

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

January 23, 2017

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Yakawich

ROLL CALL: Councilmembers present on roll call were:

MINUTES: January 9, 2017

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign in at the cart located at the back of the council chambers or at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

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

A. **Bid Awards:**

1. **Snow Plowing and Hauling.** (Opened 1/10/17) Recommend Knife River; not to exceed \$75,000 in FY17, and including two (2), one (1) year extensions with mutual consent.
 2. **W.O. 14-11, Water Reclamation Facility Nutrient Upgrade, Expansion and Improvements.** (Opened 1/10/17) Recommend Sletten Construction; \$61,681,033.
 3. **Replacement Rose Park Pool Operations Building.** (Opened 1/10/17) Recommend delay of award until 2/13/17.
 4. **One New Current Model 2017 Trailer with CCTV Inspection Equipment.** (Opened 12/27/16) Recommend rejection of bids and re-advertisement.
- B. Professional Services Contract** for Police Evidence Facility Expansion; Schutz Foss Architects, P.C. of Billings; \$54,000 fee, plus reimbursable expenses not to exceed \$4,000.
- C. Funding Agreement** between Billings MPO and Montana Department of Transportation (MDT) for the completion of the Household Travel Census; \$70,000.
- D. Acceptance of Donation** to the Fire Department from ExxonMobil for purchase and upgrade emergency response equipment; \$2,500.
- E. Grant Application Request** to submit FY2017-2018, Montana State Historic Preservation Office Certified Local Government (CLG) Grant application; \$5,500.
- F. Grant Application Request** to submit the MDT Transit Planning Division applications for Sections 5310, 5339 or any other available capital grants, and to accept and execute any subsequently awarded Grant Agreement(s) for replacement of three vans and other capital needs.
- G. Second/Final Reading Ordinance for Zone Change #951:** a zone change from Residential 7,000 (R-70) to Neighborhood Commercial (NC) on the East 1/2 of Lot 2 and Lot 3, Block 5 of Amended Block 2, Valley View Acres Subdivision, a 14,400 square foot located at 533 South 25th Street West. Steve Keuhn, owner. Approval of the zone change and adoption of the findings of the 10 criteria.
- H. Preliminary Subsequent Minor Plat** of Bishop Fox Subdivision, Amended Lot 1, Block 1, an approximately 8.195 acre parcel of land, generally located at the northeast corner of the intersection of Grand Avenue and 54th Street West; Bishop Fox Company, owner; CTA Architect Engineers, agent; conditional approval and adoption of the findings of fact.

- I. **Preliminary Minor Plat** of Tule Ridge Subdivision, described as Amending Lot 8 of Sunny Cove Fruit Farms into 5 lots, generally located on the southeast corner of the intersection of Rimrock Road and Molt Road; Tule Ridge Development, LLC, owner; Performance Engineering & Consulting, agent; conditional approval and adoption of the findings of fact.

- J. **Preliminary Minor Plat** of Shiloh Commons Subdivision, described as Certificate of Survey 2277 Amended, on a 9.38 acre parcel of land, generally located at the northeast corner of the intersection of Central Avenue and Shiloh Road; Stock Development, owner; Sanderson Stewart, agent; conditional approval and adoption of the findings of fact.

- K. **Bills and Payroll:**
 1. December 23, 2016

 2. January 3, 2017

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** adopting the Optimist Park Master Plan. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **PUBLIC HEARING AND SPECIAL REVIEW #952:** a special review to locate a drive through service for a pharmacy adjacent to a residential zone in a proposed 57,000 square foot building in a Community Commercial (CC) zone on a 8.197 acre parcel of land, generally located north of Grand Avenue, on the east side of 54th St. West. Bishop Fox Company, Ted Lovec, owner; CTA Architects & Engineers, Ron Isackson, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #952:** a zone change from Residential 7,000 (R-70) to Residential 6,000 (R-60) on a 23,800 square foot parcel of land, generally located on the southeast corner of the intersection at Avenue D and 13th Street West. Shahan Enterprises, owner; Kolton Knatterud, Territorial Landwork, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #953:** a zone change from Residential 7,000 (R-70) to Community Commercial (CC) on a 2.12 acre parcel of land, generally located adjacent to the Kiwanis Bike Path and off Yellowstone River Road. River Park Retirement Court, LLC, DBA River Park Storage (Gerald Klein), owner; Eric Nord, Crist, Krogh and Nord, PLLC, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

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

COUNCIL INITIATIVES:

ADJOURN:

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

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

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Contract Award for Snow Plowing and Hauling

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

The City of Billings has received record amounts of snow this winter. In order to provide continued snow plowing and hauling through the rest of the winter months, the Public Works Department determined it may be necessary to contract some of the snow plowing and hauling to assist the Street/Traffic Division. A Snow Plowing and Hauling invitation for bids was advertised on December 22, 2016, December 29, 2016 and January 5, 2017 in *The Billings Times* and on the City's website. The bids are for equipment and operators for a minimum of 5 trucks, 2 graders, 1 loader and a dispatcher. Staff will determine the combination of equipment needed at any given time. Staff opened bids on January 10, 2017 and Knife River submitted the lowest responsible bid. The Knife River trucks also have more carrying capacity than ones operated by the other bidder, which should increase the operations' efficiency. The contract is structured so that it can be renewed for an additional two (2), one (1) year periods, if both parties agree.

ALTERNATIVES ANALYZED

The Council may:

- Award the contract to the low, responsible bidder, Knife River; or
- Reject all bids, which will delay the snow plowing and hauling from arterial and collector streets in the City of Billings.

FINANCIAL IMPACT

The two bids are as follows:

Hourly rate - \$/each	Bidder	
	Knife River	CMG Const.
Grader	\$125	\$200
Loader	\$125	\$200
Dump truck		
Daytime	\$125	\$110
Night	\$125	\$120
Dispatcher	\$200	\$65

The Street/Traffic Division is proposing to set-aside up to \$75,000 of the Street Maintenance budget to fund this contract. Since the expense wasn't anticipated when Council approved the FY 2017 budget, the Division may have to reduce some of its other planned work.

RECOMMENDATION

Staff recommends that the City Council award the contract for Snow Plowing and Hauling to Knife River at the hourly rates shown above, not to exceed \$75,000 in FY 2017 and including two (2), one (1) year extensions with mutual agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Snow Plowing and Hauling Invitation to Bid



INVITATION FOR BID

Name of Good or Service Requested: Snow Hauling and Plowing

Contents:

- A. Summary of Invitation for Bid
- B. Instructions to Bidders
- C. Contract Requirements and Specifications
- D. Pricing and Addendum
- E. Standard Terms and Conditions
- F. Conditions and Non-Collusion Form
- G. Intent to Respond Form



A. Summary of Invitation for Bid

This bid is for the purpose of entering into a contract for Snow Plowing and Hauling for the City of Billings. The successful bidder agrees to provide the City of Billings with an acceptable quality of equipment/service, performance and workmanship as determined by the City of Billings.

It is the purpose of this bid to obtain the best quality of equipment/service at the most favorable price to the City of Billings. Consideration will be given for the level of service offered and ability to meet stated specifications as outlined in the contract documents.

The lowest bid need not be accepted if it is documented that a specific supplier in the past has been a poor performer or has provided poor goods.

B. Instructions to Bidders

Sealed bids entitled Snow Plowing and Hauling for the City of Billings Public Works Department, Billings, Montana, must be sent and addressed to the City Clerk of Billings, Montana, at the office of the City Clerk, 210 N. 27th Street, Billings, Montana 59101, up until 2:00 PM (MST) on Tuesday, January 10th, 2017.

More specific additional information regarding this contract may be obtained by contacting David Mumford, Public Works Director, by telephone at 406-657-8230, in person at 2224 Montana Ave or email mumfordd@ci.billings.mt.us.

Each bid must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to the City of Billings, Montana, in the amount not less than ten percent (10%) of the total amount of the bid. The bid security will be retained by the City Clerk until the successful bidder enters into a contract with the City of Billings. If no contract is entered into, by the successful bidder, within sixty (60) days the security may be forfeited to the City of Billings.

No bids may be withdrawn after the scheduled time for the public opening of bids, which is 2:00 PM (MST) on Tuesday, January 10th, 2017.

The right is reserved to reject any or all bids received, to waive irregularities, to postpone the award of the contract for a period of not to exceed sixty (60) days, and to accept that bid which is in the best interests of the City of Billings, Montana.

The City of Billings is an Equal Opportunity Employer. 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.



EXAMINATION OF DOCUMENTS

Before submitting a bid, the bidder shall:

- a. Carefully examine the Standards and Specifications as well as all other attached documents;
- b. Fully inform themselves of the existing conditions and limitations;
- c. Include with the bid sufficient information to cover all items required in the specifications.

BID COMPLIANCE

It shall be the responsibility of the bidder to see that all bids are sealed and submitted to the office of the City Clerk at City Hall, 210 North 27th Street, Billings, Montana 59101 (P.O. Box 1178, Billings, MT 59103), before 2:00 PM (MST) on Tuesday, January 10th, 2017.

BID MODIFICATIONS

Bids shall be made on the forms provided herein; they shall not contain any recapitulation of the work to be done. Modifications, additions or changes to the terms and conditions of this Invitation for Bid may be cause for rejection of the bid. Bids submitted on other forms may be rejected. No oral, telephone, email, fax or telegraphic bids or modifications will be considered.

CERTIFICATION OF ALTERATION OR ERASURE

A bid shall be rejected should it contain any material alteration or erasure, unless, before the bid is submitted, each such alteration or erasure has been initialed in INK by the authorized agent signing the bid.

INTERPRETATION PRIORITY

Should a bidder find discrepancies in, or omissions from, the specifications, or be in doubt as to their meaning, bidder shall notify David Mumford, Public Works Director at 2224 Montana Ave, Billings, MT 59101, who will send written instructions or addenda to all bidders. The City will not be responsible for oral interpretation. All addenda issued prior to bid opening shall be incorporated into and become a portion and part of the contract/agreement upon award. Questions received less than ninety-six (96) hours before the bid opening cannot be answered.

SIGNATURE

All bids shall be typewritten or prepared in ink and must be signed in longhand by the bidder or bidder's agent or designee, with his/her usual signature. A bid



submitted by a partnership must be signed with the partnership name to be followed by the signature and designation of the partner signing. Bids by corporations must be signed with the legal name of the corporation, followed by the name and signature of an authorized agent or officer of the corporation. Bids submitted by a proprietorship must be signed by the owner; the name of each person signing shall be typed or printed legibly below the signature.

WITHDRAWAL OF BIDS

Bidders may withdraw their bid either personally or by written request at any time prior to the time set for bid opening. No bid may be withdrawn or modified after the time set for opening, unless and until the award of the contract is delayed for a period exceeding sixty (60) days.

BID PRICE VALID

Bidders must honor their bid price for sixty (60) days from the date of sealed bid opening.

CERTIFICATION

The bidder certifies that the bid has been arrived at by the bidder independently and has been submitted without any collusion designed to limit independent bidding or competition. The bidder further certifies that the materials, products, services and/or goods offered herein meet all requirements of the stated specifications and are equal in quality, value and performance with highest quality, nationally advertised brand and/or trade names.

INSURANCE

The bidder certifies that they can provide a statement and meet the City of Billings minimum Commercial General liability insurance, as well as automobile insurance, each in the minimum amounts of of \$750,000 per claim and \$1,500,000 per occurrence, and the City being named as an additional insured. The certificate will be provided to the City prior to contract execution.

The successful bidder will be required to purchase a City business license and complete the new vendor forms in order to be eligible for payment.

EVIDENCE OF QUALIFICATION

Upon request of the City of Billings, a bidder whose bid is under consideration for award may be required to manifest satisfactory evidence of his financial resources, experience, the organization and equipment as well as service provisions bidder has available or will make available. In determining the lowest responsible bidder, in addition to price, the following considerations may be addressed:



- a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- b) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- c) Whether the bidder can perform the contract within time specified.
- d) The quality of performance of previous contracts, agreements and/or performance.
- e) Previous and/or existing compliance by the bidder with laws relating to the contract or services.
- f) Such other information which may be secured having a bearing on the decision to award the contract.

CONTRACTORS' GROSS RECEIPTS TAX AND PREVAILING WAGE RATES

The bidder understands that, if applicable, all contractors or subcontractors working on a publicly funded construction project are required to pay or have withheld from earnings one percent (1%) of the gross contract price if the gross contract price is Five Thousand Dollars (\$5,000) or more.

The bidder also understands that, if applicable and unless superseded by federal law, Montana law requires that contractors and subcontractors give preference to the employment of Montana residents for any public works contract in excess of \$25,000 for construction or nonconstruction services in accordance with sections 18-2-401 through 18-2-432, MCA, and all administrative rules adopted pursuant thereto. Unless superseded by federal law, each contractor shall ensure that at least 50% of the contractor's workers performing labor on a construction project are bona fide Montana residents. The Commissioner of the Montana Department of Labor and Industry has established the resident requirements in accordance with sections 18-2-403 and 18-2-409, MCA. Any and all questions concerning prevailing wage and Montana resident issues should be directed to the Montana Department of Labor and Industry. More information may also be found at: <http://erd.dli.mt.gov/labor-standards/state-prevailing-wage-rates>.

C. Contract Requirements and Specifications

The bidders must be able to provide the following for snow plowing and hauling:

- Minimum of 5 10 yard dump trucks
- Single dispatcher
- 2 graders preferred
- 1 front loader preferred

The bidder must bid on an hourly rate for equipment and operator. All operators



will work with the City of Billings Public Works crews to haul and plow snow. The contractor would be required to work 12-hour shifts that could be day and night shifts. This contract will be for one year with the option of a two one-year extensions, by mutual agreement.

The maximum budget for the first year of this contract would be for \$75,000, and all invoices shall be billed at the hourly rate.

D. Pricing and Addendum

Please bid net prices at which you will agree to furnish required goods or services.

Hourly rate for equipment and operator to complete all plowing/hauling:

\$ _____/hour

Contract shall be for a maximum, not-to-exceed, \$75,000 for year one. Budget for additional, renewal years shall be negotiated at a not-to-exceed amount.

I/We acknowledge _____ addendum.
#

Company Name

Date

Contact Name (please print)

Title

Signature of Contact Position

By signing the above, I certify that I am authorized by the Company named above to respond to this request.



E. Standard Terms and Conditions

In case of default by the successful bidder or failure to deliver the goods or services within the time specified, the City Purchasing Agent, after written notice, may procure them from other sources and hold contractor responsible for excess costs occasioned thereby.

The specifications attached to the instructions to bidders establish a standard of quality desired by the City of Billings. Any bidder may submit quotations on any article which substantially complies with these specifications as to quality, workmanship and service. The City of Billings reserves the right to make its selections of materials or services purchased, based on its best judgment as to which articles substantially comply with the requirements of the specifications.

No alteration in any of the terms, conditions, delivery, quality, or specifications will be effective without prior written consent of the City of Billings.

No exception to delivery or service dates shall be allowed unless prior written approval is first obtained from the City of Billings.

The contractor warrants all articles supplied under this contract to conform to specifications, herein. The contractor will deliver a warranty stating that all articles supplied under the contract are fit and sufficient for the purpose manufactured, merchantable, and free from defects.

In the event the City is entitled to a prompt payment or cash discount, the period of computation shall commence on the date of delivery, or receipt of correctly completed invoices, whichever is later. If an adjustment of payment is necessary, the discount period shall commence on the date final approval for payment is authorized.

The contractor agrees not to discriminate against any client, employee or applicant for employment or for services, because of race, creed, color, national origin, sex or age with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs and termination; rates of pay or other forms of compensation; selection for training; rendition of services. It is further understood that any contractor who is in violation of this shall be barred forthwith from receiving awards of any purchase order for the City unless a satisfactory showing is made that discriminatory practices have terminated and that a reoccurrence of such acts are unlikely.

The City reserves the right to cancel and terminate this contract forthwith upon giving 30 days written notice to the contractor. (This provision does not apply to the purchase of materials and equipment. A purchase order for materials and equipment is a binding contract.)



Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this contract, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorneys' fees, including fees for in-house attorneys, expended or incurred in connection therewith.

Where applicable, possible or required, bidder is required to submit descriptive literature, sample material, design sketches and detailed shop drawings. Failure to submit required items may result in rejection of the bid or termination of contract.

The successful bidder may not make any advertising or sale use of the fact that contract items are being used by purchaser and other approved agencies, under penalty of contract termination.

This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

The contractor may not assign or subcontract the agreement, or the right to receive reasonable performance of any act called for by the contract, shall be deemed waived by a waiver by City of a breach thereof as to any particular transaction or occurrence.

Regardless of FOB point, contractor agrees to bear all risks of loss, injury, or destruction of goods and materials ordered herein and such loss, injury, or destruction shall not release contractor from any obligation hereunder.

All materials submitted in response to this IFB become public records under Article II, Section 9 of the Montana Constitution and §§ 2-6-102 and 7-1-4144, MCA and may be distributed by written request pursuant to Montana's Constitutional Right to Know or Public Records Acts.

Information provided in response to this IFB will be held in confidence and will not be revealed or discussed with competitors prior to award of Contract by Council. However, one copy of each bid submitted shall be retained for the official files of the Department and will become public record after award of the Contract.

Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section.



F. Conditions and Non-Collusion Agreement

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the product/services specified at the prices stated herein. We additionally agree to deliver the products/services to the location and by the date set forth herein, if applicable.

In signing this bid, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a bid; that this bid has been independently arrived at without collusion with any other bidder, competitor or potential competitor; that this bid has not been knowingly disclosed prior to the opening of bids to any other bidder or competitor; that the above statement is accurate under penalty of perjury.

Legal Name of Firm/Corporation

Authorized Signature

Address

Printed Name

City/State/Zip

Title

Date

Telephone Number



I. Intent to Respond Form

Fax or email the following Intent to Respond form to David Mumford within two (2) days of the Bid Opening date of January 10, 2017 even if your company chooses NOT to participate.

To: City of Billings – Public Works Department
Attn: Dave Mumford, Public Works Director
Phone: 406-657-8230
Fax: 406-237-6291
Email: mumfordd@ci.billings.mt.us

From: _____ Contact Name

Company Name

Company Address

Email Address

Phone Number

Fax Number

Please indicate whether or not you intend to submit a bid on: **Snow Hauling and Plowing** by checking Yes or No.

We intend to respond by the specified due date:

Yes _____ No _____

Company Name

Date

Contact Name (please print)

Title

Signature of Contact Position

By signing the above, I certify that I am authorized by the Company named above to respond to this request.

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: W.O. 14-11, Water Reclamation Facility Nutrient Upgrade, Expansion and Improvements; Bid Award

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

City Council is asked to award a construction contract to Sletten Construction for the City of Billings' Water Reclamation Facility (WRF) Nutrient Upgrade, Expansion and Improvements in the amount of \$61,681,033.00.

The City of Billings will be required to comply with a new Montana Pollutant Discharge Elimination System (MPDES) discharge permit in the fall of 2019. Under the new permit, the WRF will need to meet more stringent discharge standards for total nitrogen, phosphorous and ammonia. HDR Engineering recently completed the project design which will not only enable the WRF to meet new and anticipated future discharge standards but also meet future increased flow rates to the WRF.

During the summer of 2016, City staff completed a formal process of soliciting and evaluating qualification packages from interested contractors and prequalified ten (10) of them to bid the project. After publicly advertising the project to these contractors, potential subcontractors and suppliers for thirteen (13) weeks, staff opened bids on January 10, 2017. There were three bidders and each bid exceeded the available funding. During design, the project was organized into schedules in order to be able to award a contract that matches the available funding. After review, staff recommends that City Council award a construction contract for the W.O. 14-11, WRF Nutrient Upgrade, Expansion and Improvements project, Schedules I, II, III, IV, V, X, XI, XII, XVI, and XVII, to Sletten Construction in the amount of \$61,681,033.00.

In addition, city code section 13-502(c) allows "where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city council may, upon recommendation of the city administrator, extend the aggregate limits of subsection (b) in an amount set by council resolution for a specific project". A contingency of \$3,000,000, approximately 5% of the project award amount, has been designated and staff is requesting that Council extend the City Administrator change order signing authority up to that amount.

ALTERNATIVES ANALYZED

City Council may:

- Award the construction contract to Sletten Construction, contingent on sale of bonds and approve extension of administrative change order approval, or;
- Award the construction contract to Sletten Construction, contingent on sale of bonds and do not approve extension of administrative approval. Not approving the extension will require change orders above \$500,000 (0.8% of the contract) to be presented to City Council which would cause delays and associated costs.
- Disapprove award of the construction contract to Sletten Construction. If the project is not completed, the City will be unable to meet the requirements of the new plant discharge permit to be issued by MDEQ and will not have the capacity to treat increased flows to the plant expected in the years to come.

FINANCIAL IMPACT

Bids were received on January 10, 2017 for W.O. 14-11, WRF Nutrient Upgrade, Expansion and Improvements Project, and the following table shows the results:

Bid Schedule	Williams Brother - Dick Anderson Construction	RSCI	Sletten Construction
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I--Secondary Treatment & Overhead, Blowers, Concrete Repairs	\$42,864,894.00	\$49,271,184.00	\$43,849,726.00
II--Secondary Digester	\$1,572,851.00	\$1,181,800.00	\$861,900.00
III--Corrosion & Odor Control	\$7,187,228.00	\$5,413,300.00	\$5,215,700.00
IV--Controls Upgrade	\$614,457.00	\$105,300.00	\$495,000.00
V--Solids Processing Building, Centrifuges, Polymer System	\$4,218,234.00	\$4,364,407.00	\$4,109,507.00
VI--Primary Sludge & Scum Pump Stations, Rotary Screen Building	\$1,320,357.00	\$1,714,000.00	\$1,356,900.00
VII--Administration Building incl. Base Bid Drilled Pier Quantities	\$5,400,980.00	\$3,280,300.00	\$3,767,000.00
VIII--Gravity Thickener, Digester & Sludge Control Building	\$3,452,001.00	\$2,668,200.00	\$2,673,900.00
IX--Air Flootation Thickener Building & Equipment	\$1,440,255.00	\$1,061,500.00	\$854,600.00
X--Site Work & Asphalt Resurfacing	\$1,671,662.00	\$2,351,700.00	\$1,347,800.00
XI--Secondary Pump Station & Pump No. 4	\$1,005,424.00	\$1,309,800.00	\$731,200.00
XII--Electrical Improvements incl. Base Bid Drilled Pier Quantities	\$4,406,043.00	\$3,888,900.00	\$2,837,100.00
XIII--Primary Influent Piping	\$1,993,289.00	\$2,871,700.00	\$2,573,900.00
XIV--UV Building & Equipment	\$576,908.00	\$702,100.00	\$516,800.00
XV--Headworks & Wash Bay, Vortex Grit Unit	\$942,325.00	\$911,267.00	\$702,267.00
XVI--Interceptors	\$2,995,179.00	\$3,243,700.00	\$2,210,100.00
XVII--Handling of Petroleum-Containing Materials & Groundwater	\$64,350.00	\$64,400.00	\$23,000.00
Total Bid Price:	\$81,726,437.00	\$84,403,558.00	\$74,126,400.00

Since the total price of all bids exceed budgeted project funds, staff evaluated the project schedules to determine which should be deleted from the project. Staff recommends that Schedules VI, VII, VIII, IX, XIII, XIV and XV be removed from the project and City Council award a construction contract for the W.O. 14-11, WRF Nutrient Upgrade, Expansion and Improvements Project to Sletten Construction in the amount of \$61,681,033.00. Staff also recommends that City Council approve an additional \$3,000,000.00 in contingency funding for the project. Award of the project will also be contingent on the sale of sewer revenue bonds.

RECOMMENDATION

Staff recommends that City Council award a construction contract for the W.O. 14-11, WRF Nutrient Upgrade, Expansion and Improvements project to Sletten Construction in the amount of \$61,681,033.00 and allow City Administrator to approve change orders up to the contingency amount.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Bid Award - Rose Park Pool Operations Building Replacement - Delay of Action

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

Plans and specifications for constructing a new Rose Park Pool Operations Building were prepared and sent out for bids on December 8, 2016. The bids were opened on January 10, 2017. State law requires the governing body to consider bids at the meeting immediately following a bid opening. Staff is requesting postponement of action for this item to the February 13, 2017 Council Meeting to give the consultant additional time to evaluate the bids and make a recommendation on contract award.

ALTERNATIVES ANALYZED

City Council may:

- Approve the staff recommendation to delay action on this item to the February 13, 2017 Council Meeting, or;
- Disapprove the staff recommendation and reject all bids.

FINANCIAL IMPACT

The financial impact will be discussed when the contractor has been selected.

RECOMMENDATION

Staff recommends that Council delay action on the contract for the Rose Park Pool Operations Building Replacement to the February 13, 2017 meeting.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

-- **Meeting Date:** 01/23/2017

TITLE: Reject Bids – One New Current Model 2017 Trailer with CCTV Inspection Equipment for the Public Works Department

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

PROBLEM/ISSUE STATEMENT

Bids were received by the Distribution and Collection Division of the Public Works Department on December 27, 2016, to purchase a 2017 Trailer with CCTV Inspection Equipment. The Distribution and Collection Division's FY 2017 Budget includes funds for the replacement in accordance with the approved equipment replacement plan. Unit 7990 is scheduled for replacement. Unit 7990 will be traded, so the trade-in value is reflected in the net price submitted by the bidders. The City received two (2) bids, but neither company met bid specifications. Staff is asking Council to reject both bids and Public Works will revise the specifications and re-advertise for bids.

ALTERNATIVES ANALYZED

City Council may:

- Approve rejecting both bids or;
- Disapprove rejecting both bids.

FINANCIAL IMPACT

The invitation for bids was advertised on December 15 and 22, 2016 in *The Billings Times*. There is sufficient funding in the FY 2017 budget to cover the award.

RECOMMENDATION

Staff recommends that the City Council reject both bids to purchase the trailer with the CCTV inspection equipment and allow staff to revise the bid specifications and re-advertise.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Award of Contract for professional design services for a Police Evidence Facility Expansion

PRESENTED BY: Rich St. John, Police Chief

Department: Police

PROBLEM/ISSUE STATEMENT

As identified in the 2015 Facilities Master Plan, the present Police Evidence Facility has many deficiencies that need to be corrected and it needs to be expanded to handle growth. Staff prepared and published a Request for Proposals (RFP) for Professional Architectural and Engineering Services to submit proposals for Phase One which would include a comprehensive plan to comply with current regulations for Evidence Storage, address deficiencies in space, improve internal security of evidence and to meet anticipated community and evidence storage growth. This would include evaluation of options and cost estimates. Firms were asked to submit specific information on expertise and experience in Police Evidence facilities. If Phase One is completed and Council approves funding for Phase 2, the RFP called for the same firm to include fees for final design for in the project costs that Council will approve and the City would retain the same firm to complete the final design from Phase One and specifications for the building improvements as Phase Two, for that project to be then put out on Invitation for Bid.

ALTERNATIVES ANALYZED

The City Council may approve a professional services contract or disapprove it. Without professional design assistance, the Evidence Building cannot be expanded and current deficiencies corrected. This RFP was advertised and four (4) companies submitted responses. Those firms are:

- Arc International, Inc of Rapid City, SD
- CTA Architects Engineers of Billings, MT
- JGA Architects of Billings, MT
- Schutz Foss Architects of Billings, MT

Schutz-Foss Architects was selected by a staff review committee due to its recent experience designing similar facilities in North Dakota and other public projects involving law enforcement and services that support evidence processing. There is a teamed approach with an Architectural firm from Denver that has extensive Police and Justice Center experience.

FINANCIAL IMPACT

The recommended contract amount is \$54,000, plus reimbursable expenses not to exceed \$4,000. The Police Department budgeted \$25,000 in FY 2017, before knowing how extensive this planning phase might be. It is believed that position vacancies during the current fiscal year have saved enough to cover the additional cost, but a small budget amendment request could be submitted late in the year if those savings don't materialize.

RECOMMENDATION

Staff recommends that the City Council award a professional services contract to Schutz Foss Architects, P.C. of Billings for a \$54,000 fee plus reimbursable expenses not to exceed \$4,000.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Funding Agreement between Billings MPO and the Montana Department of Transportation

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The 2017 Unified Planning Work Program (UPWP), approved by the City Council on September 12, 2016, included the completion of a statistically valid Travel Demand Census. The survey data collected from this census is essential for the development of the Billings Metropolitan Planning Organization TransCad Traffic Model. The purpose of a traffic model is the ability to identify impacts to the transportation system as the community continues to grow through housing and commercial development. The model can identify through scenarios of growth patterns the type, size and design of future roadways.

In September of 2016, the Planning Division solicited proposals from qualified consultants to complete the travel census. Three proposals were received and reviewed by a selection committee including City, County, and Montana Department of Transportation staff. The consultant selected was Westat from Rockville, Maryland. The UPWP budgeted amount for this census was \$70,000. During negotiations with Westat, the Montana Department of Transportation proposed increasing the budget to \$140,000 that would allow for additional surveys to be completed and include the entire County. Therefore, this Funding Agreement is being presented to the Billings City Council for the Mayor's signature. With this additional funding, the MPO can complete a statistically valid survey and obtain the vital data needed for the traffic model.

ALTERNATIVES ANALYZED

City Council may:

- Approve the funding agreement between the Billings MPO and MDT to complete the \$140,000 Household Census, or;
- Disapprove the funding agreement between the Billings MPO and MDT and reduce the contract with Westat to \$70,000 that will reduce the amount of surveys completed.

FINANCIAL IMPACT

This project is approved in the 2017 UPWP for 100% Federal transportation funding. The additional \$70,000 to improve the project is to be contributed by MDT. There will be no direct financial impact to local funds with the approval of this agreement.

RECOMMENDATION

Staff recommends that the City Council approve the Funding Agreement between the Billings MPO and MDT for the completion of the Household Travel Census and authorize the Mayor to sign the agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Funding Agreement MDT

DECEMBER 7, 2016

**FUNDING AGREEMENT BETWEEN
BILLINGS METROPOLITAN PLANNING ORGANIZATION AND THE
MONTANA DEPARTMENT OF TRANSPORTATION FOR CONSULTANT
SERVICES**

This Memorandum of Understanding (MOU) by and between the Billings Metropolitan Planning Organization (MPO), and the Montana Department of Transportation (MDT) establishes the funding the MPO will provide in conjunction with MDT planning monies for consultant services to perform a Household Travel Survey within Yellowstone County.

The estimated total cost for the project is approximately \$140,000. The priority was established by the Billings MPO through the 2017 UPWP and approved by the Policy Coordinating Committee (PCC) on September 13, 2016.

1. Purpose of Agreement

This agreement documents the roles, responsibilities, and funding requirements for the development of the Yellowstone County Household Travel Survey (SURVEY). This project will occur within Yellowstone County. The proposed activities include development of a household travel survey through recruitment of a representative sample, collection of survey data, geocoding dataset to include raw data files in DBF and .CVS format with final geocoded data files in ArcGIS shapefile format, and a final report of survey results.

2. Time of Performance

The term of this agreement will be for fourteen (14) months from the signing of this agreement unless extended by mutual agreement or terminated before that date as provided in Section 10, below.

3. Roles and Responsibilities

A. All Parties Agree That:

1. Development of the SURVEY will include monthly meetings with a technical advisory committee; meetings will be held in Billings with a conference call line.
2. Development of the SURVEY will include at least one Informational Meeting for the public to attend or another identified strategy to educate the public about the purpose and need.
3. Upon completion, the SURVEY will be adopted by the Billings PCC following local planning processes.

B. MPO:

1. Will manage and be the main point of contact for the consultant contract for services related to the SURVEY.
2. Will ensure deliverable deadlines are met and consultant contract stays within established study schedule and scope.
3. Will submit invoices for reimbursement to MDT on a monthly basis. All monthly invoices will be split 50/50 between the MPO and MDT.

C. MDT:

1. Will participate in Technical Advisory Committee and attend all meetings either in person or conference call.
2. Will provide technical assistance in relation to survey methodology and implementation.
3. Will reimburse the MPO within 30 days of receipt of invoice, with a 50/50 cost share.

4. Compensation

The Yellowstone County Household Travel Survey will be funded by the MPO and MDT as shown by the following itemized financial allocations. Montana's total federal award of SPR-PL funds were \$7,848,427 per CFDA # 20.205. FHWA is the federal awarding agency. DUNS # 068925759; FAIN #300000153L55E1

SURVEY

MPO PL Funds	(50 %)	\$ 70,000
MDT PL Funds	(50 %)	\$ 70,000
Total maximum:		\$140,000 (direct costs)

The MPO will not reduce their share of the project cost unless there is a proportional cost reduction to MDT. The total payment by MDT to complete the SURVEY shall not exceed the above-stated funding. Any scope revision or increase in project costs must be agreed to beforehand in writing.

For Grantee's claiming IDC for reimbursement, the IDC rate must be in accordance with 2 CFR Part 200.414 and Section E- Appendices III - VIII and approved by your federal cognizant agency. A copy of the IDC approval letter must be submitted to the Department and approved prior to any reimbursement. If the Montana Department of Transportation is your organization's primary source of federal funds, then a copy of your indirect cost plan must be submitted to MDT for review and approval. The percentage rate for indirect costs shall be maintained for the life of the project.

Section 17-1-106 MCA requires any state agency, including MDT that receives non-general funds to identify and recover its indirect costs. These costs are in addition to direct project costs. MDT's indirect cost rate is determined annually as a percentage of the project's direct costs to cover the project's share of MDT's indirect costs as defined by 2 CFR 200, Appendix VII for State & Local Governments. MDT's current indirect cost rate is 10.97% for state fiscal year 2017 (July 1, 2016 to June 30, 2017).

For this project, MDT will include a charge for the indirect costs at the current fiscal year indirect cost rate (as noted above 10.97% thru June 30, 2017), which amount will be applied toward MDT'S share of project contribution. Note: If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rates may change during the life of the project.

The MPO will submit invoices for payment along with a letter approving payment and supporting documentation substantiating the amount requested to Statewide and Urban Planning Section, Transportation Planning Division, Montana Department of Transportation, 2701 Prospect Avenue, Helena MT 59620. MDT funds will be used to reimburse the MPO for costs attributed to the SURVEY. MDT will reimburse 50% of all invoices expenses included in the agreed upon scope of work. MDT has the authority to review and approve payment of the invoices submitted by the MPO. Reimbursement will not be made for any costs not clearly and accurately supported by the MPO's records and not submitted within sixty days of the date originally incurred. MDT shall reimburse the MPO within 30-days provided all the proper documentation has been submitted. MDT reserves the right to withhold 10% of its proportionate share of the total project cost until all supported claims filed with MDT have been settled.

5. Liaison

The liaison person for the DEPARTMENT is Katie Potts, 2960 Prospect Ave, Helena MT, 59620. Phone (406) 444-9240, Statewide & Urban Planning Section, Transportation Planning Division. The liaison person for the MPO is Scott Walker, 2825 3rd Avenue North Billings, MT, 59101. Phone (406) 247-8661.

6. Ownership of Documents

All notes, calculations, computer runs, specifications, reports, special studies, and other data prepared or collected under this agreement will become the property of the MPO and MDT throughout and upon completion of the project. The MPO will provide a printed copy and an electronic copy of the completed SURVEY, raw data files in DBF and .CVS format with final geocoded data files in ArcGIS shapefile format to MDT upon completion of the project.

7. Access to Records

It is expressly understood that the MPO is required to maintain full records of its performance and further to allow access to these records by MDT and the Montana Legislative Auditor and Legislative Fiscal Analyst when required by law. The MPO agrees to create and retain records supporting this Agreement for a period of three years after the completion date of this Agreement or the conclusion of any claim, litigation or exception relating to this Agreement taken by the State of Montana or a third party.

