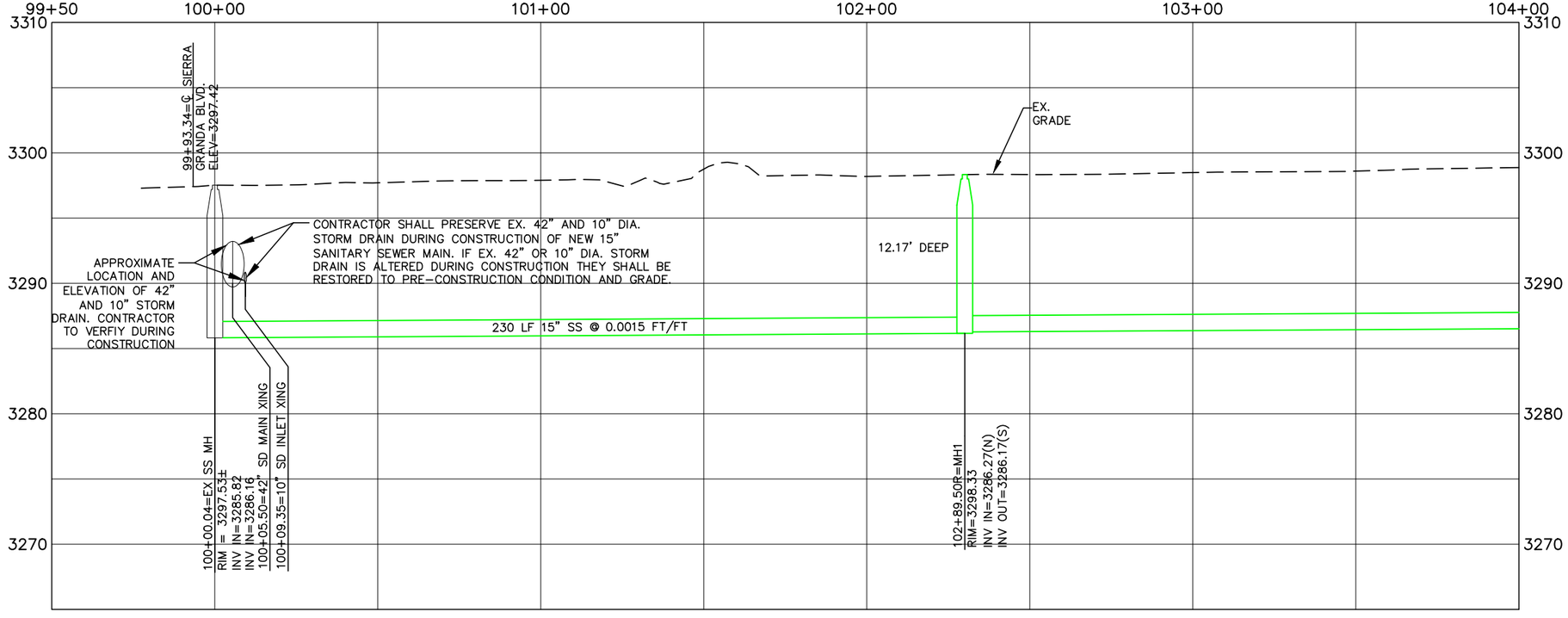
By _____
Mayor

ATTEST:

_____
City Clerk



NOTE: CONTRACTOR TO COORDINATE WITH HOMEOWNERS OF LOT 1, BLOCK 13 AND LOT 1, BLOCK 12 REGARDING DISRUPTION OF WATER OR SEWER SERVICE, AND ACCESS TO THEIR PROPERTY DURING CONSTRUCTION.



ISSUED FOR CONSTRUCTION

SANDERSON STEWART
Enduring Community Design

MONTANA
SARAH E. PLATH
No. 54443 PE
LICENSED PROFESSIONAL ENGINEER

DRAWING HISTORY

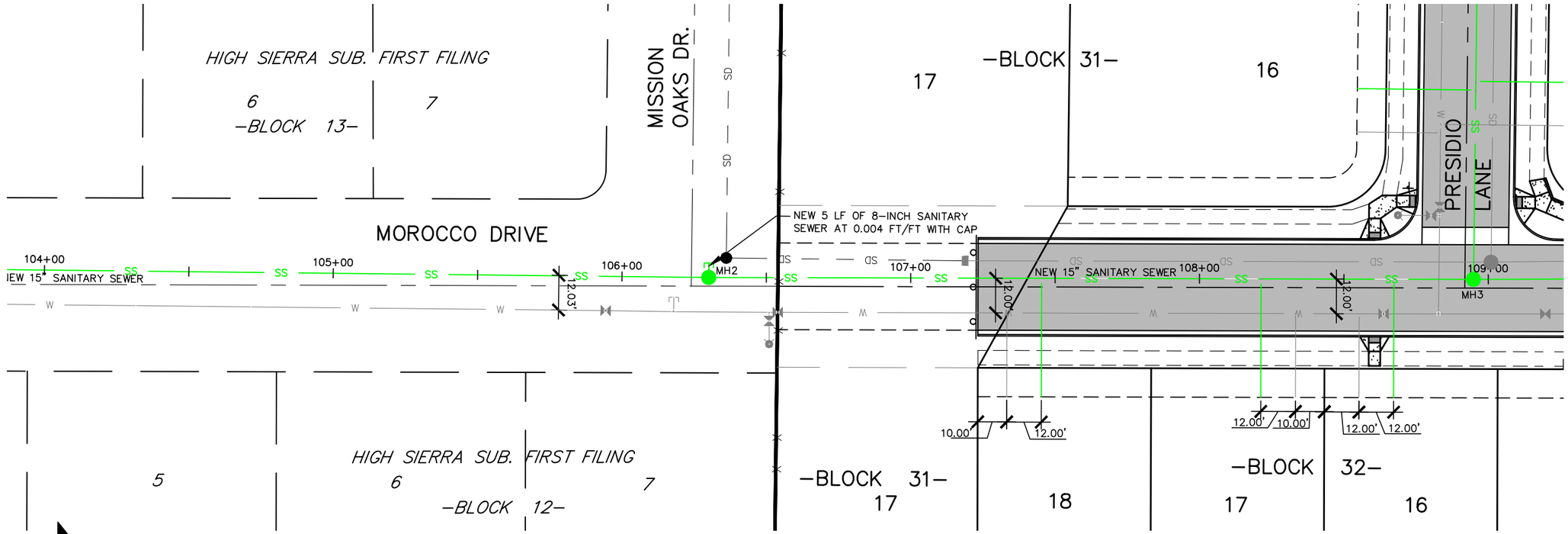
DATE	DESCRIPTION
02/04/20	PRELIMINARY
02/28/20	DEQ REVIEW
05/11/20	BID SET
05/15/20	FOR CONSTRUCTION
- -	- -
- -	- -
- -	- -
- -	- -

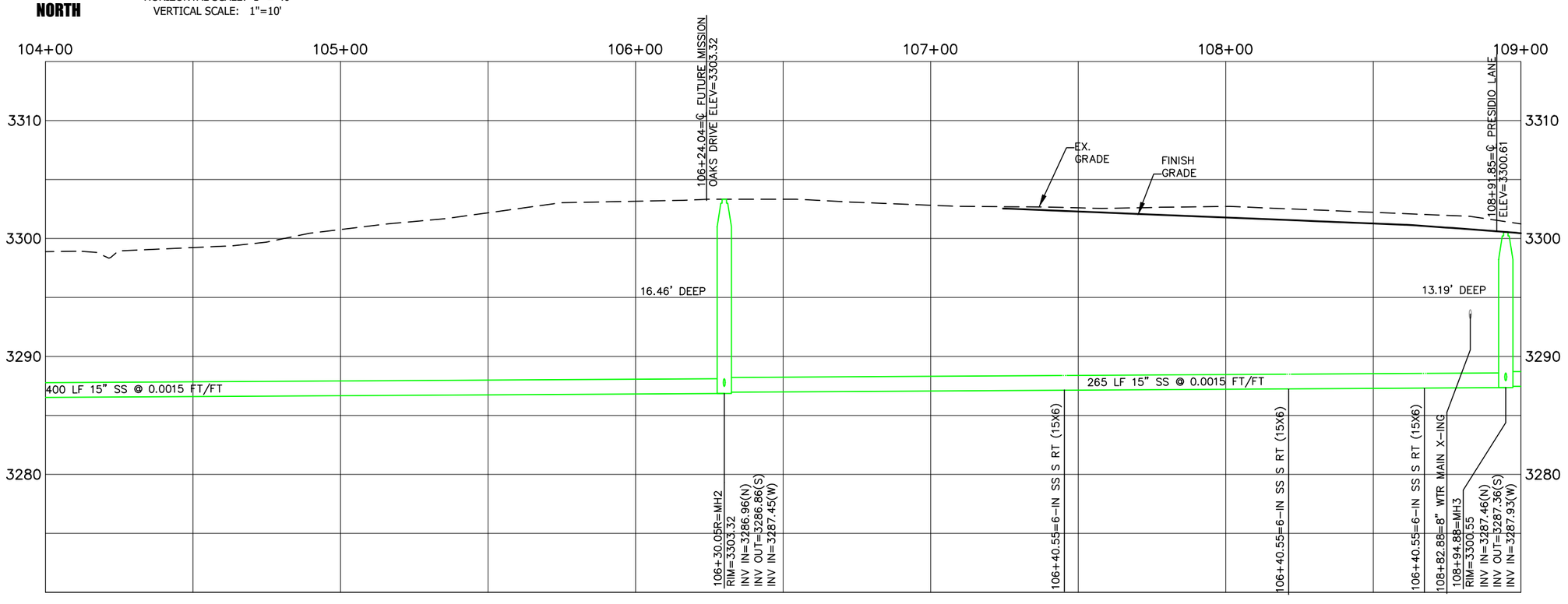
FILE: MOROCCO_SAN_PROD.DWG
PROJECT NO: 82061.129
CAD: SP/BG/TT
QUALITY ASSURANCE: MF

PRIVATE CONTRACT NO. 759
HIGH SIERRA SUBDIVISION, 14TH FILING
BILLINGS, MONTANA
MOROCCO DRIVE SANITARY SEWER

SS1.11

SANDERSON STEWART
50 YEARS
and we're just getting started





ISSUED FOR CONSTRUCTION

SANDERSON STEWART
Enduring Community Design

MONTANA
SARAH E. PLATH
No. 54443 PE
LICENSED
PROFESSIONAL ENGINEER

DRAWING HISTORY

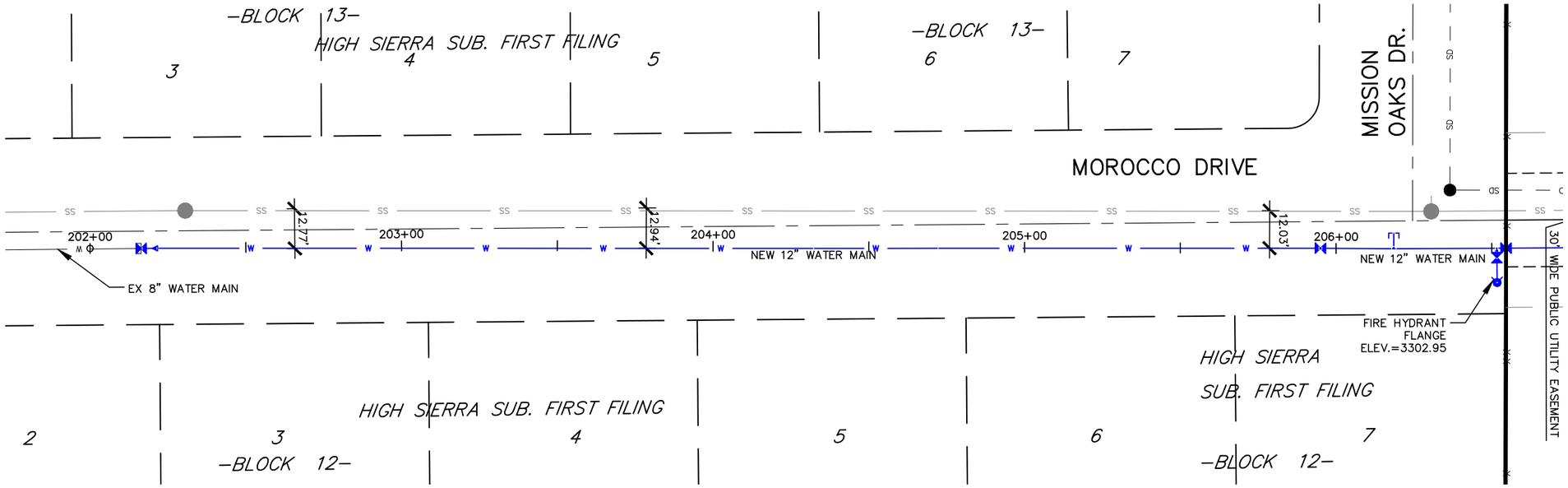
DATE	DESCRIPTION
02/04/20	PRELIMINARY
02/28/20	DEQ REVIEW
05/11/20	BID SET
05/15/20	FOR CONSTRUCTION
- -	- -
- -	- -
- -	- -

FILE: MOROCCO_SAN_PROD.DWG
PROJECT NO: 82061.129
CAD: SP/BG/TT
QUALITY ASSURANCE: MF

PRIVATE CONTRACT NO. 759
HIGH SIERRA SUBDIVISION, 14TH FILING
BILLINGS, MONTANA
MOROCCO DRIVE SANITARY SEWER

SS1.12

SANDERSON STEWART
50 YEARS
and we're just getting started

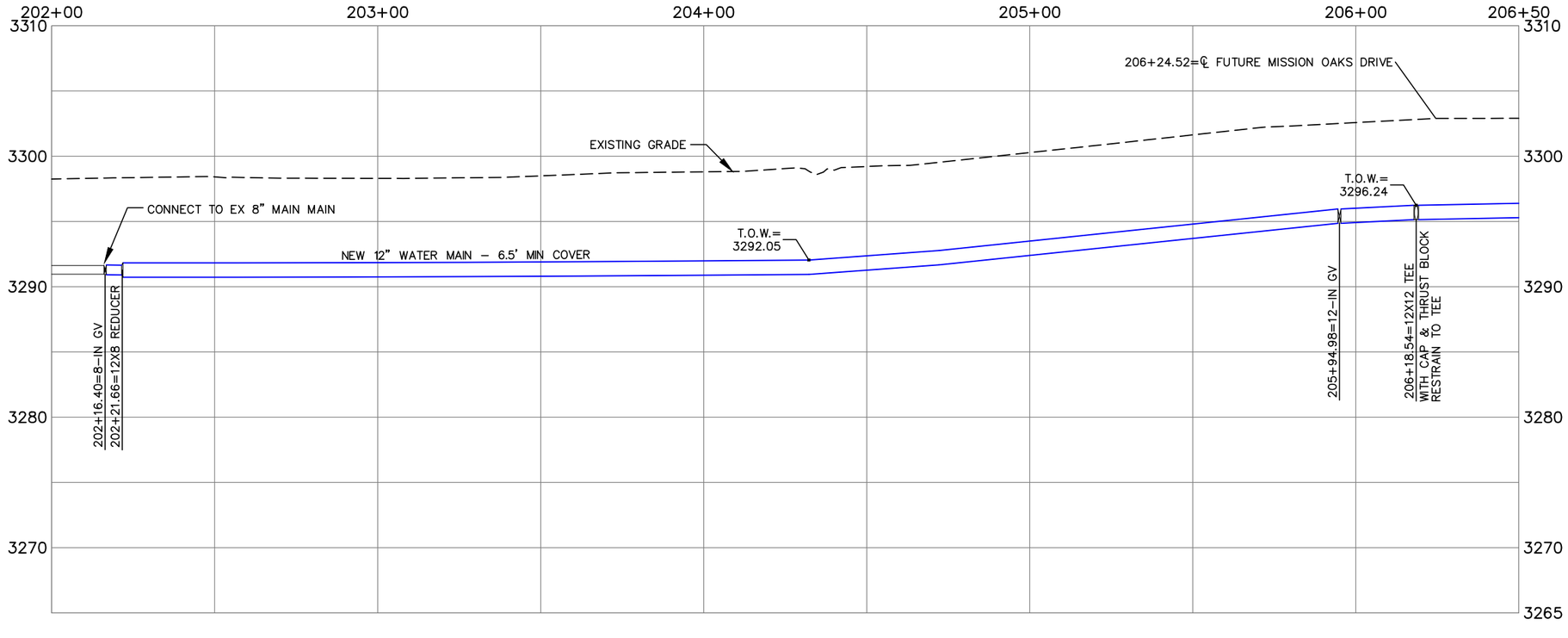


NOTE: WATER SERVICE TO BE EXTENDED 10–FT INTO EACH LOT

NORTH

20 0 20 40

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1"=10'



ISSUED FOR CONSTRUCTION

SANDERSON STEWART
Enduring Community Design

MONTANA
SARAH E. PLATH
No. 54443 PE
LICENSED PROFESSIONAL ENGINEER

DRAWING HISTORY

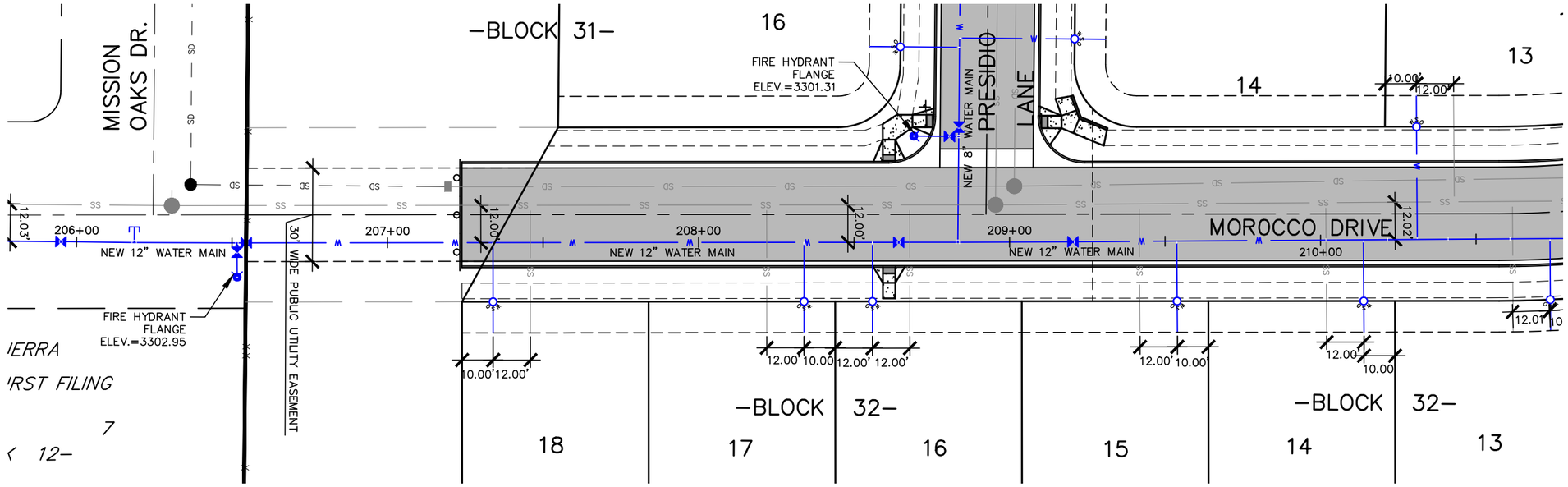
DATE	DESCRIPTION
02/04/20	PRELIMINARY
02/28/20	DEQ REVIEW
05/11/20	BID SET
05/15/20	FOR CONSTRUCTION
- -	- -
- -	- -
- -	- -
- -	- -

FILE: MOROCCO_WATER_PROD.DWG
PROJECT NO: 82061.129
CAD: SP/BG/TT
QUALITY ASSURANCE: MF

PRIVATE CONTRACT NO. 759
HIGH SIERRA SUBDIVISION, 14TH FILING
BILLINGS, MONTANA
MOROCCO DRIVE WATER MAIN

W1.12

SANDERSON STEWART 50 YEARS ...and we're just getting started

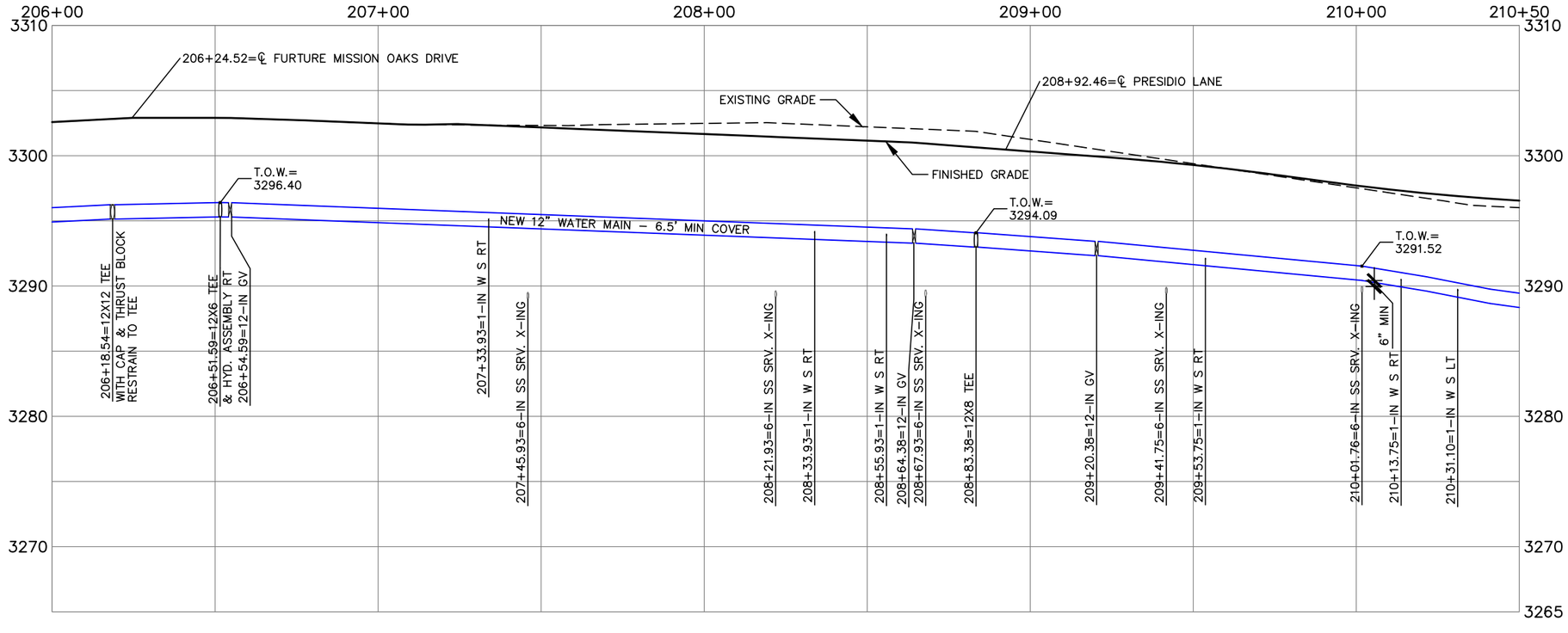


NOTE: WATER SERVICE TO BE EXTENDED 10–FT INTO EACH LOT

NORTH

20 0 20 40

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1"=10'



ISSUED FOR CONSTRUCTION

SANDERSON STEWART
Enduring Community Design

MONTANA
SARAH E. PLATH
No. 54443 PE
LICENSED PROFESSIONAL ENGINEER

DRAWING HISTORY

DATE	DESCRIPTION
02/04/20	PRELIMINARY
02/28/20	DES REVIEW
05/11/20	BID SET
05/15/20	FOR CONSTRUCTION
- -	- -
- -	- -
- -	- -
- -	- -

FILE: MOROCCO_WATER_PROD.DWG
PROJECT NO: 82061.129
CAD: SP/BG/TT
QUALITY ASSURANCE: MF

PRIVATE CONTRACT NO. 759
HIGH SIERRA SUBDIVISION, 14TH FILING
BILLINGS, MONTANA
MOROCCO DRIVE WATER MAIN

W1.13

SANDERSON STEWART
50 YEARS
and we're just getting started

Reimbursement Calculation for Morocco Drive Water and Sewer 82061.129
Private Contract P-759

8/19/2020

Water--Lots 3-7, Block 12, and Lots 3-7, Block 13, High Sierra Sub, First Filing

Bid Item	Quantity	Unit	Description	Unit Price	Total Price
144	1	LS	Asphalt Removal and Resoration-Morocco Drive	$ 9,700.00	$ 9,700.00
146	1	EA	Connect to Existing 8-Inch Water Main	$ 1,100.00	$ 1,100.00
148	432	LF	12-Inch Water Main	$ 43.00	$ 18,576.00
150	1	EA	12-Inch Gate Valve	$ 2,800.00	$ 2,800.00
152	1	EA	12-Inch Plug and Thrust Block	$ 500.00	$ 500.00
158	1	EA	12x12x12-Inch Tee	$ 725.00	$ 725.00
159	1	EA	12x8-Inch Reducer	$ 410.00	$ 410.00
161	1	EA	12x6-inch Hydrant Tee	$ 680.00	$ 680.00
162	1	EA	Fire Hydrant Assembly	$ 4,300.00	$ 4,300.00
166	1	LS	Flowable fill in Morocco Drive	$ 1,500.00	$ 1,500.00
				Total	$ 40,291.00

Water Cost Reimbursement per Lineal Foot of Lot Frontage **849 Lineal Feet**
(Both sides of Morocco Right-of-Way)

$ 47.46 ($/Foot)

Sewer--Lots 2-7, Block 12, and Lots 2-7, Block 13, High Sierra Sub, First Filing

Bid Item	Quantity	Unit	Description	Unit Price	Total Price
127	1	LS	Ex. Storm Drain Preservation at Sierra Granda (SS)	$ 1,300.00	$ 1,300.00
128	1	LS	Ex. 27-inch Storm Preservation for Sewer Install	$ 1,300.00	$ 1,300.00
129	1	LS	Cross 42-inch and 10-inch SD with new Sewer	$ 1,400.00	$ 1,400.00
130	1	LS	Remove 8-inch Sewer Stub at Morocco	$ 1,300.00	$ 1,300.00
132	1	EA	Connect to Existing Sewer	$ 2,000.00	$ 2,000.00
135	654	LF	15-Inch Sanitary Sewer Main	$ 39.00	$ 25,506.00
136	2	EA	48-Inch Sanitary Sewer Manhole	$ 2,800.00	$ 5,600.00
137	20.63	VF	Extra Depth Sanitary Sewer Manhole	$ 100.00	$ 2,063.00
				Total	$ 40,469.00

Sewer Cost Reimbursement per Lineal Foot of Lot Frontage **967 Lineal Feet**
(Both sides of Morocco Right-of-Way)

$ 41.85 ($/Foot)

Consent **1. D.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Resolutions to Amend Boundaries of SILMD 14, SILMD 97, SILMD 99, and to Discontinue SILMD 248

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Administration

RECOMMENDATION

Staff recommends that City Council approve the resolution to amend the boundaries of Street Improvement Light Maintenance Districts (SILMDs) 14, 97, and 99, and discontinue SILMD 248.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

St. Vincent Health Care took ownership of two lights in SILMD 14 along N. 28th Street, north of 11th Avenue so these lights would correspond with their other privately owned lights. These lights provide illumination for twelve parcels (Block 9, Lots 25 through 48, see attached Resolution) that need to be removed from SILMD 14 as these parcels no longer benefit from any lights in SILMD 14.

The State of Montana is currently improving 27th Street from the I-90 Interchange to Rimrock Road. These improvements include removing existing NorthWestern Energy owned and maintained lights and replacing them with LEDs that will be owned and maintained by the State of Montana. The affected light districts are SILMDs 97, 99 and 248. For SILMD 97, this includes 44 lights that provide illumination for four parcels (Block 19, Lots 5 and 6; Block 43, Lots 15 and 16 and Lots 17 and 19; and Block 44, Lots 7 through 9) that will need to be removed from SILMD 97. For SILMD 99, this includes seven lights that provide illumination for one parcel (Block 190, Lots 5 and 6) that will need to be removed from SILMD 99. For SILMD 248, this includes all 57 lights that provide illumination for all 59 parcels in SILMD 248 that will need to be removed, effectively discontinuing SILMD 248. A new light district is being created for the electricity and administration costs of the new lights district maintained by the State of Montana.

ALTERNATIVES

City Council may:

- Approve the resolution to amend the boundaries of SILMDs 14, 97, 99, and discontinue SILMD 248, or;
- Disapprove the resolution to amend the boundaries and discontinuance. If the boundaries are not amended for SILMDs 14, 97 and 99, several lots that do not benefit from light districts will be charged light district assessments. If SILMD 248 is not discontinued it will remain active although it does not have any street lights in it.

FISCAL EFFECTS

There is less than a three percent financial impact on the existing properties within SILMDs 14, 97 and 99. The assessments on all 59 parcels in SILMD 248 will be reduced to zero. There is no impact to the City.

Attachments

FY21 SILMD Boundary Adj 14,97,99 & Discontinue 248

RESOLUTION 20-_____

A RESOLUTION AMENDING THE BOUNDARIES OF SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 14, DISTRICT NO. 97, DISTRICT NO. 99 AND DISCONTINUING DISTRICT NO. 248

WHEREAS, the St. Vincent Health Care took over two fixtures from Special Improvement Lighting Maintenance District No. 14 and replaced these fixtures which they own and pay all costs for; and

WHEREAS, the State of Montana is currently improving North & South 27th Street from the I-90 Interchange to Rimrock Road and has removed NWE owned and maintained lights in maintenance districts, therefore, causing the discontinuance of SILMD 248 and amending the boundaries of SILMD 97 and SILMD 99; and

WHEREAS, pursuant to MCA 7-12-4335 the City Council may, by resolution, change the boundaries of any maintenance district and pursuant to MCA 7-12-4311 discontinue any maintenance district.

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

1. That the boundaries of Special Improvement Lighting Maintenance District No. 14 is hereby amended by removing the following tracts, pieces, lots or parcels of land:

TAX ID	Legal Description	SQFT
A12253	Northside Add 3Rd Filing, Block 9, Lot 25 - 26	7000
A12254	Northside Add 3Rd Filing, Block 9, Lot 27 - 28	7000
A12255	Northside Add 3Rd Filing, Block 9, Lot 29 - 30	7000
A12256	Northside Add 3Rd Filing, Block 9, Lot 31 - 32	7000
A12257	Northside Add 3Rd Filing, Block 9, Lot 33 - 34	7000
A12258	Northside Add 3Rd Filing, Block 9, Lot 35 - 36	7000
A12259	Northside Add 3Rd Filing, Block 9, Lot 37 - 38	7000
A12260	Northside Add 3Rd Filing, Block 9, Lot 39 - 40	7000
A12261	Northside Add 3Rd Filing, Block 9, Lot 41 - 42	7000
A12262	Northside Add 3Rd Filing, Block 9, Lot 43 - 44	7000
A12263	Northside Add 3Rd Filing, Block 9, Lot 45 - 46	7000
A12264	Northside Add 3Rd Filing, Block 9, Lot 47 - 48	7000

2. That the boundaries of Special Improvement Lighting Maintenance District No. 97 is hereby amended by removing the following tracts, pieces, lots or parcels of land:

Tax ID	Legal Description	SQFT
A00063	Billings Original Townsite, Block 9, Lot 19-22	14,000
A00252	Billings Original Townsite, Block 43, Lot 15 - 16	7,000
A00254	Billings Original Townsite, Block 43, Lot 17 - 19, & N2 Lt 20	12,250
A00256	Billings Original Townsite, Block 44, Lot 7-9	10,500

3. That the boundaries of Special Improvement Lighting Maintenance District No. 99 is hereby amended by removing the following tracts, pieces, lots or parcels of land:

Tax ID	Legal Description	SQFT
A01280	Billings Original Townsite, S03, T01 S, R26 E, Block 190, Lot 5 - 6	7,000

4. That the boundaries of Special Improvement Lighting Maintenance District No. 248 is hereby discontinued. The following tracts, pieces, lots or parcels of land will be removed:

Tax ID	Legal Description	SQFT
A00063	Billings Original Townsite, Block 9, Lot 7 - 12, Lot 7-12 & 14-24 Block 9 Billings Original Town & Lot 13A Blk 58 Fosters Add Amnd (Less Row)	8,345
A05968	Billings Deaconess Hospital Ad, Block 1, Lot 1 - 3, & Vac Alley & Lt 1-16 Blk 2 Northside Add 1st & Vac Alley & Lot 1-3 Blk 1 Deaconess Medic	30,000
A07115B	27th Street Center (16), Unit 823, 50% Common Area Interest, Loc @ Lot 5-17, Blk 24 Fosters Add	3,125
A07115C	27Th Street Center (16), Unit 825, 50% Common Area Interest, Loc @ Lot 5-17, Block 24 Fosters Add	3,125
A07116	Foster Add, Block 24, Lot 18 - 22	6,250
A07119	Foster Add, Block 24, Lot 23 - 24	2,500
A07120	Foster Add, Block 25, Lot 1 - 12, Less 72' For Hwy (12)	15,000
A07212	Foster Add, Block 37, Lot 1 - 12	15,000
A07225	Foster Add, Block 38, Lot 1-10,18-24 & Adj Vac Alley (16	11,500
A07230	Foster Add, Block 38, Lot 13 - 17, & Adj Vac Alley (16)	6,250
A07249	Foster Add, Block 40, Lot 1 - 19, Lot 1-19 Block 40 Fosters Addition & Adj Vac Alley (Less 879' For St)	8,750
A07258	Foster Add, Block 40, Lot 20 - 24, & W10 Ft Of Vac Adj Alley (Less 387 SW Ft Sid 1316 St Parcel #11)	6,250
A07260	Foster Add, Block 41, Lot 1 - 4, (Less Row) (18)	5,000
A07262	Foster Add, Block 41, Lot 5 - 10, & 15-22	7,500
A07265	Foster Add, Block 41, Lot 11 - 12, E2 Lot 11 & 12	2,500
A07266	Foster Add, Block 41, Lot 11, W2 Lts11 & 12	3,500
A07348	Foster Add, Block 50, Lot 1 - 4 (17).	5,000

Tax ID	Legal Description	SQFT
A07350	Foster Add, Block 50, Lot 5 - 9	6,250
A07352	Foster Add, Block 50, Lot 10 - 12	3,750
A07356A	Billings Original Townsite, Block 268, Lot 1 - 4, & Lts 1-4, 21-23 Blk 51 & Adj Vac 20' Alley Fosters Add & Lt 24A Blk 51 Fosters Add Amd (16)	8,155
A07361	Fosters Add, Block 51, Lot 13 - 17, (Less Row) (19)	6,212
A07363	Foster Add, Block 51, Lts 18-20 (17).	3,750
A07364	Fosters Add, Block 52, Lot 1 - 24, Amnd & Tr 1 C/S 2278 & Vac Alley (Less Row) (19)	12,000
A11336	Normal Subd 2Nd Filing, Block 1, Lot 22 - 24, & Tr 1 Cos 934 & Adj Unplatted Land Between Vac Alley & Lts Portion Vac Alley (Less Row) (19)	3,561
A11341	Normal Subd 2Nd Filing, Block 1, Lot 34 - 40, (Less 3500 Sq Ft Street) (96) (Plus 1750 Sq Ft Vac Alley) (2001)	8,750
A12146	Northside Add 3Rd Filing, Block 4, Lot 1 - 20, (Imps At I593A)	25,000
A12156	Northside Add 3Rd Filing, Block 4, Lot 21 - 22	2,500
A12157	Northside Add 3Rd Filing, Block 4, Lot 23 - 24	2,500
A12241	Northside Add 3Rd Filing, Block 9, Lot 1 - 2, (Less Row) (19)	2,487
A12242	Northside Add 3Rd Filing, Block 9, Lot 3 - 4	2,500
A12243	Northside Add 3Rd Filing, Block 9, Lot 5 - 6	2,500
A12244	Northside Add 3Rd Filing, Block 9, Lot 7 - 8	2,500
A12245	Northside Add 3Rd Filing, Block 9, Lot 9 - 10	2,500
A12246	Northside Add 3Rd Filing, Block 9, Lot 11 - 14	5,000
A12248	Northside Add 3Rd Filing, Block 9, Lot 15 - 16, (Less 1000 Sq Ft Street) (96)	2,500
A12249	Northside Add 3Rd Filing, Block 9, Lot 17 - 18	2,500
A12250	Northside Add 3Rd Filing, Block 9, Lot 19 - 20	2,500
A12251	Northside Add 3Rd Filing, Block 9, Lot 21 - 22	2,500
A12252	Northside Add 3Rd Filing, Block 9, Lot 23 - 24	2,500
A16312	Sunnyside Subd 1St Filing, Block 4, Lot 2, S120' Lt 2	6,000
A16314	Sunnyside Subd 1St Filing, Block 4, Lot 2, N180' Lt 2	9,000
A16317	Sunnyside Subd 1St Filing, Block 4, Lot 3	14,942
A16336	Sunnyside Subd 1St Filing, Block 5, Lot 2, S150' Lt 2 21000 Sq Ft (07) (I-00693 Espresso Here)	7,500
A16337	Sunnyside Subd 1St Filing, Block 5, Lot 2, N150' Of Lt 2	7,500
A16341	Sunnyside Subd 1St Filing, Block 5, Lot 3A, Amd (20)	7,650
A16341A	Sunnyside Subd 1St Filing, Block 5, Lot 3B, Amd & Portion Of Vacated Street (20)	5,275
A16450	Athletic Field Park Subd, Block 1, Lot 1	30,000
A16556	Sunnyside Subd 4Th Filing, Block 21, Lot 2, S100 Ft	5,000

Tax ID	Legal Description	SQFT
A16557	Sunnyside Subd 4Th Filing, Block 21, Lot 2, N100 Ft S200 Ft Lt 2 & Tr B-2A Cos 643 (15)	6,260
A16558	C.O.S. 463, Parcel A1A, Amnd & Cos 656 (12)	2,254
A16558A	C.O.S. 463, Parcel B1A, Amnd	1,100
A16559	C.O.S. 463, Parcel A2A, Tr A-2-A Cos 463 Amnd In NW/4NE/4 32-In-26E	4,988
A16574	Sunnyside Subd 4Th Filing, Block 21, Lot 3, (17)	8,500
A16574A	Sunnyside Subd 4Th Filing, Block 21, Lot 6B, Amd (19)	6,522
A16574B	Sunnyside Subd 4Th Filing, Block 21, Lot 6A, Amd (19)	8,472
A33974	Normal Subd, Block 1, Lot 1 - 12, & Blk 2 Lot 1-9, 10A-11B. 12-15, Normal 2nd Fil, Blk 1 Lot 25-33, Normal 3rd Fil, Blk 1 Lt 2. (Les Row) (19)	19,878
D05750	Frac In N2Nw4 & Tr 1 Cos 1128 & Remainder Of Tr 1 & 2 Cos 1061 S Of Rimrock Rd & 30 Vac Ft & 30' X 1350' Of Vacated Rimrock Rd (17)	90,175
D05751	C.O.S. 547, Parcel N/A, Cos 547 (Less Row) (19) Old # D-753	9,750
D05765	Dale Tract Cos 599 In Nwne4 S32 1N 26E	3,250

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2020.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

Consent **1. E.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Ward Boundary Expansion Ordinance Second Reading - Annexation 20-02

PRESENTED BY: Monica Plecker

Department: Planning & Community Services **Division:** Planning

RECOMMENDATION

Staff recommends the City Council approve this ordinance on second reading, adding recently annexed property to Ward I. The City Council approved the ordinance on first reading at its meeting on September 14.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexation of property into the City. Propriedad, LLC, submitted a petition to annex land they own at 1053 Lincoln Lane. The subject property is Tract F of Certificate of Survey No. 537, totaling approximately .475 gross acres.The City Council conditionally approved the annexation on July 27, 2020. Conditions required a Development Agreement to be executed within 6 months. City Council approved the Development Agreement on August 24, 2020. The Ward Boundary Ordinance is the final step in closing AN 20-02. This annexation requires a change in the boundaries of Ward I. Two readings are required for this action. The first reading of the ordinance occurred September 14, 2020, along with a public hearing, and the second reading is scheduled for September 28, 2020.

ALTERNATIVES

City Council may:

- Approve the ordinance modifying the boundary of Ward I, or;
- Not approve the ordinance. Disapproval will not modify the boundary of Ward I and will create a problem where property inside the City Limits is not within a City Ward.

FISCAL EFFECTS

Not applicable.

Attachments

Ward Boundary Ordinance

ORDINANCE NO. 20-_____

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

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

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

   A tract of land situated in the NE 1/4 and the SE1/4 of Section 27, T.1N., R.26E.,

   P.M.M., Yellowstone County, Montana, more particularly described as:

   Being Tract F of Certificate of Survey No. 537, Recorded September 23rd, 1952,

   under Document Number 496850, on file and of record in the office of the

   Yellowstone County Clerk & Recorder.

   Including all adjacent Right-Of-Way of Lincoln Lane.

   Containing 0.475 gross and 0.443 net acres more or less.

   (# 20-02) See Exhibit "A" Attached

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

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

PASSED by the City Council on the first reading this 14th day of September, 2020.

PASSED by the City Council on the second reading this 28th day of September, 2020.

THE CITY OF BILLINGS:

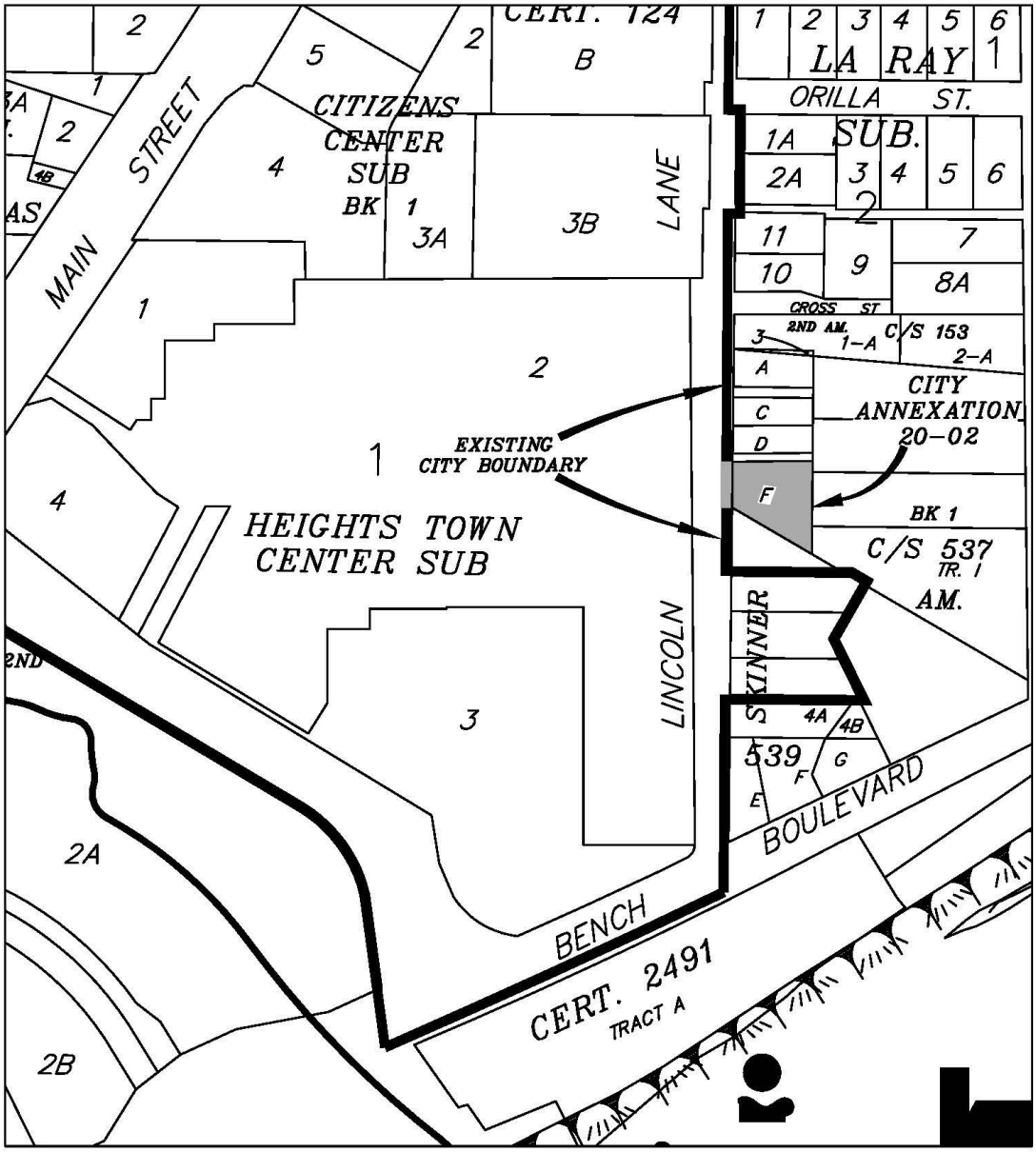
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(AN 20-02)

EXHIBIT "A"


CERT. 124
LA RAY
ORILLA ST.
SUB.
CITIZENS CENTER SUB
BK 1
MAIN STREET
LANE
CROSS ST
2ND AM.
C/S 153
CITY ANNEXATION 20-02
EXISTING CITY BOUNDARY
HEIGHTS TOWN CENTER SUB
BK 1
C/S 537
TR. 1
AM.
LINCOLN
SKINNER
539
BOULEVARD
BENCH
CERT. 2491
TRACT A

Consent **1. F. 1.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Payment of Claims for week of August 24, 2020

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

RECOMMENDATION

Staff recommends Council approve the payment of claims

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Claims in the amount of $2,895,535.84 have been audited and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

City Check Payment Approval Process

Every invoice for payment in entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.) Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the Department Director or designee must perform an initial review and approval of the purchase. The number of approvals within the Department can vary based upon the size of the Department, but no less than one approver within each Department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director.
If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

- No other alternatives were analyzed

FISCAL EFFECTS

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.

Attachments

Councilmemo wk of 08242020

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	835997	A & I Distributors	Fleet	$ 1,547.91	3489234 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 70.44	3489234 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 36.18	3489358 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ (36.18)	3489657 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 203.49	3494141 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 1,729.05	3494916 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 730.44	3497675 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 543.53	3497675 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 277.51	3498133 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 238.90	3498218 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ 54.27	3498654 PO NUM 310606
08/24/2020	835997	A & I Distributors	Fleet	$ (40.80)	3500907 PO NUM 310606
08/24/2020	835997	A & I Distributors	Public Safety	$ 39.79	3489234
08/24/2020	835997	A & I Distributors	Solid Waste	$ 40.34	3489234
08/24/2020	835997	A & I Distributors	Solid Waste	$ 53.64	3490486
08/24/2020	835997	A & I Distributors	Solid Waste	$ 412.50	Oil for Solid Waste
08/24/2020	835997	A & I Distributors	Solid Waste	$ 412.50	Oil for Solid Waste
08/24/2020	835997	A & I Distributors	Street/Traffic	$ 39.79	3489234
08/24/2020	835997	A & I Distributors	Transit	$ 92.95	3500901
08/24/2020	835997	A & I Distributors	Transit	$ 384.45	3494401 PO NUM 310606
08/24/2020	835997	A & I Distributors	Wastewater	$ 107.22	BLUE DEF. UNITS 7904. 7912. 7917. 7997. 7916-7484-7486
08/24/2020	835997	A & I Distributors	Wastewater	$ 33.47	ROTARY PUMP FOR DEF
08/24/2020	835997	A & I Distributors	Water	$ 78.68	BLUE DEF. UNITS 7904. 7912. 7917. 7997. 7916-7484-7486
08/24/2020	835997	A & I Distributors	Water	$ 50.21	ROTARY PUMP FOR DEF
08/24/2020	835998	A-Concrete Inc	Public Safety	$ 15,942.96	Fire Station #3 Driveways
08/24/2020	836003	AT & T Corp	Airport	$ 522.92	Airport
08/24/2020	836003	AT & T Corp	Building	$ 90.18	COVID -BUILDING
08/24/2020	836003	AT & T Corp	Building	$ 45.09	COVID -BUILDING DEPT
08/24/2020	836003	AT & T Corp	Building	$ 469.54	PW-Building Cell Phones
08/24/2020	836003	AT & T Corp	Building	$ 361.26	PW-Building Tablets (Planning)
08/24/2020	836003	AT & T Corp	Court Grants	$ 211.19	Muni Court DC
08/24/2020	836003	AT & T Corp	Engineering	$ 104.52	Engineering Tablets
08/24/2020	836003	AT & T Corp	Engineering	$ 228.23	PW-Engineering Cell Phones and MiFi
08/24/2020	836003	AT & T Corp	Facilities	$ 121.74	Facilities BOC Plus 70% of 406-672-3027
08/24/2020	836003	AT & T Corp	Facilities	$ 103.71	Facilities City Hall Plus 30% of 406-672-3027
08/24/2020	836003	AT & T Corp	Facilities	$ 45.09	Facilities -Jessica
08/24/2020	836003	AT & T Corp	General	$ 97.51	City Attorney -Legal
08/24/2020	836003	AT & T Corp	General	$ 358.44	Code Enforcement
08/24/2020	836003	AT & T Corp	General	$ 17.21	COVID -PLANNING
08/24/2020	836003	AT & T Corp	General	$ 47.38	Legal Dept -Domestic Violence
08/24/2020	836003	AT & T Corp	General	$ 47.38	Municipal Court

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836003	AT & T Corp	General	$ 320.67	PRPL - Recreation Division
08/24/2020	836003	AT & T Corp	General	$ 192.56	REC -Seasonal
08/24/2020	836003	AT & T Corp	General	$ 104.52	REC Tablets
08/24/2020	836003	AT & T Corp	IT Resources	$ 48.64	IT Department -On call Phone 6200 19110 403450
08/24/2020	836003	AT & T Corp	Library	$ 293.90	Library
08/24/2020	836003	AT & T Corp	Library	$ 133.99	Library Out Reach
08/24/2020	836003	AT & T Corp	P.W. Admin	$ 51.48	PWBLKNP OFFICE -60/40
08/24/2020	836003	AT & T Corp	P.W. Admin	$ 34.32	PWBLKNP OFFICE -60/40
08/24/2020	836003	AT & T Corp	Park Dist 1	$ 74.90	Parks Dept. -COVID19 Cell phones
08/24/2020	836003	AT & T Corp	Park Dist 1	$ 634.21	Parks Dept. -COVID19 Cell phones
08/24/2020	836003	AT & T Corp	Park Dist 1	$ 68.84	Parks Seasonal
08/24/2020	836003	AT & T Corp	Park Dist 1	$ 174.20	PRPL Parks Tablets
08/24/2020	836003	AT & T Corp	Parking	$ 87.63	Parking Division Meter Maintenance
08/24/2020	836003	AT & T Corp	Parking	$ 115.08	Parking Phones
08/24/2020	836003	AT & T Corp	PD Programs	$ 80.28	CCSIU Toughbook
08/24/2020	836003	AT & T Corp	PD Programs	$ 47.38	Domestic Violence -Katie Nash
08/24/2020	836003	AT & T Corp	Phone System	$ 26.63	Comm Dev -COVID Phones with hotspot
08/24/2020	836003	AT & T Corp	Phone System	$ 17.21	Donation Center phone YCT. 406.208.8154
08/24/2020	836003	AT & T Corp	Phone System	$ 3.46	Metro Cell Account#287284178560
08/24/2020	836003	AT & T Corp	Phone System	$ 17.21	TeleComm Manager
08/24/2020	836003	AT & T Corp	Planning	$ 45.09	COVID -PLANNING
08/24/2020	836003	AT & T Corp	Public Safety	$ 284.32	Animal Control Cell Phones
08/24/2020	836003	AT & T Corp	Public Safety	$ 240.84	Animal Control -MDT 1500 21700 403450
08/24/2020	836003	AT & T Corp	Public Safety	$ 253.99	Comm. Center 9-1-1 1500-22250-403450
08/24/2020	836003	AT & T Corp	Public Safety	$ 40.14	Detective Chartier -Toughbook
08/24/2020	836003	AT & T Corp	Public Safety	$ 1,152.06	Fire Department Cell Phones -COVID19
08/24/2020	836003	AT & T Corp	Public Safety	$ 50.13	Fire Department Cell Phones -COVID19
08/24/2020	836003	AT & T Corp	Public Safety	$ 87.52	ICAC -Campbell and Spare
08/24/2020	836003	AT & T Corp	Public Safety	$ 1,158.46	MDT Fire
08/24/2020	836003	AT & T Corp	Public Safety	$ 2,848.89	Police Department Cell Phone
08/24/2020	836003	AT & T Corp	Public Safety	$ 3,692.88	Police MDT Toughbooks 1500 21110 403450
08/24/2020	836003	AT & T Corp	Public Safety	$ 284.30	Police -Resource Officers
08/24/2020	836003	AT & T Corp	Public Safety	$ 142.67	Yellowstone County Cellular Charges -Three cradlepoints
08/24/2020	836003	AT & T Corp	Transit	$ 1,003.50	MET Transit Max Transit
08/24/2020	836003	AT & T Corp	Transit	$ 303.60	MET Transit Tablets 5710 71470 403160
08/24/2020	836003	AT & T Corp	Wastewater	$ 90.18	PW Environmental
08/24/2020	836003	AT & T Corp	Wastewater	$ 412.45	PWBELKNAP-DIST COLL 60/40
08/24/2020	836003	AT & T Corp	Wastewater	$ 473.60	PWBLKNP Electricians -Phones
08/24/2020	836003	AT & T Corp	Wastewater	$ 32.45	PWBLKNP STORES -75/25
08/24/2020	836003	AT & T Corp	Wastewater	$ 858.98	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
08/24/2020	836003	AT & T Corp	Wastewater	$ 207.10	PW-Dis/Coll. Cityworks iPads 60/40

