

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

July 27, 2015

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember McFadden

ROLL CALL: Councilmembers present on roll call were:

MINUTES: July 13, 2015

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #1

ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. Please sign in at the cart located at the back of the council chambers or 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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

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

- A. **Consultant Agreement** with Sanderson Stewart to conduct West End Multi-Modal Traffic Modeling Project; total estimated cost to the City - \$79,960.
- B. **Approval** of new 25-year Commercial Aviation Lot 9 Ground Lease with Edwards Jet Center (8/1/2015 - 7/31/2040); annual revenue first year - \$16,881; revenue for subsequent years to be adjusted annually by Consumer Price Index for all Urban Consumers (CPI-U); **approval** of Lessor's Consent to Assignment to First Interstate Bank; and **approval** of Amendment One to Lot 8 Lease.
- C. **Approval** of the Assignment and Transfer of the West End Hangar Ground Lease and Amendment Two of the Lease from Jonathan R. Scott to Julia Holdings, L.L.C., and from Julia Holdings, L.L.C. to Ponderosa Properties, L.L.C.; and **approval** of the Assignment and Transfer of the 1998 West End Hangar Ground Lease and Steve J. Inman's updated West End Hangar Ground lease from Julia Holdings, L.L.C. to Steve J. Inman.
- D. **Amendment #20, Airport Improvement Program Micro-Tunneling Project**, Engineering Services Contract, Morrison-Maierle, Inc., \$189,299. (Note: This item was included on the 7/13 Council agenda, was separated, and was inadvertently not returned to for a vote by Council.)
- E. **Easement** with Westfeeds, Inc. for Yegen Drain project.
- F. **Grant Application Request** to submit 2015 Internet Crimes Against Children (ICAC) operational continuation application for \$248,323, and accept award.
- G. **Acceptance** of FM Global Fire Grant, \$1,000.
- H. **Resolution of Intent** to create SILMD 318, Summerhill Subdivision (street lighting), and set a public hearing date for August 10, 2015.
- I. **Sale of 3510 7th Avenue South**. (Opened 7/16/2015) Recommend rejection of sole bid.
- J. **Second and Final Reading Ordinance** amending the City Subdivision Regulation regarding development in the 100-year floodplain.
- K. **Preliminary Subsequent Minor Plat** of Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing, located northeast of the intersection of Grand Avenue and 54th Street West and zoned Residential Multi-family Restricted (RMF-R) and Residential-5000 (R-50); Grand Peaks, LLC, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

L. **Final Plat Approval** of Silver Creek Estates.

M. **Bills and Payroll:**

1. June 29, 2015

REGULAR AGENDA:

2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #935:** a zone change from Residential Professional (RP) to Neighborhood Commercial (NC), on a 13,706 square foot parcel of land described as: Lot 9A, Block 2, Justiss Subdivision, and located at 741 S 24th Street West. 741 S 24th Street West, Inc., owner; Mike Walker - NAI Business Properties, agent. Zoning Commission recommends approval of the zone change and adoption of the ten criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #937:** A zone change from Residential 9,600 (R-96) to Residential Professional (RP) on a 35,719 square foot parcel of land described as: C/S 604 and Tract 2 of C/S 356, and located at 100 Emerald Drive. Lois Schroeder, owner; Michael Schroeder and The City of Billings, agents. Zoning Commission recommends approval of the zone change and adoption of the ten criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND SPECIAL REVIEW #927:** a special review for an all-beverage liquor license without gaming for a proposed The Divide Restaurant and Bar in a Highway Commercial zone on a 1.69 acre parcel of land described as: Lot 7, Block 1, Montana Sapphire Subdivision. David Williams, owner; Scott Atwood - Atwood Architecture, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-15-01:** A variance allowing 15 parking stalls at 2908 Millennium Circle. Billings Warehouse Flooring, LLC, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently-annexed property in Annexation #15-09: 3.5 acres generally located on the west side of 46th Street West, just south of the intersection of Rimrock Road and 46th Street West; Eggart Enterprises, LLC and RK Development, LLC, owners. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required.
(Restricted to *ONLY* items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.)

COUNCIL INITIATIVES

ADJOURN

Additional information on any of these items is available in the City Clerk's Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Billie Guenther, City Clerk, at 657-8210.

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Consulting Agreement with Sanderson Stewart - West End Multi-Modal Traffic Modeling Project

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

Due to the combined number of residential and commercial developments on the west end of Billings, an increase in the volume of traffic has impacted circulation, access, safety, and non-motorized transportation. Therefore, an RFP was issued to solicit proposals from qualified consulting firms with expertise in constructing a complex multi-modal transportation model. The objective of the Multi-Modal Transportation Modeling Project is to evaluate impacts of current and future land development on the existing transportation system to prepare the transportation network for future growth. The evaluation will include motorized and non-motorized transportation.

Although much of this study area is in the County, there are several large City subdivisions within it that impact the transportation network. In addition, much of the study area is within the jurisdictional area of the City's Limits of Annexation Map and so there is an expectation of development both within the County and City in the future in the area. This study will assist City Public Works in identifying future transportation improvements through the CIP process as well as the ability to identify contributions from additional annexation and subdivision requests to ensure the sustainability of the transportation network.

The project area is defined by a starting point at South 48th Street West at Neibauer Road, north to Grand Avenue, Grand Avenue west to 54th Street West, north on 54th Street west to Rimrock Road, west on Rimrock Road to 70th Street West, south on 70th Street West to Grand Avenue, east on Grand Avenue to 64th Street West, south on 64th Street West to Neibauer Road, then east to point of beginning at South 48th Street West (See Attached Study Area Boundary Map).

Through a competitive selection process conducted in June, 2015, Sanderson Stewart was chosen as the consultant to complete the project. The negotiated fee will not exceed \$79,960. Staff is requesting that the Council approve this agreement with Sanderson Stewart and a draft contract is attached for Council review.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the agreement as proposed
- Not approve the agreement
- Direct staff to negotiate specific changes with Sanderson Stewart and return a revised agreement

FINANCIAL IMPACT

The estimated cost of this study is \$79,960.00. The costs are detailed in Exhibit B of the consultant agreement. The source of funding is through the Billings Urban Area Metropolitan Planning Organization's Federal PL (planning) funds administered by the City-County Planning Division.

RECOMMENDATION

Staff recommends that the City Council approve the Consultant Agreement with Sanderson Stewart to conduct the West End Multi-Modal Traffic Modeling Project




APPROVED BY CITY ADMINISTRATOR

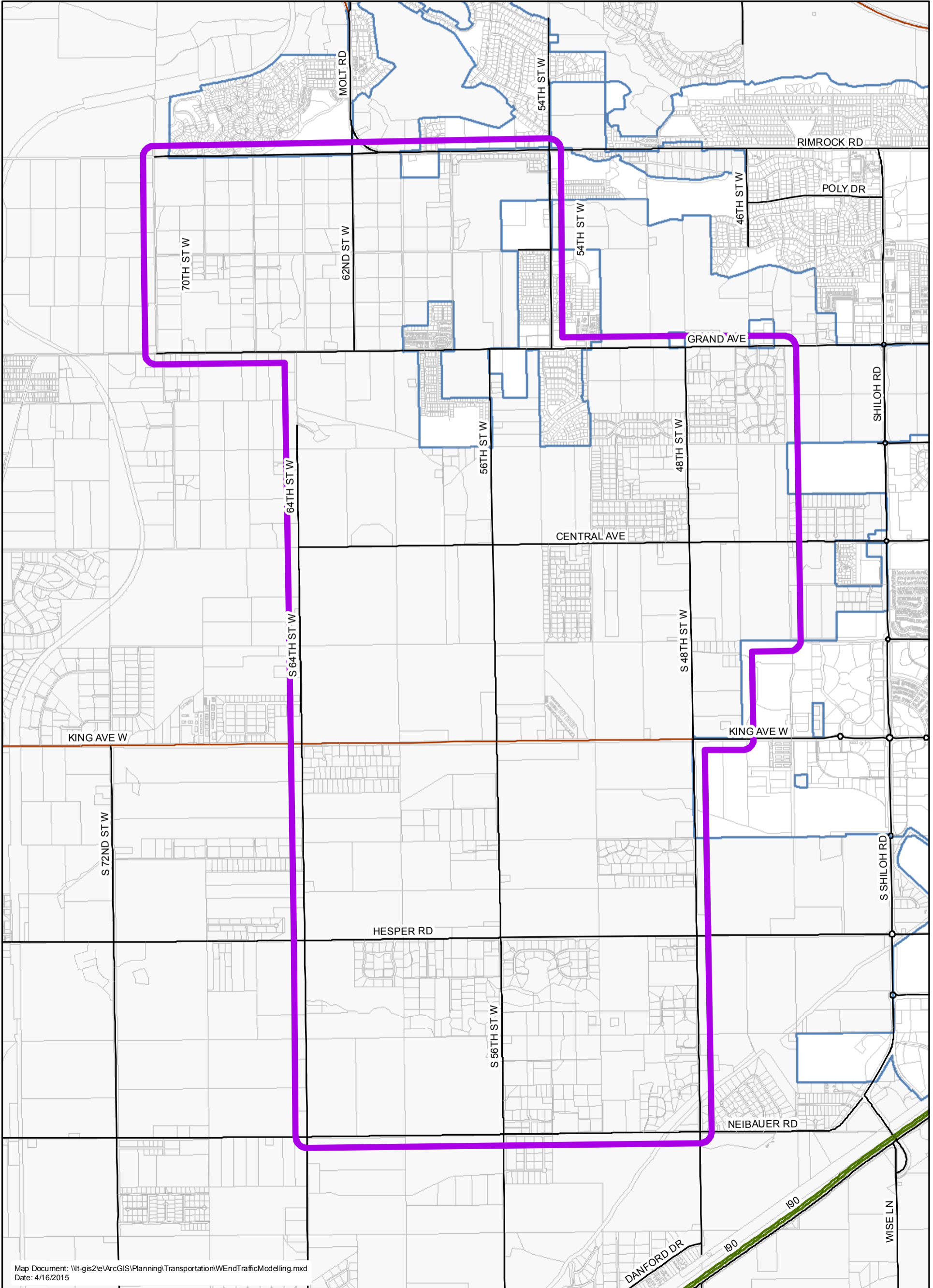
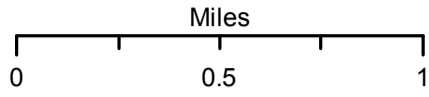
Attachments

Boundary Map

Sanderson Stewart Draft Contract

West End Traffic Modeling Project

-  West End Traffic Modeling
-  Billings City Limits
-  Yellowstone County





CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2015, by and between the **CITY OF BILLINGS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as “**CITY**,” and Sanderson Stewart, 1300 North Transtech Way, Billings, Montana 59102, hereinafter referred to as “**CONSULTANT**.”

WITNESSETH:

WHEREAS, the **CITY** proposes to obtain information regarding the development of a West End Multi-Modal Traffic Modeling Project and desires to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit “A” and by this reference made a part hereof.

WHEREAS, the **CITY** has authority to contract for such services, and;

WHEREAS, the **CONSULTANT** represents that he/she is fully qualified to perform such services personally and is in compliance with the Montana Statutes relating to the provisions of such services.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **PURPOSE:** **CITY** agrees to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit “A” and by this reference made a part hereof. In performing these services, the **CONSULTANT** shall at all times comply with all federal, state and local statutes, rules and ordinances applicable. These services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.

2. **TERM:** This **AGREEMENT** shall be for a period of eight months, from the execution of this **AGREEMENT**. This **AGREEMENT** may be extended for 1-three month option by mutual agreement of both parties, in writing, thirty (30) days prior to termination.



3. **PAYMENT:** In consideration of the services provided by the **CONSULTANT** under this **AGREEMENT**, the **CITY** agrees to pay **CONSULTANT** a price not to exceed \$79,960.00 as described in the Project Cost attached hereto as Exhibit “B”.

In the event scope of work issues arise, the **CONSULTANT** shall immediately discuss them with the Project Manager for the **CITY**. It is understood that the Consultant will not perform any work that the **CITY** deems outside the scope prior to receiving written approval from the **CITY**, and at a rate agreed upon by both parties. Any payment for work not agreed upon by the **CITY** shall be denied.

CONSULTANT, shall invoice City monthly for the percentage of the work completed by the **CONSULTANT**. **CITY** shall pay undisputed invoices within thirty (30) days of the invoice date and may deduct five percent (5%) from each pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final invoice by the **CITY**, and determination has been made by the **CITY** that the scope of work has been satisfactorily completed.

4. **INDEPENDENT CONTRACTOR STATUS:** The parties agree that **CONSULTANT** is an independent Contractor for purposes of this **AGREEMENT** and is not to be considered an employee of the **CITY** for any purpose. **CONSULTANT** is not subject to the terms and provisions of the **CITY**'s personnel policies handbook and may not be considered a **CITY** employee for workers' compensation or any other purpose. **CONSULTANT** is not authorized to represent the **CITY** or otherwise bind the **CITY** in any dealings between **CONSULTANT** and any third parties.

5. **INDEMNITY AND INSURANCE:**

- A. The Consultant shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the **AGREEMENT**.
- B. The Consultant agrees to indemnify, defend and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Consultant or its agents or employees.
- C. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Consultant, the Consultant shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the



Consultant's or any subcontractor's wrongful or negligent acts occurring as a result from the Consultant's performance pursuant to this **AGREEMENT**.

- D. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

The **CONSULTANT** shall provide the following insurance:

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including contractual and personal injury coverage's -- \$750,000 per claim and \$1,500,000 per occurrence.
3. Commercial automobile liability -- \$1,500,000 per accident.
4. Professional liability in the amount of \$1,500,000 per claim.

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the **CITY** prior to cancellation. **CONSULTANT** may use an Excess Limits policy that drops down and follows form to meet the required insurance limits.

The **CITY** shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

CONSULTANT shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. **CONSULTANT** shall maintain workers' compensation insurance coverage for all members and employees of **CONSULTANT's** business, except for those members who are exempted as independent **CONSULTANTS** under the provisions of §39-71-401, MCA.

CONSULTANT shall furnish **CITY** with copies showing one of the following: (1) proof of registration as a registered Contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent Contractors.



6. **AGREEMENTS OF CONSULTANT:** As an inducement to the execution of this **AGREEMENT** by the **CITY** and in consideration of the agreements to be performed by the **CITY**, the **CONSULTANT** agrees that:

A. Qualifications

The **CONSULTANT** is qualified to perform the services to be furnished under this **AGREEMENT** and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform.

B. Solicitation of Agreement

The **CONSULTANT** has not employed any person to solicit this **AGREEMENT** and has not made, and will not make, any payment or any agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this **AGREEMENT**.

C. Facilities and Personnel

The **CONSULTANT** has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed.

D. Subcontracting

None of the work or services covered by this **AGREEMENT** shall be subcontracted without the prior approval of the **CITY**.

E. Affidavits of Compliance

The **CONSULTANT** will, if requested by the **CITY**, furnish the **CITY** affidavits certifying compliance with the provisions of this Section.

7. **AGREEMENTS OF CITY:**

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the City of Billings' portion of the project as designated in the scope of work.

B. Name a Project Manager who shall be the liaison between the Consultant and the City of Billings. For this project, the Project Manager for **CONSULTANT** designated is D.J. Clark and the Project Manager for **CITY** designated is Scott Walker.



8. **NONDISCRIMINATION:**

- A. The **CONSULTANT** will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The **CONSULTANT** will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The **CONSULTANT** agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
 - B. The **CONSULTANT** shall state, in all solicitations or advertisements for employees to work on jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
 - C. The **CONSULTANT** shall comply with any and all reporting requirements that may apply to it that the **CITY** may establish by regulation.
 - D. The **CONSULTANT** shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this **AGREEMENT**, so as to be binding upon every such sub-consultant or vendor of the **CONSULTANT** under this **AGREEMENT**.
 - E. The **CONSULTANT** shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination (Exhibit "C").
9. **PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this **AGREEMENT**. All actions taken by the **CONSULTANT** under this **AGREEMENT** shall comply with all applicable statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this **AGREEMENT**.



10. **NONWAIVER:** The failure of either party at any time to enforce a provision of this **AGREEMENT** shall in no way constitute a waiver of the provision, nor in any way affect the validity of this **AGREEMENT** or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.
11. **DECLARATION OF NO FINANCIAL INTEREST:** The **CONSULTANT** hereby declares that he does not have any interest (including that of real estate agent or broker), direct or indirect, present or prospective, in any property described in Section 1 or in its sale, or any other interest, whether or not in connection with the property, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this **AGREEMENT**, any person having any such interest. Until the property is acquired by the **CITY** or excluded from its project by resolution of its governing body, the **CONSULTANT** and any employees of the **CONSULTANT**, so long as they are employed by the **CONSULTANT**, will not acquire any such interests and will not, for their own account or for other than the **CITY**, negotiate for any of the property, perform services in connection with the property, or testify voluntarily as a witness in a condemnation or other proceeding with respect to the property.
12. **SUCCESSORS AND ASSIGNS:** This **AGREEMENT** and all of the covenants hereof shall inure to the benefit of and be binding upon the **CITY** and the **CONSULTANT** respectively and his partners, successors, assigns, and legal representatives. Neither the **CITY** nor the **CONSULTANT** shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other party.
13. **CHANGES IN WORK:** Any change in the scope of **CONSULTANT'S** services as stated in this **AGREEMENT** for whatever reason, will be negotiated between the **CITY** and the **CONSULTANT** and an amendment to this **AGREEMENT** will be issued with the appropriate change of services and **AGREEMENT** fee noted.
14. **LEGAL RELATIONS:** The **CONSULTANT** shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.



15. **TERMINATION OF AGREEMENT:** The right is reserved by the **CITY** to terminate this **AGREEMENT** at any time upon not less than thirty (30) days written notice to the **CONSULTANT**. If one of the parties fails to comply with the terms and conditions of the Agreement, written notice may be provided describing the default. If the defaulting party fails to cure and correct the claimed default within a reasonable period specified in the notice, the non-defaulting party may terminate its services under the Agreement.

In the event the **CITY** terminates this **AGREEMENT**, the **CONSULTANT** shall be paid for the amount of work performed or services rendered to date of termination per the **AGREEMENT** fee.
16. **ENDORSEMENTS:** The **CONSULTANT** shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.
17. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of this **AGREEMENT**, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the **CITY**. Reproducibles of all notes, reports, and plans shall be made available at the **CITY'S** request. **CONSULTANT** shall not be liable for modifications to documents prepared by **CONSULTANT** which are made without **CONSULTANT'S** advice after delivery to **CITY**, nor shall **CONSULTANT** be liable for their use in projects other than the Project outlined within this Agreement.
18. **PUBLIC INFORMATION:** The **CONSULTANT** shall not issue any statements, releases, or information for public dissemination without prior written approval of the **CITY**.
19. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the **CITY**. Pre-existing works created by **CONSULTANT** outside of the services for **CITY** but utilized in connection with such services shall continue to be owned by **CONSULTANT**.
20. **RECORDS:** The **CONSULTANT** shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the **AGREEMENT** term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the **CITY** and copies thereof shall be furnished if requested.




- 21. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this **AGREEMENT** to retain an attorney to enforce any of the terms or conditions of the **AGREEMENT** or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.
- 22. **LITIGATION LOCATION:** The parties agree that this **AGREEMENT** shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the **AGREEMENT** or the performance of its terms.
- 23. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this **AGREEMENT** or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this **AGREEMENT**.

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

CITY OF BILLINGS, MONTANA

SANDERSON STEWART
CONSULTANT (Print Name Above)

By _____
THOMAS W. HANEL,
MAYOR

By 
Print Name MICHAEL P. SANDERSON
Print Title PRESIDENT / CEO

APPROVED AS TO FORM:

By _____
BRENT BROOKS, CITY Attorney



EXHIBIT A SCOPE OF WORK

WEST END MULTI-MODAL TRAFFIC MODELING PROJECT

The MPO, through the City, is seeking a qualified consultant team with expertise in constructing complex multimodal traffic models for government entities to participate in the facilitation and development of a West End Multi-Modal Traffic Model per the term, conditions, and specifications of this Request for Proposal document.

The project area is defined by a starting point at South 48th Street West at Neibauer Road, north to Grand Avenue, Grand Avenue west to 54th Street West, north on 54th Street west to Rimrock Road, west on Rimrock Road to 70th Street West, south on 70th Street West to Grand Avenue, east on Grand Avenue to 64th Street West, south on 64th Street West to Neibauer Road, then east to point of beginning at South 48th Street West. The Study will include, but not be limited to the following:

SCOPE OF WORK

- Use existing data from long-range population, housing and employment figures in the 2014 Billings Urban Area Long Range Transportation Plan and other existing data sources including city and county subdivision plats.
- Collect and analyze traffic count data including vehicle, pedestrian, and bicycle within the study area. The MPO can provide Average Daily Traffic counts and TransCad Model information from MDT. The MPO may assist Consultant with additional collection depending on type of data needed.
- Research ongoing and planned land development activity within the project area and develop projections for two future potential land development scenarios for the 2035 model year. Identify proposed transportation projects within the study area as defined by the City, County, and MDT. Develop two modeling scenarios based on the land development projections and accounting for the previously referenced transportation project improvements.
- Develop a multi-modal traffic model using a modeling platform compatible with TransCad.
- The model should be able to study various scenarios for lane capacity and configuration, intersection configuration and treatments that include both bicycle and pedestrian timings and recommended bicycle treatments throughout the network. Measurement of all modes of transportation is desired including queuing, traffic flow, projected level of service and capacity should be determined as appropriate. Identifying consequences of growth scenarios both positive and negative is a goal.
- After the base model is developed, the consultant will perform analysis of negatively impacted scenarios and provide general recommendations for improving the study area network and its ability to accommodate all modes of transportation.



Consultant will be required to inform and solicit comments from the community through the Yellowstone County Board of Planning Participation Plan. The public participation plan can be found: <http://ci.billings.mt.us/DocumentCenter/Home/View/3974>

FEASIBILITY STUDY DELIVERABLES

During the study process or at the conclusion of the study, as applicable, the following items will be delivered:

- Weekly email updates of project status to City-County Planning Division. Project meetings as needed.
- Attendance at up to two (2) public meetings and periodic (approximately monthly) meetings with the Technical Advisory Committee (TAC), the Policy Coordinating Committee (PCC), and governing bodies as required.
- A multi-modal model that complements the existing MDT model, along with five (5) accompanying printed reports and one (1) digital version to assist local governing bodies to plan for future transportation network needs within the West End.



EXHIBIT B PROJECT COSTS

WORK PLAN Billings West End Multi-Modal Modeling Project

Task/Subtask	SANDERSON STEWART						FEHR & FREBS				Total Hours by Task/Subtask	Total Cost by Task
	Michael Sanderson	DJ Clark	Bob Sanderson	Danielle Scharf	Joey Staszek	Cora Smit	Jon Nepstad	Kyle Cook	Alex Roy	Marti Pearson		
	Principle-In-Charge	Project Manager	Senior Engineer	Senior Engineer	Project Engineer	Clerical/Admin	Principal Planner	Project Engineer	Planner	Office Manager		
A. PROJECT INITIATION & COORDINATION												
1) Project Scope & Schedule		4					2	2			8	\$1,410
2) Oversight Committee Meetings (includes travel)	4	14					4	4			26	\$4,530
3) Weekly Project Update E-mails		3									3	\$495
TASK A SUBTOTALS	4	21	0	0	0	0	6	6	0	0	37	\$6,435
B. DATA COLLECTION & RESEARCH												
1) Project Management / Correspondence	2	4									6	\$1,020
2) Existing Data Review		4			2						6	\$970
3) Traffic Counts					4						4	\$420
4) Data Summaries					2						2	\$210
5) Land Use / Development Research	4	6	8								20	\$3,480
6) Housing / Demographics Research		2			8						10	\$1,170
7) Model Data Acquisition/Coordination with MDT		2					2	4			8	\$1,350
TASK B SUBTOTALS	6	20	8	0	16	0	2	4	0	0	56	\$8,520
C. TRAVEL DEMAND MODELING												
1) Project Management / Correspondence	2	8					12	18	4	6	50	\$8,180
2) Base Model Development Support		4						20	20		44	\$5,560
3) Alternative Land Use Scenario Development (2)	6	15	6		4		4	8	24		67	\$9,735
4) Future Year Model Run Review (2)		4					2	8	8		22	\$3,100
TASK C SUBTOTALS	8	31	6	0	4	0	18	54	56	6	183	\$26,575
D. MULTI-MODAL ANALYSIS												
1) Develop Latent Demand Model		2						8	16		26	\$3,170
2) Develop StreetScore Tool							2	16	20		38	\$4,840
3) Multi-modal recommendations		2		4			2	8	8		24	\$3,430
TASK D SUBTOTALS	0	4	0	4	0	0	4	32	44	0	88	\$11,440
E. PUBLIC INVOLVEMENT												
1) Project Management / Correspondence	2	8									10	\$1,680
2) Survey Development		8			8						16	\$2,160
3) Public Meetings (2)	4	4					4	4			16	\$2,880
4) Website Updates		8									8	\$1,320
TASK E SUBTOTALS	6	28	0	0	8	0	4	4	0	0	50	\$8,040
F. SUMMARY REPORT												
1) Improvements Recommendations Development	2	6			4			4			16	\$2,310
2) Traffic Operations Analysis		2			6						8	\$960
3) Cost Estimates		2			8						10	\$1,170
4) Summary Report		16		4	12	1	2	6			41	\$5,915
5) Report Figures		2			8			6			16	\$1,980
6) Quality Control	2						2				4	\$840
7) Meeting to Present Findings		4					4	4			12	\$2,160
8) Revisions / Finalize Deliverables		2			4	1					7	\$815
TASK F SUBTOTALS	4	34	0	4	42	2	8	20	0	0	114	\$16,150
Total Hours	28	138	14	8	70	2	42	120	100	6	528	-
Rate	\$180.00	\$165.00	\$180.00	\$165.00	\$105.00	\$65.00	\$240.00	\$135.00	\$110.00	\$125.00	-	-
Labor Costs	\$5,040.00	\$22,770.00	\$2,520.00	\$1,320.00	\$7,350.00	\$130.00	\$10,080.00	\$16,200.00	\$11,000.00	\$750.00	-	\$77,160
Direct Expenses												\$2,800
TOTAL ESTIMATED PROJECT COST												\$79,960



EXHIBIT C DBE AND NON-DISCRIMINATION NOTICE

DBE Goals

There are no DBE/WBE goals for this work, but firms are strongly encouraged to utilize DBE firms if applicable. A Montana certified DBE consultant list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>

Nondiscrimination Compliance

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice).

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, the Consultant (hereafter in this Section “the Party”), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

(1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.

(2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.

(3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.

(4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books,



records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,

- (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
- (b) Cancellation, termination or suspension of the Agreement, in whole or in part.

(6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, §49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

(1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.

(2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case



of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."

All video recordings produced and created under contract and/or agreement will be closed captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR §26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



EXHIBIT D CERTIFICATE OF LIABILITY INSURANCE

ATTACHED



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/6/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Billings Office PayneWest Insurance, Inc. P.O. Box 30638 Billings, MT 59107-0638	CONTACT NAME: PHONE (A/C, No, Ext): (406) 238-1900 E-MAIL: ADDRESS:	FAX (A/C, No): (406) 245-9887													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Cincinnati Insurance Companies</td> <td>10677</td> </tr> <tr> <td>INSURER B : RSUI Indemnity</td> <td></td> </tr> <tr> <td>INSURER C : Travelers Casualty Ins Co of A</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Cincinnati Insurance Companies	10677	INSURER B : RSUI Indemnity		INSURER C : Travelers Casualty Ins Co of A		INSURER D :		INSURER E :		INSURER F :
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Cincinnati Insurance Companies	10677														
INSURER B : RSUI Indemnity															
INSURER C : Travelers Casualty Ins Co of A															
INSURER D :															
INSURER E :															
INSURER F :															

INSURED

Engineering, Inc. DBA Sanderson Stewart
 1300 North Transtech Way
 Billings, MT 59102


COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	X	EPP0318062	04/01/2015	04/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 EMPLOYEE BENEFIT \$ 1,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS	X	X	EPP0318062	04/01/2015	04/01/2016	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB OCCUR CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0	X		EPP0318062	04/01/2015	04/01/2016	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Commercial Excess Li			NHA237935	05/08/2015	05/08/2016	Umbrella 8,000,000
C	Pollution			105269194	04/17/2015	04/17/2016	Aggregate 3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 If indicated: Primary Additional Insured without contribution, Waiver of Subrogation, Per Project Aggregate, and Contractual Liability Applies per form GA227.
 The Umbrella policy is excess over Employer's Liability Coverage on the Work Comp policy (shown on separate certificate). Additional Insured and Waiver of Subrogation applies on Auto Coverage per form AA265. 30 Days Notice of Cancellation per form IL0017.

RE: West End Project

CERTIFICATE HOLDER City of Billings; Lora Mattox, AICP, Transportation Planner Planning & Community Services Department 2825 3rd Avenue North, 4th Floor Billings, MT 59101	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	--



ENGINC-02

CTHELEN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/6/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Billings Office PayneWest Insurance, Inc. P.O. Box 30638 Billings, MT 59107-0638	CONTACT NAME: PHONE (A/C, No, Ext): (406) 238-1900 FAX (A/C, No): (406) 245-9887 E-MAIL ADDRESS: <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A : Montana State Fund</td> <td style="text-align: center;">56149</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Montana State Fund	56149	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Montana State Fund	56149														
INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															
INSURED Engineering, Inc. DBA Sanderson Stewart 1300 North Transtech Way Billings, MT 59102															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	031048770	07/01/2015	07/01/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

All operations performed by the above insured.