8. Insurance

The MPO will require any subcontractor performing work under this agreement to provide proof of the following insurance coverage prior to the date upon which work is to begin.

The proof of insurance or exemption must be valid for the entire agreement period.

- a. Comprehensive general liability insurance, including vehicle liability insurance, with limits acceptable to the MPO.
- b. Workers Compensation Insurance coverage valid in the State of Montana or proof of exemption thereof.

9. Nondiscrimination

The MPO will require during the performance of any work arising out of this agreement that the MPO, for itself, its assignees and successors, shall comply with all nondiscrimination regulations shown in Exhibit "A".

10. Termination

This agreement may be terminated for convenience by either party by that party mailing or faxing a written notice of termination to the other's liaison person. MDT may also terminate this agreement for default. If termination occurs due to default, the notice shall state the manner of the default, and offer the MPO an opportunity to explain the non-performance. If MDT finds that the MPO has a reasonable excuse for non-performance, which is beyond the control of the MPO, MDT may set up a new work schedule to allow the completion of the agreed upon work.

In any termination, MDT will make its contractual payments proportionate to the work performed at the time of termination and the MPO shall account for any property in its possession paid for with funds received from the MDT or supplied to it by MDT.

11. Liability

MDT will not be liable for any claims or suits related to the MPO financial participation in the proposed project, and the MPO will hold MDT harmless and immune from any such suits, and will indemnify MDT in the event of any loss incurred as a result of such claim or lawsuit.

12. Litigation

Controversy arising from this agreement may result in litigation. Arbitration, unless agreed to in writing and pursuant to law, is not available.

13. Venue

In the event of litigation concerning this Agreement, venue shall be in the First Judicial District of the State of Montana, Lewis and Clark County. This agreement shall be interpreted according to Montana law.

14. Agreement Modification

Any change in this agreement must be by written agreement of the parties.

15. Notice

All notices arising out of, or from, the provisions of this agreement shall be in writing and given to the parties at the address of the party above, either by regular mail or delivery in person.

16. Severability and Integration

If any single part, or parts, of this agreement are determined to be void, the remaining parts will remain valid and operative. This agreement, as written, expresses the total, final and only agreement of the parties relevant to its subject matter. No provision, expressed or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communication shall be a provision of this agreement unless specifically provided within the written terms herein.

17. Audit Requirements

The MPO may be subject to the audit requirements of 2 CFR 200 Subpart F if the audit threshold in 2 CFR 200.501 is met. An audit must be conducted in compliance with 2 CFR

200 Subpart F if required. The audit must be completed and the data collection form and reporting package submitted to the Federal Audit Clearinghouse within the earlier of 30 calendar days after the receipt of the auditor's report(s) or nine months after the end of the audit period. For local governments and school districts, the MPO will provide the report to the State of Montana, Department of Administration, Local Government Services Bureau. All other subrecipients such as Tribal Communities and Non-Profit Organizations will provide the report to the State of Montana, Department of Transportation, Audit Services if audit findings are discovered.

18. Debarment and Suspension (E.O.s 12549 and 12689)

The Grantee shall obtain from its third party contractors certifications required by Department of Transportation regulations, "Government-wide Debarment and Suspension (Non-procurement)," 49 CFR Part 29, and otherwise comply with the requirements of those regulations a list of debarred entities is located at <https://www.sam.gov/portal/public/SAM/>.

19. Conflict of Interest (2 CFR 200.112)

The MPO must disclose in writing any potential conflict of interest to the MDT in accordance with applicable Federal awarding agency policy.

20. Mandatory Disclosures (2 CFR 200.113)

The MPO must disclose, in a timely manner, in writing to the MDT all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338, including suspension or debarment.

21. Internal Controls (2 CFR 200.303)

The MPO must establish and maintain effective internal controls that provide reasonable assurance to MDT that the MPO is in compliance with Federal statutes, regulations, and terms and conditions of the Federal award.

22. Political Activity (Hatch Act)

The MPO will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

23. Certification Regarding Federal Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements. The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

24. Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

WITNESS WHEREOF, the parties have caused this agreement to be executed.

Billings MPO

By: _____
Thomas W. Hanel, Mayor, City of Billings

Date: _____, 2017

STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION

By: _____
Transportation Planning Division

Date: _____, 2017

Approved for Legal Content:

Approved for Civil Rights Content:

By: _____
Department Legal Services

By: _____
Department Civil Rights

YELLOWSTONE COUNTY HOUSEHOLD TRAVEL SURVEY

Attachment A

**MDT NONDISCRIMINATION
AND
DISABILITY ACCOMMODATION NOTICE**

Montana Department of Transportation (“MDT”) is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter “protected classes”) by its employees or anyone with whom MDT does business:

Federal protected classes

Race, color, national origin, sex, sexual orientation, gender identity, age, disability, & Limited English Proficiency

State protected classes

Race, color, national origin, parental/marital status, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, religion/creed, social origin or condition, genetic information, sex, sexual orientation, gender identification or expression, national origin, ancestry, age, disability mental or physical, political or religious affiliations or ideas, military service or veteran status

For the duration of this contract/agreement, the PARTY agrees as follows:

(1) Compliance with Regulations: The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Non-discrimination:

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. PARTY will provide notice to its employees and the members of the public that it serves that will include the following:

- i. Statement that PARTY does not discriminate on the grounds of any protected classes.
 - ii. Statement that PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
 - iii. Contact information for PARTY's representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.
 - iv. Information on how to request information in alternative accessible formats.
- c. In accordance with Mont. Code Ann. § 49-3-207, PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that PARTY does not discriminate on the grounds of any protected class.

(3) Participation by Disadvantaged Business Enterprises (DBEs):

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml
- b. By signing this agreement the PARTY assures that:

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

- c. PARTY must include the above assurance in each contract/agreement the PARTY enters.

(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment:

In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

(5) Information and Reports: The PARTY will provide all information and reports required by the Acts, Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by MDT or relevant US DOT Administration to

be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the PARTY will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

- (6) Sanctions for Noncompliance:** In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:
- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
 - b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

(7) Pertinent Non-Discrimination Authorities:

During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by

- expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
 - The Federal Aviation Administration’s Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
 - Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
 - Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
 - Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
 - Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

(8) Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of

materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: \$2,500 Donation from ExxonMobil

PRESENTED BY: Paul Dextras, Fire Chief

Department: Fire

PROBLEM/ISSUE STATEMENT

ExxonMobil presented the City of Billings Fire Department with a check in the amount of \$2,500 on December 20, 2016. The letter from J. Jeb Montgomery stated that these funds are in general support of Billings Fire Department and to be used to purchase and upgrade emergency response equipment for the Fire Department. Fire Administration is currently assessing future equipment needs. City policy requires that any donation exceeding \$500.00 must be accepted by the Council before the funds can be expended.

ALTERNATIVES ANALYZED

City Council may accept or reject the donation.

FINANCIAL IMPACT

Acceptance of this donation will allow the Fire Department to purchase or upgrade emergency response equipment.

RECOMMENDATION

Staff recommends that the City Council accept the \$2,500 donation from ExxonMobil to purchase and upgrade as yet unidentified emergency response equipment.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Annual Certified Local Government Grant Program for Historic Preservation

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Montana State Historic Preservation Office has designated the City of Billings as a Certified Local Government (CLG) for historic preservation activities. As a CLG, the City is eligible annually to receive state funding to coordinate historic preservation efforts in the area. Applications for the FY17-FY18 funding cycle from the State are due February 22, 2017. The City of Billings has been utilizing CLG funding for activities in support of the efforts of the Yellowstone Historic Preservation Board since 1997. A description of these activities is provided in Attachment 2. Major recent projects completed by the Yellowstone Historic Preservation Board include the listing of the North Elevation Historic District to the National Register of Historic Places. This is the first residential historic district listed in the City of Billings. Before the application can be submitted, the City Council must authorize the application for the FY17-FY18 CLG grant cycle.

ALTERNATIVES ANALYZED

City Council may:

- Agree to participate in the State CLG program and approve submitting a CLG grant application that provides funding to coordinate historic preservation activities; or
- Decline to participate in the State CLG program and not authorize a CLG grant application. Declining participation would potentially limit historic preservation activities in Billings and Yellowstone County, and/or require other funding sources to be accessed for historic preservation activities.

FINANCIAL IMPACT

City Council approval would allow the City of Billings to apply for \$5,500 in State of Montana Certified Local Government funding. The local cash match for the Certified Local Government grant will be \$44,740. The cash match includes funds from the Planning Division of \$43,271, including a portion of the Historic Preservation Officer's salary of \$42,240 and \$1,031 in cash that will go toward consultant fees. The Yellowstone Historic Preservation Board will request \$1,000 from Yellowstone County and \$469 from the City of Laurel that will also be used for consultant fees. There is also an in-kind match of \$3,734.20 generated from board members' time, use of the Planning Division conference room, and other incidentals for a total match of \$48,474.42. The total funding package is \$53,974.20 (\$48,474.42 (Match) + \$5,500 (CLG Grant))(See attached CLG Application). The total cash funding package for the grant program is \$8,000 (\$5,500+\$2,500(local cash contribution)) that is used for consulting services provided by the Western Heritage Center to perform activities identified in the Yellowstone Historic Preservation Board Annual Work Plan.

RECOMMENDATION

Staff recommends that the City Council authorize the submission of an application for a \$5,500 Certified Local Government grant for the FY17-FY18 funding cycle from the Montana State Historic Preservation Office.

APPROVED BY CITY ADMINISTRATOR

Attachments

CLG Grant
YHPB Work Plan

Certified Local Government Grant Application

April 1, 2017 to March 31, 2018

Application Deadline

February 22, 2017

**Montana State Historic Preservation Office
PO Box 201202
Helena, MT 59620-1202
(406) 444-7715**

2017-2018 GRANT APPLICATION

CERTIFIED LOCAL GOVERNMENT PROGRAM

Certified Local Government: City of Billings

Address: 2825 3rd Avenue North, 4th Floor, Billings, MT 59101

Contact Person: Lora Mattox, AICP, Historic Preservation Officer, Transportation Planner

Tax ID: 816001237

Period of Grant Request: April 1, 2017 to March 31, 2018

Scope of Work: The National Park Service asks we grant funds to CLGs for kinds and levels of work that reflect increasing sophistication, skills, and roles by the Preservation Officers, in other words, tasks that reflect improvement in community thinking. For this section, please itemize regular work duties (not including special projects) – products or projects starting or completing, meetings to be attended, etc., and more specifically, ways in how the federal grant funds will help the local program to grow and develop. Please tie your tasks to your community’s Preservation Plan. If not, please explain.

Check if Scope of Work is continued on additional pages.)

The Cities of Billings and Laurel, Yellowstone County, and the Crow Tribal Council entered into an inter-local agreement in July 1993 establishing the Yellowstone Historic Preservation Board (YHPB). Along with the inter-local agreement, the four governmental entities adopted ordinances setting up a multi-government YHPB, appointed nine (9) qualified board members, and a Historic Preservation Officer. Since that time, the YHPB has been meeting monthly and has continued to develop and refine an encompassing Historic Preservation Program. In 2016, the City of Billings adopted Billings Beyond, a Growth Policy for the Billings Urbanized Area. An area of the policy identified “Place Makers” as a community goal and states, “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 landscapes 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”. One of the objectives includes protection and preservation such as historic preservation controls, preservation of view sheds, preservation of natural areas and the preservation of historic places.

This year the CLG funding for half-time staff is \$5,500. The local cash match for these funds is provided by the City of Billings, City of Laurel, and Yellowstone County in the amount of \$2,500. This amount combined with the \$5,500 from the CLG provides \$8,000 for consulting services provided by the Western Heritage Center. In addition to the local funds, the Planning Division also provides in-kind match through the HPO salary, room usage, and supplies. Also, Historic Preservation Board member’s time is also counted toward the in-kind match. As mentioned above, the CLG and local funds are used to contract services with the Western Heritage Center and assist in carrying out the following activities:

- Assist the Board and Historic Preservation officer in undertaking action to meet short and long-range goals established by the Board. See Attachment A.
- Provide professional services to assist the Board, Historic Preservation Officer, and the City in performing duties and responsibility identified in the City’s Historic Preservation Ordinance MCA 27-500.

- Act as a historic preservation center by providing technical assistance, direction, and literature on the following:
 - Historic preservation tax credits
 - National Register
 - Federal historic preservation regulations, and
 - Secretary of Interior Standards related to historic preservation activities.
- Attend community meetings related to preservation activities, on behalf of the Board upon request.
- Plan and coordinate activities and publicity during National Preservation Week in May.
- Carry out the responsibilities for the CLG program as outlined in “The Certified Local Government Program in Montana”.
- Submit semi-annual reports on the historic preservation efforts of the community carried out by the City under the CLG grant.

BUDGET

4-1-2017 to 3-31-2018 Budget	Cash Amount	Cash Source	In-kind Amount	In-kind Source	Total
A. Salaries, Wages, Benefits	\$42,240.00	HPO-\$44/hr x 80 hrs/mo x 12 mos CI/CO			\$42,240.00
B. Office Rental			\$1,000.00 Conference room @ 2 hrs/mo x \$50/hr x 10 mtgs/yr	CI/CO	\$1,000.00
C. Equipment			*	CI/CO	
D. Supplies & Materials Itemize major categories			*	CI/CO	
E. Postage			*	CI/CO	
F. Telephone & Internet			*	CI/CO	
G. Photocopies			*	CI/CO	
H. Preservation Commission Number of hours X * rate X number of members X number of meetings			\$2,734.20 7 members x 2hrs/mo x \$19.53 x 10 mtgs/year	YHPB	\$2,734.20

I. Volunteers Hours X * rate X number of volunteers.					
J. Travel Mileage Number of miles X \$0.54. Include funds for HPO and/or Commissioners to attend CLG annual training			*	CI/CO	
K. Travel Meals # of Meals X rate: Breakfast - \$5.00 Lunch - \$6.00 Dinner - \$12.00			*	CI/CO	
L. Lodging \$91.00 plus tax X number of nights			*	CI/CO	
M. Project (s) Expenses – fully itemized	\$5,500.00 \$2,500.00	F CI/CO			\$8,000.00
N. Other Expenses – fully itemized.					
M. Total Expenses					

SOURCE KEY:

F-Federal

CI-City

CO-County

NP- Private/Non-Profit

* Federally approved minimum rate for volunteers is \$19.53 per hour.

SOURCES OF REVENUE/FUNDING

AMOUNT

Itemized Cash Match Source

<u>City of Billings (Tax ID #: 816001237)</u>	<u>\$1,031.00</u>
<u>City of Billings</u>	<u>\$42,240.00</u>
<u>City of Laurel</u>	<u>\$ 469.00</u>
<u>Yellowstone County</u>	<u>\$1,000.00</u>

Itemized In-Kind Match Source

<u>Room rental for board meetings</u>	<u>\$1,000.00</u>
<u>YHPB member time</u>	<u>\$2,734.20</u>

Federal HPF Grant Request from SHPO

<u>CLG Funds</u>	<u>\$5,500.00</u>
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TOTAL REVENUE

<u>\$53,974.20</u>

Certified Local Government
Historic Preservation Commission Chairperson or President

Signature _____ Date _____

Name (typed) _____

Address _____

Telephone _____

Certified Local Government
Chief Elected Official

Signature _____ Date _____

Name (typed) _____

Title _____

Address _____

Telephone _____

(The local government administrator may sign **in addition** to the Chief Elected Official.)

Certified Local Government
Historic Preservation Officer

Signature _____ Date _____

Name (typed) _____

Address _____

Telephone _____

Please attach the meeting minutes (or an alternate way in writing) at which your application was discussed and approved by the Preservation Board/Commission.

Please attach a list of the historic preservation board members' names citizen membership, terms (year ending), their professional discipline or status as a citizen member on the board, and contact information.

Yellowstone Historic Preservation Board Work Plan 2017-2018

Goals & Objectives:

- I. Promote the preservation of historic buildings, sites or neighborhoods.
- II. Increase community awareness on the benefits of historic preservation activities.
- III. Promote increased awareness of preservation activities and the work of the YHPB through the four governing bodies represented on the Board.
- IV. Comply with the duties and responsibilities of historic preservation organizations under the State Certified Local Government Program and the requirements of the Inter-local Agreement.

2017-2018 Projects

1. Complete a National Registration for McKinley Elementary School.

Time Frame: 2017-2018
Who: YHPB Board, HPO/WHC, State Historic Preservation Office (SHPO)
Status: SHPO is currently working on this nomination with the intent to submit by mid-2017

2. Contact MSU-B to inquire about taking the lead on contacting property owners to potentially list 2 or 3 historic barns, silos or other historic detached structures in Yellowstone County.

Time Frame: 2017-2018
Who: WHC
Status: WHC contacting Professor Rust to gauge interest.

3. YHPB will continue exploring funding opportunities to initiate a county archive system.

Time Frame: 2017-2018
Who: YHPB, WHC, HPO, Yellowstone Genealogy Forum, possibly Montana SHPO
Status: Continuing.

4. YHPB will continue partnering with AT&T, SHPO, and the City Parks Department in the preparation of a Memorandum of Understanding and the development of a National Register Nomination for Pioneer Park. This project was developed as part of a mitigating impacts of the placement of a cell tower on the Montana Power Building in the downtown.

Time Frame: 2017-2018
Who: YHPB, WHC, HPO, PRPL, Montana SHPO
Status: Continuing.

Annual Board Activities

- 1. Continue the review of building permits submitted for properties located within the designated historic district.**

Time Frame: Ongoing
Who: Committee and HPO

- 2. Continue the review of Community Development Block Grant rehabilitation projects as needed.**

Time Frame: Ongoing
Who: YHPB/WHC

- 3. Continue to review and update the information relating to the Downtown Billings Electronic Walking Tour. Discuss with the City of Laurel to include its new downtown historic district in the application.**

Time Frame: Yearly
Who: Committee/WHC

- 4. To continually update the local governing bodies of the activities undertaken by the YHPB, annual PowerPoint Presentations will be made to the City of Billings, the City of Laurel and Yellowstone County.**

Time Frame: Yearly
Who: Chair/WHC/HPO
Status: The scheduling of these meetings will take place yearly during spring.

- 5. To provide up to date information to the general public, continually update the web site and social media sites on activities and programs.**

Time Frame: Ongoing
Who: WHC

- 6. Provide resources to property owners who are interested in listing a property to the National Register. Including State Historic Preservation Office contacts, literature and technical assistance.**

Time Frame: Ongoing
Who: YHPB Board/HPO/WHC

- 7. Expand YHPB meetings to alternate locations. To take advantage of some of our many historic venues, the board wishes to expand meetings to alternate locations.**

Time Frame: Ongoing
Who: HPO/WHC

- 8. Due to a loss of potential historic buildings within the City of Billings, an effort is being made to notify WHC and a member of the board about upcoming demolitions. The Building Division notifies HPO on the release of demolition permits, HPO notifies members of the demolition and a determination is made to either document/photograph building.**

Time Frame: Ongoing
Who: HPO/WHC/Board

- 9. Continue exploration of grant opportunities to provide additional funds to the YHPB for historic preservation projects.**

Time Frame: Ongoing
Who: HPO/WHC

- 10. Consultant, Historic Preservation Officer and YHPB will attend training meetings as needed. Historic Preservation Officer will attend the required annual Montana State Historic Preservation Conference.**

Time Frame: Ongoing
Who: WHC/HPO

- 11. To provide a forum for Historic Preservationist to share their successes and discuss projects and to present historic preservation awards, continue to host the Historic Preservation Roundtable yearly.**

Time Frame: Yearly
Who: WHC/HPO/Board
Status: Preservation Month - March

- 12. Celebrate National Historic Preservation Month. Board will decide on a program, speakers and other events to commemorate this event.**

Time Frame: Yearly
Who: Committee/WHC
Status: This event will occur yearly during May.

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Submittal and Acceptance of Grant Application to the Montana Department of Transportation (MDT) for Capital Assistance

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Transit

PROBLEM/ISSUE STATEMENT

Each year the City of Billings MET Transit Division (MET) applies for various types of grants with the Transit Planning Division of the State of Montana Department of Transportation (MDT). These grant funds may be available for planning, capital, training, demonstration or operating assistance. MET was advised by the MDT of the availability of Federal grant funds for capital assistance.

Under the current Transportation Bill, FAST-ACT, Section 5310 is funding that has been allocated to the State of Montana's three larger urban systems (Missoula, Great Falls, and Billings) for capital assistance. This program will be administered by MDT and MET can apply for funding for three Paratransit vans. This funding will provide 80% of the cost of the vans. The local match is 20%. These vans will be included in the FY 18 MET capital budget.

Additionally, Section 5339 funding can become available for capital funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus related facilities. Should capital grant funds become available under the Section 5339 program, MET would like to apply for these funds as well.

In order to apply with the MDT for these grants, it is necessary to include with the grant applications a City Council approved Resolution formally authorizing the City of Billings' Director of Aviation and Transit to submit the MDT on-line grant application, the annual certifications and assurances, and any other documents required to secure the grant funding from the MDT, and for the Mayor to execute any subsequent grant agreements with the MDT.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Resolution for the City of Billings applying for and executing grant agreements administered by MDT to purchase vehicles other capital assistance; or
- Disapprove the Resolution.

FINANCIAL IMPACT

Through these grants, the MET will be able to replace up to three vans should the funding be available. For three vans the cost would be approximately \$180,000 (80%) of Federal share, and \$45,000 (20%) of Local share.

RECOMMENDATION

Staff recommends that the City Council approve the Resolution authorizing the City of Billings MET Transit to apply to the MDT Transit Planning Division for any Section 5310, 5339 or any other available capital grants and allowing the Mayor to execute any subsequently awarded Grant Agreement(s) provided by the MDT.

APPROVED BY CITY ADMINISTRATOR

Attachments

Application for Capital Assistance
Resolution

Montana Grants and Loans

Menu | Help | Log Out | Back | Print | Add | Delete | Edit | Save

Application

Application: 52742 - Section 5310 Grant-capital request for three paratransit replacement vans.

Program Area: MDT Transit

Funding Opportunity: 50969 - MDT Transit MPO 5310 Capital Grant FY18

Application Deadline: 03/01/2017

Instructions

FTA Capital Assistance Requirements:

- Agencies applying for non-ADA capital must have a minimum of one accessible vehicle that meets ADA standards.
- Class C vehicles designed to transport 16 or more passengers, including the driver, require a Commercial Driver's License (CDL)

Lead Agency Summary Sheet

Mark as Complete | Go to Application Forms

Agency Name:* City of Billings-MET Transit

Db Name City of Billings-MET Transit

Federal Tax ID:* 81-6001237
00-0000000

DUNS #* 801334830
Must be 9-digits

5310 Capital (If applicable)

Add

Name of Sub-Agency applying for 5310 Capital under a coordinated plan (If applicable)

Make sure to include the 5310 capital on the capital form.

**Application Requirements For 5310 Grantees found in Guidance Booklet - Attachment 3*

Click "Add" to add a Sub-Agency name in this section, continue clicking "Add" if you have more than one.

Name of Sub-Agency

Transit Coordinator

Name:* Debra Hagel

Address:* 1705 Monad Road

*** Billings**
City

Montana
State

59101-3234
Zip Code (12345-1234)

County:* Yellowstone

Phone:* 406-657-8378

Ext.

Fax:* 406-657-8419

Email:* hageld@ci.billings.mt.us

Website: www.mettransit.com
(If Applicable)

Coordination Plan Approval Date:* 11/17/2016

TransADE Funding

Please provide a brief narrative explaining the proposed use of your agency's TransADE funds and the methodology used to increase service to the elderly and disabled. Be sure to include details established at TAC meetings and/or other public involvement activities which support your proposal. (Max 10,000 characters)

- * The Billings Transportation Coordination Committee discussed the TransADE funds and understands that it will provide some operational transit funds for Public transportation services for the elderly and disabled riders. However, the Committee also understands that there is not enough money in the fund to expand services in the community. The Committee agrees that the funding available in TransADE is not enough to allow MET Transit to expand their service or hours of operation, but the funds will help MET Transit from cutting part of their service or hours and continue to provide their current level of elderly and disabled service within the required 3/4 of a mile service boundary from a fixed-route service as established by the Americans with Disabilities Act of 1990 (ADA). In addition, TransADE will help MET Transit to continue to serve the elderly and disabled outside the 3/4 of a mile boundary service area within Billings. Further, MET Transit continues to use the Travel Training Program to help train seniors and disabled residents to use the bus system. This program continues to help

independence, support and active lifestyle, provide greater access to the community and enhance lives of seniors and disabled citizens.

List of Suggested Vehicles - VANS

Add

Click the blue 'Add' button to add a vehicle. Select a vehicle from the drop-down and enter the number of units. Then click 'Save'.

Do this for every vehicle until you have entered all vehicles for this section, then continue to the next section.

Vehicle Description	Agency Name if 5310	Total Cost	TAC Priority
		\$0.00	

List of Suggested Vehicles - LIGHT DUTY BUS

Add

Click the blue 'Add' button to add a vehicle. Select a vehicle from the drop-down and enter the number of units. Then click 'Save'.

Do this for every vehicle until you have entered all vehicles for this section, then continue to the next section.

Vehicle Description	Agency Name if 5310	Total Cost	TAC Priority
Medium - Pass No.: 19 - Floor Type: Reg. - W/C Stations: 2		\$75,000.00	1
Medium - Pass No.: 19 - Floor Type: Reg. - W/C Stations: 2		\$75,000.00	2
Medium - Pass No.: 19 - Floor Type: Reg. - W/C Stations: 2		\$75,000.00	3
		\$225,000.00	

List of Suggested Vehicles - MEDIUM DUTY BUS

Add

Click the blue 'Add' button to add a vehicle. Select a vehicle from the drop-down and enter the number of units. Then click 'Save'.

Do this for every vehicle until you have entered all vehicles for this section, then continue to the next section.

Vehicle Description	Total Cost	TAC Priority
	\$0.00	

List of Suggested Vehicles - HEAVY DUTY BUS

Add

Click the blue 'Add' button to add a vehicle. Select a vehicle from the drop-down and enter the number of units. Then click 'Save'.

Do this for every vehicle until you have entered all vehicles for this section, then continue to the next section.

Vehicle Description	Total Cost	TAC Priority
	\$0.00	

Special Vehicle Requests

Add

If you have a special need for a type of vehicle not listed above in the "List of Suggested Vehicles" section, use the space provided to explain the vehicle that you need. Include the make/model and other pertinent info used to identify the vehicle type. Be sure to explain the specific need in the "Needs Justification" section.

Vehicles	Quote Amount	TAC Priority

List of Suggested Vehicles - OTHER EQUIPMENT

Add

Click the blue 'Add' button to add a vehicle. Select a vehicle from the drop-down and enter the number of units. Then click 'Save'.

Do this for every vehicle until you have entered all vehicles for this section, then continue to the next section.

Vehicle Description	Agency Name if 5310	Total Cost	TAC Priority
		\$0.00	

List of Suggested Vehicles - OTHER EQUIPMENT - Facility

Add

Click Edit at the top of the screen if you have received a quote for Facility. You may skip this section if you do not need to enter a quote amount for Facility.

Facility Quote Amount	TAC Priority	Facility Description

List of Suggested Vehicles - TOTAL

Total Cost	\$225,000.00
Total Estimated Federal Assistance - 80%	\$180,000.00
Total Estimated Match - 20%	\$45,000.00

Sources of Capital Matching Funds

Add

Source	Amount
Ten Mill Transit Levy	\$45,000.00

Needs Justification

Click edit to add needs justification.

Capital need statements shall clearly define the need and logic in which each capital request is necessary to continue adequate transportation services. Excellent statements may include supporting documents such as: planning studies, surveys, meeting minutes, public input, detailed vehicle service records, facility improvement quotes, etc. Need is defined equitably amongst expansion and replacement. Need statements shall include application characteristics for each capital item such as: expansion or replacement, service type (IE: fixed route, demand response, etc.), and trip purpose (health care, employment, nutrition, recreation, etc.). Strong expansion and replacement statements may include the following information:

Expansion:

- Consumer demand vs. vehicle availability/capacity
- Expansion of service hours and/or service area
- Benefits of new technology or bus/passenger shelter(s)

Replacement:

- Maintenance history of the replacement item
- Useful-life and current miles and years (only years for some items) of the replacement item
- Spare ratio - service vehicles to backup vehicles (limited number of service vehicles)
- Safety concerns (IE: breakdowns, risky service area, etc.)

Program management refers to the administration of the transportation program which has applied for the capital item(s). The applicant shall clearly explain their level of local coordination and capital maintenance program management. The applicant will provide a brief program management narrative describing their transportation service, current and prospective level of coordination, a brief description of their capital maintenance program, and any other pertinent supporting information they find relevant. Capital maintenance refers to the mechanical and physical upkeep of an agency's vehicle fleet and facilities. Strong coordination and maintenance statements may include the following information:

Coordination:

- Annual petitioning and participation of local stakeholders
- General summary of the cooperative agreements
- Future anticipated cooperative agreements
- Frequency of TAC meetings

Maintenance:

- Basic maintenance policies and practices structure
- Staff and/or contractor duties related to maintenance
- Cooperative maintenance agreements with local service providers
- Fleet replacement forecasting
- Fleet and facility conditions (MDT will provide fleet and facility average condition per request)

A detailed description of the scoring process along with examples of excellent needs statements are found in the Guidance Booklet.

(Max amount of characters is 10,000)

- MET Special Transit provides a very valuable service to the City of Billings. It addresses the needs of people whose disabling conditions prevent their use of the regular fixed route MET Transit bus service. This is done through contracts with some agencies/entities and through MET-Plus, which is a service operated in accordance with the requirements of the Federal Americans with Disabilities Act of 1990(ADA). MET-Plus provides transportation to medical appointments, dialysis, work, school, group homes, daycare programs, shopping, etc. The City of Billings' MET Transit continues to work on maintaining a replacement cycle of replacing paratransit vans after seven years and over 100,000 miles. The vehicles being requested in the application will replace three vans that are over seven years old, with mileage exceeding 140,000 miles at the time of replacement. In addition, maintenance cost to these vehicles is increasing due to high volume in lift usage along with excessive wear and tear on the vehicles from excessive use. Reliability is important for service maintainability and customer satisfaction.



Last Edited By: Debra Hagel, 01/03/2017

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AUTHORIZING RESOLUTION

RESOLUTION NO. 17-

A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS WITH THE TRANSIT PLANNING DIVISION, STATE OF MONTANA DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION FUNDS FOR PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS.

WHEREAS, the City of Billings has the power to enter into agreements with the Montana Department of Transportation; and

WHEREAS, the Montana Department of Transportation has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, all contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Montana Department of Transportation required for the project.

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

1. That the City of Billings Director of Aviation and Transit is authorized to execute and file all on line applications with the Montana Department of Transportation – Transit Planning Division to aid in the financing of all transit planning, capital, training, demonstration and/or operating assistance projects.
2. That the City of Billings Director of Aviation and Transit is authorized to execute and file with such applications the annual certifications and assurances, and any other documents required by the Montana Department of Transportation – Transit Planning Division effectuating the purpose of the proposed projects, including the local share.
3. That the City of Billings Mayor is authorized to execute grant and cooperative agreements with the Montana Department of Transportation – Transit Planning Division.
4. That the City of Billings Transit Planner is designated to furnish such additional information as the Montana Department of Transportation – Transit Planning Division may require in connection with all the applications.

APPROVED this 23rd day of January 2017.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

CERTIFICATE

The undersigned duly qualified and acting City Clerk of the City of Billings certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Billings City Council held on January 23, 2017.

If applicant has an Official Seal, impress here.

(Seal)

Signature of Recording Officer

Title of Recording Clerk

Date

Regular City Council Meeting

Meeting Date: 01/23/2017
TITLE: Zone Change 951 - 2nd reading
PRESENTED BY: Nicole Cromwell
Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 7,000 (R-70) to Neighborhood Commercial (NC) on the east ½ of Lot 2 and Lot 3, Block 5 of Amended Block 2, Valley View Acres Subdivision, a 14,400 square foot parcel of land. A pre-application neighborhood meeting was held at the subject property on October 12, 2016. The Zoning Commission conducted a public hearing on December 6, 2016, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 5-0 vote. The City Council approved the zone change on first reading on January 9, 2017. A second reading is required to approve the ordinance.

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

ALTERNATIVES ANALYZED

City Council may:

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

The Planning Division reviewed the application and recommended approval to the Zoning Commission based on the proposed findings of the 10 criteria. The Zoning Commission concurred with the recommendation. The proposed zoning will allow the current business to remain at an established location and expand the business without complication of mis-matched zoning for the parcel. The 2016 Growth Policy guidelines support the proposed zoning by retaining existing businesses and allowing for necessary expansions. Any new development for off-street parking or new buildings will have to meet the compatibility regulations within the zoning code including screening, lighting restrictions and landscaping.

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

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy: Prosperity: Retaining and supporting existing businesses helps sustain a healthy economy.

The proposed zoning would allow the business owner to provide additional off-street parking at their established business location. The current zoning does not allow expansion of the existing parking without a special review approval. A zone change would allow the property owner certainty for current and future business expansion on the parcel

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

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

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

Public health and public safety will be promoted by the proposed zoning. The current split zoning of the parcel does not provide certainty for development standards and the existing off-street parking is inadequate. On-street parking violations do occur on this block of Lampman Drive with a negative effect on public health and safety. The proposed zoning will allow the development of additional off-street parking to reduce the incidence of on-street parking violations.

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

Transportation: The proposed zoning will improve the safety of this intersection by reducing on-street parking.

Water and Sewer: The City provides water and sewer to the property. Any new development for parking will be required to provide storm water management. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

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

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

The new zoning will have a beneficial impact on vehicle and pedestrian traffic by reducing the on-street parking congestion.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to continue at this location and the use is compatible with the existing neighborhood.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning north of the subject property and is an appropriate zone with the adjacent residential neighborhood to the east.

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

The property is currently developed with a veterinary hospital, a small parking area and a dog exercise yard. The dog exercise yard is currently zoned R-70 and the hospital and parking lot is zoned NC. The value of existing buildings and the parcel will be improved and conserved by the

proposed zoning and development.

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

The proposed zoning will allow a dual-zoned parcel to be a single zoning. This is the most appropriate use of the land at this location.

FINANCIAL IMPACT

If the proposed zoning is approved, the applicant may proceed with development of a portion of the lot for new off-street parking spaces. The new zoning will increase city fees paid based on the new zoning of the property. The new zoning will stabilize the future marketability of the property and will stabilize the tax base for this property.

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 951 on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR the east ½ of Lot 2 and Lot 3, Block 5 of Amended Block 2, Valley View Acres Subdivision, a 14,400 square foot parcel of land generally located at 533 S 24th St West.

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

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

2. DESCRIPTION That the east ½ of Lot 2 and Lot 3, Block 5 of Amended Block 2, Valley View Acres Subdivision, a 14,400 square foot parcel of land generally located at 533 S 24th St West is presently zoned **Residential 7,000 (R-70)** and is shown on the official zoning maps within this zone.

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

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

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

PASSED by the City Council on first reading January 9, 2017

PASSED, ADOPTED AND APPROVED on second reading January 23, 2017.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk
Zone Change 951 – 533 S 24th St West

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Bishop Fox Subdivision, Amended Lot 1, Block 1 - Preliminary Subsequent Minor Plat

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On December 15, 2016, CTA, agent for Bishop Fox Company, applied for Preliminary Subsequent Minor plat approval for Bishop Fox Subdivision, Amended Lot 1, Block 1. The proposed subdivision creates 4 lots from one lot for commercial development. The subject property is generally located at the northeast corner of the intersection of Grand Avenue and 54th Street West. The property is zoned Community Commercial (CC).

