

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

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

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## AGENDA

**COUNCIL CHAMBERS**

**November 23, 2015**

**6:30 P.M.**

**CALL TO ORDER:** Mayor Hanel

**PLEDGE OF ALLEGIANCE:** Mayor Hanel

**INVOCATION:** Councilmember Pitman

**ROLL CALL:** Councilmembers present on roll call were:

**MINUTES:** November 9, 2015

**COURTESIES:**

**PROCLAMATIONS:** Small Business Saturday - November 28, 2015

**ADMINISTRATOR REPORTS - TINA VOLEK**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #10, #11 & #12 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. **2015 Asphalt Paver.** (Opened 11/10/2015) Recommend Tractor & Equipment, \$142,574.
  2. **Two New 37,000 GVW Single Axle Trucks with Dump/Sander/Plow.** (Opened 11/10/2015) Recommend Interstate, \$281,198.
  3. **South Park Splash Pad Development.** (Opened 10/27/15) Recommend Diamond Construction, Inc., \$417,290.
- B. Approval** of Non-Commercial Aviation Ground Lease with ASJS Aircraft Services, LLC, revenue first year \$5,742.60, revenue subsequent years adjusted by CPI-U.
- C. Approval of Assignment** of Note and Security Agreement and Lease Agreements transferring the Whitefish Credit Union security interest to Freedom Bank.
- D. Approval** of the Airport's Disadvantaged Business Enterprise (ACDBE) Plan for Concession Operators.
- E. Approval** of Operating Permit with Neptune Aviation Services, Inc.
- F. Acknowledge Receipt of Petition to Annex #15-12:** approximately 90 acres, Lots 1 and 2, Block 1, Harmony Meadows Subdivision, located at the southwest corner of the intersection of Elysian Road and Mallowney Lane, Harmony Meadows, LLC and James Weber, petitioners, and setting a public hearing date for 12/14/2015.
- G. Acknowledge Receipt of Petition to Annex #15-13:** approximately 2 acres located at 517 Lincoln Lane, Propriedad, LLC, petitioner, and setting a public hearing date for 12/14/2015.
- H. Final Plat** of Westward Ho Subdivision, Amended Lot 2, Block 1.
- I. Bills and Payroll:**
1. October 26, 2015
  2. November 2, 2015

**REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting Budget Amendments for FY16. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND SPECIAL REVIEW #934:** a special review for a beverage liquor license with gaming for American Foods of Montana in a 12,000 square foot building at the former location of the Geyser Park amusement park in an Entryway General Commercial zoning district (EGC), on Lot 1A, Block 1 Geyser Park Subdivision, a 3.215 acre parcel of land. Sean Johnson: owner; Dave Hawkins - agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. ( Action: approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #940:** a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70), on a 7.99 acre parcel of land described as: Lots 1 and 2, Block 3, and Lot 8, Block 5, Silver Creek Estates. Laura Boyer, Boyer Land LLC; applicant. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #941:** a zone change request from Residential 9,600 (R-96) to Residential Professional (RP), a 16,517 square foot parcel of land described as: Lot 2A1 of Blue Meadow Acreage Tracts. Patrick Parker, owner. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action:approval or disapproval of Zoning Commission recommendation.)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #942:** a zone change request from Agriculture Open (A-1) to Public, a 38.83 acre parcel of land described as S5, T1 S, R25 E, E2 Government Lot 1. Pat Davies - Sanderson Stewart; Lew Anderson - School District #2; and Paul Goldammer - A & E Architects; applicant and agents. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #943:** a zone change request from Residential 7000 (R-70) to Public, a 16.2 acre parcel of land described as: S14, T1 N, R26 E, E2 NWSW Less COS 931. Pat Davies - Sanderson Stewart; Lew Anderson - School District #2; and Paul Goldammer - A & E Architects; applicant and agents. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation #15-10: a 40 acre parcel located at 5640 Grand Avenue; Billings School District #2, owner. Staff recommends approval. (Action: approval or disapproval.)
9. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation #15-11: an approximately 16 acre parcel of land located east of the southwest corner of the intersection of E. Bench Boulevard and Barrett Road; Billings School District #2, owner. Staff recommends approval. (Action: approval or disapproval.)
10. **APPROVAL** of Cost of Living Adjustment for Teamsters Local 190 (7/1/2015-6/30/2018). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
11. **APPROVAL** of one-year wage re-opener with the International Association of Firefighters (IAFF) Local 521 (7/1/2015-6/30/2016). Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
12. **APPROVAL** of Cost of Living Adjustment for Non-Represented Employees, retroactive to 7/1/2015. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

## **COUNCIL INITIATIVES**

## **ADJOURN**

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

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

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** 2015 Asphalt Paver

**PRESENTED BY:** David Mumford, Public Works Director

**Department:** Public Works

**PROBLEM/ISSUE STATEMENT**

Public Works, Street/Traffic Division received two (2) bids on November 10, 2015 to purchase a 2015 Asphalt Paver. This purchase will replace the present paver, is included in the FY 2016 Equipment Replacement Plan (ERP) and is also included in the FY 2016 budget.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the low bid for the 2015 Asphalt Paver, or;
- Disapprove the low bid and reject all bids for the 2015 Asphalt Paver. If the Paver is not purchased, the existing paver will continue to be used, but it is nearing the end of its useful life.

**FINANCIAL IMPACT**

The City received 2 bids for this Paver as shown below:

Vendor	Net Bid	Trade In	Warranty	Total Bid Price
Tri-State	\$179,791.00	\$10,000.00		\$169,791.00
Tractor & Equipment	\$147,574.00	\$ 5,000.00		\$142,574.00

**RECOMMENDATION**

Staff recommends that Council approve purchasing a 2015 Asphalt Paver from the low bidder, Tractor & Equipment. Staff also recommends trading the existing unit #1142 for \$5,000.00, yielding a net purchase price of \$142,574.00.

**APPROVED BY CITY ADMINISTRATOR**

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Two New 37,000 GVW Single Axle Trucks with Dump/Sander/Plow

**PRESENTED BY:** David Mumford, Public Works Director

**Department:** Public Works

**PROBLEM/ISSUE STATEMENT**

Public Works Street Traffic Division received six (6) bids from three bidders on November 10 to purchase two new 37,000# GVW single axle trucks with a dump bed, sander and plow. This purchase will replace two existing trucks that are scheduled for replacement in the FY 2016 Equipment Replacement Plan (ERP) and are funded in the FY 16 budget.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve purchasing the two new 37,000# GVW Single Axle trucks with dump bed, sander and plow, or;
- Disapprove the low bid and reject all bids. The existing trucks are nearing the end of their useful life.

**FINANCIAL IMPACT**

The City received 6 bids from 3 bidders for the two 2015 37,000# GVW Single Axle Trucks with dump bed, sander and plow as shown below:

Vendor	Net Bid	Trade In	Warranty	Total Bid Price
I-State	\$151,873.00	Unit 1183 \$15,000.00	\$2009.00	\$138,882.00
	\$151,873.00	Unit 1185 \$12,000.00	\$2009.00	\$141,882.00
(1)Motor Power	\$156,800.00	Unit 1183 \$9,000.00	\$3809.00	\$151,609.00
	\$156,800.00	Unit 1185 \$9,000.00	\$3809.00	\$151,609.00
(2) Motor Power	\$156,800.00	Unit 1183 \$9,000.00	\$4218.00	\$152,018.00
	\$156,000.00	Unit 1185 \$9,000.00	\$4218.00	\$152,018.00
(1) Tri State	\$169,448.00	Unit 1183 \$17,000.00	\$2335.00	\$154,783.00
	\$169,448.00	Unit 1185 \$17,000.00	\$2335.00	\$154,783.00
(2) Tri State	\$166,077.00	Unit 1183 \$17,000.00	\$2235.00	\$151,312.00
	\$166,077.00	Unit 1185 \$17,000.00	\$2235.00	\$151,312.00
(3) Tri State	\$173,394.00	Unit 1183 \$17,000.00	\$3182.00	\$159,576.00
	\$173,394.00	Unit 1185 \$17,000.00	\$3182.00	\$159,576.00

Two rod markers (total of \$78.00) and a rubber shield (\$139) that attach to the plow could be added to the low bid from I-State for a net price of \$139,099.00 for replacing unit 1183 and a net price of \$142,099.00 to replace unit 1185.

## **RECOMMENDATION**

Staff recommends purchasing two new 37,000# GVW Single Axle Trucks with dump bed, sander and plow from the low bidder, I-State; trading units #1183 and #1185 for \$27,000.00; purchasing rod markers and rubber shields on both trucks for \$434.00, and; the 5 year transmission/engine warranty for \$4,018.00. This yields a net purchase price for both trucks of \$281,198.00.

## **APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** South Park Splash Pad Development - Bid Award

**PRESENTED BY:** Mike Whitaker, Parks, Recreation & Public Lands Director

**Department:** Parks/Rec/Public Lands

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**PROBLEM/ISSUE STATEMENT**

Staff is seeking Council approval of a contract to construct a splash pad at South Park. The total budget for this project is \$500,000.00. After consulting fees, the remaining construction budget is \$435,004.00. This project will replace the wading pool that was removed in 2009. The construction deadline is May 13, 2016. Bids were opened October 27, 2015. There were 2 bidders, Diamond Construction, Inc. with a base bid of \$385,490.00 and General Contractors Construction Co., Inc. with a base bid of \$394,240.00. Diamond Construction, Inc. is the apparent low bidder. Due to favorable pricing, staff recommends accepting Additive Alternate #2 (for \$27,000.00) and #4 (for \$4,800.00) for a total cost of \$31,800.00 for upgrades to supply two shade structures and decorative sealant. The total cost of construction is \$417,290.00.

The approval request was delayed for 2 weeks so staff could verify contractor's qualifications.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the contract for Base Bid and Additive Alternates #2 and #4, for a total cost of \$417,290.00 or;
- Reject all bids and provide staff with additional guidance.

**FINANCIAL IMPACT**

Funding for this project comes from the City Wide Park District #1 and was approved in FY 2015. There will be no additional financial impact to the City.

**RECOMMENDATION**

Staff recommends that Council award the contract for the Base Bid and Additive Alternates #2 and #4 to Diamond Construction, Inc. in the amount of \$417,290.00.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Non-Commercial Aviation Ground Lease with ASJS Aircraft Services, LLC

**PRESENTED BY:** Kevin Ploehn, Acting Director of Aviation and Transit

**Department:** Airport

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**PROBLEM/ISSUE STATEMENT**

Aaron Sparboe and Jonathan Scott of ASJS Aircraft Services, LLC desire to enter into a new Non-Commercial Aviation Ground Lease and to construct a new 80' x 90' hangar on a parcel located at 2412 Overlook Drive. This Lease is for a 21,269 square foot parcel located on the west end of the Airport. The Lease is for twenty years, commencing December 1, 2015 and terminating on November 30, 2035. ASJS Aircraft Services, LLC will be financing the construction of its hangar through First Interstate Bank and has requested consent to assign its interest in the Lease to the Bank for security purposes. The Lessor's Consent to Assignment of Lessee's Interest in Lease to Secure Bank Loan and a recordable Memorandum of Lease have been prepared for this purpose. A copy of each of these documents is on file in the City Clerk's Office.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the Non-Commercial Aviation Ground Lease and Memorandum of Lease to ASJS Aircraft Services, LLC, and the Lessor's Consent to Assignment of Lessee's Interest in Lease to Secure Bank Loan to First Interstate Bank; or
- Disapprove the Non-Commercial Aviation Ground Lease and Memorandum of Lease to ASJS Aircraft Services, LLC, and the Lessor's Consent to Assignment of Lessee's Interest in Lease to Secure Bank Loan to First Interstate Bank.

**FINANCIAL IMPACT**

The first year of this Lease will generate \$5,742.60 of revenue for the City's Airport. Subsequent years will be adjusted annually by the Department of Labor Consumer Price Index For All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics, for the previous twelve months to keep pace with annual inflation.

**RECOMMENDATION**

Staff recommends City Council approve the twenty-year Non-Commercial Aviation Ground Lease and Memorandum of Lease to ASJS Aircraft Services, LLC for the term commencing December 1, 2015 and terminating on November 30, 2035, and the Lessor's Consent to Assignment of Lessee's Interest in Lease to Secure Bank Loan to First Interstate Bank.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Consent to Assignment of Note, Security Agreement, and Lease Assignments regarding Marchi Family Enterprises, LLC

**PRESENTED BY:** Kevin Ploehn, Acting Director of Aviation and Transit

**Department:** Airport

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**PROBLEM/ISSUE STATEMENT**

On February 19, 1994, the City Council approved a twenty-six year Ground Lease with Jon Marchi. At that time, Mr. Marchi was Chairman of the Board of Directors for Big Sky Airlines. Under this Ground Lease, Mr. Marchi built and subleased a new hangar facility to Big Sky Airlines. Mr. Marchi later built an office building and also subleased that facility to Big Sky Airlines. On October 10, 2000, the City Council approved an Amendment to the Ground Lease to extend the lease term by five additional years to February 28, 2025, allowing Mr. Marchi additional time over which to amortize his investment. Mr. Marchi financed the construction of these facilities via a loan from Whitefish Credit Union and subsequently assigned a security interest in the Ground Lease to Whitefish Credit Union. Big Sky Airlines ceased operations on March 8, 2008. After Big Sky Airlines left the Airport, the hangar and office building were vacant for a number of years, and consequently Mr. Marchi recently filed for Chapter 11 bankruptcy protection. Mr. Marchi now subleases the hangar to Cape Air, the current Essential Air Service airline at the Airport, for hangar and maintenance purposes. He was awarded a lease with the Federal Aviation Administration for subleasing the office building and has invested in tenant required improvements in that building. Through the bankruptcy court approved reorganization plan, Mr. Marchi assigned the Ground Lease to Marchi Family Enterprises, LLC and obtained additional financing from Freedom Bank. Under the reorganization plan, Mr. Marchi also requested that his outstanding debt with Whitefish Credit Union be transferred to Freedom Bank. The bankruptcy court approved a stipulation consenting to the request and also approved the overall reorganization plan. The Ground Lease requires any assignment of the lease for security purposes have the approval of the City. The Consent to Assignment of Note and Security Agreement and Lease Assignments stipulates the conditions of the City's consent to assignment of Whitefish Credit Union's security interest to Freedom Bank.

A copy of the Consent to Assignment of Note and Security Agreement and Lease Assignments is on file in the City Clerk's office.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the Consent to Assignment of Note and Security Agreement and Lease Assignments transferring the Whitefish Credit Union security interest to Freedom Bank; or
- Disapprove the Consent to Assignment of Note and Security Agreement and Lease Assignments transferring the Whitefish Credit Union security interest to Freedom Bank.

**FINANCIAL IMPACT**

There is no financial impact with the Consent to Assignment of Note and Security Agreement and Lease Assignments; it merely gives the required approval of the transfer of a previously approved security interest in the Ground Lease from one financial institution to another in accordance with the bankruptcy court approved reorganization plan.

## **RECOMMENDATION**

Staff recommends City Council authorize the Mayor to execute the Consent to Assignment of Note and Security Agreement and Lease Assignments approving the assignment of Whitefish Credit Union's entire security interest in the Marchi Family Enterprises, LLC Ground Lease and associated subleases to Freedom Bank.

## **APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Approval of the Airport's Disadvantaged Business Enterprise (ACDBE) Plan for Concession Operators

**PRESENTED BY:** Kevin Ploehn, Acting Director of Aviation and Transit

**Department:** Airport

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**PROBLEM/ISSUE STATEMENT**

As recipients of Federal Transit Administration (FTA) and Federal Aviation Administration (FAA) grant funding, the Aviation Department is required to have an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program in place. A ACDBE is a for-profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged. The ACDBE Program's intent is to provide a level playing field for ACDBE companies wanting to do business with the Airport, and other agencies receiving Federal funds from the U.S. Department of Transportation. In addition to the requirement to submit an updated DBE Program every three years, on September 6, 2012, a notice in the Federal Register announced changes to the ACDBE Circular. One of the new requirements of the Circular was that the ACDBE Programs must now be approved by the City Council and signed by the Mayor. Copies of the ACDBE Program are available for review in the City Clerk's office.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the ACDBE Program Plan; or
- Not approve the ACDBE Program Plan and jeopardize any future FAA grant funding.

**FINANCIAL IMPACT**

As recipients of Federal funding, the Airport is required to have an ACDBE in place. Failure to submit this Program may jeopardize or delay award of the annual FAA Airport Improvement Program (AIP) grants. The AIP grants are typically \$3,000,000 annually, and up to \$6,000,000 or more on larger projects.

**RECOMMENDATION**

Staff recommends that the City Council approve and the Mayor sign the Billings Logan International Airport's ACDBE Program.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Operating Permit with Neptune Aviation Services, Inc.

**PRESENTED BY:** Kevin Ploehn, Acting Director of Aviation and Transit

**Department:** Airport

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**PROBLEM/ISSUE STATEMENT**

Neptune Aviation Services, Inc. is an air transportation company that provides charter services as one of its primary operations. Neptune is operating a charter service at Billings Logan International Airport, which began in September with direct round trip flights between Billings and Missoula. The service started with twice/week flights on Tuesdays and Thursdays. Neptune's service is a membership based flight program for Missoula area individuals and companies that travel frequently to Billings and want to get here and back on the same day. Neptune operates a King Air aircraft with room for 6-8 passengers. To ensure that specific operating requirements will continue to be met, a standard Operating Permit between the City of Billings and Neptune is required. The Operating Permit ensures that the air transportation company follows certain operating parameters and procedures, including providing proof that the proper insurance coverage is in place. The Permit is effective September 1, 2015 through August 31, 2016, and is automatically renewable for one-year periods, unless there have been no operational activities for one (1) year or either party chooses to cancel the Permit with 30 days advance written notice. A copy of the Permit is on file in the City Clerk's office.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the Operating Permit with Neptune Aviation Services, Inc.; or
- Disapprove the Operating Permit with Neptune Aviation Services, Inc.

**FINANCIAL IMPACT**

Under the new Operating Permit, Neptune does not lease any new space in the Terminal Building, but operates from Edwards Jet Center, the Fixed Base Operator at the Airport. Neptune will pay landing fees, which are based on the number of landings and the landed weight of the aircraft they use at the Airport. It is anticipated that this operation will generate approximately \$2,000 in landing fees per year.

**RECOMMENDATION**

Staff recommends City Council approve and the Mayor execute the Operating Permit with Neptune Aviation Services, Inc.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Annexation #15-12: 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**

Harmony Meadows, LLC and James Weber submitted a petition to annex land they own using the provisions of Section 7-2-4600, MCA. The subject property is Lot 1 and Lot 2, Block 1, Harmony Meadows Subdivision, 1st Filing totaling about 90 acres. The property is located at the southwest corner of the intersection of Elysian Road and Mallowney Lane south of the King Avenue exist off Interstate 90. The property has been used primarily for agricultural operations and the owners are requesting annexation in order to begin developing the property in the City with commercial and residential uses. The property is currently zoned Highway Commercial, Community Commercial, and Residential Multi-Family Restricted.

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 December 14, 2015 to consider annexing this property.

**APPROVED BY CITY ADMINISTRATOR**

**Attachments**

Annexation Petition  
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 the 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 4<sup>th</sup> 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
9-30-15	Gal Kunkel		6238 Golden Eagle Way
9-30-15	James Weber		Billings 59106
			5912 Elysian Rd.
			Billings, MT, 59106

(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
Lot 1, Block 1, Harmony Meadows Subdivision 1 <sup>st</sup> Filing, Sec. 19, T01S, R26E	D01925B	5908 Elysian Road Billings, MT 59101	Agricultural	Harmony Meadows LLC	6238 Golden Eagle Way Billings, MT 59106	406-861-0485
Lot 2, Block 1, Harmony Meadows Subdivision 1 <sup>st</sup> Filing, Sec. 19, T01S, R26E	D019250	5912 Elysian Road Billings, MT 59101	Agricultural	James A. Weber	6238 Golden Eagle Way Billings, MT 59106	406-861-0485

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: 10/21/15  
 Fee Paid: \$1064.00

Received By: [Signature]  
Planning Clerk

Petition Number: AN #15-12  
P2-15-00181  
P2-15-00177

# EXHIBIT 99 A 99



**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Annexation #15-13: Acknowledge receipt of petition and set a public hearing date

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

Propiedad, LLC 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 2 acres. The property is located at 517 Lincoln Lane in the Billings Heights. The property is mostly vacant but has a residence located on it near the Lincoln Lane frontage. The owners are requesting annexation in order to obtain City services and develop the property in the City. The property is currently zoned Residential Multi-Family Restricted.

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 December 14, 2015 to consider annexing this property.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Annexation Petition  
Annexation Exhibit

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# 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.

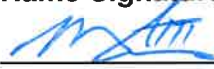
### INSTRUCTIONS

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 the 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 4<sup>th</sup> Floor of Parmly 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

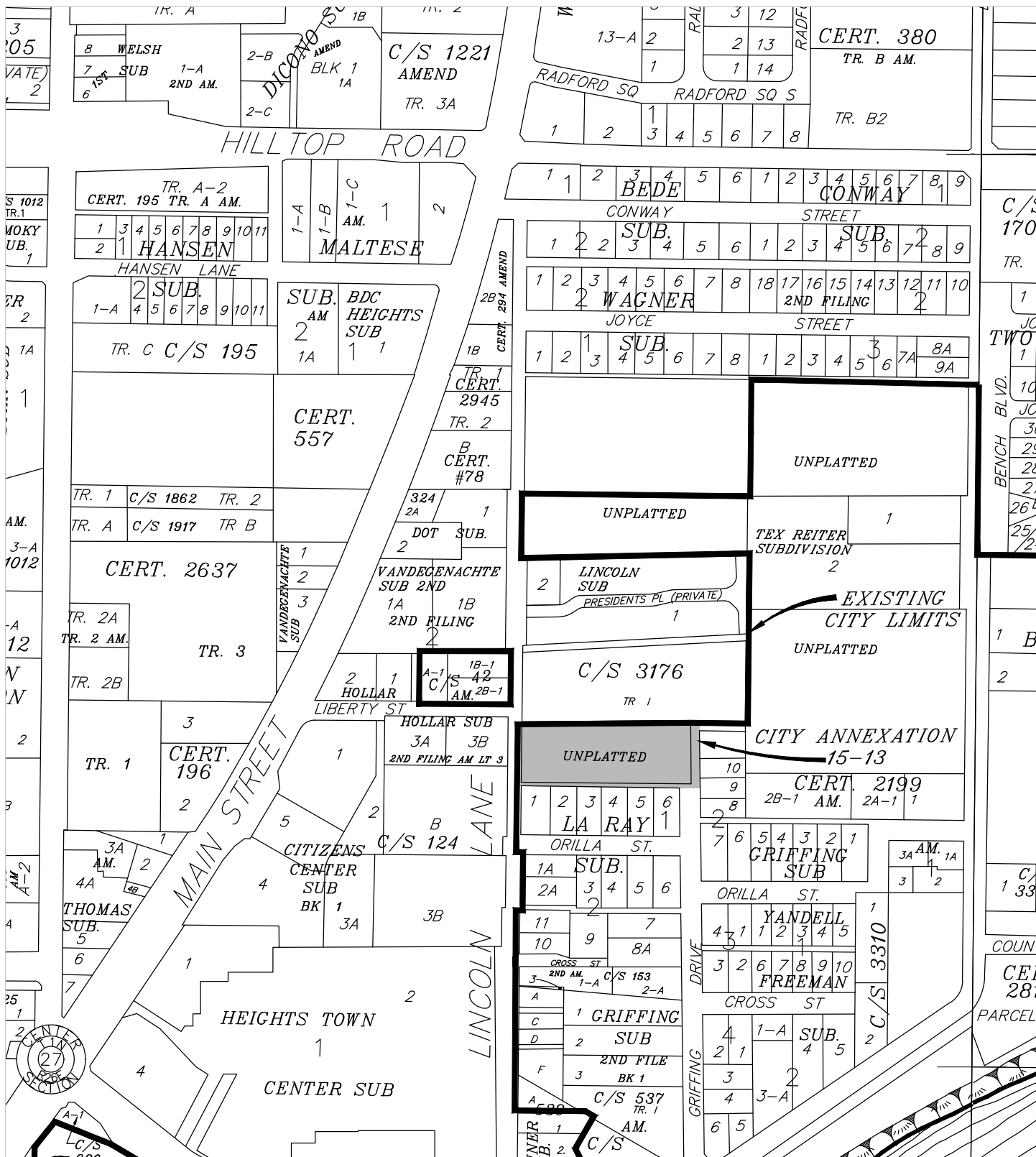
Date	Print Name	Name Signature	Address
10/8/15	ROB MOREHEAD		P.O. Box 20853 <sup>Billings</sup> 59104

(continued on separate page)

P2-15-00187



# EXHIBIT 99 A 99



**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Final Plat of Amended Plat of Lot 2, Block 1, Westward Ho Subdivision

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

The final plat for Amended Plat of Lot 2, Block 1, Westward Ho Subdivision is being presented to Council for approval. On August 24, 2015, the City Council gave preliminary plat approval to this 2-lot subdivision. The 5.85-acre property is located on the northeast corner of the intersection of South 32nd Street West and Monad Road. It is the current location of the West Side Baptist Church. The proposed subdivision will create two lots. Lot 2A will remain as the property for the church and Lot 2B will be developed with residential condominiums. The owner is West Side Baptist Church. The developer is Graceland LLC, Dan Marsich, and the representing agent is Sanderson Stewart. 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 Amended Plat of Lot 2, Block 1, Westward Ho 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 lot for the condominiums may be developed and may increase tax revenues for the City.

**RECOMMENDATION**

Staff recommends that the City Council approve the final plat of the Amended Plat of Lot 2, Block 1, Westward Ho Subdivision.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Final Plat

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AMENDED PLAT OF LOT 2, BLOCK 1,  
**WESTWARD HO SUBDIVISION**

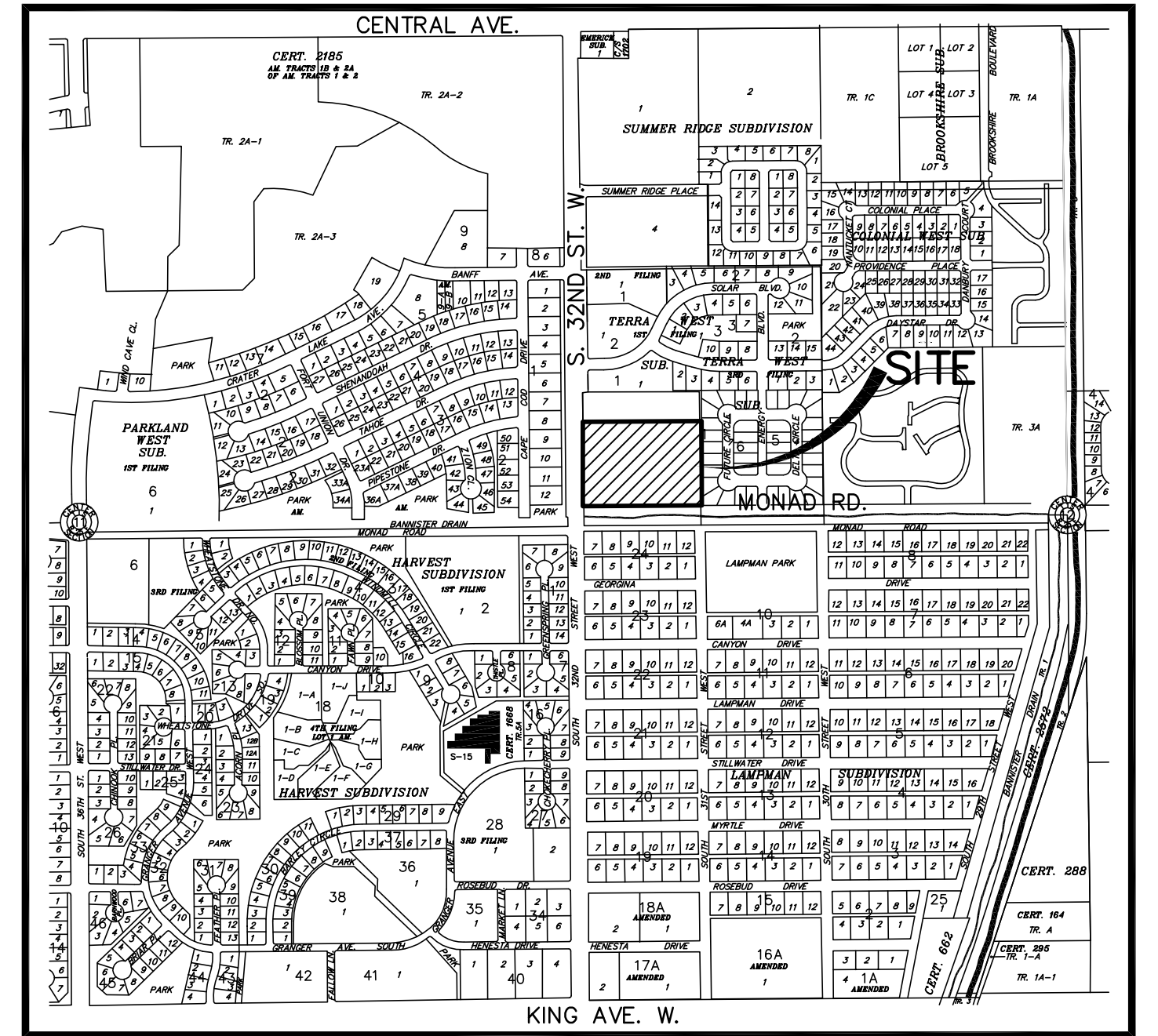
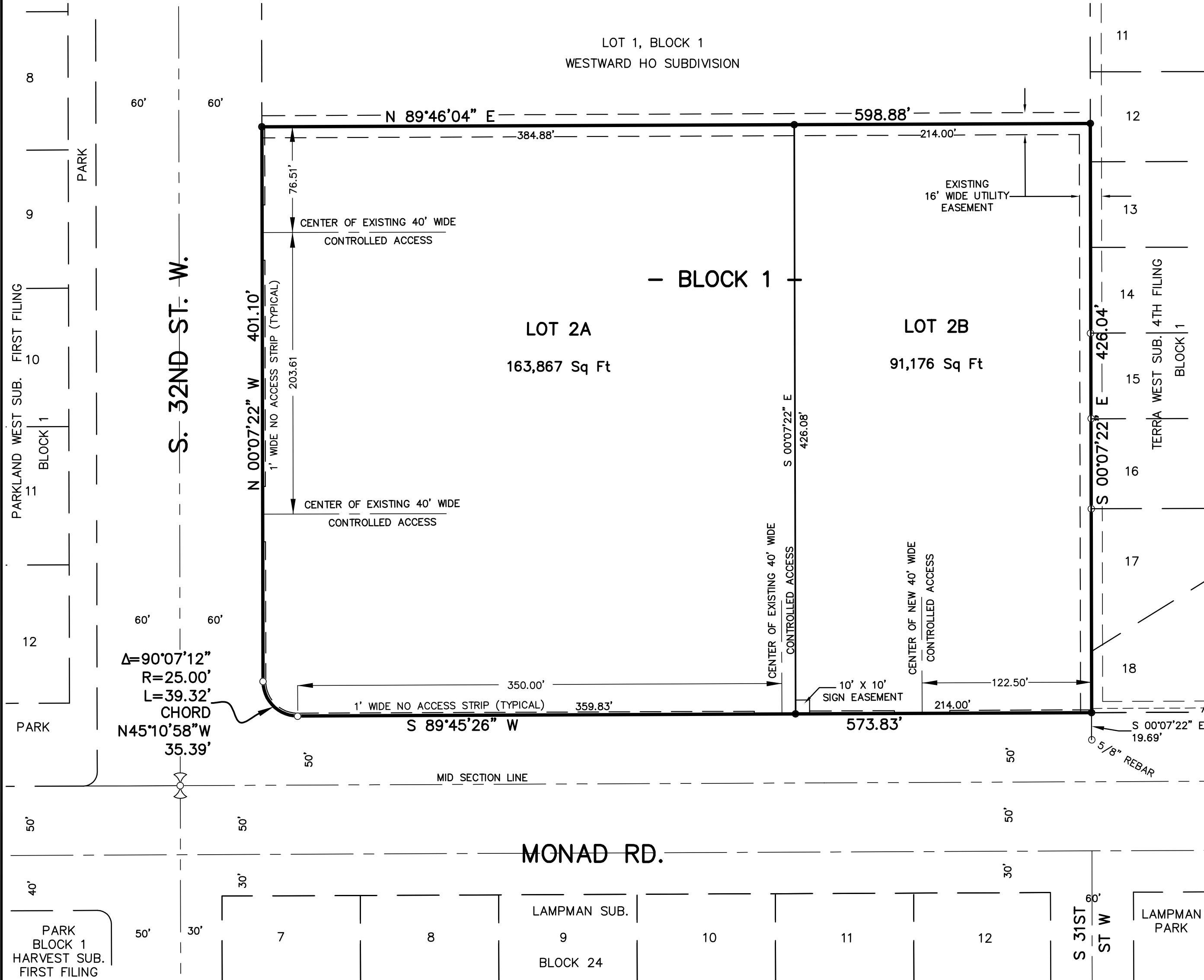
SITUATED IN THE NW1/4 OF SECTION 12, T. 1 S., R 25 E., P.M.M.  
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : GRACELAND, LLC

SEPTEMBER 2015

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



**VICINITY MAP**  
 NOT TO SCALE

**BASIS OF BEARING:** 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.

THE GRID TO GROUND COMBINED SCALE FACTOR IS 0.99999992

THE CONVERGENCE ANGLE AT THE SOUTHEAST CORNER OF THIS AMENDED PLAT IS -0°07'38".

- FOUND SURVEY MONUMENT, REBAR WITH "ENG INC" CAP OR AS NOTED.
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART".

**NOTICE OF APPROVAL**

STATE OF MONTANA )  
 County of Yellowstone ) ss

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Date \_\_\_\_\_ President \_\_\_\_\_  
 Executive Secretary \_\_\_\_\_

**CERTIFICATE OF CITY ENGINEER'S OFFICE**

I hereby certify that the annexed and foregoing plat conforms with Section 76-4-125(2)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Engineer's Office \_\_\_\_\_

**ERRORS AND OMISSIONS REVIEW**

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

Examining Land Surveyor \_\_\_\_\_ Date \_\_\_\_\_

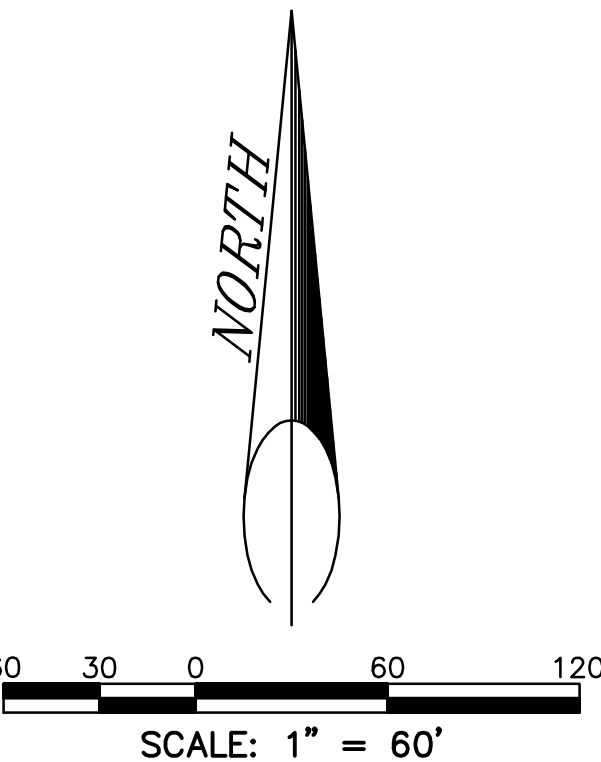
**CERTIFICATE OF CITY COUNCIL APPROVAL**

STATE OF MONTANA )  
 County of Yellowstone ) ss

We hereby certify that we have examined the annexed and foregoing AMENDED PLAT OF LOT 2, BLOCK 1, WESTWARD HO SUBDIVISION, and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF BILLINGS, MONTANA  
 By: \_\_\_\_\_ Mayor  
 Attest: \_\_\_\_\_ City Clerk



**CERTIFICATE OF DEDICATION**

STATE OF MONTANA )  
 County of Yellowstone ) ss

KNOW ALL MEN BY THESE PRESENTS: That the undersigned owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the NW1/4 of Section 12, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being described as follows;

LOT 2 IN BLOCK 1 OF WESTWARD HO SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF YELLOWSTONE COUNTY, MONTANA, UNDER DOCUMENT No. 1911615; CONTAINING A GROSS AREA AND A NET AREA OF 255,043 SQUARE FEET.

Pursuant to Section 76-3-621(3)(d), M.C.A. and the City of Billings Subdivision Regulations, there is no park requirement for this subdivision in which only one additional parcel is created.

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as AMENDED PLAT OF LOT 2, BLOCK 1, WESTWARD HO SUBDIVISION; there is no public land dedication with this plat.

WEST SIDE BAPTIST CHURCH OF BILLINGS

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF MONTANA )  
 County of Yellowstone ) ss

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of WEST SIDE BAPTIST CHURCH OF BILLINGS.

Notary Public in and for the State of Montana \_\_\_\_\_

**CERTIFICATE OF CITY ATTORNEY**

This document has been reviewed by the City Attorney's office and is acceptable as to form.

Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b)/76-3-207(3), M.C.A.

Date: \_\_\_\_\_

Yellowstone County Treasurer

By: \_\_\_\_\_ Deputy

**CERTIFICATE OF SURVEYOR**

STATE OF MONTANA )  
 County of Yellowstone ) ss

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of September 2015, a survey was performed under his supervision of a tract of land to be known as AMENDED PLAT OF LOT 2, BLOCK 1, WESTWARD HO SUBDIVISION, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 255,043 square feet and the net area is 255,043 square feet.

SANDERSON STEWART

By: Peter B. Knapp

Montana Registration No. 8377-S

Date: \_\_\_\_\_

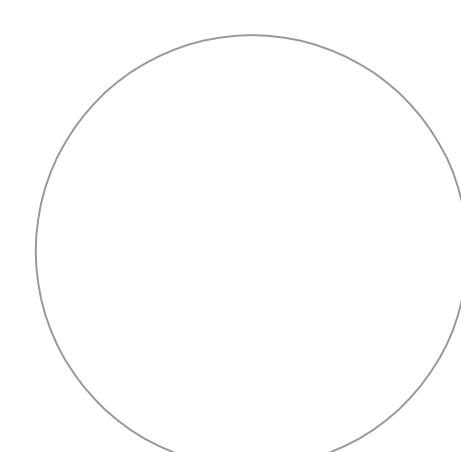
RESERVED FOR CLERK AND RECORDER

**SUBDIVISION IMPROVEMENT AGREEMENT**

Document No. \_\_\_\_\_

**CONSENT TO PLATTING**

Document No. \_\_\_\_\_



**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Payment of Claims October 26, 2015

**PRESENTED BY:** Patrick M. Weber, Finance Director

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$2,380,168.94 have been audited and are presented for City Council payment approval. A complete listing of the claims dated October 26, 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**

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**Attachments**

council memo 10-26-2015

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Check Date	Check	Name	Amount	Account	Item Desc
10/26/2015	788722	5 Star Industries LLC	\$16,770.00	5410-31220-404270	Square metal dumpsters for commercial
10/26/2015	788730	American Title & Escrow	\$10,000.00	2910-66800-407275	FTHB Margarita Pazos 843 Broadwater Avenue
10/26/2015	788731	American Title & Escrow	\$25,100.00	2910-65550-407275	REHAB-PROGRAM FUNDS-BRICENO-123
10/26/2015	788735	Arrow Striping & Manufacturing Inc	\$1,800.00	2110-31320-402340	glass beads for paint striping
10/26/2015	788735	Arrow Striping & Manufacturing Inc	\$3,600.00	2110-31320-402340	glass beads for paint striping
10/26/2015	788739	Billings Community Cable	\$300.00	0100-14110-407265	City Council Work Session July - September 2015
10/26/2015	788739	Billings Community Cable	\$25,000.00	0100-14110-407266	Quarterly Disbursement 10-2015
10/26/2015	788745	Business Tax Section	\$120.32	5030-75910-409340	WO 15-01 2015 Water - Sch 1 Will James Area;
10/26/2015	788745	Business Tax Section	\$5,644.62	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion; CO #
10/26/2015	788745	Business Tax Section	\$6,240.98	2010-15070-409310	WO 15-08 Exposition Gateway
10/26/2015	788745	Business Tax Section	\$866.19	2050-31310-409310	WO 15-15 Shawnee Drive
10/26/2015	788750	Chicago Title of Montana LLC	\$15,000.00	2910-66800-407275	FTHB Kyle Luraas 617 Howard Avenue
10/26/2015	788751	Chicago Title of Montana LLC	\$15,000.00	2910-66800-407275	FTHB Brad & Monica Smith 1126 Jordan Circle
10/26/2015	788755	Cop Construction Co	\$11,911.18	5030-75910-409340	WO 15-01 2015 Water - Sch 1 Will James Area;
10/26/2015	788760	CTA Inc	\$173.58	5210-15950-409390	Park One Lease. Volunteers of America. Bathroom
10/26/2015	788760	CTA Inc	\$1,000.00	0100-14110-403546	City of Billings Facilities Master Plan
10/26/2015	788760	CTA Inc	\$5,000.00	0100-14110-403546	City of Billings Facilities Master Plan
10/26/2015	788761	Cummins Rocky Mountain Llc	\$221.49	5410-31220-402320	004-13099
10/26/2015	788761	Cummins Rocky Mountain Llc	\$50.00	5410-31220-402320	004-13099
10/26/2015	788761	Cummins Rocky Mountain Llc	\$6,875.09	1500-22260-402320	004-13131
10/26/2015	788761	Cummins Rocky Mountain Llc	\$99.66	5410-31220-402320	004-11608
10/26/2015	788761	Cummins Rocky Mountain Llc	\$172.76	5410-31220-402320	004-13252
10/26/2015	788761	Cummins Rocky Mountain Llc	\$50.00	5410-31220-402320	004-13252
10/26/2015	788761	Cummins Rocky Mountain Llc	\$560.25	5410-31220-402320	004-13294
10/26/2015	788761	Cummins Rocky Mountain Llc	\$7.73	5410-31220-402320	004-13423
10/26/2015	788761	Cummins Rocky Mountain Llc	\$162.46	5410-31230-402320	004-13459
10/26/2015	788762	Dale & Jax Door & Glass Inc	\$4,986.00	5210-15910-402450	Replacement of glass in the Park One sky bridge
10/26/2015	788763	Dana Safety Supply Inc	\$60.00	2500-21370-402481	Rear seats for interceptors.
10/26/2015	788763	Dana Safety Supply Inc	\$4,896.00	2500-21350-402120	Rear Seats for interceptors.
10/26/2015	788765	DataProse LLC	\$2,682.60	5020-73110-403110	Bill Package Statements
10/26/2015	788765	DataProse LLC	\$8,608.48	5020-73110-403111	Bill Package Statements
10/26/2015	788765	DataProse LLC	\$1,788.40	5120-83110-403110	Bill Package Statements
10/26/2015	788765	DataProse LLC	\$5,738.99	5120-83110-403111	Bill Package Statements
10/26/2015	788767	Desert Mountain Corporation	\$5,129.04	2110-31320-404721	ice slicer used to melt snow on the streets
10/26/2015	788767	Desert Mountain Corporation	\$5,052.66	2110-31320-404721	ice slicer for melting snow on streets
10/26/2015	788767	Desert Mountain Corporation	\$5,052.67	2110-31320-404721	ice slicer used to melt snow on streets
10/26/2015	788768	Dowl Hkm	\$10,238.69	8400-31840-409310	WO 15-06 Poly Drive - 32nd St West to 38th St
10/26/2015	788768	Dowl Hkm	\$37,516.71	8450-31860-409310	WO 15-06 Poly Drive - 32nd St West to 38th St
10/26/2015	788772	Ebms	\$738.00	6270-17520-403210	November 2015 Fee Breakdown
10/26/2015	788772	Ebms	\$1,590.00	6270-17520-403511	November 2015 Fee Breakdown
10/26/2015	788772	Ebms	\$23,815.00	6270-17520-403512	November 2015 Fee Breakdown
10/26/2015	788772	Ebms	\$45,463.95	6270-17520-403515	November 2015 Fee Breakdown
10/26/2015	788772	Ebms	\$742.00	6270-17520-403517	November 2015 Fee Breakdown
10/26/2015	788772	Ebms	\$2,257.50	6270-17520-403519	November 2015 Fee Breakdown
10/26/2015	788772	Ebms	\$3,321.50	6270-17520-405161	November 2015 Fee Breakdown
10/26/2015	788777	Empire Garage Owner's Association	\$9,155.70	5210-15940-403660	City of Billings October Assessment.
10/26/2015	788794	HDR, Inc.	\$236,988.25	5130-84910-409390	WO 14-11 WWTP Nutrient Upgrade Expansion &
10/26/2015	788794	HDR, Inc.	\$26,401.07	8450-31860-409310	WO 09-15 GRAND AVE/ZIMMER MAN TRAIL
10/26/2015	788794	HDR, Inc.	\$7,642.24	5410-31220-409250	WO 15-38 Solid Waste CNG Short-Term Fueling
10/26/2015	788794	HDR, Inc.	\$77,304.06	5030-74910-409390	WO 15-10 WTP Chemical Building/Disinfection
10/26/2015	788802	Kadrmas Lee & Jackson	\$1,749.35	4710-31610-409310	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$205.00	5030-75910-409340	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$315.36	8400-31840-409310	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$1,543.00	2050-31310-409310	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$1,512.67	4710-31610-409310	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$177.25	5030-75910-409340	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$272.70	8400-31840-409310	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$1,334.25	2050-31310-409310	SID 1382 Colton Boulevard
10/26/2015	788802	Kadrmas Lee & Jackson	\$6,895.51	5030-74910-409390	WO 14-09 Briarwood Reservoir Expansion; CO#1
10/26/2015	788804	Kaminsky, Sullenberger & Associates Inc	\$7,705.00	1500-21400-403822	Invoice 2015-23, FTO Seminar Oct 19-23, 2015
10/26/2015	788809	Knife River (JTL Group Inc.)	\$1,278.90	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$860.10	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$2,326.54	2110-31320-404710	asphLR
10/26/2015	788809	Knife River (JTL Group Inc.)	\$3,721.00	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$7,015.14	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$511.18	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$491.66	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$3,462.97	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$617,857.42	2010-15070-409310	WO 15-08 Exposition Gateway
10/26/2015	788809	Knife River (JTL Group Inc.)	\$1,002.84	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$850.34	2110-31320-404710	asphalt
10/26/2015	788809	Knife River (JTL Group Inc.)	\$5,145.96	2110-31320-404710	asphalt
10/26/2015	788819	Mead & Hunt Inc	\$3,897.48	5610-71100-403590	Invoice #255590. Meeting with chamber air servico
10/26/2015	788826	Montana Dakota Utilities Co	\$32.87	5120-85000-403440	2750 Bitterroot Dr Unit 2
10/26/2015	788826	Montana Dakota Utilities Co	\$14.72	0100-51120-403410	5014731000 2
10/26/2015	788826	Montana Dakota Utilities Co	\$14.42	5020-74000-403440	5413801000 1
10/26/2015	788826	Montana Dakota Utilities Co	\$59.76	1500-22210-403440	6686701000 2

