

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

October 26, 2015

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Yakawich

ROLL CALL: Councilmembers present on roll call were:

MINUTES: October 13, 2015

COURTESIES:

PROCLAMATIONS:

Red Ribbon Week: October 23-31, 2015

Extra Mile Day: November 1, 2015

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #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. Bid Awards:

1. **W.O. 16-03, Contract # 1 City Crack Seal.** (Opened 10/13/15) Recommend Z&Z Seal Coating Inc., \$150,345.19.

B. Change Order #3 - W.O. 13-20, Arrowhead School Path, Asphalt Plus, Inc., \$2,605.

C. Acknowledging Receipt of Petition to Annex #15-10: 40 acres of the southwest corner of the intersection of Grand Avenue and 56th Street West, located at 5640 Grand Avenue, Billings School District #2, petitioner, and setting a public hearing date for November 9, 2015.

D. Acknowledging Receipt of Petition to Annex #15-11: 16.6 acres south of Barrett Road, east of the intersection of Bench Boulevard and Barrett Road, Billings School District #2, petitioner, and setting a public hearing date for November 9, 2015.

E. Acceptance of Donation to Billings Police Department, 2015 Domestic Violence Grant, \$19,022.

F. Second/Final Reading Ordinance amending City Code Section 2-565, 2-566, and 2-567, relating to the name and responsibilities of the Parking Advisory Board.

G. Final Plat of DayBreak Subdivision.

H. Bills and Payroll:

1. September 28, 2015

2. October 5, 2015

REGULAR AGENDA:

2. **PUBLIC HEARING AND SPECIAL REVIEW #932:** a special review to locate a beer and wine license without gaming for a proposed City Vineyard and for a drive through service window for a proposed City Brew in a 12,000 square foot proposed building in a Planned Development zone with underlying Community Commercial (PD-CC) zoning, on a 2.22 acre parcel of land described as: Lot 9, Block 2 Cardwell Ranch Subdivision 1st filing. Beckie Reno, co-owner; Steve Corning, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

3. **PUBLIC HEARING AND SPECIAL REVIEW #933:** a special review to locate a proposed elementary/secondary school (K-8) for the Billings Catholic Schools in an 87,000 square foot proposed building in a residential 9,600 (R-96) zone, on a 26 acre parcel of land described as: Lot 2, Block 1 St. Thomas Subdivision and located on the south side of Colton Boulevard between Woody Drive and 21st Street West. Billings Catholic Schools, owner; Rick Helt, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria.(Action: approval or disapproval of Zoning Commission recommendation.)
4. **SID 1399, Lake Hills Subdivision 25th Filing**
 - A. **PUBLIC HEARING AND RESOLUTION** creating SID 1399, Lake Hills Subdivision, 25th Filing. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
 - B. **PROFESSIONAL SERVICES CONTRACT** for SID 1399, Lake Hills Subdivision; Kadrmas, Lee and Jackson; \$185,000. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** authorizing the sale of City-owned property described as Lots 1-8, Block 226, Original Town of Billings, generally located at 716-724 S. 27th Street; A.L. Koelzer, \$196,500. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTION** approving and adopting First Quarter Budget Amendments for Fiscal Year 2016. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
7. **PUBLIC HEARING AND RESOLUTION** to waive EBURD Demolition Disposal Fees. Staff recommends disapproval. (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: 10/26/2015

TITLE: Bid Award for W.O. 16-03, Contract # 1 City Crack Seal

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-03, Contract #1 is part of the 2016 Street Maintenance Program, specifically the City Crack Seal contract. Annually, staff identifies streets proposed for preventative maintenance. Staff bids this work in three contracts: chip seal resurfacing, overlay resurfacing and crack sealing. This contract will provide crack sealing on approximately 25 miles of streets. The project was advertised on September 24th, October 1st and October 8th in the Billings Times and on the City's website. Bids were opened October 13th. There were three bids submitted and Z&Z Seal Coating Inc. submitted the lowest responsible bid. Due to the Columbus Day holiday, the City Council meeting was on the same day as the bid opening, so at the October 13 meeting, Council delayed the contract award to allow time to review the bid results.

ALTERNATIVES ANALYZED

The Council may:

- Award W.O. 16-03, Contract #1 City Crack Seal to Z&Z Seal Coating Inc. in the amount of \$150,345.19;or
- Do not award a contract and reject all bids.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Bid Amount
Z&Z Seal Coating Inc.	\$150,345.19
Hardrives Construction Inc.	\$177,140.00
Wharton Asphalt LLC	\$193,900.00

The Arterial and Gas Tax funding for the project was budgeted in the FY 16 budget.

Project Budget (Crack Seal, Overlay, Chip Seal)	\$2,000,000.00
Previously Encumbered	\$0.00
This Contract	\$150,345.19
Budget Remaining	\$1,849,654.81

RECOMMENDATION

Staff recommends that Council award a contract for Work Order 16-03 Contract #1 City Crack Seal to Z&Z Seal Coating Inc. in the amount of \$150,345.19.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: W.O. 13-20 Arrowhead School Path. Change Order #3

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 13-20; Arrowhead School Path, is a Community Transportation Enhancement Program (CTEP) project that constructed a multi-use access path and trail facility along the south side of the Hi-Ditch from the existing trail system on the east side of Shiloh Road to Arrowhead Elementary.

The approved contract amount for this project was \$69,313. The City Administrator approved two previous change orders, raising the contract amount by \$6,612.40 or 9.5%. Approval of this change order will increase the contract amount by more than 10% of the original contract amount, so Council action is required. Change Order #1 was processed to pay a portion of the costs needed to relocate an underground irrigation system unforeseen during design. Change Order #2 was processed to reconcile bid quantities against installed quantities; however, the final quantity for topsoil installed as listed with the pay application and Change Order #2 was incorrect. This Change Order #3 provides for payment of the corrected final amount of topsoil installed.

ALTERNATIVES ANALYZED

The Council may:

- Approve Change Order #3 for W.O. 13-20, Arrowhead School Path with Asphalt Plus Inc. for an additional amount of \$2,605; or
- Do not approve Change Order #3. If this change order is not approved, final quantity payment will not balance against final installed quantities.

FINANCIAL IMPACT

The funding for this project was budgeted in FY15 and the sources for this change order are CTEP and outside agency matching funds.

RECOMMENDATION

Staff recommends the City Council approve Change Order #3 for W.O. 13-20, Arrowhead School Path for an additional amount of \$2,605.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Annexation #15-10: Acknowledge receipt of petition and set a public hearing date

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

Billings School District #2 submitted a petition to annex land that it owns, using provisions contained in Section 7-2-4600, MCA. The subject property is one parcel totaling about 40 acres. The property is located at 5640 Grand Avenue at the southwest corner of the intersection of Grand Avenue and 56th Street West. The property is vacant and has been used for agricultural crop production. The owners are requesting annexation in order to obtain City services and develop the property for the new Ben Steele Middle School and for future school development. The property is currently zoned Agricultural Open Space and Billings School District #2 is also in the process of completing a zone change on the property to Public zoning for the school use. The zone change is expected to reach the City Council at its second meeting in November.

The property is located within the five-year annexation area of the City's Limits of Annexation Map and appears to meet some of the City's criteria in its Annexation Policy. A detailed review and analysis of the Annexation Policy criteria will be provided in the Council's public hearing memo. The City Council's policy is to consider annexations at two separate Council meetings. At the first meeting, the Council acknowledges receipt of a petition and sets a public hearing date. At the second meeting, the Council conducts the hearing and acts on the annexation petition.

ALTERNATIVES ANALYZED

Section 7-2-4600, MCA, allows owners of more than 50% of the property to petition the City for annexation. The only alternative that is consistent with City Council policy is to acknowledge receipt of the petition and set a public hearing date.

FINANCIAL IMPACT

Analysis by City staff of how City services may be provided to this property and a recommendation on the annexation will be prepared and presented at the public hearing.

RECOMMENDATION

Staff recommends that the City Council acknowledge receipt of the annexation petition and schedule a public hearing for November 9, 2015 to consider annexing this property.

APPROVED BY CITY ADMINISTRATOR

Attachments

Annexation Petition
Annexation Area Map
Annexation Exhibit

PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

NOTICE TO PETITIONER

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

INSTRUCTIONS

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

The map must show:

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

RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
9-22-15	Lew Anderson	<i>[Signature]</i>	415 North 30 th
9-22-15	Terry Nelson Bouch	<i>[Signature]</i>	415 North 30 th

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)

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

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
S05, T01 S, R25 E, E2 Government LT1 38.83 AC	D12579	5640 GRAND AVE	Public - School	School District #2	415 N 30th St, Billings	406-281-5000

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: _____ Received By: _____ Petition Number: _____

Fee Paid: _____

BEN STEELE MIDDLE SCHOOL - SCHOOL DISTRICT #2

ANNEXATION MAP
WITHIN
BILLINGS, MONTANA

S05, T01 S , R25 E, GOVERNMENT LOT 1, 38.83 AC
CURRENT ZONING: A1
PROPOSED ZONING: PUBLIC

SEPTEMBER 2015
BILLINGS, MONTANA

PREPARED BY : SANDERSON STEWART



300 150 0 300 600
SCALE: 1" = 300'

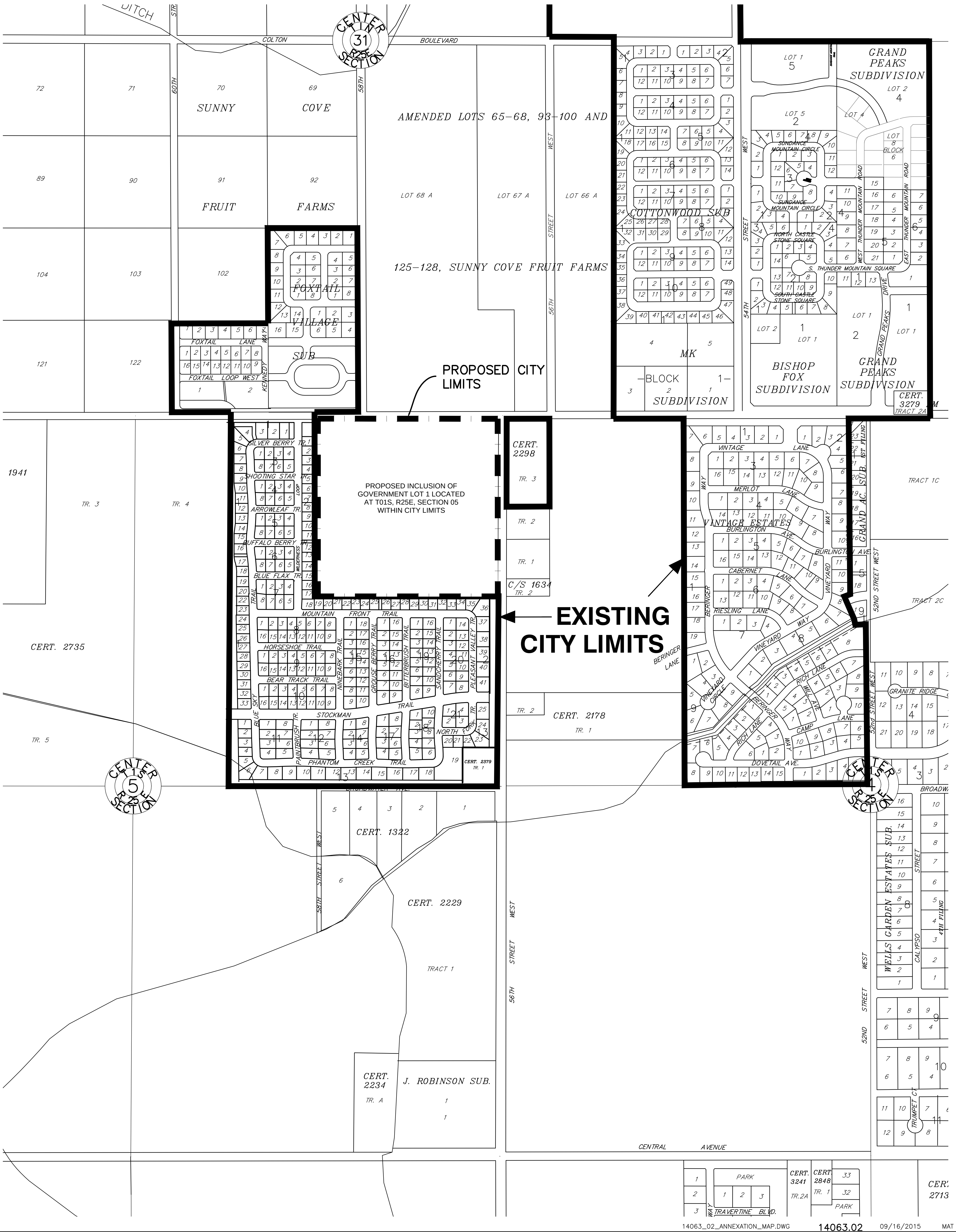
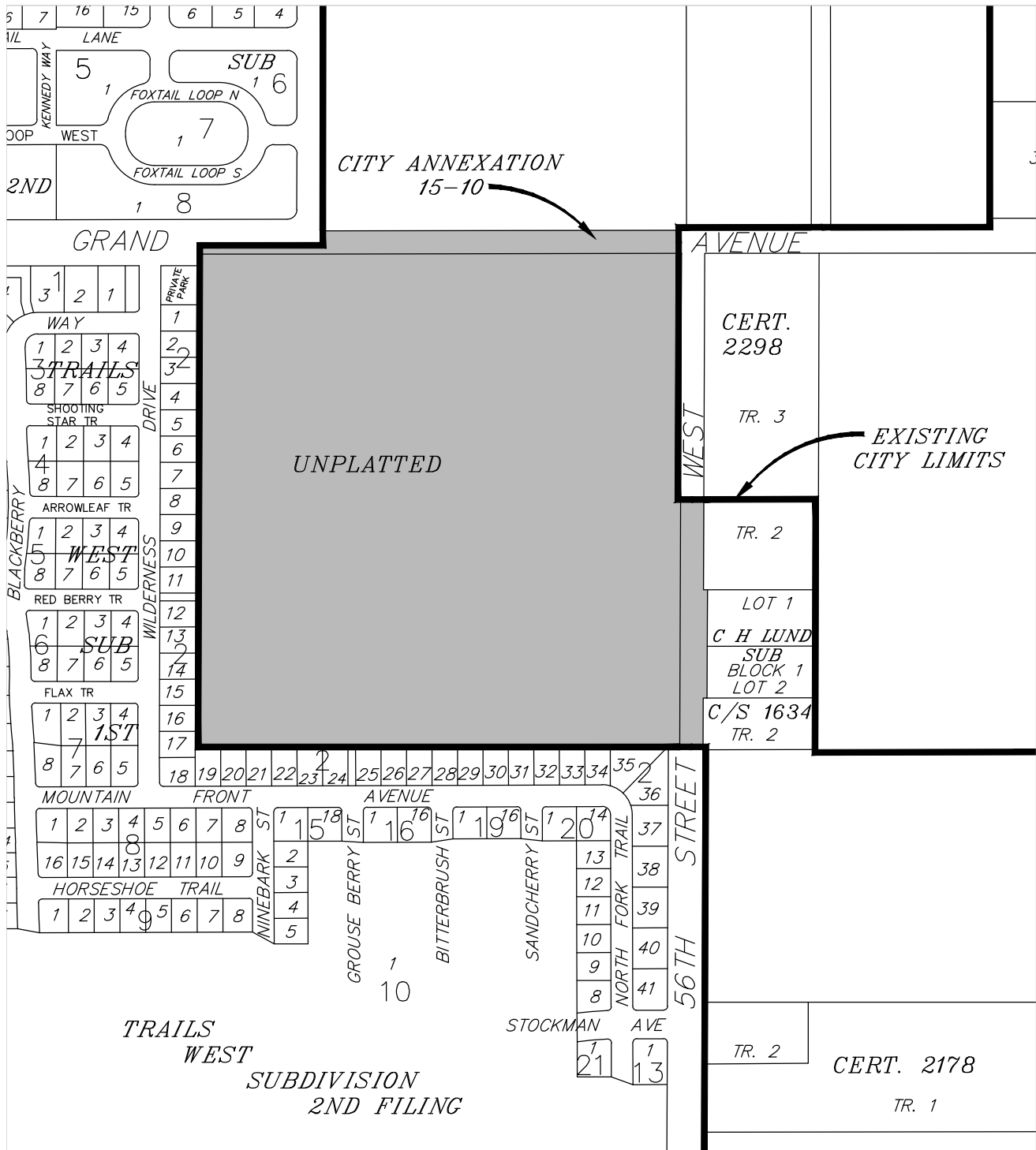


EXHIBIT "A"



Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Annexation #15-11: Acknowledge receipt of petition and set a public hearing date

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

Billings School District #2 submitted a petition to annex land that it owns, using the provisions of Section 7-2-4600, MCA. The subject property is a portion of a certificate of survey tract totaling about 16.6 acres. The property is located south of Barrett Road just east of the intersection of Bench Boulevard and Barrett Road. The property is a portion of the new Medicine Crow Middle School property and is currently under development for athletic fields, parking and other facilities related to the new middle school operations. The owners are requesting annexation in order to continue development of the property in the City and ensure the entire new middle school site is within the City Limits. The property is currently zoned Residential-7000 and Billings School District #2 is in the process of requesting a zone change of the property to Public zoning to match the current zoning on the remaining middle school property to the west.

The property is located within the five-year annexation area of the City's Limits of Annexation Map and appears to meet some of the City's criteria in its Annexation Policy. A detailed review and analysis of the Annexation Policy criteria will be provided in the Council's public hearing memo. The City Council's policy is to consider annexations at two separate Council meetings. At the first meeting, the Council acknowledges receipt of a petition and sets a public hearing date. At the second meeting, the Council conducts the hearing and takes action on the annexation petition.

ALTERNATIVES ANALYZED

Section 7-2-4600, MCA, allows owners of more than 50% of the property to petition the City for annexation. The only alternative that is consistent with City Council policy is to acknowledge receipt of the petition and set a public hearing date.

FINANCIAL IMPACT

Analysis by City staff of how City services may be provided to this property and a recommendation on the annexation will be prepared and presented at the public hearing.

RECOMMENDATION

Staff recommends that the City Council acknowledge receipt of the annexation petition and schedule a public hearing for November 9, 2015 to consider annexing this property.

APPROVED BY CITY ADMINISTRATOR

Attachments

Annexation Petition
Annexation Area Map
Annexation Exhibit

PETITION FOR ANNEXATION TO THE CITY OF BILLINGS

NOTICE TO PETITIONER

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INSTRUCTIONS

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.

2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:

- a. The present and proposed boundaries of the municipality;
- b. The present streets, major trunk water mains and sewer mains;
- c. The zoning of the property requesting annexation and the property immediately adjacent to it.

3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4th Floor of Parmlly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, and Finance Department. If no problems with the Petition have been noted by the departments, the City Clerk will schedule the Petition for City Council action.

4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.

5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
9-22-15	Lew Anderson	<i>[Signature]</i>	415 North 30 th
9-22-15	Terry Nelson Boek	<i>[Signature]</i>	415 North 30 th

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)

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

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
S14, T01 N, R26 E, E2 NWSW LESS COS 931	D05144	Adjacent to - 1801 Bench Blvd. Billings	Public - School	School District #2	415 N 30th St, Billings	406-281-5000
		922 Barrett Rd				

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: 9/25/15

Received By: JO/WAF

Petition Number: _____

Fee Paid: \$1019⁰⁰

P2-15-00174

Current Zoning: R70
Proposed Zoning: Public



BILLINGS, MONTANA

PREPARED BY : **SANDERSON STEWART** 

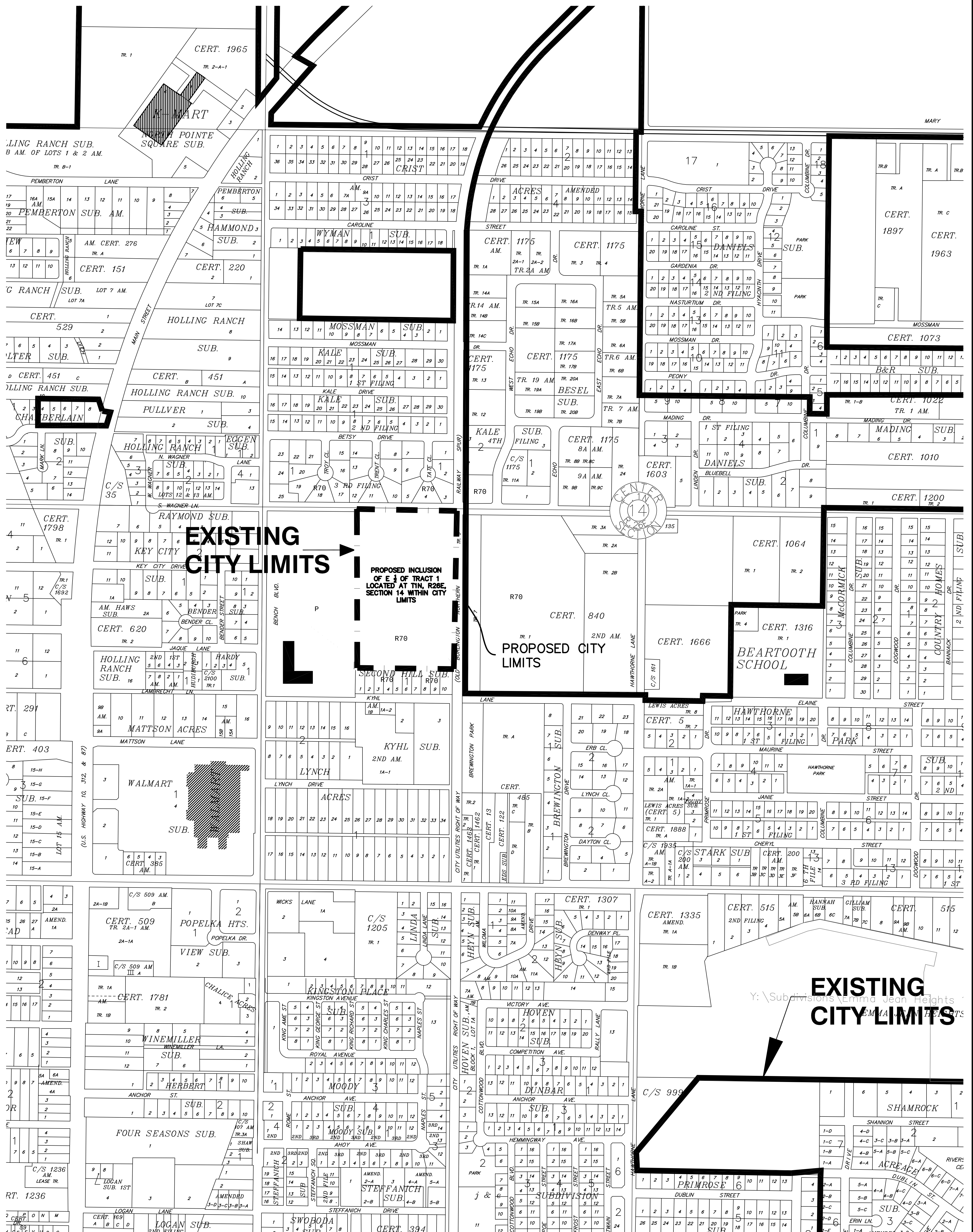
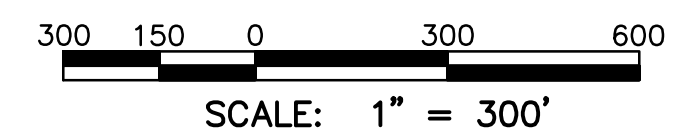
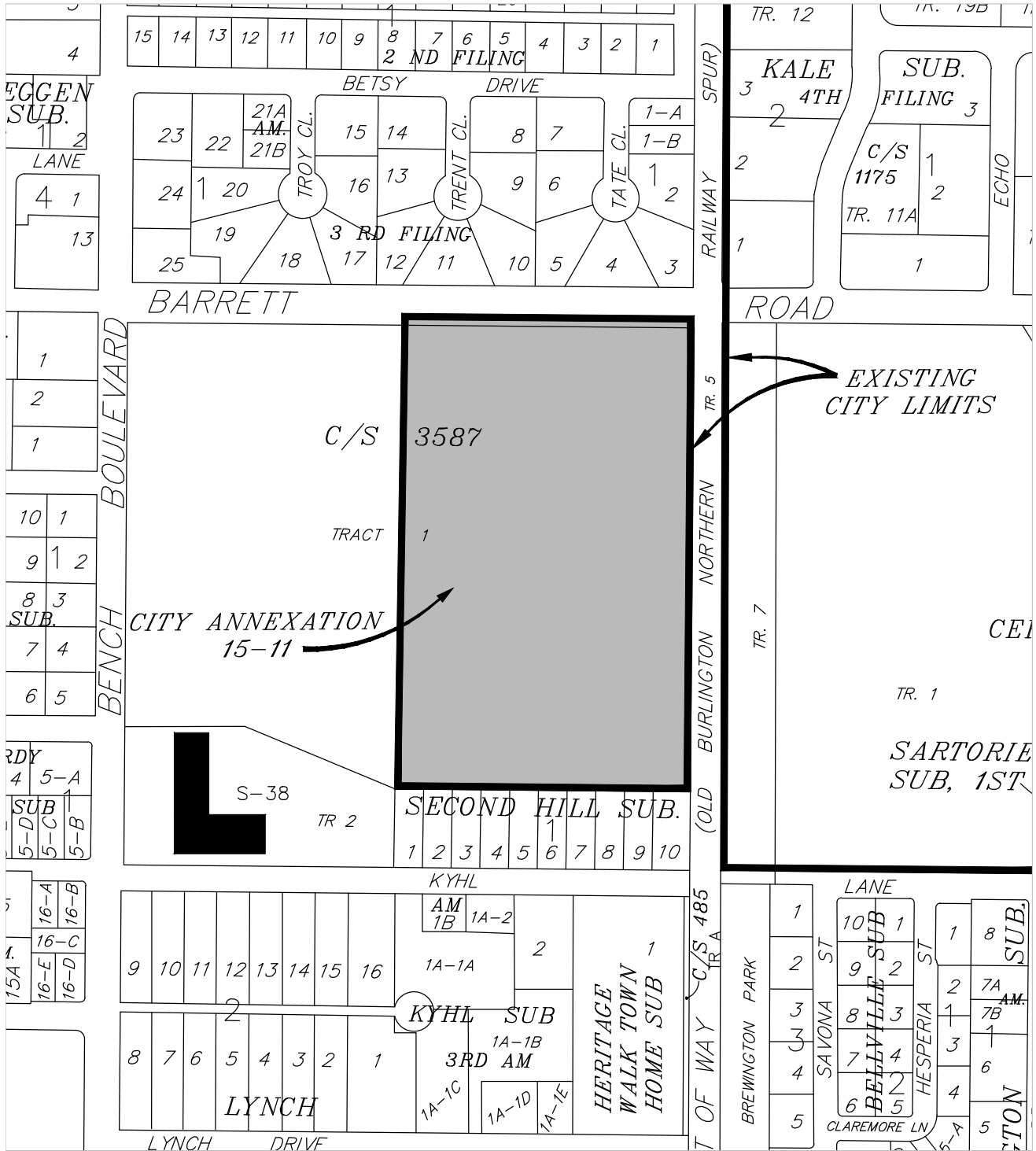


EXHIBIT "A"



Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Approval of the 2015 Domestic Violence Grant in the Amount of \$19,022

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

The Billings Police Department would like to pursue the sub-grant for Domestic Violence (DV) training and continuation of the "Domestic Violence Investigator" program for the 14th year. The amount for this grant totals \$19,022. The goals of this grant are to provide funding for overtime, training and supplies related to fulfilling the need for more intense investigation in domestic violence cases.

The domestic violence investigator, prosecutor and victim-witness specialist plan to attend a national conference to stay current on investigative techniques involving domestic violence issues. The grant also funds the DV Investigator's JustWare license and cell phone plan.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Domestic Violence Grant Award in the Amount of \$19,022, or;
- Disapprove the Domestic Violence Grant Award, which would reduce specialized warrant round-ups and overtime work for police officers investigating these crimes.

FINANCIAL IMPACT

The Billings Police Department has one officer assigned as the Domestic Violence Investigator. These grant funds will finance the additional supporting costs for training and overtime as well as some supplies.

RECOMMENDATION

Staff recommends that the City Council approve the 2015 Domestic Violence Grant in the amount of \$19,022.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Second Reading of Ordinance Amending BMCC Section 2-565 through 2-567, Parking Board

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Parking Advisory Board and staff recommend that the City Council adopt an ordinance to amend three sections of the City Code; Section 2-565, 2-566 and 2-567, all relating to the name and responsibilities of the Parking Advisory Board. Council conducted a public hearing and approved the Ordinance on first reading on September 28th. This is the second and final reading of the ordinance.

