

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

November 13, 2006

6:30 P.M.

CALL TO ORDER – Deputy Mayor Boyer
PLEDGE OF ALLEGIANCE – Deputy Mayor Boyer
INVOCATION – Councilmember Ed Ulledalen
ROLL CALL
MINUTES – October 23, 2006
COURTESIES
PROCLAMATIONS
ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, and #3 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) Multi-year Lease for Use of Three City-owned Aircraft Hangar Units. (Opened 10/24/06). Recommend Corporate Air, \$9,800.00/hangar for a total annual revenue flow of \$29,400.00.

[\(Corresponding Staff Memo A1\)](#)

(2) AIP 27, Schedule I: Security Access and Monitoring Upgrade. (Opened 10/24/06). Recommend Johnson Controls, \$1,090,075.00.

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

(3) Portable Column Hoist – Lift System for Fire Apparatus. (Opened 10/31/06). Recommend NAPA Auto Parts, \$43,779.00.

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

B. W.O. 04-11: South Billings Blvd, C.O. #8, JTL Group, Inc., \$33,381.54.
[\(Corresponding Staff Memo B\)](#)

C. W.O. 04-13, Schedule I: WTP Filter Building Expansion and Improvements, C.O. #12, COP Construction, not to exceed \$54,145.94.
[\(Corresponding Staff Memo C\)](#)

D. W.O. 04-13, Schedule I: WTP Filter Building Expansion and Improvements, C.O. #13, COP Construction, \$11,302.76.
[\(Corresponding Staff Memo D\)](#)

E. W.O. 03-25: Rimrock Road, Amendment #2, Professional Services Contract, HKM Engineering, Inc., \$33,994.00.
[\(Corresponding Staff Memo E\)](#)

F. W.O. 04-18: WTP Headworks Building Replacement and Improvements, Amendment #4, Professional Services Contract, HDR Engineering, Inc., \$8,926.00.
[\(Corresponding Staff Memo F\)](#)

G. Professional Services Contract with Morrison-Maierle, Inc., to perform engineering services for all federally funded AIP and PFC projects, as well as other general engineering services need to design/administrate the annual construction work of the Airport, term: 5 years.
[\(Corresponding Staff Memo G\)](#)

H. Assignment of five Edwards Jet Center Montana leases to U.S. Bank to consolidate security financing, \$0.00.
[\(Corresponding Staff Memo H\)](#)

I. Lease Agreement with New Day, Inc. for office space on the ground level of Park I garage, term: 3 years with three one-year options to renew, \$22,844.00 for first year adjusted annually by CPI-U.
[\(Corresponding Staff Memo I\)](#)

J. Approval/acceptance of Montana Dept. of Transportation (MDOT) State Highway Traffic Safety Grant, Contract #2007-23-01-04& 2007-21002-04, term: 10/1/06 – 9/30/07, \$26,250.00.
[\(Corresponding Staff Memo J\)](#)

K. Contract with American Medical Response (AMR) for Safety-Net backup, term: 1 year from 8/1/06 and extended annually by mutual consent.
[\(Corresponding Staff Memo K\)](#)

L. Resolution authorizing participation in the Board of Investments of the State of Montana annual adjustable rate tender option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan

agreement and authorizing the execution and delivery of documents related thereto for the IT Dept.'s purchase of a new i5(AS400), associated costs and four integrated xSeries servers totaling \$125,000.00.

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

M. Acceptance of Quit Claim Deed from HD Development of Maryland, Inc., (Home Depot) for Lot 10B, Amended Plat of Lot 10, Block 3, Midland Sub., 5th Filing.

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

N. Confirmation of Police Officer: Shawn Wichman.

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

O. Acceptance of Donation from the Yellowstone County DUI Task Force, \$5,000.00 to the Billings Adult Misdemeanor Drug Court.

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

P. Second/final reading ordinance modifying the Urban Renewal Plan of 27th Street District Urban Renewal Area to include certain property formerly part of the Downtown Redevelopment District in order to establish the *Extended North 27th Street District Urban Renewal Area*; adopting a modified urban renewal plan therefor, including a tax increment provision; approving an urban renewal project therein and authorizing the issuance of tax increment urban renewal revenue bonds of the City to finance costs thereof.

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

Q. Second/final reading ordinance relating to the creation of the *East Billings Urban Renewal Area*; and adopting an urban renewal plan, including a tax increment provision.

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

R. Goodwin Acres Subdivision, Lots 1 & 2: dedication of right-of-way for Poly Drive, Gentry Lane and one-half of an alley east of Beth Drive.

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

S. Bills and Payroll.

(1) October 6, 2006

[\(Corresponding Staff Memo S1\)](#)

(2) October 13, 2006

[\(Corresponding Staff Memo S2\)](#)

(3) October 20, 2006

[\(Corresponding Staff Memo S3\)](#)

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting the first quarter budget amendments for FY 2006/07. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
([Corresponding Staff Memo 2](#))
3. **NAMING RIGHTS** to components of the new, proposed Cobb Field facility. Staff recommends that Council direct Staff to continue to seek and accept private funding for the new, proposed Cobb Field Facility as opportunities arise. **(Action:** approval or disapproval of Staff recommendation.)
([Corresponding Staff Memo 3](#))
4. **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)**

NOVEMBER:

11/13/2006	Energy & Conservation Commission	3:00 p.m.	BOC Conference Room
	Parking Advisory Board	4:00 p.m.	CH Conference Room
	REGULAR Council Meeting	6:30 p.m.	Council Chambers
11/14/2006	Architect & Engineer Contract		
	Standards Ad-Hoc Committee	3:00 p.m.	CH Conference Room
	Planning Board	6:00 p.m.	4 th Floor Library

11/15/2006	Electronic Sign Ad Hoc Committee	1:00 p.m.	4 th Floor Library
11/16/2006	Energy & Conservation Commission Public Meeting re Poly Vista Park	3:00 p.m. 7:00 p.m.	BOC Conference Room Lunchroom – Arrowhead Elementary School
11/20/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
11/21/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library
11/22/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
11/23/2006	THANKSGIVING DAY – CITY OFFICES CLOSED		
11/27/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
11/28/2006	Planning Board	6:00 p.m.	4 th Floor Library
11/29/2006	Housing Authority	NOON	2415 1 st Avenue North

DECEMBER:

12/06/2006	Policy Coordinating Committee	8:00 a.m.	4 th Floor Library
12/07/2006	Human Relations Commission	12:15 p.m.	CH Conference Room
12/04/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 rd St
12/05/2006	Community Development Board Zoning Commission Aviation & Transit Commission Board of Adjustment	3:00 p.m. 4:30 p.m. 5:30 p.m. 6:00 p.m.	4 th Floor Library Council Chambers Airport Terminal Council Chambers
12/11/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
12/12/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 th Floor Library 4 th Floor Library
12/13/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
12/14/2006	Library Board	NOON	Library
12/18/2006	Council WORK SESSION REGULAR Council Meeting	5:30 p.m. 6:30 p.m.	Community Center 360 N. 23rd St. Council Chambers Council
12/19/2006	Yellowstone Historic Preservation Board	8:00 a.m.	4 th Floor Library

12/21/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
12/25/2006	CHRISTMAS DAY OBSERVED – CITY OFFICES CLOSED		
12/26/2006	Planning Board	6:00 p.m.	4 th Floor Library
	REGULAR Council Meeting	6:30 p.m.	Council Chambers Council
12/27/2006	Housing Authority	NOON	2415 1 st Avenue North
	Development Process Advisory Review Board (DPARB)	1:00 p.m.	CH Conference Room
12/28/2006	Yellowstone County Board of Health	TO BE ANNOUNCED	

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, November 13, 2006

TITLE: Approval of Bid and New Lease for City Owned Airport Hangars
DEPARTMENT: Aviation and Transit
PRESENTED BY: Thomas H. Binford, A.A.E., Director of Aviation and Transit

PROBLEM/ISSUE STATEMENT: The City of Billings is the owner of five hangars in the Airport's Business Park. Three of the 4,000 square foot hangars have leases that are expiring; subsequently, staff took the opportunity to advertise this City property to the general public. Advertisements announcing the opportunity to bid for the use of one, two, or all three hangars were posted in the *Billings Times*, the *Billings Gazette*, the City's Web site, and the Airport's Web site. In spite of this advertising effort, only one bid was received for all three hangars. The successful bidder for each hangar was Corporate Air who bid \$2.45 per square foot per annum, which was the City's minimum acceptable bid amount. The lease for these hangars will be for five years.

FINANCIAL IMPACT: The City will receive \$9,800 annually per hangar for a total annual revenue flow of \$29,400.

RECOMMENDATION

Staff recommends that Council approve and the Mayor execute the Limited Commercial Aviation Building and Ground Lease with the successful bidder, Corporate Air.

Approved By: City Administrator ____ City Attorney ____

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Approval of Award for the Airport Improvement Program (AIP) 27
 Project, Security Access and Monitoring Upgrades

DEPARTMENT: Aviation and Transit

PRESENTED BY: Thomas H. Binford, A.A.E., Director of Aviation and Transit

PROBLEM/ISSUE STATEMENT: This approved City Capital Improvement Program project was initially bid last fiscal year, but due to overly high bid amounts, all bids were rejected. Staff subsequently had CTA redesign the project and break the work into a base project with three alternates that could be accepted up to the amount of available funding. The current bid received allowed the award to include the base bid and alternate #1. The base project design will enhance the Airport's Security Access Control System by providing additional Closed Circuit Television (CCTV) coverage, and access control upgrades to all the doors in the Terminal Building leading to the secured areas of the Airport. The project will also provide new monitors and DVD recording equipment to allow staff to record and review activities at all points of entry equipped with the new equipment. The alternate portion of the project will also add CCTV to the automatic vehicle Gate 15, which provides access to the airfield near Edwards Jet Center, the Airport's sole Fixed Based Operator. These upgrades, identified in our Airport Security Master Plan, are in response to the Transportation Security Administration's (TSA) requirement that all access points to the airfield be monitored.

This project was previously budgeted in the fiscal year 2006 Capital Improvement Program and Budget. With the rejection of the bids received last Spring, the 2006 budget authority lapsed. While the Airport's budget for Airport Improvement Program (AIP) projects is currently adequate to fund this project, staff may ask for a second quarter budget amendment to restore the original budget for this project to ensure that adequate budget authority is available to bid other planned projects this Spring. It should also be pointed out that the AIP funds being used for this project come from one of our oldest grants, which is set to expire in June, so beginning this project as soon as possible is important. In spite of having three contractors at the prebid meeting, advertising the project in the *Billings Times* and on the City's Web site, only one bid was received for this project on October 23, 2006:

CONTRACTOR
 Johnson Controls
ESTIMATE

BID AND ALTERNATE ONE
 \$1,090,075
 \$1,204,700

FINANCIAL IMPACT: The total cost of this project is \$1,090,075, and is funded with a 90/10 AIP entitlement grant. The FAA portion will be \$981,067.50 and the City's match is \$109,007.50. The source of the City's match is the Department's Capital fund.

RECOMMENDATION

Staff recommends that the City Council approve the award of the Security Access and Monitoring Upgrades to the sole bidder, Johnson Controls, for the amount of \$1,090,075.

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

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Bid Award – Portable Hoist / Lift System – Fire Maintenance Shop
DEPARTMENT: Fire
PRESENTED BY: Marvin L. Jochems, Fire Chief

PROBLEM/ISSUE STATEMENT: The existing hoist was built in 1973 at a time when fire trucks were traditionally smaller. Parts to repair and/or service the existing hoist are no longer available. The existing hoist will not accommodate the weight of our newer fire trucks. Our Maintenance Officer does not operate the current hoist in the complete upright position because it is unsafe.

ALTERNATIVES ANALYZED: Inquiries regarding a retro-fit to accommodate the weight of our newer trucks were negative. Five bids were received and analyzed. When the required service center for the low bidder, Stertil-Koni @ \$37,271, was contacted they stated they had not actually ever worked on this type of lift and had only been contacted as the service center last week. SEFAC was the next lowest bidder @ \$41,050, however they do not offer an extended warranty and the closest service center is Seattle. NAPA Auto Parts, a local firm, was the most favorable response and met all of the requirements of the RFP.

FINANCIAL IMPACT:

A supplemental budget request in the amount of \$59,000 was made and approved in the FY07 Budget. The most favorable bid came in at \$43,779

RECOMMENDATION

Staff recommends that Council approve the purchase of a portable hoist / lift system for the Fire Maintenance from NAPA Auto Parts in the amount of \$ 43,779.

