CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS **May 23, 2016** **6:30 P.M.**

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Mayor Hanel

ROLL CALL: Councilmembers present on roll call were:

MINUTES: May 9, 2016

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. 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. **Agreement and Purchase** of fusible PVC pipe with Underground Solutions, Inc.; $63,135.

2. **Veterans Park Irrigation Replacement.** (Opened 05/10/2016) Recommend The Good Earth Works of Billings; $343,200.

3. **W.O. 16-02 Miscellaneous Concrete Project.** (Opened 05/10/2016) Recommend J & J Concrete, Inc.; $287,150.

B. **Approval** of lease renewal of the West End Hangar Ground Lease with Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust, revenue first year $1,348.20, revenue subsequent years adjusted by CPI-U.

C. **Approval** of lease renewal of the West End Hangar Ground Lease with Moore, Palmersheim and Tostenrud, L.L.C., revenue first year $1,348.20, revenue subsequent years adjusted by CPI-U.

D. **Amendment #24, Airport Improvement Program - Pond D Storm Water System,** Morrison-Maierle, Inc., $357,268.

E. **Amendment #25, Taxilane West Construction Project,** Morrison-Maierle, Inc., $237,471.

F. **Amendment #26, Sanitary Sewer Line Project for West End Hangar Site,** Morrison-Maierle, Inc., $55,106.

G. **Consultant Agreement** with Kadrmas, Lee & Jackson, Inc. to complete the 5th Avenue North Corridor Feasibility Study, not to exceed $80,000.

H. **Acceptance** of National Girls Collaborative Project Mini-Grant for The Billings Public Library for a series of STEM (science, technology, engineering, mathematics) programs for girls, $750.

I. **Revolving Loan Fund** to Kismet Fine Rugs, $230,000.

J. **Approval** of Downtown Billings Partnership Board of Directors' recommendation of a Tax Increment Grant of up to $143,754 to Jeff Neishabouri for eligible improvements to the Annex Building located at 112 N. Broadway.

K. **Approval** of reimbursement from East Billings Urban Renewal District Tax Increment Funds to the firm selected by the RFP, for a feasibility crossing study, not to exceed $40,000.

L. **Right-of-Way Easements** for W.O. 15-07, Orchard Lane Reconstruction.

M. **Right-of-Way Easement** for W.O. 16-06, SBURD Sanitary Sewer Phase 2.

N. **Resolution** authorizing the issuance and calling for the negotiated sale of up to $346,000 pooled sidewalk bonds (W.O. 15-02, Miscellaneous Improvements).

O. **Resolution** authorizing the issuance and calling for the negotiated sale of up to $5,300,000 in bonds for South Billings Urban Renewal District Construction projects.

P. **Second/Final Reading Ordinance expanding Ward III (Annexation #16-02)** for an approximate 34 acre parcel of land described as Lot 1, Block 1, Adam and Mollie Subdivision, located south of Elysian Road and west of the Hogan Slough between Mullowney Lane and East Lane. McCall Development and the Yellowstone Boys and Girls Ranch Foundation, petitioners.

Q. **Preliminary Subsequent Minor Plat** of Lot 2 of the Second Amendment to Sweet Subdivision, 2nd Filing, described as 2 lots on an approximately 39,000 square foot parcel of land generally located west of Grand Avenue and 24th Street West; Freedom Montana, LLC, owner; Eggart Engineering, Inc., agent; conditional approval and adoption of the findings of fact.

R. **Preliminary Subsequent Minor Plat** of Superior Homes Subdivision, described as 2 lots generally located at 406 Roxy Lane; Ann C. Bustell Revocable Living Trust, owner; Eggart Engineering, Inc., agent; conditional approval and adoption of the findings of fact.

S. **Preliminary Major Plat** of Copper Ridge Subdivision, 6th Filing, generally located north of Rimrock Road and east of 70th Street West; Copper Ridge Development, Corporation, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

T. **Preliminary Major Plat** of High Sierra Subdivision 11th Filing, generally located north of Benjamin Boulevard west of High Sierra Boulevard; High Sierra II, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

U. **Preliminary Major Plat** of Josephine Landing Subdivision 1st Filing, generally located south of Elysian Road, east of East Lane on the west edge of the Hogan Slough; McCall Development, Inc., owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

V. **Bills and Payroll:**

1. January 1, 2016 through March 31, 2016 (Municipal Court)

2. April 25, 2016

3. May 2, 2016

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** approving MET Transit Route & Schedule Changes and Fare Increases. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **PUBLIC HEARING AND RESOLUTIONS** approving an amendment to the Limits of Annexation Map and Annexation Policy for 2016. Annexation Committee recommends approval. (Action: approval or disapproval of Annexation Committee recommendation.)

4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation #16-03: an approximate 6.4 acre parcel of land located south of Rimrock Road at the southwest corner of the intersection of 54th Street West and Trail Creek Drive. Yellowstone Meadows Partners, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

5. **PUBLIC HEARING AND SPECIAL REVIEW #942:** a special review to allow the construction of one four-plex multi-family dwelling in a Residential 6,000 (R-60) zone on a 13,200 square foot parcel of land described as: Lot 1A, Block 13, Sweet Acres Subdivision 4th Filing. Rob Morehead, applicant; Travis McDowell, agent. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

6. **PUBLIC HEARING AND RESOLUTION** repealing Resolution 11-19097 and adopting a revised Complete Streets Policy. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

7. **PUBLIC HEARING AND RESOLUTION** authorizing the sale of Lot 17, Block 189, Billings Original Townsite to Russ and Susan Plath for a total of $18,375.

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.

Consent **1. A. 1.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Fusible PVC Pipe Purchase

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Public Works Distribution & Collection Division has an annual program to pipe burst certain existing water mains in need of replacement. This process bursts or breaks the existing pipe and a new main is pulled through the old pipe that has been burst. This avoids open cut trenching for the new water main. Public Works has been pipe bursting for a number of years and the process works very well. It is necessary to purchase 2,070 feet of 12-inch diameter fusible PVC water main pipe for this program. This pipe is supplied by Underground Solutions, Inc. that holds the patent on this fusible PVC pipe and the fusion technology utilized to join the pipe together. The City of Billings is certified to install this pipe and has a license agreement to use this product. As such, it was necessary to obtain a price proposal from a sole source provider for the pipe rather than bidding out the material. This is consistent with the method used several years ago when material was purchased for this purpose. The cost for pipe bursting is about one-third the cost for conventional construction and installation of the water mains.

ALTERNATIVES ANALYZED

City Council may:

- Approve the pipe purchase, or;
- Disapprove the pipe purchase. If not approved, the Public Works Department would be required to use open cut procedures rather than pipe bursting. This will increase the costs and cause increased disruption to the construction areas.

FINANCIAL IMPACT

The cost for this pipe is $63,135.00 funded from the annual water replacement project approved in the Capital Improvement Plan (CIP) and is also included in the FY 2016 budget for the Public Works Department.

RECOMMENDATION

Staff recommends that Council approve purchasing 2,070' of 12" fusible PVC pipe from Underground Solutions, Inc. for $63,135.00.

APPROVED BY CITY ADMINISTRATOR

Attachments

Pipe Purchase Proposal and Agreement

PUBLIC WORKS

Justification for Sole Source Provider

Date: 04/29/2016

Requestor Name: Larry Diedrich

Division: Administrative Services

Supplier Information:

Vendor: Underground Solutions

Phone #: 801-699-2804

Contact: Pat Laidlaw

Amount: $63,135.00

Scope of Work: (provide a brief description of product and any requirements)

12" DR FUSIBLE C900 PIPE, USED FOR REPLACEMENT PROJECTS.

Reason for requesting sole source: (please check all that apply and supply necessary information)

☐ Item must match existing equipment because

☐ Item is a repair part for existing equipment OR item is to be attached to existing equipment.

Name of existing equipment:

☐ Technical characteristics of requested item are essential to our needs because

☒ Product is proprietary; no other manufacturer of this type of product exists.

☐ Only known vendor to service or provide this type of product in this region.

☐ Other manufacturers of this type of product do not meet our requirements:

Manufacturer's Name:

Reason:

Manufacturer's Name:

Reason:

☐ Other reason not listed above:

Please attach all appropriate documents and forward. Thank you.

QUOTE BID FORM

CITY OF BILLINGS

Department: Public Works **Division:** DISTRIBUTION & COLLECTION

Name: KENT LUSTIG **Phone #:** 657-8309

Title: ENGR II

ITEM(S) DESCRPTION: 12" DR 14 FUSIBLE C900, FPVC PIPE
1 TRUCK LOAD 2,070FT

Vendor Name & Address	Person Contacted Phone #	Unit Price	Installation Freight/Handling Charges	Total Extended Price
UNDERGROUND SOLUTIONS INC 3043 EAST 7375 SOUTH SALT LAKE CITY, UT 84121	PAT LAIDLAW P.E. REGIONAL SALES MANAGER 801-699-2804 plaidlaw@undergroundsolutions.com	$30.50/FT		$63,135.00

Comments: This is a STOCK ITEM used for Replacement projects. Underground Solutions is the only manufacturer of this product. They have a Patton pipe.
2070ft- 333160 00100

UNDERGROUND SOLUTIONS INC, C
Recommended Vendor Authorized Vendor

Kent A Lustig 4/29/2016
Department Representative Date Purchasing Officer Date

Underground Solutions®

13135 Danielson Street, Suite 201
Poway, CA 92064
Tel: (858) 679-9551
Fax: (858) 679-9555
www.undergroundsolutions.com

Date Prepared: 4/27/2016

Mr. Kent Lustig
City of Billings Distribution & Collection Division
2251 Belknap Ave. P.O. Box 30958 P.O. Box 30958
Billings, MT 59111

Ref: Billings 2016 Water Pipeburst Rehab - Billings, MT
Proposal No. P16-0630

Dear Mr. Lustig,

Underground Solutions, Inc. (UGSI) is pleased to provide the following Budgetary Proposal for Fusible PVC® pipe for the Billings 2016 Water Pipeburst Rehab project. Pricing for pipe (including freight) is detailed in the following section on a Unit Cost ($/ft) and Total Cost ($) basis.

Fusible C-900® and Fusible C-905® pipe meet all applicable industry standards: AWWA C900/C905, NSF-61 Certification for Drinking Water Components, ASTM cell classification 12454, and formulation requirements of Plastics Pipe Institute TR-2. FPVC® pressure pipe is tested in accordance with AWWA C900/C905 requirements, meets the same ASTM cell classification and PPI formulation requirements, and is NSF-61 certified when used for potable water.

In evaluating Fusible PVC® pipe for this project, we would like to call your attention to the following total installed cost advantages associated with using Fusible PVC® pipe:

Maximum Flow Area:	Fusible PVC® pipe generally offers the largest internal diameter in a pipe bursting material. This leads to a smaller OD for a given ID, which means a smaller bursting head and less expensive bursting equipment are needed.
Material Properties:	Fusible PVC® pipe has excellent scratch and abrasion resistance.
Standard Fittings:	Fusible PVC® pipe utilizes standard mechanical joint fittings. No special fittings or equipment are required for connections. As a result, Fusible PVC® pipe is easy to connect to and maintain.
Safe Pulling Allowance:	Fusible PVC® pipe has a safe pulling allowance that is significantly greater than that of most other pipe systems, and does not depend on pull-in duration.

Thank you for considering UGSI. Please do not hesitate to contact us for any additional information or with any questions or clarifications.

Sincerely,

Pat Laidlaw

Underground Solutions®

Order Summary

Date Prepared: 4/27/2016
Prepared For: City of Billings
Prepared By: Pat Laidlaw

Project Reference: Billings 2016 Water Pipeburst Rehab
Proposal No.: P16-0630
Project Site: Billings, MT

PRODUCTS AND SERVICES:

No.	Pipe Description	Pipe Size	DR	Type	Color	Qty., ft	Unit Cost, $/ft	Total Cost, $
1	12" DR 14 Fusible C-900®	12"	14	DIPS	Blue	2,070	$30.50	$63,135
Freight to Project Site								**Included**
							Purchase Price	**$63,135**

SCOPE OF WORK:

Equipment/Services Provided by Underground Solutions, Inc., d/b/a UGSI, Inc. in California ("UGSI" or "Seller"):

1 Our scope is limited to pipe supply and freight to project site.

PULL-HEAD TERMS: A pull-head is available for rental from UGSI, subject to prior execution of a Pull-Head Rental Agreement (available on the UGSI website at: http://www.undergroundsolutions.com/PDFs/PH-Rental.pdf). Freight costs will be added to the final pull-head rental invoice following return of the pull-head to UGSI. Refer to the Pull-Head Rental Agreement for specific terms and conditions of rental and purchase option.

	Initial Rental Fee	Weekly Rental Rate (After 1st Week)	Estimated Freight (each way)	Purchase Price
12" Pull-head	$439	$45	$300	$3,108

PAYMENT TERMS: 100% of purchase price on pipe delivery, net 30 days.

PIPE SHIPPING TERMS: F.O.B. Shipping Point with full freight allowed to the job site.

PROPOSAL VALIDITY: Budgetary pricing only.

DELIVERY SCHEDULE: To be negotiated. UGSI will take reasonable action to meet Buyer's installation schedule.

TAXES: The Purchase Price does not include any sales or similar taxes, which are the Buyer's responsibility (see Section 3 of Terms and Conditions of Sale).

This Proposal is subject to the Terms and Conditions at http://www.undergroundsolutions.com/Ts&Cs/Pipe-Terms-05.18.11.pdf, which form an integral part of this Proposal. Such Terms and Conditions will govern any transaction resulting from this Proposal. Any contract resulting from this Proposal is made subject to prior acceptance by UGSI at its offices in Poway, California. All orders are subject to prior credit approval. Buyer undertakes to provide the following notice to each subsequent purchaser of the Products: The test frequency set forth in Section 5.1.12 of AWWA/ANSI C900-07 and C905-10, respectively, has been modified pursuant to Section 5.1.14 of the respective standard.

Buyer's signature indicates acceptance of the UGSI Order Summary and Terms and Conditions.

Buyer's Authorized Signature _____ Date _____

Print Name & Title _____ Print Company Name _____

☐ Tax Exempt (must provide Tax Exempt Certificate with order) ☐ Taxable ☐ State Registered Wholesaler

Consent **1. A. 2.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Veterans Park Irrigation Replacement - Construction Contract

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

Staff is seeking Council approval of a contract to reconstruct the manual irrigation system at Veterans Park. This is a CIP project approved in FY 2016 and funded through the Park District #1 assessments. This project will replace the existing irrigation system with a new automated system, achieving efficiency savings in water usage and significantly reduced staff time. The construction period will be 60 days, beginning after September 1st. The only bidder was The Good Earth Works of Billings, with a base bid of $343,200.

ALTERNATIVES ANALYZED

City Council may:

- Approve the contract for $343,200, or;
- Disapprove the bid and provide staff with additional guidance.

FINANCIAL IMPACT

Funding for this project comes from the City Wide Park District #1 and was approved in FY2016. There will be no additional financial impact to the City.

RECOMMENDATION

Staff recommends that the City Council award the Veteran's Park irrigation system reconstruction contract to The Good Earth Works of Billings for the base bid of $343,200.

APPROVED BY CITY ADMINISTRATOR

Attachments

Bid Tabulation

VETERANS PARK IRRIGATION SYSTEM REPLACEMENT
Billings, Montana

5/10/16

Bid Tabulation: May 10, 2016		**Architect's Estimate**	**SteVon's Landscape & Sprinklers**	**Chalk Buttes Landscaping, Inc.**	**The Good Earthworks Co., Inc.**	**Solstice Landscaping, LLC**
Receipt of Addenda No. 1			**No Bid**	**No Bid**		**No Bid**
Receipt of Addenda No. 2						
Bid Bond						
Bid Form Unit Prices						
TOTAL BASE BID LUMP SUM PRICE		$ 323,793.00	$ -	$ -	$ 343,200.00	$ -
Alternate #1		$ 39,997.00	$ -	$ -	$0.00	$ -
TOTAL BASE BID PLUS ALTERNATES		$ 363,790.00	$ -	$ -	$ 343,200.00	$ -
In State Preference		0%	0%	0%	0%	0%
Basis of award with any preference applied		**$ 363,790.00**	**$ -**	**$ -**	**$ 343,200.00**	**$ -**

Consent **1. A. 3.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: W.O. 16-02 Miscellaneous Concrete Project

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-02 Miscellaneous Concrete Project will construct concrete sidewalk, curb and gutter, drive approaches, and alley approaches throughout the city. The areas of work were developed by city staff recommendation, calls from the public, and identified tripping hazards. The project was advertised April 28th and May 5th and bids were opened on May 10th. There were two bidders and J & J Concrete, Inc. submitted the apparent low bid.

ALTERNATIVES ANALYZED

City Council may:

- Approve the bid award to J & J Concrete, Inc. in the amount of $287,150.00 or;
- Disapprove the bid award. If the contract is not awarded, the concrete work will not be done and areas that are failing will continue to fail and tripping hazards will not be repaired.

FINANCIAL IMPACT

Contractor	Bid
Engineer's Estimate	$319,027.50
J & J Conrete, Inc.	$287,150.00
Millennium	$392,085.00

The funds are from property owner assessments and gas tax budgeted in FY16

Budgeted Amount	$625,000
Previously Encumbered	$0
This Contract	$287,150
Remaining Budget	$337,850

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RECOMMENDATION

Staff recommends that the City Council approve the bid award to J & J Concrete, Inc. in the amount of $287,150.

APPROVED BY CITY ADMINISTRATOR

Consent **1. B.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: West End Hangar Ground Lease with Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust as Tenants in Common

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust, as Tenants in Common, desire to renew their Ground Lease and enter into a new West End Hangar Ground Lease on the parcel located at 2551 Overlook Drive. The current Lease expired April 30, 2016. The Volds first entered into a Ground Lease on this 5,950 square foot parcel in 1996 and built a 3,600 square foot hangar on the parcel located in the general aviation area on the west end of the Airport. The new West End Hangar Ground Lease is for a 6,300 square foot parcel, which includes additional space needed for vehicle parking, and is for a twenty-year term, commencing May 1, 2016 and terminating on April 30, 2036.

ALTERNATIVES ANALYZED

City Council may:

- Approve the new West End Hangar Ground Lease to Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust as Tenants in Common for the term commencing May 1, 2016 and terminating on April 30, 2036, or;
- Disapprove the twenty-year West End Hangar Ground Lease to Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust as Tenants in Common for the term commencing May 1, 2016 and terminating on April 30, 2036.

FINANCIAL IMPACT

The first year of the new West End Hangar Ground Lease will generate $1,348.20 of revenue for the City's Airport. Subsequent years will be adjusted annually on the anniversary date of the Lease using the Department of Labor Consumer Price Index For All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics, for the previous twelve months to keep pace with annual inflation.

RECOMMENDATION

Staff recommends the City Council approve the twenty-year West End Hangar Ground Lease to Steven A. Vold Revocable Trust and Susan K. Vold Revocable Trust as Tenants in Common for the term commencing May 1, 2016 and terminating on April 30, 2036.

APPROVED BY CITY ADMINISTRATOR

Consent **1. C.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: West End Hangar Ground Lease with Moore, Palmersheim and Tostenrud, L.L.C.

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Moore, Palmersheim and Tostenrud, L.L.C. desire to renew its Ground Lease and enter into a new West End Hangar Ground Lease on the parcel located at 2541 Overlook Drive. In 2005, Moore, Palmersheim and Tostenrud, L.L.C. assumed a twenty- year Ground Lease from Martin Elshire on this 5,950 square foot parcel. Mr. Elshire originally entered into the Ground Lease in 1996 and built a 3,600 square foot hangar on the parcel located in the general aviation area on the west end of the Airport. The current Ground Lease expired April 30, 2016. The new West End Hangar Ground Lease is for a 6,300 square foot parcel, which includes additional space needed for vehicle parking. The new West End Hangar Ground Lease is for a twenty-year term, commencing May 1, 2016 and terminating on April 30, 2036.

ALTERNATIVES ANALYZED

City Council may:

- Approve the new West End Hangar Ground Lease to Moore, Palmersheim and Tostenrud, L.L.C. for the term commencing May 1, 2016 and terminating on April 30, 2036; or
- Disapprove the new West End Hangar Ground Lease to Moore, Palmersheim and Tostenrud, L.L.C. for the term commencing May 1, 2016 and terminating on April 30, 2036.

FINANCIAL IMPACT

The first year of the new West End Hangar Ground Lease will generate $1,348.20 of revenue for the City's Airport. Subsequent years will be adjusted annually on the anniversary date of the Lease using the Department of Labor Consumer Price Index For All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics, for the previous twelve months to keep pace with annual inflation.

RECOMMENDATION

Staff recommends City Council approve the twenty-year West End Hangar Ground Lease to Moore, Palmersheim and Tostenrud, L.L.C. for the term commencing May 1, 2016 and terminating on April 30, 2036.

APPROVED BY CITY ADMINISTRATOR

Consent **1. D.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Approval of Amendment 24 for Airport Improvement Program - Pond D Storm Water System Construction Administration

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

On April 9, 2012, the City Council approved a five-year contract with Morrison-Maierle, Inc. to provide all the construction administration, construction survey, on site construction inspection, and project closeout for civil engineering work that the Aviation and Transit Department requires during the five-year term. This term contract is amended each time a project is undertaken, and Amendment 24, for $357,268, includes all of the services listed above for the Pond D Storm Water System project.

This project has multiple phases, which Council approved at the May 9, 2016 City Council meeting. The project will enhance the Airport's ability to collect and convey storm water from the airfield, specifically the areas between Taxiway A and the main runway, into the new detention Pond D and then convey that water via pipe into Alkali Creek. Amendment 24 will provide the engineering services required during the construction of the project, specifically the construction administration, construction inspection, and all survey work. The scope of work and associated fees were negotiated by staff and are acceptable for this engineering work.

ALTERNATIVES ANALYZED

City Council may:

- Approve Amendment 24 for the engineering services with Morrison-Maierle, Inc.; or
- Decline to approve Amendment 24 with Morrison-Maierle, Inc. and advise staff on how to proceed.

FINANCIAL IMPACT

The total cost of the engineering services in Amendment 24 is $357,268. These fees are funded 90% with Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funds and 10% with local match funds. The FAA's grant funding will be $321,541.20 and the City's local match will be $35,726.80. This project is included in the current budget, and local match funds are budgeted and available in the Airport's capital account.

RECOMMENDATION

Staff recommends that the City Council approve Amendment 24 with Morrison-Maierle, Inc., for the amount of $357,268, for the construction administration services required for the Pond D Storm Water System Project.

APPROVED BY CITY ADMINISTRATOR

Attachments

amendment 24

AMENDMENT NO. 24
TO
AGREEMENT FOR ENGINEERING SERVICES
CITY OF BILLINGS AVIATION AND TRANSIT DEPARTMENT

DATED April 9, 2012

This Amendment No. 24 made and entered into this _____ day of April, 2016 by and between the following:

City of Billings, Montana, a Municipal Corporation, PO Box 1178
Billings, Montana 59103, hereinafter designated the OWNER

and

Morrison-Maierle, Inc., 315 N. 25th Street, Suite 102, Billings, Montana 59102,
a private Montana Corporation, hereinafter designated as the ENGINEER

W I T N E S S E T H:

WHEREAS, the OWNER and the ENGINEER have entered into a contract dated April 9, 2012 for ENGINEER to provide engineering services to OWNER for AIP 052 Pond D Storm Drainage System.

WHEREAS, the OWNER has a need for additional engineering services;

WHEREAS, the ENGINEER represents that he is qualified to perform such services, is in compliance with the Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the OWNER;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the parties hereto agree to amend the April 9, 2012 Agreement, corresponding amendments to this Agreement, and all related exhibits as follows:

ARTICLE 1 - SCOPE OF SERVICES. The following items of work listed below are added and amended by the Amendment 23 to Phase I – Design Plans and Specifications, Design Surveys, Design testing and AGIS survey.

For Phase II – Construction Phase, Amendment 24 includes all of the items defined in the original Agreement, plus the following item of work: The ENGINEER shall provide Construction Layout services in accordance with the Master Agreement. Construction Layout includes, but is not limited to, field marking of the following: lines, offsets, pipe inverts, material quantities, preliminary grades, and finished grades, and their associated staking notes. The ENGINEER shall provide the Contractor with a copy of the staking notes in a timely manner.

Engineering fees for providing the scope of work are based on the methods described in Article II of the original agreement.

Scope of Work is amended to include the following Item description:

ITEMS DESCRIPTION

Items for Amendment **24 (Twenty-Four)**:

1. **Pond D Storm Drainage System Construction.** Provide fulltime construction oversight for the construction of the Pond D Storm Drainage System. This project includes;
    a. Schedule 1 - Storm Water Pipe construction down Sun Valley drainage. Schedule 1 shall be constructed in 45 calendar days with a full time inspector. This schedule includes 24-inch storm drain construction, directional drilling with HDPE, and street rehabilitation.
    b. Schedule 2 - Pond D Construction. The Pond D construction includes two detention ponds for the 100-year, 24-hour storm event. This schedule is 60 calendar days with a full time inspector.
    c. Schedule 3 – North Pipe Construction. The north 48-inch storm pipe includes connecting storm water pipe to the north side manholes of the 2015 Tunnel Boring project. The storm drain connection will carry the storm water from the south side of Runway 10L-28R under the runway to the north side system. This schedule shall be constructed in 45 calendar days with a full time inspector. This schedule may be complete simultaneously with any schedule.
    d. Schedule 4 – South Pipe Construction. South storm pipe includes connecting storm water pipe to the south side manholes of the 2015 Tunnel Boring project. The connections are 24 to 36-inch RCP. The storm drain connection will carry the storm water from the south side of Runway 10L-28R under the runway to the north side system. This schedule shall be constructed in 30 calendar days with a full time inspector and may not start until Schedules 1, 2 and 3 are complete and accepted.
    e. Schedule 5 – Open Channel. The trapezoidal open channel is on the southeast and southwest side of Pond D. The open channel is designed to collect surface water on the north side of Runway 10L-28R and carry the storm water to Pond D. The open channel construction shall be constructed in 30 calendar days and may not start until Schedules 1 and 2 are complete. This schedule shall have a full time inspector.
    f. Schedule 6 – Culvert Installation. The drainage modifications and construction is north and east of the business park. The construction includes removal of the existing 24-inch culvert and installation of a 36-inch RCP with surge area. This schedule shall be constructed in 14 calendar days and have a full time inspector onsite.

Phase I

Phase I work items listed above:

Included in Addendum 23.

Phase II

Phase II work will include providing Construction Administration, Construction Layout, Resident Project Representative (Inspector), and Project Closeout for items identified as Phase I design work.

ARTICLE II - ENGINEERING FEES

The items discussed above are finalized items of work that the Owner, PFC and AIP will fund.

– Design Specifications

ems discussed above involve the Phase I were included in Amendment **23** scope of services. Phase I not be included in this Amendment.

hase II - Construction Phase.

The items discussed above involve the Phase II, Items for Amendment **24** scope of services and will be accomplished at a cost plus fixed fee with a ceiling price not to exceed **$357,268** as per Method B - Fee Determination outlined below. See Table 2A for engineering budgets.

COST SUMMARY OF
Amendment No. 24

Description		Labor & Expenses	Fixed Fee	Total Phase I	Total Phase II
Amendment No. 24					
AIP 052 Pond D Storm Drainage System					
PHASE 1 - Design - ITEM 1	TABLE 1A	$0	$0	$0	
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	$314,170	$43,098		$357,268
Subtotal Item 1		$314,170	$43,098		
Total This Amendment					**$357,268**

TABLE 2A

Amendment No. 24
ENGINEERING BUDGET
PHASE II - Construction Admin. - ITEM 1

Engineering Services **PHASE II - Construction Admin. - ITEM 1**		Total Man-hours	Labor Rate	Total
Professional Services AIP 052 Pond D Storm Drainage System		*2,667*	*$107.75*	*$287,319*
Total MU Labor				*$287,319*
Expenses				
Company Vehicle	*$3,742*			
Commuting, Travel	*$0*			
Technology Charge	*$13,113*			
Vehicle	*$7,173*			
Per diem	*$0*			
Per diem	*$0*			
Equipment Charges	*$2,823*			
Professional Charges	*$0*			
Printing, Copies	*$0*			
Telephone, FAX	*$0*			
Photos, Etc	*$0*			
Freight, Postage	*$0*			
Project Supplies	*$0*			
SUBTOTAL	*$26,851*			
Total MU Labor				*$287,319*
Total Direct Expenses				*$26,851*
Total MU Labor & Expenses				*$314,170*
Fixed Fee				*$43,098*
Total Cost Plus Fixed Fee for Construction Phase				*$357,268*

* Figure is rounded

IN WITNESS WHEREOF, the parties hereto have made and executed the Amendment No. **24** this _____ day of April, 2016.

CONSULTANT

Morrison-Maierle, Inc.

BY: Carl J Anderson

DATE: 4/12/16

OWNER

City of Billings

BY: _____

DATE: _____

ATTEST:

BY: _____
City Clerk

APPROVED AS TO FORM:

BY: _____
City Attorney

Summary of Agreements for Professional Engineering Services

Description			Labor & Expenses	Fixed Fee	Total
Amendment No. 1	Plunge Pool & Lot Survey				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$55,252*	*$6,101*	$61,353
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$44,237*	*$5,455*	$49,692
			$99,489	*$11,556*	
Amendment No. 1	Ponds A, B, and C Ponds				
PHASE 1 - DESIGN - ITEM 2		TABLE 1b	*$23,164*	*$3,212*	$26,376
PHASE II - CONSTRUCTION - ITEM 2		TABLE 2b	*$23,984*	*$3,259*	$27,243
Subtotal Item 2			*$47,148*	*$6,471*	
TOTAL Amendment No. 1			***$146,637***	***$18,027***	***$164,664***
Amendment No. 2	Airfield Maintenance Equipment				
PHASE 1 - DESIGN - ITEM 1		Table 1a	*$28,706*	*$3,953*	$32,659
PHASE II - CONSTRUCTION - ITEM 1		Table 2a	*$0*	*$0*	$0
Pavement Condiditon Index Study					
PHASE 1 - Design - ITEM 1		TABLE 1A	*$47,071*	*$6,539*	$53,609
PHASE II - Construction Admin. - ITEM 1		TABLE 2A	*$0*	*$0*	$0
TOTAL Amendment No. 2			***$75,777***	***$10,492***	***$86,268***
Amendment No. 3	2012 Miscellaneous Improvements				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$37,713*	*$5,229*	$42,942
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$43,240*	*$5,750*	$48,990
TOTAL Amendment No. 3			***$80,952***	***$10,979***	***$91,931***
Amendment No. 4	PFC Airport Wheel Loader				
PHASE 1 - Design - ITEM 1		TABLE 1A	$3,352	$417	$3,769
PHASE II - Construction Admin. - ITEM 1		TABLE 2A	$0	$0	$0
TOTAL Amendment No. 4			***$3,352***	***$417***	***$3,769***
Amendment No. 5	2013 AIP-44 CA				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$69,317*	*$9,246*	$78,562
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$415,893*	*$53,995*	$469,888
TOTAL Amendment No. 5			***$485,209***	***$63,241***	***$548,450***
Amendment No. 6	Slot 4 - PCC Construction				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$163,094*	*$22,453*	$185,547
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$135,941*	*$18,061*	$154,003
TOTAL Amendment No. 6			***$299,035***	***$40,515***	***$339,550***
Amendment No. 7	2014 Miscellaneous Improvements				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$24,228*	*$3,040*	$27,268
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$28,954*	*$3,872*	$32,826
TOTAL Amendment No. 7			***$53,182***	***$6,911***	***$60,094***
Amendment No. 8	Pond D Expand - Outfall Routing Study				
PHASE 1 - DESIGN/STUDY - ITEM 1		TABLE 1a	*$50,635*	*$7,065*	$57,700
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$0*	*$0*	$0
TOTAL Amendment No. 8			***$50,635***	***$7,065***	***$57,700***
Amendment No. 9	Employee P-Lot				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$44,581*	*$5,980*	$50,561
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$69,893*	*$9,384*	$79,277
TOTAL Amendment No. 9			***$114,474***	***$15,364***	***$129,838***
Amendment No. 10	AIP 046-2014 Apron Construction				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$83,709*	*$11,868*	$95,577
PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$85,259*	*$11,442*	$96,701
TOTAL Amendment No. 10			***$168,968***	***$23,310***	***$192,278***

Amendment No. 11	West Transfer Parking Lot & Terminal Circle Road			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$49,919*	*$6,573*	$56,492
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	$65,110	$8,622	$73,732
TOTAL Amendment No. 11		**$115,029**	**$15,195**	***$130,224***
Amendment No. 12	AIP 048 - Land, Runway 10R EA			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$131,204	$17,782	$148,986
TOTAL Amendment No. 12		**$131,204**	**$17,782**	***$148,986***
Amendment No. 13	Wetland, Survey & Flood Plane Analysis			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$38,869*	*$5,378*	$44,247
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 13		***$38,869***	***$5,378***	***$44,247***
Amendment No. 14	Lights-Fence Transfer Lot			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$13,774*	*$1,876*	$15,650
PHASE II - EA - ITEM 1	TABLE 2A	$17,749	$2,339	$20,088
TOTAL Amendment No. 14		***$31,523***	***$4,215***	***$35,738***
Amendment No. 15	Ponds A, B, C Fence			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$12,820*	*$1,731*	$14,551
PHASE II - EA - ITEM 1	TABLE 2A	$10,818	$1,404	$12,222
TOTAL Amendment No. 15		***$23,638***	***$3,135***	***$26,773***
Amendment No. 16	2015 Parking Lot Improvements			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$33,173*	*$4,591*	$37,764
PHASE II - EA - ITEM 1	TABLE 2A	$64,600	$8,683	$73,283
TOTAL Amendment No. 16		***$97,773***	***$13,274***	***$111,047***
Amendment No. 17	Pond D Permitting for Storm Drainage Improvements			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$27,579*	*$3,948*	$31,527
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 17		***$27,579***	***$3,948***	***$31,527***
Amendment No. 18	AIP 049-2015 Ramp Construction			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$82,152*	*$11,626*	$93,778
PHASE II - EA - ITEM 1	TABLE 2A	$85,694	$11,605	$97,299
TOTAL Amendment No. 18		***$167,846***	***$23,231***	***$191,077***
Amendment No. 19	Pavement Condition Index			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$53,018*	*$7,392*	$60,410
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 19		***$53,018***	***$7,392***	***$60,410***
Amendment No. 20	AIP 050-2015 Storm Drain Tunneling			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$105,414*	*$14,930*	$120,344
PHASE II - EA - ITEM 1	TABLE 2A	$60,695	$8,260	$68,955
TOTAL Amendment No. 20		***$166,109***	***$23,190***	***$189,299***
Amendment No. 21	AIP 050-2015 Taxilane Construction			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$41,816*	*$5,908*	$47,724
PHASE II - EA - ITEM 1	TABLE 2A	$38,545	$5,302	$43,847
TOTAL Amendment No. 21		***$80,361***	***$11,210***	***$91,571***
Amendment No. 22	AIP 050-2015 Storm Drain Tunneling CA			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$32,116	$4,369	$36,485
TOTAL Amendment No. 22		***$32,116***	***$4,369***	***$36,485***
Amendment No. 23	AIP 050-2015 Pond D Storm Sytem			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$257,789*	*$36,416*	$294,205
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 23		***$257,789***	***$36,416***	***$294,205***
Amendment No. 24	AIP 052-2016 Pond D Storm Sytem			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$314,170	$43,098	$357,268
TOTAL Amendment No. 24		***$314,170***	***$43,098***	***$357,268***
Sum Total All Amendments				**$3,423,399**

Consent **1. E.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Approval of Amendment 25 with Morrison-Maierle for Engineering Services on Taxilane West Construction Project

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

On April 9, 2012, the City Council approved a five-year contract with Morrison-Maierle, Inc. to provide all the project design, construction administration, construction survey, on site construction inspection, and project closeout for the Aviation and Transit Department for civil engineering work required during the five-year term. This term contract is amended each time a project is undertaken, and Amendment 25, for $237,471, includes all of the services listed above for this project.

The Taxilane West Construction Project will develop a new area for the construction of larger aircraft hangars. The project includes 550 feet of new taxilane, 33,000 square feet of aircraft parking ramp, 1,400 feet of access roads, and 600 feet of water main lines. The estimated construction cost of this project is $1,300,000. The scope of work and associated engineering fees have been negotiated by staff and are acceptable for this engineering work.

ALTERNATIVES ANALYZED

City Council may:

- Approve Amendment 25 for the engineering services with Morrison-Maierle, Inc.; or
- Decline to approve Amendment 25 with Morrison-Maierle, Inc. and advise staff on how to proceed.

FINANCIAL IMPACT

The total cost of the engineering services in Amendment 25 is $237,471. These fees will be funded 90% with Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funds and 10% with local match funds. The FAA's grant funding will be $213,723.90 and the City's local match will be $23,747.10. The local match funds are budgeted and available in the Airport's Capital Account.

RECOMMENDATION

Staff recommends the City Council approve Amendment 25 with Morrison-Maierle, Inc., for the amount of $237,471, for the engineering services required for the Taxilane West Construction Project.

APPROVED BY CITY ADMINISTRATOR

Attachments

AMENDMENT 25

AMENDMENT NO. 25
TO
AGREEMENT FOR ENGINEERING SERVICES
CITY OF BILLINGS AVIATION AND TRANSIT DEPARTMENT

DATED April 9, 2012

This Amendment No. 25 made and entered into this _____ day of May, 2016 by and between the following:

City of Billings, Montana, a Municipal Corporation, PO Box 1178
Billings, Montana 59103, hereinafter designated the OWNER

and

Morrison-Maierle, Inc., 315 N. 25th Street, Suite 102, Billings, Montana 59102,
a private Montana Corporation, hereinafter designated as the ENGINEER

W I T N E S S E T H:

WHEREAS, the OWNER and the ENGINEER have entered into a contract dated April 9, 2012 for ENGINEER to provide engineering services to OWNER for AIP 054-2016 West Taxilane and Ramp Construction.

WHEREAS, the OWNER has a need for additional engineering services;

WHEREAS, the ENGINEER represents that he is qualified to perform such services, is in compliance with the Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the OWNER;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the parties hereto agree to amend the April 9, 2012 Agreement, corresponding amendments to this Agreement, and all related exhibits as follows:

ARTICLE 1 - SCOPE OF SERVICES. The following items of work listed below are added and amended by the Amendment 25 to Phase I - Design Plans and Specifications, Design Surveys, Design Testing, and AGIS.

For Phase II – Construction Phase, Amendment 25 includes all of the items defined in the original Agreement, plus the following item of work: The ENGINEER shall provide Construction Layout services in accordance with the Master Agreement. Construction Layout includes, but is not limited to, field marking of the following: lines, offsets, pipe inverts, material quantities, preliminary grades, and finished grades, and their associated staking notes. The ENGINEER shall provide the Contractor with a copy of the staking notes in a timely manner.

Engineering fees for providing the scope of work are based on the methods described in Article II of the original agreement.

Scope of Work is amended to include the following Item description:

ITEMS DESCRIPTION

Items for Amendment **25 (Twenty-Five)**:

1. **AIP 054-2016 West Taxilane and Ramp Construction.** Provide plans and specifications for construction of new asphalt taxilane and ramp. The taxilane and ramp construction includes: concrete removal, new asphalt taxilane, new asphalt ramp area, new service road, new emergency access road, and water modifications. This project shall also include design report, construction operation phasing plan, and 7460. In addition to the pavement construction, this project includes an as-built AGIS survey according to AC 150/5300-18B for As Built Field Data Collection.

2. The AIP 054-2016 West Taxilane and Ramp Construction project includes fulltime Construction Oversight for the above project. The new pavement section consists of 8 inches of asphalt on 19 inches of base course on 12 inches of three inch minus (P-154) over compacted subgrade.

Phase I

Phase I work items listed above:

It included preparation of design plans and specifications for the proposed construction projects as described above.

Phase II

Phase II work will include providing Construction Administration, Construction Layout, Resident Project Representative (Inspector), and Project Closeout for items identified as Phase I design work.

ARTICLE II - ENGINEERING FEES

The items discussed above are finalized items of work that the Owner and AIP will fund.

Phase I – Design Specifications
Preparation of design plans and specifications for Phase I, for Amendment **25** will be accomplished for a lump sum fee of **$109,001** as per the Method A - Fee Determination as outlined in the original Agreement dated **April 9, 2012**. See Tables 1A for engineering budgets.

Phase II - Construction Phase.

The items discussed above involve the Phase II, Items For Amendment **25** scope of services and will be accomplished at a cost plus fixed fee with a ceiling price not to exceed **$128,469** as per Method B - Fee Determination outlined below. See Table 2A for engineering budgets.

COST SUMMARY OF
Amendment No. 25

Description		Labor & Expenses	Fixed Fee	Total Phase I	Total Phase II
Amendment No. 25					
AIP 054-2016					
PHASE 1 - Design - ITEM 1	TABLE 1A	$95,723	$13,278	$109,001	
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	$112,941	$15,528		$128,470
Subtotal Item 1		$208,664	$28,807		
Total This Amendment					**$237,471**

TABLE 1A

Amendment No. 25
ENGINEERING BUDGET
PHASE 1 - Design - ITEM 1

Engineering Services PHASE 1 - Design - ITEM 1		Total Man-hours	Labor Rate	Total
Professional Services for AIP 054-2016		*914*	*$96.85*	*$88,522*
Total MU Labor				*$88,522*
Expenses				
Company Vehicle	*$368*			
Commuting, Travel	*$0*			
Technology Charge	*$3,940*			
Vehicle	*$710*			
Per diem	*$0*			
Per diem	*$0*			
Equipment Charges	*$183*			
Professional Charges	*$2,000*			
Printing, Copies	*$0*			
Telephone, FAX	*$0*			
Photos, Etc	*$0*			
Freight, Postage	*$0*			
Project Supplies	*$0*			
SUBTOTAL	*$7,201*			
Total MU Labor				*$88,522*
Total Direct Expenses				*$7,201*
Total MU Labor & Expenses				*$95,723*
Fixed Fee				*$13,278*
Total Lump Sum for Design Phase				*$109,001*

*** Figure is rounded**

TABLE 2A

Amendment No. 25
ENGINEERING BUDGET
PHASE II - Construction Admin. - ITEM 1

Engineering Services PHASE II - Construction Admin. - ITEM 1		Total Man-hours	Labor Rate	Total
Professional Services AIP 054-2016		*932*	*$111.08*	*$103,523*
Total MU Labor				*$103,523*
Expenses				
Company Vehicle	*$591*			
Commuting, Travel	*$0*			
Technology Charge	*$4,555*			
Vehicle	*$3,555*			
Per diem	*$0*			
Per diem	*$0*			
Equipment Charges	*$477*			
Professional Charges	*$0*			
Printing, Copies	*$150*			
Telephone, FAX	*$0*			
Photos, Etc	*$0*			
Freight, Postage	*$0*			
Project Supplies	*$90*			
SUBTOTAL	*$9,418*			
Total MU Labor				*$103,523*
Total Direct Expenses				*$9,418*
Total MU Labor & Expenses				*$112,941*
Fixed Fee				*$15,528*
Total Cost Plus Fixed Fee for Construction Phase				*$128,470*

* Figure is rounded

IN WITNESS WHEREOF, the parties hereto have made and executed the Amendment No. **25** this _____ day of May, 2016.

CONSULTANT

Morrison-Maierle, Inc.

BY: Carl J Anderson

DATE: 4/29/16

OWNER

City of Billings

BY: _____

Sig

DATE: _____

ATTEST:

BY: _____
City Clerk

APPROVED AS TO FORM:

BY: _____
City Attorney

Summary of Agreements for Professional Engineering Services

Description			Labor & Expenses	Fixed Fee	Total
Amendment No. 1	Plunge Pool & Lot Survey				
PHASE 1 - DESIGN - ITEM 1		TABLE 1a	*$55,252*	*$6,101*	$61,353
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PHASE 1 - DESIGN - ITEM 1		Table 1a	*$28,706*	*$3,953*	$32,659
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Pavement Condiditon Index Study					
PHASE 1 - Design - ITEM 1		TABLE 1A	*$47,071*	*$6,539*	$53,609
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TOTAL Amendment No. 2			***$75,777***	***$10,492***	***$86,268***
Amendment No. 3	2012 Miscellaneous Improvements				
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PHASE II - CONSTRUCTION - ITEM 1		TABLE 2a	*$0*	*$0*	$0
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Amendment No. 12	AIP 048 - Land, Runway 10R EA			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$131,204	$17,782	$148,986
TOTAL Amendment No. 12		**$131,204**	**$17,782**	***$148,986***
Amendment No. 13	Wetland, Survey & Flood Plane Analysis			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$38,869*	*$5,378*	$44,247
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 13		***$38,869***	***$5,378***	***$44,247***
Amendment No. 14	Lights-Fence Transfer Lot			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$13,774*	*$1,876*	$15,650
PHASE II - EA - ITEM 1	TABLE 2A	$17,749	$2,339	$20,088
TOTAL Amendment No. 14		***$31,523***	***$4,215***	***$35,738***
Amendment No. 15	Ponds A, B, C Fence			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$12,820*	*$1,731*	$14,551
PHASE II - EA - ITEM 1	TABLE 2A	$10,818	$1,404	$12,222
TOTAL Amendment No. 15		***$23,638***	***$3,135***	***$26,773***
Amendment No. 16	2015 Parking Lot Improvements			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$33,173*	*$4,591*	$37,764
PHASE II - EA - ITEM 1	TABLE 2A	$64,600	$8,683	$73,283
TOTAL Amendment No. 16		***$97,773***	***$13,274***	***$111,047***
Amendment No. 17	Pond D Permitting for Storm Drainage Improvements			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$27,579*	*$3,948*	$31,527
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 17		***$27,579***	***$3,948***	***$31,527***
Amendment No. 18	AIP 049-2015 Ramp Construction			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$82,152*	*$11,626*	$93,778
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TOTAL Amendment No. 18		***$167,846***	***$23,231***	***$191,077***
Amendment No. 19	Pavement Condition Index			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$53,018*	*$7,392*	$60,410
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 19		***$53,018***	***$7,392***	***$60,410***
Amendment No. 20	AIP 050-2015 Storm Drain Tunneling			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$105,414*	*$14,930*	$120,344
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TOTAL Amendment No. 20		***$166,109***	***$23,190***	***$189,299***
Amendment No. 21	AIP 050-2015 Taxilane Construction			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$41,816*	*$5,908*	$47,724
PHASE II - EA - ITEM 1	TABLE 2A	$38,545	$5,302	$43,847
TOTAL Amendment No. 21		***$80,361***	***$11,210***	***$91,571***
Amendment No. 22	AIP 050-2015 Storm Drain Tunneling CA			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$32,116	$4,369	$36,485
TOTAL Amendment No. 22		***$32,116***	***$4,369***	***$36,485***
Amendment No. 23	AIP 050-2015 Pond D Storm Sytem			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$257,789*	*$36,416*	$294,205
PHASE II - EA - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 23		***$257,789***	***$36,416***	***$294,205***
Amendment No. 24	AIP 052-2016 Pond D Storm Sytem			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$314,170	$43,098	$357,268
TOTAL Amendment No. 24		***$314,170***	***$43,098***	***$357,268***

Amendment No. 25	AIP 054-2016 West Taxilane and Ramp Construction			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$95,723*	*$13,278*	$109,001
PHASE II - EA - ITEM 1	TABLE 2A	$112,941	$15,528	$128,469
TOTAL Amendment No. 25		***$208,664***	***$28,806***	***$237,470***
Sum Total All Amendments				**$3,660,869**

Consent **1. F.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Approval of Amendment 26 with Morrison-Maierle for Engineering Service on new Sanitary Sewer Lines for the new West End Hangar Site.

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

On April 9, 2012, the City Council approved a five-year contract with Morrison-Maierle, Inc. to provide all of the project design, the construction administration, construction survey, on site construction inspection, and project closeout for the Aviation and Transit Department for civil engineering work required during the five-year term. This term contract is amended each time a project is undertaken, and Amendment 26, for $55,106, includes all of the services listed above for this project.

This project will install approximately 2,000 feet of sanitary sewer line to provide sewer services to existing and future hangars at the new hangar development area on the west end of the Airport. This work will be constructed in conjunction with the Taxilane West Construction Project (see Amendment 25), but is not eligible for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funding. The estimated cost of the new sewer line is $300,000. The scope of work and associated fees have been negotiated by staff and are acceptable for this engineering work.

ALTERNATIVES ANALYZED

City Council may:

- Approve Amendment 26 for the Engineering Services with Morrison-Maierle, Inc.; or
- Decline to approve Amendment 26 with Morrison-Maierle, Inc. and advise staff on how to proceed.

FINANCIAL IMPACT

The total cost of the engineering services in Amendment 26 is $55,106. The funding for this project is available in the Airport's Capital fund.

RECOMMENDATION

Staff recommends the City Council approve Amendment 26 with Morrison-Maierle, Inc., for the amount of $55,106, for the engineering services for the new Sanitary Sewer Line project for the new West End Hangar Development.

APPROVED BY CITY ADMINISTRATOR

Attachments

Amendment 26

AMENDMENT NO. 26
TO
AGREEMENT FOR ENGINEERING SERVICES
CITY OF BILLINGS AVIATION AND TRANSIT DEPARTMENT

DATED April 9, 2012

This Amendment No. 26 made and entered into this _____ day of May, 2016 by and between the following:

City of Billings, Montana, a Municipal Corporation, PO Box 1178
Billings, Montana 59103, hereinafter designated the OWNER

and

Morrison-Maierle, Inc., 315 N. 25th Street, Suite 102, Billings, Montana 59102,
a private Montana Corporation, hereinafter designated as the ENGINEER

W I T N E S S E T H:

WHEREAS, the OWNER and the ENGINEER have entered into a contract dated April 9, 2012 for ENGINEER to provide engineering services to OWNER for 2016 West Sanitary Sewer Extension

WHEREAS, the OWNER has a need for additional engineering services;

WHEREAS, the ENGINEER represents that he is qualified to perform such services, is in compliance with the Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the OWNER;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the parties hereto agree to amend the April 9, 2012 Agreement, corresponding amendments to this Agreement, and all related exhibits as follows:

ARTICLE 1 - SCOPE OF SERVICES. The following items of work listed below are added and amended by the Amendment 26 to Phase I - Design Plans and Specifications, Design Surveys, Design Testing, and AGIS.

For Phase II – Construction Phase, Amendment 26 includes all of the items defined in the original Agreement, plus the following item of work: The ENGINEER shall provide Construction Layout services in accordance with the Master Agreement. Construction Layout includes, but is not limited to, field marking of the following: lines, offsets, pipe inverts, material quantities, preliminary grades, and finished grades, and their associated staking notes. The ENGINEER shall provide the Contractor with a copy of the staking notes in a timely manner.

Engineering fees for providing the scope of work are based on the methods described in Article II of the original agreement.

Scope of Work is amended to include the following Item description:

ITEMS DESCRIPTION

Items for Amendment **26 (Twenty-Six)**:

1. **2016 West Sanitary Sewer Extension – Scope of Work.**
    a. Install 8" PVC sanitary sewer (SS) main from the existing SS manhole west of Gate 24 to the north of Edwards hangar. The SS will be installed through Edwards lease and access shall be maintained to the east. The SS will be installed to the west, parallel to Taxiway H outside the OFA to the west airport access road. The SS will be installed to the south on the proposed access road parallel to the east row of T-Hangars.
    b. Edward's existing drainfield/septic service will be tied into the new sanitary sewer system.
    c. Sanitary sewer and water services will be installed to the west edge of the T-Hangar lease lines, outside of the access road pavement for future use.
    d. DEQ report shall be submitted for this project.
    e. Sanitary sewer installation through existing asphalt will be patched with new asphalt material.

Phase I

Phase I work items listed above:

It included preparation of design plans and specifications for the proposed construction projects as described above.

Phase II

Phase II work will include providing Construction Administration, Construction Layout, Resident Project Representative (Inspector), and Project Closeout for items identified as Phase I design work.

ARTICLE II - ENGINEERING FEES

The items discussed above are finalized items of work that the Owner and AIP will fund.

Phase I – Design Specifications
Preparation of design plans and specifications for Phase I, for Amendment **26** will be accomplished for a lump sum fee of **$23,165** as per the Method A - Fee Determination as outlined in the original Agreement dated **April 9, 2012**. See Tables 1A for engineering budgets.

Phase II - Construction Phase.

The items discussed above involve the Phase II, Items For Amendment **26** scope of services and will be accomplished at a cost plus fixed fee with a ceiling price not to exceed **$31,941** as per Method B - Fee Determination outlined below. See Table 2A for engineering budgets.

COST SUMMARY OF
Amendment No. 26

Description		Labor & Expenses	Fixed Fee	Total Phase I	Total Phase II
Amendment No. 26					
Sewer Main Extension - West Hangar Area (Local)					
PHASE 1 - Design - ITEM 1	TABLE 1A	$20,288	$2,877	$23,165	
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	$28,083	$3,858		$31,941
Subtotal Item 1		$48,371	$6,735		
Total This Amendment					**$55,106**

TABLE 1A

Amendment No. 26
ENGINEERING BUDGET
PHASE 1 - Design - ITEM 1

Engineering Services PHASE 1 - Design - ITEM 1		Total Man-hours	Labor Rate	Total
Professional Services for Sewer Main Extension - West Hangar Area (Local)		*197*	*$97.37*	*$19,182*
Total MU Labor				*$19,182*
Expenses				
Company Vehicle	*$100*			
Commuting, Travel	*$0*			
Technology Charge	*$855*			
Vehicle	*$150*			
Per diem	*$0*			
Per diem	*$0*			
Equipment Charges	*$0*			
Professional Charges	*$0*			
Printing, Copies	*$0*			
Telephone, FAX	*$0*			
Photos, Etc	*$0*			
Freight, Postage	*$0*			
Project Supplies	*$0*			
SUBTOTAL	*$1,105*			
Total MU Labor				*$19,182*
Total Direct Expenses				*$1,105*
Total MU Labor & Expenses				*$20,288*
Fixed Fee				*$2,877*
Total Lump Sum for Design Phase				*$23,165*

* Figure is rounded

TABLE 2A

Amendment No. 26
ENGINEERING BUDGET
PHASE II - Construction Admin. - ITEM 1

Engineering Services PHASE II - Construction Admin. - ITEM 1		Total Man-hours	Labor Rate	Total
Professional Services Sewer Main Extension - West Hangar Area (Local)		*238*	*$108.06*	*$25,717*
Total MU Labor				*$25,717*
Expenses				
Company Vehicle	*$188*			
Commuting, Travel	*$0*			
Technology Charge	*$1,175*			
Vehicle	*$680*			
Per diem	*$0*			
Per diem	*$0*			
Equipment Charges	*$147*			
Professional Charges	*$0*			
Printing, Copies	*$110*			
Telephone, FAX	*$0*			
Photos, Etc	*$0*			
Freight, Postage	*$0*			
Project Supplies	*$66*			
SUBTOTAL	*$2,366*			
Total MU Labor				*$25,717*
Total Direct Expenses				*$2,366*
Total MU Labor & Expenses				*$28,083*
Fixed Fee				*$3,858*
Total Cost Plus Fixed Fee for Construction Phase				*$31,941*

* Figure is rounded

IN WITNESS WHEREOF, the parties hereto have made and executed the Amendment No. **26** this _____ day of May, 2016.

CONSULTANT

Morrison-Maierle, Inc.

BY: Carl Jandeyan

DATE: 5/5/16

OWNER

City of Billings

BY: _____

DATE: _____

ATTEST:

BY: _____
City Clerk

APPROVED AS TO FORM:

BY: _____
City Attorney

Summary of Agreements for Professional Engineering Services				
Description		**Labor & Expenses**	**Fixed Fee**	**Total**
Amendment No. 1	Plunge Pool & Lot Survey			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$55,252*	*$6,101*	$61,353
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$44,237*	*$5,455*	$49,692
		$99,489	*$11,556*	
Amendment No. 1	Ponds A, B, and C Ponds			
PHASE 1 - DESIGN - ITEM 2	TABLE 1b	*$23,164*	*$3,212*	$26,376
PHASE II - CONSTRUCTION - ITEM 2	TABLE 2b	*$23,984*	*$3,259*	$27,243
Subtotal Item 2		*$47,148*	*$6,471*	
TOTAL Amendment No. 1		***$146,637***	***$18,027***	***$164,664***
Amendment No. 2	Airfield Maintenance Equipment			
PHASE 1 - DESIGN - ITEM 1	Table 1a	*$28,706*	*$3,953*	$32,659
PHASE II - CONSTRUCTION - ITEM 1	Table 2a	*$0*	*$0*	$0
Pavement Condiditon Index Study				
PHASE 1 - Design - ITEM 1	TABLE 1A	*$47,071*	*$6,539*	$53,609
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	*$0*	*$0*	$0
TOTAL Amendment No. 2		***$75,777***	***$10,492***	***$86,268***
Amendment No. 3	2012 Miscellaneous Improvements			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$37,713*	*$5,229*	$42,942
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$43,240*	*$5,750*	$48,990
TOTAL Amendment No. 3		***$80,952***	***$10,979***	***$91,931***
Amendment No. 4	PFC Airport Wheel Loader			
PHASE 1 - Design - ITEM 1	TABLE 1A	$3,352	$417	$3,769
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	$0	$0	$0
TOTAL Amendment No. 4		***$3,352***	***$417***	***$3,769***
Amendment No. 5	2013 AIP-44 CA			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$69,317*	*$9,246*	$78,562
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$415,893*	*$53,995*	$469,888
TOTAL Amendment No. 5		***$485,209***	***$63,241***	***$548,450***
Amendment No. 6	Slot 4 - PCC Construction			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$163,094*	*$22,453*	$185,547
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$135,941*	*$18,061*	$154,003
TOTAL Amendment No. 6		***$299,035***	***$40,515***	***$339,550***
Amendment No. 7	2014 Miscellaneous Improvements			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$24,228*	*$3,040*	$27,268
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$28,954*	*$3,872*	$32,826
TOTAL Amendment No. 7		***$53,182***	***$6,911***	***$60,094***
Amendment No. 8	Pond D Expand - Outfall Routing Study			
PHASE 1 - DESIGN/STUDY - ITEM 1	TABLE 1a	*$50,635*	*$7,065*	$57,700
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$0*	*$0*	$0
TOTAL Amendment No. 8		***$50,635***	***$7,065***	***$57,700***
Amendment No. 9	Employee P-Lot			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$44,581*	*$5,980*	$50,561
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$69,893*	*$9,384*	$79,277
TOTAL Amendment No. 9		***$114,474***	***$15,364***	***$129,838***
Amendment No. 10	AIP 046-2014 Apron Construction			
PHASE 1 - DESIGN - ITEM 1	TABLE 1a	*$83,709*	*$11,868*	$95,577
PHASE II - CONSTRUCTION - ITEM 1	TABLE 2a	*$85,259*	*$11,442*	$96,701
TOTAL Amendment No. 10		***$168,968***	***$23,310***	***$192,278***

Amendment No. 11	West Transfer Parking Lot & Terminal Circle Road			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$49,919*	*$6,573*	$56,492
PHASE II - Construction Admin. - ITEM 1	TABLE 2A	$65,110	$8,622	$73,732
TOTAL Amendment No. 11		**$115,029**	**$15,195**	***$130,224***
Amendment No. 12	AIP 048 - Land, Runway 10R EA			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$0*	*$0*	$0
PHASE II - EA - ITEM 1	TABLE 2A	$131,204	$17,782	$148,986
TOTAL Amendment No. 12		**$131,204**	**$17,782**	***$148,986***
Amendment No. 13	Wetland, Survey & Flood Plane Analysis			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$38,869*	*$5,378*	$44,247
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Amendment No. 19	Pavement Condition Index			
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PHASE 1 - Design - ITEM 1	TABLE 1A	*$105,414*	*$14,930*	$120,344
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TOTAL Amendment No. 20		***$166,109***	***$23,190***	***$189,299***
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PHASE 1 - Design - ITEM 1	TABLE 1A	*$257,789*	*$36,416*	$294,205
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TOTAL Amendment No. 24		***$314,170***	***$43,098***	***$357,268***

Amendment No. 25	AIP 054-2016 West Taxilane and Ramp Construction			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$95,723*	*$13,278*	$109,001
PHASE II - EA - ITEM 1	TABLE 2A	$112,941	$15,528	$128,469
TOTAL Amendment No. 25		***$208,664***	***$28,806***	***$237,470***
Amendment No. 26	2016 West Sanitary Sewer Expansion			
PHASE 1 - Design - ITEM 1	TABLE 1A	*$20,288*	*$2,877*	$23,165
PHASE II - EA - ITEM 1	TABLE 2A	$28,083	$3,858	$31,941
TOTAL Amendment No. 26		***$48,371***	***$6,735***	***$55,106***
Sum Total All Amendments				**$3,715,975**

Consent 1. G.

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Consulting Agreement for the 5th Avenue North Corridor Feasibility Study

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The 5th Avenue North Corridor Feasibility Study contract with KLJ is being brought before City Council for approval. Through a competitive selection process conducted in March, 2016, KLJ was chosen as the consultant to complete this study. The 5th Avenue North Corridor Feasibility Study is being commissioned by the Billings Metropolitan Planning Organization to review potential connections, including non-traditional motorized and non-motorized facilities, along the 5th Avenue North Corridor between North 32nd Street and Main Street (approximately 2 miles) and includes the railroad spur at North 23rd extending to Montana Avenue. This project is identified in the adopted 2016 Billings Urban Area Unified Planning Work Program (UPWP). The UPWP is developed each year and identifies tasks to be completed through the use of Federal Planning dollars allocated to the Billings Metropolitan Planning Organization.

The Study will include an examination of existing right-of-way and corridor information including width, ownership, and existing uses. An analysis of the existing corridor conditions, including opportunities and constraints within and along the corridor will be provided, along with a description of the types of non-traditional motorized and non-motorized transportation elements that might function in the corridor in the future. As part of this study, initial cost estimates for various improvement alternatives and possible funding sources will be included. This study will involve extensive public involvement of the adjacent property owners, MRL and BNSF Railroad Companies, downtown organizations, and other interested and vested individuals. A project steering committee will be established as well as a project website. This Planning Study will require completion of the scope of work and a final document package within approximately 10 months of contract signing. The negotiated contract cost will not exceed $80,000. A draft contract is attached for Council review.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Consultant Agreement with KLJ for a total contract amount not to exceed $80,000, or;
- Disapprove the Consultant Agreement with KLJ and direct staff to develop an acceptable alternative. However, this project is identified the 2016 UPWP, adopted by the Policy Coordinating Committee in September 2015. The UPWP identifies tasks to be completed through the use of Federal Planning dollars allocated to the Billings Metropolitan Planning Organization.

FINANCIAL IMPACT

The 5th Avenue North Corridor Study is identified in the 2016 UPWP. The UPWP is the document that outlines activities for the Planning Division staff as well as budgeting the Federal Planning funds received by the Billings MPO. The UPWP was recommended for approval by the City Council on September 14, 2015 and approved by the Policy Coordinating Committee on September 15, 2015. The 5 th Avenue North Corridor Study is 100% reimbursed through the Federal Planning funds received by the Billings MPO.

RECOMMENDATION

Staff recommends that the Council approve the contract not to exceed $80,000 with KLJ to complete the 5th Avenue North Corridor Study and authorize the Mayor to sign the consultant agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

KLJ Consultant Agreement

CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2016, by and between the **CITY OF BILLINGS, MONTANA,** a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as "**CITY**," and KLJ Engineering located at 2969 Airport Road, Suite 1B, PO Box 1567, Helena, Montana, 59601, hereinafter referred to as "**CONSULTANT**."

WITNESSETH:

WHEREAS, the **CITY** proposes to obtain information regarding the feasibility of developing potential connections, non-traditional motorized and non-motorized system along the 5th Avenue North Corridor between North 32nd Street and Main Street in downtown Billings and desires to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof.

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

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

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

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

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

3. **PAYMENT**: In consideration of the services provided by the **CONSULTANT** under this **AGREEMENT**, the **CITY** agrees to pay **CONSULTANT** a price not to exceed $79,800.00 as described in the Project Cost attached hereto as Exhibit "B".

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

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

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

5. **INDEMNITY AND INSURANCE:**

A. The Consultant shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the **AGREEMENT**.
B. The Consultant agrees to indemnify the City, its officers, agents and employees from any and all losses, damage and liability resulting from any negligent act, error, or omission on the part of Consultant or its agents or employees.
C. Where lawsuits or liability, including attorneys' fees and costs are caused by the wrongful or negligent act of both Billings and the Consultant, the Consultant shall indemnify Billings harmless from only that portion of causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Consultant's or any subcontractor's negligent acts, errors, or omissions occurring as a result from the Consultant's performance pursuant to this **AGREEMENT**.
D. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

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

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including contractual and personal injury coverage's -- $750,000 per claim and $1,500,000 per occurrence.
3. Commercial automobile liability -- $1,000,000 per accident, using KLJ's umbrella insurance for up to an additional $500,000 per accident if needed.
4. Professional liability in the amount of $1,500,000 per claim.

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

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

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

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

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

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

A. Qualifications

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

B. Solicitation of Agreement

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

C. Facilities and Personnel

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

D. Subcontracting

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

E. Affidavits of Compliance

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

7. **AGREEMENTS OF CITY:**

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

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

8. **NONDISCRIMINATION:**

A. The **CONSULTANT** will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The **CONSULTANT** will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The

CONSULTANT agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

B. The **CONSULTANT** shall state, in all solicitations or advertisements for employees to work on jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.

C. The **CONSULTANT** shall comply with any and all reporting requirements that may apply to it that the **CITY** may establish by regulation.

D. The **CONSULTANT** shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this **AGREEMENT**, so as to be binding upon every such sub-consultant or vendor of the **CONSULTANT** under this **AGREEMENT**.

E. The **CONSULTANT** shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination (Exhibit "C").

9. **PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this **AGREEMENT**. All actions taken by the **CONSULTANT** under this **AGREEMENT** shall comply with all applicable statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this **AGREEMENT**.

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

11. **DECLARATION OF NO FINANCIAL INTEREST:** The **CONSULTANT** hereby declares that he does not have any interest (including that of real estate agent or broker), direct or indirect, present or prospective, in any property described in Section 1 or in its sale, or any other interest, whether or not in connection with the property, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this **AGREEMENT**, any person having any such interest. Until the property is acquired by the **CITY** or excluded from its project by resolution of its governing body, the **CONSULTANT** and any employees of the **CONSULTANT**, so long as they are employed by the **CONSULTANT**, will not acquire any such interests and will not, for their own account or for other than the **CITY**, negotiate for any of the property, perform services in connection with the

property, or testify voluntarily as a witness in a condemnation or other proceeding with respect to the property.

12. **SUCCESSORS AND ASSIGNS:** This **AGREEMENT** and all of the covenants hereof shall inure to the benefit of and be binding upon the **CITY** and the **CONSULTANT** respectively and his partners, successors, assigns, and legal representatives. Neither the **CITY** nor the **CONSULTANT** shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other party.

13. **CHANGES IN WORK:** Any change in the scope of **CONSULTANT'S** services as stated in this **AGREEMENT** for whatever reason, will be negotiated between the **CITY** and the **CONSULTANT** and an amendment to this **AGREEMENT** will be issued with the appropriate change of services and **AGREEMENT** fee noted.

14. **LEGAL RELATIONS:** The **CONSULTANT** shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.

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

    In the event the **CITY** terminates this **AGREEMENT**, the **CONSULTANT** shall be paid for the amount of work performed or services rendered to date of termination per the **AGREEMENT** fee.

16. **ENDORSEMENTS:** The **CONSULTANT** shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.

17. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of this **AGREEMENT**, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the **CITY**. Reproducibles of all notes, reports, and plans shall be made available at the **CITY'S** request. CONSULTANT shall not be liable for modifications to documents prepared by CONSULTANT which are made without CONSULTANT's advice after delivery to CITY, nor shall CONSULTANT be liable for their use in projects other than the Project outlined within this Agreement.

18. **PUBLIC INFORMATION:** The **CONSULTANT** shall not issue any statements, releases, or information for public dissemination without prior written approval of the **CITY**.

19. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the **CITY**. Pre-existing works created by CONSULTANT outside of the services for CITY but utilized in connection with such services shall continue to be owned by CONSULTANT.

20. **RECORDS:** The **CONSULTANT** shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the **AGREEMENT** term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the **CITY** and copies thereof shall be furnished if requested.

21. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this **AGREEMENT** to retain an attorney to enforce any of the terms or conditions of the **AGREEMENT** or to give any notice required herein, then each Party shall be responsible for its own reasonable attorney's fees and costs.

22. **LITIGATION LOCATION:** The parties agree that this **AGREEMENT** shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the **AGREEMENT** or the performance of its terms.

23. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this **AGREEMENT** or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this **AGREEMENT**.

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

CITY OF BILLINGS, MONTANA

By_____
THOMAS W. HANEL,
MAYOR

KLJ Engineering
CONSULTANT (Print Name Above)

By Mark Anderson

Print Name Mark Anderson

Print Title Dir, Surface Transportation

APPROVED AS TO FORM:

By_____
BRENT BROOKS, CITY Attorney

EXHIBIT A
SCOPE OF SERVICES

5th AVENUE NORTH CORRIDOR FEASIBILITY STUDY

Project Tasks

Project Management
KLJ will actively manage project activities to enable successful project coordination, as well as management to keep the project on schedule and within budget.

1. Project Management

A. Project Management
KLJ will provide project management efforts to include weekly project management reports to the City-County Planning Division, monthly invoicing and project coordination.

2. Corridor Conditions Analysis

The purpose of this task is to determine the availability of the corridor for locating and implementing some form of transportation facility improvements.
This task will include gathering existing corridor conditions, including ROW widths, land ownership and contact information and corridor use information. While some of the corridor is currently used for rail spur activity, the level and locations of rail use are unknown, and other uses along the corridor may be present as well.

A. Corridor Constraints Evaluation
KLJ will evaluate the location and availability of land owned by MRL and BNSF railroads to determine their existing or planned corridor use and opportunities for City use.

We have learned that a number of businesses are still being served by the railroad. This issue has the potential to impact feasibility for portions of the corridor, or for the corridor as a whole. We will map businesses along the corridor and meet or converse with them to determine what their future plans are for rail service.

Physical features of the corridor will also be identified and documented. These include utilities and other identified conditions. West of 25th Street, there is no remaining rail corridor and no obvious space for a facility bisecting the properties. Opportunities to connect to the 32nd Street corridor will consider potential use of parking lots and other parallel corridors. The positions and desires of landowners in and adjacent to the corridor will be assessed once other constraints and

opportunities have been identified.

B. Corridor Opportunities Evaluation

Once the corridor constraints have been defined, the question that remains is, what is left? What opportunities can reasonably be pursued given the current uses and constraints of the corridor? If some constraints appear to be roadblocks in the development of a corridor improvement solution, can efforts be made to remove them as roadblocks? Corridor opportunities will be mapped and described for review by the Steering Committee.

C. Initial Feasibility Evaluation

A Corridor Conditions Analysis Summary document will be prepared that shows corridor constraints and opportunities and provides an overall evaluation of the corridor. At this stage in the study, an initial determination will be made on the level of feasibility of the corridor. It will be further decided on which elements of the study, if any, should proceed for further analysis, corridor planning and recommendations.

3. Corridor Planning

Once constraints and opportunities along the corridor have been identified, both non-traditional motorized and non-motorized improvement alternatives for the corridor will be prepared. Corridor planning will consider not only the use of the corridor as a transportation facility, but also corridor beautification, screening and provision of other amenities that would benefit corridor users. The Billings Trail Master Plan will serve as a resource for beneficial trail site amenities.

Past planning documents say much about the context of the Billings Downtown and the Billings Exposition Gateway, and it is important to understand how the 5th Avenue corridor can enrich the central core of the community. Planning will consider potential major redevelopment east of 10th Street North, as proposed by the Billings Exposition Gateway Concept Plan.

Connectivity is a significant opportunity provided by developing transportation facilities along this corridor. Connections between MetraPark, Exposition Gateway and downtown area establishments, such as the YMCA, Art Museum and the Library, could benefit residents, tourists and businesses alike.

A. Non-traditional Motorized Facilities Planning

Corridor conditions will be assessed to determine the feasibility of corridor use by non-traditional motorized vehicles. A list and description of potential non-traditional motorized candidates (such as a trolley) will be prepared and reviewed with the Steering Committee. A typical section will be prepared relative to chosen candidates. Alternative horizontal alignments will be developed for consideration by the Steering Committee.

B. Non-motorized Facilities Planning

Corridor conditions will be assessed to determine the feasibility of corridor use by non-motorized users. Linkages to existing and proposed pedestrian and bicycle facilities and with transit, as well as to anticipated high use origins and destinations, will be identified and documented. A typical section will be prepared relative to chosen candidates. Alternative horizontal alignments will be developed for consideration by the Steering Committee.

C. Cost Estimates and Innovative Funding

Planning and programming level costs for basic corridor improvements will be estimated. Early in development of the 5th Avenue North Corridor Study, KLJ will determine existing local options to move potential project concepts out of the planning phase and into the project development phase. Most importantly will be a discussion and evaluation of the potential to include project elements into either the Billings Capital Improvement Program (CIP) or Billings Transportation Improvement Program (TIP).

As a potential signature project growing out of the Downtown Billings Framework Plan, there is excitement regarding the potential to develop an investment strategy for improvements along the 5th Avenue North corridor. While investments in the 5th Avenue North corridor are not currently included in either the Billings CIP or TIP, as the project moves into the middle phases and project concepts are more clearly understood, consensus will be achieved regarding the potential priority for investments in the corridor through future CIP or TIP development efforts.

Following development of the corridor constraints evaluation, KLJ will determine if the 5th Street Corridor may be a potential candidate to seek funding through the Environmental Protection Agency (EPA) Brownfields Program. As part of the corridor constraints evaluation, KLJ will develop a dialogue with the Montana Department of Environmental Quality (DEQ) and discuss the potential for some or all of the corridor to seek EPA Brownfields funding. Two potential Brownfields grant opportunities would be an EPA Assessment Grant to develop more specific site assessments or an Area-Wide Planning Program grant, which is tailored more towards multiple sites connected by infrastructure.

At the end of the 5th Avenue North Corridor Study, KLJ will finalize the funding strategy refined through the planning process. KLJ will develop an achievable implementation plan that will facilitate continuity of the prioritized project concepts to move further into project development.

D. Draft and Final Reports

KLJ will complete a draft report that incorporates analysis and input received from the stakeholders involved with the project. The report will include a project priority summary, outlining long-term and short-term projects and phasing for improvements, including cost estimates. A quality review will be performed on the contents of the draft report. Once

completed, the draft report will be distributed to the Steering Committee and MPO for review. Once review is complete, KLJ shall update and make any requested changes. Once a final draft is completed, an electronic copy will be distributed to the MPO for the local government review and adoption.

Upon receipt of all comments on the draft report and adoption by the Billings City Council, City/County Planning Board, Board of County Commissioners and the Policy Coordinating Committee, KLJ will incorporate any of these comments into a final report. Final deliverable to the MPO shall include five printed copies, 10 flash drives, 1 electronic writable format copy and a Digital Adobe Flipbook (or similar software tool) version of the report.

4. Public Involvement

Beyond our online outreach, KLJ will conduct interviews with property owners, key businesses and stakeholders. Individual meetings will be targeted around ROW analysis and designed to get in-depth information that will shape the plan and future of the 5th Avenue corridor. KLJ will work with the project team to identify groups and individuals that we need to meet with to get their important insight.

Visualization will be used in meetings and provided on the website and YouTube to show stakeholders and the public how the corridor could look after improvements are made. Minutes from all meetings will be attached as an appendix to the final report.

A. Steering Committee Interaction

The Steering Committee will include local staff, key stakeholders and concerned citizens from along the corridor. They will meet bi-monthly and continuing until the end of the study. Their role will be to provide input and direction on study activities, and feedback on study findings. KLJ will prepare an agenda and minutes for each Steering Committee meeting.

B. Key Stakeholder Interaction

KLJ will attend meetings with the MPO Technical Advisory Committee (TAC) and Policy Coordinating Committee (PCC), and governing bodies as required. Key landowners and businesses served by the rail spurs or adjacent to the corridor will be contacted for one-on-one meetings or conversations. This will allow assessment of interest in being involved throughout the study and will give us a better sense of their willingness to support a future project.

At these one-on-one meetings we will discuss how corridor improvements can benefit both them and the community. We will listen to any concerns they may have, and seek to maintain an open dialog so that any concerns they raise may be addressed in later conversations.

A number of methods will be used to provide opportunities for key stakeholders to participate in

study activities. These include individual meetings, focus group meetings and involvement on the Steering Committee or general public interaction.

C. General Public Interaction

General public interaction will include development and maintenance of a project website and conducting two public input meetings. We will provide public announcements and community meeting sign-in sheets, meeting graphics and presentations, and a link to the public using email, two newsletters and social media, and meeting minutes.

Prior to each public meeting, notification to all landowners within 500 feet of the corridor will be completed through the following means: a one-time direct mailing (first public meeting) with information regarding the public meeting and access to the project website. The cost of this mailing will be covered by the MPO. Future public meetings will be noticed through email collected through correspondence with property owners and interested parties, notice on the project website, social media announcements, media announcements and announced over the City of Billings Notify Me website software.

The first public meeting will be held early in the study. At this meeting, we intend to limit formal presentation in order to facilitate discussion and ideas from the public on corridor-related issues and solutions. This meeting will include corridor maps and some of the early ROW research that we will complete. After a brief introduction and orientation, we will potentially break into small groups that will work with a member of KLJ staff to talk through corridor issues and discuss possible ideas. We want this plan to resonate with the public and convey their values; that is why we plan on listening more than presenting at this first meeting.

The second public meeting will be an open house style meeting near the end of the study. At this meeting, we will give a presentation covering what we learned throughout the study and the analysis, which will lead into the detailed plan. We anticipate having maps of alternatives, as well as a handout with final recommendations and next steps. The presentation will be combined with key pad polling to engage and get feedback from the public. After the presentation, we will invite the public to comment on the recommended action items on the maps, complete comment forms and respond to the information provided. We will consider all the comments received before completing the final report.

D. Website and Online Survey

Our team will create an interactive website to inform and engage the community. We will use a domain similar to *www.5thaveBillings.com*. The website will be updated periodically and include all relevant information, surveys, maps, documentation, draft reports and presentation materials. The website will include web analytic tools to track visitors, top content, page views and sources of web traffic. Project websites have been effective tools for us to inform the community and reach individuals who may not attend a meeting.

5. Project Schedule

Based on a May 23rd Notice to Proceed, the following schedule is proposed for project activities and deliverables:

Project Task	Topic/Deliverable	Completion/Submittal Date
Business and Stakeholder Interviews	Meeting Summaries	Ongoing
Steering Committee Meeting 1	Kickoff Meeting	6/21/2016
Public Meeting 1	Corridor Issues and Solutions	7/28/2016
Task 1.0 Corridor Conditions Analysis	Initial Feasibility Evaluation Report	8/18/2016
Steering Committee Meeting 2	Initial Feasibility Results	8/23/2016
Steering Committee Meeting 3	Corridor Planning Status	10/25/2016
Task 2.0 Corridor Planning	Alternatives and Funding	12/6/2016
Draft Report	Draft Report	12/6/2016
Steering Committee Meeting 4	Draft Report Presentation	12/13/2016
Public Meeting 2	Draft Report Presentation	1/17/2017
Final Report	Final Report	2/10/2017
Steering Committee Meeting 5	Final Report Presentation	2/21/2017

EXHIBIT B
SCHEDULE OF FEES AND CHARGES

SCHEDULE OF FEES AND CHARGES
Billings 5th Avenue Corridor Feasibility Study
Billings, MT

KLJ Project No. 4116100

	STAFF TYPE	Engineer V Steve	Engineer IV Carl	Engineer III Mike/Matt	Planner IV Wade	Planner III Thomas	Visual Designer	Gov. Relations Specialist II	Engineer I	Total Hours	Total Labor Cost
	Hourly Rate	$ 56.50	$ 48.58	$ 34.23	$ 42.00	$ 42.75	$ 28.00	$ 33.00	$ 28.00		
	TASK										
TASK #	TASK NAME										
1.0	Project Management	24								24	$1,356.00
	Subtotal	24								24	$1,356.00
2.0	Corridor Conditions Analysis									0	$0.00
2.1	Constraints Evaluation	12	8			2		33	11	66	$2,548.50
2.2	Opportunities Evaluation	8	2			6		4	8	28	$1,161.50
2.3	Initial Feasibility Evaluation	8		2		2		12	4	28	$1,114.00
	Subtotal	28	10	2	0	10	0	49	23	122	$4,824.00
3.0	Corridor Planning									0	$0.00
3.1	Non-traditional Motorized Facilities Planning	4		8		16	16			44	$1,632.00
3.2	Non-motorized Facilities Planning	4		8		24	24			60	$2,109.00
3.3	Cost Estimates and Innovative Funding	4		4	8					16	$859.00
3.4	Draft and Final Reports	32		6	4	16			60	118	$4,828.50
	Subtotal	44	0	26	12	56	40	0	60	238	$9,314.50
4.0	Public Involvement									0	$0.00
4.1	Steering Committee Interaction	50	4			4		50	8	116	$5,054.00
4.2	Key Stakeholder Interaction	4	4					24		32	$1,212.00
4.3	General Public Interaction	16						16		32	$1,432.00
4.4	Website and Online Survey	4				16		8		28	$1,174.00
	Subtotal	74	8	0	0	20	0	98	8	208	$8,892.00
	Total Hours	170	18	28	12	86	40	147	91	568	
	Direct Labor Costs	$ 9,605.00	$ 873.00	$ 959.00	$ 744.00	$ 3,676.50	$ 1,120.00	$ 4,851.00	$ 2,548.00		$ 24,376.50

Indirect Costs (1.8772)	$ 45,759.57
Subtotal Labor + Indirect	$ 70,136.07
Profit (12%)	$ 8,416.33
Direct Cost Totals	$ 1,247.61
Total Fee	$ 79,800.00

EXHIBIT C
DBE AND NON-DISCRIMINATION NOTICE

DBE Goals

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

Nondiscrimination Compliance

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

NON-DISCRIMINATION NOTICE

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

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

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

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

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

(4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or

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

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

(a) Withholding payments to the Party under the Agreement until the Party complies, and/or

(b) Cancellation, termination or suspension of the Agreement, in whole or in part.