ALTERNATIVES ANALYZED

City Council may:

- Approve the ordinance on second reading or;
- Disapprove the ordinance

FINANCIAL IMPACT

This action does not have a financial impact on the City

RECOMMENDATION

Staff recommends that the City Council approve second reading of the Ordinance amending BMCC Sections 2-565, 2-566 and 2-567, relating to the name and responsibilities of the Parking Advisory Board.

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 2-565, 2-566, AND 2-567; CHANGING THE NAME OF THE PARKING ADVISORY BOARD TO THE BILLINGS PARKING BOARD AND UPDATING ITS POWERS AND DUTIES

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

Section 1. That the title of Division 9 (Parking Advisory Board) and section 2-565 of the Billings, Montana City Code are amended so that they shall read as follows:

DIVISION 9. BILLINGS PARKING ~~ADVISORY~~ BOARD

Sec. 2-565. Created.

There is hereby created a parking ~~advisory~~ policy board to be named the Billings Parking Board.

Section 2. That section 2-566 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 2-566. Composition, appointment, term.

The ~~parking advisory~~ Billings Parking Board shall be composed of nine (9) members.

Section 3. That section 2-567 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 2-567. Powers and duties.

The ~~parking advisory~~ Billings Parking Board shall advise and make policy recommendations and serve in an advisory capacity to the city council in all aspects of parking within the city. The purpose of the board is to provide citizen input to the policy decisions of the city council. The primary responsibilities of the board are to provide input and policy recommendations on all aspects of public parking, including but not limited to, on-street parking, parking meters, parking garages, parking lots, long-range financial plans for parking, annual budget, operating and capital projects plans, parking fees, parking fines and other existing and proposed parking policies of the city, to report any shortcomings, and to make recommendations to the city council with regard to public parking.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

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

Section 6. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the City Council on first reading this ____ day of _____, 2015.

PASSED, ADOPTED and APPROVED on second reading this ____ day of _____, 2015.

CITY OF BILLINGS

Thomas W. Hanel, Mayor

ATTEST:

Billie Guenther, City Clerk

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Final Plat of DayBreak Subdivision

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The final plat for DayBreak Subdivision is being presented to Council for approval. The plat was preliminarily approved by City Council on June 23, 2014. This plat creates 74 lots for residential development and three lots for stormwater facilities that will be privately held and maintained by the subdivision. The property is located on the south side of Grand Avenue just east of the intersection of 56th Street West and Grand Avenue. The subject property is currently being improved through a private contract for infrastructure in coordination with the City. The owner is Regal Land DayBreak, LLC. The representing agent is Scott Worthington, PE. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or deny the final plat of DayBreak Subdivision. 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 developed and increase tax revenues for the City.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of DayBreak Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat

BEING THE E₂W₂NW₄NW₄ AND THE W₂E₂NW₄NW₄ OF SECTION 4
TOWNSHIP 1 SOUTH, RANGE 25 EAST, P.M.M.

MARCH 2015

BILLINGS, MONTANA

10/06/15 PBK

MARCH 2015

BILLINGS, MONTANA



THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515.

DISTANCES ARE GRID, INTERNATIONAL FEET.
GRID TO GROUND COMBINED FACTOR IS 0.9999950.

THE CONVERGENCE ANGLE AT THE POINT OF BEGINNING OF THIS
SUBDIVISION PLAT = $-0^{\circ}10'23''$

- FOUND SURVEY MONUMENT, AS NOTED

✓ SET 5/8" X 18" REBAR AND CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

- SET INTERSECTION MONUMENT, 5/8"x18" REBAR AND CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Payment of Claims September 28, 2015

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$2,708,308.24 have been audited and are presented for City Council payment approval. A complete listing of the claims dated September 28, 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 09-28-2015

Check Date	Check	Name	Amount	Account	Item Desc
09/28/2015	787985	A & I Distributors	\$2,378.28	6010-00000-141000	2681836 PO NUM 298247
09/28/2015	787985	A & I Distributors	\$99.30	6010-00000-141000	2681836 PO NUM 298247
09/28/2015	787985	A & I Distributors	\$40.18	1500-21120-402320	2681836
09/28/2015	787985	A & I Distributors	\$39.63	2110-31320-402320	2681836
09/28/2015	787985	A & I Distributors	\$40.22	5410-31220-402320	2681836
09/28/2015	787985	A & I Distributors	\$656.70	5410-31220-402310	Oil for Garbage Trucks
09/28/2015	787985	A & I Distributors	\$109.45	5710-71440-402310	2683102
09/28/2015	787985	A & I Distributors	\$1,885.12	6010-00000-141000	2686220 PO NUM 298247
09/28/2015	787985	A & I Distributors	\$9.17	1500-22260-402320	2686220
09/28/2015	787985	A & I Distributors	\$9.17	2110-31320-402320	2686220
09/28/2015	787985	A & I Distributors	\$9.17	5410-31220-402320	2686220
09/28/2015	787985	A & I Distributors	\$4,350.82	5710-00000-141714	2683451 PO NUM 298247
09/28/2015	787985	A & I Distributors	\$263.08	6010-00000-141000	2686742 PO NUM 298247
09/28/2015	787985	A & I Distributors	\$1,355.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
09/28/2015	787985	A & I Distributors	\$328.35	2110-31320-402320	2686370
09/28/2015	787985	A & I Distributors	\$425.00	5410-31230-402310	Antifreeze for Landfill equipment
09/28/2015	787985	A & I Distributors	-\$263.08	6010-00000-141000	2689936 PO NUM 298247
09/28/2015	787987	Advanced Computer Technologies Llc	\$2,500.00	2450-12570-403560	MHC DCCM
09/28/2015	787995	Archie Cochrane	\$2,320.52	6300-17530-407310	Inv. #834259-1 BPD Car #1574
09/28/2015	787995	Archie Cochrane	\$22.89	1500-21120-402320	5163530
09/28/2015	787995	Archie Cochrane	\$21.70	1500-21120-402320	5163571
09/28/2015	787995	Archie Cochrane	\$95.35	5120-84300-402320	5163624
09/28/2015	787995	Archie Cochrane	\$253.58	1500-21120-402320	5163685
09/28/2015	787995	Archie Cochrane	\$6.30	1500-21120-402320	691487/1
09/28/2015	787995	Archie Cochrane	\$52.50	1500-21120-402320	691487/1
09/28/2015	787996	Arrow Striping & Manufacturing Inc	\$3,600.00	2110-31320-402340	glass beads for paint striping
09/28/2015	787996	Arrow Striping & Manufacturing Inc	\$3,149.81	2110-31320-402340	Dyna mix paint mixer
09/28/2015	787998	Atlantic Coast Polymers Inc	\$55,737.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
09/28/2015	788003	Billings Gazette	\$387.19	2900-65550-407275	102-60003603
09/28/2015	788003	Billings Gazette	\$382.20	2600-55190-403380	102-00003450
09/28/2015	788003	Billings Gazette	\$349.00	2600-55110-403360	102-60003259
09/28/2015	788003	Billings Gazette	\$159.43	5020-72110-403310	Water Department 102-00012285
09/28/2015	788003	Billings Gazette	\$106.29	5120-82110-403310	Water Department 102-00012285
09/28/2015	788003	Billings Gazette	\$382.20	2600-55190-403380	Library 102-00003728
09/28/2015	788003	Billings Gazette	\$265.72	0100-51400-403330	Cemetery 102-00003765
09/28/2015	788003	Billings Gazette	\$944.00	0100-14110-403310	102-60001620
09/28/2015	788003	Billings Gazette	\$387.00	0100-14110-403325	102-60001620
09/28/2015	788003	Billings Gazette	\$265.72	2090-44510-403390	102-00004386
09/28/2015	788003	Billings Gazette	\$265.72	5710-71410-403230	102-00027006
09/28/2015	788012	Border States Electric	\$366.11	5120-85000-402360	Lloyd Maguman Lift
09/28/2015	788012	Border States Electric	\$267.42	5020-74000-402360	Control System N-Tron Switch Power Supplies
09/28/2015	788012	Border States Electric	\$267.42	5120-84300-402360	Control System N-Tron Switch Power Supplies
09/28/2015	788012	Border States Electric	\$18.27	2110-31320-402410	black drill pouch
09/28/2015	788012	Border States Electric	\$26.44	0100-51120-402290	Invoice 909907932- freight Charges
09/28/2015	788012	Border States Electric	\$3,018.75	5120-84300-403660	Panel view
09/28/2015	788014	Business Tax Section	\$2,062.30	4050-71250-409685	AIP49 North Side Public Aircraft Parking Ramp -
09/28/2015	788014	Business Tax Section	\$229.14	4050-71250-409686	AIP49 North Side Public Aircraft Parking Ramp -
09/28/2015	788014	Business Tax Section	\$5,816.30	2010-15070-409310	WO 15-08 Exposition Gateway
09/28/2015	788014	Business Tax Section	\$1,304.28	5030-75910-409340	WO 15-08 Exposition Gateway
09/28/2015	788014	Business Tax Section	\$10.00	5620-71200-409310	Reconfigure Paid Parking Lots
09/28/2015	788014	Business Tax Section	\$17.12	5620-71200-409290	Airline Ticket Counter Public Area Carpeting
09/28/2015	788014	Business Tax Section	\$16.27	5620-00000-201100	Retainage Release
09/28/2015	788014	Business Tax Section	\$609.20	5630-71220-409390	Demolition of Old Operations Building
09/28/2015	788014	Business Tax Section	\$199.80	5030-75910-409340	PBD017 Lead Service Replacements
09/28/2015	788014	Business Tax Section	\$17.00	5030-75910-409340	PBD017 Lead Service Replacements CO#1
09/28/2015	788014	Business Tax Section	\$968.44	5440-31230-409390	WO 15-33 Solid Waste Landfill Outbound Scale;
09/28/2015	788014	Business Tax Section	\$357.60	6300-17530-407310	Fire Station #7 Reroof
09/28/2015	788014	Business Tax Section	\$34.75	5620-71200-409290	IP-9 Roofing
09/28/2015	788014	Business Tax Section	\$53.68	5620-00000-201100	Retainage Release
09/28/2015	788014	Business Tax Section	\$72.88	5620-00000-201100	Retainage Release
09/28/2015	788014	Business Tax Section	\$4,361.93	8730-51990-409370	business tax for pioneer and castle rock parks
09/28/2015	788014	Business Tax Section	\$96.52	6500-15660-409490	Lift Gate at PD1 will be replaced with a sliding gat
09/28/2015	788015	C & L Service Inc	\$2,845.00	1500-21500-403553	Police Conduits on Rooftop City Hall Cameras and
09/28/2015	788019	Cmg Construction, Inc.	\$990.00	5620-71200-409310	Reconfigure Paid Parking Lots
09/28/2015	788019	Cmg Construction, Inc.	\$204,167.30	4050-71250-409685	AIP49 North Side Public Aircraft Parking Ramp -
09/28/2015	788019	Cmg Construction, Inc.	\$22,685.26	4050-71250-409686	AIP49 North Side Public Aircraft Parking Ramp -
09/28/2015	788020	Continental Gate Co	\$9,555.48	6500-15660-409490	Liftgate at PD1 will be replaced with sliding gate
09/28/2015	788023	Crescent Electric Supply	\$72.30	2110-00000-141318	STREET LIGHTS PO NUM 298859
09/28/2015	788023	Crescent Electric Supply	\$2,600.00	2110-00000-141318	STREET LIGHTS PO NUM 298860
09/28/2015	788023	Crescent Electric Supply	\$292.62	2110-00000-141318	STREET LIGHTS PO NUM 298861
09/28/2015	788023	Crescent Electric Supply	\$4.64	2110-00000-141318	STREET LIGHTS PO NUM 298862
09/28/2015	788023	Crescent Electric Supply	\$90.61	2110-31320-402360	MISC SERVICES
09/28/2015	788023	Crescent Electric Supply	\$22.80	2110-31320-402360	MISC SERVICES
09/28/2015	788023	Crescent Electric Supply	\$205.83	2110-31320-402430	MISC SERVICES
09/28/2015	788023	Crescent Electric Supply	\$144.60	2110-00000-141318	STREET LIGHTS PO NUM 298770
09/28/2015	788023	Crescent Electric Supply	\$7.51	2110-00000-141318	STREET LIGHTS PO NUM 298771
09/28/2015	788023	Crescent Electric Supply	\$25.15	2110-00000-141318	STREET LIGHTS PO NUM 298772

Check Date	Check	Name	Amount	Account	Item Desc
09/28/2015	788023	Crescent Electric Supply	\$56.10	2110-00000-141318	STREET LIGHTS PO NUM 298773
09/28/2015	788023	Crescent Electric Supply	\$108.64	2110-31320-402430	box and lid for signals
09/28/2015	788023	Crescent Electric Supply	\$19.29	2110-31320-402430	pull lube for signals
09/28/2015	788023	Crescent Electric Supply	\$36.15	5020-74000-402360	THHN-10 Red Wire
09/28/2015	788023	Crescent Electric Supply	\$36.15	5120-84300-402360	THHN-10 Red Wire
09/28/2015	788024	Crowley Fleck Pplp	\$5,800.00	0100-16110-403560	Library Dispute, Inv. 740721, Matter No. 15-017-
09/28/2015	788025	CTA Inc	\$17,997.34	8730-51990-409370	Construction documents for the South Park splash
09/28/2015	788029	Dixie Petro-Chem	\$3,092.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
09/28/2015	788029	Dixie Petro-Chem	\$3,092.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
09/28/2015	788033	Downtown Billings Partnership, Inc.	\$64,584.25	2030-15130-407946	2nd Qtr FY16 TIF
09/28/2015	788034	Dps Company Llc	\$95,875.26	5440-31230-409390	WO 15-33 Solid Waste Landfill Outbound Scale;
09/28/2015	788039	Ebms	\$1,595.00	6270-17520-403511	October 2015 Fee Breakdown
09/28/2015	788039	Ebms	\$23,440.00	6270-17520-403512	October 2015 Fee Breakdown
09/28/2015	788039	Ebms	\$44,790.41	6270-17520-403515	October 2015 Fee Breakdown
09/28/2015	788039	Ebms	\$721.00	6270-17520-403517	October 2015 Fee Breakdown
09/28/2015	788039	Ebms	\$2,257.50	6270-17520-403519	October 2015 Fee Breakdown
09/28/2015	788039	Ebms	\$3,269.00	6270-17520-405161	October 2015 Fee Breakdown
09/28/2015	788051	Ferguson Enterprises Inc	\$3,964.50	5020-00000-141000	SYSTEMS PO NUM 298793
09/28/2015	788051	Ferguson Enterprises Inc	\$4,303.77	5020-00000-141000	SYSTEMS PO NUM 298799
09/28/2015	788053	Gallagher Benefit Services Inc	\$3,238.50	6270-17520-403560	Inv. #77402 GBS/Denver Project Fees On-Site
09/28/2015	788057	Good Earth Works Co Inc The	\$431,831.07	8730-51990-409370	Pioneer and Castle Rock Parks Tennis Courts
09/28/2015	788059	Granite Peak Pump Service Inc	\$1,016.14	8730-51990-403670	Invoice 15209- Corrosion inhibitor, labor, relay,
09/28/2015	788059	Granite Peak Pump Service Inc	\$605.12	8730-51990-403670	Invoice 15210- corrosion inhibitor, performed
09/28/2015	788059	Granite Peak Pump Service Inc	\$532.78	8730-51990-403670	Invoice 15205- Final adjustments to ammend park
09/28/2015	788059	Granite Peak Pump Service Inc	\$530.86	8730-51990-403670	Invoice 15212- travel and labor on annual pumps
09/28/2015	788059	Granite Peak Pump Service Inc	\$604.54	8730-51990-403670	Invoice 15203- travel and labor to perform annual
09/28/2015	788071	Ingram Library Services Inc.	\$102.60	2600-55190-403226	88686891
09/28/2015	788071	Ingram Library Services Inc.	\$207.88	2600-55190-403226	88686892
09/28/2015	788071	Ingram Library Services Inc.	\$8.82	2600-55190-403227	88686892
09/28/2015	788071	Ingram Library Services Inc.	\$10.61	2600-55190-403255	878686893
09/28/2015	788071	Ingram Library Services Inc.	\$183.30	2600-55190-403333	88686894
09/28/2015	788071	Ingram Library Services Inc.	\$31.77	2600-55190-403227	88686895
09/28/2015	788071	Ingram Library Services Inc.	\$17.60	2600-55190-403242	88686895
09/28/2015	788071	Ingram Library Services Inc.	\$47.18	2600-55190-403227	88686896
09/28/2015	788071	Ingram Library Services Inc.	\$7.79	2600-55190-403255	88686896
09/28/2015	788071	Ingram Library Services Inc.	\$87.56	2600-55190-403227	8686897
09/28/2015	788071	Ingram Library Services Inc.	\$3.59	2600-55190-403333	88686898
09/28/2015	788071	Ingram Library Services Inc.	\$44.97	2600-55190-403227	88686899
09/28/2015	788071	Ingram Library Services Inc.	\$22.57	2600-55190-403333	88686900
09/28/2015	788071	Ingram Library Services Inc.	\$25.20	2600-55190-403227	88686901
09/28/2015	788071	Ingram Library Services Inc.	\$10.61	2600-55190-403241	88686901
09/28/2015	788071	Ingram Library Services Inc.	\$5.99	2600-55190-403226	88686902
09/28/2015	788071	Ingram Library Services Inc.	\$9.59	2600-55190-403226	88879879
09/28/2015	788071	Ingram Library Services Inc.	\$8.84	2600-55190-403333	88879880
09/28/2015	788071	Ingram Library Services Inc.	\$21.99	2600-55190-403334	88879880
09/28/2015	788071	Ingram Library Services Inc.	\$53.95	2600-55190-403227	88879881
09/28/2015	788071	Ingram Library Services Inc.	\$105.55	2600-55190-403222	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$214.96	2600-55190-403226	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$200.31	2600-55190-403227	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$19.58	2600-55190-403241	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$22.00	2600-55190-403242	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$71.61	2600-55190-403255	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$555.35	2600-55190-403333	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$16.79	2600-55190-403382	88879882
09/28/2015	788071	Ingram Library Services Inc.	\$3.59	2600-55190-403333	88879883
09/28/2015	788071	Ingram Library Services Inc.	\$81.29	2600-55190-403226	89080572
09/28/2015	788071	Ingram Library Services Inc.	\$16.49	2600-55190-403227	89080572
09/28/2015	788071	Ingram Library Services Inc.	\$326.24	2600-55190-403226	89080573
09/28/2015	788071	Ingram Library Services Inc.	\$152.46	2600-55190-403333	89080574
09/28/2015	788071	Ingram Library Services Inc.	\$61.19	2600-55190-403227	89080575
09/28/2015	788071	Ingram Library Services Inc.	\$19.22	2600-55190-403222	89080576
09/28/2015	788071	Ingram Library Services Inc.	\$20.65	2600-55190-403227	89080576
09/28/2015	788071	Ingram Library Services Inc.	\$5.88	2600-55190-403333	89080576
09/28/2015	788071	Ingram Library Services Inc.	\$8.40	2600-55190-403241	89080577
09/28/2015	788071	Ingram Library Services Inc.	\$15.59	2600-55190-403227	89080578
09/28/2015	788071	Ingram Library Services Inc.	\$5.39	2600-55190-403333	890280579
09/28/2015	788071	Ingram Library Services Inc.	\$5.51	2600-55190-403255	89164057
09/28/2015	788071	Ingram Library Services Inc.	\$36.00	2600-55190-403227	89164058
09/28/2015	788071	Ingram Library Services Inc.	\$33.99	2600-55190-403382	89164058
09/28/2015	788071	Ingram Library Services Inc.	\$38.85	2600-55190-403333	89164059
09/28/2015	788071	Ingram Library Services Inc.	\$15.59	2600-55190-403227	89164060
09/28/2015	788071	Ingram Library Services Inc.	\$24.90	2600-55190-403227	89164061
09/28/2015	788071	Ingram Library Services Inc.	\$10.19	2600-55190-403255	89164061
09/28/2015	788071	Ingram Library Services Inc.	\$29.71	2600-55190-403382	89164061
09/28/2015	788071	Ingram Library Services Inc.	\$13.79	2600-55190-403222	89164062
09/28/2015	788071	Ingram Library Services Inc.	\$103.06	2600-55190-403226	89164062
09/28/2015	788071	Ingram Library Services Inc.	\$24.82	2600-55190-403227	89164062

Check Date	Check	Name	Amount	Account	Item Desc
09/28/2015	788071	Ingram Library Services Inc.	\$42.39	2600-55190-403242	89164062
09/28/2015	788071	Ingram Library Services Inc.	\$39.15	2600-55190-403255	89164062
09/28/2015	788071	Ingram Library Services Inc.	\$150.62	2600-55190-403333	89164062
09/28/2015	788073	Intermountain Traffic, LLC	\$80,841.00	2050-31310-409390	WO 15-93 Chronomax School Flasher Upgrade
09/28/2015	788075	Junior Library Guild	\$8,022.00	2600-55190-403333	Invoice 287858
09/28/2015	788076	KaBOOM! Inc	\$6,521.00	8730-51990-409370	Playground swings for Trails End Park.
09/28/2015	788078	Kirkness Roofing Inc.	\$35,402.40	6300-17530-407310	Reroof of Fire Station #7
09/28/2015	788080	Knife River (JTL Group Inc.)	\$2,000.19	2110-31320-404710	asphalt
09/28/2015	788080	Knife River (JTL Group Inc.)	\$1,039.44	2110-31320-404710	asphalt
09/28/2015	788080	Knife River (JTL Group Inc.)	\$400.00	2110-31320-404160	concrete
09/28/2015	788080	Knife River (JTL Group Inc.)	\$127.49	2110-31320-404710	asphalt
09/28/2015	788080	Knife River (JTL Group Inc.)	\$4,029.05	2110-31320-404710	asphalt
09/28/2015	788080	Knife River (JTL Group Inc.)	\$2,558.34	2110-31320-404710	asphalt
09/28/2015	788080	Knife River (JTL Group Inc.)	\$150.87	2110-31320-404520	1 1/2" crushed base
09/28/2015	788080	Knife River (JTL Group Inc.)	\$68.56	2110-31320-404520	1 1/2" crushed base
09/28/2015	788080	Knife River (JTL Group Inc.)	\$28.47	2110-31320-404520	1 1/2" crushed base
09/28/2015	788080	Knife River (JTL Group Inc.)	\$575,813.94	2010-15070-409310	WO 15-08 Exposition Gateway
09/28/2015	788080	Knife River (JTL Group Inc.)	\$129,123.38	5030-75910-409340	WO 15-08 Exposition Gateway
09/28/2015	788084	L N Curtis & Sons	\$10,197.00	6400-22400-409460	272085000 HURST, S700E2 EDRAULIC 2
09/28/2015	788084	L N Curtis & Sons	\$10,737.00	6400-22400-409460	271080000 HURST SP300E2 EDRAULIC 2
09/28/2015	788084	L N Curtis & Sons	\$625.50	6400-22400-409460	272085412 HURST 110V POWER SUPPLY
09/28/2015	788084	L N Curtis & Sons	\$235.00	6400-22400-409460	PPS700E2 PLASTIX PLUS HORIZONTAL
09/28/2015	788084	L N Curtis & Sons	\$270.00	6400-22400-409460	PPPS300E2 PLASTIX PLUS HORIZONTAL
09/28/2015	788084	L N Curtis & Sons	\$85.50	1500-22290-402490	PPR411E PLASTIX PLUS HORIZONTAL
09/28/2015	788084	L N Curtis & Sons	\$149.50	6400-22400-409460	PPR411E PLASTIX PLUS HORIZONTAL
09/28/2015	788084	L N Curtis & Sons	\$7,080.00	1500-22290-402490	274085000 HURST R421E2 EDRAULIC RAM
09/28/2015	788084	L N Curtis & Sons	\$1,575.00	1500-22290-402490	272080910 HURST EDRAULIC DC BANK
09/28/2015	788084	L N Curtis & Sons	\$750.00	1500-22290-403822	CURTIS SERVICE: LABOR ONLY. ON-SITE IN SERVICE TRAINING RESCUE / EXTRICATION
09/28/2015	788084	L N Curtis & Sons	\$750.00	1500-22310-403822	CURTIS SERVICE: LABOR ONLY. ON-SITE IN SERVICE TRAINING RESCUE / EXTRICATION
09/28/2015	788096	Midland Implement Co Inc	\$78,499.00	6400-51600-409440	1 new current model year 16' foot width wide area
09/28/2015	788096	Midland Implement Co Inc	\$78,499.00	6400-64100-409440	1 new current model year 16' foot width wide area
09/28/2015	788096	Midland Implement Co Inc	\$54,242.00	6400-64100-409440	Model year 10' foot wide rotary mower. Council
09/28/2015	788104	Montana Dakota Utilities Co	\$33.79	5610-71190-403440	889 373 1000 6. Car Wash. September 2015
09/28/2015	788104	Montana Dakota Utilities Co	\$170.42	5610-71190-403440	129 573 1000 1. Mud Wash. September 2015
09/28/2015	788104	Montana Dakota Utilities Co	\$18.45	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz. September
09/28/2015	788104	Montana Dakota Utilities Co	\$21.55	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo.
09/28/2015	788104	Montana Dakota Utilities Co	\$26.52	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise.
09/28/2015	788104	Montana Dakota Utilities Co	\$28.37	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget.
09/28/2015	788104	Montana Dakota Utilities Co	\$18.45	5610-71190-403440	529 573 1000 7. Detail Bay 5 Thrifty/Dollar.
09/28/2015	788104	Montana Dakota Utilities Co	\$2.76	5610-71170-403440	283 116 0655 3. IP-12 Alpine/Big Sky Ground.
09/28/2015	788104	Montana Dakota Utilities Co	\$14.72	5610-71170-403440	295 580 1000 4. Aero Interiors. September 2015
09/28/2015	788104	Montana Dakota Utilities Co	\$19.68	5610-71170-403440	185 580 1000 7. TSA Building. September 2015
09/28/2015	788104	Montana Dakota Utilities Co	\$305.82	1500-21710-403440	1692331000 3
09/28/2015	788104	Montana Dakota Utilities Co	\$89.69	5610-71130-403440	2855801000 6
09/28/2015	788104	Montana Dakota Utilities Co	\$1,097.47	5120-84000-403440	2937801000 2
09/28/2015	788104	Montana Dakota Utilities Co	\$2,194.93	5120-84000-403440	2937801000 2
09/28/2015	788104	Montana Dakota Utilities Co	\$1,097.46	5120-84000-403440	2937801000 2
09/28/2015	788104	Montana Dakota Utilities Co	\$13.80	1500-21150-403410	51411704789
09/28/2015	788104	Montana Dakota Utilities Co	\$8.29	5020-74000-403440	3735801000 9
09/28/2015	788104	Montana Dakota Utilities Co	\$8.29	5020-74000-403440	3735801000 9
09/28/2015	788104	Montana Dakota Utilities Co	\$13.80	1500-21150-403410	06290794947
09/28/2015	788104	Montana Dakota Utilities Co	\$33.05	0100-51270-403440	4377801000 9
09/28/2015	788104	Montana Dakota Utilities Co	\$13.80	0100-51120-403410	5014731000 2
09/28/2015	788104	Montana Dakota Utilities Co	\$14.72	5020-74000-403440	5413801000 1
09/28/2015	788104	Montana Dakota Utilities Co	\$27.68	6600-31100-403440	5953731000 1
09/28/2015	788104	Montana Dakota Utilities Co	\$41.52	6700-31410-403440	5953731000 1
09/28/2015	788104	Montana Dakota Utilities Co	\$906.36	5610-71120-403440	5955801000 1
09/28/2015	788104	Montana Dakota Utilities Co	\$31.30	5120-85000-403440	5967331000 5
09/28/2015	788104	Montana Dakota Utilities Co	\$75.39	5610-71170-403440	7065801000 7
09/28/2015	788104	Montana Dakota Utilities Co	\$13.80	5210-15920-403440	7173531000 6
09/28/2015	788104	Montana Dakota Utilities Co	\$14.72	5610-71170-403440	8065801000 6
09/28/2015	788104	Montana Dakota Utilities Co	\$48.11	1500-22210-403440	8858801000 4
09/28/2015	788104	Montana Dakota Utilities Co	\$29.44	5020-74000-403440	9215801000 6
09/28/2015	788104	Montana Dakota Utilities Co	\$423.83	6500-15670-403440	9297801000 4
09/28/2015	788104	Montana Dakota Utilities Co	\$31.30	5120-85000-403440	9550431000 4
09/28/2015	788104	Montana Dakota Utilities Co	\$338.13	5710-71430-403440	9628801000 0
09/28/2015	788104	Montana Dakota Utilities Co	\$636.85	2600-55120-403440	2199244851 0
09/28/2015	788104	Montana Dakota Utilities Co	\$137.79	5130-85910-409340	1450 Cascade repair gas service line
09/28/2015	788104	Montana Dakota Utilities Co	\$23.74	5210-15950-403440	79915212090
09/28/2015	788114	Morrison Maierle Inc	\$1,415.46	5620-71200-409310	Convert Old Employee Parking Lot into Paid
09/28/2015	788114	Morrison Maierle Inc	\$14,952.11	4050-71250-409685	AIP-49 Construct Public Ramp North Side - CA -
09/28/2015	788114	Morrison Maierle Inc	\$1,661.34	4050-71250-409686	AIP-49 Construct Public Ramp North Side - CA -
09/28/2015	788114	Morrison Maierle Inc	\$21,661.92	4050-71250-409687	48" Micro Tunnel Under RW 10L/28R Design -
09/28/2015	788114	Morrison Maierle Inc	\$2,406.88	4050-71250-409689	48" Micro Tunnel Under RW 10L/28R Design -
09/28/2015	788114	Morrison Maierle Inc	\$5,436.90	4050-71250-409685	AIP 49 Pavement Condition Index Survey - Feder;