Approved By: City Administrator ____ City Attorney ____
Attachment A: NAPA Auto Parts Bid Proposal

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: W.O. 04-11, South Billings Boulevard, Final Reconciling Change Order No. 8 – JTL Group, Inc.

DEPARTMENT: Public Works

PRESENTED BY: David Mumford, PE, Public Works Director

PROBLEM/ISSUE STATEMENT: Change Order No. 8 is final and represents a reconciliation of project quantities, resulting in a net increase. Due to numerous unknown private utilities crossing South Billings Boulevard, there was an increase of \$29,250.00 under bid item “Underground Facility Crossings” for water, sewer, and storm drainage. The remainder of the increase was due to miscellaneous quantity overruns of \$4,131.54. The total increase is \$33,381.54.

ALTERNATIVES ANALYZED:

1. Approve Change Order No. 8 (Final) in the amount of \$33,381.54.
2. Do not approve Change Order No. 8 (Final) in the amount of \$33,381.54.

FINANCIAL IMPACT: Change Order No. 8 represents an increase of \$33,381.54 to the original contract. The funds for this change order will come from the following funds:

Water	\$ 7,150.00	Storm/Drain	\$14,950.00
Sewer	7,150.00	Arterial	4,131.54

The following summarizes the financial impact to the project:

Original Construction Contract	\$2,037,141.70	<u>% of Contract</u>	<u>Cumulative % Contract</u>
Change Order No. 1	N/A	0.0%	0.000%
Change Order No. 2	\$40,967.80	2.01%	2.011%
Change Order No. 3	\$11,459.32	0.563%	2.574%
Change Order No. 4	\$96,000.00	4.71%	7.286%
Change Order No. 5	\$1,138.98	0.056%	7.342%
Change Order No. 6	\$4,175.00	0.205%	7.547%
Change Order No. 7	\$0.00	0.0%	7.547%
Change Order No. 8 (Final)	\$33,381.54	1.639%	9.186%
	\$195,530.39	TOTAL	\$2,224,264.34

RECOMMENDATION

Staff recommends that Council approve Change Order No. 8 (Final) in the amount of \$33,381.54 with JTL Group, Inc.

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

ATTACHMENT

A. Change Order No. 8

CONTRACT CHANGE ORDER OR ORDER FOR EXTRA WORK

09/21/2006

To: JTL GROUP, INC. - BILLINGS
PO BOX 80066
BILLINGS, MT 59108

RE: Change Order No.: (8)
CITY OF BILLINGS
SID 1373 - S. BILLINGS BLVD.
Project Number: 0686.155.06-0214

It has been determined necessary and in the best interest of the Owner to modify certain portions of the Project above and the Contract dated 05/09/2005, and in accordance with Section 10 of the General Conditions. The following changes are hereby agreed as follows:

ITEM NO.	DESCRIPTION	PLAN QUANTITY	UNIT	UNIT PRICE	QUANTITY		DOLLARS	
					INCREASE	DECREASE	INCREASE	DECREASE

SCHEDULE 1 - STREET IMPROVEMENTS

106	TREE/SHRUB REMOVAL	1.00	LS	\$60,000.00	0.07		\$4,200.00	
107	EXISTING TREE TO BE RELOCATED	3.00	EA	\$110.00	2.00		\$220.00	
109	FLOWABLE FILL	10.00	CY	\$65.00		10.00		\$650.00
110	EXCAVATION ABOVE SUBGRADE	16,660.00	CY	\$8.00		635.00		\$5,080.00
111	SUBEXCAVATION/ REPLA W/ ONSITE	713.00	CY	\$4.50		713.00		\$3,208.50
112	CONCRETE FLATWORK REMOVAL	626.00	SY	\$3.50		117.56		\$411.46
113	CONCRETE CURB & GUTTER REMOVAL	1,153.00	LF	\$2.00	1.00		\$2.00	
114	CONCRETE SIDEWALK 4-INCH	13,330.00	SF	\$2.40	555.33		\$1,332.79	
115	CONCRETE SIDEWALK 6-INCH	2,899.00	SF	\$4.60	1,790.58		\$8,236.67	
117	CONCRETE DRIVEWAY APRON - 6-INCH	9,385.00	SF	\$3.60		849.50		\$3,058.20
118	CONCRETE VALLEY GUTTER	478.00	SF	\$5.00	65.00		\$325.00	
119	CONCRETE CURB TURN FILLET	5.00	EA	\$800.00	2.00		\$1,600.00	
120	COMBINED CONCRETE C & G,	6,648.00	LF	\$7.50		400.00		\$3,000.00
121	CONCRETE MEDIAN CURB TYPE "A"	413.00	LF	\$6.00		267.00		\$1,602.00
122	CONCRETE MEDIAN CAP, 4-INCH	1,035.00	SF	\$2.00		211.00		\$422.00
124	AC SURFACE COURSE TYPE B	4,533.00	TN	\$22.00	156.00		\$3,432.00	
125	ASPHALT CEMENT PG 64-22	272.00	TN	\$110.00		0.04		\$4.40
126	AC PAVEMENT PATCHING TYPE B	1,655.00	SF	\$2.60	5,864.00		\$15,246.40	
127	1-1/2" MINUS CRUSHED BASE COURSE	8,361.00	CY	\$16.00	469.00		\$7,504.00	
128	MULTI-USE PATH AC PAVEMENT	3,215.00	SY	\$11.50		116.00		\$1,334.00
140	SIGNS, SHT ALUM. REFLECT SHT III	222.90	SF	\$16.00		1.25		\$20.00
143	POSTS - TUBULAR STEE SQUARE	3,680.00	LBS	\$3.20		285.80		\$914.56
162	CONCRETE TRUNCATED DOME	160.00	SF	\$32.00	16.00		\$512.00	
Schedule Sub Totals							\$42,610.86	19,705.12

SCHEDULE 2 - ELECTRICAL

201	CONDUIT, 2" SCH 80 PVC W/TRENCH	4,435.00	LS	\$3.20	549.00		\$1,756.80	
202	GRND CONDUCTOR, #10 AWG COPPER	615.00	LF	\$0.65	2,002.00		\$1,301.30	
203	CONDUCTOR, #6 AWG CP[ER	1,230.00	LF	\$1.10	22.00		\$24.20	
Schedule Sub Totals							\$3,082.30	0.00

ITEM NO.	DESCRIPTION	PLAN QUANTITY	UNIT	UNIT PRICE	QUANTITY		DOLLARS	
					INCREASE	DECREASE	INCREASE	DECREASE

SCHEDULE 3 - WATER & SS IMPROVEMENTS

301	REMOVE EXISTING FIRE HYDRANT	6.00	EA	\$340.00	1.00		\$340.00	
302	PLUG & ABAND. EXISTI WATER MAIN	1.00	EA	\$650.00		1.00		\$650.00
311	DISCONNECT & CAP LINE & TEE, STA	1.00	EA	\$12,500.00		1.00		\$12,500.00
312	DISCONNECT & CAP LINE & TEE, STA	1.00	EA	\$12,500.00		1.00		\$12,500.00
313	UNDERGROUND FACILITY CROSSING	60.00	EA	\$220.00	65.00		\$14,300.00	
314	UNDGRND. FACILITY CROSSING, FIBER	12.00	EA	\$650.00		1.00		\$650.00
315	12-INCH WATER LINE, PVC	3,530.00	LF	\$42.00	23.00		\$966.00	
316	12-INCH WATER LINE, DI & NITRILE	120.00	LF	\$51.00	6.00		\$306.00	
317	8-INCH WATER LINE, PVC	150.00	LF	\$32.00		3.00		\$96.00
318	12-INCH FITTINGS ALL	22.00	EA	\$545.00	12.00		\$6,540.00	
319	8-INCH FITTINGS - AL	1.00	EA	\$370.00	3.00		\$1,110.00	
320	6-INCH FITTINGS, ALL	1.00	EA	\$260.00	4.00		\$1,040.00	
321	12-INCH GATE VALVE	12.00	EA	\$1,390.00	1.00		\$1,390.00	
322	8-INCH GATE VALVE	5.00	EA	\$950.00		1.00		\$950.00
324	FIRE HYDRANT ASSEMBLY	9.00	EA	\$3,630.00		1.00		\$3,630.00
326	REMOVE & REPLACE FH BOLLARD	1.00	EA	\$2,200.00		1.00		\$2,200.00
329	WATER SERVICE RECONN SMALL	22.00	EA	\$800.00	10.00		\$8,000.00	
330	WATER SERVICE RECONN LARGE	2.00	EA	\$725.00	1.00		\$725.00	
331	CONNECT TO EXIST. WATER MAIN	6.00	EA	\$1,150.00	1.00		\$1,150.00	
333	EXPLOR. EXCAVATION/ EXTRA WPRL	32.00	HR	\$410.00		10.50		\$4,305.00
336	TRENCH RESTOR.	550.00	LF	\$38.00	17.00		\$646.00	
338	ALT-SUB-EXCAV. & TYPE 2 BEDDING	200.00	CY	\$20.50		200.00		\$4,100.00
339	ALT - IMPORTED TRENCH BACKFILL	925.00	CY	\$15.50		509.00		\$7,889.50
341	WATER SERVICE EXTEN. 1-INCH	1.00	EA	\$1,250.00	2.00		\$2,500.00	
Schedule Sub Totals							\$39,013.00	49,470.50

SCHEDULE 4 - IRRIGATION AND SD

402	REMOVE EXIST. CULVER ALL	510.00	LF	\$6.25	40.00		\$250.00	
403	RCP SUBURBAN DITCH PIPE, CLASS III	560.00	LF	\$110.00	39.00		\$4,290.00	
404	RCPA SUBURBAN DITCH PIPE, CLASS IV	432.00	LF	\$135.00		45.00		\$6,075.00
408	STORM DRAIN SERVICES	194.00	LF	\$42.00	11.00		\$462.00	
409	12-INCH PVC SD PIPE	316.00	LF	\$34.00	34.00		\$1,156.00	
410	18-INCH RCP SD PIPE	1,465.00	LF	\$33.00		133.00		\$4,389.00
411	24-INCH RCP SD PIPE	666.00	LF	\$45.00	8.00		\$360.00	
412	27-INCH RCP SD PIPE	182.00	LF	\$53.00		8.00		\$424.00
413	30-INCH RCP SD PIPE	318.00	LF	\$55.00		11.00		\$605.00
414	RCPA SD PIPE	515.00	LF	\$78.00		13.00		\$1,014.00
415	30-INCH SD INLET W/ TYPE II GRATE	5.00	EA	\$1,425.00	6.00		\$8,550.00	
416	48-INCH MH W/ SOLID COVER	4.00	EA	\$2,400.00	4.00		\$9,600.00	
417	48-INCH MH W/ TYPE I GRATE	9.00	EA	\$2,200.00		4.00		\$8,800.00
419	60-INCH MH W/SOLID COVER	4.00	EA	\$3,000.00	6.00		\$18,000.00	
420	60-INCH MH, W/TYPE I GRATE	8.00	EA	\$3,100.00		6.00		\$18,600.00

ITEM NO.	DESCRIPTION	PLAN QUANTITY	UNIT	UNIT PRICE	QUANTITY		DOLLARS	
					INCREASE	DECREASE	INCREASE	DECREASE
423	UNDRND FACILTY CROSSING	25.00	EA	\$230.00	65.00		\$14,950.00	
424	UNDRND FACILTY CROSS, FIBER OPTIC	12.00	EA	\$950.00	3.00		\$2,850.00	
425	ALT - SUB-EXCAV. & TYPE 2 BEDDING	200.00	CY	\$21.00		200.00		\$4,200.00
426	ALT - IMPORTED TRENC BACKFILL	380.00	CY	\$15.50		380.00		\$5,890.00
427	EXPLOR. EXCAVATION/ EXTRA WPRL	16.00	HR	\$410.00	18.00		\$7,380.00	
430	18" ULTRA FLOW	1,465.00	LF	\$0.00		1,465.00		
431	24" ULTRA FLOW	666.00	LF	\$0.00		666.00		
432	30" ULTRA FLOW	500.00	LF	\$0.00		500.00		

Schedule Sub Totals \$67,848.00 49,997.00

Project Sub Totals \$152,554.16 119,172.62

Total Net Change in Contract Amount \$33,381.54

**CONTRACT CHANGE ORDER
OR
ORDER FOR EXTRA WORK**

09/21/2006

To: JTL GROUP, INC. - BILLINGS
PO BOX 80066
BILLINGS, MT 59108

RE: Change Order No.: (8)
CITY OF BILLINGS
SID 1373 - S. BILLINGS BLVD.
Project Number: 0686.155.06--0214

REASON FOR CHANGE: Reconciliation of Original Contract Amount to Final Contract Amount.