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this minor preliminary plat. The 35 working day review period for the proposed plat ends on February 7, 2017. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 working day review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

PROCEDURAL HISTORY

- A pre-application meeting was held on October 21, 2016 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on December 15, 2016.
- Departmental review comments were returned on December 30, 2016.
- The City Council will consider the preliminary plat on January 23, 2017.
- The 35 working-day preliminary plat review period ends February 7, 2017.

PLAT INFORMATION

General location: 54 th Street West	Northeast corner of the intersection of Grand Avenue and
Legal Description:	Bishop Fox Subdivision, Amended Lot 1, Block 1
Owner/Subdivider:	Bishop Fox Company
Engineer and Surveyor:	CTA
Existing Zoning:	Community Commercial (CC)
Existing land use:	Vacant land
Proposed land use:	Commercial
Gross and Net area:	8.195 acres
Proposed number of lots:	4
Lot size:	Max: 5.727 acres Min.: .414 acres
Parkland requirements:	In accordance with 76-3-621(3)(c) MCA, this subdivision is exempt from parkland dedication.
Variance requested:	No variances have been requested.

STAKEHOLDERS

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

SUMMARY

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified, it is the subdivider's responsibility to mitigate those effects. Various City departments have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

RECOMMENDATION

Planning staff recommends conditional approval of the proposed subdivision with the following conditions:

1. To ensure correct installation of infrastructure associated with this subdivision, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to water, sewer and storm drainage in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for water, sewer and storm drainage.
2. To ensure correct installation of street improvements associated with this subdivision, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to street improvements in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for water, sewer and storm drainage.
3. To ensure correct installation of the required sidewalks around the perimeter of and within the propose subdivision, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to sidewalk installation in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for sidewalk improvements.
4. To ensure installation of the required traffic control devices for traffic flow leaving the development and to address impacts to intersections identified within the Traffic Impact Study, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to traffic control device installation in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for Traffic Control Devices.
5. To ensure correct installation of needed fire suppression infrastructure, prior to final plat approval the applicant will work with the City of Billings Fire Department to properly locate needed fire hydrants and suppression systems throughout the subdivision.
6. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
7. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
8. 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.
9. 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
Engineering Conditions
Proposed Plat
Site Photos
Mayor Approval Letter

Findings of Fact

The Planning staff has prepared the Findings of Fact for the preliminary plat of Bishop Fox Subdivision, Amended Lot 1, Block 1. 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 currently used for agriculture, and has no irrigation facilities serving it. Historically it was farm land but residential developments have surrounded the property and farm activity no longer takes place. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service for this subdivision is proposed to be obtained from water lines in Grand Avenue and 54th Street West. The water line in Grand Avenue is 20 inches in size and the one in 54th Street West is 12 inches in size. The applicant is proposing to tap into the water lines for each lot and also for fire suppression needs. All new domestic water and fire services will be installed to meet the City of Billings specifications and standards. **(Condition #1)**

Sewer services are also available from Grand Avenue and 54th Street West. Grand Avenue has a 27-inch sanitary sewer main and 54th Street West has a 15-inch sanitary sewer main. Sanitary sewer stubs are proposed for each lot. Sanitary sewer lines are to be stubbed into each lot. When the individual lots develop that lot owner will be responsible for meeting all City of Billings requirements for connection and installation of sanitary sewer lines and any applicable fees at that time. **(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 provide appropriate easements.

- b. **Storm water** – Storm water drainage system is proposed to be conveyed to the collections system via surface flows on the street and parking lots. The system will consist of a network of catch basins, inlets and piping to convey storm water to subsurface detention facilities. All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual. **(Condition #1)**
- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

- d. **Streets** – The property currently has an existing access on 54th Street West and is proposing a second one. The existing access is a shared access with the existing fire station. They are also proposing an access off of Grand Avenue directly across from the entrance into Vintage Estates. Any new access to the proposed subdivision would be reviewed and need to be approved by the City of Billings Engineering division. The applicant will be required to make contributions to Grand Avenue and 54th Street West street improvement that are identified in the Traffic Impact Study. All street improvement will be required to meet the City of Billings Engineering requirements in place at the time of construction. **(Condition #2)**
- e. **Sidewalks** – Subdivision regulations require boulevard sidewalks to be installed with all new developments. With the proposed subdivision they will be required to install sidewalks with the development of the lots. They will also be required to build sidewalks to connect with the existing developments around them where connections have been provided for pedestrian / bicycle connectivity. **(Condition #3)**
- f. **Traffic Control** – With the development of the subdivision the applicant will be required to install and maintain traffic control devices to facilitate better traffic flow into and out of the proposed development. With the submitted TIS intersections were identified that would be impacted by this proposed development. With that information the applicant will be required to make cash contributions to the affected intersections toward their improvement for better traffic flow. Language in the SIA needs to be added and modified to address these identified intersections and the required contribution. **(Condition #4)**
- g. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1501 54th Street West (Station #7) directly adjacent to the subject property. The subdivision is located within the ambulance service area of American Medical Response. The applicant will be required to meet all the standards required by the City of Billings Fire Department for installation of fire apparatus within the subdivision. **(Condition #5)**
- h. **Schools** –This subdivision should have a minimal effect on schools as it is a commercial development and will not add any housing to the area.
- i. **Parks and Recreation** - Parkland dedication is not required for this subdivision pursuant Section 23-1008, A. A minor Subdivision and C. Subdivision into parcels that are all nonresidential.
- j. **Mail Delivery** - The United States Postal Service in response to request for comments about this proposed subdivision has asked that there be a centralized delivery located just off of Grand Avenue for the entire subdivision with parking access for the carrier in front of the boxes. **(Condition #6)**

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 Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. City of Billings 2016 Growth Policy

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

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective (p. 6). Neighborhoods that are safe and attractive and provide essential services are much desired (p.7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9).
- d. **Prosperity (promoting equal opportunity and economic advancement):** A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (p. 9).

2. 2014 Billings Urban Area Transportation Plan

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

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan covers this area. There is a proposed on street long range trail on Grand Avenue and an on street short range trail identified on 54th Street West. No new improvements will be required with this subdivision to meet the Trail Plan recommendation.

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 Community Commercial zoning. All development shall comply with the standards set forth in Section 27-309, 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 private utility companies to provide the needed easements. **(Condition #7)**

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 is proposed to be from Grand Avenue and 54th Street West. Any additional approaches or modifications to the existing approach will require City of Billings Engineering approval.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Bishop Fox Subdivision, Amended Lot 1, Block 1, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, January 23, 2017

Thomas W. Hanel, Mayor



City of Billings

PUBLIC WORKS DEPARTMENT

Engineering Division

2224 Montana Avenue

Billings, Montana 59101

Office (406) 657-8231

Fax (406) 237-6291

Memorandum



To: Dave Green, Planning
From: Chris Hertz, Staff Engineer III
CC:
Date: 01/03/17
Re: Bishop Fox Subdivision Amended Lot 1 Block 1

Our office has reviewed the preliminary plat for Bishop Fox Subdivision Amended Lot 1 Block 1 and offers the following comments and conditions:

1. Within the SIA Section III. A. Streets, the cash contribution for Grand Avenue and 54th Street West must include a half width of 20 feet of asphalt given credit for existing widths, curb and gutter plus the cost for design and construction administration. A cash contribution for the sidewalk must be made unless constructed as part of the development.
2. Section III.A.—Streets. This development will be responsible for the full cost of design & construction for the widening necessary to implement a SB left turn lane on 54th Street West at the access opposite Payton Drive. The required widening should be primarily north of Payton Drive as the City project installing the traffic signal at Grand & 54th will be constructing the widening to the south of Payton. Construction of SB left turn lane must be done with development of Lot 1-A.
3. Section III. B. Sidewalks. The development of Lot 1-A will require pedestrian connections to the north and to the east aligned with the existing R/W & easement respectively, platted with the adjacent lots. The connection to the north shall extend all the way to Castle Stone Square. At the time of development of each individual lot, sidewalks providing ADA accessible pedestrian connections from the public sidewalks along 54th St W and Grand Ave shall be constructed connecting the public sidewalks to the primary buildings on each lot.
4. Section III. D. Traffic Control Devices. Change language to read *The Subdivider shall furnish and install all traffic controls as identified during the Traffic Impact Study review process and as may be required by the City Traffic Engineer to comply with MUTCD, City Ordinances, and City traffic control policies.*
5. Section III. D. Traffic Control Devices.
 - b. The SIA needs to include the following monetary contributions for off-site intersection improvements. These must be payable at time of final plat, or prior to issuance of any building permit.

Intersection	Amount
Rimrock & 54th	\$5,750.00
Grand & 56th	\$6,500.00
Grand & 62nd	\$6,500.00
Grand & 48 th	\$7,750.00

6. Section III. F. Access.
 - a. Suggested re-wording: Direct access from 54th Street West and from Grand Avenue to the lots is prohibited, except for two 50-foot wide breaks in the no-access easement as shown on the plat. The allowed access to 54th Street West shall be aligned with Payton Drive, and the access to Grand Avenue shall be aligned with Vintage Lane. The existing 40-foot wide access shared with the fire station (Lot 2) shall remain. The City reserves the right to restrict left turn egress from the Grand Avenue access opposite Vintage Lane. All new approaches shall be built in conformance with City of Billings standards and specifications.
 - b. A blanket reciprocal access easement allowing internal traffic flow between all of the lots in the subdivision is required, and should either be identified in the SIA or filed as a separate document concurrently with the final plat.
 - c. The 1-foot no access easements need to extend into the lot a minimum of 100 feet from the property line on 54th & on Grand. Side access to the adjacent lots will not be allowed in this area.
 - d. A 1-foot no access easement will be platted along the entire north line of Lot 1-D.
7. Section V—Storm Drainage. Add language in SIA acknowledging that piped public storm drain mains are not available in this area, but that the Waiver includes possible future participation in an area wide storm drain SID.
8. Section VI.—Utilities. Any required water or sanitary sewer services for this property must be constructed prior to construction of WO 16-09 or in conjunction with WO 16-09. The cost of design, construction, and construction administration shall be the responsibility of the subdivision. WO 16-09 is anticipated to be constructed Spring/Summer 2017.
9. Minor wording changes hereafter shall be made in the SIA and documents, as requested by the City Engineer's Office and Planning Office, to clarify the documents and bring them into the standard, acceptable format.
10. The final subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, Billings Municipal City Code, and Rules, Regulations, Policies, and Ordinances of the City of Billings, and the Laws and Administrative Rules of the State of Montana.

Should you have any questions regarding these items, please feel free to contact our office.



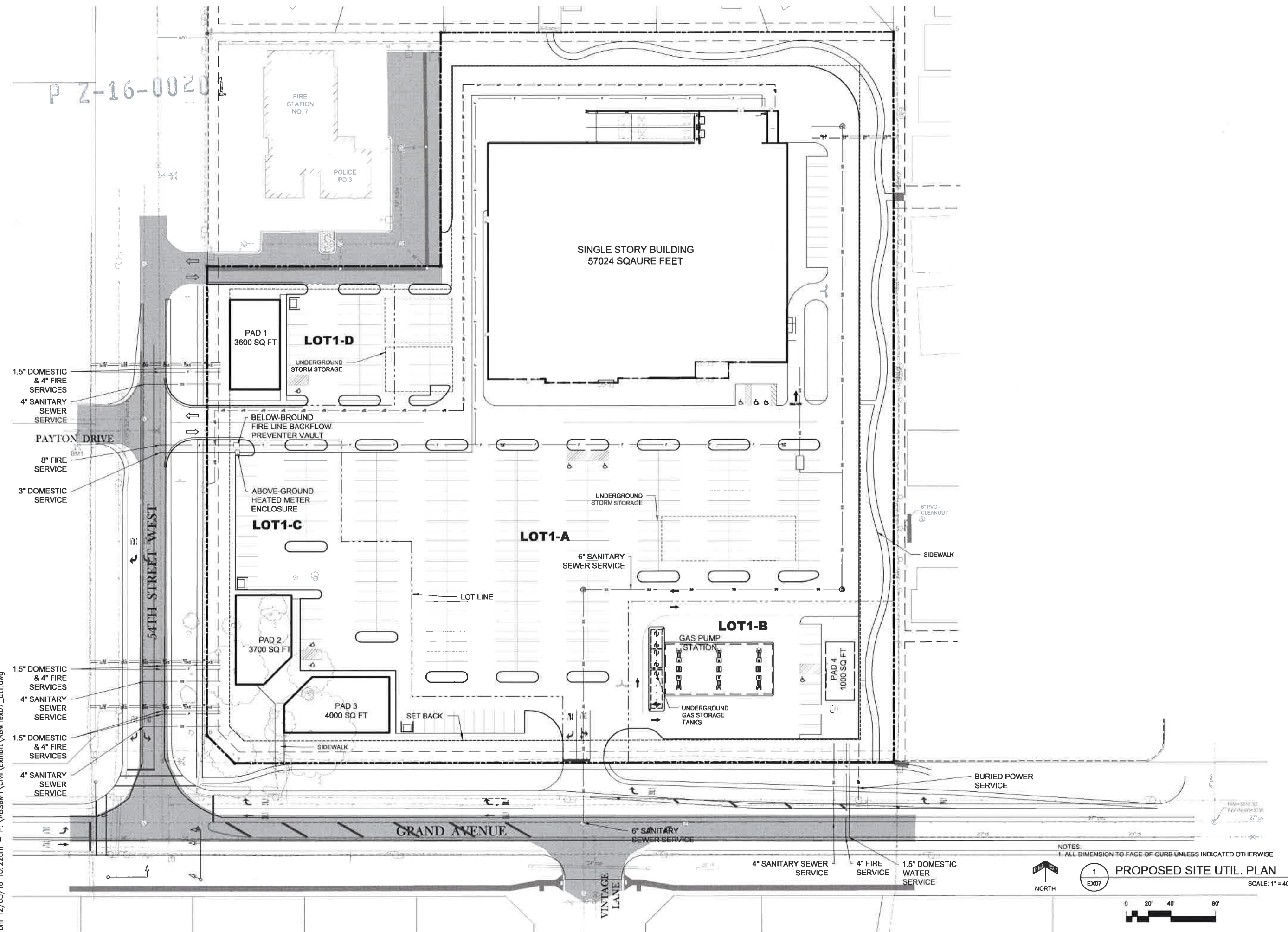
www.ctagroup.com
800.757.9522

BILLINGS, MONTANA
GRAND AVE. & 54TH ST.
SPECIAL REVIEW SP SUBMITTAL

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

© 2016 | ALL RIGHTS RESERVED
SPECIAL REVIEW SP SUBMITTAL
12.5.2016
DRAWN BY |
CHECKED BY |
REVISIONS
20161123 - SITE PLAN UPDATE

SITE UTILITY PLAN
EX07



P Z-16-0020

SINGLE STORY BUILDING
57024 SQAURE FEET

LOT1-D

LOT1-C

LOT1-A

LOT1-B

PAD 1
3600 SQ FT

PAD 2
3700 SQ FT

PAD 3
4000 SQ FT

PAD 4
1000 SQ FT

FIRE STATION
NO. 7

POLICE
PD 3

1.5" DOMESTIC & 4" FIRE SERVICES
4" SANITARY SEWER SERVICE

8" FIRE SERVICE
3" DOMESTIC SERVICE

1.5" DOMESTIC & 4" FIRE SERVICES
4" SANITARY SEWER SERVICE

1.5" DOMESTIC & 4" FIRE SERVICES
4" SANITARY SEWER SERVICE

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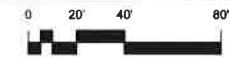
NOTES
1. ALL DIMENSION TO FACE OF CURB UNLESS INDICATED OTHERWISE



1
EX07

PROPOSED SITE UTIL. PLAN

SCALE: 1" = 40'





Looking south east toward Vintage Estates Subdivision



Looking west from subject property



Looking north east toward Grand Peaks Subdivision



Looking west toward Silver Run Townhomes



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

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

January 23, 2017

Bishop Fox Company
Attn: Ted Lovec
1241 Crawford Drive
Billings, MT 59102

Dear Property Owner:

On January 23, 2017, the Billings City Council conditionally approved the preliminary plat of Amended Lot 1, Block 1, Bishop Fox Subdivision, subject to the following conditions of approval:

1. To ensure correct installation of infrastructure associated with this subdivision, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to water, sewer and storm drainage in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for water, sewer and storm drainage.
2. To ensure correct installation of street improvements associated with this subdivision, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to street improvements in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for water, sewer and storm drainage.
3. To ensure correct installation of the required sidewalks around the perimeter of and within the propose subdivision, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to sidewalk installation in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for sidewalk improvements.
4. To ensure installation of the required traffic control devises for traffic flow leaving the development and to address impacts to intersections identified within

the Traffic Impact Study, prior to final plat approval the applicant will meet the conditions the Engineering Division has provided related to sidewalk installation in Attachment 'Engineering Conditions.' The subdivider will work with the Engineering Division to ensure compliance with all current requirements of the City of Billings for Traffic Control Devices.

5. To ensure correct installation of needed fire suppression infrastructure, prior to final plat approval the applicant will work with the City of Billings Fire Department to properly locate needed fire hydrants and suppression systems throughout the subdivision.
6. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
7. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
8. 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.
9. 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.

Engineering Division Conditions:

The Engineering Division has reviewed the preliminary plat for Bishop Fox Subdivision, Amended Lot 1 Block 1, and offers the following comments and conditions of preliminary plat approval:

1. Within the SIA Section III. A. Streets, the cash contribution for Grand Avenue and 54th Street West must include a half width of 20 feet of asphalt given credit for existing widths, curb and gutter plus the cost for design and construction administration. A cash contribution for the sidewalk must be made unless constructed as part of the development.
2. Section III.A.—Streets. This development will be responsible for the full cost of design & construction for the widening necessary to implement a SB left turn lane on 54th Street West at the access opposite Payton Drive. The required widening should be primarily north of Payton Drive as the City project installing the traffic signal at Grand & 54th will be constructing the widening to the south of Payton. Construction of SB left turn lane must be done with development of Lot 1-A.

3. Section III. B. Sidewalks. The development of Lot 1-A will require pedestrian connections to the north and to the east aligned with the existing R/W & easement respectively, platted with the adjacent lots. The connection to the north shall extend all the way to Castle Stone Square. At the time of development of each individual lot, sidewalks providing ADA accessible pedestrian connections from the public sidewalks along 54th St W and Grand Ave shall be constructed connecting the public sidewalks to the primary buildings on each lot.
4. Section III. D. Traffic Control Devices. Change language to read *The Subdivider shall furnish and install all traffic controls as identified during the Traffic Impact Study review process and as may be required by the City Traffic Engineer to comply with MUTCD, City Ordinances, and City traffic control policies.*

5. Section III. D. Traffic Control Devices.
 - b. The SIA needs to include the following monetary contributions for off-site intersection improvements. These must be payable at time of final plat, or prior to issuance of any building permit.

Intersection	Amount
Rimrock & 54th	\$5,750.00
Grand & 56th	\$6,500.00
Grand & 62nd	\$6,500.00
Grand & 48 th	\$7,750.00
Grand & 54th	\$19,250.00

6. Section III. F. Access.
 - a. Suggested re-wording: Direct access from 54th Street West and from Grand Avenue to the lots is prohibited, except for two 50-foot wide breaks in the no-access easement as shown on the plat. The allowed access to 54th Street West shall be aligned with Payton Drive, and the access to Grand Avenue shall be aligned with Vintage Lane. The existing 40-foot wide access shared with the fire station (Lot 2) shall remain. The City reserves the right to restrict left turn egress from the Grand Avenue access opposite Vintage Lane. All new approaches shall be built in conformance with City of Billings standards and specifications.
 - b. A blanket reciprocal access easement allowing internal traffic flow between all of the lots in the subdivision is required, and should either be identified in the SIA or filed as a separate document concurrently with the final plat.
 - c. The 1-foot no access easements need to extend into the lot a minimum of 100 feet from the property line on 54th & on Grand. Side access to the adjacent lots will not be allowed in this area.
 - d. A 1-foot no access easement will be platted along the entire north line of Lot 1-D.
7. Section V—Storm Drainage. Add language in SIA acknowledging that piped public storm drain mains are not available in this area, but that the Waiver includes possible future participation in an area wide storm drain SID.

8. Section VI.—Utilities. Any required water or sanitary sewer services for this property must be constructed prior to construction of WO 16-09 or in conjunction with WO 16-09. The cost of design, construction, and construction administration shall be the responsibility of the subdivision. WO 16-09 is anticipated to be constructed Spring/Summer 2017.
9. Minor wording changes hereafter shall be made in the SIA and documents, as requested by the City Engineer's Office and Planning Office, to clarify the documents and bring them into the standard, acceptable format.
10. The final subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, Billings Municipal City Code, and Rules, Regulations, Policies, and Ordinances of the City of Billings, and the Laws and Administrative Rules of the State of Montana.

Should you have any questions regarding these Engineering items, please feel free to contact Chris Hertz, at (406) 657-3095 or by email at hertzc@ci.billings.mt.us.

If you have overall questions regarding this preliminary plat, please contact Dave Green at (406) 247-8666 or by email at greend@ci.billings.mt.us.

Sincerely,

Thomas W. Hanel, Mayor

Pc: CTA Architects Engineers, Attn: Ron Isackson

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Tule Ridge Subdivision- Preliminary Minor Plat

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On December 1, 2016, the Planning Division received an application for preliminary plat approval for Tule Ridge Subdivision. The proposed minor subdivision re-plats Lot 8 of Sunny Cove Fruit Farms into 5 lots. The subject property is located at the southeast corner of the intersection of Rimrock Road and 62nd Street West and is zoned Community Commercial.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this preliminary minor plat; the 35 working day review period for the proposed plat ends on January 24, 2017. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner’s ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

General location:	Southeast corner of the intersection of Rimrock Road and Molt Road
Legal Description:	Tule Ridge Sub., Being Lot 8 of Sunny Cove Fruit Farms
Owner/Subdivider:	Tule Ridge Development
Engineer and Surveyor:	Performance Engineering & Consulting
Existing Zoning:	Community Commercial (CC)
Existing land use:	Agricultural
Proposed land use:	Commercial
Gross/net area:	8.43 Acres
Proposed number of lots:	5
Lot size:	185,009 sf/26,628 sf
Parkland requirements:	None

STAKEHOLDERS

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

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 City of Billings Growth Policy, the 2014 Transportation Plan Update, the Billings Area Bikeway and Trail Master Plan, and the West Billings Plan are discussed within the Findings of Fact.

SUMMARY

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various City departments have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss the potential negative impacts of the subdivision and the following conditions of approval are recommended as measures to further mitigate any impacts.

RECOMMENDATION

Staff recommends conditional approval of the preliminary minor plat of Tule Subdivision, and adoption of the Findings of Fact as presented in the staff report to the City Council.

Recommended Conditions of Approval:

1. To ensure compliance with State required construction practices and storm water management during construction, prior to final plat approval the applicant will add the standard language about the Stormwater Pollution Prevention Plan (SWPPP) in the SIA under the Storm Drainage heading.
2. To meet the City's requirements for road construction and traffic circulation in the area and for this development, a roundabout is proposed to be constructed adjacent to this subdivision at the intersection of 62nd Street West and Rimrock Road. To complete this improvement, a corner right of way dedication at this intersection of 2,596 square feet is required to be provided on the final plat. The dimensions of the triangle piece are 128.79 feet along Rimrock Road by 40.31 feet along 62nd Street West. If a corner dedication is not provided, then a 65-foot half right of way along the full frontage of 62nd Street West and Rimrock will be to be provided on the final plat. If the final plat is not recorded prior to June 1, 2017, the owner/developer is required to dedicate the necessary right-of-way along Rimrock Road and 62nd Street West, including the roundabout portions described above, to meet the requirements stipulated in the Resolution #16-10574 that annexed the property into the City of Billings.
3. To mitigate the impact on local services and ensure the required right-of-way improvements are constructed, prior to final plat approval language must be provided in the SIA stating that a cash contribution for frontage of 62nd Street West and Rimrock Road must be made. This may be done through lot development or within phases and must be coordinated with the City Engineering Division. This contribution will account for half of a 44-foot street (given credit for existing width), curb and gutter, sidewalk (if not constructed by the developer), and design and construction administration.
4. To comply with requirements of the City of Billings Engineering Division and ensure safe movement of traffic in the area of this subdivision, prior to final plat approval, a traffic impact study must be re-submitted and reviewed by the Engineering Division. This study must identify off-site road infrastructure contributions, which must be identified within the

SIA. All access control must be identified in the SIA as follows: Any full access from Rimrock Road must be located at the furthest east point of the subdivision and any full access from 62nd Street West must be located at the furthest southern point of the subdivision. Any other accesses will be restricted to right-in right-out only and these locations must be approved by City Engineering.

5. To mitigate impacts to local services and meet the storm water regulations of the City of Billings, prior to final plat approval a storm water report must be submitted and reviewed by the Engineering Division. The report must identify the necessary size of the ponding area for the subdivision. The report also must outline how water quality management will be handled within the subdivision.
6. To mitigate impacts to local services and meet the storm water regulations of the City of Billings, storm water discharge will not be allowed without an easement from the adjacent landowner on Lot 9, Sunny Cove Fruit Farms, and permission from the Birley Drain District. The easement and permission must be in place prior to final plat approval. There may be an option for the development to store and/or discharge stormwater on Lot 9, Sunny Cove Fruit Farms, to the west of the subdivision across 62nd Street West in the future. This would require monetary participation from the subdivision and must be outlined within the SIA prior to final plat approval. If there is an easement in place on the property to the west, and the City purchases the property where the easement is located, then the easement must be vacated with a new outfall for the development.
7. To ensure the provision of easements and minimize effects on local services, prior to final plat approval the subdivider shall coordinate with the private utility companies to determine suitable locations for utility easements. These easements shall be shown on the final plat and have easement documents to be recorded with the final plat.
8. Minor changes may be made in the SIA and final documents, as requested by Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
9. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

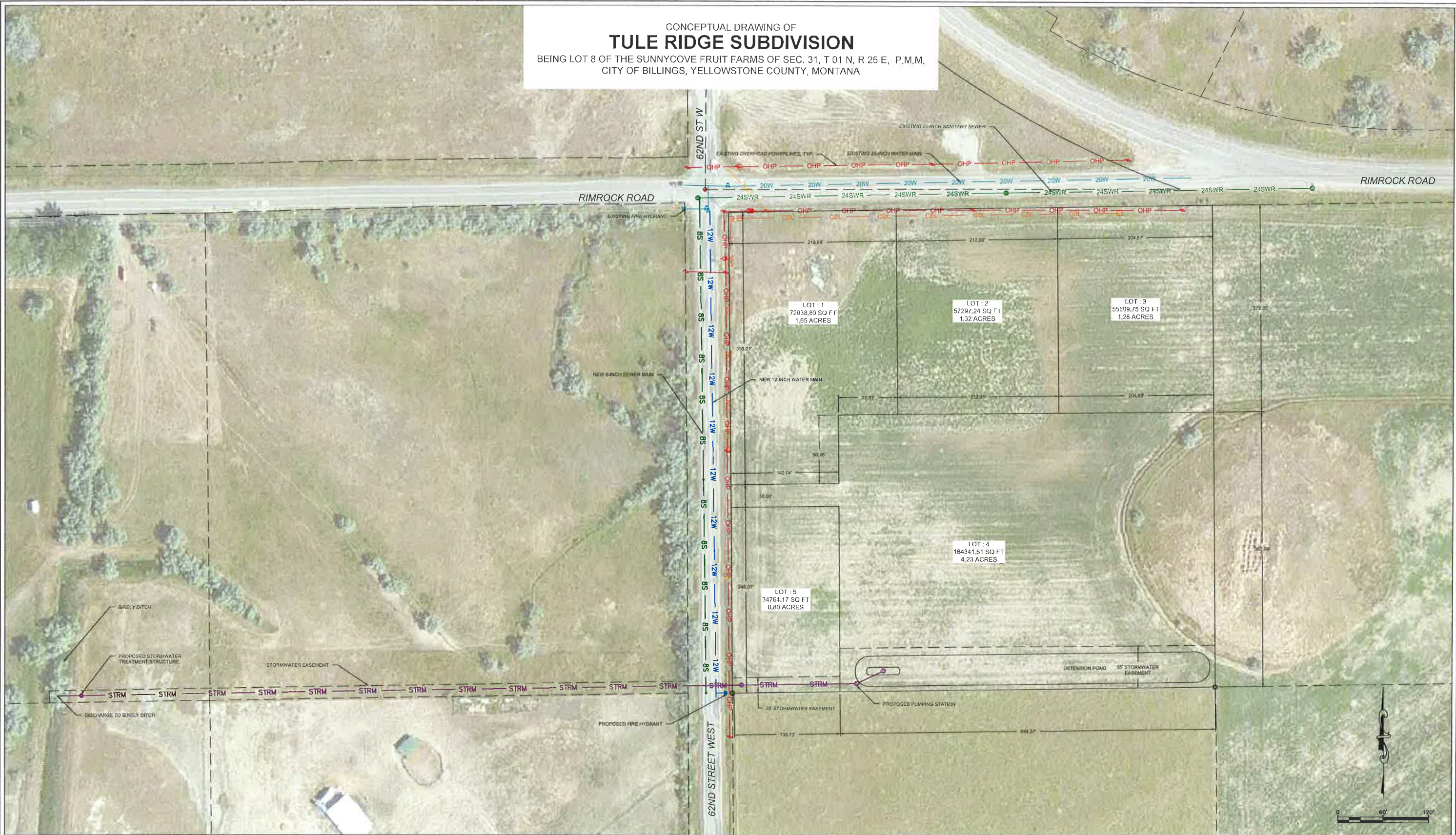
Approved by: City Administrator _____

City Attorney _____

Attachments

Preliminary Plat Proposed
Findings of Fact
Mayor Approval Letter
Photos

CONCEPTUAL DRAWING OF
TULE RIDGE SUBDIVISION
 BEING LOT 8 OF THE SUNNYCOVE FRUIT FARMS OF SEC. 31, T 01 N, R 25 E, P.M.M.,
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



OWNER: TULE RIDGE DEVELOPMENTS, LLC
 EXISTING LAND USE: AGRICULTURAL
 PROPOSED LAND USE: COMMERCIAL LOTS
 EXISTING ZONING: COMMUNITY COMMERCIAL
 PROPOSED ZONING: COMMUNITY COMMERCIAL



7100 COMMERCIAL AVE, SUITE 4
 BILLINGS, MT 59101
 OFFICE - 406-384-0080 www.performance-ec.com

JMD
 DESIGNED BY
 JMD
 DRAWN BY
 9/13/2016
 DATE
 QUALITY ASSURANCE
 BDN
 CHECKED BY
 9/13/2016
 DATE

TULE RIDGE SUBDIVISION

BILLINGS, MT 59106

CONCEPTUAL DRAWING

PROJECT NUMBER
2016-037

SHEET NUMBER
1 OF 1

EXHIBIT

1

Findings of Fact
Tule Ridge Subdivision

Staff is forwarding the recommended Findings of Fact for Tule Ridge Subdivision, Amended Plat of Lot 8 of Sunny Cove Fruit Farm for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

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

1. Effect on agriculture and agricultural water user facilities

The subject property is vacant former cropland located in the City limits that has been slated for urban development. There are no irrigation facilities serving this property. As such, this development should not have a negative effect on the agricultural industry. The proposal may help alleviate development pressure on existing agricultural areas by developing land that is no longer used for agricultural purposes. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Water** – Water service will be provided by the City of Billings. The developer will install a new water line within 62nd Street West. The development will connect to the water and sewer lines from Rimrock Road until the lines are installed for the new connection in 62nd Street West to the southern boundary of property. This waterline improvement will include an 8-inch water line that will tie into the existing water main stub out from Rimrock Road with appropriate valving and hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).
- b. **Sewer** - The sewer services for the property will be from a main within 62nd Street West and will be installed to the southern boundary of the property. Installation of sewer line improvements within 62nd Street West shall include a minimum 8- inch diameter gravity collection main. Collection system grades and placement will meet all of the City of Billings Public Works Dept. and MDEQ standards, rules and regulations. The collection system will tie into the existing 8- inch stub outs from Rimrock Road.
- c. MDU will provide gas services Yellowstone Electric Coop will provide electric services to the subdivision. Easements will be shown on the face of the plat that are acceptable to these utility providers. **(Condition 7)**
- d. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual **(Condition 5)**

(Condition 6). Standard language regarding provision of a Storm Water Pollution Prevention Plan must be added to the SIA under the Storm Water Drainage section. The applicant will be required before construction on the lots to submit and have approved a Storm Water Pollution Prevention Plan (SWPPP). This must be identified in the SIA to ensure future developers on the parcels are aware of this requirement **(Condition 1)**.

- e. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- f. **Streets** – Access to the lots will be provided directly from Rimrock Road and/or 62nd Street West as permitted by Engineering. Approaches shall meet the requirements of the City of Billings site development ordinance. The City of Billings is proposing to build a roundabout at the intersection of Rimrock Road and 62nd Street West. A corner right of way dedication at this intersection of 2,596 square feet is required with this plat. The dimensions of the triangle piece are 128.79 feet along Rimrock Road by 40.31 feet along 62nd Street West. If a corner dedication is not completed, then a 65-foot half right of way along the full frontage of 62nd Street West and Rimrock will be required. **(Condition #2)**

A Traffic Impact Study (TIS) must be res-submitted for review by the Engineering Division and it must outline and address the off-site improvements required (See paragraph below and Condition #3) and discuss the access allowances for the subdivision along its road frontages. **(Condition #4)**

To ensure the required road improvements are constructed and this subdivision participates in the improvements that it impacts, language must be added to the SIA outlining the cash contributions for frontage improvements on 62nd Street West and Rimrock Road. **(Condition #3)**

- g. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire department is located at 1501 54th Street West (Fire 7). The subdivision is located within the ambulance service area of American Medical Response.
- h. **Schools** –This is a commercial subdivision and should have minimal effect on schools.
- i. **Parks and Recreation** - Parkland dedication is not required for this subdivision.
- j. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Any special requirements will have to be submitted and approved by the Postal Service.

3. Effect on the natural environment

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

4. Effect on wildlife and wildlife habitat

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

5. Effect on the public health, safety and welfare

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

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

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

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

1. City of Billings 2016 Growth Policy Update

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

- a) **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*
- b) **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 here.*
- c) **Goal: COMMUNITY FABRIC** – *A strong community promotes the City’s appeal to residents, businesses and visitors.*
- d) **Goal: PROSPERITY** – *enable “a diverse, welcoming community where people prosper and business succeeds.”*

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified within the plan. Conditions proposed also will address traffic circulation and access to ensure the transportation system in the area functions properly.

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies a Long Range Bike Lane on Rimrock Road and 62nd Street West but does not identify bike trails inside the proposed subdivision. No new improvements will be constructed by the subdivision, but the development is contributing to right-of-way improvements for Rimrock Road and 62nd Street West and future improvements by the City will address pedestrian and bicycle facilities. The subdivision will be required to install sidewalks along its frontages as the lots develop and this will begin to provide pedestrian facilities in the area.

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

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

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

The subject property is located in the Community Commercial zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Zoning Compliance will be reviewed with the building permits as submitted.