Check Date	Check	Name	Amount	Account	Item Desc
10/26/2015	788826	Montana Dakota Utilities Co	\$29.99	5020-74000-403440	9215801000 6
10/26/2015	788826	Montana Dakota Utilities Co	\$35.84	5210-15950-403440	79915212090
10/26/2015	788826	Montana Dakota Utilities Co	\$563.89	1500-21710-403440	1692331000 3
10/26/2015	788826	Montana Dakota Utilities Co	\$94.51	5610-71130-403440	2855801000 6
10/26/2015	788826	Montana Dakota Utilities Co	\$1,202.08	5120-84000-403440	2937801000 2
10/26/2015	788826	Montana Dakota Utilities Co	\$2,404.16	5120-84000-403440	2937801000 2
10/26/2015	788826	Montana Dakota Utilities Co	\$1,202.08	5120-84000-403440	2937801000 2
10/26/2015	788826	Montana Dakota Utilities Co	\$8.10	5020-74000-403440	3735801000 9
10/26/2015	788826	Montana Dakota Utilities Co	\$8.09	5020-74000-403440	3735801000 9
10/26/2015	788826	Montana Dakota Utilities Co	\$35.26	0100-51270-403440	4377801000 9
10/26/2015	788826	Montana Dakota Utilities Co	\$35.36	6600-31100-403440	5953731000 1
10/26/2015	788826	Montana Dakota Utilities Co	\$53.04	6700-31410-403440	5953731000 1
10/26/2015	788826	Montana Dakota Utilities Co	\$2,063.70	5610-71120-403440	5955801000 1
10/26/2015	788826	Montana Dakota Utilities Co	\$28.79	5120-85000-403440	5967331000 5
10/26/2015	788826	Montana Dakota Utilities Co	\$266.01	5610-71170-403440	7065801000 7
10/26/2015	788826	Montana Dakota Utilities Co	\$14.37	5210-15920-403440	7173531000 6
10/26/2015	788826	Montana Dakota Utilities Co	\$13.80	5610-71170-403440	8065801000 6
10/26/2015	788826	Montana Dakota Utilities Co	\$64.55	1500-22210-403440	8858801000 4
10/26/2015	788826	Montana Dakota Utilities Co	\$960.75	6500-15670-403440	9297801000 4
10/26/2015	788826	Montana Dakota Utilities Co	\$29.41	5120-85000-403440	9550431000 4
10/26/2015	788826	Montana Dakota Utilities Co	\$408.98	5710-71430-403440	9628801000 0
10/26/2015	788826	Montana Dakota Utilities Co	\$1,122.21	2600-55120-403440	2199244851 0
10/26/2015	788834	Napa Auto Parts	\$17.22	6010-00000-141000	670952 PO NUM 299089
10/26/2015	788834	Napa Auto Parts	\$25.07	6010-00000-141000	670953 PO NUM 299089
10/26/2015	788834	Napa Auto Parts	\$42.04	6010-00000-141000	672064 PO NUM 299089
10/26/2015	788834	Napa Auto Parts	\$329.80	6010-00000-141000	672064 PO NUM 299089
10/26/2015	788834	Napa Auto Parts	\$261.11	6010-00000-141000	672064 PO NUM 299089
10/26/2015	788834	Napa Auto Parts	\$982.05	5710-00000-141714	641478 PO NUM 299023
10/26/2015	788834	Napa Auto Parts	\$119.40	5710-00000-141714	671872 PO NUM 299023
10/26/2015	788834	Napa Auto Parts	\$126.35	5710-00000-141714	673401 PO NUM 299023
10/26/2015	788834	Napa Auto Parts	\$202.42	5710-71440-402320	641478
10/26/2015	788834	Napa Auto Parts	\$42.96	5710-71440-402320	671745
10/26/2015	788834	Napa Auto Parts	-\$43.56	5710-71440-402320	671905
10/26/2015	788834	Napa Auto Parts	\$18.12	5710-71430-402630	672432
10/26/2015	788834	Napa Auto Parts	\$31.14	6010-00000-141000	670013 PO NUM 299068
10/26/2015	788834	Napa Auto Parts	\$11.15	2110-31320-402320	670200
10/26/2015	788834	Napa Auto Parts	\$54.76	2090-44520-402320	668989
10/26/2015	788834	Napa Auto Parts	\$44.55	5020-75000-402320	669043
10/26/2015	788834	Napa Auto Parts	\$34.69	5020-75000-402320	669052
10/26/2015	788834	Napa Auto Parts	-\$44.55	5020-75000-402320	669069
10/26/2015	788834	Napa Auto Parts	\$205.73	2090-44520-402320	669372
10/26/2015	788834	Napa Auto Parts	\$67.19	2110-31320-402320	669562
10/26/2015	788834	Napa Auto Parts	\$614.33	1500-21720-402320	669574
10/26/2015	788834	Napa Auto Parts	\$102.40	1500-21720-402320	669736
10/26/2015	788834	Napa Auto Parts	\$45.99	5410-31220-402320	669739
10/26/2015	788834	Napa Auto Parts	\$179.95	5410-31220-402320	669783
10/26/2015	788834	Napa Auto Parts	\$7.07	5410-31220-402320	669785
10/26/2015	788834	Napa Auto Parts	-\$34.69	5020-75000-402320	669845
10/26/2015	788834	Napa Auto Parts	\$133.02	1500-21120-402320	669951
10/26/2015	788834	Napa Auto Parts	\$113.52	2110-31320-402320	669954
10/26/2015	788834	Napa Auto Parts	\$53.79	2090-44520-402320	670142
10/26/2015	788834	Napa Auto Parts	\$13.82	2090-44520-402320	670170
10/26/2015	788834	Napa Auto Parts	-\$102.40	1500-21720-402320	670190
10/26/2015	788834	Napa Auto Parts	\$6.00	6010-15530-402650	670205
10/26/2015	788834	Napa Auto Parts	\$76.72	1500-22260-402320	670319
10/26/2015	788834	Napa Auto Parts	\$52.40	5410-31220-402320	670319
10/26/2015	788834	Napa Auto Parts	\$10.98	6010-15530-402650	670406
10/26/2015	788834	Napa Auto Parts	\$12.79	1500-21120-402320	670613
10/26/2015	788834	Napa Auto Parts	\$27.91	1500-21720-402320	730059
10/26/2015	788834	Napa Auto Parts	\$178.93	5410-31220-402320	670943
10/26/2015	788834	Napa Auto Parts	\$20.43	5410-31220-402320	671085
10/26/2015	788834	Napa Auto Parts	\$108.45	1500-21120-402320	671420
10/26/2015	788834	Napa Auto Parts	\$8.08	5410-31220-402320	671595
10/26/2015	788834	Napa Auto Parts	\$71.28	0100-51120-402320	671886
10/26/2015	788834	Napa Auto Parts	\$13.96	0100-51120-402320	671912
10/26/2015	788834	Napa Auto Parts	\$3.34	0100-51120-402320	672042
10/26/2015	788834	Napa Auto Parts	\$22.12	5410-31220-402320	672162
10/26/2015	788834	Napa Auto Parts	\$143.64	6010-15530-402650	672183
10/26/2015	788834	Napa Auto Parts	\$19.48	1500-22260-402320	672216
10/26/2015	788834	Napa Auto Parts	\$9.82	1500-22260-402320	672274
10/26/2015	788834	Napa Auto Parts	\$53.28	0100-51120-402320	672561
10/26/2015	788834	Napa Auto Parts	-\$53.28	0100-51120-402320	675296
10/26/2015	788835	Network Information Systems	\$3,360.00	5410-31210-403590	Network service for EA antenna and radio
10/26/2015	788837	NorthWestern Energy	\$493.91	8100-31830-403410	SILMD 008 ACCT# 0712544-6
10/26/2015	788837	NorthWestern Energy	\$505.02	8100-31830-403410	SILMD 009 ACCT# 0712545-3
10/26/2015	788837	NorthWestern Energy	\$1,391.79	8100-31830-403410	SILMD 010 ACCT# 0712546-1
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10/26/2015	788837	NorthWestern Energy	\$89.71	8100-31830-403410	SILMD 018 ACCT# 0712554-5
10/26/2015	788837	NorthWestern Energy	\$473.09	8100-31830-403410	SILMD 095 ACCT# 0712556-0
10/26/2015	788837	NorthWestern Energy	\$13,195.29	8100-31830-403410	SILMD 097 ACCT# 0712557-8
10/26/2015	788837	NorthWestern Energy	\$1,617.27	8100-31830-403410	SILMD 099 ACCT# 0712558-6
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10/26/2015	788837	NorthWestern Energy	\$4,283.47	8100-31830-403410	SILMD 109 ACCT# 0712561-0
10/26/2015	788837	NorthWestern Energy	\$184.49	8100-31830-403410	SILMD 113 ACCT# 0712562-8
10/26/2015	788837	NorthWestern Energy	\$921.77	8100-31830-403410	SILMD 114 ACCT# 0712563-6
10/26/2015	788837	NorthWestern Energy	\$216.88	8100-31830-403410	SILMD 115 ACCT# 0712564-4
10/26/2015	788837	NorthWestern Energy	\$569.33	8100-31830-403410	SILMD 116 ACCT# 0712565-1
10/26/2015	788837	NorthWestern Energy	\$3,147.37	8100-31830-403410	SILMD 117 ACCT# 0712566-9
10/26/2015	788837	NorthWestern Energy	\$229.91	8100-31830-403410	SILMD 118 ACCT# 0712567-7
10/26/2015	788837	NorthWestern Energy	\$152.32	8100-31830-403410	SILMD 119 ACCT# 0712568-5
10/26/2015	788837	NorthWestern Energy	\$2,439.95	8100-31830-403410	SILMD 121 ACCT# 0712570-1
10/26/2015	788837	NorthWestern Energy	\$185.68	8100-31830-403410	SILMD 122 ACCT# 0712571-9
10/26/2015	788837	NorthWestern Energy	\$325.31	8100-31830-403410	SILMD 123 ACCT# 0712572-7
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10/26/2015	788837	NorthWestern Energy	\$379.54	8100-31830-403410	SILMD 125 ACCT# 0712574-3
10/26/2015	788837	NorthWestern Energy	\$189.79	8100-31830-403410	SILMD 126 ACCT# 0712575-0
10/26/2015	788837	NorthWestern Energy	\$696.32	8100-31830-403410	SILMD 127 ACCT# 0712576-8
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10/26/2015	788837	NorthWestern Energy	\$460.02	8100-31830-403410	SILMD 147 ACCT# 0712592-5
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10/26/2015	788837	NorthWestern Energy	\$905.21	8100-31830-403410	SILMD 157 ACCT# 0712600-6
10/26/2015	788837	NorthWestern Energy	\$786.21	8100-31830-403410	SILMD 158 ACCT# 0712601-4
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10/26/2015	788837	NorthWestern Energy	\$704.87	8100-31830-403410	SILMD 160 ACCT# 0712603-0
10/26/2015	788837	NorthWestern Energy	\$1,044.47	8100-31830-403410	SILMD 161 ACCT# 0712604-8
10/26/2015	788837	NorthWestern Energy	\$60.64	8100-31830-403410	SILMD 162 ACCT# 0712605-5
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10/26/2015	788837	NorthWestern Energy	\$371.37	8100-31830-403410	SILMD 164 ACCT# 0712607-1
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10/26/2015	788837	NorthWestern Energy	\$232.11	8100-31830-403410	SILMD 167 ACCT# 0712609-7
10/26/2015	788837	NorthWestern Energy	\$557.04	8100-31830-403410	SILMD 171 ACCT# 0712610-5
10/26/2015	788837	NorthWestern Energy	\$530.42	8100-31830-403410	SILMD 172 ACCT# 0712611-3
10/26/2015	788837	NorthWestern Energy	\$1,160.53	8100-31830-403410	SILMD 173 ACCT# 0712612-1
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10/26/2015	788837	NorthWestern Energy	\$348.16	8100-31830-403410	SILMD 180 ACCT# 0712618-8
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10/26/2015	788837	NorthWestern Energy	\$580.27	8100-31830-403410	SILMD 182 ACCT# 0712620-4
10/26/2015	788837	NorthWestern Energy	\$1,160.53	8100-31830-403410	SILMD 183 ACCT# 0712621-2
10/26/2015	788837	NorthWestern Energy	\$371.37	8100-31830-403410	SILMD 184 ACCT# 0712622-0
10/26/2015	788837	NorthWestern Energy	\$139.27	8100-31830-403410	SILMD 185 ACCT# 0712623-8
10/26/2015	788837	NorthWestern Energy	\$630.78	8100-31830-403410	SILMD 186 ACCT# 0712624-6
10/26/2015	788837	NorthWestern Energy	\$232.11	8100-31830-403410	SILMD 187 ACCT# 0712625-3
10/26/2015	788837	NorthWestern Energy	\$278.51	8100-31830-403410	SILMD 188 ACCT# 0712626-1
10/26/2015	788837	NorthWestern Energy	\$232.11	8100-31830-403410	SILMD 189 ACCT# 0712627-9
10/26/2015	788837	NorthWestern Energy	\$1,206.95	8100-31830-403410	SILMD 190 ACCT# 0712628-7
10/26/2015	788837	NorthWestern Energy	\$414.71	8100-31830-403410	SILMD 191 ACCT# 0712629-5
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10/26/2015	788837	NorthWestern Energy	\$487.43	8100-31830-403410	SILMD 201 ACCT# 0712638-6
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10/26/2015	788837	NorthWestern Energy	\$371.37	8100-31830-403410	SILMD 207 ACCT# 0712644-4
10/26/2015	788837	NorthWestern Energy	\$254.77	8100-31830-403410	SILMD 208 ACCT# 0712645-1
10/26/2015	788837	NorthWestern Energy	\$533.84	8100-31830-403410	SILMD 209 ACCT# 0712646-9
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10/26/2015	788837	NorthWestern Energy	\$139.27	8100-31830-403410	SILMD 216 ACCT# 0712652-7
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10/26/2015	788837	NorthWestern Energy	\$299.83	8100-31830-403410	SILMD 226 ACCT# 0712660-0
10/26/2015	788837	NorthWestern Energy	\$606.57	8100-31830-403410	SILMD 227 ACCT# 0712661-8
10/26/2015	788837	NorthWestern Energy	\$786.21	8100-31830-403410	SILMD 228 ACCT# 0712662-6
10/26/2015	788837	NorthWestern Energy	\$406.66	8100-31830-403410	SILMD 229 ACCT# 0712663-4
10/26/2015	788837	NorthWestern Energy	\$948.88	8100-31830-403410	SILMD 230 ACCT# 0712664-2
10/26/2015	788837	NorthWestern Energy	\$569.33	8100-31830-403410	SILMD 231 ACCT# 0712665-9
10/26/2015	788837	NorthWestern Energy	\$2,467.05	8100-31830-403410	SILMD 232 ACCT# 0712666-7
10/26/2015	788837	NorthWestern Energy	\$813.82	8100-31830-403410	SILMD 233 ACCT# 0712667-5
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10/26/2015	788837	NorthWestern Energy	\$14.76	8100-31830-403410	SILMD 238 ACCT# 0712672-5
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10/26/2015	788837	NorthWestern Energy	\$85.55	8100-31830-403410	SILMD 245 ACCT# 0712678-2
10/26/2015	788837	NorthWestern Energy	\$325.31	8100-31830-403410	SILMD 246 ACCT# 0712679-0
10/26/2015	788837	NorthWestern Energy	\$1,151.61	8100-31830-403410	SILMD 247 ACCT# 0712680-8
10/26/2015	788837	NorthWestern Energy	\$2,438.32	8100-31830-403410	SILMD 248 ACCT# 0712681-6
10/26/2015	788837	NorthWestern Energy	\$2,683.96	8100-31830-403410	SILMD 249 ACCT# 0718734-7
10/26/2015	788837	NorthWestern Energy	\$224.04	8100-31830-403410	SILMD 250 ACCT# 0719001-0
10/26/2015	788837	NorthWestern Energy	\$3,858.45	8100-31830-403410	SILMD 251 ACCT# 0718801-4
10/26/2015	788837	NorthWestern Energy	\$542.22	8100-31830-403410	SILMD 252 ACCT# 0719162-0
10/26/2015	788837	NorthWestern Energy	\$1,884.93	8100-31830-403410	SILMD 253 ACCT# 0719644-7
10/26/2015	788837	NorthWestern Energy	\$147.17	8100-31830-403410	SILMD 254 ACCT# 0719763-5
10/26/2015	788837	NorthWestern Energy	\$156.68	8100-31830-403410	SILMD 255 ACCT# 0720813-5
10/26/2015	788837	NorthWestern Energy	\$859.25	8100-31830-403410	SILMD 257 ACCT# 0720360-7
10/26/2015	788837	NorthWestern Energy	\$2,566.53	8100-31830-403410	SILMD 258 ACCT# 0720606-3
10/26/2015	788837	NorthWestern Energy	\$22.32	8100-31830-403410	SILMD 259 ACCT# 1301786-8
10/26/2015	788837	NorthWestern Energy	\$1,313.08	8100-31830-403410	SILMD 259 ACCT# 0720810-1
10/26/2015	788837	NorthWestern Energy	\$487.99	8100-31830-403410	SILMD 261 ACCT# 0720705-3
10/26/2015	788837	NorthWestern Energy	\$3,082.61	8100-31830-403410	SILMD 262 ACCT# 0720937-2
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10/26/2015	788837	NorthWestern Energy	\$160.55	8100-31830-403410	SILMD 264 ACCT# 0721427-3
10/26/2015	788837	NorthWestern Energy	\$342.02	8100-31830-403410	SILMD 265 ACCT# 0721556-9
10/26/2015	788837	NorthWestern Energy	\$46.60	8100-31830-403410	SILMD 266 ACCT# 0721684-9
10/26/2015	788837	NorthWestern Energy	\$76.13	8100-31830-403410	SILMD 269 ACCT# 0833098-7
10/26/2015	788837	NorthWestern Energy	\$428.21	8100-31830-403410	SILMD 270 ACCT# 0906944-4
10/26/2015	788837	NorthWestern Energy	\$984.38	8100-31830-403410	SILMD 271 ACCT# 0995095-7
10/26/2015	788837	NorthWestern Energy	\$2,748.47	8100-31830-403410	SILMD 272 ACCT# 0905005-5
10/26/2015	788837	NorthWestern Energy	\$197.30	8100-31830-403410	SILMD 273 ACCT# 0926386-4
10/26/2015	788837	NorthWestern Energy	\$65.26	8100-31830-403410	SILMD 274 ACCT# 0907926-0
10/26/2015	788837	NorthWestern Energy	\$470.80	8100-31830-403410	SILMD 276 ACCT# 0961926-3
10/26/2015	788837	NorthWestern Energy	\$806.42	8100-31830-403410	SILMD 277 ACCT# 1058710-3
10/26/2015	788837	NorthWestern Energy	\$206.64	8100-31830-403410	SILMD 278 ACCT# 1087619-1

Check Date	Check	Name	Amount	Account	Item Desc
10/26/2015	788837	NorthWestern Energy	\$60.43	8100-31830-403410	SILMD 279 ACCT# 1124127-0
10/26/2015	788837	NorthWestern Energy	\$715.51	8100-31830-403410	SILMD 280 ACCT# 1045653-1
10/26/2015	788837	NorthWestern Energy	\$65.26	8100-31830-403410	SILMD 281 ACCT# 1079722-3
10/26/2015	788837	NorthWestern Energy	\$369.87	8100-31830-403410	SILMD 283 ACCT# 1172743-5
10/26/2015	788837	NorthWestern Energy	\$333.23	8100-31830-403410	SILMD 285 ACCT# 1206985-2
10/26/2015	788837	NorthWestern Energy	\$232.40	8100-31830-403410	SILMD 286 ACCT# 1296582-8
10/26/2015	788837	NorthWestern Energy	\$115.28	8100-31830-403410	SILMD 287 ACCT# 1246537-3
10/26/2015	788837	NorthWestern Energy	\$1,744.82	8100-31830-403410	SILMD 288 ACCT# 1303978-9
10/26/2015	788837	NorthWestern Energy	\$218.14	8100-31830-403410	SILMD 289 ACCT# 1685375-6
10/26/2015	788837	NorthWestern Energy	\$126.04	8100-31830-403410	SILMD 290 ACCT# 1433921-2
10/26/2015	788837	NorthWestern Energy	\$596.44	8100-31830-403410	SILMD 292 ACCT# 1481532-8
10/26/2015	788837	NorthWestern Energy	\$232.11	8100-31830-403410	SILMD 293 ACCT# 1481534-4
10/26/2015	788837	NorthWestern Energy	\$464.22	8100-31830-403410	SILMD 294 ACCT# 1481535-1
10/26/2015	788837	NorthWestern Energy	\$108.45	8100-31830-403410	SILMD 295 ACCT# 1481536-9
10/26/2015	788837	NorthWestern Energy	\$1,135.01	8100-31830-403410	SILMD 296 ACCT# 1481537-7
10/26/2015	788837	NorthWestern Energy	\$208.90	8100-31830-403410	SILMD 297 ACCT# 1481539-3
10/26/2015	788837	NorthWestern Energy	\$185.68	8100-31830-403410	SILMD 298 ACCT# 1481540-1
10/26/2015	788837	NorthWestern Energy	\$394.07	8100-31830-403410	SILMD 300 ACCT# 1662840-6
10/26/2015	788837	NorthWestern Energy	\$1,744.01	8100-31830-403410	SILMD 301 ACCT# 1687005-7
10/26/2015	788837	NorthWestern Energy	\$238.00	8100-31830-403410	SILMD 302 ACCT# 1607534-3
10/26/2015	788837	NorthWestern Energy	\$737.31	8100-31830-403410	SILMD 305 ACCT# 1695873-8
10/26/2015	788837	NorthWestern Energy	\$253.02	8100-31830-403410	SILMD 306 ACCT# 1740353-6
10/26/2015	788837	NorthWestern Energy	\$2,516.48	8100-31830-403410	SILMD 307 ACCT# 2049005-8
10/26/2015	788837	NorthWestern Energy	\$258.23	8100-31830-403410	SILMD 308 ACCT# 2072459-7
10/26/2015	788837	NorthWestern Energy	\$363.61	8100-31830-403410	SILMD 309 ACCT# 2001311-6
10/26/2015	788837	NorthWestern Energy	\$361.55	8100-31830-403410	SILMD 310 ACCT# 2060519-2
10/26/2015	788837	NorthWestern Energy	\$234.22	8100-31830-403410	SILMD 311 ACCT# 3014475-2
10/26/2015	788837	NorthWestern Energy	\$199.72	8100-31830-403410	SILMD 312 ACCT# 3146127-0
10/26/2015	788837	NorthWestern Energy	\$53.81	8100-31830-403410	SILMD 320 Acct# 0712569-3
10/26/2015	788837	NorthWestern Energy	\$11,200.45	2110-31320-403410	Signal Bills 10.22.15
10/26/2015	788838	NorthWestern Energy	\$868.33	5020-74000-403410	11164522
10/26/2015	788838	NorthWestern Energy	\$1,112.72	6500-15660-403410	11608023
10/26/2015	788838	NorthWestern Energy	\$1,470.26	6500-15660-403410	11608049
10/26/2015	788838	NorthWestern Energy	\$3,009.80	6500-15660-403410	12693917
10/26/2015	788838	NorthWestern Energy	\$434.72	0100-51120-403410	09254962
10/26/2015	788838	NorthWestern Energy	\$643.10	6500-15660-403410	09758087
10/26/2015	788838	NorthWestern Energy	\$229.72	5120-85000-403410	822 Shiloh Crossing Lift
10/26/2015	788838	NorthWestern Energy	\$14.22	2910-66980-407275	FORECLOSURE-NWE-SEPT-3921
10/26/2015	788838	NorthWestern Energy	\$67.32	5610-71130-403410	3085107-5. New Employee Parking Lot. October
10/26/2015	788838	NorthWestern Energy	\$2,228.10	5610-71130-403410	0100483-7. Runway Lights. October 2015
10/26/2015	788838	NorthWestern Energy	\$1,574.55	5610-71130-403410	0100484-5. ARFF Facility. October 2015
10/26/2015	788838	NorthWestern Energy	\$22.35	5610-71130-403410	1647695-4. De Icer. October 2015
10/26/2015	788838	NorthWestern Energy	\$781.26	5610-71170-403410	1669567-8. TSA Building. October 2015
10/26/2015	788838	NorthWestern Energy	\$1,694.95	5610-71190-403410	1993430-6. Car Wash. October 2015
10/26/2015	788838	NorthWestern Energy	\$366.09	5610-71190-403410	2001846-1. Mud Wash. October 2015
10/26/2015	788838	NorthWestern Energy	\$242.27	5610-71190-403410	2001848-7. Detail Bay 1 Hertz. October 2015
10/26/2015	788838	NorthWestern Energy	\$293.57	5610-71190-403410	2001855-2. Detail Bay 2 National/Alamo. October
10/26/2015	788838	NorthWestern Energy	\$185.49	5610-71190-403410	2001862-8. Detail Bay 3 Enterprise. October 2015
10/26/2015	788838	NorthWestern Energy	\$198.04	5610-71190-403410	2001865-1. Detail Bay 4 Avis/Budget. October
10/26/2015	788838	NorthWestern Energy	\$124.84	5610-71190-403410	2001867-7. Detail Bay 5 Thrifty/Dollar. October
10/26/2015	788838	NorthWestern Energy	\$151.57	6070-22350-403410	07215809
10/26/2015	788838	NorthWestern Energy	\$14.08	0100-51120-403410	07222375
10/26/2015	788838	NorthWestern Energy	\$7.45	0100-51120-403410	07222474
10/26/2015	788838	NorthWestern Energy	\$248.05	0100-51120-403410	07222516
10/26/2015	788838	NorthWestern Energy	\$0.43	0100-51120-403410	07222540
10/26/2015	788838	NorthWestern Energy	\$93.91	0100-51120-403410	07222557
10/26/2015	788838	NorthWestern Energy	\$19.53	0100-51120-403410	07222631
10/26/2015	788838	NorthWestern Energy	\$30.84	0100-51120-403410	07222664
10/26/2015	788838	NorthWestern Energy	\$15.13	0100-51120-403410	07222698
10/26/2015	788838	NorthWestern Energy	\$12.10	0100-51120-403410	07222920
10/26/2015	788838	NorthWestern Energy	\$50.37	0100-51120-403410	07222938
10/26/2015	788838	NorthWestern Energy	\$15.25	0100-51120-403410	07229057
10/26/2015	788838	NorthWestern Energy	\$112.56	0100-51120-403410	07230352
10/26/2015	788838	NorthWestern Energy	\$8.95	0100-51120-403410	07230360
10/26/2015	788838	NorthWestern Energy	\$193.83	0100-51120-403410	07230378
10/26/2015	788838	NorthWestern Energy	\$40.60	0100-51120-403410	07230428
10/26/2015	788838	NorthWestern Energy	\$89.33	0100-51120-403410	07230485
10/26/2015	788838	NorthWestern Energy	\$170.90	0100-51120-403410	07230501
10/26/2015	788838	NorthWestern Energy	\$480.97	0100-51120-403410	07230543
10/26/2015	788838	NorthWestern Energy	\$19.32	0100-51120-403410	07230550
10/26/2015	788838	NorthWestern Energy	\$37.10	0100-51120-403410	07230568
10/26/2015	788838	NorthWestern Energy	\$11.06	0100-51120-403410	07230576
10/26/2015	788838	NorthWestern Energy	\$32.11	0100-51120-403410	07230584
10/26/2015	788838	NorthWestern Energy	\$163.22	0100-51120-403410	07229339
10/26/2015	788838	NorthWestern Energy	\$7.45	0100-51120-403410	07231624
10/26/2015	788838	NorthWestern Energy	\$7.45	0100-51120-403410	07236458
10/26/2015	788838	NorthWestern Energy	\$21.65	0100-51120-403410	07894371

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10/26/2015	788838	NorthWestern Energy	\$502.56	0100-51260-403410	07208218 FORECLOSURE-NWE-ELECTRIC-SEPT-619
10/26/2015	788838	NorthWestern Energy	\$7.87	2910-66980-407275	CUSTER
10/26/2015	788838	NorthWestern Energy	\$405.90	0100-51120-403410	07222573
10/26/2015	788838	NorthWestern Energy	\$260.23	0100-51120-403410	07222607
10/26/2015	788838	NorthWestern Energy	\$9.70	0100-51120-403410	07222615
10/26/2015	788838	NorthWestern Energy	\$8.65	0100-51120-403410	07222623
10/26/2015	788838	NorthWestern Energy	\$81.09	0100-51120-403410	07222656
10/26/2015	788838	NorthWestern Energy	\$4.27	0100-51120-403410	07222680
10/26/2015	788838	NorthWestern Energy	\$0.00	0100-51120-403410	07230279
10/26/2015	788838	NorthWestern Energy	\$35.54	0100-51120-403410	07230386
10/26/2015	788838	NorthWestern Energy	\$713.03	0100-51120-403410	07230444
10/26/2015	788838	NorthWestern Energy	\$6.30	0100-51120-403410	07230519
10/26/2015	788838	NorthWestern Energy	\$25.19	0100-51120-403410	07230527
10/26/2015	788838	NorthWestern Energy	\$9.30	0100-51120-403410	07230907
10/26/2015	788838	NorthWestern Energy	\$805.02	0100-51120-403410	07231707
10/26/2015	788838	NorthWestern Energy	\$7.45	0100-51120-403410	07236441
10/26/2015	788840	Opex Corp	\$1,584.00	5020-73110-403630	Contract period 11/4/15-11/3/16
10/26/2015	788840	Opex Corp	\$1,056.00	5120-83110-403630	Contract period 11/4/15-11/3/16 Invoice 252089, BHP SERPA HLST CQC
10/26/2015	788848	Proforce Law Enforcement	\$124.96	1500-21120-402260	MATTE GLK 17/22/31
10/26/2015	788848	Proforce Law Enforcemen	\$3,630.00	1500-21120-402444	44200, TSR CART M26/X26 21FT
10/26/2015	788848	Proforce Law Enforcemen	\$9.95	1500-21120-402444	Shipping & Handling
10/26/2015	788853	Routematch Software, Inc.	\$26,942.30	5710-71470-403630	Annual Technical Support for Paratransit software
10/26/2015	788858	Sanderson Stewart	\$56,717.67	2010-15070-409310	WO 15-08 Exposition Gateway CO#1 06/08/2015
10/26/2015	788862	Solid Waste Systems Inc	\$8,289.12	6300-17530-407310	Solid Waste Truck #0179.
10/26/2015	788862	Solid Waste Systems Inc	\$87.13	6010-00000-141000	80446 PO NUM 299117
10/26/2015	788862	Solid Waste Systems Inc	\$350.90	6010-00000-141000	850346 PO NUM 299054
10/26/2015	788869	Stericycle Inc	\$5,042.00	5410-31230-403590	hazardous waste remove
10/26/2015	788872	Stewart Title Company	\$10,000.00	2910-66800-407275	FTHB Jessica Hilliard 1208 Concord Drive
10/26/2015	788874	Sunset Excavator	\$5,841.00	5050-75150-403671	Repair leak at 2219 6th Ave ↑
10/26/2015	788874	Sunset Excavator	\$4,200.00	5050-75150-403671	Emergency Repair Leaking @519 poppy Place
10/26/2015	788881	TNT Springs Inc	\$672.44	6010-00000-141000	151064 PO NUM 299120
10/26/2015	788881	TNT Springs Inc	\$134.24	5410-31220-402320	151064
10/26/2015	788881	TNT Springs Inc	\$67.12	5410-31220-402320	150405
10/26/2015	788881	TNT Springs Inc	\$330.84	5410-31220-402320	150412
10/26/2015	788881	TNT Springs Inc	\$290.33	2110-31320-402320	150472
10/26/2015	788881	TNT Springs Inc	\$37.08	5410-31220-402320	150472
10/26/2015	788881	TNT Springs Inc	\$149.98	5410-31220-402320	150581
10/26/2015	788881	TNT Springs Inc	\$159.48	5410-31220-402320	150662
10/26/2015	788881	TNT Springs Inc	\$750.62	5410-31220-402320	150731
10/26/2015	788881	TNT Springs Inc	\$635.18	6010-00000-141000	150405 PO NUM 299059
10/26/2015	788881	TNT Springs Inc	\$2,276.86	6010-00000-141000	150662 PO NUM 299059
10/26/2015	788881	TNT Springs Inc	\$83.54	6010-00000-141000	150731 PO NUM 299059
10/26/2015	788882	Town & Country Supply Associator	\$6,802.30	6010-00000-141000	215642 PO NUM 299069
10/26/2015	788882	Town & Country Supply Associator	\$5,968.20	6010-00000-141000	216075 PO NUM 299069
10/26/2015	788882	Town & Country Supply Associator	\$15,371.07	6010-00000-141000	215850 PO NUM 299070 WATER PARTS AND SUPPLIES PO NUM
10/26/2015	788882	Town & Country Supply Association	\$11,051.04	5020-00000-141000	298993
10/26/2015	788882	Town & Country Supply Associator	\$3,911.80	5710-00000-141000	216028 PO NUM 299038 WATER PARTS AND SUPPLIES PO NUM
10/26/2015	788882	Town & Country Supply Association	\$293.29	5020-00000-141000	299004
10/26/2015	788883	Tractor & Equipment Co	\$147.20	5120-85000-402320	NONSTOCKING ITEMS-P.U.D.
10/26/2015	788883	Tractor & Equipment Co	\$904.81	5410-31230-402320	Parts for Landfill Equipmen
10/26/2015	788883	Tractor & Equipment Co	\$1,578.25	5410-31230-402320	Parts for Landfill Equipmen
10/26/2015	788883	Tractor & Equipment Co	\$228.52	5410-31230-402320	Parts for Landfill Equipmen
10/26/2015	788887	Valmont Composite Structures	\$6,320.00	2110-00000-141318	STREET LIGHTS PO NUM 299071
10/26/2015	788888	Verizon Wireless	\$497.44	1500-21110-403450	Apple iPhone 6 with Accessories  Invoice 150239832 - SMS Preservation 10/10/15 thru 10/16/15 targets ending in 2864 and 8771
10/26/2015	788888	Verizon Wireless	\$200.00	1500-21200-407910	
10/26/2015	788888	Verizon Wireless	\$200.13	1500-21700-403450	Animal Shelter MDT
10/26/2015	788888	Verizon Wireless	\$656.06	7170-21660-403450	CCSIU Cell/PTT
10/26/2015	788888	Verizon Wireless	\$40.01	7170-21660-403450	CCSIU Air Card
10/26/2015	788888	Verizon Wireless	\$80.02	7170-21660-403450	CCSIU RAVEN City Administration 406-839-4295 Bruce McCandless
10/26/2015	788888	Verizon Wireless	\$40.01	0100-13130-403450	iPad
10/26/2015	788888	Verizon Wireless	\$80.02	0100-43210-403450	Code Enforcement Air Cards
10/26/2015	788888	Verizon Wireless	\$40.01	1500-22210-403450	Fire MiFi 406-839-3253
10/26/2015	788888	Verizon Wireless	\$40.03	2200-22330-402410	Fire HAZMAT MDT 406-670-1284
10/26/2015	788888	Verizon Wireless	\$840.25	1500-22210-403450	Fire MDT
10/26/2015	788888	Verizon Wireless	\$42.74	6200-19110-403450	ITD
10/26/2015	788888	Verizon Wireless	\$80.02	2600-55170-403450	Library Outreach Air Cards
10/26/2015	788888	Verizon Wireless	\$4,174.62	1500-21110-403450	Police MDT Toughbooks

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10/26/2015	788888	Verizon Wireless	\$470.28	5710-71470-403160	MET Transit Tablets
10/26/2015	788888	Verizon Wireless	\$40.01	1500-21110-403450	Police ICAC 406-690-7347
10/26/2015	788888	Verizon Wireless	\$40.01	1500-21110-403450	Police MiFi 406-633-0820
10/26/2015	788888	Verizon Wireless	\$40.01	1500-21110-403450	Police US Marshall Toughbook: PRPL-PARKS PMD Air Card
10/26/2015	788888	Verizon Wireless	\$40.01	0100-51120-403450	406-794-6977
10/26/2015	788888	Verizon Wireless	\$240.06	2090-44510-403450	PW-Building Air Cards PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450
10/26/2015	788888	Verizon Wireless	\$264.06	5020-75000-403450	40% 5120-85000-403450 PW-Distribution Collection Tablets 60%/40% 60% 5020-75000-403450
10/26/2015	788888	Verizon Wireless	\$176.05	5120-85000-403450	40% 5120-85000-403450
10/26/2015	788888	Verizon Wireless	\$140.06	6700-31410-403450	PW Engineering PW-Streets 406-697-0361 iPad
10/26/2015	788888	Verizon Wireless	\$70.03	2110-31320-403450	406-633-1991 iPad PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450
10/26/2015	788888	Verizon Wireless	\$18.02	5020-75000-403450	40% 5120-85000-403450 PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450
10/26/2015	788888	Verizon Wireless	\$12.00	5120-85000-403450	40% 5120-85000-403450 Meter Reader Account 4420118965-00001 502-73120-403450 Streets School Flasher Program
10/26/2015	788888	Verizon Wireless	\$88.30	2110-31320-403450	2110-31320-403450 Meter Reader Account 4420118965-00001 502-73120-403450 Streets School Flasher Program
10/26/2015	788888	Verizon Wireless	\$180.30	5020-73120-403450	2110-31320-403450
10/26/2015	788888	Verizon Wireless	\$120.03	7170-21660-403450	CCSIU MDT PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
10/26/2015	788888	Verizon Wireless	\$192.04	5020-75000-403450	5120-85000-403450 40% PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450 60%
10/26/2015	788888	Verizon Wireless	\$128.04	5120-85000-403450	5120-85000-403450 40% POLICE IPAD ST JOHN 406-690-5955 POLICE IPAD HAFNER 406-690-2161
10/26/2015	788888	Verizon Wireless	\$80.02	1500-21110-403450	1500-21110-403450 PW-STREETS CITY WORKS
10/26/2015	788888	Verizon Wireless	\$240.06	2110-31320-403450	2110-31320-403450 PARKING 406-690-5822
10/26/2015	788888	Verizon Wireless	\$40.01	5210-15210-403450	5210-15210-403450 PWBLKNP COMM-METER CityWorks/Neptune
10/26/2015	788888	Verizon Wireless	\$280.07	5020-73120-403450	5020-73120-403450
10/26/2015	788888	Verizon Wireless	\$395.04	5610-71100-403450	Airport Animal Shelter
10/26/2015	788888	Verizon Wireless	\$467.00	1500-21700-403450	(5) iphones 6 & Chargers Animal Shelter
10/26/2015	788888	Verizon Wireless	\$612.40	1500-21720-402120	(5) iphones 6 & Chargers
10/26/2015	788888	Verizon Wireless	\$86.38	7170-21660-403450	CCSIU
10/26/2015	788888	Verizon Wireless	\$54.37	0100-16110-403450	Legal
10/26/2015	788888	Verizon Wireless	\$52.84	1500-22250-403450	Comm Center 911 Facilities BOC
10/26/2015	788888	Verizon Wireless	\$67.31	6500-15650-403450	Plus 70% of 406-672-3027 Facilities City Hall
10/26/2015	788888	Verizon Wireless	\$89.88	6500-15670-403450	Plus 30% of 406-672-3027
10/26/2015	788888	Verizon Wireless	\$79.18	0100-15120-403450	Finance Pat Weber
10/26/2015	788888	Verizon Wireless	\$933.93	1500-22210-403450	Fire Department
10/26/2015	788888	Verizon Wireless	\$73.99	0100-17500-403450	Human Resources
10/26/2015	788888	Verizon Wireless	\$13.19	6200-19130-403450	ITD GIS
10/26/2015	788888	Verizon Wireless	\$11.49	6200-19110-403450	ITD
10/26/2015	788888	Verizon Wireless	\$33.18	2600-55170-403450	Library Outreach
10/26/2015	788888	Verizon Wireless	\$363.74	2600-55120-403450	Library
10/26/2015	788888	Verizon Wireless	\$42.89	0100-11000-403450	Mayor
10/26/2015	788888	Verizon Wireless	\$54.31	6010-15500-403450	Motor Pool
10/26/2015	788888	Verizon Wireless	\$192.79	0100-12200-403450	Drug Court
10/26/2015	788888	Verizon Wireless	\$93.96	0100-12120-403450	Municipal Court Judge
10/26/2015	788888	Verizon Wireless	\$13.19	2400-43010-403450	Planning
10/26/2015	788888	Verizon Wireless	\$3,458.31	1500-21110-403450	Police Police Forensic 406-794-6880 406-698-7323
10/26/2015	788888	Verizon Wireless	\$90.74	2510-21870-403450	406-698-7323
10/26/2015	788888	Verizon Wireless	\$500.92	1500-21110-403450	Police Resource Officers
10/26/2015	788888	Verizon Wireless	\$28.09	2490-21960-403450	Police DV 406-698-1391
10/26/2015	788888	Verizon Wireless	\$102.16	5210-15210-403450	Parking