ORIGINAL CONTRACT AMOUNT	\$2,037,141.70
PREVIOUS CHANGE ORDER AMOUNT	\$153,741.10
CONTRACT AMOUNT ADJUSTED BY PREVIOUSLY APPROVED CHANGE ORDERS	\$2,190,882.80
ADJUSTMENT, THIS CHANGE ORDER	\$33,381.54
FINAL CONTRACT AMOUNT	\$2,224,264.34

(Where change(s) involve(s) items other than established contract items at established contract unit prices, supply breakdown of new agreed costs on additional sheets and attach hereto)

By reason of the above Change(s), it is hereby agreed the stipulated CONTRACT TIME shall be DECREASED
by 0 calander days.

The Change(s) above listed is/are hereby accepted:

Contractor: JTL GROUP, INC. - BILLINGS

Engineer: MORRISON-MAIERLE, INC.

By: Bill Chitt ^{name} Pres MGR
Representative Title

By: Carl Anderson ^{name} Project Manager
Representative Title

APPROVED: CITY OF BILLINGS
owner

Representative Title

Note: Fill in all spaces. If not
applicable, write N/A.

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: W.O. 04-13, Schedule I—WTP Filter Building Expansion and Improvements, Change Order Number 12

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 12 to modify the construction contract with COP Construction. Change Order No. 12 involves labor and materials related to modifying the backwash drain piping in Filters 5-12.

Change Order No. 11, approved by Council on October 10, 2006, involved fixing a problem with the backwash drain piping on new Filters 1-4. The problem was a design flaw detected during construction of the four new filters. The elevation of the filter influent/backwash drain pipe was too high. When preliminary backwash activities were started, flow from the backwash entered the influent pipe and influent flume, which would not be acceptable for final operation of the filters. It was stated during this time that the same problem was present for the renovation of existing Filters 5-12. HDR took full responsibility for the design flaw and stated they would pay any additional costs associated with fixing the problem on all filters.

The correction work required on Filters 1-4 was essential to staying on a critical project path and maintaining the project schedule, so Change Order No. 11 was processed to allow immediate action. Additional time was available to determine more accurate costs for Filters 5-12, and Change Order No. 12 includes these costs. As with Change Order No. 11, COP has agreed to perform the work on Filters 5-12 on a time and materials (T&M) basis.

Filters 1-4 have been corrected, but the pipe supports and painting have not been completed yet. The actual costs have been tabulated for everything completed to date on Filters 1-4. Change Order No. 12 will allow the complete correction of Filters 5-12 as well as the remaining work on Filters 1-4. The actual costs incurred on Filters 1-4 were below the not-to-exceed amount of \$145,000 approved by Change Order No. 11. Change Order No. 12 will utilize the balance of approved funds from Change Order No. 11 in addition to a not-to-exceed amount of \$54,145.94.

HDR provided a letter guaranteeing payment to the City for both Change Order No. 11 and 12 as reimbursement for the work required to correct the design problem. Change Order No. 12 will increase the amount of the contract with COP, but reimbursement from HDR will result in a no-cost change to the City.

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 12 represents an addition to the project contract with COP Construction, but the reimbursement from HDR Engineering results in no net change to the City’s project cost. The table below summarizes the financial impact of the project’s change orders.

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 thru 9 (Additions)	\$ 56,691.29	0.35%	
Change Order No. 10 (Addition)	\$ 6,572.40	0.04%	
Change Order No. 11	\$145,000.00	0.88%	
(Not-to-exceed addition of \$145,000, less \$145,000 reimbursement from HDR)			
Change Order No. 12	\$ 54,145.94	0.33%	
(Not-to-exceed addition of \$54,145.94, less \$54,145.94 reimbursement from HDR)			
TOTALs to date:		\$360,218.65	2.20%

RECOMMENDATION

Staff recommends that Council approve Change Order Number 12 to the construction contract with COP Construction for W.O. 04-13, Schedule I—Filter Building Expansion and Improvements, adding a not-to-exceed amount of \$54,145.94 to the contract amount, with the knowledge that HDR Engineering will reimburse the City for 100% of the costs incurred by Change Order No. 12.

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

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

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

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 13 to modify the construction contract with COP Construction. Change Order No. 13 involves labor and materials related to modifying the type and placement of footings, changing already installed parapet framing, repairing an existing water line, modifying the size of clerestory windows, and installing a drip pan in the electrical room. No additional time has been requested, but a change in costs results from the recommended changes, as outlined below.

An existing duct bank interferes with the footing of a portion of the new screen wall in the northeast corner of the new Filter Building. The project drawings show the duct bank, but the actual location varies from that on the drawings, resulting in the conflict with one of the new footings. The footing must be modified and relocated to avoid the duct bank and still provide the structural support for the cast in-place portion of the screen wall. The labor and materials required for this modification result in additional costs of \$2,003.06.

The roofing contractor has concerns over mounting the roof membrane to the parapet framing anchor system as originally designed. An alternative has been proposed and accepted by the roofer and the Engineer to change the parapet framing, allowing for proper attachment of the roofing membrane. There are no costs associated with changing the design of the parapet framing, but there is a portion of the parapet that has already been installed that must be changed to conform to the new design. The labor and materials needed to change the previously installed parapet framing result in additional costs of \$1,785.85.

During excavation near the southeast corner of the new Filter Building, a 4-inch cast iron water line was discovered that did not appear on the project drawings and was unknown to exist. The line was not discovered until it was hit, and consequently broken, during installation of a new 8-

inch water line. The broken water line created an emergency situation of differing site conditions, so it was immediately repaired before proceeding with the installation of the 8-inch line. The labor and materials to repair the 4-inch line result in additional costs of \$2,391.83.

The windows on the north clerestory were originally specified to be only 2'-10" high. However, the structural drawings show the opening size to be 3'-10" high, which matches the windows on the south side. The pre-cast was constructed to adhere to the structural drawings, so the windows actually needed must be 3'-10" high. There is no labor associated with this change, but the modified materials result in additional costs of \$3,208.90.

As an added security measure for the electrical equipment, it has been determined to be advantageous to have a drip pan under the roof drains in the electrical room. The original plans do not call for any such provisions, so Change Order No. 13 provides for inclusion of the drip pan(s). No painting or PVC drain piping is included with this change request, but the labor and materials for the drip pan(s) result in additional costs of \$1,913.12.

In summary, Change Order Number 13 creates an increase of \$11,302.76 to the contract amount, but no change to the schedule for time of completion.

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 13 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 13. 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 thru 10 (Additions)	\$ 63,263.69	0.39%
Change Order No. 11	\$145,000.00	0.88%
(Not-to-exceed addition of \$145,000, less \$145,000 reimbursement from HDR)		
Change Order No. 12	\$ 54,145.94	0.33%
(Not-to-exceed addition of \$53,369, less \$53,369 reimbursement from HDR)		
Change Order No. 13 (Addition)	\$ 11,302.76	0.07%
TOTALs to date:	\$371,521.41	2.27%

RECOMMENDATION

Staff recommends that Council approve Change Order Number 13 to the construction contract with COP Construction for W.O. 04-13, Schedule I—Filter Building Expansion and Improvements, adding \$11,302.76 to the contract.

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

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Amendment #2 to Professional Services Contract for WO 03-25 Rimrock Road

DEPARTMENT: Public Works/Engineering

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

PROBLEM/ISSUE STATEMENT: The Urban Highway Pilot Involvement Program is a collaboration between the City of Billings and the Montana Department of Transportation to construct an Urban System project. The project that will be constructed will be Rimrock Road between Shiloh Road and 54th Street West. At the November 14, 2005, City Council Meeting, City Council approved Amendment #1 to HKM's contract to include the design of an urban section of Rimrock Road between Shiloh Road and Rim Point Drive. The design has been completed for all of Rimrock Road between 54th Street West and Shiloh Road. MDT has requested that a Phase II Subsurface Utility Exploration (SUE) Survey be completed to identify any potential utility conflicts within the project. The Phase II SUE Survey will include excavated at all utility crossings to identify depths of conflicting utilities. This Phase II SUE Survey is common practice on projects to help avoid potential change orders during construction due to utility conflicts. Amendment #2 is for \$33,994.00. The Montana Department of Transportation has reviewed and approved the scope of work and budget for Amendment #2 to the professional services contract.

FINANCIAL IMPACT: The professional services contract with HKM Engineering, Inc. was approved at the July 12, 2004 City Council Meeting for the amount of \$364,986. Per the Rimrock Road Urban Highway City State Agreement, the City is obligated to pay 13.42% of the professional services contract. Amendment #1 to the contract (\$39,199.00) cost the city an additional \$5,260.50 and Amendment #2 (\$33,994.00) will cost the city an additional \$4,561.99. Gas tax dollars in the amount of \$174,757.00 were allocated in the FY'05 CIP to pay for the professional services contract. The City will be reimbursed by the Montana Department of Transportation for the remainder of the contract (86.58%) utilizing Federal Funds. Construction of this project will be paid for by the Montana Department of Transportation utilizing Federal Funds. The estimate, including the design and the amendments to the design, is approximately \$3,150,000. Additional federal funds have been allocated to complete this project.

RECOMMENDATION

Staff recommends that Council approve Amendment #2 to the professional services contract for WO 03-25 with HKM Engineering, Inc. in the amount of \$33,994.00.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENT

- A. Amendment #2 to WO 03-25 Rimrock Road Professional Services Contract with
 HKM

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: W.O. 04-18—Headworks—Professional Services Contract with HDR Engineering Inc.—Amendment Four

DEPARTMENT: Public Works

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

PROBLEM/ISSUE STATEMENT: The City of Billings Engineering Staff has recommended an amendment to the Professional Services Contract with HDR Engineering, Inc. This contract, dated February 23, 2004, is for services on the Wastewater Treatment Plant Headworks Building Replacement and Improvements project (W.O. 04-14). Amendment No. 1, adding bidding and construction administration services to the scope of work, was approved by Council January 24, 2005. Amendment No. 2, adding services for preparation and submittal to DEQ of O&M manuals, was approved by Council October 11, 2005. Amendment No. 3, extending the expiration time of the contract, was approved by the City Administrator October 6, 2006.

Substantial completion of the new Headworks was originally scheduled for April, 2006. For a variety of reasons, all approved via change order, the construction contract time was extended 107 days. No additional compensation was requested for construction and contract administration when the construction time extensions were approved. However, HDR has consumed all of the time and funding allotted by their existing contract, and there are still some tasks (i.e. project management/administration, contractor coordination, field services to confirm final completion) to be completed on the project. Amendment No. 4 will add \$8,926.00 to the amount of the Professional Services Contract to allow quality completion of these tasks.

Complete copies of Amendment No. 4 are on file in the City Clerk's office.

FINANCIAL IMPACT: W.O. 04-18—Headworks Building Replacement and Improvements is being funded by a State Revolving Fund (SRF) loan and supplemented by the City's Utilities Wastewater Building and Operations Facilities Fund, Account #421-8493-623-9220. Amendment No. 4 represents an addition to the project costs and increases the Professional Services Contract by \$8,926. The approved project budget includes a contingency to pay for circumstances characteristic with that depicted in Amendment No. 4. There are adequate funds

available to cover the additional costs. The table on the following page summarizes the financial impact to the project.

ORIGINAL PROFESSIONAL SERVICES CONTRACT: \$ 385,500.00

	Amount	% Of Contract	Cumulative % Of Contract
Amendment No. 1	\$ 398,841.00	103.46 %	
Amendment No. 2	\$ 45,778.00	11.87 %	
Amendment No. 3 (time extension only)	\$ 0.00	0.00 %	
Amendment No. 4	\$ 8,926.00	2.32 %	
TOTALs to date: \$ 453,545.00			117.65 %

TOTAL CONTRACT AMOUNT, REVISED: \$ 839,045.00

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute Amendment No. 4 to the Professional Services Contract with HDR Engineering, Inc., resulting in a net increase of \$8,926.00.

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

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Approval for a Five-Year Term Contract for Engineering Services with Morrison-Maierle, Inc.

