

**UPDATED AS OF 7/8/2016
ITEMS 1A1, 1I, and 10-6 REVISED
CITY OF BILLINGS**

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

July 11, 2016

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

ROLL CALL: Councilmembers present on roll call were:

MINUTES: June 27, 2016

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #4, #5, & #6 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. **Taxilane West Construction Project.** (Opened 6/28/2016) Recommend Knife River, \$1,167,189.80
 2. **Wastewater Plant Chemicals - Dry Polymer.** (Opened 6/28/2016) Recommend BASF Corporation, \$1.493 per pound.
 3. **West End Hangar Sanitary Sewer Extension.** (Opened 6/28/2016) Recommend COP Construction, \$194,276.
 - B. **Professional Services Contract** for W.O. 16-14, West Billings Stormwater Development Plan; DOWL, \$198,691.
 - C. **Professional Services Contract** for a Montana Stormwater Control Guidance Manual to accompany the new State of Montana MS4 General Permit; HDR Engineering, Inc., \$229,791.
 - D. **Rose Park Pool Operations Building Replacement Study Agreement** with CTA Architects/Engineers, \$123,436.
 - E. **Parks, Recreation, and Open Space Comprehensive Plan Agreement** with PROS Consulting, \$109,745.
 - F. **Right-of-Way Easement for W.O. 15-07, Orchard Lane Reconstruction Project** with Forquer/Stuart LLC, Jude D. Gordon, and Robert Ybarra.
 - G. **Acceptance** of 2016 Justice Assistance Grant (JAG), \$86,925.
 - H. **Recommendation** of new baseball field at Centennial Park be named Musburger Field.
 - I. **Revolving Loan Fund** to Montdevco II, \$250,000.
 - J. **Recommendation of approval** to the Policy Coordinating Committee for the Rimrocks to Valley Bike/Pedestrian Feasibility Study.
 - K. **Approval** of use of funds from the Ballpark Permanent Fund to move fencing and accommodate a zip line, \$10,995.

- L. **Preliminary Subsequent Minor Plat** of Amended Lot 22A Pemberton Subdivision, described as three lots on an approximately 61,486 square foot parcel of land generally located on North Lakeview Drive, east of Lake Elmo Drive and east of Lake Elmo; Melodee Haagenson, et al, owner; Pinpoint Land Survey, PLLC, agent; conditional approval and adoption of the findings of fact.
- M. **Final Plat Approval** of Trails West Subdivision, 3rd Filing.
- N. **Bills and Payroll:**
 - 1. June 13, 2016
 - 2. June 20, 2016

REGULAR AGENDA:

- 2. **PUBLIC HEARING** approving an agreement with Meadowlark Capital LLC to provide sanitary sewer service to Meadowlark Court. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 3. **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 intersection of 54th Street West and Trail Creek Drive. Yellowstone Meadows Partners, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 4. **RESOLUTION** of Intent to Adopt the 2016 City of Billings Growth Policy. Yellowstone County Board of Planning recommends approval. (Action: approval or disapproval of staff recommendation.)
- 5. **RESOLUTION** allocating \$50,000 of Council Contingency Funds for a shelter at High Sierra Dog Park.
- 6. **APPROVAL** of West End Multi-Modal Traffic Modeling Study (continued from 6/27/2016).

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

COUNCIL INITIATIVES

ADJOURN

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

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

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Award of Taxilane West Construction Project

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Included in the Airport's Capital Improvement Program is the Taxilane West Construction Project. The Airport is running out of developed areas to lease and allow for the construction of larger hangars. This 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 itinerant aircraft parking ramp, 1,400 feet of access roads, and 600 feet of water main lines.

This project was advertised in the *Billings Times* on June 6, 16, and 23, and was posted on the City's Website. On June 28, 2016, the following bids were received:

<u>CONTRACTOR</u>	<u>BID</u>
Knife River	\$1,167,189.80
CMG	\$1,386,365.00
EST	\$1,391,526.00

ALTERNATIVES ANALYZED

City Council may:

- Approve the award of the Taxilane West Construction Project; or
- Decline to approve the award, reject all bids, and delay the project.

FINANCIAL IMPACT

The total cost of this project is \$1,167,189.80. This project will be funded 90% with Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funds and 10% local match funds. The FAA's grant funding will be \$1,050,470.82 and the City's local match will be \$116,718.98. The local match funds are budgeted and available in the Airport's Capital Account.

RECOMMENDATION

Staff recommends the City Council accept the low bid and approve the contract award for the Taxilane West Construction project with Knife River for the amount of \$1,167,189.80.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Bid Award - Wastewater Plant Chemicals - Dry Polymer

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Wastewater Treatment Plant uses polymer to aid in dewatering biosolids in the treatment process. Public Works requested bids for this polymer to ensure the best possible price for this product. The subject bid and contract award is for an estimated 78,000 pounds of dry polymer in year one, with the option to renew for up to three years upon mutual agreement. The actual purchase amount may vary from year to year.

ALTERNATIVES ANALYZED

City Council may:

- Approve the contract award for the wastewater plant chemical - dry polymer to BASF Corporation; or,
- Disapprove the contract award, reject all bids and provide additional guidance to staff.

FINANCIAL IMPACT

There are sufficient funds in the FY17 Chemical Supply Budget to purchase the Wastewater Plant Chemicals - Dry Polymer. Staff advertised for bids on June 16 and June 23, 2016 and received them on June 28, 2016, as follows :

Participant	Price/lb	Total Bid Price Per Year
BASF Corporation	\$ 1.493	\$ 116,454.00
Atlantic Coast Polymer	\$ 1.585	\$ 123,630.00
SNF Polydyne	\$ 1.620	\$126,360.00
Hawkins Water Treatment	\$ 1.656	\$ 129,168.00
Brenntag Pacific Inc.	\$ 2.030	\$158,340.00

RECOMMENDATION

Staff recommends that the City Council award the wastewater plant chemical contract for polymer to BASF Corporation in the amount of \$1.493 per pound with the option to renew up to three years upon mutual agreement.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Award of the Sanitary Sewer Project for the New West End Hangar Site

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

PROBLEM/ISSUE STATEMENT

Included in the Airport's Capital Improvement Program is the Sanitary Sewer Project for the new West End Hangar Site. The Airport is running out of locations to lease and construct large hangars, and desires to develop a new hangar area for larger hangars on the west end of the Airport. This project will install approximately 2,000 feet of sanitary sewer line to provide sewer services to future hangars in 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, but is not eligible for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funding, so it will be funded with local capital dollars.

This project was advertised in the *Billings Times* on June 9, 16, and 23, as well as posted on the City's Website. On June 28, 2016, the following bids were received for this project:

<u>CONTRACTOR</u>	<u>BID</u>
COP Construction	\$194,276.00
Hample Excavation	\$231,595.40
Pro-Pipe Corp.	\$290,503.60
Western Municipal Construction	\$310,176.00
EDK Engineering and Construction	\$330,447.00
Engineers Estimate	\$372,790.00

ALTERNATIVES ANALYZED

City Council may:

- Approve the award of the Sanitary Sewer Project for the West End Hangar Site; or
- Decline to approve the award, reject all bids, and delay the project.

FINANCIAL IMPACT

The total cost of this project is \$194,276. The funding for this project is available in the Airport's Capital Fund.

RECOMMENDATION

Staff recommends the City Council accept the low bid and approve a contract for the Sanitary Sewer Project for the West End Hangar Site with COP Construction, for the amount of \$194,276.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: WO 16-14 West Billings Stormwater Development Plan - Contract for Professional Services

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

W.O. 16-14 includes developing a viable solution for stormwater management on Billings' West End for existing and future City arterial and collector roads and existing and future City subdivisions. The study area is generally described as Shiloh to 70th and Rimrock to Hesper, with a focus on areas within the Limits of Annexation and areas currently served by water and sewer. Staff requested the services of an engineering firm to write the plan and DOWL was selected through the Request for Proposals (RFP) process. Other firms considered were HDR, KLJ, and Sanderson Stewart. The contract amount is \$198,691.

ALTERNATIVES ANALYZED

The Council may:

- Award the Contract for Professional Services to DOWL; or
- Do not award the contract. If the contract is not awarded, development on the West End will continue without following a comprehensive stormwater management plan.

FINANCIAL IMPACT

The cost of professional services is \$198,691. FY 2017 Storm Drain Funds will be used for this project.

RECOMMENDATION

Staff recommends that Council approve a Contract for Professional Services with DOWL for \$198,691 for W.O. 16-14; West Billings Stormwater Development Plan.

APPROVED BY CITY ADMINISTRATOR

Attachments

W.O. 16-14 P.S.C.

Contract for Professional Architectural and Engineering Services

W.O. 16 – 14 West Billings Stormwater Development Plan

In consideration of the mutual promises herein, City of Billings and DOWL agree as follows. This Contract consists of:

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 5 pages (Basic Services of Contractor);

Appendix B consisting of 2 pages (Methods and Times of Payment);

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

Appendix D consisting of 3 pages (Schedule of Professional Fees);

Appendix E consisting of 1 page (Project Schedule);

Appendix F consisting of 3 pages (Certificate(s) of Insurance); and

PART I SPECIAL PROVISIONS

Section 1. Definitions.

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his designee.
- B. "Billings" means the City of Billings.
- C. "Contractor" means DOWL.

Section 2. Scope of Services.

- A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
- B. Billings shall pay the Contractor in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.
- C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.

- D. The Contractor shall provide as-built drawings on mylars and in digital format, as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings.
- E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
- C. This Contract shall terminate at midnight on October 1, 2017.

Section 4. Compensation; Method of Payment. (Choose payment method A, B, or C)

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

Section 5. Termination of the Contractor's Services.

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

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

Section 6. Duties Upon Termination

- A. If Billings terminates the Contractor's services for convenience, Billings shall pay the Contractor for its actual costs reasonably incurred in performing before

termination and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.

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

Section 7. Insurance.

- A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.
- B. The Contractor shall provide the following insurance:
 - 1. Workers' compensation and employer's liability coverage as required by Montana law.
 - 2. Commercial general liability, including contractual and personal injury coverage's -- \$1,500,000 per occurrence.
 - 3. Commercial automobile liability -- \$1,500,000 per accident.
 - 4. Professional liability in the amount of \$1,500,000 per claim.
- C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.
- D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except

Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

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

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

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

Section 10. Notices.

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

Billings: Tyler Westrope, PE
City of Billings
Public Works - Engineering
2224 Montana Avenue
Billings, Montana 59101

FAX: (406) 237-6291

Contractor: Wade Irion, PE
DOWL
Water Practice Lead
222 N 32nd Street, STE 700
Billings, MT 59101

FAX: (406) 656-6398

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

Section 11. Contract Budget.

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

Section 12. Force Majeure.

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

Section 13. Financial Management System.

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

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

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

Section 14. Funding Requirements.

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

Section 15. Subcontracts.

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

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

PART II GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

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

Section 2. Nondiscrimination.

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The Contractor shall state, in all solicitations or advertisements for employees to Work on Contract jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
- C. The Contractor shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
- D. The Contractor shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Contractor under this Contract.
- E. The Contractor shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.
- F. The Contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a), which prohibit discrimination against qualified protected veterans and/or qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

Section 3. Permits, Laws, and Taxes.

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

Section 4. Nonwaiver.

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

Section 5. Amendment.

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

Contractor: Water Practice Lead
(title of position)

Billings: City Council or Authorized Designee

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

Section 6. Jurisdiction; Choice of Law.

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

Section 7. Severability.

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

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than

those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

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

- A. The Contractor shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Contractor, the Contractor shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

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

Section 11. Availability of Funds.

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

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

City of Billings

Contractor

City Council or Designee

Wade Irion, DOWL

Date: _____

Name: _____

Title: Water Practice Lead

Date: _____

ATTEST:

IRS Tax ID # 92-0166301

City Clerk

APPROVED AS TO FORM:

Date: _____

By _____

BRENT BROOKS, City Attorney

STATE OF MONTANA)
 :ss.
COUNTY OF YELLOWSTONE)

On this ____ day of _____, 2016, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the _____ of _____, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

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

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

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

Appendix A

Basic Services of Engineer

Section 1. Engineer's Rights and Duties.

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

Contractor. A signed Engineer's Payroll Check Sheet (included in the Standard Modifications to MPWSS) will be submitted as proof of this review with one copy of each payroll.

- K. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project the Task Director designated for the Engineer is Wade Irion working under the Principal-in-Charge, John Shoff.

Section 2. Billings Rights and Duties.

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

Section 3. Scope of Work.

See following pages:

W.O. 16-14

West Billings Stormwater Development Plan

SCOPE OF WORK

Introduction

The West Billings Stormwater Development Plan will be used to guide ongoing development and drainage improvements for the Billings West End. The project area generally extends from Shiloh Road to 70th Street West and from Rimrock Road to Hesper Road. The Plan development will be prioritized to initially focus within the limits of annexation and particularly areas currently served by water and sewer, such as the areas in the vicinity of the new Ben Steele Middle School. There are many different alternatives to be considered for managing stormwater runoff and there are many stakeholders that will influence the ultimate direction of this plan. The following generalized scope of work is developed in recognition of these many factors that have the potential to alter the course of this planning study. DOWL will work closely with City of Billings to set and adjust the course of this project. However, for budgeting and project management purposes, our work plan is based on the scope of work and assumptions described in the following sections. Increases and/or decreases in the required work effort and associated budget will be coordinated closely with the City of Billings.

The following Scope of Work outlines DOWL's vision for the key tasks to be completed in developing the West Billings Stormwater Development Plan.

TASK 100 - Project Management & Coordination

DOWL will coordinate closely with the City in establishing the desired project goals and objectives and in establishing project direction. DOWL will perform general project management duties including coordination with the various stakeholders, monthly progress reporting, and bi-weekly status update meetings/work sessions.

TASK 200 - Data Collection

Key data and information is required as a basis for a comprehensive analysis of drainage needs and alternatives. DOWL has already obtained the majority of the GIS data to begin the analysis and will continue to research and collect additional data as needed. It is anticipated that this will include field visits, minor supplemental surveys of key features, flow measurement at key locations, as well as collecting and reviewing data from other stakeholders.

TASK 300 - Ditch/Drain Company Coordination

DOWL has already had initial discussions with the Cove Ditch, High Ditch, Big Ditch, and Birely Drain companies to discuss their irrigation operations and the City of Billings' stormwater needs. DOWL will conduct additional meetings to continue these discussions and to explore mutually beneficial solutions. DOWL will perform title research related to existing easements of the various ditch and drain companies. This will include record review at the Yellowstone County Clerk and Recorder's offices, City of Billings' records, and ditch company records. DOWL will develop a summary of the findings, building upon the easement documentation provided in the Integrated Stormwater Plan.

TASK 400 – Existing Drainage Patterns and Key Facilities

DOWL will update the model used for planning and design of the Shiloh Conservation Area to better represent existing runoff patterns in the planning area. This will include updating the drainage basin delineations and runoff characteristics to reflect continued development, and incorporating more details of drainage structures such as culverts, ponds, and storm drains. The model will incorporate the existing irrigation ditches and drains to determine feasible options for incorporating these facilities into the ultimate plan. The existing conditions model will be calibrated to recorded storm events and observations of runoff or flooding by the study team, residents or stakeholders familiar with the area. DOWL will identify key capacity constraints and opportunities for improvements within the existing system.

TASK 500 – Stormwater Management Alternatives

DOWL will develop an ultimate build-out scenario and update the basin characteristics to represent different scenarios of drainage control for future developments. DOWL will evaluate drainage needs for City Streets, adjacent developments, and floodflow "unloaders" for the ditch companies. Required storm drainage facilities will be evaluated under the following assumptions of alternative stormwater management policy:

- Storm drainage facilities for planned City Streets only
- with runoff from adjacent developments restricted to pre-development rates
- with runoff from adjacent developments restricted to current policy criteria
- with runoff from adjacent developments further restricted beyond current criteria
- with the addition of regional detention storage and new open channel conveyances.

TASK 600 – Detailed Evaluation of Priority Areas

DOWL will divide the West Billings study area into priority areas for development of detailed stormwater management recommendations. This will include sizing of roadside ditches,

culverts, storm drains, storage facilities, and identification of potential flood hazards. It assumed that this level of detail will be provided for the priority area generally extending from Rimrock Road to Broadwater Avenue.

TASK 700 – Report

DOWL will develop a report to present the general stormwater management plan for the entire study area and a supplemental report which presents the detailed plan for the priority area(s). The reports will include correspondence, data summaries of the modeling results, presentations of alternatives considered, cost estimates, and the recommended drainage alternative and phasing plan. The report will include GIS exhibits illustrating the alternatives.

Appendix B

Methods and Times of Payment

Section 1. Payments for Basic Services.

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

Partial payment shall be made to the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer. Billings shall deduct five percent (5%) from each monthly pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final documents by Billings, and determination that the scope of work has been satisfactorily completed.

A. For services rendered in accordance with Appendix A, the Engineer shall be paid based upon actual time accrued, but not to exceed the following Total amount:

1. Project Management and Coordination	\$21,835
2. Data Collection	\$27,976
3. Ditch/Drain Company Coordination	\$28,500
4. Existing Drainage Patterns and Key Facilities	\$38,230
5. Stormwater Management Alternatives	\$41,940
6. Detailed Evaluation of Priority Areas	\$22,350
7. Report	<u>\$17,860</u>
TOTAL	\$198,691

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

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

Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study shall be paid for on an hourly basis at the applicable fees in Appendix D.

Section 3. Corrections.

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

Section 4. Fee Increases

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

Appendix C

Additional Services of Engineer

Extra Services of the Engineer will be paid only with written prior authorization by Billings.

- A. Field and laboratory testing of materials and reports.
- B. Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study.

Appendix D

Schedule of Professional Fees

Current agreements for engineering services stipulate that the standard hourly rates are subject to review and adjustments. Hourly rates for services effective on the date of this Agreement are included below.

DOWL FEE SCHEDULE

Personnel Billing Rates

Personnel are identified on our invoices by name and/or labor category.

Senior Manager I	\$195.00	Biologist IV	\$155.00
Project Manager VI	\$190.00	Biologist III	\$115.00
Project Manager V	\$170.00	Archaeologist	\$85.00
Project Manager IV	\$165.00	Landscape Architect VII	\$180.00
Project Manager III	\$130.00	Landscape Architect V	\$160.00
Project Manager II	\$140.00	Landscape Architect IV	\$145.00
Project Manager I	\$115.00	Landscape Architect III	\$120.00
Project Administrator	\$80.00	Landscape Architect II	\$105.00
Project Quality Assurance Manager	\$160.00	Landscape Architect I	\$100.00
Field Project Representative	\$95.00	Landscape Planner	\$105.00
Project Assistant II	\$100.00	Planner X	\$250.00
Project Assistant I	\$85.00	Planner IX	\$210.00
Engineer X	\$225.00	Planner VIII	\$195.00
Engineer IX	\$210.00	Planner VII	\$165.00
Engineer VIII	\$185.00	Planner V	\$160.00
Engineer VII	\$175.00	Planner IV	\$145.00
Engineer VI	\$160.00	Planner III	\$125.00
Engineer V	\$150.00	Planner II	\$105.00
Engineer IV	\$125.00	Planner I	\$75.00
Engineer III	\$105.00	Geologist IV	\$140.00
Engineer II	\$90.00	Geologist III	\$120.00
Engineer I	\$85.00	Geologist II	\$110.00
Civil and Transportation Designer	\$90.00	Hydrologist III	\$115.00
Environmental Specialist X	\$225.00	Hydrologist	\$110.00
Environmental Specialist IX	\$210.00	Hydrogeologist	\$110.00
Environmental Specialist VIII	\$185.00	Cultural Resources Specialist IV	\$155.00
Environmental Specialist VII	\$180.00	Cultural Resources Specialist III	\$110.00
Environmental Specialist VI	\$165.00	Cultural Resources Specialist I	\$85.00
Environmental Specialist V	\$150.00	Intern	\$50.00
Environmental Specialist IV	\$115.00	Engineering Technician V	\$115.00
Environmental Specialist III	\$110.00	Engineering Technician IV	\$110.00
Environmental Specialist II	\$105.00	Engineering Technician III	\$85.00
Environmental Specialist I	\$90.00	Engineering Technician II	\$75.00
		Engineering Technician I	\$65.00
		Public Involvement Program Manager	\$125.00
		Public Involvement Coordinator	\$110.00



Public Involvement Planner	\$95.00	Proposal Manager	\$110.00
Public Involvement Assistant	\$80.00	Risk Manager	\$170.00
Real Estate Services Manager	\$150.00	Materials Supervisor	\$105.00
Right of Way Agent VI	\$185.00	Materials Manager	\$100.00
Right of Way Agent IV	\$150.00	Laboratory Supervisor	\$105.00
Right of Way Agent III	\$125.00	Laboratory Manager	\$95.00
Right of Way Agent II	\$110.00	Senior Materials Technician	\$75.00
Right of Way Agent I	\$95.00	Lead Materials Technician	\$65.00
Right of Way Assistant	\$85.00	Materials Technician	\$60.00
Professional Land Surveyor X	\$180.00	Inspector - Supervisor	\$130.00
Professional Land Surveyor IX	\$170.00	Inspector II	\$100.00
Professional Land Surveyor VIII	\$155.00	Inspector I	\$90.00
Professional Land Surveyor VII	\$145.00	Dispatcher	\$85.00
Professional Land Surveyor VI	\$135.00		
Professional Land Surveyor V	\$130.00		
Professional Land Surveyor IV	\$120.00		
Professional Land Surveyor III	\$110.00		
Professional Land Surveyor II	\$100.00		
Professional Land Surveyor I	\$90.00		
Crew Chief V	\$120.00		
Crew Chief IV	\$110.00		
Crew Chief III	\$100.00		
Crew Chief II	\$95.00		
Crew Chief I	\$85.00		
Survey Crew Surveyor V	\$100.00		
Survey Crew Surveyor IV	\$90.00		
Survey Crew Surveyor III	\$80.00		
Survey Crew Surveyor II	\$70.00		
Survey Crew Surveyor I	\$60.00		
Survey Technician VI	\$100.00		
Survey Technician V	\$90.00		
Survey Technician IV	\$85.00		
Survey Technician III	\$70.00		
Survey Technician II	\$60.00		
Survey Technician I	\$50.00		
Platting/Survey Technician	\$120.00		
Survey Technician - Supervisor	\$120.00		
GIS Coordinator	\$120.00		
GIS Specialist	\$85.00		
GIS Technician	\$75.00		
Graphics Designer	\$100.00		
Administrative Manager	\$90.00		
Administrative Assistant	\$55.00		
Document Production Supervisor	\$110.00		
Technical Coordinator	\$135.00		
Systems Administrator	\$125.00		
Accounting Manager	\$145.00		
Accounting Technician	\$75.00		
Corporate Development Manager	\$150.00		
Marketing & Administrative Manager	\$125.00		
Marketing Coordinator	\$85.00		
Marketing Assistant	\$75.00		



Effective April 20, 2010
Until Further Notice

Survey Crews

One-Person Survey Crew	=	\$120/hour
One-Person Survey Crew GPS Robotics	=	\$130/hour
Two-Person Survey Crew w/o GPS Robotics	=	\$160/hour
Two-Person Survey Crew	=	\$180/hour
Two-Person Survey Crew GPS Robotics	=	\$190/hour
Two-Person Survey Crew (PLS + LSIT)	=	\$225/hour
Three-Person Survey Crew	=	\$260/hour

Equipment, Materials, & Supplies

ATVs/Trailer	=	\$150.00/day		
Boat/Trailer	=	\$150.00/day		
		<u>DAY</u>	<u>WEEK</u>	<u>MONTH</u>
2 GPS Receivers (Survey Quality)		\$425.00	\$1,600.00	\$4,320.00
Single/Each Additional Receiver		\$250.00	\$900.00	\$2,700.00

Travel, Mileage, & Miscellaneous

Per diem will be billed when travel is more than 50 miles from the office during a meal allowance period of three or more consecutive hours or involves an overnight stay. The three meal allowance periods are breakfast (midnight to 10 am), lunch (10 am – 3 pm) and dinner (3 pm to midnight).

Per diem (per person, per day Montana)	=	\$51.00/day
Lodging	=	cost per night
Airfare	=	cost
Vehicle Usage – Automobiles	=	0.75/mile
Vehicle Usage – Pickups, Suburban	=	1.00/mile
Printing/Supplies/Phone/Fax/Postage	=	Note 2
Specialized Software/Hardware	=	Note 3
Subcontractors	=	Cost + 10%
Laboratory Analysis	=	Cost + 10%
Other/Miscellaneous	=	Cost + 10%

Notes

1. DOWL's Professional Fee Services Fee Schedule is subject to adjustment each year or at the end of a contract period, whichever is appropriate. Should adjustments be anticipated or required, such adjustments will not affect existing contracts without prior agreement between Customer and DOWL.
2. Costs included in overhead rates for reasonable requests. Requests beyond those considered reasonable by the project manager billed at Cost + Agreed Upon Mark-up.
3. Specialized computer software or hardware necessary for a unique application for will be billed at a negotiated rate or unit cost.
4. Late charges will be assessed on the unpaid balance of all accounts not paid within 30 days of the billing date, at a rate of 1.0 percent per month (12% per year).

Appendix E

Project Schedule

Based on a notice to proceed by Billings date no later than July 15, 2016, the completion date for the Engineer's work through submission of the draft West Billings Stormwater Development Plan shall be :

January 15, 2017

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

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

Appendix F
Certificate(s) of Insurance

Insurance Certificates Attached



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/14/2016

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 Alaska USA Insurance Brokers LLC P.O. Box 196530 Anchorage AK 99519	CONTACT NAME: Margery Moberly, CIC, CISR PHONE (A/C, No, Ext): (907) 561-1250 FAX (A/C, No): (907) 561-4315 E-MAIL ADDRESS: m.moberly@alaskausainsurance.com
INSURED DOWL, LLC operating as DOWL 222 N. 32nd Street, Ste 700 Billings MT 59101	INSURER(S) AFFORDING COVERAGE INSURER A: National Surety Corp. NAIC # 21881 INSURER B: Liberty Northwest Insurance INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: 15-16 MT Billings

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X	Y	MXX80966409	12/1/2015	12/1/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Employee Benefits \$ 1,000,000
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS	X	Y	MXA80315846	12/1/2015	12/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist \$ Included
A	☒ UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☒ RETENTION \$ 0			XAE15195381	12/1/2015	12/1/2016	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N	N/A Y	WC41NC019467015	12/1/2015	12/1/2016	☒ PER 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)

DOWL Project No. 4036.21263.01, Project Name: West Billings Stormwater Development Plan, W0 16-14. The Certificate Holder is an Additional Insured on the General Liability & Automobile policies, but only with respect to work done by or on behalf of the named insured for the project referenced. Subject to policy terms, conditions & exclusions. The Certificate Holder is granted Waiver of Subrogation on the General Liability, Automobile and Workers' Compensation policies as respects the referenced project subject to the policy terms, conditions and exclusions.

CERTIFICATE HOLDER

CANCELLATION

City of Billings, Montana
Attn: Tyler Westrope
Engineering Division
2224 Montana Avenue
Billings, MT 59101

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

AUTHORIZED REPRESENTATIVE

M Moberly, CIC, CISR/

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Terra Insurance Company
(A Risk Retention Group)
Two Fifer Avenue, Suite 100
Corte Madera, CA 94925



CERTIFICATE OF INSURANCE

DATE

06/15/16

NAME AND ADDRESS OF INSURED

DOWL, LLC operating as
DOWL
222 North 32nd Street, Suite 700
Billings, MT 59101

This certifies that the "claims made" insurance policy (described below by policy number) written on forms in use by the Company has been issued. This certificate is not a policy or a binder of insurance and is issued as a matter of information only, and confers no rights upon the certificate holder. This certificate does not alter, amend or extend the coverage afforded by this policy.

The policy of insurance listed below has 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 policy described herein is subject to all the terms, exclusions and conditions of such policy. Aggregate limits shown may have been reduced by paid claims.

TYPE OF INSURANCE	Professional Liability
--------------------------	------------------------

POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
216089	01/01/16	12/31/16

LIMITS OF LIABILITY	\$1,500,000 EACH CLAIM
	\$1,500,000 ANNUAL AGGREGATE

PROJECT DESCRIPTION

West Billings Stormwater Development Plan
WO 16-14
4036.21263.01

CANCELLATION: If the described policy is cancelled by the Company before its expiration date, the Company will mail written notice to the certificate holder thirty (30) days in advance, or ten (10) days in advance for non-payment of premium. If the described policy is cancelled by the insured before its expiration date, the Company will mail written notice to the certificate holder within thirty (30) days of the notice to the Company from the insured.

CERTIFICATE HOLDER

City of Billings, Montana
Attn: Tyler Westrope
Engineering Division
2224 Montana Avenue
Billings, MT 59101

ISSUING COMPANY:

A handwritten signature in blue ink, appearing to read "David Collette", is written over a horizontal line.

President

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Contract with HDR Engineering Inc. Leading to a Montana Stormwater Control Guidance Manual to Accompany the New State of Montana MS4 General Permit

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The City of Billings and the other six largest cities in Montana (Billings, Missoula, Great Falls, Bozeman, Helena, Butte, and Kalispell) are working with Montana Department of Environmental Quality (MDEQ) to develop a new State of Montana MS4 stormwater general permit and a stormwater manual to meet our common needs. The seven cities (MS4 Cities) and MDEQ have previously formed an MS4 stormwater working group for this purpose. As a note of background, Council awarded a contract to HDR Engineering Inc. on December 8, 2014 providing the City of Billings and the other six cities with technical input and support for this working group, leading up to a new MS4 general permit. All of the MS4 Cities paid their share for this contract. That contract has concluded.

The City of Billings Public Works Department volunteered to carry this contract forward to City Council rather than asking one of the other MS4 Cities to bring the contract forward to their elected body. This is in keeping with the City of Billings taking the lead with the MS4 discussions with MDEQ.

The MDEQ will be issuing a new state wide General Permit for Stormwater Discharge associated with Small Municipal Separate Storm Sewer System (MS4) in January 2017. One of the requirements in the General Permit will be a post-construction design requirement which requires retention and/or treatment of runoff generated from the first 0.5 inches of rainfall. The MS4 Cities have requested a manual which will provide guidance for compliance with this requirement. The manual will also provide technical guidance for selecting, designing, constructing, and maintaining post-construction stormwater controls which meet other requirements of the General Permit. The manual will serve as a guidance document and it is anticipated that individual cities will adopt the manual and make modifications in a manner similar to how they currently utilize the Montana Public Works Standard Specifications.

The Request for Proposals (RFP) for this project was advertised in the Billings Times on March 10 and 17, 2016, in the Missoulian newspaper, and the advertisement was sent to the firms on the Billings stormwater project prequalified list. HDR Engineering Inc. was selected from the three proposals received by a committee representing each of the MS4 Cities and MDEQ.

ALTERNATIVES ANALYZED

The Council may:

- Award the Contract for Professional Services to HDR Engineering Inc. Engineering; or
- Do not award the contract. If the contract is not awarded, the manual supporting the new MS4 general permit will not be available for use with the new statewide permit.

FINANCIAL IMPACT

The cost of engineering support services is \$229,791. The MS4 Cities have signed a Memorandum of Understanding (MOU) sharing the cost of this new contract based on population. The cost for the City of Billings will be a maximum of \$82,229. In addition, MDEQ is expected to contribute up to \$18,000 for this manual. The City of Billings share will be paid using stormwater funds.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute a Contract for Professional Services with HDR Engineering Inc. in the amount of \$229,791 leading to a Montana Stormwater Control Guidance Manual to accompany the new State of Montana MS4 General Permit.

APPROVED BY CITY ADMINISTRATOR

Attachments

Agreement



CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this 11th day of July 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 HDR Engineering Inc., 700 SW Higgins Ave, Suite 200 Missoula, MT 59803, hereinafter referred to as “**CONSULTANT**.”

WITNESSETH:

WHEREAS, the **CITY** proposes to provide efficient completion of the Stormwater Quality Control Guidance Manual. Under this task, **CONSULTANT** will prepare and implement a project management plan; provide scope, schedule, and cost control services, conduct monthly internal meetings; and negotiate and administer the contract 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/s/he 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 one year, from the execution of this **AGREEMENT**. This **AGREEMENT** may be extended for one year options 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 \$229,791.

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.

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 agrees to indemnify, defend and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Consultant or its agents or employees.
- B. 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**.
- C. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Consultant, the Consultant shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Consultant's or any subcontractor's wrongful or negligent acts occurring as a result from the Consultant's performance pursuant to this **AGREEMENT**.
- D. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

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

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

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the **CITY** prior to cancellation.

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 Matt Peterson, P.E. and the Project Manager for **CITY** designated is Vern Heisler P.E.

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.

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**.
- 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.

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.
20. **RECORDS:** The CONSULTANT shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the AGREEMENT term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the CITY and copies thereof shall be furnished if requested.
21. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this AGREEMENT to retain an attorney to enforce any of the terms or conditions of the AGREEMENT or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.
22. **LITIGATION LOCATION:** The parties agree that this AGREEMENT shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the AGREEMENT or the performance of its terms.
23. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this AGREEMENT or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this AGREEMENT.



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

CITY OF BILLINGS, MONTANA

CONSULTANT
HDR Engineering, Inc.

By _____

Thomas W. Hanel, Mayor

By _____

Print Name _____

Print Title _____

APPROVED AS TO FORM:

By _____

BRENT BROOKS, CITY Attorney



Exhibit A

Montana Post-Construction Stormwater Quality Control Guidance Manual

SCOPE OF SERVICES

Tasks	
100	Project Management and Administration
200	Project Kick Off
300	Facilitate Technical Working Group Meetings
400	Manual Development
500	Stakeholder Facilitation

Project Goals and Understanding

The Montana Department of Environmental Quality (MDEQ) will be issuing a new General Permit for Stormwater Discharge Associated with Small Municipal Separate Storm Sewer System (General Permit) on January 1, 2017. The General Permit will contain a post- construction design requirement (Part II.A.5.b.iv) which requires retention and/or treatment of runoff generated from the first 0.5 inches of rainfall. The MS4 Cities have requested a manual (Manual) which will provide guidance for compliance with this requirement. The understanding and primary goals of this project are as follows:

- The Manual will provide technical guidance for selecting, designing, constructing, and maintaining post-construction stormwater controls which meet the requirements of the General Permit, Part II.A.5.b.iv.
- Adhering to the guidance provided within the manual will serve as documentation of compliance with the General Permit (Part II.A.5.b.iv), thus providing regulatory predictability to the MS4s and those conducting work on regulated projects within MS4 boundaries.
- The Manual will serve as a guidance document and is not required for use within MS4 boundaries; however, it is anticipated that individual cities may adopt the Manual and make modifications in a manner similar to how they currently utilize the Montana Public Works Standard Specifications.
- The Manual may be used outside of MS4 boundaries but its use not required at this point in time.
- It is understood that the forthcoming revision to Circular DEQ 8 will provide State-wide guidance on stormwater discharge and volume analysis as well as the design of control facilities in order to meet volume reduction standards for flood control considerations. It



is anticipated that the guidance provided within Circular DEQ 8 will be sufficient such that this Manual will focus primarily on post-construction water quality controls.

- The preliminary Table of Contents (TOC) and anticipated sources to be used for development of the Manual is provided in Attachment A.

Task 100 – Project Management and Administration

Objective

HDR will manage and control its professional services contract to provide efficient completion of the Manual. Under this task, HDR will prepare and implement a project management plan; provide scope, schedule, and cost control services, conduct monthly internal meetings; and negotiate and administer the contract. The project management plan will be completed jointly for all project phases and components identified in the scope of services for project delivery.

HDR Subtasks:

Subtask 101 – Project Management Plan

A project management plan will be developed that includes: 1) project objectives and priorities;

2) role of the Cities and HDR throughout the project; 3) contract work plan, including scope, schedule, budget, resource assignments, and coordination requirements; 4) quality assurance and quality control plan; 5) management tools and techniques; 6) reporting requirements; and 7) administrative procedures.

Assumptions

- The project will take one (1) year to complete.

Task 200 – Project Kickoff

Objective

The objective of this task is to begin the project with a common understanding of the expected contents of the Manual, the process for Manual development, and identify stakeholder roles and responsibilities.

Subtask 201 – Project Kickoff Meeting

HDR will conduct a kickoff meeting with the Technical Subgroup to discuss the following:

- Project expectations and schedule
- Review lessons learned
- Finalize the TOC
- Establish Technical Work Group (TWG) involvement and comment procedures
- Select a TWG lead
- Introduce stakeholder involvement plan

During this meeting we will also conduct a presentation to discuss example manuals and expected key components to be included in the Manual. Following the meeting HDR will finalize the TOC.



Subtask 202 – Develop Electronic Project Working Site

A Dropbox folder will be developed and distributed to the TWG. The folder will be used to house and distribute all review and working copies of the Manual as it is developed.

Assumptions

- 3 representatives from HDRs project team will attend the Kickoff Meeting
- A minimum of one representative from each City will actively participate in the Kickoff Meeting
- A minimum of one representative from MDEQ will actively participate in the Kickoff Meeting

Deliverables

- Meeting notes
- Final TOC

Task 300 – Facilitate Technical Work Group (TWG) Meetings

Objective

HDR will facilitate TWG meetings to obtain comments and feedback on the manual development.

HDR Subtasks:

Subtask 301 – Technical Working Group Meetings

The HDR team lead will conduct monthly TWG meetings. Up to 10 of the meetings will be in-person at the Helena Chamber of Commerce building and up to three group conference calls will occur as-needed. It is recommended that the meetings are to be attended by a minimum of one representative from each City and one representative from MDEQ. The purpose of these meetings will be to review progress, schedule, and address TWG comments.

The meetings will be a discussion forum, expected to cover the on-going technical content development, graphics, visual layout, and organization of the Manual. The group will address comments from each City and it is expected that the Cities will participate in discussion and give explanations to comments provided.

Subtask 302 – Meeting Host

HDR will organize the in-person meetings. This task will include: send out meeting invites and reminders, create a meeting agenda, develop meeting notes, and secure the meeting space (Helena Chamber of Commerce).

Assumptions

- 10 in-person meetings, hosted by HDR at the Helena Chamber of Commerce building, will be conducted.
- 3 conference calls, hosted by HDR, will be conducted.
- Up to 2 representatives from HDR will attend each meeting.



- The meetings will last 4 hours
- A minimum of one representative from each City will actively participate in the meetings.
- A minimum of one representative from MDEQ will actively participate in the meetings.
- Members of the TWG will rotate responsibility for providing snacks and lunch for the in- person meetings.

Deliverables

- Produce meeting summary emails following meetings containing notes, action items, decisions, and next steps.

Cities' Responsibilities:

- Participation in TWG Meetings by at least one staff member from each City.

Task 400 –Manual Development

Objective:

HDR will develop a draft Manual based on the preliminary TOC provided in Attachment A. The Manual will be developed in the order in which sections appear within the TOC. Each section will be discussed at two TWG meetings, and will be developed using the following process:

- 1st TWG Meeting: Section overview
 - HDR will provide an overview of expected content for the section(s), including sample content from existing sources.
 - The TWG will provide feedback, ask questions, and discuss ideas for the section(s)
- Section development period (3-weeks)
 - HDR will develop the section(s) to 90% completion
 - HDR will deliver 90% section draft(s) to TWG (electronic)
- TWG Review Period (1-week)
 - TWG review draft section(s) and complete comment log
 - TWG provide comment log to HDR prior to the 2nd TWG meeting
- 2nd TWG Meeting: 90% Draft Review
 - Discuss comments and questions on the 90% draft
 - Resolve conflicting comments
 - Overview of next section(s) to be developed
- HDR will finalize section(s) based on TWG Meeting discussion

A preliminary schedule containing the sections to be discussed at each meeting is provided in Attachment B.



HDR Subtasks:

Subtask 401 – Chapter 1

Subtask 402 – Chapter 2

Subtask 403 – Chapter 3

Subtask 404 – Chapter 4

Subtask 405 – Chapter 5

Subtask 406 – Appendices

Subtask 407 – Final Manual Development

The complete manual will be compiled and distributed to the TWG for one final review.

Assumptions

- Chapters will be posted online for review and provided as a hard-copy at each TWG meeting.
- HDR will receive comments from each TWG representative and compile comments into a comprehensive comment-response log. The comprehensive comment-response log will be distributed to the TWG. Conflicting comments will be discussed and resolved at the TWG meetings.
- HDR will not re-distribute the comment response logs after comments have been addressed.
- Each section will undergo one round of comments and revisions (at the 90% development stage).
- TWG comments on the final Manual will be minor in nature and significant time will not be required to revise the Manual at this stage (Subtask 407).
- Publicly available graphics will be used (and cited) from existing sources and if necessary, customized, to account for unique local constraints.
- The Manual will maximize the use of existing information and customize content to account for local constraints.
- MDEQ will actively participate in the TWG meetings and comment on submittals. Additional time will not be necessary to respond to individual MDEQ comments on the Manual.
- EPA's review of the manual will not be required for MDEQ's approval and therefore additional time will not be necessary to respond to EPA comments on the Manual.

Deliverables

- Materials related to the conceptual discussion for sections to be discussed at each TWG Meeting
- 90% draft of each section of the Manual
- Electronic copy (pdf) of the final Manual
- 16 hard copies of the final Manual



TWG Responsibilities:

- The Cities' TWG Representative(s) will review draft materials and provide comments on the project comment log template prior to each meeting.
- MDEQ will review draft materials and provide comments on the project comment log template prior to each meeting.

Task 500 – Stakeholder Facilitation

HDR will work with Montana Building Industry Association (MBIA) to identify up to three additional stakeholders to be added to the TWG. It is anticipated that the additional stakeholders will include stormwater facility design engineers and/or landscape architects.

HDR Subtasks:

Subtask 501 – Initial Stakeholder Facilitation Webinar

HDR will conduct a webinar following the Project Kickoff Meeting to provide an overview of the reasons why the Manual is being developed and the content to be developed for the Manual.

Assumptions

- MBIA will help to advertise the webinar to its members

Deliverables

- Webinar

TWG Responsibilities:

- Assist with selection of additional stakeholders to join the TWG, if necessary

Schedule

The Manual is anticipated to take one (1) year to complete. A preliminary meeting schedule which lists key deliverables is shown Attachment B; however, the project schedule is dependent upon finalization of permit language.

Assumptions

- The General Permit's post-construction design requirements (Part II.A.5.b.iv) will not be modified from the draft permit language to be released by MDEQ on July 1, 2016.

ATTACHMENT A

MONTANA POST-CONSTRUCTION STORMWATER QUALITY CONTROL DESIGN GUIDANCE MANUAL PRELIMINARY TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION TO THE MANUAL

1.1 Stormwater Management Approach in Montana

Content: Discuss the basic idea of using a combination of LID and non-LID approaches to manage stormwater and protect water quality. This includes the benefits of mimicking a pre-development hydrologic condition and/or reducing concentrations of pollutants in runoff to the maximum extent practicable.

Source(s)/Example(s): West Virginia - Section 1.1, Montana MS4 Permit

1.2 Purpose and Audiences for the Manual

Content: Audiences will be project owners, design engineers, landscape architects, contractors, and project reviewers.

Source(s)/Example(s): West Virginia - Section 1.2

1.3 Post-Construction Stormwater Criteria in the Montana MS4 General Permit

Content: Discuss the first 0.5-inch runoff reduction/treatment requirement.

Source(s)/Example(s): West Virginia - Section 1.3, Montana MS4 Permit

1.4 Additional Regulatory Considerations for Stormwater Management in Montana

Content: This section will communicate the importance considering factors beyond water quality when designing drainage facilities (e.g. meeting drainage standards that protect life and property, continue to meet geotechnical standards that protect life and property from liquefaction and landslides, and to meet building code standards that protect life and property from moisture-driven damages). The discussion will reference Circular DEQ 8, DEQ's Construction General Permit, local regulations, floodplains, dewatering permit, disinfected water permit, etc. This section will not go into great detail of other specific regulatory requirements, but will mention some of the potential additional regulations to consider and will instruct the user/designer to determine additional requirements for him/herself.

Source(s)/Example(s): West Virginia - Section 1.4 and 2.2.

1.5 Low Impact Development and Stormwater Management

Content: Discuss the benefits of LID and where/how it fits into the stormwater management approach in Montana.

Source(s)/Example(s): Montana Stormwater Criteria Manual Chapter 1 and 2

CHAPTER 2: SITE DEVELOPMENT

2.1 Site Development Process

Content: Discuss the basic process for site design which considers stormwater management. Emphasize that stormwater management needs to be considered as an integral part of site design, not as an

afterthought. This section will also will mention some of the specific site components which need to be considered such as topography, wetlands, floodplains, soils, land use, etc.

Source(s)/Example(s): *Montana Stormwater Criteria Manual Chapter 2, Edmonton - Section 4.2, Eastern Washington - Chapter 2, California - Section 2, Tennessee - Section 3.3*

2.2 Climate Considerations

Content: *Discuss general considerations for designing stormwater management controls in both cold and hot/arid climates.*

Source(s)/Example(s): *Minnesota, Edmonton - Section 6.3, and a survey of select cities with applicable experience*

CHAPTER 3: HYDROLOGIC ANALYSIS METHODOLOGY

3.1 Hydrologic Basis of the Runoff Reduction Standard

Content: *Discuss why we use the 0.5 inch standard and why it is important for water quality*

Source(s)/Example(s): *Use the Fact Sheet for the effective MS4 General Permit to aid in this discussion.*

3.2 Runoff Reduction and Pollutant Removal Volume

Content: *Provide a standard method for calculating the volume of runoff from the first 0.5-inches of rainfall.*

Source(s)/Example(s): *TBD, will use the Montana Stormwater Criteria Manual if applicable, but more research is needed to determine the appropriate approach.*

3.3 Runoff Reduction and Pollutant Removal Flow Rate

Content: *Provide a standard method for calculating the peak runoff from the first 0.5-inches of rainfall (for flow through BMPs such as a biofiltration swale). The approach may be to calculate the 90th percentile peak runoff because the volumetric standard of the 0.5 inch 24 hour volume is the 90th percentile runoff volume for volume-based BMPs.*

Source(s)/Example(s): *TBD*

CHAPTER 4: BMP SELECTION PROCESS AND FEASIBILITY DETERMINATION

4.1 Selection of Post-Construction Stormwater Management Controls

Content: *A discussion of how to select the appropriate controls for a given site. This could be a basic discussion or an in-depth prescribed methodology (such as the Denver Manual has). Discussion topics will likely be a consideration of appropriate stormwater management controls for the size of the basin and a table of which controls treat certain pollutants. A flow chart could also be provided.*

Source(s)/Example(s): *Denver/Colorado – Chapter 2, New Hampshire – Chapter 3, Montana Stormwater Criteria Manual – Sections 2.1 and 2.2, Billings – Section 8.4.*

4.2 Infeasibility Criteria for Use of Offsite Treatment

Content: *A discussion of items to be considered when determining that offsite treatment is to be used to treat stormwater at a given site.*

Source(s)/Example(s): *West Virginia – Section 3.3.2 and others as needed*

4.3 Offsite Treatment Planning Guidance

Content: *Guidance for how to utilize offsite treatment to meet the runoff reduction/treatment standard (0.5-inch standard).*

Source(s)/Example(s): *TBD*

CHAPTER 5: DESIGN GUIDANCE FOR POST-CONSTRUCTION STORMWATER MANAGEMENT CONTROLS

5.1 Introduction

Content: Basic discussion of how to use this design guidance.

Each control will have the following sub-sections (as applicable):

- Description
- Benefits & Limitations
- Performance
- Site Selection
- Design and Sizing Procedure
- Vector Control?
- Vegetation Considerations
- Construction Considerations
- Plan View & Typical Section(s)
- Maintenance

Source(s)/Example(s): TBD, however we anticipate using/referencing the Montana Stormwater Criteria Manual Draft, Urban Storm Drainage Criteria Manual (Denver), Eastern Washington LID Manual, and Design of Urban Stormwater Controls

5.2 Extended Detention Basin

Content: Sub-sections will match those discussed above.

Source(s)/Example(s): Denver/Colorado – Chapter 4 (T-5) and additional sources as needed.

5.3 Wet Detention Basin

Content: Sub-sections will match those discussed above.

Source(s)/Example(s): Will start with Montana Stormwater Criteria Manual and select additional sources as needed.

5.4 Infiltration Basin

Content: Sub-sections will match those discussed above.

Source(s)/Example(s): Will start with Montana Stormwater Criteria Manual and Billings Stormwater Management Manual. Will select additional sources as needed.

5.5 Bioretention

Content: Sub-sections will match those discussed above.

Source(s)/Example(s): Will start with Montana Stormwater Criteria Manual and Billings Stormwater Management Manual. Will select additional sources as needed.

5.6 Biofiltration Swale

Content: Sub-sections will match those discussed above.

Source(s)/Example(s): Will start with Montana Stormwater Criteria Manual and Billings Stormwater Management Manual. Will select additional sources as needed.

5.7 Dispersion

Content: Sub-sections will match those discussed above.

Source(s)/Example(s): Eastern Washington, and additional sources as needed.

5.8 Permeable Surfaces

Content: *Sub-sections will match those discussed above.*

Source(s)/Example(s): *Eastern Washington, Denver/Colorado – Chapter 4 (T-10), and additional sources as needed.*

5.9 Mechanical Treatment

Content: *A discussion on the applicability and limitations of mechanical treatment. This section will not endorse any one product and will not provide design guidance.*

Source(s)/Example(s): *This section could reference the Washington DOE approved stormwater treatment technologies.*

APPENDICES

Appendix A: Glossary

Appendix B: LID Planning and Design Checklist

Consider Adopting from Eastern Washington LID Manual

Appendix C: Evaluating Soil Infiltration Rates

Consider Adopting from Eastern Washington LID Manual

Appendix D: Soil Amendments

Appendix E: Standard Forms

From the MS4 Working Group

Appendix F: Inspection and Maintenance Checklists

Appendix G: References

Anticipated Manuals to Reference

- [West Virginia Stormwater Management and Design Guidance Manual](#)
- [Eastern Washington LID Guidance Manual](#)
- [Edmonton LID BMP Design Guide Edition 1.1](#)
- [California New Development & Redevelopment BMP Handbook](#)
- [Tennessee Permanent Stormwater Management and Design Guidance Manual](#)
- [Minnesota Stormwater Manual](#)
- [Urban Storm Drainage Criteria Manual Volume 3 \(Denver\)](#)
- [New Hampshire Post-Construction Best Management Practices Selection and Design](#)
- [Design of Urban Stormwater Controls](#)

ATTACHMENT B

MONTANA POST-CONSTRUCTION STORMWATER QUALITY CONTROL DESIGN GUIDANCE MANUAL

PRELIMINARY MEETING SCHEDULE

Kickoff Meeting: August 2016

- Project expectations and schedule
- Review lessons learned
- Finalize the TOC
- Establish Technical Work Group (TWG) involvement and comment procedures
- Introduce stakeholder involvement plan

TWG Meeting 1: September 2016

- Conceptual Discussion on Chapter 1

TWG Meeting 2: October 2016

- 90% Review of Chapter 1
- Conceptual Discussion on Chapter 2

TWG Meeting 3: November 2016

- 90% Review of Chapter 2
- Conceptual Discussion on Chapter 3

TWG Meeting 4: December 2016

- 90% Review of Chapter 4
- Conceptual Discussion on Chapter 5
 - Basic BMP Guidance Section Layout
 - Section 5.1: Introduction
 - Section 5.2: Extended Detention Basin

TWG Meeting 5: January 2017

- 90% Review
 - Section 5.1: Introduction
 - Section 5.2: Extended Detention Basin
- Conceptual Discussion
 - Section 5.3: Wet Detention Basin
 - Section 5.4: Infiltration Basin

TWG Meeting 6: February 2017

- 90% Review
 - Section 5.3: Wet Detention Basin
 - Section 5.4: Infiltration Basin
- Conceptual Discussion
 - Section 5.5: Bioretention
 - Section 5.6: Biofiltration Swale

TWG Meeting 7: March 2017

- 90% Review
 - Section 5.5: Bioretention
 - Section 5.6: Biofiltration Swale
- Conceptual Discussion
 - Section 5.7: Dispersion
 - Section 5.8: Permeable Surfaces

TWG Meeting 8: April 2017

- 90% Review
 - Section 5.7: Dispersion
 - Section 5.8: Permeable Surfaces
- Conceptual Discussion
 - Section 5.9: Mechanical Treatment

TWG Meeting 9: May 2017

- 90% Review
 - Section 5.9: Mechanical Treatment
- Conceptual Discussion
 - Appendices

TWG Meeting 10: June 2017

- 90% Review
 - Appendices



ATTACHMENT C

MONTANA POST-CONSTRUCTION STORMWATER QUALITY CONTROL DESIGN GUIDANCE MANUAL SAMPLE COMMENT FORM

*Thank you for submitting your comments on the Montana Stormwater Guidance Manual.
Please use the form below, entering your information in the white columns. Shaded columns are for HDR's tracking.*

All comment forms must be received by [date]. Please return this form to: [email]

Name:

Organization:

Email:

Phone number:

Comment #	Page #	Section #	Paragraph, Table or Figure	Comment	Proposed Resolution	Status



CERTIFICATE OF LIABILITY INSURANCE

6/1/2017

DATE (MM/DD/YYYY)
5/25/2016

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	Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS:
INSURED	HDR ENGINEERING, INC. 8404 INDIAN HILLS DRIVE OMAHA, NE 68114-4049 BELLEVUE/KATIE WARD	INSURER(S) AFFORDING COVERAGE INSURER A: Hartford Fire Insurance Company INSURER B: Travelers Property Casualty Co of America INSURER C: American Zurich Insurance Company INSURER D: Lexington Insurance Company INSURER E: INSURER F:
13147		NAIC # 19682 25674 40142 19437

COVERAGES HDRIN01 CERTIFICATE NUMBER: 2824447 REVISION NUMBER: XXXXXXXX

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 SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ CONTRACTUAL LIAB	Y	37CSEQU0950	6/1/2016	6/1/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 OTHER: \$
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☒ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS	Y	37CSEQU0951 (AOS) 37CSEQU0952 (HI) 37CSEQU1160 (MA)	6/1/2016 6/1/2016 6/1/2016	6/1/2017 6/1/2017 6/1/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☐ OCCUR ☒ CLAIMS-MADE ☐ RETENTION \$	N	ZUP-10R64084-16-NF (EXCLUDES PROF. LIAB)	6/1/2016	6/1/2017	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 OTHER: \$ XXXXXXXX
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	0381127	7/1/2016	7/1/2017	☒ PER STATUTE E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	ARCHS & ENGS PROFESSIONAL LIABILITY	N	061853691	6/1/2016	6/1/2017	PER CLAIM: \$2,000,000. AGG: \$2,000,000.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: CLIENT #000194: ALL PROJECTS. CITY OF BILLINGS, ITS OFFICIALS, OFFICERS, EMPLOYEES & AGENTS ARE NAMED AS ADDITIONAL INSUREDS AS RESPECTS GENERAL & AUTOMOBILE LIABILITY, AS PER WRITTEN CONTRACT. WAIVER OF SUBROGATION APPLIES.