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10/26/2015	788888	Verizon Wireless	\$167.99	0100-51100-403450	PRPL Admin
10/26/2015	788888	Verizon Wireless	\$785.68	0100-51210-403450	PRPL Recreation
10/26/2015	788888	Verizon Wireless	\$99.76	0100-51400-403450	Cemetery
10/26/2015	788888	Verizon Wireless	\$43.97	0100-51120-403450	Parks PMD
10/26/2015	788888	Verizon Wireless	\$958.63	0100-51120-403450	Parks
10/26/2015	788888	Verizon Wireless	\$220.61	0100-51120-403450	Parks Irrigation
10/26/2015	788888	Verizon Wireless	\$61.68	6600-31100-403450	Public Works Admin
10/26/2015	788888	Verizon Wireless	\$234.40	2090-44510-403450	Building
10/26/2015	788888	Verizon Wireless	\$224.68	6700-31410-403450	Engineering
10/26/2015	788888	Verizon Wireless	\$216.55	5410-31210-403450	Solid Waste
10/26/2015	788888	Verizon Wireless	\$339.29	2110-31320-403450	Streets
10/26/2015	788888	Verizon Wireless	\$275.84	5410-31230-403450	Solid Waste On Call
					Distribution & Collection 60% 5020-75000-403450
10/26/2015	788888	Verizon Wireless	\$469.47	5020-75000-403450	Distribution & Collection 40\$ 5120-85000-403450
					Distribution & Collection 60% 5020-75000-403450
10/26/2015	788888	Verizon Wireless	\$312.99	5120-85000-403450	Distribution & Collection 40\$ 5120-85000-403450
					Water Treatment
10/26/2015	788888	Verizon Wireless	\$551.18	5020-74000-403450	PWBelknap-WT
10/26/2015	788888	Verizon Wireless	\$443.19	5020-73120-403450	PWBLKNP MTRSHOP
					Belknap Office 60% 5020-73110-403450
10/26/2015	788888	Verizon Wireless	\$69.80	5020-73110-403450	Belknap Office 40\$ 5120-83110-403450
					Belknap Office 60% 5020-73110-403450
10/26/2015	788888	Verizon Wireless	\$46.54	5120-83110-403450	Belknap Office 40\$ 5120-83110-403450
					PWBLKNP STORES 75% 5020-73140-403450
10/26/2015	788888	Verizon Wireless	\$88.44	5020-73140-403450	PWBLKNP STORES 25% 5120-83140-403450
					PWBLKNP STORES 75% 5020-73140-403450
10/26/2015	788888	Verizon Wireless	\$29.48	5120-83140-403450	PWBLKNP STORES 25% 5120-83140-403450
10/26/2015	788888	Verizon Wireless	\$937.53	5120-84000-403450	Wastewater Treatment Plan
10/26/2015	788888	Verizon Wireless	\$119.94	6060-19310-402122	TeleComm Manage
10/26/2015	788888	Verizon Wireless	\$23.43	6060-19310-403450	TeleComm Manage
10/26/2015	788888	Verizon Wireless	\$92.78	5710-71420-403160	On Call MET
10/26/2015	788888	Verizon Wireless	\$13.45	5710-71410-403450	MET Transit
10/26/2015	788888	Verizon Wireless	\$104.16	0100-43210-403450	Code Enforcemen
10/26/2015	788888	Verizon Wireless	\$604.53	0100-51120-403450	Parks Seasona
					PWVLKNP ELECTRICIANS 50%/50%
					50% 5020-74000-403450
10/26/2015	788888	Verizon Wireless	\$223.58	5020-74000-403450	50% 5120-84300-403450
					PWVLKNP ELECTRICIANS 50%/50%
					50% 5020-74000-403450
10/26/2015	788888	Verizon Wireless	\$223.59	5120-84300-403450	50% 5120-84300-403450
					WO 14-09 Briarwood Reservoir Expansion; CO #1
10/26/2015	788891	Western Municipal Construction Inc	\$558,817.94	5030-74910-409390	06/30/15
10/26/2015	788893	Winkler Excavating Inc	\$85,752.31	2050-31310-409310	WO 15-15 Shawnee Dr
					Invoice #28555. Labor and new equipment to
10/26/2015	788898	Yellowstone Electric Co	\$4,650.00	5610-71130-402450	update the fire alarm system at the Ops Center

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Payment of Claims November 2, 2015

**PRESENTED BY:** Patrick M. Weber, Finance Director

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$3,089,568.09 have been audited and are presented for City Council payment approval. A complete listing of the claims dated November 2, 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**

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**Attachments**

council memo 11-02-2015

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Check Date	Check Name	Amount	Account	Item Desc
11/02/2015	788902 3M Company	\$6,680.54	2600-55160-402190	Inv UM30452
11/02/2015	788912 Applied Mechanical Inc	\$758.60	5020-72110-343134	ComDev Refund BP-15-05380
11/02/2015	788912 Applied Mechanical Inc	\$18,965.07	4160-72930-343123	ComDev Refund BP-15-05380
11/02/2015	788912 Applied Mechanical Inc	\$629.80	5120-82110-343234	ComDev Refund BP-15-05380
11/02/2015	788912 Applied Mechanical Inc	\$15,745.07	4210-82930-343123	ComDev Refund BP-15-05380
11/02/2015	788922 Bison Motor Company	\$25,803.19	6400-51600-409440	1 new current model 2015 full size half ton 2 whee
11/02/2015	788923 Black Box Network Services	\$9,208.79	6060-19310-403582	Annual Phone Maintenance 03/01/2016-08/31/2016
11/02/2015	788923 Black Box Network Services	\$1,386.50	6060-19310-403582	Annual Phone Maintenance Library 3/01/2016-8/31/2016
11/02/2015	788923 Black Box Network Services	\$6,785.92	6200-19110-405370	Nortel Annual Equipment Maintenance 9/1/15-8/31/16
11/02/2015	788923 Black Box Network Services	\$3,472.40	2600-55180-409490	Nortel Equipment Maintenance 9/1/2015-2/29/2016
11/02/2015	788923 Black Box Network Services	\$3,472.40	6060-19310-409480	Nortel Equipment Maintenance 9/1/2015-2/29/2016
11/02/2015	788923 Black Box Network Services	\$2,263.99	6060-19310-403582	Nortel Phone Equipment Maintenance 9/1/2015-2/29/2016
11/02/2015	788923 Black Box Network Services	\$1,386.50	6060-19310-403582	Nortel Phone Equipment Maintenance 9/1/2015-2/29/2016
11/02/2015	788924 Blackfoot Communications Inc	\$4,770.00	6200-19110-405370	IT Tech Support 50 Hours
11/02/2015	788933 Business Tax Section	\$288.37	2050-31310-409310	WO 15-29 West Wicks Lane Multi-Use Trail
11/02/2015	788933 Business Tax Section	\$1,860.43	2100-31100-409311	WO 15-29 West Wicks Lane Multi-Use Trail
11/02/2015	788933 Business Tax Section	\$85.26	2100-31100-409311	WO 15-29 West Wicks Lane Multi-Use Trail;
11/02/2015	788933 Business Tax Section	\$13.21	2050-31310-409310	WO 15-29 West Wicks Lane Multi-Use Trail;
11/02/2015	788933 Business Tax Section	\$14,226.68	4260-31840-409310	WO 12-31 East End Storm Drain Phase II
11/02/2015	788933 Business Tax Section	\$668.43	5030-00000-201100	WO 08-25 Zone 3 Chapple Reservoir Expansion
11/02/2015	788933 Business Tax Section	\$100.00	5050-75150-403671	Water Repair List 05.29.15
11/02/2015	788938 Cmg Construction, Inc.	\$28,548.53	2050-31310-409310	WO 15-29 West Wicks Lane Multi-Use Trail
11/02/2015	788938 Cmg Construction, Inc.	\$184,182.67	2100-31100-409311	WO 15-29 West Wicks Lane Multi-Use Trail
11/02/2015	788938 Cmg Construction, Inc.	\$8,440.45	2100-31100-409311	WO 15-29 West Wicks Lane Multi-Use Trail;
11/02/2015	788938 Cmg Construction, Inc.	\$1,308.28	2050-31310-409310	WO 15-29 West Wicks Lane Multi-Use Trail;
11/02/2015	788940 Cop Construction Co	\$1,408,442.17	4260-31840-409310	WO 12-31 East End Storm Drain Phase II
11/02/2015	788942 County Water District Of Billings Heights	\$3,535.43	0100-51120-403420	Monthly water charges for Arrowhead.
11/02/2015	788942 County Water District Of Billings Heights	\$4,759.27	8720-51980-403420	Monthly water charges for Twin Oaks.
11/02/2015	788942 County Water District Of Billings Heights	\$1,355.91	8720-51980-403420	Monthly water charges for Rolling Hills.
11/02/2015	788942 County Water District Of Billings Heights	\$4,940.59	8720-51980-403420	Monthly water charges for Uinta.
11/02/2015	788942 County Water District Of Billings Heights	\$36.00	0100-51120-403420	Monthly water charges for Arrowhead.
11/02/2015	788942 County Water District Of Billings Heights	\$4,301.63	0100-51120-403420	Monthly water charges for Hawthorne.
11/02/2015	788942 County Water District Of Billings Heights	\$5,884.93	8720-51980-403420	Monthly water charges for Walden Grove.
11/02/2015	788942 County Water District Of Billings Heights	\$2,794.97	8720-51980-403420	Monthly water charges for France's.
11/02/2015	788942 County Water District Of Billings Heights	\$2,459.53	8720-51980-403420	Monthly water charges for Luthern.
11/02/2015	788942 County Water District Of Billings Heights	\$3,866.78	0100-51120-403420	Monthly water charges for Primrose.
11/02/2015	788945 CTA Inc	\$6,903.73	1500-22260-409250	Fire Station #2 Roof Replacement
11/02/2015	788945 CTA Inc	\$647.65	1500-22260-409250	Fire Station #2 Roof Replacement
11/02/2015	788948 Dale & Jax Door & Glass Inc	\$200.00	6500-15670-403690	Inv. #17889 Police & Legal Reset
11/02/2015	788948 Dale & Jax Door & Glass Inc	\$2,900.00	5210-15930-402450	Replace glass in City Hall sky bridge going to
11/02/2015	788949 Dell Computer L P	\$354.18	2250-22320-402925	(2) Dell 22 Monitor Comm Center
11/02/2015	788949 Dell Computer L P	\$1,114.50	2090-44510-402925	(1) Dell OptiPlex 3020 Building Jess Phillips
11/02/2015	788949 Dell Computer L P	\$1,114.50	5410-31230-402925	Dell OptiPlex 3020
11/02/2015	788954 Digital Video Systems	\$2,829.00	5410-31230-403660	Repair on wiring-the wiring was cut when the new
11/02/2015	788956 Downtown Billings BID, Inc.	\$3,000.00	2110-31320-402430	Traffic wraps
11/02/2015	788956 Downtown Billings BID, Inc.	\$3,313.00	8720-51980-403990	BID contract for April-June 2015.
11/02/2015	788956 Downtown Billings BID, Inc.	\$3,313.00	8720-51980-403990	BID contract for April-June 2015.
11/02/2015	788956 Downtown Billings BID, Inc.	\$3,313.00	8720-51980-403990	BID contract for July-Sept. 2015.
11/02/2015	788956 Downtown Billings BID, Inc.	\$3,313.00	8720-51980-403990	BID contract for July-Sept. 2015.
11/02/2015	788956 Downtown Billings BID, Inc.	\$161.38	7800-15750-407680	Paid September, distributed October 2015
11/02/2015	788958 Dxp/Strategic Supply Inc	\$1,090.32	1500-22240-402260	201215-02 AV3000 HT (M) KEVLAR FACE
11/02/2015	788958 Dxp/Strategic Supply Inc	\$11.10	1500-22240-402290	SHIPPING:
11/02/2015	788958 Dxp/Strategic Supply Inc	\$100.10	1500-22290-402290	805310-01: PRIMARY / SECONDARY SEAT
11/02/2015	788958 Dxp/Strategic Supply Inc	\$41.58	1500-22290-402290	SCREW, RETAINER SEAT *KB* #10005254
11/02/2015	788958 Dxp/Strategic Supply Inc	\$460.00	1500-22290-402290	BAND ASSY, NECK (KEVLAR) #804176-01
11/02/2015	788958 Dxp/Strategic Supply Inc	\$460.00	1500-22290-402290	TEMPLE STRAP ASSY, KEVLAR #804178-01
11/02/2015	788958 Dxp/Strategic Supply Inc	\$15.40	1500-22290-402290	RETAINING RING EXTERNAL HD #36684-047
11/02/2015	788958 Dxp/Strategic Supply Inc	\$4.62	1500-22290-402290	O-RING (EZ FLO PURGE BODY) #10010667
11/02/2015	788958 Dxp/Strategic Supply Inc	\$4.62	1500-22290-402290	BEARING (EZ FLO PURGE BODY) 10010666
11/02/2015	788958 Dxp/Strategic Supply Inc	\$10.78	1500-22290-402290	EZ FLO DIAPHRAGM RETAINING RING
11/02/2015	788958 Dxp/Strategic Supply Inc	\$363.44	1500-22290-402290	SHAFT, PISTON #10005773
11/02/2015	788958 Dxp/Strategic Supply Inc	\$10.78	1500-22290-402290	VISOR DISPLAY RUBBER #10012602
11/02/2015	788958 Dxp/Strategic Supply Inc	\$316.50	1500-22290-402290	NOSECUP, AV3000 MEDIUM (GREY)
11/02/2015	788958 Dxp/Strategic Supply Inc	\$2,725.80	1500-22290-402640	AV3000HT (M) KEVLAR #201215-02
11/02/2015	788958 Dxp/Strategic Supply Inc	\$52.40	1500-22290-402290	KB INHALATION VALVES SC0AV 10011014
11/02/2015	788958 Dxp/Strategic Supply Inc	\$30.26	1500-22290-402290	SHIPPING/HANDLING
11/02/2015	788960 Econo Print Inc.	\$3,175.18	5410-31210-403210	Landfill invoices
11/02/2015	788962 Enerflex Energy Services (US) Inc	\$162,336.10	5120-84000-403660	7042 Waukesha Engine rebuild
11/02/2015	788962 Enerflex Energy Services (US) Inc	\$1,316.40	5120-84000-403660	7042 Waukesha Engine rebuild
11/02/2015	788967 Financial Literacy Systems, LLC	\$3,015.00	6270-17520-403516	Virtual Kick-off Meetings/8 Pillars University

Check Date	Check Name	Amount	Account	Item Desc
11/02/2015	788967 Financial Literacy Systems, LLC	\$3,015.00	6270-17520-403560	Virtual Kick-off Meetings/8 Pillars University
11/02/2015	788982 Ingram Library Services Inc.	\$35.11	2600-55190-403226	89686052
11/02/2015	788982 Ingram Library Services Inc.	\$6.48	2600-55190-403333	89686053
11/02/2015	788982 Ingram Library Services Inc.	\$15.33	2600-55190-403226	89686054
11/02/2015	788982 Ingram Library Services Inc.	\$10.77	2600-55190-403227	89686054
11/02/2015	788982 Ingram Library Services Inc.	\$63.25	2600-55190-403222	89686055
11/02/2015	788982 Ingram Library Services Inc.	\$464.97	2600-55190-403226	89686055
11/02/2015	788982 Ingram Library Services Inc.	\$29.73	2600-55190-403226	89686056
11/02/2015	788982 Ingram Library Services Inc.	\$7.66	2600-55190-403333	89686057
11/02/2015	788982 Ingram Library Services Inc.	\$16.80	2600-55190-403382	89686057
11/02/2015	788982 Ingram Library Services Inc.	\$113.32	2600-55190-403227	89686058
11/02/2015	788982 Ingram Library Services Inc.	\$21.15	2600-55190-403333	89686059
11/02/2015	788982 Ingram Library Services Inc.	\$19.24	2600-55190-403222	89686060
11/02/2015	788982 Ingram Library Services Inc.	\$68.65	2600-55190-403226	89686060
11/02/2015	788982 Ingram Library Services Inc.	\$466.24	2600-55190-403227	89686060
11/02/2015	788982 Ingram Library Services Inc.	\$1,014.21	2600-55190-403333	89686060
11/02/2015	788982 Ingram Library Services Inc.	\$52.76	2600-55190-403227	89686061
11/02/2015	788982 Ingram Library Services Inc.	\$96.00	2600-55190-403226	89686062
11/02/2015	788982 Ingram Library Services Inc.	\$41.16	2600-55190-403333	89723771
11/02/2015	788982 Ingram Library Services Inc.	\$359.59	2600-55190-403333	89723772
11/02/2015	788982 Ingram Library Services Inc.	\$24.74	2600-55190-403222	89723773
11/02/2015	788982 Ingram Library Services Inc.	\$15.33	2600-55190-403226	89723773
11/02/2015	788982 Ingram Library Services Inc.	\$49.50	2600-55190-403222	89737519
11/02/2015	788982 Ingram Library Services Inc.	\$98.30	2600-55190-403226	89737519
11/02/2015	788982 Ingram Library Services Inc.	\$221.60	2600-55190-403227	89737519
11/02/2015	788982 Ingram Library Services Inc.	\$168.15	2600-55190-403241	89737519
11/02/2015	788982 Ingram Library Services Inc.	\$43.97	2600-55190-403242	89737519
11/02/2015	788982 Ingram Library Services Inc.	\$99.76	2600-55190-403255	89737519
11/02/2015	788982 Ingram Library Services Inc.	\$68.32	2600-55190-403226	89737520
11/02/2015	788982 Ingram Library Services Inc.	\$16.49	2600-55190-403227	89737520
11/02/2015	788982 Ingram Library Services Inc.	\$17.08	2600-55190-403241	89737521
11/02/2015	788982 Ingram Library Services Inc.	\$15.90	2600-55190-403226	89737522
11/02/2015	788982 Ingram Library Services Inc.	\$15.60	2600-55190-403226	89737523
11/02/2015	788982 Ingram Library Services Inc.	\$21.22	2600-55190-403333	89737523
11/02/2015	788982 Ingram Library Services Inc.	\$40.08	2600-55190-403226	89737524
11/02/2015	788982 Ingram Library Services Inc.	\$127.93	2600-55190-403226	89737525
11/02/2015	788982 Ingram Library Services Inc.	\$10.20	2600-55190-403227	89737525
11/02/2015	788982 Ingram Library Services Inc.	\$13.19	2600-55190-403227	89737526
11/02/2015	788982 Ingram Library Services Inc.	\$16.48	2600-55190-403334	89737527
11/02/2015	788982 Ingram Library Services Inc.	\$24.79	2600-55190-403226	89738146
11/02/2015	788982 Ingram Library Services Inc.	\$51.36	2600-55190-403227	89738146
11/02/2015	788982 Ingram Library Services Inc.	\$11.03	2600-55190-403241	89738146
11/02/2015	788989 JBT Aero Tech, Jetway Systems	\$3,941.54	5610-71120-402450	Invoice #2322042. Jet bridge parts
11/02/2015	788989 JBT Aero Tech, Jetway Systems	\$810.00	5610-71120-402450	Invoice #2322043. Jet bridge parts
11/02/2015	788989 JBT Aero Tech, Jetway Systems	\$334.00	5610-71120-402450	Invoice #2322131. Jet bridge parts
11/02/2015	788993 Journal Technologies Inc	\$7,095.05	0100-16110-403553	Statement, 9/8/15, Annual Support Renewal
11/02/2015	788994 Kadrmas Lee & Jackson	\$14,945.74	1990-15050-409310	WO 15-07 Orchard Lane
11/02/2015	788996 Knife River (JTL Group Inc.)	\$400.00	5030-75910-409340	Concrete
11/02/2015	788996 Knife River (JTL Group Inc.)	\$443.47	2110-31320-404710	asphalt
11/02/2015	788996 Knife River (JTL Group Inc.)	\$983.32	2110-31320-404710	asphalt
11/02/2015	788996 Knife River (JTL Group Inc.)	\$307.44	2110-31320-404710	asphalt
11/02/2015	788996 Knife River (JTL Group Inc.)	\$2,059.97	2110-31320-404710	asphalt
11/02/2015	788996 Knife River (JTL Group Inc.)	\$505.08	2110-31320-404710	asphalt
11/02/2015	788996 Knife River (JTL Group Inc.)	\$607.56	2110-31320-404710	asphalt
11/02/2015	789003 Mahoney & Associates Consulting LLC	\$3,250.00	0100-15120-403590	FY15-Field Cost Allocation
11/02/2015	789013 Montana Dakota Utilities Co	\$18.47	5020-74000-403440	0104901000 0
11/02/2015	789013 Montana Dakota Utilities Co	\$29.44	0100-51260-403440	0619431000 6
11/02/2015	789013 Montana Dakota Utilities Co	\$21.85	6500-15660-403440	1307331000 8
11/02/2015	789013 Montana Dakota Utilities Co	\$17.34	5020-74000-403440	2104901000 8
11/02/2015	789013 Montana Dakota Utilities Co	\$279.56	5020-73140-403440	3104901000 7
11/02/2015	789013 Montana Dakota Utilities Co	\$93.18	5120-83140-403440	3104901000 7
11/02/2015	789013 Montana Dakota Utilities Co	\$65.70	5020-73140-403440	4104901000 6
11/02/2015	789013 Montana Dakota Utilities Co	\$21.90	5120-83140-403440	4104901000 6
11/02/2015	789013 Montana Dakota Utilities Co	\$138.29	1500-22210-403440	4421901000 4
11/02/2015	789013 Montana Dakota Utilities Co	\$421.57	5020-74000-403440	5004901000 7
11/02/2015	789013 Montana Dakota Utilities Co	\$14.99	5020-74000-403440	5104901000 5
11/02/2015	789013 Montana Dakota Utilities Co	\$20.87	5020-74000-403440	7004901000 5
11/02/2015	789013 Montana Dakota Utilities Co	\$355.99	6500-15660-403440	7576331000 2
11/02/2015	789013 Montana Dakota Utilities Co	\$27.60	5020-74000-403440	8004901000 4
11/02/2015	789013 Montana Dakota Utilities Co	\$71.73	5020-74000-403440	9004901000 3
11/02/2015	789013 Montana Dakota Utilities Co	\$217.54	6500-15660-403440	9897331000 0
11/02/2015	789013 Montana Dakota Utilities Co	\$181.46	6500-15660-403440	9937331000 4
11/02/2015	789013 Montana Dakota Utilities Co	\$29.96	5610-71170-403440	185 580 1000 7. TSA Building. October 2015
11/02/2015	789013 Montana Dakota Utilities Co	\$15.61	5610-71170-403440	283 116 0655 3. IP-12 Alpine/BSG. October 2015
11/02/2015	789013 Montana Dakota Utilities Co	\$13.80	5610-71170-403440	295 580 1000 4. Aero Interiors. October 2015
11/02/2015	789013 Montana Dakota Utilities Co	\$37.16	5610-71190-403440	889 373 1000 6. Car Wash. October 2015
11/02/2015	789013 Montana Dakota Utilities Co	\$193.69	5610-71190-403440	129 573 1000 1. Mud Wash. October 2015

Check Date	Check	Name	Amount	Account	Item Desc
11/02/2015	789013	Montana Dakota Utilities Co	\$17.38	5610-71190-403410	229 573 1000 0. Detail Bay 1 Hertz. October 2015
11/02/2015	789013	Montana Dakota Utilities Co	\$34.12	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo.
11/02/2015	789013	Montana Dakota Utilities Co	\$29.96	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise. October
11/02/2015	789013	Montana Dakota Utilities Co	\$35.31	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget.
11/02/2015	789013	Montana Dakota Utilities Co	\$18.00	5610-71190-403440	529 573 1000 7. Detail Bay 5 Thrifty/Dollar.
11/02/2015	789013	Montana Dakota Utilities Co	\$13.80	1500-21150-403410	51411704789
11/02/2015	789013	Montana Dakota Utilities Co	\$13.80	1500-21150-403410	06290794947
11/02/2015	789013	Montana Dakota Utilities Co	\$103.58	1500-22210-403440	5336531000 1
11/02/2015	789013	Montana Dakota Utilities Co	\$30.63	5120-85000-403440	7354531000 2
11/02/2015	789016	Montana State Fireman's Assoc	\$2,895.25	9000-00000-209924	Payroll Summary
11/02/2015	789019	Morrison Maierle Inc	\$49,262.33	5130-85910-409340	WO 15-01 Sch 2 2015 Sewer Main Replacement
11/02/2015	789022	MT Waterworks	\$504.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
11/02/2015	789022	MT Waterworks	\$3,900.67	5020-00000-141000	SYSTEMS PO NUM 299097
11/02/2015	789026	NorMont Equipment Company	\$2,394.00	2110-31320-402320	brooms and gutter wires for sweepers
11/02/2015	789026	NorMont Equipment Company	\$220.50	2110-31320-402630	class II mesh vest in size large and XL
11/02/2015	789026	NorMont Equipment Company	\$871.50	2110-31320-402320	brooms for sweepers
11/02/2015	789026	NorMont Equipment Company	\$170.10	2110-31320-402410	contractor shovels
11/02/2015	789026	NorMont Equipment Company	\$1,076.25	2110-31320-402420	11' telspar post
11/02/2015	789028	NorthWestern Energy	\$6,821.45	6500-15670-403410	01005073
11/02/2015	789028	NorthWestern Energy	\$446.11	1500-22210-403410	07125370
11/02/2015	789028	NorthWestern Energy	\$96.58	0100-51220-403410	07126832
11/02/2015	789028	NorthWestern Energy	\$24.78	5710-71480-403410	07127640
11/02/2015	789028	NorthWestern Energy	\$274.34	5210-15950-403410	07208291
11/02/2015	789028	NorthWestern Energy	\$1,565.65	5210-15920-403410	07208341
11/02/2015	789028	NorthWestern Energy	\$348.39	1500-22210-403410	07208408
11/02/2015	789028	NorthWestern Energy	\$2,154.36	5020-74000-403410	07222524
11/02/2015	789028	NorthWestern Energy	\$3,912.65	5020-74000-403410	07230436
11/02/2015	789028	NorthWestern Energy	\$2,795.65	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE - ACCT
11/02/2015	789028	NorthWestern Energy	\$4,736.40	5020-73140-403410	Electric 2251 Belknap
11/02/2015	789028	NorthWestern Energy	\$25,260.81	5020-74000-403410	Electric 2251 Belknap
11/02/2015	789028	NorthWestern Energy	\$94,728.03	5020-74000-403410	Electric 2251 Belknap
11/02/2015	789028	NorthWestern Energy	\$1,578.80	5120-83140-403410	Electric 2251 Belknap
11/02/2015	789028	NorthWestern Energy	\$49,934.70	5120-84000-403410	725 US HWY 87 E
11/02/2015	789028	NorthWestern Energy	\$359.77	6600-31100-403410	Electricity
11/02/2015	789028	NorthWestern Energy	\$539.65	6700-31410-403410	Electricity
11/02/2015	789028	NorthWestern Energy	\$987.49	5020-74000-403410	Airport Rd Above 17th St W HWY 3 Waldo
11/02/2015	789028	NorthWestern Energy	\$283.01	5610-71170-403410	1712792-1. IP-7. October 2015
11/02/2015	789028	NorthWestern Energy	\$15.94	5610-71170-403410	0712799-6. IP-8. October 2015
11/02/2015	789028	NorthWestern Energy	\$1,120.57	5610-71170-403410	0712800-2. IP-9. October 2015
11/02/2015	789028	NorthWestern Energy	\$137.30	5610-71170-403410	0712809-3. IP-11. October 2015
11/02/2015	789028	NorthWestern Energy	\$16.76	5610-71170-403410	0712817-6. IP-House. October 2015
11/02/2015	789028	NorthWestern Energy	\$61.35	5610-71130-403410	0719616-5. ARFF Facility Lights. October 2015
11/02/2015	789028	NorthWestern Energy	\$1,271.00	0100-51260-403410	Monthly electrical charges.
11/02/2015	789028	NorthWestern Energy	\$158.01	8720-51980-403410	10590933
11/02/2015	789028	NorthWestern Energy	\$1,115.25	5210-15910-403410	15942824
11/02/2015	789028	NorthWestern Energy	\$1,443.02	5210-15910-403410	15696362
11/02/2015	789028	NorthWestern Energy	\$153.37	5710-71480-403410	17847567
11/02/2015	789028	NorthWestern Energy	\$186.23	1500-21150-403410	19841501
11/02/2015	789028	NorthWestern Energy	\$276.95	1500-21150-403410	19841550
11/02/2015	789028	NorthWestern Energy	\$1,476.64	5210-15940-403410	30674162
11/02/2015	789028	NorthWestern Energy	\$7.45	0100-51120-403410	08317026
11/02/2015	789033	Petty Cash CCSIU	\$3,450.97	7180-21600-407910	October, 2015. Receipts are on file at the Billings
11/02/2015	789037	Public Utilities	\$1,379.75	5120-85000-403420	135736
11/02/2015	789037	Public Utilities	\$416.82	2110-31320-403420	135737
11/02/2015	789037	Public Utilities	\$54.17	2910-66980-407275	FORECLOSURE-PUBLIC WORKS-SEPT-619
11/02/2015	789037	Public Utilities	\$46.57	2910-66980-407275	FORECLOSURE-PUBLIC WORKS-SEPT-3921
11/02/2015	789037	Public Utilities	\$1,415.28	5120-84000-403420	111176
11/02/2015	789037	Public Utilities	\$46.67	8720-51980-403420	164211
11/02/2015	789037	Public Utilities	\$1,898.71	8720-51980-403420	164212
11/02/2015	789037	Public Utilities	\$3,881.64	8720-51980-403420	166674
11/02/2015	789037	Public Utilities	\$2,525.69	8720-51980-403420	175850
11/02/2015	789037	Public Utilities	\$149.62	8720-51980-403420	176577
11/02/2015	789037	Public Utilities	\$1,489.04	8720-51980-403420	180090
11/02/2015	789037	Public Utilities	\$12.22	8720-51980-403420	180092
11/02/2015	789037	Public Utilities	\$128.73	8720-51980-403420	180091
11/02/2015	789038	Qwest Communications	\$228.20	6060-19310-403450	Qwest 406-248-3049 Main System T1 City/County
11/02/2015	789038	Qwest Communications	\$311.26	6070-22350-403450	Qwest 406-248-3635 Fire Airport Radio Tower
11/02/2015	789038	Qwest Communications	\$45.74	5210-15920-403450	Qwest 406-252-2041 Park 2 Elevator Phone
11/02/2015	789038	Qwest Communications	\$91.48	5610-71120-403450	Qwest 406-252-9412 Airport
11/02/2015	789038	Qwest Communications	\$118.32	1500-22250-403450	Qwest 406-373-3742 Fire RR Crossing Alarm
11/02/2015	789038	Qwest Communications	\$45.74	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
11/02/2015	789038	Qwest Communications	\$98.55	6060-19310-403450	Qwest 406-657-3009 PUD Measured Lines 406-657-3009 406-247-8579
11/02/2015	789038	Qwest Communications	\$31.14	5210-15920-403450	Qwest 406-657-3054 Park 1 Elevator Phone
11/02/2015	789038	Qwest Communications	\$67.43	6060-19310-403450	Qwest BOC Measured Lines 406-252-3774 406-252-3789

Check Date	Check	Name	Amount	Account	Item Desc
11/02/2015	789038	Qwest Communications	\$47.04	5410-31230-403450	Qwest 406-256-7001 Solid Waste Scale House 5410 31230 403450
11/02/2015	789038	Qwest Communications	\$47.78	0100-51120-403450	Qwest 406-652-5507 Parks
11/02/2015	789038	Qwest Communications	\$32.00	2110-31320-403450	Qwest 406-652-8104 PW Traffic Signal 24
11/02/2015	789038	Qwest Communications	\$34.40	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
11/02/2015	789038	Qwest Communications	\$31.12	0100-51120-403450	Qwest 406-657-3014 Parks 3890 Stillwater
11/02/2015	789038	Qwest Communications	\$2,693.09	6060-19310-403450	Qwest 406-657-8377 Main System Centrex
11/02/2015	789038	Qwest Communications	\$52.38	5610-71150-403450	Qwest 406-252-0721 Airport 1FB Line
11/02/2015	789046	Sanderson Stewart	\$20,066.78	5030-00000-201100	WO 15-01 2015 Water & Sewer Project - Sch 3
11/02/2015	789049	SHI International Corp	\$4,571.45	6200-19110-405370	(5) MSDN Visual Studio Professional with MSDN 11/1/2015-10/31/2018
11/02/2015	789055	Solid Waste Systems Inc	\$33.22	5410-31220-402320	80311
11/02/2015	789055	Solid Waste Systems Inc	\$22.10	5410-31220-402320	80311
11/02/2015	789055	Solid Waste Systems Inc	\$1,841.70	5410-31220-402320	80463
11/02/2015	789055	Solid Waste Systems Inc	\$310.33	5410-31220-402320	80463
11/02/2015	789055	Solid Waste Systems Inc	\$978.95	5410-31220-402320	80563
11/02/2015	789055	Solid Waste Systems Inc	\$152.76	5410-31220-402320	80563
11/02/2015	789055	Solid Waste Systems Inc	-\$619.50	5410-31220-402320	80748 CM
11/02/2015	789055	Solid Waste Systems Inc	\$552,505.00	5410-31220-409420	2 Side Load Garbage Trucks
11/02/2015	789055	Solid Waste Systems Inc	\$619.50	5410-31220-402320	79884
11/02/2015	789055	Solid Waste Systems Inc	\$104.43	5410-31220-402320	79884
11/02/2015	789055	Solid Waste Systems Inc	\$71.72	5410-31220-402320	80446
11/02/2015	789055	Solid Waste Systems Inc	\$17.53	5410-31220-402320	80446
11/02/2015	789055	Solid Waste Systems Inc	\$178.87	5410-31220-402320	80447
11/02/2015	789055	Solid Waste Systems Inc	\$14.77	5410-31220-402320	80447
11/02/2015	789055	Solid Waste Systems Inc	\$736.14	5410-31220-402320	80453
11/02/2015	789055	Solid Waste Systems Inc	\$19.59	5410-31220-402320	80453
11/02/2015	789055	Solid Waste Systems Inc	\$168.56	5410-31220-402320	80558
11/02/2015	789055	Solid Waste Systems Inc	\$13.01	5410-31220-402320	80558
11/02/2015	789057	Springsted	\$3,100.00	3110-15300-403592	1061.999-8 Arbitrage Calculations 8/30/2010-
11/02/2015	789058	Stock Construction Company	\$456.20	5120-82110-343234	ComDev Refund - BP-15-05671
11/02/2015	789058	Stock Construction Company	\$11,405.00	4210-82930-343123	ComDev Refund - BP-15-05671
11/02/2015	789058	Stock Construction Company	\$543.80	5020-72110-343134	ComDev Refund - BP-15-05671
11/02/2015	789058	Stock Construction Company	\$13,595.00	4160-72930-343123	ComDev Refund - BP-15-05671
11/02/2015	789060	Sunset Excavation	\$9,900.00	5050-75150-403671	Water Repair List 05.29.15
11/02/2015	789060	Sunset Excavation	\$4,175.00	5050-75150-403671	647 Bazaar Exchange Emergency Repair leaking
11/02/2015	789062	Sympro Inc	\$3,936.00	0100-15120-403553	Annual Maintenance 12/2015-12/2016
11/02/2015	789068	Town & Country Supply Association	\$238.72	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM
11/02/2015	789068	Town & Country Supply Association	\$16,311.41	6010-00000-141000	215858 PO NUM 299126
11/02/2015	789068	Town & Country Supply Association	\$16,740.86	5610-71180-402313	Invoice #216309. QTA Car Fuel
11/02/2015	789069	Tractor & Equipment Co.	\$3,258.35	5120-85000-402320	NONSTOCKING ITEMS-P.U.D.
11/02/2015	789069	Tractor & Equipment Co.	\$1,008.00	5120-85000-403620	NONSTOCKING ITEMS-P.U.D.
11/02/2015	789069	Tractor & Equipment Co.	\$404.46	5410-31230-402320	BLW00161335
11/02/2015	789070	Traffic Safety System LLC	\$5,141.76	1500-22260-402320	SPECTRA 100 K20 LED SCENE LIGHTS, 120V
11/02/2015	789070	Traffic Safety System LLC	\$35.50	1500-22260-402320	SHIPPING
11/02/2015	789078	Western Municipal Construction Inc	\$66,177.56	5030-00000-201100	WO 08-25 Zone 3 Chapple Reservoir Expansion
11/02/2015	789082	Winpower West	\$4,900.00	5610-71130-402320	Invoice Date 10/20/15. Replacement commercial
11/02/2015	789086	Yellowstone Valley Animal Shelter	\$90.00	1500-21710-402450	reimburse for lock placement
11/02/2015	789086	Yellowstone Valley Animal Shelter	\$22,146.92	1500-21700-403990	contract 9-22-15 \ 10-21-15
11/02/2015	789087	Yellowstone Valley Elec	\$2,702.37	5020-74000-403410	Elec Briarwood/O'Shea Cir 59.00 Thomas Pump
11/02/2015	789087	Yellowstone Valley Elec	\$59.00	5120-84000-403410	Elec Briarwood/O'Shea Cir 59.00 Thomas Pump
11/02/2015	789088	Zeier Consulting LLC	\$5,078.75	1990-15050-403590	Professional Services for September 2015

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Public Hearing and Resolution for FY16 Budget Amendments

**PRESENTED BY:** Patrick M. Weber, Finance Director

**Department:** City Hall Administration

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**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 following amendments are proposed for FY 2016 per Council initiative at the 10/26/15 meeting:

**Fund 0100 - General Fund Non-Departmental**

Transfer to the Public Safety Fund for adding Police, Fire and 911 personnel per Council initiative at the October 26, 2015 meeting. Reserves will be used to fund this transfer.

**1500 - Public Safety**

Transfer from the General Fund for adding Police, Fire and 911 personnel per Council initiative at the October 26, 2015 meeting.

**1500 - Public Safety Police**

Add 1 Police Officer and equipment per Council initiative on October 26, 2015 meeting. The Police Department currently has nine positions to fill. Five replacements will be sent to the January POST Academy, four replacements and one new hire will be sent to the April Academy and five new hires will be sent to the September academy. Funding for these 5 new hires will be included in the FY 17 budget.

**1500 - Public Safety Fire**

Add 5 Firefighters, 1 EMS/Training Officer and equipment and 4 911 Dispatchers personnel per Council initiative at the October 26, 2015 meeting. The EMS/Training Officer will be added in January. There are six anticipated, year-end retirements in the Fire Department. Fire will go through the hiring process and replace the 6 positions and hire 5 new firefighters by March. All of the newly hired firefighters will begin the in-house training program at that time. Two of the 911 Dispatchers will be added in January and two in May. Splitting the hiring is necessary because training takes four to five months and requires individualized training and guidance from an experienced dispatcher.

**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 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 budget amendments for Fiscal Year 2016.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Resolution  
Exhibit A  
Timeline

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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 23rd day of November, 2015.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Thomas W. Hanel, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Billie Guenther, CITY CLERK



## **FY16 Timeline**

<b>January</b>	<b>March</b>	<b>May</b>
1 EMS/Training Officer	5 Firefighters 1 Police Officer	2 911 Dispatchers

## **FY17 Timeline**

**August**  
5 Police  
Officers

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Special Review #934- 4910 Southgate Drive - All Beverage Liquor License with Gaming

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a special review request for an All Beverage Liquor License with Gaming for American Foods of Montana in a 12,000 square foot building at the former location of the Geyser Park amusement park in an Entryway General Commercial zoning district (EGC), on Lot 1A, Block 1 Geyser Park Subdivision, a 3.215 acre parcel of land. The Zoning Commission conducted a public hearing on November 3, 2015 and is forwarding a recommendation of conditional approval on a 4-0-1 vote based on the findings of the 3 criteria. Commissioner Hawkins recused herself from the review of the application.

Special Review applications are reviewed using City Code criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not require an ordinance for approval, 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 reviewed the application and the 3 criteria for special review 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 conforms to all parts of the Unified Zoning Regulations. The location is in one of the zoning districts that allows an all beverage license with gaming by special review approval. The application is conforming to the purposes of the regulations and the 2008 Growth Policy. The location of an additional license in this area should have minimal impact on the surrounding uses or neighbors.

The application also conforms to the second and third criteria. There will be remodeling to the interior and exterior of the tenant spaces but no exterior expansion of the building at this time. 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 1A, Block 1 Geyser Park Subdivision generally located at 4910 Southgate Drive.
2. The special review approval is for the location of an all beverage license with gaming and no other use is intended or implied.
3. Any expansion of the interior space greater than 1,200 square feet will require an additional special review approval. The addition of an outdoor seating area 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. There shall be no outdoor public address system or outside announcement system, whether permanent or temporary, of any kind.
6. No construction or demolition activity will occur before 7 am or after 8 pm daily.
7. Any new parking lot constructed will meet the Entryway zoning requirements for landscaping. New trees shall not be any of the following species: Carolina poplar, other populus subspecies including any variety of aspens, , lombardy poplar, silver leaf poplar or weeping willow, box elder or elms. 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 three sides and a closing gate or gates on the fourth side. 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. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

## **FINANCIAL IMPACT**

If the requested use is approved, the property will be redeveloped 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 special review to locate a new restaurant in an existing building, formerly Geyser Family Fun Center. The property is accessible from Southgate Drive which is just off of the South Billings Boulevard exit from Interstate 90. The City has approved three locations for alcoholic beverage sales on Southgate Drive, and one included gaming. This one is for an all beverage license with gaming and is to be in a restaurant setting. The applicants state in their letter that this will be a sports bar with a sit down restaurant. They believe it will be a benefit to

the area with all the hotels and also in an area of Billings that doesn't have many choices for a family sit down restaurant. Across the street from this location is a Won 800 Casino and El Corral restaurant. Fiddlers Green Sports Bar and Grill is farther to the west on the south side of the street. Other places to eat in the area are all fast food franchise restaurants.

This area of Billings has quite a few hotels and a destination store for outdoorsman. It also is near Amend Park, a large City park facility that hosts statewide and regional soccer events, as well as special events throughout the year. This restaurant use will give travelers and locals another option for a sit down restaurant and it is within walking distance of the nearby hotels. There are no churches, parks with playing fields or playgrounds or schools within 600 feet of this proposed location.

Planning staff did received a phone call from an area Casino owner that was opposed to the new all beverage with gaming license because he felt that there were getting to be too many places that serve alcohol in a concentrated area. He also stated that it is a detriment to the area to have so many places for liquor sales so close to Amend Park and Newman School.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on November 3, 2015, and received the staff report and recommendation. Planning staff explained this special review is for an All Beverage License with Gaming. There was a brief explanation about the requirements that need to be met regarding 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 which this proposed location meets. It was also explained that it meets the 3 requirements for a special review.

Zoning Commission Chairman Leonard Dailey called for questions from the members of the Commission. Commissioner Members asked staff to clarify where there are other all beverage licenses in the area and where someone could buy alcohol for off-premise consumption. Staff referred to a map in the presentation that showed where there are two other places on Southgate Drive to buy and consume alcohol on site, and two places to buy alcohol for off-premises consumption. Chairman Dailey asked about the letter that was submitted with the application and staff recommended that question be addressed to the applicant or their agent.

Chairman Dailey then asked for presentation by the applicant. The applicant's agent, Dave Hawkins, said the proposed use of the building will be an 8,000 square foot family restaurant with a 4,000 square foot sports bar and casino. The building will be completely remodeled for these uses with more windows and new entrances on the west side of the building. The sports bar and casino will be in the south end of the building and the restaurant will be in the northern part of the building. The two uses will have separate entrances on the west side of the building. A new parking lot will be constructed on the west side of the building as well. The outside of the building will be remodeled to be similar in appearance to the Best Western Motel across the street. Mr Hawkins stated that this is a relocation of an existing All beverage license with gaming from The Bayou Casino and Lounge located off the Laurel Frontage Road. The owner needs a larger facility for his growing business and also a location that is easier to access.

### **Public Hearing:**

Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #934.

The owner of The Bayou Casino and Lounge, Sean Johnson, spoke in favor of the application stating that his business is growing and he needs a new location for that to happen. He answered a commissioner question about the number of employees for the business, saying he will be creating 70+ jobs with 10 of them in management.

There were two members of the community that spoke in favor of the application and stated they felt it would be a great location and addition to the south side of Billings. They also hoped it would encourage others to develop in the area. No one opposed the application, although the Zoning Commission did receive two letters of opposition to the proposal. The public hearing was closed.

Commission Member Mike Boyett made a motion to approve Special Review 934 with the conditions. Commission Member Dan Wagner seconded the motion. The Commission approved the Motion on a 4-0-1 vote. Commissioner Hawkins recused herself from review of this application.