RE: West End Project

CERTIFICATE HOLDER**CANCELLATION**

City of Billings; Lora Mattox, AICP, Transportation Planner
 Planning & Community Services Department
 2825 3rd Avenue North, 4th Floor
 Billings, MT 59101

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Commercial Aviation Ground Lease with Edwards Jet Center – Lot 9 and Amendment of Lot 8 Lease

PRESENTED BY: Tom Binford, Director of Aviation & Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Edwards Jet Center (EJC) desires to construct a new large aircraft hangar on a currently vacant parcel known as Commercial Lot 9 located at the east end of the Airport. This twenty-five (25) year ground lease would be for 64,927 square feet. The Airport averages one or two leases per year using this type of lease, either for a new lease or for a lease renewal. The Lease identifies that the tenant is responsible for maintaining the leasehold, and includes the appropriate insurance coverage requirements and indemnification language. Additionally, EJC will be financing the construction of this new hangar through First Interstate Bank. The Bank is requesting an Assignment of EJC's interest in the Lease to secure the new financing arrangements.

The security assignment language has been reviewed by both Airport 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 as a means for the banks to secure the loans they provide to the Airport tenants for either construction, purchase of, or improvements to their onsite facilities.

Additionally, the implementation of this new Lot 9 Lease will require adjusting the boundaries of the adjacent Commercial Lot 8 Lease, also with EJC. The Commercial Aviation Ground Lease on Lot 8 was approved by the City Council on July 23, 2012. Amendment One to the Commercial Aviation Ground Lease on Lot 8 reduces the leasehold by 709 square feet, and also updates some of the standard lease language. Copies of the new Lease, Lessor's Consent to Assignment, and lot 8 Amendment One are on file in the City Clerk's Office.

ALTERNATIVES ANALYZED

City Council may:

- Approve the new Lot 9 Lease with EJC and related security Assignment to First Interstate Bank, and Amendment One to the Lot 8 Lease with EJC; or
- Disapprove both the new Lot 9 Lease with EJC and related security Assignment to First Interstate Bank, and Amendment One to the Lot 8 Lease with EJC.

FINANCIAL IMPACT

The Lot 9 Lease will generate \$16,881 in the first year of the Lease. The ground lease rate of \$0.26 per square foot per annum is in line with the rate being paid by other ground lease tenants located in this area. Future lease payments will be adjusted annually using the Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics. The reduction in square footage via Amendment One results in a minor reduction in the annual rental, reducing the Lot 8 rental by \$183.48 for the first year.

RECOMMENDATION

Staff recommends that City Council authorize the Mayor to execute (1) a new twenty-five year Commercial Aviation Ground Lease at Billings Logan International Airport with EJC that commences August 1, 2015 and terminates on July 31, 2040, (2) the Lessor's Consent to Assignment to First Interstate Bank to secure the bank's financing to EJC for EJC's new hangar construction at the Airport, and (3) Amendment One to the Lot 8 Lease.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Assignments and Transfers of West End Hangar Ground Leases from Jonathan R. Scott and Julia Holdings, L.L.C.

PRESENTED BY: Tom Binford, Director of Aviation & Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

On September 25, 2006, John Nash entered into a West End Hangar Ground Lease for two parcels to build a duplex style hangar so he could utilize one side of the duplex hangar and sell the other unit. The Lease term was for 20 years, beginning October 1, 2006 and terminating on September 30, 2026. Mr. Nash sold the other hangar unit and assigned the accompanying ground Lease on April 9, 2007 to Jonathan R. Scott. Mr. Scott now desires to sell his hangar located at 2803 Overlook Drive to another Airport tenant, Julia Holdings, L.L.C. The hangar sale will also require the ground Lease to be assigned to Julia Holdings, L.L.C. Since the commencement of this ground Lease, several standard lease requirements have changed; therefore, in conjunction with the Assignment of the 2006 ground Lease, an Amendment Two to the Lease will be implemented on this parcel to bring the lease language up-to-date with standard lease requirements. A previous Amendment One to correct an error in the description of the premises was approved by the City Council on April 9, 2007. The term of the amended Lease will not be impacted by this Amendment.

Julia Holdings, L.L.C. also has an existing hangar at the Airport, located at 2521 Overlook Drive, and with the purchase of Mr. Scott's hangar, desires to sell her hangar to a new tenant, Steve J. Inman. The sale of Julia Holdings, L.L.C.'s current hangar will also require the ground Lease assumed by Julia Holdings, L.L.C. to be assigned to Steve J. Inman. Julia Holdings, L.L.C. acquired the hangar and assumed the ground Lease from Martin Elshire on November 28, 2005. The term of this Lease commenced November 1, 1998, and expires on October 31, 2018. Since the commencement of this Lease, several standard lease requirements have changed; therefore, in conjunction with the Assignment of the 1998 ground Lease assumed by Julia Holdings, L.L.C., an updated Lease with Steve J. Inman will be implemented on this parcel to bring the lease language up-to-date with standard lease requirements and provide the new tenant with additional term. The updated Lease will commence July 1, 2015 and terminate on June 30, 2025, and replace the original 1998 Lease assumed by Julia Holdings, L.L.C. Both Assignment transactions are interdependent; if one Assignment is not approved, the other Assignment also fails. Copies of all documents are on file in the City Clerk's Office.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Assignment and Transfer from Jonathan R. Scott to Julia Holdings, L.L.C., the Amendment Two to the assigned Lease on the parcel at 2803 Overlook Drive, the Assignment and Transfer from Julia Holdings, L.L.C. to Steve J. Inman, and the updated Lease with Steve J. Inman on the parcel located at 2521 Overlook Drive; or
- Disapprove all documents for both transactions.

FINANCIAL IMPACT

There is no financial impact from either of these Assignments, Amendment Two to the 2006 Lease assumed by Mr. Scott, or the updated Steve J. Inman Lease. The names on the Leases change with each Assignment and Transfer and standard lease language is updated through both the new Lease and the Amendment. The rental rate on the Leases will continue to be adjusted annually on the anniversary of each Lease using the Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics, for the previous twelve (12) month period.

RECOMMENDATION

Staff recommends City Council approve the following: (1) Assignment and Transfer of the West End Hangar Ground Lease from Jonathan R. Scott to Julia Holdings, L.L.C., and Amendment Two to this Lease on the parcel located at 2803 Overlook Drive, and (2) the Assignment and Transfer of the 1998 West End Hangar Ground Lease from Julia Holdings, L.L.C. to Steve J. Inman, and Steve J. Inman's updated West End Hangar Ground Lease on the parcel located at 2521 Overlook Drive.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Approval of Amendment 20 for Airport Improvement Program
Micro-Tunneling Project

PRESENTED BY: Tom Binford, Director of Aviation & Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

On April 9, 2012, the City Council approved a five-year contract with Morrison-Maierle, Inc. to provide engineering services for all the project designs, surveys, development of project plans, specifications and bidding documents, and contract administration. The five-year term contract is amended each time a project is undertaken, and Amendment 20 for \$189,299, includes all of the services listed above for this project.

This project will enhance the Airport's ability to collect and convey storm water from the middle of the airfield during heavy rainfall events. This year's project will micro-tunnel under Runway 10L/28R in two locations, and install approximately 800' of 48" concrete culvert. Once the new pipes have been installed, airfield areas can drain more quickly and prevent temporary runway and taxiway closures due to ponding storm water. The scope of work and associated fees have been negotiated by staff and are acceptable for this engineering work.

(Note: This item was included on the 7/13 Council agenda, was separated, and was inadvertently not returned to for a vote by Council.)

ALTERNATIVES ANALYZED

City Council may:

- Approve Amendment 20 for the Engineering Services with Morrison-Maierle, Inc. for the AIP 50 Micro-Tunneling Project; or
- Decline to approve Amendment 20 with Morrison-Maierle, Inc., and advise staff on how to proceed.

FINANCIAL IMPACT

The total cost of Amendment 20 is \$189,299. These fees are funded 90% with AIP entitlement grant funds and 10% local match funds. The FAA's portion will be \$170,369.10 and the City's match will be \$18,929.90. This project is included in the current budget, and local match funds are budgeted and available in the Airport's Capital Account.

RECOMMENDATION

Staff recommends the City Council approve Amendment 20 with Morrison-Maierle, Inc. in the amount of \$189,299, for engineering services for the Micro-Tunneling project.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: W.O. 12-31 Phase I Yegen Drain - Easement

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Easements are needed from Westfeeds, Inc. to construct the improvements for the Yegen Drain project. The project will mitigate current flooding issues by increasing the capacity of the existing drain by straightening the channel, cleaning out sediment deposits, and removing bushes and trees.

ALTERNATIVES ANALYZED

City Council may:

- Approve the easements from Westfeeds, Inc. to the City or;
- Disapprove the easements. Without the easements, there will not be sufficient room to construct the improvements to the Yegen Drain and area flooding will continue to occur.

FINANCIAL IMPACT

There is no cost to the City for the easement.

RECOMMENDATION

Staff recommends that Council approve the easements from Westfeeds, Inc.

APPROVED BY CITY ADMINISTRATOR

Attachments

Easement Lot 1A
Easement Lot 2A-1

STORM DRAINAGE EASEMENT

THIS INDENTURE is made and entered into this ___ day of _____, 2015, by and between Westfeeds, Inc., the owners of a certain parcel of land situated SECTION 33 AND 34, T.1N., R.26E., P.M.M., in the City of Billings, Yellowstone County, Montana, hereinafter referred to as GRANTORS, and the CITY OF BILLINGS, a Municipal Corporation, hereinafter referred to as GRANTEE.

THE GRANTORS do hereby give, grant and convey unto the GRANTEE, their successors and assigns, the right, privilege and authority to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances to convey storm drainage through, over, under and across the area being an EASEMENT AREA described on the attached EXHIBIT A, PERMANENT EASEMENT, SITUATED IN LOT 1A, AMENDED PLAT OF LOTS 1, 2, AND 3, BLOCK 1 OLD SPUR INDUSTRIAL SUBDIVISION to have and hold forever.

Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. Grantors and their successors agree not to construct, nor cause to be constructed, within the easement right-of-way any type of building or structure, such as but not limited to, houses, garages, sheds, kennels, walls, nor any other fixed objects of any kind, shape or form, without the express written permission by an authorized representative of Grantee.
2. Grantors agree that authorized representatives of the City of Billings may freely travel within the easement with its equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions having given a minimum of twenty-four (24) hours prior notice of any activity to the owner(s) of the above described real property. In the unlikely event of an emergency, the twenty-four (24) hours prior notice requirement shall be waived. To ensure proper restoration, it is the responsibility of the Grantee to document conditions existing prior to any construction within the easement area.
3. Grantors agree to obtain the permission of the Public Works Department of Grantee prior to replacing or removing any fill dirt within the easement and all such work shall be done at the Grantor's, their successors, or assigns expense and without expense to the City.
4. Grantors agree that the responsibility of the City of Billings for any surface restoration due to any construction, replacement, repair or service work to the storm drain management system by the City of Billings, shall be limited to backfill and compaction to the existing ground, restore any paved areas to like condition, and to grade, seed and fertilize existing sodded areas to the satisfaction of the property owners. All areas disturbed during construction, replacement, repair or service work to the storm drain management shall be landscaped to its original condition. If a working sprinkler system exists prior to any construction, replacement repair or service work by the City of Billings, the City of Billings will restore the sprinkler system to original working condition as part of the restoration process.

5. Hold Harmless Agreement.

A. Grantors agree that the owner or owners of the above described property shall at all times fully relieve and save harmless the City of Billings and its authorized representatives for any and all damages of property that may be caused within said easement right-of-way, such as, but not limited to, broken or crushed shrubs, bushes, hedges, trees, or any other type of plantings; crushed, cracked, split or other damage to any other type object, material, or equipment located within the easement area easement right-of-way which cannot, with a minimum of human effort and within a few minutes time period, be removed from the easement right-of-way by authorized representatives of the City of Billings in exercise of any of their rights under this easement right-of-way, except as noted in paragraph 4, above.

B. Grantors agree the owners of the above described real property shall be responsible in the event damage results from owners' failure to comply with any portion of the rights, restrictions, obligations or responsibilities contained in this agreement.

6. This easement shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof.

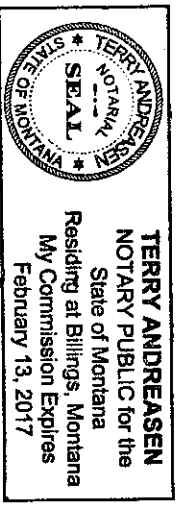
STATE OF MONTANA)
: ss.
County of Yellowstone)

On this 6th day of February, 2015, before me, the undersigned, A Notary Public for the State of Montana, personally appeared Jerry Beeger and _____, known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Terry Andr

Printed Name: Terry Andraesen
Notary Public in and for the State of Montana
Residing at Billings, MT
My Commission Expires: February 13, 2017



Jerry Am. Beeger
OWNER
Date: 2-6-15

OWNER
Date: _____

ATTEST:

CITY OF BILLINGS

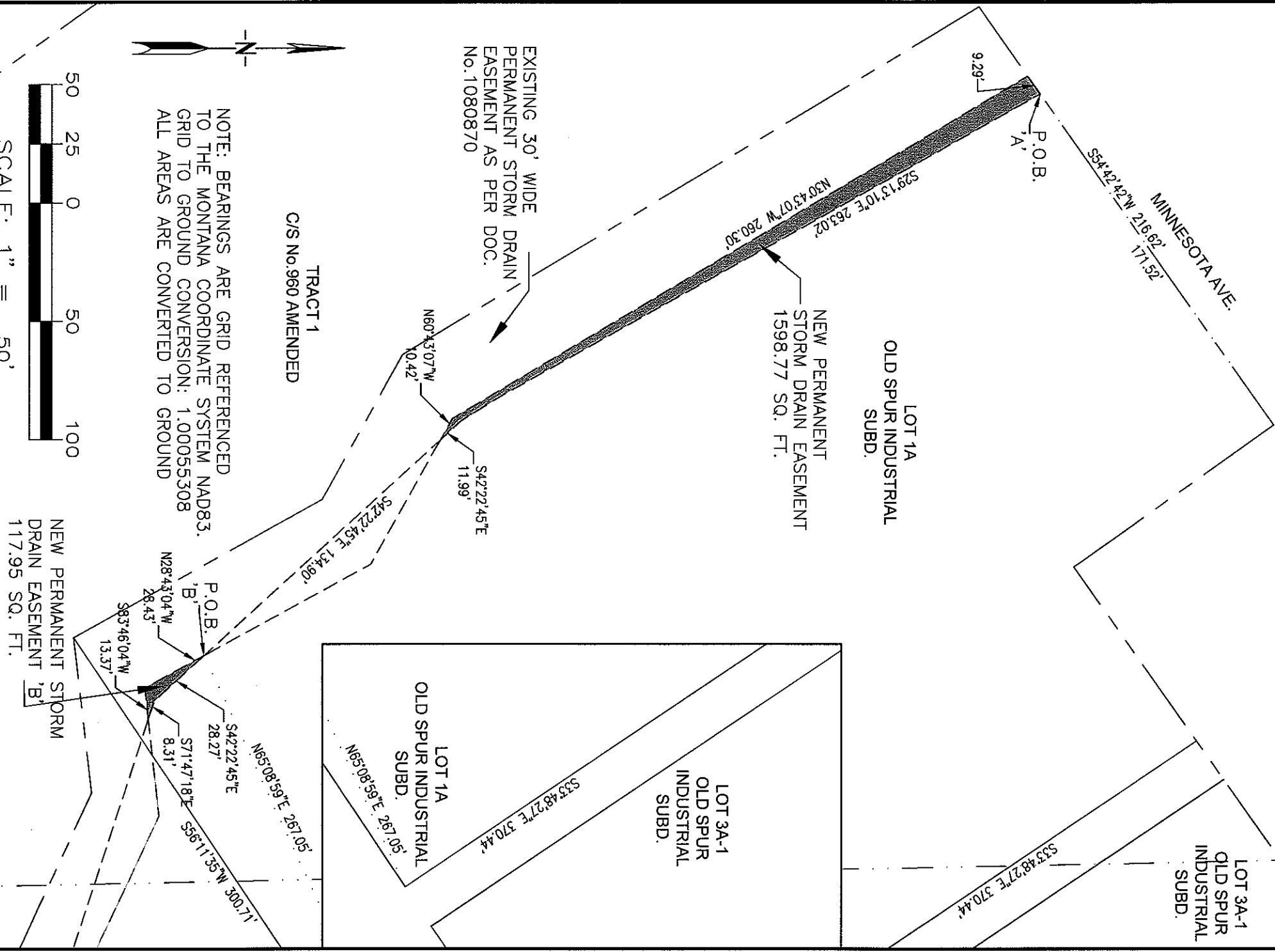
By: _____ Mayor
City Clerk _____
Date: _____

EXHIBIT 'A'

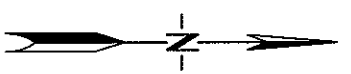
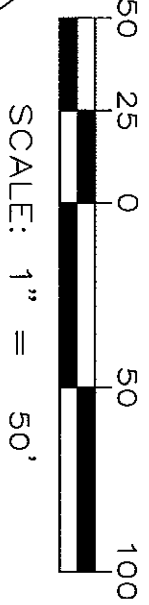
STORM DRAIN EASEMENT

SEC. 33

SEC. 34



NOTE: BEARINGS ARE GRID REFERENCED TO THE MONTANA COORDINATE SYSTEM NAD83. ALL AREAS ARE CONVERTED TO GROUND.



<p>MORRISON MAIERLE, INC. An Employee-Owned Company</p>	<p>Engineers Surveyors Scientists Planners</p>	<p>315 N. 24th Street Suite 102 Billings MT 59101</p>	<p>DRAWN BY: DGS CHK'D BY: JDI</p>	<p>PROJECT NO. 0886.083.01</p>
	<p>Phone: (406) 656-6000 Fax: (406) 237-1201</p>	<p>APPR. BY: GJA DATE: 09/2014</p>	<p>CITY OF BILLINGS VEGEN DRAIN</p>	<p>FIGURE NUMBER FIG. A</p>
<p>108086183.01A\CAD\Sub\vege\Easement\VEGEN DRAIN ESMT_L17A_BLK1_CDR.dwg. Plotted by D.Schmitz on Sep/22/2014</p>		<p>STORM DRAIN EASEMENT EXHIBIT</p>		
		<p>LOT 1A, OLD SPUR INDUSTRIAL SUBDIVISION, SEC. 33 & 34, T. 1N., R. 26E., PMM, YELLOWSTONE COUNTY, MONTANA</p>		

**Legal Description – Permanent Easement
Lot 1A, Amended Plat of Lots 1, 2 and 3, Block 1
Old Spur Industrial Subdivision
January 2015**

A permanent storm drain easement located in Lot 1A, Old Spur Industrial Subdivision recorded in the office of the Yellowstone County Clerk and Recorder as Document No. 1080873, Section 33 and 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, where said easement runs across, adjoins, or touches the aforementioned tract, being more particularly described as follows:

Permanent Easements 'A' and 'B'

Easement 'A'

Commencing at the Northeast corner of said Lot 1A common to the South right-of-way of Minnesota Avenue; thence S54°42'42"W along said South right-of-way of Minnesota Avenue, a distance of 171.52 feet to the Point of Beginning; thence S29°13'10"E, a distance of 263.02 feet; thence S42°22'45"E, a distance of 11.99 feet to a point on the Easterly line of a 30 foot wide permanent storm drain easement as per the Plat of Old Spur Industrial Subdivision; thence N60°43'07"W, a distance of 10.42 feet and N30°43'07"W, a distance of 260.30 feet along said Easterly easement line to the Southerly right-of-way of Minnesota Avenue, thence N54°42'42"E, along said Southerly right-of-way line a distance of 9.29 feet to the Point of Beginning, containing 1,598.77 square feet more or less, subject to easements either of record or apparent on the ground, and all according to Exhibit A (Figure A) attached hereto.

The sidelines of said permanent easement are to be shortened or extended to prevent gaps or overlaps.

All areas are computed at ground.

All measured distances are grid. For conversion to ground, multiply by 1.00055308

The basis of bearings for this legal and attached Exhibit A is the Montana Coordinate System NAD83.

Easement 'B'

A permanent storm drain easement located in Lot 1A, Old Spur Industrial Subdivision recorded in the office of the Yellowstone County Clerk and Recorder as Document No. 1080873, Section 33 and 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, where said easement runs across, adjoins, or touches the aforementioned tract, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 1A common to the South right-of-way of Minnesota Avenue; thence S54°42'42"W along said South right-of-way of Minnesota Avenue, a distance of 171.52 feet; thence S29°13'10"E, a distance of 263.02 feet; thence S42°22'45"E, a distance of 146.89 feet to the Point of Beginning being a point on the Easterly line of a 30 foot wide permanent storm drain easement as per the Plat of Old Spur Industrial Subdivision; thence S42°22'45"E, a distance of 28.27 feet; thence S71°47'18"E, a distance of 8.31 feet to a point on said Easterly easement line; thence S83°46'04"W, a distance of 13.37 feet and N28°43'04"W, a distance of 28.43 feet along said Easterly easement line to the Point of Beginning being S65°08'59"W, a distance of 267.05 feet from the Southeast corner of said Lot 1A, containing 117.95 square feet more or less, subject to easements either of record or apparent on the ground, and all according to Exhibit A (Figure A) attached hereto.

The sidelines of said permanent easement are to be shortened or extended to prevent gaps or overlaps.

All areas are computed at ground.

All measured distances are grid. For conversion to ground, multiply by 1.00055308

The basis of bearings for this legal and attached Exhibit A is the Montana Coordinate System NAD83.

STORM DRAINAGE EASEMENT

THIS INDENTURE is made and entered into this ____ day of _____, 2015, by and between Westfeeds, Inc., the owners of a certain parcel of land situated SECTION 33 AND 34, T.1N., R.26E., P.M.M., in the City of Billings, Yellowstone County, Montana, hereinafter referred to as GRANTORS, and the CITY OF BILLINGS, a Municipal Corporation, hereinafter referred to as GRANTEE.

THE GRANTORS do hereby give, grant and convey unto the GRANTEE, their successors and assigns, the right, privilege and authority to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances to convey storm drainage through, over, under and across the area being an EASEMENT AREA described on the attached EXHIBIT A, PERMANENT EASEMENT, SITUATED IN LOT 2A-1, AMENDED PLAT OF LOTS 2A AND 3A, BLOCK 1, OLD SPUR INDUSTRIAL SUBDIVISION to have and hold forever.

Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. Grantors and their successors agree not to construct, nor cause to be constructed, within the easement right-of-way any type of building or structure, such as but not limited to, houses, garages, sheds, kennels, walls, nor any other fixed objects of any kind, shape or form, without the express written permission by an authorized representative of Grantee.
2. Grantors agree that authorized representatives of the City of Billings may freely travel within the easement with its equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions having given a minimum of twenty-four (24) hours prior notice of any activity to the owner(s) of the above described real property. In the unlikely event of an emergency, the twenty-four (24) hours prior notice requirement shall be waived. To ensure proper restoration, it is the responsibility of the Grantee to document conditions existing prior to any construction within the easement area.
3. Grantors agree to obtain the permission of the Public Works Department of Grantee prior to replacing or removing any fill dirt within the easement and all such work shall be done at the Grantor's, their successors, or assigns expense and without expense to the City.
4. Grantors agree that the responsibility of the City of Billings for any surface restoration due to any construction, replacement, repair or service work to the storm drain management system by the City of Billings, shall be limited to backfill and compaction to the existing ground, restore any paved areas to like condition, and to grade, seed and fertilize existing sodded areas to the satisfaction of the property owners. All areas disturbed during construction, replacement, repair or service work to the storm drain management shall be landscaped to its original condition. If a working sprinkler system exists prior to any construction, replacement repair or service work by the City of Billings, the City of Billings will restore the sprinkler system to original working condition as part of the restoration process.

5. Hold Harmless Agreement.

A. Grantors agree that the owner or owners of the above described property shall at all times fully relieve and save harmless the City of Billings and its authorized representatives for any and all damages of property that may be caused within said easement right-of-way, such as, but not limited to, broken or crushed shrubs, bushes, hedges, trees, or any other type of plantings; crushed, cracked, split or other damage to any other type object, material, or equipment located within the easement area easement right-of-way which cannot, with a minimum of human effort and within a few minutes time period, be removed from the easement right-of-way by authorized representatives of the City of Billings in exercise of any of their rights under this easement right-of-way, except as noted in paragraph 4, above.

B. Grantors agree the owners of the above described real property shall be responsible in the event damage results from owners' failure to comply with any portion of the rights, restrictions, obligations or responsibilities contained in this agreement.

6. This easement shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof.

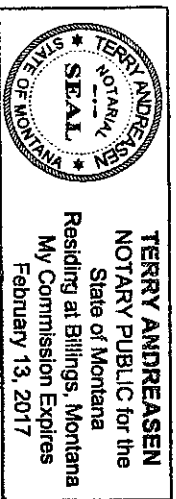
STATE OF MONTANA)
: ss.
County of Yellowstone)

On this 10th day of February, 2015, before me, the undersigned, A Notary Public for the State of Montana, personally appeared Jerry Bagger and _____, known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Terry Andra

Printed Name: Terry Andraesen
Notary Public in and for the State of Montana
Residing at Billings, MT
My Commission Expires: February 13, 2017



Jerry M. Bagger
OWNER
Date: 2-6-15

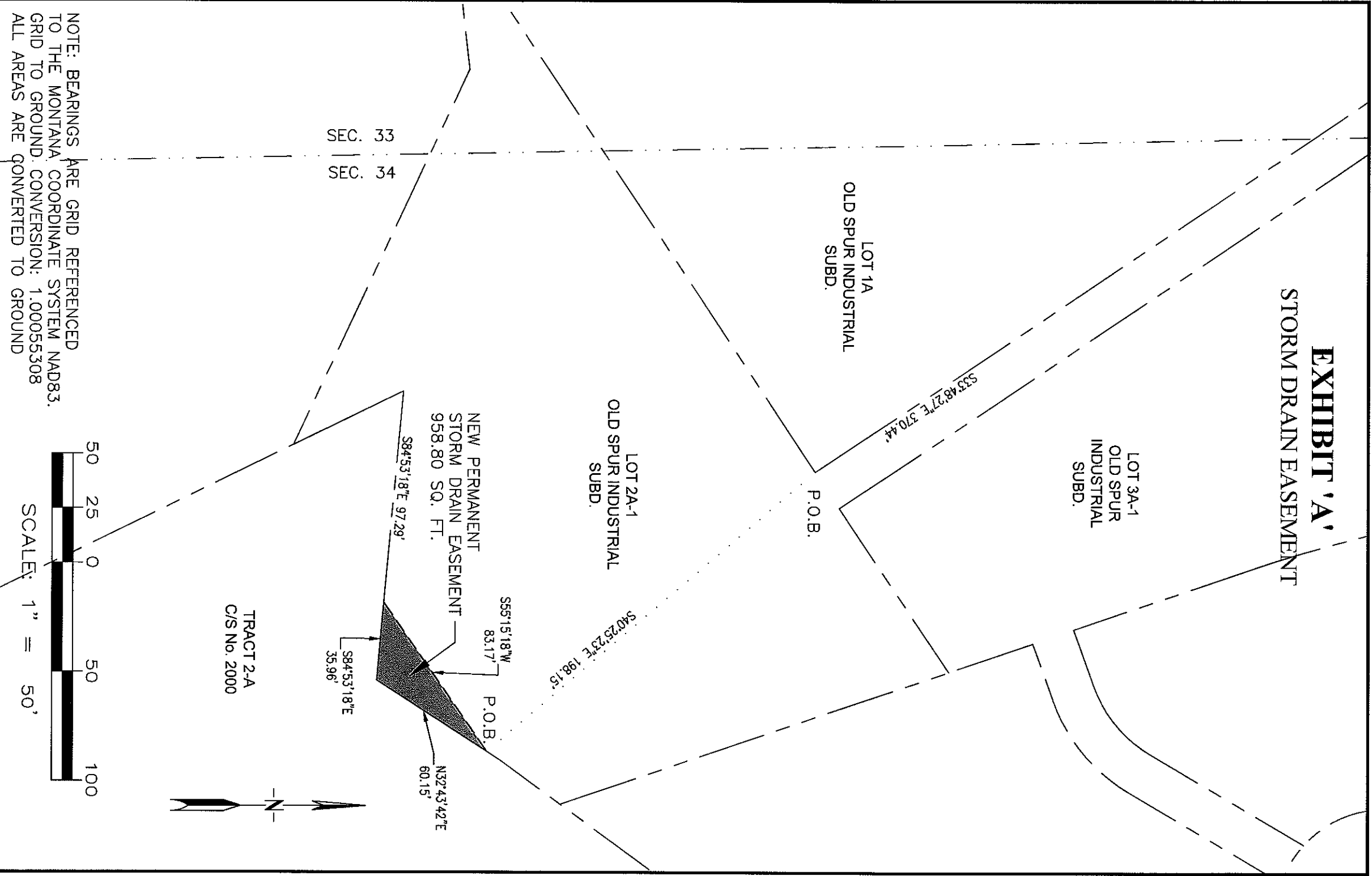
OWNER
Date: _____

ATTEST: CITY OF BILLINGS

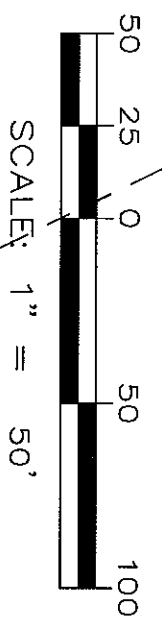
By: _____ Mayor
City Clerk _____
Date: _____

EXHIBIT 'A'

STORM DRAIN EASEMENT



NOTE: BEARINGS ARE GRID REFERENCED TO THE MONTANA COORDINATE SYSTEM NAD83. GRID TO GROUND CONVERSION: 1.00055308. ALL AREAS ARE CONVERTED TO GROUND.