CERTIFICATE HOLDER

2824447
CITY OF BILLINGS
PUBLIC WORKS DEPARTMENT
ATTN: DAVE MUMFORD
2224 MONTANA AVE
2ND FLOOR
BILLINGS MT 59101

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

John M. Amello

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ACORD 25 (2014/01)

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Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Rose Park Pool Operations Building Replacement - Consultant Contract

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

The fire at Rose Park Pool Operations Building on March 31, 2016 caused significant damage to the structure. The building was scheduled to be replaced in FY 2018 but due to the extent of the fire damage, the replacement of this structure needs to be accelerated in order to have a new pool operations building ready for the 2017 pool season next June.

On April 21st staff issued a two part Request For Proposals (RFP) to provide professional services. Four firms responded and the Selection Committee chose CTA Architects Engineers of Billings as the top ranked firm. After negotiations with CTA, a scope of work and fee was agreed upon pending Council approval. Part one will analyze the existing pool operations facility, develop conceptual designs and provide cost estimates. The fee for this work will be \$34,892.00 and will provide an Architects Estimate of Probable Costs to replace this structure. Staff will then re-prioritize current funded Capital Improvement Projects to make this project a top priority and then seek approval by Council. Once approved, part two of the consultant's contract will consist of final design services and include final design, construction documents, and construction administration of the replacement facility. Cost of these services will be \$88,544.00. The total services provided by CTA Architects Engineers will be \$123,436.00.

ALTERNATIVES ANALYZED

City Council may:

- Approve a contract with CTA Architects - Engineers for professional services to replace the Rose Park Pool Operations Building , or;
- Do not approve the contract and provide staff with additional guidance.

FINANCIAL IMPACT

There is no financial impact to the City.

RECOMMENDATION

Staff recommends Council approve a professional services contract with CTA Architects/Engineers in the amount of \$123,436.00 for the Rose Park Pool Operations Building replacement.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Parks, Recreation and Open Space Comprehensive Plan - Contract

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

In the FY 2017 budget, Council approved \$150,000.00 for the Parks, Recreation and Open Space Comprehensive Plan study. This study is an update to the Parks 20/20 Plan which is over 17 years old and will be used to provide specific short and long-term strategies as well as an optimal delivery system of parks and recreation services. It is also consistent with the City Council Strategic Plan and will address several strategies within that plan as they relate to parks and recreation including Comprehensive, Orderly Growth and Quality of Life.

On April 14th, staff sent out a Request For Proposals (RFP) to qualified firms. Seven firms submitted responses. The Selection Committee identified 4 firms to interview and finally selected PROS Consulting of Indianapolis, Indiana as the top ranked firm. After negotiating the scope of work, a fee of \$109,745.00 was agreed upon, pending approval by Council. This study will be extensive and take 12 to 14 months to complete.

ALTERNATIVES ANALYZED

City Council may:

- Approve funding of the Parks, Recreation and Open Space Comprehensive Plan, or;
- Disapprove funding and provide staff with additional guidance.

FINANCIAL IMPACT

There will be no additional impact of this project to the City.

RECOMMENDATION

Staff recommends Council approve a contract for \$109,745.00 to have PROS Consulting of Indianapolis Indiana conduct the Parks, Recreation and Open Space Comprehensive Plan for the City of Billings Parks and Recreation Department.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/11/2016

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, including 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. To date, fourteen of the fifteen easements have been signed by the property owners. Eleven of the fourteen have been approved by Council. City staff has negotiated with three of the four remaining adjacent property owners and they have agreed to right-of-way easements which are shown on the attached easement exhibits. The last easement will be presented as negotiations are completed with the remaining property owner.

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

Forquer/Stuart
Jude Gordon
Robert YBarra

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:

Forquer/Stuart LLC
3145 Fairmeadow Drive
Billings, MT 59102-6518
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 Quitclaim Deed recorded under document number 1875436 in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 3,300 square feet more or less.

Said parcel of land is more commonly referred to as 127 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.

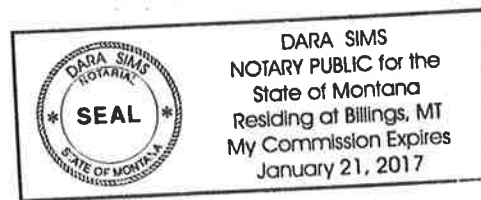
IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.



Forquer/Stuart LLC Representative

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this 6th day of May, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Mamin Forquer Jr. of the Forquer/Stuart LLC, being its President 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.

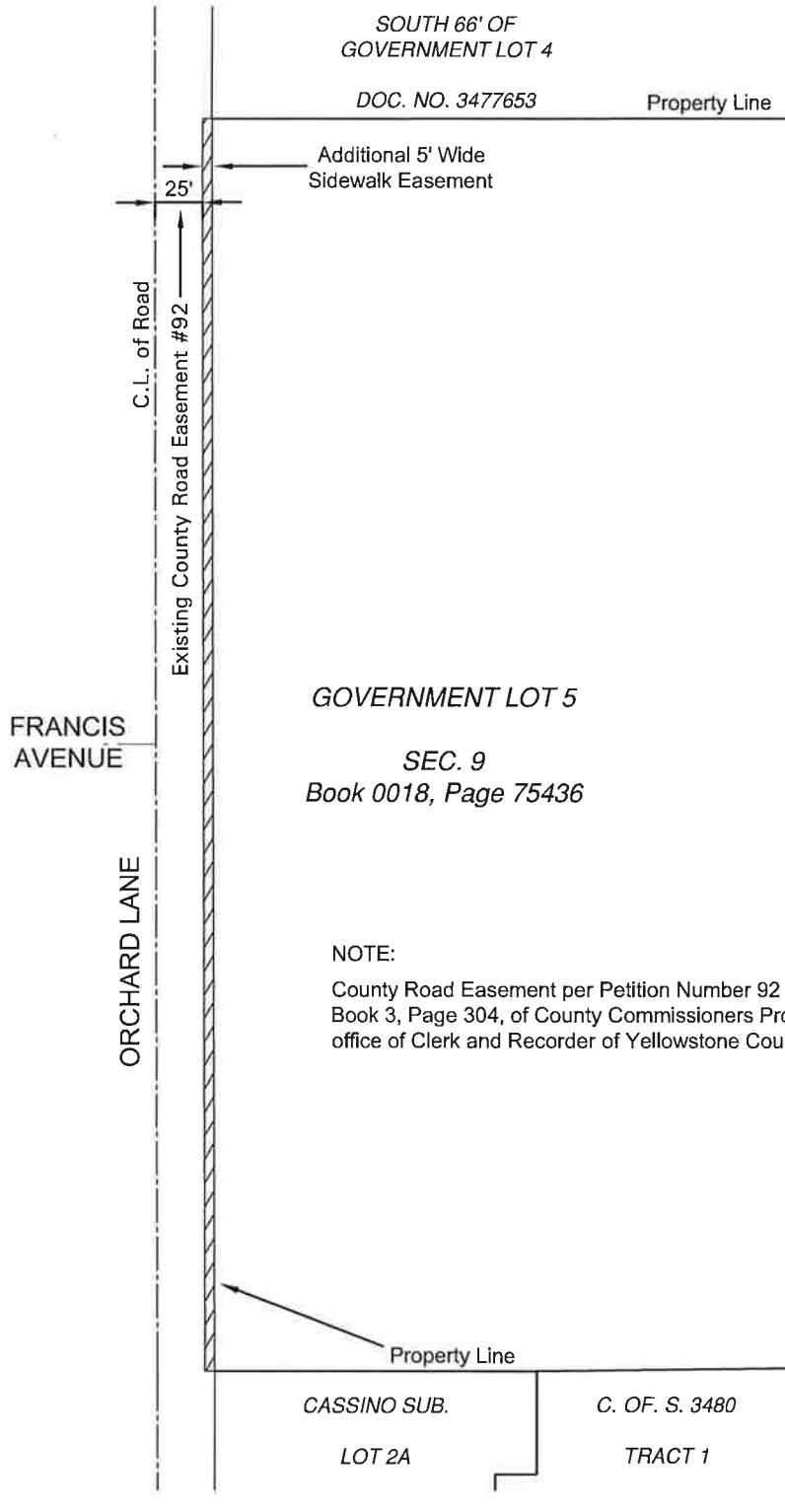
Notary Public in and for the State of Montana

Printed Name: _____

Residing at _____

My commission expires _____

EXHIBIT "A"
SIDEWALK EASEMENT
 LOCATED IN GOVERNMENT LOT 5, SEC. 9, T1S, R26E,
 BILLINGS, YELLOWSTONE COUNTY, MONTANA



LEGEND			CITY OF BILLINGS, MONTANA SIDEWALK EASEMENT EXHIBIT	SHEET 1 of 1
 SIDEWALK EASEMENT				
DRAWN BY: BEN LUJAN DATE: 3/21/2016			EASEMENT ON AND ACROSS GOVERNMENT LOT 5 OF SEC. 9, T1S, R26E.	

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:

Jude D. Gordon
2902 Ramada Dr.
Billings, MT 59102
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 shown on Certificate of Survey Number 125 recorded under Document Number 439079 in the Yellowstone County Office of Clerk and Recorder, as shown on attached Exhibit A.

Said easement and right-of-way contains 495 square feet more or less.

Said parcel of land is more commonly referred to as 215 Orchard Lane, Billings, MT, 59101.

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

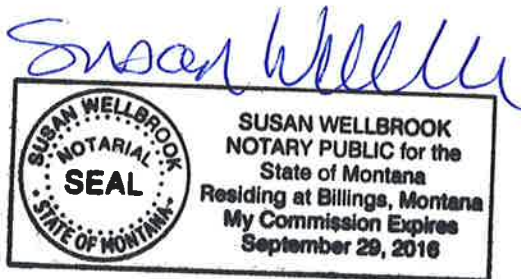
TO HAVE AND TO HOLD unto **GRANTEE** and to its successors and assigns forever.

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.

Jude D. Gordon

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this 20 day of June, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Jude D. Gordon, 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.

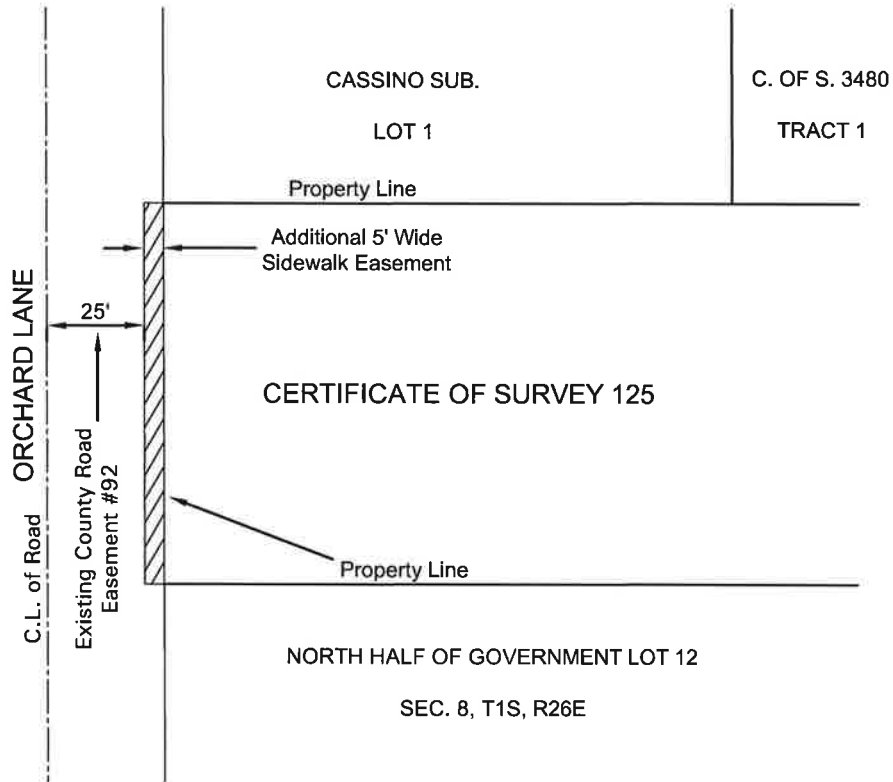
Notary Public in and for the State of Montana

Printed Name: _____

Residing at _____

My commission expires _____

EXHIBIT "A"
SIDEWALK EASEMENT
BEING CERTIFICATE OF SURVEY 125
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				
DRAWN BY: BEN LUJAN DATE: 3/21/2016			EASEMENT ON AND ACROSS CERTIFICATE OF SURVEY 125	

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 June 22, 2016, by and between the following:

Robert Ybarra
223 Orchard Lane
Billings, MT 59101-4953
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 Quitclaim Deed recorded under document number 3154222 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 of land is more commonly referred to as 223 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.

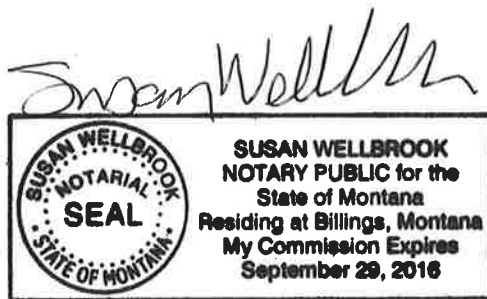
IN WITNESS WHEREOF, the **GRANTOR** warrants that they have good right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and have hereunto set their hand.



Robert Ybarra

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this 22 day of June, 2016, before me, a Notary Public in and for the State of Montana, personally appeared Robert Ybarra, 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.

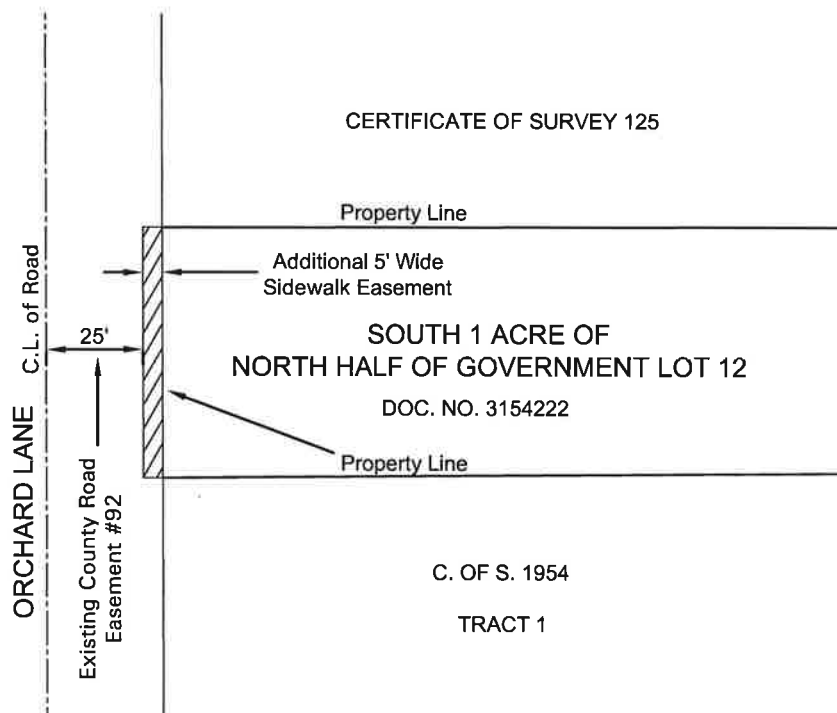
Notary Public in and for the State of Montana

Printed Name: _____

Residing at _____

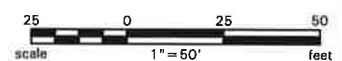
My commission expires _____

EXHIBIT "A"
SIDEWALK EASEMENT
BEING THE SOUTH 1 ACRE OF THE N1/2 OF GOVERNMENT LOT 12
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 THE SOUTH 1 ACRE OF THE N1/2 OF GOVERNMENT LOT 12 OF SEC. 9, T1S, R26E.
DRAWN BY: BEN LUJAN	DATE: 3/21/2016			

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: 2016 JAG Application and Acceptance of Award in the amount of \$86,925

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

The City has been notified that funding is available for the 2016 Justice Assistance Grant (JAG). This \$86,925 grant is a joint application between the Billings Police Department and the Yellowstone County Sheriff's Office, with the Billings Police Department acting as the grant administrator. The Yellowstone County Sheriff's Office (YCSO) will use its \$11,335 allocation to purchase equipment to be used in search and rescue operations. The Police Department plans to use its \$75,590 allocation to purchase interior patrol car equipment, patrol rifle ammunition, 6 radar units, NIK Drug Kits, a Yamaha Viking, 1 Watch Guard chest camera, range equipment, bike patrol, ceremonial and honor guard uniforms, as well as other supplies.

The attached interlocal Agreement has been approved by the County Commissioners. The interlocal Agreement is part of the application submittal. Staff is requesting Council approval to submit the application, accept the \$86,925 grant award, approve the interlocal agreement with Yellowstone County and authorize the Mayor to sign the award documents when they are received.

ALTERNATIVES ANALYZED

Council may:

- Approve the application and acceptance of award of the 2016 JAG Grant in the amount of \$86,925; or
- Not approve the application and acceptance of award of the 2016 JAG Grant in the amount of \$86,925. This action would result in the City's General Fund having to absorb costs to maintain patrol cars and ammunition.

FINANCIAL IMPACT

There will be no cost to the City as no match is required.

RECOMMENDATION

Staff recommends that the City Council approve the 2016 JAG application submission in the amount of \$86,925, accept the grant award, approve the interlocal agreement with Yellowstone County and authorize the Mayor to sign the award documents when they are received.

APPROVED BY CITY ADMINISTRATOR

**THE STATE OF MONTANA, COUNTY OF YELLOWSTONE
INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BILLINGS, AND YELLOWSTONE COUNTY
2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
\$86,925 #2016-H4109-MT-DJ**

This Agreement is made and entered into this ____ day of _____, 2016, between the City of Billings (CITY) acting through its Mayor, and Yellowstone County (COUNTY) acting through its Chairman of the Board of County Commissioners.

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party, and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the City agrees to provide the County \$11,335.00 from the JAG award.

WHEREAS, the CITY and the COUNTY will file a joint application with the CITY serving as applicant/fiscal agent for the JAG funds.

WHEREAS, the CITY and the COUNTY believe it to be in their best interests and the best interests of both of them to reallocate the JAG funds in this matter so as to continue to qualify for future JAG awards and in order to maximize the benefit from this 2016 JAG award.

NOW THEREFORE, the CITY and COUNTY agree as follows:

The purpose of this agreement is to provide a binding promise by the City of Billings to share the proceeds of a \$86,925.00 JAG award with the County of Yellowstone.

This agreement shall commence on the date the Justice Assistance Grant (JAG) is funded by the U.S. Department of Justice, and the funds are received by the City, and it shall terminate on September 30, 2019 unless the parties mutually agree, in writing, to an earlier termination date. This cooperative undertaking shall be financed exclusively from the JAG proceeds. CITY agrees to pay the COUNTY a total of \$11,335.00 of JAG funds. The COUNTY agrees to use \$11,335.00 for the program between the date of this agreement and September 30, 2019, the last day on which these funds may be spent, according the terms of the JAG.

Nothing in the performance of this Agreement shall impose any liability for claims against the CITY or COUNTY. Each party to this agreement will be responsible for its own actions in providing services under this Agreement and will save the other party harmless from and defend and indemnify them for any claims that arise due to or on account of any activities that are funded in whole or in part by JAG proceeds, and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement. No separate legal entity shall be created by this contract. The accounting for funds received by each of the local governing bodies shall be done by the City of Billings Finance Department and the County of Yellowstone Sheriff's Office, respectively. The City of Billings Financial Services Manager shall administer the disbursement of JAG proceeds in cooperation with the County of Yellowstone Sheriff's Office. No personnel costs will be funded from these proceeds by either party so neither party will be required to file reports or make payments of retirement system contributions pursuant to §19-2-506, MCA.

In the event that any payment that is expected to be made pursuant to this JAG is not received by the City of Billings, or in the event that either party violates the terms of this Interlocal Agreement, either party may terminate this agreement by giving written notice to the mayor (for notice to the City) or to the commission chair

(for notice to the County) of the manner in which the other party has violated the provisions hereof. If a party so notified does not remedy the default within fifteen (15) days of receipt of the notice of the violation, then the party giving notice of the violation is released and discharged from any further obligation under this agreement and the agreement is of no further legal effect.

By entering into the Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

City of Billings, Montana

County of Yellowstone

/s/ Thomas W. Hanel, Mayor

/s/ Bill Kennedy, Chairman
Yellowstone County Commissioners

APPROVED AS TO FORM:

/s/ Brent Brooks
City Attorney's Office

/s/ Kevin Gillen
Yellowstone County Attorney's Office

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Naming the New Baseball Field at Centennial Park Musburger Field

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

The Montana District 1 Little League sent a letter (attached) requesting that the new baseball field at Centennial Park be named Musburger Field. In the mid-1950s, Mr. Cecil Musburger contacted Little League Baseball Inc. and requested information about chartering a Little League in Billings, Montana. Mr. Musburger began a partnership with Little League Baseball, Inc. that has now existed for over 60 years. Over 5,000 boys and girls between the ages 4 and 18 participate annually in what is now called Montana District 1 Little League Baseball and Softball.

Mr. Musburger has not been recognized for his efforts to bring Little League Baseball to Billings. Montana District 1 Little League believes it would be appropriate to honor him and his efforts by naming the new baseball field at Centennial Park in his honor. This field is presently known as the Big Field at Centennial Park. Per City policy, the Parks, Recreation and Cemetery Board (PRCB) reviewed the request and recommends that the new baseball field at Centennial Park be named Musburger Field.

ALTERNATIVES ANALYZED

City Council may:

- Approve the PRCB's recommendation to name the new baseball field at Centennial Park as Musburger Field , or;
- Disapprove the recommendation and provide additional guidance to staff.

FINANCIAL IMPACT

The Montana District 1 Little League has volunteered to install a sign on the scoreboard at the baseball field. There should be no additional costs attached to naming the field.

RECOMMENDATION

The Parks, Recreation and Cemetery Board recommends to the City Council that the new baseball field at Centennial Park be named Musburger Field .

APPROVED BY CITY ADMINISTRATOR

Attachments

Naming Request
Naming Resolution



Jim Sommerville

Montana District 1

District Administrator

2914 Lewis Avenue

Billings, MT 59102

406-861-9210

jbsommerville@msn.com

To the attention of:

Michael Whitaker

City of Billing Parks, Recreation and Public Lands Director

In the mid-1950's, Mr. Cecil Musburger initiated a letter to Little League Baseball requesting information concerning the chartering of a Little League in Billings, Montana.

Based upon the information he received, Mr. Musburger applied for and received a charter packet to become affiliated with Little League Baseball, Inc. This action began a partnership with Little League Baseball for the past 60+ years. At the present time, there are over 5,000 boys and girls between the ages of 4 and 18 participating annually in what is now called Montana District 1 Little League Baseball and Softball.

The highlight of Mr. Musburger's vision occurred in 2011 with the participation of Big Sky Little League in the Little League World Series at Williamsport, MA and their tremendous run at a World Series title. They were the first, and are still the only Montana team to ever win a Regional Tournament and participate in the World Series.

Mr. Musburger has not been recognized for his efforts to bring and participate in Little League Baseball. Montana District 1 Little League believes it would be appropriate to honor him and his efforts by naming the new baseball field at Centennial Park in his honor, Musburger Field. This field is presently known as the Big Field at Centennial Park.

The action for naming a facility in a City Park would fall under Article IV, 4, c – providing outstanding public service for the good of the community in regard to parks, trails, or open space.

Montana District 1 Little League would like to place a sign with the name, Musburger Field, on the north side of the scoreboard at Centennial Park.

We hope you would agree this request is appropriate and would be a good fit in this park for the man who was responsible for bringing Little League Baseball to Billings.

Thank you for this consideration.

Jim Sommerville

District Administrator

05/12/2016

Beartooth Little League - Boulder-Arrowhead Little League - Big Sky Little League - Burlington Little League
Central Giants Little League - Coal Country Little League - Granite Peak Little League - Heights Little League - Laurel Little League
Lockwood Little League - Project Little League - Roundup Little League - Riverside Little League - Shepherd Little League

RESOLUTION NO. 16-

A RESOLUTION BY THE BILLINGS MONTANA CITY COUNCIL,
APPROVING THE NAMING OF THE NEW BALLFIELD AT
CENTENNIAL PARK MUSBURGER FIELD

WHEREAS, the Parks, Recreation and Cemetery Board reviewed the naming request from Montana District 1 Little League and recommends that the new baseball field at Centennial Park be named Musburger Field; and

WHEREAS, the naming of the new baseball field at Centennial Park Musburger Field meets all the criteria in the City's parks and facilities naming policy; and

WHEREAS, the Montana District 1 Little League believes it would be appropriate to honor Cecil Musburger for his efforts in bring Little Baseball to Billings.

NOW, THEREFORE BE IT RESOLVED BY THE BILLINGS CITY COUNCIL THAT the large baseball field at Centennial Park be named Musburger Field.

ADOPTED by the Billings City Council on July 11, 2016.

Thomas W. Hanel, Mayor

Attest:

Toni Keehner, Deputy City Clerk

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for Montdevco II

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on December 15, 2015 and voted to approve a \$250,000 loan to Montdevco II, LLC to assist in them with the predevelopment phase of a potential development known as One Big Sky Center. (see attachment A). Collateral will be the Diamond Parking lot located at N. 29th Street and 1st Ave N. That parcel is 21,000 square feet of developable land within the Tax Increment District and the CBD. At the rate of \$40 psf the value would be in the \$840,000 range. The Developer paid a higher price for the property and owns it without any liens (see Attachment B) The City's loan will be in first and sole position regarding the collateral. Finance had First Montana Title do a title search, and everything came back ok.

ALTERNATIVES ANALYZED

The Council may approve or disapprove the loan. If Council does not approve the loan, the potential for significant private investment in downtown Billings may decline.

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 \$250,000 loan to Montdevco II, LLC.

APPROVED BY CITY ADMINISTRATOR

Attachments

OBSC description 1
Loan to Value
Downtown Revolving Loan

Project Overview

In collaboration with the City Of Billings, The Downtown Business Alliance and the Big Sky Economic Development, MontDevCo, LLC has established a detailed footprint and plan to create a huge "spark" in various revitalization efforts with the Billings Downtown community. One Big Sky Center is a comprehensive mixed-use development project that includes parking, hotel, residential, retail and conference-based enhancements to the core downtown Billings marketplace. Also, the Center has been designed to meet existing and future needs of the at-large Billings community; this property will serve as a proud magnet to attract citizens and guests of this growing and popular city to enjoy a vibrant atmosphere and experience high-end amenities currently not available elsewhere within the central downtown location.

The MontDevCo, LLC team has extensive and relevant experience within the real estate development domain and has put the necessary machinery in place to identify and deploy additional financial partners which are critical to the execution of their Master Plan. The MontDevCo, LLC philosophy and practices rely heavily on broad and deep collaborations with local resources, including the city's administration & council, development agencies, architectural resources, construction services and other ancillary local resources to bring this project to completion within strict guidelines for timely and cost-effective deliverables.

Finally, our organization culture and values mandate superior teamwork, cooperation and communications with all key participants, including investors, partners, vendors and all other constituents affiliated with this project. Within this context, MontDevCo, LLC is pleased and proud to participate in this exciting new endeavor and looks forward to making the One Big Sky Center a reality in the near future.

ONE BIG SKY CENTER

Why Billings, MT

Shaped by the Yellowstone River and sheltered by the sandstone Rimrocks, Billings is a place of forever views and forever memories, where urban amenities and modern convenience meet the edge of the genuine frontier. Where the adventure of the untamed wilderness and history are out your front door.

Conveniently positioned in the region as the largest city between Calgary and Denver, Spokane and Minneapolis, Billings proudly serves a trade area of over 500,000 with diverse shopping, award-winning cuisine, arts and culture.

Warm genuine people take the time to welcome you and greet you with a smile. Unparalleled access to some of the most breathtaking and historic wonders in the United States including Yellowstone National Park, Beartooth Highway, Bighorn Canyon, Little Bighorn Battlefield, and Pompeys Pillar make Billings an idyllic destination for connecting to the best that Montana offers.

Tourism is woven into the fabric of Billings, Montana's Trailhead. The city is set in the heart of the region and on the outskirts of natural and historic wonders. As a destination, the community is vital to eastern Montana and northern Wyoming rural residents for essentials and entertainment, but Billings is also on the maps and the bucket lists of worldwide travelers. In Yellowstone County, non-Montana residents spent \$397 million dollars in 2014 (source: Institute for Tourism and Recreation Research).

ONE BIG SKY CENTER

Why Billings, MT – continued

Billings is the largest city in the state of Montana, and is the principal city of the Billings Metropolitan area with a population of 166,855 and occupies an area of 43,000 square miles. It is the county seat of Yellowstone County and has a trade area of over half a million people. The 2013 Census estimates put Billings population at 109,059 and is the only city in Montana to surpass 100,000 in population. The city has been experiencing rapid growth and a strong economy; it has had and is continuing to have the largest growth of any city in Montana. In fact, parts of the metro area are seeing hyper growth; for example, from 2000 to 2010, Lockwood, an eastern suburb of the city, saw growth of 57.8%, the largest growth rate of any community in all of Montana.

Billings has avoided the economic downturn that affected most of the nation 2008–2012 as well as avoiding the housing bust, largely because of the Bakken oil play in eastern Montana and western North Dakota; this is the largest oil discovery in U.S. history and it has set the stage for continued growth more broadly, and in the key areas of healthcare, tourism and mining in particular. To highlight the potential of this community, in 2009, Fortune Magazine rated Billings, Montana the number one small city in the United States to launch a business.

ONE BIG SKY CENTER

Financial Summary

- Total construction approximately \$120+/- million
- City of Billings will contribute funds for the construction of the parking facility, the conference center and all 29th Street closure costs
- The City through the Billings Downtown Alliance has acquired a key part of our land assemblage which closed in May

ONE BIG SKY CENTER

Project Capital Stack

- Traditional bank loan for 55% to 60% of the total project costs
- Layer EB-5 mezzanine piece of \$30 to \$32 Million
- Remaining pure equity of \$15 to \$25 Million

ONE BIG SKY CENTER

Development Team

MontDevCo, LLC

George I “Skip” Ahern, Jr. Partner

Skip is President and CEO of Charter Realty Group, a diversified real estate services company providing development, asset management, property management, and brokerage and consulting services. Charter Realty Group has developed retail, industrial and office properties throughout the State of Colorado. The largest was a portfolio of four office and mixed use buildings, consisting of approximately 400,000 square feet in the Denver metro area, where Ahern developed, managed and sold those properties providing the owners a substantial return on their investments.

Skip was Vice-President for Oxford Properties, Inc. (later acquired by BCE Development) and was responsible for the complete range of operations in the Denver and Phoenix offices. The \$648 million portfolio consisted of large mixed-use urban developments mostly located in the Central Business District. The 56-story Republic Plaza is Denver’s tallest building and contains 1.2 million square feet of office space and 55,000 square feet of retail space. Ahern developed and managed the construction of this building, which opened in 1984 and directed the leasing efforts and achieved an 85% occupancy level in Denver’s worst real estate market. The twin 25-story Bank Western and Dome Towers contain approximately 750,000 square feet of space and have undergone major renovation and releasing. The 780,000 square foot Anaconda Tower adjacent to the 550 room Fairmont (now Hyatt) Hotel completed this full block development. Parking for 1900 + cars in four separate structures rounded out the Denver portfolio. Ahern was in charge in all aspects of this portfolio including development, construction, property and facility management, marketing and leasing, finance and project accounting and managed a staff of 375 employees. Total annual revenue was just under \$60 million.

In Phoenix, Skip developed the Great American Tower and was directly responsible for construction management and lease up. This 25-story tower contained 334,000 square feet and had an adjacent parking garage for approximately 1400 cars.

As a third generation Coloradan, Ahern attended the University of Colorado where he received a BA in Economics in 1967 and an MBA with an emphasis in Finance in 1972. Prior to launching his real estate career, he graduated from the U.S. Navy Officer Candidate School and the U.S. Navy Supply Corps School in Athens, Georgia; thereafter he served as a Supply Corp officer aboard the flagship U.S.S. Holland for the FBM Submarine Squadron 16 in Rota, Spain for two years.

ONE BIG SKY CENTER

Development Team

MontDevCo, LLC

M. Burke McHugh, CEO (Malbur, LLC) - Principal

Burke is a native Coloradan who was born and raised in the Denver metro area. After graduating from Fort Lewis College in Durango, Colorado, with a degree in Communications, he moved to Chicago for two years to work for the Maryville Academy as a social worker focusing on homeless children. Subsequently he returned to Colorado to become a part of his family's oil & gas business, Nassau Resources, Inc. For the next two years, Burke worked in the Farmington, NM field office to learn the business "from the ground up."

As Burke was promoted to VP of Gas Marketing for Nassau Resources and he moved back to Colorado to live in Evergreen, Colorado with his family until 1995 when he founded his own real estate firm, Malbur Properties, LLC which is highlighted in "MontDevCo, LLC" section above.

ONE BIG SKY CENTER

Development Team

MontDevCo, LLC

Greg Tatham, Partner

Greg is an experienced real estate professional with a 25 year array of credentials spanning all aspects of commercial real estate development, including: land planning and ground-up site development; analyses of mergers and acquisitions; extensive brokerage buyer and seller transactional expertise; expert in zoning, entitlements and permitting dynamics and tactics; identifying environmental challenges and remediation strategies; construction project management and oversight; and project team leadership and development of real estate talent, including mentoring and training of junior personnel.

Aside from his background of hands-on experiences and credentials, Greg started his academic career with a B. S. in geography from the College of Business (real estate) at Arizona State University. Since then, he has led numerous award- winning projects and received prestigious personal recognition as well. Currently he maintains a State of Arizona Real Estate Broker's license and is a Principal & Broker of GT Property Services.

ONE BIG SKY CENTER

Design Partners

CTA Architects Engineers

Ralph Cushing and Everett Terrell formed a partnership in 1938. Their vision was to forge one of the first integrated architecture and engineering firms, built on innovations, integrity and client service. Seventy-seven years later, with 17 offices, our culture still embodies their vision of entrepreneurial spirit, high performance, and providing the best client experience possible. At CTA, our 400+ team members *Pioneer Environments* for 6 vertical markets; Commercial, Education, Government, Healthcare, Living and Retail alongside our 20+ service sectors which equates to over \$450 million in construction annually. We are creative, resourceful and passionate. We focus on innovative architecture, engineering and designs that result in a transforming experience for our clients. We pride ourselves on *High Performance*. It is the product of uniting talent, passion, and expertise through our integrated teams. Our promise to our clients is the *Experience*, the essence of every point of contact and every nuance associated with CTA.

ONE BIG SKY CENTER

Design Partners (con't)

Walker Parking Consultants is the global leader in providing parking consulting and parking design services. Founded in 1965, we pioneered the field of parking consulting. Today the firm has over 250 employees delivering a wide range of parking planning, design, engineering, and restoration services.

The firm is based in the U.S. with 14 domestic offices and 2 in the United Arab Emirates, is ranked #263 in Engineering News Record's Top 500 Design Firms and #13 in Building Design + Construction's Giants 300 Engineering/Architecture Firms.

We serve a broad spectrum of markets including healthcare, education, government, aviation, residential, retail and commercial development, entertainment, hospitality and athletic venues. This diversity allows our staff the luxury of collaborating with a large cross section of client types and developing best practices for their specific parking issues, helping them unlock the potential of their projects.

ONE BIG SKY CENTER

One Big Sky Center Project

One Big Sky Center Project Predevelopment

INITIAL SITE ACQUISITION COST	\$880,000.00
DEPOSITS ON ADJACENT PROPERTIES	\$50,000.00
OTHER PREDEVELOPMENT SOFT COSTS	\$1,160,000.00
CONTINGENCY 15%	\$313,500.00
	\$2,403,500.00

ASSUMPTIONS

LOAN PRINCIPAL AMOUNT	\$250,000.00
ANNUAL INTEREST RATE	2.25%
AMORTIZATION PERIOD (IN YEARS)	20
YEARS UNTIL BALLOON PAYMENT	5

KEY LOAN DATA

MONTHLY PAYMENT	\$1,294.52
TOTAL MONTHLY PAYMENTS	\$77,671.20
TOTAL AMOUNT PAID	\$275,282.27
TOTAL INTEREST	\$25,282.27
BALLOON PAYMENT	\$197,611.07

PROJECT LOAN TO VALUE

CASH INVESTMENT	\$1,200,000.00
DEVELOPER EQUITY INTO PROJECT	50%
LOAN EQUITY REQUESTED	\$250,000.00
LOAN EQUITY PERCENTAGE OF PROJECT	10%
LOAN TO VALUE RATIO (value without contingency)	12%

REVISED Agenda Item 11

Downtown Revolving Loan Fund loan request

Monday, December 15, 2015

Montdevco II loan terms are as follows:

Loan:	\$250,000
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:	Diamond Parking Lot (29 th and 1 st Ave N.) 1 st position on property
Disbursement:	The City will disburse funds after it receives City Council approval.

The purpose of this loan is to help purchase immediate soft costs of an approximate \$100 million dollar multi use project that includes a conference center.

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Rimrocks to Valley Bike/Ped Feasibility Study

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

City Council is being presented with the Rimrocks to Valley Bike/Ped Feasibility Study for the Council to make a recommendation to the Policy Coordinating Committee (PCC). The Council received information regarding this study at its July 5 Work Session.

The Rimrocks to Valley Bike/Ped Study is a planning study that evaluates alternatives for the development of separated bicycle and pedestrian facilities from Highway 3 atop the Rimrocks to existing bicycle and pedestrian facilities below (Rimrock Road, etc.) between North 27th Street and Zimmerman Trail.

The Goals and Expectations of the Study include:

1. Identify routes that safely convey bicyclists and pedestrians addressing the needs of both recreational users and commuters.
2. Evaluate the feasibility of achieving ADA compliance.
3. Identify access points and place-making opportunities.
4. Consider the unique geology of the Rimrocks in the evaluation of alternatives.
5. Maintain consistency with existing community plans.
6. Identify and engage all relevant stakeholders, particularly the Rimrock neighborhoods.
7. Enhance recreational and anesthetic opportunities from atop the Rims.
8. Provide a key connection within the proposed 26-mile marathon loop trail around Billings.
9. Develop a prioritized list of short-term and long-term projects.

The development of the study was managed by a project steering committee comprised of representatives from Planning, the Billings Chamber of Commerce, Billings TrailNet, City Parks and Recreation Department, Rimrock Neighborhoods Task Force, Federal Highway Administration, and the Montana Department of Transportation. The planning process included a public participation element that developed the Project Oversight Committee that held monthly meetings throughout the planning process to guide the direction of the feasibility study. This included a walking tour at the onset of the project. Neighborhood meetings were held adjacent to the proposed trail routes to discuss design concepts, ideas and concerns of nearby property owners. A Rimrock Neighborhoods Task Force meeting was attended and a project overview was provided. Two public meetings also were held. The first was to introduce the feasibility study and identify issues important to stakeholders. The second presented route alternatives and requested input on various access points and amenities for each route.

The Technical Advisory Committee comprised of City, County and MDT staff reviewed the document on May 5, 2016 and is forwarding a recommendation of approval. The Yellowstone County Board of Planning reviewed the document and held a public hearing on May 24, 2016. No one spoke during the public hearing. The Planning Board is forwarding a recommendation

of approval to the PCC.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Rimrocks to Valley Bike/Ped Study and forward that recommendation to the PCC via the Council representative.
- Approve the Rimrocks to Valley Bike/Ped Study with modifications and forward that recommendation to the PCC via the Council representative..
- Do not approve the Rimrocks to Valley Bike/Ped Study and forward that recommendation to the PCC via the Council representative..

FINANCIAL IMPACT

There should be no direct financial impact from the adoption of this study. However, it will assist with future planning, funding, and design for incorporating bike/ped facilities in the corridor between North 27th Street and Zimmerman Trail along the rimrocks.

RECOMMENDATION

Staff recommends the City Council approve the Rimrocks to Valley Bike/Ped Feasibility Study and forward that recommendation via the City's representative to the PCC at its July 19 meeting.

APPROVED BY CITY ADMINISTRATOR

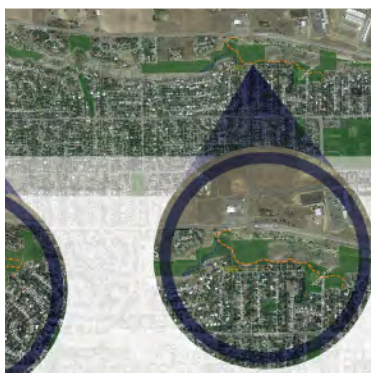
Attachments

Rims to Valley Feasibility Study



RIMROCKS TO VALLEY

BIKE/PEDESTAL FEASIBILITY STUDY



DRAFT REPORT
APRIL 2016

ACKNOWLEDGEMENTS

The Rimrocks to Valley Bike/Pedestrian Feasibility Study was conducted under the direction of the Project Oversight Committee, which included the members listed below. Along with the input of numerous community members, the guidance of the Project Oversight Committee has been essential to the success of this process and is very much appreciated.

Project Oversight Committee

Wyeth Friday, City-County Planning Division

Scott Walker, City-County Planning Division

Lora Mattox, City-County Planning Division

Jeffrey Butts, City-County Planning Division

Jared Le Fevre, Billings Chamber of Commerce

Jim Downs, Billings TrailNet

Mark Jarvis, City Parks & Recreation

Alan Woodmansey, Federal Highway Administration

Katie Potts, MDT Planning

Lyle Gabrian, Rimrock Neighborhoods Task Force

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INTRODUCTION

1



The Billings Metropolitan Planning Organization (MPO) has identified the need to study the feasibility and to evaluate alternatives for the development of separated bicycle and pedestrian facilities from Highway 3 atop the Rimrocks to existing bicycle and pedestrian facilities below. The Rimrocks are a geological sandstone formation that form an approximately 300-foot high cliff that frames the north side of Billings, Montana. The study area for the feasibility study is bound by Highway 3 on the north, Rimrock Road on the south, Zimmerman Trail on the west and North 27th Street on the east.

The following report summarizes the planning process that evaluated these bike and pedestrian route alternatives, including identification of the potential routes, recommended design features, and the public process that was conducted to gain valuable input on each of these items.

Study Area Description

One or more bike and pedestrian connections from the Rims to the Valley would provide neighborhood connectivity and access to both transportation commuters and recreational users. In addition, the City of Billings, with support and encouragement from Billings TrailNet and the Billings Chamber of Commerce Trails Committee, has been focused on the development of the Marathon Loop Trail in recent years. When all missing links are completed, this trail will form an approximately 26-mile loop around Billings with an almost entirely off-street trail system. This feasibility study evaluates alternatives for the portion of the loop that would create a connection from the top of the Rimrocks to the bottom.

Figure 1 on the following page shows the study area for the Rimrocks to Valley Bike/Pedestrian Feasibility Study and how it relates to the proposed Marathon Loop.

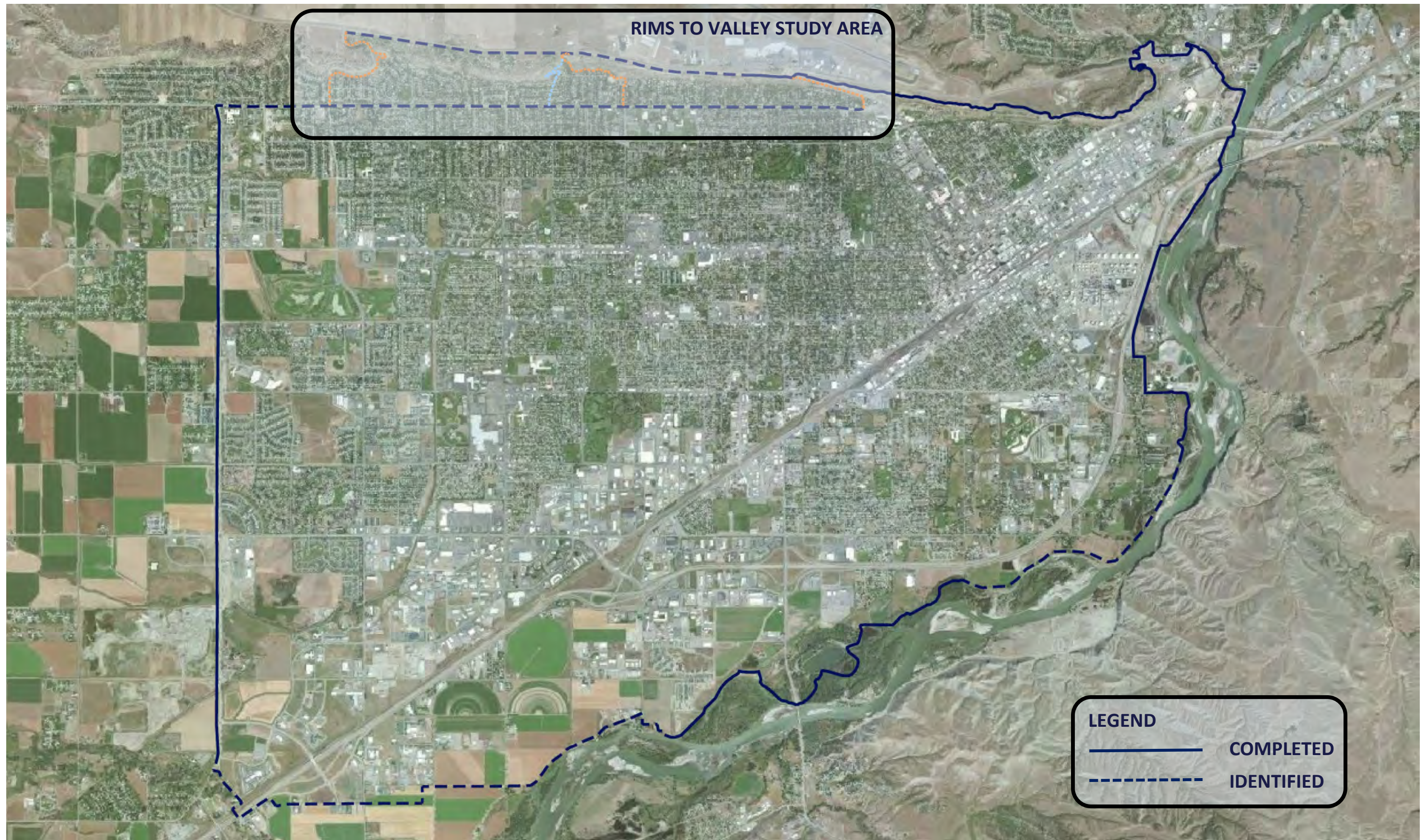


FIGURE 1 – STUDY AREA RELATIVE TO MARATHON LOOP

Goals & Objectives

The Rimrocks to Valley Bike/Pedestrian Feasibility Study provides an evaluation of bike and pedestrian route alternatives from the top to the bottom of the Rimrocks. The following objectives were outlined by the Project Oversight Committee at the onset of the study.

1. Identify routes that safely convey bicyclists and pedestrians addressing the needs of both recreational users and commuters.
2. Evaluate the feasibility of achieving ADA compliance.
3. Identify access points and place-making opportunities.
4. Consider the unique geology of the Rimrocks in the evaluation of alternatives.
5. Maintain consistency with existing community plans.
6. Identify and engage all relevant stakeholders, particularly the Rimrock neighborhoods.
7. Enhance recreational and aesthetic opportunities from atop the Rims.
8. Provide a key connection within the proposed 26-mile marathon loop trail around Billings.
9. Develop a prioritized list of short-term and long-term projects.

Public Participation Process

A thorough public participation process was conducted for the Rimrocks to Valley Bike/Pedestrian Feasibility Study in conformance with the 2009 Yellowstone County Board of Planning Participation Plan.

The following meetings were conducted as part of the plan development:

- **Project Oversight Committee Meetings** were held monthly to guide the direction of

the feasibility study and a walking tour with the POC was held at the onset of the project.

- **Neighborhood Meetings** were held on October 13 and 14, 2015 adjacent to the proposed trail routes to discuss design concepts, ideas and concerns of nearby property owners.
- A **Rimrock Neighborhoods Task Force** meeting was attended on October 21, 2015 and a project overview was provided.
- **Public Meeting No. 1** was held on December 2, 2015 to introduce the feasibility study and identify issues important to stakeholders.
- **Public Meeting No. 2** was held on February 3, 2016 to present the route alternatives and request input on various access points and amenities for each route.

The following additional public meetings will be held for review and approval of the feasibility study, the dates of which are to be determined:

- **Technical Advisory Committee**
- **Yellowstone County Board of Planning (Public Hearing)**
- **Billings City Council**
- **Yellowstone County Commission**
- **Policy Coordinating Committee**

A project website was developed as a location to post draft documents for review and as a tool to request additional public input. The web address is www.sandersonstewart.com/projects/rimstovalley.

The draft and final document will also be posted on the City of Billings website at <http://ci.billings.mt.us/index.aspx?NID=2336>.

Related Projects

Highway 3 Corridor Study. Completed in 2015, the Highway 3 Corridor Study addresses current vehicle and non-motorized traffic circulation and access along the corridor, as well as plans for future changes to traffic patterns caused by the Inner Belt Loop connection and development activity.

Recommendations consisted of several projects that relate to the Rims to Valley Feasibility Study, including a multi-use pathway that extends from North 27th Street to Apache Trail, a roundabout and grade separated crossing at the Highway 3/Zimmerman Trail intersection, and parking/trailhead facilities along Highway 3.

Zimmerman Trail. The City of Billings recently completed a rock fall mitigation project on Zimmerman Trail and they are currently designing additional improvements to the roadway and surrounding areas in coordination with the Montana Department of Transportation (MDT). Design alternatives were still being considered at the time of this study, but it is anticipated that they will generally consist of wider shoulders, stormwater improvements and slope stabilization. MDT has also recently nominated an intersection improvement project with safety funds for the installation of a roundabout at Zimmerman Trail and Highway 3.

Inner Belt Loop. The Inner Belt Loop is a proposed rural bypass roadway project that will provide a new connection between the Heights and West End regions of Billings. The south terminus of the new road has been proposed at the existing intersection of Highway 3 and Zimmerman Trail, but other options are still being considered. Alignment alternatives and intersection improvements were evaluated in the 2006 Inner Belt Loop Connection Planning Study and the 2010 Inner Belt Loop Design Traffic Report. Recommendations include a multi-use pathway along the east/south side of the roadway.

Billings Urban Area Long Range Transportation Plan. The 2014 transportation plan identifies long-range transportation projects in the area. It identifies improvements along Zimmerman Trail and the proposed Inner Belt Loop, as well as a future connection between Highway 3 and Molt Road.

Billings Area Bikeway & Trail Master Plan. This plan outlines a proposed short-range, on-street bike lane along Highway 3 east of Rod & Gun Club Road and a long-range bike lane west of this intersection. The plan also identifies proposed short-range bike lanes on North 27th Street, Airport Road and Zimmerman Trail, as well as long-range bike lanes on Rod & Gun Club Road and the Inner Belt Loop. The plan also identifies several existing primitive/unimproved trails around the Rimrocks.

ROUTE ALTERNATIVES

2



The study area for this project is approximately 3 miles in length measured from east to west. Although it's fairly vast, the terrain is very steep and there are really only a very small number of locations where a route from the top to the bottom of the Rims is even possible. The project team was aware of these possible routes from past projects and our own recreational experiences in the area, but these potential routes were further explored with the Project Oversight Committee during a walking tour held early in the project process.

The following paragraphs provide a summary of the four route alternatives identified. These routes are also illustrated in Figure 2 on page 7.

Alternative 1: Stagecoach Trail

Referred to as the Stagecoach Trail, the first route alternative is adjacent to Zimmerman Trail, a two lane roadway that traverses from the bottom to the top of the Rimrocks at the western boundary of the study area. This roadway is steep and narrow and does not provide a safe on-street facility for bikes and pedestrians. The Zimmerman Trail right-of-way is owned and maintained by the City of Billings. The City of Billings and MDT have a design project currently underway for reconstruction of Zimmerman Trail and a separate project for the design of a roundabout at the intersection of Zimmerman Trail and Highway 3. The proposed trail along this route would be located along the east side of the roadway and would be placed below the grade of the road along the roadside slope.

Alternative 2: Myers Trail

The second route alternative would follow an existing natural trail known as the Myers Trail. It runs from the north end of Country Club Circle below the Rims and traverses up to the top of the Rims just east of Sky Ranch Condominiums. This trail was at one time a private driveway used to access the old Myers family home on top of

the Rims. The terminus of the Myers Trail at the top of the Rims coincides well with one of the trailheads/parking areas recommended in the Highway 3 Corridor Study.

This is an existing trail that is used often, but the current alignment crosses private property at the south end and it has some challenging sections that may be difficult for some users.

Alternative 3: Morledge Trail

The third alternative is the Morledge Trail. This route begins at the north end of 17th Street West and routes west through property owned by City of Billings Public Works. Just north of the large water tank on this property, the trail would transition onto private property owned by the Morledge family. The trail would be located toward the south side of their property and would route up and around a couple of coulees before transitioning back to public property. The trail would then need to cross a large coulee area, possibly with a boardwalk type of structure, as it ramps up toward the top of the Rims and ends in approximately the same location as the Myers Trail at the top.