Check Date	Check	Name	Amount	Account	Item Desc
09/28/2015	788114	Morrison Maierle Inc	\$604.10	4050-71250-409686	AIP 49 Pavement Condition Index Survey - Local
09/28/2015	788117	Moulton Bellingham PC	\$2,700.50	0100-16110-403560	Inv. 113587, Watters Matter
09/28/2015	788117	Moulton Bellingham PC	\$800.00	5610-71100-403590	Invoice #113688. Jon Marchi Bankruptcy
09/28/2015	788118	MP Environmental Services Inc	\$60,310.80	5630-71220-409390	Demolition of Old Operations Building
09/28/2015	788119	MT Waterworks	\$389.62	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
09/28/2015	788119	MT Waterworks	\$2,370.72	5020-00000-141000	SYSTEMS PO NUM 298820
09/28/2015	788122	Napa Auto Parts	\$4.94	1500-22260-402320	661287
09/28/2015	788122	Napa Auto Parts	\$20.80	0100-51420-402320	661331
09/28/2015	788122	Napa Auto Parts	\$108.70	5410-31220-402320	661402
09/28/2015	788122	Napa Auto Parts	\$3.73	0100-51420-402320	661410
09/28/2015	788122	Napa Auto Parts	\$6.76	5410-31220-402320	661463
09/28/2015	788122	Napa Auto Parts	\$158.12	0100-51120-402320	661541
09/28/2015	788122	Napa Auto Parts	\$5.20	2110-31320-402320	661541
09/28/2015	788122	Napa Auto Parts	\$262.53	0100-51420-402320	661723
09/28/2015	788122	Napa Auto Parts	\$15.87	0100-51420-402320	662097
09/28/2015	788122	Napa Auto Parts	\$5.74	0100-51420-402320	662098
09/28/2015	788122	Napa Auto Parts	\$16.38	5410-31220-402320	6621369
09/28/2015	788122	Napa Auto Parts	\$410.29	5410-31220-402320	662175
09/28/2015	788122	Napa Auto Parts	\$7.29	5410-31220-402320	662350
09/28/2015	788122	Napa Auto Parts	\$8.28	5410-31220-402320	662447
09/28/2015	788122	Napa Auto Parts	\$7.03	1500-22260-402320	663047
09/28/2015	788122	Napa Auto Parts	-\$78.07	5410-31220-402320	663121
09/28/2015	788122	Napa Auto Parts	\$33.66	0100-51420-402320	663182
09/28/2015	788122	Napa Auto Parts	\$21.90	6010-15530-402320	663515
09/28/2015	788122	Napa Auto Parts	\$324.08	1500-21120-402320	663525
09/28/2015	788122	Napa Auto Parts	\$23.88	6010-15530-402650	663616
09/28/2015	788122	Napa Auto Parts	\$83.41	5120-84300-402320	663643
09/28/2015	788122	Napa Auto Parts	\$56.98	6500-15660-402320	663775
09/28/2015	788122	Napa Auto Parts	\$6.28	2110-31320-402320	664041
09/28/2015	788122	Napa Auto Parts	\$13.55	2110-31320-402320	664043
09/28/2015	788122	Napa Auto Parts	\$37.89	2110-31320-402320	664058
09/28/2015	788122	Napa Auto Parts	\$6.96	2110-31320-402320	664082
09/28/2015	788122	Napa Auto Parts	\$16.80	2110-31320-402320	664236
09/28/2015	788122	Napa Auto Parts	-\$6.96	2110-31320-402320	664265
09/28/2015	788122	Napa Auto Parts	\$199.80	1500-21120-402320	726506
09/28/2015	788122	Napa Auto Parts	\$199.80	2110-31320-402630	726506
09/28/2015	788122	Napa Auto Parts	\$99.90	6010-15530-402650	726506
09/28/2015	788122	Napa Auto Parts	\$101.71	5710-71440-402320	665228
09/28/2015	788122	Napa Auto Parts	\$32.28	5710-71440-402320	665228
09/28/2015	788122	Napa Auto Parts	\$337.03	5710-00000-141714	665228 PO NUM 298853
09/28/2015	788122	Napa Auto Parts	\$26.22	6010-00000-141000	662016 PO NUM 298852
09/28/2015	788122	Napa Auto Parts	\$9.74	6010-00000-141000	663495 PO NUM 298852
09/28/2015	788122	Napa Auto Parts	\$34.74	6010-00000-141000	664082 PO NUM 298852
09/28/2015	788122	Napa Auto Parts	\$6.00	6010-00000-141000	664165 PO NUM 298852
09/28/2015	788124	NorMont Equipment Company	\$446.96	2110-31320-402320	hose guide with kuffs for unit #1238 & 1239
09/28/2015	788124	NorMont Equipment Company	\$1,344.00	2110-31320-404710	emulsion for road patching machine
09/28/2015	788124	NorMont Equipment Company	\$577.50	2110-31320-402420	anchors for telspar
09/28/2015	788124	NorMont Equipment Company	\$147.00	2110-31320-402630	safety vest
09/28/2015	788124	NorMont Equipment Company	\$189.00	2110-31320-402290	white paint for locating
09/28/2015	788125	North West Floors	\$1,694.88	5620-71200-409290	Airline Ticket Counter Public Area Carpeting
09/28/2015	788125	North West Floors	\$1,610.88	5620-00000-201100	Retainage Release
09/28/2015	788127	NorthWestern Energy	\$5,472.12	5020-74000-403410	3116 17th St W
09/28/2015	788127	NorthWestern Energy	\$5,472.11	5020-74000-403410	3116 17th St W
09/28/2015	788127	NorthWestern Energy	\$6,141.93	5020-73140-403410	2251 Belknap
09/28/2015	788127	NorthWestern Energy	\$32,756.97	5020-74000-403410	2251 Belknap
09/28/2015	788127	NorthWestern Energy	\$122,838.62	5020-74000-403410	2251 Belknap
09/28/2015	788127	NorthWestern Energy	\$2,047.31	5120-83140-403410	2251 Belknap
09/28/2015	788127	NorthWestern Energy	\$286.18	5120-85000-403410	822 Shiloh Crossing
09/28/2015	788127	NorthWestern Energy	\$415.19	6600-31100-403410	17413147
09/28/2015	788127	NorthWestern Energy	\$622.78	6700-31410-403410	17413147
09/28/2015	788127	NorthWestern Energy	\$459.27	1500-22210-403410	FIRE6: MONTHLY ELECTIC SERVICE (1601
09/28/2015	788127	NorthWestern Energy	\$188.77	6070-22350-403410	07215809
09/28/2015	788127	NorthWestern Energy	\$13.61	0100-51120-403410	07222375
09/28/2015	788127	NorthWestern Energy	\$7.45	0100-51120-403410	07222474
09/28/2015	788127	NorthWestern Energy	\$278.75	0100-51120-403410	07222516
09/28/2015	788127	NorthWestern Energy	\$93.89	0100-51120-403410	07222557
09/28/2015	788127	NorthWestern Energy	\$95.57	0100-51120-403410	07222631
09/28/2015	788127	NorthWestern Energy	\$35.14	0100-51120-403410	07222664
09/28/2015	788127	NorthWestern Energy	\$15.70	0100-51120-403410	07222698
09/28/2015	788127	NorthWestern Energy	\$12.10	0100-51120-403410	07222920
09/28/2015	788127	NorthWestern Energy	\$58.99	0100-51120-403410	07222938
09/28/2015	788127	NorthWestern Energy	\$17.57	0100-51120-403410	07229057
09/28/2015	788127	NorthWestern Energy	\$314.57	0100-51120-403410	07230352
09/28/2015	788127	NorthWestern Energy	\$9.08	0100-51120-403410	07230360
09/28/2015	788127	NorthWestern Energy	\$191.46	0100-51120-403410	07230378
09/28/2015	788127	NorthWestern Energy	\$44.44	0100-51120-403410	07230428
09/28/2015	788127	NorthWestern Energy	\$109.84	0100-51120-403410	07230485

Check Date	Check	Name	Amount	Account	Item Desc
09/28/2015	788127	NorthWestern Energy	\$177.69	0100-51120-403410	07230501
09/28/2015	788127	NorthWestern Energy	\$501.26	0100-51120-403410	07230543
09/28/2015	788127	NorthWestern Energy	\$18.27	0100-51120-403410	07230550
09/28/2015	788127	NorthWestern Energy	\$75.24	0100-51120-403410	07230568
09/28/2015	788127	NorthWestern Energy	\$11.51	0100-51120-403410	07230576
09/28/2015	788127	NorthWestern Energy	\$28.95	0100-51120-403410	07230584
09/28/2015	788127	NorthWestern Energy	\$332.75	0100-51120-403410	07229339
09/28/2015	788127	NorthWestern Energy	\$7.45	0100-51120-403410	07231624
09/28/2015	788127	NorthWestern Energy	\$7.45	0100-51120-403410	07236441
09/28/2015	788127	NorthWestern Energy	\$7.45	0100-51120-403410	07236458
09/28/2015	788127	NorthWestern Energy	\$23.27	0100-51120-403410	07894371
09/28/2015	788127	NorthWestern Energy	\$1,615.73	5020-74000-403410	Airport Rd Waldo
09/28/2015	788127	NorthWestern Energy	\$51,887.82	5120-84000-403410	725 Us HWY 87 E
09/28/2015	788127	NorthWestern Energy	\$27.15	5610-71130-403410	1647695-4. De-Icer. September 2015
09/28/2015	788127	NorthWestern Energy	\$51.42	5610-71170-403410	1138926-9. Aero Interiors. September 2015
09/28/2015	788127	NorthWestern Energy	\$2,356.85	5610-71130-403410	0100483-7. Runway Lights. September 2015
09/28/2015	788127	NorthWestern Energy	\$1,780.06	5610-71130-403410	0100484-5. ARFF Facility. September 2015
09/28/2015	788127	NorthWestern Energy	\$852.75	5610-71170-403410	1669567-8. TSA Building. September 2015
09/28/2015	788127	NorthWestern Energy	\$1,925.11	5610-71190-403410	1993430-6. Car Wash. September 2015
09/28/2015	788127	NorthWestern Energy	\$378.48	5610-71190-403410	2001846-1. Mud Wash. September 2015
09/28/2015	788127	NorthWestern Energy	\$251.73	5610-71190-403410	2001848-7. Detail Bay 1 Hertz. September 2015
09/28/2015	788127	NorthWestern Energy	\$306.15	5610-71190-403410	2001855-2. Detail Bay 2 National/Alamo.
09/28/2015	788127	NorthWestern Energy	\$206.12	5610-71190-403410	2001862-8. Detail Bay 3 Enterprise. September
09/28/2015	788127	NorthWestern Energy	\$203.21	5610-71190-403410	2001865-1. Detail Bay 4 Avis/Budget. September
09/28/2015	788127	NorthWestern Energy	\$117.83	5610-71190-403410	2001867-7. Detail Bay 5 Thrifty/Dollar. September
09/28/2015	788127	NorthWestern Energy	\$63.57	5610-71130-403410	3085107-5. New Employee Parking Lot.
09/28/2015	788127	NorthWestern Energy	\$3,035.94	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE - ACCT
09/28/2015	788132	Progressive Services Inc	\$3,440.46	5620-71200-409290	IP-9 Roofing
09/28/2015	788132	Progressive Services Inc	\$5,313.89	5620-00000-201100	Retainage Release
09/28/2015	788132	Progressive Services Inc	\$7,214.62	5620-00000-201100	Retainage Release
09/28/2015	788133	Public Utilities	\$2,143.28	5120-84000-403420	111176
09/28/2015	788133	Public Utilities	\$1,237.27	8720-51980-403420	164211
09/28/2015	788133	Public Utilities	\$2,196.35	8720-51980-403420	164212
09/28/2015	788133	Public Utilities	\$1,996.54	8720-51980-403420	166674
09/28/2015	788133	Public Utilities	\$2,492.62	8720-51980-403420	175850
09/28/2015	788133	Public Utilities	\$248.84	8720-51980-403420	176577
09/28/2015	788133	Public Utilities	\$1,575.03	8720-51980-403420	180090
09/28/2015	788133	Public Utilities	\$12.22	8720-51980-403420	180092
09/28/2015	788133	Public Utilities	\$105.58	8720-51980-403420	180091
09/28/2015	788140	Red Oxx Mfg Inc	\$2,500.00	1500-22290-402690	FIRE: EMS/AMR STYLE PACKS, BLACK
09/28/2015	788161	Sunset Excavation	\$19,780.20	5030-75910-409340	PBD017 Lead Service Replacements
09/28/2015	788161	Sunset Excavation	\$1,683.00	5030-75910-409340	PBD017 Lead Service Replacements CO#1
09/28/2015	788168	Town & Country Supply Association	\$20,103.48	6010-00000-141000	213957 PO NUM 298857
09/28/2015	788168	Town & Country Supply Association	\$261.90	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
09/28/2015	788168	Town & Country Supply Association	\$576.20	1500-22260-402310	215053: FIRE1 - UNLEADED DELIVERED
09/28/2015	788168	Town & Country Supply Association	\$474.24	1500-22260-402310	215053: FIRE 1 - DIESEL DELIVERED
09/28/2015	788168	Town & Country Supply Association	\$288.10	1500-22260-402310	215054: FIRE 5 - UNLEADED DELIVERED
09/28/2015	788168	Town & Country Supply Association	\$458.43	1500-22260-402310	215054: FIRE 5: DIESEL DELIVERED 9/16/2015
09/28/2015	788168	Town & Country Supply Association	\$13,757.85	6010-00000-141000	213948 PO NUM 298807
09/28/2015	788168	Town & Country Supply Association	\$17,635.21	5610-71180-402313	Invoice #215168. QTA Car Rental Fuel
09/28/2015	788169	Tractor & Equipment Co.	\$313.87	5410-31230-402320	Parts for Landfill Equipment
09/28/2015	788169	Tractor & Equipment Co.	\$1,006.02	5410-31230-402320	Parts for Landfill Equipment
09/28/2015	788169	Tractor & Equipment Co.	\$1,304.10	5410-31230-402320	Parts for Landfill Equipemtn
09/28/2015	788179	Valmont Composite Structures	\$3,130.80	2110-00000-141318	STREET LIGHTS PO NUM 298774
09/28/2015	788180	Verizon Wireless	\$537.59	5610-71100-403450	Airport
09/28/2015	788180	Verizon Wireless	\$349.95	1500-21700-403450	Animal Shelter
09/28/2015	788180	Verizon Wireless	\$86.46	7170-21660-403450	CCSIU
09/28/2015	788180	Verizon Wireless	\$55.97	0100-16110-403450	Legal
09/28/2015	788180	Verizon Wireless	\$53.02	1500-22250-403450	Comm Center 911
09/28/2015	788180	Verizon Wireless	\$67.17	6500-15650-403450	Facilites BOC
					Plus 70% of 406-672-3027
09/28/2015	788180	Verizon Wireless	\$89.69	6500-15670-403450	Facilities City Hall
					Plus 30% of 406-672-3027
09/28/2015	788180	Verizon Wireless	\$79.22	0100-15120-403450	Finance Pat Weber
09/28/2015	788180	Verizon Wireless	\$898.05	1500-22210-403450	Fire Department
09/28/2015	788180	Verizon Wireless	\$74.03	0100-17500-403450	Human Resources
09/28/2015	788180	Verizon Wireless	\$13.19	6200-19130-403450	ITD GIS
09/28/2015	788180	Verizon Wireless	\$13.19	6200-19110-403450	ITD
09/28/2015	788180	Verizon Wireless	\$33.22	2600-55170-403450	Library Outreach
09/28/2015	788180	Verizon Wireless	\$367.20	2600-55120-403450	Library
09/28/2015	788180	Verizon Wireless	\$42.91	0100-11000-403450	Mayor
09/28/2015	788180	Verizon Wireless	\$67.16	6010-15500-403450	Motor Poo
09/28/2015	788180	Verizon Wireless	\$250.89	0100-12200-403450	Drug Court
09/28/2015	788180	Verizon Wireless	\$87.91	0100-12120-403450	Municipal Court Judge
09/28/2015	788180	Verizon Wireless	\$13.19	2400-43010-403450	Planning
09/28/2015	788180	Verizon Wireless	\$3,851.87	1500-21110-403450	Police

Check Date	Check	Name	Amount	Account	Item Desc
					Police Forensic 406-794-6880
09/28/2015	788180	Verizon Wireless	\$90.94	2510-21870-403450	406-698-7323
09/28/2015	788180	Verizon Wireless	\$722.11	1500-21110-403450	Police Resource Officers
09/28/2015	788180	Verizon Wireless	\$29.71	2490-21960-403450	Police DV 406-698-1391
09/28/2015	788180	Verizon Wireless	\$102.38	5210-15210-403450	Parking
09/28/2015	788180	Verizon Wireless	\$158.34	0100-51100-403450	PRPL Admin
09/28/2015	788180	Verizon Wireless	\$582.85	0100-51210-403450	PRPL Recreation
09/28/2015	788180	Verizon Wireless	-\$100.49	0100-51210-403450	PRPL Seasona
09/28/2015	788180	Verizon Wireless	\$70.13	0100-51400-403450	Cemetery
09/28/2015	788180	Verizon Wireless	\$44.00	0100-51120-403450	Parks PMD
09/28/2015	788180	Verizon Wireless	\$977.99	0100-51120-403450	Parks
09/28/2015	788180	Verizon Wireless	\$220.63	0100-51120-403450	Parks Irrigation
09/28/2015	788180	Verizon Wireless	\$19.24	6600-31100-403450	Public Works Admin
09/28/2015	788180	Verizon Wireless	\$240.49	2090-44510-403450	Building
09/28/2015	788180	Verizon Wireless	\$246.96	6700-31410-403450	Engineering
09/28/2015	788180	Verizon Wireless	\$217.10	5410-31210-403450	Solid Waste
09/28/2015	788180	Verizon Wireless	\$341.58	2110-31320-403450	Streets
09/28/2015	788180	Verizon Wireless	\$532.18	5410-31230-403450	Solid Waste On Call
09/28/2015	788180	Verizon Wireless	\$487.28	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution & Collection 40\$ 5120-85000-403450
09/28/2015	788180	Verizon Wireless	\$324.86	5120-85000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution & Collection 40\$ 5120-85000-403450
09/28/2015	788180	Verizon Wireless	\$871.09	5020-74000-403450	Water Treatment PWBelknap-WT
09/28/2015	788180	Verizon Wireless	\$442.50	5020-73120-403450	PWBLKNP MTRSHOP
09/28/2015	788180	Verizon Wireless	\$69.85	5020-73110-403450	Belknap Office 60% 5020-73110-403450 Belknap Office 40\$ 5120-83110-403450
09/28/2015	788180	Verizon Wireless	\$46.58	5120-83110-403450	Belknap Office 60% 5020-73110-403450 Belknap Office 40\$ 5120-83110-403450
09/28/2015	788180	Verizon Wireless	\$89.65	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450 PWBLKNP STORES 25% 5120-83140-403450
09/28/2015	788180	Verizon Wireless	\$29.89	5120-83140-403450	PWBLKNP STORES 75% 5020-73140-403450 PWBLKNP STORES 25% 5120-83140-403450
09/28/2015	788180	Verizon Wireless	\$957.75	5120-84000-403450	Wastewater Treatment Plan
09/28/2015	788180	Verizon Wireless	\$26.35	6060-19310-403450	TeleComm Manage
09/28/2015	788180	Verizon Wireless	\$93.57	5710-71420-403160	On Call MET
09/28/2015	788180	Verizon Wireless	\$39.86	5710-71410-403450	MET Transit
09/28/2015	788180	Verizon Wireless	\$97.43	0100-43210-403450	Code Enforcement
09/28/2015	788180	Verizon Wireless	\$1,006.78	0100-51120-403450	Parks Seasona
09/28/2015	788180	Verizon Wireless	\$221.95	5020-74000-403450	PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-403450 50% 5120-84300-403450 PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-403450
09/28/2015	788180	Verizon Wireless	\$221.95	5120-84300-403450	50% 5120-84300-403450
09/28/2015	788180	Verizon Wireless	\$71.11	1500-21700-403450	Animal Shelter MDT
09/28/2015	788180	Verizon Wireless	\$640.76	7170-21660-403450	CCSIU Cell/PTT
09/28/2015	788180	Verizon Wireless	\$40.01	7170-21660-403450	CCSIU Air Card
09/28/2015	788180	Verizon Wireless	\$80.02	7170-21660-403450	CCSIU RAVEN
09/28/2015	788180	Verizon Wireless	\$40.01	0100-13130-403450	City Administration 406-839-4295 Bruce McCandless iPad
09/28/2015	788180	Verizon Wireless	\$80.04	0100-43210-403450	Code Enforcement Air Cards
09/28/2015	788180	Verizon Wireless	\$40.01	1500-22210-403450	Fire MiFi 406-839-3253
09/28/2015	788180	Verizon Wireless	\$40.01	2200-22330-402410	Fire HAZMAT MDT 406-670-1284
09/28/2015	788180	Verizon Wireless	\$840.27	1500-22210-403450	Fire MDT
09/28/2015	788180	Verizon Wireless	\$40.01	6200-19110-403450	ITD
09/28/2015	788180	Verizon Wireless	\$80.02	2600-55170-403450	Library Outreach Air Cards
09/28/2015	788180	Verizon Wireless	\$4,168.87	1500-21110-403450	Police MDT Toughbooks
09/28/2015	788180	Verizon Wireless	\$470.28	5710-71470-403160	MET Transit Tablets
09/28/2015	788180	Verizon Wireless	\$40.01	1500-21110-403450	Police ICAC 406-690-7347
09/28/2015	788180	Verizon Wireless	\$40.01	1500-21110-403450	Police MiFi 406-633-0820
09/28/2015	788180	Verizon Wireless	\$40.01	1500-21110-403450	Police US Marshall Toughbooks
09/28/2015	788180	Verizon Wireless	\$40.01	0100-51120-403450	PRPL-PARKS PMD Air Card 406-794-6977
09/28/2015	788180	Verizon Wireless	\$240.06	2090-44510-403450	PW-Building Air Cards
09/28/2015	788180	Verizon Wireless	\$264.06	5020-75000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450 40% 5120-85000-403450
09/28/2015	788180	Verizon Wireless	\$176.05	5120-85000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450 40% 5120-85000-403450
09/28/2015	788180	Verizon Wireless	\$140.06	6700-31410-403450	PW Engineering

Check Date	Check	Name	Amount	Account	Item Desc
09/28/2015	788180	Verizon Wireless	\$70.03	2110-31320-403450	PW-Streets 406-697-0361 iPad 406-633-1991 iPad PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450
09/28/2015	788180	Verizon Wireless	\$18.02	5020-75000-403450	40% 5120-85000-403450 PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450
09/28/2015	788180	Verizon Wireless	\$12.00	5120-85000-403450	40% 5120-85000-403450 Meter Reader Account 4420118965-00001 502-73120-403450
09/28/2015	788180	Verizon Wireless	\$139.17	2110-31320-403450	Streets School Flasher Project 2110-31320-403450 Meter Reader Account 4420118965-00001 502-73120-403450 Streets School Flasher Project
09/28/2015	788180	Verizon Wireless	\$180.24	5020-73120-403450	2110-31320-403450
09/28/2015	788180	Verizon Wireless	\$120.03	7170-21660-403450	CCSIU MDT PRPL-REC-AIR-CARD
09/28/2015	788180	Verizon Wireless	-\$33.54	0100-51210-403450	406-697-1336 Batting Cage 406-697-1448 Rose Park PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
09/28/2015	788180	Verizon Wireless	\$962.95	5020-75000-402120	5120-85000-403450 40% PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
09/28/2015	788180	Verizon Wireless	\$247.81	5020-75000-403450	5120-85000-403450 40% PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
09/28/2015	788180	Verizon Wireless	\$641.96	5120-85000-402120	5120-85000-403450 40% PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
09/28/2015	788180	Verizon Wireless	\$165.21	5120-85000-403450	5120-85000-403450 40% POLICE IPAD ST JOHN 406-690-5955 POLICE IPAD HAFNER 406-690-2161
09/28/2015	788180	Verizon Wireless	\$80.02	1500-21110-403450	1500-21110-403450 PW-STREETS CITY WORKS
09/28/2015	788180	Verizon Wireless	\$240.06	2110-31320-403450	2110-31320-403450 PARKING 406-690-5822
09/28/2015	788180	Verizon Wireless	\$40.01	5210-15210-403450	5210-15210-403450 PWBLKNP COMM-METER CITYWORK/NEPTUNE METER
09/28/2015	788180	Verizon Wireless	\$3,797.22	5020-73120-402120	5020-73120-403450 PWBLKNP COMM-METER CITYWORK/NEPTUNE METER
09/28/2015	788180	Verizon Wireless	\$496.93	5020-73120-403450	5020-73120-403450
09/28/2015	788185	Wilbur Ellis Co	\$1,428.00	8730-51990-403650	Invoice 9388138, wg pro summer and cust dr
09/28/2015	788185	Wilbur Ellis Co	\$1,580.50	8730-51990-403650	Invoice 9384579, speed zone, R-11, and confront
09/28/2015	788190	Yellowstone Valley Animal Shelter	\$22,146.92	1500-21700-403990	contract 8-22-15\9-21-15

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Payment of Claims October 5, 2015

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$4,492,997.68 have been audited and are presented for City Council payment approval. A complete listing of the claims dated October 5, 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 10-05-2015