TRACT 2-A
C/S No. 2000

MORRISON MAERLE, INC.
An Employee-Owned Company

315 N. 25th Street
Suite 102
Billings MT 59101

Engineers
Surveyors
Scientists
Planners

Phone: (406) 656-6000
Fax: (406) 237-1201

DRAWN BY: DGS
CHK'D BY: JDI
APP'D BY: CJA
DATE: 09/23/14

BILLINGS CITY OF BILLINGS
VEGEN DRAIN

STORM DRAIN EASEMENT EXHIBIT

LOT 2A-1, OLD SPUR INDUSTRIAL SUBD., SEC. 33 & 34,
T. 1N., R.28E., PMM, YELLOWSTONE COUNTY, MONTANA

PROJECT NO. 0686.083.01
FIGURE NUMBER **FIG. A**

Legal Description – Permanent Easement
Lot 2A-1, Amended Plat of Lots 2A and 3A, Block 1,
Old Spur Industrial Subdivision
January 2015

A permanent storm drain easement located in Lot 2A-1, of the Amended Plat of Lots 2A, and 3A, Block 1, Old Industrial Subdivision as recorded in the office of the Yellowstone County Clerk and Recorder as Document No. 1108193, Section 33 and 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, where said easement runs across, adjoins, or touches the aforementioned tract, being more particularly described as follows:

Commencing at the Southeast corner of Lot 1A, Block 1, Amended Plat of Lots 1, 2 and 3, Block 1 of Old Spur Industrial Subdivision, recorded in the office of the Yellowstone County Clerk and Recorder as document No.108070 common with said Lot 2A-1; thence S40°25'23"E, a distance of 198.15 feet to the Point of Beginning on the line common to said Lot 2A-1 and Tract 2-A, of Amended Tract 2 of Certificate of Survey No. 2000 recorded in the office of the Yellowstone County Clerk and Recorder as document No.1571405 ; thence S55°15'18W, a distance of 83.17 feet to a point on the South line of said Lot 2A-1; thence S84°53'18"E along said South line, a distance of 35.96 feet; thence N32°43'42"E, a distance of 60.15 feet to the Point of Beginning, containing 958.80 square feet more or less, subject to easements either of record or apparent on the ground, and all according to Exhibit A (Figure A) attached hereto.

The sidelines of said permanent easement are to be shortened or extended to prevent gaps or overlaps.

All areas are computed at ground.

All measured distances are grid. For conversion to ground, multiply by 1.00055308

The basis of bearings for this legal and attached Exhibit A is the Montana Coordinate System NAD83.

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Submittal of Application and Acceptance of 2015 Internet Crimes Against Children (ICAC) Continuation Grant in the Amount of \$248,323

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

The City was notified that it is eligible for an Internet Crimes Against Children (ICAC) Grant for 2015 in the amount of \$248,323. This will be the ninth year that the City will receive the grant. This grant financially supports the Billings Police Department and twelve affiliated agencies in the education, investigation, and prosecution of on-line child exploitation and pornography cases. This grant is for the twelve (12) month period of July 1, 2015, through June 30, 2016 and will provide funding for the salary and benefits of the program manager, overtime for the Montana affiliate task force officers, training, equipment, and supplies. City Council is being asked to approve submitting the continuation grant application, to accept the grant award in the amount of \$248,323 and to authorize the Mayor to sign the necessary grant documents.

ALTERNATIVES ANALYZED

The City Council may:

- Approve application submittal and finalization of the 2015 ICAC Continuation Grant; or
- Not approve application submittal and finalization of the 2015 ICAC Continuation Grant, which would result in less resources to investigate internet based child exploitation and pornography cases.

FINANCIAL IMPACT

One officer from the Billings Police Department is assigned to the grant to investigate internet based child exploitation and pornography cases. This position is already budgeted in the Detectives Division however, overtime and operational costs related to on-going investigations will be reimbursed by the grant. There will be City dollars spent, but these expenditures will be reimbursed through quarterly draws.

This grant also supports twelve affiliated agencies. Expenses submitted to the Billings Police Department will be reimbursed after funds are received from the federal granting agency.

RECOMMENDATION

Staff recommends that City Council approve submitting the 2015 ICAC Continuation Grant application, accept the grant award in the amount of \$248,323, and authorize the Mayor to sign grant documents.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: GRANT AWARD: \$1,000 FM GLOBAL FIRE PREVENTION

PRESENTED BY: Paul Dextras, Fire Chief

Department: Fire

PROBLEM/ISSUE STATEMENT

The current budget related to fire investigation / scene photography is used for maintenance of existing equipment. The grant proposal in the amount of \$4,094.90 to FM Global was for the purchase of upgrade kits for the existing Canon 60D camera, lighting, light meters and software that would allow fire investigators to create 360 degree / panoramic photos of fire scenes. This view of the fire scene would be very beneficial to the investigative process. While FM Global did not fund the entire request they will be funding \$1,000 of the request.

ALTERNATIVES ANALYZED

City Council may approve or disapprove acceptance of the \$1,000 grant award from FM Global.

FINANCIAL IMPACT

Although it is not the total amount that the Department requested, it is a good beginning to acquiring this much needed investigative equipment.

RECOMMENDATION

Staff recommends accepting the \$1,000 grant from FM Global for purchasing new software and lighting equipment.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Summerhill Lighting--Resolution of Intent to Create and set Public Hearing for August 10, 2015

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Staff has received a request from residents in the Antelope Place area of Summerhill Subdivision to install street lighting. Staff worked with Northwestern Energy Company to design a lighting layout using lights similar to those used in the area east of Summerhill Drive. The lighting would be owned and maintained by Northwestern Energy.

Passage of a Resolution of Intent is the first step in creating a new lighting district. Following passage of the Resolution of Intent, notices will be mailed to all property owners in the proposed district and a legal notice will be published in the Billings Times in accordance with State law.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Resolution of Intent and set a public hearing for August 10th, or;
- Disapprove the resolution. If the resolution is not approved, the process for getting street lighting installed will not be able to continue.

FINANCIAL IMPACT

All costs of installing, operating, and maintaining the lighting will be paid by assessments against the properties within the district. There are no City owned properties within the proposed district.

RECOMMENDATION

Staff recommends that the City Council approve the Resolution of Intent to create the Antelope Place light district and set a public hearing for August 10th.

APPROVED BY CITY ADMINISTRATOR

Attachments

- SILMD 318 Res of Intent
 - SILMD 318 Ex A Boundary Map
 - SILMD 318 Ex B Assmt List
 - SILMD 318 Ex C Boundary Desc
-

SILMD 318

RESOLUTION NO. 15 - _____

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 318 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COST.

WHEREAS, the City Council of Billings, Montana, has determined that the public interest and convenience require the creation of a Special Improvement Lighting Maintenance District as hereinafter provided;

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

SECTION 1:

That the public interest and convenience require, and it is deemed necessary, to create a Special Improvement Lighting Maintenance District for the purpose providing energy and maintenance for new street lights for lighting in said district; and the intention of said City Council to create such a district, hereinafter more particularly described, is hereby declared.

SECTION 2:

That said district shall be known and designated as "Special Improvement Lighting Maintenance District No. 318" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land along West Antelope Trail, Antelope Place, and Winter Green Drive in Summerhill Subdivision as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is attached hereto.

SECTION 3:

That the City of Billings, Montana, hereby finds, determines and declares that each of the lots, blocks, pieces and parcels of land situated within the boundaries of the District, will be especially benefited and affected by said improvements, and that all of the property included within the District is hereby declared to be the property to be

high-pressure sodium luminaires mounted on mastarm style poles and served by underground wiring. NorthWestern Energy shall own and install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

The City of Billings intends to establish the approximate contract rate for installation & operation of the street lighting as follows: \$4.35 per 100 watt unit, per month for supplying electrical energy; \$1.24 per unit, per month for operation & maintenance; and a rate not to exceed \$52.33 per unit, per month for installation and ownership costs. These rates are in accordance with the applicable rate schedules approved by the Montana Public Service Commission. The energy rates, including the operations and maintenance charge, are subject to change with changes in the rate schedules approved by the Public Service Commission. NorthWestern Energy Company shall provide energy to all of the lights and shall at all times own the light fixtures, poles, cables, and other incidental equipment, and shall provide maintenance and repairs to said equipment as part of the monthly rate for these lights.

SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$10,200; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "B" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which it's assessable area bears to the total assessable area of the entire District, exclusive of streets, avenues, alleys and public places. The estimated cost of the District per year for property owners is on the basis of approximately \$0.034825 per square foot of assessed area.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District; that annually, pursuant to MCA 7-12-4332, the City Council shall adopt a resolution estimating the cost of maintaining said lights including a reserve, and furnishing electrical current and assessing all of said property within said District for the annual costs; that all monies derived from the collection of such assessments shall be paid into a fund to be known as "Special Lighting Maintenance District No. 318 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 8:

written protest with the City Clerk of the City of Billings within fifteen (15) days after the date on which the Notice of the passage of this Resolution of Intention is published in "The Billings Times".

SECTION 9:

That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "The Billings Times", a weekly newspaper published and circulated in the City of Billings, Montana, and to send a copy of said Notice to the owners of all the lots, blocks, pieces or parcels of land included within the boundaries of said Special Improvement Lighting Maintenance District No. 318. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 27thth day of July, 2015.

CITY OF BILLINGS

By _____
Thomas W. Hanel Mayor

ATTEST:

By _____
Billie Guenther City Clerk

SILMD 318 - EXHIBIT A

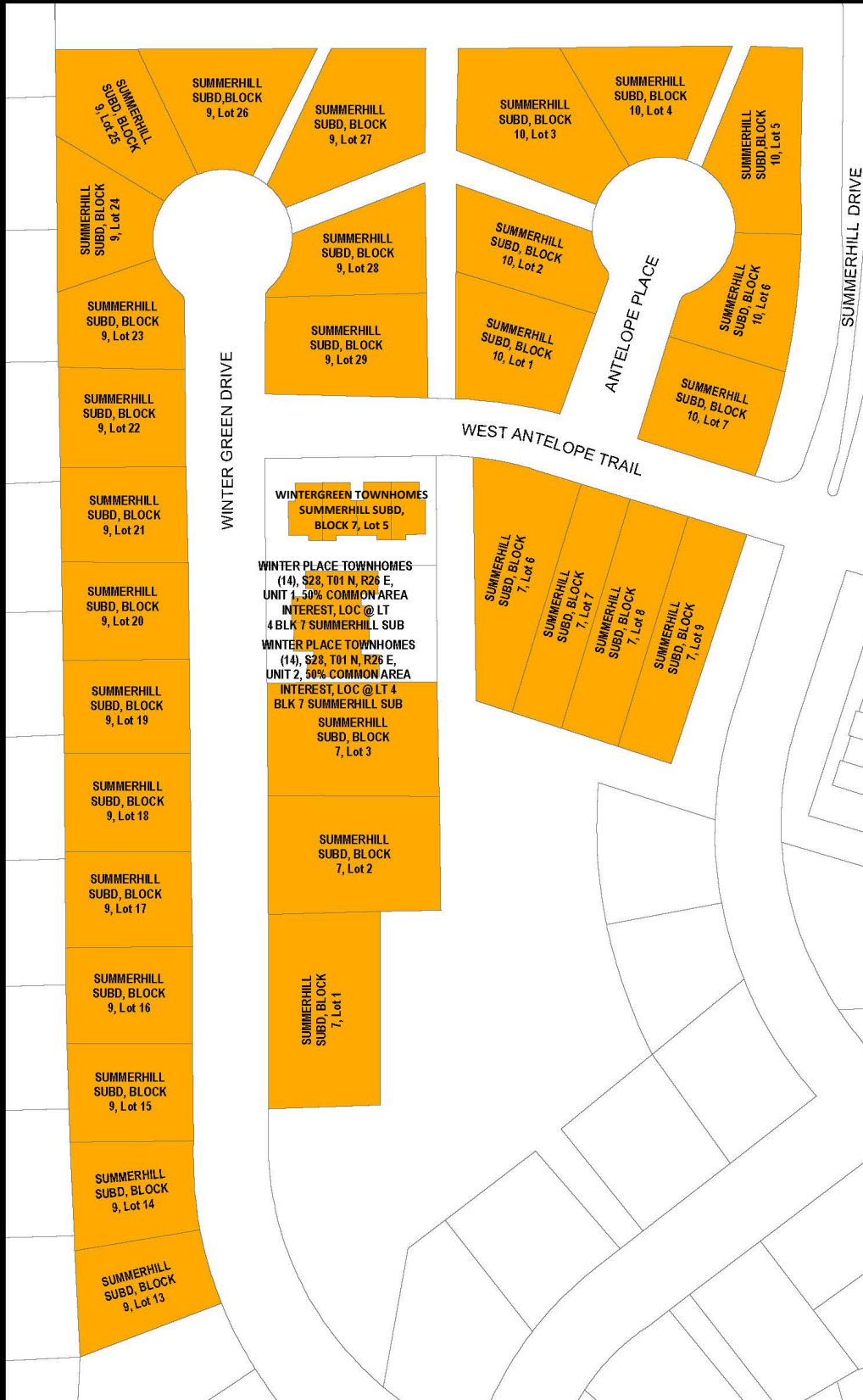


Exhibit B
SILMD 318
Summerhill Subdivision

TaxID	LegalDescription	Area	Estimated Annual Assmt
A23154A	WINTER PLACE TOWNHOMES (14), S28, T01 N, R26 E, UNIT 1, 50% COMMON AREA INTEREST, LOC @ LT 4 BLK 7 SUMMERHILL SUB	5934	\$206.65
A23154B	WINTER PLACE TOWNHOMES (14), S28, T01 N, R26 E, UNIT 2, 50% COMMON AREA INTEREST, LOC @ LT 4 BLK 7 SUMMERHILL SUB	5934	\$206.65
A23155A	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT A, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23155B	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT B, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23155C	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT C, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23155D	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT D, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23156	SUMMERHILL SUBD, BLOCK 7, Lot 6	12017	\$418.49
A23157	SUMMERHILL SUBD, BLOCK 7, Lot 7	7600	\$264.67
A23158	SUMMERHILL SUBD, BLOCK 7, Lot 8	8930	\$310.99
A23159	SUMMERHILL SUBD, BLOCK 7, Lot 9	8550	\$297.75
A23201	SUMMERHILL SUBD, BLOCK 9, Lot 20	7725	\$269.02
A23202	SUMMERHILL SUBD, BLOCK 9, Lot 21	7725	\$269.02
A23203	SUMMERHILL SUBD, BLOCK 9, Lot 22	7725	\$269.02
A23204	SUMMERHILL SUBD, BLOCK 9, Lot 23	7381	\$257.04
A23205	SUMMERHILL SUBD, BLOCK 9, Lot 24	7284	\$253.67
A23206	SUMMERHILL SUBD, BLOCK 9, Lot 25	8394	\$292.32
A23207	SUMMERHILL SUBD, BLOCK 9, Lot 26	8704	\$303.12
A23208	SUMMERHILL SUBD, BLOCK 9, Lot 27	9962	\$346.93
A23209	SUMMERHILL SUBD, BLOCK 9, Lot 28	7277	\$253.42
A23210	SUMMERHILL SUBD, BLOCK 9, Lot 29	9407	\$327.60
A23211	SUMMERHILL SUBD, BLOCK 10, Lot 1	8782	\$305.83
A23212	SUMMERHILL SUBD, BLOCK 10, Lot 2	7772	\$270.66
A23213	SUMMERHILL SUBD, BLOCK 10, Lot 3	11285	\$393.00
A23214	SUMMERHILL SUBD, BLOCK 10, Lot 4	8058	\$280.62
A23215	SUMMERHILL SUBD, BLOCK 10, Lot 5	8658	\$301.51
A23216	SUMMERHILL SUBD, BLOCK 10, Lot 6	7649	\$266.38
A23217	SUMMERHILL SUBD, BLOCK 10, Lot 7	7908	\$275.40
A23200	SUMMERHILL SUBD, BLOCK 9, Lot 19	7725	\$269.02
A23199	SUMMERHILL SUBD, BLOCK 9, Lot 18	7725	\$269.02
A23198	SUMMERHILL SUBD, BLOCK 9, Lot 17	7725	\$269.02
A23197	SUMMERHILL SUBD, BLOCK 9, Lot 16	7725	\$269.02
A23196	SUMMERHILL SUBD, BLOCK 9, Lot 15	7725	\$269.02
A23195	SUMMERHILL SUBD, BLOCK 9, Lot 14	8106	\$282.29
A23194	SUMMERHILL SUBD, BLOCK 9, Lot 13	8434	\$293.71
A23153	SUMMERHILL SUBD, BLOCK 7, Lot 3	11481	\$399.83
A23152	SUMMERHILL SUBD, BLOCK 7, Lot 2	11610	\$404.32
A23151	SUMMERHILL SUBD, BLOCK 7, Lot 1	12750	\$444.02
Total Area		292,891	sq ft

EXHIBIT "C"

SILMD 318 – BOUNDARY DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing parcels of land within Summerhill Subdivision as depicted on the plat on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana under Document Number 1037748.

Beginning at a point which is the southwest corner of Lot 13, Block 9, Summerhill Subdivision, thence

N 00° 33' 10" E along the westerly line of Block 9, Summerhill Subdivision a distance of 1023.84 feet to the northwest corner of Lot 25, Block 9, Summerhill Subdivision, thence

S 88° 53' 58" E a distance of 580.20 feet along a line common to the northerly line of Lots 25, 26, & 27, Block 9 and Lots 3, 4, & 5 Block 10 and the open space lot in Summerhill Subdivision to the northeast corner of said Lot 5, Block 10, thence

S 01° 06' 02" W 141.32 feet and southwesterly along a curve to the right with a radius of 661.84 feet and a central angle of 16° 45' 06" a distance of 193.50 feet along the easterly lines of Lots 5, 6, and 7 Block 10 to the southeast corner of Lot 7, Block 10 Summerhill Subdivision, thence

Southwesterly across West Antelope Trail to the northeast corner of Lot 9, Block 7, Summerhill Subdivision, thence

S 17° 51' 08" W a distance of 190 feet on and along the easterly line of said Lot 9, Block 7 to the southeast corner of said Lot 9, Block 7 Summerhill Subdivision, thence

N 72° 08' 52" W a distance of 165.81 feet on and along the south lines of lots 6, 7, 8 & 9 Block 7, Summerhill Subdivision to the southwest corner of said Lot 6, thence

Southwesterly across the open space in Block 7, to the southeast corner of Lot 2, Block 7, Summerhill Subdivision, thence

N 89° 26' 50" W a distance of 44.0 feet along the south line of Lot 2, Block 7, Summerhill Subdivision to a point which is the northeast corner of Lot 1, Block 7, Summerhill Subdivision, thence

S 00° 33' 10" W a distance of 150.0 feet along the easterly line of Lot 1, Block 7, Summerhill Subdivision to the southeast corner of said Lot 1, Block 7, thence

N 89° 26' 50" W a distance of 85.0 feet along the south line of Lot 1, Block 7, Summerhill Subdivision to a point to a point on the east line of Winter Green Drive which is also the southwest corner of said Lot 1, Block 7, thence

Diagonally across Winter Green Drive in a southwesterly direction to a point which is the southeast corner of Lot 13, Block 9, Summerhill Subdivision, thence

S 69° 56' 11" W a distance of 131.91 feet along the south line of Lot 13, Block 9, Summerhill Subdivision to the southwest corner of Lot 13, Block 9, Summerhill Subdivision, which is also the Point of Beginning;

Exempting there from all lands which are public street, road, or alley rights-of-way and all parcels designated as "open space" on the Summerhill Subdivision plat.

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Resolution Authorizing the Sale of 3510 7th Ave South

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

On June 22, 2015, the City Council adopted the Resolution of Intent to sell the property located at 3510 7th Ave South, Block 221 Lots 9-12, Billings Second Addition Subdivision. The Public Works Department has no use for the property and it would better serve the public as private property. Staff has advertised for sealed bids from interested buyers and notified surrounding owners about the possibility of the sale. The sealed bids were due by July 16, 2015 at 2 pm. One bid was received from Tom Keller, 926 Avenue C, Billings, MT 59102, in the amount of \$500, which is less than the appraised value of the land.

ALTERNATIVES ANALYZED

Council may:

- Approve the sale of 3510 7th Ave South, Block 221, Lots 9-12, Billings Second Addition Subdivision; or
- Not approve the sale of 3510 7th Ave South, Block 221, Lots 9-12, Billings Second Addition Subdivision

FINANCIAL IMPACT

There are minimal costs for mailing and publishing the public hearing notice.

RECOMMENDATION

Staff recommends that the City Council reject the \$500 bid for 3510 7th Ave South, Block 221, Lots 9-12, Billings Second Addition Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

3510 7th Ave South

RESOLUTION 15- _____

A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE, ARTICLE 22-900: SALE, DISPOSAL OR LEASE OF CITY PROPERTY, DESCRIBING THE PROPERTY TO BE DISPOSED OF AND AUTHORIZING CITY OFFICIALS TO PROCEED.

WHEREAS, the City of Billings owns and desires to dispose of public property located at 3510 7th Ave South; and

WHEREAS, the public property to be disposed of is more particularly described as follows:

3510 7th Ave South, Block 221, Lots 9-12, Billings Second Addition Subdivision in the City of Billings.

WHEREAS, the notice required by Article 22-902 BMCC has been duly published and mailed; and

WHEREAS, the public hearing required by Article 22-902 BMCC was duly held on the 9th day of December, 2013.

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

- 1) That the City staff is authorized to proceed with the sale 3510 7th Ave South, Block 221, Lots 9-12, Billings Second Addition Subdivision in the City of Billings under the requirements of Section 22-902 of the Billings, Montana City Code.

APPROVED AND PASSED by the City Council of the City of Billings, Montana this _____ day of _____, 2015.

THE CITY OF BILLINGS:

BY: _____
THOMAS W. HANEL, MAYOR

ATTEST:

BILLIE GUENTHER, CITY CLERK

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: City Subdivision Regulation Amendments Regarding Floodplain - 2nd Reading of Ordinance

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

Planning staff was recently alerted to an inconsistency between the local subdivision regulations and state law in relation to subdivision of land within a 100-year floodplain. Montana Code Annotated (MCA) 76-3-504(1)(f) indicates that local subdivision regulations must prohibit the subdivision of land for building purposes in areas located within the floodway of a flood of 100-year frequency. The City of Billings and Yellowstone County local regulations are more restrictive than state law in this case; prohibiting the subdivision of land for building purposes within the entire floodplain of a flood of 100-year frequency. The floodplain is made up of the floodway and the flood fringe. Local floodplain regulations administered by the City and County Flood Plain Administrators also mirror state law, prohibiting building only within the floodway. Flood fringe development is allowed if the appropriate permit is acquired. It is desirable to have subdivision regulations that are consistent with all other laws. Attached to this memo are proposed amendments to Chapter 11 and Appendix O. of the City of Billings Subdivision Regulations. The purpose of these amendments is to bring the local regulations into compliance with State law and local floodplain ordinances. The City Council conducted a public hearing at its meeting on July 13 and approved on first reading an ordinance to amend the City Subdivision Regulations.

ALTERNATIVES ANALYZED

City Council may:

- Approve on Second Reading the Amendments to the City Subdivision Regulations regarding development in the Floodplain; or
- Not Approve on Second Reading the Amendments to the City Subdivision Regulations regarding development in the Floodplain. If the Council does not approve these amendments to the City Subdivision Regulations, the regulations will not be in alignment with State Law and other local ordinances regarding administration of permitting in flood plains.

FINANCIAL IMPACT

There is no direct financial impact to the City from approving these subdivision regulation amendments.

RECOMMENDATION

Staff recommends that the City Council approve on second reading an ordinance that amends the City of Billings Subdivision Regulations regarding development in the floodplain.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

ORDINANCE NO. 15- _____

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 23-1101, and APPENDIX O; PROVIDING UPDATES TO THE SUBDIVISION REGULATIONS.

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

Section 1. That Section 23-1101 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-1101. Variances.

The City Council may grant reasonable variances from the design and improvement standards of these Regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these Regulations or justifying submission of an incomplete application. The City Council may not approve a variance that would permit structures within the floodway of the 100-year floodplain, as defined in 76-5-101, MCA.

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

APPENDIX O
FLOOD HAZARD EVALUATION

A. **Definitions. (Sec. 76-5-103, MCA) Whenever the following words and phrases are used in this Appendix, they shall be given the meaning attributed to them by this section.**

- ~~1. Channel: The geographical area within either the natural or artificial banks of a watercourse or drainway.~~
1. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
- ~~2. Flood: The water of any watercourse or drainway that is above the bank or outside the channel and banks of the watercourse or drainway.~~
2. Flood Fringe: the identified portion of the floodplain outside of the floodway.
3. Flood of 100-year Frequency: A flood magnitude expecting to recur on the average of once every 100 years or a flood magnitude that has a 1% chance of occurring in any

~~given year, having a one percent (1%) chance of being equaled or exceeded in any given year. A 100-year flood is the same as a base flood.~~

4. Floodplain: The area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheet flood areas that receive less than 1 foot of water per occurrence and are considered "~~zone B~~" "shaded X zone" by the federal emergency management agency.
5. Floodway: The channel of a watercourse or drainway and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway. ~~stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one half (1/2) foot.~~
6. ~~Watercourse: Any depression two (2) feet or more below the surrounding land serving to give direction to a current of water at least nine (9) months of the year and having a bed and well-defined banks.~~

B. General.

1. Land located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, MCA, may not be subdivided for building purposes, or other uses that may be prohibited by state or local floodplain regulations.
2. Where the 100-year floodway has been delineated by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a "No-Build Zone."
3. Any development of land that is in the flood fringe, a Zone A as shown on a FIRM, or an identified flood prone area is subject to the requirements of the City of Billings Floodplain Regulations.

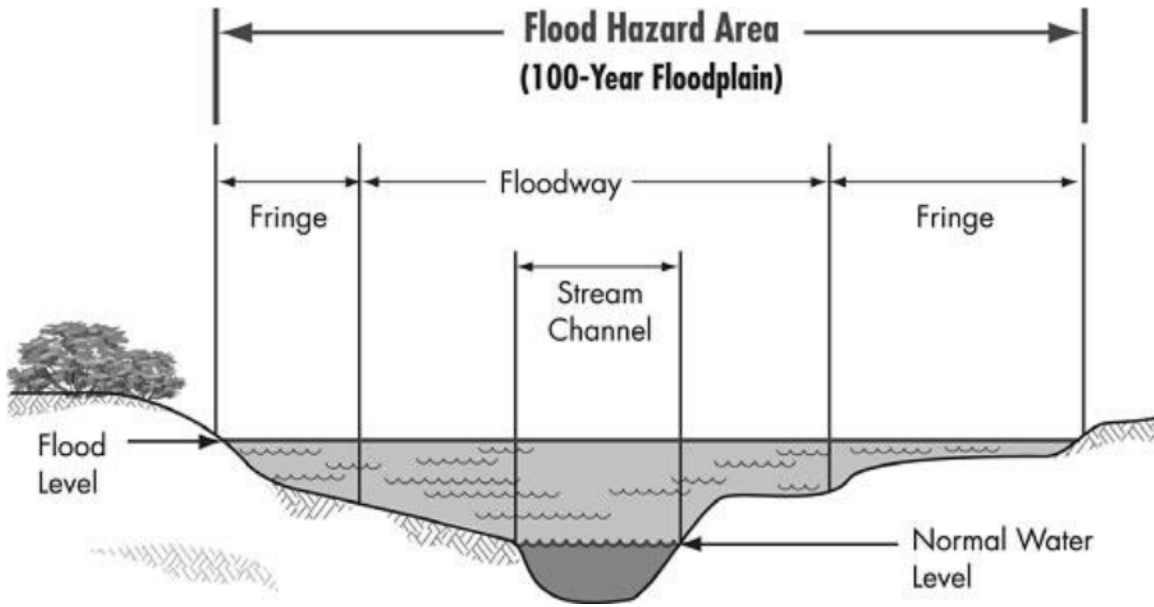


Figure 1. 100-Year Floodplain Cross-Section Diagram

1. Flood Hazard Areas (See 76-3-504, MCA): Land subject to being flooded by a flood of 100-year frequency as defined in this Appendix by the Federal Emergency Management Agency (FEMA), or land deemed to be subject to flooding by the City or County, may not be subdivided for building or residential purposes, or other uses that may increase or aggravate flood hazards to the public health, safety or welfare, or that may be prohibited by state or local floodplain or floodway regulations. Land deemed to be subject to flooding by the City or County may include (but is not limited to) land subject to shallow flooding, groundwater rise, historically flooded lands and lands located within 2,000 horizontal feet of the channel bank of the watercourse.
2. Where the 100-year floodway has been delineated by a FEMA Flood Insurance Rate Map (FIRM), a FEMA Floodway Map or a City or County approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a "No-Build Zone."
3. Where the subdivision is within a flood hazard area that has been identified by the City or County, a Flood Study shall be completed as outlined in Part B and Part C of this Appendix, and the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway (see Figure 1) shall be labeled as a "No-Build Zone."