## **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 934.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Attachments  
Letters of Opposition

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**Attachment A**  
**Zoning Commission Action**

The City Zoning Commission shall make a recommendation to the City Council to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

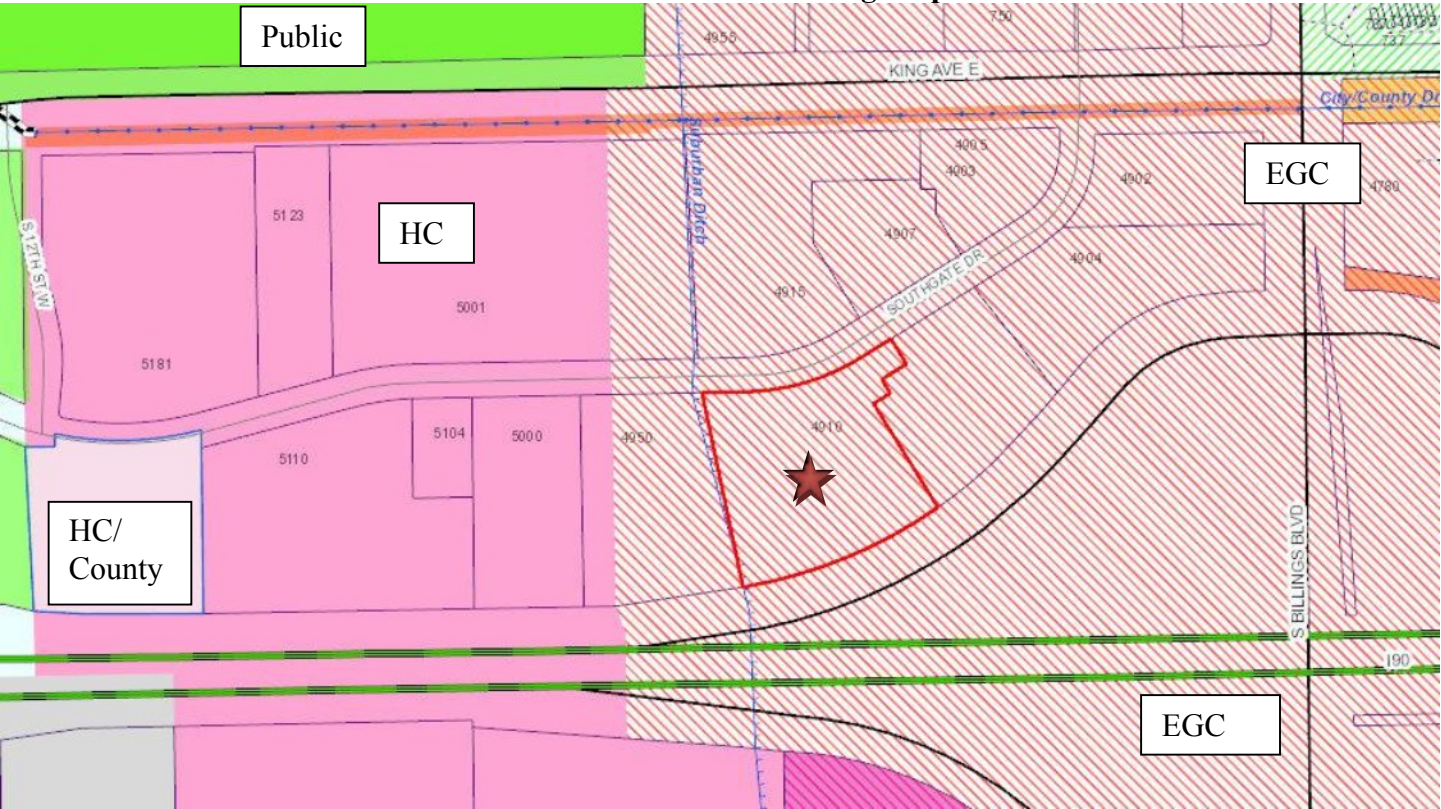
Before approving a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

**Attachment B  
Zoning Map**



Subject Property ★

**Attachment C**  
**Site photos**



Subject Property – View south from Southgate Drive



View west of subject property

**Attachment C, continued**  
**Site photos**



View west across Southgate Drive



View north across Southgate Drive from subject property

**Attachment C, continued**  
**Site photos**



View east along Southgate Drive



Subject Property ★



**Attachment E**  
**Applicant Letter**

Special Review Application

4910 Southgate Drive  
Lot 1A, Block 1  
Geyser Park Subdivision

**INTRODUCTION**

The attached Special Review Application is being submitted on behalf of America Foods of Montana, Inc. to allow for an all beverage liquor license with gaming. An existing site plan is attached to this application for reference.

The following information is provided to satisfy the supplemental information requirements for the Special Review Application.

**A. In what way is the proposal consistent with the goals and places of the adopted growth policy?**

The proposed special review is consistent with the land use element goals and objectives as it is consistent with the nature of the existing neighborhood and the type of uses allowed under the proposed zoning are compatible with adjacent uses. The business will provide needed services to the community.

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

The property is located at one of the entrances to our city from the interstate, surrounded by many hotels and motels with new ones to be added soon. There are a very limited number of sit-down restaurants and entertainment businesses in the area. This business will help meet the demand for these services in the neighborhood.

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

The approval of this application will serve the public interest by providing a locally owned quality restaurant and sports bar facility that will serve a growing market demand. Providing services convenient to businesses will benefit the neighborhood.

**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 this special review is being sought.**

The existing building was originally used for a family entertainment venue. The owner recently sold 2 acres on the east side of the property and had to remove the water feature. Rather than investing more money into changing the property he decided to sell. The business has been operated from 4:00pm - 9:00pm during the week and longer days on the weekend, thus making

it less profitable to maintain. The buyer intends to open a family restaurant where traveling families and locals can come for a nice relaxing meal without the fast food atmosphere. The plans are being formulated to remodel the existing building and build a parking lot to the north and west side of the building with minor expansion in the future to the east for a small convenience store with alcohol sales. The business is expected to create 70+ new jobs with a minimum of 10 of those jobs being in management positions.

November 2, 2015

Billings Sports Plex  
5000 Southgate Drive  
Billings, MT 59101

Planning Division  
2825 3<sup>rd</sup> Avenue North  
Fourth Floor, Miller Building  
Billings, MT 59101

RE: City Review #934

Dear City Zoning Commission:

I am the General Manager of the Billings Sports Plex located at 5000 Southgate Drive and I am submitting this letter as a formal protest to the zoning request addressed in **City Special Review #934 – 4910 Southgate Drive – All Beverage Liquor License with Gaming.**

The Billings Sports Plex is an indoor athletic facility that caters to clients of all ages with a special focus on youth athletics. We host a variety of programs that bring a high volume of children, parents and grand-parents into our facility on a nearly daily basis.

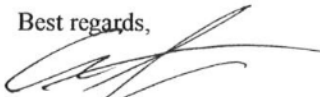
Many of our patrons enjoy the convenience of nearby restaurants and related amenities by walking from our business to those in the neighborhood. It is not uncommon for us to host 1,000+ people in one day for our youth Mighty Football program alone. Roughly half of those in attendance are young children and grand-parents.

We are greatly concerned that adding a 12,000 square foot sports bar and casino in such close proximity to our venue will result in a potentially deadly environment for pedestrian traffic.

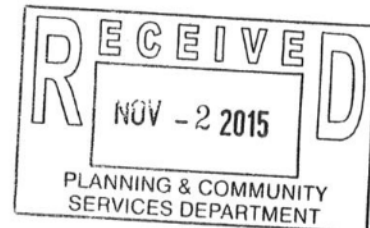
Further, the nature of the proposed business is not what we would consider to be “family friendly” and potentially introduces an unwelcomed element into our little business corridor. We already have a sports bar, two small casinos and a liquor store in the area that amply serve the neighboring hotels. Adding an additional drinking and gambling mega-plex in this location does not satisfy a substantial need worthy of the potential problems it will create.

We strongly urge you to reject the above mentioned proposal.

Best regards,



Adam Steadman  
General Manager – Billings Sports Plex



Dear Planning Division,

I am writing this letter in protest of an all Beverage Liquor License with Gaming under special review to be used at 4910 So. Gate Dr. Billings, Mt. 59101.

The area around The Southwest Corridor, South Gate Dr., South Billings Blvd., and King Ave E has enjoyed well planned growth over the past 18-20 years. My husband and I are very thankful to be located at 4907 So. Gate Dr since 1997 and be part of the The Southwest Corridor community. Please consider that this area already has #8 casino-bar-restaurant-liquor, and or package liquor establishments (locally owned and operated) within 1 mile, #2 are on So. Gate Dr. There is enormous responsibility when owning and operating an all beverage license; The absolute number one priority is always safety of community and the safety of the public and of your guests. Every staff member at Won 800 takes this very seriously and has many years of experience and training. I ask you to consider that there has been several additional developments in this area that must be considered. 1. The SportsPlex/ Billings Clinic/ 5000 So Gate Dr. Billings MT. 59101 2. Amend Park King Ave. E Billings, MT. 59101

This location would be very well suited for a chain restaurant that has a well trained staff and strong policies and procedures in place not a casino-bar-liquor store located next to the Sports Plex and so close to Amend Park.

Jill Lindell  
Won 800 Casino  
PO Box 23546  
Billings, MT. 59104

*Jill Lindell* 11-3-15  
406-661-5100

Scott Lindell  
Won 800 Casino  
PO Box 23546  
Billings, MT. 59104

*Scott Lindell* 11-3-15  
(406) 661-5000

Won 800 Casino  
4907 So. Gate Dr #2  
Billings, MT. 59101

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Zone Change 940 - Silver Creek Estates - Public Hearing

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70), on Lots 1 & 2, Block 3 ,and Lot 8, Block 5, Silver Creek Estates Subdivision, a 7.99 acre parcel of land. The applicant, Boyer Land LLC, conducted a pre-application neighborhood meeting on September 28, 2015 at 2211 West Hollow Brook Drive. The Zoning Commission is recommending approval and adoption of the findings of the 10 criteria.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

**ALTERNATIVES ANALYZED**

City Council may:

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

The Planning Division reviewed the application and recommended approval to the Zoning Commission based on the findings of the 10 criteria for zone changes. The Zoning Commission concurred. The proposed zoning is compatible with the existing zoning and is sensitive to the surrounding neighborhood. The proposed zoning will allow additional density in an area of Billings that has existing city infrastructure and can be easily served by city services. The maximum density allowed under the proposed zoning is 8 dwelling units per gross acre, a density similar to surrounding neighborhoods in Cottonwood Grove, Grand Peaks, and Mont Vista.

Prior to making its decision on the zone change, the City Council shall consider the following findings made by the City Zoning Commission:

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

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

- *Predictable land use decisions that are consistent with neighborhood character and land*

*use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would allow undeveloped property within the Silver Creek Subdivision to develop in a similar pattern and density consistent with the surrounding property. The zoning district is compatible with the neighborhood character and land use patterns.

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

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

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

Public health and public safety will be promoted by the proposed zoning. Development of the vacant land in the city will promote the public health and safety of the adjacent residential neighborhood by providing full development of streets.

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

**Transportation:** The proposed zoning and subsequent development may have an impact on the surrounding transportation systems. The original subdivision provided a traffic study based on the existing zoning of the property. The City Engineering Division will work closely with the owner to ensure the existing analysis is still applicable given the new zoning on the 7.99 acres.

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

**Schools and Parks:** There may be a limited impact to schools from the proposed zone change. Residential development is an allowed use in both the current zoning and the proposed zoning. The development plan is for primarily single family dwellings as either townhomes or individual lots.

**Fire and Police:** The subject property will be served by city public safety services. The Police Department had no concerns with the zone change and the Fire Department will be involved in the future development whether as a subdivision or a Master Site Plan for a unit ownership. Access for emergency services will assured through this process. Fire Station #7 is about 2 driving miles to the south and west.

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

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

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

The new zoning may have a minor effect on vehicle and pedestrian traffic. Silver Creek Estates first phase has been completed and includes sidewalks and roads. The original subdivision approval included a traffic study to determine the appropriate level of traffic management and control. The proposed zoning will allow a slight increase in housing density and the traffic study may need to be updated to include the potential for additional dwelling units.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow residential uses with an efficient density.

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

The proposed zoning does consider the character of the district and the suitability of the property for a mix of housing types in the neighborhood.

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

The property is currently vacant. The value of existing buildings should increase when the property is developed.

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

The proposed zoning will permit residential dwellings of similar type and density as the surrounding neighborhood and is the most appropriate use of land at this location.

## **FINANCIAL IMPACT**

If the zone change is approved, city fees based on zoning will increase slightly. Additional dwelling units in the proposed new zoning will support the city's tax base.

## **BACKGROUND**

The property was annexed into the city as a certificate of survey (C/S 3273) in 2006 and since no specific zoning district was requested, the default zoning of R-96 was applied to the property. There have been 6 similar zone change requests in the area since 1998, all for property subject to development through subdivisions within the city limits. Two parcels in the Grand Peaks Subdivision to the south and west were approved for a zone change from R-96 to R-70 in September 2015. Cottonwood Grove, a subdivision north of Grand Avenue along the west side of 54th St West, was developed with the R-70 zoning requested at annexation in 2004. Mont Vista Subdivision, directly west of the subject property, was approved for a Planned Development zone that included a mixture of residential zones and densities in 2009.

This request will allow slightly higher density on three large lots within the recently approved Silver Creek Estates Subdivision west of 46th St. West and south of Rimrock Road. The current zoning, R-96, allows single family dwellings on lots of at least 9,600 square feet. The proposed zoning, R-70, would allow single family dwellings on lots of at least 7,000 square feet and two-family dwellings (either attached or detached) on lots of at least 9,600 square feet. The proposed zoning could allow a more efficient use of the large lots in a unit ownership development, such as townhomes or condo units, than the existing zoning of R-96.

Silver Creek Estates was subdivided with 7 larger lots to accommodate unit ownership development or possibly future subdivision of the larger lots. Three of these larger lots are the subject of the proposed zone change. The owner does not intend to develop attached two-family dwellings but may do so under the proposed zoning. The proposed zoning also allows groupings of single family detached dwellings so the lot area requirement for each unit is reduced. For example, a single lot of 20,000 square feet in the proposed R-70 zoning could allow a grouping of 4 single family dwellings either as 4 detached buildings or 2 duplex buildings. Silver Creek Estates consists of another 116 lots for one single family dwelling on each lot. The developer intends to gain 14 additional dwelling units on the lots subject to the zone change.

The applicant conducted a pre-application neighborhood meeting. None of the surrounding property owners attended the meeting. The Planning Division did not receive any comments,

letters or emails from surrounding owners or city staff. The proposed zoning is similar to all the surrounding property and is compatible with the existing zoning and surrounding neighborhood.

## **STAKEHOLDERS**

The City Zoning Commission conducted a public hearing on November 3, 2015, and received the staff report and testimony from the applicant, Laura Boyer of Boyer Land LLC. No other testimony was received.

The Zoning Commission is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 5-0 vote.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The Consistency with Adopted Plans and Policies is discussed in the Alternatives Analyzed section above.

## **RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 940 on a 5 to 0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

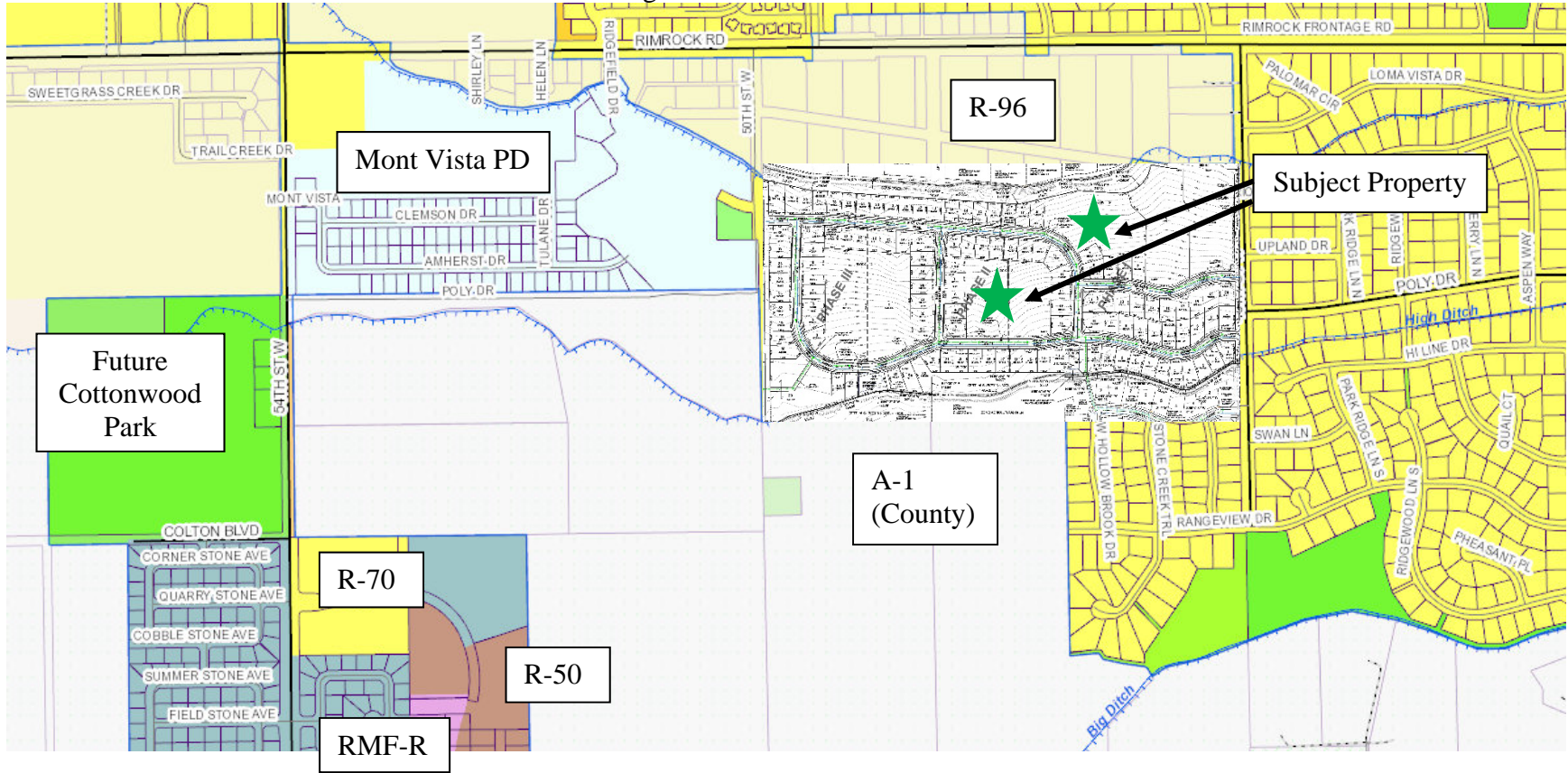
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### **Attachments**

Zoning Map  
Site Photos  
Applicant Letter  
Ordinance

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**Surrounding Zoning**  
**Zone Change #940 – Grand Peaks Subdivision**



Site Photographs  
Zone Change #940 – Silver Creek Subdivision



Subject Property



View north east

Site Photographs  
Zone Change #940 – Silver Creek Subdivision



View north and west

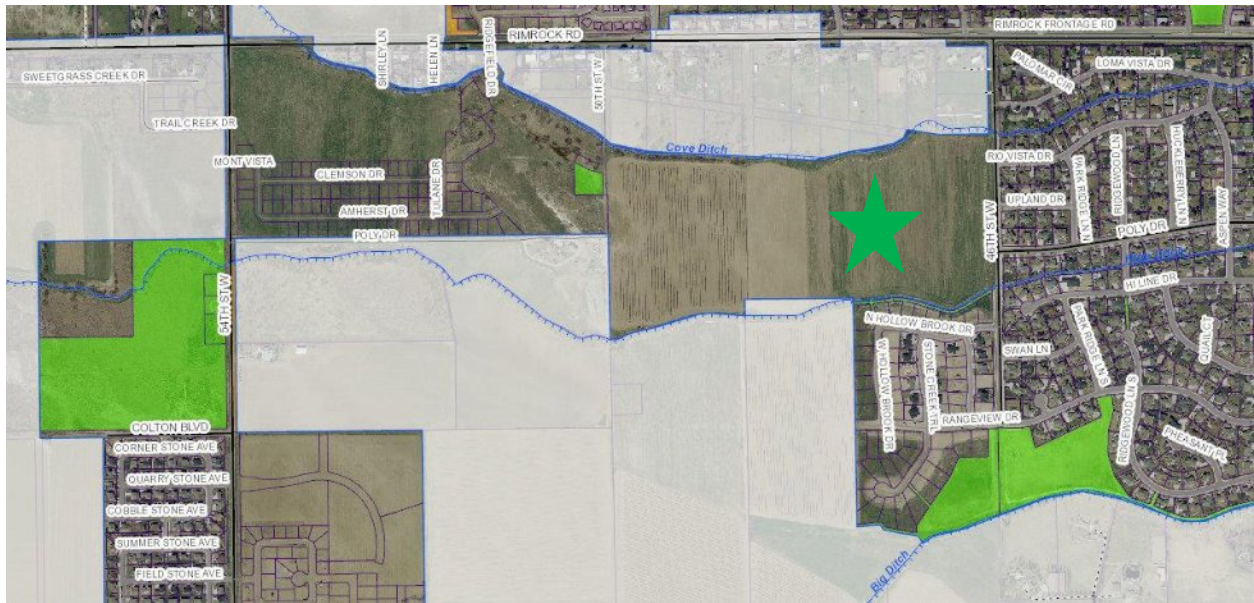


View south and east

Site Photographs  
Zone Change #940 – Silver Creek Subdivision



View south



Aerial View



Lots subject to Zone Change

Applicant letter  
Zone Change #940 – Silver Creek Subdivision

SILVER CREEK ESTATES  
ZONE CHANGE REQUEST  
SUPPLEMENTAL INFORMATION  
September 29, 2015

- Growth Policy Discussion:
  - The Growth Policy identifies the issue of non-compatible development in neighborhoods. This issue is addressed in detail in the following analysis of the differences between the R-9600 and R-7000 zoning districts.
  - The Growth Policy identifies the issue of urban sprawl. Encouraging a compatible mixture of uses in a compact urban design is the most obvious method of managing urban sprawl.
  - The Growth Policy addresses the issue of Affordable Housing. The developer submits that the creation of new homes and patio homes at urban densities increase the supply of homes. If supply increases and demand remains constant the price of existing homes will fall making the acquisition of homes by moderate to low income persons possible.
  - The Growth Policy has an objective to utilize City and County infrastructure and services in a manner that is efficient and cost effective. The developer submits that by creating additional density in areas that are already served by public infrastructure and services, as this development is, is the most efficient use of the public infrastructure and resources.
  - The Growth Policy has stated goals and objectives to provide adequate open space and recreational opportunities to residential neighborhoods. The Developer, with Silver Creek Estates, provided the land area or cash dedication required by the City of Billings and Montana Law for the parent subdivision.
  - The Growth Policy has stated goals and objectives to enhance multi-modal transportation systems. The developer with Silver Creek Estates has contributed to enhancing the traffic control systems impacted by their subdivision and has installed sidewalks adjacent to 46<sup>th</sup> Street as part of the subdivision.
  
- Proposed Zoning Discussion:
  - With the exception of Lot-8 Block 5 which abuts the High Ditch Company easement for the Cove Ditch, the applicant is the owner of all adjacent parcels of property. As such, any adverse effects of the zone change, if any, would first be upon their own development. That said, the developer does not believe that there are any adverse impacts of the proposed zone change. In fact, the developer sees the R-7000 development potential as advantageous to the R-9600 neighborhood by providing a mixture of merchantable dwelling types.
  - R-9600 v. R-7000. The only differences between these two zoning districts beyond the minimum lot size requirement is that the R-7000 allows for the creation of two-family homes provided that the minimum lot size is increased to 9600 square feet as an allowed use.
  
- Resulting Difference in Development Discussion
  - In a subdivision with 123 platted developable lots, many with patio type home components at R-9600 density, the net increase in residential units involved in this proposed amendment is fourteen (14) single family dwelling units.
  
- Response to Items Identified at the Neighborhood Meeting:

- Where the meeting was not attended by neighbors or interested parties, there are not issues that need to be addressed. The developer will respond to any issues or concerns that may arise during the public review/hearing process as prescribed in the zoning regulations.
- Resulting Land Use benefits:
  - Provides a mixture of housing types.
  - Encourages development that is completely compatible with the surrounding development and existing zoning in the neighborhood.
  - Allows developer to target more segments of the residential real estate market.
  - Accomplishes many of the goals, objectives and policy statements of the Growth Policy.
  - As of the date of the filing of the application for public review, the developer has not received any objections to the proposed amendment. This is evidenced by the lack of attendance at our required neighborhood meeting conducted on September 28, 2015.

**ORDINANCE NO. 15-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lots 1 and 2, Block 3 and Lot 8, Block 5 of Silver Creek Estates Subdivision, a 7.99 acre parcel of land, generally located south of Rimrock Road and west of 46<sup>th</sup> St West

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

2. DESCRIPTION That Lots 1 and 2, Block 3 and Lot 8, Block 5 of Silver Creek Estates Subdivision, a 7.99 acre parcel of land, generally located south of Rimrock Road and west of 46<sup>th</sup> St West is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Residential 7,000 (R-70)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7,000 (R-70)** as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading November 23, 2015

PASSED, ADOPTED AND APPROVED on second reading December 14, 2015.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk  
Zone Change #940- Silver Creek Subdivision

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Zone Change 941 - 2724 Shiloh Road - Public Hearing

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential 9,600 (R-96) to Residential Professional (RP) on Lot 2A1 of Blue Meadow Acreage Tracts, a 16,517 square foot parcel of land. The applicant, Patrick Parker, conducted a pre-application neighborhood meeting on July 27, 2015 at 2429 Mission Way. The Zoning Commission is recommending approval and adoption of the findings of the 10 criteria.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

**ALTERNATIVES ANALYZED**

City Council may:

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

The Planning Division reviewed the proposed zone change and recommended approval based on the findings of the 10 criteria for zone changes. The Zoning Commission concurred with this recommendation and proposed findings. The subject property is not located at the intersection of arterial streets but is proposed for a mixed use of the existing building for a professional office with living space in the basement area. Shiloh Road in this area carries about 8,400 average daily vehicle trips and the proposed use should not have an impact on the street carrying capacity. There are single family uses to the south and west. The retirement community across Shiloh Road is more than 150 feet separated from this property and there should be no impact from the proposed RP zone. The uses allowed within the RP zoning are compatible with the surrounding zoning and neighborhood character. Any new development on the property requires compliance with the new zoning and the ability to meet site development requirements and traffic safety standards. The 2008 Growth Policy and the West Billings Neighborhood Plan encourage predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood

and land use pattern.

Prior to making its decision on the proposed zone change, the City Council shall consider the findings of the 10 criteria:

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

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

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

The proposed zoning would permit small office uses on the property adjacent to existing and developing residential areas. The arterial street, Shiloh Road, would allow any traffic to be accommodated. Section 27-612(e) of the zoning code requires special treatment of site development so conflicts are reduced or eliminated between businesses and residences. The proposed zoning is compatible with the existing uses.

- *More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)*

The existing zoning is restricted to residential uses. The proposed zoning will allow office uses and limited service businesses. No retail businesses would be allowed.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

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

Public health and public safety will be promoted by the proposed zoning. The North Shiloh Overlay District requires compatibility between structures and abundant landscaping. This will improve public health and safety and the general welfare of the adjacent neighbors.

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

**Transportation:** The proposed zoning should have a minimal impact on the surrounding streets.

**Water and Sewer:** The City already provides sewer and water service to the property by extension of those utilities from Shiloh Road.

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

**Fire and Police:** The subject property is currently served by the City Public Safety Services. Commercial development of the site should not increase calls for service or change the nature of those calls for service.

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

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

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

Traffic generation from a commercial property is dependent on the specific uses within the development. In general, the proposed development of an office generates little additional daily traffic. The re-construction of Shiloh Road included a 10-foot wide multi-use path on the east side of the street and curb walk on the west side. There are currently 2 drive approaches installed to the property.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate offices and small service businesses in an area where none currently exist.

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

The proposed zoning does consider the character of the district and the suitability of the property for office and limited commercial uses. The level of existing traffic along with the number of existing and planned residential developments in the area makes the current zoning of R-96 more difficult to sustain for this property.

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

The lot is currently developed with a single family dwelling. Remodeling of the structure for a small professional office and maintaining living space in the basement level will conserve and increase the value of this building and the surrounding home.

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

The proposed zoning will permit a greater variety of uses on the property and is the most appropriate use of the property.

## **FINANCIAL IMPACT**

If the zone change is approved, the city fees based on zoning will increase. The city's tax base will be increased when the existing building is remodeled for the proposed mixed use.

## **BACKGROUND**

The property requested a zone change along with lots 3, 4, and 5 of Blue Meadow Acreage Tracts in 1988 from R-96 to Neighborhood Commercial (NC). The requested was denied. The City and County have considered 19 zone change applications to change zoning from residential to commercial in this area since 1988. Fifteen of those requests have been approved. Two requests were denied and 2 were withdrawn. The City recently re-zoned Billings Urban Fire Service property on Shiloh Road south of Parkhill Drive from R-70 to RP (2011) and property at 2526 Shiloh Road from R-96 to RP (2014).

The applicant is requesting a zone change on this property to facilitate the remodeling of the existing home to include a professional office space on the ground floor. The agent and one of the owners, Patrick Parker, owns Beartooth Design, and wants to convert the single family dwelling to a live/work building. Mr. Parker could operate his business as a home occupation in the existing structure, but the limitations for home occupations would not accommodate the amount of space he needs for the business.

The surrounding zoning is R-96 and is developed for large lot, single family homes to the south and west. To the north is a property owned by the City Public Works Department acquired for the Shiloh Road and Rimrock Road reconstruction projects. To the east is St John's Lutheran Retirement Community. Shiloh Road was reconstructed to include a 4 to 5 lane arterial street with limited access to adjacent properties. At this location, there is no access to travel north on Shiloh Road. To access the north bound lanes of Shiloh Road, drivers must go south to one of the intersections that allow access to the north or to the roundabout at Grand Avenue. In addition, only south bound traffic may access the subject property. The Shiloh Road and

Rimrock Road intersection is a traffic signal controlled intersection. Traffic volume on this section of Shiloh Road is about 12,000 vehicle trips per day at the intersections of Grand and Shiloh, and Rimrock and Shiloh range from 14,000 to 15,000 vehicle trips per day. This volume of traffic in some situations may make maintaining or sustaining a single-family residential use more challenging.

The proposed zoning and use is not expected to have any impact on the traffic volume on Shiloh Road. The West Billings Neighborhood Plan adopted a goal of retaining retail and commercial centers at the intersections of arterial streets and encouraging non-retail, office and multi-family uses along arterial streets between those intersections. The proposed zoning of RP is intended to accommodate limited commercial and professional offices as would be compatible with adjoining residential districts. The 2008 Growth Policy encourages more housing and business choices within each neighborhood while ensuring those land uses are compatible with existing neighborhoods. The property is located within an existing and developing residential area but has access to a busy arterial street. The property, if zoned RP, would have to comply with the development standards for the North Shiloh Corridor Overlay zone and Section 27-612(e) – the “Neighborhood Manners” section of the zoning regulations that addresses potential conflicts between residential uses and commercial uses. The most restrictive requirement would govern the site development for specific characteristics such as noise generation, solid waste storage, building design, landscaping and screening.

The RP zone requires a maximum building height of 34 feet and a front property line minimum setback of 20 feet. The current structure meets these required minimum regulations for the RP zoning. The RP zoning allows a maximum lot coverage of 50% (foot print of any roofed structures). Single family dwellings are allowed in the RP zone, but not two-family or multi-family dwellings. Each dwelling unit must have at least 6,000 square feet of lot area. The property is large enough to meet these standards. When part of the dwelling is remodeled for the professional office space, off street parking requirements will need to be met including a paved and properly drained parking lot for the use of the customers and the residents in the living space of the dwelling.

The applicant conducted a pre-application neighborhood meeting on July 27, 2015 at the Lillis Chapel at 2429 Mission Way on the east side of Shiloh Road. Four surrounding property owners attended the meeting and asked Mr. Parker about his plans for upgrading the building and the lot. Mr. Parker explained the planned upgrades to the building and the landscaping as well as any future possibilities for additional businesses. The meeting notes and attendance list are included as an attachment. The Planning Division did not receive any comments or concerns from surrounding property owners or city staff.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on November 3, 2015, and received the staff recommendation and testimony from the applicant, Patrick Parker. The Zoning Commission also heard testimony from Frank Kroll of Wildridge Meadows Drive, Paul Goldammer of A & E Architects, and Mark Dawson of Century 21 Real Estate. Mr. Kroll and Mr. Dawson testified neither in favor or in opposition but expressed concern about the nature of Mr. Parker's business and the rental of the lower level for residential use. Mr. Goldammer testified in favor of the application stating he would want Mr. Parker's business as a neighbor. Mr. Goldammer stated his firm has worked with Mr. Parker in the past on several projects and knows Mr. Parker will be a diligent property owner. Mr. Goldammer stated Mr. Parker's landscape design business will have no detriment to the residences in the area.

The Zoning Commission is recommending approval and adoption of the findings of the 10 criteria on a 5 to 0 vote.

### **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The Consistency with Adopted Policies or Plans is discussed in the Alternatives Analyzed section above.

### **RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 941 on a 5 to 0 vote.

### **APPROVED BY CITY ADMINISTRATOR**

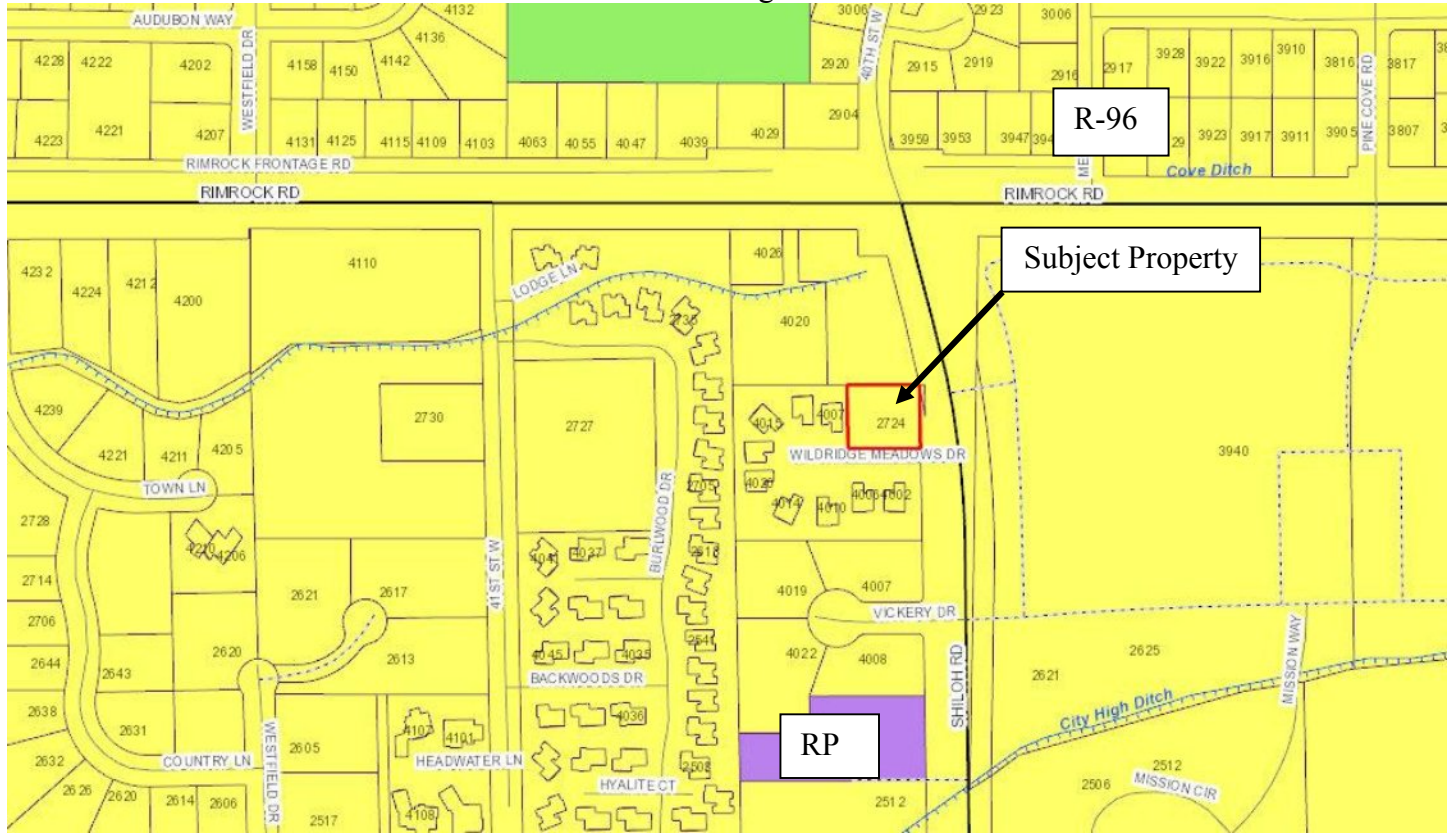
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#### **Attachments**

Zoning Map  
Site Photos  
Pre application meeting materials and applicant letter  
Ordinance

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**Surrounding Zoning**  
Zone Change #941 – 2724 Shiloh Road



Site Photographs  
Zone Change #941 – 2724 Shiloh Road



Subject Property



View north

Site Photographs  
Zone Change #941 – 2724 Shiloh Road



View north



View east

Site Photographs  
Zone Change #941 – 2724 Shiloh Road



View south



Aerial View

## Applicant letter and pre-application meeting notes Zone Change #941 – 2724 Shiloh Road

The subject property at 2724 Shiloh Road is in very close proximity (~312 feet) to the Southwest corner of the Shiloh Road and Rimrock Road intersection. Shiloh Road and Rimrock Road are two arterials that the City of Billings has invested in heavily to accommodate the increasing traffic demands of the expanding west end. The subject property is currently home to a single family residence (R96) on approximately 0.38 acres. It is bordered on the north by a non-descript City park and on the west and south by Wildridge Meadows Subdivision (9 patio homes accessible off of Wildridge Meadows Drive). The subject property is only accessible off of Shiloh Road (2 curb cuts) and is directly across Shiloh Road from the St. John's Lutheran Ministries Retirement Home campus's main building. Additionally, the subject property is located within the Shiloh Corridor Overlay District which has been identified to promote an aesthetically pleasing entryway corridor on commercial lots (it is currently exempt from the Shiloh Corridor Overlay District requirements as a single family lot).

The Owners interest in the subject property is to re-zone the land/structure to Residential Professional (RP) and utilize the existing structure as office/flex space. If approved, the main level of the structure will be home to Beartooth Design Co., a design services company that specializes in landscape architecture and graphic design. The basement of the structure will continue to be used for residential purposes. The Owners anticipate meeting or exceeding the aesthetic expectation of the property per the Shiloh Corridor Overlay District requirements by investing in the landscape, signage and other miscellaneous site improvements. As a landscape architecture firm, that is top priority to attract new clientele and establish a presence on Shiloh Road. The Owners have no immediate plans to update/change the building other than to accommodate the City of Billings Building Dept. requirements to convert the residence into a mixed use/commercial building.

### Application Questions/Clarification Statements

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

The Yellowstone County – City of Billings Growth Policy includes a number of goals and objectives that are relevant with this proposal. The following bulleted list of categorized objectives are accompanied with our summary of how this proposal remedies the potential growing pains:

**Land Use Element** – The subject property is a classic example of a Neighborhood Node based on the proximity to the intersection of Shiloh Road and Rimrock Road. While the node will never become a commercial center (with ample foot traffic), it is certainly considered a questionable location for a private residence now based on the relatively heavy traffic number of Shiloh Road and the exposure (lack of privacy) of the property based on its orientation to Shiloh Road and only accessibility from Shiloh Road. Based on those factors, the Owners felt it was almost set up perfect for an office in a Residential Professional capacity. The walk-out basement is oriented to the west (removed from Shiloh Road for optimal privacy as a residence) and the main level and parking area is very accommodating and welcoming for light traffic/visitors. Additionally, the zone change will require an elevated landscape aesthetic to replace the current undeveloped landscape and weeds. The implementation and maintenance of that landscape will virtually eliminate the adjacent neighbor concerns.

- ✓ Preserve Neighborhood Integrity
- ✓ Reduce Conflicts Between Neighbors
- ✓ Create Attractive Communities
- ✓ Provide Rental & Ownership Housing Options for the Diverse Workforce
- ✓ Encourage More Live-Work Environments
- ✓ Reduce Commuting and Subsequent Drain on Natural Resources and Traffic Congestion

**Economic Development Element** – The subject property will be home to a relatively new and expanding small business in the Billings area (Beartooth Design Co.) that is intent on providing an attractive landscape presentation to showcase their expertise and creativity in landscape architecture. The business has growth expectations in the Billings market and hopes to be hiring a small workforce in the foreseeable future. Shiloh Road, between Grand Avenue and Rimrock Road, is starting to become an office corridor (medical, real estate, banking, etc.) and this proposal will add diversity to the workforce in the immediate area.

- ✓ Strengthen Area Economy
- ✓ Create Living-Wage Jobs
- ✓ Encourage New Businesses to Locate in Billings and Gateway Areas
- ✓ Convey a Business-Friendly Attitude
- ✓ Increase the Visual Appeal of our Corridors
- ✓ Create More Jobs Near Where People Live to Reduce Commuter Traffic

**Aesthetics Element** – As a landscape architecture firm, aesthetics are a specialty of the proposed business that is looking to make the subject property their home. The Owner of the property and of Beartooth Design Co., Patrick Parker, has been on the Billings scene for over a decade improving the image of Billings. The subject property has 120 feet of Shiloh Road frontage so relatively speaking it is a small portion of visibility but very important for the property owners to enhance as a marketing tool that compliments the adjacent properties.

- ✓ Improve the Image of the Community
- ✓ Improve the Visual Image of Billings

**Transportation Element** – The Owners of the subject property live in the immediate area so the reduction in travel time mainly applies to them. Visitors to the proposed business won't make a measurable impact to increase traffic flows on Shiloh Road. The Owners expect less than 5 visitors/vehicles per day. Attractive signage and a memorable landscape design along Shiloh Road (120' of frontage) are top priorities for the Owners.

- ✓ Reduce Travel Times
- ✓ Incorporate Attractive Visual Elements into Rights-of-Way Design

To summarize the earlier statements, the subject property proposal provides a live-work/mixed-use building on an isolated lot that lacks single family privacy. It provides an office location that will house a design firm, Beartooth Design Co. That design firm will provide workplace diversity in the immediate area. Additionally, this proposal aligns with the strategies, goals, and objectives identified in the West Billings Master Plan, the Yellowstone County – City of Billings Growth Policy, and the Shiloh Corridor Overlay District in terms of growth, aesthetics, community character, economic impact and the Billings business climate.

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

The subject property Owners want to establish their design firm, Beartooth Design Co., at this location. Part of their plan is to invest in site improvements at the front of the building, develop the parking area, and place a sign along Shiloh Road. This is a long-term investment that was chosen because of the traffic exposure, the proximity to the intersection of Shiloh Road and Rimrock Road, the proximity to the Owners' primary residence, and the income potential from the basement apartment.

This proposal is consistent with the Zone Change #924 – 2526 Shiloh Road that was approved in September 2014.

## **Photographs**

Photographs of the property are included in this application, along with an aerial image retrieved from the internet. The photographs show the property from the north and south perspective along Shiloh Road.



**VICINITY MAP**

■ LOOKING SOUTH ON SHILOH ROAD



MILDRIDGE  
MEADOWS  
DRIVE

EDGE OF PROPERTY

CURB CUT #2

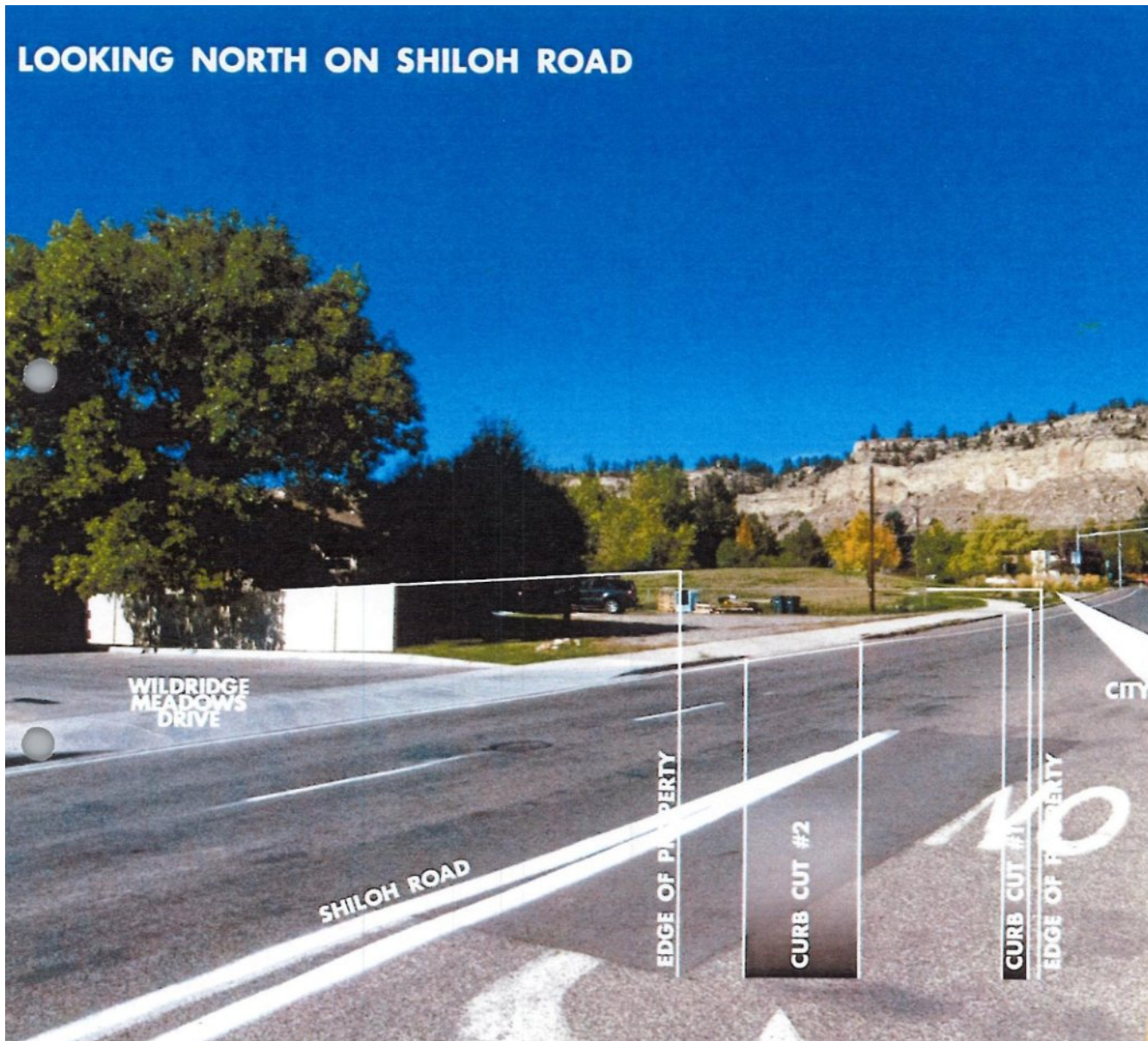
CURB CUT #1

EDGE OF PROPERTY

CITY OF P...