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

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

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

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

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

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

For further information call the Party."

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

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

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

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

EXHIBIT D
CERTIFICATE OF LIABILITY INSURANCE

Client#: 1108320 KADRMLEE

ACORD. CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/29/2016

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

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

PRODUCER	CONTACT NAME: Martin Fisher	
USI Ins Svcs CL Fargo 1020 36th St. S, Suite C Fargo, ND 58103 701 526-2800	PHONE (A/C, No, Ext): 701.526.2801	FAX (A/C, No): 701.526.2818
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Travelers Indemnity Company	25658
INSURED Kadrmas, Lee and Jackson Inc. PO Box 4130 Bismarck, ND 58502	INSURER B: Lexington Insurance Company	19437
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			6801G791656	09/13/2015	09/13/2016	EACH OCCURRENCE	$1,000,000
	X COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$5,000
							PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$2,000,000
	POLICY X PRO-JECT LOC							$
A	AUTOMOBILE LIABILITY			8101G857035	09/13/2015	09/13/2016	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR			CUP3G289637	09/13/2015	09/13/2016	EACH OCCURRENCE	$10,000,000
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$10,000,000
	DED X RETENTION $ 10000							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
B	Professional Liab & Pollution			026154203	09/13/2015	09/13/2016	$10,000,000 Per Claim $10,000,000 Aggregate $250,000 Deductible	

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

City of Billings Montana is listed as an additional insured under the general liability and automobile liability only when required by written contract. Waiver of subrogation in favor of City of Billings Montana in respects to the general liability and automobile liability policies. Cancellation notice has been revised to 30 days.

CERTIFICATE HOLDER	CANCELLATION
City of Billings Montana PO Box 1178 Billings, MT 59103-0000	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE

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ACORD 25 (2010/05) 1 of 1 #S17779937/M16407782 The ACORD name and logo are registered marks of ACORD DXHBN

EXHIBIT D - Continued
CERTIFICATE OF LIABILITY INSURANCE

CERTIFICATE OF LIABILITY INSURANCE — DATE (MM/DD/YYYY): 4/29/2016

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

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

PRODUCER TRJ Professional Group, Inc. P.O. Box 9067 Rapid City, SD, 57709	CONTACT NAME: Tom Johnson PHONE (A/C, No, Ext): (605)-716-6547 FAX (A/C, No): (605)-716-6534 E-MAIL ADDRESS: tom@trjprofessional.com
INSURED KADRMAS LEE & JACKSON INC. P.O. Box 4130 Bismarck, ND 58502-4130 (701)355-84	INSURER(S) AFFORDING COVERAGE — NAIC# INSURER A: Travelers INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES — CERTIFICATE NUMBER: — REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE / OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC / OTHER						EACH OCCURRENCE $ DAMAGE TO RENTED PREMISES (Ea occurrence) $ MED EXP (Any one person) $ PERSONAL & ADV INJURY $ GENERAL AGGREGATE $ PRODUCTS - COMP/OP AGG $
	AUTOMOBILE LIABILITY ANY AUTO / ALL OWNED AUTOS / SCHEDULED AUTOS / HIRED AUTOS / NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) $ BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE (Per accident) $
	UMBRELLA LIAB / EXCESS LIAB / OCCUR / CLAIMS-MADE DED / RETENTION $						EACH OCCURRENCE $ AGGREGATE $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: N/A If yes, describe under DESCRIPTION OF OPERATIONS below		Y	VHPAUB-3185742-6-15	6/2/2015	6/2/2016	X STATUTE / OTH-ER E.L. EACH ACCIDENT $ 1,000,000 E.L. DISEASE - EA EMPLOYEE $ 1,000,000 E.L. DISEASE - POLICY LIMIT $ 1,000,000

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

Stop Gap liability endorsed for ND and Wyo. 1,000,000 limit

CERTIFICATE HOLDER	CANCELLATION
City of Billings Montana P.O. Box 1178 Billings, MT, 59103	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE

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Consent **1. H.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Acceptance of National Girls Collaborative Project Mini-Grant

PRESENTED BY: Bill Cochran, Library Director

Department: Library

PROBLEM/ISSUE STATEMENT

The Billings Public Library, in conjunction with the Girl Scouts of Montana and Wyoming, was awarded a $750 mini-grant from the National Girls Collaborative Project to offer a series of STEM (science, technology, engineering, mathematics) programs for girls. The goal is to provide STEM programming for all interested girls aged five to eighteen to help encourage them to participate in science related activities. With help from the Girl Scouts, the Library will recruit role models who are currently working in STEM fields to work on projects with the girls. The program will be promoted as a month long learning experience for girls in our community and will also spotlight women who work in STEM related fields and are Girl Scout alumnae.

ALTERNATIVES ANALYZED

City Council may:

- Approve, or;
- Disapprove the grant

FINANCIAL IMPACT

Approving the mini-grant will allow the Library to support STEM programming and offset material and supply costs. There is no negative financial impact and the only local resource being used is the staff time required to help conduct the programs.

RECOMMENDATION

Staff recommends that the City Council accept the mini-grant of $750 from the National Girls Collaborative Project.

APPROVED BY CITY ADMINISTRATOR

Consent **1. I.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for Kismet Fine Rugs (Jeff Neishabouri)

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on April 25, 2016 and agreed to conditionally approve a $230,000 loan to Kismet Fine Rugs (Jeff Neishabouri). Kismet Fine Rugs is requesting this loan to remodel the building that Mr. Neishabouri purchased located at 112 N. 28th Street, previously where MSUB had been. The applicant met all conditions set by the committee. Mr. Neishabouri is planning on remodeling the entire building with 2 retail spaces on the first floor, Kismet Fine Rugs and an art gallery leased by another person. The second floor would be remodeled into 3 apartments with approximately 1200 sq. ft containing 2 bedrooms and 2 baths each. The City will have a first position lien on the building as collateral on the loan.

ALTERNATIVES ANALYZED

The Council may approve or disapprove the loan. If Council does not approve the loan, the building remodeling may be postponed.

FINANCIAL IMPACT

The Revolving Loan Fund does not owe any money to the banks at this time. The entire loan amount would come from City money in the downtown loan fund.

RECOMMENDATION

The Downtown Revolving Loan Fund Committee recommends that the City Council approve a $230,000 loan for Kismet Fine Rugs.

APPROVED BY CITY ADMINISTRATOR

Attachments

Loan Request

Downtown Revolving Loan Fund loan request

Monday, April 25, 2016

Kismet Fine Rugs (Jeff Neshabouri) loan terms are as follows:

Loan:	$230,000
Interest Rate:	2.25% adjusted annually
Term:	Amortized over 20 years
Payments:	Minimum payments calculated at a rate of 2.25% over a 10 year term with a balloon payment.
Collateral:	1st position on building
Disbursement:	The City will disburse funds after it receives City Council approval.

The purpose of this loan is to partially finance the renovation of the building located at 112 N. 28th St. Mr. Neishabouri is planning 2 retail spaces on the first floor and 3 apartments on the second level.

Consent **1. J.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Downtown Tax Increment District Grant for Annex Building Rehabilitation Project up to $143,754

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Billings Partnership Board of Directors (DBP) recommends that the City Council approve a tax increment grant of up to $143,754 for public improvements to the Annex Building, 112 N. Broadway. Mr. Jeff Neishabouri recently purchased the former home of the MSUB downtown campus. He is rehabilitating the storefront, remodeling the interior for two street-level retail spaces and constructing one housing unit on the second floor. The DBP considered a grant request of $499,530 but decided to recommend a smaller, $4 private/$1 public matching grant as explained in the attached documents. The DBP operating agreement requires any grant over $50,000 to be approved by the City Council.

ALTERNATIVES ANALYZED

City Council may:

- Approve the grant recommendation for the Annex Building, or;
- Disapprove the recommendation, or;
- Approve a different amount of grant funds for the project.

FINANCIAL IMPACT

The Downtown Tax Increment District revenue is approximately $3.5 million per year in FY 16 and FY 17. Subtracting the Empire Garage debt service, DBP operating agreement and other known expenses should leave over $3 million in the account at the end of FY 17. The grant funds would reimburse Mr. Neishabouri when he submits paid invoices for eligible public improvements and the required amount of private investment.

RECOMMENDATION

The DBP Board of Directors recommends that the City Council approve a 4/1 matching grant of up to $143,754 to Mr. Jeff Neishabouri for eligible improvements to the Annex Building, located at 112 N. Broadway.

APPROVED BY CITY ADMINISTRATOR

Attachments

Application and DBP report

DBP minutes

Agenda Item 3c

Development Committee

March 9, 2016

TITLE:	Annex Building – Kismet Development
COMMITTEE:	Development Committee
PRESENTED BY:	Development Director

Assistance Request: The Annex Building was home, most recently, to MSUB. The Building was sold to an out of town developer. That developer was awarded up to $40,000 in 1 to 1 matching funds to complete a technical assistance project to establish the feasibility, format and cost to build out several retail spaces and several housing units. That developer sold the building to a new owner, Jeff Neishabouri who currently operates a retail establishment known as Kismet Fine Rugs currently located on the corner of 3rd Ave. n. and N. Broadway. The new owner wants to do a significant buildout of retail and 1 housing unit. The total investment including the purchase of the property would be **$1,150,030.00** and Mr. Neishabouri is requesting $499,530 in TIFD assistance. Because the project hits 2 of the major components of the urban renewal plan, housing and street level retail, it could qualify for that amount of investment. Because the request exceeds $50,000.00, it would require City Council approval and staff is not confident that assistance at that full amount would pass Council Approval.

FINANCIAL IMPACT: Fund 203, FY16/17 has the capacity to fund this project.

OPTIONS: Staff would suggest an award of an up to amount based upon actual total expenditures. Thus, if we agreed to a 1 to 1 match up to $100.00 the total amount of paid receipts to be submitted for reimbursement would be at least $100.00 to receive the maximum award of $50.00. If it were less, the award would be less. If it is more, the max would still be $50.00. This project could NOT be funded 100% by TIFD.

Ratio	PUBLIC	PRIVATE
5	$ 115,003	$ 1,035,027
4.5	$ 127,781	$ 1,022,249
4	$ 143,754	$ 1,006,276
3.5	$ 164,290	$ 985,740
3	$ 191,672	$ 958,358
2.5	$ 230,006	$ 920,024
2	$ 287,508	$ 862,523
1.5	$ 383,343	$ 766,687
1	$ 575,015	$ 575,015

T.I.F. Funding Application
Kismet Fine Rugs: Renovation of Commercial/Residential Property in Downtown Billings
112 North 28th Street

Date: March 4, 2016

The commercial/residential property located at 112 North 28th Street has a brick exterior and two stories with a basement. Approximate square footage is 17,800. Currently all interior space is vacant and in disrepair. To gain any use of this commercial and/or residential space, the building interior must be renovated and the exterior must be stabilized. The building has been vacant in a state of abandonment for many years in the heart of downtown Billings.

We are applying for TIF Funding to assist in a building renovation within its current square footage.

The renovation will encompass demolition and construction to divide the space into multiple commerical spaces in the first phase:

I. Demolition
   a. Demo of storefront/framing and metal lath/plaster band to expose brick
   b. Remove paint from brick on East exterior wall (approx 750 sq. ft.)
   c. Demo remaining ceramic tile and mortar at entry.
   d. Demo ceiling and framing in front retail space (approx. 4000 sq. ft.)
   e. Demo non-load bearing wall in North/East corner
   f. Demo carpet and base
   g. Cut in new door from North space into existing room.
   h. Demo existing beam at south half of entry
II. Structural Steel
   a. Furnish and instal a box mean at sout hald of entry to provide a continuous header for storefront across the entire front of the building
III. Framing
   a. Infill recessed floor at entry
   b. Box frame around columds to hide pipes
   c. Frame center demising/sound wall to deck to divide the space into two commercial areas.
   d. Frame stairs to second floor (includes structural work in basement)
   e. Repair and cap pony wall next to basement stairs
   f. Infil frame between storefront header beam and existing fouble beam. Shealth with exterior sheathing and install banding.
IV. Insulation
   a. Insulate center demising wall with R-11 sounds batts
V. Doors and Hardware

a. Install door and hardware between North space and existing room
b. Install door and harware to understair closet

VI. Storefront
a. Install new aluminum storefront along the front of the building
b. Install two doors and one one door with hardware

VII. Windows
a. Remove and replace East facing windows with new Pella windows

VIII. Drywall
a. Path ceiling below upstairs apartment to restore fire rating
b. Patch walls as necessary and hang and tape all new walls to smooth finish
c. Drywall enclosed within stiarway to be only firetaped at this time

IX. AC Ceilings
a. Hand a 2x4 grid and till

X. Flooring
a. Install wood flooring thoughout the space
b. Install baseboards

XI. Paint
a. Paint walls with primer and two coats on interior latex paint
b. Paint ceiling tile
c. Paint MDF base and wall cap

XII. Fire Sprinkler Protections
a. Recise spinkler head layout as necessary for new wall layout

XIII. Plumbing
a. Rough in sewer and water to the upstairs apartments. Stub above floor and cap. Stub into basement and cap.

XIV. HVAC
a. Cap off supply duct and registers that are no longer needed

XV. Electrical
a. Remove existing electrical service and install a new meter base and MDP for the building
b. Re-feed existing panels and new paentls from new MDP
c. Install new lighting and power in the two front tenant spaces

In the news story "Downtown Growth" presented by Billings' local KULR8, city officials are cited as stating that "empty buildings ... are bad for the environment and growth of a downtown." Greg Krueger of the Downtown Billings Association noted that, "A good vibrant downtown city center is what helps pay for the service for other parts of the city in the middle of nowhere because, downtown, per square foot, pays more in taxes than anywhere else in the city."

This project will revitalize a vacant building, providing multiple retail locations in addition to upscale residential spaces. Renovation of this depressed building will certainly add vibrancy to the heart of Billing's downtown area, doing its part to stimulate economy in that area which in turn, will help provide economic benefits to

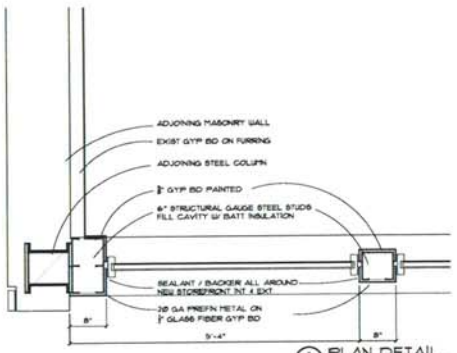
the entire city. The project increases both commerical and residential uses for the space, adding a dual opportunity for growth in the downtown area.
The project is scheduled for completion by the end of April, 2016. The total project cost, including the purchase of the building is approximately $1,150,030.00. We are requesting $499,530 to help fill the gap in remaining funding needed to enhance downtown Billings as we assist in quickening the local economy by renovating a depressed property in the heart of the area.

Contact: Jeff Neishabouri
Phone: 307-690-1500
Email: jeffbouri@gmail.com

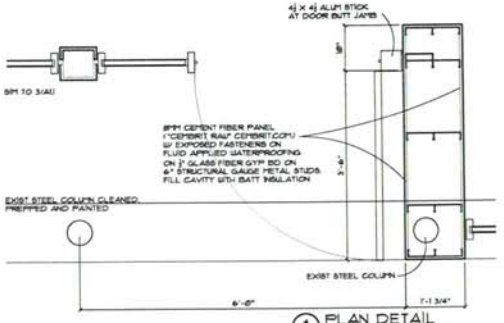
Kismet Fine Rugs - Sources and Uses of Funds

Sources	Debt	$	650,500.00	
	Requested TIFD Assistance up to	**$**	**499,530.00**	
		Total Sources		$ 1,150,030.00
Uses	**Expenses already Incurred**			
	Purchase of Property	$	(625,000.00)	
	Professional Services of Architect	$	(12,500.00)	
	Expenses currently being completed			
	Professional Services Architect	$	(12,500.00)	
	Permits	$	(1,689.00)	
	Builder's Risk Insurance	$	(380.00)	
	General Conditions	$	(22,552.00)	
	Demolition	$	(7,642.00)	
	Structural Steel	$	(3,600.00)	
	Framing	$	(17,884.00)	
	Finish Carpentry	$	(1,386.00)	
	Thermal Protection	$	(2,130.00)	
	Banding	$	(5,000.00)	
	Doors and Hardware	$	(423.00)	
	Entrances and Storefront	$	(25,170.00)	
	Windows	$	(9,467.00)	
	Plaster and Gypsum Board	$	(12,813.00)	
	Ceilings	$	(8,350.00)	
	Floor Covering	$	(14,000.00)	
	Paint & Coating	$	(5,800.00)	
	Paint Removal	$	(12,500.00)	

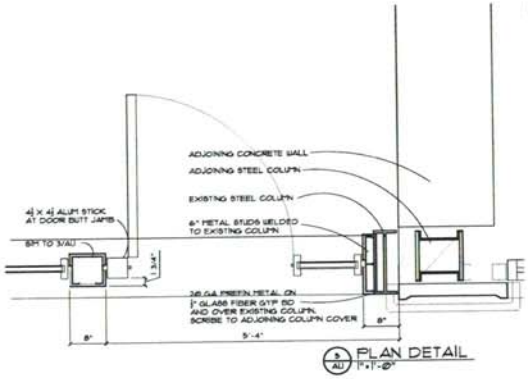
Fire Protection Piping	$	(1,594.00)
Plumbing	$	(5,400.00)
HVAC	$	(250.00)
Electrical	$	(32,000.00)
Lighting Allowance	$	(10,000.00)
Contingency 10%	$	(20,000.00)
Second Phase Residential Construction	$	(280,000.00)
Total Expenses	**$**	**1,150,030.00**



3 AU PLAN DETAIL 1"=1'-0"



4 AU PLAN DETAIL 1"=1'-0"



5 AU PLAN DETAIL 1"=1'-0"

ALUMINUM STOREFRONT GENERAL NOTES:

STOREFRONT CONTRACTOR TO PROVIDE AND INSTALL EVERYTHING REQUIRED FOR A COMPLETE INSTALLATION OF THE STOREFRONT SYSTEM.

STOREFRONT SYSTEM:

STOREFRONT SYSTEM TO BE EQUIVALENT TO OLDCASTLE 3666 THERMAL SYSTEM TO BE CENTER GLAZED (KAWNEER, U.S. ALUMINUM, TUBELITE OR AS APPROVED ALSO ALLOUED)

ALLOW TO PROVIDE AND INSTALL ALL RELATED PREFINISHED METALS / FLASHINGS AS INDICATED AND ALL ACCESSORIES AS REQUIRED FOR A COMPLETE INSTALLATION.

INSTALLATION TO BE IN FULL COMPLIANCE WITH MANUFACTURER'S STANDARDS AND RECOMMENDATIONS. ALLOW TO PROVIDE INDUSTRY STANDARD ONE YEAR WARRANTY ON INSTALLATION.

SHOP DRAWINGS - ALLOW TO PROVIDE FULL SHOP DRAWINGS PRIOR TO ORDERING.

ENGINEERING - ALLOW TO PROVIDE ENGINEERING AS REQUIRED FOR SPANS INDICATED, WIND LOADING, ETC. PROVIDE SYSTEM REINFORCING IF NEEDED.

FINISH - TO BE MANUFACTURER'S STANDARD PAINTED FINISH CONTAINING "28% PVDF W/ 10 YEAR FULL FINISH WARRANTY.

DOORS - 3'-0" AND 3'-6" X 8'-0" MEDIUM STILE AS INDICATED, MANUFACTURER'S STANDARD HEAVY DUTY.

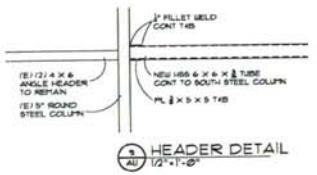
HARDWARE - BALL BEARING NRP BUTTS (4) STANDARD HEAVY DUTY SURFACE CLOSER (W/ HOLD OPEN), BARRIER FREE, FULLY ADJUSTABLE, MOUNT TO DOORS), BO-LAGE LOCK CYLINDER W/ INTERIOR LEVER, RADIUS STILE PUSH PULL, FULL WEATHERSTRIP, ALUM THRESHOLD, ALL FINISH TO BE CLEAR ALUM.

GLAZING - ¼" TEMPERED CLEAR INSULATING UNITS, ARGON FILLED WITH LOW E COATING ON THIRD SURFACE, INDUSTRY STANDARD 10 YEAR WARRANTY ON COATINGS AND UNIT SEAL. DOORS TO BE SINGLE GLAZED W/ CLEAR TEMPERED GLASS.

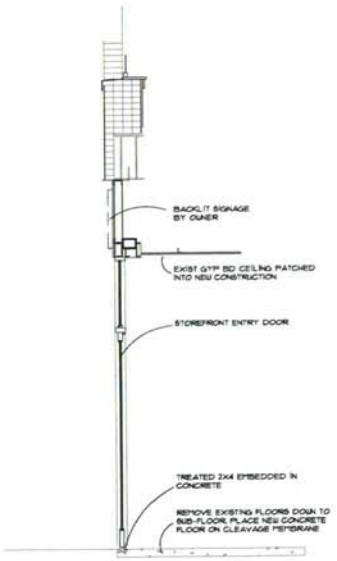
REMOVE ALL PROJECT RELATED DEBRIS AND POLISH GLASS UPON COMPLETION

STOREFRONT DESIGN CRITERIA:

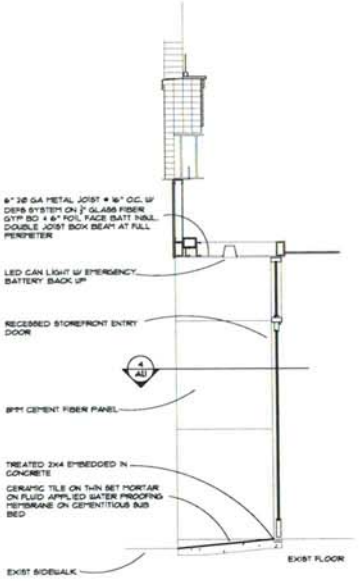
CODE STANDARD — IBC 2012
WIND SPEED (85 MPH)
IMPORTANCE FACTOR = 1.0
TYPICAL DESIGN PRESSURE = 25



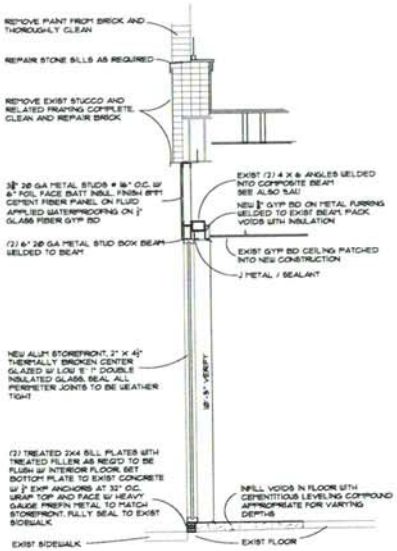
6 AU HEADER DETAIL 1/2"=1'-0"



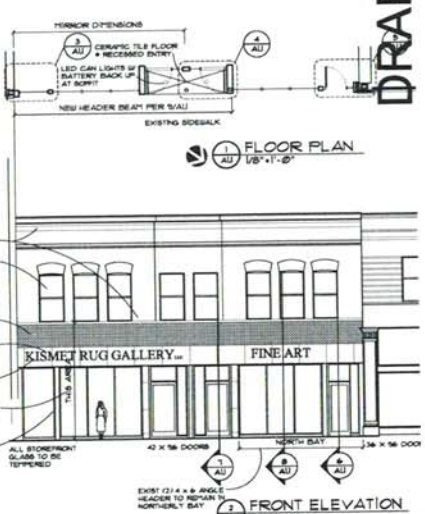
4 AU SECTION @ FLUSH ENTRY 1/2"=1'-0"



1 AU SECTION @ RECESSED ENTRY 1/2"=1'-0"



8 AU SECTION @ TYP STOREFRONT 1/2"=1'-0"



1 AU FLOOR PLAN 1/8"=1'-0"

7 AU 8 AU 6 AU

2 AU FRONT ELEVATION 1/8"=1'-0"

© 2016 O2 ARCHITECTS

DRAFT NOT FOR CONSTRUCTION

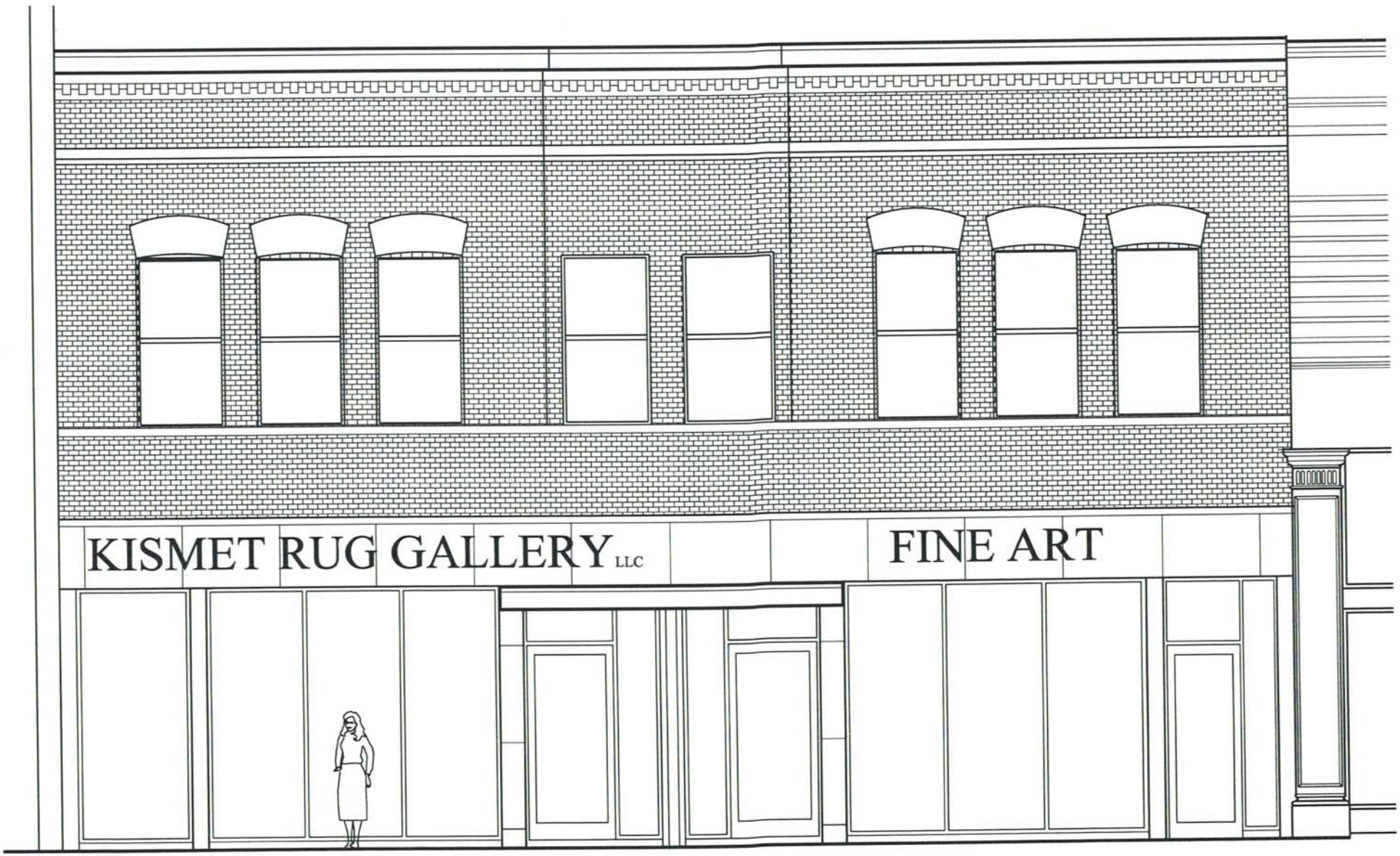
O2A
O2 ARCHITECTS
208 N. BROADWAY #350
BILLINGS, MONTANA 59101
FAX 406-256-7123
PHONE 406-259-7123

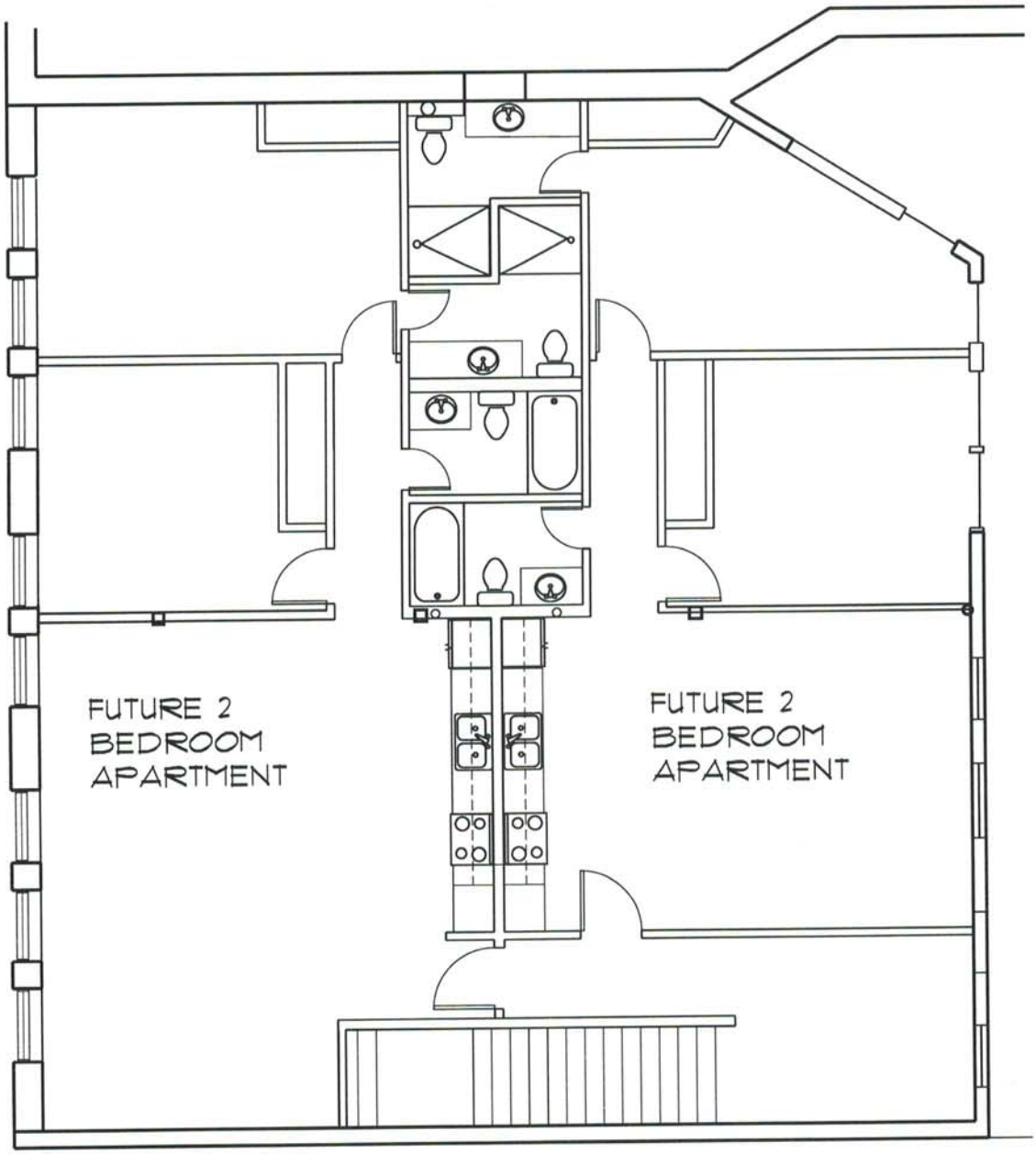
RETAIL REMODEL
112 N. Broadway
Billings, Montana

2/25/16 pricing

PROJ. NO: 1521
DRAWN BY:
CHECKED BY:
DATE 16/02/2016

A1.1
SHEET


KISMET RUG GALLERY LLC
FINE ART



O2A
O2 ARCHITECTS
208 N. BROADWAY #350
BILLINGS, MONTANA 59101
FAX 406-256-7123
PHONE 406-259-7123

APARTMENT STUDY

112 N BROADWAY

BILLINGS, MONTANA

© 2016 O2 ARCHITECTS

PROJ. NO. 1521

DATE EB 23,16

APT.B

SHEET # OF #

DBP Board Minutes of Friday, March 25, 2016 @ 7:30 a.m.
(GW Building)(1st Floor)

Greg Krueger	Sam Merrick	Ray Porrello
Jock West	Lisa Harmon	David Fishbaugh
Jim Reno	Tina Volek	Maisie Sulser
Phil Nelson	Randy Hafer	Norman Miller
Joni Harman	Jeremy Morgret	William Wood
Tracy Scott	Steve Arveschoug	Terry Bouck
Steve Tostenrud	Greta Besch Moen	Ben Harman-guest
Mark Nook- guest	Ryan Sullivan	Dennis Deppmeier-guest

1. Call to order, Introductions, Courtesies, Public Comment: Mr. West called the meeting to order at 7:30 a.m. A quorum was present.

2. Guest Presentation: Chancellor Nook shared vision for MSUB in coordinating with key community groups and leaders and asked for discussion from the Board. Suggestions were made concerning a football team, crafting a college culture that is "our own," stronger ties with community arts and culture, and non-traditional students. The Board also discussed residency, the career center, and similar long-term suggestions.

3. Regular Business:

a) Approval of minutes, January 2016: Mr. Krueger presented the minutes from January. Ms. Harmon moved to approve. Ms. Harman seconded. Vote: approved.

b) Director's Report: Mr. Krueger explained the current state of fund 203 and helped the Board understand the possibilities of funding the current funding requests.

4. Development Committee Recommendations:

a) **Hart Albin Parking Garage:** Mr. Deppmeier presented the request for funding for remodel and maintenance on the Hart Albin Parking Garage. The garage has 229 spaces, important to the center of downtown businesses and night/weekend usage. Cost estimates are $1.5M for all remodels. They are planning to allow for continued public parking outside of business hours. Mr. Morgret asked for clarification on the financial request. Mr. Arveschoug asked about the operating loss and suggested the board really considered the "opportunity loss" if this large request was approved. Is this the best commitment with the limited funds. Ms. Volek and Ms. Scott explained some of the needs of other city garages and the potential for rate increases to ease some of the burden, which could help the Hart Albin. Discussion ensued.
b) **Bakery on Minnesota Ave:** Mr. Krueger introduced the request for a bakery on Minnesota Ave. The request allows to update the fire-sprinkling system, up to $38,000 to assist with the costs. Mr. Harman explained some of the vision for the bakery. Discussion ensued. Ms. Harman abstained from the discussion as well as the vote. Ms. Harmon asked about employees. Mr. Harman explained that he's recruited bakers from other cities to relocate here to Billings, as well as a couple local hires.
c) **Annex Building Redevelopment (Kismet Rugs):** Mr. Krueger explained the request for funding on the Annex Building remodel. He explained the suggestion by the

Development Committee to approve a 4 to 1 ratio of reimbursement for remodel. Discussion ensued.

d) **Co-op Bookstore Site Development Study:** Mr. Krueger explained the request for a feasibility study on the Wendy's building and what it might cost to convert the building. The Development Committee has suggested 100% of the costs to be covered on the study to allow for the DBP to have ownership over the study results for possible future use. Mr. Arveschoug asked for clarification that the study was for the building use as opposed to the potential business model of the bookstore. Discussion ensued.

e) **Vault Repair:** Mr. Krueger explained that they would like to set aside money every year to address a growing concern on aging street vaults under sidewalks in downtown. The first need is around the Behner Building on 3rd Ave and 29th. The request for $49,000 to replace and secure the vault. Discussion ensued.

5. Staff- FY17 Budget:

a) $200,000 for Pocket Park (First Congregational)- Moved for next Board meeting.

6. Board Vote on items in 4 & 5 above:

a) **Hart Albin Garage:** Mr. Krueger suggested looking at and considering all parking garages and needs in downtown. Discussion ensued. Mr. Morgret asked for a motion to table the discussion. Mr. Miller moved to table the discussion. Mr. West seconded. Mr. Reno suggested putting a time limit of 30 days for re-discussion. Vote: approved. Mr. Morgret abstained from voting.

b) **Bakery:** Ms. Volek moved to approve. Ms. Harmon seconded. Mr. Tostenrud abstained. Ms. Olsen abstained. Vote: approved.

c) **Annex:** Discussion ensued. Mr. Morgret asked for a motion. Mr. Morgret moved to approve. Mr. Reno seconded. Ms. Olsen abstained from voting. Vote: 1 disapproved. Majority approved.

d) **Bookstore:** Mr. Wood moved to approve. Mr. Miller seconded. All approved.

e) **Vault Repair:** Mr. Wood moved to approve the $49,000 request for Behner Building vault repair. Ms. Sulser seconded. All approved.

f) **Pocket Park FY17:** N/A

Mr. Hafer abstained from voting on all items.

7. Partner Reports:

DBA: Ms. Harmon shared important announcements from the Billings' Cultural Partners.

School Board: Mr. Bouck presented the progress of the work done in new construction and remodels of a number of school buildings. He shared that 92% of the work was done by local companies, and they are under budget for the great work that has been done.

Meeting adjourned at 9:20 a.m.

Consent **1. K.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: EBURD Funds for Feasibility Study. Crossing of Exposition Blvd to Metra

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Billings Industrial Revitalization District, Inc. (BIRD) Board of Directors is requesting approval of up to $40,000.00 in tax increment assistance from the East Billings Urban Renewal District (EBURD) for a feasibility study on a pedestrian crossing of Exposition Drive from the EBURD to Metrapark. This project is consistent with the East Billings Urban Renewal District Master Plan and will begin to unlock the development potential of the EBURD as recommended in the Billings Exposition Gateway Concept Plan. The study will look at the location and also the pros/cons and costs associated with the alternatives of going under or over Exposition Blvd. The use of TIF Funding was recommended for approval by the BIRD Board of Directors on March 8, 2016 in the amount of up to $40,000.00.

ALTERNATIVES ANALYZED

City Council may:

- Approve the recommendation from the BIRD on the expenditure of these funds or
- Disapprove the recommendation from the BIRD on the expenditure of these funds.

FINANCIAL IMPACT

The amount of the request is for a total of up to $40,000 to be paid in one payment to the firm selected by RFP. There are sufficient funds budgeted in FY16-17 for this project.

RECOMMENDATION

The BIRD Inc. Board of Directors recommends that the City Council approve up to $40,000 from the East Billings Urban Renewal District tax increment district funds for an Exposition Drive pedestrian crossing feasibility study.

APPROVED BY CITY ADMINISTRATOR

Attachments

EBURD Minutes

Minutes FOR THE BOARD OF DIRECTORS
Tuesday, March 8, 2016 1:15 PM
BIRD, Inc. Offices
1413 4th Ave N, Suite C

Board members in attendance: Sam Westerman, Marshall Knick, Marty Connell, Scott Chesarek, Ken Kunkel
Others attending: Patrick Klugman, Mike Yakawich, Dave Ellis, Brian Williams. Tim Goodridge
Absent: Lenette Kosovich
Meeting called to order at 1:15

Previous Minutes
Action: Approval of Previous Board Meeting Minutes
Motioned Sam, Marshall 2nd - Approved

Financials:
Action: Approval of Treasurer's Report
Delayed, will distribute via email

Old Business:

1. Confirmed that voting members of the BIRD must renew their membership prior to the next annual meeting to retain voting rights. Next annual meeting will be in May. Date will be confirmed via email

2. TIFD Application – Interest from Tom Fischer who has the Service Candy Building under contract. He is trying to purchase some land from Yegens to add to the parcel. Also heard from Don Stanaway about dry goods warehouse he is going to build on 1st Ave. North. Tim will check in with him about plans and timing.

3. Gateway Connector study to cross Exposition - motion by Scott to approve up to $40k of TIFF funds to fund engineering study, second by Ken: passes.
Patrick will forward recipient to Tim so he can draft a letter pledging the funds to solicit match. Marty will let Dave Mumford know he can issue the RFP. Marty will also visit with Berry and Bollinger families about contributing to offset costs.

4. BIRD Memberships – one renewed membership – Dave Goodridge.

5. Architectural Contest Committee – Scott volunteered to chair
   a. Tim will provide Scott with contact info on prize fund pledges from 2015 and the person in charge of the contest this year.
   b. We will try to display contest submittals at annual meeting
   c. First Interstate will cut a check for Sam's volunteer donation, a portion of which will be used as prize money. Sam thinks total will be around $1,800.

New Business:

1. Discussion of TIFD application Review Committee protocols
   a. Scott suggested review begins at applicant's site to better understand the project. consensus it's a good idea to implement

b. Tim indicated City-County Planning wants a rationale to justify the recommended portion of funds approved from applicant's request. CCP told Tim a narrative rationale is acceptable and committee will now provide as part of their protocol
c. No need to submit applicant financials to City-County Planning. They will stay in BIRD office.

2. Board agreed to present Candi Millar with a commemorative plaque at 3/28 City Council meeting thanking her for her contribution to the development of the EBURD code. Cost $75

3. Nicole Cromwell is putting together a lighting district that will encompass the entire EBURD

4. Tim will email plan to Board for review for reduced rates on BIRD memberships if purchased for multiple years

5. Mike Yakawich suggested inviting political office seekers to our events (annual meeting and Bird Bash) also suggested the EBURD tour for new council members as part of the annual meeting

Adjourn Meeting – Marty- 2:20 pm

Next Board Meeting Tuesday, April 12, 2016- 1:15 PM

Respectfully submitted,

Tim Goodridge
Acting Secretary

Lenette Kosovich
Secretary

Consent **1. L.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Right-of-Way Easements: W.O. 15-07 Orchard Lane Reconstruction

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 15-07 Orchard Lane Reconstruction is a complete road reconstruction project with new improvements to include new sidewalk and corner radiuses. There are fifteen properties on the northeast end of Orchard Lane where right-of-way easements are needed to install full-width sidewalks and provide space for fire hydrants. City staff has negotiated with some of these adjacent property owners and they have agreed to right-of-way easements which are shown on the attached easement exhibits. To date, eleven of the fifteen easements have been signed by the property owners. Additional easements will be presented as negotiations are completed with the remaining property owners.

ALTERNATIVES ANALYZED

The Council may:

- Approve the right-of-way easements; or
- Disapprove the right-of-way easements. If the right-of-way easements are not approved, several hydrants will have to be relocated and the full sidewalk width cannot be constructed.

FINANCIAL IMPACT

There is no cost to the City for the right-of-way easements.

RECOMMENDATION

Staff recommends that the City Council approve the right-of-way easements for the Orchard Lane Reconstruction Project.

APPROVED BY CITY ADMINISTRATOR

Attachments

ADM
Bell Mont
Ellen Thotus
George Allen 1
George Allen 2
Stahl/Cook
Kortright
Schanz
Stripe A Line 1
Stripe A Line 2
Stripe A Line 3

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of April 15, 2016, by and between the following:

ADM Developers, Inc.
3811 River Drive N.
Great Falls, MT 59405-1006
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within that certain parcel of land described in Warranty Deed recorded under Document Number 3697923 in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 1,650 square feet more or less.

Said parcel of land is more commonly referred to as 301 Orchard Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Susan R. Humble
ADM Developers, Inc. Representative

TODD HUMBLE NOTARIAL SEAL STATE OF MONTANA
TODD HUMBLE
NOTARY PUBLIC for the
State of Montana
Residing at Great Falls, Montana
My Commission Expires
March 14, 2019

STATE OF MONTANA)
:ss
County of ~~Yellowstone~~ Cascade)

On this 15th day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Susan Humble, of ADM Developers, Inc., being its
(Representative's Name)
Sec/Treas and known to me to be the owners of said property whose names are subscribed to the
(Title)
foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

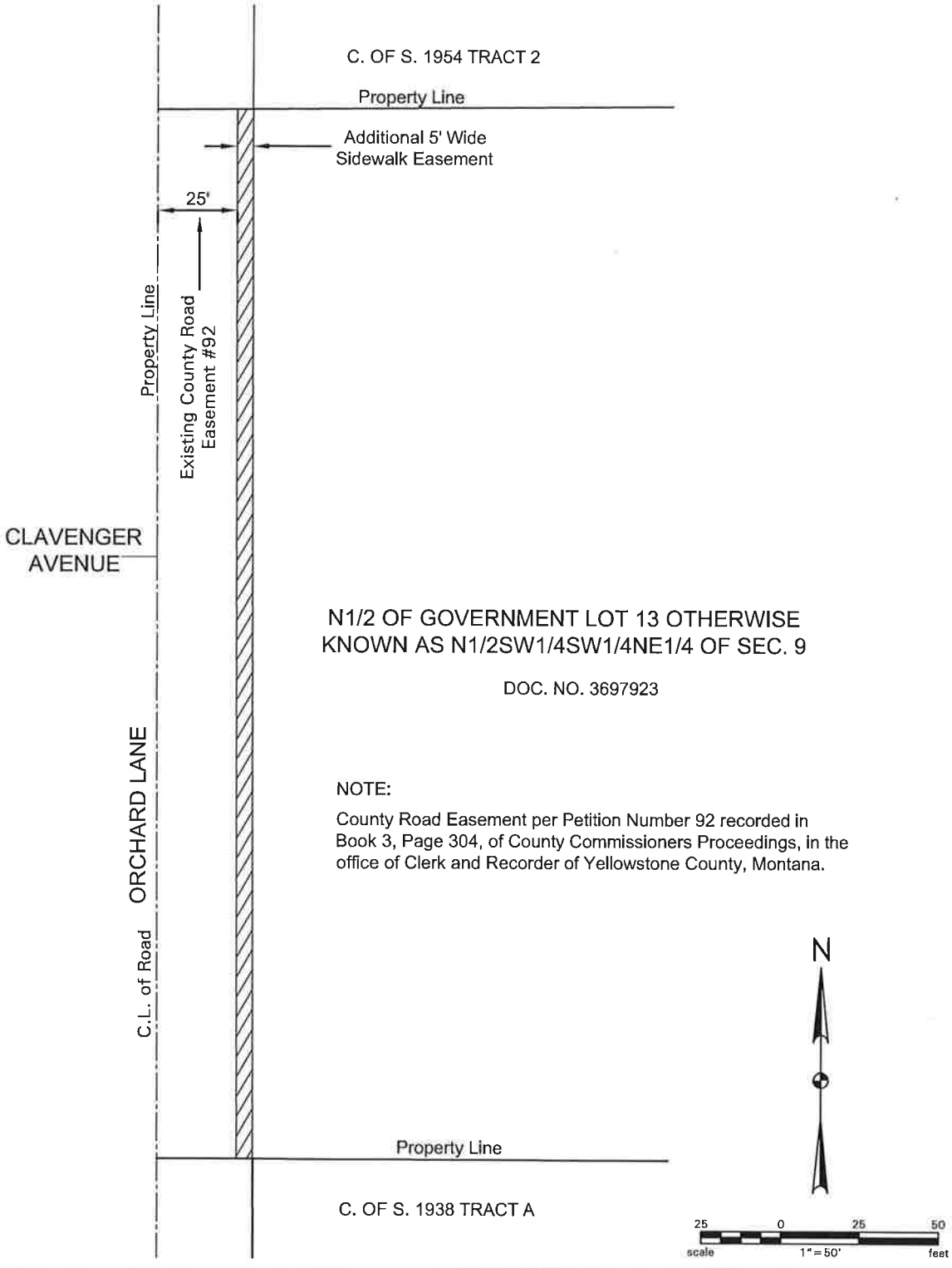
Printed Name:_____

Residing at _____

My commission expires _____

EXHIBIT "A"

SIDEWALK EASEMENT
N1/2 OF GOVERNMENT LOT 13 OTHERWISE KNOWN AS N1/2SW1/4SW1/4NE1/4
OF SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS THE N1/2 OF GOVERNMENT LOT 13 OF SEC. 9, T1S, R26E.	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 1:57 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of April 5th, 2016, by and between the following:

Bell-Mont Properties, Inc.
1101 11th Street SW
Sidney, MT 59270-5225
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Lots 9 and 10 as shown on Amended Plat of Certificate of Survey #21 (Magelssen Acres) recorded in the Yellowstone County Office of Clerk and Recorder under Document Number 492688, as shown on attached Exhibit A.

Said easement and right-of-way contains 600 square feet more or less.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Randall Bell
Bell-Mont Properties, Inc. Representative

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 5th day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Randall Bell, of Bell-Mont Properties, Inc., being its
(Representative's Name)
Vice-President and known to me to be the owners of said property whose names are subscribed to the
(Title)
foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

JENNA REED NOTARIAL SEAL STATE OF MONTANA

JENNA REED
NOTARY PUBLIC
for the State of Montana
Residing at Billings, Montana
My Commission Expires
Aug. 7, 2019

Jenna Reed

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

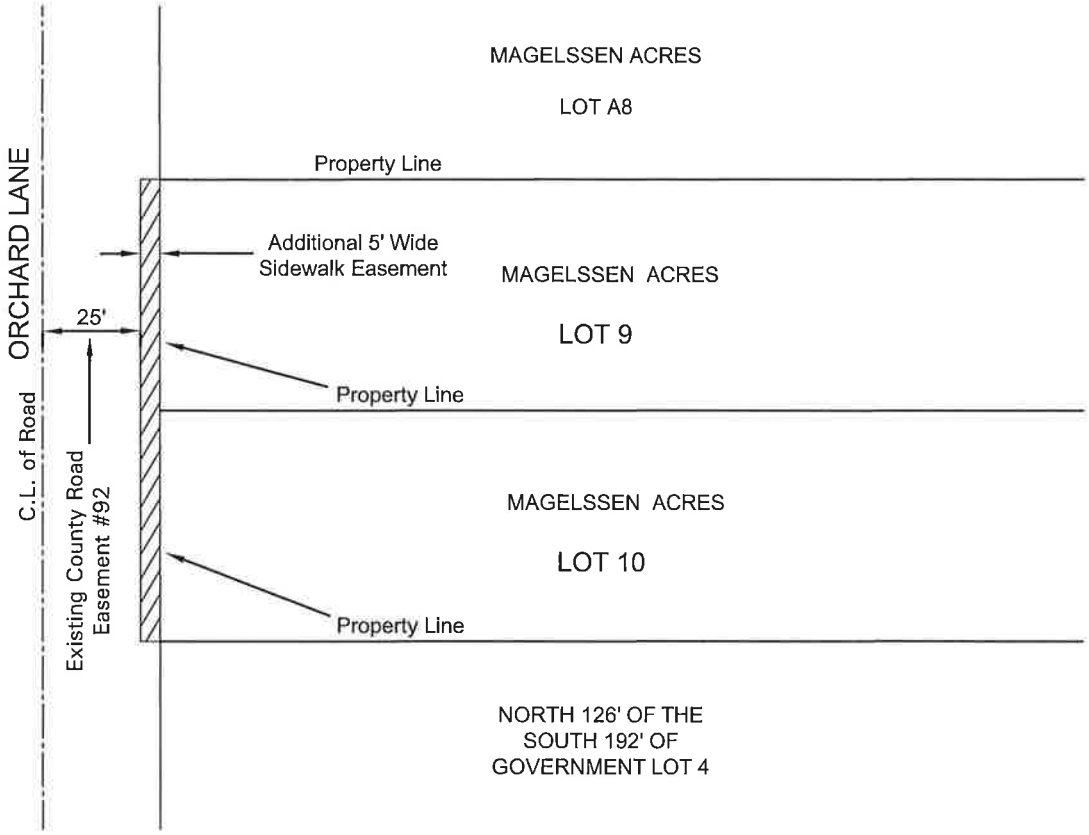
Printed Name:_____

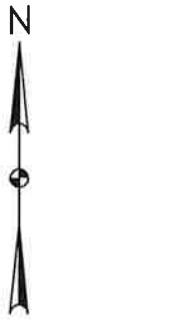
Residing at _____

My commission expires _____

EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN MAGELSSEN ACRES, LOT 9 AND LOT 10
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA





NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.

LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS MAGELSSEN ACRES LOTS 9 & 10	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 1:52 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of April 4, 2016, by and between the following:

Ellen M. Thotus
1766 Dry Creek Road
San Jose, CA 95124-1210
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Lot 6 as shown on that certain plat entitled Magelssen Acres recorded under Certificate of Survey Number 21 in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 1,012 square feet more or less.

Said Lot 6 is more commonly referred to as 4318 State Avenue.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Ellen M. Thotus

Ellen M. Thotus

STATE OF ~~MONTANA~~ CALIF)
:ss
County of ~~Yellowstone~~ SANTA CLARA)

On this 4 day of APRIL, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Ellen M. Thotus, known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

JOHN E. LOZON
Commission # 2081692
Notary Public - California
Santa Clara County
My Comm. Expires Oct 12, 2018

Notary Public

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

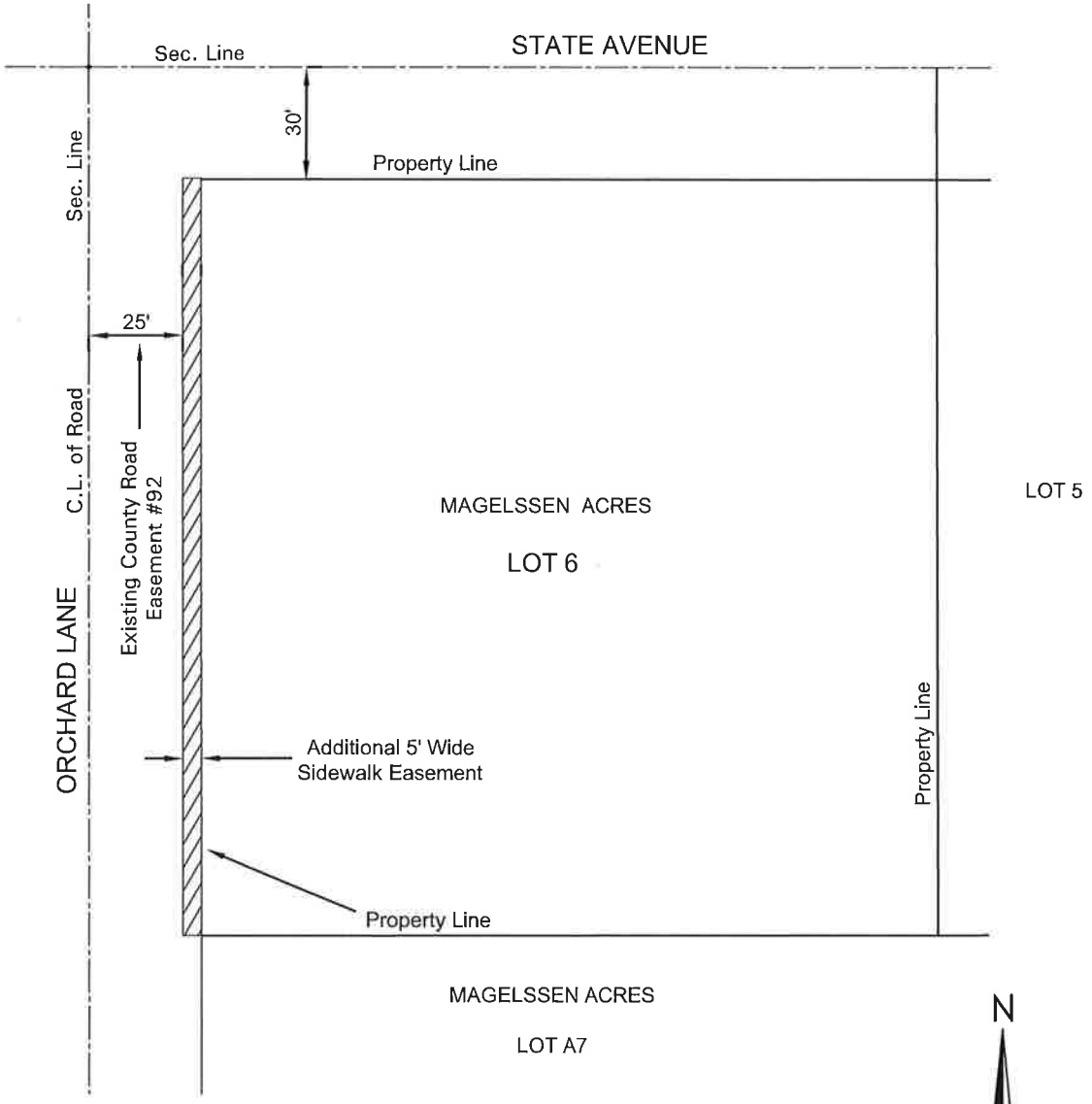
Printed Name:_____

Residing at _____

My commission expires _____

EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN MAGELSSEN ACRES, LOT 6
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.

LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS MAGELSSEN ACRES LOT 6	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 1:41 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this 4/4 day of _____, 2016, by and between the following:

George S. Allen Trust
2800 Chief White Bird Trail
Laurel, MT 59044-9444
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Parcel 2 as described in Quite Claim Deed recorded under Document Number 3477653 in the Yellowstone County Office of Clerk and Recorder as shown on attached Exhibit A.

Said easement and right-of-way contains 330 square feet more or less.

Said Parcel 2 is more commonly referred to as 105 Orchard Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

George S. Allen Trust Representative

Nadine R. Stahl

NADINE R. STAHL NOTARIAL SEAL STATE OF MONTANA
NADINE R. STAHL
NOTARY PUBLIC for the
State of Montana
Residing at Park City, Montana
My Commission Expires
June 14, 2018

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 4 day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared George S. Allen, *(Representative's Name)* of the George S. Allen Trust, being its Trustee *(Title)* and known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

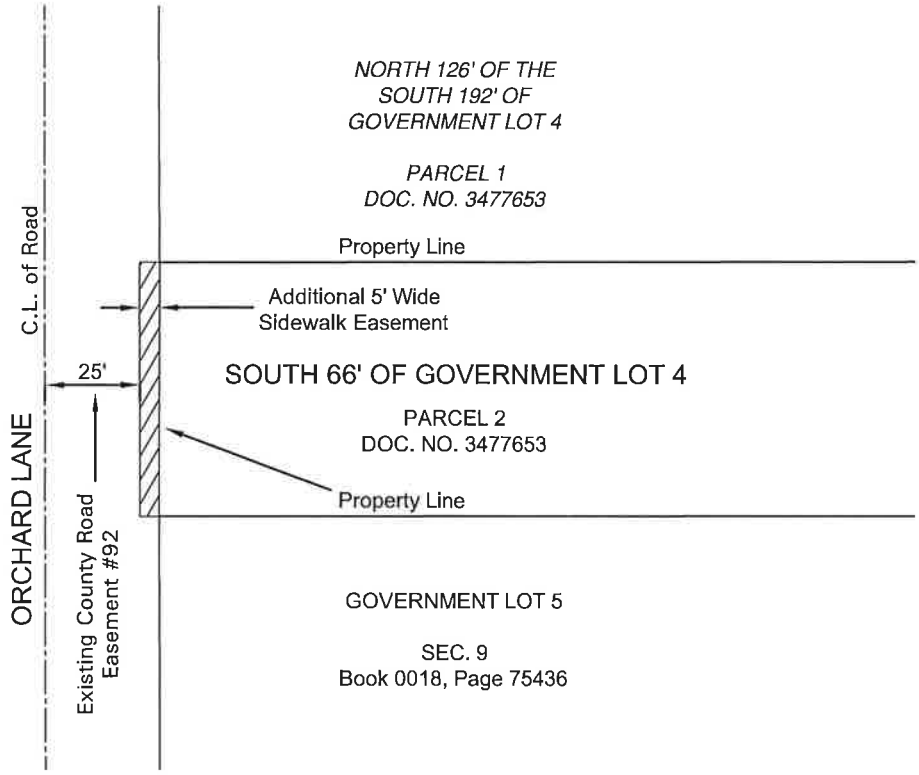
Printed Name:_____

Residing at _____

My commission expires _____

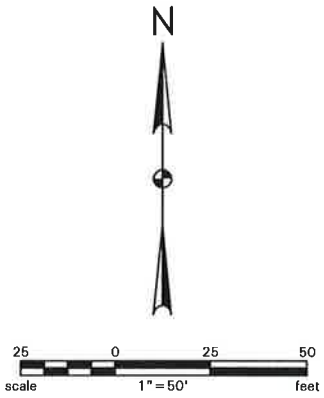
EXHIBIT "A"

SIDEWALK EASEMENT
BEING THE SOUTH 66' OF GOVERNMENT LOT 4
SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS THE SOUTH 66' OF GOVERNMENT LOT 4, SEC. 9, T1S, R26E.	KLJ
DRAWN BY: BEN LUJAN / DATE: 3/21/2016		

Mar 24, 2016 - 1:54 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this 4/4 day of _____, 2016, by and between the following:

George S. Allen Trust
2800 Chief White Bird Trail
Laurel, MT 59044-9444
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Parcel 1 as described in Quite Claim Deed recorded under Document Number 3477653 in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 630 square feet more or less.

Said Parcel 1 is more commonly referred to as 43 Orchard Lane, Billings, MT 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

George S. Allen

George S. Allen Trust Representative

Nadine R. Stahl

NADINE R. STAHL NOTARIAL SEAL STATE OF MONTANA

NADINE R. STAHL
NOTARY PUBLIC for the
State of Montana
Residing at Park City, Montana
My Commission Expires
June 14, 2018

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 4th day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared George S. Allen, of the George S. Allen Trust, being its Trustee and known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(Representative's Name)

(Title)

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

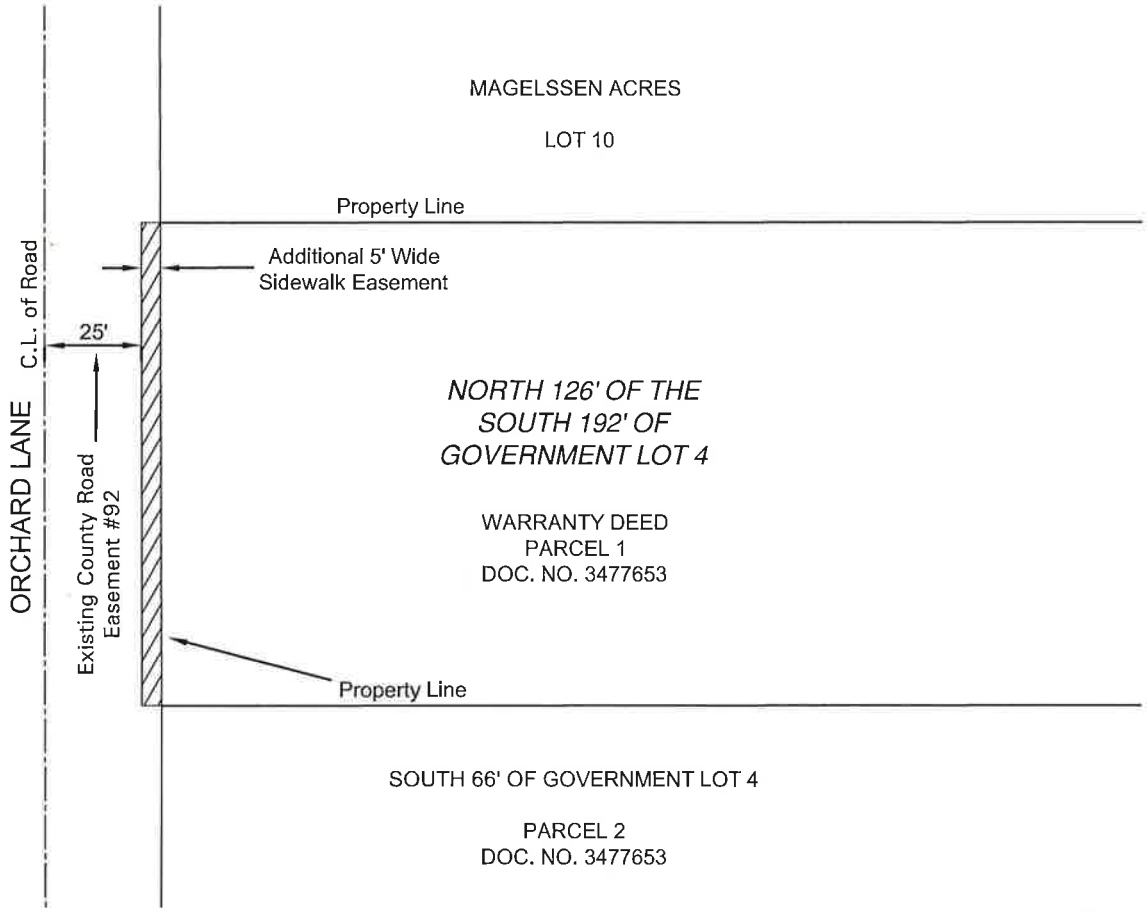
Printed Name:_____

Residing at _____

My commission expires _____

EXHIBIT "A"

SIDEWALK EASEMENT
BEING THE NORTH 126' OF THE SOUTH 192' OF GOVERNMENT LOT 4
SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.

LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS THE NORTH 126' OF THE SOUTH 192' OF GOVERNMENT LOT 4, SEC. 9, T1S, R26E.	KLJ
DRAWN BY: BEN LUJAN / DATE: 3/21/2016		

Mar 24, 2016 - 1:53 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this . day of _____, 2016, by and between the following:

Gladys M. Stahl & Margo Cook
423 Orchard Lane
Billings, MT 59101-5025
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Tract 2 of Certificate of Survey Number 359-M recorded in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 210 square feet more or less.

Said Tract 2 is more commonly referred to as 423 Orchard Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Gladys M. Stahl

Gladys M. Stahl

Margo Cook

Margo Cook

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 2nd day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Gladys M. Stahl and Margo Cook, known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

THERESA SIVERTSON NOTARIAL SEAL STATE OF MONTANA
THERESA SIVERTSON
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
April 09, 2018

Theresa Sivertson
Theresa Sivertson
Residing at Billings, Mt
My commission expires
4-9-2018

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

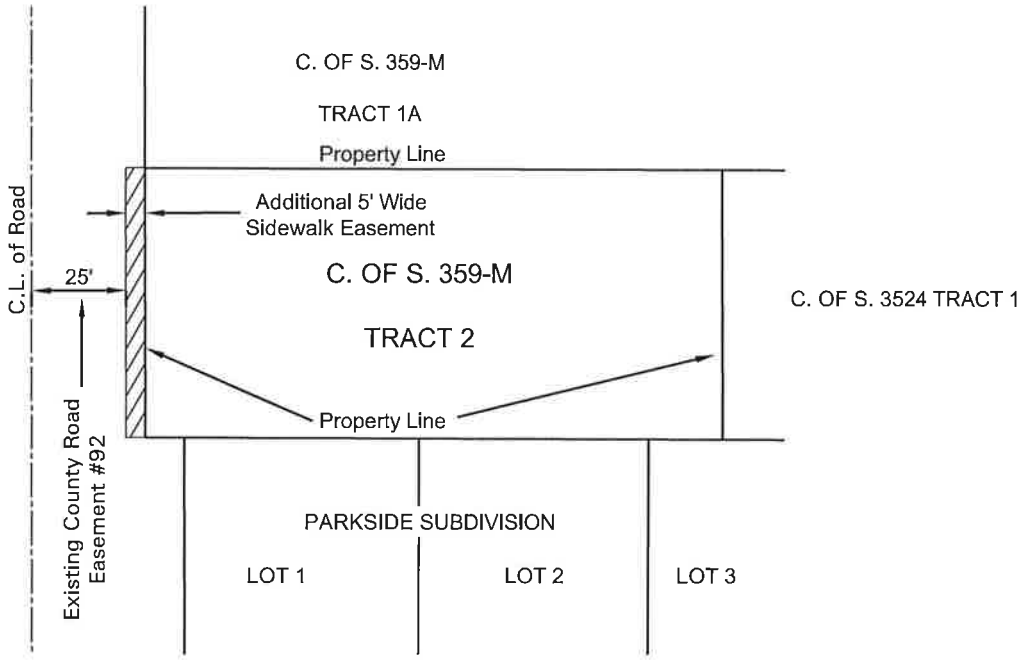
Printed Name:_____

Residing at _____

My commission expires _____

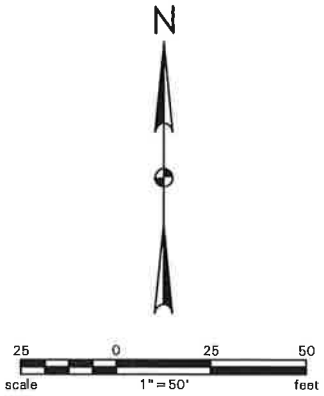
EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN TRACT 2, CERTIFICATE OF SURVEY NO. 359-M
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS TRACT 2 OF CERT. OF SURVEY 359-M	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of April 27th, 2016, by and between the following:

John F. Kortright, Jr.
29 Orchard Lane
Billings, MT 59101-4910
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Lots A7 and A8 as shown on Amended Plat of Certificate of Survey #21 (Magelssen Acres) recorded in the Yellowstone County Office of Clerk and Recorder under Document Number 492688, as shown on attached Exhibit A.

Said easement and right-of-way contains 600 square feet more or less.

Said Lots A7 and A8 are more commonly referred to as 29 Orchard Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

John F. Kortright, Jr.

KELLY A ZINNECKER NOTARIAL SEAL STATE OF MONTANA

KELLY A ZINNECKER
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
April 01, 2018

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 27th day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared John F. Kortright, Jr., known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

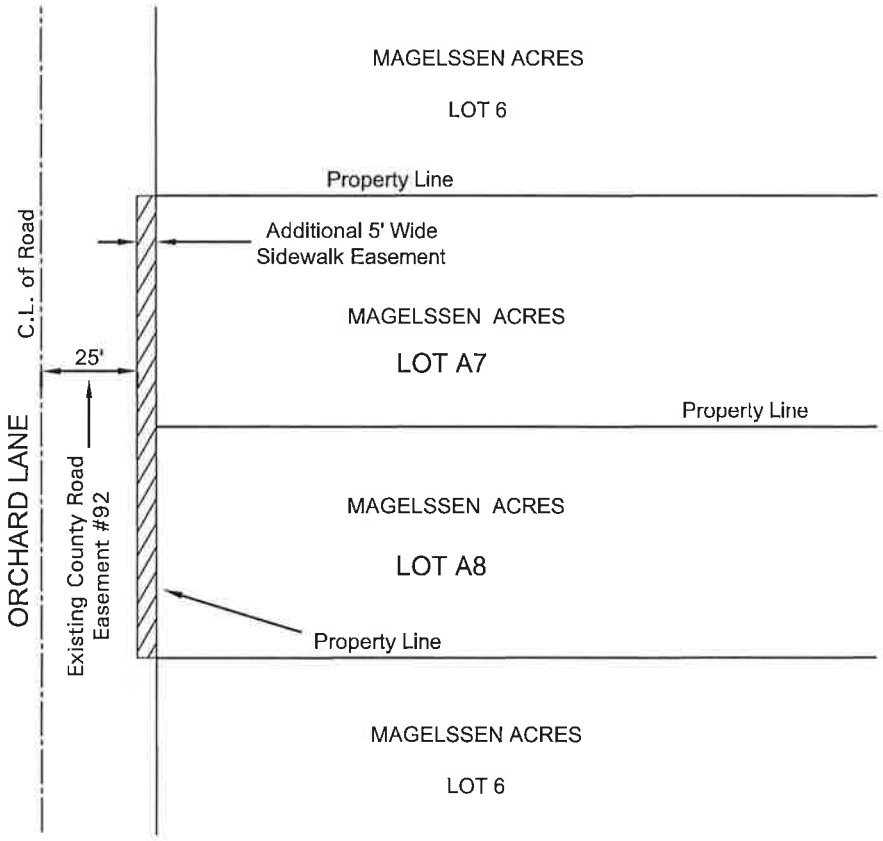
Printed Name:_____

Residing at _____

My commission expires _____

EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN MAGELSSEN ACRES, LOT A7 AND LOT A8
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



N

25 0 25 50
scale 1" = 50' feet

NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.

LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS MAGELSSEN ACRES LOTS A7 & A8	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 1:45 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this . day of _____, 2016, by and between the following:

Rachel Schanz
413 Orchard Lane
Billings, MT 59101-5025
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Tract 1 of Certificate of Survey Number 3524 recorded in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 150 square feet more or less.

Said Tract 1 is more commonly referred to as 410 Stephens Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Rachel Schanz

Rachel Schanz

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 7th day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Rachel Schanz, known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

CHRIS REED NOTARIAL SEAL STATE OF MONTANA

CHRIS REED
NOTARY PUBLIC for the
State of Montana
Residing at Huntley, Montana
My Commission Expires
March 03, 2019

Chris Reed

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

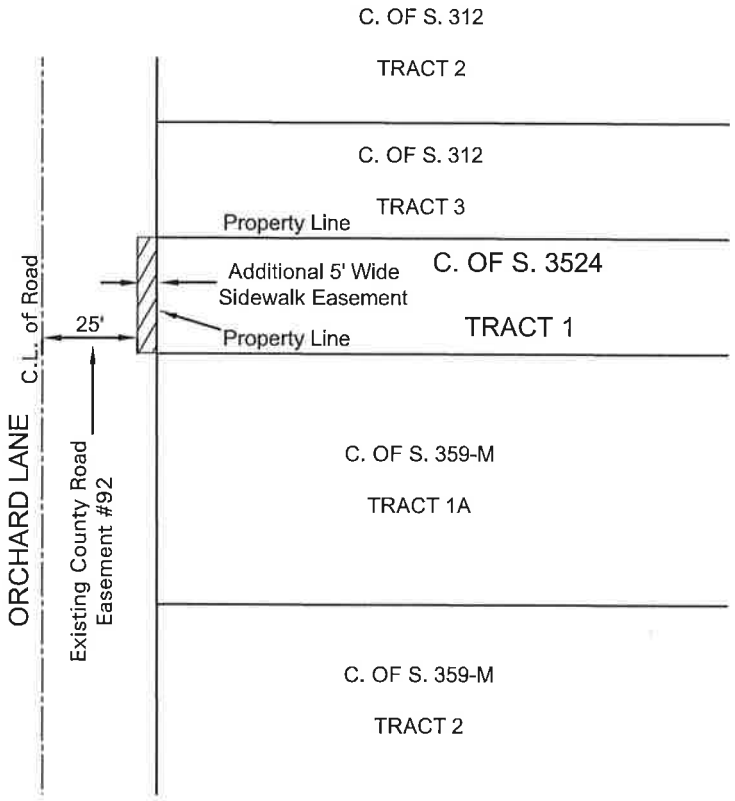
Printed Name:_____

Residing at _____

My commission expires _____

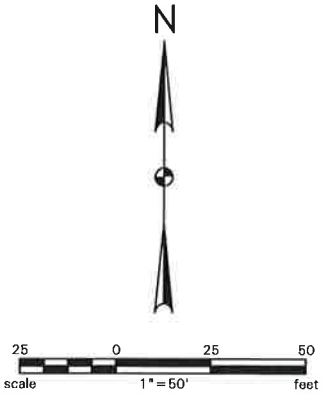
EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN TRACT 1, CERTIFICATE OF SURVEY NO. 3524
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS TRACT 1 OF CERT. OF SURVEY 3524	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 2:01 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of March 29, 2016, by and between the following:

Stripe A Line, LLC
PO Box 1622
Billings, MT 59103-1622
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Tract 2 of Certificate of Survey Number 1882 recoded in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 144 square feet more or less.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Stripe A Line, LLC Representative

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 29th day of March, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Steve Stark, of Stripe A Line, LLC, being its Manager and known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(Representative's Name)

(Title)

NATALIE HEINZEROTH
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
February 25, 2019

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

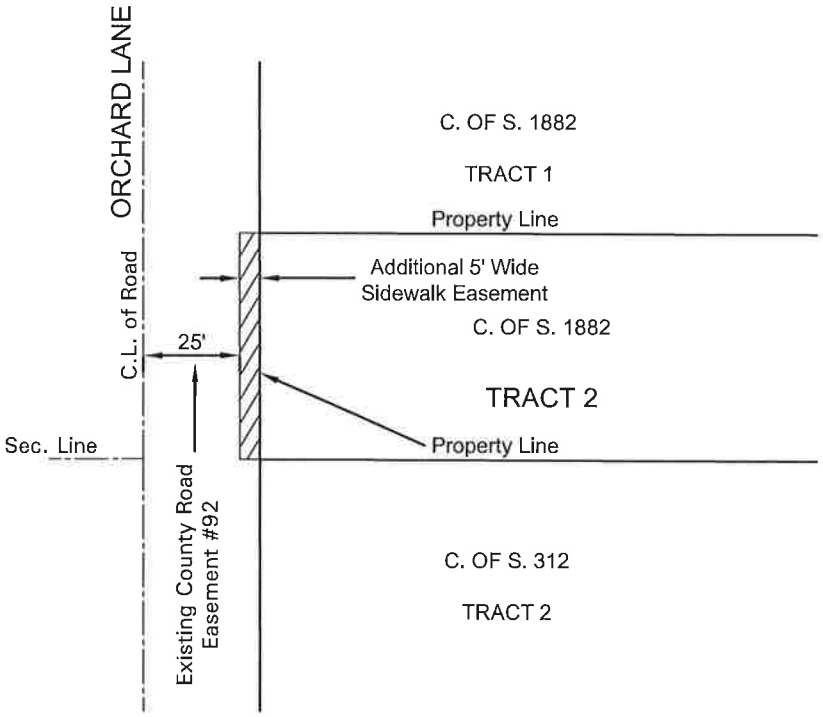
Printed Name:_____

Residing at _____

My commission expires _____

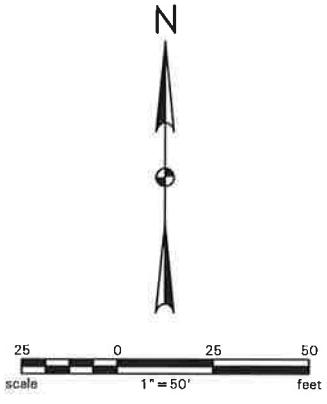
EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN TRACT 2, CERTIFICATE OF SURVEY NO. 1882
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS TRACT 2 OF CERT. OF SURVEY 1882	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 1:58 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of March 29, 2016, by and between the following:

Stripe A Line, LLC
PO Box 1622
Billings, MT 59103-1622
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Tracts A and B as shown on Certificate of Survey Number 1938 recorded in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 830 square feet more or less.

Said Tract A and B is more commonly referred to as 335 Orchard Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances, the above-described interests in the real estate described and have hereunto set their hand.

