

****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. The Public may also watch meetings by accessing the City's website at <https://ci.billings.mt.us> and click on "Watch Meetings Online".
- Public comment will be taken only during the Public Comment periods as indicated on the agenda. Comments may be sent to Council via email before 3:00 PM, on Monday, October 26, 2020, at: <https://ci.billings.mt.us/1538/City-Council-E-mail-Messages>.
- Emails received after 3:00 PM will be posted on the Council's webpage the following day for public viewing.
- 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.

October 26, 2020

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Boyett

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

MINUTES: October 13, 2020

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 8 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:

A. **Bid Awards:**

1. **City Vehicles.** (Opened 10/13/20) Recommend Schedule 1: Billion Auto Group, \$36,082; Schedules 2, 4 and 5: Yellowstone Country Motors, \$140,257; Schedule 3: Ressler Motors, \$45,012; and Schedule 6: Bison Ford, \$54,140.40, plus the add-on amount for lift gates of \$4,410 for a total amount of \$58,550.40.
2. **Household Hazardous Waste Collection.** (Opened 10/13/20) Recommend rejection of all bids.
3. **Roll-Off Truck.** (Opened 10/13/20) Recommend Western System; \$173,073.85, with 5-yr. warranty.
4. **Three New Side Load Trucks.** (Opened 10/13/20) Recommend SWS Equipment; \$907,854, with 5-yr, warranty.

B. **Professional Services Contract** with Karpel Solutions for the initial installation, implementation, data conversion, licensing and training in the amount of \$95,600; and for continued support and maintenance in the amount of \$14,800/yr. for the Legal Department.

C. **Memorandum of Understanding** between the City of Billings and the Downtown Billings Partnership (DBP) concerning future sale and disposition of funds, YesterYears Building, 102 North 29th Street.

D. **Declaration** of surplus property and authorizing the Street/Traffic Division to sell a road patching unit to the City of Miles City; \$22,000.

E. **Preliminary Major Plat** of Western Sky Subdivision, Second Amended, Lot 5A, generally located at South of King Avenue West and east of South 48th Street; Western Sky Billings, LLC, owner; Sanderson Stewart, agent. * **Quasi-Judicial**

* **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.

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

1. September 21, 2020

2. September 28, 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 AND SPECIAL REVIEW 986:** a special review to allow a beer and wine license with gaming for a 2,500 square foot tenant space within a 7,913 multi-tenant building, in a Community Commercial (CC) zone, on a 39,907 square foot parcel of land described as Lot 2, Block 17, Lampman Subdivision, and generally located at 3189 King Avenue West. DAJ Enterprises, LLC, owner; Josh Benson, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) *Quasi-Judicial

Presented by: Karen Husman, Planner I

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria, I move to approve Special Review 986.

* **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.

3. **PUBLIC HEARING AND SPECIAL REVIEW 987:** a special review to allow an existing all beverage liquor license to relocate from 1911 King Avenue West, Unit 10, to 2499 Gabel Road, a 3,128 square foot building, on a 68,520 square foot parcel of land, described as Lot 3, Block 4, Cenex Park Subdivision. King McCall, LLC, owner; Jason Palaygi, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) *Quasi-Judicial

Presented by: Karen Husman, Planner I

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, and review of the Zoning Commission's recommendation for conditional approval and adoption of the findings of the 3 criteria, I move to approve Special Review 987.

* **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 984:** a zone change from Residential 7,000 (R70) to Residential Multi-Family Restricted (RMF-R) on a 10,056 sq. ft. parcel of land, legally described as Lot 6, Block 2, Sunset Subdivision, generally located at 1219 12th St. West. Christian Helland, owner. 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 984 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 FIRST READING ORDINANCE FOR ZONE CHANGE 985:** a zone change from Residential 6,000 (R60) to Residential Multi-Family Restricted (RMF-R), each parcel of land is 20,250 sq. ft. for a total of 40,500 sq. ft., legally described as Lots 13 and 14, Wolf Subdivision, generally located at 3121 and 3125 Boulder Avenue. Edith Nelson, owner; Rob Pasquarello. 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 985 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.

6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 986:** a zone change to amend the existing Planned Development (PD) zone for Cardwell Ranch on Zimmerman Trail and Grand Avenue to expand the existing Planning Area 2 to include Lot 15A, Block 2 and to remove the additional special review uses from the list of allowed uses within Planning Area 1 and Area 2, legally described as Lots 4A and 15A, Block 2, Cardwell Ranch Subdivision, 1st Filing, generally located at 3340 Sagegrass Drive and 1310 - 30th Street West, respectively. Yegen Grand Avenue Farm, Inc., owner; Charles G. Yegen, 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 986 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.

7. **PUBLIC HEARING** and amendment to agreement with Lockwood Water and Sewer District. 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 an amendment to the agreement with Lockwood Water and Sewer District, as recommended by staff.

8. **TAX INCREMENT FINANCE ASSISTANCE** from East Billings Urban Renewal District (EBURD) to Belle Chemical located at 501 North 22nd Street; \$44,532. Billings Industrial Revitalization District (BIRD) Board recommends approval. (Action: approval or disapproval of BIRD Board recommendation.)

• *Presented by: Zack Terakedis, EBURD Coordinator*

Recommended Motion: I move to approve Tax Increment Finance Assistance from EBURD to Belle Chemical located at 501 North 22nd Street, as recommended by the BIRD Board.

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment.)

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.

Regular City Council Meeting

Meeting Date: 10/26/2020
TITLE: Bid Award of City Vehicles
PRESENTED BY: Larry Deschene
Department: Motor Pool

RECOMMENDATION

Staff recommends retaining the three vehicles offered for trade and selling them at auction because the dealer trade allowance for these three vehicles was only \$500.00 while the trade-in book value is \$6,730.00 for the three vehicles. Staff recommends awarding all bid schedules without trades to the lowest bidder as follows. Bid schedule 1 to Billion Auto Group, in Bozeman MT for the bid amount of \$36,082.00; Bid schedules 2, 4 and 5 to Yellowstone Country Motors in Livingston, MT for the bid amount of \$140,257.00; Bid schedule 3 to Ressler Motors in Bozeman, MT for the bid amount of \$45,012.00; and Bid schedule 6 to Bison Ford in Great Falls, MT for the bid amount of \$54,140.40 plus the add-on amount for lift gates of \$4,410.00 for a total amount of \$58,550.40.

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

Eight City Vehicles in the light truck class are scheduled for replacement in the City’s Equipment Replacement Program and were approved by City Council during the FY 20-21 budget process. Staff advertised for sealed bids for city vehicles on September 25, October 2 and October 9, 2020 with a bid opening on October 13, 2020.

The bids are for the following types of vehicles:

- One-3500, 4x4 regular cab pickup with snow plow (Streets)
- Two-3500, 2x4 extended cab pickups with service bodies (PW Belknap)
- One-3500, 4x4 extended cab pickup with service body (PW Belknap)
- One-2500, 4x4 crew cab pickup (Fire)
- One-1500, 4x4 extended cab pickup (Engineering)
- Two-2500, 2x4 regular cab pickups with lift gates (Streets)

ALTERNATIVES

City Council may:

- Approve the purchases of vehicles from the lowest qualified bidders or;
- Disapprove the purchases and reject all bids. If the bids are rejected, the units will not be replaced in a timely manner and the existing units will be used beyond the Equipment Replacement Plan recommendations. Vehicle reliability will decrease and maintenance costs will increase.

FISCAL EFFECTS

The City Departments 'FY21 budgets include adequate funds to replace the vehicles described. The City received bids from four vendors on the vehicles. The total low bid amount for the vehicles is \$275,491.40 as outlined in the attached "Vehicle Bid Results." In addition to the amount bid, there is an add-on amount of \$4,410.00 for bid schedule 6 for lift gates that were omitted in the bid amount submitted by the vendor. The add-on amount brings the total low bid amount to \$279,901.40.

Attachments

Vehicle Bid Results

Vehicle Bid Results

BID SCHEDULE 1- ONE (1) NEW CURRENT MODEL 2021 ONE-TON, 350/3500 SERIES 4 X 4 REGULAR CAB LONG BOX PICKUP WITH SNOW PLOW

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Yellowstone Country Motors	\$37,663.00	None	\$37,663.00
Billion Auto Group	\$36,082.00	None	<u>\$36,082.00</u>
Ressler Motors	No bid		
Bison Motors	\$37,736.20	None	\$37,736.20

BID SCHEDULE 2- TWO (2) NEW CURRENT MODEL 2021 1-TON, 350/3500 SERIES 2 WHEEL DRIVE EXTENDED CAB, FOUR DOOR PICKUPS WITH SERVICE BODIES

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Yellowstone Country Motors	\$83,236.00	None	<u>\$83,236.00</u>
Billion Auto Group	\$86,854.00	None	\$86,854.00
Ressler Motors	\$86,116.00	None	\$86,116.00
Bison Motors	\$85,645.40	None	\$85,645.40

BID SCHEDULE 3- ONE (1) NEW CURRENT MODEL 2021 1-TON, 350/3500 SERIES 4 WHEEL DRIVE EXTENDED CAB 4-DOOR PICKUP WITH SERVICE BODY

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Yellowstone Country Motors	\$46,414.00	None	\$46,414.00
Billion Auto Group	\$46,932.00	None	\$46,932.00
Ressler Motors	\$45,012.00	None	<u>\$45,012.00</u>
Bison Motors	\$45,933.06	None	\$45,933.06

BID SCHEDULE 4- ONE (1) NEW CURRENT MODEL 2021 3/4-TON 4 WHEEL DRIVE CREW CAB SHORT BOX PICKUP

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Yellowstone Country Motors	\$31,662.00	None	<u>\$31,662.00</u>
Billion Auto Group	\$33,578.00	None	\$33,578.00
Ressler Motors	\$35,719.00	None	\$35,719.00
Bison Motors	\$33,584.20	None	\$33,584.20

BID SCHEDULE 5- ONE (1) NEW CURRENT MODEL 2021 FULL-SIZE 1/2 TON, 4 WHEEL DRIVE, EXTENDED CAB 4-DOOR SHORT 6.5' BOX PICKUP

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Yellowstone Country Motors	<u>\$25,359.00</u>	\$ 500.00	\$24,859.00
Billion Auto Group	\$27,102.00	\$2000.00	\$25,102.00
Ressler Motors	\$27,872.00	\$ 500.00	\$27,372.00
Bison Motors	\$27,931.60	\$ 0.00	\$27,931.60

BID SCHEDULE 6- TWO (2) NEW CURRENT MODEL 2021 FULL SIZE 3/4-TON 2500 SERIES, 2 WHEEL DRIVE, REGULAR CAB LONG-BOX PICKUPS WITH LIFTGATES

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Lift Gates</u>	<u>Net Bid</u>
Yellowstone Country Motors	\$64,838.00	\$ 800.00	Included	\$64,038.00
Billion Auto Group	\$64,444.00	\$4000.00	Included	\$60,444.00
Ressler Motors	\$67,772.00	\$2500.00	Included	\$65,272.00
Bison Motors	<u>\$54,140.40</u>	\$ 0.00	<u>\$4,410.00</u>	<u>\$58,550.40</u>

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Household Hazardous Waste Collection

PRESENTED BY: Jennifer Duray

Department: Public Works

Division: Solid Waste

RECOMMENDATION

Staff recommends the City Council reject all bids for the Solid Waste Household Hazardous Waste Collection.

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

The landfill has a designated area for the public to drop off household hazardous waste. The amount of household hazardous waste being disposed of at the landfill has been steadily increasing each year. Contracting with a private company to remove the household hazardous waste instead of disposing of these wastes into the landfill saves landfill space and allows the household hazardous waste to be recycled.

The bid was advertised on October 2nd and 9th, 2020 in the Yellowstone County News and on the City's website. Bids were opened on October 13th and one bid was received. CleanEarth was the only bid and the bid was incomplete. Staff will work with vendors to determine how to submit a complete bid and re-bid this service.

ALTERNATIVES

City Council may:

- Reject all bids for Household Hazardous Waste Collection. There is not viable alternative.

FISCAL EFFECTS

The following bids were received:

CleanEarth	bid was incomplete
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The project was budgeted in FY21. The amount budgeted was \$110,000.00.

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Roll-Off Truck

PRESENTED BY: Jennifer Duray

Department: Public Works

Division: Solid Waste

RECOMMENDATION

Staff recommends the City Council award the purchase of a new roll-off truck to Western System, in the amount of \$173,073.85.

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

The purchase will replace an existing vehicle that is included in the approved Equipment Replacement Plan for FY2021 and is included in the FY 2021 budget. The bid was advertised on September 25th, October 2nd and 9th, 2020 in the Yellowstone County News and on the City's website. Bids were opened on October 13th and 5 bids were received. Western System submitted the lowest, responsible bid.

ALTERNATIVES

City Council may:

- Approve the award of the purchase of a new roll-off truck to Western System, in the amount of \$173,073.85 or;
- Disapprove the award of the purchase and reject all bids.

FISCAL EFFECTS

	SWS Equipment	SWS Equipment	TriState Truck & Equipment	I-State Truck Center & Kois	Western System
Base Bid	\$188,000.00	\$200,640.00	\$201,165.00	\$188,500.00	\$179,639.85
Tranny/Engine 5yr Warranty	\$3,062.00	\$4,902.00	\$4,902.00	\$3,062.00	\$3,062.00
Trade 176	\$7,000.00	\$7,000.00	\$15,000.00	\$15,000.00	\$18,000.00
5yr Cylinder Warranty	\$0.00	\$0.00	\$4,500.00	\$4,500.00	\$8,372.00
Total	\$184,062.00	\$198,542.00	\$195,567.00	\$181,062.00	\$173,073.85

The purchase was budgeted in FY21. The amount budgeted was \$220,913.00. The unused budget will be utilized for overages on other equipment purchases within the solid waste fund.

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Three New Side Load Trucks

PRESENTED BY: Jennifer Duray

Department: Public Works

Division: Solid Waste

RECOMMENDATION

Staff recommends the City Council award the purchase of three new side load trucks to SWS Equipment in the amount of \$302,618.00, each with warranty. Staff recommends not trading in units 161, 162, and 163 and instead selling these units.

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

The purchase will replace existing vehicles that are included in the approved Equipment Replacement Plan for FY21 and is included in the FY21 budget. The total amount for the purchase of these trucks is \$967,971.00. The bid was advertised on September 25th October 2nd, and 9th, 2020 in the Yellowstone County News and on the City's website. Bids were opened on October 13th and 4 bids were received. SWS Equipment submitted the lowest, responsible bid. Public Works believes that we can get more for the current trucks by selling them to third party than by trading them in.

ALTERNATIVES

City Council may:

- Approve the award of the purchase of three new side load trucks to SWS Equipment, in the amount of \$302,618.00, each with warranty, and hold Units 161, 162, and 163 to sell to a third party or;
- Disapprove the award of the purchase and reject all bids.

FISCAL EFFECTS

The following bids were received:

	Montana Peterbilt	Floyd's Truck Center	SWS Equipment	SWS Equipment
Base Bid	\$307,658.00	\$321,550.00	\$312,358.68	\$298,966.00
5yr Warranty	\$3,652.00	\$2,579.00	\$2,579.00	\$3,652.00
Total	\$933,930.00	\$972,387.00	\$944,813.04	\$907,854.00

Staff is recommending awarding the bid to Solid Waste Systems and not trading in units 161, 162, and 163. The amount budgeted was \$967,971.00.

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Case Management Software - Contract Award

PRESENTED BY: Gina Dahl

Department: Legal

RECOMMENDATION

Staff recommends award of a contract to Karpel Solutions for the initial installation, implementation, data conversion, licensing and training in the amount of \$95,600; and for continued support and maintenance in the amount of \$14,800/year.

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

In July 2020, the City Attorney's Office (CAO) was notified Justware, the case management software (CMS) in service in the CAO for 5 years, was to sunset sales, support, and upgrades on June 30, 2021. Justware is primarily used by prosecution services in Montana and many other states, although a civil Justware database is also in use to a smaller extent. Prosecution services is a paperless division completely reliant on Justware for all aspects including court appearances.

Staff began researching a replacement software program and have tested a number of solutions. The Montana County Attorney's Association (MCAA) gave statewide communities notice that a cooperative purchasing agreement was reached with Karpel Solutions for purchasing their CMS product PROSECUTOR by Karpel (PbK), at a discounted price. Staff moved forward with exploring the Karpel solution as well as vetting other vendors that were also reviewed by other Montana agencies searching for a Justware replacement.

After thorough review, it was determined that moving forward with PbK was allowed under §18-4-306(b), Montana Code Annotated which provides the following:

Sole source procurement -- records. (1) A contract may be awarded for a supply or service item without competition when, under rules adopted by the department, the director, the head of a purchasing agency, or a designee of either officer above the level of the procurement officer determines in writing that:

...

(b) only one source is acceptable or suitable for the supply or service item;

The technical characteristics of PbK are unique and essential. PbK is customizable to meet the office's specific needs, including customized reports, business rules, and automated documents. PbK is configurable to adapt to changes in the police department and Municipal Court processes. Laws and jurisdictional requirements vary from state to state and customization is critical for successful and efficient work flow. Additionally, PbK offers statewide data sharing with other prosecutor offices using PbK.

Karpel is currently working with the cities of Bozeman, Helena, Missoula, and Livingston. Karpel has also implemented a project to integrate all Montana counties, except

Flathead. We are aware of at least 8 "urban" counties and at least 20 "non-urban" counties that have contracts with Karpel or have committed to working with Karpel.

PbK is a hosted application and therefore does not require the City to maintain a server resulting in significant savings to the City. Users access the system through a web browser and all data is securely hosted, stored, and maintained by Karpel Solutions using the highest security standards and practices. Karpel offers 24/7/365 support by phone and email with 85% of its employees in development and support.

With the critical nature of a reliable, customizable CMS in prosecution services there is an urgency to this purchase. Signing the contract and moving forward will place us on Karpel's schedule for projected kickoff date before the end of the year and a go live date by July 12, 2021.

Karpel has offered a three-tier discount to Montana counties and cities dependent on the overall number of Montana agencies that enter into a contract for PbK on or before October 31, 2020. The discount will be applied to the 2nd year annual support invoice. Available discounts:

Urban Counties and 1st Class Cities agree to use PROSECUTORbyKarpel: 10% discount on licensing;

Urban Counties and 1st Class Cities and 30-40 non-urban Counties and non 1st class cities and towns agree to use PROSECUTORbyKarpel: 15% discount on licensing;

Urban Counties and 1st Class Cities and 40-50 non-urban Counties and non 1st class cities and towns agree to use PROSECUTORbyKarpel: 20% discount on licensing.

Additionally, the required data conversion from JustWare to PbK is at no additional cost for contracts signed in 2020.

ALTERNATIVES

City Council may:

- Approve the contract with Karpel Solutions, or;
- Disapprove the contract with Karpel Solutions, and provide further direction to staff.

FISCAL EFFECTS

Staff has requested preapproval for reimbursement through the CARES Act for the initial payment to Karpel Solutions and has been advised that such approval has been obtained. Implementation, data conversion, licensing and training will cost \$95,600; annual support and maintenance will cost \$14,800/year. Future support and maintenance cost will budgeted through the normal appropriations process annually.

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Memorandum of Understanding Concerning Disposition of Funds from Sale of YesterYears Building, 102 North 29th Street

PRESENTED BY: Brent Brooks, City Attorney

Department: Legal

RECOMMENDATION

Staff recommends approval of the Memorandum of Understanding between the City of Billings and the Downtown Billings Partnership concerning disposition of funds from the future sale of the YesterYears Building located at 102 North 29th Street in downtown Billings.

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

During the September 14, 2020, City Council Regular Business meeting discussion on agenda item number 5 which involved approval of the payment of a line of credit to Big Sky Economic Development Authority (BSEDA) using Downtown Billings Tax Increment Financing funds, a related discussion occurred concerning the potential future sale and disposition of the proceeds from such sale of the YesterYears building (Building) located at 102 North 29th Street in downtown Billings. By way of a brief background on this building, the City Council previously approved the purchase of the Building by DBP in 2016 using Downtown Billings TIF funds. The purchase was intended for a future large-scale development project.

The question arose during the September 14 meeting concerning where proceeds from the sale of the Building would be deposited. Through a Council Initiative by Councilmember Brown and seconded by Councilmember Neese near the end of the September 14 meeting, the Council directed staff to prepare and bring back to a future regular business meeting a brief Memorandum of Understanding (MOU) between the City and the DBP that provided for the disposition of these proceeds upon sale of the Building.

The attached MOU is a brief document drafted by City staff and the DBP which provides for the deposit of the sale proceeds into the Downtown Tax Increment Fund if and when the Building is sold.

ALTERNATIVES

City Council may:

- Approve the MOU with the DBP, or,
- Amend the MOU, or,
- Disapprove the MOU.

FISCAL EFFECTS

The Downtown Tax Increment Fund will be increased by the amount of the sale price of the Building.

Attachments

DBP.City MOU For YesterYears Building

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF BILLINGS
AND
THE DOWNTOWN BILLINGS PARTNERSHIP, INC.,
AN I.R.C. 501 (c)(4) MONTANA NON-PROFIT CORPORATION, (DBP)
FOR PROGRAM COORDINATION AND TAX INCREMENT FINANCING
RECOMMENDATIONS AS PER MCA 7-15-4233 IN THE EXPANDED
NORTH 27TH STREET URBAN RENEWAL DISTRICT**

This Memorandum of Understanding (“MOU”) is made and entered into on _____, 2020 (the “Effective Date”) by and between the City of Billings (“City”), and the Downtown Billings Partnership, Inc. (“DBP”), a 501 c(4) tax exempt corporation that is managed with the purpose of assisting the City in revitalization of the Expanded North 27th Street Urban Renewal District (27th Street URD) for projects, regulations, planning, and to render opinions and give recommendations to the City Council as outlined in MCA 7-15-4233 on all financial assistance provided by Tax Increment Financing (TIF) in the North 27th Street URD. For purposes of this MOU, the City, and the DBP are each a “Party” and are sometimes collectively referred to as the “Parties.”

I. TERM & TERMINATION OF THIS MOU

This MOU shall be in effect for Five (5) years from the Effective Date and shall automatically renew for one additional five (5) year term unless and until the Building is sold. If and where applicable, days are defined in this Agreement to be business days.

II. BACKGROUND AND PURPOSE OF THIS MOU

- A. The North 27th Street Urban Renewal District (URD) was created by the City of Billings in 2008 by Ordinance No. 08-5483. The 2008 modification of the downtown URD followed multiple amendments by the City to the boundary of the original URD first created by the City in 1976.
- B. The DBP works in cooperation with the Downtown Billings Alliance (DBA). This MOU is between the City and the DBP, and concerns the potential sale and disposition of sale proceeds of the YesterYears building (hereinafter “Building”) located at 102 North 29th Street in downtown Billings and within the boundaries of the North 27th Street URD.
- C. The purchase of the Building using Tax Increment Finance (TIF) funds was approved by the City of Billings Mayor and Council on May 9, 2016. The approval authorized up to \$850,000 for the purchase of the building.
- D. On May 24, 2016, the Building was purchased for \$835,750,000 using the City of Billings’ Downtown Tax Increment Fund. The title to the Building and lot is currently held in Fee Simple by the DBP who is sole record owner.

III. ALLOCATION OF BUILDING SALE PROCEEDS

A. The City and DBP agree and affirm that if and when the Building is sold by DBP that proceeds from such sale will be deposited into the City of Billings Downtown Tax Increment Fund which was the sole source of monies used to purchase the Building in 2016.

IV. NO MODIFICATION TO EXISTING MOU

Nothing herein is intended to amend or modify the current Memorandum of Understanding dated May 13, 2019, between the City and the DBP concerning duties and responsibilities of both parties in the oversight and management of the North 27th Street Urban Renewal District.

IV. AUTHORITY AND EXECUTION

Each Party represents that it has the authority to enter into this MOU and to perform the functions stated herein, and that the persons executing this MOU on their respective behalf are authorized by law, resolution or other requisite action of the Party's governing body.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the dates indicated below.

THE CITY OF BILLINGS:

By: _____
William A. Cole, MAYOR

ATTEST:

By: _____
Denise R. Bohlman, CITY CLERK

APPROVED AS TO FORM:

By: _____
Brent Brooks, CITY ATTORNEY

DOWNTOWN BILLINGS PARTNERSHIP, INCORPORATED

Dated: _____

By: _____
DBP Board President

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Declare as Surplus for Disposal 2006 Road Patching Unit

PRESENTED BY: Jennifer Duray

Department: Legal

RECOMMENDATION

Staff recommends that the City Council declare the Street/Traffic division's old road patching unit as surplus and approve the disposal, via a sale, to City of Miles City for the amount of \$22,000.

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

Public Works recently purchased and replaced a road patching unit. This equipment is used by the Public Works Street/Traffic division to patch potholes throughout Billings. The road patching unit was 13 years old and had outlived its useful life, frequently in need of maintenance, and needed to be replaced. The road patching equipment was advertised and Normont Equipment was selected as the successful bidder. City Council awarded the contract at the November 12, 2019 Council meeting for a price of \$234,433. Unfortunately, Normont Equipment would not accept the old road patching unit on trade-in. Therefore, staff researched cities who utilize this surplus equipment. After research by staff, the fair market value of the equipment is estimated at \$22,000. The City of Miles City has a need for the equipment, available budget, and has agreed to purchase the old road patching unit at the fair market value price. Subsequently, Public Works would like to sell the old road patching unit to City of Miles City for \$22,000.

ALTERNATIVES

City Council may:

- Approve designating the road patching unit as surplus and authorize the sale and disposal of this old road patching unit to the City of Miles City, or;
- Disapprove the sale and subsequently scrap and dispose of the road patching unit for scrap.

FISCAL EFFECTS

The 2006 road patching unit had no trade value, but by selling to another city entity the Street/Traffic division will collect \$22,000 in revenue from the sale of the surplus equipment.

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease - Preliminary Major Plan

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Division: Planning

RECOMMENDATION

The Planning Board is forwarding a recommendation of conditional approval of the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5, Subdivision for Rent or Lease, and adoption of the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

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

1. To ensure the ability to place private utilities within the development, prior to final plan approval, the applicant will coordinate with private utility companies for placement of easements and provide those easement locations on the final plan.
2. To minimize the effects on local service, prior to final plan approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plan shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

On August 3, 2020, Sanderson Stewart, agent for Western Sky Billings, LLC, applied for preliminary major plan approval for Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease. The proposed subdivision does not create any additional lots but does require review for creating 155 spaces for mobile homes to be placed on the existing lot. The subject property is generally located south of King Avenue West and east of South 48th Street West. The property is zoned Residential Manufactured Home (RMH). The proposed lot will be developed in compliance with the zoning. The Yellowstone County Board of Planning held a public hearing on September 22 and forwarded a recommendation to the City Council.

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan and the Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact which is attached to this report.

VARIANCES REQUESTED

No variance is being requested for this subdivision.

PROCEDURAL HISTORY

- Pre-application meeting April 30, 2020
- Preliminary plan application submitted to Planning Division on August 3, 2020
- Departmental review meeting August 20, 2020
- Preliminary plan re-submittal August 27, 2020
- Planning Board plan review September 9, 2020
- Planning Board public hearing September 22, 2020

- Preliminary plan to City Council October 26, 2020
- 60 working-day preliminary plan review period ends October 28, 2020

PLAT INFORMATION

General location:	South of King Avenue West and east of South 48th Street
Legal Description:	Western Sky Subdivision, Second Amended, Lot 5A
Owner/Subdivider:	Western Sky Billings, LLC
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	RMH
Existing land use:	Vacant land
Proposed land use:	Residential
Gross and Net area:	5.8 acres / 5.8 acres
Proposed number of lots:	1 lot / 155 spaces
Lot size:	Max: 28.2 acres Min.: 28.2 acres
Parkland requirements:	Parkland dedication will be met with a combination of private park area, public pedestrian/bike trails along south 48th Street West and along Hogan's slough, and a cash in lieu contribution.

STAKEHOLDERS

Planning staff gave a brief presentation to the Planning Board about the proposed subdivision. Board President Woody Woods asked if there were any questions from the board for staff. Board member Cook asked if this project is similar to Golden Meadows. Ms. Plecker stated this project is unique as the proposal is for a mix of housing types. Board member Thompson asked regarding the parkland and noted the development holds a mixture of private and public parkland. It was noted the pedestrian and bike trails along 48th Street West and Hogan's Slough are Public and should be maintained by the City of Billings.

President Woods asked if the applicant or applicants' agent would like to address the board. Bill Morgan representing Western Sky Billings, LLC, stated the parks connect to the trails through the development's internal streets. They will be public linear parks and the Public Works Department or the Parks Department will maintain the trails. The private park will be maintained and operated by the Homeowners' Association for the development. Mr. Morgan also stated this development may have more connectivity than Golden Meadows as it showcases trail use.

There were no other questions. President Woods opened the public hearing for the proposed subdivision, there were no comments from the public about the subdivision. The public hearing was closed. A motion was made to recommend conditional approval of the subdivision with the SIA and Findings of Fact, the motion was seconded. The board voted unanimously in favor of the motion.

ALTERNATIVES

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various City departments, private service/utility providers and the affected school district(s), have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on October 28, 2020. State and City subdivision regulations also require that preliminary plats (Rent or Lease Plan in this case) be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

FISCAL EFFECTS

Approval of this subdivision does not impact the Planning Division budget.

Attachments

- Findings of Fact
 - Proposed Plan
 - SIA
 - Phasing Plan
 - Mayors Letter
-

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease. These findings are based on the preliminary plan application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used for agricultural purposes. This proposed development will remove approximately 28.2 acres of agricultural land out of production. Perimeter ditches and drains shall remain in place and shall not be removed by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

This subdivision has a drainage ditch along the western edge, 48th Street Drain, it will be placed in an easement and will remain in use. Hogan's Slough is along the southern end of the proposed subdivision, it will also remain in use. Both waterways are used for drainage purposes for other developments farther north and west.

2. Effect on local services

- a. **Utilities** – Public water services to the subject property will be provided by the City of Billings. The city has a water line in King Avenue West that is along part of the frontage of this entire subdivision, Western Sky. The developer has extended a water line into the subdivision from King Avenue West south and then west on Crescent Street. Lot 5A will have a private water line from the water line in Crescent Street south to this proposed development. This new private water line will be in an existing easement. From that private water line there will be water lines run throughout the development with water connections provided to each space that will have a manufactured home.

The developer shall make a cash contribution to the City of Billings for future water main improvement in South 48th Street West. This contribution will be made at the time of development of Lot 5A. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings, Engineering Department. This is all outlined in the SIA under the heading Utilities A, Water.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. The city has a sewer line in King Avenue West that is along part of the frontage of this entire subdivision, Western Sky. The developer has extended a sewer line into the subdivision from King Avenue West south and then west on Crescent Street. Lot 5A will have a private sewer line from the sewer line in Crescent Street south to this proposed development. This new private sewer line will be in an existing easement. From the private sewer line there will be sewer lines run throughout the development with sewer connections provided to each space that will have a manufactured home. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. This is all outlined in the SIA under the heading Utilities B, Sanitary Sewer.

Coordination with private utility providers shall be done prior to construction of the development. Private utility companies will serve the development either in private utility easements at locations shown on the face of the plan, or in areas determined at the time of development. **(Condition #1)**

- c. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. Stormwater will be conveyed to either the South 48th Street West Drain or the Hogan’s Slough. Discharges to the two drains will have acceptable backflow prevention devices to prevent large storm events from back flowing into the storm drain lines that service the subdivision.

The developer shall reconstruct the portion of Hogan’s Slough that runs along the south lot line of Lot 5A, Block 1 to increase capacity in accordance with the recommendations of the West Billings Stormwater Management Plan.

The original SIA with Western Sky Subdivision, 2nd Amended, has an agreement with the City of Billings for the entire subdivision to be able to discharge stormwater into the South 48th Street West Drain or the Hogan’s Slough. (Recorded Document number 3902605) There will be on-site stormwater quality mitigation measures to control stormwater quality into those two drains. Each lot in Western Sky Subdivision 2nd Amended will make a cash contribution to the City of Billings for construction of facilities in service of the City of Billings Shiloh Conservation Area. Those facilities will be constructed by the City of Billings in a location and at a time found to be appropriate to the City. This dollar amount was calculated based on the overall subdivision stormwater detention required as determined by the Subdivision Stormwater Report prepared with the Western Sky Subdivision, 2nd Amended.

All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for Western Sky Subdivision, Second Amended, Lot 5A. All

drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*.

- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- e. **Streets** – Access to the lots in this proposed subdivision is from South 48th Street West. In the City of Billings Subdivision regulations Article 23-600. Developments Providing Multiple Spaces for Rent of Lease for Recreational Vehicles, Mobile Homes, and Manufactured Homes, Section 23-603 B. Streets. All streets within a Manufactured or Mobile Home Park or Recreational Vehicle Park shall be private. All streets within this proposed development shall be private. The streets shall be laid out to discourage through traffic and intersections with public streets. Streets will be constructed to a 34-foot wide, back of curb to back of curb, and 5-foot wide boulevard sidewalks.

A TIS update has been submitted to the Engineering Division for review and approval prior to final plan. This subdivision is subject to the terms and conditions of the SIA for the entire subdivision, Western Sky Subdivision, 2nd Amended, recorded under document number 3902605. No physical improvements are anticipated on South 48th Street West with this development but the developer will be making a cash contribution to the City of Billings for future improvements to South 48th Street West. This contribution shall be made prior to development of this lot. This is all defined in the SIA under the heading III Transportations A. Streets.

The TIS also identified the need to move the south access point to the north of where it was originally platted with the Western Sky, 2nd Filing. The south approach has been relocated to give better space between the existing approach at Diamond Falls Road and the future approach at the quarter section. It also provides an entirely better location with respect to the Hogan Slough/48th Drain confluence. Language regarding the southern access is found in the SIA on page SIA-5 under the heading E. Access 1.

Sidewalks with accessible ramps at the intersections will be completed with the street improvements within the development.

- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1501 54th Street West (Station #7).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- g. Schools** – Elder Grove School provides K-8 to students within this subdivision, School District #2 provide service to students within this subdivision for high school, West High School. West High School is currently over capacity. School District #2 did not respond to request for comments at the time of the writing of this report.
- h. Parks and Recreation** – Parkland dedication will be met with some private park area, public pedestrian/bike trails along south 48th Street West and along Hogan’s Slough and a cash in lieu contribution.
- i. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #2)**
- j. Phasing** – The applicant is proposing to phase the development of the manufactured home park. Because there are no blocks or lots created with a manufactured home park, there is no way to define the phases using them. Attached to the end of the Finding of Fact is an exhibit showing the proposed phases of the development. The SIA defines what contributions will be taking place with the two phases and what improvement work will be done. It also outlines anticipated date the second phase will be open.

3. Effect on the natural environment

The subject property is relatively level farmland. It is adjacent to urban development on its east side with large lot single family to the southwest. A geotechnical study was performed for the subdivision. In the SIA it is stated that additional geologic study may be required at the time of development. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.1.)]

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

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

Home Base (healthy, safe and diverse housing options) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

3. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. There will be no trails built with this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the RMF zoning district. All development shall comply with current zoning.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider will be providing private utility easements as required by private utility providers.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lot from South 48th Street West, all internal streets will be built to city standards and will be private roads as required by City of Billings Subdivision Regulations.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

The Planning Board recommend conditional approval of the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, October 26, 2020

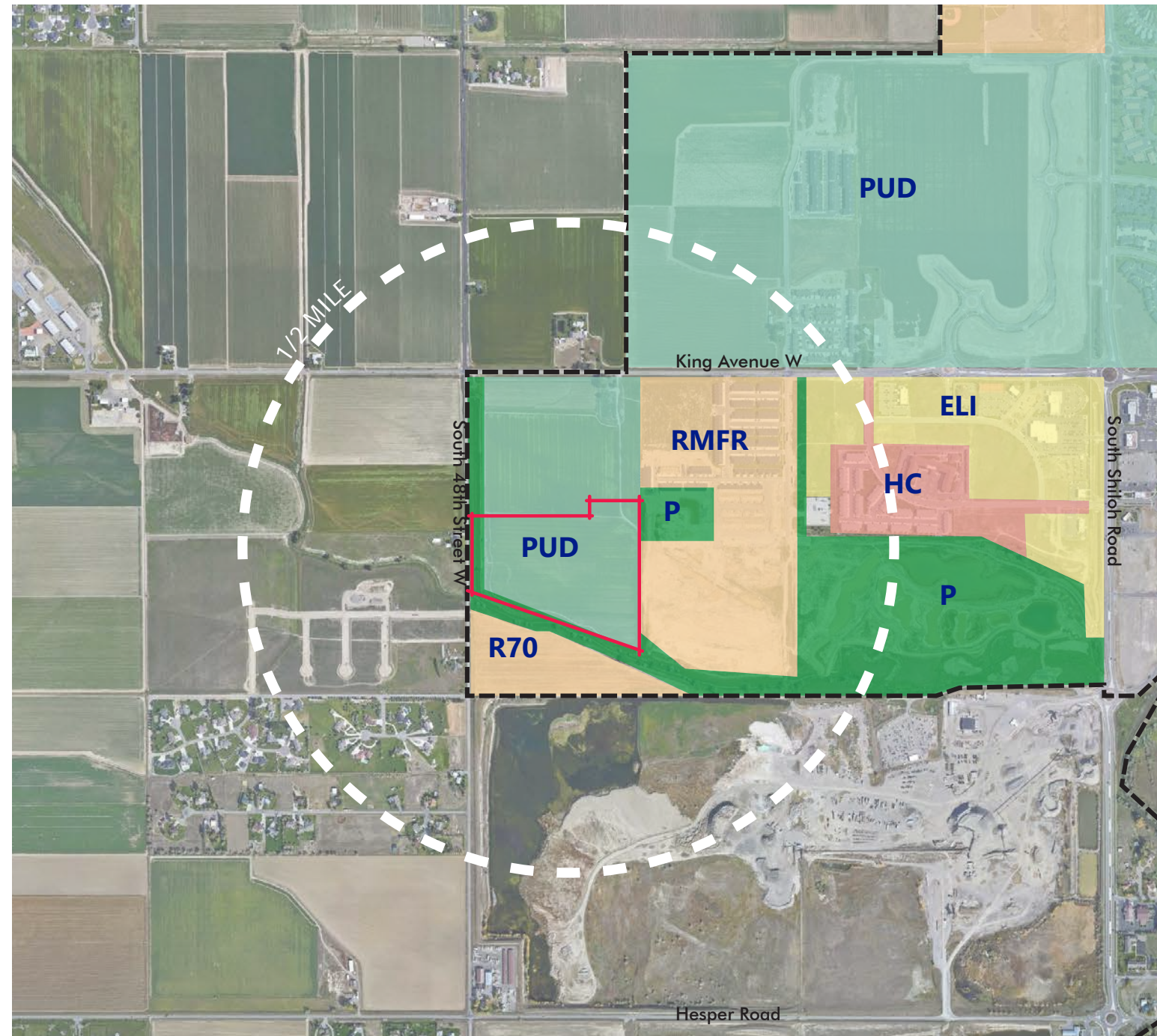
William A. Cole, Mayor

Phasing Plan



**Preliminary Plat Submittal
for Residential Manufactured Home (RMH) Development
of Lot 5A, Block 1 of Western Sky Subdivision, 2nd Amended**

August 3, 2020



adjacent use

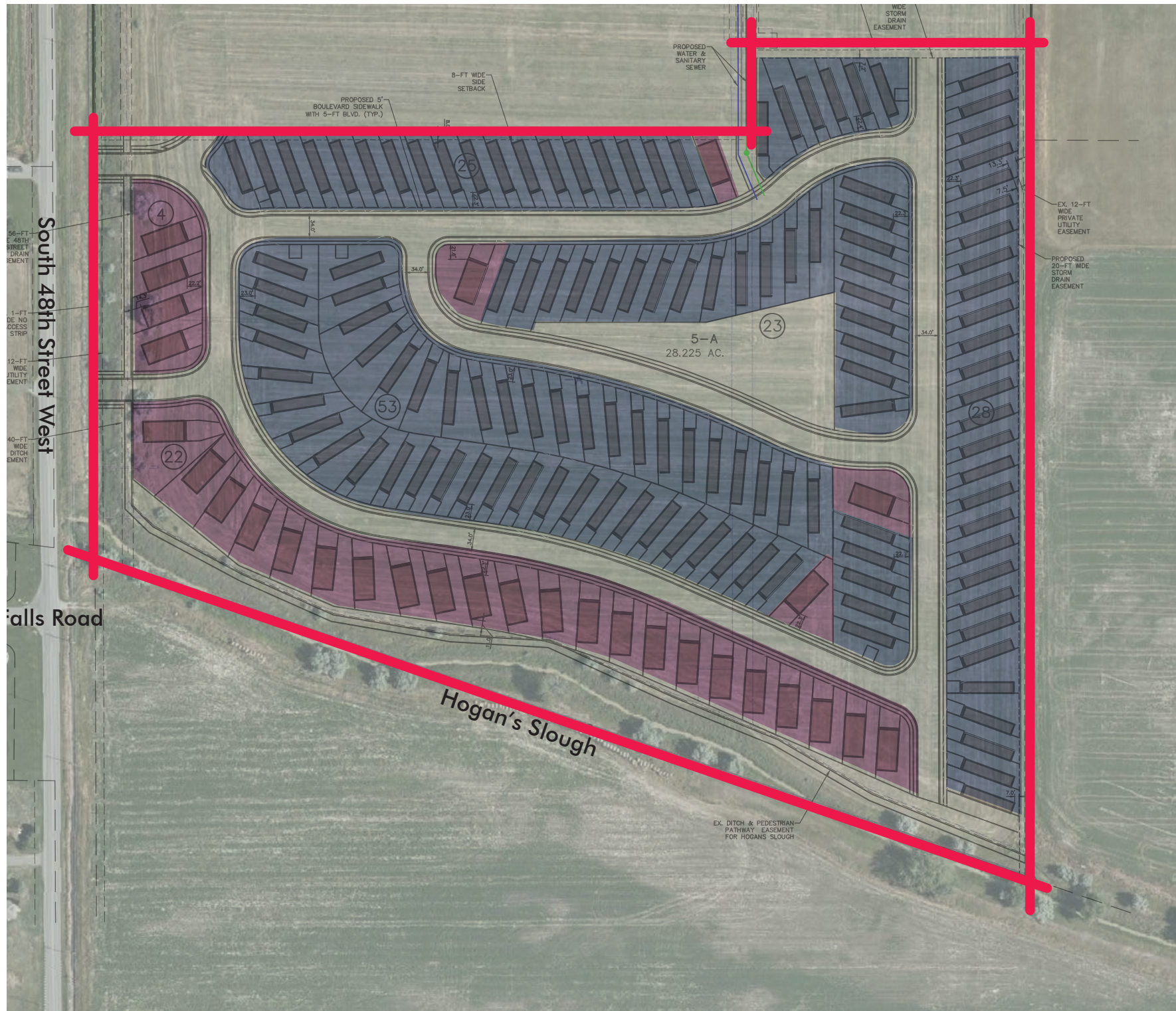
Adjacent land uses within a 1/2 mile radius include public lands (P), entryway light industrial (ELI), residential - including multi-family (R70 and RMFR), Highway Commercial (HC), and additional Planned Unit Development (PUD). Also within the 1/2 mile radius zone, but outside of the City limits, are agricultural and residential uses.

PUD zoning

The proposed development property is zoned Planned Unit Development.

“Western Sky Planned Development” or “Planned Development” or “development” consists of a portion of the land situated in the NW 1/4 of Section 15, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana described as Lot 3 and 4 of Block 1 of Plat of Western Sky Subdivision, recorded in the office of the clerk and recorder, Yellowstone County, under Document No. 3374355 is planned to be in the Western Sky Subdivision plat including commercial and residential lots and space, streets, Open Space and Park Land within in the Western Sky Planned Development. Attached hereto and by reference incorporated herein is the attached Planned Development Exhibit illustrating the land and streets included in the Planned Development. The development will feature community, neighborhood commercial and mixed residential uses.

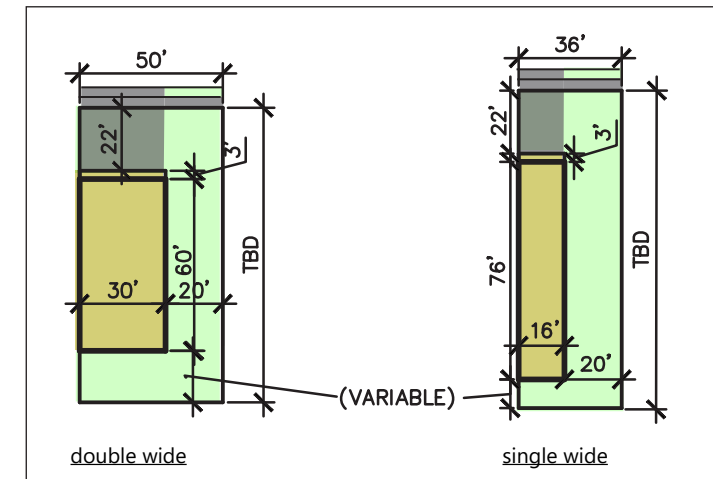
Lot 5A is intended for the development of a residential community of manufactured homes.



The Western Sky development proposes a mix of single and double wide units for a manufactured home community of up to 155 units.

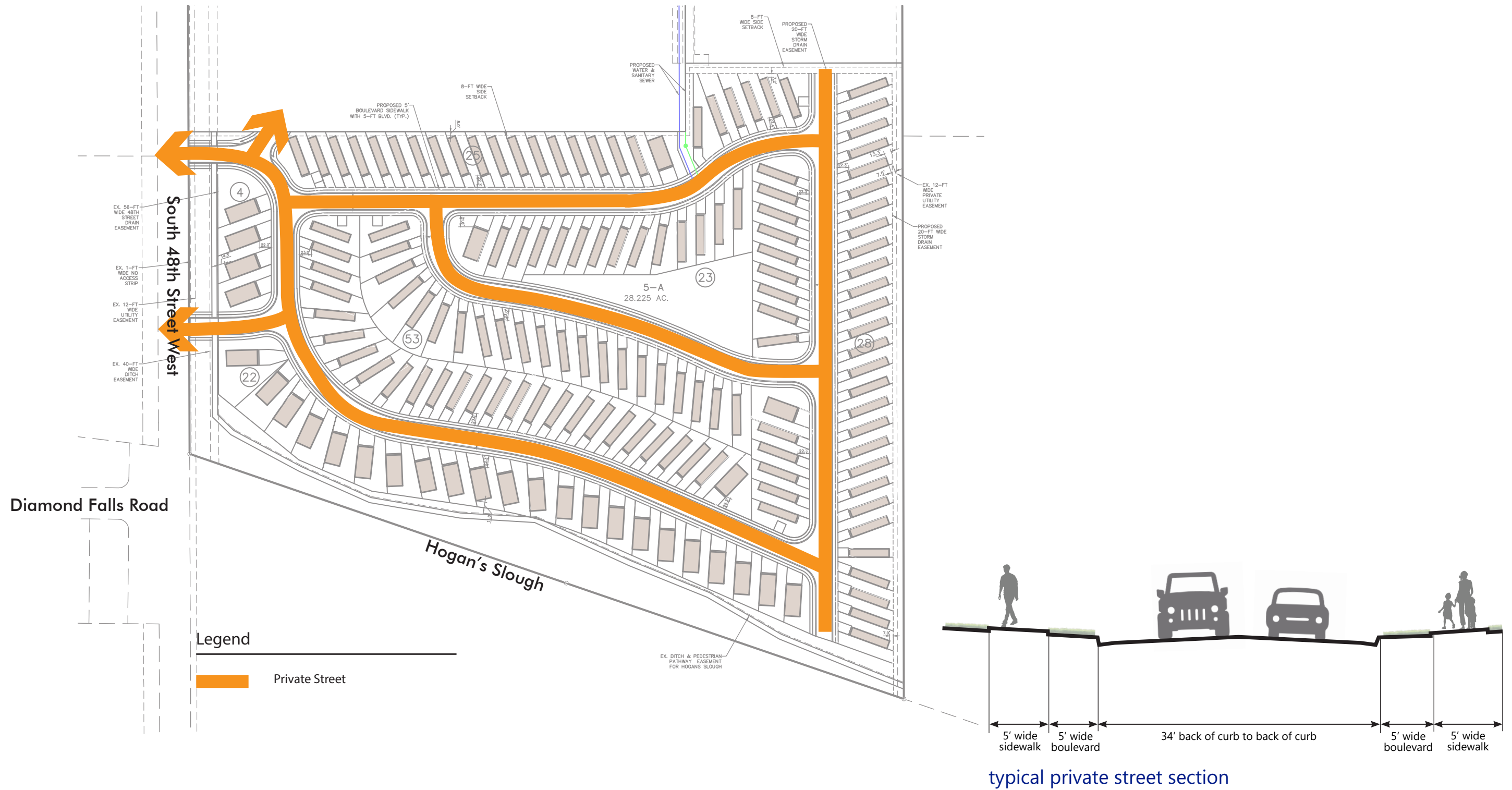
SETBACKS	
Side Yard	15'
Front Yard	20'
Rear Yard	8' min.

typical site layout - preliminary



Legend

- Double Wide
- Single Wide

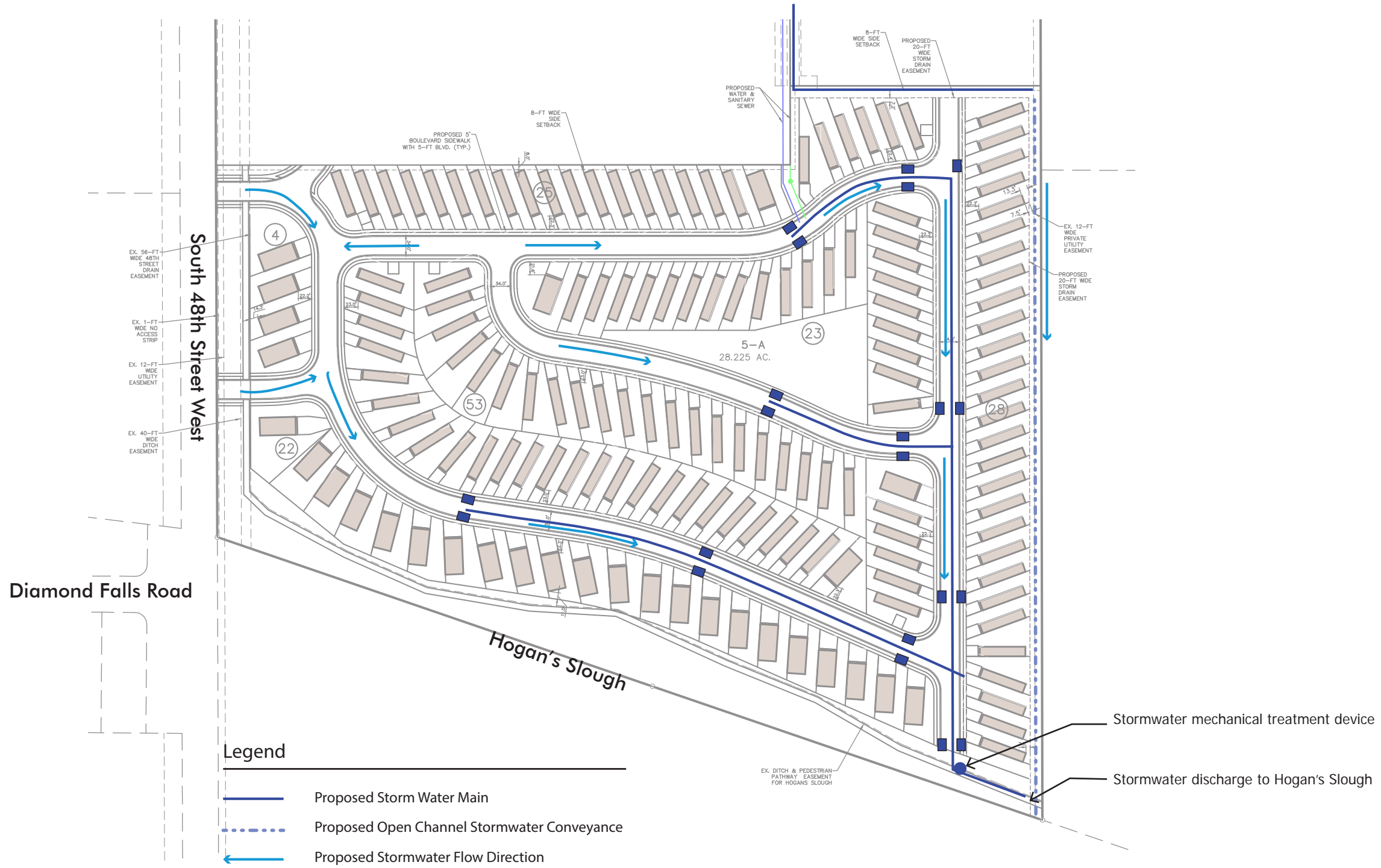


Emergency and Fire Access

There will be two points of emergency access from South 48th Street West into the community. Fire hydrants are shown schematically. Spacing of hydrants will meet City requirements.