C. Flood Study Requirements:

1. A Flood Study shall be required for a subdivision if:
 - a. Any portion of a proposed subdivision is within 2,000 horizontal feet and less

~~than 20 vertical feet from the channel bank of a watercourse draining an area of 25 square miles or more, and no official floodplain or floodway delineation (study) of the watercourse has been made; or~~

- ~~b. The subdivision is within a flood hazard area that has been identified by the City or County.~~
- ~~2. The Flood Study shall be performed by a registered Professional Engineer experienced in this field of work. Upon the request of the City or County, the study shall be submitted to the City of Billings Floodplain Administrator and/or the Floodplain Management Section, Water Resources Division, Montana Department of Natural Resources and Conservation (DNRC) for review and comment. A copy of the Flood Study and written comment from the City Floodplain Administrator and/or the DNRC shall be provided to the Planning Department.~~

~~D. **Flood Study Contents.** The Flood Study shall include the following:~~

- ~~1. Certification: Certification by a registered professional engineer, including license number, seal or stamp, signature and date.~~
- ~~2. Written Report: A narrative report containing a description of the study area, data collection, the type of modeling method used for both the hydrology and hydraulics, discussion of the parameters used, modeling results and conclusions.~~
- ~~3. Site Plan: An overall scaled site plan of the subdivision with location of lot lines and an identified scale for vertical and horizontal distance showing the following:
 - ~~a. Vicinity Map~~
 - ~~b. Watercourse~~
 - ~~c. 100-year floodplain and floodway boundaries~~
 - ~~d. Contours shown at intervals between one (1) foot and four (4) feet depending on the site, or at the discretion of the Floodplain Administrator.~~
 - ~~e. Cross-sections~~
 - ~~f. Bridges or other constrictions in the floodplain~~
 - ~~g. USGS gauging stations (if any)~~
 - ~~h. Location and elevation of a temporary benchmark(s) established within the subdivision and referenced to mean sea level with appropriate elevation adjustment.~~~~

4. ~~Cross-sectional information:~~

- a. ~~Cross-section elevations and stations should be determined at points representing significant breaks in ground slope and at changes in the hydraulic characteristics of the floodplain (i.e., points where ground cover, soil, or rock conditions change). Elevations shall be reported in NAVD 88 or NGVD 29 datum.~~
 - b. ~~The number of cross-sections needed, and the distance between cross-sections will vary depending on the site, the slope of the watercourse, the slope of the channel, and the hydraulic characteristics of the reach. A minimum of four cross-sections are required over the entire reach with at least two cross-sections at the property where the elevations are desired. Additional cross-sections shall be taken above, below and at bridges, control structures, or natural constrictions in topography.~~
 - c. ~~Each cross-section shall cross the entire floodplain. The cross-section alignment should be perpendicular to the general flow of the watercourse (approximately perpendicular to contour lines). Elevation stations should be recorded at the channel bank and within the channel to determine the channel bottom shape. Cross-sections shall be reasonably spaced to accurately define the study area.~~
 - d. ~~A profile sheet scaled the same as a FEMA Flood Insurance Study showing the observed water surface profile, base flood elevation, location of cross-sections, subdivision boundaries, watercourse profile, and thalweg (lowest point of the channel bottom along the reach of the watercourse).~~
5. ~~Bridges/Culverts/Pipes: Provide descriptions and sketches of all bridges, culverts and pipes within the reach, showing unobstructed waterway openings and elevations.~~
6. ~~Water Surface: Base Flood elevation of the water surface is to be determined and shown on each valley cross-section.~~
7. ~~Supporting Documentation: Provide engineering reports of calculations and assumptions, historical references, research of published hydrology or calculations showing how hydrology was derived, and other documentation of research information.~~
8. ~~Electronic Data: Provide maps and any other information provided for a Flood Study that may be utilized by FEMA that meets their specific guidelines for digital and electronic data. Please refer to FEMA's Flood Hazard Mapping Program at www.fema.gov/fhm/ for specific guidelines and specifications for data collection.~~

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 13th day of July 2015.

PASSED, ADOPTED and APPROVED on second reading this 27th day of July 2015.

CITY OF BILLINGS

By _____
Thomas Hanel, Mayor

ATTEST:

By _____
Billie Guenther, City Clerk

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision Subsequent Minor Subdivision Preliminary Plat

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On June 15, 2015, Sanderson Stewart, agent for owner Grand Peaks, LLC, applied for preliminary subsequent minor plat approval for Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing. The proposed subdivision re-plats 7 lots originally platted in the Grand Peaks Subdivision, 3rd Filing into 9 lots. The subject property is located northeast of the intersection of Grand Avenue and 54th Street West and is zoned Residential Multi-family Restricted (RMF-R) and Residential-5000 (R-50). The proposal would create 2 additional lots for single-family homes.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this preliminary subsequent minor plat. The 35 working day review period for the proposed plat ends on August 4, 2015. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35-day review period, the City Council is required to:

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

FINANCIAL IMPACT

If the City Council approves the preliminary plat, the subject property may further develop under private ownership, resulting in additional tax revenues.

BACKGROUND

General location: Northeast of the intersection of Grand Avenue and 54th Street West.

Legal Description: Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing

Owner/Subdivider: Grand Peaks, LLC

Engineer and Surveyor: Sanderson Stewart

Existing Zoning:	RMF-R and R-50
Existing land use:	Vacant platted lots
Proposed land use:	Residential
Gross/net area:	87,182 square feet / 87,182 square feet
Proposed number of lots:	9
Lot size:	Max: 9,750 square feet Min: 9,610 square feet
Parkland requirements:	Parkland is being met with cash-in-lieu

STAKEHOLDERS

A public hearing is not scheduled for the City Council meeting; however nearby property owners may attend the meeting. The Planning Division has received no public comments or questions regarding the proposed subdivision.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

1. To provide clarity about this subdivision and its relation to Grand Peaks Subdivision, 3rd Filing, the applicant will add language to the SIA under Phasing of Improvement to clarify that this subdivision is part of Phase II of Grand Peaks Subdivision 3rd Filing and subject to the same phasing of development as the original filing.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
Mayors Letter

Findings of Fact

Amended Lots 9-11, Block 4 & Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing

Staff is forwarding the recommended Findings of Fact for Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3)(a) and BMCC 23-303(H)(1)]

1. Effect on agriculture and agricultural water user facilities

The majority of the subject property is not currently used for agriculture, although there is a fringe of the subject property that may be cultivated. There are no irrigation facilities on the site. It is anticipated that there will be no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – This part of the subdivision is currently not served by a public water system. Water lines will be extended from West Thunder Mountain Road and North Thunder Mountain Road in the public right of way. The developer will install new water mains in the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality (MDEQ).
- b. **Sewer** – This portion of the subdivision is currently not served by a sanitary sewer. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

Private utilities such as electric, cable and gas will be installed by the subdivider; any line located within the public right-of-way shall be subject to the approval of the City Engineer.

Storm water – Storm water drainage for the public streets is proposed to be provided by a network of curbs and gutters, drained to underground storm drains and then discharge to an existing retention pond that is located within the subdivision. All drainage improvements shall also satisfy the criteria set forth by the City of Billings Storm water Management Manual and will be subject to review and approval by the City Engineering Department.

- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – The subdivider will construct all required improvements for West Thunder Mountain Road and North Thunder Mountain Road. They will be constructed within the existing 56 foot wide right-of-way using curb and gutter with full-width pavement (34 feet back of curb to back of curb). This installation will be in accordance with all of the requirements of the City of Billings Engineering Division.

The subdivider will install all necessary traffic control devices in accordance with the plans and specifications submitted to and approved by the City Engineering Division. This proposed subdivision is relocating lot lines that were originally platted as Grand Peaks Subdivision 3rd Filing. At the time of the original filing there were contributions made for future signalization of Rimrock road and 54th Street West and Grand Avenue and 54th Street West. No additional contribution is required for those intersections from this subdivision.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. Fire hydrants will be provided at street intersections and at intermediate locations where distances exceed 500 feet. The nearest emergency service station is located at 1501 54th Street West (Station #7). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Burlington Elementary, Lewis and Clark Middle School, and Senior High School. No written responses from the district were received at the time this report was drafted. However, the district has completed a master plan for growth addressing school capacity and facilities, and is now looking at adjusting district boundaries to better serve residence in different areas of the City.
- g. **Parks and Recreation** – This subdivision is relocating some lot lines within the Grand Peaks Subdivision 3rd Filing and is part of Phase II of that filing. Parkland will be a cash-in-lieu donation and the subdivision will be included in a Park Maintenance District for Cottonwood Park. The cash-in-lieu contribution was submitted with Phase I of Grand Peaks Subdivision 3rd Filing. The Phase II cash-in-lieu will be made prior to approval of the Phase II Private contract. A comparative market analysis shall be used to determine the parkland dedication amount in accordance with Section 23-1006, BMCC prior to that payment. In the SIA under X Phasing of Improvements, the applicant will add language to clarify that this proposed subdivision is part of 'Phase II' of Grand Peaks Subdivision 3rd Filing (**Condition #1**).

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Any special requirements will have to be submitted and approved by the Postal Service.

3. Effect on the natural environment

The subject property is in an area where conversion of agricultural land to suburban and urban development has been happening for many years. The area consists of some agricultural land to the north and is higher density residential development in the City. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. These provisions should help balance any impacts on the natural environment.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to any re-construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. Yellowstone County-City of Billings 2008 Growth Policy Update

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

- a. **Goal:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).
- b. **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).
- c. **Goal:** More housing and business choices within each neighborhood (p. 6).

2. Urban Area Transportation Plan Update 2009

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan Update and preserves the street network and street hierarchy specified within the plan.

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan does identify a bike lane on 54th Street West. No other bike trail is identified in this area or in this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]

The subject property is located in two different zoning districts, one is Residential 5000 (R-50) and the other is Residential Multi Family Restricted (RMF-R). The lot sizes within the subdivision will conform to the requirements of the R-50 and RMF-R zoning. Further setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

The plat provides easements for utilities throughout the proposed subdivision. Those easements are provided for needed utilities.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-303(H)(2)(c)]

Access to the lots affected by this subdivision shall be from West Thunder Mountain Road. Grand Peaks Subdivision accesses both 54th Street West and Grand Avenue. Access from those roads to this proposed subdivision would be via internal streets of the subdivision.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy, and does not conflict with the 2014 Transportation Plan Update or the Trail Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, July 27, 2015

Thomas W. Hanel, Mayor

PRELIMINARY AMENDED PLAT OF LOTS 9-11, BLOCK 4 & 15-18, BLOCK 5,
GRAND PEAKS SUBDIVISION, THIRD FILING

SITUATED IN THE SW1/4 OF SECTION 32, T. 1 N., R. 25 E., P.M.M.
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : J & S DEVELOPMENT CO.

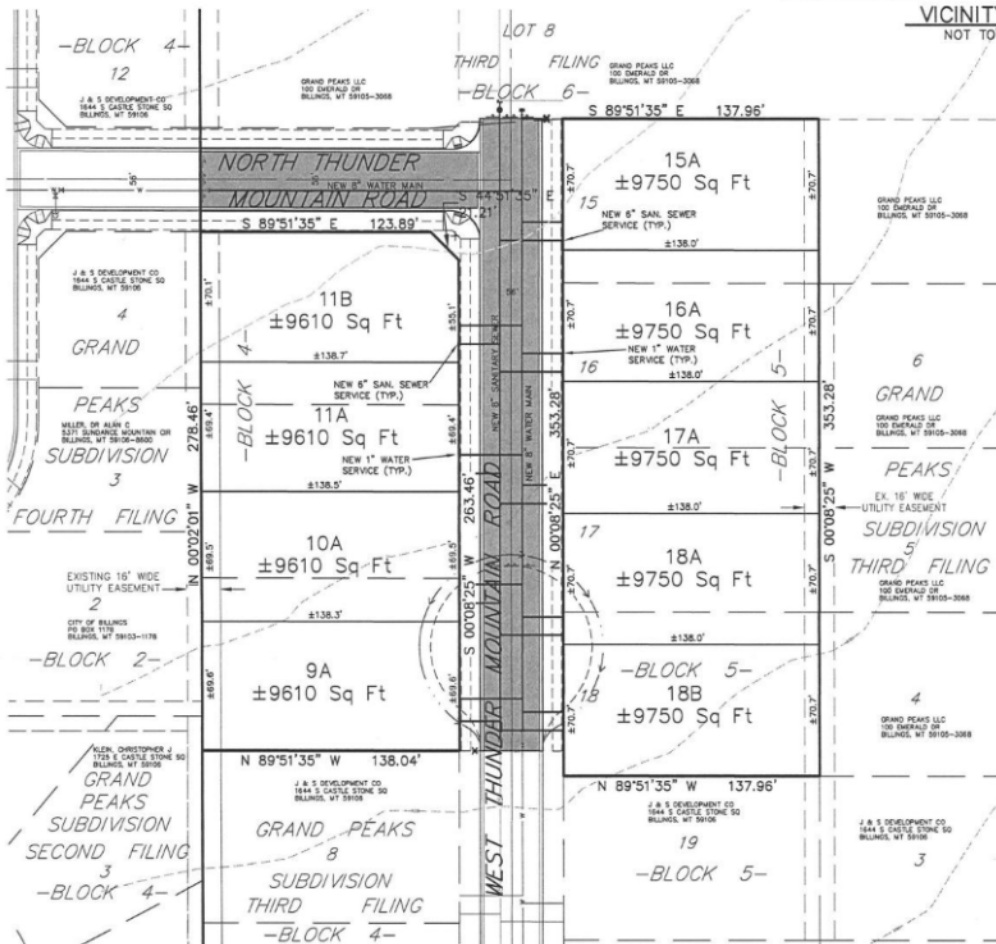
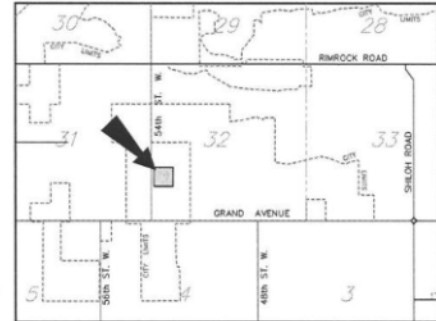
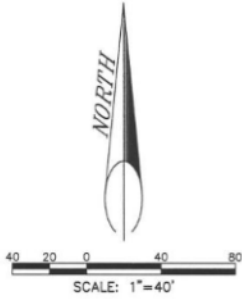
MAY 2015

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA

PLAT DATA

GROSS AREA	=	87,182 Sq Ft
NET AREA	=	87,182 Sq Ft
NUMBER OF LOTS	=	9
MINIMUM LOT SIZE	=	9,610 Sq Ft
MAXIMUM LOT SIZE	=	9,750 Sq Ft
LINEAL FEET OF STREETS	=	0
PARKLAND REQUIREMENT	=	0
EXISTING ZONING	=	RMF-R & R-5000
SURROUNDING ZONING:		
NORTH	=	RMF-R & R-5000
SOUTH	=	RMF-R & R-5000
EAST	=	R-5000
WEST	=	R-7000
EXISTING LAND USE	=	VACANT RESIDENTIAL
PROPOSED LAND USE	=	SINGLE FAMILY RESIDENTIAL



VICINITY MAP
NOT TO SCALE

Mayor's Approval Letter— Amended Lots 9-11, Block 4, and Lots 15-18, Block 5,
Grand Peaks Subdivision, 3rd Filing

July 27, 2015

J & S Development, Co.
Jeff and Sue Junkert
1644 South Castle Stone Square
Billings, MT 59106

Dear Property Owner:

On July 27, 2015, the Billings City Council conditionally approved the preliminary plat of Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing, subject to the following conditions of approval:

1. To provide clarity about this subdivision and its relation to Grand Peaks Subdivision 3rd Filing, the applicant will add language to the SIA under X Phasing of Improvement to clarify that this subdivision is part of Phase II of Grand Peaks Subdivision 3rd Filing and still subject to the same phasing of development as the original filing.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact the Dave Green at (406) 247-8666 or by email at greend@ci.billings.mt.us

Sincerely,

Thomas W. Hanel, Mayor

Pc: Dennis Randall, Sanderson Stewart

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Final Plat of Silver Creek Estates Subdivision

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The final plat for Silver Creek Subdivision is being presented to City Council for approval. On February 24, 2014, the Council gave preliminary plat approval to this 127-lot subdivision. The 62-acre property is generally located between 46th Street West and 50th Street West and south of Rimrock Road. It is legally described as Tract 1-A, Certificate of Survey 3362.

The proposed subdivision is zoned as a Residential-9600, and will create 117 lots for single-family residential, and 8 lots for unit-ownership development. The owner is Boyer Land, LLC. The representing agent is KLJ. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

City Council may approve or deny the final plat of Silver Creek Estates. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in MCA 76-3-611 and BMCC Section 23-307.

FINANCIAL IMPACT

Should the City Council approve the final plat, the newly created lots may be sold separately and may increase tax revenues for the City.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Silver Creek Estates Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

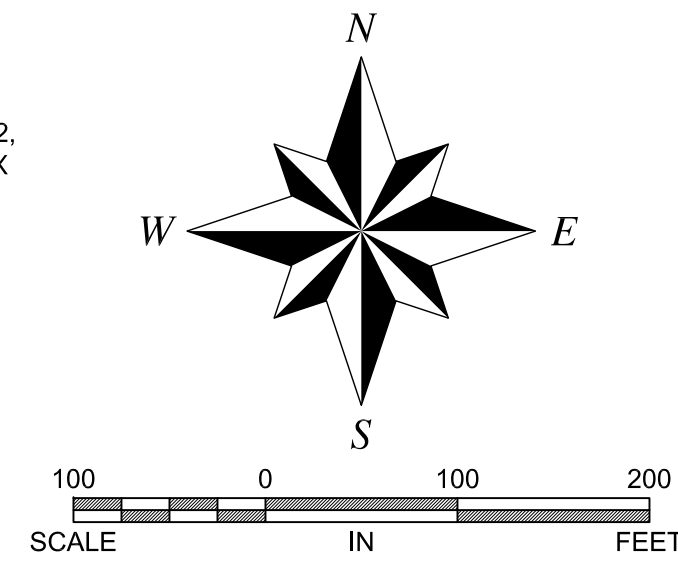
Final Plat Silver Creek Estates

BASIS OF BEARINGS:

GEODETIC NORTH DETERMINED AT THE SOUTHWEST CORNER OF SECTION 32, T. 1 N., R. 25 E., P.M.M. WHICH IS A 2-1/2 INCH BRASS CAP IN A MONUMENT BOX AT THE INTERSECTION OF GRAND AVENUE AND 54TH STREET WEST AND IS LOCATED AT LATITUDE 45°47'02.67960"N, LONGITUDE 108°39'09.64736"W, NAD83(2011) (EPOCH 2010.0000).

BEARINGS SHOWN ARE GRID BEARINGS AND HAVE NOT BEEN ADJUSTED FOR CONVERGENCE.

DISTANCES SHOWN ARE GROUND DISTANCES.



PLAT OF SILVER CREEK ESTATES

BEING TRACT 1-A OF CERTIFICATE OF SURVEY No. 3362
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 25 EAST, P.M.M.
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
 PREPARED FOR : BOYER LAND, LLC

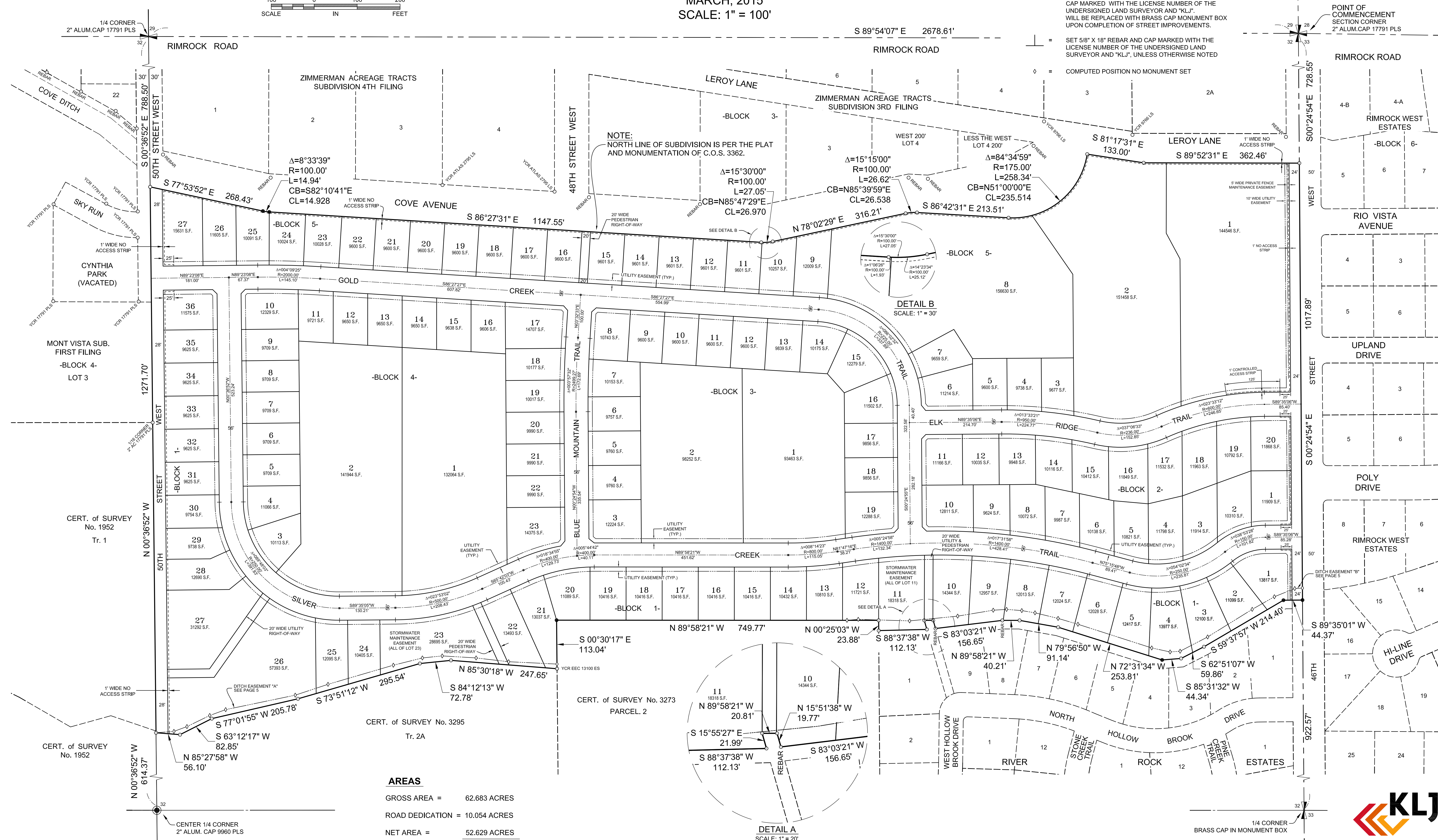
MARCH, 2015
 SCALE: 1" = 100'

LEGEND

- = FOUND SECTION CORNER
- = FOUND 1/4 CORNER
- = FOUND CENTER 1/4 CORNER
- = FOUND SURVEY CAPPED REBAR MONUMENT MARKED 15626 L.S. OR AS NOTED
- = SET SURVEY YELLOW CAPPED REBAR MONUMENT MARKED KLJ 17791 PLS
- = SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "KLJ". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.
- = SET 5/8" X 18" REBAR AND CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "KLJ", UNLESS OTHERWISE NOTED
- = COMPUTED POSITION NO MONUMENT SET

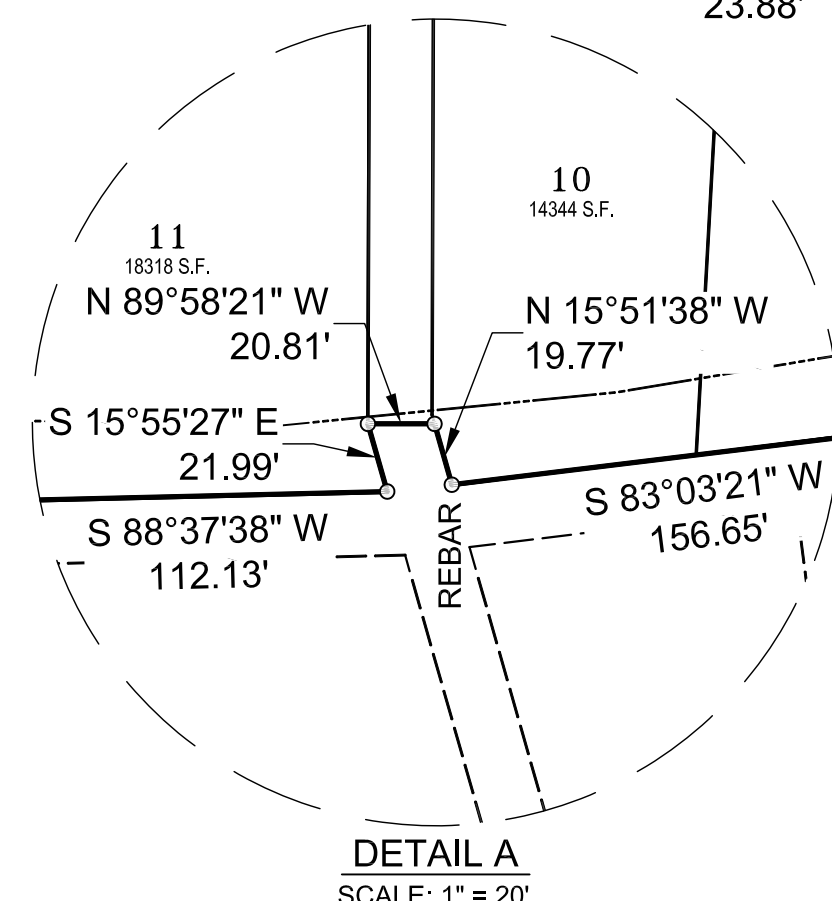
NOTE:

NEW PROPERTY CORNER MONUMENTS WILL BE SET AFTER FINAL CONSTRUCTION OF STREETS AND UTILITIES.



AREAS

GROSS AREA =	62.683 ACRES
ROAD DEDICATION =	10.054 ACRES
NET AREA =	52.629 ACRES



Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Payment of Claims June 29, 2015

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$3,194,921.80, have been audited and are presented for City Council payment approval. A complete listing of the claims dated June 29, 2015, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

council memo 06-29-15

Check Date	Check Name	Amount	Account	Item Desc
06/29/2015	785543 Allegra Print & Imaging	\$1,591.09	2730-67820-402690	HOMELESS-RESOURCE MAP-7,500
06/29/2015	785543 Allegra Print & Imaging	\$1,081.92	2730-67820-402690	HOMELESSNESS-RESOURCE NOTEPAD-120
06/29/2015	785548 Arrow Striping & Manufacturing Inc	\$3,600.00	2110-31320-402340	paint beads
06/29/2015	785550 Barnes and Thornburg LLP	\$5,000.00	2010-15070-405510	TIF Urban Renewal Revenue Refunding Bonds
06/29/2015	785561 Billings Tourism	\$811,516.00	7790-15760-407679	Distributed May, paid June 2015
06/29/2015	785564 Border States Electric	\$50.10	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
06/29/2015	785564 Border States Electric	\$556.20	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM
06/29/2015	785564 Border States Electric	\$63.51	5120-85000-402360	Fuses
06/29/2015	785564 Border States Electric	\$151.40	2110-31320-402430	cable ties and terminals for signal supplies
06/29/2015	785564 Border States Electric	\$436.80	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM
06/29/2015	785564 Border States Electric	\$90.48	2110-00000-141318	STREET LIGHTS PO NUM 297570
06/29/2015	785564 Border States Electric	\$345.00	5120-84300-402360	SSP Spare drive parts
06/29/2015	785564 Border States Electric	\$57.96	5020-74000-402360	Transient protectors
06/29/2015	785564 Border States Electric	\$4,240.00	2110-00000-141318	STREET LIGHTS PO NUM 297570
06/29/2015	785564 Border States Electric	\$48.06	2110-00000-141318	STREET LIGHTS PO NUM 297570
06/29/2015	785564 Border States Electric	\$65.09	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
06/29/2015	785565 Bradford Roof Management, Inc.	\$3,850.00	5610-71170-403660	Invoice #2015 205. IP-12 Roof Repair
06/29/2015	785568 Brown And Caldwell	\$18,068.20	5030-75910-409340	WO 08-25 ZONE 3 RESERVOIR
06/29/2015	785568 Brown And Caldwell	\$9,794.98	5030-75910-409340	WO 08-25 ZONE 3 RESERVOIR
06/29/2015	785570 Business Tax Section	\$1,706.23	5030-75910-409340	WO 15-01 2015 Water Sch 3 - 17th St West
06/29/2015	785570 Business Tax Section	\$105.71	2050-31310-409310	WO 15-02 2015 Misc. Developer
06/29/2015	785570 Business Tax Section	\$129.26	4480-31650-409311	WO 15-02 2015 Misc. Developer
06/29/2015	785570 Business Tax Section	\$18.77	5030-75910-409340	WO 15-01 Sch 3 17th St West Wtr Main - BBWA
06/29/2015	785570 Business Tax Section	\$49.68	5030-74910-409390	WO 08-16 Water Treatment Plant SCADA Phase
06/29/2015	785570 Business Tax Section	\$1,927.75	5030-75910-409340	WO 14-13 Elysian Area Water & Sewer
06/29/2015	785570 Business Tax Section	\$6,808.50	5130-85910-409340	WO 14-13 Elysian Area Water & Sewer
06/29/2015	785570 Business Tax Section	\$2,275.52	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion
06/29/2015	785570 Business Tax Section	\$272.36	2050-31310-409310	WO 15-04 2015 ADA Ramps
06/29/2015	785570 Business Tax Section	\$153.59	8450-31860-409310	WO 15-04 2015 ADA Ramps
06/29/2015	785570 Business Tax Section	\$51.60	6300-17530-407310	Broken window - 6th Avenue near N. 28th - Library
06/29/2015	785570 Business Tax Section	\$1,003.76	2100-51510-409390	WO 13-21 Swords Park Trail Outlet
06/29/2015	785570 Business Tax Section	\$155.58	2360-43700-409370	WO 13-21 Swords Park Trail Outlet
06/29/2015	785572 Cardinal Tracking Inc	\$10,345.40	5210-15220-409480	Handhelds for parking enforcement officers.
06/29/2015	785575 Center For Priority Based Budgeting	\$5,500.00	0100-14110-408124	Advisory Services related to the implementation of
06/29/2015	785577 Chicago Title of Montana LLC	\$10,000.00	2830-65810-407277	FTHB Theodore Kurkoski 3390 Canyon Drive Unit
06/29/2015	785581 Cop Construction Co	\$168,916.77	5030-75910-409340	WO 15-01 2015 Water Sch 3 - 17th St West
06/29/2015	785581 Cop Construction Co	\$1,858.23	5030-75910-409340	WO 15-01 Sch 3 17th St West Wtr Main - BBWA
06/29/2015	785582 Copper Ridge Development Corporation	\$73,999.00	5130-85910-409340	WO 15-94 P-660 Copper Ridge Development
06/29/2015	785584 Creative Monograms	\$6,022.00	5710-71420-402260	Uniforms for Transit Operators
06/29/2015	785584 Creative Monograms	\$2,805.00	5710-71470-402260	Uniforms for Transit Operators
06/29/2015	785587 Cummins Rocky Mountain Llc	\$268.43	5710-71440-403690	AUTO & TRUCK MAINT.ITEMS
06/29/2015	785587 Cummins Rocky Mountain Llc	\$98.00	6010-00000-141000	004-6141 PO NUM 298123
06/29/2015	785587 Cummins Rocky Mountain Llc	\$157.76	6010-00000-141000	004-6205 PO NUM 298123
06/29/2015	785587 Cummins Rocky Mountain Llc	\$55.37	5410-31220-402320	004-6030
06/29/2015	785587 Cummins Rocky Mountain Llc	\$32.04	5410-31220-402320	004-6030
06/29/2015	785587 Cummins Rocky Mountain Llc	\$40.85	5410-31220-402320	004-6205
06/29/2015	785587 Cummins Rocky Mountain Llc	\$49.00	2110-31320-402320	004-6218
06/29/2015	785587 Cummins Rocky Mountain Llc	\$5,144.70	5710-71440-403690	004-6844
06/29/2015	785587 Cummins Rocky Mountain Llc	\$1,007.04	5410-31220-402320	004-6729
06/29/2015	785587 Cummins Rocky Mountain Llc	\$87.93	6010-00000-141000	004-6819 PO NUM 298163
06/29/2015	785587 Cummins Rocky Mountain Llc	\$36.44	5410-31220-402320	004-6269
06/29/2015	785587 Cummins Rocky Mountain Llc	\$249.00	5410-31220-402320	004-6319
06/29/2015	785587 Cummins Rocky Mountain Llc	\$405.16	5410-31220-402320	004-6350
06/29/2015	785587 Cummins Rocky Mountain Llc	\$63.67	5410-31220-402320	004-6350
06/29/2015	785587 Cummins Rocky Mountain Llc	\$239.64	5410-31230-402320	004-6449
06/29/2015	785587 Cummins Rocky Mountain Llc	\$20.00	5410-31230-402320	004-6449
06/29/2015	785587 Cummins Rocky Mountain Llc	\$498.00	5410-31220-402320	004-6605
06/29/2015	785588 Dale & Jax Door & Glass Inc	\$5,108.40	6300-17530-407310	Broken window - 6th Avenue near N. 28th - Library
06/29/2015	785590 Dell Computer L P	\$3,227.38	5120-84000-402925	TRP Replacements
06/29/2015	785595 Dixie Petro-Chem	\$3,092.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
06/29/2015	785596 Dowl Hkm	\$6,674.86	8400-31840-409310	WO 10-19 Shiloh Conservation Area Amendment #3
06/29/2015	785596 Dowl Hkm	\$845.00	8400-31840-409310	WO 14-14 Reflections at Copper Ridge Pond
06/29/2015	785598 Downtown Billings BID, Inc.	\$99,723.18	7800-15750-407680	Paid May, distributed June 2015
06/29/2015	785600 Dustbusters	\$3,811.50	2110-31320-404530	dust suppressant used for gravel streets
06/29/2015	785604 Empire Garage Owner's Association	\$9,155.70	5210-15940-403660	City of Billings June Assessment.
06/29/2015	785620 Gillig Corporation	\$6,830.98	5710-71440-402320	40120592
06/29/2015	785624 Great West Engineering, Inc	\$8,417.82	5440-31230-409390	WO 11-19 Landfill Phase 5 Expansion; CO#1
06/29/2015	785624 Great West Engineering, Inc	\$5,716.50	5410-31230-409250	WO 15-33 Landfill Outbound Scale
06/29/2015	785625 Hach Company	\$9,265.00	5120-84300-402360	Replacement probe for WWTP - compliance for
06/29/2015	785626 Hansers Automotive	\$4,392.85	5410-31230-402320	R096060
06/29/2015	785630 HDR, Inc.	\$12,982.81	5410-31220-409250	CNG fueling facility & Police evidence facility
06/29/2015	785630 HDR, Inc.	\$28,926.56	5030-74910-409390	WO 15-10 WTP Chemical Building/Disinfection
06/29/2015	785630 HDR, Inc.	\$993.62	5130-84910-409390	WO 15-17 WWTP Aeration Blower Improvements
06/29/2015	785630 HDR, Inc.	\$98,577.01	5130-84910-409390	WO 14-11 WWTP Nutrient Upgrade Expansion &
06/29/2015	785630 HDR, Inc.	\$8,784.95	5120-82110-403540	WO 12-13 IWPI Reuse and Reclamation Study
06/29/2015	785630 HDR, Inc.	\$5,330.55	5020-72110-403540	WO 12-13 IWPI Reuse and Reclamation Study