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836003	AT & T Corp	Wastewater	$ 79.00	PW-Distribution Collection Tablets 60/40
08/24/2020	836003	AT & T Corp	Water	$ 618.68	PWBELKNAP-DIST COLL 60/40
08/24/2020	836003	AT & T Corp	Water	$ 1,046.50	PWBELKNAP-WT Water Treatment
08/24/2020	836003	AT & T Corp	Water	$ 609.89	PWBLKNP COMM-METER CityWorks/Neptune
08/24/2020	836003	AT & T Corp	Water	$ 342.13	PWBLKNP MTRSHOP
08/24/2020	836003	AT & T Corp	Water	$ 97.33	PWBLKNP STORES -75/25
08/24/2020	836003	AT & T Corp	Water	$ 310.64	PW-Dis/Coll. Cityworks iPads 60/40
08/24/2020	836003	AT & T Corp	Water	$ 118.49	PW-Distribution Collection Tablets 60/40
08/24/2020	836005	Baker Tilly Virchow Krause	Tax Incrmnt S	$ 3,100.00	Compliance Report-Tax Increment Urban Renewal Refunding Bonds
08/24/2020	836007	Beartooth Environmental	Solid Waste	$ 3,070.62	Household Hazardous Waste Disposal
08/24/2020	836007	Beartooth Environmental	Solid Waste	$ 4,966.15	Household Hazardous Waste Disposal
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	541876802-I, legal blood draw DUI 20-33936
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	541931662-I, 20-36282 legal blood draw DUI
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	541991704-I, 20-35907 legal blood draw DUI
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	542201448-I, 20-44348 legal blood draw DUI
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	542211861-I, 20-44797 legal blood draw DUI
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	542351297-I, legal blood draw DUI
08/24/2020	836013	Billings Clinic	Public Safety	$ 176.00	542430762-I, 20-51658 legal blood draw DUI
08/24/2020	836013	Billings Clinic	Public Safety	$ 34.00	HS CPR/AED ECARDS, 911 CENTER
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020073
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020074
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020080
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020088
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020094
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020097
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE 2020101
08/24/2020	836013	Billings Clinic	Public Safety	$ 600.00	SANE exam 2020082
08/24/2020	836017	Billings Overhead Door	Airport	$ 2,670.00	Invoice #107495. Replacement Door Car Wash Bay 2 Exit
08/24/2020	836019	Bison Motor Company	Capital Replace	$ 179,809.40	Eleven Police Utility Vehicles Dark blue w/dark grey interior
08/24/2020	836020	Border States Electric	Wastewater	$ 357.22	920350752; HYDROGEN SULFIDE INDICATOR FOR PD BUILDING
08/24/2020	836020	Border States Electric	Water	$ 33.45	920253495
08/24/2020	836020	Border States Electric	Water	$ 21.55	920237926; WTP ELECTRICAL SUPPLIES
08/24/2020	836020	Border States Electric	Water	$ 349.31	920238030; HSPS COMPRESSOR PROJECT
08/24/2020	836020	Border States Electric	Water	$ 284.37	920246262; HSPS COMPRESSOR PROJECT
08/24/2020	836020	Border States Electric	Water	$ 1,401.60	920360404;ELECTRICAL MULTIMETER
08/24/2020	836020	Border States Electric	Water	$ 86.92	CHRIS RUSH FISH TAPE
08/24/2020	836020	Border States Electric	Water	$ 520.02	CHRISTENSEN PS WIRE
08/24/2020	836020	Border States Electric	Water	$ 100.96	GFCI FOR WTP LAB
08/24/2020	836020	Border States Electric	Water	$ 1,033.60	HIGH SERVICE COMPRESSOR WORK
08/24/2020	836020	Border States Electric	Water	$ 1,719.00	HIGH SERVICE COMPRESSOR WORK
08/24/2020	836020	Border States Electric	Water	$ 864.37	WTP BREAKERS FOR JIM

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836020	Border States Electric	Water	$ 244.67	WTP ELECTRICAL SHOP
08/24/2020	836025	Century Link	Airport	$ 45.66	406-245-5834 Airport Alarm
08/24/2020	836025	Century Link	Engineering	$ 113.53	406-259-7758 Measured Lines Depot 6700 31410 403450
08/24/2020	836025	Century Link	Engineering	$ 75.66	406-259-7758 Measured Lines Depot 6700 31410 403450
08/24/2020	836025	Century Link	EOC 911	$ 47.55	406-245-2296 911
08/24/2020	836025	Century Link	EOC 911	$ 45.65	406-245-3107 911
08/24/2020	836025	Century Link	EOC 911	$ 45.65	406-245-3108 911
08/24/2020	836025	Century Link	EOC 911	$ 311.26	406-245-7101 9-1-1 Center Landfill #2
08/24/2020	836025	Century Link	EOC 911	$ 311.26	406-245-7102 9-1-1 Center Fox Reservoir #2
08/24/2020	836025	Century Link	EOC 911	$ 7,323.60	406-245-8527 New 9-1-1 Center
08/24/2020	836025	Century Link	General	$ 49.45	406-248-9851 Aug20-monthly bill
08/24/2020	836025	Century Link	Phone System	$ 60.73	406.259.7121 CPC
08/24/2020	836025	Century Link	Phone System	$ 114.52	406.259.7214 CPC
08/24/2020	836025	Century Link	Phone System	$ 60.73	406.259.7752 PRPL
08/24/2020	836025	Century Link	Phone System	$ 228.20	406-248-3049 Main System T1 City/County Tie
08/24/2020	836025	Century Link	Public Safety	$ 119.32	406-245-7469 Fire
08/24/2020	836025	Century Link	Public Safety	$ 118.32	406-373-3742 Fire RR Crossing Alarm
08/24/2020	836025	Century Link	Radio	$ 311.26	406-248-3635 Fire Airport Radio Tower WCK
08/24/2020	836025	Century Link	Radio	$ 311.26	406-248-3636 Fire Airport Radio Tower Jellison
08/24/2020	836025	Century Link	Solid Waste	$ 53.79	406-256-7001 Solid Waste Scale House
08/24/2020	836025	Century Link	Street/Traffic	$ 53.79	406-259-3298 PW Traffic 3728 McDougall
08/24/2020	836025	Century Link	Wastewater	$ 41.93	406-259-2328 PUD Sahara Sand Lift Station
08/24/2020	836025	Century Link	Water	$ 39.44	406-245-3659 PUD Alarm Water Tower
08/24/2020	836034	Dale & Jax Door & Glass	Property Ins	$ 4,712.40	Broken window at Library
08/24/2020	836036	Dell Computer L P	IT Resources	$ 2,819.50	Code Enforc 2-24" monitors, keyboard/mice, & docks
08/24/2020	836036	Dell Computer L P	IT Resources	$ 8,669.94	Planning Dept- 6-24" Monitors, keyboards/mice,& Docks
08/24/2020	836037	Dell Marketing Lp	Wastewater	$ 336.59	3 DOCKING STATIONS 91FOR WTP
08/24/2020	836037	Dell Marketing Lp	Wastewater	$ 2,228.47	WTP FY2021 TRP REPLACES LAPTOP
08/24/2020	836037	Dell Marketing Lp	Water	$ 336.59	2 DOCKING STATIONS 91FOR WTP
08/24/2020	836037	Dell Marketing Lp	Water	$ 2,228.47	WTP FY2021 TRP REPLACES LAPTOP
08/24/2020	836038	Diamond Construction	Wastewater	$ 78,793.05	WO 19-16 Belknap Office Remodel
08/24/2020	836038	Diamond Construction	Water	$ 69,593.10	WO 19-16 Belknap Office Remodel; Pmt 3
08/24/2020	836040	DOWL	Arterial St	$ 632.50	24th St W/Central Ave Signal Improvements; Pmt 7
08/24/2020	836040	DOWL	Arterial St	$ 6,567.50	WO 20-12 S 32nd St W (King Ave W to Gabel); Pmt 8
08/24/2020	836047	Ferguson Enterprises	Water	$ 1,984.11	5-1/4" MAIN VALVE RUBBER
08/24/2020	836047	Ferguson Enterprises	Water	$ 1,584.27	SAFETY FLANGE KIT - A-301-01 - NEW/OLD STYLE
08/24/2020	836048	Ferno Washington	Public Safety	$ 2,312.40	0819797 5110, RED PRO TRAUMA/AIR KIT II
08/24/2020	836048	Ferno Washington	Public Safety	$ 315.70	0819818 5116 RED PRO INTRAVEN MINI KIT
08/24/2020	836048	Ferno Washington	Public Safety	$ 144.64	PREPAID FREIGHT CHARGES, INVOICE #870782
08/24/2020	836050	First Montana Title	CDBG	$ 10,000.00	FTHB Luke Hovis 212 Fair Park
08/24/2020	836051	FirstMark Construction	Gas Tax	$ 7,095.36	SID 14-08 Wanigan Subdivision Improvements

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836051	FirstMark Construction	Gas Tax	$ 10,358.18	SID 14-08 Wanigan Subdivision Improvements; Pmt 1
08/24/2020	836051	FirstMark Construction	SID Const	$ 34,337.38	SID 14-08 Wanigan Subdivision Improvements
08/24/2020	836054	Galles Filter Service	Fleet	$ 72.92	P-97789-02 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 201.53	P-97875.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 191.29	P-97951.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 210.43	P-98059.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 141.77	P-98141.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 111.19	P98236.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 5.28	P98237.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 182.88	P-98316.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 412.70	P-98455.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Fleet	$ 201.97	P98521.01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	General	$ 3.29	P98234.01
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 418.92	Filters for the Landfill
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 325.38	Filters for the Landfill
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 450.36	Filters for the Landfill
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 254.16	Filters for the Landfill
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 145.56	Filters for the landfill
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 30.16	P98249.01
08/24/2020	836054	Galles Filter Service	Solid Waste	$ 13.75	P98249.02
08/24/2020	836054	Galles Filter Service	Transit	$ 73.26	P-97716-01
08/24/2020	836054	Galles Filter Service	Transit	$ 34.60	P-98057-01
08/24/2020	836054	Galles Filter Service	Transit	$ 136.24	P-98057-01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Transit	$ 77.56	P-98058 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Transit	$ 42.60	P-98058-01 PO NUM 310609
08/24/2020	836054	Galles Filter Service	Transit	$ (24.60)	T-89485
08/24/2020	836054	Galles Filter Service	Wastewater	$ (37.20)	CREDIT
08/24/2020	836054	Galles Filter Service	Wastewater	$ 15.38	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Wastewater	$ 60.60	PD FLARE AIR FILTERS
08/24/2020	836054	Galles Filter Service	Wastewater	$ 43.82	REHBERG AIR FILTERS
08/24/2020	836054	Galles Filter Service	Wastewater	$ 37.20	RESTRICTION GUAGE
08/24/2020	836054	Galles Filter Service	Wastewater	$ 62.05	UV GENERATOR MAINTENANCE
08/24/2020	836054	Galles Filter Service	Wastewater	$ 3.98	WIPER FLUID
08/24/2020	836054	Galles Filter Service	Wastewater	$ 3.98	WIPER FLUID
08/24/2020	836054	Galles Filter Service	Water	$ 105.44	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Water	$ 8.93	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Water	$ 16.25	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Water	$ 2.58	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Water	$ 93.42	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Water	$ 35.37	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836054	Galles Filter Service	Water	$ 16.10	NONSTOCKING ITEMS-P.U.D.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836054	Galles Filter Service	Water	$ 3.98	WIPER FLUID
08/24/2020	836054	Galles Filter Service	Water	$ 7.96	WIPER FLUID
08/24/2020	836054	Galles Filter Service	Water	$ 3.98	WIPER FLUID
08/24/2020	836059	Hach Company	Wastewater	$ 2,418.14	12039076; PH PROBE REPLACEMENT6 PARTS FOR WRF
08/24/2020	836059	Hach Company	Wastewater	$ 173.78	12041400; PH PROBE REPLACEMENT PARTS FOR WRF
08/24/2020	836061	Hardrives Construction	Gas Tax	$ 147,520.23	WO 20-03 Overlay/Chipseal
08/24/2020	836061	Hardrives Construction	Gas Tax	$ 30,644.30	WO 20-03 Overlay/Chipseal; Pmt 3
08/24/2020	836063	Hawkins Inc.	Water	$ 18,883.20	AQUA HAWK 457
08/24/2020	836063	Hawkins Inc.	Water	$ 19,017.60	AQUA HAWK COAGULANT
08/24/2020	836063	Hawkins Inc.	Water	$ 18,824.40	AQUA HAWK COAGULANT
08/24/2020	836063	Hawkins Inc.	Water	$ 633.00	Paying balance owed after receiving a credit
08/24/2020	836064	HDR, Inc.	Light Maint	$ 925.87	WO 20-33 Public Works GIS Services
08/24/2020	836064	HDR, Inc.	Solid Waste	$ 1,851.75	WO 20-33 Public Works GIS Services
08/24/2020	836064	HDR, Inc.	Storm Sewer	$ 3,703.49	WO 20-33 Public Works GIS Services; 1200285405 pMT 7
08/24/2020	836064	HDR, Inc.	Street/Traffic	$ 2,777.62	WO 20-33 Public Works GIS Services
08/24/2020	836064	HDR, Inc.	Wastewater	$ 4,629.37	WO 20-33 Public Works GIS Services
08/24/2020	836064	HDR, Inc.	Wastewater	$ 6,533.53	YELLOWSTONE RIVER SAMPLING & ANALYSIS PLAN
08/24/2020	836064	HDR, Inc.	Wastewater	$ 13,229.73	YELLOWSTONE RIVER SAMPLING & ANALYSIS PLAN
08/24/2020	836064	HDR, Inc.	Water	$ 4,629.37	WO 20-33 Public Works GIS Services
08/24/2020	836066	High Point Networks	Library	$ 5,954.00	file server replacement per the trp Montana Master Contract AR62
08/24/2020	836071	Jacobs Engineering	Gas Tax	$ 245.67	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Gas Tax	$ 2,256.54	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Light Maint	$ 245.67	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Light Maint	$ 2,256.53	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Storm Sewer	$ 491.34	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Storm Sewer	$ 4,513.07	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Street/Traffic	$ 737.02	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Street/Traffic	$ 6,769.60	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Wastewater	$ 1,596.87	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Wastewater	$ 14,667.47	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Water	$ 1,596.87	Asset Management Program Project
08/24/2020	836071	Jacobs Engineering	Water	$ 14,667.47	Asset Management Program Project
08/25/2020	836164	Jacobs Engineering	Gas Tax	$ 740.25	Asset Management Program Project
08/25/2020	836164	Jacobs Engineering	Light Maint	$ 740.25	Asset Management Program Project
08/25/2020	836164	Jacobs Engineering	Storm Sewer	$ 1,480.51	Asset Management Program Project
08/25/2020	836164	Jacobs Engineering	Street/Traffic	$ 2,220.76	Asset Management Program Project
08/25/2020	836164	Jacobs Engineering	Wastewater	$ 4,811.64	Asset Management Program Project
08/25/2020	836164	Jacobs Engineering	Water	$ 4,811.64	Asset Management Program Project
08/24/2020	836074	Kaplan Kirsch & Rockwell	Airport	$ 3,885.00	Professional Services Stormwater Assessments
08/24/2020	836076	Knife River	Airport	$ 116,070.04	Commercial Concrete Apron Project - Federal Share
08/24/2020	836076	Knife River	Airport	$ 12,896.67	Commercial Concrete Apron Project - Local Share

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836076	Knife River	Airport	$ 137,733.85	Retainage Release
08/24/2020	836076	Knife River	Street/Traffic	$ 219.45	inv#700853 asphalt
08/24/2020	836076	Knife River	Street/Traffic	$ 2,695.53	inv#701544 asphalt
08/24/2020	836076	Knife River	Street/Traffic	$ 845.88	inv#702201 asphalt
08/24/2020	836076	Knife River	Tax Incrmnt S	$ 553,524.37	WO 19-22 King Avenue East Orchard to Jackson Reconstruction; Pmt 1
08/24/2020	836077	Kois Brothers	Fleet	$ 614.40	120234 PO NUM 310610
08/24/2020	836077	Kois Brothers	Solid Waste	$ 536.92	120155
08/24/2020	836077	Kois Brothers	Solid Waste	$ 995.55	120219
08/24/2020	836077	Kois Brothers	Solid Waste	$ 352.34	120237
08/24/2020	836077	Kois Brothers	Solid Waste	$ 784.82	120278
08/24/2020	836077	Kois Brothers	Solid Waste	$ 140.70	120410
08/24/2020	836079	KTVQ Communication	Airport	$ 3,500.00	Invoice #715314-1. Promotional Videos (Safe to Fly Campaign)
08/24/2020	836079	KTVQ Communication	Airport	$ 3,500.00	Invoice #715314-2. Promotional Videos (Safe to Fly Campaign)
08/24/2020	836079	KTVQ Communication	P.W. Admin	$ 250.00	Strategic planning, creative & production for video & digital display
08/24/2020	836087	Morrison Maierle Inc	Airport	$ 37,317.65	Reconstruct Commercial Aircraft Concrete Ramps - CA - Federal Share
08/24/2020	836087	Morrison Maierle Inc	Airport	$ 4,146.41	Reconstruct Commercial Aircraft Concrete Ramps - CA - Local Share
08/24/2020	836089	Napa Auto Parts	Engineering	$ 9.07	224471
08/24/2020	836089	Napa Auto Parts	Fleet	$ 9.56	222537
08/24/2020	836089	Napa Auto Parts	Fleet	$ 27.80	223530
08/24/2020	836089	Napa Auto Parts	Fleet	$ (5.60)	223545
08/24/2020	836089	Napa Auto Parts	Fleet	$ 46.64	226115
08/24/2020	836089	Napa Auto Parts	Fleet	$ 72.97	222557 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 33.40	222742 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 17.32	222822 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 4.74	222982 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 134.01	223045 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 42.09	223097 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 2.76	223100 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 35.32	224202 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 56.73	224325 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 81.90	224467 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 30.32	224531 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 5.52	224899 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 91.00	224930 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	Fleet	$ 182.38	224930 PO NUM 310915
08/24/2020	836089	Napa Auto Parts	General	$ 200.85	223638
08/24/2020	836089	Napa Auto Parts	General	$ 31.96	224289
08/24/2020	836089	Napa Auto Parts	Public Safety	$ 24.68	223162
08/24/2020	836089	Napa Auto Parts	Public Safety	$ 29.10	223395
08/24/2020	836089	Napa Auto Parts	Public Safety	$ 41.24	225020
08/24/2020	836089	Napa Auto Parts	Public Safety	$ 68.65	226091

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836089	Napa Auto Parts	Solid Waste	$ 41.40	223402
08/24/2020	836089	Napa Auto Parts	Street/Traffic	$ 72.64	222880
08/24/2020	836089	Napa Auto Parts	Water	$ 15.97	222577
08/24/2020	836089	Napa Auto Parts	Water	$ 696.09	222655
08/24/2020	836089	Napa Auto Parts	Water	$ 104.92	222709
08/24/2020	836089	Napa Auto Parts	Water	$ (102.36)	223198
08/24/2020	836089	Napa Auto Parts	Water	$ 400.13	224176
08/24/2020	836089	Napa Auto Parts	Water	$ 7.14	226254
08/24/2020	836096	Northwest Pipe	Wastewater	$ 591.90	7351503; DIGESTOR GAS PROJECT
08/24/2020	836096	Northwest Pipe	Wastewater	$ 91.88	7354360; AFT SAMPLE PORT
08/24/2020	836096	Northwest Pipe	Water	$ 9.20	1/2" X 2" PVC SCH 80 NIPPLE P/N: 0863482
08/24/2020	836096	Northwest Pipe	Water	$ 17.94	2 1/2" LIQ FILLED GUAGE NO LEAD, CL2
08/24/2020	836096	Northwest Pipe	Water	$ 5.92	3/4" 90 PVC ELBOW SCH 80 P/N: 0860508
08/24/2020	836096	Northwest Pipe	Water	$ 40.32	3/4" T-10 O-RING - (9386-002)
08/24/2020	836096	Northwest Pipe	Water	$ 338.92	7348198; STAPLES HYP0 SKID
08/24/2020	836096	Northwest Pipe	Water	$ 165.32	7348204; CHAPPLE CHLORINE ROOM
08/24/2020	836096	Northwest Pipe	Water	$ 83.63	7349329; STAPLES CL2 SYSTEM
08/24/2020	836096	Northwest Pipe	Water	$ 25.50	7349329-1; STAPLES CL2 SYSTEM
08/24/2020	836096	Northwest Pipe	Water	$ 34.68	7349473;STAPLES CL2 SYSTEM
08/24/2020	836096	Northwest Pipe	Water	$ 20.40	7350449; STAPLES CL2 SYSTEM
08/24/2020	836096	Northwest Pipe	Water	$ 62.16	7354348; STAPLES CL2 SYSTEM
08/24/2020	836096	Northwest Pipe	Water	$ 259.93	7354357; SOLENOID FOR CL2 SLURRY
08/24/2020	836096	Northwest Pipe	Water	$ 903.14	7356749; NEW SUMP PUMPS FOR AREA 'C'
08/24/2020	836096	Northwest Pipe	Water	$ 107.69	7357064; ROOF MOUNT ANTENNA
08/24/2020	836096	Northwest Pipe	Water	$ 225.20	BRASS NIPPLE 1-1/2" X 3" P/N: 0431194
08/24/2020	836096	Northwest Pipe	Water	$ 215.04	IRRIGATION SUPPLY
08/24/2020	836096	Northwest Pipe	Water	$ 16.20	PW WATERPLANT STAPLES CL2 SYSTEM PVC ELBOWS
08/24/2020	836096	Northwest Pipe	Water	$ 16,660.00	R-900 ENHANCED WALL RR - MIU 13341-200
08/24/2020	836096	Northwest Pipe	Water	$ 564.00	STAPLES CL2
08/24/2020	836096	Northwest Pipe	Water	$ 89.52	STAPLES CLZ
08/24/2020	836096	Northwest Pipe	Water	$ 964.03	Z1 LINE INTO WTP
08/24/2020	836096	Northwest Pipe	Water	$ 265.64	Z1-Z2 CONNECTION
08/24/2020	836098	NorthWestern Energy	Airport	$ 2,323.25	0100483-7. Runway Lights. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 1,561.01	0100484-5. ARFF Facility. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 33.61	1138926-9. Aero Interiors. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 55.71	1647695-4. De Icer. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 584.92	1669567-8. TSA. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 1,012.06	1993430-6. Car Wash. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 241.60	2001846-1. Mud Wash. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 219.62	2001848-7. Detail Bay 1 Hertz. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 122.72	2001855-2. Detail Bay 2 National/Alamo. August 2020

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836098	NorthWestern Energy	Airport	$ 119.04	2001862-8. Detail Bay 3 Enterprise. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 107.12	2001865-1. Detail Bay 4 Avis/Budget. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 36.13	2001867-7. Detail Bay 5 Thrifty/Dollar. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 53.68	3085107-5. Employee Parking. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 188.23	3446396-8. USDA. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 752.93	3477231-9. Parking Zone. August 2020
08/24/2020	836098	NorthWestern Energy	Airport	$ 10.80	3733186-5. Airport Building (Hilsendeger). August 2020
08/24/2020	836098	NorthWestern Energy	CDBG	$ 1.73	817 N 22nd St-FORECLOSURE ACQUISITION / REHAB PROGRAM
08/24/2020	836098	NorthWestern Energy	Facilities	$ 844.04	0975808-7
08/24/2020	836098	NorthWestern Energy	Facilities	$ 1,072.99	1160802-3
08/24/2020	836098	NorthWestern Energy	Facilities	$ 1,462.16	1160804-9
08/24/2020	836098	NorthWestern Energy	Facilities	$ 3,891.22	1269391-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,069.72	SILMD 10 Acct# 0712546-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,933.56	SILMD 100 Acct# 0712559-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,622.17	SILMD 107 Acct# 0712560-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 4,068.27	SILMD 109 Acct# 0712561-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 196.49	SILMD 113 Acct# 0712562-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 875.46	SILMD 114 Acct# 0712563-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 206.01	SILMD 115 Acct# 0712564-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 540.71	SILMD 116 Acct# 0712565-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,943.62	SILMD 117 Acct# 0712566-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 189.26	SILMD 118 Acct# 0712567-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 115.50	SILMD 119 Acct# 0712568-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,317.38	SILMD 121 Acct# 0712570-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 173.82	SILMD 122 Acct# 0712571-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 308.99	SILMD 123 Acct# 0712572-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 901.20	SILMD 124 Acct# 0712573-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 360.49	SILMD 125 Acct# 0712574-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 180.25	SILMD 126 Acct# 0712575-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 651.75	SILMD 127 Acct# 0712576-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 456.21	SILMD 128 Acct# 0712577-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 308.99	SILMD 129 Acct# 0712578-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 4,477.41	SILMD 13 Acct# 0721276-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 110.57	SILMD 130 Acct# 0712579-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 798.20	SILMD 131 Acct# 0712580-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 205.32	SILMD 133 Acct# 0712581-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 473.81	SILMD 134 Acct# 0712582-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 477.92	SILMD 135 Acct# 0712583-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 437.71	SILMD 136 Acct# 0712584-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 347.33	SILMD 137 Acct# 0712585-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 695.22	SILMD 138 Acct# 0712586-7

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 231.76	SILMD 139 Acct# 0712587-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,195.59	SILMD 14 Acct# 0721277-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 540.71	SILMD 143 Acct# 0712588-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 25.72	SILMD 144 Acct# 0712589-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 434.48	SILMD 145 Acct# 0712590-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 334.74	SILMD 146 Acct# 0712591-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 407.47	SILMD 147 Acct# 0712592-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,471.39	SILMD 149 Acct# 0712593-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 695.20	SILMD 150 Acct# 0712594-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 592.20	SILMD 151 Acct# 0712595-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 3,996.82	SILMD 152 Acct# 0712596-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 499.66	SILMD 153 Acct# 0712597-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,129.69	SILMD 154 Acct# 0712598-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 463.47	SILMD 155 Acct# 0712599-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 847.29	SILMD 157 Acct# 0712600-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 746.72	SILMD 158 Acct# 0712601-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 901.58	SILMD 159 Acct# 0712602-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 669.46	SILMD 160 Acct# 0712603-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 977.65	SILMD 161 Acct# 0712604-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 44.15	SILMD 162 Acct# 0712605-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 715.24	SILMD 163 Acct# 0712606-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 347.59	SILMD 164 Acct# 0712607-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 823.96	SILMD 165 Acct# 0712608-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 217.27	SILMD 167 Acct# 0712609-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,071.10	SILMD 17 Acct# 0712553-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 521.40	SILMD 171 Acct# 0712610-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 473.80	SILMD 172 Acct# 0712611-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,086.22	SILMD 173 Acct# 0712612-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 912.46	SILMD 174 Acct# 0712613-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 304.16	SILMD 175 Acct# 0712614-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 31.54	SILMD 176 Acct# 0712615-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 239.00	SILMD 178 Acct# 0712616-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 477.92	SILMD 179 Acct# 0712617-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 96.11	SILMD 18 Acct# 0712554-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 325.91	SILMD 180 Acct# 0712618-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,570.67	SILMD 181 Acct# 0712619-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 543.14	SILMD 182 Acct# 0712620-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,086.23	SILMD 183 Acct# 0712621-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 347.59	SILMD 184 Acct# 0712622-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 130.37	SILMD 185 Acct# 0712623-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 664.41	SILMD 186 Acct# 0712624-6

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 217.27	SILMD 187 Acct# 0712625-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 260.70	SILMD 188 Acct# 0712626-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 217.27	SILMD 189 Acct# 0712627-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,129.69	SILMD 190 Acct# 0712628-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 387.73	SILMD 191 Acct# 0712629-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 282.44	SILMD 192 Acct# 0712630-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 695.20	SILMD 193 Acct# 0712631-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 291.42	SILMD 194 Acct# 0712632-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 233.12	SILMD 195 Acct# 0712633-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 74.35	SILMD 196 Acct# 0712634-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 74.35	SILMD 197 Acct# 0712635-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 108.63	SILMD 198 Acct# 0712636-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 83.45	SILMD 200 Acct# 0712637-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 456.21	SILMD 201 Acct# 0712638-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 619.08	SILMD 202 Acct# 0712639-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 19.82	SILMD 203 Acct# 0712640-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 394.31	SILMD 204 Acct# 0712641-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 25.23	SILMD 205 Acct# 0712642-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 304.16	SILMD 206 Acct# 0712643-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 347.59	SILMD 207 Acct# 0712644-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 238.21	SILMD 208 Acct# 0712645-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 499.66	SILMD 209 Acct# 0712646-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 89.20	SILMD 210 Acct# 0712647-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 49.58	SILMD 211 Acct# 0712648-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 49.58	SILMD 212 Acct# 0712649-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 29.74	SILMD 213 Acct# 0712650-1
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 351.65	SILMD 214 Acct# 0712651-9
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 130.37	SILMD 216 Acct# 0712652-7
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 378.65	SILMD 217 Acct# 0712653-5
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 280.72	SILMD 220 Acct# 0712654-3
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 6.31	SILMD 221 Acct# 0712655-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 78.65	SILMD 222 Acct# 0712656-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 118.95	SILMD 223 Acct# 0712657-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,337.67	SILMD 224 Acct# 0712658-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 376.81	SILMD 225 Acct# 0712659-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 321.89	SILMD 226 Acct# 0712660-0
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 651.01	SILMD 227 Acct# 0712661-8
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 746.72	SILMD 228 Acct# 0712662-6
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 386.27	SILMD 229 Acct# 0712663-4
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 901.21	SILMD 230 Acct# 0712664-2
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 540.71	SILMD 231 Acct# 0712665-9

Check Date	Check#	Name	Fund Name	Amount		Item Desc
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,343.12	SILMD 232 Acct# 0712666-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 877.31	SILMD 233 Acct# 0712667-5	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 492.29	SILMD 234 Acct# 0712668-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 550.58	SILMD 235 Acct# 0712669-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 174.84	SILMD 236 Acct# 0712670-9	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 369.31	SILMD 237 Acct# 0712671-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 12.62	SILMD 238 Acct# 0712672-5	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 86.90	SILMD 239 Acct# 0712673-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 419.62	SILMD 240 Acct# 0712674-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 543.41	SILMD 241 Acct# 0712675-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 77.24	SILMD 242 Acct# 0712676-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 103.00	SILMD 244 Acct# 0712677-4	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 69.01	SILMD 245 Acct# 0712678-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 308.99	SILMD 246 Acct# 0712679-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 939.41	SILMD 247 Acct# 0712680-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,599.00	SILMD 248 Acct# 0712681-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,549.11	SILMD 249 Acct# 0718734-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 209.80	SILMD 250 Acct# 0719001-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 3,611.55	SILMD 251 Acct# 0718801-4	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 514.95	SILMD 252 Acct# 0719162-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,697.49	SILMD 253 Acct# 0719644-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 157.33	SILMD 254 Acct# 0719763-5	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 110.22	SILMD 255 Acct# 0720813-5	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 936.60	SILMD 257 Acct# 0720360-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,436.20	SILMD 258 Acct# 0720606-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,409.06	SILMD 259 Acct# 0720810-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 463.47	SILMD 261 Acct# 0720705-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,882.24	SILMD 262 Acct# 0720937-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 975.04	SILMD 263 Acct# 0720716-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 171.62	SILMD 264 Acct# 0721427-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 337.85	SILMD 265 Acct# 0721556-9	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 42.46	SILMD 266 Acct# 0721684-9	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 457.97	SILMD 270 Acct# 0906944-4	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 891.50	SILMD 271 Acct# 0995095-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,636.15	SILMD 272 Acct# 0905005-5	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 191.38	SILMD 273 Acct# 0926386-4	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 499.60	SILMD 276 Acct# 0961926-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 793.76	SILMD 277 Acct# 1058710-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 221.46	SILMD 278 Acct# 1087619-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 55.28	SILMD 279 Acct# 1124127-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 709.85	SILMD 280 Acct# 1045653-1	

Check Date	Check#	Name	Fund Name	Amount		Item Desc
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 463.33	SILMD 283 Acct# 1172743-5	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 304.30	SILMD 285 Acct# 1206985-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 227.60	SILMD 286 Acct# 1296582-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,728.63	SILMD 288 Acct# 1303978-9	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 233.98	SILMD 289 Acct# 1685375-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 114.78	SILMD 290 Acct# 1433921-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 566.43	SILMD 292 Acct# 1481532-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 217.27	SILMD 293 Acct# 1481534-4	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 434.48	SILMD 294 Acct# 1481535-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 103.00	SILMD 295 Acct# 1481536-9	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,151.41	SILMD 296 Acct# 1481537-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 195.54	SILMD 297 Acct# 1481539-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 173.82	SILMD 298 Acct# 1481540-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 380.77	SILMD 300 Acct# 1662840-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 5,120.99	SILMD 301 Acct# 1687005-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 212.88	SILMD 302 Acct# 1607534-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 674.19	SILMD 305 Acct# 1695873-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 172.74	SILMD 306 Acct# 1740353-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 2,393.05	SILMD 307 Acct# 2049005-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 251.40	SILMD 308 Acct# 2072459-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 296.46	SILMD 309 Acct# 2001311-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 204.10	SILMD 310 Acct# 2060519-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 246.08	SILMD 311 Acct# 3014475-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 200.88	SILMD 312 Acct# 3146127-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 334.22	SILMD 315 Acct# 3305804-1	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 1,131.62	SILMD 316 Acct# 3291842-7	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 71.84	SILMD 317 Acct# 3253826-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 758.21	SILMD 318 Acct# 3372018-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 57.12	SILMD 320 Acct# 0712569-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 300.03	SILMD 321 Acct# 3338917-2	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 67.75	SILMD 322 Acct# 3402033-9	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 547.64	SILMD 323 Acct# 3597170-4	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 262.17	SILMD 324 Acct# 1246537-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 206.31	SILMD 325 Acct# 3587598-8	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 360.82	SILMD 8 Acct# 0712544-6	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 333.67	SILMD 9 Acct# 0712545-3	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 707.23	SILMD 95 Acct# 0712556-0	
08/24/2020	836097	NorthWestern Energy	Light Maint	$ 9,226.53	SILMD 97 Acct# 0712557-8	
08/24/2020	836098	NorthWestern Energy	Park Dist 1	$ 809.87	0722287-0	
08/24/2020	836098	NorthWestern Energy	Park Dist 1	$ 1,331.94	0723045-1	
08/24/2020	836098	NorthWestern Energy	Park Dist 1	$ -	0839280-5	

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836098	NorthWestern Energy	Park Dist 1	$ 480.97	0925496-2
08/24/2020	836098	NorthWestern Energy	Park Dist 1	$ 24.92	1836666-6
08/24/2020	836098	NorthWestern Energy	Park Dist 1	$ 17.98	3241436-9
08/24/2020	836098	NorthWestern Energy	Parks Maint	$ 19.63	3707234-5
08/24/2020	836098	NorthWestern Energy	Parks Maint	$ 25.97	3707235-2
08/24/2020	836098	NorthWestern Energy	Parks Maint	$ 46.67	3707236-0
08/24/2020	836098	NorthWestern Energy	Public Safety	$ 628.83	0871546-8
08/24/2020	836098	NorthWestern Energy	Solid Waste	$ 1,741.85	3252194-0
08/24/2020	836098	NorthWestern Energy	Street/Traffic	$ 0.25	1740357-7
08/24/2020	836098	NorthWestern Energy	Street/Traffic	$ 0.61	1748896-6
08/24/2020	836097	NorthWestern Energy	Street/Traffic	$ 11,586.23	Signal Bills
08/24/2020	836098	NorthWestern Energy	Wastewater	$ 69,185.79	0100591-7
08/24/2020	836098	NorthWestern Energy	Wastewater	$ 2,357.78	0100606-3
08/24/2020	836098	NorthWestern Energy	Water	$ 1,707.33	0100485-2
08/24/2020	836098	NorthWestern Energy	Water	$ 9,957.00	0100540-4
08/24/2020	836098	NorthWestern Energy	Water	$ 179,191.21	0100606-3
08/24/2020	836098	NorthWestern Energy	Water	$ 7,073.34	0100606-3
08/24/2020	836098	NorthWestern Energy	Water	$ 15,218.86	0722264-9
08/24/2020	836098	NorthWestern Energy	Water	$ 11,115.73	0723040-2
08/24/2020	836098	NorthWestern Energy	Water	$ 5.80	0723059-2
08/24/2020	836098	NorthWestern Energy	Water	$ 1,222.03	1116452-2
08/24/2020	836098	NorthWestern Energy	Water	$ 399.23	1920951-9 JULY 2020
08/24/2020	836098	NorthWestern Energy	Water	$ 669.64	2082903-2 JULY 2020
08/24/2020	836104	Performance Eng&Consult	Solid Waste	$ 9,008.75	WO 20-05 Landfill Main Access Rd Pavement Distress
08/24/2020	836110	Public Utilities	Facilities	$ 497.84	158260
08/24/2020	836110	Public Utilities	Park Dist 1	$ 1,088.38	180092
08/24/2020	836110	Public Utilities	Park Dist 1	$ 96.98	255552
08/24/2020	836110	Public Utilities	Parking	$ 138.75	102086
08/24/2020	836110	Public Utilities	Parking	$ 10.60	102981
08/24/2020	836110	Public Utilities	Parks Maint	$ 187.48	102418
08/24/2020	836110	Public Utilities	Parks Maint	$ 248.99	136082
08/24/2020	836110	Public Utilities	Parks Maint	$ 2,091.40	136087
08/24/2020	836110	Public Utilities	Parks Maint	$ 4,437.31	136090
08/24/2020	836110	Public Utilities	Parks Maint	$ 9,526.97	136091
08/24/2020	836110	Public Utilities	Parks Maint	$ 21,693.02	136092
08/24/2020	836110	Public Utilities	Parks Maint	$ 1,569.66	136093
08/24/2020	836110	Public Utilities	Parks Maint	$ 11,827.32	136095
08/24/2020	836110	Public Utilities	Parks Maint	$ 5,302.85	136096
08/24/2020	836110	Public Utilities	Parks Maint	$ 293.95	136098
08/24/2020	836110	Public Utilities	Parks Maint	$ 1,425.50	136099
08/24/2020	836110	Public Utilities	Parks Maint	$ 3,195.88	136100

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836110	Public Utilities	Parks Maint	$ 899.51	136101
08/24/2020	836110	Public Utilities	Parks Maint	$ 14,479.52	136103
08/24/2020	836110	Public Utilities	Parks Maint	$ 4,016.85	136108
08/24/2020	836110	Public Utilities	Parks Maint	$ 106.34	136111
08/24/2020	836110	Public Utilities	Parks Maint	$ 52.19	136112
08/24/2020	836110	Public Utilities	Parks Maint	$ 33.80	136115
08/24/2020	836110	Public Utilities	Parks Maint	$ 457.46	148074
08/24/2020	836110	Public Utilities	Parks Maint	$ 3,408.74	148398
08/24/2020	836110	Public Utilities	Parks Maint	$ 860.16	148423
08/24/2020	836110	Public Utilities	Parks Maint	$ 2,886.64	148654
08/24/2020	836110	Public Utilities	Parks Maint	$ 108.06	148702
08/24/2020	836110	Public Utilities	Parks Maint	$ 1,156.70	158252
08/24/2020	836110	Public Utilities	Parks Maint	$ 7,375.57	163614
08/24/2020	836110	Public Utilities	Parks Maint	$ 184.39	163944
08/24/2020	836110	Public Utilities	Parks Maint	$ 5,357.26	164211
08/24/2020	836110	Public Utilities	Parks Maint	$ 6,187.38	164212
08/24/2020	836110	Public Utilities	Parks Maint	$ 4,361.53	166674
08/24/2020	836110	Public Utilities	Parks Maint	$ 1,808.55	168362
08/24/2020	836110	Public Utilities	Parks Maint	$ 2,998.59	175850
08/24/2020	836110	Public Utilities	Parks Maint	$ 243.52	176577
08/24/2020	836110	Public Utilities	Parks Maint	$ 26.45	177710
08/24/2020	836110	Public Utilities	Parks Maint	$ 28.64	179987
08/24/2020	836110	Public Utilities	Parks Maint	$ 1,704.29	180090
08/24/2020	836110	Public Utilities	Parks Maint	$ 335.04	180091
08/24/2020	836110	Public Utilities	Parks Maint	$ 121.15	187900
08/24/2020	836110	Public Utilities	Parks Maint	$ 3,625.68	192352
08/24/2020	836110	Public Utilities	Parks Maint	$ 880.60	201942
08/24/2020	836110	Public Utilities	Parks Maint	$ 16,792.54	236250
08/24/2020	836110	Public Utilities	Parks Maint	$ 3,252.16	242652
08/24/2020	836110	Public Utilities	Parks Maint	$ 259.68	260404
08/24/2020	836110	Public Utilities	Street/Traffic	$ 14.40	167082
08/24/2020	836110	Public Utilities	Street/Traffic	$ 3,709.51	168389
08/24/2020	836110	Public Utilities	Street/Traffic	$ 2,460.15	168593
08/24/2020	836110	Public Utilities	Street/Traffic	$ 261.36	178621
08/24/2020	836110	Public Utilities	Street/Traffic	$ 151.89	180331
08/24/2020	836110	Public Utilities	Street/Traffic	$ 5,300.28	180332
08/24/2020	836110	Public Utilities	Street/Traffic	$ 1,586.38	180333
08/24/2020	836110	Public Utilities	Street/Traffic	$ 1,455.41	180334
08/24/2020	836110	Public Utilities	Street/Traffic	$ 334.56	180335
08/24/2020	836110	Public Utilities	Street/Traffic	$ 2,516.89	180336
08/24/2020	836110	Public Utilities	Street/Traffic	$ 103.96	180337

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836110	Public Utilities	Street/Traffic	$ 129.23	180338
08/24/2020	836110	Public Utilities	Street/Traffic	$ 161.90	180339
08/24/2020	836110	Public Utilities	Street/Traffic	$ 20.58	180396
08/24/2020	836110	Public Utilities	Street/Traffic	$ 4,060.75	181505
08/24/2020	836110	Public Utilities	Street/Traffic	$ 4,812.15	184751
08/24/2020	836110	Public Utilities	Street/Traffic	$ 3,765.53	185688
08/24/2020	836110	Public Utilities	Street/Traffic	$ 1,003.82	185689
08/24/2020	836110	Public Utilities	Street/Traffic	$ 27.71	185690
08/24/2020	836110	Public Utilities	Street/Traffic	$ 1,281.80	185691
08/24/2020	836110	Public Utilities	Street/Traffic	$ 3,716.62	191161
08/24/2020	836110	Public Utilities	Street/Traffic	$ 2,236.57	191162
08/24/2020	836110	Public Utilities	Street/Traffic	$ 217.68	241853
08/24/2020	836110	Public Utilities	Street/Traffic	$ 203.42	243345
08/24/2020	836110	Public Utilities	Street/Traffic	$ 174.00	243346
08/24/2020	836110	Public Utilities	Street/Traffic	$ 220.34	243891
08/24/2020	836110	Public Utilities	Street/Traffic	$ 945.22	248978
08/24/2020	836110	Public Utilities	Street/Traffic	$ 449.62	259589
08/24/2020	836110	Public Utilities	Street/Traffic	$ 1,064.74	259590
08/24/2020	836110	Public Utilities	Street/Traffic	$ 440.25	259591
08/24/2020	836110	Public Utilities	Street/Traffic	$ 1,558.04	261854
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 205.00	C03-0906-000, CARBON MONOXIDE CO SENSOR GAP0135
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 205.00	C03-0911-000, LEL SENSOR GAP0027
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 606.00	C03-0912-002, SENSOR MODULE PID GAP0142
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 205.00	C03-0942-000 OXYGEN 02 SENSOR GAP0130
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 304.00	C03-0978-000 SENSOR MODULE, SMART EC, CL2 GAP0033
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 85.00	M01-2082-100, PROTECTIVE RUBBER BOOT, BLACK MS0001
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 60.00	NPS SHIPPING & HANDLING
08/24/2020	836111	Qal-Tek Associates	Public Safety	$ 2,254.00	PGM6228, MUJLTI-RAE MONITOR GAP0128
08/24/2020	836114	Recorded Books	Library	$ 5,000.00	76688850 Universal Class
08/24/2020	836116	Routeware Inc	Solid Waste	$ 12,099.00	OBC Ssupport fee, Camera System fee & Cellular Data charge
08/24/2020	836119	SHI International Corp	IT Resources	$ 3,576.90	15 NetMotion Licenses -IT
08/24/2020	836123	Star Service Inc	Park Dist 1	$ 4,393.00	service and labor charges for sewage injector pump at Stewart Park
08/24/2020	836128	Terracon Consultants	Arterial St	$ 840.00	WO 20-09 24th St W & Overland Traffic Signal Imp
08/24/2020	836128	Terracon Consultants	Gas Tax	$ 735.00	2020 ADA Ramp Replacement; TE00491
08/24/2020	836128	Terracon Consultants	Gas Tax	$ 1,260.64	WO 19-35 Metals Streets Improvements; TE00491
08/24/2020	836128	Terracon Consultants	Sidewalk Const	$ 574.36	WO 19-35 Metals Streets Improvements; TE00491
08/24/2020	836128	Terracon Consultants	Water	$ 90.00	WO 20-31 Lead Service Replacement; TE00491
08/24/2020	836129	Terracon Consultants	Gas Tax	$ 3,545.00	WO 20-03 2020 City Overlay/Chip Seal Contract 1 & 2
08/24/2020	836130	Tetra Tech, Inc.	Solid Waste	$ 3,851.15	Environmental Monitoring Services for the Landfill
08/24/2020	836132	Tire-Rama	Solid Waste	$ 125.00	Alignment for solid waste
08/24/2020	836132	Tire-Rama	Solid Waste	$ 2,724.50	Tires for Solid Waste

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836132	Tire-Rama	Solid Waste	$ 4,881.50	Tires for Solid Waste
08/24/2020	836132	Tire-Rama	Solid Waste	$ 4,764.50	Tires for Solid Waste
08/24/2020	836132	Tire-Rama	Solid Waste	$ 239.00	Trailer Repair for Solid Waste
08/24/2020	836132	Tire-Rama	Solid Waste	$ 345.29	Trailer Repair for Solid Waste
08/24/2020	836135	Town & Country Supply	Airport	$ 15,386.40	Invoice #410646. QTA Car Rental Fuel
08/24/2020	836135	Town & Country Supply	Fleet	$ 5,123.59	410585 PO NUM 310921
08/24/2020	836135	Town & Country Supply	Fleet	$ 5,120.44	410608 PO NUM 310921
08/24/2020	836135	Town & Country Supply	Fleet	$ 14,732.93	410833 PO NUM 310909
08/24/2020	836135	Town & Country Supply	Public Safety	$ 368.49	410640 FIRE 6: DIESEL DELIVERED 08/20/2020
08/24/2020	836135	Town & Country Supply	Public Safety	$ 734.05	410641 FIRE 1: DIESEL DELIVERED 8/20/2020
08/24/2020	836135	Town & Country Supply	Water	$ 196.73	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836135	Town & Country Supply	Water	$ 187.57	NONSTOCKING ITEMS-P.U.D.
08/24/2020	836136	Tractor & Equipment	Solid Waste	$ 205.85	BLCS0737229
08/24/2020	836136	Tractor & Equipment	Solid Waste	$ 82,610.00	Three Compact Track Loaders for the Landfill
08/24/2020	836136	Tractor & Equipment	Solid Waste	$ 82,610.00	Three Compact Track Loaders for the Landfill
08/24/2020	836136	Tractor & Equipment	Solid Waste	$ 82,610.00	Three Compact Track Loaders for the Landfill
08/24/2020	836136	Tractor & Equipment	Street/Traffic	$ 2,574.49	BLCS0736819
08/24/2020	836141	Verizon Wireless	Airport	$ 54.68	Airport
08/24/2020	836141	Verizon Wireless	Engineering	$ 134.85	PW-Engineering
08/24/2020	836141	Verizon Wireless	General	$ 108.44	City Administrator 0100-13130-403450
08/24/2020	836141	Verizon Wireless	Library	$ 26.97	LBRY OTRCH Library Outreach
08/24/2020	836141	Verizon Wireless	Parking	$ 26.97	Parking 406-690-5822
08/24/2020	836141	Verizon Wireless	PD Programs	$ 429.66	CCSIU Cell/PTT
08/24/2020	836141	Verizon Wireless	PD Programs	$ 53.94	CCSIU MDT
08/24/2020	836141	Verizon Wireless	PD Programs	$ 80.02	CCSIU RAVEN
08/24/2020	836141	Verizon Wireless	Public Safety	$ 560.16	MDT Toughbooks
08/24/2020	836141	Verizon Wireless	Public Safety	$ 80.02	Police iPad St John 406-690-5955 Police iPad Lawrence 406-690-2161
08/24/2020	836141	Verizon Wireless	Public Safety	$ 40.01	Police MiFi 406-633-0820 406-598-6294
08/24/2020	836141	Verizon Wireless	Public Safety	$ 54.68	Police -Mike Robinson
08/24/2020	836141	Verizon Wireless	Solid Waste	$ 26.97	PW Dozer Trimble Dozer
08/24/2020	836141	Verizon Wireless	Solid Waste	$ 107.88	PW-Solid Waste
08/24/2020	836141	Verizon Wireless	Solid Waste	$ 272.94	PW-SW-ON CALL Solid Waste On Call
08/24/2020	836141	Verizon Wireless	Solid Waste	$ 479.40	Solid Waste Tablets -Routware
08/24/2020	836141	Verizon Wireless	Street/Traffic	$ 161.82	PW-Streets City Works
08/24/2020	836141	Verizon Wireless	Street/Traffic	$ 53.94	PW-Streets ipads
08/24/2020	836141	Verizon Wireless	Street/Traffic	$ 849.99	PW-Streets iPads
08/24/2020	836141	Verizon Wireless	Transit	$ 308.27	MET AVL
08/24/2020	836141	Verizon Wireless	Wastewater	$ 43.15	PW-DIS-COLL Cityworks 60/40
08/24/2020	836141	Verizon Wireless	Wastewater	$ 155.65	PW-Distribution Collection Tablets 60/40
08/24/2020	836141	Verizon Wireless	Water	$ 26.97	PW Belknap Meter Shop
08/24/2020	836141	Verizon Wireless	Water	$ 26.97	PWBLKNP Water Treatment Brian Risser 406-696-4245

Check Date	Check#	Name	Fund Name	Amount	Item Desc
08/24/2020	836141	Verizon Wireless	Water	$ 188.79	PWBLNP Comm-Meter CityWorks/Neptune
08/24/2020	836141	Verizon Wireless	Water	$ 64.73	PW-DIS-COLL Cityworks 60/40
08/24/2020	836141	Verizon Wireless	Water	$ 233.48	PW-Distribution Collection Tablets 60/40
08/24/2020	836144	West, Jock	PD Programs	$ 3,780.00	Police Parking for July-December, 2020.
08/24/2020	836145	Western Municipal Const	Water	$ 76,487.40	WO 20-31 Lead Service Replacement; Pmt 3F
08/24/2020	836147	William Thompson	Building	$ 1,135.55	CD-002286
08/24/2020	836147	William Thompson	Building	$ 9.00	CD-002290
08/24/2020	836147	William Thompson	Building	$ 15.00	CD-002291
08/24/2020	836147	William Thompson	Building	$ 9.00	CD-002292
08/24/2020	836147	William Thompson	Building	$ 6.50	CD-002293
08/24/2020	836147	William Thompson	Building	$ 13.50	CD-002294
08/24/2020	836147	William Thompson	Engineering	$ 130.00	CD-002287
08/24/2020	836147	William Thompson	Engineering	$ 232.00	CD-002295
08/24/2020	836147	William Thompson	Engineering	$ 200.00	CD-002296
08/24/2020	836147	William Thompson	Planning	$ 70.00	CD-002288
08/24/2020	836147	William Thompson	Wastewater	$ 2,417.22	CD-002289
08/25/2020	836170	Xylem Water Solutions	Wastewater	$ 820.00	401014425; REPAIR AT LS0012
08/25/2020	836170	Xylem Water Solutions	Wastewater	$ 820.00	401014861; REPAIR AT LS0013
08/25/2020	836170	Xylem Water Solutions	Wastewater	$ 820.00	401014862; REPAIRE AT LS0009
08/25/2020	836170	Xylem Water Solutions	Wastewater	$ 820.00	401014863; REPAIR AT LS0008
08/25/2020	836170	Xylem Water Solutions	Wastewater	$ 272.50	401014864; REPAIR AT LS0007
08/25/2020	836170	Xylem Water Solutions	Wastewater	$ 820.00	401014866; REPAIR AT LS0010

Consent **1. F. 2.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Payment of Claims for week of August 31, 2020

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

RECOMMENDATION

Staff recommends Council approve the payment of claims

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Claims in the amount of $1,994,541.75 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

City check Payment Approval Process

Every invoice for payment in entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.) Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the Department Director or designee must perform an initial review and approval of the purchase. The number of approvals within the Department can vary based upon the size of the Department, but no less than one approver within each Department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director.
If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

- No other alternatives were analyzed

FISCAL EFFECTS

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.