The Morledge property is undeveloped and is approximately 10 acres in size. The project team has had several conversations with the Morledge family through this process and they have stated their approval of the proposed trail location and their willingness to grant a trail easement.

Alternative 4: 27th Street Trail

The final route alternative considered in this study runs along North 27th Street. It would begin near the existing trail underpass at the intersection of North 27th Street/Highway 3/Airport Road and would continue to the southeast along North 27th Street. It would be located behind the existing guard rail on the south side of the roadway. Right-of-way is limited around the ramp that curves around to Rimrock Road, so the proposed trail would instead route through public property and connect to the north end of Yucca Street.

It appears that there is existing width available on North 27th Street to consider an on-street option for bicycles as well. Both bikes and pedestrians could use the off-street multi-use trail, but bikes will likely be traveling at a fairly high speed when going downhill. In this case, a safer option may be to consider separate facilities for bikes and pedestrians. On-street bike lanes in this location would require restriping on North 27th Street and approval to do so would be needed from MDT. If possible, a 3-foot striped buffer would be ideal for this alternative in order to provide greater separation between the bike lane and the outside travel lane.

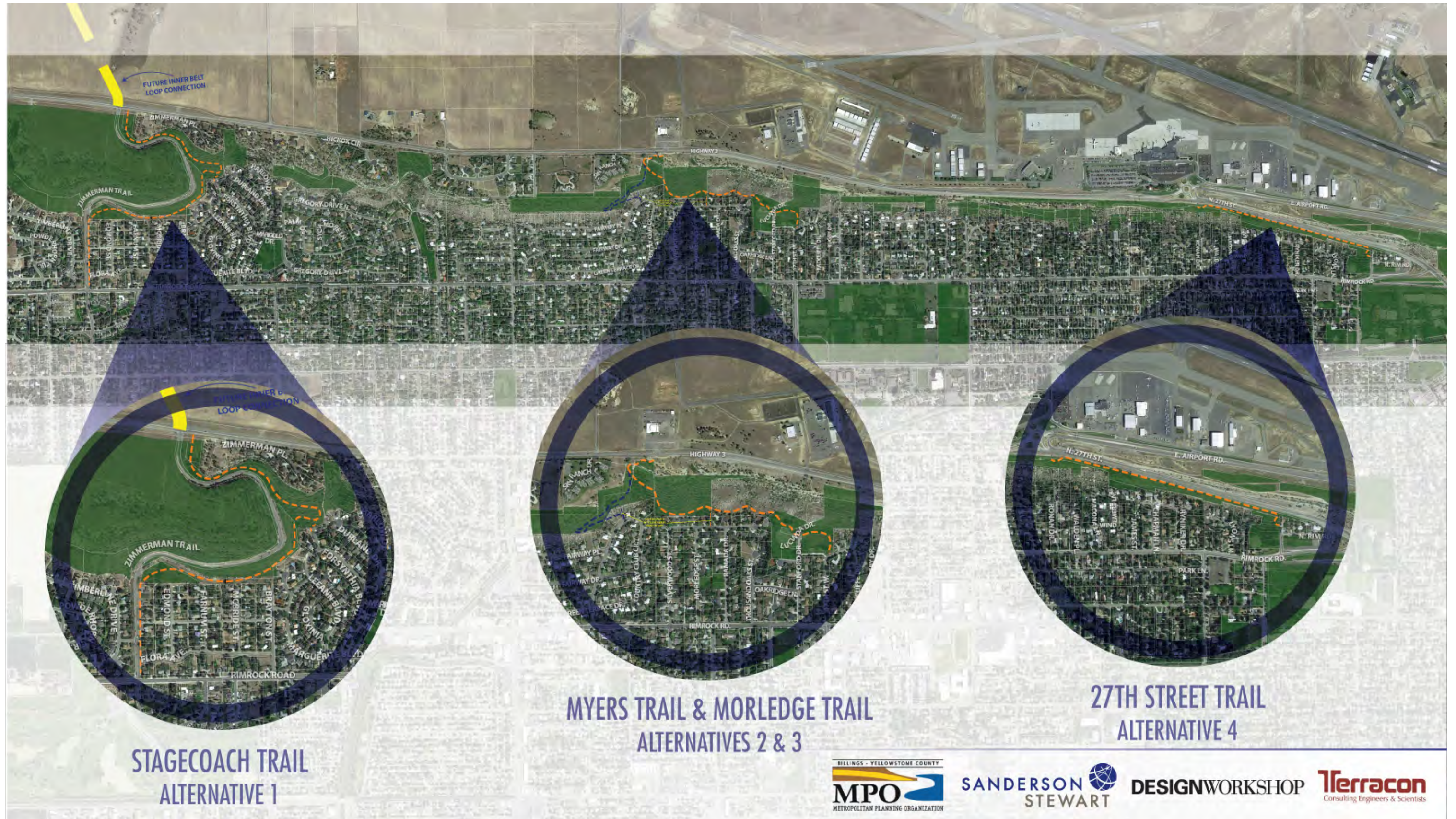


FIGURE 2 – ROUTE ALTERNATIVES

RECOMMENDED IMPROVEMENTS

3



A preliminary design of each of the four route alternatives was completed in order to evaluate slopes, consider different surfacing options, and ultimately to provide a well-vetted opinion of probable cost for each alternative. The following section provides an overview of those considerations.

Design Features

The development of this feasibility study began with 3-D laser scanning of the Rim face within the areas identified for the four potential route alternatives. The resulting scan data was then reduced into AutoCAD format for the development of base drawings for preliminary design. A trail alignment was then drafted for each of four alternatives including a preliminary design in plan and profile view in order to determine the best fit available for both horizontal and vertical alignment. The resulting plan and profile sheets are provided in Appendix A.

Longitudinal Slope

One of the primary goals of this study was to evaluate the feasibility of achieving compliance with the Americans with Disabilities Act (ADA) design standards, primarily as they relate to longitudinal slopes. The maximum longitudinal slope for ADA compliance is generally considered to be 5%. Although some guidelines allow for steeper slopes for short distances as long as level landing areas are provided in between.

Considering the challenging terrain of the Rimrocks, and as can be seen by the profiles in Appendix A, it was clear that we would not be able to meet these traditional slope standards with any of the four routes being evaluated. This is a concern because the federal funding sources often used for trail design and construction require ADA compliance. However, after further research and discussions with the Federal Highway Administration (FHWA), it is our assessment that although the routes may not be considered “ADA accessible,” they could be considered “ADA compliant” to the extent practicable and could therefore still be considered eligible for federal funding. They will likely require additional documentation during design to support the exceptions to ADA standards and show that ADA compliance is not practicable due to terrain.

There are many different guidelines available and the determination of which standards to use can depend on how the routes are designated: trails, access routes, paths, etc. The guidelines that were considered most applicable to this particular situation include the following:

- US Access Board’s Architectural Barriers Act (ABA) standards (Sections 1016, 1017 and 1019), which discuss outdoor recreation access routes and trails - <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/aba-standards/chapter-10-recreation-facilities>
- FHWA’s Best Practices Design Guide (Chapters 14 and 15) - http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/sidewalks214.cfm
- Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) - <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>

Although the Stagecoach and 27th Street alternatives may be at least partially located within highway right-of-way, the PROWAG standards do not adequately address the unique challenges associated with terrain on these routes. Therefore, it is our assessment that documentation of conditions for exceptions outlined in the other documents, namely “Compliance is not practicable due to terrain,” would adequately address ADA compliance.

Surfacing

ADA compliant routes are also traditionally considered to have a paved surface, either asphalt or concrete. However, the ABA standards referenced above state that surfaces “shall be firm and stable,” but are not necessarily required to be paved. If snow removal during winter months is not considered a necessity, then firm and stable surfaces do not need to be paved surfaces. Shared-use paths are generally paved with asphalt or concrete, but may also use prepared surfaces such as crushed stone or soil stabilizing agents mixed with native soils or aggregates. It’s possible that an asphalt surface may not hold up very well within the direct vicinity of the Rimrocks and a natural surface would allow for more flexibility in terms of fixing problem areas (heaving and settling) that will be inherent in this terrain. The selected surface should be fitting of the landscape and easy to maintain.

There is a strong desire by the Chamber Trail Committee to eventually promote the Marathon Loop as a destination for running events that would draw athletes from throughout the Country. To that end, they are encouraging the use of asphalt or crushed rock surfaces, rather than concrete, because runners prefer the softer surfaces.

There is one location along the Morledge Trail alternative where a boardwalk may be used to “bridge” the coulee area at the west end and limit impacts to the natural drainage and terrain. This boardwalk would need to be constructed with the longitudinal slope needed to climb to the top of the Rims in this location. A variety of materials are available for construction of the boardwalk (i.e. wood, concrete, plastic, and steel). All of these materials should be considered “firm and stable” by the ABA standards noted above.

Railings

There are many locations where the terrain would also require trail construction with steep side slopes. The designs shown in Appendix A include side slopes steeper than 3:1 (vertical to horizontal) in many locations in order to avoid impacts to adjacent properties associated with long catch slopes. It has been assumed that a combination of slope stabilization (e.g. retaining walls) and railings would be required in these locations. Railings and other built

structures would be designed to utilize textures, colors, and materials that fit the surrounding context of the trail. Construction of these elements could include the use of natural materials, steel and concrete with natural color or self-weathering finishes, steel and concrete with standard finishes, or a combination thereof.

Geology of the Rimrocks

Another important design consideration in this feasibility study is the geology of the Rimrocks. There has been a history of rock fall hazards and drainage concerns that could potentially be exacerbated with new infrastructure improvement projects if not planned for accordingly. Terracon, a geotechnical engineering firm with extensive experience working in and around the Rimrocks, provided valuable input on this feasibility study. Their report is provided in Appendix B. It provides a summary of potential geologic concerns associated with each of the four route alternatives along with the potential mitigation required.

The primary concern raised by Terracon is associated with the Stagecoach Trail and the segment that follows the base of the cliff directly above Forsythia Boulevard in particular. This is a rockfall area that should either be avoided or mitigated in some way. Terracon is part of the consultant team working on the Zimmerman Trail project, including the bid alternate for the trail. This allows for good coordination between this feasibility study and the upcoming design effort.

Before and After Graphics

The following illustrations demonstrate how the possible future alignments could be woven into the existing landform of the Rimrocks. While not intended to be an exact representation of the future, they serve to help visualize some of the key aspects related to each trail alignment including how they integrate into the dramatic topography, trailhead locations, connections to other trails, and points of interest/scenic overlooks. The four views reveal the general nature of each alignment and their relationship to the Rimrocks and surrounding neighborhood context. More detailed programming and design for each of the alignments would occur in the future when funding was available for construction.



FIGURE 3 – STAGECOACH TRAIL – BEFORE AND AFTER



CONNECTION TO HIGHWAY 3 TRAIL SYSTEM &
POTENTIAL SCENIC OVERLOOK LOCATION

MYERS TRAIL ALIGNMENT

COUNTRY CLUB CIRCLE TRAIL CONNECTION



FIGURE 4 - MYERS TRAIL – BEFORE AND AFTER



FIGURE 5 - MORLEDGE TRAIL – BEFORE AND AFTER

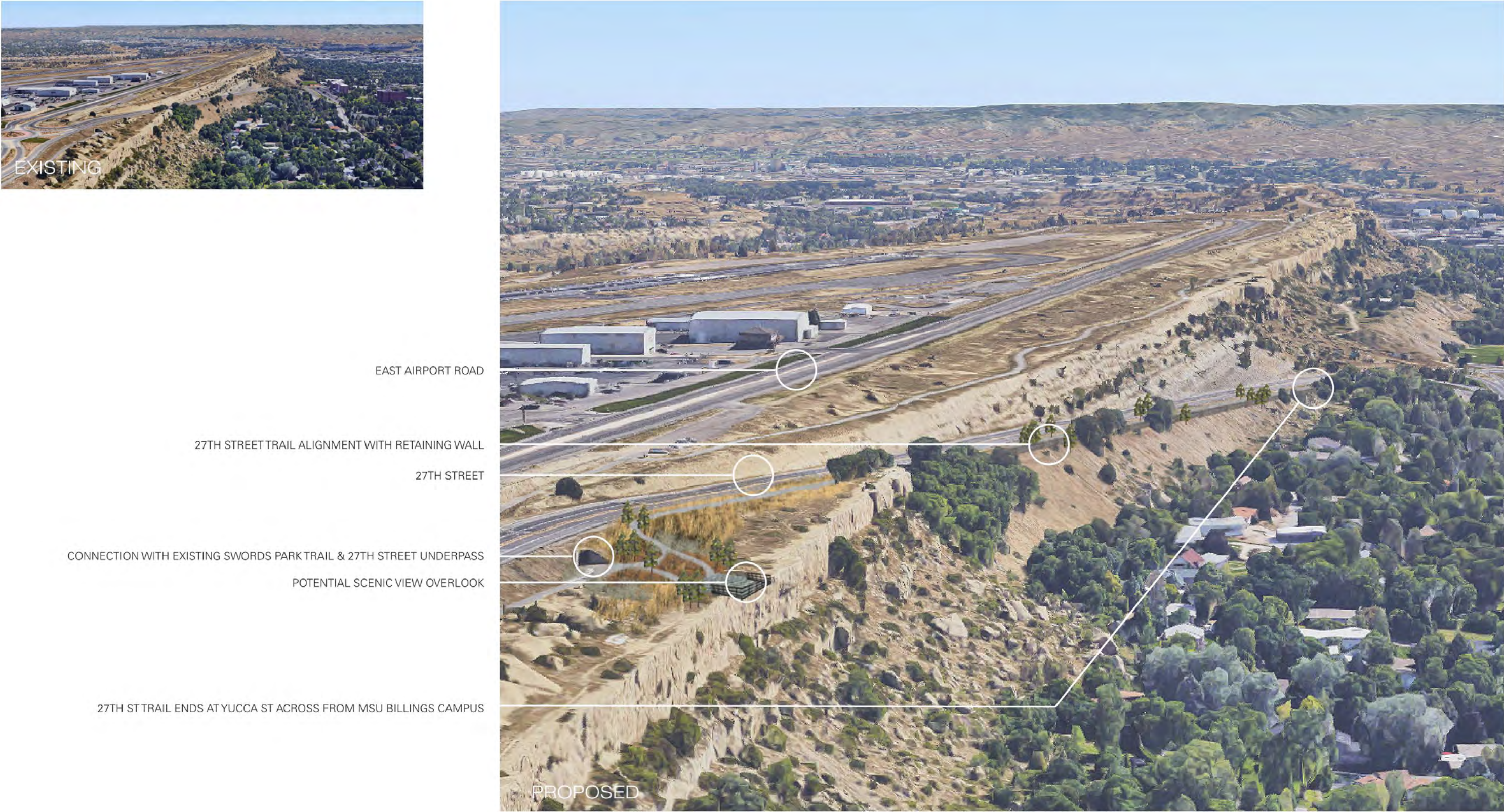


FIGURE 6 - 27TH STREET TRAIL – BEFORE AND AFTER



PEDESTRIAN TRAIL OUTSIDE GUARDRAIL

ON-STREET BIKE LANE

27TH ST



FIGURE 7 - 27TH STREET ON-STREET CONCEPT

Trailheads

The nature of the trailhead amenities at each potential trail access point can range in the level of improvements from very low intensity such as a simple sign/trail marker to more high intensity trailhead options with parking and other facilities. The following classifications describe potential trailhead improvements that build from low to high intensity. Different treatments and combinations of the amenities can be explored in later design phases to suit the range of needs and character of the locations along the potential alignments.

-  **Low Intensity or Trail Access Point**
 - Simple trail signage/wayfinding. No formal parking or other amenities.
-  **Medium Intensity or Minor Trailhead**
 - Potential amenities include parking for 3-5 cars, signage kiosk, trash receptacles, seating, bike racks, etc.
-  **High Intensity or Major Trailhead**
 - Potential amenities include parking for 5-15 cars, shade structures, picnic tables, restrooms, etc.

The community engagement process revealed the stakeholders' preferences for the level of intensity desired for each distinct location. Figure 8 on the following page summarizes the polling results from the second public meeting and identifies high, medium and low intensity trailhead locations. Participants generally supported more high intensity or major trailheads along the top of the Rimrocks in conjunction with proposed trail and parking improvements along Highway 3. Lower intensity treatments were preferred for most of the other locations, especially those that were situated in residential neighborhoods. The location along the Stagecoach Trail near the southern end of Zimmerman Park received a mixed response divided between the high, medium and low options. At the moderate and high intensity trailheads, participants were most interested in including amenities such as signage and wayfinding, trash receptacles/dog waste stations, and restrooms.

Place-making Opportunities

The feasibility study identifies several opportunities for place-making and scenic viewpoints that take advantage of the Rimrocks' dramatic and unique topography. In these locations, the user experience can be enhanced by integrating standard amenities with custom elements tailored to celebrate and communicate information about the Rimrocks geology, vegetation, and cultural history. Similar to trailheads, amenities at scenic viewpoints can range from simple educational or directional signage to more elaborate overlooks or shade structures.

Stakeholder input showed a preference for lower intensity amenities such as interpretive signage at key locations along the trails or medium intensity elements including kiosks and seating opportunities. Higher intensity features such as large shade structures were not as well supported.

Two important place-making opportunities were identified in the study that could substantially enhance the overall trail experience. The first is located at the top of the Rims near where the Myers and Morledge trails intersect. This area also coincides with proposed parking and trailhead improvements identified in the Highway 3 Corridor Study completed in 2014. A relatively large flat bench in the steep topography creates an excellent zone for picnic and seating areas that would be easily accessible from the nearby parking area along Highway 3. Scenic views down the coulee and out over the city of Billings are also quite striking in this location.

Another opportunity for place-making is near the top of the 27th Street Trail alignment at the junction with the Swords Park Trail underpass. This is an important trail connection and adds to the multi-use capacity of the proposed improvements. The Swords Park Trail continues from this point east to connect with another parking and trailhead location along Airport Road. This location currently acts as an entrance into the community and a significant overlook structure would add to the distinct sense of arrival.



FIGURE 8 - COMMUNITY POLLING PREFERRED TRAILHEAD INTENSITY

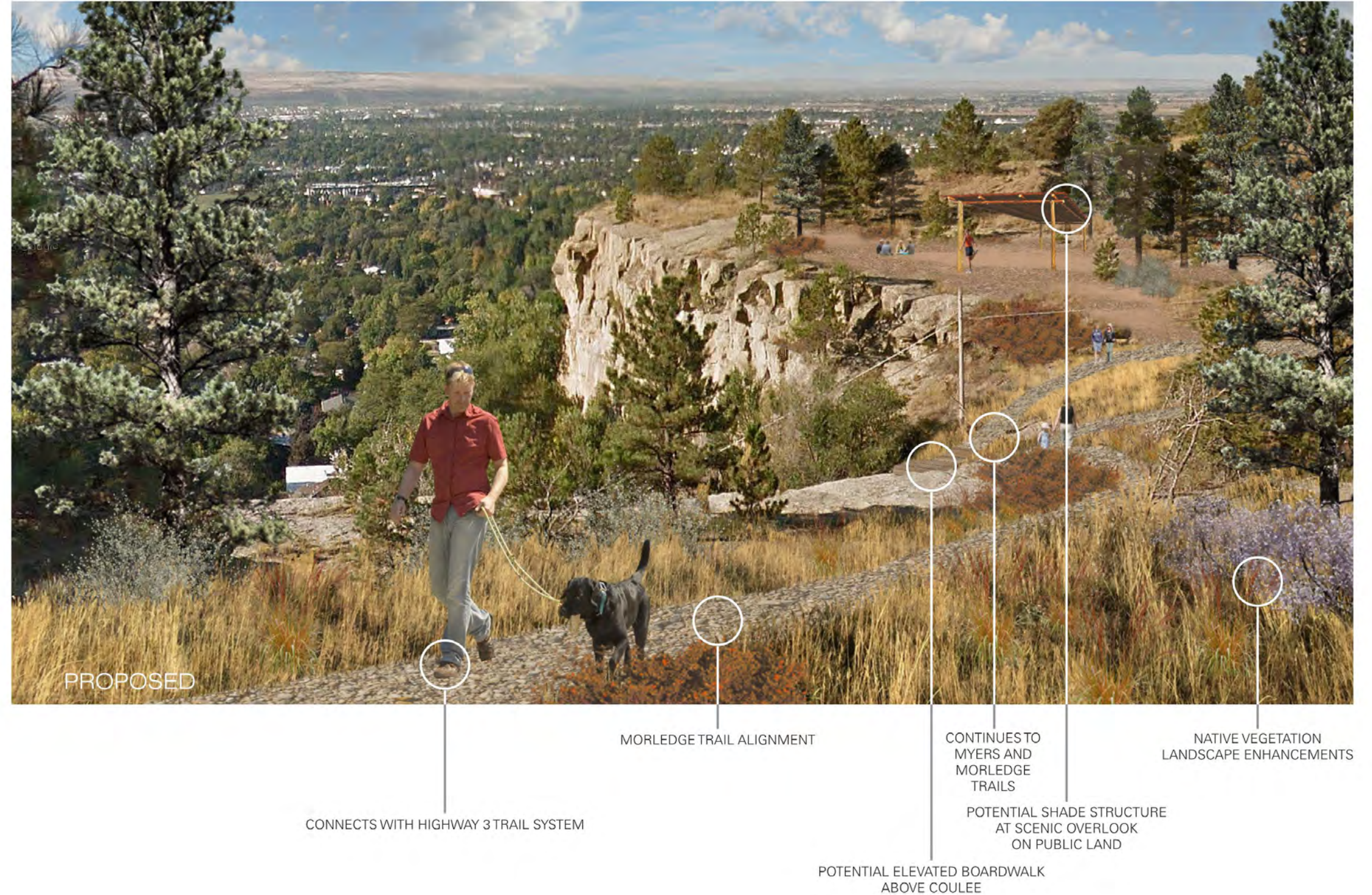


FIGURE 9 - MYERS AND MORLEDGE TRAIL – POTENTIAL POINT OF INTEREST



27TH STREET TRAIL ALIGNMENT
 POTENTIAL SCENIC OVERLOOK
 TRAIL SIGNAGE
 CONNECTION WITH EXISTING SWORDS PARK TRAIL
 & 27TH ST UNDERPASS



FIGURE 10 - 27TH STREET TRAIL – POTENTIAL POINT OF INTEREST

Public Input

Public Meeting No. 1 Comments

At the first public meeting, a questionnaire was distributed to attendees and 20 responses were received. It included questions about the potential benefits and anticipated use of these routes, as well as parking, access, safety and maintenance. A brief summary of the responses is provided in Table 1 on the following page and detailed responses are included in Appendix C.

Overall, it was clear that the majority of respondents (95%) recreate within or around the Rims and the majority (95%) are in support of a trail from the top to the bottom of the Rims. Respondents were split on whether the trail should have a paved or natural surface, but there was clear support for parking at trailheads and more clearly defined public access points.

Public Meeting No. 2 Community Polling Results

During the second public meeting, a series of questions were presented regarding the proposed design alternatives and attendees provided their answers on a response sheet. Topics included the trail surface and character for each of the alternatives, prioritization criteria, locations and amenities for trailheads, and improvements for more developed points of interest. A total of 42 people participated in the community polling, including representatives from the City, County and MDT that were in attendance at the public meeting. Table 2 on page 22 provides a summary of the top-rated response(s) for each question presented. A complete compilation of the key pad polling results is provided in Appendix D.

Several key observations were made based on the results of the polling activity. Addressing safety concerns and providing recreational value were the respondents' top two prioritization criteria whereas funding and low cost/maintenance were rated much lower as a determinant for selecting which alignments to proceed with first.

Alignment #1 – Stagecoach Trail, followed closely by Alignment #4 – 27th Street Trail, received the highest rankings for improving connectivity and safety, both in terms of impact and urgency, in traveling from the Rimrocks to the valley floor. A multi-use, dual surface pathway was the preferred trail character for the Stagecoach Trail Alignment, whereas a multi-use paved surface was preferred for the 27th Street Alignment

Generally, there was a preference for natural surface or dual surface trails for the two interior alignments (Myers and Morledge Trails) and paved options for the exterior alternatives (Stagecoach and 27th Street). Natural materials, colors, textures, and self-weathering finishes were preferred overall for the character of built structures on all four alignments. Standard finishes on steel and concrete structures were not rated highly, which speaks to the recognition by the community that the Rimrocks are a special environment and warrant more context-sensitive solutions.

The community's preferences for low, medium, and high intensity trailhead locations were also identified, as well as the most important amenities to include. Signage and wayfinding, trash receptacles and dog waste stations, and restrooms were shown to be the most desired improvements at more developed trailheads.

TABLE 1. PUBLIC MEETING NO. 1 COMMENT SUMMARY

General	
Do you think a trail would be beneficial from the top to the bottom of the Rims?	Yes - 19 (95%) No - 1 (5%)
If such a trail existed, would you use it?	Yes - 18 (90%) No - 2 (10%)
Should the trail be paved or a natural surface?	Paved - 7 (35%) Natural - 3 (15%) Combo - 10 (50%)
Parking & Facilities	
Should parking or other facilities be provided at the trailheads?	Yes - 14 (70%) No - 4 (20%) Maybe - 2 (10%)
Access	
Do you support more clearly defined public access points and routes?	Yes - 17 (85%) No - 2 (10%) Didn't Answer - 1 (5%)
Safety	
Would you be interested in participating in a volunteer patrol?	Yes - 9 (45%) No - 6 (30%) Maybe - 3 (15%) Didn't Answer - 2 (10%)
Maintenance	
Would you support or be willing to participate in volunteer maintenance & cleanup events?	Yes - 16 (80%) No - 3 (15%) Maybe - 1 (5%)
Are you concerned about proper on-going maintenance being provided on a new trail?	Yes - 11 (55%) No - 6 (30%) Didn't Answer - 3 (15%)
Usage	
Do you live and/or work adjacent to the Rims?	Yes - 15 (75%) No - 4 (20%) Didn't Answer - 1 (5%)
Do you recreate within or around the Rims?	Yes - 19 (95%) No - 0 (0%) Didn't Answer - 1 (5%)

TABLE 2. PUBLIC MEETING NO. 2 COMMUNITY POLLING SUMMARY

Question Summary ¹	Top Rated Response ¹	
	% of Total Votes	Description
Trail Character:		
Preferred trail type/surface for Alignment #1: Stagecoach Trail?	34%	Multi-Use (Dual Surface)
Preferred trail type/surface for Alignment #2: Myers Trail?	24%	Improved (Paved)
Preferred trail type/surface for Alignment #3: Morledge Trail?	24%	Improved (Crushed Rock)
	24%	Multi-Use (Dual Surface)
Preferred trail type/surface for Alignment #4: 27th Street Trail?	34%	Multi-use (Paved)
Character of Built Structures:		
Appropriate character for built structures for the two outer alignments near existing roadways (Stagecoach Trail and 27th Street Trail)?	49%	Any of the choices shown would be fine (Natural materials; Steel/Concrete with natural materials, weathered finish, or color; and/or Steel/concrete with galvanized or standard finish)
	37%	Steel/concrete with natural materials, weathered finish, or color
Appropriate character for built structures for the two alignments that connect through the center of the Rims (Myers Trail and Morledge Trail)?	34%	Any of the choices shown would be fine (Natural materials; Steel/Concrete with natural materials, weathered finish, or color; and/or Steel/concrete with galvanized or standard finish)
	32%	Natural materials only (boulders, wood, etc.)
Impact vs. Urgency Rankings		
Connectivity Ranking - Most Immediate Need and Greatest Impact	#1	Alignment #1 - Stagecoach Trail
	#2	Alignment #4 - 27th Street Trail
Safety Ranking - Most Immediate Need and Greatest Impact	#1	Alignment #1 - Stagecoach Trail
	#2	Alignment #4 - 27th Street Trail
Prioritization Criteria:		
Most important criteria when selecting which trail alignment(s) to implement first are?	61%	Addressing safety concerns
	61%	Providing recreational value
Trailhead Locations:		
Potential trailhead locations appropriate for LOW INTENSITY amenities? (no formal parking, trail signs only, etc.)	54%	Stagecoach Trail at Forsythia Blvd
	56%	Myers Trail at Country Club Circle
Potential trailhead locations appropriate for MEDIUM INTENSITY amenities? (minimal parking (3-5 cars), signage kiosk, trash receptacles, seating, bike rack, etc.)	34%	27th Street Trail at Yucca Street
	29%	Stagecoach Trail near southern end of Zimmerman Park
	29%	Myers/Morledge Trails at Highway 3
Potential trailhead locations appropriate for HIGH INTENSITY amenities? (parking for 5-15 cars, shade structure, picnic tables, restrooms, etc.)	66%	27th Street Trail at Highway 3
	59%	Stagecoach Trail at Highway 3
Trailhead Amenities:		
The trailhead amenities I am most interested in seeing at the moderate and high intensity trailheads include:	71%	Signage and wayfinding
	68%	Trash receptacles / dog waste stations
	41%	Restrooms
Points of Interest:		
Would you like to see points of interest at specific locations along the potential trail alignments?	41%	Yes, specific points of interest are appropriate for LOW intensity amenities.
	37%	Yes, specific points of interest are appropriate for MEDIUM intensity amenities.

¹ Complete question descriptions, lower-rated responses, and additional voting information is shown in Appendix D.

Opinion of Probable Cost

In order to plan for the future implementation of the routes proposed within this feasibility study, it is important to consider the associated construction costs of such projects. An opinion of probable cost for each route has been developed for both the crushed stone and paved surfacing alternatives. The results are summarized in Table 3 below and Appendix Eoh. These cost estimates all include unclassified excavation and imported fill as needed to achieve the design slopes, as well as surfacing materials, geotextile reinforcement, slope stabilization and walls, railing, erosion control fabric, miscellaneous signage, topsoil and seeding. The estimate for the Morledge Trail alternative includes the boardwalk structure recommended at the west end. All of the estimates also include a 20% contingency and 15% for design and construction administration services.

The Stagecoach Trail and the Morledge Trail are the two most expensive options. This is not only because they are longer routes, but also because they require much more earthwork and slope stabilization than the Myers Trail and the 27th Street Trail.

TABLE 3. OPINION OF PROBABLE COSTS

Trail Route Alternative	Opinion of Probable Cost ¹	
	Compacted Crushed Stone 8 ft wide	Paved Surface 8 ft wide
Stagecoach Trail	\$912,300	\$1,213,400
Myers Trail	\$501,600	\$632,500
Morledge Trail	\$1,005,600	\$1,195,300
27th Street Trail	\$260,800	\$437,700

¹ All cost estimates include 20% contingency and 15% for design and construction administration services.

Next Steps

It is important to note that the intent of this project was never to select one single bike/pedestrian route from the top of the Rims to the bottom. Some alignments will serve more recreational-based needs and others will provide more multi-use transportation connectivity. Overall, all four routes that have been identified are viable alternatives and should be considered with equal priority as opportunities for implementation arise.

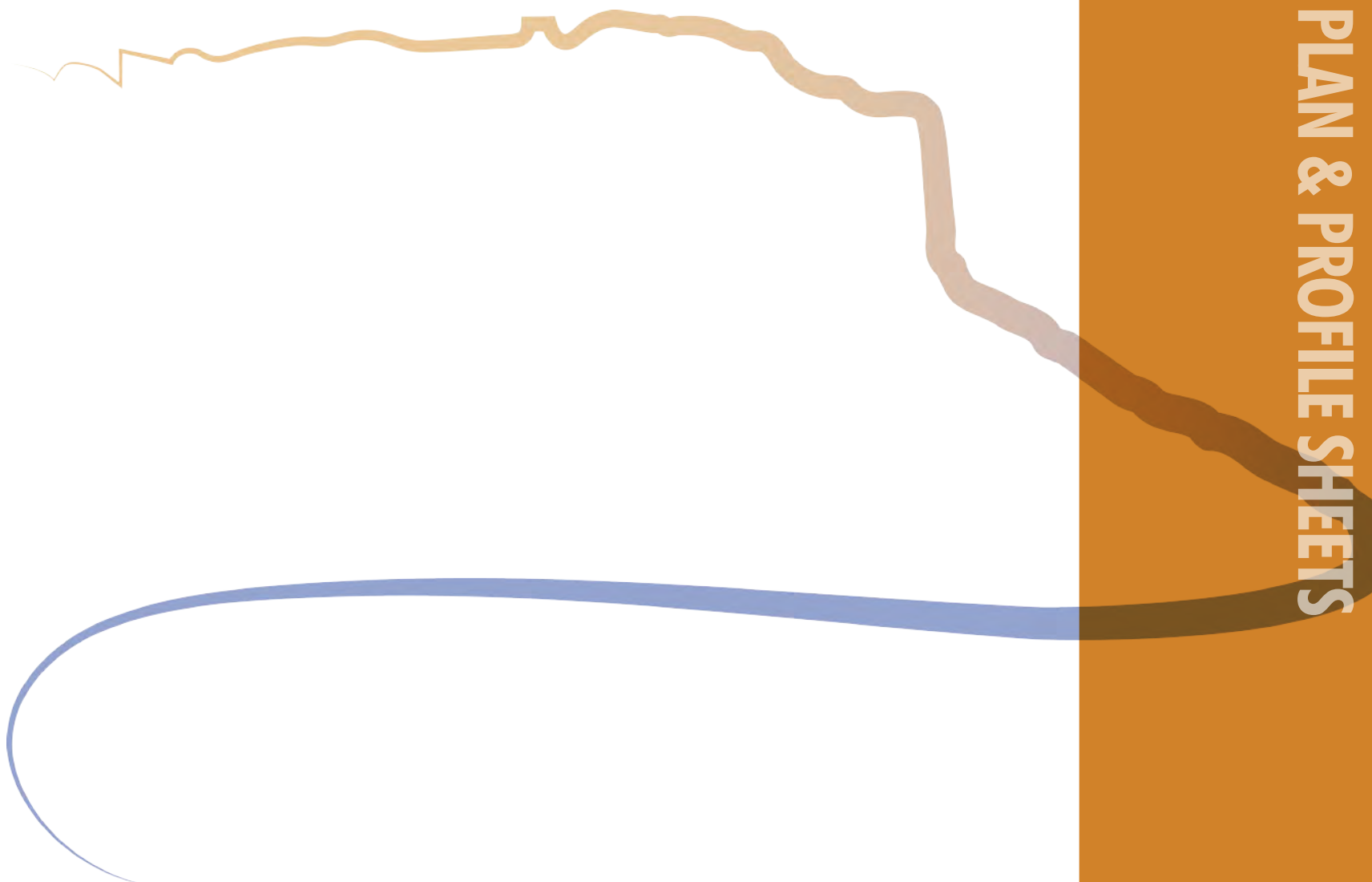
For example, there is a possibility that the Stagecoach Trail will be designed and constructed with the City of Billings/MDT road project on Zimmerman Trail. This element of the work will be included as an alternate, so whether it is actually implemented will depend on the cost of the construction bids and if it can be incorporated into the overall project budget. However, this is a great opportunity to establish momentum and build one of these routes within the very near future. Other routes should be considered in coordination with other adjacent projects or when the opportunity arises to secure funding or to acquire right-of-way or easements where needed.

Potential funding sources available for standalone trail projects include the MDT's Transportation Alternatives Program and Montana Fish, Wildlife and Parks Recreational Trails Program. Additional information on these funding programs is available on the following websites:

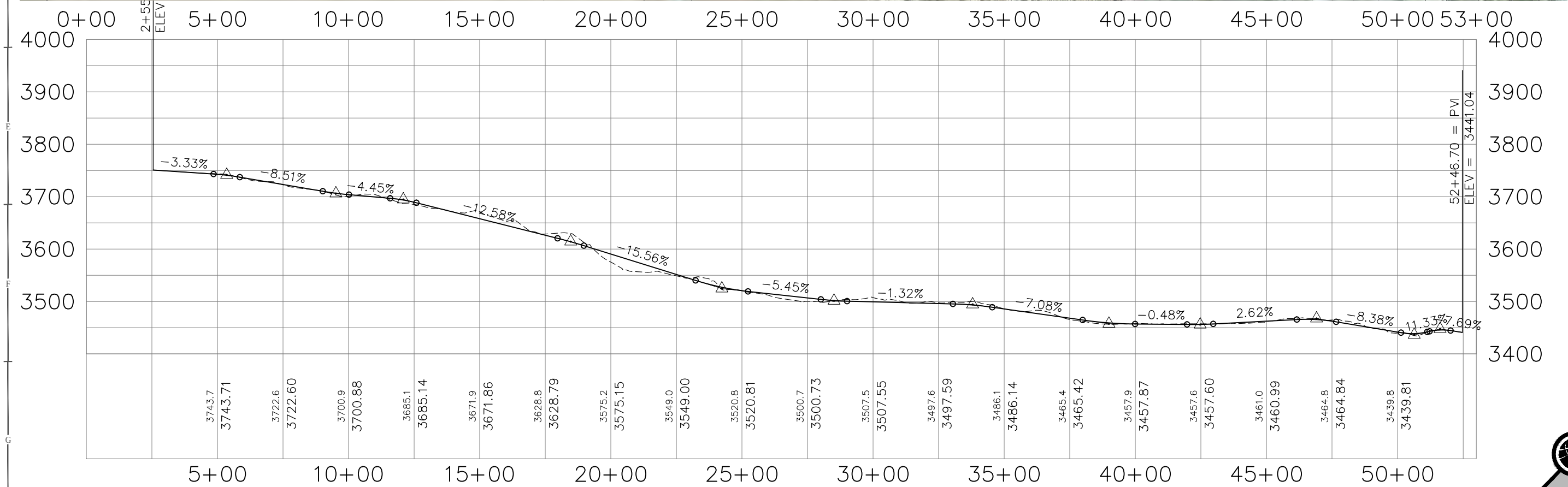
- Transportation Alternatives – www.mdt.mt.gov/mdt/ta_application.shtml
- Recreational Trails – www.stateparks.mt.gov/recreation/rtpGrants.html

Both of these programs are funded through the Federal Highway Administration and both were included in the recent federal transportation bill reauthorization, so funding should be available through these programs for at least the next four to five years. All four route alternatives may not necessarily be eligible for both programs, depending on their primary use as a transportation or recreational facility, so consideration would need to be given to determine the best funding source for each individual project.

APPENDIX A: PLAN & PROFILE SHEETS



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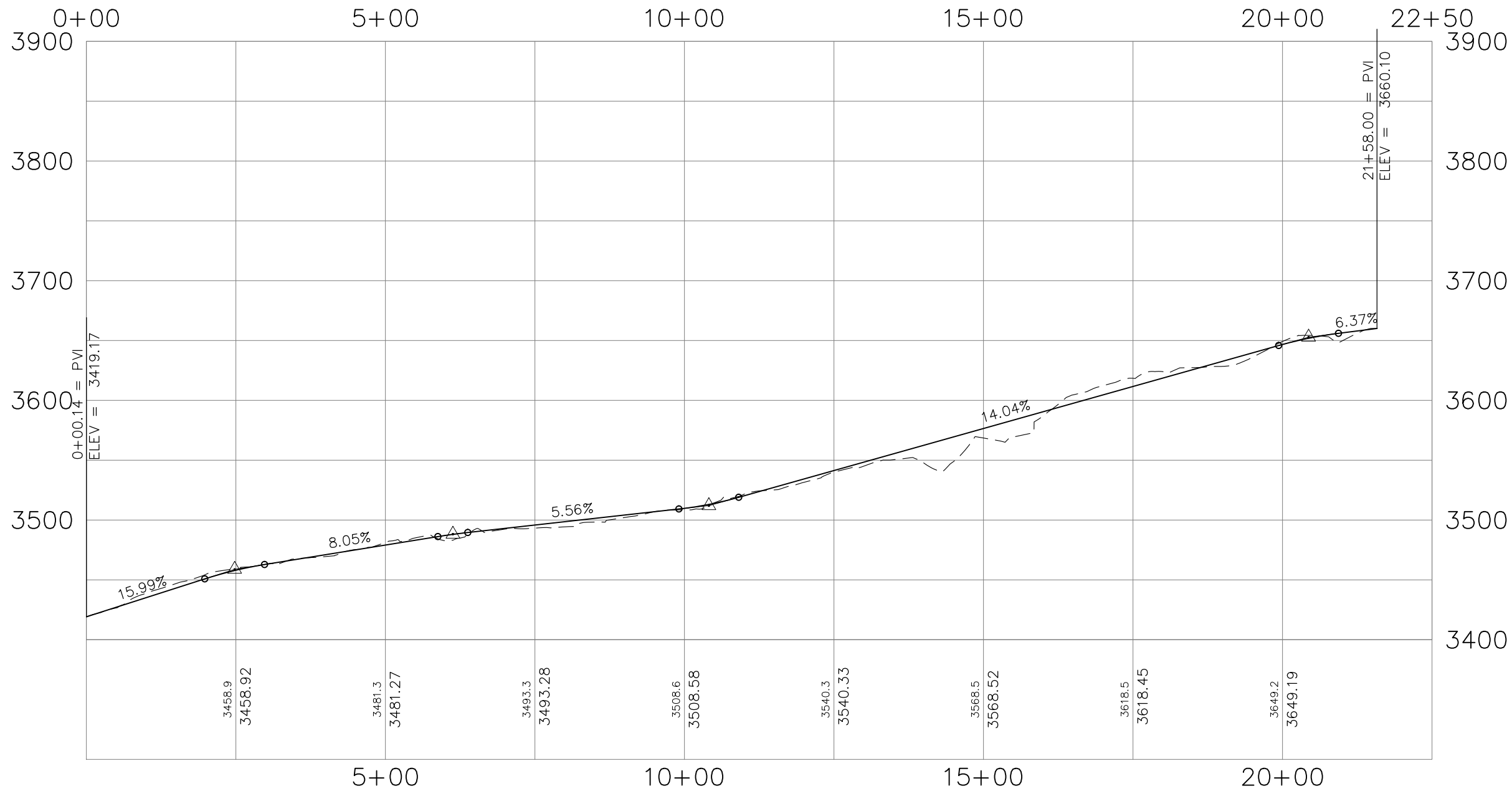
RIMROCKS TO VALLEY
RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY
BILLINGS, MONTANA
PLAN AND PROFILE - ZIMMERMAN TRAIL

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TO PLAN AND DESIGN ENDURING COMMUNITIES...

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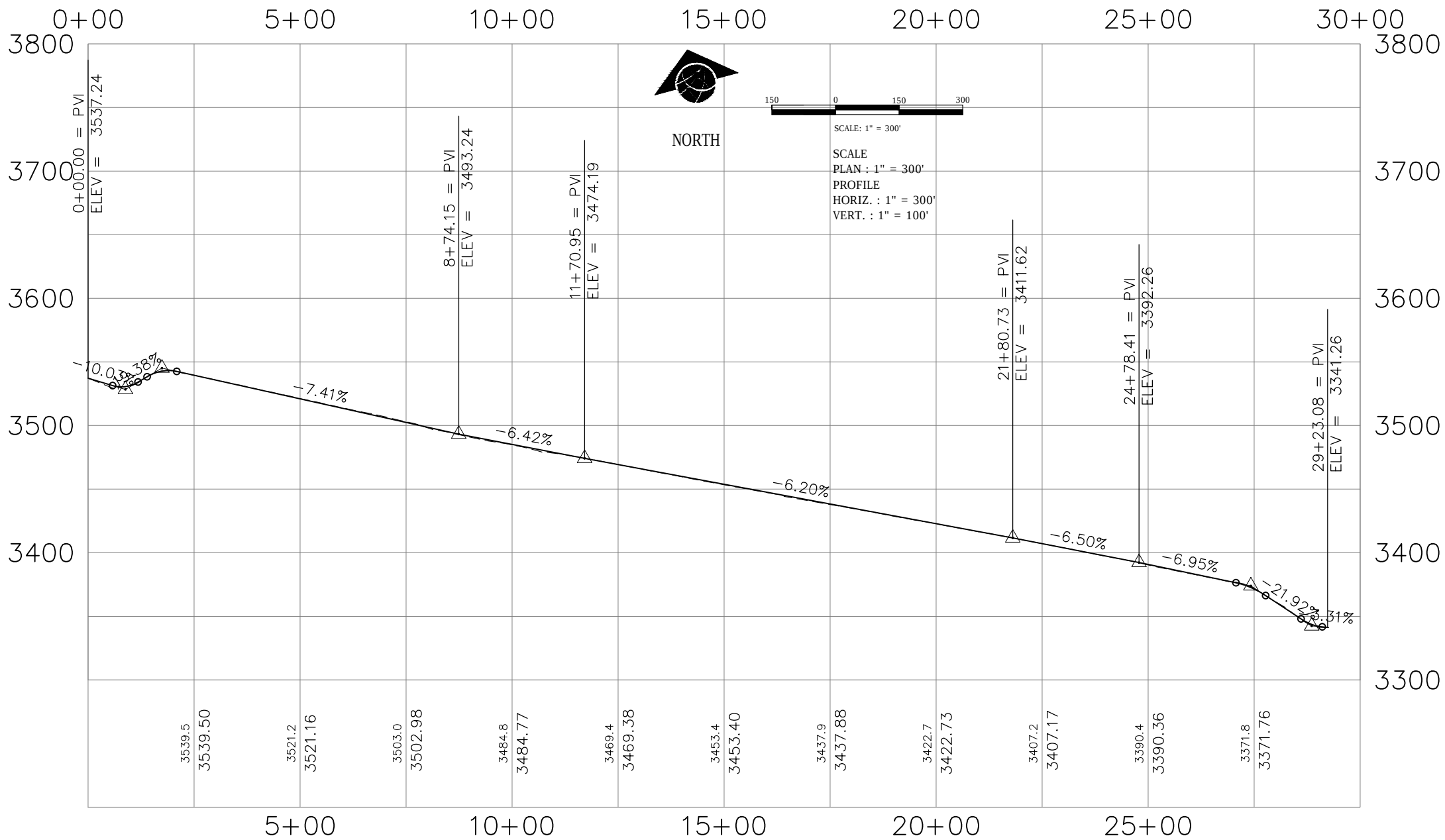


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RIMROCKS TO VALLEY
RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY

BILLINGS, MONTANA
PLAN AND PROFILE - COUNTRY CLUB CIRCLE

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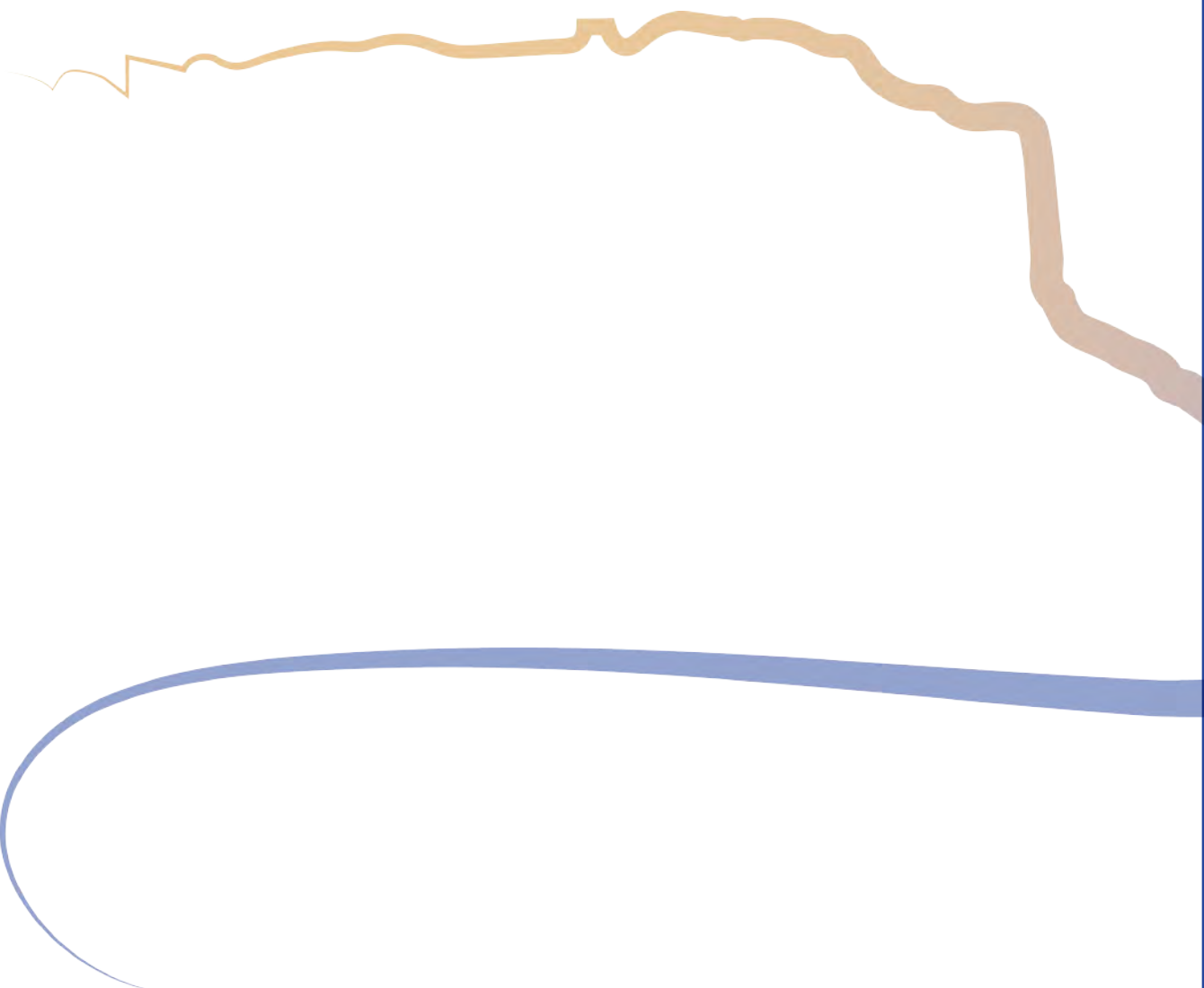
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REVISIONS	
DATE	DESCRIPTION

RIMROCKS TO VALLEY
RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY
BILLINGS, MONTANA
PLAN AND PROFILE - NORTH 27TH STREET



C4.0

APPENDIX B: GEOLOGY & ROCKFALL EVALUATION





**ROCKFALL POTENTIAL EVALUATION
RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY
Terracon Consultants, Inc.**

Terracon Consultants, Inc. (Terracon) has completed a pedestrian survey of potential rockfall that could affect the proposed trail alignments that have been developed for the Rimrocks to Valley Bike and Pedestrian Feasibility Study. A general discussion of the geology of the rims and rockfall mechanics is provided below and is followed by a brief discussion of each trail alternate.

Rims Geology and Rockfall

The rims on the north side of the Yellowstone Valley are cut into sandstone and shale of the Cretaceous Eagle Sandstone and Telegraph Creek formations. Along most of the rims between North 27th and Zimmerman Trail there are two sequences of the Eagle Sandstone which can be seen (Sequence #1 and Sequence #2). The lowest, Sequence #1, is located directly above the Telegraph Creek shale and the transition from shale into the overlaying sandstone is gradual. The change between the sandstones of Sequence #1 and Sequence #2 is more dramatic and can easily be traced. The top of Sequence #1 contains a fine-grained, well-sorted sandstone whereas Sequence #2 is a very fine-grained, siltstone (Hearn and Hansen, Reexamination of the Cretaceous (Campanian) Eagle Sandstone at Billings, Montana, Montana Geological Society: 1989 Field Conference Guidebook: Montana Centennial Edition: Geologic Resources of Montana: Vol. 1, 1989). Sequence #1 tends to break at near vertical fractures spanning the entire height of the member while Sequence #2 tends to break or split with a more convex or concoidal fractures.

A series of near vertical joints is the main structural feature of the Eagle Sandstone. The primary joint set trends in an east to west orientation, joints are spaced approximately 10 feet apart, and except near the face of the rims, the joints are tight. The face of the rims is formed along this joint set. The joints open up near the face of the rims due to a release of tension on the face side. Freeze/thaw periods, wetting and drying periods, and erosional effects are the main causes of rockfall along the rimrocks with toppling failure mechanisms as the primary way in which the rockfalls occur. A secondary joint set trends north to south on a random spacing. The side drainages that are formed in the face of the rims are formed along the secondary north/south trending joint set.

Lopez (Lopez, D. A., 2003, Areas of Potential Rock-Fall Hazard in the Billings Area, Yellowstone County, Montana, Montana Bureau of Mines and Geology Geologic Map 61-C) reports that as the sandstone cliffs are undermined, progressive opening of the joints occurs primarily due to freeze-thaw cycles and root wedging action that force the blocks outward from the cliff face. Gravity then acts on these separated blocks causing them to fall or topple. Lopez identifies "two mechanisms occurring along the Rimrocks in the Billings area; rockfall and rock topple. A rockfall

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is defined as a vertical free fall without any rotation and without any associated sliding of the underlying shale. A rock topple is defined as vertical fall with rotation away from the cliff face, so that the top of the block proceeds down slope first. The block then commonly tumbles end-over-end down the slope.”



Geologic Stratigraphy at Zimmerman Trail

Based on observation of recent rockfall events at several locations along the rims, failures do not occur in a uniform manner that can be readily projected by monitoring. In some cases, an obvious gradual widening of joints that eventually leads to failure of a rock block can be observed. And, in these cases a monitoring program is extremely useful in identifying rock blocks that may be in a mode of imminent failure. However, in some cases the widening may reach an equilibrium where there is no observable movement for decades or more until the rock block suddenly fails. In still other cases, there may be no observable indication that a failure is imminent before a rock block suddenly fails. In any case, the presence of rock blocks in various stages of weathering on the slopes below the cliff faces attest to the fact that the rims are in continual state of recession away from the cliff face, much like a deck of cards, and all areas of the rims are eventually subject to rockfall.

Stagecoach Trail (Zimmerman Trail Alignment)

The Stagecoach Trail (Zimmerman Trail) alignment is generally located away from areas of active rockfall except where the alignments traverse directly below the cliff face from about Station. 20+00 to 25+00. In this area, recent rockfall is scattered across the slopes below the cliff face and there remain a number of loose rock blocks that have separated from the cliff face. Additional rockfall that could impact the trail alignments appears imminent in this area.