Check Date	Check	Name	Amount	Account	Item Desc
09/29/2015	788192	Eaton Land Development Partnership LLP	\$194,836.45	4160-74930-409120	WO 08-25 Zone 3 Reservoir - Arbitration Award
10/05/2015	788196	A & I Distributors	\$74.16	5410-31230-402290	windshield washer fluid for the Landfill
10/05/2015	788196	A & I Distributors	\$513.67	6010-00000-141000	2692282 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$2,403.59	6010-00000-141000	2692282 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$100.72	6010-00000-141000	2693126 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$40.35	1500-21120-402320	2692282
10/05/2015	788196	A & I Distributors	\$39.80	2110-31320-402320	2692282
10/05/2015	788196	A & I Distributors	\$39.80	5410-31220-402320	2692282
10/05/2015	788196	A & I Distributors	\$218.90	5410-31230-402310	Oil for Landfill Equipment
10/05/2015	788196	A & I Distributors	\$1,846.90	5710-00000-141714	2694403 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$433.95	5710-00000-141714	2694717 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$657.25	6010-00000-141000	2694269 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$1,249.98	5610-71130-402310	Invoice #2697569. Equipment Oil
10/05/2015	788196	A & I Distributors	\$4,412.91	6010-00000-141000	2698002 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$91.20	6010-00000-141000	2698002 PO NUM 298247
10/05/2015	788196	A & I Distributors	\$155.46	5710-71440-402320	2697355
10/05/2015	788202	Allstates Coating Company	\$10,549.00	2110-31320-402340	White paint totes
10/05/2015	788202	Allstates Coating Company	\$10,549.00	2110-31320-402340	Yellow paint totes
10/05/2015	788202	Allstates Coating Company	\$4,776.00	2110-31320-402340	4 pallets of 5gallon buckets of white
10/05/2015	788206	Archie Cochrane	\$3,382.86	6300-17530-407310	Inv. #834486-1 BPD #1570 #2015-104
10/05/2015	788207	Asphalt Plus Inc	\$21,018.84	2100-51510-409390	WO 13-20 Arrowhead School Path
10/05/2015	788207	Asphalt Plus Inc	\$3,257.94	2360-43700-409370	WO 13-20 Arrowhead School Path
10/05/2015	788207	Asphalt Plus Inc	\$5,667.76	2100-51510-409390	WO 13-20 Arrowhead School Path
10/05/2015	788207	Asphalt Plus Inc	\$878.52	2360-43700-409370	WO 13-20 Arrowhead School Path
10/05/2015	788213	Billings Depot Inc	\$5,366.67	6600-31100-405310	Rent
10/05/2015	788213	Billings Depot Inc	\$8,050.00	6700-31410-405310	Rent
10/05/2015	788215	Billings Industrial Revitalization District Inc	\$42,000.00	2010-15070-407946	BIRD TIF Mgmt 2nd Qtr FY 2016
10/05/2015	788220	Business Tax Section	\$1,948.27	5030-75910-409340	WO 14-13 Elysian Area Water & Sewer
10/05/2015	788220	Business Tax Section	\$3,922.12	5130-85910-409340	WO 14-13 Elysian Area Water & Sewer
10/05/2015	788220	Business Tax Section	\$14,061.28	4260-31840-409310	WO 12-31 East End Storm Drain Phase II
10/05/2015	788220	Business Tax Section	\$1,783.12	1500-22260-409250	1% CONTRACTOR'S GROSS RECEIPTS: EMPIRE ROOFING: REPLACED ROOF AT
10/05/2015	788220	Business Tax Section	\$338.10	5610-71130-403660	Airfield Surface Painted Hold Signs Upgrades
10/05/2015	788220	Business Tax Section	\$3,204.41	8400-31840-409310	WO 12-31 Yegen Drain Phase 1
10/05/2015	788220	Business Tax Section	\$212.31	2100-51510-409390	WO 13-20 Arrowhead School Path
10/05/2015	788220	Business Tax Section	\$32.91	2360-43700-409370	WO 13-20 Arrowhead School Path
10/05/2015	788220	Business Tax Section	\$57.25	2100-51510-409390	WO 13-20 Arrowhead School Path
10/05/2015	788220	Business Tax Section	\$8.87	2360-43700-409370	WO 13-20 Arrowhead School Path
10/05/2015	788220	Business Tax Section	\$2,549.42	5030-75910-409340	WO 15-01 2015 Water Sch 3 - 17th St West
10/05/2015	788220	Business Tax Section	\$800.82	2100-31100-409311	WO 15-05 Poly Drive Bike/Pedestrian
10/05/2015	788220	Business Tax Section	\$286.00	8450-31860-409310	WO 15-05 Poly Drive Bike/Pedestrian
10/05/2015	788220	Business Tax Section	\$306.39	8450-31860-409310	WO 15-05 Poly Drive Bike/Pedestrian
10/05/2015	788220	Business Tax Section	\$5,946.37	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion; CO #
10/05/2015	788220	Business Tax Section	\$1,688.07	8730-51990-409370	business tax for pioneer and castle rock parks
10/05/2015	788226	Civicplus	\$5,049.56	6200-19110-403552	2nd Quarterly Fee for Hosting and Support
10/05/2015	788226	Civicplus	\$248.75	6200-19110-403552	2nd Quarterly Fees CivicSend IT
10/05/2015	788226	Civicplus	\$248.75	5610-71100-403961	2nd Quarterly Fees Airport CivicSend
10/05/2015	788230	Connor's Garage Door Service	\$4,900.00	5610-71120-402450	Invoice #4007. Replacement door & operator from
10/05/2015	788231	Cop Construction Co	\$252,392.58	5030-75910-409340	WO 15-01 2015 Water Sch 3 - 17th St West
10/05/2015	788231	Cop Construction Co	\$1,392,067.37	4260-31840-409310	WO 12-31 East End Storm Drain Phase II
10/05/2015	788239	Dixie Petro-Chem	\$3,092.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
10/05/2015	788239	Dixie Petro-Chem	\$3,668.00	8730-51990-403690	Invoice for DPC industries
10/05/2015	788239	Dixie Petro-Chem	\$3,406.00	8730-51990-403690	Invoice 72007901 for DPC industries
10/05/2015	788239	Dixie Petro-Chem	\$326.74	0100-51260-402290	Invoice 727000270-15 for DPC industries
10/05/2015	788245	Empire Roofing Inc	\$178,312.15	1500-22260-409250	FIRE1: ROOF REPLACEMENT / BASE BID
10/05/2015	788245	Empire Roofing Inc	-\$1,783.12	1500-22260-409250	MT STATE GROSS CONTRACTORS RECEIPT
10/05/2015	788247	Energy Laboratories Inc	\$4,080.00	5120-84000-403590	b15090985 influent & effluent
10/05/2015	788258	Good Earth Works Co Inc The	\$167,118.93	8730-51990-409370	Pioneer and Castle Rock Parks Tennis Courts
10/05/2015	788263	HDR, Inc.	\$173,281.12	5130-84910-409390	WO 14-11 WWTP Nutrient Upgrade Expansion &
10/05/2015	788263	HDR, Inc.	\$20,611.21	5030-74910-409390	WO 15-10 WTP Chemical Building/Disinfection
10/05/2015	788267	Iaff	\$4,472.14	9000-00000-209920	Payroll Summary
10/05/2015	788272	Jares Fence Company Inc.	\$4,827.17	5610-71130-403655	Invoice #23575. Supplies to replace the security
10/05/2015	788277	Kadrmass Lee & Jackson	\$10,117.11	5030-74910-409390	WO 15-18 WTP Clearwell No. 2 Re-coat
10/05/2015	788279	Kato Engineering Inc	\$18,213.00	5120-84300-402360	8P6-1550 Kato Sn 89634 Generator
10/05/2015	788283	Knife River (JTL Group Inc.)	\$33,471.90	5610-71130-403660	Airfield Surface Painted Hold Signs Upgrades
10/05/2015	788283	Knife River (JTL Group Inc.)	\$366.12	2110-31320-404520	3/8" chips
10/05/2015	788283	Knife River (JTL Group Inc.)	\$2,062.41	2110-31320-404710	asphalt
10/05/2015	788283	Knife River (JTL Group Inc.)	\$416.00	2110-31320-404160	Concrete for Donegal ct/Ave F & 15th
10/05/2015	788286	Lenovo (United States) Inc	\$8,900.00	6200-19110-402925	(2) Lenovo System x3100 M5 Airport & BOC
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4049 & 4048: ENGINE 1 AND ENGINE 3
10/05/2015	788291	M.A.R.S. of Billings	\$1,814.00	1500-22260-403620	4059 ENGINE 2 AND 4048 ENGINE 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4050 ENGINE 5 AND 4051 ENGINE 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4093 ENGINE 6
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4062 ENGINE 11 AND 4061 ENGINE 33
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4053 TRUCK 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4060 TRUCK 5

Check Date	Check	Name	Amount	Account	Item Desc
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4096 SQUAD 3 AND 4097 SQUAD 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4088 TENDER 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4064 TENDER 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4072 MAC 6 (AIR VAN)
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4068 HAMMER 55
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4070 BRUSH 5 AND 4057 BRUSH 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4089 RESCUE 2
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4049 & 4048: ENGINE 1 AND ENGINE 3
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4059 ENGINE 2 AND 4048 ENGINE 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4050 ENGINE 5 AND 4051 ENGINE 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4093 ENGINE 6
10/05/2015	788291	M.A.R.S. of Billings	\$1,502.00	1500-22260-403620	4062 ENGINE 11 AND 4061 ENGINE 33
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4053 TRUCK 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4060 TRUCK 5
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4096 SQUAD 3 AND 4097 SQUAD 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4088 TENDER 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4064 TENDER 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4072 MAC 6 (AIR VAN)
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4068 HAMMER 55
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4070 BRUSH 5 AND 4057 BRUSH 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4089 RESCUE 2
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4049 & 4048: ENGINE 1 AND ENGINE 3
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4059 ENGINE 2 AND 4048 ENGINE 4
10/05/2015	788291	M.A.R.S. of Billings	\$1,821.00	1500-22260-403620	4050 ENGINE 5 AND 4051 ENGINE 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4093 ENGINE 6
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4062 ENGINE 11 AND 4061 ENGINE 33
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4053 TRUCK 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4060 TRUCK 5
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4096 SQUAD 3 AND 4097 SQUAD 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4088 TENDER 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4064 TENDER 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4072 MAC 6 (AIR VAN)
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4068 HAMMER 55
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4070 BRUSH 5 AND 4057 BRUSH 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4089 RESCUE 2
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4049 & 4048: ENGINE 1 AND ENGINE 3
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4059 ENGINE 2 AND 4048 ENGINE 4
10/05/2015	788291	M.A.R.S. of Billings	\$1,821.00	1500-22260-403620	4050 ENGINE 5 AND 4051 ENGINE 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4093 ENGINE 6
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4062 ENGINE 11 AND 4061 ENGINE 33
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4053 TRUCK 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4060 TRUCK 5
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4096 SQUAD 3 AND 4097 SQUAD 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4088 TENDER 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4064 TENDER 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4072 MAC 6 (AIR VAN)
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4068 HAMMER 55
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4070 BRUSH 5 AND 4057 BRUSH 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4089 RESCUE 2
10/05/2015	788291	M.A.R.S. of Billings	\$1,660.00	1500-22260-403620	4049 & 4048: ENGINE 1 AND ENGINE 3
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4059 ENGINE 2 AND 4048 ENGINE 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4050 ENGINE 5 AND 4051 ENGINE 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4093 ENGINE 6
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4062 ENGINE 11 AND 4061 ENGINE 33
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4053 TRUCK 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4060 TRUCK 5
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4096 SQUAD 3 AND 4097 SQUAD 4
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4088 TENDER 1
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4064 TENDER 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4072 MAC 6 (AIR VAN)
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4068 HAMMER 55
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4070 BRUSH 5 AND 4057 BRUSH 7
10/05/2015	788291	M.A.R.S. of Billings	\$0.00	1500-22260-403620	4089 RESCUE 2
10/05/2015	788292	Mailing Technical Services	\$107.52	5210-15210-403110	parking - special inserts only
10/05/2015	788292	Mailing Technical Services	\$735.84	0100-15120-403110	Finance
10/05/2015	788292	Mailing Technical Services	\$4,867.53	6050-15150-403110	Postage Fund (weekly bills)
10/05/2015	788296	Montana CSED	\$4,354.79	9000-00000-209926	Payroll Summary
10/05/2015	788299	Montana Legislative Services	\$326.67	0100-12120-403390	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$653.34	0100-12200-403210	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$326.62	0100-13140-403240	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$326.67	0100-15120-403390	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$1,633.35	0100-16110-403220	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$653.34	1500-21500-403210	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$326.67	2600-55190-403220	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$326.67	5610-71100-403390	MCA Invoice
10/05/2015	788299	Montana Legislative Services	\$326.67	6700-31410-403390	MCA Invoice
10/05/2015	788300	Montana Lines Inc	\$79,280.67	2100-31100-409311	WO 15-05 Poly Drive Bike/Pedestrian

Check Date	Check	Name	Amount	Account	Item Desc
10/05/2015	788300	Montana Lines Inc	\$28,314.11	8450-31860-409310	WO 15-05 Poly Drive Bike/Pedestrian
10/05/2015	788300	Montana Lines Inc	\$30,332.61	8450-31860-409310	WO 15-05 Poly Drive Bike/Pedestrian
10/05/2015	788304	Montana State Fireman's Assoc	\$3,374.33	9000-00000-209924	Payroll Summary
10/05/2015	788305	Morrison Maierle Inc	\$25,476.03	8400-31840-409310	WO 12-31 East End Industrial Storm Drain; Fund
10/05/2015	788305	Morrison Maierle Inc	\$83,036.80	4260-31840-409310	WO 12-31 East End Industrial Storm Drain; Fund
10/05/2015	788305	Morrison Maierle Inc	\$55,457.63	5130-85910-409340	WO 15-01 Sch 2 2015 Sewer Main Replacement
10/05/2015	788310	MT Waterworks	\$2,480.85	5030-75910-409340	pipe burst n 14th valves
10/05/2015	788310	MT Waterworks	\$233.82	5020-00000-141000	SYSTEMS PO NUM 298828
10/05/2015	788314	NorthWestern Energy	\$7,064.84	6500-15670-403410	01005073
10/05/2015	788314	NorthWestern Energy	\$493.35	1500-22210-403410	07125370
10/05/2015	788314	NorthWestern Energy	\$96.55	0100-51220-403410	07126832
10/05/2015	788314	NorthWestern Energy	\$352.12	5210-15950-403410	07208291
10/05/2015	788314	NorthWestern Energy	\$1,405.56	5210-15920-403410	07208341
10/05/2015	788314	NorthWestern Energy	\$395.08	1500-22210-403410	07208408
10/05/2015	788314	NorthWestern Energy	\$2,016.33	5020-74000-403410	07222524
10/05/2015	788314	NorthWestern Energy	\$605.79	0100-51120-403410	07222573
10/05/2015	788314	NorthWestern Energy	\$347.07	0100-51120-403410	07222607
10/05/2015	788314	NorthWestern Energy	\$24.21	0100-51120-403410	07222615
10/05/2015	788314	NorthWestern Energy	\$24.11	0100-51120-403410	07222623
10/05/2015	788314	NorthWestern Energy	\$119.68	0100-51120-403410	07222656
10/05/2015	788314	NorthWestern Energy	\$11.85	0100-51120-403410	07222680
10/05/2015	788314	NorthWestern Energy	\$0.00	0100-51120-403410	07230279
10/05/2015	788314	NorthWestern Energy	\$43.95	0100-51120-403410	07230386
10/05/2015	788314	NorthWestern Energy	\$4,317.46	5020-74000-403410	07230436
10/05/2015	788314	NorthWestern Energy	\$867.93	0100-51120-403410	07230444
10/05/2015	788314	NorthWestern Energy	\$26.78	0100-51120-403410	07230519
10/05/2015	788314	NorthWestern Energy	\$65.70	0100-51120-403410	07230527
10/05/2015	788314	NorthWestern Energy	\$9.30	0100-51120-403410	07230907
10/05/2015	788314	NorthWestern Energy	\$982.39	0100-51120-403410	07231707
10/05/2015	788314	NorthWestern Energy	\$7.45	0100-51120-403410	08317026
10/05/2015	788314	NorthWestern Energy	\$167.33	8720-51980-403410	10590933
10/05/2015	788314	NorthWestern Energy	\$1,010.15	5210-15910-403410	15942824
10/05/2015	788314	NorthWestern Energy	\$1,459.84	5210-15910-403410	15696362
10/05/2015	788314	NorthWestern Energy	\$147.74	5710-71480-403410	17847567
10/05/2015	788314	NorthWestern Energy	\$221.40	1500-21150-403410	19841501
10/05/2015	788314	NorthWestern Energy	\$330.25	1500-21150-403410	19841550
10/05/2015	788314	NorthWestern Energy	\$1,349.95	5210-15940-403410	30674162
10/05/2015	788314	NorthWestern Energy	\$24.77	5710-71480-403410	07127640
10/05/2015	788314	NorthWestern Energy	\$75.79	5610-71170-403410	1341295-2. Old Big Sky Ground (CW) Closing
10/05/2015	788314	NorthWestern Energy	\$19.24	5610-71170-403410	1341291-1. Old Enterprise Car Wash. Closing
10/05/2015	788314	NorthWestern Energy	\$61.33	5610-71130-403410	0719616-5. ARFF Facility Lights. September 2015
10/05/2015	788314	NorthWestern Energy	\$272.95	5610-71170-403410	0712792-1. IP-7. September 2015
10/05/2015	788314	NorthWestern Energy	\$16.76	5610-71170-403410	0712799-6. IP-8. September 2015
10/05/2015	788314	NorthWestern Energy	\$1,571.41	5610-71170-403410	0712800-2. IP-9. September 2015
10/05/2015	788314	NorthWestern Energy	\$111.90	5610-71170-403410	0712809-3. IP-11. September 2015
10/05/2015	788314	NorthWestern Energy	\$16.76	5610-71170-403410	0712817-6. IP-House. September 2015
10/05/2015	788314	NorthWestern Energy	\$59.08	0100-51410-403410	07125396
10/05/2015	788314	NorthWestern Energy	\$10.70	0100-51120-403410	09208018
10/05/2015	788314	NorthWestern Energy	\$266.80	0100-51120-403410	11412848
10/05/2015	788314	NorthWestern Energy	\$1,155.07	0100-51120-403410	11607801
10/05/2015	788314	NorthWestern Energy	\$15.00	0100-51410-403410	16352890
10/05/2015	788314	NorthWestern Energy	\$23.15	0100-51120-403410	30208375
10/05/2015	788314	NorthWestern Energy	\$449.70	1500-22210-403410	FIRE6: MONTHLY ELECTIC SERVICE (1601
10/05/2015	788322	Petty Cash CCSIU	\$3,695.95	7180-21600-407910	Reimbursement of Petty Cash to CCSIU. Receipts:
10/05/2015	788326	Qwest Communications	\$91.58	5610-71120-403450	Qwest 406-252-9412 Airport
10/05/2015	788326	Qwest Communications	\$47.09	5710-71410-403450	Qwest 406-254-7038 MET Transit
10/05/2015	788326	Qwest Communications	\$7,304.74	2250-22320-403450	Qwest 406-255-9700 E911
10/05/2015	788326	Qwest Communications	\$45.79	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
10/05/2015	788326	Qwest Communications	\$47.80	0100-51120-403450	Qwest 406-652-5507 Parks
10/05/2015	788326	Qwest Communications	\$32.05	2110-31320-403450	Qwest 406-652-8104 PW Traffic Signal 24
10/05/2015	788326	Qwest Communications	\$34.46	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
10/05/2015	788326	Qwest Communications	\$45.79	1500-22250-403450	Qwest 406-655-0728 Fire Maintenance Shop
10/05/2015	788326	Qwest Communications	\$31.17	0100-51120-403450	Qwest 406-657-3014 Parks 3890 Stillwater
10/05/2015	788326	Qwest Communications	\$2,696.80	6060-19310-403450	Qwest 406-657-8377 Main System Centrex
10/05/2015	788326	Qwest Communications	\$98.78	6060-19310-403450	Qwest 406-657-3009 PUD Measured Lines 406-657-3009 406-247-8579
10/05/2015	788326	Qwest Communications	\$31.23	5210-15920-403450	Qwest 406-657-3054 Park 1 Elevator Phone
10/05/2015	788326	Qwest Communications	\$67.53	6060-19310-403450	Qwest BOC Measured Lines 406-252-3774 406-252-3789
10/05/2015	788326	Qwest Communications	\$0.25	2250-22320-403450	Qwest 406-255-9702 E911 Backup Line 4 Call
10/05/2015	788335	Spencer Industries	\$2,943.58	2110-31320-402320	2768012.00
10/05/2015	788335	Spencer Industries	\$191.72	2110-31320-402320	2768012.00
10/05/2015	788335	Spencer Industries	\$8.33	5410-31220-402320	2778896.00
10/05/2015	788335	Spencer Industries	\$54.67	5410-31220-402320	2778896.00
10/05/2015	788338	Star Service Inc	\$16,335.00	5020-74000-403660	Labor and Material to remove 30 inch flanged tee
10/05/2015	788346	Team Eagle Inc	\$6,423.61	5610-71130-402320	Invoice #15810. Snow plow repairs-discovered
10/05/2015	788349	The Car Park Inc	\$1,625.00	2600-55180-403590	Invoice 2015-4314

Check Date	Check	Name	Amount	Account	Item Desc
10/05/2015	788349	The Car Park Inc	\$1,625.00	5210-15210-403823	Invoice 2015-4314
10/05/2015	788354	Town & Country Supply Association	\$18,380.72	5610-71130-402310	Invoice #213964. Bulk purchase of fuel for Airport
10/05/2015	788354	Town & Country Supply Association	\$581.41	1500-22260-402310	215535: FIRE 1 - UNLEADED DELIVERED
10/05/2015	788354	Town & Country Supply Association	\$228.45	1500-22260-402310	215535: FIRE 1 - DIESEL DELIVERED
10/05/2015	788354	Town & Country Supply Association	\$522.86	1500-22260-402310	215535: FIRE 5 - DIESEL DELIVERED
10/05/2015	788354	Town & Country Supply Association	\$635.48	1500-22260-402310	215535: FIRE 3 - DIESEL DELIVERED
10/05/2015	788354	Town & Country Supply Association	\$503.55	1500-22310-402310	215535: FIRE 6 - DIESEL DELIVERED
10/05/2015	788354	Town & Country Supply Association	\$6,115.05	6010-00000-141000	215323 PO NUM 298913
10/05/2015	788354	Town & Country Supply Association	\$15,039.50	6010-00000-141000	213972 PO NUM 298915
10/05/2015	788354	Town & Country Supply Association	\$11,263.21	5710-00000-141000	215380 PO NUM 298914
10/05/2015	788354	Town & Country Supply Association	\$4,018.00	5710-00000-141000	215530 PO NUM 298914
10/05/2015	788359	US Water Rescue	\$6,138.00	1500-21130-401127	KA-Bar TDI Knife
10/05/2015	788359	US Water Rescue	-\$2,638.00	1500-21130-401127	Public Safety Discount
10/05/2015	788359	US Water Rescue	\$15.00	1500-21130-401127	Shipping
10/05/2015	788361	Vibes Technologies Inc	\$4,050.00	6060-19310-402122	(30) IP 1230 Charcoal Phones
10/05/2015	788361	Vibes Technologies Inc	\$210.00	6060-19310-402122	(2) IP 1210 Charcoal Phones
10/05/2015	788365	Western Municipal Construction Inc	\$317,236.59	8400-31840-409310	WO 12-31 Yegen Drain Phase 1
10/05/2015	788365	Western Municipal Construction Inc	\$192,876.16	5030-75910-409340	WO 14-13 Elysian Area Water & Sewer
10/05/2015	788365	Western Municipal Construction Inc	\$388,292.38	5130-85910-409340	WO 14-13 Elysian Area Water & Sewer
10/05/2015	788365	Western Municipal Construction Inc	\$588,690.55	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion; CO #1
10/05/2015	788374	Yellowstone Valley Elec	\$2,964.61	5020-74000-403410	Briarwood/O'shea and 2085 Santiago Thomas
10/05/2015	788374	Yellowstone Valley Elec	\$59.00	5120-84000-403410	Briarwood/O'shea and 2085 Santiago Thomas
10/05/2015	788376	Zeier Consulting LLC	\$4,781.25	1990-15050-403590	1510 - Services for September 2015

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Special Review 932 - 1335 Golden Valley Circle - Beer and Wine License w/o Gaming and Drive Up Service

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to locate a beer and wine license, without gaming, for City Vineyard and for a drive through service window for City Brew in a proposed 12,000 square foot building in the Cardwell Ranch Planned Development Zone, with underlying Community Commercial (PD-CC) zoning. The property is Lot 9, Block 2, of Cardwell Ranch Subdivision, 1st Filing, a 2.22 acre parcel of land. The Zoning Commission conducted a public hearing on October 6, 2015 and is forwarding a recommendation of conditional approval on a 4-0 vote based on the findings of the 3 criteria. One Zoning Commission member abstained from the vote.

Special Review applications are reviewed using criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews are not zone changes on property and are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

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 Zoning Commission has reviewed this application and is recommending conditional approval. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the 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) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria because it is in a district that allows drive-through services and on premise alcohol consumption. It conforms to the second criteria in that the proposed building, landscaping, solid waste storage facility and other site work will meet the code requirements for this zone and all other requirements of zoning that will be reviewed when applying for a building permit. New landscaping will be installed around the building and along the street frontages. The property will only have access to Golden Valley Circle, which intersects with Grand Avenue. It conforms to the third criteria in that it is compatible with the surrounding uses. There

is commercial development across the street and the zoning on the west and east is commercial. It is being screened from Will James Middle School by the Frontier Cancer Center to the east and all entrances into the proposed building and all outdoor seating areas are on the west and north sides of the proposed building.

The proposal is consistent with goals of the 2008 Growth Policy by encouraging compatible uses and avoiding leapfrogging development beyond city services. Planning staff recommended conditions for this special review based on the approval criteria for special review uses. The Zoning Commission recommends approval with conditions as follows:

1. The special review is limited to Lot 9, Block 2, of Cardwell Ranch Subdivision, 1st Filing, generally located at 1335 Golden Valley Circle.
2. The special review approval is for the construction of a 12,000 square foot building of which 2,160 square feet is City Brew and the remaining square footage is City Vineyard with a drive-through service and a beer & wine license without gaming license. No other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed drive-through café or the remainder of the building use greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
4. All exterior lighting, including security lighting, shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the outdoor areas shall be 20 feet above grade. Exceptions to this requirement are allowed for entry doorway lighting.
5. No construction or demolition activity will occur before 7 am or after 8 pm daily.
6. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, elms, lombardy poplar, silver leaf poplar, weeping willow, or box elder. All installed trees will be continuously maintained and replaced as necessary by the owner.
7. Any centralized solid waste storage shall be enclosed by a wall on 3 sides and a closing gate or gates. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) is visible from the outside.
8. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building locations.
9. Any outdoor announcement system shall be operated so it is not audible beyond the property lines.
10. The owner is allowed to have background music and un-amplified, live entertainment on the outdoor patio. Amplified, live entertainment is not allowed at any time.
11. These conditions of special review approval shall run with the land and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
12. 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 at this time and the tax base will not increase.

BACKGROUND

This is a request to allow the construction of a new building that has two businesses in it, one with drive-through service. One business will occupy a space of 2,160 square feet and the other 3,200 square feet on the main floor with an 1,800 square foot mezzanine. The property is approximately 2.2 acres in area and is located on the south side of Grand Avenue, at its intersection with Golden Valley Circle, just east of the intersection of Grand Avenue and Zimmerman Trail. The property to the north and east of the subject property is zoned and used for commercial purposes. The property to the west is also zoned for commercial uses but is currently used for farming purposes. The property to the south in the PD is zoned Multi-family. It is not currently developed and is actively farmed.

A special review is required when a drive-through service is proposed adjacent to or across an alley from a residential zone. The applicant has submitted a site plan that identifies the location of the drive-through, and site upgrades including landscaping and the proposed drive-through lane. If approved, a City Brew is planning to locate in the north end of the new drive-through café building with City Vineyard occupying the space that is south of the City Brew portion. The property drive approach will be to Golden Valley Circle, which intersects with Grand Avenue. There is no direct access to Grand Avenue. Solid waste service will be located in an enclosure to meet city code and be approved by City Solid Waste. The site plan shows adequate parking for the drive-through café and the City Vineyard.

The surrounding zoning is primarily commercial except for the zoning to the south. South of this proposed development is zoning for a multi-family neighborhood. Drive-through uses adjacent to or across the alley from a residential zone can create conflicts such as noise, traffic, litter and other impacts not compatible with residential uses. All of these potential impacts can be mitigated through application of conditions of approval and adherence to an approved site plan through the special review process. The Zoning Commission recommends several conditions related to noise, lighting, solid waste management, traffic and site control.

Grand Avenue is a principal arterial street that carries up to 23,000 vehicle trips per day with a posted speed limit of 35 mph. There is a curb-walk sidewalk on the north side of Grand Avenue and a boulevard walk on the south side, fronting this property. The applicant is showing boulevard walks along Golden Valley Circle. The intersection of Grand Avenue and Golden Valley Circle is a 'Right-in, Right-out' intersection. The proposed drive-through will be on the east side of the building with traffic flowing north and west around the front of the building. This flow pattern will have the least impact on the adjacent neighborhood. Traffic impact to the residentially zoned property to the south will be minimal as it would appear most of the traffic will exit the access point that is nearest additional commercial zoning to the west.

This application does not meet one of the requirements of zoning which is the required separation of 600 feet between property lines from an eating and drinking place serving alcohol from any building that is predominantly used as a church or school or from a public park that contains a children's play area. The distance from the southeast corner of the subject property to the northwest corner of the Will James Middle School property is approximately 104 feet. Section 27-612 (a) (1) contains exceptions that may be considered and will allow waiving this requirement if they are met. The exceptions are that an Arterial Street separates the properties; that a building or buildings obstruct the view between the separate uses, or; there is no direct physical access between the two uses.

The proposed structure sits on the north part of the lot and it will not be possible to see the proposed City Brew/City Vineyard from most of the Will James Middle School building because of the intervening Frontier Cancer Center. Also, Will James Middle School is a closed campus

and has a chain link fence enclosing the grounds, except for the school's street frontage on 30th Street West. Therefore, this application meets two of the three exceptions and only one must be met to waive the 600 foot separation requirement

STAKEHOLDERS

The Zoning Commission conducted a public hearing on October 6, 2015, and received the staff report and recommendation. Planning staff explained this special review is for the drive up service window and for a beer and wine license without gaming. One of the requirements for businesses selling beer and wine is a 600 foot separation between property lines from any building that is predominantly used as a church or school, or from a public park that contains a children's play area. The southern tip of this property is across a private street from the northwest corner of the property that belongs to School District #2 and is the location of Will James Middle School.