Attachments

Councilmemo wk of 08312020

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836176	Alta Planning & Design	Planning	$ 7,767.60	Billings Bike and Scooter Share Feasibility Study
08/31/2020	836181	Armscor Cartridge	Public Safety	$ 4,150.00	Armscor Invoice 11999, ammo purchase of 40 S&W, 9mm
08/31/2020	836181	Armscor Cartridge	Public Safety	$ 3,520.00	Armscor invoice 12000, 9mm, 223 ammo
08/31/2020	836182	Avery Dennison	Street/Traffic	$ 15,700.00	CWT 1630 Premium 9'10" x 5'3"
08/31/2020	836185	Billings Carpet Cleaning	Library	$ 5,038.76	17267 COVID positive cleaning/sanitizing
08/31/2020	836186	Billings Tourism	Tourism BID #2	$ 67,477.18	Paid July Distributed August 2020
08/31/2020	836188	Border States Electric	Wastewater	$ 3,043.00	920114580; BOX CAR RELAY REPAIR
08/31/2020	836188	Border States Electric	Wastewater	$ 160.27	920114913; REHBERG LS
08/31/2020	836188	Border States Electric	Wastewater	$ 9.86	920350681; REHBERG LAGOON
08/31/2020	836188	Border States Electric	Wastewater	$ 89.85	920401779; VINTAGE ESTATES LIFT STATION
08/31/2020	836188	Border States Electric	Water	$ 187.00	920253378;GLOVE TESTING
08/31/2020	836188	Border States Electric	Water	$ 31.50	920351038; WTP SHOP ANGLE GAUGE
08/31/2020	836188	Border States Electric	Water	$ 52.06	920409677; STAPLES CHLORINE PUMP SKID INSTALL
08/31/2020	836189	Brenntag Pacific Inc	Wastewater	$ 4,567.05	WRF POS CHEMICALS
08/31/2020	836191	Burns & McDonnell Eng	Water	$ 7,696.81	WO 19-42 West End Water Treatment Plant Project; 118386-4
08/31/2020	836192	Business Tax Section	Airport	$ 1,172.42	Commercial Concrete Apron Project - Federal Share
08/31/2020	836192	Business Tax Section	Airport	$ 130.27	Commercial Concrete Apron Project - Local Share
08/31/2020	836192	Business Tax Section	Airport	$ 1,391.24	Retainage Release
08/31/2020	836192	Business Tax Section	Arterial Streets	$ 949.05	WO 19-33 Grand Avenue & Virginia Lane Traffic Signal; Pmt 3
08/31/2020	836192	Business Tax Section	Arterial Streets	$ 57.00	WO 20-16 Rectangular Rapid Flashing Beacons Installations; Pmt 1
08/31/2020	836192	Business Tax Section	Gas Tax	$ 71.67	SID 14-08 Wanigan Subdivision Improvements
08/31/2020	836192	Business Tax Section	Gas Tax	$ 104.63	SID 14-08 Wanigan Subdivision Improvements; Pmt 1
08/31/2020	836192	Business Tax Section	Gas Tax	$ 1,490.10	WO 20-03 Overlay/Chipseal
08/31/2020	836192	Business Tax Section	Gas Tax	$ 309.54	WO 20-03 Overlay/Chipseal; Pmt 3
08/31/2020	836192	Business Tax Section	Property Ins	$ 47.60	Broken window at Library
08/31/2020	836192	Business Tax Section	Public Safety	$ 161.04	Fire Stations #1 & #3 Driveway
08/31/2020	836192	Business Tax Section	Public Safety	$ 4,417.32	Police Evidence Building
08/31/2020	836192	Business Tax Section	SID Const	$ 346.84	SID 14-08 Wanigan Subdivision Improvements
08/31/2020	836192	Business Tax Section	Solid Waste	$ 1,428.50	WO 18-32 Landfill Slope Stability;Pmt 2
08/31/2020	836192	Business Tax Section	Tax Incrmnt N 27	$ 366.81	WO 20-42 North 29th & 30th Streets Two-Way Conversion; Pmt 1
08/31/2020	836192	Business Tax Section	Tax Incrmnt S	$ 5,591.16	WO 19-22 King Avenue East Orchard to Jackson Reconstruction; Pmt 1
08/31/2020	836192	Business Tax Section	Wastewater	$ 2,583.40	WO 14-11 Water Reclamation Facility Nutrient; Pmt 39
08/31/2020	836192	Business Tax Section	Wastewater	$ 795.89	WO 19-16 Belknap Office Remodel
08/31/2020	836192	Business Tax Section	Wastewater	$ 707.83	WO 20-10 WRF Equipment Installation; Pmt 3
08/31/2020	836192	Business Tax Section	Water	$ 172.60	Curb Valve Repair List 6/20/20; 20007 Pmt 1F
08/31/2020	836192	Business Tax Section	Water	$ 129.50	Water Service Repair List 3-20-20; 221877
08/31/2020	836192	Business Tax Section	Water	$ 698.04	WO 15-35 Zone 1 WTP Waterline Improvements; Pmt 8
08/31/2020	836192	Business Tax Section	Water	$ 702.96	WO 19-16 Belknap Office Remodel; Pmt 3
08/31/2020	836192	Business Tax Section	Water	$ 772.60	WO 20-31 Lead Service Replacement; Pmt 3F
08/31/2020	836195	Canyon Creek Nursery	Parks Maint	$ 6,569.31	plants
08/31/2020	836196	Cengage Learning Inc	Library	$ 5,861.00	70946041 prepayment for upcoming standing orders

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836198	Century Link	Airport	$ 62.33	406-252-0721 Airport 1FB Line
08/31/2020	836198	Century Link	Airport	$ 104.62	406-252-9412 Airport
08/31/2020	836198	Century Link	Airport	$ 62.33	406-256-6014 Airport P9 Building
08/31/2020	836198	Century Link	Airport	$ 57.99	406-256-7070 Airport
08/31/2020	836198	Century Link	Fleet	$ 59.05	406-256-5047 Motor Pool
08/31/2020	836198	Century Link	General	$ 52.31	406-652-0269 Cemetery FAX Line
08/31/2020	836198	Century Link	General	$ 46.77	406-652-8403 Stewart Park Batting Cages
08/31/2020	836198	Century Link	Park District 1	$ 57.99	406-652-5507 Parks
08/31/2020	836198	Century Link	Park District 1	$ 41.93	406-657-3014 Parks 3890 Stillwater
08/31/2020	836198	Century Link	Parking	$ 52.31	406-252-2041 Park 2 Elevator Phone
08/31/2020	836198	Century Link	Parking	$ 41.93	406-657-3054 Park 1 Elevator Phone
08/31/2020	836198	Century Link	Phone System	$ 107.57	406-247-8641 PRPL -Fax and 406-657-3052 Senior center fax
08/31/2020	836198	Century Link	Phone System	$ 92.24	406-252-3774 BOC Measured Lines 406-252-3789
08/31/2020	836198	Century Link	Phone System	$ 134.09	406-657-3009 PUD Measured Lines 406-247-8579
08/31/2020	836198	Century Link	Phone System	$ 8,000.00	406-657-8377 Main System Centrex
08/31/2020	836198	Century Link	Phone System	$ 43.11	406-657-8419 MET Fax and 406-247-8520 Kenco Fax
08/31/2020	836198	Century Link	Phone System	$ 126.21	BOC Alarms 406.247.1276, 406.247.1277, 406.247.1278
08/31/2020	836198	Century Link	Phone System	$ 41.93	Fire Alarm 406.657.3058
08/31/2020	836198	Century Link	Phone System	$ 41.93	Four Dances 406.657.3040
08/31/2020	836198	Century Link	Phone System	$ 60.73	-Miller Building -406.252.3988
08/31/2020	836198	Century Link	Phone System	$ 41.93	Pioneer Park 406.657.8298
08/31/2020	836198	Century Link	Phone System	$ 41.93	South Park 406.247.8575
08/31/2020	836198	Century Link	Phone System	$ 43.11	Streets Fax 406.657.8338
08/31/2020	836198	Century Link	Phone System	$ 169.38	Water Department Alarm 406-247-8511 5020-74000-403450
08/31/2020	836198	Century Link	Phone System	$ 129.33	WWTP Conference Room 406.247.8564
08/31/2020	836198	Century Link	Planning	$ 41.93	406-656-9578 Planning Traffic Central Broadwater
08/31/2020	836198	Century Link	Planning	$ 41.93	406-656-9604 Planning Traffic Central 9th
08/31/2020	836198	Century Link	Public Safety	$ 52.31	406-651-0282 Fire 5 911 Line
08/31/2020	836198	Century Link	Street/Traffic	$ 43.11	406-652-8104 PW Traffic Signal 24 Central
08/31/2020	836208	Cummins Rocky Mt	Solid Waste	$ 106.41	30976
08/31/2020	836208	Cummins Rocky Mt	Solid Waste	$ 848.08	31141
08/31/2020	836208	Cummins Rocky Mt	Solid Waste	$ 273.18	31142
08/31/2020	836208	Cummins Rocky Mt	Solid Waste	$ 1,301.75	31260
08/31/2020	836208	Cummins Rocky Mt	Transit	$ 1,490.73	38-30654
08/31/2020	836212	Dan Hart Patrol	Solid Waste	$ 141,421.81	WO 18-32 Landfill Slope Stability; Pmt 2
08/31/2020	836214	David Turch and Assoc	P.W. Admin	$ 8,000.00	Consulting for Infrastructure Projects July/August
08/31/2020	836216	Dick Anderson Const	Wastewater	$ 70,075.68	WO 20-10 WRF Equipment Installation; Pmt 3
08/31/2020	836218	Dixie Petro-Chem	General	$ 2,252.50	chlorine for pools
08/31/2020	836218	Dixie Petro-Chem	Water	$ 8,442.00	BULK CHLORINE
08/31/2020	836219	Downtown Billings BID	Downtown BID	$ 5,928.06	Paid July Distributed August 2020 / BID Assessment
08/31/2020	836220	EBMS	City Ins Fund	$ 4,816.05	September 2020

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836220	EBMS	City Ins Fund	$ 1,185.00	September 2020
08/31/2020	836220	EBMS	City Ins Fund	$ 784.00	September 2020
08/31/2020	836220	EBMS	City Ins Fund	$ 1,687.50	September 2020
08/31/2020	836220	EBMS	City Ins Fund	$ 28,002.81	September 2020
08/31/2020	836220	EBMS	City Ins Fund	$ 53,906.76	September 2020
08/31/2020	836220	EBMS	Payroll Clearing	$ 9,755.12	September 2020
08/31/2020	836227	Ferguson Enterprises	Wastewater	$ 48,222.03	Mueller CL-12 Tapping Machine with Accessories
08/31/2020	836230	First Am Title Company	Facilities	$ 3,000.00	Earnest money for BOC purchase File #924758
08/31/2020	836231	Fisher Sand & Gravel	Street/Traffic	$ 308.00	inv#21935 asphalt
08/31/2020	836231	Fisher Sand & Gravel	Street/Traffic	$ 4,780.00	inv#22394 asphalt
08/31/2020	836233	Gallagher Benefit	General	$ 3,000.00	2020 Compensation Study
08/31/2020	836235	Gillig Corporation	Transit	$ 4,472.28	40721849 PO NUM 310925
08/31/2020	836235	Gillig Corporation	Transit	$ 2,236.14	40721850 PO NUM 310925
08/31/2020	836238	Great West Eng	Solid Waste	$ 3,051.64	Gas Collection and Control System for the Landfill
08/31/2020	836238	Great West Eng	Solid Waste	$ 1,252.45	Miscellaneous engineering Services for the Landfill
08/31/2020	836244	HDR, Inc.	Solid Waste	$ 37,325.62	WO 17-12 Landfill Drop-off Facility; 1200288764 Pmt 37
08/31/2020	836244	HDR, Inc.	Wastewater	$ 1,829.54	W.O. 19-05 Hydrogen Sulfide Mitigation Plan; 1200274339 Pmt 11
08/31/2020	836244	HDR, Inc.	Wastewater	$ 302.20	W.O. 19-05 Hydrogen Sulfide Mitigation Plan; Pmt 12
08/31/2020	836244	HDR, Inc.	Wastewater	$ 51,203.98	WO 14-11 WWTP Nutrient Upgrade Expansion & Improvements
08/31/2020	836244	HDR, Inc.	Wastewater	$ 3,128.82	WO 19-11 WRF Nutrient Recovery & Biosolids Facilities Plan
08/31/2020	836244	HDR, Inc.	Wastewater	$ 36,708.75	WO 19-21 WRF Influent Lift Station; 1200289384 Pmt 14
08/31/2020	836244	HDR, Inc.	Wastewater	$ 4,197.81	WO 20-36 WRF Solids Handling Modifications; 1200289386 Pmt 3
08/31/2020	836244	HDR, Inc.	Wastewater	$ 7,750.70	WO 20-44 WRF Nutrient Recovery Improvements Project
08/31/2020	836244	HDR, Inc.	Water	$ 17,658.70	WO 15-35 Water Treatment Plant Valve Replacement
08/31/2020	836244	HDR, Inc.	Water	$ 1,833.28	WO 18-22 Leavens Reservoir Expansion & Zone 1 Improvements
08/31/2020	836244	HDR, Inc.	Water	$ 62,572.50	WO 19-12 West End Reservoir; 1200289378 Pmt 16
08/31/2020	836244	HDR, Inc.	Water	$ 692.51	WO 20-20 Walter Pump Station Addition; 1200288921 Pmt 5
08/31/2020	836246	High Point Networks	IT Resources	$ 23,012.55	2020 VMWare renewal thru 12/26/2021
08/31/2020	836246	High Point Networks	IT Resources	$ 5,866.25	Zerto 25 VM Pack renewal thru 8/31/2021
08/31/2020	836246	High Point Networks	Phone System	$ 4,554.00	EX3400 Port switch (possibly Evidence) 12 Mitel phones.
08/31/2020	836246	High Point Networks	Phone System	$ 3,156.00	EX3400 Port switch (possibly Evidence) 12 Mitel phones.
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 246.65	145623
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 1,386.78	1455234
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 186.64	1456114
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 199.92	1456243
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 283.74	1456553
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 259.67	1456602
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 29.00	1456677
08/31/2020	836247	Hose & Rubber Supply	Solid Waste	$ 34.44	1457356
08/31/2020	836247	Hose & Rubber Supply	Street/Traffic	$ 503.90	1456924
08/31/2020	836249	Iaff	Payroll Clearing	$ 5,063.88	Payroll Summary

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836250	Insight Public Sector	Public Safety	$ 6,301.26	Qty.2 i5,8GB,256GB tougpads with cover and warranty -Fire
08/31/2020	836252	Interstate Power	Transit	$ 10,027.59	C007053359:01
08/31/2020	836252	Interstate Power	Transit	$ (4,375.00)	C007053477:01
08/31/2020	836248	I-State Truck, Inc.	Public Safety	$ 670.18	C25129440.01
08/31/2020	836248	I-State Truck, Inc.	Solid Waste	$ 1,955.62	C251294552.01
08/31/2020	836248	I-State Truck, Inc.	Solid Waste	$ 78.06	C251294701.01
08/31/2020	836248	I-State Truck, Inc.	Solid Waste	$ 625.29	C251294913.01
08/31/2020	836248	I-State Truck, Inc.	Street/Traffic	$ 15.69	C251294734.01
08/31/2020	836255	Jay's Waterline Repair	Water	$ 17,087.40	Curb Valve Repair List 6/20/20; 20007 Pmt 1F
08/31/2020	836256	JC Billion Inc	Street/Traffic	$ 40,464.00	one new 2020 one ton two wheel drive per schedule 13.
08/31/2020	836256	JC Billion Inc	Street/Traffic	$ (4,600.00)	trade unit 1163
08/31/2020	836259	Journal Tech	General	$ 16,371.00	Inv.#5171 JW Annual Support Renewal 09/01/20 - 06/30/21
08/31/2020	836260	Knife River	Street/Traffic	$ 799.71	inv#702399 asphalt
08/31/2020	836260	Knife River	Street/Traffic	$ 218.31	inv#702529 asphalt
08/31/2020	836260	Knife River	Street/Traffic	$ 280.00	inv#702766 1 1/2" crushed base
08/31/2020	836260	Knife River	Street/Traffic	$ 1,575.48	inv#702794 asphalt
08/31/2020	836260	Knife River	Street/Traffic	$ 80.00	inv#702901 1 1/2" crushed base
08/31/2020	836260	Knife River	Street/Traffic	$ 3,746.61	inv#702935 asphalt
08/31/2020	836263	L P Anderson Tire	General	$ 90.00	1137843
08/31/2020	836263	L P Anderson Tire	Library	$ 2,240.48	1137536
08/31/2020	836263	L P Anderson Tire	Public Safety	$ 170.00	1137270
08/31/2020	836263	L P Anderson Tire	Public Safety	$ 3,722.24	1137439
08/31/2020	836263	L P Anderson Tire	Street/Traffic	$ 62.50	1137414
08/31/2020	836263	L P Anderson Tire	Street/Traffic	$ 62.50	1137415
08/31/2020	836263	L P Anderson Tire	Street/Traffic	$ 61.99	1137568
08/31/2020	836263	L P Anderson Tire	Street/Traffic	$ 49.50	1137652
08/31/2020	836263	L P Anderson Tire	Transit	$ 1,330.00	mount & balance Gillig tires
08/31/2020	836271	Mohawk Resources	Solid Waste	$ 17,330.65	Compact Heavy Duty Truck Tire Changer -NASPO
08/31/2020	836273	Montana CSED	Payroll Clearing	$ 2,649.57	Payroll Summary
08/31/2020	836278	Montana Lines	Arterial Streets	$ 5,643.00	WO 20-16 Rectangular Rapid Flashing Beacons Installations; Pmt 1
08/31/2020	836278	Montana Lines	Tax Incrmnt N 27	$ 36,313.95	WO 20-42 North 29th & 30th Streets Two-Way Conversion; Pmt 1
08/31/2020	836284	MPPA	Payroll Clearing	$ 3,526.65	Payroll Summary
08/31/2020	836280	MT State Fireman	Payroll Clearing	$ 4,451.49	Payroll Summary
08/31/2020	836287	MT Waterworks	Water	$ 340.00	24" POLYWRAP .008 MIL - PIPE WRAP (1881684)
08/31/2020	836287	MT Waterworks	Water	$ 811.30	3/4" CURB VALVE - COMPRESSION-MINNEAPOLIS
08/31/2020	836287	MT Waterworks	Water	$ 339.00	32863; SOFT COPPER TUBE
08/31/2020	836287	MT Waterworks	Water	$ 1,933.84	5' FIRE HYDRANT - PUSH ON
08/31/2020	836287	MT Waterworks	Water	$ 6,627.69	6' FIRE HYDRANT BILLINGS SPECS - PUSH ON
08/31/2020	836287	MT Waterworks	Water	$ 691.00	6" PLASTIC PIPE-CLASS 200-SDR-14-C900-SLIP HUB
08/31/2020	836287	MT Waterworks	Water	$ 1,114.00	8" PLASTIC PIPE C-900 BLUE W/G P/N: DR14P8
08/31/2020	836287	MT Waterworks	Water	$ 50.00	CURB BOX 3/4" - 1-1/2" TAP - 7' BURY

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836287	MT Waterworks	Water	$ 3,491.80	PIPE BURSTING INVENTORY PARTS
08/31/2020	836287	MT Waterworks	Water	$ 900.00	TYLER #6 VALVE BOX BASE (TY381525)
08/31/2020	836291	NorthWestern Energy	Airport	$ 29,644.21	0100482-9. Main Vault. August 2020
08/31/2020	836291	NorthWestern Energy	Airport	$ 395.69	0712792-1. IP-7. August 2020
08/31/2020	836291	NorthWestern Energy	Airport	$ 979.40	0712800-2. IP-9. August 2020
08/31/2020	836291	NorthWestern Energy	Airport	$ 223.41	0712809-3. Alpine Maintenance. August 2020
08/31/2020	836291	NorthWestern Energy	Engineering	$ 937.44	1741314-7
08/31/2020	836291	NorthWestern Energy	Facilities	$ 8,364.34	0100507-3
08/31/2020	836291	NorthWestern Energy	Facilities	$ 61.66	3602453-7
08/31/2020	836291	NorthWestern Energy	Facilities	$ 1,710.76	3602454-5
08/31/2020	836291	NorthWestern Energy	General	$ 3,277.41	0720821-8
08/31/2020	836291	NorthWestern Energy	P.W. Admin	$ 234.35	1741314-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 1,709.87	0100506-5
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 46.66	0712387-0
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 230.11	0712536-2
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 75.77	0720818-4
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 5.80	0722237-5
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 5.92	0722247-4
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 291.86	0722251-6
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 0.12	0722254-0
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 99.90	0722255-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 604.27	0722258-1
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 520.87	0722260-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 19.41	0722261-5
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 23.33	0722262-3
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 150.75	0722263-1
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 207.22	0722265-6
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 40.40	0722266-4
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 21.11	0722268-0
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 17.08	0722269-8
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 12.99	0722292-0
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 42.51	0722293-8
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 17.59	0722905-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 408.42	0722933-9
08/31/2020	836291	NorthWestern Energy	Park District 1	$ -	0723027-9
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 386.82	0723035-2
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 7.70	0723036-0
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 204.23	0723037-8
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 49.33	0723038-6
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 39.27	0723042-8
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 465.66	0723044-4

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 102.19	0723048-5
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 206.72	0723050-1
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 32.35	0723051-9
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 108.66	0723052-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 645.42	0723054-3
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 11.63	0723055-0
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 32.30	0723056-8
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 9.73	0723057-6
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 33.30	0723058-4
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 8.40	0723090-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 5.80	0723162-4
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 1,426.19	0723170-7
08/31/2020	836291	NorthWestern Energy	Park District 1	$ 23.43	0789437-1
08/31/2020	836291	NorthWestern Energy	Parking	$ 639.76	0720829-1
08/31/2020	836291	NorthWestern Energy	Parking	$ 2,028.24	0720834-1
08/31/2020	836291	NorthWestern Energy	Parking	$ 1,408.43	1569636-2
08/31/2020	836291	NorthWestern Energy	Parking	$ 902.93	1594282-4
08/31/2020	836291	NorthWestern Energy	Parking	$ 1,495.02	3067416-2
08/31/2020	836291	NorthWestern Energy	Parking	$ 92.86	3463478-2
08/31/2020	836291	NorthWestern Energy	Parks Maint	$ 243.18	1059093-3
08/31/2020	836291	NorthWestern Energy	Public Safety	$ 215.16	1984150-1
08/31/2020	836291	NorthWestern Energy	Public Safety	$ 308.52	1984155-0
08/31/2020	836291	NorthWestern Energy	Public Safety	$ 2,593.63	3448739-7
08/31/2020	836291	NorthWestern Energy	Street/Traffic	$ 5.80	0723644-1
08/31/2020	836291	NorthWestern Energy	Street/Traffic	$ 5.80	0723645-8
08/31/2020	836291	NorthWestern Energy	Transit	$ 132.94	1784756-7
08/31/2020	836291	NorthWestern Energy	Wastewater	$ 346.67	1756893-2 JULY; MONTHLY SERVICE FEES
08/31/2020	836291	NorthWestern Energy	Water	$ 1,741.76	0722252-4
08/31/2020	836291	NorthWestern Energy	Water	$ 2,796.07	0723043-6
08/31/2020	836291	NorthWestern Energy	Water	$ 276.24	1920951-9 June 2020; MONTHLY SERVICE FEE
08/31/2020	836297	Power Service Of MT	Water	$ 490.00	#38 CONNECTING ROD- MOY000092 P/N: MOY000092
08/31/2020	836297	Power Service Of MT	Water	$ 1,169.37	BEARING KIT;1,15 (2), 19 - MOY000193 (KPE291)
08/31/2020	836297	Power Service Of MT	Water	$ 15.34	BEARING LOCK PLUG MOY000310 - (P10762)
08/31/2020	836297	Power Service Of MT	Water	$ 2,379.00	DRIVE SHAFT ASSEMBLY (PE0261) - MOY000093
08/31/2020	836297	Power Service Of MT	Water	$ 162.00	GEAR JOINT SEAL KIT;5.13,41 - MOY000055
08/31/2020	836297	Power Service Of MT	Water	$ 135.52	HEAD RING - MOY000206 P/N: MOY000206
08/31/2020	836297	Power Service Of MT	Water	$ 37.50	INSPECTION PLATE GASKET - MOY000080 (BE079Q)
08/31/2020	836297	Power Service Of MT	Water	$ 5.12	LOCK NUT RE0581 - 4052006401 (RE0581 4052006401)
08/31/2020	836297	Power Service Of MT	Water	$ 8.60	O-RING PE110Q - MOY000021 (PE110Q 3207902248)
08/31/2020	836297	Power Service Of MT	Water	$ 254.00	PACKING SET - MOY000299 (PE0423)
08/31/2020	836297	Power Service Of MT	Water	$ 6.82	PIPE PLUG MOY000900 P/N: MOY000900

Check Date	Check#	Name	Fund	Amount	Item Desc
08/31/2020	836297	Power Service Of MT	Water	$ 10.25	RETAINING RING MOY000036 - (AE0085) P/N: MOY000036
08/31/2020	836297	Power Service Of MT	Water	$ 994.00	STATOR C310FQ - MOY000122 Moyno Model# 2SWG12H
08/31/2020	836297	Power Service Of MT	Water	$ 51.20	STATOR GASKET - MOY00041,SIZE 3 (BF085Q)
08/31/2020	836299	Public Utilities	Airport	$ 14,099.53	136516
08/31/2020	836299	Public Utilities	Parking	$ 215.41	102980
08/31/2020	836299	Public Utilities	Wastewater	$ 2,975.37	111176
08/31/2020	836303	RDO Equipment	Solid Waste	$ 3,557.63	Filters for the Landfill
08/31/2020	836303	RDO Equipment	Solid Waste	$ 1,594.77	W2757612
08/31/2020	836303	RDO Equipment	Solid Waste	$ 2,195.20	W2757612
08/31/2020	836304	Recorded Books	Library	$ 8,500.00	76687800 Digital magazine subscription 8/2020-7/2021
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 600.00	20 July Rimrock Ancillary Drug
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 1,110.00	20 July Rimrock Ancillary DUI
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 480.00	20 July Rimrock Ancillary ETC
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 350.00	20 July Rimrock Other Services Drug
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 2,369.12	20 July Rimrock Other Services DUI
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 1,109.08	20 July Rimrock Other Services ETC
08/31/2020	836306	Rimrock Foundation	Court Grants	$ 200.00	20 July Rimrock Screenings ETC
08/31/2020	836308	Sanderson Stewart	Planning	$ 14,550.00	5th Ave N Corridor Feasibility Study
08/31/2020	836312	Sletten Construction	Wastewater	$ 255,756.60	WO 14-11 Water Reclamation Facility Nutrient; Pmt 39
08/31/2020	836313	Solid Waste Systems	Fleet	$ 98.11	125386 PO NUM 310995
08/31/2020	836313	Solid Waste Systems	Fleet	$ 169.92	125547 PO NUM 310995
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 2,474.42	125385
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 45.60	125386
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 132.23	125386
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 584.19	125436
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 123.86	125441
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 79.68	125547
08/31/2020	836313	Solid Waste Systems	Solid Waste	$ 5.18	125547
08/31/2020	836316	Sunset Excavation	Water	$ 12,820.50	Water Service Repair List 3-20-20; 221877
08/31/2020	836320	T.W. Clark Const	Public Safety	$ 437,314.17	Police Evidence Building
08/31/2020	836329	Town & Country Supply	Fleet	$ 15,458.48	410651 PO NUM 310931
08/31/2020	836329	Town & Country Supply	Transit	$ 8,785.80	410437 PO NUM 310928
08/31/2020	836329	Town & Country Supply	Transit	$ 3,477.46	410622 PO NUM 310928
08/31/2020	836330	Tractor & Equipment	Solid Waste	$ 6,073.60	BLCS0737580
08/31/2020	836339	Western Water Consult	SID Const	$ 2,792.25	SID 14-13 Winged Foot Road and Greenbriar Road; 200910004 Pmt 4
08/31/2020	836346	Yellowstone Electric	Arterial Streets	$ 93,956.63	WO 19-33 Grand Avenue & Virginia Lane Traffic Signal; Pmt 3
08/31/2020	836348	ZetX, Inc	Public Safety	$ 2,860.00	Annual subscription. 11/8/20-11/7/21.

Regular **2.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing for the FY2019-2020 Draft Comprehensive Annual Performance Evaluation Report (CAPER)

PRESENTED BY: Brenda Beckett

Department: Planning & Community Services **Division:** Community Development

RECOMMENDATION

Staff recommends Council hold a public hearing on September 28, 2020 to receive input on the City's Draft CAPER. No further action is required at this time.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

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 within 90 days following June 30, the end of the program year. This report is called the Comprehensive Annual Performance Evaluation Report (CAPER).

As part of the community review process, City staff must make the report available for public comment for a minimum 15-day period, scheduled from September 12 through September 28, 2020. Staff must also coordinate a public hearing to be held during a City Council meeting to collect any comments from the community. No further Council action is required on the CAPER at this time.

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. Further information will be provided through the staff presentation at the meeting.

Affordable Housing Preservation

• Housing Rehabilitation: Two low income households were assisted with financing to carry out major home repairs; the five-year total for this program is 20 homeowner housing units rehabilitated. Engaging contractors to assist low income homeowners continues to be an issue, including contractor compliance with registration through the System for Award Management (SAM). Significant hail storms the summer of 2019 are contributing to a contractor shortage and homeowners are hesitant to engage with the program due to coronavirus contamination concerns.

• Foreclosure Acquisition / Rehabilitation:
o The City purchased, rehabilitated and sold five of these homes to income-qualified households over the past five years and two additional properties are underway.
o A low income household purchased a recently rehabilitated home on 19th Street West.
o One property was purchased in the Billings Heights area last fiscal year and staff reviewed the project for rehabilitation feasibility. The property was demolished and a Request for Proposals has been issued for affordable housing development.

o The City purchased a vacant foreclosed property in the North Park neighborhood on North 22nd Street. Rehabilitation is currently underway.

New Affordable Housing Opportunity
• Affordable Housing Development: Financing was provided to NeighborWorks Montana, a certified Community Housing Development Organization (CHDO), to build two new homeownership housing units - Riverfront Point II. The homes were sold to two income-eligible households this fiscal year. Four units of homeowner housing have been added to the affordable housing stock over the past five years.
• First Time Home Buyer: A total of 59 households were assisted with down payment and closing costs through HOME and CDBG programs this fiscal year. They all received pre-purchase homebuyer counseling. Over the past five years, the City has provided homebuyer assistance to 289 income-qualified households.

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 297 individuals in the Billings area this fiscal year. Over the past five years, this program has assisted 2,770 low-income people.

A notice of the availability of the draft report has been published and provided to community partners. The complete drafted CAPER has been provided as an attachment to this report. Updated versions may be viewed online at www.BillingsMT.gov/caper.

ALTERNATIVES

City Council's only option is to hold the public hearing on the CAPER in order continue receiving CDBG and HOME funds and to remain in compliance with Federal law.

FISCAL EFFECTS

The Annual Performance Report summarizes the City's progress in achieving the goals of its five-year Consolidated Plan and Annual Action Plan for FY2019-2020. The City received $649,979 in new federal CDBG funding and $320,788 in new HOME funding for this budget period to carry out home buyer / repair and poverty-impact initiatives. Since the majority of all funding for the Community Development Division to operate and carry out these programs is HUD funds, it is critical these programs continue and the City remain in compliance with HUD regulations.

Attachments

FY2019-2020 Drafted CAPER
Foreclosure Program Overview

CITY OF BILLINGS

Comprehensive Annual Performance Evaluation Report

FY2019-2020

DRAFT

Community Development Division
2825 Third Avenue North
Billings, Montana 59101
406.657.8281
www.BillingsMT.gov/ComDev
www.BillingsMT.gov/CDreports

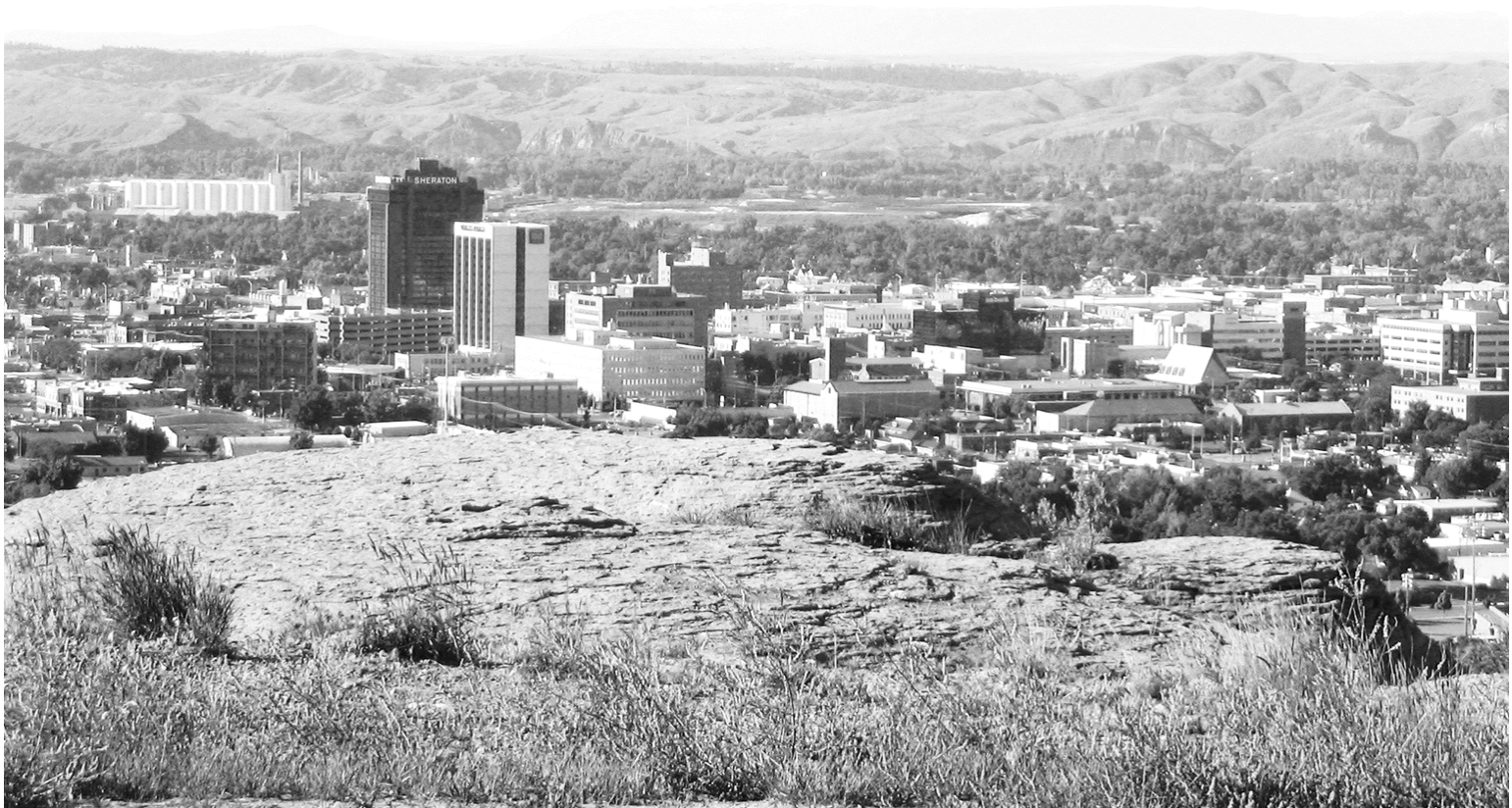


Table of Contents

CR-05: Goals and Outcomes 2
Table 1: Accomplishments - Strategic Plan to Date and Program Year 4

CR-10: Racial and Ethnic Composition of Families Assisted 6
Table 2: Table of Assistance to Racial and Ethnic Populations by Source of Funds 6

CR-15: Resources and Investments 9
Table 3: Resources Made Available 9
Table 4: Identify the Geographic Distribution and Location of Investments 9
Table 5: Fiscal Year Summary - HOME Match Report 11
Table 6: Match Contribution for the Federal Fiscal Year 12
Table 7: HOME Program Income 12
Table 8: Minority Business and Women Business Enterprises 12
Table 9: Minority Owners of Rental Property 12
Table 10: Relocation and Real Property Acquisition 13

CR-20 Affordable Housing 14
Table 11: Number of Households 14
Table 12: Number of Households Supported 14
Table 13: Number of Persons Served 16

CR-25 Homeless and Other Special Needs 17

CR-30 Public Housing 21

CR-35 Other Actions 22
Analysis of Impediments to Fair Housing Choice Matrix 28

CR-40 Monitoring 30
CAPER Outreach Chart 32

CR-45 CDBG 34

CR-50 HOME 35

Attachments
A - Public Notice 37
B - Section 3 Reports 38

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
PR26: Activity Summary by Selected Grant
PR27: Status of HOME Grants - Entitlement
PR33: Home Matching Liability Report
PR49: HOME Deadline Compliance Status Report
PR56: CDBG Timeliness Report

DRAFT

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 FY2019-2020 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 12 and ended on September 28, 2020. 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 comments include…

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:** Two low income households were assisted with financing to carry out major home repairs; the five-year total for this program is 20 homeowner housing units rehabilitated. Engaging contractors to assist low income homeowners continues to be an issue, including contractor compliance with registration through the System for Award Management (SAM). Significant hail storms the summer of 2019 are contributing to a contractor shortage and homeowners are hesitant to engage with the program due to coronavirus contamination concerns.
- **Foreclosure Acquisition / Rehabilitation:**
    - The City purchased, rehabilitated and sold five of these homes to income-qualified households over the past five years and two additional properties are underway.
    - A low income household purchased a recently rehabilitated home on 19th Street West.
    - One property was purchased in the Billings Heights area last fiscal year and staff reviewed the project for rehabilitation feasibility. The property was demolished and a Request for Proposals has been issued for affordable housing development.
    - The City purchased a vacant foreclosed property in the North Park neighborhood on North 22nd Street. Rehabilitation is currently underway.

DRAFT

New Affordable Housing Opportunity

- **Affordable Housing Development:** Financing was provided to NeighborWorks Montana, a certified Community Housing Development Organization (CHDO), to build two new homeownership housing units - Riverfront Point II. The homes were sold to two income-eligible households this fiscal year. Four units of homeowner housing have been added to the affordable housing stock over the past five years.
- **First Time Home Buyer:** A total of 59 households were assisted with down payment and closing costs through HOME and CDBG programs this fiscal year. They all received pre-purchase homebuyer counseling. Over the past five years, the City has provided homebuyer assistance to 289 income-qualified households.

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 297 individuals in the Billings area this fiscal year. Over the past five years, this program has assisted 2,770 low-income people.

The following table compares proposed and actual outcomes for the FY2015-2019 Consolidated Plan *(Expected / Actual Strategic Plan)* and the FY2019-2020 Annual Action Plan *(Expected / Actual Program Year).*

DRAFT

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			FY2019-2020		
Affordable Housing Preservation	Affordable Housing	CDBG: $1,797,516 HOME: $0	Homeowner Housing Rehabilitated	Household Housing Unit	26	**26**	100%	5	**2**	40%
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	**4**	100%	0	**0**	-
			Direct Financial Assistance to Homebuyers	Households Assisted	175	**289**	165%	20	**59**	295%
Poverty Impact	Poverty Impact	CDBG: $339,329 HOME: $0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2,000	**2,770**	139%	200	**297**	149%

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.*

DRAFT

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.

DRAFT

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	132	32	0	164
Black or African American	3	0	0	196
Asian	2	0	0	
American Indian or American Native	168	1	0	
Native Hawaiian or Other Pacific Islander	0	2	0	
American Indian and Black	0	0	0	
Multi-Racial	18	2	0	
Totals	**323**	**37**	**0**	**360**
Hispanic	8	2	0	10
Not Hispanic	315	35	0	350

Table 2 – Table of assistance to racial and ethnic populations by source of funds

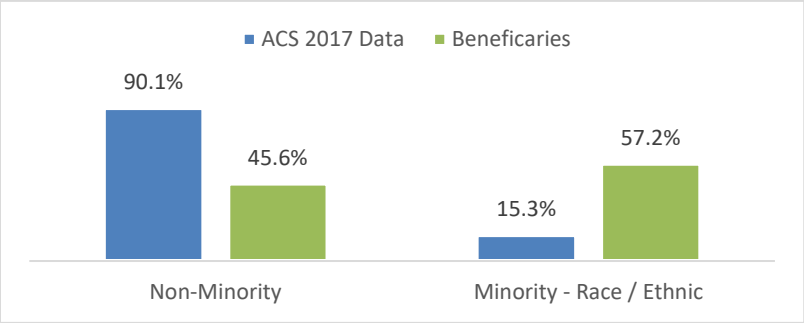
Narrative

The City assisted a total of 360 beneficiaries with CDBG and HOME this fiscal year. Please note - the IDIS table does not include "Multi-Racial" beneficiaries.

196 out of 360 beneficiaries self-reported they were a racial minority; 54 percent of the total number of people served through the Community Development Division. Ten people reported that they were Hispanic; three percent of the total number of beneficiaries.

Special Categories		CDBG	HOME	CDBG / HOME Totals	Non-Federal	Totals All Programs
Single Head of Household	Female	29	14	43	0	**43**
	Male	13	2	15	0	**15**
Disabled		24	4	28	0	**28**
Elderly		35	2	37	0	**37**

Out of the total 360 beneficiaries assisted, 58 were single head of households (16 percent), 28 self-reported disabilities (eight percent) and 37 beneficiaries noted they were elderly (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.*



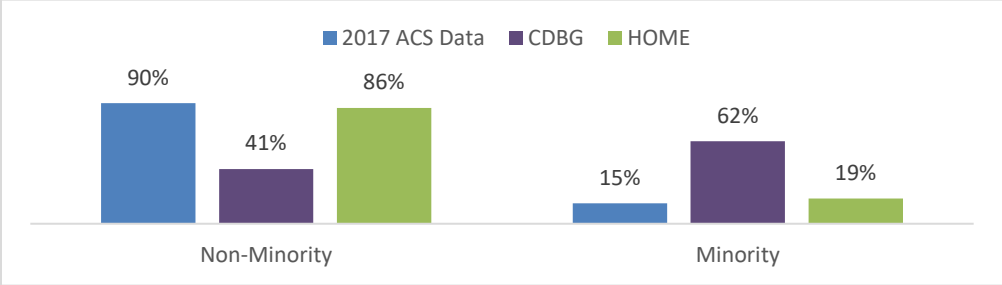
The 2017 American Community Survey (ACS) estimates indicate a 15 percent overall percent minority rate in Billings, including Hispanics. Over 57 percent of the City's beneficiaries were racial and ethnic minorities this past fiscal year when calculated using category percentages collectively (54 percent racial / three percent ethnic minorities).

DRAFT

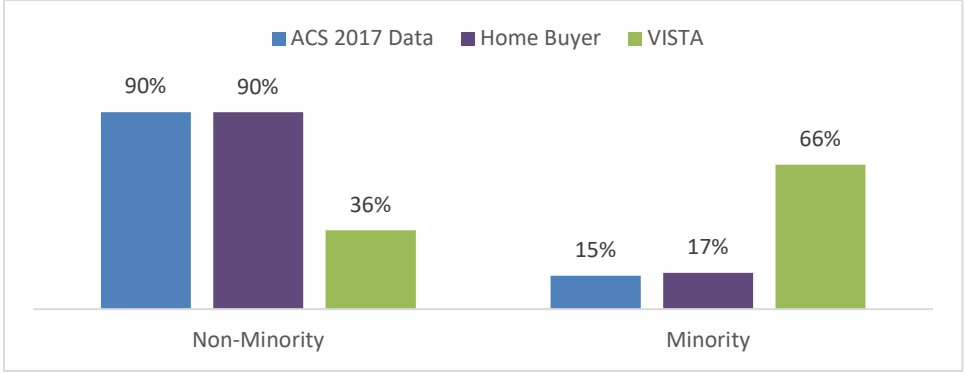
Beneficiaries by Program and Funding Source								
Race / Ethnicity	Home Buyer			Housing Development	Home Repair	Foreclosure	VISTA	Totals
	CDBG	HOME	City*	HOME	CDBG	CDBG	CDBG	
White	23	30	0	2	2	0	107	**164**
Black or African American	0	0	0	0	0	0	3	**3**
Asian	0	0	0	0	0	0	2	**2**
American Indian or American Native	0	1	0	0	0	0	168	**169**
Native Hawaiian or Other Pacific Islander	0	2	0	0	0	0	0	**2**
American Indian and Black	0	0	0	0	0	0	0	**0**
Multi-Racial	1	2	0	0	0	0	17	**20**
Subtotals	**24**	**35**	**0**	**2**	**2**	**0**	**297**	**360**
Totals	**59**							
Hispanic	2	2	0	0	0	0	6	**10**
Not Hispanic	22	33	0	2	2	0	291	**350**
Special Populations	Home Buyer			Housing Development	Home Repair	Foreclosure	VISTA	Totals
	CDBG	HOME	City*	HOME	CDBG	CDBG	CDBG	
Single Head of Household – Female	5	13	0	1	1	0	23	**43**
Single Head of Household – Male	0	2	0	0	0	0	3	**15**
Disabled Households	0	4	0	0	0	0	24	**28**
Elderly	0	2	0	0	1	0	34	**37**

**Non-federal funds dedicated by the City of Billings*

Demographics by Funding Source: The 2017 ACS data indicates an approximate 15 percent minority rate, including both racial and ethnic categories. Approximately 62 and 19 percent of CDBG and HOME beneficiaries were minorities this fiscal year, respectively.



Demographics by Program: The First Time Home Buyer program served six racial minority households and four ethnic minority households. The total percentage of minority households is similar to the ACS overall percentage (15.3 ACS percent compared to 17 percent home buyer). Sixty-six percent of the Billings Metro VISTA Project beneficiaries were racial / ethnic minorities (190 racial and six ethnic minority beneficiaries out of 297 total beneficiaries). *Please note - the PDF version of the CAPER submitted to HUD via email and through IDIS contains various charts and graphs depicting data explained herein. Charts and graphs may not be included in the IDIS version, as they are not sizing correctly when uploaded into the IDIS version of the CAPER.*



DRAFT

Ongoing Marketing: 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.BillingsMT.gov/homebuyer and www.BillingsMT.gov/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 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 local title companies who manage rehabilitation accounts for various construction agencies.

Each spring, staff offers to present 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 have been provided to the Office of Indian Education for distribution during their Native Family Nights. Materials have also been 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 144 applications for home buyer / repair programs (see chart below). Thirty applicant households self-identified as racial or ethnic minorities (21 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		118	6	124
Black or African American		3	0	3
Asian		1	0	1
American Indian or American Native		5	2	7
Native Hawaiian or Other Pacific Islander		2	0	2
American Indian and Black		0	0	0
Multi-Racial		7	0	7
Totals		**136**	**8**	**144**
Hispanic		9	1	10
Not Hispanic		127	7	134
Special Populations		Home Buyer	Home Repair	Totals
Single Head of Household	Female	63	4	67
	Male	3	0	3
Disabled Households		11	2	13
Elderly		8	5	13

DRAFT

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	$980,872	$862,429
HOME	HUD	$559,706	$661,882

Table 3 - Resources Made Available: New Entitlement and Fiscal Year Repayment Revenue

Narrative

Resources Made Available

- **CDBG:** New CDBG entitlement funds totaled $649,979 and program income received during the fiscal year totaled $330,893. The City of Billings had a total of $980,872 in CDBG funds available this fiscal year.
- **HOME:** New HOME entitlement funds totaled $320,788 and recaptured funding and other HOME revenues totaled $238,918 ($141,000 in recaptured funds and $97,918 in program income). The City of Billings had a total of $559,706 available in HOME funds this fiscal year.

Amount Expended During Program Year

- **CDBG:** Expenditures in entitlement and program income funds totaled $862,429 this fiscal year. This included funding allocated in previous fiscal years that was expended this year. This year's timeliness ratio was **0.97** as measured on May 2, 2020; well below the maximum 1.5 ratio.
- **HOME:** Expenditures in entitlement and program income funds totaled $661,882 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.

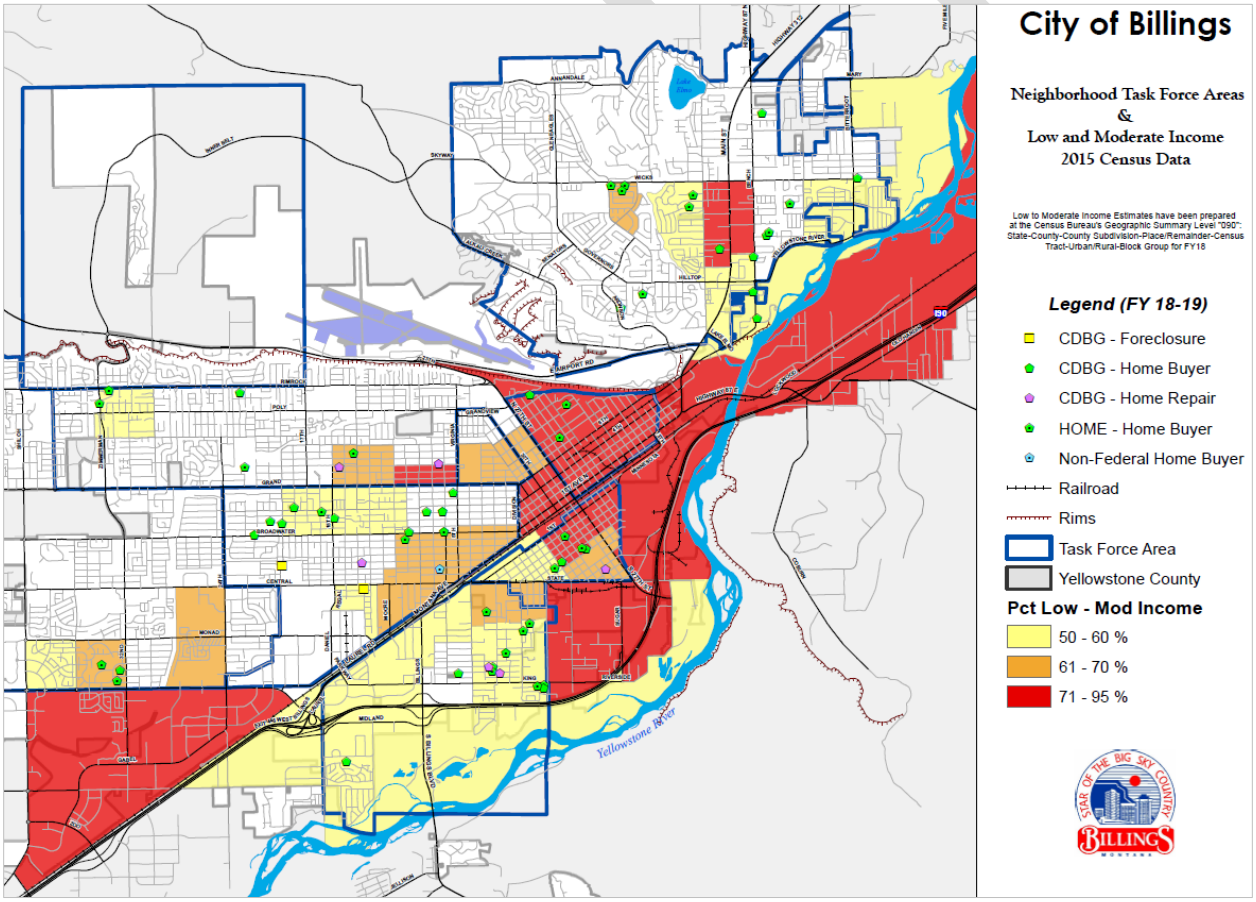
DRAFT

- 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 map below 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 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 $9,855,128 which calculates to a leveraging ratio of 1:10. Included in this figure are the following notable leveraging resources:

- **Montana Board of Housing (MBOH) and Lender Financing:** $9,208,098 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 $512,559 in cash and in-kind contributions and the City has drawn down $121,438 of the $532,527 in grant funds to support the program. Host Sites also contributed $13,033 to support the program.

Since 2005, City staff has generated an additional $7,749,389 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	$6,508,617
2. Match contributed during current Federal fiscal year	$44,520
3 .Total match available for current Federal fiscal year (Line 1 plus Line 2)	$6,553,137
4. Match liability for current Federal fiscal year	$84,959.25
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	$6,468,178

Table 5 – Fiscal Year Summary - HOME Match Report

DRAFT

Match Contribution for the Federal Fiscal Year *October 1, 2017 through September 30, 2018*								
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**
1582	10/4/2018	$110					$9,504	$9,614
1585	10/5/2018	$110					$12,001	$12,111
1592	10/12/2018	$110					$7,159	$7,269
1599	11/7/2018	$110					$9,161	$9,271
1596	11/19/2018	$110					$2,630	$2,740
1598	11/25/2018	$110					$3,405	$3,515
							Total	**$44,520**

Table 6 – Match Contribution for the Federal Fiscal Year: October 1, 2018 through September 30, 2019

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	$109,775	$71,194	$0	$35,581

Table 7 – Program Income (Recaptured and Repaid Funds Not Included), IDIS PR-09 Report

As noted on the PR-09 IDIS report: a total of $109,775 was entered into IDIS prior to the fiscal year end; and the balance on hand at the end of the reporting period totals $35,581.

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	1
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

DRAFT

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 NeighborWorks Montana completed the development and sale 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.

DRAFT

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	27	63
Number of special-needs households to be provided affordable housing units	0	0
Total	**27**	**63**

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	2	2
Number of households supported through the rehab of existing units	4	2
Number of households supported through the acquisition of existing units	21	59
Total	**27**	**63**

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 63 units represented in the non-homeless households provided with affordable housing includes:

- Two Housing Rehabilitation program households, IDIS #1614.
- Two new homeowner housing units developed by NeighborWorks Montana through the City's Affordable Housing Development program, IDIS #1593.
- Fifty-nine First Time Home Buyer households, including: 24 CDBG beneficiaries, #1616; and 35 HOME beneficiaries, various IDIS activities numbered in the #1618 through #1656 range.

DRAFT

Outside of administration, the PR-03 CDBG Activity Summary Report in HUD's IDIS system indicates the following:

- In the Foreclosure Acquisition / Rehabilitation program:
  - Activity 1547 includes accomplishments for FY18-19:
    - The Plainview home was acquired by the City in September 2018 and rehabilitation is complete. The home was sold to a low income household less than 50 percent Area Median Income) last fiscal year.
    - The 19th Street home was acquired by the City in February 2018 and rehabilitation is complete. The home was sold to a low income household (less than 50 percent Area Median Income) last fiscal year.
  - Activity 1590 includes the purchase of a property located on Steffanich Drive in February 2019. A feasibility assessment for rehabilitation or demolition was completed (Activity 1631). A request for proposals detailing affordable housing development has been published.
  - Activity 1615 includes the purchase and rehabilitation of a property in the North Park neighborhood on North 22nd Street. Construction is currently underway.
- Six Housing Rehabilitation program households closed in FY2018-2019 (#1588) and two additional homes closed in FY2019-2020 (#1614).
- In the CDBG First Time Home Buyer program:
  - Twenty-four households were assisted in FY2018-2019 (#1589) and an additional 24 households were assisted in FY2019-2020 (#1616).
- 575 beneficiaries were served in FY2018-2019 in the Billings Metro VISTA Project (#1591) and an additional 297 were assisted in FY2019-2020.

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.

DRAFT

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	0	5
Low income	26	32
Moderate income	0	0
Total	**26**	**37**

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 24 homeowner households were assisted. All of the households were low and moderate income (less than 80 percent AMI). There were no extremely low income households served in this program.
- **CDBG Home Repair / Foreclosure Programs:** Two low income (less than 80 percent AMI) households were assisted through the City's Housing Rehabilitation program.
- **HOME First Time Home Buyer:** A total of 35 homeowner households were assisted. Five were extremely low income and 30 were low income.
- **HOME Affordable Housing Development:** NeighborWorks Montana sold two newly constructed housing units to two low income households (less than 80 percent 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 exceeded its goals to: rehabilitate housing units through home repair and foreclosure programs; and providing financing for home buyers to acquire existing units. The City's goal to add two units of homeowner housing was by June 30 this year.

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.

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, five households assisted through Community Development Division's housing programs self-reported that they were disabled.

DRAFT

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.

DRAFT

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 has not utilized federal funding in the past. 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. The State of Montana has been providing six months of housing assistance for renters and homeowners if they have been impacted by the coronavirus.

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.

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. An 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.

DRAFT

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, 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 over 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).

DRAFT

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).

DRAFT

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. Forty-Seven families participated in the program in 2017. The Housing Authority expanded the program to include clients from the Montana Department of Commerce (MDOC). Four Housing Authority families became homeowners with Housing Choice Voucher assistance. Fifty-Five 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 Asset Managers' 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 received certification from HUD for sustaining a High Performer Status 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. The Housing Authority has also consistently received a score of 100% from HUD for the SEMAP (Section 8 Management Assessment).

DRAFT

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.

Project Re:Code: The City has undertaken a large-scale initiative to modernize zoning regulations to ensure equal opportunity and housing affordability citywide. Several AmeriCorps Volunteers in Service to America (VISTA) members have been placed in the City's Planning Division to assist with this effort.