DEPARTMENT: Aviation and Transit

PRESENTED BY: Thomas H. Binford, A.A.E., Director of Aviation and Transit

PROBLEM/ISSUE STATEMENT: Every five years the Department of Aviation and Transit enters into a contract with a registered professional engineering firm to provide the necessary engineering services for all Federally funded Airport Improvement Program (AIP) and Passenger Facility Charge (PFC) projects, as well as the other general engineering services needed to design and administrate the annual construction work for the Department. Staff developed a Request for Proposals for these services over the next five-year term, and distributed this request to local area engineering firms that have expressed interest in providing engineering services to the City of Billings. This Request for Proposals was also advertised in the *Billings Times*.

Proposals were received from Morrison Maierle, Inc., and Kadrmas, Lee and Jackson. A selection committee comprised of City Council Member, Vince Ruegamer, Airport Commission Member, Dick Larsen, and City of Billings staff members evaluated these proposals. This committee unanimously selected the proposal from Morrison-Maierle, Inc. to be brought forward for approval. Important information in the attached Contract includes:

- Term: Five years from date of acceptance.
- Scope of Services: Preliminary design, cost estimating, plan and specification preparation and review, construction administration, and closeout.
- Total hourly involvement will be negotiated and approved by staff for each project.
- Indemnification/Insurance: Coverage approved by the City Attorney's office.

Examples of the types of projects that Morrison Maierle, Inc. will be working on during the years following approval of this Contract include:

- Expansion of the Airport air cargo ramp
- Overlay of Runway 10L/28R

- Environmental consulting

FINANCIAL IMPACT: This base Contract will be amended each time a project is undertaken. The fees associated with each project are negotiated with staff and approved by the Federal Aviation Administration. Over the last five-year term, there were 11 Amendments to the base Contract totaling \$3,102,746, which covered \$20,700,853 in construction and equipment contracts. Staff anticipates a similar experience over the next five years. As in the past, the majority of the costs will be funded with Airport Improvement Program grants or Passenger Facility Charge funds.

RECOMMENDATION

Staff recommends that Council approve the award of the Five-Year Term Contract for Engineering Services for the selected engineering firm Morrison-Maierle, Inc.

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

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Assignment of Five Edwards Jet Center Montana Leases to U.S. Bank to Consolidate Security Financing

DEPARTMENT: Aviation and Transit

PRESENTED BY: Thomas H. Binford, A.A.E., Director of Aviation and Transit

PROBLEM/ISSUE STATEMENT: Edwards Jet Center Montana, the Billings Logan International Airport's sole Fixed Base Operator (FBO), currently leases five (5) separate Airport properties from the City of Billings, of which various leaseholds are currently under assignment to different financial institutions. Edwards Jet Center Montana is seeking to consolidate its financing so that all of the Airport leaseholds currently assigned for financing purposes would be assigned to just U.S. Bank. Council may recall that Edwards Jet Center Montana leases a 10,218 square foot parcel on the west end for a Fuel Farm; a 12,337 square foot parcel in the east end Fuel Farm; and east of the Terminal Building the 64,899 square foot Lot 2 parcel, the 140,605 square foot Lot 3 parcel, and the 432,407 square foot Lot 5 parcel.

The assignment language has been reviewed by staff and the City Attorney, and is similar to language used in the past. The City has approved a number of these financing assignments over the years.

FINANCIAL IMPACT: There would be no financial impact to the City, as Edwards Jet Center will still be required to pay the annual ground lease rentals as established in the existing Leases.

RECOMMENDATION

Staff recommends that Council approve the Assignment of the five (5) Edwards Jet Center Montana Ground Leases to U.S. Bank, for the purpose of consolidating their security financing.

Approved By: City Administrator ____ City Attorney ____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Lease Agreement for New Day, Inc.
DEPARTMENT: Administrative Services – Parking Division
PRESENTED BY: Chris Mallow, Parking Division Director

PROBLEM/ISSUE STATEMENT: The ground level of the Park 1 garage has six tenants that lease retail/office space. This space is located at 2906 3rd Avenue North, was previously occupied by the Downtown Billings Association and has been vacant for one year. This memo shall serve as a request to approve and sign a new space lease agreement with New Day Inc. for three years with three one-year options to renew. New Day Inc. is an organization that counsels and treats emotionally troubled youth through numerous group homes around the Billings area. The space at the Park 1 garage will serve as their administrative offices.

ALTERNATIVES ANALYZED: Staff has analyzed the following alternatives: (1) approve lease with New Day Inc.; (2) seek a different tenant; or, (3) leave space vacant.

FINANCIAL IMPACT: The revenues are projected in the FY 2007 budget. The office space consists of 3270 square feet. Revenue for the first year will be \$22,844 (1,500 square feet x \$6.99). Rent for the subsequent years, including for any renewal option years, beginning November 1st, 2007 shall be the current rent plus or minus the percentage change in the Consumer Price Index – all urban consumers, from June of the previous calendar year to June of the present calendar year.

RECOMMENDATION

Staff recommends Council approval of a three year lease agreement with three one-year options to renew with New Day, Inc.

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

ATTACHMENTS

Lease agreement with New Day, Inc. (3 copies)

PARK ONE LEASE AGREEMENT

THIS INDENTURE, made and entered into this 1st day of November, 2006, by and between the **CITY OF BILLINGS, MONTANA**, hereinafter referred to as "Landlord" and **New Day Inc., 1111 Coburn RD**, City of Billings, County of Yellowstone, Montana, hereinafter referred to as "Tenant."

That in consideration of the covenants hereinafter contained on the part of the Landlord and Tenant to be observed and performed, the parties hereby agree:

1. LEASE

The Landlord does hereby grant, demise and lease unto the Tenant, for and in consideration of the rents, covenants, and agreements hereinafter specified to be paid, kept and performed by the Tenant, premises at 2906 3rd Avenue North consisting of 3,270 square feet of integrated part of building known as "Park I" parking garage located between 29th and 30th Streets on 3rd Ave North, in Billings, Montana. Exact location and size of premises to be shown on Exhibit "A" which is attached and made a part of this agreement.

2. TERM, POSSESSION, AND RENEWAL

The term of this lease shall be from November 1st, 2006, through October 31st, 2009. Landlord grants to Tenant the three (3) options to renew this lease for a further term of one (1) years commencing on November 1st, 2009, and ending October 31st, 2012, both inclusive, subject to the provisions of this lease. However, that written notice of the exercise of this option shall be given by Tenant to Landlord at least ninety (90) days before expiration of the original term of this lease and provided further, that this option may be exercised by Tenant only in event all rents have been fully paid and that all provisions of this lease on the part of the Tenant to be observed have been fully and faithfully observed.

3. RENT

Rent for the first 12 months of this lease shall be \$22,844.00 (3270 square feet x \$6.99) payable in twelve (12) equal monthly installments of \$1907.00.

Rent for the subsequent years, including for any renewal option years, beginning November 1st, 2007 shall be the current rent plus or minus the percentage change in the Consumer Price Index – all urban consumers, from June of the previous calendar year to June of the present calendar year. Rent for each year shall be paid in twelve (12) equal monthly installments.

All rents shall be paid in advance by the first day of each month.

4. INSURANCE

Tenant shall provide fire and hazard insurance for the protection of the premises and the contents and shall be liable for said protection. Provided, however, that in case said premises shall be damaged by fire or other casualty for some cause not related to tenant's business or operation so as to render the premises untenable, in which case the Landlord shall at its cost repair the same. During the period the premises remain untenable, the rent shall abate, and provided further, if such repairs cannot or are not completed within 120 days, Tenant may elect to terminate its interest in this lease and the premises by giving notice thereof to Landlord. Tenant shall not be required to provide plate glass window insurance coverage.

Tenant shall obtain and maintain at all times during the term hereof, with a responsible insurer, naming the Landlord as an additional insured, comprehensive general liability insurance against any loss or liability, personal injury or property damages, and any expenses of the parties against any claim, demands, payments, suits, actions, recoveries or judgments for damages which might result from the use, occupation or condition of the premises in the amount of \$750,000 for each claim and \$1.5 million per occurrence. Tenant shall furnish a copy of such insurance policy and renewals thereof to the Landlord and such policy shall not be canceled without a 30-day written notice to the Landlord.

5. UTILITIES SERVICES

Tenant agrees, at his own expense to pay for all utilities used by the Tenant on the premises during the term of this lease.

6. IDEMNIFICATION OF LANDLORD BY TENANT

Tenant hereby agrees to indemnify and hold the Landlord harmless at all times from and against all actions, claims, demands and all costs, expenses and fees, including attorney's fees, incurred by the Landlord, arising from the use, occupancy or non-use of the premises by the Tenant, or arising from the failure of the Tenant to maintain the premises as required by this lease. Such indemnification shall include but not be limited to carelessness, negligence, improper conduct or breach of this lease by Tenant or its agents, employees, customers, suppliers or licensees.

7. ADVERTISING SIGNS

The Tenant shall be allowed to provide, at his own expense, such advertising displays on the exterior of the building as may be appurtenant to his business, provided however that such displays will be in accordance with the laws and regulations of the State of Montana and the City of Billings, Montana, and that such displays will not deface, damage or devalue the demised property during their use or after their removal, reasonable wear and tear expected. All signs must be approved in writing by the Landlord prior to installation which approval shall not be unreasonably withheld.

8. IMPROVEMENTS BY TENANTS

All improvements, alterations, additions and all such work shall be done at Tenant's expense and shall, unless Landlord elects otherwise, become the property of the Landlord at the conclusion of the lease, and shall remain upon and be surrendered with said premises, as a part thereof, at the end of the term or renewal of this lease. No improvements, alterations or additions shall be made by Tenant without the written consent of Landlord, which consent shall not be unreasonably withheld.

9. FIXTURES AND PERSONAL PROPERTY

All trade fixtures, equipment, signs, cabinets, shelves, showcases, counters, mirrors and other moveable personal property, shall remain the property of the Tenant and may be removed by Tenant at any time during, or at the termination of this lease agreement, provided, however, that the same can be removed without serious injury to the leased premises.

10. ASSIGNING AND SUBLETTING

Tenant shall not assign this agreement or sublet the premises in whole or in part without first obtaining the concurrence in writing from Landlord which shall not be unreasonably withheld.

11. LANDLORD'S ACCESS TO INSPECT

Landlord or its agent, at all reasonable times during business hours, shall have free access to the demised premises, for the purpose of examining and inspecting the same and making any needed repairs or alterations thereon which Landlord may see fit to make. In such case Landlord will make every reasonable effort not to interfere with the Tenant's operation of business.

12. TENANT TO HAVE PEACEABLE POSSESSION

Landlord covenants that Tenant shall peaceably hold and enjoy the premises so long as they are in faithful compliance with the terms hereof and the covenants thereof.

13. TRASH AND RUBBISH

The Landlord shall at its expense provide an area for the collection of and pickup of all trash and rubbish. The tenant shall provide containers for the collection of said rubbish. Said area may be a common area within or outside the premises.

14. ATTORNEY FEES AND COSTS ON VIOLATION OF LEASE

In the event that either party shall be required to commence any action, retain an attorney, or use in-house council to enforce the covenants or agreements of this lease, the party whose failure to perform occasioned such action shall pay and discharge all reasonable costs, expenses,

and attorney fees, including fees of in-house council, which shall be made or incurred by the other party.

15. DEFAULT AND RE-ENTRY

If the Tenant shall neglect or fail to perform or observe any of the covenants contained herein on their part to be observed and performed for thirty (30) days after notice by the Landlord of such breach, or if tenant shall be adjudicated bankrupt or insolvent, or shall make an assignment for the benefit of creditors, or permit any mechanics or material man's liens to be filed against the demised premises for labor or material furnished, which Tenant does not in good faith defend against, then and in any of said cases the Landlord may lawfully enter into and upon said premises or any part thereof and repossess the same, and expel the Tenant and those claiming under and through them and remove their effects, forcibly if necessary, without being deemed guilty of any manner of trespass, without prejudice to any remedies which might otherwise be used for arrears of rent or breach of covenant, and upon entry of the aforesaid, this Lease shall terminate and wholly expire.

16. CONDUCT OF BUSINESS BY TENANT

Recognizing that it is in the interest of Tenant's successful operation of his business, Landlord shall allow Tenant at Tenant's election to be open for business daily, including Sundays and Holidays, and Landlord shall not interfere, by regulation or other imposition, with the hours or the days of business operation by the Tenant. The Tenant covenants and agrees that from and after its initial opening for business, it will operate and conduct within the premises the business which it has been licensed and permitted to operate or such other lawful business licensed and permitted by Landlord.