SHILOH

# LOOKING NORTH ON SHILOH ROAD



# 2724 SHILOH ROAD

## ZONE CHANGE REQUEST PRE-APPLICATION NEIGHBORHOOD MEETING

JULY 27, 2015 - 2PM

KATHY LILLIS CHAPEL ON THE SJLM CAMPUS

LENHART CONFERENCE ROOM

ATTENDEE	PHONE	ADDRESS	EMAIL
Janine Hudiburgh	672-5454	2515 Burlwood	jhudiburgh@hotmail.com
David Hilde	534-3035	4020 Wildridge Meadows Dr.	dhilde@presman.net
Paula Griffin	647-2850	4015 Wildridge Meadows	
Dan Griffin	"	"	

~~The~~ MEETING CONCLUDED AT 2:25 PM

### RP - RESIDENTIAL PROFESSIONAL

A ZONE INTENDED TO ACCOMMODATE LIMITED COMMERCIAL AND PROFESSIONAL OFFICES AS WOULD BE COMPATIBLE WITH ADJOINING RESIDENTIAL DISTRICTS AND CONSISTENT WITH THE OBJECTIVES OF THE COMPREHENSIVE PLAN.

# 2724 SHILOH ROAD

## ZONE CHANGE REQUEST PRE-APPLICATION NEIGHBORHOOD MEETING

JULY 27, 2015 – 2PM

KATHY LILLIS CHAPEL ON THE SJLM CAMPUS  
LENHART CONFERENCE ROOM

### Meeting Summary:

The meeting promptly started at 2pm with five people in attendance, including the applicant, Patrick Parker, and four others that received the notice. Patrick introduced himself and summarized the letter and the zone change process. He mentioned the timeline and the pertinent dates of the timeline as discussed with Nicole Cromwell, the Zoning Coordinator with the City of Billings. Those dates included August 3 (zone change application due date), September 1 (Zoning Commission Public Hearing), and September 21 (City Council Public Hearing).

He then discussed the history of the property as a rental and his initial interest in the property as an income property. He started looking at zoning of the property when he heard about Century 21 going through the same process last year on a lot in close proximity on Shiloh Road. Patrick explained his business and his plans for the home. He also explained his intended use of keeping the main level as an office/ workplace and renting the basement apartment. His hope is to keep the building updates to a minimum and focus on the landscape and presentation of the business's exterior. As a landscape architect, he feels it is very important to have a dynamic landscape that showcases his profession. With the exterior, he mentioned complying with City of Billings requirements for the Shiloh Overlay District and stipulations on future signage on the property. He also mentioned defining parking areas and using berms to define the vehicular circulation between the two access points off of Shiloh.

Patrick then asked the attendees if they had any specific questions about the property or about his business. The discussion was open and summarized as follows:

- Patrick was asked about his long term plans for his business. He stated his intention was to stay relatively small with slow growth as he didn't want to follow the corporate model.
- Patrick was asked about the upgrades he would be required to do and the timeline he would have to follow to complete those upgrades. Patrick stated that his intention is to keep the house looking like a residence with no major changes to the structure. He mentioned he just upgraded the electrical service from 100 amp service to 200 amp service in anticipation of the dual use (office and apartment). He wasn't sure what other updates would be required for the zone change but reiterated he would like to focus his money on the landscape. He wasn't sure of the timeline either but mentioned he would like the landscape to be complete as soon as possible in 2016.
- Patrick was asked about the parking area. He stated his intention was to define the parking area with a concrete band but to keep the surface permeable with gravel at this time. He conceded he was a newcomer to the zone change process so he wasn't sure what the requirements would be yet.
- Patrick was asked about the pole light and if he intended to remove it. He explained the pole and light were the property of Northwestern Energy and their service tech that came out when the electrical service was upgraded said the light would remain on the pole.
- Patrick was asked if his business would be the only one in the building. He explained his intention to use all of the space for his business but did mention the possibility of another compatible business potentially using one of the bedrooms as an office. He also mentioned potentially expanding his business model so he might operate under a couple of different names in the future but the people involved would still be limited to Patrick and a few employees.

- Patrick was asked about business traffic. He stated his visitors vary but he sees an average of a couple cars per day. Patrick mentioned he lives very close to the property so one of the intriguing things about working there was he could commute by bike or by walking almost every day.
- Patrick was asked more about the landscape (specifically dead trees, dead grass, and weeds). He explained the property did not have an irrigation system and the previous owner hadn't had a tenant since last fall and didn't water the property. Patrick acknowledged the dead tree to the west of the home (in the backyard) and the surface (grass and weeds) being a problem. His intention is to complete a design that complies with the City requirements and implement it by next fall at the latest. He mentioned next spring would be ideal.
- Patrick was asked who he was using for the landscape installation. He didn't have anybody selected at this time as he hasn't completed the design yet. One of the attendees mentioned her son was in business and might be interested in the work.

Overall, the vibe in the room started with some mixed emotions and a lot of curiosity but ended with more positivity about the potential of the property. The main point of emphasis was on the landscape and making the property look good to enhance the feel of the area. Patrick mentioned the St. John's campus and some of his work on the campus and how he wanted to bring that look and feel across the road. Patrick ended the meeting by inviting the attendees to stop by the property or to call if they were more interested in his business and his plans for the property. He reiterated his intention to be a "good neighbor" and follow the necessary steps to complete the zone change so everyone involved was happy with the result. The meeting ended at 2:25pm.

**ORDINANCE NO. 15-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 2A1, Blue Meadow Acreage Tracts, a 16,517 square foot parcel of land, generally located at 2724 Shiloh Road

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That Lot 2A1 of Blue Meadow Acreage Tracts, a 16,517 square foot parcel of land, generally located at 2724 Shiloh Road is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Residential Professional (RP)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential Professional (RP)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading November 23, 2015

PASSED, ADOPTED AND APPROVED on second reading December 14, 2015.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk  
Zone Change #941- 2724 Shiloh Road

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Zone Change 942 - 5640 Grand Ave - Ben Steele Middle School - Public Hearing

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Agriculture Open (A-1) to Public, on S5, T1 S, R25 E, E2 Government Lot 1, a 38.83 acre parcel of land located in West Billings. This application is for the new Ben Steele Middle School for Billings School District #2. The applicant, School District #2, conducted a pre-application neighborhood meeting on September 28, 2015 at the City of Billings Fire Station No. 7, 1501 54th Street West. The City Council approved the annexation of the property on November 9, 2015. The Zoning Commission is recommending approval and adoption of the findings of the 10 criteria.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

**ALTERNATIVES ANALYZED**

City Council may:

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

The Planning Division reviewed the proposed zoning and recommended approval of the zone change to the City Zoning Commission. The Zoning Commission concurred. The proposed zoning is the preferred zoning for all civic uses including government agencies, schools, and public recreational facilities. The zoning is compatible with adjacent zoning in the city and the county. The public zoning district is specifically designed to be compatible with adjacent residential uses especially when the intended uses are schools or parks. The Public zoning district is intended to reserve land exclusively for public or semi-public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety, and general welfare. Middle schools draw students from a larger district than neighborhood elementary schools and are appropriately located near or close to arterial streets where traffic can be better managed and controlled. This area of West Billings will continue to

grow with additional residential neighborhoods, services and facilities. The placement of a new school facility in a Public zoning district is compatible and expected with this additional growth.

Prior to making its decision on the requested zone change, the City Council shall consider the following findings for the 10 criteria:

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

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

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

The proposed zoning would permit the School District to proceed with plans to develop a new middle school on the property. The School District has owned this property since 2000 and the voters approved the bond issue for its construction. Public zoning is consistent with the intended uses of the School District and is consistent with the continued residential development in the area.

- *Promote excellence in education and safe and healthy school facilities. (Economic Development Element Goal)*

The existing zoning is restricted to agricultural uses in the County. The default zoning for annexation is Residential 9,600 (R-96). Public schools are not allowed uses with the standard residential zones. The proposed zoning will allow the School District to use the land in conformance with the zoning.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

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

Public health and public safety will be promoted by the proposed zoning. The new middle school will provide the required landscaping and attention to the outdoor recreation facilities for the students and will be an amenity for the adjacent neighborhood. This will improve public health and safety and the general welfare of the adjacent neighbors.

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

**Transportation:** The proposed zoning will have an impact on the surrounding streets. The applicant is working with the City Traffic Engineer to ensure safe access to and exiting from the new school. Improvements to the adjacent streets and intersections will be required to ensure this traffic safety. Specific improvements will be determined by the City Traffic Engineer.

**Water and Sewer:** The City will provide sewer and water service to the property by extension of those utilities from Grand Avenue and 56<sup>th</sup> Street West.

**Schools and Parks:** There should be a positive impact to the School District. The district will be able to accommodate additional students and relieve over-crowding at other schools.

**Fire and Police:** The subject property will be served by the city Public Safety Services. The School District will work with the Fire Department through the Building Permit process to ensure building safety and safe access for responders.

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

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

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

Traffic generation from a new middle school will affect the surrounding street network. The City Traffic Engineer and the Transportation Planners are working with the School District to ensure safe access for vehicles, pedestrians and bicyclists.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate new school facilities and outdoor recreation facilities in an area where none currently exist.

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

The proposed zoning does consider the character of the district and the suitability of the property for school facilities. There are existing and planned developments in the area that will continue to increase students in the district.

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

The lot is currently vacant land near developing city subdivisions and adjacent to other property still outside the city limits. Development of a new school facility should conserve the value of adjacent homes and increase property value in the area.

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

The proposed zoning will encourage additional urban development in the area that already has some City services and will fill the need of the School District to provide expanded middle school facilities.

## **FINANCIAL IMPACT**

The new zoning will increase the zoning-based city fees for some services. The parcel will not pay city taxes, since School District #2, as are all school districts, is exempt from property taxes.

## **BACKGROUND**

The city has annexed property and approved a variety of zone changes in this area of West Billings since 2005. In 2007, the city annexed and re-zoned property on 54th Street West for the new Cottonwood Park from A-1 to Public zoning. All other zone changes have been for residential developments or commercial nodes, like the property at 54th St West and Grand Avenue.

School District #2 is in the process of constructing two new middle schools. This property was outside the city limits and had A-1 zoning prior to the City Council annexation on November 9, 2015. In order to proceed with the planned construction, the school site must have the correct zoning district applied to the property. The School District, working with its consultant, Sanderson Stewart, has submitted this zone change from A-1 to Public zoning. Public zoning is an appropriate zoning for all types of public agency developments and land uses. It permits civic uses such as schools, government administration and public recreational facilities. The School District has worked with adjacent land owners during the development of the middle school building and site plans. The School District has a pending Building Permit application submitted to the city Building Division.

The property consists of a 38.83 acre parcel of land generally located on the southwest corner of

Grand Avenue and 56th St West. The School District purchased the property in 2000 from the Frank family. The school district completed a future facility and space needs analysis several years ago and submitted a bond issue for voter approval to construct the new middle schools. The bond issue was approved and due to crowding concerns in Billings Heights, the new middle school on Bench and Barrett Road in the Heights was slated for construction first. This location on 56th St West and Grand Ave is being prepared for construction starting this fall and running through 2016. The site is large enough to accommodate another school, possibly an elementary school, at some time in the future.

Grand Avenue and 56th St West are both principal arterial streets as designated by the City and County. The current construction of both streets is a 2-lane paved County road section with gravel shoulders or no shoulders and ditches in some areas. The posted speed limit at this intersection is 50 mph for both streets. The existing level of average daily traffic is low, ranging from 3,000 to 5,000 vehicle trips per day. As part of the school site design process, Sanderson Stewart is working with the City Traffic Engineer to ensure that access into and out of the school site is safe and reasonable. School buses will enter the school site from 56th St West. The intersection at Grand Avenue is a stop-controlled intersection for 56th St West. It is anticipated there will be modifications to the intersection to accommodate the additional traffic load for the new middle school and for pedestrian crossing and access. Specific improvements will be determined by the City Traffic Engineer but may include a school zone, traffic signal, left turn lanes, deceleration or acceleration lanes on Grand Avenue, a pedestrian crossing, bike lanes, and appropriate signage on both Grand and 56th Street West.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on November 3, 2015, and received the staff recommendation and testimony from the applicant and agents; Pat Davies of Sanderson Stewart, Lew Anderson of School District #2, and Paul Goldammer of A & E Architects. No other testimony was received.

The Zoning Commission asked questions regarding the traffic circulation for pick up and drop off of students, parking for events and staff. Mr. Davies explained the layout of the school, the one-way parent drop off area accessible only from Grand Avenue, the bus drop off accessible only from 56th St West and the staff and event parking area accessible from 56th St West. Mr. Davies stated the traffic study has been completed and the School District will be contributing to 6 intersection improvement projects. Mr. Davies stated the City will be accepting bids for the design of improvements on Grand Avenue from 48th St West to 58th St West in the next several weeks. The City plans to complete those improvements in time for the planned opening of the new school in the fall of 2017. Mr. Anderson from School District explained the anticipated student population for the school when it is opened will be 660 students with a total capacity of 700 to 750 students. Mr. Anderson stated the School District is reserving a portion of the site in the southeast corner for a potential new elementary school. He stated the need for a new elementary school will occur in about 5 years. Mr. Goldammer of A & E Architects explained the site development and separation of the drop off areas for students. Mr. Goldammer stated the new athletic fields for football and softball will be close to the school on the south and west. Mr. Goldammer stated they are working on an alternate for 2-3 soccer fields on the south end of the property. Mr. Goldammer stated they are working with the City Parks Department to establish a partnership for the new soccer fields as there is probably not any money to build the soccer fields.

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria on

a 4-0-1 vote. Commission member Mike Boyett recused himself from voting as he owns land within the area of the subject property.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The Consistency with Adopted Policies or Plans is discussed in the Alternatives Analyzed section above.

## **RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 942 on a 4-0-1 vote, with 1 member recusing himself.

## **APPROVED BY CITY ADMINISTRATOR**

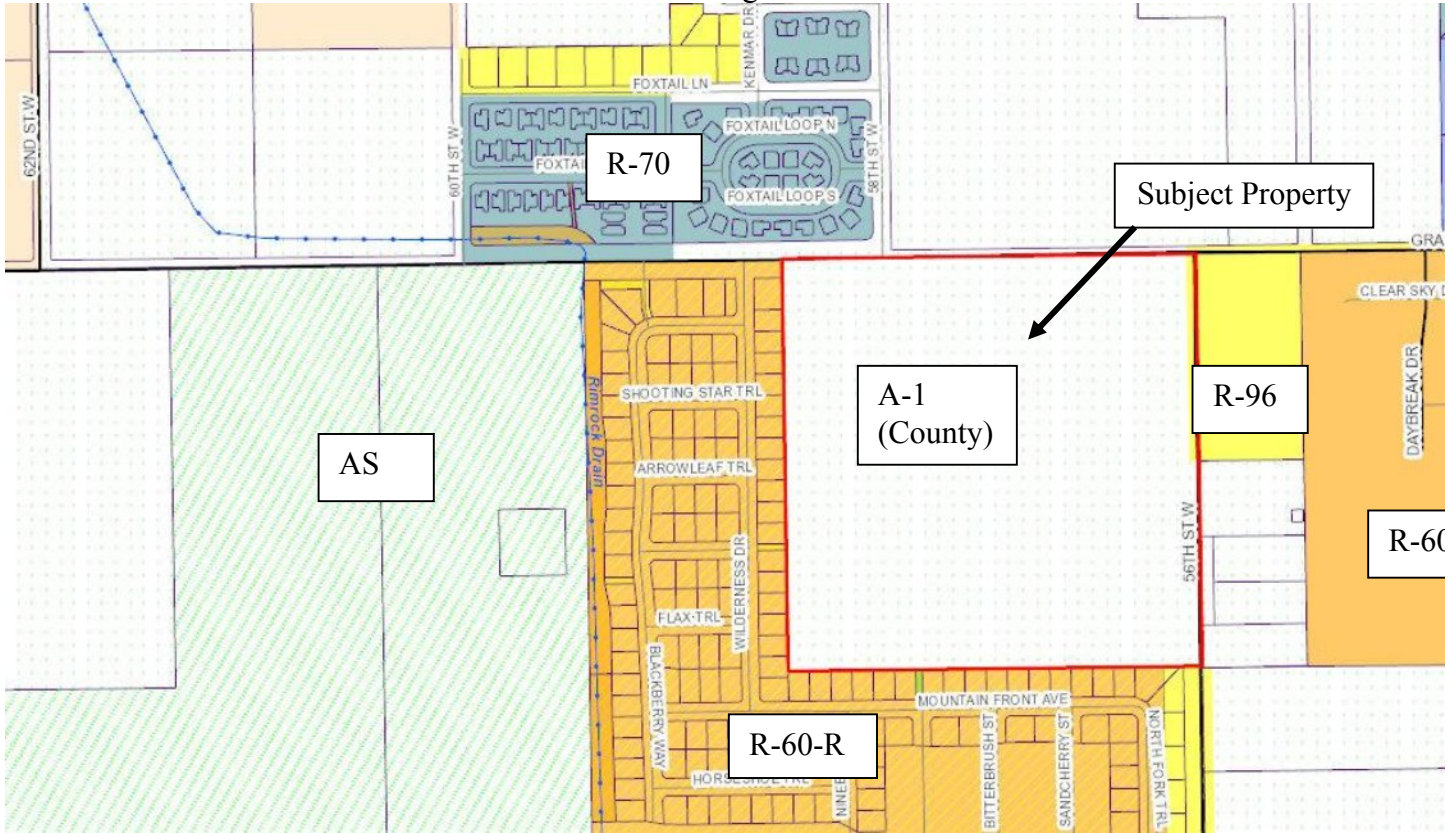
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### **Attachments**

Zoning Map  
Site Photos  
Pre application meeting materials and Applicant Letter  
Ordinance

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**Surrounding Zoning**  
Zone Change #942 – 5640 Grand Avenue



Site Photographs  
Zone Change #942 – 5640 Grand Avenue



Subject Property



View south along 56<sup>th</sup> St West

Site Photographs  
Zone Change #942 – 5640 Grand Avenue



View east across 56<sup>th</sup> St West



View west along Grand Avenue

Site Photographs  
Zone Change #942 – 5640 Grand Avenue



View north and west across Grand Avenue



Aerial View



A & E Architects - Rendering

Applicant letter and pre-application meeting notes  
Zone Change #942 – 5640 Grand Avenue

Oct 2, 2015  
Project No. 14063.02

**S05, T01S, R25E, E2 GOVERNMENT LT1 38.83 AC  
BEN STEELE MIDDLE SCHOOL  
ZONE CHANGE APPLICATION**

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**INTRODUCTION**

The attached Zone Change Application is being submitted on behalf of School District #2 for a proposed zone change from Ag/Open to Public for 5640 Grand Ave in Billings, Montana. An exhibit identifying the subject parcels is attached to this application for reference.

The following information is provided to satisfy the supplemental information requirements for the Zone Change Application.

*In what way is the proposal consistent with the goals and policies of the adopted growth policy?*

The proposed zone change request is consistent with the land use element goals and objectives of the current city growth goals. The proposed zone change will also encourage strong neighborhoods to develop within the proximity of the school and allow a near-by area for children to partake in outdoor activities and recreation.

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

The need for the zone change is to allow for a new middle school for the residents and citizens of Billings, Montana. The current zoning of the area is Ag/Open. With the proposed change, the new middle school will service residents in the adjacent neighborhoods and beyond and the zoning will allow for this new education facility. This is congruent with current long term growth planning goals for the City.

ZONE CHANGE NEIGHBORHOOD MEETING  
ATTENDANCE SIGN-IN SHEET

Date: September 28, 2015

Time: 5:30 PM

Project: Ben Steel Middle School

Project No.: 14063.03

Meeting Location: Billings Fire Station #7 - 1501 54th Street West, Billings, MT 59106

Name: (Please Print)	Address:	Phone Number:		Email Address:
		Home	Mobile	
Bryan Alexander	1308 N. Treva Tech Ln	657-5255		balexander@stevensanderson.com
Mac Fogelberg	"	"	"	mfogelberg@stevensanderson.com
Dick Sires	1131 Wilderness	702-1470		rsires@stevensanderson.com
Tom Sire	"	"	"	"
Dennis Frank	708 56th St West	208-7419		
Bong Frank	"	"	"	
Camie Flantz	5822 Forktail Loop S	489-0508		
Stork Simonson	5837 Fatah Loop N	827-2410		SSimonson@stevensanderson.com
Doug Keener	5423 Grand Ave.			
Paul Goldammer	608 N. 29th St	248-2273		
Jason Hubbard	2270 Grant Rd	657-0224		
Ben Flanagan	2270 Grant Rd	656-0624		
Lea Anderson	101 10th St. W.	281-5782		648-0041

## Ben Steele Middle School – Zone Change Neighborhood Meeting

September 28, 2015

5:30 PM

Billings Fire Station #7 – 1501 54<sup>th</sup> Street West, Billings, MT 59106

### Introductions:

Mac Fogelsong – Sanderson Stewart

Paul Goldammer – A&E Architects

Lew Anderson – SD2

Jason Hubbard – Langlas

Ben Flanagan – Langlas

### Overview by Mac Fogelsong:

Purpose of meeting is to present information to the public in order to change the zoning of the property for the proposed middle school from Agricultural Open to Public as it is the best zoning for the proposed use. Annexation into the City of Billings is also in process.

The zone change is a 3-step process, which includes submittal of an application, a neighborhood meeting (this meeting), and then review by the zoning commission [November 3<sup>rd</sup>].

### Questions:

- What if zone change does not pass?
  - (Mac) Preferred to have zoning consistent with use for the school. Because the school is a public entity, the school can be allowed in other zones via a “land use contrary to zoning”. Preference is to follow the process and have zoning consistent for public use.
  - (Paul) Land use contrary to zoning would require a special review/hearing to have the school located in a zone other than public. Also beneficial for subsequent school if built in the future as zoning will be compatible.
- Why is the zone change occurring after school site is selected? Why not prior to site selection?
  - (Mac) Zoning is a planning item and it is typical to occur after site selection for similar projects.
- Why wasn't the annexation and zone change done years ago?
  - (Dick Sire) The original plan was to annex the school property alongside Trails West Subdivision in which the zoning would be amended concurrent with the annexation. The annexation of Trails West was “complicated” and took 3 tries. They decided at that time to separate the school property so Trails West Subdivision annexation could proceed and the school would move forward with annexation and zone change at a future date.
- What is the location of the west property line? Is it the fence line? The developer mows out 3-4 feet beyond the fence line.
  - (Dick Sire) The property line is at the fence line. Maintenance of irrigation ditch right-of-way is the reason for mowing beyond the fence line.
- What is landscaping of southwest corner? Labeled as dryland grass.

- (Paul) Would be native-type dry land grasses; won't be irrigated turf and helps reduce cost of irrigation.
  - Maintenance mowing and weed control will be provided.
  - Area kept available for future use as park, playground, etc.
- Weed control a concern for dryland grass area.
  - (Lew) We will mow and provide weed control. Will still be some weeds, but will control them.
  - Hired out weed control for current site; have not done late-season weed control this year as a bid package is proposed which will install 400 rammed aggregate piers and substantial excavation. Not the best use of taxpayer dollars for weed control this fall.
  - Working with City Parks (Mike Whitaker) to develop park area for soccer fields. Current plan is for 2 soccer fields and a future elementary school.
  - (Paul) Plan for 2 soccer fields and possibly a 3<sup>rd</sup> in the future in dryland grass area.
- Is there going to be a park or open space as originally planned? Many children in Trails West playing in the street and don't have somewhere to play.
  - (Lew) Long term, there will be a playground when the elementary school site is developed, but not in the middle school project as funding not available.
- Sidewalk setback from street on 56<sup>th</sup> Street?
  - (Paul) Yes, sidewalk will be setback from street.
- Curb & gutter on 56<sup>th</sup> Street & Grand?
  - (Bryan) Still in discussions with the City on what improvements will ultimately be. Grand Avenue may include curb & gutter, but 56<sup>th</sup> Street will likely remain a county-type road with turn bays at the school.
  - City pursuing funding for improving widening Grand Avenue from 48<sup>th</sup> Street West to 58<sup>th</sup> Street West.
- Any consideration to farm machinery in improvement design?
  - (Bryan) No design work has completed for Grand Avenue. This will be a separate project.
  - (Mac) Working with City Traffic Engineering to develop a plan for improvements.
- Concern with safety at Montessori on Grand Ave. & 48<sup>th</sup> Street.
  - (Lew) Montessori is a private school and not SD2. Aware of the issues there and concern with traffic on Grand Avenue.
  - Busses will enter from 56<sup>th</sup> Street in a separate bus parking lot. Will require some added discussion how Grand Avenue parent drop off parking lot will function. Possibly right turn only.
- Does the football field have to be built? Seems like others, specifically Lewis & Clark do not get much use.
  - (Lew) It is a school sport and can be used for multiple uses...football, soccer, etc. Lewis & Clark actually gets a lot of use. Pretty standard for middle schools to provide a football field.
  - (Lew) Also mentioned parking lots provide significantly more parking than in Heights due to narrow county roads to preventing parking on the streets.
- Are you accounting for groundwater or holding ponds?
  - (Lew) We are anticipating to utilize ditch water from a holding pond for irrigation using pumps. Do same thing at Sandstone and Castle Rock.
- Clarification on traffic / off-site improvement design?
  - (Paul) City was to determine mid-September if they could secure funding for Grand Avenue improvements. City is having difficulty securing the funding and has pushed back the schedule to try to secure the necessary funds, so the level of improvements has not yet been

fully developed at this time. A number of items have been discussed including traffic calming, crosswalks, HAWK signal, crossing guards, etc.

- Will there be a deceleration lane on Grand Avenue?
  - (Paul) Not yet confirmed, but on the table. Depends on what City wants to do as well.
  - (Bryan) City is looking to do a project for improving Grand Avenue. The project will likely go out for an RFP to a number of design firms. Safety at the school will be a design consideration for the Grand Avenue improvements.
- Are you planning on any special things for the school?
  - (Paul) Currently in construction documents, which should be complete in the middle of December.
  - Special design elements include: commons/multi-functional open space, collaborative learning spaces, after hours entrance to gymnasium (option to have afterhours access to library)...security for closing off remainder of school, future greenhouse, fab lab spaces, nice courtyard, etc.
- What about parking for baseball / softball fields?
  - (Paul) Parking is available in lot along Grand Avenue; parking is also available along drop off loop. These spots will likely be utilized first; other parking to the southeast would then be utilized.
- Handicap parking?
  - (Paul) Handicap parking is to be located near building entrances per code requirements. We can look at the possibility of an accessible parking area near the baseball/softball fields.
- Will parking lots be lit?
  - (Lew) Yes, there will be LED lights on a timer to allow plowing. Lights are directed down; Will James recently re-done and would be a similar lighting example. Not going to light football field.
- Traffic study, is it public information? Can I (Steve Simonson) get a copy?
  - (Mac) I believe just wrapping it up and in discussions with City.
  - (Lew) I can get you a copy or update you where it is in process. Send me an email [anderson1@billingschools.org](mailto:anderson1@billingschools.org)
- Concern is west bound traffic from 62<sup>nd</sup> Street West and anticipating school will add to traffic.
  - (Lew) Traffic study does evaluate this concern and projects out future growth. City actively reviewing these items.
- (Lew) Offered contact information and asked group to call or email with any questions. Want to be a good neighbor. Langlas will be the contractor and Ben will be onsite every day. Thank you for coming out.

**ORDINANCE NO. 15-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a parcel of un-platted land described as Section 5, Township 1 South, Range 25 East, being E ½ of Government Lot 1, a 38.83 acre parcel of land, generally located at 5640 Grand Avenue

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That un-platted land described as Section 5, Township 1 South, Range 25 East, being E ½ of Government Lot 1, a 38.83 acre parcel of land, generally located at 5640 Grand Avenue is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Public (P)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Public (P)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading November 23, 2015

PASSED, ADOPTED AND APPROVED on second reading December 14, 2015.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk  
Zone Change #942- 5640 Grand Avenue

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Zone Change 943 - School District #2 - Medicine Crow Middle School - Public Hearing

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential 7000 (R-70) to Public, on S14, T1 N, R26 E, E2 NWSW Less COS 931, a 16.2 acre parcel of land. This application is for a portion of the property for the new Middle School for Billings School District #2 in the Billings Heights. The applicant conducted a pre-application neighborhood meeting on September 28, 2015 at Bitterroot Elementary School, 1801 Bench Boulevard. The property was annexed by the City Council on November 9, 2015. The Zoning Commission is recommending approval.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

**ALTERNATIVES ANALYZED**

City Council may:

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

The Planning staff recommended approval and findings of the 10 criteria. The Zoning Commission concurred with this recommendation. The subject property is located in a well-established area of Billings Heights with adjacent stable neighborhoods. Additional residential subdivisions are building to the east and north that will add student population to the new middle school. The proposed zoning is identical to the current zoning of the school property already annexed to the city west of the subject property. The proposed zoning is compatible with the adjacent neighborhood and the property is expected to be fully developed during the next 12 months.

Prior to making its decision on the requested zoning, the City Council shall consider the findings of the 10 criteria:

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

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

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

The proposed zoning would permit the School District to complete plans to construct an athletic field and facilities and annex this parcel into to the city. The voters approved the bond issue for its construction. Public zoning is consistent with the intended uses of the School District and is consistent with the continued residential development in the area.

- *Promote excellence in education and safe and healthy school facilities. (Economic Development Element Goal)*

The existing zoning is restricted to residential use in the County. Public schools are not allowed uses with the standard residential zones. The proposed zoning will allow the School District to use the land in conformance with the zoning.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

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

Public health and public safety will be promoted by the proposed zoning. The new middle school will provide the required landscaping and attention to the outdoor recreation facilities for the students and will be an amenity for the adjacent neighborhoods. This will improve public health and safety and the general welfare of the adjacent neighbors.

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

**Transportation:** The proposed zoning will have an impact on the surrounding streets. The applicant is working with the City Traffic Engineer to ensure safe access to and exiting from the new school. Improvements to the adjacent streets and intersections will be required to ensure this traffic safety. Specific improvements will be determined by the City Traffic Engineer.

**Water and Sewer:** The City will provide sewer and water service to the property by extension of those utilities from Bench Boulevard and Barrett Road.

**Schools and Parks:** There should be a positive impact to the School District. The district will be able to accommodate additional students and relieve over-crowding at other schools.

**Fire and Police:** The subject property will be served by the city Public Safety Services. The School District has worked with the Fire Department through the Building Permit process to ensure building safety and safe access for responders.

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

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

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

Traffic generation from a new middle school will affect the surrounding street network. The City Traffic Engineer and the Transportation Planners are working with the School District to ensure safe access for vehicles, pedestrians and bicyclists.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will provide an area to locate new school facilities and outdoor recreation facilities.

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

The proposed zoning does consider the character of the district and the suitability of the property for school facilities. There are existing and planned developments in the area that will continue to increase students in the district.

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

The lot is currently vacant land near developing city subdivisions and adjacent to other property still outside the city limits. Development of a new school facility should conserve the value of adjacent homes and increase property value in the area.

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

The proposed zoning will encourage additional city infill development in the area and will fill the need of the School District to provide expanded middle school facilities.

## **FINANCIAL IMPACT**

If the new zoning is approved, city fees will be assessed based on the new zoning.

## **BACKGROUND**

The City and County have adopted several zone changes in the area since 1985, including a Planned Development zone for Walmart, and several other commercial zoning changes for property near Wicks Lane and Bench Boulevard. The R-70 zoning in the area has remained stable in the immediate neighborhood and this was ratified by the 2006 Heights Neighborhood Plan adopted by the City and County.

The applicant has submitted this zone change and concurrent annexation for the east half of the property where the new Medicine Crow Middle School is under construction. The athletic fields, some mechanical equipment, parking, and recreational area for the school will be located on the subject property. The property where the middle school is under construction is already annexed and zoned Public. The annexation and zone change will complete the project so the entire property is within the city limits and has consistent zoning. The proposed Public zone is compatible and appropriate for existing and proposed uses of the land and is compatible with the surrounding neighborhood. Bench Boulevard is a principal arterial street and Barrett Road is a collector street. The Montana Department of Transportation (MDT) and the City of Billings will be re-constructing the section of Bench Boulevard north of Hilltop Road in the next 2 years. The design phase is nearing completion. Average daily traffic on this section of Bench is about 5,500 vehicle trips per day. In comparison, Barrett Road only carries about 600 vehicles per day. Barrett Road is partly in the County and partly in the City for most of its extent from Bench Boulevard east to Walter Road. The portion in front of the subject property is under re-construction to bring it to city standards for pavement, curbs, gutters and sidewalks. It is expected additional traffic will use this portion of the street once the school is completed.

## **STAKEHOLDERS**

The City Zoning Commission conducted a public hearing November 3, 2015, and received the staff recommendation and testimony from the applicant and agents; Pat Davies of Sanderson Stewart, Paul Goldammer of A & E Architects, and Lew Anderson of School District #2. No other testimony was received. Mr. Davies explained the layout of the site and the street improvements on Barrett Road. He stated the improvements on Bench Boulevard are happening as an MDT project and will be completed in front of the new school by the fall of 2016. Mr. Goldammer of A & E Architects asked the Board if they had questions and there were none regarding the site. Mr. Anderson of School District #2 explained the remaining pond in the southwest corner of the subject property is from the previous use of the site for a gravel pit. He stated 2 other ponds had been remediated and filled. He stated this pond will remain for storm water control. Mr. Anderson stated the pond edges will be contoured and the steeper area will be fenced off. Mr. Anderson stated the intent with the pond is to provide a outdoor science opportunity for the middle school students as well as control storm water from the site.

The Zoning Commission is recommending approval and adoption of the findings of the 10 criteria on a 5-0 vote.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The Consistency with Adopted Policies and Plans is discussed in the Alternatives Analyzed section above.

## **RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 943 on a 5-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

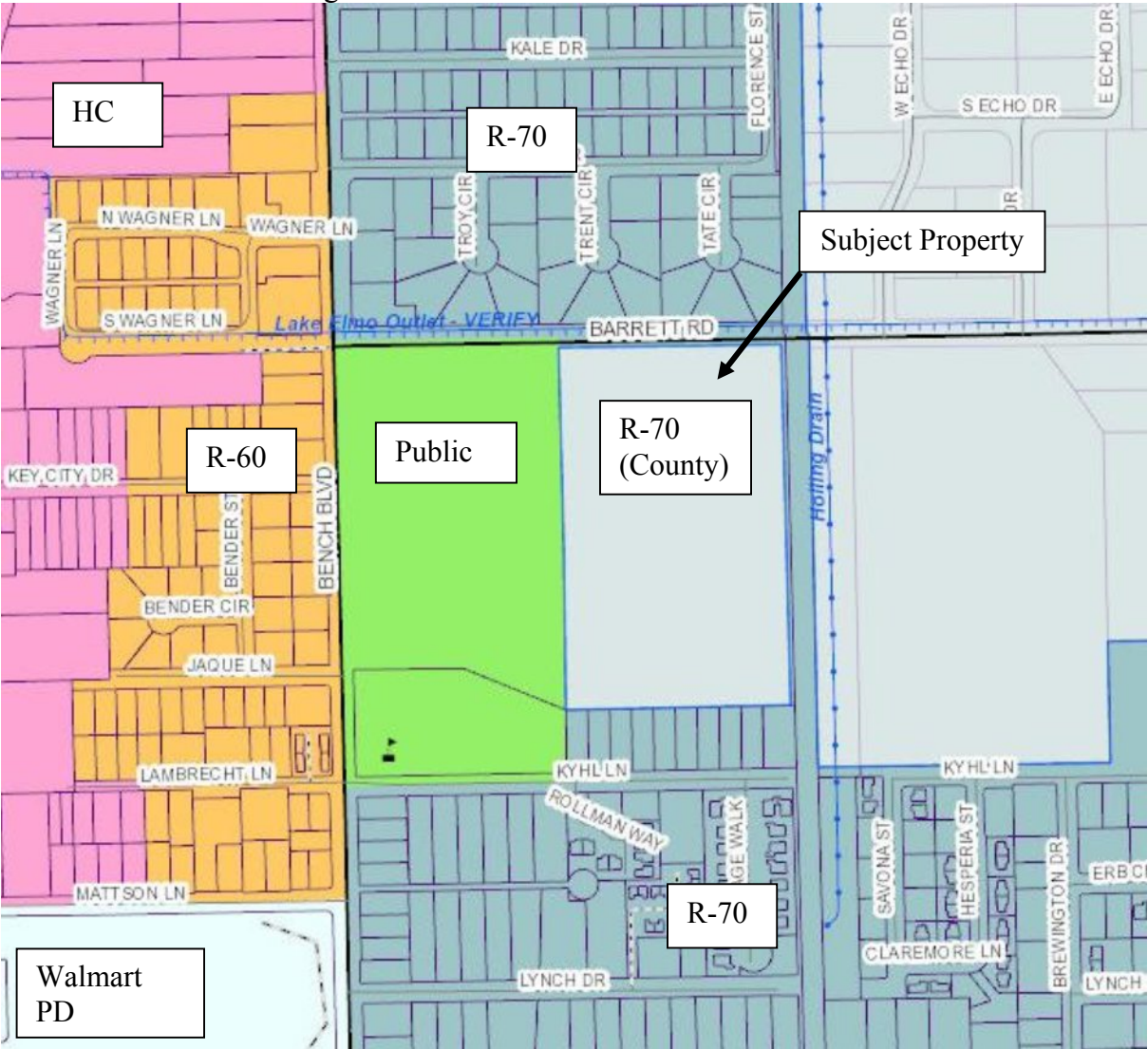
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### **Attachments**

Zoning Map  
Site Photos  
Pre application meeting and Applicant Letter  
Ordinance

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**Surrounding Zoning**  
Zone Change #943 – Medicine Crow Middle School - Barrett Road



Site Photographs  
Zone Change #943 –Medicine Crow Middle School – Barrett Road



Subject Property



View south from Barrett Road

Site Photographs  
Zone Change #943 –Medicine Crow Middle School – Barrett Road



View west along Barrett Road



View east along Barrett Road

Site Photographs  
Zone Change #943 –Medicine Crow Middle School – Barrett Road



View north across Barrett Road



Aerial View

A & E Architects – Aerial Photos



September 2015



September 2015

Applicant letter and pre-application meeting notes  
Zone Change #943 – Medicine Crow Middle School – Barrett Road

Oct 2, 2015  
Project No. 14008.02

**S14, T01N, R26 E, E2 NWSW LESS COS 931  
MEDICINE CROW MIDDLE SCHOOL  
ZONE CHANGE APPLICATION**

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**INTRODUCTION**

The attached Zone Change Application is being submitted on behalf of School District #2 for a proposed zone change from R7000 to Public for Medicine Crow Middle School at the intersection of Bench Blvd and Barrett Road in Billings Montana. An exhibit identifying the subject parcels is attached to this application for reference.

The following information is provided to satisfy the supplemental information requirements for the Zone Change Application.

*In what way is the proposal consistent with the goals and policies of the adopted growth policy?*

The proposed zone change request is consistent with the land use element goals and objectives of the current city growth goals. The proposed zone change will also encourage strong neighborhoods to develop within the proximity of the school and allow a near-by area for children to partake in outdoor activities and recreation.

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

The need for the zone change is to allow for a new middle school for the residents and citizens of Billings Montana. The current zoning of the area is R7000. With the proposed change, the new middle school will service residents in the adjacent neighborhoods and beyond and the zoning will allow for this new education facility. This is congruent with current long term growth planning goals for the City.



**Medicine Crow Middle School – Zone Change Neighborhood Meeting**

**September 28, 2015**

**5:30 PM**

**Bitterroot Elementary School – 1801 Bench Boulevard, Billings, MT 59105**

**Introductions:**

Pat Davies – Sanderson Stewart

Scott Reiter – SD2

**Overview by Pat Davies:**

Purpose of meeting is to present information to the public in order to change the zoning of the east side of the school district property from R7000 to Public to make it consistent with the Public zoning for the remainder of the school district property. Annexation into the City of Billings is also in process.

The zone change is a 4-step process; a neighborhood meeting (this meeting), submittal of a zone change application, review by the Zoning Commission (November 3rd) and review by the City Council (November 23rd).

**Questions:**

- What is the purpose of the zone change?

To make the zoning of the east portion of the school district property consistent with the west half of the school district property which is already zoned Public. Public zoning is typical zoning for a public entity like the school district.

- Are there any negative impacts of the proposed zone change?

There are no anticipated negative impacts of the zoning change and the project should provide amenities to the neighborhood such as sports fields, trails and open space.

- When will Bench Boulevard be completed?

It is our understanding that the portion of Bench Boulevard along the school district property will be completed the summer of 2016.

- What is the next step?

The school district plans to submit a zone change application on October 5th and then it will go to the Zoning Commission on November 3rd and City Council on November 23rd.



**ORDINANCE NO. 15-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a parcel of un-platted land described as Section14, Township 1 North, Range 26 East, being EE1/2NWSW less C/S 931, a 16.2 acre parcel of land, generally located at 900 Barrett Road

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.
2. DESCRIPTION That un-platted land described as Section14, Township 1 North, Range 26 East, being EE1/2NWSW less C/S 931, a 16.2 acre parcel of land, generally located at 900 Barrett Road is presently zoned **Residential 7,000 (R-70)** and is shown on the official zoning maps within these zones.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 7,000 (R-70) to Public (P)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Public (P)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading November 23, 2015

PASSED, ADOPTED AND APPROVED on second reading December 14, 2015.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

BY: Billie Guenther, City Clerk  
Zone Change #943 – SD #2 – Medicine Crow Middle School – 900 Barrett Rd

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Public Hearing for Ward Ordinance First Reading - Annexation #15-10

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

City election ward boundaries must be adjusted to conform to city limit amendments when the City annexes property. The City Council approved the annexation of the Billings School District #2 property for a new middle school in West Billings (Annexation #15-10) on November 9, 2015. This annexation requires a change in the boundaries of Ward IV. Two readings are required for this action. The first reading of the ordinance is scheduled for November 23, 2015 along with a public hearing, and the second reading is scheduled for December 14.

**ALTERNATIVES ANALYZED**

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

- Approving the ordinance will modify the boundaries of Ward IV to include the Billings School District #2 property.
- Denying the ordinance will not modify the boundaries of Ward IV and create a problem where property inside the City Limits is not within one of the City Ward Boundaries.

**FINANCIAL IMPACT**

There is no budget/financial impact from this action.

**RECOMMENDATION**

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

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ward Ordinance

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**ORDINANCE NO. 15-\_\_\_\_\_**

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

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

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

Tracts of land situated in the NW1/4 of Section 4, the NE1/4 of Section 5, T.1S., R.25E., P.M.M., and the SE1/4 of Section 31 T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being Government Lot 1, of Section 5, T.1S., R.25E., P.M.M., being surrounded on the west by Trails West Subdivision, First Filing, Recorded July 20, 2010, under Document No. 3556257; on the south by Trails West Subdivision, Second Filing, Recorded July 05, 2013, under Document No. 3674106; on the east by 56<sup>th</sup> Street West; on the north by Grand Avenue. Including all adjacent right-of-way of 56<sup>th</sup> Street West and Grand Avenue. Containing 40.009 gross acres and 38.826 net acres more or less.

(# 15-10) See Exhibit "A" Attached

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

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 23<sup>rd</sup> day of November, 2015.

PASSED by the City Council on the second reading this 14<sup>th</sup> day of December, 2015.