Zoning Commission Chairman Leonard Dailey called for questions from the members of the Commission. Commissioner Members asked staff to clarify Condition #2. Chairman Dailey suggested changes to Condition of Approval #3 to read: Any expansion of the proposed drive-through café or the remainder of the building use greater than 10 percent of what is shown on the submitted site plan will require an additional special review.

There were questions from the Commission about multi-family uses and the 600 foot separation requirement, if there have been other waivers of the 600 foot requirement and if alcohol would be served on the outdoor patio. Staff stated that there is no separation requirement from multi-family residential uses and noted the design depicts an enclosed outdoor structure for the alcohol service. Staff noted that there have been several instances of waivers granted by the City Council. Another question was asked about the Frontier Cancer Center Building providing separation and staff responded that a 2-story building has been taken into consideration before as a visual obstruction providing separation.

Discussion by the Commission members followed on traffic flows and whether or not a traffic study has been conducted. Staff said these questions should be referred to the City Engineering Division, but staff was not aware that a traffic study had been completed at this time.

Chairman Dailey then asked for presentation by the applicant. The applicant's agent Steve Corning stated he is developing this building on behalf of Beckie Reno, a co-owner of City Brew. "The Vineyard" concept is to create a "laboratory store" to develop retail service lines that can be expanded off of the wine. He said the owners wish to have as much flexibility as possible in order to allow development of an environment with a broad set of offerings, and to offer a new market to Billings. The project is not intended to be a bar setting and there is no gaming, Corning stated. He also added that the agent and applicants have met with the Will James Middle School Principal and Pat Cobb, the owner of the Frontier Cancer Center, and neither had concerns with the proposal. Mr. Corning stated he would contact Superintendent Terry Bouck, and School District #2 Facility Coordinator Lou Anderson.

Public Hearing:

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #932.

One member of the public not involved in the project commented neither in support or opposition to the application but voiced concern a precedent will be set if the request is approved with the

waiver of the 600 separation requirement. She said the Will James Middle School track and field are in near proximity to the subject property and she felt that the argument for the visual obstruction by the Frontier Cancer Center is questionable.

Applicant representative Ryan Nordlund and property owner Charlie Yegen also testified, sharing information on the orientation of the building and how it is facing away from the school property. They commented that the nature of the business was a good fit with what the Yegens vision is for the area, and this is not a proposed night club but an up-market wine and beer establishment with a coffee shop. It was pointed out that the Cardwell Ranch Planned Development also has private covenants and they restrictive than the city zoning requirements.

Steve Corning was given the opportunity to rebut any of the public testimony. He said that city code stipulated items that allow conditional approval of this request. The Cancer Center is 38-40 feet tall and presents a visual barrier. He said City Vineyard and City Brew will coexist in the same building and there has never been an incident with minors in the other business locations. He pointed out Enzos and McKenzie River Pizza that are across Grand Avenue to the northeast both serve beer and wine.

The public hearing was closed.

Commission Member Mike Boyett made a motion to approve Special Review 932 with the conditions as amended. Commission Member Dennis Ulvestad seconded the motion. The Commission approved the Motion on a 4-0 vote. Commissioner Hawkins abstained from voting.

Several days after the Zoning Commission meeting and hearing, the Planning Division received a letter from School District #2 Superintendent Terry Bouck asking that the Zoning Commission (and City Council) not approve of the waiver of the 600 foot separation from Will James Middle School property. The letter has been attached to this memo.

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 932.

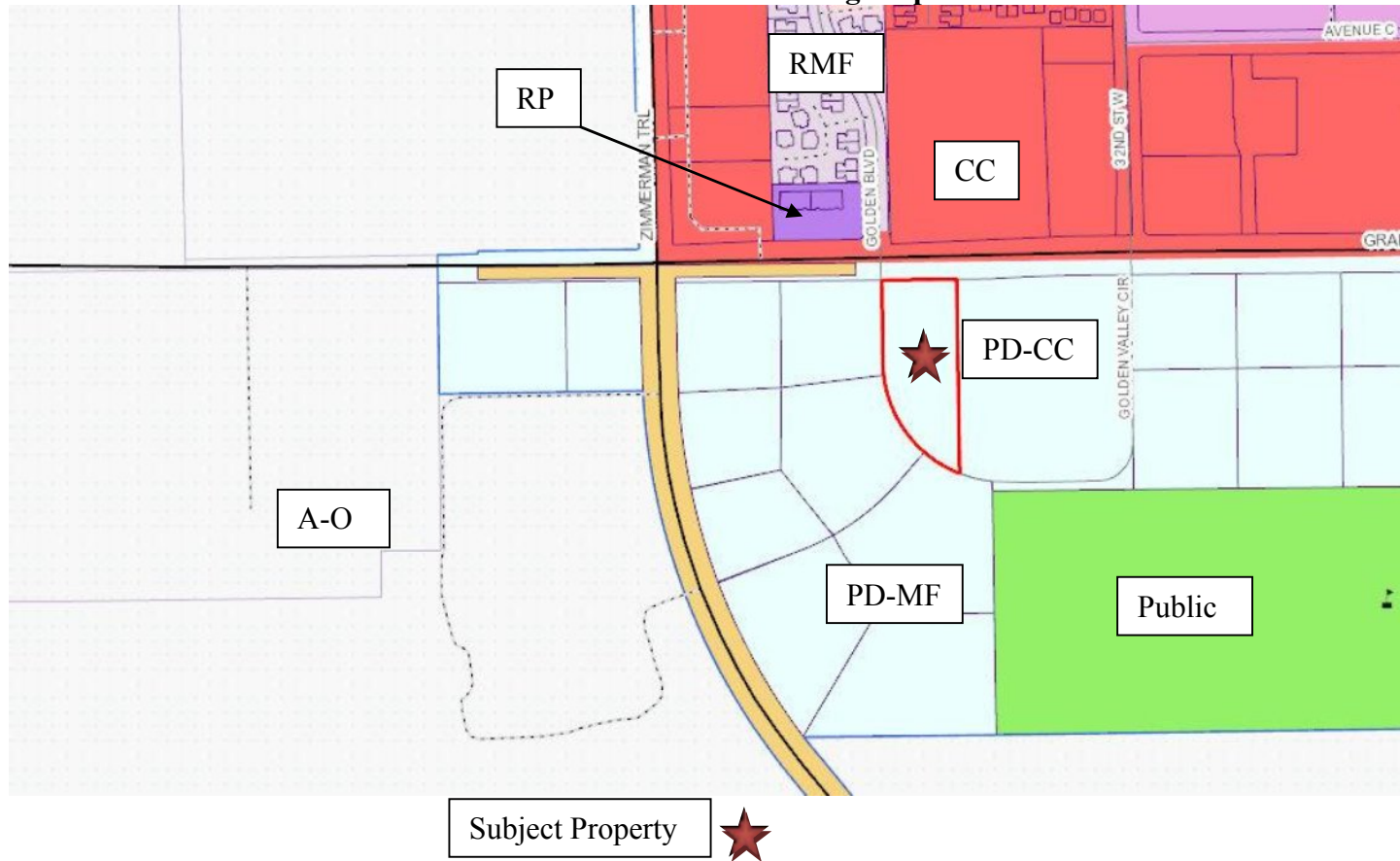
APPROVED BY CITY ADMINISTRATOR

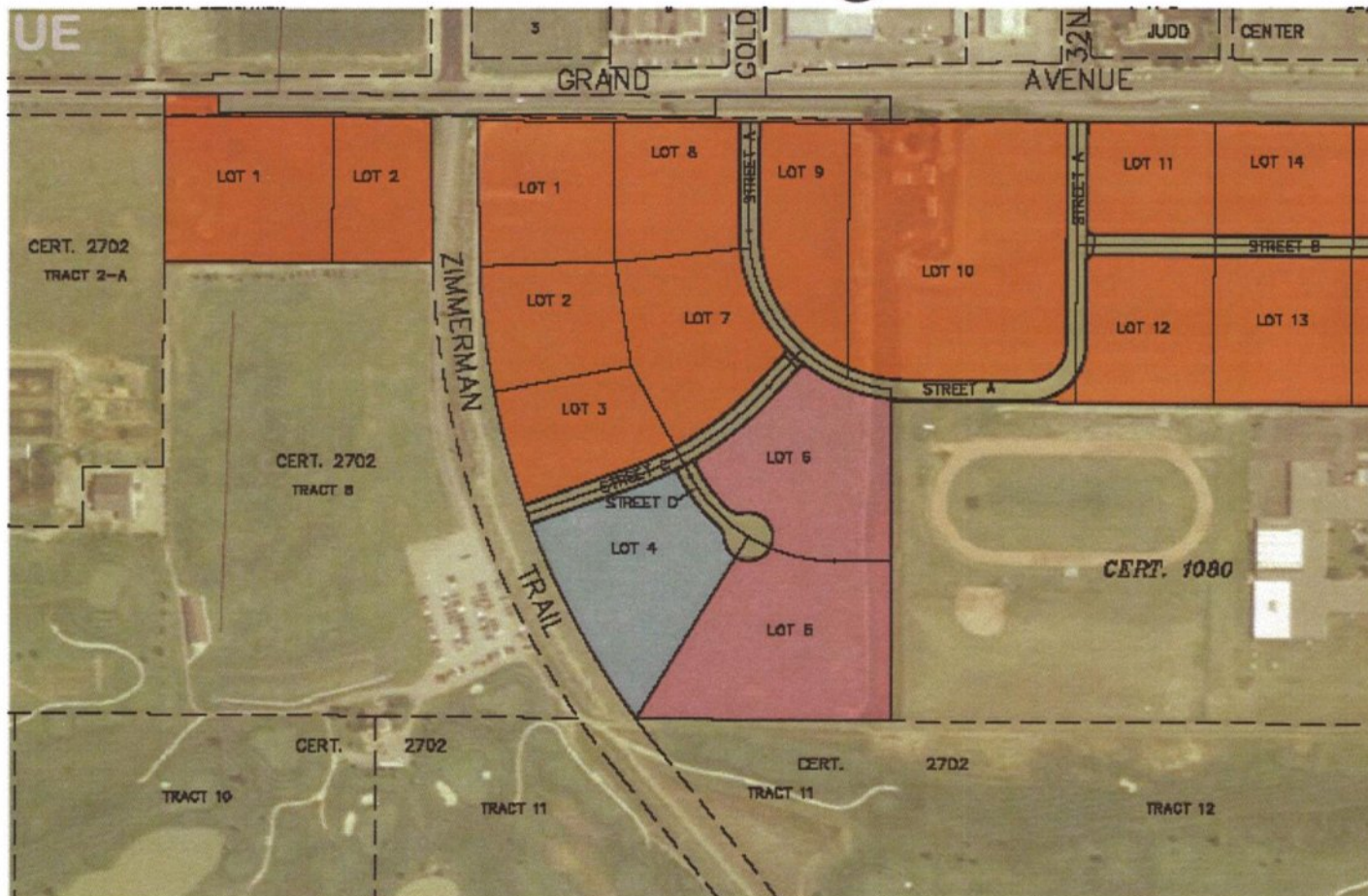
Attachments

Attachments

Letter from School Superintendent

Attachment A
Zoning Map





 Planning Area 1 (Commercial)

 Planning Area 2 (Commercial or Multifamily)

 Planning Area 3 (Multifamily)

Attachment B
Site photos



Subject Property – View south from Grand Avenue



View east of subject property from Grand Avenue

Attachment B, continued
Site photos



View west along Grand Avenue

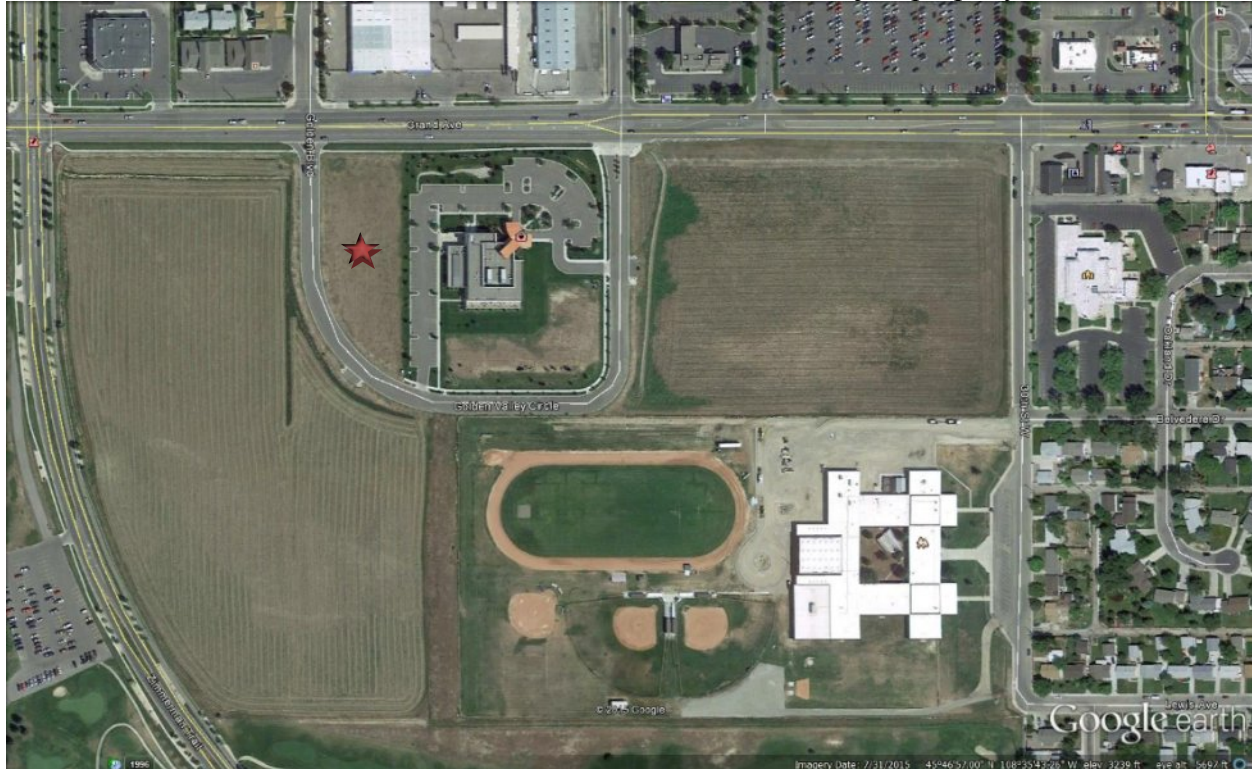


View across Grand Avenue from subject property

Attachment B, continued
Site photos

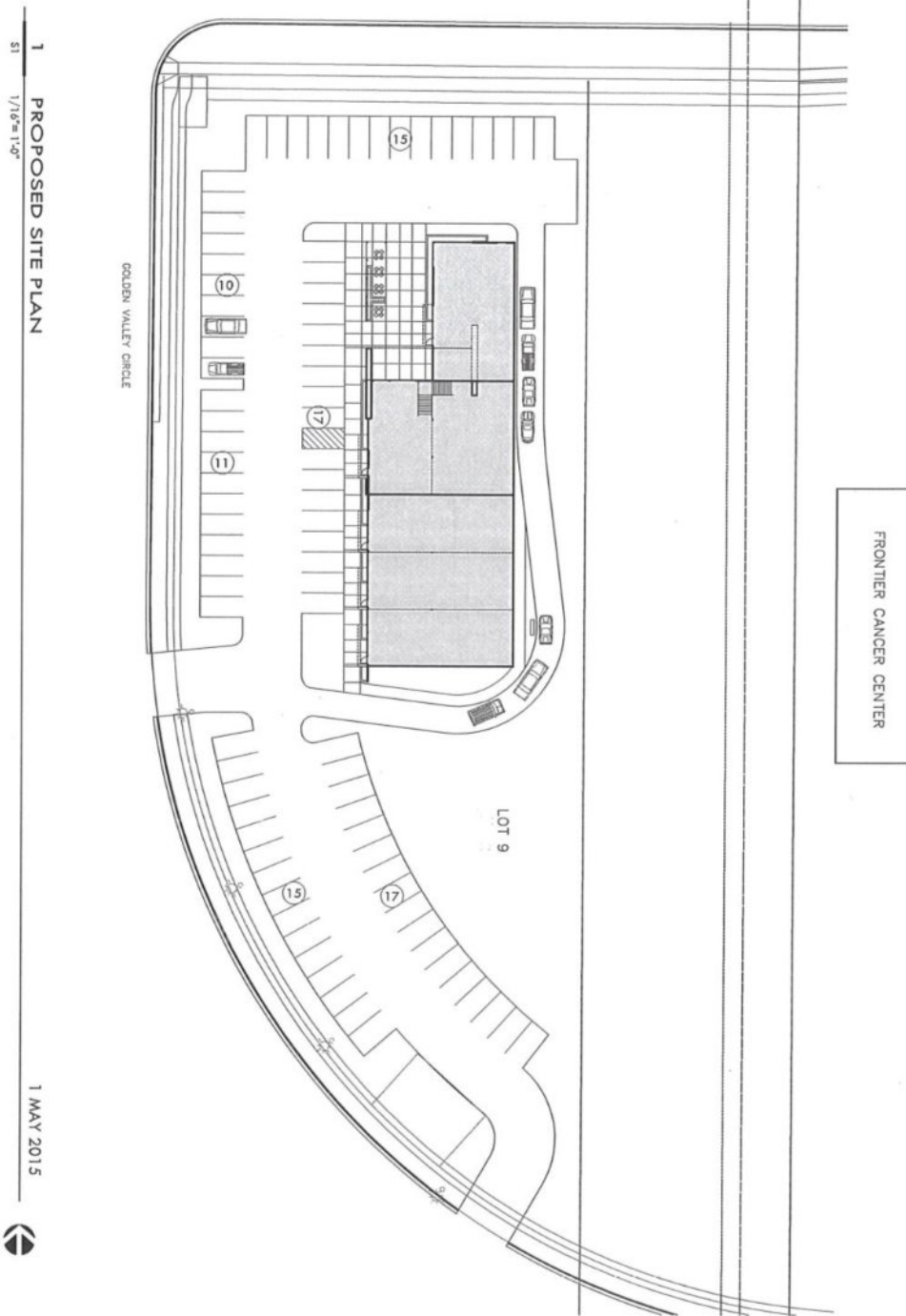


View north west across Grand Avenue from subject property



Subject Property ★

Attachment C Site Plan



1
S1
1/16"=1'-0"
PROPOSED SITE PLAN

1 MAY 2015

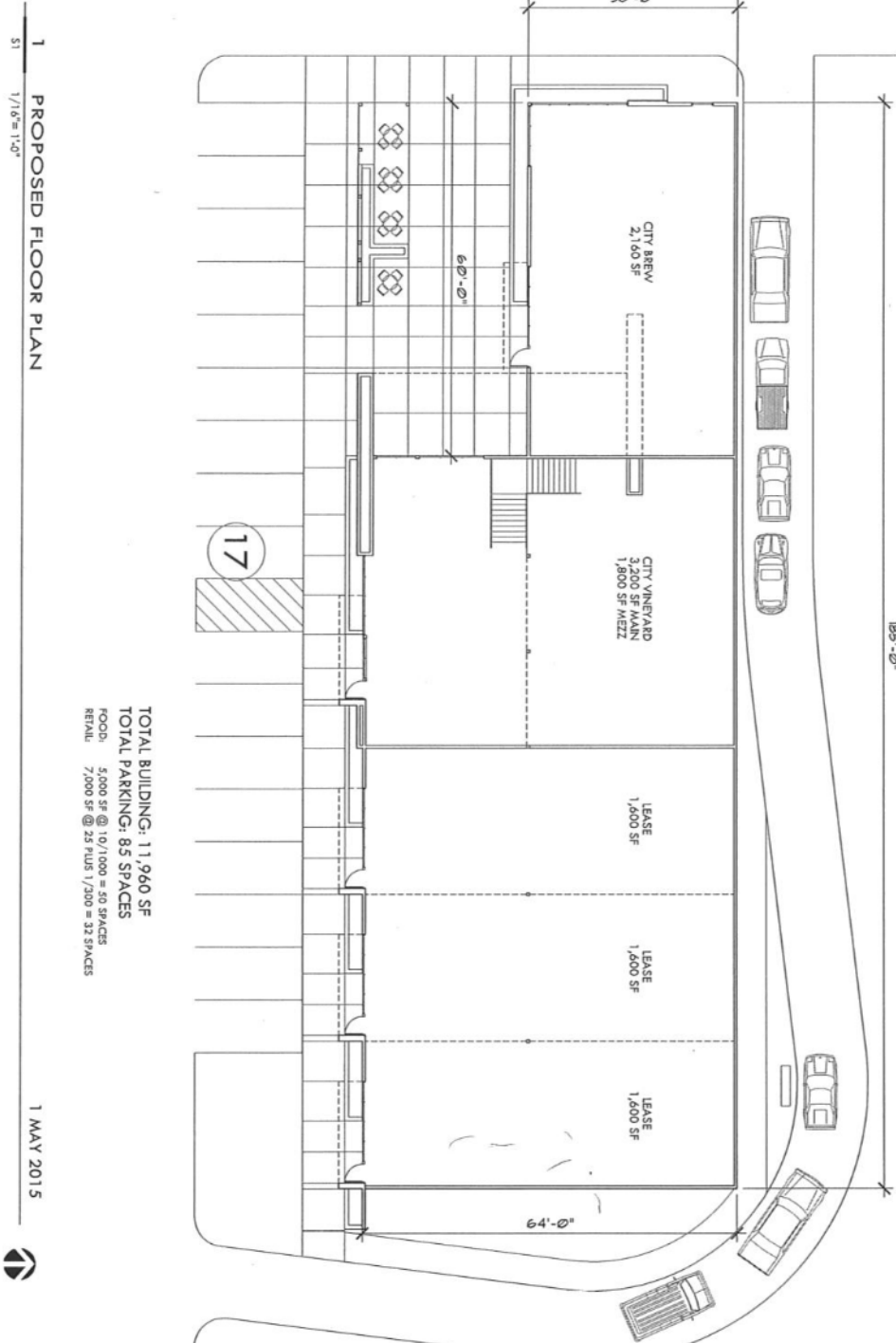


PRELIMINARY
S1
PROPOSED
SITE PLAN

COLLABORATIVE DESIGN
ARCHITECTS
2079 DAWG ROAD - SUITE C BILLINGS, MT 59102 L: 405.248.3400 F: 405.248.3708
CARDWELL RANCH SUBDIVISION
MAIN FLOOR PLAN
BILLINGS MONTANA

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Attachment C Site Plan



PRELIMINARY

S2

PROPOSED
SITE PLAN

APPROVED FOR CONSTRUCTION

DATE: 10/10/2015

PROJECT: 17

17

COLLABORATIVE DESIGN
ARCHITECTS

2200 GRANT ROAD - SUITE C BILLINGS, MT 59102 2.408.245.3443 F.408.245.3742

CARDWELL RANCH SUBDIVISION
MAIN FLOOR PLAN

BILLINGS MONTANA

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Attachment D

Applicant Letter

City Brew/City Vineyard Special Review Application Addendum

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

This proposal is consistent with both the adopted Growth Policy and the Planned Development Agreement for the East 80 at Cardwell Ranch (PDA), included with this application. The PDA contemplates a "mixture of commercial, retail, office, professional, medical and related uses..." This proposal, a commercial retail building consisting of a City Brew Coffee drive-up and retail store, combined with a City Vineyard retail store and wine bar, fits squarely within the PDA's allowed uses. The proposal is consistent with the growth categories within Cardwell Ranch, including the Frontier Cancer Center directly East of this proposed use. The coffee shop and wine store/bar retail operations are consistent and aligned with the PDA's stated goal that development patterns promote "economy, convenience, and amenity" within the PDA.

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

City Brew/City Vineyard has recognized a growing demand in its existing business for this location, with necessary expanded space for both operations. City Vineyard, in particular, hopes to respond to increasing consumer demand for broader product offerings and space for special tasting events. City Brew and City Vineyard recognize an increasing need for their business West of 24th Street, serving an expanding population base along the Grand Avenue corridor. City Brew and City Vineyard are gratified to be able to respond to demand driven needs and to serve their growing customer base.

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

The design and construction of this proposed project will present a thoughtful use of the site, with upscale and quality building materials, harmonious with and reflective of the existing Frontier Cancer Center design and architecture. As stated above, there is a real consumer demand for City Brew/City Vineyard retail services in this corridor, and the quality of the building and businesses will enhance the character of this growing retail sector.

D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

City Brew and City Vineyard intend to build and operate one City Brew Coffee retail store, including drive-up service, with one City Vineyard retail store and wine bar attached, operating under a beer and wine license without gaming. The proposal contemplates a building

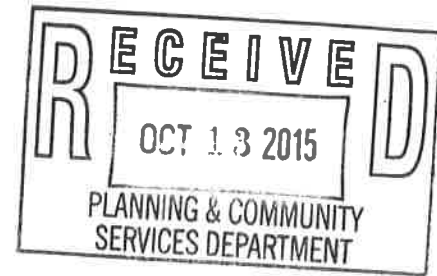
size reasonably proportionate to the site. Drive through stacking is designed to minimize any traffic impact, and inflow and outflow congestion concerns are negligible. Special review is being sought for drive through operation (City Brew) and on-premise alcohol consumption (City Vineyard) per the PDA and City of Billings requirements. The existing property is agriculture, bordered directly to the East by Frontier Cancer Center. Will James Middle School's property line falls within 600 feet of the proposal (though the school building itself does not), which will require a waiver of the 600-foot separation requirement for on-premises alcohol consumption. There is a visual barrier between the proposed building and the school, as well as no direct physical access (fencing) between the school's property and the proposed site, which would authorize the waiver.



Office of the Superintendent
Lincoln Center, Room 214
415 North 30th Street
Billings, Montana 59101-1298
Phone: (406) 281-5066 Fax: (406) 281-6186

October 8, 2015

Planning Division
City of Billings
2825 3rd Avenue North
4th Floor
Miller Building
Billings, Montana 59101



RE: City Special Review #932

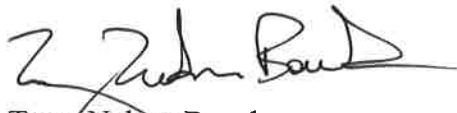
Dear Commission:

This letter serves as Billings Public Schools' ("the District's") testimony regarding Special Review #932—Lot 9, Block 2 Cardwell Ranch. In short, the District asks the Commission to deny the request for waiver of the 600-foot separation to Will James Middle School and the proposed establishment.

As an initial matter, Billings Code provides a 600 foot buffer between our schools and places serving alcohol. The Code does indicate that waiver of this rule may be granted if there are barriers between the buildings. In order for a waiver to be considered, however, a building or buildings must "*entirely* obstruct the view between the separated uses." Sec. 27-612(a)(1)b. (emphasis added). Such is not currently the case here.

In addition, Billings Public Schools asks the City of Billings to deny waiver as a matter of public well-being. The City and the District share an obligation to keep our children as safe as possible and the relevant portions of the City Code of Billings were enacted to insure that our city is mindful of the welfare of all of its citizens, big and small. The 600 foot requirement is in place to protect our children and is not unreasonable. Placing an alcohol establishment next to a middle school undermines the regulations in place. The District asks that waiver not be granted here.

Sincerely,



Terry Nelsen Bouck
Superintendent

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Special Review 933 - Billings Catholic Schools - New K-8 School

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to locate a new elementary/secondary school (K-8) for the Billings Catholic Schools in a proposed 87,000 square foot building with 36 classrooms, a library, multi-function rooms, music rooms, gymnasium, a kitchen and dining area, commons area, administration and utility support spaces. New drive approaches are proposed from Colton Boulevard and Woody Drive as well as drop-off & pick-up areas, new entry plazas, 126 parking spaces, and landscaping. The property is in a Residential 9,600 (R-96) zone, on Lot 2, Block 1 of St. Thomas Subdivision, a 26 acre parcel of land. The Zoning Commission conducted a public hearing on October 6, 2015, and is forwarding a recommendation of conditional approval and adoption of the findings of the 3 criteria on a 5-0 vote.

Special Review applications are reviewed using criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not change the zoning of a property. They are tied to specific uses that are permitted in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Review requests, unlike Zone Changes, may be conditioned to mitigate potential impacts from the use on the subject property or surrounding properties.