Steve Stark
Stripe A Line, LLC Representative

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 29th day of March, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Steve Stark, of Stripe A Line, LLC, being its
(Representative's Name)
Manager and known to me to be the owners of said property whose names are subscribed to the
(Title)
foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Natalie Heinzeroth

NATALIE HEINZEROTH NOTARIAL SEAL STATE OF MONTANA
NATALIE HEINZEROTH
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
February 25, 2019

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

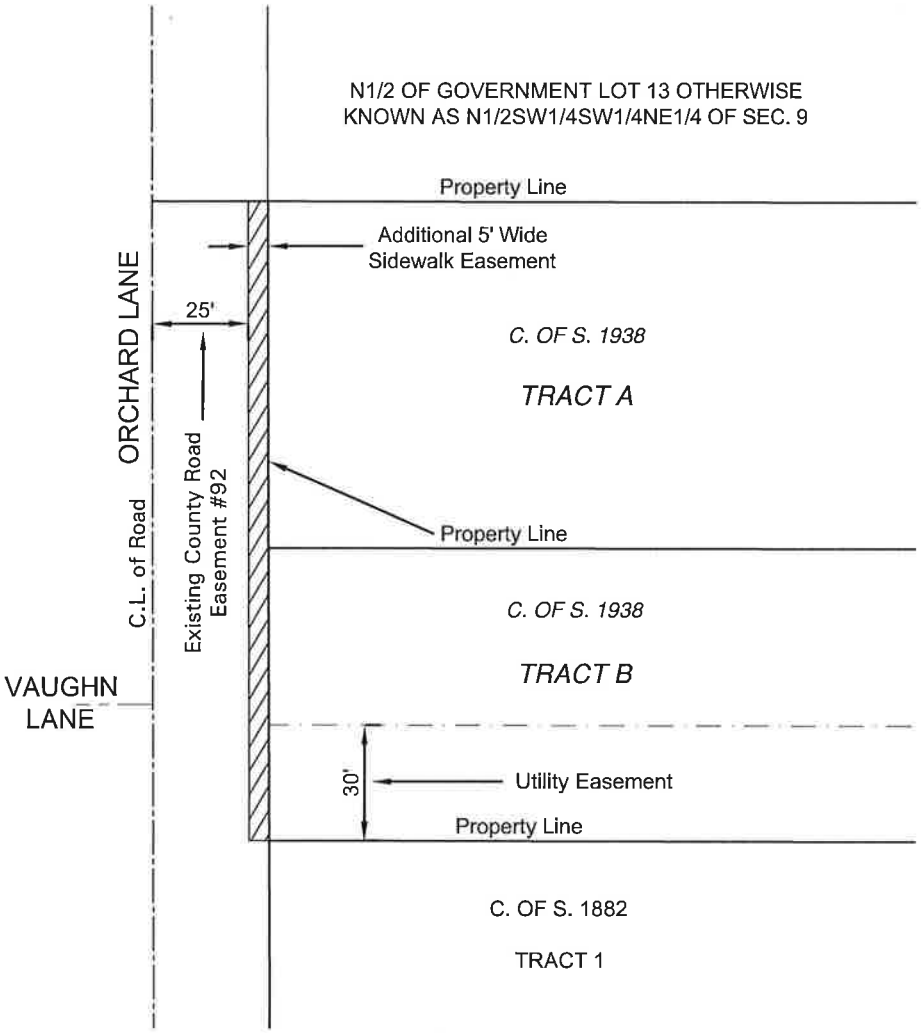
Printed Name:_____

Residing at _____

My commission expires _____

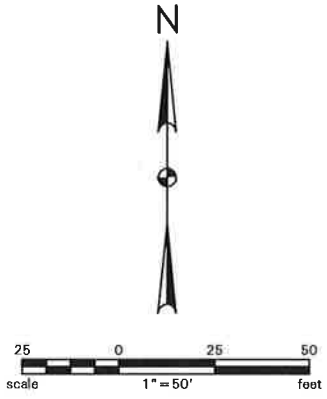
EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN TRACT A AND TRACT B, CERTIFICATE OF SURVEY NO. 1938
SITUATED IN SEC. 9, T1S, R26E,
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS TRACT A & TRACT B, CERT. OF SURVEY 1938	KLJ
DRAWN BY: BEN LUJAN / DATE: 3/21/2016		

Mar 24, 2016 - 1:57 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

RIGHT-OF-WAY EASEMENT

THIS EASEMENT, made and entered into this day of March 29, 2016, by and between the following:

Stripe A Line, LLC
PO Box 1622
Billings, MT 59103-1622
hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
PO Box 1178
Billings, Montana 59103-1178,
hereinafter referred to as **GRANTEE**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged;

WITNESSETH THAT GRANTOR does hereby grant and convey unto the **GRANTEE**, perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances for sidewalk, water lines, and fire hydrants over, across, under, and through the real property more particularly described as follows:

A strip of land measured 5 feet in width, lying within Tract 1 of Certificate of Survey Number 1882 recoded in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 530 square feet more or less.

Said Tract 1 is more commonly referred to as 341 Orchard Lane, Billings, MT, 59101.

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.

Stripe A Line, LLC Representative

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 29th day of March, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Steve Stark, of Stripe A Line, LLC, being its Manager and known to me to be the owners of said property whose names are subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(Representative's Name)

(Title)

NATALIE HEINZEROTH NOTARIAL SEAL STATE OF MONTANA

NATALIE HEINZEROTH
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
February 25, 2019

RETURN TO
City Clerk
City of Billings
P.O. Box 1178
Billings, MT 59103

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

_____
THOMAS W. HANEL,
Mayor, City of Billings

ATTEST:

_____
Billie Guenther, City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared THOMAS W HANEL and Billie Guenther, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____
Notary Public in and for the State of Montana

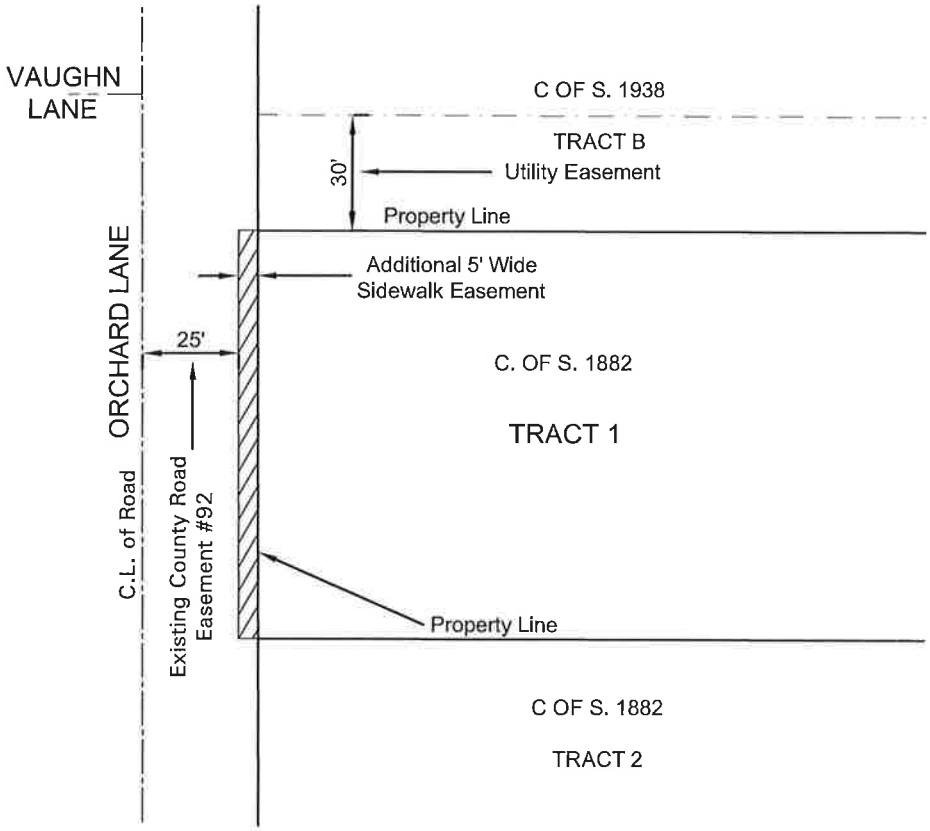
Printed Name:_____

Residing at _____

My commission expires _____

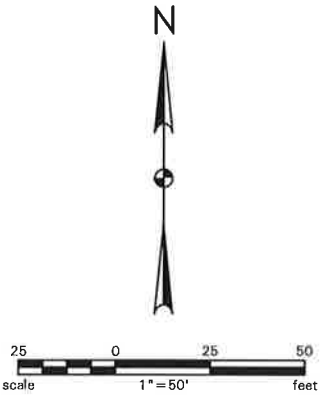
EXHIBIT "A"

SIDEWALK EASEMENT
LOCATED IN CERTIFICATE OF SURVEY NO. 1882
SITUATED IN SEC. 9, T1S, R26E, TRACT 1
BILLINGS, YELLOWSTONE COUNTY, MONTANA



NOTE:

County Road Easement per Petition Number 92 recorded in Book 3, Page 304, of County Commissioners Proceedings, in the office of Clerk and Recorder of Yellowstone County, Montana.



LEGEND	CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
SIDEWALK EASEMENT	EASEMENT ON AND ACROSS TRACT 1 OF CERT. OF SURVEY 1882	KLJ
DRAWN BY: BEN LUJAN DATE: 3/21/2016		

Mar 24, 2016 - 1:58 PM - P:\City\MT\Billings\2414114-OrchardLaneWO15-07\Cadd\Model files\Orchard Lane easements.dwg

© KLJ 2016

Consent **1. M.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Right-of-Way Easement: W.O. 16-06 SBURD Sanitary Sewer Phase 2

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-06 SBURD Sewer Phase 2 project will install approximately 3,400 lineal feet of new sewer in areas where there currently is none. The area is bounded on the north and south by Morgan and Francis Ave and bounded on the east and west by Jackson St. and Hallowell Ln. New mains and sewer service connections to property lines will be installed. There is one length of new sewer main (approximately 600 lineal feet) where an easement is required to serve 146 Jackson St. as well as all the properties on Frances Avenue west of Jackson Street to Viceroy Street. Staff has negotiated with the property owner of the necessary easement area and they have agreed to an easement which is shown on the attached easement exhibit.

ALTERNATIVES ANALYZED

The Council may:

- Approve the Right-of-Way Easement; or
- Do not approve the Right-of-Way Easement. If the Right-of-Way Easement is not approved, the sewer main cannot be constructed and the property owners on Frances will not be able to be served by the City sanitary sewer.

FINANCIAL IMPACT

There is no cost to the City for the Right-of-Way Easement due to the fact that the sewer line will provide service to the subject property.

RECOMMENDATION

Staff recommends that the City Council approve the Right-of-Way Easement for WO 16-06 SBURD Sewer Phase 2 project.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ellman/Hickman

PERPETUAL RIGHT-OF-WAY EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this _____ day of _____, 2016, the undersigned,

PATTY D ELLMAN
GRACE L HICKMAN

of the address of 146 JACKSON ST, BILLINGS, MT 59101, hereinafter called "**GRANTORS**", hereby grant and convey unto THE CITY OF BILLINGS, a Montana municipal corporation and political subdivision of the State of Montana, of the address of City Hall, Billings, Montana 59101, hereinafter called "**GRANTEE**", a perpetual easement and right-of-way over, across, under and through the following described tracts of real property in Yellowstone County Montana:

A 10 ft. wide strip easement over, across, under & through a portion of Tract A, Certificate of Survey #224, located in the NE ¼ Section 9, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana, also described in a portion of "Warranty Deed" Document # 3502326, filed in the Yellowstone County Court House, also referenced by Geocode: 03-0927-09-1-15-07-0000, more particularly described as follows:

Beginning at the northwest corner of above referenced Tract A, Certificate of Survey #224; thence a 10 ft. wide strip running N 89° 24' 11" E, adjacent to, south of & paralleling the northerly boundary line of said Tract A, to the easterly line of said Tract A, Certificate of Survey #224.

Exhibit 1, showing the location and route of the easement, is attached to this Easement and is made a part of it by this reference.

GRANTORS grant and convey this Perpetual easement to **GRANTEE** for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing sanitary sewers and/or water lines over, across, under and through the said real property, together with the right of free ingress and egress at all times for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing said sanitary sewers and/or water lines and appurtenances, and, if **GRANTEE** deems it in the best interest of the City of Billings, Montana, adding additional sanitary sewer and/or water lines.

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

1. **GRANTORS** agree not to construct, nor cause or permit to be constructed, any type of building or structure within the easement right-of-way, such as, but not limited to, houses, garages, sheds, kennels, nor any other fixed objects of any kind, shape or form, unless **GRANTEE** expressly agrees to the construction in writing.

2. **GRANTORS** agree not to plant, nor cause to be planted, any trees, bushes, shrubs, hedges, nor any other plantings of a similar nature within the easement right-of-way, unless **GRANTEE** expressly agrees to the construction in writing.

3. **GRANTORS** agree that authorized representatives of the City of Billings shall be permitted to freely travel within the easement right-of-way with their equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions.

4. **GRANTORS** shall obtain the permission of the Public Works Department or **GRANTEE** prior to placing or removing any fill dirt, or causing fill dirt to be placed on or removed from the easement right-of-way and, in addition, in the event such permission is granted, the **GRANTORS** agree to perform any work necessary to modify the existing sanitary sewers and/or water lines and appurtenances, which work may be required prior to placing or removing any fill dirt within the easement right-of-way and all such work shall be done at **GRANTORS'** expense and without expense to the City.

5. **GRANTORS** agree that the sole responsibility of **GRANTEE** for any surface restoration due to any construction, replacement, repair or service work to the sanitary sewer and/or water lines by the City of Billings, shall be limited to trench backfill compaction and placement of backfill material to existing grade by the City of Billings.

6. HOLD HARMLESS AGREEMENT:
   - **GRANTORS** agree that the owner or owners of the above described property shall at all times fully relieve and save harmless the City of Billings and its authorized representatives for any and all damages of property that may be caused within said easement right-of-way, such as, but not limited to, ruts or deep tracks in lawns, gardens, or flower beds, broken or crushed shrubs, bushes, hedges, trees or any other type of plantings; crushed, cracked split or otherwise damaged, irrigation piping and appurtenances; and, any other damage to any other type of object, material or equipment located within the easement right-of-way which cannot, with a minimum of human effort and within a few minutes time period, be removed from easement right-of-way by authorized representatives of the City of Billings in exercise of any of their rights under this easement right-of-way.

   - **GRANTORS** agree the owners of the above described real property shall reimburse the City of Billings for any and all damage claims paid by the City for damages of any type or nature to any and all persons and entities in the event such damage results from or was caused to happen by such owner's failure to comply with any portion of the rights, restrictions, obligations or responsibilities contained in this agreement.

7. The restrictions, Covenants and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

GRANTORS warrant and covenant that there are no liens or other encumbrances on the described tract or tracts that would impair any rights or privileges granted or conveyed to the **GRANTEE** by this Easement.

IN WITNESS WHEREOF, the **GRANTORS** and **GRANTEE** do make and enter into this Easement the day and year first above written.

Patty D. Ellman
PATTY D ELLMAN

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 27th day of April, 2016, before me, a Notary Public in and for the State of Montana, personally appeared **PATTY D ELLMAN**, **GRANTOR,** and acknowledged to me that she duly executed the same.

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

(NOTARIAL SEAL)

JANET N. PREVOST
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
December 10, 2016

(Signature)

Janet N. Prevost (Printed Name)
Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: 12/10/2016

IN WITNESS WHEREOF, the **GRANTORS** and **GRANTEE** do make and enter into this Easement the day and year first above written.

Grace L. Hickman

GRACE L HICKMAN

STATE OF Florida)
:ss
County of Brevard)

On this 13 day of April, 2016, before me, a Notary Public in and for the State of Florida, personally appeared **GRACE L HICKMAN**, **GRANTOR,** and acknowledged to me that she duly executed the same.

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

Oleria Davis (Signature)

(NOTARIAL SEAL)

Oleria Davis (Printed Name)
Notary Public for the State of Florida
Residing in Brevard County
My Commission Expires: May 21, 2017

OLERIA DAVIS
Commission # FF 020518
Expires May 21, 2017
Bonded Thru Troy Fain Insurance 800-385-7019

ACCEPTANCE AND ACKNOWLEDGMENT
by the City of Billings, Montana

THIS EASEMENT INTEREST is hereby accepted and the terms set forth herein are agreed to pursuant to City Council approval on _____, 2016.

CITY OF BILLINGS, a Montana
Municipal Corporation

By: _____
THOMAS W. HANEL, Mayor

ATTEST:

By: _____
BILLIE GUENTHER, City Clerk

STATE OF MONTANA)
: ss.
County of Yellowstone)

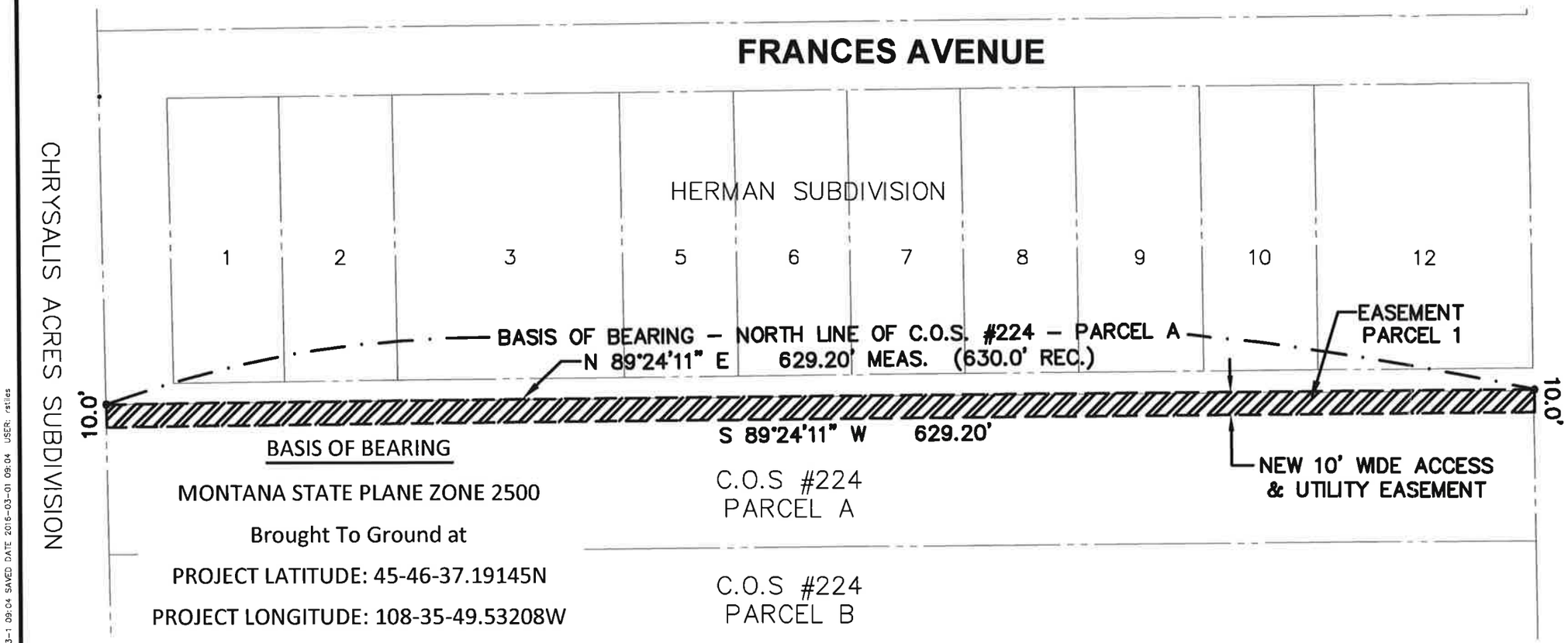
On this _____ day of _____, 2016 before me, a Notary Public for the State of Montana, personally appeared **THOMAS W. HANEL** and **BILLIE GUENTHER**, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, and acknowledged to me that they executed the foregoing instrument.

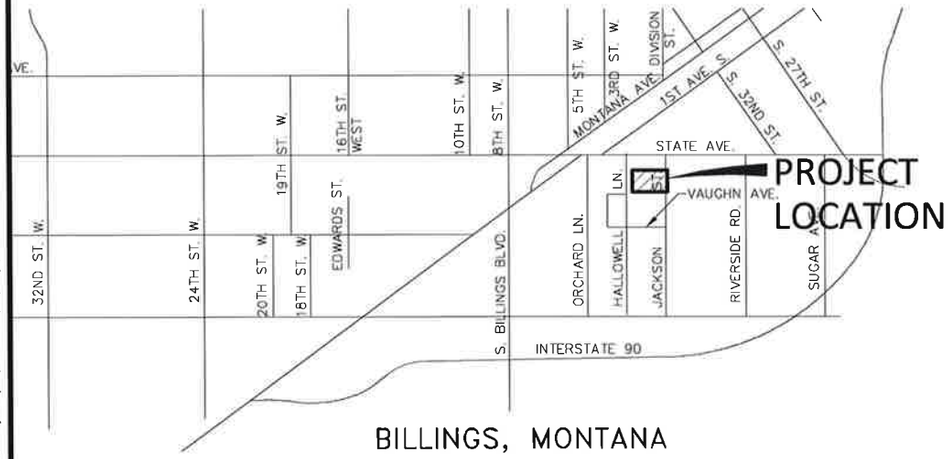
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____ (Signature)

(NOTARIAL SEAL)

_____ (Printed Name)
Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: _____





BILLINGS, MONTANA
VICINITY MAP

LEGEND

- FOUND PROPERTY CORNER
- PROPOSED NEW EASEMENT
- PROPERTY LINE

60 0 60 120
SCALE IN FEET

N

PROJECT 4028.21124.01
DATE MARCH 2016

EXHIBIT 1

SANITARY SEWER EASEMENT EXHIBIT
SOUTH BILLINGS URBAN RENEWAL DISTRICT (SBURD)
SEC. 9, T. 01 S., R. 26 E. - YELLOWSTONE COUNTY, MT.

DOWL
WWW.DOWL.COM
222 N. 32nd Street, #700
Billings, Montana 59101
406-656-6399

J:\Civil 3D Projects\28\21124-01\Property\MC14-SBURD2-EASEMENTS.dwg PLOT DATE 2016-3-1 09:04 SAVED DATE 2016-03-01 09:04 USER: rstiles

Consent **1. N.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Authorizing the Issuance and Calling for a Negotiated Sale for Sidewalk Bonds

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

WO 15-02 was approved last year for miscellaneous sidewalk, curb and gutter improvements at various locations throughout the City. The City must sell bonds to finance the project construction. Upon approval of this resolution, the negotiations can proceed for the sale of the bonds.

ALTERNATIVES ANALYZED

The Council may:

- Approve the resolution; or
- Not approve the resolution and find another funding source. The only way that the City can assess the private properties is to incur debt.

FINANCIAL IMPACT

The financial impact will be determined after the bond sale. The interest will be determined during negotiations but will not exceed 5%.

RECOMMENDATION

Staff recommends that the Council approve the attached resolution that authorizes a negotiated sale for the indicated project.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

CERTIFICATE AS TO RESOLUTION AND VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION RELATING TO UP TO $346,000 SPECIAL SIDEWALK, CURB, GUTTER AND ALLEY APPROACH BONDS, SERIES 2016; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on May 23, 2016, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____ _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 23rd day of May, 2016.

_____
City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO UP TO $346,000 SPECIAL SIDEWALK, CURB, GUTTER AND ALLEY APPROACH BONDS, SERIES 2016; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF

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

Section 1. Recitals.

1.01. Prior Acts. This Council has duly and validly ordered in under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended and Title 7, Chapter 12, Parts 41 and 42, as amended (collectively, the "Act"), the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, driveways, alley approaches and appurtenant improvements in certain locations in the City, which are designated as W.O. 15-02, Miscellaneous Improvements (the "Improvements") and has determined to assess the costs of the Improvements and costs incidental thereto (the "Incidental Costs"), including costs associated with the sale and the security of special sidewalk, curb, gutter and alley approach bonds of the City and the funding of deposits to the City's Special Improvement District Revolving Fund (the "Revolving Fund"), against property adjacent to the Improvements.

1.02. Proposed Bond Issue. The City proposes to issue special sidewalk, curb, gutter and alley approach bonds of the City in the maximum estimated principal amount of $346,000 to pay the costs of the Improvements and Incidental Costs (the "Bonds"). The Bonds are to be payable from special assessments to be levied against property adjacent to the Improvements, which property will be specially benefited by the Improvements. Assessments will be levied against such adjacent property in an amount not less than the principal amount of the Bonds to be issued.

The costs of the Improvements and Incidental Costs are currently estimated, as follows:

Construction Costs	$249,336.48
Design and Construction Administration	40,989.00
Engineering and Administration	20,760.00
Revolving Fund	17,300.00
Bond Discount	6,920.00
Issuance Costs	10,380.00
Roundoff	314.52
Total	$346,000.00

Section 2. Sale and Term of Bonds.

2.01. Principal Amount. Pursuant to Sections 7-12-4204 and 17-5-107, Montana Code Annotated, this Council hereby determines that it is in the best interests of the properties specially benefiting from the Improvements and the City to sell the Bonds at a private negotiated sale at a price not less than 97% of the principal amount thereof, including interest thereon to the date of delivery. The City Finance Director is authorized to select a purchaser (the "Purchaser") for the Bonds and to negotiate the sale thereof, subject to Section 2.02 hereof.

2.02. Pricing and Terms. The Bonds shall be sold to the Purchaser on the terms and at a purchase price subject to the following limitations and conditions: (1) the aggregate principal amount of the Bonds shall not exceed $346,000; (2) the net interest cost on the Bonds shall not exceed 5.0%; (3) the purchase price of the Bonds shall not be less than 100% of the principal amount thereof; (4) the term of the Bonds shall not exceed 12 years; (5) the Bonds shall be payable from special assessments to be levied against property adjacent to the Improvements; and (6) the Bonds shall be callable from the prepayment of special assessments.

All costs of issuing the Bonds (including, without limitation, the fees and expenses of Dorsey & Whitney LLP, the City's Bond Counsel, the fees of the Paying Agent and Registrar and the Bonds, if any) shall be paid by the City as part of the financing from proceeds of the Bonds or other available sources.

2.03. Bond Purchase Agreement. The City Administrator and City Finance Director are hereby authorized and directed to approve the final principal amount of the Bonds, dated date, debt service schedule, interest rates and redemption provisions of the Bonds, subject to the limitations contained in Section 2.02 hereof and the Act. Upon approving such terms, the City Administrator and City Finance Director are hereby authorized and directed to approve, execute and deliver to the Purchaser a bond purchase agreement (the "Bond Purchase Agreement"), containing the agreement of the City to sell, and the agreement of the Purchaser to purchase, the Bonds on the terms so approved, and containing such other provisions as such officers shall deem necessary and appropriate. In the event of the absence or disability of the City Administrator and City Finance Director, the Mayor or Deputy City Administrator shall make such approvals and execute and deliver the Bond Purchase Agreement. The execution and delivery by appropriate officers of the City of the Bond Purchase Agreement shall be conclusive as to the approval of such officers of the terms of the Bonds and the agreement of the City to sell the Bonds on such terms in accordance with the provisions thereof.

The form of the Bonds and the final terms and conditions thereof shall be prescribed by a subsequent resolution to be adopted by this Council.

Section 3. Pledge of Revolving Fund. In the resolutions of intention to order in the Improvements, adopted on March 23, 2015, this Council found it to be in the public interest, and in the best interest of the properties specially benefitting from the Improvements and the City, to secure payment of principal of and interest on the Bonds by the Revolving Fund and authorized the City to enter into the undertakings and agreements authorized in the Act in respect of the Bonds, based on the factors required to be considered under Section 7-12-4225(4) of the Act. Those findings and determinations were ratified and confirmed in the resolutions ordering in the

Improvements adopted on April 13, 2015 and are hereby ratified and confirmed. It is hereby covenanted and recited that the City has the power under the Act to pledge the Revolving Fund to payment of the principal of and interest on the Bonds.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 23rd day of May, 2016.

_____
Mayor

Attest: _____
City Clerk

Consent **1. O.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Parameters Resolution for the Sale of Bonds for SBURD projects

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The City needs to sell bonds to finance the Phase 2 Sanitary Sewer and Orchard Lane projects in the South Billings Urban Renewal District (SBURD). This parameters resolution sets limits for the principal amount, the interest rate and the maturity of the bonds. The maximum aggregate principal amount of the bonds shall not exceed $5,300,000; the maximum interest rate shall not exceed 4.75%, and the maturity shall not exceed 25 years from the issuance date.

ALTERNATIVES ANALYZED

City Council may:

- Approve, or;
- Disapprove the parameters resolution.

FINANCIAL IMPACT

The annual debt payments will be paid from the tax increment funds from the District.

RECOMMENDATION

Staff recommends that the City Council approve the resolution authorizing the issuance of the bonds through a negotiated sale and sets the parameters.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION RELATING TO TAX INCREMENT URBAN RENEWAL REVENUE BONDS (SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT), SERIES 2016; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on May 23, 2016, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____ _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 23rd day of May, 2016.

(SEAL)

_____
City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO TAX INCREMENT URBAN RENEWAL REVENUE BONDS (SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT), SERIES 2016; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE THEREOF

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

Section 1. Recitals; Prior City Actions.

1.01. Under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act"), the City is authorized to create urban renewal areas, prepare and adopt an urban renewal plan therefor and amendments thereto, undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, issue its bonds to pay the costs of such projects and to refund bonds previously issued under the Act and pledge to the repayment of the bonds the tax increment and other revenues derived from projects undertaken within the urban renewal area.

1.02. Pursuant to the Act and Ordinance No. 07-5441 adopted on December 10, 2007, as amended by Ordinance Nos. 08-5462 and 08-5484 adopted on May 12, 2008 and December 8, 2008, respectively (as so amended, the "Ordinance"), the Council created the South Billings Boulevard Urban Renewal District (the "District") and approved the South Billings Boulevard Urban Renewal Plan (the "Plan") containing a tax increment financing provision.

1.03. The City proposes to undertake (i) the design, engineering, construction and installation of sewer system improvements in the area bounded north-south by Morgan and Francis Avenue and bounded east-west by Jackson Street and Hallowell Lane and (ii) the design, engineering and reconstruction of Orchard Lane between King Avenue East and State Avenue, including widening of the street and installation of a two way left turn lane, sidewalks, new corner radiuses and street lights (collectively, the "Infrastructure Improvements"). The Infrastructure Improvements have been authorized as urban renewal projects pursuant to the Act and the Plan, and as set forth in the Plan the City declared its intention to use tax increment revenue from the District to finance such improvements.

Section 2. Authorizations. Pursuant to the authorizations and findings recited in the Plan and in Section 1 hereof, it is hereby determined that it is in the best interests of the City to offer for sale its Tax Increment Urban Renewal Revenue Bonds (South Billings Boulevard Urban Renewal District), Series 2016 (the "Series 2016 Bonds"), in the maximum aggregate principal amount of $5,300,000, for the purpose of financing the Project, funding a deposit to a debt service reserve account for the Series 2016 Bonds, and paying costs of issuance of the Series 2016 Bonds, as determined by the officers of the City identified pursuant to, and subject to the limitations set forth in, Section 4 hereof.

Section 3. Adequacy of Tax Increment. The City estimates that tax increment from the District will be at least $1,526,445 per year (based on tax increment from the District of $1,526,445 received by the City in 2015). In 2015, the City issued its Tax Increment Urban Renewal Revenue Refunding Bonds (South Billings Boulevard Urban Renewal District), Series 2015 (the "Series 2015 Bonds") in the aggregate principal amount of $5,170,000. The maximum aggregate annual principal and interest payable on the Series 2015 Bonds and the Series 2016 Bonds, assuming with respect to the Series 2016 Bonds an average interest rate of 3.69% per annum and a term of 24 years, is $670,000. There are no other bonds or other obligations of the City payable from tax increment received in the District. Accordingly, the tax increment from the District estimated to be received each year by the City will be sufficient to pay the maximum aggregate annual principal and interest payable on the Series 2015 Bonds and the Series 2016 Bonds.

Section 4. Negotiated Sale and Terms.

4.01. This Council hereby determines that it would be in the best interests of the City to sell the Series 2016 Bonds through a private negotiated sale to D.A. Davidson & Co., Great Falls, Montana (the "Purchaser").

4.02. The Series 2016 Bonds shall be sold to the Purchaser on terms and at a purchase price within the following limitations and conditions: (1) the maximum aggregate principal amount of the Series 2016 Bonds, exclusive or original issue discount or premium, shall not exceed $5,300,000; (2) the maximum true interest cost on the Series 2016 Bonds shall not exceed 4.75%; (3) the purchase price of the Series 2016 Bonds shall not be less than 98.8% of the principal amount thereof, exclusive of original issue premium or discount; and (4) the final stated maturity of the Series 2016 Bonds shall not be later than 25 years from their date of issue. All costs of issuing the Series 2016 Bonds (including, without limitation, the fees and expenses of bond counsel, the fees of the paying agent and registrar, the preliminary and final Official Statement costs, and the costs of printing the Series 2016 Bonds) shall be paid by the City.

4.03. The City Administrator and the City Finance Director, in consultation with Springsted Incorporated, the City's Municipal Advisor, are hereby authorized and directed to approve the principal amount, maturity dates, interest rates and redemption provisions of the Series 2016 Bonds and compensation to the Purchaser, subject to the limitations contained in this Section 4. Upon approving such terms, the City Administrator and the City Finance Director are hereby authorized and directed to approve, execute and deliver to the Purchaser a bond purchase agreement (the "Bond Purchase Agreement"), containing the agreement of the City to sell, and the agreement of the Purchaser to purchase, the Series 2016 Bonds on the terms so approved, and containing such other provisions as such officers shall deem necessary and appropriate. In the event of the absence or disability of the City Administrator and City Finance Director, the Mayor or Deputy City Administrator shall make such approvals and execute and deliver the Bond Purchase Agreement. The execution and delivery by appropriate officers of the City of the Bond Purchase Agreement shall be conclusive as to the approval of such officers of the terms of the Series 2016 Bonds and the agreement of the City to sell the Series 2016 Bonds on such terms in accordance with the provisions thereof.

Section 5. Official Statement. The City Finance Director, in consultation with Springsted Incorporated, the Purchaser and Dorsey & Whitney LLP, the City's bond counsel, are authorized to prepare on behalf of the City an Official Statement, to be distributed by the Purchaser to prospective purchasers of the Series 2016 Bonds. The Official Statement shall contain such information as shall be advisable and necessary to describe accurately the City and the security for, and the terms and conditions of, the Series 2016 Bonds. The City Administrator and City Finance Director are authorized on behalf of the Council to deem the Preliminary Official Statement near "final" as of its date, in accordance with Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934.

Section 6. Continuing Disclosure. To permit the Purchaser and other participating underwriters in the primary offering of the Series 2016 Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, the City will covenant and agree, for the benefit of the registered holders and beneficial owners from time to time of the outstanding Series 2016 Bonds, to provide annual reports of specified information and notice of the occurrence of certain events.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 23rd day of May, 2016.

_____
Mayor

Attest: _____
City Clerk

Consent **1. P.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Ward Ordinance Second Reading - Annexation #16-02

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexation of property into the City. The City Council approved the annexation of property owned by McCall Development and the Yellowstone Boys and Girls Ranch Foundation (Annexation #16-02) on April 25, 2016. This requires a change in the boundaries of Ward III. Two readings are required for this action. The Council conducted a public hearing and approved the ordinance on first reading on May 9, 2016. The second reading is scheduled for this meeting.

ALTERNATIVES ANALYZED

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

- Approving the ordinance will modify the boundaries of Ward III to include the property owned by McCall Development and the Yellowstone Boys and Girls Ranch.
- Not approving the ordinance will not modify the boundaries of Ward III and create a problem where property inside the City Limits is not within one of the City Ward Boundaries.

FINANCIAL IMPACT

There is no budget/financial impact from this action.

RECOMMENDATION

Staff recommends that the City Council approve this ordinance on second reading, adding recently annexed property to Ward III.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ward Ordinance

ORDINANCE NO. 16-_____

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 III 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 III the following described real property:

   A tract of land situated in the SW1/4 of Section 18, and the NW 1/4 of Section 19 , T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Adam and Mollie Walter Subdivision, First Filing, Lots 1, Block 1, Recorded February 22, 2016, under Document No. 3769605, on file and of record in the Records of Yellowstone County; Tract 1, of Certificate of Survey No. 3594, Recorded July 29, 2015, under Document No. 3748158, on file and of record in the Records of Yellowstone County; Including all adjacent right-of-way of Elysian Road and Canyon Creek Ditch.

   Containing 34.721 gross acres and 33.854 net acres more or less.

   (# 16-02) 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 9th day of May, 2016.

PASSED by the City Council on the second reading this 23rd day of May, 2016.

THE CITY OF BILLINGS:

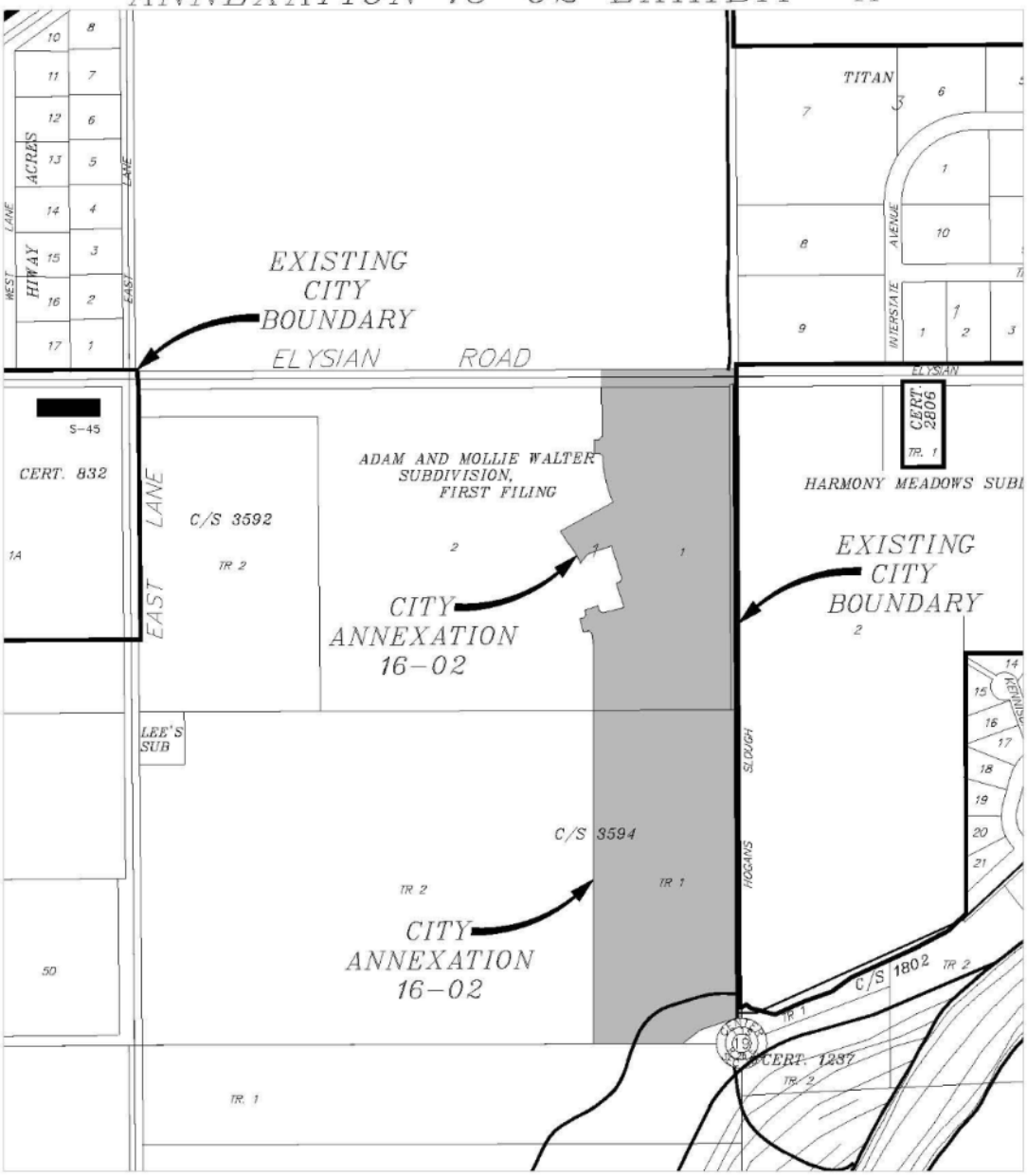
_____
Thomas W. Hanel, MAYOR

ATTEST:

BY:_____
Billie Guenther, CITY CLERK

(AN 16-02)

ANNEXATION 16-02 EXHIBIT "A"



Consent 1. Q.

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Lot 2 of the Second Amendment to Sweet Subdivision, 2nd Filing -Preliminary Subsequent Minor Plat

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On April 15, 2016, the Planning Division received an application for preliminary plat approval for Preliminary Subsequent Minor Plat of Lot 2 of the Second Amendment to Sweet Subdivision, 2nd Filing. The property is located on the south side of Grand Avenue just west of the intersection of Grand Avenue and 24th Street West. The property is about 39,000 square feet in size, is currently vacant, and is zoned Community Commercial. The owner is Freedom Montana, LLC. The representing agent is Eggart Engineering, Inc.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this subsequent minor preliminary plat. The 35 working day review period for the proposed plat ends on June 6, 2016. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

General location:	2434 Grand Avenue
Legal Description:	Lot 2 of the Second Amendment to Sweet Subdivision, 2nd Filing
Owner/Subdivider:	Freedom Montana, LLC
Engineer and Surveyor:	Eggart Engineering, Inc.
Existing Zoning:	Community Commercial (CC)
Existing land use:	Vacant Land
Proposed land use:	Commercial
Gross/net area:	39,473 sf
Proposed number of lots:	2
Lot size:	21,729 sf/17,744 sf
Parkland requirements:	None as this is a minor subdivision

STAKEHOLDERS

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

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 Yellowstone County and City of Billings Growth Policy, the 2014 Billings Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan are discussed within the Findings of Fact.

SUMMARY

RECOMMENDATION

Staff recommends conditional approval of the preliminary subsequent minor plat of Lot 2 of the Second Amendment to Sweet Subdivision, 2nd Filing and adoption of the Findings of Fact as presented in the staff report to the City Council.

Recommended Conditions of Approval:

1. To ensure compliance with State required construction practices and City storm water management requirements during construction, prior to final plat approval the applicant will add the standard language regarding a Stormwater Pollution Prevention Plan (SWPPP) in the SIA under the Storm Drainage section.
2. To ensure the provision of easements and minimize effects on local services, prior to final plat approval the subdivider shall work with the City Engineering Division and the private utility companies to determine suitable locations for utility easements as necessary and the easements shall be shown on the final plat.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Preliminary Plat
Findings of Fact
Mayors Approval Letter
Site Photos

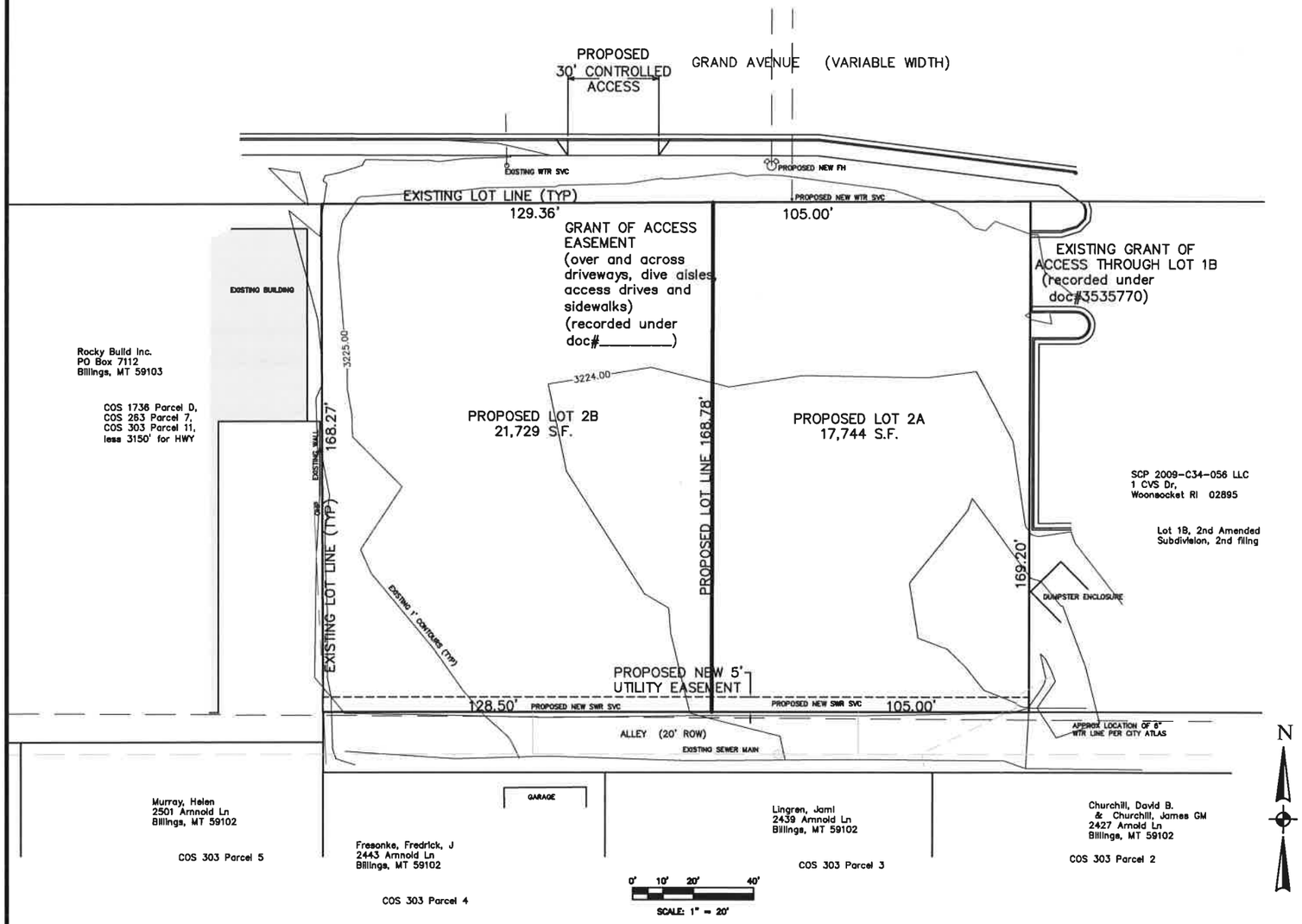
PRELIMINARY PLAT OF
LOT 2 AMENDED
SWEET SUBDIVISION 2ND FILING

BEING LOT 2 OF THE SECOND AMENDMENT TO SWEET SUBDIVISION, 2ND FILING LOCATED IN THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 25 EAST, P.M.M., CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

MARCH, 2016

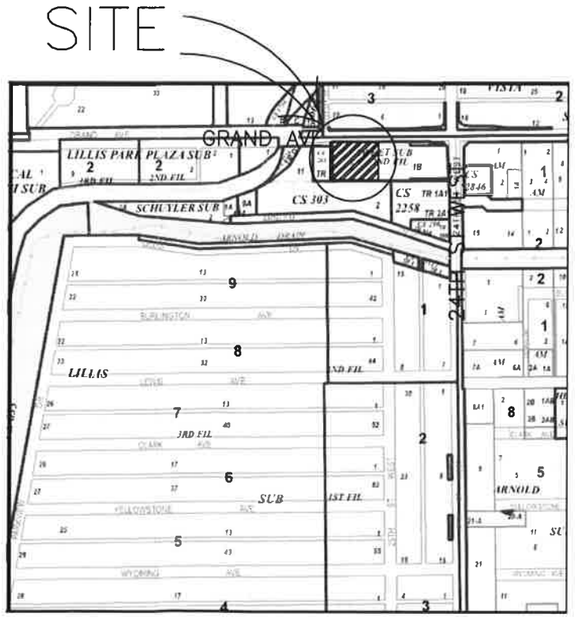
SURVEYED FOR: FREEDOM MONTANA LLC

SURVEYED BY: EGGART ENGINEERING COMPANY



SUBDIVISION DETAILS:

GROSS AREA:	39,473 S.F.
NET AREA:	39,473 S.F.
ROAD AREA:	0 S.F.
NUMBER OF LOTS:	2
MAXIMUM LOT SIZE:	21,729 S.F.
MINIMUM LOT SIZE:	17,744 S.F.
PARK DEDICATION:	0 S.F.
EXISTING LAND USE:	UNDEVELOPED
PROPOSED LAND USE:	COMMUNITY COMMERCIAL
ZONING:	COMMUNITY COMMERCIAL



VICINITY MAP

CLERK AND RECORDER FILING INFORMATION

Findings of Fact
Sweet Subdivision

Staff is forwarding the recommended Findings of Fact for Lot 2 Amended, Sweet Subdivision, 2nd Filing for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

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

1. Effect on agriculture and agricultural water user facilities

The subject property is not used for agriculture, and has no irrigation facilities serving it. The property is currently a vacant parcel of land. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on vacant areas already within the urban area. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

a. **Utilities** – The subdivision is currently served by a public water main located in Grand Avenue. There will be no additional work needed at this time on the water line. Any future work will be the lot owners' responsibility at the time of lot development. An easement is being created with this subdivision to ensure the lots can maintain what already exists and for any future repairs or replacement. The development of the lots will require installation of a new water services.

b. **Sewer** - The existing sewer services are from the sewer mains in North 24th Street West. Development of the lots will require installation of a new sanitary sewer service. No improvement to the existing sewer main is proposed at this time. Lot owners will be responsible for connecting to the services at the time of lot development.

   Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat (**Condition #2**).

c. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual. To ensure compliance with State required construction practices and City storm water management requirements during construction, the subdivider shall add the standard language regarding a Stormwater Pollution Prevention Plan (SWPPP) in the SIA under the Storm Drainage section (**Condition #1**).

d. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

e. **Streets** – The property currently has an existing access on Grand Avenue. The access to proposed lot 2A has been granted with an existing access easment through Lot 1B. Any additional approaches or modifications to the existing approaches will require approval. Approaches shall meet the requirements of the City of Billings site development ordinance.

f. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 1928 17th Street (Station #3). The subdivision is located within the ambulance service area of American Medical Response.

g. **Schools** –This commercial subdivision should have a minimal effect on schools since only one additional lot is being created and commercial development is expected.

h. **Parks and Recreation** - Parkland dedication is not required for this minor subdivision.

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

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. Any new development proposals in the future will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

4. Effect on wildlife and wildlife habitat

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

5. Effect on the public health, safety and welfare

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

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

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

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

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

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

a) **Goal:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).

b) **Goal:** New developments that are sensitive to and compatible with the character of adjacent city neighborhoods and County townsites (p.6).

c) **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).

d) **Goal:** More housing and business choices within each neighborhood (p. 6).

2. 2014 Billings Urban Area Transportation Plan

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

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan covers this area and a bike lane is identified to be constructed on Grand Avenue in the area of this subdivision. There are no plans to make improvements to Grand Avenue at this time and no new improvements will be required with this subdivision to meet the Trail Plan recommendations.

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

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

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

The subject property is located in the Community Commercial zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

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

The plat provides easements for utilities. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #2**).

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

Access to the subdivision shall be from an existing access on Grand Avenu, with an additional access proposed from Grand Ave through Lot 1B by access easement #3535770 (noted on plat). Any additional approaches or modifications to the existing approaches shall meet the requirements of the City of Billings site development ordinance.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Lot 2, Amended, Sweet Subdivision, 2nd Filing, does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, May 23, 2016

_____

Thomas W. Hanel, Mayor

ATTACHMENT C
Mayor's Approval Letter

May 24, 2016

Freedom Montana, LLC
2474 Enterprise Ave
Billings, MT 59106

Dear Applicant:

On May 23, 2016, the Billings City Council conditionally approved the preliminary plat of Lot 2 of the Second Amendment to Sweet Subdivision Second Filing, subject to the following conditions of approval:

1. To ensure compliance with State required construction practices and storm water management during construction, prior to final plat approval the applicant will add the standard language about a Stormwater Pollution Prevention Plan (SWPPP) in the SIA under the Storm Drainage heading.
2. To ensure the provision of easements and minimize effects on public health and safety, the subdivider shall work with the City Engineering Division and the private utility companies to determine suitable locations for utility easements, if necessary. These easements shall be shown on the final plat.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact the Karen Husman at (406) 247-8684 or by email at husmank@ci.billings.mt.us .

Sincerely,

_____
Thomas W. Hanel, Mayor

Pc: Eggart Engineering, Inc.

Attachment D
Photos

Looking South across Grand Ave. toward the subject property

Looking West accross the subject property

Looking North across the subject property

Looking Northwest

Consent **1. R.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Superior Homes Subdivision, Amended Lot 5B-1, Block 3, Preliminary Subsequent Minor Plat

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On April 15, 2016, Eggart Engineering, agent for the Ann C. Bustell Revocable Living Trust, applied for preliminary Subsequent Minor plat approval for Superior Homes Subdivision, Amended Lot 5B-1, Block 3. The proposed subdivision creates 2 lots from one residential lot. The subject property is generally located at 406 Roxy Lane, east of Lake Elmo Drive. The property is zoned Residential 6000 (R-60). This zoning allows a single family dwelling on a minimum of 6,000 square feet. It also allows for a duplex or two single family dwellings on 7,000 square square feet, both without a special review. These two proposed lots are 9,409 and 9,365 square feet. This square footage would allow a triplex with a special review. There is one existing duplex on the southern end of the parcel and the new lot to the north will be created for new residential construction.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this subsequent minor preliminary plat. The 35 working day review period for the proposed plat ends on June 6, 2016. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 working day review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

General location: Generally located at 406 Roxy Lane, east of Lake Elmo Drive.

Legal Description: Superior Homes Subdivision, Lot 5B-1, Block 3

Owner/Subdivider: Ann C. Bustell Revocable Living Trust

Engineer and Surveyor:	Eggart Engineering
Existing Zoning:	R-6000
Existing land use:	Residential
Proposed land use:	Residential
Gross and Net area:	18,731 square feet
Proposed number of lots:	2
Lot size:	Max: 9,409 square feet Min.: 9,365 square feet
Parkland requirements:	In accordance with 76-3-621(3)(c), MCA this minor subdivision is exempt from parkland dedication.
Variance requested:	No variances have been requested.

STAKEHOLDERS

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

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 Growth Policy, the 2014 Transportation Plan, Billings Area Bikeway and Trail Master Plan, and the Billings Heights Neighborhood Plan are discussed within the Findings of Fact.

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Superior Homes Subdivision, Amended Lot 5B-1, Block 3, to the City Council, and adoption of the Findings of Fact.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat for existing water and sewer line as well as those requested by the private utility companies.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
Aerial image

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Superior Homes Subdivision, Amended Lot 5B-1, Block 3. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

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

1. Effect on agriculture and agricultural water user facilities

The subject property is not used for agriculture, and has no agriculture irrigation facilities serving it. There is currently one multi-family dwelling on the subject lot and the owners are proposing to create one additional lot for infill development. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on vacant areas already within the urban core. Overall, there is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

2. Effect on local services

a. **Utilities** – Water service for the proposed lots is provided by County Water District of Billings Heights (CWDBH). There is existing water service from a water main in Roxy Lane for the existing residential structure. There is an existing second water connection to the lot for an additional residential structure. When the new lot develops any applicable fees will be paid at that time. No changes are proposed to the existing water service to the existing duplex. The applicant will be providing an easement for the existing water line to the duplex on the southern end of the property. **(Condition #1)**

   Sewer services are to be provided by the City of Billings. The existing sewer service is from the sewer main in Roxy Lane. There is an existing second sewer connection to the lot for an additional residential structure. When the new lot develops any applicable fees will be paid at that time. No changes are proposed to the existing sewer service to the existing duplex. The applicant will be providing an easement for the existing sewer line to the duplex on the southern end of the property. **(Condition #1)**

   Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat. **(Condition #1)**

b. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual and receive approval from the City of Billings Engineering department prior to construction.

c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

d. **Streets** – The property currently has an existing access on Roxy Lane. It is a shared access with the property to the west. There is an existing reciprocal access easement in place for the existing access. Any new access to the proposed lot would need to be reviewed and approved by the City of Billings Engineering division.

e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response.

f. **Schools** –This residential subdivision should have a minimal effect on schools since only one additional lot is being created. Staff did receive a response from School District #2 about the proposed subdivision. They state that Beartooth Elementary has a maximum capacity of 440 with a current enrollment of 509. Castle Rock Middle School has a maximum capacity of 715 with a current enrollment of 742. Skyview High School has a maximum capacity of 1684 with a current enrollment of 1578.

g. **Parks and Recreation** - Parkland dedication is not required for this subdivision as it is a minor subdivision that only creates one additional lot.

h. **Mail Delivery -** The United States Postal Service may require that a Central Box Unit be installed for new on-site delivery. However, since only one additional residence is proposed, the USPS will have to review the delivery method in this area.

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development on the property will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

4. Effect on wildlife and wildlife habitat

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

5. Effect on the public health, safety and welfare

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

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

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

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

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

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

a. **Goal:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).

b. **Goal:** New developments that are sensitive to and compatible with the character of adjacent city neighborhoods and County townsites (p.6).

c. **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).

d. **Goal:** More housing and business choices within each neighborhood (p. 6).

2. 2014 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan covers this area. No new improvements will be required with this subdivision to meet the Trail Plan recommendations. However there is a short range bike lane proposed on Lake Elmo Drive to the west of this property.

4. The Billings Heights Neighborhood Plan

This proposed subdivision is in compliance with several of the goals and objectives of the Heights Neighborhood Plan including:

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.

Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.

Goal: Encourage infill housing.

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

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

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

The subject property is located in Residential-6000 zoning. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

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

The plat provides easements for utilities throughout the proposed subdivision. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat.

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

Access to the subdivision can be from an existing shared drive off of Roxy Lane. Should the future lot owner wish to have a separate access it would require City of Billings Engineering approval.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Superior Homes Subdivision, Amended Lot 5B-1, Block 3, does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy, and the 2006 Billings Heights Neighborhood Plan, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, May 23, 2016

_____

Thomas W. Hanel, Mayor

PRELIMINARY PLAT OF AMENDED LOT 5B–1, BLOCK 3, SUPERIOR HOMES SUBDIVISION

LOCATED IN THE NE 1/4 SECTION 15, TOWNSHIP 1 NORTH, RANGE 26 EAST, P.M.M. CITY OF BILLINGS, YELLOWSTONE COUNTY, STATE OF MONTANA

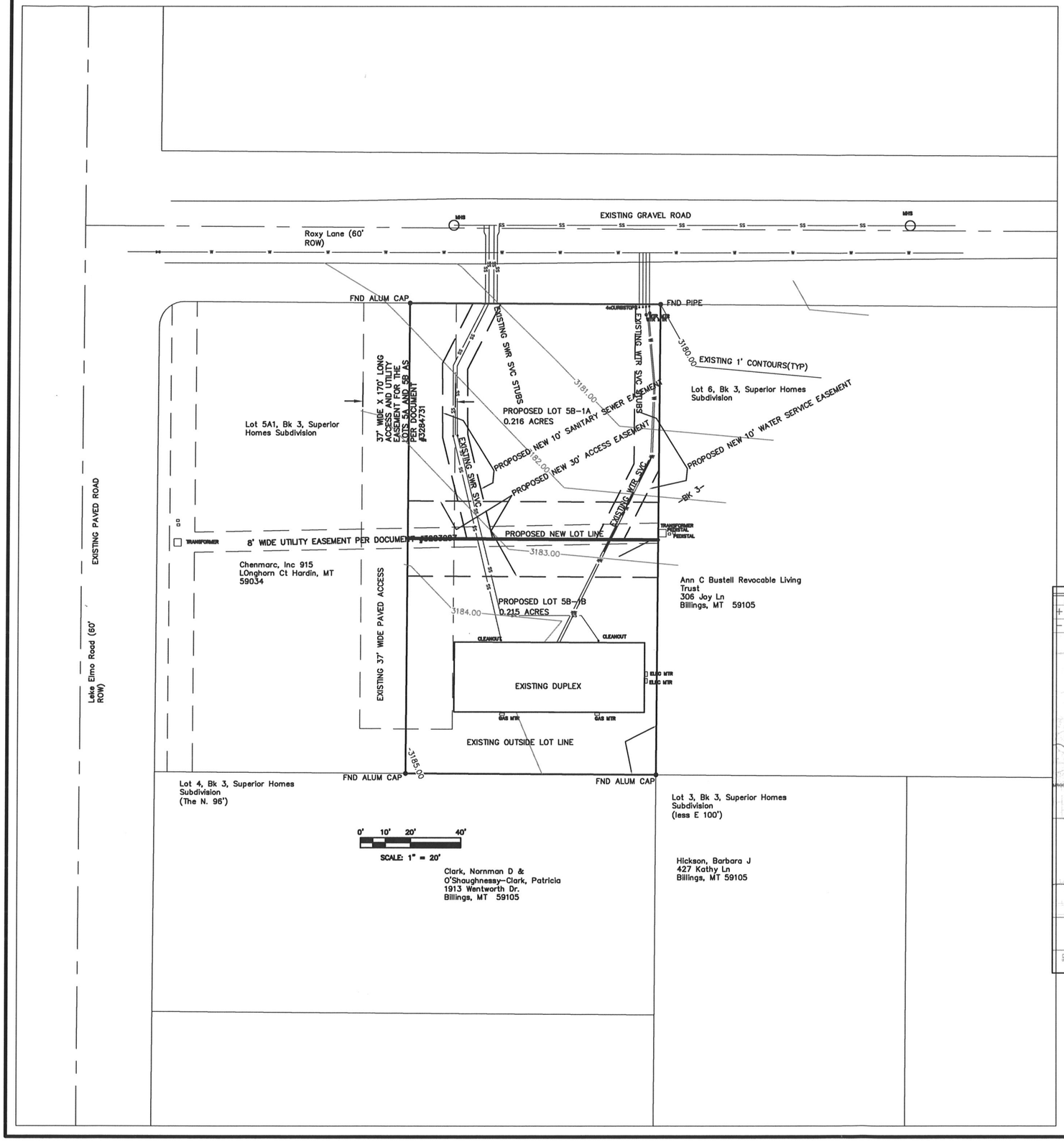
MARCH, 2016

SURVEYED FOR: ***Ann C. Bustell Revocable Living Trust***

SURVEYED BY: ***EGGART ENGINEERING COMPANY***

SUBDIVISION DETAILS:

GROSS AREA:	0.43 ACRES
NET AREA:	0.43 ACRES
ROAD AREA:	0.00 ACRES
NUMBER OF LOTS:	2
MAXIMUM LOT SIZE:	0.216 ACRES
MINIMUM LOT SIZE:	0.215 ACRES
PARK DEDICATION:	0.00 ACRES
EXISTING LAND USE:	MULTI FAMILY RESIDENTIAL
PROPOSED LAND USE:	SINGLE FAMILY & MULTI FAMILY RESDENTIAL
ZONING:	R6000



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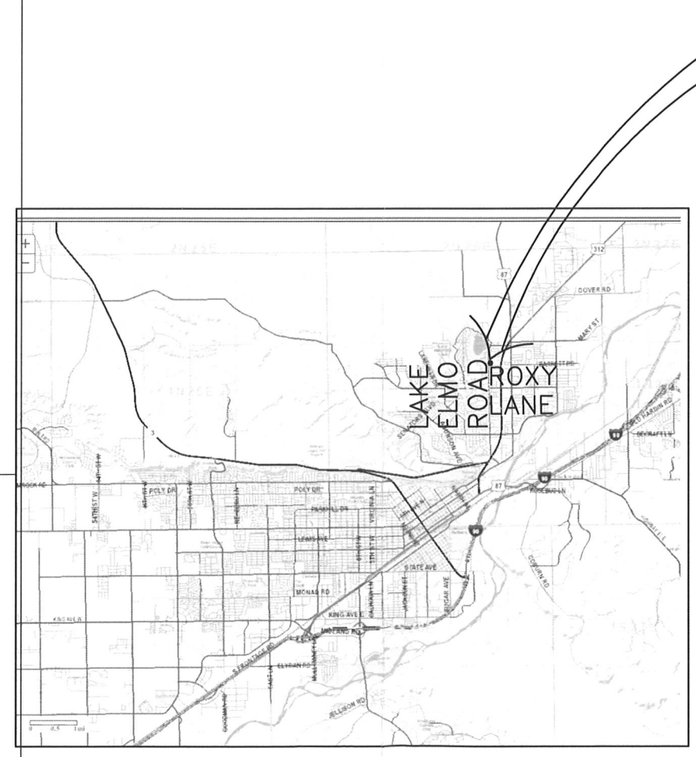


VICINITY MAP: NOT TO SCALE

CLERK AND RECORDER FILING INFORMATION

Approximate location of proposed subdivision
©2016 Google
Imagery Date: 7/31/2015 45°50'07.76" N 108°28'33.18" W elev 3229

Consent **1. S.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Copper Ridge Subdivision, 6th Filing - Preliminary Major Plat Approval

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On March 1, 2016, Sanderson Stewart, agent for owner Copper Ridge Development Corp., applied for preliminary major plat approval for Copper Ridge Subdivision, 6th Filing. The proposed subdivision creates 60 new lots for single-family residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, west of the existing Copper Ridge Subdivision. The property is zoned Residential-7000-Restricted (R-70-R). This zoning only allows a single family residence on each lot with a minimum square footage of 7,000 square feet. This is the final filing for this subdivision.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on May 24, 2016. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

General location: North of Rimrock Road and east of 70th Street West

Legal Description: Lot 23, Block 7; Lot 25 Block 6; Lot 1, Block 5; Lot 65, Block 4; Lots 16 & 17, Block 7 in Copper Ridge Subdivision, 5th Filing.

Owner/Subdivider: Copper Ridge Development, Corp.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70-R

Existing land use:	Vacant
Proposed land use:	Single-family residential
Gross and Net area:	13.359 acres; 13.059 acres
Proposed number of lots:	60
Lot size:	Max: 16,544 square feet Min.: 7,011 square feet
Parkland requirements:	Parkland requirements were planned for the entire Copper Ridge Subdivision Master Plan area in 2005. Parkland dedication has been met with previous filings.

STAKEHOLDERS

The Planning Board conducted a public hearing on the Copper Ridge Subdivision, 6th Filing at its meeting on April 26. Staff provided a brief presentation to the Board. There was a question from the Board about the Traffic Impact Study (TIS) and whether it will impact the need for a traffic signal on Rimrock Road. Staff responded that the developer has made contributions to intersection improvements in the past and will be doing so with this filing as outlined in the SIA. Intersection improvements are expected to occur in the future.

The public hearing was opened and the applicants agent, Mac Fogelsong from Sanderson Stewart, spoke. He stated that a traffic study has been done and there have been contributions made for improvements to the intersection of 62nd Street West and Rimrock Road with each filing. The applicant, Gary Oakland of Copper Ridge Development Corp. stood to speak and address any questions the board might have. He thanked the board for its support with his development and said that this subdivision has been a good development because of the Board's input.

No one else testified and the public hearing was closed. A motion to approve the preliminary plat with the findings of fact and the conditions was made and seconded. The Board voted and it was approved with a unanimous voice vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 City of Billings and Yellowstone County Growth Policy, the 2014 Billings Urban Area Long Range Transportation Plan and the Billings Area Bikeway and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 6th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

The Planning Board recommends the following conditions of approval:

1. To minimize effects on local services and bring the road network into alignment with current utility and infrastructure plans, prior to final plat approval the street vacation of the section of Palladium Drive previously platted off of West Copper Ridge Loop shall be approved by the City Council.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
Palladium Drive to be vacated
Aerial View
Mayor's Letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the Planning Board for the preliminary plat of Copper Ridge Subdivision, 6th Filing and has provided them for review by the City Council as follows:

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

1. Effect on agriculture and agricultural water user facilities

The subject property is vacant former cropland located in the City limits that has been slated for urban development since it was originally master planned in 2005. There are no irrigation facilities serving this property. As such, this development should not have a negative effect on the agricultural industry.

2. Effect on local services

a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). The new water lines in West Copper Ridge Loop will complete a water line loop.

   Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains in the subdivision. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

   A cash-in-lieu contribution for a 12 inch water line and two fire hydrants will be made by the sudivider to be extended in the future from the terminus of West Copper Ridge Loop to the western edge of the subdivision. The sewer lines will be extended in Rimrock Road 30 feet past the intersection of West Copper Ridge Loop.

   MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to retention areas in the proposed parkland along Rimrock Road. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.

c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

d. **Streets** –With this 6th Filing, Rimrock will be improved to the 24-foot wide paved section, from the intersection of West Copper Ridge Loop to the western edge of the subdivision. It will include the paved surface and borrow ditch swales. The applicant will be making a cash-in-lieu contribution for the future curb and gutter.

The lots within the subdivision will be served by the construction of the final section of West Copper Ridge Loop and by the extension of Copper Ridge Loop. One proposed change to the original street layout is the vacation of a short street off of West Copper Ridge Loop, Palladium Drive, on the western edge of the subdivision. The applicant has proposed a new street, Copper Bluffs Circle, aligned in a location that allows access to the existing water lines already in place. This also provides future access to the west if this area were ever developed. City Engineering is agreeable to this proposal. The vacation will need to be completed prior to or concurrent with the final plat approval **(Condition #1)**.

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. Typically, the sidewalks are installed by the home builder on a lot-by-lot basis, as lots develop. However, sidewalks within park areas to be constructed by the subdivider include the continuation of the 6-foot-wide sidewalk in the park adjacent to Rimrock Road, where the park/stormwater retention facilities exist. In these cases, it is the City's policy that the developer is responsible for installing these sidewalks at the time of the street private contract or provide a cash contribution for their installation. This information is included in Section 3.B. of the SIA.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision's impact on the street network in the surrounding area. Cash contributions have been made for previous filings for future intersection improvements at 62nd Street West and Rimrock Road. A proportionate contribution will similarly be made for this Sixth filing as described in the SIA.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR). With this filing, West Copper Ridge Loop will be completed and there will no longer be any temporary turnarounds in the subdivision.

f. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Lewis and Clark Middle School, and Senior High School. At the time of the

writing of this staff report, there was no response from the schools or district. At the time of the 5th filing, Boulder Elementary was over capacity, while the other schools were below, but near capacity. The construction of a new middle school in West Billings and the re-allocation of 6th graders from the elementary schools to the middle schools is expected to ease capacity issues at Boulder Elementary and other elementary schools in the area. The subdivision is also currently on a bus route.

g. **Parks and Recreation** – For residential subdivisions a subdivider shall dedicate to the City a cash or land donation equal to 11% of the area of the net land proposed to be subdividied into parcels of one-half acre or smaller, Section 23-1002 (A)(1), City of Billings Subdivision Regulations. When the Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the net land area in the entire Copper Ridge Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails. No additional parkland dedication is required with this filing.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There are no known negative impacts to public health, safety and welfare as a result of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.]

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

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2008 Growth Policy

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

a. Goal: More housing and business choices within each neighborhood (p. 6).

b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).

c. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

2. 2014 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeway and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. A trail corridor exists within parkland dedicated to the City in the previous filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within R-70-R zoning. The lot sizes conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider has provided utility easements as requested by MDU and YVEC on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from West Copper Ridge Loop, Copper Ridge Loop and Copper Bluffs.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 6th Filing does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway/Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 6th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

ATTACHMENT

A: Preliminary Plat and Associated Documents

Approved by the Billings City Council, May 23, 2016

_____

Thomas W. Hanel, Mayor

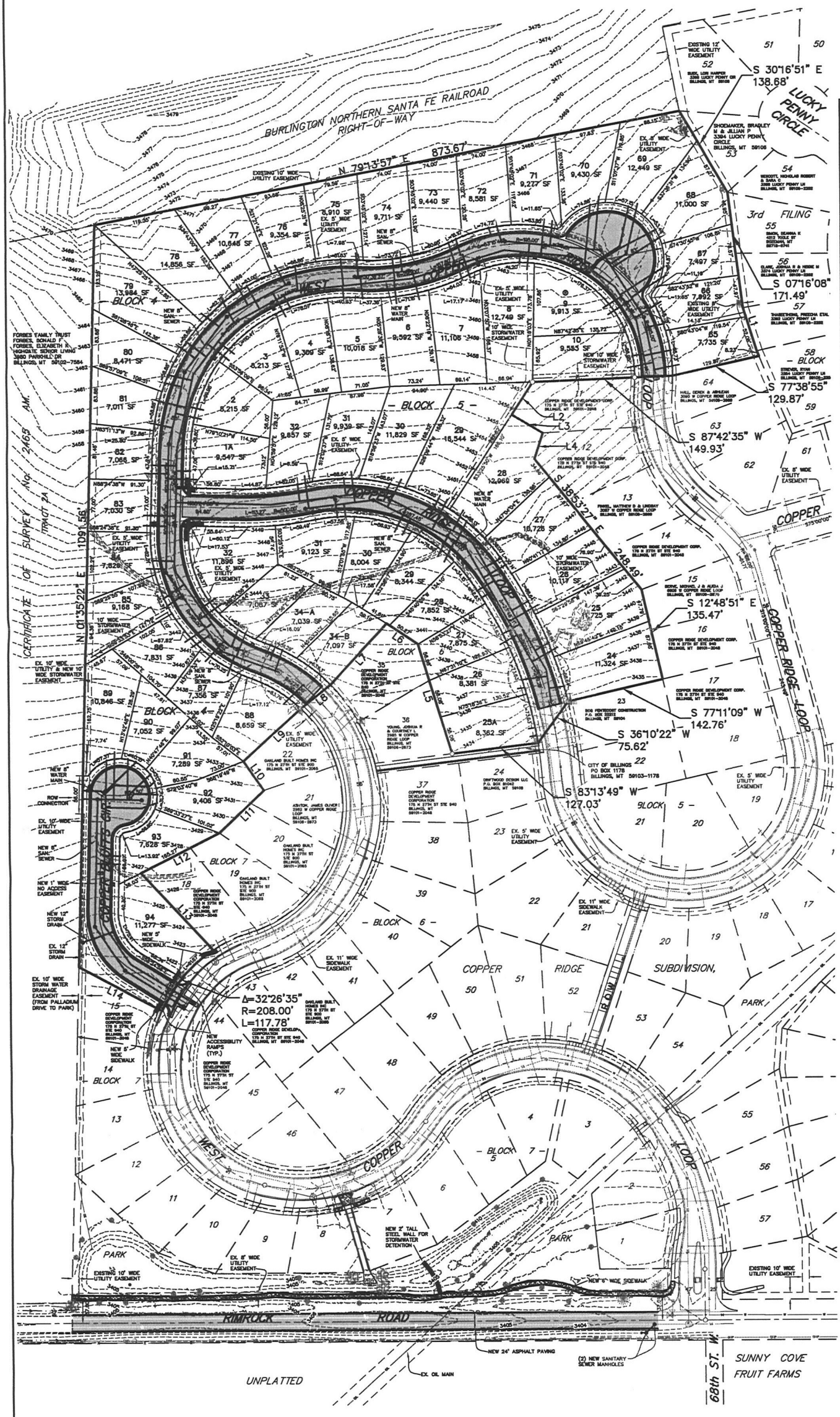
PRELIMINARY PLAT OF

COPPER RIDGE SUBDIVISION, 6TH FILING

BEING LOT 65 OF BLOCK 4, LOT 1 OF BLOCK 5, LOT 25 OF BLOCK 6, LOT 16, 17 AND LOT 23 OF BLOCK 7, COPPER RIDGE SUBDIVISION, 5TH FILING
SITUATED IN THE SW1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE DEVELOPMENT CORP.
PREPARED BY : SANDERSONSTEWART

JANUARY, 2016
BILLINGS, MONTANA


BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY
N 79°13'57" E 873.67'
LUCKY PENNY CIRCLE
S 30°16'51" E 138.68'
S 07°16'08" 171.49'
S 77°38'55" 129.87'
S 87°42'35" W 149.93'
S 12°48'51" E 135.47'
S 77°11'09" W 142.76'
S 36°10'22" W 75.62'
S 83°13'49" W 127.03'
N 01°35'22" E 1091.56'
COPPER RIDGE LOOP
COPPER RIDGE CIRCLE WEST
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
3rd FILING
Δ=32°26'35"
R=208.00'
L=117.78'
PARK
RIMROCK ROAD
UNPLATTED
SUNNY COVE FRUIT FARMS
68th ST. W.
NEW 24' ASPHALT PAVING
(2) NEW SANITARY SEWER MANHOLES
EX. OIL MAIN
NEW 2' TALL STEEL WALL FOR STORMWATER DETENTION
NEW 6' WIDE SIDEWALK
EXISTING 10' WIDE UTILITY EASEMENT
EX. 8' WIDE UTILITY EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EX. 11' WIDE SIDEWALK EASEMENT
EX. 10' WIDE STORM WATER DRAINAGE EASEMENT (FROM PALLADIUM DRIVE TO PARK)
NEW ACCESSIBILITY RAMPS (TYP.)
NEW 5' WIDE SIDEWALK
NEW 12" STORM DRAIN
NEW 1' WIDE NO ACCESS EASEMENT
ROW CONNECTION
NEW 8" SAN. SEWER
NEW 8" WATER MAIN
EX. 10' WIDE UTILITY & NEW 10' WIDE STORMWATER EASEMENT
EX. 10' WIDE STORMWATER EASEMENT
NEW 10' WIDE STORMWATER EASEMENT
10' WIDE STORMWATER EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EXISTING 12' WIDE UTILITY EASEMENT
EXISTING 10' WIDE UTILITY EASEMENT
EX. 8' WIDE UTILITY EASEMENT
NEW 10' WIDE STORMWATER EASEMENT
NEW 8" WATER MAIN
NEW 8" SAN. SEWER
EX. 5' WIDE UTILITY EASEMENT
EX. 11' WIDE SIDEWALK EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EXISTING 10' WIDE UTILITY EASEMENT
EX. 8' WIDE UTILITY EASEMENT
EXISTING 10' WIDE UTILITY EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EX. 11' WIDE SIDEWALK EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EXISTING 10' WIDE UTILITY EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EXISTING 10' WIDE UTILITY EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EXISTING 12' WIDE UTILITY EASEMENT
EX. 5' WIDE UTILITY EASEMENT
EXISTING 10

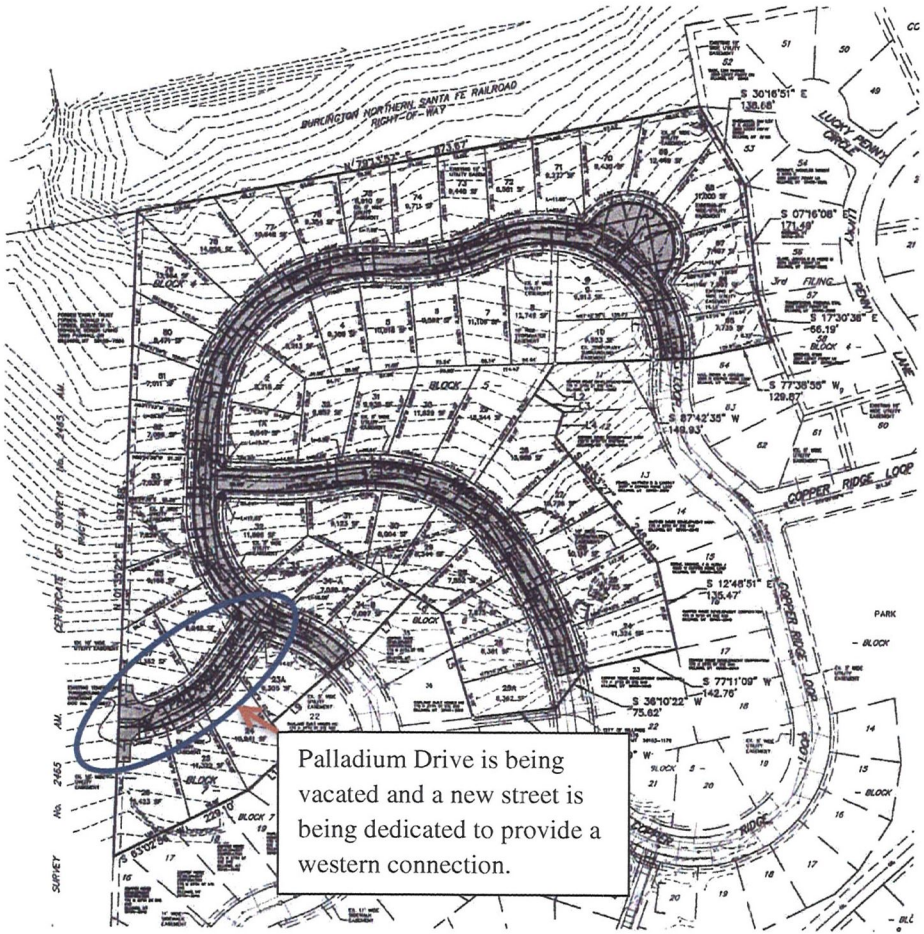
PRELIMINARY PLAT OF

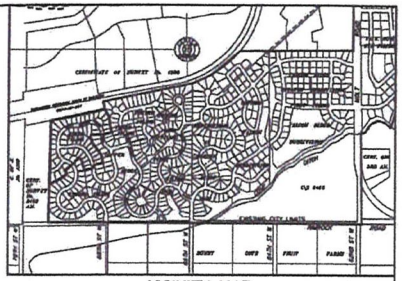
COPPER RIDGE SUBDIVISION, 6TH FILING

BEING LOT 65 OF BLOCK 4, LOT 1 OF BLOCK 5, LOT 25 OF BLOCK 6, AND LOT 23 OF BLOCK 7 WITHIN COPPER RIDGE SUBDIVISION, 5TH FILING
SITUATED IN THE SW1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE DEVELOPMENT CORP. JANUARY, 2016

PREPARED BY : SANDERSONSTEWART BILLINGS, MONTANA





VICINITY MAP
NOT TO SCALE

NORTH

0 40 80 160
SCALE: 1"=80'

BASIS OF BEARING: PLAT OF COPPER RIDGE SUBDIVISION, 2ND FILING

- FOUND SURVEY MONUMENT, REBAR WITH PLASTIC CAP MARKED "ENGINEERING INC 8377-S"
- FOUND SURVEY MONUMENT, REBAR WITH PLASTIC CAP MARKED "SANDERSON STEWART 18972LS"
- FOUND MONUMENT BOX
- SET 5/8" X 16" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

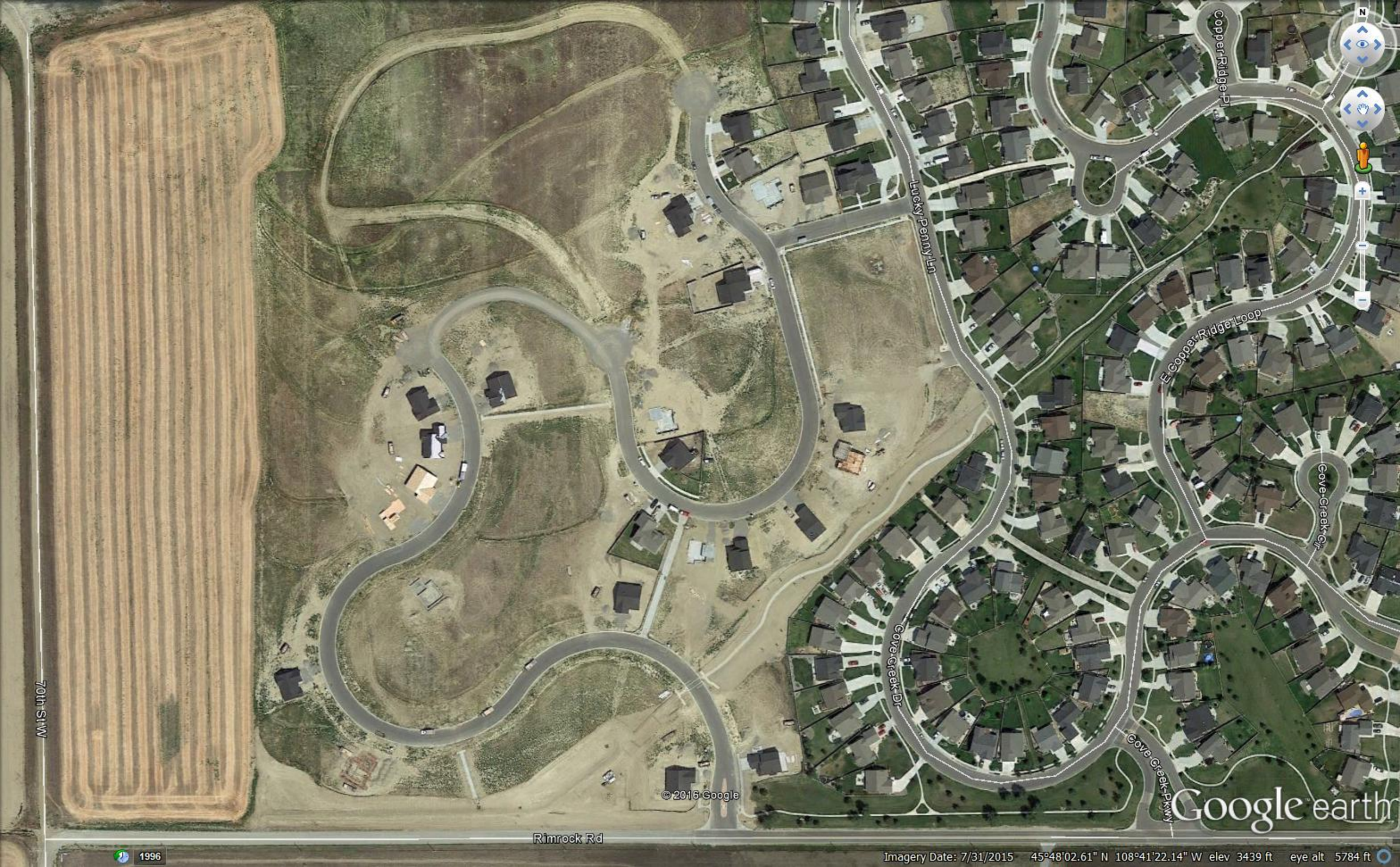
BOUNDARY LINE TABLE

Line #	Bearing	Distance
L1	S 87°42'35" W	28.08'
L2	S 33°31'30" W	322.65'
L3	N 59°05'53" W	52.79'
L4	N 17°56'11" E	39.68'
L5	S 17°01'09" E	66.08'
L6	S 59°53'08" E	90.27'
L7	N 42°56'07" E	120.58'
L8	S 31°29'56" W	86.36'
L9	N 47°58'34" E	114.49'
L10	N 35°10'08" W	139.96'
L11	N 48°37'35" E	90.28'

PZ-16-00013
RECEIVED
JAN 21 2016
PLANNING & COMMUNITY SERVICES DEPARTMENT

PLAT DATA

GROSS AREA	=	16.15 ACRES
NET AREA	=	12.81 ACRES
NUMBER OF LOTS	=	57
MINIMUM LOT SIZE	=	7,011 S.F.
MAXIMUM LOT SIZE	=	16,544 S.F.
NUMBER OF PARKS	=	CASH-IN-LIEU
LINEAL FEET OF STREETS	=	±2,551 L.F.
AREA OF STREETS	=	3.34 ACRES
EXISTING ZONING	=	R7000 RESTRICTED
SURROUNDING ZONING:		
NORTH	=	AGRICULTURE OPEN
SOUTH	=	R7000R
EAST	=	R7000R
WEST	=	AGRICULTURE OPEN
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL DEVELOPMENT


Copper Ridge Pl
Lucky Penny Ln
E Copper Ridge Loop
Cove Creek Cir
Cove Creek Dr
Cove Creek Pkwy
70th St W
Rimrock Rd
© 2016 Google
Google earth
1996
Imagery Date: 7/31/2015 45°48'02.61" N 108°41'22.14" W elev 3439 ft eye alt 5784 ft

CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 687-8296
FAX (406) 657-8390

May 23, 2016

Copper Ridge Development, Corp
175 North 27th Street, Suite 900
Billings, MT 59101

Dear Property Owners:

On May 23, 2016, the Billings City Council conditionally approved the preliminary plat of Copper Ridge Subdivision, 6th Filing, subject to the following conditions of approval:

1. To minimize effects on local services and bring the road network into alignment with current utility and infrastructure plans, prior to final plat approval the street vacation of the section of Palladium Drive previously platted off of West Copper Ridge Loop shall be approved by the City Council.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

_____
Thomas W. Hanel, Mayor

Pc: Sanderson Stewart

Consent **1. T.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: High Sierra Subdivision, 11th Filing - Preliminary Major Plat

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On March 1, 2016, Sanderson Stewart, agent for High Sierra II, Inc., applicant, applied for preliminary major plat approval for High Sierra Subdivision, 11 th Filing. The proposed subdivision creates 70 lots for single-family residences and a 16.8 acre lot for future development. This proposal is part of a larger approved master plan of High Sierra Subdivision which includes a total of approximately 1,375 lots platted from 400 acres in multiple filings. The subject property is generally located north of Benjamin Boulevard and west of High Sierra Boulevard in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on May 24, 2016. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

General location:	North of Benjamin Boulevard, west of High Sierra Boulevard in the Billings Heights
Legal Description:	Tract B of Certificate of Survey 3573
Subdivider/Owner:	High Sierra II, Inc.
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	R-70-R
Existing land use:	Dry-land agricultural
Proposed land use:	Single-Family Residential
Gross/Net area:	34.59 acres / 30.86 acres
Proposed number of lots:	70 residential lots, 1 large parcel for future filings

Lot size: Max:	16.8 acres
Min.:	7,002 square feet
Parkland requirements:	3.429 acres of parkland required; cash in lieu of land dedication is proposed

STAKEHOLDERS

The Planning Board conducted a public hearing on the High Sierra Subdivision, 11th Filing preliminary plat on April 26, 2016. Staff provided a brief presentation to the Planning Board. There were no question from the Planning Board to staff.