Analysis of Impediments to Fair Housing Choice: In early 2017, the City of Billings started collaborating with entities across Montana to construct a regional 2020 fair housing analysis utilizing data and formatting recently made available through HUD's Assessment of Fair Housing initiative. This collaboration includes partnerships with the State of Montana's Department of Commerce (MDOC), the City of Missoula, and the City of Great Falls. Seven full-year AmeriCorps Volunteers in Service to America (VISTA) members have been placed to assist with this fair housing / equal opportunity initiative:

- **Montana Department of Commerce, Helena:** One member began in July 2017 and one additional member began in January 2018.
- **City of Billings:** One member began service in August 2017 in the Community Development Division. Two members began service in the Planning Division in January 2018.
- **Cities of Great Falls and Missoula:** One VISTA member was placed in each of these jurisdictions in January 2018 and a third VISTA member was placed in Missoula in January 2019.

DRAFT

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.

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.

DRAFT

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:** Extremely low and low income households acquired their first home.
- **Home Repair:** Low income households received assistance to make needed repairs to their homes.
- **Foreclosure Acquisition / Rehabilitation:** When units are completed, low income households are able to purchase a fully-renovated home.

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

DRAFT

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 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,

DRAFT

coordinated response to downtown street homelessness. City staff and community leaders addressed legislation, the justice system, law enforcement and business environments. An 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.

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.

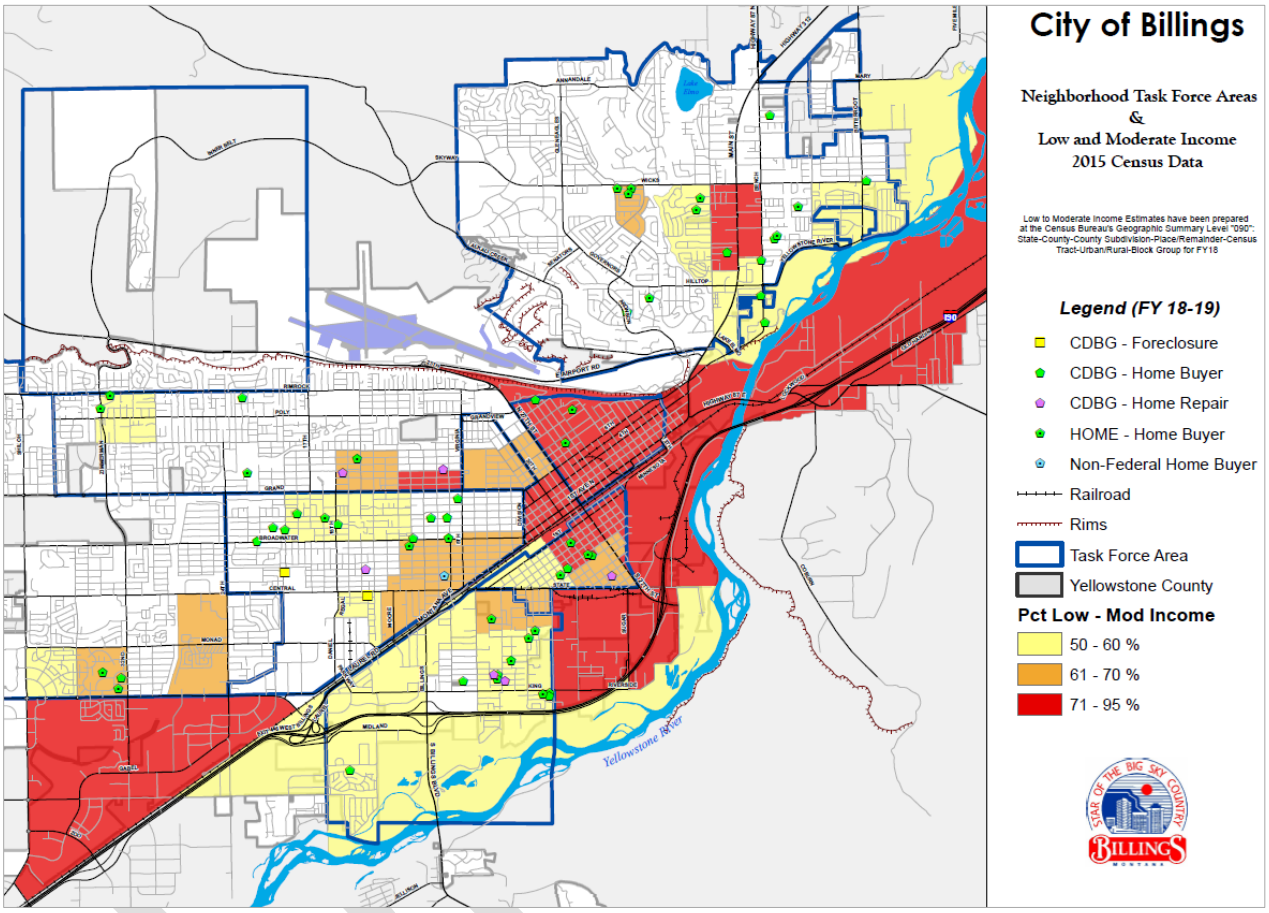
After 18 months of planning, the Home Center opened in July 2015 and it is located in downtown Billings, which is central to the City's low income neighborhoods. The City provided a second, full-year VISTA member from July 2015 to July 2016 to help create the Home Center's housing programs. Today, the 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.

DRAFT

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.*



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, approximately 400 people attended homebuyer education classes. In recent years, City staff attended a community park event each September in the Billings South Side neighborhood to promote home ownership, home repair, and fair housing assistance. Staff utilizes this opportunity to recruit Section 3 contractors. This neighborhood has a high concentration of Hispanic and other minority households. This event was cancelled in 2020 due to the coronavirus. 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.

DRAFT

	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.
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.
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 currently reviewing 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 and is named Project Re:Code. The Community Development Division staff successfully placed three AmeriCorps VISTA members to assist with this initiative. Progress to date is significant. This fiscal year, the Planning Division announced a major project milestone and educational webpages. The new City of Billings Pattern Guide is designed to provide guidance to homeowners, home builders, and small business owners looking to invest in the First Neighborhoods of Billings, which are the lowest income and highest minority neighborhoods in Billings. The webpages feature detailed information on Billings' First Neighborhoods – South Side, North Park, Pioneer Park and Central Terry (all low income neighborhoods). The First Neighborhoods of Billings are close-in residential areas around Downtown. Three additional neighborhood pages will be coming forward in the near future – West Central, Heights and West Shiloh. The authors and designers, Billings Metro VISTA Project members Claire Yang and Jacob Cote, crunched through mountains of information and data to craft this guide and educational resource for all Billings residents.
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.

DRAFT

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	

Chart omitted from IDIS

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

DRAFT

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.

DRAFT

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 South Central Regional 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.	RiverStone Health	RiverStone Health provides personal and public health services for low income citizens, including minorities, the elderly, and the disabled. RiverStone Health also provides support to those with HIV/AIDS. Services include testing, pharmaceutical assistance, etc.
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.	Ag Worker Health & Services	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.

DRAFT

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.

DRAFT

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.

DRAFT

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: Old Town Square apartments (Housing Authority of Billings); Southern Lights apartments (Homeword); Magic City Terrace apartments (Volunteers of America); Schwend apartments; Westchester Square apartments (Housing Authority of Billings) and Pheasant Home apartments.

All of the issues detected during the inspection of HOME-assisted units were minor and were immediately remedied. A smoke detector in one of the units needed replaced due to the tenant removing it when it started to beep for battery replacement. Another unit in a different complex needed to have a window screen replaced as it had been torn up by a pet. The same apartment complex needed to have the fan repaired in the lower level bathroom. The noise coming from it was extremely loud. The maintenance staff replaced the fan with a new one. 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 upon request. 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 routinely emails fliers to agencies serving the elderly, disabled and those experiencing homelessness including HRDC District 7, Rimrock, 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.

DRAFT

- 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 $238,918 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 59 households achieved homeownership through the First Time Home Buyer program, 35 of which were funded using HOME dollars. The average purchase price of the homes was approximately $166,000. Fourteen percent of the total HOME-assisted homebuyer households were minorities, and 43 percent (15 households) were single-headed households. Five 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.
- **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.

DRAFT

ATTACHMENT A - Public Notice

Pending…

DRAFT

Section 3 Summary Report

Economic Opportunities for Low- and Very Low-Income Persons
U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0043
(exp. 11/30/2018)

Disbursement Agency
City of Billings - Community Development Division
2825 3rd Avenue North Fl 6, Billings, MT 59101
81-6001237

Reporting Entity
City of Billings - Community Development Division
2825 3rd Avenue North Fl 6, Billings, MT 59101

Dollar Amount:	$631,228.86
Contact Person:	Brenda Beckett
Date Report Submitted:	07/14/2020

Reporting Period		Program Area Code	Program Area Name
From	To		
7/1/19	6/30/20	CDB1	Community Devel Block Grants

The expenditure of these funds did not result in any covered contracts or new hires during the 12-month period selected.

Section 3 Summary Report

Economic Opportunities for Low- and Very Low-Income Persons
U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0043
(exp. 11/30/2018)

Disbursement Agency
City of Billings - Community Development Division
2825 3rd Avenue North Fl 6, Billings, MT 59101
81-6001237

Reporting Entity
City of Billings - Community Development Division
2825 3rd Avenue North Fl 6, Billings, MT 59101

Dollar Amount:	$94,372.71
Contact Person:	Brenda Beckett
Date Report Submitted:	07/14/2020

Reporting Period		Program Area Code	Program Area Name
From	To		
7/1/19	6/30/20	HOME	HOME Program

The expenditure of these funds did not result in any covered contracts or new hires during the 12-month period selected.

Foreclosure Acquisition / Rehabilitation Program

Billings
PLANNING
& COMMUNITY
SERVICES

Community Development Division

2825 3rd Ave N
Floor 6
Billings, MT 59101
P 406.657.8281
TTY 711

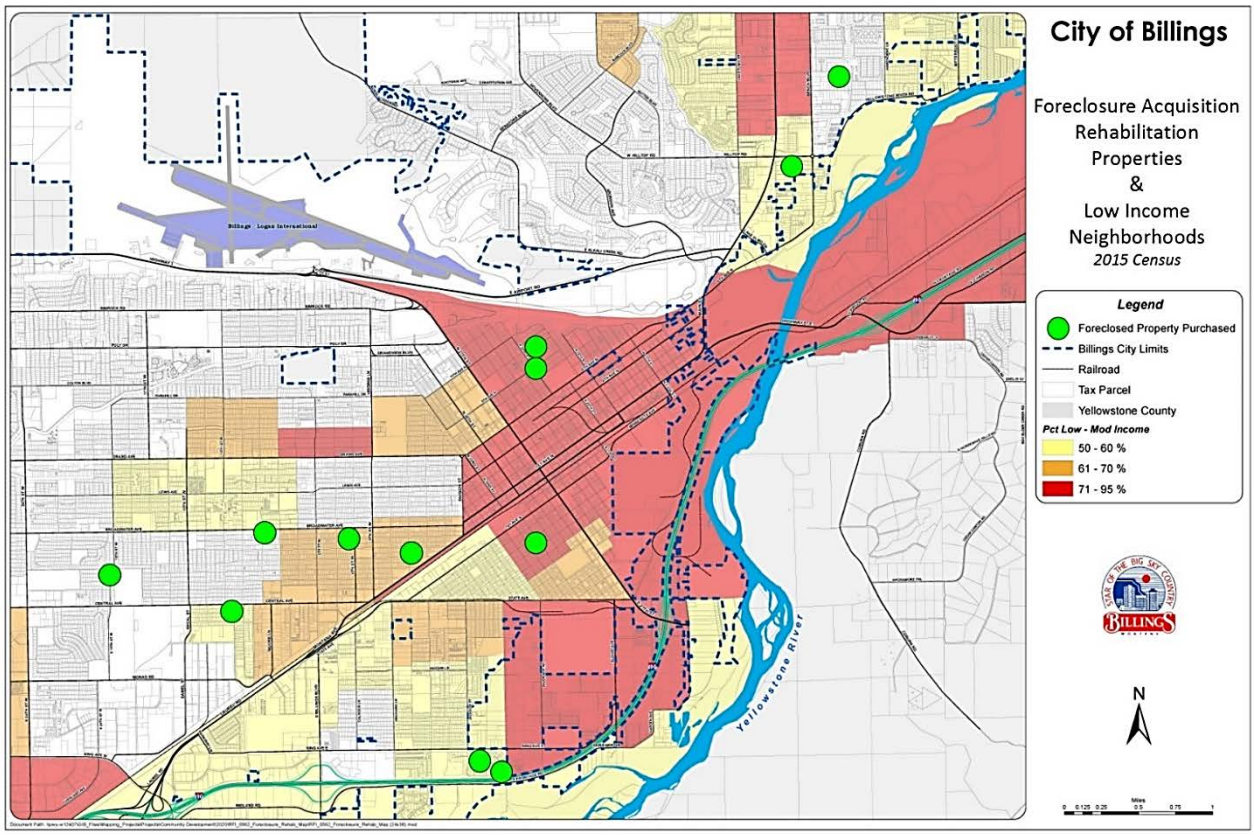
Overview: Federal HUD funding is used to acquire and redevelop vacant, foreclosed properties that may otherwise become sources of abandonment and blight within the Billings community. Following rehabilitation or reconstruction, the homes are sold to income-qualified households through the First Time Home Buyer program. Mortgage payments are based on 30% of the household's income. A silent second lien is placed on the home for the difference between the purchase price and an affordable mortgage payment.

History: In 2010, the Montana Department of Commerce awarded the City $569,314 in Neighborhood Stabilization Program funding to purchase and rehabilitate three homes. The City continued the program with Community Development Block Grant funding and 12 homes have been purchased as of September 2020.

The great majority of the homes purchased need extensive repairs. If the City did not purchase and rehabilitate these homes, it is very likely they would become rentals with very unsafe conditions for tenants and would continue contributing to neighborhood decline.

Here are some interesting program averages:

Acquisition price	$122,052
City rehabilitation investment	$74,938
Total City investment	$190,745
Purchase appraisal	$126,475
Acquisition discount *(at least 1% required)*	4%
After-rehab appraisal	$172,450
Increase in home value after rehab	34%
Homeowner first mortgage	$98,403
City's second mortgage lien	$77,139
Revenue per home following initial resale	$84,504
Total City Liens / Future Revenues	**$771,391**



Before

After

3921

3921

Find Vacant, Foreclosed Property
www.HUDHomestore.com
View Property / Decision
Check property records for eligibility, run AVM for value, pictures of home, review w/staff (appropriate size, location, etc.), prepare bid package, submit bid (appraised value less at least 1%)
Offer Accepted
Request cashier's check for earnest money, Voluntary Acquisition letter, available funding letter, schedule CA review/signature, realtor prepares/submits sales contract package
Docs
Within 2 days of acceptance, submit all docs (see checklist)
Details
Site Specific checklist, order appraisal to justify bid amount, etc.
Closing
Order title commit, process invoice/ request check for closing after settlement statement rec'd, schedule closing w/CA & title agent, close purchase, change locks
Ownership Changes
Notify JoLynn Yerger/insurance; Donna Hjelm/City asset register; Melody Munter/ownership
Set Up:
PW-Utilities, NorthWestern Energy, Montana-Dakota Utilities, mowing, snow removal
Tests
Radon, Asbestos, PCE, etc.
Inspections
Home Inspection, Structural Engineering, etc.
Preliminary Work List
Use inspection and test results to prepare Preliminary Work List, research estimates, Lead Testing (or presume), LBP Risk Assessment, etc.
Invitation for Bid (IFB)
Prepare IFB package/exhibits, Work List, draft/schedule public notices, distribute IFB, schedule/ conduct pre-bid meeting, pre-bid minutes, schedule on-site contractor appointments, prepare Addendum(s), etc.
Bid Opening/Review
Attend bid opening, log results, bid review form, select contractor and justify selection, draft docs
Construction Docs
Negotiate Final Work List, Notice to Proceed, etc.
Agreements
Prepare / facilitate signatures (see checklist)
Construction
Manage construction project, change orders, inspections, payments, punch list, Gross Tax Receipts docs/payments, retainage release, etc.
Post Rehab
Order/conduct LBP clearance testing, home inspection, appraisal, notify staff of sales price (lesser of appraisal OR acquisition + rehab), prepare marketing flyer, intent to sell public notices, etc.
Sale
To approved FTHB applicant, update By the Numbers Spreadsheet

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Zone Change 982-1127 Alderson Ave-RP to RMF

PRESENTED BY: Karen Husman

Department: Planning & Community Services **Division:** Planning

RECOMMENDATION

The City Zoning Commission is recommending approval based on the findings of the 10 review criteria detailed in the Alternatives section of this report. A valid protest petition was received, requiring a 2/3 majority vote for City Council approval of the zone change (See attachments).

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

City Zone Change 982 – 1127 Alderson Ave. - RP to RMF - A zone change request from Residential Professional (RP) to Residential Multi-Family (RMF) on Block 4, Lot 4-8, Sunset Subdivision, a 39,793 square foot parcel of land. A pre-application neighborhood meeting was held on July 23, 2020, at 1127 Alderson Ave. Tax ID: A16641. The applicant is requesting a change to allow infill development of this property.

The new zoning would allow the applicant to renovate the existing structures to accommodate 29 dwelling units. The adjacent property to the east is currently RMF-R (changed in 1973 from R-60) and has 21 dwelling units in one apartment building, constructed in 1965 on a 27,188 square foot parcel of land. There are other multi-family properties in this area of Billings.

The Zoning Commission received four written letters in opposition, one in favor as well as one phone call in favor of the application (from the property owner of 1107 Alderson Avenue, Jenifer Ray Junkert). Additionally, the applicant provided a written response to the opponents concerns. A valid protest petition was received, requiring a 2/3 majority vote for City Council approval of the zone change. (See attachments.)

Prior to any action, the City Council shall consider the following:

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: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Neighborhoods that are safe and attractive and provide essential services are much desired
Home Base: A mix of housing types that meet the needs of a diverse population is important. The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development.
Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.
To provide safe, good quality and affordable housing and develop patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.
The proposed zoning will allow another housing choice in an area with primarily only one housing choice but also at a transition area between residential and commercial development.

This area just south of Grand Avenue has different zoning districts of commercial and residential. The new zoning will allow a use that is similar to the adjacent parcel to the east and other similar developed parcels in the area.

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 additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?
Transportation: The proposed zoning will have an effect on the existing transportation system. More vehicle trips may be generated with the residential development of the property as opposed to the commercial office use.
Water and Sewer: The City provides water and sewer to the property.
Schools and Parks: Schools and parks should not be significantly affected by the proposed zoning.
Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. Will the new zoning provide adequate light and air?
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
Traffic generation from 29 dwelling units would increase the vehicle trips per day in the area, including trips to the new residences for services such as mail, deliveries, solid waste as well as trips by the occupants.

7. Will the new zoning promote compatible urban growth?
The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to re-develop into housing and is 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 will allow a housing choice that is in demand in the area. The proposed zoning will allow the existing structure to be redeveloped into a housing choice that fits into the existing area.

9. Will the new zoning conserve the value of buildings?
Approval of the zone change will conserve the value of the property by allowing redevelopment and renovation of the existing property, potentially increasing the value of the existing building.

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

of Billings?
The proposed zoning will allow re-development of the land and upgrade the current use. This is an appropriate use of the land.

STAKEHOLDERS

The Zoning Commission conducted a public hearing for Zone Change 982 on September 1, 2020, and received the staff recommendation of approval, and testimony from the applicant's agent. In addition to multiple letters received and provided to the board as ex-parte communication (see attached), there were 7 callers in opposition of the project.

The opponents all expressed concerns regarding increases with on-street parking, traffic and safety with the additional residential units on the property. The applicant's rebuttal included information about improvements to the property and how it would be beneficial to the neighborhood and the City of Billings. It was also pointed out that one of the opponents was an owner of a multifamily property in the vicinity, in truth being a competitor of the applicant. No other testimony was received.

The Zoning Commission considered the proposed findings of the ten criteria and the testimony provided. Commission member Dan Brooks made a motion to recommend approval of Zone Change 982 and adoption of the ten criteria, and the motion was seconded by Commission member Trina White. The motion was approved on a 4-1 vote.

ALTERNATIVES

The City Council may:

- Adopting the findings of the 10 criteria as recommended by the Zoning Commission and approve the application; or
- The City Council may amend the findings of the 10 criteria as recommended by the Zoning Commission and approve or deny the application; or
- The City Council may delay action up to 30 days.

FISCAL EFFECTS

Approval of this zone change has no direct impact on the Planning Division budget.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Neighborhood Mtg info
Site Plan
Ordinance
Letters in Opposition
Letter in Favor
Applicant responding to Opposition letters
Valid Protest

ZC 982 ATTACHMENTS

Zoning Map

Aerial Photo

Site Photos

Application & Applicant Letter

ZONE CHANGE REQUEST

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Regulations.

Check one: ☑ **City of Billings Zone Change** ☐ **Yellowstone County Zone Change**

Address 1127 Alderson Avenue

Legal Description SUNSET SUBD, S05, T01 S, R26 E, BLOCK 4, Lot 4 - 8

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning.
3. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

REQUIRED UPLOADS Online Applications: https://services.billingsmt.gov/citizenaccess/

--Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.

--Signed Application and Zone Change Statement (Zone Change questions)

--Site Plan --Typed Mailing Labels Certified Surrounding Property Owners

--Radius Map & Certified List of Property Owners

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. I attest that all the information presented herein is factual and correct.

Recorded Owner(s) 1127 Alderson LLC

Owner's Address 1010 Central Avenue, Ste. 1, Billings, Montana 59102

Owner's Phone Number 406-690-2070 **E-mail** max@griffindvlp.net

Applicant/Agent Michael Burke, AIA

Applicant/Agent's Address 222 North 32nd Street, Ste. 800, Billings, Montana 59101

Applicant/Agent's Phone Number 406-248-7811 **E-mail** hgfa@hgfa.net

Signature of Recorded Owner(s) MF Date 7-29-20

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Billings Montana City Code (BMCC) Section 27-1502 et seq. SEC. 27-1502. AMENDMENTS TO CHAPTER. (a) General. This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Unified Zoning Regulations Section 27-1508 et seq. SEC. 27-1508. AMENDMENTS TO CHAPTER. (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan. ****Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.**

ZONE CHANGE PRE-APPLICATION MEETING AFFIRMATION

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a zone change application.

Check one: ☑ **City of Billings Zone Change** ☐ **Yellowstone County Zone Change**

Property Address 1127 Alderson Avenue

Legal Description SUNSET SUBD, S05, T01 S, R26 E, BLOCK 4, Lot 4 - 8

Present Zoning RP Residential Professional **Proposed Zoning** Choose One

Neighborhood Task Force Area? Central Terry Task Force

Task Force Chairperson L.A. Trudeau

Task Force Chairperson Mailing Address 930 Miles Avenue, Billings, Montana 59101

Required Uploads to Online Project Attachments:

- **Zone Change Pre-application Meeting Affirmation Form**
- **STATEMENT:**

  Written description of the Zone Change Plan including square footage or acres of proposed new zoning.
- **Subject Property Map**
- **Roster of persons who attended the pre-application neighborhood meeting**
- **Meeting Notice and a brief synopsis of the meeting results**

Affirmation:

1) The pre-application neighborhood meeting was held on: Thursday, July 23, 2020

2) The zone change application is based on materials presented at the meeting.

Recorded Owner(s) 1127 Alderson LLC

Owner's Address 1010 Central Avenue, Ste. 1, Billings, MT 59102

Owner's Phone Number 406-690-2070 **E-mail** max@griffindvlp.net

Applicant/Agent Michael J. Burke, AIA

Applicant/Agent's Address 222 North 32nd Street, Ste. 800, Billings, Montana 59101

Applicant/Agent's Phone Number 406-248-7811 **E-mail** hgfa@hgfa.net

Date 7.30.2020

**Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

July 16, 2020

RE: Pre-Application Neighborhood Meeting
Proposed Zone Change

To Whom It May Concern:

Please accept this letter as notification of a pre-application neighborhood meeting regarding a zone change from Residential Professional to Residential Multi-Family. Please see the information below regarding description of the lot as well as date, time and location of the meeting.

- Date, time and location of the meeting
  - Date: Thursday, July 23, 2020
  - Time: 3 p.m.
  - Location: 1127 Alderson Avenue
- Legal description of the subject parcels along with a map showing the dimensions, acreage and location of the parcels
  - 1127 Alderson Avenue – Sunset Subdivision, S05, T01 S, R26 E, Block 4, Lot 408 in the City of Billings, Yellowstone County, Montana
- The names and addresses of the owner(s) of the subject property
  1127 ALDERSON LLC
  1010 CENTRAL AVENUE, STE. 1
  BILLINGS, MONTANA 59102-5812
- A zone change plan with a written description of the proposed zone change including the area in square footage or acres to be included in the zone change
  - The zone change is a request to change the existing parcels from Residential Professional to Residential Multi-Family
  - Zoned – Residential Professional
  - Changed to – Residential Multi-Family
  - There is no area or square footage adjustment as part of this request.
  - Lot Size: 39,793 s.f.

We look forward to the opportunity to meet and share our thoughts related to the zone change and why we believe it to be beneficial to the residents and the 2016 City of Billings Growth Policy.

Sincerely,

Michael Burke, AIA
Owner Agent

attach.

Pre-Application Neighborhood Meeting
Thursday, July 23, 2020
1127 Alderson Avenue
3:00 p.m.

Attendance Sheet

Name	Address	Phone/Email
Hannah Wilkinson	1112 Alderson Ave	Hannah.Wilkinson@mtrail.com
JANE HENMAN	1120 ALDERSON	406-252-2066
JANET HENMAN	1120 ALDERSON	" " "
Brandon Jasper	1126 Alderson	406-702-6174
Steve Chesarek	1116 Alderson	406-591-8805
one women who wouldnt idenify herself or her address		
MAT GRIFFIN	1127 ALDERSON AVENUE	'PROPERTY OWNER'
JEFFREY WINKLER	HGFA ARCHITECTS, PLLC	(406) 248-7811
SHERRIL BURKE	HGFA ARCHITECTS, PLLC	(406) 248-7811

Pre-Application Neighborhood Meeting Minutes
Thursday, July 23, 2020
Location: 1127 Alderson Avenue – 3 p.m.

Owner Agent Presenter: Jeff Winkler and Sherril Burke, HGFA-Architects, PLLC
Property Owner Presenter: Max Griffin

Handouts were provided at this meeting that have been made part of the Zone Change Application submittal.

Attendees: Refer to Attendance Sheet Attached

- This meeting was to inform the property owners within the prescribed area as identified by City Planning of a proposed Zone Change Request from Residential Professional to Residential Multi-Family.

- Presentation Boards were shown which reviewed information that was submitted in the package mailed to residents within the boundary as prescribed by City Planning along with site photos.

- Summary – In lieu of developing the property at 1127 Alderson Avenue in the City of Billings as a commercial or professional project, the owner is requesting the property be re-zoned to Residential Multi-Family to allow for uses as defined under this category.

- The following is a summary of the discussion that transpired:

    - A short history of the building, its tenants and uses was given by the property owner, Max Griffin.
    - Jeff Winkler presented the proposed project with visual aids that showed the property's current zoning, Residential Professional with its allowed uses as well as the proposed zoning, Residential Multi-Family with the proposed use for the 29 unit apartment building. The existing building will be remodeled to accommodate the new residential units. The majority of the apartments will be either Single bedroom apartment units (15) or Studio apartment units (12) or two Double bedroom apartment units.
    - The following are questions asked by adjacent property owners:
        - Will the apartment tenants be parking on the street?
            - Answer: No on-street parking is intended. The owner is providing more on-site parking than is required per Billings Municipal Code (BMC) 6-1203 – Off-Street Parking Requirements for Residential Multi-Family are required one parking stall per bedroom dwelling unit and one and one half parking stalls per two or more bedroom dwelling units.

Studio Units	=	12 x 1 =	12 parking stalls required
1 Bedroom Units	=	15 x 1 =	15 parking stalls required
2 Bedroom Units	=	2 x 1.5 =	3 parking stalls required
Total for 29 Units		=	30 parking stalls required
Actual On-Site		=	44 (+/-) parking stalls provided

The project will provide 147% more parking than required. Each tenant will have a designated parking spot. The owner intends the extra parking stalls to be used for tenants and tenant visitors to eliminate the need to park on the street. The owner has also offered to allow after business hours overflow parking on their property directly north at 1116 Grand Avenue to aid in eliminating the tenants from parking on the street.

- What is the apartment's policy on dogs and pets?
  - Answer: The owner would prefer to have the building pet free but is considering limiting pets to one pet under 30 pounds per apartment unit.

    Pets would be allowed within the fenced area but final rules and regulations have not been determined at this time.

- How is the owner going to manage the facility, i.e., rental property management company or by owner? Indicated concern over the management and clientele of the adjacent rental property due to non-existent owner oversight.
  - Answer: Max stated that the property will be managed by him, not a management company. If there are any items or concerns that needed to be addressed, he will be handling them for the property and tenants.

- Will tenants be allowed to store trailers, boats, etc. on-site?
  - Answer: No. The owner is not going to allow trailers, boats, or other towable items to be stored on-site. These items will need to be stored off-site and not on the street.

- If the zone change is not approved by the City, what does the owner plan to do with the building/site? Will the current building be removed?
  - Answer: Max stated that they will have to look at "Plan B". What that is exactly is not known at this time but the building will remain and it will not be left unoccupied.

- Concern: It was brought up by one of the property owners that there has been an increase in the transient foot traffic through the neighborhood along with vandalism and vehicle break-ins.
  - This is a concern of Max's as well. He thought this was something that everyone in the neighborhood should get together and discuss with the City to find a solution. Max felt that with the new apartment building adding an additional 30+ people to the neighborhood would add additional eyes to watch out for vandalism and vehicle break-ins. He is also going to add security cameras on the property to monitor around the building.

- Is there a plan for the apartment building's security?
  - Answer: Yes. The building's entrances will be secured and monitored electronically. Interior and exterior security cameras will be installed,

monitored and digitally recorded. Additional site lighting will be installed to illuminate the parking area as well as around the building to eliminate dark, shadowy corners, but not overdone so as to not be overtly bright. Max said that he has found that these simple measures usually helps, if not eliminates, undesirable activities in and around the building.

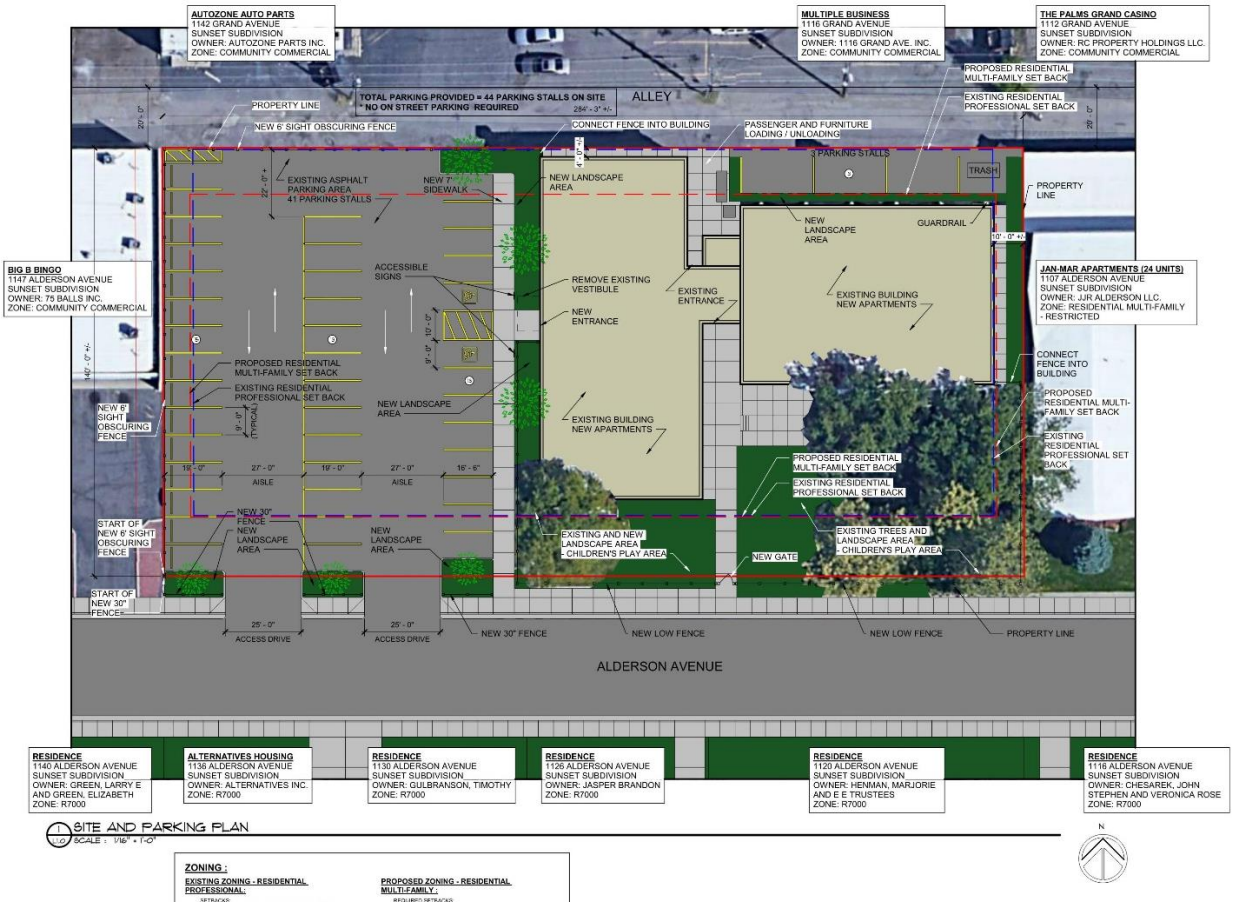
- What was the owner's opinion about removing residential trash collection from the alley and putting them on the street?
    - Answer: The owner is not a big fan of moving trash collection from the alleys to the front of the residences but with the trash collection requirements for a building this size (commercial or residential) an alley trash collection would most likely still pertain.

- Concern: It was brought up that the amount of vehicle traffic along Alderson Avenue has increase as well as the speed of the vehicles. What can be done about this?
    - Answer: It was suggested that the neighborhood, all of the surrounding property owners including Max Griffin, can and should talk with the City about options to reduce vehicle speeds along Alderson Avenue with speed bumps, stop signs, etc.

- What is the owner's thoughts on the current state of the alley to the north of this building?
    - Answer: Max would like to have this fixed and is willing to help pay for the alley's repair, especially since he has two properties that backup onto the alley.

Note: About 20 minutes into the meeting a lady arrived. She would not identify herself, sign the attendance sheet or list her address. She asked some questions and stated that this area was her "oasis" and she did not want additional residences, i.e., a 29-unit apartment building, becoming a part of it. She enjoyed the fact that this area has so many nice amenities (grocery store, pharmacy, restaurants, schools, public transportation, etc.) within walking distance and did not want the addition of 30+ more people in her "oasis".

Meeting was concluded at approximately 3:40 p.m.



1 SITE AND PARKING PLAN
SCALE : 1/16" = 1'-0"

ZONING :

EXISTING ZONING - RESIDENTIAL PROFESSIONAL:

PROPOSED ZONING - RESIDENTIAL MULTI-FAMILY :

ORDINANCE 20-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON LOTS 4 THROUGH 8, BLOCK 4 of SUNSET SUBDIVISION BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 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.

Section 2. **DESCRIPTION. LOTS 4 THROUGH 8, BLOCK 4 of SUNSET SUBDIVISION, GENERALLY LOCATED AT 1127 Alderson Avenue,** is presently zoned **Residential Professional (RP)** and is shown on the official zoning map within this zone.

Section 3. **ZONE AMENDMENT.** The official zoning map is hereby amended and the zoning for **LOTS 4 THROUGH 8, BLOCK 4 of SUNSET SUBDIVISION,** is hereby changed from **Residential Professional (RP) to Residential Multi-Family (RMF)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Residential Multi-Family (RMF)** as set out in the Billings, Montana City Code.

Section 4. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 28th day of September, 2020.

PASSED, ADOPTED and APPROVED on second reading this 12th day of October, 2020.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest:

BY:_____
Denise R. Bohlman, City Clerk

Zone Change 982– Sunset Subdivision, Block 4, Lots 4-8

Bartley, Robbin

From: Steven Welzenbach <steven@profmgt.com>
Sent: Tuesday, September 1, 2020 12:03 PM
To: Bartley, Robbin
Subject: [EXTERNAL] FW: Project PZX-20-00179

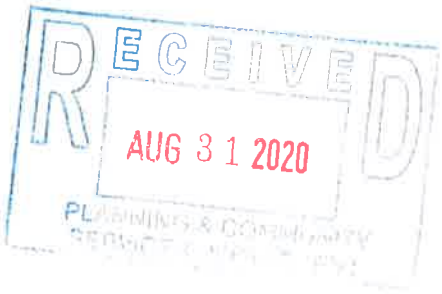
ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

I am sending this email in regards to the zoning change at 1127 Alderson. We manage a property on Alderson and we are very concerned what 29 more units will do to the parking in this area. We have seen when apartment complexes are build they never account for parking. 29 units at 2 cars apiece amounts to 58 parking spaces or they will have to park on the street. This is a lot of extra cars on the street. Just a concern we have and hopefully there is a plan for this,

Thank you
Steven Welzenbach

Timothy Gulbranson
1130 Alderson Ave.
Billings, MT 59102

August 27, 2020



RE: Zone Change 982
Project PZX-20-00179

To Whom It May Concern:

I am writing this letter to strongly urge you to please reject the zone change for reasons addressed in articles #3 & #6 of your findings.

Article #3 addresses the effects on public safety. The recent relaxed guidelines of occupancy to the "Jan – Mar Apartments" have substantially increased the amount of Police & Emergency calls due to late night yelling, fighting, gun shots & cars speeding in the area. If additional apartments are added to the area, the safety of current residents & visiting family/friends will again be greatly affected.

Article #6 addresses the effect of traffic. Present day there is little available on-street parking and at times heavy traffic. If the "29+ Apartments" are added, there will be NO available on-street parking for current residences' visitors, let alone parking for residence of the apartments. In addition, the traffic would be greatly increased and very unsafe.

Please take these concerns along with ALL of my neighbor's oppositions into consideration when you are deciding on whether you will vote to make the zoning change. We would also like you to put yourself in our situation when considering your vote.

Sincerely,

Timothy Gulbranson

RECEIVED
SEP 01 2020
PLANNING & COMMUNITY
SERVICES DEPARTMENT

August 31, 2020

Attn: Karen Husman, Planner

Billings Planning Division

We oppose the zoning change of 1127 Alderson from business professional to multifamily use (Zone Change 982, Project PZ-20-00179). Changing a business facility that previously housed an urban Indian Health Clinic and a commercial call center to a 29-unit apartment building would have a profoundly negative effect on this neighborhood. The existence of another multi-family apartment building, the *Jan-Mar*, has already made evening/ night parking, noise and traffic more difficult for this block, including small businesses on adjoining 12th Street West. Adding 29 more families would make this geometrically worse, since the limited parking lot space around 1127 would not begin to provide adequate overnight safe space for additional renter and visitor vehicles. Photos provided by the builder show the commercial development on nearby Grand Avenue, but only a marginal indication of the single-family residences on the other side of Alderson in this block. These, including ours, are established homes of retired individuals and single-family rentals.

Petitions collected from the residential area, as well as the existing *Jan-Mar* residents, produced virtually unanimous opposition to this project. The majority of these present petitioners were discounted as non-owners (that is, they only have to *live there*). We were further advised, less than a week ago, that only owners within 150 feet of the project were considered eligible petitioners. Three, including the *Jan-Mar* 's 21-unit apartment owner, are out-of-state, including one in Japan, so securing their signatures prior to this meeting was virtually impossible. However all other residential owners have signed a protest petition.

In addition to the parking congestion, (which are further exacerbated by events at the funeral home and the church in the next block), there are other health and safety issues. There have been a number of auto burglaries and vandalisms, as well as frequent police visitations to the apartment building. There are also frequent

homeless pedestrians passing through the neighborhood and the street has somehow attracted some late night motorcycle racers.

I strongly recommend there should be extended time to obtain input from *all* owners and to consider the input of additional renters already in residence. There are several growth issues that require further research. There is no nearby elementary school, and already overcrowded facilities at Lewis and Clark Middle School and at Billings Senior High could be significantly impacted by a non-property tax-paying students. Property values of current owners, particularly those of us on fixed-incomes, would be negatively affected by this development and potentially forced from homes that we love.

While I appreciate that the developer sees an opportunity to develop a facility that would bring in more income, and therefore seems to have made little effort to replace the two previous lower-impact professional businesses with new service providers who would view that property as having great potential, the proposed zoning change for a 29-unit apartment would clearly have a negative impact on our primarily residential neighborhood.

Steve and Rose Chesarek
1116 Alderson Ave.
Billings, MT 59102

Rimrock Property Management

1440 Grand Ave.

Billings, MT

August 25, 2020

To whom it may concern,

As many of you are well aware, Billings and the surrounding area real estate market is going through a very explosive growth period. As many local realtors will testify, the inventory for houses on the market is very low right now making it a very competitive market. This low inventory has transferred over to the rental market as well in Billings. Rentals of all specifications and throughout the price range are being rented at record rates. We get calls daily from people who are struggling trying to find an available rental in Billings. The need for more inventory is high at this time and I do not foresee this changing any time soon. An increase in the number of available rental units would also help stabilize the rental market and help to keep prices affordable in Billings. Adding more units, specifically in a centrally located area would benefit Billings immensely.

Michael Paulson
Licensed Property Manager
Rimrock Property Management

1127 Alderson Zone change 982, project PZX-20-00179
August 30,2020

Dear Zoning Commission members:

We are requesting a Zone change from RP to RMF on our property at 1127 Alderson. This building most current use was as a call center for 10 years, but it has been vacant for the last two years. The Billings office market is extremely weak and securing a tenant has proven fruitless. The good news is the residential rental properties are in extreme short supply and new affordable units in the middle of town are almost nonexistent. This site offers groceries, shopping, gasoline, and restaurants within one block. Lewis and Clark middle school is within two blocks and City busing is less than one half block on Grand Ave.

We intend to supply new affordable -studio, 1-bedroom and 2-bedroom units with a fenced off-street lighted parking lot with 43 spaces [29 spaces are required]. The majority of the rest of the lot with be fenced for a secure play area for children. Any additional overflow parking needed will be provided on our commercial property located next door at 1116 Grand. The building will have eight units without any steps and elevator service to the others. There will be a designated loading area in the alley to prevent loading and unloading on the Alderson Ave side. The building will have an electronic entry system, fire alarm, interior and exterior lighting with cameras to provide security for the tenants and the neighborhood.

It is our intent to bring new life and a quality product to the neighborhood that has not seen any new building in a long time. Our project will decrease parking allowances from 60 spaces- RP to 29 spaces RMF. The old tenant operated 24/7 with up to 60 people at a time. A residential project will decrease traffic considerably from that use and be a better fit for the neighborhood.

This neighborhood is a transition area from commercial to residential. Within the 300' zoning map that was sent out there is a 24-unit apartment building next door to our property, one-fourplex, two duplexes, Eight rental properties and 12 commercial properties fall in the zoning map area including the 7.73-acre Grand shopping center to the west. Of the 35 surrounding property owners only 11 are residential owner occupied [see attachments].

We have met with the neighborhood and understand their concerns of providing off street parking, a well-lighted secure building and most of all do not make a problem for their neighborhood. We agree with those issues and will make sure we meet our commitments, but we cannot alter the reluctance of change that these issues always bring or reverse the existing makeup of the neighborhood where only 31% of the property owners live there. But we can build a project that respects the neighborhood character and follows the infill policy of the City to use existing infrastructures whenever possible. A vacant building depresses surrounding property values and attracts vandalism and trespassing. We feel this is an appropriate use of the property and hope to be a good neighbor in the Community.

The bigger issue is Billings has a large need for affordable midtown housing to fit the needs of the changing housing demographics especially for the elderly and young families. We hope to fill that need in some small way to make Billings a better safer place to live.

Thank you for your consideration

Max Griffin

	owners	% of owners
1 **total property owners in 300' zone**	**35**	100%
2 **multi family in 300' radius map**	4	11.43%
24 plex - 1107 Alderson	1	
5 plex - 1048 Alderson	1	
duplexs - 1102 Alderson, 1219 12st w.	2	
3 **rental houses in 300' radius map**	8	22.86%
Alderson Ave	5	
Burlington& Cottage lane	3	
4 **commercial owners in 300'radius map**	12	34.29%
5 **total commercial & rentals**	**24**	**68.57%**
6 **owner occupied in 300' zone**	**11**	**31.43%**
Alderson	6	
Burlington & Cottage	**5**	

	Tax ID	Owner	Address	Legal Description	Signed Petition	Valid Protest
1	A16621	Willem Onno Jalink	1106 Alderson Ave	Sunset Sub. Block 2, Lot 15	No	
2	A16620	Orler Family Trust	1112 Alderson Ave	Sunset Sub. Block 2, Lot 14		
3	A16619	Veronica Chesarek	1116 Alderson Ave	Sunset Sub. Block 2, Lot 13	Yes	Yes
		John Steven Cheserak			Yes	
4	A16617	EE Henman Family Trust/ Marjorie Henman & EE Trustees	1120 Alderson Ave	Sunset Sub. Block 2, Lot 11	Yes	Yes
5	A16616	Brandon Jasper	1126 Alderson Ave	Sunset Sub. Block 2, Lot 10	Yes	Yes
6	A16615	Timothy Gulbranson	1130 Alderson Ave	Sunset Sub. Block 2, Lot 9	Yes	Yes
7	A16614	Alternatives, Inc.	1136 Alderson Ave	Sunset Sub. Block 2, Lot 8		
8	A16613	Larry Green	1140 Alderson Ave		Yes	Yes
		Elizabeth Green			Yes	
9	A16612	Peter J. Sacchi	1144 Alderson & 1219 12th St. W	Sunset Sub. Block 2, Lot 6		
10	A16645	75 Balls, Inc.	1307 12th St. W/1147 Alderson Ave	Sunset Sub. Block 4, Lot 9	Yes	Yes
11	A16647	Michael McCord	1313 12th St W.	Sunset Sub. Block 4, Lot 11 (S97.92')		
		Karen McCord				
12	A16648	Michael McCord	12th St W	Sunset Sub. Block 4, Lot 11 (N 100')		
		Karen McCord				
13	A16649	Autozone	1146 Grand Ave	Sunset Sub. Block 4, Lot 12		
14	A16650	Autozone	1142 Grand Ave	Sunset Sub. Block 4, Lot 13		
15	A16651	1116 Grand Ave, LLC	1116 Grand Ave	Sunset Sub. Block 4, Lot 16A		
16	A16652	RC Property Holdings LLC	1112 Grand Ave	Sunset Sub. Block 4, Lot 18 &19		
17	A16653	RC Property Holdings LLC	1102 Grand Ave	Sunset Sub. Block 4, Lot 20		
18	A16653A	Robin Dangerfield	1316 11th S. W	Sunset Sub. Block 4, Lot 21		
		Tracy Dangerfield				
19	A16639	JJR Alderson, LLC	1107 Alderson Avenue	Sunset Sub. Block 4, Lot 1-3		

19 Lots within 150 feet of Zone Change 955

5 Lots must protest the zone change to be a Valid Protest

Valid protest as of September 3, 2020

TO CITY COUNTY PLANNING DEPARTMENT:

RECEIVED
SEP 01 2020
PLANNING & COMMUNITY SERVICES DEPARTMENT

City Zone Change: 982

Owner: 1127 Alderson LLC

Tax ID: A16641

Property Subject to Petition: 1127 Alderson Avenue

Proposed Zoning Change: From Residential Professional to Residential Multi-Family

---

The property at 1127 Alderson Avenue, which is the subject of City Zone Change 982, resides directly across from residential properties on Alderson Avenue. We oppose any zoning change that would lead to an increase in the already busy traffic and noise on Alderson Avenue. We also feel that the requested zoning change would negatively affect the value of our homes, safety of our children and further burden the already limited on-street parking.

This change would permanently alter the character and ambiance of our neighborhood.

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced **address do hereby protest any change which would rezone the property to any classification other than Residential Professional.**

	Received Notice - Invite to Community Meeting	Tax ID	Property Address	Property Legal Ownership	Owner (s) or Agent	Signature	Email and Phone
1	Yes ☐ No ☐	A16621	1106 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Willem Onno Jalink		
2	Yes ☐ No ☐	A16620	1112 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Orler Family Trust		
3a	Yes ☒ No ☐	A16619	1116 Alderson Ave	Owner ☒ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Veronica Chesarek	Veronica Chesarek	nchesarek@hotmail.com (406) 591-8805
3b	Yes ☒ No ☐	A16619	1116 Alderson Ave	Owner ☒ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	John Steven Cheserak		stevechesarek@gmail.com (406) 591-8805

PETITION TO OPPOSE CITY ZONE CHANGE 982:

The property at 1127 Alderson Avenue, which is the subject of City Zone Change 982, resides directly across from residential properties on Alderson Avenue. We oppose any zoning change that would lead to an increase in the already busy traffic and noise on Alderson Avenue. We also feel that the requested zoning change would negatively affect the value of our homes, safety of our children and further burden the already limited on-street parking. This change would permanently alter the character and ambiance of our neighborhood.

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced **address do hereby protest any change which would rezone the property to any classification other than Residential Professional.**

	Received Notice - Invite to Community Meeting	Tax ID	Property Address	Property Legal Ownership	Owner (s) or Agent	Signature	Email and Phone Number
4a	Yes ☐ No ☐	A16617	1120 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☒ Agent ☐ _____ ☐	EE Henman Family Trust/ Marjorie Henman & EE Trustees	Marjorie Henman	
4b	Yes ☐ No ☐	A16617	1120 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	EE Henman Family Trust/ Marjorie Henman & EE Trustees Successor Trustees	Jane Henman	
4c	Yes ☐ No ☐	A16617	1120 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	EE Henman Family Trust/ Marjorie Henman & EE Trustees	Janet Henman	
4d	Yes ☐ No ☐	A16617	1120 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	EE Henman Family Trust/ Marjorie Henman & EE Trustees	Margene Hall	
5	Yes ☒ No ☐	A16616	1126 Alderson Ave	Owner ☒ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Brandon Jasper		Jasper_35@hotmail.com 406-702-6174
6	Yes ☑ No ☐	A16615	1130 Alderson Ave	Owner ☑ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Timothy Gulbranson	T Gulbranson	Tim Gulbranson 698-4462 tlgulbs@yahoo.com
7	Yes ☐ No ☐	A16614	1136 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Alternatives, Inc.		

PETITION TO OPPOSE CITY ZONE CHANGE 982:

The property at 1127 Alderson Avenue, which is the subject of City Zone Change 982, resides directly across from residential properties on Alderson Avenue. We oppose any zoning change that would lead to an increase in the already busy traffic and noise on Alderson Avenue. We also feel that the requested zoning change would negatively affect the value of our homes, safety of our children and further burden the already limited on-street parking. This change would permanently alter the character and ambiance of our neighborhood.

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced **address do hereby protest any change which would rezone the property to any classification other than Residential Professional.**

	Received Notice - Invite to Community Meeting	Tax ID	Property Address	Property Legal Ownership	Owner (s) or Agent	Signature	Email and Phone Number
8a	Yes ☐ No ☐	A16613	1140 Alderson Ave	Owner ☑ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	Larry Green		801-414-96
8b	Yes ☐ No ☐	A16613	1140 Alderson Ave	Owner ☑ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	Elizabeth Green		801-414-96
9	Yes ☐ No ☐	A16612	1144 Alderson	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	~~Peter J. Sacch~~ Sold – 8/2020		
9	Yes ☐ No ☐	A16612	1219 12th St. W	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	~~Peter J. Sacch~~ Sold – 8/2020		
10a	Yes ☐ No ☒	A16645	1307 12th St. W/1147 Alderson Ave	Owner ☐ Co-Owner ☒ Trustee ☐ Agent ☐ ☐	75 Balls, Inc. Inc Owners: Kelly Sanders		kellycb.sbbing@.com
10b	Yes ☐ No ☐	A16645	1307 12th St. W/1147 Alderson Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	75 Balls, Inc. Inc Owners:		
11	Yes ☐ No ☐	A16647	1313 12th St W.	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	Michael McCord' Karen McCord		
12	Yes ☐ No ☐	A16648	12th St W	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ ☐	Michael McCord' Karen McCord		

The property at 1127 Alderson Avenue, which is the subject of City Zone Change 982, resides directly across from residential properties on Alderson Avenue. We oppose any zoning change that would lead to an increase in the already busy traffic and noise on Alderson Avenue. We also feel that the requested zoning change would negatively affect the value of our homes, safety of our children and further burden the already limited on-street parking. This change would permanently alter the character and ambiance of our neighborhood.

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced **address do hereby protest any change which would rezone the property to any classification other than Residential Professional.**

	Received Notice - Invite to Community Meeting	Tax ID	Property Address	Property Legal Ownership	Owner (s) or Agent	Signature	Email and Phone Number
13	Yes ☐ No ☐	A16649	1146 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Autozone	XX	
14	Yes ☐ No ☐	A16650	1142 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Autozone	XX	
15	Yes ☐ No ☐	A16651	1116 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	1116 Grand Ave, LLC LLC Owners: _____		
15	Yes ☐ No ☐	A16651	1116 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	1116 Grand Ave, LLC LLC Owners: _____		
16	Yes ☐ No ☐	A16652	1112 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	RC Property Holdings LLC LLC Owners: _____		
16	Yes ☐ No ☐	A16652	1112 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	RC Property Holdings LLC LLC Owners: _____		

PETITION TO OPPOSE CITY ZONE CHANGE 982:

The property at 1127 Alderson Avenue, which is the subject of City Zone Change 982, resides directly across from residential properties on Alderson Avenue. We oppose any zoning change that would lead to an increase in the already busy traffic and noise on Alderson Avenue. We also feel that the requested zoning change would negatively affect the value of our homes, safety of our children and further burden the already limited on-street parking. This change would permanently alter the character and ambiance of our neighborhood.

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced **address do hereby protest any change which would rezone the property to any classification other than Residential Professional.**

	Received Notice - Invite to Community Meeting	Tax ID	Property Address	Property Legal Ownership	Owner (s) or Agent	Signature	Email and Phone Number
17	Yes ☐ No ☐	A16653	1102 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	RC Property Holdings LLC Owners: _____		
17	Yes ☐ No ☐	A16653	1102 Grand Ave	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	RC Property Holdings LLC Owners: _____		
18	Yes ☐ No ☐	A16653A	1316 11th S. W	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Robin Dangerfield		
18	Yes ☐ No ☐	A16653A	1316 11th S. W	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	Tracy Dangerfield		
19	Yes ☐ No ☐	A16639	1107 Alderson Avenue	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	JJR Alderson, LLC Owners: _____		
19	Yes ☐ No ☐	A16639	1107 Alderson Avenue	Owner ☐ Co-Owner ☐ Trustee ☐ Agent ☐ _____ ☐	JJR Alderson, LLC Owners: _____		
19 Lots within 150 feet of Zone Change 982 5 Lots must protest the zone change to be a Valid Protest.							