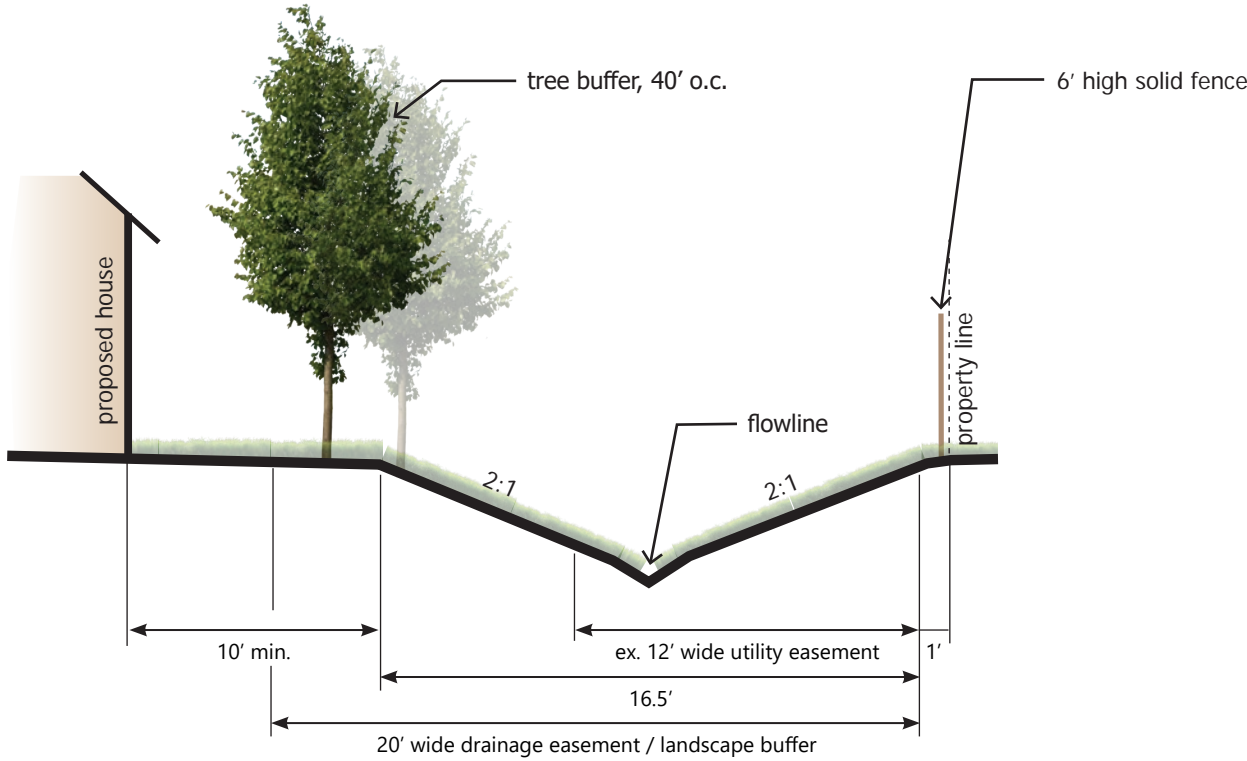




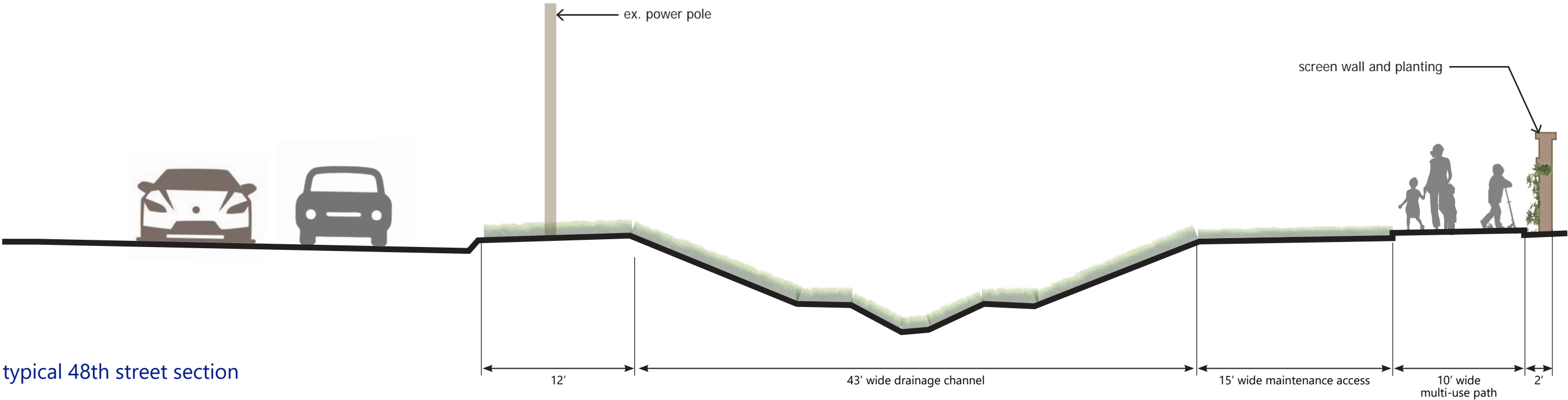




NOT TO SCALE



grass swale section - east property line



typical 48th street section

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59101

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
RESIDENTIAL MANUFACTURED HOME
DEVELOPMENT LOT 5A, BLOCK 1 OF
WESTERN SKY SUBDIVISION, 2ND AMENDED**

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

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
RESIDENTIAL MANUFACTURED HOME DEVELOPMENT
LOT 5A, BLOCK 1 OF WESTERN SKY SUBDIVISION, 2ND
AMENDED**

This Agreement is made and entered into this ____ day of _____, 20____, by and between **WESTERN SKY BILLINGS, LLC**, whose address for the purpose of this Agreement is P.O. Box 333, Reed Point, MT 59069, hereinafter referred to as “Subdivider” or “Developer,” and the **CITY OF BILLINGS**, Montana, a municipal corporation, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on the ____ day of _____, 20____, the City Council conditionally approved a preliminary plan of Lot 5A, Block 1 of Western Sky Subdivision, 2nd Amended; and

WHEREAS, a Subdivision Improvements Agreement (SIA) is required by the City prior to the approval of the final plan; and

WHEREAS, the real property affected by the proposed plan is covered by and subject to the terms and conditions of that certain Subdivision Improvements Agreement and Waiver between Mont Vista, LLC as “Owners and Subdividers” and the City of Billings as “City,” dated the 23rd day of September, 2019 and recorded the 14th day of November, 2019, under Document No. 3902605 for Western Sky Subdivision, 2nd Amended, all in records of Yellowstone County; and;

WHEREAS, the provisions of this Agreement shall be effective and applicable to Lot 5A, Block 1 of Western Sky Subdivision, 2nd Amended, (the “Subdivision”) upon the filing of the final plan thereof in the office of the Clerk and Recorder of Yellowstone

County, Montana. The Subdivision shall comply with all requirements of Article 23-600 of the City of Billings Subdivision Regulations for Developments Providing Multiple Spaces for Rent or Lease for Manufactured Homes, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana; and

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

I. VARIANCES

- A.** The Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City of Billings Subdivision Regulations (Section 23.1101, BMCC):
1. None requested.

II. PROPERTY CONDITIONS AND INFORMATION FOR UNIT RENTERS OR LEESEES

- A.** Unit renters or lessees should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and open agricultural areas and contains wildlife migratory routes. Consequently, they are advised that wildlife indigenous to the prairies is found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Unit renters or leases may also experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety. Impacts associated with wildlife and any damage arising therefrom is the responsibility of the unit renters or lessees.
- B.** There is attached hereto a Waiver, waiving the right to protest the creation of the special improvement district or districts that may be created by the City to finance the costs of the off-site public improvements pursuant to the terms of this Agreement. The Waiver will be filed with the plat, shall run with the land, and may be employed when public improvements that benefit this subdivision are required or requested. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains which are still in operation shall remain in place and shall not be altered by the Subdivider or subsequent owners.

III. TRANSPORTATION

A. Streets

All internal access roads within the subdivision will be private and shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept at a minimum. Streets shall be designed and built to meet current City Standards.

Subdivider and City agree that the required street improvements are as follows:

1. An updated Traffic Impact Study has been submitted to the Engineering Division for review and approval prior to final plan approval. Construction and/or financial contribution for improvements along South 48th Street West is covered by and subject to the terms and conditions of the Subdivision Improvements Agreement and Waiver under Document No. 3902605 for Western Sky Subdivision, 2nd Amended.

No physical surface improvements to South 48th Street West are anticipated at this time. Instead, the Developer shall make a cash contribution to the City of Billings for future improvements in South 48th Street West. Said contribution shall be made at the time of development of Lot 5A, Block 1, Contribution shall be based on one-half (1/2) of the required surface improvements for a residential street section less a credit for existing surfacing plus the curb and gutter. Contribution shall be made prior to approval of site development for this lot. Any turn lane, street widening or intersection improvements necessary for individual lot development along South 48th Street West shall be at the expense of the developer.

Intersection contributions for this development were previously identified within the Subdivision Improvements Agreement and Waiver under Document No. 3902605 for Western Sky Subdivision,

2nd Amended. Based on the updated Traffic Impact Study which took into account this development and the recent Zone Change Map Amendment for Western Sky Subdivision, 2nd Amended, and as approved by City Ordinance 20-5737 under Document No. 3932747, the following intersection contributions shall be paid at the time of Lot 5A development:

- Central Ave. and South 48th St. West (4.50%) \$3,750.00

B. Sidewalks

1. A ten-foot-wide multi-use trail shall be constructed along the east side and within the easement of the Shiloh Drain as it lies along South 48th Street West at time of Lot 5A development along South 48th Street West.
2. A ten-foot-wide multi-use trail shall be constructed along the north side of the Hogan's Slough and within the easement adjacent to the development at time of Lot 5A, Block 1 development. Construction may be proportional to the area being developed within Lot 5A, Block 1.
3. Sidewalks on the internal private streets shall be installed at the time of subdivision development and shall be borne by the Subdivider. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk on both sides of each private street and the Subdivider will install accessible ramps at intersections.

C. Street Lighting

Construction or installation of street lights on South 48th Street West shall not be required at this time. If street lights are installed in the future, a street light maintenance district will be formed for the entire subdivision to accommodate maintenance of the street lights.

Street light installation within the internal private streets is at the discretion of the Subdivider. If constructed, street lights on private streets within Lot 5A shall be owned, operated and maintained through the mechanism of a Homeowners Association (HOA).

D. Traffic Control Devices

1. Traffic signals, signage, and striping shall be installed in accordance with the Traffic Impact Study. The timing, extent and level of participation in those improvements shall be in accordance with approval by the City of Billings.
2. Directional signage and traffic control devices required throughout the subdivision shall be installed by Subdivider at time of lot development. All traffic control devices will be designed in accordance with the Manual on Uniform Traffic Control Devices and shall be subject to review and approval by the City Traffic Engineer.

E. Access

1. Location of accesses shall be in accordance with the Traffic Impact Study. Access to Lot 5A shall include a new full access from South 48th Street West approximately 1,320 feet south of King Avenue West, and a right-in/right out access from South 48th Street West approximately 250 feet north of the south end of Lot 5A. This south access from South 48th Street West was previously located at the south end of the lot per the plat of Western Sky Subdivision, 2nd Filing (Document No. 3902604).

F. Billings Area Bikeway and Trail Master Plan (BABTMP)

The subdivision is included in the Billings Area Bikeway and Trail Master Plan. Improvements identified in that plan shall be made at time of lot development. The Subdivider shall construct a ten-foot wide multi-use trail along South 48th Street West and along Hogan's Slough at time of lot development. Construction shall be within the easements of those facilities.

G. Public Transit

Strong internal street circulation and interconnectivity is provided in the development plan for Western Sky Subdivision, 2nd Amended. This will, in turn, provide sidewalks for pedestrians to access public transit routes. No other specific public transit provisions are proposed at this time.

IV. EMERGENCY SERVICES

Two points of access are provided to this subdivision from South 48th Street West. In addition, private fire hydrants will be installed at the required locations as reviewed and approved by the City of Billings Fire Department. This shall include fire hydrants spaced at a distance no greater than three hundred feet along private streets. At the time of development, a Site Development Plan shall be submitted to the City of Billings Fire Department in sufficient detail to verify compliance with all required emergency ingress, egress and circulation requirements. All of the private fire hydrants shall be owned, operated and maintained through the mechanism of a Homeowners Association (HOA).

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

At a minimum, the following is required:

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

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC and shall be in accordance with the stormwater management plan to be submitted to and accepted by the Engineering Division. All storm drainage improvements not located within a publicly dedicated right-of-way or easement shall be considered a private installation and shall be operated and maintained under a Homeowners Association (HOA) Stormwater Facility Maintenance Agreement between the Subdivider and the City.

That portion of storm drain system to be extended from the southerly end of South 46th Street West and Crescent Street along and within the storm drain easement along the northerly and easterly property lines of Lot 5A south to the Hogan's Slough shall be considered a private installation and shall be owned, operated and maintained through the mechanism of the Homeowners Association (HOA) Agreement.

Stormwater on site will be conveyed to the collection system via surface flows on the private streets and through a network of catch basins, inlets, and piping which will convey runoff to either the Shiloh Drain along South 48th Street West (the South 48th Street West Drain) and Hogan's Slough along the south boundary of the development. Discharges directly tied to these drains shall be terminated with an acceptable back flow prevention device to prevent large storm events flowing in the South 48th Street West Drain and Hogan's Slough Drain from back-flowing into the storm drain lines that service the subdivision.

The developer shall reconstruct the portion of Hogan's Slough that runs along the south lot line of Lot 5A, Block 1 to increase capacity to 450 cfs with 1.5 feet of freeboard in accordance with the recommendations of the West Billings Stormwater Management Plan.

In consideration of the capacity increase of the Hogan's Slough and as previously agreed upon and specified in the Subdivision Improvements Agreement and Waiver between Subdivider and City under Document No. 3902605 for Western Sky Subdivision, 2nd Amended, the City of Billings allowed developers to directly discharge the site's stormwater (with the use of on-site stormwater quality mitigation measures) to the South 48th Street West Drain and Hogan's Slough. In addition, the developers were to make a \$303,000.00 cash contribution proportioned and based upon individual lot sizes within Western Sky Subdivision, 2nd Amended to the City of Billings for construction of facilities in service of the City of Billings' Shiloh Conservation Area. Those facilities will then be constructed by the City of Billings in a location and at a time found to be appropriate to the City. Storm drainage contributions for this development were previously identified within the Subdivision Improvements Agreement and Waiver under Document No. 3902605 for Western Sky Subdivision, 2nd Amended.

VI. UTILITIES

This Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department - Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications.

Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Subdivider acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time a building permit is issued for new construction.

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

Only water and sewer installations within dedicated public rights-of-way shall be considered public. All other extensions of water and sewer mains and services shall be considered private installations and shall be operated and maintained under separate private party agreements.

A. Water

The City of Billings has extended a water main in a portion of King Avenue West fronting the subdivision. The developer extended a water main from that public main at South 46th Street West to the south and to the west on Crescent Street that provided water services to each of the lots for Western Sky Subdivision, 2nd Amended. For this development, extension of a private water main from the public water main in Crescent Drive constructed under City Private Contract P-755 will occur and said private water mains will be constructed in private streets to serve each manufactured home unit in this subdivision.

The private water main serving Lot 5A shall be extended within an existing utility easement that extends from Crescent Street to Lot 5A. The private main shall have appropriate flow meter and backflow device near the point of connection to the public water main in Crescent Street.

The Developer shall make a cash contribution to the City of Billings for future water main improvements in South 48th Street West. Said contribution shall be made at the time of development of Lot 5A, Block 1. Contributions shall be based on one-half (1/2) of the cost of a 12-inch water main. Contribution shall be made prior to approval of site development for this development.

B. Sanitary Sewer

The City of Billings has extended a sanitary sewer main in a portion of King Avenue West fronting the subdivision. The developer extended a sanitary sewer main from that public main at South 46th Street West to the south and to the west on Crescent Street that provided sanitary services to each of the subdivision lots for Western Sky Subdivision, 2nd Amended.

For this development, extension of a private sewer main from the public sewer main in Crescent Drive constructed under City Private Contract P-755 will occur and said private sewer mains will be constructed in utility easements from Crescent Street to Lot 5A and within internal private streets to serve each manufactured home unit in this subdivision.

No construction or contribution to a sanitary sewer main in South 48th Street West will be needed at this time. Developer acknowledges that a future sanitary sewer main may be installed in South 48th Street West. Each lot within Western Sky Subdivision, 2nd Amended shall be responsible for its pro rata share of the costs of that improvement at the time of construction of that improvement. It is anticipated that the City will create a Special Improvement District (SID) for the installation of that improvement that contemplates cost contributions from the other three development areas abutting this improvement being responsible for their share of the cost under the SID.

C. Power, Telephone, Gas, and Cable Television

Private utilities shall be coordinated prior to construction to serve the development. Said utilities will serve the development in private utility easements at locations either shown on the face of the plat or in areas determined at the time of development.

VII. PARKS/OPEN SPACE

Park dedication will be made through a combination of private park development for residents in the community, a 20-foot wide linear park dedication and development along the two public 10-wide multi-use paths along 48th Street West and the Hogan's Slough, and a cash-in-lieu of contribution. The total net area of residential development for this subdivision is 18.05 acres. The cash-in-lieu contribution is calculated on eleven percent of the net area of the residentially zoned Lot 5A minus the private park and linear park, with a cost per acre of \$40,000.00 applied. The required park dedication is 1.98 acres and the areas for the private park

and linear parks equal 1.74 acres, leaving a cash in lieu contribution of 0.24 acres, or \$9,600.00. Cash contribution is to be made at time of development of said lot.

VIII. IRRIGATION

Irrigation ditches that are still operational and servicing this property or downstream properties shall be maintained until no longer needed. Easements for their locations shall be provided.

IX. POSTAL DELIVERY

The Subdivider shall provide centralized delivery boxes with sufficient pullout to accommodate a mail carrier vehicle. The location of the boxes shall be reviewed and approved by the United States Postal Service. Exact locations will be determined upon design development of Lot 5A.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study has been performed on the Subdivision. Additional soils/geotechnical investigation may be required at time of development requiring additional analysis.

XI. TIMING OF IMPROVEMENTS

The Developer shall make a cash contribution to the City of Billings for future improvements in South 48th Street West. Said contribution shall be made at the time of development of Lot 5A, Block 1, as further stipulated below, and contribution shall be based on one-half (1/2) of 12-inch water main and proportional right-of-way improvements. Contributions shall be made prior to approval of site development. No contribution shall be required for a sanitary sewer main at this time in South 48th Street West. If it is determined at some point in the future that sanitary sewer is required in South 48th Street West, the entirety of Western Sky Subdivision, 2nd Amended may be responsible for its proportional share of the costs of one-half of a 12-inch sanitary sewer at the time of construction of those improvements. It is anticipated that the City will create a Special Improvement District (SID) for the installation of that improvement.

Improvements and contributions for the subdivision are to be developed and made in two (2) phases. The phases are as generally depicted on the attached "Exhibit A" which is referenced and made a part of this Agreement. Improvements and contributions of each phase are defined as follows:

A. Phase 1

1. Streets, sidewalks, storm drainage and utilities within the Phase 1 area depicted on Exhibit A.
2. Construction of both access from S. 48th Street West.
3. All cash in lieu street contribution costs for S. 48th Street West.
4. Half cash in lieu contribution costs for future water main improvements in South 48th Street West.
4. The full intersection contribution cost of the Central Avenue and S. 48th Street West intersection.
5. Internal Private Park development of area as depicted on Exhibit A.
6. Full Parks/Open Space cash in lieu contribution for Lot 5A.
7. A pro-rata share of Lot 5A's share of the \$303,000 cash storm drainage contribution for Western Sky Subdivision.
8. Ten-foot Multi-use path construction the phase frontage.

B. Phase 2 – Opened by June 30, 2025

1. Streets, sidewalks, storm drainage and utilities within the Phase 2 area depicted on Exhibit A.
2. Half cash in lieu contribution costs for future water main improvements in South 48th Street West.
3. Improvements to Hogan Slough channel abutting the subdivision.
4. A pro-rata share of Lot 5A's share of the \$303,000 cash storm drainage contribution for Western Sky Subdivision.
5. Ten-foot Multi-use path construction the phase frontage.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct all required on-site improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by bond, letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the Montana Department of Environmental Quality (MDEQ), the City Engineer and the Utility Department Manager.

XIII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings. This guaranty shall not apply to any failure or defect caused by changes in design, construction or materials required by the City.

- B.** The owners of the properties involved in this proposed Subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, then the prevailing party shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement, or any provisions herein, shall be made in writing and executed in the same manner as this original document and shall, after execution, become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

**WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS**

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

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

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

Lot 5A, Block 1 of Western Sky Subdivision, 2nd Amended

Signed and dated this ___ day of _____, 20__

WESTERN SKY BILLINGS, LLC

By: _____

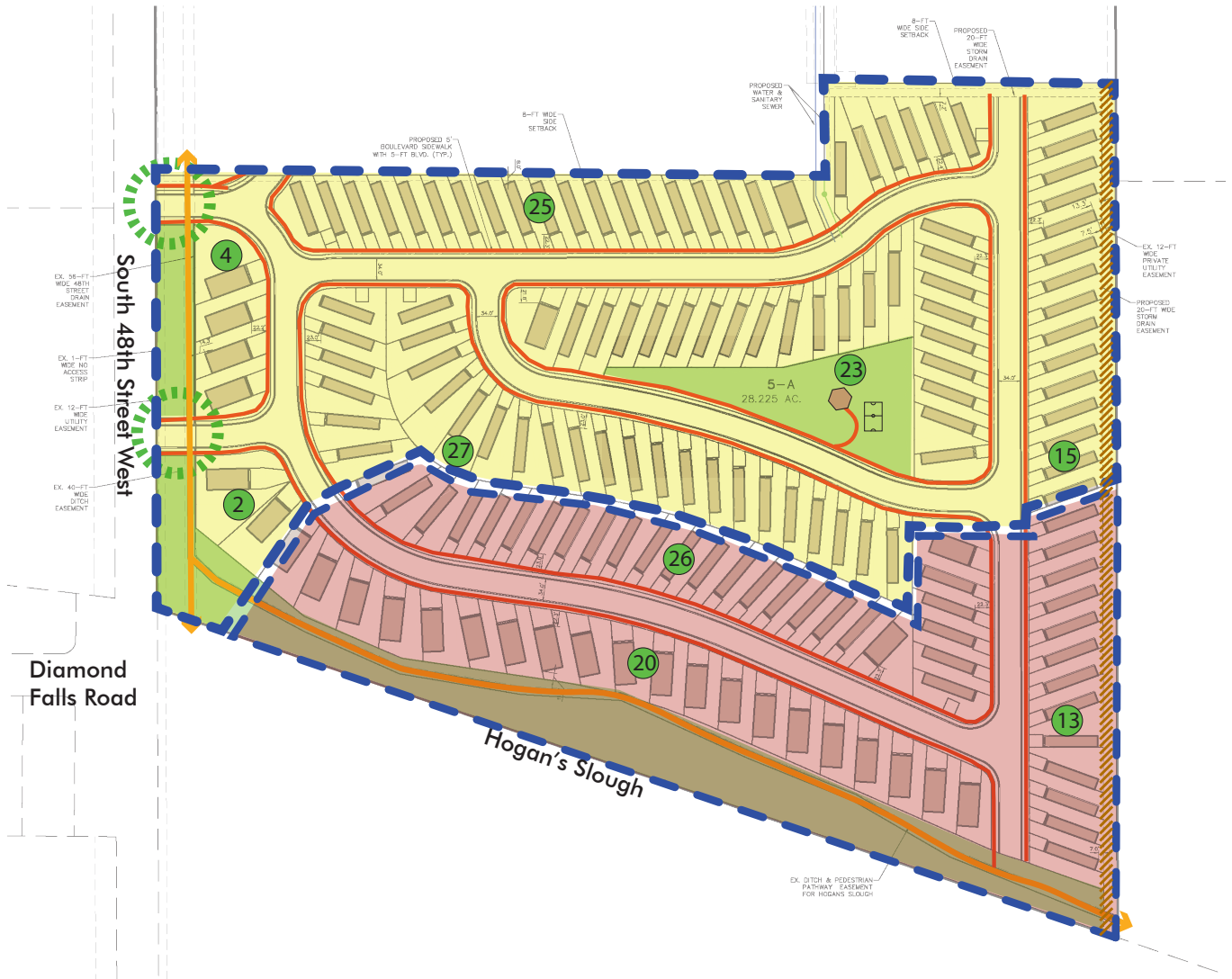
Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)





On this _____ day of _____, 20__, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ of WESTERN SKY BILLINGS, LLC, and who acknowledged to me that said company executed the same.

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

Notary Public in and for the State of Montana



Legend

-  Phasing Line
-  Phase 1
-  Phase 2
-  Number of Units

Number of Units

Phase	Double Wide	Single Wide	Total
1	8	88	97
2	22	37	58
TOTALS:	30	125	155



Number of Units

Phase	Double Wide	Single Wide	Total
1	8	88	97
2	22	37	58
TOTALS:	30	125	155



CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 687-8296
FAX (406) 657-8390

October 26, 2020

Western Sky Billings, LLC
P.O. Box 333
Reed Point, MT 59069

Dear Applicant:

On October 26, 2020, the Billings City Council conditionally approved the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease, subject to the following conditions of approval:

1. To ensure the ability to place private utilities within the development, prior to final plat approval, the applicant will coordinate with private utility companies for placement of easements and provide those easement location on the final plan.
2. To minimize the effects on local service, prior to final plan approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plan shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

William A. Cole, Mayor

pc: Sanderson Stewart
Western Sky Billings, LLC

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Payment of Claims for week of September 21, 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 \$1,392,505.82 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.

Payment Approval Process

Every invoice for payment is 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 09212020

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/21/2020	836673	A & E Architects	Wastewater	\$ 2,851.89	WO 19-16 Belknap Office Remodel
09/21/2020	836673	A & E Architects	Water	\$ 2,518.91	WO 19-16 Belknap Office Remodel; 1900612 Pmt 9
09/21/2020	836682	Archie Cochrane	Fleet	\$ 107.80	5338282 PO NUM 311086
09/21/2020	836682	Archie Cochrane	General	\$ (45.91)	5338572
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 76.99	5338079
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 127.12	5338119
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 127.12	5338282
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 102.05	5338320
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 122.76	5338382
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 984.25	5338384
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 262.26	5338527
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 76.99	5338530
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 42.20	5338573
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 276.92	5338640
09/21/2020	836682	Archie Cochrane	Public Safety	\$ 127.12	5338703
09/21/2020	836682	Archie Cochrane	Transit	\$ 508.71	Invoice #5339309. Throttle Body & MAF Senso. Unit 1891. W/O 194876
09/21/2020	836684	Automatic Doors Of MT	Airport	\$ 2,500.00	Invoice #19323. Revolving Door Repair.
09/21/2020	836684	Automatic Doors Of MT	Airport	\$ 182.66	Invoice #19324. Revolving Door Part
09/21/2020	836696	Business Tax Section	Airport	\$ 70.72	Fuel System Upgrade at Operations. Gasboy Fuel Tracking System.
09/21/2020	836696	Business Tax Section	CDBG	\$ 345.00	Construction Agreement / 817 N 22nd Street/ REHAB PROGRAM
09/21/2020	836696	Business Tax Section	Gas Tax	\$ 848.89	WO 20-03 Overlay/Chipseal; Pmt 4
09/21/2020	836696	Business Tax Section	Wastewater	\$ 100.84	Rebuild Existing Flygt Sewage Pump for Five-Mile Lift Station LS007
09/21/2020	836696	Business Tax Section	Wastewater	\$ 508.29	WO 19-16 Belknap Office Remodel
09/21/2020	836696	Business Tax Section	Wastewater	\$ 712.96	WO 20-48 WRF Digester Gas Pipe Replacement
09/21/2020	836696	Business Tax Section	Water	\$ 448.95	WO 19-16 Belknap Office Remodel; Pmt 4
09/21/2020	836696	Business Tax Section	Gas Tax	\$ 4,086.53	WO 20-03 Overlay/Chipseal
09/23/2020	836839	Community Seven	General	\$ 13,701.75	PEG Fees April 1 to June 30, 2020
09/21/2020	836705	Cummins Rocky Mt	Solid Waste	\$ 51.26	38-32013
09/21/2020	836705	Cummins Rocky Mt	Solid Waste	\$ 647.85	38-32013
09/21/2020	836705	Cummins Rocky Mt	Solid Waste	\$ (62.50)	38-32039
09/21/2020	836705	Cummins Rocky Mt	Solid Waste	\$ 2,093.41	38-32085
09/21/2020	836705	Cummins Rocky Mt	Street/Traffic	\$ 15.31	38-32031
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 649.00	651573, dual solo lights, cables, mounts and brackets
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 6,408.00	656784, carbide siren, rotary switch control, speakers, lights

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 683.32	656830, WEC Blue surface mount lights
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 2,344.91	662395, Tray accessories for SUVs
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 9,379.64	662398, WEC Duo inner edge utility, tray accessories for SUVs
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 334.00	664281, WEC Red ION Mount lights
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 1,015.00	666290, Skid plates
09/21/2020	836707	Dana Safety Supply	Public Safety	\$ 12.87	WEC light and siren system
09/21/2020	836712	Diamond Const	Wastewater	\$ 50,321.15	WO 19-16 Belknap Office Remodel
09/21/2020	836712	Diamond Const	Water	\$ 44,445.61	WO 19-16 Belknap Office Remodel; Pmt 4
09/21/2020	836713	DOWL	Storm Sewer	\$ 20,900.00	WO 20-24 West End Storm System Improvements; 4036.21844.01-5
09/21/2020	836713	DOWL	Storm Sewer	\$ 15,279.98	WO 20-24 West End Storm System Improvements;4036.21844.01-4
09/21/2020	836717	EBMS	City Ins Fund	\$ 1,210.00	EBMS Monthly Billing
09/21/2020	836717	EBMS	City Ins Fund	\$ 53,456.30	EBMS Monthly Billing
09/21/2020	836717	EBMS	City Ins Fund	\$ 1,687.50	EBMS Monthly Billing
09/21/2020	836717	EBMS	City Ins Fund	\$ 27,788.12	EBMS Monthly Billing
09/21/2020	836717	EBMS	City Ins Fund	\$ 4,782.10	EBMS Monthly Billing
09/21/2020	836717	EBMS	City Ins Fund	\$ 1,169.00	EBMS Monthly Billing
09/21/2020	836717	EBMS	Payroll Clearing	\$ 10,149.81	EBMS Monthly Billing
09/21/2020	836718	EnergiSystems	Airport	\$ 7,000.78	Fuel System Upgrade at Operations. Gasboy Fuel Tracking System
09/21/2020	836722	First MT Title Co	CDBG	\$ 15,000.00	FTHB Lizabeth Gorder 327 Jefferson
09/21/2020	836721	First MT Title Co	CDBG	\$ 15,000.00	FTHB Veronica Kaiser 1125 Custer #3
09/21/2020	836726	Galles Filter Service	Fleet	\$ 286.07	P98611.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 249.39	P98701.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 188.04	P98702.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 129.96	P98802.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 140.30	P98875.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 178.54	P98988.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 81.90	P99075.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 303.05	P99202.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 3.17	P99203.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Fleet	\$ 77.98	P99290.01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Public Safety	\$ 24.01	T91845
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 475.00	Filters for the Landfill
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 526.41	Filters for the landfill
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 194.36	Filters for the Landfill

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 370.33	Filters for the Landfill
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 469.00	Filters for the Landfill
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 375.27	Filters for the landfill
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 242.95	Filters for the Landfill
09/21/2020	836726	Galles Filter Service	Solid Waste	\$ 26.15	T91699
09/21/2020	836726	Galles Filter Service	Transit	\$ 36.32	P-91400
09/21/2020	836726	Galles Filter Service	Transit	\$ 40.76	P-98800-01
09/21/2020	836726	Galles Filter Service	Transit	\$ 2.84	P-98800-01
09/21/2020	836726	Galles Filter Service	Transit	\$ 16.87	P-98800-01
09/21/2020	836726	Galles Filter Service	Transit	\$ 34.60	P-99201-01
09/21/2020	836726	Galles Filter Service	Transit	\$ 131.82	P-99201-01 PO NUM 310609
09/21/2020	836726	Galles Filter Service	Wastewater	\$ 8.70	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Wastewater	\$ 51.04	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Wastewater	\$ 74.59	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 6.58	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 69.86	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 66.03	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 14.28	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 8.51	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 71.24	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836726	Galles Filter Service	Water	\$ 75.34	P98663.01
09/21/2020	836726	Galles Filter Service	Water	\$ 9.24	P98663.02
09/21/2020	836726	Galles Filter Service	Water	\$ (11.01)	RETURN PARTS
09/21/2020	836728	General Contractors	Park District 1	\$ 12,514.53	Litigated Settlement Remaining balance
09/21/2020	836728	General Contractors	Park District 1	\$ 16,231.99	Litigated Settlement Remaining expense
09/21/2020	836728	General Contractors	Park District 1	\$ 51,253.48	Litigated Settlement Remaining Retainage
09/21/2020	836734	Hardrives Const	Gas Tax	\$ 84,040.37	WO 20-03 Overlay/Chipseal; Pmt 4
09/21/2020	836734	Hardrives Const	Gas Tax	\$ 404,566.46	WO 20-03 Overlay/Chipseal
09/21/2020	836736	HDR, Inc.	Light Maint	\$ 826.70	WO 20-33 Public Works GIS Services
09/21/2020	836736	HDR, Inc.	Solid Waste	\$ 1,653.40	WO 20-33 Public Works GIS Services
09/21/2020	836736	HDR, Inc.	Storm Sewer	\$ 3,306.80	WO 20-33 Public Works GIS Services; 1200294477-8
09/21/2020	836736	HDR, Inc.	Street/Traffic	\$ 2,480.11	WO 20-33 Public Works GIS Services
09/21/2020	836736	HDR, Inc.	Wastewater	\$ 9,742.83	WO 19-11 WRF Nutrient Recovery & Biosolids Facilities Plan
09/21/2020	836736	HDR, Inc.	Wastewater	\$ 4,133.51	WO 20-33 Public Works GIS Services

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/21/2020	836736	HDR, Inc.	Water	\$ 4,133.51	WO 20-33 Public Works GIS Services
09/21/2020	836745	Interstate Power	Transit	\$ 3,074.66	Repair Internal Transmission Wiring Harness. Unit 1814
09/21/2020	836746	J & M Auto Parts	Solid Waste	\$ 6,450.00	Trailer to haul track loaders for the Landfill 0694
09/21/2020	836755	Kaplan Kirsch & Rockwell	Airport	\$ 2,815.00	Invoice #35797. Stormwater Assessments
09/21/2020	836758	Knife River	Street/Traffic	\$ 3,042.60	inv#708496 asphalt
09/21/2020	836764	KTVQ Communication	General	\$ 6,800.00	Scripps Media INC. Safety Mill Levy Education and Marketing Services
09/21/2020	836770	Mailing Technical Service	Central Services	\$ 1,016.96	August MTS
09/21/2020	836770	Mailing Technical Service	Central Services	\$ 1,847.62	August MTS
09/21/2020	836770	Mailing Technical Service	Central Services	\$ 1,154.89	August MTS
09/21/2020	836770	Mailing Technical Service	Central Services	\$ 989.09	August MTS
09/21/2020	836780	Morrison Maierle	Airport	\$ 17,264.45	Amendment #5 Terminal Expansion Project-Design-Federal Share
09/21/2020	836780	Morrison Maierle	Airport	\$ 1,460.55	Amendment #5 Terminal Expansion Project-Design-Local Share
09/21/2020	836780	Morrison Maierle	Airport	\$ 19,690.23	Amendment 20/AIP 64 Runway 7-25 Phase 1 Design - Federal Share
09/21/2020	836780	Morrison Maierle	Airport	\$ 28,128.92	Amendment 20/AIP 64 Runway 7-25 Phase 1 Design - Federal Share
09/21/2020	836780	Morrison Maierle	Airport	\$ 9,028.57	Reconstruct Commercial Aircraft Concrete Ramps - CA - Federal Share
09/21/2020	836780	Morrison Maierle	Airport	\$ 1,003.17	Reconstruct Commercial Aircraft Concrete Ramps - CA - Local Share
09/21/2020	836780	Morrison Maierle	Wastewater	\$ 42,882.35	WO 20-01 Water/Sewer Replacement Project; Pmt 9
09/21/2020	836780	Morrison Maierle	Water	\$ 2,344.00	WO 20-40 Walter Pump Station Generator; 205357 pMT 6
09/21/2020	836786	NorMont Equipment	Street/Traffic	\$ 955.00	inv#23549 emulsion for road patcher machine
09/21/2020	836786	NorMont Equipment	Street/Traffic	\$ 1,597.50	inv#23549 gutter wire for sweepers
09/21/2020	836786	NorMont Equipment	Water	\$ 888.17	NONSTOCKING ITEMS-P.U.D.
09/21/2020	836788	NorthWestern Energy	CDBG	\$ 13.51	817 N 22nd Street / REHAB PROGRAM
09/21/2020	836788	NorthWestern Energy	Park District 1	\$ 1.98	1849408-8
09/21/2020	836788	NorthWestern Energy	Transit	\$ 249.95	0719225-5
09/21/2020	836788	NorthWestern Energy	Wastewater	\$ 66,977.61	0100591-7
09/21/2020	836788	NorthWestern Energy	Wastewater	\$ 106.74	Environmental Affairs Electricity #3243625-5
09/21/2020	836795	Performance Eng & Consult	Solid Waste	\$ 9,484.15	WO 20-05 Landfill Main Access Rd Pavement Distress Eval
09/21/2020	836801	QSI 2011, Inc	IT Resources	\$ 4,750.00	Questys Access License bundle and PSQA
09/21/2020	836809	Solid Waste Systems	Fleet	\$ 2,410.29	126024 PO NUM 311107
09/21/2020	836809	Solid Waste Systems	Solid Waste	\$ 208.84	125895
09/21/2020	836809	Solid Waste Systems	Solid Waste	\$ 11.40	126024
09/21/2020	836809	Solid Waste Systems	Solid Waste	\$ 53.58	126025
09/21/2020	836809	Solid Waste Systems	Solid Waste	\$ 232.42	126118
09/21/2020	836811	Star Service	Wastewater	\$ 70,583.04	WO 20-48 WRF Digester Gas Pipe Replacement

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/21/2020	836823	Town & Country Supply	Airport	\$ 15,482.86	Invoice #411786. QTA Car Rental Fuel
09/21/2020	836823	Town & Country Supply	Airport	\$ 7,822.89	Invoice #522895. Unleaded Fuel for Operations
09/21/2020	836823	Town & Country Supply	Fleet	\$ 16,825.41	410663 PO NUM 311055
09/21/2020	836823	Town & Country Supply	Fleet	\$ 5,785.91	411463 PO NUM 311082
09/21/2020	836823	Town & Country Supply	Fleet	\$ 10,960.20	411522 PO NUM 311075
09/21/2020	836824	Tractor & Equipment	Solid Waste	\$ 2,604.12	Filters for the Landfill BLCS0739428
09/21/2020	836824	Tractor & Equipment	Wastewater	\$ 417.29	BLCS0738332
09/21/2020	836826	TTCL Services LLC	Airport	\$ 2,538.25	FY21 Window Cleaning Service July 2020 - October 2020
09/21/2020	836829	Van Arsdale Construction	CDBG	\$ 34,172.25	Construction Agreement / 817 N 22nd Street/ REHAB PROGRAM
09/21/2020	836834	Xylem Water Solutions	Wastewater	\$ 9,983.27	Rebuild Existing Flygt Sewage Pump for Five-Mile Lift Station LS007
09/21/2020	836837	Yellowstone Electric	Airport	\$ 4,850.61	Misc Electrical. Vending Machines, United A.P.'s, Alaska Airlines
09/21/2020	836838	Yllwstn Animal Shelter	Public Safety	\$ 22,855.58	contract 10-22-20\11-21-20

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Payment of Claims for week of September 28, 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 \$3,180,478.33 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.

Payment Approval Process

Every invoice for payment is 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 09282020

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	836842	A & I Distributors	Airport	\$ 1,412.90	Invoice #3504355. Oil for Operations
09/28/2020	836842	A & I Distributors	Fleet	\$ 58.69	3512028
09/28/2020	836842	A & I Distributors	Fleet	\$ 63.90	3502437 PO NUM 310606
09/28/2020	836842	A & I Distributors	Fleet	\$ 1,305.48	3502437 PO NUM 310606
09/28/2020	836842	A & I Distributors	Fleet	\$ 1,018.40	3504983 PO NUM 310606
09/28/2020	836842	A & I Distributors	Fleet	\$ 1,716.92	3504984 PO NUM 310606
09/28/2020	836842	A & I Distributors	Fleet	\$ 277.46	3508174 Oil dispenser rebuild
09/28/2020	836842	A & I Distributors	Fleet	\$ 1,258.86	3508218 PO NUM 310606
09/28/2020	836842	A & I Distributors	Fleet	\$ 865.22	3510887 Lube pumps
09/28/2020	836842	A & I Distributors	Fleet	\$ 861.82	3512028 PO NUM 310606
09/28/2020	836842	A & I Distributors	Fleet	\$ 1,654.40	6509449 PO NUM 310606
09/28/2020	836842	A & I Distributors	Public Safety	\$ 39.79	3502437
09/28/2020	836842	A & I Distributors	Public Safety	\$ 92.95	FIRE, 55 GALLONS DEF
09/28/2020	836842	A & I Distributors	Solid Waste	\$ 36.54	3502435
09/28/2020	836842	A & I Distributors	Solid Waste	\$ 34.78	3502435
09/28/2020	836842	A & I Distributors	Solid Waste	\$ 27.21	3502436
09/28/2020	836842	A & I Distributors	Solid Waste	\$ 40.35	3502437
09/28/2020	836842	A & I Distributors	Solid Waste	\$ 429.38	Oil for Solid Waste
09/28/2020	836842	A & I Distributors	Street/Traffic	\$ 39.79	3502437
09/28/2020	836842	A & I Distributors	Transit	\$ 1,475.56	3514223
09/28/2020	836842	A & I Distributors	Transit	\$ 1,475.56	3509688 PO NUM 310606
09/28/2020	836842	A & I Distributors	Water	\$ 154.35	WATER PARTS AND SUPPLIES PO NUM 310969
09/28/2020	836845	A-Concrete Inc	Facilities	\$ 89,991.00	BOC Concrete Aprons & Concrete Gutter
09/28/2020	836846	A-Concrete Inc	Public Safety	\$ 79,698.96	Fire Station #1 & #3 Driveways
09/28/2020	836846	A-Concrete Inc	Public Safety	\$ 797.15	Retainage Release
09/28/2020	836851	Advanced Computer Tech	Court Grants	\$ 5,000.01	BAMTC Case Management License
09/28/2020	836853	All Color Embroidery	PD Prgms	\$ 7,860.00	Vehicle wraps.
09/28/2020	836855	Alpha Omega Disaster Restore	Public Safety	\$ 1,000.00	5876 FIRE6: CLEANING SERVICE/SANITIZE STATION
09/28/2020	836855	Alpha Omega Disaster Restore	Public Safety	\$ 1,625.00	5908 FIRE 1: CLEANING/SANITIZING - COVID19
09/28/2020	836856	Altimus Distributing	Public Safety	\$ 1,217.30	CPYL3549 SANITIZER FOR PPE (CASE/4)
09/28/2020	836856	Altimus Distributing	Public Safety	\$ 1,290.45	CPYL3561 PPE (TURNOUT) WASH (CASE/2)
09/28/2020	836857	American Medical Response	Fire Grants	\$ 668.94	802797 ATROPINE SULFATE, 20ML 10/CT
09/28/2020	836857	American Medical Response	Fire Grants	\$ 248.90	CALCIUM GLUCONATE, INTRAVENOUS INJECTION SINGLE DOSE
09/28/2020	836857	American Medical Response	Fire Grants	\$ 326.50	GENERIC NARCAN EVZIO, INJECTION, PREFILLED SYRINGE

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	836857	American Medical Response	Fire Grants	\$ 44.22	Terbutaline Sulfate, Subcutaneous injection-single dose 10/ct
09/28/2020	836857	American Medical Response	PD Pgrms	\$ 944.32	FIT TEST APPARATUS KIT, SWEET W/ACCESSORIES
09/28/2020	836857	American Medical Response	PD Pgrms	\$ 477.64	TEST KIT, FIT BITREX QUALITATIVE Q/HOOD/AEROSOL
09/28/2020	836862	Aquatic Renovation Systems	Park Dist 1	\$ 37,162.12	Invoice 4830 LL 2-South pool liner replacment-1% tax taken out
09/28/2020	836863	Archie Cochrane	Fleet	\$ 230.10	5339093
09/28/2020	836863	Archie Cochrane	General	\$ 53.15	5338830
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 49.54	5338822
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 6.72	5339020
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 90.50	5339079
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 92.82	5339212
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 17.82	5339279
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 71.29	5339281
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 376.54	5339445
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 467.20	5339503
09/28/2020	836863	Archie Cochrane	Public Safety	\$ 471.48	5339521
09/28/2020	836863	Archie Cochrane	Street/Traffic	\$ 149.95	5339277
09/28/2020	836863	Archie Cochrane	Transit	\$ 60.29	Invoice #5340075. Bulb Socket & Pigtail. Van #1869. W/O 195066
09/28/2020	836863	Archie Cochrane	Transit	\$ 41.35	Invoice #5340133. Pigtail & Terminal Kit Van 1869. W/O 195066
09/28/2020	836863	Archie Cochrane	Transit	\$ 130.02	Invoice #5340300. Console Unit 1888. W/O 195118
09/28/2020	836863	Archie Cochrane	Transit	\$ 142.90	INvoice #5341007. Water Pump Unit 1825. W/O 195120
09/28/2020	836863	Archie Cochrane	Transit	\$ 120.78	Invoice #5341019. Water Pump Unit 1825. W/O 195120
09/28/2020	836865	Arm Scor Cartridge	PD Pgrms	\$ 4,940.00	.223 Rem ammunition
09/28/2020	836865	Arm Scor Cartridge	PD Pgrms	\$ 2,762.50	2017 JAG Grant Ammunition.
09/28/2020	836865	Arm Scor Cartridge	Public Safety	\$ 2,040.00	Ammunition.
09/28/2020	836865	Arm Scor Cartridge	Public Safety	\$ 2,857.50	Ammunition.
09/28/2020	836867	Askin Construction	Wastewater	\$ 3,240.00	20720-01; LARGE DRYING BED CLEAN OUT
09/28/2020	836869	AT & T Corp	Airport	\$ 522.92	Airport
09/28/2020	836869	AT & T Corp	Building	\$ 45.09	COVID -BUILDING
09/28/2020	836869	AT & T Corp	Building	\$ 90.18	COVID -BUILDING
09/28/2020	836869	AT & T Corp	Building	\$ 469.54	PW-Building Cell Phones
09/28/2020	836869	AT & T Corp	Building	\$ 361.26	PW-Building Tablets (Planning)
09/28/2020	836869	AT & T Corp	CDBG	\$ 26.63	COMM DEV-COVID PHONES
09/28/2020	836869	AT & T Corp	CDBG	\$ 137.59	COMM DEV-COVID PHONES
09/28/2020	836869	AT & T Corp	Court Grants	\$ 211.19	Muni Court DC

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	836869	AT & T Corp	Engineering	\$ 104.52	Engineering Tablets
09/28/2020	836869	AT & T Corp	Engineering	\$ 228.23	PW-Engineering Cell Phones and MiFi
09/28/2020	836869	AT & T Corp	Facilities	\$ 121.74	Facilities BOC Plus 70% of 406-672-3027
09/28/2020	836869	AT & T Corp	Facilities	\$ 103.71	Facilities City Hall Plus 30% of 406-672-3027
09/28/2020	836869	AT & T Corp	Facilities	\$ 45.09	Facilities -Jessica
09/28/2020	836869	AT & T Corp	General	\$ 97.51	City Attorney -Legal
09/28/2020	836869	AT & T Corp	General	\$ 358.44	Code Enforcement
09/28/2020	836869	AT & T Corp	General	\$ 17.21	COVID -PLANNING
09/28/2020	836869	AT & T Corp	General	\$ 47.38	Legal Dept -Domestic Violence
09/28/2020	836869	AT & T Corp	General	\$ 47.38	Municipal Court
09/28/2020	836869	AT & T Corp	General	\$ 320.67	PRPL - Recreation Division
09/28/2020	836869	AT & T Corp	General	\$ 140.29	REC -Seasonal
09/28/2020	836869	AT & T Corp	General	\$ 104.52	REC Tablets
09/28/2020	836869	AT & T Corp	IT Resources	\$ 47.38	IT Department -On call Phone#200 19110 403450
09/28/2020	836869	AT & T Corp	Library	\$ 221.94	Library
09/28/2020	836869	AT & T Corp	Library	\$ 109.77	Library Out Reach
09/28/2020	836869	AT & T Corp	P.W. Admin	\$ 34.32	PWBLKNP OFFICE -60/40
09/28/2020	836869	AT & T Corp	P.W. Admin	\$ 51.48	PWBLKNP OFFICE -60/40
09/28/2020	836869	AT & T Corp	Park Dist 1	\$ 634.21	Parks Dept. -COVID19 Cell phones
09/28/2020	836869	AT & T Corp	Park Dist 1	\$ 74.90	Parks Dept. -COVID19 Cell phones
09/28/2020	836869	AT & T Corp	Park Dist 1	\$ 68.84	Parks Seasonal
09/28/2020	836869	AT & T Corp	Park Dist 1	\$ 168.53	PRPL Parks Tablets
09/28/2020	836869	AT & T Corp	Parking	\$ 87.63	Parking Division Meter Maintenance
09/28/2020	836869	AT & T Corp	Parking	\$ 219.61	Parking Phones
09/28/2020	836869	AT & T Corp	PD Pgrms	\$ 80.28	CCSIU Toughbook
09/28/2020	836869	AT & T Corp	PD Pgrms	\$ 47.38	Domestic Violence -Katie Nash
09/28/2020	836869	AT & T Corp	Phone System	\$ (26.63)	COMM DEV-COVID PHONES
09/28/2020	836869	AT & T Corp	Phone System	\$ 17.21	Donation Center phone YCT. 406.208.8154
09/28/2020	836869	AT & T Corp	Phone System	\$ 17.21	TeleComm Manager
09/28/2020	836869	AT & T Corp	Planning	\$ 45.09	COVID -PLANNING
09/28/2020	836869	AT & T Corp	Public Safety	\$ 284.32	Animal Control Cell Phones
09/28/2020	836869	AT & T Corp	Public Safety	\$ 240.84	Animal Control -MDT#500 21700 403450
09/28/2020	836869	AT & T Corp	Public Safety	\$ 253.99	Comm. Center 9-1-1#500-22250-403450
09/28/2020	836869	AT & T Corp	Public Safety	\$ 40.14	Detective Chartier -Toughbook

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	836869	AT & T Corp	Public Safety	\$ 1,154.04	Fire Department Cell Phones -COVID19
09/28/2020	836869	AT & T Corp	Public Safety	\$ 50.13	Fire Department Cell Phones-COVID19
09/28/2020	836869	AT & T Corp	Public Safety	\$ 87.52	ICAC -Campbell and Spare
09/28/2020	836869	AT & T Corp	Public Safety	\$ 1,238.74	MDT Fire
09/28/2020	836869	AT & T Corp	Public Safety	\$ 2,868.18	Police Department Cell Phone#500 21110 403450
09/28/2020	836869	AT & T Corp	Public Safety	\$ 3,692.88	Police MDT Toughbooks#500 21110 403450
09/28/2020	836869	AT & T Corp	Public Safety	\$ 282.12	Police -Resource Officers
09/28/2020	836869	AT & T Corp	Public Safety	\$ 160.13	Yellowstone County Cellular Charges -Fire Dept. bills YC
09/28/2020	836869	AT & T Corp	Transit	\$ 1,003.50	MET Transit Max Transit
09/28/2020	836869	AT & T Corp	Transit	\$ 910.35	MET Transit Tablets -New Service
09/28/2020	836869	AT & T Corp	Transit	\$ 303.60	MET Transit Tablets#710 71470 403160
09/28/2020	836869	AT & T Corp	Wastewater	\$ 90.18	PW Environmental
09/28/2020	836869	AT & T Corp	Wastewater	\$ 471.06	PWBELKNAP-DIST COLL 60/40
09/28/2020	836869	AT & T Corp	Wastewater	\$ 473.60	PWBKLP Electricians -Phones
09/28/2020	836869	AT & T Corp	Wastewater	\$ 32.45	PWBKLP STORES -75/25
09/28/2020	836869	AT & T Corp	Wastewater	\$ 1,008.97	PWBKLP-WWTRMNT1 Wastewater Treatment Plant
09/28/2020	836869	AT & T Corp	Wastewater	\$ 207.10	PW-Dis/Coll. Cityworks iPads 60/40
09/28/2020	836869	AT & T Corp	Wastewater	\$ 79.00	PW-Distribution Collection Tablets 60/40
09/28/2020	836869	AT & T Corp	Water	\$ 706.58	PWBELKNAP-DIST COLL 60/40
09/28/2020	836869	AT & T Corp	Water	\$ 1,046.50	PWBELKNAP-WT Water Treatment
09/28/2020	836869	AT & T Corp	Water	\$ 609.89	PWBKLP COMM-METER CityWorks/Neptune
09/28/2020	836869	AT & T Corp	Water	\$ 342.13	PWBKLP MTRSHOP
09/28/2020	836869	AT & T Corp	Water	\$ 97.33	PWBKLP STORES -75/25
09/28/2020	836869	AT & T Corp	Water	\$ 310.64	PW-Dis/Coll. Cityworks iPads 60/40
09/28/2020	836869	AT & T Corp	Water	\$ 118.49	PW-Distribution Collection Tablets 60/40
09/28/2020	836870	Baker Tilly Virchow Krause	Parks Series	\$ 3,100.00	Arbitrage Compliance Report-General Obligation Refunding Bonds
09/28/2020	836878	Billings Carpet Cleaning	Public Safety	\$ 4,799.80	911 CENTER: DETAILED CLEANING/DISINFECTION
09/28/2020	836878	Billings Carpet Cleaning	Public Safety	\$ 10,115.63	COVID Cleaning of Fire Station #1
09/28/2020	836879	Billings Clinic	Public Safety	\$ 34.00	CPR/AED COURSE CARDS, COURSE DATE: 09/01/2020
09/28/2020	836879	Billings Clinic	Public Safety	\$ 600.00	SANE 2020103
09/28/2020	836879	Billings Clinic	Public Safety	\$ 600.00	SANE 2020106
09/28/2020	836879	Billings Clinic	Public Safety	\$ 600.00	SANE 2020110
09/28/2020	836879	Billings Clinic	Public Safety	\$ 600.00	SANE 2020114
09/28/2020	836879	Billings Clinic	Public Safety	\$ 600.00	SANE 2020119