The public hearing was opened and the applicant, Gary Oakland of High Sierra II, Inc., spoke. He stated this proposed subdivision filing is part of a overall master plan and will create 70 lots with this filing. He stated that a number of the homes will be for 'last time buyers' and the rest tend to be sold to families with children. A Planning Board member asked the developer if he had any idea of the total impact to schools when this master planned area is completely built out. The applicant responded that he anticipates building about 100 homes per year for up to 10 years to complete the development. He also stated there is a place for a future elementary school on the southwest corner of the development, but he did not know the total impact because there is no way of knowing how many of the homes will have school age children or the number of children per household. No one else stood to speak and the public hearing was closed.

A motion was made to recommend conditional approval of the preliminary plat of High Sierra Subdivision, 11th Filing with the findings of fact and the proposed conditions. The motion was seconded. The motion passed with a unanimous voice vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 Growth Policy, the 2014 Transportation Plan 2014, the Billings Area Bikeway and Trail Master Plan , and the Heights Neighborhood Plan are discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board recommends that the City Council conditionally approve the preliminary plat of High Sierra Subdivision, 11th Filing, and adopt the Findings of Fact as presented in the staff report. Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact:

1. To minimize effects on local services, prior to final plat approval, utility easements shall be shown on the final plat as requested by the affected public and private utility companies.
2. To provide for the installation of utilities and mitigate impacts on local services, prior to final plat approval recordable easement documents shall be provided for the temporary storm water detention basins and swales.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Mayor's Letter
Findings of Fact
Proposed Plat
Aerial View

May 23, 2016

High Sierra II, Inc
175 North 27th Street, Suite 900
Billings, MT 59101

Dear Property Owners:

On May 23, 2016, the Billings City Council conditionally approved the preliminary plat of High Sierra Subdivision, 11th Filing, subject to the following conditions of approval:

1. To minimize effects on local services, prior to final plat approval utility easements shall be shown on the final plat as requested by the affected public and private utility companies.

2. To provide for the installation of utilities and mitigate impacts on local services, prior to final plat approval recordable easement documents shall be provided for the temporary storm water detention basins and swales.

3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

_____
Thomas W. Hanel, Mayor

Pc: Sanderson Stewart

FINDINGS OF FACT – High Sierra Subdivision, 11th Filing

The Planning staff has prepared the Findings of Fact for the Planning Board for the preliminary plat of High Sierra Subdivision, 11th Filing and has provided them for review by the City Council as follows:

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

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. It is adjacent to similar residential uses to the south and east and will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located approximately 3/4 mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

a. **Utilities** – There are existing 8-inch water mains in Topanga Avenue and Sierra Vista Circle that will be extended to serve the new lots. Pressurized fire hydrants will also be extended. The improvements are subject to the review and approval by City of Billings Engineering Division and the City Fire Department during the time of construction. As proposed, City Engineering finds that the water main extensions are acceptable.

   Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in Topanga Avenue and one 8-inch sanitary sewer located in Sierra Vista Circle. As proposed, the City of Billings Public Works Department finds the sewer main extension to be acceptable.

   MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements will need to be shown on the face of the plat that are acceptable to these utility providers **(Condition #1).**

b. **Storm water** – A storm water master plan was reviewed in June 2008 for this proposal. In general, storm drains and piping will be installed to carry water to the north and east to a detention pond located within the overall master planned area (area covering High Sierra Subdivision 5th-12th filings). The drainage detention pond with this filing is at the end of Owen Street in Lot 17, Block 6, which is the large lot that is part of this filing. It is depicted as being in an easement. An easement document will accompany this easement with the final plat **(Condition #2).** This and all other drainage improvements shall satisfy the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. Additionally, a

Stormwater Pollution Prevention Plan (SWPPP) will be required of the developer and construction contractors prior to site disturbance to ensure that storm drain facilities are not compromised during site and home construction.

c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

d. **Streets** –The proposed subdivision will be accessed from Benjamin Boulevard and Sierra Vista Circle. A new section of Topanga Avenue will be constructed and the cul-de-sac end of Sierra Vista Circle will be completed. They will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. Street A will end with a temporary turnaround and will be extended further in future filings of the subdivision. At the time of the staff report the applicant has not provided a street name other than 'Street A'. The applicant's agent has informed staff that they are working on a different street name and will have one before the final plat.

   A Traffic Impact Study (TIS) was completed for the entire High Sierra Subdivision master plan area at the time of the 5th Filing in June of 2008. This study was updated to analyze the specific impacts of the 11th Filing in February of 2016. Three area intersections were identified as being affected by the High Sierra Subdivison; Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. Based on the updated findings, it was determined that the developer shall contribute 1.55%, 1.73%, and 1.37%, respectively, toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be calculated and made prior to final plat approval.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6) about 2.5 road miles to the southeast. The subdivision is located within the ambulance service area of American Medical Response (AMR).

f. **Schools** – School District #2 provides service to elementary, middle and high school students (Eagle Cliff elementary, Castle Rock Middle School, and Skyview High School). At the time this staff report was written, staff had only received a response from the principal of Skyview High School. The principal at Skyview indicated that there is still capacity for additional high school students. Castle Rock middle school is currently overcrowded. School District #2 is currently working on a redistricting project that will redistribute middle school students among Castle Rock and the new middle school under construction on Bench Blvd. and Barrett Rd. This process is completed and the new school is expected to open in the fall of 2016, and should alleviate overcrowding issues.

g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 3.429 acres (11% of the net area of 30.86 acres minus area of Lot 17, Block 6, the lot slated for future development). The subdivider proposes to provide cash in lieu of parkland for this filing of the subdivision. The nearest park to this property is north and

east of the property adjacent to the proposed detention pond. This City park is not yet developed.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision. With previous filings the developer provided centralized delivery facilities and the same is proposed for this filing. The developer will consult with the USPS prior to placement of the centralized mail boxes.

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and east sides. A geotechnical evaluation was done for the subject area in June of 2008, to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. An update was completed in June of 2014. The updated study indicated that the area is characterized by soft lean clay and loose silty sand, underlain by weathered sandstone or weathered shale bedrock. Foundation construction is permissible on this type of bedrock or over-excavation and placement of compacted structural fill can be used alternatively.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is rapidly urbanizing.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-302.H.1.]

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

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2008 Growth Policy

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

a. Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6)

b. Goal: Contiguous development focused in and around existing population centers separated by open space. (p.6)

c. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6)

d. Goal: More housing and business choices within each neighborhood. (p. 6)

2. 2014 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows a future bike lane along High Sierra Boulevard, east of the proposed filing. This would be constructed at the time of further development of High Sierra Boulevard and not as part of this filing.

4. The Billings Heights Neighborhood Plan

This proposed subdivision is in compliance with several of the goals and objectives of the Heights Neighborhood Plan including:

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.

Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the R-70-R zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-302.H.3.b.]

The subdivider shall provide utility easements as requested by the City, MDU and YVEC on the face of the plat **(Condition #1).**

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from the extension of Topanga Avenue and Sierra Vista Circle, both local streets to be dedicated to the public as shown on the plat. Both of the above named streets have access off of Benjamin Boulevard to the south. This street is already constructed for local traffic.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 11th Filing does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

PRELIMINARY PLAT OF

HIGH SIERRA SUBDIVISION, 11th FILING

BEING TRACT B OF CERTIFICATE OF SURVEY No. 3573
SITUATED IN NW1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

PREPARED BY : SANDERSONSTEWART

JANUARY, 2016

BILLINGS, MONTANA

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, GRID TO GROUND COMBINED FACTOR IS 1.00000265. THE CONVERGENCE ANGLE AT THE NE CORNER OF SECTION 17 (P.O.C.) IS -0°03'54".

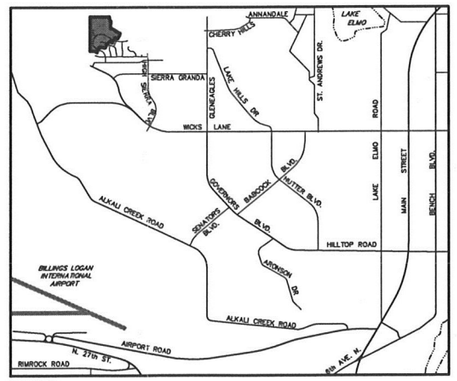
- o FOUND SURVEY MONUMENT, REBAR WITH CAP MARKED "ENGINEERING INC 8377-S", OR AS NOTED
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

NORTH

80 40 0 80 160

SCALE: 1"=80'



VICINITY MAP

NOT TO SCALE

PLAT DATA

GROSS AREA	=	34.59 ACRES
NET AREA = LOTS	=	30.86 ACRES
NUMBER OF LOTS	=	71
MINIMUM LOT SIZE	=	7,002 S.F.
MAXIMUM LOT SIZE	=	732,541 S.F.
PARKLAND	=	CASH-IN-LIEU (1.54 AC.)
LINEAL FEET OF STREETS	=	±2,761.45 L.F.
AREA OF STREETS	=	3.73 ACRES
EXISTING ZONING	=	R7000 RESTRICTED
SURROUNDING ZONING:		
NORTH	=	AGRICULTURE OPEN
SOUTH	=	R7000R
EAST	=	R7000R
WEST	=	AGRICULTURE OPEN
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL DEVELOPMENT

82061_114_PREPLAT.DWG 82061.114 3/24/16 BEG

N
Benjamin Blvd
© 2016 Google
Google earth
1996
Imagery Date: 7/31/2015 45°50'17.68" N 108°31'29.31" W elev 3407 ft eye alt 4992 ft

Consent **1. U.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Josephine Landing Subdivision, 1st Filing - Preliminary Major Plat

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On March 1, 2016, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Josephine Landing Subdivision, 1st Filing. The proposed subdivision creates 136 new lots for residential and commercial development. The subject property is generally located south of Elysian Road, east of East Lane, and along the western edge of the Hogan Slough. The City Council approved annexation of the property on April 25, 2016. The property is zoned Planned Development (PD) for residential and mixed use residential and commercial uses, and the proposed lots will be developed in substantial compliance with the approved Planned Development Master Plan.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on May 24, 2016. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

General location: South of Elysian Road, east of East Lane on the west edge of the Hogan Slough.

Legal Description: Lot 1, Block 1, Adam and Mollie Walter Subdivision, First Filing, and Tract 1, COS 3594

Owner/Subdivider: McCall Development, Inc.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning:	PD
Existing land use:	Farm Land
Proposed land use:	Single-family residential and mixed use residential and commercial
Gross and Net area:	32.72 acres; 24.74 acres
Proposed number of lots:	136
Lot size:	Max: 15,363 square feet Min.: 1,538 square feet
Parkland requirements:	In accordance with 76-3-621(6)(a), MCA and Section 23-709 (E) of the City Subdivision Regulations, the overall Planned Development Master Plan for Josephine Landing provides for land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who ultimately reside in the development and meets or exceeds the 11% net land area dedication requirement.

STAKEHOLDERS

The Planning Board conducted a public hearing on the Josephine Landing Subdivision, 1st Filing preliminary plat on April 26, 2016. Staff provided a brief presentation to the Planning Board. The Planning Board members asked for clarification on Condition 5, regarding future improvements to the Story Road connection out of the subdivision to the east, and if there is a trigger as was required in the Harmony Meadows Subdivision to the east to determine if there are any impacts on Story Road. Staff responded that Condition 5 requires Josephine Landing development to provide an updated Traffic Impact Study at the second filing to determine if there are any impacts from its subdivision on Story Road, which goes east through Harmony Meadows Subdivision and a County subdivision, River Grove Estates, out to Mullowney Lane. Staff explained that if the TIS identifies impact thresholds for traffic, then the developer would be required to make a cash contribution to the construction of Story Road. A question was asked about the multi-use trail that is to be built on the south side of Elysian Road and if it is required to be built with the First Filing. Staff responded that it is not required to be built with the First Filing but due to collaboration between this developer and the developer of Harmony Meadows, it will be built during this phase.

The developer, Greg McCall of McCall Development, spoke about the proposed subdivision and stated that they worked with the developer of Harmony Meadows to coordinate building the trail system to extend to the school early in the development process. Board Member Dave Goodridge asked about Condition 5. The applicant said he did not feel there will be a lot of impact from the Josephine Landing Subdivision on Story Road, but they will pay their proportionate share should the TIS determine they are impacting the road. Planning Board Member Patrick Klugman asked if there was consideration given to long term connectivity for trails in the area. The applicant stated he considered the Heritage Trail Master Plan for other points of connectivity along with opportunities to go along the Yellowstone River and was incorporating those elements into the overall master plan for the subdivision.

One of the partners for the Harmony Meadows Subdivision, Pat Weber, stated that there is parkland to the south of Story Road in Harmony Meadows Subdivision and there is also parkland south of Story Road in Josephine Landing. He said the future Marathon Loop Trail can go through both subdivisions along with the coordinated trail between them on the south side of Elysian Road.

Planning Board members complimented the two developers for coordinating trails in the subdivisions. No one else spoke and the public hearing was closed. A motion was made to conditionally approve the preliminary plat of Josephine Landing with the findings of fact and the proposed conditions of approval and the motion was seconded. Board Member Patrick Klugman commented the collaboration of developers is a great thing. He commended the McCalls and Mr. Weber for "going above and beyond" and Board Member Francisco Saldivar concurred. Board Member Dave Goodridge thanked the McCalls for the "community feel" of Josephine Crossing Subdivision. He commented he does not like the idea of developers being responsible for construction of County roads in a County subdivision, as it puts a burden on the developer. A voice vote was taken and the motion passed unanimously.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 Growth Policy, the Transportation Plan 2014 Update, and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Josephine Landing Subdivision, 1st Filing to the City Council, and adoption of the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

The Planning Board recommends the following conditions of approval:

1. To ensure that water lines are installed to meet City of Billings Engineering requirements, prior to final plat approval, the applicant will add a paragraph in the section **VI Utilities A. Water**, of the SIA addressing construction of the water main to the east property line in Story Road and that it must be completed with the construction of the Hogan Slough road crossing.
2. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.
3. To minimize potential flooding impacts to future property owners and to ensure future property owners are informed, prior to final plat approval language shall be added to section **V Storm Drainage** in the SIA that provides greater detail of how the 100-year storm will impact the subdivision and whether mitigation measures are required to address potential flooding in the subdivision from Hogan Slough. The applicant also will add a paragraph in the **Conditions That Run With The Land** section of the SIA informing property owners of any mitigation requirements for lots in the subdivision and identifying the possibility of the Hogan Slough overflowing during large storm events.
4. To minimize impacts on future property owners and to ensure future property owners are informed, before final plat approval a hydrogeological evaluation must be completed to

determine if there will be any impacts to adjacent properties. If mitigation measures are required, these will be identified in section **V Storm Drainage** in the SIA and within the **Conditions That Run With The Land** section of the SIA to inform future property owners.

5. To minimize impact of future road infrastructure and to ensure any impacts the subdivision may have on the existing Story Road east of the subdivision, prior to final plat approval the applicant will add language to **Section III Transportation A. 4.** of the SIA that says, 'At the time of the second filing of Josephine Landing, the applicant will provide a TIS update addressing the subdivision's connection to Story Road to the east and the impacts Josephine Landing Subdivision will have on that road. Any cash contributions that may be required due to those impacts also must be identified in the updated TIS.'
6. To ensure the requirements of parkland dedication are met in this Planned Development subdivision per Section 23-709 (E) of the City Subdivision Regulations, prior to final plat approval the applicant will obtain a letter from the City Parks Department stating it is in agreement with the park land proposal for the subdivision.
7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
8. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat North Half
Proposed Plat South Half
Phases North Half
Phases South Half
Aerial View
Mayors Letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the Planning Board for the preliminary plat of Josephine Landing Subdivision, 1st Filing and has provided them for review by the City Council, as follows:

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

1. Effect on agriculture and agricultural water user facilities

The subject property is currently farmland that has been purchased, rezoned and will be annexed for this filing. Any irrigation facilities will continue to provide irrigation to the remaining farmed area to the west. Development of this first filing of the subdivision will take about 32 acres of prime irrigated farmland out of production, negatively effecting agriculture in the community. However, this area of the community has been identified by the City for future urban development and there is currently no mechanism to mitigate loss of farmland in the City of Billings or Yellowstone County.

2. Effect on local services

a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

   This subdivision will be required to install water lines throughout the development. It is also required to install a water line to the east to connect with the proposed Harmony Meadows Subdivision across Hogan Slough. When the developer constructs Story Road in Josephine Landing, they will be required to extend the water line to the east property line. Construction of the water main to the east property line of Story Road must be done with the construction of the Hogan Slough Crossing. The timing of this water line extension must be identified in the SIA **(Condition #1),**

   Sanitary sewer service will be provided by connecting to the existing 24 inch gravity sewer trunk main in the easterly edge of the subdivision and continuing west through the subdivision. Lateral sanitary sewer will be extended west from the new trunk main in the new internal streets. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

   MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. Easements have been shown on the face of the plat

that are acceptable to these utility providers. Many of the private utility lines will go in the alleys.

b. **Storm water** – Storm water drainage is proposed to be handled by curb and gutters that discharge into storm drainage piping as well as surface conveyance in some areas. The storm drainage pipes will discharge into a system of retention areas. The stormwater outfalls will be directed to the Hogan Slough adjacent to the subdivision. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division.

   Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Division regulations. Along with this requirement, the applicant will need to submit the HOA documents before final plat approval outlining how the HOA will maintain the system. Should the HOA fail to maintain the storm water system correctly, the City of Billings would need to be able to come in and maintain it for them with the ability to create an SID to maintain the storm water facilities. The applicant will have the HOA documents completed and reviewed by the Engineering Division before final plat approval **(Condition #2).**

   This property has the Hogan Slough along the entire eastern boundary of this subdivision. During a major storm event, there is the possibility that Hogan Slough could overflow. Language shall be added to section V Storm Drainage in the SIA that provides greater detail of how the 100-year storm will impact the subdivision and whether mitigation measures are required to address potential flooding in the subdivision from Hogan Slough. The applicant also will add a paragraph in the Conditions That Run With The Land section of the SIA informing property owners of any mitigation requirements for lots in the subdivision and identifying the possibility of the Hogan Slough overflowing during large storm events **(Condition #3).**

   In this subdivision, the applicant is proposing to have both above ground and below ground storm water facilities. The above ground facilities are proposed to be a dual-purpose water feature and a storm water facility. The ponds are proposed to have water flowing through them most of the time with the capacity to handle storm water runoff as well. With the proposed ponds having water flowing through them on a constant basis, the applicant needs to do a hydrogeological evaluation to ascertain any possible impacts to surrounding properties and provide information to future property owners regarding these impacts **(Condition #4).**

c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

d. **Streets** – All internal streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction.

A Traffic Impact Study (TIS) was completed in order to evaluate the subdivision's impact on the street network in the surrounding area. In the TIS provided by the developer for the 1st Filing, it recommends the following improvements be addressed:

- The intersection of Mullowney Lane and Elysian Road should be converted to an all way stop in order to accommodate development driven traffic for the subdivision and other area developments.

- Improvements to the South Frontage Road and Mullowney Lane intersection should be planned for the near future. At a minimum, a northbound auxiliary left-turn bay should be implemented.

- When the Multi-use trail is constructed along the south side of Elysian Road, special consideration should be given to traffic control, signage, pavement markings and visibility at intersection and driveway crossings.

- The speed limit along Elysian Road should be lowered from 45 to 35 miles per hour. It is generally intended that Elysian Road will be constructed as a three-lane facility as development progresses in Josephine Landing and Harmony Meadows to the east.

The TIS also identified contributions to be made at 5 different intersections where the subdivision will be contributing to the cost of improvements. These intersections include: South Frontage Road (Midland Road) and Mullowney Lane, Mullowney Lane And Elysian Road, Elysian Road and East Lane, East Lane and South Frontage Road, and Elysian Road and South Frontage Road.

Future filings of Josephine Landing will require updates to the TIS to account for any roads or connections that currently do not exist in the area, such as the Story Road connection to the east. In the SIA under III Transportation A. 4., it discusses the building of the Story Road connection to the east and contributions to the design and construction of a bridge over Hogan Slough for Story Road. At the time of the second filing of Josephine Landing, the applicant will provide a TIS update addressing this Story Road connection and the impacts this subdivision will have on that road, as well as identify any cash contributions that may be required because of those impacts **(Condition #5).**

e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire stations are located 476 6th St. West (Station #4) and 604 S. 24th St. West (Station #5). The Fire

Department staff has reviewed the proposed subdivision and approves of what is being proposed. The applicant will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that "continued development will eventually require additional resources to maintain current levels of service". The subdivision is located within the ambulance service area of American Medical Response (AMR).

f. **Schools** –School District #23 (Elysian Elementary) provides educational services to elementary through middle school students. Previous responses from Elysian indicated that due to their recent increase in student body (primarily from Josephine Crossing Sub. and Riverfront Pointe Sub. to the north), the district voters approved a $250,000 school bond in 2011 and a then another $10 million bond in March 2013. The school board then carried out plans to build additional class rooms and common area at their current site, as well as improve the school's water and sewer systems. The school is now able to handle the additional student population that this subdivision may bring. Senior High School (School District #2) would serve as the high school for this subdivision. A response from Senior High School principal states they are currently at capacity.

g. **Parks and Recreation** – For residential subdivisions a subdivider shall dedicate to the City a cash or land donation equal to 11% of the area of the net land proposed to be subdividied into parcels of one-half acre or smaller, Section 23-1002 (A)(1), City of Billings Subdivision Regulations. Additional provisions in the laws allow this dedication of parkland to be waived if "the subdivision provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the land and any improvements set aside for park purpose equals or exceeds the area [otherwise required]." The applicant is proposing to have parkland throughout this Planned Development subdivision that will be installed with the development of each filing. It will be privately owned and maintained by the Homeowners' Association for the subdivision. The applicant will receive a final sign off letter from the City Parks Department for the proposed parkland dedication **(Condition #6).**

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

i. **Phasing -** The subdivider is planning to develop this property in two phases. Phase one includes Lots 1-45, Block 1, Lots 2-5, Block 3, Lots 6-13, Lot 17, Lots 21-33, Lots 44-47, Block 4 and Lot 1-11, Block 5, a total of 86 lots.

Phase two includes Lots 1-4, Block 2, Lot 1, Lots 6-16, Lots 31-39, Block 3, Lots 1-5, Lots 14-16, Lots 18-20, Lots 34-43, Block 4, Lot 12, Block 5, Lot 1, Block 6 and Lots 1-2, Block 7, a total of 50 lots.

See the attached phasing maps for the proposed phases. The subdivider has provided draft copies of all the needed paperwork for phasing and will be providing all the needed paperwork for the phased development of this subdivision with final plat approval.

3. Effect on the natural environment

The subject property is currently farmed and slopes to the south toward the Yellowstone River. In the SIA under Conditions That Run With The Land (I), the subdivider has notified future lot owners that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corp of Engineers, had identified areas which may be susceptible to erosion by the Yellowstone River. Prospective lot owners are encouraged to review the study and see what considerations they should take with structures and location of structures. This subdivision is not in the 100-year flood plain as identified on the Yellowstone County Current Floodplain Maps.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare as a result of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2008 Growth Policy

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

a. Goal: More housing and business choices within each neighborhood (p. 6).

b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).

c. Goal: Protect and increase the availability of public access to natural areas and trails along the River (p. 10).

d. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

e. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

2. 2014 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a long-range bike lane identified on Elysian Road and on East Lane. The applicant will be building a multi-use trail along the entire frontage of the property along the south side of Elysian Road and contributing 50% to the construction of a pedestrian bridge over Hogan Slough with this 1st Filing. The developer to the east will be doing the same with the 1st Filing of Harmony Meadows so there will be a trail constructed from Mullowney Lane to East Lane for multi modal users and youth to get to Elysian School. The applicant is also providing park land along the southern boundary of the development. This will provide an opportunity for another trail, the Marathon Loop, along the southern end of the subdivision. The subdivider to the east is also providing parkland along the southern portion of its subdivision that will continue this trail to the east.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property will be located within the Josephine Landing Planned Development zoning district. A Master Plan and Planned Development Agreement (PDA) were established in 2016 specifying land use allowances and restrictions. This proposal will be added to the PDA and substantially complies with the Master Plan and PDA.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider has provided utility easements as requested by MDU and NWE on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Elysian Road and connects to the other road within the proposed Josephine Landing Subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Josephine Landing Subdivision, 1st Filing does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation Plan or Billings Area Bikeways and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Josephine Landing Subdivision, 1st Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

ATTACHMENT

Preliminary Plat and Associated Documents

Approved by the Billings City Council, May 23, 2016

_____

Thomas W. Hanel, Mayor

PRELIMINARY PLAT OF

JOSEPHINE LANDING SUBDIVISION, FIRST FILING

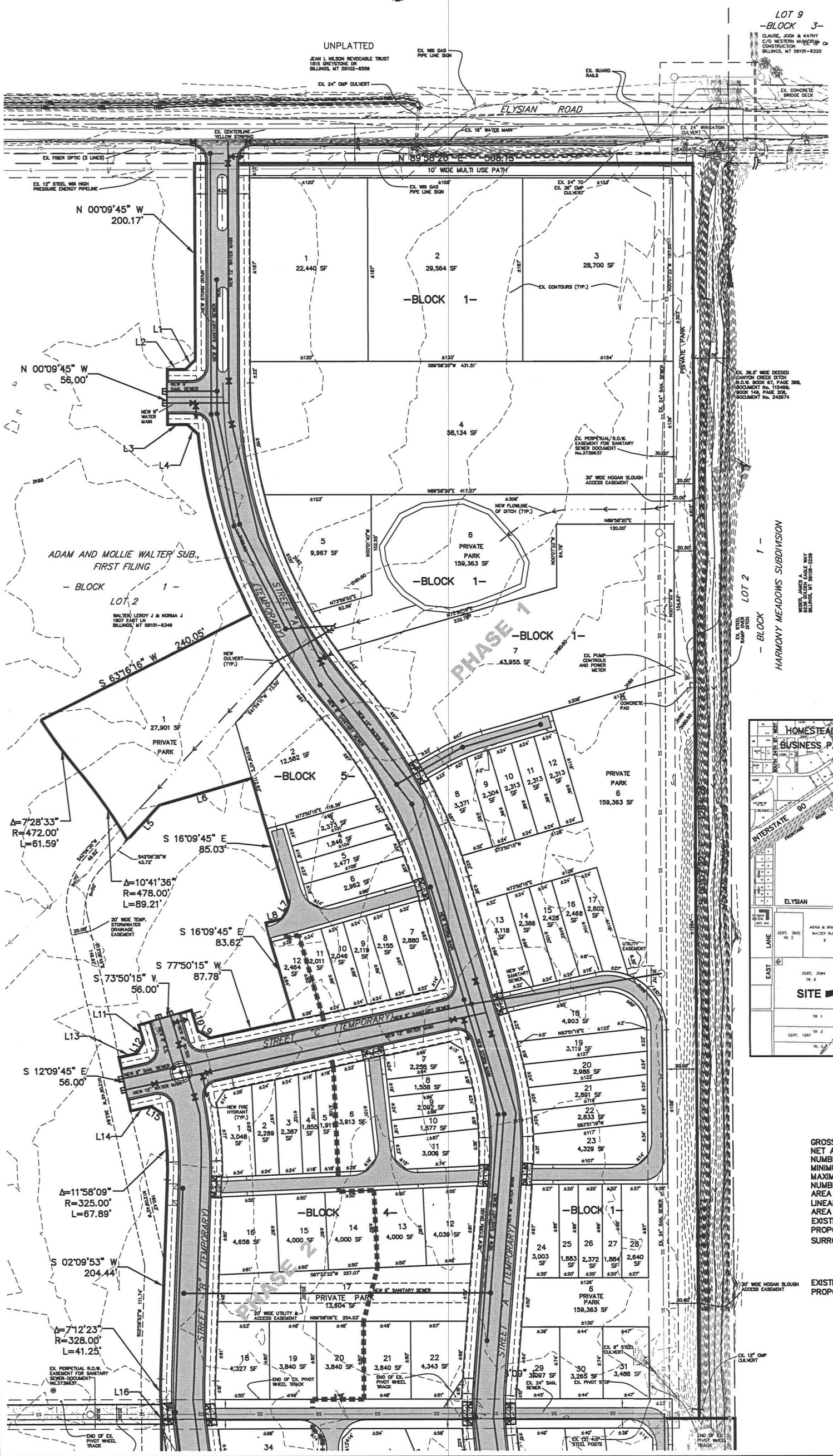
BEING LOT 1, BLOCK 1 OF ADAM AND MOLLIE WALTER SUBDIVISION, FIRST FILING & TRACT 1 OF CERTIFICATE OF SURVEY No. 3594 SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M. YELLOWSTONE COUNTY, MONTANA

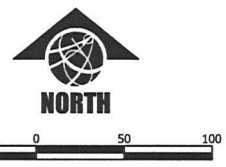
PREPARED FOR : McCALL DEVELOPMENT, INC.

JANUARY, 2016

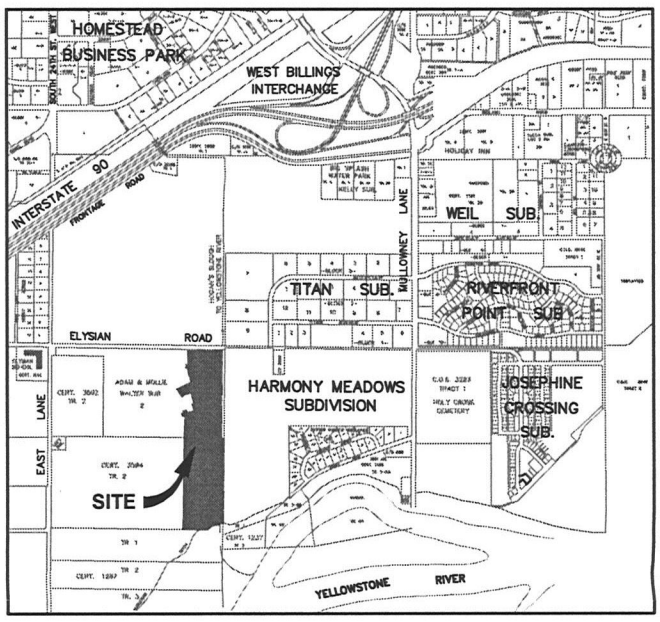
PREPARED BY : SANDERSONSTEWART

BILLINGS, MONTANA





LINE TABLE		
Line #	Bearing	Distance
L1	N 44°50'15" E	14.14'
L2	N 89°50'15" E	18.50'
L3	S 89°50'15" W	20.20'
L4	N 47°43'52" W	14.76'
L5	S 42°06'35" W	48.48'
L6	S 73°50'15" W	97.94'
L7	N 29°55'24" E	15.26'
L8	N 76°00'34" E	16.68'
L9	S 59°09'45" E	14.63'
L10	S 16°09'45" E	22.44'
L11	N 16°09'45" W	18.52'
L12	N 30°50'15" E	13.64'
L13	N 77°50'15" E	18.52'
L14	S 77°50'15" W	21.39'
L15	N 56°25'27" W	13.96'
L16	N 89°58'09" E	0.75'



VICINITY MAP

NOT TO SCALE

PLAT DATA

GROSS AREA	=	32.72 ACRES
NET AREA = LOTS & PRIVATE PARKS	=	24.74 ACRES
NUMBER OF LOTS	=	136
MINIMUM LOT SIZE	=	1,538 S.F.
MAXIMUM LOT SIZE	=	159,363 S.F.
NUMBER OF PRIVATE PARK LOTS	=	10
AREA OF PRIVATE PARKS	=	8.48 ACRES
LINEAL FEET OF STREETS & ALLEYS	=	±8,976 L.F.
AREA OF STREETS & ALLEYS	=	7.98 ACRES
EXISTING ZONING	=	AGRICULTURE OPEN
PROPOSED ZONING	=	P.D.
SURROUNDING ZONING:		
NORTH	=	NEIGHBORHOOD COMMERCIAL
SOUTH	=	AGRICULTURE OPEN
EAST	=	COMMUNITY COMMERCIAL
WEST	=	AGRICULTURE OPEN
EXISTING LAND USE	=	AG/TURF FARM
PROPOSED LAND USE	=	MIX USE

DRAFT

16001_PREPLAT_PROD.DWG 16001 3/24/16 BEG

PRELIMINARY PLAT OF

JOSEPHINE LANDING SUBDIVISION, FIRST FILING

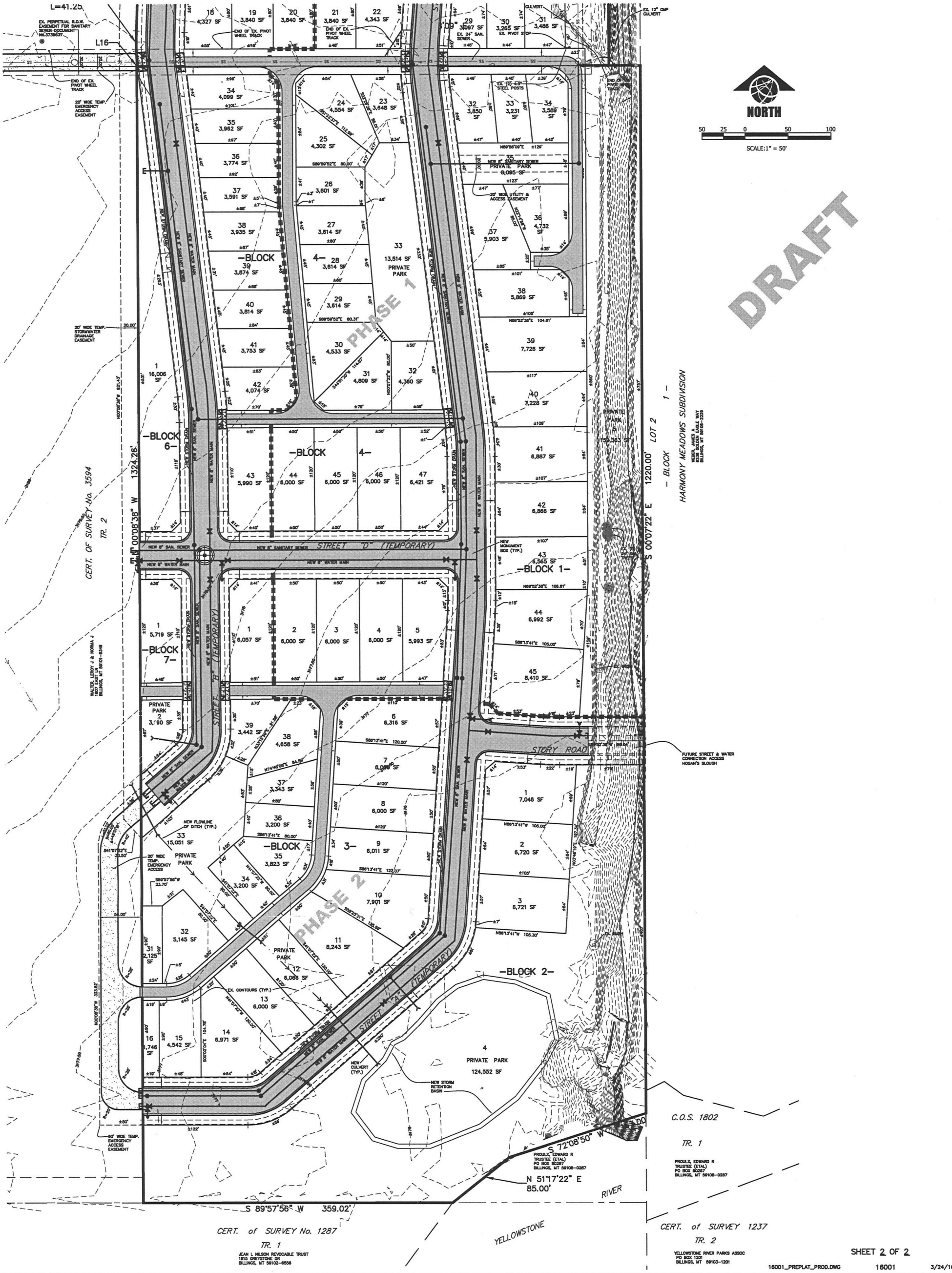
BEING LOT 1, BLOCK 1 OF ADAM AND MOLLIE WALTER SUBDIVISION, FIRST FILING
& TRACT 1 OF CERTIFICATE OF SURVEY No. 3594
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

JANUARY, 2016

PREPARED BY : SANDERSONSTEWART

BILLINGS, MONTANA



SHEET 2 OF 2

16001_PREPLAT_PROD.DWG 16001 3/24/16 BEG

PRELIMINARY PLAT OF

JOSEPHINE LANDING SUBDIVISION, FIRST FILING

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JANUARY, 2016

PREPARED BY : SANDERSONSTEWART

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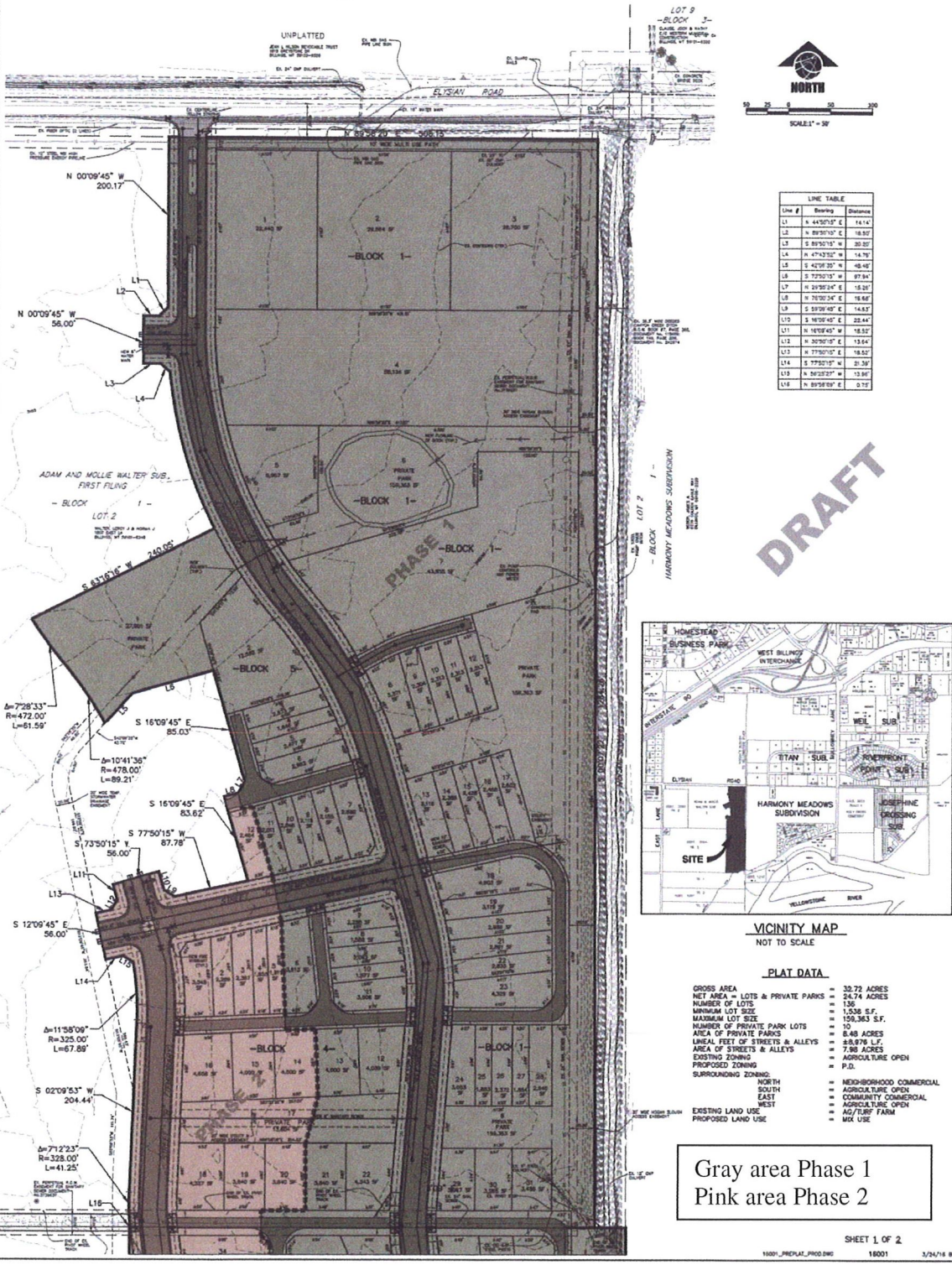

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L3	S 89°50'15" W	20.20'
L4	N 47°43'52" W	14.75'
L5	S 42°06'20" W	49.46'
L6	S 73°50'15" W	97.94'
L7	N 29°50'24" E	18.28'
L8	N 76°50'24" E	19.66'
L9	S 59°09'45" E	14.83'
L10	S 16°09'45" E	22.44'
L11	N 16°09'45" W	18.52'
L12	N 30°50'15" E	13.64'
L13	N 77°50'15" E	18.52'
L14	S 77°50'15" W	21.39'
L15	N 56°25'27" W	13.96'
L16	N 89°58'09" E	0.15'

DRAFT

VICINITY MAP
NOT TO SCALE

PLAT DATA

GROSS AREA	=	32.72 ACRES
NET AREA = LOTS & PRIVATE PARKS	=	24.74 ACRES
NUMBER OF LOTS	=	136
MINIMUM LOT SIZE	=	1,538 S.F.
MAXIMUM LOT SIZE	=	159,363 S.F.
NUMBER OF PRIVATE PARK LOTS	=	10
AREA OF PRIVATE PARKS	=	8.48 ACRES
LINEAL FEET OF STREETS & ALLEYS	=	±8,976 L.F.
AREA OF STREETS & ALLEYS	=	7.98 ACRES
EXISTING ZONING	=	AGRICULTURE OPEN
PROPOSED ZONING	=	P.D.
SURROUNDING ZONING:		
NORTH	=	NEIGHBORHOOD COMMERCIAL
SOUTH	=	AGRICULTURE OPEN
EAST	=	COMMUNITY COMMERCIAL
WEST	=	AGRICULTURE OPEN
EXISTING LAND USE	=	AG/TURF FARM
PROPOSED LAND USE	=	MIX USE

Gray area Phase 1
Pink area Phase 2

16001_PREPLAT_PROD.DWG 16001 3/24/16

PRELIMINARY PLAT OF

JOSEPHINE LANDING SUBDIVISION, FIRST FILING

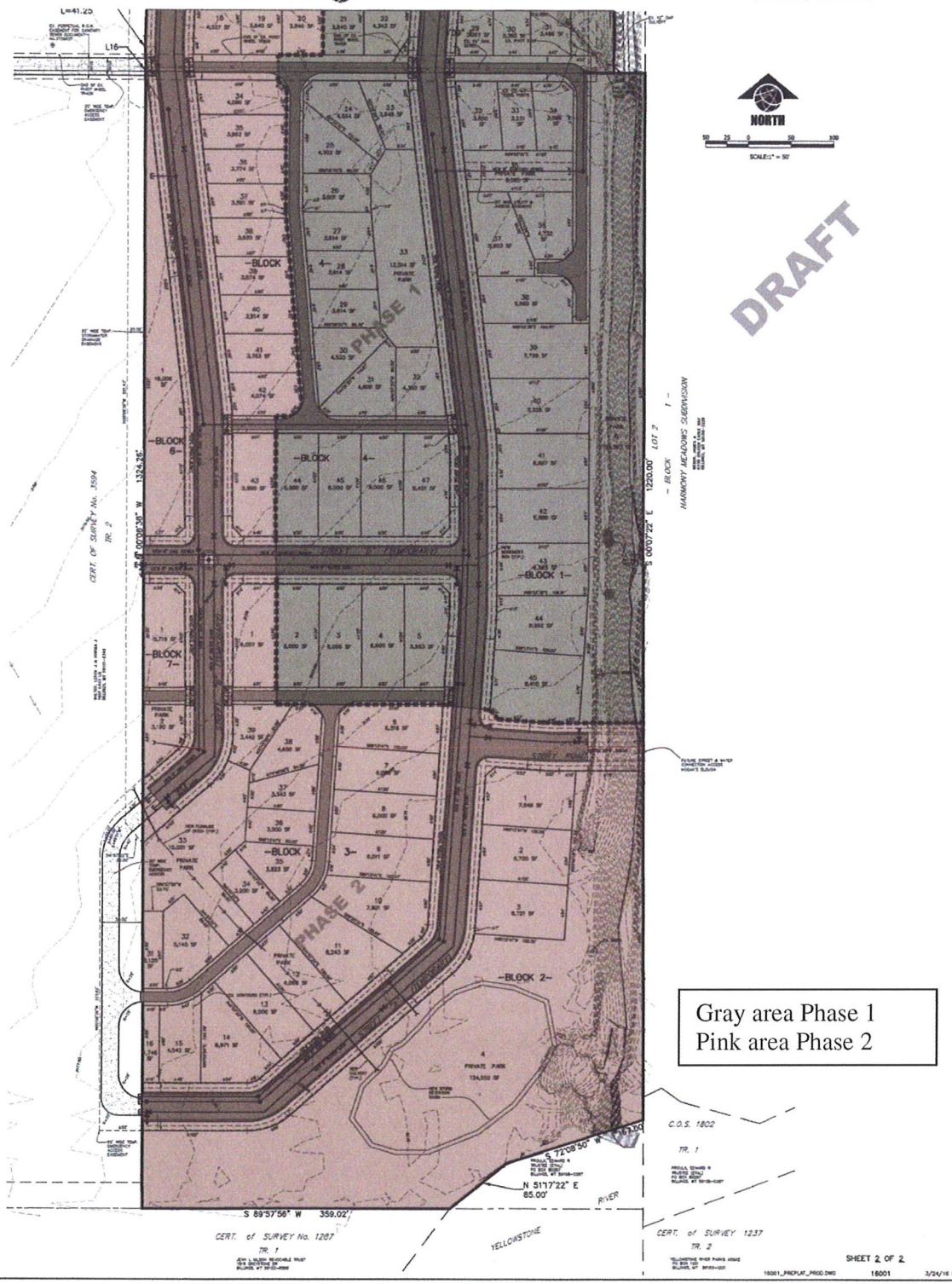
BEING LOT 1, BLOCK 1 OF ADAM AND MOLLIE WALTER SUBDIVISION, FIRST FILING
& TRACT 1 OF CERTIFICATE OF SURVEY No. 3594
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

JANUARY, 2016

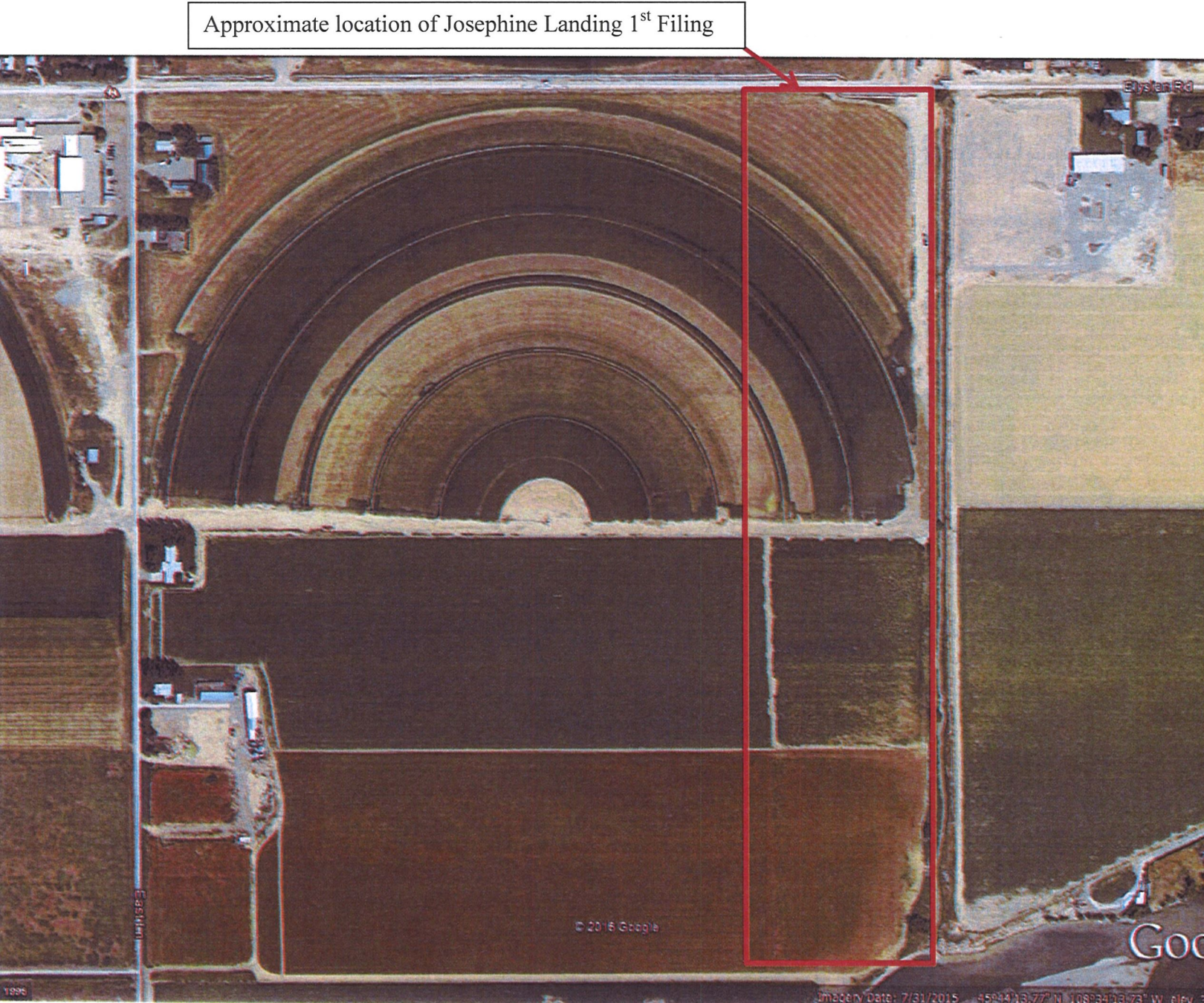
PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



Gray area Phase 1
Pink area Phase 2

16001_PREPLAT_PROD.DWG 16001 3/24/16 BES


Approximate location of Josephine Landing 1st Filing
Elysian Rd
© 2016 Google
Imagery Date: 7/31/2015

May 23, 2016

McCall Development
1536 Mullowney Lane, Suite 100
Billings, MT 59101

Dear Property Owners:

On May 23, 2016, the Billings City Council conditionally approved the preliminary plat of Josephine Landing Subdivision, 1st Filing, subject to the following conditions of approval:

1. To ensure that water lines are installed to meet City of Billings Engineering requirements, prior to final plat approval, the applicant will add a paragraph in the section **VI Utilities A. Water**, of the SIA addressing construction of the water main to the east property line in Story Road and that it must be completed with the construction of the Hogan Slough road crossing.
2. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.
3. To minimize potential flooding impacts to future property owners and to ensure future property owners are informed, prior to final plat approval language shall be added to section **V Storm Drainage** in the SIA that provides greater detail of how the 100-year storm will impact the subdivision and whether mitigation measures are required to address potential flooding in the subdivision from Hogan Slough. The applicant also will add a paragraph in the **Conditions That Run With The Land** section of the SIA informing property owners of any mitigation requirements for lots in the subdivision and identifying the possibility of the Hogan Slough overflowing during large storm events.
4. To minimize impacts on future property owners and to ensure future property owners are informed, before final plat approval a hydrogeological evaluation must be completed to determine if there will be any impacts to adjacent properties. If mitigation measures are required, these will be identified in section **V Storm Drainage** in the SIA and within the **Conditions That Run With The Land** section of the SIA to inform future property owners.
5. To minimize impact of future road infrastructure and to ensure any impacts the subdivision may have on the existing Story Road east of the subdivision, prior to final plat approval the applicant will add language to **Section III Transportation A. 4.** of the SIA that says, 'At the time of the second filing of Josephine Landing, the applicant will provide a TIS update addressing the subdivision's connection to Story Road to the east and the impacts Josephine Landing Subdivision will have on that road. Any cash contributions that may be required due to those impacts also must be identified in the updated TIS.'

6. To ensure the requirements of parkland dedication are met in this Planned Development subdivision per Section 23-709 (E) of the City Subdivision Regulations, prior to final plat approval the applicant will receive a letter from the City Parks Department stating it is in agreement with the park land proposal for the subdivision.
7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
8. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

_____

Thomas W. Hanel, Mayor

Pc: Sanderson Stewart

Consent **1. V. 1.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Payment of Claims - January 1, 2016 through March 31, 2016

PRESENTED BY: Sheila Kolar, Municipal Court Judge

Department: Court

PROBLEM/ISSUE STATEMENT

Claims in the amount of $425,635.90 have been audited and presented to Council for approval. Claims include: payments to the General Fund, County Treasurer, Individual Victims, Restitution, Disbursement of Surcharges and Revenues, and return of Bonds posted to ensure court appearances. A complete listing of claims dated January 1, 2016 through March 31, 2016 is attached to this memo and is on file in the Municipal Court.

ALTERNATIVES ANALYZED

City Council may:

- Approve the claims report, or;
- Disapprove the report and provide guidance to staff.

FINANCIAL IMPACT

This results in $299,525.10 to the General Fund and $126,110.80 in payments to the County Treasurer, individuals and businesses for bond returns, restitution and victims.

RECOMMENDATION

Staff recommends that the City Council approve the Municipal Court Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

Payment of Claims

Billings Municipal Court

User: BPARK

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 01/01/2016 to 03/31/2016

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
23277	01/08/2016	City of Billings	305.00	Cleared	01/31/2016
23278	01/08/2016	JC PENNYS	32.00	Cleared	01/31/2016
23279	01/08/2016	Sears	31.44	Outstanding	
23280	01/08/2016	Shopko	50.00	Cleared	01/31/2016
23281	01/08/2016	State Farm	45.00	Cleared	02/29/2016
23282	01/08/2016	Walmart	18.56	Cleared	01/31/2016
23283	01/08/2016	ACE Hardware	25.00	Cleared	01/31/2016
23284	01/08/2016	Almeda Birdtail Bearchum	25.00	Cleared	01/31/2016
23285	01/08/2016	Billings Parks, Recreation and Land	50.00	Cleared	01/31/2016
23286	01/08/2016	Bryan Wambolt	500.00	Cleared	01/31/2016
23287	01/08/2016	Cassidy Diane Ketchem	2805.00	Cleared	01/31/2016
23288	01/08/2016	City Of Billings-c/o JoLynn Yerger	20.00	Cleared	01/31/2016
23289	01/08/2016	Clark Marten	100.00	Cleared	01/31/2016
23290	01/08/2016	Community Solutions Inc	25.00	Cleared	01/31/2016
23291	01/08/2016	Crime Victim Compensation Program	50.00	Cleared	02/29/2016
23292	01/08/2016	Daniel Cox	50.00	Cleared	01/31/2016
23293	01/08/2016	Darrin Patrick Lang	350.00	Cleared	01/31/2016
23294	01/08/2016	Dave Buescher	50.00	Cleared	01/31/2016
23295	01/08/2016	David John Jones	100.00	Outstanding	
23296	01/08/2016	Delanie Rogers	50.00	Cleared	01/31/2016
23297	01/08/2016	Dennis Waldron	50.00	Cleared	01/31/2016
23298	01/08/2016	Duane Luterbach	50.00	Cleared	02/29/2016
23299	01/08/2016	Erin Miller	50.00	Cleared	01/31/2016
23300	01/08/2016	Eugene Peigneaux	50.00	Cleared	01/31/2016
23301	01/08/2016	First National Pawn	25.00	Cleared	01/31/2016
23302	01/08/2016	First National Pawn	50.00	Cleared	01/31/2016
23303	01/08/2016	Holiday	50.00	Cleared	01/31/2016
23304	01/08/2016	James Novotny	50.00	Cleared	01/31/2016
23305	01/08/2016	Jennifer Vogel	25.00	Cleared	01/31/2016
23306	01/08/2016	June Ortman	50.00	Cleared	02/29/2016
23307	01/08/2016	Kristina Rae Richardson	6.40	Cleared	02/29/2016
23308	01/08/2016	Lindi Lessard	15.00	Outstanding	
23309	01/08/2016	Lisa Parker	50.00	Cleared	01/31/2016
23310	01/08/2016	Mary Jane Kelly	50.00	Cleared	01/31/2016
23311	01/08/2016	Mary Stubson	50.00	Cleared	01/31/2016
23312	01/08/2016	Memri Spottedelk	50.00	Cleared	01/31/2016

Billings Municipal Court

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 01/01/2016 to 03/31/2016

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
23313	01/08/2016	Nancy Eby	50.00	Cleared	01/31/2016
23314	01/08/2016	Rent-A-Center	100.00	Cleared	03/31/2016
23315	01/08/2016	Robert Bell	650.20	Cleared	01/31/2016
23316	01/08/2016	Ryan J Baxter	645.00	Cleared	01/31/2016
23317	01/08/2016	Soco Marketing attn: Michelle Stocktin	25.00	Cleared	01/31/2016
23318	01/08/2016	St. Vincent Healthcare	50.00	Cleared	01/31/2016
23319	01/08/2016	Steven Ross Johnson	50.00	Cleared	01/31/2016
23320	01/08/2016	Sue Stahley	25.00	Cleared	01/31/2016
23321	01/08/2016	Taylor Christianson Ita	100.00	Cleared	02/29/2016
23322	01/08/2016	Tim R Howe	100.00	Cleared	01/31/2016
23323	01/08/2016	Timothy Robert Carpenter	50.00	Cleared	01/31/2016
23324	01/08/2016	Tom Cummings	100.00	Cleared	02/29/2016
23325	01/08/2016	Travelers Claims Hartford	50.00	Cleared	01/31/2016
23326	01/08/2016	Trenton Paul Parks	50.00	Cleared	02/29/2016
23327	01/08/2016	Western Pawn	157.48	Cleared	01/31/2016
23328	01/15/2016	Northside Pawn	15.00	Cleared	01/31/2016
23329	01/15/2016	Walmart	50.00	Cleared	01/31/2016
23330	01/15/2016	Aaron Davis	15.00	Cleared	01/31/2016
23331	01/15/2016	Alyssa Brewer	1370.00	Cleared	01/31/2016
23332	01/15/2016	Ashley Buyse	50.00	Cleared	02/29/2016
23333	01/15/2016	Ashley Ramsey	1045.00	Cleared	02/29/2016
23334	01/15/2016	Barbara Powelson	50.00	Cleared	02/29/2016
23335	01/15/2016	Billings Police Department	12.50	Cleared	01/31/2016
23336	01/15/2016	Billings Police Department	20.00	Cleared	01/31/2016
23337	01/15/2016	Billings Police Department	50.00	Cleared	01/31/2016
23338	01/15/2016	Billings Police Department	50.00	Cleared	01/31/2016
23339	01/15/2016	Bob Witham	50.00	Cleared	02/29/2016
23340	01/15/2016	Carrie Lynn Walter	9.70	Cleared	01/31/2016
23341	01/15/2016	Christopher Ian Blattie	50.00	Cleared	01/31/2016
23342	01/15/2016	City Of Billings	50.00	Cleared	01/31/2016
23343	01/15/2016	City Of Billings - Street/Traffic Dept	50.00	Cleared	02/29/2016
23344	01/15/2016	Community Solutions Inc	100.00	Cleared	01/31/2016
23345	01/15/2016	Crime Victim Compensation	50.00	Cleared	02/29/2016
23346	01/15/2016	Daniel Bedford	50.00	Cleared	02/29/2016
23347	01/15/2016	Daniel John Degele	50.00	Cleared	01/31/2016
23348	01/15/2016	Eduardo Salcedo	416.00	Cleared	01/31/2016

Billings Municipal Court

User: BPARK

Check Register

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Date Range: From 01/01/2016 to 03/31/2016

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
23349	01/15/2016	First Interstate Bank Attn: Brian Brown	25.00	Cleared	01/31/2016
23350	01/15/2016	Gred Edmonds Gerard	15.00	Outstanding	
23351	01/15/2016	Haze David Oldelk	1045.00	Cleared	01/31/2016
23352	01/15/2016	Jennifer Vogel	12.00	Cleared	01/31/2016
23353	01/15/2016	John Junnila	25.00	Cleared	01/31/2016
23354	01/15/2016	John Samuel Butler	1095.00	Cleared	01/31/2016
23355	01/15/2016	Kimberly Mcnabb	424.00	Cleared	01/31/2016
23356	01/15/2016	Kodi Taylor-Falls Down	25.00	Cleared	01/31/2016
23357	01/15/2016	Les Benner	50.00	Cleared	01/31/2016
23358	01/15/2016	Lia Keller	50.00	Cleared	02/29/2016
23359	01/15/2016	Linda Brun	870.00	Cleared	01/31/2016
23360	01/15/2016	Mark Lawler	50.00	Cleared	01/31/2016
23361	01/15/2016	Martina Baldwin	500.00	Cleared	01/31/2016
23362	01/15/2016	Mary Lou Simmons	50.00	Cleared	01/31/2016
23363	01/15/2016	Montana Municipal Interlocal Authority	50.00	Cleared	01/31/2016
23364	01/15/2016	Paul T Dokken	15.00	Cleared	02/29/2016
23365	01/15/2016	Richard James Brown	50.00	Cleared	01/31/2016
23366	01/15/2016	Rocco Jay Cooper	1015.00	Cleared	01/31/2016
23367	01/15/2016	Ryan McClintock	720.00	Cleared	01/31/2016
23368	01/15/2016	Sam's Club	50.00	Cleared	02/29/2016
23369	01/15/2016	Stacie M Warehime	25.00	Cleared	02/29/2016
23370	01/15/2016	Subrogation Unit	50.00	Cleared	02/29/2016
23371	01/15/2016	Tamara Kraft	52.50	Cleared	01/31/2016
23372	01/15/2016	Tasha Brockmiler	720.00	Cleared	01/31/2016
23373	01/15/2016	Thomas Paul Kosche	50.00	Cleared	02/29/2016
23374	01/15/2016	Tyler Holliday	3.41	Cleared	02/29/2016
23375	01/15/2016	Wendys	180.00	Cleared	02/29/2016
23376	01/22/2016	Billilngs Police Dept	25.00	Cleared	01/31/2016
23377	01/22/2016	Quizno's	50.00	Outstanding	
23378	01/22/2016	SLEEP INN	50.00	Cleared	01/31/2016
23379	01/22/2016	South Forty	12.50	Cleared	02/29/2016
23380	01/22/2016	United Properties	50.00	Cleared	01/31/2016
23381	01/22/2016	Walmart	10.00	Cleared	02/29/2016
23382	01/22/2016	Andrew Cooper	50.00	Cleared	02/29/2016
23383	01/22/2016	April M Toineeta-Flores	195.00	Cleared	02/29/2016
23384	01/22/2016	Big Horn Resort	50.00	Cleared	02/29/2016

Billings Municipal Court

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Check Number	Date	Payee	Amount	Status	Cleared
23385	01/22/2016	Billings Parks, Recreation and Land	50.00	Cleared	01/31/2016
23386	01/22/2016	Bobby Jo Anderson	50.00	Cleared	03/31/2016
23387	01/22/2016	Brandon Hamlet	50.00	Cleared	01/31/2016
23388	01/22/2016	Brett Alan Overley	50.00	Outstanding	
23389	01/22/2016	Bridgett Costa	100.00	Cleared	02/29/2016
23390	01/22/2016	Carol Schladweiler	50.00	Cleared	01/31/2016
23391	01/22/2016	Community Solutions Inc	5.00	Cleared	01/31/2016
23392	01/22/2016	Crime Victim Compensation Program	25.00	Cleared	02/29/2016
23393	01/22/2016	Crime Victim Compensation Program	25.00	Cleared	02/29/2016
23394	01/22/2016	Dale Mitchell Southworth	1500.00	Cleared	02/29/2016
23395	01/22/2016	Daniel William Griffin	50.00	Cleared	03/31/2016
23396	01/22/2016	Dennis Waldron	50.00	Cleared	02/29/2016
23397	01/22/2016	Donald Keever	100.00	Cleared	02/29/2016
23398	01/22/2016	Donna Forbes	50.00	Cleared	02/29/2016
23399	01/22/2016	Doug Killam	50.00	Cleared	02/29/2016
23400	01/22/2016	Duane Jakes	50.00	Cleared	02/29/2016
23401	01/22/2016	Edward Eugene Hauber S	100.00	Cleared	02/29/2016
23402	01/22/2016	Ellery C Johnson	1035.00	Cleared	01/31/2016
23403	01/22/2016	Faye Adams	50.00	Cleared	02/29/2016
23404	01/22/2016	First National Pawn	40.00	Cleared	01/31/2016
23405	01/22/2016	First National Pawn	50.00	Cleared	01/31/2016
23406	01/22/2016	First National Pawn	50.00	Cleared	01/31/2016
23407	01/22/2016	Greg Bochy	75.00	Cleared	01/31/2016
23408	01/22/2016	Heather Martinez	50.00	Cleared	03/31/2016
23409	01/22/2016	Henry Richards	390.00	Cleared	01/31/2016
23410	01/22/2016	Jack Gerald Plummer	100.00	Cleared	01/31/2016
23411	01/22/2016	Jennifer Vogel	12.00	Cleared	02/29/2016
23412	01/22/2016	Jesse Moore	15.00	Cleared	02/29/2016
23413	01/22/2016	Joni Landon Ackerman	15.00	Cleared	03/31/2016
23414	01/22/2016	Jordan Douglas Hampton	15.00	Cleared	02/29/2016
23415	01/22/2016	Karen Geraldine Zaso	20.00	Outstanding	
23416	01/22/2016	Keely J Hays	59.30	Cleared	02/29/2016
23417	01/22/2016	Lillian Leikam	25.00	Cleared	01/31/2016
23418	01/22/2016	Luke Anthony Stein	590.00	Cleared	01/31/2016
23419	01/22/2016	Marla Rae Ward	1045.00	Cleared	01/31/2016
23420	01/22/2016	Mary Graham	640.00	Cleared	02/29/2016

Billings Municipal Court

Check Register

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Date Range: From 01/01/2016 to 03/31/2016

All Check Types

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Check Number	Date	Payee	Amount	Status	Cleared
23421	01/22/2016	Meia Orrison	25.00	Cleared	01/31/2016
23422	01/22/2016	Motel 6	50.00	Cleared	02/29/2016
23423	01/22/2016	Mountain West Farm Bureau	38.07	Cleared	02/29/2016
23424	01/22/2016	Patrick Cary	500.00	Cleared	01/31/2016
23425	01/22/2016	Rick Stefanic	50.00	Cleared	01/31/2016
23426	01/22/2016	Robert A Ramirez	890.00	Cleared	02/29/2016
23427	01/22/2016	Ryan Christopher Berns	100.00	Cleared	01/31/2016
23428	01/22/2016	Sandra Foley	1000.00	Cleared	01/31/2016
23429	01/22/2016	Scott Walker	50.00	Cleared	02/29/2016
23430	01/22/2016	Sehna Jin Park	15.00	Cleared	02/29/2016
23431	01/22/2016	Shawn Willems	11.93	Cleared	02/29/2016
23432	01/22/2016	Stacy Emmett	295.00	Cleared	02/29/2016
23433	01/22/2016	State Farm	50.00	Outstanding	
23434	01/22/2016	Steven Ruffatto	50.00	Outstanding	
23435	01/22/2016	Taylor Lynn Gottula	15.00	Cleared	02/29/2016
23436	01/22/2016	The Standard Fire Insurance Company	50.00	Cleared	02/29/2016
23437	01/22/2016	Vaclav Trinka	1045.00	Cleared	01/31/2016
23438	01/22/2016	Wall Mart	50.00	Cleared	02/29/2016
23439	01/22/2016	Wendi Noelle Largent	100.00	Cleared	02/29/2016
23440	01/29/2016	Casa Village	26.23	Cleared	02/29/2016
23441	01/29/2016	Scheels	45.00	Cleared	02/29/2016
23442	01/29/2016	Shopko	30.48	Cleared	02/29/2016
23443	01/29/2016	Aaron Michael Dowell	50.00	Cleared	02/29/2016
23444	01/29/2016	Alberia Foster	1000.00	Cleared	01/31/2016
23445	01/29/2016	Anita Kirschman	50.00	Cleared	02/29/2016
23446	01/29/2016	Annette Bergendahl	50.00	Cleared	02/29/2016
23447	01/29/2016	Ashley Beaver	50.00	Cleared	02/29/2016
23448	01/29/2016	City Of Billings-c/o JoLynn Yerger	43.14	Cleared	02/29/2016
23449	01/29/2016	City Treasurer	119432.45	Cleared	02/29/2016
23450	01/29/2016	Daniel Bedford	50.00	Cleared	03/31/2016
23451	01/29/2016	Daniel Joseph Schiff	100.00	Cleared	02/29/2016
23452	01/29/2016	Daniel Joseph Schiff	500.00	Cleared	02/29/2016
23453	01/29/2016	Darlene Gamble	50.00	Cleared	02/29/2016
23454	01/29/2016	Dave Welch	9.54	Cleared	02/29/2016
23455	01/29/2016	David Allen Long	50.00	Cleared	02/29/2016
23456	01/29/2016	Delanie Rogers	50.00	Cleared	02/29/2016

Billings Municipal Court

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All Check Types

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Check Number	Date	Payee	Amount	Status	Cleared
23457	01/29/2016	Douglas James Wilson	50.00	Cleared	02/29/2016
23458	01/29/2016	Ervalynn Nomee	50.00	Outstanding	
23459	01/29/2016	Gina Lynn Kingstad	50.00	Cleared	03/31/2016
23460	01/29/2016	Gregory Brabec	20.00	Cleared	02/29/2016
23461	01/29/2016	Holly Melcher	50.00	Cleared	02/29/2016
23462	01/29/2016	James Melvin Muri	500.00	Cleared	02/29/2016
23463	01/29/2016	James Menosky	50.00	Cleared	02/29/2016
23464	01/29/2016	James Novotny	50.00	Cleared	02/29/2016
23465	01/29/2016	Jennifer Anne Abfalder	100.00	Cleared	02/29/2016
23466	01/29/2016	Jennifer Vogel	12.00	Cleared	02/29/2016
23467	01/29/2016	John Sacklin	50.00	Cleared	02/29/2016
23468	01/29/2016	Joshua Miller	10.41	Cleared	02/29/2016
23469	01/29/2016	Katherine C Bursley	30.00	Outstanding	
23470	01/29/2016	Michael Doerbacher	50.00	Cleared	02/29/2016
23471	01/29/2016	Michelle Foos	25.00	Cleared	02/29/2016
23472	01/29/2016	Municipal Services Bureau	4911.15	Cleared	02/29/2016
23473	01/29/2016	Nancy Eby	75.00	Cleared	02/29/2016
23474	01/29/2016	Nicole Stoppel	50.00	Cleared	02/29/2016
23475	01/29/2016	Rainbow Property Management	50.00	Cleared	02/29/2016
23476	01/29/2016	Roger Hill	5.05	Cleared	02/29/2016
23477	01/29/2016	Sharon Bonogofsky-Parker	50.00	Cleared	02/29/2016
23478	01/29/2016	Steven Ross Johnson	50.00	Cleared	02/29/2016
23479	01/29/2016	Sue Stahley	25.00	Cleared	02/29/2016
23480	01/29/2016	Tim R Howe	200.00	Cleared	02/29/2016
23481	01/29/2016	Trenton Paul Parks	50.00	Cleared	02/29/2016
23482	01/29/2016	Western Pawn	25.00	Cleared	03/31/2016
23483	01/29/2016	Yellowstone County Treasurer	7820.69	Cleared	02/29/2016
23484	02/05/2016	Shopko	50.00	Cleared	02/29/2016
23485	02/05/2016	1st National Pawn	35.00	Cleared	02/29/2016
23486	02/05/2016	Belina Williams	30.00	Cleared	02/29/2016
23487	02/05/2016	Billings Parks, Recreation and Land	25.00	Cleared	02/29/2016
23488	02/05/2016	Bob Witham	50.00	Cleared	02/29/2016
23489	02/05/2016	Bobby Jo Anderson	50.00	Cleared	03/31/2016
23490	02/05/2016	Cierra Lynn Burgess	100.00	Cleared	02/29/2016
23491	02/05/2016	Clark Marten	100.00	Cleared	02/29/2016
23492	02/05/2016	Connie Keil	50.00	Cleared	03/31/2016

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23493	02/05/2016	Costcutters	100.00	Cleared	02/29/2016
23494	02/05/2016	Crime Victim Compensation Program	100.00	Cleared	02/29/2016
23495	02/05/2016	Daniel Shreeve	50.00	Cleared	02/29/2016
23496	02/05/2016	Darrell Lehnen	50.00	Cleared	02/29/2016
23497	02/05/2016	Dennis Waldron	50.00	Cleared	02/29/2016
23498	02/05/2016	Dillards	25.00	Cleared	02/29/2016
23499	02/05/2016	Donna Forbes	50.00	Cleared	02/29/2016
23500	02/05/2016	Douglas James Wilson	50.00	Cleared	02/29/2016
23501	02/05/2016	Erin Miller	50.00	Cleared	02/29/2016
23502	02/05/2016	J.C. Penny	50.00	Cleared	02/29/2016
23503	02/05/2016	Jarrett Wanner	50.00	Cleared	02/29/2016
23504	02/05/2016	Jennifer Vogel	13.00	Cleared	02/29/2016
23505	02/05/2016	Joel Michael Langton	130.00	Cleared	02/29/2016
23506	02/05/2016	John Junnila	25.00	Cleared	02/29/2016
23507	02/05/2016	June Ortman	50.00	Cleared	02/29/2016
23508	02/05/2016	Lynell Gappa	445.00	Cleared	02/29/2016
23509	02/05/2016	Malan ODonnell	50.00	Cleared	02/29/2016
23510	02/05/2016	Memri Spottedelk	50.00	Cleared	02/29/2016
23511	02/05/2016	Nikolaos Dimitris Rentzios	50.00	Cleared	02/29/2016
23512	02/05/2016	Northside Pawn	50.00	Cleared	02/29/2016
23513	02/05/2016	Northwest Energy	28.00	Cleared	03/31/2016
23514	02/05/2016	Peggy Hough	50.00	Cleared	02/29/2016
23515	02/05/2016	Scott Dvorak	720.00	Cleared	02/29/2016
23516	02/05/2016	Timothy Ortman	172.00	Cleared	02/29/2016
23517	02/05/2016	Vanessa Wanner	100.00	Cleared	02/29/2016
23518	02/12/2016	Target	29.99	Cleared	03/31/2016
23519	02/12/2016	Walmart	50.00	Cleared	02/29/2016
23520	02/12/2016	ACE Hardware	25.00	Cleared	02/29/2016
23521	02/12/2016	Alicia Derby	870.00	Cleared	02/29/2016
23522	02/12/2016	Andrew Burtch Nelson	720.00	Cleared	02/29/2016
23523	02/12/2016	Andrew Paynter	10.00	Outstanding	
23524	02/12/2016	Anne Frickle	500.00	Cleared	02/29/2016
23525	02/12/2016	Ashley Buyse	50.00	Outstanding	
23526	02/12/2016	Benjamin Blaine Waggoner	1000.00	Cleared	02/29/2016
23527	02/12/2016	Beverly Hull	50.00	Cleared	02/29/2016
23528	02/12/2016	Big Bear	179.00	Cleared	02/29/2016