Rockfall Hazard: Very High

Recommendation: Avoid the area of active rockfall or institute a rockfall mitigation program that includes scaling of loose rock blocks and long-term monitoring. Note however, monitoring cannot distinguish all rock blocks that may fail.



Looking east along cliff face above Sta. 20+00 to 24+00



Looking north along cliff face above Sta. 25+00

Myers Trail Alignment

The Myers Trail alignment mostly follows an existing trail that was constructed in the early 1900's to provide access from the top of the rim's before Zimmerman Trail was developed. The trail has deteriorated considerably, but is still utilized for foot and bike access. The cliff face in this area is relatively solid with only scattered small blocks at the top of the cliff face that are slowly dislodging over time. The east facing cliff face where the trail alignment ascends to the top of the rims exhibits a lack of large loose rock blocks that span the cliff face, with a layer of smaller cubical rock blocks at the top of the cliff that are actively failing.

Sloughing of the soil slope below the cliff face would seem to be a greater concern than rockfall along this alignment.

Rockfall Hazard: Low to Moderate

Recommendation: Institute a long-term monitoring program that includes annual observation of the rock faces above the trail alignments. Note however, monitoring cannot distinguish all rock blocks that may fail.



Cliff face above Country Club Circle. Note the relatively solid nature of the cliff face.



Upper portion of the Myers Trail alignment. Note the lack of large loose rock blocks that span the cliff face and the smaller cubical rock blocks at the top of the cliff that are actively failing.

Morledge Trail Alignment

The Morledge Trail alignment will traverse along the base of the slope below the rims between 17th Street and the side drainage where both Myers Trail and Morledge Trail alignments ascend to the top of the rims. In this area, the sequence #2 cliff face above the unconformity separating sequences #1 and #2 has mostly failed, leaving a distinct ledge that serves as a catchment for rock block failures above the unconformity. Also, until the trail alignment begins to approach and climb up the side drainage, the alignment is mostly at the lower end of the boulder field and appears to be outside the run-out zone of most any modern rockfall.

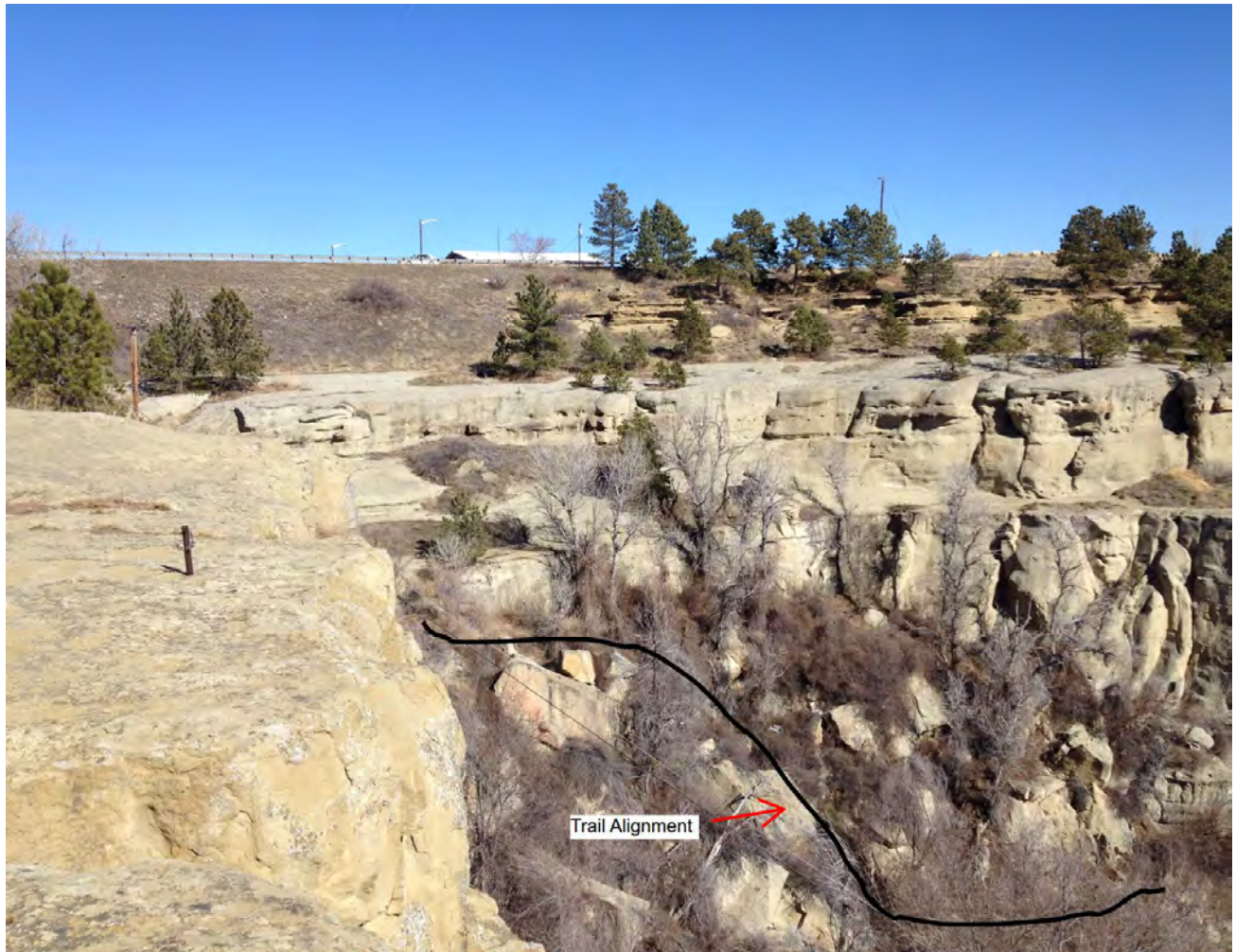
As the trail alignment progresses to the west and begins to climb into the side drainage, there are several larger hanging rock blocks that appear to be stable at this time, but at some time in the future will fail and may roll onto the alignment. In the side drainage, the west facing cliff face is rounded and weathered, and appears relatively stable.

Rockfall Hazard: Low to Moderate

Recommendation: Institute a long-term monitoring program that includes annual observation of the rock faces above the trail alignments. Note however, monitoring cannot distinguish all rock blocks that may fail.



Looking east toward 17th Street. Note the east half of the alignment follows along a landslide bench that appears outside of the modern run-out zone. The west half of the alignment appears at the bottom of the modern run-out zone.



Upper portion of the Morledge Trail alignment. Note the weathered and rounded nature of the west facing cliff face.

North 27th Street Alignment

The North 27th Street Trail alignment will be located on the downslope side of 27th street, opposite the cliff face. During the construction of North 27th Street, the rock face was reduced and scaled and now is very stable with only occasional small rocks separating from the rock face and rolling onto road. There is no indication that there is the potential for a large rockfall event to impact the trail alignment.

Rockfall Hazard: Very Low to Non-existent

Recommendation: Monitoring does not appear warranted.



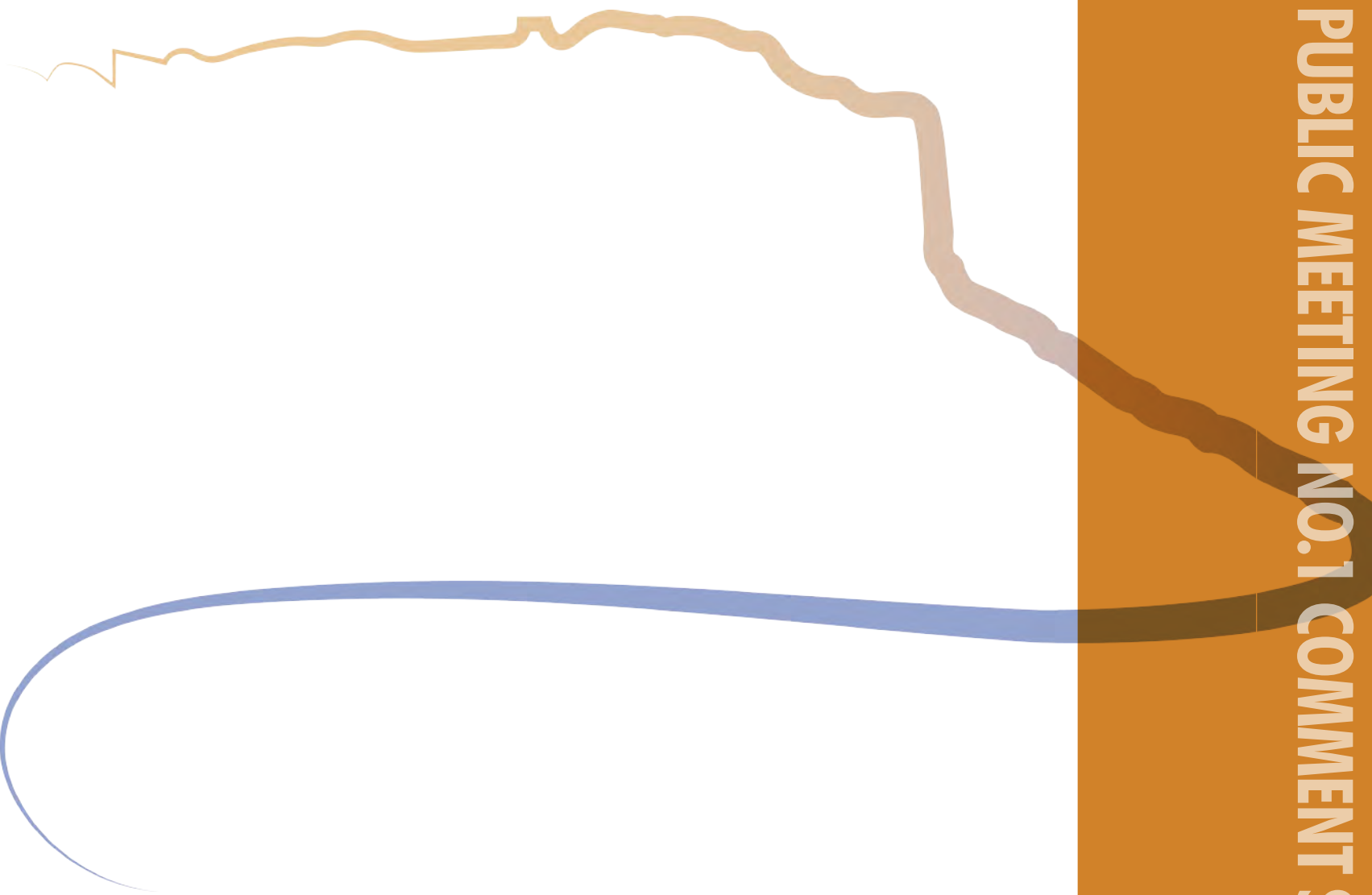
Looking west up North 27th Street. Note, the stable nature of the rock slope. The trail alignment would be on the outside of the guard rail on the south side of the roadway.

Sincerely,

Handwritten signature of Dan C. Nebel in blue ink.

Dan C. Nebel, P.G., L.E.G.
Terracon Consultants, Inc.

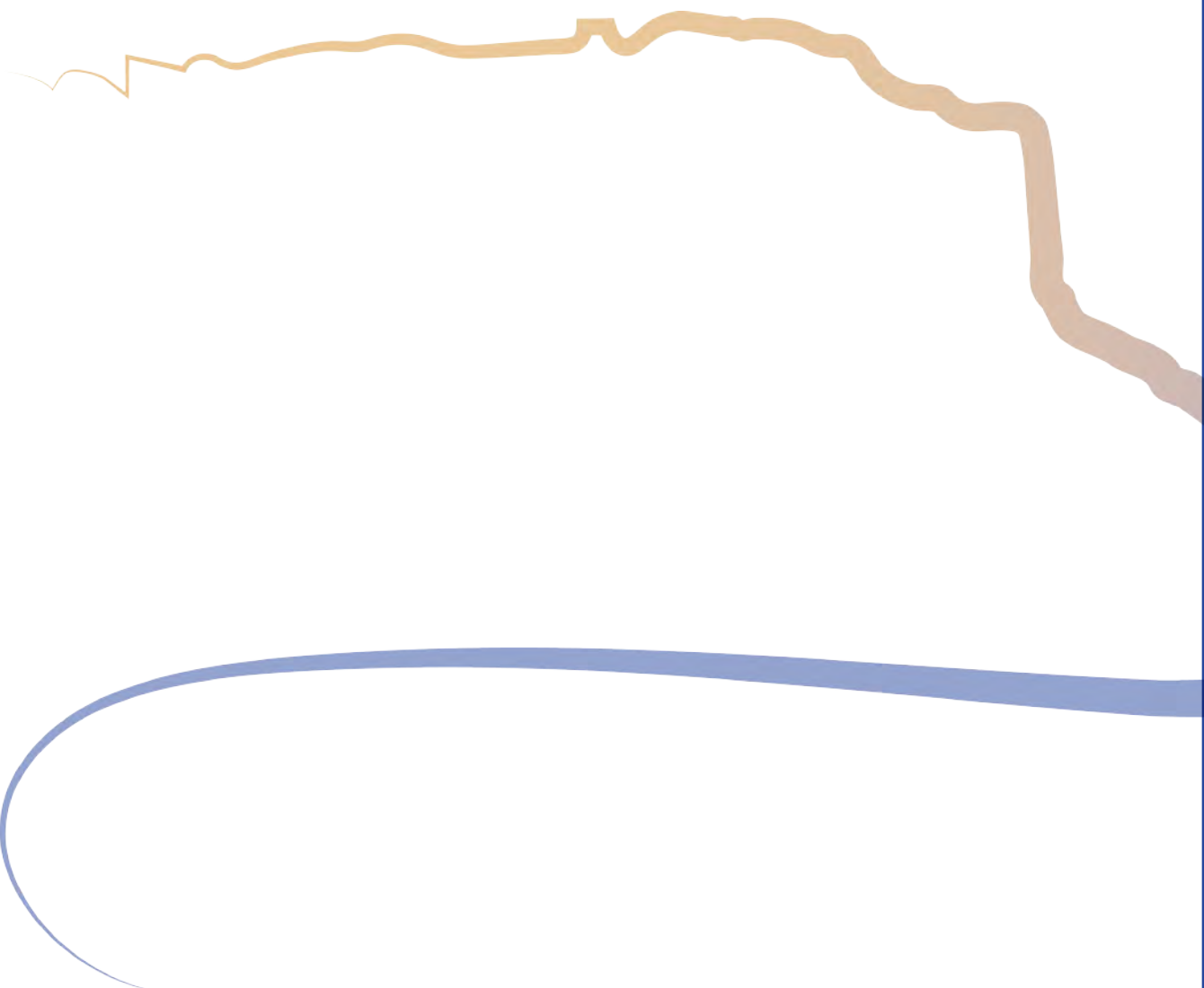
APPENDIX C: PUBLIC MEETING NO.1 COMMENT SUMMARY



Rims to Valley Bike/Ped Feasibility Study
Public Meeting No. 1 Comment Summary
 12/2/2015

General	Response 1	Response 2	Response 3	Response 4	Response 5	Response 6	Response 7	Response 8	Response 9	Response 10	Response 11	Response 12	Response 13	Response 14	Response 15	Response 16	Response 17	Response 18	Response 19	Response 20	Totals
Do you think a trail would be beneficial from the top to the bottom of the Rims?	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes - 19 (95%) No - 1 (5%)
If such a trail existed, would you use it?	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes (everyday)	Yes	Yes	Yes	Yes	No	Yes	Yes - 18 (90%) No - 2 (10%)
Should the trail be paved or a natural surface?	Combo	Paved	Combo	Paved	Natural	Paved	Paved	Combo	Combo	Paved	Combo	Paved	Combo	Combo	Combo	Natural	Combo	Paved	Natural	Combo	Paved - 7 (35%) Natural - 3 (15%) Combo - 10 (50%)
Parking & Facilities																					Yes - 14 (70%) No - 4 (20%) Maybe - 2 (10%)
Should parking or other facilities be provided at the trailheads?	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Maybe	Yes	Maybe	Yes	Yes	Yes	Yes	Yes	No	No	
If so, what type of facilities?	I don't think each "trailhead" needs parking. Depends on the area & availability of land. Parking along Hwy 3 is more critical.		Swords Park and Black Otter Trail parking lots are well used. Seems like a similar approach should occur all along the Marathon Loop. I would not support parking facilities in developed neighborhoods.	At least at one end.			Parking would be helpful for Alternates 1-3. Existing Rims parking may be close enough and sufficient for Alternate 4.	Parking can be provided, but it would not a priority for me. The Rims-Valley connection eliminates the need to drive up the Rims for trail along the Rims in my mind. So a low priority.			A few: after all we're talking about riding bikes - I don't see why people would drive to the trails.	Parking, bike racks.	Maybe/Maybe not depending on availability - access is most important/connecting travelers on foot/bike. Look for shared use - example - parking at MSUB to access 27th St.		Restrooms, dog pick-up bags, trash cans.		It is always nice to have parking and in some cases a toilet.		Do not add parking in residential areas.	Not at each trailhead, but spread out to allow for less project expense & quicker completion.	
Access																					Yes - 17 (85%) No - 2 (10%) Didn't Answer - 1 (5%)
Do you support more clearly defined public access points and routes?	Yes	No	Yes	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
If not, what are your concerns?								Routes need to be any place except next to current major streets like Hwy 3 & 27th & Zimmerman Trail													
Safety																					
Would you be interested in participating in a volunteer patrol?	No	No	Maybe		Yes	No	No	Maybe	Yes	Maybe	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes - 9 (45%) No - 6 (30%) Maybe - 3 (15%) Didn't Answer - 2 (10%)
What safety issues do you fell will need to be considered?			Patrol person training to deal with unruly or uncooperative people on the trail.		Underpass highway and Zimmerman Trail. Stability of ground under trail.	Trash and other debris though most paths I've ridden have been well maintained and clean. Falling rock and steep edges may also be a concern but these will likely be addressed.	A presence of police - community or otherwise, lighting, means to summon help - call box?	I'm mostly interested in using my volunteer time planning for making Billings a highly desirable place to live w/ bike trails that allow access throughout town and to the Rims & river. But occasionally being on patrol could be a good excuse to actually get out and enjoy what's been put into place.					Access to rims on 27th via roadway feels very dangerous currently (when on road).	Yes, I am a member of BP Bike Patrol			Not sure, but would support it if it means more public access.	Street traffic, maintenance (repair and cleaning), unwanted dangerous people.			
Maintenance																					
Would you support or be willing to participate in volunteer maintenance & cleanup events?	Yes	No	Maybe	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes (possibly)	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes - 16 (80%) No - 3 (15%) Maybe - 1 (5%)
Are you concerned about proper on-going maintenance being provided on a new trail?	Yes	No	Yes	Yes	Yes	No		Yes	Yes	Yes	Yes	No			No	Yes	No	Yes	No	Yes	Yes - 11 (55%) No - 6 (30%) Didn't Answer - 3 (15%)
If so, what are your concerns?	Cleaning off debris/rocks/dirt and long-term viability		Having perpetual funding to maintain & repair improvements & facilities. It would be unfortunate to build a trail & then fall into disrepair.		Does the City have funds to maintain the trail?		Trash that will blow onto adjacent properties, dog poop.	Broken glass, loose gravel.	It is a long segment vulnerable to weather effects and will be labor intensive.	They need to be kept clean but hopefully users would not litter.	I'm not seeing good maintenance on existing trails, weeds encroaching on trail, goat heads, trash and broken glass in places.		Needs to include maintenance. All part of planning - new roads are more costly - development inside city with existing infrastructure makes sense.			Yes	If there is a concern, I support volunteer clean up efforts.	Wear & tear due to aging and weather damage, striping of centerlines and signage.		Graffiti	
Additional Comments																					
Please use the space to provide additional comments or concerns.	I currently run up N 27th St and the current dirt trail works. It needs help in a few spots. On 27th, I'd prefer to see bike lanes on street & separate bikes and peds there - especially going downhill. I also ride to work up 27th & there is almost enough room for a bike lane now, it just needs to be restriped & maybe reduce lane widths.	Need to connect to some part of trail currently in existence - ie - 27th St underpass. Picnic tables, etc. could be on existing city property at bottom of trail.	I am drawn to the idea of bike ped path along Hwy 3 as an extension of the Swords Park Path. The Zimmerman Trail path seems like a natural connection. The N 27th St path already exists to a degree, whereas the Zimmerman Path does not. Developing Zimmerman creates more options vs. N 27th which just improves the existing system. I believe an off-street connection at the west end of the Hwy 3 corridor is a great asset for the community & would be highly used.	We really need to get the underpass into the Zimmerman/Hwy 3 roundabout.	What is the cost of each route? Timeline?		Who is paying & why are we putting this right next to 27th St and Hwy 3 - but who pays & how much? Connecting use of Aronson is valid and should be considered.	As a new business owner, one of the most challenging tasks I face is attracting and retaining top-notch talent in Billings. If we're going to attract the best brightest, we need a bikable, walkable community for both everyday transit and for recreation. A large body of research supports this conclusion. The Rims-to-Valley connection is one of the most critical missing pieces in creating a comprehensive multi-use trail network in Billings. Along with one of the most challenging. But if we can pull this off, we will be on our way to having a world-class recreational asset.	This is an important project that, when completed, can greatly enhance the quality of life in Billings going forward, and serve as a stimulus to recruit businesses.	The Morledge trail would be above our back yard. I am in favor of improving trails.		Let's do this thing! Keep moving our city forward. Thanks	Shouldn't the 27th St Trail have been improved already when 27th St was resurfaced? The on-street bike lane and trail off street on 27th makes great sense (should be both) - airport to downtown, next to MSUB, etc. Need a bike friendly storm drain on descent side of 27th St.	What is the plan for vehicular Zimmerman when loop connects?				Some trail plans might not include paved surfaces? How will trails incorporate the Highway 3 enhancement design? How would these designs incorporate the inner belt design? What is the timeline?			
Usage																					
Do you live and/or work adjacent to the Rims?	Yes	Yes	Yes	Yes	Yes		Yes	Sort of (S of MSUB)	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	No	Yes	Yes	Yes - 15 (75%) No - 4 (20%) Didn't Answer - 1 (5%)
Do you recreate within or around the Rims?	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes - 19 (95%) No - 0 (0%) Didn't Answer - 1 (5%)
If not, would you use a trail if a more established access point/alignment existed?	N/A	N/A	N/A	N/A	N/A		No	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

APPENDIX D: PUBLIC MEETING NO. 2 COMMUNITY POLLING RESULTS





RIMROCKS TO VALLEY

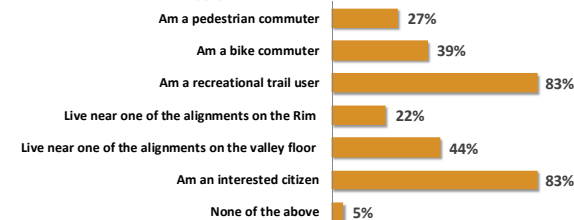
BIKE|PED FEASIBILITY STUDY

KEYPAD POLLING RESPONSES

February 3, 2015
Total Participants: 42

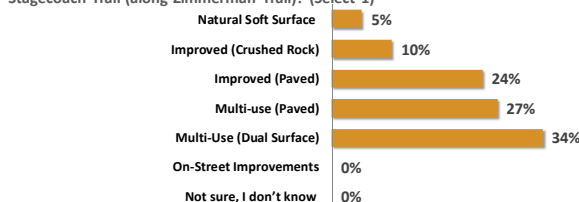
Introductory Question: I am here at the meeting tonight primarily because I: (Select all that apply)	Total Responses	Percentage of Participants
Am a pedestrian commuter	11	27%
Am a bike commuter	16	39%
Am a recreational trail user	34	83%
Live near one of the alignments on the Rim	9	22%
Live near one of the alignments on the valley floor	18	44%
Am an interested citizen	34	83%
None of the above	2	5%

Introductory Question: I am here at the meeting tonight primarily because I: (Select all that apply)



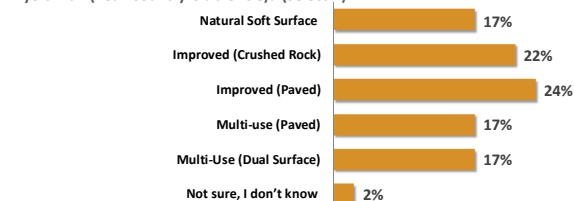
Trail Character: What trail type/surface do you prefer for Alignment #1: Stagecoach Trail (along Zimmerman Trail)? (Select 1)	Total Responses	Percentage of Participants
Natural Soft Surface	2	5%
Improved (Crushed Rock)	4	10%
Improved (Paved)	10	24%
Multi-use (Paved)	11	27%
Multi-Use (Dual Surface)	14	34%
On-Street Improvements	0	0%
Not sure, I don't know	0	0%

Trail Character: What trail type/surface do you prefer for Alignment #1: Stagecoach Trail (along Zimmerman Trail)? (Select 1)



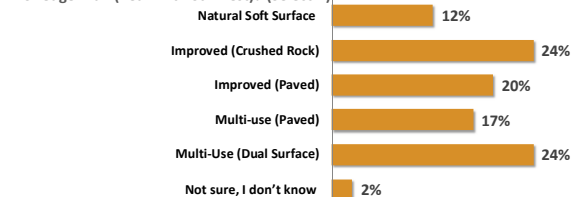
Trail Character: What trail type/surface do you prefer for Alignment #2: Myers Trail (near Country Club Circle)? (Select 1)	Total Responses	Percentage of Participants
Natural Soft Surface	7	17%
Improved (Crushed Rock)	9	22%
Improved (Paved)	10	24%
Multi-use (Paved)	7	17%
Multi-Use (Dual Surface)	7	17%
Not sure, I don't know	1	2%

Trail Character: What trail type/surface do you prefer for Alignment #2: Myers Trail (near Country Club Circle)? (Select 1)



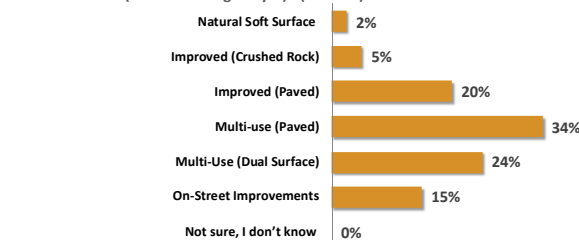
Trail Character: What trail type/surface do you prefer for Alignment #3: Morledge Trail (near 17th St. West)? (Select 1)	Total Responses	Percentage of Participants
Natural Soft Surface	5	12%
Improved (Crushed Rock)	10	24%
Improved (Paved)	8	20%
Multi-use (Paved)	7	17%
Multi-Use (Dual Surface)	10	24%
Not sure, I don't know	1	2%

Trail Character: What trail type/surface do you prefer for Alignment #3: Morledge Trail (near 17th St. West)? (Select 1)



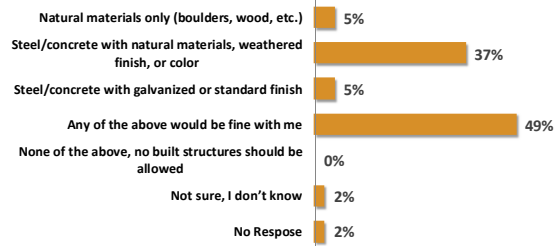
Trail Character: What trail type/surface do you prefer for Alignment #4: 27th Street Trail (Yucca St to Highway 3)? (Select 1)	Total Responses	Percentage of Participants
Natural Soft Surface	1	2%
Improved (Crushed Rock)	2	5%
Improved (Paved)	8	20%
Multi-use (Paved)	14	34%
Multi-Use (Dual Surface)	10	24%
On-Street Improvements	6	15%
Not sure, I don't know	0	0%

Trail Character: What trail type/surface do you prefer for Alignment #4: 27th Street Trail (Yucca St to Highway 3)? (Select 1)



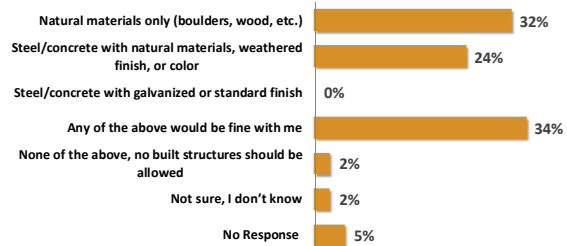
Character of Built Structures: What do you feel is the appropriate character for built structures if needed for the two outer alignments near existing roadways (Stagecoach Trail and 27th Street Trail)? (Select 1)	Total Responses	Percentage of Participants
Natural materials only (boulders, wood, etc.)	2	5%
Steel/concrete with natural materials, weathered finish, or color	15	37%
Steel/concrete with galvanized or standard finish	2	5%
Any of the above would be fine with me	20	49%
None of the above, no built structures should be allowed	0	0%
Not sure, I don't know	1	2%
No Response	1	2%

Character of Built Structures: What do you feel is the appropriate character for built structures if needed for the two outer alignments near existing roadways (Stagecoach Trail and 27th Street Trail)? (Select 1)



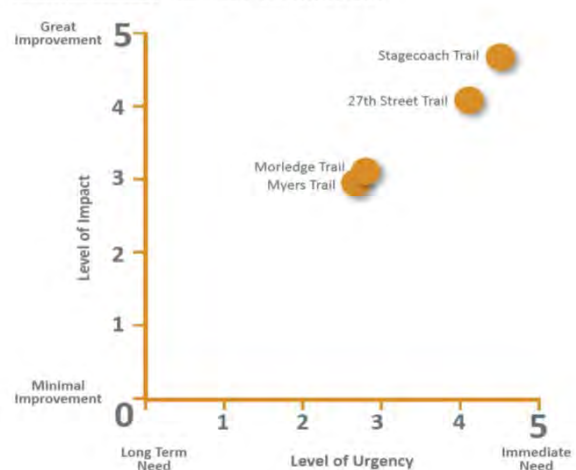
Character of Built Structures: What do you feel is the appropriate character for built structures if needed for the two alignments that connect through the center of the Rims (Myers Trail and Morledge Trail)? (Select 1)	Total Responses	Percentage of Participants
Natural materials only (boulders, wood, etc.)	13	32%
Steel/concrete with natural materials, weathered finish, or color	10	24%
Steel/concrete with galvanized or standard finish	0	0%
Any of the above would be fine with me	14	34%
None of the above, no built structures should be allowed	1	2%
Not sure, I don't know	1	2%
No Response	2	5%

Character of Built Structures: What do you feel is the appropriate character for built structures if needed for the two alignments that connect through the center of the Rims (Myers Trail and Morledge Trail)? (Select 1)



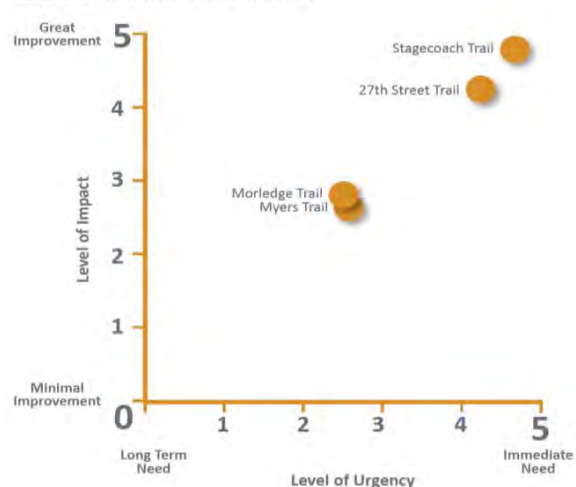
URGENCY vs IMPACT - CONNECTIVITY	
LEVEL OF URGENCY (CONNECTIVITY)	
Stagecoach Trail (along Zimmerman Trail) - Alignment 1 Level of Urgency (CONNECTIVITY)	4.5
Myers Trail (near Country Club Circle) - Alignment 2 Level of Urgency (CONNECTIVITY)	2.7
Morledge Trail (near 17th St. West) - Alignment 3 Level of Urgency (CONNECTIVITY)	2.8
27th Street Trail (Yucca St to Highway 3) - Alignment 4 Level of Urgency (CONNECTIVITY)	4.1
LEVEL OF IMPACT (CONNECTIVITY)	
Stagecoach Trail (along Zimmerman Trail) - Alignment 1 Level of Impact (CONNECTIVITY)	4.6
Myers Trail (near Country Club Circle) - Alignment 2 Level of Impact (CONNECTIVITY)	3.0
Morledge Trail (near 17th St. West) - Alignment 3 Level of Impact (CONNECTIVITY)	3.1
27th Street Trail (Yucca St to Highway 3) - Alignment 4 Level of Impact (CONNECTIVITY)	4.1

CONNECTIVITY - IMPACT VS. URGENCY



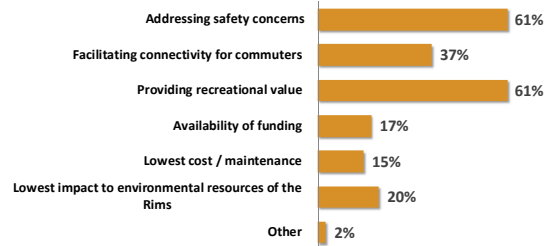
URGENCY vs IMPACT - CONNECTIVITY	
LEVEL OF URGENCY (SAFETY)	
Stagecoach Trail (along Zimmerman Trail) - Alignment 1 Level of Urgency (SAFETY)	4.60
Myers Trail (near Country Club Circle) - Alignment 2 Level of Urgency (SAFETY)	2.48
Morledge Trail (near 17th St. West) - Alignment 3 Level of Urgency (SAFETY)	2.55
27th Street Trail (Yucca St to Highway 3) - Alignment 4 Level of Urgency (SAFETY)	4.28
LEVEL OF IMPACT (SAFETY)	
Stagecoach Trail (along Zimmerman Trail) - Alignment 1 Level of Impact (SAFETY)	4.70
Myers Trail (near Country Club Circle) - Alignment 2 Level of Impact (SAFETY)	2.68
Morledge Trail (near 17th St. West) - Alignment 3 Level of Impact (SAFETY)	2.73
27th Street Trail (Yucca St to Highway 3) - Alignment 4 Level of Impact (SAFETY)	4.33

SAFETY - IMPACT VS. URGENCY



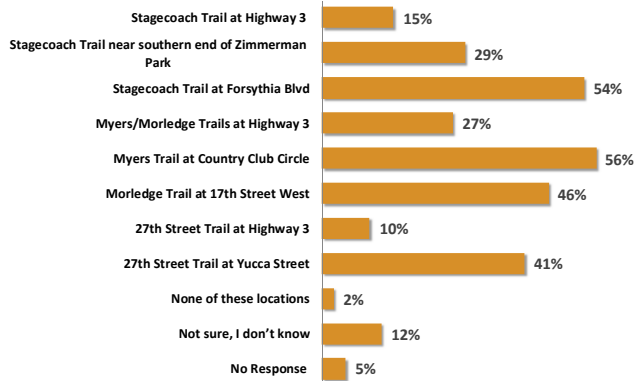
Prioritization Criteria: The criteria I feel are most important when selecting which trail alignment(s) to implement first are? (Select your top 2)	Total Responses	Percentage of Participants
Addressing safety concerns	25	61%
Facilitating connectivity for commuters	15	37%
Providing recreational value	25	61%
Availability of funding	7	17%
Lowest cost / maintenance	6	15%
Lowest impact to environmental resources of the Rims	8	20%
Other	1	2%

Prioritization Criteria: The criteria I feel are most important when selecting which trail alignment(s) to implement first are? (Select your top 2)



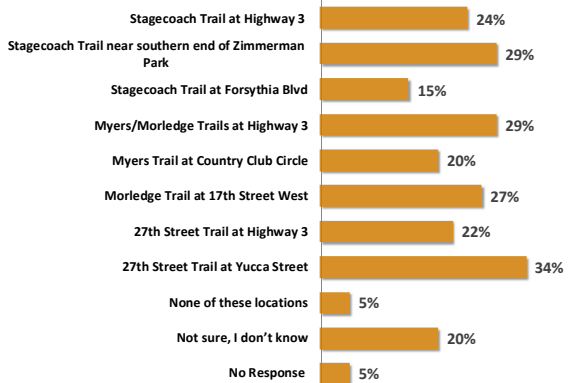
Trailhead Locations: Which of the following potential trailhead locations are appropriate for LOW INTENSITY amenities (no formal parking, trail signs only, etc.)? (Select all that apply)	Total Responses	Percentage of Participants
Stagecoach Trail at Highway 3	6	15%
Stagecoach Trail near southern end of Zimmerman Park	12	29%
Stagecoach Trail at Forsythia Blvd	22	54%
Myers/Morledge Trails at Highway 3	11	27%
Myers Trail at Country Club Circle	23	56%
Morledge Trail at 17 th Street West	19	46%
27 th Street Trail at Highway 3	4	10%
27 th Street Trail at Yucca Street	17	41%
None of these locations	1	2%
Not sure, I don't know	5	12%
No Response	2	5%

Trailhead Locations: Which of the following potential trailhead locations are appropriate for LOW INTENSITY amenities (no formal parking, trail signs only, etc.)? (Select all that apply)



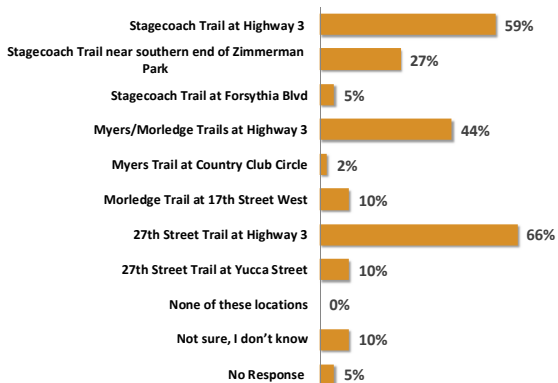
Trailhead Locations: Which of the following potential trailhead locations are appropriate for MEDIUM INTENSITY amenities (minimal parking (3-5 cars), signage kiosk, trash receptacles, seating, bike rack, etc.)? (Select all that apply)	Total Responses	Percentage of Participants
Stagecoach Trail at Highway 3	10	24%
Stagecoach Trail near southern end of Zimmerman Park	12	29%
Stagecoach Trail at Forsythia Blvd	6	15%
Myers/Morledge Trails at Highway 3	12	29%
Myers Trail at Country Club Circle	8	20%
Morledge Trail at 17 th Street West	11	27%
27 th Street Trail at Highway 3	9	22%
27 th Street Trail at Yucca Street	14	34%
None of these locations	2	5%
Not sure, I don't know	8	20%
No Response	2	5%

Trailhead Locations: Which of the following potential trailhead locations are appropriate for MEDIUM INTENSITY amenities (minimal parking (3-5 cars), signage kiosk, trash receptacles, seating, bike rack, etc.)? (Select all that apply)



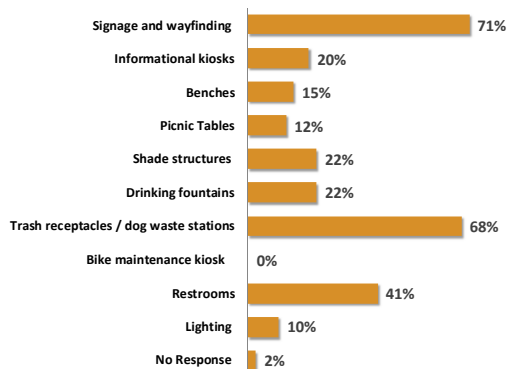
Trailhead Locations: Which of the following potential trailhead locations are appropriate for HIGH INTENSITY amenities (parking for 5-15 cars, shade structure, picnic tables, restrooms, etc.)? (Select all that apply)	Total Responses	Percentage of Participants
Stagecoach Trail at Highway 3	24	59%
Stagecoach Trail near southern end of Zimmerman Park	11	27%
Stagecoach Trail at Forsythia Blvd	2	5%
Myers/Morledge Trails at Highway 3	18	44%
Myers Trail at Country Club Circle	1	2%
Morledge Trail at 17 th Street West	4	10%
27 th Street Trail at Highway 3	27	66%
27 th Street Trail at Yucca Street	4	10%
None of these locations	0	0%
Not sure, I don't know	4	10%
No Response	2	5%

Trailhead Locations: Which of the following potential trailhead locations are appropriate for HIGH INTENSITY amenities (parking for 5-15 cars, shade structure, picnic tables, restrooms, etc.)? (Select all that apply)



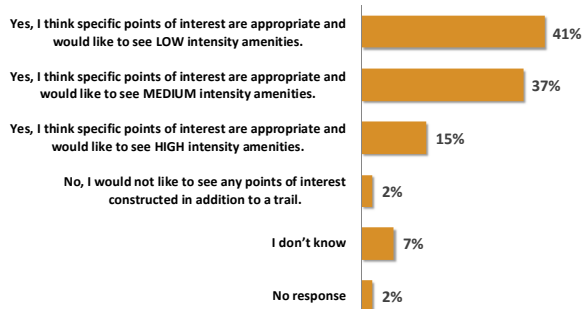
Trailhead Amenities: The trailhead amenities I am most interested in seeing at the moderate and high intensity trailheads include: (Select your top 3)	Total Responses	Percentage of Participants
Signage and wayfinding	29	71%
Informational kiosks	8	20%
Benches	6	15%
Picnic Tables	5	12%
Shade structures	9	22%
Drinking fountains	9	22%
Trash receptacles / dog waste stations	28	68%
Bike maintenance kiosk	0	0%
Restrooms	17	41%
Lighting	4	10%
No Response	1	2%

Trailhead Amenities: The trailhead amenities I am most interested in seeing at the moderate and high intensity trailheads include: (Select your top 3)

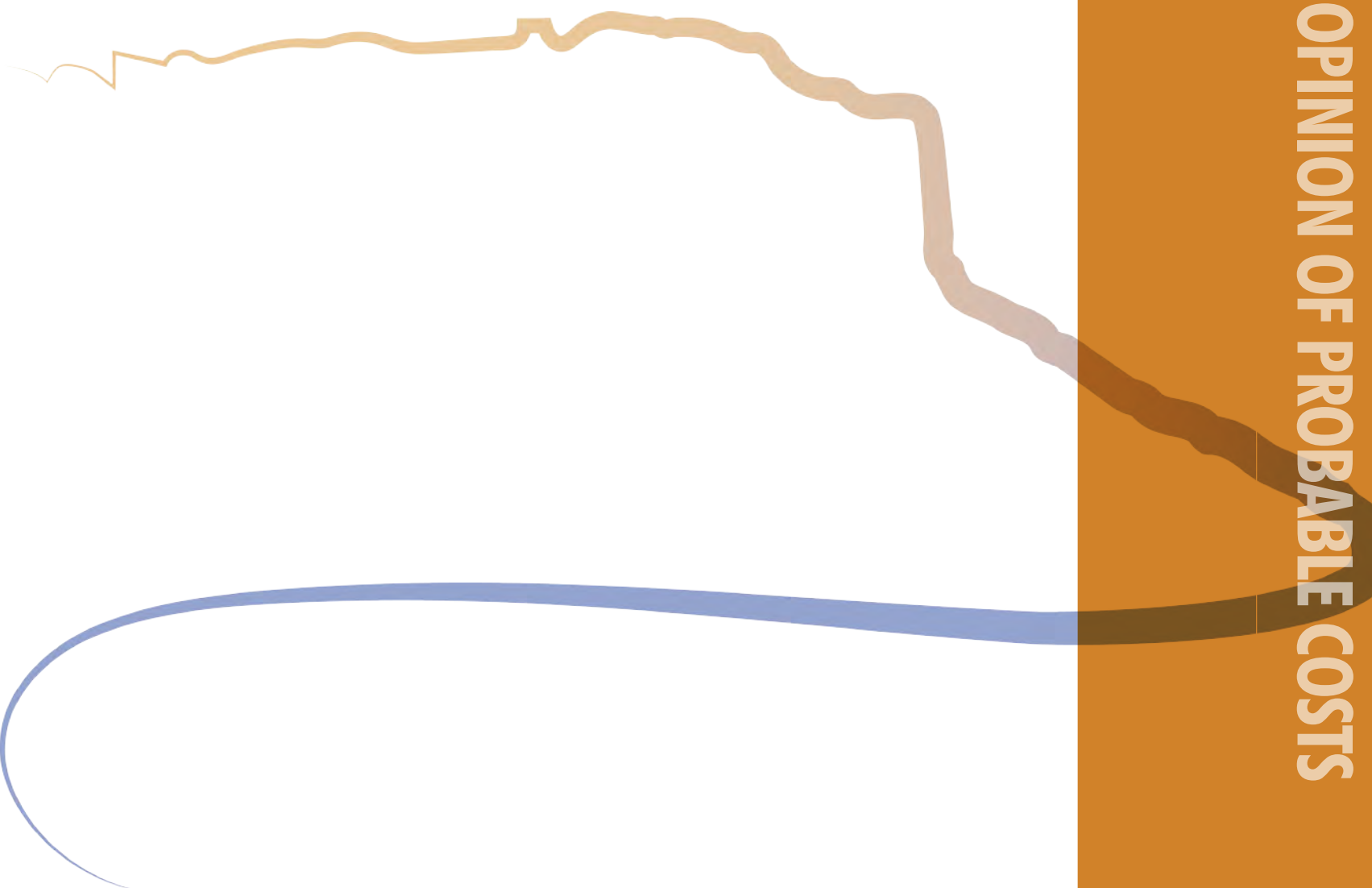


Points of Interest: Would you like to see points of interest at specific locations along the potential trail alignments? (Select 1)	Total Responses	Percentage of Participants
Yes, I think specific points of interest are appropriate and would like to see LOW intensity amenities.	17	41%
Yes, I think specific points of interest are appropriate and would like to see MEDIUM intensity amenities.	15	37%
Yes, I think specific points of interest are appropriate and would like to see HIGH intensity amenities.	6	15%
No, I would not like to see any points of interest constructed in addition to a trail.	1	2%
I don't know	3	7%
No response	1	2%

Points of Interest: Would you like to see points of interest at specific locations along the potential trail alignments? (Select 1)



APPENDIX E: OPINION OF PROBABLE COSTS



ENGINEER'S OPINION OF PROBABLE COST BASED ON CONCEPT DESIGN PLANS

RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY

Stagecoach Trail

ITEM NO.	EST. QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
			\$	\$
100	1	LS Mobilization/Demobilization (5%)	31,285.00 / LS	= 31,285.00
101	1	LS Taxes, Bonds, Insurance (3%)	18,771.00 / LS	= 18,771.00
102	1	LS Stormwater Management and Erosion Control	12,000.00 / LS	= 12,000.00
103	1	LS Traffic Control During Construction	1,000.00 / LS	= 1,000.00
104	4	AC Clearing and Grubbing	6,200.00 / AC	= 24,800.00
105	5,400	CY Unclassified Excavation	20.00 / CY	= 108,000.00
106	600	CY Imported Fill	20.00 / CY	= 12,000.00
107	1,855	CY 12-inch Thick Gravel Surface (8-foot Wide)	40.00 / CY	= 74,200.00
108	1	LS Miscellaneous Signage	5,000.00 / LS	= 5,000.00
109	15,000	SY Erosion Control Blanket	3.50 / SY	= 52,500.00
110	4	AC Apply Topsoil and Seed Disturbed Areas	6,000.00 / AC	= 24,000.00
111	500	LF Railing	40.00 / LF	= 20,000.00
112	1	LS Slope Stabilization and Walls	270,000.00 / LS	= 270,000.00
113	4,440	SY Geogrid Reinforcement	5.00 / SY	= 22,200.00

TOTAL PRICE FOR BASE BID \$ 675,756.00

TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA \$ 912,270.60

Asphalt Surfacing Alternate

ALT1-1	4,440	SY 2 1/2-inch Thick Asphalt Surface (8-foot Wide) with 10-inch Thick Base Coarse (Includes Deduct of 2-inches of Gravel)	50.00 / SY	= 222,000.00
ALT1-2	1	LS Miscellaneous Striping	1,000.00 / LS	= 1,000.00

TOTAL PRICE FOR ALTERNATE 1 \$ 223,000.00

TOTAL PRICE WITH ALTERNATE 1 \$ 898,756.00

TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA \$ 1,213,320.60

ENGINEER'S OPINION OF PROBABLE COST BASED ON CONCEPT DESIGN PLANS

RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY

Myers Trail

ITEM NO.	EST. QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
			\$	\$
100	1	LS Mobilization/Demobilization (5%)	17,200.00 / LS	= 17,200.00
101	1	LS Taxes, Bonds, Insurance (3%)	10,320.00 / LS	= 10,320.00
102	1	LS Stormwater Management and Erosion Control	10,000.00 / LS	= 10,000.00
103	1	LS Traffic Control During Construction	1,000.00 / LS	= 1,000.00
104	2	AC Clearing and Grubbing	6,200.00 / AC	= 12,400.00
105	1,890	CY Unclassified Excavation	20.00 / CY	= 37,800.00
106	2,200	CY Imported Fill	20.00 / CY	= 44,000.00
107	800	CY 12-inch Thick Gravel Surface (8-foot Wide)	40.00 / CY	= 32,000.00
108	1	LS Miscellaneous Signage	5,000.00 / LS	= 5,000.00
109	8,000	SY Erosion Control Blanket	3.50 / SY	= 28,000.00
110	2	AC Apply Topsoil and Seed Disturbed Areas	6,000.00 / AC	= 12,000.00
111	880	LF Railing	40.00 / LF	= 35,200.00
112	1	LS Slope Stabilization and Walls	117,000.00 / LS	= 117,000.00
113	1,920	SY Geogrid Reinforcement	5.00 / SY	= 9,600.00
TOTAL PRICE FOR BASE BID				\$ 371,520.00
TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA				\$ 501,552.00

Asphalt Surfacing Alternate

ALT1-1	1,920	SY 2 1/2-inch Thick Asphalt Surface (8-foot Wide) with 10-inch Thick Base Coarse (Includes Deduct of 2-inches of Gravel)	50.00 / SY	= 96,000.00
ALT1-2	1	LS Miscellaneous Striping	1,000.00 / LS	= 1,000.00
TOTAL PRICE FOR ALTERNATE 1				\$ 97,000.00
TOTAL PRICE WITH ALTERNATE 1				\$ 468,520.00
TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA				\$ 632,502.00

ENGINEER'S OPINION OF PROBABLE COST BASED ON CONCEPT DESIGN PLANS

RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY

Morledge Trail

ITEM NO.	EST. QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
			\$	\$
100	1	LS Mobilization/Demobilization (5%)	27,540.00 / LS	= 27,540.00
101	1	LS Taxes, Bonds, Insurance (3%)	16,524.00 / LS	= 16,524.00
102	1	LS Stormwater Management and Erosion Control	11,000.00 / LS	= 11,000.00
103	1	LS Traffic Control During Construction	1,000.00 / LS	= 1,000.00
104	3	AC Clearing and Grubbing	6,200.00 / AC	= 18,600.00
105	800	CY Unclassified Excavation	20.00 / CY	= 16,000.00
106	9,800	CY Imported Fill	20.00 / CY	= 196,000.00
107	1,175	CY 12-inch Thick Gravel Surface (8-foot Wide)	40.00 / CY	= 47,000.00
108	1	LS Miscellaneous Signage	5,000.00 / LS	= 5,000.00
109	11,500	SY Erosion Control Blanket	3.50 / SY	= 40,250.00
110	3	AC Apply Topsoil and Seed Disturbed Areas	6,000.00 / AC	= 18,000.00
111	325	LF Railing	40.00 / LF	= 13,000.00
112	1	LS Slope Stabilization and Walls	171,000.00 / LS	= 171,000.00
113	2,790	SY Geogrid Reinforcement	5.00 / SY	= 13,950.00
114	500	LF Suspension Boardwalk Structure	300.00 / LF	= 150,000.00
TOTAL PRICE FOR BASE BID				\$ 744,864.00
TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA				\$ 1,005,566.40

Asphalt Surfacing Alternate

ALT1-1	2,790	SY 2 1/2-inch Thick Asphalt Surface (8-foot Wide) with 10-inch Thick Base Coarse (Includes Deduct of 2-inches of Gravel)	50.00 / SY	= 139,500.00
ALT1-2	1	LS Miscellaneous Striping	1,000.00 / LS	= 1,000.00
TOTAL PRICE FOR ALTERNATE 1				\$ 140,500.00
TOTAL PRICE WITH ALTERNATE 1				\$ 885,364.00
TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA				\$ 1,195,241.40

ENGINEER'S OPINION OF PROBABLE COST BASED ON CONCEPT DESIGN PLANS

RIMROCKS TO VALLEY BIKE AND PEDESTRIAN FEASIBILITY STUDY

27th Street Trail

ITEM NO.	EST. QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
			\$	\$
100	1	LS Mobilization/Demobilization (5%)	8,942.50 / LS	= 8,942.50
101	1	LS Taxes, Bonds, Insurance (3%)	5,365.50 / LS	= 5,365.50
102	1	LS Stormwater Management and Erosion Control	10,000.00 / LS	= 10,000.00
103	1	LS Traffic Control During Construction	5,000.00 / LS	= 5,000.00
104	1.25	AC Clearing and Grubbing	6,200.00 / AC	= 7,750.00
105	700	CY Unclassified Excavation	20.00 / CY	= 14,000.00
106	50	CY Imported Fill	20.00 / CY	= 1,000.00
107	1,100	CY 12-inch Thick Gravel Surface (8-foot Wide)	40.00 / CY	= 44,000.00
108	1	LS Miscellaneous Signage	5,000.00 / LS	= 5,000.00
109	6,000	SY Erosion Control Blanket	3.50 / SY	= 21,000.00
110	1.25	AC Apply Topsoil and Seed Disturbed Areas	6,000.00 / AC	= 7,500.00
111	590	LF Railing	40.00 / LF	= 23,600.00
112	1	LS Slope Stabilization and Walls	27,000.00 / LS	= 27,000.00
113	2,600	SY Geogrid Reinforcement	5.00 / SY	= 13,000.00
TOTAL PRICE FOR BASE BID				\$ 193,158.00

TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA **\$ 260,763.30**

Asphalt Surfacing Alternate

ALT1-1	2,600	SY 2 1/2-inch Thick Asphalt Surface (8-foot Wide) with 10-inch Thick Base Coarse (Includes Deduct of 2-inches of Gravel)	50.00 / SY	= 130,000.00
ALT1-2	1	LS Miscellaneous Striping	1,000.00 / LS	= 1,000.00

TOTAL PRICE FOR ALTERNATE 1 **\$ 131,000.00**

TOTAL PRICE WITH ALTERNATE 1 **\$ 324,158.00**

TOTAL WITH 20% CONTINGENCY & 15% DESIGN/CA **\$ 437,613.30**



SANDERSON 
STEWART

DESIGNWORKSHOP

Terracon
Consulting Engineers & Scientists

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Relocating a Portion of the Perimeter Fencing that Surrounds Dehler Park to Accommodate a Zip Line

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

The Mustangs have requested that funds from the Ballpark Permanent Fund be used to move a portion of the Dehler Park perimeter fencing to accommodate a zip line. The current agreement with the Mustangs requires that all expenditures of \$10,000 or more from the Ballpark Permanent Fund be approved by City Council. The Permanent Fund is intended for major repairs and capital improvements to Dehler Park. Moving the fence will cost \$10,995. There is currently \$480,712.02 in the Ballpark Permanent Fund.