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

The plat provides easements for utilities. It is recommended that the developer work with Yellowstone Electric Coop and MDU to show the needed easements on the final plat. **(Condition #7)**

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

Access to the lots will be provided directly from Rimrock Road and/or 62nd Street West as permitted by Engineering. Approaches shall meet the requirements of the City of Billings site development ordinance. **(Condition #2) (Condition #3) (Condition #4)**

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Tule Ridge Subdivision, Amended Plat of Lot 8 of Sunny Cove Fruit Farm, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, January 23, 2017

Thomas W. Hanel, Mayor



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

*P.O. BOX 1178
BILLINGS, MONTANA 59103*

*(406) 687-8296
FAX (406) 657-8390*

January 23, 2017

Tule Ridge Developments, LLC
3312 4th Avenue North
Billings, MT 59101

Dear Applicant:

On January 23, 2017, the Billings City Council conditionally approved the preliminary plat of Tule Ridge Subdivision, Being Lot 8 of Sunny Cove Fruit Farm, subject to the following conditions of approval:

1. To ensure compliance with State required construction practices and storm water management during construction, prior to final plat approval the applicant will add the standard language about the Stormwater Pollution Prevention Plan (SWPPP) in the SIA under the Storm Drainage heading.
2. To meet the City's requirements for road construction and traffic circulation in the area and for this development, a roundabout is proposed to be constructed adjacent to this subdivision at the intersection of 62nd Street West and Rimrock Road. To complete this improvement, a corner right of way dedication at this intersection of 2,596 square feet is required to be provided on the final plat. The dimensions of the triangle piece are 128.79 feet along Rimrock Road by 40.31 feet along 62nd Street West. If a corner dedication is not provided, then a 65-foot half right of way along the full frontage of 62nd Street West and Rimrock will be to be provided on the final plat. If the final plat is not recorded prior to June 1, 2017, the owner/developer is required to dedicate the necessary right-of-way along Rimrock Road and 62nd Street West, including the roundabout portions described above, to meet the requirements stipulated in the Resolution #16-10574 that annexed the property into the City of Billings.
3. To mitigate the impact on local services and ensure the required right-of-way improvements are constructed, prior to final plat approval language must be provided in the SIA stating that a cash contribution for frontage of 62nd Street West and Rimrock Road must be made. This may be done through lot development or within phases and must be coordinated with the City Engineering Division. This contribution will account

for half of a 44-foot street (given credit for existing width), curb and gutter, sidewalk (if not constructed by the developer), and design and construction administration.

4. To comply with requirements of the City of Billings Engineering Division and ensure safe movement of traffic in the area of this subdivision, prior to final plat approval a traffic impact study must be re-submitted and reviewed by the Engineering Division. This study must identify off-site road infrastructure contributions, which must be identified within the SIA. All access control must be identified in the SIA as follows: Any full access from Rimrock Road must be located at the furthest east point of the subdivision and any full access from 62nd Street West must be located at the furthest southern point of the subdivision. Any other accesses will be restricted to right-in right-out only and these locations must be approved by City Engineering.
5. To mitigate impacts to local services and meet the storm water regulations of the City of Billings, prior to final plat approval a storm water report must be submitted and reviewed by the Engineering Division. The report must identify the necessary size of the ponding area for the subdivision. The report also must outline how water quality management will be handled within the subdivision.
6. To mitigate impacts to local services and meet the storm water regulations of the City of Billings, storm water discharge will not be allowed without an easement from the adjacent landowner on Lot 9, Sunny Cove Fruit Farms, and permission from the Birley Drain District. The easement and permission must be in place prior to final plat approval. There may be an option for the development to store and/or discharge stormwater on Lot 9, Sunny Cove Fruit Farms, to the west of the subdivision across 62nd Street West in the future. This would require monetary participation from the subdivision and must be outlined within the SIA prior to final plat approval. If there is an easement in place on the property to the west, and the City purchases the property where the easement is located, then the easement must be vacated with a new outfall for the development.
7. To ensure the provision of easements and minimize effects on local services, prior to final plat approval the subdivider shall coordinate with the private utility companies to determine suitable locations for utility easements. These easements shall be shown on the final plat and have easement documents to be recorded with the final plat.
8. Minor changes may be made in the SIA and final documents, as requested by Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
9. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact the Karen Husman at (406) 247-8684 or by email at husmank@ci.billings.mt.us .

Sincerely,

Thomas W. Hanel, Mayor





Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Shiloh Commons Subdivision - Preliminary Minor Plat

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

On December 15, 2016, Sanderson Stewart, agent for Stock Development, applied for preliminary minor plat approval for Shiloh Commons Subdivision. The proposed subdivision creates 5 new lots for commercial development. The subject property is generally located on the northeast corner of the intersection of Central Avenue and Shiloh Road. The property is zoned Community Commercial (CC) and the proposed lots will be developed in compliance those zoning regulation requirements.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 35 working days to act upon this major preliminary plat. The 35 working day review period for the proposed plat ends on February 7, 2017. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 working day review period, the City Council is required to:

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

FINANCIAL IMPACT

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

BACKGROUND

PROCEDURAL HISTORY

- A pre-application meeting was held on May 19, 2016 to discuss the proposal.
- The completeness review was submitted on November 18, 2016
- The preliminary plat application was submitted to the Planning Division on December 15, 2016.
- Departmental comments were due on December 30, 2016.
- The City Council will consider the preliminary plat on January 23, 2017.
- The 35 working-day preliminary plat review period ends February 7, 2017.

PLAT INFORMATION

General location:	Northeast corner of the intersection of Central Avenue and Shiloh Road.
Legal Description:	Certificate of Survey 2277 Amended
Owner/Subdivider:	Stock Development
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	Community Commercial (CC)
Existing land use:	Vacant Grass Land
Proposed land use:	Commercial
Gross:	9.38 acres
Proposed number of lots:	5
Lot size:	Max: 2.18 Acres Min.: 1.38 acres
Parkland requirements:	No parkland is required as this is a commercial development
Variance requested:	No variances have been requested.

STAKEHOLDERS

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

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 Growth Policy, the Transportation Plan 2014 Update, and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

SUMMARY

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various City departments have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

RECOMMENDATION

Planning staff recommends conditional approval of the proposed subdivision with the following conditions of approval:

1. To ensure clarification of the water and sewer service lines within this subdivision, prior to final plat approval the applicant will add language in **Section VI Utilities** identifying if the water main and sanitary sewer will be public or privately owned. If publicly owned, the water main and sanitary sewer must be located within an easement shown on the final plat.
2. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
3. To ensure correct installation of infrastructure associated with this subdivision, prior to final plat approval the applicant will work with the Engineering Division to ensure compliance with all requirements of the City of Billings for water, sewer and storm drainage.
4. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by the Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.
5. To identify impacts to the surrounding road system and ensure those impacts are identified and addressed, prior to final plat approval the applicant will add language to the SIA in **Section III. Transportation A. Streets 1.** to read: "A Traffic Impact Study must be submitted to Engineering for review and approval prior to final plat approval. Construction or financial contribution for improvements along Central Avenue and Shiloh Road, and within the subdivision shall be in accordance with that document. Intersection contributions shall also be identified within SIA and must be made prior to final plat."
6. To mitigate impact to the surrounding road system, prior to final plat approval the applicant will add language in the SIA in **Section III. Transportation A. Streets** as follows: "Central Avenue improvements can be constructed by the subdivider, financial contribution can be made for Central Avenue by the subdivider, or the City has the right to assess the subdivider for Central Avenue improvements through a work order or special improvement district."
7. To minimize impacts on property owners and to ensure a clear understanding of internal road placement and access, prior to final plat approval the applicant in section **III Transportation A., Streets**, needs to provide detail that the internal road, Shiloh Commons Way, is partially on the developers' property and partially on Montana State University System property. The applicant will also provide reciprocal access documents for the road and have signatory lines for all parties to the reciprocal access road.
8. To ensure compliance with the requirements of subdivision regulations, prior to final plat approval the applicant will add language in the SIA under **III Transportation B. Sidewalks** that requires a boulevard sidewalk be installed along the frontage of Howard Avenue when Lot 1 is developed.
9. To ensure compliance with the requirements of subdivision regulations, prior to final plat approval the applicant will add language in the SIA under **III Transportation B. Sidewalks 2**, noting that boulevard sidewalks are required along the proposed internal street Shiloh Commons Way.
10. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
11. 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.
12. The final plat shall comply with all requirements of the City of Billings Subdivision

Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

- Findings of Fact
 - Proposed Plat
 - Mayor Approval Letter
 - Site Photos
-

FINDINGS OF FACT

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

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is vacant land that has not been farmed in recent years. There are no irrigation ditches on the property. As such, this development should not have a negative effect on agriculture.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

Water service for this proposed subdivision will be provided from a 12-inch water main installed within the private road, Shiloh Commons Way. Service stubs will be installed to each lot property line within the subdivision. At the time of individual lot development water from the property line stub to the buildings on the development will be done by the property developer/owner. This is identified in the SIA. The applicant is proposing with this subdivision to have the internal road as a private road. Water service lines inside the subdivision need to be identified as either public or private. In the SIA in **Section VI Utilities** language need to be added to identify public or private water service lines. **(Condition #1)**

Sanitary sewer service will be provided by connecting to an 8-inch public sewer main within the internal private road, Shiloh Commons Way. Each service will be stubbed to the property line. Extension of the sewer service from the property line shall take place at the time of lot development. The subdivider will install new sewer mains in the local street and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. The applicant is proposing with this subdivision to have the internal road as a private road. Sanitary sewer service lines inside the subdivision need to be identified as either public or private. In the SIA in **Section VI Utilities** language need to be added to identify public or private sanitary sewer service lines. **(Condition #1)**

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. In the SIA under **VI Utilities C. Power, Telephone, Gas and Cable Television** it is stated that there is a 10-foot-wide private utility easement at locations shown on the face of the plat. The applicant will coordinate locations for utility easements with the private utility providers and place those easements on the plat. **(Condition #2)**

- a. **Storm water** – Storm water drainage system is proposed to be conveyed to the collections system via surface flows on the street and parking lots. The system will consist of a network of catch basins, inlets and piping to convey storm water to subsurface detention facilities. Discharge from these facilities will be to the Shiloh Drain system which is west of the subdivision and west of Shiloh Road. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division. **(Condition #3)**

Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Department regulations. Along with this requirement the applicant will need to submit the HOA documents before final plat approval outlining how the HOA will maintain the system. Should the HOA fail to maintain the storm water system correctly the City of Billings would need to be able to come in and maintain it for them with the ability to create an SID to maintain the storm water facilities. The applicant will have the HOA documents completed and reviewed by the City of Billings Engineering before final plat approval. **(Condition #4)**

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. **Streets** – The internal street is proposed to be built to City standards by providing a 38-foot wide street from back of curb to back of curb. The private road will be within a 40-foot-wide perpetual right of way easement. They will be built to meet the requirements of the City of Billings Engineering Department and receive their approval before any construction.

A Traffic Impact Study (TIS) was completed in order to evaluate the subdivision's impact on the street network in the surrounding area. In the TIS provided by the developer, it recommends contribution to Central Avenue construction. The City currently has plans to widen Central Avenue that will include the frontage of this subdivision. This subdivision will either provide a cash contribution to the project costs or participate in the construction of Central Avenue. This project is anticipated to be undertaken by the city in 2019. In order to make final determinations for what will be required from the developer as far as contributions to street construction and to which street intersections, the applicant is asked to add language in the SIA in **Section III, Transportation A. Streets 1. (Condition #5)**

When contributions for street construction are identified with the TIS the applicant will be required to participate in the costs of the street construction, including sidewalks, based on the impacts that are identified. In the SIA in **Section III, Transportation A. Streets** the applicant will add language outlining the different methods those street improvements costs can be met. **(Condition #6)**

Access to the subdivision will be provided by a full access off of Central Avenue, a new right in, right out from Central Avenue, a right in, right out from Shiloh Road, this already exists, and a $\frac{3}{4}$ approach from Shiloh Road on to Howard Avenue, also already in existence. All new proposed accesses will need to receive approval from City Engineering and built to City of Billings standards.

The proposed internal street is being shown on this developers' property and on property that belongs to Montana University System for MSU-B. The SIA states that the internal road will be built to City of Billings paved road standards but does not mention the roads location on two different properties within section **III Transportation A. Streets**, in the SIA. It is mentioned in the SIA under **III Transportation E. Access**. The placement of the internal road and the fact it is being built on both properties. In section **III Transportation A. Streets**, the applicant needs to define the internal road location in much more detail and have the appropriate paperwork for all parties to sign agreeing to the road location and reciprocal access to the internal road. **(Condition #7)**

Sidewalks along the internal road within the subdivision are required to be boulevard walks as by subdivision regulations. At the time of development of Lot 1 the developer will install a boulevard walk along the Howard Avenue frontage. **(Condition #8)** In the SIA under **III Transportation B. Sidewalks 2.**, the applicant will add language that specifies Boulevard sidewalks are required along the internal street Shiloh Commons Way. **(Condition #9)**

- d. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire stations are located 1501 54th St. West (Station #7) and 604 S. 24th St. West (Station #5). Fire Department staff has reviewed the proposed subdivision and approve of what is being proposed. The applicant will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that “continued development will eventually require additional resources to maintain current levels of service”. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools that would serve this subdivision are West High School, Will James Middle School and Meadowlark Elementary School. When this subdivision is developed and has occupancy of buildings the school

redistricting will have been put in place and the schools affected by the subdivision may change. At this time a response from School District #2 indicates they have minimal capacity for more students at this time.

- f. **Parks and Recreation** – Because this is a minor subdivision there is no requirement for parkland dedication.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service. **(Conditions #10)**
- h. **Phasing** – There are no plans to phase this subdivision.

3. Effect on the natural environment

The subject property is not farmed and is currently dry grassland. The property is not located within any floodplain. During development, a Storm Water Pollution Prevention Plan (SWPPP) will be in place through the state and storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There will be no impacts to public health, safety and welfare as a result of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. City of Billings 2016 Growth Policy

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

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City

infrastructure may be the most cost effective (p. 6). Neighborhoods that are safe and attractive and provide essential services are much desired (p.7).

b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

c. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9).

d. **Prosperity (promoting equal opportunity and economic advancement):** A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (p. 9).

2. 2014 Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The Billings Area Bikeway and Trail Master Plan covers this area. There is an existing multi-use trail on the west edge of this proposed subdivision along Shiloh Road. No new improvements will be required with this subdivision to meet the Trail Plan recommendation, However, pedestrian and bicycle facilities are planned for the improvements to Central Avenue along the frontage of this subdivision and these will be constructed by either the developer, or the developer will make contributions for the improvements and the City will construct them as part of the larger Central Avenue reconstruction project.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is zoned CC and lot sizes are in conformance with those requirements. At the time of building on the lots they will be reviewed for additional zoning requirements through the building permit process.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider will be providing utility easements as requested by private utility companies throughout the development.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Central Avenue, Shiloh Road and Howard Avenue connects to the proposed internal road within the proposed Shiloh Commons Subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Shiloh Commons Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation Plan or Billings Area Bikeways and Trail Master Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the City Council conditionally approve Shiloh Commons Subdivision and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, January 23, 2017

Thomas W. Hanel, Mayor

PRELIMINARY PLAT OF SHILOH COMMONS SUBDIVISION

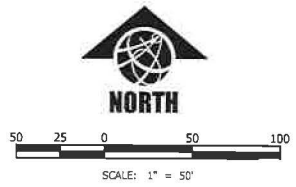
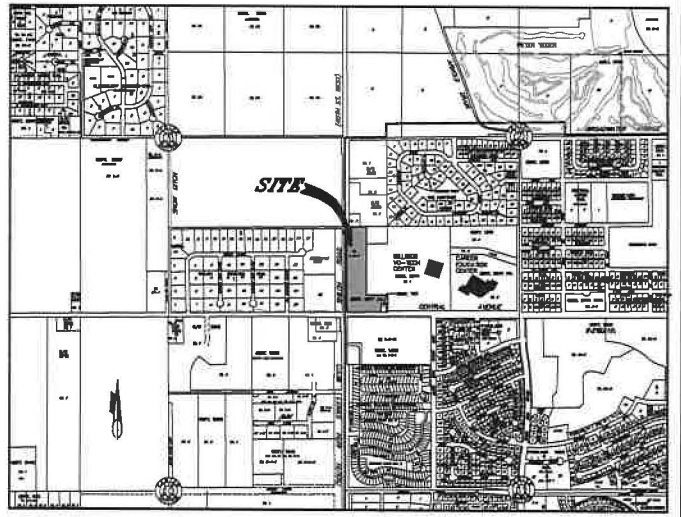
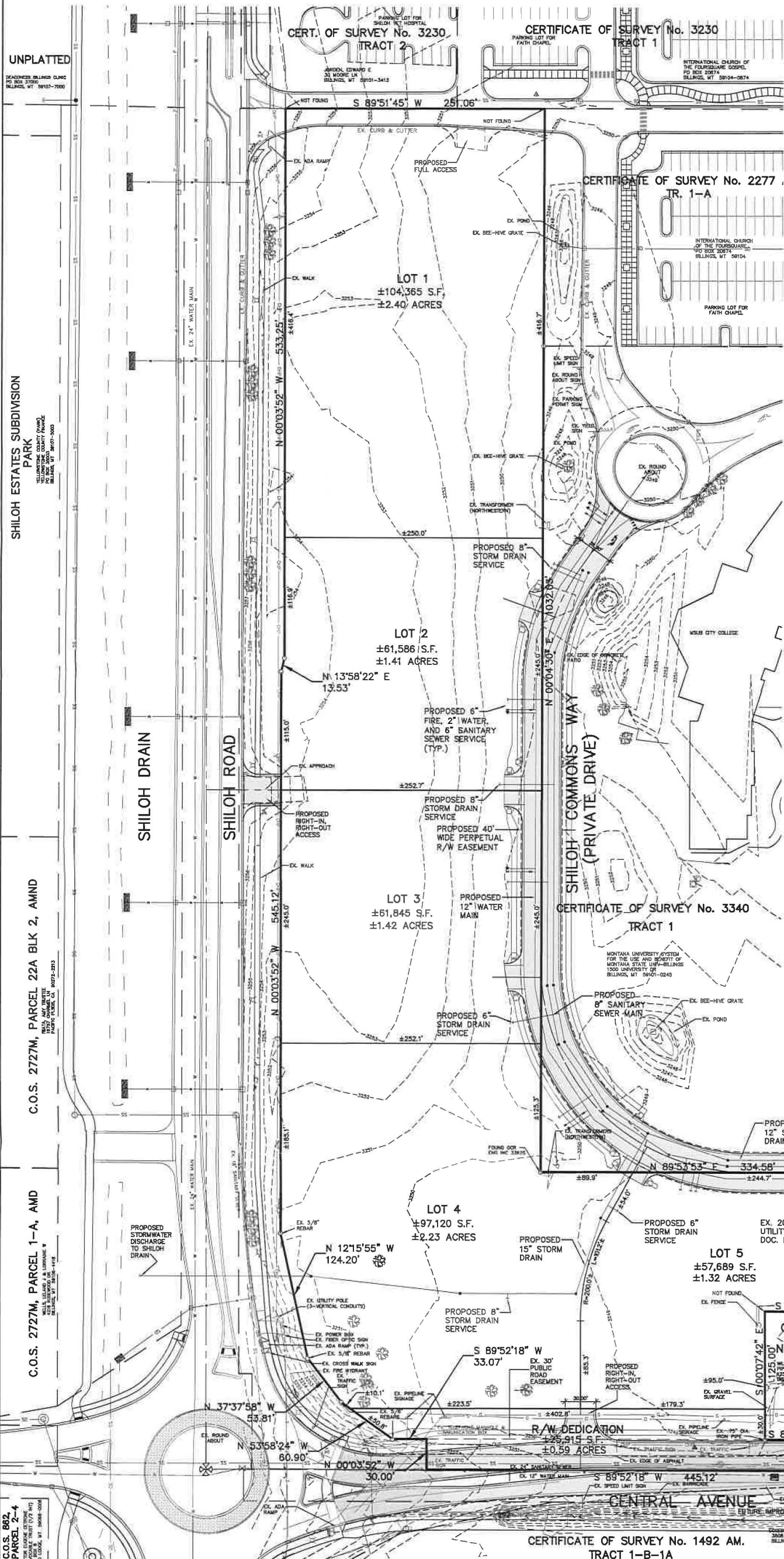
TRACT 1-B-1 OF CERTIFICATE OF SURVEY No. 2277
BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : STOCK DEVELOPMENT

NOVEMBER, 2016

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



- LEGEND**
- FOUND CORNER MONUMENT AS NOTED
 - SET CORNER MONUMENT, REBAR WITH CAP
 - ⊗ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊘ CURB STOP
 - ⊙ FIRE DEPT. CONNECTION
 - ⊗ EX. WELL
 - ⊕ EX. YARD HYDRANT
 - ⊙ SANITARY SEWER MANHOLE
 - ⊕ SANITARY SEWER CLEAN OUT
 - ⊙ STORM DRAIN MANHOLE
 - ⊕ CATCH BASIN
 - ⊙ TELEPHONE BOX
 - ⊕ TELEPHONE MANHOLE
 - ⊙ TELEPHONE PEDESTAL
 - ⊕ COMMUNICATIONS BOX
 - ⊙ GAS VALVE
 - ⊕ POWER POLE
 - ⊙ GUYWIRE
 - ⊕ LIGHT POLE
 - ⊙ POWER MANHOLE
 - 3157 — EXISTING GRADE CONTOURS
 - W — WATER
 - SS — SANITARY SEWER
 - SD — STORM DRAIN
 - T — TELEPHONE
 - G — GAS
 - P — POWER
 - OHP — OVERHEAD POWER LINE (TYP.)
 - T — SIGN
 - ⊙ BOLLARD
 - ⊙ DECIDUOUS TREE

PLAT DATA

GROSS AREA	=	9.38 ACRES
NET AREA	=	8.79 ACRES
NUMBER OF LOTS	=	5
MINIMUM LOT SIZE	=	1.32 ACRES
MAXIMUM LOT SIZE	=	2.40 ACRES
LINEAL FEET OF STREETS	=	1,210 L.F. (PRIVATE)
PARKLAND REQUIREMENT	=	N/A
PARKLAND DEDICATION	=	N/A
EXISTING ZONING	=	COMMUNITY COMMERCIAL
SURROUNDING ZONING:		
NORTH	=	R9600 & COMMUNITY COMMERCIAL
SOUTH	=	P.U.D. & NEIGHBORHOOD COMMERCIAL
EAST	=	PUBLIC & COMMUNITY COMMERCIAL
WEST	=	P.U.D., R15000 & NEIGHBORHOOD COMM.
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	COMMERCIAL/MULTI-FAMILY RESIDENTIAL



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

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

January 23, 2017

Grant Road LLC
1430 Country Manor Blvd., Suite 3
Billings, MT 59102

Dear Property Owner:

On January 23, 2017, the Billings City Council conditionally approved the preliminary plat of Shiloh Commons Subdivision, subject to the following conditions of approval:

1. To ensure clarification of the water and sewer service lines within this subdivision, prior to final plat approval the applicant will add language in **Section VI Utilities** identifying if the water main and sanitary sewer will be public or privately owned. If publicly owned, the water main and sanitary sewer must be located within an easement shown on the final plat.
2. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
3. To ensure correct installation of infrastructure associated with this subdivision, prior to final plat approval the applicant will work with the Engineering Division to ensure compliance with all requirements of the City of Billings for water, sewer and storm drainage.
4. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by the Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.
5. To identify impacts to the surrounding road system and ensure those impacts are identified and addressed, prior to final plat approval the applicant will add language to the SIA in **Section III. Transportation A. Streets 1.** to read: "A Traffic Impact Study must be submitted to Engineering for review and approval prior to final plat approval. Construction or financial contribution for improvements along Central Avenue and Shiloh Road, and within the subdivision shall be in accordance with that document. Intersection contributions shall also be identified within SIA and must be made prior to final plat."

6. To mitigate impact to the surrounding road system, prior to final plat approval the applicant will add language in the SIA in **Section III. Transportation A. Streets** as follows: "Central Avenue improvements can be constructed by the subdivider, financial contribution can be made for Central Avenue by the subdivider, or the City has the right to assess the subdivider for Central Avenue improvements through a work order or special improvement district."
7. To minimize impacts on property owners and to ensure a clear understanding of internal road placement and access, prior to final plat approval the applicant in section **III Transportation A., Streets**, needs to provide detail that the internal road, Shiloh Commons Way, is partially on the developers' property and partially on Montana State University System property. The applicant will also provide reciprocal access documents for the road and have signatory lines for all parties to the reciprocal access road.
8. To ensure compliance with the requirements of subdivision regulations, prior to final plat approval the applicant will add language in the SIA under **III Transportation B. Sidewalks** that requires a boulevard sidewalk be installed along the frontage of Howard Avenue when Lot 1 is developed.
9. To ensure compliance with the requirements of subdivision regulations, prior to final plat approval the applicant will add language in the SIA under **III Transportation B. Sidewalks 2**, noting that boulevard sidewalks are required along the proposed internal street Shiloh Commons Way.
10. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
11. 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.
12. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

Thomas W. Hanel, Mayor

Pc: Sanderson Stewart



View from Central Avenue looking North



View from Central Avenue looking North



View from intersection of Shiloh and Central Avenue Looking North



View from Shiloh looking East



View from intersection of Shiloh and Howard looking South.

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Payment of Claims December 23, 2016

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$2,989,516.84 have been audited and are presented for City Council payment approval. A complete listing of the claims dated December 23, 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_12.23.2016

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800646	Alliance for HOPE International	\$ 8,876.97	2490-21960-403822	Invoice 1270 - Payment for preparation
12/23/2016	800654	Basler Electric	\$ 3,280.91	5120-84000-402360	Digital Genset Controller HD
12/23/2016	800659	Billings Depot Inc	\$ 5,648.67	6600-31100-405310	Rent
12/23/2016	800659	Billings Depot Inc	\$ 8,473.00	6700-31410-405310	Rent
12/23/2016	800662	Billings Tourism	\$ 236,234.00	7790-15760-407679	Distributed November, paid December 2016
12/23/2016	800666	Bridgestone/Firestone Inc	\$ 1,398.57	5710-71440-402390	AUTO &TRUCK MAINT.ITEMS
12/23/2016	800666	Bridgestone/Firestone Inc	\$ 1,218.89	5710-71440-402390	AUTO &TRUCK MAINT.ITEMS
12/23/2016	800667	Business Tax Section	\$ 1,014.75	4050-71250-409687	AIP 53 Concourse B Upgrades Restroom
12/23/2016	800667	Business Tax Section	\$ 112.75	4050-71250-409689	AIP 53 Concourse B Upgrades Restroom
12/23/2016	800667	Business Tax Section	\$ 1,525.14	5130-85910-409340	WO 16-01 Schedule 2B - Sanitary Sewer Main
12/23/2016	800667	Business Tax Section	\$ 211.49	5130-00000-201100	WO 16-01 Schedule 4 - Southside Sanitary
12/23/2016	800667	Business Tax Section	\$ 312.72	5030-00000-201100	WO 16-01 Schedule 3 - 17th Street West Water
12/23/2016	800667	Business Tax Section	\$ 14.24	8450-00000-201100	WO 17-08 Poly & Virginia Landscaping
12/23/2016	800667	Business Tax Section	\$ 806.97	4050-71250-409687	AIP 52 Pond D Storm Water Detention
12/23/2016	800667	Business Tax Section	\$ 89.66	4050-71250-409689	AIP 52 Pond D Storm Water Detention
12/23/2016	800667	Business Tax Section	\$ 1,127.93	4070-71280-409397	PFC Pond D Storm Water Detention
12/23/2016	800667	Business Tax Section	\$ 1,667.39	8450-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800667	Business Tax Section	\$ 224.73	8400-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800667	Business Tax Section	\$ 72.71	5030-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800667	Business Tax Section	\$ 39.48	5130-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800672	Chicago Title of Montana LLC	\$ 10,000.00	2920-66800-407275	FTHB Stephanie Hazen 1215 Caroline Street
12/23/2016	800673	Cop Construction Co	\$ 30,959.42	5030-00000-201100	WO 16-01 Schedule 3 - 17th Street West Water
12/23/2016	800673	Cop Construction Co	\$ 79,889.66	4050-71250-409687	AIP 52 Pond D Storm Water Detention
12/23/2016	800673	Cop Construction Co	\$ 8,876.63	4050-71250-409689	AIP 52 Pond D Storm Water Detention
12/23/2016	800673	Cop Construction Co	\$ 111,666.07	4070-71280-409397	PFC - Pond D Storm Water Detention
12/23/2016	800680	DC Frost Associates Inc	\$ 3,536.71	5120-84000-402450	uv Lamps
12/23/2016	800681	Dell Marketing Lp	\$ 804.47	5020-73110-402925	4 New computers
12/23/2016	800681	Dell Marketing Lp	\$ 1,072.62	5020-73120-402925	4 New computers
12/23/2016	800681	Dell Marketing Lp	\$ 643.57	5020-75000-402925	4 New computers
12/23/2016	800681	Dell Marketing Lp	\$ 268.15	5120-83110-402925	4 New computers
12/23/2016	800681	Dell Marketing Lp	\$ 429.05	5120-85000-402925	4 New computers
12/23/2016	800681	Dell Marketing Lp	\$ 1,072.62	6600-31100-402925	4 New computers
12/23/2016	800686	DOWL	\$ 13,235.98	5030-00000-201100	WO 16-01 2016 Water/Sewer Main Replc
12/23/2016	800687	Dowl Hkm	\$ 6,187.28	8400-00000-201100	WO 15-06 Poly Drive - 32nd St
12/23/2016	800687	Dowl Hkm	\$ 9,146.37	8450-00000-201100	WO 15-06 Poly Drive - 32nd St West to 38th St
12/23/2016	800687	Dowl Hkm	\$ 39.49	5130-00000-201100	WO 15-06 Poly Drive - 32nd St West to 38th St
12/23/2016	800687	Dowl Hkm	\$ 256.52	4470-00000-201100	WO 15-06 Poly Drive - 32nd St West to 38th St
12/23/2016	800688	Downtown Billings BID, Inc.	\$ 37,001.58	7800-15750-407680	Paid November, distributed December 2016
12/23/2016	800689	Downtown Billings Partnership, Inc.	\$ 65,839.25	2030-15130-407946	148 - 3rd Qtr FY17
12/23/2016	800697	Escosupply	\$ 2,070.40	2110-31320-402320	plow cutting edges

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800697	Escosupply	\$ 4,140.80	2110-31320-402320	plow blades
12/23/2016	800697	Escosupply	\$ 43.25	2110-31320-402320	bolts for snow plows
12/23/2016	800707	General Contractors Construction Company Inc	\$ 100,460.25	4050-71250-409687	AIP 53 Concourse B Upgrades Restroom
12/23/2016	800707	General Contractors Construction Company Inc	\$ 11,162.25	4050-71250-409689	AIP 53 Concourse B Upgrades Restroom
12/23/2016	800709	Goetz Baldwin & Geddes PC	\$ 38,005.42	0100-16110-403560	Watters et al v. COB
12/23/2016	800712	HDR, Inc.	\$ 11,987.04	8400-31840-403590	MS4 General Permit - Manual
12/23/2016	800712	HDR, Inc.	\$ 307,392.28	5130-84910-409390	WO 14-11 WWTP Nutrient Upgrade Expansion
12/23/2016	800717	Iaff	\$ 4,640.90	9000-00000-209920	Payroll Summary
12/23/2016	800721	JBT Aero Tech, Jetway Systems	\$ 31,315.90	5610-71120-402450	JBT AeroTech 90kVA - 28 VDC Combo Jetpower
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 4,290.08	2110-31320-404520	sand/salt material
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 1,881.03	2110-31320-404520	1 1/2" crushed base and salt/sand
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 729.24	2110-31320-404520	1 1/2" crushed base
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 165,071.17	8450-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 22,247.89	8400-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 7,197.99	5030-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 3,908.79	5130-00000-201100	WO0915 Grand Ave/Zimmerman Tr to Shiloh Rd
12/23/2016	800726	Knife River (JTL Group Inc.)	\$ 652.61	2110-31320-404520	1 1/2" Crushed base
12/23/2016	800737	Mailing Technical Services	\$ 56.47	0100-11100-407970	Inv. 1666648 Postcards for council
12/23/2016	800737	Mailing Technical Services	\$ 693.60	6270-17520-403110	Inv. #1666731 Insurance packets
12/23/2016	800737	Mailing Technical Services	\$ 88.02	5210-15210-403110	parking - special inserts only
12/23/2016	800737	Mailing Technical Services	\$ 626.94	0100-15120-403110	Finance
12/23/2016	800737	Mailing Technical Services	\$ 3,888.08	6050-15150-403110	Postage Fund (weekly bills)
12/23/2016	800742	Midland West Manufacturing Co	\$ 3,550.00	5410-31220-402320	16362
12/23/2016	800745	Montana CSED	\$ 3,991.22	9000-00000-209926	Payroll Summary
12/23/2016	800746	Montana Dakota Utilities Co	\$ 822.75	1500-21710-403440	169 233 1000 3
12/23/2016	800746	Montana Dakota Utilities Co	\$ 3,868.75	2600-55120-403440	219 924 4851 0
12/23/2016	800746	Montana Dakota Utilities Co	\$ 4,798.62	5120-84000-403440	293 780 1000 2
12/23/2016	800746	Montana Dakota Utilities Co	\$ 9,597.24	5120-84000-403440	293 780 1000 2
12/23/2016	800746	Montana Dakota Utilities Co	\$ 4,798.62	5120-84000-403440	293 780 1000 2
12/23/2016	800746	Montana Dakota Utilities Co	\$ 470.82	0100-51270-403440	437 780 1000 9
12/23/2016	800746	Montana Dakota Utilities Co	\$ 149.05	5210-15950-403440	799 152 1209 0
12/23/2016	800746	Montana Dakota Utilities Co	\$ 885.32	1500-22210-403440	885 880 1000 4
12/23/2016	800746	Montana Dakota Utilities Co	\$ 31.28	5020-74000-403440	921 580 1000 6
12/23/2016	800746	Montana Dakota Utilities Co	\$ 2,608.65	6500-15670-403440	929 780 1000 4
12/23/2016	800746	Montana Dakota Utilities Co	\$ 1,668.08	5710-71430-403440	962 880 1000 0
12/23/2016	800746	Montana Dakota Utilities Co	\$ 61.70	1500-21150-403410	514 117 0478 9
12/23/2016	800746	Montana Dakota Utilities Co	\$ 503.79	1500-22210-403440	533 653 1000 1
12/23/2016	800746	Montana Dakota Utilities Co	\$ 105.94	6600-31100-403440	595 373 1000 1
12/23/2016	800746	Montana Dakota Utilities Co	\$ 158.91	6700-31410-403440	595 373 1000 1
12/23/2016	800746	Montana Dakota Utilities Co	\$ 13.80	5210-15920-403440	717 353 1000 6