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23529	02/12/2016	Billings Police Department	25.00	Cleared	02/29/2016
23530	02/12/2016	Billings Police Department	50.00	Cleared	02/29/2016
23531	02/12/2016	Candace Johnson	946.00	Cleared	02/29/2016
23532	02/12/2016	Carol Schladweiler	50.00	Cleared	02/29/2016
23533	02/12/2016	Christopher Ian Blattie	50.00	Cleared	02/29/2016
23534	02/12/2016	City Of Billings	25.00	Cleared	03/31/2016
23535	02/12/2016	City Of Billings - Street/Traffic Dept	50.00	Cleared	02/29/2016
23536	02/12/2016	City Of Billings-c/o JoLynn Yerger	20.00	Cleared	02/29/2016
23537	02/12/2016	Crime Victim Compensation	50.00	Cleared	02/29/2016
23538	02/12/2016	Daniel John Degele	50.00	Cleared	02/29/2016
23539	02/12/2016	Daniel S Repka	50.00	Cleared	02/29/2016
23540	02/12/2016	Darrin Patrick Lang	350.00	Cleared	02/29/2016
23541	02/12/2016	Destinee Gondara	1000.00	Cleared	02/29/2016
23542	02/12/2016	Donald Keever	50.00	Cleared	02/29/2016
23543	02/12/2016	Dustin Wade Mills	150.00	Cleared	02/29/2016
23544	02/12/2016	Eduardo Salcedo	500.00	Cleared	03/31/2016
23545	02/12/2016	First National Pawn	25.00	Cleared	02/29/2016
23546	02/12/2016	Gregory Brabec	20.00	Cleared	03/31/2016
23547	02/12/2016	Heather Marie Hyatt	50.00	Cleared	02/29/2016
23548	02/12/2016	Holiday	8.97	Cleared	02/29/2016
23549	02/12/2016	Janie Mcelvain	500.00	Cleared	02/29/2016
23550	02/12/2016	Jennifer Jill Vasseur	75.00	Cleared	02/29/2016
23551	02/12/2016	Jim Marshall	40.95	Outstanding	
23552	02/12/2016	Joe Rapp	1105.00	Cleared	02/29/2016
23553	02/12/2016	Katherine C Bursley	30.00	Outstanding	
23554	02/12/2016	Kimberly Mcnabb	76.00	Cleared	02/29/2016
23555	02/12/2016	Kyanne Hegel	25.00	Cleared	03/31/2016
23556	02/12/2016	Lana Mahugh	75.00	Outstanding	
23557	02/12/2016	Larry Oren Metzger	275.00	Cleared	02/29/2016
23558	02/12/2016	Lindsee Gerhardt	15.00	Cleared	02/29/2016
23559	02/12/2016	Lisa Schaack	100.00	Cleared	02/29/2016
23560	02/12/2016	Lucinda Irmen	2000.00	Cleared	02/29/2016
23561	02/12/2016	Lueinda A Irmen	445.00	Cleared	02/29/2016
23562	02/12/2016	Michael Roberson	1190.00	Cleared	02/29/2016
23563	02/12/2016	Michael Tolstedt	720.00	Outstanding	
23564	02/12/2016	Misty D Beaulieu	318.95	Cleared	02/29/2016

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23565	02/12/2016	Montana Municipal Interlocal Authority	50.00	Cleared	02/29/2016
23566	02/12/2016	Peter Swoboda	25.00	Cleared	02/29/2016
23567	02/12/2016	Richard James Brown	50.00	Cleared	02/29/2016
23568	02/12/2016	Scott Nelson Reynolds	15.00	Cleared	03/31/2016
23569	02/12/2016	Scott Walker	50.00	Cleared	03/31/2016
23570	02/12/2016	St. Vincent Healthcare	50.00	Cleared	03/31/2016
23571	02/12/2016	Steven Petry	1685.00	Cleared	03/31/2016
23572	02/12/2016	Subrogation Unit	60.00	Cleared	02/29/2016
23573	02/12/2016	Tamara Kraft	50.00	Cleared	02/29/2016
23574	02/12/2016	Teresa Lozano	250.00	Cleared	02/29/2016
23575	02/12/2016	Teresa Lozano	500.00	Cleared	02/29/2016
23576	02/12/2016	The Den	200.00	Cleared	03/31/2016
23577	02/12/2016	Timothy Robert Carpenter	50.00	Cleared	02/29/2016
23578	02/12/2016	Wendys	60.00	Cleared	02/29/2016
23579	02/12/2016	Woodward Law Firm	1000.00	Cleared	02/29/2016
23580	02/22/2016	Northwestern Energy	100.00	Cleared	02/29/2016
23581	02/22/2016	SLEEP INN	50.00	Cleared	02/29/2016
23582	02/22/2016	Scheels	25.00	Cleared	02/29/2016
23583	02/22/2016	South Forty	25.00	Cleared	03/31/2016
23584	02/22/2016	State Farm	50.00	Cleared	03/31/2016
23585	02/22/2016	State Farm Insurance	49.57	Cleared	03/31/2016
23586	02/22/2016	Walmart	11.44	Cleared	03/31/2016
23587	02/22/2016	Walmart	20.45	Cleared	03/31/2016
23588	02/22/2016	Walmart	36.00	Cleared	03/31/2016
23589	02/22/2016	Walmart	50.00	Cleared	03/31/2016
23590	02/22/2016	Yellowstone Valley Animal Shelter	50.00	Cleared	03/31/2016
23591	02/22/2016	Andrew Cooper	50.00	Cleared	02/29/2016
23592	02/22/2016	Anita Kirschman	50.00	Cleared	02/29/2016
23593	02/22/2016	Barbara Powelson	50.00	Cleared	03/31/2016
23594	02/22/2016	Big Horn Resort	50.00	Cleared	02/29/2016
23595	02/22/2016	Billings Parks, Recreation and Land	25.00	Cleared	02/29/2016
23596	02/22/2016	Brett Alan Overley	50.00	Cleared	03/31/2016
23597	02/22/2016	Cal Ventling	550.00	Cleared	03/31/2016
23598	02/22/2016	Catlin Harrington	85.00	Cleared	02/29/2016
23599	02/22/2016	Christopher Ian Blattie	720.00	Cleared	02/29/2016
23600	02/22/2016	City of Billings	100.00	Outstanding	

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23601	02/22/2016	Cody Harris	50.00	Cleared	03/31/2016
23602	02/22/2016	Community Solutions Inc	25.00	Cleared	02/29/2016
23603	02/22/2016	Community Solutions Inc	350.00	Cleared	02/29/2016
23604	02/22/2016	Court Zaremski	150.00	Cleared	02/29/2016
23605	02/22/2016	Crime Victim Compensation Program	25.00	Cleared	03/31/2016
23606	02/22/2016	Crime Victim Compensation Program	25.00	Cleared	03/31/2016
23607	02/22/2016	Crime Victim Compensation Program	50.00	Cleared	03/31/2016
23608	02/22/2016	Crime Victim Compensation Program	660.99	Cleared	03/31/2016
23609	02/22/2016	Daniel William Griffin	55.00	Cleared	03/31/2016
23610	02/22/2016	Danielle Liming	720.00	Cleared	03/31/2016
23611	02/22/2016	Dave Welch	50.00	Cleared	02/29/2016
23612	02/22/2016	Dawn Hampton	50.00	Cleared	02/29/2016
23613	02/22/2016	Duane Jakes	50.00	Cleared	02/29/2016
23614	02/22/2016	Erin Miller	50.00	Cleared	03/31/2016
23615	02/22/2016	Faye Adams	49.90	Cleared	03/31/2016
23616	02/22/2016	First Interstate Bank Attn: Brian Brown	25.00	Cleared	02/29/2016
23617	02/22/2016	First National Pawn	50.00	Cleared	02/29/2016
23618	02/22/2016	Gerald Parnell	12.50	Cleared	03/31/2016
23619	02/22/2016	Greg Bochy	50.00	Cleared	02/29/2016
23620	02/22/2016	Henry Robert Frew	370.00	Cleared	03/31/2016
23621	02/22/2016	J.C. Penny	50.00	Cleared	03/31/2016
23622	02/22/2016	James Menosky	55.00	Cleared	02/29/2016
23623	02/22/2016	James Moltzan	50.00	Cleared	03/31/2016
23624	02/22/2016	Jennifer Vogel	25.00	Cleared	03/31/2016
23625	02/22/2016	Jon Allen Matejovsky	200.00	Cleared	02/29/2016
23626	02/22/2016	Jonathan Barnea	195.00	Cleared	03/31/2016
23627	02/22/2016	Karen Geraldine Zaso	20.00	Outstanding	
23628	02/22/2016	Kylan Wynn Engelke	15.00	Cleared	03/31/2016
23629	02/22/2016	Ladonna M Miller	50.00	Outstanding	
23630	02/22/2016	London Camilla Cavanaugh	50.00	Outstanding	
23631	02/22/2016	Mariah Eslinger	2513.00	Cleared	03/31/2016
23632	02/22/2016	Mark Lawler	25.00	Cleared	02/29/2016
23633	02/22/2016	Monthira Longthong	500.00	Cleared	02/29/2016
23634	02/22/2016	Mountain West Farm Bureau	38.07	Cleared	03/31/2016
23635	02/22/2016	Nathaniel David Delisle	15.00	Cleared	03/31/2016
23636	02/22/2016	Peggy Twedt	545.00	Cleared	02/29/2016

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23637	02/22/2016	Sarah Novasio	100.00	Cleared	03/31/2016
23638	02/22/2016	Shanice Rose Dawson	119.70	Cleared	02/29/2016
23639	02/22/2016	Shannon Nave	15.00	Cleared	02/29/2016
23640	02/22/2016	Shawn Willems	11.93	Cleared	03/31/2016
23641	02/22/2016	Soco Marketing attn: Michelle Stocktin	25.00	Cleared	02/29/2016
23642	02/22/2016	Stacie M Warehime	25.00	Cleared	03/31/2016
23643	02/22/2016	State Farm	50.00	Outstanding	
23644	02/22/2016	The Cabelas	50.00	Cleared	03/31/2016
23645	02/22/2016	Thomas Paul Kosche	50.00	Cleared	03/31/2016
23646	02/22/2016	Timothy Ross	150.00	Cleared	02/29/2016
23647	02/22/2016	Travelers Claims Hartford	50.00	Cleared	03/31/2016
23648	02/22/2016	Wall Mart	50.00	Cleared	03/31/2016
23649	02/26/2016	ABEL TOWING	150.00	Cleared	03/31/2016
23650	02/26/2016	Billings Parks, Recreation and Land	12.50	Cleared	03/31/2016
23651	02/26/2016	Bobby Jo Anderson	40.00	Cleared	03/31/2016
23652	02/26/2016	Cenex Zip Trip	11.00	Cleared	03/31/2016
23653	02/26/2016	Daniel Cox	50.00	Cleared	03/31/2016
23654	02/26/2016	Darlene Gamble	50.00	Cleared	03/31/2016
23655	02/26/2016	David Allen Long	50.00	Cleared	03/31/2016
23656	02/26/2016	Donald Kenneth	720.00	Cleared	02/29/2016
23657	02/26/2016	Doug Killam	50.00	Cleared	03/31/2016
23658	02/26/2016	Eugene Peigneaux	50.00	Cleared	03/31/2016
23659	02/26/2016	Gina Lynn Kingstad	50.00	Outstanding	
23660	02/26/2016	Gypsy Wind	50.00	Cleared	03/31/2016
23661	02/26/2016	HEIGHTS DROP IN CHILD CARE	21.00	Cleared	03/31/2016
23662	02/26/2016	Heidi Asay	790.60	Outstanding	
23663	02/26/2016	Holly Melcher	50.00	Cleared	03/31/2016
23664	02/26/2016	Horsecapture Whitebird	720.00	Cleared	03/31/2016
23665	02/26/2016	James Michael Krebs	50.00	Cleared	03/31/2016
23666	02/26/2016	John Junnila	25.00	Cleared	03/31/2016
23667	02/26/2016	Joseph D Threefingers	50.00	Cleared	03/31/2016
23668	02/26/2016	Malan ODonnell	50.00	Cleared	03/31/2016
23669	02/26/2016	Marguerite Helen Felig	50.00	Cleared	03/31/2016
23670	02/26/2016	Michelle Fink	720.00	Cleared	03/31/2016
23671	02/26/2016	Motel 6	50.00	Cleared	03/31/2016
23672	02/26/2016	Nicole Stoppel	50.00	Cleared	03/31/2016

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23673	02/26/2016	Northside Pawn	20.00	Cleared	03/31/2016
23674	02/26/2016	Scott Carlson	10.44	Cleared	03/31/2016
23675	02/26/2016	Shopko	39.00	Cleared	03/31/2016
23676	02/26/2016	The Cabelas	50.00	Cleared	03/31/2016
23677	02/26/2016	Tim R Howe	200.00	Cleared	03/31/2016
23678	02/29/2016	United Properties	50.00	Cleared	03/31/2016
23679	02/29/2016	Annette Bergendahl	50.00	Cleared	03/31/2016
23680	02/29/2016	City Treasurer	180092.65	Cleared	03/31/2016
23681	02/29/2016	Crime Victim Compensation Program	100.00	Cleared	03/31/2016
23682	02/29/2016	Municipal Services Bureau	12031.29	Cleared	03/31/2016
23683	02/29/2016	Rosemary Ganzerald	55.00	Cleared	03/31/2016
23684	02/29/2016	Steven Ruffatto	50.00	Outstanding	
23685	02/29/2016	Trenton Paul Parks	50.00	Cleared	03/31/2016
23686	02/29/2016	Wal Mart	50.00	Cleared	03/31/2016
23687	02/29/2016	Yellowstone County Treasurer	11680.63	Cleared	03/31/2016
23688	03/04/2016	Shopko	9.97	Cleared	03/31/2016
23689	03/04/2016	Aaron Michael Dowell	50.00	Cleared	03/31/2016
23690	03/04/2016	Billings Police	25.00	Cleared	03/31/2016
23691	03/04/2016	Billings Police Department	25.00	Cleared	03/31/2016
23692	03/04/2016	Cierra Lynn Burgess	50.00	Cleared	03/31/2016
23693	03/04/2016	Daniel S Repka	50.00	Cleared	03/31/2016
23694	03/04/2016	David Banuelos	100.00	Cleared	03/31/2016
23695	03/04/2016	Dillards	25.00	Cleared	03/31/2016
23696	03/04/2016	First National Pawn	10.00	Cleared	03/31/2016
23697	03/04/2016	First National Pawn	25.00	Cleared	03/31/2016
23698	03/04/2016	Heather Marie Hyatt	50.00	Cleared	03/31/2016
23699	03/04/2016	Jeremy Michael Spencer	50.00	Outstanding	
23700	03/04/2016	Jon Allen Matejovsky	50.00	Cleared	03/31/2016
23701	03/04/2016	Joseph Kazara	80.00	Cleared	03/31/2016
23702	03/04/2016	June Ortman	50.00	Cleared	03/31/2016
23703	03/04/2016	Kwik Way	50.00	Outstanding	
23704	03/04/2016	Ladonna M Miller	50.00	Outstanding	
23705	03/04/2016	Les Benner	50.00	Cleared	03/31/2016
23706	03/04/2016	Lia Keller	50.00	Cleared	03/31/2016
23707	03/04/2016	Ludona Yeargain	500.00	Outstanding	
23708	03/04/2016	Memri Spottedelk	50.00	Cleared	03/31/2016

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23709	03/04/2016	Michael Doerbacher	50.00	Cleared	03/31/2016
23710	03/04/2016	Miguel Elisco Valdez	50.51	Outstanding	
23711	03/04/2016	Northwest Pawn	50.00	Outstanding	
23712	03/04/2016	Orlando Christopher Mota	100.00	Cleared	03/31/2016
23713	03/04/2016	Steven Ross Johnson	50.00	Cleared	03/31/2016
23714	03/04/2016	Timothy J Parsons	60.00	Cleared	03/31/2016
23715	03/04/2016	Wall Mart	45.06	Cleared	03/31/2016
23716	03/11/2016	Albertsons	17.00	Cleared	03/31/2016
23717	03/11/2016	Kidz Dudz	26.67	Cleared	03/31/2016
23718	03/11/2016	Sears	150.00	Outstanding	
23719	03/11/2016	ACE Hardware	25.00	Cleared	03/31/2016
23720	03/11/2016	Aaron Michael Dowell	50.00	Outstanding	
23721	03/11/2016	Amalia Ann Glynn	150.00	Outstanding	
23722	03/11/2016	Ashley Buyse	50.00	Cleared	03/31/2016
23723	03/11/2016	Beverly Hull	50.00	Cleared	03/31/2016
23724	03/11/2016	Billings Police Department	150.00	Cleared	03/31/2016
23725	03/11/2016	Bob Witham	50.00	Cleared	03/31/2016
23726	03/11/2016	Brett Alan Overley	50.00	Outstanding	
23727	03/11/2016	Christopher Ian Blattie	100.00	Cleared	03/31/2016
23728	03/11/2016	Cindy Flesch	300.00	Cleared	03/31/2016
23729	03/11/2016	Community Solutions Inc	25.00	Cleared	03/31/2016
23730	03/11/2016	Community Solutions Inc	70.00	Cleared	03/31/2016
23731	03/11/2016	Crime Victim Compensation	50.00	Cleared	03/31/2016
23732	03/11/2016	Cynthia Ann Spence	10.00	Outstanding	
23733	03/11/2016	Dallas Cody Fauth	395.00	Cleared	03/31/2016
23734	03/11/2016	Daniel John Degele	50.00	Cleared	03/31/2016
23735	03/11/2016	Daniel Shreeve	50.00	Cleared	03/31/2016
23736	03/11/2016	Darrin Patrick Lang	350.00	Cleared	03/31/2016
23737	03/11/2016	Delanie Rogers	50.00	Cleared	03/31/2016
23738	03/11/2016	Denny's Restaurant	12.98	Cleared	03/31/2016
23739	03/11/2016	Dominique Longknife	190.00	Cleared	03/31/2016
23740	03/11/2016	Donald Keever	50.00	Outstanding	
23741	03/11/2016	Douglas James Wilson	50.00	Cleared	03/31/2016
23742	03/11/2016	Eduardo Salcedo	500.00	Cleared	03/31/2016
23743	03/11/2016	Heather Luv Brunelle	15.93	Cleared	03/31/2016
23744	03/11/2016	James Menosky	50.00	Cleared	03/31/2016

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Check Number	Date	Payee	Amount	Status	Cleared
23745	03/11/2016	Jarrett Wanner	100.00	Cleared	03/31/2016
23746	03/11/2016	Jasmine Allen	50.00	Cleared	03/31/2016
23747	03/11/2016	Jonni Bauer	870.00	Cleared	03/31/2016
23748	03/11/2016	Kara Mcdonald	435.98	Cleared	03/31/2016
23749	03/11/2016	Kathleen Grooms	50.00	Cleared	03/31/2016
23750	03/11/2016	Kaylee Curtiss	100.00	Cleared	03/31/2016
23751	03/11/2016	Laraine Porrazzo	15.00	Cleared	03/31/2016
23752	03/11/2016	Leland Hertoghe	15.00	Outstanding	
23753	03/11/2016	Lillian Leikam	25.00	Cleared	03/31/2016
23754	03/11/2016	Marie Moncure	85.00	Cleared	03/31/2016
23755	03/11/2016	Mason Andrew Melby	150.00	Cleared	03/31/2016
23756	03/11/2016	Mckell Leigh Meyers	15.00	Cleared	03/31/2016
23757	03/11/2016	Michelle Marie Johnson	55.00	Cleared	03/31/2016
23758	03/11/2016	Montana Municipal Interlocal Authority	50.00	Cleared	03/31/2016
23759	03/11/2016	Natasha Anderson	50.00	Cleared	03/31/2016
23760	03/11/2016	Patrick Wayne Bird	90.00	Cleared	03/31/2016
23761	03/11/2016	Paul Thomas Bianchi J	15.00	Cleared	03/31/2016
23762	03/11/2016	Richard James Brown	50.00	Cleared	03/31/2016
23763	03/11/2016	Rick Stefanic	50.00	Cleared	03/31/2016
23764	03/11/2016	Ryan Christopher Berns	76.00	Outstanding	
23765	03/11/2016	Sam's Club	100.00	Cleared	03/31/2016
23766	03/11/2016	Sharon Bonogofsky-Parker	50.00	Cleared	03/31/2016
23767	03/11/2016	Shopko	95.23	Cleared	03/31/2016
23768	03/11/2016	St. Vincent Healthcare	50.00	Outstanding	
23769	03/11/2016	Tahitian Nites	100.00	Cleared	03/31/2016
23770	03/11/2016	Tamara Kraft	50.00	Outstanding	
23771	03/11/2016	Taylor Carter	40.00	Cleared	03/31/2016
23772	03/11/2016	The Cabelas	100.00	Cleared	03/31/2016
23773	03/11/2016	Tyler Oedekoven	15.00	Cleared	03/31/2016
23774	03/11/2016	Wall Mart	50.00	Cleared	03/31/2016
23775	03/18/2016	SLEEP INN	50.00	Cleared	03/31/2016
23776	03/18/2016	Scheels	50.00	Cleared	03/31/2016
23777	03/18/2016	Shopko	20.00	Outstanding	
23778	03/18/2016	State Farm Insurance	50.00	Outstanding	
23779	03/18/2016	Yellowstone Valley Animal Shelter	50.00	Outstanding	
23780	03/18/2016	Anton Paul Keller	15.00	Cleared	03/31/2016

Billings Municipal Court

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 01/01/2016 to 03/31/2016

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
23781	03/18/2016	Barbara Powelson	50.00	Outstanding	
23782	03/18/2016	Billings Police Department	50.00	Cleared	03/31/2016
23783	03/18/2016	Candace Johnson	1290.00	Cleared	03/31/2016
23784	03/18/2016	City Of Billings	50.00	Outstanding	
23785	03/18/2016	City Of Billings-c/o JoLynn Yerger	20.00	Cleared	03/31/2016
23786	03/18/2016	Court Zaremski	100.00	Cleared	03/31/2016
23787	03/18/2016	Crime Victim Compensation Program	25.00	Outstanding	
23788	03/18/2016	Crime Victim Compensation Program	25.00	Outstanding	
23789	03/18/2016	Crime Victim Compensation Program	213.66	Outstanding	
23790	03/18/2016	Destinee Gondara	30.00	Outstanding	
23791	03/18/2016	Duane Luterbach	412.45	Cleared	03/31/2016
23792	03/18/2016	First Interstate Bank Attn: Brian Brown	25.00	Cleared	03/31/2016
23793	03/18/2016	Gregory Brabec	80.00	Cleared	03/31/2016
23794	03/18/2016	Gregory Scott Summers	720.00	Cleared	03/31/2016
23795	03/18/2016	J.C. Penny	50.00	Outstanding	
23796	03/18/2016	Jennifer Johnson	25.00	Outstanding	
23797	03/18/2016	Jennifer Vogel	5.00	Outstanding	
23798	03/18/2016	John Dyce	1040.00	Cleared	03/31/2016
23799	03/18/2016	Karen Geraldine Zaso	20.00	Outstanding	
23800	03/18/2016	Kyanne Hegel	25.00	Outstanding	
23801	03/18/2016	Lawrence James Bell	50.00	Cleared	03/31/2016
23802	03/18/2016	London Camilla Cavanaugh	50.00	Outstanding	
23803	03/18/2016	Marie Moncure	150.31	Outstanding	
23804	03/18/2016	Northside Pawn	30.00	Cleared	03/31/2016
23805	03/18/2016	Regina Teza	25.00	Cleared	03/31/2016
23806	03/18/2016	Rent-A-Center	50.00	Outstanding	
23807	03/18/2016	Sadie Arnold	50.00	Cleared	03/31/2016
23808	03/18/2016	Scott Taggart	100.00	Cleared	03/31/2016
23809	03/18/2016	Stacie M Warehime	25.00	Outstanding	
23810	03/18/2016	Subrogation Unit	50.00	Cleared	03/31/2016
23811	03/18/2016	Sue Stahley	25.00	Cleared	03/31/2016
23812	03/18/2016	Timothy Grove	50.00	Cleared	03/31/2016
23813	03/18/2016	Tom Cummings	100.00	Outstanding	
23814	03/18/2016	Travelers Claims Hartford	50.00	Outstanding	
23815	03/18/2016	Wal Mart	50.00	Cleared	03/31/2016
23816	03/18/2016	Wendys	200.00	Outstanding	

Billings Municipal Court

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 01/01/2016 to 03/31/2016

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
23817	03/25/2016	South Forty	12.50	Outstanding	
23818	03/25/2016	Andrew Cooper	50.00	Outstanding	
23819	03/25/2016	Anita Kirschman	50.00	Outstanding	
23820	03/25/2016	Arlene Taylor	585.00	Cleared	03/31/2016
23821	03/25/2016	Ashley Beaver	74.80	Outstanding	
23822	03/25/2016	Austin Seidler	720.00	Outstanding	
23823	03/25/2016	Big Horn Resort	50.00	Cleared	03/31/2016
23824	03/25/2016	Billings Parks, Recreation and Land	50.00	Outstanding	
23825	03/25/2016	Bobby Jo Anderson	40.00	Outstanding	
23826	03/25/2016	Charlee Marsh	50.00	Outstanding	
23827	03/25/2016	Charles Martin Hagan	100.00	Outstanding	
23828	03/25/2016	Cindy Martinez	1045.00	Outstanding	
23829	03/25/2016	City Of Billings - Street/Traffic Dept	50.00	Outstanding	
23830	03/25/2016	Community Solutions Inc	195.00	Cleared	03/31/2016
23831	03/25/2016	Connie Jean Olson	110.00	Outstanding	
23832	03/25/2016	Crystal Brown	50.00	Outstanding	
23833	03/25/2016	Daniel William Griffin	60.00	Outstanding	
23834	03/25/2016	Dave Buescher	150.00	Outstanding	
23835	03/25/2016	David Allen Long	50.00	Cleared	03/31/2016
23836	03/25/2016	Dustin Starr Hove	500.00	Outstanding	
23837	03/25/2016	Erin Miller	50.00	Outstanding	
23838	03/25/2016	Ervalynn Nomee	50.00	Outstanding	
23839	03/25/2016	Eugene Peigneaux	50.00	Outstanding	
23840	03/25/2016	Faye Adams	50.00	Outstanding	
23841	03/25/2016	Francis Bertholet	135.00	Cleared	03/31/2016
23842	03/25/2016	Greg Bochy	50.00	Cleared	03/31/2016
23843	03/25/2016	Heather Martinez	50.00	Cleared	03/31/2016
23844	03/25/2016	Holly Melcher	50.00	Cleared	03/31/2016
23845	03/25/2016	Jack Leon Wilkinson	10.00	Outstanding	
23846	03/25/2016	James N Eddleman	640.00	Outstanding	
23847	03/25/2016	Laura Wagner	500.00	Cleared	03/31/2016
23848	03/25/2016	Melissa Varcados	25.20	Outstanding	
23849	03/25/2016	Miguel Elisco Valdez	50.00	Outstanding	
23850	03/25/2016	Motel 6	50.00	Cleared	03/31/2016
23851	03/25/2016	Nicole Stoppel	50.00	Outstanding	
23852	03/25/2016	Octavio Noel Williams	20.00	Cleared	03/31/2016

Billings Municipal Court

User: BPARK

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 01/01/2016 to 03/31/2016

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
23853	03/25/2016	Peter Swoboda	15.00	Cleared	03/31/2016
23854	03/25/2016	Shawn Willems	50.00	Outstanding	
23855	03/25/2016	Terry Daniel Mountainsheep	445.00	Outstanding	
23856	03/25/2016	Thomas Paul Kosche	50.00	Outstanding	
23857	03/25/2016	Tim R Howe	200.00	Outstanding	
23858	03/25/2016	Walmart - Heights	50.00	Outstanding	

Number checks: 582 Total 425635.90

Consent **1. V. 2.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Payment of Claims April 25, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of $901,190.30 have been audited and are presented for City Council payment approval. A complete listing of the claims dated April 25, 2016, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

councilmemo_4.25.2016

Check Date	Check	Name	Amount	Account	Item Desc
04/25/2016	793427	Anderson Service Inc	$ 2,264.00	0100-51120-402320	12506
04/25/2016	793427	Anderson Service Inc	$ 281.74	0100-51120-402320	12506
04/25/2016	793427	Anderson Service Inc	$ 151.90	2110-31320-402320	12516
04/25/2016	793427	Anderson Service Inc	$ 16.50	2110-31320-402320	12516
04/25/2016	793432	Beartooth Fire Protection Services	$ 8,450.00	1500-22290-402640	COAT
04/25/2016	793432	Beartooth Fire Protection Services	$ 7,475.00	1500-22290-402640	PANT
04/25/2016	793437	Billings Depot Inc	$ 5,648.67	6600-31100-405310	May 2016 Rent
04/25/2016	793437	Billings Depot Inc	$ 8,473.00	6700-31410-405310	May 2016 Rent
04/25/2016	793441	Billings Tourism	$ 67,800.00	7790-15760-407679	Distributed March, paid April 2015
04/25/2016	793442	Black Box Network Services	$ 2,063.94	6060-19310-409480	Avaya EC1 Base System $2063.94
04/25/2016	793442	Black Box Network Services	$ 1,167.36	6060-19310-409480	Licenses $1167.36
04/25/2016	793442	Black Box Network Services	$ 19.58	6060-19310-409480	Implementation Labor
04/25/2016	793452	Carlton Plants LLC	$ 3,830.06	7720-51660-407249	Trees for city parks.
04/25/2016	793456	Castlerock Excavating Inc	$ 8,118.00	5120-85000-405333	REPAIR COLLAPSED SANITARY SEWER MAINLINE
04/25/2016	793462	Clancy Consultants Inc	$ 3,511.00	7690-51820-403560	Visioning and Strategic planning project.
04/25/2016	793465	Crescent Electric Supply	$ 83.22	2110-00000-141318	STREET LIGHTS PO NUM 300404
04/25/2016	793465	Crescent Electric Supply	$ 281.70	2110-00000-141318	STREET LIGHTS PO NUM 300405
04/25/2016	793465	Crescent Electric Supply	$ 281.70	2110-00000-141318	STREET LIGHTS PO NUM 300406
04/25/2016	793465	Crescent Electric Supply	$ 187.80	2110-00000-141318	STREET LIGHTS PO NUM 300408
04/25/2016	793465	Crescent Electric Supply	$ 1,500.00	2110-00000-141318	STREET LIGHTS PO NUM 300409
04/25/2016	793465	Crescent Electric Supply	$ 326.40	2110-00000-141318	STREET LIGHTS PO NUM 300410
04/25/2016	793465	Crescent Electric Supply	$ 323.98	2110-00000-141318	STREET LIGHTS PO NUM 300411
04/25/2016	793465	Crescent Electric Supply	$ 261.83	2110-00000-141318	STREET LIGHTS PO NUM 300412
04/25/2016	793465	Crescent Electric Supply	$ 38.74	2110-00000-141318	STREET LIGHTS PO NUM 300413
04/25/2016	793465	Crescent Electric Supply	$ 34.04	2110-31320-402430	silicon for signals
04/25/2016	793471	DOWL	$ 875.00	5120-82110-403540	Sewer Model
04/25/2016	793471	DOWL	$ 47,996.00	8450-31860-409310	WO 16-05 Central Ave - Shiloh to 32nd St W
04/25/2016	793471	DOWL	$ 4,947.50	8400-31840-409310	WO 16-16 Hogan's Slough Addnl Bypass Shiloh Conserv
04/25/2016	793472	Dowl Hkm	$ 9,885.21	8450-31860-409310	WO 15-06 Poly Drive - 32nd St West to 38th St West; CO#1
04/25/2016	793476	Dxp/Strategic Supply Inc	$ 551.32	1500-22290-402640	201215-01: SCOTT AV-3000-HT FACEPIECE W/KEVLAR
04/25/2016	793476	Dxp/Strategic Supply Inc	$ 2,480.94	1500-22290-402640	201215-02: SCOTT AV-3000-HT FACEPIECE W/KEVLAR
04/25/2016	793476	Dxp/Strategic Supply Inc	$ 14,814.80	1500-22290-402640	200077-10 REGULATOR, EZ FLO+ HUD QD HOSE
04/25/2016	793482	Empire Garage Owner's Association	$ 7,837.42	5210-15940-403660	City of Billings April Assessment. Non-Capital.
04/25/2016	793482	Empire Garage Owner's Association	$ 1,263.12	5210-15940-403660	City of Billings Capital Assessment.
04/25/2016	793488	Flathead County Sheriff's Office	$ 17,001.81	2520-21490-407860	Wages and Benefits for January - March, 2016.
04/25/2016	793488	Flathead County Sheriff's Office	$ 912.20	2520-21490-403822	Travel & Training.
04/25/2016	793492	Gillig Corporation	$ 2,326.68	5710-00000-141714	BUS MET PO NUM 300291
04/25/2016	793492	Gillig Corporation	$ 790.32	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
04/25/2016	793498	High Point Networks LLC	$ 8,094.00	6200-19110-409480	(3) 30135 WS-C35 Appliance $2698.00 each
04/25/2016	793498	High Point Networks LLC	$ 1,505.00	6200-19110-409480	(83) WS-AP3825i Dual radio 11ac indoor access point$472.00

04/25/2016	793498	High Point Networks LLC	$ 7,104.00	6200-19110-409480	(12) 31012 WS-AP3935i-Fcc Dual Ban Radio $592.00 each
04/25/2016	793498	High Point Networks LLC	$ 5,916.00	6200-19110-409480	(17) WS-AP3805l Extreme Networks Dual Radio $348.00
04/25/2016	793498	High Point Networks LLC	$ 930.00	6200-19110-409480	(3) WS-REG9P-NAM V9 Regulatory Domain Key no charge
04/25/2016	793498	High Point Networks LLC	$ 4,199.00	6200-19110-409480	(1) NMS-ADV-25 NetSight Advanced License up to 25
04/25/2016	793498	High Point Networks LLC	$ 2,723.00	6200-19110-409480	(1) 97003-S20149 NetSight Advanced Annual Support
04/25/2016	793498	High Point Networks LLC	$ 7,200.00	6200-19110-409480	(1) PROSERVE-PKG High Point Networks Professional
04/25/2016	793501	I-State Truck, Inc.	$ 85.63	5410-31220-402320	C251198187.02
04/25/2016	793501	I-State Truck, Inc.	$ 262.63	5410-31220-402320	C251198506.01
04/25/2016	793501	I-State Truck, Inc.	$ 119.11	5410-31220-402320	C251198693.01
04/25/2016	793501	I-State Truck, Inc.	$ 42.85	5410-31220-402320	C251198693.02
04/25/2016	793501	I-State Truck, Inc.	$ 27.94	5410-31220-402320	C251198693.02
04/25/2016	793501	I-State Truck, Inc.	$ 155.34	2110-31320-402320	C25119883.01
04/25/2016	793501	I-State Truck, Inc.	$ 145.64	0100-51120-402320	R251053456.01
04/25/2016	793501	I-State Truck, Inc.	$ 217.42	6010-00000-141000	C251199138.01 PO NUM 300375
04/25/2016	793501	I-State Truck, Inc.	$ 1,860.99	5410-31230-402320	C251199036.01
04/25/2016	793501	I-State Truck, Inc.	$ 137.70	5410-31230-402320	C251199036.01
04/25/2016	793501	I-State Truck, Inc.	$ 34.98	5410-31230-402320	C251199043.01
04/25/2016	793501	I-State Truck, Inc.	$ (488.75)	5410-31230-402320	C251199228.01
04/25/2016	793501	I-State Truck, Inc.	$ 282.06	2110-31320-402320	C25119911.01
04/25/2016	793501	I-State Truck, Inc.	$ 10.32	5410-31220-402320	C251199541.01
04/25/2016	793501	I-State Truck, Inc.	$ 41.42	5410-31220-402320	C251199669.01
04/25/2016	793503	Inland Truck Parts Co	$ 41.56	5410-31220-402320	35173
04/25/2016	793503	Inland Truck Parts Co	$ 1,557.34	0100-51120-402320	35407
04/25/2016	793503	Inland Truck Parts Co	$ 55.65	0100-51120-402320	35407
04/25/2016	793503	Inland Truck Parts Co	$ 715.00	5410-31220-402320	35408
04/25/2016	793503	Inland Truck Parts Co	$ 84.65	5410-31220-402320	35408
04/25/2016	793503	Inland Truck Parts Co	$ 285.27	5410-31220-402320	35420
04/25/2016	793503	Inland Truck Parts Co	$ (375.00)	0100-51120-402320	35576
04/25/2016	793503	Inland Truck Parts Co	$ 715.00	5410-31220-402320	1-35666
04/25/2016	793503	Inland Truck Parts Co	$ 84.65	5410-31220-402320	1-35666
04/25/2016	793503	Inland Truck Parts Co	$ 1,736.74	5410-31220-402320	35543
04/25/2016	793503	Inland Truck Parts Co	$ 198.07	2110-31320-402320	35634
04/25/2016	793506	Interstate Power Systems, Inc.	$ 481.20	5410-31220-402320	R007036821.01
04/25/2016	793506	Interstate Power Systems, Inc.	$ 5,310.30	1500-22260-402320	R007036907.01
04/25/2016	793506	Interstate Power Systems, Inc.	$ 4,064.01	5410-31220-402320	R007036936.01
04/25/2016	793506	Interstate Power Systems, Inc.	$ 1,171.85	1500-22260-402320	C007038821.01
04/25/2016	793506	Interstate Power Systems, Inc.	$ (162.00)	1500-22260-402320	C007038835.01
04/25/2016	793506	Interstate Power Systems, Inc.	$ 369.92	6010-00000-141000	C007038738.01 PO NUM 300307
04/25/2016	793507	J & J Concrete Inc.	$ 31,265.70	2050-31310-409310	WO 15-04 2015 ADA Ramps
04/25/2016	793507	J & J Concrete Inc.	$ 17,631.04	8450-31860-409310	WO 15-04 2015 ADA Ramps
04/25/2016	793507	J & J Concrete Inc.	$ 2,563.30	2050-31310-409310	WO 15-04 2015 ADA Ramps; CO#1 04/11/2016
04/25/2016	793510	Kadrmas Lee & Jackson	$ 317.22	5030-75910-409340	SID 1382 Colton Boulevard

04/25/2016	793510	Kadrmas Lee & Jackson	$ 3,815.92	2050-31310-409310	SID 1382 Colton Boulevard
04/25/2016	793510	Kadrmas Lee & Jackson	$ 19,139.80	4710-31610-409310	SID 1382 Colton Boulevard; CO#1 03/28/16
04/25/2016	793510	Kadrmas Lee & Jackson	$ 2,824.99	8400-31840-409310	SID 1382 Colton Boulevard; CO#1 03/28/16
04/25/2016	793515	Knife River (JTL Group Inc.)	$ 507.50	2110-31320-404190	concrete at Ryan ave
04/25/2016	793515	Knife River (JTL Group Inc.)	$ 1,199.88	2110-31320-404710	asphalt
04/25/2016	793515	Knife River (JTL Group Inc.)	$ 1,208.41	2110-31320-404710	asphalt
04/25/2016	793522	Mailing Technical Services	$ 99.12	5210-15210-403110	parking - special inserts only
04/25/2016	793522	Mailing Technical Services	$ 793.74	0100-15120-403110	Finance
04/25/2016	793522	Mailing Technical Services	$ 4,301.41	6050-15150-403110	Postage Fund (weekly bills)
04/25/2016	793529	Missoula Police Dept	$ 22,052.09	2520-21490-407860	Shermer Wages & Fringe for January - March, 2016
04/25/2016	793530	Montana Dakota Utilities Co	$ 29.25	2910-66980-407275	FORECLOSURE PROGRAM - 619 Custer Act #083 487 0466
04/25/2016	793530	Montana Dakota Utilities Co	$ 13.34	1500-21150-403410	062 907 9494 7
04/25/2016	793530	Montana Dakota Utilities Co	$ 259.44	1500-22210-403440	533 653 1000 1
04/25/2016	793530	Montana Dakota Utilities Co	$ 13.34	5210-15920-403440	717 353 1000 6
04/25/2016	793530	Montana Dakota Utilities Co	$ 30.58	5120-85000-403440	735 453 1000 2
04/25/2016	793530	Montana Dakota Utilities Co	$ 613.98	1500-21710-403440	169 233 1000 3
04/25/2016	793530	Montana Dakota Utilities Co	$ 1,123.40	2600-55120-403440	219 924 4851 0
04/25/2016	793530	Montana Dakota Utilities Co	$ 757.19	5610-71130-403440	285 580 1000 6
04/25/2016	793530	Montana Dakota Utilities Co	$ 3,093.30	5120-84000-403440	293 780 1000 2
04/25/2016	793530	Montana Dakota Utilities Co	$ 6,186.59	5120-84000-403440	293 780 1000 2
04/25/2016	793530	Montana Dakota Utilities Co	$ 3,093.30	5120-84000-403440	293 780 1000 2
04/25/2016	793530	Montana Dakota Utilities Co	$ 10.55	5020-74000-403440	373 580 1000 9
04/25/2016	793530	Montana Dakota Utilities Co	$ 10.56	5020-74000-403440	373 580 1000 9
04/25/2016	793530	Montana Dakota Utilities Co	$ 119.54	0100-51270-403440	437 780 1000 9
04/25/2016	793530	Montana Dakota Utilities Co	$ 45.06	0100-51120-403410	501 473 1000 2
04/25/2016	793530	Montana Dakota Utilities Co	$ 43.74	1500-21150-403410	514 117 0478 9
04/25/2016	793530	Montana Dakota Utilities Co	$ 37.71	5020-74000-403440	541 380 1000 1
04/25/2016	793530	Montana Dakota Utilities Co	$ 58.12	6600-31100-403440	595 373 1000 1
04/25/2016	793530	Montana Dakota Utilities Co	$ 87.17	6700-31410-403440	595 373 1000 1
04/25/2016	793530	Montana Dakota Utilities Co	$ 3,665.18	5610-71120-403440	595 580 1000 1
04/25/2016	793530	Montana Dakota Utilities Co	$ 27.72	5120-85000-403440	596 733 1000 5
04/25/2016	793530	Montana Dakota Utilities Co	$ 654.79	5610-71170-403440	706 580 1000 7
04/25/2016	793530	Montana Dakota Utilities Co	$ 62.33	5210-15950-403440	799 152 1209 0
04/25/2016	793530	Montana Dakota Utilities Co	$ 13.34	5610-71170-403440	806 580 1000 6
04/25/2016	793530	Montana Dakota Utilities Co	$ 295.34	1500-22210-403440	885 880 1000 4
04/25/2016	793530	Montana Dakota Utilities Co	$ 26.68	5020-74000-403440	921 580 1000 6
04/25/2016	793530	Montana Dakota Utilities Co	$ 1,592.61	6500-15670-403440	929 780 1000 4
04/25/2016	793530	Montana Dakota Utilities Co	$ 29.27	5120-85000-403440	955 043 1000 4
04/25/2016	793530	Montana Dakota Utilities Co	$ 934.68	5710-71430-403440	962 880 1000 0
04/25/2016	793530	Montana Dakota Utilities Co	$ 32.05	5120-85000-403440	lift station #1 2750 bitterroot dr unit # 2
04/25/2016	793536	Napa Auto Parts	$ 116.80	2110-31320-402320	722184
04/25/2016	793536	Napa Auto Parts	$ 68.88	0100-51120-402320	722561

04/25/2016	793536	Napa Auto Parts	$	66.72	1500-22260-402320	722936
04/25/2016	793536	Napa Auto Parts	$	68.57	0100-51120-402320	722992
04/25/2016	793536	Napa Auto Parts	$	(68.57)	0100-51120-402320	723179
04/25/2016	793536	Napa Auto Parts	$	(28.66)	1500-22260-402320	723179
04/25/2016	793536	Napa Auto Parts	$	99.90	1500-21120-402320	763595
04/25/2016	793536	Napa Auto Parts	$	99.90	2110-31320-402320	763595
04/25/2016	793536	Napa Auto Parts	$	99.90	5410-31220-402320	763595
04/25/2016	793536	Napa Auto Parts	$	299.70	6010-15530-402650	763595
04/25/2016	793536	Napa Auto Parts	$	26.12	1500-21120-402320	724776
04/25/2016	793536	Napa Auto Parts	$	4.89	5410-31220-402320	724777
04/25/2016	793536	Napa Auto Parts	$	40.56	6010-15530-402650	724828
04/25/2016	793536	Napa Auto Parts	$	69.99	1500-22260-402320	724833
04/25/2016	793536	Napa Auto Parts	$	36.66	6010-15530-402650	724839
04/25/2016	793536	Napa Auto Parts	$	21.79	2110-31320-402320	725051
04/25/2016	793536	Napa Auto Parts	$	162.24	6010-00000-141000	724828 PO NUM 300453
04/25/2016	793536	Napa Auto Parts	$	42.00	6010-00000-141000	724933 PO NUM 300453
04/25/2016	793536	Napa Auto Parts	$	251.92	6010-00000-141000	725280 PO NUM 300453
04/25/2016	793536	Napa Auto Parts	$	6.24	6010-00000-141000	722387 PO NUM 300414
04/25/2016	793536	Napa Auto Parts	$	126.83	6010-00000-141000	722927 PO NUM 300414
04/25/2016	793536	Napa Auto Parts	$	124.38	6010-00000-141000	723150 PO NUM 300414
04/25/2016	793536	Napa Auto Parts	$	150.88	6010-00000-141000	724542 PO NUM 300414
04/25/2016	793536	Napa Auto Parts	$	12.33	5710-71440-402320	Oil & oil filter for Husqvarna lawn tractor
04/25/2016	793536	Napa Auto Parts	$	2.76	5210-15230-402320	722137
04/25/2016	793536	Napa Auto Parts	$	7.96	6010-15530-402650	722333
04/25/2016	793536	Napa Auto Parts	$	4.56	6010-15530-402650	722387
04/25/2016	793536	Napa Auto Parts	$	9.53	0100-51120-402320	722454
04/25/2016	793536	Napa Auto Parts	$	34.08	5410-31220-402320	722745
04/25/2016	793536	Napa Auto Parts	$	51.99	6010-15530-402650	722853
04/25/2016	793536	Napa Auto Parts	$	73.93	1500-22260-402320	722930
04/25/2016	793536	Napa Auto Parts	$	13.87	2110-31320-402320	722941
04/25/2016	793536	Napa Auto Parts	$	62.59	0100-51120-402320	723091
04/25/2016	793536	Napa Auto Parts	$	(6.53)	5020-74000-402320	723180
04/25/2016	793536	Napa Auto Parts	$	(14.88)	5410-31220-402320	723180
04/25/2016	793536	Napa Auto Parts	$	14.37	2110-31320-402320	723405
04/25/2016	793536	Napa Auto Parts	$	295.11	1500-22260-402320	724542
04/25/2016	793536	Napa Auto Parts	$	4.92	6010-15530-402650	724572
04/25/2016	793536	Napa Auto Parts	$	54.63	6010-15530-402410	724618
04/25/2016	793536	Napa Auto Parts	$	4.37	1500-22260-402320	724656
04/25/2016	793536	Napa Auto Parts	$	60.32	1500-22260-402320	724658
04/25/2016	793536	Napa Auto Parts	$	188.94	6010-00000-141000	718414 PO NUM 300320
04/25/2016	793536	Napa Auto Parts	$	464.60	6010-00000-141000	718795 PO NUM 300320
04/25/2016	793536	Napa Auto Parts	$	136.80	6010-00000-141000	719234 PO NUM 300320

04/25/2016	793536	Napa Auto Parts	$	62.19	6010-00000-141000	719518 PO NUM 300320
04/25/2016	793536	Napa Auto Parts	$	3.96	6010-00000-141000	720995 PO NUM 300320
04/25/2016	793536	Napa Auto Parts	$	4.35	2110-31320-402320	717194
04/25/2016	793536	Napa Auto Parts	$	278.79	0100-43210-402320	718223
04/25/2016	793536	Napa Auto Parts	$	30.41	5410-31220-402320	718465
04/25/2016	793536	Napa Auto Parts	$	44.96	6500-15660-402320	718570
04/25/2016	793536	Napa Auto Parts	$	44.96	5020-75000-402320	718934
04/25/2016	793536	Napa Auto Parts	$	365.48	5020-75000-402320	719062
04/25/2016	793536	Napa Auto Parts	$	110.97	5020-74000-402320	719067
04/25/2016	793536	Napa Auto Parts	$	10.17	5020-74000-402320	719224
04/25/2016	793536	Napa Auto Parts	$	3.26	6500-15660-402320	719592
04/25/2016	793536	Napa Auto Parts	$	59.99	1500-21720-402320	720382
04/25/2016	793536	Napa Auto Parts	$	105.68	0100-51120-402320	720777
04/25/2016	793536	Napa Auto Parts	$	10.28	5410-31230-402320	720785
04/25/2016	793536	Napa Auto Parts	$	3.98	5410-31220-402320	720836
04/25/2016	793536	Napa Auto Parts	$	184.11	5410-31220-402320	720884
04/25/2016	793536	Napa Auto Parts	$	2.52	5410-31220-402320	720940
04/25/2016	793536	Napa Auto Parts	$	26.16	5410-31230-402320	720995
04/25/2016	793536	Napa Auto Parts	$	42.90	1500-22260-402320	721235
04/25/2016	793536	Napa Auto Parts	$	5.50	2110-31320-402320	721242
04/25/2016	793536	Napa Auto Parts	$	5.50	5410-31220-402320	721242
04/25/2016	793536	Napa Auto Parts	$	68.40	1500-22260-402320	721578
04/25/2016	793536	Napa Auto Parts	$	16.54	2110-31320-402320	760992
04/25/2016	793542	NorthWestern Energy	$	12,122.97	2110-31320-403410	Signal Bills March 2016
04/25/2016	793542	NorthWestern Energy	$	505.48	8100-31830-403410	SILMD 008 ACCT# 0712544-6
04/25/2016	793542	NorthWestern Energy	$	516.35	8100-31830-403410	SILMD 009 ACCT# 0712545-3
04/25/2016	793542	NorthWestern Energy	$	1,424.50	8100-31830-403410	SILMD 010 ACCT# 0712546-1
04/25/2016	793542	NorthWestern Energy	$	4,375.32	8100-31830-403410	SILMD 013 ACCT# 0721276-4
04/25/2016	793542	NorthWestern Energy	$	2,144.09	8100-31830-403410	SILMD 014 ACCT# 0721277-2
04/25/2016	793542	NorthWestern Energy	$	1,232.77	8100-31830-403410	SILMD 017 ACCT# 0712553-7
04/25/2016	793542	NorthWestern Energy	$	92.88	8100-31830-403410	SILMD 018 ACCT# 0712554-5
04/25/2016	793542	NorthWestern Energy	$	482.89	8100-31830-403410	SILMD 095 ACCT# 0712556-0
04/25/2016	793542	NorthWestern Energy	$	13,485.01	8100-31830-403410	SILMD 097 ACCT# 0712557-8
04/25/2016	793542	NorthWestern Energy	$	1,659.42	8100-31830-403410	SILMD 099 ACCT# 0712558-6
04/25/2016	793542	NorthWestern Energy	$	2,704.05	8100-31830-403410	SILMD 100 ACCT# 0712559-4
04/25/2016	793542	NorthWestern Energy	$	1,734.99	8100-31830-403410	SILMD 107 ACCT# 0712560-2
04/25/2016	793542	NorthWestern Energy	$	4,351.24	8100-31830-403410	SILMD 109 ACCT# 0712561-0
04/25/2016	793542	NorthWestern Energy	$	190.78	8100-31830-403410	SILMD 113 ACCT# 0712562-8
04/25/2016	793542	NorthWestern Energy	$	936.34	8100-31830-403410	SILMD 114 ACCT# 0712563-6
04/25/2016	793542	NorthWestern Energy	$	220.33	8100-31830-403410	SILMD 115 ACCT# 0712564-4
04/25/2016	793542	NorthWestern Energy	$	578.34	8100-31830-403410	SILMD 116 ACCT# 0712565-1
04/25/2016	793542	NorthWestern Energy	$	3,199.68	8100-31830-403410	SILMD 117 ACCT# 0712566-9

04/25/2016	793542	NorthWestern Energy	$	234.83	8100-31830-403410	SILMD 118 ACCT# 0712567-7
04/25/2016	793542	NorthWestern Energy	$	155.99	8100-31830-403410	SILMD 119 ACCT# 0712568-5
04/25/2016	793542	NorthWestern Energy	$	2,478.56	8100-31830-403410	SILMD 121 ACCT# 0712570-1
04/25/2016	793542	NorthWestern Energy	$	188.81	8100-31830-403410	SILMD 122 ACCT# 0712571-9
04/25/2016	793542	NorthWestern Energy	$	330.47	8100-31830-403410	SILMD 123 ACCT# 0712572-7
04/25/2016	793542	NorthWestern Energy	$	843.02	8100-31830-403410	SILMD 124 ACCT# 0712573-5
04/25/2016	793542	NorthWestern Energy	$	385.55	8100-31830-403410	SILMD 125 ACCT# 0712574-3
04/25/2016	793542	NorthWestern Energy	$	192.78	8100-31830-403410	SILMD 126 ACCT# 0712575-0
04/25/2016	793542	NorthWestern Energy	$	708.00	8100-31830-403410	SILMD 127 ACCT# 0712576-8
04/25/2016	793542	NorthWestern Energy	$	495.60	8100-31830-403410	SILMD 128 ACCT# 0712577-6
04/25/2016	793542	NorthWestern Energy	$	330.47	8100-31830-403410	SILMD 129 ACCT# 0712578-4
04/25/2016	793542	NorthWestern Energy	$	126.00	8100-31830-403410	SILMD 130 ACCT# 0712579-2
04/25/2016	793542	NorthWestern Energy	$	853.74	8100-31830-403410	SILMD 131 ACCT# 0712580-0
04/25/2016	793542	NorthWestern Energy	$	233.99	8100-31830-403410	SILMD 133 ACCT# 0712581-8
04/25/2016	793542	NorthWestern Energy	$	539.98	8100-31830-403410	SILMD 134 ACCT# 0712582-6
04/25/2016	793542	NorthWestern Energy	$	519.19	8100-31830-403410	SILMD 135 ACCT# 0712583-4
04/25/2016	793542	NorthWestern Energy	$	468.16	8100-31830-403410	SILMD 136 ACCT# 0712584-2
04/25/2016	793542	NorthWestern Energy	$	379.32	8100-31830-403410	SILMD 137 ACCT# 0712585-9
04/25/2016	793542	NorthWestern Energy	$	743.57	8100-31830-403410	SILMD 138 ACCT# 0712586-7
04/25/2016	793542	NorthWestern Energy	$	247.86	8100-31830-403410	SILMD 139 ACCT# 0712587-5
04/25/2016	793542	NorthWestern Energy	$	576.03	8100-31830-403410	SILMD 143 ACCT# 0712588-3
04/25/2016	793542	NorthWestern Energy	$	27.43	8100-31830-403410	SILMD 144 ACCT# 0712589-1
04/25/2016	793542	NorthWestern Energy	$	471.99	8100-31830-403410	SILMD 145 ACCT# 0712590-9
04/25/2016	793542	NorthWestern Energy	$	358.01	8100-31830-403410	SILMD 146 ACCT# 0712591-7
04/25/2016	793542	NorthWestern Energy	$	468.62	8100-31830-403410	SILMD 147 ACCT# 0712592-5
04/25/2016	793542	NorthWestern Energy	$	1,551.35	8100-31830-403410	SILMD 149 ACCT# 0712593-3
04/25/2016	793542	NorthWestern Energy	$	755.18	8100-31830-403410	SILMD 150 ACCT# 0712594-1
04/25/2016	793542	NorthWestern Energy	$	633.41	8100-31830-403410	SILMD 151 ACCT# 0712595-8
04/25/2016	793542	NorthWestern Energy	$	4,313.02	8100-31830-403410	SILMD 152 ACCT# 0712596-6
04/25/2016	793542	NorthWestern Energy	$	542.79	8100-31830-403410	SILMD 153 ACCT# 0712597-4
04/25/2016	793542	NorthWestern Energy	$	1,227.18	8100-31830-403410	SILMD 154 ACCT# 0712598-2
04/25/2016	793542	NorthWestern Energy	$	495.71	8100-31830-403410	SILMD 155 ACCT# 0712599-0
04/25/2016	793542	NorthWestern Energy	$	920.39	8100-31830-403410	SILMD 157 ACCT# 0712600-6
04/25/2016	793542	NorthWestern Energy	$	798.64	8100-31830-403410	SILMD 158 ACCT# 0712601-4
04/25/2016	793542	NorthWestern Energy	$	1,108.12	8100-31830-403410	SILMD 159 ACCT# 0712602-2
04/25/2016	793542	NorthWestern Energy	$	716.02	8100-31830-403410	SILMD 160 ACCT# 0712603-0
04/25/2016	793542	NorthWestern Energy	$	1,061.97	8100-31830-403410	SILMD 161 ACCT# 0712604-8
04/25/2016	793542	NorthWestern Energy	$	62.16	8100-31830-403410	SILMD 162 ACCT# 0712605-5
04/25/2016	793542	NorthWestern Energy	$	698.10	8100-31830-403410	SILMD 163 ACCT# 0712606-3
04/25/2016	793542	NorthWestern Energy	$	377.58	8100-31830-403410	SILMD 164 ACCT# 0712607-1
04/25/2016	793542	NorthWestern Energy	$	881.26	8100-31830-403410	SILMD 165 ACCT# 0712608-9
04/25/2016	793542	NorthWestern Energy	$	236.00	8100-31830-403410	SILMD 167 ACCT# 0712609-7

04/25/2016	793542	NorthWestern Energy	$	566.39	8100-31830-403410	SILMD 171 ACCT# 0712610-5
04/25/2016	793542	NorthWestern Energy	$	15.09	8100-31830-403410	SILMD 238 ACCT# 0712672-5
04/25/2016	793542	NorthWestern Energy	$	94.40	8100-31830-403410	SILMD 239 ACCT# 0712673-3
04/25/2016	793542	NorthWestern Energy	$	405.34	8100-31830-403410	SILMD 240 ACCT# 0712674-1
04/25/2016	793542	NorthWestern Energy	$	624.07	8100-31830-403410	SILMD 241 ACCT# 0712675-8
04/25/2016	793542	NorthWestern Energy	$	82.62	8100-31830-403410	SILMD 242 ACCT# 0712676-6
04/25/2016	793542	NorthWestern Energy	$	110.16	8100-31830-403410	SILMD 244 ACCT# 0712677-4
04/25/2016	793542	NorthWestern Energy	$	87.43	8100-31830-403410	SILMD 245 ACCT# 0712678-2
04/25/2016	793542	NorthWestern Energy	$	330.47	8100-31830-403410	SILMD 246 ACCT# 0712679-0
04/25/2016	793542	NorthWestern Energy	$	1,177.39	8100-31830-403410	SILMD 247 ACCT# 0712680-8
04/25/2016	793542	NorthWestern Energy	$	2,491.78	8100-31830-403410	SILMD 248 ACCT# 0712681-6
04/25/2016	793542	NorthWestern Energy	$	2,726.42	8100-31830-403410	SILMD 249 ACCT# 0718734-7
04/25/2016	793542	NorthWestern Energy	$	231.95	8100-31830-403410	SILMD 250 ACCT# 0719001-0
04/25/2016	793542	NorthWestern Energy	$	3,921.86	8100-31830-403410	SILMD 251 ACCT# 0718801-4
04/25/2016	793542	NorthWestern Energy	$	550.79	8100-31830-403410	SILMD 252 ACCT# 0719162-0
04/25/2016	793542	NorthWestern Energy	$	1,944.47	8100-31830-403410	SILMD 253 ACCT# 0719644-7
04/25/2016	793542	NorthWestern Energy	$	152.30	8100-31830-403410	SILMD 254 ACCT# 0719763-5
04/25/2016	793542	NorthWestern Energy	$	163.73	8100-31830-403410	SILMD 255 ACCT# 0720813-5
04/25/2016	793542	NorthWestern Energy	$	889.76	8100-31830-403410	SILMD 257 ACCT# 0720360-7
04/25/2016	793542	NorthWestern Energy	$	2,610.62	8100-31830-403410	SILMD 258 ACCT# 0720606-3
04/25/2016	793542	NorthWestern Energy	$	26.10	8100-31830-403410	SILMD 259 ACCT# 1301786-8
04/25/2016	793542	NorthWestern Energy	$	1,382.87	8100-31830-403410	SILMD 259 ACCT# 0720810-1
04/25/2016	793542	NorthWestern Energy	$	495.71	8100-31830-403410	SILMD 261 ACCT# 0720705-3
04/25/2016	793542	NorthWestern Energy	$	3,133.45	8100-31830-403410	SILMD 262 ACCT# 0720937-2
04/25/2016	793542	NorthWestern Energy	$	988.13	8100-31830-403410	SILMD 263 ACCT# 0720716-0
04/25/2016	793542	NorthWestern Energy	$	166.13	8100-31830-403410	SILMD 264 ACCT# 0721427-3
04/25/2016	793542	NorthWestern Energy	$	347.10	8100-31830-403410	SILMD 265 ACCT# 0721556-9
04/25/2016	793542	NorthWestern Energy	$	48.03	8100-31830-403410	SILMD 266 ACCT# 0721684-9
04/25/2016	793542	NorthWestern Energy	$	78.82	8100-31830-403410	SILMD 269 ACCT# 0833098-7
04/25/2016	793542	NorthWestern Energy	$	443.15	8100-31830-403410	SILMD 270 ACCT# 0906944-4
04/25/2016	793542	NorthWestern Energy	$	1,002.23	8100-31830-403410	SILMD 271 ACCT# 0995095-7
04/25/2016	793542	NorthWestern Energy	$	2,789.46	8100-31830-403410	SILMD 272 ACCT# 0905005-5
04/25/2016	793542	NorthWestern Energy	$	200.39	8100-31830-403410	SILMD 273 ACCT# 0926386-4
04/25/2016	793542	NorthWestern Energy	$	67.56	8100-31830-403410	SILMD 274 ACCT# 0907926-0
04/25/2016	793542	NorthWestern Energy	$	487.51	8100-31830-403410	SILMD 276 ACCT# 0961926-3
04/25/2016	793542	NorthWestern Energy	$	818.19	8100-31830-403410	SILMD 277 ACCT# 1058710-3
04/25/2016	793542	NorthWestern Energy	$	213.92	8100-31830-403410	SILMD 278 ACCT# 1087619-1
04/25/2016	793542	NorthWestern Energy	$	61.47	8100-31830-403410	SILMD 279 ACCT# 1124127-0
04/25/2016	793542	NorthWestern Energy	$	700.85	8100-31830-403410	SILMD 280 ACCT# 1045653-1
04/25/2016	793542	NorthWestern Energy	$	67.56	8100-31830-403410	SILMD 281 ACCT# 1079722-3
04/25/2016	793542	NorthWestern Energy	$	383.00	8100-31830-403410	SILMD 283 ACCT# 1172743-5
04/25/2016	793542	NorthWestern Energy	$	339.09	8100-31830-403410	SILMD 285 ACCT# 1206985-2

04/25/2016	793542	NorthWestern Energy	$	235.85	8100-31830-403410	SILMD 286 ACCT# 1296582-8
04/25/2016	793542	NorthWestern Energy	$	130.19	8100-31830-403410	SILMD 287 ACCT# 1246537-3
04/25/2016	793542	NorthWestern Energy	$	1,770.19	8100-31830-403410	SILMD 288 ACCT# 1303978-9
04/25/2016	793542	NorthWestern Energy	$	225.84	8100-31830-403410	SILMD 289 ACCT# 1685375-6
04/25/2016	793542	NorthWestern Energy	$	136.59	8100-31830-403410	SILMD 290 ACCT# 1433921-2
04/25/2016	793542	NorthWestern Energy	$	605.87	8100-31830-403410	SILMD 292 ACCT# 1481532-8
04/25/2016	793542	NorthWestern Energy	$	236.00	8100-31830-403410	SILMD 293 ACCT# 1481534-4
04/25/2016	793542	NorthWestern Energy	$	471.99	8100-31830-403410	SILMD 294 ACCT# 1481535-1
04/25/2016	793542	NorthWestern Energy	$	110.16	8100-31830-403410	SILMD 295 ACCT# 1481536-9
04/25/2016	793542	NorthWestern Energy	$	1,250.78	8100-31830-403410	SILMD 296 ACCT# 1481537-7
04/25/2016	793542	NorthWestern Energy	$	212.40	8100-31830-403410	SILMD 297 ACCT# 1481539-3
04/25/2016	793542	NorthWestern Energy	$	188.81	8100-31830-403410	SILMD 298 ACCT# 1481540-1
04/25/2016	793542	NorthWestern Energy	$	400.07	8100-31830-403410	SILMD 300 ACCT# 1662840-6
04/25/2016	793542	NorthWestern Energy	$	1,979.99	8100-31830-403410	SILMD 301 ACCT# 1687005-7
04/25/2016	793542	NorthWestern Energy	$	284.73	8100-31830-403410	SILMD 302 ACCT# 1607534-3
04/25/2016	793542	NorthWestern Energy	$	878.86	8100-31830-403410	SILMD 305 ACCT# 1695873-8
04/25/2016	793542	NorthWestern Energy	$	284.18	8100-31830-403410	SILMD 306 ACCT# 1740353-6
04/25/2016	793542	NorthWestern Energy	$	2,851.18	8100-31830-403410	SILMD 307 ACCT# 2049005-8
04/25/2016	793542	NorthWestern Energy	$	262.04	8100-31830-403410	SILMD 308 ACCT# 2072459-7
04/25/2016	793542	NorthWestern Energy	$	358.71	8100-31830-403410	SILMD 309 ACCT# 2001311-6
04/25/2016	793542	NorthWestern Energy	$	262.23	8100-31830-403410	SILMD 310 ACCT# 2060519-2
04/25/2016	793542	NorthWestern Energy	$	268.08	8100-31830-403410	SILMD 311 ACCT# 3014475-2
04/25/2016	793542	NorthWestern Energy	$	252.73	8100-31830-403410	SILMD 312 ACCT# 3146127-0
04/25/2016	793542	NorthWestern Energy	$	760.97	8100-31830-403410	SILMD 316 Acct# 3291842-7
04/25/2016	793542	NorthWestern Energy	$	88.53	8100-31830-403410	SILMD 317 Acct# 3253826-6
04/25/2016	793542	NorthWestern Energy	$	55.60	8100-31830-403410	SILMD 320 Acct# 0712569-3
04/25/2016	793542	NorthWestern Energy	$	540.00	8100-31830-403410	SILMD 172 ACCT# 0712611-3
04/25/2016	793542	NorthWestern Energy	$	1,179.98	8100-31830-403410	SILMD 173 ACCT# 0712612-1
04/25/2016	793542	NorthWestern Energy	$	991.17	8100-31830-403410	SILMD 174 ACCT# 0712613-9
04/25/2016	793542	NorthWestern Energy	$	330.39	8100-31830-403410	SILMD 175 ACCT# 0712614-7
04/25/2016	793542	NorthWestern Energy	$	44.40	8100-31830-403410	SILMD 176 ACCT# 0712615-4
04/25/2016	793542	NorthWestern Energy	$	259.60	8100-31830-403410	SILMD 178 ACCT# 0712616-2
04/25/2016	793542	NorthWestern Energy	$	401.19	8100-31830-403410	SILMD 237 ACCT# 0712671-7
04/25/2016	793542	NorthWestern Energy	$	578.34	8100-31830-403410	SILMD 231 ACCT# 0712665-9
04/25/2016	793542	NorthWestern Energy	$	2,506.09	8100-31830-403410	SILMD 232 ACCT# 0712666-7
04/25/2016	793542	NorthWestern Energy	$	842.18	8100-31830-403410	SILMD 233 ACCT# 0712667-5
04/25/2016	793542	NorthWestern Energy	$	497.42	8100-31830-403410	SILMD 234 ACCT# 0712668-3
04/25/2016	793542	NorthWestern Energy	$	531.20	8100-31830-403410	SILMD 235 ACCT# 0712669-1
04/25/2016	793542	NorthWestern Energy	$	168.89	8100-31830-403410	SILMD 236 ACCT# 0712670-9
04/25/2016	793542	NorthWestern Energy	$	391.56	8100-31830-403410	SILMD 225 ACCT# 0712659-2
04/25/2016	793542	NorthWestern Energy	$	310.51	8100-31830-403410	SILMD 226 ACCT# 0712660-0
04/25/2016	793542	NorthWestern Energy	$	628.10	8100-31830-403410	SILMD 227 ACCT# 0712661-8

04/25/2016	793542	NorthWestern Energy	$	798.64	8100-31830-403410	SILMD 228 ACCT# 0712662-6
04/25/2016	793542	NorthWestern Energy	$	413.10	8100-31830-403410	SILMD 229 ACCT# 0712663-4
04/25/2016	793542	NorthWestern Energy	$	963.88	8100-31830-403410	SILMD 230 ACCT# 0712664-2
04/25/2016	793542	NorthWestern Energy	$	401.87	8100-31830-403410	SILMD 217 ACCT# 0712653-5
04/25/2016	793542	NorthWestern Energy	$	261.64	8100-31830-403410	SILMD 220 ACCT# 0712654-3
04/25/2016	793542	NorthWestern Energy	$	8.88	8100-31830-403410	SILMD 221 ACCT# 0712655-0
04/25/2016	793542	NorthWestern Energy	$	76.13	8100-31830-403410	SILMD 222 ACCT# 0712656-8
04/25/2016	793542	NorthWestern Energy	$	115.43	8100-31830-403410	SILMD 223 ACCT# 0712657-6
04/25/2016	793542	NorthWestern Energy	$	1,867.01	8100-31830-403410	SILMD 224 ACCT# 0712658-4
04/25/2016	793542	NorthWestern Energy	$	86.57	8100-31830-403410	SILMD 210 ACCT# 0712647-7
04/25/2016	793542	NorthWestern Energy	$	48.10	8100-31830-403410	SILMD 211 ACCT# 0712648-5
04/25/2016	793542	NorthWestern Energy	$	48.10	8100-31830-403410	SILMD 212 ACCT# 0712649-3
04/25/2016	793542	NorthWestern Energy	$	28.86	8100-31830-403410	SILMD 213 ACCT# 0712650-1
04/25/2016	793542	NorthWestern Energy	$	477.22	8100-31830-403410	SILMD 214 ACCT# 0712651-9
04/25/2016	793542	NorthWestern Energy	$	141.60	8100-31830-403410	SILMD 216 ACCT# 0712652-7
04/25/2016	793542	NorthWestern Energy	$	405.78	8100-31830-403410	SILMD 204 ACCT# 0712641-0
04/25/2016	793542	NorthWestern Energy	$	35.52	8100-31830-403410	SILMD 205 ACCT# 0712642-8
04/25/2016	793542	NorthWestern Energy	$	330.39	8100-31830-403410	SILMD 206 ACCT# 0712643-6
04/25/2016	793542	NorthWestern Energy	$	377.58	8100-31830-403410	SILMD 207 ACCT# 0712644-4
04/25/2016	793542	NorthWestern Energy	$	272.13	8100-31830-403410	SILMD 208 ACCT# 0712645-1
04/25/2016	793542	NorthWestern Energy	$	542.79	8100-31830-403410	SILMD 209 ACCT# 0712646-9
04/25/2016	793542	NorthWestern Energy	$	72.15	8100-31830-403410	SILMD 197 ACCT# 0712635-2
04/25/2016	793542	NorthWestern Energy	$	118.00	8100-31830-403410	SILMD 198 ACCT# 0712636-0
04/25/2016	793542	NorthWestern Energy	$	94.87	8100-31830-403410	SILMD 200 ACCT# 0712637-8
04/25/2016	793542	NorthWestern Energy	$	495.60	8100-31830-403410	SILMD 201 ACCT# 0712638-6
04/25/2016	793542	NorthWestern Energy	$	831.95	8100-31830-403410	SILMD 202 INV# 0712639-4
04/25/2016	793542	NorthWestern Energy	$	19.24	8100-31830-403410	SILMD 203 ACCT# 0712640-2
04/25/2016	793542	NorthWestern Energy	$	421.68	8100-31830-403410	SILMD 191 ACCT# 0712629-5
04/25/2016	793542	NorthWestern Energy	$	306.79	8100-31830-403410	SILMD 192 ACCT# 0712630-3
04/25/2016	793542	NorthWestern Energy	$	755.18	8100-31830-403410	SILMD 193 ACCT# 0712631-1
04/25/2016	793542	NorthWestern Energy	$	270.23	8100-31830-403410	SILMD 194 ACCT# 0712632-9
04/25/2016	793542	NorthWestern Energy	$	225.17	8100-31830-403410	SILMD 195 ACCT# 0712633-7
04/25/2016	793542	NorthWestern Energy	$	72.15	8100-31830-403410	SILMD 196 ACCT# 0712634-5
04/25/2016	793542	NorthWestern Energy	$	141.60	8100-31830-403410	SILMD 185 ACCT# 0712623-8
04/25/2016	793542	NorthWestern Energy	$	653.03	8100-31830-403410	SILMD 186 ACCT# 0712624-6
04/25/2016	793542	NorthWestern Energy	$	236.00	8100-31830-403410	SILMD 187 ACCT# 0712625-3
04/25/2016	793542	NorthWestern Energy	$	283.19	8100-31830-403410	SILMD 188 ACCT# 0712626-1
04/25/2016	793542	NorthWestern Energy	$	236.00	8100-31830-403410	SILMD 189 ACCT# 0712627-9
04/25/2016	793542	NorthWestern Energy	$	1,227.18	8100-31830-403410	SILMD 190 ACCT# 0712628-7
04/25/2016	793542	NorthWestern Energy	$	519.19	8100-31830-403410	SILMD 179 ACCT# 0712617-0
04/25/2016	793542	NorthWestern Energy	$	354.00	8100-31830-403410	SILMD 180 ACCT# 0712618-8
04/25/2016	793542	NorthWestern Energy	$	1,679.91	8100-31830-403410	SILMD 181 ACCT# 0712619-6

04/25/2016	793542	NorthWestern Energy	$	589.99	8100-31830-403410	SILMD 182 ACCT# 0712620-4
04/25/2016	793542	NorthWestern Energy	$	1,179.99	8100-31830-403410	SILMD 183 ACCT# 0712621-2
04/25/2016	793542	NorthWestern Energy	$	377.58	8100-31830-403410	SILMD 184 ACCT# 0712622-0
04/25/2016	793543	NorthWestern Energy	$	228.70	6070-22350-403410	0721580-9
04/25/2016	793543	NorthWestern Energy	$	15.98	0100-51120-403410	0722237-5
04/25/2016	793543	NorthWestern Energy	$	7.55	0100-51120-403410	0722247-4
04/25/2016	793543	NorthWestern Energy	$	95.65	0100-51120-403410	0722255-7
04/25/2016	793543	NorthWestern Energy	$	107.68	0100-51120-403410	0722266-4
04/25/2016	793543	NorthWestern Energy	$	12.24	0100-51120-403410	0722269-8
04/25/2016	793543	NorthWestern Energy	$	12.36	0100-51120-403410	0722292-0
04/25/2016	793543	NorthWestern Energy	$	38.31	0100-51120-403410	0722293-8
04/25/2016	793543	NorthWestern Energy	$	11.28	0100-51120-403410	0722905-7
04/25/2016	793543	NorthWestern Energy	$	42.45	0100-51120-403410	0722933-9
04/25/2016	793543	NorthWestern Energy	$	107.57	0100-51120-403410	0723035-2
04/25/2016	793543	NorthWestern Energy	$	9.00	0100-51120-403410	0723036-0
04/25/2016	793543	NorthWestern Energy	$	195.88	0100-51120-403410	0723037-8
04/25/2016	793543	NorthWestern Energy	$	51.36	0100-51120-403410	0723042-8
04/25/2016	793543	NorthWestern Energy	$	53.36	0100-51120-403410	0723054-3
04/25/2016	793543	NorthWestern Energy	$	20.18	0100-51120-403410	0723055-0
04/25/2016	793543	NorthWestern Energy	$	51.10	0100-51120-403410	0723056-8
04/25/2016	793543	NorthWestern Energy	$	11.39	0100-51120-403410	0723057-6
04/25/2016	793543	NorthWestern Energy	$	21.50	0100-51120-403410	0723058-4
04/25/2016	793543	NorthWestern Energy	$	7.55	0100-51120-403410	0723162-4
04/25/2016	793543	NorthWestern Energy	$	15.79	0100-51120-403410	0723170-7
04/25/2016	793543	NorthWestern Energy	$	7.55	0100-51120-403410	0723644-1
04/25/2016	793543	NorthWestern Energy	$	7.55	0100-51120-403410	0723645-8
04/25/2016	793543	NorthWestern Energy	$	26.22	0100-51120-403410	0789437-1
04/25/2016	793543	NorthWestern Energy	$	348.38	6600-31100-403410	1741314-7
04/25/2016	793543	NorthWestern Energy	$	522.57	6700-31410-403410	1741314-7
04/25/2016	793543	NorthWestern Energy	$	-	0100-51120-403410	0723044-4
04/25/2016	793543	NorthWestern Energy	$	65,294.94	5120-84000-403410	725 us hwy 87 e
04/25/2016	793543	NorthWestern Energy	$	639.08	5020-74000-403410	Airport Road waldo
04/25/2016	793543	NorthWestern Energy	$	44.67	0100-51270-403410	0712387-0
04/25/2016	793543	NorthWestern Energy	$	214.74	0100-51220-403410	0712536-2
04/25/2016	793543	NorthWestern Energy	$	36.91	0100-51220-403410	0720818-4
04/25/2016	793543	NorthWestern Energy	$	74.26	0100-51260-403410	0720821-8
04/25/2016	793543	NorthWestern Energy	$	2,491.51	5020-74000-403410	0722264-9
04/25/2016	793543	NorthWestern Energy	$	9.40	0100-51120-403410	0722287-0
04/25/2016	793543	NorthWestern Energy	$	3,833.62	5020-74000-403410	0723040-2
04/25/2016	793543	NorthWestern Energy	$	57.49	0100-51120-403410	0723045-1
04/25/2016	793543	NorthWestern Energy	$	11.53	5020-74000-403410	0723059-2
04/25/2016	793543	NorthWestern Energy	$	716.66	1500-22210-403410	0871546-8

