

CITY OF BILLINGS

**CITY OF BILLINGS MISSION STATEMENT:
TO DELIVER COST EFFECTIVE PUBLIC SERVICES
THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE**

AGENDA

COUNCIL CHAMBERS

September 11, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Gaghen

ROLL CALL

MINUTES – August 28, 2006.

COURTESIES

PROCLAMATIONS

- September 16: Boys & Girls Clubs Day for Kids in Billings
- September: National Library Card Sign-Up Month – Get Carded at Parmly Billings Library

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #1, #9 and #10 ONLY. Speaker sign-in required. (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

CONSENT AGENDA:

1. A. **Bid Awards:**

(1) **MET Transit Purchase** of one transit bus. Recommend Gillig Corporation, \$311,496.00.
[\(Corresponding Staff Memo A1\)](#)

(2) W.O. 06-13: 2006 Accessibility Ramps. (Opened 8/15/06; delayed from 8/28/06). Recommend J & J Concrete, \$332,227.50.

[\(Corresponding Staff Memo A2\)](#)

(3) 2007 4-Wheel Mechanical Broom High Dump Sweeper. (Opened 9/5/06). Recommend delaying award to 9/25/06.

[\(Corresponding Staff Memo A3\)](#)

B. C.O. #8, W.O. 04-13: Filter Building Expansion and Improvements, COP Construction, \$48,312.49.

[\(Corresponding Staff Memo B\)](#)

C. Amendments to Agreements with Wells-Fargo:

- (1) Buy-Sell Agreement
- (2) Drive-up Bank lease.

[\(Corresponding Staff Memo C\)](#)

D. Renewal of Generator Room Lease with FAA in lower level of the Terminal Building, \$72.92/month.

[\(Corresponding Staff Memo D\)](#)

E. Applications relating to W.O. 04-36: Briarwood Sanitary Sewer Main Extensions:

- (1) Structure Encroachment Permit from MDT
- (2) Encroachment and Utility Occupancy Permit from MDT
- (3) Right-of-Way Permit from DNRC for utilities across State Lands

[\(Corresponding Staff Memo E\)](#)

F. Declaring property as surplus property and authorizing a public auction of surplus City equipment and police recovered property on September 30, 2006.

[\(Corresponding Staff Memo F\)](#)

G. Sale of 1999 Elgin street sweeper to Yellowstone County, \$15,000.00.

[\(Corresponding Staff Memo G\)](#)

H. Application for Paratransit Operating Assistance Grant from MDOT and subsequent acceptance of the agreement if received, up to \$710,496.00.

[\(Corresponding Staff Memo H\)](#)

I. Acknowledging receipt of petition Annex #06-13 to annex a 65-acre parcel generally located south of Rimrock Rd. between 50th and 54th Streets West and described as Tracts 1 & 2, C/S 2054 and Cynthia Park (a county park), Blue Diamond Ranch Partnership LLC, owner/petitioner, and setting a public hearing date for 9/25/06.

[\(Corresponding Staff Memo I\)](#)

J. Second/final reading ordinance providing that the BMCC be amended by revising Sections 24-1007 through 1009 and Section 24-1011; providing for vehicle

immobilization when outstanding parking fines exceed \$50.00; updating the procedure; and increasing certain fines.

[\(Corresponding Staff Memo J\)](#)

K. Second/final reading ordinance expanding the boundaries of Ward IV to include recently annexed property in Annex #06-11: a 36-acre parcel generally located on the west side of 46th St. W, south of Rimrock Rd. and described as: Tract 1, C/S 3273, Jim Boyer and Paul Bromenshenk, petitioners.

[\(Corresponding Staff Memo K\)](#)

L. Second/final reading ordinance for Zone Change #787: An ordinance providing that the BMCC be amended by revising Section 27-1404 through 1406 and Section 27-1431 through 1433, adopting the revisions as an amendment to the Zoning Regulations (re: the Shiloh Corridor Overlay District) and setting a time period for the regulation to be effective.

[\(Corresponding Staff Memo L\)](#)

M. Second/final reading ordinance for Zone Change #789: A zone change from Residential-9,600 to Neighborhood Commercial on Lots 8 & 9, Block 2 of Central Acres Subdivision, 2nd filing, located at 3525 Central Avenue, Betty Larsen, owner.

[\(Corresponding Staff Memo M\)](#)

N. Preliminary Subsequent Minor Plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision, generally located south of State Highway 3 between Aireway Drive (south) and Masterson Circle (north), approximately ½ mile southwest of the airport, conditional approval of the preliminary subsequent minor plat and adoption of the findings of fact.

[\(Corresponding Staff Memo N\)](#)

O. Bills and payroll.

(1) August 4, 2006

[\(Corresponding Staff Memo O1\)](#)

(2) August 11, 2006

[\(Corresponding Staff Memo O2\)](#)

(3) August 18, 2006

[\(Corresponding Staff Memo O3\)](#)

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. PUBLIC HEARING AND FIRST READING ORDINANCE expanding the boundaries of Ward V to include recently annexed property in Annex #06-12: a 14.5-acre parcel described as Tract 1 of Corrected Amendment of Tracts 1 and 3 and Remainder Tract 2 to be the Amendment of Tracts 1, 2, and 3, C/S 1648,

Bell Family Trust, owner. Staff recommends approval. (**Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 2\)](#)

3. PUBLIC HEARING AND RESOLUTIONS Creating Special Improvement Lighting Maintenance Districts:

- A. SILMD 290 – S. 32nd St. West;
- B. SILMD 299 – Vintage Estates Subdivision;
- C. SILMD 300 – Bellville Subdivision.

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

[\(Corresponding Staff Memo 3\)](#)

4. PUBLIC HEARING AND RESOLUTIONS relevying and respreading assessments:

- A. SID 1365: installation of water, sanitary sewer, storm drain, and street improvements, in Lake Hills Subdivision, 25th Filing.

[\(Corresponding Staff Memo 4A\)](#)

- B. SID 1366: construction of a park, city water supply, concrete parking lot, and storm drain in Rimrock West Estates Subdivision, 2nd, 3rd, 4th, and 5th filings and C/S 1350.

[\(Corresponding Staff Memo 4B\)](#)

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

5. PUBLIC HEARING AND RESOLUTIONS levying and assessing original assessments:

- A. SID 1368: construction of street, curb, gutter, sanitary sewer, water improvements and storm drainage improvements to Annandale Road from Greenbrier Road to Cherry Hills Road.

[\(Corresponding Staff Memo 5A\)](#)

- B. SID 1370: installation of missing sidewalks, drive approaches, accessibility ramps, curb and gutter and street widening improvements and miscellaneous storm drainage improvements on Interlachen Drive between River Oaks Drive and the southern extension Skyview Drive and on Lakewood Drive from Interlachen Drive to its eastern end.

[\(Corresponding Staff Memo 5B\)](#)

- C. SID 1373: construction of curb, gutter and street improvements (including bike path) for South Billings Boulevard between King Avenue and Underpass Avenue.

[\(Corresponding Staff Memo 5C\)](#)

- D. SID 2501: miscellaneous sidewalk, curbs, and gutter improvements located in areas throughout the City.

[\(Corresponding Staff Memo 5D\)](#)

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

6. **PUBLIC HEARING AND RESOLUTION** levying and assessing original assessments for SID 3006: Tree Removal Costs. Staff recommends approval. **(Action:** approval or disapproval of the Staff recommendation.)
[\(Corresponding Staff Memo 6\)](#)
7. **PUBLIC HEARING AND RESOLUTION** setting mill levy rates for (a) the Public Safety Fund, (b) General Obligation Debt Service - Parks, and (c) General Obligation Debt Service - Streets for FY2007. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 7\)](#)
8. **PUBLIC HEARING** regarding the City Council preferences on intersection and maintenance alternatives in the Shiloh Road Corridor area. Recommendation to be made at meeting. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 8\)](#)
9. **2007 UNIFIED PLANNING WORK PROGRAM (UPWP)** for the Billings Metropolitan Planning Organization. Staff recommends approval of the Draft 2007 UPWP and authorizing the Mayor to take this recommendation to the Policy Coordinating Committee (PCC) meeting. **(Action:** approval or disapproval of Staff recommendation)
[\(Corresponding Staff Memo 9\)](#)
10. **CITY ADMINISTRATOR CONTRACT** with Tina Volek. **(Action:** approval or disapproval of contract.)
[\(Corresponding Staff Memo 10\)](#)
11. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.**
(Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

COUNCIL INITIATIVES

ADJOURN

(NOTE: Additional information on any of these items is available in the City Clerk's Office)

Visit our Web site at:
<http://ci.billings.mt.us>

CALENDAR

(Council AND Boards & Commissions)

SEPTEMBER:

9/11/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
9/12/2006	Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 th Floor Library
9/13/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
9/14/2006	Library Board Council Tour	NOON 1:00 p.m.	Library Police Dept.
9/18/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
9/19/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library
9/20/2006	Electronic Signs Ad Hoc Committee	1:00 p.m.	4 th Floor Library
9/25/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
9/26/2006	Agenda Setting Meeting Planning Board Traffic Control Board	5:30 p.m. 6:00 p.m. NOON	CH Conference Room 4 th Floor Library 4 th Floor Library
9/27/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
9/28/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 th Street

OCTOBER:

10/02/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
10/03/2006	Community Development Board Zoning Commission Aviation & Transit Commission	3:00 p.m. 4:30 p.m. 5:30 p.m.	4 th Floor Library Council Chambers Airport
10/04/2006	Policy Coordinating Committee Board of Adjustment	8:00 a.m. 6:00 p.m.	4 th Floor Library Council Chambers

10/05/2006	EMS Commission	7:30 a.m.	Main Fire Station Conf. Rm 2300 9 th Ave. N.
	Human Relations Commission	12:15 p.m.	CH Conference Room
10/09/2006	COLUMBUS DAY – CITY OFFICES CLOSED		
10/10/2006	Parking Advisory Board	4:00 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 th Floor Library
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/11/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
	Agenda Setting Meeting	5:30 p.m.	CH Conference Room
10/12/2006	Library Board	NOON	Library
10/16/2006	Energy & Conservation Commission	3:00 p.m.	BOC Conference Room
	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
10/17/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library
10/19/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
10/23/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
10/24/2006	Planning Board	6:00 p.m.	4 th Floor Library
	Traffic Control Board	NOON	4 th Floor Library
10/25/2006	Housing Authority	NOON	2415 1 st Avenue North
	Development Process Advisory		
	Review Board (DPARB)	1:00 p.m.	CH Conference Room
10/26/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center
	(Note: November and December meetings to be combined at a date decided in October)		
10/31/2006	Agenda Setting Meeting	5:30 p.m.	CH Conference Room

A1

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

TITLE: MET Transit Division Purchase of One Transit Bus
DEPARTMENT: Aviation/Transit Department
PRESENTED BY: Thomas H. Binford, Interim Director of Aviation/Transit

PROBLEM/ISSUE STATEMENT: MET Transit has one bus that has reached the end of its useful life under both Federal Transit Administration Regulations and the City of Billings Equipment Replacement Program (ERP). This bus does not meet current ADA requirements for wheelchair lifts and passenger restraint systems. Because of its age, maintenance costs, and the decreasing ability to find replacement parts, the continued use of this older coach is beginning to be problematic. This is the last of the 1991 coaches to be replaced.

On June 23, 2003, MET Transit received Council approval to accept the low bid from Gillig Corporation for a multi-year bus replacement program. This approval allowed MET Transit to order six buses in FY 02/03 with five future year purchase options. Under the terms of this agreement future year bus purchases are adjusted by the Producer Price Index (PPI) for Transportation Equipment which is the industry standard for determining price adjustments for the option years. The first use of this purchase option was approved by Council in April 2004 for five replacement buses. The second use of this purchase option was approved by Council in April 2005 for five more replacement buses. This bus will be the final bus purchased with this option year contract.

FINANCIAL IMPACT: Funds were budgeted in the FY 06/07 budget to accomplish this purchase. This bus replacement will be funded using Federal Transit Administration (FTA) Discretionary Grant dollars at 80% Federal and 20% Local. MET Transit's Fiscal Year 06/07 budget for this replacement is \$283,363; however, due to the Producer Price Index, the cost of the bus will increase by 9.93% for a total cost of \$ 311,496. The major factors that have contributed to the PPI increase are the 2007 EPA emission updates, increase in the cost of steel, and increases resulting from energy/oil costs that affect all phases of the production process. There are adequate grant and local match funds to cover the PPI increase, and staff has verified that accepting the option would still provide the City a lower price than issuing a new bid for a single transit coach.

RECOMMENDATION

Staff recommends that the City Council approve the authorization for staff to place an order to purchase one new 35-foot coach at a price of \$311,496 from the Gillig Corporation.

Approved By: **City Administrator** **City Attorney**

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A2

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Work Order 06-13, 2006 Accessibility Ramps

DEPARTMENT: Public Works/Engineering

PRESENTED BY: David D. Mumford, PE, Public Works Director

PROBLEM/ISSUE STATEMENT: Bids were received and evaluated for the 2006 Accessibility Ramps on August 15, 2006. This project will construct approximately 104 Accessibility Ramps on Poly Drive, 13th Street West, and the intersection of 19th Street West and Lewis Avenue. Per the agreement between the Department of Justice and the City Of Billings, the City is required to construct accessibility ramps on all streets that have been reconstructed or overlayed since 1992. The city added \$500,000 of gas tax funds to the CIP each year for the next five years. The award of this contract was delayed from the August 28, 2006, City Council Meeting to allow investigation into a potential bid irregularity. The irregularity was found to be immaterial and does not affect the award of the bid.

ALTERNATIVES ANALYZED:

1. Award Work Order 06-13, 2006 Accessibility Ramps, to J & J Concrete in the amount of \$332,227.50; or
2. Do not award Work Order 06-13, 2006 Accessibility Ramps to J & J Concrete.

FINANCIAL IMPACT: Funding for Work Order 06-13, 2006 Accessibility Ramps, will be provided from Gas Tax. We received four bids for this project as follows:

	<u>Total</u>
Engineer's Estimate	\$ 378,028.90
J & J Concrete	\$ 332,227.50
JTL Group, Inc.	\$ 474,415.00
H.L. Ostermiller	\$ 370,696.00
CMG Construction	\$ 346,180.00

CIP Project #ENG ADA

CIP Budgeted Amount	\$500,000.00
Previous Encumbrances	\$000,000.00
Bid Award Amount	<u>\$332,227.50</u>
Budget Fund Balance	\$167,772.50 (after this award)

RECOMMENDATION

Staff recommends that Council approve the construction contract for Work Order 06-13, 2006 Accessibility Ramps, with J & J Concrete in the amount of \$332,227.50.

Approved By: **City Administrator** **City Attorney**

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A3

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

SUBJECT: Delay of Award of Sweeper Bid

DEPARTMENT: Public Works

PRESENTED BY: David D. Mumford, P.E., Director of Public Works

PROBLEM/ISSUE STATEMENT: The Street/Traffic Division intends to purchase a 4-wheel mechanical broom high dump sweeper in FY07. This purchase was approved by the City Council in the FY07 budget process for replacement of an existing sweeper to be purchased in the Equipment Replacement Plan (ERP). Bids were opened on Tuesday, September 5, 2006, at 2:00 pm.

FINANCIAL IMPACT: This expense was budgeted for FY07 in the Capital Replacement Fund (\$183,967).

RECOMMENDATION

Staff recommends delaying award of bid until the September 25, 2006, City Council meeting.

Approved By: City Administrator City Attorney

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B

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

TITLE: W.O. 04-13—Filter Building Expansion and Improvements,
Change Order Number Eight

DEPARTMENT: Public Works

PRESENTED BY: David D. Mumford, P.E., Public Works Director

PROBLEM/ISSUE STATEMENT: HDR Engineering, the designer and consultant for the expansion and improvements to the Water Treatment Plant (WTP) Filter Building (W.O. 04-13), has submitted Change Order Number Eight to modify the construction contract with COP Construction. Change Order No. Eight involves labor and materials related to installing disconnect switches on instrument racks, installing electrical controls for sump pumps, installing touch screens on PLCs, modifying the size of louvers, and performing tests to determine effects from the presence of lead paint. No additional time is requested, but additional costs result from the recommended changes, as outlined below.

Personnel from the WTP have requested disconnect switches be installed on the instrument racks for the West Flume, East Flume, Filter to Waste (FTW) Turbidity, Air Scour Flow, and Filter instruments. The disconnect switches allow a single rack to be powered down for maintenance, trouble shooting, etc. Without the disconnects, the only way to remove power from the instruments would be to turn off a breaker at the MCC, which would remove power from multiple racks and potentially shut down a larger portion of the plant than necessary. The labor and materials required for this change result in additional costs of \$2,016.86.

The original plans call for all sump pumps to be controlled manually. It has been determined to be much more efficient and provide more safety to control the sump pumps electronically with PLCs through the DeviceNet system. Float switches will send a signal to the PLCs, which will dictate the operation of the pumps. Manual operation will still be available as a secondary process. The labor and materials required to implement the float switches result in additional costs of \$957.87.

The original plans call for touch screen controls on all new PLCs. However, the specified touch screens are not the same style as and do not have the same DeviceNet protocol as those currently operating in other parts of the Water Treatment Plant. It has been requested to provide and

install touch screens and scanner modules that match the existing components to maintain consistency throughout the whole plant and provide operators with controls they are familiar with. The labor and materials required to implement this change result in additional costs of \$33,417.41.

The original louver schedule calls for louvers that are different sizes from the louver openings shown in the architectural drawings. The walls were constructed to conform to the architectural drawings, and the louvers actually required for the necessary air flow correspond to the sizes of these openings. Therefore, the louver sizes must change from those shown in the louver schedule. The different materials for this change result in additional costs of \$2,291.04.

After construction began, paint samples were taken from various pipes in different locations to determine whether or not lead-based paint was present. The test results showed lead present, in varying degrees, in all samples. This was declared to be a hazardous condition that was unknown at the time of bidding. A mock-up procedure will be performed for all construction activities in which lead paint will be encountered, and the exact level of lead exposure resulting from these activities will be measured to determine what, if any, precautions must be followed to stay within OSHA regulations. There are costs associated with setting up and performing the mock-up procedure and for obtaining the test results from the procedure. This change order reflects the maximum amount the City will be charged, \$9,629.31, but the City will be billed for only the actual time and materials required for the procedure.

In summary, Change Order Number Eight creates an increase of \$48,312.49 to the contract amount, but no change to the schedule for time of completion. This puts the total amount of change orders for this project over \$100,000, so Council approval is required. The Change Order Cover Sheet is shown in Attachment A.

FINANCIAL IMPACT: W.O. 04-13 – Water Treatment Plant Filter Building Expansion and Improvements is being funded by a State Revolving Fund (SRF) loan and supplemented by the City’s Utilities Water Building and Operation Facilities Fund, Account #416-7493-603-9220. Change Order Number Eight represents an addition to the project’s costs. The approved project budget includes a contingency to pay for unforeseen circumstances characteristic with those depicted in Change Order Number Eight. There are adequate funds available to cover the additional costs. The table below summarizes the financial impact to the project.

ORIGINAL CONSTRUCTION CONTRACT: \$16,400,000.00

	Amount	% Of Contract	Cumulative % Of Contract
Change Orders 1 A thru 5 (Additions)	\$ 99,397.19	0.61%	
Change Order No. 6 (Deduction)	(\$ 1,588.17)	-0.01%	
Change Order No. 7 (Addition)	\$ 2,029.08	0.01%	
Change Order No. 8 (Addition)	\$ 48,312.49	0.29%	
TOTALs to date:	\$148,150.59		0.90%

RECOMMENDATION

Staff recommends that Council approve Change Order Number Eight to the construction contract with COP Construction for W.O. 04-13—Filter Building Expansion and Improvements, adding \$48,312.49 to the contract.

Approved By: **City Administrator** **City Attorney**

ATTACHMENT

A. Cover sheet of Change Order Number Eight

[\(Back to Consent Agenda\)](#)

C

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

TITLE: Amendments to Wells-Fargo Drive-Through Bank Lease and Purchase and Sale Agreement

DEPARTMENT: Administration

PRESENTED BY: Bruce McCandless, Deputy City Administrator

PROBLEM/ISSUE STATEMENT: The City Council approved three agreements with Wells-Fargo Bank on January 11, 2006. The Bank requests amendments to two of the agreements; delaying the occupancy deadline to August 1, 2007 for the drive-through bank lease and adding a right of first refusal to repurchase the property from the City in the purchase and sale agreement. The Council approved the original agreements and it must approve the amendments to put them into effect.

ALTERNATIVES ANALYZED: The Council may:

- Approve the amendments
- Reject the amendments
- Request changes to the amendments or the original agreements

FINANCIAL IMPACT: The requested changes should have no financial impact on the City.

RECOMMENDATION

Staff recommends that Council approve the amendments delaying the occupancy deadline to August 1, 2007 in the drive-through bank lease and adding a right of first refusal to repurchase the property from the City in the drive-up bank lease agreement with Wells-Fargo Bank.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

- A: Purchase and sale agreement paragraph 10 – to be deleted from present agreement
- B: Purchase and sale agreement amendment
- C: Drive-through lease amendment

INTRODUCTION

In January 2006 the City purchased the present Wells Fargo drive up bank, leased it back to the bank and leased the ground floor of the Park II expansion to the bank for a replacement drive up. The bank requests changes to two out of the three agreements. The Council must approve the amendments for them to become effective.

BACKGROUND

In 2005 the City transit division identified downtown properties that would be suitable for a new transfer station and operations center. Two of the sites were either unavailable or deemed to be unacceptable. The Wells-Fargo Bank offered its present drive up bank property, located at 2nd Avenue North and N. 26th Street. The only way that the bank could abandon that property was to find a replacement property. The City and bank were able to negotiate three agreements to transfer ownership of the bank property to the City, for the bank to lease that space for approximately one year and for the bank to relocate to the ground floor of the future Park II expansion.

The buy-sell agreement contains a provision that allows the bank to repurchase the land if the City doesn't use it for a transfer center or other public use or if it discontinues that use in the future. According to its attorneys, the provision prevents the bank from reporting the sale as a final disposition. Therefore, the bank requests an amended paragraph that allows it a first right of refusal to repurchase the property if the City attempts to sell the property in the future.

The City agreed to lease the ground floor of the Park II garage expansion to Wells Fargo as a replacement site for the property it sold to the City. The City expected to start construction early in 2006 but due to high bid prices and then examining multiple options, the construction start was delayed until July. The lease agreement requires the City to turn over the ground floor space to the bank no later than April 2007. Since the construction was delayed, the occupancy deadline needs to be extended until August 1, 2007.

ALTERNATIVES ANALYSIS

The City Council may approve the changes as presented and there should be no negative impact on either party. Council could request additional changes in the documents but staff does not recommend any at this time. The Council could reject the changes. This would force the City to try to complete the ground floor by April 1, which may be possible if there are no weather or material delivery delays. The Bank would not be able to properly book and report the asset sale.

RECOMMENDATION

Staff recommends that Council approve the amendments delaying the occupancy deadline to August 1, 2007 in the drive-through bank lease and adding a right of first refusal to repurchase the property from the City in the drive-up bank lease agreement with Wells-Fargo Bank.

ATTACHMENTS

- A: Purchase and Sale Agreement Paragraph 10 – to be deleted from present agreement
- B: Purchase and Sale Agreement Amendment
- C: Drive-Up Bank Lease Agreement Amendment

ATTACHMENT A

PURCHASE AND SALE AGREEMENT PARAGRAPH 10 – TO BE DELETED FROM PRESENT AGREEMENT

K.

L. 10. Seller's Repurchase Rights. Buyer intends to develop the Property as a bus transit center. In the event that Buyer fails to develop the Property as a bus transit center (or related transportation facility), or subsequently ceases to use the property as a bus transit center (or related transportation facility), then Seller shall have the right and option to repurchase the property from Buyer at its then fair market value. Seller's repurchase rights shall continue and survive so long as Seller or its successors and assigns maintain a banking facility located at 175 North 27th Street, Billings, Montana. Contemporaneously herewith, Buyer shall execute a recordable instrument memorializing Seller's repurchase rights in the form of Exhibit E hereto.

ATTACHMENT B

AMENDMENT OF PURCHASE AND SALE AGREEMENT

This Amendment Agreement dated August 10, 2006, is made and entered into by and between **WELLS FARGO BANK, N.A.**, a national banking association ("Seller") and the **CITY OF BILLINGS, MONTANA**, a municipal corporation ("Buyer") who, for valuable consideration received, agree as follows:

RECITALS

1. Buyer and Seller entered into a Purchase and Sale Agreement dated January 11, 2006 for the sale of the real property described on Exhibit "A" hereto.
2. Buyer and Seller enter into this Amendment Agreement in order to amend and revise the foregoing Purchase and Sale Agreement, as expressly set forth in this Amendment.

AMENDMENT AGREEMENT

Buyer and Seller stipulate and agree that the above-referenced Purchase and Sale Agreement shall be amended in the following respects:

1. Section 10, Seller's Repurchase Rights shall be deleted in its entirety, and the following language shall be substituted:
 10. Seller's Right of First Refusal in the Event of a *Bona Fide* Third Party Offer. Buyer grants to Seller a right of first refusal to purchase the property described on Exhibit "A" in the event that Buyer receives a *bona fide* third party offer to purchase the property described in Exhibit "A". Before selling the property described in Exhibit "A", Buyer shall give written notice to Seller that Buyer has received a *bona fide* third party offer to purchase the property, which is acceptable to Buyer. Buyer shall disclose all of the terms and conditions of the *bona fide* third party offer to Seller, including the purchase price to be paid by the third party. Seller shall have ninety (90) days from and after the date Seller receives actual notice of a Third Party Offer from Buyer in order to decide whether or not Seller will exercise Seller's Right of First Refusal to purchase the property. If Seller elects to exercise its right of first refusal, Seller shall provide written notice to Buyer within the foregoing ninety (90) days of Seller's intention to exercise Seller's Right of First Refusal. Seller shall then have sixty (60) days to close the purchase and sale. Seller may exercise its Right of First Refusal by offering to purchase the property described on Exhibit "A" for the

exact dollar amount offered by the *bona fide* third party offeror. If Seller fails to elect to exercise its Right of First Refusal, then Buyer may sell the subject property to the *bona fide* third party offeror. If Buyer fails to close the sale to the *bona fide* third party offeror within one hundred eighty (180) days of Buyer's notice of a third party offer to Seller, then Seller's Right of First Refusal shall continue, and Buyer shall give an additional notice to Seller of Buyer's intent to sell the property (Exhibit "A") to any *bona fide* third party offeror. Additionally, if there is any material change in the terms of the third party offer, Buyer shall give an additional notice to Seller of the changed terms of the third party offer and Seller shall have an additional ninety (90) days to give notice of Seller's intention to exercise Seller's Right of First Refusal. Contemporaneously herewith, Buyer shall execute a recordable instrument memorializing Seller's Right of First Refusal in the form of Exhibit "E-1" hereto.

2. Exhibit "E" (Repurchase Rights) to the above-described Purchase and Sale Agreement is deleted in its entirety, and in place thereof the new Exhibit E-1, attached hereto and incorporated herein by reference as though fully set forth, shall be substituted.
3. The above-described Purchase and Sale Agreement shall remain in full force and effect, binding upon the parties according to its original terms, except as expressly set forth hereinabove.

DATED August ___, 2006

WELLS FARGO BANK, N.A.,
A national banking association

By _____
Name: _____
Its _____

DATED August ___, 2006

CITY OF BILLINGS, MONTANA

By _____
Name: _____
Its _____

EXHIBIT “E-1”

**RIGHT OF FIRST REFUSAL BASED ON A
BONA FIDE THIRD PARTY OFFER**

This Agreement is entered into by and between **WELLS FARGO BANK, N.A.**, a national banking association, 175 North 27th Street, Billings, MT 59101, as “Seller” and the **CITY OF BILLINGS**, a Montana municipal corporation, PO Box 1178, Billings, MT 59103, as **Buyer**.

RECITALS

A. On or about January 11, 2006, Buyer and Seller entered into a written Purchase and Sale Agreement, pursuant to which Seller agreed to sell to Buyer the following described real property in Yellowstone County, Montana, to-wit:

Parcel A:

Lots 1, 2, 3, 4, and 5, Block 60, of Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document #16312. TOGETHER with that part of vacated alley adjoining, which attached to said land by operation of law upon vacation.

Parcel B:

Lots 20, 21, 22, 23 and 24, Block 60, of Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document #16312.

TOGETHER with that part of vacated alley adjoining, which attached to said land by operation of law upon vacation.

Parcel C:

Lot 19, Block 60, of Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under document #16312

B. Contemporaneously herewith, Buyer and Seller have entered into an Amendment to the foregoing Purchase and Sale Agreement in order to delete Section 10 of the foregoing Agreement, and to substitute in place thereof the following provision:

Seller’s Right of First Refusal in the Event of a *Bona Fide* Third Party Offer. Buyer grants to Seller a right of first refusal to purchase the property described on Exhibit “A” in the event that Buyer receives a *bona fide* third party offer to purchase the property described in Exhibit “A”. Before selling the property described in Exhibit “A”, Buyer shall give written notice to Seller that Buyer has received a *bona fide* third party offer to purchase the property, which is

acceptable to Buyer. Buyer shall disclose all of the terms and conditions of the *bona fide* third party offer to Seller, including the purchase price to be paid by the third party. Seller shall have ninety (90) days from and after the date Seller receives actual notice of a Third Party Offer from Buyer in order to decide whether or not Seller will exercise Seller's Right of First Refusal to purchase the property. If Seller elects to exercise its right of first refusal, Seller shall provide written notice to Buyer within the foregoing ninety (90) days of Seller's intention to exercise Seller's Right of First Refusal. Seller shall then have sixty (60) days to close the purchase and sale. Seller may exercise its Right of First Refusal by offering to purchase the property described on Exhibit "A" for the exact dollar amount offered by the *bona fide* third party offeror. If Seller fails to elect to exercise its Right of First Refusal, then Buyer may sell the subject property to the *bona fide* third party offeror. If Buyer fails to close the sale to the *bona fide* third party offeror within one hundred eighty (180) days of Buyer's notice of a third party offer to Seller, then Seller's Right of First Refusal shall continue, and Buyer shall give an additional notice to Seller of Buyer's intent to sell the property (Exhibit "A") to any *bona fide* third party offeror. Additionally, if there is any material change in the terms of the third party offer, Buyer shall give an additional notice to Seller of the changed terms of the third party offer, and Seller shall have an additional ninety (90) days to give notice of Seller's intention to exercise Seller's Right of First Refusal. Contemporaneously herewith, Buyer shall execute a recordable instrument memorializing Seller's Right of First Refusal in the form of Exhibit "E-1hereto.

M. **C.** Wherefore, Buyer and Seller enter into this Agreement in order to memorialize Seller's Right of First Refusal in the event of a *Bona Fide* Third Party Offer.

N. AGREEMENT

O. Buyer and Seller covenant and agree as follows:

P.

1. Seller's Right of First Refusal Based on a *Bona Fide* Third Party Offer. Buyer grants to Seller a Right of First Refusal to purchase the real property described hereinabove in the event that Buyer receives a *bona fide* third party offer to purchase the property. Buyer shall have the right to exercise its Right of First Refusal based upon and according to the terms and conditions of Section 10 of the Amended Purchase and Sale Agreement as set forth in Recital "B" hereinabove.

Notice. All notices required or permitted shall be in writing, and may be delivered in person (by hand or by messenger or courier service), or may be sent by certified or registered mail, postage prepaid, or a nationally-recognized overnight courier service, postage prepaid. The addresses noted below shall be those for delivery or mailing of notices.

If to Seller: Wells Fargo Bank, N.A.
 Corporate Properties Group
 Attn: Lease Administration
 633 Folsom Street, 6th Floor
 San Francisco, CA 94107-3617
 Telephone (415) 396-3115

Copy to: Wells Fargo Bank, N.A.
 Attn: Dan Majeski, Regional Property Manager

175 North 27th Street
Billings, MT 59101
Telephone (406) 657-3466

If to Buyer: The City of Billings
Attn: City Administrator
PO Box 1178
Billings, MT 59103
Telephone (406) 657-8433

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of July, 2006, before me, a Notary Public in and for the State of Montana, personally appeared RON TUSSING, known to me to be the person who executed the foregoing instrument as Mayor, on behalf of the CITY OF BILLINGS and acknowledged to me that he signed the same. Witness my hand and seal the day and year hereinabove written.

(SEAL) _____
Notary Public for the State of Montana
Printed Name: _____
Residing at Billings, Montana
My commission expires: _____
Mm/dd/yyyy

STATE OF CALIFORNIA)
:ss
County of San Francisco)

On this _____ day of July, 2006, before me, a Notary Public in and for the State of California, personally appeared JEFFREY W. RADER, known to me to be the person who executed the foregoing instrument on behalf of WELLS FARGO BANK, N.A. and acknowledged to me that he signed the same. Witness my hand and seal the day and year hereinabove written.

(SEAL) _____
Notary Public for the State of California
Printed Name: _____
Residing at: _____
My commission expires: _____
Mm/dd/yyyy

California All-Purpose Acknowledgment

State of California)
County of San Francisco)

On _____, before me, _____, personally appeared Jeffrey W. Rader

— personally known to me

— proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

(SEAL)

WITNESS my hand and official seal.

Signature of Notary Public

ATTACHMENT C

**AMENDMENT TO
ATM
DRIVE-THROUGH LEASE**

**CITY OF BILLINGS
Landlord**

**WELLS FARGO BANK, N.A.
Tenant**

August 10, 2006

Amendment OF ATM Drive-Through Lease

Billings Municipal Garage No. 2, Billings, Montana

THIS AMENDED LEASE AGREEMENT dated August 10, 2006, is made and entered into by and between The **CITY OF BILLINGS**, Montana, a Montana municipal corporation ("Landlord"), and **WELLS FARGO BANK, N.A.**, a national banking association ("Tenant").

RECITALS

1. Landlord and Tenant entered into an ATM Drive-Through Lease dated January 11, 2006 relating to the real property described therein.

2. Landlord and Tenant enter into this Amended Lease in order to amend and revise the foregoing ATM Drive-Through Lease as expressly set forth in this amendment.

AMENDMENT AGREEMENT

Landlord and Tenant stipulate and agree that the above-described ATM Drive-Through Lease shall be amended in the following respects:

1. Section 2. The date of "August 1, 2007" shall be substituted in place of the date of "April 1, 2007".

2. The above-described ATM Drive-Through Lease shall remain in full force and effect, binding upon the parties according to its original terms, except as expressly set forth hereinabove.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year first set forth above.

TENANT

WELLS FARGO BANK, N.A., a national banking association

By _____
Name: _____
Title: _____

LANDLORD

THE CITY OF BILLINGS, MONTANA, a Montana municipal corporation

By _____
Name: Mayor Ron Tussing
Title: Mayor

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D

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

TITLE: Renewal of Generator Room Lease with Federal Aviation Administration

DEPARTMENT: Aviation and Transit

PRESENTED BY: Tom Binford, A.A.E., Interim Director of Aviation and Transit

PROBLEM/ISSUE STATEMENT: The City has a Lease with the Federal Aviation Administration (FAA) for space located on the lower level of the Terminal Building to house the FAA Air Traffic Control Tower backup generator. The Lease was established in 1989 and covered 630 square feet of ground space under the Terminal overhang on the airfield side of the building. The FAA built the walls for this space and equipped the room at their cost. The negotiated rate at that time was \$675 per year for a five-year period. This Lease has subsequently been renewed two additional times, with the annual rate adjusted on the best guess of what the average Consumer Price Index for All Urban Consumers (CPI-U) would be over each renewal period term. This Lease is now set to expire on September 30, 2006. During the construction of the new Air Traffic Control Tower and TRACON Building, a new backup generator was installed to provide emergency backup power. Even though the new Air Traffic Control Tower is scheduled to begin service during the month of September, the FAA desires to extend the Lease for one additional year with the option to cancel it with thirty (30) days written notice. This arrangement should allow the FAA time to ensure that the new tower functions correctly, allow time to disconnect the electrical backup connections to the old tower cab and the tower equipment room located on the second floor of the Terminal Building, and ensure that there is enough Lease time to address any other issues that may need to be handled prior to canceling the Lease.

FINANCIAL IMPACT: The annual rental for a full lease year is \$875. This rate was calculated based on the previous rate plus an increase for the CPI-U. Since this Lease will probably be canceled sometime during the term of the Lease, due to the new FAA tower becoming operational, the rentals received will be \$72.92 for each month that the Lease remains in place.

RECOMMENDATION

Staff recommends that Council approve the Renewal of the Generator Room Lease with the FAA for one year.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS:

A. FAA Supplemental Lease Agreement Number 3 (2 Pages)

[\(Back to Consent Agenda\)](#)

AGENDA ITEM:

**CITY COUNCIL AGENDA ITEM****CITY OF BILLINGS, MONTANA****Monday, September 11, 2006**

TITLE: W.O. 04-36 – Briarwood Sanitary Sewer Main Extension, MDT Permits and DNRC Easement

DEPARTMENT: Public Works

PRESENTED BY: David D. Mumford, P.E., Director

PROBLEM/ISSUE STATEMENT: The preferred alternative identified in the Preliminary Engineering Report (PER) for the above-named project recommended that the new sewer main generally follow a route along Blue Creek Road so that the southerly portion of the new sewer main will drain via gravity from Briarwood to the area of Santiago Boulevard. From the Santiago area, a sewer lift station is needed to convey sewerage via a force main across the Yellowstone River then to the existing gravity sewer infrastructure in the South Frontage Road of Interstate 90. A short section of the gravity main south of the new lift station and the force mains will be placed in the MDT road right of way, and MDT requires a permit for utility occupancy in their right of way. To cross the river, the force main will be attached to the existing Yellowstone River bridge, and MDT requires a permit to attach something to their bridge structure. Also, the Yellowstone River is a water of the state under the jurisdiction of DNRC, so a right of way easement is required from DNRC. Similar permits and easement were obtained when the water main was extended to the Briarwood area ca. 2003. The applications were reviewed by Legal Staff prior to submittal for Council approval.

ALTERNATIVES ANALYZED:

- Approve the submittal of these applications.
- Do not approve the submittal of these applications. Without the MDT permits and the DNRC easement, this project cannot be built in the MDT right of way or across the Yellowstone River.

FINANCIAL IMPACT: There is a \$500 fee associated with submitting the DNRC easement, but that fee was included in the professional services contract with Morrison-Maierle, Inc. for this project.

RECOMMENDATION

Staff recommends that Council approve the applications for an MDT Structure Encroachment

Permit, an MDT Encroachment and Utility Occupancy Permit, and a DNRC Right of Way Easement for Utilities Across State Lands, for the Briarwood Sanitary Sewer Main Extension project, and authorize the Mayor to execute these applications.

ATTACHMENTS

- A. MDT Structure Encroachment Permit
- B. MDT Encroachment and Utility Occupancy Permit
- C. DNRC Right of Way Easement for Utilities Across State Lands

Approved By: **City Administrator** **City Attorney**

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F

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

SUBJECT: Sale of Surplus Property

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Liz Kampa-Weatherwax, Purchasing Agent

PROBLEM/ISSUE STATEMENT: The City of Billings will conduct an auction of surplus City items and police recovered property on Saturday, September 30, 2006, at the Billings Operations Center, located at 4848 Midland Road, Billings, MT 59101.