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800746	Montana Dakota Utilities Co	\$ 29.28	5120-85000-403440	735 453 1000 2
12/23/2016	800746	Montana Dakota Utilities Co	\$ 208.05	5610-71170-403440	283 116 0655 3. IP12-Alpine. December 2016
12/23/2016	800746	Montana Dakota Utilities Co	\$ 108.77	5610-71170-403440	295 580 1000 4. Aero Interiors. December 2016
12/23/2016	800746	Montana Dakota Utilities Co	\$ 333.14	5610-71170-403440	185 580 1000 7. TSA Building. December 2016
12/23/2016	800746	Montana Dakota Utilities Co	\$ 1,189.61	5610-71190-403440	889 373 1000 6. Car Wash. December 2016
12/23/2016	800746	Montana Dakota Utilities Co	\$ 414.95	5610-71190-403440	129 573 1000 1. Mud Wash. December 2016
12/23/2016	800746	Montana Dakota Utilities Co	\$ 129.51	5610-71190-403440	229 573 1000 0. Detail Bay 1 Hertz
12/23/2016	800746	Montana Dakota Utilities Co	\$ 136.24	5610-71190-403440	629 573 1000 6. Detail Bay 2 National/Alamo
12/23/2016	800746	Montana Dakota Utilities Co	\$ 143.53	5610-71190-403440	329 573 1000 9. Detail Bay 3 Enterprise
12/23/2016	800746	Montana Dakota Utilities Co	\$ 162.60	5610-71190-403440	429 573 1000 8. Detail Bay 4 Avis/Budget
12/23/2016	800746	Montana Dakota Utilities Co	\$ 67.81	5610-71190-403440	529 573 1000 7. Detail Bay 5 Thrifty/Dollar
12/23/2016	800747	Montana Department Of Environmental Quality	\$ 7,000.00	8400-31840-403590	Storm water renewal fee
12/23/2016	800749	Montana Peterbilt LLC	\$ 751,468.78	5410-31220-409420	3-2017 Peterbilt 320
12/23/2016	800749	Montana Peterbilt LLC	\$ 431.03	5410-31220-402320	263400011
12/23/2016	800749	Montana Peterbilt LLC	\$ 108.92	5410-31220-402320	263400048
12/23/2016	800750	Montana State Fireman's Assoc	\$ 3,585.92	9000-00000-209924	Payroll Summary
12/23/2016	800751	Morrison Maierle Inc	\$ 44,211.57	4050-71250-409687	AIP 52 Pond D Storm Water System
12/23/2016	800751	Morrison Maierle Inc	\$ 4,912.40	4050-71250-409689	AIP 52 Pond D Storm Water System
12/23/2016	800754	Mountain West Holding Company	\$ 2,800.00	2110-31320-403590	guardrail repair at shiloh and central
12/23/2016	800756	MPPA Montana Police Protective Association	\$ 2,524.02	9000-00000-209923	Payroll Summary
12/23/2016	800757	MT Waterworks	\$ 150.00	5020-73120-402380	1 SCI Globe Valve
12/23/2016	800757	MT Waterworks	\$ 9.00	5020-73120-402380	Camlock gasket
12/23/2016	800757	MT Waterworks	\$ 454.78	5020-73120-402380	2 Milwaukee IPS Globe Vavles
12/23/2016	800757	MT Waterworks	\$ 110.00	5020-75000-402410	Valve hanger
12/23/2016	800757	MT Waterworks	\$ 1,127.67	5120-85000-402320	NONSTOCKING ITEMS-P.U.D.
12/23/2016	800757	MT Waterworks	\$ 1,565.04	5020-75000-402380	Parts for Hydrant Repair
12/23/2016	800762	NorthWestern Energy	\$ 12,859.50	2110-31320-403410	Signal Bills
12/23/2016	800762	NorthWestern Energy	\$ 502.58	8100-31830-403410	SILMD 008 ACCT# 0712544-6
12/23/2016	800762	NorthWestern Energy	\$ 513.68	8100-31830-403410	SILMD 009 ACCT# 0712545-3
12/23/2016	800762	NorthWestern Energy	\$ 1,416.41	8100-31830-403410	SILMD 010 ACCT# 0712546-1
12/23/2016	800762	NorthWestern Energy	\$ 4,405.23	8100-31830-403410	SILMD 013 ACCT# 0721276-4
12/23/2016	800762	NorthWestern Energy	\$ 2,118.91	8100-31830-403410	SILMD 014 ACCT# 0721277-2
12/23/2016	800762	NorthWestern Energy	\$ 1,228.17	8100-31830-403410	SILMD 017 ACCT# 0712553-7
12/23/2016	800762	NorthWestern Energy	\$ 565.01	8100-31830-403410	SILMD 171 ACCT# 0712610-5
12/23/2016	800762	NorthWestern Energy	\$ 1,059.38	8100-31830-403410	SILMD 161 ACCT# 0712604-8
12/23/2016	800762	NorthWestern Energy	\$ 61.76	8100-31830-403410	SILMD 162 ACCT# 0712605-5
12/23/2016	800762	NorthWestern Energy	\$ 689.46	8100-31830-403410	SILMD 163 ACCT# 0712606-3
12/23/2016	800762	NorthWestern Energy	\$ 376.66	8100-31830-403410	SILMD 164 ACCT# 0712607-1
12/23/2016	800762	NorthWestern Energy	\$ 879.42	8100-31830-403410	SILMD 165 ACCT# 0712608-9
12/23/2016	800762	NorthWestern Energy	\$ 235.41	8100-31830-403410	SILMD 167 ACCT# 0712609-7

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800762	NorthWestern Energy	\$ 1,224.18	8100-31830-403410	SILMD 154 ACCT# 0712598-2
12/23/2016	800762	NorthWestern Energy	\$ 494.67	8100-31830-403410	SILMD 155 ACCT# 0712599-0
12/23/2016	800762	NorthWestern Energy	\$ 918.13	8100-31830-403410	SILMD 157 ACCT# 0712600-6
12/23/2016	800762	NorthWestern Energy	\$ 796.98	8100-31830-403410	SILMD 158 ACCT# 0712601-4
12/23/2016	800762	NorthWestern Energy	\$ 1,102.61	8100-31830-403410	SILMD 159 ACCT# 0712602-2
12/23/2016	800762	NorthWestern Energy	\$ 714.52	8100-31830-403410	SILMD 160 ACCT# 0712603-0
12/23/2016	800762	NorthWestern Energy	\$ 466.92	8100-31830-403410	SILMD 147 ACCT# 0712592-5
12/23/2016	800762	NorthWestern Energy	\$ 1,559.05	8100-31830-403410	SILMD 149 ACCT# 0712593-3
12/23/2016	800762	NorthWestern Energy	\$ 753.34	8100-31830-403410	SILMD 150 ACCT# 0712594-1
12/23/2016	800762	NorthWestern Energy	\$ 632.08	8100-31830-403410	SILMD 151 ACCT# 0712595-8
12/23/2016	800762	NorthWestern Energy	\$ 4,303.81	8100-31830-403410	SILMD 152 ACCT# 0712596-6
12/23/2016	800762	NorthWestern Energy	\$ 541.46	8100-31830-403410	SILMD 153 ACCT# 0712597-4
12/23/2016	800762	NorthWestern Energy	\$ 742.01	8100-31830-403410	SILMD 138 ACCT# 0712586-7
12/23/2016	800762	NorthWestern Energy	\$ 247.34	8100-31830-403410	SILMD 139 ACCT# 0712587-5
12/23/2016	800762	NorthWestern Energy	\$ 574.70	8100-31830-403410	SILMD 143 ACCT# 0712588-3
12/23/2016	800762	NorthWestern Energy	\$ 27.36	8100-31830-403410	SILMD 144 ACCT# 0712589-1
12/23/2016	800762	NorthWestern Energy	\$ 470.83	8100-31830-403410	SILMD 145 ACCT# 0712590-9
12/23/2016	800762	NorthWestern Energy	\$ 357.27	8100-31830-403410	SILMD 146 ACCT# 0712591-7
12/23/2016	800762	NorthWestern Energy	\$ 851.95	8100-31830-403410	SILMD 131 ACCT# 0712580-0
12/23/2016	800762	NorthWestern Energy	\$ 233.25	8100-31830-403410	SILMD 133 ACCT# 0712581-8
12/23/2016	800762	NorthWestern Energy	\$ 538.26	8100-31830-403410	SILMD 134 ACCT# 0712582-6
12/23/2016	800762	NorthWestern Energy	\$ 517.93	8100-31830-403410	SILMD 135 ACCT# 0712583-4
12/23/2016	800762	NorthWestern Energy	\$ 467.18	8100-31830-403410	SILMD 136 ACCT# 0712584-2
12/23/2016	800762	NorthWestern Energy	\$ 377.26	8100-31830-403410	SILMD 137 ACCT# 0712585-9
12/23/2016	800762	NorthWestern Energy	\$ 384.74	8100-31830-403410	SILMD 125 ACCT# 0712574-3
12/23/2016	800762	NorthWestern Energy	\$ 192.38	8100-31830-403410	SILMD 126 ACCT# 0712575-0
12/23/2016	800762	NorthWestern Energy	\$ 706.26	8100-31830-403410	SILMD 127 ACCT# 0712576-8
12/23/2016	800762	NorthWestern Energy	\$ 494.39	8100-31830-403410	SILMD 128 ACCT# 0712577-6
12/23/2016	800762	NorthWestern Energy	\$ 329.77	8100-31830-403410	SILMD 129 ACCT# 0712578-4
12/23/2016	800762	NorthWestern Energy	\$ 125.60	8100-31830-403410	SILMD 130 ACCT# 0712579-2
12/23/2016	800762	NorthWestern Energy	\$ 233.73	8100-31830-403410	SILMD 118 ACCT# 0712567-7
12/23/2016	800762	NorthWestern Energy	\$ 155.06	8100-31830-403410	SILMD 119 ACCT# 0712568-5
12/23/2016	800762	NorthWestern Energy	\$ 2,473.38	8100-31830-403410	SILMD 121 ACCT# 0712570-1
12/23/2016	800762	NorthWestern Energy	\$ 188.35	8100-31830-403410	SILMD 122 ACCT# 0712571-9
12/23/2016	800762	NorthWestern Energy	\$ 329.77	8100-31830-403410	SILMD 123 ACCT# 0712572-7
12/23/2016	800762	NorthWestern Energy	\$ 961.85	8100-31830-403410	SILMD 124 ACCT# 0712573-5
12/23/2016	800762	NorthWestern Energy	\$ 4,342.14	8100-31830-403410	SILMD 109 ACCT# 0712561-0
12/23/2016	800762	NorthWestern Energy	\$ 188.49	8100-31830-403410	SILMD 113 ACCT# 0712562-8
12/23/2016	800762	NorthWestern Energy	\$ 934.39	8100-31830-403410	SILMD 114 ACCT# 0712563-6
12/23/2016	800762	NorthWestern Energy	\$ 219.87	8100-31830-403410	SILMD 115 ACCT# 0712564-4

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800762	NorthWestern Energy	\$ 577.13	8100-31830-403410	SILMD 116 ACCT# 0712565-1
12/23/2016	800762	NorthWestern Energy	\$ 3,191.86	8100-31830-403410	SILMD 117 ACCT# 0712566-9
12/23/2016	800762	NorthWestern Energy	\$ 91.72	8100-31830-403410	SILMD 018 ACCT# 0712554-5
12/23/2016	800762	NorthWestern Energy	\$ 504.94	8100-31830-403410	SILMD 095 ACCT# 0712556-0
12/23/2016	800762	NorthWestern Energy	\$ 13,414.60	8100-31830-403410	SILMD 097 ACCT# 0712557-8
12/23/2016	800762	NorthWestern Energy	\$ 1,647.09	8100-31830-403410	SILMD 099 ACCT# 0712558-6
12/23/2016	800762	NorthWestern Energy	\$ 2,685.82	8100-31830-403410	SILMD 100 ACCT# 0712559-4
12/23/2016	800762	NorthWestern Energy	\$ 1,731.35	8100-31830-403410	SILMD 107 ACCT# 0712560-2
12/23/2016	800762	NorthWestern Energy	\$ 538.26	8100-31830-403410	SILMD 172 ACCT# 0712611-3
12/23/2016	800762	NorthWestern Energy	\$ 1,177.09	8100-31830-403410	SILMD 173 ACCT# 0712612-1
12/23/2016	800762	NorthWestern Energy	\$ 988.75	8100-31830-403410	SILMD 174 ACCT# 0712613-9
12/23/2016	800762	NorthWestern Energy	\$ 329.58	8100-31830-403410	SILMD 175 ACCT# 0712614-7
12/23/2016	800762	NorthWestern Energy	\$ 44.13	8100-31830-403410	SILMD 176 ACCT# 0712615-4
12/23/2016	800762	NorthWestern Energy	\$ 258.97	8100-31830-403410	SILMD 178 ACCT# 0712616-2
12/23/2016	800762	NorthWestern Energy	\$ 517.93	8100-31830-403410	SILMD 179 ACCT# 0712617-0
12/23/2016	800762	NorthWestern Energy	\$ 353.13	8100-31830-403410	SILMD 180 ACCT# 0712618-8
12/23/2016	800762	NorthWestern Energy	\$ 1,676.39	8100-31830-403410	SILMD 181 ACCT# 0712619-6
12/23/2016	800762	NorthWestern Energy	\$ 588.55	8100-31830-403410	SILMD 182 ACCT# 0712620-4
12/23/2016	800762	NorthWestern Energy	\$ 1,177.09	8100-31830-403410	SILMD 183 ACCT# 0712621-2
12/23/2016	800762	NorthWestern Energy	\$ 376.66	8100-31830-403410	SILMD 184 ACCT# 0712622-0
12/23/2016	800762	NorthWestern Energy	\$ 141.26	8100-31830-403410	SILMD 185 ACCT# 0712623-8
12/23/2016	800762	NorthWestern Energy	\$ 1,137.24	8100-31830-403410	SILMD 186 ACCT# 0712624-6
12/23/2016	800762	NorthWestern Energy	\$ 235.41	8100-31830-403410	SILMD 187 ACCT# 0712625-3
12/23/2016	800762	NorthWestern Energy	\$ 282.49	8100-31830-403410	SILMD 188 ACCT# 0712626-1
12/23/2016	800762	NorthWestern Energy	\$ 235.41	8100-31830-403410	SILMD 189 ACCT# 0712627-9
12/23/2016	800762	NorthWestern Energy	\$ 1,224.18	8100-31830-403410	SILMD 190 ACCT# 0712628-7
12/23/2016	800762	NorthWestern Energy	\$ 420.63	8100-31830-403410	SILMD 191 ACCT# 0712629-5
12/23/2016	800762	NorthWestern Energy	\$ 306.05	8100-31830-403410	SILMD 192 ACCT# 0712630-3
12/23/2016	800762	NorthWestern Energy	\$ 753.34	8100-31830-403410	SILMD 193 ACCT# 0712631-1
12/23/2016	800762	NorthWestern Energy	\$ 266.89	8100-31830-403410	SILMD 194 ACCT# 0712632-9
12/23/2016	800762	NorthWestern Energy	\$ 222.41	8100-31830-403410	SILMD 195 ACCT# 0712633-7
12/23/2016	800762	NorthWestern Energy	\$ 71.28	8100-31830-403410	SILMD 196 ACCT# 0712634-5
12/23/2016	800762	NorthWestern Energy	\$ 71.28	8100-31830-403410	SILMD 197 ACCT# 0712635-2
12/23/2016	800762	NorthWestern Energy	\$ 117.73	8100-31830-403410	SILMD 198 ACCT# 0712636-0
12/23/2016	800762	NorthWestern Energy	\$ 104.71	8100-31830-403410	SILMD 200 ACCT# 0712637-8
12/23/2016	800762	NorthWestern Energy	\$ 494.39	8100-31830-403410	SILMD 201 ACCT# 0712638-6
12/23/2016	800762	NorthWestern Energy	\$ 590.07	8100-31830-403410	SILMD 202 INV# 0712639-4
12/23/2016	800762	NorthWestern Energy	\$ 19.01	8100-31830-403410	SILMD 203 ACCT# 0712640-2
12/23/2016	800762	NorthWestern Energy	\$ 421.20	8100-31830-403410	SILMD 204 ACCT# 0712641-0
12/23/2016	800762	NorthWestern Energy	\$ 35.29	8100-31830-403410	SILMD 205 ACCT# 0712642-8

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800762	NorthWestern Energy	\$ 329.58	8100-31830-403410	SILMD 206 ACCT# 0712643-6
12/23/2016	800762	NorthWestern Energy	\$ 376.66	8100-31830-403410	SILMD 207 ACCT# 0712644-4
12/23/2016	800762	NorthWestern Energy	\$ 291.26	8100-31830-403410	SILMD 208 ACCT# 0712645-1
12/23/2016	800762	NorthWestern Energy	\$ 541.46	8100-31830-403410	SILMD 209 ACCT# 0712646-9
12/23/2016	800762	NorthWestern Energy	\$ 85.53	8100-31830-403410	SILMD 210 ACCT# 0712647-7
12/23/2016	800762	NorthWestern Energy	\$ 47.51	8100-31830-403410	SILMD 211 ACCT# 0712648-5
12/23/2016	800762	NorthWestern Energy	\$ 47.51	8100-31830-403410	SILMD 212 ACCT# 0712649-3
12/23/2016	800762	NorthWestern Energy	\$ 28.52	8100-31830-403410	SILMD 213 ACCT# 0712650-1
12/23/2016	800762	NorthWestern Energy	\$ 475.41	8100-31830-403410	SILMD 214 ACCT# 0712651-9
12/23/2016	800762	NorthWestern Energy	\$ 141.26	8100-31830-403410	SILMD 216 ACCT# 0712652-7
12/23/2016	800762	NorthWestern Energy	\$ 360.76	8100-31830-403410	SILMD 217 ACCT# 0712653-5
12/23/2016	800762	NorthWestern Energy	\$ 262.38	8100-31830-403410	SILMD 220 ACCT# 0712654-3
12/23/2016	800762	NorthWestern Energy	\$ 8.82	8100-31830-403410	SILMD 221 ACCT# 0712655-0
12/23/2016	800762	NorthWestern Energy	\$ 75.21	8100-31830-403410	SILMD 222 ACCT# 0712656-8
12/23/2016	800762	NorthWestern Energy	\$ 114.05	8100-31830-403410	SILMD 223 ACCT# 0712657-6
12/23/2016	800762	NorthWestern Energy	\$ 1,854.50	8100-31830-403410	SILMD 224 ACCT# 0712658-4
12/23/2016	800762	NorthWestern Energy	\$ 407.82	8100-31830-403410	SILMD 225 ACCT# 0712659-2
12/23/2016	800762	NorthWestern Energy	\$ 306.63	8100-31830-403410	SILMD 226 ACCT# 0712660-0
12/23/2016	800762	NorthWestern Energy	\$ 620.29	8100-31830-403410	SILMD 227 ACCT# 0712661-8
12/23/2016	800762	NorthWestern Energy	\$ 796.98	8100-31830-403410	SILMD 228 ACCT# 0712662-6
12/23/2016	800762	NorthWestern Energy	\$ 412.23	8100-31830-403410	SILMD 229 ACCT# 0712663-4
12/23/2016	800762	NorthWestern Energy	\$ 961.87	8100-31830-403410	SILMD 230 ACCT# 0712664-2
12/23/2016	800762	NorthWestern Energy	\$ 577.13	8100-31830-403410	SILMD 231 ACCT# 0712665-9
12/23/2016	800762	NorthWestern Energy	\$ 2,500.84	8100-31830-403410	SILMD 232 ACCT# 0712666-7
12/23/2016	800762	NorthWestern Energy	\$ 831.89	8100-31830-403410	SILMD 233 ACCT# 0712667-5
12/23/2016	800762	NorthWestern Energy	\$ 468.98	8100-31830-403410	SILMD 234 ACCT# 0712668-3
12/23/2016	800762	NorthWestern Energy	\$ 524.61	8100-31830-403410	SILMD 235 ACCT# 0712669-1
12/23/2016	800762	NorthWestern Energy	\$ 166.78	8100-31830-403410	SILMD 236 ACCT# 0712670-9
12/23/2016	800762	NorthWestern Energy	\$ 400.20	8100-31830-403410	SILMD 237 ACCT# 0712671-7
12/23/2016	800762	NorthWestern Energy	\$ 15.01	8100-31830-403410	SILMD 238 ACCT# 0712672-5
12/23/2016	800762	NorthWestern Energy	\$ 94.17	8100-31830-403410	SILMD 239 ACCT# 0712673-3
12/23/2016	800762	NorthWestern Energy	\$ 400.33	8100-31830-403410	SILMD 240 ACCT# 0712674-1
12/23/2016	800762	NorthWestern Energy	\$ 621.70	8100-31830-403410	SILMD 241 ACCT# 0712675-8
12/23/2016	800762	NorthWestern Energy	\$ 82.44	8100-31830-403410	SILMD 242 ACCT# 0712676-6
12/23/2016	800762	NorthWestern Energy	\$ 109.93	8100-31830-403410	SILMD 244 ACCT# 0712677-4
12/23/2016	800762	NorthWestern Energy	\$ 86.98	8100-31830-403410	SILMD 245 ACCT# 0712678-2
12/23/2016	800762	NorthWestern Energy	\$ 329.77	8100-31830-403410	SILMD 246 ACCT# 0712679-0
12/23/2016	800762	NorthWestern Energy	\$ 1,170.96	8100-31830-403410	SILMD 247 ACCT# 0712680-8
12/23/2016	800762	NorthWestern Energy	\$ 2,478.81	8100-31830-403410	SILMD 248 ACCT# 0712681-6
12/23/2016	800762	NorthWestern Energy	\$ 2,720.71	8100-31830-403410	SILMD 249 ACCT# 0718734-7

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800762	NorthWestern Energy	\$ 200.50	8100-31830-403410	SILMD 250 ACCT# 0719001-0
12/23/2016	800762	NorthWestern Energy	\$ 3,912.38	8100-31830-403410	SILMD 251 ACCT# 0718801-4
12/23/2016	800762	NorthWestern Energy	\$ 549.63	8100-31830-403410	SILMD 252 ACCT# 0719162-0
12/23/2016	800762	NorthWestern Energy	\$ 1,937.61	8100-31830-403410	SILMD 253 ACCT# 0719644-7
12/23/2016	800762	NorthWestern Energy	\$ 150.44	8100-31830-403410	SILMD 254 ACCT# 0719763-5
12/23/2016	800762	NorthWestern Energy	\$ 170.51	8100-31830-403410	SILMD 255 ACCT# 0720813-5
12/23/2016	800762	NorthWestern Energy	\$ 892.49	8100-31830-403410	SILMD 257 ACCT# 0720360-7
12/23/2016	800762	NorthWestern Energy	\$ 2,603.25	8100-31830-403410	SILMD 258 ACCT# 0720606-3
12/23/2016	800762	NorthWestern Energy	\$ 31.71	8100-31830-403410	SILMD 259 ACCT# 1301786-8
12/23/2016	800762	NorthWestern Energy	\$ 1,373.12	8100-31830-403410	SILMD 259 ACCT# 0720810-1
12/23/2016	800762	NorthWestern Energy	\$ 494.67	8100-31830-403410	SILMD 261 ACCT# 0720705-3
12/23/2016	800762	NorthWestern Energy	\$ 3,125.79	8100-31830-403410	SILMD 262 ACCT# 0720937-2
12/23/2016	800762	NorthWestern Energy	\$ 994.97	8100-31830-403410	SILMD 263 ACCT# 0720716-0
12/23/2016	800762	NorthWestern Energy	\$ 164.11	8100-31830-403410	SILMD 264 ACCT# 0721427-3
12/23/2016	800762	NorthWestern Energy	\$ 346.61	8100-31830-403410	SILMD 265 ACCT# 0721556-9
12/23/2016	800762	NorthWestern Energy	\$ 51.52	8100-31830-403410	SILMD 266 ACCT# 0721684-9
12/23/2016	800762	NorthWestern Energy	\$ 437.70	8100-31830-403410	SILMD 270 ACCT# 0906944-4
12/23/2016	800762	NorthWestern Energy	\$ 998.89	8100-31830-403410	SILMD 271 ACCT# 0995095-7
12/23/2016	800762	NorthWestern Energy	\$ 2,784.90	8100-31830-403410	SILMD 272 ACCT# 0905005-5
12/23/2016	800762	NorthWestern Energy	\$ 200.02	8100-31830-403410	SILMD 273 ACCT# 0926386-4
12/23/2016	800762	NorthWestern Energy	\$ 481.42	8100-31830-403410	SILMD 276 ACCT# 0961926-3
12/23/2016	800762	NorthWestern Energy	\$ 817.03	8100-31830-403410	SILMD 277 ACCT# 1058710-3
12/23/2016	800762	NorthWestern Energy	\$ 211.28	8100-31830-403410	SILMD 278 ACCT# 1087619-1
12/23/2016	800762	NorthWestern Energy	\$ 61.29	8100-31830-403410	SILMD 279 ACCT# 1124127-0
12/23/2016	800762	NorthWestern Energy	\$ 724.78	8100-31830-403410	SILMD 280 ACCT# 1045653-1
12/23/2016	800762	NorthWestern Energy	\$ 378.29	8100-31830-403410	SILMD 283 ACCT# 1172743-5
12/23/2016	800762	NorthWestern Energy	\$ 338.06	8100-31830-403410	SILMD 285 ACCT# 1206985-2
12/23/2016	800762	NorthWestern Energy	\$ 235.48	8100-31830-403410	SILMD 286 ACCT# 1296582-8
12/23/2016	800762	NorthWestern Energy	\$ 152.90	8100-31830-403410	SILMD 287 ACCT# 1246537-3
12/23/2016	800762	NorthWestern Energy	\$ 1,767.69	8100-31830-403410	SILMD 288 ACCT# 1303978-9
12/23/2016	800762	NorthWestern Energy	\$ 223.04	8100-31830-403410	SILMD 289 ACCT# 1685375-6
12/23/2016	800762	NorthWestern Energy	\$ 152.85	8100-31830-403410	SILMD 290 ACCT# 1433921-2
12/23/2016	800762	NorthWestern Energy	\$ 604.61	8100-31830-403410	SILMD 292 ACCT# 1481532-8
12/23/2016	800762	NorthWestern Energy	\$ 235.41	8100-31830-403410	SILMD 293 ACCT# 1481534-4
12/23/2016	800762	NorthWestern Energy	\$ 470.83	8100-31830-403410	SILMD 294 ACCT# 1481535-1
12/23/2016	800762	NorthWestern Energy	\$ 109.93	8100-31830-403410	SILMD 295 ACCT# 1481536-9
12/23/2016	800762	NorthWestern Energy	\$ 1,247.73	8100-31830-403410	SILMD 296 ACCT# 1481537-7
12/23/2016	800762	NorthWestern Energy	\$ 211.88	8100-31830-403410	SILMD 297 ACCT# 1481539-3
12/23/2016	800762	NorthWestern Energy	\$ 188.35	8100-31830-403410	SILMD 298 ACCT# 1481540-1
12/23/2016	800762	NorthWestern Energy	\$ 399.37	8100-31830-403410	SILMD 300 ACCT# 1662840-6

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800762	NorthWestern Energy	\$ 4,901.87	8100-31830-403410	SILMD 301 ACCT# 1687005-7
12/23/2016	800762	NorthWestern Energy	\$ 340.66	8100-31830-403410	SILMD 302 ACCT# 1607534-3
12/23/2016	800762	NorthWestern Energy	\$ 1,091.15	8100-31830-403410	SILMD 305 ACCT# 1695873-8
12/23/2016	800762	NorthWestern Energy	\$ 327.42	8100-31830-403410	SILMD 306 ACCT# 1740353-6
12/23/2016	800762	NorthWestern Energy	\$ 3,197.85	8100-31830-403410	SILMD 307 ACCT# 2049005-8
12/23/2016	800762	NorthWestern Energy	\$ 261.65	8100-31830-403410	SILMD 308 ACCT# 2072459-7
12/23/2016	800762	NorthWestern Energy	\$ 376.55	8100-31830-403410	SILMD 309 ACCT# 2001311-6
12/23/2016	800762	NorthWestern Energy	\$ 358.30	8100-31830-403410	SILMD 310 ACCT# 2060519-2
12/23/2016	800762	NorthWestern Energy	\$ 292.26	8100-31830-403410	SILMD 311 ACCT# 3014475-2
12/23/2016	800762	NorthWestern Energy	\$ 222.88	8100-31830-403410	SILMD 312 ACCT# 3146127-0
12/23/2016	800762	NorthWestern Energy	\$ 462.64	8100-31830-403410	SILMD 315 Acct# 3305804-1
12/23/2016	800762	NorthWestern Energy	\$ 1,084.91	8100-31830-403410	SILMD 316 Acct# 3291842-7
12/23/2016	800762	NorthWestern Energy	\$ 105.25	8100-31830-403410	SILMD 317 Acct# 3253826-6
12/23/2016	800762	NorthWestern Energy	\$ 855.05	8100-31830-403410	SILMD 318 Acct# 3372018-6
12/23/2016	800762	NorthWestern Energy	\$ 54.96	8100-31830-403410	SILMD 320 Acct# 0712569-3
12/23/2016	800762	NorthWestern Energy	\$ 507.98	8100-31830-403410	SILMD 321 Acct# 3338917-2
12/23/2016	800763	NorthWestern Energy	\$ 56,245.54	5120-84000-403410	725 Us Hwy 87 E
12/23/2016	800763	NorthWestern Energy	\$ 635.16	5020-74000-403410	Airport rd Waldo
12/23/2016	800763	NorthWestern Energy	\$ 96.45	5610-71130-403410	3085107-5. New Employee Parking
12/23/2016	800763	NorthWestern Energy	\$ 3,317.56	5610-71130-403410	0100483-7. Runway Lights. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 1,451.32	5610-71130-403410	0100484-5. ARFF Facility. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 75.02	5610-71170-403410	1138926-9. Aero Interiors. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 789.36	5610-71170-403410	1669567-8. TSA Building. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 1,534.37	5610-71190-403410	1993430-6. Car Wash. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 556.18	5610-71190-403410	2001846-1. Mud Wash. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 299.27	5610-71190-403410	2001848-7. Detail Bay 1 Hertz. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 295.60	5610-71190-403410	2001855-2. Detail Bay 2 National/Alamo
12/23/2016	800763	NorthWestern Energy	\$ 173.99	5610-71190-403410	2001862-8. Detail Bay 3 Enterprise
12/23/2016	800763	NorthWestern Energy	\$ 179.70	5610-71190-403410	2001865-1. Detail Bay 4 Avis/Budget
12/23/2016	800763	NorthWestern Energy	\$ 159.60	5610-71190-403410	2001867-7. Detail Bay 5 Thrifty/Dollar
12/23/2016	800763	NorthWestern Energy	\$ 205.93	6070-22350-403410	0721580-9
12/23/2016	800763	NorthWestern Energy	\$ 16.00	0100-51120-403410	0722237-5
12/23/2016	800763	NorthWestern Energy	\$ 7.55	0100-51120-403410	0722247-4
12/23/2016	800763	NorthWestern Energy	\$ 0.10	0100-51120-403410	0722254-0
12/23/2016	800763	NorthWestern Energy	\$ 95.32	0100-51120-403410	0722255-7
12/23/2016	800763	NorthWestern Energy	\$ 59.64	0100-51120-403410	0722266-4
12/23/2016	800763	NorthWestern Energy	\$ 2,507.12	6500-15660-403410	1160804-9
12/23/2016	800763	NorthWestern Energy	\$ 2,720.62	6500-15660-403410	1269391-7
12/23/2016	800763	NorthWestern Energy	\$ 345.96	6600-31100-403410	1741314-7
12/23/2016	800763	NorthWestern Energy	\$ 518.94	6700-31410-403410	1741314-7

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800763	NorthWestern Energy	\$ 25.02	0100-51120-403410	0723058-4
12/23/2016	800763	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723162-4
12/23/2016	800763	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723644-1
12/23/2016	800763	NorthWestern Energy	\$ 7.55	0100-51120-403410	0723645-8
12/23/2016	800763	NorthWestern Energy	\$ 97.83	0100-51120-403410	0789437-1
12/23/2016	800763	NorthWestern Energy	\$ 824.61	6500-15660-403410	1160802-3
12/23/2016	800763	NorthWestern Energy	\$ 9.10	0100-51120-403410	0723036-0
12/23/2016	800763	NorthWestern Energy	\$ 195.73	0100-51120-403410	0723037-8
12/23/2016	800763	NorthWestern Energy	\$ 53.00	0100-51120-403410	0723042-8
12/23/2016	800763	NorthWestern Energy	\$ 15.41	0100-51120-403410	0723055-0
12/23/2016	800763	NorthWestern Energy	\$ 64.05	0100-51120-403410	0723056-8
12/23/2016	800763	NorthWestern Energy	\$ 9.80	0100-51120-403410	0723057-6
12/23/2016	800763	NorthWestern Energy	\$ 14.57	0100-51120-403410	0722269-8
12/23/2016	800763	NorthWestern Energy	\$ 12.31	0100-51120-403410	0722292-0
12/23/2016	800763	NorthWestern Energy	\$ 29.14	0100-51120-403410	0722293-8
12/23/2016	800763	NorthWestern Energy	\$ 11.24	0100-51120-403410	0722905-7
12/23/2016	800763	NorthWestern Energy	\$ 131.72	0100-51120-403410	0722933-9
12/23/2016	800763	NorthWestern Energy	\$ 132.71	0100-51120-403410	0723035-2
12/23/2016	800763	NorthWestern Energy	\$ 2,454.16	5020-73140-403410	2251 Belknap
12/23/2016	800763	NorthWestern Energy	\$ 13,088.84	5020-74000-403410	2251 Belknap
12/23/2016	800763	NorthWestern Energy	\$ 49,083.16	5020-74000-403410	2251 Belknap
12/23/2016	800763	NorthWestern Energy	\$ 818.05	5120-83140-403410	2251 Belknap
12/23/2016	800763	NorthWestern Energy	\$ 62.49	5610-71130-403410	0719616-5. ARFF Facility Lights
12/23/2016	800763	NorthWestern Energy	\$ 46.38	5610-71130-403410	1647695-4. De Icer. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 316.94	5610-71170-403410	0712792-1. IP-7. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 1,438.27	5610-71170-403410	0712800-2. IP-9. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 491.65	5610-71170-403410	0712809-3. IP-12 Alpine. December 2016
12/23/2016	800763	NorthWestern Energy	\$ 145.56	5610-71170-403410	0712817-6. IP-House. December 2016
12/23/2016	800768	Protech Mechanical Inc	\$ 3,262.50	5020-73140-402450	hot water heater bull room
12/23/2016	800768	Protech Mechanical Inc	\$ 1,087.50	5120-83140-402450	hot water heater bull room
12/23/2016	800772	Rocky Mountain Health Network Inc.	\$ 52,350.00	6270-17520-405162	Biometric Screening for November 2016
12/23/2016	800772	Rocky Mountain Health Network Inc.	\$ 46,200.00	6270-17520-405162	Biometric Screening December 2016
12/23/2016	800774	Sanderson Stewart	\$ 11,818.99	5030-00000-201100	WO 16-01 2016 Water/Sewer Replc
12/23/2016	800779	Solid Waste Systems Inc	\$ 719.78	6010-00000-141000	91287 PO NUM 302096
12/23/2016	800779	Solid Waste Systems Inc	\$ 432.13	6010-00000-141000	91526 PO NUM 302096
12/23/2016	800779	Solid Waste Systems Inc	\$ 592.66	6010-00000-141000	91527 PO NUM 302096
12/23/2016	800779	Solid Waste Systems Inc	\$ 171.37	5410-31220-402320	91286
12/23/2016	800779	Solid Waste Systems Inc	\$ 12.54	5410-31220-402320	91286
12/23/2016	800779	Solid Waste Systems Inc	\$ 231.24	5410-31220-402320	91486
12/23/2016	800779	Solid Waste Systems Inc	\$ 4.53	5410-31220-402320	91486