17. NOTICES

All notices to be given hereunder by either party hereto shall be in writing and given by personal service or by first class mailing by registered or certified mail, return receipt requested. Said method of notice is deemed sufficient service thereof, and shall be deemed given as to the date when served or deposited in any post office. Either party may change address by written notice by certified or registered mail to the other. The initial address for receipt of notices is as follows:

New Day Inc.:
Vernon Mummey
1111 Coburn Road
Billings, MT 59101

Parking Division Director
City of Billings
P.O. Box 1178
Billings, MT 59103

18. MUTUAL RELEASE FOR HAZARDS COVERED BY INSURANCE

The Landlord and Tenant and all parties claiming under them hereby mutually release and discharge each other from all claims and liabilities arising from or caused by any hazard covered by insurance on the leased property, or covered by insurance, in connection with the

property on or activities conducted on the leased property, regardless of the cause of the damage or loss to the extent such waiver of subrogation can be reasonably obtained.

19. COMPLIANCE WITH ALL EXISTING CITY ORDINANCES AND POLICE, FIRE, AND SANITARY MEASURES

Tenant agrees to use and occupy the above described premises in accordance with all lawful police, fire and sanitary regulations imposed by a municipal, state or federal authority, or made by fire insurance underwriters as the basis for insurance for said Landlord's interest in said building, and will observe and obey the laws, City ordinances and other requirements governing the conduct of Tenant's business with respect to the use of said premises.

20. SMOKE FREE CITY-OWNED OR LEASED BUILDINGS

Effective May 12, 1999, all buildings owned or leased by the City of Billings will be designated as smoke free as provided in Sec. 2-402 of the Billings, Montana, City Code. The Tenant agrees to comply with all requirements of this ordinance.

21. WAIVER

A waiver of any breach or default by either Landlord or Tenant shall not be a waiver of any other breach or default. Landlord or Tenant approval of any act by the other requiring consent or approval shall not be deemed to waive or render unnecessary Landlord or Tenant consent to or approval of any other subsequent similar act by Landlord or Tenant.

22. PREVENTION OR DELAY

Any prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefore, governmental restriction, governmental regulations or controls, judicial orders, enemy or hostile governmental action, civil commotion, fire or other casualty, and other causes beyond the reasonable control of either party obligated to perform, shall excuse the performance by such part of its obligation hereunder for a period equal to any such prevention, delay or stoppage, provided that Tenant shall be excused from performance only if the premises are rendered untenable or the Tenant is unable to operate their business because of the delay or stoppage.

23. PARKING SPACES

Up to four (4) covered spaces at the regular monthly rate in the Park 1 Garage are available to Tenant and will be limited to non-reserved and roof spaces.

24. TAXES AND ASSESSMENTS

Tenant shall pay and discharge all taxes, assessments, penalties, charges, rates, or liens of any nature whatsoever, that may, during the term hereof or any renewal, be levied, assessed, charged, imposed, or claimed on or against the demised premises or any improvements or fixtures thereon or appurtenances thereto, or any part thereof, or against the owner or owners of such land or the improvements, by reason of such ownership or tenancy, by whatsoever authority levied, assessed, charged, imposed, claimed, and whether the same is on or against the property herein leased, its improvements, fixtures, or appurtenances, or any part thereof, or on or against the income from the property or its improvements.

25. BINDING EFFECTS

The Covenants and agreements herein contained shall be binding upon the parties hereto, their successors and assigns.

This Lease Agreement and all terms and conditions established herein supersedes and revokes all previous agreements between the parties. Therefore, all previous agreements between the parties are declared null and void and inapplicable.

IN WITNESS WHEREOF, the parties have executed this Lease on this ____ day of _____,
20____.

CITY OF BILLINGS (LANDLORD)

BY: _____
ITS (MAYOR)

ATTEST:

CITY CLERK

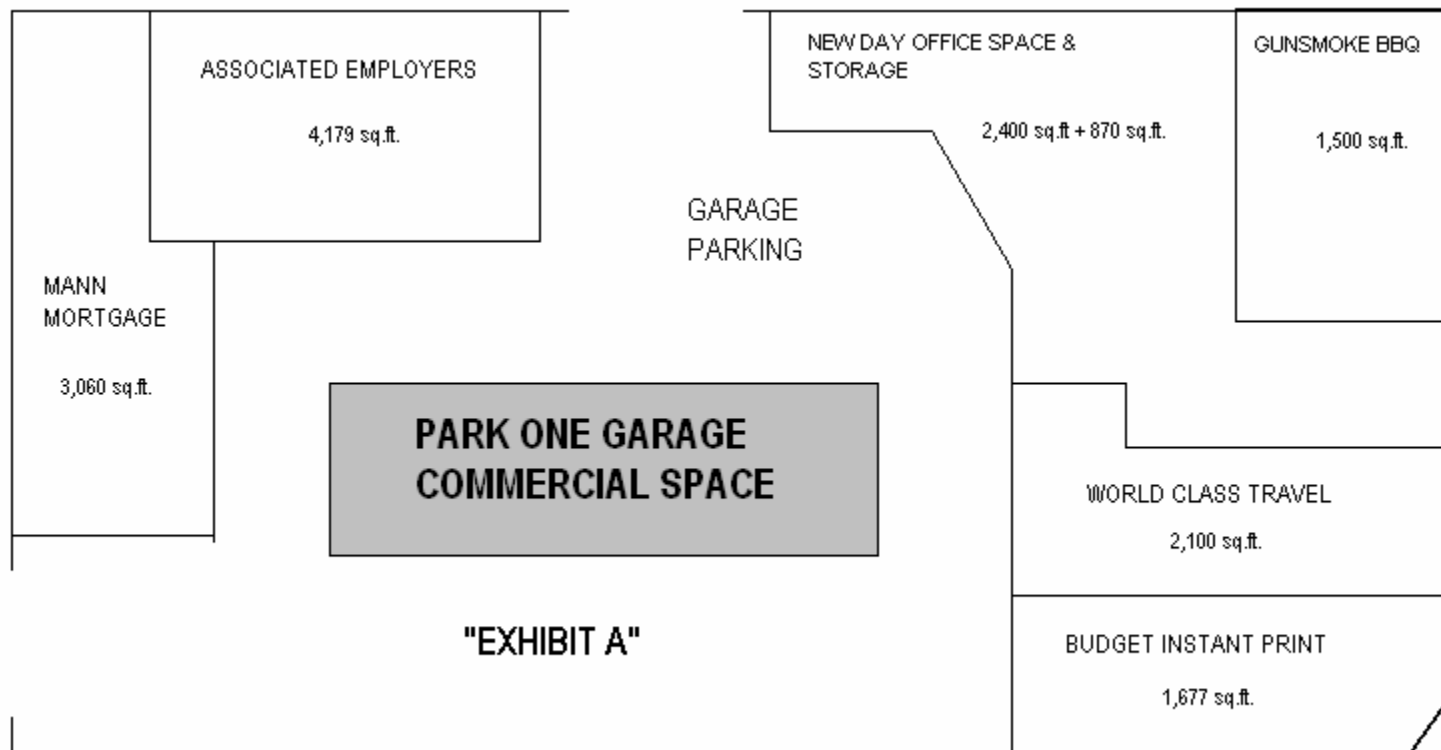
APPROVED AS TO FORM:

CITY ATTORNEY

(TENANT)

BY: _____

ITS _____



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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Approval and Acceptance of Montana Dept of Transportation, State Highway Traffic Safety Contract 2007-23-01-04 & 2007-21-02-04 in the amount of \$ 26,250.00

DEPARTMENT: Police Department

PRESENTED BY: Rich St. John, Chief of Police

PROBLEM/ISSUE STATEMENT: The State of Montana, State Highway Traffic Safety Division has awarded the City a \$26,250 grant for deterrence of violations such as drinking and driving, speeding, lack or misuse of safety restraints, and others. The grant will pay for overtime for the officers involved in these traffic details, incentives for submitting reports on time, and fuel reimbursement. Council is being asked for the approval and acceptance of this grant and authorize the Mayor to sign the attached Standard Agreement.

FINANCIAL IMPACT: None. There is no City match required.

RECOMMENDATION

Staff recommends that Council approve and accept the Billings STEP OT grant from the Highway Traffic Safety Division of the State of Montana in the amount of \$ 26,250 for the period of October 1, 2006 through September 30, 2007, and authorize the Mayor to sign the attached Standard Agreement.

Approved By: City Administrator ____ City Attorney ____

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Safety- Net/Back-Up Ambulance Contract with American Medical Response.

DEPARTMENT: Fire

PRESENTED BY: Marv Jochems, Fire Chief

PROBLEM/ISSUE STATEMENT: Occasionally the demand on the city's Emergency Medical System (EMS) is overloaded and there are significant delays in ambulance response. The Safety Net Ambulance will be a resource whereby the Billings Fire Department will have the ability to transport a critical patient to the Emergency Department during these periods when the system is overloaded and American Medical Response (AMR) is going to be significantly delayed. The ambulance will also be available during mass casualty incidents. AMR has provided the ambulance and all applicable supplies necessary, for one dollar and other valuable considerations. Neither the Fire Department nor AMR will charge for these critical transports. Supplies used from the ambulance during these transports will be replenished by AMR free of charge. The contract is an operational agreement that defines how the Fire Department will use the ambulance.

ALTERNATIVES ANALYZED: None

FINANCIAL IMPACT: None

RECOMMENDATION

Staff recommends that Council approve entering into the Safety Net Agreement with American Medical Response as approved by the City Attorney.

Approved By: City Administrator ____ City Attorney ____

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



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, November 13, 2006

SUBJECT: Accepting the Terms and Conditions of the Information Technology's INTERCAP Loan with the State of Montana

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: On August 14, 2006, the City Council approved the authorization to apply for an INTERCAP loan to finance the purchase of a new i5 (AS400) and associated costs plus four integrated xSeries servers totaling \$125,000. The loan application was reviewed by the INTERCAP Loan Board and was approved. The following resolution is the acceptance of the terms and conditions of the loan.

FINANCIAL IMPACT: The current interest rate is 4.75%. The rate is variable and is adjusted on February 16th of each year. Loan payments, based on the current interest rate will be \$35,100 per year for 4 years.

RECOMMENDATION

Staff recommends City Council approve the attached resolution.

Approved By: City Administrator ____ City Attorney ____

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Quitclaim Deed with Home Depot for the Trail Corridor, Amended Lot 10, Block 3, Midland subdivision, 5th Filing

DEPARTMENT: Planning and Community Services Department, Candi Beaudry, AICP, Interim Planning Director

PRESENTED BY: Darlene Tussing, Alternate Modes Coordinator

PROBLEM/ISSUE STATEMENT: The Mayor and the Billings' City Council has approved and the Mayor has signed the subdivision plat for Amended Lot 10, Block 3, Midland subdivision, 5th Filing. However, in order to record this document with the Yellowstone County Clerk and Recorder's Office, an additional Quitclaim Deed was required. The City Attorney has reviewed and approved this Quitclaim Deed and HD Development of Maryland, Inc. (Home Depot) has signed the agreement. Since this amended plat has already been approved by the Council, this document just needs the signature of the Mayor with the notary.

FINANCIAL IMPACT: There should be no financial impact to the City.

RECOMMENDATION

Staff recommends that Council authorize the signature of the Mayor on the Quitclaim Deed with Home Depot so the document can be recorded with the Subdivision Plat at the Yellowstone County Clerk and Recorder's Office.

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

ATTACHMENT

A. Quitclaim Deed

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged this 17 day of October, 2006, the undersigned, **HD DEVELOPMENT OF MARYLAND, INC.**, a Maryland corporation, Grantor, does hereby grant, convey, release and forever quitclaim its interest unto the **CITY OF BILLINGS, MONTANA**, P.O. Box 1178, Billings, Montana 59103-1178, as Grantee, in the following described real property situated in the City of Billings, Yellowstone County, Montana:

Lot 10B, Amended Plat of Lot 10, Block 3, Midland Subdivision, Fifth Filing, Situated in the NE 1/4 of Section 13, T.1.S., R. 25 E., P.M.M., City of Billings, Yellowstone County, Montana.

TO HAVE AND TO HOLD unto the Grantee, and to its assigns and successors forever.