Regular **4.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Zone Change 983 - Public Hearing and 1st reading

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services **Division:** Planning

RECOMMENDATION

The City Zoning Commission recommends the City Council approve Zone Change 983 and adopt the findings of the ten review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for the southern 1.98 acres of Lot 2, Block 1, Cherry Creek Estates Subdivision, from Public to Residential 8,000 (R-80). There is a concurrent County zone change for the portion of Lot 2 north of the city limits up to the northern leg of Cherry Creek Loop (8.62 acres). The portion of the property containing the road and the river bank will remain zoned public (~1,44 acres). The proposed development plan will include a future annexation and subdivision of the property for the development of two-family townhomes. The townhomes would be sold to individual owners.

The current zoning is Public in the city limits and Residential 9,600 (R-96) in the county portion. The current zoning of Lot 2 was approved in May 2001 as County Zone Change 541. The Public zone portion was intended to accommodate an extension or connection to the bike and trail system along the Yellowstone River and for potential future park dedication to the City. All large subdivisions for residential purposes are required to either dedicate parkland or pay cash in lieu of dedication. The Public zoned portion of this lot was never offered as parkland dedication and is still owned by Cherry Island, LLC. The Cherry Creek Manufactured Home Park developed and maintains a neighborhood park within that court, and Danube Court, the last phase of Cherry Creek, paid cash in lieu of parkland dedication.

The proposed zoning of R-80 will allow one and two-family dwellings on lots of 8,000 square feet for a one-family home and 10,000 square feet for a two-family dwelling. The developer intends to build primarily two-family dwellings and presented a concept site plan at the pre-application neighborhood meeting. The concept plan shows an internal road connecting the northern and southern legs of Cherry Creek Loop with 33 two-family dwellings (66 dwelling units total). The total lot area in the proposed development is about 12 acres. The proposed 66 dwelling units would have about 7,900 square feet of lot area per unit or 5.5 dwelling units per acre. The Aspen Cove Townhomes to the north at the intersection of Wicks Lane and Bitterroot Drive are zoned Residential 7,000 (R-70). There are 34 townhomes on this 4.88 acre parcel and have a density of about 7 dwelling units per acre. The directly adjacent properties to the west are outside the city limits and developed at much lower densities of 1 to 1.5 dwellings per acre.

The Cherry Creek Estates development started in 1998 when the first of 11 zone change applications was filed with the Planning Division. Four of the zone changes were withdrawn, two were denied and five were approved. The County zone change that approved the Residential Manufactured Home (County ZC 543) zoning was litigated in district court. The suit did not

overturn the County Commissioners' decision to approve the zone change. The property including this Public zoned portion of Lot 2 was subsequently annexed to the city in 2002. The City Council agreed to annex the property with the intent to initiate a zone change after the annexation. The Council initiated the zone change in July 2002 to change the RMH and Public zoning to Residential 9,600 (R-96). The owners protested the zone change triggering the requirement for a super-majority vote to approve the zone change. The Council failed to achieve a super majority vote in favor of the zone change so the RMH and Public zoning stayed in place.

The subject property has remained un-developed for the last 22 years while the Cherry Creek Manufactured Home Park and Danube Court were developed. An early zone change application for a Planned Development (County Zone Change 524) proposed an underlying zoning of RMH for the manufactured home park and Public for all of Lot 2. In this proposal, Lot 2 would remain vacant and be developed as a natural area park with landscaping and trails. The Zoning Commission recommended denial. The County Commissioners denied the Planned Development zone change in early 2000. The next approved zone change for the property was in May 2001 and the zoning has remained the same since that time.

Planning staff reviewed the application and recommended approval of the zone change to the City Zoning Commission. The Zoning Commission concurred with this recommendation. The 2006 Billings Heights Neighborhood Plan and the 2016 City Growth Policy encourage the development of infill property where city services already exist and new neighborhoods can be served efficiently. The Heights Neighborhood Plan adopted a general statement encouraging new neighborhoods and developments that are similar in nature to existing neighborhoods. Both plans encourage a mix of housing choices in neighborhoods. The proposed development of townhomes expands the housing options in this area of Billings Heights, and should be a good fit between the manufactured home park and the low density county residences to the west. Water and sewer are readily available to the property. Public safety services are fiscally constrained, but the adjacent neighborhoods are already served and this new development can be served as well.

Prior to making its decision on the zone change, the City Council shall consider the Zoning Commission's recommended findings of the ten criteria:

1. Is the new zoning designed in accordance with the Growth Policy?
The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:
Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zone change is consistent with the following goals of the 2006 Billings Heights Neighborhood Plan:

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

The proposed zoning will allow another housing choice in an area with limited housing choices – either manufactured homes or large lot single family dwellings. There are a few townhomes at the intersection of Wicks Lane and Bitterroot Drive but the market is under-represented for this high-demand housing choice. The Emma Jean Heights Subdivision to the north and west is zoned for one or two-family dwellings but is developing mostly as single family dwellings. Subdivisions further north and west have allowed similar housing choices by mixtures of zone districts. Existing demand for housing choice is going up for all ages of buyers including "boomers" and millennials just buying a first home. The proposed zoning would allow a townhome choice in an area where two choices pre-dominate – a manufactured home or a detached single family residence on a larger lot. The overall density of 4 to 6 dwelling units per acre will remain essentially the same throughout the Cherry Creek Subdivision.

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 additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

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 significantly increase post-development traffic volume. The applicant will be required to prepare a Traffic report to accurately assess the capacity of the surrounding street network to handle the increased traffic from the townhome development. Any improvements or mitigation will be determined by the City Traffic Engineer.
Water and Sewer: The City will provide sewer to the property. Billings Heights Water will provide water service.
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 setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
Traffic generation from 66 new dwelling units will be between 650 to 800 new vehicle trips per day. This trip count includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new subdivision will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning will not have any increase effect on the transportation system.

7. Will the new zoning promote compatible urban growth?
The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing compatible with the existing neighborhoods to the west and east.

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 will allow a housing choice that is in demand in the area.

9. Will the new zoning conserve the value of buildings?
There are no existing buildings on the property. Manufactured homes to the east will be the closest to the new development but there is a significant planted buffer yard and 6-foot high screening fence. To the west, most these home will be 160 to 200 feet from the back of the new townhomes. In general, new construction tends to increase adjacent building and property values.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will allow the development of another housing choice in this area of Billings Heights. This is the most appropriate use of the land.

STAKEHOLDERS

The City Zoning Commission held a public hearing on September 1, 2020 and received the staff report, testimony from the applicant's agents (Marshall Phil, Blueline Engineering; Jeff Engel, Builder; Myles Egan, Realtor) and from several surrounding property owners. The surrounding owners include Jason and Lindsey McGimpsey of 1317 Bitterroot Drive, Ming Cabrera of the Heights Task Force, and Pam Ellis of 2000 Outlook Drive. Several emails and letters of concern were also submitted to the Zoning Commission. These are included as an attachment to this staff report.

The applicant's agents stated the proposed development will be for up to 66 townhome dwellings (33 two-unit buildings), with owner occupied units as the predominate use. The owner-occupancy of the townhomes is necessary to get the best financing for the unit owners and to better manage the property maintenance through the HOA. There is a limit of 10% investor owned units for townhome financing and this will keep the number of rentals low. Mr. Engel stated the units would be around 1,200 to 1,500 square feet of living space with attached garages and no basements. Mr. Engel stated many would be 2-bedroom units with a few 3-bedroom units. Mr. Phil stated there will be a 20 foot wide "no build" area along the west property line so the lower density county residences along Bitterroot Drive will not have structures right over the back fence. Mr. Phil stated each back yard would also require 1 or 2 trees to help buffer the roof lines. He stated there would be a new vinyl fence around the entire development and sidewalks on both sides of the internal street.

Mr. McGimpsey stated the owners of this lot are the same original owners of the Cherry Creek Manufactured Home Park. He stated these owners and park managers cannot be trusted to do what they say they will do. He stated although the 1999 zone change for a Planned Development was denied, the owners continued to tout this property as a "buffer" to the neighborhood along Bitterroot Dr. Mr. McGimpsey stated this is how the manufactured home zoning was approved with the assurance this land would remain undeveloped. Mr. McGimpsey

stated the current zoning of R-96 is a good transition zoning from the RMH to their homes along Bitterroot Drive. He urged the Zoning Commission not to approve the zone change.

Pam Ellis stated the owners of the property cannot be trusted to do as they promise. She stated the Cherry Creek owners have been poor managers of the manufactured home park and have reneged on their promises to the neighborhood and the tenants for years. The manufactured home park is too dense and adding more density on this property is not going to help. She stated she disagrees with the findings for criteria number four (transportation, water/sewer, schools/parks, fire/police) and number six (motorized and non-motorized transportation). Ms. Ellis stated the 66 new homes will burden the local streets with too much traffic and will overcrowd the schools. She stated the Billings Police already have more than twice the normal service calls in Cherry Creek alone and the proposed development will not make this any better.

Ming Cabrera stated he was member of the Heights Task Force and agrees with the Task Force's letter of opposition to the zone change. He stated his biggest issue is with the number of rental properties already in the area. He stated the owners of this property did a poor job managing the Cherry Creek manufactured home park and the expectation is the same management would prevail in this new development. He stated the owners have no good history to back up the claim of a good quality development. He stated he disagrees with the proposed finding for criteria number three (public health, safety and general welfare). Mr. Cabrera stated the zoning would only benefit the property owner and not the surrounding property owners. He urged the commission to reject the zone change.

Lindsey McGimpsey of 1317 Bitterroot Drive testified in opposition to the zone change. She stated she has lived next door to the property for 15 years and the owners have never been good stewards of the land. She stated the 2016 zone change had a very different recommendation from Planning staff. (In 2016, a zone change from R-96 to RMH was proposed to expand the manufactured home park. Planning staff recommended denial of RMH zoning). She urged the commission to not be fooled by promises of beautiful new homes by the property owner. The owner did not live up to their development agreement with the city and have been negligent property owners from the start.

Mr. Phil provided rebuttal testimony. He stated the Cherry Creek Manufactured Home Park agreement allowed up to 363 units and this is how many are in the park. He stated the new owners of the park have just begun improvements and have installed new management. He stated they are beginning to look at the potential traffic impacts but have not completed the study. The study will be reviewed by the City Traffic Engineer to ensure the new development can mitigate any known impacts to surrounding streets. He stated the new dwellings will be owner occupied since investor owned units are difficult to finance. He state a small number of the units (7 or fewer) might be retained by the developer as an investment. The entire development will be managed by an HOA and will take care of all property maintenance. Monthly maintenance fees will be assessed to cover this 100% property maintenance. Mr. Phil stated he spoke with officials at SD #2 about the development and any potential impact to school population projections. He stated SD #2 did not have concerns with accommodating any new students. He stated the alleged "buffer zone" was from a failed past zone change and the owner never intended to leave this property vacant forever.

Commission member Greg McCall made a motion to recommend approval and adoption of the findings of the ten criteria. The motion was seconded by Commission member Dan Brooks. The Commission voted four in favor and one opposed (Jack King) to the motion.

ALTERNATIVES

The City Council may:

- Adopt the findings of the 10 criteria as recommended by the Zoning Commission and approve the application; or
- Amend the findings of the 10 criteria as recommended by the Zoning Commission and approve or deny the application; or
- Delay action up to 30 days.

FISCAL EFFECTS

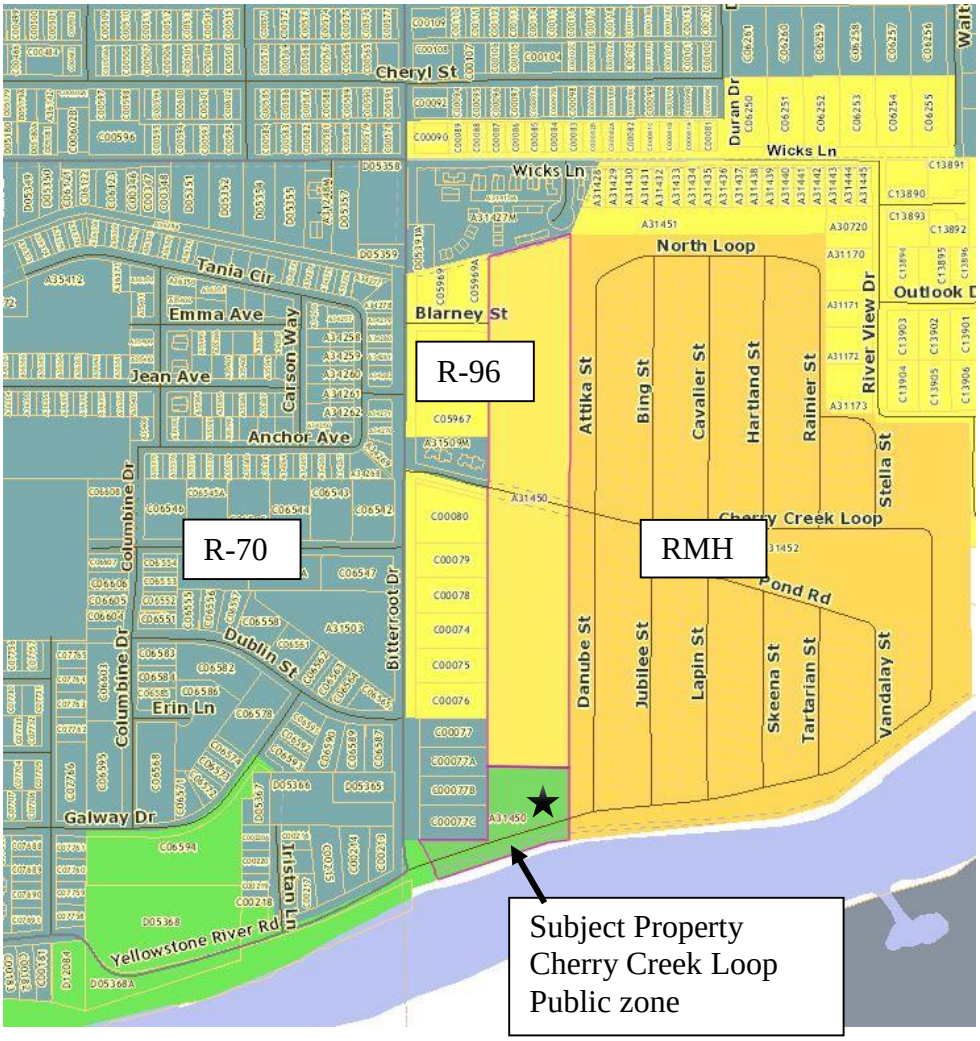
Approval of the Zone Change will have no direct impact on the Planning Division budget.

Attachments

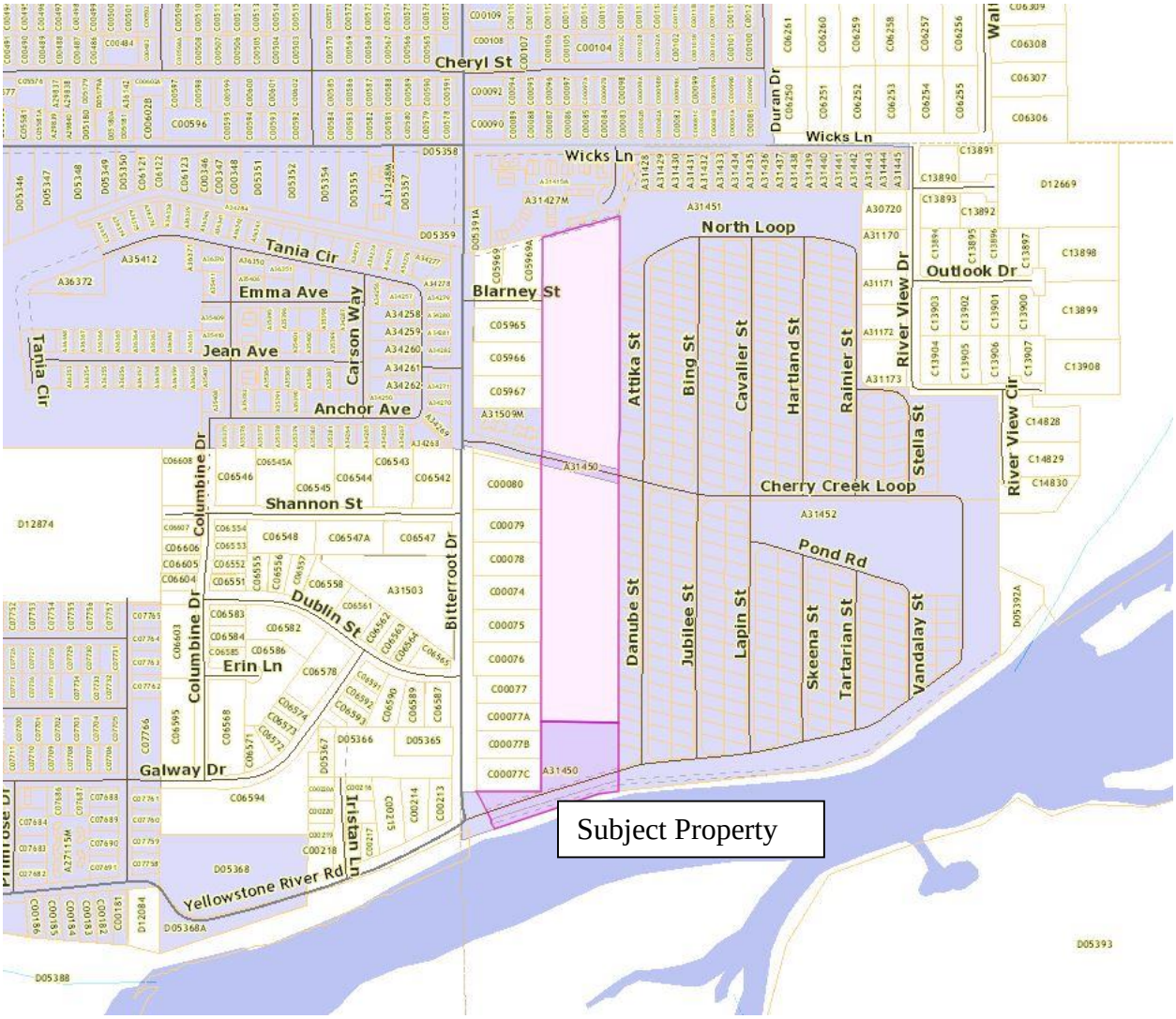
Zoning Map and Site Photos
Application and Letter
Public Comments Received
Ordinance ZC 983

Surrounding Zoning

Zone Change 983 – Cherry Creek Estates Lot 2, Block 1



Wicks Ln
Wicks Ln
North Loop
Tania Cir
Emma Ave
Blarney St
Jean Ave
Carson Way
Anchor Ave
Columbine Dr
Shannon St
Attika St
Bing St
Cavalier St
Hartland St
Rainier St
River View Dr
Stella St
Cherry Creek Loop
Pond Rd
Danube St
Jubilee St
Lapin St
Skeena St
Tartarian St
Vandalay St
Bitterroot Dr
Dublin St
Columbine Dr
Erin Ln
Galway Dr
Yellowstone River Rd
Subject Property


Cheryl St
Duran Dr
Wicks Ln
Wicks Ln
North Loop
Tania Cir
Emma Ave
Blarney St
Outlook Dr
River View Dr
Tania Cir
Carson Way
Jean Ave
Anchor Ave
Attika St
Bing St
Cavalier St
Hartland St
Rainier St
Stella St
River View Cir
Columbine Dr
Shannon St
Cherry Creek Loop
Bitterroot Dr
Dublin St
Pond Rd
Columbine Dr
Erin Ln
Danube St
Jubilee St
Lapin St
Skeena St
Tartarian St
Vandalay St
Galway Dr
Trisan Ln
Yellowstone River Rd
Subject Property

Subject Property Photos

Subject Property – from Cherry Creek Loop South

View east to the entrance of Cherry Creek Estates MHP

View south and east across Cherry Creek Loop

View west along Cherry Creek Loop South

Subject property view north

Subject Property view north and east

Subject property view north and west

APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** 983 **- Project #** P2-20-00183

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: Public

Proposed Zoning: R-8000

TAX ID# A31450 CITY ELECTION WARD # Outside City Limits, & 2

Legal Description of Property:

CHERRY CREEK ESTATES SUB, S24, T01 N, R26 E, BLOCK 1, Lot 2, ACRES 20.196, **MULTIPLE DISTRICTS**-(SD O2-16.77 AC,SD 2-3.42 AC) (04 AMND ANNEX RESOL #03-17967 (04)

Address or General Location (If unknown, contact City Engineering): Cherry Creek Loop

Size of Parcel (Area & Dimensions): 86,505, 308' x 338.76' x 203.73' x 354.73 3.42 acres

Present Land-Use: None

Proposed Land-Use: Duplex Housing Development

Covenants or Deed Restrictions on Property: Yes_____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

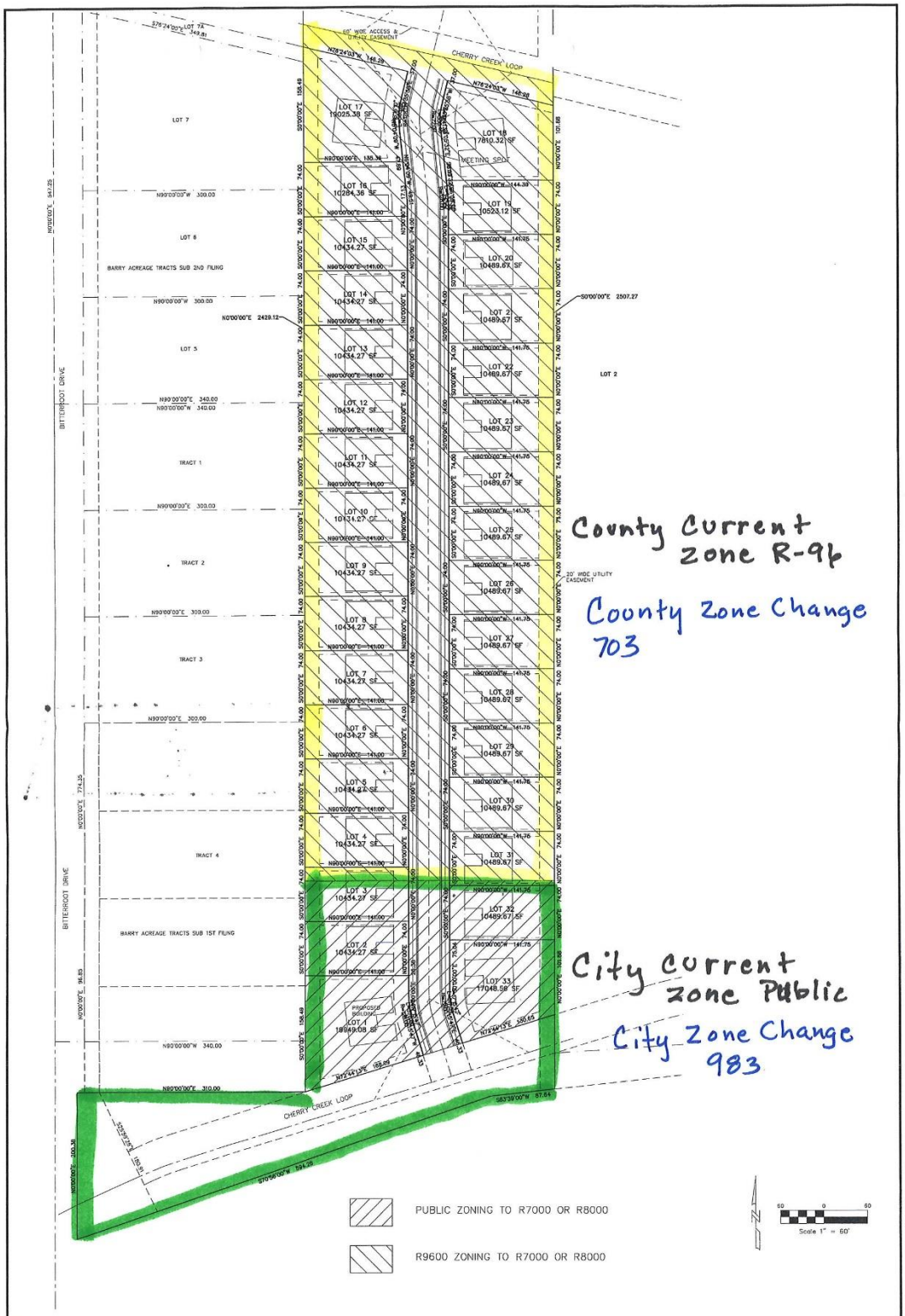
Owner(s): Cherry Island LLC
(Recorded Owner)
5855 Elysian Rd Billings MT, 59101
(Address)
254-2106 jelause@wmc-i.com
(Phone Number) (email)

Agent(s): BLUELINE ENGINEERING
(Name)
724 1ST AVE N, BILLINGS MT 59101
(Address)
406-294-2294 MPHIL@BLUELINE-ENG.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.

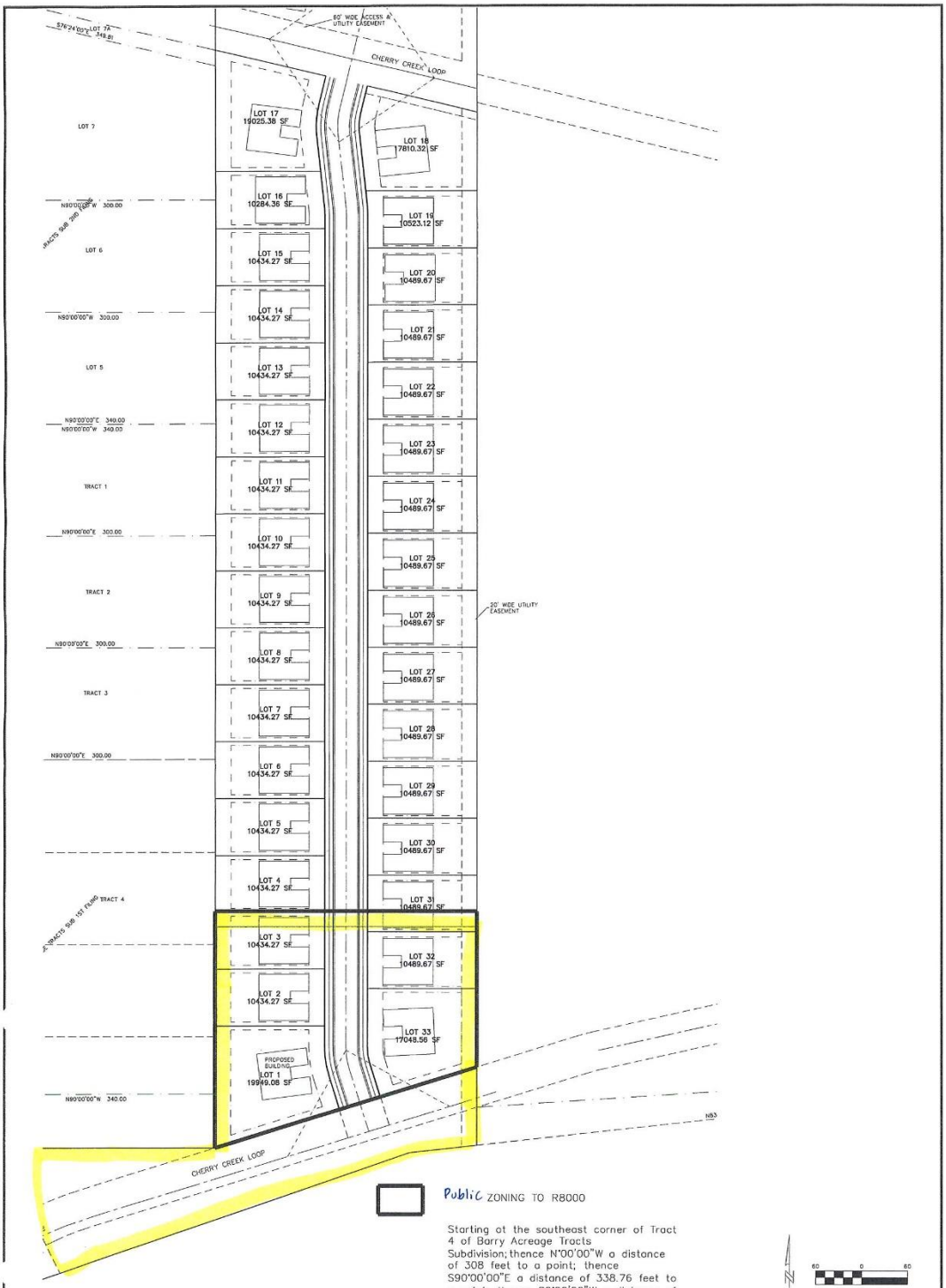
Signature: _____ Date: 8-3-20
(Recorded Owner)

RECEIVED
AUG 03 2020
PLANNING & COMMUNITY SERVICES DEPARTMENT
Date Stamp



SHEET 1 / 1	LOT 2, BLOCK 1, CHERRY CREEK ESTATES SUB SITE PLAN	DRAWING: SITE20.DWG	SCALE: 1"=60'	CHECKED BY: MDP	DRAWN BY: KLP	DATE: 5/28/20	JOB: 1909	NO.	DATE	REMARKS			

blueline ENGINEERING
724 1ST AVENUE N
BILLINGS, MT 59101
PHONE (406) 294-2294
FAX (406) 294-2295



~SHEET~ 1 / 1

LOT 2, BLOCK 1,
CHERRY CREEK ESTATES SUB
R9600 TO R8000

DRAWING SUBDIVISION
SCALE: 1"=60'
CHECKED BY: MNP
DRAWN BY: KLP
DATE: 7/31/20
JOB: 19691
NO.
DATE
REVISIONS

blueline ENGINEERING
724 1ST AVENUE N
BILLINGS, MT 59101
PHONE (406) 294-2294
FAX (406) 294-2295

blueline
ENGINEERING

July 31, 2020

Planning & Community Services Department
2825 3rd Ave North, 4th Floor
Billings, MT, MT 59101

To Whom It May Concern:

We are submitting this Zone Change Application for the following: the area zoned Pubic in the southern half of Lot 2, Block 1, Cherry Creek Estates Subdivision, Section 24, T1N, R26E, P.M.M. in Yellowstone County, Montana (Tax ID # A31450);

This Zone Change is being submitted to you after several discussions with Staff, neighbors, and the Heights Task Force. It is clear from these discussions that the neighborhood wants to see a project that protects against rundown appearances, reduces crime, and preserves land values. Therefore, a Zone Change of R-8000 has been requested to provide the largest lots available in Zoning, while still being able to build duplex townhomes. The single-family zoning of R-9600, drives the costs above the target market to achieve affordable housing. Single-family homes are not the best transitional zoning from the RMH property. Past zone changes in the area have shown that the higher density uses are not what planning and the neighborhood desire.

To help achieve the desires of these residents, we are preparing documents to allow the townhomes to be owned with individual water and sewer services. An HOA will be formed that will provide for oversight of building and property appearances, lawn and snow removal services. An HOA also helps form a strong neighborhood with pride of ownership. Other concerns with utility and street maintenance will be dealt with by that infrastructure being owner and maintained by the City of Billings and the Heights Water District.

Zone change #673 was a request to change this site from R-96 to RMH and the staff recommended denial. Item 8 in the zoning consideration stated that the request "may not be the best match for the character of the area." It further stated that "A zoning of R-70 on the subject property might be more suitable in density and lot size per unit to transition from the RMH zoning on the east to the R-96 zoning to the west, as well as fit with the existing R-70 zoning in the area." This staff recommendation has been used in helping make the decision to request R-8000 zoning.

The following paragraphs are in response to the questions found within the County Zone Change Application.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

   The rezoning of this property supports the Growth Policy in the following ways:

Essential Investments (relating public and private expenditures to public values)

a. *The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans*

The road serving this development being owned and maintained by the city through tax on the proposed lots. Being a public access from N Cherry Creek Loop to S Cherry Creek Loop would be further improve connectivity as the connecting roads to the east are private.

b. *Public transit and commercial air service are critical to ensure access to and around the City*

Public transit would benefit from the ability to enter either N Cherry Loop to pick up passengers from the nearby housing and then loop around through a public street and leave via S Cherry Loop.

c. *Planning and construction of safe and affordable Interconnected sIdewalks and tralls are important to the economy and livability of Billings.*

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA.

d. *Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community*

It is anticipated that the Parks Department will request cash-in-lieu for this development.

e. *Natural landscapes are an important part of Billings heritage and help protect the environment.*

The Development includes ample backyards and encourages planting trees and grasses. In addition, a "no build" zone will run the length of the west boundary and will be landscaped with trees.

f. *Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors*

The public right of way will have a 5' boulevard that will be more visually appealing to residents and visitors. The boulevard will be landscaped and maintained by the HOA.

g. *Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors*

Public health and safety will benefit from a public road bridging North and South Cherry Creek roads that will be maintained by the city. This is also a public turn around in closer vicinity to the more remote Stella St N, Erin St, and Vandalay St. Giving emergency vehicles easier access.

h. *Infill development and development near existing City infrastructure may be the most cost effective*

Infill development is preferred when possible near existing City infrastructure. This development is a prime example of an infill project with infrastructure existing on the north, south, and running through the middle. The development is also has existing development on all sides.

i. *Accessibility, friendly and cost effective government are important public value.*

This will not apply to this development

j. *The history and heritage of Billings are cornerstones of our community*

The history and heritage of Billings are cornerstone of our community and few things are as crucial to our history as the Yellowstone River. This development boarders right on the river and many residents would travel and experience Yellowstone River Road's beautiful view every day. New development in this area could spark more interest and, in the future, and extension of Yellowstone River Road, and N Cherry Creek Loop could become a scenic drive location.

k. *Neighborhoods that are safe and attractive and provide essential services are much Desired*

A well-developed HOA with the means to enforce its rules and regulations will ensure this development will be and remain a safe and attractive neighborhood.

l. *Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable*

Permanent "stick built" homes would be an improvement over the mobile home courtyard to the east. In addition, the new crossroad would provide another cross connection of utilities from N Cherry Loop to S Cherry Loop to provide redundant service in case of incident.

m. *It is important to factor in maintenance costs when programming public spaces and infrastructure*

Maintenance of infrastructure will be paid for by tax on the developed lots.

n. *Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.*

the development in an infill project and will not be extending city water service beyond its current reaches.

o. *Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth*

The development will be on city water and sewer. These will be maintained by the tax provided by the developments lots.

p. *A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community*

The school system has been contacted and adequate school space has been confirmed. The new influx of residents to the area also means an increase in revenue for any school bond measures passed.

Place making (Enhance, maintain, preserve, and improve existing public places)

a. *A multi-use community recreational facility is desirable*

It is anticipated that there will be no community recreational facilities as part of this development.

b. *Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community*

The road, will be the city's and can be enhanced and maintained through their Stewardship.

c. *Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims*

The development will provide another access point to N Cherry Creek Loop which runs parallel to the bank of the Yellowstone River. The development is adjacent to Two Moon Park, is 0.5 miles from Hawthorne Park, 0.33 miles From Primrose Park, and 0.8 miles from the Billings Bike Trail network.

d. *Public and private partnerships are valuable for creating enhanced entryways into Billings*

The entryway into the subdivision will have an enhanced design including landscaping and signage.

e. *Locally grown foods help sustain agriculture, provide healthy options, and support local businesses*

Locally grown foods can help sustain agriculture and foster healthier lifestyles. This development includes ample backyard space that would be ideal for home gardens. The lot currently has a lush mix of trees, bushes, and grasses without any irrigation.

f. *The history and heritage of Billings are cornerstones of our community*

The history and heritage of Billings are cornerstone of our community and few things are as crucial to our history as the Yellowstone River. This development boarders right on the river and many residents would travel and experience Yellowstone River Road's beautiful view every day. New development in this area could spark more interest and, in the future, and extension of Yellowstone River Road, and N Cherry Creek Loop could become a scenic drive location.

g. Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods

Natural landscapes are an important part of Billings heritage and help protect the environment. The Development include very ample backyards and encourages planting trees and grasses. In addition a "no build" zone will run the length of the west boundary and will be landscaped with trees.

h. Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community

No art is currently planned for this development.

i.

j. Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

No public building will be part of this development and the public right-ow-way will be owned by the city.

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

a. Developed landscape areas in commercial areas encourage more pedestrian activity andvibrant commercial activity

There are no commercial areas as part of this development

b. Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods

The streets will be maintained by the city and the sidewalks and boulevards will be maintained by the HOA to ensure a pleasant streetscape.

c. Outdoor public spaces provide casual and relaxing gathering areas for people

There will be no outdoor public spaces in this development.

d. *Planning and construction of interconnected sidewalks and trails are important to the livability of Billings*

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA.

e. *Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community*

It is anticipated that the Parks Department will request cash-in-lieu for this development.

f. *Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment*

Natural landscapes are an important part of Billings heritage and help protect the environment. The Development include very ample backyards and encourages planting trees and grasses. In addition, a "no build" zone will run the length of the west boundary and will be landscaped with trees.

g. *Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors*

The public right of way will have a 5' boulevard that will be more visually appealing to residents and visitors. The boulevard will be landscaped and maintained by the HOA and encouraged to use landscaping or low impact landscaping.

Strong Neighborhoods (livable, safe, sociable, and resilient neighborhoods)

a. *Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels*

The housing for this development will be affordable duplex style home units. Will affordable they will have individual water and sewer services so they can each be privately owned and sold. This will provide a transition of affordable homes between the neighboring mobile home court to the neighboring single family homes.

b. *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*

There will be no public gathering locations as part of this development but there will be full sidewalk access on all sides of the street.

c. *Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces*

The development will have complete streets with 5' sidewalks and 5' boulevards maintained by the HOA.

d. *Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods*

Because the HOA will be enforcing landscaping rules and home maintenance rules it will be following the CPTED #3 principal: territorial reinforcement, and #4 principal: maintenance.

e. *Implementation of the Infill Policy is important to encourage development of underutilized properties*

This development is an infill project.

f. *Public safety and emergency service response are critical to the well-being of Billings' residents and businesses*

Public health and safety will benefit from a public road bridging North and South Cherry Creek roads that will be maintained by the city. This is also a public turn around in closer vicinity to the more remote Stella St N, Erin St, and Vandalay St. Giving emergency vehicles easier access.

Home Base (healthy, safe, and diverse housing options)

a. *A mix of housing types that meet the needs of a diverse population is important*

This development is a transitional project from the mobile home court to the east to the single-family homes to the west. This will provide a diverse mix of hosing options in the local areas as a whole.

b. *The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development*

The Billings Housing Needs Assessment clearly states that Billings' population is on the rise and the need for more housing is a critical as ever. This is especially true of lower income housing for 1st time renters/owners, low income households, elderly retired persons, and minority groups. One of the benefits of developing duplex homes instead of single-family homes is an increase in affordability and availability. The duplexes in this development will have individual water and sewer services to each half and thus they can be bought individually. This gives an opportunity, especially to young couples and first-time buyers, to own a home rather than rent. Owning one's

home is always preferable to renting. Another advantage to the duplex system is that it allows caretakers and family members of disabled and elderly people to live close by while giving both parties a large degree of independence.

c. *Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe*

This development will provide affordable housing with an HOA designed to keep the neighborhood healthy, clean, and safe.

d. Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA.

e. *Public safety and emergency service response are critical to the well-being of Billings' Residents*

health and safety will benefit from a public road bridging North and South Cherry Creek roads that will be maintained by the city. This is also a public turn around in closer vicinity to the more remote Stella St N, Erin St, and Vandalay St. Giving emergency vehicles easier access.

f. *Homes that are safe and sound support a healthy community*

The duplexes proposed for this development are locally designed and will be built by local contractors to City of Billings and national standards of safety.

g. *Accessory dwellings units provide an important type of affordable housing options if compatible*

No accessory dwellings will be part of this development.

h. *Energy efficient housing can reduce energy consumption*
The duplexes proposed for this development are designed to be energy efficient and according to the newest home insulation regulations.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

a. *Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors*

The development will provide another public road loop access for busses to pick up passengers from this development as well as the nearby trailer court.

b. *Safe and accessible transportation systems benefit everyone's quality of life*

This development will have sidewalks on both sides and the HOA will ensure they will be safe and clear of snow and debris.

c. *Affordable public transit is much desired*

No dedicated public transit will be part of this development but it will be accessible by bus.

d. *Development oriented to transit routes will provide more transportation choices and is Preferred*

Public transit would benefit from the ability to enter either N Cherry Loop to pick up passengers from the nearby housing and then loop around through a public street and leave via S Cherry Loop.

e. *"Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation*

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA. This would provide a safe route for children within the development and those passing through from the southern end of the mobile home court.

f. *Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings*

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA

g. *On-street bike facilities promote predictability for all users*

No on-street bike facilities are planned as part of this development.

h. *Expanded air service ensures that Billings remains a competitive and an accessible destination*

No air-services are planned as part of this development.

i. *Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings*
There are no railroad crossings in this development.

Prosperity (promoting equal opportunity and economic development)

a. *Predictable, reasonable City taxes and assessments are important to Billings' taxpayers*

Predictable and reasonable City taxes and assessments are important to Billings taxpayers. This development would add 33 new duplexes with a total of 66 taxable units.

b. *A diversity of available jobs can ensure a strong Billings' economy*

The development would be built by local contractors and designed by local architects and engineers. Once finished the development's HOA would contract local business for lawncare and snow removal creating more local jobs opportunities.

c. *Successful businesses that provide local jobs benefit the community*

There will be no commercial development as part of this subdivision.

d. *Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses*

New affordable housing opportunities give new workers a foot in the door to start their life in Billings and advance through the job force.

e. *Retaining and supporting existing businesses helps sustain a healthy economy*

New workers moving into the affordable housing of this development would most likely shop in local businesses.

f. *Continued workforce training benefits the community and helps attract and retain Businesses*

This does not apply to this development

g. *Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes*

There will be no industrial parks as part of this development.

1. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

   The existing zoning of R-9600 is not the most compatible adjacent zoning to RMH zoning. Affordable duplex housing is the perfect transitional zoning to buffer the neighbors to the west.

Additional information and materials specified within the Application forms are included in those forms and/or attached to this letter. We thank you very much for your continued support on this request, and for your consideration of our re-zoning application. Please feel free to contact me at (406) 294-2294 if you have any questions.

Sincerely,

Marshall Phil

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Public
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Change to R-8000,
3. **Subject Property Map**: please attach to this form
4. **Legal Description of Property**:

   CHERRY CREEK ESTATES SUB, S24, T01 N, R26 E, BLOCK 1, Lot 2, ACRES 20.196, **MULTIPLE DISTRICTS**-(SD O2-16.77 AC,SD 2-3.42 AC) (04 AMND ANNEX RESOL #03-17967 (04)
5. **Neighborhood Task Force Area**: Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson: Jennifer Owen 906 Royal Ave.Billings MT, 59105
6. **Roster of persons who attended the pre-application neighborhood meeting**: please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
   1) The pre-application neighborhood meeting was held on the 27, day of July, 2020
   2) The zone change application is based on materials presented at the meeting.

Owner (s): Cherry Island LLC Telephone: 254-2106

Address: 5855 Elysian Rd Email: jclause@wmc-i.com

Billings MT, 59101

Agent (s): Blueline Engineering Telephone: 406-294-2294

Address: 724 1st Ave. N Email: mphil@Blueline-eng.com

Billings MT 59101

CHERRY CREEK ZONE CHANGE MEETING

Held on location of property in question on 7/27/2020 6:00 PM

Participants

Leon Clause – Owner/Developer

Jeff Engel – Contractor/Consultant

Marshall Phil – Engineering Consultant

Joseph LaFountain – Engineering Consultant

Pam Ellis – Heights Task Force and Neighbor

Karmen Higginbotham – Neighbor

Rhonda & Kass Ioane – Neighbor

Jason McGimpsey – Neighbor

Bridger McGimpsey – Neighbor

Orion McGimpsey – Neighbor

Lindsay McGimpsey – Neighbor

Tracy Marsh – Neighbor

Terry Dennis – Neighbor

Aaron Higginbotham – Neighbor

Meeting Highlights

Marshall Phil – Project scope is subdivision development of 33 lots with duplex homes. Duplex homes would require changing the current zoning from R-9600 and public to R-7000 or R-8000.

Pam- will the units/ duplexes be rented or sold by the developer

Leon – the units will mainly be sold but it is jointly owned by him and his 2 brothers and cannot say with certainty what percent they will sell or rent

Marshall – condominium documents will be put in place so individual units can be sold with individual water and sewer services.

Jason – what percentage of the units will be sold versus rented? this can cause problems with HOA control while project is still being developed and while units remain unsold

Aaron- Also concerned with how many units would be rented out by the developer

Marshall- With 33 duplexes and thus 66 units the HOA will have the power to ensure rules and regulations involving tenants and appearance will be enforced

Jason- What about the buffer yard mentioned/promised during previous development/zoning (this was a concern of all neighbors and the heights task force)

Marshall- The buffer yard mentioned was never intended to have the entire parcel of land go undeveloped indefinitely. (Neighbors as a whole disagreed with this)

All Neighbors and Heights task force- voiced concern/dissatisfaction with the state of the nearby Cherry Creek trailer courts development and maintenance. Worried that this will be similar. They stated that the current trailer court has high crime rate, drug use, and sex offenders. Cherry Creek trailer court was developed by the father of the current developer.

Leon & Marshall Response- The HOA will prevent these problems because of the size of the development will give it the "teeth" to sue/evict problem tenants. The development will be on city water, sewer, stormwater, and the road will be a public road maintained by the city. None of the improvements will be privately owned and will be maintained by the taxes paid to the city. The HOA will have provisions for yard maintenance snow removal and upkeep.

All Neighbors – the "buffer yard" (as above) helps separate the trailer court from their homes. They like the land undeveloped.

Marshall Response- The subdivision will still act as a buffer from the trailer court as an area of lower density zoning than the trailer court.

Leon- He has to pay the taxes on the undeveloped land.

All Neighbors and Task Force- would like to see HOA draft.

Rhonda Ioane – how many duplexes will there be and how big are the units, the lots look small

Jason- how big are the lots

Marshall – The lots are more than 10,000 square feet and the units 3500 square feet. The lots are very deep, 140', so they look small on the map but have very large backyards.

Terry Dennis – will the development have irrigation wells to maintain landscape?

Leon- it could

Marshall – The duplexes will be on city water.

Jason- will that affect the groundwater? Have any Boring been done.

Rhonda Ioane- we have well water; what affect will it have on us?

Marshall – Geotech boring on this property have not been done. Nearby wells indicate that there will be plenty of water. The well would only be for landscape irrigation the homes will have city water service. Bores will be done when the project is farther along in accordance with MTDEQ and DNRC.

Rhonda Ioane- I have a drain field what effect will it have on my drain field?

Marhsal- the drain field is up hill of development so none.

Jason- has any topo been done of the land where will the duplexes sit?

Marshall- topo has been done, some dirt work will be required but you always want to move as little dirt as possible.

Pam and Neighbors- Pam initially brought up how many new students would be coming from the development but all the Neighbors were concerned about this. Great concern about over crowding in all levels of schools.

Marshall- 27 new students would be added as estimated by 40% of homes have 1 child, according to the Lincoln center Beartooth's target enrollment is 385 and are currently at 354 so it will not be over-crowded. Skyview is at capacity but the Lincoln center stated the Lockwood high school will be taking students and Medicine Crow has more capacity.

Pam- Lockwood relieves the overcrowding that would have necessitated opening an alternative high school in Billings; the bulge of new students that necessitated building 2 new middle schools are now moving into high school. The estimates do not include the impact of the Cal Kunkl development on Barrett Road.

Karen and others - believe the city average for children per home to be greater than national avg. and duplexes whether occupied by renters or owners would more likely be younger families with children

Terry - kids have to wait for the bus at the corner of Cherry Creek Loop and Bitterroot because they bus won't come down the street. And there is no bus shelter or sidewalk.

Terry & Pam – Could a bus shelter be added? People driving by are uncomfortable with the number of students standing at the corner unsheltered

Jason & Pam – has a traffic impact study been done?

Marshall – not at this stage of development but it will be required as part of subdivision development.

Pam- what is the recode zone for the area?

Marshal - we will find out what the recode zoning will be

All – discussion about the type of homes that can/will be put in. What can go onto R-9600, 8000, 7000, can it be duplex, trailer, double wide, modular homes, stick built.

Neighbors and the Task Force- would prefer homes similar to the existing nearby houses.

Discussion with Leon after the meeting with Pam and Terry

There is no open space for children or people with dogs to recreate. This neighborhood has no accessible neighborhood parks. Cal Kunkl's development on Barrett has 1 acre in the planned development agreement for open space for children. This may be a good "quality of life" improvement, leaving a buffer area and creating a more desirable living environment.

September 1, 2020

To the Members of the City Zoning Commission,

The Heights Task Force wishes to express its opposition to the proposed zone change that would facilitate new development to the west of the Cherry Creek mobile home park. Heights Task Force members have been actively involved in conversations with representatives of the developer, seeking answers on a number of critical concerns. To date, those concerns have been either dismissed or ignored. The concerns of the Heights Task Force, as outlined below, show that on a number of points, the proposed zone change falls short of the 10 criteria that the Commission considers in approving a zone change. Because the proposed zone change does not meet all 10 criteria, the Heights Task Force respectfully requested that the application be denied.

The Cherry Creek Manufactured Home Park (Cherry Creek MHP) is a high-density neighborhood that is already experiencing challenges with public safety, transportation, student safety, and access to parks and recreation. Facility operations and maintenance by the previous Cherry Creek MHP owners – the same developers on this proposed zone change and project – have been problematic for many residents. A satellite image of the neighborhood is provided on the last page of this letter to allow the Commission a better visual on the density of the area.

Criterion #3 – Public Health/Public Safety/General Welfare

Crime in this neighborhood is already a significant concern. Allowing higher density development that exacerbates the overcrowding in the area will certainly continue to place the safety and general welfare of people living in this neighborhood at risk. During multiple Heights Task Force meetings, residents of the Cherry Creek MHP have indicated that crime is a serious concern. In just the last week, there has been a theft, an assault, and three disturbing the peace incidents in the area of the proposed zone change.

Allowing more high-density development will make these conditions worse, not better. During a recent Task Force meeting, a member of the Billings Police Department indicated that calls to the area typically require two police cars to respond, as weapons are often involved. Increasing the density of development in this area is not consistent with promoting public safety or the general welfare of the neighborhood.

Criterion #4 – Transportation/Water/ Sewerage/Schools/Parks/Other Public Requirements

Traffic congestion in the area remains a significant concern at current levels, without the addition of 600-800 vehicle trips per day. In particular, neighbors have indicated that a large number of students are waiting on the corner for busing, as school buses do not enter the Cherry Creek MHP. The combination of additional students waiting for the bus with no shelter or safe waiting area and hundreds of additional vehicle trips per day is a meaningful safety concern that the Zoning Commission should consider.

Similarly, both the developer application and the staff memo seem to disregard the measurable impact on nearby public schools. Beartooth Elementary serves this neighborhood and is already, according to the developer, at 92% occupancy. Medicine Crow Middle School is currently operating at a similar

enrollment rate. The proposed zone change would allow a higher density of housing, meaning that more children are likely than if the area retained its current zoning. An influx of families to the project area would push both Beartooth and Medicine Crow to near capacity, and that is without factoring in other projects under development in the same area. Further, Billings Public Schools is indicating record enrollment this year, meaning that ordinary community growth is already putting a strain on existing elementary facilities. Retaining the current zoning is the best way to limit adverse impacts on neighborhood schools.

The project developers have indicated they will not develop any parks or recreation facilities in the area. The Cherry Creek MHP has virtually no recreational space available and residents are indicating that the current property owners are directing that outdoor play equipment be removed. While the current operations of the Cherry Creek MHP are no longer the responsibility of the Applicant, it bears upon the Zoning Commission's consideration that existing recreational options are already severely constrained in the neighborhood. The addition of 66 units to the area without any additional improvements to parks, trails, or recreational space falls far short of the criterion to facilitate the provision of parks through a zoning change.

Finally, many neighbors and property owners in the area have raised multiple questions regarding impacts on water that have been unanswered by the Applicant. Specifically, it is not clear how the proposed zone change, allowing higher density building, would impact neighbors on wells. Because the Applicant does plan to use well water for irrigating the development, neighbors are rightfully concerned about the water table and no information has been provided in response to that concern.

Criterion #6 -- Motorized/Non-motorized Transportation

As stated above, neighbors in the area have concerns over the current traffic congestion as well as the lack of proposed solutions if the zoning were changed to allow higher density development. The Applicant does not propose to develop any walking trails, bike paths or other neighborhood amenities that would promote the use of non-motorized transportation options.

Availability of Housing Options

Many of the zoning criteria speak to the desire for diversity in housing options. Throughout the staff memo and the Applicant documents, the need for options other than detached single-family homes is repeated frequently. Yet, the analysis of the zoning change appears to completely ignore the 96-unit duplex and four-plex development in the vicinity of Medicine Crow Middle School. The analysis provided characterizes this area of the Heights as lacking in housing options but fails to mention the Barrett Road project as providing a meaningful number of additional housing options. Further, the Barrett Road project includes improvements to traffic routes, sidewalks and pedestrian pathways, and recreational options – all of which have been expressly rejected as options by the developers of the Cherry Creek project. Considering that there will be an influx of higher density options in the immediate vicinity of the proposed new development, there is no need to change the zoning to facilitate housing diversity in the neighborhood.

Homeowners' Association

Residents of the Cherry Creek MHP and neighbors in the area have spoken at both task force meetings and the community meeting for this project about the long legacy of broken promises by the Applicant.

Commitments to develop park space, maintain streets and common areas, and improve safety have not been upheld. Residents in the area are rightfully concerned that the same history will be repeated in this project if higher density development is allowed.

It appears that, in response to these concerns, the Applicant is offering to establish a Homeowners' Association (HOA) in the area, which would ostensibly be tasked with maintaining the character of the neighborhood and acting in a way to preserve property values. Unfortunately, establishing an HOA in no way solves the very legitimate concerns of residents in this area. The developer has indicated that some units might be sold, others will be retained by the developers as rental units, and it is impossible to predict now how many units might be sold or rented. Because the developers intend to retain units for rentals, there is a clearly foreseeable scenario in which the developers simply control the HOA. Typically, an HOA operates on the concept of one vote per home, to be exercised by the homeowners themselves. Thus, rental properties held by the developers will give the Applicant multiple votes in an HOA, as it is the property owner, not renter, who votes in a typical HOA. If 51% of the units are retained by the developers, they would then fully control the HOA and have the capacity to override the wishes of other owners in the Association. Both neighborhood residents and the Task Force have requested drafts of the HOA proposal, but no documents have been provided.