Attached is a list of those items departments would like sold at the City auction. The list has been circulated to all departments for their review. If other departments are interested in any of the items, they will not be auctioned.

The final list may change and will include only items no longer needed by the City of Billings.

RECOMMENDATION

Staff recommends that City Council declare the attached list of items as surplus property and give staff authorization to sell them at the public auction.

Approved By: City Administrator City Attorney

ATTACHMENT

A. City of Billings Auction List

ID	Department/Division	Category	Description	Qty	Unit#	Vir
97	Police	Vehicle	2000 Ford Crown Victoria	1	1564	2F
98	Police	Vehicle	2000 Ford Crown Victoria	1	1568	2F
99	Police	Vehicle	2000 Ford Crown Victoria	1	1571	2F
100	Police	Vehicle	2000 Ford Crown Victoria	1	1572	2F
101	Police	Vehicle	2000 Ford Crown Victoria	1	1574	2F
102	Police	Vehicle	2001 Ford Crown Victoria	1	1584	2F
103	Police	Computer Items	Desktop CPUs-Gateway	20		
104	Police	Computer Items	Desktop CPU-Hewlett Packard	1		
105	Police	Computer Items	Desktop CPU-Nec	1		
106	Building	Computer Items	computer monitors	3		
106	Police	Computer Items	Computer monitors	22		
107	Building	Computer Items	computer towers	2		
107	Police	Computer Items	Keyboards, speakers,Misc. Items	25		
108	Building	Computer Items	key boards	3		
108	Police	Office Items	Royal Electric Typewriter - Compact 770	1		
109	CDBG	Office Items	3-ring binders - Various sizes	10		
109	Police	Office Items	GE 13" TV	1		83
110	CDBG	Office Items	Pendaflex Hanging Folders - Legal	314		
110	Cemetery	Equipment	Wacker Model 65y	1	1926	52
110	Police	Office Items	HP Laserjet 5P Printer	1		US
111	CDBG	Misc. Items	Message holder - Small plastic desktop	1		
111	Cemetery	Equipment	Husqvarna Weed Trimmer 225L	2		
111	Police	Office Items	Victor Medalist 307 Adding Machines	2		70
112	CDBG	Office Items	Book end stands	7		
112	Police	Office Items	HP ScanJet 6300C Scanner	1		SG
113	CDBG	Office Items	Calculator - Canon P100-DH	1		
113	Police	Office Items	RCA XL100 13" TV	1		750
113	PRPL	Misc. Items	Tool Box - Full Size	1		
114	CDBG	Office Items	Calculator - Ibico 1009	1		
114	Police	Office Items	Black Leather Office Chair - Well Worn	1		
114	PRPL	Misc. Items	Vise	1		
115	CDBG	Office Items	Key box - Wooden	1		
115	Police	Office Items	Maroon Desk Chair - Well Worn	1		
115	PRPL	Equipment	Stihl BG Blower	1		
116	CDBG	Office Items	Rolodex	1		
116	Police	Office Items	Yellow Desk Lamp	1		
116	PRPL	Equipment	Husqvarna Weedeater - 225 L	1		
117	CDBG	Office Items	File Holder - Horizontal	1		
117	Police	Office Items	Kodak 8650 Color Printer	1		L1
117	PRPL	Equipment	Toro TC 3105 Weedeater	1		
118	CDBG	Office Items	Paper Trays - Legal - Smoke	2		
118	Fire	Computer Items	GATEWAY MONITOR	4	-	L1
118	Police	Office Items	Kodak 8650 Color Printer	1		L0
118	PRPL	Misc. Items	4 Cooper LT 235/75R-15	4		
119	CDBG	Office Items	Paper Trays - Legal - Black	2		
119	Fire	Computer Items	DECISION DATA MONITOR	4	-	D5
119	Police	Office Items	Sony Video HI8 Recorder	1		

119	PRPL	Misc. Items	2 S-10 14" Rims	2	
120	CDBG	Computer Items	Scanner - HP ScanJet 3300C	1	
120	Fire	Computer Items	IBM MONITOR	1	
120	Police	Office Items	Panasonic 13" TV	1	
120	PRPL	Equipment	3.5 Briggs 20" Yard Machine Mower	1	
121	CDBG	Computer Items	Monitor	3	
121	Fire	Computer Items	DECISION DATA MONITOR - MODEL #3596	1	
121	Police	Office Items	JVC Mini DV/S-VHS Recorder	1	
121	PRPL	Misc. Items	Chevy Stock Mirrors	1	
122	CDBG	Computer Items	Computer with mouse & keyboard	1	00
122	Fire	Computer Items	DECISION DATA MONITOR MODEL #3596	1	06
122	Police	Office Items	Photosmart P1000 Printer	1	MX
122	PRPL	Misc. Items	Old Paint Sprayer	1	
123	CDBG	Computer Items	Computer with Mouse & Keyboard	1	00
123	Fire	Computer Items	EPSON PRINTER	1	1F
123	Police	Office Items	HP DeskJet 720C Printer	1	
123	PRPL	Misc. Items	Small Tire Chains (Cushman)	1	
124	CDBG	Computer Items	Computer with Mouse & Keyboard	1	00
124	Fire	Computer Items	GATEWAY MONITOR MODEL EV700	1	LIC
124	Police	Office Items	HP LaserJet 2000d Printer - Does Not Work	1	JPC
124	PRPL	Misc. Items	Large Pipe Wrench	1	
125	CDBG	Equipment	Telephones	2	
125	Fire	Computer Items	MODEL #3596 DECISION DATA MONITOR	1	30
125	Police	Office Items	Brother IntelliFax 2800ML	1	L4
125	PRPL	Equipment	Skill Battery Operated Saw, Drill, Light	1	
126	Fire	Computer Items	GATEWAY MONITOR	1	170
126	Police	Office Items	HP Fax Model 920	1	MY
126	PRPL	Misc. Items	5hp Submersible Pump Motor	1	
127	Fire	Computer Items	DECISION DATA MONITOR	1	OK
127	Police	Office Items	Surveillance Camera Multiplexer	1	P9
128	Fire	Computer Items	HYUNDAI MONITOR	1	ME
128	Police	Office Items	LS4008i Barcode Scanner	1	
129	Fire	Computer Items	RICOH FAX 800 FAX/PRINTER	1	30
129	Police	Office Items	Drax Camera/Recorder	1	
130	CDBG	Office Items	Typewriter - SmithCorona WordSmith	1	
130	Fire	Equipment	PHYSIO-CONTROL AED - DEFIB UNITS	8	
130	Police	Office Items	Cognitive Solutions - Barcode Labeler/Labels	1	J04
131	CDBG	Office Items	Lift-Off Tape for Smith Corona Typewriter	2	
131	Fire	Computer Items	GATEWAY TOWER MODEL #M866	1	210
131	Police	Office Items	Canon F231400 Microfiche Reader	1	
132	CDBG	Office Items	Ribbons for Smith Corona Typewriter	2	
132	Fire	Computer Items	GATEWAY TOWER - MODEL #M866	1	210
132	Police	Office Items	U-Max Transparency Unit	1	
133	CDBG	Office Items	Display Panel - 4' high, 3 panels, gray	4	
133	Fire	Computer Items	GATEWAY TOWER - MODEL #P55C-166	1	768
133	Police	Office Items	Slimswitch Belkin F1B024-V Printer Switchbox	1	
134	CDBG	Office Items	Bulletin board - cork - 2x3	4	
134	Fire	Computer Items	GATEWAY TOWER M866	1	768

134	Police	Office Items	Ricoh FT5570 Copier w/ Toner	1		
135	CDBG	Office Items	Cubicle Planels - 4' high, various widths - mauve	17		
135	Fire	Equipment	GOLDSTAR TV/VCR COMBINATION	1	60	
			Commuter Bell & Howard Portable Microfiche Reader			
135	Police	Office Items		1		
136	CDBG	Office Items	2-shelf metal stand-alone 2x4x3 stackable	2		
136	Fire	Computer Items	DECISION DATA KEYBOARDS 24 'F' KEY STYLE	17		
136	Police	Office Items	Pinnacle Video Editing Cable	1		
137	CDBG	Office Items	desk - corner w/bookshelves	1		
137	Fire	Computer Items	PRINCETON MONITOR, ULTRA 75	1	HL	
137	Police	Office Items	Miscellaneous old video equipment	1		
138	Fire	Computer Items	VUE SONIC MONITOR	1	A6	
138	Planning	Office Items	5 ft Office Panels-Grey Fabric 5 X 5	14		
138	Police	Office Items	2 Drawer File Cabinet - tan	1		
139	Fire	Computer Items	GATEWAY TOWER	1	00	
139	Planning	Office Items	5 ft Office Panels-Grey Fabric 4 X 5	5		
139	Police	Office Items	Epson Stylus Color 900 Printer and Ink Cartridges	1		
140	Fire	Computer Items	GATEWAY TOWER M866	1	00	
140	Planning	Office Items	5 ft Office Panels-Grey Fabric 2 X 5	2		
140	Police	Office Items	Monroe 2020 Plus Adding Machine (works)	1		
141	Fire	Computer Items	GATEWAY TOWER M866	1	00	
141	Planning	Office Items	Misc Reception Chairs - grey fabric	2		
141	Police	Office Items	Kodak Thermal Printer and Equipment	1		
142	Fire	Computer Items	GATEWAY TOWER M866	1	00	
142	Planning	Office Items	extended arm lamps 1 red 1 brown	2		
142	Police	Office Items	NEC SuperScript 1800 Printer and Cartridges	1		
143	Fire	Computer Items	HP MONITOR - Removed from Auction YARES	1	JP7	
143	Planning	Office Items	Epson 750Z Digital Camera	1		
143	Police	Office Items	Kodak Thermal Printer and Equipment	1		
144	Fire	Computer Items	GRAFIX MONITOR	1	204	
144	Planning	Office Items	Reception Chairs - Grey Fabric	3		
144	Police	Office Items	Dual Deck VCR DDV9000 Go Video	1		
145	Fire	Computer Items	DECISION DATA MONITOR MODEL 3596	1	OK	
145	Planning	Office Items	Reception Chairs - brown fabric	2		
145	Police	Office Items	Zenith 19" Color TV	1		
146	Fire	Computer Items	GATEWAY MONITOR	1	170	
146	Planning	Office Items	Drafting /Craft Table and chair	1		
146	Police	Misc. Items	2-wheel hvy duty 5'x3' homemade trailer-metal cov	1	1596	SN
147	Fire	Computer Items	GATEWAY TOWER	6		00
147	Planning	Office Items	Book Case (Wood Look) 3 shelves	4		
147	Police	Equipment	Fingerprint File Cabinets	6		
148	Fire	Computer Items	GATEWAY TOWER	6		00
148	Planning	Office Items	Corner Computer Desk Hutch-Light Brown	1		
149	Fire	Computer Items	GATEWAY TOWER	6		00
149	Planning	Office Items	Desk with Return	1		
150	Fire	Computer Items	GATEWAY TOWER	6		00
150	Planning	Office Items	metal bookshelf-3 shelves	1		

151	Fire	Computer Items	GATEWAY TOWER	6	00
151	Planning	Office Items	Reception Chair- black	1	
152	Fire	Computer Items	GATEWAY TOWER	6	00
152	Planning	Office Items	Reception Chair-blue fabric, black metal	1	
153	Fire	Computer Items	ISDN MODEM	1	JM
153	Library	Computer Items	Gateway p5-166 computer	1	000
153	Planning	Office Items	Metal Desk-large grey	1	
154	Fire	Computer Items	AC POWER SUPPLY MODEL AT2014A-0901	1	A0
154	Library	Computer Items	Gateway G6-233 E-3110	1	000
154	Planning	Office Items	desk hutch	2	
155	Fire	Equipment	SLIDE PROJECTOR - MULTI-MEDIA [BLACK BOX]	1	
155	Library	Computer Items	Gateway GP6-400	1	00
455	Planning	Office Items	book case 3 shelf metal	4	
156	Fire	Computer Items	MONITOR	1	115
156	Library	Computer Items	Gateway GP7-700	1	00
156	Motor Pool	Misc. Items	Misc. used and obsolete parts	50	
156	Planning	Office Items	tables small	2	
157	Fire	Office Items	FILE CABINET - 2 DRAWER	3-1	
157	Library	Computer Items	Gateway gp7-700	1	00
157	Motor Pool	Office Items	Hewlett Packard Fax Machine Mdl 330 (not working)	1	
157	Planning	Office Items	Computer hutch-black	1	
458	Administration/City Clerk	Office Items	2 boxes miscellaneous sized used 3 ring binders	2	
158	Fire	Equipment	VIDEO CAMERA (GREEN CASE)	1	F8
158	Library	Computer Items	Gateway gp7-700	1	00
158	Planning	Office Items	file cabinet-2 drawer	1	
159	Fire	Computer Items	GATEWAY KEYBOARDS 12 'F' KEY STYLE	12	
159	Library	Computer Items	Gateway gp7-800	1	00
459	Planning	Office Items	Wall Book Shelf large	4	
460	Administration/City Clerk	Office Items	Miscellaneous desktop items	4	
160	CDBG	Office Items	Flip Chart Holder	1	
160	Fire	Computer Items	VISIONEER ONE-TOUCH SCANNERS	3	
160	Library	Computer Items	Gateway E4400-800	1	00
161	Administration/City Clerk	Office Items	1 large box cassette tape cases	1	
161	CDBG	Office Items	3-shelf book case	1	357
161	Fire	Equipment	SLIDE PROJECTOR TELEX CARAMATE MODEL 3200	1	184
161	Library	Computer Items	Gateway E4400-800	1	197
162	Administration/City Clerk	Office Items	17 CD cases	17	
162	CDBG	Office Items	2-shelf bookcase	1	
162	Fire	Office Items	OFFICE CHAIRS - ASST	6	
162	Library	Computer Items	Gateway ATXSTF FED pro 933M	1	002
163	Administration/City Clerk	Office Items	Small 20Lx15Wx19H mobile metal stand	1	
463	CDBG	Office Items	Supply Cabinet - Metal	4	

163	Fire	Equipment	AIR COMPRESSOR, 25 GALLON, 5.5 HP PEAK	1		
163	Library	Computer Items	Gateway E3400xl	1		002
164	CDBG	Office Items	Credenza	1		
164	Fire	Equipment	KODAK CAROUSEL TRANSVUE 80 COUNT SLIDE TRAYS	7		
164	Library	Computer Items	Gateway E3400xl	1		002
164	Motor Pool	Vehicle	FORD CROWN VIC WRECKED, DISPOSE AS SCRAP	1	1558	2F
165	CDBG	Office Items	5 ft Office Panels - Pink Fabric 5 x 4	15		
165	Library	Computer Items	Gateway E3400xl	1		002
165	Motor Pool	Vehicle	FORD CROWN VIC WRECKED, DISPOSE AS SCRAP	1	1556	2F
166	CDBG	Office Items	5-ft Office Panels - Pink Fabric - 5 x 3	2		
166	Library	Computer Items	Gateway E3400xl	1		002
166	Motor Pool	Computer Items	Used Gateway PC with monitor and keyboard	1		002
167	CDBG	Office Items	5-ft Office Panels - Pink Fabric - 5 x 2-1/2	1		
167	IT	Equipment	Decision Data large green bar printer model #6704q	1	6704	ser
167	Library	Computer Items	Gateway E3400 xl	1		002
168	IT	Equipment	Speedisealer Heat Sealer 4200	1	4200	320
168	Library	Computer Items	Computer keyboards - ps2 connections	14		
169	IT	Equipment	Swingline63251 Decolator	1	63251	110
169	Library	Computer Items	Computer network interface dongles	6		
170	Library	Computer Items	Hard drive for laptop computer	1		
170	Motor Pool	Computer Items	Used Gateway PC with monitor and keyboard	1		17
171	Library	Computer Items	Computer monitors, misc. 10 PC, 1 mac	11		
171	Motor Pool	Computer Items	Used Gateway PC with Monitor and Keyboard	1		002
172	Library	Computer Items	Computer mice, miscellaneous	22		
173	Library	Computer Items	LAN cards, miscellaneous	11		
173	Parking	Misc. Items	Makita 9.6v Drill (w/ 2 batteries and charger)	1		ser
174	Library	Computer Items	Port replicators for laptop computers, misc.	3		
175	Library	Computer Items	Flatbed scanners, old	3		
175	Parking	Computer Items	Gateway GP6-266 Computer with keyboard and mouse	1		ser
176	Library	Computer Items	Old printers	5		
176	Parking	Computer Items	Gateway Monitor	1		ser
177	Library	Computer Items	Privacy screens for CRTmonitors, various sizes	22		
177	Parking	Computer Items	Epson FX1050 printer with stand and cables	1		ser
178	Library	Computer Items	12-port hub	1		
178	Parking	Computer Items	MinuteMan Pro1400 UPS battery backup - not working	1		ser
179	Library	Computer Items	Workrite ergonomic CRT monitor stands, variable ht	4		
179	Parking	Office Items	Auditor 2 Cash Register Printer - refurbished	1		ser
180	Library	Computer Items	miscellaneous phone/network cables	59		
180	Parking	Office Items	PSC barcode scanner with modem and cradle	1		sc
181	Library	Computer Items	Misc. laptop batteries	5		ser
181	Parking	Office Items	Wooden Printer Stand, used	1		
182	Administration	Misc. Items	VHS Tapes, used	67		
182	Library	Computer Items	CPU power cords	42		

183	Library	Computer Items	Laptop CD drive	1		
183	Motor Pool	Vehicle	Chevy 1/2 ton Pickup	1	1117	1G
184	Library	Computer Items	CD drive for Gateway Solo 9550	1		
184	Motor Pool	Vehicle	Ford 3/4 Ton Pickup	1	1703	1F
185	Library	Office Items	Task Chairs	19		
186	Library	Office Items	Stand for Postage Meter	1		
187	Library	Equipment	Mauve Magazine Stand and desk attachment	1		
188	Library	Office Items	Computer stand	1		
189	Library	Office Items	Rolling Display shelving unit	4		
190	Library	Equipment	Black 4 drawer legal file cabinets	7		
191	Library	Misc. Items	Peg Board Divider	1		
200	PWA	Office Items	IBM 4230 green bar printer with stand	1		01-
201	PWA	Office Items	3-shelf blond wooden bookcase 38"H x 12"D x 30"W	1		
202	PWA	Misc. Items	Kodak Medalist AF and II Carousel Projector	1		214
203	PWA	Misc. Items	Kodak Carousel Transvue 80 Slide Tray Chargeur	1		
204	PWA	Computer Items	InFocus LitePro 425Z Media Projector (needs work)	1		3D
205	PWA	Computer Items	Plastic Spinstation Monitor Stand w/ supply tray	1		
206	PWA	Office Items	3-shelf beige metal bookcase 47"H x 12"D x 34"W	1		
207	Solid Waste	Vehicle	1/2 Ton 2WD Pickup Truck-Standard Cab	1	0007	1F
208	Engineering	Computer Items	Fujitsu Stylistic 3400 Tablet Computer	1	1	905
209	Engineering	Computer Items	Fujitsu Stylistic 3400 Tablet Computer	1	2	900
210	Engineering	Office Items	Desk (brown, wood)	1		
211	PW/Engineering	Misc. Items	La-z-boy Rocker Recliner	4		
			CPU - AMD 750 Mhz Processor - 10GB HD - 256MB RAM	1		
212	PW Belknap	Computer Items	Gateway 1 Ghz CPU - 18 GB HD - No RAM	1		224
213	PW Belknap	Computer Items	Gateway 1.3 Ghz CPU no HD, No RAM	1		234
214	PW Belknap	Computer Items	Various Monitors	9		
215	PW Belknap	Computer Items	Dumb Terminal	1		
216	PW Belknap	Computer Items	HP 895Cse Printer	1		
217	PW Belknap	Computer Items	Gateway 1.0 Ghz CPU no HD no RAM	1		002
218	PW Belknap	Computer Items	Hp Printer 952C	1		
219	PW Belknap	Computer Items	gateway GP6 -450Mhz no HD 128RAM	1		00
220	PW Belknap	Computer Items	Gateway 300 Mhz CPU 6 GB HD 288 RAM	1		000
221	PW Belknap	Computer Items	HP Laser Jet 6P Printer	1		
222	PW Belknap	Computer Items	Hp Printer - 895 Cse	1		
223	PW Belknap	Computer Items	Gateway 600 CPU	1		152
224	PW Belknap	Equipment	Grimmer Schmidt portable air compressor	1		
225	PW Belknap	Office Items	desks	4		
226	PW Belknap	Office Items	tables	3		
227	PW Belknap	Equipment	distiller	1		
228	PW Belknap	Equipment	RO system with pressure tank	1		
229	PW Belknap	Office Items	file cabinet	1		
230	PW Belknap	Misc. Items	truck tool box	2		
231	PW Belknap	Equipment	500 lbs. david round electric hoist	1		
232	PW Belknap	Equipment	barscreen chain and sprockets	1		
233	PW Belknap	Office Items	Uarco Forms decalator model #2210	1		
234	PW Belknap	Office Items	Pitney Bowes Letter Opener - Model #1250	1		

236	PW Belknap	Office Items	Sanyo Cash Register Model #335	1		
237	PW Belknap	Office Items	Panasonic Fax/Phone	1		
238	PW Belknap	Office Items	Monroe Calculators	6		
239	PW Belknap	Office Items	phones	2		
240	PW Belknap	Office Items	At&T Caller ID Box	1		
241	PW Belknap	Office Items	Radio Shack wireless Fm Intercom	1		
242	PW Belknap	Office Items	coat hanger	1		
243	PW Belknap	Equipment	John Deere brush Hog	1		
244	PW Belknap	Equipment	Flale Boar	1		
245	PW Belknap	Equipment	Blower	1		
245	Transit	Office Items	desk	1		
246	PW Belknap	Equipment	WestingHouse Motor 60HP	2		
246	Transit	Office Items	chair	1		
247	PW Belknap	Misc. Items	Misc. Chain Link fencing and gates	0		
247	Transit	Equipment	Sun-Engine diagnostic scope Model #EE05104	1		972
248	PW Belknap	Equipment	Propane tank	1		
248	Transit	Equipment	Kalamazoo bandsaw Model 7AW	1		10.
249	PW Belknap	Misc. Items	light poles	4		
249	Transit	Equipment	Refrigeration Detector	1		
250	PW Belknap	Misc. Items	Chain Link Panels	0		
250	Transit	Equipment	Robinair 14830 vacuum guage	1		
251	PW Belknap	Misc. Items	Cabinets	0		
251	Transit	Equipment	Detroit 8V71 liner puller	1		
252	PW Belknap	Misc. Items	wheel barrel/ hand cart	2		
252	Transit	Equipment	Detroit Series 92 liner puller	1		
253	PW Belknap	Equipment	5/8 drill press	1		
253	Transit	Equipment	Piston installer	1		
254	PW Belknap	Misc. Items	200 gal fiberglass tank	1		
254	Transit	Equipment	Misc. overhaul tools for Detroit 8V71 & 6V92	1		
255	PW Belknap	Equipment	buckets for backhoe	2		
255	Transit	Vehicle	Paratransit Van	1	1886	1F
256	PW Belknap	Equipment	100' 8" Black Hose	1		
256	Transit	Vehicle	Paratransit Van	1	1887	1F
257	PW Belknap	Equipment	gas engine with pump	1		
257	Transit	Vehicle	Paratransit Van	1	1888	1F
258	PW Belknap	Misc. Items	8' benches	2		
258	Transit	Vehicle	Paratransit Van	1	1889	1F
259	Airport	Misc. Items	Video camera	1		
259	Airport	Vehicle	GMC Surburban 4x4	1	1706	1G
259	PW Belknap	Misc. Items	shelves	2		
260	Airport	Misc. Items	Slide projector	1		
260	Library	Vehicle	Ford Tempo	1	5012	2F
260	PW Belknap	Equipment	trench braces	0		
261	Airport	Equipment	Misc. parts	1		
261	PW Belknap	Equipment	MGM Transformer CO. - KVA1250 Class0A RBE65C	1		
261	Recreation	Vehicle	1979 GMC Mass transit coach	1	1681	T7.
262	Airport	Equipment	barrel druim pump	1		

262	PW Belknap	Equipment	Westinghouse Type MPC Transformer	1	
263	Airport	Equipment	vehical light bar	1	
263	PW Belknap	Equipment	Westinghouse 1270 -4801 Transformer	1	
264	Airport	Equipment	Fimco weed sprayer boom	1	
264	PW Belknap	Equipment	Westinghouse Class 0A transformer	1	
265	Airport	Office Items	book shelf	1	
265	PWA	Office Items	Wheeled leather executive desk chair - Burgundy	1	
266	Airport	Equipment	Misc. radio parts	4	
266	Solid Waste	Office Items	2 adding machines	2	
267	Airport	Equipment	200 gallon tank	1	
267	Solid Waste	Computer Items	Gateway computer and monitor EV700	1	00
268	Airport	Equipment	gas cans	5	
268	Solid Waste	Computer Items	HP Printer - Desk jet 1120C	1	
269	Airport	Equipment	Spill containment station for barrels	1	
269	Solid Waste	Computer Items	HP printer deskjet 932c	1	
270	Airport	Equipment	Misc. fire equipment	1	
270	Solid Waste	Misc. Items	RCA television	1	53
271	Airport	Vehicle	1979 GMC Mass transit coach	1	1749
271	Solid Waste	Misc. Items	RCA VCR	1	T7
272	Airport	Vehicle	1985 Ford tractor w/ bucket and mower deck	1	1741
272	Solid Waste	Vehicle	Wacker PT38 Trash Pump needs repair	1	0221
273	Airport	Equipment	Castex carpet extractor	1	418
273	Engineering	Computer Items	E-3600 Gateway P4 1.6GHz, 256 MB Ram, 40GB HD	1	1
274	Engineering	Computer Items	E-3600 Gateway P4 1.6GHz, 256 MB Ram, 40GB HD	1	1
275	Engineering	Computer Items	E-4650 Gateway P4 2.0GHz, 512 MB Ram, 80GB HD	1	1
276	Engineering	Computer Items	E-4650 Gateway P4 2.0GHz, 512 MB Ram, 80GB HD	1	1
277	Engineering	Computer Items	Gateway GP6-400, P2 400MHz, 128 MB Ram, 10GB HD	1	2
278	Engineering	Computer Items	Gateway E-4650, P4, 256 MB Ram, 80 GB HD	1	1
280	Building	Office Items	Desk - wood - 60" X 30" X 29 1/2"	1	
281	Building	Office Items	Desk - workstation (L-shaped) - wood - (L)60" X (W)29" X (H)27'	1	
282	Police	Office Items	Desk - large, metal, gray - 5'	1	
300	Finance	Office Items	Legal size wall pocket (in box for door) - clear in color	1	

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G

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

TITLE: Sale of Street Sweeper to Yellowstone County

DEPARTMENT: Public Works Department

PRESENTED BY: David Mumford, P.E., Director of Public Works

PROBLEM/ISSUE STATEMENT: The Public Works Department desires to sell one used 1999 Elgin Street Sweeper to Yellowstone County for \$15,000. In FY 2006, the City of Billings Equipment Replacement Program (ERP) approved a new sweeper that was purchased through the State of Montana bid process with the City paying 13.42% of the cost and the remainder being paid with a State grant. There is no provision for trading in vehicles within the State's bid process. As a result, the City must dispose of the vehicle either through the City auction or by selling it to an interested buyer. A new 2006 sweeper replaced the 1999 sweeper we propose to be sold.

ALTERNATIVES ANALYZED:

- Approve the sale of the sweeper to Yellowstone County.
- Do not approve the sale of the sweeper to Yellowstone County. As a condition of the new sweeper purchase, the ERP required that an existing sweeper be disposed of to keep the fleet size the same.
- Sell the sweeper to another public or private entity, which requires City staff to become "used equipment salesman".
- Sell the sweeper at the City auction. This would result in an unknown dollar amount.

FINANCIAL IMPACT:

Discussions with Yellowstone County have resulted in an agreed purchase price of \$15,000. This price is consistent with a similar sweeper sold by the Public Works Department to the Town of Walkerville, Montana (near Butte). Public Works staff researched the costs of the unit being sold and believes \$15,000 is a fair price.

RECOMMENDATION

Staff recommends cancellation of sale to Yellowstone County because the trade-in value was more on the sweeper bid opened September 5, 2006.

Approved By: **City Administrator** **City Attorney**

WEK/9.7.06

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM**CITY OF BILLINGS, MONTANA****Monday, September 11, 2006**

TITLE: Approval to Submit an Application for Paratransit Operating Assistance with the Montana Department of Transportation (MDOT) and Subsequent Acceptance of the Agreement

DEPARTMENT: Aviation and Transit Department

PRESENTED BY: Thomas H. Binford, Interim Director of Aviation/Transit

PROBLEM/ISSUE STATEMENT: In August 2006, MET Transit staff was advised by the Montana Department of Transportation – Transit Section, of the availability of State grant funds that can be used for paratransit operating assistance. The intent of this funding is to encourage agencies to provide coordinated transit service to the elderly and disabled citizens. The rising cost of transporting these individuals has a significant impact on operating budgets and the State is recognizing that their assistance is vital to continuing this needed service.

If the attached application is awarded as a grant by the MDOT, this grant could fund up to 54% of MET's Special Transit operating costs and 80% of the administrative and maintenance costs for FY 06/07. The Aviation/Transit Department – MET Transit Division is therefore seeking approval to file an application for the amount of \$710,496 to offset this fiscal year's operating expenses, and approval for the Mayor to execute a grant agreement with the MDOT once the grant offer is received by the City.

FINANCIAL IMPACT: Through this grant the City's Transit Division could receive up to \$710,496 of revenue for FY 06/07 for paratransit administrative, maintenance, and operating costs. The award of this grant will realize an important new source of revenue this fiscal year for the City's MET Special Transit Division (paratransit service). This revenue was not budgeted in the FY 06/07 budget but is a timely revenue source that will help to offset the escalating operating costs that MET has endured the past few years.

RECOMMENDATION

Staff recommends that Council approve the submittal of this grant application and the execution, by the Mayor, of a grant agreement with the Montana Department of Transportation upon receipt of the grant offer.

Approved By: **City Administrator** **City Attorney**

ATTACHMENT

A – Application For Operating Assistance (7 pages)

[\(Back to Consent Agenda\)](#)

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Annexation Petition #06-13: Acknowledge Receipt of Petition and Set a Public Hearing Date

DEPARTMENT: Planning and Community Services

PRESENTED BY: Candi Beaudry, AICP, Interim Planning Director

PROBLEM/ISSUE STATEMENT: Owner and petitioner, Blue Diamond Ranch Partnership, LLC, is petitioning to annex an approximately 65-acre parcel legally described as Tracts 1 and 2, Certificate of Survey 2054, into the City of Billings pursuant to Section 7-2-4600 of the Montana Code Annotated (MCA). Cynthia Park, a County Park, will also be annexed along with these parcels. The subject property is located south of Rimrock Road between 50th and 54th Streets West. The petitioner is requesting annexation in order to obtain city water and sewer services for a future residential development. The subject property is currently used for agricultural purposes and zoned Residential 9,600 (R-9600). At this meeting, the Council acknowledges receipt of the petition and sets a public hearing date for September 25, 2006. The Council will act on the petition at that public hearing.

ALTERNATIVES ANALYZED: Section 7-2-4600, MCA, permits owners of more than 50% of a property to petition the City for annexation. The only alternative that is consistent with City Council policy is to acknowledge receipt of the petition and set a public hearing date. The subject property is adjacent to the City limits on the east and is within the acceptable Limits of Annexation Map according to the Annexation Policy.

FINANCIAL IMPACT: A fiscal impact analysis and staff recommendation will be prepared and presented at the public hearing.

RECOMMENDATION

Staff recommends that the City Council acknowledge receipt of the annexation petition and schedule a public hearing for September 25, 2006, to consider annexing this property.

Approved by: **City Administrator** _____ **City Attorney** _____

ATTACHMENTS

- A. Property Data
- B. Annexation Petition
- C. Annexation Map

ATTACHMENT A
Property Data

Type of annexation: Petitioned - MCA 7-2-4600

Petitioner: Blue Diamond Ranch Partnership, LLC

Purpose of annexation: To Obtain City Services

Property included: Tracts 1 & 2, Certificate of Survey 2054,
Cynthia Park

Location: South of Rimrock Road between 50th and
54th Streets West

Total area: 65 acres

Current zoning: Residential 9,600

Current land use: Agriculture

Future zoning: Residential 9,600

Future land use: Residential

ATTACHMENT B

$$\sqrt{10^4} \approx 100$$

06-674

**PETITION
FOR ANNEXATION
TO THE CITY OF BILLINGS**

NOTICE TO PETITIONER

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

INSTRUCTIONS

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

The map must show:

a. The present and proposed boundaries of the municipality;

b. The present streets, major trunk water mains and sewer mains;

c. The zoning of the property requesting annexation and the property immediately adjacent to it.

3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4th Floor of Parnly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, Parks and Recreation Department, and the Finance Department. If the departments find no problems with the Petition, the City Clerk will schedule the Petition for City Council action.
4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.
5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

BRESIDENT FREEHOLDER ELECTORS

(continued on separate page)

Revised 10/03

(Should be completed prior to obtaining signatures of resident freeholder electors)
DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF E

DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
TR 1, cos 2054	DO4700	54th & Monroe	Ag	Blue Diamond Ranch Partnership, LLC Billing mtg 5/31/01	1906 6th 11	
TR 2, cos 2054	DO4701	51st & Monroe	Ag			
Yerger Heights Park/Cynthia	C 03134A	54th & Cynthia Park Dr.	Park	Yellowstone Country	PO Box 35001, Billings, MT 59107	

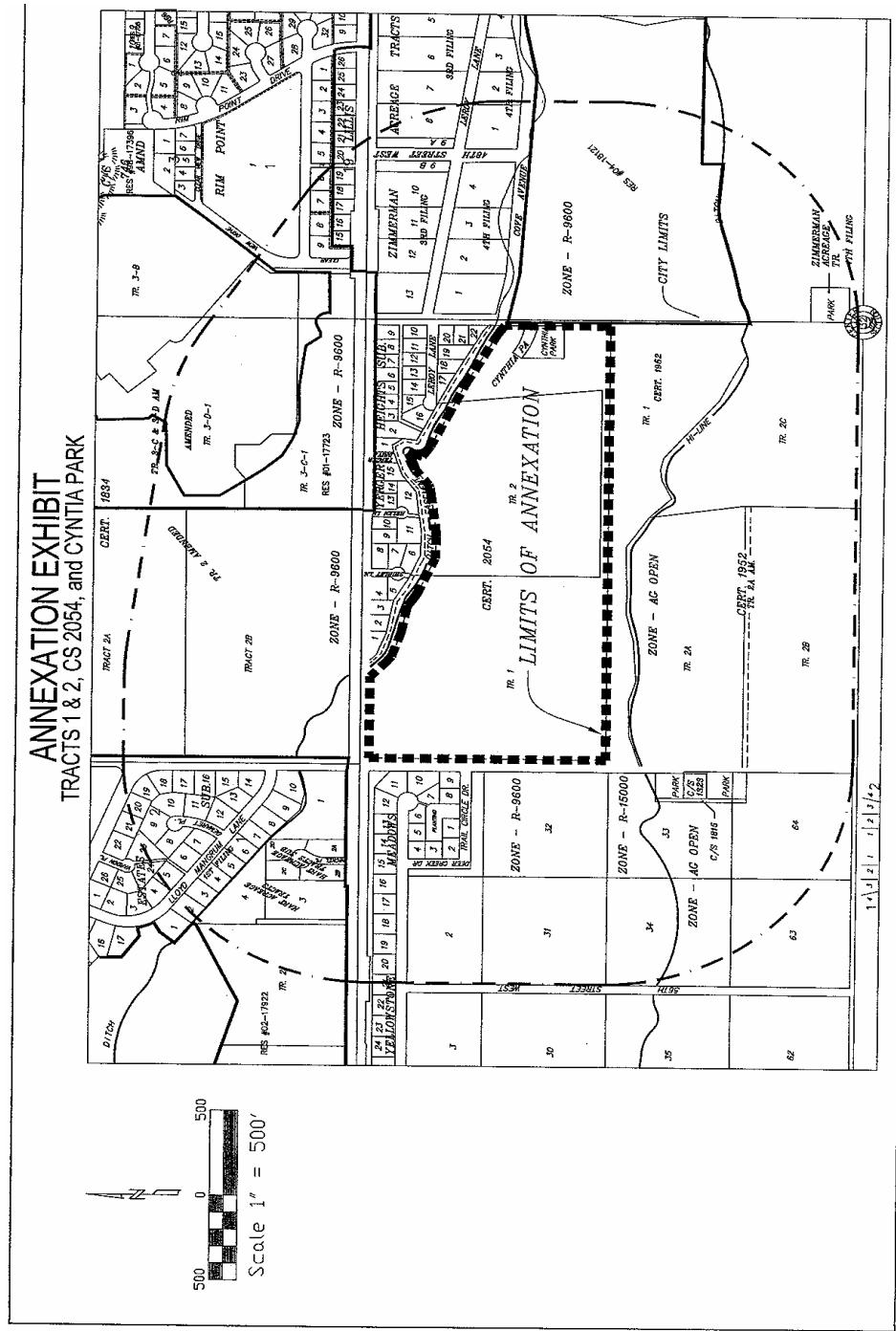
ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: Aug 03, 2006
Fee Paid: \$800.00

Received By: C. S. Beard Petition Number: 4106-13

Revised 10/03

ANNEXATION EXHIBIT
TRACTS 1 & 2, CS 2054, and CYNTIA PARK



(Back to Consent Agenda)

J

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Second Reading – Ordinance Amending Parking Fines and Vehicle
Immobilization

DEPARTMENT: Administrative Services – Parking

PRESENTED BY: Chris Mallow, Parking Supervisor

PROBLEM/ISSUE STATEMENT: The Parking Advisory Board has recommended an increase in existing fines for parking violations and ordinance changes concerning vehicle immobilization. The Parking Advisory Board recommendations are outlined in the Stakeholders section. In April 2001 and November 2002, some recommended changes were made to the fine structure of parking violations. More recently, when the Council considered the parking rate increases, it asked staff to recommend parking fine increases and other steps to help reduce parking abuse. These proposed ordinances respond to that Council request. The first reading and public hearing on the ordinance amending parking fines and vehicle immobilization was held on August 28, 2006. The second reading of the ordinance is scheduled for Council action on September 11, 2006

ALTERNATIVES ANALYZED: The recommended changes would increase safety-related fines, meter-plugging fines, and time for escalating violations. The recommended changes would also restructure and tighten loopholes in the “booting” ordinances. The alternatives are as follows:

- Accept recommended changes.
- Accept some of the recommended changes.
- Keep the existing fine structure and ordinances, as written.