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800779	Solid Waste Systems Inc	\$ 93.25	5410-31220-402320	91489
12/23/2016	800779	Solid Waste Systems Inc	\$ 15.22	5410-31220-402320	91489
12/23/2016	800779	Solid Waste Systems Inc	\$ 1,250.00	5410-31220-409420	additional options
12/23/2016	800779	Solid Waste Systems Inc	\$ 2,474.22	5410-31220-409420	Additional options for garbage trucks
12/23/2016	800788	Town & Country Supply Association	\$ 6,238.08	6010-00000-141000	241272 PO NUM 302073
12/23/2016	800788	Town & Country Supply Association	\$ 13,822.52	6010-00000-141000	241763 PO NUM 302074
12/23/2016	800788	Town & Country Supply Association	\$ 13,401.46	6010-00000-141000	241931 PO NUM 302092
12/23/2016	800788	Town & Country Supply Association	\$ 13,236.14	6010-00000-141000	241941 PO NUM 302092
12/23/2016	800788	Town & Country Supply Association	\$ 6,800.80	6010-00000-141000	242007 PO NUM 302092
12/23/2016	800788	Town & Country Supply Association	\$ 3,349.80	5710-00000-141000	BUS MET PO NUM 302088
12/23/2016	800788	Town & Country Supply Association	\$ 9,745.17	5710-00000-141000	BUS MET PO NUM 302088
12/23/2016	800791	TWE Manufacturing	\$ 3,041.40	5610-71120-403660	Invoice #30572. Terminal Generators Annual
12/23/2016	800792	Ugrin, Alexander, Zadick, & Higgins	\$ 7,395.56	0100-16110-403560	Retirement Benefit Changes & Watters et al
12/23/2016	800798	Verizon Wireless	\$ 200.11	1500-21700-403450	Animal Shelter MDT
12/23/2016	800798	Verizon Wireless	\$ 690.57	7170-21660-403450	CCSIU Cell/PTT
12/23/2016	800798	Verizon Wireless	\$ 80.02	7170-21660-403450	CCSIU RAVEN
12/23/2016	800798	Verizon Wireless	\$ 40.01	6200-19110-403450	ITD
12/23/2016	800798	Verizon Wireless	\$ 80.02	2600-55170-403450	Library Outreach Air Cards
12/23/2016	800798	Verizon Wireless	\$ 3,630.57	1500-21110-403450	MDT Toughbooks
12/23/2016	800798	Verizon Wireless	\$ 510.28	5710-71470-403160	MET Transit Tablets
12/23/2016	800798	Verizon Wireless	\$ 40.01	1500-21110-403450	Police ICAC 406-690-7347
12/23/2016	800798	Verizon Wireless	\$ 40.01	1500-21110-403450	Police MiFi 406-633-0820
12/23/2016	800798	Verizon Wireless	\$ 40.01	1500-21110-403450	Police US Marshall Toughbooks
12/23/2016	800798	Verizon Wireless	\$ 40.01	0100-51120-403450	PRPL-PARKS PMD Air Card 406-794-6977
12/23/2016	800798	Verizon Wireless	\$ 288.07	5020-75000-403450	PW-Distribution Collection Tablets 6
12/23/2016	800798	Verizon Wireless	\$ 192.05	5120-85000-403450	PW-Distribution Collection Tablets
12/23/2016	800798	Verizon Wireless	\$ 140.06	6700-31410-403450	PW-Engineering
12/23/2016	800798	Verizon Wireless	\$ 70.03	2110-31320-403450	PW-Streets 406-697-0361
12/23/2016	800798	Verizon Wireless	\$ 18.02	5020-75000-403450	PWBELKNAP-AIR
12/23/2016	800798	Verizon Wireless	\$ 12.00	5120-85000-403450	PWBELKNAP-AIR
12/23/2016	800798	Verizon Wireless	\$ 200.05	7170-21660-403450	CCSIU MDT
12/23/2016	800798	Verizon Wireless	\$ 192.04	5020-75000-403450	PW-DIS-COLL CITYWORKS
12/23/2016	800798	Verizon Wireless	\$ 128.04	5120-85000-403450	PW-DIS-COLL CITYWORKS
12/23/2016	800798	Verizon Wireless	\$ 80.02	1500-21110-403450	POLICE IPAD ST JOHN
12/23/2016	800798	Verizon Wireless	\$ 240.06	2110-31320-403450	PW-STREETS CITY WORKS
12/23/2016	800798	Verizon Wireless	\$ 40.01	5210-15210-403450	PARKING 406-690-5822 5210-15210-403450
12/23/2016	800798	Verizon Wireless	\$ 280.07	5020-73120-403450	PWBLNP COMM-METER CityWorks/Neptune
12/23/2016	800798	Verizon Wireless	\$ 40.03	2510-21870-403450	POLICE Forensics Tim West
12/23/2016	800798	Verizon Wireless	\$ 480.18	5020-73120-403450	PWBLKNP METER SHOP 5020-73120-403450
12/23/2016	800798	Verizon Wireless	\$ 40.01	0100-15120-403450	Finance 406-698-9127 Pat Weber

Check Date	Check	Name	Amount	Account	Item Desc
12/23/2016	800798	Verizon Wireless	\$ (45.32)	0100-51210-403450	PRPL-RECREATION 406-696-1528
12/23/2016	800798	Verizon Wireless	\$ 40.01	5020-74000-403450	PWBLKNP WATER TREATMENT
12/23/2016	800805	Western Municipal Construction Inc	\$ 150,988.05	5130-85910-409340	WO 16-01 Schedule 2B - Sanitary Sewer
12/23/2016	800805	Western Municipal Construction Inc	\$ 20,938.46	5130-00000-201100	WO 16-01 Schedule 4 - Southside Sanitary
12/23/2016	800807	White Heating & Air Conditioning, Inc.	\$ 21,660.00	2010-15070-407968	EBURD TIF Assistance. Approved by Council
12/23/2016	800812	Yellowstone Electric Co	\$ 2,741.00	5130-84910-409390	WO 14-11 Water Reclamation Facility (WRF)
12/23/2016	800813	Yellowstone Valley Animal Shelter	\$ 22,855.58	1500-21700-403990	contract 11-22-16\12-21-16

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Payment of Claims January 3,2017

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$324,411.84 have been audited and are presented for City Council payment approval. A complete listing of the claims dated January 3, 2017, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

Council Memo_01.03.2017

Check Date	Check	Name	Amount	Account	Item Desc
01/03/2017	800818	Archie Cochrane	\$ 25,565.00	2110-31320-409440	2017 full size
01/03/2017	800836	Eco-Counter Inc	\$ 5,760.00	2400-43010-407214	Invoice 7365
01/03/2017	800852	HDR, Inc.	\$ 12,281.40	5030-74910-409390	WO 16-98 2016 Integrated Water Plan (IWP)
01/03/2017	800853	I-State Truck, Inc.	\$ 3,191.74	5710-71440-403690	AUTO &TRUCK MAINT.ITEMS
01/03/2017	800858	Knife River (JTL Group Inc.)	\$ 45,335.65	2050-00000-201100	WO1603 Contract #2 City Overlay
01/03/2017	800858	Knife River (JTL Group Inc.)	\$ 4,950.00	8450-00000-201100	WO1603 Contract #2 City Overlay
01/03/2017	800858	Knife River (JTL Group Inc.)	\$ 10,242.77	4050-00000-201100	Retainage Release - West Taxilane & Ramp
01/03/2017	800858	Knife River (JTL Group Inc.)	\$ 1,114.63	4050-00000-201100	Retainage Release Access Road Construction
01/03/2017	800864	MES-NW	\$ 106.00	1500-22290-402290	805310-01 PRIM/SEC SEAT KIT
01/03/2017	800864	MES-NW	\$ 35.67	1500-22290-402290	10005776 HEAD, PISTON
01/03/2017	800864	MES-NW	\$ 7.29	1500-22290-402290	100057763 PACKING, PREFORMED
01/03/2017	800864	MES-NW	\$ 7.95	1500-22290-402290	18057-00 PACKING PREFORMED
01/03/2017	800864	MES-NW	\$ 6.96	1500-22290-402290	10008924 PACKING PREFORMED
01/03/2017	800864	MES-NW	\$ 6.96	1500-22290-402290	10005959 PACKING PREFORMED
01/03/2017	800864	MES-NW	\$ 6.96	1500-22290-402290	10007561 PACKING PREFORMED
01/03/2017	800864	MES-NW	\$ 11.60	1500-22290-402290	18071-01 ORING, SINGLE TRN (RED 2.2/4.5)
01/03/2017	800864	MES-NW	\$ 110.00	1500-22290-402290	200674-02 GAUGE ASSY, AIR PAK, 4500 PSIG
01/03/2017	800864	MES-NW	\$ 51.69	1500-22290-402290	802295-01 CHECK VALVE ASSY
01/03/2017	800864	MES-NW	\$ 776.00	1500-22290-402290	200071-01 PCB ASSEMBLY, NXG2 SCT CONSOLE
01/03/2017	800864	MES-NW	\$ 50.00	1500-22290-402290	10012417 COVER ELECTRONICS ENCLOSURE
01/03/2017	800864	MES-NW	\$ 1,588.50	1500-22290-402640	201215-05
01/03/2017	800864	MES-NW	\$ 529.50	1500-22290-402640	201215-04
01/03/2017	800864	MES-NW	\$ 6,846.00	1500-22290-402290	200077-10,
01/03/2017	800864	MES-NW	\$ 65.70	1500-22290-402290	31001045 NOSECUP, GREY LARGE
01/03/2017	800864	MES-NW	\$ 32.40	1500-22290-402290	3502-01 WASHER, THRUST
01/03/2017	800866	Montana Dakota Utilities Co	\$ 416.03	0100-51410-403440	571 295 3342 8
01/03/2017	800866	Montana Dakota Utilities Co	\$ 297.33	5020-74000-403440	010 490 1000 0
01/03/2017	800866	Montana Dakota Utilities Co	\$ 13.80	1500-21150-403410	062 907 9494 7
01/03/2017	800866	Montana Dakota Utilities Co	\$ 55.97	5020-74000-403440	110 490 1000 9
01/03/2017	800866	Montana Dakota Utilities Co	\$ 418.85	6500-15660-403440	130 733 1000 8
01/03/2017	800866	Montana Dakota Utilities Co	\$ 381.53	5020-74000-403440	210 490 1000 8
01/03/2017	800866	Montana Dakota Utilities Co	\$ 529.92	5020-73140-403440	310 490 1000 7
01/03/2017	800866	Montana Dakota Utilities Co	\$ 176.65	5120-83140-403440	310 490 1000 7
01/03/2017	800866	Montana Dakota Utilities Co	\$ 101.19	0100-51120-403440	371 101 1000 6
01/03/2017	800866	Montana Dakota Utilities Co	\$ 1,131.46	5020-73140-403440	410 490 1000 6
01/03/2017	800866	Montana Dakota Utilities Co	\$ 377.16	5120-83140-403440	410 490 1000 6
01/03/2017	800866	Montana Dakota Utilities Co	\$ 464.11	1500-22210-403440	442 190 1000 4
01/03/2017	800866	Montana Dakota Utilities Co	\$ 3,182.80	5020-74000-403440	500 490 1000 7
01/03/2017	800866	Montana Dakota Utilities Co	\$ 136.25	5020-74000-403440	510 490 1000 5
01/03/2017	800866	Montana Dakota Utilities Co	\$ 58.24	5020-74000-403440	527 033 1000 4

Check Date	Check	Name	Amount	Account	Item Desc
01/03/2017	800866	Montana Dakota Utilities Co	\$ 139.08	5020-74000-403440	566 923 1000 8
01/03/2017	800866	Montana Dakota Utilities Co	\$ 57.09	5020-74000-403440	600 490 1000 6
01/03/2017	800866	Montana Dakota Utilities Co	\$ 57.10	5020-74000-403440	600 490 1000 6
01/03/2017	800866	Montana Dakota Utilities Co	\$ 54.85	5020-74000-403440	610 490 1000 4
01/03/2017	800866	Montana Dakota Utilities Co	\$ 100.63	5020-74000-403440	666 923 1000 7
01/03/2017	800866	Montana Dakota Utilities Co	\$ 473.11	5020-74000-403440	700 490 1000 5
01/03/2017	800866	Montana Dakota Utilities Co	\$ 3,546.80	6500-15660-403440	757 633 1000 2
01/03/2017	800866	Montana Dakota Utilities Co	\$ 955.82	5410-31230-403440	770 390 1000 2
01/03/2017	800866	Montana Dakota Utilities Co	\$ 80.29	5020-74000-403440	832 001 1000 1
01/03/2017	800866	Montana Dakota Utilities Co	\$ 514.40	5020-74000-403440	900 490 1000 3
01/03/2017	800866	Montana Dakota Utilities Co	\$ 141.89	0100-51410-403440	927 890 1000 3
01/03/2017	800866	Montana Dakota Utilities Co	\$ 4,822.79	6500-15660-403440	989 733 1000 0
01/03/2017	800866	Montana Dakota Utilities Co	\$ 1,073.41	6500-15660-403440	993 733 1000 4
01/03/2017	800867	Morrison Maierle Inc	\$ 4,026.78	5630-71220-409390	Sanitary Sewer - West End Hangar Site - CA
01/03/2017	800867	Morrison Maierle Inc	\$ 1,454.83	4050-71250-409687	48" Micro Tunnel Under RW 10L/28R CA - Federal Share
01/03/2017	800867	Morrison Maierle Inc	\$ 161.65	4050-71250-409689	48" Micro Tunnel Under RW 10L/28R CA - Local Share
01/03/2017	800867	Morrison Maierle Inc	\$ 828.58	4050-71250-409687	AIP-50 Extend East Taxi Lane 400' - CA- Federal Share
01/03/2017	800867	Morrison Maierle Inc	\$ 92.08	4050-71250-409689	AIP-50 Extend East Taxi Lane 400' - CA - Local Share
01/03/2017	800867	Morrison Maierle Inc	\$ 9,810.09	4050-71250-409691	AIP 54 Taxilane West Construction Project
01/03/2017	800867	Morrison Maierle Inc	\$ 1,090.01	4050-71250-409692	AIP 54 Taxilane West Construction Project
01/03/2017	800867	Morrison Maierle Inc	\$ 18,642.65	4050-71250-409691	AIP 54 Taxilane West Construction Project
01/03/2017	800867	Morrison Maierle Inc	\$ 2,071.41	4050-71250-409692	AIP 54 Taxilane West Construction Project
01/03/2017	800868	MT Waterworks	\$ 3,904.00	5020-00000-141000	SYSTEMS PO NUM 302048
01/03/2017	800868	MT Waterworks	\$ 3,086.10	5020-00000-141000	SYSTEMS PO NUM 302050
01/03/2017	800868	MT Waterworks	\$ 2,182.00	5020-00000-141000	SYSTEMS PO NUM 302052
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01/03/2017	800872	NorthWestern Energy	\$ 2,861.90	1500-22210-403410	0100476-1: FIRE STATION #1 / MONTHLY ELECTRIC
01/03/2017	800872	NorthWestern Energy	\$ 5,735.34	6500-15670-403410	0100507-3
01/03/2017	800872	NorthWestern Energy	\$ 480.37	1500-22210-403410	0712537-0
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01/03/2017	800872	NorthWestern Energy	\$ 738.07	5210-15950-403410	0720829-1
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01/03/2017	800872	NorthWestern Energy	\$ -	0100-51120-403410	0723038-6
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01/03/2017	800872	NorthWestern Energy	\$ -	0100-51120-403410	0723052-7
01/03/2017	800872	NorthWestern Energy	\$ -	0100-51120-403410	0723170-7

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01/03/2017	800872	NorthWestern Energy	\$ 693.20	5210-15950-403410	3279035-4
01/03/2017	800872	NorthWestern Energy	\$ -	0100-51120-403410	0722261-5
01/03/2017	800872	NorthWestern Energy	\$ -	0100-51120-403410	0722262-3
01/03/2017	800872	NorthWestern Energy	\$ -	0100-51120-403410	0722265-6
01/03/2017	800872	NorthWestern Energy	\$ 7.55	0100-51120-403410	0831702-6
01/03/2017	800872	NorthWestern Energy	\$ 279.65	8720-51980-403410	1059093-3
01/03/2017	800872	NorthWestern Energy	\$ 1,647.40	5210-15910-403410	1569636-2
01/03/2017	800872	NorthWestern Energy	\$ 1,307.84	5210-15920-403410	1594282-4
01/03/2017	800872	NorthWestern Energy	\$ 336.75	5710-71480-403410	1784756-7
01/03/2017	800872	NorthWestern Energy	\$ 379.62	1500-21150-403410	1984150-1
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01/03/2017	800872	NorthWestern Energy	\$ 42.42	0100-51120-403410	0722257-3
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01/03/2017	800872	NorthWestern Energy	\$ 84.76	5610-71170-403410	0712799-6. IP-8. December 2016
01/03/2017	800872	NorthWestern Energy	\$ 2,112.77	5020-74000-403410	3116 17TH ST WEST
01/03/2017	800872	NorthWestern Energy	\$ 2,112.77	5020-74000-403410	3116 17TH ST WEST
01/03/2017	800876	Praetorian Digital, PoliceOne Academy	\$ 6,808.00	1500-21400-403822	Police One Academy Annual Rate per user
01/03/2017	800885	Simply Family Magazine Inc	\$ 6,007.00	0100-51250-403990	Advertising
01/03/2017	800890	Tetra Tech, Inc.	\$ 595.05	5410-31230-403590	Landfill monitoring and consulting Year 2 of contract
01/03/2017	800890	Tetra Tech, Inc.	\$ 5,771.29	5410-31230-403590	Landfill monitoring and consulting Year 2 of contract
01/03/2017	800893	Town & Country Supply Association	\$ 524.45	1500-22260-402310	241098: FIRE1 / UNLEADED DELIVERED 12/21/2016
01/03/2017	800893	Town & Country Supply Association	\$ 538.84	1500-22260-402310	241908: DIESEL #2 DYED (FIRE 1,3,5,6)
01/03/2017	800893	Town & Country Supply Association	\$ 699.52	1500-22260-402310	241908: DIESEL #1 DYED (FIRE 1,3,5,6)
01/03/2017	800893	Town & Country Supply Association	\$ (0.02)	1500-22260-402310	241904: DECIMAL PT CORRECTION
01/03/2017	800893	Town & Country Supply Association	\$ 15,617.95	5610-71180-402313	Invoice #241945. QTA Car Rental Fuel
01/03/2017	800893	Town & Country Supply Association	\$ 10,585.64	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 302062
01/03/2017	800893	Town & Country Supply Association	\$ 11,232.00	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 302063
01/03/2017	800898	Verizon Wireless	\$ 662.00	5610-71100-403450	Airport
01/03/2017	800898	Verizon Wireless	\$ 452.72	1500-21700-403450	Animal Shelter
01/03/2017	800898	Verizon Wireless	\$ 172.68	7170-21660-403450	CCSIU
01/03/2017	800898	Verizon Wireless	\$ 172.00	0100-16110-403450	City Attorney
01/03/2017	800898	Verizon Wireless	\$ 112.61	1500-22250-403450	Comm Center 911
01/03/2017	800898	Verizon Wireless	\$ 138.42	6500-15650-403450	Facilities BOC Plus 70% of 406-672-3027
01/03/2017	800898	Verizon Wireless	\$ 30.95	6500-15670-403450	Facilities City Hall Plus 30% of 406-672-3027
01/03/2017	800898	Verizon Wireless	\$ 81.52	0100-15120-403450	Finance Pat Weber

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01/03/2017	800898	Verizon Wireless	\$ 1,447.81	1500-22210-403450	Fire Department
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01/03/2017	800898	Verizon Wireless	\$ 15.16	2600-55170-403450	LBRY OTRCH Library Outreach
01/03/2017	800898	Verizon Wireless	\$ 378.86	2600-55120-403450	Library
01/03/2017	800898	Verizon Wireless	\$ 44.19	0100-11000-403450	Mayor
01/03/2017	800898	Verizon Wireless	\$ 49.39	6010-15500-403450	Motor Pool
01/03/2017	800898	Verizon Wireless	\$ 199.25	0100-12200-403450	Muni Court Drug Court
01/03/2017	800898	Verizon Wireless	\$ 90.05	0100-12120-403450	Municipal Court Judge
01/03/2017	800898	Verizon Wireless	\$ 13.21	2400-43010-403450	Planning
01/03/2017	800898	Verizon Wireless	\$ 3,881.88	1500-21110-403450	Police
01/03/2017	800898	Verizon Wireless	\$ 330.59	2510-21870-403450	Police Forensic 406-794-6880 406-698-7323
01/03/2017	800898	Verizon Wireless	\$ 519.55	1500-21110-403450	Police Resource Officers
01/03/2017	800898	Verizon Wireless	\$ 28.14	2490-21960-403450	Police-DOM VIOL 406-698-1391
01/03/2017	800898	Verizon Wireless	\$ 117.74	5210-15210-403450	PRKING ENFORCEMENT (Parking)
01/03/2017	800898	Verizon Wireless	\$ 173.42	0100-51100-403450	PRPL - Director Admin
01/03/2017	800898	Verizon Wireless	\$ 283.14	0100-51210-403450	PRPL - Recreation Division
01/03/2017	800898	Verizon Wireless	\$ 78.48	0100-51400-403450	PRPL-Cemetery
01/03/2017	800898	Verizon Wireless	\$ 44.06	0100-51120-403450	PRPL-PARK SHOPS
01/03/2017	800898	Verizon Wireless	\$ 986.48	0100-51120-403450	PRPL-PARKS
01/03/2017	800898	Verizon Wireless	\$ 69.08	6600-31100-403450	Public Works Admin
01/03/2017	800898	Verizon Wireless	\$ (86.22)	2090-44510-403450	PW-Building (PLANNING)
01/03/2017	800898	Verizon Wireless	\$ 227.13	6700-31410-403450	PW-Engineering
01/03/2017	800898	Verizon Wireless	\$ 119.94	5410-31210-403450	PW-Solid Waste
01/03/2017	800898	Verizon Wireless	\$ 341.49	2110-31320-403450	PW-STRT TRFC Streets
01/03/2017	800898	Verizon Wireless	\$ 287.03	5410-31230-403450	PW-SW-ON CALL Solid Waste On Call
01/03/2017	800898	Verizon Wireless	\$ 437.45	5020-75000-403450	PWBELKNAP-DIST COLL Distribution & Collection
01/03/2017	800898	Verizon Wireless	\$ 291.64	5120-85000-403450	PWBELKNAP-DIST COLL Distribution & Collection
01/03/2017	800898	Verizon Wireless	\$ 905.22	5020-74000-403450	PWBELKNAP-WT Water Treatment PWBelknap-WT
01/03/2017	800898	Verizon Wireless	\$ 443.16	5020-73120-403450	PWBLKNP MTRSHOP
01/03/2017	800898	Verizon Wireless	\$ 70.03	5020-73110-403450	PWBLKNP OFFICE Belknap Office
01/03/2017	800898	Verizon Wireless	\$ 46.69	5120-83110-403450	PWBLKNP OFFICE Belknap Office
01/03/2017	800898	Verizon Wireless	\$ 58.29	5020-73140-403450	PWBLKNP STORES
01/03/2017	800898	Verizon Wireless	\$ 19.43	5120-83140-403450	PWBLKNP STORES
01/03/2017	800898	Verizon Wireless	\$ 976.14	5120-84000-403450	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
01/03/2017	800898	Verizon Wireless	\$ 23.21	6060-19310-403450	TeleComm Manager
01/03/2017	800898	Verizon Wireless	\$ 93.66	5710-71420-403160	Trans-On Call MET
01/03/2017	800898	Verizon Wireless	\$ 96.19	5710-71410-403450	Transit MET
01/03/2017	800898	Verizon Wireless	\$ 107.84	5120-87000-403450	PWBLNP-ENVIRONMENTAL
01/03/2017	800898	Verizon Wireless	\$ 1,184.75	0100-51120-403450	PRPL-PARKS-SEASONAL
01/03/2017	800898	Verizon Wireless	\$ 2,582.74	5120-84300-403450	PWBLKNP ELECTRICIANS 5120-84000-403450

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Public Hearing and Resolution Adopting Optimist Park Master Plan

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

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

Optimist Park, located at Morgan Avenue and Hallowell Lane, has been in existence for approximately 60 years. Recently the South Billings Urban Renewal Association (SBURA), the organization administering the South Billings Tax Increment Financing District, indicated an interest in improving the parking and possibly other amenities in and around Optimist Park. With the popularity and heavy use of the park during the summer months, existing parking for baseball games and other functions and events have become congested, causing safety concerns entering and exiting the park and along Hallowell Lane. To ensure future improvements are suited to and appropriate for the park, a master plan needed to be created to control and limit further development, in accordance with the needs of the community and the limitations and constraints of the park site. To facilitate the master plan study, the SBURA recommended using \$25,000 of tax increment and the Council approved \$25,000 from the Council Contingency fund, to finance the master plan study. Land Design, Inc. of Billings was selected as the consultant for this project. Under the direction of PRPL staff, they prepared the Optimist Park Master Plan. Staff and Land Design met with stakeholders, held 2 public meetings and met with the SBURA Board on 2 occasions. The final plan was presented to the Parks, Recreation and Cemetery Board (PRC Board) on January 11, 2017, and the PRC Board voted to recommend that the City Council approve the Optimist Park Master Plan.

ALTERNATIVES ANALYZED

City Council may:

- Approve the park master plan as the guiding document for future development at Optimist Park,
- Modify the master plan, or;
- Disapprove the park master plan and provide staff with additional direction.

FINANCIAL IMPACT

There will be no additional financial impact for this master plan study. The SBURA has indicated willingness to consider supporting parking improvements and possibly other park improvements in the future.

RECOMMENDATION

Staff and the PRC Board recommend that the City Council conduct a public hearing and approve and adopt the Optimist Park Master Plan as the governing document for future development of the park.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

Optimist Park Master Plan Document

RESOLUTION NUMBER 16-_____

**A RESOLUTION ADOPTING A MASTER PLAN FOR THE
DEVELOPMENT OF OPTIMIST PARK**

WHEREAS, the public interest requires the creation and adoption of an updated Master Plan for Optimist Park, a Community Park, to control and limit development in accordance with the needs of the community, the limitations and constraints of the park site, and with improvements suited to and appropriate for this Community Park.

WHEREAS, it is in the public interest and necessary that the current and future development of the park shall conform to the adopted master plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

BILLINGS:

1. *Master Plan.* The master plan for Optimist Park presented for adoption and attached as *Exhibit "A"* is the official Master Plan for the park.
2. *General Character of Improvements Provided for by the Plan.* The general character of the improvements are intended to balance the recreational opportunities, open space, neighborhood needs and special events hosted at the park which is located at Morgan Avenue and Hallowell Lane. The purpose of the plan is to guide development and maintenance of the park and its facilities.
3. *Changes.* Proposed improvements not part of the adopted plan shall not be installed unless a new master plan is adopted through the normal park planning process that finds that the proposed improvement is appropriate as described above and can be incorporated as part of an "amended" park master plan to be presented for adoption at that time.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, this 23rd day of January, 2017.

CITY OF BILLINGS

By: _____
Thomas W. Hanel Mayor

ATTEST:

By: _____
Denise Bohlman City Clerk

Optimist Park Master Plan

10.28.2016



Large Shelter



Interpretive Signs



Tot-Lot Play Equipment



Shade Sail



School Age Play Equipment



School Age Play Equipment



Adult Exercise Area



Final Concept



OPTIMIST PARK

APPROVED MASTER PLAN

JANUARY xxxx, xxxx



PREPARED FOR
City of Billings
Parks, Recreation
& Public Lands Department

406-657-8371
www.billingsparks.org

OPTIMIST PARK

APPROVED MASTER PLAN

JANUARY xxxx, xxxx



PREPARED FOR
City of Billings, Parks, Recreation
& Public Lands Department
390 North 23rd Street
Billings, MT 59101

PREPARED BY
Land Design, Inc.



Land Design, Inc
1670 South 48th St. West
PO Box 81316
Billings, MT 59108
406.655.3550

in association with



CONTENTS

ACKNOWLEDGEMENTS.....	7
EXECUTIVE SUMMARY.....	8
ORIGIN.....	9
PROCESS.....	9
ANALYSIS.....	11
OPTIMIST PARK EVALUATION.....	20
PROGRAMMING AND OPERATIONAL STANDARDS.....	26
MASTER PLANNING PROCESS.....	32
ADOPTED MASTER PLAN.....	35
COST ESTIMATE.....	40
APPENDIX.....	41

ACKNOWLEDGEMENTS

Mayor

Thomas Hanel

City Council

Ward 1	Brent Cromley	Mike Yakawich
Ward 2	Angela Cimmino	Larry Brewster
Ward 3	Richard McFadden	Chris Friedel
Ward 4	Al Swanson	Ryan Sullivan
Ward 5	Shaun Brown	Richard Clark

City Administrator

Tina Volek

South Billings Urban Renewal Association (SBURA)

Shawn Hanser - Chair
Floyd Martin - Vice Chair
Sam Handley
Richard Deis
Tom Ruschkewicz
Steve Zeier - Administrator

Boys and Girls Club of Billings

Brian Denis - President & CEO

Riverside Little League

Ben Reichenbach - President

South Side Task Force

Matt Lundgren - Chair

South West Corridor Task Force

Tom Ruschkewicz - Chair

Parks, Recreation and Public Lands (PRPL) Department Staff

Mike Whitaker - Director
Jon Thompson - Superintendent of Parks
Mark Jarvis - Park Planner & Project Manager

Consultants

Michael Verseman - Land Design, Inc., Billings, MT (406)655-3550
Michael Svetz - Pros Consulting, Inc., Phoenix, AZ (623)388-1787

Thank you to the neighbors of Optimist Park for your invaluable time and input on this Master Plan!

EXECUTIVE SUMMARY

Optimist Park is a community park located on Billings' South Side. The park was developed in the early 1960's, without the benefit of a publicly adopted Master Plan. Recently the South Billings Urban Renewal Association (SBURA) who administers the South Billings Tax Increment Financing District requested improvements to the park. Billings Parks Recreation and Public Lands initiated a planning study to address concerns raised by neighbors, and allow for public input into the park improvements through a formal public process.

Public input was solicited through a series of in-depth interviews with organized user groups, and PRPL staff. Additionally, two public meetings were conducted to gather input from area citizens. Multiple Master Plan options were presented over the course of this process, with the resulting Adopted Optimist Park Master Plan as its culmination. General public sentiment for the park confirmed findings from the consultant team. Overall, community members were satisfied with the park's current conditions, with the exception of a few key items. First and foremost, a need for expanded parking was identified by neighbors of Optimist Park as a primary concern. Other desires expressed by the park neighbors included more facilities in service of general park and picnic uses. Finally, as an older park, a number of existing amenities, such as playground equipment and basketball courts, are in need of improvement and replacement.

The intent of the Adopted Optimist Park Master Plan is to provide a plan of action for the park which relieves immediate concerns of the neighborhood and provides guidance for future improvements and management which will add to the quality and diversity of park uses for the broadest spectrum of people, while respecting physical, regulatory, and budgetary constraints related to its implementation. As such, the adopted Master Plan maintains the majority of existing park amenities, while focusing on targeted improvements for public safety, convenience, and broadening the quantity and diversity of uses within the park.

The plan features expanded parking distributed throughout the park in three separate lots to satisfy projected demands. The plan consolidates baseball facilities for the Little League on the north end of the park by creating a new tee ball field adjacent to the existing ball fields. Ancillary amenities in service of the ball fields like concessions, bathrooms, batting cages, and a flag pole are also provided. The south side of the park is dedicated to passive and unorganized park uses. To this end, improvements to this half of the park include new picnic shelters and associated activities like sand volleyball, horseshoes, and bbq grills. Plans for the south of the park also include select replacement of playground equipment, and in-fill of existing playground areas with new equipment and shade sails. New adult exercise stations are also included in this area to provide amenities for a broader range of park visitors. The existing basketball court is improved with a pickleball net, perimeter fencing, resurfacing and striping to allow for multiple court uses, including basketball and pickleball. Minor park improvements include perimeter berming on the south side of the park, expansion of paved walkways, and new informational signs.

Operationally, The plan recommends pursuit of formalized user agreements between PRPL and organized user groups to coordinate items such as schedules and maintenance of shared facilities to streamline park operations and avoid potential conflicts. Formalization of operations within PRPL related to maintenance, inspections, and recreational programs are also recommended.

ORIGIN

Optimist Park is a community park located on the west side of Hallowell Lane between Vaughn Lane and Phillips Street. Developed in the early 1960's, the park has served area residents for over 5 decades. Recently the South Billings Urban Renewal Association (SBURA) who administers the South Billings Tax Increment Financing District have made requests for improvements to the park. Since there is no Council approved park Master Plan on file and to allow for ample public input into park improvements, Billings Parks Recreation and Public Lands (PRPL) initiated a planning study.

While no publicly approved Master Plans for the park exist, a few record documents of un-approved park plans were found on file showing as built conditions from earlier constructions at PRPL. Selections included in the appendix.

SBURA and PRPL provided matching funding for the Optimist Park Master Planning effort. The intent of the resulting master planning process is to provide a plan of action for the future of Optimist Park which relieves immediate concerns related to parking, and provides guidance for future park development which will add to the quality and diversity of park uses for the broadest spectrum of users.

PROCESS

A linear process for delivery of the Optimist Park Master Plan was defined with PRPL at the beginning of the project. See *Figure 1. Process Diagram*. Further explanation of the process steps are outlined in the following sections.

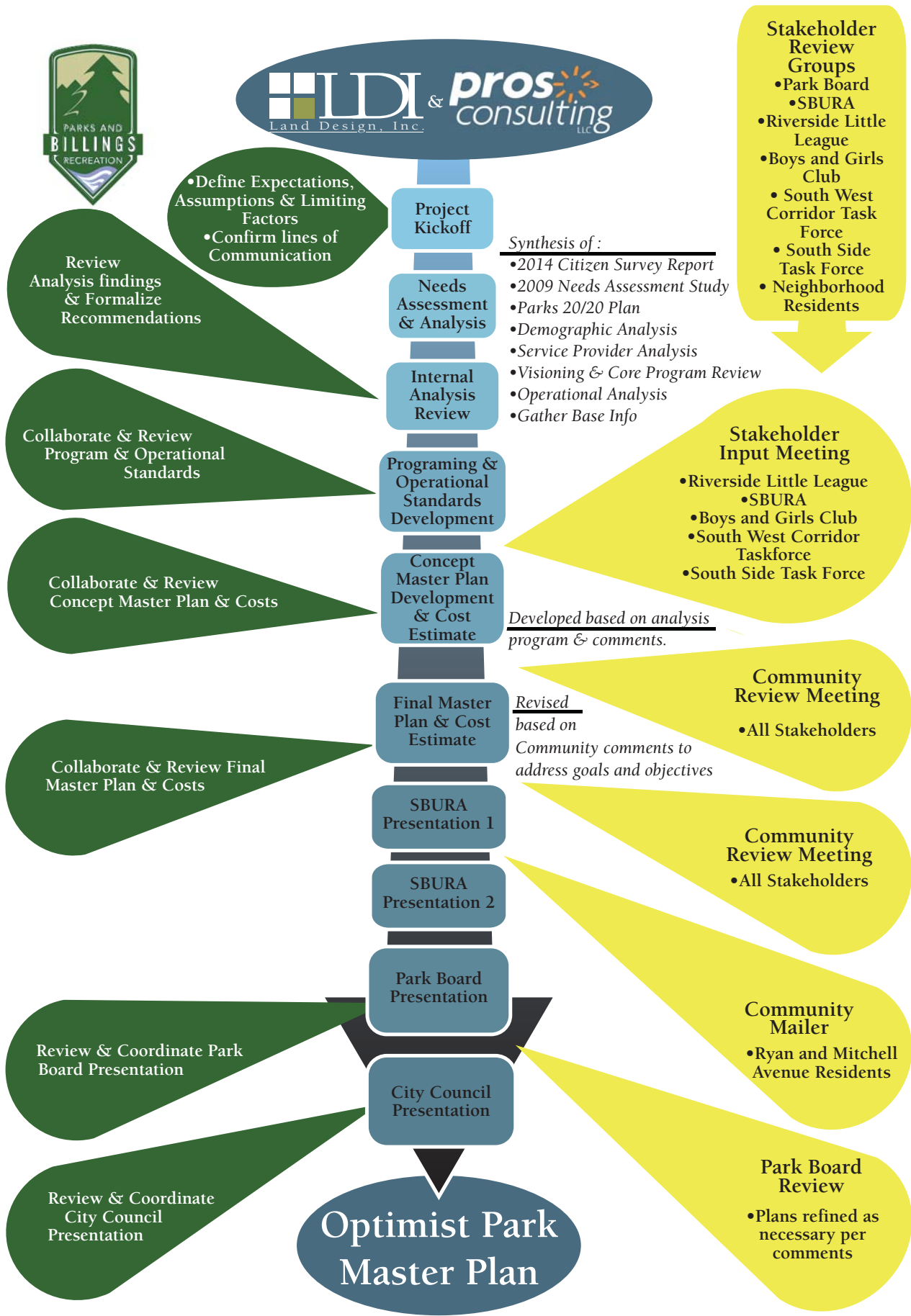


Figure 1. Process Diagram

ANALYSIS

Park Classification

Due to its size and location relative to other parks in Billings, Optimist Park is classified as a Community Park. Parks with this classification are intended to be accessible to multiple neighborhoods and beyond, meeting a broader base of community recreational needs, as well as preserving unique landscapes and open spaces. Community parks are designed typically for residents who live within a one to three mile radius. Community Parks provide recreational opportunities for the entire family and often contain facilities for specific recreational purposes: athletic fields, swimming pool, tennis courts, extreme sports amenities, recreation center, loop trails, picnic areas, reservable picnic shelters, sports courts, permanent restrooms with drinking fountains, large turf and landscaped areas and playgrounds or spray grounds. Community Parks generally range from 10 to 100 acres depending on the community. The following are general criteria for community parks taken from national park and recreation guidelines and industry standards.