Check Date	Check Name	Amount	Account	Item Desc
06/29/2015	785630 HDR, Inc.	\$2,665.28	8400-31840-403590	WO 12-13 IWPI Reuse and Reclamation Study
06/29/2015	785632 Hellas Construction Inc	\$2,850.00	8730-51990-409370	Contract for professional engineering services to
06/29/2015	785633 High Point Networks LLC	\$1,389.60	5120-84000-402925	(1) EX2200-48T-4G
06/29/2015	785633 High Point Networks LLC	\$1,531.20	5120-84000-402925	(2) EX2200-24T-4G
06/29/2015	785633 High Point Networks LLC	\$72.00	5120-84000-402925	(1) SRX210 Rack Mount
06/29/2015	785633 High Point Networks LLC	\$48.60	5120-84000-402925	(1) SVC-COR-EX2200-48T Juniper Care Core
06/29/2015	785633 High Point Networks LLC	\$54.00	5120-84000-402925	(2) SVC-COR-EX2200-24T Juniper Care Core
06/29/2015	785637 Hughes Fire Equipment Inc	\$2,700.00	1500-22210-403824	RASH: AUTHORIZED TWO (2) PIERCE
06/29/2015	785637 Hughes Fire Equipment Inc	\$7,653.00	1500-22260-403620	PIERCE ARROW XT 28945/AERIAL/PLATFORM TRUCK
06/29/2015	785639 Iaff	\$4,514.33	9000-00000-209920	Payroll Summary
06/29/2015	785646 J & J Concrete Inc.	\$10,464.99	2050-31310-409310	WO 15-02 2015 Misc. Developer
06/29/2015	785646 J & J Concrete Inc.	\$12,796.69	4480-31650-409311	WO 15-02 2015 Misc. Developer
06/29/2015	785646 J & J Concrete Inc.	\$26,963.55	2050-31310-409310	WO 15-04 2015 ADA Ramps
06/29/2015	785646 J & J Concrete Inc.	\$15,205.00	8450-31860-409310	WO 15-04 2015 ADA Ramps
06/29/2015	785654 Kadrmas Lee & Jackson	\$15,552.11	1990-15050-409310	WO 15-07 Orchard Lane
06/29/2015	785654 Kadrmas Lee & Jackson	\$46,461.07	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion;
06/29/2015	785654 Kadrmas Lee & Jackson	\$990.66	4710-31610-409310	SID 1382 Colton Boulevard
06/29/2015	785654 Kadrmas Lee & Jackson	\$112.99	5030-75910-409340	SID 1382 Colton Boulevard
06/29/2015	785654 Kadrmas Lee & Jackson	\$173.83	8400-31840-409310	SID 1382 Colton Boulevard
06/29/2015	785654 Kadrmas Lee & Jackson	\$850.49	2050-31310-409310	SID 1382 Colton Boulevard
06/29/2015	785659 Knife River (JTL Group Inc.)	\$167.81	2110-31320-404520	3/4" bedding rock
06/29/2015	785659 Knife River (JTL Group Inc.)	\$1,011.38	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$19,745.09	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$231.80	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$742.37	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$1,701.29	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$822.89	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$2,170.38	2110-31320-404710	asphalt
06/29/2015	785659 Knife River (JTL Group Inc.)	\$1,607.35	2110-31320-404710	asphalt
06/29/2015	785661 KTVQ Communications, Inc.	\$3,360.00	0100-51250-403990	Advertising
06/29/2015	785661 KTVQ Communications, Inc.	\$520.00	0100-51250-403990	Advertising
06/29/2015	785675 Mistras Group Inc	\$825.00	1500-22260-403590	SUTPHEN: HS-3965/UNIT 4060 (TRUCK5)
06/29/2015	785675 Mistras Group Inc	\$825.00	1500-22260-403590	SUTPHEN HS-3148 UNIT #4053 AERIAL
06/29/2015	785675 Mistras Group Inc	\$1,634.60	1500-22260-403590	GROUND LADDERS INSPECTION
06/29/2015	785677 Montana CSED	\$4,354.79	9000-00000-209926	Payroll Summary
06/29/2015	785678 Montana Dakota Utilities Co	\$161.49	0100-51260-403440	0619431000 6
06/29/2015	785678 Montana Dakota Utilities Co	\$32.05	6500-15660-403440	1307331000 8
06/29/2015	785678 Montana Dakota Utilities Co	\$117.55	1500-22210-403440	4421901000 4
06/29/2015	785678 Montana Dakota Utilities Co	\$513.06	6500-15660-403440	7576331000 2
06/29/2015	785678 Montana Dakota Utilities Co	\$260.08	6500-15660-403440	9897331000 0
06/29/2015	785678 Montana Dakota Utilities Co	\$127.05	6500-15660-403440	9937331000 4
06/29/2015	785678 Montana Dakota Utilities Co	\$2,947.79	5610-71120-403440	5955801000 1
06/29/2015	785678 Montana Dakota Utilities Co	\$935.58	6500-15670-403440	9297801000 4
06/29/2015	785678 Montana Dakota Utilities Co	\$30.10	5120-85000-403440	9550431000 4
06/29/2015	785678 Montana Dakota Utilities Co	\$418.72	5710-71430-403440	9628801000 0
06/29/2015	785678 Montana Dakota Utilities Co	\$526.24	2600-55120-403440	2199244851 0
06/29/2015	785678 Montana Dakota Utilities Co	\$23.39	5210-15950-403440	79915212090
06/29/2015	785678 Montana Dakota Utilities Co	\$76.25	5610-71170-403440	205 087 7152 2. EJC Storage. June 2015
06/29/2015	785678 Montana Dakota Utilities Co	\$19.81	5610-71170-403440	295 580 1000 4. Aero Interiors. June 2015
06/29/2015	785678 Montana Dakota Utilities Co	\$78.03	5610-71170-403440	185 580 1000 7. TSA Building. June 2015
06/29/2015	785678 Montana Dakota Utilities Co	\$43.77	5610-71190-403440	889 373 1000 6. Car Wash. June 2015
06/29/2015	785678 Montana Dakota Utilities Co	\$271.96	5610-71190-403440	129 573 1000 1. Mud Wash. June 2015
06/29/2015	785678 Montana Dakota Utilities Co	\$19.22	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz. June 2015
06/29/2015	785678 Montana Dakota Utilities Co	\$44.17	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo.
06/29/2015	785678 Montana Dakota Utilities Co	\$22.78	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise. June
06/29/2015	785678 Montana Dakota Utilities Co	\$37.05	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget. June
06/29/2015	785678 Montana Dakota Utilities Co	\$19.22	5610-71190-403440	529 573 1000 7. Detail Bay 5 Thrifty/Dollar. June
06/29/2015	785678 Montana Dakota Utilities Co	\$351.57	1500-21710-403440	1692331000 3
06/29/2015	785678 Montana Dakota Utilities Co	\$157.86	5610-71130-403440	2855801000 6
06/29/2015	785678 Montana Dakota Utilities Co	\$15.07	1500-21150-403410	51411704789
06/29/2015	785678 Montana Dakota Utilities Co	\$9.31	5020-74000-403440	3735801000 9
06/29/2015	785678 Montana Dakota Utilities Co	\$9.30	5020-74000-403440	3735801000 9
06/29/2015	785678 Montana Dakota Utilities Co	\$20.41	1500-21150-403410	06290794947
06/29/2015	785678 Montana Dakota Utilities Co	\$51.31	0100-51270-403440	4377801000 9
06/29/2015	785678 Montana Dakota Utilities Co	\$15.28	0100-51120-403410	5014731000 2
06/29/2015	785678 Montana Dakota Utilities Co	\$14.11	5020-74000-403440	5413801000 1
06/29/2015	785678 Montana Dakota Utilities Co	\$36.78	6600-31100-403440	5953731000 1
06/29/2015	785678 Montana Dakota Utilities Co	\$55.17	6700-31410-403440	5953731000 1
06/29/2015	785678 Montana Dakota Utilities Co	\$31.29	5120-85000-403440	5967331000 5
06/29/2015	785678 Montana Dakota Utilities Co	\$15.66	5210-15920-403440	7173531000 6
06/29/2015	785678 Montana Dakota Utilities Co	\$15.05	5610-71170-403440	8065801000 6
06/29/2015	785678 Montana Dakota Utilities Co	\$114.51	1500-22210-403440	8858801000 4
06/29/2015	785678 Montana Dakota Utilities Co	\$28.22	5020-74000-403440	9215801000 6
06/29/2015	785678 Montana Dakota Utilities Co	\$30.88	5020-74000-403440	0104901000 0
06/29/2015	785678 Montana Dakota Utilities Co	\$31.20	0100-51410-403440	0378901000 0
06/29/2015	785678 Montana Dakota Utilities Co	\$14.26	5020-74000-403440	1104901000 9

Check Date	Check	Name	Amount	Account	Item Desc
06/29/2015	785678	Montana Dakota Utilities Co	\$21.99	5020-74000-403440	2104901000 8
06/29/2015	785678	Montana Dakota Utilities Co	\$237.36	5020-73140-403440	3104901000 7
06/29/2015	785678	Montana Dakota Utilities Co	\$79.12	5120-83140-403440	3104901000 7
06/29/2015	785678	Montana Dakota Utilities Co	\$25.26	0100-51120-403440	3711011000 6
06/29/2015	785678	Montana Dakota Utilities Co	\$70.38	5020-73140-403440	4104901000 6
06/29/2015	785678	Montana Dakota Utilities Co	\$23.46	5120-83140-403440	4104901000 6
06/29/2015	785678	Montana Dakota Utilities Co	\$350.31	5020-74000-403440	5004901000 7
06/29/2015	785678	Montana Dakota Utilities Co	\$15.45	5020-74000-403440	5104901000 5
06/29/2015	785678	Montana Dakota Utilities Co	\$15.18	5020-74000-403440	5270331000 4
06/29/2015	785678	Montana Dakota Utilities Co	\$14.26	5020-74000-403440	5669231000 8
06/29/2015	785678	Montana Dakota Utilities Co	\$7.13	5020-74000-403440	6004901000 6
06/29/2015	785678	Montana Dakota Utilities Co	\$7.13	5020-74000-403440	6004901000 6
06/29/2015	785678	Montana Dakota Utilities Co	\$14.26	5020-74000-403440	6104901000 4
06/29/2015	785678	Montana Dakota Utilities Co	\$14.26	5020-74000-403440	6669231000 7
06/29/2015	785678	Montana Dakota Utilities Co	\$25.53	5020-74000-403440	7004901000 5
06/29/2015	785678	Montana Dakota Utilities Co	\$66.19	5410-31230-403440	7703901000 2
06/29/2015	785678	Montana Dakota Utilities Co	\$28.52	5020-74000-403440	8004901000 4
06/29/2015	785678	Montana Dakota Utilities Co	\$15.18	5020-74000-403440	8320011000 1
06/29/2015	785678	Montana Dakota Utilities Co	\$32.14	5120-85000-403440	8685631000 7
06/29/2015	785678	Montana Dakota Utilities Co	\$28.52	5020-74000-403440	9004901000 3
06/29/2015	785678	Montana Dakota Utilities Co	\$26.45	0100-51410-403440	9278901000 3
06/29/2015	785678	Montana Dakota Utilities Co	\$73.48	5610-71130-403440	06882310003 / 31454601
06/29/2015	785678	Montana Dakota Utilities Co	\$1,780.22	5120-84000-403440	2937801000 2
06/29/2015	785678	Montana Dakota Utilities Co	\$3,560.44	5120-84000-403440	2937801000 2
06/29/2015	785678	Montana Dakota Utilities Co	\$1,780.22	5120-84000-403440	2937801000 2
06/29/2015	785678	Montana Dakota Utilities Co	\$103.26	1500-22210-403440	5336531000 1
06/29/2015	785678	Montana Dakota Utilities Co	\$359.90	5610-71170-403440	7065801000 7
06/29/2015	785678	Montana Dakota Utilities Co	\$31.38	5120-85000-403440	7354531000 2
06/29/2015	785686	Montana State Fireman's Assoc	\$3,379.88	9000-00000-209924	Payroll Summary
06/29/2015	785688	Morrison Maierle Inc	\$3,064.42	8730-51990-403590	Consultant fee for the re-platting of section 12 in
06/29/2015	785691	Moulton Bellingham PC	\$750.00	0100-16110-403560	Inv. 112689, Thor Sand Bankruptcy - Sale of
06/29/2015	785691	Moulton Bellingham PC	\$2,740.00	5610-71100-403590	Invoice #112688. Jon Marchi Bankruptcy
06/29/2015	785696	Napa Auto Parts	\$33.33	6010-00000-141000	632550 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$63.43	6010-00000-141000	632550 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$2.56	6010-00000-141000	632550 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$121.03	6010-00000-141000	632550 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$104.22	6010-00000-141000	632550 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$224.00	6010-00000-141000	632607 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$9.20	6010-00000-141000	632871 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$8.99	6010-00000-141000	633090 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$143.76	6010-00000-141000	633158 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$71.88	6010-00000-141000	633201 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$6.42	6010-00000-141000	633320 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$26.50	6010-00000-141000	633320 PO NUM 298155
06/29/2015	785696	Napa Auto Parts	\$59.82	6010-15530-402650	632092
06/29/2015	785696	Napa Auto Parts	\$7.56	5020-73120-402320	632120
06/29/2015	785696	Napa Auto Parts	\$51.99	6010-15530-402650	632234
06/29/2015	785696	Napa Auto Parts	\$59.99	5020-73120-402320	632237
06/29/2015	785696	Napa Auto Parts	\$3.75	6010-15530-402650	632336
06/29/2015	785696	Napa Auto Parts	\$36.43	5410-31220-402320	632364
06/29/2015	785696	Napa Auto Parts	\$29.96	2110-31320-402320	632444
06/29/2015	785696	Napa Auto Parts	\$42.82	6010-15530-402650	632550
06/29/2015	785696	Napa Auto Parts	\$17.28	5410-31220-402320	632640
06/29/2015	785696	Napa Auto Parts	\$52.66	1500-21120-402320	632644
06/29/2015	785696	Napa Auto Parts	\$28.80	1500-21120-402320	632689
06/29/2015	785696	Napa Auto Parts	\$36.43	5410-31220-402320	632741
06/29/2015	785696	Napa Auto Parts	\$26.48	1500-21120-402320	632770
06/29/2015	785696	Napa Auto Parts	\$52.48	1500-21120-402320	632770
06/29/2015	785696	Napa Auto Parts	\$2.73	1500-21120-402320	632920
06/29/2015	785696	Napa Auto Parts	\$23.96	0100-51120-402320	633105
06/29/2015	785696	Napa Auto Parts	\$2.30	1500-21120-402320	633217
06/29/2015	785696	Napa Auto Parts	\$10.28	5410-31230-402320	633351
06/29/2015	785696	Napa Auto Parts	\$13.71	5410-31220-402320	633447
06/29/2015	785696	Napa Auto Parts	\$45.40	5410-31220-402320	633472
06/29/2015	785696	Napa Auto Parts	\$67.00	5410-31220-402320	633512
06/29/2015	785696	Napa Auto Parts	\$13.17	6010-15530-402410	633628
06/29/2015	785696	Napa Auto Parts	\$175.32	2110-31320-402320	633734
06/29/2015	785696	Napa Auto Parts	\$36.77	1500-21120-402320	634320
06/29/2015	785696	Napa Auto Parts	\$59.42	0100-43210-402320	634466
06/29/2015	785696	Napa Auto Parts	\$5.96	0100-51420-402320	634529
06/29/2015	785696	Napa Auto Parts	\$238.18	5020-73120-402320	705899
06/29/2015	785696	Napa Auto Parts	\$70.11	2110-31320-402320	706975
06/29/2015	785696	Napa Auto Parts	\$129.11	6010-00000-141000	635490 PO NUM 298212
06/29/2015	785696	Napa Auto Parts	\$31.32	6010-00000-141000	635511 PO NUM 298212
06/29/2015	785696	Napa Auto Parts	\$158.62	6010-00000-141000	635511 PO NUM 298212
06/29/2015	785696	Napa Auto Parts	\$181.44	6010-00000-141000	636902 PO NUM 298212
06/29/2015	785696	Napa Auto Parts	\$11.98	6010-15530-402650	634848

Check Date	Check	Name	Amount	Account	Item Desc
06/29/2015	785696	Napa Auto Parts	\$11.98	1500-21120-402320	635085
06/29/2015	785696	Napa Auto Parts	\$6.17	5410-31220-402320	635241
06/29/2015	785696	Napa Auto Parts	\$3.82	6010-15530-402650	635241
06/29/2015	785696	Napa Auto Parts	\$5.20	5020-74000-402320	635576
06/29/2015	785696	Napa Auto Parts	\$105.00	6010-15530-402410	635579
06/29/2015	785696	Napa Auto Parts	\$57.84	5410-31220-402320	635705
06/29/2015	785696	Napa Auto Parts	\$16.34	5410-31220-402320	635795
06/29/2015	785696	Napa Auto Parts	\$25.13	1500-21120-402320	635912
06/29/2015	785696	Napa Auto Parts	\$3.82	1500-21120-402320	635916
06/29/2015	785696	Napa Auto Parts	\$23.84	5020-73120-402320	63637
06/29/2015	785696	Napa Auto Parts	\$59.99	5020-73120-402320	636557
06/29/2015	785696	Napa Auto Parts	\$3.45	1500-21120-402320	636826
06/29/2015	785696	Napa Auto Parts	\$30.99	2110-31320-402320	636831
06/29/2015	785696	Napa Auto Parts	\$114.46	2110-31320-402320	637226
06/29/2015	785696	Napa Auto Parts	\$3.66	0100-51120-402320	637529
06/29/2015	785696	Napa Auto Parts	\$72.68	0100-43210-402320	637676
06/29/2015	785696	Napa Auto Parts	\$93.64	5020-75000-402320	637736
06/29/2015	785696	Napa Auto Parts	\$386.82	5020-75000-402320	637793
06/29/2015	785696	Napa Auto Parts	\$46.87	5410-31220-402320	637800
06/29/2015	785696	Napa Auto Parts	\$10.64	5410-31220-402320	637800
06/29/2015	785696	Napa Auto Parts	\$46.87	5410-31220-402320	637801
06/29/2015	785696	Napa Auto Parts	\$61.64	5410-31220-402320	637845
06/29/2015	785696	Napa Auto Parts	\$16.17	5410-31220-402320	637868
06/29/2015	785698	Network Information Systems	\$4,918.94	5030-74910-409390	WO 08-16 Water Treatment Plant SCADA Phase
06/29/2015	785702	NorthWestern Energy	\$3,309.55	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE
06/29/2015	785702	NorthWestern Energy	\$249.98	5610-71170-403410	1264299-7. Old Hertz Car Wash. June 2015
06/29/2015	785702	NorthWestern Energy	\$428.29	5610-71170-403410	0712792-1. IP-7. June 2015
06/29/2015	785702	NorthWestern Energy	\$25.60	5610-71170-403410	0712799-6. IP-8. June 2015
06/29/2015	785702	NorthWestern Energy	\$1,460.50	5610-71170-403410	0712800-2. IP-9 June 2015
06/29/2015	785702	NorthWestern Energy	\$7.45	5610-71170-403410	0712809-3. IP-12. June 2015
06/29/2015	785702	NorthWestern Energy	\$29.11	5610-71170-403410	0712817-6. IP-House. June 2015
06/29/2015	785702	NorthWestern Energy	\$62.59	5610-71130-403410	0719616-5. ARFF Facility Lights. June 2015
06/29/2015	785702	NorthWestern Energy	\$425.44	6600-31100-403410	Electricity
06/29/2015	785702	NorthWestern Energy	\$638.15	6700-31410-403410	Electricity
06/29/2015	785702	NorthWestern Energy	\$9.30	0100-51120-403410	07230907
06/29/2015	785702	NorthWestern Energy	\$7.45	0100-51120-403410	07231624
06/29/2015	785702	NorthWestern Energy	\$729.62	0100-51120-403410	07231707
06/29/2015	785702	NorthWestern Energy	\$7.45	0100-51120-403410	07236441
06/29/2015	785702	NorthWestern Energy	\$7.45	0100-51120-403410	07236458
06/29/2015	785702	NorthWestern Energy	\$23.22	0100-51120-403410	07894371
06/29/2015	785702	NorthWestern Energy	\$0.00	0100-51120-403410	08392805
06/29/2015	785702	NorthWestern Energy	\$1,090.95	6500-15660-403410	11608023
06/29/2015	785702	NorthWestern Energy	\$1,735.76	6500-15660-403410	11608049
06/29/2015	785702	NorthWestern Energy	\$3,220.68	6500-15660-403410	12693917
06/29/2015	785702	NorthWestern Energy	\$1,586.76	0100-51270-403410	Monthly electrical charges.
06/29/2015	785702	NorthWestern Energy	\$7,263.55	6500-15670-403410	01005073
06/29/2015	785702	NorthWestern Energy	\$391.91	1500-22210-403410	07125370
06/29/2015	785702	NorthWestern Energy	\$97.48	0100-51220-403410	07126832
06/29/2015	785702	NorthWestern Energy	\$25.32	5710-71480-403410	07127640
06/29/2015	785702	NorthWestern Energy	\$311.91	5210-15950-403410	07208291
06/29/2015	785702	NorthWestern Energy	\$1,662.77	5210-15920-403410	07208341
06/29/2015	785702	NorthWestern Energy	\$367.80	1500-22210-403410	07208408
06/29/2015	785702	NorthWestern Energy	\$2,333.48	5020-74000-403410	07230436
06/29/2015	785702	NorthWestern Energy	\$7.45	0100-51120-403410	08317026
06/29/2015	785702	NorthWestern Energy	\$111.87	8720-51980-403410	10590933
06/29/2015	785702	NorthWestern Energy	\$1,073.03	5210-15910-403410	15942824
06/29/2015	785702	NorthWestern Energy	\$1,410.64	5210-15910-403410	15696362
06/29/2015	785702	NorthWestern Energy	\$126.64	5710-71480-403410	17847567
06/29/2015	785702	NorthWestern Energy	\$176.45	6070-22350-403410	07215809
06/29/2015	785702	NorthWestern Energy	\$13.95	0100-51120-403410	07222375
06/29/2015	785702	NorthWestern Energy	\$7.45	0100-51120-403410	07222474
06/29/2015	785702	NorthWestern Energy	\$268.12	0100-51120-403410	07222516
06/29/2015	785702	NorthWestern Energy	\$0.22	0100-51120-403410	07222540
06/29/2015	785702	NorthWestern Energy	\$94.83	0100-51120-403410	07222557
06/29/2015	785702	NorthWestern Energy	\$19.97	0100-51120-403410	07230550
06/29/2015	785702	NorthWestern Energy	\$35.73	0100-51120-403410	07230568
06/29/2015	785702	NorthWestern Energy	\$11.42	0100-51120-403410	07230576
06/29/2015	785702	NorthWestern Energy	\$38.38	0100-51120-403410	07230584
06/29/2015	785702	NorthWestern Energy	\$168.62	0100-51120-403410	07229339
06/29/2015	785702	NorthWestern Energy	\$425.85	0100-51120-403410	07230444
06/29/2015	785702	NorthWestern Energy	\$85.10	0100-51120-403410	07230485
06/29/2015	785702	NorthWestern Energy	\$148.05	0100-51120-403410	07230501
06/29/2015	785702	NorthWestern Energy	\$2.44	0100-51120-403410	07230519
06/29/2015	785702	NorthWestern Energy	\$16.81	0100-51120-403410	07230527
06/29/2015	785702	NorthWestern Energy	\$337.50	0100-51120-403410	07230543
06/29/2015	785702	NorthWestern Energy	\$0.00	0100-51120-403410	07230279
06/29/2015	785702	NorthWestern Energy	\$115.16	0100-51120-403410	07230352