04/25/2016	793543	NorthWestern Energy	$ 236.77	0100-51120-403410	0925496-2
04/25/2016	793543	NorthWestern Energy	$ 504.20	6500-15660-403410	0975808-7
04/25/2016	793543	NorthWestern Energy	$ 660.50	5020-74000-403410	1116452-2
04/25/2016	793543	NorthWestern Energy	$ 860.28	6500-15660-403410	1160802-3
04/25/2016	793543	NorthWestern Energy	$ 2,529.72	6500-15660-403410	1160804-9
04/25/2016	793543	NorthWestern Energy	$ 2,912.67	6500-15660-403410	1269391-7
04/25/2016	793543	NorthWestern Energy	$ 0.21	2110-31320-403410	1740357-7
04/25/2016	793543	NorthWestern Energy	$ 941.08	5410-31230-403410	3252194-0
04/25/2016	793543	NorthWestern Energy	$ 3,450.47	5710-71430-403410	Electricity at Metroplex from 2/25/16 to 3/28/2016
04/25/2016	793543	NorthWestern Energy	$ 72.66	0100-51120-403410	Electrical charges for Pioneer tennis courts.
04/25/2016	793543	NorthWestern Energy	$ 81.66	5610-71130-403410	3085107-5. New Employee Parking. April 2016
04/25/2016	793543	NorthWestern Energy	$ 3,065.91	5610-71130-403410	0100483-7. Runway Lights. April 2016
04/25/2016	793543	NorthWestern Energy	$ 1,770.22	5610-71130-403410	0100484-5. ARFF Facility. April 2016
04/25/2016	793543	NorthWestern Energy	$ 39.56	5610-71130-403410	1647695-4. De Icer. April 2016
04/25/2016	793543	NorthWestern Energy	$ 79.30	5610-71170-403410	1138926-9. Aero Interiors. April 2016
04/25/2016	793543	NorthWestern Energy	$ 737.42	5610-71170-403410	1669567-8. TSA Building. April 2016
04/25/2016	793543	NorthWestern Energy	$ 1,618.26	5610-71190-403410	1993430-6. QTA Car Wash. April 2016
04/25/2016	793543	NorthWestern Energy	$ 556.16	5610-71190-403410	2001846-1. QTA Mud Wash. April 2016
04/25/2016	793543	NorthWestern Energy	$ 313.66	5610-71190-403410	2001848-7. Detail Bay 1 Hertz. April 2016
04/25/2016	793543	NorthWestern Energy	$ 320.16	5610-71190-403410	2001855-2. Detail Bay 2 National/Alamo. April 2016
04/25/2016	793543	NorthWestern Energy	$ 203.65	5610-71190-403410	2001862-8. Detail Bay 3 Enterprise. April 2016
04/25/2016	793543	NorthWestern Energy	$ 182.70	5610-71190-403410	2001865-1. Detail Bay 4 Avis Budget. April 2016
04/25/2016	793543	NorthWestern Energy	$ 200.39	5610-71190-403410	2001867-7. Detail Bay 5 Thrifty/Dollar. April 2016
04/25/2016	793544	Operational Resources International Inc	$ 3,299.00	1500-21150-403870	Billings Police Department XTK Grid Aim Kit. Please Ship to
04/25/2016	793551	Portable Computer Systems, Inc.	$ 9,629.79	7180-21600-409480	(3) SB84CDDAEHKX S400 G3
04/25/2016	793551	Portable Computer Systems, Inc.	$ 735.00	7180-21600-409480	(3) GE-SVSREXT1Y Extended Warranty
04/25/2016	793551	Portable Computer Systems, Inc.	$ 290.22	7180-21600-409480	(3) GAD3L1 Lind 12-16V DC Vehicle Adapter/Charger
04/25/2016	793551	Portable Computer Systems, Inc.	$ 81.00	7180-21600-409480	(3) GMPFX3 S400 Screen Protection Film
04/25/2016	793556	Qwest Communications	$ 53.40	2250-22320-403450	Qwest 406-245-2296 911 Qwest
04/25/2016	793556	Qwest Communications	$ 45.65	2250-22320-403450	Qwest 406-245-3107 911 Qwest
04/25/2016	793556	Qwest Communications	$ 45.65	2250-22320-403450	Qwest 406-245-3108 911 Qwest
04/25/2016	793556	Qwest Communications	$ 39.44	5020-74000-403450	Qwest 406-245-3659 PUD Alarm Water Tower
04/25/2016	793556	Qwest Communications	$ 45.66	5610-71150-403450	Qwest 406-245-5834 Airport Alarm
04/25/2016	793556	Qwest Communications	$ 119.32	1500-22250-403450	Qwest 406-245-7469 Fire
04/25/2016	793556	Qwest Communications	$ 33.33	2400-43010-407214	Qwest 406-656-9578 Planning Traffic Central Broadwater
04/25/2016	793556	Qwest Communications	$ 33.33	2400-43010-407214	Qwest 406-656-9604 Planning Traffic Central 9th
04/25/2016	793556	Qwest Communications	$ 54.65	5610-71170-403450	Qwest 406-256-6014 Airport P9 Building
04/25/2016	793556	Qwest Communications	$ 311.26	2250-22320-403450	Qwest 406-245-7101 9-1-1 Center Landfill #2
04/25/2016	793556	Qwest Communications	$ 311.26	2250-22320-403450	Qwest 406-245-7102 9-1-1 Center Fox Reservoir #2
04/25/2016	793556	Qwest Communications	$ 49.31	5410-31230-403450	Qwest 406-256-7001 Solid Waste Scale House 5410 31230
04/25/2016	793556	Qwest Communications	$ 33.36	5120-85000-403450	Qwest 406-259-2328 PUD Sahara Sand Lift Station
04/25/2016	793556	Qwest Communications	$ 49.34	2110-31320-403450	Qwest 406-259-3298 PW Traffic 3728 McDougall

04/25/2016	793556	Qwest Communications	$	57.85	6600-31100-403450	Qwest 406-259-7758 Measured Lines Depot 60% 6700 31410
04/25/2016	793556	Qwest Communications	$	86.77	6700-31410-403450	Qwest 406-259-7758 Measured Lines Depot 60% 6700 31410
04/25/2016	793556	Qwest Communications	$	118.32	1500-22250-403450	Qwest 406-373-3742 Fire RR Crossing Alarm
04/25/2016	793556	Qwest Communications	$	47.95	2250-22320-403450	Qwest 406-651-0282 Fire 5 911 Line
04/25/2016	793556	Qwest Communications	$	45.66	1500-21110-403450	Qwest 406-245-7481 Police
04/25/2016	793556	Qwest Communications	$	228.20	6060-19310-403450	Qwest 406-248-3049 Main System T1 City/County Tie
04/25/2016	793556	Qwest Communications	$	311.26	6070-22350-403450	Qwest 406-248-3635 Fire Airport Radio Tower WCK
04/25/2016	793556	Qwest Communications	$	311.26	6070-22350-403450	Qwest 406-248-3636 Fire Airport Radio Tower Jellison
04/25/2016	793556	Qwest Communications	$	51.58	6010-15500-403450	Qwest 406-256-5047 Motor Pool
04/25/2016	793556	Qwest Communications	$	49.99	5610-71140-403450	Qwest 406-256-7070 Airport
04/25/2016	793560	Rimrock Tire Inc	$	1,386.90	1500-22260-402320	5-GS99048
04/25/2016	793560	Rimrock Tire Inc	$	28.95	2110-31320-402320	5-99139
04/25/2016	793560	Rimrock Tire Inc	$	1,376.45	2110-31320-402320	5-99152
04/25/2016	793560	Rimrock Tire Inc	$	86.85	2110-31320-402320	5-99186
04/25/2016	793560	Rimrock Tire Inc	$	45.00	2110-31320-402390	replaced tire we borrowed from Parks dept on grounds
04/25/2016	793560	Rimrock Tire Inc	$	2,170.62	1500-22260-402320	5-GS98714
04/25/2016	793560	Rimrock Tire Inc	$	1,516.78	1500-22260-402320	5-GS98716
04/25/2016	793560	Rimrock Tire Inc	$	17.95	2110-31320-402320	5-98668
04/25/2016	793560	Rimrock Tire Inc	$	28.95	2110-31320-402320	5-98733
04/25/2016	793560	Rimrock Tire Inc	$	395.44	1500-22260-402320	5-98806
04/25/2016	793560	Rimrock Tire Inc	$	28.95	2110-31320-402320	5-98865
04/25/2016	793560	Rimrock Tire Inc	$	293.52	1500-21120-402320	5-GS98981
04/25/2016	793560	Rimrock Tire Inc	$	502.76	2110-31320-402320	5-GS98997
04/25/2016	793560	Rimrock Tire Inc	$	599.56	1500-21720-402320	5-GS99020
04/25/2016	793560	Rimrock Tire Inc	$	48.00	2110-31320-402320	5-98870
04/25/2016	793560	Rimrock Tire Inc	$	17.95	2110-31320-402320	5-98925
04/25/2016	793560	Rimrock Tire Inc	$	28.95	2110-31320-402320	5-98989
04/25/2016	793560	Rimrock Tire Inc	$	17.95	2110-31320-402320	5-98942
04/25/2016	793560	Rimrock Tire Inc	$	44.95	2110-31320-402320	5-98974
04/25/2016	793560	Rimrock Tire Inc	$	57.90	2110-31320-402320	5-98693
04/25/2016	793561	River Ridge Landscape Co	$	3,800.00	2110-31320-403660	Alkali Creek Signs
04/25/2016	793568	Sanderson Stewart	$	3,720.00	2400-43010-407214	Rimrocks to Valley Bike and Pedestrian Feasibility Study
04/25/2016	793568	Sanderson Stewart	$	1,985.10	2120-43700-409390	Medicine Crow CTEP project
04/25/2016	793573	Securitas Security Services USA, Inc	$	1,088.33	5210-15910-403970	Security Patrol in City owned Parking Garages I, II, III. 3/1/16 -
04/25/2016	793573	Securitas Security Services USA, Inc	$	1,088.34	5210-15920-403970	Security Patrol in City owned Parking Garages I, II, III. 3/1/16 -
04/25/2016	793573	Securitas Security Services USA, Inc	$	1,088.33	5210-15930-403970	Security Patrol in City owned Parking Garages I, II, III. 3/1/16 -
04/25/2016	793577	Shiptons Big R, Inc.	$	2,519.00	1500-21130-401127	Physical Fitness Inventive - Yeti Rambler 20
04/25/2016	793590	Titan Machinery Inc	$	405.02	2110-31320-402320	7473958
04/25/2016	793590	Titan Machinery Inc	$	190.89	2110-31320-402320	7473958
04/25/2016	793590	Titan Machinery Inc	$	1,186.12	2110-31320-402320	7473959
04/25/2016	793590	Titan Machinery Inc	$	190.87	2110-31320-402320	7473959
04/25/2016	793590	Titan Machinery Inc	$	405.34	2110-31320-402320	7546572

04/25/2016	793590	Titan Machinery Inc	$	31.33	2110-31320-402320	7546572
04/25/2016	793590	Titan Machinery Inc	$	988.77	2110-31320-402320	7546583
04/25/2016	793590	Titan Machinery Inc	$	31.33	2110-31320-402320	7546583
04/25/2016	793590	Titan Machinery Inc	$	616.51	2110-31320-402320	7551438
04/25/2016	793590	Titan Machinery Inc	$	95.80	2110-31320-402320	7551438
04/25/2016	793590	Titan Machinery Inc	$	418.08	6010-00000-141000	7502311 PO NUM 300415
04/25/2016	793593	Town & Country Supply Association	$	7,644.00	5710-00000-141000	BUS MET PO NUM 300395
04/25/2016	793593	Town & Country Supply Association	$	12,759.02	6010-00000-141000	220649 PO NUM 300448
04/25/2016	793593	Town & Country Supply Association	$	14,489.05	5610-71180-402313	Invoice #220252. QTA Car Rental Fuel
04/25/2016	793593	Town & Country Supply Association	$	734.14	1500-22260-402310	220461 FIRE1: UNLEADED DELIVERED 4/18/2016
04/25/2016	793593	Town & Country Supply Association	$	459.91	1500-22260-402310	220461 FIRE1: DIESEL DELIVERED 4/18/2016
04/25/2016	793593	Town & Country Supply Association	$	230.59	1500-22260-402310	220461 FIRE3: DIESEL DELIVERED 4/18/2016
04/25/2016	793593	Town & Country Supply Association	$	439.31	1500-22260-402310	220461 FIRE5: UNLEADED DELIVERED 4/18/2016
04/25/2016	793593	Town & Country Supply Association	$	522.34	1500-22260-402310	220461 FIRE5: DIESEL DELIVERED 4/18/2016
04/25/2016	793593	Town & Country Supply Association	$	317.23	1500-22260-402310	220461 FIRE6: DIESEL DELIVERED 4/18/2016
04/25/2016	793593	Town & Country Supply Association	$	9,677.01	6010-00000-141000	219589 PO NUM 300356
04/25/2016	793593	Town & Country Supply Association	$	4,877.20	6010-00000-141000	219523 PO NUM 300357
04/25/2016	793593	Town & Country Supply Association	$	3,121.08	5710-00000-141000	BUS MET PO NUM 300302
04/25/2016	793593	Town & Country Supply Association	$	7,615.27	5710-00000-141000	BUS MET PO NUM 300293
04/25/2016	793595	Tractor & Equipment Co.	$	62.37	2110-31320-402320	BLCS0620764
04/25/2016	793595	Tractor & Equipment Co.	$	1,235.85	2110-31320-402320	BLW00166094
04/25/2016	793595	Tractor & Equipment Co.	$	581.36	5410-31230-402320	BLW00166376
04/25/2016	793595	Tractor & Equipment Co.	$	892.74	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	1,294.48	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	447.44	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	200.76	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	1,162.57	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	8.96	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	1,208.61	5410-31230-402320	Parts for Landfill Equipment
04/25/2016	793595	Tractor & Equipment Co.	$	403.03	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793595	Tractor & Equipment Co.	$	1,118.60	5410-31230-402320	Parts for Landfill Equipment
04/25/2016	793595	Tractor & Equipment Co.	$	467.49	5410-31230-402320	Parts for Landfill equipment
04/25/2016	793599	Utilities Underground Location Ctr	$	520.06	2110-31320-402360	excavation
04/25/2016	793599	Utilities Underground Location Ctr	$	520.06	2110-31320-403590	excavation
04/25/2016	793599	Utilities Underground Location Ctr	$	312.04	5020-75000-403590	excavation
04/25/2016	793599	Utilities Underground Location Ctr	$	208.03	5120-85000-403590	excavation
04/25/2016	793599	Utilities Underground Location Ctr	$	520.06	8400-31840-403590	excavation
04/25/2016	793599	Utilities Underground Location Ctr	$	275.14	2110-31320-402360	excavations
04/25/2016	793599	Utilities Underground Location Ctr	$	275.14	2110-31320-403590	excavations
04/25/2016	793599	Utilities Underground Location Ctr	$	165.09	5020-75000-403590	excavations
04/25/2016	793599	Utilities Underground Location Ctr	$	110.06	5120-85000-403590	excavations
04/25/2016	793599	Utilities Underground Location Ctr	$	275.14	8400-31840-403590	excavations

04/25/2016	793602	Verizon Wireless	$ 200.05	1500-21700-403450	Animal Shelter MDT
04/25/2016	793602	Verizon Wireless	$ 688.73	7170-21660-403450	CCSIU Cell/PTT
04/25/2016	793602	Verizon Wireless	$ 40.01	7170-21660-403450	CCSIU Air Card
04/25/2016	793602	Verizon Wireless	$ 80.02	7170-21660-403450	CCSIU RAVEN
04/25/2016	793602	Verizon Wireless	$ 80.02	0100-43210-403450	Code Enforcement Air Cards
04/25/2016	793602	Verizon Wireless	$ 40.01	1500-22210-403450	Fire MiFi 406-839-3253
04/25/2016	793602	Verizon Wireless	$ 40.01	2510-21870-403450	POLICE-Forensics Tim West 406-794-4826 2510-21870-
04/25/2016	793602	Verizon Wireless	$ 40.01	2200-22330-402410	FIRE HAZMAT LAPTOP 406-591-5883 2200-22330-402410
04/25/2016	793602	Verizon Wireless	$ 52.93	0100-51210-403450	PRPL-REC Batting Cages 406-696-1528 0100-51210-403450
04/25/2016	793602	Verizon Wireless	$ 192.04	5020-75000-403450	PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450
04/25/2016	793602	Verizon Wireless	$ 128.04	5120-85000-403450	PW-DIS-COLL CITYWORKS 60%/40% 5020-75000-403450
04/25/2016	793602	Verizon Wireless	$ 80.02	1500-21110-403450	POLICE IPAD ST JOHN 406-690-5955 POLICE IPAD
04/25/2016	793602	Verizon Wireless	$ 240.06	2110-31320-403450	PW-STREETS CITY WORKS 2110-31320-403450
04/25/2016	793602	Verizon Wireless	$ 40.01	5210-15210-403450	PARKING 406-690-5822 5210-15210-403450
04/25/2016	793602	Verizon Wireless	$ 280.07	5020-73120-403450	PWBLNP COMM-METER CityWorks/Neptune 5020-73120-
04/25/2016	793602	Verizon Wireless	$ 192.05	5120-85000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-
04/25/2016	793602	Verizon Wireless	$ 140.06	6700-31410-403450	PW Engineering
04/25/2016	793602	Verizon Wireless	$ 70.03	2110-31320-403450	PW-Streets 406-697-0361 iPad 406-633-1991 iPad
04/25/2016	793602	Verizon Wireless	$ 18.02	5020-75000-403450	PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450 40%
04/25/2016	793602	Verizon Wireless	$ 12.00	5120-85000-403450	PWBELKNAP-AIR 60% 40% 60% 5020-75000-403450 40%
04/25/2016	793602	Verizon Wireless	$ 120.03	7170-21660-403450	CCSIU MDT
04/25/2016	793602	Verizon Wireless	$ 40.01	1500-21110-403450	Police ICAC 406-690-7347
04/25/2016	793602	Verizon Wireless	$ 40.01	1500-21110-403450	Police MiFi 406-633-0820
04/25/2016	793602	Verizon Wireless	$ 40.01	1500-21110-403450	Police US Marshall Toughbooks
04/25/2016	793602	Verizon Wireless	$ 40.01	0100-51120-403450	PRPL-PARKS PMD Air Card 406-794-6977
04/25/2016	793602	Verizon Wireless	$ 240.06	2090-44510-403450	PW-Building Air Cards
04/25/2016	793602	Verizon Wireless	$ 288.07	5020-75000-403450	PW-Distribution Collection Tablets 60%/40% 60% 5020-
04/25/2016	793602	Verizon Wireless	$ 40.01	2200-22330-402410	Fire HAZMAT MDT 406-670-1284
04/25/2016	793602	Verizon Wireless	$ 880.24	1500-22210-403450	Fire MDT
04/25/2016	793602	Verizon Wireless	$ 40.01	6200-19110-403450	ITD
04/25/2016	793602	Verizon Wireless	$ 80.02	2600-55170-403450	Library Outreach Air Cards
04/25/2016	793602	Verizon Wireless	$ 3,999.82	1500-21110-403450	Police MDT Toughbooks
04/25/2016	793602	Verizon Wireless	$ 470.28	5710-71470-403160	MET Transit Tablets
04/25/2016	793603	Verizon Wireless	$ 535.81	5610-71100-403450	Airport
04/25/2016	793603	Verizon Wireless	$ 445.88	1500-21700-403450	Animal Shelter
04/25/2016	793603	Verizon Wireless	$ 186.80	7170-21660-403450	CCSIU
04/25/2016	793603	Verizon Wireless	$ 120.04	0100-16110-403450	Legal
04/25/2016	793603	Verizon Wireless	$ 58.47	1500-22250-403450	Comm Center 911
04/25/2016	793603	Verizon Wireless	$ 72.40	6500-15650-403450	Facilites BOC Plus 70% of 406-672-3027
04/25/2016	793603	Verizon Wireless	$ 90.58	6500-15670-403450	Facilities City Hall Plus 30% of 406-672-3027
04/25/2016	793603	Verizon Wireless	$ 79.29	0100-15120-403450	Finance Pat Weber
04/25/2016	793603	Verizon Wireless	$ 919.21	1500-22210-403450	Fire Department

04/25/2016	793603	Verizon Wireless	$	97.06	0100-17500-403450	Human Resources
04/25/2016	793603	Verizon Wireless	$	13.22	6200-19110-403450	ITD
04/25/2016	793603	Verizon Wireless	$	13.86	2600-55170-403450	Library Outreach
04/25/2016	793603	Verizon Wireless	$	413.15	2600-55120-403450	Library
04/25/2016	793603	Verizon Wireless	$	42.95	0100-11000-403450	Mayor
04/25/2016	793603	Verizon Wireless	$	56.16	6010-15500-403450	Motor Pool
04/25/2016	793603	Verizon Wireless	$	192.91	0100-12200-403450	Drug Court
04/25/2016	793603	Verizon Wireless	$	87.24	0100-12120-403450	Municipal Court Judge
04/25/2016	793603	Verizon Wireless	$	13.22	2400-43010-403450	Planning
04/25/2016	793603	Verizon Wireless	$	3,613.59	1500-21110-403450	Police
04/25/2016	793603	Verizon Wireless	$	126.88	2510-21870-403450	Police Forensic 406-794-6880 406-698-7323
04/25/2016	793603	Verizon Wireless	$	498.88	1500-21110-403450	Police Resource Officers
04/25/2016	793603	Verizon Wireless	$	31.58	2490-21960-403450	Police DV 406-698-1391
04/25/2016	793603	Verizon Wireless	$	112.82	5210-15210-403450	Parking
04/25/2016	793603	Verizon Wireless	$	139.54	0100-51100-403450	PRPL Admin
04/25/2016	793603	Verizon Wireless	$	382.87	0100-51210-403450	PRPL Recreation
04/25/2016	793603	Verizon Wireless	$	76.72	0100-51400-403450	Cemetery
04/25/2016	793603	Verizon Wireless	$	44.08	0100-51120-403450	Parks PMD
04/25/2016	793603	Verizon Wireless	$	1,326.59	0100-51120-403450	Parks
04/25/2016	793603	Verizon Wireless	$	221.12	0100-51120-403450	Parks Irrigation
04/25/2016	793603	Verizon Wireless	$	61.87	6600-31100-403450	Public Works Admin
04/25/2016	793603	Verizon Wireless	$	238.39	2090-44510-403450	Building
04/25/2016	793603	Verizon Wireless	$	227.69	6700-31410-403450	Engineering
04/25/2016	793603	Verizon Wireless	$	113.22	5410-31210-403450	Solid Waste
04/25/2016	793603	Verizon Wireless	$	340.07	2110-31320-403450	Streets
04/25/2016	793603	Verizon Wireless	$	237.53	5410-31230-403450	Solid Waste On Call
04/25/2016	793603	Verizon Wireless	$	446.67	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution
04/25/2016	793603	Verizon Wireless	$	297.78	5120-85000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution
04/25/2016	793603	Verizon Wireless	$	788.18	5020-74000-403450	Water Treatment PWBelknap-WT
04/25/2016	793603	Verizon Wireless	$	443.62	5020-73120-403450	PWBLKNP MTRSHOP
04/25/2016	793603	Verizon Wireless	$	70.00	5020-73110-403450	Belknap Office 60% 5020-73110-403450 Belknap Office 40$
04/25/2016	793603	Verizon Wireless	$	46.67	5120-83110-403450	Belknap Office 60% 5020-73110-403450 Belknap Office 40$
04/25/2016	793603	Verizon Wireless	$	58.33	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450 PWBLKNP
04/25/2016	793603	Verizon Wireless	$	19.45	5120-83140-403450	PWBLKNP STORES 75% 5020-73140-403450 PWBLKNP
04/25/2016	793603	Verizon Wireless	$	897.46	5120-84000-403450	Wastewater Treatment Plant
04/25/2016	793603	Verizon Wireless	$	24.03	6060-19310-403450	TeleComm Manager
04/25/2016	793603	Verizon Wireless	$	92.97	5710-71420-403160	On Call MET
04/25/2016	793603	Verizon Wireless	$	107.97	5710-71410-403450	MET Transit
04/25/2016	793603	Verizon Wireless	$	97.03	0100-43210-403450	Code Enforcement
04/25/2016	793603	Verizon Wireless	$	51.81	5020-77000-403450	PWBLNP-ENVIRONMENTAL 50% 50% 5020-77000-403450
04/25/2016	793603	Verizon Wireless	$	51.82	5120-87000-403450	PWBLNP-ENVIRONMENTAL 50% 50% 5020-77000-403450
04/25/2016	793603	Verizon Wireless	$	717.90	0100-51120-403450	Parks Seasonal

04/25/2016	793603	Verizon Wireless	$ 234.76	5020-74000-403450	PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-
04/25/2016	793603	Verizon Wireless	$ 234.76	5120-84300-403450	PWVLKNP ELECTRICIANS 50%/50% 50% 5020-74000-
04/25/2016	793611	Yellowstone Electric Co	$ 8,741.60	2250-22320-402120	REPLACED BATTERIES IN 3 UPS SYSTEM FOR 911

Consent **1. V. 3.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Payment of Claims May 2, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of $627,508.66 have been audited and are presented for City Council payment approval. A complete listing of the claims dated May 2,2016, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

councilmemo_5.2.2016

Check Date	Check	Name	Amount	Account	Item Desc
05/02/2016	793615	Ace Electric Inc	$ 4,762.84	2110-31320-403660	Inner Belt Loop Street Light Repair
05/02/2016	793633	Billings Bench Water Assn	$ 7,818.80	0100-51120-403420	Bench water assessments.
05/02/2016	793639	Bison Motor Company	$ 22,836.46	5030-74910-409440	Schedule 4 - 2016 Transit Cargo Van Trade in Unit 7055 Exterior Color - Dark Blue Interior Color - Charcoal Black
05/02/2016	793639	Bison Motor Company	$ (1,250.00)	5030-74910-409440	Schedule 4 - 2016 Transit Cargo Van Trade in Unit 7055 Exterior Color - Dark Blue Interior Color - Charcoal Black
05/02/2016	793642	Bridgestone/Firestone Inc	$ 3,224.20	5710-71440-402390	Damaged & scrap tires
05/02/2016	793653	Commercial Roofing	$ 18,865.29	5130-00000-201100	WO 15-34 WWTP Hail Damage Repairs
05/02/2016	793654	ControlSoft Inc	$ 2,250.00	5120-84300-403823	training on software PID loop and APC
05/02/2016	793654	ControlSoft Inc	$ 2,250.00	5020-74000-403823	PID loop tuning and APC training
05/02/2016	793663	Dell Computer L P	$ 1,021.40	2090-44510-402925	Dell OptiPlex 3040 Building Jessica
05/02/2016	793663	Dell Computer L P	$ 1,653.60	2090-44510-402925	Dell Mobile Precision 7710 XCTO Invoice XJX62RP74
05/02/2016	793663	Dell Computer L P	$ 44.09	2090-44510-402925	Dell External DVD Drive Invoice XJX3T2546
05/02/2016	793663	Dell Computer L P	$ 40.41	2090-44510-402925	Dell Tek Messenger Bag Invoice XJX3RX7N3
05/02/2016	793671	DOWL	$ 17,607.19	1990-15050-409340	WO 16-06 SBURD Sanitary Sewer - Phase II
05/02/2016	793672	DPS Company LLC	$ 4,850.00	5610-71120-402450	Invoice #DPS-LP2. Remove Bag Claim Planter and Repair
05/02/2016	793673	Ebms	$ 1,585.00	6270-17520-403511	May 2016 Fee Breakdown
05/02/2016	793673	Ebms	$ 25,167.50	6270-17520-403512	May 2016 Fee Breakdown
05/02/2016	793673	Ebms	$ 48,671.04	6270-17520-403515	May 2016 Fee Breakdown
05/02/2016	793673	Ebms	$ 721.00	6270-17520-403517	May 2016 Fee Breakdown
05/02/2016	793673	Ebms	$ 1,495.50	6270-17520-403519	May 2016 Fee Breakdown
05/02/2016	793673	Ebms	$ 4,025.50	6270-17520-405161	May 2016 Fee Breakdown
05/02/2016	793693	Hardrives Construction Inc	$ 65,674.33	2050-31310-409310	WO1603 2016 Overlay/Chip Seal - Contract#3 Chip Seal
05/02/2016	793697	HDR, Inc.	$ 38,812.38	5030-74910-409390	WO 15-10 WTP Chemical Building/Disinfection Improvements
05/02/2016	793700	House Of Clean	$ 4,162.01	5120-84000-402450	boiler chemical
05/02/2016	793701	Hussam Al Kadri	$ 4,300.00	9000-00000-229000	BD1236 - BID refund, Evidence CCTV System
05/02/2016	793706	Ingram Library Services Inc.	$ 55.04	2600-55190-403226	91238775
05/02/2016	793706	Ingram Library Services Inc.	$ 28.47	2600-55190-403333	91238775
05/02/2016	793706	Ingram Library Services Inc.	$ 56.84	2600-55190-403227	91665647
05/02/2016	793706	Ingram Library Services Inc.	$ 8.99	2600-55190-403226	91669146
05/02/2016	793706	Ingram Library Services Inc.	$ 59.42	2600-55190-403226	91669147
05/02/2016	793706	Ingram Library Services Inc.	$ 20.07	2600-55190-403227	91669148
05/02/2016	793706	Ingram Library Services Inc.	$ 17.08	2600-55190-403226	91669149
05/02/2016	793706	Ingram Library Services Inc.	$ 53.27	2600-55190-403227	91669149
05/02/2016	793706	Ingram Library Services Inc.	$ 52.46	2600-55190-403333	91669149
05/02/2016	793706	Ingram Library Services Inc.	$ 109.27	2600-55190-403226	91669150
05/02/2016	793706	Ingram Library Services Inc.	$ 775.27	2600-55190-403227	91669150
05/02/2016	793706	Ingram Library Services Inc.	$ 15.34	2600-55190-403227	92553525
05/02/2016	793706	Ingram Library Services Inc.	$ 16.80	2600-55190-403241	92553525
05/02/2016	793706	Ingram Library Services Inc.	$ 8.23	2600-55190-403333	92553525

05/02/2016	793706	Ingram Library Services Inc.	$	8.82	2600-55190-403333	92553526
05/02/2016	793706	Ingram Library Services Inc.	$	35.94	2600-55140-402280	92553527
05/02/2016	793706	Ingram Library Services Inc.	$	27.11	2600-55190-403227	92662504
05/02/2016	793706	Ingram Library Services Inc.	$	70.92	2600-55190-403226	92662505
05/02/2016	793706	Ingram Library Services Inc.	$	34.96	2600-55190-403227	92662505
05/02/2016	793706	Ingram Library Services Inc.	$	22.00	2600-55190-403222	92662506
05/02/2016	793706	Ingram Library Services Inc.	$	81.68	2600-55190-403226	92662506
05/02/2016	793706	Ingram Library Services Inc.	$	33.03	2600-55190-403227	92662506
05/02/2016	793706	Ingram Library Services Inc.	$	15.93	2600-55190-403226	92662507
05/02/2016	793706	Ingram Library Services Inc.	$	10.77	2600-55190-403227	92662507
05/02/2016	793706	Ingram Library Services Inc.	$	11.97	2600-55190-403227	92662508
05/02/2016	793706	Ingram Library Services Inc.	$	68.44	2600-55190-403226	92662509
05/02/2016	793706	Ingram Library Services Inc.	$	37.99	2600-55190-403241	92662510
05/02/2016	793706	Ingram Library Services Inc.	$	20.04	2600-55190-403333	92662510
05/02/2016	793706	Ingram Library Services Inc.	$	27.58	2600-55190-403227	92662511
05/02/2016	793706	Ingram Library Services Inc.	$	16.49	2600-55190-403222	92662512
05/02/2016	793706	Ingram Library Services Inc.	$	331.44	2600-55190-403226	92662512
05/02/2016	793706	Ingram Library Services Inc.	$	429.17	2600-55190-403227	92662512
05/02/2016	793706	Ingram Library Services Inc.	$	98.70	2600-55190-403241	92662512
05/02/2016	793706	Ingram Library Services Inc.	$	70.98	2600-55190-403382	92662512
05/02/2016	793706	Ingram Library Services Inc.	$	13.19	2600-55190-403227	92662513
05/02/2016	793706	Ingram Library Services Inc.	$	53.90	2600-55150-402280	92662514
05/02/2016	793706	Ingram Library Services Inc.	$	83.64	2600-55190-403226	92664165
05/02/2016	793706	Ingram Library Services Inc.	$	12.87	2600-55190-403227	92664165
05/02/2016	793706	Ingram Library Services Inc.	$	32.00	2600-55150-402280	92692375
05/02/2016	793706	Ingram Library Services Inc.	$	14.74	2600-55190-403226	92697902
05/02/2016	793706	Ingram Library Services Inc.	$	17.67	2600-55190-403227	92697902
05/02/2016	793706	Ingram Library Services Inc.	$	78.54	2600-55190-403227	92697903
05/02/2016	793706	Ingram Library Services Inc.	$	11.39	2600-55190-403226	92697904
05/02/2016	793706	Ingram Library Services Inc.	$	128.29	2600-55190-403226	92697905
05/02/2016	793706	Ingram Library Services Inc.	$	229.80	2600-55190-403227	92697905
05/02/2016	793706	Ingram Library Services Inc.	$	124.07	2600-55190-403255	92697905
05/02/2016	793706	Ingram Library Services Inc.	$	120.55	2600-55190-407930	92697905
05/02/2016	793706	Ingram Library Services Inc.	$	13.79	2600-55190-403226	92698888
05/02/2016	793706	Ingram Library Services Inc.	$	15.26	2600-55190-407930	92698888
05/02/2016	793706	Ingram Library Services Inc.	$	126.96	2600-55190-403227	92709845
05/02/2016	793706	Ingram Library Services Inc.	$	108.64	2600-55190-403333	92709845
05/02/2016	793706	Ingram Library Services Inc.	$	17.67	2600-55190-403227	92709846
05/02/2016	793706	Ingram Library Services Inc.	$	104.28	2600-55190-403227	92709847
05/02/2016	793706	Ingram Library Services Inc.	$	11.95	2600-55190-403226	92709848
05/02/2016	793706	Ingram Library Services Inc.	$	56.37	2600-55190-403227	92709848
05/02/2016	793706	Ingram Library Services Inc.	$	11.39	2600-55190-403227	92709849

05/02/2016	793706	Ingram Library Services Inc.	$ 38.47	2600-55190-403222	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 41.64	2600-55190-403226	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 171.95	2600-55190-403227	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 14.71	2600-55190-403241	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 28.54	2600-55190-403242	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 26.77	2600-55190-403255	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 361.32	2600-55190-403333	92709850
05/02/2016	793706	Ingram Library Services Inc.	$ 35.62	2600-55190-403226	92709851
05/02/2016	793706	Ingram Library Services Inc.	$ 82.16	2600-55190-403227	92709851
05/02/2016	793706	Ingram Library Services Inc.	$ 28.34	2600-55190-403241	92709851
05/02/2016	793706	Ingram Library Services Inc.	$ 8.24	2600-55190-403222	92709852
05/02/2016	793712	Jims Electric Service	$ 12,635.00	5020-74000-403660	water plant H-5 transfer pump
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 499.59	2110-31320-404710	asphalt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 837.53	2110-31320-404710	asphalt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 171.31	2110-31320-402475	fill dirt for zimmerman
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 243.76	2110-31320-402475	fill dirt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 738.10	2110-31320-404710	asphalt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 854.00	2110-31320-404710	asphalt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 495.32	2110-31320-404710	asphalt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 137.45	2110-31320-404520	3/8" chips
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 1,455.46	2110-31320-404710	asphalt
05/02/2016	793717	Knife River (JTL Group Inc.)	$ 741.76	2110-31320-404710	asphalt
05/02/2016	793720	Labor Ready Northwest, Inc.	$ 3,561.64	5410-31230-403581	Paper Pickers for the Landfill
05/02/2016	793721	Luminator Holding LP	$ 1,232.33	5710-71470-402320	AUTO &TRUCK MAINT.ITEMS
05/02/2016	793721	Luminator Holding LP	$ 158.65	5710-71470-402320	AUTO &TRUCK MAINT.ITEMS
05/02/2016	793721	Luminator Holding LP	$ 1,532.33	5710-71470-402320	AUTO &TRUCK MAINT.ITEMS
05/02/2016	793721	Luminator Holding LP	$ 257.90	5710-71470-402320	AUTO &TRUCK MAINT.ITEMS
05/02/2016	793728	Montana Dakota Utilities Co	$ 96.29	5020-74000-403440	010 490 1000 0
05/02/2016	793728	Montana Dakota Utilities Co	$ 115.32	0100-51410-403440	037 890 1000 0
05/02/2016	793728	Montana Dakota Utilities Co	$ 26.68	0100-51260-403440	061 943 1000 6
05/02/2016	793728	Montana Dakota Utilities Co	$ 21.98	5020-74000-403440	110 490 1000 9
05/02/2016	793728	Montana Dakota Utilities Co	$ 101.09	6500-15660-403440	130 733 1000 8
05/02/2016	793728	Montana Dakota Utilities Co	$ 139.52	5020-74000-403440	210 490 1000 8
05/02/2016	793728	Montana Dakota Utilities Co	$ 256.23	5020-73140-403440	310 490 1000 7
05/02/2016	793728	Montana Dakota Utilities Co	$ 85.40	5120-83140-403440	310 490 1000 7
05/02/2016	793728	Montana Dakota Utilities Co	$ 285.99	5020-73140-403440	410 490 1000 6
05/02/2016	793728	Montana Dakota Utilities Co	$ 95.32	5120-83140-403440	410 490 1000 6
05/02/2016	793728	Montana Dakota Utilities Co	$ 229.72	1500-22210-403440	442 190 1000 4
05/02/2016	793728	Montana Dakota Utilities Co	$ 1,093.13	5020-74000-403440	500 490 1000 7
05/02/2016	793728	Montana Dakota Utilities Co	$ 35.20	5020-74000-403440	510 490 1000 5
05/02/2016	793728	Montana Dakota Utilities Co	$ 15.37	5020-74000-403440	527 033 1000 4
05/02/2016	793728	Montana Dakota Utilities Co	$ 59.64	5020-74000-403440	566 923 1000 8

05/02/2016	793728	Montana Dakota Utilities Co	$ 7.19	5020-74000-403440	600 490 1000 6	
05/02/2016	793728	Montana Dakota Utilities Co	$ 7.19	5020-74000-403440	600 490 1000 6	
05/02/2016	793728	Montana Dakota Utilities Co	$ 13.34	5020-74000-403440	610 490 1000 4	
05/02/2016	793728	Montana Dakota Utilities Co	$ 18.92	5020-74000-403440	666 923 1000 7	
05/02/2016	793728	Montana Dakota Utilities Co	$ 139.03	5020-74000-403440	700 490 1000 5	
05/02/2016	793728	Montana Dakota Utilities Co	$ 1,148.03	6500-15660-403440	757 633 1000 2	
05/02/2016	793728	Montana Dakota Utilities Co	$ 223.42	5410-31230-403440	770 390 1000 2	
05/02/2016	793728	Montana Dakota Utilities Co	$ 44.00	5020-74000-403440	800 490 1000 4	
05/02/2016	793728	Montana Dakota Utilities Co	$ 28.21	5120-85000-403440	868 563 1000 7	
05/02/2016	793728	Montana Dakota Utilities Co	$ 537.01	5020-74000-403440	900 490 1000 3	
05/02/2016	793728	Montana Dakota Utilities Co	$ 50.87	0100-51410-403440	927 890 1000 3	
05/02/2016	793728	Montana Dakota Utilities Co	$ 1,591.89	6500-15660-403440	989 733 1000 0	
05/02/2016	793728	Montana Dakota Utilities Co	$ 341.96	6500-15660-403440	993 733 1000 4	
05/02/2016	793728	Montana Dakota Utilities Co	$ 55.83	0100-51120-403440	371 101 1000 6	
05/02/2016	793728	Montana Dakota Utilities Co	$ 20.41	5020-74000-403440	832 001 1000 1	
05/02/2016	793728	Montana Dakota Utilities Co	$ 35.55	5610-71170-403440	283 116 0655 3. IP-12. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 53.65	5610-71170-403440	295 580 1000 4. Aero Interiors. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 168.44	5610-71170-403440	185 580 1000 7. TSA Building. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 716.87	5610-71190-403440	889 373 1000 6. Car Wash. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 281.56	5610-71190-403440	129 573 1000 1. Mud Wash. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 45.92	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 84.18	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 54.68	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 47.45	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 41.26	5610-71190-403440	529 573 1000 7. Detail Bay 4 Thrifty/Dollar. April 2016	
05/02/2016	793728	Montana Dakota Utilities Co	$ 19.46	2910-66980-407275	FORECLOSURE PROGRAM - 3921 Chamberlain Act #115 774	
05/02/2016	793733	Montana State Fireman's Assoc	$ 3,097.18	9000-00000-209924	Payroll Summary	
05/02/2016	793735	MT Waterworks	$ 169.96	2110-31320-402380	storm sewer pipe for 1st & clark	
05/02/2016	793735	MT Waterworks	$ 1,934.14	5020-00000-141000	SYSTEMS PO NUM 300425	
05/02/2016	793735	MT Waterworks	$ 254.94	2110-31320-402380	Storm sewer pipe for 7th N & N23rd	
05/02/2016	793735	MT Waterworks	$ 1,699.60	2110-31320-402380	storm sewer pipe for 1st & clark	
05/02/2016	793739	Namen Construction	$ 3,300.00	1500-21500-403967	Repair rubber roof at the indoor shooting range located at 4810	
05/02/2016	793748	NorthWestern Energy	$ 2,778.04	1500-22210-403410	FIRE1: MONTHLY ELECTRIC SERVICE - ACCT #0100476-1	
05/02/2016	793748	NorthWestern Energy	$ 1,420.74	0100-51270-403410	Electrical charges.	
05/02/2016	793748	NorthWestern Energy	$ 1,160.04	5020-74000-403410	0722252-4	
05/02/2016	793748	NorthWestern Energy	$ 1,256.40	5020-74000-403410	0723043-6	
05/02/2016	793748	NorthWestern Energy	$ 280.03	5120-85000-403410	822 Shiloh crossing blvd lift	
05/02/2016	793748	NorthWestern Energy	$ 2,181.87	5020-74000-403410	3116 17th st w	
05/02/2016	793748	NorthWestern Energy	$ 2,181.86	5020-74000-403410	3116 17th st w	
05/02/2016	793748	NorthWestern Energy	$ 6,360.98	6500-15670-403410	0100507-3	
05/02/2016	793748	NorthWestern Energy	$ 449.10	1500-22210-403410	0712537-0	
05/02/2016	793748	NorthWestern Energy	$ 98.36	0100-51220-403410	0712683-2	

05/02/2016	793748	NorthWestern Energy	$	25.46	5710-71480-403410	0712764-0
05/02/2016	793748	NorthWestern Energy	$	437.67	5210-15950-403410	0720829-1
05/02/2016	793748	NorthWestern Energy	$	2,485.52	5210-15920-403410	0720834-1
05/02/2016	793748	NorthWestern Energy	$	380.08	1500-22210-403410	0720840-8
05/02/2016	793748	NorthWestern Energy	$	39.62	0100-51120-403410	0722257-3
05/02/2016	793748	NorthWestern Energy	$	9.40	0100-51120-403410	0723090-7
05/02/2016	793748	NorthWestern Energy	$	7.55	0100-51120-403410	0831702-6
05/02/2016	793748	NorthWestern Energy	$	144.20	8720-51980-403410	1059093-3
05/02/2016	793748	NorthWestern Energy	$	1,609.27	5210-15910-403410	1569636-2
05/02/2016	793748	NorthWestern Energy	$	1,111.43	5210-15920-403410	1594282-4
05/02/2016	793748	NorthWestern Energy	$	0.44	2110-31320-403410	1748896-6
05/02/2016	793748	NorthWestern Energy	$	219.78	5710-71480-403410	1784756-7
05/02/2016	793748	NorthWestern Energy	$	39.80	0100-51120-403410	1836666-6
05/02/2016	793748	NorthWestern Energy	$	370.89	1500-21150-403410	1984150-1
05/02/2016	793748	NorthWestern Energy	$	233.25	1500-21150-403410	1984155-0
05/02/2016	793748	NorthWestern Energy	$	1,804.74	5210-15940-403410	3067416-2
05/02/2016	793748	NorthWestern Energy	$	117.95	5210-15950-403410	3279035-4
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0722260-7
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0722261-5
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0722262-3
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0722265-6
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0722268-0
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0723027-9
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0723038-6
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0723051-9
05/02/2016	793748	NorthWestern Energy	$	-	0100-51120-403410	0723052-7
05/02/2016	793748	NorthWestern Energy	$	2,555.70	5020-73140-403410	2251 Belknap
05/02/2016	793748	NorthWestern Energy	$	13,630.44	5020-74000-403410	2251 Belknap
05/02/2016	793748	NorthWestern Energy	$	51,114.14	5020-74000-403410	2251 Belknap
05/02/2016	793748	NorthWestern Energy	$	851.90	5120-83140-403410	2251 Belknap
05/02/2016	793749	Old Town Works	$	45,000.00	2030-15130-407968	TIF grant for Price Motors Building restoration
05/02/2016	793756	Proforce Law Enforcement	$	5,707.66	1500-21400-402270	Item 2200006, TRJ MRO 1X25 RED DOT 2 MOA BLK
05/02/2016	793765	Sanderson Stewart	$	15,467.62	5030-75910-409340	WO 16-01 2016 Water/Sewer Replc; Sch 3 17th St Wtr
05/02/2016	793767	Security Management Systems Inc	$	9,798.50	9000-00000-229000	BD1235 BID refund - Evidence CCTV System
05/02/2016	793777	Stericycle Inc	$	3,846.00	5410-31230-403590	Hazardous waster remvoal
05/02/2016	793783	Town & Country Supply Association	$	8,768.85	5610-71130-402310	Invoice #219555. Fuel for Operations
05/02/2016	793783	Town & Country Supply Association	$	5,104.40	6010-00000-141000	220468 PO NUM 300464
05/02/2016	793783	Town & Country Supply Association	$	11,736.40	6010-00000-141000	220657 PO NUM 300465
05/02/2016	793786	Ugrin, Alexander, Zadick,& Higgins	$	7,691.85	0100-16110-403560	Dec. 31, 2015 Statement No. 24404, Sutherland v. City, Wage
05/02/2016	793791	Whelen Engineering Co	$	11,691.55	2500-21380-402481	IB8DEDE, Liberty II LED lightbar, WC version 50"
05/02/2016	793791	Whelen Engineering Co	$	798.00	2500-21380-402481	INV1B, ION V-Series 180 degr4ee LED ligthhead, blue
05/02/2016	793791	Whelen Engineering Co	$	798.00	2500-21380-402481	INV1R, ION V-Series 180 degree LED lighthead, red

05/02/2016	793791	Whelen Engineering Co	$	225.00	2500-21380-402481	3SR0CDRR, 3" red nighttime illumination light
05/02/2016	793796	Yellowstone County Sheriffs Office	$	6,239.46	2550-21440-407910	Purchase of Evidence/Information. Receipts on File at the
05/02/2016	793796	Yellowstone County Sheriffs Office	$	6,039.14	2550-21440-401220	Overtime.

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Public Hearing and Approval of MET Transit Route & Schedule Changes and Fare Increases

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Transit

PROBLEM/ISSUE STATEMENT

In January 2016, MET Transit's planning consultant, LSC Transportation Consultants, Inc., completed the August 2015 Route and Schedule Analysis' final report. From the report, MET staff determined that service modifications were needed to increase ridership while enhancing services. Staff completed an in-house comprehensive operational review and found areas for improvement that could be implemented by first eliminating routes providing unproductive service and reallocating those resources to enhance the overall system.

Staff reviewed current and projected ridership, as well as operational and financial data, and shared their findings at the April 4, 2016 City Council work session, two Aviation and Transit Commission meetings, the Metropolitan Planning Organization's (MPO) Transit Advisory Committee (TAC) meeting, four public community meetings, and two Driver meetings. Public "Take One" notifications announcing the meetings, route modifications, and fare adjustments were posted on all buses and distributed throughout the City. This information was also posted on MET's Website and social media pages.

Staff has now completed their analysis and recommends four unproductive routes be eliminated with those resources reallocated for enhancements to other bus routes, the addition of two new routes, and minor service and schedule adjustments on other routes. Staff believes the recommended route and schedule adjustments (Attachment A) will enhance the overall ridership and productivity of MET.

As part of the financial review, MET compared its fare structure to peer transit systems in the Mid West and Western regions of the nation. This comparison led to recommendations to increase MET Transit's one-way cash fares and monthly bus pass fares. Additionally, staff recommends adding a new fare media, a "One Day" pass, to its category of passes. The "One Day" pass would have unlimited rides for the day of purchase. After these proposed fare increases (Attachment B), the Billings transit fares will continue to be lower than the average fares of the peer transit agencies surveyed. The monthly bus pass rates will still offer a significant value to our core customers. During the March and April 2016 presentations, a four-year phased-in approach regarding fare increases was presented at all meetings. A very small number of public comments were made regarding the fare adjustments and service modifications.

In order to establish new fares and to implement the new proposed routes, a public hearing with an approved resolution is required (Attachment C). Notices were published in the *Billings Times* on April 21, April 28, and May 5, 2016 advertising the public hearing to be held on May 23, 2016.

ALTERNATIVES ANALYZED

City Council may:

- Approve the proposed MET route changes, the addition of the new "One Day" pass, and a resolution authorizing the new fares through 2020; or
- Disapprove the proposed MET route changes, the addition of the new "One Day" pass, and a resolution authorizing the the new fares.

FINANCIAL IMPACT

Met Transit receives funding through a local transit mill levy, Federal and State grants, and fares. The proposed route and schedule changes are anticipated to be cost neutral or to provide a small operational savings. Staff estimates that the recommended fare increases will generate, accumulatively over the four year period (2017-2020 fiscal years), approximately $712,000. This figure is based on fiscal year 2016 pass sales and fare collections. These revenues will help offset potential higher fuel costs and wage increases, and provide local match funds for replacement bus and van purchases.

RECOMMENDATION

Staff recommends that following the public hearing, Council approve the recommended route and schedule changes to be implemented on August 1, 2016, as well as a resolution authorizing the four-year gradual fare increases to be implemented on Friday, July 1, 2016 through fiscal year 2020.

APPROVED BY CITY ADMINISTRATOR

Attachments

Attachments A, B & C

ATTACHMENT A

RECOMMENDED ROUTE AND SHCEDULE CHANGES

Proposed Route Changes

- Route 2P – eliminate due to low ridership
- Route 4P – eliminate due to low ridership
- Route 6P – eliminate due to low ridership
- Route 8P – eliminate due to low ridership

Reallocate the eliminated route miles & service hours in an effort to enhance services on the following routes:

- **Route 5 Grand** – realign service to Shiloh Rd.
- **Route 7 Broadwater** – realign service to Shiloh Rd. via Broadwater Ave. and Monad Rd. (instead of traveling on Central Ave.). Departing the Downtown Transit Center, travel on 1st Ave. N instead of 3rd Ave. N. to better serve several human service organizations
- **Route 10 Southside** - Realign & extend service by an hour in the midday as well as add earlier service to align with MET's other all day routes. On the outbound route, travel on King Ave onto 20th St. W., left on Lampman Dr. (to better serve COR and other businesses along Lampman Dr.), right on Rosebud Drive to regular route.
- **Route 13 Westend** – Realign to serve the Shiloh Crossing shopping center, travel west of Shiloh Rd. to Montana Sapphire Road and return to King Ave.; travel east to Grant Rd. to Overland Ave., then to 24th St W. Extend service by four hours making it an all-day route.
- **Route 18 Heights** - Increase evening service by one hour to the Heights at end of day.
- **Route 19 Southside Loop** – realign routing to travel on Riverside Rd. (eliminating duplicated service on Hallowell Ln.), adding service on Midland Rd. serving the businesses and motels in the area, as well as other minor route alignments for schedule adherence. This will be a one-hour loop route that begins and ends at the Downtown Transit Center.
- Realign service routes T1-A & T1-B "Castlerock" to serve the West Heights Community – minor route realignment – This route is open to the public.
- **New Route T3** "Medicine Crow" Middle School to serve East Heights Community - This route is open to the public.
- **New Route 24 Poly** – Start this route at the Downtown Transit Center, travel on 27th St. N. and along Poly Drive, 38th St., Rimrock Rd. and Shiloh Rd., end at the Stewart Park Transit Center via Central Avenue. Route 24 Poly will be all day service
- **Minor schedule adjustments** – adjust beginning/ending times at Transit Centers

ATTACHEMENT B

RECOMMENDED FARE ADJUSTMENTS

CATEGORY	PEER TRANSIT AVERAGES	EXISTING	PROPOSED NEW FARES FY17	FY18	FY19	FY20
Adult Pass	$38.62	$22.00	$26.00	$28.00	$30.00	$32.00
Youth Pass (6-18 years old)	$25.72	$15.00	$19.00	$21.00	$23.00	$25.00
Elderly/Disabled Pass	$20.90	$6.00	$10.00	$12.00	$14.00	$16.00
MET Plus ADA Pass	n/a	$25.00	$35.00	$35.00	$40.00	$45.00
10-Ride Ticket	n/a	$10.00	$17.50	$17.50	$20.00	$22.50
One Ride Ticket	n/a	$1.25	$1.75	$1.75	$2.00	$2.25
One-Day Pass (NEW)	$3-$4	n/a	$4.00	TBD	TBD	TBD
CASH FARES		**Existing**	**FY17**	**FY18**	**FY19**	**FY20**
Adult	$1.44	$1.25	$1.75	$1.75	$2.00	$2.25
Youth	$1.03	$1.25	$1.50	$1.50	$1.75	$2.00
Elderly/Disabled	$0.69	$0.50	$1.00	$1.25	$1.25	$1.50
MET Plus	$2.82	$2.50	$3.50	$3.50	$4.00	$4.50

PEER TRANSIT AGENCIES

Great Falls Transit District – MT	Sioux Area Metro - Sioux Falls SD
MAT Bus – Fargo ND	Grand Valley Transit – Grand Junction CO
Bis-Man Transit (CAT) – Bismarck ND	Fairfield-Suisun Transit – Fairfield CA
La Crosse Municipal Transit – WI	Columbia Transit – Columbia MO
Decatur Public Transit – Decatur IL	Wausau Area Transit System – WI
Sioux City Transit – Sioux City IA	*January - February 2016

ATTACHEMENT C

RESOLUTION

A RESOLUTION ESTABLISHING NEW FARES TO BE CHARGED BY THE CITY OF BILLINGS FOR TRANSIT SERVICES PROVIDED BY THE AVIATION AND TRANSIT DEPARTMENT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Billings provides certain transit services to the public through the MET Transit system, which is operated by the Aviation and Transit Department; and

WHEREAS, it is the best interest of the citizens of the City that the City provide said services and that the City Council establish new fares for said services; and

WHEREAS, the City Council having duly considered the matter,

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

1. FARES: The new fares to be charged by the City for Transit service provided by the MET Transit system are hereby established as follows:

Bus Pass Fares	**FY17**	**FY18**	**FY19**	**FY20**
Adult Pass	$26.00	$28.00	$30.00	$32.00
Youth Pass (6-18 years old)	$19.00	$21.00	$23.00	$25.00
Elderly/Disabled Pass	$10.00	$12.00	$14.00	$16.00
MET Plus - ADA Service	$35.00	$35.00	$40.00	$45.00
10-Ride Ticket	$17.50	$17.50	$20.00	$22.50
One Ride Ticket	$1.75	$1.75	$2.00	$2.25
One-Day Pass (NEW)	$4.00	TBD	TBD	TBD
Cash Fares	**FY17**	**FY18**	**FY19**	**FY20**
Adult	$1.75	$1.75	$2.00	$2.25
Youth	$1.50	$1.50	$1.75	$2.00
Elderly/Disabled	$1.00	$1.25	$1.25	$1.50
MET Plus	$3.50	$3.50	$4.00	$4.50

2. TERMS OF FARES: Said fares shall continue in full force and effect until changed by the City Council by subsequent resolution.

3. EFFECTIVE DATE: Said fees established shall be effective July 1, 2016.

4. REPEALER: All resolutions inconsistent herewith, including Resolution 08-18765, are hereby repealed.

APPROVED AND PASSED by the City Council of the City of Billings this 23rd day of May 2016.

THE CITY OF BILLINGS:

By:_____
THOMAS W. HANEL, MAYOR

ATTEST:

_____
BILLIE GUENTHER, CITY CLERK

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Public Hearing and Consideration of 2016 Annexation Committee Recommendations

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The City Council adopted the current Limits of Annexation Map on April 28, 2014. The City Council reviewed the City's Annexation Policy and Limits of Annexation Map in June 2015, but decided not to make any changes. The Annexation Policy requires the City to review and consider updates to the policy and map whenever the Capital Improvements Plan is revised. Council approved the 2017-2021 Capital Improvements Plan on April 11, 2016. The Council is expected to conduct a public hearing and take formal action on the Annexation Committee recommendations at this meeting.

ALTERNATIVES ANALYZED

In making its recommendations to expand the Limits of Annexation Map Red Area and Orange Area in 2016, staff considered the ability to serve areas outside the existing City limits with existing resources, effects on City residents, and programmed improvements, including the Capital Improvement Plan (CIP). The Committee also strives not to favor one department's ability to provide service over another department's limitations.

In considering the Annexation Committee's recommendations, the Council may:

- Approve the Annexation Committee's recommendation that the City of Billings Amend the Limits of Annexation for 2016.
- Modify the Annexation Committee's recommendations. This option would require that the Council delay final action until the June 13 meeting because the changes must be adopted by Resolution and staff would need a few days to amend the map and policy as directed by Council.

FINANCIAL IMPACT

Annexation of property to the City of Billings increases the City's tax base. At the same time, the City bears the cost of additional service demands. The Annexation Policy and the Limits of Annexation Map are management tools to help City staff and the Council balance this cost versus benefit of adding property to the City and providing services to that property. The Annexation Committee in 2015 recommended that the City Council consider conducting a cost of service analysis to help in determining the cost-to-benefit ratio of allowing certain property proposed to be developed in certain ways to be annexed into the City. The Council favored this recommendation but because there was not a specific funding source to conduct a study, staff did not continue the discussion at that time. Staff is willing to follow up with the Council on further details for conducting a cost of service study if requested.

BACKGROUND

The City Council first adopted an Annexation Policy and accompanying Map on May 28, 2002, almost 14 years ago to the day that the current Council is considering these map and policy amendments.The original adoption of the Policy was driven by annexations in the early 2000s of areas like Rehberg Ranch and Briarwood that were placing significant service demands on City services and the Council realized it needed a formal process and criteria to make future annexation decisions. To provide guidance on Annexation Policy and Map amendments, an Annexation Committee, consisting of representatives from the Parks, Recreation and Public Lands, Police, Fire, Public Works, Transit, Administration, and Planning Departments, Billings School District 2, and County Water District of Billings Heights advises the City Council. The Committee reviews map amendment requests from private property owners as well as City Departments, and also makes recommendations on updates to the Policy and Map brought to the Committee from City staff. The current adopted policy established two limits of annexation. The red area (2014-2018) coincides with the immediate five years covered by the CIP and defines an area where annexation petitions may be supported in the short term. The second time period, designated as orange (Long Range Urban Planning Area), covers areas where City services may be extended but would require additional analysis and funding to support those services.

The City of Billings has annexed more than 4 square miles since 2004 (38.65 to 42.91 sq. mi.), when the Policy and Limits of Annexation Map were further refined to be similar to what they are today. The community's growth over this 12 year period has challenged the City's ability to balance serving new areas and maintaining a high level of service to present citizens. The committee has been reluctant to recommend expanding the annexation areas for the past two (2) years because expansion will make that balance even more difficult to achieve. Public safety services have been a primary concern. In late 2015, the Council approved funding to add 6 police officers, 6 firefighters and 4 emergency communication (9-1-1) operators, which helped the committee in recommending red and orange area expansions in 2016. Adding these 16 employees is not a long-term solution because the community will continue growing, but it boosted the Committee's confidence that the public safety agencies are better equipped to handle calls for service within an expanded annexation area.

The Committee has maintained the premise that since the City in the past determined its ability to serve property already in the Red Limits of Annexation Area, the City's commitment to considering annexing property already in the Red Area should be maintained. This approach is something the Council may make further determinations on as annexations are at the complete discretion of the City Council, but the Committee wants to ensure the Council understands its approach to both Limits of Annexation Map Amendments and Annexation Petition requests annually.

Limits of Annexation Map Amendment Requests

The Committee has met four times from November 2015 through April 2016 to discuss revisions to the map, the status of City Public Safety funding in relation to service delivery, and the challenge of determining costs of delivering all City services. The Committee received three requests from property owners for map amendments. The Committee also is recommending a change to the name of the Red Area and associated language changes in the Annexation Policy to address this map label change. The Committee also provides a response to recent discussion by City Council members on inclusion of Skyway Drive into the Red Area for annexation. The property owner requests were as follows:

- One property owner request was to include property in the Orange Area (Long Range Urban Planning Area) of the Limits of Annexation Map. This is referred to as the Jurovich

Property request.

- The second request was to include property in the Red Area of the Limits of Annexation Map. This is referred to as the Viking Land Request. This request was submitted in 2014 as well but the City Council did not amend the map to include it at that time.
- The third request was to include property in the Red Area of the Limits of Annexation Map. This is referred to as the Yegen Property Request. All three requests are described in detail below.

Orange Area Request
Jurovich Property (West Billings)
C/S 2735, Parcel 3; C/S 1941, Parcel C; C/S 2735, Parcel 1A; C/S 2735, Parcel 2A.
The Annexation Committee received a request from members of the Jurovich family to include a 112 acre parcel of land south of Grand Avenue, just west of the intersection of Grand Avenue and 60th Street West, and just north of the 64th Street Drain (Hogan's Slough) into the Long Range Urban Planning Area on the Limits of Annexation Map. The Jurovich's requested the map amendment because there is already a portion of their property included in the Red Area of the Limits of Annexation Map between Trails West Subdivision and the subject properties and they would like to begin long range planning of the property as a whole. They did not want to plan for a portion of the property in the County and a portion in the City if they could prepare longer range plans that the entire property might someday be in the City and developed at urban densities and service levels. The property is currently zoned Agricultural Open Space and has been used for agriculture.

Annexation Committee Comments: Overall, City staff supported including this property in the Long Range Urban Planning Area on the Limits of Annexation Map. The Committee looked at the location of the Jurovich property in relation to other areas in the immediate vicinity in regard to the Long Range Urban Planning Area and the Red Area and City service delivery and availability. The Committee found that given the proximity of Cottonwood Park, the new Ben Steele Middle School, Fire Station #7, and nearby water and sewer to the east, it appeared that the area roughly bounded by 64th Street West on the west side and south of Grand, and 62nd Street West on the east side and north of Grand was a logical area to study for future annexation and City development. The current Limits of Annexation Map has property northeast of the Jurovich property in the Red Area already and in the City Limits where Foxtail Meadows Subdivision is located. Further, land that is on the east side of of 62nd Street West is already in the Red Limits of Annexation Area. It appears bringing the Jurovich property into the Long Range Urban Planning Area is a first step toward further analysis of that property for future City service delivery and annexation. If this map amendment is made, additional analysis by the property owners and the City will be necessary to look at the future potential to bring the property into the Red Area of the Map to facilitate future annexation. The Annexation Committee also agreed that when it reviews map amendments in the Fall of 2016 it will review the Long Range Urban Planning Area boundary for adjustments in the Grand Avenue corridor as well as in other areas of the Map.

RECOMMENDATION FOR JUROVICH PROPERTY
The Annexation Committee recommends that the City Council amend the Limits of Annexation Map to include the Jurovich property in the Orange Long Range Urban Planning Area.

Red Area Requests

Viking Land Request
Tracts 2, 3, 4 and 5 of C/S 234, 2nd amendment; Tract 6-A-1 of amended Tracts 6-7 of C/S 234,

2nd amendment; and the unplatted North ½ of the Southwest Northeast & the North ½ of the Southeast Northeast of Section 24, Township 1 North, Range 25 East

Property owner Viking Land, LLC first submitted a request and Urban Planning Study in November 2014 to include its property in the Red area on the Limits of Annexation Map. The Annexation Committee did not support amending the map to include this property in the Red at that time due to significant public safety service delivery concerns and the Council agreed. Viking Land resubmitted its request in November 2015. The property is about 98 acres in size. The latest Urban Planning Study that accompanied this reapplication is attached to this memo and also is available for review at the City-County Planning Division Office.

The property is currently zoned Planned Unit Development with underlying allowances for residential and commercial development and is used for sod farming operations by Tvetene Turf. The property owners still have a few years left on the sod farming lease for the property and have no immediate plans for development, but would like to begin positioning it for commercial uses with City services.

Department Comments: Below are comments regarding this map amendment request provided by the various City Departments through the Annexation Committee. Overall, City staff supports including this property in the Red Area on the Limits of Annexation Map.

Public Works: Public Works found that based on a project in the City's CIP for construction in FY16 it could serve the property with water and sewer. The City Council on April 25, 2016 approved the $1.3 million project to run a water line under the railroad and Interstate 90 corridor and down the East Lane corridor to Elysian Road. The water line under the Interstate provides better service capacity to the entire southwest portion of the City, including this property.Public Works stated that the Street and Traffic and Solid Waste divisions also are able to serve the property, and the City will eventually handle snow removal on Elysian Road and East Lane as they are Collector Streets.

Fire Department: The City Fire Department currently serves the subject property as it is within the Billings Urban Fire Service Area. However, the current sod farming operation on the property is very different than proposed residential and commercial uses that could be developed if the property were brought into the Red Area and then annexed into the City. The Fire Chief stated that the Department does not want to be in a position of limiting growth. He said the Fire Department is adding 5 firefighter positions, but any expansion of the Departments service area is a challenge even with added staff. Fire crews from Station 5 and Station 2 would respond to this property. The Chief stated that the Department must approach any expansion of its service area carefully to maintain equitable service levels to all City residents. He stated that the Department's FY 17 budget requests include revisiting and updating a 2003 Fire Service Study, which will look at service levels and facilities.

MET Transit: MET has no service in the area of the Viking Land property, and no immediate plans to provide services based on funding limitations. MET is proposing changes to its fares and routes in 2016 but funding limitations from the Federal Transit Administration and the annual mill levy do not allow for the significant expansion of services to reach the Viking Land property.

Police Department: The Police Chief stated that the Department is in much the same situation as the Fire Department. He stated that the Police Department has been approved to hire 5 additional police officers in 2016 and adding staff will be a significant improvement. However, he

cautioned that training of the new positions will mean the new officers will not be out on the street until late 2016 or in 2017. The Chief stated that the further the distance Police must go to respond to calls, the response times increase, but that the officers will get there. He said Elysian School is already in the City after being annexed last year and the area has not been a high service call area.

Parks: The Parks Department believes that this area along the fringe of the City could use a community park (Pioneer Park is considered a community park) if annexations continue and the proposed development of significant housing occurs in the area. Staff stated that the City has not kept up with the demand for larger community parks and that the City population has increased by 40,000 since the last community park was developed. As additional property is added to the City and developed, the City will need to identify funding sources, like its Park District, as well as locations for community parks.

Schools: Facilities Manager for Billings Public Schools Scott Reiter pointed out that the property is served by the Elysian School District for K-8th grade and then students go to one of the high schools in Billings. He stated that the Billings School District has completed a redistricting plan for the high schools and that this property would fall into the Senior High and West High areas when the redistricting plan takes effect.

Planning: Planning staff supported adding the Viking property to the Red Area but cautioned it could be a longer term process to provide all City services such as transit and parks at the level needed for full development. Planning staff also pointed out that there is existing residential development in the County north of the property as well as existing County industrial development south of the subject property that may preclude additional amendments to the Limits of Annexation Map to the west, north and south in this area.

RECOMMENDATION FOR VIKING LAND
The Annexation Committee recommends that the City Council amend the Limits of Annexation Map to include the Viking Land property in the Red Area.

Yegen Property (Billings Heights)
Section 11, T1N, R26E, South 13 acres and west of RY in S2SW9 Less 3,303 square feet of Bench Boulevard Right-of-Way

Property owner Zellah Yegen Trust B and Trust C submitted a request and Urban Planning Study in November 2015 to bring the subject property into the Red Limits of Annexation Area. The property is about 13 acres in size and is zoned Agricultural Open Space. It is located at the northeast corner of the intersection of Main Street, Highway 87, Highway 312, Bench Boulevard, and Mary Street. The property is bounded on the west and south by property already in the City and property within the red Limits of Annexation Area to the east. The Urban Planning Study that accompanied this request is available electronically and for review at the City-County Planning Division Office.

Department Comments: Below are comments regarding this map amendment request provided by the various City Departments through the Annexation Committee. Overall, City staff supports including this property in the Red Area on the Limits of Annexation Map. The Committee did have some initial discussion about how the property would be accessed since the proposed Billings Bypass would run through the south-central portion of the property when it is completed. Owner representative Charlie Yegen explained that the approaches were not yet identified but that coordination and discussion with the Montana Department of

Transportation was ongoing as the Bypass right-of-way acquisition process continues.

County Water District of Billings Heights:
The Heights Water District can serve the property through a water line in Mary Street, although there might be access challenges to be worked out in the area with the future Bypass project running between Mary Street and the portion of the subject property that would eventually be developed. The subject property is within the Heights Water District service area but would need to be annexed into the District for services to be provided prior to development.

Public Works:
Public Works is able to serve the property for sewer via an existing sewer main in Mary Street. Public Works is also able to provide other services to the property, including street and traffic and solid waste.

Fire Department:
The Fire Chief stated that the Fire Department is supportive of this map amendment as it is already servicing the area now since there is City property and County property in the BUFSA in this area. He said access issues would need to be addressed at time of development.

Police Department:
The Police Chief stated that the Police Department is already in the area as there is City property across Mary Street to the south and across the Highway 312/87/Main Street intersection to the west. He said there are two patrol areas in the Heights, with only two officers for the entire area at this time, and that future resource increases may be necessary as the Heights area contiues to grow.

MET Transit:
Transit staff stated that there is bus service close to this property across Main Street on Pemberton Lane and it does provide service to Bench Boulevard, so the subject property could utilize transit service currently.

Planning: Planning staff supports this map amendment. Staff found that with property in the City Limits to the west and south and there being property to the east within the Red Limits of Annexation Area, considering this property for future annexation fit with the area and the Annexation Policy. Staff was concerned that the alignment of the North Bypass might significantly limit the use and access to the subject property and that this will be an important factor in future design and development.

RECOMMENDATION FOR YEGEN PROPERTY
The Annexation Committee recommends that the City Council amend the Limits of Annexation Map to include the the Yegen Property in the Red Area.

Review of City Council Question/Discussion on Inclusion of Skyway Drive ROW in Red Areas on the Limits of Annexation MAP
The Annexation Committee did not receive any requests from City Departments for changes to the Limits of Annexation Map this year. However, there was discussion at the City Council level regarding inclusion of the portions of the Inner Belt Loop corridor in the Red Area of the Map. This discussion centered on the constructed portion of the Inner Belt Loop (Skyway Drive) between Wicks Lane and Alkali Creek Road. The City owns the road right-of-way (ROW) in this area and the corridor begins inside the City Limits where the street leaves Wicks Lane, but it goes outside the City Limits and into the Long Range Urban Planning Area on the Limits of

Annexation Map.

The Annexation Committee discussed changing to red/annexation area, the portion of Skyway Drive ROW that is in the Long Range Urban Planning Area in the County. The Committee noted that the City owns the ROW in the County and is able to maintain the roadway in both the City and County since it is under City ownership. However, the Committee does not supporte bringing the ROW into the Red Area of the Map at this time since the private property adjacent to the ROW is not in the Red Area and has not requested to be in the Red Area for annexation. Based on the City's Annexation Policy, the City must be able to provide all services to property that is in the Red Area and seeks annexation. While the City can maintain the roadway in the ROW, there is no water or sewer service in the Skyway Drive ROW and the City has not assessed its ability to provide public safety, emergency services, transit services, and other City services to the area adjacent to the street. Including the Skyway Drive ROW in the Red Area and annexation of the ROW at this time, would give the wrong idea to private property owners in the area that City services are available. Therefore, the Committee recommends the City Council not amend the Limits of Annexation Map to bring the Skyway Drive ROW that is in the County into the Red Area for annexation. The Committee believes that it should reconsider the map changes when staff and Council establish the Inner Belt Loop's final alignment.

RECOMMENDATION FOR RED AREA NAME CHANGE AND RESULTING ANNEXATION POLICY LANGUAGE CHANGES

The Annexation Committee recommends that the City Council rename the Red Area on the Limits of Annexation Map from the current five year time period to the "City Annexation Petition Area." The Committee finds that while the Red Area is tied to the City's CIP and the annual review of the CIP that may affect City services and expansion, much of the property in the Red Area has been there for more than 10 years and so it is no longer accurate to consider it in a 5 year horizon. The Committee also believes that this name change will make it clearer to property owners that if their property is located in the Red Area, they may petition for annexation at any time. This change will not affect the Committee's review of the Annexation Map and Policy in coordination with the annual CIP update. However, the Committee is recommending some changes to the Annexation Policy language to better fit the name change and the current analysis that occurs each year. Since the committee is recommending changes to the Map and Policy, two amending Resolutions are attached to this staff report.

STAKEHOLDERS

Public comment will be taken at the May 23 City Council public hearing concerning the Annexation Committee's recommended Limits of Annexation Map and Policy amendments. The public hearing has been advertised as required in the Billings Times. Agents for the three property owners requesting amendments provided informal comments during the Committee meetings.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

In making its recommendations, the Annexation Committee takes into consideration many plans and policies, including, but not limited to, the City's current Water and Wastewater Master Plan, the current Storm Water Master Plan, the 2008 Yellowstone County and City of Billings Growth Policy, the 2014 Billings Urban Area Long Range Transportation Plan, neighborhood or area plans as applicable, and the CIP. These recommendations are based on an effort to be consistent with adopted policies, plans and approved CIP projects, and attempt not to favor one department’s ability to provide service over another department’s limitation.

SUMMARY

RECOMMENDATION

The Annexation Committee recommends that the City Council conduct the public hearing and amend the Limits of Annexation Map and Annexation Policy for 2016.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution for Annexation Map Amendments
Resolution for Annexation Policy Amendments
Jurovich Request
Viking Land
Yegen Property UPS

RESOLUTION NO 16 -_____

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, and further amended it by Resolution on April 10, 2006 and on May 3, 2011, and it is amended from time to time; and

WHEREAS, the Limits of Annexation Map was amended by Resolution on April 28, 2014; and

WHEREAS, the Policy states that the Map shall be revised whenever the Capital Improvements Plan is revised; and

WHEREAS, the City Council approved the FY 2017 Modifications to the Capital Improvements Plan on April 11, 2016.

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

That the City Council now makes and adopts the following amendments to the Limits of Annexation Map:

LIMITS OF ANNEXATION MAP
Revised, May 23, 2016
Shown as Exhibit A

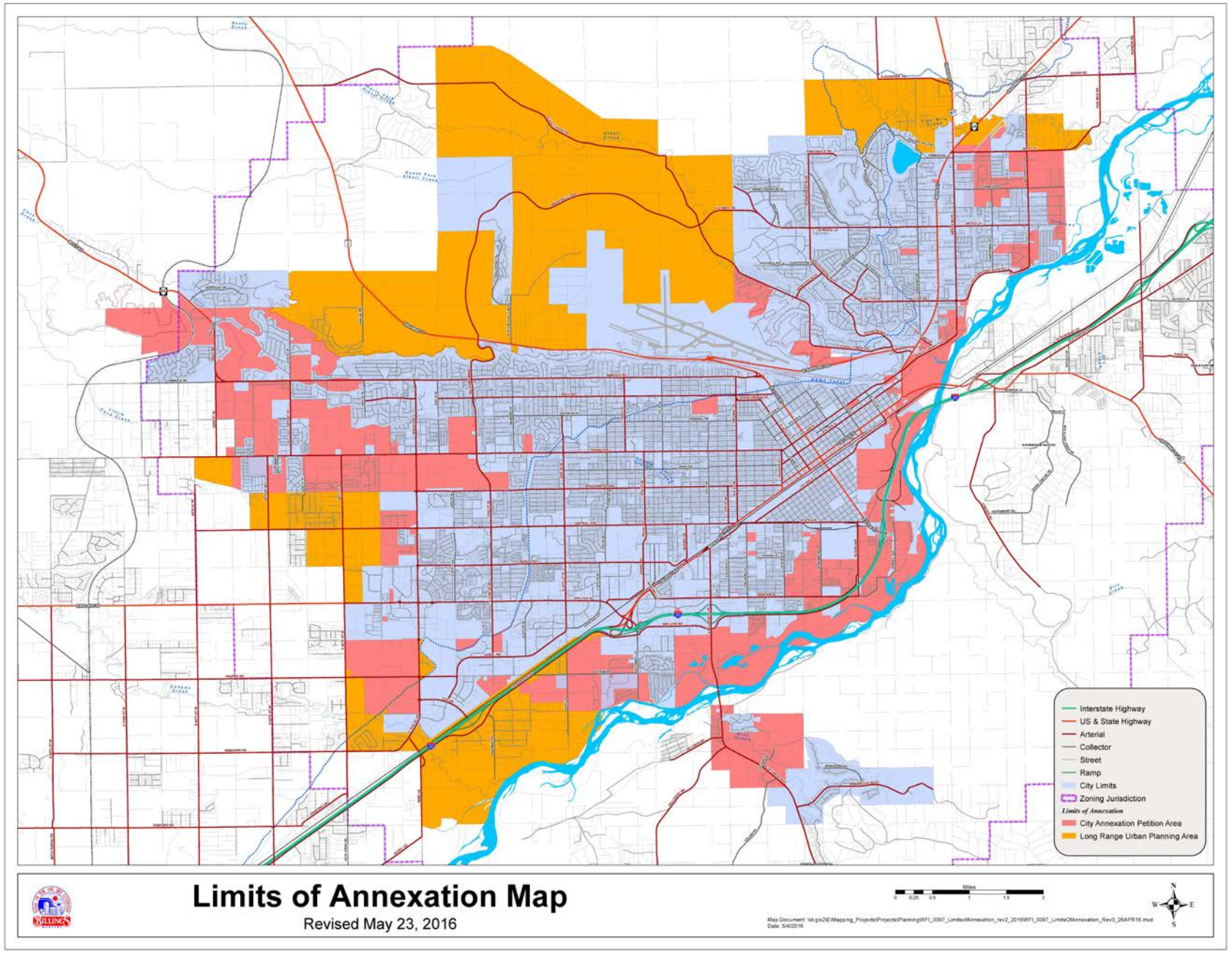
APPROVED AND PASSED by the City Council of the City of Billings, this ___ day of May, 2016.

THE CITY OF BILLINGS:

BY:_____
Thomas W. Hanel MAYOR

ATTEST:

BY:_____
Billie Guenther City Clerk


Interstate Highway
US & State Highway
Arterial
Collector
Street
Ramp
City Limits
Zoning Jurisdiction
Limits of Annexation
City Annexation Petition Area
Long Range Urban Planning Area
Limits of Annexation Map
Revised May 23, 2016
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RESOLUTION NO 16-

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, further amended it by Resolution on April 10, 2006, and on May 23, 2011, and it is amended from time to time; and

WHEREAS, the Limits of Annexation Map was amended by Resolution on April 28, 2014; and

WHEREAS, the Policy states that the Map shall be revised whenever the Capital Improvements Plan is revised; and

WHEREAS, the City Council approved the FY 2017 Modifications to the Capital Improvements Plan on April 11, 2016.

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

That the City Council now makes and adopts the following amendments to the Annexation Policy:

ANNEXATION POLICY
Revised, May 23, 2016

1. Statement of Intent
   The City of Billings intends to permit the annexation of land as to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the annexed territory and existing City properties.

2. Policy Statement
   The City Council shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and the Billings Municipal City Code, Section 26-204 and Sections 20-301 through 305. The Council may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

   - The area must be located within the Red Area of the Limits of Annexation as defined herein;

- The City must be able provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City;
- Existing or proposed public improvements within the area to be annexed must meet City standards;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- All residential property owners within the area to be annexed must create or join an existing park maintenance district;
- Residential densities within the area to be annexed must equal or exceed four dwelling units per acre; and
- The proposed land use within the area to be annexed must conform to the goals of the City of Billings and Yellowstone County Growth Policy.

3. Limits of Annexation Map (attached) - The City shall prepare a map showing limits of annexation for two time periods. The first time period shall be known as the City Annexation Petition Area (Red Area). The City will utilize its Five-Year Capital Improvements Plan and ongoing analysis of its ability to provide services when considering amendments to the Red Area. The second time period shall be called the Long Range Urban Planning Area and shall be reviewed by the City for amendments based on its service master plans and ongoing analysis of its ability to provide services. ~~the time frame shall remain undefined~~. In order for a property to be considered for annexation, it shall be located within the City Annexation Petition Area (Red Area)~~Red Area~~, on the Limits of Annexation Map.

A map update shall be prepared for Council consideration whenever the Capital Improvements Plan is revised. A map update may be initiated by City staff, or requested by a property owner, in preparation for a future annexation request. For any map update involving addition of property to the Long Range Urban Planning Area, the property owner must submit a letter requesting inclusion of the property in the Long Range Urban Planning Area. For any map update involving the addition of property to the Red Area of the map, an Urban Planning Study shall be completed by the petitioner who requests the update. An Urban Planning Study shall evaluate how a development proposal will impact the following elements:

- Streets and transportation
- Traffic circulation and generation
- Storm sewers and storm water management
- Wastewater service
- Sanitation and solid waste management
- Water service
- Parks, recreation and public lands
- Public safety (police, fire and other emergency services)
- Public schools
- Projected and estimated population
- Soils, geology and topography
- Effects of urbanization on the existing environment
- Effects on agriculture
- Existing and potential land use

- Historic sites
- Development timetables
- Capital improvements
- Methods of funding for public improvements
- Other considerations

Map updates will be recommended to City Council by a committee of representatives from City Administration, Public Works Distribution and Collection Division, Engineering Division, Fire Department, Parks Department, Planning Division, Police Department, and MET Transit.

Rationale
When proposing updates to the map, the committee shall consider and document for Council:

- distance from existing city services and response times;
- capacity and location of existing facilities and future upgrades or construction of new facilities;
- cost of city services;
- effect on existing residents; and
- conformance with all adopted plans including the Capital Improvements Plan, the Growth Policy, applicable area plans, the Billings Area Bikeway and Trails Master Plan, the most current Transportation Plan, the most current sewer, water and storm sewer plans, and other applicable adopted planning documents.

The Council will then determine and approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

4. Obligation of City
The City may choose to annex any property in accordance with the provisions of the following state statutes:
   - Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
   - Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
   - Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
   - Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
   - Annexation by Petition (7-2-4601 et. seq., MCA)
   - Annexation with the Provision of Services (7-2-4701 et. seq., MCA)

The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for; a) a development agreement prior to the issuance of a building permit, or b) a subdivision improvements agreement at the time of final subdivision plat approval. In the event the property to be annexed is already developed and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be

upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

5. Obligation of Petitioner
   Petitions for annexation must comply with the provisions of Annexation by Petition (7-2-4601 et. seq., MCA) and Section 26-204 and Sections 20-301 through 305, BMCC. A fee, to be established by the City Administrator, must be paid at the time the petition is submitted. If the area to be annexed is not developed, petitioners are required to comply with the conditions of approval prior to the issuance of a building permit or at the time of final subdivision plat approval. If the area to be annexed is developed and requires the construction or installation of public improvements, the petitioner must enter into an annexation agreement prior to the City Council acting on the resolution of annexation.