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 this application and is recommending conditional approval. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the 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 because it is in a district that allows a school, subject to the special review process. The proposed buildings and landscaping meet the code requirements for this zone. At the time of building permit submittal other details for zoning will be reviewed for compliance such as solid waste dumpster locations and enclosures. New landscaping will be installed around the building and along the street frontages. The property will have an approach from Colton

Boulevard and from Woody Drive. A student drop off area is planned for the west side of the new building.

The proposal is consistent with the goals of the 2008 Growth Policy and the Billings Infill Policy, specifically the recommendation to encourage re-development of under-utilized land, encouraging compatible uses, and avoiding leapfrogging development beyond city services. The Zoning Commission is recommending conditions for this special review based on the approval criteria for special review uses.

The Zoning Commission recommends the following conditions:

1. The special review is limited to Lot 2, Block 1, of St. Thomas Subdivision generally located on the lot immediately east of the St. Thomas Church on Colton Boulevard between Woody Drive and 21st Street West.
2. The special review approval is for the construction of a new 87,000 square foot building for Billings Catholic Schools, K-8, no other use or development configuration is intended or implied by this approval.
3. Any expansion of the proposed building or parking greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
4. All exterior lighting, including security lighting shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the outdoor areas shall be 20 feet above grade. Exceptions to this requirement are allowed for entry doorway lighting.
5. All proposed drive approaches will be reviewed by the City Traffic Engineering for final approval and location.
6. No construction or demolition activity will occur before 7 am or after 8 pm daily.
7. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, elms, lombardy poplar, silver leaf poplar, weeping willow, or box elder. All installed trees will be continuously maintained and replaced as necessary by the owner.
8. Any centralized solid waste storage shall be enclosed by a wall on 3 sides and a closing gate or gates. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) are visible from the outside.
9. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building locations with the exception of condition 5.
10. Any new sign will require a sign permit approval from the Planning Division. The school will be allowed on (1) monument sign not larger than 32 square feet and may have external illumination.
11. 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.
12. 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.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

ATTACHMENTS

Attachment A: Zoning Map

Attachment B: Site photographs

Attachment C: Site Plan

Attachment D: Applicant Letter

FINANCIAL IMPACT

If the special review is approved, the lot will be developed for a school complex. However, it may be a non-profit development and taxes and fees will be limited. If the special review is not approved, the lot may not develop at this time.

BACKGROUND

This is a request to allow the construction of a new school on property that was purchased originally for a future school site. According to the letter that was submitted with this application, the property was purchased in 1959 for 1 dollar. The property is approximately 26 acres in area and is located on the south side of Colton Boulevard between Woody Drive and 21st Street West. The southern portion of the lot will remain in its native state, providing open space and separation from the BBWA canal. The site plan shows the building closer to Colton Boulevard than to Woody, with some parking alongside the existing sports field. The properties surrounding the subject property are zoned residential and public and have residential uses, assisted living facilities, professional offices, and public park land.

The surrounding zoning is primarily Residential except for the zoning to the south, which is Public. Schools have traditionally been built in neighborhoods to serve the surrounding area. In general, they increase values in the neighborhoods as people looking to buy a house consider where the nearest school is to the area they are looking to buy. With the school, there is the increase in traffic when dropping off children and when they are being picked up after school. These two times generally do not exactly match the same time as those going to or coming from work. Potential impacts can be mitigated through application of conditions of approval and adherence to an approved site plan through the special review process. The Planning staff is recommending several conditions related to noise, lighting, solid waste management, traffic and site control.

Colton Boulevard is a collector street that carries up to 5,000 vehicle trips per day with a posted speed limit of 35 mph. With a school, there may be a school zone created which would slow traffic down at least during drop off and pickup times for the school. There are curb-walk sidewalks on both sides of Colton Boulevard. On the Colton Boulevard frontage of the property, there are proposed 'bulb outs' to provide a student drop off area. The proposed 'bulb outs' on Colton Boulevard were discussed with City Engineering before the site plan was submitted for the special review.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on October 6, 2015, and received the staff report and recommendation. Staff also stated that some neighbors had contacted the Planning staff with requests for a larger format site plan to review the proposal.

Commission Discussion and Public Hearing

The Commission Members had questions regarding the location of the nearest elementary school to this proposed school, when the traffic count data was collected on Colton Boulevard, the functionality of the 'bulb outs' shown on the Colton Boulevard frontage and the purpose of the parking on Colton Boulevard. Staff responded that the closest elementary school is Rose Park Elementary, the traffic count data was collected in 2014 and is updated annually. The intent of the 'bulb outs' is to isolate the parking area and direct traffic into the drive lane to accommodate safe student drop off. Staff explained that City Engineering staff will review and make final decisions on the bulb-outs and street design.

Applicant Agent Rick Helt said the property has been identified for this use and he has been in contact with the City Engineering Division to discuss the 'bulb outs' which are a good safety feature for calming traffic. The Woody Lane access point will alleviate congestion on the front end of the property on Colton Boulevard, according to Mr. Helt. He also explained that the current student count is 560 in the existing Catholic schools, with the new building proposed to hold a maximum capacity of 720 students. Mr. Helt was asked by the Zoning Commission about parents that drop off their children on the wrong side of the Colton Boulevard and he stated that there will need to be a lot of parent training and that they would like to have traffic guards at crosswalks.

One member of the public, not involved in the project, gave public testimony and pointed out that portions of the north side of Colton Boulevard do not have sidewalks now. She asked if they will be mandated to have sidewalks in those areas with this school development and if the speed limit be reduced during school drop off times or if flashing lights will be added to the drop off area.

The applicant's agent and representatives were provided an opportunity for rebuttal of the public testimony and explained that the plan is to have older students enter from the north side of the building and K-4 grade students use an entrance on the west of the building to try and have the parents with smaller children not accessing from Colton Boulevard. They also explained that the design team is working with City Engineering on the details of the site but have not discussed the speed limit in front of the school on Colton Boulevard. The intent is to have the speed limit dropped as it will be a school zone with prime drop off and pick up times during the day, according to the applicant's agent. Sidewalks and crosswalks will need to be addressed as the design plans are finalized and this also will be discussed further with City Engineering.

Commission Member Mike Boyett said that hopefully the project and design elements will slow the traffic down on Colton Boulevard. Commission Member Dennis Ulvestad said he felt this is a good location for the school and it will improve the quality of life. Commission Member Dan Wagner said he felt this is a wonderful improvement to this area. The Zoning Commission made a motion to approve Special Review 933 with conditions and it was approved with a 5-0 voice vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The proposal is consistent with goals of the 2008 Growth Policy and the Billings Infill Policy, specifically the recommendation to encourage re-development of under-utilized land, encouraging compatible uses and avoiding leapfrogging development beyond city services. Proposed conditions of approval will mitigate any potential negative impacts to the residential neighborhood. The application is conforming to the purposes of the regulations, the 2008 Growth Policy.

RECOMMENDATION

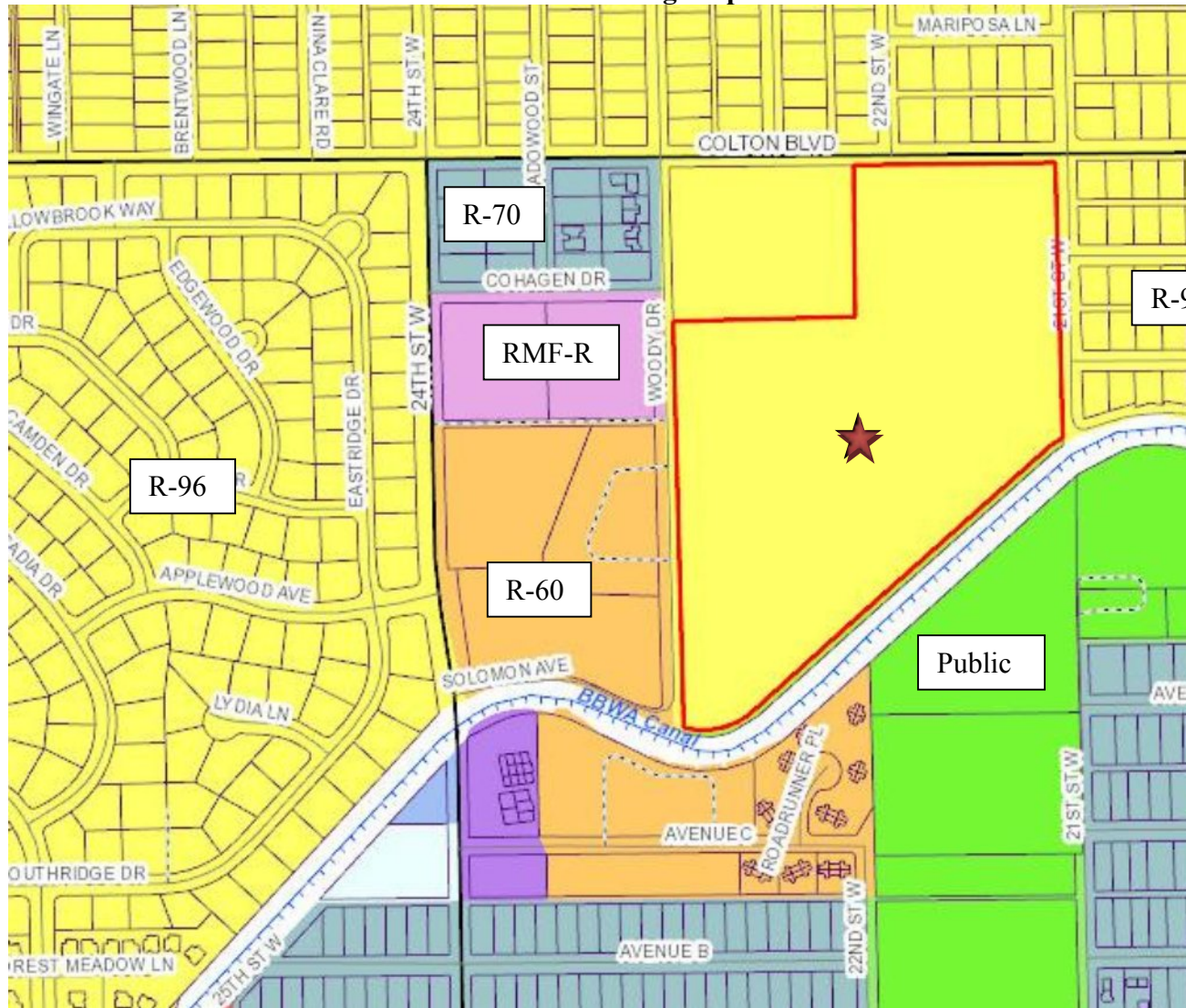
The Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 933 on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Attachments

Attachment A
Zoning Map



Subject Property



Attachment B
Site photos



Subject Property – View south from Colton Boulevard



View west along Colton Boulevard

Attachment B, continued
Site photos



View east along Colton Boulevard



View north of the subject property

Attachment B, continued
Site photos



View west along Colton Boulevard



Subject Property ★

[illegible]



EXTERIOR Elevations





EXTERIOR

Drop-off / Entry



Conceptual View of the Main Entry from the Northwest, looking Southeast

Attachment D Applicant Letter



Planning & Community Services Dept.
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

September 8, 2015

RE: Special Review Application
Billings Catholic Schools

Dear Sir or Madam,

Please find the attached information addressing the Special Review requirements for the new K-8 school proposed to be adjacent to St. Thomas Church on Colton Boulevard. You will find the application, plans, existing photos, and conceptual images of the proposed new facility within this package. Additionally, following are the required responses to questions in the application:

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
 - a. Land Use Element

This project will preserve the neighborhood integrity by keeping the residential zones intact and maintaining most of the existing open area on the lot. By providing a new school, the project will maintain a high quality of life for new and existing residents through increased land values, making the neighborhood more attractive with a new school amenity close by. The project creates contiguous development in an existing population center, providing a central asset to the adjacent church, surrounding neighborhoods and professional office areas. By creating this new school, an attractive community will be maintained and further enhanced by providing an educational choice in a convenient location. As an educational asset, this project will help develop a more self-contained neighborhood, supplementing the residential, professional and cultural aspects of the existing surrounding community.

Although the project includes some hardscape areas, the continued functionality of existing natural systems is ensured by leaving a very large percentage of the existing lot as native vegetation and drainage systems, supporting the living creatures in the area that use the irrigation ditch as part of their natural habitat.

The project will use City/County resources in a cost-effective manner by locating the building very close to the current utility infrastructure system, reducing costs and material requirements for the building connection. This new school building will reduce parent commuting and traffic congestion by limiting the amount of travel parents will need to perform to deliver their children to school. Three schools will be combined into one, which will allow families with multiple school-aged children to deliver to one location, rather than driving those children to different locations from the west end to downtown.

- b. Economic Development Element

Constructing a new K-8 school in this neighborhood will improve the quality of life for residents through strengthening the area economy with positive impact from a building project, raising property values with the completed project, and providing an opportunity for good living-wage jobs in the new school. Consolidating the grade levels in this school will help reduce travel time and expense through town for parents who currently deliver and pick up their children to/from multiple locations.

Ultimately, this project will help attract and retain businesses that offer competitive wages and benefits by providing an attractive educational choice for the families of its employees. To that point, the Billings Catholic Schools system is already nationally recognized for its excellence in education, and this new facility will provide a new safe and healthy school facility, improving upon the existing facilities. Having this state-of-the-art facility will allow the City to promote and further highlight educational quality as a business.

608 N. 29TH ST.
BILLINGS, MT 59101
PH 406.248.2633
FAX 406.248.2427

222 N. HIGGINS AVE.
MISSOULA, MT 59802
PH 406.721.5643
FAX 406.721.1887

428 EAST
MENDENHALL
BOZEMAN, MT 59715
PH 406.248.2633
FAX 406.248.2427

www.aearchitects.com

recruitment tool in the Billings area. Furthermore, the tuition-based nature of this school will attract and retain educated citizens to not only have their children attend, but potentially be employed at this location. Tuition at BCS is based on income making it affordable, and this new facility will encourage socio-economic diversity and growth within our city.

Once the new school is completed, the existing facilities will be re-purposed for new owners and users, allowing further economic improvement in those associated neighborhoods for other desirable services.

c. Aesthetics Element

The construction of the new school will improve the image of the community by providing a creatively designed and pleasing new building that fronts Colton in an appropriate manner to create a comfortable streetscape. The new playgrounds and upgraded practice field will also be an improvement to the current grounds. This project will instill pride in the community, and also help aesthetically unify the current St. Thomas Church grounds as part of the school campus, and vice-versa, with a new landscape and parking approach to the north entrance of the property off Colton Boulevard. The new school will also provide more aesthetic open space by creating playgrounds, outdoor learning areas, and improved athletics areas for the children, which can also be accessed by the neighbors when school is not in session.

d. Natural Resources Element

This new facility and property development will use City/County resources in a cost effective manner by meeting and exceeding the newly adopted energy codes, far surpassing the existing facilities in efficiency of energy consumption from the utility infrastructure. The site has also been planned to place the building as close to the existing utility infrastructure as possible, lessening the need for extensions of utilities. The continued functionality of natural systems will be ensured through retaining a hugely significant portion of the open site area, providing natural water percolation for storm water management and creating landscaping areas that will enhance the native habitat.

e. Open Space & Recreation Element

Convenient access to bicycle and pedestrian facilities will be provided with new connectors to the school facility from the sidewalk along Colton Boulevard, as well as a path from the Rose Park bridge over the irrigation ditch that connects with areas south, east and west of the project site.

f. Transportation Element

Travel times will be reduced for most parents who have multiple children enrolled in the Catholic School system. Rather than having to drive to multiple locations across the city, a consolidated drop-off/pick-up location will be provided for their children. A convenient traffic connection is available from both 19th Street West and 24th Street west via Colton Boulevard. The project will maintain safe & efficient traffic flow through appropriate turn lanes, segregated traffic flow and organized movement of traffic both with the school and the St. Thomas Church site. The project will reduce traffic congestion at the site and allow for safe and convenient pedestrian and vehicle access to the school location. Furthermore, City bussing will be convenient as the school will lie along an existing Met Transit bus route 4P Parkhill. Additionally children can reach the facility by bicycling on many safe routes in the area away from street traffic.

g. Public Facilities & Service Element

This project will improve the community image by improving a largely unused and undeveloped lot, creating a presence for a strong community resource along Colton Boulevard. This improvement and the location of a school very close to the neighboring residences will increase property values and the desirability of the neighborhood.

h. Cultural and Historical Resources Element - N/A

This property does not have historical or cultural elements to Billings, but it does to many Billings' residents. The land was purchased in 1959 for one dollar, with the express purpose of building a school. Through the years, the project has been put on hold for one reason or another. All the pieces have finally fallen into place and now,

nearly 60 years after its inception, is the time to build this school. Hundreds of Billings residents will say "it was worth the wait." This will preserve and promote faith-based education which is so important to the Catholic Culture Community.

i. Community Health Element

As stated previously, this new facility will support and encourage walking and bicycling for exercise and transportation by providing convenient connections to pedestrian paths. This new school will also provide safe walking routes that already exist in the neighborhood, thereby reducing the use of vehicles for those that live within walking distance.

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

Each of the three BCS buildings that make up grades K-8 are at or nearly at capacity. Several closets are being utilized as office space for instructors, and special education teachers. St. Francis Primary is renting the community room and a corner of the church for classes from Mary Queen of Peace, which is expensive year after year. For the first time in history, the schools have been forced to limit enrollment at several grade levels. There is no space for growth. Additionally, the schools are nearing the end of their useful lifespan for educational purposes. It is more cost-effective and learning-effective to build a new facility than to repair the old ones. The new facility will provide room for growth, increased safety measures for the students, safer and more convenient drop off and pick up areas for the parents, increased educational opportunities through increased electives.

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

There has been a steadily growing desire for enrollment in the K-8 grades within the BCS system for many years, with BCS having to limit enrollment due to the capacity of the current facilities. This new building would accommodate current students while encouraging new families to attend. The thoroughly analyzed and planned capacity of this school will allow new students enrollment opportunity to eliminate current enrollment limitations.

4. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

This project is currently zoned R-9600, which requires a Special Review for the allowable use of a primary and secondary school. The property was originally purchased in the 1950's with this use in mind and is now seeking approval for the allowable use of the construction of the new K-8 school. A new building is proposed of approximately 87,000 square feet, consisting of 36 classrooms, library, multi-function areas (on two levels with an elevator), and chapel music rooms, gym, commons area, kitchen, administration area, and utility support spaces. The sitework will consist of a new approach from Colton Boulevard and Woody Drive with drop-off drives in the site, and along Colton Boulevard, as well as new entry plazas, parking, parking landscaping, and a refurbished existing track & field.

Sincerely,
A&E Architects, PC
Agent for Billings Catholic Schools



Ric Heldt, AIA, ACHA, ASAI
Principal

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: SID 1399 Lake Hills Subdivision 25th Filing Public Hearing and Resolution Creating District

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Susan B Lovely, Inc., owner of 24 of the 33 lots proposed in the SID 1399 district boundary, has the desire to construct public improvements on Lake Heights Drive and Ditton Drive. These improvements generally consist of water, sanitary sewer, storm drain, curb and gutter, and street improvements. Susan B Lovely, Inc. will pay a cash contribution for 18 of the owned lots which represents about 52% of the total cost of the SID. This is necessary to meet the requirements of the City's Raw Land District Requirements (Resolution No. [05-18234](#)). The proposed SID will allow the remaining amount to be assessed to the other 15 lots within the district.

ALTERNATIVES ANALYZED

The Council may:

- After holding a public hearing, approve the Resolution Creating SID 1399; or
- After holding a public hearing, do not approve the Resolution Creating SID 1399. The SID and proposed improvements will not go forward with this option.

FINANCIAL IMPACT

The total estimated costs of the Improvements are \$1,216,640.01. The improvements costs are to be paid from the following sources: (1) \$590,000 of Special Improvement District bonds; and (2) \$626,640.01 of cash contribution by Susan B Lovely, Inc.

RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve the Resolution Creating SID 1399.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Creating District
District Map

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 15-_____, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1399**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **October 26, 2015**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: _____

_____; voted against the same: _____

_____; abstained from voting thereon: _____

_____; or were absent: _____

_____.

WITNESS my hand officially this _____ day of _____.

Billie Guenther

CITY CLERK

RESOLUTION NO. 15-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1399**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Passage of Resolution of Intention. This Council, on **September 28, 2015**, adopted Resolution No. 15-**10502** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1399** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of special improvement district bonds drawn on the District (the "Bonds"), the creating and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with the law, and on **October 26, 2015**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

Section 3. Protests. Within the Protest Period, _____ protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for ____% of the total costs of the Improvements or representing ____% of the area of the District to be assessed for the cost of the Improvements. **The protest represents ____% of the assessed cost.**

Section 4. Creation of the District; Insufficiency of Protests. The District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The protests against the creation or extension of the District or the making of the Improvements filed during the Protest Period, if any, are hereby found to be insufficient. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

Section 5. Reimbursement Expenditures.

5.01. **Regulations.** The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage

rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2 (j) (2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2 (f) (2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2 (f) (1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs for the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **\$590,000** after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2 (d) (3) of the Regulations.

5.04. Budgetary Matters. As of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.05. Reimbursement Allocations. The City’s financial officer shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 26th Day of October, 2015.

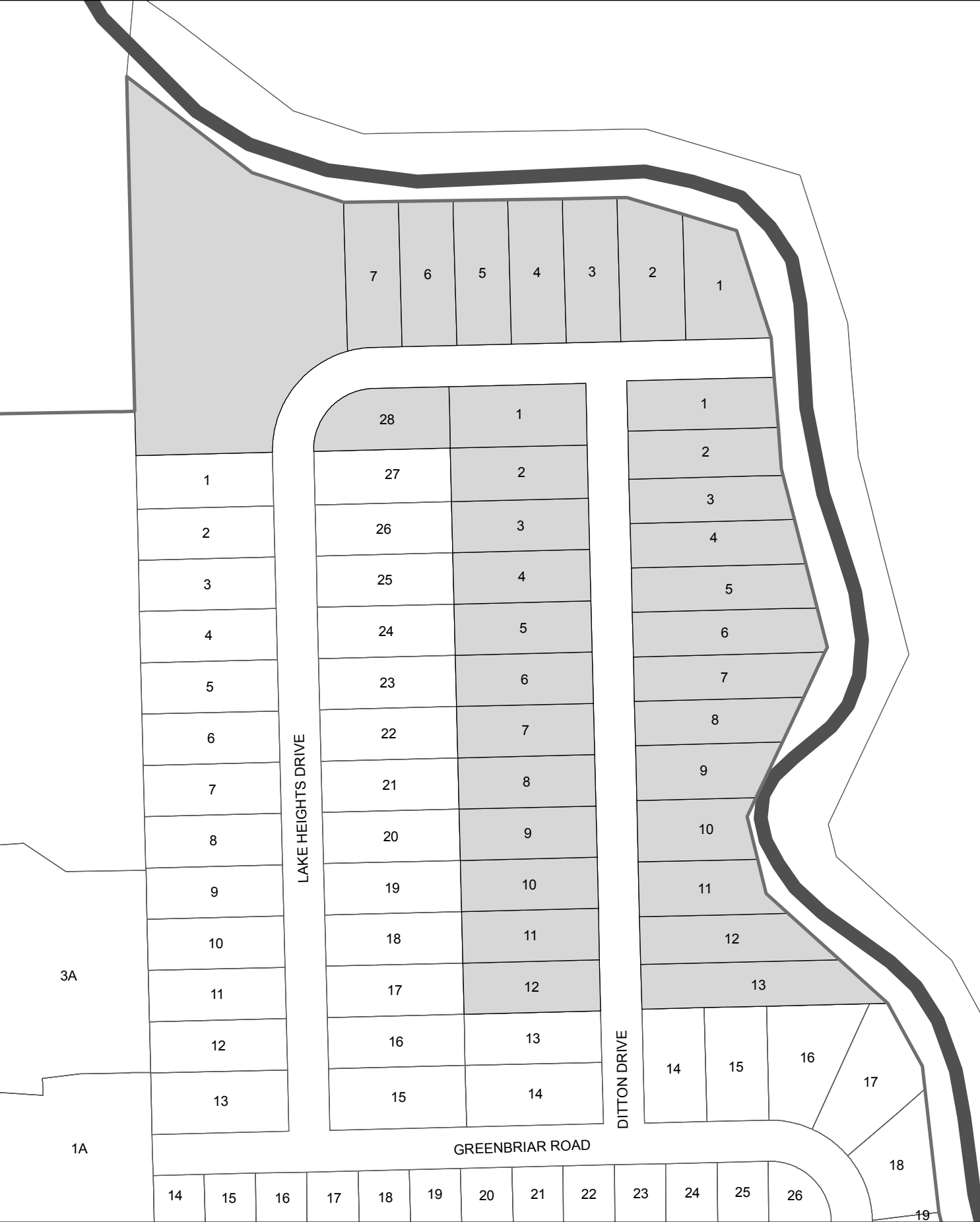
THE CITY OF BILLINGS:

BY _____
Thomas W. Hanel MAYOR

ATTEST:

BY _____
Billie Guenther CITY CLERK

SID 1399 Exhibit A



Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: SID 1399 Lake Hills Subdivision 25th Filing Professional Services Contract

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

SID 1399 Lake Hills Subdivision 25th Filing, will construct improvements on Lake Heights Drive and Ditton Drive. These improvements generally consist of water, sanitary sewer, storm drain, curb and gutter, and street improvements.

Mayor and Council are asked to consider authorizing and executing a Contract for Professional Services with Kadrmas, Lee & Jackson, Inc. to provide engineering design and construction administration for SID 1399. The contract is in the amount of \$185,000. Kadrmas, Lee & Jackson, Inc. was selected based on proposals requested from a list of prequalified consultants for this type of work.

ALTERNATIVES ANALYZED

City Council may:

- Approve the professional services contract with Kadrmas, Lee and Jackson, or;
- Disapprove the professional services contract with Kadrmas, Lee and Jackson. If not approved, another option will have to be considered for design and construction administration for SID 1399.

FINANCIAL IMPACT

The professional services contract with Kadrmas, Lee and Jackson is in the amount of \$185,000 and will be paid out of the SID funds.

RECOMMENDATION

Staff recommends that the City Council approve the professional services contract with Kadrmas, Lee and Jackson for SID 1399 in the amount of \$185,000.

APPROVED BY CITY ADMINISTRATOR

Attachments

Contract for Professional Services

Contract for Professional Architectural and Engineering Services

SID # 1399 – Lake Hills Subdivision 25th Filing

In consideration of the mutual promises herein, City of Billings and Kadrmas, Lee & Jackson, Inc. agree as follows. This Contract consists of:

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 12 pages (Basic Services of Contractor);

Appendix B consisting of 1 page (Methods and Times of Payment);

Appendix C consisting of 1 page (Additional Services of Contractor);

Appendix D consisting of 2 pages (Schedule of Professional Fees);

Appendix E consisting of 1 page (Project Schedule);

Appendix F consisting of 1 page (Certificate(s) of Insurance); and

PART I SPECIAL PROVISIONS

Section 1. Definitions.

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his designee.
- B. "Billings" means the City of Billings.
- C. "Contractor" means Kadrmas, Lee & Jackson, Inc.

Section 2. Scope of Services.

- A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
- B. Billings shall pay the Contractor in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.

- C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.
- D. The Contractor shall provide as-built drawings on regular bond paper and in digital format, as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings.
- E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
- C. This Contract shall terminate at midnight on September 30, 2017.

Section 4. Compensation; Method of Payment.

- A. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Contractor within 30 days of receiving an acceptable invoice.
- B. The Contractor is not entitled to any compensation under this Contract, other than what is expressly provided for in this Section.
- C. As a condition of payment, the Contractor shall have paid all City taxes currently due and owing by the Contractor.

Section 5. Termination of the Contractor's Services.

The Contractor's services under Section 2 of this Part may be terminated:

- A. By mutual consent of the parties.
- B. For the convenience of Billings, provided that Billings notifies the Contractor in writing of its intent to terminate under this paragraph at least 10 days prior to the effective date of the termination.
- C. For cause, by either party where the other party fails in any material way to perform its obligations under this Contract. Termination under this Subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within 30 days after receiving the notice.