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09/28/2020	836881	Billings Gazette	General	\$ 316.66	Finance/City Link 102-60001620
09/28/2020	836881	Billings Gazette	General	\$ 1,696.42	Finance/City Link 102-60001620
09/28/2020	836881	Billings Gazette	General	\$ 844.26	Finance/City Link 102-60001620
09/28/2020	836885	Billings Tourism	Tourism BID #2	\$ 49,897.98	Paid August Distributed September 2020
09/28/2020	836887	Border States Electric	Solid Waste	\$ 106.31	920444620
09/28/2020	836887	Border States Electric	Solid Waste	\$ 17.17	920444620
09/28/2020	836887	Border States Electric	Wastewater	\$ 12.68	TOOL REPLACEMENT
09/28/2020	836887	Border States Electric	Wastewater	\$ 82.14	TRIP LIGHT UPS
09/28/2020	836887	Border States Electric	Wastewater	\$ 1,419.00	WRF BOXCAR RELAY REPAIR
09/28/2020	836887	Border States Electric	Wastewater	\$ 61.62	WRF ELECTRICAL TOOLS
09/28/2020	836887	Border States Electric	Wastewater	\$ 590.92	WRF-SOUDS BUILDING AIR HANDLER REPOACEMENT BREAKER
09/28/2020	836887	Border States Electric	Water	\$ 527.75	HSPS COMPRESSOR WORK
09/28/2020	836887	Border States Electric	Water	\$ 1,984.70	NETWORKHARDWARE FOR FOX COMMUNICATIONS
09/28/2020	836887	Border States Electric	Water	\$ 217.94	STAPLES Z3 VALVE VAULT
09/28/2020	836887	Border States Electric	Water	\$ 12.69	TOOL REPLACEMENT
09/28/2020	836887	Border States Electric	Water	\$ 123.22	TRIP LIGHT UPS
09/28/2020	836887	Border States Electric	Water	\$ 75.62	WTP RADIO/COAMERA WORK
09/28/2020	836888	Brenntag Pacific, Inc.	Payroll Clearing	\$ 10,000.00	Bid Deposit Refund for PW-Street De-Icer/Anti-Icer
09/28/2020	836889	Brown Plumbing & Heat	Wastewater	\$ 10,395.00	Connect 317 Lewis Avenue to City Sewer Main
09/28/2020	836892	Business Tax Section	Airport	\$ 28.28	AIP-62 Terminal Expansion Construction Phase 2 - Federal Share
09/28/2020	836892	Business Tax Section	Airport	\$ 2.66	AIP-62 Terminal Expansion Construction Phase 2 - Ineligible Share
09/28/2020	836892	Business Tax Section	Airport	\$ 53.27	AIP-62 Terminal Expansion Construction Phase 2 - Ineligible Share
09/28/2020	836892	Business Tax Section	Airport	\$ 3.14	AIP-62 Terminal Expansion Construction Phase 2 - Local Share
09/28/2020	836892	Business Tax Section	Airport	\$ 566.77	AIP-63 Terminal Expansion Construction Phase 2 - Federal Share
09/28/2020	836892	Business Tax Section	Airport	\$ 62.97	AIP-63 Terminal Expansion Construction Phase 2 - Local Share
09/28/2020	836892	Business Tax Section	Gas Tax	\$ 274.86	WO 20-04 2020 ADA Ramp Replacement Project
09/28/2020	836892	Business Tax Section	Library	\$ 69.65	Community Room technology upgrade
09/28/2020	836892	Business Tax Section	Park Dist 1	\$ 375.38	South pool liner - Renosys-Invoice 4830 LL 2
09/28/2020	836892	Business Tax Section	Park Dist 1	\$ 1,162.43	WO 20-19 North Park Irrigation System Replacement; Pmt 5
09/28/2020	836892	Business Tax Section	Public Safety	\$ 805.04	Fire Stations #1 & #3 Driveway
09/28/2020	836892	Business Tax Section	Public Safety	\$ 8.05	Retainage Release
09/28/2020	836892	Business Tax Section	Solid Waste	\$ 869.84	WO 18-32 Landfill Slope Stability; Pmt 3
09/28/2020	836892	Business Tax Section	Solid Waste	\$ 1,153.95	WO 20-23 Solid Waste Container Storage Facility
09/28/2020	836892	Business Tax Section	Storm Sewer	\$ 1,664.95	WO 20-39 Miscellaneous Drainage Improvements; Pmt 1

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09/28/2020	836892	Business Tax Section	Tax Incrmnt S	\$ 744.69	Construction of synthetic grass on soccer field at Amend
09/28/2020	836892	Business Tax Section	Tax Incrmnt S	\$ 37.47	Construction of synthetic grass on soccer field at Amend
09/28/2020	836892	Business Tax Section	Wastewater	\$ 798.00	Install Heating Water Supply & Return
09/28/2020	836892	Business Tax Section	Wastewater	\$ 320.92	Pilot Trial of Feeding Bioxide Chemical at Briarwood Lift Station
09/28/2020	836892	Business Tax Section	Wastewater	\$ 1,503.79	WO 20-10 WRF Equipment Installation; Pmt 4
09/28/2020	836892	Business Tax Section	Wastewater	\$ 105.00	WO 21-10 Brown Plumbing Contract
09/28/2020	836895	Century Link	Airport	\$ 45.66	406-245-5834 Airport Alarm
09/28/2020	836895	Century Link	Engineering	\$ 120.38	406-259-7758 Measured Lines Depot
09/28/2020	836895	Century Link	EOC 911	\$ 53.40	406-245-2296 911
09/28/2020	836895	Century Link	EOC 911	\$ 45.65	406-245-3107 911
09/28/2020	836895	Century Link	EOC 911	\$ 45.65	406-245-3108 911
09/28/2020	836895	Century Link	EOC 911	\$ 311.26	406-245-7101 9-1-1 Center Landfill #2
09/28/2020	836895	Century Link	EOC 911	\$ 311.26	406-245-7102 9-1-1 Center Fox Reservoir #2
09/28/2020	836895	Century Link	EOC 911	\$ 7,323.60	406-245-8527 New 9-1-1 Center
09/28/2020	836895	Century Link	General	\$ 52.01	monthly charges - 406-248-9851
09/28/2020	836895	Century Link	Library	\$ 157.86	Library 6 lines
09/28/2020	836895	Century Link	P.W. Admin	\$ 80.26	406-259-7758 Measured Lines Depot
09/28/2020	836895	Century Link	Phone System	\$ 64.26	406.259.7121 CPC
09/28/2020	836895	Century Link	Phone System	\$ 120.39	406.259.7214 CPC
09/28/2020	836895	Century Link	Phone System	\$ 64.26	406.259.7752 PRPL
09/28/2020	836895	Century Link	Phone System	\$ 228.20	406-248-3049 Main System T1 City/County Tie
09/28/2020	836895	Century Link	Phone System	\$ 105.24	Library 6 lines
09/28/2020	836895	Century Link	Public Safety	\$ 119.32	406-245-7469 Fire
09/28/2020	836895	Century Link	Public Safety	\$ 118.32	406-373-3742 Fire RR Crossing Alarm
09/28/2020	836895	Century Link	Radio	\$ 311.26	406-248-3635 Fire Airport Radio Tower WCK
09/28/2020	836895	Century Link	Radio	\$ 311.26	406-248-3636 Fire Airport Radio Tower Jellison
09/28/2020	836895	Century Link	Solid Waste	\$ 56.35	406-256-7001 Solid Waste Scale House
09/28/2020	836895	Century Link	Street/Traffic	\$ 53.79	406-259-3298 PW Traffic 3728 McDougall
09/28/2020	836895	Century Link	Wastewater	\$ 41.97	406-259-2328 PUD Sahara Sand Lift Station
09/28/2020	836895	Century Link	Water	\$ 39.44	406-245-3659 PUD Alarm Water Tower
09/28/2020	836905	Clocktower Inn	Tax Incrmnt N 27	\$ 116,000.00	Clocktower Inn
09/28/2020	836906	Columbine Control	Water	\$ 3,711.83	17240; CHEMICAL BUILDING CL2-NEW SENSORS
09/28/2020	836907	CompuNet Inc	Library	\$ 6,895.52	Community Room technology upgrade
09/28/2020	836914	Crescent Electric	Street/Traffic	\$ 984.22	S508244587.001 PO NUM 311131

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09/28/2020	836914	Crescent Electric	Street/Traffic	\$ 2,079.56	S508256427.002 PO NUM 311132
09/28/2020	836914	Crescent Electric	Street/Traffic	\$ 502.38	S508256427.003 PO NUM 311133
09/28/2020	836916	Dan Hart Patrol	Solid Waste	\$ 86,114.36	WO 18-32 Landfill Slope Stability; Pmt 3
09/28/2020	836917	David Turch	P.W. Admin	\$ 4,000.00	Consulting for Infrastructure Projects September
09/28/2020	836918	DC Frost Assoc	Wastewater	\$ 3,807.90	42029; U.V. LAMPS
09/28/2020	836919	Dell Computer	General	\$ 410.01	1-24" monitor, docking station, keyboard and mouse
09/28/2020	836919	Dell Computer	General	\$ 1,951.77	1-24" monitor, keyboard/mouse, and sound bar
09/28/2020	836919	Dell Computer	Street/Traffic	\$ 395.32	2-Processors, 16Gb RAM, 256GB SSD;2-24" Monitors with cameras
09/28/2020	836919	Dell Computer	Transit	\$ 454.00	Qty. 2 24" Touchscreen monitors -MET new POS system
09/28/2020	836922	Desert Mt Corp	Street/Traffic	\$ 4,042.33	inv#20-776091e slicer used to melt snow on streets
09/28/2020	836923	Dick Anderson Const	Wastewater	\$ 148,874.71	WO 20-10 WRF Equipment Installation; Pmt 4
09/28/2020	836924	Dixie Petro-Chem	General	\$ 40.00	chlorine for pools-72000215-20
09/28/2020	836924	Dixie Petro-Chem	Water	\$ 3,752.00	BULK CHLORINE
09/28/2020	836924	Dixie Petro-Chem	Water	\$ 3,752.00	BULK CHLORINE
09/28/2020	836928	Downtown Billings Partners	Tax Incrmnt N 27	\$ 2,763.50	CPTED Incentive Grants
09/28/2020	836928	Downtown Billings Partners	Tax Incrmnt N 27	\$ 355.50	CPTED Incentive Grants
09/28/2020	836928	Downtown Billings Partners	Tax Incrmnt N 27	\$ 23,286.75	Urban Revitalization District Operating Agreement
09/28/2020	836939	Empire Garage Owners	Parking	\$ 8,604.61	9182020 City of Billings September Assessment
09/28/2020	836946	FieldTurf USA	Tax Incrmnt S	\$ 73,724.06	Construction of synthetic soccer and lacrosse field at Amend Park
09/28/2020	836946	FieldTurf USA	Tax Incrmnt S	\$ 3,709.53	Contruction of synthetic soccer and lacrosse field at Amend Park
09/28/2020	836947	Firefighter Inspiration	Public Safety	\$ 5,040.00	FIRE SIM LAB WEBINAR SERIES, 2020 SUBSCRIPTION
09/28/2020	836954	FirstMark Const	Solid Waste	\$ 114,241.05	WO 20-23 Solid Waste Container Storage Facility
09/28/2020	836955	Fischer Commercial Floor	Public Safety	\$ 996.00	5647 FIRE 1: LOCKER ROOM REPLACE CARPET WITH PLANK VINYL
09/28/2020	836955	Fischer Commercial Floor	Public Safety	\$ 3,490.00	FIRE 1: 5646 CREW & CAPT BEDROOM
09/28/2020	836955	Fischer Commercial Floor	Public Safety	\$ 3,439.00	FIRE 5: flooring-crew quarters-repl'd carpet w/vinyl plank
09/28/2020	836955	Fischer Commercial Floor	Public Safety	\$ 4,755.00	FIRE6: PROPOSAL #5641 - REPLACE FLOORING
09/28/2020	836960	Galls Inc	PD Prgms	\$ 3,608.12	Uniforms.
09/28/2020	836962	Gillig Corporation	Transit	\$ 20.64	40729577 PO NUM 311079
09/28/2020	836962	Gillig Corporation	Transit	\$ 3,758.00	40730310 PO NUM 311079
09/28/2020	836962	Gillig Corporation	Transit	\$ 1,349.77	Invoice #40728652 PO NUM 311065. Fan Control Valve
09/28/2020	836962	Gillig Corporation	Transit	\$ 2,390.22	Invoice #40731980 PO NUM 311129. Brake Drums
09/28/2020	836962	Gillig Corporation	Transit	\$ 51.64	Invoice #40731981 PO NUM 311129. Gas Shocks
09/28/2020	836963	Good Earth Works	Park Dist 1	\$ 115,080.37	WO 20-19 North Park Irrigation System Replacement; Pmt 4
09/28/2020	836964	Grainger Parts	PD Prgms	\$ 11,974.64	6T451, FILTER, P100 THREADED, PK4 (State Contract Pricing)

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09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 445.12	9654181214 half mask (5HV89)
09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 1,609.28	9654181222 HALF MASK RESPIRATORS, THREADED
09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 684.80	9654230581 - HALF MASK RESPIRATOR, THREADED (5HV89)
09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 1,027.20	Half Mask Respirator
09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 811.68	Half Mask Respirator Threaded
09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 811.68	Half Mask Respirator Threaded
09/28/2020	836964	Grainger Parts	PD Pgrms	\$ 811.68	Half Mask Respirator Threaded
09/28/2020	836965	Granite Peak Pump	Amend Park	\$ 597.40	Pump repairs to amend and veterans - 20214
09/28/2020	836965	Granite Peak Pump	Park Dist 1	\$ 1,334.85	pump maintenance for riverfront and pioneer - 20218
09/28/2020	836965	Granite Peak Pump	Park Dist 1	\$ 225.57	pump repair at Castle Rock transfer-20221
09/28/2020	836965	Granite Peak Pump	Park Dist 1	\$ 778.81	pump repairs at Castle Rock
09/28/2020	836965	Granite Peak Pump	Park Dist 1	\$ 597.40	Pump repairs to amend and veterans - 20214
09/28/2020	836965	Granite Peak Pump	Park Dist 1	\$ 1,433.23	pump repairs to Rose Park - 20213
09/28/2020	836967	Graybar Electric	Airport	\$ 6,750.00	INvoice #9317817110. LED Lights
09/28/2020	836969	Gunarama Wholesale	Public Safety	\$ 4,090.00	Glock Gen-5 G17, 9mm, 4.5" with Glock Night Sights
09/28/2020	836970	Hach Company	Water	\$ 5,460.00	MAINTENANCE ON UV EQUIPMENT
09/28/2020	836970	Hach Company	Water	\$ 1,107.41	REAGENT SET CHLORINE FREE CL17 - SIRR PLAN (2556900)
09/28/2020	836974	HDR, Inc.	Wastewater	\$ 4,861.12	1200289514; REGULATORY SAMPLING PLAN FOR DITCH DISCHARGE
09/28/2020	836974	HDR, Inc.	Wastewater	\$ 47,103.78	WO 14-11 WWTP Nutrient Upgrade Expansion & Improvements
09/28/2020	836974	HDR, Inc.	Wastewater	\$ 47,892.93	WO 19-21 WRF Influent Lift Station; 1200295557 Pmt 15
09/28/2020	836974	HDR, Inc.	Wastewater	\$ 1,483.08	WO 20-36 WRF Solids Handling Modifications; 1200295558 Pmt 4
09/28/2020	836974	HDR, Inc.	Water	\$ -	WO 14-11 WWTP Nutrient Upgrade Expansion & Improvements
09/28/2020	836974	HDR, Inc.	Water	\$ 30,000.00	WO 18-22 Leavens Reservoir Expansion & Zone
09/28/2020	836974	HDR, Inc.	Water	\$ 467,688.00	WO 19-12 West End Reservoir; 1200295554 Pmt 17
09/28/2020	836977	High Point Network	IT Resources	\$ 162.00	Passive Cables
09/28/2020	836977	High Point Network	Library	\$ 7,785.00	163589 Advanced Gateway Security Suite Bundle
09/28/2020	836981	Iaff	Payroll Clearing	\$ 5,063.88	Payroll Summary
09/28/2020	836982	Idexx Distribution	Water	\$ 3,384.49	3070974811; MICROBIOLOGY SUPPLIES
09/28/2020	836989	InfoSend	CDBG	\$ 4,822.22	Coronavirus Survey, Return Envelope, & Envelope Snipe
09/28/2020	836980	I-State Truck	Street/Traffic	\$ 179,000.00	(1) One new tandem conventional cab/roll off hoist system
09/28/2020	836980	I-State Truck	Street/Traffic	\$ (2,500.00)	trade in unit 1208
09/28/2020	836980	I-State Truck	Street/Traffic	\$ 3,042.00	warranty 5 yr transmission/engine
09/28/2020	836992	J & H Office Equipment	Public Safety	\$ 3,214.00	Canon Copier for Evidence Building
09/28/2020	836996	Kenco Enterprises	Facilities	\$ 4,038.16	Replacement of 4 Controllers at BOC

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09/28/2020	836996	Kenco Enterprises	Facilities	\$ 125.00	Service call due to loss of power
09/28/2020	836996	Kenco Enterprises	Wastewater	\$ 31.25	005260; TURNED OF CHIME, NO ERRORS IN KEYPAD
09/28/2020	836996	Kenco Enterprises	Water	\$ 93.75	005260; TURNED OF CHIME, NO ERRORS IN KEYPAD
09/28/2020	836999	KLE Construction	Storm Sewer	\$ 164,830.05	WO 20-39 Miscellaneous Drainage Improvements; Pmt 1
09/28/2020	837000	Knife River	Street/Traffic	\$ 128.15	inv#709109 asphalt
09/28/2020	837000	Knife River	Street/Traffic	\$ 1,520.75	inv#709275 asphalt
09/28/2020	837000	Knife River	Street/Traffic	\$ 330.55	inv#709936 asphalt
09/28/2020	837000	Knife River	Street/Traffic	\$ 4,329.60	inv#710319 asphalt
09/28/2020	837000	Knife River	Street/Traffic	\$ 3,029.95	inv#710889 asphalt
09/28/2020	837000	Knife River	Street/Traffic	\$ 3,823.05	inv#711010 asphalt
09/28/2020	837000	Knife River	Water	\$ 565.37	500 ton/each- 3/4" rd material & 3/4" bedding material
09/28/2020	837001	Kois Brothers	Water	\$ 3,798.00	NONSTOCKING ITEMS-P.U.D.
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 31.60	14140 REDHEAD BROSS 1.75" SJ TAIL GASKET
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ -	ACTION COUPLING PART #G12030
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ -	BOWL NH THREAD, COMPLETE W/EXPANSION RINGS & GASKETS
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 890.00	GEAR GUARD: REDIT RACK, GROVES GGR-MSD-6/20
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 129.00	RED HEAD BRASS 5" STORZ X 2.5" HN
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 31.60	REDHEAD BRASS - 1.75" DJ TAIL GASKET FOR BOWL
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 913.75	REDHEAD BRASS 1.5" NH X 2-3/16" ROCKER LUG COUPLING SET
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 365.50	REDHEAD BRASS 1.5"NH X 2-1/16" ROCKER LUG COUPLING SET
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 51.30	REDHEAD BRASS 6" SWIVEL GASKETS
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 90.60	REDHEAD BROSS 1.75" X 1.25" BRASS EXPANSION RINGS
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 2,990.00	RMDS-6-20 GROVES REDI-TACK, MOBILE DBL SIDED RACK
09/28/2020	837004	L N Curtis & Sons	Public Safety	\$ 520.00	SHIPPING ESTIMATED
09/28/2020	837005	L P Anderson Tire	Airport	\$ 220.00	Invoice #1140051. C-2 Tire Replacement Service
09/28/2020	837005	L P Anderson Tire	Airport	\$ 3,279.20	Invoice #1140054. Fires for C-2
09/28/2020	837010	Mccain Traffic Supply	Street/Traffic	\$ 3,360.00	ped housing alum green std
09/28/2020	837026	Montana CSED	Payroll Clearing	\$ 3,022.26	Payroll Summary
09/28/2020	837027	Montana Dakota Utilities	Airport	\$ 96.23	285 580 1000 6
09/28/2020	837027	Montana Dakota Utilities	Airport	\$ 2,143.48	595 580 1000 1
09/28/2020	837027	Montana Dakota Utilities	Airport	\$ 78.04	706 580 1000 7
09/28/2020	837027	Montana Dakota Utilities	EOC 911	\$ 32.85	911 CENTER, STANDBY GENERATOR - ACCT #082-939-8378-2
09/28/2020	837027	Montana Dakota Utilities	Park Dist 1	\$ 21.86	501 473 1000 2
09/28/2020	837027	Montana Dakota Utilities	Wastewater	\$ 36.14	596 733 1000 5

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09/28/2020	837027	Montana Dakota Utilities	Wastewater	\$ 35.62	713 064 3190 0
09/28/2020	837027	Montana Dakota Utilities	Wastewater	\$ 37.14	843 879 2205 1
09/28/2020	837027	Montana Dakota Utilities	Water	\$ 10.42	373 580 1000 9
09/28/2020	837027	Montana Dakota Utilities	Water	\$ 10.41	373 580 1000 9
09/28/2020	837027	Montana Dakota Utilities	Water	\$ 18.33	541 380 1000 1
09/28/2020	837027	Montana Dakota Utilities	Water	\$ 35.62	921 580 1000 6
09/28/2020	837031	Montana State Fireman	Payroll Clearing	\$ 4,461.81	Payroll Summary
09/28/2020	837033	Morrison Maierle	Airport	\$ 6,639.51	AIP-62 Terminal Expansion Project Engineering - CA - Federal Share
09/28/2020	837033	Morrison Maierle	Airport	\$ 737.72	AIP-62 Terminal Expansion Project Engineering - CA - Local Share
09/28/2020	837033	Morrison Maierle	Airport	\$ 624.10	AIP-62 Terminal Expansion Project Engineering - CA - Note Eligible
09/28/2020	837033	Morrison Maierle	Airport	\$ 74,035.97	AIP-65 Terminal Expansion Project Engineering - CA - Federal Share
09/28/2020	837033	Morrison Maierle	Airport	\$ 6,263.35	AIP-65 Terminal Expansion Project Engineering - CA - Not Eligible
09/28/2020	837033	Morrison Maierle	Wastewater	\$ 14,502.20	WO 20-14 Wastewater Master Plan Update; 205369 Pmt 2
09/28/2020	837034	Moulton Bellingham	General	\$ 22.50	Inv. #137389 Ron Hill v. COB
09/28/2020	837034	Moulton Bellingham	General	\$ 2,925.00	Inv.#137391 Abromeit v. COB
09/28/2020	837034	Moulton Bellingham	General	\$ 45.00	Inv.#137923 Stone et al v. COB
09/28/2020	837034	Moulton Bellingham	General	\$ 1,899.50	Inv.#137924 Houser WWFF
09/28/2020	837034	Moulton Bellingham	General	\$ 1,870.00	Inv.#137926 County Water District Contract Dispute
09/28/2020	837034	Moulton Bellingham	General	\$ 6,091.50	Inv.#137927 McDaniel v. COB
09/28/2020	837035	MPPA	Payroll Clearing	\$ 3,595.80	Payroll Summary
09/28/2020	837028	MT Dept Of Enviro Quality	Solid Waste	\$ 33,506.90	Solid Waste Management License # 113-2nd Quarter Lic 113-2
09/28/2020	837029	MT Federation of Public Emp	Payroll Clearing	\$ 2,720.00	Payroll Summary
09/28/2020	837042	Northwest Pipe	Fleet	\$ 79.76	7369065 PO NUM 310612
09/28/2020	837042	Northwest Pipe	Street/Traffic	\$ 27.12	inv#7365842 Brass cap/compression adapter for irrigation
09/28/2020	837042	Northwest Pipe	Street/Traffic	\$ 50.16	inv#7380189 Couplings for 36th and grand sprinklers
09/28/2020	837042	Northwest Pipe	Street/Traffic	\$ 60.57	inv#7381852 Bushings/nipple to repair unit 1228
09/28/2020	837042	Northwest Pipe	Wastewater	\$ 457.64	7378400; FOR ADMIN WATER COOLERS
09/28/2020	837042	Northwest Pipe	Wastewater	\$ 853.80	7382775; SECONDARY DIGESTER
09/28/2020	837042	Northwest Pipe	Wastewater	\$ 270.62	GREASE REMOVAL STATION
09/28/2020	837042	Northwest Pipe	Water	\$ 10.08	3/4" T-10 O-RING - (9386-002)
09/28/2020	837042	Northwest Pipe	Water	\$ 60.00	7263939-1; MIU-RF
09/28/2020	837042	Northwest Pipe	Water	\$ 10.16	7370192;LIBRARY DRINKING FOUNTAIN
09/28/2020	837042	Northwest Pipe	Water	\$ 58.96	7379829; PW WATER PLANT
09/28/2020	837042	Northwest Pipe	Water	\$ 199.25	CHRISTENSEN SAMPLE SINK

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09/28/2020	837042	Northwest Pipe	Water	\$ 100.20	CURB BOX LID W/PLUG 1-1/2"
09/28/2020	837042	Northwest Pipe	Water	\$ (114.96)	PARTS RETURN
09/28/2020	837042	Northwest Pipe	Water	\$ (153.28)	PARTS RETURN
09/28/2020	837042	Northwest Pipe	Water	\$ 232.36	PIPE BURSTING - 3/4" COMPRESSION COUPLING - (74758Q34)
09/28/2020	837042	Northwest Pipe	Water	\$ 386.30	PIPE BURSTING - 8" X 3/4" TAPPING SADDLE
09/28/2020	837042	Northwest Pipe	Water	\$ 16,660.00	R-900 ENHANCED WALL RR - MIU 13341-200 (RF'S) (2030905)
09/28/2020	837044	NorthWestern Energy	Airport	\$ 2,294.82	01001483-7. Runway Lights. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 2,645.45	0100484-5. ARFF. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 410.71	0712792-1. IP-7. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 985.29	0712800-2. IP-9. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 212.32	0712809-3. IP-11/12 Alpine. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 24.85	1138926-9. Aero Interiors. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 30.34	1647695-4. De Icer. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 599.23	1669567-8. TSA. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 1,131.31	1993430-6. Car Wash. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 262.43	2001846-1. Mud Wash. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 222.59	2001848-7. Detail Bay 1 Hertz. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 164.89	2001855-2. Detail Bay 2 National/Alamo. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 123.73	2001862-8. Detail Bay 3 Enterprise. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 128.04	2001865-1. Detail Bay 4 Avis/Budget. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 38.81	2001867-7. Detail Bay 5 Thrifty/Dollar. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 66.26	3085107-5. New Employee Parking. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 211.99	3446396-8. USDA. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 1,003.76	3477231-9. Parking Zone. September 2020
09/28/2020	837044	NorthWestern Energy	Airport	\$ 8.40	3733186-5. Airport (Hilsendeger). September 2020
09/28/2020	837044	NorthWestern Energy	Engineering	\$ 30.43	Depot parking lot electricity #0698856-2
09/28/2020	837044	NorthWestern Energy	Facilities	\$ 676.53	0975808-7
09/28/2020	837044	NorthWestern Energy	Facilities	\$ 916.54	1160802-3
09/28/2020	837044	NorthWestern Energy	Facilities	\$ 1,285.59	1160804-9
09/28/2020	837044	NorthWestern Energy	Facilities	\$ 3,410.78	1269391-7
09/28/2020	837044	NorthWestern Energy	General	\$ 2,690.93	0720821-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,071.00	SILMD 10 Acct# 0712546-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,935.78	SILMD 100 Acct# 0712559-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,624.38	SILMD 107 Acct# 0712560-2

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09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 4,073.84	SILMD 109 Acct# 0712561-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 196.62	SILMD 113 Acct# 0712562-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 876.65	SILMD 114 Acct# 0712563-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 206.27	SILMD 115 Acct# 0712564-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 541.45	SILMD 116 Acct# 0712565-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,947.48	SILMD 117 Acct# 0712566-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 189.51	SILMD 118 Acct# 0712567-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 115.65	SILMD 119 Acct# 0712568-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,320.56	SILMD 121 Acct# 0712570-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 174.03	SILMD 122 Acct# 0712571-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 309.40	SILMD 123 Acct# 0712572-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 902.43	SILMD 124 Acct# 0712573-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 360.98	SILMD 125 Acct# 0712574-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 180.48	SILMD 126 Acct# 0712575-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 652.61	SILMD 127 Acct# 0712576-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 456.82	SILMD 128 Acct# 0712577-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 309.40	SILMD 129 Acct# 0712578-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 4,471.60	SILMD 13 Acct# 0721276-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 110.69	SILMD 130 Acct# 0712579-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 799.29	SILMD 131 Acct# 0712580-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 205.58	SILMD 133 Acct# 0712581-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 474.43	SILMD 134 Acct# 0712582-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 478.57	SILMD 135 Acct# 0712583-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 438.34	SILMD 136 Acct# 0712584-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 347.74	SILMD 137 Acct# 0712585-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 696.17	SILMD 138 Acct# 0712586-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 232.06	SILMD 139 Acct# 0712587-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,196.84	SILMD 14 Acct# 0721277-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 541.45	SILMD 143 Acct# 0712588-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 25.76	SILMD 144 Acct# 0712589-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 435.07	SILMD 145 Acct# 0712590-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 335.19	SILMD 146 Acct# 0712591-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 407.98	SILMD 147 Acct# 0712592-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,472.67	SILMD 149 Acct# 0712593-3

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09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 696.11	SILMD 150 Acct# 0712594-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 593.02	SILMD 151 Acct# 0712595-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 4,002.30	SILMD 152 Acct# 0712596-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 500.33	SILMD 153 Acct# 0712597-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,131.21	SILMD 154 Acct# 0712598-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 464.11	SILMD 155 Acct# 0712599-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 848.41	SILMD 157 Acct# 0712600-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 747.74	SILMD 158 Acct# 0712601-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 902.68	SILMD 159 Acct# 0712602-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 670.38	SILMD 160 Acct# 0712603-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 978.92	SILMD 161 Acct# 0712604-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 44.19	SILMD 162 Acct# 0712605-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 715.63	SILMD 163 Acct# 0712606-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 348.07	SILMD 164 Acct# 0712607-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 825.07	SILMD 165 Acct# 0712608-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 217.55	SILMD 167 Acct# 0712609-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,072.43	SILMD 17 Acct# 0712553-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 522.09	SILMD 171 Acct# 0712610-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 474.41	SILMD 172 Acct# 0712611-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,087.68	SILMD 173 Acct# 0712612-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 913.65	SILMD 174 Acct# 0712613-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 304.56	SILMD 175 Acct# 0712614-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 31.58	SILMD 176 Acct# 0712615-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 239.30	SILMD 178 Acct# 0712616-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 478.57	SILMD 179 Acct# 0712617-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 96.18	SILMD 18 Acct# 0712554-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 326.32	SILMD 180 Acct# 0712618-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,572.82	SILMD 181 Acct# 0712619-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 543.86	SILMD 182 Acct# 0712620-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,087.70	SILMD 183 Acct# 0712621-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 348.07	SILMD 184 Acct# 0712622-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 130.53	SILMD 185 Acct# 0712623-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 664.81	SILMD 186 Acct# 0712624-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 217.55	SILMD 187 Acct# 0712625-3

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09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 261.04	SILMD 188 Acct# 0712626-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 217.55	SILMD 189 Acct# 0712627-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,131.21	SILMD 190 Acct# 0712628-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 388.29	SILMD 191 Acct# 0712629-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 282.80	SILMD 192 Acct# 0712630-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 696.11	SILMD 193 Acct# 0712631-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 291.59	SILMD 194 Acct# 0712632-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 233.27	SILMD 195 Acct# 0712633-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 74.39	SILMD 196 Acct# 0712634-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 74.39	SILMD 197 Acct# 0712635-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 108.78	SILMD 198 Acct# 0712636-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 83.41	SILMD 200 Acct# 0712637-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 456.82	SILMD 201 Acct# 0712638-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 619.45	SILMD 202 Acct# 0712639-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 19.83	SILMD 203 Acct# 0712640-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 392.82	SILMD 204 Acct# 0712641-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 25.25	SILMD 205 Acct# 0712642-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 304.56	SILMD 206 Acct# 0712643-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 348.07	SILMD 207 Acct# 0712644-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 233.62	SILMD 208 Acct# 0712645-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 500.33	SILMD 209 Acct# 0712646-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 89.26	SILMD 210 Acct# 0712647-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 49.60	SILMD 211 Acct# 0712648-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 49.60	SILMD 212 Acct# 0712649-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 29.76	SILMD 213 Acct# 0712650-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 352.08	SILMD 214 Acct# 0712651-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 130.53	SILMD 216 Acct# 0712652-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 378.89	SILMD 217 Acct# 0712653-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 268.14	SILMD 220 Acct# 0712654-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 6.32	SILMD 221 Acct# 0712655-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 78.71	SILMD 222 Acct# 0712656-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 119.02	SILMD 223 Acct# 0712657-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,339.20	SILMD 224 Acct# 0712658-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 378.07	SILMD 225 Acct# 0712659-2

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09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 322.08	SILMD 226 Acct# 0712660-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 651.42	SILMD 227 Acct# 0712661-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 747.74	SILMD 228 Acct# 0712662-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 386.77	SILMD 229 Acct# 0712663-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 902.44	SILMD 230 Acct# 0712664-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 541.45	SILMD 231 Acct# 0712665-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,346.32	SILMD 232 Acct# 0712666-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 877.83	SILMD 233 Acct# 0712667-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 492.59	SILMD 234 Acct# 0712668-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 550.92	SILMD 235 Acct# 0712669-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 174.94	SILMD 236 Acct# 0712670-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 369.83	SILMD 237 Acct# 0712671-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 12.64	SILMD 238 Acct# 0712672-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 87.01	SILMD 239 Acct# 0712673-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 419.87	SILMD 240 Acct# 0712674-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 544.11	SILMD 241 Acct# 0712675-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 77.35	SILMD 242 Acct# 0712676-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 103.13	SILMD 244 Acct# 0712677-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 69.10	SILMD 245 Acct# 0712678-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 309.40	SILMD 246 Acct# 0712679-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 940.54	SILMD 247 Acct# 0712680-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,552.59	SILMD 249 Acct# 0718734-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 209.94	SILMD 250 Acct# 0719001-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 3,616.43	SILMD 251 Acct# 0718801-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 515.67	SILMD 252 Acct# 0719162-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,699.73	SILMD 253 Acct# 0719644-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 157.43	SILMD 254 Acct# 0719763-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 937.16	SILMD 257 Acct# 0720360-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,439.41	SILMD 258 Acct# 0720606-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,402.50	SILMD 259 Acct# 0720810-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 464.11	SILMD 261 Acct# 0720705-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,886.17	SILMD 262 Acct# 0720937-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 977.50	SILMD 263 Acct# 0720716-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 171.73	SILMD 264 Acct# 0721427-3

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09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 338.30	SILMD 265 Acct# 0721556-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 41.97	SILMD 266 Acct# 0721684-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 458.25	SILMD 270 Acct# 0906944-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 892.69	SILMD 271 Acct# 0995095-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,639.81	SILMD 272 Acct# 0905005-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 191.63	SILMD 273 Acct# 0926386-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 499.92	SILMD 276 Acct# 0961926-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 794.87	SILMD 277 Acct# 1058710-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 221.59	SILMD 278 Acct# 1087619-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 55.36	SILMD 279 Acct# 1124127-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 721.76	SILMD 280 Acct# 1045653-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 459.50	SILMD 283 Acct# 1172743-5
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 304.70	SILMD 285 Acct# 1206985-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 227.90	SILMD 286 Acct# 1296582-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,731.01	SILMD 288 Acct# 1303978-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 234.13	SILMD 289 Acct# 1685375-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 112.58	SILMD 290 Acct# 1433921-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 567.23	SILMD 292 Acct# 1481532-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 217.55	SILMD 293 Acct# 1481534-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 435.07	SILMD 294 Acct# 1481535-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 103.13	SILMD 295 Acct# 1481536-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,152.94	SILMD 296 Acct# 1481537-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 195.79	SILMD 297 Acct# 1481539-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 174.03	SILMD 298 Acct# 1481540-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 381.28	SILMD 300 Acct# 1662840-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 5,120.99	SILMD 301 Acct# 1687005-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 217.10	SILMD 302 Acct# 1607534-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 754.67	SILMD 305 Acct# 1695873-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 166.78	SILMD 306 Acct# 1740353-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 2,391.04	SILMD 307 Acct# 2049005-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 253.20	SILMD 308 Acct# 2072459-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 288.14	SILMD 309 Acct# 2001311-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 202.47	SILMD 310 Acct# 2060519-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 236.26	SILMD 311 Acct# 3014475-2

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09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 220.29	SILMD 312 Acct# 3146127-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 377.03	SILMD 315 Acct# 3305804-1
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,133.15	SILMD 316 Acct# 3291842-7
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 72.30	SILMD 317 Acct# 3253826-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 758.21	SILMD 318 Acct# 3372018-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 57.16	SILMD 320 Acct# 0712569-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 361.17	SILMD 321 Acct# 3338917-2
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 68.65	SILMD 322 Acct# 3402033-9
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 546.86	SILMD 323 Acct# 3597170-4
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 265.36	SILMD 324 Acct# 1246537-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 202.86	SILMD 325 Acct# 3587598-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 361.23	SILMD 8 Acct# 0712544-6
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 334.07	SILMD 9 Acct# 0712545-3
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 474.01	SILMD 95 Acct# 0712556-0
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 8,770.05	SILMD 97 Acct# 0712557-8
09/28/2020	837043	NorthWestern Energy	Light Maint	\$ 1,770.87	SILMD 99 Acct# 0712558-6
09/28/2020	837044	NorthWestern Energy	P.W. Admin	\$ 7.61	Depot parking lot electricity #0698856-2
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 46.66	0712387-0
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 214.51	0712536-2
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 40.45	0720818-4
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 5.80	0722237-5
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 6.05	0722247-4
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 288.70	0722251-6
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 0.12	0722254-0
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 99.90	0722255-7
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 69.60	0722263-1
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 46.30	0722266-4
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 16.59	0722269-8
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 1,368.40	0722287-0
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 12.99	0722292-0
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 31.87	0722293-8
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 16.20	0722905-7
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 237.87	0722933-9
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 204.33	0723035-2

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 7.58	0723036-0
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 201.34	0723037-8
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 35.64	0723042-8
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 1,091.49	0723045-1
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 101.25	0723048-5
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 191.27	0723050-1
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 625.47	0723054-3
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 11.14	0723055-0
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 28.39	0723056-8
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 7.81	0723057-6
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 33.73	0723058-4
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 5.80	0723162-4
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 22.43	0789437-1
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 340.88	0925496-2
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 598.53	1191404-1
09/28/2020	837044	NorthWestern Energy	Park Dist 1	\$ 22.43	1836666-6
09/28/2020	837044	NorthWestern Energy	Public Safety	\$ 2,916.47	0100476-1 FIRE1: ELECTRICAL SERVICE
09/28/2020	837044	NorthWestern Energy	Public Safety	\$ 511.22	0100477-9 FIRE6: ELECTRICAL SERVICE
09/28/2020	837044	NorthWestern Energy	Public Safety	\$ 589.59	0871546-8
09/28/2020	837044	NorthWestern Energy	Radio	\$ 489.77	0721580-9
09/28/2020	837044	NorthWestern Energy	Solid Waste	\$ 1,680.64	3252194-0
09/28/2020	837044	NorthWestern Energy	Street/Traffic	\$ 5.80	0723644-1
09/28/2020	837044	NorthWestern Energy	Street/Traffic	\$ 5.80	0723645-8
09/28/2020	837044	NorthWestern Energy	Street/Traffic	\$ 0.35	1740357-7
09/28/2020	837044	NorthWestern Energy	Street/Traffic	\$ 0.73	1748896-6
09/28/2020	837043	NorthWestern Energy	Street/Traffic	\$ 11,358.97	Signal Bills 9.21.2020
09/28/2020	837044	NorthWestern Energy	Transit	\$ 2,738.46	0100473-8. 1705 Monad. September 2020
09/28/2020	837044	NorthWestern Energy	Wastewater	\$ 2,352.50	0100606-3
09/28/2020	837044	NorthWestern Energy	Wastewater	\$ 355.07	1756893-2 AUG 2020; MONTHLY SERVICE FEES
09/28/2020	837044	NorthWestern Energy	Water	\$ 1,691.51	0100485-2
09/28/2020	837044	NorthWestern Energy	Water	\$ 8,950.20	0100540-4
09/28/2020	837044	NorthWestern Energy	Water	\$ 7,057.53	0100606-3
09/28/2020	837044	NorthWestern Energy	Water	\$ 178,790.65	0100606-3
09/28/2020	837044	NorthWestern Energy	Water	\$ 18,345.76	0722264-9

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	837044	NorthWestern Energy	Water	\$ 13,514.04	0723040-2
09/28/2020	837044	NorthWestern Energy	Water	\$ 5.80	0723059-2
09/28/2020	837044	NorthWestern Energy	Water	\$ 1,268.14	1116452-2
09/28/2020	837044	NorthWestern Energy	Water	\$ 196.83	1142253-2
09/28/2020	837048	PeopleReady	Solid Waste	\$ 1,482.40	Paper pickers for the landfill 26022403
09/28/2020	837048	PeopleReady	Solid Waste	\$ 1,639.91	Paper pickers for the landfill 26024088
09/28/2020	837048	PeopleReady	Solid Waste	\$ 37.06	Paper pickers for the Landfill 26049879
09/28/2020	837051	Precision Concrete Cutting	Park Dist 1	\$ 4,940.00	sidewalk repairs-14668
09/28/2020	837052	Proforce Law Enforcement	PD Pgrms	\$ 5,981.05	Tasers & Cartridges.
09/28/2020	837053	Public Utilities	Parking	\$ 115.68	102086
09/28/2020	837053	Public Utilities	Parking	\$ 284.26	102980
09/28/2020	837053	Public Utilities	Parking	\$ 10.45	102981
09/28/2020	837053	Public Utilities	Parks Maint	\$ 8,100.58	136095
09/28/2020	837053	Public Utilities	Parks Maint	\$ 263.38	136098
09/28/2020	837053	Public Utilities	Parks Maint	\$ 2,907.94	136099
09/28/2020	837053	Public Utilities	Parks Maint	\$ 635.80	136100
09/28/2020	837053	Public Utilities	Parks Maint	\$ 854.62	136101
09/28/2020	837053	Public Utilities	Parks Maint	\$ 14,657.28	236250
09/28/2020	837053	Public Utilities	Wastewater	\$ 3,196.17	111176
09/28/2020	837060	Routematch Software	Transit	\$ 5,282.74	Annual Hosting Fees for Paratransit Software. Year 6
09/28/2020	837061	Sanderson Stewart	Tax Incrmnt S	\$ 79,515.91	WO 19-22 King Ave. E (Orchard to Jackson); 48773 Pmt 16
09/28/2020	837061	Sanderson Stewart	Water	\$ 5,758.83	WO 19-01 Water/Sewer Replacement Project; 48671 Pmt 22
09/28/2020	837063	Schutz Foss Architects	Facilities	\$ 6,526.65	Police Evidence Expansion Final Design Services - Phase II
09/28/2020	837063	Schutz Foss Architects	Facilities	\$ 65.83	Reimbursable Expenses
09/28/2020	837070	Sletten Construction	Airport	\$ 2,799.28	AIP-62 Terminal Expansion Construction Phase 2 - Federal Share
09/28/2020	837070	Sletten Construction	Airport	\$ 263.13	AIP-62 Terminal Expansion Construction Phase 2 - Ineligible Share
09/28/2020	837070	Sletten Construction	Airport	\$ 311.03	AIP-62 Terminal Expansion Construction Phase 2 - Local Share
09/28/2020	837070	Sletten Construction	Airport	\$ 56,109.06	AIP-63 Terminal Expansion Construction Phase 2 - Federal Share
09/28/2020	837070	Sletten Construction	Airport	\$ 5,274.17	AIP-63 Terminal Expansion Construction Phase 2 - Ineligible Share
09/28/2020	837070	Sletten Construction	Airport	\$ 6,234.34	AIP-63 Terminal Expansion Construction Phase 2 - Local Share
09/28/2020	837071	Spencer Industries	Solid Waste	\$ 344.26	3147725
09/28/2020	837071	Spencer Industries	Solid Waste	\$ 2,960.85	3153863
09/28/2020	837071	Spencer Industries	Solid Waste	\$ 2,989.69	3154545
09/28/2020	837071	Spencer Industries	Solid Waste	\$ 276.68	3161944

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	837073	Steiner Thuesen	Park Dist 1	\$ 3,192.80	WO 20-19 Project North Park Irrigation System Replacement; 9
09/28/2020	837078	Target Acquired	General	\$ 5,750.00	Consultant Agreement for Public Safety Mill Levy - Invoice #241
09/28/2020	837079	TargetSolutions Learning	Public Safety	\$ 3,570.00	CHECK-IT APPARATUS LICENSE RENEWAL
09/28/2020	837079	TargetSolutions Learning	Public Safety	\$ 1,530.00	CHECK-IT FIRE/EMS VEHICLES LICENSE RENEWAL
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 125.00	alignment for Solid Waste
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 4,927.50	Recaps for Solid Waste 1050007759
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 4,738.00	Recaps for Solid Waste 1050007761
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 1,854.00	Recaps for Solid Waste 1050007762
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 327.50	Tires for Solid Waste
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 3,333.50	Tires for Solid Waste
09/28/2020	837084	Tire-Rama	Solid Waste	\$ 4,149.30	Tires for Solid Waste
09/28/2020	837085	Titan Machinery	Street/Traffic	\$ 2,940.00	inv#14550247 rooms for sweepers
09/28/2020	837086	Town & Country Supply	Fleet	\$ 11,970.44	411541 PO NUM 311126
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 500.61	411096 FIRE 3 DIESEL
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 529.21	411097 FIRE 1: DIESEL
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 707.52	411097 FIRE 1: UNLEADED
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 1,001.21	411098 FIRE 2 DIESEL
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 400.48	411099 FIRE 6 DIESEL
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 600.00	411355 FIRE 1 - DIESEL
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 0.04	411355 FIRE1/DECIMAL PT CALC CORRECTION
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 974.22	411355: FIRE 1 - UNLEADED
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 420.00	411356 FIRE 3 DIESEL
09/28/2020	837086	Town & Country Supply	Public Safety	\$ 435.00	411357 FIRE 5 DIESEL
09/28/2020	837086	Town & Country Supply	Transit	\$ 3,453.80	Invoice #411903 PO NUM 311128
09/28/2020	837095	Verizon Wireless	Airport	\$ 51.08	Airport
09/28/2020	837095	Verizon Wireless	Engineering	\$ 134.85	PW-Engineering
09/28/2020	837095	Verizon Wireless	General	\$ 97.11	City Administrator 0100-13130-403450
09/28/2020	837095	Verizon Wireless	Library	\$ (18.26)	LBRY OTRCH Library Outreach
09/28/2020	837095	Verizon Wireless	Parking	\$ 26.97	Parking 406-690-5822
09/28/2020	837095	Verizon Wireless	PD Pgrms	\$ 407.38	CCSIU Cell/PTT
09/28/2020	837095	Verizon Wireless	PD Pgrms	\$ 53.94	CCSIU MDT
09/28/2020	837095	Verizon Wireless	PD Pgrms	\$ 80.02	CCSIU RAVEN
09/28/2020	837095	Verizon Wireless	Public Safety	\$ 560.22	MDT Toughbooks
09/28/2020	837095	Verizon Wireless	Public Safety	\$ 80.02	Police iPads

Check Date	Check#	Name	Fund Name	Amount	Item Desc
09/28/2020	837095	Verizon Wireless	Public Safety	\$ 40.01	Police MiFi 406-633-0820 406-598-6294
09/28/2020	837095	Verizon Wireless	Public Safety	\$ 51.08	Police -Mike Robinson
09/28/2020	837095	Verizon Wireless	Solid Waste	\$ 26.97	PW Dozer Trimble Dozer
09/28/2020	837095	Verizon Wireless	Solid Waste	\$ 107.88	PW-Solid Waste
09/28/2020	837095	Verizon Wireless	Solid Waste	\$ 315.02	PW-SW-ON CALL Solid Waste On Call
09/28/2020	837095	Verizon Wireless	Solid Waste	\$ 256.10	PW-SW-ON CALL Solid Waste On Call
09/28/2020	837095	Verizon Wireless	Solid Waste	\$ 479.40	Solid Waste Tablets -Routware
09/28/2020	837095	Verizon Wireless	Street/Traffic	\$ 161.82	PW-Streets City Works
09/28/2020	837095	Verizon Wireless	Street/Traffic	\$ 459.99	PW-Streets iPad
09/28/2020	837095	Verizon Wireless	Street/Traffic	\$ 106.97	PW-Streets iPads
09/28/2020	837095	Verizon Wireless	Transit	\$ 308.27	MET AVL
09/28/2020	837095	Verizon Wireless	Wastewater	\$ 43.15	PW-DIS-COLL Cityworks 60/40
09/28/2020	837095	Verizon Wireless	Wastewater	\$ 155.65	PW-Distribution Collection Tablets 60/40
09/28/2020	837095	Verizon Wireless	Water	\$ 26.97	PW Belknap Meter Shop
09/28/2020	837095	Verizon Wireless	Water	\$ 26.97	PWBLKNP Water Treatment Brian Risser 406-696-4245
09/28/2020	837095	Verizon Wireless	Water	\$ 188.79	PWBLNP Comm-Meter CityWorks/Neptune
09/28/2020	837095	Verizon Wireless	Water	\$ 64.73	PW-DIS-COLL Cityworks 60/40
09/28/2020	837095	Verizon Wireless	Water	\$ 233.48	PW-Distribution Collection Tablets 60/40
09/28/2020	837104	Yellowstone County Finance	Parking	\$ 1,196.37	August_2020 1/2 County Lot Meter Collections
09/28/2020	837104	Yellowstone County Finance	Parking	\$ 1,308.76	July_2020 1/2 County Lot Meter Collections
09/28/2020	837105	Yellowstone Electric Co	Airport	\$ 4,067.77	Invoice #9651. Airline Gate Services

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: City Special Review 986- 3189 King Ave. West

PRESENTED BY: Karen Husman

Department: Planning & Community Services

Division: Planning

RECOMMENDATION

The Zoning Commission recommends conditional approval and adoption of the findings of the three criteria for Special Review 986.

PROPOSED CONDITIONS

1. The special review approval is for the proposed Beer and Wine license and gambling into 2,500 square foot commercial unit in the existing building located at 3189 King Avenue West, Block 17, Lot 2, Lampman Subdivision, a 39,907 square foot parcel of land. No other use is intended or implied.
2. No outdoor seating, outdoor music or outdoor public announcement systems will be allowed with this application.
3. Any new lighting on the building or within the parking lot shall have full cut-off shields so light is directed to the ground and not onto adjacent property. Lighting of signs shall be as allowed within the City Sign Code (Section 27-701, BMCC).
4. The applicant will comply with all other city codes including building, engineering and fire codes that may apply to the proposed expansion and use of the building.
5. All other limitations on expansion shall apply in accordance with Section 27-613, of the Billings, Montana City Code.

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

This is special review request to allow a beer and wine license with gaming for a 2,500 square foot tenant space within a 7,913 multi-tenant building, in a Community Commercial (CC) zone. The applicant is planning to partner with Pie Guys Pizza, allowing the expansion of an existing business to allow sit down dining with the service of beer or wine. They anticipate the placement of the beer and wine with gaming will be consistent with the neighborhood characteristics.

Wardens Casinos, the prospective tenant and business partner of Pie Guys Pizza, are presently proactive in neighborhood involvement and local organizations. They are currently involved and communicating with the Billings Heights Business Association. They are current members of the Billings Heights Business Association, and are actively seeking to improve the safety and aesthetics of their businesses. Expanding their business and partnering with the established pizzeria would add approximately 10 to 20 full time positions, offering living wage jobs to the local economy.

The Council has expressed concern with the number of alcohol and gaming locations within the city and how to better regulate these uses to protect neighborhoods, and improve the community character along its commercial corridors. Project ReCode has proposed major changes to how

these uses will be regulated including adoption of casino, bar and restaurant definitions, making separation distances non-waivable, changing how those separations are measured, and allowing some alcohol service businesses without special review approval. If this Special Review is approved and Project ReCode changes are adopted by City Council, this location would become legally nonconforming to the required separation from a residential zone for a casino use (350 foot minimum separation with 10 or more gaming machines). If the number of gaming machines is 9 or fewer, then the separation of 350 feet is not required from residential zone.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council has designated all CC zones can have a liquor license with gaming as long as they go through the special review process. The proposed location and site development complies with the zoning requirements.

The application does meet the second criteria, as it is consistent with some of the objectives of the 2016 Growth Policy:

Strong Neighborhoods:

- Neighborhoods that are safe and attractive and provide essential services are much desired.

Neighborhoods sharing a boundary with intense commercial uses can experience conditions detrimental to the quiet enjoyment of the area. The existing buffer between this property and the residential multifamily development to the north ensures the potential negative impacts are mitigated.

Prosperity:

- Successful businesses that provide local jobs benefit the community. Retaining and supporting existing businesses helps sustain a healthy economy.

The proposed expansion would support a local and successful business and help retain this business in Billings. The COVID-19, guidelines for bars, restaurants and casinos requires more indoor space. Allowing this expansion will improve the sustainability of this business at this location.

The third criteria for special review is whether the proposed use is screened and separated for the adjacent uses to minimize adverse impacts:

The site has sufficient landscaping and buffering for the adjacent residential area. The proposed site is the southern most unit in a multi unit commercial strip, allowing structural as well as landscape buffering to the northern multi-unit residential development.

STAKEHOLDERS

The Zoning Commission conducted a public hearing in a virtual format on October 6, 2020, and received the staff recommendation of approval and testimony from the owner and agents. No other testimony was received.

The Commissioner discussed the request with regard to the proximity to the residential zone districts and how Project ReCode would affect the approval of the Special Review. They discussed implementation of ReCode causing the casino to become legally nonconforming, and agreed that it is currently also a good infill project for the site. The Zoning Commission considered the proposed findings and the testimony provided. Commission member Trina White made a motion to recommend conditional approval of Special Review 986, the motion was seconded by Commission member Jack King . The motion was approved on a 4-1 vote.

ALTERNATIVES

The City Council may:

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

FISCAL EFFECTS

Conditional approval of this Special Review has no impact on the Planning Division budget.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan



Subject Property



West



South



North West



East

APPLICATION FORM

COUNTY Special Review

COUNTY Special Review # 986 - Project # P2-20-00199

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Community Commercial

Special Review Requested: Beer + Wine w/ Gaming

TAX ID# C07979 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Lampman SUBD, 912, T01 S, R25 E, BLOCK 17A, LOT 2 L# 2 BLK 17A LAMPMAN SUBD AMD (1-615 HERE)

Address or General Location (If unknown, contact County Public Works): 3189 King Ave W, Suite A Billings, MT 59102

Size of Parcel (Area & Dimensions): 39,907

Present Land-Use: Community Commercial (vacant)

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): DAT Enterprises, LLC (Recorded Owner)

(Address) 11535 E Caribbean LN Scottsdale, AZ 85255

(Phone Number) 480-670-4222 (email) Dougjenkins250@gmail.com

Agent(s): Josh Benson (Name)

(Address) 312 Falcon Ridge Way Billings, MT 59106

(Phone Number) 763.607.3400 (Email) joshbenson@umgads.com

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: Douglas Jenkins (Recorded Owner) Date: 8/25/2020

DAT ENTERPRISES, LLC



Special Review application

Question 1A:

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

LAND USE ELEMENT

Issue: Neighborhoods are experiencing pressures from the new development and land use changes.

Goal: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

Objectives:

1. Preserve neighborhood integrity.
2. Empower neighborhood groups.

Answer:

We plan to assist Pie Guys Pizza in expanding their long-standing delivery operation into a sit-down restaurant allowing families to enjoy dine-in eating. The placement of our beer/wine/gaming license offers consistency with current neighborhood characteristics and integrity as two gaming licenses already exist within 100 feet- one directly east and one 150 feet south of the proposed location.

Wardens Casinos are proactive in their involvement of local neighborhood organizations. We are to become involved in local organizations. For example, we are involved with the Billings Heights Business Association. Not only are we a member of this organization, we are actively looking to help improve the safety and aesthetics of the areas our businesses are located.

ECONOMIC DEVELOPMENT ELEMENT

Issue: We need to continue a cohesive focus in economic development.

Goal: Coordinated economic development efforts that target business recruitment, retention, and expansion.

Objectives:

1. Strengthen area economy.
2. Create living-wage jobs.
3. Improve quality of life for residents.

Answer:

The expansion of a long-standing pizzeria and addition of a reputable gaming establishment will add living wage jobs into the local economy. The expanded dine-in restaurant along with gaming is estimated to add approximately 10-20 full time positions into our local economy. This concept will add a

tastefully finished dine in service not yet offered in this area. The reputation of our gaming establishments will also add pressure to local competitors to polish the railing of their own businesses ultimately enhancing the look and feel of the area and increasing the overall quality of life for residents. The added dine in pizza restaurant and gaming establishment will also be an upgrade from the abandoned gas station that occupies the space today.