FINANCIAL IMPACT: The increase in fines will increase the revenue for the Parking Division by approximately \$55,000/year.

RECOMMENDATION

Staff recommends that Council adopt the ordinances amending the parking fine system and vehicle immobilization on second reading.

Approved By: **City Administrator** ____ **City Attorney** ____

ATTACHMENTS

- A. Ordinance amending various sections of the parking code.

INTRODUCTION

The Parking Advisory Board and City Staff work together continually to ensure an efficient fine structure for violations and to improve consistency in fines and ordinances.

PROCEDURAL HISTORY

February 2001 - The increased fines were approved by the Parking Advisory Board. They also added their approval for escalation of violations in timed zones to be equitable with the new ordinance for escalation at expired meters.

April 2001 - Some of the recommended changes were approved and put into effect by City Council, such as the escalating fine system for expired meters.

November 2002 – Additional changes to the fine structure were approved and put into effect by City Council, such as increased fines for safety-related violations and the renewal of the meter plugging violation.

April and June 2006 – The Parking Advisory Board reviewed, made changes to and approved an amended immobilization policy.

June 2006 – City Council requested that parking-related fines and ordinances be reviewed and that the 30-day cycle for escalating fines be changed to a 180-day cycle.

August 14, 2006 – Parking Advisory Board reviewed Staff recommendation per City Council guidance and made a separate recommendation outlined in the Stakeholders Section.

August 28, 2006 – The first reading and public hearing was held regarding the ordinances amending parking fines and vehicle immobilization and was reviewed by City Council.

BACKGROUND

This has been an on-going process for many years. The resulting fine recommendations have come about as a combined effort between the Traffic Control Board, the Parking Advisory Board and City Staff.

In April 2001, the escalating fine system went into effect. The fine structure is based on a 30-day period, with each first time violator receiving a courtesy ticket every 30 days. This is currently being used for both metered and time-posted areas. Staff has found that the courtesy ticket system is easily manipulated, at its current 30-day cycle.

In November 2002, the meter plugging ordinance was renewed and a one-time courtesy given. The escalating fine system was also created at that time for the time-posted areas, in addition to the metered areas. Since that time, City staff has observed a great deal of abuse and limited turnover in on-street parking.

In June 2006, a new rate structure for leased parking was reviewed, amended and adopted in June. At that time, City Council requested that parking-related fines and ordinances be reviewed and that the 30-day cycle for escalating fines be changed to a 180-day cycle.

STAKEHOLDERS

At the August 14, 2006, Parking Advisory Board meeting Staff presented their recommendation for the changes to ordinance concerning parking fines and immobilization procedure. The Parking Advisory Board reviewed Staff recommendation and passed a motion to amend the Staff recommendation. Staff recommendation is consistent with City Council direction given in June, 2006. The Parking Advisory Board recommendation differs from the City Council direction given in June, 2006. The differences in the Parking Advisory Board's recommendations are as follows:

- To increase the time allotted to a vehicle between courtesy tickets. This will allow officers to give one courtesy ticket to all offending drivers in both metered and un-metered zones, every 90 days contingent on offending driver has no outstanding, unpaid parking tickets.
- The Parking Advisory Board does recommend increasing the fine for the meter plugging violation to \$25, but recommends changing the meter plugging courtesy violation. The Parking Division currently allows drivers one meter plugging courtesy per lifetime; the Parking Advisory Board recommends granting a meter plugging courtesy ticket every 365 days.

ALTERNATIVES ANALYSIS

Alternative 1 – Accept recommended changes: This alternative would allow an increase in revenue and more consistency in both ticketing and fine structure. The attached changes are outlined as follows:

Courtesy Tickets: Section 24-1011 is being amended to increase the time allotted to a vehicle between courtesy tickets. This will allow officers to give one courtesy ticket to all offending drivers in both metered and un-metered zones, every 180 days. The alternative would be to continue to issue one courtesy ticket to all offending drivers every 30 days. As stated above, staff has found that the courtesy ticket system is easily manipulated, at its current 30-day cycle.

Fine Increases: Section 24-1011 is being amended to increase fines for safety-related violations, such as fire lanes and fire hydrant zones; as well as increasing the fine for meter plugging.

The alternative to increasing the fine structure would be to continue with the existing fines and/or adopt some of the recommended changes.

Vehicle Immobilization:

The current immobilization policy requires that:

- A vehicle must have received one (1) \$100 handicap ticket or (10) or more other tickets, totaling \$40 or more;
- The registered owner has five (5) days in which to contest a ticket;

- The City must be able to get the registered owner information from the State, which often is not available or incorrect;
- The registered owner must have received a final notice for unpaid tickets for at least the amount listed above; and,
- City staff cannot immobilize a vehicle until at least fourteen (14) days after the final notice date.

The proposed immobilization policy, if approved, would be as follows:

- A vehicle must have received any number of tickets totaling \$50 or more;
- The registered owner has five (5) days in which to contest a ticket;
- After five (5) days from issue date of ticket making vehicle eligible for booting, enforcement may place a sticker on the driver's side window of the vehicle notifying the driver that, if tickets remain unpaid after 48 hours, the vehicle will be immobilized;
- Final notices will continue to be mailed to all registered owners with unpaid tickets but booting eligibility will not hinge upon final notice mailing dates; and,
- Warrants may still be made for arrest of habitual offenders.

All of the changes outlined above are recommended to:

- Improve consistency in violations;
- Deter violators of safety-related zones;
- Deter habitual offenders; and,
- Be more consistent in fine structure with comparable cities across the country.

Alternative 2 – Accept some recommended changes: This alternative would also allow for an increase in revenue, but may hinder consistency in ticketing, immobilization and fine structure.

Alternative 3 – Keep the existing fine structure and ordinances: This alternative would hinder the desired goal of consistency in both ticketing and fine structure and would be inconsistent with preferences that have been stated by City Council, the Parking Advisory Board and City Staff.

RECOMMENDATION

Staff recommends that Council adopt the ordinances amending the parking fine system and vehicle immobilization on the second reading.

ATTACHMENTS

- A. Ordinance amending various sections of the parking code.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 24-1007, 24-1008, 24-1009, AND 24-1011; PROVIDING FOR VEHICLE IMMOBILIZATION WHEN OUTSTANDING PARKING FINES EXCEED \$50; UPDATING THE PROCEDURE; INCREASING CERTAIN FINES.

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

Section 1. That Section 24-1007 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 24-1007. Authorization to tow or use vehicle immobilizer.

In addition to, or as an alternative to towing, the city administrator or designee is authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a city parking space or along any right of way within the city limits and that has ~~one (1) or more unpaid handicapped parking tickets or ten (10) or more other unpaid parking tickets~~ any number of unpaid parking tickets totaling fifty dollars (\$50) or more, ~~provided that the city administrator has sent the registered owner of the vehicle a final written notice for one (1) or more of the unpaid parking tickets as required by section 24-1005.~~

Section 2. That Section 24-1008 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 24-1008. Procedure for vehicle immobilization.

If the city administrator or designee chooses to immobilize a vehicle with a boot as allowed by section 24-1007, then the city administrator or designee shall conspicuously affix to such vehicle a notice in writing notifying the owner, driver or person in charge of such vehicle that such vehicle has unpaid parking tickets totaling fifty dollars (\$50) or more and will be immobilized in forty-eight (48) hours. After forty-eight (48) hours the city administrator or designee shall conspicuously affix to such vehicle a notice in writing notifying the owner, driver or person in charge of such vehicle: that such vehicle has been immobilized by the city for violation of one or more provisions of this chapter; that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within forty-eight (48) hours the vehicle will be impounded and towed as provided in section 24-1009; and that removing or attempting to remove the immobilization device from the vehicle, or removing or attempting to move the vehicle from the place at which the immobilization device was affixed to the vehicle before a release is obtained is unlawful.

It shall be a misdemeanor punishable as provided in section 1-110 for any person to remove or attempt to remove any immobilization device or to move any immobilized vehicle from the place at which the immobilization device was affixed to the vehicle before a release is obtained from the city administrator or designee. An immobilized vehicle shall not be released by the city until a fee of fifty dollars (\$50.00)~~one-hundred dollars (\$100.00)~~ for the immobilization is paid, together with payment of all outstanding parking fines, or posting of bond as allowed by subsection 24-1009.5(b).

If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the city administrator or designee shall have the vehicle impounded and towed as provided in section 24-1009.

Section 3. That Section 24-1009 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 24-1009. Removal of violation vehicle.

- (a) The city is authorized to remove a vehicle or tow a vehicle from a street, highway or city parking space, as defined in section 24-451, to the nearest garage or other place of safety or to a garage designated or maintained by the police department under the circumstances hereinafter enumerated:
 - (1) When any vehicle is left unattended upon any bridge-viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
 - (2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is unable by reason of physical injury or incapacitated to such an extent as to be unable to provide for its custody or removal;
 - (3) Whenever any vehicle is found by a police officer parked or left standing in the streets or alleys of the city in violation of the provisions of this chapter.
 - (4) When a vehicle is parked in any city parking space ~~and the vehicle has ten (10) or more unpaid parking tickets and is in violation of Sec. 24-1007~~, and the city administrator or ~~his~~ designee has ~~sent~~ notified the registered owner, ~~driver or person in charge of such vehicle~~ of the vehicle a final written notice for one or more of the unpaid parking tickets as required by section such violation, pursuant to Sec. 24-10058.
- (b) Whenever an officer removes a vehicle from a street or city parking space as authorized in this section and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons thereof and of the place to which such vehicle has been removed. If any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage. Further, the party towing the vehicle shall immediately notify the police department dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.
- (c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and if the vehicle is not returned to the owner within a period of three (3) days, then the office shall immediately send or cause to be sent written reports of such removal by mail to the state department whose

duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and name of the garage or place where the vehicle is stored.

(d) Any officer is authorized to take possession of any motor vehicle owned by any person that has violated, as to the vehicle, any of the provisions of this chapter, and has authority to remove such vehicle from the streets, alleys or other public places where the violation occurs, and to store and keep possession thereof until the owner of such vehicle appears and claims the same. The cost of towing or removing such vehicle and costs of storing the same shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before the same shall be released. The vehicle may be stored in a public or a private place; if in a public place the storage charges shall be the amount charged for such public storage; if stored on city property, the storage shall be as prescribed from time to time by council resolution during the time the vehicle is in the possession of the city. The owner of a vehicle impounded and towed due to unpaid parking tickets must secure the release of the vehicle as required by section 24-1009.5.

(e) The taking of possession of a vehicle for violation of traffic ordinance shall not prohibit the filing of a complaint for the violation of traffic ordinances as hereinabove provided.

Section 4. That Section 24-1011 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 24-1011. Penalty for violations.

(a) Upon conviction any person who violates or permits or allows anyone to violate the following listed sections shall pay the fine specified.

Section(s)	Description	Fine
24-443	Handicap	\$100
24-455 24-456(a)(1) 24-462	Meter Expired	<u>30</u> <u>180</u> day escalation courtesy/ 5/10/20
24-412	Posted Signs (Time Zones)	<u>30</u> <u>180</u> day escalation courtesy/ 5/10/20
24-430	Loading Zone	25
24-401	No Parking	25
24-402	Alley	25
24-429	No Delivery Permit	25
24-403	Yellow Zone	25

24-472	Fire Hydrant	50 <u>100</u>
24-101	Sidewalk	25
24-413	Cab Zone	25
24-413	Bus Zone	25
24-101	Parked Against Traffic	15
24-456(a)(2)	Meter Plugging	10 <u>25</u>
24-454	Taking up 2 Spaces	10
24-463	Garage	10
24-471	Fire Lane	50 <u>100</u>
24-1008	Boot Fee	50

Posted signs include 10-minute zones and 2-hour zones.

(b) Any person who violates or permits or allows anyone to violate sections 24-412, 24-455, 24-456(a) (1), or 24-462 is guilty of a misdemeanor and upon conviction shall be fined as follows:

First citation . . . No charge

Second citation . . . \$5.00

Third citation . . . 10.00

Fourth and subsequent citations . . . 20.00

If fewer than ~~thirty (30)~~ 180 days have elapsed between the issuance of the first citation and the issuance of the present citation, the fine will escalate from the previous citation as provided above. When ~~thirty (30)~~ 180 or more days have elapsed from the issuance of the first citation, the fine for the present citation shall become the first citation and the above escalation provisions shall apply.

(c) Unless otherwise provided, it is a misdemeanor for any person to violate any of the provisions of this chapter.

(d) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished as provided in section 1-110.

(e) Upon conviction, the court costs or any part thereof may be assessed against the defendant in the discretion of the court.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. 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 _____ day of _____, 2006.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2006.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk

[\(Back to Consent Agenda\)](#)

K

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Second Reading of an Ordinance Expanding Ward IV

DEPARTMENT: Planning and Community Services Department

PRESENTED BY: Juliet Spalding, Planner II

PROBLEM/ISSUE STATEMENT: On August 14, 2006, the City Council approved the annexation of the 36-acre parcel legally described as Tract 1 of Certificate of Survey 3273. (Annexation #06-11). The petition for annexation was submitted by owners of property, Jim Boyer and Paul Bromenshenk. After annexation, the property must be added to one of the City's election wards. The first reading and public hearing on the ordinance to add the property to Ward IV was held on August 28, 2006. The second reading of the ordinance is scheduled for Council action on September 11, 2006.

FINANCIAL IMPACT: There are no direct financial impacts if this ordinance is approved.

RECOMMENDATION

Staff recommends that the City Council approve the second reading of this ordinance that adds property to City Ward IV.

Approved by: City Administrator _____ City Attorney _____

ATTACHMENT

- A. Ward Ordinance and Exhibit A

ORDINANCE NO. 06-_____

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

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

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

A tract of land situated in the E1/2 of Section 32, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract 1 of Certificate of Survey 3273, recorded June 26, 2006, under Document No. 3382821, Records of Yellowstone County, Montana.

Containing 36.360 gross and net acres.

(# 06-11) See Exhibit "A" Attached

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

PASSED by the City Council on the first reading this 28th day of August, 2006.

PASSED by the City Council on the second reading this 11th day of September, 2006.

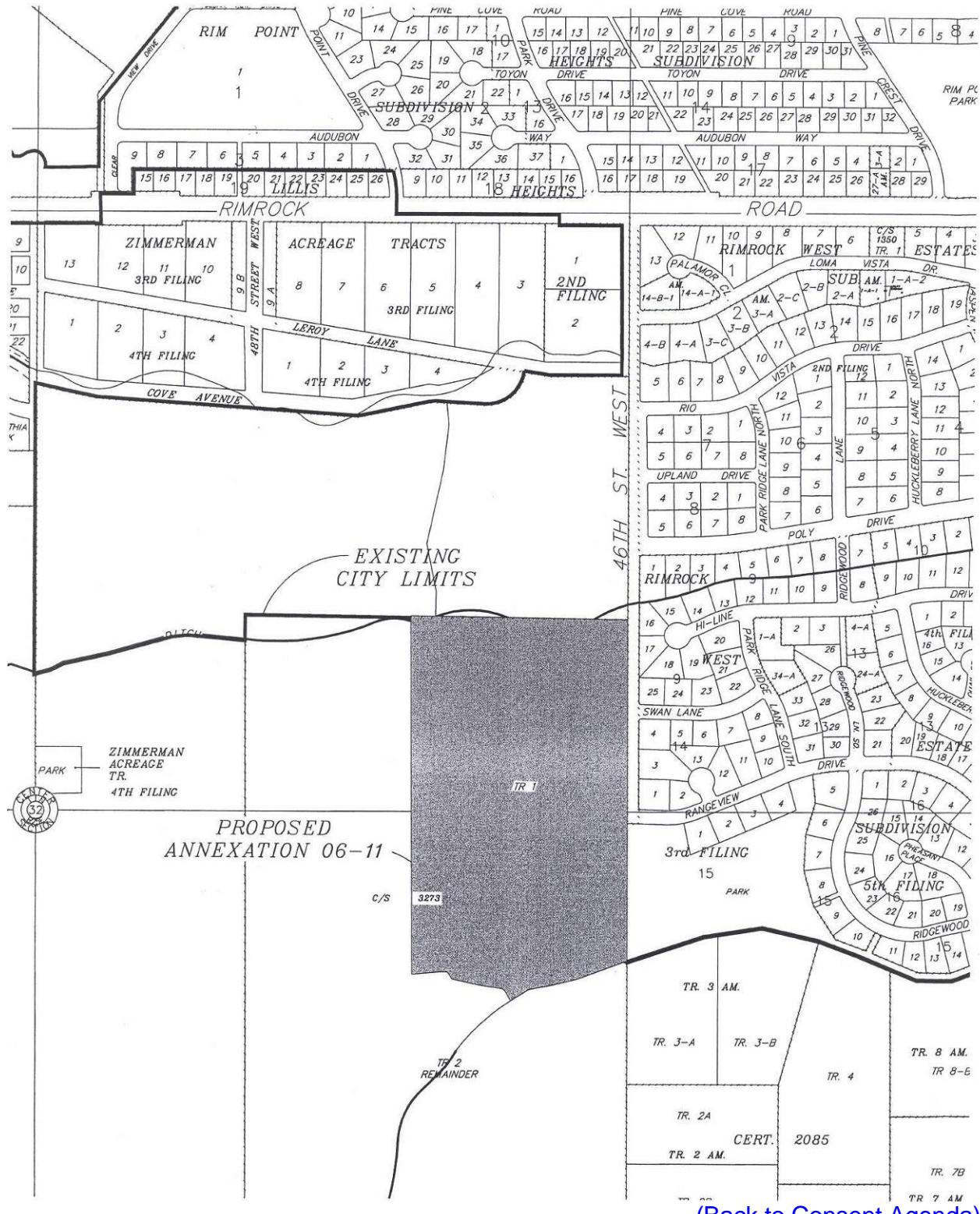
THE CITY OF BILLINGS:

Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CITY CLERK

EXHIBIT A





AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Zone Change #787, 2nd Reading of Ordinance –Text Amendment to Section 27-1404 through 1406 and Section 27-1431 through 1433, BMCC

DEPARTMENT: Planning and Community Services

PRESENTED BY: David Green, Planner I

PROBLEM/ISSUE STATEMENT: The Shiloh Corridor Overlay District (SCOD) requires that after one (1) year of the effective date of this article, and periodically afterward, these regulations shall be reviewed for their effectiveness and the practicality of implementation and enforcement, Sec. 27-1452, BMCC, Reexamination of regulations. The Planning Division has received comments from local professional Landscape Architects and Architects with concerns about the planting requirements for the SCOD. The existing planting requirements for trees on the north end of the district were too heavy to have healthy tree growth, would create problems with visibility and require tree removal in the future to allow the remaining trees to grow in a healthier manner. The result is the proposed new wording in the SCOD with additional clarification on planting to encourage massing of trees and shrubs for better growth and appearance. The City Council held a public hearing and approved the first reading of this zone change on August 28, 2006. Modifications to the text have been made to the final document as requested by Council on August 28, 2006. Sections 27-1406 and 1433 (b)(1)(a) and (b)(3)(b).

ALTERNATIVES ANALYZED: The City Zoning Commission held a public hearing on the proposed text amendment on August 1, 2006. The Commission heard testimony before recommending approval of these changes. The City Zoning Commission is forwarding a recommendation of approval. The City Council may choose to approve, deny or delay action for thirty (30) days on the proposed text amendments.

FINANCIAL IMPACT: There should be no direct financial impact to the City as a result of the new zoning regulation.

RECOMMENDATION

The Zoning Commission on a 5-0 vote recommends that the City Council approve Zone Change #787 on 2nd reading.

Approved by: **City Administrator** **City Attorney**

ATTACHMENTS:

A: Ordinance

ATTACHMENT A

ORDINANCE NO. 06-

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1404 THROUGH 1406 AND SECTION 27-1431 THROUGH 1433 BMCC, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA*, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. Pursuant to sections 27-1425 and 27-1452, BMCC the Planning division reexamined the Shiloh Corridor Overlay District regulations and forwarded recommended amendments to the City Zoning Commission. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to the Shiloh Corridor Overlay District which is five hundred feet in both directions from center line of Shiloh Road: from the intersection of Shiloh Road and Rimrock Road, to the dead end of Shiloh Road at the railroad right-of-way and from the intersection of Shiloh Road and Zoo Drive to Interstate 90, Section 27-1404 through 1406 and Section 27-1431 through 1433 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-1404 through 1406 and Section 27-1431 through 1433 to delete certain language and add new language to read as follows:

PROPOSED AMENDMENTS TO SHILOH CORRIDOR OVERLAY DISTRICT STANDARDS

SEC. 27-1404. APPLICATION AND APPROVAL PROCESS.

(a) *Approval required.* This chapter applies only to properties within the City of Billings. Any new development or remodel requires a building permit from the city Building Division. Planning Division approval is also required prior to construction. Planning Division approval is to ensure compliance with the zoning regulations. This does not in anyway imply approval by any other city department.

(b) *Content of application.* Each application for development located in the Shiloh Corridor overlay district shall include the following:

- (1) The name and address of the property owner and applicant, if different;
- (2) The legal and general description of the tracts or lots upon which review is sought;
- (3) A statement of proposed use;
- (4) A complete site development plan drawn to scale of no less than one (1) inch = forty (40) feet indicating:
 - a. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
 - b. Dimension and location of all existing and proposed buildings, recreation areas, utility and service areas, trash storage area, fire hydrants, access drives, full width of street and adjacent drives, parking areas, existing utility lines, and easements;
 - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
 - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
 - e. Location and description of all off-site improvements and right-of-way dedication; and
 - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
 - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
 - (1) Building plans drawn to a scale of no less than one-sixteenth (1/16) inch = one (1) foot for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
 - (2) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
 - (3) A timetable for the proposed construction project; and
 - (4) A complete form showing compliance with the relative criteria and points assigned (see section 27-1424);

- (5) Any other information pertinent to the particular project which, in the opinion of the zoning coordinator, is determined to be necessary for the review of the project.

Within fifteen (15) working days following the submittal of a complete application, the zoning coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds fifteen (15) days, the applicant may seek immediate approval from the planning director. If an application is determined to be incomplete, the applicant shall be notified within five (5) days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

(Ord. No. 04-5310, § 1, 12-13-04)

SEC. 27-1405. DEFINITIONS.

Terms not specifically defined in this chapter shall have the same meanings as defined in section 27-201. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. No. 04-5310, § 1, 12-13-04)

SEC. 27-1406. ABSOLUTE CRITERIA.

(a) *Development standards.*

- (1) *Shiloh road frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
- (2) *Other regulations.* All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.

(b) *Landscaping standards.*

(1) *Shiloh Road frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road, excluding driveways. Frontage setbacks shall be landscaped with a minimum of ~~eight~~ (8) five (5) canopy or evergreen trees and fifteen (15) shrubs per one hundred (100) feet of frontage.

- a. Developer is encouraged to mass trees to create interest along the frontage. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Within 200 lineal feet of street frontage the required number of trees and shrubs may be massed together to create one or more large tree and shrub planting area(s) somewhere within the 200 lineal foot length. Developer is encouraged to mass ornamental trees and shrub beds at intersections with Shiloh Road and other right-of-way frontage roads and at internal street intersections while still maintaining clear vision triangle height restrictions, pursuant to section 27-618.
- b. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way.

(2) *Right-of-way frontage other than Shiloh Road landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of ~~four~~ (4) three (3) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. See (1) a. above

- a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right of way.

(3) *Off-street parking lot landscaping.*

- a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
- b. ~~Two~~ (2) One (1) canopy and/or evergreen tree and (5) shrubs shall be required for every eight (8) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.

- c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
- d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred (100) feet. See section 27-1106 for additional requirements.

(4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of ~~six (6)~~ five (5) canopy or evergreen trees and twelve (12) shrubs per one hundred (100) linear feet. See (1) a. above. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.

(5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.

(6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.

(7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.

(8) *Automobile and recreation vehicle sales.* Automobile and recreation vehicle sales are required to install two (2) of the required trees and one and one half (1½) the required shrubs along street frontages or are exempt from the tree requirements as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc.

(9) *Plant standards.*

- a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.
- b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
- c. *Ornamental tree.* A species of tree that normally bears flowers in the spring time of the year or has other ornamental features such as unique leaves, bark, leaf color or fruit. Minimum size at installation shall be one and one half (1½) inch caliper. Caliper shall be defined by the American Nurseryman Standard Definition.
- d. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
- e. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
- f. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions of more than five-tenths (.5) shall be rounded up to the nearest whole number.

SEC. 27-1431. APPLICATION AND APPROVAL PROCESS.

(a) *Approval required.* . This chapter applies only to properties within the City of Billings. Any new development or remodel requires a building permit from the city Building Division. Planning Division approval is also required prior to construction. Planning Division approval is to ensure compliance with the zoning regulations. This does not in anyway imply approval by any other city department.

(b) *Content of application.* Each application for development located in the South Shiloh corridor overlay district shall include the following:

- (1) The name and address of the property owner and applicant, if different;
- (2) The legal and general description of the tracts or lots upon which review is sought;
- (3) A statement of proposed use;
- (4) A complete site development plan drawn to scale of no less than one (1) inch = forty (40) feet indicating:
 - a. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
 - b. Dimension and location of all existing and proposed buildings, recreation areas, utility and service areas, trash storage area, fire hydrants, access drives, full width of street and adjacent drives, parking areas, existing utility lines, and easements;
 - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
 - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
 - e. Location and description of all off-site improvements and right-of-way dedication; and,
 - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
 - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
- (5) Building plans drawn to a scale of no less than one-sixteenth inch (1/16) = one (1) foot. for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
- (6) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;

- (7) A timetable for the proposed construction project; and
- (8) A complete form showing compliance with the relative criteria and points assigned (see section 27-1424);
- (9) Any other information pertinent to the particular project which, in the opinion of the zoning coordinator, is determined to be necessary for the review of the project.

(Ord. No. 05-5314, § 1, 1-24-05)

SEC. 27-1432. DEFINITIONS.

Terms not specifically defined in this chapter shall have the same meanings as defined in sections 27-201 and 27-1104. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. No. 05-5314, § 1, 1-24-05)

SEC. 27-1433. ABSOLUTE CRITERIA.

- (a) *Development standards.*
 - (1) *Shiloh Road and Zoo Drive frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road and Zoo Drive for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
 - (2) *Other regulations.* All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
 - (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.
- (b) *Landscaping standards.*
 - (1) *Shiloh Road and Zoo Drive frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and

along the length of Shiloh Road and Zoo Drive, excluding driveways. Frontage setbacks shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) feet of frontage. Trees may be massed within the frontage setback as long as the same densities are maintained.

- a. Developer is encouraged to mass trees to create interest along the frontage. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Within 200 lineal feet of street frontage the required number of trees and shrubs may be massed together to create one or more large tree and shrub planting area(s) somewhere within the 200 lineal foot length. Developer is encouraged to mass ornamental trees and shrub beds at intersections with Shiloh Road, Zoo Drive and other right-of-way frontage roads and at internal street intersections while still maintaining clear vision triangle height restrictions, pursuant to section 27-618.
- b. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way.

(2) *Right-of-way frontage other than Shiloh Road and Zoo Drive landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of four (4) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. Massing of landscaping elements with the required number of landscaping is permitted to meet the intent of subsection (b)(1)a.

- a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right of way.

(3) *Off-street parking lot landscaping.*

- a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
- b. ~~Two (2)~~ One (1) canopy and/or evergreen tree and five (5) shrubs shall be required for every nine (9) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.
- c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
- d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited

to one hundred fifty (150) feet. See section 27-1106 for additional requirements.

- e. Trees and shrubs may be massed.
- (4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) linear feet. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.
- (5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.
- (6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- (7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- (8) *Landscape exemptions.* Uses for automobile and recreation vehicle sales are required to install half (1/2) the required trees and one and one half (1½) the required shrubs along street frontages or are exempt from the tree requirements in the interior of their lots only as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc. If no landscaping is provided in the interior of lots, at least one (1) additional tree and two additional shrubs per five hundred (500) feet of frontage should be provided in perimeter landscape to offset the exemption. This landscaping may also be massed.
 - a. Developer is encouraged to mass trees to create interest inside their lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout their lot and to use planting islands with trees and shrubs to direct traffic through their lot.
- (9) *Plant standards.*

- a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.
- b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
- c. *Ornamental tree.* A species of tree that normally bears flowers in the spring time of the year or has other ornamental features such as unique leaves, bark, leaf color or fruit. Minimum size at installation shall be one and one half (1½) inch caliper. Caliper shall be defined by the American Nurseryman Standard Definition.
- d. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
- e. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
- f. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions five-tenths and more (.5) shall be rounded up to the nearest whole number.

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

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading August 14, 2006.

PASSED, ADOPTED AND APPROVED on second reading September 11, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk

ZC#787 – Amending Section 27-1404 through 1406 and Section 27-1431 through 1433 BMCC
Shiloh Corridor Overlay District

[\(Back to Consent Agenda\)](#)

M

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, September 11, 2006

TITLE: Zone Change #789, 2nd Reading of Ordinance

DEPARTMENT: Planning and Community Services

PRESENTED BY: Lora Mattox, Planner II, Neighborhood Planner

PROBLEM/ISSUE STATEMENT: The applicant is requesting a zone change from Residential 9600 to Neighborhood Commercial on Lots 8 & 9, Block 2, Central Acres Subdivision, 2nd Filing. The property is located at 3525 Central Avenue. The owner is Betty Larsen and the agent is Jim Lucas. The Zoning Commission conducted a public hearing on August 1, 2006, and voted 5-0 to recommend approval to the City Council. The City Council held a public hearing and approved the first reading of this zone change on August 28, 2006.

ALTERNATIVES ANALYZED: State law at MCA 76-2-304 requires that all zone changes be reviewed in accordance with 12 criteria. Using the 12 criteria to determine the appropriateness of the zone change request, the City Council may:

1. Approve the zone change request
2. Deny the zone change request
3. Allow withdrawal of the application
4. Delay action for up to thirty (30) days

FINANCIAL IMPACT: The proposed zone change could potentially increase the City's tax base when the property is annexed and developed.

RECOMMENDATION

The Zoning Commission on a 5-0 vote recommends that the City Council approve Zone Change #789 on 2nd reading and adopt the determinations of the 12 criteria.

Approved by: _____ **City Administrator** _____ **City Attorney**

ATTACHMENTS:

A: Ordinance

ATTACHMENT A

ORDINANCE NO. 06-

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lots 8 & 9, Block 2, Central Acres Subdivision, 2nd Filing, containing approximately 22,141 square feet

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) 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 twelve (12) criteria required by state law.

2. DESCRIPTION. A tract of land known as Lots 8 & 9, Block 2, Central Acres Subdivision, 2nd Filings, containing approximately 22,141 square feet and is presently zoned Residential 9600 and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9600** to **Neighborhood Commercial** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Neighborhood Commercial** as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading August 28, 2006.

PASSED, ADOPTED AND APPROVED on second reading September 11, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____

Marita Herold, CMC/AAE, City Clerk
ZC#789

[\(Back to Consent Agenda\)](#)

N

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Preliminary Subsequent Minor Plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision

DEPARTMENT: Planning and Community Services

PRESENTED BY: Aura Lindstrand, Planner II

PROBLEM/ISSUE STATEMENT: On August 1, 2006, the subdivider, Gene Culver, applied for preliminary subsequent minor plat approval of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision, which contains three (3) lots on approximately 1.16 acres of land for residential development. The subject property is located south of State Highway 3 between Aireway Drive (south) and Masterson Circle (north), approximately ½ mile southwest of the airport. The owner is Dr. Rex Dietz, the subdivider is Gene Culver, and the representing agent is HKM Engineering.

ALTERNATIVES ANALYZED: In accordance with state law, the City Council has 35 working days to act upon this minor plat; the 35 working day review period for the proposed plat ends on September 19, 2006. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 day review period, the City Council is required to:

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

FINANCIAL IMPACT: Should the City Council approve the preliminary plat, the subject property may further develop under private ownership, resulting in additional tax revenues.

RECOMMENDATION

Staff recommends conditional approval of the preliminary subsequent minor plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision and adoption of the Findings of Fact as presented in the staff report to the City Council.

Approved by: **City Administrator** _____ **City Attorney** _____

ATTACHMENTS

- A. Preliminary Plat
- B. Site Photographs
- C. Letters of Protest and Petition
- D. Findings of Fact
- E. Mayor's Approval Letter

INTRODUCTION

On August 1, 2006, the subdivider applied for preliminary subsequent minor plat approval of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision, which contains three (3) lots on approximately 1.16 acres of land for residential development. The subject property is surrounded by single-family residences located within the Residential 9600 zoning district.

PROCEDURAL HISTORY

- A pre-application meeting was conducted for this subdivision on June 1, 2006.
- The preliminary plat application for this subdivision was submitted to the Planning Department on August 1, 2006.
- The City Council will consider the preliminary plat on September 11, 2006.

BACKGROUND

General location:	South of State Highway 3 between Aireway Drive (south) and Masterson Circle (north), approximately ½ mile southwest of the airport
Legal Description:	Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision
Subdivider:	Gene Culver
Owner:	Dr. Rex Dietz
Engineer and Surveyor:	HKM Engineering
Existing Zoning:	Residential 9600
Existing land use:	Vacant Land
Proposed land use:	Residential
Gross area:	1.16 acres
Net area:	1.16 acres
Proposed number of lots:	3
Lot size:	Max: 23,879 square feet Min.: 13,341 square feet
Parkland requirements:	A parkland dedication is not required, as this is a subsequent minor subdivision.

ALTERNATIVES ANALYSIS

One of the purposes of the City's subdivision review process is to identify potential negative effects of property subdivision. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various City departments have reviewed this application and provided input on effects and mitigation. The Planning Board develops and recommends conditions of approval that are based on departmental comments. The Findings of Fact, which are presented as an attachment, discuss the potential negative impacts of the subdivision and the following conditions of approval are recommended as measures to further mitigate any impacts.

RECOMMENDED 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 provision of easements and minimize effects on public health and safety, the subdivider shall work with the City Engineering Division and the private utility companies to determine suitable locations for utility easements. These easements shall be depicted on the plat. (*Recommended by the Engineering Division*)
2. To comply with the Section 23-406(B)(13), BMCC, Sections II.A and III.B of the SIA shall be revised to "5-foot wide boulevard style walks shall be installed at the time of individual lot development." (*Recommended by the Planning Division*)
3. To minimize effects on the natural environment and wildlife, the following information shall be added to the SIA under "Conditions that Run with the Land:" (*Recommended by the Planning Division and Montana Fish Wildlife and Parks*)
 - Section II.C shall further include: "Additional geotechnical information may be required upon construction on the lots."
 - This subdivision is being built in close proximity to prime deer and antelope habitat and interactions with wildlife are likely. Property owners should be aware that any damage caused by wildlife is the responsibility of the owner.
4. 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.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

None

STAKEHOLDERS

A public hearing is not scheduled for the City Council meeting; however nearby property/business owners may attend the City Council meeting. The Planning Department has received several letters of protest and a protest petition regarding this subdivision (Attachment C). Verbal concerns regarding onsite stormwater detention, sanitary sewer capacity in Aireway Drive, traffic onto Highway 3, and increased density were expressed to the Planning and Engineering Division by two (2) property owners on August 16, 2006. In addition, the homeowner's stated that they were in the process of amending the Declaration of Restrictions for the entire subdivision to include that only one (1) residence can be located on each of the existing lots and that if a lot is "further subdivided into two (2) or more lots, a single-family residence shall be allowed on only one of the subdivided lots." These restrictions were recorded on August 16, 2006 (Document #3389349). While the revision to the Declaration of Restrictions does not affect the subdivision, they will restrict construction on the additional lots. The City cannot enforce the private Restrictions.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy, the 2005 Transportation Plan Update, and Heritage Trail Plan are discussed within the Findings of Fact.

RECOMMENDATION

Staff recommends conditional approval of the preliminary subsequent minor plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision and adoption of the Findings of Fact as presented in the staff report to the City Council.

ATTACHMENTS

- A. Preliminary Plat
- B. Site Photographs
- C. Letters of Protest and Petition
- D. Findings of Fact
- E. Mayor's Approval Letter

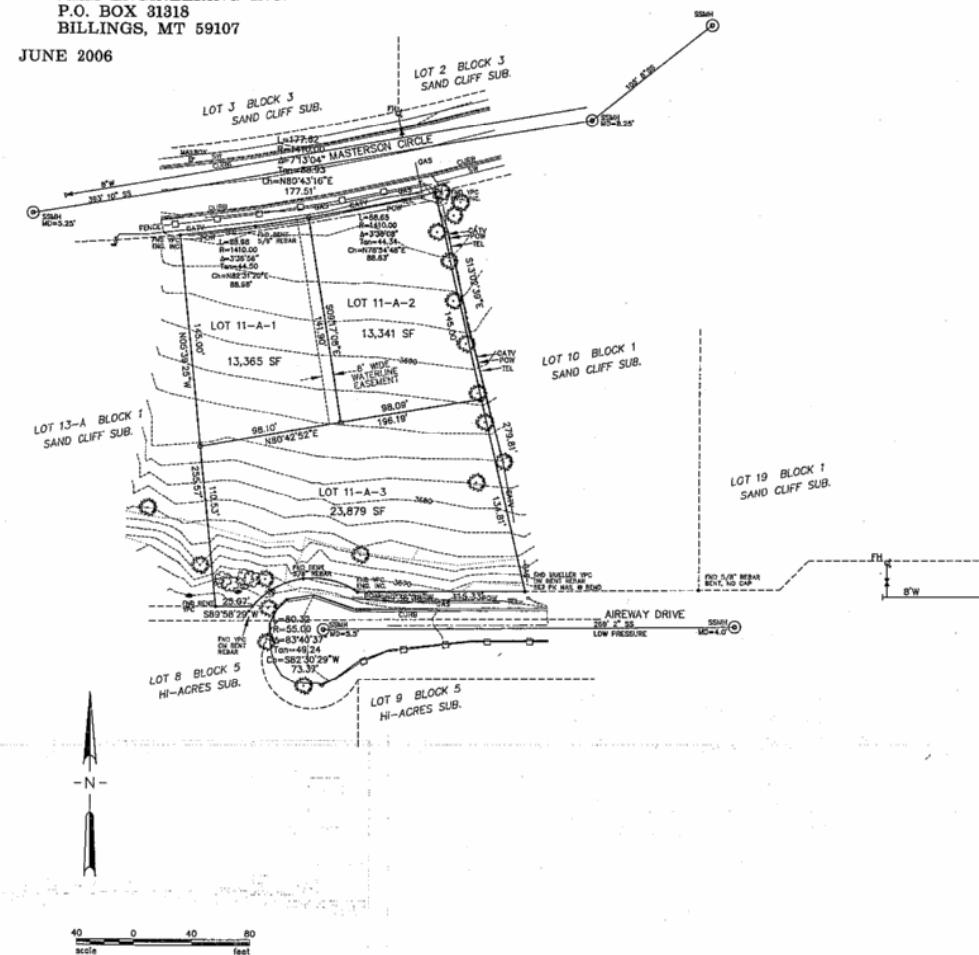
ATTACHMENT A

Preliminary Plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision

PRELIMINARY PLAT OF
AMENDED PLAT OF LOT 11-A OF AMENDED
PLAT OF LOTS 11, 12 AND 13, BLOCK 1,
SAND CLIFF SUBDIVISION
A TRACT OF LAND LOCATED IN THE
NW1/4SE1/4 OF SECTION 26, T.1N., R.25E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

FOR: GENE CULVER
BY: HKM ENGINEERING INC.
P.O. BOX 31318
BILLINGS, MT 59107

JUNE 2006



ATTACHMENT B
Site Photographs



Figure 1: View south from Masterson Circle toward the subject property.