THE CITY OF BILLINGS:

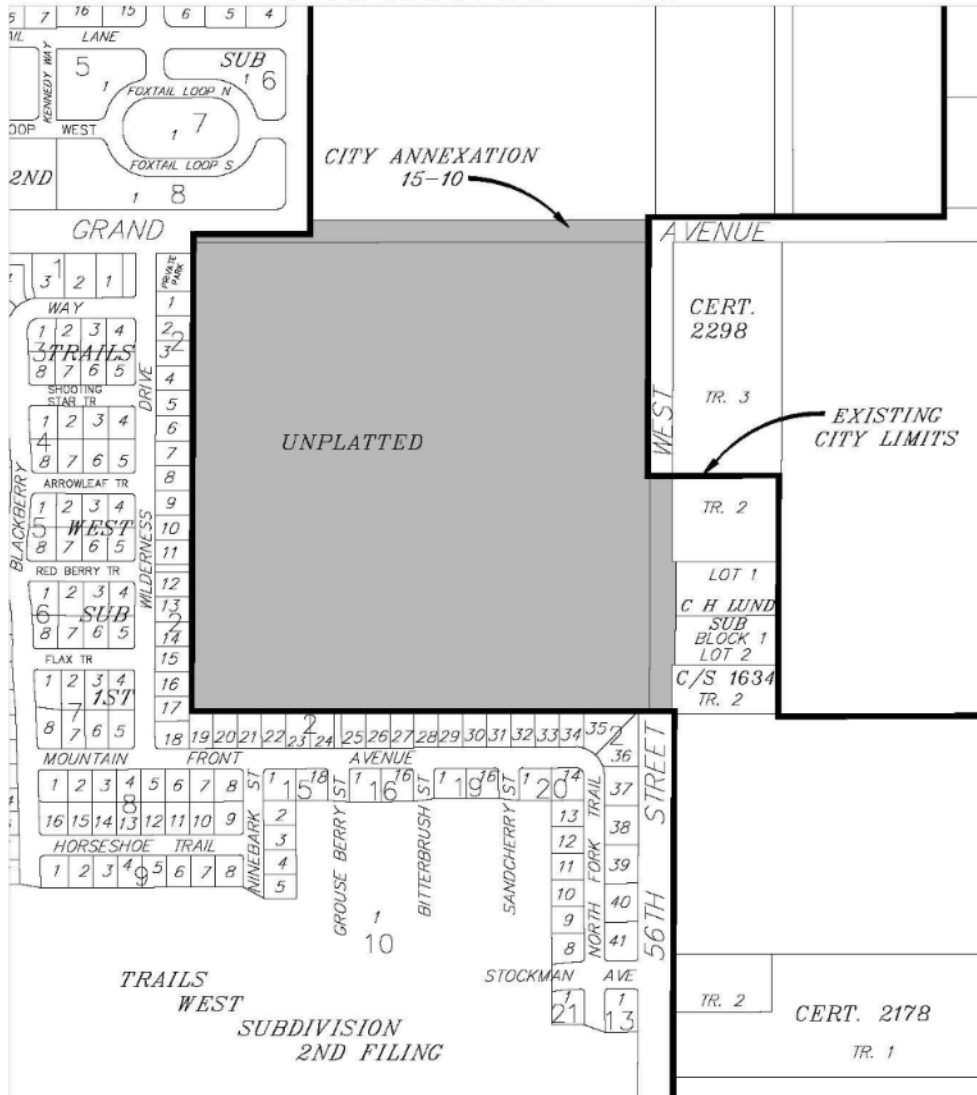
\_\_\_\_\_  
Thomas W. Hanel, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Billie Guenther, CITY CLERK

(AN 15-10)

# EXHIBIT "A"



**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Public Hearing for Ward Ordinance First Reading - Annexation #15-11

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

**Department:** Planning & Community Services

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**PROBLEM/ISSUE STATEMENT**

City election ward boundaries must be adjusted to conform to city limit amendments when the City annexes property. The City Council approved the annexation of the Billings School District #2 property for the new middle school in the Billings Heights (Annexation #15-11) on November 9, 2015. This annexation requires a change in the boundaries of Ward II. Two readings are required for this action. The first reading of the ordinance is scheduled for November 23, 2015 along with a public hearing, and the second reading is scheduled for December 14.

**ALTERNATIVES ANALYZED**

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

- Approving the ordinance will modify the boundaries of Ward II to include the Billings School District #2 property.
- Denying the ordinance will not modify the boundaries of Ward II and create a problem where property inside the City Limits is not within one of the City Ward Boundaries.

**FINANCIAL IMPACT**

There is no budget/financial impact from this action.

**RECOMMENDATION**

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

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ward Ordinance

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**ORDINANCE NO. 15-\_\_\_\_\_**

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

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

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

A tract of land situated in the SW1/4 of Section 14, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being a portion of Tract 1, of Certificate of Survey No. 3587, Recorded May 26, 2015, under Document No. 3741054, on file and of record in the Records of Yellowstone County. More particularly described as follows: Beginning at the northeast corner of said Tract 1; thence S 00°30'01" E and along the east line of said Tract 1 for a distance of 1047.77 feet to the southeast corner of said Tract 1; thence S 89°44'29" W and along the south line of said Tract 1 for a distance of 673.42 feet; thence in a northwesterly direction and along the existing City of Billings city boundary for a approximate distance of 1049 feet to a point on the north line of said Tract 1 point also being the south Right-Of-Way line of Barrett Road; thence N 89° 50'51" E for an approximate distance of 673.5 feet to the Point Of Beginning. Property also described as Parcel No. 2 of excluding property of Resolution No. 84-14581. Including all adjacent right-of-way of Barrett Road. Containing 16.668 gross acres and 16.209 net acres more or less.

(# 15-11) See Exhibit "A" Attached

2. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the

election administrator not more than ten (10) days after the effective date of this ordinance.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 23<sup>rd</sup> day of November, 2015.

PASSED by the City Council on the second reading this 14<sup>th</sup> day of December, 2015.

THE CITY OF BILLINGS:

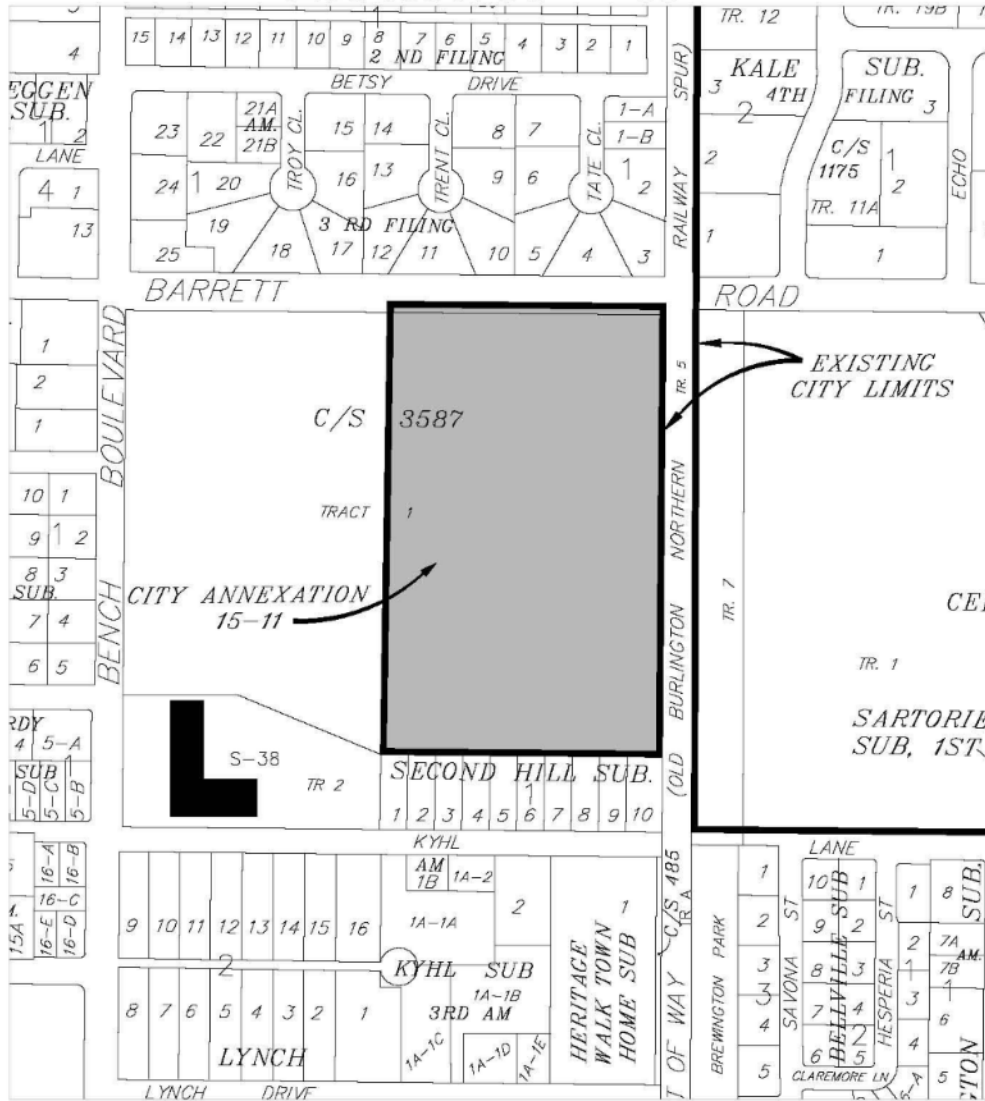
\_\_\_\_\_  
Thomas W. Hanel, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Billie Guenther, CITY CLERK

(AN 15-11)

# EXHIBIT "A"



**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Approval of 2015 - 2018 Contract with Teamsters Local 190

**PRESENTED BY:** Tina Volek, City Administrator

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

The City Council is being asked to approve a tentative agreement for the renewal of a labor contract between the City and the International Brotherhood of Teamsters Local 190. Negotiations were completed on October 22, 2015. Local 190 approved the contract on November 10, 2015. If approved by the Council, the contract will apply from July 1, 2015, through June 30, 2018.

Changes to the contract include:

- A 3.2% cost of living adjustment (COLA) for FY 16 and FY 17, with the FY 16 increase retroactive to July 1, 2015, plus a 3% COLA for FY 18;
- Inclusion of a requirement that an employee shall have 90 days from the date of hire to obtain a CDL license, and an additional 30-day extension in the event the license cannot be obtained through no-fault of the employee;
- Inclusion of a requirement that if an employee is sick for three consecutive working days, the supervisor may request a return to work notification from a physician. This requirement was reduced from 6 days previously;
- Inclusion of language that states if an employee can no longer perform the essential functions of his/her position due to an illness or injury, and a transfer to another position is unavailable, then the employee will be terminated;
- Language clarification changing "Necessary sick leave for family" to "Family Emergency Sick";
- Language clarification defining Maternity/Paternity Leave to coincide with FMLA and the Montana Maternity Act;
- Inclusion of a requirement regarding Personal Days that if an employee is hired on or after March 1st, then they will have access to 1 personal day through June 30th;
- Language clarification changing "Industrial Accident" to "Workers' Compensation";
- Inclusion of language requiring the Health Insurance committee to periodically reevaluate the Plan to make sure the City is receiving the best cost and services;
- Inclusion of language stating if an employee is on a leave of absence without pay for six consecutive months, due to job-related injury or illness, then the employee and dependents will become ineligible for active health insurance coverage and be offered COBRA;
- Inclusion of language allowing 20 business days to issue discipline when a due process hearing is involved. This was increased from 15 days;
- Inclusion of language requiring that all disciplinary notices will be considered current and in effect for a period of 24 months after the date of issue;
- Increase Standby pay \$0.12 per hour to equal a total of \$1.75 per hour, and eliminating \$0.05 per hour premium for ARFF employees during the months of November through February;
- Increase Shift Differential \$0.10 per hour to equal a total of \$0.65 per hour for afternoon

shift differential and \$.80 per hour for night shift differential;

- Clarification language stating employees who are on sick leave for their regularly scheduled workday will not be considered for overtime assignments for that day;
- Inclusion of language regarding Leadworker pay requiring that a leadworker who is classified at two or more pay grade increments above the highest grade of any employee that he or she supervises, shall not qualify for any additional pay;
- Clarification language regarding employee's single day vacation picks. A single vacation day may be granted by a supervisor with at least one day's notice from the employee. That same vacation day may be canceled by the supervisor with at least one day's notice to the employee, except in emergency situations affecting the health, welfare, and safety of the City;
- Inclusion of language that states layoffs will be determined by job description and Citywide seniority, instead of by job title and Citywide seniority;
- Clarification language that an interview will be given up to the four most senior Teamsters' applicants who possess the minimum qualifications for the position.

## **ALTERNATIVES ANALYZED**

City Council may:

- Approve the contract as amended, with pay retroactive to July 1, 2015;
- Postpone action to obtain additional information; or
- Deny approval of the contract, forcing negotiations to resume.

## **FINANCIAL IMPACT**

The 3.2% COLA would cost \$732,437 for FY 16 and \$755,875 for FY 17, plus 3% or \$731,309 for FY 18. The increase in Standby pay is estimated to be \$10,300 per year and the increase in Shift Differential pay is estimated to be \$11,600 per year. These pay adjustments are distributed across many of the City's Funds. The increased spending may require budget amendments for some Funds, which will be presented to the Council in the near future.

## **RECOMMENDATION**

Staff recommends that the Council approve the contract, with pay retroactive to July 1, 2015.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Contract

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# AGREEMENT

**Between the**  
**TEAMSTERS - LOCAL 190**  
**AND**  
**CITY OF BILLINGS**

*For the period of:*

**JULY 1, ~~2013~~ 2015 - JUNE 30, ~~2015~~ 2018**

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**Attachments:**

1. Departmental Order, Order Number 019B, Subject: Airport Standby/Pager Policy
2. Departmental Order, Order Number 20, Subject: ARFF/AFM Division Holiday Pay Policy
3. Letter of Understanding, Winter Overtime policy for the Department of Aviation & Transit ARFF/AFM employees.
4. Memorandum of Understanding on the City/County 911 Center breaks.
5. Memorandum of Understanding regarding City Ordinance Safety Issues
6. Memorandum of Understanding regarding ARFF/ARM Employee Standby Pay
7. Memorandum of Understanding Public Works Department – Treatment Plant Technicians
8. Teamster Range Placement Table

**Appendix:** Random Drug/Alcohol and Reasonable Suspicion Policy

## **P R E A M B L E**

THE CITY OF BILLINGS, MONTANA, hereinafter referred to as "Employer" and the INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 190, hereinafter referred to as "Union," have agreed as follows:

### **ARTICLE 1 - RECOGNITION**

1.1 The Employer recognizes the Union as the sole and exclusive bargaining agent for all City employees in the classifications listed in Attachment A.

A temporary employee is defined as an employee that is hired to temporarily replace an absent full-time employee or to fill in for a heavy workload in a particular work unit.

The City agrees that any temporary or on-call employee will be a member of the bargaining unit if that employee works for more than 1,056 hours in a 365-day period in any twelve-month period.

Due to the nature of recreation programs, temporary employees in the Recreation Division may work more than 1,056 hours in a 365-day cycle. These temporary employees customarily work on a variety of programs.

The City agrees that no temporary or on-call employee will be used to circumvent any part of the labor agreement. When overtime is required, members of the bargaining unit will have the option of working the overtime.

### **ARTICLE 2 - MANAGEMENT RIGHTS**

2.1 The Union recognizes the prerogative of the City to unilaterally operate its affairs in all respects in accordance with its responsibilities; and the powers, discretion, or authority which the City has not expressly granted to the Union by this Agreement are retained by the City, and in such areas as, but not limited to the following, to-wit:

- A. Direct employees;
- B. Hire, promote, transfer, assign, and retain employees;
- C. Relieve employees from duties because of lack of work or funds or under conditions where continuation of such work would be inefficient and non-productive;
- D. Maintaining the efficiency of government operations;
- E. Determine the methods, means, job classifications, and personnel by which operations of the City of Billings are to be conducted;

- F. Taking whatever actions may be necessary to carry out the mission of the City of Billings in situations of emergency;
  - G. Establishing the methods, standards, and processes by which work is to be performed;
  - H. Scheduling and assigning work, including overtime and leaves, in a manner most advantageous to the City and its requirements subject to seniority and qualifications.
- 2.2 The Union recognizes that the Employer has statutory and other rights and obligations in contracting for matters relating to municipal operation. The right of contracting or subcontracting is vested in Employer; however, it is recognized that this right is a concern to the Union and its members. The City agrees that no contract or subcontract that would directly impact the Union or its members will be entered into without an evaluation of the total economics involved in that operation as it relates to the public good. The right to contract or subcontract shall not be used for the purpose or intention of undermining the Union nor to discriminate against any of its members.

### **ARTICLE 3 - UNION SECURITY**

- 3.1 Membership in the Local Union is not compulsory. Employees have the right to join, not join, maintain, or drop their membership in the Local Union. Neither party shall exert any pressure on, or discriminate against, an employee as regards such matters.
- 3.2 Membership in the Local Union is separate, apart and distinct from the assumption by one of equal obligation to the extent that he/she receives equal benefits. The Local Union is required under this Agreement to represent and to provide all rights and benefits to all of the employees in the bargaining unit fairly and equally without regard to whether or not an employee is a member of the Local Union. The terms of this Agreement have been made for all employees in the bargaining unit and not only for members of the Local Union, and this Agreement has been executed by the City of Billings after it has satisfied itself that the Local Union is the choice of a majority of the employees in the bargaining unit. Accordingly, each employee in the bargaining unit shall assume an equal share of the obligation along with a grant of equal benefits contained in this Agreement.
- 3.3 In accordance with the policy set forth in this Section all employees shall, as a condition of continued employment, pay to the Local Union, the employees exclusive collective bargaining representative, an amount of money equal to that paid by other employees in the bargaining unit who are members of the Local Union, which shall be limited to an amount of money equal to the Local Union's regular and usual initiation fees, and its regular and usual dues.
- 3.4 All present employees who are members of the Local Union on the effective date of the execution of this Agreement shall remain members of the Local Union in good standing as a condition of employment. All employees who are not members upon the execution of the

Agreement shall come under the provision of this Article twelve (12) calendar months after the date of execution of this Agreement, as a condition of employment. All new hires shall come under the provision of this Article twelve (12) calendar months after their date of hire, as a condition of employment. Employees who fail to comply shall be discharged by the Employer within fifteen (15) calendar days after receipt of written notice from the Union, unless the employee complies within the fifteen (15) day period.

- 3.5 The Employer agrees to accept and honor voluntary written assignments of wages or salaries due and owing employees covered by this Agreement for initiation, reinstatement, service charges, and dues.

## **ARTICLE 4 - SENIORITY**

- 4.1 Seniority means an employee's length of continuous service with his or her Division and shall be computed from the date the employee began service in the Division, except in cases where the employee is forced to transfer to a different division by the City. In those cases the employee will take his/her seniority with them to the new division.
- A. To be absent from the job due to a leave without pay exceeding 180 calendar days will be considered lost time for the purpose of seniority, however, previous service upon reemployment shall count toward seniority.
  - B. To be absent from the job due to involuntary active military leave will not affect seniority. Such time spent in military service will count towards seniority.
  - C. An employee's continuous service for purpose of seniority shall be broken by voluntary resignation, discharge for justifiable cause, and retirement.
  - D. Absences due to injury in the line of duty shall be considered as time worked for the purposes of determining seniority.
- 4.2 Layoffs, caused by reduction in force within an affected Division, shall be determined by **job description** ~~job title~~ and City-wide seniority. Employees, who are scheduled to be laid off, shall be given as much advance notice as is practical, with a minimum of forty-five (45) calendar days. Employees scheduled to be laid off will be allowed to bump other less senior employees within their same **job description** ~~job title~~. No other bumping rights are available to affected employees. Employees, who are laid off, will be offered re-employment in the inverse order of the lay-off when they are needed again, provided they are still qualified to perform the duties of the position. All recall rights for employees laid off expire twenty-four (24) months from the layoff date.

The Employer shall notify such employees to return to work and furnish the Union a copy of such notification; and if the employee fails to notify the Employer within five (5) calendar days of his/her intention to return to work, the employee shall be considered as having forfeited

his/her right of re-employment. It shall be the employee's responsibility to maintain a current notification address with the Employer.

- 4.3 The Employer shall post, by division, an updated, accurate seniority list in January of each year. The Employer also agrees to supply copies of those lists to the Union and, in addition, agrees to provide to Union an updated list at any time during the calendar year that Union requests such an update in writing. Employees may protest their seniority designation through the usual grievance procedure if they have cause to believe an error has been made.
- 4.4 In the Met Transit division, there will be 3 separate seniority lists which shall be based on the following job classifications: 1) Transit Operator and On-Call Driver, 2) Transit Service Dispatcher and Senior Office Assistant, 3) Transit Mechanic II, Vehicle Service Technician and Transit Service Worker.

## **ARTICLE 5 - SETTLEMENT OF DISPUTES**

- 5.1 A grievance is defined as a dispute or a difference of interpretation between a non-probationary employee and the Employer involving an economic or disciplinary issue as expressly provided in the terms of the Agreement. Disciplinary actions, involving warning letters, suspension, or discharge shall be grievable; all lesser disciplinary actions are not grievable. If a number of employees have a grievance, involving the same issue(s), the grievance shall be filed as one (1) joint grievance.
- 5.2 Employees, designated by the Union as Stewards, must be certified in writing to the Employer. A steward shall be authorized a reasonable amount of time to process a grievance during regular work hours, provided the Steward has the Supervisor's approval and does not disrupt the work of others. A Steward, who cannot be released upon request, due to work requirements, will be released as soon as work permits, but no later than the beginning of his or her next scheduled shift. An updated steward list shall be provided to City Human Resources in January of each year. The union also agrees to supply an updated steward list anytime during the calendar year that the City requests such an update in writing.
- 5.3 Failure to comply with the established formal procedures provided in this Article shall constitute a waiver to continue the grievance process by the party in default.
- 5.4 Grievance and Arbitration Process:
  - Step 1: An employee, who has a grievance, shall, meet with his or her supervisor to orally discuss the issue and submit the grievance, in writing, to their supervisor. The written grievance must contain the following minimal information:
    - 1. The name and signature of the grievant; (The signature requirements shall be waived if the grievant is physically unable to sign the grievance form.)

2. The date the grievance occurred;
3. The issue and nature of the grievance;
4. The terms of the Agreement in dispute; and
5. The adjustment sought.

The grievance must be initiated no later than ten (10) business days after the grievable act occurred or the first opportunity to have reasonably had knowledge of its occurrence. The supervisor's response to the grievance shall be in writing and within ten (10) business days of the Step 1 meeting. The City will send a copy of the Step 1 City response to the Union Business Representative.

Step 2: The Union Business Representative may file an employee's formal grievance with the Employer. The formal grievance must be in a jointly agreed upon written form containing as a minimum:

1. The name and signature of the grievant; (The signature requirements shall be waived if the grievant is physically unable to sign the grievance form.)
2. The date the grievance occurred;
3. The issue and nature of the grievance;
4. The terms of the Agreement in dispute; and
5. The adjustment sought.

The grievance must be filed with the Human Resources Manager within ten (10) business days of the written Step 1 response from the supervisor.

Within ten (10) business days of receipt of the grievance, a meeting will be held between the key individuals in the grievance including: the employee, the Union Steward, the Union Business agent, the supervisor, the Superintendent/Division Manager and a representative from Human Resources Office to discuss the grievance. Management will set up this meeting and will respond to the grievance in writing within ten (10) business days after the meeting is held.

Step 3: If the grievance has not been resolved, within ten (10) business days of the Step 2 response, a meeting will be held between the Department Head, the City Administrator, the Union Business Agent, the Union Steward, and the Human Resources Manager (or designated representative) to discuss the grievance. A management representative will respond in writing with an answer to the grievance within ten (10) business days after the meeting is held.

#### Optional Step 4:

If the grievance has not been resolved based on management's response in Step 3, then the Union may, within ten (10) business days of the City's response, notify the City Administrator in writing of the Union's intention to request mediation conducted by the Federal Mediation and Conciliation Services (FMCS) or the Montana Department of Labor.

1. The parties must submit a signed, joint request for FMCS assistance. The parties must agree that grievance mediation is not a substitute for contractual grievance procedures.
2. The grievant is entitled to attend the mediation.
3. The parties must waive any time limits in this agreement while the grievance mediation step is being utilized.
4. The grievance mediation process is informal, and the rules of evidence do not apply. No record, stenographic or tape recordings of the meetings will be made.
5. The mediator's notes are confidential and will be destroyed at the conclusion of the grievance mediation meeting. FMCS is a neutral agency created to mediate disputes and maintains a policy of declining to testify for any party, either in court proceedings or before government regulatory authorities.
6. The mediator will use problem solving skills to assist the parties, including joint and separate caucuses.
7. The mediator has no authority to compel a resolution.
8. If the parties cannot resolve the problem, the mediator may provide the parties in joint or separate sessions with an oral advisory opinion.
9. If the parties cannot resolve the grievance, they may proceed to arbitration according to the procedures in their collective bargaining agreement.
10. Nothing said by the parties during grievance mediation, nor any documents prepared for a mediation session, can be used during arbitration proceedings.
11. The parties must agree to hold FMCS and FMCS mediators harmless for any claim of damages arising from the mediation process.
12. The parties must agree to these procedures and guidelines.

Step 5: If the grievance is not resolved based on management's response in Step 3, the Union may, within ten (10) business days of the City's response, notify the Human

Resources Manager in writing of the Union's intention to submit the grievance to final and binding arbitration. The Union shall request the Federal Mediation and Conciliation Service, the MT Department of Labor, or the American Arbitration Association to provide a list of seven (7) arbitrators. The parties, shall, within fifteen (15) business days of the receipt of the list, select the arbitrator by the method of alternately striking names with the parties flipping a coin to determine who strikes the first name. The final name left on the list shall be the arbitrator.

The arbitrator chosen will be contacted immediately and asked to start proceedings at the earliest possible date. During the arbitration proceedings, all evidence shall be presented. The arbitrator's decision shall be final and binding on both parties, but he shall not have the power to alter the terms of this Agreement, City Ordinance, State, or Federal Law. His decision shall be within the scope and terms of this Agreement and he shall be requested to issue his decision as soon as possible after the conclusion of the proceedings, including filing of briefs, if any. Expenses for the arbitrator's services shall be borne equally by the City and the Union.

- A. Other persons may replace any position mentioned in the above procedures, so long as the other party is notified in advance and provided that such appointee has full authority to act in the capacity of the person replaced.
- B. All disputes, controversies, or claims that are grievable (see section 5.1) must first proceed through the grievance procedure before then advancing to either arbitration or an alternative review process. An employee, who chooses an alternative review process, such as the Courts, State Agencies, or similar recognized judicial bodies, waives all rights for further review of his grievance through this Agreement's arbitration process.
- C. It is understood and agreed that when an employee files a grievance, the act of filing such a grievance shall constitute his authorization to the Employer to reveal to the participants in the grievance procedure any and all information available to the Employer relating to said grievance. Such filing shall further constitute a release of the Employer from any and all claimed liability by reason of such disclosure.
- D. Time limits at any stage of the grievance procedure may be extended by written mutual agreement of the parties at that step.
- E. Business days shall be defined as Monday through Friday, excluding recognized City of Billings holidays.

## **ARTICLE 6 - HOURS OF WORK AND OVERTIME**

- 6.1 **WORKWEEK:** A workweek is a regularly recurring period of one hundred sixty eight (168) hours, in the form of seven (7) consecutive twenty-four (24) hour periods. The workweek need not coincide with the calendar week; it may begin any day of the week and any hour of the day unless otherwise specified in the supplement hereto. Each workweek stands alone. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of this Agreement.
- 6.2 **SHIFTS/SHIFT CHANGE:** All employees shall normally be scheduled to work a regular shift and each work shift shall have a regular starting and quitting time. Schedules may be changed by giving seventy-two (72) hours notice to the affected employee(s), unless a shorter change is agreed to by the employee(s). Both parties understand, however, that emergencies may require a shift change and the notification of less than twenty-four (24) hours.
- 6.3 **WORK SCHEDULES:** Work schedules showing the employees, shifts, workdays, and hours, shall be posted on all department bulletin boards at all times.
- When new/revised work schedules are prepared, management will endeavor to post said schedule changes at least two (2) weeks before the schedule's start date.
- 6.4 **LUNCH PERIODS:** All employees shall be granted a lunch period during each work shift consisting of more than four (4) hours. Whenever possible, the lunch period shall be scheduled at the middle of each shift. Shift workers may be required to eat lunch on the job during regular work hours in which case lunch shall be included as time worked.
- 6.5 **HOURS OF DUTY:** The normal working hours for full time members affected by this Agreement shall be forty (40) hours per week. Schedules calling for shifts other than five (5) eight (8) hour workdays per week may be implemented by the following conditions:
- A. Mutual agreement between the parties to this Agreement.
  - B. The consent of the majority of the work crew or division if deemed by the City to be necessary for the efficient operation of that function.
  - C. Either party to this Agreement may initiate a request to introduce a shift greater than the eight (8) hour day.
- 6.6 **BREAKS:** Employees shall be entitled to two (2) fifteen (15) minute paid rest periods, one (1) approximately midway during the first four (4) hours and the second (2<sup>nd</sup>) approximately midway during the balance of the employees' shift. Shifts of less than seven (7) hours are entitled to one (1) fifteen minute paid rest period except those employees who receive no lunch break and work 6 hours; those employees shall receive two (2) fifteen (15) minute paid rest periods. Shifts over eleven (11) hours will receive a third (3<sup>rd</sup>) fifteen (15) minute paid rest period.

Such breaks cannot be used to offset coming to work late, leaving work early, or to extend the meal period. All breaks are subject to operational requirements and workloads.

## **ARTICLE 7 – COMPENSATION**

### 7.1 Compensation:

Effective July 1, 2013, the base wage for each employee shall be increased by 2.9%.

Effective July 1, 2014, the base wage for each employee shall be increased by 2.9%

7.2 Deferred Compensation: The City agrees to contribute \$1,000.22 per employee per year through the end of the contract into a deferred compensation program. It shall be paid at the rate of \$38.47 per pay period. If an employee leaves employment with the City, then the 457 contribution will be discontinued with the employee's final date of employment. Contributions will be made by the City on each employee's behalf to either Nationwide or ICMA 457 plans, whichever is designated by the employee. ~~Payment will be retroactive to July 1, 2013.~~ This contribution applies to non-probationary Teamster members.

7.3 HIGHER CLASSIFICATION: Whenever an employee performs work in a higher classification at the direction of a supervisor, such employee shall receive the higher rate of pay for all hours worked in the higher classification. The term "performs work in a higher classification" means the employee must perform at least one (1) job duty that is in the higher classification job description, but not in the employee's regular job description. The employee will be paid higher classification pay only for the time when they are performing job duties that are not in the employee's regular job description. Employees will be paid at the step in the higher-grade position corresponding to their current step in their present position. Employees who are being cross-trained are excluded. (See 10.9).

7.4 STANDBY PAY: Employees who are required by the appropriate authority to remain available at all times, while off regular duty, on standby for emergency call-outs, shall be compensated for all standby time at a rate of ~~\$1.63~~ **\$1.75** per hour. ~~Airport Operations employees required to be on standby for snow removal operations from November 1st through February 28th shall receive an additional \$0.05 per hour.~~ Standby required for snow removal in the months other than the November 1st through February 28th timeframe will be scheduled as needed based on the projected weather outlook or other emergency call-out requirement.

In order to help ensure safe operations on the Airfield, eight (8) hours of rest for the Airport Operations employee is generally required each day, and will take place usually between the

Airport Operations employee's shift and going onto standby, unless identified differently herein. From November 1st through February 28th, Airport Operations employees working the 1-2-4 shifts will not be on standby during the days they work the 1 and 2 shifts. During the days the employees work the 4 shift, they will be placed on standby eight (8) hours prior to the beginning of their shift, and on 16 hours of standby during their days off. All other Airport Operations shifts will be on standby for eight (8) hours on the days they are scheduled to work and on standby for 16 hours on their days off, taking into consideration the eight (8) hour rest period.

Employees, who are on standby status, must be fit for duty, and not under the influence of drugs or alcohol and furnish the appropriate authority or otherwise designated persons a valid telephone number or other method at which the employee may be immediately contacted. Employees who are on standby will be available at all times by telephone, pager, or cell phone. After notification, employees must immediately respond to the page or phone call and report to work immediately. Standby pay shall be interrupted for all actual hours paid at the overtime rate. Call out/overtime pay begins upon notification to report provided the employee arrives within 45 minutes of receiving the call. Employees reporting beyond the 45 minute window will commence pay upon arriving at a city facility or worksite.

Employees who live within a five (5) mile radius from the City limits whose duties include utilizing City service vehicles in conjunction with their standby for emergency call outs shall be allowed to take the service vehicle home with them.

When a regularly scheduled ARFF/ARM employee is assigned in advance (on a posted schedule) standby, which falls on his/her day off, it shall be for their entire time off on that day.

An employee who receives a telephone call for the purpose of troubleshooting problems but who does not report to a jobsite or city facility shall be compensated a minimum of 15 minutes pay or actual time for each issue. Employees are required to initiate calls to offsite employees using a city phone.

7.5 LONGEVITY PAY: In addition to the base salary, each employee shall receive longevity pay for the continuous satisfactory service with the City. Continuous service shall be terminated by resignation, dismissal or retirement; and interrupted by a leave without pay in excess of one hundred eighty (180) days. Workers Compensation leaves of absence will not be considered to be an interruption in service for longevity purposes. Longevity pay shall be computed as follows:

Longevity Pay (amounts below are per pay period for each completed year of service).

After year 6 -	\$2.68
After year 11 -	\$2.91
After year 15 -	\$3.01
After year 20 -	\$3.11

7.6 SHIFT DIFFERENTIAL PAY: A shift differential will be paid for an employee's entire shift, to any employee required to work greater than 50% of a scheduled work shift, as listed below:

Afternoon Shift - (6:00 p.m. - midnight) - ~~\$0.55~~ **\$0.65** per hour.

Graveyard Shift - (midnight to 6:00 a.m.) - ~~\$0.70~~ **\$0.80** per hour.

In the event a shift is evenly split between the two shifts, the employee will be paid shift differential for the actual hours worked in each shift.

7.7 OVERTIME: Employees required to work more than their normal work shift at the direction of a proper city authority shall be compensated at a rate of one and one-half (1 1/2) times the regular base hourly rate in fifteen (15) minute increments. Except at MET Transit, where overtime shall be paid after 40 hours per week. In addition, at MET Transit, any after-shift meetings shall be paid for at the overtime rate. Also, in the MET Special Transit area, the City shall have the right to dispatch the closest driver to a call at the end of the day. However, all scheduled overtime shall be awarded per contract/per seniority.

The employer shall determine the overtime work to be conducted and such work shall be awarded to the senior qualified employee wanting to perform the overtime work. Should no senior employee wish to perform the work in question it shall be assigned to the most junior qualified employee.

For the purposes of overtime, an employee shall provide one telephone number for the supervisor to call. The supervisor will contact employees in the order of the seniority list. In the event, the City is aware of a regularly scheduled shift that needs to be covered two hours or more in advance, then the senior employee shall have 10 minutes to return the phone call or they lose the opportunity for the overtime. Otherwise, when an employee is called for overtime and the employee does not immediately answer the phone at the number provided by the employee to the supervisor, the supervisor will call the next person on the seniority list. If the employee returns the call and speaks directly to the supervisor, then the overtime will be granted if the overtime shift is still available. If the shifts have already been filled, then the employee misses that overtime shift.

Employees who are on sick leave for a full, regularly scheduled work day will not be considered for overtime assignments **for that day**. Employees who are on vacation or otherwise off duty on a regularly scheduled work day shall notify their supervisor in writing in advance stating they desire to be considered for overtime assignments during their leave.

All previous letters of understanding on the issue of assignment of overtime work shall be null and void when computing overtime.

In order to maintain consistent and efficient operations during snow removal, the Aviation and Transit Department, ARFF/AFM Division may deviate from the seniority language in Article 2, Section 2.1.H. to allow the scheduling of snow removal crews in a manner that maintains consistency with regard to assigned functions (ARFF or AFM work groups) and work shifts. Every effort will be made to limit short turn-a-round shifts and movement between morning and nighttime shift rotations. During all other overtime conditions, the ARFF/AFM Division will adhere Article 2. Section 2.1.H. when assigning overtime.

When an employee is working on a specific task, which is not completed by the end of his/her shift, and the City determines that the task should be completed on an overtime basis, the employee shall be assigned to do the overtime work. However, if at the time the task is begun, the City can reasonably anticipate that the task will extend beyond the end of the shift, and that overtime work will be required, the City shall, to the extent practical, offer the opportunity to perform the task to the qualified employee(s) with higher seniority. Should the employee(s) with the higher seniority refuse the work, the least senior employee will perform the work.

If an employee elects to work an overtime shift and then fails to cover that shift, then the employee will lose his/her right to bid the next available overtime shift, with the exception of voluntary shifts that have already been assigned to the employee.

- 7.8 COMPENSATORY TIME: Employees may accumulate up to two hundred forty (240) holiday/overtime hours of compensatory time to be taken by request after being granted time off by their supervisor. After two hundred forty (240) hours have been accumulated, the employee must accept pay for the holiday/overtime worked. If an employee provides a written request to Human Resources, their accumulated compensatory time may be cashed out.

In the Department of Aviation and Transit, employees may accumulate up to two hundred forty (240) holiday/overtime hours of compensatory time. However, employees in the Aviation Division may only be granted up to 120 hours of comp time off per contract year. However, if/when an employee has a qualified FMLA request or when their sick leave bank has been depleted, then the employee can use all their accumulated comp time bank. Any remaining time can be cashed out by the employee per the above paragraph.

- 7.9 CALL OUTS AND COURT TIME: An employee who has left the job site and is called back to work or called to appear before a judicial criminal review body, outside of the employee's regularly scheduled work hours, shall be compensated at a rate of one and one-half (1 ½) times the employee's regular rate of pay for a minimum of two (2) hours. In the event the call out extends into the employee's regularly scheduled work shift, the time and one-half (1 ½) rate of pay shall be paid for only the actual time spent before the regular shift started.

7.10 NO PYRAMIDING: Nothing contained in this Agreement shall be interpreted as requiring a duplication or pyramiding of Holidays, Call-out and Court Time, Stand-By, Training Time or other form of overtime payments involving the same hours of labor.

7.11 COMPENSATION FOR TRAINING: The Employer will compensate the employee for training attendance when all of the following conditions are met:

- The attendance is within normal working hours or the Employer adjusts the work schedule to accommodate the training.
- The attendance is required by the Employer.
- The training is directly related to the employee's current job assignment.

Travel time will be considered time worked when all of the following conditions are met:

- The employee travels during normal working hours, regardless of the day of the week.
- When required to stay overnight in another city.

An employee's shift shall be adjusted in order to prevent the employee from having to initiate travel immediately after the completion of his/her shift.

7.12 COMMERCIAL DRIVER'S LICENSE: The City will pay for time spent in taking the required test for "commercial driver's license." The City will pay for the cost of renewals and endorsements for those employees required to have such as part of their position requirements. (This applies to renewals and promotions only - not new hires.) Any employee required to obtain this license as a condition of employment **shall have 90 days from the date of hire to obtain said license. The employee will be granted up to a 30-day extension in the event the license cannot be obtained within 90 days through no-fault of the employee.** and encounters difficulties in passing the required tests shall be given a sixty day (60) leave of absence without pay while attempting to pass said tests. This leave shall be granted providing the employee makes a bonafide attempt to pass the test at every available opportunity. **The employee shall report to their supervisor in the event that they no longer hold a Commercial Driver's License.** If an employee loses their Commercial Driver's License for any reason they must inform their supervisor immediately.

7.13 PHYSICAL/MENTAL EXAMS: Physical and/or mental examinations required by the City shall be promptly complied with by all employees. The City must have a valid reason to require such examination and provide the reason in writing if requested. The City shall pay for all such required exams and for all time spent at the place of the exam. The City reserves the right to select its own medical examiner or physician, and the employee may be re-examined at his/her own expense.

7.14 LEADWORKERS: Non-supervisory employees, who are assigned a limited responsibility for supervising the work performed by their co-workers, may be designated as a Leadworker. Leadworkers may assume and exercise supervisory responsibilities and authorities up to, but not including, the full definition of a Supervisor as specified in State Law. Leadworker assignments must be initiated and terminated with the Department Head's approval. A Leadworker position must be posted in the appropriate division/department to allow interested employees to apply. Assignments may be made for indeterminate periods of duration.

- A. Leadworker Rates of Pay: Employees assigned as Leadworkers shall be paid at a base rate that exceeds their normal base rate by two pay grade increments (approximately 10%) for the duration of the assignment, providing:
  - 1. the Leadworkers assignment is scheduled to exceed one full regular shift in duration.
  - 2. the Leadworker assigned is classified at the same or a lower pay grade than the co-workers that he or she is supervising. Leadworkers, who are classified at two (2) or more pay grade increments **above the highest grade of employee that they will be a leadworker for**, shall not qualify for any additional pay; as relating to their Leadworker assignment.

## **ARTICLE 8 - LEAVES OF ABSENCE**

### 8.1 VACATIONS:

- A. Each full-time employee is entitled to and shall earn annual vacation leave credits from the first full pay period of employment. For calculating vacation leave credits, two thousand eighty (2,080) hours (52 weeks x 40 hours) shall equal one (1) year. Proportionate vacation leave credits shall be earned and credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been employed for a period of six (6) months. Vacation leave credits shall be earned at a yearly rate in accordance with the following schedule:

<u>Years of Employment</u>	<u>Working Days (8 Hours) Credit Per Year</u>
1 Full Pay Period through 10 Years	15
11 Years through 15 Years	18
16 Years through 20 Years	21

Permanent part-time employees are entitled to prorated annual vacation benefits once they have been employed by the City for a period of six (6) months.

- B. Separation from service or transfer to another department - cash for unused vacation leave. An employee who terminates his employment with the Employer shall be entitled upon the date of such termination to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying period. However, if an employee transfers within the Employer's jurisdiction, there shall be no cash compensation paid for unused vacation leave. In such a transfer, the receiving department shall assume the liability for the accrued vacation credits transferred with the employee.
- C. Accumulation of leave - "Annual Leave" may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the last day of any calendar year. Excess vacation time is not forfeited if taken within ninety (90) calendar days from the last day of the calendar year in which the excess was accrued.
- D. Vacation leave shall not accrue during a leave of absence without pay, the duration of which exceeds fifteen (15) days.
- E. Unused earned vacation and/or compensatory time shall be paid to the employee at his/her regular rate of pay at the time of separation from service.
- F. In the event of death of an employee, a check for the unused earned vacation time shall be made out to the employee at his/her regular rate of pay and given to the beneficiary listed on the City's life insurance policy.
- G. The dates when employee's vacations shall be granted shall be determined by agreement between each employee and their supervisor, with regard to division seniority. The Employer will not unreasonably cancel an employee's vacation. When canceling vacation, the Employer will notify the employee in writing at least two (2) weeks in advance of the scheduled vacation time with the reason for the cancellation, except in emergency situations affecting the health, welfare, and safety of the City. **This shall apply to the annual vacation sign up calendar only. In all other cases, a vacation may be granted by a supervisor with at least one day's notice from the employee. That same vacation may be canceled by the supervisor with at least one day's notice to the employee, except in emergency situations affecting the health, welfare, and safety of the City.** Nothing herein shall prevent the Employer and employees from mutually agreeing to changed vacation dates. Employees shall be notified within two (2) weeks as to whether their request for vacation has been granted. Employees shall notify their supervisor in writing at least two (2) weeks in advance of their scheduled vacation if

they intend to cancel that vacation. The reason for the cancellation must be included. It is understood by the Employer that there may be emergency situations that would preclude this two (2) week notification.

- H. Holidays, including those allowed in lieu of the actual holiday, occurring while an employee is on a paid vacation, shall be earned by the employee and not charged as vacation.
- I. Vacation charges shall be charged to the nearest quarter (1/4) hour.
- J. Leave of absence without pay may be used to extend regular vacation, with prior approval of the employee's supervisor.
- K. It shall be unlawful for the Employer to terminate or separate an employee from his employment in an attempt to circumvent the provisions of the law or of this Agreement.
- L. Posting Open Vacations - Communication Center Only
  - 1. Vacation weeks opened by attrition or other reasons shall be re-posted and taken as long as minimum staffing of twenty-four (24) qualified employees are available. If any less than twenty-four (24) qualified employees are available, vacations will be re-posted at the discretion of the Communication Center Manager.
  - 2. All eligible junior employees shall have three-weeks of scheduled vacation before vacated weeks are offered to senior employees.
  - 3. Vacation weeks that are re-opened for bid shall be posted and offered to the most senior employee. That senior employee has the right to pass on the week(s) offered. The senior employee will stay on the top of the rotation until he/she takes an additional week. At that time, the next opening will first be offered to the next senior employee, etc. Should all eligible employees get an extra week, any additional weeks will start at the top of the seniority list again.

## 8.2 SICK LEAVE:

- A. Each employee is entitled to and shall earn sick leave credits from the first full pay period of employment. For calculating sick leave credits, two thousand eighty (2,080) hours (52 weeks x 40 hours) shall equal one (1) year. Proportionate sick leave credits shall be earned and credited at the end of each pay period. Full-time employees earn paid sick leave from the first full pay period of employment at the rate of eight (8) hours per month, without restriction as to the number of hours that may accumulate. Employees may use earned sick leave after being employed ninety (90) consecutive

days. Part-time employees are entitled to pro-rated sick leave if they have a regularly scheduled work assignment and normally work at least twenty (20) hours per week.