APPROVED AND PASSED by the City Council of the City of Billings, this ___ day of May, 2016.

THE CITY OF BILLINGS:

BY:_____
Thomas W. Hanel MAYOR

ATTEST:

BY:_____
Billie Guenther City Clerk

To the City Annexation Committee,

This is a letter of request that the City Annexation Committee consider adding the following 4 lot descriptions to the Orange Long Range Urban Planning Area. (see map below and attached). There are 4 lots (see descriptions below) that would create a large continuous area for development. They ajoin the current property in red to the East. We appreciate your time in looking at these parcels for consideration and it is the intent of our families to develop the property in the future. Given the proximity to the new middle school we hope that the land will fit into the committee's vision for expansion.

Thank You for your time,

Eugene Jurovich
6132 Grand Ave
Billings, MT 59106
derekjurovich@gmail.com

Robert Jurovich
6202 Grand Ave
Billings, MT 59106
aurobjuro@gmail.com

Dan Jurovich
2043 Grand Ave
Billings, MT 59102
djurovich@jurosmedical.com

Lot 1:

Property Category:RP

Subcategory: Real Property

Geocode:03-0926-05-2-12-10-0000

Assessment Code:000D119130

Primary Owner:

PropertyAddress:

AUDROB, LLC

6202 GRAND AVE

COS Parcel:3

BILLINGS, MT 59106-2128

NOTE: See the Owner tab for all owner information

Certificate of Survey:2735

Subdivision:

Legal Description:

S05, T01 S, R25 E, C.O.S. 2735, PARCEL 3

Lot 2:

Property Category:RP **Subcategory:**Real Property

Geocode:03-0926-05-2-15-01-0000 **Assessment Code:**000D003810

Primary Owner: **PropertyAddress:**6132 GRAND AVE

JUROVICH, EUGENE & DELORES M BILLINGS, MT 59106

6132 GRAND AVE **COS Parcel:**C

BILLINGS, MT 59106-2203

NOTE: See the Owner tab for all owner information

Certificate of Survey:1941

Subdivision:

Legal Description:

S05, T01 S, R25 E, C.O.S. 1941, PARCEL C

Lot 3:

Property Category:RP **Subcategory:**Real Property

Geocode:03-0926-05-2-12-01-0000 **Assessment Code:**000D119110

Primary Owner: **PropertyAddress:**6302 GRAND AVE

AUDROB, LLC BILLINGS, MT 59106

6202 GRAND AVE **COS Parcel:**1A

BILLINGS, MT 59106-2128

NOTE: See the Owner tab for all owner information

Certificate of Survey:2735

Subdivision:

Legal Description:

S05, T01 S, R25 E, C.O.S. 2735, PARCEL 1A, AMD (11)

Lot 4:

Property Category:RP

Geocode:03-0926-05-2-12-05-0000 **Assessment Code:**000D119120

Primary Owner: **PropertyAddress:**6202 GRAND AVE

JUROVICH, ROBERT & AUDREY B BILLINGS, MT 59106

6202 GRAND AVE **COS Parcel:**2A

BILLINGS, MT 59106-2128

NOTE: See the Owner tab for all owner information

Certificate of Survey:2735

Subdivision:

Legal Description:

S05, T01 S, R25 E, C.O.S. 2735, PARCEL 2A, AMD (11)

SANDERSON STEWART

URBAN PLANNING STUDY

FOR

TRACTS 2, 3, 4 AND 5 OF COS 234 2ND AMENDMENT
TRACT 6-A-1 OF AMENDED TRACTS 6-7 OF COS 234 2ND AMENDMENT
UNPLATTED N2SWNE & N2SENE OF SEC. 24, T01, R25E
BILLINGS, MONTANA

PREPARED FOR:
VIKING LAND, LLC 6844
FRONTAGE ROAD
BILLINGS, MT 59101

AND

CITY OF BILLINGS
210 N. 27TH STREET
BILLINGS, MT 59102

November 20, 2014
Updated January 21, 2015
Updated November 13, 2015
Updated January 26, 2015

Project Number: 11067.05

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Executive Summary

The Viking Land Urban Planning Study addresses the property at 6844 Frontage Road, encompassing six separate properties, all owned by Viking Land, LLC. The properties are:

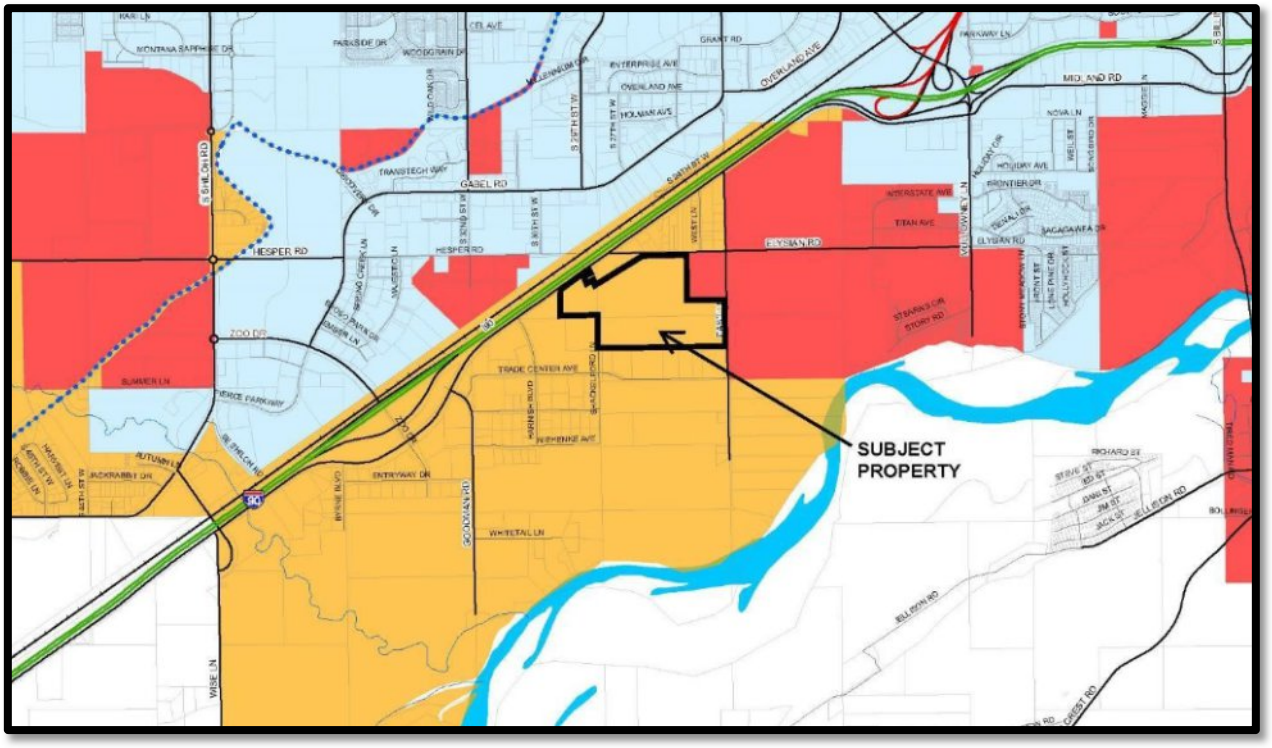
1. Tracts 2, 3, 4 and 5 of COS 234 2nd Amendment
2. Tract 6-A-1 of Amended Tracts 6-7 of COS 234 2nd Amendment
3. Unplatted N2SWNE & N2SENE of Sec. 24, T01, R25E

This study area is approximately 98 acres of land. The site is currently open agricultural land. However, changes in surrounding land uses as well as the future expansion of public water and sewer is advancing the need for planning of future land uses within this area of greater Billings.

Two Urban Planning Studies were completed in 2013 for nearby properties, the *Elysian Road/East Lane Plan* by McCall Homes and Sanderson Stewart, and the *Quarnburg Farming Corporation Study* by Morrison-Maierle. Information from those studies that are applicable to this study area will be referenced and noted.

It is requested that the City's Limits of Annexation Map be amended to locate the study area into the "Red Area", which would allow for future annexation. It would enable the property owner to begin future planning for this property.

A portion of the Limits of Annexation Map is shown with the study area indicated. It should be noted that the annexation map shown is as posted on the city's website, but is not current relative to



the area near the subject property. The Elysian school parcel as well as Harmony Meadows Subdivision to the east are now annexed.

Land Use

Existing

The study area encompasses approximately 98 acres of farmland and is zoned planned unit development (PUD) and controlled industrial (CI). In 2013, the owners of the property submitted a request to Yellowstone County and were granted a zone change to PUD for a portion of the study area. The Planned Development Agreement (PDA) between Viking Land, LLC and Yellowstone County outlines uses of the property, including a school purchase parcel, a school buffer zone surrounding the purchase parcel, and restricted uses on the remaining site. Elysian School has since purchased the property identified on the PUD site plan, and that site is not included in this urban planning study.

The use of the remaining property is agricultural for purposes of sod harvesting. Exhibit A shows an aerial exhibit of the study area.

Proposed

This area of Billings is rapidly changing, and the provision of city services and improvements will likely drive more growth to this area. The school buffer zone created as a part of the PDA will remain and would likely be a medium density residential, similar to nearby Josephine Crossing. The remaining property will be developed with permissible uses within the CI zone district and the PDA.

Projected and Estimated Population

In estimating the projected population, the PDA site plan was referenced for potential densities of residential uses and commercial activities. Exhibit C shows a proposed generalized land use plan. Approximately 15 acres is shown as residential, with the remaining 83 acres as commercial/industrial land use. It is anticipated that the residential portion of the subject property will develop with similar residential densities as Josephine Crossing, which is a mixed-use traditional neighborhood design with single family residential, some multi-family units, and a small component of neighborhood type commercial. The density for that development is approximately five units per gross acre. The Water and Wastewater Facilities Master Plan 2006 (Master Plan), prepared for the City of Billings by HDR, Inc., HKM, Inc., and JGA, Inc., assumes 2.3 persons per dwelling unit. Using this estimation, the buildout of the residential portion of the subject property would support and estimated population of about 172 residents (15 acres x 5 unit/ac. x 2.3 persons per dwelling unit).

The remaining property may be developed as allowed in the controlled industrial zone district.

Development Timelines

Development of the subject property would be a long term endeavor. Should the City move this property into the red area, the owners would begin to master plan the property for future use. Development would be phased as city services become available.

Land Characteristics

Topography and Geology

The study area covers approximately 98 acres of relatively level property just north of the Yellowstone River. It is not within the 100-year flood plain of the river. Elysian Road forms the study area's northern boundary, and Elysian School and East Lane lie along the easterly boundary.

Geologically, this area is part of the Qat2 unit, or alluvium of the second youngest alluvial terrace level. Generally speaking, this geologic unit is made up of gravel underlying terraces about 20 to 40 feet above present elevation of Yellowstone River. Mostly cobbles and pebbles with minor amounts of sand and silt are found, as well as clasts predominantly of granitic igneous rocks, granitic gneiss, schist, and quartzite with much less limestone and sandstone. This terrace is approximately forty to sixty feet thick.

Soils

According to the National Cooperative Soil Survey, there are two soil types in this study area. The predominant soil map unit in the area is Lohmiller (Lr). This soil unit presents good to fair topsoil with clayey material and is characterized by medium compressibility and expansion, low bearing capacity, moderate to high frost-action potential, moderately slow permeability, and a seasonally high water table if irrigated.

The second map unit found in a small area of the subject property is Keiser (Kh). It has similar characteristics as the Lohmiller soils; it provides a good source of topsoil to a depth of ten inches, and overall medium compressibility, low bearing capacity, high frost-action potential, moderately slow permeability, and high erodibility of embankments.

These soils are suitable for residential home construction and it is anticipated that conventional spread footings can be utilized for foundations. A detailed geotechnical investigation and report is typically required by the City of Billings at the time of subdivision of the property.

A copy of the Soils Resource Report is included in the appendix.

Effects on Agriculture

The study area is currently used for sod production. Based on the NRCS Soil Data Farmland Classification Map, this land is suitable for agriculture as classified by the NRCS soil data. Lands within the study area are considered prime farmland under certain circumstances if irrigated. Given the limited agricultural production and other commercial and residential uses nearby, the development of the study area at urban densities should have limited effects on agriculture. It is expected that development of this site would occur in phases, allowing for continuation of the agricultural use on some portion of the study area for the foreseeable future.

Historic Sites

The National Historic Preservation Act declared that the preservation of our irreplaceable heritage was in the nation's interest, and called upon federal agencies to partner with states, Indian tribes, local governments, and the public in a spirit of stewardship. Montana's State Antiquities Act also makes provision for the safeguarding of our collective heritage. The Montana State Historic

Preservation Office (SHPO) was created to ensure the State's cultural and historic resources are protected for future generations.

SHPO maintains a cultural resource annotated bibliography system. Some historic irrigation and farmstead facilities have been found in this area, although none particular to this study area. A historic/cultural study will be completed at the time of development of the study area.

Effects on Urbanization on the Existing Environment

Land adjacent to the study area has property that has already been developed or that is in a prime location for urban development. The expansion of city services to the area makes development viable and environmentally responsible. Elysian School recently expanded and remodeled their facility. Given the recent Elysian School expansion, it could be expected that the overall area will experience additional interest for development.

As urbanization occurs and city services become available, the existing environment can benefit. Use of a public sewer system and a public water system can mean increased water quality and quantity as fewer individual wells and drainfields are developed.

The surrounding properties, particularly those along the Frontage Road, have developed in a low density, haphazard way, because of the lack of public utilities. This area would benefit from availability of public water and sewer, which would allow for and encourage a higher density of development. Development of this site, as well as the sites to the east that were added to the red area earlier this year, can take development pressure off farther, more remote sections the County.

Public Service Evaluation

Water/Sewer Assumptions

If annexed, the subject area would receive public sanitary sewer and water services from the City.

In estimating the impacts on city services, the existing Josephine Crossing development was utilized to estimate the post development density. It is anticipated that the residential portion of this property will develop with similar density characteristics. The density is about five units per gross acre. The *Water and Wastewater Facilities Master Plan 2006* (Master Plan), prepared for the City of Billings by HDR, Inc., HKM, Inc., and JGA, Inc., assumes 2.3 persons per dwelling unit. Utilizing this estimation, the full build-out for the subject property would support an estimated population of about 173 residents. (15 acres x 5 units/acre x 2.3 persons per dwelling unit)
The Master Plan referenced the following information or assumptions, which were utilized in estimating the sewer and water impacts relating to the subject property.

1.	Average day per capita water use (gallons per day - gpd):	219.00
2.	Billings 2005 max. day water demand (million gallons per day - MGD):	43.20
3.	Average day to maximum day water use ratio:	2.20
4.	Max. day to peak day water use ratio:	1.50
5.	Average day per capita wastewater (WW) flow (gpd):	100.00
6.	Ave. maximum month to ave. month WW flow ratio:	1.17
7.	Billings 2000 max. month ave. day WW flow (MGD):	7.33
8.	Persons per dwelling unit:	2.30

From this information, the population density equals:

*Residential traditional neighborhood design: (5 du/ac) * (2.3 persons/du) = 11.5 persons/acre*

Water Service

Water service to the subject property can be provided by an extension from the 24-inch diameter main installed by City Work Order 14-13 in the summer of 2015. The 24-inch water main currently terminates just east of the West Lane, Elysian Road intersection and serves the Elysian School. The *Water and Wastewater Facilities Master Plan 2006* contemplates, the looping of the Zone 2 water distribution system by extension of one or possibly two trunk mains across Interstate 90. Options for the Interstate 90 crossings include 24th Street West, 32nd Street West, and associated with a potential satellite WTP, 48th Street West. Sanderson Stewart is under contract to the City of Billings for the design of the water main connecting loop in 24th Street West and East lane. This connection is included in the City's CIP for FY 2016.

The domestic water demand for the proposed residential portion of subject property is estimated based on the per capita water use times the population density for the anticipated nature of the development, similar to the existing Josephine Crossing.

For the commercial/industrial portion of the development, it is assumed that average daily demand will be 2,000 gpd/acre of developed property. Water demands from the subject property are summarized below:

Estimated Land Use	Area (acres)	Pop. Density (persons/ac)	Total Pop.	Ave. Day Demand (gpd)	Ave. Day Water Demand (gpd)	Max. Day/Ave. Day Water Demand Ratio	Max. Day Water Demand (MGD)
Residential	15	11.5	173	219/capita	37,887	2.20	0.080
Commercial/ Industrial	83	NA		2000/acre	166,000	2.20	0.370
Total	**98**				**203,881**	**2.20**	**0.45**

Treatment Capacity

Based on information within the Master Plan, the capacity of the Billings water treatment plant is 60 MGD. The year 2005 maximum day water day for the City of Billings was 43.2 MGD. Therefore, the maximum day water demand from the subject property (0.45 MGD) would represent 2.6 percent of the remaining (16.8 MGD) capacity of the water treatment plant: (based on the 2006 Master Plan)

*[0.45 MGD/(60 MGD – 43.2 MGD)] * 100% = 2.6%*

Storage Capacity

The subject property lies within the Pressure Zone 2 of the Billings water system. Water pumped to this zone is stored in elevated storage tanks and distributed to the users by gravity as water demand occurs. Based on the existing total storage capacity for Zone 2 is 9.0 million gallons (MG). The

amount of storage required is the sum of operational or equalizing storage (equal to 15-percent of peak day demand), emergency storage (equal to 1/2 of maximum day demand), and fire storage, which is per the Uniform Fire Code (UFC). Consistent with Table 3-7 of the Master Plan, the fire flow requirement for Zone 2 is assumed equal to 675,000 gallons. Therefore, the total volume of storage needed for the subject development would equal:

*[(0.45 MG *1.50)* 0.15] + (0.45 MG/2) + (0.675 MG) = 1.00 MG or 1,000,000 gallons*

The Master Plan states that the current Zone 2 storage volume requirement is 6.86 MG. Therefore, Zone 2 currently has a 2.64 MG storage surplus. Since 675,000 gallons of the required fire flow storage is already being provided by Zone 2 storage, the actual additional storage needed for the subject property would be equal to the operational storage plus the emergency storage, or approximately 0.326 MG. A storage volume of 326,000 gallons represents 12.3 percent of the Zone 2 surplus storage.

*(0.326 MG/2.64 MG) * 100% =12.3%*

From Table 3-13 of the Master Plan, the firm surplus pumping capacity of the pump stations feeding Zone 2 is 6.3 MGD. Therefore, all water demand requirements for the subject property can also be satisfied through pumping.

Pumping

Water to Zone 2 is pumped from high service pumps at the water treatment plant and from Willet pump station. As mentioned above, the firm surplus Zone 2 pumping capacity is 6.3 MGD. Therefore, the maximum day demand from the subject property (0.81 MGD) represents roughly 12.9-percent of the available Zone 2 firm surplus pumping capacity:

*(0.326 MGD / 6.3 MGD) * 100% = 5.2%*

Distribution

Adequate water pressure and the ability to convey required fire flows are dependent upon having adequately sized transmission and distribution mains. The Master Plan states that the transmission mains to this area in Zone 2 are adequate for future development, with water into the subdivision coming initially from the 16 and 24-inch main in Mullowney Lane and the planned 24-inch looping tie in East Lane and under Interstate 90.

Sanitary Sewer

Wastewater collection from the subject property can be provided by tying to the existing 8-inch lateral recently installed by City Work Order 14-13 in East Lane, adjacent to the property. The 8-inch lateral ties to the 24-inch trunk main also installed with Work Order 14-13.

Consistent with the determination of the water demand, sanitary sewer flows are estimated based on the per capita wastewater flow times the population density for the likely nature of the development. Wastewater flows from the subject property are summarized below:

Land Use	Acres	Pop. Density /acre	Total Pop.	Ave. Day Flow (gpd)	Ave. Day Flow (gpd)	Max. Demand Ratio	Max. Day Demand (gpd)
Residential	15	11.5	173	100/capita	17,300	1.17	20,241
Commercial/ Industrial	83			2,000/acre	166,000	1.17	194,220.00
Total	**98**				**183,300**	**1.17**	**214,461**
					(127 gpm)		

Treatment Capacity

The capacity of the Billings wastewater treatment plant is 26 MGD. The year 2000 maximum month average day City wastewater flow is 7.33 MGD. Therefore, maximum month average day wastewater flows from the subject property (0.21 MGD) would represent 1.1 percent of the available wastewater treatment plant capacity: (based on 2006 Master Plan)

*[(0.21 MGD)/(26 MGD – 7.33 MGD)] * 100% = 1.1%*

Upgrades to the treatment plant are currently in the design phase, with initial improvements anticipated in FY 2016. These improvements, when completed, will boost the plant capacity to 70MGD.

Collection

The City of Billings generally requires sewer mains to be sized with adequate capacity to convey design flows when flowing two-thirds full. A 24-inch sewer main constructed at minimum DEQ allowable slopes has a carrying capacity of approximately 2,269 gpm when flowing two-thirds full. Sanitary sewer design flows are typically equal to peak hourly flow conditions. Peak hour flows are estimated using an equation relating to the average flows and estimated population as outlined in DEQ design Circular DEQ-2. Based on an estimated population of 173 persons, this ratio equals approximately 1.81. Therefore, the peak hourly flow from the subject area equals:

*(127 gpm * 1.81) = 230 gpm*

Therefore, the design wastewater flow from the subject property would use approximately 10.1 percent of the carrying capacity of the 24-inch sewer constructed at minimum allowable slopes:

*(230 gpm / 2,269 gpm) * 100% = 10.1%*

DEQ requires that the internal collection system of a subject property be comprised of minimum 8-inch diameter collection mains. 8-inch diameter collection mains flowing two-thirds full at minimum allowable slopes have a capacity of approximately 270 gpm. The per capita peak hour wastewater flowrate based on 100 gpcd equals:

*[(100 gpcd / (1,440 minutes/day)] * 3.8 = 0.26 gpm per person*

Therefore, the population tributary to any 8-inch sewer cannot exceed the capacity of an 8-inch sewer flowing two-thirds or a larger sewer must be used. The design population for an 8-inch sewer equals:

270 gpm/0.26 gpm/person = 1038 persons

Stormwater Management

The subject property is currently farmland and slopes to the southeast where the runoff flows into the Yellowstone River. The design standards governing any future development within this study area are found in the City of Billings *Stormwater Management Manual (SWMM).*

The primary design requirements that would apply to any future subdivision development include:

- All subdivisions must evaluate the 100-year, 24 hour storm and ensure stormwater does not runoff the subdivision at a rate greater than the historic natural conditions runoff prior to development.
- Subdivisions must implement low impact development (LID) practices that infiltrate, evaporate, or capture for reuse the first 0.5-inch of rainfall from the 24 hour storm. The runoff from this storm must be entirely retained on site.

The storm drainage system for the subject property will comply with applicable standards at the time of subdivision review. Any project will require a detailed comprehensive drainage plan to be prepared at the time of development.

Solid Waste

Solid waste disposal facilities for the study area and the greater region are already provided by the City of Billings landfill located just south of the study area across the Yellowstone River off of Jellison Road. The City collection and disposal facility has the necessary capacity to continue to accept solid waste from this area upon further development. The landfill superintendent, Vester Wilson reports that the landfill currently has an estimated life expectancy of at least 40 years. According to Wilson, operational improvements continue to improve the efficiency of the landfill, which ultimately adds to the life expectancy.

A private hauler is currently serving portions of the study area. Consequently, the City of Billings might not assume responsibility for the solid waste collection to those areas for up to 5 years after annexation, under the provisions of 7-2-4736, MCA, which specifically states:

Preservation of existing garbage or solid waste service in the event of annexation. (1) A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation except: (a) upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; or (b) after the expiration of 5 years, if a majority of the residents of the annexed or incorporated area sign a petition requesting the municipality to provide the service. (2) If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, after the expiration of 5 years, if a majority of the residents sign a petition requesting service from the municipality, the municipality may provide garbage and solid waste disposal service to the entire annexed or incorporated area. (3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate service.

If after five years the residents of the area were to petition for solid waste collection service from the City, the City would assume the responsibility and provide weekly service. Depending on the number of clients in the new service areas the Solid Waste Division may need to add additional staff and equipment.

Parks, Recreation, and Public Lands

Parks 2020: The Billings Parks, Recreations, and Open Space Plan (Parks2020) was adopted in 1997 by the City Council to establish a 20-year plan to guide future decision making regarding the community's parks, open spaces, and recreational opportunities. Parks2020 acknowledges that change in the community is inevitable and managing the change in order to provide parkland opportunities for current and future generations is the challenge. The goal of the park plan is to deal with the continual battle of doing more with less, and creating a sustainable park system that would "balance the diverse and sometimes competing objectives of social equality, the environment, and economics." Ultimately, it acknowledges that failure to actively pursue a plan would result in overall decline in recreational opportunity and quality of life for the Billings community.

A master plan map was created to illustrate the service areas for existing and recommended parks, and to create a spatial framework for planning. Service areas differ for different types of parks, including regional, community, neighborhood, and subdivision parks. All of the service areas overlap to create the park system which contains park lands with multiple user functions, including recreation, conservation, special uses, and multi-functional.

Nearby Parks

This study area has a few developed regional parks within the recommended 2.5-mile radius. Riverfront Park is the largest of them; it provides a wide range of recreational opportunities, including walking and jogging trails, picnic areas, water sports, volleyball, and horseshoes; and enjoyment of the Yellowstone River and natural surroundings. Riverfront Park is found north of the river and covers 600 acres of city-owned and state-leased property. Amend Park is also located nearby at the intersection of King Avenue East and South Billings Boulevard. It is 57 acres in size and provides a space for programmed sports events like soccer and other ball games.

Josephine Crossing, one and a half miles east of the subject properties, has a mix of small local pocket parks; a larger neighborhood park with swings, basketball, volleyball, an open programmable space for youth soccer or football, and a three season amphitheater and picnic shelter; as well as a gravel walking and biking trail that connects users to the Riverfront Park trail system.

Park and Recreation Needs

In the areas proposed for residential development, the subject property will develop recreational spaces that are integrated into the fabric and function of an urban neighborhood design. The Yellowstone Greenway Master Plan and the more recent Billings Area Bikeway and Trail Master Plan would also be used to incorporate a multiuse trail corridor, promoting connectivity of our Heritage Trail system, and building on the importance of citywide goals to improve multimodal transportation. Additionally, the *ZooMontana to Riverfronte Park Trail Feasibility Study (2014)* would be

used in evaluating trail planning. An overall master plan, showing proposed recreational and park areas, will be completed at the time of development of study area.

Public Safety

Police

If annexed, the study area would receive police protection from the City of Billings Police Department. The City of Billings Police Department is located at City Hall in the Billings Central Business District (approximately 5.5 miles from the study area). The Billings Operation Center located 2.5 miles east on Midland Road also functions as a police outpost.

Response time to the area would vary depending on the location of the mobile patrol unit in the general area at the time of need. If annexed, the study area would be included in an assigned area, or beat, for police officers. Police protection is already provided to the Holiday Business Park, Riverfront Pointe, Josephine Crossing Subdivisions, which are on the east side of Mullowney Lane from Midland Road south to the river. Recent annexation of the Elysian School also extends the service area west of Mullowney Lane. If annexed, this area would be adjacent to the recently annexed Elysian School.

The City of Billings Police Department 911 dispatch center currently receives between 4,500 and 10,000 calls per month, not including non-emergency calls, which are generally two to three times that amount. The 2014 Department Annual Report indicates the department received 84,011 calls for service, which was up 5.6 percent from the previous year. The City of Billings Police Department has indicated that expansion of the City limits would have an impact on its manpower and budget. In 2014, voters rejected a public safety mill levy that would have provided funding for additional police, firefighters, and dispatchers. Recently the City Council approved the hiring of additional police officers, funding the additional employees from city reserves. Also included as part of this discussion is possibly adding additional fire department personnel as well as an emergency services dispatcher.

Fire

The Billings Fire Department currently serves the study area as part of the Billings Urban Fire Service Area (BUFSA). Services provided include: fire suppression; emergency medical to residential subdivisions (Riverfront Pointe and Josephine Crossing) dispatch; communication services for local fire, police, and ambulance services; hazardous materials response, high angle and confined space rescue; vehicle accident extrication; fire investigations; building inspections; and fire education.

Fire Station No. 5 at 604 South 24th Street West is the closest station to the subject area at three miles from the subject area. Station No. 5 covers the southwest end of Billings and the BUFSA. The emergency vehicles at this station include Engine 5, Brush 5, Tender 5, and Reserve Engine 5. The maintenance shop is also located at Station 5.

According to the 2003 City of Billings Fire Department *Fire Station Location and Staffing Study,* in 2002 there was a response rate (inclusive of fire calls, emergency medical responses, and all other instances of dispatch) of approximately 85 incidents per 1,000 people (8,882 responses for the

104,000 population base including the BUFSA). Based on these statistics, the fire department could anticipate approximately six residential incidents per year within the study area, if residential development occurs, as estimated in the previous section.

As reported within the 2014 Annual Report, Station 5 had 1,846 incident responses in 2014, up by about 16 percent from the previous year. City Council has also recently taken action to add personnel to the fire department, including an additional full time training officer.

Emergency Medical Service

Billings Clinic at 2813 Ninth Avenue North and St. Vincent's Hospital at 1233 North 30th Street would provide routine and emergency medical services in the area. The hospitals are approximately 5.5 and 6 miles, respectively, from the study area. The ambulance service for the area would be provided by private industry (American Medical Response). The impact on city services, therefore, is expected to be minimal. American Medical Response indicated that the number of calls correlate with the type of development. Based upon current trends and the existing development, it is expected any increases in ambulance needs would be absorbed under the incremental growth processes that have been previously discussed. It is expected that most of the calls would be related to traffic issues as the area becomes more crowded, with more calls during the early morning and late afternoon. The impact to the provider and their ability to provide timely service, as required by city ordinance, would become increasingly difficult with the expansion of the City limits. American Medical Response, with its existing locations, cannot meet response time requirements for the entire urban planning area. Just as has occurred with the fire department, American Medical Response will need to review new dispatch locations in order to maintain the required response times. As this service is provided through the private sector, free market enterprise will continue to dictate expansion needs.

Public Schools

Public schools have a number of purposes. They educate the children, but their role within the community goes much deeper. The 2004-2005 Twenty Year School Facilities Planning Committee acknowledged in its July 2005 report that, while public education plays an essential role in enriching the personal and inner lives of children, it is also true that the community expects public schools to prepare students for lives as future taxpayers, job holders, and positive forces in the social fabric of the community. This is probably one of the most important roles an institution can have.

This responsibility comes with a host of critical resources that are necessary for its success, including facilities, staff, curriculum, equipment, supplies, and securing funding for it all. When evaluating opportunities or challenges for accommodating community growth, a schools available student capacity is a basic indicator that can be used. Presumably, student capacity will take into account all of the necessary operational components for a school.

Existing and future school children in this area are served by School District No. 23 (Elysian) for elementary and middle school. High school students are served by School District No. 2. State law requires that the district provide bussing services to students that are greater than three miles from the school they are required to attend.

Elementary and Middle School

Elysian School serves kindergarten through 8th grade students, and is located immediately to the west of the study area at 6416 Elysian Road. Current enrollment at Elysian School is approximately 295 students. The school recently completed an expansion that increases the capacity to approximately 500 students. The school superintendent indicated that attendance has been growing at a rate of about 30 to 40 students per year, due in part to growth within the district from new residential neighborhoods, such as Josephine Crossing and Riverfront Pointe.

High School

There are three high schools in the Billings Public School District: Billings Senior High, Billings West, and Skyview. According to the Billings Public School Demography Study, enrollment at the three high schools has been declining since 2007 and is expected to continue to decline until 2017. Even with declining enrollment, Billings West and Billings Senior High are enrollment above school capacity. The school district is currently undergoing a comprehensive redistricting process to consider boundary changes for the high schools in order to align attendance with school capacity. This would allow the existing facilities to serve the student population without requiring additional high school construction in the near future.

Billings Senior High at 425 Grand Avenue would serve high school students in this area. It is the oldest of the high schools in the district, with the most diverse student bodies. It presently serves 1,689 students in grades 9 through 12 and has over 120 staff members. Maximum capacity for Senior High is 1,600.

Student Population Impacts of Proposed Development:

During the planning stages for Elysian School's expansion, a demographic study was conducted by K-12 Consultants for the district. That study was published in February 2012, when the school's enrollment was 164 students. The study concluded that Josephine Crossing and Riverfront Pointe would contribute an additional 132 school age children upon their collective buildout (2016-2018). With this addition, Elysian could expect an enrollment of 300 students, with a new capacity of 500 students. The previous urban planning studies for Quarnburg Farming Corp. and Elysian/East Lane estimated an additional 53 and 180 students, respectively, at final buildout. Completion of these two projects would exceed the building capacity by 29 students.

Using an average of .50 children (under age 18) per dwelling unit in general (common number used nationally in housing studies) and the earlier estimates of 5 dwelling units/acre, the 15 acres of residential development yields 75 dwelling units. Therefore:

• 75 dwelling units x .50 children/dwelling unit = 39 children under age 18 in total

• The number of these children that would be students in the nine grades (K-8) at Elysian could be calculated by taking 9 grades/18 years of childhood = 50 percent, therefore 19 new students.

• The number of these children that would be students in the four grades (9-12) in SD2 High Schools could be calculated by taking 4 grades/18 years of childhood = 22 percent, therefore 9 new students.

Elysian School will likely exceed its newly expanded capacity of 500 students with full buildout of this and other developments in the area at 548 students.

Transportation Systems Impacts

Streets and Intersections

The proposed development is comprised of approximately 98 acres located directly south of Elysian Road, between South Frontage Road and East Lane on the southwest side of Billings. Elysian Road and East Lane are both classified as collector roadways in the Billings functional classification system. South Frontage Road is classified as a minor arterial and provides access to the I-90/Zoo Drive Interchange and the King Ave West/Mullowney Lane Interchange.

Elysian Road extends east from South Frontage Road to Mullowney Lane where it then becomes a local street providing access exclusively to Josephine Crossing Subdivision. Elysian Road is a two-lane highway that does not have a posted speed limit, with the exception of the school zone adjacent to Elysian School where speeds are restricted to 15 mph during school hours (8 AM to 5 PM, Monday through Friday). East Lane is a two-lane county highway that extends south from South Frontage Road to its terminus just north of the Yellowstone River, providing access to Elysian School and several rural homes and farms or ranches. East Lane also has a 15 mph school speed zone in the area of the school. The intersection of Elysian Road and East Lane is currently two-way stop-controlled with stop signs located on the north and south East Lane approaches. All four intersection approaches consist of a single lane for all turning movements.

Other area roadways that could potentially be impacted by traffic generated by the proposed development include South Frontage Road and Mullowney Lane. South Frontage Road is a two-lane urban minor arterial that extends northeast from the East Laurel/I-90 Interchange to Mullowney Lane. The speed limit along South Frontage Road varies depending by location. At the intersection of South Frontage Road and Elysian Road, the speed limit is 65 mph. At the intersection with Mullowney Lane, the speed limit is 45 mph. The alignment of South Frontage Road continues east from Mullowney Lane as Midland Road, then picks up again as South Frontage Road on the east side of South Billings Boulevard.

Mullowney Lane is a collector roadway that extends south from its intersection with South Frontage Road/Midland Road to its terminus south of Story Road near the Yellowstone River. Mullowney Lane carries two southbound lanes from South Frontage Road to Interstate Avenue. From that point south, Mullowney Lane is a two lane road. The speed limit along Mullowney Lane is posted at 25 mph near the south approach to the South Frontage Road intersection. Farther south, however, no speed limit is posted in either direction.

The intersection of South Frontage Road/Midland Road with Mullowney Lane is currently signalized and operates under an actuated southbound-lead phasing plan. The north intersection approach provides individual left-turn, through and shared through/right-turn lanes. The west approach provides a left-turn lane and a shared through/right-turn lane. The east approach provides a shared left-turn/through lane, along with an auxiliary right-turn lane. The south approach currently provides a single approach lane for all movements.

The intersection of South Frontage Road with Elysian Road is two-way stop-controlled with a stop sign posted on the Elysian Road approach. The westbound approach of Elysian Road to South Frontage Road is aligned at an acute angle of approximately 35 degrees from the southwest bound South Frontage Road approach.

The intersection of Mullowney Lane with Elysian Road is two-way stop-controlled with stop signs located on the east and west Elysian Road approaches. The north approach provides a dedicated left-turn lane with a shared through/right-turn lane, but all other approaches consist of a single lane for all turning movements. The intersection of East Lane with Trade Center Avenue is currently two-way stop-controlled with a single lane for all turning movements on each approach.

Nearby Developments

Traffic impact studies (TIS) have been completed for various nearby developments located within the study area over the past several years. The subject subdivisions include:

- Titan Subdivision
- Riverfront Pointe Subdivision
- Josephine Crossing Subdivision
- Harmony Meadows Subdivision

The most recent of these studies was completed in July 2015 for the Fifth Filing of Josephine Crossing Subdivision. That study was an update to the original TIS for Josephine Crossing. The update simply identified the additional trip generation component for the Fifth Filing and projected contribution percentages for the study area intersections. Prior to that, a more comprehensive overall analysis of traffic impacts was completed for Harmony Meadows Subdivision in 2007. The recommendations that came out of that study were based on full build-out volumes for the other three developments referenced above, but the study did not include traffic projections for the most recent filings in Harmony Meadows Subdivision. The recommendations from the Harmony Meadows study included the conversion to four-way stop-control at the intersection of Mullowney Lane and Elysian Road, and the eventual construction of a northbound dedicated left-turn lane and an additional through lane at the signalized intersection of Mullowney Lane and South Frontage Road/Midland Road. As part of those improvements, it was also recommended that the signal phasing plan be modified to include left-turn lead phasing on both the southbound and northbound approaches. Results of the capacity analysis completed with those improvements in place showed a significant amount of reserve capacity available to handle additional background traffic growth.

Anticipated Trip Generation

Current plans for proposed development of the Viking Land property consist of a mixed use subdivision with the majority of the property to be zoned as controlled industrial and the remainder to be zoned as highway commercial, but developed with single-family homes. For the purposes of this analysis, it was assumed that the residential component would consist of 75 single-family dwelling units. The industrial component of the proposed development would likely consist of mix of uses allowed within the controlled industrial zone district. Based on an assumption of a 15 percent building coverage at full buildout, this would result in approximately 650,000 SF of gross floor area within the industrial sector.

A reasonable projection of site-generated traffic can be estimated using *Trip Generation, 8th Edition*, published by the Institute of Transportation Engineers (ITE), the most widely accepted source for trip generation rates. Based on the assumption of 75 single-family dwelling units, it can be estimated that the development would generate on the order of 718 new trips on the average weekday. This translates to approximately 56 new trips during the weekday AM peak hour and 75 new trips during the weekday PM peak hour.

For the industrial area, the application of average rates from the general light industrial land use category results in a projected average daily trip generation total of 4,531 trips, with 598 trips during the AM peak hour and 631 trips during the PM peak hour.

It is anticipated that access to the 98-acre subdivision would be provided via multiple approaches along Elysian Road and East Lane. Based on trip distribution estimates from other nearby developments, it can be assumed that approximately 70 percent of the total trips would access the site via Elysian Road and the other 30 percent would use East Lane to come and go from the site.

As noted previously, the analysis completed for the Harmony Meadows TIS showed a fairly significant amount of reserve capacity available to handle additional nearby developments with the recommended improvements in place. However, additional area development has occurred since the Harmony Meadows study was completed in 2007 and there are other large, vacant properties in the area that are also being considered for development. A comprehensive traffic impact study should be completed for this general area to ensure that planning is ongoing relative to roadway, intersection and safety improvements. Such a study should not be the sole responsibility of the ownership group for this project, but should be funded in collaboration by all of the area parties that are proposing development.

Method of Funding Public Improvements

There are a number of public improvements that would be necessary if the study area were eventually annexed into the City of Billings. The improvements and public services come with costs. There are several mechanisms to pay for these costs.

System Development Fees

System Development Fees, or SDFs, are charged for the impact of new development on the water and sewer infrastructure. The City of Billings 2016 SDF charges are $4,035/home for residential development. Commercial development fees vary with water meter sizing and range from $8,440/ 3/4-inch to $277,980/4-inch.

Using the previous assumptions of 75 dwelling units, this would equate to $302,625 in SDFs for the residential development. Because there has been no master planning completed within the study area, it is difficult to predict the commercial area SDFs. For generalized purposes, an average lot size of 3 acres would result in 28 commercial/industrial lots. Assuming each with a 3/4-inch size meter, that would result in SDFs of $236,320.

Upon full build-out, it is anticipated that approximately $540,000 of SDFs would be generated by development within the study area.

Special Improvement District

Special Improvement Districts (SID) are formed to allow property owners to share in costs related to infrastructure improvements, for which they all receive benefit from use of that infrastructure. An SID is a taxing district that is created to finance public improvements such as transportation infrastructures, water main, sewer main, and storm drainage. Assessment can also contribute to long-term maintenance of the improvements.

Property Tax Revenues

Funding for services, such as police and fire protection, is usually provided by property tax revenue. Future tax revenues will ultimately depend on the use and density of the property. Both the *Quarnburg* and *Elysian/East Lan*e urban planning studies, assumed residential densities similar to the existing Josephine Crossing. Assuming the same for this development, the analysis provided in the *Elysian/East Lane UPS* can provide some guidance for anticipated property tax revenues.

For residential development similar Josephine Crossing, city revenue/acre is approximately $4,200. Based on the 15 acres of residential proposed within this study area, city revenues could be expected to be approximately $63,000.

Using the nearby Weil and Holiday Subdivisions as comparisons, commercial and industrial uses would yield approximately $1,244/acre, or $103,250 for the 83 acres within the study area.

Upon full build-out, annual property tax revenues to support city services within this study area would be approximately $166,000.

Conclusion

The properties within the study area are geographically, environmentally and economically suitable for urban development. Properties to the east are currently in the red area, the Elysian School property has been annexed, as well as Harmony Meadows, 1/2 mile to the East. Trunk sewer and water extensions in the area have been constructed. This area has seen development growth in

recent years, and that is expected to continue, especially as city services become available. The study area is adjacent to development on the north, west, and south, with future development to the east. Bringing this area into the red area will allow for planning for City services, transportation infrastructure, and capacity at Elysian School.

The provision for emergency services is always a concern as communities expand and grow. Adding this property to the red area provides time for the service analysis and will help identify demands for those services.

The property within the study area does not have a specific timeframe for development. Placing it within the red area allows the property owner to begin the master planning process and work with nearby property owners and the City to develop long term planning for this area of Billings.

EXHIBITS

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PREPARED FOR : VIKING LAND, LLC

PREPARED BY : SANDERSONSTEWART

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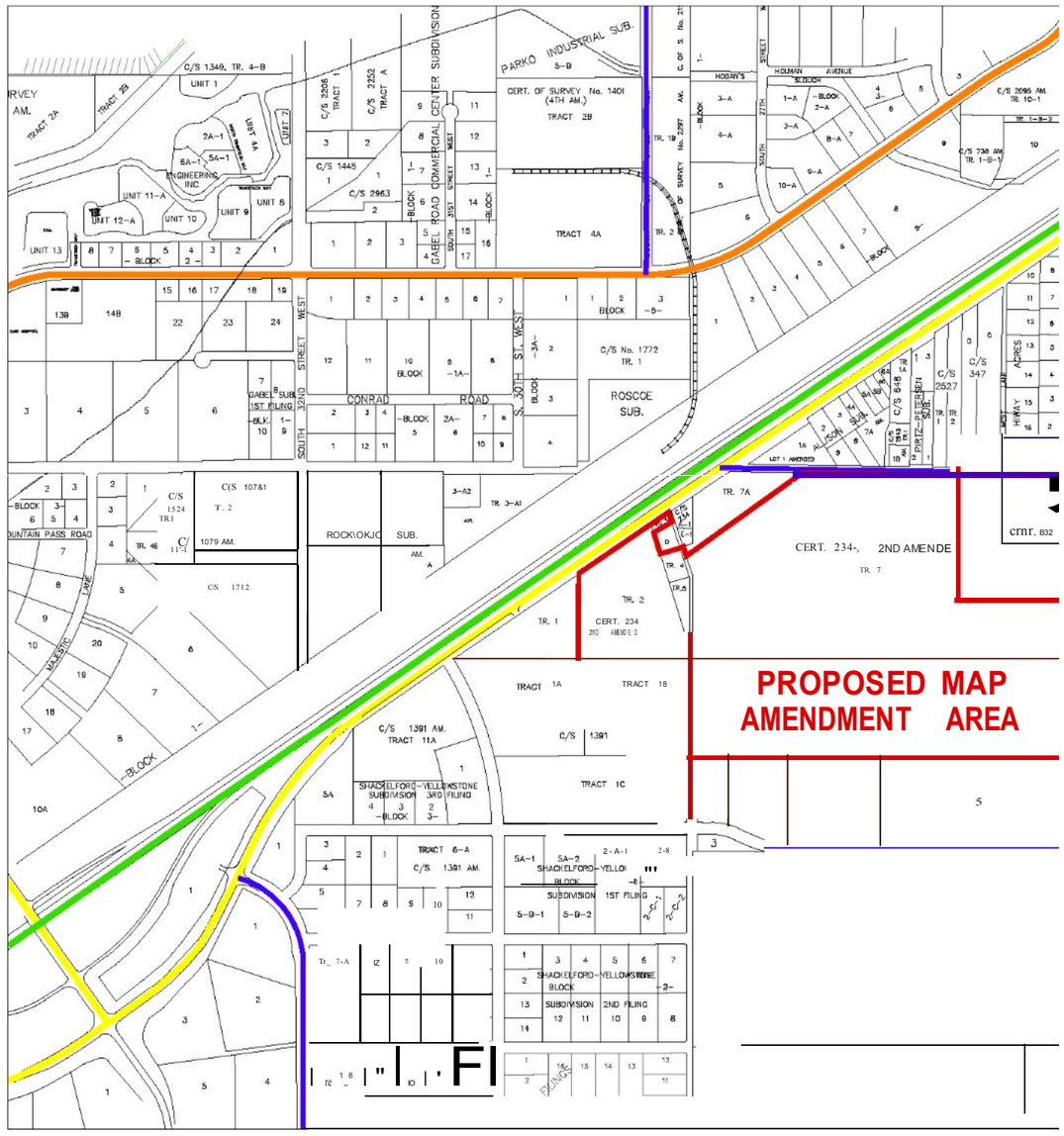
PREPARED FOR VIKING LAND, LLC

PR EPARED BY : **SANDERSONSTEWART**



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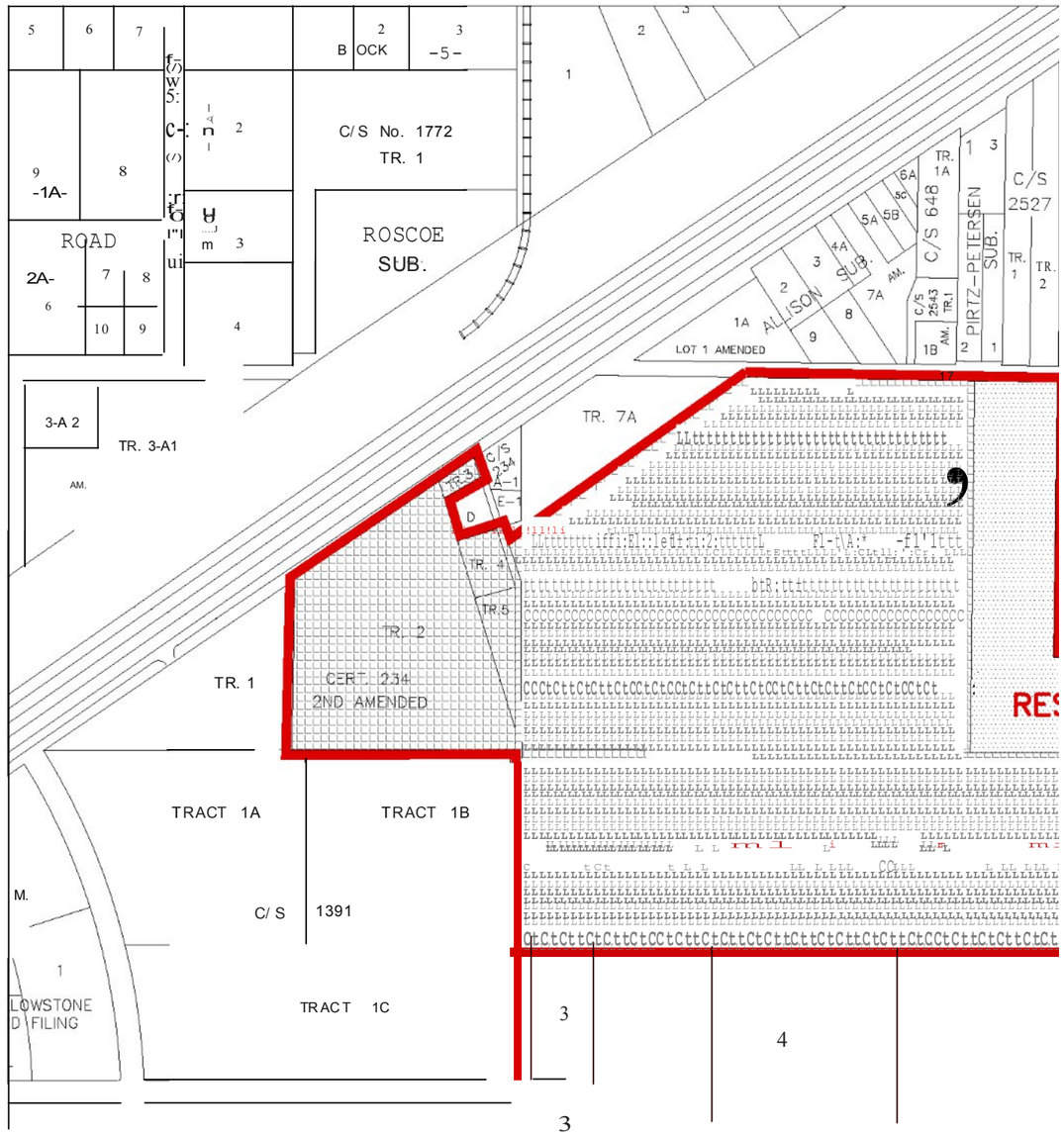
PREPARED FOR VIKING LAND, LLC

PREPARED BY : **SANDERSONSTEWART**



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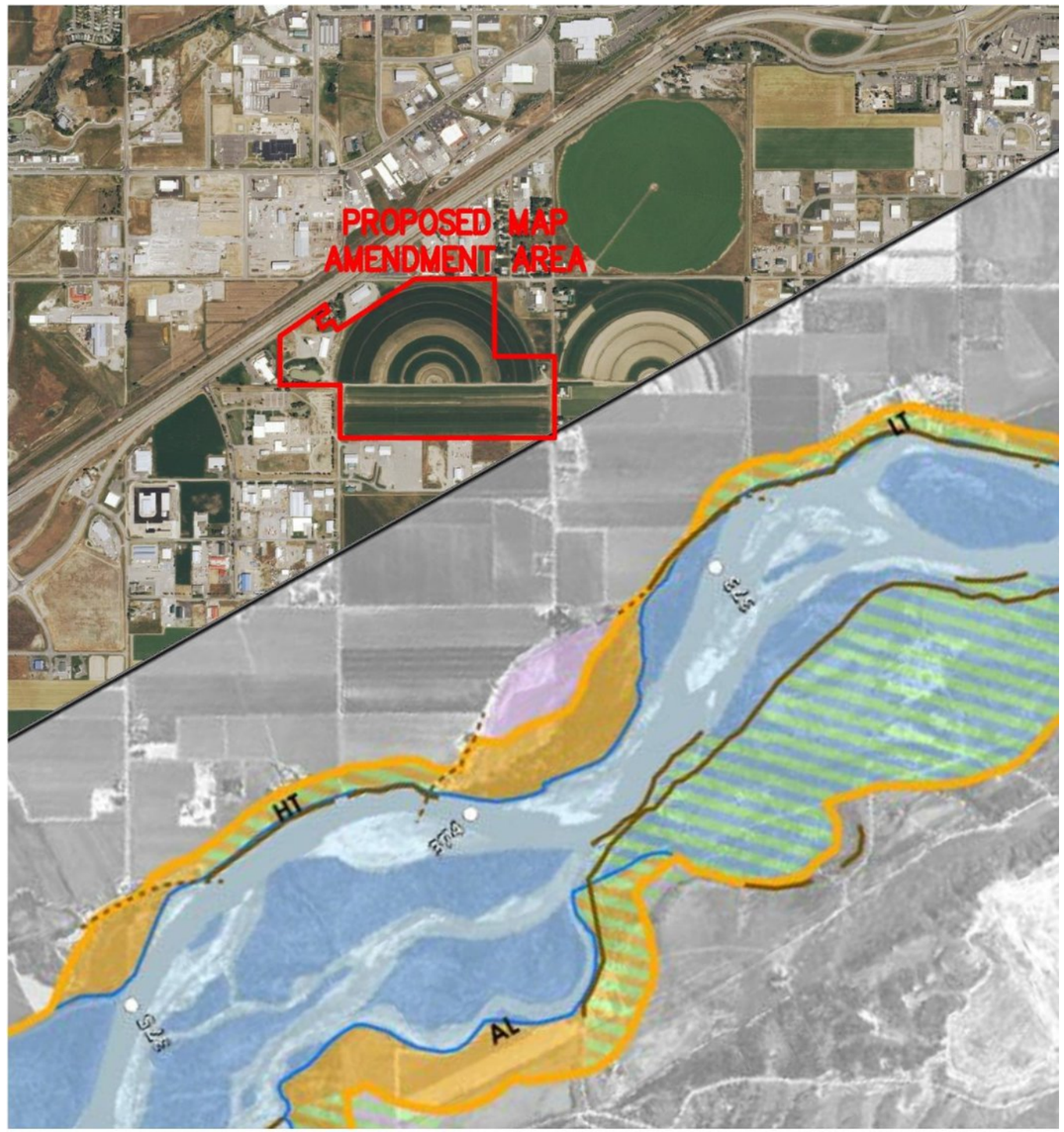
PREPARED BY : SANDERSON STEWART



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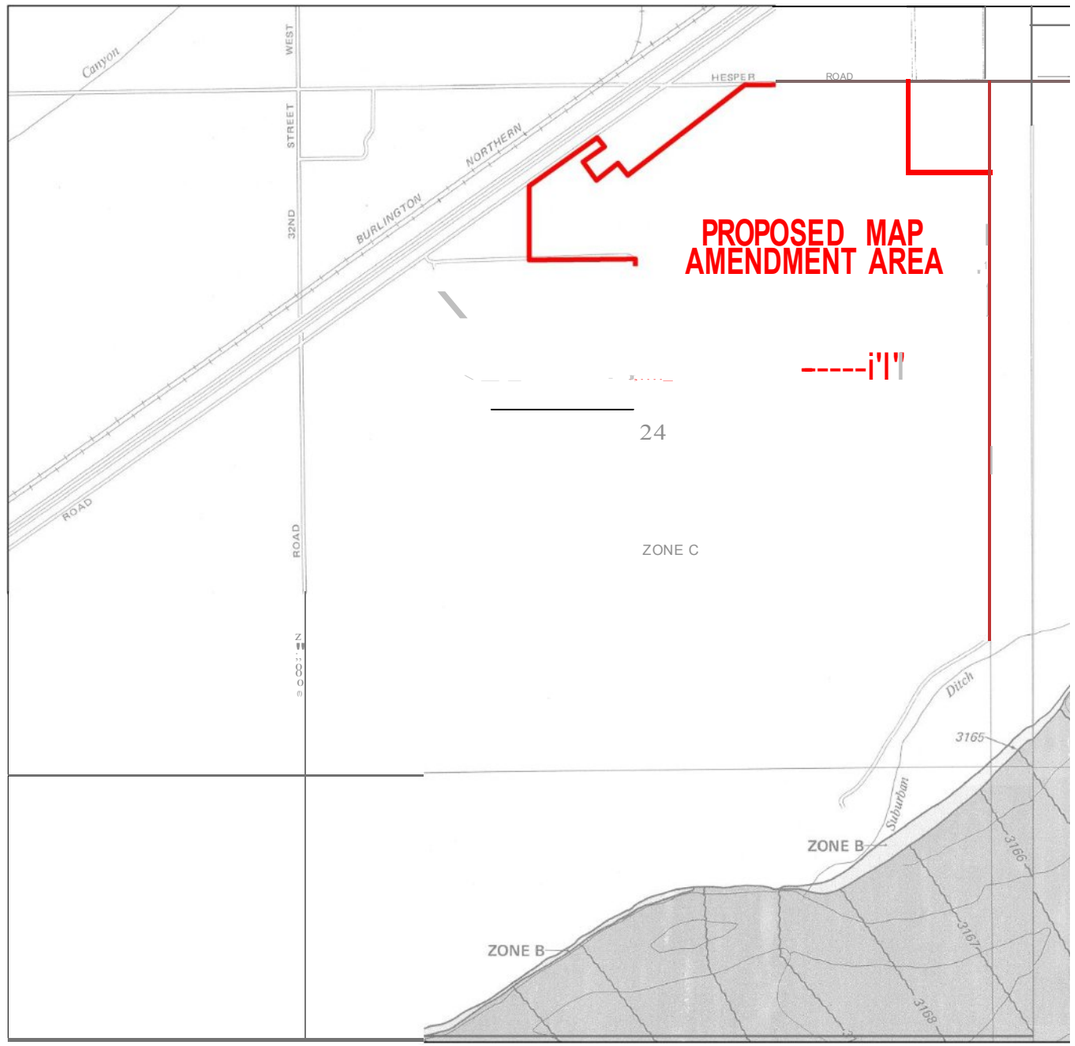

APPENDIX

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Yellowstone County, Montana

Viking Land, LLC

November 13, 2014

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (http://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

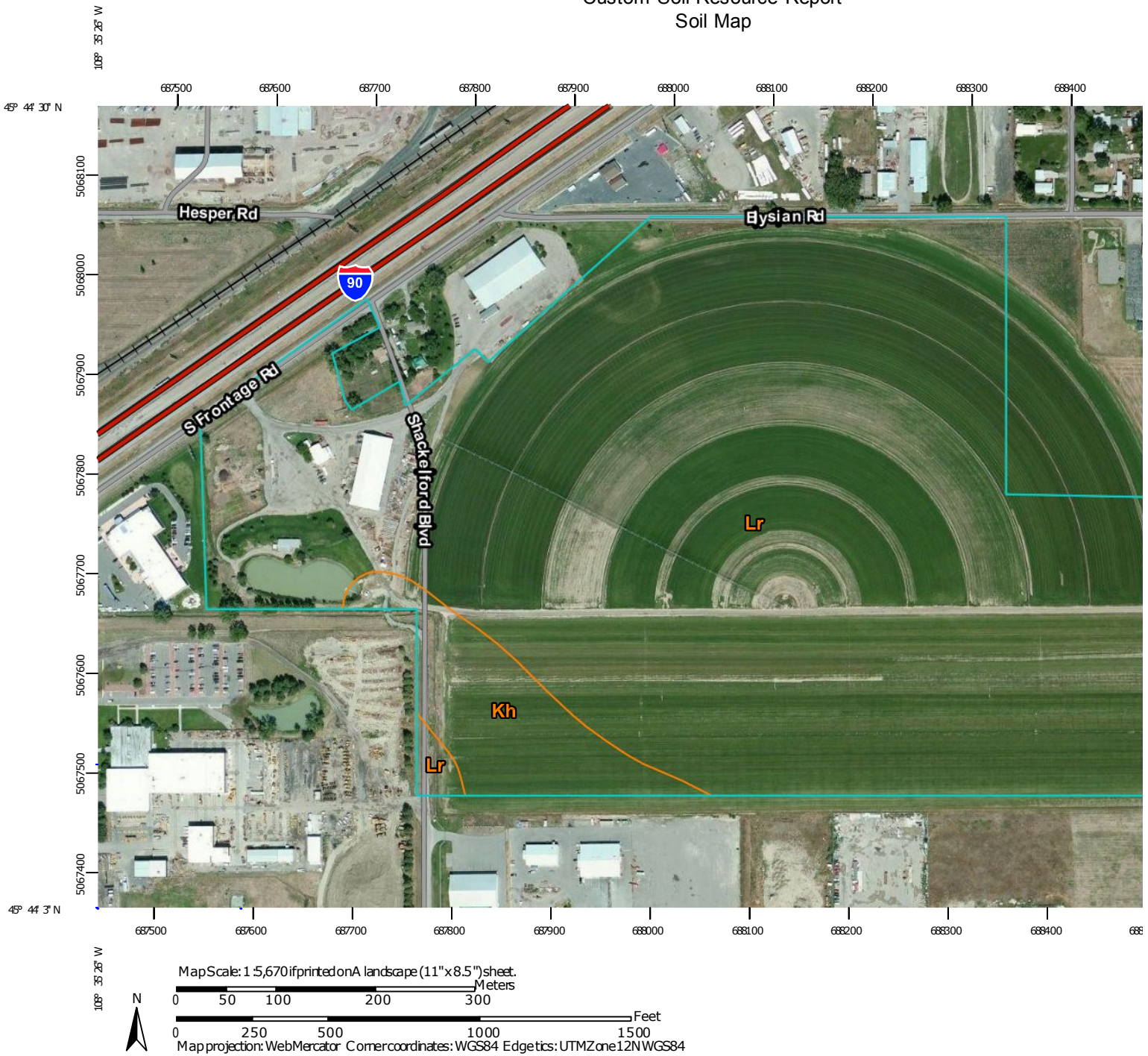
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMA

The soil surveys that comprise your AOI

Warning: Soil Map may not be valid at th

Enlargement of maps beyond the scale c misunderstanding of the detail of mappin placement. The maps do not show the s soils that could have been shown at a mo

Please rely on the bar scale on each map measurements.

Source of Map: Natural Resources Co
Web Soil Survey URL: http://websoils
Coordinate System: Web Mercator (EP

Maps from the Web Soil Survey are base projection, which preserves direction and distance and area. A projection that pres Albers equal-area conic projection, shoul calculations of distance or area are requi

This product is generated from the USDA of

Soil Survey Area: Yellowstone County
Survey Area Data: Version 13, Sep 3,

Soil map units are labeled (as space allow or larger.

Date(s) aerial images were photographe 2011

The orthophoto or other base map on w compiled and digitized probably differs f imagery displayed on these maps. As a r of map unit boundaries may be evident.

Map Unit Legend

Yellowstone County, Montana (MT111)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
Kh	Keiser and Hesper silty clay loams, 0 to 1 percent slopes	7.1	6.5%
Lr	Lohmiller silty clay, 0 to 1 percent slopes	101.5	93.5%
Totals for Area of Interest		**108.6**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If

intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Yellowstone County, Montana

Kh—Keiser and Hesper silty clay loams, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: cls5
Elevation: 1,900 to 4,500 feet
Mean annual precipitation: 11 to 14 inches
Mean annual air temperature: 39 to 48 degrees F
Frost-free period: 120 to 135 days
Farmland classification: Not prime farmland

Map Unit Composition

Hesper and similar soils: 45 percent
Keiser and similar soils: 45 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Keiser

Setting

Landform: Low hills, terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope, tread
Down-slope shape: Concave, linear
Across-slope shape: Linear
Parent material: Alluvium

Typical profile

A - 0 to 3 inches: silt loam
Bt - 3 to 9 inches: silty clay
Bk - 9 to 23 inches: silty clay loam
C - 23 to 60 inches: silt loam

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 8.0 mmhos/cm)
Available water storage in profile: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: Clayey (cy) rru 58a-c 11-14" p.z. (R058AC041MT)

Description of Hesper

Setting

Landform: Fans, terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium

Typical profile

A - 0 to 2 inches: silt loam
Bt - 2 to 17 inches: silty clay loam
Bk - 17 to 44 inches: clay loam
Ck - 44 to 60 inches: very fine sandy loam

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: High (about 9.8 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: Clayey (cy) rru 58a-c 11-14" p.z. (R058AC041MT)

Minor Components

Lambert

Percent of map unit: 4 percent
Landform: Fans, terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Silty (si) rru 58a-c 11-14" p.z. (R058AC040MT)

Clapper

Percent of map unit: 4 percent
Landform: Terraces, fans
Landform position (three-dimensional): Riser
Down-slope shape: Convex, linear
Across-slope shape: Linear
Ecological site: Saline upland (su) rru 58a-c 11-14" p.z. (R058AC050MT)

Wanetta

Percent of map unit: 2 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear

Across-slope shape: Linear
Ecological site: Silty (si) rru 58a-c 11-14" p.z. (R058AC040MT)

Lr—Lohmiller silty clay, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: clsn
Elevation: 1,900 to 6,000 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 37 to 45 degrees F
Frost-free period: 120 to 135 days
Farmland classification: Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

Map Unit Composition

Lohmiller and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lohmiller

Setting

Landform: Flood plains, terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave, linear
Parent material: Alluvium

Typical profile

A - 0 to 9 inches: silty clay
C1 - 9 to 42 inches: stratified clay to silty clay loam
C2 - 42 to 60 inches: stratified silty clay loam to fine sandy loam

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 10 percent
Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 10.0
Available water storage in profile: High (about 9.0 inches)

Interpretive groups

Land capability classification (irrigated): 4s
Land capability classification (nonirrigated): 4s

Hydrologic Soil Group: C
Ecological site: Clayey (cy) rru 58a-c 11-14" p.z. (R058AC041MT)

Minor Components

Haverson
Percent of map unit: 6 percent
Landform: Terraces, flood plains
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear, concave
Ecological site: Clayey (cy) rru 58a-c 11-14" p.z. (R058AC041MT)

Hysham
Percent of map unit: 5 percent
Landform: Flood plains, terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave, linear

Glenberg
Percent of map unit: 4 percent
Landform: Terraces, flood plains
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear, concave
Ecological site: Silty (si) rru 58a-c 11-14" p.z. (R058AC040MT)

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SANDERSON STEWART

URBAN PLANNING STUDY

FOR

S11, TO1 N, R26 E, S 13 AC & W OF RY IN S2SW
(LESS 3,303 SF BENCH ROW)(15)
BILLINGS, MONTANA

PREPARED FOR:
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AND

CITY OF BILLINGS
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BILLINGS, MT 59102

November 13, 2015

Project Number: 14059.01

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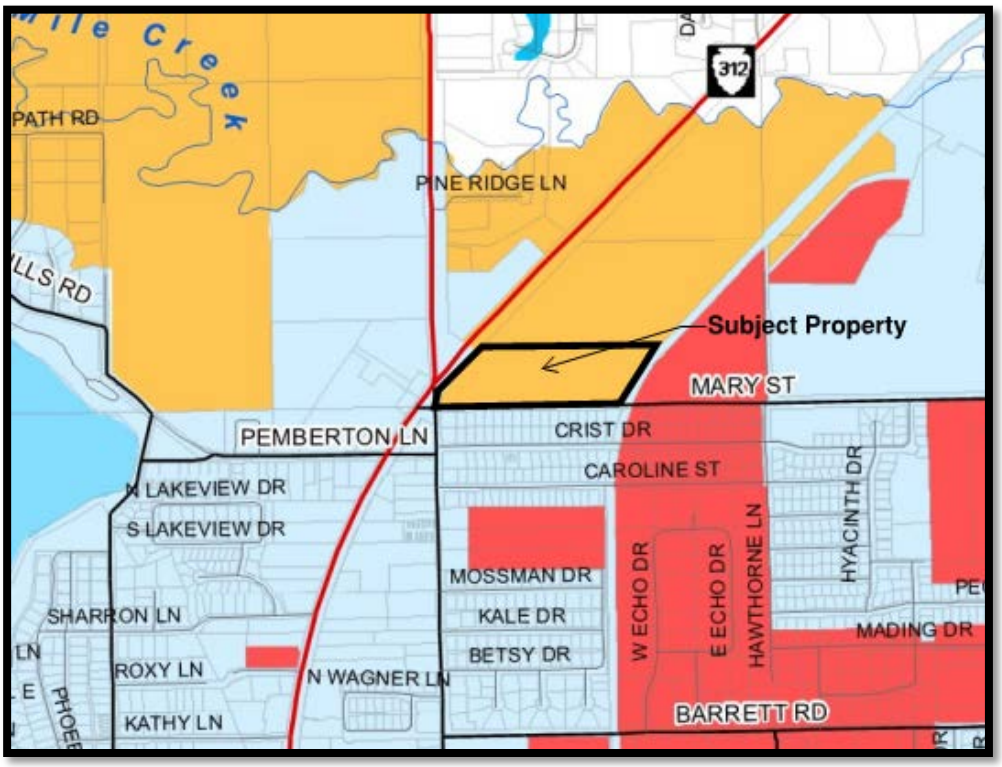
Executive Summary

The Zellah Yegen Trust B & C Land Urban Planning Study addresses the property at 2411 Bench Blvd, legally described as:

1. S11, T01 N, R26 E, S 13 AC & W of RY in S2SW (Less 3,303 SF Bench ROW)(15)

This study area is just under 13 acres of land. The site is currently open agricultural land, and has been used to grow alfalfa. The owners are in the early stages of planning for the future use of this property and are requesting that the City's Limits of Annexation Map be amended to locate the study area into the "Red Area", which would allow for future annexation.



A portion of the Limits of Annexation Map is shown with the study area indicated.

Land Use

Existing

The Study area encompasses approximately 13 acres of farmland zoned as Open Agricultural. The original farm house and several out buildings are located on the west end of the property, with a driveway access from Bench Boulevard. The remainder of the site is used for agricultural purposes, primarily for growing alfalfa.

Exhibit A shows an aerial exhibit of the study area.

Proposed

The planning of the future Billings Bypass corridor is advancing the need for planning of future land uses within this area of Billings Heights. The bypass would provide a route for traffic from Main Street to I-90. The preferred alternative for the alignment of the Bypass would parallel Mary Street, and connect to Old Highway 312 and Highway 87.

While still in early design stages, it is anticipated that the bypass will have impacts to the study area. In 2015, the owners of the property hired Sanderson Stewart to prepare a project impact and conceptual plan as a result of the proposed Billings Bypass, which will run through the southern portion of the property. Figures from the Billings Bypass EIS that relate to this project are shown in Appendix B.

Given the proximity to Main Street and the new bypass, it is anticipated that the property owners would seek commercial zoning and development of the property for commercial use. Development of this conceptual plan will enable the owners of the property to work with the designers of the Billings Bypass to ensure that access and utility connections to this property are incorporated into the design of the Bypass.

Projected and Estimated Population

It is intended that the property will ultimately be used for commercial development, therefore there will be no additional population. The development of this property as a commercial site, will serve the existing residential neighborhoods to the south, as well as County residents to the north.

Development Timelines

Development of the subject property would be a long term endeavor. Should the city move this property into the red area, the owners should carry forward with their conceptual master plan and take the next steps to further their goals and objectives. Development would be phased as the Bypass is developed, and access to the site becomes available.

Land Characteristics

Topography and Geology

The study area covers approximately 13 acres of relatively level property located just to the East of Main Street/Old HWY 312. The site slopes slightly to the north.

Soils

According to the United States Department of Agriculture, Natural Resources Conservation Service, there are three soils types in the study area.

The majority of the site is Keiser silt clay loam. This soil provides a good source of topsoil to a depth of ten inches, and overall medium compressibility, low bearing capacity, high frost-action potential, moderately slow permeability, and high erodibility of embankments.

The next soil type found on this site is Bew clay. Bew clay is limited in building due to its shrink-swell nature. This soil is mainly composed of clay with some clay loam and is slow permeability, highly erodible, and low bearing capacity.

Finally, the third soil type found on the property is gravel pit. Gravel is characterized by a high permeability, low elasticity, low erodibility nature. This soil type covers a small percentage of the property and lies along the northern edge of the site.

The majority of the site is suitable for building and construction with some limitations in the lower southwest corner due to the Bew clay. A detailed geotechnical investigation and report is typically required by the City of Billings at the time of subdivision of the property.

A copy of the Soils Resource Report is included in Appendix A.

Effects on Agriculture

The study area is currently zoned as open agricultural. Based on the NRCS Soil Data Farmland Classification Map, this land is suitable for agriculture as classified by the NRCS soil data. Lands within the study area are considered prime farmland under certain circumstances if irrigated. Given the limited agricultural production, potential impacts of the bypass right-of-way, and adjacent residential uses, development of the study area at urban densities should have limited effect on agriculture.

Historic Sites

The National Historic Preservation Act declared that the preservation of our irreplaceable heritage was in the nation's interest, and called upon federal agencies to partner with states, Indian Tribes, local governments and the public in a spirit of stewardship. Montana's State Antiquities Act also makes provision for the safeguarding of our collective heritage. The Montana State Historic Preservation Office (SHPO) was created to ensure the state's cultural and historic resources are protected for future generations.

SHPO maintains a cultural resource annotated bibliography system. A historic/cultural study will be completed at the time of development of the study area.

Effects of Urbanization on the Existing Environment

This is a growing part of the greater Billings area. As the City grows and looks to build the bypass, this area will become more urbanized. Land to the south of the study area is within the City limits and developed or is in a prime location for urban development. Master planning of this property has already begun at a conceptual level and would continue based on the findings of the urban planning study and the annexation of the property by the city.

Development to the south has been residential at this point. Areas to the west are Commercial or Light Industrial. With the implementation of the Billings Bypass project, there will be a large effect on land use in this area due to the inflow of vehicular traffic.

Public Service Evaluation

Water/Sewer Assumptions

If annexed, the subject area would receive public sanitary sewer and water services from the City. Nearby utility mains are shown on Exhibit B.

Water Service

The Billings Heights Water District has indicated that the District would serve the property upon annexation into that District. Water service to the subject property could be provided by an 8" water main that currently runs parallel to Mary Street. For the proposed commercial development, it is assumed that average daily demand will be 1,150 gpd/acre of developed property. Water demands from the subject property are summarized below. Since the boundaries of the Billings Bypass Right-of-Way are not established, the entire area of 13 acres is calculated to show a worst-case-scenario. The anticipated demands are as follows:

Estimated Land Use	Area (acres)	Pop. Density (persons/ac)	Total Pop.	Ave. Day Demand (gpd)	Ave. Day Water Demand (gpd)	Max. Day/Ave. Day Water Demand Ratio	Max. Day Water Demand (MGD)
Commercial	13	NA		1,150/acre	14,950	2.20	0.033

Sanitary Sewer

Wastewater collection from the subject property could be provided by an 8" sanitary line that runs along the south.

Consistent with the determination of the water demand, sanitary sewer flows are estimated based on the per capita wastewater flow times the population density for the likely nature of the development. Wastewater flows from the subject property are summarized below:

Land Use	Acres	Pop. Density /acre	Total Pop.	Ave. Day Flow (gpd)	Ave. Day Flow (gpd)	Max. Demand Ratio	Max. Day Demand (gpd)
Commercial	13			1,150/acre	14,950	1.17	17,492

Treatment Capacity

The capacity of the Billings wastewater treatment plant is 26 MGD. The year 2000 maximum month average day City wastewater flow is 7.33 MGD. Therefore, maximum month average day wastewater flows from the subject property (0.017 MGD) would represent 0.09-percent of the available wastewater treatment plant capacity: (based on 2006 Master Plan)

*[(0.017 MGD) / (26 MGD – 7.33 MGD)] * 100% = 0.09%*

Collection

The City of Billings generally requires sewer mains to be sized with adequate capacity to convey design flows when flowing two-thirds full. The existing 8-inch sewer main constructed at minimum DEQ allowable slopes has a carrying capacity of approximately 270 gpm when flowing two-thirds full. Sanitary sewer design flows are typically equal to peak hourly flow conditions. Peak hour flows are estimated using a peaking factor of 4. Therefore, the peak hourly flow from the subject area equals:

*(10.38 gpm * 4) = 41.5 gpm*

Therefore, the design wastewater flow from the subject property would use approximately 16.5-percent of the carrying capacity of the 8-inch sewer constructed at minimum allowable slopes:

*(41.5 gpm / 270 gpm) * 100% = 16.5%*

DEQ requires that the internal collection system of a subject property be comprised of minimum 8-inch diameter collection mains. 8-inch diameter collection mains flowing two-thirds full at minimum allowable slopes have a capacity of approximately 270 gpm. The peak hour wastewater flowrate based on 41.5 gpm can be served by an 8-inch main.

Stormwater Management

The subject property is currently farmland and slopes to the north where the runoff flows towards the Holling Drain and ultimately Five Mile Creek. The design standards governing any future development within this study area are found in the City of Billings *Stormwater Management Manual (SWMM),* dated May 2015.

The primary design requirements that would apply to any future subdivision development include:

- All subdivisions must evaluate the 100-year, 24 hour storm and ensure stormwater does not run off the subdivision at a rate greater than the historic natural conditions runoff prior to development.
- Subdivisions must implement low impact development (LID) practices that infiltrate, evaporate, or capture for reuse the first 0.5-inch of rainfall from the 24 hour storm. The runoff from this storm must be entirely retained on site.

The storm drainage system for the subject property will comply with applicable standards at the time of subdivision review. Any project will require a detailed comprehensive drainage plan to be prepared at the time of development.

Solid Waste

Solid waste disposal facilities for the study area and the greater region are already provided by the City of Billings' landfill located off of Jellison Road, south of the City limits. The City collection and disposal facility has the necessary capacity to continue to accept solid waste from this area upon further development. The Landfill Master Plan shows the landfill will be available for continuous operation at current growth rate projections until the year 2042. The total capacity of the landfill for

its projected "life" is 20,000,000 tons. The landfill has currently had 4,000,000 tons of waste placed, which leaves 16,000,000 tons of capacity available.

A private hauler currently serves the study area. Consequently, the City of Billings might not assume responsibility for the solid waste collection to those areas for up to 5 years after annexation under the provisions of 7-2-4736, MCA, which specifically states:

Preservation of existing garbage or solid waste service in the event of annexation. (1) A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation except: (a) upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; or (b) after the expiration of 5 years, if a majority of the residents of the annexed or incorporated area sign a petition requesting the municipality to provide the service. (2) If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, after the expiration of 5 years, if a majority of the residents sign a petition requesting service from the municipality, the municipality may provide garbage and solid waste disposal service to the entire annexed or incorporated area. (3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate service.

If after five years the residents of the area were to petition for solid waste collection service from the City, the City would assume the responsibility and provide weekly service. Depending on the number of clients in the new service areas the Solid Waste Division may need to add additional staff and equipment.

Parks, Recreation, and Public Lands

Parks 2020: The Billings Parks, Recreations, and Open Space Plan (Parks2020) was adopted in 1997 by the City Council to establish a 20-year plan to guide future decision making regarding the community's parks, open spaces, and recreational opportunities. Parks2020 acknowledges that change in the community is inevitable and managing the change in order to provide parkland opportunities for current and future generations is the challenge. The goal of the park plan is to deal with the continual battle of doing more with less, and creating a sustainable park system that would "balance the diverse and sometimes competing objectives of social equality, the environment, and economics." Ultimately, it acknowledges that failure to actively pursue a plan would result in overall decline in recreational opportunity and quality of life for the Billings' community.

A Master Plan map was created to illustrate the service areas for existing and recommended parks, and to create a spatial framework for planning. Service areas differ for different types of parks, including regional, community, neighborhood, and subdivision parks. All of the service areas overlap to create the park system which contains park lands with multiple user functions, including recreation, conservation, special uses, and multi-functional.

Nearby Parks

Within a 2.5 mile radius of the property, there are several existing park lands as identified on Map 1 of the Parks 2020 plan. These include the following city parks:

Hawthorne Park
Primrose Park
Walden Grove Park
Clevenger Park
Arrowhead Park
Uinta Park
Edgerton Park
Walsh Park
Castlerock Park
Frances Park

In addition to these parks, there is also a 64-acre Reservoir that has been designated as a state park, Lake Elmo. This recreation area boasts swimming, boating, sailboarding, fishing, picnicking, birdwatching, and a 1.4 mile trail system.

Park and Recreation Needs

Within a ½ mile East of this property, there is a recommended neighborhood park development need as outlined in Framework A of the Parks 2020 plan. This ½ mile radius does touch the Eastern edge of this property. To the South, North, and West, there are existing neighborhood parks within a reasonable walking distance. Future growth to the North will increase the need for future park development toward the Northeast of the property.

Public Safety

Police

If annexed, the study area would receive police protection from the City of Billings Police Department. The City of Billings Police Department is located at City Hall in the Billings Central Business District (approximately 5.0 miles from the study area).

Response time to the area would vary depending on the location of the mobile patrol unit in the general area at the time of need. If annexed, the study area would be included in an assigned area or beat for police officers. Police protection is already provided to the Crist Acres to the South, Daniels Subdivision to the Southeast, and North Pointe Square Subdivision to the West. If annexed, this area would expand their service boundary to serve this development.

The City of Billings Police Department 911 dispatch center currently receives between 4,500 and 10,000 calls per month, not including non-emergency calls, which are generally two to three times that amount. The 2014 report indicates that in 2014, the department received 84,011 calls for service, which was up 4,426 calls from the previous year. The City of Billings Police Department has indicated that expansion of the City limits would have an impact on its manpower and budget. In 2014, voters rejected a public safety mill levy that would have provided funding for additional police, firefighters and dispatchers. Without that additional funding, the Police Department may reduce regular patrol and/or reduce staff in future years.