The Zoning Commission does not need to consider the existence of an HOA in its evaluation of the 10 zoning criteria, but to the extent that the Applicant is suggesting that concerns about safety, property values, or general development impact can be addressed through the proposed HOA, we would submit that is simply not the case. Absent assurances that the HOA is structured in a way to serve as an entity fully independent of the property developers, the proposed HOA will have no impact on any of the concerns raised by residents or the zoning criteria.

Based on the concerns identified in this letter, the Heights Task Force requests that the proposed zone change be rejected, as it fails to meet all 10 of the zone change criteria. The current zoning allows for responsible housing development that is consistent with the character of the neighborhood without the volume of negative impacts that would be caused by higher-density development.

Thank you for your consideration of these comments.

Sincerely,

Jennifer Owen
Chair, Heights Neighborhood Task Force

River View Dr
River View Cir
Outlook Dr
Erin St
Rally Point Water
River View Dr
David B. Bakken, RPh
Cherry Creek Community Center
Vandalay St
Rainier St N
Tartarian St
Pond Rd
N Cherry Creek Loop
Hartland St N
Skeena St
North Loop
Cavalier St N
S Cherry Creek Loop
Odds, Ends, and Such
Temporarily closed
Bing St N
Jubilee St
Jubilee St
S Cherry Creek Loop
Attka St N
Danube St
N Cherry Creek Loop
Blarney St
Bitterroot Dr
Youth Dynamics
Bitterroot Dr
Bitterroot Dr
Riverside Cemetery
Shannon St
Dublin St
Carson Way
Anchor Ave
Galway Dr

September 1, 2020

Zoning Commission
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

Dear Zoning Commission, City Council and Yellowstone County Commissioners:

We are writing this letter in opposition to the proposed zoning change in Cherry Creek Estates from R-96 and P to R-8000. The zoning change will have long term negative effects on the neighborhood and surrounding area. There is no support in the neighborhood for this zoning change.

This is the list of criteria for a zone change from the City of Billings website:

- Whether the new zoning was designed in accordance with the comprehensive plan

  This expansion does not comply with the comprehensive plan. In the plan that Cherry Creek submitted in order to get approval for initial buildout, the owners agreed that these areas would be a 'buffer zone' between the trailer houses and the landowners on Bitterroot. That is detailed in the documents that Jason and Lindsay McGimpsey submitted.

- Whether the new zoning was designed to lessen congestion in the streets

  This expansion adds 66 new homes in this area. The engineer on this project admitted he had not done a traffic study to assess the current usage. The area already has 370 trailers and now to add 66 more residents, the traffic will only increase. The entry in and out of Cherry Creek is backed up on a regular basis.

- Whether the new zoning will promote health and general welfare.

  Adding another 66 units in this area will not promote the health and welfare – the engineer has not yet done a study on how the water/sewer in the new development will affect the wells and septic systems of the homes on Bitterroot Drive. Since the ownership of these units will remain with the Clause family, the idea that the duplexes will be kept up any differently than the trailer court has been is not believable. The trailer court has a long history of buildings that are outside of zoning codes, abandoned vehicles, police visits and convicted sex offenders in residence next to children. While Cherry Creek now is under new ownership, the past history of the Clause family's management of the facility and refusal to enforce zoning regulations indicates that this property would be maintained in a similar fashion. The Clause family has a total disregard to the neighborhood and the overall Heights neighborhoods.

- Whether the new zoning will be secure from fire, panic and other dangers

  The duplexes will be dead end streets - the schematic we saw at the meeting does not appear to address whether a fire truck could enter and exit the area safely.

- Whether the new zoning will provide adequate light and air

This new facility will not provide adequate light and air for the existing homeowners. It infringes upon their properties with a large fence and will most likely add to the crime and misc vandalism issues that the current property owners experience.

- Whether the new zoning will prevent the overcrowding of land

  Absolutely will be overcrowding – 66 units in that small of an area? There will absolutely be overcrowding.

- Whether the new zoning will avoid undue concentration of population

  Absolutely will concentrate people on a small plot of land, with at least 66 new cars in and out, up to 120 cars.

- Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements

  Given the current level of police calls and fire calls, adding 66 more residences will only add to the number of police and fire calls. Currently, the City of Billings Police department responds to several calls a day at Cherry Creek. The previous management at Cherry Creek (Clause) would not screen residents. It is reasonable based on that previous management style that this new 66 unit development will be the same.

- Whether the new zoning gives reasonable consideration to the character of the district

  Absolutely not. All the housing around this area is single family, with the exception of the south side of Wicks lane to the north. Those units are owner occupied and maintained. The single family housing across the street and adjacent to Cherry Creek makes this densely populated proposal foolish.

- Whether the new zoning gives reasonable consideration to peculiar suitability of the property for particular uses

  Absolutely not – no consideration to the suitability of the property has been given. This property was meant to be a buffer between the trailer park and the residents. Building 66 units on it will only overcrowd the property

- Whether the new zoning was adopted with a view to conserving the value of buildings

  Absolutely not. With the building of these units, the houses to the west will lose their value. The area was meant to be a 'buffer' between the trailers and the house – for the very intent to preserve the value of the existing houses. Adding 66 units of duplexes will undermine the value of the homes.

- Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

The most appropriate use of this land is the buffer it was set aside for. The fact that the units will be owned and maintained by the same landowner that built and maintained Cherry Creek should be enough to shut this down.

Prior to this application, one was submitted to expand into this area in 2016. After touring the trailer park and looking over the condition of the area and the lack of maintenance and lack of zoning enforcement for buildings, the Zoning board made a recommendation NOT to allow the change. I would like the commission to examine that decision and the reasons for it before considering this one. While Cherry Creek has been sold to a new management group and there is now hope that it will become a more suitable community for the Heights, no guarantees are made.

Since this would be managed by the same people that couldn't manage and maintain Cherry Creek, I would ask the commission to vote "NO" on this expansion request also.

Sincerely,

Tracy Marsh

Barry and Tracy Marsh

Bartley, Robbin

From: Ed Hostettler <edhostettler@yahoo.com>
Sent: Tuesday, September 1, 2020 10:16 AM
To: Bartley, Robbin
Subject: [EXTERNAL] Comment for Zoning Commission meeting 9/1/20

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Dear Members:

I am asking you to reject the request to change from single family to multi-family zoning requested by the owners of Cherry Creek MHP. At the last Heights Task Force meeting, two residents of Cherry Creek MHP recommended rejection for this change. These residents sited the continual lying and deception by the ownership of this mobile park. The Billings Police reports at our task force meetings site numerous calls to Cherry Creek. Your approval of this zone change will result in significantly increasing density and consequent impact on traffic, schools, and probably even more Billings Police calls for service.

You know that a fire call last year resulted in the loss of a manufactured home because the management of Cherry Creek turned off the water to the hydrants. By the time the Billings Fire Dept. was able to get water for suppression, the home was a total loss. This is typical of the management of Cherry Creek by all accounts. Please deny this application for change.

Edwin Hostettler
1305 Nutter Cir
Billings MT 59105

09/01/2020

RE: Zone Change

Robbin / Tammy,

The original agreement upon approve of Cherry Creek, was to be used at a "**undeveloped**" buffer zone. I am writing you to express my concern for this new development. Cherry Creek is the worst and most problem area in Billings. As a lifelong Heights resident, in my option, your approval of this will degrade the Heights area even more so. This new development is owned by the same people who developed Cherry Creek. It has been nothing but a thorn in the City as well as the police and first responders.

This land was setup as a buffer zone by Cherry Creek Land Developers and as agreed upon, should remain exactly that. This will effect over populated schools and property values of surrounding houses negatively.

Therefor I am strongly against this development.

Sincerely,

Aaron & Karmen Higginbotham

1315 Bitterroot Dr.

Billings, MT 59105

September 1, 2020

Zoning Commissioners
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

Dear Zoning Commission, City Council, and Yellowstone County Commissioners,

We are writing this letter in opposition to the proposed zoning change in Cherry Creek Estates from R-96 and P to R-8000. This zoning change would have long-term negative impacts on our neighborhood and the surrounding area. There is no support within our neighborhood or our community for this proposed zoning change and no citizen in good conscious could support any additional dwelling units of any kind within this development.

Several documents and meeting minutes have been discovered which reference the 300' buffer zone (the area which is up for consideration of a zone change) zoned R96 to satisfy surrounding property owners, community members, and Commissioners, in order to develop the trailer park in the first place. Neighborhood concerns have not changed (they, in fact, have gotten greater as the development has become what we all feared), nor should the buffer zone be eliminated.

The zone change request does not meet several of the 11 criteria that you use to aide in your review of proposed zone changes. Cherry Creek Estates does not meet the criteria set forth in items 1, 2, 3, 4, 6, 7, 8, 9, or 11. A series of flimsy justifications have been provided as part of the application which all do not stand upon any type of further research.

The proposed zone change is not in accordance with the City of Billings Growth Policy. Cherry Creek most certainly does not provide neighborhood character, visual appeal, or quality of life for its residents. The majority of the 370 trailer homes as well as the "parks" and common areas located within the development are in a constant state of disrepair. They are not providing a service to low income people. The development does not fit the criteria of MCA 76-3-102, specifically items 2, 3, 5, and 6. Cherry Creek is already overcrowded and has been developed far beyond the 300 unit maximum outlined within the development agreement. With close to 370 units, an additional 66 dwelling units this area will be the most densely populated in Yellowstone County.

As a community, we recently passed the School District #2 bond issue (the owners of Cherry Creek actively fought the bond issue – not wanting to pay their fair share for the impact that their development's residents have had on the overcrowding of local schools). This bond money has gone, in big part, to addressing our District overcrowding issues. Our local elementary school, Beartooth Elementary, has experienced extreme overcrowding, and this issue has been resolved with the redistricting and addition of Medicine Crow Middle School. If Cherry Creek adds additional dwelling units (which were not accounted for in the projected growth of our area), this will easily result in a significant number of additional children flooding into the schools and again creating overcrowding / accreditation issues. The recently approved zone change adjacent to Medicine Crow will also have to be factored into this decision.

This area requires **multiple** daily visits from the City of Billings Police **and** Fire Department (please reference reports which are available from the City of Billings Police Department), and is a known area for drug use, drug distribution, child abuse and neglect, burglary, property damage, assault, vandalism, noise disturbances, harassment, DUI, restraining order violations, forgery, fraud, firework use, custodial interferences, trespassing, and weapons violations. The attached headlines from the Billings Gazette offers further evidence illustrating the problems this development has faced in recent years. An additional 66 dwelling units will only increase the burden on already strained City services.

On top of all of this illegal activity, there are many registered violent/sex offenders in this development (including a Level 3 and a Level 2 offender). At the time of the last zone change request in 2016, over half of the registered violent/sex offenders east of Main St. live within Cherry Creek.

We invite you to tour Cherry Creek Estates and witness first-hand the reasons that our neighborhood and the Heights community are not in support of adding additional dwelling units to the existing 370. The owners did not and could not maintain what they had. Now the same family would like an opportunity to create another large low-income development with more empty promises utilizing the same ownership model in which they are able to take financial advantage of low income families. The two class action lawsuits which they lost are enough evidence of their business practices and ethics.

Our neighborhood is made up of hundreds of single-family, owner-occupied homes adjacent to and bordering Cherry Creek Estates. We have a pride of ownership, and an eye towards making Billings and our local community the best it can be. We do not appreciate being subjected to a slight variation of the same zoning change request presented in 2016. There is no logical reason to again subject the community and neighborhood to yet another attempt by this developer at creating a significantly worse situation than currently exists in this development.

Please help us in our efforts to keep Billings great!

Sincerely,

Jason & Lindsay McGimpsey

Attachments
MCA 76-3-102
Cherry Creek rules/regulations
Development plan for Cherry Creek Estates
8/24/01 County Commissioners Meeting Minutes
Aerial map of Cherry Creek and buffer area
Cherry Creek Development responses
Environmental Assessment of Cherry Creek
Cherry Creek headlines

Montana Code Annotated 2015

76-3-102. Statement of purpose. It is the purpose of this chapter to:

(1) promote the public health, safety, and general welfare by regulating the subdivision of land;

(2) prevent overcrowding of land;

(3) lessen congestion in the streets and highways;

(4) provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements;

(5) require development in harmony with the natural environment;

(6) promote preservation of open space;

(7) promote cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services;

(8) protect the rights of property owners; and

(9) require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey.

History: En. Sec. 2, Ch. 500, L. 1973; amd. Sec. 1, Ch. 498, L. 1975; amd. Sec. 1, Ch. 552, L. 1977; R.C.M. 1947, 11-3860; amd. Sec. 1, Ch. 272, L. 1993; amd. Sec. 2, Ch. 468, L. 1995; amd. Sec. 2, Ch. 348, L. 2001.

Provided by Montana Legislative Services

GENERAL TERMS OF RULES AND REGULATIONS
FOR
CHERRY CREEK ESTATES SUBDIVISION

1. Each lot in the manufactured home park shall be known as a residential lot and shall be used solely for residential purposes. No structure shall be erected, altered, placed or permitted upon any lot other than one (1) single family manufactured home per lot; a garage and storage building not to exceed a combined size of 720 SF. No additions or enclosed entries shall be constructed to any manufactured home.

2. No structure other than a manufactured home exceeding 1,000 SF in size which shall be used for residential purposes. All manufactured homes shall be at least 14 feet wide and shall not be over five years old at the time of placement on to a lot. Axles and tires shall be removed upon placement and before skirting.

3. The exterior of any garage or storage unit shall be constructed of new materials and be completed in its entirety before it can be used for any purpose. All wooden structures shall be sided with conventional siding and shall be kept well maintained at all times. Other prefab storage units must be approved by the Board of Directors of Cherry Creek Development, Inc. and thereafter kept well maintained.

4. Plans and specifications for all garages to be built on any lot shall be submitted by the lessee to the Board of Directors for review, and upon receiving written approval, the lessee shall purchase a City of Billings building permit.

5. No swine, poultry, or other livestock shall be kept on said premises; however domestic pets may be kept by the lessee of which domestic pet shall be defined as meaning not more than two dogs and not more than two cats per living unit. All pets shall be confined to the lessee's premises at all times, or kept on a leash.

6. No construction equipment or materials of any nature can be stored unless for the purpose of immediate construction. No trash, obsolete materials, non-operating or non-licensed vehicles or portions thereof, or other refuse shall be allowed to accumulate on any of the above-described lots. No camp trailers, trailers, boats and such shall be stored on the lot, unless it can be stored inside a building meeting the above size requirements.

7. No noxious, offensive or illegal activity shall be carried out upon any lot, nor shall anything be done thereon which may become a nuisance or annoyance or to the extent that the same becomes unsightly or unsafe; nor shall any motor vehicle used in organized automobile or stock car races be stored or maintained on said premises.

8. All garbage containers shall be stored so that they will be concealed from the view of streets.

9. All manufactured homes shall be located in accordance with the regulations of the City of Billings. The front setback shall be at least 20 feet. No structure shall be built within 8 feet of the manufactured home.

10. No fence or hedge shall be of more than 4 feet in height. All fence materials must be new at the time of installation. Placement of fence, hedge or trees will be restricted per City of Billings ordinance line of clear vision at intersections.

11. The lessee of any lot shall be responsible for keeping the grass and weeds cut on his lot, even though he may not have a home on the lot at all times. The Board of Directors reserves the right to enter onto any lot to cut any grass and weeds that may appear to be unsightly, and the cost of same may be assessed against the renter of the lot or living unit.

12. Each manufactured home shall be skirted within 30 days after it is moved onto the lot. Skirting shall be of a color similar to the home and shall be kept well maintained and in good repair.

DEVELOPMENT PLAN
FOR
CHERRY CREEK ESTATES SUBDIVISION

LEGAL DESCRIPTION: Lot 1, Block 1, Cherry Creek Estates Subdivision located in the NW¼ and SW¼ Section 24, T.1N., R.26E., P.P.M., Yellowstone County.

THE PURPOSE of this development is to provide for and satisfy some of the need for modern manufactured housing. In recent years, there have become fewer and fewer available manufactured housing lots for rent. This low is creating increased lot rents and hardships for the elderly on fixed income and young families starting out. The location of this development is ideal because of the landscaped buffer that can be provided, the ability to connect to public utilities, the assurance that the proposed design is the limit of the expansion, the large amount of open space that can be retained, and the ability to provide amenities for public as well as the residents of the development.

A. BUILDING AND USE RESTRICTIONS:

Unless expressly designated to the contrary, all standards or requirements of the City of Billings and Yellowstone County Zoning Regulations shall be followed for the type of use within each of the areas listed below:

1. LAND USES :

   a. Single family, double and triple wide manufactured homes. The entire development shall be privately owned lots for rent.

2. USES PERMITTED:

   a. Single-family residential manufactured home structures shall be built to HUD code and will meet all standards as stated in the Unifield Zoning Regulations, Section 27-608, Item 2, Manufactured Homes, Class A. Structures shall be built with conventional materials used in the housing industry. No specific requirement for foundation shall be required.

   b. All other uses allowed by right in the R-9600 zoning district as set forth in Section 27-305 of the BMCC.

   c. Uses requiring special review approval as defined in Section 27-305 shall be required to proceed through the special review process set forth in Section 27-1503 of the BMCC.

B. SUPPLEMENTAL AREA YARD AND HEIGHT REQUIREMENTS FOR BOTH UNDERLYING ZONES:

All set backs will be per fire code requirements.

C. BUILDING DESIGN:

1. Exterior portion of development shall have homes built post 1995 of a minimum size of 1,100 square feet. The exterior of the home shall have at least two architectural options, such as dormer, a window option, or other as approved by Cherry Creek Development, Inc. Garages and one shed shall be allowed, combined total square footage not to exceed 800 square feet. Garage and shed shall be similar color of home.

2. Interior portion of development must have homes at least a minimum of 960 square feet and homes shall be built post 1990. The home exterior shall be built of conventional materials.

D. ESTIMATED DEVELOPMENT SCHEDULE: All improvements in the Planned Development will be constructed within five years of the date of the Council approval.

1. Within six months of development approval: Begin grading and layout of project.

2. Within twelve months of Preliminary Plat approval:

   a. Begin construction of sewer and water infrastructure, electrical, telephone, gas, and roads for Phase I.

   b. Begin construction of some of the amenities.

   c. Begin grading work on proposed 9 hole golf course.

3. Within 18 months of Preliminary Plat approval:

   a. Begin work on the greens area of the first 9-holes of proposed 18 hole golf course.

   b. Start Construction of Phase II.

   c. Construction will be complete on Phase I (150 units).

4. Within 24 months of Preliminary Plat approval:

   a. Construction of road, sewer and water infrastructure will be completed on Phase II.

b. Completion of first 9 hole of proposed 18 hole golf course.

c. Completion of Clubhouse.

5. At 36 months after Preliminary Plat approval:

a. Begin construction of remaining amenities.

6. All items of construction will be completed by 60 months after preliminary plat is approved.

E. OTHER SPECIAL AGREEMENT:

1. Easements: To be established. Possibility for Storm Drain Easement, Bikepath Easement, lift station provision issues to discuss to with the City.

2. Screening bordering neighbors to west: A 6-foot fence shall be provided specifically along the border of neighbors to the west. In no event shall the screening be placed as to obstruct clear site vision of street intersections.

3. Other requirements: Unless expressly designated above, all other standards or requirements of the City of Billings development standards, building, zoning and site development ordinances shall be followed.

F. REVERSION:

If for any reason this Planned Development is not implemented and construction improvements within the development schedule in above Paragraph I.4 and in conformance with this Development Plan, nor are any dwelling units in place within five years of zone change approval, then this property shall revert back to the previous zoning.

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

CHERRY CREEK DEVELOPMENT, INC.

By _____

Its _____

STATE OF MONTANA)
: ss.
County of Yellowstone)

On this _____ day of _____, 1999, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to be the _____ of CHERRY CREEK DEVELOPMENT, INC. that executed the within instrument and acknowledged to me that such corporation executed the same.

_____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

CITY OF BILLINGS, MONTANA

By _____
Mayor

Its _____
City Clerk

STATE OF MONTANA)
: ss.
County of Yellowstone)

On this _____ day of _____, 1999, before me, a Notary Public for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectfully, of the City of Billings, Montana, and acknowledged to me that they executed the same on behalf of the City of Billings.

_____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS

Billings, Montana

Friday, August 24, 2001

The meeting was called to order at 10:00 a.m.

PRESENT - Commissioners Reno, Chairman, Ziegler, and Kennedy; Board Clerk, Tammy Dexter; Clerk and Recorder, Tony Nave.

PLEDGE TO THE FLAG - Held.

ADD-ON REQUEST - COMMISSIONERS - TO REGULAR AGENDA - Letter to John Althof, Montana Department of Transportation re: Closure of Railroad Crossings in Huntley Experiment Station. Commissioner Kennedy MOVED to add this item to the Agenda. Commissioner Reno seconded the motion. Unanimous.

Commissioner Reno noted that item #3a. - Court Services - Federal Appropriation Grant Application had been removed from the Agenda. This item will be on the August 28, 2001 Agenda.

10:00 A.M. - PUBLIC HEARING - Closing Assets and Liabilities of Human Services Fund to the General Fund. Now was the time, date, and place for the above public hearing. Commissioner Reno called on Scott Turner, Finance Director. Mr. Turner informed the Board that the 2001 legislature passed Senate Bill 339 effective July 1, 2001. Mr. Turner explained that this bill transfers all counties public assistance programs and administration to the State of Montana. Mr. Turner noted that fund 2120 (Human Services Fund) had a fairly sizeable reserve, and became available at the discretion of the Board of County Commissioners. Mr. Turner reminded the Board that the General Fund was going to be one-time appropriated with $1,000,000 of these assets in the FY02 County's Health Insurance Fund. Mr. Turner noted that $50,000 of the Human Services Capital Improvement Funds would be designated to Riverside Cemetery, and $24,000 of the Capital Improvement Funds would be designated as a reserve for possible leasehold improvements, and the balance of the Human Services Capital Improvement Funds would be designated for projects by the Board of County Commissioners. Commissioner Kennedy noted that the County only owes state expenses from FY01.

Commissioner Reno opened the public hearing and called for proponents and/or opponents. None. Commissioner Reno closed the public hearing. Commissioner Kennedy MOVED to execute Resolution #01-65 (Closing Assets and Liabilities of Human Services Fund (2120) to the General Fund). Commissioner Ziegler seconded the motion. Unanimous.

ADD-ON ITEM - COMMISSIONERS - Letter to John Althoff, Montana Department of Transportation re: Closing Railroad Crossings at Huntley Experiment Station. Commissioner Reno read the letter aloud for the record. Commissioner Kennedy noted that after visiting with users of Osborn Park, a Huntley Experiment Station employee, and Huntley Museum Board members, they were very adamant that these railroad crossings were needed and should not be closed. Commissioner Ziegler asked if the letter was appropriate, or if a public hearing should be held regarding the issue. John Ostlund, County Road Superintendent, was present and stated that he agreed with the people from Huntley - these should remain open. Commissioner Kennedy MOVED to execute the above letter to John Althof, Montana Department of Transportation. Commissioner Ziegler seconded the motion. Unanimous.

10:15 A.M. - FINAL BUDGET HEARING - Adoption of FY02 Budget. Now was the time, date, and place for the above public hearing. Commissioner Reno called on Scott Turner, Finance Director. Mr. Turner informed the Board that many pieces of new legislature had some major impacts on county budgets. Mr. Turner stated that the State had taken some revenue resources away from local governments. Mr. Turner noted that there was a 3% inflationary growth factor that the State would be assuming. Mr. Turner reminded the Board that 3.3 mills was given to the County Attorney's budget last year, and they were now separated from the General Fund; they are now the Public Safety County Attorney Fund. Mr. Turner stated there was an increase of 5.1 mills county-wide. Mr. Turner noted that $1,000,000 would be transferred into the County's Health Insurance Fund as a one-time bonus (from closing the Human Services Fund). Mr. Turner stated there were nine (9) new FTE positions, mostly for the County Attorney's Office and the Detention Facility. Mr. Turner went briefly went over the Detention Facility expenses. Mr. Turner reminded the Board that the Youth Services Center had $89,000 reallocated to bring their staff up to comparability of employees doing similar jobs at better pay. Mr. Turner noted that, overall, the budget was balanced. Mr. Turner alerted the Board that next year could be a little different with union contracts, higher costs of utilities, and health insurance, just to name a few.

Commissioner Reno opened the public hearing and called for proponents and/or opponents. **Joe White** 1403 1st Avenue North, recommended that the Board hire an executive assistant to carry out orders for the Board. Commissioner Reno closed the public hearing. Commissioner Ziegler MOVED to approve the FY02 Yellowstone County Budget. Commissioner Kennedy seconded the motion. Unanimous.

COMMISSIONERS - A.) Public Board Discussion - Decision on Zone Change #543 - Cherry Creek Development. This item was brought back to the Board due to a misunderstood motion at the original public hearing. This was a zone change request from Agricultural-Open Space to Residential Manufactured Home and Public on property generally located south of Wicks Lane and east of Bitterroot Drive. Commissioner Kennedy MOVED to deny Zone Change #543. Commissioner Ziegler seconded, noting that

5-24-01

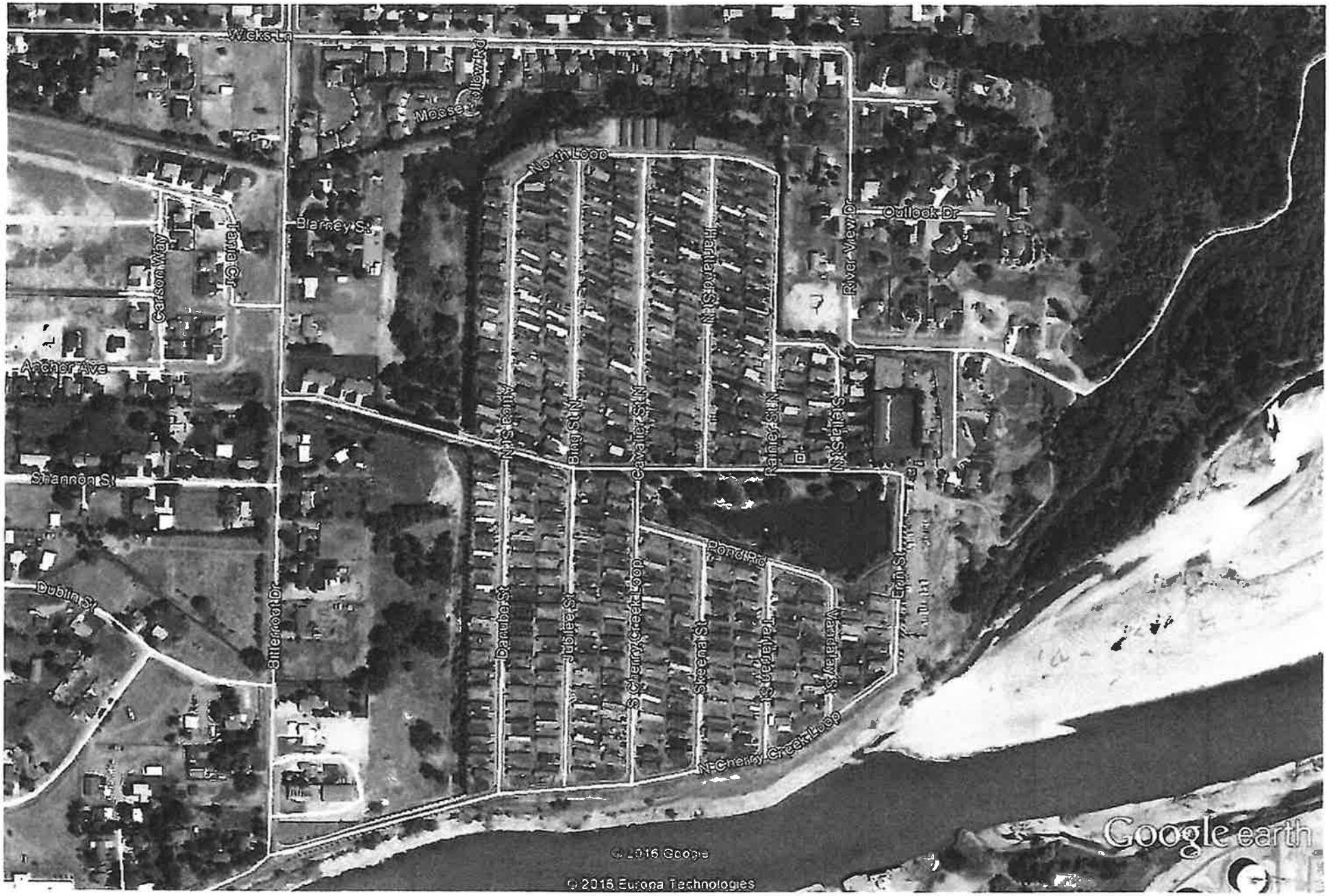
he was only seconding the motion to open the floor for discussion. Commissioner Kennedy noted that he was basing his motion on the recommendation of the Planning staff and Zoning Commission, along with the 12 criteria required for a zone change. Commissioner Kennedy went over the 12 criteria and gave reasons for each: 1) Is the new zoning designed in accordance with the Comprehensive Plan? The new zoning may not protect against the encroachment of incompatible or unrelated uses. The new zoning may not prevent establishment of new uses that conflict with adjacent or nearby existing uses. The new zoning does not capitalize on using existing public sewage service; 2) Is the new zoning designed to lessen congestion in the streets? The portion of the property included in this zone change is zoned Agricultural-Open Space, and would allow 1 dwelling unit per 10 acres, for a maximum density of 8 dwelling units. It should be noted that any change to a different residential classification will allow for more dwelling units and in turn create more traffic than the existing agricultural zoning. The proposed change to Residential Manufactured Home will substantially increase traffic on the surrounding street network. The maximum potential density for this development is 597 manufactured homes. Nothing has been submitted with this application that would limit the number of allowed manufactured homes other than the 6,000 square feet per unit requirement. A Traffic Accessibility Study was previously completed for this property; however, the current proposal is substantially different than the previous proposal; 3) Will the new zoning secure safety from fire, panic, and other dangers? Applicable codes will look at this. This property is currently located in the Billings Urban Fire Service Area. At the time of subdivision submittal, the Fire Department will examine hydrant location and the widths of the interior streets; 4) Will the new zoning promote health and general welfare? Applicable codes will look at this. At the time of subdivision submittal, the C/C Health Department, along with the Department of Environmental Quality, will review the proposed sewage disposal system; 5) Will the new zoning provide adequate light and air? Applicable codes should assure this; 6) Will the new zoning prevent overcrowding of land? Applicable codes should assure this. The Zoning Regulations require a minimum of 6,000 square feet of lot area per dwelling unit the RMH zone; 7) Will the new zoning avoid undue concentration of population? Applicable codes should assure this. The property will be subject to the minimum lot area requirements found in the Zoning Regulations; 8) Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements? Transportation: Approval of this zone change would cause significant increases in the amount of traffic on the surrounding street network; Water and sewerage: This property can be served by the Heights Water District and is currently proposed to have some type of on-site sewage treatment. The effects of this on-site treatment may be much more deleterious to the surrounding environment, especially the Yellowstone River, than connecting to City sanitary sewer service; Schools: This development will cause an increase in the number of children attending the surrounding schools. In addition, the closest elementary school, Beartooth Elementary, was closed by the School Board for the upcoming 2001-2002 school year; Parks: This property will be required to provide parkland dedication and/or cash-in-lieu at the time that the property is subdivided or reviewed for a manufactured home court; Fire and police: Any significant residential development on this property will cause an increase in the need for both of these services. The property is currently within the Billings Urban Fire Service Area and would get primary law enforcement from the County Sheriff; 9) Does the new zoning give reasonable consideration to the character of the district? The subject property has Residential-9,600, Residential 7,000, and Public Zoning surrounding it, with most of this development consisting of larger lot single family development. The Public zoning is an appropriate district in the area proposed; 10) Does the new zoning give consideration to peculiar suitability of the property for particular uses? The zone change as proposed does try to take advantage of the potential unsuitability of the site for structures on permanent foundations. In addition, the area proposed as Public would provide an area for a future trail corridor along the Yellowstone River; 11) Was the new zoning adopted with a view to conserving the value of buildings? The new zoning may adversely affect the value of adjacent buildings and properties; 12) Will the new zoning encourage the most appropriate uses of land throughout such county or municipal areas? No, for reasons mentioned previously. Commissioner Ziegler noted that staff contends that a project of this size produces a huge impact on the County, when annexation from the City could be obtained. Commissioner Ziegler noted that the applicant did apply for annexation, but was rejected; the argument was also presented that the City was not gaining any tax benefits to address these alleged impacts. Commissioner Ziegler stated that 6 of the 12 criteria have the same connotation that the "applicable codes should assure this." Commissioner Ziegler stated that he felt the main discussion was with condition #8 which addresses transportation, water, sewer, schools, parks, fire, and police. Commissioner Ziegler stated that if that is all the Board has to stand on, since the Board was unable to place conditions on the zone change, he would stand not in support of denial, but in proceeding with approval. Commissioner Ziegler addressed the 12 criteria noting that the criteria for approval would be almost the same, except on #2 - the size of the units was discussed, and access off of Bitterroot Drive was discussed, which was designated as a principal arterial street; #3 - applicable codes; #4 - applicable codes; #5 - applicable codes; #6 - applicable codes; #7 - applicable codes; #8 - discussed on July 3, 2001 at great length; #9, #10, #11 - same responses that Commissioner Kennedy read aloud; #12 - yes, for reasons mentioned previously. Commissioner Reno stated that the developer had controlled the destiny of the 300' surrounding this potential development. Commissioner Reno stated that the notice needed to be for 300' adjacent landowners, "didn't say 301, didn't say 1/2 a mile, it says 300'." Commissioner Reno stated that he would like to know the impact this would have on properties outside the 300'. Commissioner Reno stated that item #1 primarily talks about adjacent land values; the developer controls the adjacent land values with earlier actions the Board had taken approving R-9,600. Commissioner Reno addressed #2. Commissioner Reno stated that there was a city councilman who stated in the *Billings Gazette* that the city needed more high density housing, and building it on a high arterial street like Wicks, seemed like the best place for it. Commissioner Reno noted that items #3, #4, and #5 the Zoning Board had no problems with; #6, #7, #8 - transportation had been addressed. Commissioner Reno noted again that the city councilman would like to have Wicks as a higher volume street. Commissioner Reno noted that the Board does not condition water and sewer - the State of Montana does that. Commissioner Reno stated that the schools were looking for students - Beartooth Elementary was closed due to lack of students. Commissioner Reno noted there was no issue with park or fire. Commissioner Reno addressed #9 - "I would like to vote against this, but can't. I don't know how many uses you have for an abandoned gravel pit." Commissioner Reno stated that it seemed reasonable to have affordable housing, somewhat out of view, in an abandoned gravel pit. Commissioner Reno stated, "as such, I cannot support the motion to deny." Commissioner Reno

called for the vote on the motion to deny Zone Change #543. Commissioner Kennedy voted yes. Commissioners Reno and Ziegler voted no. Commissioner Ziegler MOVED to approve Zone Change #543 (Resolution of Intent to Approve #01-70). Commissioner Reno seconded the motion. Commissioner Reno called for the vote. Commissioners Ziegler and Reno voted yes. Commissioner Kennedy voted no. Motion duly carried. Commissioner Kennedy noted that what happened today was completely different from July 3, 2001. Mark English stated that the Board decided to approve the zone change, and it was fine that they changed their decision. Mr. English informed the Board that they would need to provide a written order of why they approved the zone change, and the County Attorney's Office would help them prepare that document. Commissioner Ziegler MOVED to execute a written order stating why the Board reversed their previous decision, and was now approving Zone Change #543. Commissioner Reno seconded the motion. Commissioner Reno called for the vote. Commissioners Ziegler and Reno voted yes. Commissioner Kennedy voted no. Motion duly carried. B.) Resolution Recognizing Big Sky Economic Development Authority as Lead Organization for Economic Development throughout Yellowstone County. Commissioner Ziegler MOVED to execute Resolution #01-66. Commissioner Kennedy seconded the motion. Unanimous.

CLAIMS - None were presented.

CONSENT AGENDA - 1. COMMISSIONERS - A.) Beartooth RC & D - Agreement - Participation in Beartooth RC & D Economic Development District. Yellowstone County is assessed a base feel of $1,250 plus $0.1107 cents per capita (based on the 1990 census population of 127,258) for a total assessment of $15,337; B.) Letter to Montana Migrant Council re: Appointment of County Auditor, Susan Lupo, as County Representative on Billings Community Housing Resource Board; C.) Amusement Gaming Application & Permit - Alkali Creek PTA; **2. PURCHASING** - Bridge Department - Request to Expend - New Forklift in the amount of $40,932.00; **3. COURT SERVICES** - A.) Federal Appropriation Grant Application - REMOVED; B.) Agreement with Justice System Assessment & Training. The purpose of this contract was to purchase the services of approximately 20 hours of training in assessment tools including, but not limited to Risk Assessment for Training and the Substance Use Survey. The financial consideration of the contract was $4,100, payable upon completion of training and upon receipt of an invoice submitted by JSAT. The contract shall be effective August 1, 2001 and end September 30, 2001; **4. WEED DEPARTMENT** - FY02 Special County Weed District/Reservation Grant Agreement - Purchase of Four-Wheeler ($6,200.00); **5. DES/GSA** - Montana Disaster & Emergency Services Division - Payroll Authorization Forms; **6. FINANCE** - A.) Bond Resolution #01-67 - R.S.I.D. #679/679M - 69th Street West &Yellowstone Place; B.) Bond for Lost Warrant - HAD Management (Michelle L. Fisher); **7. HUMAN RESOURCES** - Personnel Action Report: **WESTERN HERITAGE CENTER** - RESIGNATION - Wanda Bronson, Office Manager; **FILE ITEMS - 1. YELLOWSTONE COUNTY TRAFFIC SAFETY** - FY02 Plan & Budget; **2. CITY OF LAUREL** - Notice re: Expansion of Special Improvement Lighting District #2. Commissioner Kennedy MOVED to execute and file all items on the Consent Agenda, with #3a removed. Commissioner Ziegler seconded the motion. Unanimous.

The meeting was adjourned at 11:04 a.m. by Commissioner Reno.



Google earth

feet 2000

meters 900

353 TOTAL

CHERRY CREEK DEVELOPMENT
12 CONSIDERATIONS AND RESPONSES

1. IS THE NEW ZONING DESIGNED IN ACCORDANCE WITH THE COMPREHENSIVE PLAN?

Yes. This development will protect against encroachment of incompatible or unrelated land uses by allowing orderly and rational residential development during the various stages of economic and residential growth cycles. This development will help provide greatly needed housing for moderate income people, as well as provide infill.

The zoning will retain and improve the existing residential neighborhood by permitting orderly development that will enhance the area. The proposed buffer area will assure green open space between adjacent developments and this one. The new zoning will assure compatible housing to surrounding owners. Zoned as it is now, the surrounding owners are not assured of compatible housing; more particular, they are not even assured residential use.

Furthermore, this planned manufactured housing development, in an area that is buffered by open land to the north and west, and bordered by the river on the south and east, is in accordance with the comprehensive plan. This planned development zoning will provide the most benefit to all members of the community, by providing needed spaces for manufactured homes in an area that can be served by public utilities. This is private property and is not there for the adjoining property owners exclusive recreational enjoyment and use. However, with the proposed plan development, the community, as a whole, can gain from the benefits.

The following pages of the Yellowstone County Comprehensive Plan seem to concur with points regarding this property and its particular use.

A. Page B-13: States there is a need for this type of housing as over half of the census work in the retail trade and service industries and their wages are below the county average of $16,187.00 per year.

B. Page C-1: Encourages adequate housing supply for all income levels and new housing construction in ALL neighborhoods.

C. Page C-2: Refers to Mixed Housing Development Policy, encourages a variety of housing types and/or styles within proposed housing developments. Alternative housing types should be available within the county. Strategy is to inventory Residential Manufactured Housing (RMH) zoning districts in the City to

ESTABLISH THE AVAILABILITY of lots for manufactured housing as well as the suitability of the sites for residential development. This is done by and coordinated by the Planning Department, City, County Zoning Commissions and elected officials.

D. Page C-9: "Court rental spaces in 1987 were approximately $130/month". Today, rents are as high as $275/month. For retired persons on fixed income, this is becoming a large burden. State statutes recommend that a comprehensive plan include setting forth development, improvements and extensions of areas to be set aside for use as trailer court and sites for mobile or manufactured homes.

E. Page C-16: Needs assessment by household type shows a trend toward smaller household, single person and non-family householders.

F. Page H-2: Capitalize on existing public water supply systems. Strategy encourage new development within areas already provided with public water systems by stimulating developer interest with benefits analysis and by creating an incentive system. The City and County should explore the possibility of a relaxed SID policy for infill areas with less than 50 percent development.

G. Page H-14: Contamination of drinking water by underground sewage systems is of serious concern to Yellowstone County, therefore, the intent is to be in complete compliance with State and County sanitary regulations. It should be noted that wells that do not meet state standards also contribute to the contamination.

H. Page H-15: The formation of the Billings Heights Water District was in large part due to the widespread contamination of drinking wells by septic systems. This development intends to utilize Heights Water District.

I. Page I-1: Policy to protect the County agriculture industry from encroaching land uses which are not compatible with agriculture. Strategy - Promote the use of cluster development, throughout the Planned Development process, which will concentrate residential areas and maintain open space.

J. Page K-39: Infill development, one of the most strategic ways to limit urban sprawl is to identify and utilize existing vacant land within areas already developed and served with adequate roads and public facilities.

2. IS THE NEW ZONING DESIGNED TO LESSEN CONGESTION ON THE STREETS?

Any residential development will increase traffic to some extent. This property has two major arterial streets that are designed to carry and will carry the traffic flow on Bitterroot Drive and Wicks Lane.

Scott Walker, the transportation planner of Yellowstone County, has confirmed that Bitterroot Drive at the present time could easily handle another 1,500 trips each way and Wicks Lane can take an extra 1,500 trips to the west.

This proposed development area is included in the Transportation Study of 1990 and the recent update. The travel demand forecast for Heights area is to "grow a little faster than average". In addition, capacities according to the comprehensive plan (Software of 1985) showed a two-lane urban street capacity of 6,000 to 8,000 average daily trips.

The City of Billings Met Transit System runs directly west of the development, which may be a benefit for the City of Billings by filling partially full buses. There is also STI, special transportation to assist elderly and handicapped citizens who cannot use other public transportation. In addition, the development will give consideration to running daily van shuttle to shopping malls, courthouse, etc.

As development progresses in the general area and new links to major highways redirect traffic flows on Main Street, congestive traffic areas will be identified and the necessary steps will be implemented to reduce congestion.

The comprehensive plan (Page K-25) states that the journey to work as compared to other larger communities, Billings still has relatively moderate traffic congestion and commuter time.

Please refer to the Traffic Accessibility Study on this project for additional information.

3. WILL THE NEW ZONING SECURE SAFETY FROM FIRE, PANIC, AND OTHER DANGERS?

Yes, the new zoning will require that the development be constructed according to the State of Montana requirements and those requirements will assure that all safety issues are taken into account. The development of this property may even reduce the fire possibility by reducing the large number of dried weed areas and replacing with green grass and landscaping and by bringing the availability of water within the property boundaries. The residents along Bitterroot Drive may benefit also by being able to connect to Heights Water District.

Fire hydrants will be installed as required. Any other dangers will be identified and protected by following all applicable codes and laws.

4. WILL THE NEW ZONING PROMOTE HEALTH AND GENERAL WELFARE?

Yes. This zoning will promote health and general welfare of the residents and community. Providing public sewer and water service to the development will better benefit the community. This development will take nothing from the surrounding owners and will offer the benefit of improved services to their property, thereby increasing their property values. It will promote the health of the surrounding property owners. This development will not effect groundwater of the surrounding owners. The comprehensive plan states, in general, groundwater is plentiful and close to the surface. This is evident at the property site. Webster's Dictionary describes *health* as the overall condition of an organism, *general* as involving the whole, and *welfare* as an organized effort to improve the circumstances of disadvantaged.

5. WILL THE NEW ZONING PROVIDE ADEQUATE LIGHT AND AIR?

Yes. There is currently adequate light and air and the proposed development density with the use of land buffers and open space will not detract from either issue.

6. WILL THE NEW ZONING PREVENT OVERCROWDING OF LAND?

Yes, by providing the proposed buffer area and the use of the lands for public benefit along the Yellowstone River corridor. The development will provide a certain amount of land that will never be developed but set aside for the enjoyment of the public forever. The surrounding neighbors have requested a zoning of 9600, which would allow around 475 residences on the 105 acres. Our proposal is designed as a cluster development that allows for plenty of open space and is in agreement with the comprehensive plan and only plans for approximately 300 households.

7. WILL THE NEW ZONING AVOID UNDUE CONCENTRATION OF POPULATION?

Yes, the area is presently underdeveloped for the City services that are being provided. With other residential zoning on this property and public facilities, the population concentrations could potentially be as high as 760 households. However, this planned development zone request with the proposed buffer area will limit the number of households and assure undue concentrations of population.

8. WILL THE NEW ZONING FACILITATE THE ADEQUATE PROVISIONS OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS, PARKS, FIRE, POLICE, AND OTHER PUBLIC REQUIREMENTS?

Transportation: Wicks Lane and Bitterroot Drive are already designated as major arterial streets. Improvements required to these existing streets will be as required and needed to develop the area. The planned development number of residences will be less than the City residential zone 9600 would allow.

Water: Plans are to have municipal water service provided by Billings Heights Water District to the development. Comprehensive Plan H-15 states City of Billings can easily serve 168,000 and could serve as many as 250,000 households if necessary by the year 2000.

Sewerage: Sewer service will be provided by City of Billings.

Schools: Impact on the schools should be minimal and very well may help the schools financially. Manufactured home facilities today are seeing much higher percentages of young married couples and older retired persons. Beartooth Elementary School, when built, was designed to hold an additional 200 students than are attending at present. Castle Rock Middle School and Skyview High School also were both designed to hold more students than are attending today. The planned development anticipates that a large segment of residents will be households without children.

Park: There will be an on-site park provided. It will be built and maintained by the development.

Fire: Fire hydrants will be installed per fire district designation. There should be no significant impact to the local department.

Police: This development will not have a significant impact on the existing law enforcement. Street lights will be installed and a local security firm will be hired to make nightly rounds. This will help curb crime and vandalism. Increased tax revenues generated by this development will help to offset any increased costs to the local infrastructure and service agencies.

9. DOES THE NEW ZONING GIVE REASONABLE CONSIDERATION TO THE CHARACTER OF THE DISTRICT?

There has been considerable thought given to the character of the district and the existing neighborhood. The character of the district is partly County and partly City of Billings. There is the rural surrounding along Bitterroot Drive directly west of the proposed development due to the one acre lots. There is more of an urban surrounding along

Wicks Lane as the homes have been built on 10,000 square foot lots. We have worked with the surrounding neighbors for well over a year, and have presented many different proposals. The surrounding neighbors have not been open to any changes or suggestions presented. Stating they will only agree with 9600 zoning in this area. However, this zoning allows for over 475 units and creates a new set of disagreements for everyone involved. The development of this parcel as proposed, limits the population density, proposes a cluster development and maintains the character of the residential district by providing an open space buffer. The buffer should greatly improve and increase the value of all bordering properties and the community as a whole.

10. DOES THE NEW ZONING GIVE CONSIDERATION TO PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES?

This property is currently zoned agricultural and it is not suitable for any type of agricultural use. The proposed zone change is highly suitable for a cluster development. There is plenty of room to allow for a buffered zone away from neighboring areas. According to the comprehensive plan, it is in the best interest of any community to be connected to municipal services, which the parcel of land can provide. In addition, the benefit this parcel of land can provide back to the community as a whole is abundant. The need for manufactured home spaces is so great, it is imperative that provisions be made available for the residents of the community.

11. WAS THE NEW ZONING ADOPTED WITH A VIEW TO CONSERVING THE VALUE OF BUILDING?

Yes, this is one reason the planned development has designated the proposed buffer area. The area will enhance and increase the value of the buildings and homes adjacent to it and offer beautiful open space. Additional buffers, such as a fence, are planned along the western portion of property.

12. WILL THE NEW ZONING ENCOURAGE THE MOST APPROPRIATE USE OF LAND THOUGHOUT SUCH COUNTY OR MUNICIPAL AREAS?

Yes. This planned development allowing residential manufactured housing is the most appropriate use of this land. Other residential zoning allows for stick-built construction on basements, which cannot be used on this land. In addition, the property overlooks the river facing a refinery, therefore, high-end residential housing is probably not a workable plan. This development may even help direct development away from good agricultural land, which the comprehensive plan seeks to protect. The zone change will slow urban sprawl of small acreage's out in the County, the only remaining place where HUD approved manufactured homes can be placed. HUD is a federal housing code and cannot be discriminated against. Yellowstone County with more population than any

other county has the least HUD housing of any other County in Montana. There is an intense need for this type zoning in Yellowstone County.

ENVIRONMENTAL ASSESSMENT FOR CHERRY CREEK MANUFACTURED HOME PARK

— Bibliography

Total Acreage : 105 acres
Buffer Area : 46.6 acres
RMH : 58.4 acres

A. CURRENT LAND USE:

Vacant. This property is currently zoned Agricultural Open. Due to the fact that this property is next to the City of Billings within the 4½ mile jurisdiction and in the comprehensive plan. There are certain restrictions on this property that make it of no use for agricultural purposes.

B. ENVIRONMENTAL AND EFFECT ON THE NATURAL ENVIRONMENT:

1. Surface Water: The particular area where the manufactured home park is proposed was a mined gravel pit. The material removed from the existing terrain during the mining process varies from 14 feet to 24 feet deep. The surface water that is flowing on-site is seepage from the existing banks. We plan to collect such water in pipe and ditches and divert it to the large holding pond along with stormwater. There is an irrigation ditch on the northwest corner of the site. All water in and around the proposed manufactured home park site was created when the site was mined. This pond was an old sand washing pit. We plan to improve flowing water by diverting it around project and adding irrigation water to it during the summer. We also plan to upgrade and make the old sand washing pond larger and appropriately landscape the area. Of course any and all work will be done according to Sate of Montana Environmental Quality Specifications.

2. Groundwater: The area of the proposed manufactured home park has been mined out and there is no gravel or sand to classify a water aquifer. The complete site is setting on a sandstone layer at varying depths of 10 feet to 30 feet. At present there is some water that sets on the sandstone and gradually flows toward the Yellowstone River. The majority of the surface water is picked up with drain ditches and collected in two ponds and eventually runs into the river. There is a potable water aquifer at a depth of 100 feet to 250 feet through the sandstone layer. Any development to the site will not impact this aquifer.

3. Geology-Soils-Slopes:

   a. Rock falls or slides: The south side edge of the property has a steep sandstone cliff that could be a hazard. This area will be fenced to eliminate injury from a fall.

   b. Slides - land, mud, snow: None.

   c. High water table: Ponds will be constructed as to eliminate any problems. River water is one-fourth mile away and situated on a lower tier that is 30 plus feet lower than development.

   d. Unstable and expansive soils: The site proposed as the manufactured home park is the upper terrace which has been mined for gravel and reclaimed. The areas that were not mined according to the soil survey of Yellowstone County is dominated by Keiser Silty Clay Loam and Bew Clay. These soils are among the best in Yellowstone County in terms of SCS capability classification. The lower terrace (part of the proposed buffer area/green space) along the river is comprised of Haverson/Hysham Loams. No material on-site fits as unstable or expansive soil.

   e. Excessive slope: The site proposed for the manufactured home park is a fairly flat piece of property that is gently sloping within a range of 0-7 percent. The transition slope between the upper terrace and lower terrace ranges from abrupt to easily negotiable, with most of it falling into the 7-10 percent range. The lower terrace is relatively level again.

4. Vegetation: The upper terrace has been mined and reclaimed and has a mixture of smaller cottonwood trees, willows, same grasses and weeds. The lower terrace has a mixture of old growth cottonwoods and willows. The slopes and river bottom is grassed in with native grasses along with small trees and willows.

5. Wildlife: There are no known key wildlife areas on the property and no endangered species. The known wildlife on the property are white tailed deer, beaver, and squirrel.

6. Historical Features: There are no historic, archeological or cultural sites, structures or objects on the site.

7. Visual Impact: The area of the proposed manufactured home park is located on the upper terrace, however, it is approximately 20 plus feet lower than both roadways (Bitterroot Drive and Wicks Lane) and other bordering properties. In addition, the distance between bordering properties and the development is

approximately 300 feet and will have a landscaped buffer. With the proposed development setting lower and encircled with a green space buffer, the site will be virtually unseen from Bitterroot Drive and Wicks Lane. The buffer area will also be landscaped with trees in conjunction with other bordering property enhancements.

C. COMMUNITY IMPACT AND CRITERIA FOR PUBLIC INTEREST:

1. Effects on Agriculture:

a. The effects on agriculture have already occurred during the period the property was mined for gravel. The property cannot be used for agricultural purposes. The proposed residential use will protect other parcels of good agricultural land from being used for manufactured home parks.

b. There is no productivity of the land.

c. The property was purchased for development.

d. The surrounding properties are currently used for residential housing.

2. Effects on Local Services and the Public Health and Safety:

a. Water:

1. Water for fire and domestic uses will come from the Billings Heights Water District.

2. The proposed manufactured home park, when complete, will require 100,000 gallons of water for day to day domestic use (estimated at 330 gal per household). With an 8-inch existing water main at Wicks and Duran, this development can be looped in with an 8-inch water main that would conservatively be able to provide 1,000,000 plus gallons of water per day.

3. The Billings Heights Water District meets all State Department of Health and Environmental Sciences for quality, quantity and construction.

4. N/A.

5. N/A.

6. N/A.

7. N/A.

8. N/A.

9. The development will be privately owned and will be maintained as such.

b. Sewage Disposal:

1. It is the intent of the owners to connect to City of Billings sewer system. A lift station will need to be installed. All proposed new development will be per Department of Health and Environmental Sciences.

2. N/A.

3. The manufactured unit has not been determined yet.

4. N/A.

5. N/A.

6. The system will be installed on Phase I of the project and it will be financed with a construction loan.

7. As the proposed development will be privately owned, the proper qualified person will be retained to maintain the system.

c. Solid Waste Disposal:

1. Solid waste collection will be collected by City of Billings.

2. N/A.

3. N/A.

4. N/A.

5. The proposed disposal method meets Department of Health and Environmental Sciences.

d. Roads:

1. New roads within the development will be built and maintained for private use.

2. Necessary improvements or deletions will be done when such problems are identified and will be included in the Development Agreement.

3. Dust will be controlled by paved streets, a green space buffer surrounding the development and by the development landscaping of trees and grasses.

4. An approved storm drain system will be installed to eliminate erosion and water pollution. Street maintenance will be provided by the owner of the development.