The Facility Review Committee recommends that the City use funds from the Ballpark Permanent Fund to move a portion of the perimeter fencing around the stadium to accommodate a proposed zip line to be provided by the Mustangs.

ALTERNATIVES ANALYZED

City Council may:

- Approve expending \$10,995 from the Dehler Park Permanent Fund, or;
- Disapprove the expenditure and provide guidance to staff.

FINANCIAL IMPACT

There are no additional financial impacts to the City.

RECOMMENDATION

Staff and the Dehler Park Facility Review Committee recommend that the City Council approve using \$10,995 from the Ballpark Permanent Fund to move a portion of the stadium perimeter fencing to accommodate a proposed zip line.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Pemberton Subdivision, Amended Lot 22A - Preliminary Subsequent Minor Plat

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On June 1, 2016, Pinpoint Land Survey, PLLC, agent for Melodee Haagenson, et al, applied for preliminary Subsequent Minor plat approval for Pemberton Subdivision, Amended Lot 22A. The proposed subdivision creates 3 lots from one residential lot defined as North Lakeview Twin Homes condominium development. The subject property is generally located on North Lakeview Drive, east of Lake Elmo Drive and just east of Lake Elmo. The property is zoned Residential 6000 (R-60). There are two existing duplexes on the western end of the parcel, the new lot created by this subdivision will be to the east 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 July 21, 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: Generally located on North Lakeview Drive, east of Lake Elmo Drive and east of Lake Elmo.

Legal Description: Lot 22A of Amended plat of Lots 21 and 22 of Pemberton Subdivision

Owner/Subdivider: Melodee Haagenson, et al

Engineer and Surveyor: Pinpoint Land Survey, PLLC, Clay Schwartz, PLS

Existing Zoning:	R-60
Existing land use:	Residential
Proposed land use:	Residential
Gross and Net area:	61,486 square feet / 55,154 square feet
Proposed number of lots:	3
Lot size:	Max: 26,659 square feet Min.: 12,731 square feet
Parkland requirements:	In accordance with 76-3-621(3)(c), MCA this subdivision is exempt from parkland dedication since it is a minor subdivision.
Variance requested:	A variance has been requested by the applicant, See Attachment A

STAKEHOLDERS

There is no public hearing in front of the Yellowstone County Board of Planning for minor subdivisions and property owners adjacent to the subdivision are not noticed as per the regulations. However, interested parties may attend the City Council meeting and comment on the subdivision. The Planning Division has not received any comment on the plat at the time this memo was prepared.

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

Staff recommends the City Council conditionally approve the preliminary plat of Pemberton Subdivision, Amended Lot 22A, approve the variance, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

The applicant is requesting a variance from the City of Billings Subdivision Regulations Section 23-406(B)(6). This defines required road width right of ways for Residential Local Access Streets. Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment A.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To ensure the provision of easements for utilities are correct, prior to final plat approval the subdivider shall amend the SIA VI Utilities B to read; The sanitary sewer services for Lots

22A-2 and 22A-3 shall tie into the public sanitary sewer main located in an easement near the east side of this property. Each lot shall have its own separate and independent sewer service tying into the public main. This will also require there to be a sewer service easement through Lots 22A-2 and 22A-3 in which the sewer service for Lots 22A-1 and 22A-2 will pass.

2. 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 lines, as well as for new utility lines for water and sewer, and those requested by the private utility companies.
3. To ensure the ability to install a sidewalk in the future along the north side of North Lakeview Drive, prior to final plat approval the applicant will show a 5-foot-wide sidewalk easement on the north edge of the proposed road right of way and include an easement document for the sidewalk easement.
4. 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.
5. 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
Variance Information
Proposed Subdivision
Aerial View
Mayor's Approval Letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Pemberton Subdivision, Amended Lot 22A. 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 are currently two duplex dwelling units on the subject lot to the west and the owners are proposing to create two additional lots 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 the County Water District of Billings Heights (CWDBH). There is existing water service from a water main in North Lakeview Drive that currently serves the duplexes on proposed lot 22A-1. The water line will be extended to lots 22A-2 and 22A-3 within North Lakeview Drive.

Sewer services are to be provided by the City of Billings. The **SIA VI Utilities B** states that the sewer services for Lots 22A-2 and 22A-3 will tie into the existing sewer service line from Lot 22A-1 that runs along the north edge of the property. This is not an approved option. The sanitary sewer services for Lots 22A-2 and 22A-3 shall tie into the public sanitary sewer main located in an easement near the east side of this property. Each lot shall have its own separate and independent sewer service tying into the public main. This will also require there to be a sewer service easement through Lots 22A-2 and 22A-3 in which the sewer service for Lots 22A-1 and 22A-2 will pass. Each lot is required to have its own separate sewer line connecting to the main line. The applicant will change the language in the SIA to reflect this requirement. **(Conditions #1 and #2)**

The existing sewer service for lot 22A-1 runs along the northern edge of the existing lot. There will be an easement created to accommodate that existing sewer line. **(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 #2)**

- 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 any construction on lots created by this subdivision.
- 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 two existing accesses onto North Lakeview Drive, one for each of the two duplexes. North Lakeview Drive is a gravel road within an existing 30-foot-wide easement. This proposed subdivision is required to contribute right of way to the city for North Lakeview Drive which would be 30 feet. When this property started developing it was done as a condominium development, there was no requirement for additional road width with the condominium use. If the subdivider were required to dedicate the 30-foot half road width, the two existing duplexes built on the land would have the road right of way passing through the front corner of the units. The applicant has applied for a variance and is proposing to dedicate 10 feet for additional right of way and also a 5-foot sidewalk easement (**Condition #3**). See Attachment A for further discussion of the variance request.
- 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 two new lots are being created. Staff did receive a response from School District #2 about the proposed subdivision. District #2 stated 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 1,684 with a current enrollment of 1,578.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision as it is a minor subdivision that creates less than five lots.
- h. **Mail Delivery** - The United States Postal Service may require that a Central Box Unit be installed for new on-site delivery. However, 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. (**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 will be from North Lakeview Drive. Future lot owners will have to receive approval for access to the lots from the City of Billings Engineering department.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Pemberton Subdivision, Amended Lot 22A, 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, July 11, 2016

Thomas W. Hanel, Mayor

Attachment A

Staff Analysis and Recommendation

City Staff has reviewed the request for a variance from City of Billings Subdivision Regulations Section 23-406(B)(6) and is recommending approval.

North Lakeview Drive is currently an existing 30-foot road right of way and is a gravel surface road. The original Pemberton Subdivision was platted in 1940 and the lots have been rearranged several times since then, relocating lot lines or aggregating lots. When the subject property began developing in 2008, there was no reason to subdivide the property for the proposed condominium development. Over the next couple of years, there were 4 dwelling units constructed on the parcel and then the project stopped. Since that time the original owners' situation has changed and they are no longer able to complete the project. With this subdivision, the applicants wish to be able to sell the property to individuals or developers to build on.

Because of the existing buildings and the current setbacks from the existing 'front' property line, which is also the edge of the existing road right of way, should the city require the full 30-foot half road width for the street right of way, the new 'front property line / road right of way' would go through the front corners of the existing structures on the property. When reviewing this proposal in the pre-application meeting, the City of Billings Engineering staff determined North Lakeview Drive could be built to city standards within a 40 foot right of way with a 5-foot sidewalk easement on the north edge of the new right of way. This neighborhood does not have heavy traffic in it because there are no direct through street connections from the west to the east. It is a residential neighborhood with no commercial uses that gain access through the streets in this neighborhood, traffic is very minimal and will likely remain that way.

Staff believes the narrower right of way can be used to build a paved road in the future should the residents decide they would like to have the work done. Also, the variance will preserve the existing homes already built along the northern side of the right of way. Therefore, staff recommends that the City Council approves the variance request.

City of Billings Subdivision Regulations:

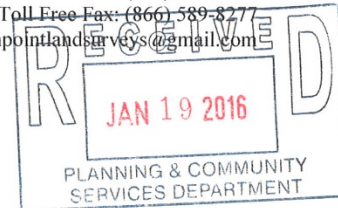
Section 23-406(B)(6) **Right-of-Way and Street Widths**: Street right-of-way and surface widths table that shows a required right-of-way width of 60 feet.



PC - 15-00214
Clay Schwartz, PLS
Licensed in Montana, Wyoming,
Idaho, Washington and Oregon

4820 McGirl Road
Billings, MT 59105

(406) 373-9856
Toll Free Fax: (866) 589-8277
pinpointlandsurveys@gmail.com



January 19, 2016

Billings City Council
210 N. 27th St.
Billings, MT 59103

RE: Request for Variance – Amended Plat of Lot 22A of Pemberton Subdivision

Dear Council Members:

Please consider this letter as a request for a variance from the design and improvement standards of the City of Billings Subdivision Regulations.

Specifically the subdivider, Melodee Haagenon, is requesting a variance from Section 23-406(B)(6) requiring a 56-foot wide right-of-way for residential local access.

Please consider the following in making your determination:

1. **The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.**

The subject property is described as Lot 22A of Amended Plat of Lots 21 and 22 of Pemberton Subdivision (see attached survey). The property abuts the north side of North Lakeview Drive which is a gravel road within a 30-foot wide right-of-way that was dedicated per the plat of Lakeview Subdivision in 1954. The road currently serves a total of 13 residences, only 3 of which lie to the east of this property (see attached aerial photo). The subdivider is proposing to dedicate an additional 10-foot of right-of-way along the entire frontage as was anticipated in 2004 by the previous owner (see attached survey). This would make the total right-of-way width 40-foot wide and provide adequate width to construct the 34-foot wide back to back curb width required for a residential local access road per the subdivision regulations. In addition, the subdivider will provide a 5-foot wide easement for a sidewalk along the north side of the 10-foot dedication (see attached site plan).

2. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.**

In 2008 the subdivider's husband, Bruce Haagenon, created the North Lakeview Twin Homes homeowner's association and built two 2-family homes which presently occupy the west side of the subject property (see attached aerial photo and Twin Homes site map). Mr. Haagenon has since passed away and the subdivider would now like to subdivide the property in order to market the vacant lots as single or 2-family building sites (see attached site plan). Due to the shape of the property and the existence of a sewer line on the north side of the property, the subdivider is asking for the variance in order to provide room for 2-family housing while meeting the minimum setback requirements established by the Zoning Regulations.

3. **The variance will not result in an increase in taxpayer burden.**

As part of the subdivision documents, the subdivider will file a waiver of right to protest the creation of a special improvement district should future improvements to North Lakeview Drive be required. The subdivision will potentially add two 2-family dwellings to the tax rolls.

4. **The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations.**

The granting of the variance will allow the lots to continue with the character of the previous development and maintain the minimum setback requirements as well as all other requirements of the Residential 6000 Zone.

5. **The alternative design is equally effective and the objectives of the improvements are satisfied.**

Considering the low traffic volume, the fact that the 40-foot wide right-of-way will provide adequate width for a standard 34-foot road section and the provision of the sidewalk easement, the alternative design is equally effective and the objectives are satisfied.

Thank you for your consideration. If you require further information, please contact me at your convenience.

Sincerely,



Pinpoint Land Surveys, PLLC
Clay Schwartz, PLS

Enclosures: Amended Plat of Lots 21 and 22 of Pemberton Subdivision
Aerial Photo
Proposed Subdivision Site Plan
Proposed Subdivision Site Plan with aerial overlay
Twin Homes Site Map



LAKE

ROBERTSON ROAD

ELMO DRIVE

RICHARDS ROAD

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

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LOT 22A-1
29182 Sq. Ft.

LOT 22A-2
12990 Sq. Ft.

LOT 22A-3
12991 Sq. Ft.

PROPOSED 5' STEWARTS ESCROWMENT

NORTH LAKEVIEW DRIVE

ROBERTSON ROAD

RICHARDS ROAD

ALLEY

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

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PROPOSED 5' STEWARTS ESCROWMENT

NORTH LAKEVIEW DRIVE

ROBERTSON ROAD

RICHARDS ROAD

ALLEY

LOT 21

LOT 22

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LOT 22A-1
29182 Sq. Ft.

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12990 Sq. Ft.

LOT 22A-3
12991 Sq. Ft.

PROPOSED 5' STEWARTS ESCROWMENT

NORTH LAKEVIEW DRIVE

ROBERTSON ROAD

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SCALE: 1" = 100'



= SITE DATA =

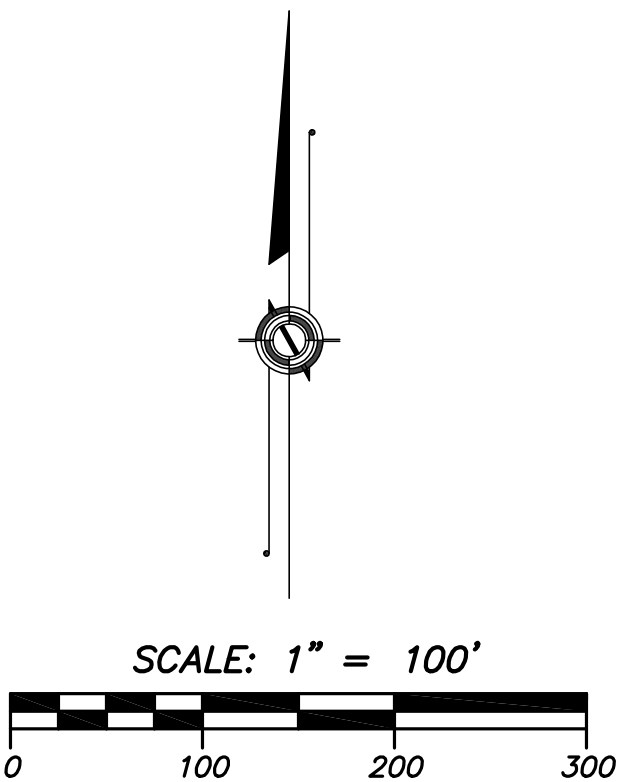
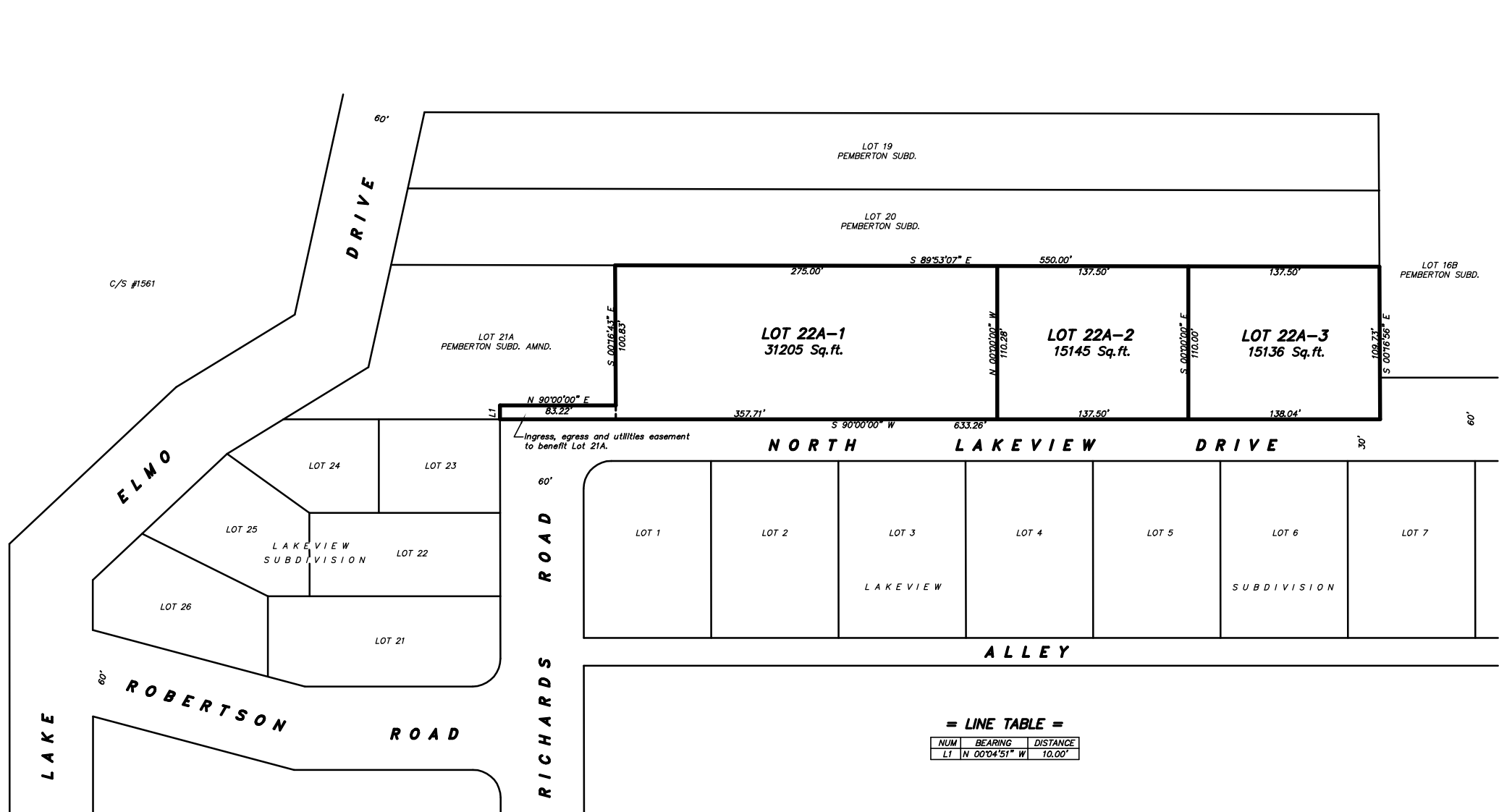
GROSS AREA: 61,486 SQ. FT.
NET AREA: 55,154 SQ. FT.
NO. OF LOTS: 3
MIN. LOT SIZE: 12,981 SQ. FT.
EXISTING ZONE: RESIDENTIAL 6000
PROPOSED ZONE: RESIDENTIAL 6000
EXISTING LAND USE: 2-FAMILY RESIDENTIAL
PROPOSED LAND USE: SINGLE 2-FAMILY RESIDENTIAL
WATER: METRO'S WATER DISTRICT
STORM AND SEWER: CITY OF BILLINGS

1/4 SEC.	SECTION	TOWNSHIP	RANGE	SHEET NO. 1 of 1
NE1/4	15	1 NORTH	26 EAST	

DRAWING PATH: C:\... \15017-Haugensen\mscad\15017VAR01.dwg
DATE DRAWN: 01/06/16
REVISED: 01/12/16


PINPOINT LAND SURVEYS, PLLC
4820 MCGILL ROAD
BILLINGS, MONTANA 59105
(406) 373-9866

PROPOSED
AMENDED PLAT OF LOT 22A OF PEMBERTON SUBDIVISION
BEING LOT 22A OF THE AMENDED PLAT OF LOTS 21 AND 22 OF PEMBERTON SUBDIVISION
IN THE NE1/4 OF SECTION 15, T1N, R26E, PMM
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
SUBDIVIDER/OWNER: MELODEE HAAGENSON



= SITE DATA =

GROSS AREA: 61,486 SQ. FT.
NET AREA: 61,486 SQ. FT.
NO. OF LOTS: 3
MIN. LOT SIZE: 15,136 SQ. FT.
EXISTING ZONE: RESIDENTIAL 6000
PROPOSED ZONE: RESIDENTIAL 6000
EXISTING LAND USE: MULTI-FAMILY RESIDENTIAL
PROPOSED LAND USE: MULTI & SINGLE FAMILY RESIDENTIAL
WATER: HEIGHTS WATER DISTRICT
STORM AND SEWER: CITY OF BILLINGS

= LINE TABLE =

NUM	BEARING	DISTANCE
L1	N 00°04'51" W	10.00'

1/4 SEC.	SECTION	TOWNSHIP	RANGE	SHEET NO. 1 of 1
NE1/4	15	1 NORTH	26 EAST	
DRAWING PATH: C: \... \15017-Haagenson \Mscad \15017SP01.dwg				
DATE DRAWN: 11/30/15				
REVISED:				
 PINPOINT PINPOINT LAND SURVEYS, PLLC PINPOINT LAND SURVEYS, PLLC 4820 MCGIRL ROAD BILLINGS, MONTANA 59105 (406) 373-9856				

Google earth
© 2015 Google

Line Table:

NUM	BEARING	DISTANCE
1	N 00°15'12" W	10.00'



A number line from 0 to 300 with tick marks every 100 units. Above the line, black bars represent the number of students who did not like each sport. Below the line, white bars represent the number of students who liked each sport. The sports are listed at the bottom: Soccer, Basketball, Football, Tennis, and Baseball.

GROSS AREA: 61,486 SQ. FT.
NET AREA: 61,486 SQ. FT.
NO. OF LOTS: 3
MIN. LOT SIZE: 15,136 SQ. FT.
EXISTING ZONE: RESIDENTIAL 6000
PROPOSED ZONE: RESIDENTIAL 6000
EXISTING LAND USE: MULTI-FAMILY RESIDENTIAL
PROPOSED LAND USE: MULTI & SINGLE FAMILY RESIDENTIAL
WATER: HEIGHTS WATER DISTRICT
STORM AND SEWER: CITY OF BILLINGS

1/4 SEC.	SECTION	TOWNSHIP	RANGE	SHEET NO. 1 of 1
NE1/4	15	1 NORTH	26 EAST	

DRAWING PATH: C:\...\15017-Haagenson\Mscad\15017SP01.dwg
DATE DRAWN: 11/30/15 REVISED:



PINPOINT LAND SURVEYS, PLLC

4820 MCGIRL ROAD

BILLINGS, MONTANA 59105

(406) 373-9856



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 687-8296
FAX (406) 657-8390

July 11, 2016

Melodee Haagenson, et al
P.O. Box 1151
Billings, MT 59103

Dear Property Owners:

On June 11, 2016, the Billings City Council conditionally approved the preliminary plat of Pemberton Subdivision, Amended Lot 22A, and the variance request, subject to the following conditions of approval:

1. To ensure the provision of easements for utilities are correct, prior to final plat approval the subdivider shall amend the SIA VI Utilities B to read; The sanitary sewer services for Lots 22A-2 and 22A-3 shall tie into the public sanitary sewer main located in an easement near the east side of this property. Each lot shall have its own separate and independent sewer service tying into the public main. This will also require there to be a sewer service easement through Lots 22A-2 and 22A-3 in which the sewer service for Lots 22A-1 and 22A-2 will pass.
2. 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 lines, as well as for new utility lines for water and sewer, and those requested by the private utility companies.
3. To ensure the ability to install a sidewalk in the future along the north side of North Lakeview Drive, prior to final plat approval the applicant will show a 5-foot-wide sidewalk easement on the north edge of the proposed road right of way and include an easement document for the sidewalk easement.
4. 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.

5. 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: Pinpoint Land Surveys, PLLC

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Final Plat of Trails West Subdivision, 3rd Filing

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The final plat for the Trails West Subdivision, 3rd Filing, is being presented to City Council for approval. On March 28, 2016, the City Council preliminarily approved this plat which will create 54 lots from a 37.187 acre parcel of land. The parcel is generally located on the southwest corner of Grand Avenue and 56th Street West. The subject property is legally described as Lot 1A, Block 10, of Amended Lot 1, Block 10, Trails West Subdivision, 2nd Filing, and is zoned Residential 6000 Restricted. Residential 6000 Restricted requires a minimum lot size of 6,000 square feet and the restricted means that only single family dwellings are allowed to be built on each lot. The owner is Dorn Wilson Development, LLC and the representing agent is Sanderson Stewart. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or deny the final plat of Trails West Subdivision, 3rd Filing. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in MCA 76-3-611 and BMCC Section 23-307.

FINANCIAL IMPACT

Should the City Council approve the final plat, the newly created lots may be sold separately and developed, increasing the tax and assessment revenues for the City while also generating service demands.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of the Trails West Subdivision, 3rd Filing.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat page 1

Final Plat page 2

PLAT OF
TRAILS WEST SUBDIVISION, THIRD FILING

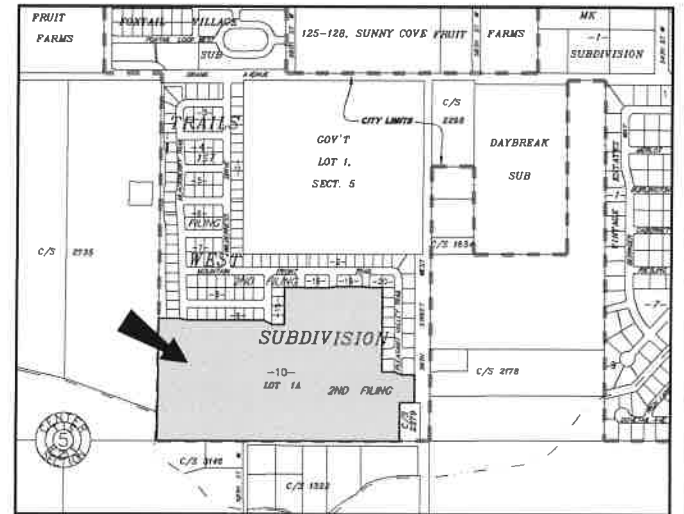
BEING LOT 1A OF AMENDED PLAT OF LOT 1, BLOCK 10, TRAILS WEST SUBDIVISION, SECOND FILING
SITUATED IN THE NE1/4 OF SECTION 5, T. 1 S., R. 25 E., P.M.M., IN THE CITY OF BILLINGS,
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : DORN-WILSON DEVELOPMENT, LLC.

MAY, 2016

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE

NOTICE OF APPROVAL

STATE OF MONTANA)
) ss
County of Yellowstone)

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

Date _____ President _____

Executive Secretary _____

CERTIFICATE OF CITY ENGINEER'S OFFICE

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

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL
this _____ day of _____, 20____.

City Engineer's Office _____

ERRORS AND OMISSIONS REVIEW

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

Examining Land Surveyor _____ Date _____

CERTIFICATE OF CITY ATTORNEY

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

Date: _____

Reviewed by: _____

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
) ss
County of Yellowstone)

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

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

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
) ss
County of Yellowstone)

The undersigned, a Land Surveyor licensed in the State of Montana, states that during the month of MAY, 2016, a survey was performed under his supervision of a tract of land to be known as TRAILS WEST SUBDIVISION, THIRD FILING, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 37.398 acres (1,629,048 square feet) and the net area is 33.563 acres (1,461,997 square feet).

SANDERSON STEWART

By: _____

Montana License No. _____

Date: _____

CERTIFICATE OF COUNTY TREASURER

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

Date: _____

Yellowstone County Treasurer

By: _____
Deputy

SUBDIVISION IMPROVEMENT AGREEMENT

Document No. _____

STORM WATER DETENTION EASEMENT

Document No. _____

DO NOT SIGN HERE

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
) ss
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned owners of the following described tract of land, do hereby certify that they have caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the NE1/4 of Section 5, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 1A of Amended Plat of Lot 1, Block 10, Trails West Subdivision, Second Filing, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. _____.

Pursuant to Section 76-3-621(1)(a), M.C.A., the park requirement for this subdivision has been met by a cash donation to be made in three phases.

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as TRAILS WEST SUBDIVISION, THIRD FILING, and the lands included in all streets, avenues, and parks as shown on the annexed plat are hereby granted and donated to the use of the public forever.

Douglas D. Frank

Deborah F. Frank
aka Deborah Faye Frank

STATE OF MONTANA)
) ss
County of Yellowstone)

On this _____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared Douglas D. Frank and Deborah F. Frank, aka Deborah Faye Frank, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana

Ronald Frank

STATE OF MONTANA)
) ss
County of Yellowstone)

On this _____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared Ronald Frank, known to me to be the person who signed the foregoing instrument and who acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana

PLAT OF
**TRAILS WEST SUBDIVISION,
THIRD FILING**

BEING LOT 1A OF AMENDED PLAT OF LOT 1, BLOCK 10, TRAILS
WEST SUBDIVISION, SECOND FILING
SITUATED IN THE NE1/4 OF SECTION 5, T. 1 S., R. 25 E., P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

**SANDERSON
STEWART**
www.sandersonstewart.com

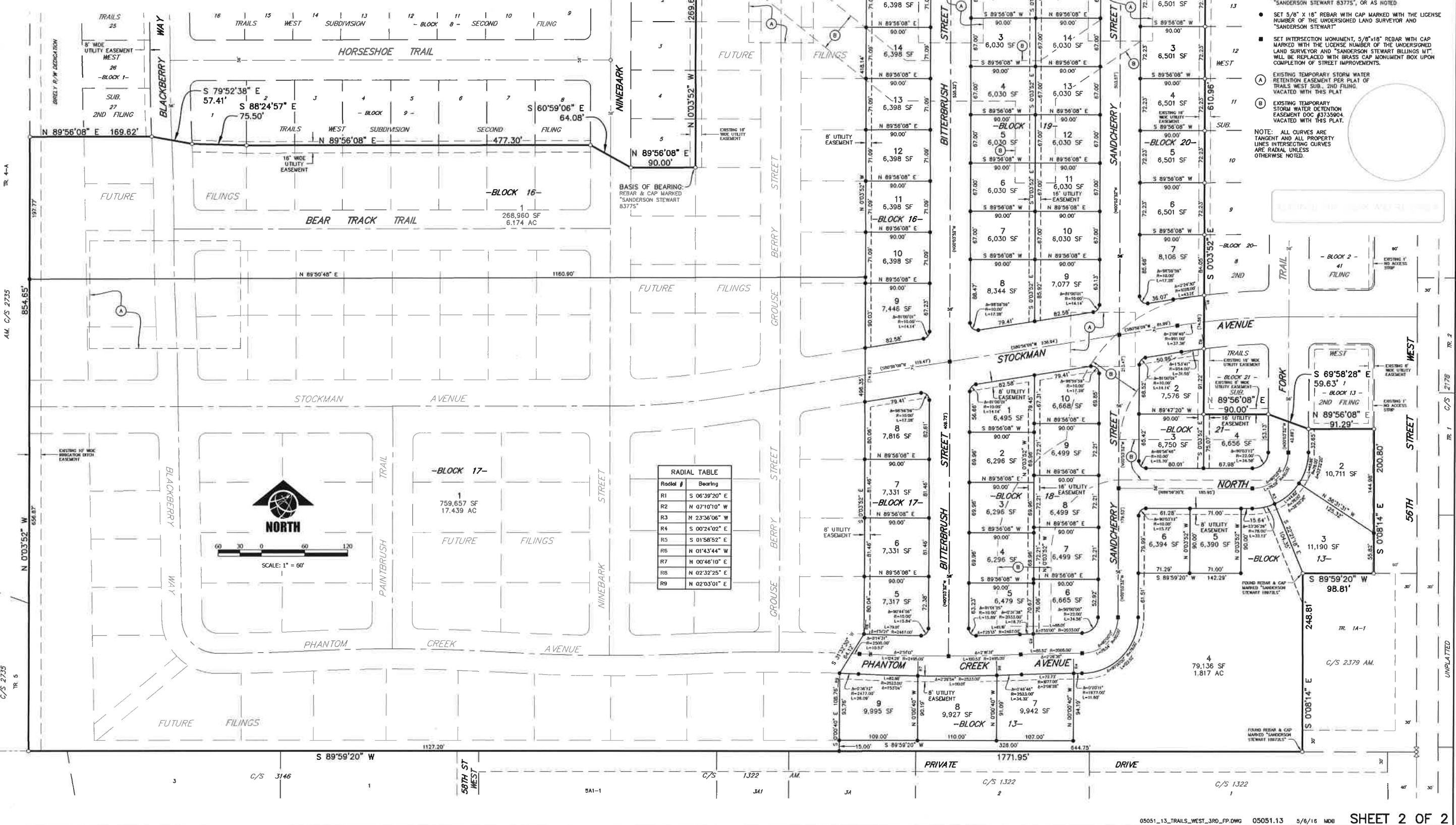
PREPARED FOR : DORN-WILSON DEVELOPMENT, LLC.

BASIS OF BEARING: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83 LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS, HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. DISTANCES ARE GRID, INTERNATIONAL FEET. THE GRID TO GROUND CORRECTION SCALE FACTOR AT THE SE CORNER OF LOT 5, BLOCK 15, TRAILS WEST SUB, 2ND FILING, A REBAR & CAP MARKED "S5 83775" IS 0.9999953488; THE CONVERGENCE ANGLE IS -0°10'36".

- FOUND SURVEY MONUMENT, REBAR & CAP MARKED "SANDERSON STEWART 83775", 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" X 18" 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.

- (A) EXISTING TEMPORARY STORM WATER RETENTION EASEMENT PER PLAT OF TRAILS WEST SUB, 2ND FILING, VACATED WITH THIS PLAT
- (B) EXISTING TEMPORARY STORM WATER RETENTION EASEMENT DOC 43755004, VACATED WITH THIS PLAT.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL, UNLESS OTHERWISE NOTED.



Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Payment of Claims June 13, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,444,942.86 have been audited and are presented for City Council payment approval. A complete listing of the claims dated June 13, 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_6.13.2016

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794723	A & I Distributors	\$ 284.82	5410-31230-402310	Grease for Landfill equipment
06/13/2016	794723	A & I Distributors	\$ 92.95	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
06/13/2016	794723	A & I Distributors	\$ 4,506.51	6010-00000-141000	2795862 PO NUM 300208
06/13/2016	794723	A & I Distributors	\$ 2,327.89	6010-00000-141000	2802810 PO NUM 300208
06/13/2016	794723	A & I Distributors	\$ 837.62	6010-00000-141000	2803604 PO NUM 300208
06/13/2016	794723	A & I Distributors	\$ 1,314.53	6010-00000-141000	2803604 PO NUM 300208
06/13/2016	794723	A & I Distributors	\$ 324.20	5020-75000-402320	2802055
06/13/2016	794723	A & I Distributors	\$ 30.25	1500-21120-402320	2803604
06/13/2016	794723	A & I Distributors	\$ 29.84	2110-31320-402320	2803604
06/13/2016	794723	A & I Distributors	\$ 29.84	5410-31220-402320	2803604
06/13/2016	794723	A & I Distributors	\$ 35.00	6010-15530-402650	2805898
06/13/2016	794723	A & I Distributors	\$ 564.11	5610-71130-402310	Invoice #2806672. Hydraulic oil for Operations
06/13/2016	794723	A & I Distributors	\$ 78.81	6010-15530-402650	2804084
06/13/2016	794723	A & I Distributors	\$ 92.95	5410-31230-402310	Blue def for the Landfill equipment
06/13/2016	794723	A & I Distributors	\$ (412.30)	6010-00000-141000	805827 PO NUM 300208
06/13/2016	794723	A & I Distributors	\$ (259.36)	5020-75000-402320	2806167
06/13/2016	794723	A & I Distributors	\$ 837.62	6010-00000-141000	2807705 PO NUM 300208
06/13/2016	794723	A & I Distributors	\$ 3,262.80	6010-00000-141000	2807705 PO NUM 300208
06/13/2016	794730	Anderson Service Inc	\$ 6,778.99	0100-51120-402320	12695
06/13/2016	794737	Big Sky Linen & Uniform	\$ 261.45	5020-73120-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 40.95	5020-73140-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 762.28	5020-74000-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 520.56	5020-75000-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 12.60	5120-83140-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 381.60	5120-84000-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 224.88	5120-84300-402260	UNIFORMS
06/13/2016	794737	Big Sky Linen & Uniform	\$ 347.04	5120-85000-402260	UNIFORMS
06/13/2016	794746	Bison Motor Company	\$ 55,122.36	6300-17530-407310	2 - 2016 Ford Interceptors.
06/13/2016	794747	Border States Electric	\$ 1,311.35	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM 300556
06/13/2016	794747	Border States Electric	\$ 769.75	5020-74000-402360	Red Lion Ram Secure Router
06/13/2016	794747	Border States Electric	\$ 769.74	5120-84300-402360	Red Lion Ram Secure Router
06/13/2016	794747	Border States Electric	\$ 40.74	2110-31320-402430	seal assy for signal supplies
06/13/2016	794747	Border States Electric	\$ 77.77	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300566
06/13/2016	794747	Border States Electric	\$ 17.72	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM 300566
06/13/2016	794747	Border States Electric	\$ 3.65	2110-00000-141318	STREET LIGHTS PO NUM 300210
06/13/2016	794753	Business Tax Section	\$ 8,198.91	5030-74910-409390	WO 15-10 WTP Chemical Bldg/Disinfection
06/13/2016	794753	Business Tax Section	\$ 687.05	2050-31310-409310	WO 16-04 2016 ADA Ramp Replacement
06/13/2016	794761	Clyatt	\$ 5,000.00	1500-21120-402310	Settlement
06/13/2016	794763	Converse Properties LLC	\$ 8,578.00	2010-15070-407968	2334889 - TIF reimbursement
06/13/2016	794764	Cop Construction Co	\$ 811,691.94	5030-74910-409390	WO 15-10 WTP Chemical Bldg/Disinfection

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794775	Dixie Petro-Chem	\$ 3,092.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300691
06/13/2016	794775	Dixie Petro-Chem	\$ 3,092.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300692
06/13/2016	794775	Dixie Petro-Chem	\$ 774.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300694
06/13/2016	794777	DOWL	\$ 33,200.32	8450-31860-409310	WO 16-05 Central Ave - Shiloh to 32nd St W
06/13/2016	794777	DOWL	\$ 290.00	2050-31310-409310	WO 15-03 2015 Street Maintenance
06/13/2016	794777	DOWL	\$ 6,671.12	1990-15050-409340	WO 16-06 SBURD Sanitary Sewer - Phase II
06/13/2016	794778	Dowl Hkm	\$ 9,392.13	8450-31860-409310	WO 15-06 Poly Drive - 32nd St West to 38th St West;
06/13/2016	794780	E. C. Yegen, Jr.	\$ 5,500.00	0100-51400-407840	Buy back Yegen graves sec14 06072016
06/13/2016	794785	Endress & Hauser Inc	\$ 5,604.46	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM 300702
06/13/2016	794786	Energy Laboratories Inc	\$ 1,200.00	5020-74000-403590	SDWA DBP Monitoring
06/13/2016	794786	Energy Laboratories Inc	\$ 1,320.00	5120-84000-403590	WWTP Permit testing
06/13/2016	794792	Galles Filter Service	\$ 156.06	6010-00000-141000	P-60669-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 211.30	6010-00000-141000	P-60729-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 280.83	5710-00000-141714	BUS MET PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 54.27	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
06/13/2016	794792	Galles Filter Service	\$ 545.95	5410-31230-402320	Filters for Landfill Equipemnt
06/13/2016	794792	Galles Filter Service	\$ 268.37	6010-00000-141000	P-60187-01 PO 300212
06/13/2016	794792	Galles Filter Service	\$ 502.36	5710-00000-141714	BUS MET PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 94.00	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
06/13/2016	794792	Galles Filter Service	\$ 212.58	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300445
06/13/2016	794792	Galles Filter Service	\$ 289.02	6010-00000-141000	P-60118-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 704.96	5410-31230-402320	Filters for Landfill equipment
06/13/2016	794792	Galles Filter Service	\$ 88.31	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
06/13/2016	794792	Galles Filter Service	\$ 407.49	5410-31230-402320	Filters for Landfill equipment
06/13/2016	794792	Galles Filter Service	\$ 465.41	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300562
06/13/2016	794792	Galles Filter Service	\$ 188.56	6010-00000-141000	P-60281-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 204.92	6010-00000-141000	P-60340-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 358.68	6010-00000-141000	P-60437-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 162.85	6010-00000-141000	P-60506-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 22.04	6010-00000-141000	P-60583-01 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 17.51	6010-00000-141000	T-60142 PO NUM 300212
06/13/2016	794792	Galles Filter Service	\$ 716.40	5410-31230-402320	Filter for Landfill equipment
06/13/2016	794792	Galles Filter Service	\$ 25.58	1500-22310-402320	P-60339-01
06/13/2016	794792	Galles Filter Service	\$ 20.16	0100-51120-402320	P-60510-01
06/13/2016	794792	Galles Filter Service	\$ 28.60	6010-15530-402320	T-60042
06/13/2016	794792	Galles Filter Service	\$ 272.78	6010-00000-141000	P-60615-01 PO NUM 300212
06/13/2016	794793	Gillig Corporation	\$ 4,964.08	5710-00000-141714	BUS MET PO NUM 300725
06/13/2016	794793	Gillig Corporation	\$ 329.76	5710-00000-141714	BUS MET PO NUM 300725
06/13/2016	794793	Gillig Corporation	\$ 43.04	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794795	Great West Engineering, Inc	\$ 2,559.00	5410-31230-403590	Landfill Consulting
06/13/2016	794797	Hach Chemical Co	\$ 5,511.19	5130-84910-409480	Automatic composite sampler of the WWTP Influent
06/13/2016	794797	Hach Chemical Co	\$ 307.21	5130-84910-409480	Difference in freight
06/13/2016	794798	Hach Company	\$ 3,236.32	5020-74000-402450	Thomas Pump Station
06/13/2016	794811	Iaff	\$ 4,387.76	9000-00000-209920	Payroll Summary
06/13/2016	794816	InfoSend Inc	\$ 8,405.58	5020-73110-403110	Statements 02 29 2016
06/13/2016	794816	InfoSend Inc	\$ 2,112.14	5020-73110-403111	Statements 02 29 2016
06/13/2016	794816	InfoSend Inc	\$ 5,603.72	5120-83110-403110	Statements 02 29 2016
06/13/2016	794816	InfoSend Inc	\$ 1,408.09	5120-83110-403111	Statements 02 29 2016
06/13/2016	794819	J & J Concrete Inc.	\$ 68,018.60	2050-31310-409310	WO 16-04 2016 ADA Ramp Replacement
06/13/2016	794820	J & M Auto Parts	\$ 4,950.00	5020-74000-402920	2016 Trailer for WTP
06/13/2016	794822	Junkermier, Clark, Campanella, Stevens PC	\$ 10,650.00	0100-15120-403530	Concession Fees & Customer Facility Charges
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 386.26	2110-31320-404520	1 1/2" crushed base
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 476.93	2110-31320-404520	1 1/2" crushed base
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 173.74	2110-31320-404520	1 1/2" crushed base
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 1,017.74	2110-31320-404520	1 1/2" crushed base
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 2,490.63	2110-31320-404710	asphalt
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 1,157.17	2110-31320-404710	asphalt
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 1,673.10	2110-31320-404710	asphalt
06/13/2016	794827	Knife River (JTL Group Inc.)	\$ 6,329.36	2110-31320-404710	asphalt
06/13/2016	794828	Kois Brothers Equipment Co	\$ 82.75	6010-00000-141000	106950 PO NUM 300213
06/13/2016	794828	Kois Brothers Equipment Co	\$ 93.98	6010-00000-141000	106956 PO NUM 300213
06/13/2016	794828	Kois Brothers Equipment Co	\$ 2,239.38	5410-31220-402320	106918
06/13/2016	794828	Kois Brothers Equipment Co	\$ 4,824.00	5410-31220-402320	106919
06/13/2016	794828	Kois Brothers Equipment Co	\$ 56.00	5410-31220-402320	106962
06/13/2016	794834	Labor Ready Northwest, Inc.	\$ 4,221.82	5410-31230-403581	Paper Pickers for the Landfill
06/13/2016	794848	Montana CSED	\$ 3,728.80	9000-00000-209926	Payroll Summary
06/13/2016	794853	Montana State Fireman's Assoc	\$ 3,560.59	9000-00000-209924	Payroll Summary
06/13/2016	794857	MT Waterworks	\$ 6,200.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300699
06/13/2016	794857	MT Waterworks	\$ 378.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300696
06/13/2016	794857	MT Waterworks	\$ 487.44	5020-00000-141000	SYSTEMS PO NUM 300696
06/13/2016	794857	MT Waterworks	\$ 95.60	5020-73120-402380	1/4 Mip Brass Ball Valve
06/13/2016	794857	MT Waterworks	\$ 1,396.10	5020-00000-141000	WASTEWATER PARTS & SUPPLY PO NUM 300690
06/13/2016	794857	MT Waterworks	\$ 1,738.11	5020-00000-141000	SYSTEMS PO NUM 300690
06/13/2016	794857	MT Waterworks	\$ 242.40	5030-75910-409340	2-20 x 6 puc pipe
06/13/2016	794857	MT Waterworks	\$ 1,313.74	5030-75910-409340	14 brass saddles 2 saddles and comp couplings
06/13/2016	794860	NorMont Equipment Company	\$ 1,081.20	2110-31320-402320	poly tube broom for sweepers
06/13/2016	794860	NorMont Equipment Company	\$ 408.00	2110-31320-402630	delineators candles
06/13/2016	794860	NorMont Equipment Company	\$ 2,428.88	2110-31320-402320	gutter brooms and broom wires for the sweepers
06/13/2016	794862	Northwest Pipe Fittings	\$ 194.20	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300550

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794862	Northwest Pipe Fittings	\$ 32.79	2110-31320-402475	nipples/pipe
06/13/2016	794862	Northwest Pipe Fittings	\$ 11.54	2110-31320-402475	brass coupling
06/13/2016	794862	Northwest Pipe Fittings	\$ 1,525.30	5020-73120-402380	UME 10" EDODER PIT
06/13/2016	794862	Northwest Pipe Fittings	\$ 3.84	5120-84000-402450	Engine Gen plug
06/13/2016	794862	Northwest Pipe Fittings	\$ 87.12	5020-75000-402380	Plugs for saddles
06/13/2016	794862	Northwest Pipe Fittings	\$ 342.60	5020-73120-402380	pitsets
06/13/2016	794862	Northwest Pipe Fittings	\$ 30.81	2110-31320-402475	pipe for 27th north island irrigation
06/13/2016	794862	Northwest Pipe Fittings	\$ 12,140.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300635
06/13/2016	794862	Northwest Pipe Fittings	\$ 12,140.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300682
06/13/2016	794862	Northwest Pipe Fittings	\$ 37.45	5120-85000-402360	Sam Snead sewer lift
06/13/2016	794862	Northwest Pipe Fittings	\$ 8.18	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300620
06/13/2016	794862	Northwest Pipe Fittings	\$ 34.10	5020-00000-141000	SYSTEMS PO NUM 300620
06/13/2016	794862	Northwest Pipe Fittings	\$ 132.53	2110-31320-402475	pipe/adapter/reducer for island on 27th
06/13/2016	794862	Northwest Pipe Fittings	\$ 3,011.10	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300565
06/13/2016	794862	Northwest Pipe Fittings	\$ 170.50	5020-00000-141000	SYSTEMS PO NUM 300565
06/13/2016	794862	Northwest Pipe Fittings	\$ 75.60	5020-73120-402380	Magnet Activation Device
06/13/2016	794862	Northwest Pipe Fittings	\$ 150.03	2110-31320-402475	pipe cap for shiloh conservation area
06/13/2016	794862	Northwest Pipe Fittings	\$ 16,340.40	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 300560
06/13/2016	794862	Northwest Pipe Fittings	\$ 324.00	5020-75000-402920	Tapping Bit
06/13/2016	794862	Northwest Pipe Fittings	\$ 913.60	5020-73120-402380	upgrades to ecoder pitset
06/13/2016	794863	NorthWestern Energy	\$ 19,948.18	8100-31830-403410	SILMD 301 Account 1687005-7 04/11/16-05/23/2016
06/13/2016	794864	NorthWestern Energy	\$ 13.07	1500-22210-403410	0712532-1
06/13/2016	794864	NorthWestern Energy	\$ 514.05	0100-51410-403410	0712538-8
06/13/2016	794864	NorthWestern Energy	\$ 212.60	0100-51260-403410	0720841-6
06/13/2016	794864	NorthWestern Energy	\$ 11.09	5020-74000-403410	0722249-0
06/13/2016	794864	NorthWestern Energy	\$ 7.67	0100-51120-403410	0722253-2
06/13/2016	794864	NorthWestern Energy	\$ 217.22	0100-51120-403410	0722256-5
06/13/2016	794864	NorthWestern Energy	\$ 9.76	0100-51120-403410	0722258-1
06/13/2016	794864	NorthWestern Energy	\$ 25.42	0100-51120-403410	0722259-9
06/13/2016	794864	NorthWestern Energy	\$ 4,207.12	5020-74000-403410	0722270-6
06/13/2016	794864	NorthWestern Energy	\$ 9.57	0100-51120-403410	0722272-2
06/13/2016	794864	NorthWestern Energy	\$ 6.39	8720-51980-403410	0722272-2
06/13/2016	794864	NorthWestern Energy	\$ 63.36	0100-51120-403410	0722273-0
06/13/2016	794864	NorthWestern Energy	\$ 13.19	0100-51120-403410	0722274-8
06/13/2016	794864	NorthWestern Energy	\$ 108.89	0100-51120-403410	0722275-5
06/13/2016	794864	NorthWestern Energy	\$ 38.82	0100-51120-403410	0722277-1
06/13/2016	794864	NorthWestern Energy	\$ 31.85	0100-51120-403410	0722278-9
06/13/2016	794864	NorthWestern Energy	\$ 16.67	0100-51120-403410	0722279-7
06/13/2016	794864	NorthWestern Energy	\$ 7.67	0100-51120-403410	0722280-5
06/13/2016	794864	NorthWestern Energy	\$ 7.67	0100-51120-403410	0722281-3

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794864	NorthWestern Energy	\$ 7.67	0100-51120-403410	0722283-9
06/13/2016	794864	NorthWestern Energy	\$ 7.67	0100-51120-403410	0722284-7
06/13/2016	794864	NorthWestern Energy	\$ 16.67	0100-51120-403410	0722808-3
06/13/2016	794864	NorthWestern Energy	\$ 10.43	0100-51120-403410	0722852-1
06/13/2016	794864	NorthWestern Energy	\$ 9.76	0100-51120-403410	0722862-0
06/13/2016	794864	NorthWestern Energy	\$ 97.72	0100-51120-403410	0722901-6
06/13/2016	794864	NorthWestern Energy	\$ 8.86	0100-51120-403410	0722976-8
06/13/2016	794864	NorthWestern Energy	\$ 101.70	0100-51120-403410	0722995-8
06/13/2016	794864	NorthWestern Energy	\$ 81.91	0100-51120-403410	0723005-5
06/13/2016	794864	NorthWestern Energy	\$ 7.67	0100-51120-403410	0723025-3
06/13/2016	794864	NorthWestern Energy	\$ 55.05	0100-51120-403410	0723039-4
06/13/2016	794864	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723046-9
06/13/2016	794864	NorthWestern Energy	\$ 23.42	0100-51120-403410	0723049-3
06/13/2016	794864	NorthWestern Energy	\$ 12.34	0100-51120-403410	0723053-5
06/13/2016	794864	NorthWestern Energy	\$ 19.29	0100-51120-403410	0723064-2
06/13/2016	794864	NorthWestern Energy	\$ 19.29	0100-51120-403410	0723065-9
06/13/2016	794864	NorthWestern Energy	\$ 104.49	5120-85000-403410	0723383-6
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723384-4
06/13/2016	794864	NorthWestern Energy	\$ 9.39	8720-51980-403410	0723385-1
06/13/2016	794864	NorthWestern Energy	\$ 9.39	8720-51980-403410	0723386-9
06/13/2016	794864	NorthWestern Energy	\$ 9.39	8720-51980-403410	0723387-7
06/13/2016	794864	NorthWestern Energy	\$ 9.39	8720-51980-403410	0723388-5
06/13/2016	794864	NorthWestern Energy	\$ 5.25	0100-51120-403410	0723391-9
06/13/2016	794864	NorthWestern Energy	\$ 3.50	8720-51980-403410	0723391-9
06/13/2016	794864	NorthWestern Energy	\$ 9.39	8720-51980-403410	0723392-7
06/13/2016	794864	NorthWestern Energy	\$ 8.40	8720-51980-403410	0723393-5
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723394-3
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723395-0
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723396-8
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723397-6
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723398-4
06/13/2016	794864	NorthWestern Energy	\$ 7.67	8720-51980-403410	0723835-5
06/13/2016	794864	NorthWestern Energy	\$ 9.76	8720-51980-403410	0723836-3
06/13/2016	794864	NorthWestern Energy	\$ 7.55	8720-51980-403410	0723840-5
06/13/2016	794864	NorthWestern Energy	\$ 504.42	5120-85000-403410	0723878-5
06/13/2016	794864	NorthWestern Energy	\$ 8.03	8720-51980-403410	0723883-5
06/13/2016	794864	NorthWestern Energy	\$ 140.48	0100-51120-403410	0723884-3
06/13/2016	794864	NorthWestern Energy	\$ 8.28	8720-51980-403410	0723885-0
06/13/2016	794864	NorthWestern Energy	\$ 19.29	0100-51120-403410	0723887-6
06/13/2016	794864	NorthWestern Energy	\$ 130.42	0100-51120-403410	0793134-8