Section 6. Duties Upon Termination

- A. If Billings terminates the Contractor's services for convenience, Billings shall pay the Contractor for its actual costs reasonably incurred in performing before termination and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.
- B. If the Contractor's services are terminated for cause, Billings shall pay the Contractor the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by Billings because of the Contractor's failure to perform satisfactorily. The reasonable value of the services rendered shall never exceed ninety percent (90%) of the total compensation allowable under Section 4 of this Part. Any finished or unfinished documents or materials prepared by the Contractor under this Contract shall become the property of Billings at its option.
- C. If the Contractor receives payments exceeding the amount to which it is entitled under Subsections A or B of this Section, he shall remit the excess to the Administrator within 30 days of receiving notice to do so.
- D. The Contractor shall not be entitled to any compensation under this Section until the Contractor has delivered to the Administrator all documents, records, Work product, materials and equipment owned by Billings and requested by the Administrator.
- E. If the Contractor's services are terminated for whatever reason the Contractor shall not claim any compensation under this Contract, other than that allowed under this Section.
- F. If a final audit has not been performed before the Contractor's services are terminated, Billings may recover any payments for costs disallowed as a result of the final audit.
- G. Except as provided in this Section, termination of the Contractor's services under Section 5 of this Part does not affect any other right or obligation of a party under this Contract.

Section 7. Insurance.

- A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.
- B. The Contractor 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 -- \$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 occurrence.

- C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.
- D. Billings 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.

Section 8. Assignments.

Unless otherwise allowed by this Contract or in writing by the Administrator, any assignment by the Contractor of its interest in any part of this Contract or any delegation of duties under this Contract shall be void, and an attempt by the Contractor to assign any part of its interest or delegate duties under this Contract shall give Billings the right immediately to terminate this Contract without any liability for Work performed.

Section 9. Ownership; Publication, Reproduction and Use of Material.

- A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.
- B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.
- C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

Any notice required pertaining to the subject matter of this Contract shall be either sent via facsimile (FAX) or mailed by prepaid first class registered or certified mail, return receipt requested to the following addresses:

Billings: City Engineer (Debi Meling)
City of Billings
Public Works - Engineering
2224 Montana Avenue
Billings, Montana 59101

FAX: (406) 237-6291

Contractor: Carl Jackson
Kadrmass, Lee & Jackson Inc.
2611 Gabel Road
Billings, MT 59102

FAX: (855) 288-8055

Notices are effective upon the earlier of receipt, proof of good transmission (facsimiles only), or 5 days after proof of proper posting.

Section 11. Contract Budget.

In connection with its performance under this Contract, the Contractor shall not make expenditures other than as provided in line items in the Contract budget.

Section 12. Force Majeure.

- A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
- B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:
 - 1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
 - 2. Strikes or Work stoppages.
 - 3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
 - 4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

The Contractor shall establish and maintain a financial management system that:

- A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
- B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
- C. Effectively controls and accounts for all municipal funds and Contract property;

- D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
- E. Allocates administrative costs to direct service delivery units;
- F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
- G. Provides accounting records supported by source documentation; and
- H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

In the event that any funding source for this Contract should impose additional requirements upon Billings for the use of those funds, the Contractor agrees to abide by those additional requirements immediately upon receipt of written notice thereof from Billings.

Section 15. Subcontracts.

The Contractor may enter into subcontracts for the purchase of goods and services necessary for the performance of this Contract, provided:

- A. Every subcontract shall be reduced to writing and contain a precise description of the services or goods to be provided and the nature of the consideration paid therefor.
- B. Every subcontract under which the Contractor delegates the provision of services shall be subject to review and approval by the Administrator before it is executed by the Contractor.
- C. Every subcontract in an amount exceeding \$1,000 shall require reasonable access to business records of the subcontractor relating to the purchase of goods or services pursuant to the subcontract.

PART II GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

The Contractor shall perform its obligations hereunder as an independent Contractor of Billings. Billings may administer the Contract and monitor the Contractor's compliance with its obligations hereunder. Billings shall not supervise or direct the Contractor other than as provided in this Section.

Section 2. Nondiscrimination.

- A. The Contractor 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 Contractor 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 Contractor 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 Contractor shall state, in all solicitations or advertisements for employees to Work on Contract 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 Contractor shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
- D. The Contractor shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Contractor under this Contract.
- E. The Contractor shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

- A. This Contract shall only be amended, modified or changed by a writing, executed by authorized representatives of the parties, with the same formality as this Contract was executed.
- B. For the purposes of any amendment modification or change to the terms and conditions of this Contract, the only authorized representatives of the parties are:

Contractor: Director or Authorized Designee

Billings: City Council or Authorized Designee

- C. Any attempt to amend, modify, or change this Contract by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Contract shall be brought in the District Court for the Thirteenth Judicial District of the State of Montana, Billings. The law of the State of Montana shall govern the rights and obligations of the parties under this Contract.

Section 7. Severability.

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

- A. The Contractor 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 Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Contractor, the Contractor 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 Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

The Contractor shall, at any time during normal business hours and as often as Billings may deem necessary, make available to Billings, for examination, all of its records with respect to all matters covered by this Contract for a period ending three years after the date the Contractor is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Contractor shall submit such other information and reports relating to its activities under this Contract, to Billings, in such form and at such times as Billings may reasonably require. The Contractor shall permit Billings to audit, examine and make copies of such records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Contract. Billings may, at its option, permit the Contractor to submit its records to Billings in lieu of the retention requirements of this Section.

Section 11. Availability of Funds.

Payments under this Contract may require funds from future appropriations. If sufficient funds are not appropriated for payments required under this Contract, this Contract shall terminate without penalty to Billings; and Billings shall not be obligated to make payments under this Contract beyond those which have previously been appropriated.

IN WITNESS WHEREOF, the parties have executed this Contract on the date and at the place shown below.

City of Billings

Contractor

City Council or Designee

Date: _____

Name: _____

Title: _____

Date: _____

ATTEST:

IRS Tax ID # _____

City Clerk

APPROVED AS TO FORM:

Date: _____

By _____

BRENT BROOKS, City Attorney

STATE OF MONTANA)
 :ss.
COUNTY OF YELLOWSTONE)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the _____ of _____, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

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

Notary Public for the State of Montana
Residing at Billings, Montana
My Commission Expires: _____

Note: **Final contract documents will require the Contractor's signature to be notarized.**

Appendix A

Basic Services of Contractor

I. GENERAL DESCRIPTION

Contractor's Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Contractor's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.
- B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.
- C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Contractor shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.
- D. Contractor's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.
- E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.
- F. The Contractor shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.
- G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.
- H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.
- I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Contractor. Reports will be submitted in a timely manner to permit prompt resolution of problems.

- J. Name a Task Director who shall be the liaison between Billings and the Contractor. For this project, the Task Director designated for the Contractor is Travis Copper, PE.

Billings Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete Billings' portion of the project as designated in the scope of work.
- B. Name a Task Director who shall be the liaison between the Contractor and Billings. For this project, the Task Director designated is Chris Hertz, PE.

Scope of Project.

I. DESCRIPTION

The project consists of design and construction of infrastructure improvements to serve the following lots in Lake Hills Subdivision, 25th Filing, located in the City of Billings, State of Montana: Lots 1-12 & 28 of Block 63, 1-13 of Block 62, and 1-7 of Block 65.

Infrastructure improvements will include extension of the City of Billings' existing water and sewer mains, water and sewer services, Ditton Drive and Lake Heights Drive along said lot frontages and stormwater management improvements.

II. SERVICES TO BE PERFORMED

100 PROJECT MANAGEMENT

Contractor shall provide the following Project Management tasks:

101 Work Plan

Prepare a work plan to include communication protocol, scope of work, time entry guidelines, schedules, and other guidelines and standards used by the project team.

102 Kick-off Meeting and Project Schedule

Conduct a kick-off meeting to review final task items and establish schedule milestones.

103 Project Coordination

Contractor will coordinate communication with Billings staff, Contractor project staff, and utility owners. Billings will be responsible for coordinating with SID participants.

104 Schedule and Budget Monitoring / Progress Reports

Manage the timeline and budget, and prepare invoices and progress reports according to Billings requirements.

105 Unscheduled Meetings

Attend periodic unscheduled meetings with Billings or other stakeholders. Provide meeting documentation. Up to three (3) unscheduled meetings are included in Contractor's fee.

200 PUBLIC INVOLVEMENT

Public involvement services are not included in this scope of work. If required, these services would be considered Additional Services and will be negotiated at a later date.

300 30% PRELIMINARY ENGINEERING AND SURVEY

Contractor will provide the following preliminary engineering and survey services:

301 Topographic and Boundary Survey

Complete a topographic survey and base map of the site. Survey will include detailed mapping of surface features and existing ground contours. Utilities will be shown on the base map from locate markings provided by utility companies and record drawing provided by Billings. No potholing is provided. Boundary survey includes tying out site corner monuments, assuming monuments exist and are at the platted locations. If monuments are not found at the record locations, or if discrepancies are discovered between the found monument locations and platted locations, additional boundary survey will be completed as Additional Services.

302 Geotechnical Evaluation & Groundwater Observations

Provide a geotechnical investigation and report for the pavement design and underground utility construction considerations. This does not include providing a hydrogeological investigation as specified in the current Billings Stormwater Management Manual since the project was originally approved under a previous standard, but it does include one percolation test and soil boring at each pond together with general recommendations related to separation between building foundations and infiltration facilities. Contractor will also provide results from groundwater observations currently being completed at the site.

303 Preliminary Stormwater Analysis

Complete a preliminary drainage analysis in accordance with Billings requirements. Develop a preliminary layout of stormwater ponds and other stormwater conveyance features. Submit a brief written summary of stormwater design concept together with preliminary layout to Billings.

304 Preliminary Project Drawings

Prepare in CAD preliminary drawings showing stormwater, wastewater and water system improvements. Preliminary design drawings will be conceptual in nature, at the level of detail required to accompany technical memoranda when needed. Contractor will only provide preliminary drawings or sketches of design elements necessary for decisions required by Billings.

305 Private Utility Design Coordination

Coordinate with utility companies to make them aware of the project schedule and request utility designs. Provide utility companies with preliminary drawings for their use in design.

306 30% Design Submittal

Submit to Billings for review the topographic survey base map, preliminary design drawings, written summary of stormwater design concept, project geotechnical report and results from groundwater observations.

400 ENVIRONMENTAL DOCUMENTATION AND PERMITTING (NOT INCLUDED)**500 50% DESIGN ENGINEERING AND REVIEWS (NOT INCLUDED)****600 80% DESIGN ENGINEERING AND REVIEWS**

It is anticipated that 80% design engineering will not commence until the 30% preliminary review is completed by Billings, and Contractor receives comments.

Eighty-percent design engineering and reviews include design and initial construction document preparation, culminating with Billings' review and comment period. The intent of this milestone is to finalize any unanswered questions, and identify significant changes required by Billings prior to proceeding to final (100%) construction document preparation. Contractor shall complete the following leading up to the 80% submittal:

601 Water and Wastewater Design

Complete plan and profile drawings for water and wastewater improvements to serve all lots within the SID and complete Water Design and Wastewater Design Reports and Checklist in accordance with DEQ standards. No water modeling is provided in this task to analyze hydraulic capacity and or pressures in the Billings' existing water system.

602 Street and Storm Design

Complete plan and profiles and detail drawings showing the proposed roads and stormwater improvements. Coordinate with lot owners to see if they prefer driveway approaches be installed with this contract or with building permits, and regarding their acceptance of any improvements located on the lots. Complete a Comprehensive Drainage Plan in accordance with Billings' requirements.

603 Pedestrian Facility Design

Design Pedestrian ramps at intersections and sidewalks along the frontage of any lots being set aside for stormwater management. Sidewalks along the frontages of residential lots will be constructed with building permits on each lot and design of those sidewalks is not included in this scope of services.

604 Traffic Control

Detail permanent traffic control devices such as signs and pavement markings. Construction traffic control is not included.

605 Landscape and Irrigation Design

Provide specifications in construction contract related to landscaping and irrigation of two stormwater detention ponds that are anticipated to be constructed within public right-of-ways or on other land dedicated to the City. This does not include design or specifying landscaping on any stormwater detention ponds to be constructed on private land. The specification will be performance-based, calling out general requirements for grass and irrigation systems to be installed, based on Billings's standards for irrigation systems. Design of the irrigation systems and detailing components of the system will be the construction contractor's responsibility. Shop drawings will be required for review and approval prior to installation. Landscaping requirements will only include grass. A detailed landscape plan with shrubs, trees and other features is not included.

606 Lighting Design (Not Included)**607 Stormwater Pollution Prevention (Not Included)**

Completion of a Stormwater Pollution Prevention Plan and Notice of Intent to discharge stormwater associated with construction activity will be required of the construction contractor and is not included in this scope.

608 Private Utility Design Coordination

Submit to private utilities 80% construction drawings. Review and comment on private utility designs and coordinate design revisions as necessary to avoid conflicts between infrastructure improvements with new utilities.

609 Easements

Prepare legal descriptions and graphical exhibits for stormwater pond easements over private land within the SID boundary. This includes up to 6 easements. Billings will be responsible for preparation of easement dedication documents that reference the legal description and exhibits.

610 Specifications and Project Manual

Prepare project special provisions, bid form and overall project manual. Montana Public Works Standard Specifications and City of Billings Standard Modifications will be referenced in the design documents.

611 Quantities and Opinion of Cost

Prepare quantity estimates and opinion of probable construction cost.

612 Quality Assurance Review

Conduct internal quality assurance review according to Contractor quality assurance and quality control procedures.

613 MT DEQ Submittal

Complete a Municipal Facilities Exclusion (MFE) Application and packet of supporting documents, to be included in the Billings submittal to DEQ. Contractor will provide with MFE package a check to MT DEQ for the application fee up to a maximum amount of \$4,800.

614 Construction Documents Submittal (80% Completion)

Submit to Billings for review the following items: design drawings, Comprehensive Drainage Plan, project manual, opinion of cost, and a DEQ submittal package.

700 100% DESIGN AND BIDDING**701 Final Design & Bid Documents**

Contractor will address comments from 80% completion review. Prepare, review, and seal final design documents. Contractor will provide Billings one set of original paper documents and an electronic copy of all final design documents in PDF format.

702 Final Quantities and Opinion of Construction Cost

After completing final changes to drawings and specifications, and prior to bidding, Contractor will update the quantity estimates and opinion of probable construction cost.

703 Bid Assistance

Contractor will prepare Invitation to Bidder's, advertise for bids, distribute bid documents, maintain a plan holder's list, respond to bidders questions and prepare addenda as appropriate to clarify the contract documents.

704 Conduct Pre-Bid Meeting

Contractor will prepare an agenda, facilitate the pre-bid meeting and respond to questions as needed.

705 Bid Opening, Bid Tabulation and Award Recommendation

Contractor will attend the bid opening, review the bids received, prepare a tabulation of bids, and based on conformance with the contract requirements prepare a Notice of Award recommendation to Billings.

706 Prepare and Circulate Contract Documents

Upon dissemination of the Notice of Award, Contractor will assemble, distribute, and coordinate execution of the contract documents.

707 Issue Conformed Drawings and Project Manual

Contractor will produce the appropriate number of conformed drawings and Project Manual requested by Billings and the construction contractor.

800 RIGHT-OF-WAY (NOT INCLUDED)**900 CONSTRUCTION PHASE SERVICES****901 Preconstruction Conference**

Schedule and facilitate a preconstruction conference to discuss the Contractor's proposed construction aspects, schedule and various requirements of the project specifications.

902 Notice to Proceed

Prepare notice to proceed for Billings to review, execute, and issue.

903 Construction Survey

Provide construction surveys and staking to enable construction contractor to perform its work. Construction contractor will be responsible for all construction surveys not listed below. One set of stakes will be provided for each of the following:

- Control points
- Stake Subgrade
- Stake Storm Drain Ponds
- Sanitary sewer manholes and services
- Water main, hydrants, tees, elbows, valves and services.
- Storm sewer manholes & inlets
- Curb & gutter and ADA ramps
- Temporary front lot corners for establishing location of private utilities
- Centerline monuments for installing monument boxes and leveling through boxes after installed for recording "as-built" elevations

The following items are not included in Contractor's scope of work for staking and will be required of the construction contractor in the project manual:

- Re-staking
- Blue topping
- More than 14 trips to the site for staking due to construction contractor's request to stake small portions of the project at a time or due to construction contractor's failure to have the site ready on agreed days to complete staking.

904 Submittal Review

Review construction submittals for compliance with plans and specifications.

905 Construction Administration

Provide coordination and administration of project construction activities. Prepare Notice to Proceed. Review pay estimates and certified payrolls (from construction contractor and sub-contractors) if necessary, review requests for information (RFI) and provide appropriate response. Evaluate change order requests and provide

recommendations to Billings. Facilitate negotiations on change orders if any from either Billings or the construction contractor, and prepare change orders.

906 Review Progress Schedules

Review construction progress schedule to identify conformance with project schedule.

907 Progress Meetings

Schedule and conduct up to six (6) on-site meetings to discuss project with Billings and construction contractor. Schedule meetings and/or conference calls twice a month or as needed during construction operations.

908 Quality Assurance Testing

Provide, or cause to be provided, quality assurance testing at the frequency specified in the City of Billings Standard Modifications to the Montana Public Works Standard Specifications. Any re-testing resulting from failed tests will be the construction contractor's responsibility.

909 Construction Observation

Provide construction observations as necessary to ensure the construction contractor complies with plans and specifications. Services will include full time construction observation for:

- Installation of underground facilities including the water system, sewer system and storm drain systems
- Placement of concrete for curbs and gutters
- Asphalt paving

Part-time observation will be provided during:

- Concrete formwork;
- Construction of the pedestrian ramps and sidewalks;
- Street subgrade preparation;
- Installation of road base;
- Grading;
- Contractor clean-up and the other minor components of the project.

Construction observation includes maintaining a diary of construction activities, observations, and material quantities, and taking construction photographs.

It is expected 350 hours of resident project representative (RPR) time will be sufficient to provide necessary observation throughout the construction of the project. Time in which the construction contractor works outside of 50 hours per work week and/or hours which require construction observation beyond the contract time specified in the construction contract, will be paid for as Additional Services.

910 Substantial Completion Walkthrough

Schedule and facilitate a walkthrough with the construction contractor and Billings to review all project components. Prepare a punch list of incomplete or unsatisfactory

items to be resolved before final project closeout. Create and issue Certificate of Substantial Completion.

911 Final Walkthrough and Project Closeout

Schedule and facilitate a final walkthrough with the construction contractor and Billings to review the punch list developed during the substantial completion walkthrough to ensure punch list items satisfactorily completed.

912 Record Drawings

Prepare record drawings for the project. Supply Billings with three (3) paper copies (1 full-size, 2 half-size) and 2 CDs with PDF files of the record drawings. Supply the Department of Environmental Quality with record drawings.

913 1-Year Warranty Inspection

Approximately 11 months after substantial completion, schedule with all parties and be present at a 1-year warranty walkthrough of all project components. Coordinate warranty repairs with the construction contractor.

III. DELIVERABLES

The following deliverables will be provided by Contractor to Billings.

- General
 - Meeting minutes and other appropriate documentation
 - Technical memoranda (as necessary)
- 30% Design:
 - Topographic survey base map (2 copies)
 - Preliminary design drawings (2 copies)
 - Written summary of stormwater design concept (1 copy)
 - Geotechnical report (1 copy)
 - Results from groundwater observations (1 copy)
- 80% Design:
 - Design drawings (2 copies)
 - Comprehensive Drainage Plan (1 copy)
 - Project manual (2 copies)
 - Opinion of Cost (1 copy)
 - DEQ submittal package (1 copy)
 - Legal descriptions and exhibits for creation of stormwater easements (1 copy)
- 100% Submittal
 - New copies of items modified from 80% design submittal (same number of copies as 80% submittal)
- Bidding
 - Bid tabulation and award recommendation (1 copy)
- Construction
 - Change orders (1 copy)
 - Copies of approved submittals and RFIs (1 copy)
 - Test results (1 copy)

- Copies of construction diaries (1 copy)
- Record Drawings – three paper copies (one 22"x34" and two 11"x17") and two CDs with PDF files
- Construction certification and close-out documents (1 copy)

IV. EXCLUSIONS

Appendix A contains specific information regarding tasks, number of iterations, and deliverables included in the Agreement. Additional services beyond this scope of work are extra and will be addressed as a contract supplement. In addition to those specifically identified in the above tasks, the following list, which is not intended to be exclusive, summarizes exclusions.

- Permit applications other than MT DEQ permit for water main or sanitary sewer construction
- Payment of fees in addition to those specified as Basic Services, including but not limited to review fees, application fees, recording fees and title company fees
- Tasks associated with creating a Special Improvement District (SID) or Special Improvement Light Maintenance District (SILMD)
- 3-D/Artistic renderings
- Traffic analysis, reporting and intersection design other than as indicated above
- Archaeology/Cultural/Historic/etc. impacts research, field work, reporting, and mitigation plans
- Preparation of environmental document, including Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement
- Legal testimony arising out of litigation regarding project decisions
- Lighting design
- Design of on-site electrical, gas and communication services
- Preparation of operation and maintenance manuals

Appendix B

Methods and Times of Payment

Section 1. Payments for Basic Services.

Billings shall authorize payment to the Contractor for services performed under Appendix A of this Agreement. Partial payment shall be due the Contractor upon receipt of the Contractor's pay estimate, said estimate being proportioned to the work completed by the Contractor.

Billings shall deduct five percent (5%) from each monthly 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 documents by Billings, and determination that the scope of work has been satisfactorily completed.

- A. **Project Design, Bidding and Construction** - For services rendered under Appendix A Phases 100, 300, 600, 700 and 900 the Contractor shall be paid based upon actual time accrued, but not to exceed the following amount:

Design, Bidding and Construction Services.....\$185,000

- B. Final payment shall be the above stated basic fee less all previous payments.

Section 2. Payments for Extra Services when Authorized by Billings.

Items excluded from Basic Services, as listed in Section IV of Appendix A and Additional Services listed in Appendix C shall be paid for on an hourly basis at the applicable fees in Appendix D. This is in addition to the fee for Basic Services, specified in Section 1 above. Additional Services will only be provided with written authorization from Billings.

Section 3. Corrections.

Costs of Billings' work that is required for corrections to the Contractor's work which requires redoing by Billings shall be deducted from any payments due the Contractor, if the Contractor fails to make the required corrections.

Section 4. Fee Increases

For contracts and services that are expected to require more than one (1) year to complete, the above stated basic services payments may be reviewed and adjusted annually by mutual agreement of the parties, based upon documented evidence that the Contractor's costs and hourly rates as shown in Appendix D have increased for all comparable clients.

Appendix C

Additional Services of Contractor

Additional Services of the Contractor will be paid only with written prior authorization by Billings.

- A. Services to make requested changes, amendments or revisions to Contractor's work, after work was previously approved by Billings.
- B. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Contractor when such revisions are required by changes in Laws and Regulations enacted subsequent to the effective date or are due to any other causes beyond Contractor's control.
- C. Preparing to serve or serving as a consultant or witness for Billings in any litigation, arbitration, or other dispute resolution process related to the Project.
- D. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; services after the award of the Construction Contract in evaluating and determining the acceptability of a proposed "or equal" or substitution which is found to be inappropriate for the Project; evaluation and determination of an excessive number of proposed "or equals" or substitutions, whether proposed before or after award of the Construction Contract.
- E. Additional or extended services during construction made necessary by Force Majeure as described in Part I, Section 12-B of the Special Provisions.
- F. Reviewing a Shop Drawing more than three times, as a result of repeated inadequate submissions by the construction contractor.
- G. Resetting lost or destroyed monuments after construction.
- H. Construction observation after expiration of the construction contract completion time or in addition to that required by a 40 hour work week.
- I. Re-staking or staking in addition to that listed as Basic Services.
- J. Re-testing of failed quality assurance tests.
- K. Preparation of change order supporting documents, which require additional engineering design or construction review.
- L. Retaining wall or other structural design.
- M. Design revisions in excess of those specified in the scope of Basic Services.
- N. Design of off-site improvements not specified as "Basic Services".

- O. Design of sanitary sewer lift station.
- P. Design of stormwater pumping or treatment facilities other than sediment removal and stormwater detention.
- Q. Additional efforts needed as a result of services extending beyond the time specified in the Agreement.
- R. Preparation for or attending meeting requested by the Owner in addition to those described in Appendix A, Basic Services of Contractor.

Appendix D

Schedule of Professional Fees

Standard hourly rates are subject to review and adjustments. Hourly rates for services effective on the date of this Agreement are included below.

The itemized schedule provided below includes direct labor costs, normal payroll and overhead costs, transportation, furnishing equipment and materials normally required for performance of the work and reasonable profit.

Appendix E

Project Schedule

Based on a written notice to proceed by no later than October 28, 2015, project milestone dates are estimated as follows:

1. 100% Design Submittal – January 29, 2016
2. Construction Contract Award – February 29, 2016
3. Construction Complete – June 2016

Delays affecting the completion of the work within the time specified of more than ninety (90) days, not attributable to or caused by the Parties hereto, may be considered as cause for the renegotiation or termination of this Contract.

If the Contractor is behind on this Contract due to no fault of Billings, then the Contractor hereby acknowledges the right of Billings to withhold future Contracts to the Contractor in addition to any other remedy until this Contract is brought back on schedule or otherwise resolved.

Appendix F

Certificates of Insurance

See attached Certificates of Insurance.

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Public hearing and resolution approving sale of city land

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The City of Billings owns lots 1-8, block 226 of the Billings Original Town, generally located at 716-724 S. 27th Street. The Community Development program acquired the properties in the 1980s and held them for redevelopment. The CDBG program subsequently released all CDBG restrictions on selling the property. City staff received expressions of interest to acquire the property and advertised for sealed bids. The City received two bids and the Council is being asked to consider selling the property to the highest bidder.

ALTERNATIVES ANALYZED

The City Council must conduct a public hearing per BMCC 22-902 and then may:

- Approve the resolution transferring ownership of the property to A. L. Koelzer, or
- Approve the resolution and transfer ownership to G&L Properties/SNG Inc., or
- Disapprove the resolution and give guidance to staff about the property's disposition.

FINANCIAL IMPACT

The City received two (2) bids as follows:

G&L Properties/SNG, Inc.	\$112,000
A.L. Koelzer	\$196,500

G&L Properties/SNG, Inc. owns the 3Gs store that is located on the north end of this block. The owner intends to use the land to expand the business. Mr. Koelzer is a well known commercial real estate broker and has no specific plans for the property at this time. Both bidders are obligated to meet the building and landscaping requirements of the S. 27th Street permit zoning district.

The CDBG program purchased the properties but released sale restrictions in 2012. Those restrictions would have required that the land be used to benefit low and moderate income residents of the neighborhood and the funds would be returned to the CDBG program. Since these restrictions are no longer valid, the funds may be used for any purpose. Three options would be to deposit the funds in the General Fund, of which approximately 60% would go to Public Safety, or; deposit the funds in the Home Reinvestment Revolving Loan Fund, in which case the money could be used to assist the First Time Homebuyers Program, the Home Repairs Program or the Foreclosure, Acquisition and Rehabilitation program, or; deposit the funds in the Downtown Tax Increment District Fund and use the money for eligible downtown reinvestment projects.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the resolution that authorizes selling lots 1-8, block 226, Billings Original Town to A.L. Koelzer for \$196,500. Further, staff recommends that the funds be used to supplement the Home Reinvestment Revolving Loan Fund.

APPROVED BY CITY ADMINISTRATOR

Public hearing and resolution approving sale of city land

Attachments

Koelzer offer
3Gs offer
3Gs site plan
Resolution

AGREEMENT TO SELL AND PURCHASE

AND RECEIPT FOR EARNEST MONEY COMMERCIAL AND INVESTMENT PROPERTIES

Date Oct. 14, 2015

THE EXECUTION OF THIS AGREEMENT HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD SEEK COMPETENT LEGAL ADVICE IF NOT UNDERSTOOD. THIS IS A LEGAL AND BINDING CONTRACT.

1. PARTIES AND PROPERTY:

A.L. Koelzer

Buyer, taking title as:

☐ Joint tenants with rights of survivorship, ☐ Tenants in common, ☒ Single in his/her own name, ☐ Other _____
agrees to buy, and the Seller agrees to sell on the terms and conditions set forth in this Contract, the following described real property
in the City of Billings County of Yellowstone State of Montana

Property commonly known as: 716 and 724 S. 27thSt.

Legal description of the Property: Lots 1-8, Block 226, Billings Original Townsite

If the legal description of the Property is not complete or is inaccurate, this Agreement shall not be invalid and the legal description shall be completed or corrected to meet the requirements of the title company referred to in Section 10.

2. PURCHASE PRICE AND TERMS:

The purchase price shall be \$ 196,500 Dollars payable in U.S. Dollars by Buyer as follows:

\$ 10,000 (A) Earnest Money in the form of ☒ Personal Check ☐ Cashiers Check ☐ Other To be:

☐ 1) Held and not deposited until acceptance by all parties.

☒ 2) Deposited within 2 business days of acceptance.