Figure 2: View east along Masterson Circle, the subject property is located to the south (right) in the photo.



Figure 3: View north from Aireway Drive toward the subject property.



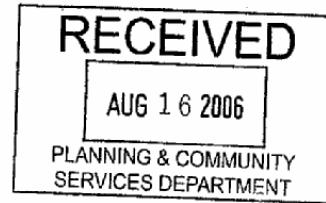
Figure 4: View west to the dead-end cul-de-sac of Aireway Drive and an existing residence.

ATTACHMENT C
Letters of Protest and Petition

Sand Cliff Subdivision Owners
P.O. Box 22791
Billings, MT 59104

August 16, 2006

Yellowstone City - County Planning Board
210 North 27th Street
Billings, MT 59101



Dear Board:

The home owners of properties in Sand Cliff Subdivision have been informed that a developer is seeking city-county permission to subdivide an existing lot into three small lots and place three houses on it instead of one. This is being rigorously opposed by the entire subdivision.

The lot in question is:

Lot 11A Blk 1 Sand Cliff Subd
Rex Dietz, current owner
Tax ID # A21144
Vacant Lot - Urban, 50484 sq. ft.

Please find attached the signatures of 37 Sand Cliff lot owners out of 41 who are rigorously opposing this.

There are many reason why we oppose this.

1. The Sandcliff Subdivision has been in existence since January 3, 1974 (32 years). No lots have been reduced in size. All the Sand Cliff lots were developed large so that houses fronting on the rims and toward the city would remain non-congested and provide an attractive visual experience for all Billings citizens. To now place high density housing on the rims edge would negatively change forever the visual image experienced by the City of Billings. Development on the rims edge was once vigorously opposed by the Billings City Council and then cautiously approved by that same body in a way that preserves the rims natural and fragile beauty. We hope that this same concern can again be recognized and appreciated by the current City Council.
2. To now reduce the size of the existing lots contrary to the wishes of those who have already purchased lots and built homes over 32 years is to suddenly threaten to devalue their homes, increase neighborhood congestion, block views, and set a precedent for further neighborhood degradation. All current owners purchased and built based upon what they thought was permanent and now after 32 years they are being told they were wrong. We all have a right to protect our property and we are exercising this right.

3. High density housing and small lots on the rims edge will reduce the current owners property values and allows for lower priced homes with the greater likelihood of limited resources to beautify the properties with shrubbery and visual enhancements. We do not want to see a cluttered rims or a degraded rims.
4. Since all of the owners in Sand Cliff Sub have to enter and exit their subdivision onto or off of Highway 3, subdividing lots will significantly increase traffic and the number of vehicles who face daily vehicular danger. The current speed limit at our exit and entry onto Highway 3, a two lane highway, is 60 miles per hour. In 2005 we experienced a rollover and a devastating motorcycle accident to a former police officer at the entry to our subdivision.
5. Subdividing these properties, not only changes the vision of the original developer and the understanding of all those who have built homes over the last 32 years, but sets a questionable precedent for several other Sand Cliff lots (or lots in any already established Billings subdivision) which might also be further divided for economic gain. All the lots in the Sandcliff subdivision are large ranging in size from 23784 square feet to 85046 square feet. So someone who has already built might even contemplate cutting off the backyard in favor of subdividing his large lot and adding another house. Again, a bad precedent.
6. Richard Vande Veegaete who owns Lot 10 immediately adjacent to Lot 11A, the one seeking to be subdivided into three lots, related to his neighbors that the owner of Lot 11A, Dr. Rex Dietz, called him the day before signing the by-sell with the developer. He informed Vande Veegaete of his by-sell to the developer and of the intention of the developer to split the lot into three if he can get approval. Vande Veegaete expressed concern, at which time Dr. Dietz was understood to say that if the sale doesn't get all the approvals that it needs to happen... that Dietz would not be heart broken. Deitz felt that it is a good lot and will sell to someone else in the future. This was understood to be an apology to the Subdivision for imposing this mess on them and as an invitation to fight it. And that is what we are doing especially since it won't break the sellers heart if it fails.
7. The developers are not intending to live in Sand Cliff Sub as neighbors, but see this as an opportunity to make a profit at the expense of the current neighborhood. Why should we, who have lived here for years, be subject to a developers profit motive?
8. The Sand Cliff subdivision is serviced by a sewer system that exits down through a hole drilled in the sandstone cliff wall of the rims. When it was first drilled it caused those at the bottom of the rims and the City of Billings a great deal of grief because drilling mud began to ooze out of the talus slope at the bottom of the rims. Mud and rock slides became a paramount concern. In fact, the slope is still monitored in this area to this day. Since this rims sewer hole down through the rims carries waste from the old National Guard Complex (now City Garage area), the Sky Ranch, the Scott lots, and Sandcliff Sub, there has been concern that this remains a fragile system. Adding more and more lots and homes jeopardizes this system.

9. All of the homes now built in Sand Cliff Sub must have a holding pond built on the properties to handle overflow rain water. Heavy rain runoff periodically causes waterfalls to cascade over the rims endangering or harming the homes below. Even the 2006 spring rains caused us to witness this waterfall effect. Adding more lots on the rims edge will multiply the area being covered by roofs and concrete and significantly increase runoff in this critical area. This is unfair to the subdivisions below the rims.
10. Attached to this letter is a list of owners signatures from 37 lots out of the 41 Sand Cliff lots. They have signed this statement: "As an owner of property within the Sand Cliff Subdivision, I oppose any subdivision of Lot 11A, Blk 1, Sand Cliff Subdivision." Please protect our subdivision and vote to oppose the subdivision of Lot 11A, Blk 1.

Again as the current owners of Sand Cliff Sub lots we ask you to please deny this request to subdivide Lot 11A, Blk 1.

Thank you for your time and consideration.

Sincerely,

Signatures attached

Sand Cliff Subdivision Owners

cc: All Billings City Council members

As an owner of property within the Sand Cliff Subdivision, I oppose any subdivision of Lot 11A, Blk 1,
Sand Cliff Subdivision.

RECEIVED

AUG 16 2006

PLANNING & COMMUNITY
SERVICES DEPARTMENT

SAND CLIFF SUBDIVISION	BLOCK 1			
NAME	ADDRESS	LT	BLK	ID
Robert Dosset	3420 Masterson	1	1	A21134
Thomas & Patricia Keesecker	3382 Stoney Ridge	2	1	A21135
James and Theresa Helus	3362 Stoney Ridge	3	1	A21136
Kimberly Hanser	3440 Masterson	4	1	A21137
Steven Stanford	Masterson	5	1	A21138
James and Barbara Grubbs	3342 Stoney Ridge	6	1	A21139
Greg & Debra Tretene	3322 Stoney Ridge	7	1	A21140
Jeffery Butcher	3439 Airway	8	1	A21141
James and Carol Pickens	3443 Airway	9	1	A21142
Richard & Carol Vande Veegaete	3470 Masterson	10	1	A21143
Rex Dietz	Masterson	11A	1	A21144
Daniel & Rhonda Molloy	Masterson	13A	1	A21146
Alvin Staley	3520 Masterson	14	1	A21147
Sandra Anderson	3530 Masterson	15	1	A21148
Audrey Shanstrom	3540 Masterson	16	1	A21149

As an owner of property within the Sand Cliff Subdivision, I oppose any subdivision of Lot 11A, Blk 1,
Sand Cliff Subdivision.

SAND CLIFF SUBDIVISION		BLOCK 2			
	NAME	ADDRESS	LT	BLK	
1	BRETT KUSKER Jack & Romella Mueller 254-7555	Wyatt Circle	1	2	A21155
2	Benjamine Brown	325 Wyatt Circle	2	2	A21156
3	Steven & Jennifer Corning 245-8950	315 Wyatt Circle	3	2	A21157
4	Michael & Melinda Brennan 652-4968	300 Wyatt Circle	4	2	A21158
5	Ned & Virginia Tranel 264-0246 698-4288	Wyatt Circle	5	2	A21159
6	Jerry & Sandra Derbach 256-9589 670-4347	314 Wyatt Circle	6	2	A21160
7	Jerry & Sandra Derbach	Wyatt Circle	7	2	A21161
8	Jerry & Sandra Derbach	Hickok Circle	8	2	A21162
7	Janice Caryle	3820 Hickok Circle	9	2	A21163
8	Robert Zirpoli	3830 Hickok Circle	10	2	A21164
9	Robert & Janice Hamlin 259-3017	Hickok Circle	11	2	A21165
10	Montana-Arizona Holdings, LLC	3850 Hickok Circle	12	2	A21166

As an owner of property within the Sand Cliff Subdivision, I oppose any subdivision of Lot 11A, Blk 1,
Sand Cliff Subdivision.

SAND CLIFF SUBDIVISION	BLOCK 3			
NAME	ADDRESS	LT	BLK	
Michael & Brenda Elliott	3441 Masterson	1	3	A21167
Carol Kuhns	3451 Masterson	2	3	A21168
Dan & Gayle Nebel	3461 Masterson	3	3	A21169
Jim and Lanna Garr	3471 Masterson	4	3	A21170
Howard & Judith Evans	3481 Masterson	5	3	A21171
Dennis & Roleen Fergus	Masterson	6	3	A21172
Dennis & Roleen Fergus	3481 Masterson	7	3	A21173
Lloyd & Karen Carrell	3551 Masterson	8	3	A21174
Lloyd & Karen Carrell	Masterson	9	3	A21175

As an owner of property within the Sand Cliff Subdivision, I oppose any subdivision of Lot 11A, Blk 1, Sand Cliff Subdivision.

SAND CLIFF SUBDIVISION	BLOCK 1				
------------------------	---------	--	--	--	--

NAME	ADDRESS	LT	BLK	ID
George Westerman	3550 Masterson	17	1	A21150
James & Janice Scott	3560 Masterson	18	1	A21151
Gordon & Rinda Galarneau	Masterson	19	1	A21152
Gordon & Rinda Galarneau	3590 Masterson	20	1	A21153
Gordon & Rinda Galarneau City of Billings	Masterson	21	1	A21154

CARRELL OIL COMPANY
LLOYD and KAREN CARRELL
3551 Masterson Circle
Billings MT 59106
Ph: 406-657-5505 Fax: 406-657-3113

June 8, 2006

To: Masterson Circle Neighbors

Dear Neighbors,

Regretfully, we cannot attend tonight's meeting addressing the issue of a possible subdivision of the lot between Dr. Van and Mr. Staley's houses. However, we would like to let everyone know we are strongly opposed to this idea and offer our support in whatever way we can. Whether this would be help with petitions or a monetary donation to help with attorney fees, etc., we are more then willing to help.

We chose our home in this lovely neighborhood, not only for it's natural beauty, but also because of the space between the homes. We feel taking a normal sized lot and subdividing it into three homes is a ridiculous idea in itself, not to mention that it devalues our entire neighborhood immensely.

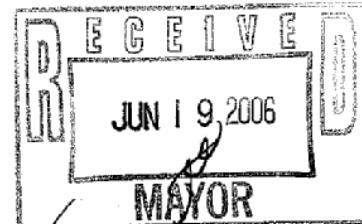
Please keep us informed of the progress on this issue. Once again, sorry we cannot be there to meet with you all.

Sincerely,

Lloyd and Karen Carrell

Lloyd and Karen

Sand Cliff Subdivision Owners
P.O. Box 22791
Billings, MT 59104



June 15, 2006

Billings City Council
P.O. Box 1178
Billings, MT 59103

Dear Council Members:

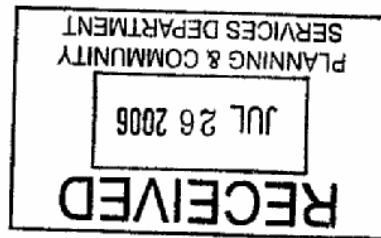
The home owners of properties in Sand Cliff Subdivision have been informed that a developer intends to seek city-county permission to subdivide an existing lot and place three houses on it instead of one. This is being rigorously opposed by the entire subdivision. We are enclosing a letter that was sent to the seller and the developer.

We want you to know our position and are seeking your help in this matter. We will keep you posted as this progresses.

Thank you for your time.

Sincerely,

Sand Cliff Subdivision Owners



Sand Cliff Subdivision
P.O. Box 22791
Billings, MT 59104

June 15, 2006

Dr. Rex Dietz
2940 Rimrock Avenue
Billings, MT 59102

Dear Dr. Dietz:

The neighbors in Sand Cliff Subdivision have recently been notified by the current owner/seller of Lot 11A, Block 1, Sand Cliff Subd, that a developer has signed a buy/sell on:

Lot 11A Blk 1 Sand Cliff Subd
Rex Dietz, current owner
Tax ID # A21144
Vacant Lot - Urban

We are informed that the developer's intent is to subdivide this existing lot. This challenge is strongly opposed by all of the current Sand Cliff Subdivision owners. The Sand Cliff Subdivision has been in existence for 32 years. Our covenants provide for one dwelling per lot. Should this subdividing proposal proceed, you can expect a legal challenge. A signed petition opposing any subdividing of Lot 11A has been circulating and will be forthcoming.

Sincerely,
Sand Cliff Subdivision Owners

Audrey J. Shanstrom
Audrey Shanstrom, Sand Cliff Home Owners Association

Alvin Staley
Alvin Staley, Sand Cliff Home Owners Association

Howard Evans
Howard Evans, Sand Cliff Home Owners Association

cc: Gene Cullver, Developer
City County Planning - Zoning, Billings
Larry Brewster, Ward 2, Billings City Council
Joy Stevens, Ward 2, Billings City Council
Billings City Council

ATTACHMENT D

Findings of Fact

Staff is forwarding the recommended Findings of Fact for Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations (23-303(H)(2), BMCC).

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

1. Effect on agriculture and agricultural water user facilities

The proposed subdivision should have no effect on agriculture or agricultural water user facilities. The subject property is not currently used for agriculture and no irrigation facilities are located on the subject property.

2. Effect on local services

- a. **Utilities** – The proposed lots will obtain water services from the 8-inch main line located within Masterson Circle. As depicted on the plat, an 8-foot wide utility easement has been provided from Lot 11-A-3 across Lot 11-A-1 for the purpose of obtaining water service from Masterson Circle to the north.

Lots 11-A-1 and 11-A-2 will obtain sanitary sewer through the 8-inch main line in Masterson Circle; Lot 11-A-3 will connect to the 2-inch low pressure sewer main within Airedale Drive.

- b. **Stormwater** – As specified in the SIA, stormwater will be provided either collectively for the subdivision or on each lot. Stormwater from a 100-year flood event must be retained on the property, as required by City Engineering. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Department.
- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** - Access to proposed Lots 11-A-1 and 11-A-2 will be from private driveways off of Masterson Circle (north). Lot 11-A-3 will be accessed from a private driveway off of Aireway Drive (south). Both Aireway Drive and Masterson Circle are constructed to City standards and do not require improvements at this time.

The SIA specifies that 5-foot wide sidewalks will be provided at the time of lot development. Condition #2 requires that the language within Sections II.A and III.B be

revised to state that 5-foot wide boulevard style walks shall be constructed at the time of lot development.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 2305 8th Avenue North (Station #1). The subdivision is located within the ambulance service area of American Medical Response, no comments were received.
- f. **Schools** - The subdivision is located within School District #2. No comments were received from the School District; however the subdivision was submitted for review by the local schools that will be affected by this subdivision. Students from the proposed subdivision will attend Boulder Elementary School, Will James Middle School, and Senior High School. No comments were received by the schools, as the proposed subsequent minor subdivision will not create a significant population of students.
- g. **Parks and Recreation** - There is no parkland dedication requirement, as this is a subsequent minor plat.

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment, as there will be short term air and noise pollution associated with construction on the property. However, the property is within an urbanized portion of the city and these effects should be minimal.

A geotechnical study was submitted with this application and has been determined sufficient by the Building Official. As required by Condition #3, a note shall be added to the SIA that additional geotechnical information may be required at the time of construction on the lots.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property; however the property is located near open agricultural land and on the rims, where the likelihood of wildlife interaction is high. As required by Condition #3, a note shall be added to the SIA under general conditions that run with the land that future property owners should be aware that the proposed subdivision is located within prime deer and antelope habitat. Any damage caused by wildlife is the responsibility of the owner.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? (76-3-210, MCA) (23-901, BMCC)

An Environmental Assessment is not required, as this is a minor plat.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2003 Growth Policy, the Urban Area 2000 Transportation Plan and the Heritage Trail Plan? (23-301, BMCC)

1. Yellowstone County-City of Billings 2003 Growth Policy

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

- a. Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, Page 6)

The proposed subdivision is consistent with the surrounding neighborhood density, as single-family residences are proposed.

- b. New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites. (Land Use Element Goal, Page 6)

The subject property is surrounded on three (3) sides by single-family residential uses within the Residential 9600 zoning district; the proposed single-family residential uses are compatible.

- c. Contiguous development focused in and around existing population centers separated by open space. (Land Use Element Goal, Page 6)

The subdivision may be considered infill and does not contribute to urban sprawl.

2. Urban Area 2005 Transportation Plan Update

The proposed subdivision adheres to the goals and objectives of the 2005 Transportation Plan Update and preserves the street network and street hierarchy specified within the plan.

3. Heritage Trail Plan

A Heritage Trail corridor is not identified within this subdivision; however Black Otter Trail is located to the east and Zimmerman Trail is located to the west of the subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? (76-3-608 (3)(b), MCA) (23-301, BMCC)

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

E. Does the subdivision conform to sanitary requirements? (23-408, BMCC)

The property is served by municipal water, sewer, storm drain and solid waste services.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? (23-402, BMCC)

The subject property is located within the R-9600 zoning district and shall comply with the standards set forth in Section 27-308, BMCC.

G. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608 (3)(c), MCA) (23-410(A)(1), BMCC)

The City Engineering Department will work with the utility companies to provide easements in acceptable locations on the plat. The City maintains that utility easements provided on front lot lines creates conflicts with sanitary water and sewer lines and have requested that they be located on the rear and sides of lots for public health and safety. Condition #1 requires the subdivider to work with the City Engineering Division and the private utility companies to provide acceptable utility easements on the plat.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608 (3)(d), MCA) (23-406, BMCC)

Access to proposed Lot 11-A-3 will be via a private driveway from Aireway Drive. Proposed Lots 11-A-1 and 11-A-2 will be accessed via private driveways from Masterson Circle.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2003 Growth Policy and does not conflict with the 2005 Transportation Plan Update or the Heritage Trail Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, September 11, 2006

Ron Tussing, Mayor

ATTACHMENT D
Mayor's Approval Letter

September 11, 2006

Gene Culver
3028 Rugby Drive
Billings, Montana 59102-0752

Dear Applicant:

On September 11, 2006, the Billings City Council conditionally approved the preliminary plat of Amended Lot 11-A of Amended Lots 11, 12, and 13, Block 1, Sand Cliff Subdivision, subject to the following conditions of approval:

1. To ensure the provision of easements and minimize effects on public health and safety, the subdivider shall work with the City Engineering Division and the private utility companies to determine suitable locations for utility easements. These easements shall be depicted on the plat. (*Recommended by the Engineering Division*)
2. To comply with the Section 23-406(B)(13), BMCC, Sections II.A and III.B of the SIA shall be revised to “5-foot wide boulevard style walks shall be installed at the time of individual lot development.” (*Recommended by the Planning Division*)
3. To minimize effects on the natural environment and wildlife, the following information shall be added to the SIA under “Conditions that Run with the Land:” (*Recommended by the Planning Division and Montana Fish Wildlife and Parks*)
 - Section II.C shall further include: “Additional geotechnical information may be required upon construction on the lots.”
 - This subdivision is being built in close proximity to prime deer and antelope habitat and interactions with wildlife are likely. Property owners should be aware that any damage caused by wildlife is the responsibility of the owner.
4. 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.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Aura Lindstrand with the Planning Division at 247-8663 or by email at lindstranda@ci.billings.mt.us.

Sincerely,

Ron Tussing, Mayor

pc: Dr. Rex Dietz, Owner
Rick Selensky, PE, HKM Engineering

September 6, 2006

Ms. Aura Lindstrand
Planner II
City of Billings
Planning and Community Development Department
510 North Broadway – 4th Floor
Billings, MT 59101

Re: Sand Cliff Subdivision

Dear Ms. Lindstrand,

Please consider this letter a request to withdraw the referenced subdivision from the September 11th City Council Agenda.

Gene Culver
Gene Culver
Developer

[\(Back to Consent Agenda\)](#)

O1

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, September 11, 2006

TITLE: Payment of Claims
DEPARTMENT: Administration – Finance Division
PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Claims in the amount of \$1,241,897.05 have been audited and are presented for your approval for payment. A complete listing of the claims dated August 4, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator City Attorney

ATTACHMENT:

A -- List of claims greater than \$2500

[\(Back to Consent Agenda\)](#)

02

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Payment of Claims

DEPARTMENT: Administration – Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Claims in the amount of \$2,315,965.85 have been audited and are presented for your approval for payment. A complete listing of the claims dated August 11, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator City Attorney

ATTACHMENT:

A -- List of claims greater than \$2500

[\(Back to Consent Agenda\)](#)

03

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Payment of Claims

DEPARTMENT: Administration – Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Claims in the amount of \$617,635.25 have been audited and are presented for your approval for payment. A complete listing of the claims dated August 18, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator City Attorney

ATTACHMENT:

A -- List of claims greater than \$2500

[\(Back to Consent Agenda\)](#)

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Public Hearing and First Reading of an Ordinance Expanding Ward V

DEPARTMENT: Planning and Community Services

PRESENTED BY: Candi Beaudry, AICP, Interim Director

PROBLEM/ISSUE STATEMENT: On August 28, 2006, the City Council approved the annexation of properties described as Tract 1, of Corrected Amendment of Tracts 1 and 3 and Remainder Tract 2 to be Amendment of Tracts 1, 2, and 3, Certificate of Survey No. 1648, totaling 14.5 acres (Annexation #06-12). The petition for annexation was submitted by Bell Family Trust, owner of property, on behalf of Mountain West Senior Housing, LLC. After annexation, the property must be added to one of the City's election wards. The first reading and public hearing on the ordinance to add the property to Ward V will be held on September 11, 2006. The second reading of the ordinance is scheduled for Council action on September 25, 2006.

FINANCIAL IMPACT: There are no direct financial impacts if this ordinance is approved.

RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the first reading of this ordinance that adds property to City Ward V.

Approved by: City Administrator _____ City Attorney _____

ATTACHMENT

A. Ward Ordinance and Exhibit A

ORDINANCE NO. 05-_____

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

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

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

A tract of land located in the NE1/4 of Section 10, T.1S., R.25E., and the SE1/4 of Section 3, T.1S., R.25E., P.M.M., Yellowstone County, Montana, being more particularly described as: Tract 1 and that portion of Tract 4 (a road Tract) adjacent to the north line of Tract 1 of Corrected Amendment Of Tracts 1 And 3 and Remainder Tract 2 To Be Amendment Of Tracts 1, 2 And 3 Certificate Of Survey No 1648, Recorded July 20, 1994, Under Document No. 1749237, Records of Yellowstone County, Montana, including all adjacent right-of-way of Central Avenue. Containing 14.549 gross acres and 14.077 net acres.

(# 06-12)

See Exhibit "A" Attached

4. **CERTIFICATION.** Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.
3. **REPEALER.** All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 11th day of September, 2006.

PASSED by the City Council on the second reading this 25th day of July, 2006.

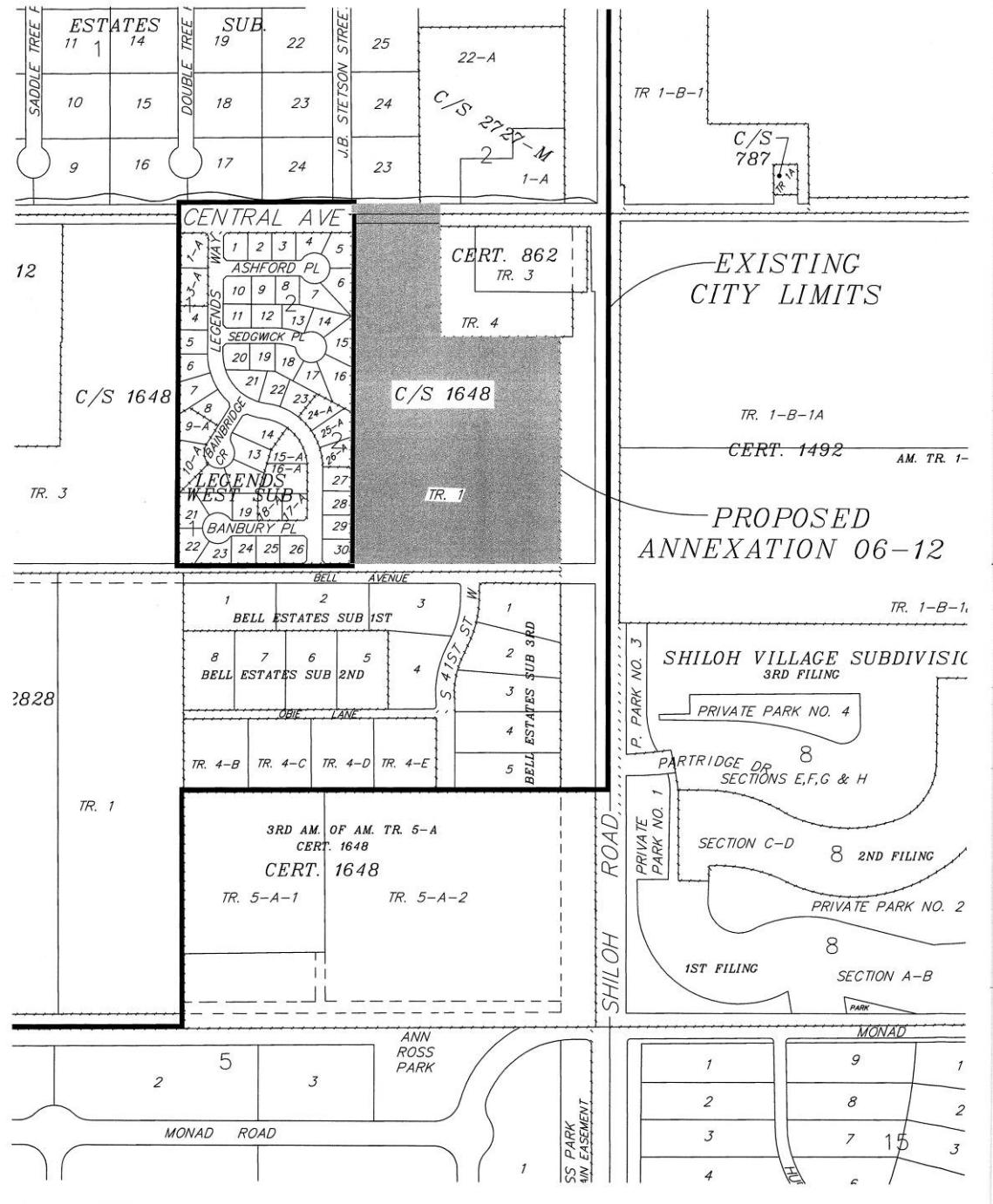
THE CITY OF BILLINGS:

Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK

EXHIBIT A



(Back to Regular Agenda)

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Public Hearings and Resolutions to Create Light Maintenance Districts
SILMD 290 – S. 32nd St. West
SILMD 299 – Vintage Estates Subdivision
SILMD 300 – Bellville Subdivision

DEPARTMENT: Public Works Department

PRESENTED BY: David D. Mumford, Public Works Director

PROBLEM/ISSUE STATEMENT: On August 14, 2006, the City Council passed Resolutions of Intent to Create three new lighting districts and established public hearings on creation of the proposed districts for September 11, 2006. Legal notices and a letter explaining the districts and the protest procedure were mailed to each of the landowners in the proposed new districts on August 17th, 2006. Information on the number and percentage of property owner protests received will be presented at the public hearings. Full background information on the proposed Districts was included in the staff memo submitted with the Resolutions of Intent approved on August 14th, 2006.

ALTERNATIVES ANALYZED:

1. Create the SILMDs to provide a source of funding for operation & maintenance of the street lights
2. Do not create the SILMDs and do not install lighting (Vintage Estates and Bellville), or turn the street lights off (32nd Street West)
3. Develop some other source of funding to pay for street light energy & maintenance

FINANCIAL IMPACT: All costs for these proposed light districts will be paid for by assessments against properties within the districts. City properties within the districts will be assessed their proportionate share of the costs for that particular district. City-owned properties within the proposed districts are park within Bellville Subdivision (estimated annual assessment \$181), and a linear park strip along 32nd Street West near Banff Avenue (estimated annual assessment \$18).

RECOMMENDATION

Staff recommends that Council pass Resolutions creating SILMDs 290, 299, and 300.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

- A. District Boundary Map SILMD 290
- B. District Boundary Map SILMD 299
- C. District Boundary Map SILMD 300

RESOLUTION NO. 06-_____

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 290 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF SECURING AND PROVIDING ENERGY AND MAINTENANCE FOR NEW HIGH PRESSURE SODIUM VAPOR LIGHTS, SETTING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATED RATE FOR ENERGY AND MAINTENANCE THEREOF, AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFORE FOR THE FIRST YEAR, AND THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS.

WHEREAS, the City Council of the City of Billings, Montana, on the 14th day of August, 2006, passed Resolution 06-18459, a Resolution of Intention to Create a Special Improvement Lighting Maintenance District designated as No. 290, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the creation of said district, and the protests are overruled and denied.

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

SECTION 1:

That the City Council of the City of Billings, Montana does hereby create a District, to be known and designated as Special Improvement Lighting Maintenance District No. 290, hereinafter called the District, for the purpose of securing and providing energy and maintenance for new street lights for lighting said District.

SECTION 2:

That the boundaries of the District are as set forth in Resolution of Intention No. 06-18459, hereinafter called the Resolution, on file in the office of the City Clerk of Billings, Montana, and by this reference is incorporated herein and made a part hereof.

SECTION 3:

That the City Council hereby finds and determines that each of the lots, blocks, pieces and parcels of land, situated within the boundaries of the District, are especially benefited and affected by said improvements, and each and all of the lots, blocks, pieces and parcels, more particularly described in the Resolution are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows:

\$8.51 per 250 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Services Commission.

That NorthWestern Energy shall provide energy to the lighting fixtures. The City shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and at all times own said lighting fixtures, poles, cables and other incidental equipment. Property owners within said district shall be assessed for the costs thereof.

SECTION 6:

That based upon the above figures, the estimate of the cost of the District for one year is the sum of \$2,364.84, and that the entire cost of said District shall be paid by the owners of property within said District. The estimated cost of the District per year for the property owners is on the basis of approximately \$0.00445735 per square foot per year. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$2682.84 or approximately \$ 0.00505672 per square foot. All of such costs of said District shall be paid by the owners of the property within the District with each lot, parcel or piece of land within said District to be assessed for that portion of the whole cost which its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys, and public places.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as the "Special Improvement Lighting Maintenance District No. 290 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefore.

SECTION 8:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

PASSED by the City Council of the City of Billings, Montana and approved this 11th day of September, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK

RESOLUTION NO. 06-_____

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 299 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF SECURING AND PROVIDING ENERGY AND MAINTENANCE FOR NEW HIGH PRESSURE SODIUM VAPOR LIGHTS, SETTING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATED RATE FOR ENERGY AND MAINTENANCE THEREOF, AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFORE FOR THE FIRST YEAR, AND THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS.

WHEREAS, the City Council of the City of Billings, Montana, on the 14th day of August, 2006, passed Resolution 06-18460, a Resolution of Intention to Create a Special Improvement Lighting Maintenance District designated as No. 299, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the creation of said district, and the protests are overruled and denied.

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

SECTION 1:

That the City Council of the City of Billings, Montana does hereby create a District, to be known and designated as Special Improvement Lighting Maintenance District No. 299, hereinafter called the District, for the purpose of securing and providing energy and maintenance for new street lights for lighting said District.

SECTION 2:

That the boundaries of the District are as set forth in Resolution of Intention No. 06-18460, hereinafter called the Resolution, on file in the office of the City Clerk of Billings, Montana, and by this reference is incorporated herein and made a part hereof.

SECTION 3:

That the City Council hereby finds and determines that each of the lots, blocks, pieces and parcels of land, situated within the boundaries of the District, are especially benefited and affected by said improvements, and each and all of the lots, blocks, pieces and parcels, more particularly described in the Resolution are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

SECTION 5:

The City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$590 per year. Future energy costs shall be in accordance with the standard rates established by Yellowstone Valley Electric for customers within this service area. That the Yellowstone Valley Electric Company shall provide energy to all of the lights. That the

Yellowstone Valley Electric Company shall pay the initial costs of installing the light fixtures, poles, cables, and other equipment incidental to operating the lighting and shall provide normal maintenance and repairs to said equipment as part of the monthly rate for these lights. The installation costs shall be amortized over a period not to exceed 25 years, and at the end of such time all the light fixtures, poles, cables, and other equipment incidental to operating the lighting shall become the property of the City of Billings. The estimated annual cost of routine maintenance and recovery of capital investment is \$3821 per year. Property owners within said district shall be assessed for the costs thereof.

SECTION 6:

That based upon the above figures, the estimate of the cost of the District for one year is the sum of \$6,034.11, and that the entire cost of said District shall be paid by the owners of property within said District. The estimated cost of the District per year for the property owners is on the basis of approximately \$0.01051166 per square foot per year. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$7,667.78 or approximately \$0.01335757 per square foot. All of such costs of said District shall be paid by the owners of the property within the District with each lot, parcel or piece of land within said District to be assessed for that portion of the whole cost which its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys, and public places.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to

be known as the "Special Improvement Lighting Maintenance District No. 299 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefore.

SECTION 8:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

PASSED by the City Council of the City of Billings, Montana and approved this 11th day of September, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK

RESOLUTION NO. 06-_____

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 300 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF SECURING AND PROVIDING ENERGY AND MAINTENANCE FOR NEW HIGH PRESSURE SODIUM VAPOR LIGHTS, SETTING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATED RATE FOR ENERGY AND MAINTENANCE THEREOF, AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFORE FOR THE FIRST YEAR, AND THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS.

WHEREAS, the City Council of the City of Billings, Montana, on the 14th day of August, 2006, passed Resolution 06-18461, a Resolution of Intention to Create a Special Improvement Lighting Maintenance District designated as No. 300, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the creation of said district, and the protests are overruled and denied.

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

SECTION 1:

That the City Council of the City of Billings, Montana does hereby create a District, to be known and designated as Special Improvement Lighting Maintenance District No. 300, hereinafter called the District, for the purpose of securing and providing energy and maintenance for new street lights for lighting said District.

SECTION 2:

That the boundaries of the District are as set forth in Resolution of Intention No. 06-18461, hereinafter called the Resolution, on file in the office of the City Clerk of Billings, Montana, and by this reference is incorporated herein and made a part hereof.

SECTION 3:

That the City Council hereby finds and determines that each of the lots, blocks, pieces and parcels of land, situated within the boundaries of the District, are especially benefited and affected by said improvements, and each and all of the lots, blocks, pieces and parcels, more particularly described in the Resolution are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

SECTION 5:

The City of Billings intends to establish the approximate contract rate for installation & operation of this lighting as follows: \$3.07 per 100 watt unit, per month for supplying electrical energy; \$1.09 per unit, per month for maintenance; and \$24.17 per unit, per month for installation and ownership costs. These rates are in accordance with the applicable rate schedules approved by the

Montana Public Service Commission. NorthWestern Energy Company shall provide energy to all of the lights and shall at all times own the light fixtures, poles, cables, and other incidental equipment, and shall provide maintenance and repairs to said equipment as part of the monthly rate for these lights. Property owners within said district shall be assessed for the costs thereof.

SECTION 6:

That based upon the above figures, the estimate of the cost of the District for one year is the sum of \$5,022.71, and that the entire cost of said District shall be paid by the owners of property within said District. The estimated cost of the District per year for the property owners is on the basis of approximately \$0.02260779 per square foot per year. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$6,382.55 or approximately \$0.02872859 per square foot. All of such costs of said District shall be paid by the owners of the property within the District with each lot, parcel or piece of land within said District to be assessed for that portion of the whole cost which its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys, and public places.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as the "Special Improvement Lighting Maintenance District No. 300 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefore.

SECTION 8:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

PASSED by the City Council of the City of Billings, Montana and approved this 11th day of September, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK

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CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Re-Spread -- Special Improvement District 1365

DEPARTMENT: Administrative Services

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 1365 has been completed by the Finance Division and is ready to spread on the tax rolls. SID 1365 was originally spread based on bond cost and is now being re-spread based on construction cost. This project is for the installation of water, sanitary sewer, storm drain, and street improvements, in Lake Hills Subdivision, 25th Filing.

FINANCIAL IMPACT: The costs associated with SID 1365 are assessed per lot. The net effective interest rate is 3.93%. Under the State statute 7-12-4189, the City is required to add $\frac{1}{2}$ of 1% for a total rate of 4.43%. The $\frac{1}{2}$ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that a public hearing be held and Council passes the proposed resolution on September 11, 2006.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

A-Lot & Block Description

B-Resolution

Attachment A

SID #1365

Description of Property:

SUBDIVISION	BLK	TRACT
Lake Hills Subdivision, 25th Filing	63	21
Lake Hills Subdivision, 25th Filing	63	23
Lake Hills Subdivision, 25th Filing	63	25

RESOLUTION NO. 06- _____

A RESOLUTION RELEVYING AND REASSESSING A SPECIAL ASSESSMENT TAX UPON BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1365, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1365 and;

WHEREAS, it is necessary to relevy and reassess a special assessment tax upon benefited property in the district or project area to defray the cost and expenses of said district/project. The original assessment was calculated on the bond sale cost. After construction was completed, the City adjusted the assessment by using the project cost; and

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

SECTION 1: RELEVY AND REASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1365 of the City of Billings, Montana, there is hereby re-levied and reassessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code

/Owner Name /Legal Description	Assessment Amount	Interest Rate	Years Assessed
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C08266	\$12,975.04	4.429	14
FLETCHER, BRETT M &			
LT 21 BLK 63 LAKE HILLS SUBD 25TH FILING			
C08268	\$12,975.04	4.429	14
LEE, SETH F			
LT 23 BLK 63 LAKE HILLS SUB 25TH			
C08270	\$12,975.04	4.429	14
BACA, NELLY & LUZ			
LT 25 BLK 63 LAKE HILLS SUBD 25TH FILING			

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of the real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 11, 2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: CERTIFICATION. The City Clerk is hereby directed upon approval of this resolution to certify a copy to the Finance Manager of the City of Billings, Montana, who shall certify a copy of this resolution to the Yellowstone County Clerk and Recorder and a copy to the Yellowstone County Assessment Office.

SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

APPROVED this 11th day of September, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

[\(Back to Regular Agenda\)](#)



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Re-Spread --Special Improvement District 1366

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 1366 has been completed by the Finance Division and is ready to spread on the tax rolls. SID 1366 was originally spread based on bond cost and is now being re-spread based on construction cost. This project is for construction of a park, city water supply, concrete parking lot, and storm drain in Rimrock West Estates Subdivision 2nd, 3rd, 4th, and 5th filings and C/S 1350.

FINANCIAL IMPACT: The costs associated with SID 1366 are assessed per lot. The net effective interest rate is 3.93%. Under the State statute 7-12-4189, the City is required to add ½ of 1% for a total rate of 4.43%. The ½ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that a public hearing be held and Council passes the proposed resolution on September 11, 2006.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

A-Lot & Block Description

B-Resolution

SID #1366

Description of Property:

Legal
RIMROCK WEST ESTATES SUB 2ND FILING 6 2
RIMROCK WEST ESTATES SUB 2ND FILING 8 2
RIMROCK WEST ESTATES SUB 2ND FILING 9 2
RIMROCK WEST ESTATES SUB 2ND FILING 10 2
RIMROCK WEST ESTATES SUB 2ND FILING 11 2
RIMROCK WEST ESTATES SUB 2ND FILING 12 2
RIMROCK WEST ESTATES SUB 2ND FILING 13 2
RIMROCK WEST ESTATES SUB 2ND FILING 14 2
RIMROCK WEST ESTATES SUB 2ND FILING 15 2
RIMROCK WEST ESTATES SUB 2ND FILING 17 2
RIMROCK WEST ESTATES SUB 2ND FILING 3 3
RIMROCK WEST ESTATES SUB 2ND FILING 5 3
RIMROCK WEST ESTATES SUB 2ND FILING 6 3
RIMROCK WEST ESTATES SUB 2ND FILING 7 3
RIMROCK WEST ESTATES SUB 2ND FILING 8 3
RIMROCK WEST ESTATES SUB 2ND FILING 2 4
RIMROCK WEST ESTATES SUB 2ND FILING 4 4
RIMROCK WEST ESTATES SUB 2ND FILING 5 4
RIMROCK WEST ESTATES SUB 2ND FILING 6 4
RIMROCK WEST ESTATES SUB 2ND FILING 7 4
RIMROCK WEST ESTATES SUB 2ND FILING 8 4
RIMROCK WEST ESTATES SUB 2ND FILING 9 4
RIMROCK WEST ESTATES SUB 2ND FILING 11 4
RIMROCK WEST ESTATES SUB 2ND FILING 12 4
RIMROCK WEST ESTATES SUB 2ND FILING 13 4
RIMROCK WEST ESTATES SUB 2ND FILING 14 4
RIMROCK WEST ESTATES SUB 2ND FILING 1 5
RIMROCK WEST ESTATES SUB 2ND FILING 2 5
RIMROCK WEST ESTATES SUB 2ND FILING 3 5
RIMROCK WEST ESTATES SUB 2ND FILING 5 5
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RIMROCK WEST ESTATES SUB 10 1
RIMROCK WEST ESTATES SUB 12 1
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RIMROCK WEST ESTATES SUB 14-A-1 1 2ND AMND LOT 14A & 14B
RIMROCK WEST ESTATES SUB AMND LOT 1-A-2 BLK 2
RIMROCK WEST ESTATES SUB AMND LOTS 1-4 AMND 2B 2
RIMROCK WEST ESTATES SUB AMND LOTS 1-4 AMND 2C 2
RIMROCK WEST ESTATES SUB 3A 2 (AMND LOTS 1-4 BLK 2)
RIMROCK WEST ESTATES SUB 3C 2 (AMND LOTS 1-4 BLK 2)
RIMROCK WEST ESTATES SUB 4A & 4B 2 AMND LOTS 1-4
RIMROCK WEST ESTATES SUB 1 3
RIMROCK WEST ESTATES SUB 2A 3

RESOLUTION NO. 06- _____

A RESOLUTION RELEVYING AND REASSESSING A SPECIAL ASSESSMENT TAX UPON BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1366, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1366 and;

WHEREAS, it is necessary to relevy and reassess a special assessment tax upon benefited property in the district or project area to defray the cost and expenses of said district/project. The original assessment was calculated on the bond sale cost. After construction was completed, the City adjusted the assessment by using the project cost; and

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

SECTION 1: RELEVY AND REASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1366 of the City of Billings, Montana, there is hereby re-levied and reassessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name <u>Legal Description</u>	Assessment Amount	Interest Rate	Years Assessed
A28416 CHAPUT, MARK A & KAREN S LT 6 BLK 2 RIMROCK WEST ESTATES SUBD 2ND (96)	\$2,589.92	4.429	14
A28418 BUTLER, THOMAS M & KATHY M LT 8 BLK 2 RIMROCK WEST ESTATES SUBD 2ND	\$2,558.77	4.429	14
A28419 JOHNSON, JASEN S & SANDRA J LT 9 BLK 2 RIMROCK WEST ESTATES 2ND (96)	\$2,588.87	4.429	14
A28420 OSTERMEIER, DAWNA K & TIMOTHY W LT 10 BLK 2 RIMROCK WEST ESTATES SUBD 2ND FILING (96)	\$2,563.05	4.429	14

A28421	\$2,596.66	4.429	14
PEARSON, CHRISTINE R & CHERYL M			
LT 11 BLK 2 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28422	\$2,591.14	4.429	14
MICHELOTTI, JOHN J & ALISON T			
LT 12 BLK 2 RIMROCK WEST ESTATES SUB	2ND (96)		
A28423	\$2,639.78	4.429	14
MICHELOTTI, JOHN J & ALISON T			
LT 13 BLK 2 RIMROCK WEST ESTATES SUB	2ND		
A28424	\$2,616.23	4.429	14
DORN, RICHARD A & LYNDA L			
LT 14 BLK 2 RIMROCK WEST EST SUBD	2ND FILING (96)		
A28425	\$2,550.84	4.429	14
PROSINSKI, STEVE & SHELLEY			
LT 15 BLK 2 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28427	\$2,609.55	4.429	14
KIRBY, DOUGLAS G & SUSAN M			
LT 7 BLK 2 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28430	\$2,730.60	4.429	14
SPENCE, TANCY WYNNE			
LT 3 BLK 3 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28432	\$2,585.54	4.429	14
BAUM, STEPHEN E & TRACI A			
LT 5 BLK 3 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28433	\$2,587.62	4.429	14
GALLUP, ROSALIND M			
LT 6 BLK 3 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28434	\$2,592.06	4.429	14
NELSON, THOMAS A & KARALEE H			
LT 7 BLK 3 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28435	\$2,595.81	4.429	14
ANDERSON, DUANE A & SUSAN M			
LT 8 BLK 3 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28437	\$2,607.91	4.429	14
HARRIS, JAMES D & DARLYN			
LT 2 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28439	\$2,548.44	4.429	14
GROCE, STEPHEN H & ANN T			
LT 4 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		

A28440	\$2,548.44	4.429	14
HWANG, RICHARD HY & WAY LING			
LT 5 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28441	\$2,548.44	4.429	14
LAMPI, ROHNN M			
LT 6 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28442	\$2,563.08	4.429	14
LAMPI, ROHNN M			
LT 7 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28443	\$2,540.09	4.429	14
GANGNATH, GARY C & LESLIE J			
LT 8 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28444	\$2,548.44	4.429	14
VERZATT, MARK E & KARMAL W			
LT 9 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28446	\$2,548.44	4.429	14
SUKIN, DEAN C & LISA B			
LT 11 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28447	\$2,548.44	4.429	14
SUKIN, DEAN C & LISA H			
LT 12 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28448	\$2,571.01	4.429	14
YOUNG, TYE B & KIMBERLY			
LT 13 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28449	\$2,603.93	4.429	14
COBB, PATRICK W & CARLA D			
LT 14 BLK 4 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28450	\$2,542.42	4.429	14
MORRISON, PAUL R & TAMMY S			
LT 1 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28451	\$2,569.79	4.429	14
TIBESAR, NICHOLAS & LEANNE			
LT 2 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28452	\$2,570.45	4.429	14
NORD, ERIC EDWARD & BONNIE SUE			
LT 3 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28454	\$2,570.45	4.429	14
SOLBERG, DAVID B & SANDRA L			
LT 5 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		

A28455	\$2,529.10	4.429	14
SOLBERG, DAVID B & SANDRA L			
LT 6 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28456	\$2,610.97	4.429	14
ANDERSON, MARY K			
LT 7 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28458	\$2,570.45	4.429	14
HANSEN, MARIBETH			
LT 9 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28459	\$2,570.45	4.429	14
GREWELL, DONALD A			
LT 10 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28461	\$2,546.80	4.429	14
BUCHAN, AMY LOCK			
LT 12 BLK 5 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28462	\$2,679.35	4.429	14
CASSIDY B WILSON REVOCABLE TRUST			
LT 1 BLK 6 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28465	\$2,567.29	4.429	14
GEE, KYLE A & JACQIE M			
LT 4 BLK 6 RIMROCK WEST ESTATES SUB	2ND FILING (96)		
A28466	\$2,567.29	4.429	14
MARKS, JIM			
LT 5 BLK 6 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28468	\$2,547.78	4.429	14
GRAEVE, JONATHAN P & SUZANNE L			
LT 7 BLK 6 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28471	\$2,533.87	4.429	14
SMITH, RONALD H & L JEAN			
LT 10 BLK 6 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28472	\$2,526.27	4.429	14
HARRIS, JAMES KENT			
LT 11 BLK 6 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28473	\$2,559.53	4.429	14
HARRIS, JAMES K & KATHLEEN R			
LT 12 BLK 6 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28474	\$2,566.40	4.429	14
DEVORE, RICHARD J & SHARI L			
LT 1 BLK 7 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28475	\$2,523.97	4.429	14

STANLEY, DIANNE H & PETER T LT 2 BLK 7 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28478	\$2,505.22	4.429	14
SORENSEN, JOAN F & LT 5 BLK 7 RIMROCK WEST ESTATES SUBD	2ND (96)		
A28479	\$2,505.91	4.429	14
SORENSEN, JOAN F & LT 6 BLK 7 RIMROCK WEST ESTATES 2ND	(96)		
A28480	\$2,505.91	4.429	14
CHAVEZ, DAVID R & ELIZABETH R LT 7 BLK 7 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28481	\$2,503.61	4.429	14
JOHNSON, JEFFREY A LT 8 BLK 7 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28482	\$2,504.27	4.429	14
GLASSER, CORY E & JOANN E LT 1 BLK 8 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28484	\$2,495.68	4.429	14
BLATTER, WES LT 3 BLK 8 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28486	\$2,496.67	4.429	14
CAMPBELL, BRUCE G & JONI I LT 5 BLK 8 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28487	\$2,496.28	4.429	14
JONES, DOUGLAS M & SHARON K LT 6 BLK 8 RIMROCK WEST ESTATES SUBD	2ND FILING (96)		
A28488	\$2,489.90	4.429	14
SIMMONS, F STANLEY & VIRGINIA R LT 7 BLK 8 RIMROCK WEST ESTATES SUBD	2ND (96)		
A29275	\$2,667.48	4.429	14
PAUL, WILLIAM G & DIANNE J LT 1 BLK 9 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A) (200)		
A29276	\$2,609.29	4.429	14
MCINELLY, ROBERT & JULIE LT 2 BLK 9 RIMROCK WEST ESTATES 3RD	(OLD D-4726, D-4728, D-4734A) (200)		
A29277	\$2,546.57	4.429	14
MANCUSO, JEROME DANIEL LT 3 BLK 9 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A) (200)		
A29278	\$2,542.03	4.429	14
BEADLE, DANIEL A & MARGARET S			

LT 4 BLK 9 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734) (2000

A29279	\$2,552.92	4.429	14
WEYAND, ERNST H & JOANNA M			
LT 5 BLK 9 RIMROCK WEST ESTATES 3RD	(OLD D-4726, D-4728, D-4734A)	(200	
A29280	\$2,519.89	4.429	14
MANNING, LORI J &			
LT 6 BLK 9 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29282	\$2,569.95	4.429	14
STANAWAY, DOLINE A			
LT 8 BLK 9 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29283	\$2,499.76	4.429	14
MARTON, REED J			
LT 9 BLK 9 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29285	\$2,494.01	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 11 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29286	\$2,517.10	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 12 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29287	\$2,499.60	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 13 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29288	\$2,478.45	4.429	14
SHELHAMER, JUDY A			
LT 14 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4735A)	(200		
A29289	\$2,470.06	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 15 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29290	\$2,505.19	4.429	14
CHOUINARD, ROB D & SHEILA A			
LT 16 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29291	\$2,485.26	4.429	14
LEE, CURTIS A & STEPHANIE L			
LT 17 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29292	\$2,583.90	4.429	14
BECKER, JANET L			
LT 18 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		
A29294	\$2,494.53	4.429	14
WIRKOWSKI, MICHAEL			
LT 20 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A)	(200		

A29296	\$2,510.95	4.429	14
SLETTA, DAVID L & BEVERLY J			
LT 22 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29298	\$2,486.77	4.429	14
MC GUIRE, HEATHER &			
LT 24 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29299	\$2,486.90	4.429	14
MCNALLY, JEAN M			
LT 25 BLK 9 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29300	\$2,509.63	4.429	14
GRANSBERG, ALAN C & CAROLYN A			
LT 7 BLK 10 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29301	\$2,537.59	4.429	14
COOK, JOSEPH E JR &			
LT 8 BLK 10 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29302	\$2,834.40	4.429	14
LINDE, BRIAN & HOLLY			
LT 1A BLK 13 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)			
A29303	\$2,516.37	4.429	14
SWENSON, RANDALL D & KAYANNE			
LT 2 BLK 13 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29304	\$2,521.93	4.429	14
MILLER, ANTHONY D & SUSAN J			
LT 3 BLK 13 RIMROCK WEST ESTATES SUB 3RD (OLD D-4726, D-4728, D-4734A) (200			
A29306	\$2,505.95	4.429	14
RIVINIUS, GERALD D & LYNDA E			
LT 21 BLK 13 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)			
A29307	\$2,537.59	4.429	14
O'LEARY, PATRICK H & TERRI J			
LT 22 BLK 13 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)			
A29308	\$2,502.95	4.429	14
HAAAG, RICHARD L & BROOKNEY L			
LT 23 BLK 13 RIMROCK WEST ESTATES SUBD 3RD (OLD D-4726, D-4728, D-4734A)			
A29309	\$2,744.74	4.429	14
ANDERSON, DAVID A & BERNIE L			
LT 24A AMND BLK 13 RIMROCK WEST ESTATES SUBD 3RD FILING			
A29313	\$2,470.23	4.429	14
COBB, DAVID L & ROXANNE R			
LT 28 BLK 13 RIMROCK WEST ESTATES 3RD (OLD D-4726, D-4728, D-4734A) (200			

A29314	\$2,473.06	4.429	14
WOODIN, KEVIN J &			
LT 29 BLK 13 RIMROCK WEST ESTATES 3RD	(OLD D-4726, D-4728, D-4734A) (200		
A29315	\$2,446.28	4.429	14
OLSON, GREGORY E & MARY N			
LT 30 BLK 13 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4628, D-4734A)		
A29316	\$2,451.22	4.429	14
DOLAN, WILLIAM S & ANITA R			
LT 31 BLK 13 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29324	\$2,750.00	4.429	14
WTP III REVOCABLE TRUST			
LT 3 BLK 14 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29325	\$2,561.73	4.429	14
LIVENGOOD, ROBERT P TRUSTEE (ETAL)			
LT 4 BLK 14 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29326	\$2,427.60	4.429	14
BERRY, JAMES R & PAMELA W			
LT 5 BLK 14 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29327	\$2,441.25	4.429	14
HOLMES, DARREN E & TAMMY G			
LT 6 BLK 14 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29328	\$2,534.07	4.429	14
MUIR, TRUDIE			
LT 7 BLK 14 RIMROCK WEST ESTATES 3RD	(OLD D-4726, D-4728, D-4734A) (200		
A29332	\$2,654.71	4.429	14
NESS, JON D & PAM R			
LT 11 BLK 14 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29333	\$2,630.08	4.429	14
AMSTUTZ, ROBERTA IRENE &			
LT 12 BLK 14 RIMROCK WEST ESTATES 3RD	(OLD D-4726, D-4728, D-4734A) (200		
A29334	\$2,556.70	4.429	14
SONG, KIRK D & VICKI L			
LT 13 BLK 14 RIMROCK WEST ESTATES 3RD	(OLD D-4726, D-4728, D-4734A) (200		
A29336	\$2,486.97	4.429	14
BLACKFORD, DEAN M & HEIDI S			
LT 2 BLK 15 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29337	\$2,585.64	4.429	14
WEISS, DERIC & CLAIRE KENAMORE			
LT 3 BLK 15 RIMROCK WEST ESTATES SUBD	3RD (OLD D-4726, D-4728, D-4734A)		
A29919	\$2,606.96	4.429	14

MURI, JEFFERY L & TAMMY LT 1 BLK 10 RIMROCK WEST ESTATES SUB 4TH (02)			
A29920	\$2,612.38	4.429	14
WINHOFTER, RICHARD D & JANET F LT 2 BLK 10 RIMROCK WEST ESTATES SUB 4TH (02)			
A29921	\$2,609.29	4.429	14
LEE, JOHN R & JEANNE R LT 3 BLK 10 RIMROCK WEST ESTATES SUB 4TH (02)			
A29922	\$2,602.75	4.429	14
FINK, ERIC & AMY LT 4 BLK 10 RIMROCK WEST ESTATES SUB 4TH (02)			
A29923	\$2,599.49	4.429	14
VRALSTED, HOWARD E & LEANN C LT 5 BLK 10 RIMROCK WEST EST 4TH (02)			
A29928	\$2,644.95	4.429	14
LUCAS, ARTHUR WILLIAM IV & KARIN E LT 13 BLK 10 RIMROCK WEST EST SUB 4TH (02)			
A29930	\$3,057.57	4.429	14
ROBINSON, JOSEPH B & MARY JUDITH LT 2 BLK 11 RIMROCK WEST ESTATES SUB 4TH (02)			
A29931	\$2,537.16	4.429	14
ARROYO, ZEFERINO Y & JINA M LT 1 BLK 12 RIMROCK WEST ESTATES SUB 4TH (02)			
A29933	\$2,467.04	4.429	14
MICHELS, JOSEPH B LT 3 BLK 12 RIMROCK WEST ESTATES SUB 4TH (02)			
A29934	\$2,467.04	4.429	14
HARTMAN, RANDAL P & DOREEN A LT 4 BLK 12 RIMROCK WEST ESTATES SUB 4TH (02)			
A29935	\$2,478.45	4.429	14
NORTHROP, MARCY LT 5 BLK 12 RIMROCK WEST ESTATES SUB 4TH (02)			
A29936	\$2,507.72	4.429	14
COLCLAZIER, JAY D & DEBORAH R LT 6 BLK 12 RIMROCK WEST EST SUB 4TH(02)			
A29937	\$2,508.61	4.429	14
KOCH, GREGORY J & MANDY LT 7 BLK 12 RIMROCK WEST ESTATES SUB 4TH (02)			
A29938	\$2,508.61	4.429	14

RYDER, DAVID R & LYNETTE J				
LT 8 BLK 12 RIMROCK WEST ESTATES SUB 4TH (02)				
A29939	\$2,518.28	4.429	14	
THOMAS, JEFFREY G & MARGARET H				
LT 9 BLK 12 RIMROCK WEST ESTATES SUB 4TH 14,758 SQ FT	(02)			
A29940	\$2,583.37	4.429	14	
LARSON, THAD ROBERT &				
LT 10 BLK 12 RIMROCK WEST EST SUB 4TH (02)				
A29949	\$2,507.72	4.429	14	
GUGLIELMELLO, TIMOTHY J				
LT 7 BLK 13 RIMROCK WEST EST SUB 4TH(02)				
A29950	\$2,506.28	4.429	14	
HOLEMAN, PATRICIA E				
LT 8 BLK 13 RIMROCK WEST ESTATES SUB 4TH (02)				
A29951	\$2,503.09	4.429	14	
SUMMERVILLE, SCOTT C				
LT 9 BLK 13 RIMROCK WEST EST 4TH (02)				
A29953	\$2,502.56	4.429	14	
STORTZ, TRAVIS J & NIKOLE C				
LT 11 BLK 13 RIMROCK WEST EST SUB 4TH (02)				
A29954	\$2,488.81	4.429	14	
GAUDIELLE, ANDREW & LESLEY				
LT 12 BLK 13 RIMROCK WEST EST SUB 4TH (02)				
A29955	\$2,537.59	4.429	14	
CHARLES BRENTLEY BROOKS				
LT 13 BLK 13 RIMROCK WEST EST SUB 4TH (02)				
A29956	\$2,537.59	4.429	14	
J & S DEVELOPMENT CO				
LT 14 BLK 13 RIMROCK WEST EST SUB 4TH (02)				
A29957	\$2,560.45	4.429	14	
REYNOLDS, GARY L & SHARON L				
LT 15 BLK 13 RIMROCK WEST EST 4TH (02)				
A29958	\$2,478.48	4.429	14	
J & S DEVELOPMENT CO				
LT 16 BLK 13 RIMROCK WEST EST SUB 4TH (02)				
A29959	\$2,452.27	4.429	14	
J & S DEVELOPMENT CO				
LT 17 BLK 13 RIMROCK WEST EST SUB 4TH (02)				
A29960	\$2,418.78	4.429	14	
BINSTOCK, TIMOTHY P & MELINDA J				

LT 18 BLK 13 RIMROCK WEST EST SUB 4TH	(02)			
A29961	\$2,518.15	4.429	14	
J & S DEVELOPMENT CO				
LT 19 BLK 13 RIMROCK WEST EST SUB 4TH	(02)			
A30973	\$2,642.91	4.429	14	
J & S DEVELOPMENT CO				
LT 6 BLK 15 RIMROCK WEST EST SUB 5TH	18,547 SF	(OLD #D04728)	(04)	
A30974	\$2,612.98	4.429	14	
PRILL, ANTHONY D				
LT 7 BLK 15 RIMROCK WEST EST SUB 5TH	17,637 SF	(OLD #D04728)	(04)	
A30975	\$2,571.07	4.429	14	
VOPEL, BOYD D & KIM C				
LT 8 BLK 15 RIMROCK WEST EST SUB 5TH	16,363 SF	(OLD #D04728)	(04)	
A30976	\$2,571.07	4.429	14	
IVERSEN, DOUGLAS J & NANCY J				
LT 9 BLK 15 RIMROCK WEST EST SUB 5TH	16,363 SF	(OLD #D04728)	(04)	
A30977	\$2,539.56	4.429	14	
BLACKFORD, DEAN M & HEIDI S				
LT 10 BLK 15 RIMROCK WEST EST SUB 5TH	15,405 SF	(OLD #D04728)	(04)	
A30978	\$2,427.96	4.429	14	
JOHNSON, S MARC & DENISE A				
LT 11 BLK 15 RIMROCK WEST EST SUB 5TH	12,012 SF	(OLD #D04728)	(04)	
A30981	\$2,476.28	4.429	14	
DOOLEY, DANIEL Q & CLARE J				
LT 14 BLK 15 RIMROCK WEST EST SUB 5TH	13,481 SF	(OLD #D04728)	(04)	
A30982	\$2,441.45	4.429	14	
DICKERSON, NATALIE L & JARED J				
LT 15 BLK 15 RIMROCK WEST EST SUB 5TH	12,422 SF	(OLD #D04728)	(04)	
A30984	\$2,489.93	4.429	14	
LANGBEHN, CODY E				
LT 17 BLK 15 RIMROCK WEST EST SUB 5TH	13,896 SF	(OLD #D04728)	(04)	
A30985	\$2,495.09	4.429	14	
HOLTON, RUSSELL C & JAMI C				
LT 1 BLK 16 RIMROCK WEST EST SUB 5TH	14,053 SF	(OLD #D04728)	(04)	
A30986	\$2,509.40	4.429	14	
KROGH, HARLAN B & MARY BETH				
LT 2 BLK 16 RIMROCK WEST EST SUB 5TH	14,488 SF	(OLD #D04728)	(04)	
A30987	\$2,510.26	4.429	14	
RYAN, CHRISTOPHER R & TRISHA T				
LT 3 BLK 16 RIMROCK WEST EST SUB 5TH	14,514 SF	(OLD #D04728)	(04)	

A30988	\$2,509.83	4.429	14
VANDENBOSCH, ADAM K & CINDY K			
LT 4 BLK 16 RIMROCK WEST EST SUB 5TH	14,501 SF	(OLD #D04728)	(04)
A30990	\$2,505.65	4.429	14
ATKINSON, TODD S			
LT 6 BLK 16 RIMROCK WEST EST SUB 5TH	14,374 SF	(OLD #D04728)	(04)
A30991	\$2,457.83	4.429	14
TUCKER, STEVEN R & DEBORAH B			
LT 7 BLK 16 RIMROCK WEST EST SUB 5TH	12,920 SF	(OLD #D04728)	(04)
A30992	\$2,459.64	4.429	14
HEITZ, CASEY J			
LT 8 BLK 16 RIMROCK WEST EST SUB 5TH	12,975 SF	(OLD #D04728)	(04)
A30993	\$2,471.87	4.429	14
KW SIGNATURE HOMES INC			
LT 9 BLK 16 RIMROCK WEST EST SUB 5TH	13,347 SF	(OLD #D04728)	(04)
A30994	\$2,539.63	4.429	14
SCHREDER, KIMBERLY			
LT 10 BLK 16 RIMROCK WEST EST SUB 5TH	15,407 SF	(OLD #D04728)	(04)
A30995	\$2,674.61	4.429	14
BEERS, CYNTHIA M			
LT 11 BLK 16 RIMROCK WEST EST SUB 5TH	19,511 SF	(OLD #D04728)	(04)
A30996	\$2,542.59	4.429	14
GAGNON, ROBERT C & LAURIE A			
LT 12 BLK 16 RIMROCK WEST EST SUB 5TH	15,497 SF	(OLD #D04728)	(04)
A30997	\$2,560.45	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 13 BLK 16 RIMROCK WEST EST SUB 5TH	16,040 SF	(OLD #D04728)	(04)
A30998	\$2,564.95	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 14 BLK 16 RIMROCK WEST EST SUB 5TH	16,177 SF	(OLD #D04728)	(04)
A30999	\$2,604.26	4.429	14
DAN LOWE CONSTRUCTION INC			
LT 15 BLK 16 RIMROCK WEST EST SUB 5TH	17,372 SF	(OLD #D04728)	(04)
A31000	\$2,582.42	4.429	14
YOCHEM, CHRISTOPHER & CHRISTY L			
LT 16 BLK 16 RIMROCK WEST EST SUB 5TH	16,708 SF	(OLD #D04728)	(04)
A31001	\$2,588.54	4.429	14
J & S DEVELOPMENT CO			
LT 17 BLK 16 RIMROCK WEST EST SUB 5TH	16,894 SF	(OLD #D04728)	(04)

A31002	\$2,673.10	4.429	14
SCHNEIDER, KATIE P & NICHOLAS L			
LT 18 BLK 16 RIMROCK WEST EST SUB 5TH	19,465 SF	(OLD #D04728)	(04)
A31004	\$2,458.71	4.429	14
TROST, DAVID F & MICHELLE			
LT 20 BLK 16 RIMROCK WEST EST SUB 5TH	12,947 SF	(OLD #D04728)	(04)
A31005	\$2,471.38	4.429	14
BICK, THOMAS J & KATHLEEN JOHNSON			
LT 21 BLK 16 RIMROCK WEST EST SUB 5TH	13,332 SF	(OLD #D04728)	(04)
A31006	\$2,471.38	4.429	14
WITTNAM, CHARLES			
LT 22 BLK 16 RIMROCK WEST EST SUB 5TH	13,332 SF	(OLD #D04708)	(04)
A31007	\$2,471.38	4.429	14
UNQUERA, FRANK C JR & CHRISTINE J			
LT 23 BLK 16 RIMROCK WEST EST SUB 5TH	13,332 SF	(OLD #D04728)	(04)
A31008	\$2,471.38	4.429	14
EGAN, LANCE MICHAEL & REBECCA O			
LT 24 BLK 16 RIMROCK WEST EST SUB 5TH	13,332 SF	(OLD #D04728)	(04)
A31009	\$2,461.64	4.429	14
KLUSMANN, NEIL W & DEBORAH A			
LT 25 BLK 16 RIMROCK WEST EST SUB 5TH	13,036 SF	(OLD #D04728)	(04)
A31010	\$2,456.54	4.429	14
JEFF JUNKERT CONSTRUCTION INC			
LT 26 BLK 16 RIMROCK WEST EST SUB 5TH	13,332 SF	(OLD #D04728)	(04)
C08694	\$2,032.87	4.429	14
SMITH, ROBERT H JR			
LT 1 BLK 1 RIMROCK WEST ESTATES SUBD			
C08695	\$2,032.87	4.429	14
GERSTNER, STEVEN J & DORIS J			
LT 2 BLK 1 RIMROCK WEST ESTATES SUBD			
C08696	\$2,032.87	4.429	14
NIELSON, JAMES R & JENNIFER R			
LT 3 BLK 1 RIMROCK WEST ESTATES SUBD			
C08697	\$2,032.87	4.429	14
YERGER, RUSSELL D & DIANNA			
LT 4 BLK 1 RIMROCK WEST ESTATES SUBD			
C08698	\$2,032.87	4.429	14
GRISMER, JOHN W & HELEN J			
LT 5 BLK 1 RIMROCK WEST ESTATES SUBD			
C08700	\$2,032.87	4.429	14

STEWART, DONALD B & SUSAN L
LT 7 BLK 1 RIMROCK WEST ESTATES SUBD

C08701	\$2,032.87	4.429	14
OLNESS, CHRISTINE A			
LT 8 BLK 1 RIMROCK WEST ESTATES SUB			
C08702	\$2,032.87	4.429	14
READY, BRUCE J & CAROL W			
LT 9 BLK 1 RIMROCK WEST ESTATES SUBD			
C08703	\$2,958.20	4.429	14
ULLEDALEN, EDDY D & KARLA J			
LT 10 BLK 1 RIMROCK WEST ESTATES SUBD			
C08705	\$2,695.11	4.429	14
OKSNESS, RICHARD C & PATRICIA A			
LT 12 BLK 1 RIMROCK WEST ESTATES SUBD			
C08706	\$2,839.17	4.429	14
LAW, ELIZABETH K			
LT 13 BLK 1 RIMROCK WEST ESTATES SUBD			
C08707	\$2,735.33	4.429	14
DRINGMAN, ERIC R & KATHERINE R			
LT 14-A-1 BLK 1 2ND AMND RIMROCK WEST	ESTATES SUBD 1ST FILING		
C08708A	\$2,032.87	4.429	14
MELONI, MICHAEL P & MARCIA L			
LT 1A2 BLK 2 RIMROCK WEST ESTATES SUB	IN NW4 APPROX .65 AC		
C08709A	\$2,032.87	4.429	14
CRAIG, JOHN A & KAROL J			
LTS 1-4 AMEND			
C08709B	\$2,032.87	4.429	14
VANCLEEEVE, RICK L & CINDY L			
LT 2C BLK 2 RIMROCK WEST ESTATES SUBD			
C08710	\$2,032.87	4.429	14
CRAIG, JEFFREY J & KIM M			
LT 3A BLK 2 OF AMD LOT 14 BLK 1 AND	LT 1-4 AMND BLK 2 RIMROCK WEST EST		
C08710B	\$2,032.87	4.429	14
WALL, J MICHAEL & CHRISTINE			
LT 3C BLK 2 RIMROCK WEST ESTATES SUB			
C08711	\$2,032.87	4.429	14
BENNETT, JAMES D & FRANCES J			
LT 1-4 AMND LT 4A & 4B BLK 2 RIMROCK	WEST ESTATES SUBD		
C08712	\$2,730.50	4.429	14
SORG, RICHARD A & MARLANE A			

LT 1 BLK 3 RIMROCK WEST ESTATES SUBD

C08713	\$2,688.17	4.429	14
SCHICKTANZ, ROBERT M & LINDA			
LT 2A BLK 3 RIMROCK WEST ESTATES SUBD			
C08713A	\$2,855.12	4.429	14
RUPERT, KEITH E & NANCY D			
L:2B B:3 RIMROCK WEST ESTATES SUB			
D04724	\$2,032.87	4.429	14
MASSEE, ROBERT L & ALLYN R CALTON			
TR 1A COS 1350 AMND IN NW 33 1N 25E			

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of the real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 11, 2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: CERTIFICATION. The City Clerk is hereby directed upon approval of this resolution to certify a copy to the Finance Manager of the City of Billings, Montana, who shall certify a copy of this resolution to the Yellowstone County Clerk and Recorder and a copy to the Yellowstone County Assessment Office.

SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

APPROVED this 11th day of September, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

[\(Back to Regular Agenda\)](#)

5A



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Original Spread -- Special Improvement District 1368

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 1368 has been completed by the Finance Division and is ready to spread on the tax rolls. This project is for the construction of street, curb, gutter, sanitary sewer and water improvements and storm drainage improvements to Annandale Road from Greenbrier Road to Cherry Hills Road.

FINANCIAL IMPACT: The costs associated with SID 1368 are assessed per lot. The net effective interest rate is 4.50%. Under the State statute 7-12-4189, the City is required to add ½ of 1% for a total rate of 5.00%. The ½ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that a public hearing be held and Council passes the proposed resolution on September 11, 2006.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

A-Lot & Block Description

B-Resolution

SID #1368

Description of Property:

SUBDIVISION		LOT/ TRACT
BLK		
Lake Hills Subdivision, 13th Filing	44	2
Lake Hills Subdivision, 13th Filing	44	3
Lake Hills Subdivision, 13th Filing	44	4
Lake Hills Subdivision, 13th Filing	44	5
Lake Hills Subdivision, 13th Filing	44	6
Lake Hills Subdivision, 13th Filing	44	7
Lake Hills Subdivision, 13th Filing	44	8
Lake Hills Subdivision, 13th Filing	44	9
Lake Hills Subdivision, 13th Filing	44	10
Lake Hills Subdivision, 13th Filing	44	11
Lake Hills Subdivision, 13th Filing	44	12
Lake Hills Subdivision, 14th Filing	44	13
Lake Hills Subdivision, 13th Filing	45	2
Lake Hills Subdivision, 13th Filing	45	3
Lake Hills Subdivision, 13th Filing	45	4
Lake Hills Subdivision, 13th Filing	45	5
Lake Hills Subdivision, 13th Filing	45	6
Lake Hills Subdivision, 13th Filing	45	7
Lake Hills Subdivision, 13th Filing	45	8
Lake Hills Subdivision, 13th Filing	45	9
Lake Hills Subdivision, 13th Filing	45	10
Lake Hills Subdivision, 13th Filing	45	11
Lake Hills Subdivision, 13th Filing	45	12
Lake Hills Subdivision, 13th Filing	45	13
Lake Hills Subdivision, 13th Filing	45	14
Lake Hills Subdivision, 13th Filing	45	15
Lake Hills Subdivision, 13th Filing & Lake Hills Subdivision, 14th Filing	45	16 & 16A
Lake Hills Subdivision, 14th Filing	46	1
Lake Hills Subdivision, 14th Filing	46	2

Lake Hills Subdivision, 14th Filing	46	3
Lake Hills Subdivision, 14th Filing	46	4
Lake Hills Subdivision, 15th Filing	46	15
Lake Hills Subdivision, 15th Filing	46	16
Lake Hills Subdivision, 15th Filing	46	17
Lake Hills Subdivision, 14th Filing	46	18
Lake Hills Subdivision, 14th Filing	46	19
Lake Hills Subdivision, 14th Filing	46	20
Lake Hills Subdivision, 14th Filing	46	21
Lake Hills Subdivision, 14th Filing	46	22
Lake Hills Subdivision, 14th Filing	46	23
Lake Hills Subdivision, 14th Filing	46	24
Lake Hills Subdivision, 14th Filing	46	25
Lake Hills Subdivision, 14th Filing	46	26
Lake Hills Subdivision, 14th Filing	46	27
Lake Hills Subdivision, 14th Filing	47	1
Lake Hills Subdivision, 14th Filing	47	2
Lake Hills Subdivision, 14th Filing	47	3
Lake Hills Subdivision, 14th Filing	47	4
Lake Hills Subdivision, 14th Filing	47	5
Lake Hills Subdivision, 14th Filing	47	6
Lake Hills Subdivision, 14th Filing	47	7
Lake Hills Subdivision, 15th Filing	47	8
Lake Hills Subdivision, 15th Filing	47	9
Lake Hills Subdivision, 15th Filing	47	10
Lake Hills Subdivision, 15th Filing	47	11
Lake Hills Subdivision, 15th Filing	47	12
Lake Hills Subdivision, 15th Filing	47	13
Lake Hills Subdivision, 14th Filing	47	14
Lake Hills Subdivision, 14th Filing	47	15
Lake Hills Subdivision, 14th Filing	47	16
Lake Hills Subdivision, 14th Filing	47	17
Lake Hills Subdivision, 14th Filing	47	18
Lake Hills Subdivision, 14th Filing	47	19

Lake Hills Subdivision, 14th Filing	47	20
Lake Hills Subdivision, 15th Filing	18	2
Lake Hills Subdivision, 15th Filing	18	3
Lake Hills Subdivision, 15th Filing	18	4
Lake Hills Subdivision, 15th Filing	19	2
Lake Hills Subdivision, 15th Filing	19	3
Lake Hills Subdivision, 15th Filing	19	4
Lake Hills Subdivision, 15th Filing	19	5
Lake Hills Subdivision, 15th Filing	19	6
Lake Hills Subdivision, 15th Filing	19	7
Lake Hills Subdivision, 15th Filing	18	1
Lake Hills Subdivision, 15th Filing	19	1
Lake Hills Subdivision, 15th Filing	19	8
Lake Hills Subdivision, 15th Filing	46	14

RESOLUTION NO. 06-_____

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1368, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1368 and;

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

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

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1368 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name /Legal Description	Assessment Amount	Interest Rate	Years Assessed
A22243 MINER, VICTORIA L LT 5 BLK 19 LAKE HILLS SUBD 15TH FILING	\$2,339.54	5.000	15
A22244 PISAURO, BRENDA A LT 6 BLK 19 LAKE HILLS SUBD 15TH FILING	\$2,339.54	5.000	15
A22549 BUCIERKA, KATHRYN M LT 6 BLK 44 LAKE HILLS SUBD 13TH FILING	\$20,414.20	5.000	15
A22554 SCHNEITER ENTERPRISES LT 11 BLK 44 LAKE HILLS SUBD 13 FILING	\$20,414.20	5.000	15
A22555 OLSEN, MARGARET A LT 12 BLK 44 LAKE HILLS SUBD 13TH FILING	\$20,414.20	5.000	15
A22558	\$20,414.20	5.000	15

CARLSON, RONALD L				
LT 2 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22562	\$20,414.20	5.000	15	
QUADE, GARTH &				
LT 6 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22563	\$20,414.20	5.000	15	
ZUNDEL, M BRAD				
LT 7 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22564	\$20,414.20	5.000	15	
QUADE, GARTH &				
LT 8 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22566	\$20,414.20	5.000	15	
SCHNEITER ENTERPRISES				
LT 10 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22567	\$20,414.20	5.000	15	
DAUMEN, JAMES G				
LT 11 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22568	\$2,339.54	5.000	15	
QUADE & FASBENDER				
LT 12 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22569	\$2,339.54	5.000	15	
MCKITTRICK, LEON R				
LT 13 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22570	\$2,339.54	5.000	15	
KAERCHER, JAMES L				
LT 14 BLK 45 LAKE HILLS SUBD 13TH FILING				
A22572	\$2,339.54	5.000	15	
QUADE, GARTH &				
LT 16 BLK 45 LAKE HILLS SUBD 13TH FILING & LT 16A BLK 45 LAKE HILLS SUBD 14				
A22585	\$2,339.54	5.000	15	
MURRAY, HARRY J & PATRICIA A				
LT 1 BLK 46 LAKE HILLS SUBD 14TH FILING				
A22587	\$2,339.54	5.000	15	
MARGARETTA W KINMAN TRUST 1999				
LT 3 BLK 46 LAKE HILLS SUBD 14TH FILING				
A22598	\$2,339.54	5.000	15	
FIVE VALLEY LAND TRUST				
LT 14 BLK 46 LAKE HILLS SUBD 15TH FILING				
A22605	\$2,339.54	5.000	15	
DISANTE, NORBERTO F				

LT 21 BLK 46 LAKE HILLS SUBD 14TH FILING

A22610	\$2,339.54	5.000	15
SCHNEITER ENTERPRISES			
LT 26 BLK 46 LAKE HILLS SUBD 14TH FILING			
A22613	\$2,339.54	5.000	15
BURKHARDT, PHILLIP & ELSIE			
LT 2 BLK 47 LAKE HILLS SUBD 14TH FILING			
A22616	\$2,339.54	5.000	15
SCHNEITER ENTERPRISES			
LT 5 BLK 47 LAKE HILLS SUBD 14TH FILING			
A22617	\$2,339.54	5.000	15
TEWOLDE, GHEDEON			
LT 6 BLK 47 LAKE HILLS SUBD 14TH FILING			
A22625	\$2,339.54	5.000	15
SUSAN B LOVELY INC			
LT 14 BLK 47 LAKE HILLS SUB 14TH			
A22629	\$2,339.54	5.000	15
DISANTE, NORBERTO F			
LT 18 BLK 47 LAKE HILLS SUBD 14TH FILING			
A22631	\$2,339.54	5.000	15
YEE, POON LEUNG			
LT 20 BLK 47 LAKE HILLS SUBD 14TH FILING			

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 11, 2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: CERTIFICATION. The City Clerk is hereby directed upon approval of this resolution to certify a copy to the Finance Manager of the City of Billings, Montana, who

shall certify a copy of this resolution to the Yellowstone County Clerk and Recorder and a copy to the Yellowstone County Assessment Office.

SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

PASSED AND APPROVED this 11th day of September, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

[\(Back to Regular Agenda\)](#)



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Original Spread -- Special Improvement District 1370

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 1370 has been completed by the Finance Division and is ready to spread on the tax rolls. This project is for the installation of missing sidewalks, drive approaches, accessibility ramps, curb and gutter and street widening improvements and miscellaneous storm drainage improvements on Interlachen Drive between River Oaks Drive and the southern extension Skyview Drive and on Lakewood Drive from Interlachen Drive to its eastern end.

FINANCIAL IMPACT: The costs associated with SID 1370 are assessed per lot. The net effective interest rate is 4.50%. Under the State statute 7-12-4189, the City is required to add ½ of 1% for a total rate of 5.00%. The ½ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that a public hearing be held and Council passes the proposed resolution on September 11, 2006.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

A-Lot & Block Description

B-Resolution

Attachment A

SID #1370

Description of Property:

Subdivision	Lot	Block
Good May	1	1
Lake Hills, 9th Filing	8	31
Lake Hills, 9th Filing	9	31
Lake Hills, 9th Filing	10	31
Lake Hills, 9th Filing	11	31
Lake Hills, 9th Filing	12	31
Lake Hills, 9th Filing	13	31
Lake Hills, 9th Filing	14	31
Lake Hills, 9th Filing	15	31
Lake Hills, 9th Filing & 10th Filing	16 & 16A	31
Lake Hills, 10th Filing	17	31
Lake Hills, 10th Filing	18	31
Lake Hills, 10th Filing	19	31
Lake Hills, 10th Filing	20	31
Lake Hills, 10th Filing	21	31
Lake Hills, 10th Filing	22	31
Lake Hills, 10th Filing	23	31
Lake Hills, 8th Filing	1	35
Lake Hills, 8th Filing	2	35
Lake Hills, 8th Filing	3	35
Lake Hills, 8th Filing & 9th Filing	4 & 4A	35
Lake Hills, 9th Filing	5	35
Lake Hills, 9th Filing	6	35
Lake Hills, 9th Filing	7	35
Lake Hills, 9th Filing & 8th Filing	8 & 8A	35
Lake Hills, 8th Filing	9	35
Lake Hills, 9th Filing	12	32
Lake Hills, 9th Filing	13	32
Lake Hills, 9th Filing Amended	14A	32
Lake Hills, 9th Filing Amended	15A	32
Lake Hills, 9th Filing	16	32
Lake Hills, 9th Filing	17	32
Lake Hills, 9th Filing	18	32
Lake Hills, 9th Filing	19	32
Lake Hills, 9th Filing & 8th Filing	20 & 20A	32
Lake Hills, 8th Filing	21	32
Lake Hills, 9th Filing	21	33
Lake Hills, 9th Filing	22	33
Lake Hills, 9th Filing	23	33
Lake Hills, 10th Filing	1	36
Lake Hills, 10th Filing	2	36
Lake Hills, 10th Filing	8	36

Lake Hills, 10th Filing	9	36
Lake Hills, 10th Filing	10	36
Lake Hills, 10th Filing	11	36
Lake Hills, 10th Filing	12	36
Lake Hills, 10th Filing	13	36
Lake Hills, 10th Filing	14	36
Lake Hills, 11th Filing	1	42
Lake Hills, 11th Filing	2	42
Lake Hills, 11th Filing	3	42
Lake Hills, 11th Filing	4	42
Lake Hills, 11th Filing (Corrected Plat)	5	42
Lake Hills, 10th & 11th Filings (Amended)	1A-1	41
Lake Hills, 10th & 11th Filings (Amended)	1A-2	41
Lake Hills, 10th Filing & 11th Filing	2 & 2A	41
Lake Hills, 11th Filing	5	41
Lake Hills, 11th Filing	6	41
Lake Hills, 10th Filing	8	37
Lake Hills, 11th Filing (Corrected Plat)	8	43
Lake Hills, 11th Filing	1	40
Lake Hills, 11th Filing	2	40
Lake Hills, 11th Filing	3	40
Lake Hills, 11th Filing	4	40
Lake Hills, 11th Filing	5	40
Lake Hills, 11th Filing	6	40
Lake Hills, 11th Filing	7	40
Lake Hills, 11th Filing	8	40
Lake Hills, 12th Filing	9	40
Lake Hills, 12th Filing	10	40
Lake Hills, 12th Filing	11	40
Lake Wood Estates, 2nd Filing	1	1
Lake Wood Estates	2	1
Lake Wood Estates	3	1
Lake Wood Estates	23	4
Lake Wood Estates, 2nd Filing	24	4
Lake Wood Estates	25	4
Lake Wood Estates, 2nd Filing	26	4
Stardust Acres, 2nd Filing	1	2
Stardust Acres, 2nd Filing	2	2
Stardust Acres, 2nd Filing	1	1
Lake Hills, 12th Filing	9	43

RESOLUTION NO. 06- _____

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1370, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1370 and;

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

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

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1370 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name <u>/Legal Description</u>	Assessment Amount	Interest Rate	Years Assessed
A21923 RESIDENTIAL SUPPORT SERVICES INC LT 1 BLK 1 STARDUST ACRES 2ND FILING	\$1,203.81	5.000	15
A21934 ELENBAAS, HERMAN J & SHEILA A LT 1 BLK 2 STARDUST ACRES 2ND FILING	\$13,365.14	5.000	15
A21935 FINCH, JAMES WALTER & CYNTHIA LANE LT 2 BLK 2 STARDUST ACRES 2ND FILING	\$1,203.81	5.000	15
A22375 GOODRIDGE, K JOSEPHINE LT 1 BLK 1 GOOD MAY SUBD	\$1,203.81	5.000	15
A22376 SCHLOSSER, LARRY A & NANCY A EVANS LT 8 BLK 31 LAKE HILLS SUBD 9TH FILING	\$1,203.81	5.000	15
A22377	\$1,203.81	5.000	15

SEELEY, GERALD D & PAULA M
LT 9 BLK 31 LAKE HILLS SUBD 9TH FILING

A22378	\$1,203.81	5.000	15
HINE, ELAINE F			
LT 10 BLK 31 LAKE HILLS SUBD 9TH FILING			
A22379	\$1,203.81	5.000	15
SHELHAMER, CLAUDIA			
LT 11 BLK 31 LAKE HILLS SUBD 9TH FILING			
A22380	\$6,543.64	5.000	15
KADERAVEK, JOHN E & NANCY E			
LT 12 BLK 31 LAKE HILLS SUBD 9TH FILING			
A22381	\$1,203.81	5.000	15
REITER, MICHAEL H & MARGARET E			
LT 13 BLK 31 LAKE HILLS SUBD 9TH FILING			
A22382	\$1,203.81	5.000	15
BEGGER, RICHARD P & JAN M			
LT 14 BLK 31 LAKE HILLS SUBD 9TH FILING			
A22383	\$1,203.81	5.000	15
FOLTZ, DARYL			
LT 15 BLK 31 LAKE HILLS SUBD 9TH FILING			
A22384	\$1,203.81	5.000	15
MATOVICH, JOHN P & NANCY			
LT 16 BLK 31 LAKE HILLS SUBD 9TH FILING	LT 16A BLK 31 LAKE HILLS SUBD 10TH		
A22386	\$1,203.81	5.000	15
SUNDBERG, CARL A & LINDA M			
LT 17 BLK 31 LAKE HILLS SUBD 10TH FILING			
A22387	\$1,203.81	5.000	15
BECK, JOHN W & SHERYL H			
LT 18 BLK 31 LAKE HILLS SUBD 10TH FILING			
A22388	\$1,203.81	5.000	15
VUKONICH, JAMES P & LOLA			
LT 19 BLK 31 LAKE HILLS SUBD 10TH FILING			
A22389	\$6,098.66	5.000	15
SEARS, LYNDEN W			
LT 20 BLK 31 LAKE HILLS SUB 10TH FILING			
A22390	\$1,203.81	5.000	15
LAWSON, RYAN W & DENYCE M			
LT 21 BLK 31 LAKE HILLS SUBD 10TH FILING			
A22391	\$1,203.81	5.000	15

STEVENSON, PETER G & KATHRYN D
LT 22 BLK 31 LAKE HILLS SUBD 10TH FILING

A22392	\$1,203.81	5.000	15
VON ROHR, HUGO J III & MARION A LT 23 BLK 31 LAKE HILLS SUBD 10TH FILING			
A22405	\$1,203.81	5.000	15
BACHINI, STEVEN J LT 12 BLK 32 LAKE HILLS SUBD 9TH FILING			
A22406	\$1,203.81	5.000	15
HERMAN, JASON LT 13 BLK 32 LAKE HILLS SUBD 9TH FILING			
A22407	\$1,203.81	5.000	15
BALSTAD, CLINTON E & HOLLY LT 14A AMND BLK 32 LAKE HILLS SUBD 9TH FILING			
A22408	\$1,203.81	5.000	15
CHAMBERLAIN, MARK M & DARLENE I LT 15A AMND BLK 32 LAKE HILLS SUBD 9TH FILING			
A22409	\$5,827.66	5.000	15
MAYFIELD, JOHN B & JANICE M LT 16 BLK 32 LAKE HILLS SUBD 9TH FILING			
A22410	\$1,203.81	5.000	15
GREEN, RODNEY T LT 17 BLK 32 LAKE HILLS SUBD 9TH FILING			
A22411	\$1,203.81	5.000	15
SCHNEITER ENTERPRISES LT 18 BLK 32 LAKE HILLS SUBD 9TH FILING			
A22412	\$1,203.81	5.000	15
IMHOFF, SHIRLEY A LT 19 BLK 32 LAKE HILLS SUBD 9TH FILING			
A22413	\$1,203.81	5.000	15
HEUSCHER, RANDALL D & PATRICIA A LT 20 BLK 32 LAKE HILLS SUBD 9TH FILING LT 20A BLK 32 LAKE HILLS SUBD 8TH			
A22415	\$1,203.81	5.000	15
OLSON, CATHERINE J LT 21 BLK 32 LAKE HILLS SUBD 8TH FILING			
A22443	\$1,203.81	5.000	15
SMITH, T JAMES & LEIGH SUZANNE LT 21 BLK 33 LAKE HILLS SUBD 9TH FILING			
A22444	\$1,203.81	5.000	15
WATTIE, TERRY D & DENISE			

LT 22 BLK 33 LAKE HILLS SUBD 9TH FILING

A22445	\$1,203.81	5.000	15
MATHER, WILLIAM S JR &			
LT 23 BLK 33 LAKE HILLS SUBD 9TH FILING			
A22494	\$1,203.81	5.000	15
SCOFIELD, CHARLES L & REGINA M			
LT 1 BLK 35 LAKE HILLS SUBD 8TH FILING			
A22495	\$1,203.81	5.000	15
BROPHY, MICHAEL J & KATHRYN A			
LT 2 BLK 35 LAKE HILLS SUBD 8TH FILING			
A22496	\$1,203.81	5.000	15
COUTURE, SAREE M			
LT 3 BLK 35 LAKE HILLS SUBD 8TH FILING			
A22497	\$1,203.81	5.000	15
CARTER, RONALD L & DOROTHY E			
LT 4 BLK 35 LAKE HILLS SUBD 8TH FILING LT 4A BLK 35 LAKE HILLS SUBD 9TH F			
A22499	\$1,203.81	5.000	15
BRACKEN, RAYMOND L & ROXANNE J			
LT 5 BLK 35 LAKE HILLS SUBD 9TH FILING			
A22500	\$5,005.01	5.000	15
BENGE, DAN &			
LT 6 BLK 35 LAKE HILLS SUBD 9TH FILING			
A22501	\$8,294.98	5.000	15
PHILLIPSON, ERIK C			
LT 7 BLK 35 LAKE HILLS SUBD 9TH FILING			
A22502	\$1,203.81	5.000	15
SHELHAMER, LLOYD JR & LINDA K TRSTE			
LT 8 BLK 35 LAKE HILLS SUBD 8TH FILING LT 8A BLK 35 LAKE HILLS SUBD 9TH F			
A22504	\$1,203.81	5.000	15
SHELHAMER, LLOYD JR & LINDA K TRSTE			
LT 9 BLK 35 LAKE HILLS SUBD 8TH FILING			
A22505	\$1,203.81	5.000	15
YOUREE, JIMMIE LEE JR & TERESA KAY			
LT 1 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22506	\$1,203.81	5.000	15
FENNERN, BRIAN L & SUSAN L			
LT 2 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22512	\$6,098.66	5.000	15
SMITH, CHANNING & VIRGINIA			
LT 8 BLK 36 LAKE HILLS SUBD 10TH FILING			

A22513	\$1,203.81	5.000	15
NICKISCH, ERIC J & SHAWNA M			
LT 9 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22514	\$1,203.81	5.000	15
DAHL, WILLIAM & PHYLLIS			
LT 10 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22515	\$1,203.81	5.000	15
MOCK, WILLIAM P			
LT 11 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22516	\$1,203.81	5.000	15
STEFFAN, RONNIE V & JOYCE M			
LT 12 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22517	\$1,203.81	5.000	15
SANGUINS, JIM & CAROL			
LT 13 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22518	\$1,203.81	5.000	15
CALDWELL, TONY C			
LT 14 BLK 36 LAKE HILLS SUBD 10TH FILING			
A22526	\$1,203.81	5.000	15
ANDERSON, DUANE S			
LT 8 BLK 37 LAKE HILLS SUBD 10TH FILING			
C08167	\$12,914.81	5.000	15
HERT, GARY D & SANDRA J			
LT 1 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08168	\$12,915.70	5.000	15
BILLY GRAHAM EVANGELISTIC ASSOC			
LT 2 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08169	\$12,915.70	5.000	15
ELDRIDGE, SCOTT C & LAURA B			
LT 3 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08170	\$12,915.70	5.000	15
EWEN, STEVEN D & CYNTHIA A			
LT 4 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08171	\$12,915.70	5.000	15
KERSHAW, RICHARD A & JANICE L			
LT 5 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08172	\$12,915.70	5.000	15
FRICKLE, MARY L & ROGER W &			
LT 6 BLK 40 LAKE HILLS SUBD 11TH FILING			

C08173	\$12,915.70	5.000	15
KENNEDY, GEORGE B & SYBIL K			
LT 7 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08174	\$12,915.70	5.000	15
MILLER, SHALE N & KERRI L			
LT 8 BLK 40 LAKE HILLS SUBD 11TH FILING			
C08175	\$11,711.90	5.000	15
MAURER, KEVIN F			
LT 9 BLK 40 LAKE HILLS SUBD 12TH FILING			
C08176	\$11,711.90	5.000	15
BREWER, JOHN			
LT 10 BLK 40 LAKE HILLS SUB 12TH			
C08177	\$12,581.40	5.000	15
ANS, MARTINS E & WANDA L			
LT 11 BLK 40 LAKE HILLS SUBD 12TH FILING			
C08179	\$1,203.81	5.000	15
KOLB, LINDA M			
LT 1A-1 BLK 41 LAKE HILLS SUBD 10TH & 11TH FILING LT 1 & 1A BLK 41 AMND			
C08179A	\$1,203.81	5.000	15
PIPPIN, GARY J & WYNN			
LOT1A-2 LAKE HILLS SUB 10TH & 11TH (96)			
C08180	\$1,203.81	5.000	15
STEWART, HARVEY L & VICKI			
LT 2A & 2 BLK 41 LAKE HILLS SUBD 10TH & 11TH FILING AMND LT 2			
C08183	\$1,203.81	5.000	15
FORWOOD, PATRICIA A			
LT 5 BLK 41 LAKE HILLS SUBD 11TH FILING			
C08184	\$12,915.70	5.000	15
ARTHUR, STEVEN A & LORI J			
LT 6 BLK 41 LAKE HILLS SUBD 11TH FILING			
C08185	\$1,203.81	5.000	15
HOLZER, TERRENCE M & DIANE E			
LT 1 BLK 42 LAKE HILLS SUBD 11TH FILING			
C08186	\$1,203.81	5.000	15
CRAWFORD, SALLY ANN (1/2 INT) &			
LT 2 BLK 42 LAKE HILLS SUBD 11TH FILING			
C08187	\$1,203.81	5.000	15
SAUTHER, JERYLL R & SHARON D			
LT 3 BLK 42 LAKE HILLS SUBD 11TH FILING			

C08188	\$1,203.81	5.000	15
VOLD, STEVEN A & SUSAN K			
LT 4 BLK 42 LAKE HILL SUBD 11TH FILING			
C08189	\$12,915.70	5.000	15
MCLEOD FAMILY TRUST			
LT 5 BLK 42 LAKE HILLS SUBD 11TH FILING (CORR)			
C08201	\$13,583.18	5.000	15
FERRARO, NANCY			
LT 8 BLK 43 LAKE HILLS SUBD 11TH FILING (CORRECTED FL)			
C08202	\$12,353.79	5.000	15
CHRISTIAENS, MARIA J			
LT 9 BLK 43 LAKE HILLS SUBD 12TH FILING			
C10755A	\$1,203.81	5.000	15
HALLIGAN, MICHAEL & VEDA			
LT 1 BLK 1 LAKEWOOD ESTATES SUB 2ND 10,608 SQ FT			
C10756	\$1,203.81	5.000	15
MARTIN, ROBERT E & DENISE J			
LT 2 BLK 1 LAKEWOOD ESTATES			
C10757	\$1,203.81	5.000	15
GONZALES, RICHARD R & SHERYL L			
LT 3 BLK 1 LAKEWOOD ESTATES			
C10804	\$1,203.81	5.000	15
GRIGGS, JAMES L & SUZANNE M			
LT 23 BLK 4 LAKEWOOD ESTATES			
C10804A	\$1,203.81	5.000	15
WATERSON, KENNETH L & LORRAINE			
LT 24 BLK 4 LAKEWOOD ESTATES 2ND			
C10805	\$7,365.54	5.000	15
SCHWEITZER, LEANDER M TRUSTEE (ETAL			
LT 25 BLK 4 LAKEWOOD ESTATES SUB			
C10805A	\$13,481.72	5.000	15
LYNDES, JAY C			
LT:26 B:4 LAKEWOOD ESTATES SUB2ND			

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 11, 2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: CERTIFICATION. The City Clerk is hereby directed upon approval of this resolution to certify a copy to the Finance Manager of the City of Billings, Montana, who shall certify a copy of this resolution to the Yellowstone County Clerk and Recorder and a copy to the Yellowstone County Assessment Office.

SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

APPROVED this 11th day of September, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

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CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Original Spread -- Special Improvement District 1373

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 1373 has been completed by the Finance Division and is ready to spread on the tax rolls. This project is for the construction of curb, gutter and street improvements (including a bike path) for South Billings Boulevard between King Avenue and Underpass Avenue.

FINANCIAL IMPACT: The costs associated with SID 1373 are assessed per lot. The net effective interest rate is 4.50%. Under the State statute 7-12-4189, the City is required to add ½ of 1% for a total rate of 5.00%. The ½ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that a public hearing be held and Council passes the proposed resolution on September 11, 2006.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

A-Lot & Block Description

B-Resolution

Attachment A

SID #1373

Description of Property:

Legal	Lot	Block
OLD #(D347) AMND C/S 1456 TR 1		
PP # 9-424 @ 4848 UNDERPASS AVE	6	0
OLD #(D-347-1) C/S 1456 TR 2A AMEND	02A	0
OLD #(D 348) SUGAR SUB	13	0
OLD #(D 349) SUGAR SUB	13	0
OLD #(D 163) SUGAR SUB	6	0
SUGAR SUB E473.6' OF S10' OF 13	13	0
OLD #(D 165) SUGAR SUB LOT 7	7	0
C/S 471 AMND TR A	15	0
OLD #(D 166) SUGAR SUB	8	0
OLD #(D361) N2 OF LOT 4	0	0
PP # 9-424 & PP	8	0
C/S 473 IN LOT 4	0	0
SUGAR SUB. LOT 9C (91)	9C	0
OLD #(D 363)S 132' OF LOT 4	0	0
SUGAR SUB 9B	9B	0
OLD #(D 364) N 2A OF LOT 5	0	0
S 2A OF N4A OF LOT 5	0	0
OLD #(D 161-1) SUGAR SUB LOT 10	10	0
C/S 666 TR 2 IN SW4 SEC 9	0	0
C/S 666 TR 2 IN SW4 SEC 9	2	0
C/S 2783 TR 1	1	0
OLD #(D 370)	0	0
OLD #(D 375) SUGAR SUB 16	16	0
WEBER SUB 2ND	10	5
POPELKA INDUSTRIAL TRACTS	1	0
WEBER SUB 2ND	10	6
C/S 289 TR 19	19	0
C/S 289 TR 19B	19B	0
C/S 289 AMND TR 19B	19B	0

RESOLUTION NO. 06- _____

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1373, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1373 and;

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

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

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1373 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name <u>/Legal Description</u>	Assessment Amount	Interest Rate	Years Assessed
A20254 ARNLUND, BERT E TR 1 POPELKA IND TRACTS SUBD 1ST FILING ANNEXED 05-18240 (06)	\$7,699.43	5.000	15
D01384 WETCH, WALT (50%) & LT 6A SUGAR SUB AMND (05) 14751 SQ FT	\$12,106.33	5.000	15
D01386 JEANS FORK CATTLE CO LESS RD (N 35 FT X 374.9 FT)	\$24,317.44	5.000	15
D01387 HANSER AUTOMOTIVE CO INC N 85.2 FT OF E 274.9 FT LT8	\$4,658.45 (.537 ACRES)	5.000	15
D01389 HANSER AUTOMOTIVE CO INC S 326 FT OF LT 8 (LESS S 15 FT	\$17,403.13 OF W 100 FT) 2.057 ACRES	5.000	15
D01390A	\$12,473.32	5.000	15

HANSER, SHARON J & RALPH E
AMND LOT 9

D01390B	\$9,999.89	5.000	15
HANSER PROPERTIES LP			
LT 9C SUGAR SUB AMD LT 9			
D01391	\$20,000.53	5.000	15
RUBIE, MICHAEL C			
L:10 SUGAR SUB 120605 SQ FT			
D01558	\$23,673.83	5.000	15
BARRETT, CLARENCE E			
TR 2A COS 1456 AMND TR 2 AMND 5.196 AC C & C MOBILE HOME COURT			
D01559	\$3,224.57	5.000	15
HAGEN, RODNEY L & JEWEL M			
N70' OF S150.34' OF W160' L:13 SUGAR SUB			
D01560	\$3,683.62	5.000	15
OLSEN, DOUBLAS A			
80.34 FT OF W160 FT LESS S10 FT OF E23 FT OF 13 SUGAR SUB			
D01561	\$27,432.67	5.000	15
ROLL, GARY L			
E473.6' S10' LTS 13-14 N91' LT 15 COS 349, TR 1B COS 471			
D01563	\$11,403.43	5.000	15
FOX, GARY D			
TR A & 2B COS 471 AMEND IN LOT 15 6E SUGAR SUBD			
D01569	\$26,751.62	5.000	15
HANSER, RALPH E			
N2 LT 4 IN SW4			
D01570	\$16,116.27	5.000	15
HOLE, HARFIELD			
**COS 473 IN LT 4 OF SW4			
D01572	\$11,027.12	5.000	15
LENNICK, DEBORAH E			
N 2A OF LOT 5 IN SW4			
D01573	\$10,730.33	5.000	15
LESTER, SHIRLEY I			
S 2A OF N 4A OF LOT 5 IN SW4 IN 9-1S 26E			
D01574	\$4,307.67	5.000	15
RASCON, ADAM			
TR 1 COS 666 IN SW4 9 1S 26E			
D01575	\$3,167.24	5.000	15
BURRIGHT, JERRY E			

TR 2 SW4 9-1S-26E COS 666

D01578	\$13,202.71	5.000	15
BENDER, DUANE R			
TR 1 COS 3128 IN SW4 1.286 AC (03)			
D01582	\$27,620.41	5.000	15
SCHOOL DISTRICT #2			
LOT 16 & N2 OF 17	NEWMAN SC	HOOL	

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 11, 2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

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SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

APPROVED this 11th day of September, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

[\(Back to Regular Agenda\)](#)

5D



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Original Spread -- Special Improvement District Sidewalk 2501

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 2501 has been completed by the Finance Division and is ready to spread on the tax rolls. SID 2501 is for miscellaneous sidewalk, curb, and gutter improvements located in areas throughout the City of Billings.

FINANCIAL IMPACT: The costs associated with SID 2501 are assessed per lot. The net effective interest rate is 4.71%. Under the State statute 7-12-4189, the City is required to add $\frac{1}{2}$ of 1% for a total rate of 5.21%. The $\frac{1}{2}$ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and spread to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends that a public hearing be held and Council passes the proposed resolution on September 11, 2006.

Approved By: City Administrator _____ City Attorney _____

ATTACHMENTS

A-Lot & Block Description

B-Resolution

Attachment A

SID #2501

Description of Property:

Lot	Block	Subdivision
5 TO 12	45	LOT(S) 5 TO 12 BLOCK 45 BILLINGS OT
9 TO 12	51	LT 9-12 BLK 51 BILLINGS ORIGINAL TOWN
1 THRU 6	52	Lot(s) 1 THRU 6 Block 52 BILLINGS O T Su
8	52	Lot(s) 8 Block 52 BILLINGS ORIGINAL TOWN
9	52	Lot(s) 9 Block 52 BILLINGS ORIGINAL TOWN
12	52	Lot(s) 12 Block 52 BILLINGS ORIGINAL TOW
13 TO 16	52	Lot(s) 13 TO 16 Block 52 BILLINGS O T Su
17-19	52	Lot(s) 19 Block 52 BILLINGS O T Sub
24A	52	Lot(s) 24A Block 52 BILLINGS O T Sub
13 TO 18	97	Lot(s) 13 TO 18 Block 97 BILLINGS OT Sub
19 & 20	97	Lot(s) 19 & 20 Block 97 BILLINGS OT Sub
21 & 22	97	Lot(s) 21 & 22 Block 97 BILLINGS OT Sub
1 TO 9	98	Lot(s) 1 TO 9 Block 98 BILLINGS OT Sub
1, 2 & S 4' OF 3	139	Lot(s) 1, 2 & S 4' OF 3 Block 139 BILLIN
4 & 21' OF 3 & S 1' OF 5	139	Lot(s) 4 & 21' OF 3 & S 1' OF 5 Block 13
N 24' OF 5 & AAL OF 6 TO 8	139	Lot(s) N 24' OF 5 & AAL OF 6 TO 8 Block
S 80' OF 1 & 2	210	Lot(s) S 80' OF 1 & 2 Block 210 BILLINGS
N 50' OF 1 & 2	210	Lot(s) N 50' OF 1 & 2 Block 210 BILLINGS
3 & 4	210	Lot(s) 3 & 4 Block 210 BILLINGS Sub
5 & 6	210	Lot(s) 5 & 6 Block 210 BILLINGS Sub
7 & 8	210	Lot(s) 7 & 8 Block 210 BILLINGS Sub
9	210	Lot(s) 9 Block 210 BILLINGS Sub
10	210	Lot(s) 10 Block 210 BILLINGS Sub
12A	210	Lot(s) 12A Block 210 BILLINGS Sub
11A	210	Lot(s) 11A Block 210 BILLINGS Sub
13 & 14	210	Lot(s) 13 & 14 Block 210 BILLINGS Sub
15 & 16	210	Lot(s) 15 & 16 Block 210 BILLINGS Sub
17 & 18	210	Lot(s) 17 & 18 Block 210 BILLINGS Sub
19 & 20	210	Lot(s) 19 & 20 Block 210 BILLINGS Sub
21 & 22	210	Lot(s) 21 & 22 Block 210 BILLINGS Sub
23 & 24	210	Lot(s) 23 & 24 Block 210 BILLINGS Sub
8	1	Lot(s) 8 Block 1 BYRNES-STEVENS SUB Sub
19	1	Lot(s) 19 Block 1 CENTERVIEW LSUB Sub
1	3	LT 1 BLK 3
2	3	LT 2 & EAST 8.5' OF LOT 3
4	3	WEST 51 1/2' OF 3 & EAST 17' OF 4
5	3	WEST 43' OF 4 & EAST 25 1/2' OF 5
6	3	WEST 34 1/2' OF 5 & EAST 34' OF 6
7	3	WEST 26' OF 6 & EAST 42 1/2' OF 7
8	3	WEST 17 1/2' OF 7 & EAST 51' OF 8

9	3	LT 9 & WEST 9' OF 8
10	3	LT 10 BLK 3
11	3	LT 11 BLK 3
12	3	LT 12 BLK 3
13	3	LT 13 BLK 3
14	3	LT 14 BLK 3
15	3	LT 15 BLK 3
16	3	LT 16 BLK 3
17	3	LT 17 BLK 3
18	3	LT 18 BLK 3
45 & 46	10	Lot(s) 45 & 46 Block 10 COLLEGE SUB 2ND
4 & E 22.84' OF 5	7	Lot(s) 4 & E 22.84' OF 5 Block 7 GLOCK S
N 47" OF 3 & S 13' OF 45	5	Lot(s) N 47" OF 3 & S 13' OF 45 Block 5
7	9	Lot(s) 7 Block 9 GRANDVIEW SUB Sub
8 & S 1/2 OF 9	29	Lot(s) 8 & S 1/2 OF 9 Block 29 HIGHLAND
10 & N 1/2 OF 9	29	Lot(s) 10 & N 1/2 OF 9 Block 29 HIGHLAND
11 & 12	29	Lot(s) 11 & 12 Block 29 HIGHLAND ADDITIO
13A	29	Lot(s) 13A Block 29 HIGHLAND ADDITION Su
15A	29	Lot(s) 15A Block 29 HIGHLAND ADDITION Su
16 & 17	29	Lot(s) 16 & 17 Block 29 HIGHLAND ADDITIO
29, E 21.5' OF 28 & W 18.5' OF 30	12	Lot(s) 29, E 21.5' OF 28 & W 18.5' OF 3
54	5	Lot(s) 54 Block 5 LILLIS SUB 1ST Sub
55	5	Lot(s) 55 Block 5 LILLIS SUB 1ST Sub
9 & S 15' OF 8	4	Lot(s) 9 & S 15' OF 8 Block 4 MEADOWOOD
1 & 2	2	Lot(s) 1 & 2 Block 2 MELNICK SUB Sub
3 & 4	2	Lot(s) 3 & 4 Block 2 MELNICK SUB Sub
5 & 6	2	Lot(s) 5 & 6 Block 2 MELNICK SUB Sub
7 & 8	2	Lot(s) 7 & 8 Block 2 MELNICK SUB Sub
9 & 10	2	Lot(s) 9 & 10 Block 2 MELNICK SUB Sub
11 & 12 & E 3' OF 13	2	Lot(s) 11 & 12 & E 3' OF 13 Block 2 MELN
14 & E 3' OF 15	2	Lot(s) 14 & E 3' OF 15 Block 2 MELNICK S
16 & W 22' OF 15 & E 23' OF 17	2	Lot(s) 16 & W 22' OF 15 & E 23' OF 17 BI
18 - 20 & W 2' OF 17	2	Lot(s) 18 - 20 & W 2' OF 17 Block 2 MELN
21 TO 24	2	Lot(s) 21 TO 24 Block 2 MELNICK SUB Sub
25 TO 27	2	Lot(s) 25 TO 27 Block 2 MELNICK SUB Sub
28 & 29	2	Lot(s) 28 & 29 Block 2 MELNICK SUB Sub
30 TO 32	2	Lot(s) 30 TO 32 Block 2 MELNICK SUB Sub
33, 34 & 35	2	Lot(s) 33, 34 & 35 Block 2 MELNICK SUB S
36 TO 38	2	Lot(s) 36 TO 38 Block 2 MELNICK SUB Sub
39 - 40 W 20' OF 41	2	Lot(s) 39 - 40 W 20' OF 41 Block 2 MELNI
42 & 43 & E 5' OF 41 & W 15' OF 44	2	Lot(s) 42 & 43 & E 5' OF 41 & W 15' OF 4
45, 46 & E 10' OF 44	2	Lot(s) 45, 46 & E 10' OF 44 Block 2 MELN
47 & 48	2	Lot(s) 47 & 48 Block 2 MELNICK SUB Sub
1 & 2	29	Lot(s) 1 & 2 Block 29 SOUTHWEST ADDITION
3 & S 10' OF 4	29	Lot(s) 3 & S 10' OF 4 Block 29 SOUTHWEST
5 & N 15' OF 4	29	Lot(s) 5 & N 15' OF 4 Block 29 SOUTHWEST

6 & 7	29	Lot(s) 6 & 7 Block 29 SOUTHWEST ADDITION
18 & 19	29	Lot(s) 18 & 19 Block 29 SOUTHWEST ADDITION
20 - 23	29	Lot(s) 20 - 23 Block 29 SOUTHWEST ADDITION
1-2	1	Lot(s) 1-2 Block 1 VALLEY SUB UBD 69 Sub
33 & 34	28	Lot(s) 33 & 34 Block 28 WEST SIDE SUB Su
S69.5' OF 13	8	Lot(s) S69.5' OF 13 Block 8 WESTWOOD EST
14	8	Lot(s) 14 Block 8 WESTWOOD ESTATES SUB
1 & S 21' OF 2	5	Lot(s) 1 & S 21' OF 2 Block 5 YEGEN'S 2N
7	1	Lot(s) 7 Block 1 FOREST PARK SUB 1ST FIL
8 & E 15' OF 9	1	Lot(s) 8 & E 15' OF 9 Block 1 FOREST PAR
1	000	Lot(s) 1 Block 000 ROSE PARK SUB Sub
10	8	Lot(s) 10 Block 8 KIMBERLY HEIGHTS SUBD
2	19	Lot(s) 2 Block 19 KEMBERLEY HEIGHTSSUB 2
123	3	Lot(s) 123 Block 3 TERRACE ESTATES SUB S
1	6	Lot(s) 1 Block 6 TERRACE ESTATES SUB Sub
13	15	Lot(s) 13 Block 15 TERRACE ESTATES 1ST F
01C	6	Lot(s) 01C Block 6 KINGS GREEN SUB AMND
1	13	Lot(s) 1 Block 13 TERRACE ESTATES SUB Su
26	17	Lot(s) 26 Block 17 HIHGH SIERRA SUB 1ST
11	3	Lot(s) 11 Block 3 TOWN & COUNTRY ESTATES
4	40	Lot(s) 4 Block 40 LAKE HILLS SUB 11TH Su
5	40	Lot(s) 5 Block 40 LAKE HILLS SUB 11TH Su
6	40	Lot(s) 6 Block 40 LAKE HILLS SUB 11TH Su
TRCT 6 AMEND. 1-A-1	777	Lot(s) TRCT 6 AMEND. 1-A-1 Block 777 C/S
VARIOUS	VARIOUS	VARIOUS

RESOLUTION NO. 06-_____

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 2501, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 2501 and;

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

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

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 2501 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name /Legal Description	Assessment Amount	Interest Rate	Years Assessed
A00319 FIRST BAPTIST CHURCH OF BILLINGS LTS 9-12 BLK 51 BILLINGS ORIGINAL TOWN	\$4,176.06	5.208	12
A00320 KIRCHANSKI, JON W LTS 1-6 BLK 52 BILLINGS ORIGINAL TOWN	\$1,313.01 (21,000 SQ FT)	5.208	12
A00324 GOLDEN OAK INVESTMENTS LLC LTS 7-8 BLK 52 BILLINGS ORIGINAL TOWN	\$437.67	5.208	12
A00325 SECOND AVE INVESTORS LLP LTS 9-10 BLK 52 BILLINGS ORIGINAL TOWN	\$437.67	5.208	12
A00326 KAUFMAN, ROSS A LTS 11-12 BLK 52 BILLINGS ORIGINAL TOWN	\$3,181.38	5.208	12
A00327	\$3,038.46	5.208	12