IN WITNESS WHEREOF, the Grantor has herein executed this instrument the day and year first above written.

GRANTOR:

HD DEVELOPMENT OF MARYLAND, INC.,
a Maryland corporation

By [Signature]
Name: ERIKA M. STRAWN
Title: Corporate Counsel

STATE OF California)
: ss.
COUNTY OF Orange)

On this 17 day of October, 2006 before me a Notary Public for the State of California, personally appeared Erika M. Strawn, the Corporate Counsel of HD Development of Maryland, Inc., a Maryland corporation, and acknowledged to me that he/she executed the foregoing instrument, for and on behalf of the corporation.

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

[Signature] (Signature)

Lisa M. Smith (Printed Name)
Residing in Placentia, Ca, California
My Commission Expires: 1-12-09

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the city of Billings acknowledge receipt of this deed and hereby accept the property interest conveyed through this instrument.

Mayor, City of Billings

ATTEST:

City Clerk

STATE OF MONTANA)
 : ss.
COUNTY OF YELLOWSTONE)

On this ____ day of _____, 2006, before me a Notary Public for the State of Montana, personally appeared RON TUSSING and MARITA HEROLD, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal the day and year first above written.

Notary Public for the State of Montana

Print Name
Residing at Billings, Montana
My Commission Expires: _____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Confirmation of Probationary Police Officer Shawn Wichman
DEPARTMENT: Police Department
PRESENTED BY: Rich St. John, Chief of Police

PROBLEM/ISSUE STATEMENT: On October 24, 2005, Officer Shawn Wichman was hired by the Billings Police Department as a probationary Police Officer. According to MCA 7-32-4113, his probationary period is for one year from date of hire. At this time, Officer Wichman has completed his one year probation, and according to state statute, his name is to be submitted to City Council within 30 days for confirmation. All of the supervisor comments concerning Officer Wichman's performance are positive and indicate that he is doing a good job, and recommend confirmation.

RECOMMENDATION

City staff recommends Officer Shawn Wichman be confirmed as a Billings Police Officer.

Approved By: City Administrator _____ City Attorney _____

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



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

SUBJECT: Donation from Yellowstone County DUI Task Force
DEPARTMENT: Municipal Court
PRESENTED BY: Nikki R. Schaubel, Municipal Court Administrator

PROBLEM/ISSUE STATEMENT: The Yellowstone County DUI Task Force has donated \$5000.00 to the Billings Adult Misdemeanor Drug Court. The proceeds will be used to pay for additional BAMDC client surveillance, including officer overtime and EtG testing.

FINANCIAL IMPACT: This \$5000.00 donation will be deposited into a Municipal Court/Billings Adult Misdemeanor Drug Court revenue account. Additional surveillance is essential to ensure BAMDC participant and program success. Such efforts would not be possible without this donation.

RECOMMENDATION

Staff recommends that Council approve acceptance of a \$5000.00 from the Yellowstone County DUI Task Force.

Approved By: City Administrator _____ City Attorney _____

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Second Reading Ordinance Creating Expanded N. 27th Street Urban Renewal Area

DEPARTMENT: Administration

PRESENTED BY: Bruce McCandless, Deputy City Administrator

PROBLEM/ISSUE STATEMENT: On October 23 the City Council conducted a public hearing and adopted on first reading an ordinance that creates the Expanded N. 27th Street Urban Renewal Area. The ordinance removes property from the existing downtown district and adds it to the small N. 27th St. district that was created in 2005. The Council will consider adopting the ordinance on second and final reading.

FINANCIAL IMPACT: There is little taxable value within the proposed district but there are a number of building improvements being made and others are planned. It is important to freeze the base taxable value at the lowest possible amount so that the district generates the maximum amount of increment in the future.

RECOMMENDATION

Staff recommends that Council adopt the ordinance removing property from the present downtown urban renewal and tax increment district and expanding the N. 27th Street urban renewal and tax increment district.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

A: Ordinance

INTRODUCTION

The City Council will consider on second reading an ordinance that removes property from the existing downtown urban renewal and tax increment district and adds it to the N. 27th Street urban renewal and tax increment district.

PROCEDURAL HISTORY

- April 3, 2006; City Council work session on an expanded N. 27th Street and a new East Billings urban renewal district
- August 21, 2006; City Council work session status report on the proposed N. 27th Street district expansion and a new East Billings urban renewal district
- September 25, 2006; City Council adopted a resolution of intent to expand the N. 27th Street district and setting a public hearing date
- September 28, 2006; City publishes and mails notice of public hearing to property owners
- October 10, 2006; City Council opened and continued the public hearing
- October 23, 2006; City Council conducted a public hearing and adopted first reading of the ordinance expanding the N. 27th Street tax increment district
- November 13, 2006; City Council considers ordinance second and final reading. The ordinance becomes effective 30 days later unless appealed

BACKGROUND

In 2005 and at least twice this year, the Council heard presentations on the potential of creating a new downtown tax increment district. The Downtown Billings Partnership (DBP) took the lead and wrote an urban renewal plan for an area of the central downtown that expands the existing N. 27th Street district that was created in 2005. After the Dept. of Revenue ruled earlier this summer that boundary changes are acceptable, it was decided that this is the most efficient way to create the new TIF area. The area is roughly bounded by N. 25th Street, 6th Avenue North, N. 30th Street and 1st Avenue North, however, the boundary is irregular and does not include all of the property within this general description. A more exact boundary description is included in the plan and the attached ordinance. The boundary was established to capture the lowest possible base value and to take advantage of planned private investments that will produce a tax increment.

The expanded N. 27th Street Urban Renewal Plan outlines a number of objectives and projects. The objectives focus on creating additional housing, retail, office space and parking within the area. The projects mirror the objectives, calling for a mixed use project near the Library, the possible remodel of the Library, a new bank and parking. The City may choose to contract for plan implementation and administration by the DBP or other organization or it may retain all administrative functions.

ALTERNATIVES ANALYSIS

The City Council may approve or disapprove the ordinance and it may alter the boundaries. Adopting the ordinance will remove property from the existing district and add it to the N. 27th Street district. I will allow the City to freeze the property tax base in that area at the January 1, 2006 value, so that any property improvements that occur after that date and that add taxable

value will create a tax increment that can be used for public improvements to spur further private investments.

The Council may modify the proposed boundary. It is irregular, primarily in an attempt to capture future increased taxable value from properties between N 25th and N 26th Street, along N. 27th Street and in the vicinity of 4th Avenue North and Broadway.

The Council may reject the ordinance. If that occurs, the property will remain in the existing district, which expires on March 1, 2008. The N. 27th Street district will remain in place but it is not expected to produce a tax increment until the property is redeveloped.

STAKEHOLDERS

- The DBP initiated this project and endorses it.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy is one requirement for adopting an urban renewal plan. Growth Policy compliance is outlined in the body of the urban renewal plan.

RECOMMENDATION

Staff recommends that Council adopt the ordinance removing property from the present downtown urban renewal and tax increment district and expanding the N. 27th Street urban renewal and tax increment district.

ATTACHMENTS

A: Ordinance

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN OF 27TH STREET DISTRICT URBAN RENEWAL AREA TO INCLUDE CERTAIN PROPERTY FORMERLY PART OF THE DOWNTOWN REDEVELOPMENT DISTRICT IN ORDER TO ESTABLISH THE EXTENDED NORTH 27TH STREET DISTRICT URBAN RENEWAL AREA; ADOPTING A MODIFIED URBAN RENEWAL PLAN THEREFOR INCLUDING A TAX INCREMENT PROVISION; APPROVING AN URBAN RENEWAL PROJECT THEREIN AND AUTHORIZING THE ISSUANCE OF TAX INCREMENT URBAN RENEWAL REVENUE BONDS OF THE CITY TO FINANCE COSTS THEREOF

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

WHEREAS, the City Council of the City (this "Council") created the Downtown Redevelopment District as an urban renewal area (the "Redevelopment Area") pursuant to, among other documents, Resolution No. 12303, adopted by this Council on December 20, 1975, as amended and supplemented, and the City has issued its tax increment urban renewal bonds payable from the tax increment generated from the Redevelopment Area, which were outstanding as of September, 2006 in the aggregate principal amount of \$2,645,000 (the "Outstanding Bonds"), pursuant to Resolution No. 12937, adopted February 26, 1979, as amended and supplemented from time to time (as amended and supplemented to date, the "Bond Resolution").

WHEREAS, on July 11, 2005 the City Council adopted Ordinance No. 05-5333, which created the 27th Street District Urban Renewal Area (hereafter "North 27th Street District") and adopted the Urban Renewal Plan of 27th Street District Urban Renewal Area ("27th Street Plan") that included a tax increment provision and endorsed a mixed-use urban renewal project known as "the Sandstone."

WHEREAS, it has been determined that the North 27th Street District and the 27th Street Plan should be modified to include additional property contiguous to the North 27th Street District that is currently included in the Redevelopment Area.

WHEREAS, this Council on October 10, 2006, conducted a public hearing on a proposal to modify the North 27th Street Plan by adopting the Urban Renewal Plan of the Extended North 27th Street District Urban Renewal Area, which calls for the removal of certain property from the

Downtown Redevelopment District (the “Extension Property”) and aggregating said Extension Property into the North 27th Street District, thereby establishing a modified urban renewal area to be formally designated as the Extended North 27th Street District Urban Renewal Area (the “Extended North 27th Street District” or “the Property”), and to undertake urban renewal projects therein, all as authorized by Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”).

WHEREAS, the Extended North 27th Street District is depicted on Attachment 1 and Attachment 1a (depicting the relationship of the old urban renewal area to The Redevelopment Area) hereto and Attachment 2 (each of which is hereby incorporated herein and made a part hereof). Pursuant to this Ordinance, the boundaries of the Redevelopment Area are being modified to reflect the removal of the Extension Property from the Redevelopment Area and addition of the Extension Property to the N. 27th Street District, as depicted on the map on Attachment 1. The Redevelopment Area, as modified, is depicted on Attachment 2 and legally described on Attachment 3 (the “Resulting Redevelopment Area”) (each of which is hereby incorporated herein and made a part hereof). The Resulting Redevelopment Area is contiguous.

WHEREAS, the Extension Property, as part of the Downtown Redevelopment Area, was previously determined by this Council to be “blighted” within the meaning of the Act and an appropriate area for an urban renewal project in Resolution 12107 dated January 5, 1976; and

WHEREAS, opportunities have been presented to the City that makes it desirable for the City to consider urban renewal projects within the Extended North 27th Street District consisting of demolishing certain blighted structures within the district; improving such properties with new construction, landscaping, utilities, and other similar improvements; and making the properties so improved available for private redevelopment in accordance with the Act (the “Projects”). Development proposals to be considered for funding include mixed use occupancies. The Projects could also include building renovations and the construction or expansion of City owned parking structures within the District.

WHEREAS, the proposed modified urban renewal plan titled the Urban Renewal Plan of the Extended North 27th Street District Urban Renewal Area is attached hereto as Attachment 4 (which is hereby incorporated herein and made a part hereof) (the “Modified Plan”). The Modified Plan contains a tax increment provision and will govern the operation and administration of the Extended North 27th Street District.

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

1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that:

a. The Property presently contains structures and improvements that are in a state of substantial deterioration, are obsolete or defective, pose unsanitary or unsafe conditions, are

vacant and unused, and have inappropriate uses. The present condition of the Property substantially impairs the sound functioning of the downtown area of the City and its environs, is conducive to juvenile delinquency and crime, poses the threat of vandalism or mischief and fire or loss, constitutes an economic and social liability, and is a menace to the public health, safety, and welfare of the residents of the City. Accordingly, the Council reaffirms its previous findings that the Property remains a blighted area within the meaning of Section 7-15-4210 of the Act. This Council finds that the rehabilitation, redevelopment or a combination thereof of the Property is necessary and in the interest of the health, safety, morals or welfare of the residents of the City. This Council finds that undertaking measures to eradicate or diminish the blight affecting the Property will help to foster a more dynamic, livable, and vibrant downtown.

b. If Projects require relocation of displaced persons, a detailed relocation plan is required.

c. The Plan must conform to the Growth Policy and Framework Plan or parts thereof of the City.

d. The Plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise.

e. A sound and adequate financial program is required for the financing of Projects.

f. Projects approved in accordance with the Plan and Act will constitute urban renewal projects within the meaning of the Act and are authorized to be undertaken by the City.