Issue: Lack of living-wage jobs.

Goal: Increase the median income of households and individuals.

Objectives:

1. Improve the quality of life for residents.
2. Attract and retain businesses that offer competitive wages and benefits.
3. Reduce dependency on social programs.

Answer:

The expansion of a reputable long-standing pizzeria along with a reputable gaming operation would add approximately 15-20 living wage jobs to the area. Those working in our gaming establishment will earn approximately \$25.00 – \$35.00 per hour after calculating tips. The jobs created by expanding Pie Guys into dine-in pizza restaurant will pay approximately \$15.00-20.00 per hour after tips. These wages offer above living wage minimums for Yellowstone County which sits at \$11.05/hour. Our gaming establishments are known for their generous hourly wage as well as added paid time off benefits.

AESTHETICS ELEMENT

Issue: There are areas in the city and county that are unattractive and present a poor image of the community.

Goal: Visually appealing communities.

Objectives: Improve the image of the community.

Answer: We will create a state-of-the-art Pizza parlor and casino, not found in the West End. This will provide a visually appealing interior which will be an upgrade from the abandoned gas station previously located there.

Issue: New development and signs, cell towers, power lines, and other structures could reduce the visual quality of the rims.

Goal: Unobstructed views of the rimrocks surrounding the city of Billings.

Objectives:

1. Improve signage standards.

Answer: Re-finish existing sign to enhance look/feel. We would also be willing to landscape around the bottom of the sign enhancing the sign look.

CULTURAL & HISTORIC RESOURCES ELEMENT

Issue: Historic landmarks and structures are being lost to neglect and development.

Goal: Identification and protection of the historical, archaeological, and cultural resources of Yellowstone County.

Objectives: Improve awareness of historic and cultural resources.

Answer: Warden's gaming establishments are all branded and built to tell the story of my father's career as a prison Warden. We use local history, especially as it ties into prisons or stories of "Old Western Outlaws." We intend to showcase stories significant to the cultural history of Yellowstone County and Billings, especially as it correlates to the story my father's career in corrections. We believe people have a natural interest in the history of their community. When we can tie local history into the career of being a prison Warden, we find it to be a winning recipe, peaking people's interest in the "Wardens" brand.

To capture and preserve the history of Billings and Yellowstone county, we use historical photos, memorabilia, and old newspaper articles. Our intent is to create an establishment offering an ambiance that people feel they are taking a step back into time when walking through our doors, but also being able to relax comfortably in an establishment known for cleanliness. Using rustic finishes and reclaimed barnwood, we can build a modernized and clean establishment, while capturing the old western look and feel our state and community is proudly known for.

Issue: Not all neighborhoods are planned with ways to access nutritious foods for everyone.

Goal: Accessible, affordable, and nutritious food for everyone.

Objectives:

1. Ensure equal opportunities to healthy food sources.
2. Support local farm produce.

Answer: Pie Guys Pizza offers all 100% locally sourced topping and ingredients on their pizza. The creation of dine-in services for Pizza Guys would further help local farmers and offer residents a healthy, organically grown, and locally sourced food option.

Question 1B:

Why is there a need for the intended use of the property at this location?

Answer:

The corner of 32nd and King has no dine-in Pizza option other than take out. The location has been sitting vacant and abandon for nearly a year. As an alternative to an abandoned gas station, we are offering this area of Billings a high end, clean, visually appealing pizza and gaming establishment. This offer will also assist in the expansion of a well established entrepreneur looking to take the next step in his business, while at the same time assisting them in mitigating their risk in doing so.

Question 1C:

How will the public interest be served if this application is approved?

Answer:

This would offer two reputable businesses a chance to partner together to bring something special to the area attracting people from different parts of the city. Pie Guy's offers one of a kind "Niche" pizza using locally sourced ingredients which residents already find appealing. The casino portion of this build out will be a high end buildout and will set the bar and motivate other gaming establishments in the area to also re-invest into their businesses, enhancing both interior and exterior looks of their businesses further improving the area.

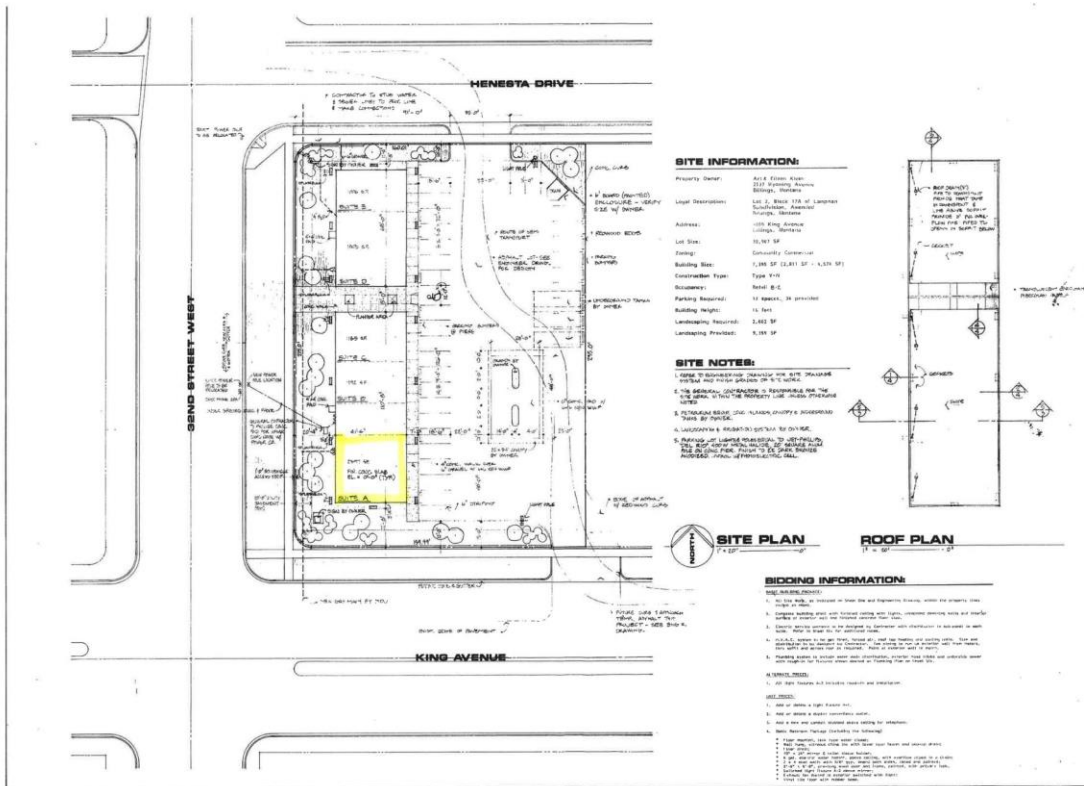
Question 1D:

Prepare a written statement addressing what is intended to be done with the property, and why special review is being sought.

Answer: We intend to place a beer/wine with gaming into this location. The buildout will be a high-end construction project. We intend to partner with the Pie Guys Pizza who currently occupies the suite B next door by helping the business expand their delivery and pick up only, into a full dine-in service pizza establishment. We will serve Pie Guys customers beer/wine with their meals via state approved concession agreement. In addition to the expansion of Pie Guys dine in service, we would like to build a high-end space for 20 gaming machines which would do business as "Wardens Legacy Casino."

Question 2A & B:

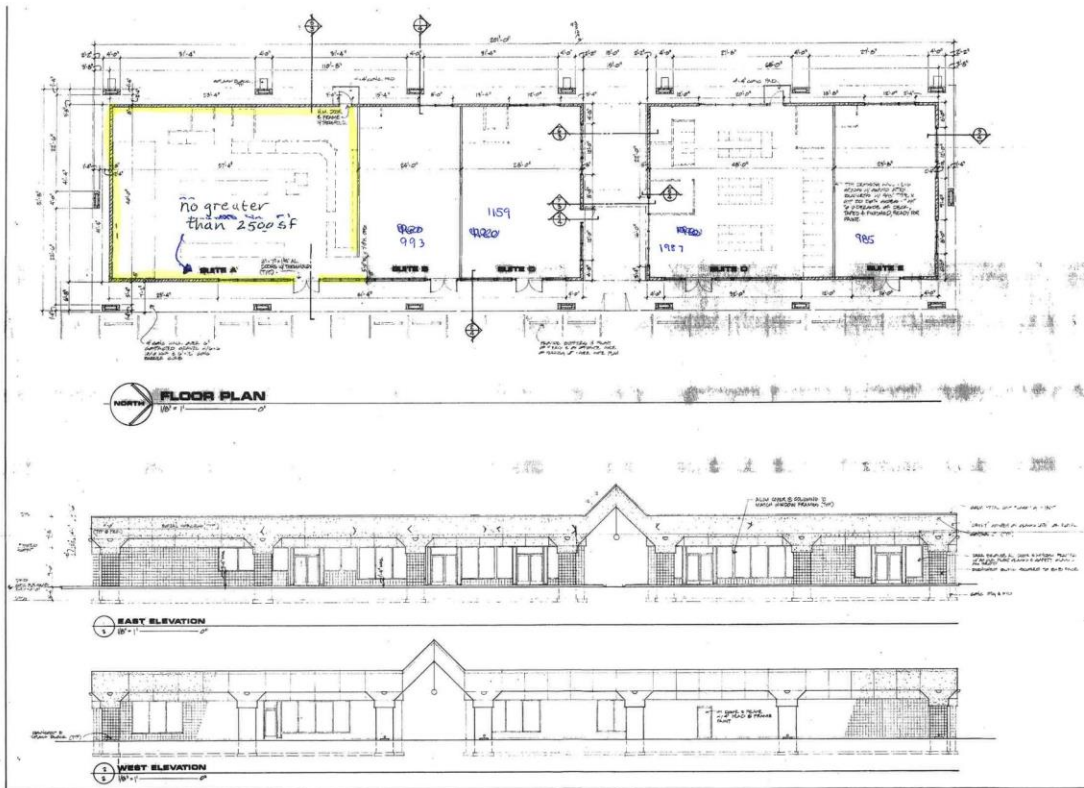
See attached



COLLABORATIVE DESIGN ARCHITECTS

CONVENIENCE/SHOPPING CENTER
KING AVE. & 32ND STREET WEST

SET:
DATE:
SHEET:
ONE



COLLABORATIVE DESIGN ARCHITECTS

CONVENIENCE/SHOPPING CENTER
KING AVE. & 32ND STREET WEST

SET:
DATE:
SHEET:
TWO

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: City Special Review 987- 2499 Gabel Rd.

PRESENTED BY: Karen Husman

Department: Planning & Community Services

Division: Planning

RECOMMENDATION

The Zoning Commission recommends conditional approval and adoption of the findings of the three criteria for Special Review 987.

PROPOSED CONDITIONS

1. The special review approval is for an existing all beverage liquor license to relocate from 1911 King Avenue West, Unit 10, to 2499 Gabel Road, a 3,128 square foot building, on Block 4, Lot 3, Cenex Park Sub., an 68,520 square foot parcel of land. No other use is intended or implied.
2. No outdoor seating, outdoor music or outdoor public announcement systems will be allowed with this application.
3. Any lighting on the building or within the parking lot shall have full cut-off shields so light is directed to the ground and not onto adjacent property. Lighting of signs shall be as allowed within the City Sign Code (Section 27-701, BMCC).
4. The proposed development shall comply with all other limitations of Section 27-613 of the Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
5. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

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

A special review request to allow an existing all beverage liquor license to relocate from 1911 King Avenue West, Unit 10, to 2499 Gabel Road. Moving the Palagio's Pub and Casino is not adding another casino license to the area, but relocating an existing one. The move for this business will add 12 to 15 new positions of employment to the existing staff supporting a need in the Billings area. The owner of the establishment has stated (in attachments) their business will bring a safe environment for all who visit as well as staff, stating the eleven years at their current location have had no complaints, robberies or code violations from City of Billings, Department of Revenue, Department of Justice or Gaming Control.

The Council has expressed concern with the number of alcohol and gaming locations within the city and how to better regulate these uses to protect neighborhoods, and improve the community character along its commercial corridors. Project ReCode has proposed major changes to how these uses will be regulated including adoption of casino, bar and restaurant definitions, making separation distances non-waivable, changing how those separations are measured, and allowing some alcohol service businesses without special review approval. If the special review is approved and Project ReCode amendments are adopted by City Council, this location will be

conforming to the new standards.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council has designated all CC zones can have a liquor license with gaming as long as they go through the special review process. The proposed location and site development comply with the zoning requirements.

The application does meet the second criteria, as it is consistent with the objectives of the 2016 Growth Policy:

Strong Neighborhoods:

- Neighborhoods that are safe and attractive and provide essential services are much desired.

Neighborhoods sharing a boundary with intense commercial uses can experience conditions detrimental to the quiet enjoyment of the area.

Prosperity:

- Successful businesses that provide local jobs benefit the community. Retaining and supporting existing businesses helps sustain a healthy economy.

The proposed relocation would support a local and successful business and help retain this business in Billings. The COVID-19, guidelines for bars, restaurants and casinos requires more indoor space. Allowing this relocation of license will promote the business at this location.

The third criteria for special review is whether the proposed use is screened and separated for the adjacent uses to minimize adverse impacts:

- The proposed site is not near or adjacent to any residential development. Improvements to the site will include some buffering from neighboring properties, however the impact to these properties from the new business should be minimal.

STAKEHOLDERS

The Zoning Commission conducted a public hearing in a virtual format on October 6, 2020, and received the staff recommendation of approval and testimony from the owner and agent. No other testimony was received.

The Zoning Commission considered the proposed findings and the testimony provided. The Commissioners discussed the location of a church in the tenant space on the north east corner of Holman and 25th St. West, and the daycare center on the westerly edge of the subject property nearest to 25th St. W. Staff recited the code Section 27-612(a)(1); a distance of six hundred (600) feet between property lines, measured in a straight line, is maintained from any building that is predominantly used as a church or school or from a public park that contains a children's playground or play field. Staff's determination was the building on the corner of Holman and 25th was not predominantly used as a church, and the daycare center on 25th St.

did not fall under the classifications requiring the 600 foot separation. Commission member Dan Brooks made a motion to recommend conditional approval of Special Review 987, the motion was seconded by Commission member Trina White. The motion was approved on a 5-0 vote.

ALTERNATIVES

The City Council may:

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

FISCAL EFFECTS

Conditional approval of this Special Review has no impact on the Planning Division budget.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan



Subject Property



Looking Northeast



North



South west



South



South

APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review# 987 - **Project #** P2-20-00208

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the City of Billings Zoning Regulations.

Present Zoning: 374 - multi-purpose, retail, multi-occupancy C1

Special Review Requested: moving location from 1911 King Ave w #10 Billings MT to 2499 Grabel Rd 3128 sf existing building

TAX ID# A26159 CITY ELECTION WARD # _____

Legal Description of Property: Cenex Park Sub, S13, T01, S, R25 E Block 4, Lot 3

Address or General Location (If unknown, contact City Engineering): 2499 Grabel Rd #627 Billings, MT 59102

Size of Parcel (Area & Dimensions): whole building lot 68520

Present Land-Use: Retail, multi-purpose, multi-occupancy

Covenants or Deed Restrictions on Property: Yes _____ No

If yes, please attach to application

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

Owner(s): King McCall LLC / Jim Rantson
(Recorded Owner) P.O. Box 5, 25th St W Billings, MT 59108
(Address) 406-690-4452
(Phone Number) _____ (email) _____

Agent(s): Jason Palosi
(Name) 2931 Stillwater Drive Billings, MT 59102
(Address) 406-697-6393
(Phone Number) _____ (Email) jpalos11@gmail.com

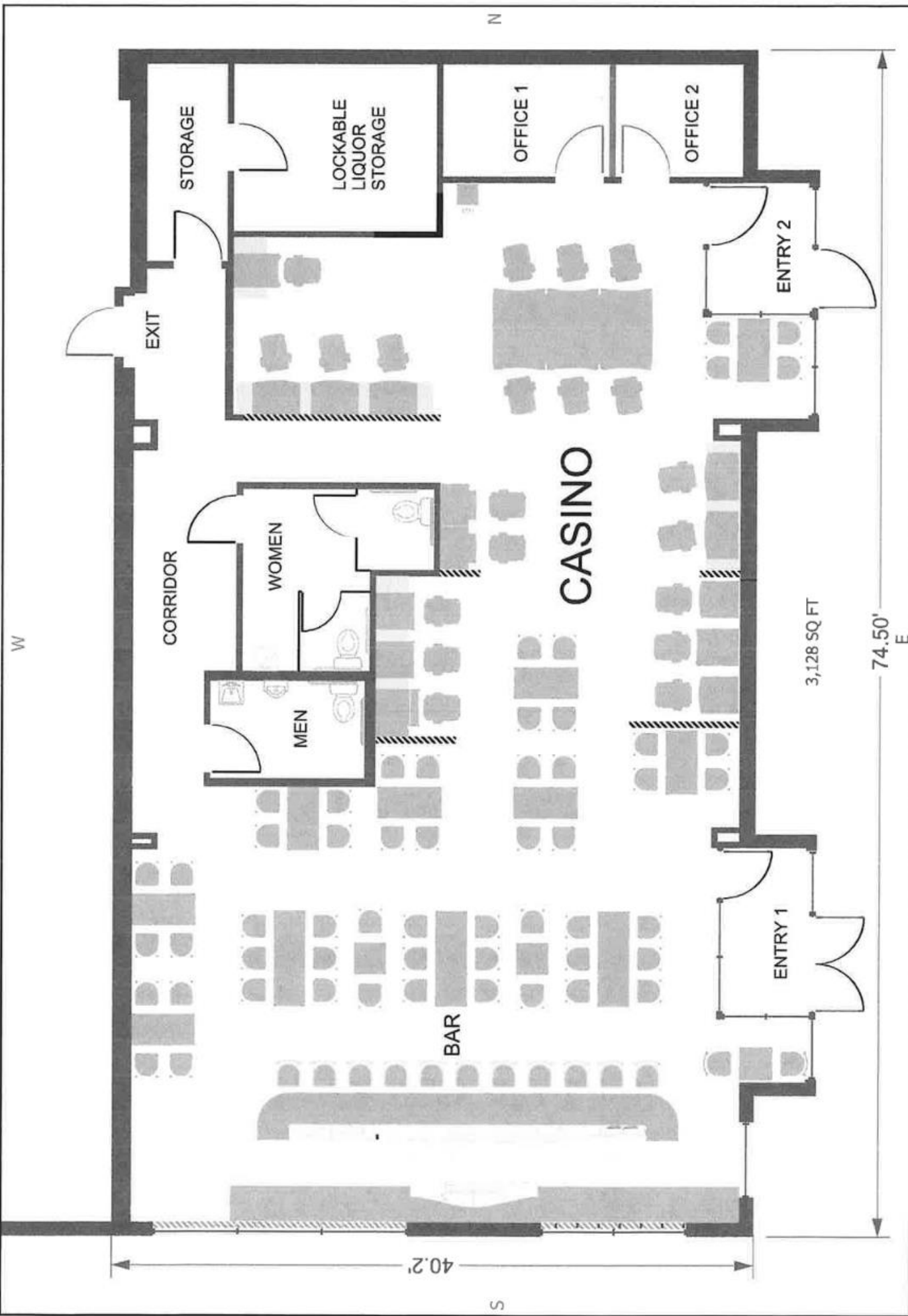
I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: Jason Palosi (Recorded Owner) Date: 9-4-20



Several reasons for Palagio's Pub and Casino relocating is #1 my landlord owns several businesses in my current strip mall (1911 King Ave W. #10 59102) and he now is in the process of opening his own casino and is choosing to either not renew my lease or raise my rent to where the business can't with stand it.

- A. The new move is not adding another license to the west end but just a transfer of our current one. To adapt to the growing challenges of today's time is crucial to the survival of our business, employees and our distributors.
- B. We will bring a fun, clean, and safe environment for all who choose to visit this location. I have been at my location for the past 11 years with no complaints, robberies, no violations on behalf of the city of Billings, the Dept. of Revenue, the Dept. of Justice, or gaming control.
- C. Upon our arrival at this location we will be adding 12-15 new positions from our current employees of 6, and in these uncertain times and people losing their businesses, jobs, home's, etc. we will continue to grow and keep staff employed. Our plan to open is like no other business in that area. Yes there are bars, casinos, restaurants, but we will not serve food, we will not be just a bar or just a casino. Our place will be on the upper end of the spectrum and therefore will keep the business class minded people there, such as the other great business around us (Jakes, Trailhead Spirits, By All Means) we will offer diversification for another great business on Gabel Rd.
- D. There will be minimal work done to the property but the work that is being done, is safety for everyone, owners, and property. We will be putting full sprinklers in with a monitory system as required by the state. We will also insure that all bathrooms, doorways, etc. are ADA quality. Minor plumbing and electrical will need to be done for our bar station, and casino, fire suppression system. All F, F & E will be top notch and will drive and or keep the money in that Gabel district.
- E. In conclusion we hope you accept our option to move and grow our family business. There are no churches, schools, residential zoned areas near our proposed move, therefore we see no issues regarding the move and we look forward to a new challenge and hope you can help us to get there. Thank you very much for your time and consideration.



Cashbox Bar & Casino
 2499 Gable Rd. Billings, MT

1/8" = 1'-0"

8-28-20

Regular City Council Meeting**Meeting Date:** 10/26/2020**TITLE:** Zone change 984 - 1219 12th St West - R-70 to RMF-R- Public Hearing and 1st Reading**Department:** Planning & Community Services **Division:** Planning

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the ten review criteria for Zone Change 984 on a 5-0 vote.

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

This is a zone change application for an existing development at the corner of 12th St. West and Alderson Avenue. The current construction consists of one building with two dwelling units and two legally nonconforming business uses. The applicant is a new owner who intends to remodel the structure to remove the two business uses and create one additional dwelling unit. The current zoning of R-70 does not allow three attached dwelling units.

This property was the subject of one previous zone change attempt in 1976. That owner wanted a zone change to a limited commercial district (NC-L) to make the existing commercial uses conforming to zoning. That zone change was denied. The current owner states the structure has been vacant for about one year. City water service was shut off in January 2018. The new owner activated the city water service in August 2020. Vacant structures tend to bring down property values in neighborhoods, and create opportunities for vandalism and trespassing. This location is a challenging area where some intense commercial uses are directly adjacent to a residential neighborhood.

The City Council recently approved a zone change for property on the north side of Alderson Avenue (1127 Alderson) to allow the renovation of an existing vacant commercial office building to apartments. Planning staff recommended approval to the Zoning Commission. The Zoning Commission concurred with this recommendation. The surrounding property owners within 150 feet of this zone change submitted a valid protest petition to the City Council opposing the zone change. The City Council achieved the super-majority vote to approve the zone change on first reading on September 28, 2020.

Planning staff reviewed this application and the review criteria for zone changes. Staff recommended approval to the Zoning Commission. The Zoning Commission concurred with the recommendation. The area is a mixed residential area with few housing choices available in the "middle" spectrum of housing types. The housing spectrum ranges from single family detached dwellings up to and including multi-unit apartments. Many cities across the country are "missing" the middle section of this spectrum. These include small apartment buildings (3-4 units), cottage courts (4 to 10 units arranged around a courtyard), and townhomes (side-by-side attached units). Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood. The city zoning currently only has two zone districts where the missing middle type housing choice is an option: RMF and RMF-R. The R-60 zone only allows multi-family

(more than 2 attached units) by special review approval of the City Council. Both the RMF and RMF-R also allow single family dwellings and the large multi-unit apartment buildings. Project ReCode has drafted new Neighborhood zone districts that increase the predictability of different zone districts. For example, the NX1 - Mixed Residential 1 - zone district only allows 1 to 4 unit structures. If this zone change is approved, the property would update to the NX1 zone district.

The proposed zoning will meet the goals of the 2016 Growth Policy by encouraging the re-use and renovation of an existing building in a well established neighborhood in Billings. Vacant buildings and land tend to bring down property values in the surrounding area. This area of town is highly walkable and the addition of one dwelling unit to this existing building will have no measurable effect on the surrounding neighborhood. There is good access to transportation options, shopping and services.

Prior to making a decision on the zone change request the City Council shall consider the recommendations of the Zoning Commission:

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.

The proposed zoning will allow another housing choice in an area with primarily the two ends of the housing choice spectrum - multi-unit apartment buildings or single family and two family dwellings. This is a diverse area with different zoning districts of commercial and residential. The new zoning will allow a "middle" housing choice 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. Renovation of a vacant structure for new residents will improve the health and safety of the neighborhood. Vacant structures tend to create opportunities for vandalism and trespassing and bring down adjacent property values.

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

Transportation: The proposed zoning will not have a measurable effect on the existing transportation system. If the zone change is approved, the sidewalk missing along the 12th St. West frontage will be replaced as part of the renovation work on the property.

Water and Sewer: The City provides water and sewer to the property.

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?

There will be no measurable effect on motorized transportation. If the zone change is approved, the renovation work on the property will require the missing sidewalk on 12th St. West to be installed.

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 a better housing choice in the area 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 renovated into a conforming use and 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 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 the most appropriate use of the land.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on October 6, 2020, and received the staff report and testimony from the owner, Christian Helland. There was no other public comment received.

On a motion by Dan Brooks, seconded by Trina White, the City Zoning Commission voted 5-0 to recommend approval and adoption of the findings of the ten criteria for Zone Change 984.

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.

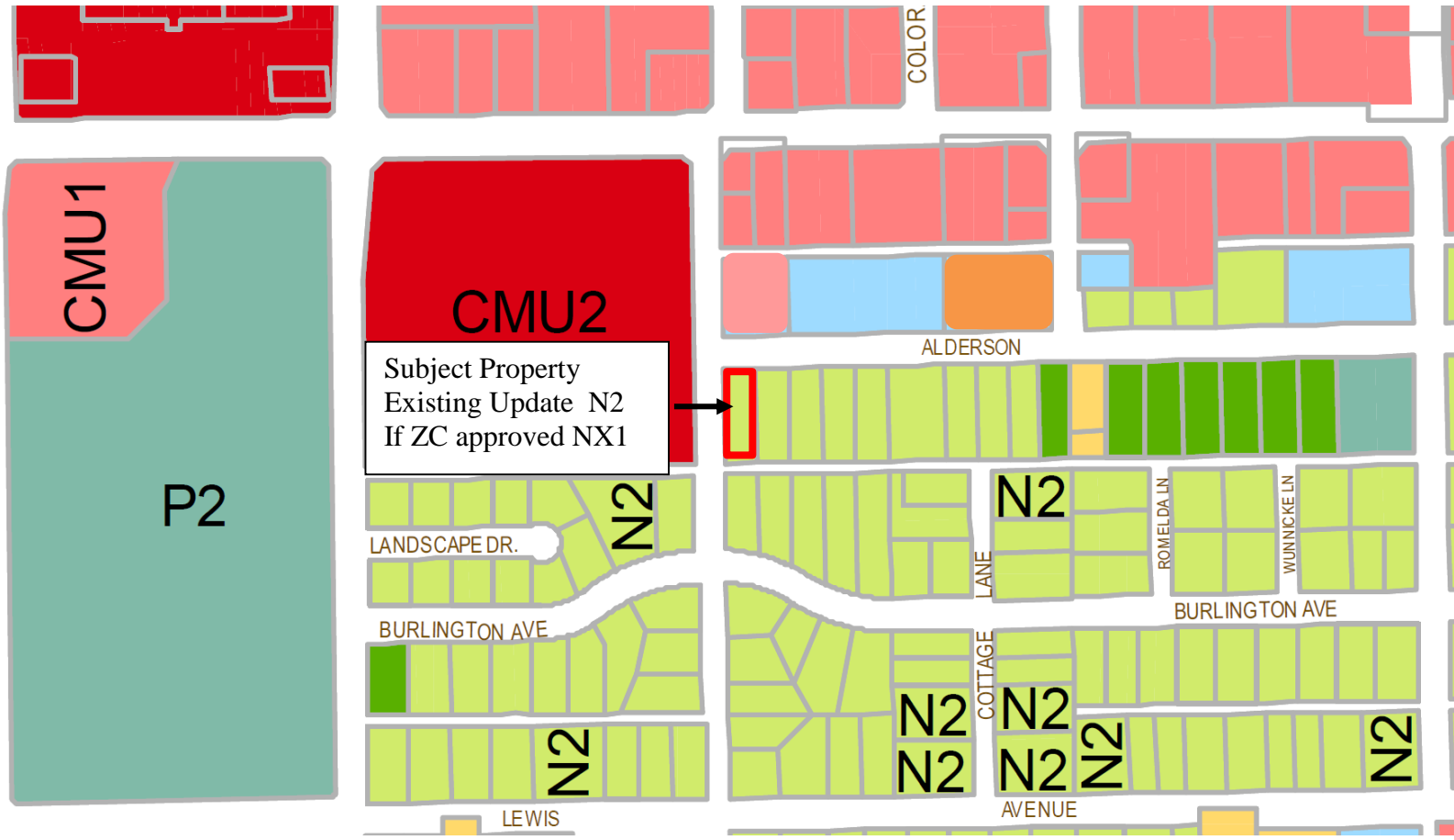
Attachments

Zoning Map and Site Photos
Application and Letter
Ordinance ZC 984

Surrounding Zoning

Zone Change 984 – 1219 12th St West – R-70 to RMF-R





Pending Zoning Map Update



Subject Property Photos



Subject Property – view from 12th St West



View south along 12th St West



View north along 12th St West



View east along Alderson Avenue



View west across 12th St West – The Beat – Ballroom Dancing instruction

APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** 984 - **Project #** PZ-20-00198

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: R-70

Proposed Zoning: ~~R-70~~ RMFR

TAX ID# A16612 CITY ELECTION WARD # 3

Legal Description of Property: SUNSET SUBD, S05, T01 S, R26 E, BLOCK 2, Lot 6

Address or General Location (If unknown, contact City Engineering): 1219 12th Street West, Billings, 59102

Size of Parcel (Area & Dimensions): 10,056 A

Present Land-Use: Dueplex with 2 Commercial Units

Proposed Land-Use: Triplex-

Covenants or Deed Restrictions on Property: Yes _____ No XX

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): Christian Helland (Purchased property 8/10/2020

(Recorded Owner)
3300 2nd Ave North #6, Billings, MT. 59101

(Address)
406/206/5186 Christian.z.Helland@gmail.com

(Phone Number) (email)

Agent(s): _____

(Name)

(Address)

(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: C. Helland Date: 9-2-2020

(Recorded Owner)



- D) In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

My proposal to rezone 1219 12th Street West to RMF-R is consistent with the goal and policies of the adopted Growth Policy, as detailed below. The goal of this project is to turn the current structure, which has been vacant for over a year, into a home to accommodate three separate families, as well as make the yard visually appealing for the neighborhood. The "commercial" spaces currently within the house are not usable nor a utilized space. The zoning change will help efficiently use the full space of the home. I will be investing in the community with the remodel by purchasing supplies from local business and recycling materials where possible. This project will also be completed by local contactors in addition to myself. I have a vested interest in the safety of the neighborhood, turning this vacant home into contributing part of the community by bringing in responsible tenants to the neighborhood.

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

The property currently exists as a legal duplex with two commercial units attached, I wish to remove the two commercial units and turn the building into a triplex. The catalyst for seeking the variance is to receive a rebuild letter to obtain traditional bank financing. The changes will not impact any of the exterior walls.

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:** R-7000
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Changing from R-7000 to R-6000 will allow the building to be used as a triplex
Current area of lot is 10,080 SQFT- RMFR
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** _____
SUNSET SUBD, S05, T01 S, R26 E, BLOCK 2, Lot 6
5. **Neighborhood Task Force Area:** Yes // No . If Yes, Name of Task Force and mailing address of Chairperson: Yes, Central Terry Task Force - L.A. Trudeau - 930 Miles Ave -
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 21, day of August, 2020
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Christian Helland Telephone: 406/206/5186
Address: 3300 2nd Ave North #6, Billings, MT. 59101 Email: Christian.z.Helland@gmail.com

Agent (s): _____ Telephone: _____
Address: _____ Email: _____

Synopsis of neighborhood meeting held on 8/21/20 at 5:30 at Spring Creek Park.

Mrs. Margene Hall and I visited about the rezoning project and what the proposed use of the building if the zoning was changed. We discussed how the house and landscaping would be changed and be a nice addition to the neighborhood with off-street parking available for the tenants. We discussed the project from 5:30- 5:35.



ORDINANCE 20-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION ON LOT 6,
BLOCK 2, SUNSET 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. **LOT 6, BLOCK 2, SUNSET SUBDIVISION** is presently zoned **RESIDENTIAL 7,000 (R-70)** 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 **LOT 6, BLOCK 2 SUNSET SUBDIVISION**, is hereby changed from **RESIDENTIAL 7,000 (R-70)** to **RESIDENTIAL MULTI-FAMILY-RESTRICTED (RMF-R)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **RESIDENTIAL MULTI-FAMILY-RESTRICTED (RMF-R)** 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 26th day of October, 2020.

PASSED, ADOPTED and APPROVED on second reading this 9th day of November, 2020.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 984 – 1219 12th St W

Regular City Council Meeting**Meeting Date:** 10/26/2020**TITLE:** Zone Change 985 - 3121 and 3125 Boulder Ave - R-60 to RMF-R - Public Hearing and 1st reading**Department:** Planning & Community Services **Division:** Planning

RECOMMENDATION

The City Zoning Commission recommends approval and adoption of the findings of the ten criteria for Zone Change 985 on a 5-0 vote.

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

This is a zone change request for two adjacent parcels of land at 3121 and 3125 Boulder Avenue. The lots are 20,250 square feet each and three dwellings exist on the parcels. The current owner is selling the property and the prospective buyer, Rob Pasquarello, is acting as the agent. The proposed zoning is Residential Multi-family-Restricted (RMF-R). The current zoning of R-60 allows single family and two family dwellings by right, but requires special review approval for three or more attached dwelling units (multi-family). Under current zoning, up to 10 units could be developed on each property in one apartment building with special review approval. Other configurations of multi-family dwellings could also be allowed based on the lot area. If the owner chose to use the "by right" development of single family or two family dwellings, each property could have up to five dwelling units. The proposed zone of RMF-R would allow a 10-unit building on each property by right and not by special review approval.

The prospective buyer conducted a pre-application neighborhood meeting at 3125 Boulder Avenue to discuss the proposed zoning and Mr. Pasquarello's plans for updating the property. Ten of the surrounding owners attended the meeting and several owners submitted a letter to Mr. Pasquarello with concerns about increased traffic, higher crime and lower property values for surrounding single family dwellings. One of the surrounding owners sent a letter to the City Council members for Ward IV. Planning staff received an email from Michael Klepperich a new owner at 3111 Boulder Avenue (directly east of 3121 Boulder Avenue). He stated concerns about more multi-family dwellings in the neighborhood as there seems to be an adequate supply, and the lack of sidewalks on Boulder Avenue a route to Boulder elementary school. During school hours, heavy vehicle and pedestrian traffic moves along Boulder Avenue, Colton Boulevard and 32nd Street West (the street fronting Boulder Elementary School). The traffic congestion leads drivers to drop off students along Boulder Avenue and Colton Boulevard and avoid the traffic directly in front of the school. Drivers look for ways to exit the area as quickly as possible.

Normal daily traffic on Rehberg Lane (east) is about 6,830 vehicle trips per day. There are no average daily traffic count numbers collected for Boulder Avenue, 32nd St West (Poly to Grand Ave), or Colton Blvd west of Rehberg Lane. Rehberg Lane serves as a major north/south connector between Rimrock Rd and Grand Avenue and is designated a collector street. Boulder Avenue and 32nd St West are local streets and are not intended or constructed as collector or arterial streets. There are over 470 students in Boulder Elementary School and it is likely daily traffic on Boulder Avenue and Colton Blvd west of Rehberg Lane during the school year in the

morning and afternoon is quite heavy. If half the student population is dropped off by car each day that would be over 1,000 vehicle trips just for these students and would not include staff or school bus traffic. The school district staff along with the city staff manage the daily school traffic along 32nd St West in front of the school so the safety of students is ensured. Adding sidewalks to Boulder Avenue would be an additional safety measure for students walking to school and would make this street safer for residents of the area as well. Typically, new sidewalk is added when new development or significant re-development occurs.

Boulder Avenue has a diverse range of housing options on both ends of the choice spectrum - 17 single family detached dwellings (between Rehberg Ln and 32nd St West), eight 4-plex apartment buildings, 13, 8-unit apartment buildings (includes Rock Creek apartments), and four 4-unit townhomes (total of 16 single family attached units). The proposed zoning could allow any housing choice along this spectrum although the proposal is for smaller apartment buildings (not more than five in a single structure). A concept plan was submitted showing 11 dwelling units on the property with a shared private driveway off Boulder Avenue. The 5-unit building is shown on the north end of the property, a 4-unit building about mid-way and then a two-family dwelling at the frontage on Boulder Avenue. As drawn, the 5 -unit building would have access from the Rock Creek apartments internal driveway.

Planning staff reviewed the request and recommended approval to the Zoning Commission based on the proposed findings of the 10 review criteria. The Zoning Commission concurred with the recommendation. The Wolf Subdivision is an older county subdivision where lots were platted at a minimum of 1/2 acre in area to accommodate on site water wells and septic drainfields. The subdivision was annexed to the city in 1963, and these larger lots have gradually increased the number of dwelling units and housing choices over the past 57 years. The single family dwellings date to the mid 1940s to the mid to late 1950s. The oldest multi-family dwellings were constructed in the mid 1970s after city water and sewer was available. The water line was replaced in Boulder Avenue in 1989, but the sewer line is original from 1963 when the SID was approved and the property was annexed to the city. The City Engineering Division has not expressed any concerns with providing water and sewer to the project.

The city adopted an Infill Policy in 2011, that supports the re-development of vacant or under-developed land within the city limits. Land where the building value and the land value are nearly equal or where the land value exceeds the building value demonstrate where re-development or significant building upgrades are needed to ensure adjacent property values are sustained. Under-development includes unfinished site improvements such as unpaved driveways, lack of walkways, missing curbs, gutters, sidewalks, small dwellings on very large lots and similar characteristics. The proposed zoning and development is in character with the surrounding development as 80% of the area is devoted to apartments. The owner could also build a townhome (unit ownership) project where each unit would have a separate owner with property maintenance accomplished by an HOA. This would be similar to two developments across the street from the subject property. Townhomes are a type of housing choice that is in demand now.

Before making its decision on the zone change request the City Council shall consider the recommendations of the Zoning Commission:

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.

The proposed zoning will allow another housing choice in an area with primarily the two ends of the housing choice spectrum - multi-unit apartment buildings or single family dwellings. This area is about 20% single family detached or attached dwellings, 20% small apartment buildings (4 units) and 60% large apartment buildings. The new zoning will allow the owner to make an informed choice of the type of housing choice in demand for this area. This will likely be a mix of building types and choices on this large parcel of land.

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. Re-development of the property will improve the health and safety of the neighborhood. Vacant or buildings with maintenance deficits tend to create opportunities for vandalism and trespassing and bring down adjacent property values. Well maintained property and new construction tends to bring property values up.

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

Transportation: The proposed zoning will not have a measurable effect on the existing transportation system. If the zone change is approved, the re-development of the property will require either installation of sidewalk, curb & gutter or a guarantee of a future contribution to the sidewalk construction. Current vehicle traffic from the two dwellings is about 20 to 26 vehicle trips per day. If 20 apartments were constructed then this would contribute approximately 133 vehicle trips per day, a significant increase.

The concept site plan shows 11 dwelling units. The current "by right" zoning would allow five dwelling units per parcel or 10 dwelling units total. The increase in traffic from either scenario would be about 3 times the current traffic generation for 2 single family dwellings. Boulder Avenue is a local street. The city recently did an overlay of the asphalt surface to preserve the pavement for a few more years, but no further improvements were made. The street has the necessary construction to handle this small (10%) increase in total traffic volume.

Water and Sewer: The City provides water and sewer to the property. If new service lines are required, these will be installed at the time of property re-development.

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?

There will be a slight effect and increase of motorized transportation. The current street and intersections should be able to handle the additional traffic. If the zone change is approved, the renovation work on the property will require the developer to install sidewalk, curb and gutter or provide a future guarantee of its installation.

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 a better housing choice in the area 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 out of date buildings to be removed and new, safer buildings to be constructed.

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

Approval of the zone change will conserve the value of the property by allowing renovation of the existing property, potentially increasing the value of the existing property and surrounding properties.

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 the most appropriate use of the land.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on October 6, 2020, and received the Planning staff recommendation, testimony from the agent, Rob Pasquarello, Travis McDowell, architect for the agent, Brem Fellman (listing real estate agent), and two neighbors opposed to the application: Bethany Schatzke of 3133 Boulder Avenue and Jack Kuntz of 3139 Boulder Avenue.

Commission member Dan Brooks asked Planning staff to explain why after 50 years Boulder Avenue still does not have any sidewalks, curbs, gutters or street lights. Planning staff explained that most "incomplete" streets within the city are updated as time and resources allow. Boulder Avenue received a pavement overlay a few years ago and it is not a designated "safe route" to Boulder Elementary School. Colton Boulevard - a parallel street to Boulder Avenue and one block south - is a complete street with sidewalks on both sides of the street and a crosswalk at 32nd St West and is designated a "safe route" to Boulder Elementary. Students living in residences on Boulder Avenue will still walk to school on Boulder Avenue and probably other students do as well who live further east. Completion of the street will likely take a neighborhood SID to make those improvements.

Mr. Pasquarello explained the condition of the existing homes and the size of the lots would lend itself to a complete renovation and build out the property in the same pattern as the majority of the neighborhood. Mr. Pasquarello stated the homes on the property have been rentals since the early 1960s and the neighborhood has experience problems with the quality of the tenants over the years. He stated if the zone change is approved he intends to build out his half of the street improvements (curb, gutter, sidewalk) and hopes this might inspire the rest of the neighborhood to also work on completing the street. He stated he has heard from neighbors about the lack of sidewalks but when he asked if they would pay to build a sidewalk in front of their residence, most answered in the negative. He stated the realtor Brem Fellman and his architect Travis McDowell have worked on a concept drawing for the development with 11 dwelling units - a five unit building accessing the Rock Creek Apartment internal driveway, a four unit building and a two unit building along the street frontage. He stated even though this is only one more unit than can be built "by right" (five duplexes are allowed by right), he listened to the neighbors concerns about the street front character and the size and height of new buildings in the area. Commission member Trina White asked if Mr. Pasquarello had spoken with the owner of 3131 Boulder (just to the west of 3125 Boulder Ave) to see if there was interest in selling. Mr. Pasquarello stated he did speak with the residents, a daughter of the owner, but the owner was not interested in selling at this time.

Travis McDowell, an architect with Bluewater Design, stated he has worked with Mr. Pasquarello to develop an initial concept plan for the site and believes the mixed of housing styles and choices will be a great fit for the neighborhood.

Brem Fellman, listing agent for the seller, stated the proposed offer and use by this buyer is the best use of the property as it currently sits. He states this is an ideal location for young families and within walking distance to the school and park and just a short distance from shopping and businesses. Mr. Fellman stated the back yards of the homes has been a challenge to monitor and maintain over the years with just a single rental home on a 1/2-acre property.

Bethany Schatzke of 3133 Boulder Avenue stated she did not understand the need for a zone change to add just one additional unit to the property. She stated Mr. Pasquarello could building 10 units right now (five duplexes) so it seems like a lot of effort for one unit based on the concept plan for 11 units in three buildings. She stated the possible density under the RMF-R zone would be too much of a burden for Boulder Avenue at its current state of construction without sidewalks, gutters or street lights. She stated there are several single family homeowners in the neighborhood who feel the same way.

Jack Kuntz of 3139 Boulder Avenue stated he was opposed to the zone change. He stated he did not understand why a zone change is necessary if the owner needs just one additional dwelling unit. He was concerned the new buildings would be out of character with the existing homes in the area. He stated his biggest concern is the amount of density the new zone could allow - up to 20 dwelling units. He stated Boulder Avenue was an unpaved road and it took 25 years before the city relented and put down some decent pavement. He stated the neighborhood is a good neighborhood even though there might be a few bad apples. He stated the zone change should not be approved to add more units than currently allowed until the city installs sidewalks on Boulder Avenue. He stated he even called the city earlier this year to ask for a renewal of the existing pavement because it is starting to wear out in places.

Mr. Pasquarello provided response to the comments. He stated he agrees there should be sidewalks on Boulder and he intends to install his portion of the sidewalk when he develops the

property. He urged other residents and owners to do the same. Mr. Pasquarello stated the concept plan is still a concept and it may change over time but it is an initial plan. He stated the 5-unit building would make a nice addition to the Rock Creek neighborhood but he needs to finalize the zoning so he can finalize the agreement with Rock Creek Apartments. He stated he does not intend to build the maximum number of units on the property the zoning could allow.

The Zoning Commission closed the public hearing. On a motion by Dan Brooks, seconded by Greg McCall, the Zoning Commission is recommending approval and adoption of the findings of the ten criteria for Zone Change 985, on a 5-0 vote.

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.

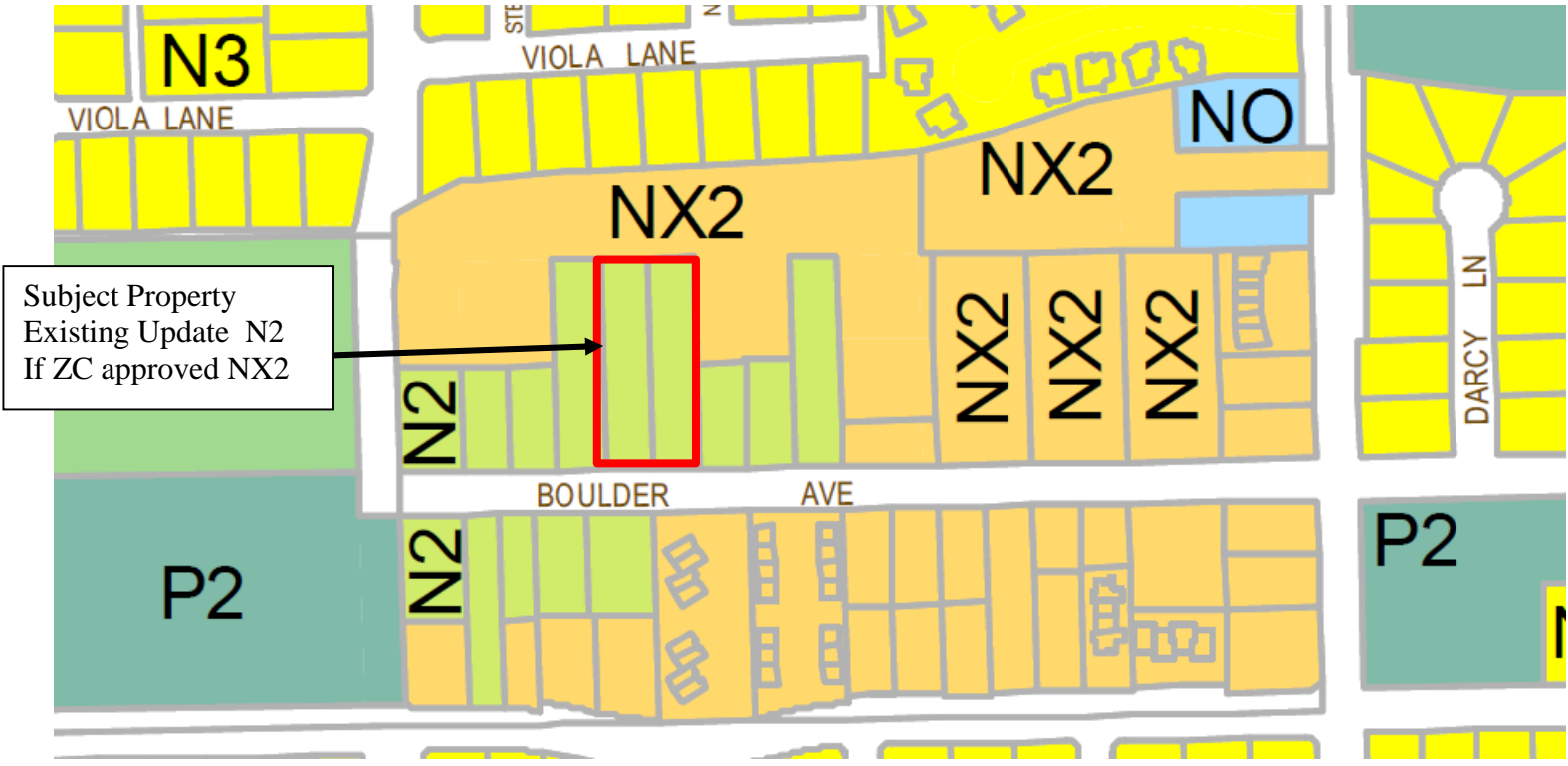
Attachments

Zoning Map and Site Photos
Application and Materials
Public Comments as of October 6
Ordinance ZC 985

Surrounding Zoning

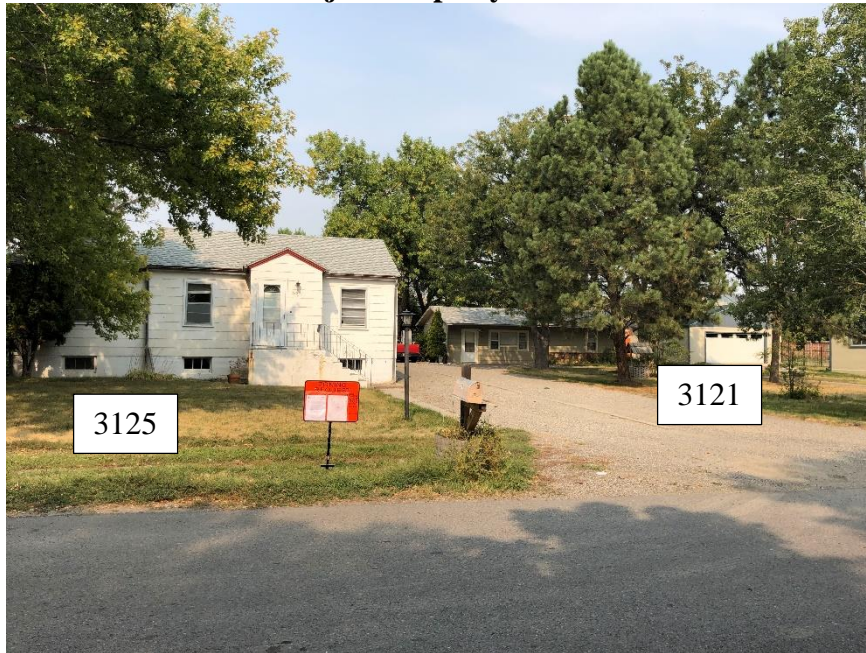
Zone Change 985 – 3121/3125 Boulder Ave – R-60 to RMF-R





Pending Zoning Map Update

Subject Property Photos



Subject Property – view from Boulder Ave



View east along Boulder Ave



View west along Boulder Ave



View south west across Boulder Ave



View south across Boulder Ave



View south east across Boulder Ave

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 985 - Project # P2-20-00203

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: R-60

Proposed Zoning: RMF-R

TAX ID# A18660 and A18659 CITY ELECTION WARD # 4

Legal Description of Property: 3121 Boulder Ave, WOLF SUBD, S34, T01N, 75E, LOT 14, W2 LT 14 and 3125 Boulder Ave, WOLF SUBD, S34, T01N, 75E, LOT 13, E2 LT 13

Address or General Location (If unknown, contact City Engineering): 3121 Boulder Ave and 3125 Boulder Av

Size of Parcel (Area & Dimensions): 20,750 sq. ft each lot, 40,500 sq. ft. total

Present Land-Use: Residential Single family homes

Proposed Land-Use: Mult. family, planning 4 plexes, duplex options

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): Edith Nelson

(Recorded Owner)
2832 Beartooth Dr. Billings, MT 59102
(Address)

(Phone Number) (email)

Agent(s): Rob Pasquavalle

(Name)
2923 Broadway Dr., Laurel, MT 59044
(Address)

(Phone Number) 706-591-1399 (email) rob.pasquavalle.com

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: Edith Nelson Date: 9-3-2020
(Recorded Owner)



APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # _____

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: R-60

Proposed Zoning: RMF-R

TAX ID# A18660 and A18659 CITY ELECTION WARD # 4

Legal Description of Property: 3121 Boulder Ave, WOLF SUBD, 534, TOWN, 75E, LOT 14, W2 LT 14 and 3125 Boulder Ave., WOLF SUBD, 534, TOWN, 75E, LOT 13, E2 LT 13

Address or General Location (If unknown, contact City Engineering): 3121 Boulder Ave. and 3125 Boulder Av

Size of Parcel (Area & Dimensions): 20,750 sq. ft each lot, 40,500 sq. ft. total

Present Land-Use: Residential Single family homes

Proposed Land-Use: Mult. family, planning 4 plexes, duplex options

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): Edith Nelson

(Recorded Owner)
7832 Bear Tooth Dr. Billings, MT 59102
(Address)

(Phone Number) (email)

Agent(s): Rob Pasquavella

(Name)
2923 Broadway Dr., Laurel, MT 59044
(Address)

706-591-1399 rob@rentals.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: Edith Nelson Trustee / noDell Nelson date: 9-3-2020
(Recorded Owner)



Rob Pasquarello
2923 Brookway Dr.
Laurel, MT 59044
Tel 406-591-1399

September 3, 2020

SUBJECT: Enclosed Proposed Zone Change from R60 to RMF-R 3121/3125 Boulder Ave

To: Whom it May Concern,

I am proposing a zone change for these two properties so we can move forward with some planned renovations and construction of new multifamily apartment building(s). The current zoning only allows multi-family by special review approval. The proposed zoning of RMF-R would allow more flexibility for our re-development plans. There are two homes on the lots right now (one on each ½ acre lot). These two homes have both been used as rental properties since the 1960s. We are currently evaluating our options to add multi-family units at 3121 and 3125 Boulder Avenue.

We believe curb and gutter should be added in this area to provide a safe route to school for those children attending Boulder Elementary, only a half block away. As part of any future project, we will add curb, gutter and sidewalk and 3 trees near the street. If the City would rather we wait until later, we will waive our right to protest a future curb, gutter and sidewalk SID. We are totally on board with safe routes to school.

The houses need some work, especially 3125 Boulder. The front steps, windows and siding are in poor condition. There is interior water damage in the basement that needs remediation. Realtor Brem Fellman and the neighbors who attended the pre-planning meeting all advised me that there have been multiple problems with the tenants that have resided at these two houses over the years. My wife and I manage our own rentals. We have a thorough screening process, complete regular inspections and will obtain high quality tenants for this neighborhood.

This is an infill project. The rear half of these lots is currently being used for nothing, and while both yards have been mowed they are burning up. By adding nice new buildings and/or a combination of renovating the old we will increase the value of the nearby real estate and use this open land. We have done this before on the west end. At 532 Hurdle Circle, we purchased 30 total units 4 years ago. We replaced the roofs, siding, most windows, resurfaced the parking lot and renovated the interiors. We have received many compliments from the people who own single family homes across the street. They enjoy having us as neighbors. We believe the residents on Boulder will feel the same way about us in the future.