Earnest Money to be held by American Title ☐ Broker ☐ Attorney ☒ Title Company

in a trust account on behalf of both Seller and Buyer. Broker is authorized to deliver the earnest money deposit to the closing agent, if any, at or before closing. Parties agree that interest accruing on earnest money, if any, while deposited shall be payable to Broker in consideration for services rendered. The undersigned sales representative hereby acknowledges receipt from Buyer of the above noted Earnest Money.

\$ 186,500 (B) Cash at closing, plus Buyer's closing costs, to be paid by Buyer at closing by cashier, certified check or electronic funds.

\$ _____ (C) Seller to finance Buyer's purchase under the following terms and conditions: _____

\$ _____ (D) Assumption of Existing Financing: _____

\$ 196,500 TOTAL PURCHASE PRICE

Additional Provisions: Buyer intends to hold the property for investment, development and/or resale

Seller understands that Buyer is a licensed real estate agent . Buyer is aware of limited access.

3. PERSONAL PROPERTY AND FIXTURES:

The following personal property shall be included in this sale and transferred by Bill of Sale at closing.

☐ Security Deposits ☐ Signs ☐ Dumpster(s) ☐ _____

The following personal property is leased and not included in the sale: _____

Fixtures: All permanently installed fixtures and fittings that are attached to the Property are included in the purchase price, such as electrical, plumbing, and heating fixtures, built in appliances, attached floor coverings, antennas, coolers or air conditioners, mailbox, and trees and shrubs, if any, except _____



SNG Inc.
4410 State Ave.
Billings, MT 59101
Ph. 406-245-0161
Fax 406-245-0240
threegs@qwest.net

G&L Properties

4410 State Ave

Billings MT 59101

406.245.0161
office@3gsstores.com

To Billings City Council,

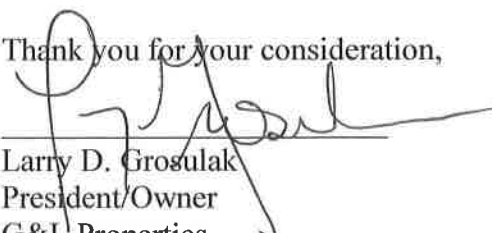
Below you will find my bid to purchase the properties located at 716-724 S. 27th Street Billings, MT 59101. As owner/operator of both G&L Properties and SNG Inc, I currently possess the adjacent property at 702 S. 27th Street, home to 3G's #2 which has been a neighborhood pillar since 1997. My interest in the adjoining properties constitutes 3G's next step in building our brand, upgrading our offerings, and revitalizing the neighborhoods in which we make our home. Enclosed you will find preliminary development plans which we expect to implement Spring 2017 upon a successful bid. After multiple permutations, total investment is currently budgeted up to \$3,000,000 to complete the project. Details of development include:

- Upgrading building size from 1800sqft to approximately 7000sqft,
- Expanding fresh produce and fresh food offerings,
- And including a full freezer section for take home grocery items.

By time of implementation, this project will be our 4th complete site rebuild and 5th total reimaging of our locations all within the Billings area.

My bid for the fore mentioned properties is **\$112,000.**

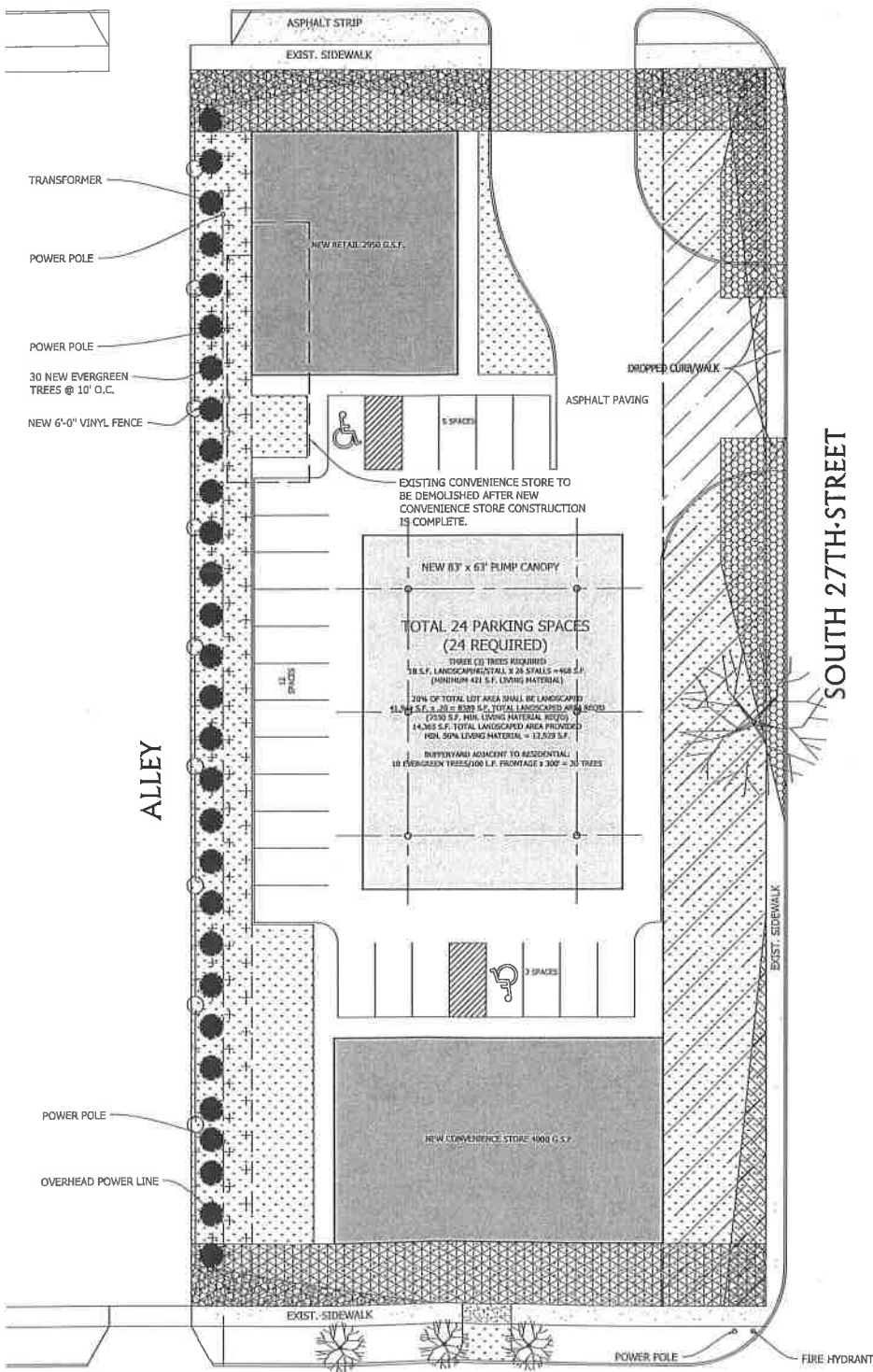
Thank you for your consideration,



Larry D. Grosulak
President/Owner
G&L Properties

Enclosure

SEVENTH AVENUE SOUTH



EIGHTH AVENUE 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 WITH THE LAND DISPOSAL

WHEREAS, the City of Billings owns and desires to dispose of unnecessary public property generally located on S. 27th Street between 7th Avenue South and 8th Avenue South; and

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

Lots 1-8, Block 226 of the Billings Original Town, now the City of Billings, according to the official plat now on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana; and

WHEREAS, the notice required by Section 22-902 of the Billings Montana City Code has been duly published and mailed; and

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on October 26, 2015.

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

City staff are authorized to proceed with the sale of the property described above to A. L. Koelzer for the bid price of \$196,500.

APPROVED by the City Council of the City of Billings, Montana this 26th day of October, 2015.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

Billie Guenther, City Clerk

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Public Hearing and Resolution for FY16 First Quarter Budget Amendments

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Montana Code allows local governments to amend their fiscal year budgets by using the same method as used for the original budget adoption: public notice, public hearing and Council adopting a resolution. The City's practice is to amend budgets quarterly, if needed. The following amendments are proposed for the first quarter of FY 2016:

Fund 0100 - Council Contingency

The Council approved using \$23,000 of Council Contingency funds for the High Sierra Disk Golf Course at the 06/22/15 meeting. Parks, Recreation and Public Lands Dept. (PRPL) was unable to spend the money in Fiscal Year 2015, which ended on June 30. This amendment will transfer the \$23,000 to the FY 16 Budget.

Fund 0100 - Parks, Recreation and Public Lands

PRPL has \$18,300 in unspent FY 15 Budget authority for the High Sierra Disk Golf Course. This amendment is re-budgeting the \$18,300 for the FY16 Budget.

Fund 4050 - Airport - Airport Improvement Program Capital Fund (AIP)

The Airport is requesting a budget amendment to its AIP Capital Fund. The Airport Storm Water Tunnel Boring project was included in the Airport's FY15 Capital Improvement Plan, however due to the lengthy time required to complete and obtain approval for FAA required environmental impact studies, the Airport was not able to bid the project in FY 15. This amendment re-budgets the project and money in the FY 16 Budget. The AIP Capital Fund has sufficient funds to complete this project, which is 90% funded by Federal AIP grant monies.

Fund 2400 - Planning

This amendment is an increase in the Planning Fund for the GIS consultant contract to assist in the Billings Beyond! Growth Policy project to be completed in 2016. The contract with Geodata Services, Inc. was approved by City Administration in July 2015 and the City Council has been kept informed of the Growth Policy process, most recently at a Work Session on July 17. This contract will assist the Planning Division in developing growth scenarios as part of the project. The Planning Fund has cash reserves to pay for this expense.

Fund 2090 - Building

The Building Division wishes to purchase the Innoprise Mobile Inspection application, computer tablets and smart phones. The new technology and equipment will improve customer service and data storage capacity. Reserves will be used to pay for the expense.

Fund 8450 - Arterial

Public Works is requesting FY 16 budget authority for the Poly Drive & Virginia Lane Intersection Improvements and the Poly Drive - 32nd Street West to 38th Street West projects. The request will allow for these projects to be completed in FY 2016. Public Works is also requesting budget authority for the 32nd Street West and Gabel Drive Traffic Signal project. Design was completed in FY 15 but construction funds could not be encumbered before the end of the fiscal year. Public Works has sufficient cash in its Arterial Fund for these projects.

2360 - Trails/Bike Path Donations

Public Works is requesting the FY 16 budget authority for the local share match for the Arrowhead School Trail Community Transportation Enhancement Program (CTEP). Design and construction were started in FY 2015 but not completed. Additional budget authority is being requested for the Poly Drive School Pedestrian Improvement project. Construction for this project was encumbered in FY 2015. There is sufficient cash in the Trails Fund for these projects.

8400 - Storm Sewer

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for East End Industrial Area Storm Drain, Colton Boulevard Special Improvement District, 2015 Miscellaneous Developer, Calhoun Road Improvements, and Poly Drive-32nd St West to 38th St West projects. These are projects that were approved in FY 2015 but not completed. The bidding process for the Mountain View SID could not be completed in FY 2015, so construction funds were not encumbered prior to year end. Public Works has sufficient cash in its Storm Sewer Fund for all these projects.

1990 - South Tax Increment

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the Calhoun Road Improvements to allow for completion of the project. There is sufficient cash in the TIF Fund for this project.

Fund 2050 - Gas Tax

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the 2015 Miscellaneous Developer, Exposition Gateway, and 2015 Street Maintenance Overlay projects. These projects began in a previous budget year and the funding is required to complete each project. Public Works also requests that the FY 16 budget be amended for the Wicks Lane Multi Use Path and Shawnee Drive projects. Both projects were budgeted in FY 2015, however the bidding process was not completed until FY 2016. Public Works has sufficient cash in its Gas Tax Fund for all of these projects.

Fund 4340 - Sidewalks

Public Works is requesting the FY 16 budget authority for the Poly Drive - 32nd Street West to 38th Street West sidewalk project. The authority is being requested to allow for the project to be completed. The costs will be paid for from the proceeds of the SID bond sale.

Fund 4260 - Storm Bonds

Public Works is requesting FY 16 budget authority for the East End Industrial Area Storm Drain project. This will allow for the completion of the project in FY 2016. The Storm Sewer Construction Fund has sufficient cash for this project.

Fund 5030 - Water

Public Works is requesting budget authority be reestablished in the FY 2016 budget for the Mullowney & Elysian Water Extension, 2015 Water Replacement, and Exposition Gateway

projects. Each project was approved in a previous fiscal year and the funding is requested to complete the projects. Additional budget authority is being requested for a Carbon Analyzer for the Water Treatment Plant Lab. The existing piece of equipment failed and a replacement is needed to meet federal regulations. A budget amendment is also requested for the WTP Clearwell #2 Re-coat and the WTP Valve Replacement projects. These projects were designed and approved for FY 2015 but construction funds could not be encumbered before the end of the fiscal year. The Water Fund has sufficient cash for all of these projects.

Fund 5130 - Wastewater

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for Muldowney & Elysian Sewer Drain Extension, 2015 Sewer Replacement Project, and Poly Drive-32nd St West to 38th St West projects. Each project was approved in the previous fiscal year and the funding is requested to complete the project. It is also requested that the FY 2016 budget be amended for the WWTP Aeration Blower project. Public Works bought the blower in FY 15 but was not able to encumber construction funds prior to FY 2016. The Wastewater Fund has sufficient cash to fund these projects.

ALTERNATIVES ANALYZED

The Council may: Approve the requested budget amendments; or Not approve the requested budget amendments, which would put the City in violation of Montana law.

FINANCIAL IMPACT

The requested budget amendments will be funded by current revenues or reserves, as described in the budget resolution exhibit and above.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the resolution approving and adopting the first quarter budget amendments for Fiscal Year 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution
Exhibit A

RESOLUTION 15-

A RESOLUTION TO MAKE **FISCAL YEAR 2015/2016** ADJUSTMENTS TO APPROPRIATIONS PURSUANT TO M.C.A. 7-6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND REVISIONS WITHIN THE GENERAL CLASS OF SALARIES AND WAGES, MAINTENANCE AND SUPPORT AND CAPITAL OUTLAY.

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

WHEREAS, based upon a Budget Review (**FY 2015/2016**), it is necessary to alter and change said appropriations.

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

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT A)

PASSED AND APPROVED by the City Council, this 26th day of October, 2015.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Billie Guenther, CITY CLERK

EXHIBIT A

Revenue Expenditure

Fund 0100 - Council Contingency

The Council approved using \$23,000 of Council Contingency funds for the High Sierra Disk Golf Course on the 06/22/15 meeting. PRPL was unable to spend the money in the FY15 Budget. This amendment will transfer the \$23,000 in the FY16 Budget. Reserves will be used for the expense.

0100-11100-407970	23,000	Contingency Expense
0100-11100-408200	23,000	Transfer Out

Fund 0100 - Parks Recreation and Public Lands

PRPL has \$18,300 in unspent FY15 Budget authority for the High Sierra Disk Golf Course. This amendment is rebudgeting the \$18,300 for the FY16 Budget.

0100-51110-307514	23,000	Transfer In
0100-51120-409370	41,300	Capital

Fund 4050 - Airport - Airport Improvement Plan Capital Fund (AIP)

The Airport is requesting a budget amendment to its AIP Capital Fund. The Airport Storm Water Tunnel Boring project was included in the Airport's FY15 Capital Improvement Program, however due to the lengthy time required to complete and obtain approval for FAA required environmental impact studies, the Airport was not able to bid the project in FY15. The AIP Capital Fund has sufficient funds to complete this project, which is 90% funded by AIP grant monies.

4050-71250-331984	1,584,000	AIP Grant Revenue
4050-71250-409687	1,584,000	AIP FY2016 Federal Share Capital
4050-71250-409689	176,000	AIP FY2016 Local Share Capital

Fund 2400 - Planning

Budget increase in Planning for the GIS Consultant Contract to assist in the Billings Beyond! Growth Policy project to be completed in 2016. The Contract with Geodata Services, Inc. was approved by City Administration in July 2015 and the City Council has been kept informed of the Growth Policy process, most recently at a Work Session on July 17. This contract will assist the Planning Division in developing growth scenarios as part of the project. The Planning Fund has cash reserves to pay for this.

2400-43010-403590	20,000	Other Professional Services
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Fund 209 - Building

Building is purchasing the Innoprise Mobile Inspection application, computer tablets and smart phones. The new technology and equipment will improve customer service and data storage capacity. Reserves will be used to pay for the expense.

2090-44510-403553	6,730	Contract Software Maintenance
2090-44510-402120	5,170	Small Items of Equipment

Fund 8450 - Arterial

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the Poly Drive & Virginia Lane Intersection Improvements and the Poly Drive - 32nd Street West to 38th Street West projects. The request will allow for these projects to be completed in FY 2016. Public Works is also requesting budget authority be reestablished for the 32nd Street West and Gabel Drive Traffic Signal project. Design was completed in FY 15 but due to timing issues, construction was not able to be encumbered in the FY 2015 budget. Public Works has sufficient cash in its Arterial Fund for these projects.

8450-31860-409310	35,000	Poly Dr. & Virginia Ln. Intersection Improvements
8450-31860-409310	85,000	Poly Drive-32nd St West to 38th St West
8450-31860-409310	230,000	32nd St West and Gabel Dr. Traffic Signal

2360 - Trails/Bike Path Donations

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the local share match for the Arrowhead School Trail Community Transportation Enhancement Program (CTEP). Design and construction were started in FY 2015 but not completed. Additional budget authority is being requested for the Poly Drive School Pedestrian Improvement project. Construction for this project was encumbered in FY 2015. There is sufficient cash in the Trails Fund for these projects.

2360-43700-409370	1,101	Arrowhead School Trail CTEP
2360-43700-409370	708	Poly Drive School Pedestrian Improvements

8400 - Storm Sewer

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for East End Industrial Area Storm Drain, Colton Boulevard Special Improvement District, 2015 Miscellaneous Developer, Calhoun Road Improvements, and Poly Drive-32nd St West to 38th St West projects. The request is being made to enable us to complete the projects that were approved in FY 2015 but not completed. It is also requested that funding be reestablished for the Mountain View Special Improvement District project. The bidding process was not complete in FY 2015 so construction was not encumbered prior to year end. Public Works has sufficient cash in its Storm Sewer Fund for all these projects.

8400-31840-409310	42,000	East End Industrial Area Storm Drain
8400-31840-409310	17,000	Colton Boulevard
8400-31840-409310	5,000	Miscellaneous Developer
8400-31840-409310	6,500	Calhoun Road Improvements
8400-31840-409310	15,000	Poly Drive-32nd St West to 38th St West
8400-31840-409310	45,000	Mountain View Boulevard

1990 - South Tax Increment

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the Calhoun Road Improvements to allow for completion of the project. There is sufficient cash in the TIF Fund for this project.

1990-15050-409310	75,000	Calhoun Road Improvements
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Fund 2050 - Gas Tax

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the 2015 Miscellaneous Developer, Exposition Gateway, and 2015 Street Maintenance Overlay projects. These projects began in a previous budget year and the funding is required to complete each project. It is also requested that the FY 2016 be amended for the Wicks Lane Multi Use Path and Shawnee Drive projects. Both projects were budgeted in FY 2015, however the bidding process was not completed until FY 2016. Public Works has sufficient cash in its Gas Tax Fund for all of these projects.

2050-31310-409310	20,000	Miscellaneous Developer
2050-31310-409310	125,000	Exposition Gateway
2050-31310-409310	20,000	Street Maintenance Overlay
2050-31310-409310	30,000	Wicks Lane Multi Use Path
2050-31310-409310	92,000	Shawnee Drive

Fund 4340 - Sidewalks

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the Poly Drive - 32nd Street West to 38th Street West sidewalk project. The authority is being requested to allow for the project to be completed. The costs will be paid for from the proceeds of the bond sale.

4340-31650-409311	15,000	Poly Drive-32nd St West to 38th St West
4340-31650-386810	15,000	Sale of Bonds

Fund 4260 - Storm Bonds

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for the East End Industrial Area Storm Drain project. This will allow for the completion of the project in FY 2016. The Storm Sewer Construction Fund has sufficient cash for this project.

4260-31840-409310	156,000	East End Industrial Area Storm Drain
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Fund 5030 - Water

Public Works is requesting budget authority be reestablished in the FY 2016 budget for the Mullooney & Elysian Water Extension, 2015 Water Replacement, and Exposition Gateway projects. Each project was approved in a previous fiscal year and the funding is requested to enable us to complete the project. Additional budget authority is being requested for a Carbon Analyzer for the Water Treatment Plant Lab. The existing piece of equipment failed and a replacement is needed to meet federal regulations. A budget amendment is also requested for the WTP Clearwell #2 Re-coat and the WTP Valve Replacement projects. These projects were approved for FY 2015 but not encumbered. The Water Fund has sufficient cash for all of these projects.

5030-75910-409340	28,306	Mullooney & Elysian Water Extension
5030-75910-409340	84,194	2015 Water Replacement Project
5030-75910-409340	125,000	Exposition Gateway
5030-74910-409390	250,000	WTP Clearwell #2 Re-coat
5030-74910-409390	150,000	WTP Valve Replacement
5030-74910-409410	31,000	Carbon Analyzer

Fund 5130 - Wastewater

Public Works is requesting the budget authority be reestablished in the FY 2016 budget for Mullooney & Elysian Sewer Drain Extension, 2015 Sewer Replacement Project, and Poly Drive-32nd St West to 38th St West projects. Each project was approved in the previous fiscal year and the funding is requested to enable us to complete the project. It is also requested that the FY 2016 budget be amended for the WWTP Aeration Blower project. The blower was procured in FY 2015 but construction was not able to be encumbered prior to FY 2016. The Wastewater Fund has sufficient cash to fund these projects.

5130-85910-409340	35,000	Mullooney & Elysian Sewer Drain Extension
5130-85910-409340	40,000	2015 Sewer Replacement Project
5130-85910-409340	22,000	Poly Drive-32nd St West to 38th St West
5130-84910-409390	175,000	WWTP Aeration Blower

Regular City Council Meeting

Meeting Date: 10/26/2015

TITLE: Public Hearing and Waiver of EBURD Demolition Disposal Fees

PRESENTED BY: Tina Volek, City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The East Billings Urban Renewal District (EBURD) Board requested at a September 8, 2015, work session that the City Council waive landfill fees for two building seasons for disposal of non-asbestos demolition materials from blighted areas in the EBURD tax increment financing district as an incentive to development there.

Income from the Montana-Dakota Utilities (MDU) methane gas collection system at the landfill had been suggested as a substitute for the disposal fees. However, the Landfill Fund is a self-sustaining enterprise fund, and the MDU fees go to the General Fund, not the Landfill Fund. Employees from the Planning Department should determine whether projects in the EBURD meet the Federal definitions for blight to be included in the experiment, but those employees are paid for from fees for service or from a Yellowstone County levy. Because the support for those funds comes from other sources, it is recommended that transfers from the General Fund be made to offset the costs of the program to the two departments.

The EBURD is only one of three tax increment financing districts operating in the City. When a tax increment financing district (TIFD) is created, the amount of taxes that local jurisdictions such as the City may collect are limited to the same amount they were receiving at the time of creation. Any new taxes received for a specific period of time, usually 15 years, are returned to the TIFD, which may use them to reimburse property owners for the cost of demolition of blighted properties and other public aspects of their projects. Taxing jurisdictions, including the City, will receive additional tax revenues only when the TIFD sunsets.

Other private and public projects, including those for the Library and Public Works, also are being charged demolition disposal fees. Demolition disposal fees are assessed in all cases to a particular project, not to the area from which they come, so there is no easy way to determine the impact of the proposed experiment on the General Fund. Current fees are \$16.67 per ton for non-asbestos materials, one of the lowest rates in the nation, according to the Public Works staff.

Attached is a resolution that waives the fees as proposed and outlines a cost-benefit analysis method for determining the effectiveness of the experiment. The resolution is limited to the EBURD, but it can be expected that at least the Downtown and South Billings Urban Renewal District, as well as other public or quasi-public entities will request similar exemptions for a 2-year period

ALTERNATIVES ANALYZED

The City Council must hold a public hearing on the resolution and then may:

- Approve the resolution as presented;
- Amend the resolution to include other TIFDs, public or private projects;
- Amend the resolution to identify other sources of funding for the experiment; or
- Not approve a resolution, which would still allow the EBURD and other TIFDs to continue to reimburse property owners of blighted buildings from the taxes received by those districts.

FINANCIAL IMPACT

The exact impact of the proposed experiment cannot be determined until the recommended cost-benefit analysis is completed. The City Council would see the amounts being transferred to the Landfill and Planning funds on a quarterly basis if the resolution is approved.

The MDU methane gas project has not raised as much revenue as originally expected, because the product cannot be easily blended with gas from other sources, and has value primarily in its energy credits. MDU, which has been storing most of the gas until now, will report to the City Council at an Oct. 5, 2015, work session on its recent creation of an agreement for a California firm to purchase future gas. Revenues to MDU and the City are expected to increase if gas prices remain stable.

The landfill disposal (tipping) fees are necessary for the City of Billings to operate the landfill and as important, the fees are required to fund the construction of new disposal cells as the existing cells are filled. Providing free disposal may fill the construction disposal cell faster, requiring the City to accelerate the construction of a new disposal cell. The construction costs of a new cell are estimated over \$1.0 million.

RECOMMENDATION

As proposed, the resolution would benefit only EBURD projects, not any other public or private demolition projects. Most of the General Fund is transferred to the Public Safety Fund to pay for Police and Fire services. Any un-budgeted revenues are being held to ensure funding of those programs in future years, or will be recommended for 1-time capital projects. Despite all these demands, the General Fund often is identified as a potential source for additional, on-going operating expenses. At some point in the future, this source may not be sustainable. TIFDs already have the capability to reimburse property owners through their accounts for public improvements such as demolition.

For these reasons, The City Administrator recommends that the City Council disapprove the resolution.

APPROVED BY CITY ADMINISTRATOR

Attachments

Demolition Disposal Resolution

RESOLUTION 15-_____

**A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, CITY COUNCIL
AUTHORIZING AN EXPERIMENTAL PROGRAM GAUGING THE EFFECTS OF
PAYING LANDFILL DISPOSAL FEES FROM THE GENERAL FUND
FOR EAST BILLINGS URBAN RENEWAL DISTRICT DEMOLITION PROJECTS INVOLVING
BLIGHTED BUILDINGS FOR A PERIOD FROM NOVEMBER 1, 2015, THROUGH OCTOBER 31, 2017**

WHEREAS, the East Billings Urban Renewal District (EBURD) Board of Directors requested on September 8, 2015, that the City Council consider promoting the demolition of dilapidated buildings in the EBURD by waiving City Landfill fees for the disposal of non-asbestos demolition materials from blighted building sites; and

WHEREAS, the EBURD Board of Directors reported to the City Council that the cost of landfill disposal fees can be 20 to 25% of the demolition costs for blighted buildings in the EBURD tax increment financing district; and

WHEREAS, the EBURD board has proposed that the loss of revenue from landfill fees to the Landfill Fund could be offset by the revenue from methane gas extracted by Montana-Dakota Utilities (MDU) from the landfill, the proceeds of which go to the General Fund; and

WHEREAS, City Council members have suggested that a pilot program be operated for a 2-year period to determine the effectiveness of the proposed demolitions in encouraging redevelopment in the EBURD and to determine the effect of such a program on the General Fund budget; and

WHEREAS, the determination of whether a building proposed for the demolition program is blighted will need to be made by the Planning Department upon a petition for such a determination by the EBURD; and

WHEREAS, Planning staff is funded either from fees for service or from a Yellowstone County mill levy, neither of which was intended to benefit a tax increment financing district or the property owners within it;

NOW, THEREFORE, the City Council of the City of Billings, MT, does hereby direct the City Administrator to:

- 1) Determine a baseline rate of demolition in the EBURD from the period of its creation through Oct. 31, 2015, and the subsequent impact of the resulting new construction on the EBURD district income;
- 2) Ensure non-asbestos demolition materials from sites in the EBURD designated by the Planning Department as blighted are weighed and recorded, but not charged for the disposal of those materials in the City Landfill for a period from November 1, 2015, through October 31, 2107;
- 3) Transfer quarterly from the General Fund to the Landfill Fund an amount equal to the value of the landfill disposal fees and to the Planning Fund for an amount equal to the staff costs of determining if buildings are blighted when requested to do so by the EBURD Board;
- 4) Determine the financial impact to EBURD of buildings that are erected on sites that previously have been declared blighted; and
- 5) Report to the City Council no later than January 31, 2018, with a cost-benefit analysis of the expenses to the City General Fund and the benefits to EBURD finances of the experimental program.

APPROVED BY THE CITY COUNCIL OF BILLINGS, MONTANA, THIS 26TH DAY OF OCTOBER, 2015.

Thomas W. Hanel, Mayor

ATTEST:

Billie Guenther, City Clerk