5. When fully developed and operating at a 90 percent fill ratio the estimated traffic flow will be:

   a. 90 percent = 270 households

   b. On any day 20 percent will not leave their home = 54.

   c. On any day 55 percent of households will leave with home and return once = 148 or 297 trips.

   d. On any day 25 percent of households will leave and return twice = 67 or 135 trips.

   e. On any day 25 percent of households will receive at least one visitor = 67 or 135 trips.

Traffic Impacts?

Our estimated traffic flow is 567 trips per 24-hour period.

6. The present traffic flow on Bitterroot Drive is 1,600 vehicles per day. Terry Smith, Traffic Engineer for the City of Billings said this roadway can handle another 6,400 vehicular trips a day with no changes. Wicks Lane directly west of Bitterroot Drive has a traffic count of 1,600 at present. This street can also handle substantially more traffic.

7. The development will have two main egress roadways, one at Bitterroot Drive and Erin Street and the other at the end of Yellowstone River Road where it transcends to Bitterroot Drive. Both of these egress locations will handle the anticipated traffic and will be constructed for safe travel.

e. Utilities:

1. The plat has not been submitted, but we have spoken with all utilities.

2. Natural gas will be supplied by MDU. Electricity supplied by MPC. Telephone will be supplied by USWEST. All utilities are readily available.

3. All utilities will be placed in a common trench and will be placed per each phase of construction.

f. Emergency Services:

1. Fire protection. As this development is in the jurisdiction of City of Billings, the project will require placement of fire hydrants and the City of Billings will provide fire protection.

2. Police protection will be provided by the City of Billings. We will also implement a neighborhood watch program and employ the services of a private security patrol.

3. Ambulance Service will be provided by all ambulance service available and provided in the City of Billings.

4. Medical Services will be available the same as anyone else in the City of Billings.

5. Fire, police, ambulance and medical services can all be handled with the present personnel and facilities.

6. N/A.

7. The additional taxes paid by this development will serve to offset additional costs.

g. Schools:

1. The available educational facilities are Beartooth Elementary, Castle Rock Middle School, and Skyview High School which at present can accept another 128, 58, and 65 students, respectively. The superintendents office stated they were not at capacity.

2. Our estimate of school children from this development based on past experience associated with manufactured housing. All figures are based on full capacity. Past experience has shown that 7 out of 10 households will not have any children.

Elementary:	60 students
Middle School:	30 students
High School:	30 students

h. Land Use:

1. All project development will be discussed with all departments and all work will be done to meet any and all land use regulations and all comprehensive requirements.

2. The property does not border any public lands, however, majority of property will be used for recreation.

3. Development will have no effects on adjacent land uses.

4. There is one concrete structure that will be removed as it may be considered a safety hazard.

5. There is no on-site or off-site uses that create a nuisance.

i. Housing:

1. This development will be designed for a maximum of 300 single family residences. The units will be manufactured homes.

2. The development is not planned specifically for second homes, but the development will have in place a care-taking facility for vacationing residents.

3. With the necessary department approvals, State approvals and preliminary plat approval we anticipate starting construction spring

of 2000. It is our estimate that Phase I homes will be placed by the end of 2001. We anticipate Phase II to be 90 percent filled by the end of 2003.

4. The density of the manufactured home portion only will be 8,600 square feet per household.

j. Parks and Recreation Facilities:

The development will have the buffer area surrounding it. The river bottom will be included in this area. We also propose to have some ground set aside for a park and recreation facility. This facility would include a picnic area, horseshoe, basketball, and community hall. A trail system will be designed so they can be used and utilized as nature trails for the residents within the development.

k. Effects on Taxation:

1. Prior land assessments were on 189.15 acres in Yellowstone County and 6.55 acres in the City of Billings.

2. The annual tax revenue prior to development is a combined assessment of $4,670.09. Based on County Assessor input and the review of other similar properties, we estimate when the property is fully developed and all homes are placed on property, that Yellowstone County will receive approximately $405,000.00 tax revenue per year. This would amount to 8,762 percent more than what the property is contributing at the present time. In addition, according to the Montana Board of Housing and research done by MSU-B this development will contribute another $1.1 million in taxes and fees to the community.

3. The only proposed special assessment planned is street lighting for the development.

l. Effects on wildlife, wildlife habitat and areas of rare endangered or unique plan species:

The development will not have an adverse effect on wildlife and wildlife habitat. The measures that will be taken do not disturb and preserve lush areas of trees, brush, willows, and grasses will be left intact . Within and near the development and the buffer area we will plant trees, shrubs, and grasses therefore adding to the pleasant environment.

Cherry Creek Headlines

-15-year-old charged with negligent homicide in teen's accidental gun death in Billings' Heights

-Saturday night fire guts Heights home as firefighters battle dry hydrants

-5-year-old boy riding a bicycle injured in Heights accident

-City Council puts off action on irksome mobile home park

-Heights developers seek annexation again

-Commissioners vote no on Heights project

-Mobile home plan lacks supporters

-Cherry Creek lots filling after years of controversy

-Boy accused of planning school massacre held without bail

-Man who forced way on Billings school bus arrested

-Developers, city again in dispute 9/15/2009

-Poisoning likely at Cherry Creek

-Water main work to resume on Heights mobile home park; Developers follow court ruling on water main extension

-Teen shooting suspect held on charges of assault with a weapon, endangerment

-Cherry Creek mobile home expansion denied

-Trailer home fire causes $20,000 in damage

-Man pleads not guilty in Cherry Creek subdivision shooting that injured a pregnant woman.

-Billings Fire Department calls in extra crews after back-to-back structure fires in the Heights

-Man served 216 days in jail for shooting at man who owed him $100

Cherry Creek Homes accused of charging undisclosed, illegal fees

Local residents have brought a class-action suit against Cherry Creek Development after a similar lawsuit found in part that Cherry Creek was incorrectly charging late fees.

Adam and Breea Somers are suing Cherry Creek Development and RJC Investment after the companies failed to disclose finance fees.

Cherry Creek is a mobile home park in the Billings Heights with 362 trailer lot spaces.

The class action suit follows a favorable ruling earlier this year for another couple living in the mobile home park. Stevee Mallas and Jacob Tallbull sued after Cherry Creek posted a delinquency notice on their mobile home. Cherry Creek was acting as an agent of RJC Investment, according to the lawsuit.

Mallas and Tallbull paid a $3,512 down payment on a mobile home. The couple financed the additional $40,388 needed to purchase the mobile home, according to the suit. They began making monthly payments toward the principal in 2010.

Cherry Creek's contract with the couple violated multiple consumer protections of the Montana Retail Installment Sales Act, the Mallas and Tallbull lawsuit alleged. The contract did not state how much the finance charge would be over the life of the contract, according to the lawsuit. The contract also stated the couple would be charged $50 if payments were five or more days late.

Yellowstone County District Court Judge Russell Fagg entered judgement on the nondisclosure of the finance charge and the legality of the late fees. Because the contract did not disclose the finance charge and because late fees can only be evaluated by a creditor after a payment is 10 days late, Fagg ruled Cherry Creek and RJC are barred from collecting any "finance, delinquency or collection charge on the contract."

In his judgement, Fagg found the Cherry Creek contracts violated at least four parts of the Montana Retail Installment Sales Act.

The same attorney who represented Mallas and Tallbull, Michael Eakin, was hired to represent the Somerses in their class action suit. The Somerses' lawsuit seeks to prevent Cherry Creek from collecting finance charges against mobile home residents who have similar contracts and illegal late fees.

The Somerses justified the class action suit by noting that many of the tenants of the mobile park cannot afford legal representation for their claims.

Eakin declined to comment on the Mallas and Tallbull suit, which is ongoing. He also declined to comment on the class action lawsuit, which will go before Yellowstone County District Court Judge Gregory Todd. Cherry Creek has not yet issued a response to the class action.

Cherry Creek resident Maria Kraftenberg said she has lived at the mobile home park for less than a year. Over the past few months, the park's management has changed and last month residents received new rules about maintenance of the area, Kraftenberg said. The park now has a curfew and rules about how many people can live in each trailer, Kraftenberg said.

September 1, 2020

TO: Members of the City of Billings Zoning Commission

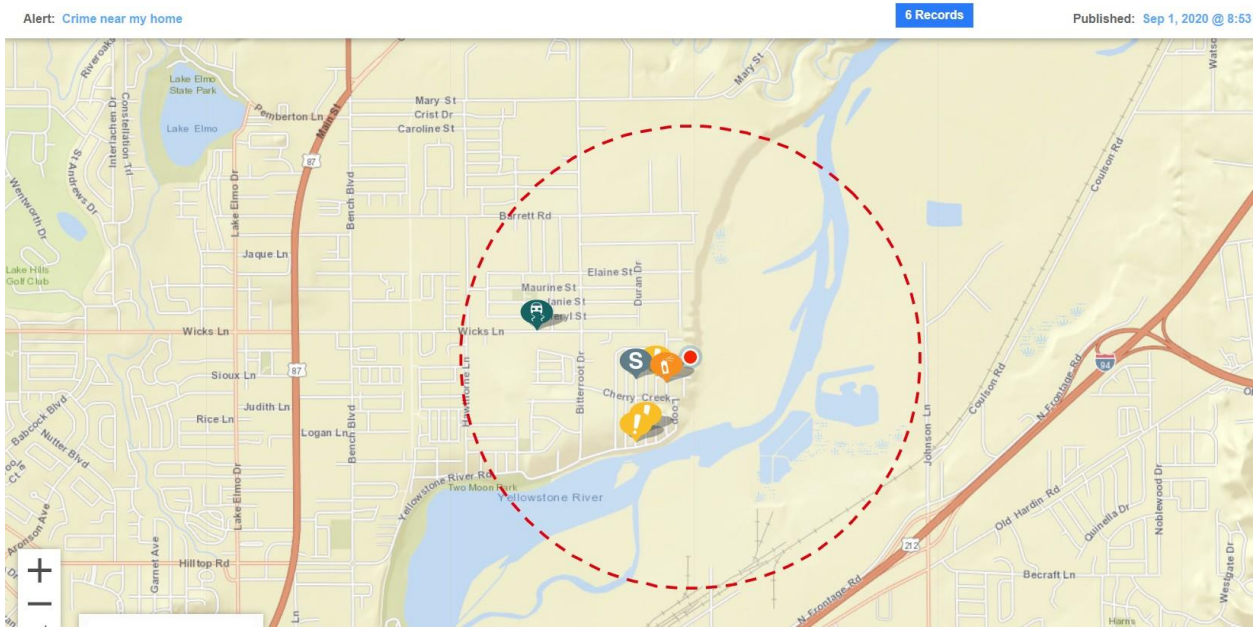
FROM: Pam Ellis

CRIME AND CHERRY CREEK

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 additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

BELOW IS A PICTURE OF POLICE CALLS AT CHERRY CREEK 8/31/2020. We have had as many as 15 police calls in one day within the last 2 months; there have been 0 days that have no police calls to Cherry Creek.



Disturbing the Peace

Disturbance

0 BLK LAPIN ST | 8/31/2020 @ 12:36 PM
Billings Police

Disturbing the Peace

Disturbance

0 BLK RAINIER ST | 8/30/2020 @ 8:39 PM
Billings Police

Disturbing the Peace

Disturbance

0 BLK SKEENA ST | 8/30/2020 @ 12:22 PM
Billings Police

Vandalism

Vandalism

0 BLK STELLA ST | 8/29/2020 @ 10:01 PM
Billings Police

Sex Crimes

Sex Offense

0 BLK CAVALIER ST | 8/28/2020 @ 8:32 PM
Billings Police

Billings Police Department: Heights TF Area Crime Stats: August 2019-July 2020

Heights TF/Cherry Creek Calls for Service: August 2019 - July 2020

Cherry Creek %: what percentage of total Heights calls occurred in Cherry Creek

	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	**Total**
Heights TF	282	207	258	215	249	251	251	216	224	236	261	243	2,893
Cherry Creek	9	11	10	10	8	13	14	18	10	15	17	11	146
Cherry Creek %	3.19	5.31	3.88	4.65	3.21	5.18	5.58	8.33	4.46	6.36	6.51	4.53	5.05

Cherry Creek %: what percentage of total Heights reports occurred in Cherry Creek

** Heights TF data is for all of Heights, including Cherry Creek*

Bobbi Johnson | Crime Analyst | 08.14.2020

Is there census data for how many people in the HTF area vs how many live in Cherry Creek?

Johnson, Bobbi

Aug 19, 2020, 9:02 AM (13 days ago)

to me

Last year, I estimated the population of each task force using the Census block groups data.
However, Census boundaries do not match the Heights (or any task force area) exactly, so it is a ballpark estimate at best.

The number I use for the Heights population is 28,426.
Below is the caveat I put in the task force report concerning this number.

I don't have a population for Cherry Creek.
It is within block group 3, which includes other areas beyond Cherry Creek. However the population estimate could be close as the other area doesn't seem to include a lot of housing.
You can see the block group area in the attached pic.
According to the Census 2017 5-year population estimate, this block group (block group 3, geoid: 301110007023) had a population of 2,734.
But again, you have to take this number with a grain of salt.

Hope this helps.
Let me know if you have any other questions,

Bobbi Johnson
Crime Analyst
Billings Police
406.657.8455

Cherry Creek % of Heights Population = 2734/28,426 or 10%

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

There are no accessible parks for children living in the current Cherry Creek Mobile Home Park.

Billings mobile home owner picking up pieces after fire

Park-owned hydrants went dry as fire burned

By: Zoe Zandora

Posted at 6:27 PM, Oct 28, 2019 https://www.ktvq.com/news/local-news/billings-mobile-home-owner-picking-up-pieces-after-fire

and last updated 2:17 PM, Oct 29, 2019

BILLINGS — It was an emotional day for Chad Morrison as he walked through the ashes left behind of his belongings lost in a weekend fire at his Billings Heights mobile home.

"I tried to see if there was anything I could do. I tried a fire extinguisher. I couldn't do nothing. I had to back off," he said Monday.

An accidental fire destroyed Morrison's mobile home Saturday evening, and two malfunctioning fire hydrants didn't help.

Those hydrants are private property that is the responsibility of the owners of the mobile home park, Cherry Creek Homes.

"The owner and his wife, they- bless their heart- they brought by two gift cards. One for Ginger and one for myself. And their exact statement was they are going to make this right," Morrison said.

While battling the fire, the Billings Fire Department had trouble using two fire hydrants that seemed to be malfunctioning. That struggle didn't necessarily slow firefighters' ability to combat the fire, but it could have

hindered the mop up, according to Billings Fire Marshal Michael E. Spini.

These hydrants are on private property, which means it is Cherry Creek's responsibility. So what happened? Why didn't the hydrants work?

"The hydrants didn't work due to an underground gate valve being partially closed," Cherry Creek homes owner Jock Clause said.

But how that happened- he doesn't know.

"First thing Sunday morning, Jock and family members were down here checking all of the hydrants cause it was completely unknown. Nobody knew. So they came down and made sure everything was up to par and going. So everything is charged and working the way they should," Morrison said.

Clause says the last time they checked the valves was back in 2018. The valve was open and all pipes were tested and charged fully, ready to use.

The fire caused an estimated $35,000 in property and content damages. Yet Morrison says he has no ill will against the property owners.

Adding that they are going to make it right, he said, "I can't thank them enough. They are such wonderful people."

Fire marshal: Heights mobile home fire was caused by gas fireplace valve

Mike Kordenbrock Oct 27, 2019 https://billingsgazette.com/news/local/fire-marshal-heights-mobile-home-fire-was-caused-by-gas-fireplace-valve/article_3437b8a0-8e79-57a3-918e-2c153974aab0.html

A fire that burned through a mobile home in the Billings Heights Saturday night was caused by the failure of a valve on a gas fireplace, according to the Billings Fire Department.

"A gas valve failed in a natural gas fireplace in the home and ignited the wood paneling on the wall behind the fireplace," Assistant Fire Marshal Bill Tatum said by email Sunday.

There were no people inside when the fire began, but multiple pets inside the home died. The fire took place at around 7:36 p.m. on the 30 block of Lapin Street. The firefighting effort was complicated by dry hydrants in the area that forced the fire department to rely on water tenders to supply hoses with water.

"The fire gutted the back end of the mobile home and spread throughout the rest of the structure," a BFD press release said.

It was initially unclear what caused the fire. The fire department had planned to return to the scene of the fire Sunday and continue investigating during daylight hours but the investigation eventually concluded that the fire was accidental.

Neither the property nor its contents were insured. The property and content loss is estimated to be $35,000, according to the fire department.

Billings fire department says hydrants are functioning again in Heights mobile home park

Mike Kordenbrock Oct 29, 2019 https://billingsgazette.com/news/local/billings-fire-department-says-hydrants-are-functioning-again-in-heights-mobile-home-park/article_dec4c6fe-e4b5-5a0a-bcd4-7934de00f83f.html

Chad Morrison and Stacy Foley share the story of the fire that destroyed a mobile home and killed the pets inside on Lapin Street Saturday night. The pets included a pug dog named Rick, a Pomeranian named Fred, four ferrets, an Guinea pig and fish. Many of the pets were owned by Ginger Avery, the resident of the mobile home. Morrison said a faulty gas fireplace valve caused the fire. He praised the owners of the mobile home park for their promise to help with the uninsured home. "They're fantastic people," Morrison said. A Billings Fire Department fire marshal was testing fire hydrants in the area after it was reported firefighters were unable to get water from the closest hydrant during the fire.
LARRY MAYER, Billings Gazette

A valve that was shut off resulted in multiple fire hydrants not functioning Saturday night during a house fire in the Cherry Creek Homes mobile home park, according to the Billings Fire Department.

The lack of water supply to the hydrants was discovered as firefighters worked to extinguish **a fire that burned through a mobile home**, destroying the interior and killing multiple pets.

The battalion chief on scene Saturday night, Darrek Mitchell, had said during the fire response that the blaze was knocked down before the hydrant issue was discovered, but that the fire rekindled as firefighters tested a second nearby hydrant that also wasn't functioning.

Engine tanks and tender trucks, which carry their own limited supply of water, were used to contain the fire.

Testing done Monday morning determined the switched off valve affected only Lapin Street, Fire Marshal Mike Spini said. After the valve, opened the hydrants again were functional, Spini said.

The water lines, valves and other infrastructure in Cherry Creek are privately owned by the mobile home park.

"They're responsible for maintaining them," Spini said. "They don't know how it got shut off."

Spini said the issue appeared accidental and that following the testing the fire department has no other immediate plans related to the issue.

Water is supplied to Cherry Creek from the Billings Heights Water District.

The fire department's investigation determined the fire Saturday night was accidental and caused by a gas valve that failed in a natural gas fire place. The wood paneling behind the fireplace ignited, causing the fire to spread.

The owner of the mobile home that burned, Chad Morrison, remained emotional Monday morning, crying at times as he described his situation. Neither the mobile home nor its contents were insured.

For the past several years Morrison had lived with Ginger Avery at 32 Lapin St. where they had numerous pets including a pug named Rick, a Pomeranian named Fred, four ferrets, a guinea pig and a fish. Many of the pets belonged to Avery. All died as a result of the fire.

Morrison had recently been in the process of moving next door. Avery said that ownership of the mobile home would have been transferred to her soon, but all that has been put on hold because of the fire.

He was not home when the fire happened and Avery was out of town, Morrison said. The fire department estimated the value of the property and contents lost at $35,000.

Morrison said he does maintenance work at the mobile home park. He said he knows that the hydrant issue has led to criticism of the Cherry Creek owners, Jock and Kathy Clause. He defended them and said knowing how hard this has hit him they've offered to help him out going forward.

"They're good people," he said.

Morrison said he has a place to stay and is now focused on trying to help out Avery. The public can donate to help both people at the Cherry Creek front office. Dawna Webster, a front office assistant, said the most pressing issue right now is that Avery needs a place to stay as things continue to be sorted out after the fire. The fire destroyed most of her possessions.

"People know that bad things happen to good people, and we have a really large community here," Webster said of why she was organizing the donation drive. "Trying to take care of people within our community is really important to us."

Morrison was working Monday to board up windows. He said it's unclear what, if anything, can be saved from the burned out trailer.

Cherry Creek Homes accused of charging undisclosed, illegal fees

By ASHLEY NERBOVIG Nov 8, 2016 https://billingsgazette.com/news/state-and-regional/crime-and-courts/cherry-creek-homes-accused-of-charging-undisclosed-illegal-fees/article_ca93c4ea-e1c6-58c3-9bbf-9df686ecc7a5.html

Two local residents have brought a class-action suit against Cherry Creek Development after a similar lawsuit found in part that Cherry Creek was incorrectly charging late fees.

Adam and Breea Somers are suing Cherry Creek Development and RJC Investment after the companies failed to disclose finance fees.

Cherry Creek is a mobile home park in the Billings Heights with 362 trailer lot spaces.

The class action suit follows a favorable ruling earlier this year for another couple living in the mobile home park. Stevee Mallas and Jacob Tallbull sued after Cherry Creek posted a delinquency notice on their mobile home. Cherry Creek was acting as an agent of RJC Investment, according to the lawsuit.

Mallas and Tallbull paid a $3,512 down payment on a mobile home. The couple financed the additional $40,388 needed to purchase the mobile home, according to the suit. They began making monthly payments toward the principal in 2010.

Cherry Creek's contract with the couple violated multiple consumer protections of the Montana Retail Installment Sales Act, the Mallas and Tallbull lawsuit alleged. The contract did not state how much the finance charge would be over the life of the contract, according to the lawsuit. The contract also stated the couple would be charged $50 if payments were five or more days late.

Yellowstone County District Court Judge Russell Fagg entered judgement on the nondisclosure of the finance charge and the legality of the late fees. Because the contract did not disclose the finance

charge and because late fees can only be evaluated by a creditor after a payment is 10 days late, Fagg ruled Cherry Creek and RJC are barred from collecting any "finance, delinquency or collection charge on the contract."

In his judgement, Fagg found the Cherry Creek contracts violated at least four parts of the Montana Retail Installment Sales Act.

The same attorney who represented Mallas and Tallbull, Michael Eakin, was hired to represent the Somerses in their class action suit. The Somerses' lawsuit seeks to prevent Cherry Creek from collecting finance charges against mobile home residents who have similar contracts and illegal late fees.

The Somerses justified the class action suit by noting that many of the tenants of the mobile park cannot afford legal representation for their claims.

Eakin declined to comment on the Mallas and Tallbull suit, which is ongoing. He also declined to comment on the class action lawsuit, which will go before Yellowstone County District Court Judge Gregory Todd. Cherry Creek has not yet issued a response to the class action.

Cherry Creek resident Maria Kraftenberg said she has lived at the mobile home park for less than a year. Over the past few months, the park's management has changed and last month residents received new rules about maintenance of the area, Kraftenberg said. The park now has a curfew and rules about how many people can live in each trailer, Kraftenberg said.

Cherry Creek applied to expand the subdivision by 80 mobile homes **earlier this year**, but the Yellowstone County Zoning Commission denied the zoning change request.

Cherry Creek did not respond to requests for comment.

15-year-old girl pronounced dead after shooting in Billings Heights

Montana Standard | 2019-05-12
https://mtstandard.com/news/state-and-regional/year-old-girl-pronounced-dead-after-shooting-in-billings-heights/article_0964456f-cbdd-5d0c-9f84-3b550a447d36.html

The Billings Police Department responded to a shooting in a trailer park in the Billings Heights that left one teen dead on Saturday night.

A 15-year-old girl was pronounced dead on scene by law enforcement. The shooting occurred on 12 Stella Street in the Cherry Creek Estates trailer park in the Heights around 7:30 p.m. Saturday, according to BPD Sgt. Nate West.

The girl had a single gunshot wound when officers arrived, West said. No suspects were taken into custody. No other injuries were reported and no one was taken to a hospital, he said.

Police are treating the incident as a "suspicious shooting," but there is currently no threat to public safety, West said.

A detective unit was on scene investigating the incident, he said.

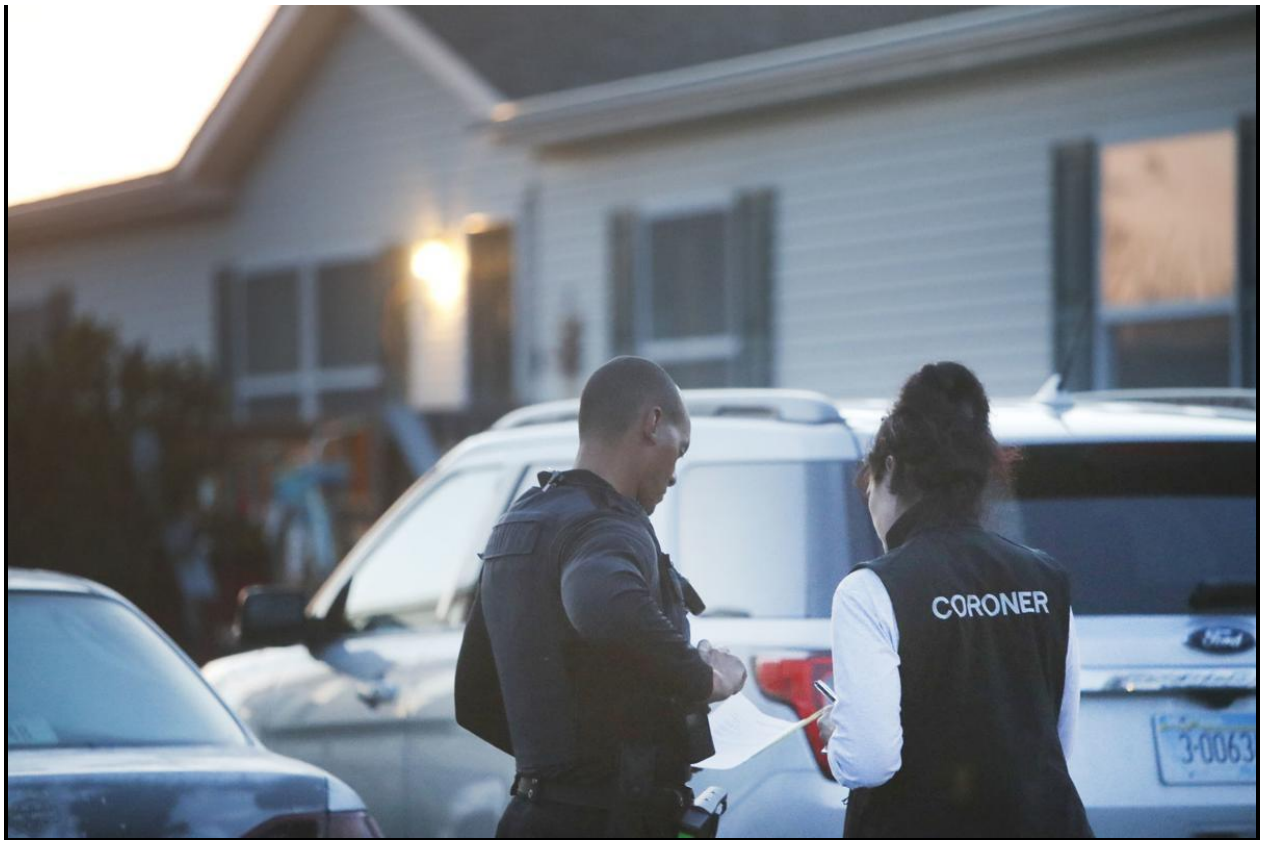
A coroner's unit was also on scene as of 8:45 p.m.

The Billings police and American Medical Response responded to the incident.

An investigation is ongoing.

Teen killed in Billings shooting identified; police still investigating

Mike Kordenbrock May 14, 2019 https://billingsgazette.com/news/local/teen-killed-in-billings-shooting-identified-police-still-investigating/article_c5a958be-7ab7-5dc3-b43e-1e0547ebe7a8.html



The Billings Police Department responds to a reported shooting in a mobile home park in the Billings Heights that left one teen dead on Saturday night.
BETHANY BAKER, Billings Gazette

The 15-year-old girl killed Saturday night by a single gunshot wound was identified Tuesday morning by the Yellowstone County Coroner's Office as Tionna Rowland of Billings.

The Billings Police Department has continued investigating Rowland's death after she was fatally shot at around 7:30 p.m. at an address on Stella Street, a part of the Cherry Creek Estates mobile home park in the Heights.

"The investigation is ongoing, and there have been no charges or arrests made," BPD Lt. Brandon Wooley said in an email to The Gazette early Monday evening, in which he referred to Rowland's death as a tragedy. "There is still more to be done before we can come to conclusions regarding the nature of death."

In a press release sent out on Tuesday afternoon Wooley said no further details could be released due to "the on-going nature of the investigation and the involvement of juveniles."

Saturday night, BPD Sgt. Nate West had said there was no current threat to public safety and that detectives were on scene. No other injuries were reported, he said.

Rowland was a freshman at Skyview High School. School District 2 Superintendent Greg Upham said the district had activated its crisis team of counselors to provide support to Skyview, Medicine Crow Middle School and if needed, Beartooth Elementary.

Upham said the crisis team is made up of counselors at other SD2 locations who can mobilize to deal with tragedies affecting students. Bringing the crisis team to a school allows counselors already in place to continue their normal work duties, while the crisis team handles additional students' needs as the circumstances may warrant.

"We strive in tragedies obviously to support our students, staff and any adults that need help," Upham said. "But at the same time we

want to keep our operations as normal as possible just for the stability of all students."

Low-key council meeting likely

MATT HAGENGRUBEROf The Gazette Staff Oct 21, 2007

https://billingsgazette.com/news/local/low-key-council-meeting-likely/article_7b113d1d-eb1e-592e-b27b-9ac194b8d9c3.html

Bucking a recent trend, tonight's City Council meeting may not run until early Tuesday morning, but the council still has a bevy of issues before it. Some are routine and some may draw discussion, but none should be as controversial as recent changes to the city's electronic sign ordinance.

First up, the council will consider a request from the developers of the Cherry Creek mobile home park in the Heights to allow for a planned expansion. The first phase of the mobile home park began after council approval in 2003. The city stipulated then that a second phase could be developed once the first phase was built and reviewed by the city.

That review is done, and the council must decide how many homes will be allowed in the second phase. In the agreement between the city and the developers, Roy and Jock Clause, the park can expand to include another 174 homes if it has met all of the conditions set in 2003. If the conditions aren't all met, the city can limit the new expansion to as few as 111 new homes.

City staff reviewed the agreement and found that the first phase of the park mostly met the conditions. But for phase two, city planners recommend that all required improvements, like utilities, landscaping and streets, be completed or guaranteed before the city issues any building permits. Also, the park must add a few trees to lots in the first phase, resolve a few code violations and adjust how much money it will contribute for building intersections near the park.

Then, the council will consider expanding the boundaries of the Downtown Business Improvement District to include the future site of the Stockman Bank building at the corner of Fourth Avenue North and North 28th Street.

In late August, Stockman Bank asked the council to expand the district to include its property. Assistant City Administrator Bruce McCandless said the move is minor but another step toward a new downtown bank.

"This shows that Stockman's commitment to downtown is real and it's strong," said Greg Krueger of the Downtown Billings Partnership.

The district is a group of business owners who pay Downtown Billings Partnership workers to keep sidewalks clean and promote downtown Billings. BID workers are known for their distinctive purple shirts.

The council will also consider a zone change on 400 acres recently annexed by the city along Roundup Road past the Billings Heights. The developer of the land, Gary Oakland, wants to build up to 1,200 single-family homes on lots averaging 8,200 square feet.

Oakland is asking the city to rezone the land from Residential 9600 to Residential 7000, which means smaller lots and more affordable housing, he said. The subdivision would have 10 to 12 phases, each with 75 to 100 homes, built over 10 to 15 years.

The development would be built using a design concept called coving, in which the streets and lots are curvy and include more open space. Oakland's subdivision plan includes 36 acres of parks.

Although on the agenda, the council will not vote on an agreement with the Lockwood Sewer and Water District to provide wastewater

treatment to the district. The council is expected to table the issue until Nov. 13 after it decided last week to allow city staff to add more stringent language and safeguards to the agreement.

City Council puts off action on irksome mobile home park

MATT HAGENGRUBER Of The Gazette Staff Oct 22, 2007
https://billingsgazette.com/news/local/city-council-puts-off-action-on-irksome-mobile-home-park/article_c3ce9fd2-81e0-5627-a0cc-24f8afbc9096.html

The City Council on Monday night delayed action on expanding a mobile home park in the Heights, but council members couldn't hide their displeasure with the park or its developer for not following city guidelines.

The developers of the Cherry Creek Estates mobile home park want to go ahead with a planned expansion of the park. Under a 2003 development agreement, a future City Council could limit the expansion to 111 new homes only if the park failed to meet certain development conditions.

Council members, angry at their seeming inability to cancel the project outright, voted 9-1 to revisit the issue on Nov. 26. In that time, they have asked City Attorney Brent Brooks to see if the city could back out of the agreement.

In the 2003 agreement, the park could add another 174 homes if it met all of the conditions from the city, which include one tree per lot, a fence surrounding the park and traffic limits.

If not all the conditions were met, the city could limit the expansion to 111 new homes. City staff said the park had numerous violations, including many junk cars in yards. Opposition to the expansion grew quickly.

"I don't want to approve this," Mayor Ron Tussing said. "I'd understand if there was one problem, but the fence, traffic, code enforcement. What other choice do we have? The only thing we can do is scratch off a few units from (the developer's) proposal."

Several council members said they want to stop the expansion entirely and questioned how the city could accept an agreement where it can't stop development.

Ward 2 Councilman Larry Brewster said the developers, Roy and Jock Clause, would probably sue the city if the expansion is stopped. The developers didn't attend the meeting.

In other business, the council adopted zoning changes for a proposed 400-acre subdivision along Roundup Road in the Heights.

Developer Gary Oakland wants to build up to 1,200 homes on the site and asked the city to change the zoning from Residential 9600 to Residential 7000, which allows for smaller lots. A 100-foot buffer strip along the northeastern edge of the property would stay at Residential 9600 zoning to please neighboring homeowners, who worried that their 15,000-square-foot lots would sit awkwardly with the newer 8,200-square-foot lots. Several homeowners came to the meeting and persuaded the council to change the eastern edge of the buffer to 200 feet.

Near the end of the meeting, council members got into a heated debate over the firefighters' lawsuit and how the city plans to pay the firefighters.

In 2000, 116 current and former firefighters sued the city, claiming that they had been underpaid. The city recently lost that lawsuit and could have to pay more than $4 million to the firefighters. A more definitive sum will probably be announced at a Nov. 1 hearing.

Tussing said he thinks the city has done a poor job in explaining that it won't pay for the lawsuit using money from the public safety mill levy that began in 2004.

The city plans to pay for the lawsuit by making cuts to the Fire Department, including rescinding seven job offers. Firefighters have criticized that decision.

Ward 3 Councilman Vince Ruegamer said the city will pay the firefighters and that it's "none of their damn business" where the money comes from.

The council also passed several minor budget amendments, expanded the Downtown Business Improvement District to include Stockman Bank property and delayed action on an agreement with the Lockwood Water and Sewer District until Nov. 13.

Mobile-home park developer fears city's mind is made up

Owner says violations noted by city will be, or have been, cleared up

MATT HAGENGRUBER Of The Gazette Staff Nov 23, 2007
https://billingsgazette.com/news/local/mobile-home-park-developer-fears-citys-mind-is-made-up/article_b9c410a2-dbb1-512c-94b9-ff75dc9d9ffc.html

The developer of a Heights mobile-home park under review by the Billings City Council said his park has complied with conditions set by the city, but council members are still trying to thwart expansion plans.

In 2003, Jock Clause and his father, Roy, built the first phase of Cherry Creek Estates. The pair now wants to build a second phase according to a development agreement with the city signed in April 2003. The park is located at Wicks Lane and Bitterroot Drive.

In the development agreement, the Clauses could develop 189 lots in the first phase and another 174 in the second phase, for a total of 363.

But if the City Council determined that the developers didn't comply with all requirements, the council could limit the second phase to as few as 111 lots. At a council meeting Oct. 22, several council members expressed anger with the development and said conditions hadn't been met.

The council is expected to decide the issue at its Monday night meeting, and Jock Clause is worried that council members have made up their minds to limit the park's expansion.

"We have approval for 363 lots, and it was just a formality to go before the City Council for this," he said. "We feel we've complied with everything they've asked. But only being able to build 300 lots won't work for us."

At the Oct. 22 council meeting, council members realized that they were mostly forced to stick with the 2003 agreement. Several asked if the agreement could be canceled entirely, but City Attorney Brent Brooks told the council to act cautiously to avoid legal trouble. Jock Clause said legal action is a last resort.

"We'll look at our options. We may have to seek a neutral party to make a decision," he said. "But we don't want to go there. It's a waste of money."

At the Oct. 22 meeting, Heights Councilwoman Joy Stevens asked Brooks to clarify language in the development agreement saying that the agreement could be declared "obsolete" by the council, and whether that meant the council could stop the expansion entirely. At a planning session Monday night, Brooks told council members that the city thinks violations can be mitigated, so stopping the expansion is unlikely. Limiting the expansion is more realistic, he said.

City planning officials told council members at the Oct. 22 meeting that the development had several violations, including an insufficient number of trees, junk cars in yards, gaps in a required fence, an emergency access gate that was open and being used by construction trucks, and 27 percent more car traffic than expected. Officials also pointed to a swale on the edge of the property that filled with water.

A month later, Jock Clause said all of those violations have been fixed or that Cherry Creek has financially guaranteed that they will be fixed.

Each lot is required to have one tree, and Clause said they can't be planted until spring.

The park will probably contribute more money to have several nearby intersections improved, and Clause told the city he'd fix gaps in the wooden fence. The emergency gate now has a chain holding it closed, and water from the swale will be pumped back into one of two storm water ponds.

The park sits on a reclaimed gravel pit and overlooks the Yellowstone River. Across the river sits the ExxonMobil refinery. The entire development is about 80 acres, and each phase covers about half of that area. Some minor construction has already begun on the second phase, and about 50 lots sit empty in the first phase. The park has a new community center, overlooking a pond, that is used for meetings, weddings and other events.

Clause said most construction of the second phase will begin in the spring, and he expects it to be filled with mobile homes within three to four years.

The development has caused some controversy since it was first planned, but Jock Clause said he's pushing for full development because manufactured homes are affordable homes, and demand will be rising.

"There's nothing wrong with this project," he said. "They want affordable housing; that's what we're providing there now. I think (the council) has some people out there putting pressure on them" against the project.

Businesses on council agenda

MATT HAGENGRUBEROf The Gazette Staff Nov 25, 2007
https://billingsgazette.com/news/local/businesses-on-council-agenda/article_6a4621c1-84aa-594c-9ff1-3e72da00906a.html

The City Council faces a relatively light agenda for tonight's meeting. The most contentious issue may be approving the second phase of the Cherry Creek Estates mobile home park.

The council will likely pass numerous plats, subdivision changes and minor annexations in its consent agenda before taking up a few other issues: the Cherry Creek plan, a public hearing for the South Billings Boulevard urban renewal plan and a public hearing on allowing small retail businesses in residential neighborhoods.

Citizens will have an opportunity to comment on an urban renewal plan for a large area in south Billings. If approved, a tax increment finance district would be created in early 2008, which would allow infrastructure improvements in the area over the next 15 years. The district includes the site of the planned Cabela's store.

Also, the council will hold a public hearing and take up a zone change that would allow small retail businesses in residential neighborhoods. The city's zoning commission voted 4-0 this month to approve the zone change.

The change would allow for bakeries, restaurants, laundries and small grocers up to 3,000 square feet, but not gas stations. City officials said the change keeps neighborhoods diverse and decreases traffic, since people can walk to nearby businesses instead of driving.

No special review is needed for businesses in neighborhoods already zoned for high-density residential complexes, like apartments. Special review is needed, however, for businesses in lower-density neighborhoods. Current businesses would be exempt until they remodel or make major changes.

Cherry Creek expansion OK'd

MATT HAGENGRUBER Of The Gazette Staff Nov 26, 2007
https://billingsgazette.com/news/local/cherry-creek-expansion-okd/article_2b36bb0a-c00a-5a9b-acbc-7a9cb2c6688e.html

The City Council gave reluctant approval Monday night to a second phase at Cherry Creek Estates mobile home park in the Heights, assuming the developers bring the first phase into compliance.

The park's developers, Roy and Jock Clause, want to add 174 lots to the 189 built in the first phase, for a total of 363. According to the development agreement signed in 2003, the city couldn't prevent the second phase; it could only limit it to 111 lots if it determined that the park wasn't in compliance with the agreement.

Saying the park wasn't in compliance in several areas, the council voted 10-1 to limit the development to 300 lots. The council's motion stated that the second phase can't be built until the first phase is brought into compliance.

"The threat of not having additional units approved is the only way to ensure compliance," Councilman Larry Brewster said. "They could have had all these things up to snuff before they applied (for the

second phase). They could have been in compliance, and they were not."

City planning staff told the council that the park was required to have one tree per lot, and it was missing 58 trees. The city also found gaps in a fence surrounding the park, an extra storm water retention pond, an unsecured emergency access gate and 27 percent more traffic than expected.

City staff and Jock Clause said most of the problems are already fixed and that the remaining problems will be fixed by spring. Frustrated after the meeting, Clause said his development was based on 363 lots. Having just 300 lots makes things much more difficult financially.

"We financially cannot comply with the conditions with only 300 units," he said. "We bent over backward for these people."

In other business, the council:

n Voted 11-0 to create a South Billings Boulevard urban renewal district. A few people spoke for the plan and a few spoke against it, expressing concern that their taxes would rise if the district is created. Several council members assured them that their taxes would not increase any more than if the district didn't exist.

Council members said the taxes from any new businesses or improvements in the district stay in the district and will be used mostly for infrastructure improvements, including streets or sewer lines.

The district would run generally from State Avenue and Laurel Road on the north to south of the interstate in some places and from Mullowney Lane on the west to Washington Street on the east.

On an 8-3 vote, the council added language to the plan that allows the city to use its power of eminent domain to facilitate infrastructure improvements in some cases. The original plan didn't allow for the use of eminent domain in the district. That power allows the city to acquire private property for public uses. City officials said eminent domain is rarely used.

n Tabled until March an ordinance that would have allowed small retail businesses in residential neighborhoods. Concerned about tattoo parlors and alcohol sales, the council sent the ordinance back to city staff for more clarification on what types of businesses would be allowed.

City planner Nicole Cromwell said the new rules would diversify neighborhoods and prevent divisions between neighborhoods and business districts. But Ward 1 Councilman Jim Ronquillo said the era of small-time groceries in his neighborhood is over.

"There used to be 10 of those mom-and-pop stores. How many are left today? Not a one," he said.

Developers fight for water in court

ED KEMMICK Of The Gazette Staff Mar 8, 2004 https://billingsgazette.com/news/local/developers-fight-for-water-in-court/article_9f2e02b8-781a-5464-b245-358defadfc45.html

The owners of a mobile home park under construction in the Heights are in a courtroom battle with the County Water District of Billings Heights over water connections to the site.

In late February, the water district obtained a temporary injunction barring Cherry Creek Development from hooking up any more mobile homes to its water distribution system, and now it is seeking a permanent injunction until the case can be settled in court. District Judge Gregory Todd issued the temporary order on Feb. 13, and on Friday attorneys for both sides submitted briefs arguing their positions.

The Cherry Creek Estates Subdivision, an 81-acre site just south of Wicks Lane and east of Bitterroot Drive, is being developed by Roy and Jock Clause, who entered into an agreement with the water district last April. The district agreed to provide water service and the Clauses agreed to install a water main to serve the subdivision.

The water district contends that the Clauses have put in a water main from Shannon Street to Erin Lane, but have not completed the larger portion of what is called the Bitterroot main extension, from Erin to Wicks Lane.

The water district, represented by Kristin Omvig of the Crowley law firm, said the Clauses have been aware since at least April 16, 2003, that they needed to complete the water line extension all the way to Wicks before the district would allow them to hook up to its system.

Even though the extension wasn't completed, the district says, one of its employees noticed in mid-December that a mobile home was parked in the Cherry Creek Estates Subdivision, and the resident of the home confirmed that it had water service.

The employee, Gary Crick, said he checked the main valve going into the subdivision and noticed that the top of the valve box had been broken off, and the box had been filled with gravel and dirt. He said he dug down to the valve and saw that it had been turned on.

"The valve appeared to have been tampered with because the District did not open the valve and has never authorized or approved water service to the Subdivision," the water district said in court documents.

The district learned that an additional mobile home was being moved into the subdivision on Feb. 6, and another on Feb. 12. The next day, Judge Todd issued the temporary order barring the Clauses from "any further placement of mobile homes within the Cherry Creek Subdivision and connection of such mobile homes to the District's water system."

As of Feb. 25, Crick said, eight mobile homes - five double-wides and three singles - had been moved into the subdivision.

The Clauses' attorney, Bruce Fain, said the judge's order didn't prohibit placing any more mobile homes on the site. He said it only barred the Clauses from moving any homes there and hooking them up to the water district's lines.

As for the larger issue, the Clauses said in papers filed Friday that the agreement between the district and the Clauses says nothing about the water main from Erin to Wicks, and any requirements added afterward, whether in letters or verbally, have no legal standing.

Entities like the water district "can't simply issue unwritten and un-memorialized imperial decrees," the Clauses said.

In its court briefs, the district noted that William Enright, an engineer with Morrison, Maierle Inc., testified that without the Bitterroot main extension, if there was a main break on Wicks near Walter Road, water pressure in some of the district's lines would drop below 20 pounds per square inch. Below that pressure level, he said, non-potable water could back up and contaminate the entire water system, which services more than 10,000 clients.

The Clauses argued that Enright based his comments on guidelines established by the state Department of Environmental Quality, and yet the "requirement makes no reference whatsoever to a water main break, which certainly would have been included if it was to be analyzed." They also say the DEQ approved their plans for the subdivision.

The Clauses' brief says "possible injury to the District, predicated upon its Doomsday scenario, is not as certain as the damage that will happen to the Defendants if they are not permitted to continue with their project."

They suggested that the best way to handle the dispute would be for the water district to pay for extending the water main to Wicks and then to sue the Clauses for breach of contract. They also asked the judge to deny the restraining order or, if he does grant it, to require the water district to post a bond large enough to protect the Clauses if they are unable to repay $2 million in loans on the project.

The Clauses have been working for six or seven years to develop the mobile home park, often against the opposition of a group of

neighbors who organized under the name United Residents of East Billings.

After the land was annexed by the city, the City Council voted last spring to allow development on the former gravel pit. The Clauses were to develop up to 160 sites during Phase 1 of the project, and then, if the development won the approval of the council, up to more than 300 in a second phase.

Water main work to resume on Heights mobile home park; Developers follow court ruling on water main extension

ED KEMMICK Of The Gazette Staff Mar 24, 2004

https://billingsgazette.com/news/local/water-main-work-to-resume-on-heights-mobile-home-park-developers-follow-court-ruling-on/article_d3513d54-7313-51d4-9905-91446e36ff3c.html

The developer of an 81-acre mobile home park in Billings Heights said Wednesday that construction should begin today on the final segment of a water main that will service his subdivision.

Roy Clause of Cherry Creek Development said he and his son, Jock Clause, will complete the project, estimated to cost $80,000, so they can continue filling up their mobile home park at Wicks Lane and Bitterroot Drive.

"You'd think that would satisfy everybody," Roy Clause said.

The Clauses' decision to proceed with the project came after a district judge ruled Monday in favor of the County Water District of Billings Heights in its lawsuit against the developers.

Judge Gregory Todd's order prohibited the Clauses from moving any more mobile homes onto their Cherry Creek Estates Subdivision and hooking them up to the district's water lines until the dispute was settled in court. Todd also turned down the Clauses' request to require the water district to post a bond large enough to cover their $2 million investment in the project.

The dispute arose over the Clauses' contention that they were not obligated, as part of their agreement to be serviced by the water district, to build a water main from Shannon Street to Wicks Lane along Bitterroot Drive.

They installed about 20 percent of that line, from Shannon to Erin Lane, but claimed that the agreement did not require them to complete the extension to Wicks. Todd ruled that the Clauses knew as early as April 16 last year that completion of the entire extension was a condition for being annexed into the Heights water district.

Todd said the Clauses never disputed that provision until Sept. 24, when they informed the water district board that the agreement mentioned no such obligation. Although the agreement didn't specially mention the extension, Todd ruled, the requirement was spelled out in many conversations and letters.

"The district was consistent and clear in what Cherry Creek was to do, including the building of the BME," or Bitterroot Main Extension, Todd said, and the Clauses' insistence that they didn't have to build it "refutes the plain language of the agreement."

The water district had argued that the Clauses' failure to put in the full extension would mean that in the event of a water line break, water pressure in some of the district's lines would drop below 20 pounds

per square inch. At that level, the district's engineer said, nonpotable water could back up and contaminate the entire water system.

"Not only the plaintiff, but the 10,000 other customers comprising the Billings Heights Water District, are likely to suffer irreparable harm if the defendants are not enjoined from further placement of the mobile homes within the subdivision prior to completion of the BME," Todd ruled.

In court documents filed earlier in the case, the water district said that even though the Clauses hadn't received permission to connect to its water system, a mobile home was moved into the subdivision in December, and a district employee was told by a resident of the home that it had water service. The employee then found that the main water valve going into the subdivision had been tampered with and turned on.

According to Roy Clause, the mobile home park is designed to accommodate 362 mobile homes - 192 in Phase 1 of the project and 170 homes in Phase 2.

September 1, 2020

TO: Members of the City of Billings Zoning Commission

FROM: Pam Ellis

RE: HISTORY OF CHERRY CREEK IN THE NEWS

Below are quotes from news articles about the development of the Cherry Creek Mobile Home Court arranged in chronological order. I have attached the complete articles in sets of articles that include all on a single topic.

Developers fight for water in court

ED KEMMICK Of The Gazette Staff Mar 8, 2004 https://billingsgazette.com/news/local/developers-fight-for-water-in-court/article_9f2e02b8-781a-5464-b245-358defadfc45.html

The owners of a mobile home park under construction in the Heights are in a courtroom battle with the County Water District of Billings Heights over water connections to the site. ...

The water district, represented by Kristin Omvig of the Crowley law firm, said the Clauses have been aware since at least April 16, 2003, that they needed to complete the water line extension all the way to Wicks before the district would allow them to hook up to its system.

Even though the extension wasn't completed, the district says, one of its employees noticed in mid-December that a mobile home was parked in the Cherry Creek Estates Subdivision, and the resident of the home confirmed that it had water service. ...

In its court briefs, the district noted that William Enright, an engineer with Morrison, Maierle Inc., testified that without the Bitterroot main extension, if there was a main break on Wicks near Walter Road, water pressure in some of the district's lines would drop below 20 pounds per square inch. Below that pressure level, he said, non-potable water could back up and contaminate the entire water system, which services more than 10,000 clients.

Water main work to resume on Heights mobile home park; Developers follow court ruling on water main extension

ED KEMMICK Of The Gazette Staff Mar 24, 2004

https://billingsgazette.com/news/local/water-main-work-to-resume-on-heights-mobile-home-park-developers-follow-court-ruling-on/article_d3513d54-7313-51d4-9905-91446e36ff3c.html

The Clauses' decision to proceed with the project came after a district judge ruled Monday in favor of the County Water District of Billings Heights in its lawsuit against the developers. ...

"The district was consistent and clear in what Cherry Creek was to do, including the building of the BME," or Bitterroot Main Extension, Todd said, and the Clauses' insistence that they didn't have to build it "refutes the plain language of the agreement."

Low-key council meeting likely

MATT HAGENGRUBEROf The Gazette Staff Oct 21, 2007

https://billingsgazette.com/news/local/low-key-council-meeting-likely/article_7b113d1d-eb1e-592e-b27b-9ac194b8d9c3.html

In the agreement between the city and the developers, Roy and Jock Clause, the park can expand to include another 174 homes if it has met all of the conditions set in 2003. If the conditions aren't all met, the city can limit the new expansion to as few as 111 new homes.

City staff reviewed the agreement and found that the first phase of the park mostly met the conditions. But for phase two, city planners recommend that all required improvements, like utilities, landscaping and streets, be completed or guaranteed before the city issues any building permits. Also, the park must add a few trees to lots in the first phase, resolve a few code violations and adjust how much money it will contribute for building intersections near the park.

City Council puts off action on irksome mobile home park

MATT HAGENGRUBER Of The Gazette Staff Oct 22, 2007
https://billingsgazette.com/news/local/city-council-puts-off-action-on-irksome-mobile-home-park/article_c3ce9fd2-81e0-5627-a0cc-24f8afbc9096.html

The City Council on Monday night delayed action on expanding a mobile home park in the Heights, but council members couldn't hide their displeasure with the park or its developer for not following city guidelines. ....

"I don't want to approve this," Mayor Ron Tussing said. "I'd understand if there was one problem, but the fence, traffic, code enforcement. What other choice do we have? The only thing we can do is scratch off a few units from (the developer's) proposal."

Several council members said they want to stop the expansion entirely and questioned how the city could accept an agreement where it can't stop development.

Ward 2 Councilman Larry Brewster said the developers, Roy and Jock Clause, would probably sue the city if the expansion is stopped. The developers didn't attend the meeting.

Mobile-home park developer fears city's mind is made up

Owner says violations noted by city will be, or have been, cleared up

MATT HAGENGRUBER Of The Gazette Staff Nov 23, 2007
https://billingsgazette.com/news/local/mobile-home-park-developer-fears-citys-mind-is-made-up/article_b9c410a2-dbb1-512c-94b9-ff75dc9d9ffc.html

At the Oct. 22 council meeting, council members realized that they were mostly forced to stick with the 2003 agreement. Several asked if the agreement could be canceled entirely, but City Attorney Brent Brooks told the council to act cautiously to avoid legal trouble. Jock Clause said legal action is a last resort.

"We'll look at our options. We may have to seek a neutral party to make a decision," he said. "But we don't want to go there. It's a waste of money."

At the Oct. 22 meeting, Heights Councilwoman Joy Stevens asked Brooks to clarify language in the development agreement saying that the agreement could be declared "obsolete" by the council, and whether that meant the council could stop the expansion entirely. At a planning session Monday night, Brooks told council members that the city thinks violations can be mitigated, so stopping the expansion is unlikely. Limiting the expansion is more realistic, he said.

City planning officials told council members at the Oct. 22 meeting that the development had several violations, including an insufficient number of trees, junk cars in yards, gaps in a required fence, an emergency access gate that was open and being used by construction trucks, and 27 percent more car traffic than expected. Officials also pointed to a swale on the edge of the property that filled with water.

A month later, Jock Clause said all of those violations have been fixed or that Cherry Creek has financially guaranteed that they will be fixed.

Businesses on council agenda

MATT HAGENGRUBEROf The Gazette Staff Nov 25, 2007
https://billingsgazette.com/news/local/businesses-on-council-agenda/article_6a4621c1-84aa-594c-9ff1-3e72da00906a.html

The City Council faces a relatively light agenda for tonight's meeting. The most contentious issue may be approving the second phase of the Cherry Creek Estates mobile home park.