DANIELS, JAMES A				
LTS 13-16 BLK 52 BILLINGS ORIGINAL TOWN				
A00328	\$656.50	5.208	12	
FAGG FAMILY PROPERTIES LLC				
LT 17-19 BLK 52 BILLINGS ORIGINAL TOWN				
A00330	\$889.09	5.208	12	
SECOND AVENUE INVESTORS				
LT 24A BLK 52 BILLINGS ORIGINAL TOWN				
A00683	\$7,500.77	5.208	12	
ST LUKES EPISCOPAL CHURCH				
LTS 13-18 BLK 97 BILLINGS ORIGINAL TOWN				
A00684	\$506.05	5.208	12	
ST LUKES PROTESTANT EPISCOPAL CHURC				
LTS 19-20 BLK 97 BILLINGS ORIGINAL TOWN				
A00687	\$18,726.32	5.208	12	
MORGAN ELECTRIC CO				
LTS 1-9 BLK 98 BILLINGS ORIGINAL TOWN				
A00921	\$473.63	5.208	12	
ROBINSON, MICHAEL ROSS				
LTS 1-2 S4' LT 3 BLK 139 BILLINGS	ORIGINAL TOWNSITE			
A00923	\$3,753.63	5.208	12	
WALTERS, TAMMIE M & DAVID				
LTS 6-8 N24' LT 5 BLK 139 BILLINGS	ORIGINAL TOWNSITE			
A01515	\$2,863.00	5.208	12	
LYMAN, JARED C				
S80 FT LTS 1-2 BLK 210 BILLINGS ORGINAL TOWNSITE				
A01516	\$2,950.73	5.208	12	
D'AMICO, ANTHONY				
N50 FT LTS 1-2 BLK 210 BILLINGS	ORIGINAL TOWNSITE			
A01517	\$2,846.91	5.208	12	
MORENO, JUSTINO				
LTS 3-4 BLK 210 BILLINGS ORIGINAL TOWN				
A01518	\$2,924.50	5.208	12	
STANNEBEIN, C E & JACQUE S				
LTS 5-6 BLK 210 BILLINGS ORIGINAL TOWN				
A01519	\$3,054.59	5.208	12	
BRICENO, ELIZABETH & WILLIAM J JR				
LTS 7-8 BLK 210 BILLINGS ORIGINAL TOWN				
A01520	\$1,597.96	5.208	12	
DESJARLAIS, JAMES P &				

LT 9 BLK 210 BILLINGS ORIGINAL TOWN

A01521	\$1,597.96	5.208	12
ROTH, CLIFFORD J & JOAN			
LT 10 BLK 210 BILLINGS ORIGINAL TOWNSITE			
A01522A	\$351.25	5.208	12
BERRETH, DANIEL E			
L:11A B:210 BILLINGS ORIGINAL	(OLD A-1522)	(98)	
A01523	\$894.08	5.208	12
BRESE, URSULA A			
LTS 13-14 BLK 210 BILLINGS ORIGINAL TOWN			
A01524	\$2,819.12	5.208	12
GONZALEZ, PABLO & MARIA L			
LTS 15-16 BLK 210 BILLINGS ORIGINAL	TOWNSITE		
A01525	\$2,858.39	5.208	12
BEST, PATRICIA L			
LTS 17-18 BLK 210 BILLINGS ORIGINAL	TOWNSITE		
A01526	\$4,136.15	5.208	12
HANSER, DONALD M & KIMBERLY A			
LTS 19-20 BLK 210 BILLINGS ORIGINAL	TOWNSITE		
A01527	\$1,986.56	5.208	12
STANNEBEIN, C E & JACQUE S			
LTS 21-22 BLK 210 BILLINGS ORIGINAL TOWN			
A01528	\$1,778.73	5.208	12
SHERMAN, OPAL			
LTS 23-24 BLK 210 BILLINGS ORIGINAL TOWN			
A04245	\$75.88	5.208	12
CRAIG, MARILY A & DONALD L			
LT 1 BLK 3 CENTERVIEW SUBD			
A04246	\$82.11	5.208	12
ALEXANDER, SHIRLEEN L			
LT 2 E8.5 FT LT 3 BLK 3	CENTERVIEW SUBD		
A04247	\$82.11	5.208	12
NAGEL, HENRY & CHRISTINE			
W51.5 FT LT 3 E17 FT LT 4 BLK 3	CENTERVIEW SUBD		
A04248	\$82.11	5.208	12
PETERSON, WAYNE D & SANDI J			
W43 FT LT 4 E25.5 FT LT 5 BLK 3	CENTERVIEW SUBD		
A04249	\$82.11	5.208	12
DUNN, CHESTER D & RUTH A			
W34.5 FT LT 5 E34 FT LT 6 BLK 3	CENTERVIEW SUBD		

A04250	\$82.11	5.208	12
CHIDESTER, JAMES ROY JR			
W26 FT LT 6 E42.5 FT LT 7 BLK 3	CENTERVIEW SUBD		
A04251	\$82.11	5.208	12
TISKUS, WILLIAM JOSEPH			
W17.5 FT LT 7 E51 FT LT 8 BLK 3	CENTERVIEW SUBD		
A04252	\$85.20	5.208	12
KROGEDAL, RICHARD D & CONSTANCE			
LT 9 W9 FT LT 8 BLK 3 CENTERVIEW SUBD			
A04253	\$75.31	5.208	12
CAMPBELL, JUDY L			
LT 10 BLK 3 CENTERVIEW SUBD			
A04254	\$71.92	5.208	12
ANDERSON, JONNI L			
LT 11 BLK 3 CENTERVIEW SUBD			
A04255	\$71.92	5.208	12
WEDEL, RICK JR & GINA			
LT 12 BLK 3 CENTERVIEW SUBD			
A04256	\$71.92	5.208	12
OELKERS, RANDALL M			
LT 13 BLK 3 CENTERVIEW SUBD			
A04257	\$71.92	5.208	12
SCHUYLER, DAVID J & LAURIE L			
LT 14 BLK 3 CENTERVIEW SUBD			
A04258	\$71.92	5.208	12
RICHTERICH, DALLAS & CHERYL			
LT 15 BLK 3 CENTERVIEW SUBD			
A04259	\$71.92	5.208	12
DEDMORE, TRAVIS M & LINSEY R			
LT 16 BLK 3 CENTERVIEW SUBD			
A04260	\$71.92	5.208	12
HUMPHREY, IRWIN L & ALBERTA M			
LT 17 BLK 3 CENTERVIEW SUBD			
A04261	\$75.88	5.208	12
FANGSRUD, WES A			
LT 18 BLK 3 CENTERVIEW SUBD			
A05337	\$413.25	5.208	12
KUNZE, BARBARA G & RODNEY D			
L:45 & 46 B:10 COLLEGE SUB 2ND			

A07654	\$1,085.83	5.208	12
RADKE, MICHAEL C & LAURA J			
LT 4 & E 22.84 FT OF LT 5 '			
A08238	\$710.39	5.208	12
HAKERT, AMY L			
L:7 B:9 GRANDVIEW SUB			
A08841	\$222.66	5.208	12
HENDRICKSON, SHEILA A			
LOT 8 & S2 LOT 9 BLK 29 HIGHLAND ADD			
A08842	\$222.66	5.208	12
HELZER, WILBUR			
LTS 10 & N 1/2 OF 9			
A08843	\$296.89	5.208	12
KIMPTON, SUSAN L			
LTS 11 & 12			
A08844	\$1,541.27	5.208	12
LEES, CORY J & AUTUMN M			
LT 13A BLK 29 HIGHLAND ADD AMND (02)			
A08845	\$2,237.32	5.208	12
FERRELL, SHEILA			
LT 15A BLK 29 HIGHLAND ADD (02)			
A08846	\$296.89	5.208	12
ROH, MARION L & WILLIAM			
L: 16-17 B: 29 HIGHLAND ADD			
A09828	\$2,107.13	5.208	12
CHOUINARD, ROSE M			
LT 29 E21.5 FT LT 28 W18.5 FT LT 30 BLK 12 KOBER SUBD 3RD FILING			
A10360	\$6,640.57	5.208	12
COSTELLO, THOMAS C & KIMBERLY A			
LT 54 BLK 5 LILLIS SUB 1ST FILING			
A10964	\$1,784.77	5.208	12
HILL, KATHY			
S15 FT LT 8 ALL LT 9 BLK 4 MEADOWOOD SUBD			
A11020	\$134.83	5.208	12
HAGERMAN, ALBERTA M TRUSTEE			
LT 1-2 BLK 2 MELNICK SUBD			
A11021	\$134.83	5.208	12
ROBERTS, ROBERTA C			
LT 3-4 BLK 2 MELNICK SUBD			
A11022	\$134.83	5.208	12

PEARSON, NELS LT 5-6 BLK 2 MELNICK SUBD			
A11023 JOHNSON, DAVID LEE LT 7-8 BLK 2 MELNICK SUBD	\$134.83	5.208	12
A11024 LAYMAN, WILBUR A & ALICE A LT 9-10 BLK 2 MELNICK SUBD	\$134.83	5.208	12
A11025 HALL FINANCE LT 11-12 & E3 FT LT 13 BLK 2 MELNICK SUB	\$142.92	5.208	12
A11026 GARRISON, PATRICK D & SHARON E W22'LT 13 ALL LT 14 E3'LT 15 BLK 2	\$134.83	5.208	12
MELNICK SUBD			
A11027 DAUGHERTY, JOHN E & ALICE M W22 FT LT 15 ALL LT 16 E23 FT LT 17	\$188.77	5.208	12
A11028 ELLIOTT, EUGENE W & MYRTLE A ETAL LT 18-20 & W2 FT LT 17 BLK 2	\$207.64	5.208	12
MELNICK SUBD			
A11029 KRUMM, CORWIN L & DIANA H LT 21-24 BLK 2 MELNICK SUBD	\$249.77	5.208	12
A11030 SHISKOWSKY, EVELYN R LT 25-27 BLK 2 MELNICK SUBD	\$177.90	5.208	12
A11031 GRIFFIN, MICHAEL S LT 28-29 BLK 2 MELNICK SUBD	\$134.83	5.208	12
A11032 BODLEY, VIRGINIA A LT 30-32 BLK 2 MELNICK SUBD	\$202.25	5.208	12
A11033 JOHNSON, JAMES R & TRACY LT 33-35 BLK 2 MELNICK SUBD	\$202.25	5.208	12
A11034 MELNICK, SAMUEL B & HELEN A-TRSTEE LT 36-38 BLK 2 MELNICK SUBD	\$202.25	5.208	12
A11035 ORLEMAN, MARY JANE &	\$188.77	5.208	12

LT 39-40 W20 FT LT 41 BLK 2 MELNICK SUBD

A11036	\$188.77	5.208	12
ROBINSON, KAREN KAY TRUSTEE			
E5 FT LT 41 ALL LT 42-43 W15 FT LT 44	BLK 2 MELNICK SUB		
A11037	\$161.80	5.208	12
BICK, MARGARET O TRUSTEE			
E10 FT LT 44 ALL LT 45-46 BLK 2	MELNICK SUBD		
A11038	\$134.83	5.208	12
KOEHN, RICHARD D & LONNIE D			
LT 47-48 BLK 2 MELNICK SUBD			
A14133	\$296.89	5.208	12
CHLAPOWSKI, EDWARD J, MARGARET B &			
LT 1-2 BLK 29 SOUTHWEST ADD			
A14134	\$207.82	5.208	12
BRAWLEY, GERALD & LUCILLE			
LT 3 S10 FT LT 4 BLK 29 SOUTHWEST ADD			
A14135	\$237.51	5.208	12
SCHWENKE, MARIANNE			
N15 FT LT 4 ALL LT 5 BLK 29	SOUTHWEST ADD		
A14136	\$296.89	5.208	12
HUTCHINSON, CAMILLA C			
LT 6-7 BLK 29 SOUTHWEST ADD			
A14137	\$296.89	5.208	12
BENNETT, CHRISTINA &			
LT 18-19 BLK 29 SOUTHWEST ADD			
A14138	\$318.94	5.208	12
NORRIS, TIMOTHY P & RHONDA L			
LT 20-23 BLK 29 SOUTHWEST ADD	(LESS RAILROAD & STATE AVE)		
A17089	\$23,736.00	5.208	12
ENGBRETSON, LARRY			
LT 1-2 BLK 1 TREASURE VALLEY SUBD	69 DELU TTL: UNKNOWN TAXED W/ RE		
A18244	\$720.38	5.208	12
EDLUND, ELLEN			
LT 33-34 BLK 28 WEST SIDE SUB			
A18522	\$753.78	5.208	12
MADDOX, KATHLEEN M			
S69.5 FT LT 13 BLK 8 WESTWOOD ESTATE	3RD FILING		
A18523	\$845.58	5.208	12
BRAUN, JOHN D & SUZANNE			
LT 14 BLK 8 WESTWOOD ESTATE	3RD FILING		

A19583	\$2,216.20	5.208	12
BOHLINGER, JOHN C & BETTE J			
LT 1 ROSE PARK SUBD 1ST FILING			
A20119	\$1,568.35	5.208	12
HATZENBIHLER, SCOTT & TRUDY			
LT 2 BLK 19 KIMBERLY HEIGHTS SUBD 2ND			
A23959	\$861.54	5.208	12
LYNCH, SCOTT O & JILL M			
LT 123 BLK 3 TERRACE ESTATES SUBD 1ST			
A23993	\$592.90	5.208	12
SCHOOL DISTRICT #2			
LT 1 BLK 6 TERRACE ESTATES SUBD 1ST			
A24085	\$2,164.36	5.208	12
BEDFORD, JOHN R & ROBIN L			
LOT 13 BLK 15 TERRACE ESTATES 1ST FILING			
A24446B	\$5,105.63	5.208	12
HESER GAYLE M			
LT 1-C BLK 6 KINGS GREEN SUB 1ST			
D01357	\$4,963.48	5.208	12
HANSON & KELLY #2			
TR 1A1 COS 777 TR 6 AMEND			

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 11, 2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: CERTIFICATION. The City Clerk is hereby directed upon approval of this resolution to certify a copy to the Finance Manager of the City of Billings, Montana, who shall certify a copy of this resolution to the Yellowstone County Clerk and Recorder and a copy to the Yellowstone County Assessment Office.

SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

APPROVED this 11th day of September, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

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CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, SEPTEMBER 11, 2006

SUBJECT: Public Hearing Regarding the Spread -- Tree Removal Costs Special Improvement District 3006

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The assessment on SID 3006 has been completed by the Finance Department and is ready to spread on the tax rolls. The net effective interest rate is 8.0% under the City statute 25-210. This project is for tree removal in various locations.

RECOMMENDATION

Staff recommends that a public hearing be held and that Council passes the proposed resolution on September 11, 2006.

Approved By: **City Administrator** **City Attorney**

ATTACHMENTS

A-Description Schedule& Interest Schedule

Attachment A

SID #3006

Description of Property:

139 Alderson
723 N 31st Street
637 Park Lane
1222 7th Street West

Description of Project:

City Wide Tree/Limb Removal

RESOLUTION NO. 06-

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 3006, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 3006 and;

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

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

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 3006 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name /Legal Description	Assessment Amount	Interest Rate	Years Assessed
A07185	\$2,913.00	8.000	5

SCOTT, VICTORIA Z
W85' LT 13-14 BLK 34 FOSTERS ADD

A10965	\$1,031.00	8.000	5
CUMMINGS, BRUCE A & CHERYL J LT 1 & E2 LT 2 BLK 1 MELBRAATON SUBD	& W2 LT 16 BLK 1 MOUNTVIEW SUBD		
A15575	\$681.00	8.000	5
SHAMBLES, JENNIFER L LT 51A BLK 51 AMND SUBURBAN HOMES ADD	(02)		
A17782	\$1,825.00	8.000	5
HEANEY, KEVIN LT 19-20 BLK 8 WEST SIDE ADD			

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, 09/11/2006, at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: CERTIFICATION. The City Clerk is hereby directed upon approval of this resolution to certify a copy to the Finance Manager of the City of Billings, Montana, who shall certify a copy of this resolution to the Yellowstone County Clerk and Recorder and a copy to the Yellowstone County Assessment Office.

SECTION 5: EFFECTIVE DATE. This resolution shall be effective immediately upon approval.

APPROVED this 25th day of September, 2006.

CITY OF BILLINGS:

BY: _____

Ron Tussing, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: Public Hearing and Resolution Setting Mill Levy Rates

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: This resolution establishes the city property tax mill levy rates for the Public Safety Fund (November 2004 voter approved) General Obligation Debt Service Parks, and General Obligation Debt Service Streets for the fiscal year 2007. The General Debt Service Parks pays for city wide park improvements and trails and the General Obligation Debt Service Streets pays for a portion of the costs of improvements to certain major arterials. These mills could not be calculated until the city received a copy of the certified taxable valuation from the Montana Department of Revenue.

The all-purpose, library operating, transit operating and public safety mill levies were approved June 12, 2006.

RECOMMENDATION

Staff recommends that the City Council approve the resolution setting the mill levy rates for fiscal year 2007.

Approved By: City Administrator City Attorney

ATTACHMENT

A - Resolution Making the Annual Public Safety Funds, General Obligation Debt Service Parks, and General Obligation Debt Service Streets for the Fiscal Year 2007-2008.

Attachment A

RESOLUTION 06-_____

A RESOLUTION MAKING THE ANNUAL MILL LEVY AND MILL LEVIES FOR PUBLIC SAFETY (NOVEMBER 2004 VOTER APPROVED) AND GENERAL OBLIGATION DEBT FOR PARKS AND STREET DEBT SERVICE FOR FISCAL YEAR 2006-2007.

WHEREAS, pursuant to law, the City of Billings is required to make annual mill levies.

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

1. That a Public Safety Mill Levy, which voters approved in November of 2004 in the amount of \$4 million (28.09 mills), is hereby imposed on all taxable property within the City of Billings, Montana, for the Fiscal Year **July 1, 2006 through June 30, 2007**.
2. That additional Mill Levies in the amounts stated are hereby imposed on all taxable property within the City of Billings, Montana, to provide payment for the following:
 - A. 1.242 mills-General Obligation Debt Service Parks
 - B. 3.250 mills-General Obligation Debt Service Streets
3. That when said taxes are collected, the same shall be placed in respective funds for the City and expended pursuant to the annual budget.
4. The City Clerk is hereby directed upon final passage and approval of this Resolution to certify a copy thereof to the City Administrator of the City of Billings, Montana, who shall certify a copy to the Yellowstone County Treasurer and a copy to the Yellowstone County Assessor.
5. This Resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 11th day of **September, 2006**.

CITY OF BILLINGS:

BY: _____

Ron Tussing, MAYOR

ATTEST:

BY: _____

Marita Herold, CMC/AAE

CITY CLERK

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AGENDA ITEM:**CITY COUNCIL AGENDA ITEM****CITY OF BILLINGS, MONTANA****Monday, September 11, 2006****TITLE:** Shiloh Road Corridor Alternative Recommendation**DEPARTMENT:** Public Works Department**PRESENTED BY:** David D. Mumford, P.E., Director, Public Works Department**PROBLEM/ISSUE STATEMENT:**

The Montana Department of Transportation (MDT) has completed the draft Environmental Assessment (EA) for Shiloh Road from Poly Drive to Pierce Parkway. The Federal Highway Administration requires MDT to provide a recommended alternative for the roadway in the EA. The Director of MDT is very concerned the local community has input and there is consensus from the governing bodies in the preferred alternative before the draft EA is submitted. MDT is requesting the City of Billings Council through a vote indicate their support for the preferred alternative before the draft EA is submitted. This will provide the State with guidance on the local community's direction for the project. A delay in providing direction to MDT on the roadway alternative could delay the submittal of the EA.

ALTERNATIVES ANALYZED:

The Shiloh Road Project Advisory Committee (PAC) reviewed the various options for the reconstruction of Shiloh Road. The options reviewed included the following:

- No Build
- Traffic Signals at Arterials (7 or 8 locations)
- Roundabouts at Arterials (7 or 8 locations)
- Traffic Signals at Arterials & Major Developments (11 locations)
- Roundabouts at Arterials & Major Developments (11 locations)

Due to traffic progression issues; a combination of traffic signals and roundabouts was determined not to be a viable option. The PAC recommended the roundabout alternative at arterial locations (7 or 8) as the preferred alternative.

RECOMMENDATION

Staff recommends that Council approve the PAC's recommended preferred alternative for Shiloh Road reconstruction.

Attachments: Shiloh Road Alternatives

Approved By: **City Administrator** **City Attorney**



Alternatives

No-Build



Traffic Signals or Roundabouts at Arterials (seven locations)



Traffic Signals or Roundabouts at Arterials and Major Development (eleven locations)

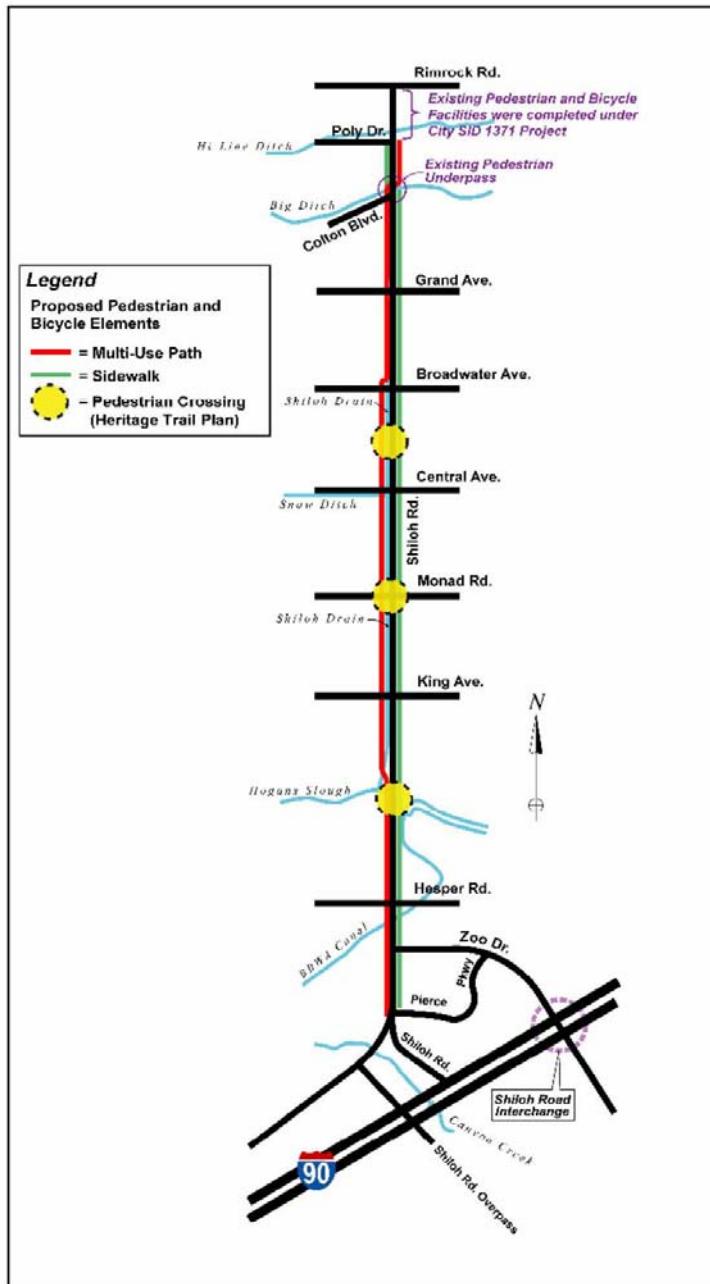


Printed : August 21, 2006





Pedestrian and Bicycle Elements



Printed : August 21, 2006



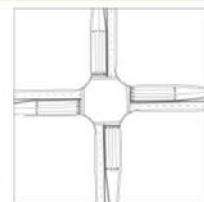


Intersection Alternatives

Signal Alternative



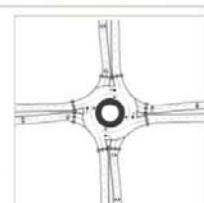
THINGS TO CONSIDER:	SAFETY ACCIDENT RATE DRIVER FAMILIARITY	Signaled intersections have higher accident rates & severity rates compared to roundabouts
	OPERATIONS U-TURNS	Conventional design Doesn't facilitate U-turns very well (or at all if restricted)
	COSTS ROW CONSTRUCTION MAINTENANCE	Requires more ROW upstream & downstream from intersection for turn lanes Comparable to roundabout in many cases Higher signal maintenance cost & no landscape maintenance cost
	PED/BIKE ALIGNMENT MOVEMENT	Crosswalks located close to intersection Pedestrians generally have protected movement & must wait otherwise Bicyclists travel through intersection with vehicles on left of crosswalks
	DESIGN TREATMENT AESTHETICS	No landscape treatment, except low-lying grasses & shrubs at intersection



Roundabout Alternative



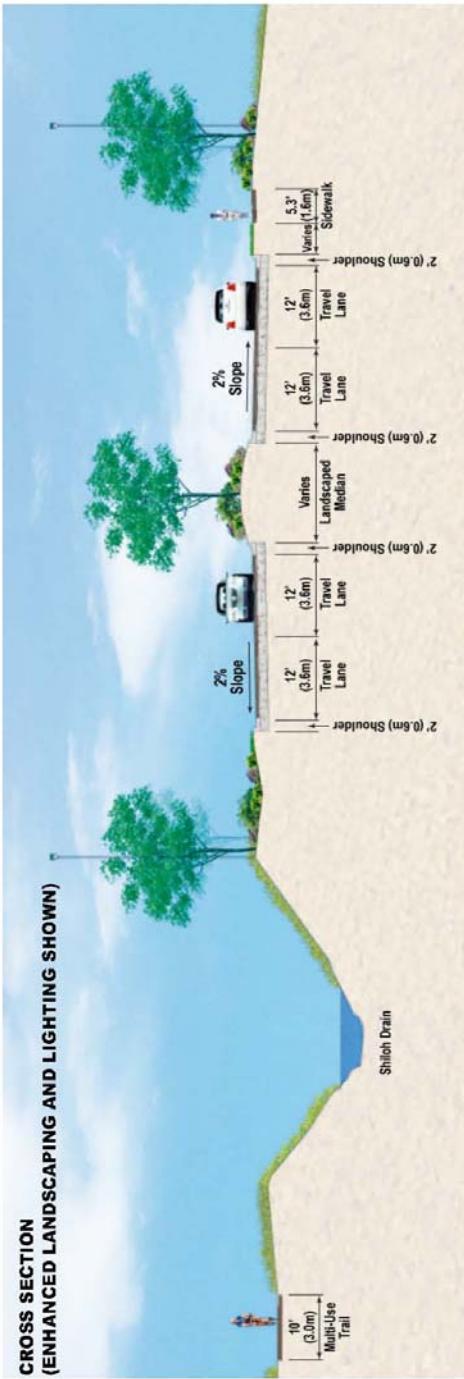
THINGS TO CONSIDER:	SAFETY ACCIDENT RATE DRIVER FAMILIARITY	Lower accident & severity rates compared to traffic signal Relatively new concept in Montana, would require some driver education
	OPERATIONS U-TURNS TRAFFIC FLOW	Facilitates U-turns Cars yield to circulating vehicles Motorists encounter minimal delay under low to medium traffic volumes
	COSTS ROW CONSTRUCTION MAINTENANCE	Requires less ROW upstream & downstream of intersection than signal Comparable to signal Low maintenance costs, although there may be higher landscape maintenance cost
	PED/BIKE ALIGNMENT MOVEMENT	Crosswalks would line up well with the multi-use trail Pedestrians have unprotected movement; traffic must yield to pedestrians Bicycles can use the travel lane in roundabout or use crosswalks
	DESIGN TREATMENT LANDSCAPING	Can landscape approaches & center island



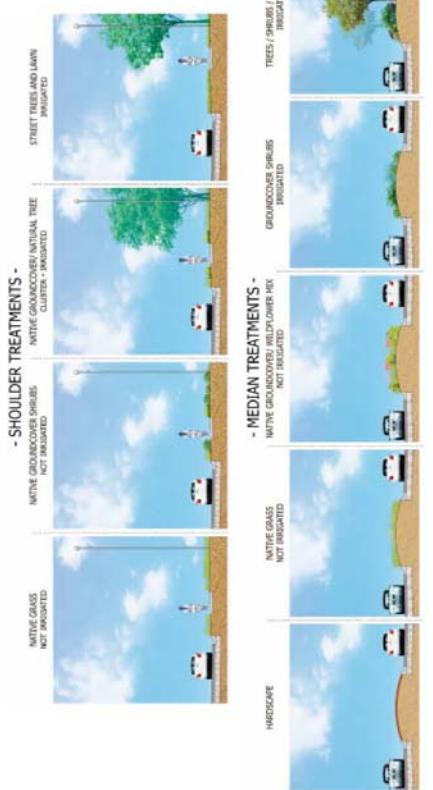
Urban Typical Section and Design Treatments



CROSS SECTION
(ENHANCED LANDSCAPING AND LIGHTING SHOWN)



DESIGN TREATMENTS:



Printed : August 21, 2006
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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, September 11, 2006

TITLE: 2007 Unified Planning Work Program
DEPARTMENT: Planning & Community Services Department
PRESENTED BY: Scott Walker, Transportation Planner

PROBLEM/ISSUE STATEMENT: The Planning Division is presenting the Draft 2007 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization for Council review and recommendation to the Billings Policy Coordinating Committee (PCC). The UPWP is primarily for the purpose of programming the federal dollars Billings receives from the Federal Highway Administration (FHWA) for transportation planning. These funds are passed through the Montana Department of Transportation (MDT). However, all planning activities are included in the UPWP so that it represents a comprehensive document of the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2006, which runs from October 1, 2006 through September 30, 2007.

This UPWP corresponds directly with the Planning Divisions annual work plan. The significant changes in this year's program are, updating the 2005 Transportation Plan to SAFETEA-LU compliance, adding a second Transportation Planner to staff, completing the Lockwood Transportation Study, as well as several neighborhood studies; the document is consistent with past programs. A copy of the UPWP is on file in the City Clerk's office if council members wish to review it.

ALTERNATIVES ANALYZED: Accept the plan (recommended) and instruct the Mayor to give a positive recommendation to PCC; or reject the plan and instruct the Mayor to give a negative recommendation to PCC. The PCC meeting is tentatively scheduled for September 27th.

FINANCIAL IMPACT:	\$331,256	City of Billings-Planning Department Revenue
	\$276,351	Yellowstone County - Mill Levy
	<u>\$1,111,244</u>	Federal Planning (PL) Allocation
	\$1,718,851	Total Program (UPWP)

RECOMMENDATION

Staff recommends that Council approve the Draft 2007 UPWP and authorize the Mayor to take this recommendation to the Policy Coordinating Committee meeting.

Approved by: City Administrator_____ City Attorney_____

ATTACHMENT

A. 2006 Unified Planning Work Program (UPWP) – 50 Pages.

INTRODUCTION

The Unified Planning Work Program (UPWP) is developed each year by the Planning Division and includes a task-by-task discussion of projects that will be undertaken during the program year by the Division. The UPWP contains appropriate funding, budget and staffing information, and a schedule for each project proposed in the program.

BACKGROUND

As federally mandated, the Billings Urban Area Transportation Planning Process is conducted in a cooperative, coordinated, and comprehensive manner. The Yellowstone County Board of Planning, as the designated Metropolitan Planning Organization (MPO), is charged with the responsibility of administering this planning process. Under federal regulation an MPO must be established for urban areas with populations greater than 50,000 in order to receive and spend federal funds for construction projects and transportation planning.

Ultimately, this UPWP requires approval of both the MDT and FHWA; however, our local PCC must first approve it. The PCC is the local approving body for documents such as this and includes the following members:

1. Mayor, City of Billings
2. Chair, Board of County Commissioners
3. President, Board of Planning
4. District Administrator, MDT-Billings
5. Division Administrator, FHWA

Members of PCC bring the recommendation of their organization to the meeting and a vote is taken.

The UPWP undergoes a comprehensive review at the local, state, and federal levels every year and once adopted, is in effect from October 1 to September 30.

RECOMMENDATION

Staff recommends that Council approve the Draft 2007 UPWP and instruct the Mayor to bring this recommendation with him to the Policy Coordinating Committee meeting.

ATTACHMENT

A. 2007 Unified Planning Work Program (UPWP) – 50 Pages.

Billings Urban Area

Unified Planning Work Program

(UPWP)

Federal Fiscal Year

DRAFT

2007

Prepared By:

Billings/Yellowstone County Planning Department
4th Floor, Parmly Billings Library
510 North Broadway
Billings, Montana 59101

In Cooperation With:

Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration

UNIFIED PLANNING WORK PROGRAM

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INTRODUCTION

The Billings Urban Area planning process is organized and conducted in a cooperative, coordinated, and comprehensive manner. The Yellowstone County Board of Planning, as the designated Metropolitan Planning Organization (MPO), is charged with the responsibility of administering the planning process. Under federal regulation an MPO must be established for urban areas with populations greater than 50,000 in order to receive federal funds for construction projects and transportation planning. This document, the Billings Urban Area Unified Planning Work Program (UPWP), and a companion document, the Prospectus, is the foundation upon which the planning process is based.

The Unified Planning Work Program (UPWP) is developed each year, and once adopted, is in effect from October 1 to September 30. The UPWP contains a task by task discussion of projects, which are to be undertaken during the program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP undergoes a comprehensive review at the local, state, and federal levels each year.

This year, Federal Fiscal Year 2007, the format for work program activities conforms to Federal Transit Administration (FTA) Circular 8100.1B, specifically Chapter IV. The Montana Department of Transportation and the Yellowstone County Board of Planning have mutually agreed upon use of this format.

The Prospectus is a detailed description of projects, which occur on a routine basis. Once adopted, the Prospectus is only amended if there is a change in the planning process. The Prospectus also contains information pertaining to the organization of the planning process, agencies involved, and agreements between agencies involved in the process.

Cost overrun guidelines have been established by the Montana Department of Transportation, and agreed to by the Yellowstone County Board of Planning. Those guidelines will determine the allowable overruns for any work program element. Overruns that surpass those outlined in the guidelines will require a UPWP amendment.

This document includes two chapters, Highway and Transit. Each chapter contains individual work elements. These work elements describe work the planning staff will undertake in the program year as well as work accomplished in the past year. Also included is a breakdown of funding sources which include, Planning (PL) funds and Local (City & County) funds which are used to match the PL funds.

DATES OF LOCAL APPROVAL

TAC – 8/21/06

PLANNING BOARD – 8/22/06

COUNTY COMMISSION –

CITY COUNCIL –

PCC –

CHAPTER I

YELLOWSTONE COUNTY BOARD OF PLANNING

SECTION I UNIFIED PLANNING WORK PROGRAM

41.11.100 PROGRAM SUPPORT & ADMINISTRATION

100 PROGRAM ADMINISTRATION (4301)

OBJECTIVE

- To administer the area-wide planning process.
- To support the Board of Planning and other Boards, Commissions, and the City Council and County Commissioners in their decision-making activities in the planning process.
- To engage in administrative and financial actions related to identified planning activities and to prioritize those activities.
- To upgrade staff skills and maintain staff exposure to the "state-of-the-art" in planning methodology and computer software.
- To maintain contact with, provide input to, and receive feedback from various local, state and federal agencies, committees and groups during the planning process.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Conformance with federal, state and local administrative and regulatory requirements as well as maintenance of the planning operation.

Members of the planning staff attended various professional meetings, workshops, and conferences at which planning, transportation, transit, bicycle/pedestrian and related topics were presented and discussed.

Specifically, the City/County (C/C) Planning Department and members of other local, state and federal departments and agencies actively participated in a diversity of meetings including the Billings Technical Advisory Committee (TAC), Policy Coordinating Committee (PCC), Billings & Yellowstone County Zoning Commissions and Boards of Adjustment, Board of Planning, Public Utilities, Transportation Boards, Community Development Board, Traffic Control Board, as well as others. The Planning Department also contracted out for grant writing services. The CTEP program was administered from this work element.

Members of the planning staff were trained in computer software programs for the geographic information system and its application to mapping data layers such as streets, land use, address, ownerships and environmental data. Staff also migrated to an application tracking software that integrates the existing City building permit, finance and land management software. Staff has also provided assistance in updating the City Annexation Policy.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

All administrative functions of the C/C Planning Department will be performed under this work element. Program management activities will include, but not be limited to the following:

1. Correspondence
2. Public Relations
3. Employee Guidance & Supervision
4. Program Organization
5. Consultant Liaison
6. Staff Meetings
7. Negotiations
8. Preparation of Contracts
9. Staff Training

The planning staff will also review, update and produce numerous documents, guidelines, regulations, legislation, and codes as well as keep abreast of federal and state requirements as they relate to the overall planning processes. Staff will update the PL & Memorandum of Agreement as necessary. Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation (MDT) in order to maintain federal funding support. The FY 2007 UPWP will be continually appraised and monitored in terms of content and budget allocations and will be revised when deemed necessary. The Fiscal Year 2008 UPWP will be developed under this work element.

General administrative activities will include maintenance of files, library documents, daily correspondence and preparation of necessary periodic reports. Interagency committee participation is included in this work element. The Board of Planning, Board of County Commissioners and City Council will be kept informed of the activities of the staff and its progress in completing the approved UPWP.

The planning staff will participate in recognized and approved training programs in order to improve staff skills and capabilities. Planning expertise will be maintained through enrollment in appropriate planning and transportation-related courses at area colleges, workshops, seminars, and conferences. Staff will adapt software programs to effectively utilize traffic data and continue computer-training programs. The use of PL funds for out-of-state travel and/or registration fees for the above or other purposes will continue to be subject to prior approval of MDT.

All staff members will continue to participate in and encourage increased cooperation between state and local agencies, departments and governing bodies. The C/C Planning Department will serve both as a coordinator of and a participant in meetings and on committees. The Community Transportation Enhancement Program (CTEP) administration will be funded through this work element and our Alternate Modes Coordinator will continue as a permanent part-time position. The C/C Planning Department will transfer funds to the Cities Community Services Department for grant writing services.

C/C Planning Department involvement will include participation with such agencies as the Housing Authority, BSEDA, Air Pollution Control Board, legislative study committees, and other agencies. Staff will also continue an intern program; oversight of these individuals will take place in this work element. Staff will also begin to update the Public Involvement Program and the Memorandum of Agreement. One computer and 1 printer will be purchased for the new Transportation Planner. Trail maps will be reprinted.

STAFFING

24.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

The Planning Department will be responsible for administering the area-wide planning process for the City and County.

PRODUCT

An ongoing administrative program focused primarily at effective and expeditious implementation of this UPWP.

The continual enhancement of the Planning Department staff skills and knowledge.

Maintenance of a coordinated, comprehensive, and cooperative planning process that is endorsed and supported by the local community.

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$142,500	\$95,000	\$237,500
TOTAL	\$142,500	\$95,000	\$237,500 *

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	55	45	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL**	LOCAL	TOTAL
MPO	\$144,100	\$117,900	\$262,000
TOTAL	\$144,100	\$117,900	\$262,000*

* This total includes \$6,000 inter-agency agreement with Community Services Department for grant writing service and one computer & 1 printer totaling \$6,500.