All the people who attended the pre-planning meeting clearly advised they did not want more multi-family in the area. However, this is already a heavily populated multi-family

area. This will allow us to service our diverse population. Every person living on the block acknowledged these houses have been used as rentals for many years, need work and there have been major issues with the quality of tenant in the past. They made it clear they would rather not see more multi-family.

If the zoning is approved, we will improve the buildings, the yards, add curb, gutter, sidewalk and to add quality tenants to this area. We will also add significant tax revenue to the area.

Photos of the property, the layout and heights of the buildings we plan to build will follow.

Sincerely,



Rob Pasquarello
406-591-1399

Enc.

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:** R-60
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: RMF-R, 40,500 square feet - total of the 2 lots
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** 3121 Boulder Avenue, WOLF SUBD, S34, T02 N, R25 E, Lot 14, W2 LT 14 and 3125 Boulder Ave, WOLF SUBD, S34, T02 N, R25 E, LOT 13, E2 LT 13
5. **Neighborhood Task Force Area:** Yes // No . If Yes, Name of Task Force and mailing address of Chairperson: Howard Holz
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 1st, day of September, 2020
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Edith Nelson Telephone: _____

Address: 2832 Bearcreek Drive Email: _____
Billings, MT 59102

Agent (s): Rob Pasquavella Telephone: 406-591-1399

Address: 7977 Brookway Dr. Email: robperknrentals.com
Laurel, MT 59044

August 29, 2020

Dear Mr. Pasquarello,

I am opposed to the potential zone change proposed for my neighborhood.

I have several concerns including an unsafe increase in traffic and crime, lower property values, and the damage to the charming neighborhood feel of the west half of Boulder Avenue that would occur by turning two small homes into eight or more larger housing units.

I have sincere concerns over the unavoidable increase in automobile traffic that would arise by turning two homes into eight or more homes. Our street—which has no sidewalk—is heavily used as a walking route for school children at Boulder Elementary. We recently saw the re-zoning and development of a different lot on the block and subsequent increased traffic. The street was not designed or intended to safely move this volume of automobile traffic.

It can be noted that Boulder Avenue is already a blend of multi-family and single-family homes—comprised of modest single-family homes on the west half of the block and large multi-family units on the east half. I do not think this is reason or precedent for the proposed zone change. I feel that such a shift in home composition would undesirably impact the feeling and aesthetic of the neighborhood. The houses on the lots proposed for re-zone fit naturally with their neighbors—they are low-rise, quaint and simple homes which are perfect for the young family or first-time homeowner.

Additionally, multi-unit dwellings are regularly associated with increased crime rates and calls for police assistance, as well as lower property values for surrounding single-family dwellings.

Please consider alternate plans to upgrade the existing single-family homes as rental properties. We don't want more multi-family dwellings on our street.

Sincerely,

Yngwie Ohm
Sel
Rafedad Guerrero
June John
Bouctan
Moed A. Balaf
Michelle
Mark White

Attended Meeting

- ~~3142~~ ^{ATTENDED MEETING} - Angelica Johnson
- 3181 - Jason Flick
& Amie
- 3146 - Mark Halley
- 3145 - Buzz Tolliver
- 3126 - Shawn Callahan
- 3107 - Soledad Guerrero
& Jesse Hidalgo
- 3133 - Matt Schatzke
& Beth

Boulder Ave.

Rob Pasquarello
3031 Grand Avenue #146
Billings, MT 59102
Tel 406-591-1399

August 25, 2020

Dear Neighbor,

We are going to have a meeting on September 1, 2020, 6:00 PM at 3125 Boulder Avenue to discuss the potential zone change of 3121 and 3125 Boulder Avenue.

The legal owner of the properties is Edith Nelson, 2832 Beartooth Dr., Billings, MT 59102. The full legal description of 3121 Boulder Avenue is: WOLF SUBD, S34, T01 N, R25 E, Lot 14, W2 LT 14. The full legal description of 3125 Boulder Avenue is: WOLF SUBD, S34, T01 N, R25 E, Lot 13, E2 LT 13

We are considering changing the zoning on these properties to Residential Multi-family Restricted. A map of the properties is enclosed. Each property is 20,250 square feet. The total combined square feet of these properties is 40,500.

Sincerely,


Rob Pasquarello

Enc.



Brem Fellman

For Sale By Fellman's @ Metro Realtors LLP
2029 Grand Avenue
Billings, MT 59102

September 23, 2020

Billings City Council and Planning

Hello,

I recently received an opportunity to market and sell 2 properties located at 3121 and 3125 Boulder Avenue. When talking to the owner of the properties, we discussed that the homes have a large unused land tract to the North of each home and throughout our conversations decided the highest and best use for both properties would be for future city development with an infill project in mind.

The seller appreciated this idea since she's had concerns over the condition of each home as they've been utilized as rental properties since the mid 1960's. The owner also indicated that she's had several challenges with past tenants which brought her to the decision to sell.

We came up with the idea for marketing the homes to someone with a development strategy in mind and believe that this could help improve the overall quality of the neighborhood. Since the vacant land isn't being utilized to it's fullest potential, we began to get excited when we found a buyer who shared our vision for the property who also has a long-term goal of improving the living experience for Billings residents.

We are very excited for what this project could mean to the City of Billings and its residents. It would give close walking access for families to Boulder School and all of the amenities the neighborhood offers. Please consider this letter as my support for the vision the buyer has for this property and improvement to the neighborhood. This could prove to be an exciting opportunity for both the City of Billings and community.

Sincerely yours,

-Brem Fellman



PREMIER HOME INSPECTION LLC

406-698-2875

premierinspec@gmail.com

<https://montanahomeinspections.net>



RESIDENTIAL REPORT

3121-3125 Boulder Ave
Billings MT 59102

Rob Pasquarello

SEPTEMBER 7, 2020



Inspector

Douglas Corbridge

Certified Inspection Expert; interNACHI;
FHA Fee Inspector; Certified Professional
Inspector

406-698-2875

premierinspec@gmail.com



Agent

Brem Fellman

Metro Realtors, LLP

(406) 860-2223

brem@bresnan.net

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SUMMARY



MAINTENANCE ITEM



RECOMMENDATIONS



SAFETY HAZARD/IMMEDIATE
ATTENTION

- ⊖ 2.1.1 Roof - Coverings: Damaged (General)
- ⊖ 2.2.1 Roof - Roof Drainage Systems: Debris
- ⊖ 2.2.2 Roof - Roof Drainage Systems: Downspouts Drain Near House
- ⊖ 2.2.3 Roof - Roof Drainage Systems: Gutter Damaged
- ⊖ 2.2.4 Roof - Roof Drainage Systems: Gutters Missing
- ⊖ 3.1.1 Exterior - Siding, Flashing & Trim: Minor Hail Damage
- ⚠ 3.1.2 Exterior - Siding, Flashing & Trim: Missing
- ⊖ 3.1.3 Exterior - Siding, Flashing & Trim: Water Damaged Siding
- ⊖ 3.1.4 Exterior - Siding, Flashing & Trim: Paint
- ⊖ 3.2.1 Exterior - Exterior Doors: Weatherstripping
- ⊖ 3.4.1 Exterior - Decks, Balconies, Porches & Steps: Concrete Cracking
- ⊖ 3.4.2 Exterior - Decks, Balconies, Porches & Steps: Loose Railing
- ⊖ 3.4.3 Exterior - Decks, Balconies, Porches & Steps: Spalling
- ⊖ 3.5.1 Exterior - Eaves, Soffits & Fascia: Fascia - Rotted
- ⊖ 4.1.1 Basement, Foundation, Crawlspace & Structure - Foundation: Heaving/Settling
- ⊖ 4.1.2 Basement, Foundation, Crawlspace & Structure - Foundation: Gap
- ⊖ 4.2.1 Basement, Foundation, Crawlspace & Structure - Basements & Crawlspaces: Odor
- ⊖ 4.2.2 Basement, Foundation, Crawlspace & Structure - Basements & Crawlspaces: Water Intrusion
- ⊖ 4.3.1 Basement, Foundation, Crawlspace & Structure - Floor Structure: Floor sloping
- ⊖ 5.1.1 Heating - Equipment: Near End of Service Life
- ⊖ 5.1.2 Heating - Equipment: Needs Servicing/Cleaning
- 🔧 5.1.3 Heating - Equipment: Annual service
- ⊖ 7.2.1 Plumbing - Drain, Waste, & Vent Systems: Bathtub - Poor drainage
- ⊖ 7.2.2 Plumbing - Drain, Waste, & Vent Systems: Cast Iron Drain Pipe
- ⚠ 7.2.3 Plumbing - Drain, Waste, & Vent Systems: Drain Line Leaking
- ⊖ 7.2.4 Plumbing - Drain, Waste, & Vent Systems: No Drain Present
- ⊖ 7.2.5 Plumbing - Drain, Waste, & Vent Systems: Slab on Grade
- ⚠ 7.3.1 Plumbing - Water Supply, Distribution Systems & Fixtures: Faucet leaks

- ⊖ 7.4.1 Plumbing - Hot Water Systems, Controls, Flues & Vents: Corrosion
- ⊖ 7.6.1 Plumbing - Sump Pump: Inoperable
- ⊖ 7.6.2 Plumbing - Sump Pump: Sump
- ⚠ 8.2.1 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: Breaker Incorrectly Wired
- ⊖ 8.2.2 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: Federal Pacific Panel
- ⊖ 8.2.3 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: Inadequate Load
- ⊖ 8.2.4 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: Missing Labels on Panel
- ⊖ 8.2.5 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: No Ground Wire
- ⊖ 8.2.6 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: No Main Disconnect
- ⊖ 8.4.1 Electrical - Lighting Fixtures, Switches & Receptacles: Cover Plates Damaged
- ⊖ 8.4.2 Electrical - Lighting Fixtures, Switches & Receptacles: Junction box cover(s) missing
- ⊖ 8.4.3 Electrical - Lighting Fixtures, Switches & Receptacles: Open Ground Outlets
- ⊖ 8.4.4 Electrical - Lighting Fixtures, Switches & Receptacles: Not Operable
- ⊖ 8.5.1 Electrical - GFCI & AFCI: Recommend GFCI Installation
- ⊖ 8.6.1 Electrical - Smoke Detectors: Change Batteries
- ⊖ 8.6.2 Electrical - Smoke Detectors: Smoke/CO Detectors
- ⊖ 9.4.1 Attic, Insulation & Ventilation - Exhaust Systems: No bathroom vent fans.
- ⊖ 10.1.1 Doors, Windows & Interior - Doors: Binding
- ⊖ 10.2.1 Doors, Windows & Interior - Windows: Broken Glass
- ⊖ 10.2.2 Doors, Windows & Interior - Windows: Hail Damage
- ⊖ 10.2.3 Doors, Windows & Interior - Windows: Locking Hardware
- ⊖ 10.2.4 Doors, Windows & Interior - Windows: Missing or damaged Screen
- ⊖ 10.2.5 Doors, Windows & Interior - Windows: Painted Shut
- ⊖ 10.2.6 Doors, Windows & Interior - Windows: Window Operation
- ⊖ 10.2.7 Doors, Windows & Interior - Windows: Wood Deterioration
- ⊖ 10.2.8 Doors, Windows & Interior - Windows: Paint Peeling
- ⊖ 10.2.9 Doors, Windows & Interior - Windows: Air and Light
- ⊖ 10.3.1 Doors, Windows & Interior - Floors: Floor Structure
- ⊖ 10.3.2 Doors, Windows & Interior - Floors: Damaged
- ⊖ 10.4.1 Doors, Windows & Interior - Walls: Minor Cracks
- ⊖ 10.4.2 Doors, Windows & Interior - Walls: Moisture Damage
- ⚠ 10.4.3 Doors, Windows & Interior - Walls: Water Damage/Mold
- ⊖ 10.4.4 Doors, Windows & Interior - Walls: Patching
- ⚠ 10.5.1 Doors, Windows & Interior - Ceilings: Water Damage
- ⊖ 10.6.1 Doors, Windows & Interior - Steps, Stairways & Railings: Handrail
- ⊖ 11.2.1 Built-in Appliances - Refrigerator: No Power
- ⊖ 11.3.1 Built-in Appliances - Range/Oven/Cooktop: Exhaust System Missing

1: INSPECTION DETAILS

Information

In Attendance

Client, Client's Agent

Occupancy

Vacant

Style

Ranch, Bungalow

Temperature (approximate)

42 Fahrenheit (F)

Type of Building

Multi-Family

Weather Conditions

Light Rain

2: ROOF

		IN	NI	NP	R
2.1	Coverings	X			X
2.2	Roof Drainage Systems	X			X
2.3	Flashings	X			
2.4	Skylights, Chimneys & Other Roof Penetrations	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Inspection Method

Roof, Ladder, Eave

Roof Type/Style

Gable

Coverings: Material

Asphalt

Roof Drainage Systems: Gutter Material

Aluminum

Flashings: Material

Aluminum

Recommendations

2.1.1 Coverings

DAMAGED (GENERAL)



General damaged noted including Hail damage and damaged shingles on all 3 roofs. Recommend further evaluation by a qualified roofing professional.

Recommendation

Contact a qualified roofing professional.





2.2.1 Roof Drainage Systems

DEBRIS

Debris has accumulated in the gutters. Recommend cleaning to facilitate water flow.

[Here is a DIY resource](#) for cleaning your gutters.

Recommendation

Recommended DIY Project



2.2.2 Roof Drainage Systems

DOWNSPOUTS DRAIN NEAR HOUSE

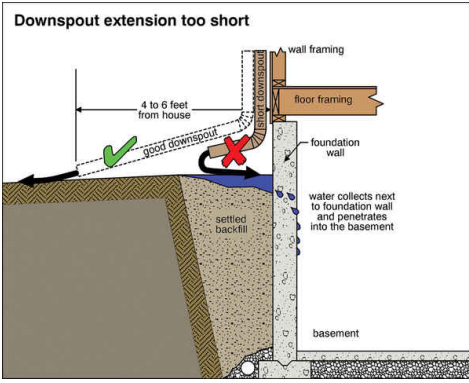
One or more downspouts drain too close to the home's foundation. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement. Recommend adjusting downspout extensions to drain at least 6 feet from the foundation.

[Here is a helpful DIY link](#) and video on draining water flow away from your house.

Recommendation

Contact a handyman or DIY project





2.2.3 Roof Drainage Systems

Recommendations

GUTTER DAMAGED

Gutters were damaged. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement. Recommend repair.

Recommendation

Contact a qualified professional.

2.2.4 Roof Drainage Systems

Recommendations

GUTTERS MISSING

BACK HOUSE

Gutters and downspouts missing on the house. Installation recommended to keep water away from structure. Water can damage the soffit and siding and weaken the foundation/footings.

Recommendation

Contact a qualified professional.



3: EXTERIOR

		IN	NI	NP	R
3.1	Siding, Flashing & Trim	X			X
3.2	Exterior Doors	X			X
3.3	Walkways, Patios & Driveways	X			
3.4	Decks, Balconies, Porches & Steps	X			X
3.5	Eaves, Soffits & Fascia	X			X
3.6	Vegetation, Grading, Drainage & Retaining Walls	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Inspection Method

Visual

Siding, Flashing & Trim: Siding Material

Asbestos, Stone Veneer, Shake, Composition Wood

Siding, Flashing & Trim: Siding Style

Applied, Shakes, Clapboard

Exterior Doors: Exterior Entry Door

Metal, Wood

Walkways, Patios & Driveways: Driveway Material

Gravel

Decks, Balconies, Porches & Steps: Appurtenance

Patio, Front Steps

Decks, Balconies, Porches & Steps: Material

Concrete

Recommendations

3.1.1 Siding, Flashing & Trim

MINOR HAIL DAMAGE

3121

Siding showed areas of minor hail damage. Recommend sealing.

Recommendation

Contact a qualified professional.



3.1.2 Siding, Flashing & Trim

 Safety Hazard/Immediate Attention

MISSING

3125

Siding corner cover at some corners of the house. Water intrusion and water damage possible. Recommend repair.

Recommendation

Contact a qualified professional.



3.1.3 Siding, Flashing & Trim

 Recommendations

WATER DAMAGED SIDING

Water damaged/rotted siding noted. These areas have been painted/sealed over. Repair may eventually be needed.

Recommendation

Contact a qualified professional.

3.1.4 Siding, Flashing & Trim

 Recommendations

PAINT

Paint peeling or missing. Recommend sealing all areas of exposed wood to help prevent further water damage.

Recommendation

Contact a qualified professional.

3.2.1 Exterior Doors

 Recommendations

WEATHERSTRIPPING

3121

Front Door is missing adequate weatherstripping at the side. Air and light entering. This can result in significant energy loss and moisture intrusion. Recommend installation of standard weatherstripping.

[Here is a DIY guide on weatherstripping.](#)

Recommendation

Recommended DIY Project



3.4.1 Decks, Balconies, Porches & Steps

CONCRETE CRACKING

3125

Concrete cracking at the back patio. Recommend sealing to help prevent water intrusion and further cracking. Repair may eventually be needed.

Recommendation

Contact a qualified professional.



3.4.2 Decks, Balconies, Porches & Steps

LOOSE RAILING

Railing is loose on front steps. Safety hazard. Recommend repair.

Recommendation

Contact a qualified professional.



3.4.3 Decks, Balconies, Porches & Steps

SPALLING

Concrete spalling and cracking noted at the front steps. This loosening the top, smooth layer of the cement is a common occurrence, possibly due to an improper curing process, age, or use of snow-melting materials or lack of gutters. Repair may eventually be needed.

Recommendation

Contact a qualified professional.





3.5.1 Eaves, Soffits & Fascia

FASCIA - ROTTED

3121

One or more sections of the fascia or rake board are rotted. Repair will eventually be needed. Possible hidden damage.

Recommendation

Contact a qualified professional.

 Recommendations



4: BASEMENT, FOUNDATION, CRAWLSPACE & STRUCTURE

		IN	NI	NP	R
4.1	Foundation	X			X
4.2	Basements & Crawlspace	X			X
4.3	Floor Structure	X			X
4.4	Wall Structure	X			
4.5	Ceiling Structure	X			
4.6	Roof Structure & Attic	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Inspection Method

Visual

Foundation: Material

Concrete, Slab on Grade

Floor Structure: Material

Wood Joists

Floor Structure: Sub-floor

Plank

Floor Structure:

Basement/Crawlspace Floor
Concrete

Roof Structure & Attic: Material

Wood, Plank, Plywood

Roof Structure & Attic: Type

Gable

Recommendations

4.1.1 Foundation

HEAVING/SETTLING



The basement floor slab slopes indicating movement/heaving due to soil movement. This is caused by soil's expanding when absorbing moisture due to negative drainage, lack of gutters, ground water or broken pipes.

Recommendation

Contact a qualified professional.

4.1.2 Foundation

GAP

3125



Gap in front foundation wall. Possible water intrusion into basement. Recommend sealing.

Recommendation

Contact a qualified professional.



4.2.1 Basements & Crawlspaces

Recommendations

ODOR

There was a musty smell in the basement at the time of inspection. This smell can be an indication of past water intrusion. Possible hidden damage.

Recommendation

Contact a qualified professional.

4.2.2 Basements & Crawlspaces

Recommendations

WATER INTRUSION

Evidence of past water intrusion at base of the wall in Sw basement room. Possible organic substance and hidden damage. Dry at the time of inspection.

Recommendation

Contact a qualified professional.



4.3.1 Floor Structure

Recommendations

FLOOR SLOPING

Basement concrete Floor slopes to the west wall in the SW room. Cracks and sloping are an indication of past settlement. This can be the result of negative drainage.

5: HEATING

		IN	NI	NP	R
5.1	Equipment	X			X
5.2	Normal Operating Controls	X			
5.3	Distribution Systems	X			
5.4	Vents, Flues & Chimneys			X	
5.5	Presence of Installed Heat Source in Each Room	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Equipment: Brand

Rheem

Equipment: Energy Source

Natural Gas

Equipment: Heat Type

Forced Air

Normal Operating Controls: Thermostat locations

Located on the wall in the hallway 3125, living room 3121.

Distribution Systems: Ductwork

Non-insulated

Distribution Systems: Attic

Ducts located in the attic.

AFUE Rating

80+/-

AFUE (Annual fuel utilization efficiency) is a metric used to measure furnace efficiency in converting fuel to energy. A higher AFUE rating means greater energy efficiency. 90% or higher meets the Department of Energy's Energy Star program standard.

Equipment: Age

3125 Unit manufactured in September of 1986.

3121 Unit manufactured in February of 1999.

Typical life span of a furnace is 20 to 25 years depending on usage and maintenance.

Distribution Systems: Asbestos

- What appears to be asbestos is visible on some ductwork. For information on asbestos hazards in the home, visit <https://www.epa.gov/asbestos/protect-your-family>

Recommendations

5.1.1 Equipment

NEAR END OF SERVICE LIFE



Both Furnaces are at or near the end of the projected service life. Replacement can be expected soon.

Recommendation

Contact a qualified HVAC professional.

5.1.2 Equipment

NEEDS SERVICING/CLEANING



Furnace should be cleaned and serviced annually. Recommend a qualified HVAC contractor clean, service and certify furnace.

[Here is a resource](#) on the importance of furnace maintenance.

Recommendation

Contact a qualified HVAC professional.

5.1.3 Equipment

ANNUAL SERVICE



Recommend HVAC technician annually service furnace.

Recommendation

Contact a qualified professional.

6: COOLING

		IN	NI	NP	R
6.1	Cooling Equipment			X	
6.2	Normal Operating Controls			X	
6.3	Distribution System			X	
6.4	Presence of Installed Cooling Source in Each Room			X	

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Window Units

Window Air Conditioners or swamp coolers were not inspected. No representation made to the working order of these unit(s).

7: PLUMBING

		IN	NI	NP	R
7.1	Main Water Shut-off Device	X			
7.2	Drain, Waste, & Vent Systems	X			X
7.3	Water Supply, Distribution Systems & Fixtures	X			X
7.4	Hot Water Systems, Controls, Flues & Vents	X			X
7.5	Fuel Storage & Distribution Systems	X			
7.6	Sump Pump	X			X

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Filters

None

Water Source

Public

Main Water Shut-off Device:

Location

Basement

Drain, Waste, & Vent Systems:

Drain Size

Unknown

Drain, Waste, & Vent Systems:

Material

Iron, PVC, Steel

Water Supply, Distribution Systems & Fixtures: Distribution Material

Copper

Water Supply, Distribution Systems & Fixtures: Water Supply Material

Copper

Hot Water Systems, Controls, Flues & Vents: Power Source/Type

Gas

Hot Water Systems, Controls, Flues & Vents: Capacity

40 gallons

Hot Water Systems, Controls, Flues & Vents: Location

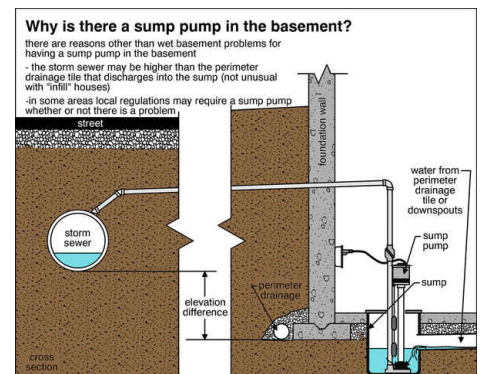
Washer/Dryer Area, Basement

Fuel Storage & Distribution Systems: Main Gas Shut-off Location

Gas Meter

Sump Pump: Location

Basement, Under Stairs



Main Water Shut-off Device: Main water shut off

Basement in 3125. Kitchen in 3121.



Basement



Kitchen

Hot Water Systems, Controls, Flues & Vents: Manufacturer

AO Smith

I recommend flushing & servicing your water heater tank annually for optimal performance. Water temperature should be set to at least 120 degrees F to kill microbes and no higher than 130 degrees F to prevent scalding.

[Here is a nice maintenance guide from Lowe's to help.](#)

Hot Water Systems, Controls, Flues & Vents: Age

A.O. Smith Unit manufactured in August of 2017.

Rheem unit manufactured in May of 2013.

Average service life of a water heater is 10 to 12 years depending on usage.

Tankless around 20 years.

Recommendations

7.2.1 Drain, Waste, & Vent Systems

BATHTUB - POOR DRAINAGE

3125

Bathtub had poor drainage. Recommend clearing drain line.

Recommendation

Contact a qualified professional.



7.2.2 Drain, Waste, & Vent Systems

**CAST IRON DRAIN PIPE**

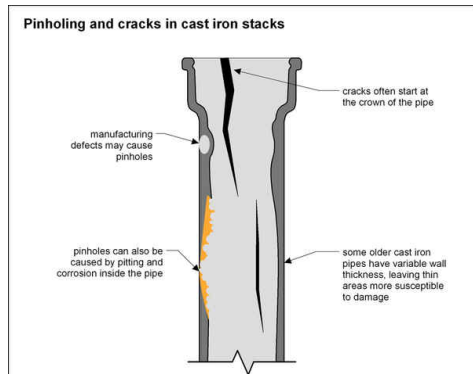
3125

Deferred Cost: There are portions of the plumbing system with older cast iron piping. Expect unexpected repairs in any older original plumbing.

Recommend scoping main drain line.

Recommendation

Contact a qualified plumbing contractor.



7.2.3 Drain, Waste, & Vent Systems

**DRAIN LINE LEAKING**

Drain line in the kitchen of 3125 has significant leaking. Bathroom drain line in 3121 is leaking. Recommend repair.

Recommendation

Contact a qualified professional.



3121



3125



3125

7.2.4 Drain, Waste, & Vent Systems

NO DRAIN PRESENT

BOTH HOUSES

No drains were present in area with water heater and/or washing machine. Water damage or flooding possible. Recommend installing a water sensor alarm or pan under water heater and washing machine.

Recommendations

Recommendation

Contact a qualified professional.

7.2.5 Drain, Waste, & Vent Systems

SLAB ON GRADE

3121

Main drain piping not visible.

Recommendation

Recommended DIY Project

Recommendations

7.3.1 Water Supply, Distribution Systems & Fixtures

FAUCET LEAKS

3121

Kitchen Sink faucet leaks from handle and is leaking under the sink. Recommended repair.

Recommendation

Contact a qualified professional.

Safety Hazard/Immediate Attention



7.4.1 Hot Water Systems, Controls, Flues & Vents

 Recommendations

CORROSION

3121

Corrosion was noted at the burn chamber or pipe fittings. Recommend a qualified plumber evaluate for repair/replacement.

Recommendation

Contact a qualified plumbing contractor.



7.6.1 Sump Pump

 Recommendations

INOPERABLE

Sump pump was inoperable at the time of inspection. Recommend qualified plumber evaluate and repair.

Recommendation

Contact a qualified plumbing contractor.



7.6.2 Sump Pump

 Recommendations

SUMP

Sump Pump is being used to expell water from washing machine. This can cause debris to plug pump if not filtered out. Flooding possible if pump fails.

Recommendation

Contact a qualified professional.

8: ELECTRICAL

		IN	NI	NP	R
8.1	Service Entrance Conductors	X			
8.2	Main & Subpanels, Service & Grounding, Main Overcurrent Device	X			X
8.3	Branch Wiring Circuits, Breakers & Fuses	X			
8.4	Lighting Fixtures, Switches & Receptacles	X			X
8.5	GFCI & AFCI	X			X
8.6	Smoke Detectors	X			X
8.7	Carbon Monoxide Detectors	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Service Entrance Conductors: Electrical Service Conductors
Overhead

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Main Panel Location
Laundry Room, Stairwell

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Panel Capacity
Unknown

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Panel Manufacturer
Cutler Hammer, Federal Pacific

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Panel Type
Circuit Breaker

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Sub Panel Location
None

Branch Wiring Circuits, Breakers & Fuses: Branch Wire 15 and 20 AMP
Copper

Branch Wiring Circuits, Breakers & Fuses: Wiring Method
Romex, Fabric/Cloth

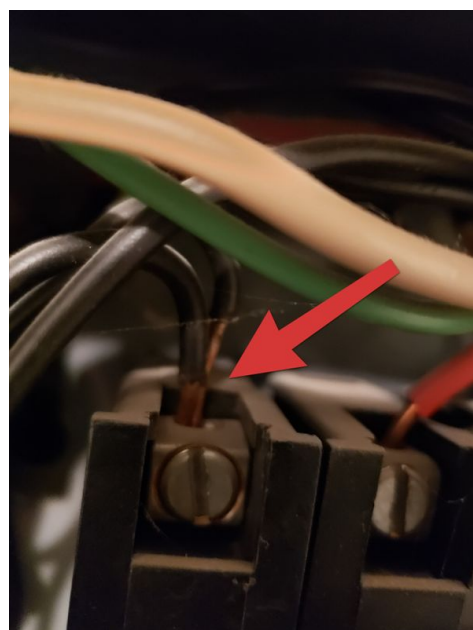
Carbon Monoxide Detectors: Plug In
3125
May not be present after closing.

Recommendations

8.2.1 Main & Subpanels, Service & Grounding, Main Overcurrent Device

 Safety Hazard/Immediate Attention

BREAKER INCORRECTLY WIRED
3121



Circuit breaker was incorrectly wired / installed. There is a double tap on a 20 AMP breaker that poses a safety hazard. Recommend that a licensed electrician repair. Double tapping and lugging can create hot spots on breakers and neutral bars because they are not tightened to the correct torque--especially if two different size conductors are used. Because the hot [black] and neutral [white]wires are both current carrying conductors, the chance is then greater for potential hot spots. If the double tap or lug becomes loose, it begins to arc. As it arcs it builds up carbon. Carbon is then resistance and with more carbon buildup the more difficult it is for the conductor to make contact, thus increasing the current. The end result can be the breaker tripping because of the loose connection [current exceeding the rating of the breaker], or signs of overheating such as discolored wires, melted wires, etc, or even fire.

Recommendation

Contact a qualified electrical contractor.

8.2.2 Main & Subpanels, Service & Grounding, Main Overcurrent Device



FEDERAL PACIFIC PANEL

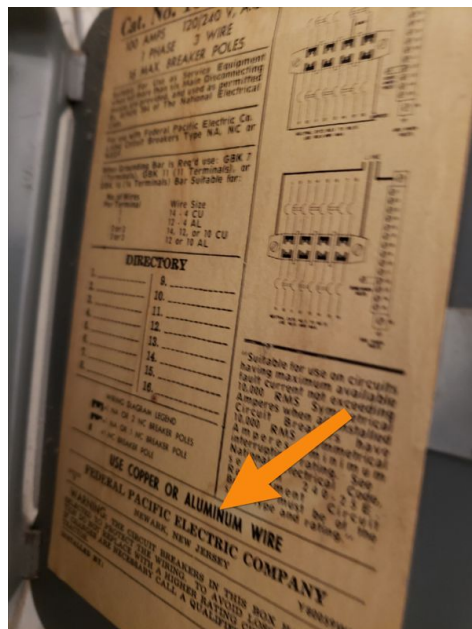
There is a Federal Pacific Electric service panel in the utility room of 3121 and stairwell of 3125. There are studies that show that some FPE circuit breakers are prone to problems that can lead to failures, lack of proper protection of circuits and other serious issues, including fire and electrocution. Although the Consumer Products Safety Commission has not issued a formal product recall, the panel is old and the company is now out of business. We cannot definitively call this panel defective, but recommend, for your peace of mind, to consult a qualified electrical contractor to get their opinion on this matter. You can learn more about this issue by searching "Federal Pacific Stab-Lok Panels". **Strongly advice replacing panel. Some insurance** companies will not insure a home with a Federal Pacific panel.

Recommendation

Contact a qualified electrical contractor.



3121



3121



3125



3121

8.2.3 Main & Subpanels, Service & Grounding, Main Overcurrent Device

Recommendations

INADEQUATE LOAD

Less than 100 amps is generally considered inadequate by todays standards. Many insurance companies will not insure a home with electrical service less than 100 amps. Unable to determine amperage for houses.

Recommendation

Contact a qualified electrical contractor.

8.2.4 Main & Subpanels, Service & Grounding, Main Overcurrent Device

Recommendations

MISSING LABELS ON PANEL

At the time of inspection, panel was missing labeling. Recommend labeling all breaker locations.

Recommendation

Recommended DIY Project

8.2.5 Main & Subpanels, Service & Grounding, Main Overcurrent Device

Recommendations

NO GROUND WIRE

Missing ground wire or not visible. Recommend qualified electrician verify ground is installed.

Recommendation

Contact a qualified electrical contractor.

8.2.6 Main & Subpanels, Service & Grounding, Main Overcurrent Device

Recommendations

NO MAIN DISCONNECT

3121

There is no main disconnect for electrical service. Advise considering upgrading electrical panel and having a main shut off breaker installed. Some insurance companies will not insure a property without a main shutoff breaker. Current standards usually require a main shutoff if there are more than 6 breakers in a panel.

Recommendation

Contact a qualified electrical contractor.

8.4.1 Lighting Fixtures, Switches & Receptacles

COVER PLATES DAMAGED



One or more receptacles have a damaged cover plate. Recommend replacement.

Recommendation

Recommended DIY Project

8.4.2 Lighting Fixtures, Switches & Receptacles

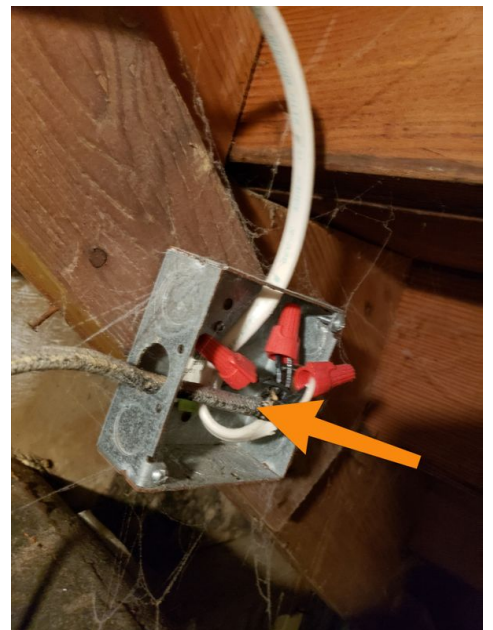
JUNCTION BOX COVER(S) MISSING

UNDER STAIRS IN 3125

Junction Box Cover(s) missing.. This is a potential shock, fire or electrocution hazard. Repair.

Recommendation

Contact a qualified electrical contractor.



8.4.3 Lighting Fixtures, Switches & Receptacles

OPEN GROUND OUTLETS

BOTH HOUSES

Open ground (2-wire or hot/neutral reverse) outlets present in the house. This means that the 3rd (round) part of an appliance plug is not getting ground protection. This may be a concern with items such as computers and electronic devices. Note: you can not ground an ungrounded outlet without running a new ground wire to the outlet. Installing a GFCI will protect you but not your TV, computer, etc. Surge protectors may offer some protection for your devices.

Recommendation

Contact a qualified electrical contractor.



8.4.4 Lighting Fixtures, Switches & Receptacles

NOT OPERABLE

Outlet not operable in basement laundry room inside closet.



Recommendation

Contact a qualified professional.



8.5.1 GFCI & AFCI

RECOMMEND GFCI INSTALLATION

Recommend installing in kitchen of both houses.

Recommendation

Contact a qualified professional.

 Recommendations

8.6.1 Smoke Detectors

CHANGE BATTERIES

Recommend changing batteries in all smoke detectors and install new if detectors are 10 years or older.

Recommendation

Recommended DIY Project

 Recommendations

8.6.2 Smoke Detectors

SMOKE/CO DETECTORS

Smoke-carbon monoxide combination detector(s) recommended near utilities and bedrooms.

Recommendation

Recommended DIY Project

 Recommendations

9: ATTIC, INSULATION & VENTILATION

		IN	NI	NP	R
9.1	Attic Insulation	X			
9.2	Vapor Retarders (Crawlspace or Basement)			X	
9.3	Ventilation	X			
9.4	Exhaust Systems	X			X

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Dryer Power Source

220 Electric

Dryer Vent

Metal

Vinyl venting is a fire hazard and should be replaced with metal.

Flooring Insulation

None

Attic Insulation: R-value

19

Attic Insulation: Depth

4 to 6 inches.

Ventilation: Ventilation Type

Gable Vents

Exhaust Systems: Exhaust Fans

None

Attic Insulation: Insulation Type

Fiberglass, Batt, Cellulose, Loose-fill



Recommendations

9.4.1 Exhaust Systems

NO BATHROOM VENT FANS.

No operable exhaust fan in bathroom with shower. Even if a window that opens exists, this may not be adequate ventilation during the cold weather. Recommend installing properly vented bathroom exhaust fan.

Recommendation

Contact a qualified professional.



10: DOORS, WINDOWS & INTERIOR

		IN	NI	NP	R
10.1	Doors	X			X
10.2	Windows	X			X
10.3	Floors	X			X
10.4	Walls	X			X
10.5	Ceilings	X			X
10.6	Steps, Stairways & Railings	X			X
10.7	Countertops & Cabinets	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Windows: Window Type

Double-hung

Windows: Window Manufacturer

Unknown

Floors: Floor Coverings

Carpet, Hardwood, Linoleum, Laminate

Walls: Wall Material

Paneling, Drywall

Ceilings: Ceiling Material

Drywall

Countertops & Cabinets:

Countertop Material

Laminate

Countertops & Cabinets:

Cabinetry

Laminate, Wood

Recommendations

10.1.1 Doors

BINDING

Door binds in frame in basement SW room. This can be an indication of settlement.

Recommendation

Contact a qualified professional.



10.2.1 Windows

BROKEN GLASS

3125

Two basement windows and two living room windows have broken or cracked glass. Recommend replacement.

Recommendation

Contact a qualified window repair/installation contractor.





10.2.2 Windows

HAIL DAMAGE

3125

West side window has hail damage to the vinyl on outside trim. Recommend repairing vinyl damage.

Recommendation

Contact a qualified professional.



Recommendations



10.2.3 Windows

LOCKING HARDWARE

Some window locks are missing or do not latch or do not latch properly in both houses. Recommend repair.

Recommendation

Contact a qualified professional.



Recommendations



10.2.4 Windows

MISSING OR DAMAGED SCREEN

 Recommendations

Some window screens missing or damaged. Recommend replacement.

Recommendation

Recommended DIY Project

10.2.5 Windows

PAINTED SHUT

 Recommendations

One or more windows are painted or swollen shut. Recommend windows be restored to functional use.

Recommendation

Recommended DIY Project

10.2.6 Windows

WINDOW OPERATION

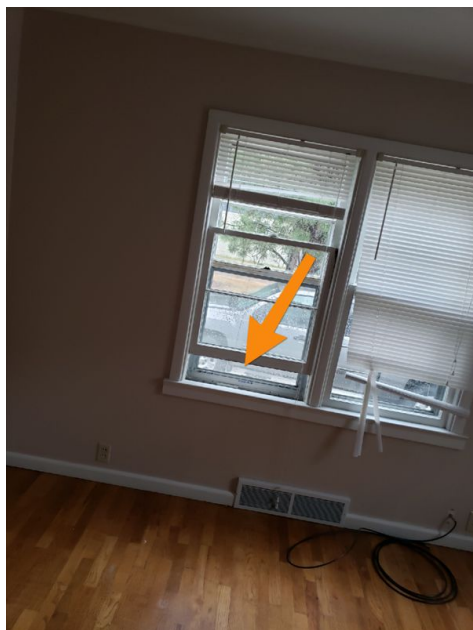
 Recommendations

3125

Window in living room is damaged and will not close.. Recommend repair.

Recommendation

Contact a qualified window repair/installation contractor.



10.2.7 Windows

WOOD DETERIORATION

 Recommendations

3125

Wood deterioration and possible wood rot noted at the bottom frame board of the north windows. Repair may eventually be needed.

Recommendation

Contact a qualified professional.



10.2.8 Windows

PAINT PEELING

Recommendations

Peeling paint at exterior windows. Recommend sealing to help prevent further water damage.

Recommendation

Contact a qualified professional.

10.2.9 Windows

AIR AND LIGHT

Recommendations

Air and light entering at east basement room windows. Recommend sealing.

Recommendation

Contact a qualified professional.



10.3.1 Floors

FLOOR STRUCTURE

Recommendations

Upstairs floor slopes or sags. This is usually the result of the age and framing design of the building.

10.3.2 Floors

DAMAGED

Recommendations

3121

Floor is damaged in the living room.

Recommendation

Contact a qualified professional.



10.4.1 Walls

MINOR CRACKS

Recommendations

Minor settlement cracks at the corners and above or under windows in walls. Appeared to be the result of long-term settling. Some settling is not unusual in a home of this age.

Recommendation

Contact a qualified professional.

10.4.2 Walls

MOISTURE DAMAGE

Recommendations

3121AT TOP OF WATER HEATER CLOSET OUTSIDE WALL

Stains and damage on the wall visible at the time of the inspection appeared to be the result of moisture intrusion. Dry at the time of inspection. Source of moisture should be identified and corrected.

Recommendation

Contact a qualified professional.



10.4.3 Walls

WATER DAMAGE/MOLD

Safety Hazard/Immediate Attention

Water damage and mold noted to walls inside basement stairwell. Possible hidden damage. Recommend further evaluation and repair as necessary.

Recommendation

Contact a qualified professional.



10.4.4 Walls

PATCHING

Recommendations

Moderate patching noted to walls.

10.5.1 Ceilings

WATER DAMAGE

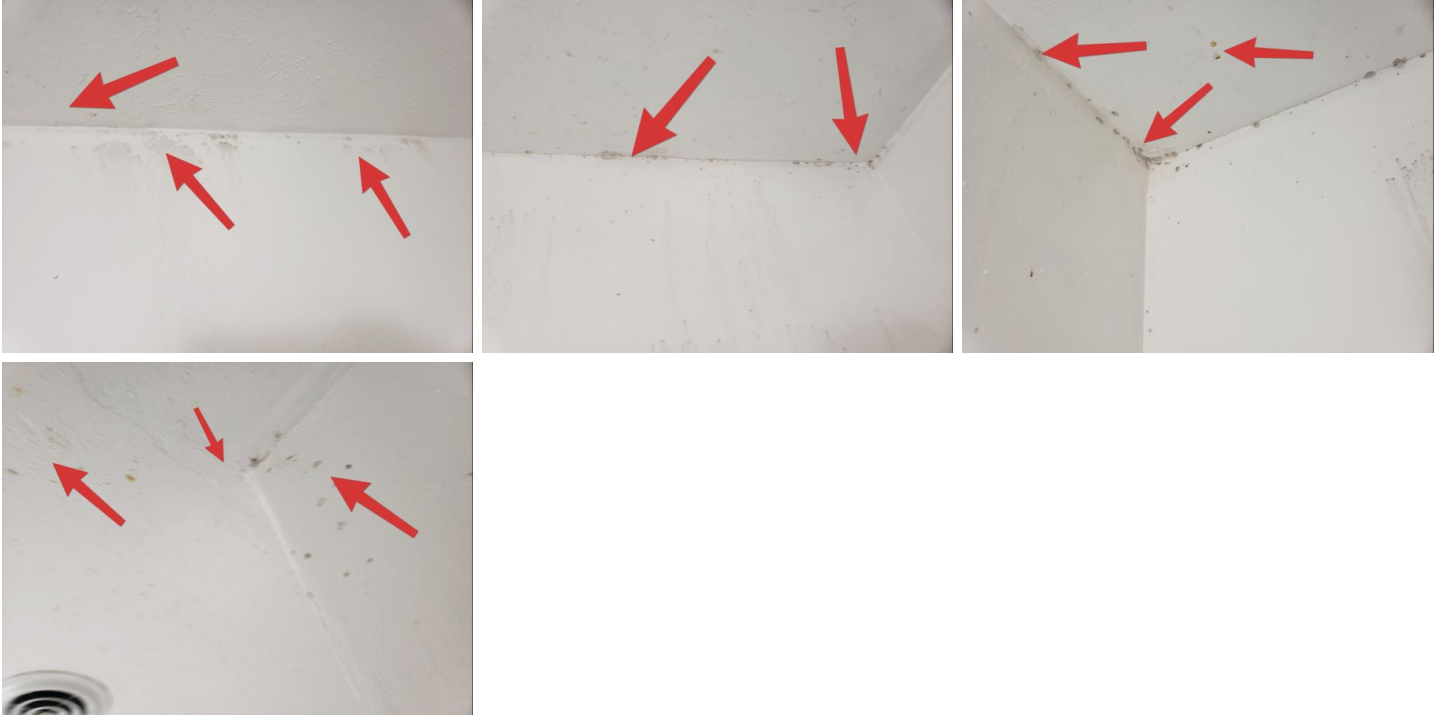
3121

Water damage to the bathroom ceiling. Possible hidden damage including mold. Recommend further evaluation by a qualified professional and repair as necessary.

Recommendation

Contact a qualified professional.

 Safety Hazard/Immediate Attention



10.6.1 Steps, Stairways & Railings

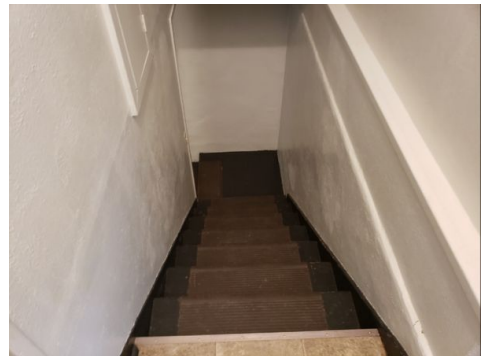
HANDRAIL

Staircase missing handrails. This is a safety hazard. Recommend installation.

Recommendation

Contact a qualified professional.

 Recommendations



11: BUILT-IN APPLIANCES

		IN	NI	NP	R
11.1	Dishwasher			X	
11.2	Refrigerator	X			X
11.3	Range/Oven/Cooktop	X			X
11.4	Garbage Disposal			X	

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Refrigerator: Brand

Whirlpool

Range/Oven/Cooktop:

Range/Oven Energy Source

Electric

Range/Oven/Cooktop:

Range/Oven Brand

Whirlpool

Range/Oven/Cooktop: Exhaust

Hood Type

None

Recommendations

11.2.1 Refrigerator

NO POWER

Refrigerator was plugged in and check for power. Not evaluated for function.

Recommendation

Contact a qualified appliance repair professional.



11.3.1 Range/Oven/Cooktop

EXHAUST SYSTEM MISSING

No exhaust system present to prevent moisture and grease in kitchen area. Recommend qualified contractor install range hood or exhaust system.

[Here is a resource on choosing a range hood.](#)

Recommendation

Contact a qualified professional.



12: GARAGE

		IN	NI	NP	R
12.1	Ceiling	X			
12.2	Floor	X			
12.3	Walls & Firewalls	X			
12.4	Garage Door	X			
12.5	Garage Door Opener			X	
12.6	Occupant Door (From garage to inside of home)			X	

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Floor: View Limited

Personal storage limited evaluation.

Garage Door: Material

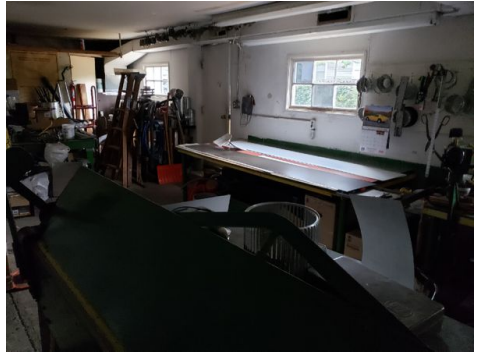
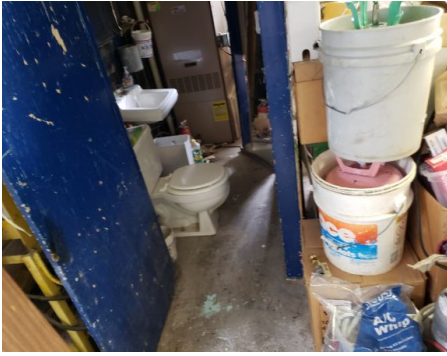
Aluminum

Garage Door: Type

Sectional

Limited Evaluation

Personal items in garages block complete inspection of all floor, wall and ceiling areas in garage.



STANDARDS OF PRACTICE

Roof

I. The inspector shall inspect from ground level or the eaves: A. the roof-covering materials; B. the gutters; C. the downspouts; D. the vents, flashing, skylights, chimney, and other roof penetrations; and E. the general structure of the roof from the readily accessible panels, doors or stairs. II. The inspector shall describe: A. the type of roof-covering materials. III. The inspector shall report as in need of correction: A. observed indications of active roof leaks. IV. The inspector is not required to: A. walk on any roof surface. B. predict the service life expectancy. C. inspect underground downspout diverter drainage pipes. D. remove snow, ice, debris or other conditions that prohibit the observation of the roof surfaces. E. move insulation. F. inspect antennae, satellite dishes, lightning arresters, de-icing equipment, or similar attachments. G. walk on any roof areas that appear, in the inspector's opinion, to be unsafe. H. walk on any roof areas if doing so might, in the inspector's opinion, cause damage. I. perform a water test. J. warrant or certify the roof. K. confirm proper fastening or installation of any roof-covering material.

Exterior

I. The inspector shall inspect: A. the exterior wall-covering materials, flashing and trim; B. all exterior doors; C. adjacent walkways and driveways; D. stairs, steps, stoops, stairways and ramps; E. porches, patios, decks, balconies and carports; F. railings, guards and handrails; G. the eaves, soffits and fascia; H. a representative number of windows; and I. vegetation, surface drainage, retaining walls and grading of the property, where they may adversely affect the structure due to moisture intrusion. II. The inspector shall describe: A. the type of exterior wall-covering materials. III. The inspector shall report as in need of correction: A. any improper spacing between intermediate balusters, spindles and rails. IV. The inspector is not required to: A. inspect or operate screens, storm windows, shutters, awnings, fences, outbuildings, or exterior accent lighting. B. inspect items that are not visible or readily accessible from the ground, including window and door flashing. C. inspect or identify geological, geotechnical, hydrological or soil conditions. D. inspect recreational facilities or playground equipment. E. inspect seawalls, breakwalls or docks. F. inspect erosion-control or earth-stabilization measures. G. inspect for safety-type glass. H. inspect underground utilities. I. inspect underground items. J. inspect wells or springs. K. inspect solar, wind or geothermal systems. L. inspect swimming pools or spas. M. inspect wastewater treatment systems, septic systems or cesspools. N. inspect irrigation or sprinkler systems. O. inspect drainfields or dry wells. P. determine the integrity of multiple-pane window glazing or thermal window seals.

Basement, Foundation, Crawlspace & Structure

I. The inspector shall inspect: A. the foundation; B. the basement; C. the crawlspace; and D. structural components. II. The inspector shall describe: A. the type of foundation; and B. the location of the access to the under-floor space. III. The inspector shall report as in need of correction: A. observed indications of wood in contact with or near soil; B. observed indications of active water penetration; C. observed indications of possible foundation movement, such as sheetrock cracks, brick cracks, out-of-square door frames, and unlevel floors; and D. any observed cutting, notching and boring of framing members that may, in the inspector's opinion, present a structural or safety concern. IV. The inspector is not required to: A. enter any crawlspace that is not readily accessible, or where entry could cause damage or pose a hazard to him/herself. B. move stored items or debris. C. operate sump pumps with inaccessible floats. D. identify the size, spacing, span or location or determine the adequacy of foundation bolting, bracing, joists, joist spans or support systems. E. provide any engineering or architectural service. F. report on the adequacy of any structural system or component.

Heating

I. The inspector shall inspect: A. the heating system, using normal operating controls. II. The inspector shall describe: A. the location of the thermostat for the heating system; B. the energy source; and C. the heating method. III. The inspector shall report as in need of correction: A. any heating system that did not operate; and B. if the heating system was deemed inaccessible. IV. The inspector is not required to: A. inspect or evaluate the interior of flues or chimneys, fire chambers, heat exchangers, combustion air systems, fresh-air intakes, humidifiers, dehumidifiers, electronic air filters, geothermal systems, or solar heating systems. B. inspect fuel tanks or underground or concealed fuel supply systems. C. determine the uniformity, temperature, flow, balance, distribution, size, capacity, BTU, or supply adequacy of the heating system. D. light or ignite pilot flames. E. activate heating, heat pump systems, or other heating systems when ambient temperatures or other circumstances are not conducive to safe operation or may damage the equipment. F. override electronic thermostats. G. evaluate fuel quality. H. verify thermostat calibration, heat anticipation, or automatic setbacks, timers, programs or clocks.

Cooling

I. The inspector shall inspect: A. the cooling system, using normal operating controls. II. The inspector shall describe: A. the location of the thermostat for the cooling system; and B. the cooling method. III. The inspector shall report as in need of correction: A. any cooling system that did not operate; and B. if the cooling system was deemed inaccessible. IV. The inspector is not required to: A. determine the uniformity, temperature, flow, balance, distribution, size, capacity, BTU, or supply adequacy of the cooling system. B. inspect portable window units, through-wall units, or electronic air filters. C. operate equipment or systems if the exterior temperature is below 65° Fahrenheit, or when other circumstances are not conducive to safe operation or may damage the equipment. D. inspect or determine thermostat calibration, cooling anticipation, or automatic setbacks or clocks. E. examine electrical current, coolant fluids or gases, or coolant leakage.

Plumbing

I. The inspector shall inspect: A. the main water supply shut-off valve; B. the main fuel supply shut-off valve; C. the water heating equipment, including the energy source, venting connections, temperature/pressure-relief (TPR) valves, Watts 210 valves, and seismic bracing; D. interior water supply, including all fixtures and faucets, by running the water; E. all toilets for proper operation by flushing; F. all sinks, tubs and showers for functional drainage; G. the drain, waste and vent system; and H. drainage sump pumps with accessible floats. II. The inspector shall describe: A. whether the water supply is public or private based upon observed evidence; B. the location of the main water supply shut-off valve; C. the location of the main fuel supply shut-off valve; D. the location of any observed fuel-storage system; and E. the capacity of the water heating equipment, if labeled. III. The inspector shall report as in need of correction: A. deficiencies in the water supply by viewing the functional flow in two fixtures operated simultaneously; B. deficiencies in the installation of hot and cold water faucets; C. mechanical drain stops that were missing or did not operate if installed in sinks, lavatories and tubs; and D. toilets that were damaged, had loose connections to the floor, were leaking, or had tank components that did not operate. IV. The inspector is not required to: A. light or ignite pilot flames. B. measure the capacity, temperature, age, life expectancy or adequacy of the water heater. C. inspect the interior of flues or chimneys, combustion air systems, water softener or filtering systems, well pumps or tanks, safety or shut-off valves, floor drains, lawn sprinkler systems, or fire sprinkler systems. D. determine the exact flow rate, volume, pressure, temperature or adequacy of the water supply. E. determine the water quality, potability or reliability of the water supply or source. F. open sealed plumbing access panels. G. inspect clothes washing machines or their connections. H. operate any valve. I. test shower pans, tub and shower surrounds or enclosures for leakage or functional overflow protection. J. evaluate the compliance with conservation, energy or building standards, or the proper design or sizing of any water, waste or venting components, fixtures or piping. K. determine the effectiveness of anti-siphon, backflow prevention or drain-stop devices. L. determine whether there are sufficient cleanouts for effective cleaning of drains. M. evaluate fuel storage tanks or supply systems. N. inspect wastewater treatment systems. O. inspect water treatment systems or water filters. P. inspect water storage tanks, pressure pumps, or bladder tanks. Q. evaluate wait time to obtain hot water at fixtures, or perform testing of any kind to water heater elements. R. evaluate or determine the adequacy of combustion air. S. test, operate, open or close: safety controls, manual stop valves, temperature/pressure-relief valves, control valves, or check valves. T. examine ancillary or auxiliary systems or components, such as, but not limited to, those related to solar water heating and hot water circulation. U. determine the existence or condition of polybutylene plumbing. V. inspect or test for gas or fuel leaks, or indications thereof.