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794864	NorthWestern Energy	\$ 55.83	8720-51980-403410	0971824-8
06/13/2016	794864	NorthWestern Energy	\$ 17.39	0100-51120-403410	0978917-3
06/13/2016	794864	NorthWestern Energy	\$ 52.92	0100-51290-403410	0999807-1
06/13/2016	794864	NorthWestern Energy	\$ 0.45	8720-51980-403410	1045813-1
06/13/2016	794864	NorthWestern Energy	\$ 26.15	2110-31320-403410	1045820-6
06/13/2016	794864	NorthWestern Energy	\$ 255.32	0100-51120-403410	1141284-8
06/13/2016	794864	NorthWestern Energy	\$ 29.76	0100-51120-403410	1156527-2
06/13/2016	794864	NorthWestern Energy	\$ 729.95	0100-51120-403410	1160780-1
06/13/2016	794864	NorthWestern Energy	\$ 1,577.05	1500-21710-403410	1183483-5
06/13/2016	794864	NorthWestern Energy	\$ 7.55	0100-51120-403410	1242222-6
06/13/2016	794864	NorthWestern Energy	\$ 55.61	8720-51980-403410	1312707-1
06/13/2016	794864	NorthWestern Energy	\$ 54.95	8720-51980-403410	1396192-5
06/13/2016	794864	NorthWestern Energy	\$ 56.50	0100-51120-403410	1409394-2
06/13/2016	794864	NorthWestern Energy	\$ 22.68	8720-51980-403410	1513802-7
06/13/2016	794864	NorthWestern Energy	\$ 14.52	8720-51980-403410	1513804-3
06/13/2016	794864	NorthWestern Energy	\$ 8.40	8720-51980-403410	1564209-3
06/13/2016	794864	NorthWestern Energy	\$ 46.80	2090-44510-403963	1569631-3
06/13/2016	794864	NorthWestern Energy	\$ 67.74	0100-51120-403410	1692666-9
06/13/2016	794864	NorthWestern Energy	\$ 11.27	5120-85000-403410	1704025-4
06/13/2016	794864	NorthWestern Energy	\$ 27.59	5120-85000-403410	1704030-4
06/13/2016	794864	NorthWestern Energy	\$ 11.64	2110-31320-403410	1738989-1
06/13/2016	794864	NorthWestern Energy	\$ 54.95	2110-31320-403410	1797828-9
06/13/2016	794864	NorthWestern Energy	\$ 8.86	0100-51120-403410	1902257-3
06/13/2016	794864	NorthWestern Energy	\$ 56.27	8720-51980-403410	2041362-1
06/13/2016	794864	NorthWestern Energy	\$ 8.86	2110-31320-403410	2047007-6
06/13/2016	794864	NorthWestern Energy	\$ 8.86	2110-31320-403410	2047010-0
06/13/2016	794864	NorthWestern Energy	\$ 8.62	2110-31320-403410	2047013-4
06/13/2016	794864	NorthWestern Energy	\$ 8.99	2110-31320-403410	2047017-5
06/13/2016	794864	NorthWestern Energy	\$ 8.86	2110-31320-403410	2047018-3
06/13/2016	794864	NorthWestern Energy	\$ 8.62	2110-31320-403410	2047019-1
06/13/2016	794864	NorthWestern Energy	\$ 8.87	0100-51120-403958	3178260-0
06/13/2016	794864	NorthWestern Energy	\$ 104.82	5020-74000-403410	401 Rimrock RD
06/13/2016	794864	NorthWestern Energy	\$ 1,338.39	5120-85000-403410	2750 BITTERROOT DR LIFT
06/13/2016	794864	NorthWestern Energy	\$ 2,382.29	5610-71130-403410	0719543-1. Parking Lot Lights. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 3,194.84	5710-71430-403410	Electricity at Metroplex for 4/26/16 to 5/26/16.
06/13/2016	794864	NorthWestern Energy	\$ 1,331.10	5020-74000-403410	903 Ave C
06/13/2016	794864	NorthWestern Energy	\$ 89.32	5020-77000-403410	Electricity EA
06/13/2016	794864	NorthWestern Energy	\$ 89.32	5120-87000-403410	Electricity EA
06/13/2016	794864	NorthWestern Energy	\$ 111.55	5610-71130-403410	0712533-9. Airport Entrance. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 237.46	5610-71130-403410	0712535-4. Employee Parking. May 2016

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06/13/2016	794864	NorthWestern Energy	\$ 20.63	5610-71130-403410	0712791-3. Gate 16. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 22.45	5610-71130-403410	0712795-4. Gate 17. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 16.44	5610-71130-403410	0712797-0. Gate 9. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 12.48	5610-71130-403410	0712813-5. Burn Pit. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 7.55	5610-71170-403410	0712805-1. IP-10. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 19.32	5610-71130-403410	0719759-3. Gate 12. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 21.47	5610-71130-403410	0719760-1. Gate 14. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 14.04	5610-71130-403410	0719761-9. Gate 15. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 20.52	5610-71130-403410	0719762-7. Gate 13. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 17.63	5610-71130-403410	0720296--3. Gate 29. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 23.98	5610-71130-403410	2114868-9. Runway Weather System. May 2016
06/13/2016	794864	NorthWestern Energy	\$ 286.45	5710-71430-403410	0719225-5
06/13/2016	794864	NorthWestern Energy	\$ 297.88	1500-22210-403410	0720817-6
06/13/2016	794864	NorthWestern Energy	\$ 140.80	8720-51980-403410	0723879-3
06/13/2016	794864	NorthWestern Energy	\$ 53.03	0100-51120-403410	0813489-2
06/13/2016	794864	NorthWestern Energy	\$ 8.63	8720-51980-403410	0881455-0
06/13/2016	794864	NorthWestern Energy	\$ 0.22	8720-51980-403410	1029192-0
06/13/2016	794864	NorthWestern Energy	\$ 11.98	5020-74000-403410	1160807-2
06/13/2016	794864	NorthWestern Energy	\$ 32.37	5020-74000-403410	1346673-5
06/13/2016	794864	NorthWestern Energy	\$ 54.95	8720-51980-403410	1513796-1
06/13/2016	794864	NorthWestern Energy	\$ 63.99	8720-51980-403410	1513800-1
06/13/2016	794864	NorthWestern Energy	\$ 8.63	8720-51980-403410	1514388-6
06/13/2016	794864	NorthWestern Energy	\$ 7.55	0100-51120-403410	1588262-4
06/13/2016	794864	NorthWestern Energy	\$ 16.12	0100-51120-403410	1849408-8
06/13/2016	794864	NorthWestern Energy	\$ 7.55	5020-74000-403410	1867265-9
06/13/2016	794864	NorthWestern Energy	\$ 55.62	0100-51120-403410	1904944-4
06/13/2016	794864	NorthWestern Energy	\$ 13.68	0100-51120-403410	1941243-6
06/13/2016	794864	NorthWestern Energy	\$ 1.07	8720-51980-403410	1948667-9
06/13/2016	794864	NorthWestern Energy	\$ 6.20	8720-51980-403410	2055817-7
06/13/2016	794869	Peterson Office Furniture	\$ 2,884.02	1500-21200-402610	4 office chairs.
06/13/2016	794869	Peterson Office Furniture	\$ 420.32	2910-65010-402190	Invoice for Peterson Quality Office
06/13/2016	794871	Public Utilities	\$ 46.67	2910-66980-407275	FORECLOSURE: 3921 Chamberlain Acct #236995
06/13/2016	794871	Public Utilities	\$ 259.05	8720-51980-403420	136093
06/13/2016	794871	Public Utilities	\$ 9.64	8720-51980-403420	136096
06/13/2016	794871	Public Utilities	\$ 5.71	8720-51980-403420	136098
06/13/2016	794871	Public Utilities	\$ 40.29	8720-51980-403420	136099
06/13/2016	794871	Public Utilities	\$ 39.40	8720-51980-403420	136100
06/13/2016	794871	Public Utilities	\$ 409.19	8720-51980-403420	136101
06/13/2016	794871	Public Utilities	\$ 10,897.14	5610-71100-403420	136516
06/13/2016	794871	Public Utilities	\$ 843.14	8720-51980-403420	148398

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794871	Public Utilities	\$ 966.30	8720-51980-403420	148654
06/13/2016	794871	Public Utilities	\$ 6.33	8720-51980-403420	158252
06/13/2016	794871	Public Utilities	\$ 311.68	6500-15660-403420	158260
06/13/2016	794871	Public Utilities	\$ 9.02	8720-51980-403420	163944
06/13/2016	794871	Public Utilities	\$ 569.44	8720-51980-403420	168362
06/13/2016	794871	Public Utilities	\$ 161.77	8720-51980-403420	177710
06/13/2016	794871	Public Utilities	\$ 9.67	5120-85000-403420	180645
06/13/2016	794873	Public Works-Administration	\$ 5,469.10	5050-75150-403671	PWU May Engineering Permits - WSRP
06/13/2016	794873	Public Works-Administration	\$ 1,110.00	5020-75000-403680	PWU May Engineering Permits - Watermain Repair
06/13/2016	794873	Public Works-Administration	\$ 370.00	5030-75910-409340	PWU May Engineering Permits - Pipebursting Water
06/13/2016	794877	Rimrock Foundation	\$ 3,486.02	2460-12530-403590	May 16 Rimrock
06/13/2016	794877	Rimrock Foundation	\$ 3,746.02	7380-12640-403590	May IOP
06/13/2016	794877	Rimrock Foundation	\$ 2,553.36	7380-12660-403990	May Case Manager
06/13/2016	794877	Rimrock Foundation	\$ 3,666.64	2480-12620-403560	May Day Treatment
06/13/2016	794877	Rimrock Foundation	\$ 3,189.65	7380-12640-403590	May IOP
06/13/2016	794877	Rimrock Foundation	\$ 462.68	7380-12660-403590	May IOP
06/13/2016	794877	Rimrock Foundation	\$ 1,189.66	7380-12660-403990	May Coordinator
06/13/2016	794882	Saint Vincent Occupational Health	\$ 3,940.00	0100-17500-403572	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 800.00	1500-21110-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 40.00	1500-22250-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 45.00	5020-74000-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 220.80	5020-75000-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 147.20	5120-85000-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 335.00	5410-31230-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 140.00	5610-71150-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 190.00	5710-71420-403510	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794882	Saint Vincent Occupational Health	\$ 720.00	6270-17520-405160	Drug Testing, On-site nursing, DOT Physicals, Hep B
06/13/2016	794899	Springline Construction INC	\$ 4,950.00	8400-31840-403660	Storm Drain Piping Gray Hawk Court
06/13/2016	794902	Studio Sky	\$ 1,622.00	6600-31100-402925	Conference room TV with wireless video
06/13/2016	794902	Studio Sky	\$ 1,622.00	6700-31410-402925	Conference room TV with wireless video
06/13/2016	794903	Sunset Excavation	\$ 4,300.00	5050-75150-403671	Emergency Repair leaking @ 378 Westchester Sq S
06/13/2016	794910	Tire-Rama	\$ 3,797.00	5410-31220-402390	recapped tires for the garbage trucks
06/13/2016	794910	Tire-Rama	\$ 15.00	2110-31320-402320	1050268557
06/13/2016	794910	Tire-Rama	\$ 25.00	2110-31320-402320	1050268538
06/13/2016	794910	Tire-Rama	\$ 3,396.00	5410-31220-402390	Recapped tires for the garbage trucks
06/13/2016	794910	Tire-Rama	\$ 1,484.75	5410-31220-402390	Recapped tires for the garbage trucks
06/13/2016	794910	Tire-Rama	\$ 690.00	5410-31220-402390	Tire repairs for the garbage trucks
06/13/2016	794910	Tire-Rama	\$ 340.00	5410-31220-402390	Tire repairs for garbage trucks

Check Date	Check	Name	Amount	Account	Item Desc
06/13/2016	794910	Tire-Rama	\$ 1,851.50	5410-31220-402390	Recapped tires for the garbage trucks
06/13/2016	794913	Town & Country Supply Association	\$ 11,989.82	6010-00000-141000	221205 PO NUM 300749
06/13/2016	794913	Town & Country Supply Association	\$ 5,365.15	6010-00000-141000	217901 PO NUM 300750
06/13/2016	794913	Town & Country Supply Association	\$ 9,205.53	5710-00000-141000	BUS MET PO NUM 300743
06/13/2016	794924	Vermont Systems Inc	\$ 3,538.74	0100-51210-403665	Rec Trac maintenance.
06/13/2016	794934	Yellowstone Valley Animal Shelter	\$ 22,855.58	1500-21700-403990	contract 4-22-16\5-21-16
06/14/2016	794936	Old Town Works	\$ 45,000.00	2030-15130-407968	TIF grant for Price Motors Building restoration

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Payment of Claims June 20,2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$3,411,192.00 have been audited and are presented for City Council payment approval. A complete listing of the claims dated June 20, 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_6.20.2016

Check Date	Check	Name	Amount	Account	Item Desc
06/20/2016	794939	Ace Electric Inc	\$ 4,250.00	4240-51110-409370	Wire temp concessions stand.
06/20/2016	794945	Alta Planning & Design Inc	\$ 7,772.08	2400-43010-407214	Billings MT Bikeway and Trail Master Plan Update
06/20/2016	794969	Business Tax Section	\$ 1,599.23	4050-71250-409687	AIP 51 Taxilane East Construction Project - Federal Share
06/20/2016	794969	Business Tax Section	\$ 177.69	4050-71250-409689	AIP 51 Taxilane East Construction Project - Local Share
06/20/2016	794969	Business Tax Section	\$ 494.00	1990-15050-409310	WO 15-07 Orchard Lane Reconstruction
06/20/2016	794969	Business Tax Section	\$ 10.00	5130-85910-409340	WO 15-07 Orchard Lane Reconstruction
06/20/2016	794969	Business Tax Section	\$ 1,085.09	5130-85910-409340	WO 16-01 Schedule 4 - Southside Sanitary Sewer
06/20/2016	794969	Business Tax Section	\$ 3,035.66	8450-31860-409310	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
06/20/2016	794969	Business Tax Section	\$ 1,620.00	8400-31840-409310	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
06/20/2016	794969	Business Tax Section	\$ 489.75	5030-75910-409340	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
06/20/2016	794971	Buxton Company	\$ 17,500.00	2600-55110-403590	Market Segmentation Analysis
06/20/2016	794976	Cmg Construction, Inc.	\$ 48,906.00	1990-15050-409310	WO 15-7 Orchard Lane Reconstruction
06/20/2016	794976	Cmg Construction, Inc.	\$ 990.00	5130-85910-409340	WO 15-7 Orchard Lane Reconstruction
06/20/2016	794978	ControlSoft Inc	\$ 3,700.00	5020-74000-403553	Control system PID loop tuning software
06/20/2016	794981	CTA Inc	\$ 20,031.83	4050-71250-409687	AIP-51 Concourse B Remodel - Design Federal Share
06/20/2016	794981	CTA Inc	\$ 2,225.76	4050-71250-409689	AIP-51 Concourse B Remodel - Design Local Share
06/20/2016	794981	CTA Inc	\$ 900.00	0100-14110-403546	City of Billings Facilities Master Plan
06/20/2016	794986	Dell Marketing Lp	\$ 1,647.02	5020-74000-402925	TRP replacement - Bough
06/20/2016	794986	Dell Marketing Lp	\$ 2,631.43	5120-84000-402925	TRP Replacement - Zumbrun
06/20/2016	794986	Dell Marketing Lp	\$ 1,647.02	5120-84000-402925	TRP Replacement - Zumbrun
06/20/2016	794986	Dell Marketing Lp	\$ 1,315.72	5020-74000-402925	Laptop computer - Engels
06/20/2016	794986	Dell Marketing Lp	\$ 1,315.71	5120-84000-402925	Laptop computer - Engels
06/20/2016	794986	Dell Marketing Lp	\$ 2,631.43	5020-74000-402925	TRP replacement - Bough laptop
06/20/2016	794986	Dell Marketing Lp	\$ 14.99	5020-74000-402360	Terminal stand
06/20/2016	794986	Dell Marketing Lp	\$ 768.21	5020-74000-402925	HIM Terminal computer
06/20/2016	794986	Dell Marketing Lp	\$ 768.21	5020-74000-402925	HMI terminal computers
06/20/2016	794991	DXP Enterprises, Inc.	\$ 4,965.95	5020-74000-402920	Space entry equipment
06/20/2016	795002	Firemaster Mountain Region	\$ 2,840.85	6500-15660-403660	Inv. 333216 Annual Maintenance
06/20/2016	795003	First Interstate Bank	\$ 98,497.00	2010-15070-407968	Development Agreement 6/16
06/20/2016	795004	Fischer Commercial Flooring	\$ 3,745.00	6500-15670-403660	Inv. 859
06/20/2016	795010	Galls Inc	\$ 83.68	1500-21120-402260	Invoice 3974963, Item #TR152 NAV 32 OB, Men's 55/45
06/20/2016	795010	Galls Inc	\$ 154.42	1500-21120-402260	Invoice 4004827, Item TR667 MDNV 8 OB, Womens Twill PDU
06/20/2016	795010	Galls Inc	\$ 126.95	1500-21120-402260	Invoice 3988369, Item #NP490 BLK, Galls Molded Nylon
06/20/2016	795010	Galls Inc	\$ 184.51	1500-21120-402260	Invoice 5184122, Officer clothing
06/20/2016	795010	Galls Inc	\$ 68.99	1500-21120-402260	Invoice 4416099, Officer equipment
06/20/2016	795010	Galls Inc	\$ 292.33	1500-21120-402260	Invoice 4798437, Officer equipment
06/20/2016	795010	Galls Inc	\$ 824.89	1500-21120-402260	Invoice 4687355, Item LP55 RH G17, Blackhawk LE Duty 3
06/20/2016	795010	Galls Inc	\$ 131.45	1500-21120-402260	Invoice 4632854, Officer jackets
06/20/2016	795010	Galls Inc	\$ 68.99	1500-21120-402260	Invoice 4472145, Officer equipment
06/20/2016	795010	Galls Inc	\$ 326.99	1500-21120-402260	Invoice 4240642, Item #ZH303 NAV 42 REG, Men's Single

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06/20/2016	795010	Galls Inc	\$ 99.27	1500-21120-402260	Invoice 4076668, Item #SH706 GLD XL, 5.11 Covert Shirt
06/20/2016	795010	Galls Inc	\$ 478.23	1500-21120-402260	Invoice 5116402, Officer clothing
06/20/2016	795010	Galls Inc	\$ 45.37	1500-21120-402261	Item TR506 TUN 34 32, 511 Tac Lite Pants
06/20/2016	795010	Galls Inc	\$ 94.96	1500-21120-402261	Invoice 4675969, Item #FT467 DCOY 13R, Pursuit Lace Up
06/20/2016	795010	Galls Inc	\$ 252.30	1500-21120-402261	Invoice 4005713, Officer clothing
06/20/2016	795010	Galls Inc	\$ 355.74	1500-21120-402261	Invoice 4027454, Officer equipment
06/20/2016	795010	Galls Inc	\$ 412.45	1500-21120-402260	Invoice 4632853, Item LP568 BRH G17, Level 3 Serpa Auto
06/20/2016	795010	Galls Inc	\$ 1,949.97	1500-21120-402260	Invoice 4626766, Officer clothing and equipment
06/20/2016	795010	Galls Inc	\$ 412.45	1500-21120-402260	Invoice 4585203, Itme #LP568 BRH G17, Level 3 Serpa Auto
06/20/2016	795016	Great West Engineering, Inc	\$ 14,471.50	5130-85910-409340	WO 16-01 2016 Water/Sewer Replc; Sch 4 South Side
06/20/2016	795016	Great West Engineering, Inc	\$ 4,148.41	5440-31230-409390	WO 12-29 Solid Waste Management Amend#2
06/20/2016	795017	Guardian Security Inc	\$ 8,457.63	2600-55120-403574	Invoice 59
06/20/2016	795018	Hach Company	\$ 3,236.32	5020-74000-402920	Chlorine process analyzer
06/20/2016	795021	HDR, Inc.	\$ 403,652.80	5130-84910-409390	WO 14-11 WWTP Nutrient Upgrade Expansion &
06/20/2016	795021	HDR, Inc.	\$ 519.71	8400-31840-403590	MS4 General Permit; Canceled Remaining Qty (\$12.27)
06/20/2016	795021	HDR, Inc.	\$ 73,685.80	8450-31860-409310	WO 09-15 Grand Avenue Zimmerman Trail to Shiloh Rd; CO#2
06/20/2016	795024	InfoSend Inc	\$ 8,450.63	5020-73110-403110	Monthly billing statements and postage
06/20/2016	795024	InfoSend Inc	\$ 2,194.32	5020-73110-403111	Monthly billing statements and postage
06/20/2016	795024	InfoSend Inc	\$ 5,633.76	5120-83110-403110	Monthly billing statements and postage
06/20/2016	795024	InfoSend Inc	\$ 1,462.88	5120-83110-403111	Monthly billing statements and postage
06/20/2016	795025	Ingram Library Services Inc.	\$ 114.99	2600-55190-403227	93048475
06/20/2016	795025	Ingram Library Services Inc.	\$ 10.20	2600-55190-403227	93048476
06/20/2016	795025	Ingram Library Services Inc.	\$ 11.03	2600-55190-403255	93048477
06/20/2016	795025	Ingram Library Services Inc.	\$ 24.10	2600-55190-403227	93048478
06/20/2016	795025	Ingram Library Services Inc.	\$ 25.68	2600-55190-403226	93048479
06/20/2016	795025	Ingram Library Services Inc.	\$ 10.02	2600-55190-403241	93048479
06/20/2016	795025	Ingram Library Services Inc.	\$ 39.77	2600-55190-403255	93048479
06/20/2016	795025	Ingram Library Services Inc.	\$ 29.71	2600-55190-403382	93048479
06/20/2016	795025	Ingram Library Services Inc.	\$ 95.70	2600-55190-407930	93048480
06/20/2016	795025	Ingram Library Services Inc.	\$ 6.59	2600-55140-402280	93048481
06/20/2016	795025	Ingram Library Services Inc.	\$ 55.47	2600-55190-403227	93122942
06/20/2016	795025	Ingram Library Services Inc.	\$ 17.69	2600-55190-403226	93122943
06/20/2016	795025	Ingram Library Services Inc.	\$ 15.34	2600-55190-403226	93122944
06/20/2016	795025	Ingram Library Services Inc.	\$ 37.99	2600-55190-403241	93122944
06/20/2016	795025	Ingram Library Services Inc.	\$ 47.35	2600-55190-403227	93122945
06/20/2016	795025	Ingram Library Services Inc.	\$ 86.80	2600-55190-403226	93122946
06/20/2016	795025	Ingram Library Services Inc.	\$ 37.99	2600-55190-403382	93122946
06/20/2016	795025	Ingram Library Services Inc.	\$ 81.40	2600-55190-403226	93122947
06/20/2016	795025	Ingram Library Services Inc.	\$ 15.31	2600-55190-407930	93122947
06/20/2016	795025	Ingram Library Services Inc.	\$ 11.20	2600-55190-403255	93122948

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06/20/2016	795025	Ingram Library Services Inc.	\$ 32.99	2600-55190-403382	93122948
06/20/2016	795025	Ingram Library Services Inc.	\$ 329.44	2600-55190-403226	93122949
06/20/2016	795025	Ingram Library Services Inc.	\$ 239.08	2600-55190-403227	93122949
06/20/2016	795025	Ingram Library Services Inc.	\$ 183.38	2600-55190-403241	93122949
06/20/2016	795025	Ingram Library Services Inc.	\$ 23.36	2600-55190-403227	93122950
06/20/2016	795025	Ingram Library Services Inc.	\$ 102.11	2600-55200-403360	93122951
06/20/2016	795025	Ingram Library Services Inc.	\$ 25.86	2600-55190-403241	93142292
06/20/2016	795025	Ingram Library Services Inc.	\$ 16.52	2600-55190-403227	93182999
06/20/2016	795025	Ingram Library Services Inc.	\$ 15.92	2600-55190-403227	93183000
06/20/2016	795025	Ingram Library Services Inc.	\$ 4.79	2600-55190-403241	93183001
06/20/2016	795025	Ingram Library Services Inc.	\$ 26.99	2600-55190-403227	93183002
06/20/2016	795025	Ingram Library Services Inc.	\$ 24.75	2600-55190-403222	93183003
06/20/2016	795025	Ingram Library Services Inc.	\$ 142.76	2600-55190-403226	93183003
06/20/2016	795025	Ingram Library Services Inc.	\$ 132.26	2600-55190-403226	93183004
06/20/2016	795025	Ingram Library Services Inc.	\$ 10.19	2600-55190-403227	93183005
06/20/2016	795025	Ingram Library Services Inc.	\$ 31.32	2600-55150-402280	93183006
06/20/2016	795025	Ingram Library Services Inc.	\$ 10.19	2600-55190-403227	93218171
06/20/2016	795025	Ingram Library Services Inc.	\$ 15.32	2600-55190-403333	93218171
06/20/2016	795025	Ingram Library Services Inc.	\$ 38.28	2600-55190-403227	93218172
06/20/2016	795025	Ingram Library Services Inc.	\$ 24.91	2600-55190-403226	93218173
06/20/2016	795025	Ingram Library Services Inc.	\$ 31.86	2600-55190-403227	93218173
06/20/2016	795025	Ingram Library Services Inc.	\$ 90.75	2600-55190-403222	93218174
06/20/2016	795025	Ingram Library Services Inc.	\$ 153.41	2600-55190-403226	93218174
06/20/2016	795025	Ingram Library Services Inc.	\$ 308.85	2600-55190-403227	93218174
06/20/2016	795025	Ingram Library Services Inc.	\$ 196.05	2600-55190-403255	93218174
06/20/2016	795025	Ingram Library Services Inc.	\$ 10.02	2600-55190-403333	93218175
06/20/2016	795025	Ingram Library Services Inc.	\$ 15.33	2600-55190-403226	93218176
06/20/2016	795025	Ingram Library Services Inc.	\$ 115.23	2600-55190-403227	93232088
06/20/2016	795025	Ingram Library Services Inc.	\$ 356.53	2600-55190-403333	93232088
06/20/2016	795025	Ingram Library Services Inc.	\$ 171.94	2600-55190-403226	93232089
06/20/2016	795025	Ingram Library Services Inc.	\$ 83.51	2600-55190-403227	93232089
06/20/2016	795025	Ingram Library Services Inc.	\$ 16.79	2600-55190-403382	93232089
06/20/2016	795025	Ingram Library Services Inc.	\$ 29.39	2600-55190-403222	93232090
06/20/2016	795025	Ingram Library Services Inc.	\$ 47.06	2600-55190-403226	93232090
06/20/2016	795025	Ingram Library Services Inc.	\$ 57.92	2600-55190-403227	93232090
06/20/2016	795025	Ingram Library Services Inc.	\$ 19.18	2600-55190-403241	93232090
06/20/2016	795025	Ingram Library Services Inc.	\$ 10.20	2600-55190-403227	93232091
06/20/2016	795025	Ingram Library Services Inc.	\$ 16.51	2600-55190-403227	93232092
06/20/2016	795025	Ingram Library Services Inc.	\$ 2.39	2600-55150-402280	93232093
06/20/2016	795025	Ingram Library Services Inc.	\$ 8.99	2600-55190-403227	93234242

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06/20/2016	795026	Integra Telecom Holding Inc	\$ 39.49	5610-71130-403450	Airport 2948370 Airport Alarm
06/20/2016	795026	Integra Telecom Holding Inc	\$ 4,102.96	6060-19310-403450	Main Bill New Account # 330046 Old Acct 00001906
06/20/2016	795026	Integra Telecom Holding Inc	\$ 230.86	6060-19310-403450	Main Bill T-1 New Account #330047 Old Account 00018768
06/20/2016	795026	Integra Telecom Holding Inc	\$ 40.10	1500-21110-403450	CPC line 247-8592 New Account # 330183
06/20/2016	795026	Integra Telecom Holding Inc	\$ 46.00	0100-51120-403450	Dehler Park line 867-7275
06/20/2016	795026	Integra Telecom Holding Inc	\$ 79.95	6200-19110-403452	IT Internet Connection New Account # 330046
06/20/2016	795026	Integra Telecom Holding Inc	\$ 40.10	2910-65010-403450	Community Development Services FAX 406-294-7595
06/20/2016	795026	Integra Telecom Holding Inc	\$ 40.10	2090-44510-403450	Building FAX 406-657-8252 New Account # 330183
06/20/2016	795026	Integra Telecom Holding Inc	\$ 40.10	2400-43010-403450	Planning FAX 406-657-8327 New Account # 330183
06/20/2016	795031	Kadmas Lee & Jackson	\$ 6,621.34	4710-31610-409310	SID 1382 Colton Boulevard; CO#1 03/28/16
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 167.96	2110-31320-404520	1 1/2" crushed base
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 1,493.77	2110-31320-404520	1 1/2" crushed base
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 300,530.11	8450-31860-409310	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 160,380.00	8400-31840-409310	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 48,485.25	5030-75910-409340	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 485.44	2110-31320-404520	1 1/2" crushed base
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 429.31	2110-31320-404520	1 1/2" crushed base
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 731.39	2110-31320-404710	asphalt
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 1,404.08	2110-31320-404520	1 1/2" crushed base
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 2,144.76	2110-31320-404710	asphalt
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 1,924.55	2110-31320-404710	asphalt
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 158,323.57	4050-71250-409687	AIP 51 Taxilane East Construction Project - Federal Share
06/20/2016	795036	Knife River (JTL Group Inc.)	\$ 17,591.51	4050-71250-409689	AIP 51 Taxilane East Construction Project - Local Share
06/20/2016	795041	Laurel Ford	\$ 5,423.03	5710-71470-403690	AUTO &TRUCK MAINT.ITEMS
06/20/2016	795047	Mango Languages	\$ 7,148.61	2600-55190-403381	Invoice L11359
06/20/2016	795052	Miller Trois LLC	\$ 1,837.00	0100-43210-405311	I16-026773
06/20/2016	795052	Miller Trois LLC	\$ 6,029.00	2090-44510-405311	I16-026773
06/20/2016	795052	Miller Trois LLC	\$ 3,997.00	2400-43010-405311	I16-026773
06/20/2016	795052	Miller Trois LLC	\$ 4,734.00	2740-67800-405310	I16-026773
06/20/2016	795053	Missoula Public Library	\$ 1,200.00	2600-55110-407950	Subscription renewal
06/20/2016	795053	Missoula Public Library	\$ 5,673.00	2600-55190-403381	Subscription renewal
06/20/2016	795060	Morrison Maierle Inc	\$ 18,150.73	5130-85910-409340	WO1601 2016 Water/Sewer Replc; Sch 2 Sanitary Sewer
06/20/2016	795066	Musol Limited	\$ 3,515.68	5120-84000-402220	8 Barrel of odor and corrosion Control
06/20/2016	795070	NorthWestern Energy	\$ 19.92	2910-66980-407275	FORECLOSURE - 619 Custer Act. #3224466-7 / 6-2-16
06/20/2016	795070	NorthWestern Energy	\$ 539.62	8100-31830-403410	SILMD 172 ACCT# 0712611-3
06/20/2016	795070	NorthWestern Energy	\$ 1,179.33	8100-31830-403410	SILMD 173 ACCT# 0712612-1
06/20/2016	795070	NorthWestern Energy	\$ 919.81	8100-31830-403410	SILMD 174 ACCT# 0712613-9
06/20/2016	795070	NorthWestern Energy	\$ 330.21	8100-31830-403410	SILMD 175 ACCT# 0712614-7
06/20/2016	795070	NorthWestern Energy	\$ 44.35	8100-31830-403410	SILMD 176 ACCT# 0712615-4
06/20/2016	795070	NorthWestern Energy	\$ 259.45	8100-31830-403410	SILMD 178 ACCT# 0712616-2

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06/20/2016	795070	NorthWestern Energy	\$ 400.97	8100-31830-403410	SILMD 237 ACCT# 0712671-7
06/20/2016	795070	NorthWestern Energy	\$ 578.06	8100-31830-403410	SILMD 231 ACCT# 0712665-9
06/20/2016	795070	NorthWestern Energy	\$ 2,504.92	8100-31830-403410	SILMD 232 ACCT# 0712666-7
06/20/2016	795070	NorthWestern Energy	\$ 839.88	8100-31830-403410	SILMD 233 ACCT# 0712667-5
06/20/2016	795070	NorthWestern Energy	\$ 473.94	8100-31830-403410	SILMD 234 ACCT# 0712668-3
06/20/2016	795070	NorthWestern Energy	\$ 529.73	8100-31830-403410	SILMD 235 ACCT# 0712669-1
06/20/2016	795070	NorthWestern Energy	\$ 168.42	8100-31830-403410	SILMD 236 ACCT# 0712670-9
06/20/2016	795070	NorthWestern Energy	\$ 361.80	8100-31830-403410	SILMD 225 ACCT# 0712659-2
06/20/2016	795070	NorthWestern Energy	\$ 309.64	8100-31830-403410	SILMD 226 ACCT# 0712660-0
06/20/2016	795070	NorthWestern Energy	\$ 626.35	8100-31830-403410	SILMD 227 ACCT# 0712661-8
06/20/2016	795070	NorthWestern Energy	\$ 798.27	8100-31830-403410	SILMD 228 ACCT# 0712662-6
06/20/2016	795070	NorthWestern Energy	\$ 412.91	8100-31830-403410	SILMD 229 ACCT# 0712663-4
06/20/2016	795070	NorthWestern Energy	\$ 963.42	8100-31830-403410	SILMD 230 ACCT# 0712664-2
06/20/2016	795070	NorthWestern Energy	\$ 400.74	8100-31830-403410	SILMD 217 ACCT# 0712653-5
06/20/2016	795070	NorthWestern Energy	\$ 251.04	8100-31830-403410	SILMD 220 ACCT# 0712654-3
06/20/2016	795070	NorthWestern Energy	\$ 8.86	8100-31830-403410	SILMD 221 ACCT# 0712655-0
06/20/2016	795070	NorthWestern Energy	\$ 75.93	8100-31830-403410	SILMD 222 ACCT# 0712656-8
06/20/2016	795070	NorthWestern Energy	\$ 115.12	8100-31830-403410	SILMD 223 ACCT# 0712657-6
06/20/2016	795070	NorthWestern Energy	\$ 1,864.21	8100-31830-403410	SILMD 224 ACCT# 0712658-4
06/20/2016	795070	NorthWestern Energy	\$ 86.34	8100-31830-403410	SILMD 210 ACCT# 0712647-7
06/20/2016	795070	NorthWestern Energy	\$ 47.96	8100-31830-403410	SILMD 211 ACCT# 0712648-5
06/20/2016	795070	NorthWestern Energy	\$ 47.96	8100-31830-403410	SILMD 212 ACCT# 0712649-3
06/20/2016	795070	NorthWestern Energy	\$ 28.78	8100-31830-403410	SILMD 213 ACCT# 0712650-1
06/20/2016	795070	NorthWestern Energy	\$ 476.81	8100-31830-403410	SILMD 214 ACCT# 0712651-9
06/20/2016	795070	NorthWestern Energy	\$ 141.52	8100-31830-403410	SILMD 216 ACCT# 0712652-7
06/20/2016	795070	NorthWestern Energy	\$ 379.87	8100-31830-403410	SILMD 204 ACCT# 0712641-0
06/20/2016	795070	NorthWestern Energy	\$ 35.47	8100-31830-403410	SILMD 205 ACCT# 0712642-8
06/20/2016	795070	NorthWestern Energy	\$ 330.21	8100-31830-403410	SILMD 206 ACCT# 0712643-6
06/20/2016	795070	NorthWestern Energy	\$ 377.38	8100-31830-403410	SILMD 207 ACCT# 0712644-4
06/20/2016	795070	NorthWestern Energy	\$ 253.46	8100-31830-403410	SILMD 208 ACCT# 0712645-1
06/20/2016	795070	NorthWestern Energy	\$ 542.49	8100-31830-403410	SILMD 209 ACCT# 0712646-9
06/20/2016	795070	NorthWestern Energy	\$ 71.96	8100-31830-403410	SILMD 197 ACCT# 0712635-2
06/20/2016	795070	NorthWestern Energy	\$ 117.95	8100-31830-403410	SILMD 198 ACCT# 0712636-0
06/20/2016	795070	NorthWestern Energy	\$ 123.20	8100-31830-403410	SILMD 200 ACCT# 0712637-8
06/20/2016	795070	NorthWestern Energy	\$ 495.32	8100-31830-403410	SILMD 201 ACCT# 0712638-6
06/20/2016	795070	NorthWestern Energy	\$ 592.51	8100-31830-403410	SILMD 202 INV# 0712639-4
06/20/2016	795070	NorthWestern Energy	\$ 19.19	8100-31830-403410	SILMD 203 ACCT# 0712640-2
06/20/2016	795070	NorthWestern Energy	\$ 421.44	8100-31830-403410	SILMD 191 ACCT# 0712629-5
06/20/2016	795070	NorthWestern Energy	\$ 306.63	8100-31830-403410	SILMD 192 ACCT# 0712630-3
06/20/2016	795070	NorthWestern Energy	\$ 754.77	8100-31830-403410	SILMD 193 ACCT# 0712631-1

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06/20/2016	795070	NorthWestern Energy	\$ 269.48	8100-31830-403410	SILMD 194 ACCT# 0712632-9
06/20/2016	795070	NorthWestern Energy	\$ 224.56	8100-31830-403410	SILMD 195 ACCT# 0712633-7
06/20/2016	795070	NorthWestern Energy	\$ 71.96	8100-31830-403410	SILMD 196 ACCT# 0712634-5
06/20/2016	795070	NorthWestern Energy	\$ 141.52	8100-31830-403410	SILMD 185 ACCT# 0712623-8
06/20/2016	795070	NorthWestern Energy	\$ 651.23	8100-31830-403410	SILMD 186 ACCT# 0712624-6
06/20/2016	795070	NorthWestern Energy	\$ 235.86	8100-31830-403410	SILMD 187 ACCT# 0712625-3
06/20/2016	795070	NorthWestern Energy	\$ 283.03	8100-31830-403410	SILMD 188 ACCT# 0712626-1
06/20/2016	795070	NorthWestern Energy	\$ 235.86	8100-31830-403410	SILMD 189 ACCT# 0712627-9
06/20/2016	795070	NorthWestern Energy	\$ 1,226.50	8100-31830-403410	SILMD 190 ACCT# 0712628-7
06/20/2016	795070	NorthWestern Energy	\$ 518.91	8100-31830-403410	SILMD 179 ACCT# 0712617-0
06/20/2016	795070	NorthWestern Energy	\$ 353.81	8100-31830-403410	SILMD 180 ACCT# 0712618-8
06/20/2016	795070	NorthWestern Energy	\$ 1,679.13	8100-31830-403410	SILMD 181 ACCT# 0712619-6
06/20/2016	795070	NorthWestern Energy	\$ 589.67	8100-31830-403410	SILMD 182 ACCT# 0712620-4
06/20/2016	795070	NorthWestern Energy	\$ 1,179.35	8100-31830-403410	SILMD 183 ACCT# 0712621-2
06/20/2016	795070	NorthWestern Energy	\$ 377.38	8100-31830-403410	SILMD 184 ACCT# 0712622-0
06/20/2016	795070	NorthWestern Energy	\$ 11,268.10	2110-31320-403410	Signal Bills
06/20/2016	795070	NorthWestern Energy	\$ 504.83	8100-31830-403410	SILMD 008 ACCT# 0712544-6
06/20/2016	795070	NorthWestern Energy	\$ 515.74	8100-31830-403410	SILMD 009 ACCT# 0712545-3
06/20/2016	795070	NorthWestern Energy	\$ 1,422.68	8100-31830-403410	SILMD 010 ACCT# 0712546-1
06/20/2016	795070	NorthWestern Energy	\$ 4,327.08	8100-31830-403410	SILMD 013 ACCT# 0721276-4
06/20/2016	795070	NorthWestern Energy	\$ 2,138.44	8100-31830-403410	SILMD 014 ACCT# 0721277-2
06/20/2016	795070	NorthWestern Energy	\$ 1,231.74	8100-31830-403410	SILMD 017 ACCT# 0712553-7
06/20/2016	795070	NorthWestern Energy	\$ 92.61	8100-31830-403410	SILMD 018 ACCT# 0712554-5
06/20/2016	795070	NorthWestern Energy	\$ 470.18	8100-31830-403410	SILMD 095 ACCT# 0712556-0
06/20/2016	795070	NorthWestern Energy	\$ 13,469.25	8100-31830-403410	SILMD 097 ACCT# 0712557-8
06/20/2016	795070	NorthWestern Energy	\$ 1,656.66	8100-31830-403410	SILMD 099 ACCT# 0712558-6
06/20/2016	795070	NorthWestern Energy	\$ 2,699.98	8100-31830-403410	SILMD 100 ACCT# 0712559-4
06/20/2016	795070	NorthWestern Energy	\$ 1,734.18	8100-31830-403410	SILMD 107 ACCT# 0712560-2
06/20/2016	795070	NorthWestern Energy	\$ 4,019.94	8100-31830-403410	SILMD 109 ACCT# 0712561-0
06/20/2016	795070	NorthWestern Energy	\$ 190.27	8100-31830-403410	SILMD 113 ACCT# 0712562-8
06/20/2016	795070	NorthWestern Energy	\$ 935.90	8100-31830-403410	SILMD 114 ACCT# 0712563-6
06/20/2016	795070	NorthWestern Energy	\$ 220.23	8100-31830-403410	SILMD 115 ACCT# 0712564-4
06/20/2016	795070	NorthWestern Energy	\$ 578.06	8100-31830-403410	SILMD 116 ACCT# 0712565-1
06/20/2016	795070	NorthWestern Energy	\$ 3,197.93	8100-31830-403410	SILMD 117 ACCT# 0712566-9
06/20/2016	795070	NorthWestern Energy	\$ 234.58	8100-31830-403410	SILMD 118 ACCT# 0712567-7
06/20/2016	795070	NorthWestern Energy	\$ 155.78	8100-31830-403410	SILMD 119 ACCT# 0712568-5
06/20/2016	795070	NorthWestern Energy	\$ 2,477.40	8100-31830-403410	SILMD 121 ACCT# 0712570-1
06/20/2016	795070	NorthWestern Energy	\$ 188.71	8100-31830-403410	SILMD 122 ACCT# 0712571-9
06/20/2016	795070	NorthWestern Energy	\$ 330.31	8100-31830-403410	SILMD 123 ACCT# 0712572-7
06/20/2016	795070	NorthWestern Energy	\$ 963.42	8100-31830-403410	SILMD 124 ACCT# 0712573-5

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06/20/2016	795070	NorthWestern Energy	\$ 385.37	8100-31830-403410	SILMD 125 ACCT# 0712574-3
06/20/2016	795070	NorthWestern Energy	\$ 192.69	8100-31830-403410	SILMD 126 ACCT# 0712575-0
06/20/2016	795070	NorthWestern Energy	\$ 707.62	8100-31830-403410	SILMD 127 ACCT# 0712576-8
06/20/2016	795070	NorthWestern Energy	\$ 495.32	8100-31830-403410	SILMD 128 ACCT# 0712577-6
06/20/2016	795070	NorthWestern Energy	\$ 330.31	8100-31830-403410	SILMD 129 ACCT# 0712578-4
06/20/2016	795070	NorthWestern Energy	\$ 125.91	8100-31830-403410	SILMD 130 ACCT# 0712579-2
06/20/2016	795070	NorthWestern Energy	\$ 853.33	8100-31830-403410	SILMD 131 ACCT# 0712580-0
06/20/2016	795070	NorthWestern Energy	\$ 233.83	8100-31830-403410	SILMD 133 ACCT# 0712581-8
06/20/2016	795070	NorthWestern Energy	\$ 539.59	8100-31830-403410	SILMD 134 ACCT# 0712582-6
06/20/2016	795070	NorthWestern Energy	\$ 518.91	8100-31830-403410	SILMD 135 ACCT# 0712583-4
06/20/2016	795070	NorthWestern Energy	\$ 467.94	8100-31830-403410	SILMD 136 ACCT# 0712584-2
06/20/2016	795070	NorthWestern Energy	\$ 378.86	8100-31830-403410	SILMD 137 ACCT# 0712585-9
06/20/2016	795070	NorthWestern Energy	\$ 743.22	8100-31830-403410	SILMD 138 ACCT# 0712586-7
06/20/2016	795070	NorthWestern Energy	\$ 247.74	8100-31830-403410	SILMD 139 ACCT# 0712587-5
06/20/2016	795070	NorthWestern Energy	\$ 575.75	8100-31830-403410	SILMD 143 ACCT# 0712588-3
06/20/2016	795070	NorthWestern Energy	\$ 27.41	8100-31830-403410	SILMD 144 ACCT# 0712589-1
06/20/2016	795070	NorthWestern Energy	\$ 471.73	8100-31830-403410	SILMD 145 ACCT# 0712590-9
06/20/2016	795070	NorthWestern Energy	\$ 357.85	8100-31830-403410	SILMD 146 ACCT# 0712591-7
06/20/2016	795070	NorthWestern Energy	\$ 468.24	8100-31830-403410	SILMD 147 ACCT# 0712592-5
06/20/2016	795070	NorthWestern Energy	\$ 1,512.56	8100-31830-403410	SILMD 149 ACCT# 0712593-3
06/20/2016	795070	NorthWestern Energy	\$ 754.77	8100-31830-403410	SILMD 150 ACCT# 0712594-1
06/20/2016	795070	NorthWestern Energy	\$ 633.11	8100-31830-403410	SILMD 151 ACCT# 0712595-8
06/20/2016	795070	NorthWestern Energy	\$ 4,104.39	8100-31830-403410	SILMD 152 ACCT# 0712596-6
06/20/2016	795070	NorthWestern Energy	\$ 542.49	8100-31830-403410	SILMD 153 ACCT# 0712597-4
06/20/2016	795070	NorthWestern Energy	\$ 1,226.50	8100-31830-403410	SILMD 154 ACCT# 0712598-2
06/20/2016	795070	NorthWestern Energy	\$ 495.48	8100-31830-403410	SILMD 155 ACCT# 0712599-0
06/20/2016	795070	NorthWestern Energy	\$ 919.89	8100-31830-403410	SILMD 157 ACCT# 0712600-6
06/20/2016	795070	NorthWestern Energy	\$ 798.27	8100-31830-403410	SILMD 158 ACCT# 0712601-4
06/20/2016	795070	NorthWestern Energy	\$ 1,106.89	8100-31830-403410	SILMD 159 ACCT# 0712602-2
06/20/2016	795070	NorthWestern Energy	\$ 715.69	8100-31830-403410	SILMD 160 ACCT# 0712603-0
06/20/2016	795070	NorthWestern Energy	\$ 1,061.39	8100-31830-403410	SILMD 161 ACCT# 0712604-8
06/20/2016	795070	NorthWestern Energy	\$ 62.07	8100-31830-403410	SILMD 162 ACCT# 0712605-5
06/20/2016	795070	NorthWestern Energy	\$ 696.16	8100-31830-403410	SILMD 163 ACCT# 0712606-3
06/20/2016	795070	NorthWestern Energy	\$ 377.38	8100-31830-403410	SILMD 164 ACCT# 0712607-1
06/20/2016	795070	NorthWestern Energy	\$ 880.85	8100-31830-403410	SILMD 165 ACCT# 0712608-9
06/20/2016	795070	NorthWestern Energy	\$ 235.86	8100-31830-403410	SILMD 167 ACCT# 0712609-7
06/20/2016	795070	NorthWestern Energy	\$ 566.08	8100-31830-403410	SILMD 171 ACCT# 0712610-5
06/20/2016	795070	NorthWestern Energy	\$ 15.08	8100-31830-403410	SILMD 238 ACCT# 0712672-5
06/20/2016	795070	NorthWestern Energy	\$ 94.35	8100-31830-403410	SILMD 239 ACCT# 0712673-3
06/20/2016	795070	NorthWestern Energy	\$ 404.22	8100-31830-403410	SILMD 240 ACCT# 0712674-1

Check Date	Check	Name	Amount	Account	Item Desc
06/20/2016	795070	NorthWestern Energy	\$ 623.54	8100-31830-403410	SILMD 241 ACCT# 0712675-8
06/20/2016	795070	NorthWestern Energy	\$ 82.58	8100-31830-403410	SILMD 242 ACCT# 0712676-6
06/20/2016	795070	NorthWestern Energy	\$ 110.11	8100-31830-403410	SILMD 244 ACCT# 0712677-4
06/20/2016	795070	NorthWestern Energy	\$ 87.33	8100-31830-403410	SILMD 245 ACCT# 0712678-2
06/20/2016	795070	NorthWestern Energy	\$ 330.31	8100-31830-403410	SILMD 246 ACCT# 0712679-0
06/20/2016	795070	NorthWestern Energy	\$ 1,175.96	8100-31830-403410	SILMD 247 ACCT# 0712680-8
06/20/2016	795070	NorthWestern Energy	\$ 2,488.88	8100-31830-403410	SILMD 248 ACCT# 0712681-6
06/20/2016	795070	NorthWestern Energy	\$ 2,725.14	8100-31830-403410	SILMD 249 ACCT# 0718734-7
06/20/2016	795070	NorthWestern Energy	\$ 231.29	8100-31830-403410	SILMD 250 ACCT# 0719001-0
06/20/2016	795070	NorthWestern Energy	\$ 3,919.74	8100-31830-403410	SILMD 251 ACCT# 0718801-4
06/20/2016	795070	NorthWestern Energy	\$ 550.53	8100-31830-403410	SILMD 252 ACCT# 0719162-0
06/20/2016	795070	NorthWestern Energy	\$ 1,942.93	8100-31830-403410	SILMD 253 ACCT# 0719644-7
06/20/2016	795070	NorthWestern Energy	\$ 151.89	8100-31830-403410	SILMD 254 ACCT# 0719763-5
06/20/2016	795070	NorthWestern Energy	\$ 149.26	8100-31830-403410	SILMD 255 ACCT# 0720813-5
06/20/2016	795070	NorthWestern Energy	\$ 884.40	8100-31830-403410	SILMD 257 ACCT# 0720360-7
06/20/2016	795070	NorthWestern Energy	\$ 2,608.98	8100-31830-403410	SILMD 258 ACCT# 0720606-3
06/20/2016	795070	NorthWestern Energy	\$ 18.93	8100-31830-403410	SILMD 259 ACCT# 1301786-8
06/20/2016	795070	NorthWestern Energy	\$ 1,330.52	8100-31830-403410	SILMD 259 ACCT# 0720810-1
06/20/2016	795070	NorthWestern Energy	\$ 495.48	8100-31830-403410	SILMD 261 ACCT# 0720705-3
06/20/2016	795070	NorthWestern Energy	\$ 3,131.74	8100-31830-403410	SILMD 262 ACCT# 0720937-2
06/20/2016	795070	NorthWestern Energy	\$ 953.56	8100-31830-403410	SILMD 263 ACCT# 0720716-0
06/20/2016	795070	NorthWestern Energy	\$ 165.68	8100-31830-403410	SILMD 264 ACCT# 0721427-3
06/20/2016	795070	NorthWestern Energy	\$ 346.98	8100-31830-403410	SILMD 265 ACCT# 0721556-9
06/20/2016	795070	NorthWestern Energy	\$ 37.94	8100-31830-403410	SILMD 266 ACCT# 0721684-9
06/20/2016	795070	NorthWestern Energy	\$ 78.60	8100-31830-403410	SILMD 269 ACCT# 0833098-7
06/20/2016	795070	NorthWestern Energy	\$ 441.93	8100-31830-403410	SILMD 270 ACCT# 0906944-4
06/20/2016	795070	NorthWestern Energy	\$ 1,001.48	8100-31830-403410	SILMD 271 ACCT# 0995095-7
06/20/2016	795070	NorthWestern Energy	\$ 2,788.45	8100-31830-403410	SILMD 272 ACCT# 0905005-5
06/20/2016	795070	NorthWestern Energy	\$ 200.31	8100-31830-403410	SILMD 273 ACCT# 0926386-4
06/20/2016	795070	NorthWestern Energy	\$ 67.36	8100-31830-403410	SILMD 274 ACCT# 0907926-0
06/20/2016	795070	NorthWestern Energy	\$ 486.15	8100-31830-403410	SILMD 276 ACCT# 0961926-3
06/20/2016	795070	NorthWestern Energy	\$ 817.93	8100-31830-403410	SILMD 277 ACCT# 1058710-3
06/20/2016	795070	NorthWestern Energy	\$ 213.33	8100-31830-403410	SILMD 278 ACCT# 1087619-1
06/20/2016	795070	NorthWestern Energy	\$ 61.43	8100-31830-403410	SILMD 279 ACCT# 1124127-0
06/20/2016	795070	NorthWestern Energy	\$ 686.87	8100-31830-403410	SILMD 280 ACCT# 1045653-1
06/20/2016	795070	NorthWestern Energy	\$ 67.36	8100-31830-403410	SILMD 281 ACCT# 1079722-3
06/20/2016	795070	NorthWestern Energy	\$ 381.41	8100-31830-403410	SILMD 283 ACCT# 1172743-5
06/20/2016	795070	NorthWestern Energy	\$ 338.86	8100-31830-403410	SILMD 285 ACCT# 1206985-2
06/20/2016	795070	NorthWestern Energy	\$ 235.77	8100-31830-403410	SILMD 286 ACCT# 1296582-8
06/20/2016	795070	NorthWestern Energy	\$ 95.07	8100-31830-403410	SILMD 287 ACCT# 1246537-3