**The matching ratio is Federal PL--86.58% and State match-13.42%.

*** \$6,000 reprint of Trail Maps.

101 SERVICE (4302)

OBJECTIVE

- To coordinate the dissemination of information and exchange of ideas between planning agencies and the interested public, decision-makers, and other departments, agencies, and organizations.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Members of the planning staff were involved in a wide range of service tasks. Planning services included presentations related to roadways and alternative transportation, responding to citizen inquiry and complaints regarding streets, subdivision layout, site distance, zoning request, conformance with the 2000 & 2005 Transportation Plan and the Heritage Trail Plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

Continue increasing community awareness of the interrelationships between land use development and transportation needs through dissemination of information as appropriate. A new website facility will be introduced this year allowing web browsers to access information on upcoming planning activities, board and commission meetings, and recent land use applications.

STAFFING

4.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

As Assigned.

PRODUCT

A responsive and flexible planning process and staff capable of providing short-term findings and recommendations.

FUNDING SCHEDULE - SERVICE**FUNDS PROGRAMMED - FISCAL YEAR 2006****FUNDING SOURCE**

AGENCY	PL	LOCAL	TOTAL
MPO	\$14,500	\$14,500	\$29,000
TOTAL	\$14,500	\$14,500	\$29,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2007**FUNDING SOURCE**

AGENCY	PL*	LOCAL	TOTAL
MPO	\$16,500	\$16,500	\$33,000
TOTAL	\$16,500	\$16,500	\$33,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

102 CITIZEN INVOLVEMENT (4303)

OBJECTIVE

- To solicit information concerning community values and goals and to receive community input into the development of plans.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Numerous meetings with service clubs, civic groups, and professional organizations were attended by staff members to discuss all facets of local planning. The Planning Board uses extensive public input to review and receive comments on a wide range of planning issues throughout the County. Numerous meetings of neighborhood task force organizations and neighborhood councils were also attended to review and advise on Long-range planning issues and code enforcement. Staff monitored the public input process for geographic neighborhood updates and creation of neighborhood plans. Staff developed and has begun implementing a Public Outreach Plan that specifies standards to be applied to all public involvement processes.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

Meetings with various citizen groups will be coordinated and attended for the purpose of soliciting information and ideas on a broad range of planning issues within the Billings Urban Area and throughout Yellowstone County this would include development and revisions of Neighborhood Plans. Title VI issues and any updates to the program will be addressed as necessary.

The public hearing and citizen involvement process outlined in our Public Outreach Plan will be utilized to solicit public input and comment on the development of various planning documents at all planning related public meetings. Other regulatory documents including zoning code and subdivision regulation revisions and implementation of the guiding documents such as the Transportation Plan, Blue Creek, Southside, North Park and Garden Avenue Neighborhood plans will be subject to the Outreach Plan standards. The standards are designed to increase the level of public involvement during neighborhood planning activities.

STAFFING

4.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

A comprehensive and coordinated solicitation of public opinions in order to accurately reflect the preferences and priorities of the Billings Urban Area citizens.

FUNDING SCHEDULE - CITIZEN INVOLVEMENT

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$16,000	\$16,000	\$32,000
TOTAL	\$16,000	\$16,000	\$32,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$18,000	\$18,000	\$36,000
TOTAL	\$18,000	\$18,000	\$36,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.12.200 GENERAL DEVELOPMENT & COMPREHENSIVE PLANNING

200 SOCIO-ECONOMIC DATA (4304)

OBJECTIVE

- To maintain records and make projections of population and dwelling unit data, land use information, employment data, and to maintain adequate financial records, files and reports.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Census information updated and placed in various appropriate databases. Data gathered and updated included:

- Building Permits, Demolition Permits, Electrical Permits, Subdivision Applications, Zoning Applications, Special Reviews, Variances, annexation data, population trends, land use trends, school enrollment, employment data and general economic indicators.

The planning staff reviewed the 2000 Census figures and recent updates. Staff will be utilizing updated 2000 census data and business license data to monitor and project demographic trends.

Information on the updated 2000 Census was made available to various local agencies and organizations and to the general public. Staff also participated in the “Rapid Response” team led by BSEDA to provide socio-economic information to prospective business recruits to the community, as well as other organizations such as the Elderly Housing Board.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

Automation and continued maintenance and update of socio-economic data for both transportation and comprehensive planning activities. Census data will continue to be updated and cataloged; staff will work with the Census Bureau to accomplish this. Staff will correlate socio-economic data with development information in the neighborhood plan development. Also work will be continued with the Big Sky Economic Development Authority (BSEDA) on several Tax Increment Finance Districts and development of educational information.

STAFFING

5.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Various reports, files, and projections of socio-economic data necessary for current transportation and comprehensive planning activities, neighborhood plans, urban renewal plans, as well as support of City/County economic development activities.

FUNDING SCHEDULE - SOCIO-ECONOMIC DATA

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$20,000	\$20,000	\$40,000
TOTAL	\$20,000	\$20,000	\$40,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$22,000	\$22,000	\$44,000
TOTAL	\$22,000	\$22,000	\$44,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

201 GIS/LAND USE INVENTORY (4305)

OBJECTIVE

- To develop and maintain a Geographic Information System (GIS) for Yellowstone County, and to maintain current mapping within the GIS for countywide land use. This information will be used in developing land use and transportation plans.
- To provide current, accurate information pertaining to the quantity of residential, commercial, industrial, and public land in the County.
- To summarize and analyze development trends and to provide visual information to the City Council, County Commission, Planning Board and the public during the public input process for transportation and land-use decision making.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Several datasets, including the general land use map of the County were updated so as to maintain an inventory of existing conditions. This information was utilized in various planning studies and provided to other departments and the general public. Zoning data for the entire City and County zoning jurisdictions were updated to produce neighborhood land use and zoning maps and provided to neighborhood task force groups. Numerous other special purpose maps were prepared for meeting purposes including bicycle trail maps, annexation maps, and project influence areas. The zoning atlas was updated. Planning Department upgraded in-house GIS capability by upgrading two ArcMap (ESRI) license and training staff. A customized ArcGIS application was also developed for zoning, annexation and subdivision review purposes. Natural resource, Census 2000 and jurisdictional boundary information were updated or developed. A centerline street network layer and asset inventory was completed with other City and County Departments. Traffic count station locations were geo-positioned and linked with the City-County traffic count matrix.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

Property information and building data will be utilized as derived from the City Building Department, County Clerk and Recorder and Assessor's Office, and Montana Department of Revenue. The comprehensive, integrated database and computer mapping system will be intensively utilized by the planning staff. Various GIS databases will continue to be developed and centrally maintained, including information on neighborhoods, community assets, route planning, trail systems and transportation plans. The GIS software will be upgraded and expanded to ensure compatibility with available datasets and utilize the existing data sets more effectively. Staff will continue to support a stereo-imaging project to inventory right-of-way assets.

STAFFING

4.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

An ongoing GIS database/mapping system for Yellowstone County and stereo-imagery for the rights-of-way within the Urban Planning Area.

FUNDING SCHEDULE - GIS/LAND USE INVENTORY

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$17,000	\$17,000	\$34,000
TOTAL	\$17,000	\$17,000	\$34,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$19,000	\$19,000	\$38,000
TOTAL	\$19,000	\$19,000	\$38,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

202 COMPREHENSIVE PLANNING (4306)

OBJECTIVE

- To recommend implementation of the goals and policies of the adopted 2003 Yellowstone County/City of Billings Growth Policy.

ACCOMPLISHMENTS - FISCAL YEAR 2006

The planning staff completed the process of revising the Yellowstone County Comprehensive Plan, the document is now referred to as the Yellowstone County – City of Billings 2003 Growth Policy. The Growth Policy identifies County issues and proposes strategies to address those issues within the next five years.

Implementation of the West Billings Plan and Growth Policy began with the preparation of a fiscal analysis for implementation, adoption of the Shiloh Corridor Overlay Zoning District, and revisions to the Subdivision Regulations. A transportation study is underway as recommended by the Lockwood Neighborhood Plan. Several ongoing transportation projects are in design and engineering phase as recommended by the Heights Neighborhood Plan. A revised Annexation Policy was developed, and adopted.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

The planning staff, under the direction of the Board of Planning, will continue to work on long-range planning projects according to the priorities established by both the City of Billings and Yellowstone County. In particular, maintaining the Growth Policy as a high priority. The Growth Policy recommends developing neighborhood plans that specifically address land use, transportation, recreation and capital improvement needs. Neighborhood plans for Southside, North Park, Highland Park, Blue Creek and Garden Avenue will be developed this year. An emphasis will be placed on traffic flow, traffic calming issues and alternative modes.

STAFFING

20.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

A completion of the Southside, North Park and Highland Neighborhood Plans and development of Blue Creek and Garden Avenue Neighborhood Plans. The intent is to provide for the orderly, managed, and cost-effective growth and development of Yellowstone County, and to meet the statutory requirements of the Montana Code.

FUNDING SCHEDULE - COMPREHENSIVE PLANNING

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$46,800	\$70,200	\$117,000
TOTAL	\$46,800	\$70,200	\$117,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	40	60	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$52,000	\$78,000	\$130,000
TOTAL	\$52,000	\$78,000	\$130,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

203 SPECIAL ISSUES & AREAS (4307)

OBJECTIVE

- To respond to the need to address in greater detail, issues or problem areas which are identified through the Transportation/Comprehensive planning process.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Work was accomplished in areas of rural transportation and land planning outside the scope of the Growth Policy, in particular, the Inner Belt Loop Study and the West Billings Flood Hazard Study. Staff continues to implement the Downtown Framework Plan including alternative route, aesthetics and pedestrian improvements for the City of Billings. A County Decay Ordinance was drafted and adopted. Staff also continued work on implementing infrastructure improvements for the Gateway Business Park area.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

This work element is specifically reserved for those projects identified as needs but were not addressed in long-range, comprehensive plans. Project priority is given to those projects identified in the Growth Policy. The West Billings Flood Hazard Assessment is one such project that is currently underway. This project will identify flood hazards that would impact the transportation system, future commercial and residential development alternative mode corridors. Staff will continue to address strategies identified in the Growth Policy. Staff will identify other projects as deemed appropriate by the Planning Board, City Council and County Commission, and begin the necessary evaluation and recommendation process.

STAFFING

6.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Reports, regulation changes or plans relating to a specific issue or area.

FUNDING SCHEDULE - SPECIAL ISSUES & AREAS

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$13,200	\$30,800	\$44,000
TOTAL	\$13,200	\$30,800	\$44,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$14,700	\$34,300	\$49,000
TOTAL	\$14,700	\$34,300	\$49,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

204 ZONING ADMINISTRATION (4308)

OBJECTIVE

- To oversee, interpret and enforce current City and County zoning regulations.
- To effectively administer the regulations and provide efficient service to the elected officials and the public.

ACCOMPLISHMENTS - FISCAL YEAR 2006

During the past year, all applications for zone changes, special reviews, variances, and planned developments were reviewed and processed by the planning staff. Reports and recommendations were prepared on each case to the various boards, commissions, and governing bodies. Digital photos are now incorporated into all zoning reports and Microsoft Powerpoint presentations are given to all board and commissions. All applications for building permits were also reviewed for compliance with City and County zoning regulations. Special zoning studies and ordinance updates were prepared as requested by the governing bodies. A significant amount of time is also spent assisting the public with general zoning questions.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

The intent of this element is to carry out the day to day activities required to effectively administer the zoning regulations. This will include ordinance updates as required. All zone change applications will be reviewed for compliance with local plans. Special review applications will be reviewed for land use compatibility, traffic, access, and overall site design. Traffic accessibility studies will be reviewed when required. Also, staff will work with County residents to create citizen petitioned zoning districts when requested. The signage element of the zoning code will be revised along with the Planned Unit Development component. Staff will also revise the Sign Code. Staff will continue to look at expansion of the zoning jurisdiction. The position of Zoning Coordinator will be upgraded to a Planner III in recognition of the supervisory responsibilities of this position.

STAFFING

17.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Effective zoning regulations and administration for the City of Billings and Yellowstone County. Effective enforcement of the zoning regulations for Yellowstone County.

FUNDING SCHEDULE - ZONING ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$29,800	\$119,200	\$149,000
TOTAL	\$29,800	\$119,200	\$149,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	20	80	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$32,000	\$128,000	\$160,000
TOTAL	\$32,000	\$128,000	\$160,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

205 SUBDIVISION ADMINISTRATION (4309)

OBJECTIVE

- To maintain the current city and county subdivision regulations.
- To effectively administer the regulations and provide efficient service to the elected officials and the public.

ACCOMPLISHMENTS - FISCAL YEAR 2006

The Board of Planning and the planning staff reviewed all preliminary major and minor plat applications. Numerous conceptual and pre-application meetings were coordinated and attended by staff. All final plats were reviewed and processed. Also, a significant amount of time is spent assisting the public with general subdivision questions. Revisions to the City and County Subdivision Regulations were completed.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

To carry out the day to day activities required to effectively administer the subdivision regulations, and to keep the regulations current. All subdivision applications will be reviewed for compliance with local and state subdivision law, and for compliance with the Billings Area Transportation Plan. Traffic accessibility studies and general circulation data will be reviewed when a subdivision application is submitted. Additional revisions to the City and County Subdivision Regulations may be required as a result of legislated changes.

STAFFING

17 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

An effective subdivision review process with regard to local and state law, the Growth Policy, and the Billings Area Transportation Plan.

FUNDING SCHEDULE - SUBDIVISION ADMINISTRATION**FUNDS PROGRAMMED - FISCAL YEAR 2006****FUNDING SOURCE**

AGENCY	PL	LOCAL	TOTAL
MPO	\$37,500	\$87,500	\$125,000
TOTAL	\$37,500	\$87,500	\$125,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2007**FUNDING SOURCE**

AGENCY	PL*	LOCAL	TOTAL
MPO	\$40,500	\$94,500	\$135,000
TOTAL	\$40,500	\$94,500	\$135,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.13.300 LONG RANGE TRANSPORTATION PLANNING

300 TRANSPORTATION SYSTEM DATA (4310)

OBJECTIVE

- To develop and maintain current transportation system data files and records.

ACCOMPLISHMENTS - FISCAL YEAR 2006

The traffic count program for FY 2006 was completed. Travel times/delay/speed studies were completed, calculations computed, and level-of-service values determined. Staff participated in the update of the City of Billings Capital Improvement Program (CIP). Accident information was compiled and analyzed. A Traffic Technician position was funded, also.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

The traffic count program for the Billings Urban Area as well as the Yellowstone County influence area will be conducted and the appropriate data recorded during FY 2006. All traffic count data will be submitted to the MDT by February 1, 2006. Accident data will be compiled and analyzed to determine high hazard locations. Staff will update, where appropriate, the City's Capital Improvement Program. The Traffic Technician position will continue to be funded in the Engineering Department. Stereo-imaging of street rights-of way will be maintained. Staff will collect and maintain bike/pedestrian information through the trail census. The position of Transportation Planner will be reclassified to a Planner III and a new position will be created to assist the Transportation Planner in acquiring traffic Data, administering the CTEP program and modeling traffic conditions related to new developments and transportation system changes. Staff will purchase Traffic Count equipment.

STAFFING

- 6.5 Staff Months – City/County Planning
- 4.0 Staff Months – City/County Planning (Seasonal)
- 11.0 Staff Months - City Engineering (Contract Position)

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning/MDT

PRODUCT

Documentation as necessary, support of transportation grant programs, transportation system modeling and updated Traffic Count Program.

FUNDING SCHEDULE - TRANSPORTATION SYSTEM DATA

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$116,500	0	\$116,500
TOTAL	\$116,500	0	\$116,500

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$136,000	0	\$136,000
TOTAL	\$136,000	0	\$136,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

** \$10,000 budgeted for Traffic Count Equipment.

301 TRANSPORTATION PLAN (4311)

OBJECTIVE

- Develop (where necessary) and maintain data for the urban area in order to effectively monitor and evaluate the validity of the 2005 Transportation Plan.

ACCOMPLISHMENTS - FISCAL YEAR 2006

The planning staff completed work on the 2005 Transportation Plan. The Transportation Efficiency Act of 1998 (TEA-21) was reviewed, and numerous meetings were attended by staff to discuss implications and federal guidance. Development projects were reviewed for compliance and implementation of the Transportation Plan as well as the Heritage Trail Plan. The Heritage Trail Plan was revised to eliminate conflicts with private property rights concerns and establish a procedure to update the Plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

Staff will again go through an administrative update of the 2005 Transportation Plan to incorporate requirements of SAFETEA-LU. This update will be completed by July 2007. PL funds are budgeted to fund approximately $\frac{1}{4}$ of the Shiloh Road Corridor coordinator/liaison position to help facilitate the timely expansion of the Shiloh Road project. The Heritage Trail Plan may also be subject to revisions due to concerns for property rights and trail location priorities.

STAFFING

6.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Current updated Transportation Plan.

FUNDING SCHEDULE - TRANSPORTATION PLAN

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$49,000	0	\$49,000
TOTAL	\$49,000	0	\$49,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$80,000	0	\$80,000
TOTAL	\$80,000	0	\$80,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

** \$3,000 budgeted for Shiloh Road Project Coordinator.

302 PLANNING STUDIES (4312)

OBJECTIVE

- To update and develop site-specific plans and transportation studies where appropriate.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Work was largely completed on the Inner Belt Loop Planning Study. Preliminary work is being done on the Lockwood Transportation Study.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

The MPO will undertake several individual transportation related planning studies on a site-specific basis including the Old Hardin Road Corridor (Lockwood Transportation Study), others may include, Garden Avenue, Briarwood and Main Street Corridor studies. These studies will include, but not limited to, land use, property ownership, alignments, and bicycle and pedestrian accommodations.

STAFFING

5.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Completed Urban Area wide Transportation Studies

FUNDING SCHEDULE – PLANNING STUDIES

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$45,000	\$30,000	\$75,000
TOTAL	\$45,000	\$30,000	\$75,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	60	40	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$51,000	\$34,000	\$85,000
TOTAL	\$51,000	\$34,000	\$85,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.15.500 TRANSPORTATION IMPROVEMENT PROGRAM

500 TRANSPORTATION IMPROVEMENT PROGRAM (4313)

OBJECTIVE

- To maintain a viable five-year program of transportation improvements for the Billings Urban Area.

ACCOMPLISHMENTS - FISCAL YEAR 2006

A Transportation Improvement Program (TIP) update was produced to reflect current project status. Determinations were prepared for conformity to the Clean Air Act.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

The Transportation Improvement Program (TIP) will be updated to reflect current project status. A certification statement will be included, as appropriate, to conform to the planning regulations. Based on the Transportation Plan, projects will be evaluated and ranked in accordance with the Priority Ranking Procedures, and in accordance with consistency/conformity procedures. Necessary data will be gathered from primary and secondary sources by the planning staff based upon the Memorandum of Understanding with the City of Billings Public Works Department, establishing areas of data responsibility.

Conformity determinations will be prepared as necessary to ensure conformity with the Clean Air Act. Compliance with the new requirements of the SAFETEA-LU reauthorization will also be considered.

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

A current transportation improvement program which reflects conformity with SAFETEA-LU, the Clean Air Act, and local priorities.

FUNDING SCHEDULE - TRANSPORTATION IMPROVEMENT PROGRAM

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$20,000	0	\$20,000
TOTAL	\$20,000	0	\$20,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$22,000	0	\$22,000
TOTAL	\$22,000	0	\$22,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.16.600 SPECIAL PROJECTS

600 ENVIRONMENTAL CONSIDERATIONS (4314)

OBJECTIVE

- Maintain current records of monitored air pollution levels and obtain other environmental data as necessary.
- Review proposed development and transportation system improvements with respect to environmental considerations.

ACCOMPLISHMENTS - FISCAL YEAR 2006

Air quality monitoring information was obtained from the County Air Pollution Control Board. Air quality mapping for the State Air Quality Bureau was revised. The Congestion Mitigation Air Quality (CMAQ) program was implemented. Staff continues to monitor carbon monoxide (CO) information in the Urbanized Area.

The Socio-Economic and Environmental (SEE) effects guidelines were used to review proposed developments and transportation system improvements.

PROPOSED ACTIVITIES - FISCAL YEAR 2007

The planning staff will continue to utilize the SEE effects guidelines to evaluate all major development proposals in terms of transportation systems. This would include the CMAQ program. Work will continue to maintain the Billings air quality designation. Staff will work with local refineries to target project eligibility under the DEQ funds spent in the community.

STAFFING

2.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Current environmental data as necessary, as well as a comprehensive planning and transportation planning process which substantially addresses the socio-economic and environmental consequences associated with growth and development.

FUNDING SCHEDULE - ENVIRONMENTAL CONSIDERATIONS

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$20,000	0	\$20,000
TOTAL	\$20,000	0	\$20,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$22,000	0	\$22,000
TOTAL	\$22,000	0	\$22,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.17.700 OTHER ACTIVITIES

700 CONTINGENCY (4315)

OBJECTIVE

- To provide for the accounting of available un-programmed funds in the current UPWP.

ACCOMPLISHMENTS - FISCAL YEAR 2006

N/A

PROPOSED ACTIVITIES - FISCAL YEAR 2007

This work element will be utilized for accounting purposes only. No specific work activity will be charged to this work element.

STAFFING

N/A

FUNCTIONAL AGENCY RESPONSIBILITY

N/A

PRODUCT

N/A

FUNDING SCHEDULE - CONTINGENCY

FUNDS PROGRAMMED - FISCAL YEAR 2006

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$96,745	0	\$96,745
TOTAL	\$96,745	0	\$96,745

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2007

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$441,444	0	\$441,444
TOTAL	\$441,444	0	\$441,444

*The matching ratio is Federal PL--86.58% and State match-13.42%.

SECTION II -- FUNDING

TABLE I
FUNDING SUMMARY
FEDERAL FISCAL YEAR 2007

WORK ELEMENT	FUNDING SOURCES FY 2007		
	PL*	LOCAL	EST. COST
100 Administration	\$144,100	\$117,900	\$262,000
101 Service	16,500	16,500	33,000
102 Citizen Involvement	18,000	18,000	36,000
200 Socio-Economic	22,000	22,000	44,000
201 GIS/Land Use/Pl. Studies	19,000	19,000	38,000
202 Comp Planning	52,000	78,000	130,000
203 Special Issues	14,700	34,300	49,000
204 Zoning	32,000	128,000	160,000
205 Subdivision	40,500	94,500	135,000
300 Transportation System	136,000	0	136,000
301 Transportation Plan	80,000	0	80,000
302 Planning Studies	51,000	34,000	85,000
500 T.I.P.	22,000	0	22,000
600 Environmental	22,000	0	22,000
700 Contingency	441,444	0	0
TOTAL	1,111,244.00	\$562,200.00	\$1,673,444.00

*The matching ratio is Federal PL--86.58% and State match-13.42%.

TABLE II
FUNDING COMPARISONS

Q. WORK ELEMENT	FY 2007 ESTIMATED COST	FY 2006 ESTIMATED COST
100 Administration	\$262,000	\$237,500
101 Service	33,000	29,000
102 Citizen Involvement	36,000	32,000
200 Socio-Economic Data	44,000	40,000
201 GIS/Land Use	38,000	34,000
202 Comprehensive Planning	130,000	117,000
203 Special Issues & Areas	49,000	44,000

204 Zoning Administration	160,000	149,000
205 Subdivision Administration	135,000	125,000
300 Transportation System Data	136,000	110,000
301 Transportation Plan	80,000	49,000
302 Planning Studies	85,000	75,000
500 T.I.P.	22,000	20,000
600 Environmental Considerations	22,000	20,000
700 Contingency	441,444	96,745
TOTAL	\$1,673,444.00	\$1,178,245.00

TABLE III
FUNDING PERCENTAGES FEDERAL FISCAL YEAR 2007

WORK ELEMENT	RECIPIENT	PL	LOCAL	TOTAL
100 Administration	MPO	55	45	100
101 Service	MPO	50	50	100
102 Citizen Inv.	MPO	50	50	100
200 Socio-Econ. Data	MPO	50	50	100
201 GIS/Land Use Inv.	MPO	50	50	100
202 Comp. Planning	MPO	40	60	100
203 Special Issues & Areas	MPO	30	70	100
204 Zoning Administration	MPO	20	80	100
205 Subdivision Admin.	MPO	35	65	100
300 Trans. System Data	MPO	100		100
301 Transportation Plan	MPO	100		100
302 Planning Studies	MPO	60	40	100
500 T.I.P.	MPO	100		100
600 Environmental	MPO	100		100
700 Contingency	MPO	100		100

TABLE IV
STAFF MONTHS BY WORK ELEMENT FISCAL YEAR 2007

WORK ELEMENT	DIRECTOR (Vacant)	PLANNER III (Walker)	PLANNER II (Vacant)	PLANNER I (Green)	PLANNING MANAGER (Beaudry)	PLANNER II (Lindstrand)	PLANNER II (Mattox)	CLERK (Deines)	PLANNER II (Spalding)	PLANNER II (Friday)	PLANNER III (Cromwell)	BIKE/PED. (Tussing)	TOTAL M.M.
100	5.5	2.5	1	1	4	1	.5	2	.5	.5	1	4.5	24
101	.5		.5			.5	1		.5	.5	1		4.5
102	.5		.5		.5	.5	1		1	.5			4.5
200	.5			2	1.5					1			5
201	.5		.5		1.5	.5	.5			.5			4
202	2		1	1	1	2	7	1	2.5	1.5	1		20
203					.5	2	.5	.5	1	1	.5		6
204			.5	4.5	.5	1.5		3.5	1.5	.5	5		17.5
205			.5	1.5	1.5	3	.5	1.5	4	2.5	2		17
300		2.5	2	.5				.5		1		2	8.5
301	.5	3	2					.5		.5			6.5
302	.5	1	1.5	.5				.5		1	.5		5.5
500	.5	1	.5					.5					2.5
600		1	.5					.5					2
TOTAL	11	11	11	11	11	11	11	11	11	11	11	6.5	127.5

*This table indicates approximately how many man months individual staff members work in each work element.

R.

OTHER STAFF		
WORK ELEMENT	CITY TRAF. TECHNICIAN	SEASONAL TRAFFIC COUNTER
300	11	4
TOTAL	11	4

SECTION III

INDIRECT COST PLAN

INTRODUCTION

The Office of Management and Budget Circular A-87 "Cost Principles for States and Local Governments" is used as governing criteria for establishing the allowed costs.

IDENTIFICATION OF COSTS

The costs are delineated below by type:

DIRECT	INDIRECT	BENEFITS
Salaries & Wages	Maintenance	FICA
Legal Notices	Reproduction	PERS
Travel	Supplies	Workmen's Compensation
Printing	Postage	Accident Insurance
Training	Subscriptions	Health Insurance
Consultants	Telephone	Sick Leave
Equipment	Utilities	Vacation
Mileage	Rent	Holidays
Moving/Interview	Audit	Maternity
	Messenger	Military
		Life Insurance
		Dental Insurance

ALLOCATION OF COSTS

Direct costs will be charged to the work program line item to which they apply.

An indirect cost rate of **20%** of the City and County's direct salaries and wages is proposed. The **20%** rate will be applied to the direct wages and salaries of each line item within the work program to cover all indirect expenses.

Benefits will be calculated at a rate of **52%** of the City and County's direct salaries and wages charged to each line item.

FUNDING SOURCES

The degree of participation by each funding agency is based on the pro-rations which have been determined for each line item. Each agency will be billed their share of the total charges made against each line item according to the approved pro-rations.

Funding sources and amounts contained in the UPWP are as follows:

City of Billings	\$331,256
Yellowstone County	\$276,351
PL*	\$1,111,244
TOTAL	\$1,718,851

*The matching ratio is Federal PL--86.58% and State match-13.42%.

SUMMARY

The indirect cost rate is a predetermined fixed rate which is not subject to adjustment. The base period used in determining the rate is the period from July 1, 2005 through June 30, 2006. The calculated rate is applicable to the grant period, which is October 1, 2006 through September 30, 2007.

LIST OF ACRONYMS

ADA	American Disability Act
CAC	Citizen Advisory Committee
CMAQ	Congestion Mitigation Air Quality
CTEP	Community Transportation Enhancement Program
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information System
HPMS	Highway Performance Monitoring System
ISTEA	Intermodal Surface Transportation Efficiency Act
MDT	Montana Department of Transportation
MPO	Metropolitan Planning Organization
PCC	Policy Coordinating Committee
PEP	Private Enterprise Participation
PL	Planning Funds
SAFETEA-LU Users	Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users
TAC	Technical Advisory Committee
TDP	Transit Development Plan
TEA-21	Transportation Equity Act for the 21 st Century
TIP	Transportation Improvement Program
UPWP	Unified Planning Work Program
VMT	Vehicle Miles Traveled
YCBP	Yellowstone County Board of Planning

CHAPTER II

CITY OF BILLINGS TRANSIT DIVISION

SECTION I UNIFIED PLANNING WORK PROGRAM

44.21.00 Program Support and Administration

44.21.01 Program Administration

OBJECTIVE

To provide program support, general administration, grant administration, and training in support of transit planning activities.

ACCOMPLISHMENTS FISCAL YEAR 2006

Conformance with federal, state, and local administrative requirements for maintenance of transit planning function, including development of the Transportation Coordination Plan. Attended training opportunities & enhanced knowledge and skills. Managed FTA Section 5303 grant activities, and prepared transit aspect of UPWP. Participated in TAC and other meetings.

PROPOSED ACTIVITIES FISCAL YEAR 2007

All administrative functions necessary in support of transit planning activities will be performed. Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation, Urban Planning Division to maintain federal funding support. Furthermore, this UPWP will be revised when deemed necessary. The FY 2007 UPWP for transit planning activities will also be developed under this line item.

Staff participates in recognized and approved training programs in order to improve skills and capabilities. Planner will assimilate documents, regulations, and codes to keep abreast of federal, state, and local requirements as they relate to the transit planning process. To maintain interaction and feedback with appropriate citizen and professional groups, staff will participate

with the TAC and citizen advisory boards and others as needed. Grant administrative functions will also be performed.

STAFFING

220.0 Transit Planner Staff Hours
44.0 Clerical Support Staff Hours
33.0 Transit Manager Staff Hours

297.0
Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City Transit Division

PRODUCT

An ongoing administrative program to carry out the transit planning function.

FEDERAL PROGRAM PARTICIPATION

Federal Transit Act Section 5303 Metropolitan Planning Grant

FUNDING SCHEDULE - 44.21.01

Expenditures	Local	FTA	Total
Programmed FY 06	\$2,232	\$8,928	\$11,160
Estimated FY 2007	\$3,138	\$12,551	\$15,689

44.24.00**Short Range Transportation Planning**

44.24.01

New Transportation Service Evaluation and Analysis

OBJECTIVE

To facilitate considerations of means to ensure that citizens will have acceptable public transportation alternatives in the future, including during times of constrained financial resources.

ACCOMPLISHMENTS FISCAL YEAR 2006

Updated projections of future revenues and expenses. Assisted with annual and out-year budget and financial resources analysis, including multi-year spreadsheets. Arranged for a variety of on-going data gathering and analysis efforts to monitor system, including the continued installation of GPS units on buses. Identified the operating and capital needs required to ensure reliable fleet and effective system functioning and assisted with preparation of related grant applications, grant revisions, and budget documents. Considered farebox and other revenue changes.

PROPOSED ACTIVITIES FISCAL YEAR 2007

Continuation of activities undertaken in FY 2006 including arranging and assisting with financial analysis and planning and assessing future capital and operating requirements. Consider any possibly needed service modifications, with assistance of consultant as appropriate, including means to continue addressing needs with fewer resources. Assist with consultant-assisted planning effort on downtown transfer center, including continued public and stakeholder involvement and input opportunities.

STAFFING

655.0 Transit Planner Staff Hours
131.0 Clerical Support Staff Hours
163.8 Transit Manager Staff Hours

949.8 Total Staff Hours

PRODUCT

Identification of and plans for efficient and effective transit service for the future, such as financial and capital analyses and possible system modifications.

FUNCTIONAL AGENCY RESPONSIBILITY

City Transit Division

FEDERAL PROGRAM PARTICIPATION

Federal Transit Act Section 5303 Metropolitan Planning Grant

FUNDING SCHEDULE - 44.24.01

Expenditures	Local	FTA	Total
Programmed FY 06	\$6,740	\$26,959	\$33,699
Estimated FY 2007	\$9,413	\$37,654	\$47,067

44.24.00**Short Range Transportation Planning**

44.24.02 Current Service Enhancement

OBJECTIVE

To improve service and ridership in existing transit system.

ACCOMPLISHMENTS FISCAL YEAR 2006

Worked with operational staff in reviewing and implementing system improvements to existing routes and services and to assess system functioning. Assisted in assessing upcoming operational needs. Continued to develop a Marketing Enhancement Programs. Attended to regulatory documents as required for continued funding. Provided monthly ridership (including wheelchair and bike rack use) analysis, assessed ridership trends, and prepared other information on system functioning as requested. Analyzed internal administrative functioning including further implementation of computerization and/or technology improvements. Monitored GPS data and analyzed possible improvements to routes and schedules.

PROPOSED ACTIVITIES FISCAL YEAR 2007

Continuation of activities undertaken in FY 2006. Assist in identification and implementation of means to improve current service, including the use of GPS data. This element may include activities such as assisting with marketing to attract and educate student and senior riders especially and to enhance public image of existing system and services as well as analyses of internal functions and operations. Other tasks may include monitoring public reaction to modified routes, schedules and marketing efforts and assist in assessing budgetary needs.

STAFFING

605.3 Transit Planner Staff Hours
121.0 Clerical Support Staff Hours
90.8 Transit Manager Staff Hours

817.1 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City Transit Division

PRODUCT

Information relating to existing service/system enhancement, such as analyses of system functions and budget alternatives.

FEDERAL PROGRAM PARTICIPATION

Federal Transit Act Section 5303 Metropolitan Planning Grant.

FUNDING SCHEDULE - 44.24.02

Expenditures	Local	FTA	Total
Programmed FY 06	\$6,671	\$26,685	\$33,356
Estimated FY 2007	\$7,809	\$31,235	\$39,044

44.25.00

Transportation Improvement Program

44.25.01

T.I.P.

OBJECTIVE

To maintain a viable five year program of transit improvements for the Billings Urban Area.

ACCOMPLISHMENTS FISCAL YEAR 2006

The TIP was updated to reflect current project status and include upcoming projects, information was provided to MPO to assist in community-wide Section 5310 project prioritization for inclusion in TIP. STIP process was monitored especially with regard to the discretionary grant.

PROPOSED ACTIVITIES FISCAL YEAR 2007

City Transit Division will develop information on the operating and capital projects for which MET Transit and MET Special Transit plan to pursue federal grant assistance for inclusion in the TIP to be prepared by the MPO. Monitor inclusion of TIP in STIP to ensure ability to obtain federal Section 5307 & 5309 grant assistance.

STAFFING

64.9 Transit Planner Staff Hours
13.0 Clerical Support Staff Hours
9.7 Transit Manager Staff Hours

87.6 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City Transit Division will provide transit-related information to the County Planning Department for the MPO's inclusion in the TIP document.

PRODUCT

A current TIP as necessary for FTA grant approvals.

FEDERAL PROGRAM PARTICIPATION

Federal Transit Act Section 5303 Metropolitan Planning Grant.

FUNDING SCHEDULE - 44.25.01

Expenditures	Local	FTA	Total
Programmed FY 06	\$665	\$2,659	\$3,324
Estimated FY 2007	\$837	\$3,349	\$4,186

44.26.00 Implementation of Americans with Disabilities Act (ADA)

44.26.15	Implementation of Americans with Disabilities Act (ADA)
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OBJECTIVE

To ensure optimal use of City of Billings funds in meeting elderly and disabled transportation needs for both specialized and fixed route transportation in accordance with Federal Americans with Disabilities Act (ADA) regulations.

ACCOMPLISHMENTS FISCAL YEAR 2006

Continued implementation of the paratransit Eligibility Certification process and familiarizing elderly and disabled citizens with use of fixed route system as appropriate. Continued monitoring of transit system's compliance with the ADA regulations and assisted with related community relations. Assessed financial functioning of paratransit service. Monitored procedures and policies involving lift-equipped fixed-route service and other accessibility features and requirements. Assisted in assessment of future vehicle needs and relevant procurement of vehicles as related to best serving elderly and disabled citizens. Assisted with continued integration of the paratransit function within the City's MET Transit System. Assisted in efforts to develop and resolve operational policy issues and to improve MET Special Transit's efficiency & cost-effectiveness, including monitoring implementation of new Paratransit Scheduling software.

PROPOSED ACTIVITIES FISCAL YEAR 2007

Continuation of activities undertaken in FY 2006. Maintain positive relationship with disabled and elderly community and continued identification of means to address transit and special transportation needs, including assisting in efforts to assess both short and long term paratransit needs of the community and organizational and fiscal means to address those needs. Monitor and assess means to improve efficiency and effectiveness of paratransit service, including the implementation of a new paratransit software system. Continue to facilitate effective service provision and usage of lift-equipped fixed-route service. Participate on resource advisory group.

STAFFING

307.0 Transit Planner Staff Hours
61.4 Clerical Staff Hours in support of Planner
685.0 Paratransit Coordinator Staff Hours
239.8 Clerical Staff Hours in support of Paratransit Coordinator
46.0 Transit Manager Staff Hours

1,339.2 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City Transit Division

PRODUCT

Continued community consensus on how ADA regulations related to transit is to be complied with by the City of Billings. Continued community consensus on how to address specialized and lift-equipped and other transit needs of the community's disabled citizens through City funding.

FEDERAL PROGRAM PARTICIPATION

Federal Transit Act Section 5303 Metropolitan Planning Grant.

FUNDING SCHEDULE - 44.26.15

Expenditures	Local	FTA	Total
Programmed FY 06	\$9,666	\$38,664	\$48,330
Estimated FY 2007	\$11,965	\$47,859	\$59,824

SECTION II FUNDING

Table 4
Funding Summary and Staff Months by Element - City Transit Division
Federal Fiscal Year 2007

Work Element	Funding Source			Disbursement Percentage		Staff Hours
	City	FTA	Total Amount	City	FTA	
44.21.01	\$3,138	\$12,551	\$15,689	20	80	297.0
44.24.01	\$9,413	\$37,654	\$47,067	20	80	949.8
44.24.02	\$7,809	\$31,235	\$39,044	20	80	817.1
44.25.01	\$837	\$3,349	\$4,186	20	80	87.6
44.26.15	\$11,965	\$47,859	\$59,824	20	80	1,339.2
SUB TOTAL	\$33,162	\$132,648	\$165,810	20	80	3,490.7
TOTAL	\$33,162	\$132,648	\$165,810	20	80	3,490.7

ALLOCATION OF COSTS

Expenditures identified include direct costs, benefits at the rate of 52% of direct salary or wages, and indirect costs at the rate of 20% of direct salary or wages. These rates for benefits and indirect costs were approved in a November 15, 2005 letter from the MDT Urban Planning Section.

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No Staff Memo is available at this time.

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