- Size of park: 10 to 60 acres normally. Can be up to 100 acres (usable area measured).
- Service radius: One to three mile radius
- Site Selection: On two collector streets minimum and preferably one arterial street. If near an arterial street, provide natural or artificial barrier. Minimal number of residences abutting site. Preference is streets on four sides, or three sides with school or municipal use on fourth side. Encourage trail linkage to other parks
- Length of stay: Two to three hours experience
- Amenities: Four signature amenities at a minimum: (e.g., trails, sports fields, large shelters/pavilions, community playground for ages 2-5 and 5-12 with some shaded elements, recreation center, pool or family aquatic center, sports courts, water feature); public restrooms with drinking fountains, ample parking, and security lighting. Amenities are ADA compliant. Sport Fields and Sport Complexes are typical at this park.
- Revenue facilities: One or more (e.g. pool, sports complex, pavilion)
- Land usage: 65 percent active and 35 percent passive
- Programming: Minimum of four essential program services (e.g. sports, day camps, aquatics.
- Maintenance Standards: Provide the highest level maintenance with available funding. Seek a goal of Level 2 maintenance standards. Some amenities may require Level 1 maintenance
- Parking: Sufficient to support the amenities; occupies no more than 10 percent of the park. Design should include widened on-street parking area adjacent to park. Goal is to maximize usable park space. Traffic calming devices encouraged within and next to the park
- Lighting: Amenity lighting includes sport field light standards. Security lighting on dual system with 50 percent of lights off at a set time and 50 percent on all night for security
- Signage: Directional signage and facility/amenity regulations to enhance user experience. May include kiosks in easily identified areas of the facility
- Landscape Design: Appropriate design to enhance the park theme/use/experience. Enhanced landscaping at park entrances and throughout park
- Naming: Consistent with the City's naming right ordinance, may be named after a prominent or historic person, event, or natural landmark
- Other: Strong appeal to surrounding neighborhoods; integrated color scheme throughout the park; partnerships developed with support groups, schools and other organizations; loop trail connectivity; linked to Regional Park, trail or recreation facility; safety design meets established CPTED (Crime Prevention Through Environmental Design) standards.

Community Park Athletic Field Amenities

Basic athletic field amenities for community parks are listed below.

BASEBALL FIELD AMENITIES - YOUTH SIZE

- Field size: Preferred: 225-foot outfield fence with minimum 4-foot high outfield fence. Alternate: 215-foot outfield fence with 8-foot high outfield fence.
- Baselines and infield: 60-foot and 70-foot skinned baseline w/ base sleeves w/ grass infield. Ball field mix extends from backstop down sidelines to fence opening at end of dugout. Home plate included. Bases specified by City and provided by user groups.
- Permanent backstop. Preferred: 2-foot high concrete block w/ safety padding and 18-foot vertical fence (Preferred: black vinyl coated chain link).
- Fencing: 8-foot high fence (Preferred: black vinyl coated chain link) from backstop to end of skinned infield. On 225-foot field, 4-foot high sideline and outfield fence (Preferred: black vinyl coated chain link). On 215-foot field, outfield fence increases to 8-foot high. Yellow safety top on outfield fence. Foul poles at outfield fence. 12-foot wide dual-gate opening on one sideline fence for field maintenance equipment access.
- Concrete block bin: 6-foot by 6-foot for ball field mix located adjacent to 12-foot fence opening.
- Dugout: 21-foot by 7-foot including 15-foot long players bench with backrest. 8-foot high fencing around dugout. Dugout opens onto field at home base side of dugout. 2-foot safety wing fencing inside dugout to prevent foul ball entry. Slatted roof over dugout.
- Raised pitching mound with two pitching rubbers (46-foot and 50-foot to home plate). Equipment installed by City maintenance staff.
- Interior warm up/practice pitching mound along sideline fences backing up to outfield fence (46-foot distance from pitching rubber to plate). Slats or padding in fence to maintain fence longevity.
- Three row bleachers (21-foot long) on concrete pad both baselines.
- 12-foot by 8-foot concrete pad for storage box. Equipment storage unit funded by user group – approved and installed by City maintenance staff on same side as field mix bin.
- Conduit and pull boxes from power source to backstop, and from backstop to outfield field for future scoreboard. Scoreboard/controller provided by user group.
- Field lighting at community and regional parks.
- Concrete behind dugouts and in dugouts connected to park walkways on all fields.
- Quick disconnect for water behind pitcher's mound.

SOFTBALL FIELD AMENITIES – YOUTH SIZE

- Field size: Preferred: 225-foot outfield fence with 10-foot warning track with 4-foot high outfield fence. Alternate: 215-foot outfield fence with 8-foot high outfield fence.
- Baselines and infield: 50-foot and 60-foot baseline w/ base sleeves on completely skinned infield. Home plate included. Bases specified by City and provided by user groups.
- Permanent backstop. 2-foot high concrete block w/ safety padding and 18-foot vertical fence (Preferred: black vinyl coated chain link).
- Fencing: 8-foot high fence (Preferred: black vinyl coated chain link) from backstop to end of skinned infield. On 225-foot field, 4-foot high sideline and outfield fence (Preferred: black vinyl coated chain link). On 215-foot field, outfield fence increases to 8-foot high. Yellow safety top on outfield fence. Foul poles at outfield fence. 12-foot wide dual-gate opening on one sideline fence for field maintenance equipment access.
- Concrete block bin: 6-foot by 6-foot for ball field mix located adjacent to 12-foot fence opening.
- Dugout: 21-foot by 7-foot including 15-foot long players bench with backrest. 8-foot high fencing around dugout. Dugout opens onto field at home base side of dugout. 2-foot safety wing fencing inside dugout to prevent foul ball entry. Slatted roof over dugout.

- No pitching mound. Three pitching rubbers (30-foot/35-foot/40-foot to home plate). Equipment installed by City maintenance staff.
- Interior warm up/practice pitching area along sideline fences backing up to outfield fence (30-foot/35-foot/40-foot to home plate distance from pitching rubber to plate). Slats or padding in fence to maintain fence longevity.
- Three row bleachers (21-foot long) on concrete pad both baselines.
- 12-foot by 8-foot concrete pad for storage box. Equipment storage unit funded by user group – approved and installed by City maintenance staff on same side as field mix bin.
- Conduit and pull boxes from power source to backstop, and from backstop to outfield field for future scoreboard. Scoreboard/controller provided by user group.
- Field lighting at community and regional parks.
- Concrete behind dugouts and in dugouts connected to park walkways on all fields.
- Quick disconnect for water behind pitcher’s mound.

SOFTBALL FIELD AMENITIES – ADULT SIZE

- Field size: 300-foot outfield fence with 10-foot warning track and 8-foot high outfield fence.
- Baselines and infield: 60-foot/ 65-foot/ 70-foot/ 80-foot baseline w/ base sleeves on skinned infield. Home plate included. Bases specified by City and provided by user groups.
- Permanent backstop. 2-foot high concrete block w/ safety padding and 18-foot vertical fence (Preferred: black vinyl coated chain link).
- Fencing: 8-foot high fence (Preferred: black vinyl coated chain link) from backstop to end of skinned infield. 8-foot high sideline and outfield fence (Preferred: black vinyl coated chain link). Foul poles at outfield fence. 12-foot wide dual-gate opening on one sideline fence for field maintenance equipment access.
- Concrete block bin: 6-foot by 6-foot for ball field mix located adjacent to 12-foot fence opening.
- Dugout: 27-foot by 9-foot including 21-foot long players bench with backrest. 8-foot high fencing around dugout. Dugout opens onto field at home base side of dugout. 2-foot safety wing fencing inside dugout to prevent foul ball entry. Slatted roof over dugout.
- No pitching mound. Two pitching rubbers (50-foot /54-foot to home plate). Equipment installed by City maintenance staff.
- Three row bleachers (21-foot long) on concrete pad both baselines.
- 12-foot by 8-foot concrete pad for storage box. Equipment storage unit funded by user group – approved and installed by City maintenance staff on same side as field mix bin.
- Conduit and pull boxes from power source to backstop, and from backstop to outfield field for future scoreboard. Scoreboard/controller provided by user group.
- Field lighting at community and regional parks.
- Concrete behind dugouts and in dugouts connected to park walkways on all fields.
- Quick disconnect for water behind pitcher’s mound.

Multipurpose Fields

SOCCER/FOOTBALL/LACROSSE/FIELD HOCKEY

- Field size: Regulation field – 360-foot by 240-foot. Limited space field– 210-foot by 150-foot. 25-foot buffer on same plane as field with no obstructions or drainage fixtures. Buffer applies to both field sizes.
- Goals: Portable, with size specified by user group and provided by City.
- No bleachers or players benches.
- Field lighting at community and regional parks.

Park Structures

RESTROOMS/CONCESSIONS/PICNIC SHELTERS

- Restroom: typically installed at 1 per 20 acres of Community Park, Regional Park, or Sports Complex. Minimum of one restroom with drinking fountains at parks with programmed fields.
- Concession Building: Provided when three or more fields exist at a Community Park or Regional Park. Owned by City. Rental agreement required for user group use of facility, which includes cost of building depreciation, building upkeep, and utilities. Building includes shelving, electrical, three-partition sink with hot water, and separate sink for hand washing. Facility built to health code requirements. Equipment supplied by user group.
- Picnic Shelters: Picnic tables – 1 for every six people, ADA Accessible picnic tables – 1 out of every 3 picnic tables should have ADA accessible seating, Grills – 1 above ground grill for every 25 people, Trash cans – 2 trash cans for every 25 people, Apron – Concrete apron that extends 15 feet beyond the roof of the shelter on all sides, Parking – parking space equal to 1/3 of the capacity of the shelter (i.e. 8 parking spaces for 25 person shelter)

Citizen Survey

Results from the city wide 2014 Citizen Survey reveal general recommendations for activities desired by Billings residents city wide. As a big picture survey, the recommendations made by the study should be considered as applicable for all parks generally, with an allowance for the recommendations to be modified by participants in the public process. Activities identified by the survey which should be considered for inclusion in Optimist Park include the following:

(Excerpt from the 2014 Citizen Survey)

ACTIVITIES AND EXPERIENCES

- *Residents are most interested in walking or biking when visiting a park. Three quarters of residents are very interested in walking on sidewalks or trails and another 20 percent are at least somewhat interested in this activity. Similarly, 62 percent of residents are very interested in biking on sidewalks or trails with another 20 percent somewhat interested.*
- *Most other strongly preferred activities are more passive in nature. Other than the general category of “getting exercise,” in which 85 percent of Billings residents indicated they are at least somewhat interested, most other activities of strong interest are generally passive ones. These include (with proportions at least somewhat interested): attending special events (91 percent); family friendly activities (91 percent); picnicking (90 percent); and sitting on a park bench (84 percent).*
- *Restrooms and picnic-related features are those most needed. When asked about a list of features and which ones (i.e. top three) are most lacking at city parks, Billings residents were most likely to choose restrooms (64 percent), picnic shelters (49 percent), and picnic tables (38 percent). Infrastructure for team sports such as sport courts or athletic fields were significantly less likely to be chosen (18 and 15 percent, respectively).*
- *Safety is highly desirable when recreating in a city park. Among a list of possible experiences desired when recreating in a city park, residents were most likely (84 percent) to strongly desire a place where they “feel safe.” Next most frequently desired experiences included enjoying the outdoors (76 percent) and spending time with family (68 percent).*

(p. 5)

- *Billings residents highly value trees, shrubs and natural areas in public places. Nearly two-thirds of residents strongly agree that the health and condition of public trees is important and half strongly*

agree that the health and condition of natural area parks is important. In addition, about half of residents strongly agree that these features improve public health and increase property values. More natural area parks, more features in natural areas, and more trees and shrubs in public places are strongly desired by half of residents with most of the rest slightly desiring these.
(p. 6)

Further demographic studies related to specific recreational activities reveal insight into some of the primary uses for Optimist Park. In the *2015 Centennial Park Master Plan Update*, a city-wide study of Billings' Little Leagues notes a 17% decline in participation overall. While the same study also notes a smaller decline in the Riverside Little League whose only base of operations is Optimist Park. Meanwhile, it recognizes a small but growing interest in other activities requiring both informal and formal athletic open field space i.e. lacrosse. (p. 36,40)

Findings from the guiding documents indicate a prioritization of passive activities like walking and biking, picnicking, and support amenities like restrooms. Additionally, there appears to be a need for more general open green space over an expansion of formal ball diamonds. Stated preferences for trees and shrubs in parks also illustrate a need to preserve the existing tree canopy in Optimist Park when considering Master Plan development alternatives.

Demographics

The Demographic Analysis provides an understanding of the population within a two square mile service area of Optimist Park in the City of Billings. This analysis demonstrates the overall size of total population by specific age segment, race and ethnicity, and the overall economic status and spending power of the residents through household income statistics. It is important to note that while the demographics analysis evaluates the population characteristics based on the geographic area, the Billings PRPL does tend to serve an audience outside that as well.

All future demographic projections are based on historical trends. All projections should be utilized with the understanding that unforeseen circumstances during or after the time of the projections could have a significant bearing on the validity of the final projections.

Methodology

Demographic data used for the analysis was obtained from Environmental Systems Research Institute, Inc. (ESRI), the largest research and development organization dedicated to Geographical Information Systems (GIS) and specializing in population projections and market trends. All data was acquired in July 2016, and reflects actual numbers as reported in the 2010 Census and estimates for 2016 as obtained by ESRI. Straight line linear regression was utilized for projected 2021, 2025 and 2030 demographics. A two square mile service area of Optimist Park in the City of Billings was utilized as the demographic analysis boundary. See *Figure 2. Optimist Park - 2 Mile Service Radius*.

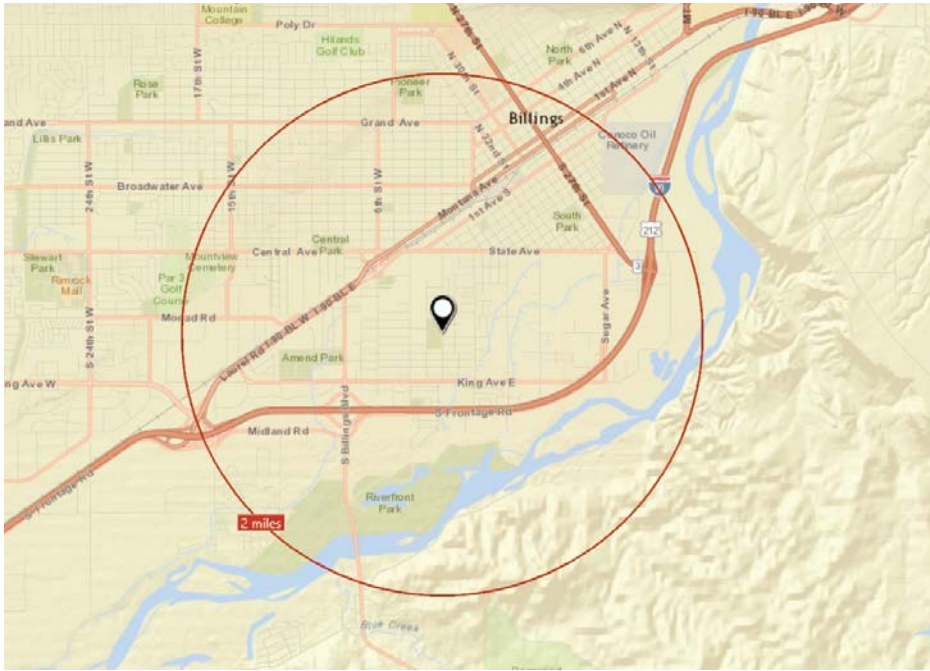


Figure 2. Optimist Park - 2 Mile Service Radius

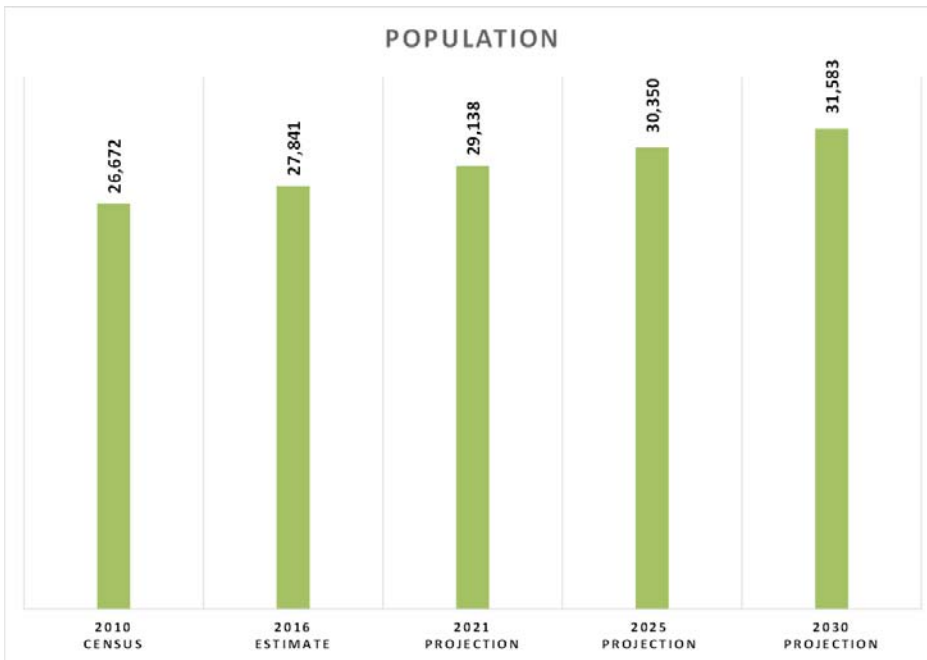


Figure 3 Population - 2 Mile Service Radius

Population

The population of the two square mile service area of Optimist Park in the City of Billings has increased slowly over the last six years. See *Figure 3 Population - 2 Mile Service Radius*. From 2010 to 2016, the total population of the service area has increased by 4.4%. This translates into a total population increase of 1,169 total persons. Projecting ahead, the growth rate is expected to continue at an even slower pace from 2016 to 2030. The overall growth rate is expected to be 4.7% from 2016 – 2021, 4.2% from 2021 – 2025 and 4.1% from 2025 – 2030. Based on the projections through 2030, the service area is expected to have approximately 31,583 residents.

Age Segment

Overall, the service area has a balanced age segment distribution. Currently, the highest segment by population is the 18-34 with 27.7% and the lowest is the under 18 population with 21.9%. Over time, there is projected to be a slight aging pattern with the 55+ population growing in number to 31.6% by 2030 and the under 18 age group reducing to 21.3%. This is similar to nationwide trends that point to a growth pattern in the 55+ age

group as a result of increased life expectancies and the baby boomer population entering that age group. See *Figure 4. Age Segmentation - 2 Mile Service Radius*.

Implications

The relatively even age distribution, and overall aging trends over time, indicate a need for more adult and family friendly amenities in the park. Income levels for the area are slightly below Montana State averages, indicating a greater need for open and free activities to serve the neighborhood. See *Figure 5. Income - 2 Mile Service Radius*.

Recreation Trends Analysis

Information released by Sports & Fitness Industry Association's (SFIA) 2016 Study of Sports, Fitness, and Leisure Activities Topline Participation Report reveals that the most popular sport and recreational activities include: fitness walking, treadmill, running/jogging, free weights and road bicycling. Most of these activities appeal to both young and old alike, can be done in most environments, are enjoyed regardless of level of skill, and have minimal economic barriers to entry. These popular activities also have appeal because of their social application. For example, although fitness activities are mainly self-directed, people enjoy walking and biking with other individuals because it can offer a degree of camaraderie.

Fitness walking has remained the most popular activity of the past decade by a large margin, in terms of total participants. Fitness walking participation last year was reported to be nearly 110 million Americans. Although fitness walking has the highest level of participation, it did report a 2.4% decrease in 2015 from the previous year. This recent decline in fitness walking participation paired with upward trends in a wide variety of other activities, especially in fitness and sports, suggests that active individuals are finding new ways to exercise and diversify their recreational

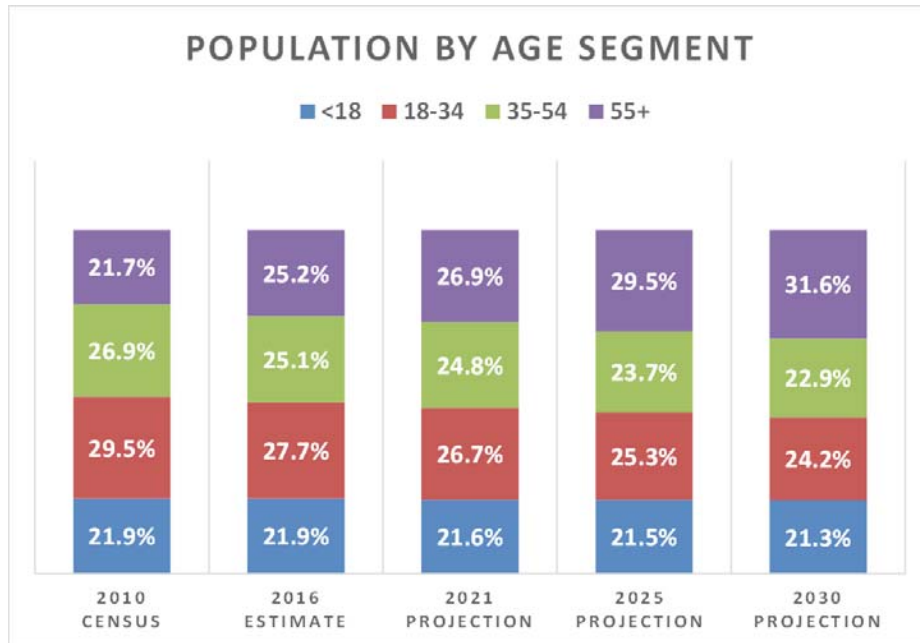


Figure 4. Age Segmentation - 2 Mile Service Radius

Income – 2 Mile Service Radius

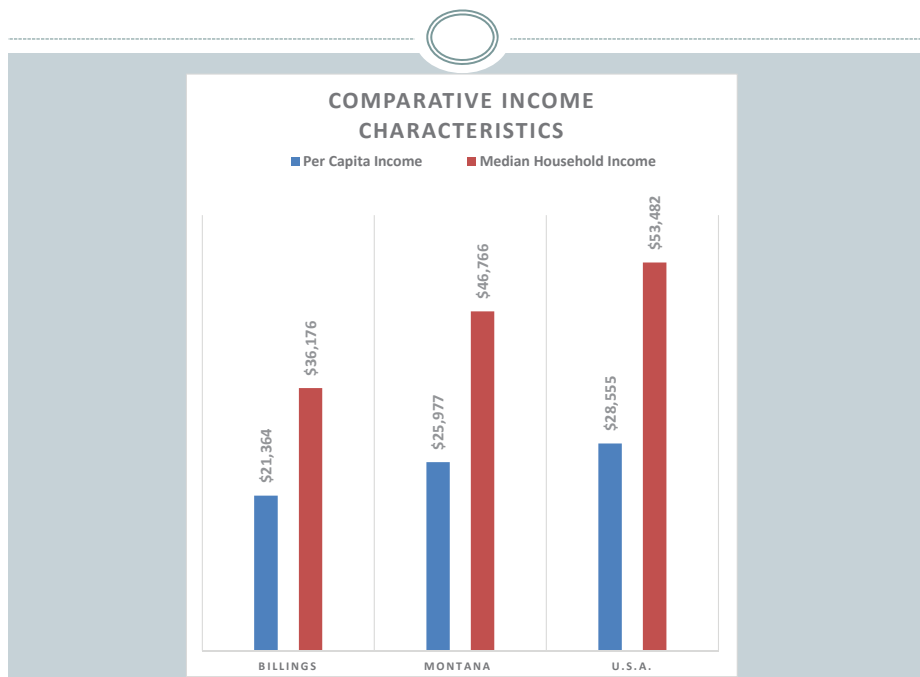


Figure 5. Income - 2 Mile Service Radius

interests. In addition, the popularity of many outdoor adventure and water-based activities has experienced positive growth based on the most recent findings; however, many of these activities' rapid increase in participation is likely a product of their relatively low user base, which may indicate that these sharp upward trends may not be sustained long into the future.

From a traditional team sport standpoint, basketball ranks highest among all sports, with approximately 23.4 million people reportedly participating in 2015. In general, nearly every sport with available data experienced an increase in participation, which is a reversal from the five-year trend of declining participation in sports. Sports that have experienced significant growth in participation are squash, boxing, lacrosse, rugby, roller hockey, and field hockey – all of which have experienced growth in excess of 30% over the last five years. More recently, roller hockey, racquetball, indoor soccer, boxing, and flag football were the activities with the most rapid growth during the last year.

According to the Physical Activity Council, an “inactive” is defined as an individual that doesn’t take part in any physical activity. Over the last five years, the number of inactive individuals has increased 7.4% from 76 million in 2010 to 81.6 million in 2015. However, looking at just the past year, from 2014 to 2015, the US saw a slight decrease of 0.6% from 82.7 to 81.6 million individuals. Although this recent shift is very promising, inactivity remains a dominant force in society, evidenced by the fact that 27.7% of the population falls into this category.

The *Sports & Fitness Industry Association (SFIA) Sports, Fitness & Recreational Activities Topline Participation Report 2016* was utilized to evaluate national sport and fitness participatory trends. The study is based on survey findings by the Physical Activity Council from a total of 32,658 online interviews carried out in 2015. The purpose of the report is to establish levels of activity and identify key participatory trends in recreation across the US.

NATIONAL TRENDS IN GENERAL SPORTS

The most heavily participated in sports for 2015 were golf (24.1 million) and basketball (23.4 million), which have participation figures well in excess of the other activities in the general sports category. The popularity of golf and basketball can be attributed to the ability to compete with relatively small number of participants. Golf also benefits from its wide age segment appeal, and is considered a life-long sport. Basketball’s success can be attributed to the limited amount of equipment needed to participate and the limited space requirements necessary, which make basketball the only traditional sport that can be played at the majority of American dwellings as a drive-way pickup game.

Since 2010, squash and other niche sports, like boxing, lacrosse and rugby, have seen strong growth. In the general sports category, squash has emerged as the overall fastest growing sport, as it has seen participation levels rise by 66% over the last five years See *Figure 6. National Participatory Trends - General Sports*. Based on the five-year trend, boxing (59%), rugby (44%), lacrosse (47%), roller hockey (39%), and field hockey (32%) have also experienced significant growth. In the most recent year, the fastest growing sports were roller hockey (10%), racquetball (8%), squash (7%), indoor soccer (6%), and boxing (6%). During the last five years, the sports that are most rapidly declining include touch football (-25%), wrestling (-22%), slow pitch softball (-16%), and racquetball (24.9% decrease).

Overall, activities in the general sports categories show very promising growth in the most recent year. Only three activities experienced a dip in participation, but none of these declined by more than 3%. In general, the strong recent growth in sports is a reversal of the five-year trends, as nearly every activity declining in the long run has tipped the scale to show positive growth in the past year. See *Figure 6. National Participatory Trends - General Sports*.

National Participatory Trends - General Sports					
Activity	Participation Levels			% Change	
	2010	2014	2015	14-15	10-15
Golf	26,122	24,700	24,120	-2.3%	-7.7%
Basketball	25,156	23,067	23,410	1.5%	-6.9%
Tennis	18,719	17,904	17,963	0.3%	-4.0%
Baseball	14,198	13,152	13,711	4.3%	-3.4%
Soccer (Outdoor)	13,883	12,592	12,646	0.4%	-8.9%
Badminton	7,645	7,176	7,198	0.3%	-5.8%
Softball (Slow Pitch)	8,477	7,077	7,114	0.5%	-16.1%
Football, Touch	8,663	6,586	6,487	-1.5%	-25.1%
Volleyball (Court)	7,315	6,304	6,423	1.9%	-12.2%
Football, Tackle	6,850	5,978	6,222	4.1%	-9.2%
Football, Flag	6,660	5,508	5,829	5.8%	-12.5%
Soccer (Indoor)	4,920	4,530	4,813	6.2%	-2.2%
Volleyball (Sand/Beach)	4,752	4,651	4,785	2.9%	0.7%
Gymnastics	4,418	4,621	4,679	1.3%	5.9%
Ultimate Frisbee	4,571	4,530	4,409	-2.7%	-3.5%
Track and Field	4,383	4,105	4,222	2.9%	-3.7%
Racquetball	4,603	3,594	3,883	8.0%	-15.6%
Cheerleading	3,134	3,456	3,608	4.4%	15.1%
Ice Hockey	2,140	2,421	2,546	5.2%	19.0%
Pickleball	N/A	2,462	2,506	1.8%	N/A
Softball (Fast Pitch)	2,513	2,424	2,460	1.5%	-2.1%
Lacrosse	1,423	2,011	2,094	4.1%	47.2%
Wrestling	2,536	1,891	1,978	4.6%	-22.0%
Roller Hockey	1,374	1,736	1,907	9.9%	38.8%
Squash	1,031	1,596	1,710	7.1%	65.9%
Field Hockey	1,182	1,557	1,565	0.5%	32.4%
Boxing for Competition	855	1,278	1,355	6.0%	58.5%
Rugby	940	1,276	1,349	5.7%	43.5%
NOTE: Participation figures are in 000's for the US population ages 6 and over					
	Large Increase (greater than 25%)	Moderate Increase (0% to 25%)	Moderate Decrease (0% to -25%)	Large Decrease (less than -25%)	

Figure 6. National Participatory Trends - General Sports

LOCAL TRENDS - MARKET POTENTIAL FOR GENERAL SPORTS

A Market Potential Data (MPI) measures the probable demand for a service in the target area. The MPI communicates the likelihood that a resident of the service area will exhibit certain consumer behavior when compared to the US National average. The National average is 100, therefore above 100 would represent a higher than average participation rate. *Figure 7. Market Potential - General Sports* illustrates the index of the “general sports” market potential for service area of Optimist Park in the City of Billings.

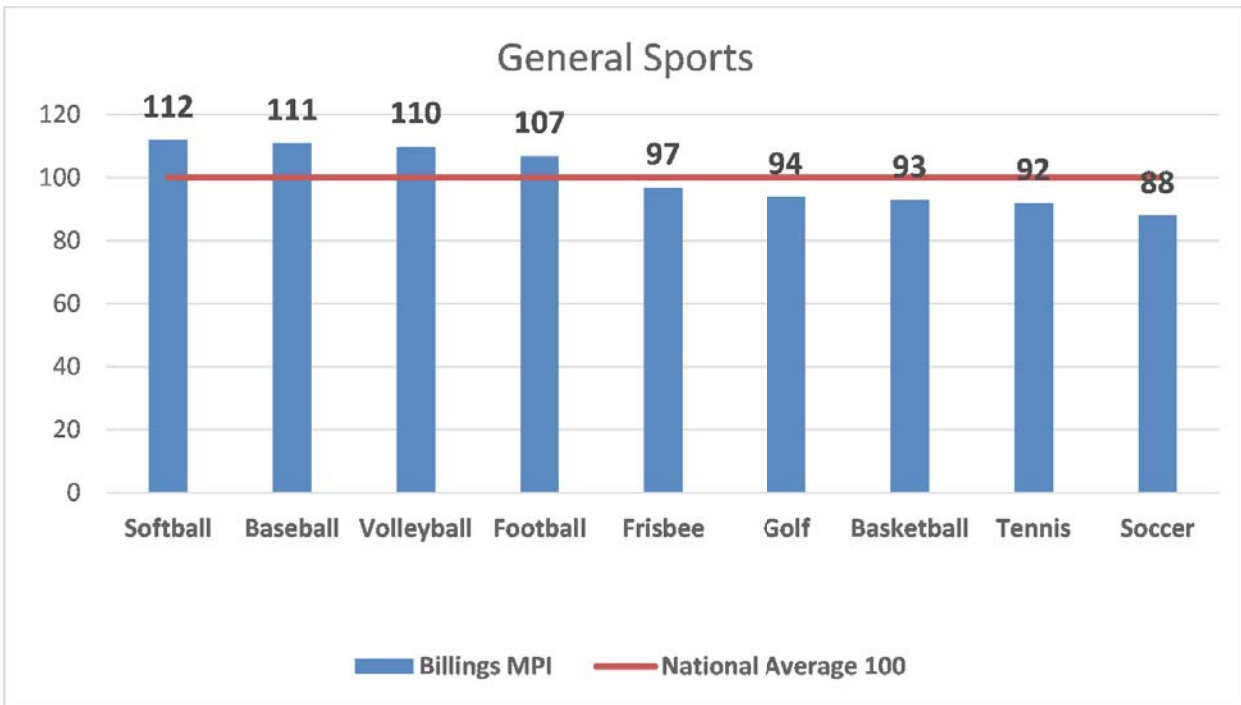


Figure 7. Market Potential - General Sports

RECREATION TRENDS CONCLUSION

It is critically important for the City of Billings to understand the national participation trends in recreation activities. In doing so, the department can gain general insight into the life-cycle stage of recreation sports programs and activities and thereby anticipate potential changes in need and demand for the programs and activities that it provides to the residents of Billings at Optimist Park. Locally, participation in traditional team sports and recreation activities are strong and indicate an opportunity to continue and grow these services at Optimist Park.

OPTIMIST PARK EVALUATION

Current Uses

Optimist Park is currently utilized by a number of organizations on a regular basis. The Boys and Girls Club of Billings has a facility on adjoining property to the west of the park. Their students regularly use the park during their recess periods, primarily for informal recreation. Riverside Little League uses Optimist Park as its home location for practice and home ball games. As noted previously, Riverside Little League appears to be declining at a slower rate than the other Billings Little Leagues. Additionally, Riverside Little League formerly split operations between South Park and Optimist Park, however, in recent years they have consolidated their operations solely to Optimist Park. Special consideration should be given to improving park facilities for these groups due to the frequency of their visits and large size of their groups.