Cherry Creek expansion OK'd

MATT HAGENGRUBER Of The Gazette Staff Nov 26, 2007
https://billingsgazette.com/news/local/cherry-creek-expansion-okd/article_2b36bb0a-c00a-5a9b-acbc-7a9cb2c6688e.html

The park's developers, Roy and Jock Clause, want to add 174 lots to the 189 built in the first phase, for a total of 363. According to the development agreement signed in 2003, the city couldn't prevent the second phase; it could only limit it to 111 lots if it determined that the park wasn't in compliance with the agreement.

Saying the park wasn't in compliance in several areas, the council voted 10-1 to limit the development to 300 lots. The council's motion stated that the second phase can't be built until the first phase is brought into compliance.

"The threat of not having additional units approved is the only way to ensure compliance," Councilman Larry Brewster said. "They could have had all these things up to snuff before they applied (for the second phase). They could have been in compliance, and they were not."

City Council approves Heights mobile home court

MATT HAGENGRUBER Of The Gazette Staff Sep 22, 2009
https://billingsgazette.com/news/local/government-and-politics/city-council-approves-heights-mobile-home-court/article_f956a358-a73b-11de-b004-001cc4c03286.html

The council voted 7-2 - with council members Shoots Veis and Peggie Gaghen voting no - to approve the mobile home court, which is located near the Cherry Creek Estates mobile home court off of Bitterroot Drive.

Called Danube Court, the project angered council members last week when developers Roy and Jock Clause brought it before the council for approval.

In 2007, council members had restricted the second phase of the Cherry Creek Estates park because they said the developers hadn't followed the development agreement. Back then, the council had limited the Clauses to 111 lots in the second phase of Cherry Creek Estates, even though the Clauses wanted to build 174 lots.

The 62 lots in Danube Court are one less than the 63 lots that the council took away from Cherry Creek Estates. But the old development agreement didn't prevent the Clauses from subdividing their property again and building a new mobile home court, which they accomplished with Danube Court. ...

"I understand the heartburn that some of us are having, that there may have been some circumvention," Tussing said. "But they seem to have done it legally."

15-year-old girl pronounced dead after shooting in Billings Heights

Montana Standard | 2019-05-12
https://mtstandard.com/news/state-and-regional/year-old-girl-pronounced-dead-after-shooting-in-billings-heights/article_0964456f-cbdd-5d0c-9f84-3b550a447d36.html

A 15-year-old girl was pronounced dead on scene by law enforcement. The shooting occurred on 12 Stella Street in the Cherry Creek Estates trailer park in the Heights around 7:30 p.m. Saturday, according to BPD Sgt. Nate West.

Teen killed in Billings shooting identified; police still investigating

Mike Kordenbrock May 14, 2019 https://billingsgazette.com/news/local/teen-killed-in-billings-shooting-identified-police-still-investigating/article_c5a958be-7ab7-5dc3-b43e-1e0547ebe7a8.html

Cherry Creek Homes accused of charging undisclosed, illegal fees

By ASHLEY NERBOVIG Nov 8, 2016 https://billingsgazette.com/news/state-and-regional/crime-and-courts/cherry-creek-homes-accused-of-charging-undisclosed-illegal-fees/article_ca93c4ea-e1c6-58c3-9bbf-9df686ecc7a5.html

The class action suit follows a favorable ruling earlier this year for another couple living in the mobile home park. ...

Cherry Creek's contract with the couple violated multiple consumer protections of the Montana Retail Installment Sales Act, the Mallas and Tallbull lawsuit alleged. The contract did not state how much the finance charge would be over the life of the contract, according to the lawsuit. The contract also stated the couple would be charged $50 if payments were five or more days late. ...

Yellowstone County District Court Judge Russell Fagg entered judgement on the nondisclosure of the finance charge and the legality of the late fees. Because the contract did not disclose the finance charge and because late fees can only be evaluated by a creditor after a payment is 10 days late, Fagg ruled Cherry Creek and RJC are barred from collecting any "finance, delinquency or collection charge on the contract."

In his judgement, Fagg found the Cherry Creek contracts violated at least four parts of the Montana Retail Installment Sales Act.

Billings mobile home owner picking up pieces after fire

Park-owned hydrants went dry as fire burned

By: Zoe Zandora

Posted at 6:27 PM, Oct 28, 2019 https://www.ktvq.com/news/local-news/billings-mobile-home-owner-picking-up-pieces-after-fire

While battling the fire, the Billings Fire Department had trouble using two fire hydrants that seemed to be malfunctioning.

Fire marshal: Heights mobile home fire was caused by gas fireplace valve

Mike Kordenbrock Oct 27, 2019 https://billingsgazette.com/news/local/fire-marshal-heights-mobile-home-fire-was-caused-by-gas-fireplace-valve/article_3437b8a0-8e79-57a3-918e-2c153974aab0.html

Billings fire department says hydrants are functioning again in Heights mobile home park

Mike Kordenbrock Oct 29, 2019 https://billingsgazette.com/news/local/billings-fire-department-says-hydrants-are-functioning-again-in-heights-mobile-home-park/article_dec4c6fe-e4b5-5a0a-bcd4-7934de00f83f.html

A valve that was shut off resulted in multiple fire hydrants not functioning Saturday night during a house fire in the Cherry Creek Homes mobile home park, according to the Billings Fire Department.

The lack of water supply to the hydrants was discovered as firefighters worked to extinguish **a fire that burned through a mobile home**, destroying the interior and killing multiple pets. ...

Testing done Monday morning determined the switched off valve affected only Lapin Street, Fire Marshal Mike Spini said. After the valve, opened the hydrants again were functional, Spini said.

ORDINANCE 20-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON 1.98 ACRES OF THE SOUTHERN PORTION OF Lot 2, BLOCK 1, CHERRY CREEK ESTATES SUBDIVISION BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 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.

Section 2. **DESCRIPTION.** **1.98 ACRES OF THE SOUTHERN PORTION OF LOT 2, BLOCK 1, CHERRY CREEK ESTATES SUBDIVISION** is presently zoned **Public (P)** and is shown on the official zoning map within this zone.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **1.98 ACRES OF THE SOUTHERN PORTION OF LOT 2, BLOCK 1, CHERRY CREEK ESTATES SUBDIVISION,** is hereby changed from **PUBLIC (P)** to **Residential 8,000 (R-80)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Residential 8,000 (R-80)** as set out in the Billings, Montana City Code.

Section 4. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 28th day of September, 2020.

PASSED, ADOPTED and APPROVED on second reading this 12th day of October, 2020.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

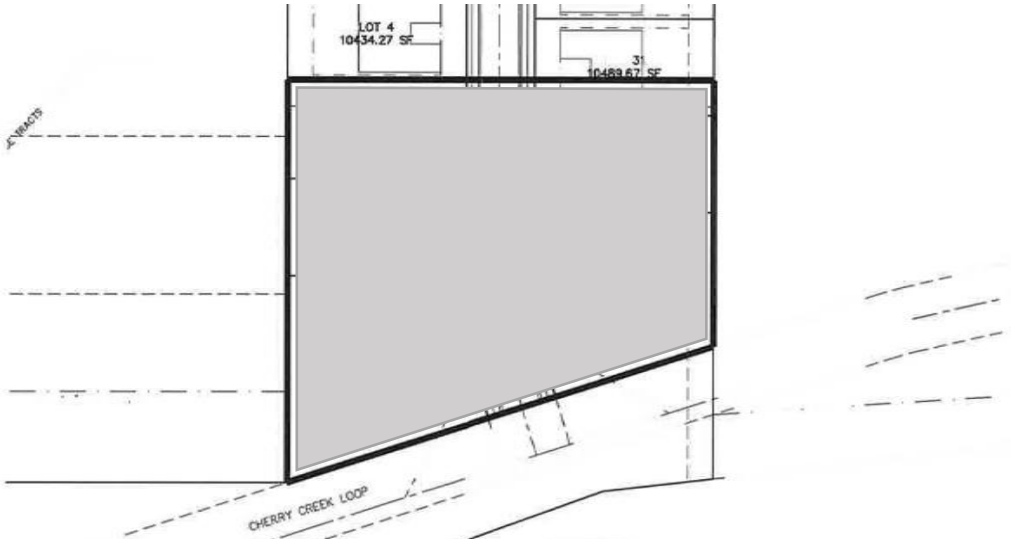
BY:_____

Denise R. Bohlman, City Clerk

Zone Change 983 – Cherry Creek Estates 1.98 acres of Lot 2, Block 1

Metes and Bounds Description

Starting at the southeast comer of Tract 4 of Barry Acreage Tracts Subdivision; thence N° 00'00"W a distance of 308 feet to a point; thence S90° 00'00"E a distance of 338.76 feet to a point; thence S0° 00'02"W a distance of 202.73 feet to a point; thence S72° 44'12"W for a distance of 354.73 feet to the point of beginning containing 1.986 acres or 86,505 square feet.



Regular **5.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing and Resolution Setting Annual Light District Assessments for Fiscal Year 2021

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Administration

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the proposed resolution adopting the annual Special Improvement Lighting Maintenance District (SILMD) assessments for Fiscal Year 2021.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Montana Code Annotated, Section 7-12-4332, requires that the City Council annually adopt a resolution to assess the costs for each Special Improvement Lighting Maintenance District (SILMD) on or before the first Monday in October each year. The amount assessed is based on anticipated utility rates, estimated maintenance costs and administrative fees, as well as the reserve requirements needed for each district. The attached resolution specifies the proposed SILMD assessments for Fiscal Year 2021.

ALTERNATIVES

City Council may:

- Approve, or;
- Disapprove. If Council does not approve the resolution, an amended resolution will need to be adopted at the next City Council meeting for continued operation of the light districts and to be in compliance with state law.

FISCAL EFFECTS

SILMD assessments for FY 2021 will generate approximately $2,431,125 in revenues which is the amount calculated to recover the estimated costs of electricity, maintenance and administration fees, and to maintain an adequate cash balance in each light district fund. The SILMD assessment will increase for 53 light districts, decrease for 41 light districts, and remain unchanged for 98 light districts. There are also 2 new light districts being assessed this year. The overall decrease for existing light districts in FY2021 compared to FY2020 is $44,510.

Attachments

FY21 SILMD Assessments

RESOLUTION 20 -_____

A RESOLUTION LEVYING AND ASSESSING PROPERTY IN SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICTS OF THE CITY OF BILLINGS, PROVIDING FOR NOTICE, HEARING AND ADOPTION.

WHEREAS, certain lighting maintenance districts have been created within the City of Billings, and WHEREAS, State Law provides for assessing the costs of maintaining lights and furnishing electrical current annually within these lighting maintenance districts; and

WHEREAS, Section 7-12-4332, M.C.A. provides that the City shall pass a resolution levying and assessing maintenance costs.

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

1. DISTRICTS AND ASSESSMENTS. The lighting maintenance districts and assessments to defray one hundred percent (100%) of all the costs of maintenance and lighting are hereby levied and assessed as listed on EXHIBIT "A" attached hereto, and by this reference, said exhibit is made a part hereof.

2. PERIOD OF ASSESSMENT. That said assessment is to defray costs for the fiscal year 2021 (July 1, 2020 through June 30, 2021).

3. DISPOSITION OF COLLECTIONS. That the assessments as collected shall be placed in the respective lighting maintenance funds and shall be used to defray the costs of maintenance and lighting as provided by law.

4. NOTICE OF HEARING. On Monday, **September 28, 2020,** at 5:30 p.m. or as soon thereafter as the matter may be considered on the agenda via virtual video conferencing methods due to Covid-19 safety precautions, the City Council will hear objections to the adoption of this resolution via telephone. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the ***Yellowstone County News***.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 28th day of September 2020**.**

CITY OF BILLINGS:

BY:_____
William A. Cole, MAYOR

ATTEST:

BY:_____
Denise Bohlman, CITY CLERK

Exhibit A

District Number	FY 21 Assessment
8	$6,600
9	$6,000
10	$20,000
13	$198,000
14	$100,000
17	$17,000
18	$2,300
95	$11,000
97	$160,000
99	$22,200
100	$27,000
107	$23,300
109	$56,000
113	$7,400
114	$12,700
115	$2,950
116	$7,700
117	$43,000
118	$3,200
119	$2,100
121	$33,000
122	$2,520
123	$4,350
124	$13,000
125	$5,200
126	$2,580
127	$9,500
128	$6,700
129	$4,400
130	$1,720
131	$11,350
133	$3,180
134	$7,600
135	$7,150
136	$6,400
137	$5,750
138	$10,000
139	$3,300
143	$7,800
144	$375
145	$6,400
146	$4,750
147	$5,800
149	$27,000
150	$10,200
151	$8,600
152	$58,100
153	$7,350

154	$17,000
155	$6,700
157	$12,500
158	$10,600
159	$13,500
160	$9,800
161	$14,600
162	$800
163	$22,500
164	$5,180
165	$12,000
167	$3,150
171	$7,700
172	$7,600
173	$16,000
174	$13,620
175	$4,500
176	$630
178	$3,600
179	$7,200
180	$4,860
181	$22,820
182	$8,000
183	$16,200
184	$5,190
185	$1,950
186	$15,500
187	$3,230
188	$3,880
189	$3,250
190	$16,800
191	$5,800
192	$4,220
193	$10,400
194	$6,300
195	$5,200
196	$2,650
197	$2,650
198	$1,620
200	$3,300
201	$6,800
202	$14,500
203	$700
204	$14,000
205	$500
206	$4,550
207	$5,200
208	$10,500
209	$7,500
210	$3,100
211	$1,800

212	$1,750
213	$0
214	$4,800
216	$1,980
217	$7,000
220	$8,150
221	$120
222	$2,200
223	$4,300
224	$18,000
225	$8,500
226	$5,500
227	$12,200
228	$10,800
229	$5,620
230	$12,900
231	$7,850
232	$34,000
233	$28,800
234	$9,000
235	$10,200
236	$3,850
237	$5,500
238	$240
239	$1,310
240	$9,200
241	$7,900
242	$1,110
244	$1,500
245	$1,020
246	$4,450
247	$14,000
249	$35,500
250	$5,200
251	$53,000
252	$7,550
253	$25,000
254	$4,500
255	$4,810
257	$17,600
258	$35,000
259	$36,000
261	$6,750
262	$41,000
263	$22,000
264	$4,850
265	$4,850
266	$1,230
270	$11,500
271	$12,500
272	$36,000

273	$2,900
276	$9,000
277	$10,900
278	$4,850
279	$850
280	$14,500
283	$10,200
285	$4,450
286	$3,240
288	$23,300
289	$4,300
290	$2,600
292	$8,000
293	$3,250
294	$6,500
295	$1,500
296	$16,500
297	$2,900
298	$2,600
299	$4,680
300	$5,550
301	$65,000
302	$5,800
305	$17,000
306	$5,900
307	$63,000
308	$3,600
309	$9,800
310	$4,400
311	$7,200
312	$0
313	$8,900
315	$0
316	$15,350
317	$3,700
318	$10,000
320	$2,700
321	$0
322	$3,300
323	$29,000
324	$6,900
325	$7,000
326	$4,040
327	$2,700
Total	$2,431,125

Regular **6.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing and Resolution Relating to Petitions for Reduction of Arterial Construction Fee

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Administration

RECOMMENDATION

Staff recommends City Council conduct a public hearing and approve the proposed resolution reducing the Arterial Construction Fee assessments for the fifty-six (56) parcels meeting the criteria of Ordinance 08-5478.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

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 57 signed petitions involving 57 parcels. 56 parcels met the criteria specified in Ordinances 05-0322 and 08-5478 and qualify for a reduction of the Arterial Construction Fee assessment. One parcel zoned as Highway Commercial did not meet the criteria as this parcel is a two family residence.

ALTERNATIVES

City Council may:

- Approve the resolution reducing the Arterial Construction Fee assessments for the fifty-six (56) parcels meeting the criteria of Ordinance 08-5478, or;
- Disapprove the resolution if the Council finds that the properties do not meet the criteria.

FISCAL EFFECTS

The reduction in Arterial Construction Fee assessments for FY21 is $4,650.82. The impacted property owners will realize varying reductions in their assessments with the average reduction amount of $83.05.

Attachments

2020 Reduction of Arterial Construction Fee Assessments

RESOLUTION NO. 20- _____

A RESOLUTION OF THE CITY OF BILLINGS RESPONDING TO SUBMITTED PETITIONS FOR REDUCTION OF ARTERIAL CONSTRUCTION FEE ASSESSMENTS THAT WOULD APPEAR ON THE 2020 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 57 completed and signed petitions, and

WHEREAS, the Public Works Department verified that 56 petitions involve properties meeting the criteria of Ordinance 08-5478, and

WHEREAS, reducing the assessments on these 56 parcels would affect the Arterial Construction Fee assessments appearing on the tax statements Yellowstone County will print and mail in October 2020, 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 56 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
A00163	EBCW	Erickson	Patricia	315 N 17th St	$38.22
A01238	PZD	Bargar	Margaret C	504 S 26th St	$38.22
A01743	PZD	Nava	Irene	821 S 28th St	$28.67
A02398	CC	Paulson	Timothy J & Lorna A	2332 Alderson Ave	$38.22
A08535	CC	Douglas	David	419 Hansen Ln	$35.49
A11613	MCPZD	Llewellyn	Leonard Lee	1038 N 30th St	$38.22
A11635	MCPZD	Nilson	Terry	922 N 30th St	$38.22
A13650	RP	Janet B Bergman Revocable Trust		1322 Broadwater Ave	$38.22
A15527	NC	Peter	Jay	620 Grand Ave	$38.22
A17766	NC	Shelley	Elizabeth A	28 Grand Ave	$38.22
A18077	NC	Livingston	Mary Jo	222 Grand Ave	$38.22
A18097	NC	Thompson	Dana Jo	334 Grand Ave	$38.22
A18901	NC	Cox	Heith Patrick & Janice K	703 Custer Ave	$38.22
A19396	RMH	Steiber	Donna J	844 Radford Sq W	$52.42
A19403	RMH	Osborne	Phyllis	829 Radford Sq W	$52.42
A19414	RMH	Boucher	Dean A & Alice L	851 Radford Sq N	$52.42
A20288	RMH	Stapp	Sylvia Violet	303 Reda Ln	$52.42
A21253	RMH	Ayers	George E & Beverly A	328 Windsor Cir N	$42.03
A21267	RMH	Miner	David E	233 Windsor Cir S	$39.78
A21270	RMH	Schessler	Alice	263 Windsor Cir S	$39.78
A21295	RMH	Doll	Susan F	123 Windsor Cir S	$40.13
A21314	RMH	Harris	Ronda	155 Windsor Cir N	$40.13
A21341	RMH	Vogel	James G & Jean S	396 Windsor Cir S	$40.94
A21342	RMH	Fox	Larry K & Marilyn H	386 Windsor Cir S	$39.79
A21366	RMH	Miller	Barbara Greenspan	174 Windsor Cir S	$39.77
A29144	RMH	Bohlman	Denise	602 Clause Cir	$36.10
A33489	HC	Pepper	Bryan & Lisa	5425 Denali Dr	$42.72
A33492	HC	Molm	Brandon & Megan	5441 Denali Dr	$42.71
A33521	HC	Kawulok	Kristina Stacey	5430 Frontier Dr	$43.84
A33522	HC	Baker	Robert R & Margie L	5422 Frotier Dr	$43.83
A33529	HC	McMorris	Bruce & Patricia	5320 Frontier Dr	$41.68
A33530	HC	Radovich	Brianne E	5316 Frontier Dr	$41.71
A33538	HC	Cayton	Kenneth N & Gayle H	5329 Denali Dr	$45.73
A33543A	HC	Hagel	Frank L & Gloria J	1445 Chesapeake Ln	$33.92
A33564	HC	Wanner	Jarrett	5342 Denali Dr	$51.50
A33594	HC	Jones	Gabriel E & Deborah E	5215 Sacagaqwea Dr	$46.43
A33605	HC	Bellile	Thomas S & Alisha A	1513 Prairie Meadow Ln	$52.42
A33612	HC	Watt	John L & Tanya	5218 Sacagawea Dr	$52.42

A33619	HC	Thompson	Craig & Jacquelyn	5308 Sacagawea Dr	$52.42
A33621	HC	Villavicencio Gonzalez	Isaac & Jennifer	5322 Sacagawea Dr	$52.42
A33624C	HC	Moos	Allen R	5354 Sacagawea Dr	$52.42
A33625	HC	Morgan	Sandy L	5402 Sacagawea Dr	$52.42
A33627	HC	Roll	Theresa A & Terry L	5418 Sacagawea Dr	$51.27
A33628	HC	Schaff	Ronald P	5424 Sacagawea Dr	$51.27
A33629	HC	Kurt L Frette Revocable Trust		5430 Sacagawea Dr	$46.76
A33631	HC	Digiallonardo	Robert V & Brittany L	5446 Sacagawea Dr	$51.33
C01067	RMH	Alberta	Diana	520 N Lakeview Dr	$52.42
C01071	RMH	Smith	Scott D & Valerie G	527 S Lakeview Dr	$52.42
C01231	HC	Bowles	Donna R & Brenda M	649 Mattson Ln	$52.42
C01352	RMH	Moats	Steve & Shelly	541 Sharron Ln	$52.42
C01454A	RMH	Bauer	Dennis A. & Taya A.	437 Roxy Lane	$52.42
C01456	RMH	Dewald	Jonathan L & Bonita L	419 Roxy Ln	$52.42
D01463	CC	Dusek	Dustin	1134 Central Ave	$34.40
D01504	CI	Keyser	Darcy O Russell	236 Prickett Ln	$52.42
D05198	HC	Miller	Randy G & Ruetta D	2110 Bench Blvd	$52.42
D05202	HC	Hatveldt	Art	2104 Bench Blvd	$52.42

2. **DENIAL OF ASSESSMENT REDUCTION:** There will be no reduction to the Arterial Construction Fee assessments for the following parcel:

TAX CODE	***LAST NAME***	***FIRST NAME***	***PARCEL ADDRESS***
A34455E	Scherry	Barbara	1420 River Point Loop Apt 2

3. **NOTICE OF HEARING**: On Monday, **September 28, 2020,** at 5:30 p.m. or as soon thereafter as the matter may be considered on the agenda via virtual video conferencing methods due to Covid-19 safety precautions, the City Council will hear objections to the final adoption of this resolution via telephone. The City Clerk is hereby directed to publish notice on September 11, 2020, and September 18, 2020, in the ***Yellowstone County News***.

EFFECTIVE DATE: This resolution shall be effective upon final adoption.

ADOPTED and APPROVED by the City Council this **28th** day of **September 2020.**

CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing & Resolution for Nuisance Property Abatement Assessments

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

RECOMMENDATION

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

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

A nuisance property abatement assessment resolution has been completed and the assessments are ready to be placed on the tax rolls for the following properties.

420 Jackson Street, Tax ID D01621
This was a court-ordered abatement for accumulation of junk vehicles and debris. The Municipal Court Abatement Order was signed on May 28, 2020. (Docket #TK-18-7317). The case on the property started in May 2018 after a complaint to the Code Enforcement Division. A citation to the owner was written in June 2018. After several hearings and status updates, the Court signed an abatement warrant to allow the City to cleanup the property. The City contracted with Hanser's Towing, Recovery & Remediation to perform the abatement work. The cleanup was done on July 13, 2020. On August 28, 2020, the owner was provided an invoice to pay for the cleanup. The owner has not paid the invoice. The invoiced charges for the property cleanup total $6,257.50.

114 S. 29th Street, Tax ID A00914
In December 2017, the City was issued a warrant by Municipal Court to enter the apartment building and inspect for dangerous conditions that would endanger human occupants of the structure. The City filed its report with the Court in January 2018, with a finding of numerous life safety violations in the building. The City filed a Nuisance civil action against the property. After trial, on November 5, 2019, the Municipal Court ordered the vacation of the building and demolition of the dangerous structure. The abatement of the property included a pre-demolition cleanup of the yards, removing junk and debris in February 2020. The next step included a pre-demolition asbestos survey of the structure. Asbestos was found and was required to be removed before demolition. The demolition occurred in April 2020. The total cost of the property abatement is $23,181.79. The statutory limit on a judgment from Municipal Court is $9,500. The property owner was provided an invoice for the statutory limit of $9,500 on June 4, 2020. The invoice remains unpaid.

118 S. 29th Street, Tax ID A00913
In November 2016, the Code Enforcement Division initiated a case on a burned structure at 118

S. 29th Street. The owner of this property is the same owner of the property at 114 S. 29th Street. The City filed a court case against the owner in 2019 after he failed to cleanup the property and demolish the burned structure. On August 8, 2019, the Municipal Court issued an Order of Abatement and Warrant of Entry. A pre-demolition cleanup of the yards was done in February 2020, along with a pre-demolition asbestos survey. Asbestos was found so an asbestos-safe demolition was required. The demolition was completed in April 2020. An invoice for the statutory limit of $9,500 was sent to the property owner in June 2020. The actual cost of the cleanup and abatement was $22,610.21. The invoice remains unpaid.

206 S. 30th Street, Tax ID A01316
206 S. 30th Street is a vacant home where doors and windows are boarded. There was significant deterioration of the building. Code Enforcement initiated the case in December 2016. A citation was issued for a dangerous structure in June 2019. The Municipal Court issued an Order of Abatement and Warrant of Entry on November 13, 2019. The City performed a pre-demolition asbestos survey in May 2020. The City is not moving forward at this time with a demolition as the owner is actively negotiating a sale of the property to a new owner. The total cost of the pre-demolition survey and Code Enforcement securing the structure is $4,137.99. The property owner was sent an invoice for this amount on July 31, 2020. The invoice remains unpaid.

213-215 S. 30th Street, Tax ID A01096
This property has three dangerous structures and a Code Enforcement case was initiated in May 2019. A citation to court was issued in June 2019. Municipal Court issued an Order of abatement and Warrant of Entry on December 9, 2019. The City performed a pre-demolition asbestos survey in May 2020. The owner of 206 S. 30 th Street owned these properties as well. The City is not moving forward at this time with a demolition as there is a new owner of the property. An invoice was sent to the previous owner on July 31, 2020. The property was sold to a new party in June 2020. Code Enforcement informed the new owner of the pending charges. A formal invoice was sent to the new owner. The cost of the pre-demolition asbestos survey for the three structures at 213 S. 30 th Street is $7,837.90. The invoice remains unpaid.

ALTERNATIVES

City Council may:

- Approve, or;
- Disapprove, in which case the property owners will not be assessed, and the General Fund will be responsible for paying for the abatement.

FISCAL EFFECTS

The assessments total $37,233.39 and will reimburse the General Fund.

Attachments

Resolution Nuisance Abatement

RESOLUTION NO. 20 _____

A RESOLUTION LEVYING A SPECIAL TAX UPON PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE COST OF ABATEMENT.

WHEREAS, Billings, Montana City Code, Section 18-301, et seq. sets forth the procedures to be followed (a) to designate property within the City of Billings as a nuisance, and (b) to abate such a nuisance when ordered to do so by the Municipal Court.

WHEREAS, Section 18-305 provides that the property owner will be sent an abatement expense report for the subject property and will be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes. The owners of the property described on Exhibit A hav been sent an assessment notice for abatement expenses incurred pursuant to Section 18-301, et seq., but the property owner has not reimbursed the City for its expenses set forth in the report or any part thereof. Further, City policy dictates that the City Clerk shall prepare and present a Resolution containing a list of the properties to be assessed, the recorded owners, and the amount of the cost for abatement, not to exceed the statutory amount for a Municipal Court judgement as in MCA 3-11-103, as amended.

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

1. LEVYING OF SPECIAL TAX. That for the purpose of collecting funds to defray the cost of abatement, there is hereby levied and assessed a special tax upon the owners and the lots or parcels described on the list attached hereto.

2. ASSESSMENT AND COLLECTION. Said tax shall be placed upon the assessment rolls and collected in the same manner as other taxes.

3. DISPOSITION OF COLLECTIONS. Pursuant to Section 18-305(6)k. BMCC, monies collected from taxes shall be paid into a special abatement fund established to account for costs, collections, and transactions necessary to the efficient operation of the Nuisance Abatement program. Assessment funds collected will be returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.

4. NOTICE OF HEARING. On Monday, **September 28, 2020,** at 5:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda. The City Clerk published notice hereof twice, on September 18th, and September 25th, 2020 in the Yellowstone County News.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 28th day of **September, 2020.**

CITY OF BILLINGS:

BY:_____
William A. Cole, MAYOR

ATTEST:

BY:_____
Denise R. Bohlman, CITY CLERK

Exhibit A

Owner Name	Address	Tax Code	Assessed Amount
Kenneth Glock	206 S 30th St	A01316	$ 4,137.99
BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 193, Lot 9 – 10			
Kenneth Glock	213 S 30th St	A01096	$ 7,837.90
BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 166, Lot 19 – 20			
Richard & Connie Wick	118 S 29th St	A00913	$9,500.00*
BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 138, Lot 4 – 5			
Richard & Connie Wick	114 S 29th St	A00914	$9,500.00*
BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 138, Lot 6, & 20X140' OF ABANDONED ALLEY ADJ			
Paul McKeen	420 Jackson St	D01621	$6,257.50
S09, T01 S, R26 E, C.O.S. 102, PARCEL A, AMND			

*Statutory Limit for Municipal Court Judgement as per MCA 3-11-103, as amended.
Actual Abatement Costs for 118 S 29th St are: $22,610.21
Actual Abatment Costs for 114 S 29th St are: $23,181.79

Regular **8.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing & Resolution for Weed Assessments

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

RECOMMENDATION

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

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The annual weed assessments have been completed and are ready to be placed 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 did not pay the charges and the properties may be assessed to recover the costs, penalty and fee.

ALTERNATIVES

City Council may:

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

FISCAL EFFECTS

The assessments total $10,999.92 and the payments will reimburse the General Fund.

Attachments

Resolution Weeds

RESOLUTION NO. 20_____

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 28th, 2020,** at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 28th day of September, 2020.

CITY OF BILLINGS:

BY:_____
William A. Cole, MAYOR

ATTEST:

BY:_____
Denise R. Bohlman, CITY CLERK

Exhibit A

NAME	VIOLATION ADDRESS	TAX CODE	AMOUNT
ANDERSON FAMILY TRUST	121 S. 32Nd ST.	A18743	$ 278.75
BLAINE, AMBERLE	1119 MEGAN CIR.	A28744	$ 177.50
BURLINGTON NORTHERN	1ST AVENUE SOUTH	A31251A	$ 177.50
CHRISTENSEN, LONNIE	305 JACKSON ST.	A14809	$ 185.00
CUSTER BLACK LLC	2917 CUSTER	C01938	$ 177.50
DAWSON, MARK	4102 HEADWATER LN.	A34946B	$ 500.00
ELK RIVER HOMES LLC	5922 CANYONWOODS	A31972	$ 207.50
FD GROUP 9 LLC	4118 STATE AVE.	A20297	$ 200.00
FLETCHER, BRETT M	2507 LAKE HEIGHTS DR.	C08266	$ 230.00
FOSJORD, GERALD	2613 MISSOURI ST.	A05233	$ 177.50
HALVORSEN, MATTHEW L.	3504 FLAGSTONE DR.	A20388	$ 177.50
HASTINGS, MARK	1205 8Th AVENUE NORTH	A15564	$ 215.00
HOLY, CAROL	1732 PARKHILL DR.	A09810	$ 285.42
JOHNSSON, SEAN	3780 DONNA CT.	A12951B	$ 177.50
KENMARK CORPORATION	5211 CLEMSON	A35464	$ 177.50
KENNETH & CHERYL D FRANK TRUST	3103 CENTRAL AVE.	C01861	$ 177.50
KLINKER, HAROLD & MARCIA	311 CALHOUN LN.	D01566	$ 642.50
KODIAK PROPERTIES HOLDINGS LLC	ORCHARD LN.	D01611	$ 421.25
KOHLMAN, LENNIE	2155 MONAD	A04825	$ 177.50
KONECNY, CHRISTOPHER	3136 ST.JOHNS AVE.	C01859	$ 177.50
MCCONNELL, COLE	2915 CUSTER	C01937	$ 177.50
MOORE, DOUGLAS K.	1338 PARKHILL DR.	A06855	$ 215.00
MORGAN, BILL	S. 29TH ST.	A01881A	$ 177.50
MORSE, DELBERT I.	516 S. 36th ST.	A14085	$ 177.50
NEIFT, JENNIFER	205 S. 33Rd ST.	A18754	$ 437.50
NESS, GREGORY A.	223 WINDSOR CIR S.	A21266	$ 177.50
NUGENT, LAURA	386 CARAVAN AVE.	A23839	$ 177.50
PHELPS, CAROLANN	1539 BURLINGTON	A18318	$ 200.00
R & B RENTALS OF BILLINGS LLC	1115 13TH ST. W.	A06566	$ 177.50
ROTON, FRANKLIN	1915 8TH AVENUE N.	D05854	$ 177.50
SCHAAK, MICHAEL J & LISA K	1122 JORDAN CIR.	A28745	$ 177.50
SCHILF, ERIC H.	423 S. 38TH ST.	A14132	$ 248.75
SEARS ROEBUCK AND CO	1515 GRAND AVE.	A12621B	$ 416.25
SHAFFER, MARY LOU	5310 CABERNET	A32058	$ 716.25
STALEY, GEORGE HAROLD	1808 AVENUE D	A09883	$ 177.50
STEVENSON, FRED W JR.	1114 20Th St. W.	A02685	$ 387.50
STOCKTON, DANIEL E JR.	1503 GRAND AVE.	A12622	$ 291.25
TAYLOR, SARA	3782 VICKERY CT.	A29567	$ 252.50
TULLAR, DALE	2774 PHYLLIS CIR S.	A21488	$ 290.00
VIGLAKIS, ALEXANDER	1120 18TH ST. W.	A10869	$ 177.50
WEBER, DARREL L.	3416 6TH AVE. S.	A01624	$ 177.50
WELLS FARGO MYHRE ADVERTISING	748 GRAND AVE.	A15543	$ 177.50
WU, TING TING	4330 MONTANA SAPPHIRE DR.	C11991	$ 327.50
WYSS, CURTIS	3220 37TH ST. W.	A13211	$ 147.00
	TOTAL WEED ABATEMENT		***$ 10,999.92***

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing & Resolution for Setting GO Debt and PS II Mill Levy Rates

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the resolution setting the mill levy rates for GO Bonds and Public Safety II levy for FY21.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This resolution sets the FY21 City property tax mills for the Public Safety II Levy (PS II) at 60.00 mills, General Obligation Debt Service Streets at 1.59 mills, General Obligation Debt Service Library at 5.44 mills and General Obligation Debt Service Series A Baseball Stadium at 3.45 mills. These levies are based on the certified taxable valuation from the Montana Department of Revenue. The table below shows a comparison to last year's mills. On 6/22/2020 the City Council approved 109 mills per the City of Billings Charter. The total mills levied by the City of Billings for FY21 are 179.48 mills compared to 160.02 mills for FY20. The revenue generated by setting the GO mills is consistent with the revenue projected in the FY21 budget, adopted by City Council on 6/22/2020. The revenue generated by the 60 mills from Public Safety II will generate approximately $4 million more than what was anticipated in the FY21 budget. The GO debt mills generate enough revenue to pay the principal and interest expense on the debt. Lowering the number of mills would result in not paying the debt service payment or borrowing money to make the debt service payment. The final debt payment for the GO Parks Mill Levy has been made, so no mill levy is needed for FY21. The library levy will need to increase slightly as the annual $300,000 donation from the Library Foundation will complete this year. The voters approved to repeal and replace the $8.2 million cap for Public Safety II and shall now assess 60.00 mills to all properties within the City of Billings.

	FY21	FY20
PS II	60.00	40.17
GO Parks	-----	0.57
GO Streets	1.59	1.82
GO Library	5.44	4.66
GO Ballpark	3.45	3.80
Total	70.48	51.02

ALTERNATIVES

City Council may:

- Approve, or;
- Disapprove, which would result in not making the debt service payments or using General Fund reserves to make debt service payments for FY21.

FISCAL EFFECTS

These mills are set in order to generate the necessary revenues to make the debt service payments for General Obligation (GO) Debt and fund Public Safety II (PS II) as authorized by the City Charter. The total FY21 of 70.48 mills will generate $14,344,219 in tax revenue, as compared to the FY20 mills of 51.02, which generated $10,171,572 in tax revenue. If approved the median home valued at $211,000 will pay $511.25 in City taxes in 2021, compared to $455.82 in 2020.

Attachments

2020 Resolution Setting GO Debt Mills & PS II @ 60 Mills

RESOLUTION 20-_____

A RESOLUTION ESTABLISHING THE MILL LEVIES FOR PUBLIC SAFETY, GENERAL OBLIGATION DEBT FOR STREET, LIBRARY, AND BASEBALL STADIUM DEBT SERVICE FOR TAX YEAR 2020.

WHEREAS, pursuant to law, the City of Billings is required to make annual mill levies.

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

1. That the following mill levies shall be imposed for the fiscal year July 1, 2020 through June 30, 2021.

2. That the mill levies in the amounts stated are hereby imposed on all taxable property within the City of Billings, Montana, to provide payment for the following:

   A. 60.00 mills-Public Safety
   B. 1.59 mills-General Obligation Debt Service Streets
   C.. 5.44 mills-General Obligation Debt Service Library
   D. 3.45 mills-General Obligation Debt Service Baseball Stadium Series A

3. That when said taxes are collected, the same shall be placed in respective funds for the City and expended pursuant to the annual budget.

4. This Resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 28th day of September, 2020.

CITY OF BILLINGS:

BY: _____
William A. Cole MAYOR

ATTEST:

BY: _____
Denise R. Bohlman, CITY CLERK

Regular **10. A.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing and Resolution Revising Fees for Encroachment Rentals

PRESENTED BY: Jennifer Duray

Department: Public Works **Division:** Administration

RECOMMENDATION

Staff recommends Council hold a public hearing and approve the resolution revising the fees for encroachment rentals.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The City charges an annual rental fee for approved encroachments in the right-of-way. Some examples of encroachments are awnings, fences, landscaping, restaurant patios, signs, and conduit. The City needs to assure safety and accessibility of the right-of-way, and for this reason, it requires an encroachment permit any time a property owner requests to use part of the right-of-way. Encroachment permit applications are processed and approved by the Public Works Engineering Division. A fee is collected with the permit application to cover the administrative costs of processing the application. If the encroachment is approved, annual assessments of the encroachment fee for the rental of the right-of-way will begin. The assessments will continue until the permit is revoked. Awnings and canopies in the Central Business District are not charged an annual rental fee in accordance with Resolution 86-15316.

The annual encroachment rental fee has been set at $1.00 per square foot of the surface area of the encroachment since 1985. Staff presented various options for changing the methodology and the amount of the annual rental fee at the September 8, 2020 Council Work Session and has since further analyzed the rates to make a recommendation to Council.

The proposed methodology is a tier structure consisting of two tiers. Tier 1 encroachments have minimal impact to the right-of-way. Tier 1 encroachments include awnings, overhanging signs, conduit, and other encroachments that minimally impact accessibility of the right-of-way. Tier 2 encroachments have a major impact to the right-of-way and cause the part of the right-of-way that is encroached on to be unusable. Some types of Tier 2 encroachments are restaurant patios on the sidewalk, fences, stairways, and sheds.

The proposed annual rental rate for Tier 1 encroachments is $2.00 per square or linear foot per year to cover engineering and administrative costs. Staff's recommendation for Tier 2 encroachments rates is to utilize 50% of the average taxable value of the adjacent properties. This is currently $7.00 per square foot. Staff is proposing a 5-year plan to increase Tier 2 encroachments gradually to this amount and the recommended FY21 rate is $2.00 per square foot. If Tier 2 rates are increased in the future to align with 50% of the average taxable value, this additional revenue is recommended to be utilized in the beautification of the right-of-way in areas that are impacted by their neighbors' encroachments.

ALTERNATIVES

City Council may:

- Approve the resolution to revise the fees for encroachment rentals, or;
- Approve an amended resolution to revise the fees at another specified rate, or:
- Disapprove the resolution. If not approved, the encroachment fee will continue to be assessed at $1.00 per square foot per year.

FISCAL EFFECTS

The revised encroachment rental fee for FY21 will generate an additional $26,462.76 to cover the costs of Engineering's time in managing the right-of-way.

Attachments

Resolution

RESOLUTION 20-_____

A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR ENCROACHMENT RENTALS, TO BECOME EFFECTIVE IMMEDIATLY

WHEREAS, Section 13-302 Billings, Montana City Code provides that the City Council shall establish the fees to be charged for annual encroachment rental fees and Section 22-407 Billings, Montana City Code provides that the City Council shall establish encroachment permit application fees; and

WHEREAS, the encroachment rental fees should reflect payment for encroachments based on the impact of the encroachment to the right-of-way; and

WHEREAS, the fees are no longer adequate to cover the costs of encroachment management and administration; and

WHEREAS, the City Council has duly considered the matter.

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

1. ENCROACHMENT RENTAL FEES. The encroachment rental fees to be charged by the City of Billings are hereby established as follows:

   A. Tier 1 encroachments shall be determined by the Public Works Department as those encroachments that have minimal impact to the right-of-way, including, but not limited to awnings, hanging signs, landscaping, and conduit.

      i. Annual rate per square foot of the encroachment area: $2.00
      ii. Annual rate per linear foot of the encroachment $2.00
      iii. Minimum annual fee per encroachment $10.00

   B. Tier 2 encroachments shall be determined by the Public Works Department as those encroachments that have a major impact to the right-of-way, making the encroached upon right-of-way unusable to the public. Tier 2 encroachments include, but are not limited to signs on the ground, fences, restaurant patios, and buildings/structures in the right-of-way.

      i. Annual rate per square foot of the encroachment area: $2.00
      ii. Minimum annual fee per encroachment $10.00

2. TERM OF FEES The above fees shall continue in full force and effect until changed by the City Council by subsequent resolution.

3. ASSESSMENT AND COLLECTION. Said assessment shall be placed upon the assessment rolls and collected in the same manner as other assessments.

4. DISPOSITION OF COLLECTIONS. Monies collected from assessment shall be paid to the Public Works Engineering Division.

5. NOTICE OF HEARING. On Monday, September 28, 2020 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 adoption of this resolution. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.

6. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2020.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

Regular **10. B.**

Regular City Council Meeting

Meeting Date: 09/28/2020

TITLE: Public Hearing & Resolution Assessing Fees for Encroachments

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and adopt the encroachment assessment resolution.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The annual encroachment assessments have been completed and are ready to be placed on the tax rolls. An encroachment is any permitted private occupancy of the public right of way, such as fences, signs or downtown street-side patios. The Council must conduct a public hearing and then adopt a resolution in order to assess property owners for the encroachments.

ALTERNATIVES

City Council may:

- Approve, or;
- Disapprove, and the Public Works Engineering Fund would be responsible to pay for the assessments.

FISCAL EFFECTS

The proposed FY21 encroachment fee for Tier 1 encroachments is $2 per square or linear feet per year and the proposed encroachment fee for Tier 2 encroachments is $2 per square foot. A list of the assessments is attached. The total amount to be assessed is $52,890.00 for FY21.

Attachments

Resolution Encroachments

RESOLUTION 20 _____

A RESOLUTION FIXING THE AMOUNT OF THE ANNUAL SPECIAL ASSESSMENT FOR THE FISCAL YEAR 2020 TO BE PAID BY PERSONS, FIRMS, AND CORPORATIONS, MAINTAINING ENCUMBRANCES, OBSTRUCTIONS, OR ENCROACHMENTS ON, OVER, ACROSS, OR ABOVE THE STREETS, AVENUES, SIDEWALKS, OR ALLEYS OF THE CITY OF BILLINGS AND LEVYING AND ASSESSING SAID SPECIAL ASSESSMENT.

WHEREAS, Chapter 13 of the Billings, Montana City Code provides that every person, firm, or corporation that has or maintains any encumbrances, obstructions, or encroachments on, over, across, or above any street, avenue, sidewalk, or alley shall pay an annual rental fee, and

WHEREAS, Billings, Montana City Code, Section 13-303 provides that the City Council shall annually, by resolution, make a special assessment for such rental upon certain lots abutting on that part of the street, avenue, sidewalk, or alley upon which encumbrance, obstruction, or encroachment on the owner of such abutting lot or lots.

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

1. ANNUAL ASSESSMENT FOR RENTAL: That for the purposes of collecting said rents for the fiscal year 2021 for said encumbrances, obstructions, and encroachments on, over, across, or above the streets, avenues, alleys, and sidewalks of the City of Billings, there is hereby fixed, levied and assessed a special assessment upon the lots or parcels of land provided in the schedule attached, described as EXHIBIT "A" and by this reference made a part hereof.

2. DISPOSITION OF COLLECTIONS. All monies collected from said assessments shall be paid to the General Fund of the City of Billings, Montana.

3. NOTICE OF HEARING. That on Monday the 28th day of September, 2020 at 5:30 p.m. or as soon thereafter as the matter may be considered on the agenda. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.

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

ADOPTED and APPROVED by the City Council on the **28th** day of **September, 2020.**

CITY OF BILLINGS:

BY: _____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise R. Bohlman, CITY CLERK

Exhibit A

TAX CODE	OWNER	AMOUNT
A00001	KOINONIA MANAGEMENT CO LLC	$ 22.00
A00010	BRINKMAN, M DEAN & CAROL J	32.00
A00028	ATWOOD, SCOTT	20.00
A00029	APEX BILLINGS LLC	200.00
A00123	TRAIL CREEK PROPERTIES LLC	100.00
A00139	CARROLL BROS LLC	80.00
A00140	SHIPTON SUPPLY CO INC	160.00
A00143	DLB/JMS LLC	40.00
A00146	MCDONNELL FAMILY IRREVOCABLE T	160.00
A00243	BLGS U S EMPLOYEES FED CR UNIO	240.00
A00260	TAJ PROPERTIES LLC	622.00
A00262	CITY OF BILLINGS	180.00
A00264	MILLER TROIS LLC	250.00
A00349	ROMAN CATHOLIC BISHOP OF GRT F	274.00
A00352	BILLINGS MONTANA PARKING COMMI	36.00
A00363	CORMIER PROPERTIES LLC	1000.00
A00364	GRAY, MICHAEL J	668.00
A00374	LO, CHIA WEI & LIN LIN	96.00
A00495	CARROLL BRO'S LLC	80.00
A00510	FRANK FAMILY LIMITED PARTNERSH	1920.00
A00537	J & S PROPERTIES INC	440.00
A00604	MOUNTRAIL PROPERTIES LLC	14.00
A00618	CLOCK TOWER INN, LLC	724.00
A00624	WFC I LLC	26.00
A00636	ROBERTSON, JEFF & DONNA	702.00
A00637	ACME LIMITED PARTNERSHIP	776.00
A00642A	CITY OF BILLINGS	132.84
A00642B	THE BABCOCK LLC	504.68
A00642C	CJM LLC	10.00
A00644	ROYER PROPERTY LLC	308.00
A00656	SWANK PROPERTIES LLC	119.16
A00708	MARKS, STEVE	10.00
A00710	MARKS, STEVE	10.00
A00737	RIDER, THEODORE J & (ETAL)	20.00
A00765	MIGNONE, FRANCIS J	448.68
A00774	NEAL C LA FEVER TRUST &	3440.00
A00776	BARBAZON APARTMENTS LP	210.00
A00778	GLACIER BANK	1204.00
A00781	NELSON, BERT A & ANDREW	252.00
A00783	NEAL C LA FEVER TRUST &	216.00

A00796A	SECURITIES BUILDING LLC	9.00
A00796B	SECURITIES BUILDING LLC	6.34
A00796C	SECURITIES BUILDING LLC	2.66
A00796D	SECURITIES BUILDING LLC	4.78
A00796E	SECURITIES BUILDING LLC	2.70
A00796F	WEBHEN LLC	5.12
A00796G	WEBHEN LLC	2.40
A00796H	SECURITIES BUILDING LLC	1.38
A00796I	SECURITIES BUILDING LLC	1.34
A00796J	SECURITIES BUILDING LLC	1.40
A00796K	SECURITIES BUILDING LLC	0.90
A00796L	SECURITIES BUILDING LLC	1.26
A00796N	SECURITIES BUILDING LLC	1.22
A00796O	SECURITIES BUILDING LLC	1.38
A00796P	SECURITIES BUILDING LLC	1.34
A00796Q	SECURITIES BUILDING LLC	1.40
A00796R	SECURITIES BUILDING LLC	0.90
A00796S	SECURITIES BUILDING LLC	1.26
A00796T	SECURITIES BUILDING LLC	1.22
A00804	MAKENNA HOTEL INVESTMENTS LLC	260.00
A00806	COMPUTERS UNLIMITED	2522.00
A00807	RPS, LLC	106.00
A00817	LARSON FAMILY PROPERTIES LLC	156.00
A00822	NELSON, ANDY & BERT	228.00
A00823	COMPUTERS UNLIMITED	50.00
A00832	D B SQUARED LLC	1215.00
A00833	COMPUTERS UNLIMITED	884.00
A00838	2223 MONTANA LLC	1286.00
A00939	DEAN DAIRY FLUID LLC	252.00
A00949	YELLOWSTONE HEALTH PARTNERSHIP	20.00
A00964	HATZELL PROPERTIES LLP	80.00
A01010	PHILLIPS 66 COMPANY	160.00
A01180	CONOCOPHILLIPS COMPANY	320.00
A01251	CONOCOPHILLIPS COMPANY	40.00
A01259	CITY OF BILLINGS	12.00
A01264	INTERFAITH HOSPITALITY NETWORK	84.00
A01273	PLATH, R RUSSELL & SUSAN L	270.00
A01281	MORLEDGE, KARL	54.00
A01285	PE BLOCK	92.00
A01293	YELLOWSTONE PAPER COMPANY	60.00
A01294	MONTANA RESCUE MISSION	842.00
A01298	MONTANA RESCUE MISSION	24.00
A01699	STATE OF MT DEPARTMENT OF ADMI	50.00
A01809	KOINONIA MANAGEMENT CO LLC	100.00
A01963A	YELLOWSTONE ART MUSEUM	440.00
A02434A	MIDTOWN REALTY LLC	30.00

A02920	COFFMAN, STEPHEN L & VICTORIA	10.00
A03302	ZIMMERER, STEPHEN L & BRENDA &	24.00
A03492	MILLER, JANEL R	20.00
A04983A	WILGUS, MARK A & JOSI D	50.00
A05687	ROSE FAMILY TRUST	82.00
A05968	DEACONESS MEDICAL CENTER OF BI	608.00
A06751	GLYNN, ANDREW J	13.00
A07017	JACOBSON, RICHARD LEE &	30.00
A07120	BILLINGS CLINIC	200.00
A07131	BILLINGS CLINIC	2246.00
A07153	BILLINGS CLINIC	640.00
A07192	BILLINGS CLINIC	40.00
A07279	BILLINGS CLINIC	40.00
A07297	MILLER LAND CO	120.00
A07370	KARLSEN, VIRGINIA G	34.00
A08646	BRYSON, JEFFERY A	50.00
A09085	SHORT, DANIEL W & ELIZABETH YM	10.00
A09148	FRIED, WILLIAM JR & SALLY ANN	440.00
A09171	MAIN STREET PARTNERS	100.00
A10202	LUTHERAN CHURCH OF THE GOOD SH	5626.00
A10613	STOUGHTON, ALICE CASADY	204.00
A11091	BERRY, GALE & AMY	100.00
A11193	ROBERTSON, MATTHEW W	10.00
A11354	STATE OF MT - DEPT OF INSTITUT	18.00
A11550	BILLINGS CLINIC	685.68
A11565	SISTERS OF CHARITH OF LEAVENWO	546.68
A11592	SISTERS OF CHARITY OF LVNWRTH	30.00
A11630	DEACONESS MEDICAL CENTER OF BI	160.00
A12102	DEACONESS MEDICAL CENTER OF BI	446.00
A12194	BILLINGS CLINIC	114.28
A12226	SISTERS OF CHARITY OF LEAVENWO	1440.00
A12584	LAVINDER, LISA	360.00
A12971A	POPP, GREGORY A & SHELLY	50.00
A13885	THOMAS FAMILY LIVING TRUST, TH	10.00
A13999	SCHAEFER, JOSHUA T & COREY R	50.00
A14554	JOHNSON, CHERYL L	116.00
A16557	RIMROCK HOSPITALITY LLC	30.00
A17196	BERGMAN, SAMUEL & CATHERINE	40.00
A17571	GRAND LANES INC	96.00
A17942	EMERICK, RICHARD	18.00
A17949	BALLOU, CAROLYN J	24.00
A19326	ALBERTSON'S STORES SUB LLC	20.00
A19570	IDAHO-WASHINGTON POLE OIL CO	112.00
A19680	COZZENS, JEANNINE M	100.00
A20220	PUST, NOAH A & MARY J	68.00
A20357	JONES FAMILY HOLDINGS LLC	60.00

A20610	VAN WAGONER, JEREMY T	196.00
A20713	BOGGS, JUSTIN DALE	10.00
A20842	TEICHERT, LYLE W & VALERIE ROS	20.00
A20913	1490 SOURDOUGH LLC	10.00
A21196	KOCH, BRENT D	20.00
A22975	MOFFETT, DAVE	100.00
A23158	DERKE, CRAIG	160.00
A23703	VALKENBURG, CORNELIUS A & LIND	117.00
A24268	COLLETT, GORDON C & SIV D	50.00
A24843	KOHN, JAY A & JUDY K	100.00
A28233A	HYAMS, ANDREW C	38.68
A28233B	GRAND AVE INVESTOR LLC	129.40
A28233C	GRAND AVE INVESTOR LLC	23.16
A28233D	GRAND AVE INVESTOR LLC	22.56
A28233E	GRAND AVENUE INVESTORS LLC	26.20
A28994	BK RE 11036 LLC	50.00
A29218	BOTTRELL FAMILY INVESTMENTS LP	240.00
A30109	WOOD, ALVIN DEAN & STACY RENE	260.00
A31092	CAPITAL HOLDINGS LLC 49.9% INT	1000.00
A31495	HUNTERS POINTE APARTMENTS LLC	60.00
A33004	SERMON, EDWARD J & REGINA L	10.00
A36143	CORP OF PRESIDING BISHOP OF CH	1050.00
C01755	PARKER, PATRICK A &	10.00
C06176	ZIMNY, GERARD P & MICHELLE A	225.00
C07319	MAGGA LLC	1412.00
C08660	EGGEBRECHT FAMILY LIMITED PTNR	10.00
D00527	RMR I LLC	2000.00
D01389	HANSER AUTOMOTIVE CO INC	1350.00
D04718	ELLIS, SHELLEY M	40.00
D05641	ROBERTSON, MATT	10.00
D05900	B WHO U R, LLC	2880.00
D05903	ROOKHUIZEN, EDWARD J & DIANNA	200.00
E00004A	NORTHWESTERN ENERGY-T & D	336.00
		$52,890.00