Check Date	Check	Name	Amount	Account	Item Desc
06/29/2015	785702	NorthWestern Energy	\$9.15	0100-51120-403410	07230360
06/29/2015	785702	NorthWestern Energy	\$194.69	0100-51120-403410	07230378
06/29/2015	785702	NorthWestern Energy	\$20.14	0100-51120-403410	07230386
06/29/2015	785702	NorthWestern Energy	\$51.62	0100-51120-403410	07230428
06/29/2015	785702	NorthWestern Energy	\$27.79	0100-51120-403410	07222664
06/29/2015	785702	NorthWestern Energy	\$11.50	0100-51120-403410	07222680
06/29/2015	785702	NorthWestern Energy	\$16.22	0100-51120-403410	07222698
06/29/2015	785702	NorthWestern Energy	\$12.27	0100-51120-403410	07222920
06/29/2015	785702	NorthWestern Energy	\$57.02	0100-51120-403410	07222938
06/29/2015	785702	NorthWestern Energy	\$8.90	0100-51120-403410	07229057
06/29/2015	785702	NorthWestern Energy	\$351.34	0100-51120-403410	07222573
06/29/2015	785702	NorthWestern Energy	\$237.09	0100-51120-403410	07222607
06/29/2015	785702	NorthWestern Energy	\$26.66	0100-51120-403410	07222615
06/29/2015	785702	NorthWestern Energy	\$21.25	0100-51120-403410	07222623
06/29/2015	785702	NorthWestern Energy	\$3.11	0100-51120-403410	07222631
06/29/2015	785702	NorthWestern Energy	\$22.57	0100-51120-403410	07222656
06/29/2015	785702	NorthWestern Energy	\$1,779.00	5020-74000-403410	07222524
06/29/2015	785702	NorthWestern Energy	\$208.26	1500-21150-403410	19841501
06/29/2015	785702	NorthWestern Energy	\$368.25	1500-21150-403410	19841550
06/29/2015	785702	NorthWestern Energy	\$1,495.77	5210-15940-403410	30674162
06/29/2015	785705	Ostermiller Construction	\$99,371.94	2100-51510-409390	WO 13-21 Swords Park Trail Outlet
06/29/2015	785705	Ostermiller Construction	\$15,402.77	2360-43700-409370	WO 13-21 Swords Park Trail Outlet
06/29/2015	785718	Prorover	\$4,200.00	0100-51140-403990	Pruned trees at Pioneer Park.
06/29/2015	785720	Qwest Communications	\$45.83	5210-15920-403450	Qwest 406-252-2041 Park 2 Elevator Phone
06/29/2015	785720	Qwest Communications	\$45.83	2250-22320-403450	Qwest 406-651-0282 Fire 5 911 Line
06/29/2015	785720	Qwest Communications	\$45.83	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
06/29/2015	785720	Qwest Communications	\$47.63	0100-51120-403450	Qwest 406-652-5507 Parks
06/29/2015	785720	Qwest Communications	\$32.09	2110-31320-403450	Qwest 406-652-8104 PW Traffic Signal 24
06/29/2015	785720	Qwest Communications	\$34.50	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
06/29/2015	785720	Qwest Communications	\$45.83	1500-21110-403450	Qwest 406-656-1046 PD3 FAX Line
06/29/2015	785720	Qwest Communications	\$99.40	6060-19310-403450	Qwest 406-657-3009 PUD Measured Lines 406-657-3009 406-247-8579
06/29/2015	785720	Qwest Communications	\$31.21	5210-15920-403450	Qwest 406-657-3054 Park 1 Elevator Phone
06/29/2015	785720	Qwest Communications	\$47.13	5410-31230-403450	Qwest 406-256-7001 Solid Waste Scale House 5410 31230 403450
06/29/2015	785720	Qwest Communications	\$3,154.65	6060-19310-403450	Qwest 406-657-8377 Main System Centrex 6060-19310-403450
06/29/2015	785722	RDO Equipment Co.	\$2,907.46	5020-75000-402320	W14339
06/29/2015	785722	RDO Equipment Co.	\$2,040.00	2110-31320-402320	bits for unit1209 for gravel streets
06/29/2015	785722	RDO Equipment Co.	\$258.00	5020-74000-402320	P96280
06/29/2015	785722	RDO Equipment Co.	\$12.98	5020-74000-402320	P96280
06/29/2015	785726	Rocky Mountain Compost Inc	\$120.00	2110-31320-402475	Screened natural mulch
06/29/2015	785726	Rocky Mountain Compost Inc	\$460.00	0100-51120-403650	Mulch for Yellowstone Family Park.
06/29/2015	785726	Rocky Mountain Compost Inc	\$1,090.00	8730-51990-403650	Compost for High Sierra Park.
06/29/2015	785726	Rocky Mountain Compost Inc	\$2,045.00	8730-51990-403650	Compost for Castle Rock Park.
06/29/2015	785731	SCL Health Medical Group-Billings LLC	\$3,600.00	6270-17520-405160	EAP Invoices from July - December 2014
06/29/2015	785731	SCL Health Medical Group-Billings LLC	\$4,575.00	6270-17520-405160	January - May 2015 EAP visits
06/29/2015	785735	Sherwin Williams	\$7,188.00	2110-31320-409420	line lazer IV 5900 with 1 gun
06/29/2015	785735	Sherwin Williams	\$359.07	1500-22240-402450	RENTAL: PAINT SPRAYER (\$75.00) - TO
06/29/2015	785735	Sherwin Williams	\$485.34	1500-22240-402450	PAINT: FIRE/BURN BUILDING (10-GAL RED
06/29/2015	785744	Solid Waste Systems Inc	\$47.82	5410-31220-402320	77797
06/29/2015	785744	Solid Waste Systems Inc	\$55.20	5410-31220-402320	77797
06/29/2015	785744	Solid Waste Systems Inc	\$3,700.00	5410-31220-402320	77826
06/29/2015	785744	Solid Waste Systems Inc	\$136.04	5410-31220-402320	77826
06/29/2015	785744	Solid Waste Systems Inc	\$350.20	5410-31220-402320	77839
06/29/2015	785744	Solid Waste Systems Inc	\$22.04	5410-31220-402320	77839
06/29/2015	785744	Solid Waste Systems Inc	\$282.03	6010-00000-141000	77809 PO NUM 298139
06/29/2015	785744	Solid Waste Systems Inc	\$628.38	5410-31220-402320	78023
06/29/2015	785744	Solid Waste Systems Inc	\$111.89	5410-31220-402320	78023
06/29/2015	785746	Springsted	\$3,100.00	3140-15300-406300	GO Bonds, Series 2004A
06/29/2015	785748	Stewart Title Company	\$15,000.00	2830-65810-407277	FTHB Siana Williams 139 Monroe Street
06/29/2015	785749	Sutphen Corp	\$55.00	1500-22260-402320	40008126
06/29/2015	785749	Sutphen Corp	\$20.00	1500-22260-402320	40008126
06/29/2015	785749	Sutphen Corp	\$2,367.12	1500-22260-402320	40008190
06/29/2015	785749	Sutphen Corp	\$155.00	1500-22260-402320	40008190
06/29/2015	785756	Town & Country Supply Association	\$20,720.99	5610-71180-402313	Invoice #211286. QTA Car Rental Fuel
06/29/2015	785756	Town & Country Supply Association	\$8,003.20	6010-00000-141000	210597 PO NUM 298121
06/29/2015	785756	Town & Country Supply Association	\$8,003.20	6010-00000-141000	210598 PO NUM 298121
06/29/2015	785756	Town & Country Supply Associator	\$20,052.36	6010-00000-141000	210969 PO NUM 298122 WATER PARTS AND SUPPLIES PO NUM
06/29/2015	785756	Town & Country Supply Association	\$14,677.85	5020-00000-141000	298079
06/29/2015	785756	Town & Country Supply Associator	\$4,730.85	5710-00000-141000	210979 PO NUM 298141
06/29/2015	785759	Tristate Equipment	\$192.80	5410-31220-402320	M86863
06/29/2015	785759	Tristate Equipment	\$49.59	5410-31220-402320	M86891
06/29/2015	785759	Tristate Equipment	\$105.26	5410-31220-402320	M86894
06/29/2015	785759	Tristate Equipment	\$188.28	5410-31220-402320	M86934
06/29/2015	785759	Tristate Equipment	\$2,789.97	5410-31220-402320	M87097

Check Date	Check	Name	Amount	Account	Item Desc
06/29/2015	785769	Verizon Wireless	\$553.18	5610-71100-40345C	Airport
06/29/2015	785769	Verizon Wireless	\$193.72	1500-21700-40345C	Animal Shelter
06/29/2015	785769	Verizon Wireless	\$86.38	7170-21660-40345C	CCSIU
06/29/2015	785769	Verizon Wireless	\$54.34	0100-16110-40345C	Legal
06/29/2015	785769	Verizon Wireless	\$52.64	1500-22250-40345C	Comm Center 911 Facilities BOC
06/29/2015	785769	Verizon Wireless	\$67.79	6500-15650-403450	Plus 70% of 406-672-3027 Facilities City Hall
06/29/2015	785769	Verizon Wireless	\$87.29	6500-15670-403450	Plus 30% of 406-672-3027
06/29/2015	785769	Verizon Wireless	\$79.18	0100-15120-40345C	Finance Pat Weber
06/29/2015	785769	Verizon Wireless	\$1,098.97	1500-22210-40345C	Fire Department
06/29/2015	785769	Verizon Wireless	\$73.99	0100-17500-40345C	Human Resources
06/29/2015	785769	Verizon Wireless	\$13.16	6200-19130-40345C	ITD GIS
06/29/2015	785769	Verizon Wireless	\$13.20	6200-19110-40345C	ITD
06/29/2015	785769	Verizon Wireless	\$33.21	2600-55170-40345C	Library Outreach
06/29/2015	785769	Verizon Wireless	\$346.16	2600-55120-40345C	Library
06/29/2015	785769	Verizon Wireless	\$42.88	0100-11000-40345C	Mayor
06/29/2015	785769	Verizon Wireless	\$59.69	6010-15500-40345C	Motor Pool
06/29/2015	785769	Verizon Wireless	\$192.20	0100-12200-40345C	Drug Court
06/29/2015	785769	Verizon Wireless	\$87.33	0100-12120-40345C	Municipal Court Judge
06/29/2015	785769	Verizon Wireless	\$13.16	2400-43010-40345C	Planning
06/29/2015	785769	Verizon Wireless	\$3,591.92	1500-21110-40345C	Police Police Forensic 406-794-6880
06/29/2015	785769	Verizon Wireless	\$90.71	2510-21870-403450	406-698-7323
06/29/2015	785769	Verizon Wireless	\$500.47	1500-21110-40345C	Police Resource Officers
06/29/2015	785769	Verizon Wireless	\$28.08	2490-21960-40345C	Police DV 406-698-1391
06/29/2015	785769	Verizon Wireless	\$102.19	5210-15210-40345C	Parking
06/29/2015	785769	Verizon Wireless	\$153.35	0100-51100-40345C	PRPL Admin
06/29/2015	785769	Verizon Wireless	\$462.96	0100-51210-40345C	PRPL Recreation
06/29/2015	785769	Verizon Wireless	\$373.20	0100-51210-40345C	PRPL Seasonal
06/29/2015	785769	Verizon Wireless	\$69.99	0100-51400-40345C	Cemetery
06/29/2015	785769	Verizon Wireless	\$43.97	0100-51120-40345C	Parks PMD
06/29/2015	785769	Verizon Wireless	\$983.68	0100-51120-40345C	Parks
06/29/2015	785769	Verizon Wireless	\$220.14	0100-51120-40345C	Parks Irrigation
06/29/2015	785769	Verizon Wireless	\$125.76	6600-31100-40345C	Public Works Admin
06/29/2015	785769	Verizon Wireless	\$482.96	2090-44510-40345C	Building
06/29/2015	785769	Verizon Wireless	\$255.72	6700-31410-40345C	Engineering
06/29/2015	785769	Verizon Wireless	\$223.84	5410-31210-40345C	Solid Waste
06/29/2015	785769	Verizon Wireless	\$364.15	2110-31320-40345C	Streets
06/29/2015	785769	Verizon Wireless	\$194.77	5410-31230-40345C	Solid Waste On Call
06/29/2015	785769	Verizon Wireless	\$464.17	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution & Collection 40% 5120-85000-403450
06/29/2015	785769	Verizon Wireless	\$309.46	5120-85000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution & Collection 40% 5120-85000-403450 Water Treatment
06/29/2015	785769	Verizon Wireless	\$659.30	5020-74000-403450	PWBelknap-WT
06/29/2015	785769	Verizon Wireless	\$442.25	5020-73120-40345C	PWBLKNP MTRSHOP Belknap Office 60% 5020-73110-403450
06/29/2015	785769	Verizon Wireless	\$69.84	5020-73110-403450	Belknap Office 40% 5120-83110-403450 Belknap Office 60% 5020-73110-403450
06/29/2015	785769	Verizon Wireless	\$46.56	5120-83110-403450	Belknap Office 40% 5120-83110-403450 PWBLKNP STORES 75% 5020-73140-403450
06/29/2015	785769	Verizon Wireless	\$88.47	5020-73140-403450	PWBLKNP STORES 25% 5120-83140-403450 PWBLKNP STORES 75% 5020-73140-403450
06/29/2015	785769	Verizon Wireless	\$29.49	5120-83140-403450	PWBLKNP STORES 25% 5120-83140-403450
06/29/2015	785769	Verizon Wireless	\$946.13	5120-84000-40345C	Wastewater Treatment Plan
06/29/2015	785769	Verizon Wireless	\$24.12	6060-19310-40345C	TeleComm Manage
06/29/2015	785769	Verizon Wireless	\$92.26	5710-71420-40316C	On Call MET
06/29/2015	785769	Verizon Wireless	\$309.52	5710-71410-40345C	MET Transit
06/29/2015	785769	Verizon Wireless	\$95.07	0100-43210-40345C	Code Enforcement
06/29/2015	785769	Verizon Wireless	\$1,304.11	0100-51120-40345C	Parks Seasonal PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-403450
06/29/2015	785769	Verizon Wireless	\$239.91	5020-74000-403450	50% 5120-84300-403450 PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-403450
06/29/2015	785769	Verizon Wireless	\$239.92	5120-84300-403450	50% 5120-84300-403450
06/29/2015	785769	Verizon Wireless	\$200.15	1500-21700-40345C	Animal Shelter MDT
06/29/2015	785769	Verizon Wireless	\$610.90	7170-21660-40345C	CCSIU Cell/PTT
06/29/2015	785769	Verizon Wireless	\$40.01	7170-21660-40345C	CCSIU Air Card
06/29/2015	785769	Verizon Wireless	\$80.02	7170-21660-40345C	CCSIU RAVEN

Check Date	Check	Name	Amount	Account	Item Desc
					City Administration 406-839-4295 Bruce McCandless
06/29/2015	785769	Verizon Wireless	\$40.01	0100-13130-403450	iPad
06/29/2015	785769	Verizon Wireless	\$80.02	0100-43210-403450	Code Enforcement Air Cards
06/29/2015	785769	Verizon Wireless	\$240.06	2110-31320-403450	PW-STREETS CITY WORKS 2110-31320-403450
06/29/2015	785769	Verizon Wireless	\$40.01	5210-15210-403450	PARKING 406-690-5822 5210-15210-403450
06/29/2015	785769	Verizon Wireless	\$180.37	5020-73120-403450	Meter Reader Account 4420118965-00001 502-73120-403450
06/29/2015	785769	Verizon Wireless	\$120.03	7170-21660-403450	CCSIU MDT PRPL-REC-AIR-CARD
06/29/2015	785769	Verizon Wireless	\$98.20	0100-51290-403450	406-697-1336 Batting Cage 406-697-1448 Rose Park
06/29/2015	785769	Verizon Wireless	\$120.04	5020-75000-403450	PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
06/29/2015	785769	Verizon Wireless	\$80.03	5120-85000-403450	5120-85000-403450 40% PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
06/29/2015	785769	Verizon Wireless	\$724.85	1500-21110-403450	5120-85000-403450 40% POLICE IPAD ST JOHN 406-690-5955 POLICE IPAD HAFNER 406-690-2161 1500-21110-403450
06/29/2015	785769	Verizon Wireless	\$216.05	5020-75000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450 40% 5120-85000-403450
06/29/2015	785769	Verizon Wireless	\$144.04	5120-85000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450 40% 5120-85000-403450
06/29/2015	785769	Verizon Wireless	\$140.06	6700-31410-403450	40% 5120-85000-403450 PW Engineering
06/29/2015	785769	Verizon Wireless	\$70.03	2110-31320-403450	PW-Streets 406-697-0361 iPad 406-633-1991 iPad
06/29/2015	785769	Verizon Wireless	\$18.02	5020-75000-403450	PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450 40% 5120-85000-403450
06/29/2015	785769	Verizon Wireless	\$12.00	5120-85000-403450	PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450 40% 5120-85000-403450
06/29/2015	785769	Verizon Wireless	\$470.28	5710-71470-403160	40% 5120-85000-403450 MET Transit Tablets
06/29/2015	785769	Verizon Wireless	\$40.01	1500-21110-403450	Police ICAC 406-690-7347
06/29/2015	785769	Verizon Wireless	\$40.01	1500-21110-403450	Police MiFi 406-633-0820
06/29/2015	785769	Verizon Wireless	\$40.01	1500-21110-403450	Police US Marshall Toughbook PRPL-PARKS PMD Air Card
06/29/2015	785769	Verizon Wireless	\$40.03	0100-51120-403450	406-794-6977
06/29/2015	785769	Verizon Wireless	\$240.10	2090-44510-403450	PW-Building Air Cards
06/29/2015	785769	Verizon Wireless	\$40.01	1500-22210-403450	Fire MiFi 406-839-3250
06/29/2015	785769	Verizon Wireless	\$40.03	2200-22330-402410	Fire HAZMAT MDT 406-670-1284
06/29/2015	785769	Verizon Wireless	\$793.97	1500-22210-403450	Fire MDT
06/29/2015	785769	Verizon Wireless	\$77.54	6200-19110-403450	ITD
06/29/2015	785769	Verizon Wireless	\$80.04	2600-55170-403450	Library Outreach Air Cards
06/29/2015	785769	Verizon Wireless	\$3,991.44	1500-21110-403450	Police MDT Toughbooks Replace brush Chopper for a 1194 Vermeer Model 1250.
06/29/2015	785770	Vermeer Rocky Mountain Inc.	\$38,779.00	6400-51600-409440	
06/29/2015	785773	Western Municipal Construction Inc	\$225,275.55	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion
06/29/2015	785773	Western Municipal Construction Inc	\$190,847.58	5030-75910-409340	WO 14-13 Elysian Area Water & Sewer
06/29/2015	785773	Western Municipal Construction Inc	\$674,040.97	5130-85910-409340	WO 14-13 Elysian Area Water & Sewer
06/29/2015	785774	Wilbur Ellis Co	\$2,944.00	8730-51990-403650	Fertilizer
06/29/2015	785774	Wilbur Ellis Co	\$1,472.00	8730-51990-403650	Fertilizer
06/29/2015	785774	Wilbur Ellis Co	\$2,944.00	8730-51990-403650	Fertilizer
06/29/2015	785774	Wilbur Ellis Co	\$2,944.00	8730-51990-403650	Fertilizer
06/29/2015	785774	Wilbur Ellis Co	\$2,944.00	8730-51990-403650	Fertilizer
06/29/2015	785782	Yellowstone Valley Animal Shelter	\$24,146.92	1500-21700-403990	contract 5-22-15 thru 6-21-15 plus shortage from last month

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Zone Change 935 - 741 S 24th St West

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential Professional (RP) to Neighborhood Commercial (NC) on Lot 9A, Block 2, Justiss Subdivision, a 13,706 square foot parcel of land. The applicant conducted a pre-application neighborhood meeting on May 21, 2015, at the Hilton Garden Inn at 939 S 25th St West. The Zoning Commission conducted a public hearing on July 7, 2015, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 3 to 0 vote.

ALTERNATIVES ANALYZED

City Council may:

- Approve the zone change and adopt the findings of the 10 criteria as recommended by the Zoning Commission ;
- Deny the zone change and adopt different findings of the 10 criteria;
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

FINANCIAL IMPACT

If the zone change is approved the city fees assessed according to zoning district will increase. The property will likely be re-developed or remodeled for a new business and this will increase the tax base. If the zoning is not approved, the property will continue to pay the same city fees and it may take longer for the owner to lease or sell the property based on the current zoning.

BACKGROUND

The subject property received a zone change from R-70 to RP and a special review approval for the drive through service in 1996. The applicant also requested a setback variance in 1996 but this was denied. The Valet Dry Cleaning service has operated from this location since the zoning and special review were approved in 1996. The dry cleaner has since re-designed its business model and no longer needs as many locations for drop off service.

The Justiss Subdivision was originally subdivided and zoned for residential uses. Zone change applications in the subdivision have had mixed success starting in 1975 when the first proposed commercial zone change was denied. Subsequently, 13 additional zone changes were submitted and 4 have been approved, 3 were withdrawn and 6 were denied. The most recent zone change was submitted for 745 Henesta Place directly east of the subject property. The proposed zoning of RP was approved and the property has been re-developed for commercial office space. Surrounding subdivisions are primarily commercial zoning except for lots north and east where a large residential neighborhood has developed.

The applicant is requesting a zone change from RP to NC to facilitate the marketing of the existing building for re-use as either a new office space or for retail uses as allowed in the zone. This would not include any restaurant that provides on-premise alcohol service or any bar or casino. Grocery stores, convenience stores or drug stores could sell beer or wine for off-premise purposes. Other retail service businesses may also be allowed in the proposed zoning. The existing zoning, RP, does not allow any retail services, and is the most restrictive commercial zone. The property is located at the southeast corner of the intersection of Rosebud Drive and S 24th St West. South 24th St West is a principal arterial and carries close to 25,000 vehicles each day. King Avenue West, just south of the subject property, carries almost 27,000 vehicle each day. The site is about 1/4-acre in area so potential re-use of the property will be limited to smaller retail uses and office space. Pier One Imports is directly north across Rosebud Drive and Applebee's, Toys R Us, and Walmart are directly west across S 24th St West. The property also has a 3rd street frontage on Henesta Drive. The approval for the drive through service in 1996 disallowed access to S 24th St West and Rosebud Drive. The access to the property will not change so any new use on the property will use the access on Henesta Drive.

The applicant conducted a pre-application neighborhood meeting on May 21, 2015, at the Hilton Garden Inn and 1 nearby property owner attended the meeting. Mr. Vandiviere of Huntley, discussed the allowed uses in NC zones and the possibility of restaurant use or similar. The owner stated the parking requirements for food service, 1 space for each 100 square feet of building area, may be too great for this small site. Mr. Vandiviere expressed no objection to the zone change.

The Planning Division reviewed the application and forwarded a recommendation of approval based on the proposed findings of the 10 criteria for this zone change. The proposed zoning will allow similar uses in an area surrounded by NC, CI or RP zoning. There are no directly adjacent residential uses so buffering and screening is not required. The property is located at a signalized intersection on S 24th St West with about 25,000 vehicles per day passing by this property. The existing access from Henesta Drive will continue to serve the property. There should be no impact to surrounding traffic or properties from the proposed zoning. Most zoning in the area is a mixture of commercial and industrial with large and small retail and office uses throughout. There should be no impact to public safety services or other city services from the proposed zoning or re-use of the property.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on July 7, 2015, and received the staff recommendation and testimony from the applicant, Jeff Essmann. No other testimony was received.

Commission member Boyett made a motion to recommend approval and adoption of the findings of the 10 criteria and the motion was seconded by Commission member Ulvestad. The motion was approved on a 3 to 0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Prior to making a decision on the proposed zone change, the City Council shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

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

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)* The proposed zoning would permit the

existing vacant dry cleaner service building to be used for retail, service business or office space. The current zoning does not allow any retail use of the building. The property is located adjacent to a high traffic corridor and can accommodate additional uses without disrupting the neighborhood.

- *More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)* The existing zoning is restricted to “9 to 5” businesses without retail sales. These use restrictions may be appropriate for some locations where residential uses are directly adjacent. A small retail or service business with retail sales will provide more business choices in the area.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health, safety and general welfare will be promoted by the proposed zoning. The overly restrictive zoning discourages re-use of the property.

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

Transportation: The proposed zoning should have no impact on transportation.

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

Schools and Parks: There should not be any impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by the city Public Safety Services.

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

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

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

Traffic generation from the property will be based on the actual re-use of the property. The dry cleaning drop-off service generated approximately 200 vehicle trips per day. Proposed uses will need to use the existing driveway off Henesta Drive. Potential traffic impacts will be evaluated at the time a change of use permit is submitted to the Building Division.

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

The new zoning does promote compatibility with urban growth. The new zoning will allow re-investment in the property increasing property value over time.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does consider the character of district and the suitability of the property for retail sales, service businesses and office space. The location of the property on a principal arterial and a signalized intersection makes it suitable for these uses.

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

The existing dry cleaner building will be conserved by the new zoning.

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

The proposed zoning will permit an existing building to be marketed for a wide variety of uses more suitable for its location on a principal arterial street.

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 935, on a 3 to 0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

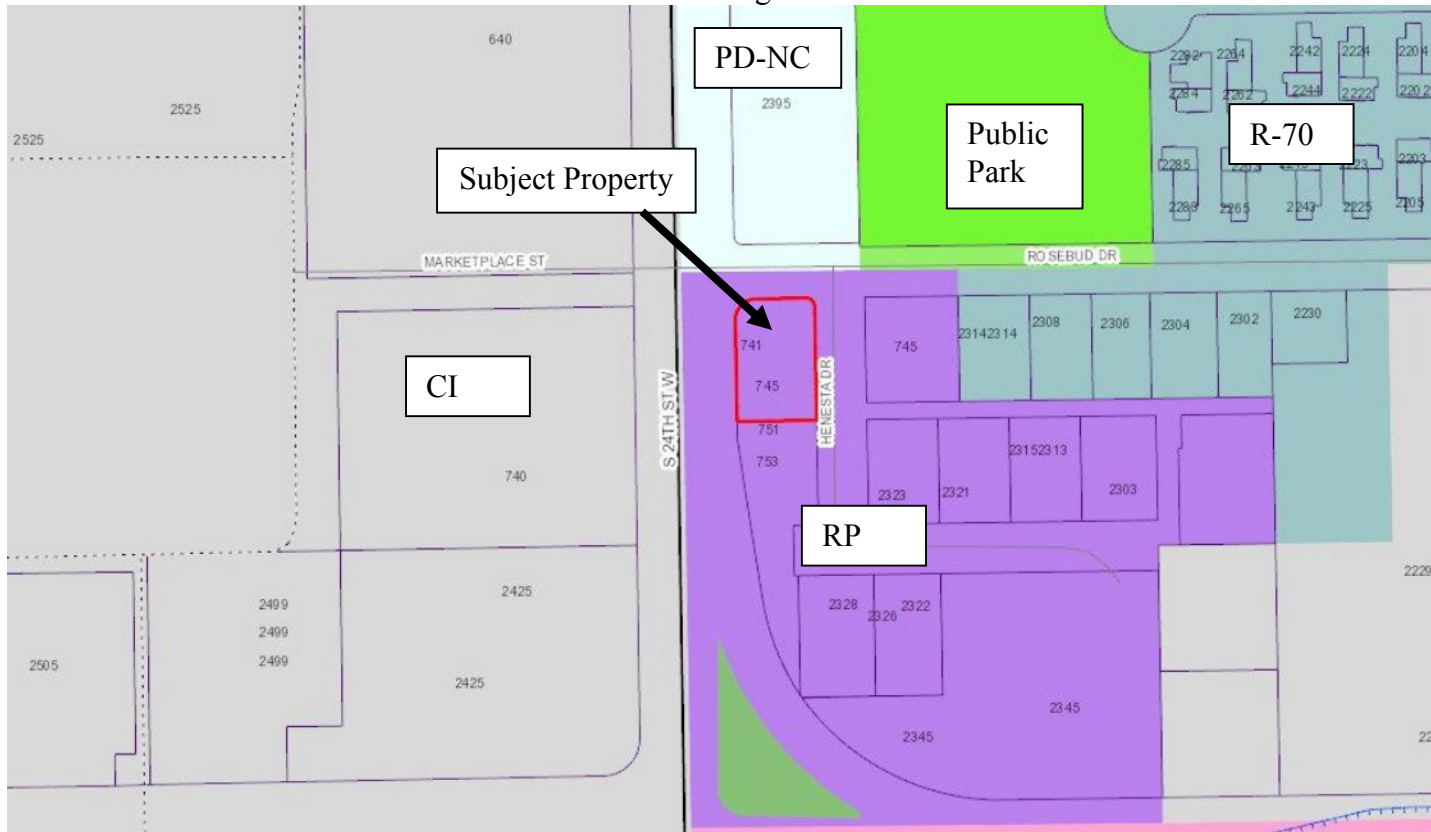
Zoning Map

Site photos

Applicant Letter and pre application meeting

Ordinance

Attachment A: Surrounding Zoning
Zone Change #935 – 741 S 24th St West



Attachment C
Site Photographs, Zone Change #935 – 741 S 24th St West



Subject Property – view east from S 24th St West



View north from intersection of Rosebud and S 24th St West

Attachment C, continued
Site Photographs, Zone Change #935 – 741 S 24th St West



View south along S 24th St West



View west across S 24th St West

Attachment C, continued
Site Photographs, Zone Change #935 – 741 S 24th St West



View north and west across S 24th St West



Aerial View

Attachment D
Applicant letter and documentation

Zone Change Request 741 South 24th Street West

Zone Change Plan: The request is to change the zoning of a small parcel containing 13,706 Square Feet located at the Southeast corner of the intersection of South 24th Street West and Rosebud Drive from the current zoning of Residential Professional with a Special Review permitting a dry cleaning business to a proposed zone of Neighborhood Commercial so that the parcel may be converted to a light retail use, such as the sale of home furnishings. The dimensions of the parcel are approximately 95 feet by 146 feet. More intense uses like bars or casinos are not permitted in a Neighborhood Commercial Zone.

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

The requested zone change is from Residential-Professional to Neighborhood Commercial. The former zone classification is meant to establish a light use buffer between more intensive commercial uses permitted in Highway Commercial and Community Commercial and residential uses. The Neighborhood Commercial zone is intended to permit smaller (under 10,000 SF) retail uses that will serve the surrounding neighborhood with shopping facilities providing convenient retail services to supply the needs of the neighboring population.

The parcel sought to be rezoned is buffered from residential uses by the adjacent Residential Professional zoning and uses and is compatible in nature with the commercial uses to the north and west. This rezoning is compatible with the Land use goal of the growth policy that wishes to have land use patterns consistent with the current neighborhood character. It is also consistent with the goal of having entryways that are attractive and encourage economic development.

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

For most of the past two decades the subject parcel has been used as a neighborhood drycleaning shop with a drive through window as permitted under Residential Professional zoning with a special review. The intended use is for a small retail operation, for example, selling home furnishings which are not allowed in an RP zone. The building will receive construction updates consistent with its new light commercial use. The new use is consistent with commercial uses to the north and west. The new retail use should generate approximately the same traffic impacts as the previous drycleaning business. Residential professional uses to the east and south will act as buffers to the residential uses in the area.

**Synopsis of Neighborhood Meeting
May 21, 2015**

Notice of a neighborhood pre-application meeting for a proposed zone change at 741 South 24th Street West, Billings, MT 59102 was mailed to 16 owners of property within the 300 foot radius area. The meeting was set for 6:00 o'clock p.m. on Thursday, May 21, 2015 at the Hilton Garden Inn, 939 South 25th Street West.