2. Plan Adoption. The Modified Plan is hereby adopted and approved in all respects, including without limitation, the segregation and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein. For purposes of allocating taxes according to the Act, the "prior assessed value" of taxable property within the Extended North 27th Street District is that value shown on the assessment rolls as of January 1, 2006.

3. Bonds. The City may issue tax increment bonds for projects that are approved under the Plan and Act.

4. Conditional Commitment. The adoption of the Plan does not constitute a guarantee or a firm commitment that the City will issue the Bonds or undertake Projects. If, based on comments or information made available to or obtained by the City, it appears that the issuance of the Bonds or Projects is not in the public interest or consistent with the purposes of the Act, the City reserves the right not to issue the Bonds or undertake the Project.

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

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

7. Effective Date. This Ordinance shall be in full force and effect from and after the date that is 30 calendar days after the date set forth below.

ADOPTED by the City Council of the City of Billings, Montana, on second reading this _____ day of 2006.

Mayor

ATTEST:

City Clerk

ATTACHMENT 1

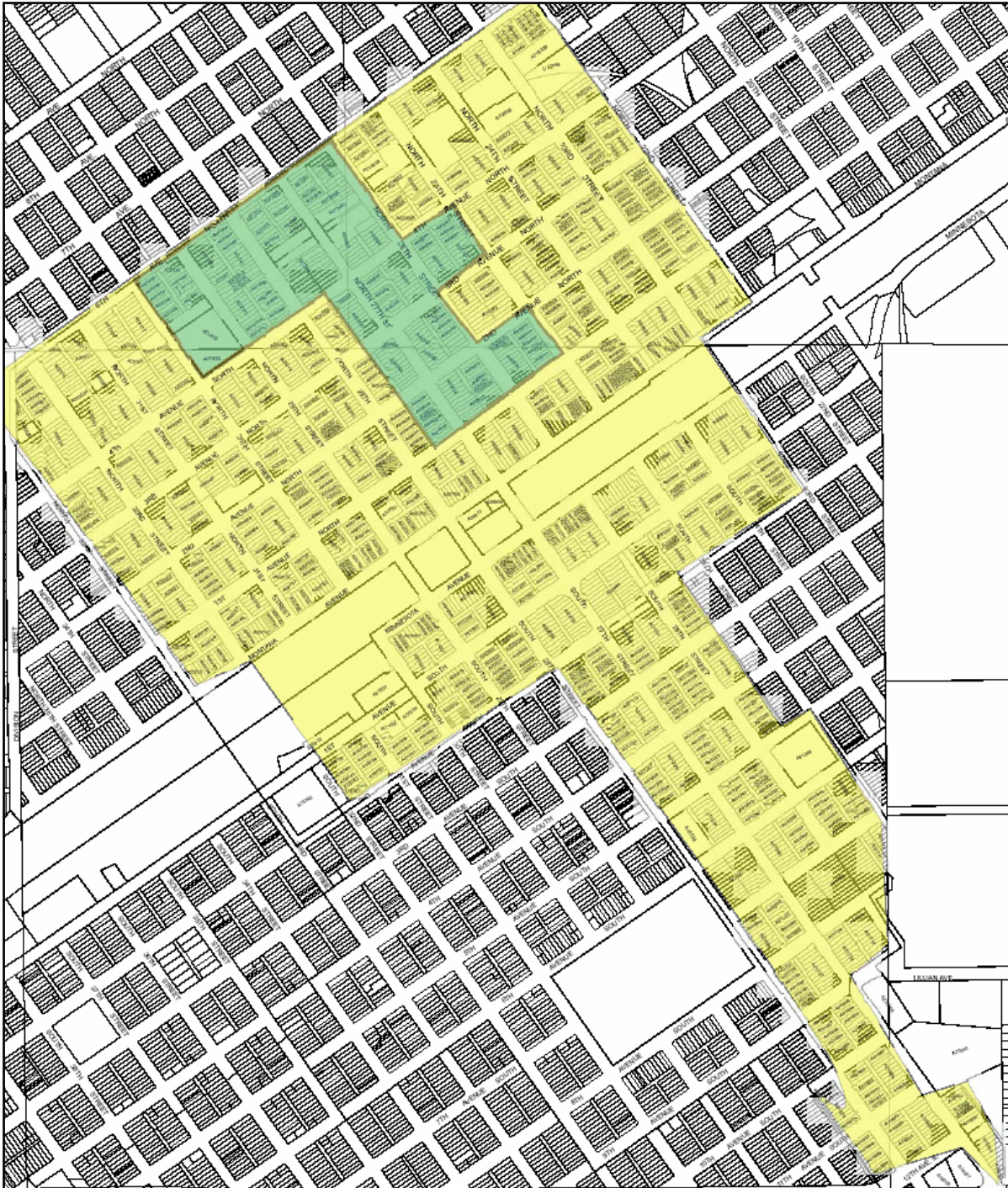
Map of the Proposed Extended District In Relation to Established District (2005)

(NORTH = ↑)



ATTACHMENT 1a

Map of the Proposed Extended District In Relation to Old Urban Renewal Area – TID
(NORTH = ↑)



ATTACHMENT 2

Map of Resulting Redevelopment Area (NORTH = ↑)



ATTACHMENT 3

Legal Description of the Resulting Redevelopment Area

Legal Description of Property

The area in the City of Billings which is inside the boundaries described as:

Beginning at a point at the centerline intersection of the 1st Avenue North right of way and the centerline of North 25th Street right of way and proceeding west along the centerline of 1st Avenue North until reaching the intersection with the centerline of the alley right of way between North 27th Street and North 28th Street then proceeding north down the centerline of the alley until the intersection of the alley and the centerline of the 4th Avenue North right of way then proceeding west along the centerline of 4th Ave. North until the intersection of 4th Ave. North and the North 30th Street centerline then proceeding north along the centerline of North 30th Street until the intersection of North 30th Street and the centerline of the 6th Avenue North right of way then proceeding east along the centerline of 6th Avenue North until the intersection of 6th Avenue North and the centerline of North 26th Street then proceeding south along the centerline of North 26th Street right of way until the intersection of the centerline of 4th Avenue North right of way then proceeding east along the centerline of 4th Avenue North until the intersection of the centerline of North 25th Street right of way then proceeding south along the centerline of North 25th Street until the intersection of the centerline of the 3rd Ave. North right of way then proceeding west along the centerline of 3rd Avenue North until the intersection of the centerline of North 26th Street right of way then proceeding south along the centerline of North 26th Street until the intersection of the centerline of the 2nd Avenue North right of way then proceeding east along the centerline of 2nd Avenue North until the intersection with the centerline of North 25th Street the proceeding south along the centerline of North 25th Street to the intersection of the centerline of 1st Avenue North thus arriving at the beginning, all inclusive.

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

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Second Reading of Ordinance for the East Billings Urban Renewal District

DEPARTMENT: Planning and Community Services Department

PRESENTED BY: Candi Beaudry, AICP, Interim Director

PROBLEM/ISSUE STATEMENT: On October 23, 2006, City Council approved an ordinance creating an East Billings Urban Renewal District and establishing the boundary for the new district on first reading. The final step is for Council to adopt the ordinance on second reading.

ALTERNATIVES ANALYZED: Creating this district is discretionary. The City Council may:

- reject the ordinance
- modify the proposed boundary
- adopt the ordinance with the proposed boundary

FINANCIAL IMPACT: The financial impact is unknown. However, the taxable market value is approximately \$75,000,000 and is stagnant. The purpose of an urban renewal and tax increment district is for the public to invest in infrastructure and thereby encourage private investment that increases the taxable value. Without the public investment, it is assumed that the private investment would not occur, thus there is no “loss” of taxes from freezing the taxable value base because all taxing entities continue to collect taxes on the base value.

RECOMMENDATION

Staff recommends that City Council adopt the Ordinance creating the East Billings Urban Renewal District on second reading.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

A. Ordinance

ORDINANCE NO. 06 _____

AN ORDINANCE RELATING TO THE CREATION OF THE EAST BILLINGS URBAN RENEWAL AREA; AND ADOPTING AN URBAN RENEWAL PLAN, INCLUDING A TAX INCREMENT PROVISION.

Recitals:

WHEREAS, this Council on October 10, 2006, conducted a public hearing on a proposal to establish a new urban renewal area on specified property (as hereinafter defined, the "Property") to be designated "The East Billings Urban Renewal Area", and to adopt an urban renewal plan, as authorized by Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act").

WHEREAS, the Property is depicted on the attached Exhibit A and legally described on the attached Exhibit B (each of which is hereby incorporated herein and made a part hereof).

WHEREAS, opportunities have been presented to the City that make it desirable for the City to consider an urban renewal project within the District consisting of the acquisition of certain vacant or blighted properties, demolishing the blighted structures thereon, improving such properties with, landscaping, utilities, and other similar improvements, assembling such properties, and making the properties so improved available for private redevelopment in accordance with the Act.

WHEREAS, an urban renewal plan entitled the East Billings Urban Renewal Plan is attached hereto as Exhibit C (which is hereby incorporated herein and made a part hereof) (the "Plan"). The Plan contains a tax increment provision and will govern the operation and administration of the District.

WHEREAS, the Plan has been reviewed and approved by the Yellowstone County Planning Board, as evidenced by the Board meeting minutes of August 22, 2006. The Plan contains a description of the Project and its estimated costs.

Ordinance:

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

1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that:

- a. The Property presently contains structures and property that are in a state of substantial deterioration, are obsolete or defective, pose unsanitary or unsafe conditions, are vacant and unused, and have inappropriate uses, the present condition of the Property substantially impairs the sound functioning of the East Billings area of the City and its environs, is conducive to juvenile delinquency and crime, poses the threat of vandalism or mischief and fire or loss, constitutes an economic and social liability, and is a menace to the public health, safety, and welfare of the residents of the City. Accordingly, the Council finds that the Property is a blighted area within the meaning of Section 7-15-4210 of the Act. This Council finds that the rehabilitation, redevelopment or a combination thereof of the Property is necessary in the interest of the public, health, safety, morals or

welfare of the residents of the City. This Council finds that undertaking measures to eradicate or diminish the blight affecting the Property will help to foster a more dynamic, livable, and vibrant downtown.

b. No housing element or structure is disturbed by this District making no relocation necessary;

c. The Plan conforms to the Growth Policy or parts thereof of the City for the municipality as a whole;

d. The Plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise;

2. Plan Adoption. The Plan is hereby adopted and approved in all respects, including without limitation, the segregation and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein.

3. Conditional Commitment. The adoption of the Plan does not constitute a guarantee or a firm commitment that the City will issue the Bonds or undertake the Project. If, based on comments or information made available to or obtained by the City, it appears that the issuance of the Bonds or the Project is not in the public interest or consistent with the purposes of the Act, the City reserves the right not to issue the Bonds or undertake the Project.

4. Effective Date. This Ordinance shall be in full force and effect from and after the date that is 30 calendar days after the date set forth below.

PASSED by the City Council on first reading October 10, 2006.

PASSED, ADOPTED AND APPROVED on second reading October 23, 2006.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

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

East Billings Urban Renewal District
In Relation to City and County Limits

October 10th 2006

Map details include:
 - Streets: N 10th St, N 11th St, N 12th St, N 13th St, N 14th St, N 15th St, N 16th St, N 17th St, N 18th St, N 19th St, N 20th St, N 21st St, N 22nd St, N 23rd St, N 24th St, N 25th St, N 26th St, N 27th St, N 28th St, N 29th St, N 30th St, N 31st St, N 32nd St, N 33rd St, N 34th St, N 35th St, N 36th St, N 37th St, N 38th St, N 39th St, N 40th St, N 41st St, N 42nd St, N 43rd St, N 44th St, N 45th St, N 46th St, N 47th St, N 48th St, N 49th St, N 50th St, N 51st St, N 52nd St, N 53rd St, N 54th St, N 55th St, N 56th St, N 57th St, N 58th St, N 59th St, N 60th St, N 61st St, N 62nd St, N 63rd St, N 64th St, N 65th St, N 66th St, N 67th St, N 68th St, N 69th St, N 70th St, N 71st St, N 72nd St, N 73rd St, N 74th St, N 75th St, N 76th St, N 77th St, N 78th St, N 79th St, N 80th St, N 81st St, N 82nd St, N 83rd St, N 84th St, N 85th St, N 86th St, N 87th St, N 88th St, N 89th St, N 90th St, N 91st St, N 92nd St, N 93rd St, N 94th St, N 95th St, N 96th St, N 97th St, N 98th St, N 99th St, N 100th St.
 - Landmarks: Meira Park, Yellowstone River, Downtown Billings.
 - Legend: Urban Renewal District Boundaries (black outline), Billings City (green fill), Yellowstone County (yellow fill).
 - Scale: 0 to 1 Mile.
 - North Arrow: N.