Check Date	Check	Name	Amount	Account	Item Desc
06/20/2016	795070	NorthWestern Energy	\$ 1,769.64	8100-31830-403410	SILMD 288 ACCT# 1303978-9
06/20/2016	795070	NorthWestern Energy	\$ 225.23	8100-31830-403410	SILMD 289 ACCT# 1685375-6
06/20/2016	795070	NorthWestern Energy	\$ 122.43	8100-31830-403410	SILMD 290 ACCT# 1433921-2
06/20/2016	795070	NorthWestern Energy	\$ 605.59	8100-31830-403410	SILMD 292 ACCT# 1481532-8
06/20/2016	795070	NorthWestern Energy	\$ 235.86	8100-31830-403410	SILMD 293 ACCT# 1481534-4
06/20/2016	795070	NorthWestern Energy	\$ 471.73	8100-31830-403410	SILMD 294 ACCT# 1481535-1
06/20/2016	795070	NorthWestern Energy	\$ 110.11	8100-31830-403410	SILMD 295 ACCT# 1481536-9
06/20/2016	795070	NorthWestern Energy	\$ 1,250.10	8100-31830-403410	SILMD 296 ACCT# 1481537-7
06/20/2016	795070	NorthWestern Energy	\$ 212.28	8100-31830-403410	SILMD 297 ACCT# 1481539-3
06/20/2016	795070	NorthWestern Energy	\$ 188.71	8100-31830-403410	SILMD 298 ACCT# 1481540-1
06/20/2016	795070	NorthWestern Energy	\$ 399.91	8100-31830-403410	SILMD 300 ACCT# 1662840-6
06/20/2016	795070	NorthWestern Energy	\$ 1,701.24	8100-31830-403410	SILMD 301 ACCT# 1687005-7
06/20/2016	795070	NorthWestern Energy	\$ 200.61	8100-31830-403410	SILMD 302 ACCT# 1607534-3
06/20/2016	795070	NorthWestern Energy	\$ 788.10	8100-31830-403410	SILMD 305 ACCT# 1695873-8
06/20/2016	795070	NorthWestern Energy	\$ 220.31	8100-31830-403410	SILMD 306 ACCT# 1740353-6
06/20/2016	795070	NorthWestern Energy	\$ 2,354.23	8100-31830-403410	SILMD 307 ACCT# 2049005-8
06/20/2016	795070	NorthWestern Energy	\$ 262.00	8100-31830-403410	SILMD 308 ACCT# 2072459-7
06/20/2016	795070	NorthWestern Energy	\$ 329.15	8100-31830-403410	SILMD 309 ACCT# 2001311-6
06/20/2016	795070	NorthWestern Energy	\$ 306.47	8100-31830-403410	SILMD 310 ACCT# 2060519-2
06/20/2016	795070	NorthWestern Energy	\$ 230.14	8100-31830-403410	SILMD 311 ACCT# 3014475-2
06/20/2016	795070	NorthWestern Energy	\$ 125.24	8100-31830-403410	SILMD 312 ACCT# 3146127-0
06/20/2016	795070	NorthWestern Energy	\$ 1,085.84	8100-31830-403410	SILMD 316 Acct# 3291842-7
06/20/2016	795070	NorthWestern Energy	\$ 65.38	8100-31830-403410	SILMD 317 Acct# 3253826-6
06/20/2016	795070	NorthWestern Energy	\$ 55.45	8100-31830-403410	SILMD 320 Acct# 0712569-3
06/20/2016	795070	NorthWestern Energy	\$ 19.56	2910-66980-407275	FORECLOSURE Program - 3921 Chamberlain 6/2/2016
06/20/2016	795071	NorthWestern Energy	\$ 970.28	5020-74000-403410	Airport Rd/17th West/Hwy 3/Waldo
06/20/2016	795071	NorthWestern Energy	\$ 7.90	2110-31320-403410	0855404-0
06/20/2016	795071	NorthWestern Energy	\$ 59,701.74	5120-84000-403410	725 Hwy 87 East
06/20/2016	795071	NorthWestern Energy	\$ 69.84	0100-51120-403410	Electrical charges for Pioneer tennis courts.
06/20/2016	795071	NorthWestern Energy	\$ 44.60	0100-51270-403410	0712387-0
06/20/2016	795071	NorthWestern Energy	\$ 193.65	0100-51220-403410	0712536-2
06/20/2016	795071	NorthWestern Energy	\$ 19.56	0100-51220-403410	0720818-4
06/20/2016	795071	NorthWestern Energy	\$ 703.29	0100-51260-403410	0720821-8
06/20/2016	795071	NorthWestern Energy	\$ 7,289.55	5020-74000-403410	0722264-9
06/20/2016	795071	NorthWestern Energy	\$ 742.12	0100-51120-403410	0722287-0
06/20/2016	795071	NorthWestern Energy	\$ 6,151.92	5020-74000-403410	0723040-2
06/20/2016	795071	NorthWestern Energy	\$ 792.25	0100-51120-403410	0723045-1
06/20/2016	795071	NorthWestern Energy	\$ 7.55	5020-74000-403410	0723059-2
06/20/2016	795071	NorthWestern Energy	\$ 663.13	1500-22210-403410	0871546-8
06/20/2016	795071	NorthWestern Energy	\$ 380.34	0100-51120-403410	0925496-2

Check Date	Check	Name	Amount	Account	Item Desc
06/20/2016	795071	NorthWestern Energy	\$ 439.22	6500-15660-403410	0975808-7
06/20/2016	795071	NorthWestern Energy	\$ 790.16	5020-74000-403410	1116452-2
06/20/2016	795071	NorthWestern Energy	\$ 188.34	5020-74000-403410	1142253-2
06/20/2016	795071	NorthWestern Energy	\$ 971.05	6500-15660-403410	1160802-3
06/20/2016	795071	NorthWestern Energy	\$ 1,659.71	6500-15660-403410	1160804-9
06/20/2016	795071	NorthWestern Energy	\$ 277.04	0100-51120-403410	1191404-1
06/20/2016	795071	NorthWestern Energy	\$ 2,974.39	6500-15660-403410	1269391-7
06/20/2016	795071	NorthWestern Energy	\$ 0.21	2110-31320-403410	1740357-7
06/20/2016	795071	NorthWestern Energy	\$ 0.55	2110-31320-403410	1748896-6
06/20/2016	795071	NorthWestern Energy	\$ 33.36	0100-51120-403410	1836666-6
06/20/2016	795071	NorthWestern Energy	\$ 852.43	5410-31230-403410	3252194-0
06/20/2016	795071	NorthWestern Energy	\$ 332.56	5120-85000-403410	822 Shiloh Crossing
06/20/2016	795071	NorthWestern Energy	\$ 3,350.08	5020-74000-403410	1699 High Sierra
06/20/2016	795071	NorthWestern Energy	\$ 43.06	5610-71130-403410	1647695-4. De Icer. June 2016
06/20/2016	795071	NorthWestern Energy	\$ 580.06	5020-74000-403410	5809 Canyonwoods Dr
06/20/2016	795071	NorthWestern Energy	\$ 110.00	5120-85000-403410	62nd West at Ironwood
06/20/2016	795071	NorthWestern Energy	\$ 5,995.92	2600-55120-403410	May 2016
06/20/2016	795085	Public Works-Administration	\$ 339.80	5050-75150-403671	PWU April Engineering Permits - WSRP
06/20/2016	795085	Public Works-Administration	\$ 370.00	5020-75000-403680	PWU April Engineering Permits - Watermain Repair
06/20/2016	795085	Public Works-Administration	\$ 1,607.50	5030-75910-409340	PWU April Engineering Permits - Pipebursting
06/20/2016	795085	Public Works-Administration	\$ 370.00	5130-85910-409340	PWU April Engineering Permits - Pipebursting Sewer
06/20/2016	795085	Public Works-Administration	\$ 380.00	5130-85910-409340	PWU April Engineering Permits - Pipebursting Sewer
06/20/2016	795088	Redds Prints & Signs	\$ 3,766.56	5610-71130-403650	Invoice #29591. Rental Car Lot Signs
06/20/2016	795096	Sanderson Stewart	\$ 27,350.50	5030-75910-409340	WO 16-07 I-90 Water System Loop
06/20/2016	795096	Sanderson Stewart	\$ 11,643.83	2050-31310-409310	WO 16-09 Grand Ave (48th Street West to 58th Street West)
06/20/2016	795098	Shakespeare In The Parks	\$ 3,500.00	0100-51120-403360	Annual Shakespeare in the Park 2016. July 21-22, 2016 at
06/20/2016	795102	Skycon Inc	\$ 4,565.00	5610-71120-403660	Invoice #1034. Jet bridge servicing
06/20/2016	795107	Stockman Bank Of Montana	\$ 325,140.00	2030-15130-407968	Development Agreement 6/16
06/20/2016	795110	The Boyer Company LC	\$ 72,163.00	2010-15070-407968	development agreement
06/20/2016	795111	The Hon Company LLC	\$ 7,644.06	1500-21200-402610	State Bid Quote dated 5/20/2016 - tables on rollers for training
06/20/2016	795112	Town & Country Supply Association	\$ 16,920.28	5610-71180-402313	Invoice #217882. QTA Car Rental Fuel
06/20/2016	795112	Town & Country Supply Association	\$ 3,844.68	5710-00000-141000	BUS MET PO NUM 300805
06/20/2016	795112	Town & Country Supply Association	\$ 457.75	1500-22260-402310	217652:FIRE1 UNLEADED DELIVERED 6/3/2016
06/20/2016	795112	Town & Country Supply Association	\$ 268.26	1500-22260-402310	217652:FIRE1 DIESEL DELIVERED 6/3/2016
06/20/2016	795115	Unifire Power Blowers Inc	\$ 4,999.95	1500-21120-402310	3 MUST Shields
06/20/2016	795122	Western Municipal Construction Inc	\$ 107,423.91	5130-85910-409340	WO 16-01 Schedule 4 - Southside Sanitary Sewer
06/20/2016	795126	Yellowstone County Finance Dpt	\$ 9,900.00	1500-21110-403590	May 2016 Jail Boarders
06/20/2016	795131	Yellowstone Valley Animal Shelter	\$ 22,855.58	1500-21700-403990	contract 5-22-16/6-21-16
06/20/2016	795133	Zeier Consulting LLC	\$ 38,422.50	1990-15050-403590	Quarterly amount per contract plus travel reimbursement
06/20/2016	795133	Zeier Consulting LLC	\$ 1,872.44	1990-15050-403590	Travel reimbursement 1603

Check Date	Check	Name	Amount	Account	Item Desc
06/20/2016	795135	Zootist Hotel, LLC	\$ 941,410.00	2030-15130-407968	Development agreement

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Public Hearing and Meadowlark Capital LLC and City of Billings
Agreement for Sanitary Sewer Service

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

This is an agreement between Meadowlark Capital LLC (formerly Blaine's Trailer Court) and the City of Billings for the City to provide sanitary sewer service to the Court. A public hearing is required prior to the City providing sanitary sewer service to an area outside of the City limits as per City Code (BMCC) Section 26-206. City Council will conduct a public hearing, consider granting a waiver to service and annexation requirements of Sections 22-203 and 22-204 (as amended) and consider approving the Meadowlark Capital LLC sewer service agreement.

ALTERNATIVES ANALYZED

The City Council may:

Grant a waiver to BMCC sections 26-203 and 204 and approve this agreement for the City to provide Sanitary Sewer Service to the Meadowlark Court without annexation; or

Not approve the waiver or this agreement. If not approved the City would not be able to provide sanitary service to the Meadowlark Court.

FINANCIAL IMPACT

Meadowlark will pay all fees to the City including a private contract fee, the City's System Development fee (SDF) at the time of connection and a monthly fee. The SDF is set by Council and will also include the franchise fee. Currently this franchise fee is 4% and is subject to change. The monthly fee includes the "Minimum Monthly Wastewater Charge" for customers outside the City plus the franchise fee plus a surcharge for areas outside of the City. The items included in the total monthly fee will be the current fees in effect for that month and are subject to change. The surcharge fee is currently at 6%. Officials from Meadowlark have said that they would like to ask Council to waive the surcharge fee. As a note, Meadowlark has been providing potable water to the City's maintenance shop at the landfill free of charge for many years and will continue providing this service.

BACKGROUND

In late 2014, representatives from Meadowlark Capital LLC met with representatives from the City Departments that would be affected by annexation of this property. The Court contains over 200 manufactured housing units. Receiving service from the City will mean the Court will not construct a new sewer lagoon. This lagoon would be situated near the Yellowstone River and would be upstream of the City's water intakes. In the event of a failure of the lagoon, it could adversely affect the City's water intakes. As a note, it is cost prohibitive for Meadowlark to upgrade the Court's streets and other infrastructure to meet the City's requirements for annexation. At the end of the meeting with the department representatives the consensus was to not annex this property. The Public Works Department said it would ask Council permission to serve this property without annexation.

Public Works presented this recommendation to Council at the January 5, 2015 work session. At that meeting the Public Works Department asked Council for direction in serving the Meadowlark property and two other potential water and sanitary sewer customers outside the City limits. The three properties were identified as:

- Meadowlark Properties formerly Blaine's Trailer Court
- ExxonMobil Refinery
- Proposed Trailhead Commerce Park in Lockwood

Council's direction at that meeting to staff was to bring back an agreement for the properties including the Meadowlark property to Council for action.

The Public Works Board discussed the City serving the Meadowlark property and the two other potential water and sanitary sewer customers outside the City limits at their April 16, 2015 meeting. The consensus of the Board was to pursue serving these three properties outside of the City limits without requiring them to annex to the City.

City staff met with Meadowlark a little over a year ago regarding an agreement for sanitary service. Since that time officials from Meadowlark were considering the agreement and they contacted staff several weeks ago indicating they were ready to move forward with the agreement.

This project will be a private contract. A private contract is used when a property owner develops a piece of land, makes all of the required improvements and dedicates those improvements to the City. In this case, the Meadowlark property is developed, but they will be constructing a new sanitary sewer. Note that the existing collection system in the Court will continue to be maintained by Meadowlark and only the newly constructed sewer in Jellison Road will be transferred to the City after construction/acceptance by the City.

BMCC Section 26-203 requires that the property at the time of application for sanitary sewer service be:

- Contiguous to the boundary of the service area as same exists;
- Entirely within the City's Red Area on the Limits of Annexation Map;
- Entirely within the City's facilities planning area.

This section also requires that the applicant complete annexation requirements as set forth in BMCC Section 26-204. Prior to considering this item, the Council took action on the second and final reading of an ordinance amending BMCC Article 26-200, Water and Wastewater

Service Area. This ordinance allows a waiver from the requirements of BMCC sections 26-203 and 26-204. This agenda item will require Council approving that waiver and also approving this agreement.

The public hearing was advertised in the Billings Times on June 2 and June 9, 2016.

STAKEHOLDERS

The stakeholders are Meadowlark Capital LLC and the City of Billings.

RECOMMENDATION

Staff recommends that Council conduct the public hearing, grant a waiver to BMCC 26-203 and 204 and approve this agreement for the City to provide sanitary sewer service to the Meadowlark Court without annexation.

APPROVED BY CITY ADMINISTRATOR

Attachments

Meadowlark Sanitary Agreement
Meadowlark Location Map

**CITY OF BILLINGS
SANITARY SEWER SERVICE AGREEMENT**

THIS AGREEMENT is made and entered into by and between Meadowlark Capital LLC, hereinafter "Meadowlark", as owner and operator of the Meadowlark Mobile Home Park, and the City of Billings, a Montana incorporated City, hereinafter called the City.

WITNESSETH THAT:

THE PURPOSE OF THIS AGREEMENT IS TO SET FORTH THE RESPONSIBILITIES AND DUTIES OF MEADOWLARK AND THE CITY WITH RESPECT TO THE CITY PROVIDING SANITARY SEWER SERVICE TO MEADOWLARK.

I. WHEREAS, Meadowlark proposes to receive sanitary sewer service from the City but the City desires Meadowlark remain in Yellowstone County and not be annexed to the City of Billings at this time, and

WHEREAS, the construction of a new sanitary sewer main and appurtenances (hereinafter, the Project) will be located over and upon the easements to be provided by Meadowlark for Jellison Road in Yellowstone County, Montana and within Montana Department of Transportation right of way beginning at or near the intersection of Jellison Road and Blue Creek Road extending along Jellison Road to the Road leading to the landfill for the City of Billings, for the permanent construction of the Project, and

WHEREAS, this Agreement must be duly executed and on record with the City Clerk's office for the City of Billings before Meadowlark begins receiving sanitary sewer service from the City and the work contemplated begins, and

WHEREAS, the City desires that Meadowlark receive the sanitary sewer service and have the construction done, the City deeming it to be a valuable and beneficial consideration.

II. NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

AT MEADOWLARK'S EXPENSE, MEADOWLARK AGREES TO DESIGN THE PROJECT, LET IT TO CONTRACT AND ADMINISTER THE CONTRACT FOR CONSTRUCTION AND WILL PERFORM ALL THE REMAINING FUNCTIONS AND DUTIES AND RESPONSIBILITIES SET FORTH HEREIN IN EXCHANGE FOR WHICH THE CITY AGREES THAT UPON COMPLETION OF THE PROJECT, DEEMING THE CONSTRUCTION A GOOD AND VALUABLE CONSIDERATION, IT WILL PERFORM ALL OF THE FUNCTIONS AND DUTIES AND RESPONSIBILITIES SET FORTH IN THIS AGREEMENT. THE DUTIES AND RESPONSIBILITIES OF EACH PARTY TO THIS AGREEMENT ARE SET FORTH IN THIS AGREEMENT.

THIS AGREEMENT SHALL RUN WITH THE LAND OWNED BY MEADOWLARK CAPITAL LLC AND OCCUPIED BY THE MEADOWLARK MOBILE HOME PARK, AND NOTICE THEREOF SHOWING THE LEGAL DESCRIPTION OF LAND SHALL BE FILED WITH THE YELLOWSTONE COUNTY CLERK AND RECORDER IN FORM SO THAT ANY SUCCESSOR AND ASSIGNS OF MEADOWLARK CAPITAL LLC SHALL BE BOUND BY THE TERMS OF THIS AGREEMENT.

THE EXISTING AND ANY FUTURE SANITARY SEWER COLLECTION SYSTEM ON MEADOWLARK'S PROPERTY AND APPURTENANCES INCLUDING BUT NOT LIMITED TO LIFT STATIONS AND FORCE MAIN(S) SHALL REMAIN PRIVATELY OWNED, OPERATED AND MAINTAINED BY MEADOWLARK AND ITS ASSIGNEES AND SUCCESSORS IN INTEREST.

IN THE EVENT THAT THE CITY'S PUBLIC WORKS DIRECTOR OR DESIGNEE DETERMINES THAT MEADOWLARK'S COLLECTION SYSTEM IS NOT MAINTAINED AND OPERATED IN GOOD WORKING ORDER THE CITY SHALL PROVIDE WRITTEN NOTICE OF FAILURE TO MAINTAIN AND OPERATE THE COLLECTION SYSTEM AND REQUIRED CURES; SUCH NOTICE SHALL DESCRIBE IN DETAIL THE DEFICIENCIES IN MAINTENANCE AND OPERATION AND REQUIRED CURES. UPON RECEIPT OF SUCH NOTICE, MEADOWLARK AND ITS ASSIGNEES AND SUCCESSORS IN INTEREST SHALL PERFORM THE REQUIRED CURES WITHIN 30 DAYS. ANY DEFICIENCIES IN MAINTENANCE AND OPERATION NOT CURED AS REQUIRED BY THE CITY'S PUBLIC WORKS DIRECTOR OR DESIGNEE WITHIN THE 30-DAY CURE PERIOD SHALL CAUSE THE CITY TO CEASE SANITARY SEWER SERVICE TO MEADOWLARK.

(A) In addition to the responsibilities set forth above,

(i) Meadowlark shall:

- a. Meet all requirements for the City's Public Works Department "Policy for Private Contract, Approval, Inspection and Warranty Requirements" using the most current private contract fee.
- b. Complete and submit for approval the City's "Private Contract Submittal General Information" packet.
- c. Complete and submit for approval the City's "Consent for Annexation" form.
- d. Cooperate fully with and submit all information necessary for the City to obtain an "Encroachment License" from Yellowstone County and the Montana Department of Transportation.
- e. Specify and submit the firm name(s) for construction to the City Engineer for approval prior to construction work commencing.
- f. Grant the City all rights, title and interest in the proposed public sanitary sewer line and appurtenances in return for the City accepting and agreeing to maintain the foregoing public sanitary sewer lines and appurtenances, as part of the City's wastewater collection system. This shall not include the aforementioned existing and any future sanitary sewer collection system on Meadowlark's property.
- g. Provide adequate information to the City Engineer showing that inflow and infiltration from the Meadowlark's private sanitary sewer system is minimal prior to connection to the City's sanitary sewer system.

- h. Pay all fees to the City as referenced in this agreement and supplemental forms in addition to the City's System Development Fee (SDF) and a monthly fee. The SDF is the fee set by Council at the time of connection to the system and will also include the franchise fee at the time of connection. Currently this franchise fee is 4% and is subject to change. The monthly fee is the Minimum Monthly Wastewater Charge for customers outside the City set by Council and the franchise fee and a surcharge for areas outside of the City. The items included in the total monthly fee will be the current fees in effect for that month and are subject to change. The surcharge fee is currently at 6%.

(ii) The City shall:

- a) Approve or disapprove Meadowlark's submittal of the City's "Private Contract Submittal General Information" packet.
- b) Approve or disapprove the City's "Consent for Annexation" form.
- c) Obtain an "Encroachment License" from Yellowstone County and/or the Montana Department of Transportation to allow the new main and appurtenances to be installed in the Jellison Road easements after Meadowlark has successfully met all the requirements for this license.
- d) Accept all rights, title and interest in the proposed public sanitary sewer line and appurtenances constructed as per this agreement along Jellison Road as property of the City after all items in this agreement have been successfully completed and the work has been accepted by the City. This shall not include the aforementioned existing and any future sanitary sewer collection system on Meadowlark's property.
- e) Maintain the sanitary sewer main and appurtenances constructed as per this agreement as part of the City's wastewater collection system. This shall not include the aforementioned existing and any future sanitary sewer collection system on Meadowlark's property.
- f) Provide sanitary sewer service to Meadowlark in accordance with this agreement.

(B) Furthermore,

- (i) Meadowlark agrees to protect, indemnify, defend and save harmless the City against and from all claims, liabilities, demands, causes of action, judgments, and losses (including costs and attorney's fees incurred by the City in the defense thereof) to them arising in favor of or asserted by any person or entity on account of personal injury, death or damage to property arising solely out of, or in connection with, a defect in the Meadowlark's construction of the project (including, but not limited to, a defect in the Meadowlark's construction of the project as described above or from the negligent or intentional act of Meadowlark's employees that in any way interfere with or damage the maintenance work of the City.
- (ii) The City agrees to protect, indemnify, defend and save harmless Meadowlark against and from all claims, liabilities, demands, causes of action, judgments, and losses

(including costs and attorney's fees incurred by Meadowlark in the defense thereof) to them arising in favor of or asserted by any person or entity (including, but not limited to, Meadowlark) on account of personal injury, death or damage to property arising entirely out of the negligence or willful and intentional acts of the City in connection with the operation or maintenance of the subject project.

- (iii) This section does not supersede, discharge, or extinguish any prior agreement between the parties, nor will any future agreement between the parties supersede, discharge, or extinguish this agreement, unless by specific reference and in clear terms.

III. DURING THE PERFORMANCE OF THIS AGREEMENT, MEADOWLARK, FOR ITSELF, ITS ASSIGNEES AND SUCCESSORS IN INTEREST, AGREES AS FOLLOWS:

A) Compliance with Title VI of the Civil Rights Act of 1964

(1) Compliance with Regulations: Meadowlark shall comply with all Regulations relative to nondiscrimination as related to this agreement.

(2) Nondiscrimination: Meadowlark, 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. Meadowlark shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR §21.5.

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

(4) Information and Reports: Meadowlark 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 the City to be pertinent to ascertain compliance with Regulations or directives. Where any information required of Meadowlark is in the exclusive possession of another who fails or refuses to furnish this information, Meadowlark shall so certify to the City as requested, setting forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of Meadowlark's noncompliance with the nondiscrimination provisions of this Agreement, the City may impose sanctions as it determines appropriate, including, but not limited to, cancellation, termination or suspension of the Agreement, in whole or in part.

(6) Incorporation of Provisions: Meadowlark 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. Meadowlark will take such action with respect to any subcontract or procurement as the City may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event Meadowlark is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, Meadowlark may request the City to enter into the litigation to protect the interests of City, and, in addition, Meadowlark or the City 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 §49-3-207, MCA, Meadowlark 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) Meadowlark will comply with all regulations relative to implementation of the Americans with Disabilities Act.

D) Compliance With Participation By Disadvantaged Business Enterprises In Department Of Transportation Financial Assistance Programs, 49 CFR PART 26

E) Laws and Regulations: Meadowlark and its Contractors and Subcontractors shall comply fully with all applicable state and federal laws, regulations, and municipal ordinances including, but not limited to, all workers' compensation laws, all environmental laws including, but not limited to, the generation and disposal of hazardous waste, the Occupational Safety and Health Act (OSHA), all applicable City, County, and State building and electrical codes, the Americans with Disabilities Act, and all non-discrimination, affirmative action, and utilization of minority and small business statutes and regulations.

F) Non-discrimination in Hiring: All hiring by Meadowlark and its Contractors and Subcontractors of persons performing work for Meadowlark will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

G) Labor Relations:

a. Meadowlark and its Contractors and Subcontractors shall post a legible statement of all wages and fringe benefits to be paid to any of Contractor's employees and the frequency of such payments (i.e., hourly wage employees shall be paid weekly). Such posting shall be made in a prominent and accessible location at the site of the Construction Project and shall be made no later than the first day of work. Such posting shall be removed only upon the final completion of the Construction Project and the

termination of this Agreement.

b. In performing the terms and conditions of this Agreement and the work on the Construction Project, Meadowlark and its Contractors and Subcontractors shall give preference to the employment of bona fide residents of Montana, as required by §18-2-403, MCA, and as such, term is defined by §18-2-401(1), MCA. When making assignments of work, Meadowlark and its Contractors and Subcontractors shall use workers both skilled in their trade and specialized in their field of work for all work to which they are assigned.

c. Pursuant to §§18-2-403 and 18-2-422, MCA, Meadowlark and its Contractors and Subcontractors shall pay wages, benefits, and expenses as set forth on Exhibit A, Contractor's Rates of Wages, Benefits, and Expenses, attached hereto. Meadowlark and its Contractors and Subcontractors shall pay all hourly wage employees on a weekly basis. Violation of the requirements set forth on Exhibit A may subject the Meadowlark and its Contractors and Subcontractors to the penalties set forth in §18-2-407, MCA. Meadowlark and its Contractors and Subcontractors shall maintain payroll records and provide certified copies to the City. Meadowlark and its Contractors and Subcontractors shall maintain such payroll records during the term of this Agreement, the course of the work on the Construction Project, and for a period of three (3) years following the date of final completion of the Construction Project and termination of this Agreement.

d. In the event that, during the term of this Agreement and throughout the course of Contractor's performance of the Construction Project, any labor problems or disputes of any type arise or materialize which in turn cause any work on the Construction Project to cease for any period of time, Meadowlark and its Contractors and Subcontractors specifically agrees to take immediate steps, at its own expense and without expectation of reimbursement from City, to alleviate or resolve all such labor problems or disputes. The specific steps Meadowlark and its Contractors and Subcontractors shall take to resume work on the Construction Project shall be left to the discretion of Meadowlark and its Contractors and Subcontractors; provided, however, that Meadowlark and its Contractors and Subcontractors shall bear all costs of any related legal action. Meadowlark and its Contractors and Subcontractors shall provide immediate relief to the City so as to permit the work on the Construction Project to resume and be completed within the time frames set forth in the Construction Schedule at no additional cost to City.

e. Meadowlark shall indemnify, defend, and hold the City harmless from any and all claims, demands, costs, expenses, damages, and liabilities arising out of, resulting from, or occurring in connection with any labor problems or disputes or any delays or stoppages of work associated with such problems or disputes.

H) Accounts and Records: During the term of this Agreement and for two (2) years following the City's final acceptance of the Construction Project, Meadowlark and its Contractors and Subcontractors shall maintain accounts and records related to

the Construction Project. Upon reasonable notice, City shall have the right to inspect all such accounts and records, including but not limited to, Contractor's records, books, correspondence, instructions, drawings, specifications, field and site notes, receipts, invoices, bills, contracts, or other documents relating to the Construction Project.

I) Applicable Law: The parties agree that this Agreement is governed in all respects by the laws of the State of Montana and the parties expressly agree that venue will be in Thirteenth Judicial District Court, Yellowstone County, Montana, and no other venue.

J) Binding Effect: This Agreement is binding upon and inures to the benefit of the heirs, legal representatives, successors, and assigns of the parties.

K) Amendments: This Agreement may not be modified, amended, or changed in any respect except by a written document signed by all parties.

L) No Third-Party Beneficiary: This Agreement is for the exclusive benefit of the parties, does not constitute a third-party beneficiary agreement, and may not be relied upon or enforced by a third party.

M) Counterparts: This Agreement may be executed in counterparts, which together constitute one instrument.

N) Assignment: Meadowlark may not assign this Agreement in whole or in part without the prior written consent of the City. No assignment will relieve Meadowlark or its Contractors and Subcontractors of its responsibility for the performance of the Agreement and the completion of the Construction Project. Meadowlark and its Contractors and Subcontractors may not assign to any third party other than Contractor's subcontractors on the Construction Project, the right to receive monies due from City without the prior written consent of City.

O) Authority: Each party represents that it has full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to sign this Agreement.

P) Independent Contractor: The parties agree and acknowledge that in the performance of this Agreement and the completion of the Construction Project, Meadowlark and its Contractors and Subcontractors shall render services as an independent contractor and not as the agent, representative, subcontractor, or employee of the City. The parties further agree that all individuals and companies retained by Meadowlark and its Contractors and Subcontractors at all times will be considered the agents, employees, or independent contractors of Meadowlark and at no time will they be the employees, agents, or representatives of the City.

THE PARTIES UNDERSTAND AND AGREE THAT THE FAILURE OF EITHER PARTY TO PERFORM THE DUTIES AND RESPONSIBILITIES SET FORTH IN THIS AGREEMENT MAY

BE DEEMED A MATERIAL BREACH OF THE CONTRACT FOR WHICH ANY AVAILABLE REMEDY PROVIDED BY LAW MAY BE ASSERTED IN THE DISTRICT COURT. IN ANY LEGAL PROCEEDING TO ENFORCE ANY PROVISION OF THIS AGREEMENT OR FOR BREACH OF THIS AGREEMENT, THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER ITS COSTS AND ATTORNEY'S FEES.

IN WITNESS WHEREOF, the Meadowlark authorized representative has signed and the City Clerk of the City of Billings, on behalf of the City, has signed and affixed hereto the seal of the City.

CITY OF BILLINGS, MONTANA

By _____, 2016
Meadowlark Capital LLC

ATTEST:

CITY OF BILLINGS

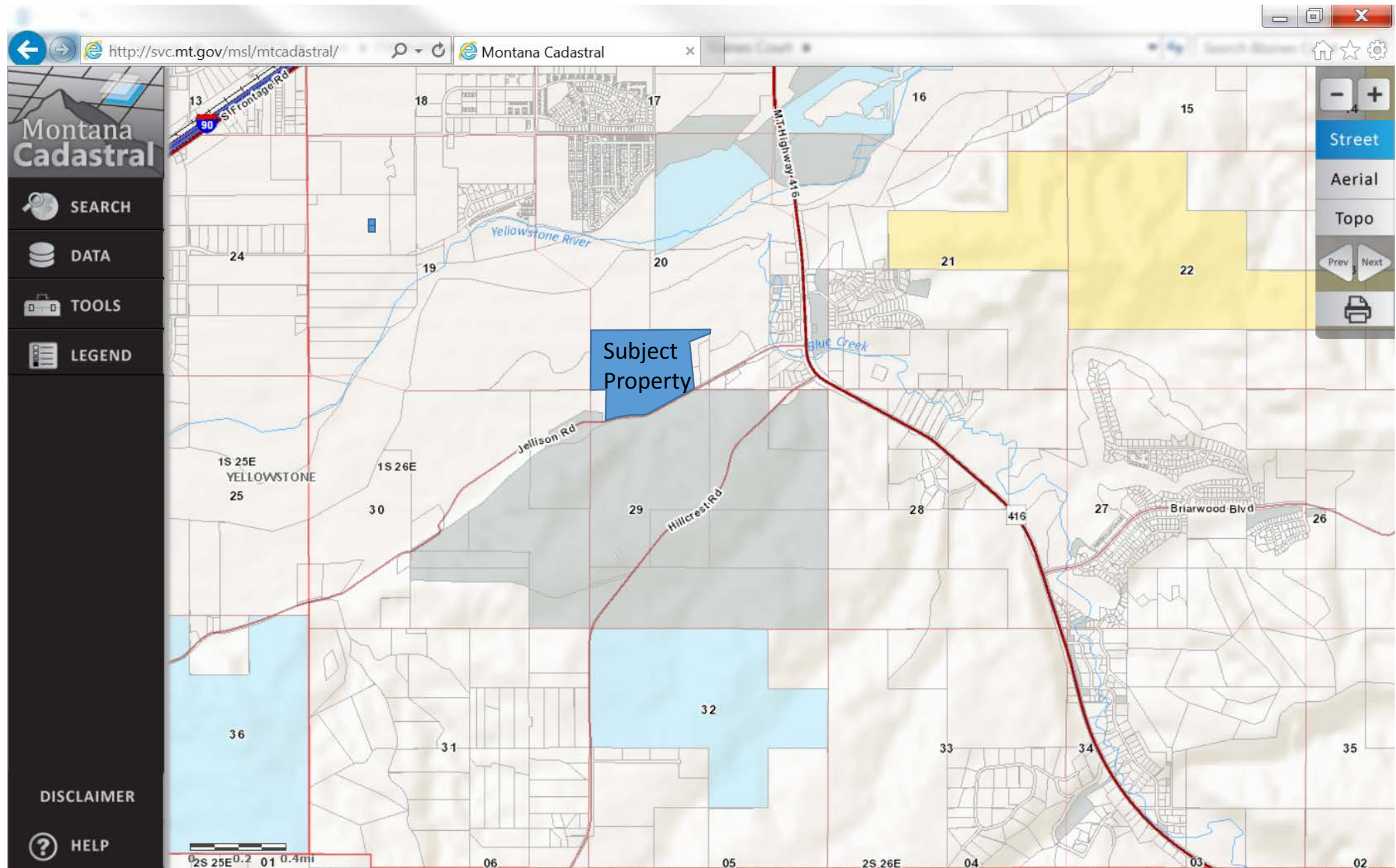
By _____
City Clerk

By _____
Mayor Thomas W. Hanel

APPROVED AS TO FORM:

By _____
City Attorney

City Clerk



Regular City Council Meeting

Meeting Date: 07/11/2016

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 July 11, 2016 along with a public hearing, and the second reading is scheduled for July 25.

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; 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 11th day of July, 2016.

PASSED by the City Council on the second reading this 25th day of July, 2016.

THE CITY OF BILLINGS:

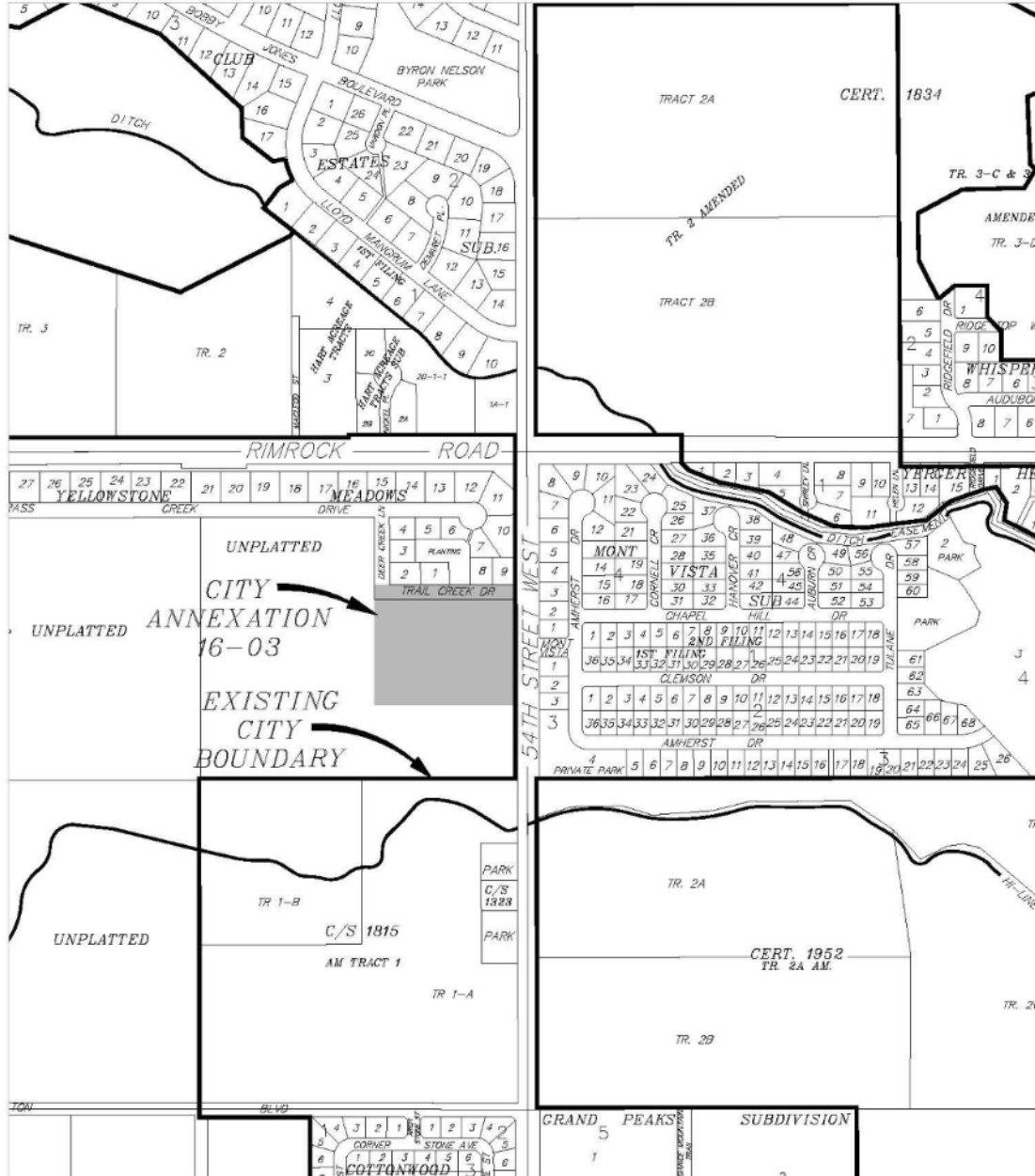
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
CITY CLERK

(AN 16-03)

ANNEXATION 16-03 EXHIBIT "A"



Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Resolution of Intent to Adopt the 2016 City of Billings Growth Policy

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

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Yellowstone County Board of Planning held a public hearing on the proposed City of Billings Growth Policy on June 28, 2016, and is forwarding a resolution recommending the City Council adopt the Policy. The Growth Policy provides guidance to decision-making bodies of the City of Billings on matters on land use and infrastructure investment. It is not a regulatory document; however, it does provide information on the public preference on how Billings grows and where it grows in the next 20 years.

State law specifies that a jurisdiction should review an existing growth policy at least once every five years and revise the policy if necessary (76-1-601 (3)(f)(iii), MCA). The current policy, which incorporates both the City and County, was adopted in 2008. Updating the 2008 City of Billings/Yellowstone County Growth Policy was identified as a priority in the 2014 City Council Strategic Plan. The City Council recognized at that time that a policy was needed to achieve its goal of “comprehensive, cost-effective, and orderly growth.” Staff was directed to “prepare a comprehensive growth policy focused on existing service gaps in the City growth areas.” This action by City Council both initiated the process of preparing a growth policy for the City of Billings and provided a framework for the purpose of the document. State law also lists required elements that a growth policy must include (76-1-601 (2), MCA). If the City Council finds that the Growth Policy is in the best interest of the public the attached resolution of intent is written to adopt the Policy without revisions.

ALTERNATIVES ANALYZED

City Council may: approve the Resolution of Intent to adopt the Growth Policy; adopt the Policy with revisions; or reject the Growth Policy (76-1-604 (1), MCA). If the Council approves the Resolution of Intent, a Resolution to Adopt will be brought back to the Council for its action on July 25. If the City Council adopts the Policy with revisions, a Resolution to Adopt as Revised will be brought back to the Council for its action on July 25. If the City Council rejects the 2016 City of Billings Growth Policy, the existing 2008 Yellowstone County & City of Billings Growth Policy will remain in effect.

FINANCIAL IMPACT

Adoption of the Billings Growth Policy will have no direct financial impact to the City. However, the Policy demonstrates that the Infill and Adjacent Parcels growth pattern is most cost effective. It should be noted that maintenance and replacement costs were not factored into the scenario planning. It stands to reason that infill development will require replacement and repair of existing infrastructure sooner than newer development in the north and west scenarios. This repair and replacement of existing infrastructure will be necessary regardless of the growth area as the majority of the City population still lives in areas served by existing infrastructure and

relies on this infrastructure. Adoption of the Billings Growth Policy should provide guidance to the City in making financial decisions that are cost effective and efficient in delivering City services.

BACKGROUND

Updating the 2008 City of Billings/Yellowstone County Growth Policy was identified as a priority in the 2014 City Council Strategic Plan. The City Council recognized at that time that a policy was needed to achieve its goal of “comprehensive, cost-effective, and orderly growth.” Staff was directed to “prepare a comprehensive growth policy focused on existing service gaps in the City growth areas.” To achieve this directive, two questions needed to be answered:

1. **How will we grow?** The responses identified what services would be needed to provide a desired growth outcome and where the “*service gaps*” are and will be in the next 20 years.
2. **Where will we grow?** Answers to this question established where the “*City growth areas*” actually are.

These were the questions posed to the public to begin the planning process in October, 2014. More than 1,200 comments were received from 35 initial public meetings. As the comments were examined, certain core values began to emerge that fell together into seven categories. The aggregated values expressed clear community goals that shared many common associations. The seven goals are: Essential Investments, Place Makers, Community Fabric, Strong Neighborhoods, Home Base, Mobility and Access, and Prosperity.

The public comments were also the basis for three other important elements of this Policy: objectives, toolboxes, and performance measurements. Goal objectives are targeted outcomes that provide definition to what the goal can achieve or how the goal can be achieved. Toolboxes suggest ways, means, and methodologies to accomplish the goal, and performance measurements are recommended metrics for determining if the goal is being achieved.

Referring back to the Council’s Strategic Plan goal of “comprehensive, cost-effective, orderly growth”, the planning process also evaluated seven different growth scenarios to estimate the relative cost and revenue of various growth patterns in three separate growth areas identified through the public input process: North (around the proposed Inner Belt Loop), West (west of Shiloh Road) and Infill (existing parcels within the City limits and adjacent properties). The scenarios were developed to accommodate approximately 50,000 more residents. The costs to provide selected services and facilities the public preferred were calculated for high, low, and mixed residential density (Preferred) scenarios in the North and West growth areas. The residential density used for the infill scenario was based on existing zoning. The revenue estimates were developed by extrapolating the average annual tax and assessment revenue from existing residential housing developments of comparable densities.

The scenario planning results were looked at three ways:

1. Total cost of selected services and facilities and total revenue from housing unit per scenario
2. Total cost of selected services and facilities/total anticipated annual revenue (Return on Investment)
3. Total anticipated annual revenue from residential development per acre

The chart below shows the order of ranking for the seven scenarios.

Scenario	North	North High	North Low	West	West High	West Low	Infill and
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Ranking	Preferred	High Density	Low Density	Preferred	High Density	Low Density	Adj. Parcels
Total Costs (1 = lowest costs)	3	1	5	6	4	7	2
Return on Investment	6	7	3	4	5	1	2
Total Revenue per Acre	4	7	3	5	6	2	1

The scenario planning data and the values expressed by the public support a general consensus that development of infill parcels and properties adjoining the existing City limits is second lowest in total costs, second highest in return on investment and is the highest in total revenue per acre. Also substantiated by public comment and the scenario planning data is that a mix of residential densities is preferred. There are clear revenue advantages to the low density scenarios in terms of return on investments and total revenue per acre, mostly because the revenue generated by higher valued houses on larger lots is greater than any other scenario. However, the costs for developing the low density scenario are significant. The infill scenario returns the highest total revenue per acre largely because of the concentrated value on smaller lots, provides a mix of housing, and is less costly to develop.

The primary purpose of the planning process is to formulate a *Growth Policy* for the selected time horizon, or 20 years. In the end, the *Policy* is derived from the comments, goals, objectives and data. The Growth Policy stands as a framework to evaluate future public and private development and investment. The *Policy* is further supported by a *Growth Policy Statement* (vision) and suggested *Growth Guidelines* that can be referred to when making decisions for land use applications and infrastructure projects.

STAKEHOLDERS

During the planning process, the Planning Division staff held over 50 meetings with civic organizations, task forces, City departments, individual businesses, steering committee, Planning Board and governing bodies, and presented information on current conditions and demographic trends. At these meetings, participants were asked to complete the comment card and respond to the questions: How should the City grow? Where should the City grow? After parsing individual comments into distinct ideas, it was determined that staff received over 1,200 separate comments. These comments were categorized into seven broad categories that represented general goals based on the values expressed in the comments. Another series of meetings were held with some of the groups previously contacted to determine if the goals reflected the comments received. From this second round of meetings, another goal category, PROSPERITY, was added. Throughout the process, a total of four meetings were held for the general public. These meetings were held at the Billings Library.

The Yellowstone County Board of Planning held a public hearing at its regular meeting on June 28, 2016. The Yellowstone County Board of Planning held a public hearing at its regular meeting on June 28, 2016. Eleven people attended and two spoke. Connie Wardell, a member of the Growth Policy Steering Committee, praised the public involvement and the planning process indicating it was the “best she ever participated in”. She also had suggested changes to the wording of several guidelines which were recorded and adopted in the final guidelines recommended to the City Council by the Planning Board. Steve Lackman, a County resident with property on Central and 48th, asked about future extension of infrastructure and the potential for annexing his property. He was told that the Growth Policy supported extension of infrastructure if it could be done so in a fiscally constrained manner and did not preclude his property from being annexed within the 20-year planning horizon. The Planning Board voted to

recommend approval of the Growth Policy after closing the public hearing. The recommendation included revisions to the guidelines proposed at the public hearing.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The 2016 City of Billings Growth Policy, if adopted, will supersede all previous adopted Growth Policies and will henceforth be used as a guide for decision-makers to consult on matters of land use and infrastructure. As written, this Growth Policy is consistent with state statute authorizing the preparation and adoption of a growth policy (76-1-601, et al, MCA).

RECOMMENDATION

The Yellowstone County Board of Planning recommends the City Council approve the Resolution of Intent to Adopt the proposed City of Billings Growth Policy.

APPROVED BY CITY ADMINISTRATOR

Attachments

DRAFT Growth Policy
Resolution of Intent



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APPENDICES

Public outreach

Growth Scenario Planning

DRAFT

Chapter 1 – The Planning Process

3. The Planning Process

Community planning is a continuous process. Community values change, conditions change, and policies change requiring a community plan to be re-evaluated periodically. Montana law recommends re-examining a growth policy every five years and determining, based on a list of conditions “what will lead to a revision of the growth policy.”¹ This policy, as the policy it replaces, recommends that the growth policy be revised when the following occurs:

1. Change
2. Change
3. Change

Since the 2008 City/County Growth Policy was adopted a lot has changed in Billings as the following comparison of metrics between 2010 and 2014 demonstrates:

CHART XX. COMPARISON OF GROWTH METRICS 2010 AND 2014

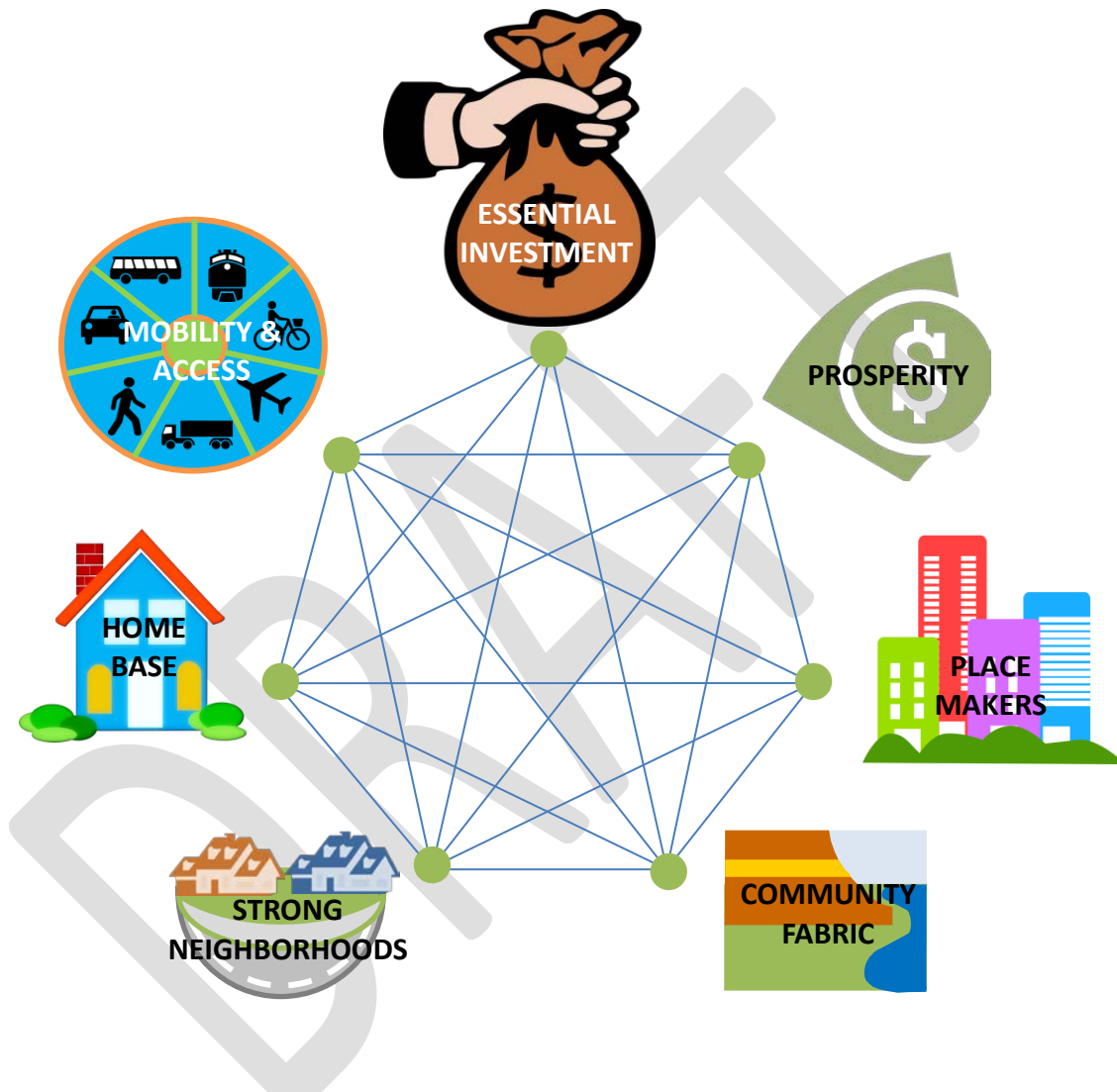
	2010	2014
Population	104,170	106,979
Median Age	37.5	37.1
Housing Units	46,317	46,674
Median Household Income	\$46,433	\$49,265
City Area	41.9 sq. mi	42.9 sq. mi
Street Miles	532.7	565.7

Updating the 2008 City of Billings/Yellowstone County Growth Policy was identified as a priority in the 2014 City Council Strategic Plan. The City Council recognized at that time that a policy was needed to achieve its goal of “comprehensive, cost-effective, and orderly growth.” Staff was directed to “prepare a comprehensive growth policy focused on existing service gaps in the City growth areas.” To achieve this directive, two questions needed to be answered:

¹ 76-1-601 (3)(f)(ii), MCA

As the comments were examined, certain core values began to emerge that fell together into seven categories. The aggregated values expressed clear community goals that shared many common associations. For instance the value of outdoor spaces under the Community Fabric goal is also an essential value in Strong Neighborhoods and Place Makers.

FIGURE XX. COMMUNITY GOALS AND THEIR INTERRELATIONSHIP



The public comments were also the basis for three other important elements of this Policy: objectives, toolboxes and performance measurements. Goal objectives are targeted outcomes that provide definition to what the goal can achieve or how the goal can be achieved. Toolboxes suggest ways, means, and methodologies to accomplish the goal, and performance measurements are recommended metrics for determining if the goal is being achieved.

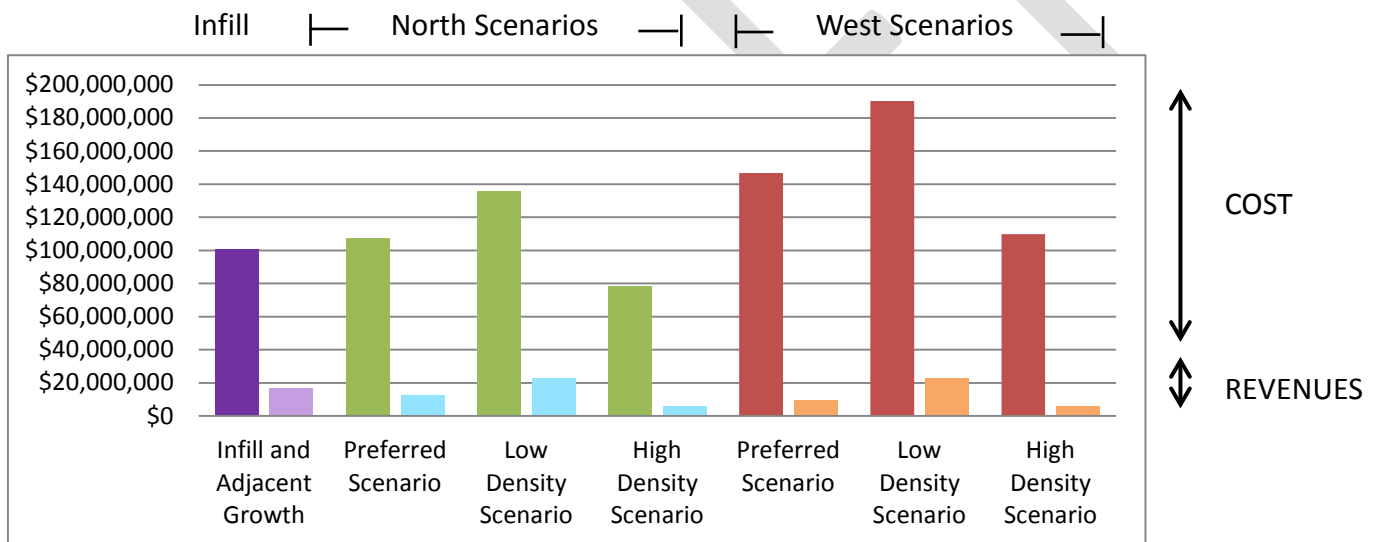
Referring back to the Council’s Strategic Plan goal of “comprehensive, cost-effective, orderly growth”, the planning process also evaluated seven different growth scenarios to estimate the relative cost and revenue of various growth patterns in three separate growth areas: North (around the proposed Inner

Belt Loop), West (west of Shiloh Road) and Infill (existing parcels within the City limits and adjacent properties). The scenarios were developed to accommodate approximately 50,000 more residents.² The costs to provide selected services and facilities the public preferred were calculated for high, low, and mixed residential density scenarios in the North and West growth areas. The residential density used for the infill scenario was based on existing zoning. The revenue estimates were developed by extrapolating the average tax and assessment revenue from existing residential housing developments of comparable densities.