Electrical

I. The inspector shall inspect: A. the service drop; B. the overhead service conductors and attachment point; C. the service head, gooseneck and drip loops; D. the service mast, service conduit and raceway; E. the electric meter and base; F. service-entrance conductors; G. the main service disconnect; H. panelboards and over-current protection devices (circuit breakers and fuses); I. service grounding and bonding; J. a representative number of switches, lighting fixtures and receptacles, including receptacles observed and deemed to be arc-fault circuit interrupter (AFCI)-protected using the AFCI test button, where possible; K. all ground-fault circuit interrupter receptacles and circuit breakers observed and deemed to be GFCIs using a GFCI tester, where possible; and L. smoke and carbon-monoxide detectors. II. The inspector shall describe: A. the main service disconnect's amperage rating, if labeled; and B. the type of wiring observed. III. The inspector shall report as in need of correction: A. deficiencies in the integrity of the serviceentrance conductors' insulation, drip loop, and vertical clearances from grade and roofs; B. any unused circuit-breaker panel opening that was not filled; C. the presence of solid conductor aluminum branch-circuit wiring, if readily visible; D. any tested receptacle in which power was not present, polarity was incorrect, the cover was not in place, the GFCI devices were not properly installed or did not operate properly, evidence of arcing or excessive heat, and where the receptacle was not grounded or was not secured to the wall; and E. the absence of smoke detectors. IV. The inspector is not required to: A. insert any tool, probe or device into the main panelboard, sub-panels, distribution panelboards, or electrical fixtures. B. operate electrical systems that are shut down. C. remove panelboard cabinet covers or dead fronts. D. operate or re-set over-current protection devices or overload devices. E. operate or test smoke or carbon-monoxide detectors or alarms. F. inspect, operate or test any security, fire or alarms systems or components, or other warning or signaling systems. G. measure or determine the amperage or voltage of the main service equipment, if not visibly labeled. H. inspect ancillary wiring or remote-control devices. I. activate any electrical systems or branch circuits that are not energized. J. inspect low-voltage systems, electrical de-icing tapes, swimming pool wiring, or any timecontrolled devices. K. verify the service ground. L. inspect private or emergency electrical supply sources, including, but not limited to: generators, windmills, photovoltaic solar collectors, or battery or electrical storage facilities. M. inspect spark or lightning arrestors. N. inspect or test de-icing equipment. O. conduct voltage-drop calculations. P. determine the accuracy of labeling. Q. inspect exterior lighting.

Attic, Insulation & Ventilation

I. The inspector shall inspect: A. insulation in unfinished spaces, including attics, crawlspaces and foundation areas; B. ventilation of unfinished spaces, including attics, crawlspaces and foundation areas; and C. mechanical exhaust systems in the kitchen, bathrooms and laundry area. II. The inspector shall describe: A. the type of insulation observed; and B. the approximate average depth of insulation observed at the unfinished attic floor area or roof structure. III. The inspector shall report as in need of correction: A. the general absence of insulation or ventilation in unfinished spaces. IV. The inspector is not required to: A. enter the attic or any unfinished spaces that are not readily accessible, or where entry could cause damage or, in the inspector's opinion, pose a safety hazard. B. move, touch or disturb insulation. C. move, touch or disturb vapor retarders. D. break or otherwise damage the surface finish or weather seal on or around access panels or covers. E. identify the composition or R-value of insulation material. F. activate thermostatically operated fans. G. determine the types of materials used in insulation or wrapping of pipes, ducts, jackets, boilers or wiring. H. determine the adequacy of ventilation.

Doors, Windows & Interior

I. The inspector shall inspect: A. a representative number of doors and windows by opening and closing them; B. floors, walls and ceilings; C. stairs, steps, landings, stairways and ramps; D. railings, guards and handrails; and E. garage vehicle doors and the operation of garage vehicle door openers, using normal operating controls. II. The inspector shall describe: A. a garage vehicle door as manually-operated or installed with a garage door opener. III. The inspector shall report as in need of correction: A. improper spacing between intermediate balusters, spindles and rails for steps, stairways, guards and railings; B. photo-electric safety sensors that did not operate properly; and C. any window that was obviously fogged or displayed other evidence of broken seals. IV. The inspector is not required to: A. inspect paint, wallpaper, window treatments or finish treatments. B. inspect floor coverings or carpeting. C. inspect central vacuum systems. D. inspect for safety glazing. E. inspect security systems or components. F. evaluate the fastening of islands, countertops, cabinets, sink tops or fixtures. G. move furniture, stored items, or any coverings, such as carpets or rugs, in order to inspect the concealed floor structure. H. move suspended-ceiling tiles. I. inspect or move any household appliances. J. inspect or operate equipment housed in the garage, except as otherwise noted. K. verify or certify the proper operation of any pressure-activated auto-reverse or related safety feature of a garage door. L. operate or evaluate any security bar release and opening mechanisms, whether interior or exterior, including their compliance with local, state or federal standards. M. operate any system, appliance or component that requires the use of special keys, codes, combinations or devices. N. operate or evaluate self-cleaning oven cycles, tilt guards/latches, or signal lights. O. inspect microwave ovens or test leakage from microwave ovens. P. operate or examine any sauna, steamgenerating equipment, kiln, toaster, ice maker, coffee maker, can opener, bread warmer, blender, instant hot-water dispenser, or other small, ancillary appliances or devices. Q. inspect elevators. R. inspect remote controls. S. inspect appliances. T. inspect items not permanently installed. U. discover firewall compromises. V. inspect pools, spas or fountains. W. determine the adequacy of whirlpool or spa jets, water force, or bubble effects. X. determine the structural integrity or leakage of pools or spas.

Built-in Appliances

10.1 The inspector shall inspect: F. installed ovens, ranges, surface cooking appliances, microwave ovens, dishwashing machines, and food waste grinders by using normal operating controls to activate the primary function. 10.2 The inspector is NOT required to inspect: G. installed and free-standing kitchen and laundry appliances not listed in Section 10.1.F. H. appliance thermostats including their calibration, adequacy of heating elements, self cleaning oven cycles, indicator lights, door seals, timers, clocks, timed features, and other specialized features of the appliance. I. operate, or con rm the operation of every control and feature of an inspected appliance.



Rental Properties Owned and Managed by Rob Pasquarello









ROCKCREEK BILLINGS 81 LLC



September 28, 2020

Rob Pasquarello
Moccasin Trail Properties,
38th St. West Properties, RKN

Dear Rob:

Thank you for your inquiry to the Rock Creek partnership to see if we would consider an easement for the adjacent property you intend to purchase and develop. We would consider an easement to allow usage of our drive from your entity.

We would of course need to work out an agreement that is mutually beneficial to our apartment community, Rock Creek Apartments.

Look forward to having further discussions in regards to this matter.

Sincerely,

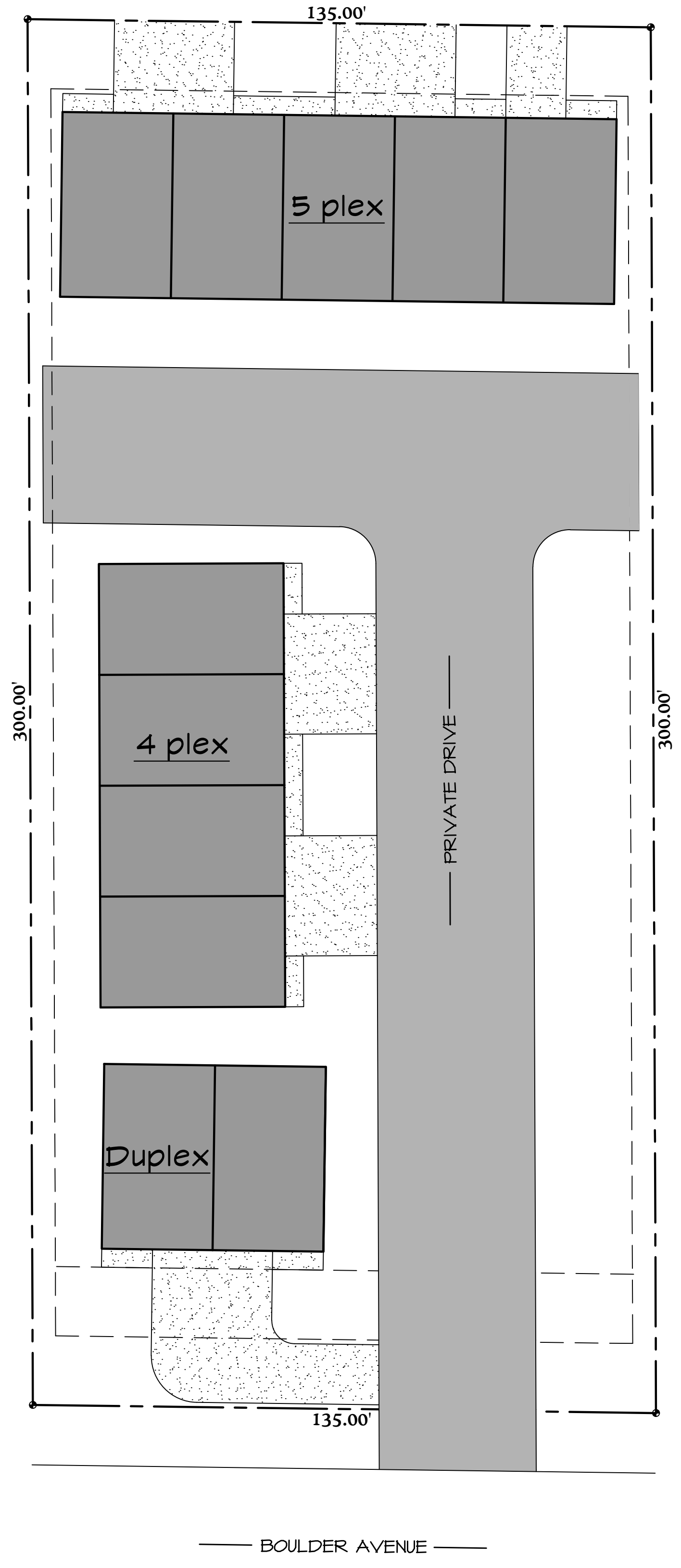
A handwritten signature in blue ink, appearing to read "Jeff Miller", written over a horizontal line.

Jeff Miller
Managing Partner

LEGAL DESCRIPTION
 EAST 1/2 OF LOT 13
 WEST 1/2 OF LOT 14
 WOLF SUBDIVISION
 40,500 S.F.

LOT COVERAGE:
 Total Lot Area: 40,500 s.f.
 Max. Lot Coverage = 55% 22,275 s.f.
 Actual Lot Coverage = 27% 11,044 s.f.

BUILDING HEIGHT:
 Max. Height = 40'-0"
 Actual Height = 27'-0"



1
A2

SITE PLAN - 9/24/20
 Scale: 1" = 20'-0"

1 1 UNITS
 .93 acres
 1 1.8 units / acre





Proposed Duplex Style

From: Dawn James <djames26@hotmail.com>
Sent: Tuesday, October 6, 2020 8:23 AM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Subject: [EXTERNAL] Zone change 985 3121-3125 Boulder Ave

To whom it may concern:

I am writing regarding the zone change. We do not support this zone change. This change will increase motorized traffic on an already busy street that does not have sidewalks and sees many kids walking to an from school and the park. Currently kids and families have to walk in the street to get to the school or park which is a major safety concern. Many single family homes already exist on this street and we don't want to have them overtaken by multi family buildings. We are not opposed to renters as long as it stays single family and due diligence is done by the landlord to have good tenets that will be good neighbors. We want to keep the neighborhood feel of our area and adding 12 units to a small street and neighborhood is not in the best interest of the community.

Sincerely,

Dawn & Ryan Morris

Sent from my iPhone

From: Baylee Eisenman <baylee.eisenman@gmail.com>
Sent: Monday, October 5, 2020 7:24 PM
To: Bartley, Robbin <bartleyr@billingsmt.gov>; Council <council@billingsmt.gov>
Subject: [EXTERNAL] Zone Change 985 at 3121-3125 Boulder Ave.

To Whom It Concern,

I'm reaching out to help protect the character of Boulder Avenue neighborhood from the increased development and housing density proposed in Zone Change 985 at 3121-3125 Boulder Avenue.

I've already signed the physical petition so please keep me informed of any additional steps needed to deny this request.

Best,

Baylee Eisenman

3110 Boulder Ave, Apt.1, Billings MT 59102

From: Beth S. [<mailto:bethany.schatzke@gmail.com>]
Sent: Monday, October 5, 2020 2:17 PM
To: Bartley, Robbin <bartleyr@billingsmt.gov>; Cromwell, Nicole <CromwellN@billingsmt.gov>

Cc: matt.schatzke@gmail.com <matt.schatzke@gmail.com>

Subject: [EXTERNAL] Comment on Zone Change 985-3121/3125 Boulder

To the Staff of the City/County Planning Division,

We are homeowners and residents on Boulder Ave and we are opposed to Zone Change 985 at 3121/3125 Boulder Ave.

The section of Boulder Ave in question is half single-family house (on the west end of the block) and a variety of multi-family units (on the east end of the block). We live in the collection of houses on the west end of the block and fear this pocket of houses will be effectively destroyed by the proposed zone change, allowing multi-family to take precedence over the entire block. We enjoy living in a mixed neighborhood, but have serious concerns about the steadily increasing density of our street. With increasing density comes more noise, more garbage, more water run-off, and much, much more and most automotive traffic. We believe this stretch of Boulder Ave is at its current capacity. We hope that you will consider our request and protect the bubble of single-family homes and the quiet, neighborliness, and community we love here.

Since we have owned our home on Boulder we have seen two lots developed with multi-family housing. We have also seen a related increase in automobile traffic on our street. It is a fairly narrow street which is heavily used for parking and by pedestrians. Increasing density is dangerous in this regard. We have no sidewalks and the street is heavily used by families because of our close proximity to Boulder Elementary. We commute to work daily by bicycle and have personally experienced an increase in safety concerns following the development of those two lots. This is a potentially dangerous situation for the residents of our street, especially if the density of our neighborhood continues to increase. We also have no gutters on Boulder Ave. This raises concerns about water run-off from paved parking lot features for the proposed new multi-family dwellings. This is a very real concern for us and our neighbors. We already experience flooding run-off from the apartments north of our property—dirty, oily parking lot water flooding our garden and lawn multiple times a year.

We have gone door to door to speak with our neighbors about this and collect signatures in protest of this proposed zone change. Not a single person who we have spoken with is in favor of this zone change. On the flipside, there are many neighbors who are concerned that this development will lead to an SID being levied on us for the installation of sidewalks and street lights that we wouldn't otherwise need. They also share our concerns about traffic, noise, and other negative impacts.

At the neighborhood meeting hosted by Mr. Pasquarello it was equally unanimous among the dozen in attendance that we want to see the current houses improved and maintained, not knocked down to make way for fourplexes. Single-family houses are an essential part of the neighborhood that we live in and value so highly.

Thank you for your time and service,

Matt and Bethany Schatzke
3133 Boulder Ave
Billings, MT 59102

From: Rob Pasquarello [<mailto:robp@rknrentals.com>]

Sent: Saturday, October 3, 2020 2:37 PM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>

Nicole,

See the e-mail in the chain below from Bruce Nelson on the 3121 and 3125 Boulder Ave houses.

Thanks,

Rob Pasquarello

Moccasin Trail Properties, 38th St. West Properties, RKN

406-591-1399

From: Brem Fellman <brem@bresnan.net>

Sent: Friday, October 2, 2020 3:23 PM

To: Rob Pasquarello <robp@rknrentals.com>

Subject: Fwd: [EXTERNAL] Zoning Change 985 at 3121-3125 Boulder Avenue

Hello Rob,

Bruce Nelson wrote the email below to share his support for the zone change. He's Edith's son and I'm not sure if his email would help us but he has a point regarding the other development in the neighborhood. Thanks & hope you have a great weekend! -Brem

Begin forwarded message:

From: "Bruce Nelson"

Subject: RE: [EXTERNAL] Zoning Change 985 at 3121-3125 Boulder Avenue

Date: October 1, 2020 at 7:14:27 AM MDT

To: "'Brem Fellman'"

Thanks Brem!

After reading the letter from Mr. Klepperich to the Zoning Commission it brings to thought that with the acknowledgement of so much development in the area related to multi-family dwellings, how can the Zoning Commission in good conscious, professionalism and an unbiased eye, turn down a request to use additional lands for purposes widely approved in the immediate vicinity. Examining the neighborhood on Google Earth coupled with on-the-ground knowledge of the area, it is quite obvious that the area bounded by 32nd street, Colton Blvd, Viola Ave, and Rehberg Lane is predominately multi-family dwellings. It is also true that 3121 and 3125 have apartment buildings and facilities at least partially adjoining the collective property on three sides. Therefore

To the argument of young families desiring access to close schools and open space, with a quite nice park and a school within ½ block of the properties, the development of this housing provides access for more families to such facilities. It may be understandable that the complainant wishes for the neighborhood to not change. It seems to me that opportunity to halt change in the neighborhood was lost long ago.

Best Regards,

Bruce

From: bpcpaint@bresnan.net [mailto:bpcpaint@bresnan.net]

Sent: Friday, October 2, 2020 2:44 PM

To: Bartley, Robbin <bartleyr@billingsmt.gov>

Subject: [EXTERNAL] City Zone Change 985/PZ-20-00203

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.

City Zoning Commission Members,

We are providing our concerns in regard to the request for a zone change to the Wolf Subdivision.

We feel there are serious issues to be considered with this potential change.

1. These two blocks of Boulder were neglected (by the city road division) for the past 27 years that we've lived on it. There is huge traffic congestion during school and spring Park activity. Add the traffic from the apartments and homes-the roadway (street) is not adequate to service what we have now! Often times the road is one lane access, due to traffic, and it isn't safe for the children who walk to school.

2. The street isn't wide enough for 2 side walks, so another mark against safety for the children.

3. Place 2 vehicles per apartment add that to the road cluster- another safety issue!

4. We feel the current population of apartments to single family dwellings is balanced for the size of the roadway.

5. We are concerned that more apartments will de-value our properties!

Please consider the issues before giving in to additional multifamily apartment expansion of this area.

We feel that we currently have a manageable balance between single family & multifamily homes in the area given street, school, and park activity that is now serviced.

Thank you,

Jack (406-692-9260) & Pam Kuntz

3139 Boulder Ave

ppkpk50@hotmail.com

From: Michael Klepperich [<mailto:mklepperich@gmail.com>]
Sent: Friday, September 25, 2020 8:04 AM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Subject: [EXTERNAL] Zoning Change 985 at 3121-3125 Boulder Avenue

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.

To the Billings Zoning Commission:

I currently own the property located at 3111 Boulder Avenue. It is my understanding that a request has been made to change the zoning to my immediate west. I am writing to inform you that I oppose the zoning change.

As it stands now, there are townhouses/condos located to my direct south and apartments to the immediate east of those townhouses/condos. Additionally a parcel three properties to my east are apartments. This property line is shaped as an "L" and runs directly north of my property, behind the fence in my backyard. Moreover, there are additional apartments located four properties to my east.

I do not believe an additional apartment complex to my immediate west is necessary, advisable, or desirable in the community.

First, authorizing apartments in this location would effectively isolate myself and my two neighbors to the east as the sole single-family residences completely surrounded by apartments and/or condos. This is not a desirable position for myself or my neighbors.

Second, I drive past the apartments currently in existence every day and see "for rent" signs out front. It appears there is not a need for additional apartments in the immediate area because the apartments in existence are adequate to support the demand for residences.

Third, Boulder Elementary school is less than 100 yards from the proposed rezoning. I believe constructing additional apartments would increase traffic near the elementary school and could create a safety hazard to the children attending school. The traffic is also not desirable on Boulder Avenue which is a small, unmarked road. Increasing traffic may require a widening of the road which could only be accomplished through eminent domain.

I firmly believe that these houses should remain single-family residences and are desirable as such. With the homes so close to an elementary school, they are perfect starter homes for first-time home buyers with young children. After living in apartments the previous several years, I am fully aware of the desire for a larger space and a lawn. I am also acutely aware of the demand for these homes. My home buying process was difficult because properties in the price range supported by the neighborhood are in such high demand. I would hate to see these opportunities diminish even more-so than they already have. I respectfully request that you strongly consider my opposition and ultimately deny the zoning change request.

Most sincerely,

Michael J. Klepperich
3111 Boulder Avenue
Billings, MT 59102

ORDINANCE 20-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION ON THE EAST
½ OF LOT 13 & THE WEST ½ OF LOT 14, WOLF
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. **THE EAST ½ OF LOT 13 & THE WEST ½ OF LOT 14, WOLF SUBDIVISION,** is presently zoned **RESIDENTIAL 6,000 (R-60)** 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 **THE EAST ½ OF LOT 13 & THE WEST ½ OF LOT 14, WOLF SUBDIVISION,** is hereby changed from **RESIDENTIAL 6,000 (R-60)** to **RESIDENTIAL MULTI-FAMILY-RESTRICTED (RMF-R)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **RESIDENTIAL MULTI-FAMILY-RESTRICTED (RMF-R)** 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 26th day of October, 2020.

PASSED, ADOPTED and APPROVED on second reading this 9th day of November, 2020.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 985 – 3121 & 3125 Boulder Avenue

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Zone Change 986 - Planned Development Amendment - Cardwell Ranch
- Public Hearing and 1st reading

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services

Division: Planning

RECOMMENDATION

The City Zoning Commission recommends approval and adoption of the findings of the ten criteria for Zone Change 986 on a 4-0-1 vote.

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

This is a zone change request to amend the existing Planned Development (PD) zone for Cardwell Ranch on Zimmerman Trail and Grand Avenue. The intent of the amendment is to expand the existing Planning Area 2 to include Lot 15A, Block 2 and to remove the additional special review uses from the list of allowed uses within Planning Area 1 and Area 2.

When the PD document was originally drafted over 12 years ago, the owner wanted to ensure that most of the land would develop for commercial uses and limited the potential multi-family development to just one area. Cardwell Ranch has two significant developments in the past decade - the Frontier Cancer Center and the City Brew/City Vineyard directly west of the Cancer Center. The owner now wants to open up the development possibilities on the property to allow more area for potential multi-family or mixed use developments, and remove the additional special reviews originally written into the zoning. The underlying zoning of CC would still govern when a special review would be triggered for a new development - e.g. restaurants with alcohol service, but the PD would not require any additional special reviews beyond the standard CC zone district. All other provisions in the existing PD would remain in place and the owner will retain site development approval in addition to any permits issued by the city.

The subject property is in a developing commercial node on Grand Avenue and Zimmerman Trail, two principal arterial streets. Both Grand Avenue and Zimmerman Trail handle an average of over 15,000 vehicle trips per day. Arterial streets are intended to handle this amount of traffic. The city intends to install a traffic signal at Grand Avenue and 32nd Street West in the near future and this should help with some of the turning movements from local streets on to Grand Avenue. Currently, Grand has traffic signals at Zimmerman Trail (34th St. W.), Rehberg Lane (30th St. W.) and 24th Street West.

Planning staff has reviewed the application, conducted the Preliminary Review Meeting with the applicant, staff and surrounding owners, and is recommending approval based on the findings of the 10 review criteria. A surrounding owner at 2942 Grand Avenue, Cynthia Del Priori, attended the Preliminary review meeting to discuss the specifics of the PD amendments. She expressed concern with the potential for further school traffic conflicts (Lot 15A), and buildings that might be out of scale or not in the same character or style of the neighborhood. Mr. Yegen stated there is no prospective buyer at this time, and all covenants and restrictions are staying in place and will be enforced by the Yegen family as developments are proposed. Mr. Yegen stated the

intent was not to build out of character with the area and it was his hope the new traffic signal would also help out with the school traffic. The owner would like to allow uses without the additional burden of a special review, when those uses appear to fit well with the other intended uses in the PD. For example, the existing PD now requires a special review for churches, a car wash, or auto parts store although these uses are all allowed uses within the underlying CC zone district. This has placed this property at a disadvantage compared to other property in the area.

The current PD only allows multi-family uses by special review approval in Planning Area 2, and by right in Planning Area 3. The size and location of these lots limits the market for these uses in the Cardwell Ranch PD. The proposed change would allow multi-family or mixed use projects by right in Planning Area 2, expand Planning Area 2 to include Lot 15A, and remove the extraneous special review designated uses. This zone change is supported by the 2001 West Billings Neighborhood Plan, the 2016 Growth Policy and the 2011 City Infill Policy. The change will increase the opportunity for development on these annexed parcels of land.

Before making its decision of the zone change request the City Council shall consider the recommendations of the Zoning Commission:

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 and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed zone change is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed adjustments to the PD-CC zone is compatible with goals of the West Billings Neighborhood Plan. The proposed amendment will accommodate uses that are compatible in a mixed-use environment and will fulfill a growing market for more housing choices in Billings including apartments and townhomes. The proposed development will also have good access to outdoor activities and is in close proximity to commercial centers and transportation options.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- 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
- 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
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Implementation of the Infill Policy is important to encourage development of underutilized properties

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
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed change to the PD agreement will expand the area allowed for multi-family development and even mixed-uses where neighborhood service businesses are paired with apartments without the added regulatory burden of a special review process. In the commercial zone districts in Billings, multi-family uses are allowed by right. The special review requirement in this PD zone puts this property at a market disadvantage compared to surrounding property.

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 proposed amendment will allow Planning Area 2 to be expanded to include Lot 15A, and remove the additional special review requirements from the list of uses. The general welfare will be promoted by allowing development of land already annexed to the city with all services available. The proposed changes will be compatible with the adjacent residential and planned commercial uses.

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

Transportation: The proposed amendment will not have a measurable effect on the transportation system. The city has reviewed a traffic study for the entire subdivision and proposed uses. The developer will be implementing the required mitigation and traffic improvements stipulated by engineering. All of the infrastructure for a new traffic signal at 32nd St W and Grand Avenue was installed underground when Cardwell Ranch Subdivision was approved. A change from all commercial to multi-family should actually reduce the predicted number of vehicle trips to and from the property. reduce the predicted number of vehicle trips to and from the property.

Water and Sewer: The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools may be effected by the proposed amendment but no specific comments were received from School District #2. Allowing additional residential uses will likely increase the future student population for attendance in School District #2.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

The traffic study was prepared by the applicant for the city when the subdivision was approved. The developer has implemented the recommendations of the study. Non-motorized travel – walking and biking – is an essential part of the circulation plan both within the proposed development and connecting to adjacent areas including Zimmerman Trail, Broadwater Avenue and the Shiloh Rd bikepath. The PD Agreement has specific requirements in Articles VI and VII regarding landscaping and parks for Cardwell Ranch developments. These include parking lot landscaping, parking lot interior landscaping, screening of mechanical equipment and development of plazas, parks, trails and parkways within the subdivision. City streets, sidewalks and a traffic circle are already installed for Lot 15A, and will be installed when Lot 4A is developed.

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

The new zoning does promote compatible urban growth in this area. The proposed amendment will allow more residential uses within the Cardwell Ranch subdivision and will help support additional commercial businesses in the subdivision.

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. This area between Grand and Broadwater is an area undergoing growth and development. The proposed amendment will allow this area to support additional businesses and jobs close to where people live. The property is suitable for the proposed use given its location in the area.

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

The property is currently undeveloped. Approval of the zone change will provide more certainty to surrounding land owners and may help to stabilize property values of adjacent buildings.

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

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

STAKEHOLDERS

The Zoning Commission conducted a public hearing on October 6, 2020, and received the staff recommendation, testimony from the applicant, Charles G. Yegen, and a surrounding property owner, Cynthia Del Priori of 2942 Belvedere.

Commission member Dan Brooks asked Planning staff to clarify the proposed zone change was to remove self-imposed special review requirements and to place one additional lot in an area that could have multi-family or mixed use development. Planning staff stated this was correct and the number or types of uses was not changing, just eliminating the self-imposed review requirements. The underlying zoning of CC or NC might still require a special review for a particular use, but no additional uses.

Charles Yegen presented testimony in favor of the requested amendment to the PD agreement. He stated the idea for Cardwell Ranch changing from farming to new neighborhoods in the city was inspired by the land agreement with the City in 2004 for the extension of Zimmerman Trail south of the Grand Avenue. This divided a portion of the Yegen Grand Avenue Farm and really

made it impossible to keep farming the eastern portion of the property. The PD was carefully considered with an eye towards past generations and future value for Billings. Mr. Yegen stated his great grandfather purchased the Grand Avenue farm in 1889 and it has been in the family ever since. The family wants to leave a lasting legacy once the farming is complete and new neighborhoods are created. All the existing requirements for landscaping, trails and amenities will stay in place in the PD. The Yegen family will also keep its CC&Rs intact for the the subdivision and will privately enforce those design requirements. Mr. Yegen stated some may consider this in-fill but it really is an addition to the city.

Cynthia Del Priori of 2942 Belvedere stated she was opposed to the plan to eliminate the special review requirement for multi-family developments and was opposed to allowing multi-family on Lot 15A. She submitted a letter opposing the change signed by several neighbors in the Oakland Subdivision east of the Cardwell Ranch Subdivision. She stated she was concerned about existing traffic patterns with the school and church having to use un-signalized intersections on Grand Avenue. She stated she was skeptical that existing traffic would use Meadow View Drive to go to the proposed signal at Grand Avenue and 32nd St West and did not believe this was an acceptable response to the existing traffic issues in the neighborhood.

The Zoning Commission closed the public hearing. Commission member Greg McCall stated he was recusing himself from voting since he has had discussions with Mr. Yegen in the past concerning the subdivision and development concepts. On a motion by Jack King and seconded by Dan Brooks, the Zoning Commission is recommending approval and adoption of the findings of the ten criteria for Zone Change 986 on a 4-0-1 vote. Commissioner McCall abstained.

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.

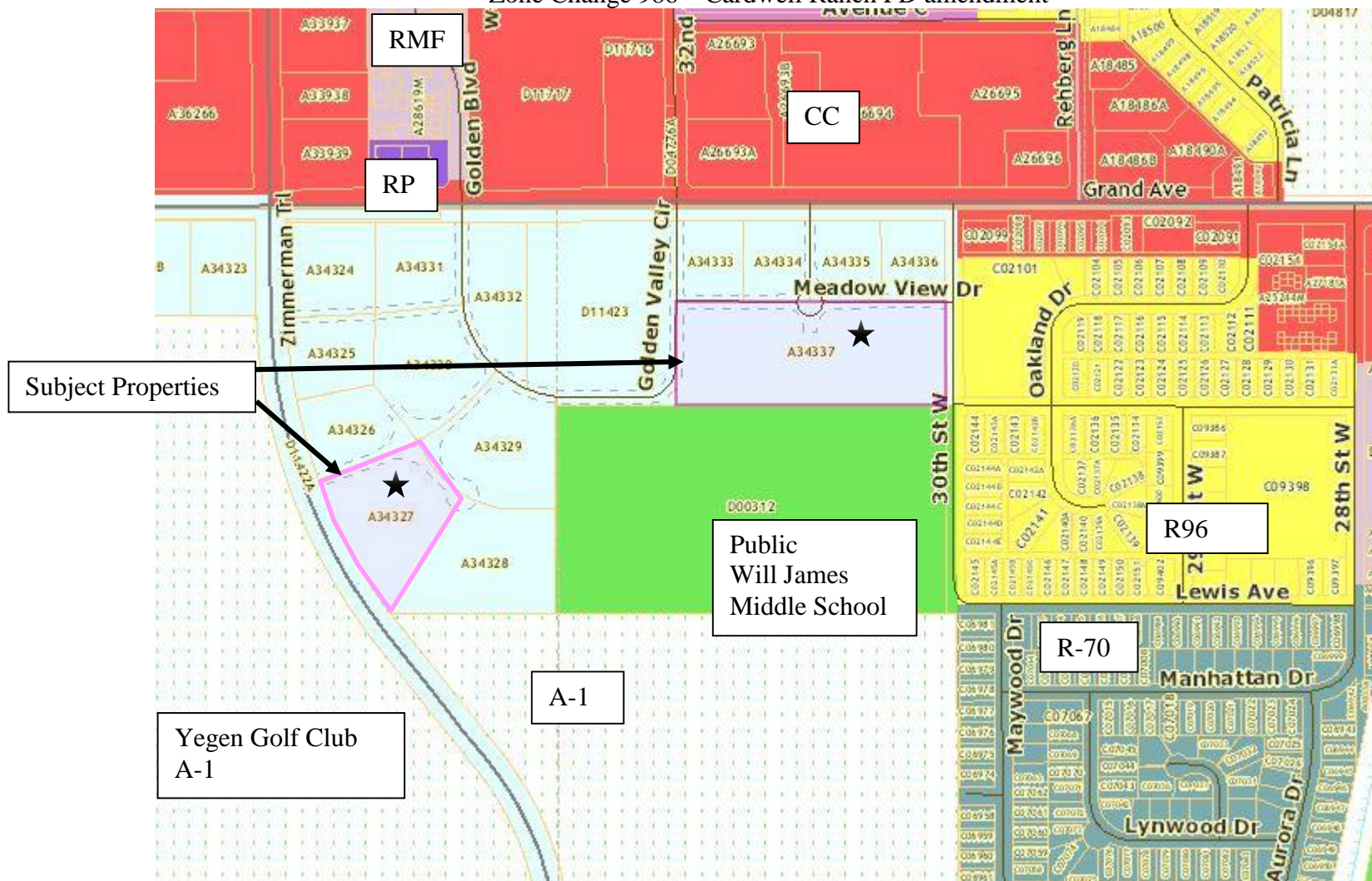
FISCAL EFFECTS

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

Attachments

Zoning Map and Site Photos
Application and Materials
Letter of Opposition
Ordinance ZC 986

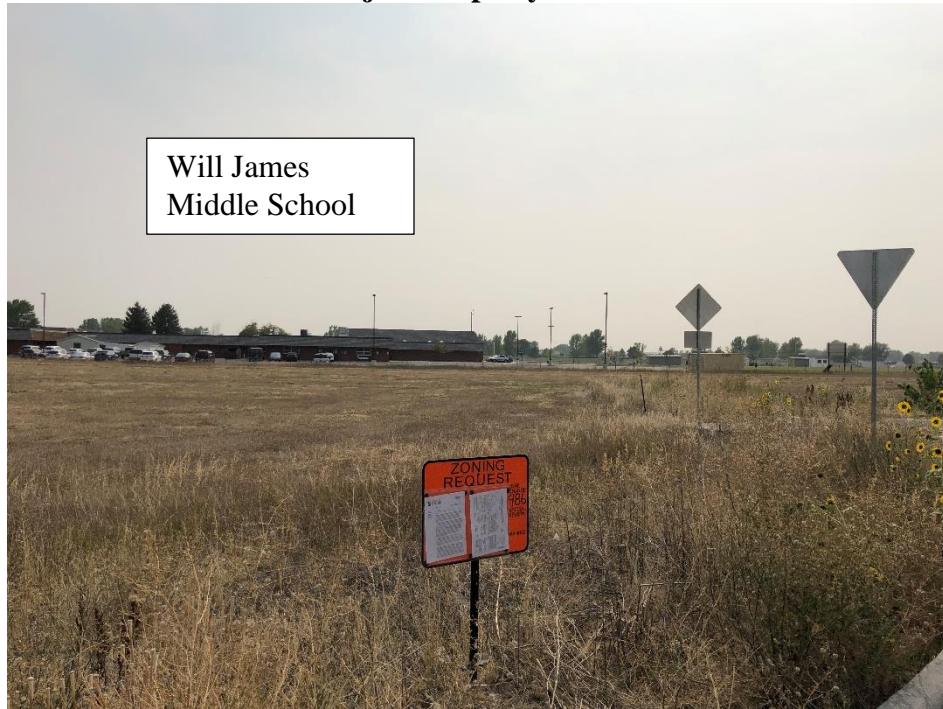
Surrounding Zoning
Zone Change 986 – Cardwell Ranch PD amendment





Subject Properties

Subject Property Photos



Will James
Middle School

Subject Property – Lot 15A



Latter Day Saints
Church

View east along Meadow View Dr



View south and west across Lot 15A



View west along Meadow View Dr



View north to Grand Avenue from Meadow View Dr



View north east from Zimmerman Trail – Lot 4A

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 980 - Project # P2-20-00209

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: PDA - Community Commercial

Proposed Zoning: PDA - text change allowing for multi-family w/o special review

TAX ID# 4A - A34327 15A A34327 CITY ELECTION WARD # 4

Legal Description of Property: Cardwell Ranch Sub 1st Filing (10) S01, T01S, R25E, Block 2, Lot 4A Amd (18)
Cardwell Ranch Sub 1st Filing (10) S01, T01S, R25E, Block 2 Lot 15A Amd (18)

Address or General Location (If unknown, contact City Engineering): 3340 Sagegrass Dr # 1310 30th St W

Size of Parcel (Area & Dimensions): 4A - 3.167 Acres Roughly 15A 6,884 ACRES approx 890' x 340'

Present Land-Use: unzoned - Community Commercial

Proposed Land-Use: " Multi-family, Community Commercial

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

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

Owner(s): Yegen Grand Avenue Farm, Inc

(Recorded Owner)

(Address) P.O. Box 959, Billings, MT 59103

(Phone Number) 406-252-0103 (email) chase@pyegen.com

Agent(s): Charles G. Yegen - President

(Name)

(Address) P.O. Box 959, Billings, MT 59103

(Phone Number) 406-252-0103 ext 108 (email) chase@pyegen.com

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: [Signature] Date: 9-8-2020

(Recorded Owner)



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:** PDA - Community Commercial
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: text change - Planning Area 2 to permit Multi Family w/ Special Review Lot 4A 3.167AC, More Lot 15A 6.984 Acres, From Planning Area 1 (CC) to Planning Area 2.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Cardwell Ranch Sub 1st Filing (10) 501, T01S, R25E, Block 2, Lot 4A Amd (18)
Cardwell Ranch Sub 1st Filing (10) 501, T01S, R25E, Block 2, Lot 15A, Amd (18)
5. **Neighborhood Task Force Area:** Yes // No . If Yes, Name of Task Force and mailing address of Chairperson: WESTFIELD TF; Howard Holz, 1120 Black Berry Way, Billings, MT 59106
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form Attached
7. **A copy of the meeting notice.** please attach to this form Attached
8. **A brief synopsis of the meeting results.** please attach to this form Attached
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 1st, day of September, 2020.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Yegen Grand Ave Farm, Inc Telephone: 406-252-0163
Address: P.O. Box 459 Email: chas@pyegen.com
Billings, MT 59103

Agent (s): Charles G. Yegen Telephone: 406-252-0163 ext 108
Address: P.O. Box 459 Email: chas@pyegen.com
Billings, MT 59103

September 8, 2020

Zone Change Request

As a farm in west Billings since the spring of 1889, maintaining an attractive and productive agricultural unit has been a top priority for us.

Over the years it has become increasingly difficult to move equipment and livestock about the place with increased traffic and divisions of the farm as a result of additional community needs to provide safety to the motoring public.

Having now been divided by Zimmerman Trail we decided that the continuation of farming operations amidst the increased traffic flow was difficult and dangerous and that it was time to consider the subdivision and development of the operation to reduce the risk to ourselves and our fellow citizens. We took that first step in the early 2000's.

As we wanted to not have the property run the risk of what we may consider to be development not indicative of our long standing stewardship of the land, we took it upon ourselves to create a detailed and far reaching Planned Development Agreement with the City of Billings. In that effort we restricted a number types of development or sequestered different types of development into different areas. That is where we find ourselves today with this request to amend our PDA.

This effort does not represent a diminution of the established, highly specific, design, architectural and landscaping guidelines, or the oversight thereof, that have been established. Rather, we feel, this will afford us additional opportunities that have come to bear on the current real estate market, to responsibly develop the land.

Considerable time was spent on layout so as to encourage pet ownership, bicycle and pedestrian activities, pleasant landscaping of various types with specific intent related to shielding and safety. We have also been quite specific about lighting and maintenance.

We do feel as though we have a responsibility to Billings and the surrounds areas and as a result our guidelines reflect that desire.

We intend to continue to be good neighbors and support schools, and first responders in any way we can. They have been so important to us in all of our efforts to make Billings and even better place than it now is.

Your time in reviewing this application to our PDA is appreciated.

Sincerely,



Synapsis of Neighborhood Meeting

September 1, 2020, 6:00 PM

Meeting was held at 3100 Meadowview Drive

Handouts of Meeting Notice were available

Visual Aids of requested changes were on site

Discussion of the notice and intent were given to attendees

Questions regarding access were discussed with attendees

Meeting was adjourned

9-1-2020

EBO @ Cardwell Ranch Neighborhood meeting begin 4:00 PM

Charlie Yegen

Jerry Mueller

~~PC Yegen~~
~~Kathy W.~~
~~John J.~~

End 6:35 PM

—

August 25, 2020

Zone Change Pre-Application Neighborhood Meeting Announcement

Date: September 1, 2020

Time: 6PM

Location: 3100 Meadow View Drive (at the round-a-bout)

Regarding: 1. Block 2, Lot 4A, Cardwell Ranch Subdivision 1st Filing, 3340 Sagegrass Dr., and
2. Block 2, Lot 15A, Cardwell Ranch Subdivision 1st Filing, 1310 30th St. W

For the purpose of amending,

Planned Development Agreement of the East 80 at Cardwell Ranch

Yellowstone County Document 3484266 Filed October 24, 2008

Pages 4, 5, 6, 7 & 8 (attached)

Proposed amendments;

Article IV; Permitted Uses in Planning Area 1 and Planning Area 2 (Community Commercial)

1. Remove Lot 15A from Planning Area 1 (IV, B, page 4)
2. Place Lot 15A into Planning Area 2 to allow Multi-Family Development (IV,B, pages 4&5)
3. Remove requirement for Special Review Approval in Planning Area 2 (IV, B, page 5)
4. Remove D, Special Review Procedure and Criteria in its entirety. (IV, D, page 7&8)

The purpose for this request is to provide opportunities for additional multi-family development and increase marketing possibilities by the owner, Yegen Grand Avenue Farm, Inc., while still conforming with the Planned Development Agreement mentioned above. The real estate market in Billings has changed, considerably, since 2008, and changes sought will provide opportunities to react thereto.

Enclosed please find;

1. Cover Page and Pages 4-8 of the Planned Development Agreement for East 80 at Cardwell Ranch.
2. Area maps for lot 4A and 15A showing;
 - a. 300' ownership
 - b. Dimensions
 - c. Acreage
 - d. location

We would like to thank you for your comments and input on these proposed changes.

This will be an out of doors meeting to allow for proper social distancing yet still allow an opportunity for all concerned voices to be heard.

Thanks very much for you time and for being such good neighbors.

Sincerely,



Charlie Yegen

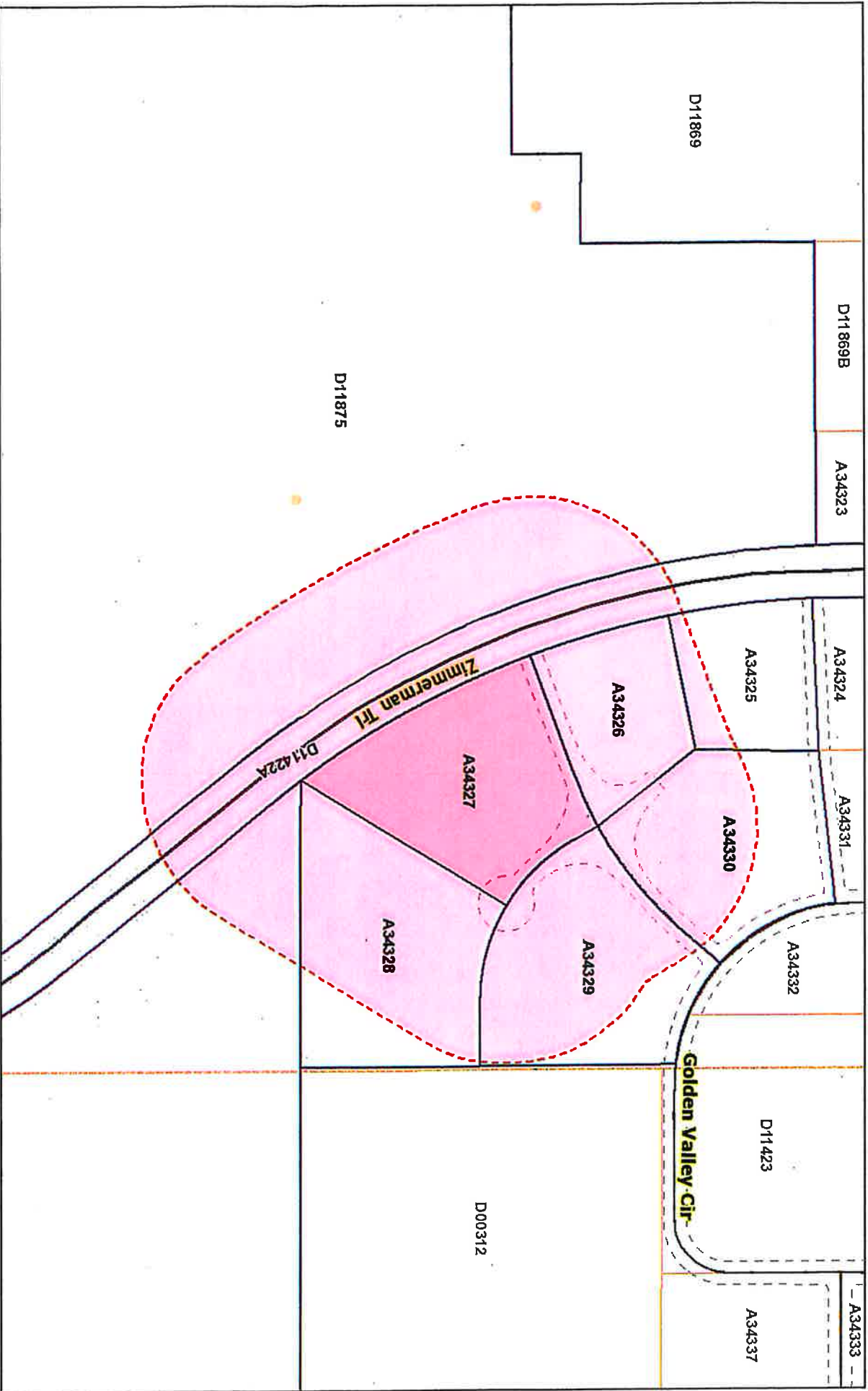
President, Yegen Grand Avenue Farm, Inc.

P.O. Box 959

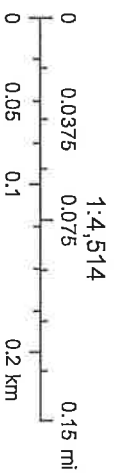
Billings, MT 59103

406-252-0163 ext. 108

Lot 4A Block 2 Cardwell Ranch PD Zone Change



July 24, 2020

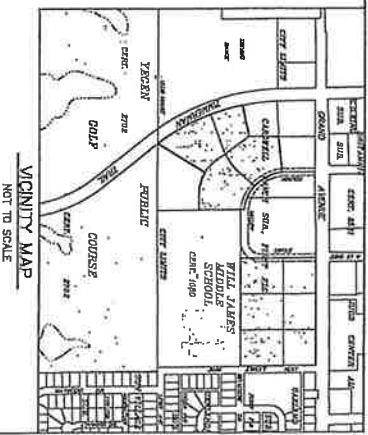
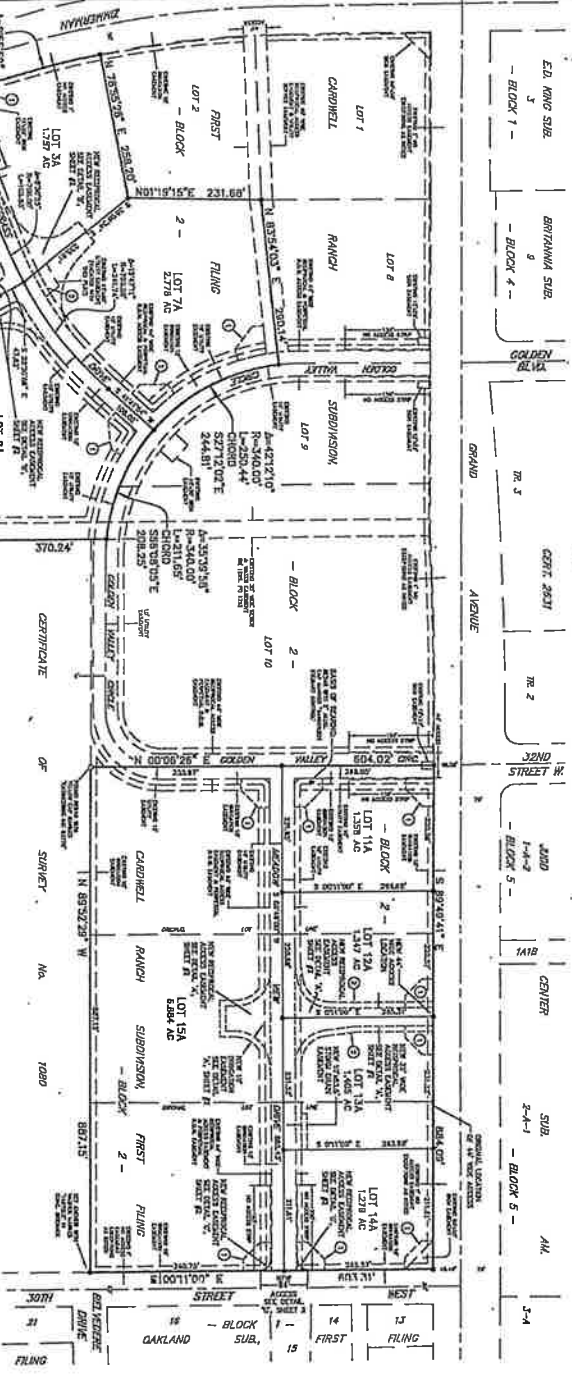


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

AMENDED PLAT OF LOTS 3, 4, 6, 7, 11, 12, 13, 14, 15 & 16, BLOCK 2.
CARDWELL RANCH SUBDIVISION, FIRST FILING
 SITUATED IN THE NW1/4 OF SECTION 1 & THE NE1/4 OF SECTION 2, T. 1 S., R. 25 E., P.M.M.,
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : YEGEN GRAND AVENUE FARM, INC.
 PREPARED BY : SANDERSON STEWART

AUGUST, 2017
 BILLINGS, MONTANA



THIS PLAT HAS BEEN PREPARED TO (1) AGGREGATE ADJACENT PARCELS (2) RELOCATE THE BOUNDARY LINES OF ADJACENT PARCELS, (3) RELOCATE AN EXISTING ACCESS ON GRAND AVENUE, (4) REVERSE AN EXISTING ACCESS ON 3RD STREET WEST, (5) CREATE ADDITIONAL RECIPROCAL ACCESS EASEMENTS AND (6) & REVERSE IRRIGATION & UTILITY EASEMENTS. NO ADDITIONAL LOTS ARE BEING CREATED WITH THIS PLAT.

LANDOWNERS STATEMENT: AGREEMENT OF LOTS BOUNDARY LINE RELOCATION, & ACCESS RELOCATION

The undersigned hereby certify that the purpose of this agreement is to aggregate and relocate the boundary lines of adjacent parcels and to reverse an existing access on Grand Avenue, to reverse an existing access on 3rd Street West, to create additional reciprocal access easements and to reverse irrigation and utility easements. No additional lots are being created with this plat. The undersigned hereby certify that the purpose of this agreement is to aggregate and relocate the boundary lines of adjacent parcels and to reverse an existing access on Grand Avenue, to reverse an existing access on 3rd Street West, to create additional reciprocal access easements and to reverse irrigation and utility easements. No additional lots are being created with this plat.

YEGEN GRAND AVENUE FARM, INC.
 By: *[Signature]* Title: *[Title]*

CITY OF BILLINGS, MONTANA
 By: *[Signature]* Title: *[Title]*

COUNTY OF YELLOWSTONE
 By: *[Signature]* Title: *[Title]*

CERTIFICATE OF COUNTY TREASURER
 County of Yellowstone }
 State of Montana }

CERTIFICATE OF CITY ATTORNEY
 This document has been reviewed by the City Attorney's office and is acceptable as to form.
 Date: *[Date]*
 Forwarded by: *[Signature]*

CERTIFICATE OF COUNTY TREASURER
 County of Yellowstone }
 State of Montana }

CERTIFICATE OF SURVEYOR
 State of Montana }
 County of Yellowstone }

NEW SIGN
 EASEMENT DETAIL
 NOT TO SCALE

EASEMENT VOUCHER
 Document No. **383108617**
 RECIPIENT ACCESS EASEMENT
 Document No. **38368668**



SHEET 1 OF 2
 11/17/17 208

September 8, 2020

Zone Change Pre-Application Meeting Affirmation

City of Billings Zone Change

Property Address

1. 3340 Sagegrass Drive, Billings, MT 59102
2. 1310 30th St. W., Billings, MT 59102

Legal Description;

1. Cardwell Ranch Sub 1st Filing (10), S01, T01S, R25E, Block 2, Lot 4A Amd (18)
2. Cardwell Ranch Sub 1st Filing (10, S01, To1S, R25E, Block 2, Lot 15A Amd (18)

Present Zoning; Planned Development Agreement, Community Commercial

Proposed Zoning; Planned Development Agreement, Community Commercial, text change allowing Planning Area 2 to Permit Multi-Family WITHOUT Special Review, Lot 4A, Planning Area 2, to provide for Multi-family uses without Special Review and to move Lot 15A from Planning Area 1, Community Commercial with no Multi-Family uses, to Planning Area 2, permitted Multi-Family use without Special Review.

Neighborhood Task Force; West End Task Force

Chairman; Howard Holz, 1120 Black Berry Way, Billings, MT 59106

Statement;

For the purpose of amending Planned Development Agreement for the East 80 at Cardwell Ranch Yellowstone County document 3484266, filed 10-24-2008, pages 4,5,6,7 & 8

Article IV; Permitted uses in Planning Area 1 and Planning Area 2 (Community Commercial)

1. Remove Lot 15A from Planning Area 1
 2. Place Lot 15A into Planning Area 2 to allow for Muti-Family development
 3. Remove requirement for Special Review Approval in Planning Area 2
 4. Remove Section D, Special Review Procedure and Criteria in its entirety
- Lot 4A is comprised of 3.167 Acres, Lot 15A comprised of 6.884 Acres, Total 10.051 Acres

Subject Property Map; attached in Plat form

Roster of Persons who attended pre-application neighborhood meeting;

1. Charles G. Yegen
2. Jerry Mueller
3. Peter Charles Yegen
4. Peter Yegen IV

Meeting Notice; attached

Synopsis of Meeting;

Called to order, 9-1-2020 at 3100 Meadow View Dr., at 6:10 PM by Charles G. Yegen.