At 6:12 p.m., Mr. Gordon Vandiviere arrived and was the sole neighboring owner to attend so the meeting commenced. Mr. Jeff Essmann, the owner of the corporation which owns the parcel subject to the zone change proposal, gave a brief history of his acquisition of the parcel, the original improvement of the parcel in 1997, and the subsequent use of the parcel as a neighborhood dry cleaning shop under the current zoning of Residential Professional with a Special Review.

Jeff related that his current tenants had built their own new building on Enterprise Avenue and had vacated the property at 24th Street West and Rosebud. He outlined that the zoning change being requested was for Neighborhood Commercial in order to repurpose the building for a small commercial retail or service business.

Mr. Vandiviere asked for clarification of the uses allowed in the Residential Professional zone versus Neighborhood Commercial. Jeff responded that Residential Professional permitted banks, day care facilities, medical uses, offices, and dry cleaners with a special review. Neighborhood Commercial permitted retail and service businesses under 10,000 square feet, but no industrial or manufacturing uses and no bars or casinos. Food or beverage uses with sit down seating would not work at the site, although allowed under the zoning, due to a lack of sufficient parking to meet building code requirements.

Mr. Vandiviere asked about potential traffic impacts. Mr. Essmann replied that the current use generated about 100 customers a day or 200 vehicle trips and that he thought most small retailers or service shops would have a similar traffic count. Mr. Vandiviere asked about potential use for a coffee shop. Mr. Essmann was doubtful that that use would be permitted due to lack of parking to meet the building code, but that sufficient parking was present to meet codes for a retail or service business.

Mr. Vandiviere stated that based on that information, he would have no problem with the proposed zone change.

Jeff thanked Mr. Vandiviere for attending. The meeting was adjourned at 6:35 p.m.

Meeting synopsis prepared by Sherry Essmann.

ORDINANCE NO. 15-_____
AN ORDINANCE AMENDING THE ZONE CLASSIFICATION
FOR Lot 9A, Block 2, Justiss Subdivision, a 13,706 square
foot parcel of land, generally located at 741 S 24th St West

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That Lot 9A, Block 2, Justiss Subdivision, a 13,706 square foot parcel of land, generally located at 741 S 24th St West is presently zoned **Residential Professional (RP)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential Professional (RP) to Neighborhood Commercial (NC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Neighborhood Commercial (NC)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading July 27, 2015

PASSED, ADOPTED AND APPROVED on second reading August 10, 2015.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk
Zone Change #935 – 741 S 24th St West

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Zone Change 937 - 100 Emerald Drive

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a City Council initiated zone change from Residential 9,600 (R-96) to Residential Professional (RP) on C/S 604 & Tract 2 of C/S 356 a 35,719 square foot parcel of land. The Council initiated the zone change on June 8, 2015 to correct a misclassification of the commercial property made at the time of annexation in June 1974. The Zoning Commission conducted a public hearing on July 7, 2015, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 3-0 vote.

ALTERNATIVES ANALYZED

City Council may:

- Approve the zone change and adopt the findings of the 10 criteria as recommended by the Zoning Commission ;
- Deny the zone change and adopt different findings of the 10 criteria;
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

FINANCIAL IMPACT

If the zone change is approved the city fees based on zoning will increase. If the zone change is approved the property tax base will be sustained by allowing the property owner to further invest in property improvements without risking a substantial loss.

BACKGROUND

The property was developed with a commercial building in 1968. The building has been used for commercial purposes since its construction. In 1974, the property was annexed to the city and zoned Residential 9,600 (R-96). The R-96 zone is the default zoning for property when annexed to the city unless the owner requests or the city determines a different zoning is appropriate. The city mistakenly zoned the property for single family residential use in 1974. The City Council initiated the zone change on June 8, 2015 to correct this error. The most appropriate zoning is Residential Professional (RP).

The property owner also owns property to the east in the O'Leary Subdivision (204 Emerald Drive). This property received a zone change in the County from R-96 to RP in 1976. In addition, lots further east on Emerald Drive were zoned Highway Commercial (HC). The property at 204 Emerald Drive was subsequently annexed in 1989.

Lois Schroeder and her son Michael Schroeder discovered the property located at 100 Emerald Drive did not have the appropriate zoning when Mr. Schroeder began planning for the construction of a personal storage garage at the business property. The current zoning, R-96,

does not allow the construction of a personal garage unless a dwelling is constructed prior to or with the garage. The Planning Division staff reviewed the zoning and annexation history of the property with the owners. The property owners discussed the issue with Council members from Ward I. The City Council initiated the zone change on June 8, 2015, at the request of the Schroeder family. There are 3 businesses currently located at the subject property: Wilson & Wilson Real Estate, EDM International, and Cline Production.

The Planning Division reviewed the request and recommended approval based on the proposed findings of the 10 criteria. The Zoning Commission concurred with this recommendation. The property has been in continuous use for small office space since 1968. The adjacent property is zoned RP and lots further east are zoned HC. The RP zoning is designed to be compatible with residential areas since it does not allow retail uses and most uses do not conduct business after normal business hours. The proposed zoning will ensure the property has the ability to maintain the structures and make improvements without additional financial risk.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on July 7, 2015, and received the staff recommendation and testimony from the owner, Michael Schroeder. Mr. Ernie Szillat owner of property at 207 Emerald Drive testified in favor of the zone change. No other testimony was received.

Commission member Ulvestad made a motion to recommend approval and adoption of the findings of the 10 criteria for the zone change. The motion was seconded by Commission member Boyett. The Zoning Commission voted 3-0 in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

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

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)* The proposed zoning would permit the existing commercial building to continue in conformity with the zoning. The development has fit in well with the existing neighborhood for more than 40 years and continued investment in the property will preserve the neighborhood integrity. The proposed zoning, RP, is consistent with the neighborhood character and land use patterns on Emerald Drive.
- *More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)* The existing zoning is restricted to single-family only residential uses. The proposed zoning will allow the retention of the commercial building and necessary improvements to the property over time.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health, safety and general welfare will be promoted by the proposed zoning. The nonconforming zoning discourages investment in the property.

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

Transportation: The proposed zoning should have no impact on transportation.

Water and Sewer: The City provides water through the Billings Heights Water District and City sewer services to the property.

Schools and Parks: There should not be any impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by the city Public Safety Services.

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

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

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

Traffic generation will not change since there is no expansion of the commercial building planned at this time.

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

The new zoning does promote compatibility with urban growth. The new zoning will allow investment in the property increasing property value over time.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does consider the character of district and the suitability of the property for professional office uses. The location of the property on the west end of Emerald Drive makes it suitable for this use.

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

The existing multi-tenant commercial building value will be conserved by the new zoning.

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

The proposed zoning will permit an existing commercial use to continue in the neighborhood and is the most appropriate use of the property.

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 937 on a 3 to 0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map

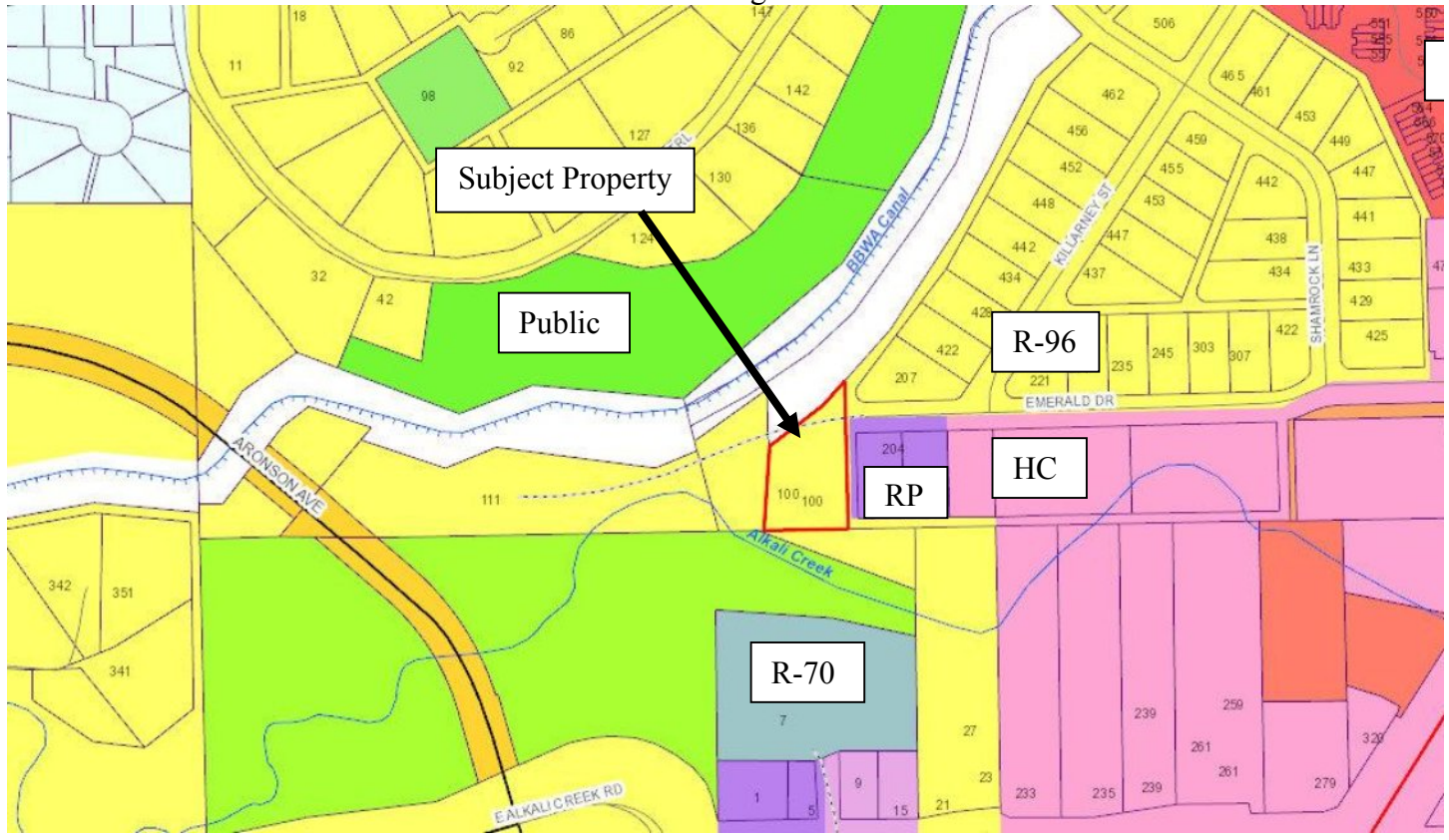
Site photos

Zone Change documentation

Historical Annexation Documents

Ordinance

Surrounding Zoning
Zone Change #937 – 100 Emerald Drive



Site Photos

Site Photographs, Zone Change #937 – 100 Emerald Drive



Subject Property – view west along Emerald Drive



View of existing sign on north side of Emerald Drive

Site Photographs, Zone Change #937 – 100 Emerald Drive



View south and east to 204 Emerald Drive



View east along Emerald Drive

Site Photographs, Zone Change #937 – 100 Emerald Drive



View north to residence at 207 Emerald Drive

Aerial View



Zone Change documentation

From: Cromwell, Nicole
Sent: Wednesday, May 20, 2015 3:45 PM
To: Volek, Christina
Cc: Millar, Candi
Subject: RE: Zone change request information

Hello Tina,

I have spoken with Mr. Schroeder who owns 100 Emerald Drive. His mother also owns adjacent property at 204 Emerald Drive that is zoned Residential Professional – but this is a home, not a business. His father – who has since passed away – used to run a small architecture office out of the home at 204 Emerald Drive. The County changed the zoning from R-96 to RP for 204 Emerald Drive in April 1976. (Lots 1 & 2 of Block 4 – O’Leary Subdivision). The other lots in Block 4 to the east of 204 Emerald Drive are all zoned Highway Commercial and are undeveloped. They were owned by Mr. Schroeder’s mother as well and they have grazed animals on this part of the property. Alkali Creek runs below these lots.

100 Emerald Drive has always been zoned R-96 even though the property was developed first as a gallery in 1968 (still in the County at the time) and is now used by 3 different businesses for office space. Mr. Schroeder wants to build a garage for additional storage space. The property was originally zoned R-96 and annexed into the city in 1974. The zoning of the parcel was not changed at the time of annexation. I have not requested the annexation records from the City Clerk. Normally, the city will evaluate the use of the property at the time of annexation to ensure a correct zoning is assigned when the property is annexed.

Since the office building is a prior legal non-conforming use, we cannot approve a building permit to expand the use (add garage space). Under the legal nonconforming provisions, Mr. Schroeder would have to first establish a residential use of the property and then build a residential garage for storage – or – build the house & garage at the same time. The only other alternative is to change the zoning to a zoning that would make his existing use of the property conforming (and thus eligible for expansion). Mr. Schroeder believes the city erred at the time of annexation in 1974 by not assigning a zoning appropriate to the existing use of the property. Since I do not have the records from 1974 when the property was annexed, I don’t know if the city knew of the existing use. The County zone change for his mother’s property at 204 Emerald Drive (April 1976) had sparse information.

The Council could initiate the zone change at the request of Mr. Schroeder. It would be helpful if Mr. Schroeder or the City Clerk could locate the annexation records for the property.

Here is the legal description for 100 Emerald Lane:

COS 604 AND TR 2 COS 356 AMEND & CORR

Tax ID: D05590

Sincerely yours,
Nicole Cromwell

RESOLUTION 11666

A RESOLUTION EXTENDING THE BOUNDARIES OF THE CITY OF BILLINGS, MONTANA TO INCLUDE CERTIFICATE OF SURVEY # 356; CERTIFICATE OF SURVEY # 604, LOT 1, BLOCK 3 AND LOTS 1-9, BLOCK 4, O'LEARY SUBDIVISION; CERTIFICATE OF SURVEY # 506, TRACT A; CERTIFICATES OF SURVEY # 331, CERTIFICATE OF SURVEY # 98, CERTIFICATE OF SURVEY # 698 AMENDED, AND HOLFELD SUBDIVISION, ALL SURROUNDED BY THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

WHEREAS, the following described property, to-wit:

Certificate of Survey # 356
Certificate of Survey # 604
Lot 1, Block 3 and Lots 1-9, Block 4, O'Leary Subdivision
Certificate of Survey # 506, Tract A
Certificate of Survey # 331
Certificate of Survey # 98
Certificate of Survey # 698 Amended
Holfeld Subdivision

(including all amended Certificates of Survey & plats, and to the centerline of all adjoining streets and right of ways thereof) an island located in the S 1/2, NW 1/4 and the NE 1/2 SW 1/4 of Section 27, T1N, R26E, surrounded by the City of Billings, Yellowstone County, Montana

is land contiguous to the present boundaries of the city, and in the judgment of the City Council of the City of Billings, Montana, and the inhabitants thereof and of the inhabitants of the aforesaid area, that the corporate limits of the City of Billings, Montana be extended to include the above described property, and

WHEREAS, there was duly and regularly passed and adopted by the City Council and approved by the Mayor on the 21st day of January, 1974 a Resolution No. 11639, entitled "A Resolution Proposing to Extend the Boundaries of the City of Billings, Montana to include the above described property in the City of Billings, Yellowstone County, Montana

WHEREAS, objections were filed to the extending of the boundaries of the City of Billings, Montana,

NOW, THEREFORE, BE IT RESOLVED that the boundaries of the City of Billings, Montana be, and the same is hereby extended to include the above described area in the city of Billings, Yellowstone County, Montana, and the corporate limits of the City of Billings, Montana are hereby extended to include the said property effective upon the passage and approval of this Resolution.

Passed by the City Council and approved by the Mayor this 25th day of February, 1974.

ATTEST:


City Clerk

APPROVED:


Mayor

REGULAR MEETING OF THE CITY COUNCIL, MONDAY, FEBRUARY 25, 1974

The Council met in regular session in the Council Chambers of the City Hall, Monday, February 25, 1974, at 7:30 P.M. Mayor Leone presided. The invocation was given by Alderman Fox. Aldermen present on roll call, Kerr, Armstrong, Fox, Prchal, Fillner, Thompson, Riedl, Lesniak, Schoenthal, and Chapel. The minutes were approved as transmitted.

APPOINTMENT OF ANIMAL CONTROL OFFICER Appointment of Jimmie R. Nixon to fill the unexpired term of Charles Blome, Animal Control Officer, was submitted. Moved by alderman Fillner, seconded by alderman Fox that the appointment be confirmed. Upon roll call alderman Kerr, Armstrong, Fox, Prchal, Fillner, Thompson, Schoenthal and Chapel voted aye. Alderman Riedl, Lesniak voted no. Motion carried 8 to 2.

APPOINTMENT OF STREET SUPT. Appointment of Clarence Krum to fill the unexpired term of Derrald Ferrin as Street Superintendent, effective March 1, 1974, was submitted. Moved by alderman Fillner, seconded by alderman Fox that the appointment be confirmed. Passed on roll call.

BIDS for the construction and sale of bonds for S. I. D. 981, 988 and 989, the following bids were submitted.

	<u>Construction SID 981</u>	<u>Bonds 981</u>	<u>SID 988</u>	<u>Bonds 988</u>	<u>SID 989</u>	<u>Bonds 989</u>
Long Construction Co.,	99,215.95		211,688.00			
Studer Construction	96,949.40		179,893.40		(130,007.95, Schedule I	(119,578.25, Schedule II
Barry O'Leary, Inc.			205,099.00		122,613.00, Schedule II	
Empire Sand & Gravel			209,845.00		116,877.00, Schedule II	
Schultz & Meyer			238,390.00		145,043.50, Schedule II	
Able Construction Co.					100,900.50, Schedule I	
Bower Construction Co.					113,528.48, Schedule I	
Casper & Magera					106,613.00, Schedule I	
Holm-Sutherland					111,679.25, Schedule I	
D. A. Davidson, Inc.		6.70%, with \$9.00 premium		6.70%, with \$27.00 premium		6.70% with \$35.00 premium

The bids were referred to the Council of the Whole, City Engineer, Building Inspector, Sanitation Superintendent, and Utilities Director.

HEARING in vacating and discontinuing the alley at 11th Ave. South and adjacent to 11th Ave. South and 27th Street. There being no objections, it was moved by alderman Fillner, seconded by alderman Lesniak adoption of RESOLUTION 11658 vacating and discontinuing the alley. Passed on roll call unanimously.

This meeting having been designated as the time and place to hear reports from the Zoning Commission, the following recommendations were presented.

- (a) That the newly annexed area, Sand Cliff Subdivision, south of Highway # 3 on the rims, west of the airport, be zoned "R-96". Moved by alderman Schoenthal, seconded by alderman Lesniak that the recommendation be approved. Motion carried.
- (b) That the proposed amendments to the Comprehensive Zoning Ordinance be accepted. Moved by alderman Schoenthal, seconded by alderman Lesniak that this be referred to the Planning & Improvements Committee, and considered the first reading of the Ordinance. Motion carried.

COMMITTEE REPORTS Bids for Airport Fire Station. The Committee finds the bid of Palmer Steel in the amount of \$62,444.00 to be the lowest and best bid and recommend they be awarded the contract, subject to

the F. A. A. Grant Agreement, Plus Alt. # 2, and Alt. # 4.

	<u>Palmer Steel</u>	<u>Hardy Construction</u>
Base Bid	\$ 61,708.00	\$ 69,800.00
Alt. # 1	25.00	25.00
Alt. # 2	476.00	410.00
Alt. # 3	867.00	900.00
Alt. # 4	260.00	230.00
Alt. # 5	2,115.00	2,150.00

Moved by alderman Chapel, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Bids, Contract No. 5, Water Distribution System Improvements The Committee recommends that the bids be deferred one week to allow further study of said bids. Moved by alderman Fox, seconded by alderman Fillner approval of the Committee report. Motion carried.

Bids, Contract No. 9, Water Distribution System Improvements The Committee recommends that the bids be deferred one week to allow further study of said bids. Moved by alderman Fox, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Bids, Schedule I, Asphalt Paving Airport Improvements The Committee recommends that the bid of R. J. Studer & Sons for Schedule I is the lowest and best bid and that they be awarded the contract, subject to approval of the FAA. Bid in the total amount of \$119,019.25. Moved by alderman Fillner, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Studer Construction Co.	119,019.25
Long Construction Co.	120,114.50
Empire Sand & Gravel	134,154.75

Bids, Schedule II, Security Fence, Airport Improvements The Committee finds the bid of Kober Construction Co. in the amount of \$105,930.50 is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign the contracts when performance bond is posted, subject to approval of the F. A. A. Moved by alderman Chapel, seconded by alderman Lesniak approval of the Committee report. Motion carried.

Kober Construction Co.	105,930.50
------------------------	------------

Bids for Motor Coaches The Committee recommends that awarding of bid for Motor Coaches be deferred for one week. Moved by alderwoman Prchal, seconded by alderman Chapel approval of the Committee report. Motion carried.

White and Yellow Traffic Marking Paint The Committee finds the bid of Columbia Paint Company in the amount of \$16,759.00 for White and Yellow Traffic Paint is the lowest bid and recommend they be awarded the contract and the Mayor and City Clerk authorized to sign same, when performance bond is posted. Moved by alderman Armstrong, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

Pittsburg Paint	16,800.00
Jourgensen Paint	17,855.00
Columbia Paint	16,759.00

Bids for Demolition of structures at 221 South 24th Street The Committee found the bid of Lloyd E. Schollaert in the amount of \$640.00 for demolition is the best bid and recommend they be awarded the contract. Moved by alderman Riedl, seconded by alderman Lesniak approval of the Committee report. Motion carried.

Lloyd E. Schollaert	\$ 640.00
Barry O'Leary, Inc.	1,450.00

REPORTS OF PLANNING & IMPROVEMENTS COMMITTEE

(a) The Committee recommends that the Council propose to extend the boundaries of the city to include Certificate of Survey # 1383, bounded on the north by Hilltop Road and on the east by Topaz Ave. RESOLUTION 11659.

Moved by alderman Riedl, seconded by alderman Lesniak adoption of the Resolution. Passed on roll call.

(b) That the resolution accepting the proposed urban planning area map as prepared by the City-County Planning staff be adopted, as amended. Moved by alderman Riedl, seconded by alderman Chapel approval of the Committee report. A substitute motion was made by alderman Schoenthal, seconded by alderman Fillner that this be referred back to the City-County Planning Board, then to the Planning & Improvements Committee. Substitute motion passed.

(c) The Resolution adopting the capital improvements program for the City of Billings be adopted as amended. Moved by alderman Riedl, seconded by alderman Fillner that this be referred to the next meeting of the Planning & Improvements Committee. Motion carried.

(d) That the Council adopt the proposed plat of Bannack Subdivision, and a Resolution adopted to this affect. Moved by alderman Riedl, seconded by alderwoman Thompson approval of the Committee report, and adoption of RESOLUTION 11660 accepting the Plat of Bannack Subdivision as an addition to the city. Passed on roll call subject to the approval of the City Attorney.

(e) That the Plat of Wilshire Heights Subdivision, 7th Filing, representing area north of Rimrock Road, east of Zimmerman Trail, be approved, as an addition to the city, and a Resolution accepting the plat be adopted. RESOLUTION 11661 accepting the plat of Wilshire Heights Subdivision, 7th Filing, as an addition to the city. Moved by alderman Riedl, seconded by alderman Kerr adoption of the Resolution. Passed on roll call unanimously.

RECONSIDERATION OF RESOLUTION for emergency budget for parking garage in the amount of \$27,000. Moved by alderman Armstrong, seconded by alderwoman Frchal that this item be reconsidered. Motion carried. Moved by alderman Armstrong, seconded by alderman Fox adoption of RESOLUTION 11662 setting forth the facts constituting an emergency in the All-Purpose General Fund of the city by necessity of providing funds for a parking garage. Passed on roll call unanimously.

COOPERATIVE AGREEMENT between City-County Planning Board and the City of Billings for funding 1974-75 fiscal year. This was referred to the Administration & Finance Committee.

REQUEST OF AIRPORT COMMISSION for an emergency budget for the purchase of two fire trucks for the airport in the amount of \$280,000, and estimated revenue from the F. A. A. in the amount of \$229,600.00. Moved by alderman Fillner, seconded by alderman Chapel that the request be granted. Motion carried. Moved by alderman Fillner, seconded by alderman Chapel adoption of RESOLUTION 11663, setting forth the facts constituting an emergency in the Airport Operating Fund of the city by reason of necessity to provide budget for the purchase of two fire trucks for the airport in the amount of \$280,000, and estimated revenue from the FAA in the amount of \$229,600. Passed on roll call unanimously.

LEASE TRANSFER of T Hangar from Walden Leitz to David Poore, approved by the Airport Commission. Moved by alderman Chapel, seconded by alderwoman Thompson that the transfer be approved. Motion carried.

BUSINESS LICENSES - New Applications and Transfers. This was referred to the License & Bond Committee.

REQUEST OF CITY TREASURER to release securities at Security Trust & Savings Bank totaling \$230,000. Moved by alderman Chapel, seconded by alderman Fox that the request be granted. Motion carried.

REQUEST OF FIRE CHIEF to install fire hydrants at the following locations: Rimrock Road & Silverwood Street; Silverwood street between Lots 15 & 16, Block 1, Silverwood Sub; Silverwood Street & Mulberry Drive. Morledge Street south line Lot 7, Block 3, Silverwood Sub., Morledge Street & Mulberry Drive and Morledge Street and Rimrock Road. Moved by alderman Fox, seconded by alderwoman Frchal that the request be granted. Motion carried.

REQUEST OF PUBLIC UTILITIES BOARD for a water extension for blocks 1 - 8, Golden View Subdivision. Moved by alderman Fox, seconded by alderwoman Frchal that the request be granted. Motion carried.

RESOLUTION 11664 providing for the acquisition and development of land for BOR project entitled Ponderosa Park was presented. Moved by alderman Lesniak, seconded by alderman Chapel adoption of the Resolution. Passed on roll call unanimously.

CLAIMS & ESTIMATES were presented for approval as follows:

Kober Construction Co., Sewer Dept,	\$ 5,879.71
Dept. of Revenue, Sewer Dept.,	59.39
Lockrem Construction, Water Dept.	862.79
Dept. of Revenue, Water Dept.	8.72
Brent Peterson, Utilities	155.26
Spillie Construction Co., Gen. Constn.	1,070.19
Dept. of Revenue, Gen. Constn.	10.81
City of Billings, Gen. Constn.	18,000.00
Brent D. Peterson, General	399.37
Brent D. Peterson, General	44.37
E. F. Link & Assoc., General Constn.	2,326.00
E. F. Link & Assoc., General Constn.	295.29
E. F. Link & Assoc., Gen. Constn.	626.25
Star Service, Inc., Gen. Constn.	10,660.49
Dept. of Revenue, Gen. Constn.	107.68
Kober Construction Co., Sewer	15,212.55
Dept. of Revenue, Sewer	153.66

Moved by alderman Riedl, seconded by alderman Lesniak that the claims be allowed and paid. Passed on roll call unanimously.

COUNCIL CONSIDERATION IN EXTENDING BOUNDARIES of the city to include Hilltop Subdivision, First, Second & Third Filings and amendments thereof (excluding Lots 8-14, Block 11; Lots 8-15, Block 12; Lots 1 & 2, Block 14 and Lots 1 & 5, Block 16 of Second Filing); Lots 22 and 23, Block 3, Heights View Subdivision, (including all amended certificates of survey and plats of the above described and to the centerline of all adjoining streets and right of ways thereof). The above described property is an island located in the NW 1/4 of Sec. 27 and the SW 1/4 of Sec. 22, T 1 N, R 26 E, surrounded by the city of Billings. Moved by alderman Riedl, seconded by alderman Chapel adoption of RESOLUTION 11665, extending the boundaries of the city to include this property. Upon roll call alderman Armstrong, Fox, Prchal, Fillner, Thompson, Riedl, Lesniak, Schoenthal and Chapel voted aye. Alderman Kerr voted no. Motion carried 9 to 1.

Extending the boundaries of the city to include Certificate of Survey # 356, Certificate of Survey # 604, Lot 1, Block 3, and Lots 1 - 9, Block 4, O'Leary Subdivision; Certificate of Survey # 506, Tract A, Certificate of Survey # 331, Certificate of Survey # 98, Certificate of Survey # 698 Amended, Holfeld Subdivision, (including all amended Certificates of Survey and plats, and to the centerline of all adjoining streets and right of ways thereof) an island located in the S 1/2, NW 1/4 and the N 1/2, SW 1/4 of Section 27, T 1 N, R 26 E, surrounded by the City of Billings. Moved by alderman Armstrong, seconded by alderman Kerr that the proposed annexation be deferred for one month. Upon roll call alderman Kerr, Armstrong, Fillner voted aye. Alderman Fox, Prchal, Thompson, Riedl, Lesniak, Schoenthal, Chapel voted no. Motion lost 7 to 3. A recess was called for a more detailed study of the proposed annexation. Upon convening it was moved by alderman Fillner, seconded by alderwoman Prchal adoption of RESOLUTION 11666 to include the above described property. Upon roll call alderman Kerr, Fox, Prchal, Fillner, Thompson, Riedl, Lesniak, Schoenthal, Chapel voted aye. Alderman Armstrong voted no. Motion carried 9 to 1.

RESOLUTION 11667 Excluding Certificate of Survey # 356; Lots 3-5, Block 1, Lots 4-7, Block 2, Lots 1-6, Block 3, Holfeld Subdivision; Lots 1-9, Block 4, O'Leary Subdivision, and Certificate of Survey 698 Amended. to make statutory exemption provisions. Passed on roll call unanimously.

RESOLUTION 11668 Extending the boundaries of the city of Billings to include Tract 1, Certificate of Survey # 848 (including all amended Certificates of Survey and plats and to the centerline of all adjoining streets and right of ways thereof) located in the SE 1/4 of Section 12, T 1 S, R 25 E, contiguous to Tract 2, Certificate of Survey # 1163 in the city of Billings. Moved by alderman Riedl, seconded by alderman Schoenthal adoption of

Resolution. Passed on roll call unanimously.