- B. An employee may not accrue sick leave credits during a continuous leave of absence without pay, which exceeds fifteen (15), calendar days. Employees are not entitled to be paid for sick leave until they have been continuously employed for ninety (90) calendar days. Upon completion of the qualifying period, the employee is entitled to the sick leave credits earned.
- C. An employee who terminates employment with the Employer is entitled to a lump-sum payment equal to one-fourth (1/4) of the pay attributed to the accumulated sick leave. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's salary or wage at the time of such termination of employment. The payment therefore shall be the responsibility of the Employer. No employee shall forfeit any sick leave rights or benefits accrued prior to July 1, 1971. If an employee transfers to a state or county agency within the Employer's jurisdiction, a lump-sum payment shall not be due. In such a transfer, the receiving agency shall assume liability for the accrued sick leave credits and transferred with the employee.
- D. An employee who received a lump-sum payment pursuant to this Agreement and who is again employed by the Employer, shall not be credited with any sick leave for which the employee has been previously compensated or lost under the sick leave compensation lump-sum payment outlined in 8.2.B. above.
- E. Sick leave credits must be earned prior to their use.
- F. Sick leave charges in excess of earned sick leave credits may be charged to earned and available annual leave.
- G. Sick leave charges shall be charged to the nearest quarter (1/4) hour.
- H. Medical appointments, during the employee's scheduled work shift, shall be charged to sick leave, in quarter (1/4) hour increments. Each absence shall be reported to the supervisor prior to sick leave use.
- I. Employees covered by the Worker's Compensation Act are entitled to benefits administered by the Worker's Compensation Division when they suffer injury or illness as a result of their employment. Employees may elect to use sick leave credits or Worker's Compensation payments.
- J. Any holidays that fall during a period that an employee is on sick leave will be charged as a holiday and not taken off the total accumulated sick leave.

- K. If an employee is sick for ~~six (6)~~ **three (3)** consecutive working days then his/her supervisor may request a return to work notification from a licensed physician upon that employee returning to work. In addition, if an employee is off ~~six (6)~~ **three (3)** working days, he/she must provide periodic updates as to the healing progress/expected return to work date. Any physician visits needed to obtain the necessary return to work information or update information would be paid for by the employee.
- L. Proven abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in this Agreement. The Employer must be able to substantiate any charges of sick leave abuse that result in an employee's dismissal and forfeiture of the lump-sum payment. A physician's certificate to substantiate a sick leave charge may be required by an employee's supervisor. In the event an employee is required to furnish a physician's certificate, such expense shall be paid by the Employer. The City reserves the right to select the physician and schedule such appointments. Failure to comply with these requirements may result in disciplinary action. In the event an employee becomes incapable of performing the duties of his regular classification through illness or injury, the Employer may transfer the employee, with the employee's consent, to a position for which the employee is qualified, provided the change can be accomplished without displacing another employee. **If no transfer is made, the employee will be terminated.**
- M. **FAMILY EMERGENCY SICK**~~NECESSARY SICK LEAVE FOR FAMILY:~~ Necessary sick leave for family **Family Emergency Sick** will be charged against an employee's sick leave credits and shall not exceed a total of forty (40) hours per contract year. This time must be used for an accident, illness, exposure to a contagious disease that required quarantine, or a medical, dental, or vision examination or treatment of an immediate household family member, and/or parents and/or parents-in-law, and must be reported to the supervisor prior to sick leave use. Employees are allowed to use sick leave for family in either a block of time or intermittently, but no less than fifteen (15) minute increments; however, the total time per year may not exceed forty (40) hours.
- N. In the event of the death of an employee, a check for one hundred (100) percent of the unused earned sick leave shall be made out to the employee at his/her regular rate of pay.
- O. ATTENDANCE INCENTIVE PLAN: There is an attendance incentive plan, which provides up to twenty four (24) hours of additional vacation time per contract year, depending upon the employee's attendance record. The amount of incentive to be awarded will be determined at the end of each contract year. The maximum of twenty-four (24) hours will be reduced, hour for hour, for each hour of sick leave which the employee has used during the contract year. Funeral leave will not be considered as sick leave when determining attendance incentive awards.

### 8.3 MATERNITY/PATERNITY LEAVE:

- A. Maternity/Paternity Leave: For the birth or adoption of a child, the provisions of the Family and Medical Leave Act and the Montana Maternity Act apply. Please refer to City policy. ~~must be charged against sick leave first, until it is exhausted, then vacation leave and compensatory leave. Sick leave, vacation, and compensatory time must be exhausted prior to going into a leave without pay status.~~
- B. ~~The Employer shall not:~~
- ~~1. Terminate a woman's employment because of her pregnancy, or~~
  - ~~2. Refuse to grant the employee a reasonable leave of absence for such pregnancy, or~~
  - ~~3. Deny to the employee, who is disabled as a result of the pregnancy, any compensation to which she is entitled as a result of the accumulation of leave benefits accrued pursuant to plans maintained by her Employer; provided that the Employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties, or~~
  - ~~4. Retaliate against any employee who files a complaint with the Commission under the provisions of this Section, or~~
  - ~~5. Require that an employee take a mandatory maternity leave for an unreasonable length of time.~~
- C. ~~Paternity Leave: For the birth or adoption of a child, the provisions of the Family and Medical Leave Act apply. Time off will first be charged against the employee's sick leave until it is exhausted. Once sick leave is exhausted, the employee will then have time off charged against vacation and compensatory time. Leave without pay will not be authorized until all of sick leave, vacation, and compensatory time is exhausted.~~
- D. ~~These provisions shall also apply when the employee has finalized the adoption of a child.~~

### 8.4 HOLIDAYS:

- A. Employees shall be granted the following holidays without loss of pay:
1. January 1 - New Year's Day.
  2. Third Monday in January - Martin Luther King Day

3. Third Monday in February - Lincoln's and Washington's Birthday.
  4. Last Monday in May - Memorial Day.
  5. July 4 - Independence Day.
  6. First Monday in September - Labor Day.
  7. Second Monday in October - Columbus Day.
  8. November 11 - Veteran's Day.
  9. Fourth Thursday in November - Thanksgiving Day.
  10. December 25 - Christmas Day.
  11. Every day declared a legal holiday by the Governor of Montana, or the Mayor of Billings.
  12. Every day in which a general election is held throughout the State of Montana.
  13. Personal Days: Employees are entitled to schedule a two personal days off. These two days will be paid at the straight time rate of pay. These two days an employee may use as his/her personal days must be scheduled with his/her supervisor the same as a vacation day. The personal days must be taken by the employee between July 1 and June 30, or lost. **If an employee is hired on or after March 1<sup>st</sup>, then they will only have access to one (1) personal day through June 30<sup>th</sup>.** An employee cannot work on his/her personal days; they must be a day off. Eight (8) hours is the time allowed for an employee to be paid for each personal day; however, if the employee works a ten 10-hour shift, then ten (10) hours is the maximum time allowed for an employee to be paid for each personal day. The maximum number of hours paid by the City for a each personal day will not exceed ten (10) hours.
- B. Employees required to work on a holiday will be paid at the rate of one and one-half (1 1/2) times the regular rate of pay for hours worked or may accumulate compensatory time at the rate of one and one-half (1 1/2) times the number of hours worked at the employees option.
- C. The dates when employee's accumulated compensatory time shall be granted shall be determined by agreement between each employee and their supervisor, to the best interest of Employer, as well as the best interests of each employee.
- D. Employees will not be charged vacation or sick leave for holidays that fall while an employee is on authorized vacation or sick leave.

- E. When a holiday falls on a full time employee's scheduled day off, the employee shall receive the equivalent of his/her customary work shift at straight time. Employees working a five (5) day, eight (8) hour shift, and not required to work the holiday, shall receive forty (40) hours pay for thirty-two (32) hours work and any work over 32 hours shall be considered overtime. Employees working shifts greater than eight (8) hours will be treated in a like manner.
  - F. Any full-time employee who is scheduled for a day off on a day which is observed as a city recognized holiday shall be entitled to receive a day off with pay. This would allow a day off with pay in addition to the employee's regularly scheduled day off. By mutual agreement of the supervisor and the employee, the holiday must be taken any day within the workweek in which the recognized holiday falls. In either case, once the holiday is set, it cannot be changed for any reason, including if the employee is sick on the designated holiday. Part-time employees receive pay for the holiday on a pro-rated basis.
- 8.5 MILITARY LEAVE: An employee who is a member of the organized National Guard of the State of Montana or who is a member of the organized reserve corps, or forces of the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, shall be given leave of absence with pay, after six (6) months of employment, for attending regular encampments, training cruises, or similar training programs, not to exceed fifteen (15) working days per calendar year under military orders properly issued by military authorities. Such absence shall not be charged against other leave credits earned by the employee. Paid military leave is not intended for weekend duty or regularly recurring drill.
- 8.6 FUNERAL LEAVE: In the event of a death in the immediate family (spouse, parents, stepparents, brother, stepbrother, sister, stepsister, children, stepchildren, household dependents, grandparents, grandchildren, and all the same relatives of the employee's spouse in like degree) an employee shall be entitled to a maximum of 40 sick leave hours off, with pay, to attend the funeral. Funeral leave will be granted to common-law spouses as long as the common-law form is completed and on file in Human Resources.
- 8.7 JURY SERVICE AND SUBPOENA: The employee shall inform his/her supervisor immediately upon receipt of the notice of summons for jury duty or a witness subpoena so that proper scheduling may be maintained. Each employee who is under proper summons as a juror or subpoenaed as a witness shall collect all fees and allowance payable as a result of the service and forward the fees to the Employer. Juror and witness fees shall be applied against the amount due the employee from the City. However, if an employee elects to charge his juror or witness time against his annual leave, he shall not be required to remit to the Employer. In no instance is an employee required to remit any expense or mileage allowance paid by the court. Employees shall not lose cumulative benefits because of juror or witness service.
- 8.8 LEAVES WITH OR WITHOUT PAY:

- A. Employees may take leaves of absence with or without pay, subject to the prior approval of the Employer. Requests must be submitted in writing to the immediate supervisor within a reasonable time prior to the requested starting date. The request must also state the reason for the leave and the requested duration of the leave. The supervisor shall respond to the employee in writing giving the reasons for denial. With the exception of B. below, all vacation and compensatory time must be exhausted before a leave without pay may be requested.
- B. Any employee subject to this Agreement elected or appointed to public office shall be entitled to a leave of absence not to exceed one hundred eighty (180) days per year while such employee is performing public service. Any employee granted such leave shall make arrangements to return to work within ten (10) days following the completion of the service for which the leave was granted unless such employee is unable to do so because of illness or disabling injury certified to by a licensed physician.

8.9 GENERAL LEAVE PROVISIONS: Absence from work without permission constitutes just cause for discipline up to and including discharge.

## **ARTICLE 9 - INSURANCE**

9.1 ~~INDUSTRIAL ACCIDENT~~ **WORKERS' COMPENSATION** AND UNEMPLOYMENT: The Employer shall carry ~~Industrial Accident~~ **Worker's Compensation** Insurance on all employees. **(MCA 39-71-401)** The Employer shall make all necessary arrangements to insure that all employees covered by this Agreement will be covered by Unemployment Insurance.

9.2 HEALTH AND LIFE INSURANCE:

- A. The following language will apply to health insurance:
  - 1. Future contribution changes to the City's Health Insurance Plan shall be shared equally (50%/50%) between the employees and the City. Contribution changes can be either increases or decreases. Contribution adjustments can be either in dollars contributed or in modifications to the plan benefits. All modifications shall be with the approval of the Insurance Committee. It is the intent of the Committee to reach the consultant recommended reserve level over a period of time.
  - 2. Billings Health Insurance Committee: The City of Billings shall establish a City of Billings Health Insurance Committee to maintain a group health insurance plan for employees of the City of Billings and their dependents. The committee shall consist of 15 members appointed as follows:
    - a. Three (3) members of each employee union appointed by each union.

- b. Six (6) members appointed by the City Administrator. One (1) member shall be a retired city employee currently covered by the city health insurance plan.

The Committee will manage the City Health Insurance Plan and report directly to the City Administrator. The committee shall meet at least quarterly to:

- 1). Review the existing city group health insurance plan;
- 2). Review the claims experience, projections and plan problems;
- 3). Maintain the plan on a sound actuarial basis;
- 4). Be responsible for all changes in plan design, administrators or carriers;
- 5). Establish plan premium rates and cost sharing by both the City and the employees;
- 6). Advise the City Administrator on all other group insurance matters;
- 7). Decisions will be made by a simple majority vote where all members have one vote and can vote by absentee ballot.

**c. The Committee will periodically reevaluate the Plan to make sure the City is receiving the best cost and services.**

- B. Coverage shall be extended to all insurable employees and their insurable dependents, following the period of exclusion provided by the terms of the master insurance policy. All employees and dependents' participation and coverage shall be solely governed by the terms and conditions of the master insurance contract as signed by the City and the insurance carrier. Coverage shall be extended to only those employees while in an active pay status. Employees on an approved absence without pay may elect to continue their group coverage by directly paying the City the total premium cost during their absence.
- C. The Health and/or Accident Insurance coverage shall be extended to employees, on a leave of absence without pay, due to job related injury or illness, for a maximum of six (6) **consecutive** months. **The employee and dependents will become ineligible for active health insurance coverage after six (6) months, and will then be offered the option to elect COBRA coverage.**

## **ARTICLE 10 - GENERAL CONDITIONS**

10.1 UNION BULLETIN BOARDS: The Employer agrees to provide suitable space for the Union bulletin boards. There should be no more than one bulletin board per division, which shall be placed in an area generally frequented by employees, and not by the general public. The decision on size and placement of the bulletin boards shall be made by the Employer in consultation with officials of Teamsters Local #190.

Posting by the Union on such boards shall be confined to official business of the Union. In order to assure the Union and the Employer that only official business is posted on said bulletin boards, each announcement so posted shall have prior approval by the Secretary-Treasurer of Teamsters Local #190, or his designated representative.

It shall be the responsibility of the Union to monitor the bulletin boards.

10.2 SAFETY: Employees shall be required, in the performance of their duties, to:

- A. Exercise precaution;
- B. Use normal safe working practices;
- C. Observe and obey safety postings and rules;
- D. Use and care for required protective equipment and gear, as furnished by the City;
- E. Report all accidents to their supervisor as soon as reasonably possible.

The Employer will maintain all equipment in a safe working condition. However, it shall be the responsibility of the employee to immediately call to the supervisor's attention any unsafe condition. If an employee has safety concerns that are not addressed by the supervisor, then the employee needs to go to the Division Manager. The Division Manager will consult with qualified and/or certified experts and/or documentation, including but not limited to Fleet Services, OSHA manuals, and the Citywide Safety Committee. The Division Manager shall determine the corrections needed to remedy the situation. Less immediate safety concerns also should be reported to the Citywide Safety Committee. An employee will not be disciplined for reporting the safety concern to either the Division Manager, the Safety Committee or invoking his/her rights under city, state or federal laws.

The City of Billings will maintain a Citywide Safety Committee meeting the requirements of the Safety Culture Act administered by the Montana Safety and Health Bureau. Members will consist of Management and representatives from all Unions. It is agreed that the Teamster employees will be represented on the Citywide Safety Committee by three (3) Union selected members. The Citywide safety committee shall meet on a bimonthly basis and maintain a tracking system for items brought forward to the committee.

10.3 UNIFORMS: The City agrees to furnish eleven (11) sets of uniforms to all uniformed employees, currently receiving nine (9) sets and safety equipment, to employees during the term of this agreement. The City's contribution for safety shoes for those employees who are required to wear safety shoes will be \$130.00 per year. The City agrees to provide body armor to Airport Police, up to \$130.00 per year for shoes for Airport Police officers, any new Airport officer will be provided a duty weapon (caliber and design determined by the Director of Aviation & Transit), and mechanics will be provided eleven (11) sets of uniforms. Meter enforcement personnel will be provided a winter coat to be replaced on an as needed basis, and will have shorts added to the approved clothing list. Garage attendants will be provided three (3) tee shirts and three (3) sweatshirts. Safety equipment (i.e., glasses and steel-toed boots (does not include standard hard-soled work shoes/boots) as required by the City will also be provided if not previously required as part of the job.

City agrees to purchase overshoes for MET Transit employees and allow cargo shorts as a uniform selection.

City agrees to purchase four (4) polo shirts for the Police Support Specialists.

City agrees to a polo shirt for Parking Enforcement with "Parking" silkscreened on the back and the Parking Enforcement badge on the chest.

City agrees to provide \$255.00 per year for uniforms for drivers in the MET Transit division. In addition, the City agrees to provide a rain suit (jacket and pant) if requested by the driver.

10.4 PARKING: The City will provide free rooftop parking for all employees covered by this Agreement.

10.5 INSPECTION BY BUSINESS REPRESENTATIVES: The City of Billings agrees that Business Agents of the Union shall be given access at the places of business of the City during normal hours of operation, for the purpose of grievance investigation and handling and to ascertain whether or not the terms of this Agreement are being observed, providing the Business Agent notifies the supervisor prior to entering the place of business.

10.6 SHIFT TRADING: Upon approval of the supervisor any employee may exchange shifts or trade time with any qualified employee in their division. The practice of exchanging shifts or trading time will be a voluntary program (no penalty or cost shall be incurred against the City) by the employee in order to permit an employee to absent him/herself from work to attend purely personal pursuits. If an employee fails to cover an agreed to shift trade, he/she will lose their right to trade shifts for 3 months, with the exception of payback time/shifts already owed at the time of this contract.

10.7 VACANCY ANNOUNCEMENTS: When the Employer determines that a permanent position is vacant, the position will be posted on the bulletin boards City-wide on the nearest business

day before or after public notification. The announcement will contain the vacant position title, location, assigned hours and days of work, salary and the dates for applying. All employees interested in applying for the vacant position must apply in writing within the application dates through the Human Resources Office. On such vacancy announcements, the City shall also denote positions filled.

- A. The City and the Union agree that all Teamster designated position vacancies shall be filled by the City on the basis of experience, skill, training, job performance, disciplinary record, attendance record, and work-related references. Should these factors be relatively equal, the senior qualified employee shall be awarded the position. For purposes of this section, the most senior qualified employee is defined as the person with the most citywide seniority. In cases where it is contended that a promotion was arbitrarily made, the decision of the City shall be subject to review by the grievance process. If arbitration is held concerning the assertion that the City's decision was arbitrary, then the arbitrator shall decide and may consider the City's basis for making the hiring decision including the experience, skill, training, job performance disciplinary record, attendance record and work-related references, of the prevailing applicant.
- B. The City agrees that an interview shall be given **up** to ~~at least~~ the four (4) most senior teamsters' applicants who possess the minimum qualifications for the position.
- C. Employees shall not have the right to apply for posted job vacancies outside their present Division within one (1) year from the date of hire, transfer, or promotion. The City shall, however, have the right to waive this requirement by mutual agreement, if in the best interests of the City and it would result in maintaining the efficiency and productivity of the City's operations.
- D. The days of work for the advertised position shall remain as posted in the vacancy announcement for the first 30 calendar days from the date the position is filled.
- E. If an employee who successfully applies for a job returns to his old job within thirty (30) working days, the next qualified applicant (subject to paragraph C of the Article) will be awarded the job.

Within the first thirty- (30) working days on a new job, the employee may voluntarily return to his previous job. The employer may return an employee to his previous job at any time within thirty (30) working days. This time period may be extended with mutual agreement. Provided nothing herein shall prevent a voluntary trial period on a new position prior to actual transfer at the employee's option. If the employee returns to his or her previous position for either of the above reasons, the provisions of paragraph C will apply to that individual.

#### 10.8 JUSTIFIABLE CAUSE:

- A. Employees may be subject to disciplinary action by the Employer for just cause.
- B. For other than serious infractions, disciplinary action shall be based upon progressive discipline based upon warning letters, suspension and/or termination. The employee and the Union shall be notified in writing of any disciplinary action within fifteen (15) business days after the violation, or the first knowledge of the violation in question, is known to the City. **In cases where a due process hearing is involved this notification shall be increased to within twenty (20) business days.** However, both parties recognize that from time to time additional information may be needed and that hasty action would be detrimental to all parties. Therefore upon notification, the fifteen (15) business day period will be waived for a reasonable period of time.

~~Disciplinary notices shall be considered current and in effect for a period of twelve (12) months after the date of issue.~~ **All disciplinary notices will be considered current and in effect for a period of twenty-four (24) months after the date of issue.**

- C. New employees shall be on probation for a period of twelve (12) months from the date of their employment: All probationary employees may be discharged at the sole option of the Employer without recourse to the grievance procedure. Probationary periods for temporary employees shall begin on the first day of employment as a permanent employee in a new job classification. If a temporary employee becomes a permanent employee in the same position they held as a temporary employee both the probationary period and seniority shall run from their date of hire as a temporary employee.

10.9 CROSS-TRAINING: The City agrees to implement a means by which an employee may voluntarily cross-train in his/her department for a job task that carries a higher grade and rate of pay. In order for an employee to be eligible to participate in a cross-training program, he or she must possess the necessary aptitude and attitude as determined by the City. An employee in a cross-training program shall be paid at his/her regular rate of pay until such time as the employee is spending over twenty-four (24) cumulative work hours in one (1) work week in the higher pay grade position. Exception - The Communication Center can cross-train on an unlimited basis, without having to pay the higher pay rate, in order to train employees. The City agrees not to use cross-training individuals to fill full-time openings that should be put up for bid.

10.10 NEW HIRE NOTIFICATION TO UNION: The City agrees to notify the Union each Monday morning of all new hires within the bargaining unit excluding temporary help. However, the City agrees to notify the Union if the temporary help should become a full-time regular or part-time employee. The City shall also notify the Union of all terminations.

10.11 NON-DISCRIMINATION LANGUAGE: The Union and the City agree that no employee will be discriminated against on the basis of race, color, religion, sex, age, disability, or Union activity.

10.12 JOINT LABOR MANAGEMENT COMMITTEE: When appropriate, a Joint Labor/Management Committee shall be created in any department/or division, upon mutual agreement. This committee will be made up of no more than three (3) union employees and three (3) management employees. A business representative and a representative from Human Resources may also participate. This committee shall meet, as needed, during the life of this contract to discuss work issues. Recommendations will be made by consensus. If parties are unable to reach consensus, then the issue shall exit the Committee and each party will have the same rights and or obligations related to the issue that each had prior to the issue being submitted to the Committee.

10.13 CREATE, COMBINE OR RECLASSIFY JOBS: The Union recognizes the City's management right to create, combine or reclassify jobs during the duration of this contract. Whenever jobs are created, combined or reclassified, the City shall notify the local Union before the changes occur. The City shall be allowed to establish a temporary rate of pay for such job changes and will negotiate with the Union a regular rate of pay after the job duties for the position have been standardized.

10.14 MET Transit:

- A. For any blocks of work that have three (3) start times per day, the City will modify the block of work so that there are only two (2) start times per day. All future blocks of work will have no more than two (2) start times.
- B. City will change from 4 - 80 hour blocks of work to 9 - 80 hour blocks of work. City will change from 9 - 78 to 79 hour blocks of work to 11 - 78 to 79 hour blocks of work.
- C. Fulltime 40 hour Paratransit Blocks will have scheduled start times with variable end times that may fluctuate on a daily basis depending on demand from the ridership.

## **ARTICLE 11 - TERMS OF AGREEMENT AND NEGOTIATIONS**

This Agreement shall become effective on the 1st day of July ~~2013~~ **2015**, and shall continue in full force and effect through the 30th day of June ~~2015~~ **2018**.

The parties acknowledge that during the negotiations that resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that all the understandings and agreements arrived at by the parties after their exercise of that right and opportunity are set forth in this Agreement. Therefore, Employer and Union, for the life of this Agreement, each voluntarily and unqualified waives the right and releases the other from the obligation to bargain collectively with respect to any subject or matter referred to or covered in the Agreement, or with respect to any subject or matter not specifically referred to or covered in the Agreement, even

though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this Agreement. As well, this Agreement supersedes all prior written agreements or MOU's of any kind unless they are reduced to writing and incorporated into this agreement.

The foregoing waiver shall not be binding if the parties mutually agree to engage in collective bargaining, with respect to a particular subject or matter covered or not covered in this Agreement.

### **ARTICLE 12 - MINIMUMS CLAUSE**

The terms hereof are intended to cover only minimum wages, hours, working conditions and other employee benefits. Employer may place superior wages, hours, working conditions and other employee benefits in effect and may reduce the same to the minimums herein prescribed without the consent of the Union.

During the life of this Agreement or any extension thereof, neither party shall be obligated to bargain collectively with respect to any matter unless specifically required to do so under existing law or by the express terms of this Agreement.

### **ARTICLE 13 - SAVINGS CLAUSE**

Should any Article, Section, or portion thereof of this Agreement be held unlawful or invalid by any court or agency of competent jurisdiction, such decision shall apply only to the specific Article, Section, or portion thereof directly specified in the decision. Upon issuance of such a decision, the parties agree to negotiate immediately a substitute for the invalidated Article, Section, or portion thereof. Any City ordinance passed subsequent to the adoption of this Agreement that would contravene the terms of this Agreement shall not apply during the life of this Agreement.

### **ARTICLE 14 – NO STRIKE – NO LOCKOUT**

The Employer and Union agrees to the essential nature of services provided by its members to the public. In recognition of this fact, the Union agrees that there shall be no work interruptions, sympathy strikes, slowdowns, or strikes at any time during the Agreement. In the event of unauthorized interruptions, the Union agrees it will join the Employer in requiring its members to return to work immediately. The Employer agrees that there shall be no lockout of employees during the life of this agreement.

IN WITNESS WHEREOF, said parties of this Agreement hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, ~~2015~~ 2013.

**FOR THE CITY OF BILLINGS**

By: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

By: \_\_\_\_\_  
Billie Guenther, City Clerk

**FOR THE TEAMSTERS LOCAL 190**

By: \_\_\_\_\_  
Jim Larson, Secretary-Treasurer

ATTACHMENTS:

1. Departmental Order, Order Number 019B, Subject: Airport Standby/Pager Policy
2. Departmental Order, Order Number 20, Subject: ARFF/AFM Division Holiday Pay Policy
3. Letter of Understanding, Winter Overtime policy for the Department of Aviation & Transit ARFF/AFM employees.
4. Memorandum of Understanding on the City/County 911 Center breaks.
5. Memorandum of Understanding regarding City Ordinance Safety Issues
6. Memorandum of Understanding regarding ARFF/ARM Employee Standby Pay
7. Memorandum of Understanding Public Works Department – Treatment Plant Technicians
8. Teamster Range Placement Table (use updated titles)

Appendix: Random Drug/Alcohol and Reasonable Suspicion Policy

**July 1, 2004**

**DEPARTMENTAL ORDER  
ORDER NUMBER 019B**

**MEMORANDUM**

TO: All ARFF/AFM Employees  
FROM: Thomas H. Binford, A.A.E., Assistant Director of Aviation  
SUBJECT: **AIRPORT STANDBY/PAGER POLICY**  
CANCELLATION NO: 019A  
EFFECTIVE DATE: **July 1, 2004**  
APPROVED BY: J. Bruce Putnam, A.A.E., Director of Aviation and Transit

I. The following policy was developed to direct ARFF/Airfield Operations employees in regard to Division standby and pager requirements.

II. Standby requirements will be as follows:

1. Employees who are assigned to be on standby will be issued an electronic paging device and are required to remain available at all times, while off regular duty, and for call-outs.

A standby schedule listing employee names and associated hours of standby duty will be posted.

Additional personnel may be placed on standby as determined necessary by Airport Management.

2. Call-outs are used to manage ALL:
  - Snow Removal Operations
  - ARFF Emergencies
  - FAR Part 139 Violations – Airfield
  - FAR Part 107 Violations – Security
  - Other conditions/circumstances deemed urgent by Airport Management which are necessary for the safe operation of the Airport.
3. Upon activation of the pager tone, employees must acknowledge the page by calling Airfield Operations on the telephone at 657-8496, or on AIR 1 (800 MHz Radio) within fifteen (15) minutes to receive instructions.

After receiving instructions from a supervisor, or his/her designate to report to work, the employee shall respond to the Airfield Operations Building within one (1) hour.

If it is determined that not all of the employees on standby are needed at the time of the page, employees will be called out with regard to seniority and by function.

4. Standby pay shall be interrupted for all actual hours paid at the overtime rate. The overtime rate begins at the time the employee is notified and instructed to respond to work.
5. It is the responsibility of each employee using a pager to ensure that it is functioning properly at all times, and any problems associated with the paging system are immediately reported to the supervisor.
6. When it is determined that standby personnel are needed to respond, the ARFF/Airfield Operations employee on shift shall be responsible for the following:
  - Notification of the on-call supervisor prior to activating pagers.
  - Activating paging system.
  - Receiving call-backs from standby personnel on 657-8496.
  - Acknowledge response times of personnel called out.
7. Trading of standby shifts and requests for leave while on standby status must be approved by a supervisor.

## ARFF/AFM DIVISION HOLIDAY PAY POLICY

January 4, 1995

DEPARTMENTAL ORDER  
ORDER NUMBER 20

### MEMORANDUM

TO: All ARFF/AFM Employees  
FROM: Thomas H. Binford, A.A.E., Assistant Director of Aviation  
SUBJECT: **ARFF/AFM DIVISION HOLIDAY PAY POLICY**  
CANCELLATION NO: None  
EFFECTIVE DATE: November 2, 1994  
APPROVED BY: J. Bruce Putnam, A.A.E., Director of Aviation and Transit

- I. The following policy was developed to clarify how overtime is paid for holidays.
- II. ARFF/AFM Division Employee's customary work shift is recognized as eight (8) hours.
- III. As per Section 8.4,F of the Teamster Contract, employees working a five (5) day, eight (8) hour shift, and not required to work the holiday, shall receive forty (40) hours pay for thirty-two (32) hours work and any work over 32 hours shall be considered overtime. Employees working shifts greater than eight (8) hours will be treated in a like manner.
- IV. An employee working forty (40) hours in a week and a holiday falls on one of the employee's scheduled days off, that employee shall receive a maximum of eight (8) hours overtime for the holiday.

This policy has been reviewed and approved by the City Human Resources Director. Should you have questions concerning this Departmental Order, please see the Airfield Maintenance Supervisor.

cc: Departmental Orders  
Chrono  
Office Binder  
T. Binford  
B. Putnam  
K. Annin  
C. DeVeau

LETTER OF UNDERSTANDING **Replace with Signed Letter**

Effective: November 13, 2001

The City of Billings Aviation and Transit Department and the Teamster's Local Union #190 have agreed to the following:

- In order to maintain consistent and efficient operations during snow removal, the Aviation and Transit Department, ARFF/AFM Division may deviate from the seniority language in Article 2, Section 2.1 (H) of the present Agreement, effective July 1, 2001- June 30, 2004.
- The intent of this Letter of Understanding is to allow the scheduling of snow removal crews in a manner that maintains consistency with regard to assigned functions (ARFF or AFM work groups) and work shifts. Every effort will be made to limit short turn-a-round shifts and movement between morning and nighttime shift rotations.
- During all other overtime conditions, the ARFF/AFM Division will adhere to the present labor Agreement when assigning overtime.
- The Union and/or the City of Billings Aviation and Transit Department retains the right to cancel this Letter of Understanding at any time that (1) the provisions of this Letter no longer provide operational benefit, or (2) the union feels that the City is not complying with the intent of the Agreement.

In witness whereof, said parties of this Letter of Understanding have hereunto set their hands and seals this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Dennis M. Taylor, City Administrator  
CITY OF BILLINGS

\_\_\_\_\_  
Joe Dwyer, Secretary-Treasurer  
TEAMSTERS, LOCAL 190

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE



# CITY OF BILLINGS

OFFICE OF CITY ADMINISTRATOR

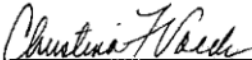
P.O. BOX 1178  
BILLINGS, MONTANA 59103  
(406) 657-8433  
FAX (406) 657-8390




## MEMORANDUM OF UNDERSTANDING

The purpose of this Memorandum of Understanding is to clarify Article 6.6, Breaks, as related to the City-County 9-1-1 Center. Both parties recognize that the work load of the 9-1-1 Center is very unpredictable and is driven by the public safety needs of the community. Therefore, as applied to the Center, the parties agree that the long-standing practice of allowing employees to take their breaks only when there is minimal impact to the operational requirements of 9-1-1 and the public safety dispatch services shall continue. Center employees shall be allowed a total of 30 minutes per 8 hour work shift, or 45 minutes for shifts over 11 hours, which may be taken in whatever increments the employee chooses so long as the 9-1-1 Center operation and efficiency is not affected.

In witness whereof, said parties of this Memorandum of Understanding have hereunto set their hands and seals this the 31<sup>st</sup> day of May, 2007.

  
\_\_\_\_\_  
Christina F. Volek  
CITY OF BILLINGS  
5/31/07  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Joe Dwyer, Secretary-Treasurer  
TEAMSTERS, LOCAL 190  
5/31/2007  
\_\_\_\_\_  
DATE

*Billings Pride*  
City-wide

MEMORANDUM OF UNDERSTANDING

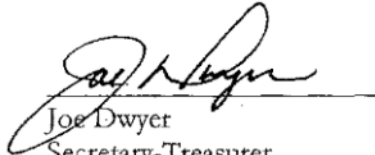
The City of Billings and Teamsters Local 190 enter into this Memorandum of Understanding regarding Article 5.5 Administrative Review Process of the Agreement between the City of Billings and Teamsters Local 190 as follows:

The decision of the Administrative Review Board, formed under Article 5.5 of the Agreement, shall be binding on both parties in the settlement of non-grievable disputes submitted to it.

Dated this 29th day of July, 2002



Dennis M. Taylor  
City Administrator  
City of Billings



Joe Dwyer  
Secretary-Treasurer  
Teamsters Local 190

**This Memorandum of  
Understanding is DELETED  
from the agreement**



**CITY OF BILLINGS**  
**OFFICE OF CITY ADMINISTRATOR**

P.O. BOX 1178  
BILLINGS, MONTANA 59103  
(406) 657-8433  
FAX (406) 657-8390



**Memorandum of Understanding**

**City Ordinance Safety Issues**

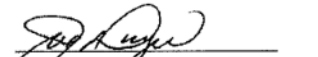
No later than 45 days from the ratification of the Collective Bargaining Agreement, the City agrees that employees will not be required to pick up yard rubbish in violation of City Ordinance, except in cases of emergency. The Union acknowledges that situations may arise in city parks or city streets that may require the removal of rubbish that is in violation of the City Ordinance and the City recognizes their obligation to authorize the necessary manpower and equipment to safely remove the rubbish in question.

Further, by October 1, 2007 a process will be developed with input from the union to develop a process to report safety issues to a City designated Safety Officer.

In witness whereof, said parties of the Memorandum of Understanding have hereunto set their hands and seals this the 28 day of June, 2007.

  
Christina F. Volek  
CITY OF BILLINGS

6/28/07  
DATE

  
Joe Dwyer, Secretary-Treasurer  
TEAMSTERS, LOCAL 190

6/28/07  
DATE

*Billings Trade*  
*City-wide*

Memorandum of Understanding  
Public Works Department – Treatment Plant Technicians

- The Technician IIA position will be renamed to a Technician III. The job description will remain the same except for changing the title from a Technician IIA to a Technician III and it will remain at the same grade of 181. Any employee currently classified as a Technician IIA will now be a Technician III.
- The Technician I will be paid at grade 156 for years 1 and 2 (no change).
- Beginning the third year, Technician I's will move to a new grade for Technician 2 of 171 (more than half way between a Technician I and the current Technician IIA).
- Once the Treatment Technician has completed the City's maintenance certification and completes four years of experience at the respective City of Billings facility, they will be promoted to a Technician III at grade 181 (same grade as a current Tech IIA).
- All existing employees in the Technician I classification as of July 1, 2011 will be addressed as per the attached table.
- All new employees hired as a Technician I or Technician II shall complete the steps required by the city for operator certification within one year from the date of hire and maintenance certification within four years from the date of hire.
- Both parties recognize that Water Treatment Technicians and Wastewater Treatment Technicians jobs are not interchangeable. The range placement table will be changed to reflect Water Treatment Plant Technicians I, II and III and Wastewater Treatment Technicians I, II and III at the grades discussed here. The job descriptions will be adjusted to reflect this change.
- All other practices and requirements regarding the Technicians remain the same.
- Any non-probationary employee that is currently classified as a Technician II as of July 1, 2011 will be grandfathered and will be at grade 179 (current grade for a Technician II). It is our understanding that this affects four employees at the wastewater treatment plant and no employees at the water treatment plant. There is only one probationary Technician I as of July 1, 2011, Ronald Hull at the Water Treatment Plant, and he will be required to complete the maintenance certification. Existing Technician II's are eligible to become Technician III's upon completion of the maintenance certification and four years of experience.
- With these changes, the Technician IA classification will no longer be needed.

- This applies to both water and wastewater and will be effective July 1, 2011.

---

Christina F. Volek                      Date  
City Administrator  
City of Billings

---

Joe Dwyer                                      Date  
Secretary-Treasurer  
Teamsters, Local 190



**Pay Rate Change Teamsters 2015**

Range Number	Recommended Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
115	Library Svcs Spec I	10.5450	11.0653	11.6069	12.2015	12.7857	13.4546	14.0918
	Parking Garage Attendent							
130	Facilities Maint. Support I	12.1272	12.7219	13.3803	14.0174	14.7395	15.4829	16.2475
C30	Library Svcs Spec II	12.2122	12.8174	13.4759	14.1555	14.8139	15.5678	16.3643
	Parking Enforcement Officer							
	Pkg Garage Attnndt/Acct Clerk I							
	Stores Clerk							
135	Emergency Serv Opr (Training)	12.8281	13.4759	14.1555	14.8457	15.5891	16.3643	17.1820
	Library Svcs Spec III							
139	Pkg Meter Collection/Maint. Wkr	13.2635	13.9219	14.6333	15.3661	16.1200	16.9378	17.7873
C39	Account Clerk II	13.3590	14.0068	14.7183	15.4405	16.2156	17.0227	17.8723
	Account Clerk II/Courier							
	Administrative Support I							
	Building Permit Technician							
	Courtroom Collections Clerk							
	Library Svcs Spec IV							
	Municipal Court Baliff/Clerk							
	Permit Clerk							
	Police Support Specialist							
	140	Lead Fac Maint. Support I	13.4016	14.0600	14.7608	15.5041	16.2688	17.0758
147	Transit Service Worker	14.3573	15.0900	15.8227	16.6192	17.4475	18.3183	19.2315
	Vehicle Service Technician							
C47	Emergency Services Operator	14.4210	15.1537	15.9289	16.7042	17.5431	18.4457	19.3590
	Inventory Cntrl Spec							
	Transit Services Dispatcher							
C52	Emergency Serv Disp I	15.1643	15.9395	16.7148	17.5537	18.4669	19.3696	20.3253
154	Animal Control Officers	15.3980	16.1626	16.9802	17.8191	18.7006	19.6457	20.6333
	Facilities Maint. Support II							
	Landfill Attendant							
	Maintenance Worker							
C54	Crime Analyst	15.4829	16.2475	17.0545	17.9147	18.8174	19.7519	20.7289
	Identification Technician							
	Property/Evidence Technician							
	Senior Account Clerk							
156	Electrical Technician I	15.7059	16.4918	17.3307	18.1909	19.0828	20.0386	21.0368
	Field Service Representative							
	Mechanic I							
	Meter Maintenance Rep							
	Water Trt Plant Tech I							
	WW Trt Plant Tech I							



updated 7-1-2015

### Pay Rate Change Teamsters 2015

Range Number	Recommended Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
157	Lab Technician	15.8440	16.6510	17.4793	18.3395	19.2634	20.2509	21.2386
	Lead Transit Serv Dispatcher							
	On Call Transit/Paratrans Opr							
	Transit/Paratransit Opr							
159	Senior Animal Control Officer	16.1626	16.9802	17.8085	18.7112	19.6457	20.6333	21.6527
C59	Emergency Serv Disp II	16.2581	17.0652	17.9253	18.8280	19.7625	20.7395	21.7908
160	Plant Maintenance Electrician I	16.3324	17.1502	18.0209	18.9236	19.8581	20.8563	21.8970
161	Equipment Oper/Maint. Worker	16.5130	17.3413	18.2015	19.0934	20.0704	21.0581	22.1200
	Parks Maintenance Mechanic							
C61	Code Enforcement Clerk	16.5980	17.4156	18.2758	19.1996	20.1554	21.1749	22.2156
	Planning Clerk							
162	Combination Inspector I	16.6616	17.5006	18.3820	19.3165	20.2616	21.2811	22.3324
	Drafting Technician							
C69	Emergency Serv Disp III	17.9466	18.8493	19.7837	20.7819	21.8120	22.9164	24.0739
171	Library Technician	18.2333	19.1466	20.1023	21.1005	22.1518	23.2669	24.4350
	WW Trt Plant Tech II*							
	Water Trt Plant Tech II*							
175	AFM/Worker/Mechanic I	18.9660	19.9217	20.9306	21.9713	23.0545	24.2013	25.4120
	ARFF/Airfield Maint Worker							
	Sr. Equip/Operator/Maint Worker							
176	Building Maintenance Mechanic	19.1572	20.1130	21.1217	22.1837	23.2775	24.4669	25.6774
	Electrical Technician II							
	Facilities Maintenance Mech							
	Mechanic II							
177	Airport Police Officer	19.3590	20.3147	21.3448	22.4173	23.5218	24.6899	25.9323
	Arborist							
	Librarian							
178	Combination Inspector II	19.5501	20.5165	21.5571	22.6297	23.7553	24.9553	26.1977
179	Water Trt Plant Tech II (Grandfathered)	19.7412	20.7289	21.7589	22.8527	24.0102	25.1890	26.4526
	WW Trt Plant Tech II (Grandfathered)							
180	Mechanic III	19.9324	20.9412	21.9819	23.0757	24.2438	25.4438	26.7287
	Plant Maintenance Electrician II							
181	Electrical Technician III	20.1447	21.1536	22.2049	23.3199	24.4880	25.6987	26.9836
	Water Trt Plant Tech III							
	WW Trt Plant Tech III							
185	Combination Inspector III	20.9625	22.0032	23.1075	24.2651	25.4756	26.7500	28.0986
	Lead Airfield Maint Worker/Mech							
	Mechanic IV							
	Plant Maintenance Electrician III							
186	Lead Building Maintenance Mech	21.1749	22.2156	23.3412	24.4986	25.7412	27.0155	28.3535
	Lead Facilities Maint Mech			44				
195	AFM/Electrician II	23.0545	24.2013	25.4120	26.6650	28.0136	29.4048	30.8915

\*Wastewater and Water Treatment Techs advance to this grade after 2 years

## **TEAMSTERS' RANDOM DRUG/ALCOHOL AND REASONABLE SUSPICION POLICY**

### **PURPOSE:**

The purpose of this policy is to provide an alcohol and drug-free workplace for the protection and well being of the City of Billings, its employees, and the public it serves along with City property, equipment, and operations. Employees are expected to report to work alcohol and drug free in order to enable safe and efficient job performance. Employees, while on-the-job, while on department premises, or in the scope and course of employment are expected to engage in activities which are appropriate for the work environment and do not compromise the City's integrity or interest in maintaining a safe, secure, and alcohol and drug free workplace.

For purposes of random drug testing, employees who are required to have Commercial Driver's Licenses are subject to the Commercial Driver's License (CDL) policy for the random drug testing , not this policy. MET Transit drivers are subject to the Federal Transportation Administration (FTA) policy for random drug testing, not this policy. CDL employees and MET transit drivers are also subject to the reasonable suspicion and other directives, restrictions, and prohibitions that are set forth in this policy.

### **POLICY:**

The City of Billings is committed to protecting the safety, health, and well being of all employees and the individuals with whom the employees come into contact. Therefore, the City establishes an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

If there are employees who have drug or alcohol problems, the City encourages affected employees to seek help through the Employee Assistance Program (EAP) and the benefits available through the City's medical plan. The City will not terminate employment, discipline, or discriminate against an employee solely because an employee voluntarily seeks treatment for an alcohol or substance abuse problem by following the City's controlled substance safe-harbor procedures prior to any occurrence, including testing notification.

The unlawful manufacture, distribution, possession, sale, transfer, or use of illegal drugs; or illegal use of a legally obtainable drug or substance; or misuse of alcohol is strictly prohibited. Illegal possession of drug paraphernalia is prohibited. As a condition of employment, all employees must abide by this prohibition while in any employment capacity with the City, and while on City property, in any City vehicle, or at any City office or facility. All employees are expected to be at work without being under the influence of drugs and/or alcohol, including controlled substances, in order to enable safe and efficient job performance.

Violation of this policy will result in the discipline set out in the attached procedures.

The provisions of the Workforce Drug and Alcohol Testing Act, Sections 39-2-205 through 39-2-211, MCA, provide the basis for this policy.

## DEFINITIONS:

For the purposes of this policy.

**Alcohol** – means an intoxicating agent in alcoholic beverages, food, or medication; ethyl alcohol, also called ethanol; or the hydrated oxide of ethyl.