- a. Meeting notices were available, 17"x24" illustrations were posted.
- b. Discussion of notice and intent thereof; to provide additional marketing opportunities for Yegen Grand Avenue Farm Inc., by allowing for Multi-Family development without Special Review.
- c. Question regarding access by Mr. Mueller. Mention was made of west side of Golden Valley Circle, RIRO, across from Golden Blvd, Full access at Golden Valley Circle at Grand and 32nd, and at Grand and 30th St W, RIRO between Golden Valley and 30th St W, and eventual development of Sagegrass Drive to Zimmerman Trail. The concern had to do with school oriented traffic in the morning and the evening and those concerns and access discussion answered Mr. Mueller's concerns.
- d. The meeting was adjourned at 6:35 PM.

Affirmation

- a. The pre-application meeting was held on September 1, 2020, based upon materials provided by mail to all names provided by MT DOR and certified by the Yellowstone County and Recorder
 1. Recorded Owner; Yegen Grand Avenue Farm, Inc.
 2. Owner's address; P.O. Box 959, Billings, MT 59103
 3. Owner's phone; 406-252-0163 E-mail Chas@pyegen.com
 4. Applicant; Charles G. Yegen, President YGAF
 5. Applicant's address; P.O. Box 959, Billings, MT 59103
 6. Applicant's phone; 406-252-0163 E-mail chas@pyegen.com
 7. Date 9-8-2020

September 22, 2020

RE: City Zone Change 986

Project number: PZ-20-00207

Property Address: 1310 30th St W, Billings, MT 59102

Legal Address: Cardwell Ranch Sub 1st Filing (10,S01,To1S, R25E, Block 2, Lot 15A Amd (18))

Dear Nicole Cromwell,

The neighbors of the above property are opposed to the zone change request which is set for public hearing on Tuesday October 6, 2020.

We respectfully ask for no zoning change on this property. Our concerns include the following:

1. The increase in traffic would block emergency vehicles to enter or exit the neighborhood during times when schools are in session and during sporting events. Currently when buses and cars are loading and unloading students it is extremely challenging to access our property. There are First Student Buses as well as City Metro buses that transport the students to and from school. Safety of the students is a concern with the increase in traffic from additional Multifamily residences as there are several students that walk to school.
2. Insufficient road infrastructure-Nearby intersections simply cannot handle the dramatic increase in traffic that will occur if the rezoning is permitted. There is not a direct route to Broadwater without winding through the neighborhood.
3. Our property values would decrease.
4. Multifamily apartments are large in size and are not appropriate for the neighborhood as the homes, schools, and churches in the neighborhood are at the most 2 stories high.

5 Enough parking for all complexes? Parking on 30th?

6 Sidewalks on one side of Street through neighborhood

Petition - City Zone Change 986

Vote NO for Zone Change 986

Stop the Muliti - Family with No Review

At 1310 30th street

Project Number PZ-20-00207

Linaf Cheha 2940 Lewis ave 59102

Jacob Langford 915 Maywood Dr 59102

Jane Montoya 2946 BELVEDERE 59102

Sharon Blatte SAME

L Blake Goulding 1204 Oakland Dr 59102

Brenda Smith 1304 Oakland Dr 59102

MH Perry 2942 Belvedere 59102

Cynthia Del Priore 2942 Belvedere 59102

Petition –City Zone Change 986

Vote NO for Zone Change 986

Stop the Muliti – Family with No Review

At 1310 30th street

Project Number PZ-20-00207

Signature	Address
Jerry Mueller	1222 Oakland Dr
Angela Ivory	1201 Oakland Dr.
David Johnson	1201 Oakland Dr
Craig Wells	1202 Oakland Dr.
[Signature]	1211 OAKLAND DR
[Signature]	1214 oakland Dr
[Signature]	1218 Oakland Dr
Kay W. [Signature]	2910 Belvedere Dr.
Mark [Signature]	2926 Belvedere Dr.
Rebecca Adams	2914 Oakland Dr.
[Signature]	2938 Belvedere
Jana Schmitt	2915 Oakland Dr.

Petition –City Zone Change 986

Vote NO for Zone Change 986

Stop the Muliti – Family with No Review

At 1310 30th street

Project Number PZ-20-00207

Gene A Merkal 2829 Vermillion

Alicia Ruiz 2923 Oakland Dr.

Rob [unclear] 3856 Oakland Dr.

Jerry & Darlene Walker 2859 Oakland

ORDINANCE 20-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE PLANNED DEVELOPMENT
AGREEMENT FOR CARDWELL RANCH 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. **LOT 15A OF BLOCK 2 CARDWELL RANCH SUBDIVISION GENERALLY LOCATED at 1310 30th ST West** is presently zoned **Planned Development with underlying zoning of Community Commercial (PD-CC)** and in **Planning Area 1 of the Master Plan** and **Lot 4A, BLOCK 2 CARDWELL RANCH SUBDIVISION** is presently zoned **Planned Development with underlying zoning of Community Commercial (PD-CC)** and in **Planning Area 2 of the Master Plan** and are shown on the official zoning map within this zone.

Section 3. PLANNED DEVELOPMENT AMENDMENT. The official **Planned Development** on file in the office of the City Clerk under Ordinance 08-5480 and recorded with the County Clerk and Recorder under Doc. No. 3484266 is hereby amended as shown in **Exhibit A by placing Lot 15A, Block 2 Cardwell Ranch Subdivision in the PD-CC zone, Planning Area 2, and amending the language in Article IV to eliminate the additional special review requirements from list of uses** 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 26th day of October, 2020.

PASSED, ADOPTED and APPROVED on second reading this 9th day of November, 2020.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 986 – Cardwell Ranch PD Amendment

EXHIBIT A

After Recording Return to:
Yegen Grand Avenue Farm, Inc.
Charles G. Yegen
P.O. Box 959
Billings, MT 59103

Planned Development Agreement Amendment to **The East 80 At Cardwell Ranch (PD)**

THIS MODIFIED AGREEMENT is made and entered into this _____ day of _____, 2020, by and between Yegen Grand Avenue Farm, Inc., a Montana limited liability company, of P.O. Box 959 , Billings, MT 59101, hereinafter referred to as the “Owner” and the **City of Billings**, Montana, hereinafter referred to as the “City”.

RECITALS:

WHEREAS, the Owner owns the property described as Cardwell Ranch Subdivision, 1st Filing.

WHEREAS, the property is currently zoned Planned Development (PD) with an underlying zone districts of Community Commercial (CC), and Residential Multi-family (RMF).

WHEREAS, the Planned Development agreement places each lot into a Planning Area corresponding to the above underlying zone districts.

WHEREAS, the Owner desires to amend the Planning Area designation of Lot 15A, Block 2

WHEREAS, the owner desires to amend the language of the Agreement to remove certain review requirements for allowed uses.

THEREFORE, the undersigned hereby modify Article IV and the Planning Area Map and incorporate these changes into the existing PD Agreement. All modified requirements set forth in Article IV below and the existing unmodified Articles of the PD Agreement shall apply to all of the real estate described hereinabove, shall bind all of the present and future property owners to such real estate, and shall run with the land.

MODIFIED AGREEMENT

Article IV. REGULATION OF USES ACCORDING TO PLANNING AREA

B. Permitted Uses in Planning Area 1 and Planning Area 2 (Community Commercial). The uses listed below are permitted in Planning Area 1 of The East 80 at Cardwell Ranch. Planning Area 1 shall consist of Lots 1 and 2 of Block 1, and Lots 1, 2, 3A, 7A, 8, 9, 10, 11A, 12A, 13A, and 14A of Block 2 as amended. These uses, which are generally commercial in nature, are also permitted

in Planning Area 2. Planning Area 2 shall consist of Lot 4A and Lot 15A of Block 2. Multi-family uses are only allowed in Planning Area 2. No uses are permitted other than those specifically listed below or that are determined to be analogous in accordance with Article IV.E. Some uses may also be subject to a special level of review by YGAF, Inc. or the Association under private covenants or other agreements, including in particular, but not limited to, those designated with an asterisk (*).

- Accessory detached structures associated with a permitted principal structure *
- Adult foster family care homes (up to four aged or disabled adults) *
- Animal boarding facilities *
- Administrative and research facilities *
- Animal groomers
- Art galleries
- Assisted living facilities *
- Auto parts supply *
- Bakeries
- Banks, credit unions, and savings and loan facilities
- Barber and beauty shops
- Bicycle sales, rental, and repair shops
- Boarding, lodging and bed and breakfast houses
- Bookstores
- Breweries associated with eating establishments *
- Broadcast station offices (but all antennae and satellite dishes must comply with other provisions of this Agreement) *
- Building supply stores and hardware stores (but no lumber yards)
- Bus stops
- Camera, hobby, toy, and gift stores
- Car wash, only if incidental to fuel sales *
- Casinos and gambling activity, as defined in M.C.A. § 23-5-112, if incidental to another permitted use and with written consent of YGAF, Inc. *
- Ceramics and pottery shops
- Charitable, educational or nonprofit institutions
- Child day care centers (up to 13 children)
- Churches, synagogues, and places of worship *
- Clinics, medical, dental, and surgical for the care of human patients
- Clothing and apparel stores
- Community centers
- Convalescent, nursing, and retirement homes
- Convenience and specialty food stores (but no fuel sales except upon Special Review)
- Cultural, educational, and instructional facilities
- Denturists
- Department stores *
- Drive-through facility *

- Drug stores *
- Eating establishments (alcohol served) *
- Eating establishments (no alcohol served) *
- Educational and instructional facilities including public and private elementary and secondary schools, colleges, universities, professional schools, and junior colleges (but not trade schools) *
- Finance and loan companies
- Fire stations *
- Florists
- Flower shops and nurseries (provided that there is no outside storage)
- Food and grocery stores
- Fuel stations – gas or diesel (but not to include truck stops as defined by Section 27-201 of the Unified Zoning Regulations and prohibited below) *
- Furniture – retail only
- Greenhouses for on-site, retail sales if incidental to another permitted use
- Hardware and appliance – retail only
- Health clubs and fitness related businesses
- Hospitals *
- Hotels and motels
- Jewelry stores
- Laundry and/or dry cleaning drop-off and pickup store without drive-through facility
- Laundry and/or dry cleaning drop-off and pickup store with drive-through facility *
- Libraries, museums, and art galleries
- Liquor stores
- Medical clinics
- Membership organization offices
- Minor component assembly incidental to another permitted use
- Multi-family residential (Planning Area 2 only)
- Offices – all, including business professional, medical, and dental
- Office equipment stores – retail only
- Office supply and equipment, copying and mail services stores – retail only
- Open spaces, park areas, water amenities, community gardens, athletic fields, bike trails, playgrounds, and walking paths
- Park Land and Open Space
- Parking facilities, including above or below ground parking garages *
- Pet stores
- Pharmacies
- Photo studios, shops, and processing – retail only
- Physical therapy facilities
- Police stations *
- Postal service facilities without truck terminal facilities
- Public administration facilities, including government facilities, except correctional institutions

- Rehabilitation centers
- Rental car dealerships *
- Retail stores
- Retirement homes *
- Same-day medical care centers
- Sports medicine and rehabilitation facilities
- Surgery centers *
- Theaters
- Veterinary clinics and hospitals *
- Wine stores
- Any additional use permitted in a Community Commercial zoning district upon prior written consent of YGAF, Inc. if consistent with the Unified Zoning Regulations, provided that such use is not otherwise limited or prohibited herein. *

C. Permitted Uses in Planning Area 3 (Residential Multi-family). Residential multi-family use is permitted in Planning Area 3 of The East 80 at Cardwell Ranch. Planning Area 3 shall consist of Lots 5 and 6A of Block 2. This area is intended primarily to accommodate apartments, townhomes, condominiums, multi-plexes, and other multi-family complexes (but not detached single family homes) and uses permitted in the Residential Multi-Family district as defined in the Unified Zoning Regulations. Multi-family residential use may also be permitted in Planning Area 2 (Lot 4A and 15A of Block 2). No uses are permitted in these areas other than those specifically listed below or that are determined to be analogous in accordance with Article IV.E.

- Accessory detached structures associated with a permitted principal structure
- Bus stops
- Community centers
- Home occupations
- Multi-family residential buildings
- Park Land and Open Space

Any additional use permitted in a Residential Multi-Family district upon prior written consent of YGAF, Inc. if consistent with the Unified Zoning Regulations, provided that such use is not limited or prohibited herein.

D. Prohibited Uses in All Areas. The following operations and uses shall not be permitted on any property in The East 80 at Cardwell Ranch, regardless of where the property is located:

- Amusement park services or facilities
- Apparel fabrication and fabrication of products made from fabrics and similar materials
- Arcades, including but not limited to video arcades
- Auction houses or auction yards
- Auto body and collision repair
- Automotive sales, leasing, repair, service, salvage, or storage

- Beverage bottling plant or wholesaling operations
- Billboard signs
- Body alternation salons – any establishment engaged in body painting, body piercing, or tattooing
- Building fabrication except construction of buildings for use on-site
- Building subcontractor operations other than offices only
- Bus terminal and maintenance facilities
- Campground
- Casinos and gambling or gambling activity, as defined in M.C.A. § 23-5-112, unless incidental to another permitted use with written consent of YGAF, Inc.
- Cellular towers not included in building structures
- Crematoriums
- Dry cleaning or laundry plant or public Laundromat, (not applicable to facilities for pickup and delivery by the ultimate consumer)
- Drug paraphernalia – any business engaging in the sale of so-called drug paraphernalia
- Dumping of concrete, cement residue, refuse, dirt, garbage or fill materials without authority of property owner
- Electronic component manufacturing, unless light manufacturing and incidental to a permitted use
- Equipment rental shop
- Excavation – businesses engaged in commercial excavation, providing that this prohibition shall not be construed to prohibit any excavation necessary in the course of approved construction
- Exotic dancing – any establishment permitting exotic dancing, including semi-nude and nude clubs
- Fire sale or bankruptcy sale
- Fireworks – fireworks manufacture and/or sales
- Flea markets
- Food processing or wholesaling, except ancillary services associated with retail, restaurant, and grocery operations
- Foundries and plant operations
- Furniture fabrication
- Garbage – any dumping, disposing, incineration or reduction of garbage provided, however this prohibition shall not be applicable to garbage compactors located near the rear of any building
- Go-cart tracks
- Greenhouses for wholesale purposes
- Gun and archery range
- Guns and ammunition – the sale of firearms and ammunition, unless ancillary to a general retail store or sporting goods store
- Heavy equipment sales, service, and storage
- Ice manufacturing for resale of ice if not intended for use on-site
- Illegal drugs – the sale, manufacture, or possession of illegal drugs
- Industrial production or manufacturing facilities

- Jails, prisons, half-way houses for pre-release inmates, and/or detention facilities
- Junk shops
- Labor or migrant worker camps
- Lumber yards
- Machine and welding shops
- Manufactured housing – the sale, maintenance, and repair and/or storage of manufactured housing, mobile homes, boats, trailers, or recreational vehicles
- Manufacturing
- Massage parlors (excluding therapeutic massage)
- Metal fabrication and manufacturing
- Mill work and cabinet shops
- Mineral extraction – any non-office sale, extraction, or storage of sand, gravel, or minerals
- Mini storage facilities
- Motorized sports vehicle repair, storage, and/or sales (including parts sales)
- Mining and related activities – mining, drilling for, or removing oil, gas, or other hydrocarbon substances
- Motocross tracks
- Motorcycle racing
- Obnoxious odors, etc. – any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building in The East 80 at Cardwell Ranch
- Paper warehouses
- Pawn shops
- Power poles and overhead power lines – installing new power poles and overhead power and above-ground utility lines as well as upgrading any existing poles to larger structures; provided, however, this shall not prohibit any existing power poles and above-ground lines, and shall not prohibit adding new lines to any existing poles
- Propane sales unless incidental to a fueling station as permitted by special review, or as incidental to hardware sales
- Race tracks
- Recreational vehicles – the commercial sale, maintenance, rental or repair or storage of boats, trailers, motorcycles, ATVs, or other recreational vehicles. The private repair or storage of such vehicles must comply with other provisions of this Agreement.
- Recycling centers
- Repair shops, if the shop facilities include open or visible storage
- Roller skating rinks
- Roping and rodeo arenas
- Sanitary dumps
- Scrap or waste material processing
- Septic systems
- Sexually oriented businesses – sexually oriented businesses as defined by

Section 27-611 of the Unified Zoning Regulations

- Stables – not to be construed to exclude existing farming operations or a continuation of existing farming operations
- Storage facilities other than garages associated with residential structures
- Super Stores – defined as any structure over 40,000 square feet in total useable area
- Surplus store
- Taxidermists
- Tire sales, except as incidental to the operation of a general retail store
- Title loan businesses
- Towers and dishes – freestanding communication towers and satellite dishes greater than 98 inches in diameter
- Trailer parks and campgrounds – mobile home parks, trailer parks, or recreational vehicle campgrounds or any commercial establishment that permits overnight parking of recreational vehicles
- Truck stop as defined by Section 27-201 of the Unified Zoning Regulations
- Truck terminals cartage operations, and similar uses
- Truck wash as defined by Section 27-201 of the Unified Zoning Regulations
- Trucks – sale, leasing, manufacture, and repair of trucks
- Trucking operation warehouses
- Utility sub-stations, utility maintenance facilities or buildings, and other utility installations other than utility lines, utility boxes, and other facilities used to serve an individual Lot
- Warehouses
- Wholesale lumber and building materials
- Wholesale distribution and sales

E. Analogous Uses. If a use is not specifically permitted, specifically prohibited, or specifically subject to special review, the zoning coordinator shall determine whether the use is permitted or prohibited or subject to special review by determining whether it is most closely analogous to a use that is specifically permitted, prohibited, or subject to special review. The decision of the zoning coordinator shall not become effective until it has been reviewed and approved by YGAF, Inc.

F. Procedure for Obtaining YGAF, Inc. Approval. Any developer of property in The East 80 at Cardwell Ranch shall obtain the written approval of YGAF, Inc. prior to submitting any application for subdivision, zone change, building permit, or design approval of any kind to the City or any other government authority. The City shall not accept any such application unless the developer first presents written evidence of YGAF, Inc.'s approval. Neither YGAF, Inc. nor the City shall approve the developer's application unless the proposed development complies with the requirements of this Agreement.

Cardwell Ranch – Planning Area Map

W61982

GRAND AVE

Planning Area 1
Lots 1 & 2, Block 1
Lots 1, 2, 3A, 7A, 8, 9, 10, 11A, 12A, 13A,
and 14A, Block 2

Planning Area 2
Lot 15A
Block 2

Planning Area 3
Lot 5 & 6A
Block 2

Planning Area 2
Lot 4A
Block 2

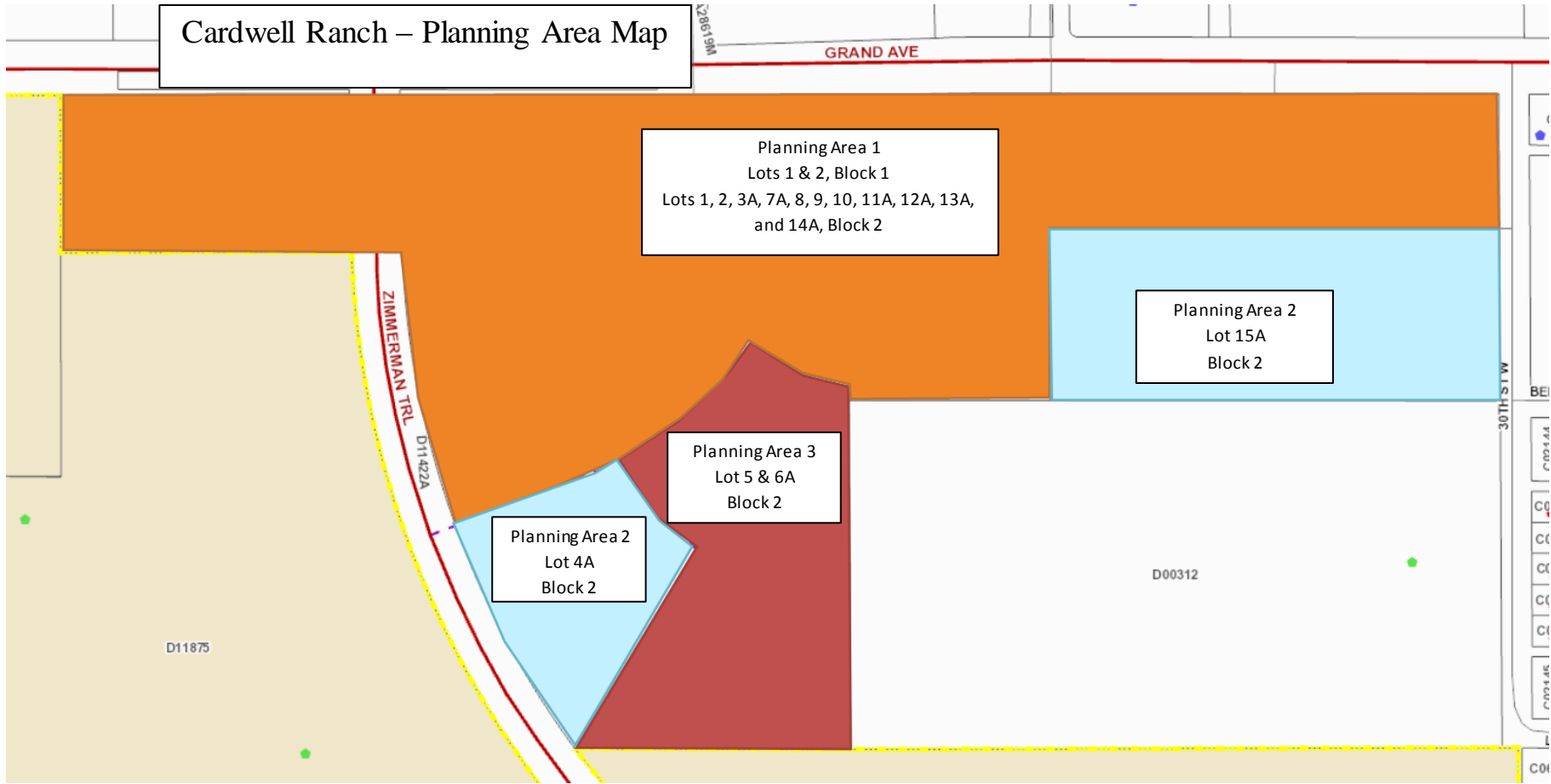
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30TH ST W

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Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: Public Hearing and Amendment to Agreement with Lockwood Water and Sewer

PRESENTED BY: Jennifer Duray

Department: Public Works

Division: Administration

RECOMMENDATION

Staff recommends the City Council grant a waiver to Billings, Montana City Code (BMCC), Sections 26-203 and 26-204 to provide sanitary sewer service to the expanded Lockwood Targeted Economic Development District (TEDD) and approve the first amendment to the wastewater agreement with Lockwood Water and Sewer District contingent on property owners in the TEDD approving the expansion and the Lockwood Water and Sewer District Board approving the expansion and the amendment to the agreement.

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

The Lockwood Targeted Economic Development District (TEDD) was created in 2016 by Yellowstone County to develop planned, ready-to-go industrial space. In 2018, the TEDD was expanded to include additional properties. It currently encompasses 1,194 acres in the area between the Yellowstone River and Interstate 90, north of Lockwood and east of Billings Heights. Only about 468 of these acres are developable. The development of the Lockwood TEDD cannot move forward without the provision of wastewater service to the area. Three options for wastewater service were studied, including a package plant option, individual septic systems, and discharging to the City of Billings wastewater treatment plant. The best and most feasible option was determined to be discharging wastewater from the TEDD to the City.

The Billings, Montana City Code (BMCC), Section 26-203 requires that the property at the time of application for sanitary sewer service be contiguous to the boundary of the service area, entirely within the Red area on the Limits of Annexation Map, and entirely within the City's facilities planning area. This section also requires that the applicant complete the annexation requirements outlined in BMCC, Section 26-204. These requirements include annexation or attempt at annexation in order to obtain water or sewer service to a property, although a "waiver of right to protest annexation" may be accepted in lieu of annexation at the City's discretion. However, per BMCC, Section 26-207, City Council can waive the requirements of BMCC, Sections 26-203 and 26-204 by a simple majority vote after holding a public hearing.

The City has had an agreement with the Lockwood Water and Sewer District (LWSD) since 2008 which allows LWSD to discharge to the City's wastewater plant. This agreement has a provision that LWSD cannot expand its service area without the consent of the City. The Lockwood TEDD is located outside of the existing service area, and thus, requires the consent of the City to include this area in LWSD's service area. The attached amendment to the agreement between LWSD and the City expands the service area to include the Lockwood TEDD. In return for the expansion of the service area, the City is requiring an 18% surcharge on monthly revenues from the TEDD. The current agreement provides for a 6% surcharge on monthly revenues from the original service area and this 6% surcharge will remain in effect for

the original Lockwood service area. This additional fee is in recognition of the risk the City is taking on with unknown capacity and strength demands of the industrial TEDD area. The amendment to the agreement also provides for a decrease in LWSD's requirement for a financial guarantee bond from \$1 million to \$500,000 as LWSD has never defaulted on any of its obligations required in the agreement and has improved its financial status significantly since the inception of the agreement in 2008.

Additionally, the service challenges highlighted in the Lockwood TEDD situation has led the City of Billings and Yellowstone County to work together to develop an intergovernmental agreement to outline a formal, cooperative approach to transportation, development, utility extension, land use, and annexation along the City-County boundaries including, but not limited to, the following areas:

- The Inner Belt Loop Corridor
- Airport Corridor/Highway 3
- Area around upcoming new west end reservoir and plant
- Metrapark - EBURD
- Zoo Drive area/I-90 Interchange
- Billings Bypass North Corridor/East Billings Heights

If the City and County can work together to prevent future development conflicts at the City-County borders, opportunities will increase for Billings and Yellowstone County to capitalize on high quality, economically sustainable residential and commercial development. The City and County are at the beginning stages of discussions on how the two entities can work together on these issues and County Commissioners and City Council Members must be the key participants in these efforts. As a first step of mutual cooperation, the attached letter signed by the County Commissioners demonstrates the Commissioners willingness to move forward with developing an interlocal agreement specifically for the area along the Inner Belt Loop Corridor as a first step to cooperative planning efforts along the City-County borders. It is anticipated that after a series of discussions and coordination, a draft intergovernmental agreement will be presented to the City Council and County Commissioners at future meetings.

Considering these provisions outlined above in exchange for waiving the annexation requirements of the TEDD and approving the amendment to the agreement with LWSD, it will be mutually beneficial for the City and LWSD to move forward with the amendment to the wastewater service agreement. Accordingly, the City Council is being asked to consider waiving the requirements of BMCC, Sections 26-203 and 26-204 regarding petitions for service and annexation, and approving the amendment to the agreement between LWSD and the City.

However, if the City provides LWSD water in the future to either serve its existing service area or the TEDD, it is expected that the City will require annexation or waivers of annexation as part of any future negotiated water service agreement.

STAKEHOLDERS

During a Council Work Session on April 1, 2019, representatives from Big Sky Economic Development (BSED) and Lockwood Water and Sewer District (LWSD) presented on the background of the Targeted Economic Development District (TEDD) and extending LWSD's service area to include the TEDD. Again on February 18, 2020, the LWSD, BSED, and a representative from the TEDD advisory Board presented the history and the background of the TEDD to City Council and asked that the service area for LWSD be expanded without annexation or waivers of annexation. The last public meeting regarding the TEDD occurred on July 20, 2020 during a City Council Work Session in which staff presented a proposal to meet

the requirements of LWSD with additional provisions being met.

LWSD, BSED, the County, as well as all City customers currently receiving wastewater service and considered "owners" of the system, are all stakeholders in this process.

ALTERNATIVES

The City Council may:

- Grant a waiver to BMCC, Sections 26-203 and 26-204 to provide sanitary sewer service to the Lockwood TEDD without annexation and approve the amendment to the agreement with Lockwood Water and Sewer District contingent on the property owners in the TEDD approving the expansion and the Lockwood Water and Sewer District Board approving the expansion and amendment to the agreement; or
- Not approve the waiver or the amendment. If not approved, the City would not be able to provide sanitary service to the Lockwood TEDD.

FISCAL EFFECTS

At current rates charged to Lockwood Water and Sewer District, the additional annual revenues to the wastewater fund from the TEDD upon full build out are estimated to be \$158,220.

However, the rates are calculated on an on-going basis per a cost of service rate study and adjusted annually. It is unknown what the strengths of the flows from the TEDD will be, but because it is an industrial area, it is likely the strengths of the flows will increase which will increase the overall rates charged by the City to LWSD.

Attachments

Amendment with Exhibits
County Commissioners' Letter

First Amendment to Wastewater Service Agreement

This First Amendment to Wastewater Service Agreement is entered into this ____ day of October, 2020, by and between the **CITY OF BILLINGS, MONTANA** (City), a Montana Municipal Corporation whose principal business address is 210 North 27th Street, P.O. Box 1178, Billings, Montana 59103, and the **LOCKWOOD AREA /YELLOWSTONE COUNTY WATER AND SEWER DISTRICT** (District), whose principal business address is 1644 Old Hardin Road, Lockwood, Montana 59101.

RECITALS

1. The City and District entered into a **Wastewater Service Agreement** on March 24, 2008, hereinafter the "**Agreement**". The **Agreement** sets forth terms of the disposal of the District's wastewater to the City for treatment by the City.
2. Pursuant to the **Agreement**, the District requested to expand its service area to include the Lockwood Targeted Economic Development District (TEDD) study area. In exchange for allowing this expansion of service, the City requires additional amendments to the **Agreement**. The District's service area is described on Exhibit "A" and on Exhibit "B". The proposed expansion area (the TEDD tract) is described on Exhibit "C" and Exhibit "D".
3. The TEDD (Targeted Economic Development District) is a statutorily authorized tax increment finance district created to help fund a "turn-key" facility for industry to locate and expand in Yellowstone County. The TEDD is located outside of the City limits and appurtenant to the District's service area.
4. The TEDD is expected to develop over a number of years. Accordingly, at this time neither the City nor the District can predict the volume or types of wastewater that will be generated from the TEDD. The District recognizes that this unknown factor creates additional ongoing risk for the City, particularly since the District is a non-owner customer of the City. The District agrees to pay the City an 18% surcharge on all wastewater services provided to the TEDD through the District because of this additional risk and because of the significant benefit to Lockwood and the TEDD.
5. The District acknowledges and agrees that the cost of wastewater service from the City has been freely negotiated between the Parties. The City has no obligation to provide wastewater services to the TEDD. The District is a non-owner customer. The District agrees that the terms of this Agreement are fair and equitable and that the contract rate for the cost of service, including the surcharges, is reasonable and just. The District acknowledges that the City is agreeing to provide wastewater services to the District and to the TEDD at a cost that is significantly less than any other option available to the District and the TEDD. The District agrees that City wastewater service is the best, most feasible, and least expensive option available to provide wastewater service to the TEDD.

6. The District and City acknowledge that this amendment in no way obligates the City to provide access to its municipal water services. If in the future, the District and City work together to provide municipal water services to the TEDD tract or any other tracts served by the District, it is the City's intent that all municipal water extension ordinances and rules in place at the time of the extension will be adhered to, including all rules pertaining to annexation.

NOW THEREFORE, the City and the District agree to amend the **Agreement** as provide herein.

AGREEMENT:

1. The City and the District agree that the Recitals stated above are true and accurate and are incorporated into this Agreement.
2. The City and the District agree that the **Agreement** shall be amended as follows:
 - A. **Section 2 Service Area** on page two of the **Agreement** shall be deleted and replaced with the following paragraph:

Service Area: The City shall accept for treatment wastes that are contributed from the District's users whose properties are situated entirely within the boundaries of the original District delineated on attached Exhibits A and B and within the boundaries of the TEDD study area delineated on attached Exhibits C and D, subject to the flow and loading limitations in Section 4 herein. Said areas will be hereinafter referred to as "Service Area." It is further understood between the parties hereto that the District shall not expand its Service Area to include any additional properties without first obtaining the City's written approval and that the City may withhold its consent, with or without cause, in the City's sole and exclusive discretion. The District's failure to obtain the City's prior written consent shall subject the District to the fixed sum payment outlined in Section 28 herein.

- B. The first paragraph of **Section 4 Reserve Capacity** on pages two and three of the **Agreement** shall be deleted and replaced with the following paragraphs:

The amount of capacity that the City will reserve in the municipal wastewater system for the sole benefit and use of the District shall be 80% of the following flows and loadings:

- Average daily wastewater flow of 0.91 Million Gallons per Day (MGD); and
- Maximum daily wastewater flow of 2.74 MGD, utilizing a 3.0 peaking factor; and
- Average Biochemical Oxygen Demand (BOD) loading of 1,915 pounds per day; and

- Average Total Suspended Solids (TSS) loading will be 2,006 pounds per day.

The reserve capacity is subject to negotiations up to 100% of the flows and loadings identified above. Approximately six (6) months prior to the time that flows or loadings are expected to equal 80% of the flows and/or loadings identified above, the amount of reserve capacity, not to exceed 100% of the values identified above, shall be renegotiated and rates shall be recalculated in accordance with the applicable provisions of the Agreement. If flows or loads exceed the limits specified in this section, the City shall notify the District of such noncompliance. If the District does not restrict the flows or loads exceeding the limits within five (5) days of such notification, the fixed sum payment outlined in Section 28 herein shall apply.

- C. **Section 19 Billing** on pages eight and nine of the **Agreement** shall be deleted and replaced with the following paragraphs:

The District agrees to pay monthly all wholesale user established rates, charges, and fees of the City for the treatment and disposal of the District's wastewater. Payments are due and payable in full no later than thirty (30) days from the date of billing. Payments not received within thirty (30) days shall become delinquent and subject to the late-payment interest charge stated in the City's adopted schedule of wastewater rates and fees.

In addition, a uniform wholesale user surcharge of six (6) percent will be assessed on the equitable bases of prevention of water supply pollution and the City's assumption of the inherent financial risk and liability of providing these services to the District. The six (6) percent surcharge will be applied to all monthly charges for the treatment and disposal of the District's wastewater from the properties that are situated entirely within the boundaries of the original District delineated on Exhibits A and B. The properties that are situated within the boundaries of the TEDD are shown in Exhibits C and D. A uniform wholesale user surcharge of eighteen (18%) percent will be assessed on the equitable bases of prevention of water supply pollution and the City's assumption of the inherent additional financial risk and liability of providing these services to the TEDD. The eighteen (18%) percent surcharge will be applied to all monthly charges for the treatment and disposal of wastewater from the properties that are situated entirely within the boundaries of the TEDD, delineated on Exhibits C and D. The uniform user surcharge on monthly charges for the TEDD shall begin upon the first connection in the TEDD area to the District's wastewater system and will apply to both the volumetric rate based on wastewater flows and the TEDD area's proportionate share of the fixed monthly fee based on the TEDD area's flows and loadings.

The surcharge shall not apply to system development fees. In addition to the remedies outlined in this section, the District shall be subject to the fixed sum payment provisions in Section 28 herein.

D. **Section 29 Performance or Financial Guarantee Bond.** The first sentence shall be deleted and replaced with the following:

The DISTRICT shall provide an annually renewable Performance or Financial Guarantee Bond in the name of the CITY in the amount of \$500,00.00 (Five Hundred Thousand Dollars) for the faithful performance of all obligations under this Agreement and shall remain in force at all times throughout the term of this Agreement.

The current, original **Agreement** remains in full force and effect, except as expressly amended hereby. In the event of any conflict between the **Agreement** and the terms of the **First Amendment to the Wastewater Service Agreement**, then the terms of the **First Amendment to the Wastewater Service Agreement** shall govern.

IN WITNESS WHEREOF, on this ____ day of October, 2020, each of the parties has executed this **First Amendment to the Wastewater Service Agreement** to be incorporated as part of the **Agreement** dated March 24, 2008

DISTRICT:

LOCKWOOD WATER AND SEWER
DISTRICT

By: _____
President

Attest:

Secretary

CITY:

CITY OF BILLINGS, a Montana
Municipal Corporation

By: _____
WILLIAM A. COLE, MAYOR

Attest:

Denise R. Bohlman, City Clerk

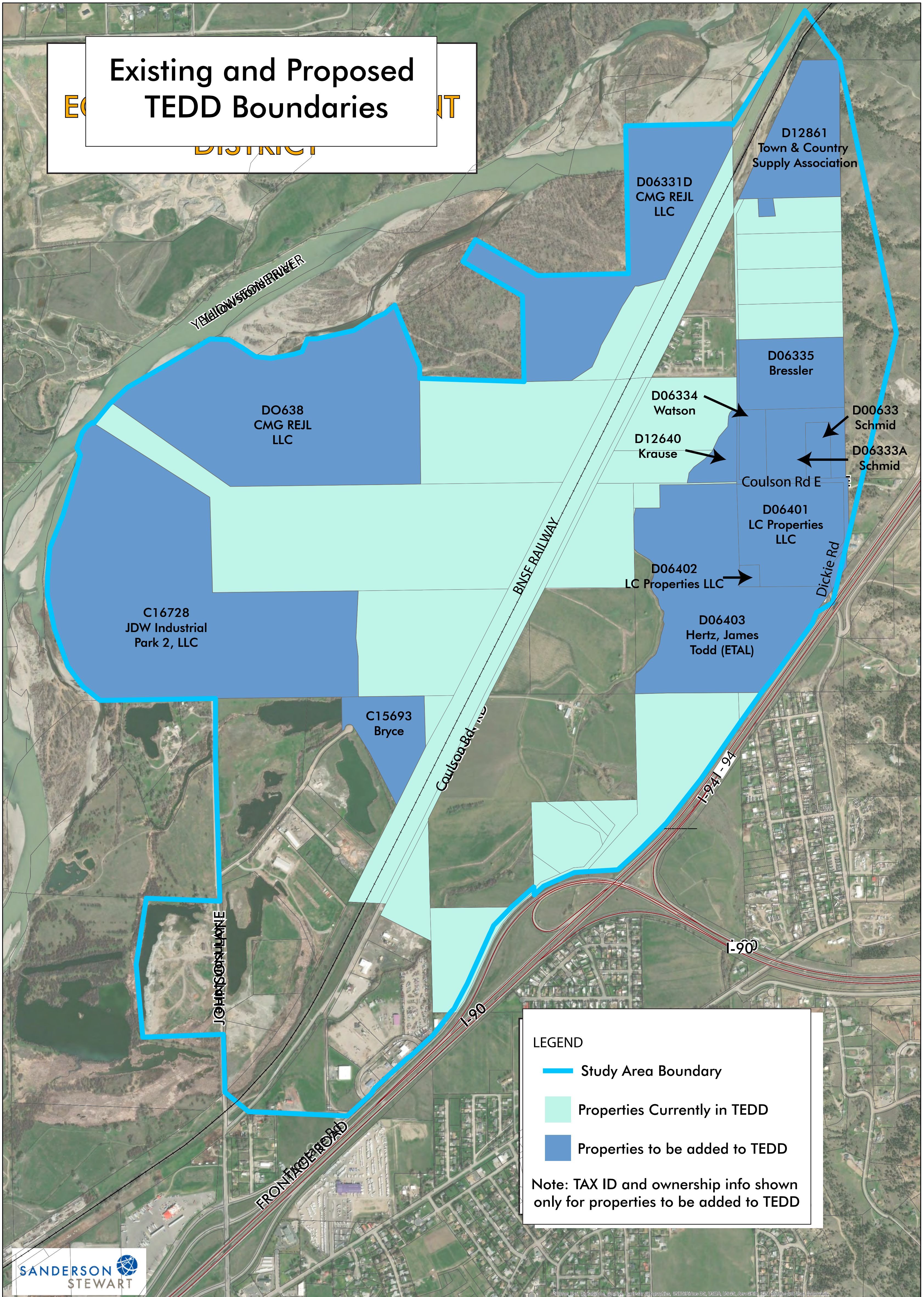
**BOUNDARY OF THE PROPOSED LOCKWOOD/YELLOWSTONE COUNTY
WATER AND SEWER DISTRICT**

Beginning at the point of intersection of the east and west centerline of Section 34, T1N, R26E, with the mid-channel of the Yellowstone River and running thence northeasterly along the mid-channel of said river to its intersection with the north and south centerline of the southwest quarter of Section 24, T1N, R26E, thence south along said line about 0.7 miles to its intersection with the south boundary of the Burlington Northern Railroad right-of-way, thence northeasterly along said boundary line to its intersection with the east and west centerline of Section 19, T1N, R27E, thence east along the north boundary of the Borgan Subdivision and then south along the east boundary of the same said subdivision to its intersection with the north boundary of the Interstate 90 Highway right-of-way. This boundary line, coincidental with the north edge of Interstate 90, becomes the north boundary of the Interstate 94 right-of-way and continues as such to the intersection of said line with the west and east centerline of Section 21, T1N, R27E, thence east to the east boundary of said section, thence south along said boundary to its intersection with the north boundary of the Interstate 90 right-of-way, thence east along this boundary to its intersection with the north and south centerline of the northeast quarter of Section 17, T1N, R27E, thence south to the intersection of said line with the east and west centerline of Section 21, T1N, R27E, thence west along said line to its intersection with the west boundary of Section 21, T1N, R27E, thence south along this line to its intersection with the east and west centerline of Section 29, T1N, R27E, thence west along this line to its intersection with the north and south centerline of this same section, thence south along said north and south centerline to its intersection with the southern boundary of Section 32, T1N, R27E. From this point the boundary line extends west along the southern boundary of Section 32 and adjacent Section 31 to the east boundary of Section 36, T1N, R26E, thence north to the east and west centerline of said Section 36, thence west along said centerline to the point of origin, EXCEPTING THEREFROM all of Certificate of Survey No. 830; all of Certificate of Survey No. 111; Tract 1 of Certificate of Survey No. 218; and, Tract 1 of Certificate of Survey No. 2777; and, Tract 1, Certificate of Survey #2623; and, Tracts 62 and 65, Certificate of Survey #1414; and, Tract 1F, Certificate of Survey #704.

BOUNDARY OF THE TEDD STUDY AREA TRACT

PENDING

Existing and Proposed TEDD Boundaries



LEGEND

- Study Area Boundary
- Properties Currently in TEDD
- Properties to be added to TEDD

Note: TAX ID and ownership info shown only for properties to be added to TEDD

Yellowstone County



COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
commission@co.yellowstone.mt.gov

October 15, 2020

Mayor and City Council
City of Billings

Re: Resolution of the Lockwood TEDD and our Mutual Interests in Future Development

Mayor and Council Members:

Your consideration of the amendment to the existing Wastewater Service Agreement between Lockwood Water and Sewer District and the City of Billings to allow for the extension of the service area to accommodate service to the TEDD study area is a very important step forward for both the City and the County. Thank you.

We recognize that the City and Lockwood Water and Sewer District have reached a reasonable agreement that respects the interest of all parties, including an 18% surcharge and limiting the scope of the agreement to just for the provision of wastewater treatment (consistent with the existing agreement). We further recognize that, like the first agreement with Lockwood Water and Sewer District, the lands within the service area will not be subject a waiver of right to protest future annexation. All your considerations in the context of this agreement, and your support of the TEDD, are greatly appreciated.

Yellowstone County also recognizes that we share mutual interests in the success of other proposed developments. We believe it is in the best interest of both the City and the County to cooperate and plan together (with property owners) as these developments take shape. It is in that spirit that we propose that the City and County enter into an Interlocal Agreement for the purposes of supporting the development of lands associated with the Inner Belt Loop, understanding that this Agreement will be the first of many agreements and cooperative planning efforts around Billings. We all understand these efforts must be respectful and supportive of landowner plans in these areas. It would be our recommendation that City/County Planning be charged with outlining the scope of such an agreement and that the terms be simple and straightforward, limited to those areas we have the authority to consider together.

This willingness to cooperate was proposed to be a tenet of the Wastewater Service Agreement, but that agreement is between LWS and the City. Developing a framework for City/County cooperation should be a matter between the City and County and not become an item lost within a service agreement among other parties.

Moving forward with the TEDD and working together on the Inner Belt Loop will be important initial steps forward for the County and City for our community's economic development, and this work comes at a time that is critical to our economic recovery.

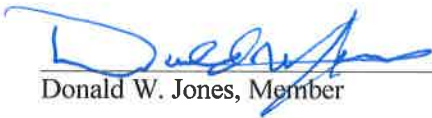
We are ready to move forward with this proposal at your earliest convenience.

Respectfully,

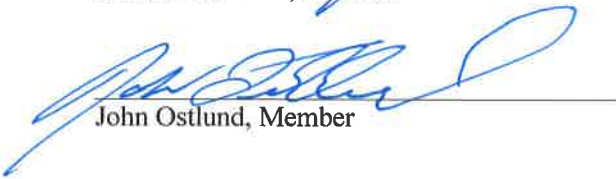
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



Denis Pitman, Chairman



Donald W. Jones, Member



John Ostlund, Member

BOCC/emw

Regular City Council Meeting

Meeting Date: 10/26/2020

TITLE: EBURD Tax Increment Assistance - 501 North 22nd Street

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Division: Planning

RECOMMENDATION

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends the City Council approve reimbursement of \$44,532 from the EBURD tax increment finance district funds to Belle Chemical to assist in providing new security fencing at 501 North 22nd Street as part of Belle Chemical's renovations to occupy the property.

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

The Billings Industrial Revitalization District (BIRD) Board of Directors is presenting this recommendation to the City Council for allocating \$44,532.00 in tax increment finance funds (TIF) from the East Billings Urban Renewal District (EBURD) to provide financial assistance to Belle Chemical for new security fencing as part of its relocation and property improvement efforts at 501 North 22nd Street. The applicant is requesting TIF funding to assist in installation of the new security fencing to improve the look of the property while ensuring the company's equipment and property are secure at the site. Belle Chemical is a new owner of the property and is making renovations to move its operations to the site in the EBURD from another part of town and reuse the former warehouse building. Excluding the recent property purchase, the total cost of property improvements is \$159,845, including the fencing and additional renovations. The BIRD Board's recommendation of \$44,532 toward the improvements results in about a 3.5 to 1 ration of private investment to public investment, not counting the property acquisition. The fencing is of very high quality and meets the requirements for fencing on the EBURD Zoning Code per Section 27-1815 (f) B.

The expenses for the fencing recommended by the BIRD Board are eligible as per Section 7-15-4288 (4) (See BIRD Board Recommendation attached) and Section 7-15-4233 (1) (i). The project also is in alignment with the EBURD Urban Renewal Plan under its Business Programs and Projects goal (See page 3, item I of the Urban Renewal Plan Attached) and the EBURD Master Plan's principles of fostering economic growth, ensuring industrial operations continue, and encouraging community collaboration around public safety. Reuse and improvement of this vacant building in the EBURD and relocation of a successful Billings business to the EBURD to facilitate Belle Chemical's continued expansion in the community aligns well with the urban renewal efforts of the City and the EBURD.

The BIRD Application Review Committee conducted a site visit on October 1, and reviewed the application on October 2 and made a recommendation of approval to the the BIRD Board. The BIRD Board of Directors voted at its meeting on October 7 to recommend funding of this application to the City Council. This process and action of the BIRD is under its authority per the Memorandum of Understanding between the City of Billings, Big Sky Economic Development, and the BIRD, Inc. approved by the City Council on May 13, 2019.

STAKEHOLDERS

ALTERNATIVES

The City Council is the final authority in disbursing TIF funding. This proposed use of TIF funds conforms to the City's TIF Policy and aligns with the EBURD Urban Renewal Plan and Montana Code for urban renewal projects and programs. The City Council may:

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

FISCAL EFFECTS

The request is for a total of \$44,532 to be reimbursed to Belle Chemical only upon completion of the fencing work and submittal of the invoices for the cost incurred. While the EBURD budget has capacity to cover this payment of TIF assistance, a budget amendment would need to be completed for this project if it is approved by the City Council.

Attachments

Belle Chemical TIF Application
Project Description and Site Plan
Photos of Property and Fence Example
BIRD Board Recommendation
EBURD URD Plan



City of Billings
East Billings Urban Renewal District

Urban Renewal Assistance Information and Application

Effective: **April 1, 2016**

To receive maximum funding all applications must be submitted to the BIRD and approved by the CITY prior to the start of construction. If applications are submitted after the commencement of construction the amount of funds to be awarded will be discounted or denied.

Billings Industrial Revitalization District Inc. (BIRD)
1413 4th Ave N, Suite C
Billings, MT 59101
406.272.4321

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

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

INTRODUCTION

The BIRD is responsible for advising the Billings City Council (hereinafter known as CITY), of the East Billings Tax Increment District, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 part 4288 Montana Code Annotated). TIF is an important element of the program as it provides a means to finance public urban renewal activities that assist and enhance private development within the district. A TIF program operates by first establishing a base year taxable value for all properties within the urban renewal district. Property taxes continue to be paid to all taxing jurisdictions on the basis of the base year valuation. All increases in property taxes above this base valuation due to new development or reappraisals are assigned to the TIF District (TIFD.) They are then invested in district revitalization activities. Consideration of TIFD assistance is available to private land owners for public infrastructure components of construction projects within the boundaries of the East Billings Urban Renewal District (EBURD).

ELIGIBLE ACTIVITIES

The TIF may be used to finance certain urban renewal activities. The BIRD will review applications and make recommendations to the CITY for assistance to projects eligible under this statute. Requests are evaluated on criteria outlined in the "Criteria for Review" section. Special emphasis will be placed on those projects that exemplify the EBURD Master Plan. This plan is available for download at the BIRD website: www.billingsbird.com

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

This application is intended for eligible increment generating projects. All requests for TIFD funds are subject to approval by the CITY and TIFD fund availability.

Examples of TIF-Eligible Public Infrastructure Improvements

	MCA Statue
Demolition and abatement of structures and removal of blight	7-15-4288 (2)
Relocation of residents from building to be raised	7-15-4288 (3)
Sidewalks, Curbs, Gutters	7-15-4288 (4)
Public Utilities - Water, Wastewater, Storm Water	7-15-4288 (4)
Private Utilities - Electrical, Natural Gas, Telecommunications, Fiber Optic	7-15-4288 (4)
Intersection Signals & HAWK Crossings	7-15-4288 (4)
Street & Alley Surface Improvements	7-15-4288 (4)
Crosswalks	7-15-4288 (4)
Landscaping	7-15-4288 (4)
Green Space & water ways	7-15-4288 (4)
Improvement of Pedestrian Areas	7-15-4288 (4)
Historical Restorations	7-15-4288 (4)
Off Street Parking for public use where there is a need for public parking	7-15-4288 (4)
Bridges & walkways	7-15-4288 (4)
Pollution Reduction	7-15-4288 (12)
Architect, Engineering, Surveys & Appraisals	7-15-4233(n)

Applications must be approved by CITY and a Development Agreement signed before any construction begins to qualify for maximum TIFD funds.

Allow a minimum of 60 days between submitting a complete application to the BIRD and receiving a decision from the CITY.

APPLICATION PROCESS AND TIMELINE

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

1. Initial Contact. Contact: BIRD: EBURD Coordinator, 1413 4th Avenue North, Suite C, Billings, MT 59101, 406-272-4321, to discuss the project and determine preliminary eligibility for TIF assistance.
2. Prepare a Written Application. The APPLICANT must prepare a written application for each project assistance request using the most current form. Applications must be received by the BIRD staff in advance of any construction work on the project. Development Agreements must be approved and signed prior to commencement of construction (see #6 below.) Waiver of this requirement can be considered when public safety or other factors warrant. For all TIF requests, the APPLICANT must complete a "Developer's Statement of Qualification and Financial Responsibility" which includes submittal of personal financial statements.
3. Staff Review. Upon submittal of all necessary information, the BIRD staff will review the project and the need for funding. At any point in the review process the staff or BIRD Board may request more information of the APPLICANT or solicit comment on the project from other public agencies. Items included in personal financial statements become public documents and are subject to public review or presentation to or comment by other agencies.
4. TIFD Application Review Committee. The BIRD Board has appointed a review committee that will evaluate the application and staff recommendations. The review committee reserves the right to seek additional project review from supporting committees of the BIRD and from other public agencies. The review committee will issue preliminary approval/disapproval of the assistance request or any part thereof and will make a recommendation to the BIRD Board that will then submit to the CITY, if approved.
5. Billings City Council Review. Projects will be forwarded to the CITY for final approval to proceed to a Development Agreement that will clearly spell out the public investment required to be applied towards public infrastructure on private property and/or development improvements within the public right of way. CITY approval is required before the BIRD and the CITY enter a Development Agreement with the APPLICANT.
6. Development Agreement. The BIRD, the CITY and the APPLICANT must execute a mutual agreeable legally binding Development Agreement which establishes the terms and conditions of TIF assistance. Sample Development Agreements are available at the BIRD office for reference. The Development Agreement may include, but is not limited to, the following:

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

COMMITMENT OF FUNDS

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

CRITERIA FOR REVIEW

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

1. Relevance to the EBURD Master Plan – Documentation of the project's impact in relation to the goals and objectives of the EBURD Master Plan, particularly mixed-use development. Urban design elements will also be considered, including pedestrian emphasis, quality of design, and Billings' personality.

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



BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.
EBURD PROCEEDS APPLICATION

Project Name: Belle Chemical LLC Date Submitted: 9/30/2020

APPLICANT INFORMATION

1. Name: Belle Chemical LLC
2. Address: P.O. Box 21874, Billings MT 59104
3. Telephone Number: (406)697-3595 Cell# Dave Terry (406)672-5899
Diane Stichman (406)208-6041

PROJECT INFORMATION

1. Building Address: 501 N. 22nd St., Billings, MT 59101
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 263, Lot 22A, AMD
BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 263, Lot 19 - 20
2. Legal Description: _____
3. Ownership: Belle Properties, David & Barbara Terry
Address: 4314 Palisades Park, Billings MT 59106
4. If property is not owned by the APPLICANT, list leasehold interests (Attach evidentiary materials.)
Name: _____
Address: _____
5. Existing/Proposed Business: Belle Chemical LLC
Business Description: Chemical Manufacturing
6. Employment: Existing FTE Jobs: 10
New Permanent FTE Jobs created by project : 20 Construction FTE Jobs _____

7. Architectural Firm: HGFA Architects

Address: 222 N 32nd St #800, Billings, MT 59101

Architect: Jeff Winkler

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

Belle Chemical is expanding its operation into 501 N22nd St. where we would like to install new Security Fencing with a lift gate. Due to our hours of operations, staff security when entering property is most important objective for this Fencing Plan, followed by Security of Product, Materials and Equipment.