SURETY BONDS having been approved as to form by the City Attorney were presented as follows:

Hensley Plumbing & Heating, \$ 2,000, excavation bond, written by the Western Surety Co.

Tom D. Tennyson, Sewer Bond, \$ 3,000, written by the U.S. Fidelity & Guaranty Co.

Hoven Construction Co., Excavation Bond, written by the U. S. Fidelity & Guaranty Co.

Long Construction Co., Excavation Bond, \$ 2,000, written by the Safeco Insurance Co. of America

Moved by alderman Fillner, seconded by alderwoman Prchal that the bonds be accepted and placed on file. Motion carried.

The Clerk presented the report of the Traffic Commission recommending the Council set a policy concerning installation of sidewalks. This item not appearing on the agenda, it was moved by alderman Fillner, seconded by alderwoman Prchal that this item receive unanimous consent for consideration. Motion carried. This was referred to the Public Works Committee.

COMMITTEE REPORT, S. I. D. 981 CONSTRUCTION The Committee finds that all bids exceed the estimate of the Engineer, and cannot be awarded. Moved by alderwoman Prchal, seconded by alderman Armstrong approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 981 BONDS The Committee finds that the bid for construction of SID 981 exceeds the estimate of the Engineer, so no bid can be awarded. Moved by alderman Fox, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 988 CONSTRUCTION The Committee finds the bid of R. J. Studer & Sons in the amount of \$179,893.40 is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign same, when performance bond is posted. Moved by alderman Armstrong, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 988 BONDS The Committee finds the bid of D. A. Davidson in the amount of 6.70% with \$27.00 premium is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign same, when performance bond is posted. Moved by alderman Armstrong, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 989 CONSTRUCTION SCHEDULE I The Committee finds the bid of Able Construction in the amount of \$100,900.50 is the lowest bid and recommend they be awarded the contract and the Mayor and City Clerk authorized to sign the contracts when performance bond is posted. Moved by alderman Armstrong, seconded by alderman Fox approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 989 CONSTRUCTION, SCHEDULE II The Committee finds the bid of Empire Sand & Gravel for Schedule II is the lowest bid in the amount of \$116,877.00, and recommend they be awarded the contract and the Mayor and City Clerk authorized to sign the contracts when performance bond is posted. Moved by alderman Armstrong, seconded by alderman Schoenthal approval of the Committee report. Motion carried.

COMMITTEE REPORT, SID 989 BONDS The Committee find the bid of D. A. Davidson Co. in the amount of 6.70% with \$35.00 premium is the lowest bid and recommend they be awarded the contract, and the Mayor and City Clerk authorized to sign the contracts, when performance bond is posted. Moved by alderman Schoenthal, seconded by alderwoman Prchal approval of the Committee report. Motion carried.

There being no further business to come before the Council, the meeting adjourned.

ATTEST:


City Clerk

APPROVED:


Mayor

ORDINANCE NO. 15-_____
AN ORDINANCE AMENDING THE ZONE CLASSIFICATION
FOR C/S 604 and Tract 2 of C/S 356, a 35,719 square foot
parcel of land, generally located at 100 Emerald Drive

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That C/S 604 and Tract 2 of C/S 356, a 35,719 square foot parcel of land, generally located at 100 Emerald Drive is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Residential Professional (RP)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential Professional (RP)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading July 27, 2015

PASSED, ADOPTED AND APPROVED on second reading August 10, 2015.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk
Zone Change #937- 100 Emerald Drive

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Special Review 927 - 4020 Montana Sapphire Dr - All Beverage w/o gaming

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to locate an all beverage liquor license without gaming in a proposed new 4,125 square foot restaurant, The Divide Restaurant and Bar, an outdoor patio of 1,500 square feet, a parking lot with 56 spaces and landscaping in a Highway Commercial (HC) zone on Lot 7, Block 1 of Montana Sapphire Subdivision, a 1.69 acre parcel of land. The City Council allowed the applicant to withdraw on May 26, 2015, to re-design the site to meet minimum off-street parking requirements. The Zoning Commission conducted a public hearing on the revised site plan and on a 3-0 vote, is recommending conditional approval based on the findings of the 3 criteria.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the request
- Conditionally approve the request
- Deny the request
- Allow the applicant to withdraw the request
- Delay action on the request for up to 30 days

The Planning Division reviewed the application and the 3 criteria for special review and recommended conditional approval to the Zoning Commission. The Zoning Commission concurred with this recommendation. Before a recommendation of approval or conditional approval may be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria, and appears to conform to all parts of the Unified Zoning Regulations. Complete compliance with the South Shiloh Overlay District for details on landscaping, screening, building design and signage will be evaluated at the time of building permit submittal. The location is in one of the zoning districts that allows an all beverage license without gaming by special review approval. The application is conforming to the purposes of the regulations and the 2008 Growth Policy. The location of an additional license in this area should have no impact on the surrounding uses or neighbors. The application also conforms to the second and third criteria. The Montana Sapphire Subdivision is not yet fully developed so additional businesses and residents will help to improve the area. The new Shiloh Conservation Area is an amenity for this subdivision and the addition of a full service restaurant with an outdoor patio overlooking the conservation improvements will be beneficial. Planning staff recommended conditions for this special review based on the approval criteria for special review

uses. The Zoning Commission recommends these conditions as follows:

1. The special review approval shall be limited to Lot 7, Block 1, Montana Sapphire Subdivision.
2. The special review approval is for the location of an all beverage license without gaming and no other use is intended or implied.
3. Any expansion of the restaurant and patio area greater than 562 square feet will require an additional special review approval.
4. Any increase in the number of parking spaces over 10% of what is shown (56 spaces) will require an additional special review approval.
5. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind. There shall be no outdoor events on the patio or grounds that includes amplified music or an amplified sound system of any kind.
6. The outdoor patio shall have a continuous 3-foot fence around the perimeter with "exit only" gates as required for public safety. There will be no direct entrance from the parking area or landscaped area to the fenced patio area except through the restaurant.
7. The patio is allowed to have background music or un-amplified live music. Background music is defined as amplified music that is not audible beyond the patio perimeter.
8. The solid waste storage area shall have a sight-obscuring enclosure constructed in similar materials and colors of the building. The enclosure will include a sight-obscuring gate.
9. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

FINANCIAL IMPACT

If the requested use is approved, the property will be developed and property taxes and city service fees will increase. If the requested use is denied, the property may not develop and the tax base will not increase.

BACKGROUND

The City Council has conditionally approved 22 locations for on-premise service of alcohol in this area of West Billings since 1985. Most of these locations were for restaurants with just a few for bars with casinos, such as Montana Lil's at 2850 King Ave West approved in 2008. There are two bars and casinos in Montana Sapphire at this time - Manny's (2008) and Tinseltown Casino (2007). An All Beverage License without gaming is an unusual license in Montana. Most All Beverage Licenses have gaming attached. This license is for a restaurant with a full service bar. This is a special review to locate an All Beverage License without gaming for a new proposed restaurant, the Divide, in the Montana Sapphire Subdivision at 4020 Montana Sapphire Drive. The property is easily accessible from Shiloh Road and is situated just north of the new Shiloh Conservation Area. The city has approved 22 locations in the area for alcoholic beverage service but the two existing locations in Montana Sapphire are more geared for bars and casino gaming and not restaurant service. There are no churches, parks with playing fields or playgrounds, or schools within 600 feet of this proposed location.

The proposed restaurant will be a maximum of 4,125 square feet with an outdoor patio of 1,500 square feet. These proposed use areas have been updated since the May 5, 2015, Zoning Commission hearing to accommodate the required minimum off-street parking requirements. The property will have to comply with the South Shiloh Overlay District requirements due to the portion of this lot that runs east to Shiloh Road. The revised site plan shows 56 parking spaces - this is a ratio of 1 space for each 100 square feet of gross building area and includes the outdoor

patio. The site plan appears to meet all the requirements for the zoning and site development.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on July 7, 2015, and received the staff recommendation and testimony from the applicant's agent, Scott Atwood. No other testimony was received.

Commission member Boyett mad a motion to recommend conditional approval and adoption of the findings of the 3 criteria. Commission member Ulvestad seconded the motion. The Zoning Commission approved the motion on a 3 to 0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The consistency with adopted policies and plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

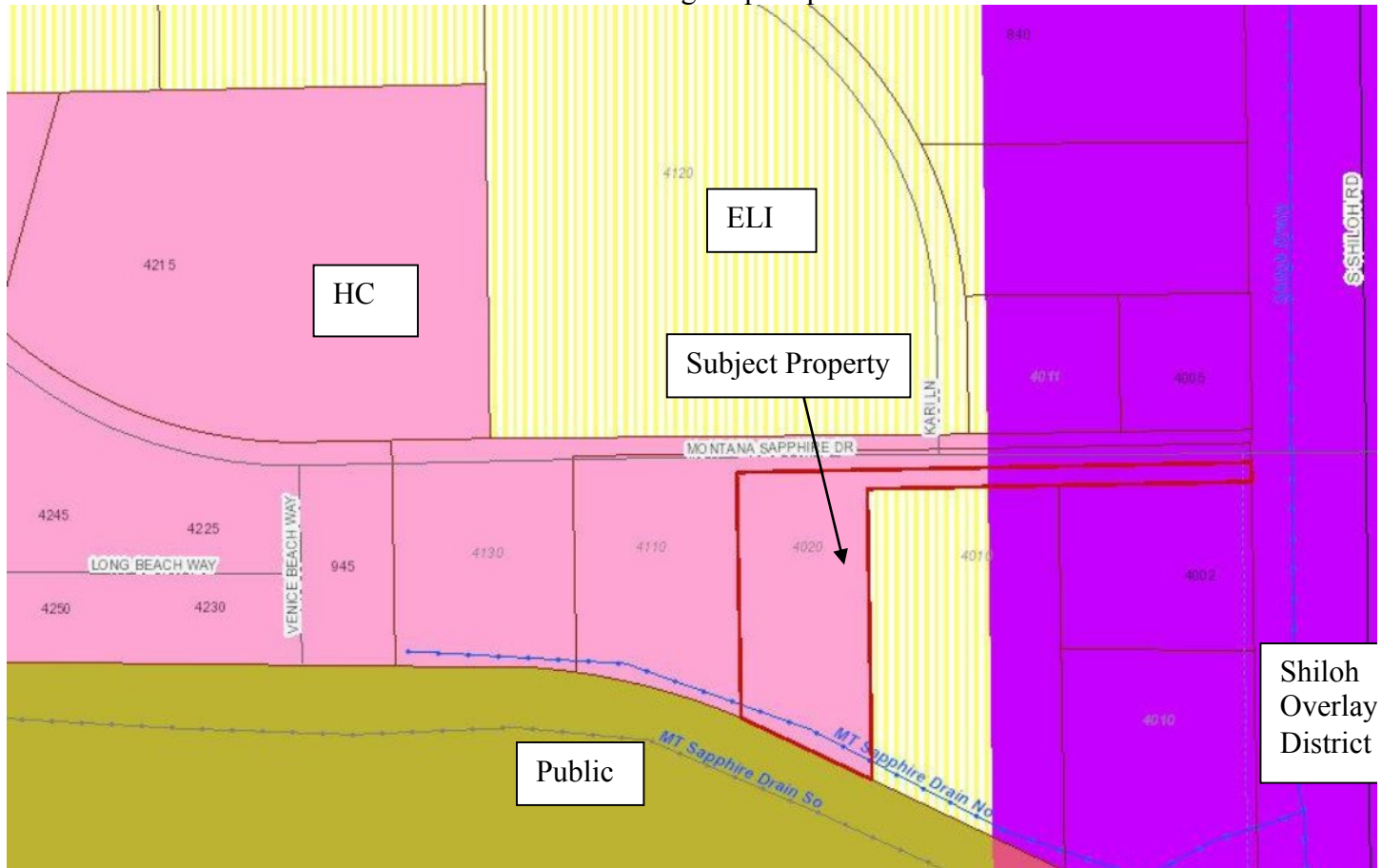
The Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 927.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map
Site photos
Revised Site Plan

Attachment B
Zoning Map – Special Review #927



Subject Property

Attachment C
Site Photos – Special Review #927



Subject Property from Montana Sapphire Drive



View west along Montana Sapphire Drive

Attachment C, continued
Site Photos – Special Review #927

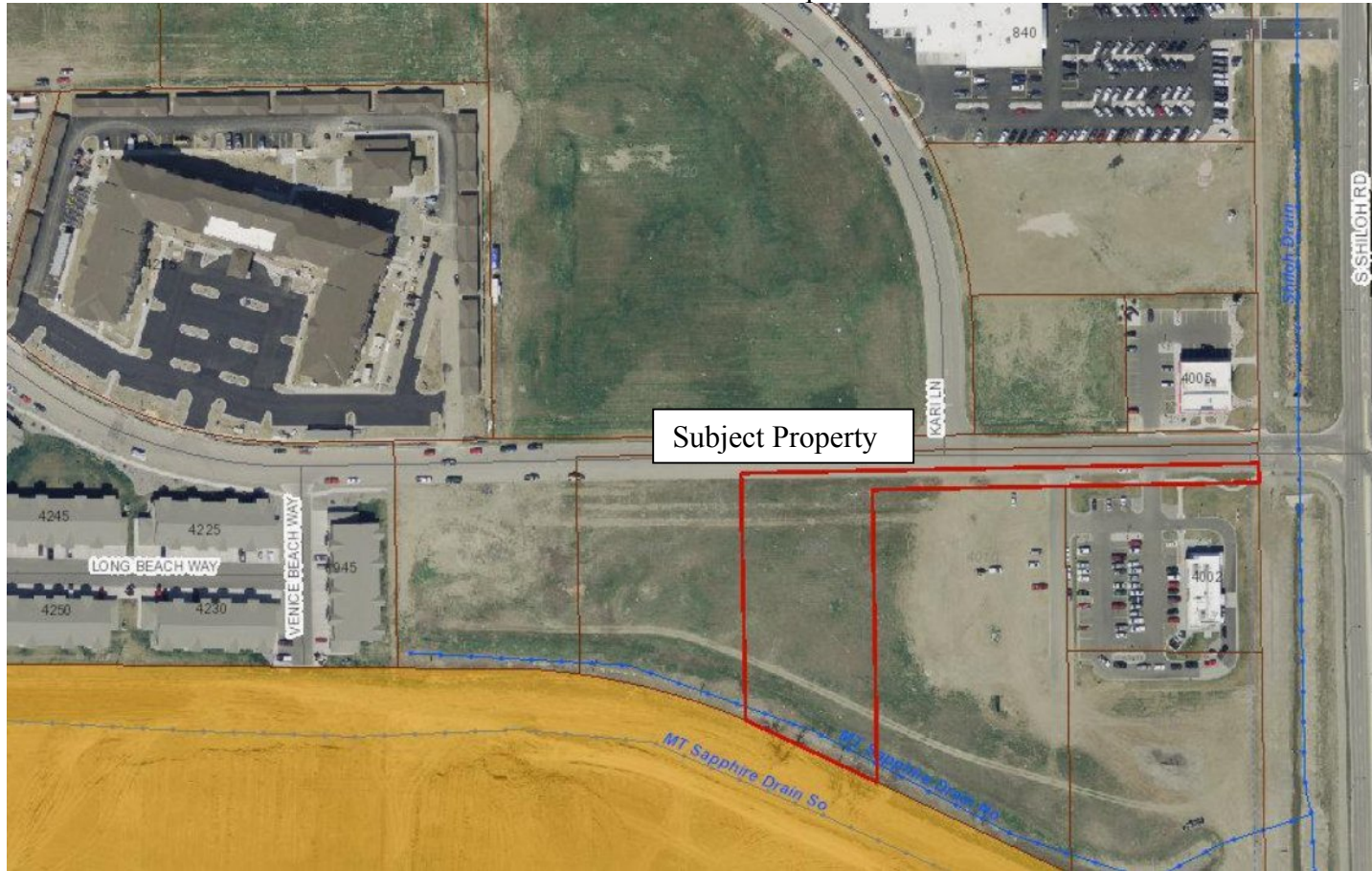


View north across Montana Sapphire Drive

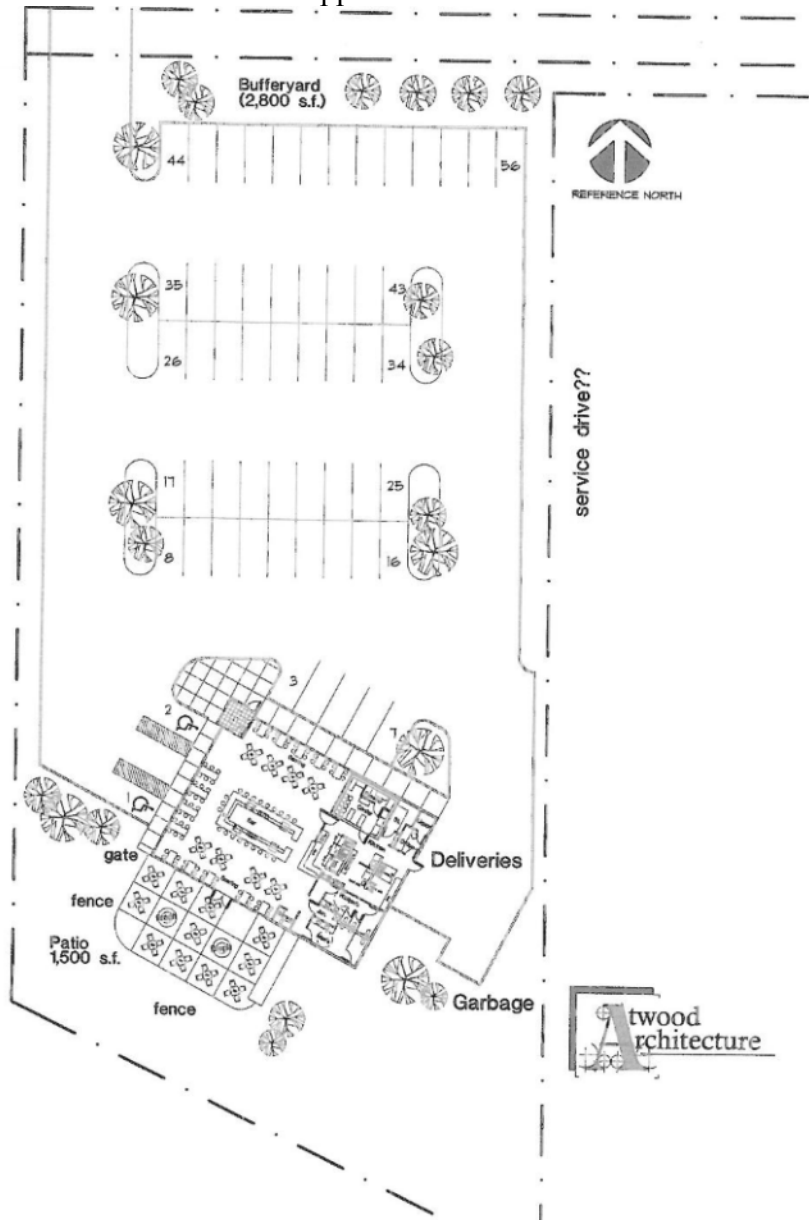


View east along Montana Sapphire Drive

Attachment C, continued
Site Photos – Special Review #927



Special Review 927
Site Plan and Applicant Letter



CONCEPT STUDY SITE LAYOUT FOR:
THE DIVIDE

1"=30'

BILLINGS, MONTANA

6-4-2015 *revised*
4,125 s.f of building plus 1,500 s.f of patio
5,625 s.f. - 56 stalls required
56 stalls provided



June 4, 2015

Nicole Cromwell, AICP
Planning & Community Services Department
2825 3rd Avenue North
Billings, MT 59101

Re: City Special Review #927
4020 Montana Sapphire Drive (aka 920 Shiloh Road)
Resubmittal of Revised Site Layout

Dear Nicole,

Attached please find copies (at 1"=20' and 1"=30' scales) of the updated/revised site layout for The Divide project.

Our office has spoken with Wayne Ware over the phone and are confident the layout meets the intention of the "gross square footage" criteria with the updated calculations.

If you have any questions about this request please feel free to call me at the number listed below.

Sincerely,
Atwood Architecture

A handwritten signature in blue ink that reads 'Scott Atwood'.

Scott Atwood, Registered Architect
copy: Dave Williams, Darrin Williams

Special Review Narrative The Divide Restaurant and Bar

April 6, 2015

Project Description:

An approximate 3,750 s.f. Restaurant and Bar

While not completely designed at this time, the project is seen as “non-high tech” with a western feel, using woods and stone in a warm, comfortable atmosphere. Locating the restaurant/bar adjacent to the Shiloh Conservation Area is seen as part of the atmosphere of the facility. We’ve used the term....”American Pub & Casual Dining Establishment” to describe our goals to others. We would like to note that the facility is not intended to house gaming or casino functions.

Project Address:

920 Shiloh Road (we have reason to believe this will change to an address on Montana Sapphire Drive but have not gone through that process just yet.)

Lot 7 of the Montana Sapphire Subdivision (off of Shiloh and King Avenue) - see attached

Question 1A:

We have investigated the proposed area, learned about the surrounding commercial and residential development as well as future growth expectations and determined that the area is the most suitable location to meet the goals for our proposed facility. The west end business and residential growth continues and it is expected that our facility will serve this area as well as draw from other areas of the City using the Shiloh Road transportation linkage.

Question 1B:

West end growth continues with the infilling of the Montana Sapphire Development (originally envisioned in 2002) with a variety of businesses and services. It is estimated that 70% of that development is either built out or under contract in some fashion with both residential and business development.

Question 1C:

Approval of the Special Request will allow us to build a new, attractive facility to serve the area and to employ more Billings citizens.

Question 1D:

The Special Review is an “automatic” requirement prior to the granting of an All Beverage license. We would like to note that the Special Review is NOT part of a desire for gaming or casino activity.

Questions 2 A and B

See attached exhibits showing a proposed floorplan and site layout. Because the drawings

have only been developed to a “conceptual” stage and further refinement is needed by a Kitchen Designer, it is anticipated that the facility could conceivably grow by another 250 - 500 square feet. However, we are comfortable stating that the facility will not exceed 4,500 square feet. Please note that again, due to the conceptual nature of the drawings at this time, full landscape design has not occurred just yet. We have been advised of both the City requirements and the Montana Sapphire Development requirements for bufferyards and landscaping requirements and agree to comply with them as part of the final permit submittal process.

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Public Hearing - Billings Warehouse Flooring - Variance #OP-15-01 from Off Street Parking Requirements

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Billings Warehouse Flooring, LLC is proposing to construct a new flooring store at 2908 Millennium Circle. They are seeking a variance from the parking requirements for the new site. There is no designation for furniture stores within the site development ordinance for parking requirements. City staff has typically regarded furniture stores as retail which requires one parking stall per 200 square feet of store. National standards and trends are 1 parking stall per 1000 square feet of store plus one stall per employee. The proposed flooring store is proposing to construct a 10,000 square foot store. At the rate of a retail store, they would be required to install 50 parking stalls. At the rate of 1 per 1000 sf plus one per employee, they would be required 15 parking stalls. They are proposing constructing 15 stalls.

ALTERNATIVES ANALYZED

The Council may:

- Approve the variance which allows the applicant to construct a new flooring store at 2908 Millennium Circle; or
- Do not approve the variance. If the variance is not approved, the flooring store will need to meet the site development ordinance for a retail store.

FINANCIAL IMPACT

The administrative cost of the variance is offset by the application fee.

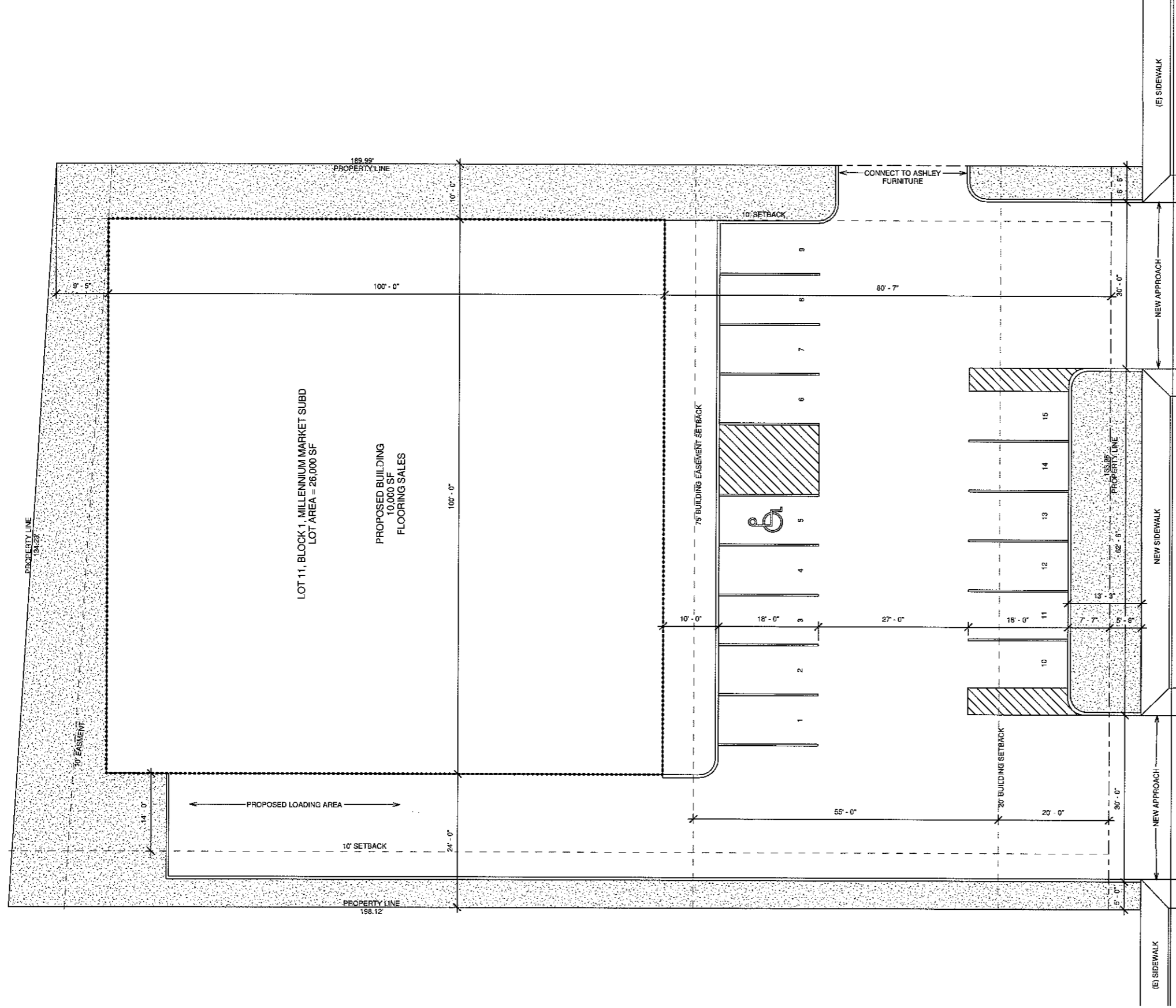
RECOMMENDATION

Staff recommends that Council approve the variance for the proposed flooring store's off-street parking with the condition that the variance only applies as long as the building is used as a flooring store.

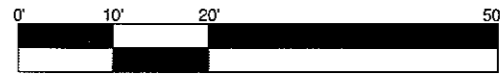
APPROVED BY CITY ADMINISTRATOR

Attachments

Site Plan



1 PRELIMINARY SITE PLAN
1" = 10'-0" (24" X 36")



DRAWN BY: SM
CHECKED BY: KL
5/6/2015 4:18:07 PM
PROJECT#: 001



EGGART ENGINEERING COMPANY
720 LOHWEST LANE
BILLINGS, MT 59106
OFFICE: 406-839-9151 FAX: 406-839-9150

BILLINGS WAREHOUSE
FLOORING
2908 Millennium Circle
BILLINGS, MT

PRELIMINARY
C101

Regular City Council Meeting

Meeting Date: 07/27/2015

TITLE: Public Hearing for Ward Ordinance First Reading - Annexation #15-09

PRESENTED BY: Candi Millar, Planning & Community Services Department Director

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexation of property into the City. The City Council approved the annexation of Lots 2-A-1 and 2-A-2, of Amended Plat of Lot 2-A, Block 2, Zimmerman Acreage Tracts, 2nd Filing (Annexation #15-09) on July 13, 2015. This annexation requires a change in the boundaries of Ward IV. Two readings are required for this action. The first reading of the ordinance is scheduled for July 27, 2015 along with a public hearing, and the second reading is scheduled for August 10.

ALTERNATIVES ANALYZED

City Council may approve or not approve the ordinance to amend the boundaries of Ward IV on first reading.

- Approving the ordinance will modify the boundaries of Ward IV to include the annexed property in the City.
- Denying the ordinance will not modify the boundaries of Ward IV and create a problem where property inside the City Limits is not within one of the City Ward Boundaries.

FINANCIAL IMPACT

There is no budget/financial impact from this action.

RECOMMENDATION

Staff recommends that the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward IV.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ward Ordinance

ORDINANCE NO. 15-_____

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

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

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

A tract of land situated in the NE1/4 of Section 32, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being Lots 2-A-1 and 2-A-2, of Amended Plat of Lot 2-A, Block 2, Zimmerman Acreage Tracts, 2ND Filing, Recorded April 23, 2015, under Document No. 3737747, on file and of record in the Records of Yellowstone County.

Including all adjacent right-of-way of 46TH Street West.

Containing 3.558 gross acres and 3.461 net acres more or less.

(# 15-09) See Exhibit "A" Attached

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

PASSED by the City Council on the first reading this 27th day of July, 2015.

PASSED by the City Council on the second reading this 10th day of August, 2015.

THE CITY OF BILLINGS:

Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Billie Guenther, CITY CLERK

(AN 15-09)

EXHIBIT "A"