**Controlled Substance(s)** – means any drug, substance, or precursor included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code (21 USC 812) or any drug, substance, or precursor included within the definition of "Dangerous Drug" in Title 50 Chapter 32 Part 2, Montana Code Annotated (for example, but not limited to: cocaine, marijuana, medical marijuana, and methamphetamine) For the purpose of this policy, the term 'controlled substance' does not include the use of prescribed drugs, which have been legally obtained and are being used in the manner and for the purpose for which they were prescribed. The term does not include distilled spirits, wine, malt beverages, or tobacco. It does include medical marijuana.

**Illegally Used Drugs / Illegal use of drugs** – means:

- a. any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes or in the prescribed manner;
- b. any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.

## EMPLOYEES SUBJECT TO THIS POLICY

- A. All part-time, full-time, and seasonal employees of the City of Billings engaged in the performance, supervision, or management of work in a hazardous work environment, security position, position affecting public safety, or fiduciary position are subject to Random Drug Testing. All part-time, full-time, and seasonal employees of the City of Billings are subject to Reasonable Suspicion Drug Testing.
- B. Prospective job applicants are subject to pre-employment testing and a positive test will result in the prospective employee not being hired. .

## **ROLES AND RESPONSIBILITIES:**

### **A. Employees are prohibited from:**

- Using, consuming, distributing, or possessing alcoholic beverages or illegal drugs while on duty or reporting for duty while under the influence of alcoholic beverages or illegal drugs.
- Use of, consumption of, distribution of, or possession of alcoholic beverages and illegal drugs by employees are prohibited in City worksites and at all times whether on duty or off duty. The term “worksites” includes City vehicles and private vehicles while being used by employees in the performance of their duties.
- Use, distribution, dispensation, possession, manufacture, or sale of (illegal drugs) while off duty which adversely affects the employee’s work performance, the safety of the employee or others at work, or the City’s regard of reputation in the community. This includes reporting to duty while under the influence of illegal drugs.
- Use of alcohol off duty that adversely affects the employee’s work performance, the safety of the employee or others at work, or the City’s regard or reputation in the community. This includes reporting to duty while under the influence of alcohol.

### **B. Employees shall notify Human Resources of any drug or alcohol criminal conviction no later than five (5) calendar days after conviction.**

### **C. Supervisors are required to:**

1. attend training sessions on alcohol misuse, controlled substance misuse, and the illegal use of drugs in the workplace when offered;
2. when reasonable suspicion is confirmed, initiate an alcohol/drug test as described in this policy;
3. refer employees to the City’s designated Substance Abuse Professional (SAP) under appropriate conditions for assistance in obtaining counseling and rehabilitation upon a finding of alcohol abuse, use of controlled substances or illegal use of legal drugs;
4. initiate appropriate disciplinary action upon a finding of alcohol use, controlled substance use, and/or the illegal use of legal drugs;
5. in conjunction with Human Resources, assist higher-level supervisors and the SAP Administrator in evaluating employee performance and/or personnel

problems that may be related to alcohol misuse, use of controlled substances or the illegal use of legal drugs; and

6. ensure confidentiality of all information regarding employee testing, disciplinary action and rehabilitation.

D. Human Resources shall:

1. direct and implement this program to ensure it is administered consistently;
2. consult with Department Head or designee in determining appropriate action for situations related to this program; and
3. ensure that all records and information of personnel actions taken against employees with verified positive test results remain confidential and only shared with individuals having a legal right to access.

#### **AUTHORITY TO IMPLEMENT PROCEDURES**

The City Administrator is authorized to develop and maintain procedures to enact this policy.

#### **PERIODIC REVIEW**

This policy will be reviewed by the City Council with each proposed new Teamster's Collective Bargaining Agreement.

## **PROCEDURES**

**Based on the Alcohol and Drug-Free Workplace Policy adopted by the City Council on \_\_\_\_\_, the following procedures are hereby adopted by Administrative Order \_\_\_\_\_. Changes to the policy or procedures that affect Teamsters employees will be bargained with that organization.**

### **I. EMPLOYEE ASSISTANCE PROGRAM**

- A. Any employee needing help in dealing with drug or alcohol problems is encouraged to use the City's Employee Assistance Program (EAP) and the benefits available through the City's medical plan. Additional information regarding the City's EAP available in Human Resource's Policy Manual-Employee Assistance Program Policy. Employees who have questions or need more detailed information should contact Human Resources. The City EAP plays an important role in preventing and resolving problem alcohol and drug use by:
1. Providing confidential counseling and assistance to employees and their qualifying family members who self-refer for treatment or whose tests have been verified positive and monitoring the employee's progress through treatment and rehabilitation;
  2. Providing educational materials and training to employees on alcohol & drug use issues;
  3. Ensuring the confidentiality of test results and related medical treatment and rehabilitation records, which they maintain.
- B. The EAP will not be involved in the collection of test samples or the initial reporting of test results. The City's designated testing professional will be responsible for such testing.

### **II. SAFE HARBOR REFERRAL**

- A. A fundamental purpose of the City's Alcohol and Drug-Free Workplace Policy and Procedures is to assist employees who themselves are seeking treatment for alcohol or controlled substance use or misuse of prescription drugs. For this reason, the City will not initiate disciplinary action against any employee regarding the disclosure of his or her drug or alcohol related problem when the employee meets all three of the following conditions:
1. Voluntarily identifies him/herself to Human Resources as an abuser\_of alcohol and/or illegal drugs and/or as someone who misuses prescription drugs, as they

apply to this policy, prior to being identified through other means, such as reasonable suspicion, or prior to being asked to provide a urine and/or breath sample for testing;

2. Obtains evaluation, counseling or rehabilitation from an approved facility; and
3. Thereafter refrains from using controlled substances or misusing prescription drugs and/or alcohol. The employee may be subject to a return-to-work agreement.

B. This provision is not intended to allow an employee to evade disciplinary action. The key to this provision's rehabilitative effectiveness is an employee's willingness to admit his/her problem. Since the key to this provision's rehabilitative effectiveness is an employee's willingness to admit the problem, this provision is not available to an employee who requests protection under this provision after:

1. Being identified through other means; or
2. Being asked to provide a urine sample for testing; or
3. Having a verified positive test result for alcohol and/or controlled substances pursuant to this policy.

C. Drug or alcohol related incidents that are subject to discipline and occurred prior to seeking Safe Harbor are not covered by Safe Harbor protections.

### **III. ALCOHOL, CONTROLLED SUBSTANCE AND/OR DRUG MISUSE**

These prohibitions apply while an employee is on duty in City-owned facilities, any City-owned property; any City owned or rented vehicle and any City approved activity

- A. Employees are prohibited from consuming alcohol or controlled substances or engaging in the illegal use of drugs while on duty, during an approved activity such as training, or while on standby.
- B. Employees are prohibited from reporting to work or to a City approved, work-related activity under the influence of alcohol or drugs.
- C. Employees are prohibited from reporting to work or to a City approved activity exhibiting signs of having consumed alcohol (such as the odor of alcohol on the breath) or controlled substances, or of engaging in the illegal use of drugs.

- D. This policy includes unanticipated call-out situations. If an employee cannot meet the requirements of call-out, it is his or her responsibility to tell a supervisor or person initiating the request to return to work that he/she cannot report to work. He/she shall suffer no reprisals for doing so.
- E. Alcohol is a legal substance for those ages 21 or older. Therefore, it is not the intention of this policy to prohibit employees from consuming alcohol when not on duty in paid status and the employee's performance of duties has concluded for the day. However, employees are expected to use good judgment and behave in a professional and respectable manner while attending events that are connected to their job duties.
- F. Misuse of drugs/and or alcohol as set out in this policy and these procedures or performing any duties under the influence of drugs and/or alcohol is a violation of this policy and will result in disciplinary action as set forth herein.
- G. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited.
- H. The illegal use of a legally obtainable drug or substance is prohibited.
- I. Use and possession of legally obtained prescription drugs when taken as prescribed and over-the-counter drugs is not prohibited by this part subject to the following:
  - 1. Employees who must use a prescription drug or over-the-counter medication that causes adverse side effects (e.g. drowsiness, impaired reflexes or reaction time) or may affect ability to perform work in a safe and productive manner must notify his or her supervisor prior to starting work or operating City equipment.
  - 2. A supervisor, under reasonable suspicion, *may* relieve an employee from duty if it is determined that a medication is causing impairment to an employee's ability to perform the functions of his or her job. The employee will be required to utilize his/her accrued sick or leave time until such time that the employee is no longer impaired by the medication. If the employee runs out of leave time he/she will then be placed in an unpaid leave status.

#### **IV. TYPES OF TESTING**

##### **A. Reasonable Suspicion Testing**

- 1. All employees will be tested for alcohol and/or controlled substances when there is reasonable suspicion of on-duty use or impairment. Reasonable suspicion testing may be based on, but not limited to:

- a. observable phenomena, including but not limited to direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol such as the odor of alcohol on the;
  - b. a pattern of abnormal conduct or erratic behavior;
  - c. conviction for a drug or alcohol-related offense. An employee will be tested only once for this conviction upon return to work.
  - d. evidence that the employee has tampered with a previous alcohol or drug test.
2. Although reasonable suspicion testing does not require certainty, mere hunches alone are not sufficient to meet the standard for a test.
  3. If an employee is suspected of using or being impaired by alcohol, controlled substances or illegal drugs in violation of this policy, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion and will present those for concurrence with another supervisor, up to and including the department head, if possible. The immediate\_supervisor, division head or\_department head will report the suspicion to Human Resources for further action if it is during the regular office hours of Human Resources.
  4. The employee shall remain on duty, but shall not be allowed to operate a vehicle or perform job functions until the circumstances are evaluated.
  5. Employees who are subject to reasonable suspicion testing shall be transported to and from the collection facility identified by the City as an appropriate collection site.  
After hours, when Human Resources is unavailable, the employee will be transported to a designated testing facility.
  6. Testing will be conducted in compliance with the selected collection site's protocols.
  7. The employee's division manager will, within 48 hours, prepare a written report on a Reasonable Suspicion Incident Record (attached), detailing the circumstances that formed the basis to warrant the testing. This report should include the appropriate dates and times of reported alcohol or drug-related incidents, reliable/credible sources of information, rationale leading to the test and the action taken. All documentation related to the determination shall be forwarded to Human Resources.

## B. Post-Incident Testing

1. Employees involved in critical incidents, on-the-job accidents, or who engage in unsafe on-duty job-related activities that pose a danger to themselves or others or the overall operation of the City shall be subject to testing. If the employee's act, or failure to act, results in:
  - a. Death; or
  - b. Personal injury requiring immediate emergency room or urgent care center treatment; or
  - c. Damage to government or private property estimated in excess of \$1,500; or
  - d. At the request of the employee.
2. An employee subject to post-incident testing shall remain immediately available for up to two (2) hours for such testing, or the City may consider the employee to have refused to submit to testing.
  - a. If there were extenuating circumstances that kept the employee from submitting to a test within 2 hours after the incident, Human Resources shall evaluate those circumstances and make the final determination as to whether or not it will be deemed a refusal.
  - b. An employee subject to post-incident testing shall not consume alcohol or drugs, either legal or illegal, prior to the testing. Exceptions may be made for previously prescribed maintenance medications and/or medications administered to treat any personal injury.
3. If a test under this provision is not administered within two (2) hours of the occurrence, the supervisor shall document the reason(s) why it was not promptly administered. If more than eight (8) hours pass, then no alcohol test will be administered. If more than thirty-two (32) hours pass, no drug test shall be administered. If either test is not completed, Human Resources shall document the reason(s) why.

#### C. Random Testing

1. Random testing for alcohol and/or controlled substances will be conducted on all employees before, during or after their scheduled shift.
2. Random tests will be unannounced and will occur throughout the calendar year.

3. The random selectees will be notified by a designated human resources representative using a lottery system conducted by an outside agency. The Random, the CDL, and the FTA testing will be conducted by the same agency. To ensure that all employees who have been designated for testing have an equal chance of being randomly tested, a scientifically valid random process is used.
  - a. The annual number of random alcohol tests will be no more than ten percent (10%) of the average number of employees subject to random testing.
  - b. The annual number of random drug tests will be no more than twenty-five percent (25%) of the average number of employees subject to random testing.
4. Human Resources will notify the employee's supervisor or designee and provide the name of the individual selected for random testing. The employee shall not be given advance notice of the scheduled testing. Upon notification by the supervisor, employees shall proceed immediately to the testing site.

**D. Substances Tested For During Reasonable Suspicion, Post-Incident and Random Testing**

1. The City will test for the following substances:
  - (a) Alcohol;
  - (b) Marijuana;
  - (c) Cocaine;
  - (d) Amphetamines;
  - (e) Opiates; and
  - (f) Phencyclidine (PCP).
2. The following cutoff concentration shall be applicable to determine whether specimens are negative or positive for the following drugs or classes of drugs utilizing the initial test procedure. The cutoff levels used by the Department's DHHS certified lab may change, and if so, those changes will be published in the Code of Federal Regulations and Federal Register and shall take precedence over the levels listed herein. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

Type of drug or metabolite	Initial test	Confirmation test
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	(ng/mL)	(ng/mL)
(1) Marijuana metabolites (i) Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoylecgonine)	150	100
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines	500	250
(i) Amphetamine	500	250
(ii) Methamphetamine <sup>1</sup>		250
(5) Opiate metabolites	2000	
(i) Codeine		2000
(ii) Morphine		2000
(iii) 6-acetylmorphine (6-AM) <sup>2</sup>		10
(iv) MDMA <sup>6</sup>	500	250

<sup>1</sup> Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.

<sup>2</sup> Test for 6-AM in the specimen. This test conducted only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.

<sup>6</sup> Methylenedioxymethamphetamine (MDMA).

3. Employees should be aware that use of hemp oil products will not be an acceptable defense for a positive Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC) test.
4. Alcohol shall be confirmed positive if both the initial and confirmation tests reveal a breath alcohol content of greater than .04 grams of alcohol per 210 liters of breath or higher. If the initial and confirmation test is above .02 but .04 or below, the employee will not be allowed to perform safety-sensitive functions until the start of his or her next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

#### E. Return to Duty and Follow-up Testing

1. After a verified positive test result for drugs and/or alcohol, employees must have a negative test result before returning to work.

2. All employees referred through administrative channels that undergo counseling or rehabilitation program will be subject to unannounced drug and/or alcohol testing for a period of one year following completion of such a program.
  - a. Such employees shall be tested at the frequency recommended by the SAP.
  - b. Return to duty testing is distinct from testing which may be imposed as a component of a rehabilitation program.
3. Confirmation of and continuing participation in a rehabilitation program, as recommended by SAP, is required of an employee returning to duty.
4. In some instances, SAP may require completion of a program prior to returning to duty.
5. The SAP will notify Human Resources when an employee has completed a rehabilitation program.
6. After an employee returns to work during or following a rehabilitation program, a single positive test result for alcohol or a controlled substance or the illegal use of a legal drug or failure to successfully complete the recommended rehabilitation program will result in referral to Human Resources, and the penalty for any conduct described in this part shall be termination of employment.

## **V. TEST PROCEDURES**

- A. Drug testing will be done by the split sample method. Testing services shall be provided by a designated contractor at a designated collection site with collection personnel trained in accordance with U.S. Department of Health and Human Services (DHHS) standards and analyzed by an independent DHHS certified lab. The personnel involved in testing and processing results are not employees of the City.
- B. Employees subject to testing shall comply with all requirements of the testing process and personnel. Employees will complete all requirements of initial and follow-up tests. Failure to do so will result in termination of employment.
- C. Procedures for Alcohol Testing

1. All alcohol tests will be by breath testing only.
2. Upon arrival at the collection site, the employee will show photo identification. Acceptable identification includes an actual Montana driver's license or department ID.
3. Initial breath alcohol testing.
  - a. Initial breath alcohol testing is performed by a Breath Alcohol Technician (BAT) who is employed by the collection facility and who is trained in the operation of an evidential breath testing device (EBT) as approved by the National Highway Traffic Safety Administration (NHTSA).
  - b. The employee will receive instructions such as 'blow with a strong continuous breath until advised to stop.'
  - c. If the result of the initial breath test is an alcohol concentration of .02 or greater, a confirmatory test shall be conducted.
4. Confirmation or verification alcohol breath testing
  - a. Confirmation/verification tests shall only be conducted by a Breath Alcohol Technician who is employed by the collection facility.
  - b. The confirmatory test may be conducted on the same EBT as the initial test.
  - c. Before the confirmatory test is given, the employee shall be observed for 20 minutes prior to testing and shall be instructed not to eat, drink, or place anything in his/her mouth until the conclusion of the breath test.
  - d. The employee will receive instructions such as 'blow with a strong continuous breath until advised to stop.'
  - e. Collection site personnel may require the employee to sign forms.
  - f. If the employee has any concerns following the testing process, the employee should advise a supervisor at the collection site, the employee's supervisor, or Human Resources.

D. Procedures for Drug Testing

1. An employee will be verbally notified by a supervisor that he/she has been chosen for a random drug test.
2. The employee will report immediately to the collection site.
3. The employee will strictly follow all directions from collection site personnel before, during, and after collection.
4. Upon arrival at the collection site, the employee will show photo identification. Acceptable identification includes an actual Montana driver's license or Departmental ID.
5. The employee will remove outer garments, such as a jacket or coat. The employee will not be required to remove clothing such as a shirt and pants, and will not be required to put on a hospital gown. All personal belongings, such as a bag or purse, must remain with the outer garments. The employee may retain a small wallet.
6. An employee subject to testing for controlled substances or illegally used drugs under this policy shall be permitted to provide urine specimens in private and in a restroom stall or similar enclosure so that the employee is not visually observed while providing the sample.
7. Collection site personnel may be within hearing range so they can confirm the sample was physically produced at that time.
8. The employee is encouraged to observe the entire collection procedure.
9. Collection site personnel may require the employee to sign forms.
10. If the employee has any concerns following the testing process, the employee should advise a supervisor at the collection site, the employee's supervisor, or Human Resources.

**VI. SPECIAL DRUG TESTING PROCEDURES**

## A. Direct Observation Testing

1. Collection site personnel of the same gender as the employee tested may observe the employee provide the urine specimen when:
  - a. Collection site personnel may have reason to believe that a particular individual has altered or substituted the specimen, or
  - b. the employee has previously tampered with a sample, or
  - c. the employee has equipment or implements capable of tampering with or altering urine samples.
2. Direct observation shall not be the norm.
3. In addition to the procedures listed under Random Testing, the procedure will include direct inspection of the employee with shirt lifted and trousers lowered.
4. Collection site personnel will directly observe the urine leaving the body and entering the collection container.

## B. Specimen Temperature Outside of Range

If the temperature of the specimen is outside the range of 32-38 degrees C / 90-100 degrees F or shows signs of contaminants, then there is reason to believe the donor may have altered or substituted the specimen, and another specimen shall be collected for testing under the direct observation of a representative from the collection facility.

## C. Dilute Sample

1. If the Medical Review Officer (MRO) notifies the City that an employee's test was positive and dilute, the test will be treated as verified positive. The employee shall not be required to submit another test.
2. If the MRO notifies the City that an employee's test was negative and dilute, and there is no acceptable medical explanation, the following procedures will be

followed. If the employee declines to complete or does not complete these procedures, it will be treated as a refusal.

- a. If the creatinine concentration of the dilute specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, another sample will be collected under direct observation.
  - (1) This test will be conducted unannounced (with the minimum possible advance notice) as soon as possible after the initial test.
  - (2) The employee will be escorted by a supervisor immediately to the collection site.
  - (3) The employee will be directed not to ingest anything until after the test is completed.
  - (4) If the result of the direct observation test is also negative and dilute, the employee will not be required to take an additional test. The result shall be considered confirmed positive.
  
- b. If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, another test will be collected, but shall not be conducted under direct observation, unless there is another basis for utilization of direct observation.
  - (1) This test will be conducted unannounced (with the minimum possible advance notice) as soon as possible after the initial test.
  - (2) The employee will be directed not to ingest anything until after the test is completed.
  
- c. If the 2<sup>nd</sup> specimen is positive and dilute, the test will be treated as positive.
  
- d. If the specimen is again negative and dilute, the following procedure will apply:
  - (1) If the creatinine concentration of the second dilute specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, another test will be collected under direct observation in the same manner as listed under C2a above.
  - (2) If the result of this direct observation test is also negative and dilute, the employee will not be required to take an additional test because the result was dilute. The result shall be considered confirmed positive.
  - (3) If the creatinine concentration of the second dilute specimen is greater than 5 mg/dL, the employee will not be required to take an additional test because the result was dilute. The test will be considered negative.

#### D. Insufficient Urine Specimen Volume

45mL of urine is required to constitute sufficient testing volume. If the employee does not provide sufficient volume, the following “shy bladder” procedures will apply. If the employee declines to complete or does not complete these procedures, it will be treated as a refusal.

For purposes of this section, permanent or long-term medical conditions are those physiological, anatomic, or psychological abnormalities documented as being present prior to the attempted collection, and considered not amenable to correction or cure for an extended period of time, if ever. Examples would include destruction (any cause) of the glomerular filtration system leading to renal failure; unrepaired traumatic disruption of the urinary tract; or a severe psychiatric disorder focused on genito-urinary matters. Acute or temporary medical conditions, such as cystitis, urethritis or prostatitis, though they might interfere with collection for a limited period of time, cannot receive the same exceptional consideration as permanent or long-term conditions.

#### E. Shy Bladder Procedure:

1. The insufficient specimen will be discarded. Specimens may not be combined.
2. Employees will be advised to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. The employee may decline to drink, but will still be required to provide a sufficient urine specimen.
3. The employee shall remain in the testing area under observation during the three hour period.
4. If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection attempt will be discontinued, and the employer will be notified.
5. The employee will be directed to obtain, within seven calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen. (The MRO may perform this evaluation if the MRO has appropriate expertise.)
6. After completing the evaluation, the referral physician must provide a written statement of his/her recommendations and the basis for those to the MRO. Detailed information on the employee’s medical condition beyond what is necessary to explain the conclusion must not be in this statement. The MRO will seriously consider and assess the referral physician's recommendations in making

a determination about whether the employee has a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. The MRO will notify Human Resources as soon as a determination is made.

- a. If the employee refuses to obtain the evaluation, the test will be deemed a refusal.
- b. If the evaluation determines the employee has a medical condition, and the medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, the test will be cancelled.
- c. If the evaluation determines that the employee's medical condition is a serious and permanent or long-term disability that is highly likely to prevent the employee from providing a sufficient amount of urine for a very long or indefinite period of time, the MRO will conduct a further medical evaluation to determine if there is clinical evidence that the employee is using a controlled substance or illegally using drugs.
  - (1) If the medical evaluation reveals no clinical evidence of controlled substance use or illegal use of drugs, the test result shall be negative.
  - (2) If the medical evaluation reveals clinical evidence of controlled substance use or illegal use of legal drugs, the test result shall be cancelled. (Because this is a cancelled test, it does not serve the purposes of a negative test, i.e., the employer is not authorized to allow the employee to begin or resume duty, because a negative test is needed for that purpose).
- d. If the evaluation determines that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, the test will be considered a refusal.

## **VII. TEST REFUSAL**

A. Refusals will result in administrative action the same as if the test was verified positive. In the case of a breath test refusal, administrative action will be the same as if the test was verified in excess of .04.

B. Employees will be considered to have refused testing if they:

1. Refuse to provide a specimen; or
2. Refuse to complete all required tests as directed; or
3. Fail to report for a required test at the scheduled time; or
4. Engage in conduct that clearly obstructs the testing process; or
5. Tamper with the test; or
6. Alter or substitute the specimen; or
7. Fail to provide adequate breath or specimen volume without a verified medical explanation.

### **VIII. DEFERRAL OF TESTING**

- A. An employee selected for random drug and alcohol testing may obtain a deferral of testing if Human Resources concurs that a compelling need necessitates a deferral on the grounds that the employee is:
  1. In a leave status (sick, annual, administrative or leave without pay); or
  2. In official travel status away from the test site or imminently embarking on official travel scheduled prior to testing notification.
- B. An employee whose random drug and/or alcohol test is deferred will be subject to testing on his/her next regularly scheduled work shift.

### **IX. POSITIVE TEST RESULT PROCEDURE**

- A. Samples testing positive for controlled substances or illegally used drugs will undergo further testing to identify the specific type of drug(s) or substance(s) in the specimen.
- B. The applicant or employee will be contacted by the MRO and have the opportunity to provide an explanation of a positive result, which may include providing medical documentation of lawful use of a prescription or over-the-counter medication.
- C. If the MRO determines there is no justification for the positive result, such result will then be considered a verified positive test result.
- D. The MRO shall notify Human Resources of a verified positive test result.
- E. The MRO will notify the employee of the verified positive test result. Once notified, the employee may within 72 hours of notification request the split specimen be tested by another DHHS certified lab.
- F. If the employee is unable, for a legitimate reason, to make this request within the 72 hour period, the split specimen test will automatically be conducted.

G. The employer shall pay for the additional test if the additional test results are negative, and the employee shall pay for the additional tests if the additional tests are positive.

## **X. FINDINGS AND ADMINISTRATIVE DISCIPLINARY ACTION**

A. An employee may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:

1. Direct observation of prohibited alcohol use or drug use including misuse of prescription medication; or
2. Evidence obtained from an arrest or criminal conviction for a drug or alcohol related offense; or
3. A verified positive test result; or
4. An employee's voluntary admission, unless the employee is meeting the requirements as outlined under the Safe Harbor Referral; or
5. Test refusal.

B. An employee who is found to be in actual and illegal possession of a controlled substance, illegally used drug, and/or related paraphernalia while on duty and in or at any City-owned facility, City-owned property, City-approved activity, or City-owned vehicle, will be investigated and will be subject to termination. He/she may be prosecuted under the applicable state or federal law (refer to Federal Controlled Substances Act Title 21 United States Code, Offenses Involving Dangerous Drugs Title 45 Chapter 9 Montana Code Annotated, and Model Drug Paraphernalia Act Title 45 Chapter 10 Montana Code Annotated.)

C. Effects of Positive Drug Testing Results

1. Any employee receiving his or her first verified positive test for a controlled substance will be referred to Human Resources, and will be subject to mandatory administrative action including referral to the SAP, and one (1) day leave without pay. A second positive test indicating drugs and/or alcohol will result in termination of employment.
2. Any employee receiving his or her first verified positive test for illegally used drugs, i.e., prescription medication or over-the-counter medication, shall be referred to Human Resources and will be subject to mandatory administrative action including referral to the SAP, and to one (1) day leave without pay. A second positive test indicating drugs and/or alcohol will result in termination of employment.

3. Successful completion of any rehabilitation recommended will be a condition of continued employment.
  - a. The cost of rehabilitation will be the responsibility of the employee.
  - b. Employees may be allowed to use accrued leave (Sick leave followed by vacation and/or compensatory leave) to complete rehabilitation until such leave is exhausted, at which time the employee may be allowed to go on unpaid leave.
  - c. The employee remains responsible for successful completion of the SAP designated treatment program, and assertions regarding the effectiveness of a program shall not constitute either an acceptable explanation or excuse for continuing to misuse alcohol and/or drugs or a defense to disciplinary action if the employee does not complete treatment.
4. The City may initiate action to terminate an employee for refusing to obtain and complete counseling or rehabilitation through an SAP or a state licensed facility as recommended by SAP.
5. The employee must have a negative test result before returning to work.
6. The employee shall be subject to a return-to-duty agreement.
7. Following a verified positive test and after returning to duty, the employee will be subject to unannounced testing for a period of time determined by the SAP.

#### D. Effects of Positive Alcohol Testing Results

1. When an employee is found to be in violation of the alcohol provisions of this policy, he or she shall be referred to Human Resources and will be subject to mandatory administrative action, including referral to the SAP and one (1) day leave without pay. A second positive test indicating drugs and/or alcohol will result in termination of employment.
2. If the employee is retained, the SAP's recommended rehabilitation will be a condition of continued employment.

- a. The cost of rehabilitation will be the responsibility of the employee.
  - b. Employees may be allowed to use accrued leave to complete rehabilitation until such leave is exhausted at which time the employee may be allowed to go on unpaid leave.
  - c. The employee remains responsible for successful completion of a treatment program, and assertions regarding the effectiveness of a program shall not constitute either an acceptable explanation or excuse for continuing to misuse alcohol and/or drugs or a defense to disciplinary action if the employee does not complete treatment.
3. The City may initiate action to terminate an employee for refusing to obtain counseling or rehabilitation through an SAP or a state licensed facility.
  4. The employee must have a negative test result before returning to work.
  5. The employee shall be subject to a return-to-duty agreement.
  6. Following a verified positive test and after returning to duty, the employee will be subject to unannounced testing for a period of time determined by the SAP.
  7. Any subsequent positive test for alcohol use will subject the employee to termination of employment.
  8. An employee with a first breath alcohol test which shows a breath alcohol content of .02 or greater but .04 or less may not return to duty for the remainder of the scheduled work day and must take sick leave for the remainder of his/her shift. The employee shall have a negative test result before returning to work.

## **XI. RECORDS AND REPORTS**

- A. The employee's privacy shall be maintained. All testing information specifically relating to individuals pursuant to this program and any intervention steps, including referral for treatment, counseling or rehabilitation programs, is confidential and shall be treated as such by everyone authorized to review or compile program records.

- B. In order to efficiently implement this requirement and to make information readily retrievable, Human Resources shall maintain all records relating to testing, suspicion of tampering, and any other authorized documentation necessary to implement this policy. Such information shall remain confidential, with only authorized individuals who have a need-to-know having access to them.
- C. The results of a test of an employee for alcohol, controlled substances, or illegally used drugs along with all information, interviews, reports, statements, and memoranda will not be disclosed to an outside entity without the prior written consent of such employee, unless the disclosure is:
1. to the tested employee;
  2. to the MRO;
  3. to the SAP in which the employee is receiving counseling or treatment or is otherwise participating;
  4. to the Human Resources Director, the Department Director, and the City Administrator, the Assistant City Administrator or people with the legal right to access;
  5. pursuant to the order of a court of competent jurisdiction or where required by the Department to defend against any challenges of adverse personnel action by the City;
  6. report information that is required by law to be reported to a state or federal licensing authority in response to inquiries relating to a workplace accident involving death, physical injury, or property damage in excess of \$1,500 when there is reason to believe that the tested employee may have caused or contributed to the accident.
- D. Test results with all identifying information removed may be used for data collection and other activities necessary to comply with testing requirements.
- E. Information obtained through testing that is unrelated to the alcohol use, controlled substance use, or illegal use of a drug must be held in strict confidentiality by the Medical Review Officer and may not be released to the employer without the written consent of the employee tested.

## **XII. ADDITIONAL PROVISIONS**

- A. Department Educational Program: Annually, employees will be provided with information regarding controlled substances, alcohol, and illegal use of drugs. All supervisors shall receive training in compliance with 49 CFR 382.603.
  
- B. Notification of Conviction: Any employee who is convicted of a criminal drug or alcohol related violation must notify the City within five (5) calendar days of the conviction. A conviction, a plea of guilty, a plea of no contest, receiving a suspended imposition of a sentence, and a withheld judgment will all be considered the same as a conviction. This obligation to report applies even to deferred prosecutions and deferred impositions of sentence.
  
- C. Limitation of Adverse Action: No adverse action, including follow-up testing, may be taken by the employer if the employee presents a reasonable explanation confirmed by the MRO indicating that the original test results were not caused by the use of controlled substances, by alcohol consumption, or by the illegal use of drugs. Reasonableness shall be determined by Human Resources. If the employee presents a reasonable explanation confirmed by the MRO, the test results must be removed from the employee's record and destroyed.
  
- D. Employee's Right of Rebuttal: The employer shall provide an employee or prospective employee who has been tested under any qualified testing program with a copy of the test report. The employee or prospective employee will be given the opportunity to provide notification to the Medical Review Officer of any medical information that is relevant to interpreting test results, including information concerning currently or recently used prescription or nonprescription drugs. The employer is also required to obtain an additional test of the split sample by an independent laboratory selected by the person tested at the request of the employee. (See Section XI.) The employee must be provided the opportunity to rebut or explain the results of any test.
  
- E. New Employee Notification: Applicants for City positions will be informed about the drug-free workplace policy on the vacancy announcement. During the screening process applicants will be notified of the testing requirements and that appointment to the position is contingent upon a negative pre-employment drug test. Upon hiring, new employees will receive a copy of the policy in the Employee Policy Handbook.
  
- F Employee Policy Confirmation Receipt: Employees will be required to sign a statement that confirms that he/she has received a copy of the alcohol and drug-free workplace policy. The statement will be maintained in the employee's personnel file.

G. Cost: Testing will be at the employer's expense: If an employee contests the verification test results, another test will be conducted. If that test is positive, the employee will be responsible for payment. If it is negative, the employer will be responsible for payment. Employees will be compensated at the employee's regular rate, including benefits, for time attributable to the testing program.

H. Unintentional Ingestion: Any employee who unintentionally ingests a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.

I. Voluntary Testing: Employees may volunteer for testing as part of a City investigation. The employee must cooperate with all parts of the test and complete all requirements of collection site personnel.

### **XIII. RESERVATIONS**

Employees who are enrolled in and are participating in, or have completed a supervised rehabilitation program and are no longer engaging in the misuse of alcohol, use of controlled substances, or illegal use of drugs, shall be protected from discrimination and harassment in accordance with the Americans with Disabilities Act of 1990. This prohibition does not preclude follow-up testing.

This program is intended to carry out the City's Alcohol and Drug-Free Workplace Policy. All situations will be handled in accordance with this policy and in consultation with representatives of Human Resources.

### **XIV. POLICY AND PROCEDURE DEFINITIONS**

**Adulterant** – Adulterating substance or agent aimed to corrupt, debase, or make impure.

**Adulterated specimen** – A urine specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

**Alcohol** – means an intoxicating agent in alcoholic beverages, food, or medication; ethyl alcohol, also called ethanol; or the hydrated oxide of ethyl.

**Alcohol concentration** – means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

**Breath Alcohol Technician (BAT)** – A person who instructs and assists individuals in the alcohol testing process and operates an EBT.

**Cancelled test** – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. Having a cancelled test does not relieve the employee of the responsibility to provide a test that produces a measured outcome.

**Collection site** – A place designated by the employer where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs or providing a breath sample to be analyzed for the presence of alcohol.

**Confirmation test** - For alcohol, a second test following a screening test with a result of 0.02 or greater that provides a measure of alcohol concentration. For controlled substances and illegally used drugs testing, an analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the initial screening test in order to ensure reliability and accuracy.

**Controlled Substance** – means any drug, substance, or precursor included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code (21 USC 812) or any drug, substance, or precursor included within the definition of "Dangerous Drug" in Title 50 Chapter 32 Part 2, Montana Code Annotated (for example, but not limited to: cocaine, marijuana, methamphetamine.) For the purpose of this policy, the term 'controlled substance' does not include the use of prescribed drugs, which have been legally obtained and are being used in the manner and for the purpose for which they were prescribed. The term does not include distilled spirits, wine, malt beverages, or tobacco. It does include medical marijuana.

**Conviction** – means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug or alcohol statutes.

**Critical Incident** – means any incident in which someone is killed or is seriously injured.

**Dilute specimen** – means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Direct observation** – means an employee being directly observed while providing a urine sample. The procedure will include direct inspection of the employee with shirt lifted and trousers lowered and will include direct observation of urine leaving the body and entering the collection container.

**Employee** – All part-time, full-time, , and seasonal employees of the City of Billings engaged in the performance, supervision, or management of work in a hazardous work environment, security position, position affecting public safety, or fiduciary position. It does not include an independent contractor. The term includes an elected official.

**Employee Assistance Program (EAP)** – means a contract-based counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range

of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

**Employer** – means the City of Billings.

**Evidential Breath Testing Device (EBT)** – means an instrument reliable in measuring alcohol concentration in breath, which meets the National Highway Traffic Safety Administration specifications and is listed in the conforming products list of evidential breath testing devices.

**Hazardous work environment** includes but is not limited to positions:

- i. For which controlled substance and alcohol testing is mandated by federal law, such as aviation, commercial motor carrier, railroad, pipeline, and commercial marine employees;
- ii. That involve the operation of or work in proximity to construction equipment, industrial machinery, or mining activities; or
- iii. That involves handling or proximity to flammable materials, explosives, toxic chemicals, or similar substances.

**Illegally Used Drugs / Illegal Use of Drugs** – means:

- A. any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes or in the prescribed manner;
- B. any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.

**Initial test or Screening test** – means a test for controlled substances or illegally used drugs to eliminate “negative” urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing. In alcohol testing, an analytical procedure to determine whether an employee has a prohibited concentration of alcohol in his or her system.

**Insufficient urine specimen** – means less than the 45mL of urine required to constitute a sufficient testing volume. An insufficient specimen will prompt “shy bladder” procedures.

**Medical Review Officer (MRO)** –Means a licensed physician trained in the field of substance abuse.

**Precursors** – means a biochemical substance which can be processed or synthesized into one of the categories of drugs to be tested under this policy.

**Prospective employee** means an individual who has made a written or oral application to the City of Billings to become an employee. **Qualified testing program** – means a program to test for the presence of controlled substances and alcohol that meets the criteria set forth in sections 39-2-207 and 39-2-208 Montana Code Annotated. **Random testing** – means a system of drug and alcohol testing imposed without individualized suspicion that a particular

employee is using controlled substances, alcohol, or illegally using drugs. The system is a statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

**Referral Physician** – means a licensed physician, acceptable to the MRO, who has expertise in the medial issues raised when an employee provides and insufficient urine specimen. The MRO may act in this capacity if he/she has appropriate expertise.

**Return-to-Duty Agreement** – means an agreement between the City and an employee that allows an employee continued employment under stringent guidelines prohibiting use of drugs and alcohol. An employee's failure to meet the terms of the agreement, which may include successfully passing tests for alcohol and/or controlled substances and/or illegally used drugs, shall result in termination.

**Sample** – means a urine specimen, a breath test, or oral fluid obtained in a minimally invasive manner and determined to meet the reliability and accuracy criteria accepted by laboratories for the performance of drug testing that is used to determine the presence of a controlled substance or alcohol.

**Shy bladder procedure** – means the procedure that is followed when an employee does not provide a sufficient urine volume (45mL) for testing.

**Split specimen** – means, in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**Substance Abuse Professional (SAP)** – the City's substance abuse professional who evaluates employees who have violated drug and alcohol policies and makes recommendations concerning education, treatment, follow-up testing, and after care.

**Supervisor** – means a non-bargaining employee who exercises supervision of one or more employees.

**Unannounced test** – means a test for alcohol, control substances, and/or illegally used drugs previously scheduled and announced only to the employee just prior to the scheduled time, allowing only appropriate time for the employee to immediately proceed directly to the scheduled testing site.

**Under the Influence/Impaired** – When an employee is affected by a drug or alcohol or a combination of a drug and alcohol. The symptoms of influence and/or impairment are not confirmed to those consistent with misbehavior, or to obvious impairment of a physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of use, influence, and/or impairment can be established by a professional opinion, urine, blood or any other commonly used scientific valid tests and in some cases by a lay person's opinion. An employee will be presumed to be impaired and in violation of this policy whenever the presence of drugs is detected at levels determined by the testing laboratory as constituting a positive

indication for drugs. An employee will be presumed to be impaired by positive indication for drugs. An employee will be presumed to be impaired by alcohol whenever the presence of alcohol is detected at a level of .04% or greater.

**Verified Positive Test Result for Alcohol** – means the presence of alcohol in the breath at a level of greater than .04 as confirmed by two tests with evidential breath testing devices and administered by a trained and certified Breath Alcohol Technician.

**Verified Positive Test Result for Drugs** – means a test result that was positive for a controlled substance or illegally used drug on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, (or other confirmation tests approved by the U.S. Department of Health and Human Services), and reviewed and verified by the Medical Review Officer in accordance with this policy and the Mandatory Guidelines for Federal Workplace Drug Testing Programs.

#### REFERENCES:

Montana Workforce Drug and Alcohol Testing Act  
39-2-205 through 39-2-211 Montana Code Annotated (MCA)

Procedures for Transportation Workplace Drug and Alcohol Testing Programs  
Title 49 Part 40 (and Part 382) Code of Federal Regulations (CFR)

Federal Controlled Substances Act  
Title 21 United States Code (USC)

Offenses Involving Dangerous Drugs and Procedural Provisions  
Title 45 Chapter 9 Montana Code Annotated (MCA)

Model Drug Paraphernalia Act  
Title 45 Chapter 10 Montana Code Annotated (MCA)

Controlled Substances Codes

Title 50 Chapter 32 Montana Code Annotated (MCA)

**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Approval of a 2015-2016 Contract Wage Reopener with IAFF Local 521

**PRESENTED BY:** Tina Volek, City Administrator

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

The City Council is being asked to approve a tentative agreement for a 1-year wage reopener of a labor contract between the City and the International Association of Fire Fighters (IAFF) Local 521. The tentative agreement was reached on November 3, 2015 and currently is being voted on by the IAFF. If approved by the Council, the contract will apply retroactively from July 1, 2015, through June 30, 2016.

The agreement amends only the following contract section: Article VI Hours of Work and Compensation, Item B., 2. Wages, d. July 1, 2015 - June 30, 2016: All hourly base wages shall increase by an amount equal to 3.2%.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve the contract as amended, with a wage reopener only, and retroactive pay to July 1, 2015;
- Postpone action to obtain additional information; or
- Deny approval of the wage reopener of the contract, forcing negotiations to resume.

**FINANCIAL IMPACT**

The 3.2% COLA will cost \$324,804 for FY 16. This increase will require a Public Safety Fund budget amendment, which will be presented to Council in the near future.

**RECOMMENDATION**

Staff recommends that the Council approve the contract wage reopener, with pay retroactive to July 1, 2015.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Contract

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Billings Fire Department  
July 1, 2015 - June 30, 2016

2272 + 119.86 Holiday hrs = 2392 – Suppression Personnel (3.2%) ~ 2080 hrs – Day Personnel (3.2%)			
GRADE	TITLE	STEP	2015 - 2016 BASE SALARY
<b>SUPPRESSION SHIFT PERSONNEL</b>			
F77	PROB FIREFIGHTER	1	18.1219
177 [F77]	FIREFIGHTER [6mos]	D (4)	21.3211
177 [F77]	FIREFIGHTER I [18mos]	E (5)	22.3738
177 [F77]	FIREFIGHTER II [30mos]	F (6)	23.4574
177 [F77]	FIREFIGHTER II [42mos]	G (7)	24.6442
187 [F87]	ENGINEER	G (7)	27.1622
203 [G03]	CAPTAIN	F (6)	30.3408
		G (7)	31.8682
218 [G18]	BATTALION CHIEF	D (4)	31.8578
		E (5)	33.4471
		F (6)	35.2325
		G (7)	36.9456
<b>DAY PERSONNEL</b>			
213 [G13] **	DEPUTY FIRE MARSHAL	B (2)	28.3078
		C (3)	30.9703
		D (4)	32.4874
		E (5)	34.1282
		F (6)	35.8310
		G (7)	37.5958
217 [G17]	ASST. FIRE MARSHAL	E (5)	35.4905
		F (6)	37.2655
		G (7)	39.1128
218 [G18]	TRAINING OFFICER	C (3)	32.5390
		D (4)	34.1489
		E (5)	35.8517
		F (6)	37.6680
		G (7)	39.5153
228 [G28]	FIRE MARSHAL	C (3)	35.9033
		D (4)	37.6990
		E (5)	39.5875
		F (6)	41.5586
		G (7)	43.6226

### Special Certification Pay

Any member of the Billings Fire Department holding a certificate in any of the following areas shall receive an additional \$50.00 per month certification with a maximum of (3) paid certifications

Cert 1 = \$25 Additional Pay

Cert 2 = \$50 Additional Pay

Cert 3 = \$75 Additional Pay



**Regular City Council Meeting**

**Meeting Date:** 11/23/2015

**TITLE:** Cost of Living Adjustment for Non-Represented Employees FY16

**PRESENTED BY:** Tina Volek, City Administrator

**Department:** City Hall Administration

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**PROBLEM/ISSUE STATEMENT**

All three of the union contracts are expected to be approved by Council by November 23, with all union members receiving a 3.2% cost of living adjustment (COLA) for FY 16, and Police and Teamsters' members receiving a 3.2% COLA for FY 17 and a 3% COLA for FY 18.

The City's 221 non-represented employees provide supervision or highly sensitive work for the City departments. A 3.2% COLA for FY 16 would maintain parity between the non-represented employees and their fellow employees.

**ALTERNATIVES ANALYZED**

City Council may:

- Approve a 3.2% COLA for non-represented employees for FY 16 with the pay increases being retroactive to July 1, 2015;
- Postpone action to obtain additional information; or
- Adopt a different COLA for non-represented employees.

**FINANCIAL IMPACT**

The FY 2016 cost of a 3.2% COLA for non-represented employees is \$684,049, with the increase being retroactive to July 1, 2015. The increases may require budget amendments in some Funds, which will be presented to Council in the near future. The FY 17 and FY 18 City Administrator budgets will include COLA recommendations that match the collective bargaining agreements.

**RECOMMENDATION**

Staff recommends the approval of a 3.2% COLA increase for non-represented employees for FY 16 with the increase being retroactive to July 1, 2015.

**APPROVED BY CITY ADMINISTRATOR**

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