9. Rehabilitation/construction plans: (Attach schematics, site and landscaping plans.)

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

Oct 25th- Nov 25th, 2020

PROJECT COSTS

Land and Site Improvements (Itemized)

1. <u>Security Fencing</u>	\$ <u>74,220.00</u>
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____
Subtotal	\$ <u>74,220.00</u>

Construction/Rehabilitation Costs (Use general construction trade divisions)

1. <u>Roof</u>	\$ <u>4,600</u>
2. <u>Interior Steel Liner</u>	\$ <u>5,880</u>
3. <u>Overhead Doors & Insulation</u>	\$ <u>3,680</u>
4. <u>Entry Door</u>	\$ <u>2,510</u>
5. <u>HVAC</u>	\$ <u>13,455</u>
6. <u>Plumbing</u>	\$ <u>5,000</u>

7. Insulation \$ 47,000

8. _____ \$ _____

Subtotal \$ \$82,125

Fees

1. Architectural/Engineering \$ 2,500

2. Permits _____ \$ 1,000

3. _____ \$ _____

Subtotal \$ 3,500

Total Project Development Costs **\$ 159,845.00**

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

A. Applicant Equity

Cash Invested \$ 117,000.00

Land & Buildings

(if value is more than State of Montana valuation then a current appraisal must be submitted)

\$ 746,154.00

Other _____ \$ _____

_____ \$ _____

A. Subtotal Applicant Equity \$ 863,154.00

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

Lender	Loan Amount	Interest	Term	Payment/Period
Little Big Horn Bank	\$468,000	4.75	20	\$3060.00
_____	\$ _____	_____%	_____yrs	\$ _____/Month

_____ \$ _____ % _____yrs \$ _____/Month

B. Total Loan Amount \$ _____

C. TIFD request for funds for eligible public improvements.

MCA Statute
(office use only)

Security Fencing	\$ <u>74,220.00</u>	<u>7-15-4288 (4)</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

C. Subtotal TIFD Funds Requested \$ 74,220.00

D. Other Source of Funding _____ \$ _____

Sources of Funds Summary (Post totals from above.)

A. Applicant Equity	\$ <u>863,154</u>
B. Lender Commitments	\$ <u>(468,000.00)</u>
C. TIFD Funds Request	\$ <u>74,220.00</u>

D. Other Funds \$ 85,625.00

Total Project Financing **\$ 554,999**

APPLICANT STATEMENT OF QUALIFICATIONS
AND FINANCIAL RESPONSIBILITY

APPLICANT

1. Name: Belle Chemical LLC

Address: 501 N. 22nd St, Billings MT 59101
Mailing Address: P.O. Box 21874, Billings MT 59104

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

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

Date of organization: Belle Chemical – 11/23/15

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

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
David & Barbara Terry 4314 Palisades Park Billings, MT 59106	Owner

Financial Condition

1. Provide a current financial statement (consisting of a Balance Sheet and Profit & Loss Statement) & Current Tax Return for each private entity involved in the project. This application and all financial information become part of the public record when submitted to the BIRD and is available upon request under the State of Montana Public Information Rules.
2. Has the APPLICANT or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?
No Yes If yes, give date, place, and under what name

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

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.
Name: S-Bar-S Ryan Stichman
Address: 2032 Old Hardin Road, Billings MT 59101
2. Has named contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?
No Yes if yes, explain.
3. Attach copies of bids to application: see attached
4. If Applicant intends to do any of the construction themselves then APPLICANT shall provide three (3) independent contractor bids which must accompany this application for the work to be provided.

CERTIFICATION

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

Signature _____ Signature _____

Title Owner, Managing Partner Title _____

Address 4314 Palisades Park Address _____

Billings, MT 59106 _____

Date 09/30/2022 Date _____



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

October 8, 2020

City of Billings Planning and Community Services
Attn: Wyeth Friday
PO Box 1178
Billings, MT 59103-1178

Request for TIF Fund Assistance – Belle Chemical

Dear Wyeth,

David and Barbara Terry have submitted a request for TIF fund assistance on behalf Belle Chemical for a project in the East Billings Urban Renewal District.

The project involves the redevelopment and clean-up of a blighted building that will house a growing business. Equally attractive is the projection of adding 10-20 jobs in the next 6-12 months to the EBURD. The building was a cold storage unit for the Billings Gazette and it will be redesigned to house staff for the chemical manufacturing and distribution of projects produced by Belle Chemical. This growing business recently purchased the building in anticipation of becoming a rail spur user in the neighborhood.

The total project financing of the property is \$554,999. A request was vetted by the review committee on October 1st and the BIRD Board of Directors approved the request by the review committee in the amount of \$44,532 to cover a portion of the redevelopment of this property. This investment will eliminate blight by significantly increasing the quality of visual aesthetic to the neighborhood, preventing transient activity in the district and providing safety to their growing workforce.

Please review this application for compliance.

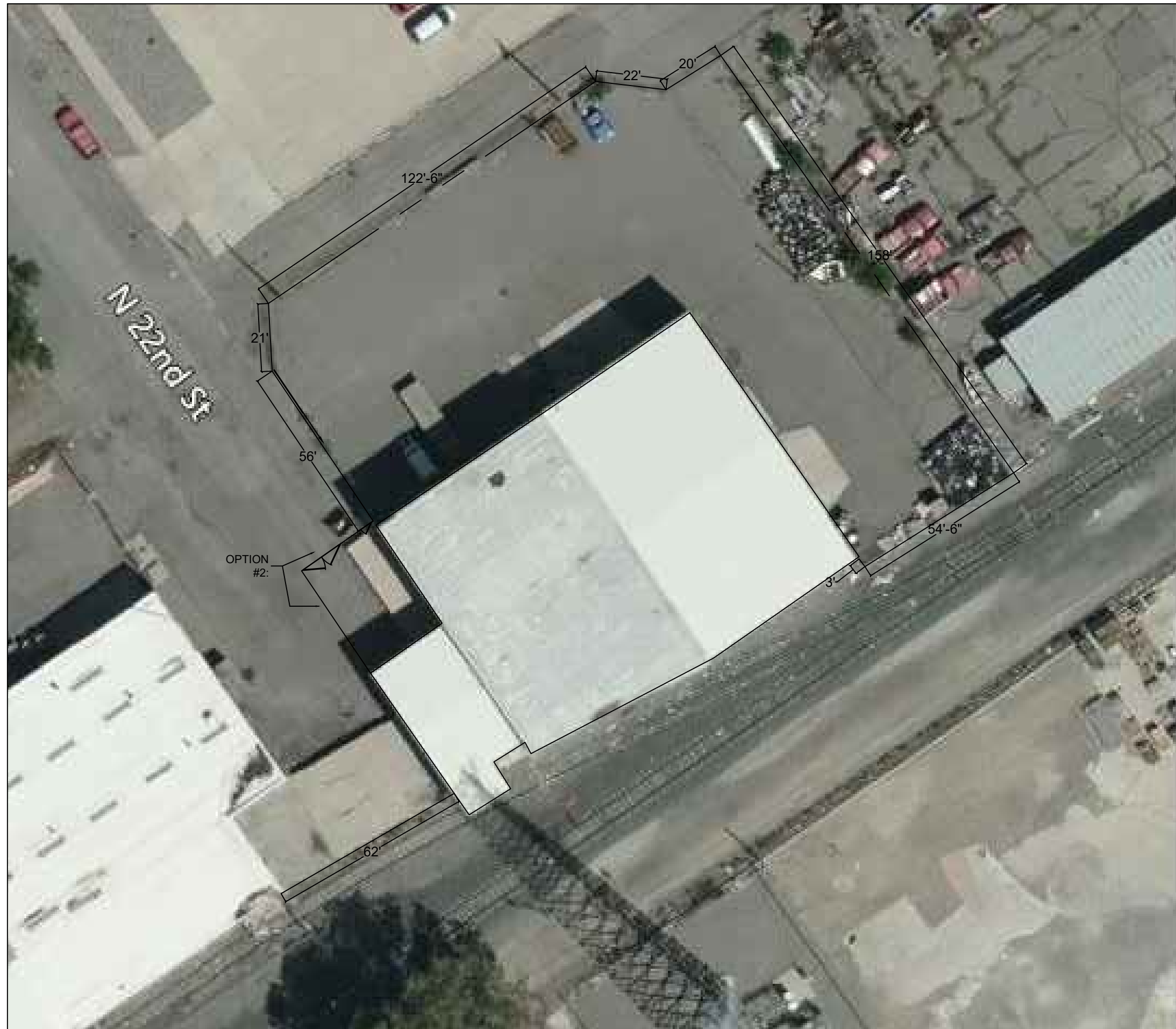
Belle Chemical's TIF fund application and exhibits are attached with more details on the project. We have evaluated their financial standing and have determined that they do have the needed financial strength to undertake the project. Currently, they are pursuing two additional quotes for the project per BIRD request and will have those to us well in advance of the City Council presentation. Any adjustments per these quotes will be made prior to the 26th of October.

If you have any further question on our submission, please do not hesitate to contact me.

Zack Terakedis
EBURD Coordinator
406-272-4321

1413 4th AVE N, SUITE C • BILLINGS, MONTANA 59101

billingsbird@gmail.com

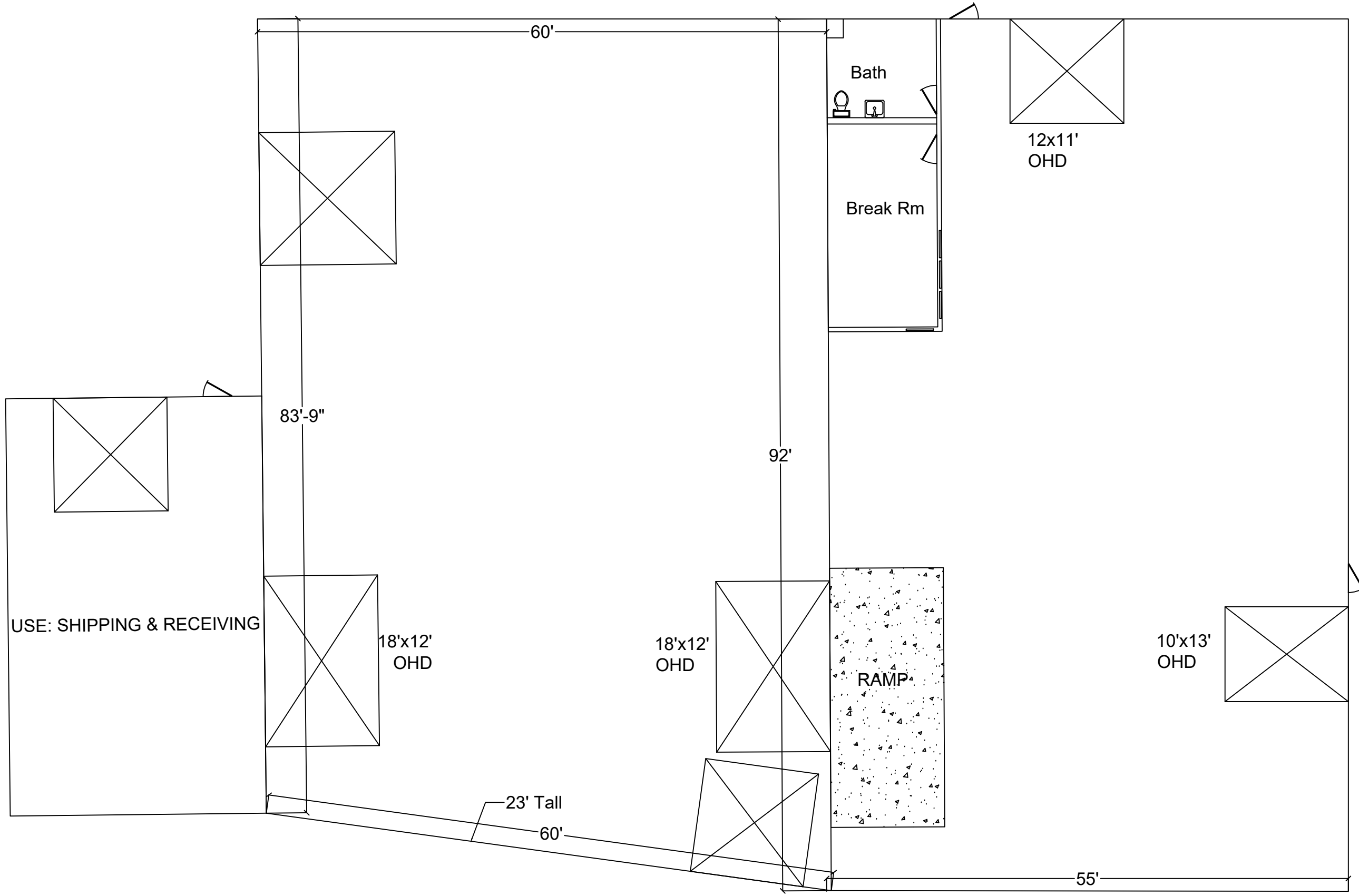


2032 Old Hardin Rd.
 Billings, Montana 59101
 www.s-bar-s.com
 (406) 259-3391

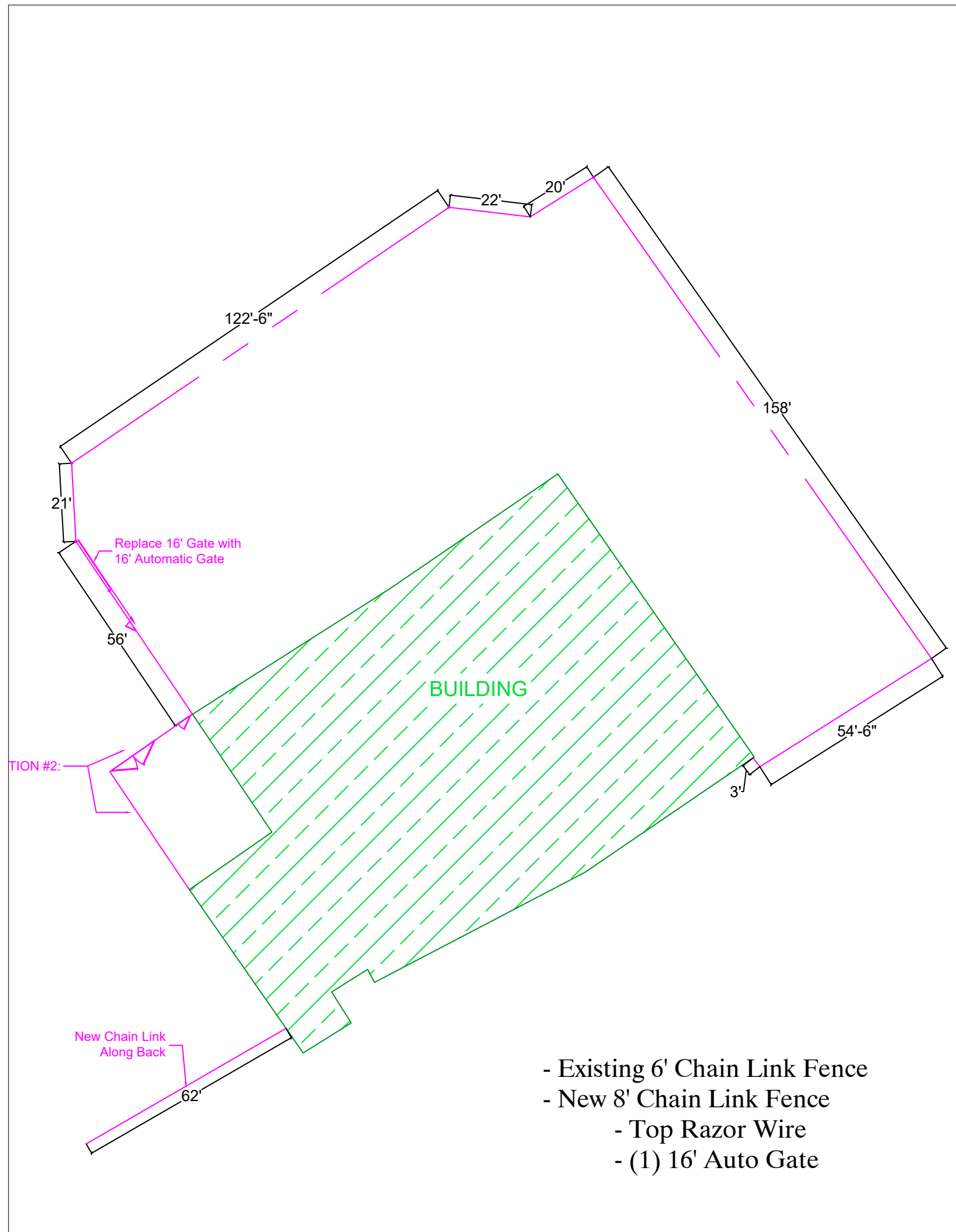


Bell Chemical Project	Description
--------------------------	-------------

Project # 2385	A1
Date 7/29/14	
Scale NA"=1'	



Bell Chemical Project	Description



2032 Old Hardin Rd.
 Billings, Montana 59101
 www.s-bar-s.com
 (406) 259-3391



Bell Chemical Project	Description
--------------------------	-------------

Project # 2385	A1
Date 7/29/14	
Scale NA"=1'	



Subject Property at 501 North 22nd Street



Views along rail spur at Subject Property at 501 North 22nd Street.



Loading dock at Subject Property at 501 North 22nd Street.



Example of security fencing that would be installed at 501 North 22nd Street property with EBURD TIF application award.

EAST BILLINGS URBAN RENEWAL DISTRICT (EBURD)

10/2/2020

Billings Industrial Revitalization District (BIRD) Recommended Assistance	
Project: Replacement of fencing for security improvements	
Entity: Belle Chemical	
Tax parcel: A01933A, A019330, A019320	
In coordination with other site redevelopment, addition of EBURD code appropriate security fencing to ensure safety of current and additional employees, and eliminate a thoroughfare for transients from the railroad to the North Park and surrounding neighborhoods.	

Eligible Public Improvements	Requested		Recommended	MCA Statute
Demonition and replacement of security fencing to EBURD code standards	74,220.00	60%	44,532.00	7-15-4288 (4)
			-	
TOTAL	74,220.00		44,532.00	60%

Current taxable value	746,154.00
Projected taxable value on completion	1,050,000.00
value added	303,846.00
estimated annual increment generated	N/A
multiplied by remaining TIF years (24)	N/A

Public Benefit:

This project correlates with the EBURD Master Plan guiding principles by fostering economic growth, ensuring industrial operations, and encourage community collaboration around public safety

2015 EXPANSION OF THE BILLINGS, MONTANA EAST BILLINGS URBAN RENEWAL DISTRICT, WITH TAX INCREMENT, AND AMENDMENT TO THE URBAN RENEWAL PLAN

FOR CITY OF BILLINGS AND PLANNING REVIEW
February 2015

Prepared by



Billings Industrial Revitalization District, Inc. (BIRD)
1413 4th Ave. N., Ste. C – Billings, MT 59101
pattynordlund@billingsbird.com kelly@billingsbird.com

SECTION 1 – INTRODUCTION

On November 16, 2006, the City Council adopted Ordinance #06-5395 that (a) created the East Billings Urban Renewal District (EBURD) and (b) adopted an urban renewal plan for the district. For reasons discussed in this Amendment to the East Billings Urban Renewal District Plan (“Plan”), it has been determined that the EBURD should be expanded to include other contiguous blighted properties in need of redevelopment. Further, it has been determined that this area has been and is in need of expanded public parking, enhanced pedestrian connections and experiences, improved public safety, and infrastructure improvements to public and private properties that will alleviate flooding issues and lead to increased taxable values. The existing urban renewal plan may be modified by ordinance in accordance with the procedure described in M.C.A. § 7-15-4221. The Urban Renewal Plan of the EBURD approved by the City Council on November 16, 2006, is included by reference as part of this amended Plan and shall remain applicable except to the extent the original plan is explicitly or impliedly amended by this Plan. It is recognized as part of this Plan that the basic vision of the document known as EBURD Master Plan, adopted by the Billings City Council on September 14, 2009 (Resolution #09-18878) and by the Yellowstone County Commissioners on September 29, 2009 (Resolution #09-66), remains valid and should be considered a part. In addition, it is recognized that as part of this amended Plan, the basic vision of the document known as the Exposition Gateway Plan, approved by the Yellowstone County Commissioners on May 28, 2013, and adopted by the Billings City Council on June 24, 2013 (Resolution #13-19289) also remains valid and should be considered a part. The terms defined in “Part A.III – DEFINITIONS” of the EBURD Urban Renewal Plan shall have the same meanings in this Plan unless a contrary meaning is expressed. The expanded district proposed in this Plan is hereafter referred to as the 2015 Expanded EBURD.

SECTION 2 – BACKGROUND

The original East Billings Urban Renewal District, a tax increment finance district, was created on November 16, 2006, by a resolution which stated that it was desirable for the City to consider an urban renewal project within the District, and found that the area contains structures and property in states of substantial deterioration, properties that are obsolete or defective, posing unsanitary or unsafe conditions, are vacant and unused, and have inappropriate uses, and that the present condition of the area substantially impairs the sound functioning of the area and its environs. The Council found that the area is a blighted area within the meaning of MCA 7-15-4210, and stated that “rehabilitation, redevelopment, or a combination thereof is necessary in the interest of public health, safety and welfare of the residents.” The

Council found that undertaking measures to eradicate or diminish the blight will help to foster a more dynamic, livable, and vibrant neighborhood.

Progress has occurred within the District, as evidenced by: 1) increase in taxable value: base year value of \$1,800,794, increased to a 2014 value of \$2,502,968 (*Montana Department of Revenue Form AB-72T, 8-4-2014*); 2) successful approval of both the EBURD Master Plan and the Exposition Gateway Plan; 3) successful implementation of the recommended Parking Overlay District; 4) accomplishment of the recommended two-way streets conversion; 5) completion of EPA Brownfields Program environmental assessments on 23 parcels; 6) successful adoption of the EBURD Zoning Code; 7) completion of a Hospitality Corridor Study; and 8) approval of a project to address flooding, storm water management, and infrastructure improvements in the eastern-most portion of the District. However, many of the undesirable conditions continue to exist, and several out-of-City properties adjacent to the District have now petitioned and been approved for annexation into the City (City Council meeting, 1-26-2015). Therefore, it would be in the best interest of the City to expand the District to encompass adjacent properties, construct needed public infrastructure improvements, increase growth of the tax base, increase the parking inventory, increase the inventory of residential property, stimulate mixed-use development, and further implement the visions of the EBURD Master Plan and the Exposition Gateway Plan, both of which are consistent with the adopted City-County Growth Policy.

Although there has been improvement in the valuation of property in much of the District, the area defined by this proposed expanded tax increment district still has pockets of neglect and blight. The 2015 Expanded EBURD creates an opportunity to continue redevelopment in the center of Billings with a mixture of public and private investment.

The 2015 expansion of the EBURD is essential to planned development along Exposition Drive/Main Street, across from the MetraPark facilities. Public infrastructure construction within this expanded District will spur private investment consistent with the EBURD Master Plan, and especially pertinent to the vision of the Exposition Gateway Plan. It is expected that the expanded District may help fund the following projects:

I. Business Programs and Projects

- a. Business Retention and Recruitment
 - i. Targeted assistance to existing and potential businesses
 - ii. Development of “The EBURD Advantage” marketing materials

- iii. Collaboration with and referral to Big Sky Economic Development and its business assistance programs

II. Parking and Transportation

- a. Facilitate public transit and bicycle/pedestrian-friendly growth and development
- b. Collaborate with City regarding parking management practices and programs consistent with the Parking Overlay District
- c. Plan for future needs regarding parking lots and/or structures

III. Management, Implementation and Maintenance

- a. Billings Industrial Revitalization District, Inc. or its successor, management agreement
 - i. Project development
 - ii. Public awareness
 - iii. Advocacy and liaison between public and private sectors
- b. Potential future development of Business Improvement District
 - i. Development and promotion of a MetraPark-to-Downtown Corridor through the EBURD
 - ii. Crime prevention and public safety:
Cooperative Security and/or Business Watch Program

IV. Infrastructure Improvements

- a. Public
 - i. Public parking
 - ii. Landscaping and park development
 - iii. Street construction/improvements
 - iv. Streetscapes and traffic calming plans
 - v. Sidewalks, curbs and gutter improvements
 - vi. Storm water management
 - vii. Water and waste-water line construction/improvements
 - viii. Relocation of public and private utility lines

In order to make it possible to move forward with the much-needed infrastructure improvement projects referenced above, the Yellowstone County Board of County Commissioners transferred any interest it had in the public right of way on several streets within the Exposition Gateway area to the City of Billings, with Resolution 15-23, passed on March 10, 2015.

- b. Public infrastructure improvements will support investments in:
 - i. Workforce housing development
 - ii. Parking facilities
 - iii. Lodging facilities
 - iv. Conference facilities
 - v. Entertainment venues
 - vi. Retail and restaurant enterprises

V. Housing Improvements

- a. Increase in workforce housing and live-work mixed-use projects

- b. Revitalization and redevelopment of sub-standard residential housing stock

SECTION 3 – SUMMARY OF BLIGHT FINDINGS

The area in the proposed 2015 expansion of the EBURD contains blight, particularly those parcels directly west of the MetraPark facilities which host events that attract hundreds of thousands of visitors each year. Within the district there is structural deterioration, under-utilized structures and vacant lots, and a railroad spur line that is little used. A major issue that rises to the forefront in every planning discussion is that of inadequate storm water management. Without curb and gutter to direct its flow, water pools in low spots and floods buildings. Several of the commercial buildings in the district are deteriorated and/or vacant and need demolition or renovation. Sidewalks are cracked or non-existent; alleys are deteriorated, and, in general, much of the area is below accepted standards. In contrast to the above, there are certain properties within the district in good repair but included in the district to allow for a contiguous block of land within the district and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without ongoing managed urban renewal, even these success stories could once again decline in taxable value.

SECTION 4 – DESCRIPTION OF BLIGHTED AREA

The 2015 expanded urban renewal area described for this amended Plan incorporates most of the Exposition Gateway area, including those properties annexed in January 2015. Major flooding problems occur with rainstorms, as the infrastructure is inadequate for storm water flow and drainage. The subject properties have been used as car sales lots, truck and truck parts sales, vacant lots partially used for equipment storage, as well as some active business enterprises. Many of these structures are unsuited to their current uses because of age obsolescence and physical deterioration.

Montana's Urban Renewal Law (Montana Code Annotated Title 7, Chapter 15, Parts 42 and 43) provides the authority to declare the existence of blighted areas and to target them for improvements. "Blighted area" is defined in Section 7-15-4206(2), M.C.A., as follows:

[A]n area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- (a) *the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;*
- (b) *inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;*
- (c) *inappropriate or mixed uses of land or buildings;*
- (d) *high density of population and overcrowding;*
- (e) *defective or inadequate street layout;*
- (f) *faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- (g) *excessive land coverage;*
- (h) *unsanitary or unsafe conditions;*
- (i) *deterioration of site;*
- (j) *diversity of ownership;*
- (k) *tax or special assessment delinquency exceeding the fair value of the land;*
- (l) *defective or unusual conditions of title;*
- (m) *improper subdivision or obsolete platting;*
- (n) *the existence of conditions that endanger life or property by fire or other causes; or*
- (o) *any combination of the factors listed in this subsection (2).*

The land being added to the Plan area in 2015 includes 14 property tax codes, as listed in Exhibit A, with total assessed value of \$4,871,639. As noted in the 2006 approved Urban Renewal Plan, there are specific “target areas” that should be immediately considered for redevelopment. The properties on Exposition Drive represent an immediate opportunity to capitalize on the traffic generated by MetraPark events.

The EBURD area is part of Census Tract 2, with a population of 3,751. Within the tract, 28.98 percent of residents live below the Federal Poverty Line, with an estimated 2014 median family income of \$30,263. By comparison, in the greater Billings population of 109,059, only 13.1 percent live below the Federal Poverty Line. ([www.ffiec.gov/geocode/CensusDemo 07-01-2014](http://www.ffiec.gov/geocode/CensusDemo%2007-01-2014) & <http://quickfacts.census.gov>.)

There are 1,995 housing units in Tract 2, with 61.7 percent of the units (1,231) built prior to 1960 (55 years ago or more). Of those 1,231 older units, 546 were built in 1939 or earlier. Of the 446 owner-occupied housing units in the tract, 96 percent (428) are valued at less than \$200,000. In fact, 85 of the 446 units (19.1 percent) are valued at less than \$100,000. Indeed, there are a few occupied housing units (16) that lack complete plumbing and/or kitchen facilities. The tract holds 1,243 units where occupants are paying rent. The majority of renters (52.4 percent) pay between \$500 and \$749 per month. However, 29.2 percent (363 renters) pay between \$200 and \$499 per month. There are even a number of renters (23) living in units at less than \$200 per month. Census Tract 2 has a somewhat transient population. Of the 1,689 households, 83.9 percent, or 1,418 householders, moved into the current unit in 2000 or more recently.

Only 16 percent, or 271 householders, have resided in the current unit since 1999 or prior years. (*U.S. Census Bureau, 2008-2012 American Community Survey 5-year Estimates, Table DP04 10-22-14.*)

Public transit, walking and bicycling facilities are important for the area, as 21.6 percent of households (365) do not have a vehicle available. Moreover, the tract houses 406 students in kindergarten through eighth-grade, along with 25 high school attendees and 248 college students. In commuting to work, although the majority of those age 16 and over drove or carpoled to work (72.6 percent), a significant number - 14.9 percent (285 people) - walked to work, and 11.1 percent (212 people) used public transportation or other means of getting to work. (*U.S. Census Bureau, 2008-2012 American Community Survey 5-year Estimates, Tables DP03 & S1401 10-22-14.*)

The EBURD census tract, along with the nearby Heights-Main Street area, is designated by the Billings Police Department as “Beat 3,” or the “East” patrol beat. The East Beat has experienced, over the past three years, increasing numbers of calls for service. In the year 2011, the East Beat had 7,756 calls. Number of calls increased to 9,804 in 2012, and jumped to 10,507 (third highest beat of the nine in the City) for 2013. (*Billings Police Department 2013 Annual Report, www.ci.billings.mt.us.*) Unfortunately, there have recently been two murder incidents in the area as well. Parks personnel, during the October conference on addressing homeless/transient issues, mentioned that homeless individuals are congregating under the Rims in the EBURD, as well as in North Park.

Brownfields, defined as areas with actual or perceived environmental contamination issues, can contribute to unsafe and dangerous conditions, as well as discourage redevelopment efforts. Big Sky Economic Development, in a cooperative agreement with the U.S. Environmental Protection Agency, has secured funding for environmental assessments of properties in the EBURD. With its first round of funding, Big Sky Economic Development contracted with an environmental engineering firm to assess 23 parcels of land in the EBURD to determine “Phase I” conditions (looking at the historical uses of the property and assessing any observed potential contamination issues). In addition, nine parcels were examined with more in-depth “Phase II” assessments, where soil and water testing took place. While none of the completed Phase II assessments pointed to remediation requirements, there are still a number of sites that are advised for Phase II assessment, and many parcels that have not received any environmental assessment to date. Big Sky Economic Development has secured additional EPA Brownfields Program funding with which to accomplish additional environmental assessments in the EBURD beginning in spring 2015, at no cost to property owners who volunteer for the program.

SECTION 5 – DETERMINATION OF BLIGHT

The proposed EBURD Expansion area contains a number of underdeveloped properties and substandard facilities. The Council previously determined that the property included in the EBURD was “blighted” within the meaning of the Act in its adoption of Ordinance #06-5395 that (a) created the East Billings Urban Renewal District (EBURD) and (b) adopted an urban renewal plan for the district (November 16, 2006). Deficiencies in public and private properties located in the district lead to a determination of blight, as defined by state statute. As cited in the original Urban Renewal Plan, the area still meets several definitions of blight:

Deficient Structures in Area (*the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential; deterioration of site*)

There are several buildings and residential structures that are over 50 years in age and do not qualify as being historically significant. Many are in poor repair and may contain potentially hazardous asbestos and lead paint.

While streets, curbs, gutters and sidewalks in some of the area are in satisfactory repair, there are areas without such improvements. Sewer and water utilities in the area are aging and/or inadequate. Flooding occurs within public right-of-way as well as on private property during heavy rain events. Several parking lots generally do not meet code requirements for paving, striping and landscaping. Many of them are cracked and crumbling. Demand for parking will continue and District managers will collaborate with the City to accommodate commercial growth in alignment with the adopted Parking Overlay District.

Deficient Land Use (*inappropriate or mixed uses of land or buildings; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness*)

In general, the 2015 expansion area is under-utilized due to the significant amount of surface used as storage or left vacant. Most structures are single-story. There are vacant lots, storage lots, and auto sales lots directly across the street from Montana’s largest indoor entertainment complex and trade-show facilities. The taxable value of this district must be stabilized and encouraged to grow.

Protecting Public Health & Safety (*unsanitary or unsafe conditions; the existence of conditions that endanger life or property by fire or other causes*)

The conditions of blight, crime, vagrancy and potential brownfields, as described above, reduce “social capital” and community connectedness. Flooding promotes mold growth and related health problems.

SECTION 6 – THE SITE AND ITS RELATIONSHIP TO THE CITY

The Expanded EBURD occupies the center of the City of Billings, adjacent to the Downtown Central Business District and the medical corridor to the west; connecting to the Billings Heights area via Main Street to the northeast; welcoming visitors from Lockwood and beyond via 1st Avenue North to the southeast; and meeting up with the Rimrocks to the north.





SECTION 7 – LEGAL DESCRIPTION

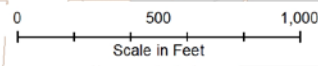
The legal description of the proposed 2015 Expanded East Billings Urban Renewal District is as follows: Beginning at a point at the centerlines of the intersection of 1st Avenue North and North 10th Street and proceeding east to the centerline of Exposition Drive/Main Street, and proceeding north from the intersection of 1st Avenue North and Exposition Drive/Main Street to the intersection of 6th Avenue North and Exposition Drive/Main Street, and from the intersection of 6th Avenue North and Exposition Drive/Main Street, proceeding west to the intersection of 6th Avenue North and North 10th Street, and proceeding south from the intersection of 6th Avenue North and Exposition Drive/Main Street to the intersection of 1st Avenue North and North 10th Street, encompassing all parcels and tax codes therein.

Please see map on following page.

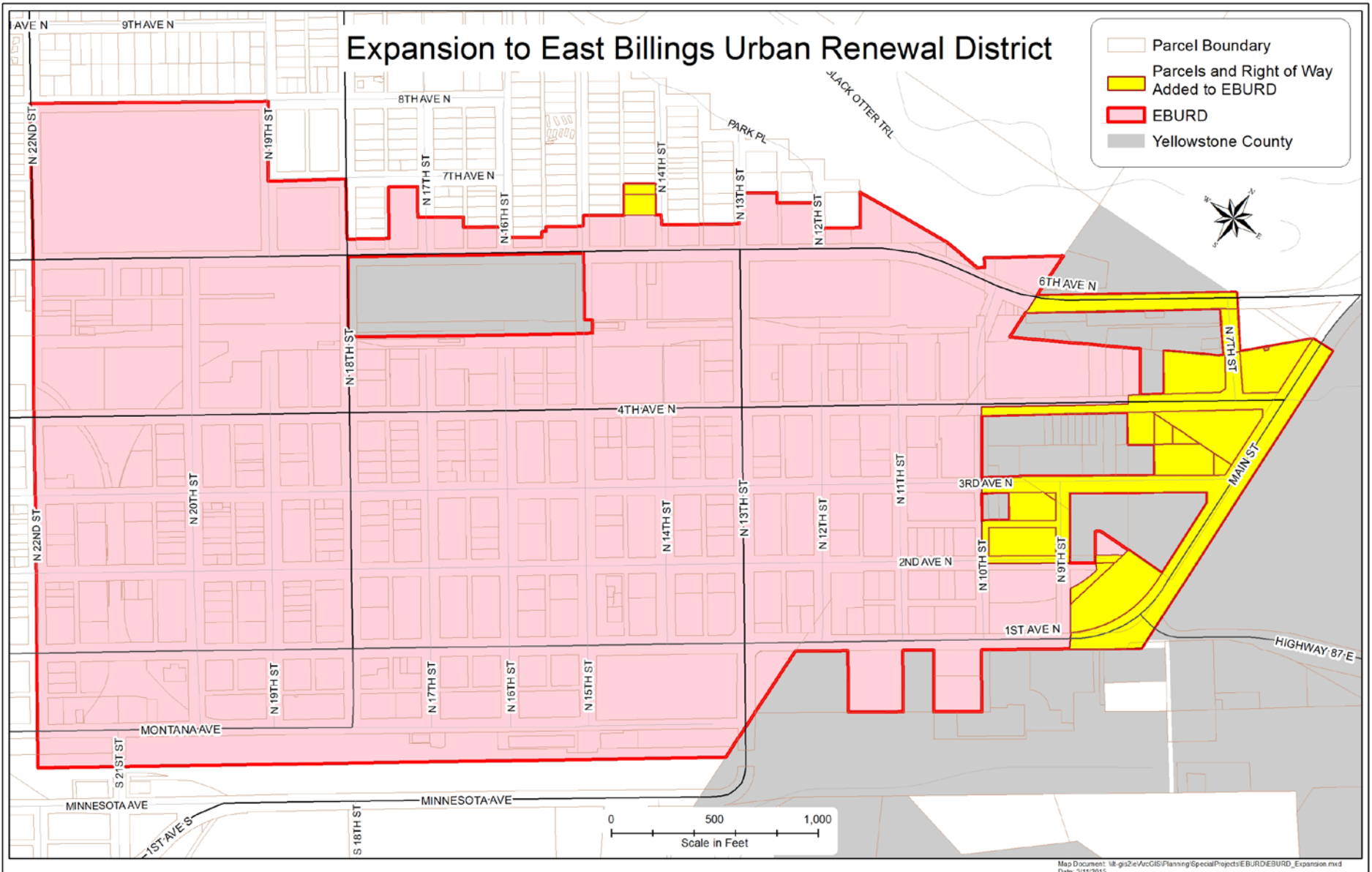
In addition, we propose to add property designated as Tax Code A12053 (North Park Subd., S33, T01N, R 26E, Block 2, Lot 11-12) and property designated as Tax Code A12052 (North Park Subd., S33, T01 N, R26E, Block 2, Lot 7-10).. These lots, are slated for expansion of the Billings Carpet Cleaning activities.

Expansion to East Billings Urban Renewal District

-  Parcel Boundary
-  Parcels and Right of Way Added to EBURD
-  EBURD
-  Yellowstone County



Map Document: I:\gis2e\ArcGIS\Planning\SpecialProjects\EBURD\EBURD_Expansion.mxd
Date: 2/11/2015



SECTION 8 – PROPERTY DEVELOPERS

New development and revitalization in the proposed 2015 expanded urban renewal district will be accomplished with private investment and public-private partnerships, through the implementation of the EBURD Master Plan and the Exposition Gateway Plan. As outlined in Section 2 above, improvements in infrastructure will spur investments in workforce housing development, parking facilities, lodging facilities, conference facilities, entertainment venues, as well as retail and restaurant enterprises.

SECTION 9 – PROJECT RELATIONSHIP TO THE EBURD MASTER PLAN & EXPOSITION GATEWAY PLAN

The proposed urban renewal area and expanded tax increment district is located generally in the center of the City and encompasses several “districts” as defined by the EBURD Master Plan and the EBURD Code. The EBURD Master Plan contemplated eventual annexation of County properties adjacent to the original urban renewal district, and this Amended Urban Renewal Plan seeks to accomplish that end.

One goal of the EBURD Plan was to develop a zoning code unique to the vision of the EBURD. The new code was established and adopted in October 2012, following several months of committee work and public meetings, with consultation from a professional firm known for, literally, writing the book on form-based code options. Form-based code considers the look of the facility and its surrounding landscape, rather than basing zoning purely on the use of the facility. The new code allows for increased flexibility in uses, which was desired by landowners and developers in the area.

Generally, the EBURD Master Plan stressed the area’s ability to make a positive impact on the entire city. The Plan also recommended a private non-profit organization to assist the City of Billings with the management of the Tax Increment District through an annual work plan and contract. This expanded EBURD may be managed in a similar manner and could make use of the redevelopment and facilitation established through that management entity, the Billings Industrial Revitalization District, Inc.

The Plan names housing as an important priority, and recommends that the City continue to work with builders and developers to encourage downtown housing through various methods. Specifically, the plan encourages housing in the Rail Spur Village. However, live-work space is allowed in several EBURD districts, as outlined in the adopted EBURD Code. The formation of an expanded tax increment district will

increase funding for construction or rehabilitation of public infrastructure necessary to attract, retain, and improve housing in the area.

The guiding principles developed through the EBURD Master Plan were built upon the goals of the original Urban Renewal Plan, and continue to guide today's efforts: 1) Foster economic growth; 2) Foster distinct mixed-use, industrial, and hospitality centers; 3) Create affordable housing opportunities and choices; 4) Ensure existing industrial uses can continue to operate as desired; 5) Improve the natural beauty of the District by reintroducing trees and other features; 6) Extend pedestrian and bike trail connections to downtown, Heights, MetraPark and the Yellowstone River; 7) Integrate edges of the District with North Park neighborhood, medical corridor, and downtown; 8) Provide a variety of transportation choices and connections; 9) Complete sewer and storm water infrastructure; and 10) Understand and reduce environmental risks.

Guided by the above principles, several critical action plan steps have already been accomplished: successful approval of both the EBURD Master Plan and the Exposition Gateway Plan; successful implementation of the recommended Parking Overlay District; accomplishment of the recommended two-way streets conversion; completion of EPA Brownfields Program environmental assessments on 23 parcels, with more to take place beginning in 2015; successful adoption of the EBURD Zoning Code; completion of a transportation corridor study; and development of a plan to address flooding, storm water management, and infrastructure improvements in the eastern-most portion of the District. This amendment to the Plan and the urban renewal projects that it contemplates will continue to act upon the Plan's guiding principles.

SECTION 10 – CONFORMANCE TO THE GROWTH POLICY

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43) is that the urban renewal plan must conform to the community's growth policy. The Yellowstone County and City of Billings 2008 Growth Policy ("Growth Policy") aligns with EBURD redevelopment in a variety of ways. This amendment to the East Billings Urban Renewal Plan is consistent with the current Growth Policy. Specifically, the expanded EBURD revitalization efforts meet several Community Goals and Objectives outlined on pages 6-16 of the 2008 Growth Policy:

A. Revitalization in the EBURD meets the goal of contiguous development and of the City's Infill Policy. Revitalization also helps to address the issue stated in the Growth Policy that urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services and threatens the

vitality of the city core and downtown area.

B. Development in the EBURD, especially in the Rail Spur Village area, works toward the goal of affordable housing for all income levels dispersed throughout the City and County. Development of housing helps to address the Growth Policy issue which stated that there is a serious lack of affordable housing for low to moderate income households.

C. Adoption of the more-flexible EBURD Code and continued development efforts in the expanded area help achieve the goal of more housing and business choices within each neighborhood. Moreover, continued development in accordance with the new code assists in addressing the stated issue that there is a desire for more mixed-use neighborhoods.

D. Addition of the Exposition Gateway area to the existing TIF District helps achieve goals to encourage economic development in the neighborhood, encourage new businesses to locate in a prime gateway area, and sets the stage for enhancement of both the functionality and the visual appeal of the entrance to Billings from Lockwood (1st Avenue North & Exposition Drive/Main Street). As noted in the Growth Policy, entryways to our communities should be attractive and not present physical barriers discouraging economic development.

E. The EBURD is adjacent to downtown Billings, and revitalization of the area, as it continues to develop, will contribute toward the vitality and increased safety for visitors and shoppers. As stated in the Growth Policy, safety is an important element.

F. Expansion of the EBURD TIF District assists in meeting the goal of more visually appealing communities, improving the image of the area across the street from the MetraPark facilities and instilling pride in this area of town. Enhancing visual appeal helps to address the Growth Policy's stated issue that there are areas in the City and County that are unattractive and present a poor image of the community.

G. Improvements to the area as envisioned in the Exposition Gateway Plan can lead to a visually appealing design that incorporates the needs not only of vehicular traffic entering the area from Lockwood and from Main Street, but also improves pedestrian access between the MetraPark facilities and new development in the Expo Gateway. Improvements in the proposed expansion area will aid in addressing the Growth Policy's issue that the design of roads, streets, and pedestrian facilities can be more attractive and functional.

H. Expansion of the EBURD TIF District will contribute toward the goal of a well-maintained network of safe and interconnected sidewalks by addressing the critical need for sidewalks, curb and gutter in the Expo Gateway area. As noted in the Growth Policy, the sidewalk system in the City needs upgrading; many sidewalks are cracked and broken, several critical sections are missing, and important sidewalk routes are not adequately maintained.

I. Expansion of the District to include the Expo Gateway area assists the City toward its goal of sanitary and

safe properties, with an improved community image and an increase in property values. Advancing toward this goal helps to address the stated issue that there are dilapidated and unsafe properties in neighborhoods.

J. Expansion of the District allows access to TIF District funding for a long-neglected infrastructure upgrade, moving the City toward its goal of equitable collection and distribution of funding for public services and facilities. Moreover, the expansion assists the City in achieving its objective to ensure that facilities and services are maintained in existing neighborhoods as new neighborhoods are added. The Growth Policy notes that funding for community facilities and infrastructure is very limited; prudent use of TIF District funds assists in solving the limited funding issue.

K. Expansion of the TIF District to include the Expo Gateway area aligns with the City's goal of adaptive reuse of vacant structures, conserving resources, preserving landmarks, preserving neighborhood integrity, and taking advantage of economic development opportunities. Adaptive reuse helps to address the stated issue that there are vacant structures around Billings and in the County that could be reused.

L. Expansion of the EBURD TIF District, leading to development of live-work enterprises and additional workforce housing options, helps move toward the goal of adequate affordable housing and more options for housing, potentially in an area very near to work opportunities. Achievement of these goals assists in solving the stated Growth Policy issue that poor housing and lack of living wage jobs puts the health of residents at risk.

The Growth Policy lists Urban Renewal Districts as an implementation strategy to revitalize neighborhoods, and expansion of the EBURD aligns well with that revitalization strategy.

SECTION 11 – CERTAIN PLAN FEATURES AND FINANCIAL MATTERS

Section 7-15-4217, M.C.A., of the Act requires cities to make certain findings when they adopt an urban renewal plan and approve Urban Renewal Projects. These are addressed below:

1. The existing EBURD contains 133 housing units that are home to 305 people (*U.S. Census 2010, per Leslie Zolman, GISP, Montana Dept. of Commerce Census and Information Center, 5-7-2014*). For the entire Census Tract, including the North Park neighborhood, there are 1,995 housing units, of which 1,689 are occupied and 306 are vacant (*U.S. Census Bureau, American Community Survey Table DP04, 10-22-14*). Planned projects would not displace any persons from housing. Accordingly, there is no need to have a workable and feasible plan for substitute housing until and unless such a project is developed in the future.

2. This amended East Billings Urban Renewal Plan conforms to the Growth Policy for the City as a whole, and also to the EBURD Master Plan and the Exposition Gateway Plan.
3. This Modified Plan affords maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the Expanded EBURD by private enterprise. It is unreasonable to expect that the district will be stabilized and/or redeveloped without substantial public support. Some properties within the area are dilapidated. As presently constituted, property in the district is not conducive to any sort of uniform or integrated development and, as presently existing, cannot compete with other areas of the City for substantial developments, particularly areas at the outskirts of the City. This amended Plan is intended to facilitate the identification and construction of significant Urban Renewal Projects, which would not be possible without this Plan.
4. A sound and adequate financial program exists for financing projects, which include the sale and issuance by the City of tax increment finance bonds. Subsequent approved development projects will require commitments of substantial private financing that will provide the primary means for funding construction of the improvements and revitalization efforts.
5. This 2015 Expanded EBURD may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas, and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may be mailed only to those owners whose properties are situated within the area of expansion of the Urban Renewal District boundaries. Notice will be mailed to those property owners whose properties are within the area of expansion.

SECTION 12 – TAX INCREMENT

Tax increment financing is necessary to encourage private reinvestment within the District, which will further encourage economic growth in the District and the City, create substantial employment opportunities, and increase the tax base of the City and other taxing jurisdictions. The 2015 Expanded EBURD is hereby established as a tax increment financing urban renewal area within the meaning of the

Act, and, in particular, Section 7-15-4282 through 7-15-4293 of the Act. This Section constitutes a tax increment provision within the meaning of the Act. In connection with the expansion:

1. For the purpose of calculating the incremental taxable value each year for the life of the district, the base taxable value shall be calculated as base taxable value of the original district as of [January 1, 2006] plus the base taxable value of all real and personal property added to the district by this amended plan and as shown in Exhibit A as of January 1, 2015.
2. The City is hereby authorized to segregate the tax increment derived in the district and use and deposit such increment into the tax increment fund of the district for use as authorized by the Act and as authorized herein from time to time, including, without limitation, pledging the tax increment to repayment of Bonds.
3. The tax increment received from the district may be used to pay directly costs of an approved Development Project as may from time to time be approved by the Council. The Council also hereby authorizes the use of tax increment in the district to pay debt service on bonds issued to finance a portion of the costs of these development projects, and costs associated with the sale and security of such bonds (including any necessary reserve funds) in compliance with the Act, subject to any limitations imposed by the Montana Constitution and federal law.
4. The tax increment provision of the district will terminate upon the latter of:
 - a. The fifteenth (15th) year following the original creation of the district; or
 - b. The payment or provision for payment in full or discharge of all bonds, and the payment of interest thereon, for which the tax increment has been pledged.

After termination of the tax increment provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the district, but shall be paid into funds of the taxing bodies levying taxes within the district.

SECTION 13 – CONCLUSIONS

The creation of this expanded East Billings Urban Renewal District will have a positive impact on central Billings, and is an essential first step in completing what may be a number of urban renewal projects.

Estimates calculated by ECO-Northwest in preparation of the Exposition Gateway Plan indicate that development in the Expo Gateway has a potential new value of nearly \$65 million, with potential TIFD revenues of slightly more than \$1 million (*Financial Analysis, ECO-Northwest, April 8, 2013*). The figures are preliminary estimates; actual values and tax revenue will vary based on type, size and timing of development. Expansion of the district, in addition to further stabilizing the tax base, eliminating blight and providing renaissance to the EBURD, will also bring new employees and residents to the area.

ECO-Northwest states that the Expo Gateway District offers desirable locational attributes:

The Gateway District has several important locational advantages relative to other areas in Billings that make it a prime area for development in the hospitality and retail sectors.

- Proximity to downtown. It is centrally located near employment and commercial uses in the Central Business District, the medical campuses, and the University (directly to the west).
- Proximity to MetraPark. The county-owned multi-function facility has an indoor arena, rodeo grounds, a horse track, open space and other facilities. MetraPark has a long history of successful operation (850,000 to 1 million visitors per year, with 30% coming from over 100 miles away, per Sandra Hawke, MetraPark, February 2009), and provides opportunities for complementary meeting space and catering facilities.
- Proximity to the airport. It is closer to Billings Logan Airport (3 miles) than many areas in the Central Business District as well as areas in south and east Billings.
- Proximity to amenities and commercial areas. It is in close proximity to commercial areas downtown and in Billings Heights, which is a commercial and residential hub to the north.
- Proximity to regional highways. The District lies at the intersection of 212, I-90 and I-94.

The key comparative advantage for the area is its central location *between* downtown and MetraPark (and between the West End and the Heights) on flat land with urban services. It is a good location for urban development. (*ECO-Northwest, Existing Market Conditions Assessment, May 22, 2013*)

As stated in the Exposition Gateway Plan and as stated herein, the Exposition Gateway area requires repair and improvement to streets, curbs, gutters and sidewalks and the water and sewer utilities are inadequate. The City hereby approves, as an urban renewal project for the District, the reconstruction of the streets from Main Street to North 11th Street and between 1st Avenue North to 4th Avenue North in accordance with the Exposition Gateway Concept Plan. The streets included in the construction limits are North 9th Street, North 10th Street, 2nd Avenue North, and 3rd Avenue North. Construction includes full street construction, sidewalk, bulb-outs at the corners, on-street parking, new sanitary sewer, new water mains, and storm drain upgrades. In order to make it possible to move forward with this much-needed infrastructure improvement project, the Yellowstone County Board of County Commissioners transferred any interest it had in the public right of way on streets within the Exposition Gateway area to the City of Billings, with Resolution 15-23, passed on March 10, 2015.

The Council through adoption of the modified East Billings Urban Renewal District hereby approves financing of the improvement project described above with proceeds of tax increment bonds payable from tax increment generated by the District. Such bonds will be issued in a principal amount such that the debt service thereon can be paid from tax increment generated by the District over a period of 25 years. The City hereby finds that there is a feasible and workable plan for financing the improvements.

Expansion of the East Billings Urban Renewal District to include the property described in this amended Plan will have a positive effect on the area and on the City. Improvements to infrastructure will surely be the catalyst in attracting the desired types of development, and will spur further achievement in reaching the goals of the overall EBURD Master Plan.

Please see Exhibit A on next page.

EXHIBIT A

2015 EBURD Expansion

TAXID	ASSESSED VALUE	TAXID	MARKET VALUE	TAXABLE VALUE	TAXID	LOT SIZE (Approx. Sq. Ft.)
1002286 Total	\$1,720.00	1002286 Total	\$912.00	\$23.00	1002286	0
A09340 Total	\$792,286.00	A09340 Total	\$621,944.00	\$15,362.00	A09340	44344.08
A09343 Total	\$688,400.00	A09343 Total	\$540,394.00	\$13,347.00	A09343	29403
A09355 Total	\$265,451.00	A09355 Total	\$208,379.00	\$5,147.00	A09355	42383.88
A09355B Total	\$45,930.00	A09355B Total	\$36,055.00	\$891.00	A09355B	6403.32
A09373 Total	\$498,600.00	A09373 Total	\$391,401.00	\$9,667.00	A09373	19035.72
A09374 Total	\$71,910.00	A09374 Total	\$56,449.00	\$1,394.00	A09374	10628.64
A09375 Total	\$43,862.00	A09375 Total	\$34,432.00	\$850.00	A09375	6054.84
D05887 Total	\$358,428.00	D05887 Total	\$281,366.00	\$6,949.00	D05887	56628
D05888 Total	\$444,941.00	D05888 Total	\$349,279.00	\$8,628.00	D05888	69260.4
D05893 Total	\$593,800.00	D05893 Total	\$466,133.00	\$11,513.00	D05893	56628
D05897 Total	\$14,973.00	D05897 Total	\$11,754.00	\$290.00	D05897	1306.8
D05898 Total	\$917,363.00	D05898 Total	\$720,129.00	\$17,787.00	D05898	91911.6
I01092A Total	\$19,200.00	I01092A Total	\$15,072.00	\$372.00	I01092A	0
Total	\$4,756,864.00	Total	\$3,733,699.00	\$92,220.00		
A12052	\$92,800.00	A12052	\$49,184.00	\$1,215.00	A12052	15000
A12053	<u>\$21,975.00</u>	A12053	<u>\$11,647.00</u>	<u>\$ 201.00</u>	A12053	7500
Grand Total	\$4,871,639.00		\$3,794,530.00	\$93,636.00		

Exhibit A figures provided by Yellowstone County GIS