October 10, 2003

EXHIBIT B
LEGAL DESCRIPTION OF URBAN RENEWAL AREA

Starting at the intersection of Montana Avenue and North 22nd Street, extending north down the centerline of North 22nd to the intersection of North 22nd Street and 8th Avenue North, extending east down the centerline of 8th Avenue North to the intersection of 8th Avenue North and North 19th Street, extending south down the centerline of North 19th Street to the intersection of North 19th Street and 7th Avenue North, extending east along the centerline of 7th Avenue North to the intersection of North 18th Street and 7th Avenue North, extending south down the centerline of North 18th Street to be perpendicular with the northern most edge of property line of LT 23 & 24 BLK 274 BILLINGS 1ST ADD, T01NR26E, extending east along the Northern edge of LT 23 & 24 BLK 274 BILLINGS 1ST ADD, T01NR26E and hence eastward including in their entirety the southern most properties most directly adjacent to 6th Avenue North to the city boundary line, extending southerly and westerly along the city boundary lines to the northern edge of the rail road tracks, extending west along the northern edge of the railroad tracks to the centerline of North 22nd Street, extending north along the centerline of North 22nd Street to the ending point at the intersection of Montana Avenue and North 22nd Street. Excluding the non-incorporated land that envelops the empire steel property LTS 3 TO 23 & VAC 10FT ADJ ALLEY & E 404T ADJ N 16TH ST BLK 258 & 259.

EXHIBIT C
EAST BILLINGS URBAN RENEWAL PLAN
(separate document on file in City Clerk's office)

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Goodwin Acres Subdivision Lots 1 & 2, Dedication of Right-of-Way for Poly Drive, Gentry Lane and one half of an alley east of Beth Drive, Exempt Plat

DEPARTMENT: Planning and Community Services

PRESENTED BY: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

PROBLEM/ISSUE STATEMENT: This is an exempt plat of Goodwin Acres Subdivision relocating a common boundary between Lots 1 and 2 and dedicating right-of-way for Poly Drive, Gentry Lane and one half of an alley east of Beth Drive. Don and Carla Crtalic, owners of the property, initiated the survey to relocate the common boundary between the two lots. The City Council must accept the dedication of the right-of-way before the exempt plat can be recorded. The subject property is zoned Residential 9,600 (R-9,600) and is located on the north side of Poly Drive just east of Beth Drive. The City Engineer's Office has reviewed and approved the boundary relocation and the dedication of the right-of-way for Poly Drive, Gentry Lane and the alley east of Beth Drive. Upon City Council approval, these documents are appropriate as to form for filing with the Yellowstone County Clerk and Recorder.

FINANCIAL IMPACT: Should the City Council approve the dedication of right-of-way, the subject property will further develop, resulting in additional tax revenues for the City.

RECOMMENDATION

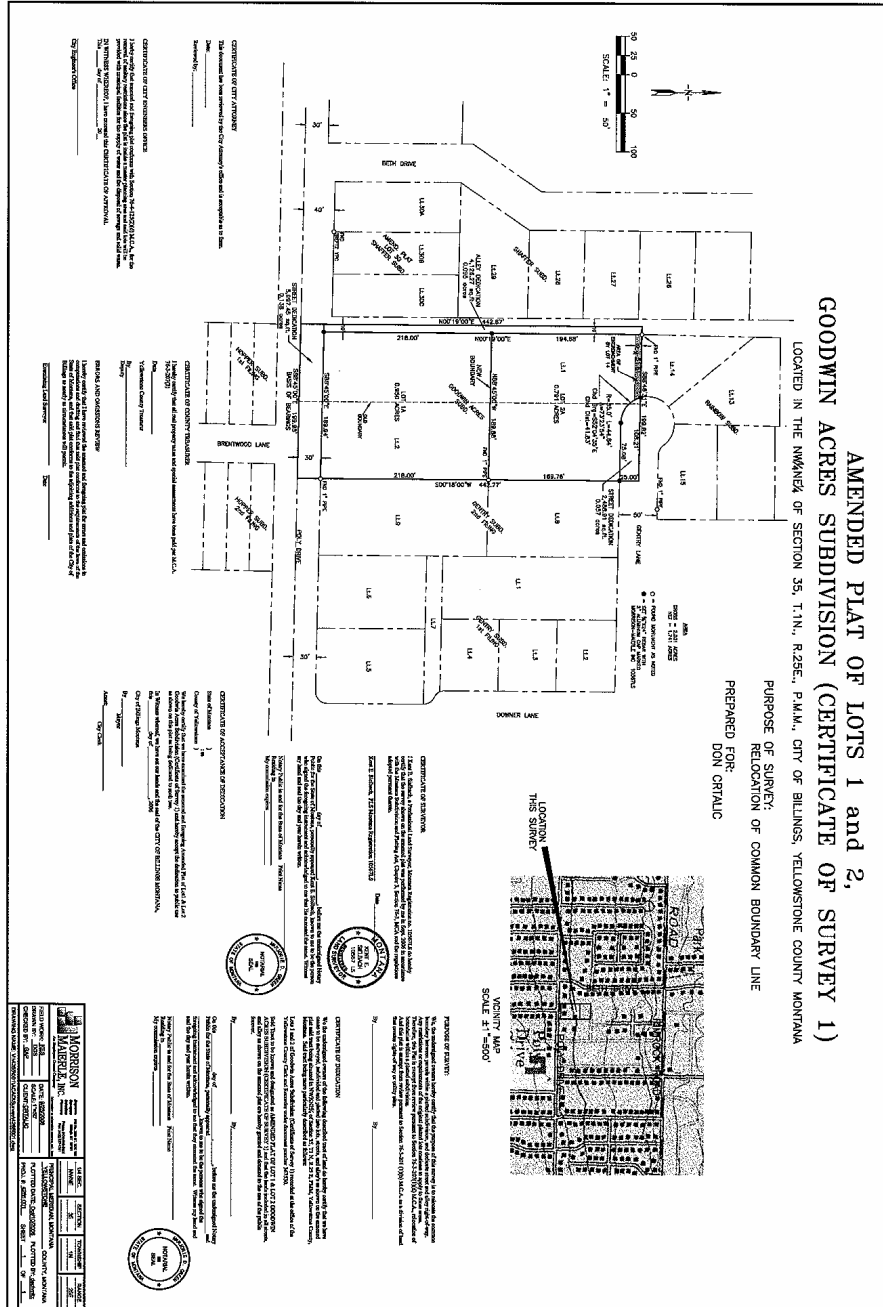
Staff recommends that the City Council approve the dedication of right-of-way for the exempt plat of Goodwin Acres Subdivision, Lots 1 and 2.

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

ATTACHMENT

A: Exempt Plat

ATTACHMENT A
Exempt Plat



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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 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 \$3,172,665.92 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 6, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator _____ City Attorney _____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 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 \$1,522,917.36 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 13, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator ____ City Attorney ____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 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 \$591,365.44 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 20, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator _____ City Attorney _____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, NOVEMBER 13, 2006

SUBJECT: Public Hearing and Approval of Resolution Approving and Adopting First Quarter Budget Amendments for Fiscal Year 2006/2007

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Budget adjustments are requested for Fiscal Year 2006/2007. The adjustments involve the tax increment fund, the capital replacement fund, and two sub-funds of community development.

The Tax Increment Fund is requesting a budget increase to rebudget a \$34,420 encumbrance for the School District No. Two Lincoln Center project that lapsed in fiscal year 2006. The fund has sufficient unreserved fund balance for this increase.

A budget amendment to purchase a van through the Capital Replacement Plan in the amount of \$56,000 is requested by the Library. The current van is causing injuries to employees. The current van will be reconfigured and utilized by PRPL.

Community Development is requesting budget authority to spend available funds from loan proceeds and book sales. Loan proceeds and related interest earnings total \$104,146 and book sales total \$204.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the resolution approving and adopting the budget amendments for Fiscal Year 2006/2007 per attached.

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

ATTACHMENT

A-Resolution to Make Fiscal Year 2006/2007 Adjustment Appropriations (with Exhibit A)

RESOLUTION 06-

A RESOLUTION TO MAKE **FISCAL YEAR 2007**
ADJUSTMENTS APPROPRIATIONS PURSUANT TO M.C.A. 7-
6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND
REVISIONS WITHIN THE GENERAL CLASS OF SALARIES
AND WAGES, MAINTENANCE AND SUPPORT AND
CAPITAL OUTLAY.

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

WHEREAS, based upon a **Quarterly** Budget Review (**FY 2006/2007**), it is necessary to alter and change said appropriations.

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

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT)

PASSED AND APPROVED by the City Council, this 13th day of November, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CMCCITY CLERK

EXHIBIT A

BUDGET ADJUSTMENTS

	<u>Revenue</u>	<u>Expenditure</u>
--	-----------------------	---------------------------

202-1503-466 7950		
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		\$34,420 School District #2 Lincoln Center Project
--	--	--

To re-establish budget for a Lincoln Center project. Budget authority had lapsed in FY2006 because commitment for a specific project was not provided to the City.

640-5517-455 9440		
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		\$56,000 Library van purchase through the Capital replacement fund.
--	--	---

Replace the Library van.

278-6597-465 7290		
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		\$204 Historic Preservation Grant
--	--	-----------------------------------

There are additional funds from the sale of books to be spent in the area of Montana historic preservation.

279-6661-464 5930		
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		\$104,146 Wells Fargo Low Interest Loans
--	--	--

Wells Fargo loan proceeds and related interest earnings are available for low interest loans to qualified borrowers.

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, November 13, 2006

TITLE: Naming rights to components of the new, proposed Cobb Field facility.
 DEPARTMENT: Administration
 PRESENTED BY: Tina Volek, City Administrator

PROBLEM/ISSUE STATEMENT:

City staff is continuing to seek private funding within the Billings community for the new, proposed Cobb Field facility. These contributions would reduce costs associated with the Cobb Field bond issue. A Request for Proposals was issued because staff had become aware of the issue being raised in other communities under similar circumstances. Staff issued this RFP to notify the Billings community that the opportunity to contribute exists and to determine if there is additional funding interest within the community.

ALTERNATIVES ANALYZED:

- Accept proposals for contributions to reduce bond for Cobb Field.
- Reject proposals for contribution to reduce bond for Cobb Field.
- Direct staff to continue to seek other private funding within the Billings community.

FINANCIAL IMPACT: \$2 million in private contributions has been received thus far by the City for funding of the Cobb Field facility. The Request for Proposals was publicly advertised on October 12 and 19, 2006, and made available on the City's website. No proposals were received.

RECOMMENDATION

Staff recommends that Council direct staff to continue to seek and accept private funding for the new, proposed Cobb Field facility as the opportunities arise.

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

ATTACHMENT A

NAMING RIGHTS TO COMPONENTS OF NEW, PROPOSED COBB FIELD PRICE MATRIX

<u>Contributions to Reduce Bond:</u>	<u>Price:</u>	<u>Duration:</u>
A. Park Naming Rights	\$1 million	20 years
B. Dave McNally Plaza Plaque <u>Level:</u>		
Platinum	\$100,000+	Perpetual
Gold	\$50,000 - \$99,999	
Silver	\$25,000 - \$49,999	
Bronze	\$10,000 - \$24,999	
C. Scoreboard Recognition (also receives name recognition on Plaque – Platinum Level)	\$500,000	10 Years

<u>Contributions to Capital Repair and Improvement Trust Fund:</u>	<u>Price:</u>	<u>Duration:</u>
A. Dave McNally Plaza Red Brick 4 x 8 Red Brick 8 x 8 Marble 10 x 18	\$100 \$500 \$5,000	Perpetual
B. Dave McNally Plaza Plaque <u>Level:</u>		
Platinum	\$100,000+	Perpetual
Gold	\$50,000 - \$99,999	
Silver	\$25,000 - \$49,999	
Bronze	\$10,000 - \$24,999	
C. Ed Bayne Monument Park (Memorial Plates)	\$1,000	Perpetual
1. Stadium Seats	\$1,000	10 Years
2. Name Plates (Benches/Trees/Flag Poles)	\$300	Perpetual

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