Fire

The Billings Fire Department currently serves the study area within the Billings Urban Fire Service Area (BUFSA). Services provided include: Fire suppression, emergency medical response, dispatch and communication services for local fire, police and ambulance services, hazardous materials response, high angle and confined space rescue, vehicle accident extrication, fire investigations, building inspections, juvenile fire setter program, and fire education.

Fire Station No. 6 at 1601 St Andrews Drive is the closest station to the subject area at two miles from the subject area. Station No. 6 covers the heights and the BUFSA. The emergency vehicles at this station include Engine 6, Brush 6, Tender 5, and Air refillings van. This station is also a solar powered station and home for the SCBA (self-contained breathing apparatus) technicians, who are responsible for the maintenance, upkeep, and filling of oxygen tanks.

Facts about Station 6

Fire Calls	EMS Calls	Non-Fire Calls	HazMat Response	Dollar Loss
68	888	310	39	$5,042,450

First In On Calls	Back-up on Calls	Total Responses
1,305	80	1,385

Emergency Medical Service

Both Billings Clinic at 2813 Ninth Avenue North and St. Vincent's Hospital at 1233 North 30th Street would provide routine and emergency medical services in the area. The hospitals are approximately 5.25 and 5.5 miles, respectively, from the study area. The ambulance service for the area would be provided by private industry (American Medical Response). The impact on City services, therefore, is expected to be minimal. American Medical Response indicated that the number of calls correlate with the type of development. Based upon current trends and the existing development, it is expected any increases in ambulance needs would be absorbed under the incremental growth processes that have been previously discussed. It is expected that most of the calls would be related to traffic issues as the area becomes more crowded, with more calls during the early morning and late afternoon. The impact to the provider and their ability to provide timely service, as required by City ordinance, would become increasingly difficult with the expansion of the City limits. American Medical Response, with its existing locations, cannot meet response time requirements for the entire urban planning area. Just as has occurred with the Fire Department, American Medical Response will need to review new dispatch locations over time in order to maintain the required response times. As this service is provided through the private sector, free market enterprise will continue to dictate expansion needs.

Public Schools

With the intended use of the study area site for commercial development, there is no foreseeable increase in students in nearby schools.

Transportation Systems Impacts

In July of 2014, the Montana Department of Transportation (MDT) released a Record of Decisions regarding the Billings Bypass project. This decision chose the preferred route of the Billings Bypass to lay adjacent to Mary Street. This route will provide 5.15 miles of road connecting I-90 to Old Hwy 312 in the heights. This project is currently in the design phase and is expected to start construction in 2020.

Streets and Intersections

The site property for this project is located north of Mary Lane and east of Montana Highway 312 (MT 312). Right-of-way for the Billings Bypass will take approximately the south half of the subject parcel leaving approximately 6 acres available for development. This will also result in the Billings Bypass serving as the new south boundary for the site.

MT 312 is a Secondary State Highway that is classified by the Montana Department of Transportation (MDT) as a Minor Arterial and by the City of Billings as a Principal Arterial. It is maintained by Yellowstone County. From an alignment standpoint, MT 312 serves as a continuation of Main Street heading northeast from Billings toward Shepherd and Huntley. Adjacent to the site property, MT 312 generally carries a 5-lane section and is subject to a posted speed limit of 45 mph.

The Billings Bypass is currently in design. It is generally expected that the segment along the south edge of the site property will have a three-lane section and a posted speed limit of 45 mph. It is not yet known where access will be available to private property or how many access points may be allowed.

Adjacent intersections are also difficult to describe at this point in time, since there are various alternatives being considered, including a new interim traffic signal on MT 312, a roundabout that would replace the existing traffic signal at the Main Street-US 87-MT 312 intersection, and a dual-roundabout configuration that would replace the existing traffic signal. A traffic signal was recently installed at the Main Street-US 87-MT 312 intersection through a MDT project.

Anticipated Trip Generation

Preliminary conceptual development plans for the site property propose Community Commercial zoning with a mixture of commercial land uses for the 6-acre property. Based on an assumption of a 15% building coverage, this would result in approximately 39,200 SF of gross commercial floor area.

A reasonable projection of site-generated traffic can be estimated using Trip Generation, 9th Edition, published by the Institute of Transportation Engineers (ITE), the most widely accepted source for trip generation rates. Utilizing the Shopping Center land use category, the site would project to generate approximately 1674 trips on an average weekday, with 38 trips (23 in/15 out) during the AM peak period and 147 trips (71 in/76 out) during the PM peak period. The site would also project to generate approximately 1983 trips on a typical Saturday.

Method of Funding Public Improvements

There are a number of public improvements that would be necessary if the study area were eventually annexed into the City of Billings. The improvements and public services come with costs. There are several mechanisms to pay for these costs.

System Development Fees

System Development Fees, or SDFs, are charged for the impact of new development on the water and sewer infrastructure. The 2016 County Water District of Billings Heights service fees range from $1,494.36 for a ¾" line to $209,211.10 for an 8" service line. In addition to these fees, the heights also has Annexation buy-in fees of $8,640.98/Acre or 19.84 cents/sq ft.

Special Improvement District

Special Improvement Districts (SID) are formed to allow property owners to share in costs related to infrastructure improvements, for which they all receive benefit from use of that infrastructure. An SID is a taxing district that is created to finance public improvements such as transportation infrastructures, water main, sewer main, and storm drainage. Assessment can also contribute to long-term maintenance of the improvements.

Property Tax Revenues

Funding for services, such as police and fire protection, is usually provided by property tax revenue. Future tax revenues will ultimately depend on the use and density of the property.

Conclusion

The properties within the study area are geographically, environmentally and economically suitable to urban development. Property to the west and south is currently within city limits and property to the east currently sits in the red area of the limits of annexation map. The area of the urban planning study is situated within the long range urban planning area. This area has already been under study with the proposed Billings Bypass project and future growth is likely to accompany this transportation expansion. The study area is adjacent to development on the east, west and south, with future potential development to the north. Annexation into the red of this study area will allow for future planned growth along a newly established bypass.

The provision for emergency services is always a concern as communities expand and grow. Adding this property to the red area provides time for the service analysis and will help identify demands for those services.

The property within the study area does not have a specific timeframe for development. Placing it within the red area allows the property owner to begin the master planning process and work with nearby property owners and the City to develop long term planning for this area of Billings. It also will provide the designers of the Billings Bypass to incorporate the proposed development into their design for access and utilities to this adjacent property.

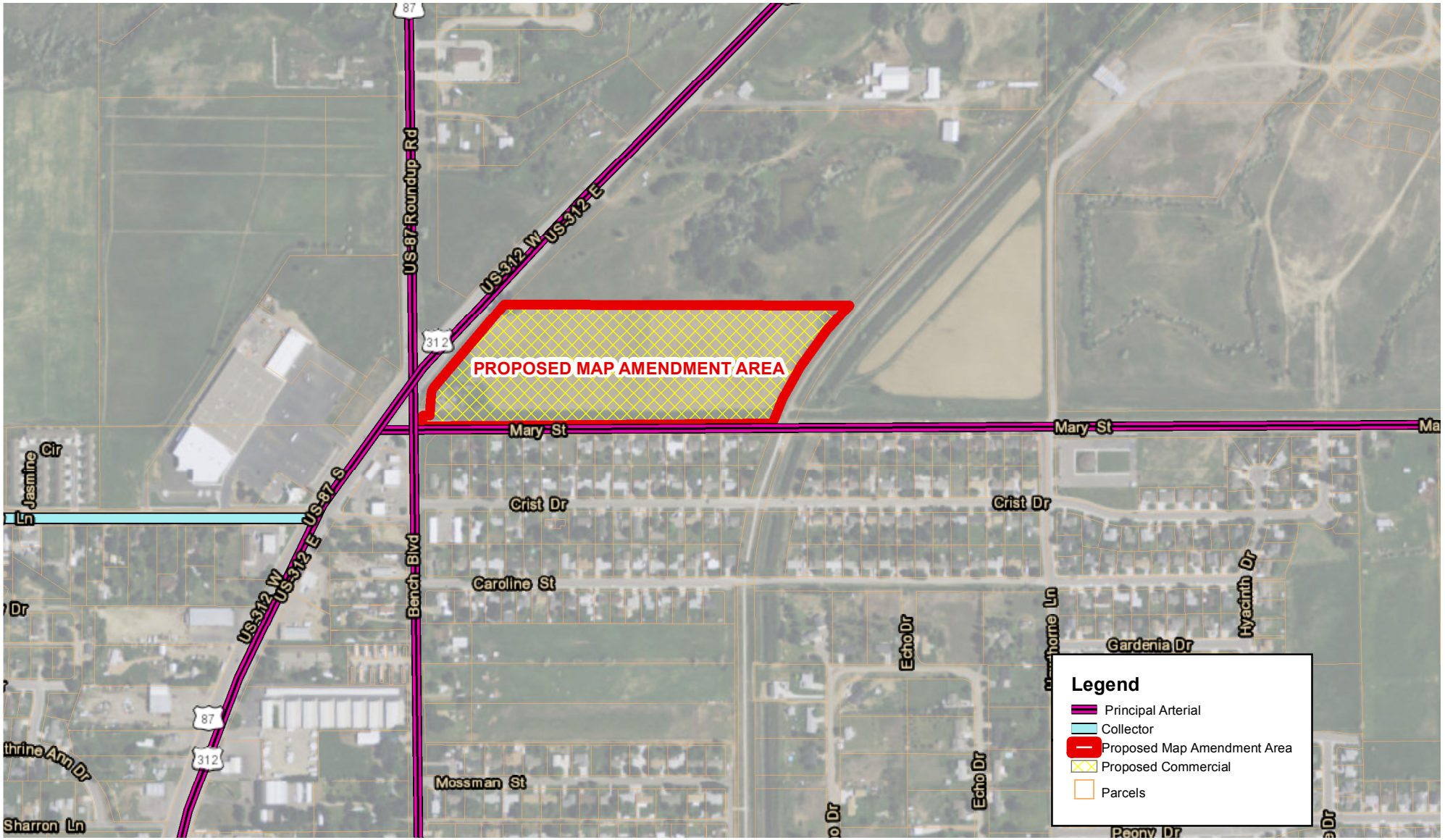
EXHIBIT A
PROPOSED MAP
AMENDEMENT AREA

Prepared For: Zellah Yegen Trust
Prepared By: Sanderson Stewart

Date: 11/13/2015
Billings, Montana

N

0 500 1,000 2,000 Feet



Document Path: P:\14059_01_Yegen_UPS_Mary_St_PM\GIS\GIS_Map1.mxd

EXHIBIT B

CITY LIMITS, CURRENT ZONING, AND CURRENT UTILITIES

PREPARED FOR : ZELLAH YEGEN TRUST

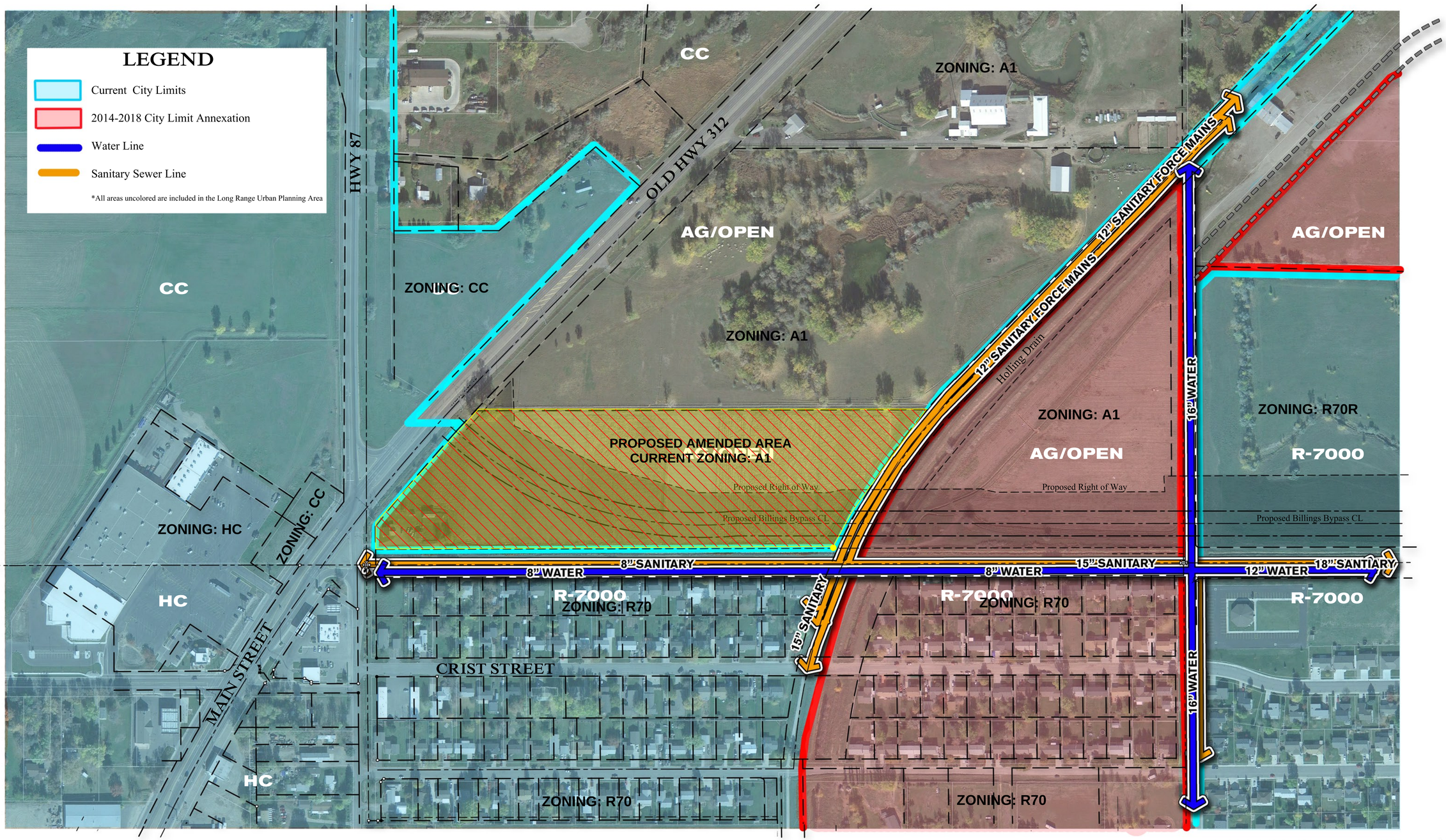
PREPARED BY : SANDERSON STEWART

November 2015

BILLINGS, MONTANA

NORTH

150 75 0 150 300



United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Yellowstone County, Montana

November 2, 2015

Custom Soil Resource Report
Soil Map

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Yellowstone County, Montana
Survey Area Data: Version 14, Sep 28, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 29, 2011—Aug 17, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Yellowstone County, Montana (MT111)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
Bo	Bew clay, 1 to 4 percent slopes	1.5	11.6%
GP	Gravel pit	0.5	4.1%
Kc	Keiser silty clay loam, 0 to 1 percent slopes	10.9	84.3%
Totals for Area of Interest		**12.9**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If

intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Yellowstone County, Montana

Bo—Bew clay, 1 to 4 percent slopes

Map Unit Setting

National map unit symbol: clqf
Elevation: 1,900 to 4,500 feet
Mean annual precipitation: 11 to 14 inches
Mean annual air temperature: 45 to 50 degrees F
Frost-free period: 120 to 135 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Bew and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bew

Setting

Landform: Terraces, fans
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium

Typical profile

Ap - 0 to 7 inches: clay
Bt - 7 to 16 inches: clay
Bk - 16 to 46 inches: clay
C - 46 to 60 inches: clay loam

Properties and qualities

Slope: 1 to 4 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: Clayey (Cy) RRU 58A-C 11-14" p.z. (R058AC041MT)

Minor Components

Vananda

Percent of map unit: 9 percent
Landform: Terraces, fans, lakebeds (relict)

Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Clayey (Cy) RRU 58A-C 11-14" p.z. (R058AC041MT)

Allentine
Percent of map unit: 6 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Clayey (Cy) RRU 58A-C 11-14" p.z. (R058AC041MT)

GP—Gravel pit

Map Unit Composition
Pits, gravel: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Kc—Keiser silty clay loam, 0 to 1 percent slopes

Map Unit Setting
National map unit symbol: cls2
Elevation: 2,700 to 5,000 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 45 to 50 degrees F
Frost-free period: 110 to 135 days
Farmland classification: Not prime farmland

Map Unit Composition
Keiser and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Keiser

Setting
Landform: Terraces, low hills
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope, tread
Down-slope shape: Linear, concave
Across-slope shape: Linear
Parent material: Alluvium

Typical profile
A - 0 to 3 inches: silt loam
Bt - 3 to 9 inches: silty clay
Bk - 9 to 23 inches: silty clay loam
C - 23 to 60 inches: silt loam

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to moderately saline (0.0 to 8.0 mmhos/cm)
Available water storage in profile: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: Silty (Si) RRU 58A-C 11-14" p.z. (R058AC040MT)

Minor Components

Bew

Percent of map unit: 6 percent
Landform: Terraces, fans
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Clayey (Cy) RRU 58A-C 11-14" p.z. (R058AC041MT)

Shonkin

Percent of map unit: 5 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Ecological site: Overflow (Ov) RRU 58A-C 11-14" p.z. (R058AC045MT)

Hesper

Percent of map unit: 4 percent
Landform: Fans, terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Silty (Si) RRU 58A-C 11-14" p.z. (R058AC040MT)

Figure A.1. Preferred Alternative – Mary Street Option 2

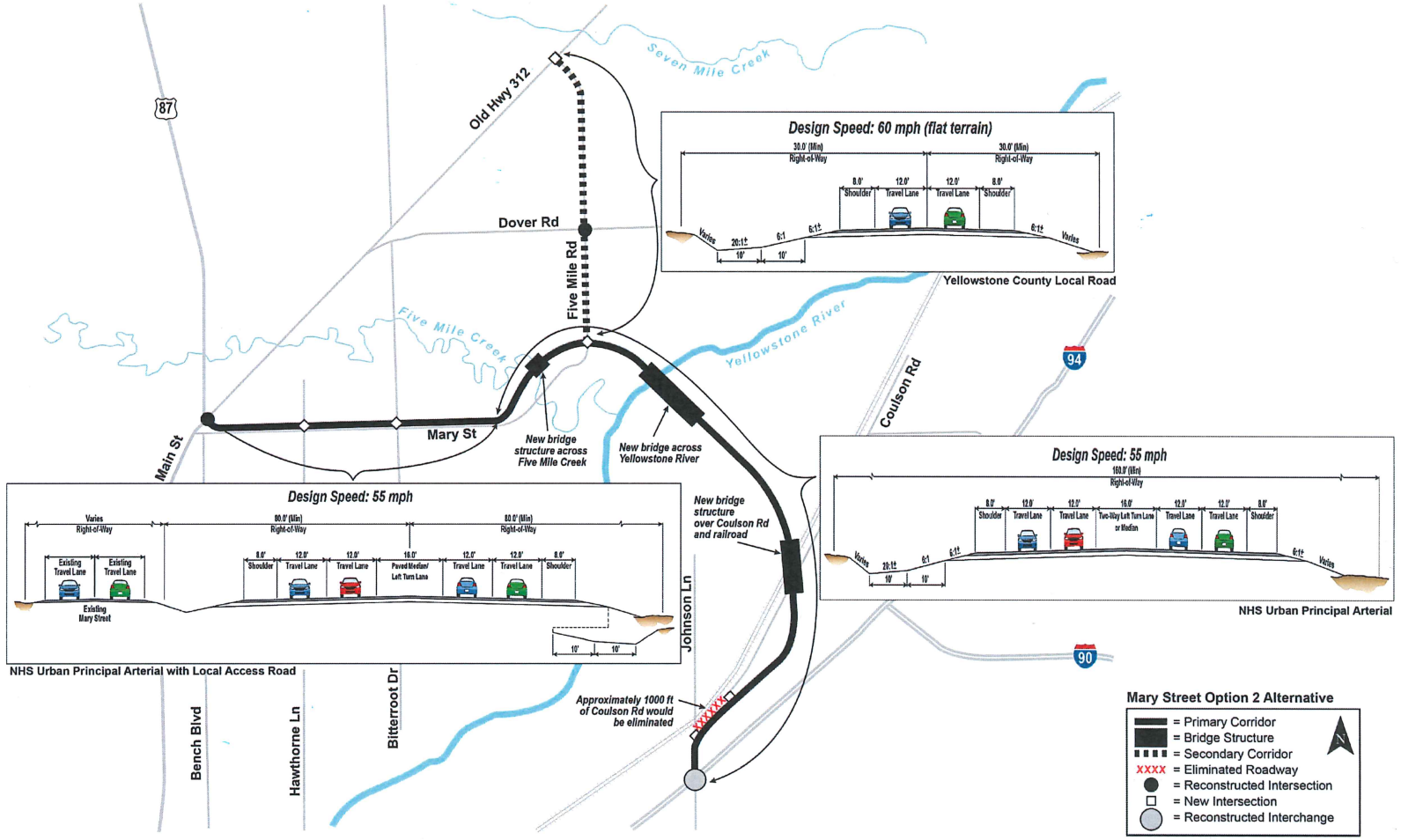


Figure A.8. Phase 1 Design Simulation, Mary Street Looking East from US 87 and Main Street

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Public Hearing for Ward Ordinance First Reading - Annexation #16-03

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexation of property into the City. The City Council approved the annexation of property owned by Yellowstone Meadows Partners, LLC (Annexation #16-03) on May 9, 2016. This 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 May 23, 2016 along with a public hearing, and the second reading is scheduled for June 13.

ALTERNATIVES ANALYZED

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

- Approving the ordinance will modify the boundaries of Ward IV to include the property owned by Yellowstone Meadows Partners, LLC.
- Not approving the ordinance will not modify the boundaries of Ward IV and create a problem where property inside the City Limits is not within one of the City Ward Boundaries.

FINANCIAL IMPACT

There is no budget/financial impact from this action.

RECOMMENDATION

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

APPROVED BY CITY ADMINISTRATOR

Attachments

Ward Ordinance

ORDINANCE NO. 16-_____

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

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

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

   A tract of unplatted land situated in the NE1/4, NE1/4 of Section 31, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as: Beginning at the southeast corner of Trail Creek Drive of Yellowstone Meadows-Phase One, Recorded December 15, 1970, under Document No. 873104, on file and of record in the Records of Yellowstone County, said Point of Beginning being the southwest corner Right-Of-Way line of Trail Creek Drive and 54th Street West; thence in a southwesterly direction and along the west Right-Of-Way line of said 54th Street West for a distance of 426.00 feet; thence leaving said 54th Street West Right-Of-Way line and in a southwesterly direction and parallel to said Trail Creek Drive for a distance of 576.68 feet to a point; thence in a northeasterly direction and parallel to 54th Street West for a distance of 426.00 feet to a point on the south Right-Of-Way line of Trail Creek Drive, said point being the southwest corner of said Trail Creek Drive of Yellowstone Meadows-Phase One; thence in a northeasterly direction and along said Right-Of-Way line of Trail Creek Drive for a distance of 576.68 feet to the Point of Beginning.
   Including all adjacent right-of-way of Trail Creek Drive.
   Containing 6.434 gross acres and 5.639 net acres more or less.
   (#16-03) 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 23rd day of May, 2016.

PASSED by the City Council on the second reading this 13th day of June, 2016.

THE CITY OF BILLINGS:

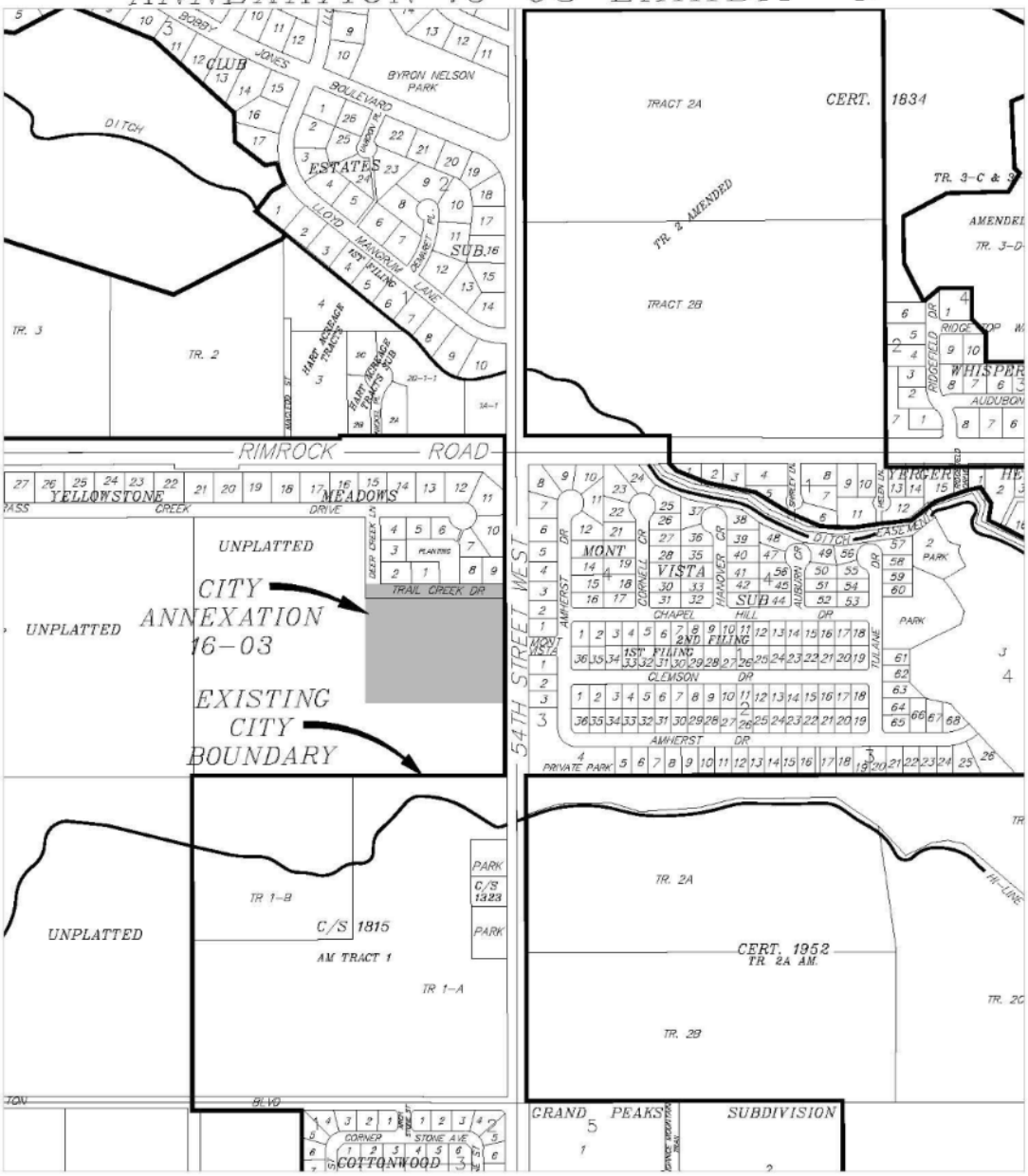
_____
Thomas W. Hanel, MAYOR

ATTEST:

BY:_____
Billie Guenther, CITY CLERK

(AN 16-03)

ANNEXATION 16-03 EXHIBIT "A"



Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Special Review 942 - Public Hearing

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to allow the construction of one four-plex multi-family dwelling in a Residential 6,000 (R-60) zone on a 13,200 square foot parcel of land described as Lot 1A, Block 13, Sweet Acres Subdivision, 4th Filing. The Zoning Commission conducted a public hearing on May 3, 2016, and is forwarding a recommendation of conditional approval and adoption of the findings of the 3 criteria.

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

ALTERNATIVES ANALYZED

City Council may:

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

The Planning Division has reviewed this application with other City departments and recommended conditional approval to the Zoning Commission based on the findings of the 3 criteria. The Zoning Commission concurred with this recommendation and findings.

Before a recommendation of approval or conditional approval may be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations, the 2008 Growth Policy including any neighborhood plans, 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 in so far that it is in a zoning district, R-60, where multi-family dwellings are allowed by special review approval. The form of the application is correct and the submitted site plan is in conformance with site development and zoning regulations for the R-60 zoning district.

The proposed 4-unit apartment is compatible with the surrounding uses. The existing apartments at Rimrock West have used this vacant parcel as a park and dog exercise area. In order to mitigate any potential conflict with the adjacent apartments, the Zoning Commission is recommending conditions of approval. The Zoning Commission recommends the following conditions of approval:

1) The special review approval is for the construction of one 4-unit apartment building, with 12 off-street parking spaces. No other use is intended or implied by this approval.
2) The special review approval is limited to Lot 1A, Block 13 of Sweet Acres Subdivision, 4th Filing generally located at 2250 St John's Avenue.
3) The applicant will construct the 4-unit apartment building in substantial conformance with the submitted site plan. Minor modifications to the plan are allowed.
4) In order to mitigate potential conflict with the adjacent apartment development, Rimrock West, the applicant will install wrought-iron and pillar style fencing currently in place for the existing apartments along the east and south property lines of the subject property. The applicant will coordinate with the apartment owners and managers on the fence selection and installation.
5) In order to mitigate potential conflict with the adjacent Mt. Olive Lutheran Church, the owner will maintain the existing chain-link fence on the west property line.
6) The applicant will not remove, damage or otherwise destroy trees, or root systems of trees, that exist on the adjacent lots. Branch trimming of trees on adjacent lots may be necessary for construction. Prior to trimming of trees on adjacent property, the applicant will coordinate and receive permission from the adjacent property owner for any necessary trimming. All tree trimming will be done or supervised by a
certified arborist.
7) The applicant will install two (2) trees in the 5-foot wide bufferyard along the street frontage, one on each side of the proposed driveway, to continue the similar tree plantings on the adjacent properties. The applicant shall select a tree species as recommended as a Street Tree by the City Forester and be of a size and height at planting that the lowest branch is at least 8 feet above the sidewalk.
8) 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 15 feet above grade. Porch lights are not included in this restrictions.
9) No construction or demolition activity will occur before 7 am or after 8 pm daily.
10) Any centralized solid waste storage shall be enclosed by a wall on 3 sides and a closing gate or gates. The wall and gates for the solid waste storage shall be similar or complimentary in color to the adjacent buildings and shall be sight-obscuring. The wall and gates shall be tall enough that no part of the interior dumpster(s) are visible from the outside.
11) These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
12) The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

FINANCIAL IMPACT

If the special review is approved, the property will increase in taxable value when the project is completed. This will improve the City's tax base and increase the rate payer base for water, wastewater and solid waste services.

BACKGROUND

The property has been zoned R-60 since the adoption of the current zoning in May, 1972. The property was annexed to the City in 1961. In 1984, this lot and the two adjacent lots to the east were created through an amended subdivision. The two lots to the east had 39 dwelling units each constructed in 1984 and 1985 (three 10-unit buildings and one 9-unit building on each lot). A lot area variance was granted for these two adjacent lots since the subdivision was incorrectly platted with less than the 74,500 square feet required for this number of multi-family units. In 1984, the construction of multi-family dwellings in the R-60 was an allowed use.

All the nearby property in the R-60 zoning district was zoned and developed with multiple dwelling units prior to the 1997 code amendment that now requires a special review approval for more than two attached dwelling units. The church to the west, Mt. Olive Lutheran Church, was constructed prior to current zoning that now requires a special review for churches in residential zones. The nursing home south of the adjacent apartments was constructed prior to the current zoning that now requires a special review for nursing facilities in residential zones.

The vacant property appears to have been used by the adjacent apartment residents, by agreement with the previous owner, for a small dog park. The property is a separate parcel of land and was previously owned by the LDS Church from 1984 until January of 2016. The apartments to the east and south were constructed in 1984 and feature 6, 10-unit buildings and 2, 9-unit buildings on a 3.42 acre parcel. Variances were granted for this number of units but the lots are just 44 square feet short of the lot area requirement. The apartment complex, Rimrock West, has a complete perimeter fence except where it adjoins the subject property. A separate chain link fence encloses the subject property on the north and west property lines, so it appears to be part of the apartment complex. The apartment residents use or have used the subject property as a small park and dog exercise area. The surrounding neighborhood is a mixture of single family, two family and multi-family residences as well as a nursing care facility, West High School, a church, and several retail businesses and restaurants on Central Avenue and 24th St West. It appears the addition of a 4-unit apartment building will fit in well with the existing neighborhood.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on May 3, 2016, and received the staff recommendation and testimony from the applicant, Rob Morehead, and the applicant's agent, Travis McDowell. No other testimony was received.

Commission Member Michael Larson made a motion to recommend conditional approval and adoption of the findings of the 3 criteria for Special Review 942. The motion was seconded by Mike Boyett. Chairman Dan Wagner called for the vote on the motion. The motion was approved in a unanimous voice vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

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

RECOMMENDATION

The Zoning Commission recommends that the City Council grant conditional approval and adopt the findings of the 3 criteria for Special Review 942, on a 5-0 vote.

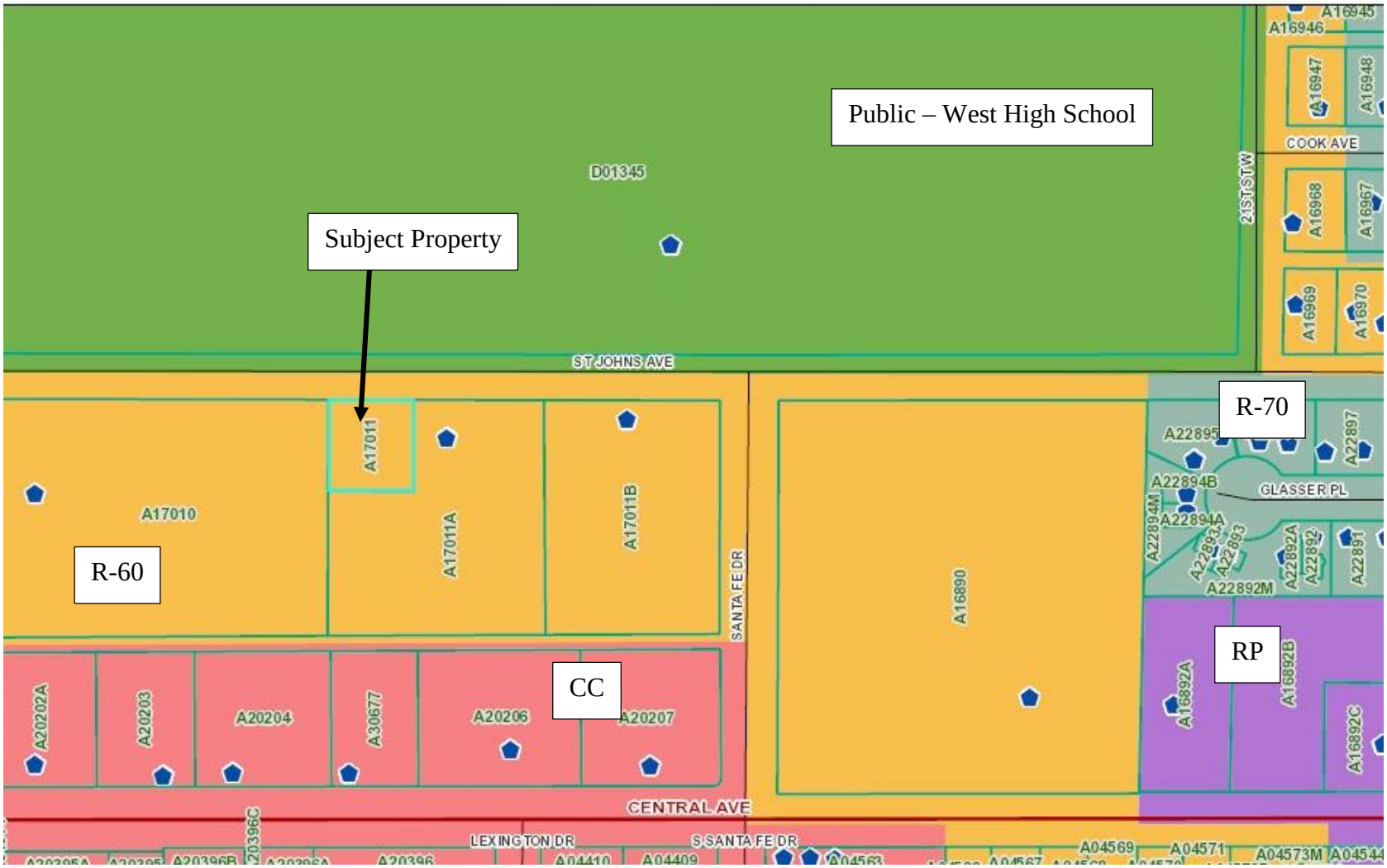
APPROVED BY CITY ADMINISTRATOR

Attachments

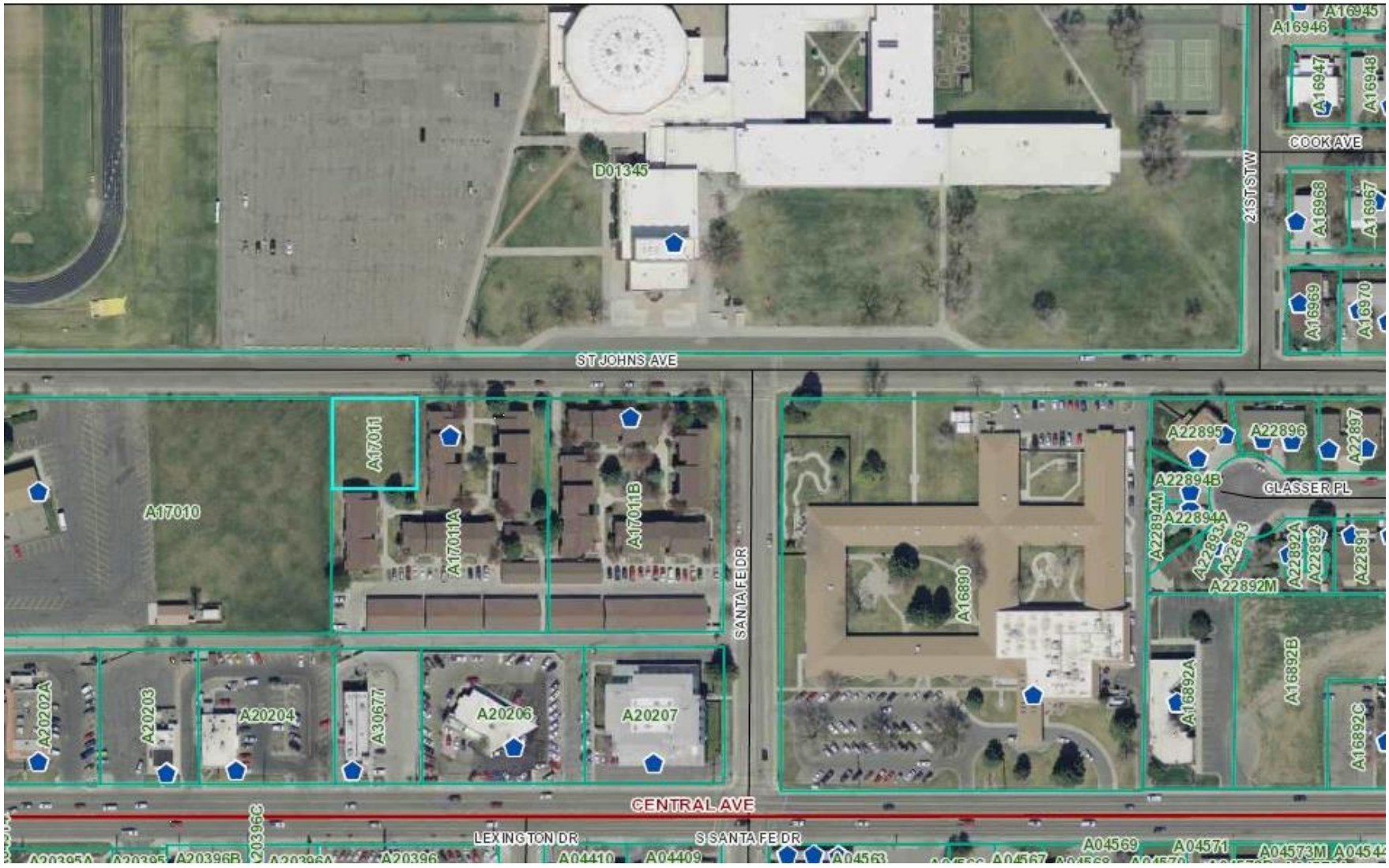
Zoning Map and Site Photos
Applicant Letter and Site Plans

Special Review 942
Zoning Map and Site Photos

2250 St Johns - SR 942



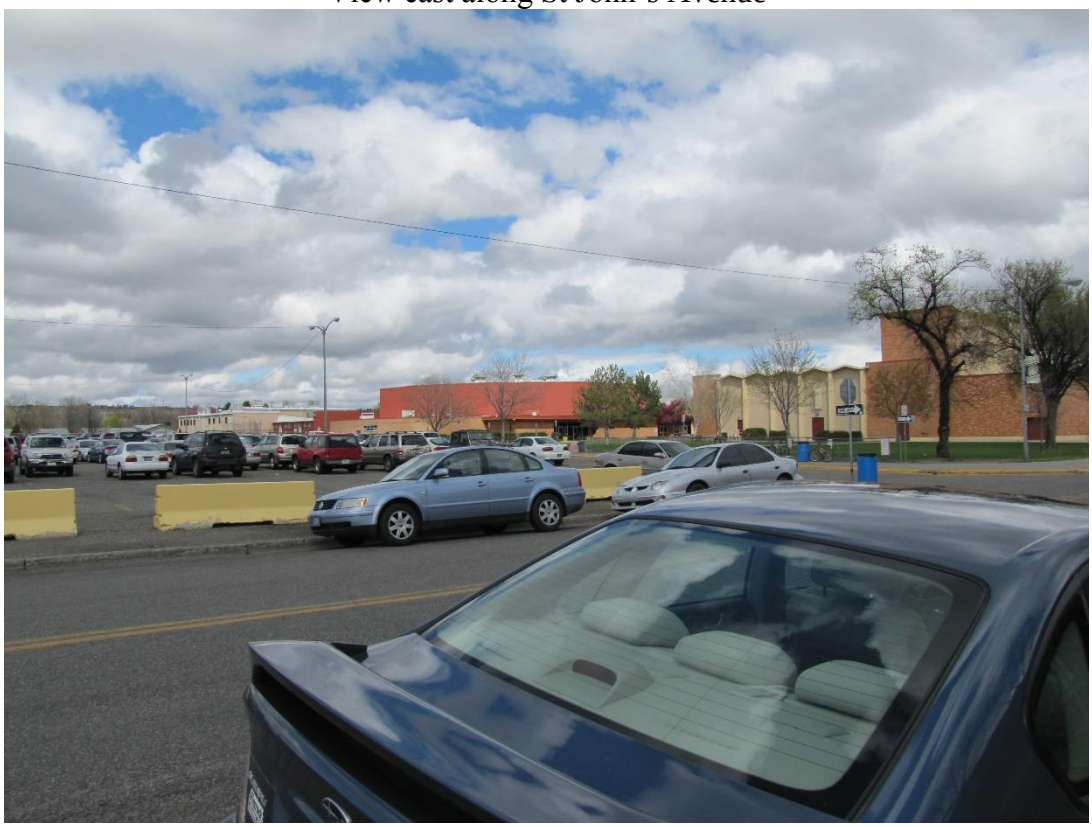
2250 St Johns - SR 942



Subject Property from St John's Avenue

View west along St John's Avenue

View east along St John’s Avenue



View north across St. John’s Avenue

Special Review 942
Applicant Letter and Site Plan

BLUEWATER DESIGN

04/03/16

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

RE: Request for Special Review For
St. John's Townhomes
Billings, MT 59102

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

The proposed 4-plex is consistent with the surrounding neighborhood. There is currently an apartment complex to the East and South of this property. The proposed development will be a positive addition to the neighborhood. The new buildings will be aesthetically appealing and the landscaping will provide a greater quality of life for the surrounding neighborhood.

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

There is a need for this special review in order to create more housing in this neighborhood and to create a project that improves the surrounding neighborhood.

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

The public interest will be served by creating an infill project with an updated development that will be visually appealing and preserve the existing neighborhood character.

D. *Prepare a written statement addressing what is intended to be done with the property, and why the special review is being sought.*

The proposed new development will consist of one four-plex. The two center units will be two stories tall and consist of three bedroom living units with an attached garage. The end units will be single story and consist of one bedroom living units with an attached garage. The exteriors of the project will be virtually maintenance fee, consisting of fibercement siding & thin-cut stone veneer. Landscaped green space & open areas will also be provided on the site. The units will be townhome style, with secure entries & offstreet parking. All of these features combined will greatly enhance the quality of life for the tenants and add value to the neighboring properties. This project will be aesthetically pleasing and a will be a great addition to this neighborhood.

The special review is being sought because development of four-plexes is not allowed in R-6000 zoning without an approved special review.

LEGAL DESCRIPTION

BLOCK 13, LOT 1A
SWEET ACRES SUBDIVISION, 4TH FILING
13,200 s.f.

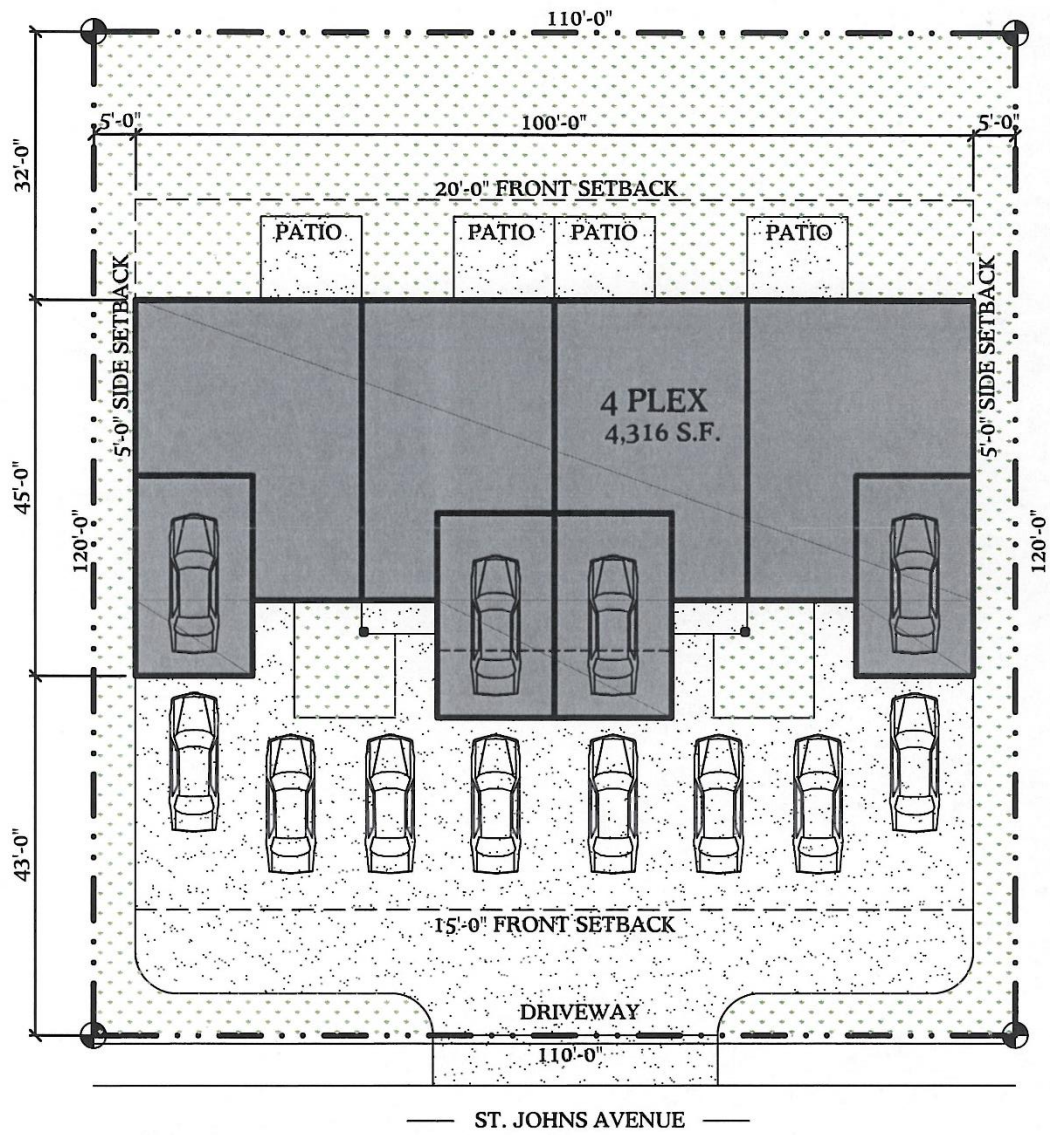
CONSTRUCTION TYPE - VB
OCUPANCY CLASSIFICATION - R-3

LOT COVERAGE

ZONING = R6000
MAX LOT COVERAGE = 40%

MAX COVERAGE
13,200 x .40 = 5,280 s.f.

ACTUAL COVERAGE
TOWNHOMES = 4,316 S.F. = 33%



SITE PLAN

1" = 20'-0"

Conc. driveway =	3,850 s.f.
Conc. patios =	480 s.f.
Building =	4,316 s.f.
Total Impervious Surface =	8,646 s.f. (66%)
Landscaping / Grass =	4,554 s.f. (33%)

PARKING :

1.5 SPACES PER 2 BED UNIT
4 UNITS x 1.5 = 6 spaces required

PARKING PROVIDED:

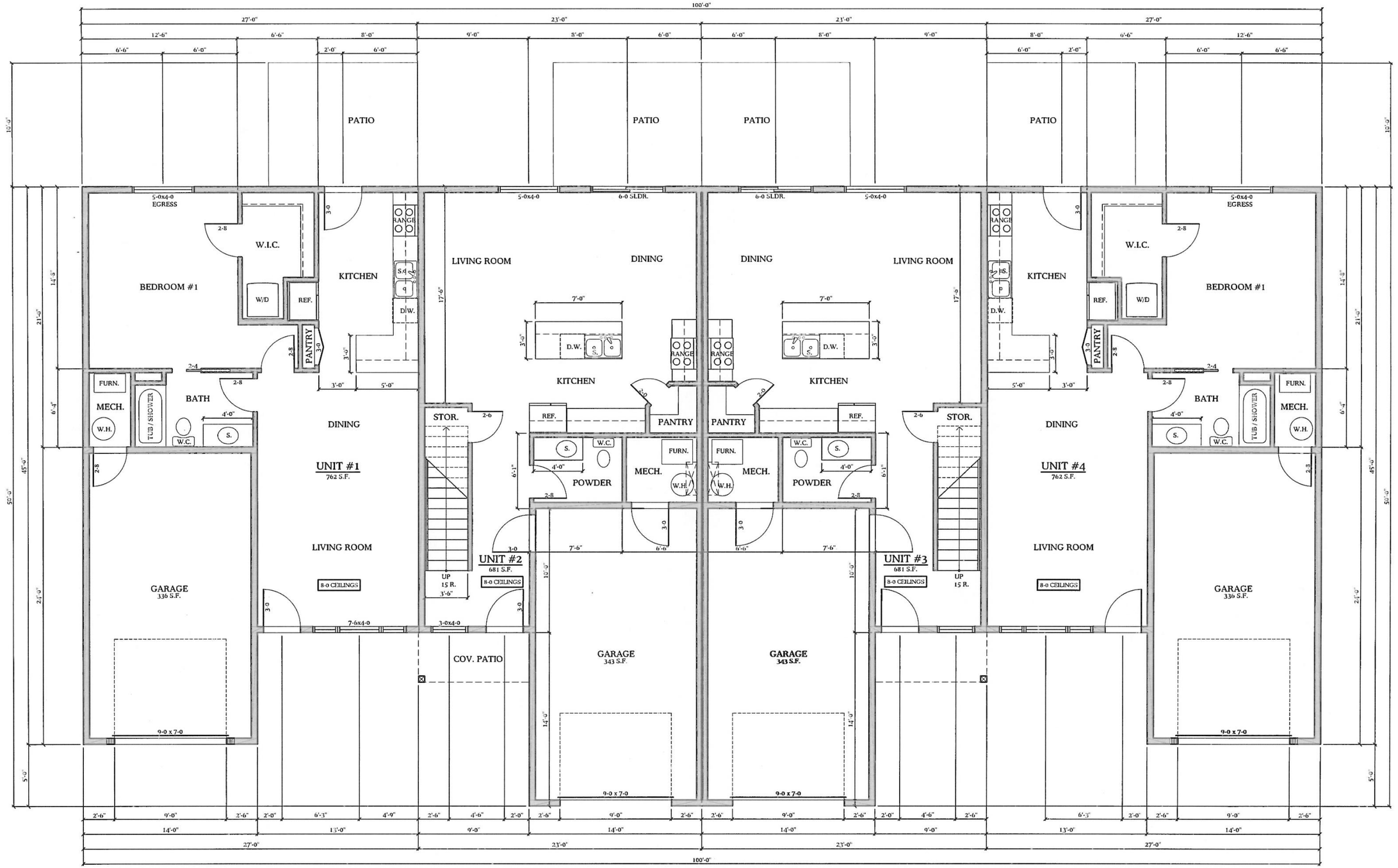
Garage Parking = 4 spaces
Driveway Parking = 8 spaces

Total Parking = 12 spaces provided

BLUEWATER DESIGN

1 NORTH ELEVATION
A-3 1/4" = 1'-0"

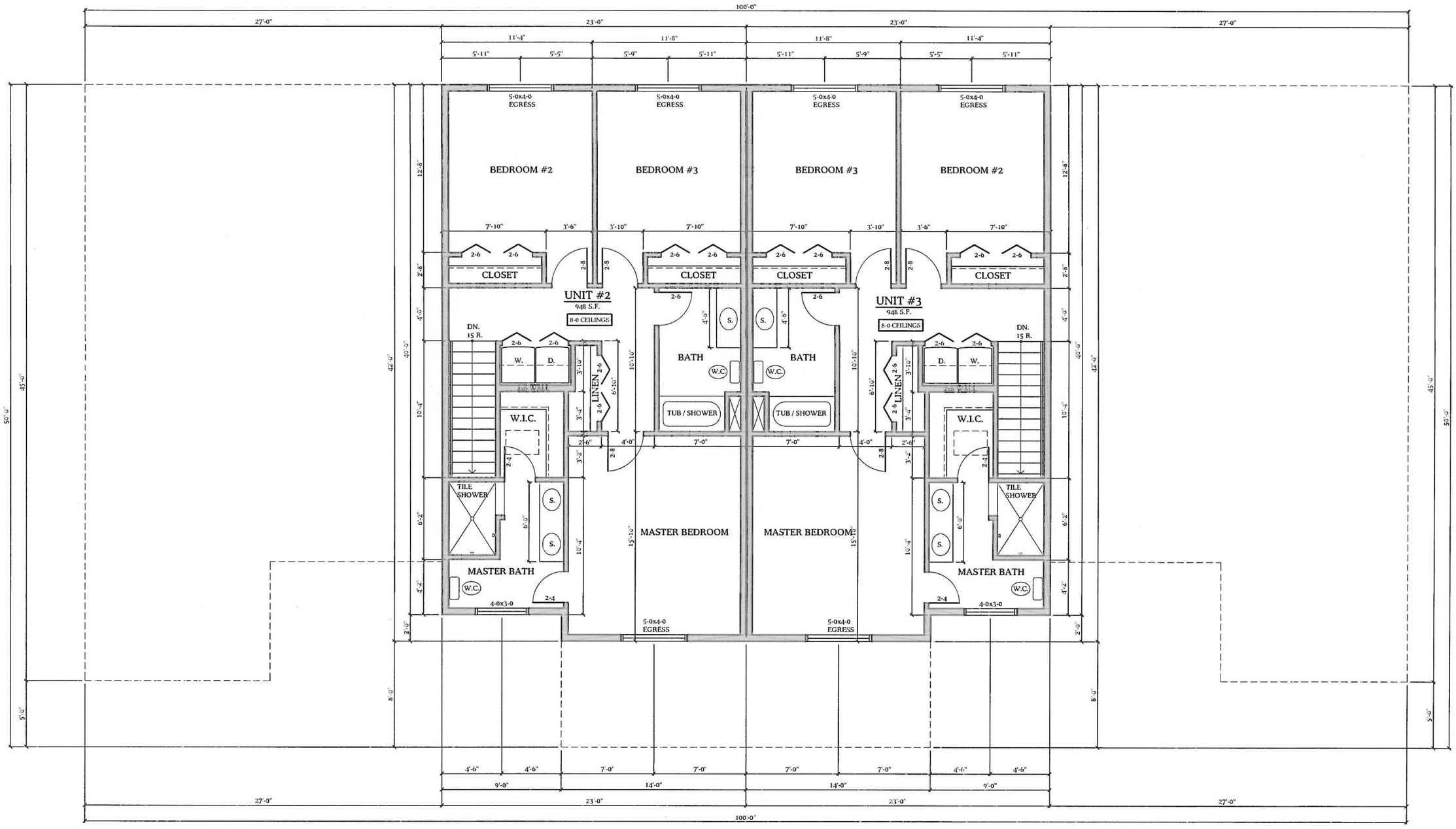
BLUEWATER DESIGN



MAIN FLOOR PLAN

1/8" = 1'-0"

BLUEWATER DESIGN



UPPER FLOOR PLAN

1/8" = 1'-0"

BLUEWATER DESIGN

Regular **6.**

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Repeal of Res. 11-19097 & Public Hearing on & Adoption of Revised Complete Streets Resolution

PRESENTED BY: Tina Volek, City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

On Aug. 22, 2011, the City Council adopted a Complete Streets Policy as recommended by an Ad Hoc Committee and the Healthy by Design Advisory Committee, organized by the chief executive officers of RiverStone Health, St, Vincent Healthcare and Billings Clinic.

In recent months, concerns have been raised about the costs of Complete Streets and its impact on existing neighborhoods when implemented. The Council requested a staff presentation on the issue at an April 4, 2016, work session, at which Council Member Brewster agreed to provide suggested changes to increase the flexibility of the current policy. Those changes were reviewed at an April 18, 2016, work session, at which the Council directed staff to place a revised policy on the agenda for a public hearing.

Attached is a draft revised Complete Streets Policy that proposes adding a Statement of Intent, adjusts some definitions of Complete Streets, eliminates a section on implementing exceptions to the policy, and adds a checklist on proposed existing conditions and project scope.

ALTERNATIVES ANALYZED

City Council must hold a public hearing and then may:

- Vote to repeal Resolution No. 11-19097 and adopt the new Complete Streets Policy as presented;
- Vote to repeal Resolution No. 11-19097 and adopted an amended version of the new Complete Streets Policy;
- Vote to retain but amend Resolution No. 11-19097; or
- Vote to retain Resolution No. 11-19097 in its current form.

FINANCIAL IMPACT

Modification of the policy will have no immediate cost. The cost of improvements made under the Complete Streets policy will change, depending on the type of improvements and construction costs at the time. The proposed revised resolution checklist on Project Scope calls for the cost of bicycle and pedestrian improvements to be compared to the total project cost, and for the source of maintenance for those costs to be identified.

RECOMMENDATION

Staff recommends repealing Resolution No. 11-19097 and adopting the new Complete Streets Policy Resolution as presented.

APPROVED BY CITY ADMINISTRATOR

Attachments

Proposed Complete Streets Policy

RESOLUTION NO. 16-_____

A RESOLUTION OF THE CITY OF BILLINGS
TO ADOPT A COMPLETE STREETS POLICY

WHEREAS, in enacting this resolution, it is the intent of the City Council to encourage healthy, active living; reduce traffic congestion; and improve the safety and quality of life of Billings residents by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation; and

WHEREAS, the promotion of transportation improvements that are planned, designed and constructed to encourage walking, bicycling, and transit use increase the general safety, health and overall welfare of the citizens of and visitors to the City of Billings; and

WHEREAS, the Billings Urban Area Long-Range Transportation Plan 2009 Update states, as one of its Guiding Principles, "the City will develop a complete streets policy which will design and operate to enable safe access for all users including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities to safely move along and across a complete street"; and

WHEREAS, the 2010 Community Investment Plan: City of Billings City Council and Staff Strategic Priorities identifies one of its goals to be the "development of a comprehensive, multi-modal transportation system" and includes "complete streets" as a priority; and

WHEREAS, Section 61-8-602 of the Montana Code Annotated (MCA) makes bicycle riders rightful road users, and Section 61-8-501, MCA, recognizes pedestrians as rightful road users; and

WHEREAS, the health, safety and welfare of the citizens of and visitors to the City of Billings will be enhanced by the adoption of a policy that promotes a complete transportation system that meets the needs and expectations of all transportation users; and

WHEREAS, the City Council of the City of Billings desires to establish a clear policy ensuring the needs of adjacent land users and all transportation users, including but not limited to pedestrians, bicyclists, transit users, people with disabilities, the elderly, emergency responders, motorists, and freight providers are considered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that Resolution 11-19097 of the City of Billings is hereby repealed and the following Complete Streets Policy

is adopted.

Statement of Intent:

The City of Billings through the adoption of the Complete Streets Policy intends to promote and encourage the development of a multi modal transportation systems that will provide access to all users were practicable.

COMPLETE STREETS POLICY

Complete Streets is a transportation and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages, abilities regardless of their mode of transportation.

1. DEFINITIONS. The following words and phrases, whenever used in this Policy shall have the meanings defined in this section unless the context clearly requires otherwise:

"Complete Streets Infrastructure" According to the National Complete Streets Coalition, appropriate elements that make up a complete street would include sidewalks, bicycle lanes, shared – use paths, designated transit lanes, safe and accessible transit stops, safe crossings for pedestrians, including median islands, accessible pedestrian signals, and curb extensions. Additionally, they could include any features identified in the Billings Area Bikeway and Trail Master Plan, and the Manual on Uniform Traffic Control Devices.

(a) "Street" per Montana Code Annotated 76-1-103 includes streets, avenues, boulevards, road, lanes, alleys, and all public ways.

(b) "Street Project" means the construction or reconstruction of any Street, and includes the planning, design, approval, and implementation processes.

(c) "Multi-modal Transportation Network" means all facilities, vehicles and devices designed to facilitate the mobility of people.

(d) "Users" are individuals who use the Multi-modal Transportation Network. Categories of Users include pedestrians; bicyclists; motor vehicle drivers; public transportation riders and people of all ages and abilities.

2. IMPLEMENTATION

(a) The City of Billings shall consider every Street Project an opportunity to incorporate the principles of Complete Streets.

(b) The City of Billings will work in coordination with other organizations, agencies, and jurisdictions to achieve a safe, convenient and connected Complete Streets Infrastructure within the Multi-modal Transportation Network.

(c) This policy will be used as a guide to the City of Billings in the development of transportation plans, transit plans, and design standards. As practicable, these documents and tools will be updated to reflect this Complete Streets Policy.

(d) Implementation of the Complete Streets Policy will consider the adjacent neighborhood, completion of the multi-modal network, priority corridors, and the financial costs of implementation and maintenance of the Complete Streets elements.

(e) The City will provide periodic training on how to integrate, accommodate, and balance the needs of each category of User. Training will be available to City staff, private industry, other jurisdictions, and community members.

(f) The Complete Streets Checklist will be used in the routine consideration of bicyclists and pedestrians in the planning, design, and construction or reconstruction of all transportation projects.

3. DATA COLLECTION AND PROGRESS REPORTING

(a) The City will periodically collect, review and report performance data and benchmark measurements to demonstrate the effectiveness of the policy. This information could include: number of projects completed, number of projects incorporating complete streets infrastructure, actual infrastructure added, number of transit and non-motorized users, community attitudes and perceptions, and safety and health indicators.

(b) Existing advisory boards and committees such as the Technical Advisory Committee, the Traffic Control Board, the Bicycle and Pedestrian Advisory Committee, the Aviation and Transit Board, Public Works Board, Yellowstone County Board of Health and the Yellowstone County Board of Planning are encouraged to provide ongoing feedback and act as conduit for public participation on the implementation of Complete Streets practices.

PASSED by the City Council and APPROVED this xxxxxx day of xxxxxxx 2016.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Billie Guenther, City Clerk

Complete Streets Checklist

1. Existing Conditions

- What accommodations for bicycles, pedestrians, and transit are included on the existing facility and on facilities that it intersects or crosses:

- If there are no pedestrian or bicycle facilities, how far from the proposed project are the closet parallel walkways and bicycle facilities:

- Are there existing challenges the proposed project could address for bicycle, transit, and pedestrian travel:

- What trip generators (current or future) are in the vicinity of the proposed project that potentially attract pedestrians, bicyclists, students, employees, or others:

- Did the project design consider collisions involving pedestrians and bicyclists along the proposed roadway? If so, what are the potential options?

- Do any adopted plans call for the installation of bicycle or pedestrian facilities on, crossing, or adjacent to the proposed facility? If yes, list the applicable plans.

2. Project Scope

- What accommodations, if any, are included for bicycle, pedestrians, and transit in the proposed project design?

- If the proposed project does not incorporate bicycle and pedestrian facilities, list reasons.

- Cost of the bicycle and pedestrian improvements and their proportion of the total project cost?

- What agency will be responsible for the maintenance of the bicycle and pedestrian facilities and how will they be budgeted?

Regular City Council Meeting

Meeting Date: 05/23/2016

TITLE: Public Hearing and Resolution authorizing the sale of lot 17, block 189 Billings Original Townsite

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The City of Billings owns lots 9-17, block 189 of the Billings Original Townsite (BOT), located in the 2600 block of Minnesota Avenue and currently used as a free, surface parking lot. The City formerly owned lots 7 & 8 but sold the building and property to the Interfaith Hospitality Network in October, 2012.

Russ and Susan Plath recently purchased the L&L Building, located at 2624 Minnesota Ave. The building occupies lot 18, block 189 BOT. The Plaths are remodeling the historic building's second floor and would like to re-install windows in the east wall. The windows were removed and covered by a previous owner. The International Building Code requires separation between buildings that have openings (windows or doors) on adjacent walls. Mr. Plath asked for a no-build easement on lot 17 in order to gain the necessary building setback but staff recommended that he attempt to purchase the property instead of encumbering part of the lot with a building restriction. Staff and Mr. Plath also discussed the advantages of a reciprocal access and use agreement that could be negotiated after the sale. As required by City Code Section 22-900, staff advertised the property for sale, notified surrounding property owners and published a public hearing notice. The City received a single bid from the Plaths for $5.25/sq. ft. or a total of $18,375. The City Council must conduct a public hearing and then may consider approving a resolution ordering that the property be transferred to the Plaths.

ALTERNATIVES ANALYZED

City Council may:

- Approve the resolution and order the lot sold to the Plaths for $18,375, or;
- Reject the bid and disapprove the resolution, or;
- Provide alternative guidance to staff.

FINANCIAL IMPACT

The City acquired this property in the 1980s and paved the lot for free parking in the early 2000s. The City Council has approved other property sales in the area for $5 - $5.25/square foot. If the Council accepts the bid, staff recommends that the funds be deposited in the downtown tax increment fund and be used for eligible district public improvements.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the resolution that authorizes selling lot 17, block 189 to Russ and Susan Plath for a total of $18,375.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution
Photo
Purchase offer

RESOLUTION 16 - _____

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

WHEREAS, the City of Billings owns and desires to dispose of unnecessary public property generally located on Minnesota Avenue between N. 26th and N. 27th Streets; and

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

Lot 17, block 189 of the Billings Original Town, now the City of Billings, according to the official plat now on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana; and

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

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on May 23, 2016.

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

City staff are authorized to proceed with selling the property described above to Russ and Susan Plath for the bid price of $17,500.

APPROVED by the City Council of the City of Billings, Montana this 23rd day of May, 2016.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

_____
Billie Guenther, City Clerk

VII. Bid Cover Sheet

MINNESOTA AVENUE PROPERTY- BID OFFER

BID DEADLINE: May 13, 2016 at 5:00pm (MST)

Property Description	Bid Price
2600 Block Minnesota Avenue Billings, Montana;	$18,375.00
Block 189, Lot 17	

BIDDER INFORMATION

Printed Name:	R. Russell Plath and Susan L. Plath
Organization:	Russ Plath Law, LLC
Mailing Address:	PO Box 1337
City, State, Zip:	Billings, MT 59103
Phone:	406-534-4177
Email:	russ@russplathlaw.com

REQUIRED ATTACHMENTS

Did you attach a complete Project Description?

Describe the development that will occur on the property in narrative format, including (but not limited to): intended use(s); preservation of historic value; estimated costs; access to financing; and other factors that may affect the bidder's ability to complete the proposed project.

☒ Yes ☐ No

SIGNATURE

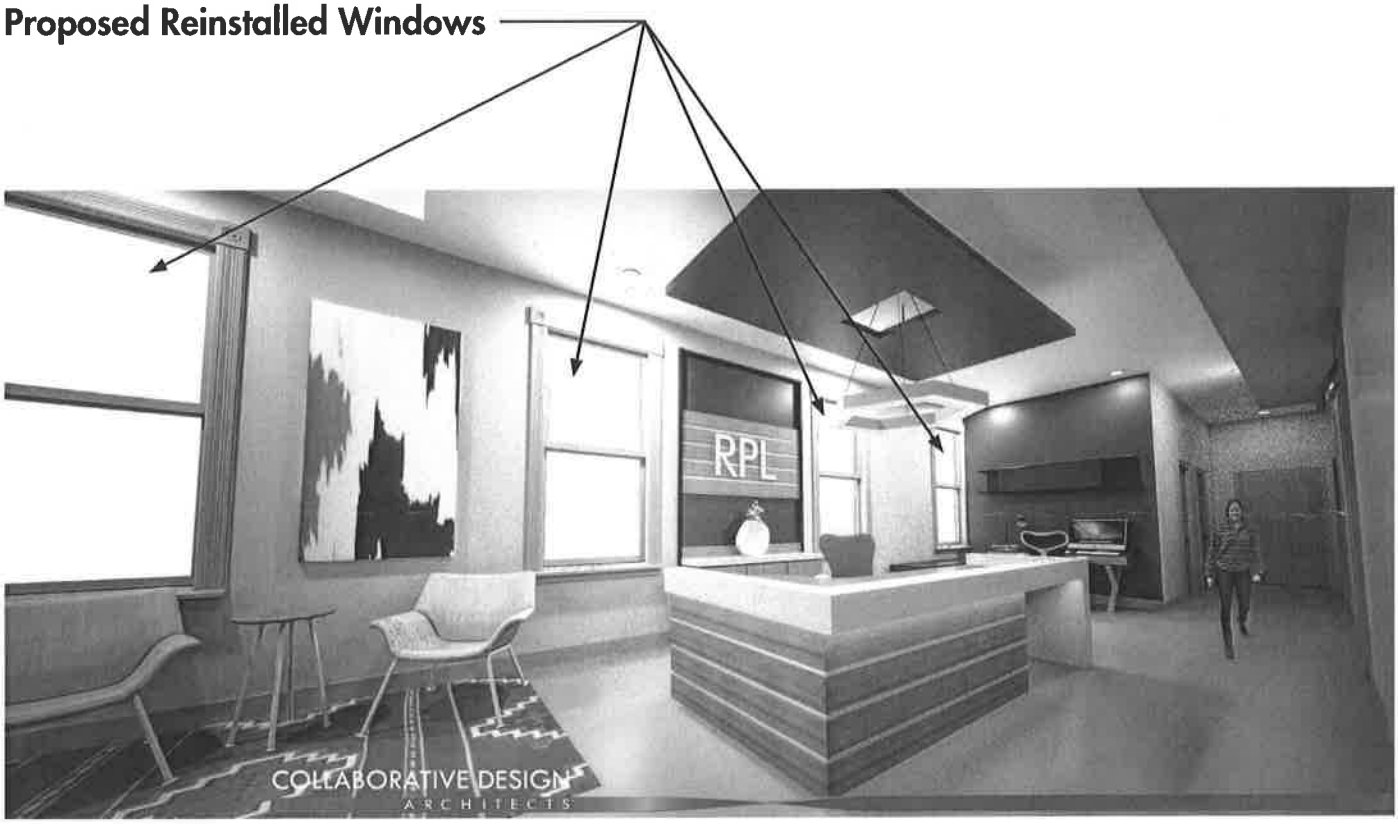
Signature:	R. Russell Plath Susan L. Plath
Date:	May 11, 2016

Submit bids and other required information to the City of Billings - Office of the City Clerk at 210 North 27th Street, Billings, MT 59101 in a sealed envelope marked Minnesota Avenue Property. Late bids may not be accepted or reviewed.

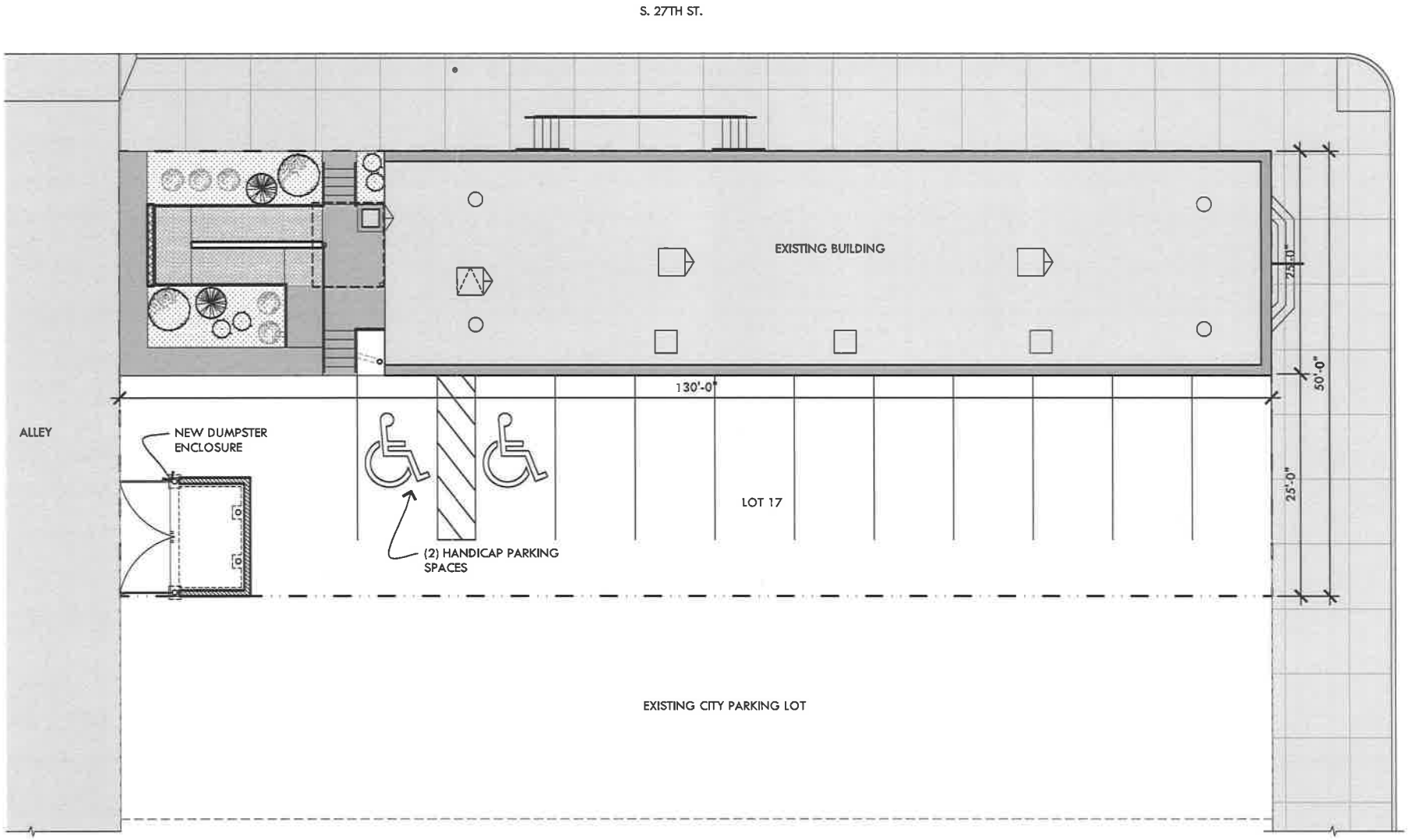
Project Discription

There is currently an on going remodel of the historic L&L building; which is listed on the National Register of Historic Places. The L&L building is located in Billings "Old Town Historic District". The renovation involves an interior remodel of the 2nd floor and basement levels of the building as well a renovation of the ADA ramp and access on the south-side of the building. As part of the renovation we hope to reinstall windows in their original openings on the East-side of the building. The windows on the East-side were removed during the buildings 2005 renovation, because of conflict with the IBC (International Building Code). The East wall of the L&L building is built on the East property line of Block 189, Lot 18. The IBC does not allow openings in a wall on a zero lot line. The purchase of Lot 17 would allow the re-instillation of windows on the East-side of the L&L Building, provide parking for the L&L, and allow for the construction of a secure dumpster enclosure, where the current dumpster is located.

The Re-instillation of Windows on the East side of the L&L building would be a benefit both to the L&L building & the surrounding neighborhood. The windows would greatly improve the interior space of the L&L building as the rendering below indicates. The re-instillation of windows would also help to further restore the historic quality of the L&L building which would be a benefit not only to the L&L building , but also to the "Old Town Historic District" in which the L&L Building is a contributing member.



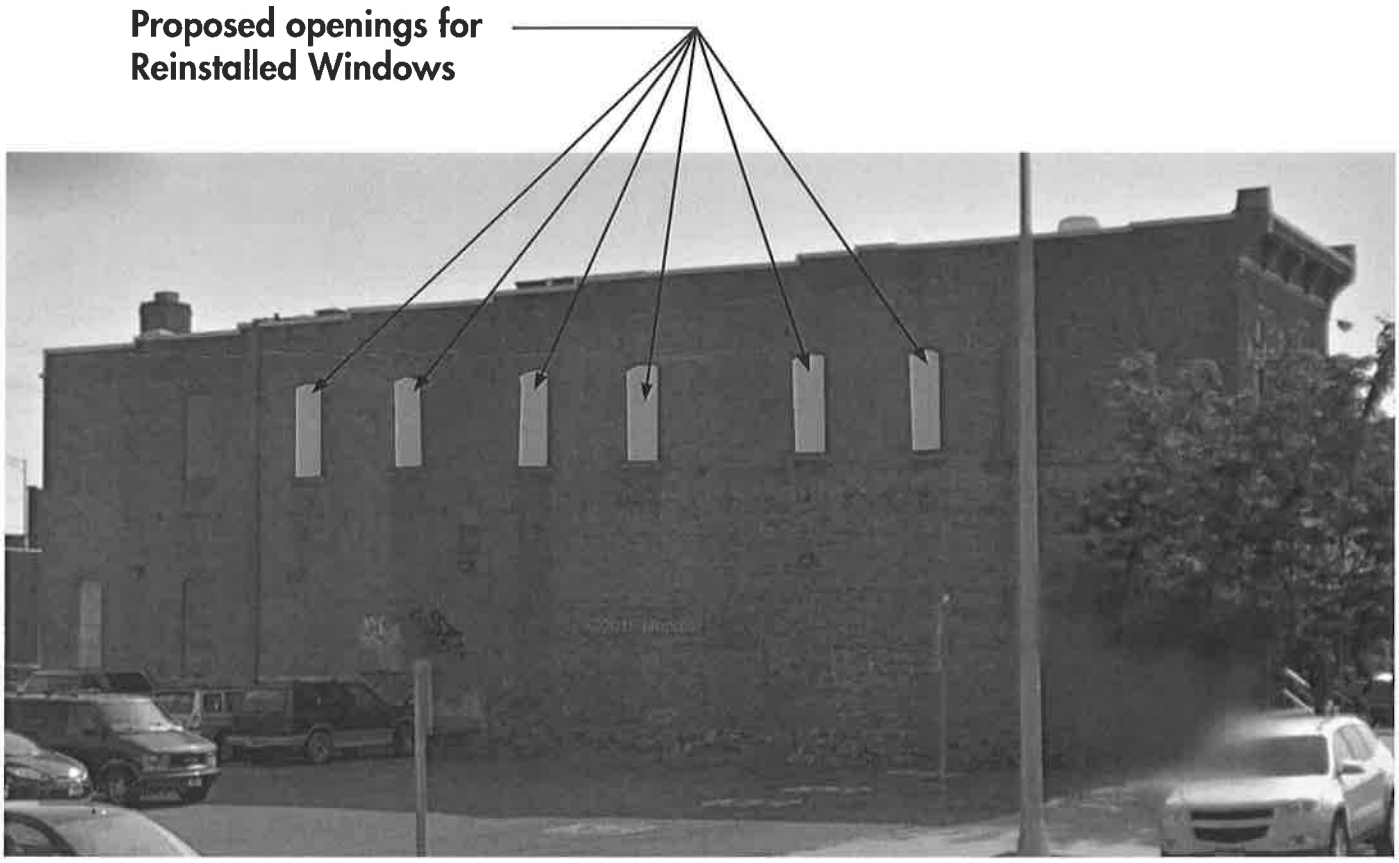
Conceptual image of on going interior remodel



PROPOSED SITE PLAN

Conceptual image of on going interior remodel

Conceptual image of renovated ADA accessible ramp with view of existing dumpster



East-side of L&L building