The scenario planning results were looked at three ways:

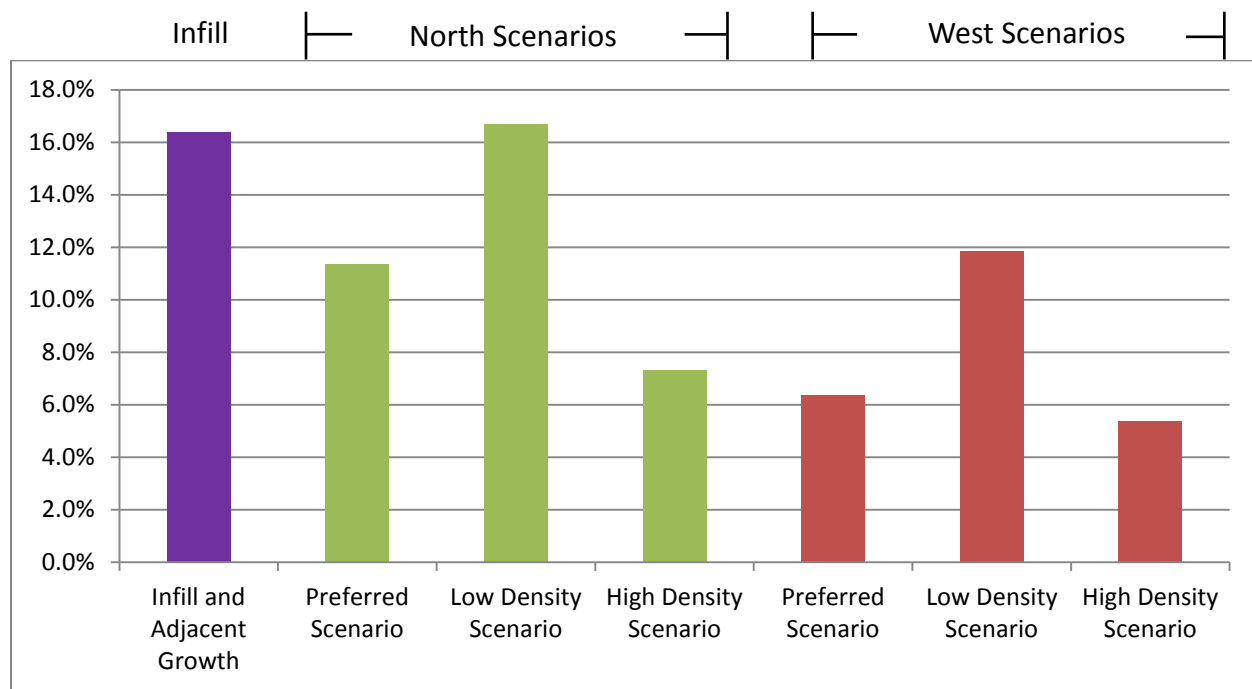
1. Total cost of selected services and facilities and total revenue from housing unit per scenario
2. Total cost of selected services and facilities/total anticipated annual revenue (Return on Investment)
3. Total anticipated annual revenue from residential development/acre

CHART XX. SCENARIO COSTS AND REVENUES



² Between 2010 and 2014, Billings grew from 104,170 to 106,979 using the 2010 Census population estimate and the more recent 2010-2014 American Community Survey estimate. This equates to a 0.7 percent annual growth rate. At this rate, Billings would add only 15,626 people in 20 years. At a more aggressive growth rate of 2.0 percent, Billings would add 50,000 people in 20 years. Two percent annual growth rate was used as an extreme case so as not to underestimate the impacts of growth.

CHART XX. RETURN ON INVESTMENT



The scenario planning data and the values expressed by the public support a general consensus that development of infill parcels and properties adjoining the existing City limits is preferred. Also substantiated by public comment and the scenario planning data, is that a mix of residential densities is also preferred. There are clear revenue advantages to the low density scenarios in terms of return on investments and total revenue per acre, mostly because the revenue generated by higher valued houses on larger lots is greater than any other scenario. However, the infill scenario returns the highest total revenue per acre largely because of the concentrated value on smaller lots and provides a mix of housing. The Policy demonstrates that the Infill and Adjacent Parcels growth pattern is most cost effective. It should be noted that maintenance and replacement costs were not factored into the scenario planning. It stands to reason that infill development will require replacement and repair of existing infrastructure sooner than newer development in the north and west scenarios. This repair and replacement of existing infrastructure will be necessary regardless of the growth area as the majority of the City population still live in areas served by existing infrastructure and rely on this infrastructure.

The primary purpose of the planning process is to formulate a *Growth Policy* for the selected time horizon, or 20 years. In the end, the *Policy* is derived from the comments, goals, objectives and data. The Growth Policy stands as a framework to evaluate future public and private development and investment. The *Policy* is further supported by a *Growth Policy Statement* (vision) and suggested *Growth Guidelines* that can be referred to when making decisions for land use applications and infrastructure projects.

Chapter 2 – Growth Policy Statement and Guidelines

Chapter 4. City of Billings Growth Policy Statement and Guidelines

The Growth Policy Statement and Guidelines provide elected officials and other decision-makers an understanding of the public's vision for future growth and development, and recommendations on how to achieve that vision within the City of Billings in the next 20 years. As stated in state statute, *"a growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law,"* MCA 76-1-605(2) (a). It does, however, provide guidance when developing future regulations, policies, and projects. Most specifically, subdivision and zoning regulations are required to *"be made in accordance with the growth policy,"* MCA 76-1-605(1) (c) and MCA 76-2-304(1) (a). State law also provides for the governing bodies *"to be guided by and give consideration"* to the growth policy on other matters including public infrastructure, utilities, and structures, MCA 76-1-605(1).

The Growth Policy Statement may be considered a vision of where and how the City will grow in the next 20 years. The Growth Guidelines describe more specifically what people value and desire as outcomes or objectives and these are categorized under seven headings that define general goals.

City of Billings Growth Policy Statement

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

- Public safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure is most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments in areas of the City that stabilize or improve property values are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning for acquisition and treatment options is vital
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- The preservation of prime agricultural farmland through public programs and/or public/private partnerships will help sustain agriculture and locally grown food
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings

- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Zoning regulations that allow a mixture of housing types support diverse neighborhoods
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory Dwellings provide an important type of affordable housing options
- Energy efficient housing can reduce energy consumption

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Transit routes to popular destinations and extended route hours are much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Equitable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that balance living wages with economic growth benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses

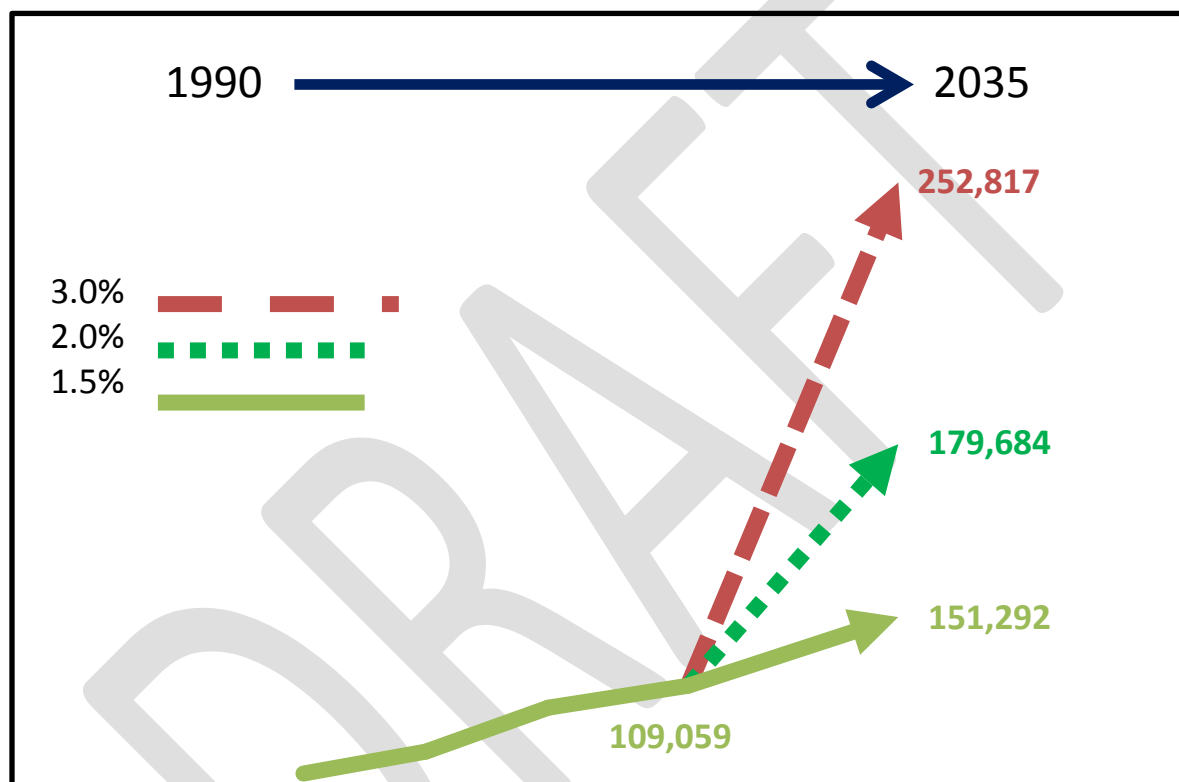
CHAPTER 3 – Billings – Then, Now, and Beyond...

5. Billings – Then, Now, and Beyond

Demographics

Early in the public comment phase of the planning process, the public was shown a graph with 3 potential growth rates (Figure 1): One was based on past trends; two were examples of what a slight increase in the growth rate could mean in terms of population increase. None was meant as a projection.

FIGURE XX. POPULATION INCREASE BASED ON SAMPLE GROWTH RATES



The best population data comes from the Decennial Census compiled by the US Census Bureau. Population data for Billings from the last thirteen decades is shown in Table xx. The 2015 estimate is also provided by the Bureau of Census, from the Annual Estimates of Resident Population, 2015 Population Estimates. The average annual growth rate since 1990 is 1.5%.

TABLE XX. CITY OF BILLINGS POPULATION CHANGE OVER THIRTEEN DECADES

Decade	City of Billings	Avg. Annual Growth Rate
1890	836	
1900	3,221	28.5%
1910	10,031	21.1%
1920	15,100	5.1%
1930	16,380	0.8%
1940	23,261	4.2%
1950	31,834	3.7%
1960	52,851	6.6%
1970	61,581	1.7%
1980	66,798	0.8%
1990	81,151	2.1%
2000	89,847	1.1%
2010	104,170	1.6%
2015	110,263	1.2%

The population of Billings is getting increasing older, with the majority of population between the ages of 25 and 65, as shown in Table xx. The average age increased from 2000 to 2010 by almost a year. Since 1980, it has increased nearly 8 years.

TABLE XX. POPULATION AGE BY DECADE, 1980 – 2010

Age	1980		1990		2000		2010	
	Total Population	Percent of Total	Total Population	Percent of Total	Total Population	Percent of Total	Total Population	Percent of Total
Under 5	4,907	7.35%	6,021	7.42%	5,882	6.55%	7,293	7.00%
5 to 9	4,673	7.00%	5,804	7.15%	5,985	6.66%	6,457	6.20%
10 to 14	4,635	6.94%	5,848	7.21%	6,063	6.75%	6,070	5.83%
15 to 19	6,032	9.03%	5,501	9.78%	6,290	7.00%	6,325	6.07%
20 to 24	7,377	11.04%	5,345	6.59%	6,483	7.22%	7,654	7.35%
25 to 34	11,801	17.67%	14,096	17.37%	11,869	13.21%	15,318	14.70%
35 to 44	7,071	10.59%	12,433	15.32%	13,882	15.45%	12,025	11.54%
45 to 54	6,664	9.98%	8,145	10.04%	12,284	13.67%	14,799	14.21%
55 to 64	6,401	9.58%	6,973	8.59%	7,770	8.65%	12,623	12.12%
65 to 74	4,424	6.62%	6,319	7.79%	6,464	7.19%	7,508	7.21%
75+	2,813	4.21%	4,666	5.75%	6,875	7.65%	8,098	7.77%
Total	66,798	100%	81,151	71.55%	89,847	100%	104,170	100.00%
Median Age	29.3		33.7		36.8		37.5	

Population Projections

Historic trends are often used to make predictions on future growth rates, but how far back should you go? Considering the last four decades, a reasonable estimate would be 1.5 percent per year. At this

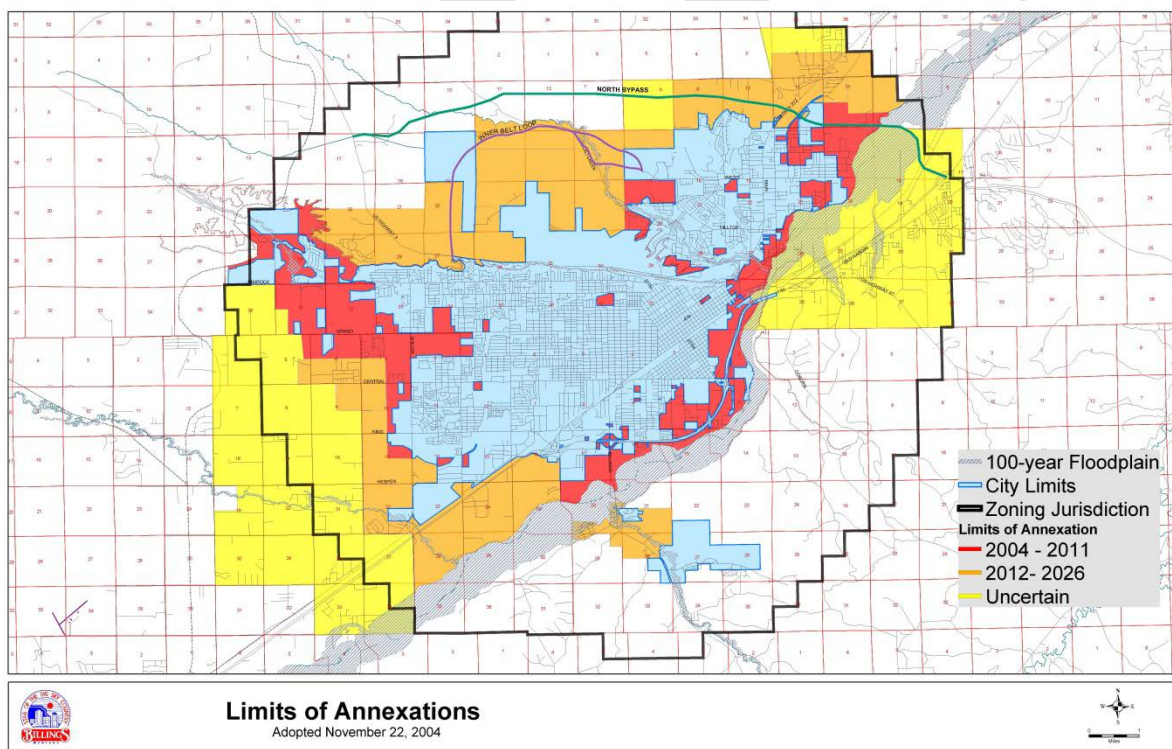
rate, Billings would add approximately 42,233 people by 2035. However, trends are not necessarily destiny. Many events will happen that will likely change the predictions: another Bakken oil play, another recession, recruitment of a major employer, loss of a major employer. Population projections based on trends should be used with caution, but given the stability of our economy, the quality of our schools, and the continuing improvement to our quality of life, a 1.5 percent annual increase is not unreasonable prediction.

Land Use

Current Planning

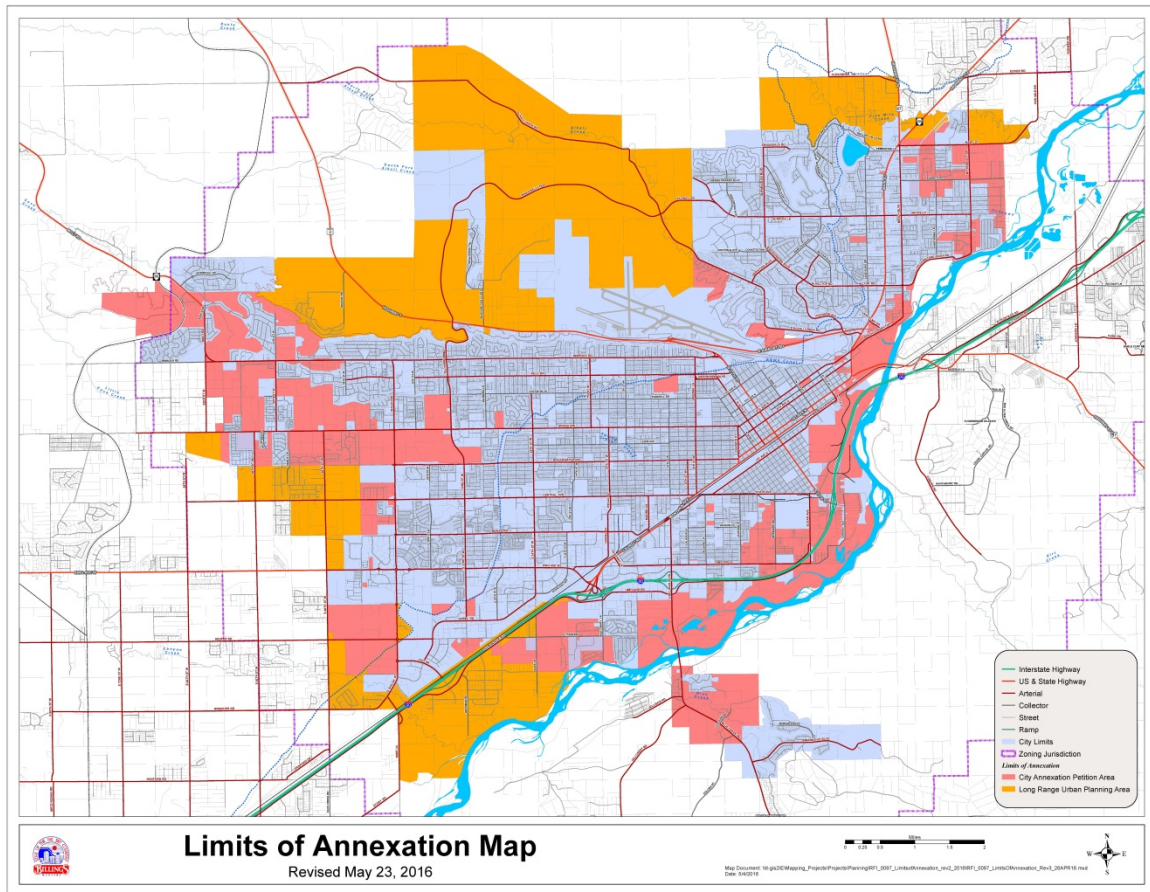
The City of Billings has added 1.0 square miles since 2014 and is currently at 42.9 square miles. It is still the largest city in Montana. Roughly one-third of the city is zoned for commercial use, 12 percent for industrial use, and the remainder as residential. As property is annexed, it is zoned according to the City zoning designation closest to what it was zoned in the County. Most of annexations have been residential. However, property owners that intend to develop soon after annexation rezone their property to suit at the same time as annexation. The City's Annexation Policy has done much to manage

MAP XX. LIMITS OF ANNEXATION, 2004



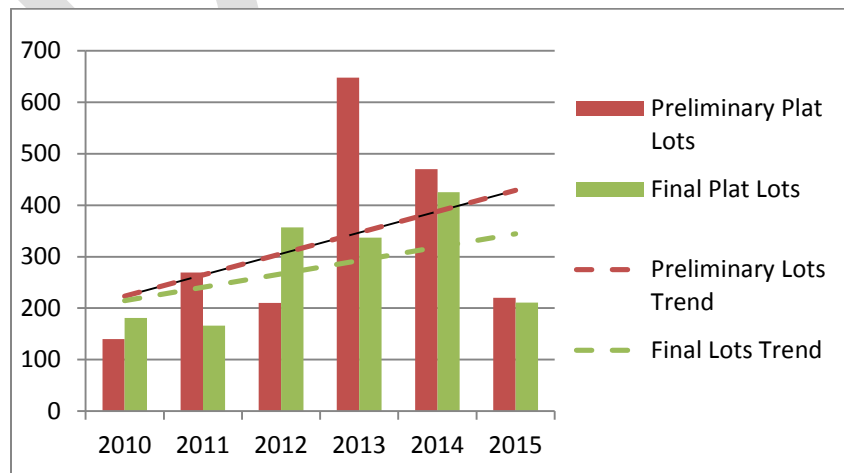
the expansion of the City since its adoption in 2004. The maps below show the change in city limits and limits of annexation from 2004 to 2016.

MAP XX. LIMITS OF ANNEXATION, 2016



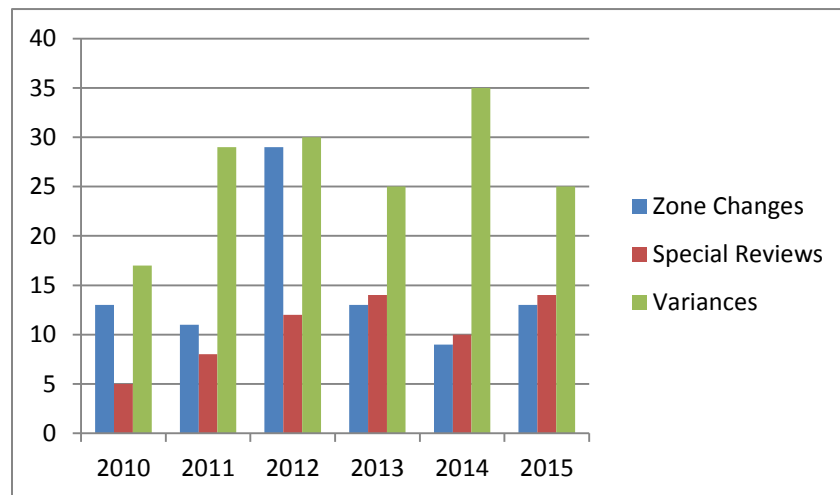
Commensurate with growth are changes in zoning, Special Reviews, Variances and subdivision activity. The number of lots created through subdivision steadily increased since 2010, but fell off sharply in 2015 as the chart below shows. A total of 1,677 lots were created since 2010.

CHART XX. LOTS CREATED BY SUBDIVISION 2010 – 2015



With the exception of 2012, when there were 29 zone changes, the zoning activity remained fairly consistent. Chart xx shows the number of Zone Changes, Special Reviews, and Variances processed in the City between 2010 and 2015.

CHART XX. CITY ZONING ACTIVITY 2010 – 2015



Housing

In 2010, Billings had an estimated 46,317 housing units. The number of units has increased significantly since then. The City Building Division issued permits for almost 3,000 new units, including 2,006 single family units and 258 duplex units. Building permits were also issued for 465 multi-family structures containing at least 3 units apiece but many of them were 4 to 10 unit structures so the estimate of total units built is probably low.

The greater Billings area housing market continues to be strong in 2016 but is showing signs of adjustment. Pending sales in March, 2016 were 447 compared to pending sales in 2015 which were 396. In 2006, before the recession, pending sales were 320. Other signs of a strong market include closed sales, up 7 percent, inventory 20 percent and interest rates down -2 percent.³ There are, however, some negative aspects of the market that need to be recognized.

Activity in the Bakken Oil Field in North Dakota and Montana has slowed considerably due to a significant decrease in oil prices. In April 2015, the drilling rig count in North Dakota was 88. In 2016 the rig count dropped to 27 and no rigs were drilling in Montana in 2016. The regional coal industry has also been negatively affected recently. Montana coal production is down by one third from 2015⁴ and Arch Coal has declared bankruptcy and laid off workers, and Colstrip coal-fired generators are being threatened by out-of-state clean energy interests.⁵ The effect on the local real estate market does not

³ Howard Sumner, Howard Sumner Real Estate, Market Update at a Glance, March 2016.

⁴ Billings Gazette, Montana Coal Production Down a Third, June 9, 2016

⁵ Billings Gazette, Washington Plans for Colstrip's Closure, but Stops Short of Ordering It, Mar 9, 2016

appear to be significant at this time but may result in fewer families and individuals associated with the oil and coal industries moving to Billings and purchasing homes.

A problem identified in the 2012 Analysis of Impediments to Fair Housing Choice, concerns social equity and possible discriminatory housing practices.⁶ The study reported Billings as having a dual housing market; one for Whites and Asians and one for American Indians, Hispanics and African Americans. The concentration of minorities in some neighborhoods which coincides with areas of low income is characteristic of discrimination which *distorts* a free housing market. A free housing market may be distorted by practices such as racial steering, mortgage lending discrimination, discriminatory advertising, discriminatory rental policies, mortgage and insurance redlining or discriminatory appraisals.

Another problem facing the Billings' housing market is affordability for our most vulnerable populations:⁷

- Small family households (two to four members) with incomes from zero to 80% of the Area Median Income (AMI).
- Households with members aged at least 75 years with incomes from 30% to 80% AMI.

The following text is excerpted from the FY2015 – 2019 Consolidated Plan:

“The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% AMI. Local housing options are limited due to cost burden, low vacancy rates and increased competition for available units.

According to the American Community Survey data, population growth appears to be keeping pace with the number of available housing units in Billings, However, more recent data point to a higher number of people experiencing homelessness and a considerably tight rental market with a vacancy rate of less than two percent. The largest qualifying income category for Community Development programs is the 50% to 80% category at 7,330 households. Excluding total households and households with incomes over 80%, the next largest cohort includes households with incomes between 50% and 80% AMEI (6,315). Small family households are the largest cohorts in all income categories (4,633) followed by those aged at least 75 years (3,387).

Most in demand are smaller affordable rental units, as the Housing Authority of Billings has identified over 1,200 households on the waiting list for rental units with one bedroom. The development of smaller rental units would meet the needs of the Millennials, who prefer to rent small units. It would

⁶ Billings, Montana, Analysis of Impediments to Fair Housing Choice, 2012, Planning/Communications, River Forest, Illinois, April 2013. Commissioned by the City of Billings Community Development Division

⁷ FY2015 – 2019 City of Billings Five Year Consolidated Plan, Community Development Division, April 27, 2015. For reference, the 2015 HOME income limits for a two person household at 80% AMI is \$41,100 and for a four person household the limit is \$51,350.

also support the needs of elderly, who may prefer to rent or purchase maintenance-assisted condominiums.”

Transportation

According to the 2015 statistics maintained by the City Public Works Department, Billings has 544.4 miles of streets and 124.2 miles of alleys. This is a 3.5 percent increase in total street and alley miles since 2008. In Billings, streets are classified by their function in the overall context of the highway transportation system. The functional classification system is established by the following hierarchy:

Freeways – serve high speed, long distance travel movements and provide limited access to adjacent lands. Interstate 90 is the only freeway designated route in Billings.

Principal Arterials – intended to serve higher volumes of traffic, particularly through-traffic at higher speeds. Examples of this classification include Shiloh Road, 24th Street West, N 27th Street, Main Street, Rimrock Road, Zimmerman Trail, Grand Avenue and King Avenue West, just to name a few major arterials. Minor arterials include King Avenue East, State Street, North 30th, Aronson and Poly Drives.

Collectors – represent the intermediate class and collect traffic from the local street system and link travel to the arterial roadway system. Examples of collectors include Lake Elmo Drive, Parkhill Drive, Calhoun Boulevard, 19th Street West and 29th Street West.

Local Roads and Streets – these roadways carry locally generated traffic at relatively low speeds. Local streets provide connectivity through neighborhoods and are generally designed to discourage cut-through traffic.

A map showing the classification of the Billings street network is available on the City’s website: <http://ci.billings.mt.us/DocumentCenter/View/26253>. A full description of the functional classifications and the City street network is provided in the 2014 Billings Urban Area, Long Range Transportation Plan.⁸

The City approves a Capital Improvement Plan each year for capital projects in excess of \$25,000 that are planned for a six fiscal year time frame. The plan identifies the project, years in which the expenditures will be made, the cost of the project per year, and the funding source(s). The last five CIPs list the following projects and the primary funding sources for road improvements and reconstruction. The table below shows the amounts in each funding source that were listed in the year the CIP was approved by City Council.

⁸ 2014 Billings Urban Area Long Range Transportation Plan, prepared for City of Billings/Yellowstone County Metropolitan Planning Area by Kittelson & Associates, Inc. and DOWL HKM, Inc., August 2014.

CHART XX. FUNDING SOURCES FOR TRANSPORTATION PROJECTS LISTED IN THE CIP.

Funding Source	FY2012	FY2013	FY2014	FY2015	FY2016
Storm Drain Bonds	\$0	\$9,000,000	\$4,000,000	\$10,253,750	\$0
Safe Routes to School	\$0	\$25,000	\$0	\$0	\$0
Community Development Block Grants	\$0	\$25,000	\$0	\$0	\$0
Sidewalk Bonds	\$0	\$200,000	\$200,000	\$200,000	\$400,000
Gas Tax	\$570,436	\$3,650,000	\$3,375,000	\$3,537,000	\$2,867,000
Storm Drain	(\$2,290,000)	\$2,202,500	\$817,250	\$2,802,500	\$1,325,000
Public Works Bond Utility Repair	0	\$5,000	\$5,000	\$0	\$0
Street Maintenance Fees	\$0	\$0	\$0	\$0	\$0
Special Improvement Bonds	\$1,200,000	\$1,000,000	\$800,000	\$1,000,000	\$800,000
Street Lights	\$0	\$5,000	\$5,000	\$0	\$0
Developer Contributions	\$0	\$0	\$0	\$59,800	\$0
State & Federal	\$0	\$0	\$7,400,000	\$0	\$0
Tax Increment Financing	\$0	\$330,000	\$2,300,000	\$2,200,000	\$3,300,000
Community Transportation Enhancement Program (federal)	\$170,564	\$0	\$415,000	\$0	\$0
BSEDA	\$0	\$0	\$120,000	\$0	\$0
Arterial Fees	\$400,000	\$2,250,000	\$4,500,000	\$3,050,200	\$0
Unfunded		\$0	\$0	\$0	\$4,120,000
Total	\$60,000	\$9,692,500	\$23,937,250	\$23,103,250	\$12,812,000

Billings enjoys more than 37 miles of paved, off-street multi-use trails. The trail network includes trails through parks, such as Swords Park trail; trails within road rights-of-way, such as Zimmerman Trail and Shiloh Road, and trails within other City right-of-way, such as the Kiwanis trail. These trails function both for commuters and recreationist. Eleven miles of soft surface trails through Riverfront, Two Moon, and Phipps Parks and around Lake Elmo provide recreational opportunities to pedestrians and bicyclist alike. There are also over 17 miles of on-street bicycle facilities such as bike lanes and sharrows around the City that are used primarily by commuters.

Trail usage has steadily increased over the last 5 years. Based on annual trail counts, the number of users has almost doubled from 2008 to 2012. The City is now maintaining annual trail counts at fixed and random locations to document trail usage. The City produces a number of planning documents that report on the state of pedestrian and bicycle facilities that are updated periodically:

CHART XX – BICYCLE AND PEDESTRIAN PLANNING DOCUMENTS UPDATE SCHEDULES

Planning Document	Last Update	Scheduled Update
Billings Area Bikeway and Trail Master Plan	2011	2016
Complete Streets Progress Report	2013	2016
Long Range Transportation Plan	2014	2018

In 2011, the City Council adopted the first Complete Streets Policy. Contributors to the first Complete Streets Policy included member of the Healthy by Design Built Environment Workgroup; BikeNet (now TrailNet), Downtown Billings Alliance, Montana Department of Transportation, MET Transit, City Engineering Division, City/County Planning Division and Big Sky Economic Development Authority. The 2011 Policy was repealed and a new policy was adopted by City Council on May 23, 2016. The 2016 Complete Streets Policy “intends to promote and encourage the development of a multi modal transportation system that will provide access to all users where practicable.” The policy provides definitions and outlines implementation procedures that provide a framework for planning and designing the City’s transportation network.

MET Transit, the City’s public transit provider, currently operates with 17 routes and has two primary transfer centers. MET operates 41 fleet vehicles all containing wheelchair lifts or ramps and two-slot bicycle racks. In 2016, MET intends to modify its current routes by eliminating some routes (2, 4, 6, and 8) and changing other routes and hours of service. The changes will add or enhance service to the new two middle schools as well as increase evening service to the Heights.

Public Utilities

Schools

Natural Resources

Chapter 5 – Community Goals

Goal



ESSENTIAL INVESTMENTS – prioritize public and private investment in areas, policies, programs and projects that achieve the community vision as described in the Growth Policy Statement:

“In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing city limits, but preference will be given to areas where city infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The city will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.”

Essential Investments are where and how the public and private sectors should spend their time and resources. These policies, programs or projects are considered extremely important to achieve the community vision. For budgeting public funds, the objectives should be considered priorities. These objectives may also guide private investments in our community.

Objectives

Locations for investments

- Infill and contiguous County properties
- Downtown
- Urban Renewal Districts
- Interstate Interchanges
- Major Arterials
- Inner Belt Loop
- West End

Public Services

- Public safety
- Schools
- Planning
- Parks and Recreation
- Snow removal
- Street maintenance
- Trail maintenance

Infrastructure

- Integrated water systems

Regulation

- Animal control
- Traffic control
- Architectural control
- Growth management
- Water conservation
- Energy conservation
- Preservation of sensitive natural environments

Businesses

- Neighborhood commercial and public services
- Improved air service
- Recycling programs
- Local businesses
- Local foods

Amenities

- Dog Parks
- Recreation Center/Sports Facility

- Waste water treatment
- Communications
- Street lights

- Branch Libraries
- Convention Center
- Museums

Toolbox



- ❖ Priority based budgeting
- ❖ Fees and assessments
- ❖ Municipal and tax increment finance bonds
- ❖ Grants
- ❖ Mill levies
- ❖ Local option tax
- ❖ City Charter amendments
- ❖ Public/private partnerships
- ❖ Special districts
- ❖ Regulatory changes

Performance Indicators

- Annual tax increment growth in Urban Renewal Districts
- Annual change in the area added to the City
- Number of neighborhood and park master plans prepared annually
- Miles of streets and trails maintained annually
- Quality of waste water discharge at the treatment plant measured annually
- Annual number of vehicle crashes
- Annual change in the average dwelling units per acre within the City limits
- Acres of land zoned for neighborhood commercial services measured annually
- Number of annual business licenses (Business Determination Tax) issued and renewed
- Number of dog parks developed annually

PHOTO

Goal



PLACE MAKERS – Enhance existing public places, create new ones, preserve natural and historic places, and maintain our agricultural landscape to define the community for its residents and improve the quality of life for everyone who lives or visits.

The Billings area should continue to make places that we all enjoy by preserving and improving public space as well as the natural and historic landscape to bring the community together where people are comfortable and share activities. These places are ones that you go back to, share with visitors and recall when someone asks you to describe your community.

Objectives

Enhanced public spaces

- Parks
- Public property
- Interstate interchanges
- Street corridors

Public Services

- Recreation center/sports facility
- Branch libraries

Protection and Preservation

- Historic preservation controls
- Integrated landscape and storm water controls
- Preservation of viewsheds
- Preservation of natural areas
- Preservation of historic places

Amenities

- Yellowstone River access
- Rimrock views and access
- Preserved agricultural lands
- Museums

PHOTO

Toolbox



- ❖ Landscaping regulations
- ❖ Site development regulations
- ❖ Zoning regulations
- ❖ Subdivision regulations
- ❖ Agricultural land acquisition program
- ❖ Farm to table program to supply local food
- ❖ Public/private partnerships to develop community facilities
- ❖ City-wide Public Arts Committee program
- ❖ Develop City-owned spaces downtown
- ❖ Local/State coordination for community entryway right-of-way improvements
- ❖ Billings Area Bikeway and Trail Master Plan updates
- ❖ City-Wide Parks Master Plan
- ❖ Rims to Valley Bike/Ped Feasibility Study implementation
- ❖ Highway 3 Corridor Study implementation
- ❖ Prepare and implement park master plans
- ❖ Funding Sources
 - County-Wide Library Levy
 - Transportation Planning Program
 - County-Wide Planning Levy
 - City-wide and Downtown Park District
 - Business Improvement District
 - Tax Increment Finance District

Performance Indicators

- Number of acres of agricultural land preserved every 5 years
- Number of street trees planted in the public right of way annually
- Number of park master plans adopted and implemented (funded) every 5 years
- Number of public art installations added city-wide annually
- Miles of trails added annually
- Gallons of storm water retained annually using landscaping (use project design calculations)
- Number of community events held in public spaces community-wide annually
- Access, trail, historic place improvements along Highway 3 built every 5 years
- Two branch libraries opened
- Recreation Center opened
- Annual number of visitors to City parks

Goal



COMMUNITY FABRIC - is what makes the City of Billings unique, attractive, a desirable place to live and aesthetically pleasing to residents and visitors.

Community fabric can make Billings a draw to others looking for a place to call home.

A Strong community promotes the City's appeal to residents, businesses and visitors. Elements of community fabric include access to outdoor activities, enjoyment of urban greenspace and participation in a rich cultural heritage.

Objectives

Attractive entryways

- Require trees and landscaping
- City Beautification
- New zoning code
- Design standards

Neighborhood parks

- Require developers to build parks
- Variety of parks
- Small neighborhood parks
- More natural areas

Green space in commercial areas

- More places to enjoy trees
- More Green Space in commercial development
- Green space and landscaping in Downtown
- New zoning code
- More attractive freeway frontage

Vibrant Downtown

- Pocket parks downtown
- Shopping and Dining Choices
- Green Buildings
- Fun centers / Science centers
- Museums
- Walking mall in downtown

Outdoor public spaces

- Downtown Square
- Dog parks
- Community Gardens
- River Access

Recreation/cultural opportunities

- Marathon loop
- Bike Trails
- Make use of river frontage
- Paths between neighborhoods
- Walkable paths through the city

Preserve Our History

- Protect Rims
- Protect River
- Historic buildings

Toolbox



- ❖ Landscape/Zoning regulations
- ❖ Infill policy implementation
- ❖ Updated Engineering Site Development code
- ❖ Connectivity of streets and pedestrian facilities
- ❖ Integrated storm water management
- ❖ Cultural Partner Funding
- ❖ City forestry program
- ❖ Prepare city wide park program
- ❖ Local Historic Districts
- ❖ Grassroots community groups

Performance Indicators

- Park acreage increase
- Reduced Urban Heat Islands
- More walkable public and commercial areas
- Commercial, cultural and recreational options in the downtown core
- More miles of trails
- Walkable conveniences near residential development
- Aesthetically pleasing streetscapes
- Increased outdoor green spaces downtown

PHOTO

Goal



STRONG NEIGHBORHOODS – Create and enhance strong neighborhoods that are clean and safe with streets and public places that provide convenient access for our most vulnerable citizens – our children and grandparents. A strong neighborhood is a place where we will be comfortable no matter our age, income or heritage and provides gathering spaces to encourage everyday interaction between residents.

Billings is a city of neighborhoods. A neighborhood can be as small as 1 block of houses between 2 intersections or as large as a 400 homes in a distinctive subdivision. How our neighborhoods are designed and built sets a course for its livability, safety, sociability and resilience.

Objectives

Safe, accessible and comfortable places for people to walk and gather

- Neighborhood green space, play spaces and parks
- Neighborhood events
- Street trees
- Complete sidewalks
- Street and pedestrian lighting
- Neighborhood Watch programs

Access to everyday conveniences within walking distance

- Complete neighborhoods
- Small neighborhood businesses for services

Housing choices for all ages and families

- Mixed housing types

Interconnected network of sidewalks and trails that are safe at all times

- Complete sidewalks
- Billings Bikeway and Trail Master Plan
- Pedestrian lighting

Connect Neighborhoods

- Public transit
- Billings Bikeway and Trail Master Plan
- Sidewalks and trails

Attractive and safe neighborhood streets

- Low-speed design
- On-street parking
- Street trees

Toolbox



- ❖ Complete Streets Policy
- ❖ Zoning regulations
- ❖ Site design standards
- ❖ Subdivision regulations
- ❖ Landscape regulations
- ❖ General Obligation Bonds
- ❖ Neighborhood Grant Program
- ❖ Special Improvement Districts (city-wide)
- ❖ Neighborhood Task Forces
- ❖ Grassroot organizations

Performance Indicators

- Crime rate
- Carbon emissions monitoring
- Community Health Impact Assessment
- Conflicts/crashes between vehicles and bicycles and pedestrians
- Happiness quotient ☺
- Vehicle crashes
- Housing + Transportation Index TM
- WalkScore TM

PHOTO

Goal



HOME BASE – Enable a home environment for all residents that is healthy, safe and affordable, and offers a choice of housing options.

Residents of Billings prefer a choice of housing that is healthy, safe, and affordable. The resident's age and household diversity create needs that are no longer served by only the traditional single family home. For many residents, lifestyle dictates the type of housing preferred. Busy households without children or households with aging residents may opt for smaller, more compact homes, even apartments. Larger households with children might prefer single family homes on small to large lots. Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

Objectives

- Housing Options
- Affordability
- Safety
- Convenience
- Healthy
- Energy Efficient

PHOTO

Toolbox



- ❖ Housing Needs Assessment
- ❖ Subdivision regulations
- ❖ Accessory Dwelling Units
- ❖ Affordable housing incentives/requirements
- ❖ Infill Policy
- ❖ Public/private partnerships
- ❖ Urban fringe subdivision standards
- ❖ Neighborhood Planner/Coordinator
- ❖ Housing rehabilitation program
- ❖ First Time Home Buyer program
- ❖ Land Bank
- ❖ Foreclosure and acquisition program
- ❖ Affordable housing project

Performance Indicators

- Number of new residential building permits by Neighborhood Task Force area
- Housing + Transportation Index TM
- Crime rate
- Number of Nuisance Code violations by Neighborhood Task Force area

PHOTO

Goal



MOBILITY AND ACCESS - The transportation system is designed to be safer and more efficient for all users.

A transportation network allows people to make transportation mode choices that work best for them and helps reduce traffic congestion, protect air quality and promote public health. Mobility and access means projects, policies and programs that ensure transportation choices in places where goods and services are accessible to residents.

Objectives

Connectivity

- People to places
- North, South, East and West
- Vehicles, bicycles and pedestrians
- Neighborhoods and Subdivisions
- Essential services
- Bus routes
- Transportation options
- Public safety
- Safe Routes to School

Accessible

- Essential services
- Public transportation
- Disabled residents
- Safety

Safety

- Predictability of all users
- Bike Lanes
- Separated multi-use facilities
- Boulevard sidewalks
- Safe Routes to School
- Speed control/traffic calming

Transit and Air

- More routes
- Extended hours
- Technology (mobile apps for bus tracking)
- Airport shuttle
- Routes with destination hubs (commercial, medical, recreational)
- Economically stable
- Smaller/energy efficient fleet
- Expand air service

Rail and Freight

- Pedestrian/Bicycle bridge
- Safe railroad crossings (both vehicle and pedestrian)
- Re-establish passenger rail in Billings (southern route)
- Traffic flow

Toolbox



- ❖ Complete Streets Policy
- ❖ Complete Streets Progress Report
- ❖ Long Range Transportation Plan
- ❖ Transportation Planning Studies
- ❖ Billings Bikeway and Trail Master Plan
- ❖ Transportation Demand Management (TDM) Strategies
- ❖ Federal, State and Local Grants
- ❖ Permanent local non-motorized funding
- ❖ Targeted traffic enforcement
- ❖ Data
- ❖ Zoning Regulations
- ❖ Subdivision Regulations
- ❖ Site development requirements
- ❖ Inter-agency cooperation (planning/projects)
- ❖ Private/public partnerships
- ❖ Connected Node Ratio
- ❖ MET mill levy

Performance Indicators

- Crash rates
- Ridership/modal splits
- Travel times
- Community health indicators
- ISO rating
- Air quality
- WalkScore[™]
- Housing + Transportation Index[™]
- Livability index

PHOTO

Goal



PROSPERITY – enable “a diverse, welcoming community where people prosper and business succeeds.”

VISION STATEMENT, CITY OF BILLINGS FY 2015-2019 CITY COUNCIL STRATEGIC PLAN

As Billings grows, its population becomes more diverse in terms of age, race, ethnicity, and culture. Every individual has the right to enjoy a quality of life that is free from discrimination and provides equal opportunity for social and economic advancement. As the Vision Statement in the Council’s Strategic Plan states, Billings strives to welcome this diversity and create a community that encourages individual and commercial success. Government’s role is to ensure charges, fees, taxes and assessments are equitable and reasonably related to the services it provides. Both the public and private sector can contribute to the prosperity of the City by attracting and retaining businesses that pay living wages.

Objectives

City Taxes and Assessments

- Affordable
- Equitable

Job Creation

- Professional jobs
- Competent workforce
- Living wages
- Business development

Tax and Assessment Reform

- Local Taxing Authority
- Equalization (revenue neutral)

PHOTO

Toolbox



- ❖ Impact Fees
- ❖ Tax Incentives
- ❖ Workforce training and recruitment
- ❖ Resort Tax
- ❖ Local Option Tax
- ❖ Tiered assessments (based on location)

Performance Indicators

- Annual net job growth
- Annual change in average wages with and without benefits
- Annual change in median home prices
- Annual change in median household income
- Annual amount of tax revenue received from local authority tax

PHOTO

DRAFT

APPENDICES

RESOLUTION NO. 16 - _____

RESOLUTION OF INTENT TO ADOPT THE 2016 CITY OF BILLINGS GROWTH POLICY.

WHEREAS, pursuant to Section 76-3-601, et. seq. of the Montana Code Annotated, the governing body may adopt by resolution a Growth Policy for all or part of the jurisdictional area of the Yellowstone County Board of Planning. The 2016 City of Billings Growth Policy applies only to the City of Billings which lies completely within the Planning Board's jurisdiction;

WHEREAS, the Growth Policy contains those elements listed in subsection (3) §76-1-601, MCA;

WHEREAS, on the 28th day of June, 2016, a public hearing was held by the Yellowstone County Board of Planning for the purpose of receiving public comments on the proposed Growth Policy;

WHEREAS, The Yellowstone County Board of Planning by Resolution 16-02, recommends the adoption of the proposed Growth Policy;

NOW, THEREFORE, BE IT HEREBY RESOLVED,

It is the intent of the Billings City Council, to adopt the 2016 City of Billings Growth Policy. The City Council hereby gives notice by Resolution of Intent that it will act on the Resolution to Adopt on July 25, 2016. By approving this Resolution of Intent, the City of Billings City Council acknowledges the Growth Statement and Guidelines for the City of Billings, Montana:

City of Billings Growth Policy Statement

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure is most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (ie energy efficiency and renewable energy) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital. Water conservation can assist in mitigating the need for expansion
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- The preservation of prime agricultural farmland through public programs and/or public/private partnerships will help sustain agriculture and locally grown food
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City
- Improve the aesthetic appearance of the city entryways and streetscapes in order to complement the Yellowstone Valley's natural beauty

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings

- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Zoning regulations that allow a mixture of housing types support diverse neighborhoods
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory Dwellings provide an important type of affordable housing options
- Energy efficient housing can reduce energy consumption

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Transit routes to popular destinations and extended route hours are much desired
- Development oriented to transit routes will provide more transportation choices and is preferred

- “Safe Routes to Schools” promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, equitable City taxes and assessments are important to Billings’ taxpayers
- A diversity of available jobs can ensure a strong Billings’ economy
- Successful businesses that balance living wages with economic growth benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, reduce pollutants and preserve air quality

APPROVED AND PASSED by the City Council of the City of Billings this 11th day of July, 2016.

THE CITY OF BILLINGS:

BY: _____
THOMAS W. HANEL, MAYOR

ATTEST:

BY: _____
TONI KEEHNER, DEPUTY CITY CLERK

Regular City Council Meeting

Meeting Date: 07/11/2016

TITLE: Resolution Transferring \$50,000 Council Contingency to the Park Maintenance District 1 Fund for a Shelter at High Sierra Dog Park

PRESENTED BY: Bruce McCandless, Assistant City Administrator

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

At the June 27, 2016 meeting, Councilmember Cimmino sponsored an initiative to use \$50,000 of FY 16 Council Contingency funds to construct a shelter at the High Sierra Dog Park. The initiative passed 6-3. The Council budgets \$65,000 annually to take advantage of opportunities or to meet emergency needs. The account balance is \$63,617 as of June 30, 2016. In May, the PRPL Department estimated that constructing a shelter that meets ADA requirements will cost \$48,000 - \$60,000. The attached resolution directs staff to transfer \$50,000 of FY 16 Council Contingency to the Park Maintenance District 1 (PMD 1) Fund to construct the dog park shelter.

ALTERNATIVES ANALYZED

City Council may:

- Approve the resolution that transfers \$50,000 to PMD 1 to construct a shelter at the High Sierra Dog Park, or;
- Modify and approve the resolution, or;
- Disapprove the resolution.

FINANCIAL IMPACT

This action will transfer \$50,000 of Council Contingency, an account within the General Fund, to PMD 1 to construct the shelter. The funds will be spent after July 1, 2016, and state law requires an FY 17 budget amendment when the money is obligated through design and/or building contracts. The increased PMD 1 spending authority will be submitted to Council with other first quarter FY 17 budget amendments.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution that transfers \$50,000 of FY 16 Council Contingency funds to the Park Maintenance District 1 Fund to construct a shelter at the High Sierra Dog Park.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION NO. 16-

A RESOLUTION BY THE BILLINGS MONTANA CITY COUNCIL,
APPROVING THE TRANSFER OF \$50,000 COUNCIL
CONTINGENCY FUNDS TO PARK MAINTENANCE DISTRICT #1
TO CONSTRUCT A SHELTER AT THE HIGH SIERRA DOG PARK

WHEREAS, the \$65,000 City Council Contingency account is a means for the City Council to take advantage of opportunities or to remedy problems that could not be anticipated when the fiscal year began; and

WHEREAS, the High Sierra Dog Park is one of the most used park facilities in the City of Billings; and

WHEREAS, the Dog Park has few amenities for the comfort of pets and pet owners; and

WHEREAS, the City's Parks, Recreation and Public Lands Department believes that a weather/sun shelter at the Dog Park is a needed amenity and has estimated a shelter's cost to be \$48,000 - \$60,000; and

WHEREAS, the FY 2016 Council Contingency account has a \$63,617 balance as of June 30, 2016.

NOW, THEREFORE BE IT RESOLVED BY THE BILLINGS CITY COUNCIL THAT \$50,000 of Council Contingency funding shall be transferred to the Park Maintenance District 1 Fund for constructing a shelter at the High Sierra Dog Park.

ADOPTED by the Billings City Council on July 11, 2016.

Thomas W. Hanel, Mayor

Attest:

Toni Keehner, Deputy City Clerk

Regular City Council Meeting**Meeting Date:** 07/11/2016**TITLE:** West End Multi-Modal Traffic Modeling Study**Department:** City Hall Administration

PROBLEM/ISSUE STATEMENT

The Planning Division is presenting to the City Council the West End Multi-Modal Traffic Modeling Study with the intent to have the Council make a recommendation to the Policy Coordinating Committee (PCC). The City Council received information regarding this study at its June 20 Work Session and again at the July 5 work session.. At the June 27 Council meeting, the Council tabled this item for further discussion until the July 11 Council meeting. The PCC is scheduled to meet on July 19.

In recent years, land development in the area of Billings that lies west of Shiloh Road has brought about an increase in traffic volumes that directly impacts safety, traffic operations and access. As more and more rooftops are constructed in this area, demand for pedestrian and bicycle facilities to support multi-modal transportation options is also rapidly increasing. The intent of this study is to provide the City of Billings and Yellowstone County with a tool for planning improvement projects to meet the demands of a vibrant and growing region in our community.

The study was managed by a project steering committee comprised of representatives from City/County Planning, City Engineering Division, County Public Works Department and the Montana Department of Transportation. The planning process included a public participation element that hosted two public open houses on the context and goals of the study. Participants were able to review the transportation history of the study area, the estimated land use and future traffic impacts and comment on proposed improvements.

The Study and additional information has been provided to the Council previously and nothing in the documents has changed since the Council reviewed the material on June 20. Due to the size of the documents and recent problems with some of the web links to the documents, staff will provide hard copies of the study upon request.

ALTERNATIVES ANALYZED

- City Council may:
- Approve the West End Multi-Modal Traffic Modeling Study and forward the recommendation to the Policy Coordinating Committee through the City's PCC representative; or
- Approve the West End Multi-Modal Traffic Modeling Study with modifications and forward the recommendation to the Policy Coordinating Committee's through the City's PCC representative; or
- Disapprove the West End Multi-Modal Traffic Modeling Study and forward the recommendation to the Policy Coordinating Committee through the City's PCC representative.

FINANCIAL IMPACT

There should be no direct financial impact from the adoption of this study. However, if adopted, it will assist with future transportation improvements for the west end and provides recommendations for incorporating corridor and intersection treatments and bike/pedestrian facilities.

RECOMMENDATION

Staff recommends that the Council approve the West End Multi-Modal Traffic Modeling Study and forward this recommendation to the Policy Coordinating Committee for its meeting on July 19.

APPROVED BY CITY ADMINISTRATOR