Notable one time special peak events occurring at Optimist Park include the “Movies in the Park” program and an annual Easter Egg Hunt. An informal census from the “Movies in the Park” director estimated program attendance for Optimist Park was 1200 people. The annual Easter egg hunt, which is locally organized by the South West Corridor Task Force, regularly draws 800-900 children. Their infrequent nature makes these events less influential on shaping the final constructed conditions in the park, however, program uses which facilitate both daily and special event usage should be strongly considered for inclusion in the park. Primary park elements in service of special events include open lawn space and lawn slopes, which can serve as informal stadium seating. Ancillary amenities in support of special events include shelters, restrooms, picnic tables and benches. Special events should also be utilized by PRPL to advertise programs and events taking place in Optimist Park and city wide.

Current Conditions

An on site inventory and analysis of current conditions for Optimist Park was conducted at the outset of the master planning process. See *Figure 8. Existing Conditions*. Generally, the north half of the park is dedicated to organized baseball fields, and is the home of Riverside Little League. The fields are in good condition, and are regularly scheduled for organized games and practices during summer months. The current fields feature one Majors field, and 2 Little League fields. Development of the 2 northernmost fields was conducted per the un-adopted record drawings (see *Figure A. Un-Adopted Park Master Plan* in the appendix), while development of the third ball field was undertaken without the consultation of PRPL or a guiding document. Home plate locations are oriented away from each other generally. The primary little league field features a concession stand and announcers booth without running water. The presence of portable toilets adjacent to the ball fields indicates a need for a higher level of restroom service in this area.

The north side of the park also contains the only dedicated parking lot. Due to an incomplete alley dedication on the north west side of the park, the lot also serves as alley access to the northern bounding residential properties. See *Figure 9. Property Parcels*. An aerial study of the lot reveals space for approximately 58 parking stalls, but the absence of stall striping creates a less efficient parking situation in practice. The parking lot itself is in declining condition, with the asphalt surface exhibiting pot holes and large crack networks. Additionally, the overall parking layout does not efficiently utilize the space available on the north end of the park. Due to the initially stated need for more parking, plus the existing lots declining condition and inefficiencies, a new parking lot should be included on the north side of the park. Consideration for the design of the new lot should include maintaining alley access to the neighboring northern properties.

The south half of the park is dedicated to general recreation, featuring open green space, 2 playground areas, as well as a public restroom with running water.

According to record plans, the playgrounds were last updated around 1998. See *Figure C. Existing Playground Improvements* in the appendix. An on site assessment of the playground equipment reveals that the equipment is in relatively good repair for its age, but is approaching the end of its useful operational life. The playground is organized into 2 separate play areas for toddlers and for school age children, with a small centrally located picnic shelter between them. The playground areas have unused zones within their boundaries which are ideal for in-fill of new play equipment. The current segregation of toddler and school age playgrounds should be maintained in any new equipment selection. The small seating shelter is in relative disrepair and should be replaced.

Optimist Park Master Plan

8.18.2016



Public Restrooms



Concession Stand/Announcer's box



Tot-Lot Play Structure



EXISTING PARKING LOT
58 STALLS

EXISTING BALL FIELD

EXISTING BALL FIELD

EXISTING BATTING CAGE

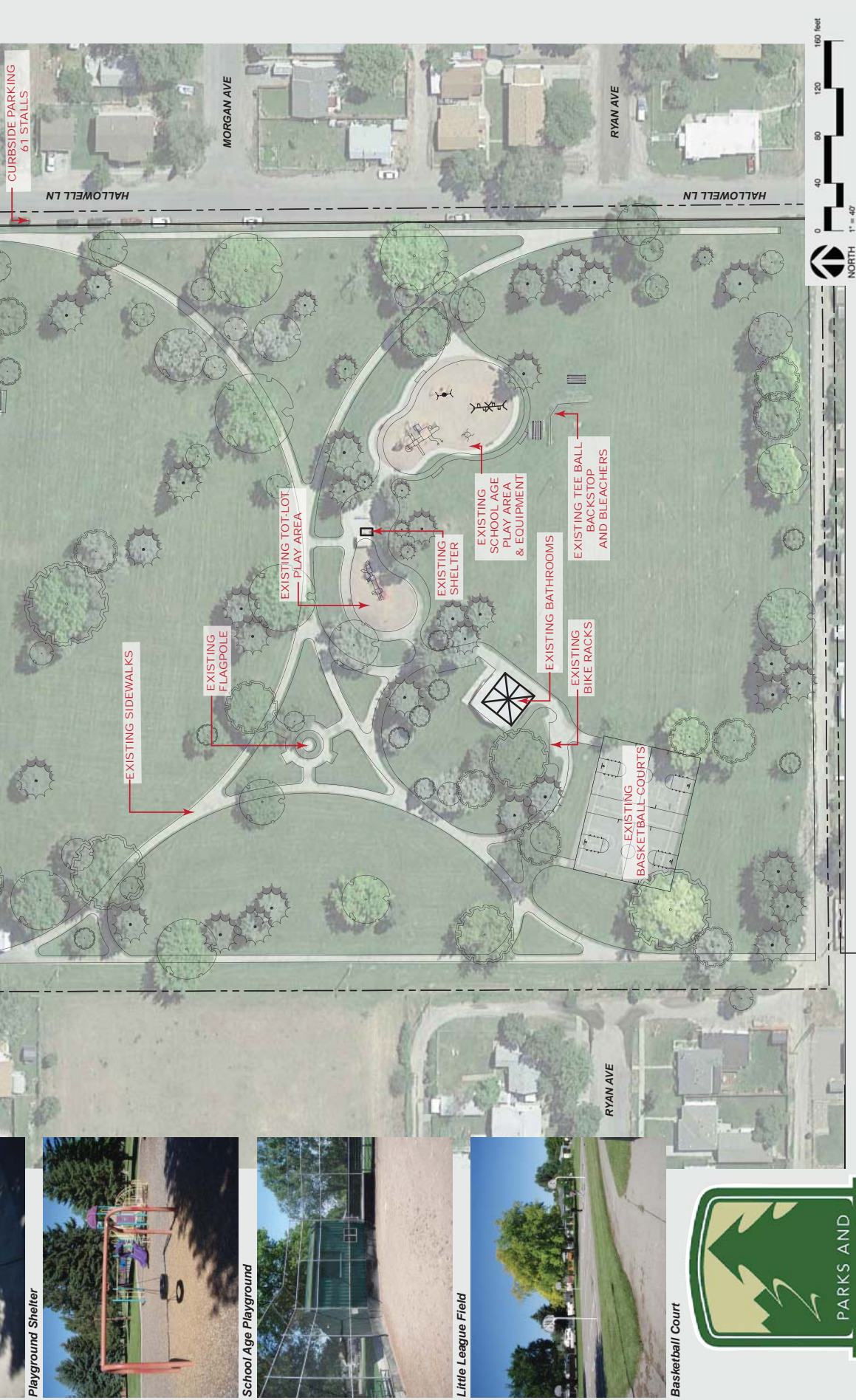
EXISTING BALL FIELD

EXISTING TREES (TYP)

HALLOWELL LN

MITCHELL AVE

MITCHELL AVE



Existing Conditions



Figure 8. Existing Conditions

Optimist Park Master Plan

8.18.2016



Property Information Derived from Yellowstone County Geographical Information System.



Property Parcels



Figure 9. Property Parcels

A recently updated restroom facility with running water is also found on the south side of the park. PRPL staff has noted vandalism as an ongoing concern with this facility. Access to the restroom remains limited to hours of park operation, and varies seasonally. PRPL should seek to balance ease of use with oversight for an increased level of service to park users.

The south side of the park also features a primitive backstop, which is currently used by the little league for tee ball. This amenity is in good condition, but is remote from the remaining ball fields on the north end of the park.

All park amenities on the south end of the park are organized around a grand sidewalk layout, featuring a primary East/West axis. The sidewalk network is incomplete however, and there is a lack of pedestrian connectivity between the south and north halves of the park, as well as a lack of walking loops within the park. Circulation paths should be completed to facilitate pedestrian circulation in congruence with stated community preferences from the guiding document analysis,

Vehicular access to the park is supplied via Hallowell Lane along the east park boundary. Outside of the north parking lot, Hallowell Lane is the only other parking location for park visitors. Curb side parking along Hallowell can supply 61 stalls. Other vehicular circulation adjacent to the park includes an alley along the south end of the park. PRPL has had conflicts related to unauthorized vehicular parking along this alley. Recently boulders have been placed along the south alley as a means to prevent unauthorized parking. The west boundary of the park is currently undeveloped for vehicular passage, with Ryan Avenue, Mitchell Lane and Stephens Lane all dead ending at the park property. A right of way dedication does exist for Stephens Lane to extend along the west side of the park to Mitchell Ave. See *Figure 9. Property Parcels*. Options to develop vehicular access to this side of the park should be explored, to facilitate more even parking, and recreational distribution. According to PRPL maintenance staff the west side of the park generally is under-utilized and lack of vehicular access is a likely contributing factor.

Optimist Park notably features a mature tree canopy. Numerous varieties of evergreen and deciduous trees are found throughout the park. See *Figure B. Un-Adopted Park Master Plan* in the Appendix. As noted in the guiding document analysis, priority should be placed on maintaining existing trees wherever possible, particularly those of mature size.

Irrigation water is currently provided by the City of Billings municipal water. As a City agency, Optimist Park is un-billed for the water consumed, however, with the rising costs of water sanitation, it is prudent to explore other options for irrigation water.

PROGRAMMING AND OPERATIONAL STANDARDS

Program Elements & Goals

The following are a list of programming elements and goals for Optimist Park based on the analysis and public input.

- Provide adequate parking for park uses
- Consolidate baseball activities
- Provide support facilities like concessions & restrooms for sporting events
- Preserve existing tree canopy
- Add picnic shelters & supporting activities
- Improve playgrounds
- Improve pedestrian circulation
- Facilitate usage of the west side of the park
- Explore irrigation alternatives

User Agreements

PRPL should seek consistency in operations and maintenance of their park facilities. The recently completed *Centennial Park Master Plan* outlines an extensive process for forging park user agreements, which should be drawn upon as the beginning of a standard for future user agreements. Generally PRPL should seek to establish a formal user agreement with Riverside Little League and other user groups, defining maintenance and level of service between PRPL and all user groups. A formal service agreement recognizes the ultimate liability and ownership by PRPL to operate the parks for the greatest public good. Little League is an important partner with the City for park usage. Potential for participation under the direction of PRPL is a welcome benefit for both agencies provided there is an agreed upon proposal for services and timing. In the lack of an established user agreement, Park use permits should be issued as the formal mechanism for field reservation. Evaluation meetings should be held with partnering organizations in off season times to evaluate performance from the past year, and discuss expectations and plans for the upcoming seasons. See *Centennial Park Master Plan p.52*.

Scheduling

Ball field scheduling for games and practices should be done in coordination with PRPL staff. As a long standing user Riverside Little League should be allowed priority for field scheduling. Any additional baseball user groups would be required to obtain a secondary use permit from PRPL. PRPL should work with the Little League to create a written schedule of events for the park ball fields, so that public use and maintenance activities can be coordinated.

Reservable space should also be implemented for other park structures and amenities, in keeping with already established operational practices.

Recreational Programs

Program options include a seasonal exercise program with formal instruction for the adult exercise area. Recreational leagues for other activities at the park should also be considered, these would include activities such as basketball, pickle ball, sand volley ball, and horseshoes. Introductory classes could also be implemented for activities like pickle ball which are new to the community.

Task	Frequency	Timeframe
Concession Building - Level 1 Maintenance		
Goal: Provide a clean, inviting area to eat.		
Clean, sweep, vacuum	7x/week	May - September
Remove and/or replace Garbage Bags and Trash cans	7x/week	May - September
Clean and stock restrooms	7x/week	May - September
Clean windows	1x/week	May - September
Check Lighting	7x/week	May - September
Check Heating / Cooling	7x/week	May - September
Clean and wipe tables	7x/week	May - September
Check and clean storage areas	1x/week	May - September
Wash areas outside concession stands	7x/week	May - September
Update and paint signage	1x/year	May - September
Clean Patio	7x/week	May - September
Major Mechanical System Inspection (Preventative Maintenance)	1x/month	Year-round
Seasonal Mechanical System Startup/Closing	2x/year	Spring, Fall
Schedule Lighting, Mechanical Systems	1x/week	Year-round
Replace outdoor carpeting	1x/2 years	Spring
Clean carpeting	2x/year or as needed	Opening, Mid-season
Inspect furniture	1x/week	Year-round

Figure 10. Maintenance & Inspection Schedule - Concession Building

Task	Frequency	Timeframe
General Park Lawn- Level 2		
Goal: Provide a quality park look that is green, safe and enticing to use		
Mow/Trim (2.5") April 1 through October 31	1x/ 7 days	Growing Season
Overseed	As needed	Fall
Fertilize	As needed	Growing Season
Apply weed control	As needed	Growing Season
Prune trees	As needed	Fall
Trim Shrubs	As needed	Growing Season
Pick up trash prior to mowing	Every Mow	Growing Season
Control pests	As needed	Growing Season
Manage leaves	2x/year and as needed	Fall
Line Trim	1x/week	Growing Season
Edge	1x/year	Growing Season

Figure 11. Maintenance & Inspection Schedule - General Lawns

Maintenance

Minimum park standards, as directed by PRPL, should be implemented for all formal athletic fields in the park. Facility maintenance standards should address regular safety inspections, Garbage cleaning, restroom and concessions cleaning and repair.

A turf maintenance program should be implemented to address mowing methods and schedule, and mow height, watering schedule and costs, fertilization schedule, and State of Montana compliant weed and pest management.

In keeping with current Parks and Recreation Department practices, it is expected that the general maintenance and landscaping associated with Optimist Park will be provided to ensure a safe and enjoyable experience. Recommended maintenance standards are as follows: See Figure 10. Maintenance & Inspection Schedule - Concession Building, Figure 11. Maintenance & Inspection Schedule - General Lawns, Figure 12. Maintenance & Inspection Schedule - Playgrounds, Figure 13. Maintenance & Inspection Schedule - Pickleball, Figure 14. Maintenance & Inspection Schedule - Sand Volleyball, Figure 15. Maintenance & Inspection Schedule - Horseshoe Pit, Figure 16. Maintenance & Inspection Schedule - Playing Fields, and Figure 17. Maintenance & Inspection Schedule - Shelters.

Task	Frequency	Timeframe
Playgrounds and equipment - (All types) - Level 1 Maintenance		
Goal: To adhere to and exceed National Playground Safety Standards		
Inspect and document;	1x/month	Year-round
Major Annual Inspection	1x/year	
Repair	Immediately	Year-round
Clean and pickup trash	7x/week	Year-round
Remove vandalism	As needed	Year-round
Inspect water fountains, where applicable	7x/week	Year-round
Mow areas around the playground	1x/week	Year-round
Inspect playground parking lot, picnic tables and visitor benches	1x/week	Year-round
Rake sand, woodchips, gravel, fiber mulch	1x/week	Spring, Summer, Fall
Seal rubberized, poured in place	1x/year	
Remove/Replace Fiber Mulch	1x/3-5 years	Spring
Replace	1x/15 years	
Inspect for Pests/Bees/etc	1x/2 weeks	Spring, Summer, Fall

Figure 12. Maintenance & Inspection Schedule - Playgrounds

Task	Frequency	Timeframe
Playing Courts - Pickleball/ Tennis / - Level 1 Maintenance		
Goal: To provide a safe and quality surface for practice or competitive type events		
Clean and sweep	5x/week	March - Novemeber
Inspect stripes	1x/year	March - Novemeber
Inspect fences	1x/month	March - Novemeber
Inspect nets and pole, where applicable	1x/week	March - Novemeber
Repair	As needed	March - Novemeber
Inspect lighting	1/x week	March - Novemeber
Major Inspection	1x/year	

Figure 13. Maintenance & Inspection Schedule - Pickleball

Operations

Staffing Model

Staffing recommendations for Optimist Park in alignment with the maintenance standards as recommended, are to achieve the four primary goals:

1. Implement a standards-based maintenance program. This effort will ensure a high quality and consistent experience for visitors to Optimist Park.
2. Deliver a high level of customer service that is necessary to facilitate the reservations of athletic fields, shelters, and pickleball, tennis and sand volleyball courts.
3. Develop recreation opportunities for visitors to Optimist Park.

To meet these goals, the Consulting Team recommends the following maintenance staffing levels:

- 1 Full-time Grounds Maintenance Worker
- 2 Part-time Seasonal Grounds Maintenance Workers

Financial Model

The consulting team utilized the following set of assumptions to create a financial model for the re-development of the 20-acre Optimist Park:

Primary programs and services of phase one will be:

- Sand volleyball and pickleball leagues
- Reservations

Task	Frequency	Timeframe
Playing Courts - Sand Volleyball		
Goal: To provide a safe and quality surface for practice or competitive type events		
Rake	1x/week and as needed	March - Novemeber
Inspect nets, ropes, pole protectors where applicable	1x/week	March - Novemeber
Set up/take down nets	2x/year	April, October
Major Inspection	1x/year	
Install/Remove Pole Protectors	2x/year	Spring, Fall
Edge, Rototil, and supplement sand	1x/year	Spring

Figure 14. Maintenance & Inspection Schedule - Sand Volleyball

Task	Frequency	Timeframe
Playing Courts - Horseshoe Pit		
Goal: To provide a safe and quality surface for practice or competitive type events		
Evaluate stakes for vertical position	1x/month	March - Novemeber
Mow	1x/week	March - Novemeber
Replace backboards	1x/5 years or as needed	March - Novemeber
Update player thrower lanes	1x/year	March - Novemeber
Major Inspection	1x/year	
Edge and supplement sand	1x/year and as needed	Spring
Paint Backboards	1x/year	Spring

Figure 15. Maintenance & Inspection Schedule - Horseshoe Pit

Task	Frequency	Timeframe
Playing Fields - Baseball / Softball / Soccer / Multi-use - Level 2		
Goal: To provide a high-quality and safe field that encourages greater greater use among the community for practice, games and tournaments		
Mowed	1x/week	March - Novemeber
Fertilizer	1x/3 years	Spring, Summer, Fall
Drag / Line fields for games	As needed	March - Novemeber
Pick up trash and clean during events	7x/day	March - Novemeber
Inspect benches, backstops	1x/week	March - Novemeber
Paint Backstops	1x/2-3 years	Spring
Set up recreational amenities	1x/year	Spring

Figure 16. Maintenance & Inspection Schedule - Playing Fields

Sport league income will equal approximately \$9200.

Reservation income will equal approximately \$3556. Revenue projections assume fees from court rentals, which are not in place under current policy. New fee revenue from court rental could be implemented pending City Council approval.

- Shelter: 50% occupancy on Friday-Sunday and 10% occupancy Monday-Thursday; 2 hour minimum
- Sand Volleyball Courts: 1% of court time will be rented annually; 1 hour minimum
- Pickleball Courts: 1% of court time will be rented annually; 1 hour minimum

One full-time employee will be required for the operation of the park.

Part-time staffing (2 seasonal grounds maintenance workers) will account for 12% of the nearly \$56,000 personnel budget needed to operate the park.

Operational partnerships were not considered as part of the pro forma development.

From these assumptions, it is projected that Optimist Park will operate at a 14% cost recovery and require a subsidy from the general fund to offset the operating loss (\$76,055) in its first full year of operation after redevelopment.

Six Year Pro Forma

The following is a summary of the revenues and expenditures for the park over a six year period. The breakdown of the summary is listed in the tables that follow this summary report. The tables breakdown the revenues by category and the expenses by category. Overall the park will be able to achieve a 14% cost recovery rate if managed as outlined in this business plan. See *Figure 18. Pro Forma Revenue and Expenditures*, *Figure 19. Pro Forma Revenue Model*, and *Figure 20. Pro Forma Expenditures*.

Task	Frequency	Timeframe
Shelter - Level 2 maintenance		
Goal: To provide a quality picnic or outing experience.		
Clean and sweep	1x/week	March - October
Remove and/or replace Garbage Bags and Trash cans	5x/week	March - October
Set-up Site	As needed	March - October
Trim and Landscape	1x/2 weeks	March - October
Paint Pavilion	1x/2 years	March - October
Power wash	As needed	March - October
Clean grills	As needed	March - October
Check/Spray for hornets, wasps	As needed	March - October
Inspect Electrical System	1x/year	
Clean port-a-jons	7x/week	March - October
Pump port-a-jons	1x/week or as needed	March - October
Inspect Picnic Tables	1x/week or as needed	March - October
Inspect/Remove Debris from Roof	7x/week or as needed	March - October
Remove Graffiti	1x/week or as needed	March - October
Setup Tables for Event	As needed	March - October
Inspect windows and building sides	1x/week or as needed	Year-round

Figure 17. Maintenance & Inspection Schedule - Shelters

Conclusion and Implementation

The Optimist Park Business Plan is a guide for the operations of the park upon completion of its redevelopment.

The recommendations outlined in the Optimist Park Business Plan are aligned with the vision, mission and core values of the community and the Department. These recommendations follow what the community has voiced as a priority.

The goal of this Business Plan is to not overextend the Department financially or operationally. This will require a continued business plan approach and support from the staff, the Park and Recreation Advisory Board and City Council.

This project has tremendous potential to significantly improve the recreational opportunities for residents of the City and, in particular, those in the two mile service area of the park.

Pro Forma Revenues & Expenditures						
Optimist Park						
BASELINE: REVENUES AND EXPENDITURES						
Revenues	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year
Programs and Rentals	\$12,756.82	\$13,011.95	\$13,272.19	\$13,537.64	\$13,808.39	\$14,084.56
Total	\$12,756.82	\$13,011.95	\$13,272.19	\$13,537.64	\$13,808.39	\$14,084.56
Expenditures	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year
Operations & Maintenance	\$88,812.16	\$90,588.40	\$92,400.17	\$94,248.17	\$96,133.14	\$98,055.80
Total	\$88,812.16	\$90,588.40	\$92,400.17	\$94,248.17	\$96,133.14	\$98,055.80
Annual Net Gain/Loss	(\$76,055.34)	(\$77,576.45)	(\$79,127.98)	(\$80,710.54)	(\$82,324.75)	(\$83,971.24)
Total Cost Recovery	14%	14%	14%	14%	14%	14%

Figure 18. Pro Forma Revenue and Expenditures

Pro Forma Revenue Model						
Optimist Park						
DIVISION	ACCOUNT TITLE	PRICE	HOURS/# of OFFERINGS	PARTICIPATION	REVENUES	EXPLANATION
REVENUES						
Ramadas	Shelter Reservations	\$15.00	2	98	\$2,931.82	1 shelter; 50% occupancy on Friday-Sunday and 10% occupancy Monday-Thursday; 2 hour minimum
Pickleball Courts	Pickleball Leagues	\$35.00	4	20	\$2,800.00	4 league seasons annually; 20 participants per league
Pickleball Courts	Pickleball Court Rentals	\$5.00	1	50	\$250.00	1% of court time will be rented annually; 1 hour minimum
Sand Volleyball Courts	Sand Volleyball Leagues	\$200.00	4	8	\$6,400.00	2 league seasons (summer; fall); 2 leagues per season 1 in weekday evening; 1 weekend; 8 teams per league
Sand Volleyball Courts	Sand Volleyball Court Rentals	\$5.00	1	50	\$250.00	1% of court time will be rented annually; 1 hour minimum
Tennis Courts	Tennis Court Rentals	\$5.00	1	25	\$125.00	1% of court time will be rented annually; 1 hour minimum
TOTAL REVENUES					\$12,756.82	

Figure 19. Pro Forma Revenue Model

Pro Forma Expenditures		
Optimist Park		
PERSONNEL SERVICES		
Grounds Maintenance Worker		\$35,000.00
Part-time Grounds Maintenance Workers		\$5,760.00
Overtime		\$500.00
Employer's Share of FICA		\$2,592.34
Employer's Share of Medicare		\$607.32
Full-Time Benefits		\$11,252.50
		2 staff; 40 hours per week; 12 weeks per year; 1000 hours total; \$12 per hour
		6.36% of PT Salaries and Wages
		1.49% of PT Salaries and Wages
		32.15% of FT wages
Total	Personnel Services	\$55,712.16
NON-PERSONNEL SERVICES & CHARGES		
Cellular Phone Fees		\$1,000.00
Electricity		\$15,000.00
Water & Sewer		\$3,600.00
Equipment Repairs & Maint.		\$2,500.00
Field Maintenance		\$0.00
Trash Collection		\$3,000.00
Staff Clothing		\$250.00
Participant Clothing		\$500.00
Irrigation Materials		\$1,000.00
Repair Parts		\$1,000.00
Small Tools & Minor Equip.		\$1,000.00
Other Maint. Supplies		\$4,000.00
Safety Supplies		\$250.00
		12 mon X \$300
		\$18,000 per engineered field
		\$250 / Mon Dumpster
		17 @ \$200 ea.
		Plumbing, Hardware, Electrical, Lighting, etc...
		Misc. and Specialty Tools
		Lubricants, light bulbs, etc.
		Safety Glasses, Gloves, Harness, etc...
Total	Other Services	\$33,100.00
TOTAL EXPENSES		\$88,812.16

Figure 20. Pro Forma Expenditures

MASTER PLANNING PROCESS

Stakeholder Input Meeting 1

Due to Optimist Park Master Plans' inception with a groundswell of community feedback through established stakeholder groups, the master planning process was determined to be most effective to begin by interviewing the known organized stakeholder groups in the neighborhood.

Key stakeholders identified by the SBURA representatives, PRPL staff and the consultant team included: Riverside Little League, Billings' Boys and Girls Club, Billings' South Side Task Force, South Billings Urban Renewal Association, and South West Corridor Task Force. Each group was asked a series of stock questions. Responses to these and any other general comments spurred from the stock questions were noted.

Generally the park was viewed positively by those interviewed. The most positively viewed aspects of the park were the mature tree canopy/green space, and ball fields, while the most negatively viewed aspect of the park was parking. Desired amenities varied between respondents, but a few trends became apparent with: improved parking, picnic shelters, and exercise stations being the most popular improvements requested. When asked specifically about development of Stephens Lane to facilitate park uses, all respondents found it to be an acceptable proposal. Maintenance for the park was viewed as adequate with minor concerns raised for diverse items.

Specific responses as follows.

Stock Questions:

1. How do you use the park? What is the size of your group?
2. What do you like best about Optimist Park?
3. What deficiencies do you see in the park?
4. How would you like to use the park?
5. How would you rate the overall maintenance of the park?
6. Do you feel safe when using the park?
7. Is it important to build Stephens Lane from Phillip Street to Ryan Ave.? To Mitchell Ave.?
8. Are there amenities which are not currently in the park which would make your visit more enjoyable?
9. Would informational signage be beneficial? i.e. an informational kiosk?
10. Rank your top 3 facilities to add to the park.

Comment responses:

Boys and Girls Club

1. Primary use: general playground and green space. Group size: 200 -250 kids 7am-6pm in summer & 2pm-8pm in winter, use tapers in winter.
2. Trees and playground.
3. Bathroom is occasionally out of order. The need for expanded parking is not needed by the Boys and Girls Club, but it is a felt need from the community.
4. Same capacity.
5. Maintenance OK.
6. Safety OK.
7. Stephens Lane development OK. No conflict is anticipated.
8. Pavilion, shelter/outdoor classroom, spray park.
9. Yes, distance maps for walkers helpful.

10. A) Shelter with electricity serving 50-75 people, B) Spray park, C) Exercise stations

Riverside Little League

1. Primary use: Ball fields. Group size: 11 teams 130 kids from March 15th through end of July every night, unaffiliated travel team also makes use of the fields, Hit-a-Thon also uses park once a year.
2. Ball fields.
3. Repair existing parking lot, although, would rather have an additional field over parking.
4. Have the tee ball field improved with fencing and dugouts.
5. Maintenance OK, see occasional damage from parks maintenance on Little League equipment.
6. Safety OK, some neighbors claim Little League helps clean up park. Minor problems with graffiti noted. Traffic is an issue along Hallowell Lane.
7. Stephens Lane Development OK, expanded parking is not an issue for the Little League.
8. New tee ball field, shelter, refinish parking lot, water in concession stand, sunken dugouts.
9. Signs OK, aren't perceived as a need.
10. A) Tee ball field adjacent to other existing fields, B) Bathroom to serve ball fields, C) Water in concession stand

South Billings Urban Renewal District

1. Primary use: Gatherings & picnicking. Group size: General neighborhood, no defined group.
2. Park OK as a whole.
3. Lack of picnic tables.
4. Family gatherings, Easter egg hunt.
5. Maintenance Good.
6. Safety OK. Traffic is an issue along Hallowell Lane.
7. Stephens Lane Development OK.
8. Picnic tables.
9. Yes, distance maps for walkers would be helpful.
10. A) Picnic tables & shelter, B) Larger parking, C) Sign kiosk

South West Corridor Task Force

1. Primary use: none defined, Easter egg hunt Group size: General neighborhood, no defined group, Easter egg hunt serves 800-900 kids.
2. Park OK as a whole.
3. Parking.
4. Same capacity.
5. Maintenance OK.
6. Safety OK.
7. Stephens Lane Development OK.
8. Parking.
9. Signs helpful, not huge priority.
10. A) Parking B) Parking C) Parking

South Side Task Force

1. Primary use: none defined. Group size: General neighborhood, no formal events.
2. Ball fields & open space.
3. Non- traditional sports not represented.
4. More diverse play opportunities.
5. Maintenance OK.
6. Safety OK.

7. Stephens Lane Development OK.
8. Disc golf, exercise equipment.
9. Signs helpful.
10. A) Shelter, B) Exercise Course, C) Signs

Public Meeting 1

The first public meeting was held on 08-18-16. Three Master Plan options were developed for consideration based upon feedback garnered from the stakeholder interviews and information drawn from the internal analysis and document reviews. Due to the general positive view of the park by those interviewed, the proposed Master Plan options preserved as much of the existing park plan as possible, with the major variation between plans being related to the quantity of amenities, intensity of development, and cost between plans. The plans presented a minor, moderate, and extensive level of development within Optimist Park. See figures: *Figure D. Option 1 - Public Meeting 1, Figure E. Option 2 - Public Meeting 1, and Figure F. Option 3 - Public Meeting 1* in the appendix.

Thirteen responses were received from the meeting. See *Figures H. Public Meeting 1 Comment Cards* in appendix. Resulting feedback showed a preference for Option 2, with Option 3 second and Option 1 as the third ranked option.

The public was also asked to provide specific responses for and against particular Master Plan elements as they desired. Comments regarding the extension of Stephens Lane were the most numerous both for and against, revealing Stephens Lane as a polarizing amenity on the Master Plan. Feedback from this meeting showed a narrow majority in favor of Stephens Lane extension. Multiple responses in favor of adding additional parking as possible to the Master Plan were also received. Other amenities receiving specific favorable comments included: a signal/speed zone on Hollowell Lane, playground shade sails, and a splash pad.

Public Meeting 2

Feedback from the first public meeting was incorporated into the Master Plan for presentation at the second public meeting held on 10-13-2016. See *Figure J. Preferred Concept Master Plan - Public Meeting 2* in the appendix. The plan generally adopted most of the items from Plan Option 2 while expanding the offered amenities to reflect some of the specific items requested from Public Meeting 1.

Public Meeting 2 was attended by a largely different group from those in attendance at Public Meeting 1. Feedback for the Master Plan from this meeting provided a more diverse view of the accepted improvements from previous input sessions. Of primary concern was development of Stephens Lane. A variety of concerns related to its development were raised, largely centering around traffic on streets which to date have been dead ends. The remainder of general discussion then centered around how to accommodate parking without Stephens Lane's development.

Six responses were received from the meeting. The majority of those received were against extending Stephens Lane. The need for additional parking was still acknowledged by a majority of respondents, with opinions on placement generally focusing on the south side of the park. See *Figures K. Public Meeting 2 Comment Cards* in the appendix.

SBURA Presentation

The Master Plan was revised to more closely reflect feedback from the second public input meeting. Notable changes to the Master Plan included removal of Stephens Lane and modification of the parking lots to accommodate needed parking counts. See *Figure 21. Adopted Master Plan*. When considering placement of the parking lots, a number of factors mitigated against the public comments stating a preference for locating parking off of the south alley. Amongst them were: a need to have parking adjacent to the existing restrooms, a need to have parking adjacent to the existing ball diamonds, a need to relieve congestion from peak events on Hallowell Lane, and the inherent physical constraints and conflicts related to alley widths and uses, amongst many others.

The plan was presented to the SBURA board on 11-1-16. Some neighborhood residents expressed concern with the location of parking lots off of Ryan and Mitchell Avenues. The SBURA board requested a mailing be sent to all residents of Ryan and Mitchell Avenue requesting their feedback on the issue. The mailing included a copy of *Figure 21. Adopted Master Plan* and instructions for neighbors to file their thoughts. 42 total letters were mailed, and 9 official responses were returned to the PRPL, of which all 9 were against the parking locations, while the remaining 33 were considered indifferent or positive.

This information was presented to the SBURA board at their next regular meeting on 12-6-16. Following brief discussion, the plan was unanimously recommended for approval by the SBURA board.

Park Board Presentation

The SBURA recommended plan was presented to the Billings Park Board on 1-11-17. A brief review of the Master Plan and process was presented. The Billings Park Board unanimously recommended approval of the Master Plan to City Council.

City Council Presentation

The plan was presented to Billings City Council on 1-23-17.

ADOPTED MASTER PLAN

The Master Plan was adopted on xxx-xxx-2017 . See *Figure 21. Adopted Master Plan*. The various components of the plan are described below.

Streets & Parking

Parking for Optimist Park is expanded to accommodate expected need while retaining the existing ball fields in place, and preserving usable open space for field activities. 200 parking stalls are estimated to meet the demand for the ball fields, which are the driving use for park parking. Parking in the current north lot is expanded, supplying 90 parking stalls and a curb-side drop-off. A new parking lot is included off of Mitchell Ave supplying 44 parking stalls in service of the ball fields. It also services vehicular access to the central ball field concession stand and bathroom. New parking is also constructed off of Ryan Ave providing 57 parking stalls to serve as overflow for ball field parking and as primary parking for the recreational uses on the south half of the park. 47 additional curb-side parking spaces are available along Hallowell Lane. Hallowell Lane frontage for the park is also improved for pedestrian connectivity and safety with bulb outs at primary street crossings at intersections with Ryan, Morgan and Mitchell Avenues.

Optimist Park Master Plan

10.28.2016



Large Shelter



Interpretive Signs



Tot-Lot Play Equipment





School Age Play Equipment



School Age Play Equipment



Adult Exercise Area



Final Concept

pros consulting LLC

HDI Land Design, Inc. www.hdiinc.net 406.633.3368

Figure 21. Adopted Master Plan

Ball Fields

The master plan retains the existing ball fields in their current locations. The fields themselves are in good repair, and the current fields are satisfactorily fulfilling the needs of the Riverside Little League. The primitive tee ball field on the south side of the park is demolished, and relocated to the north half of the park to create a modified ball field quad, which groups all baseball activities on the north half of the park. The existing batting cages are demolished and new cages are provided on the south side of the majors field to accommodate the site circulation improvements.

Site Circulation

The majority of existing pedestrian walkways are preserved. In addition, new pedestrian walks are employed to complete pedestrian circulation paths linking park amenities. It also provides a passive recreation amenity for users to walk or jog laps. One distinguishing feature of the site circulation is a shared pedestrian and vehicular pathway. Vehicular travel along this pathway is for authorized vehicles only, in service of the centrally located concession stand for the ball diamond quad. Vehicular access for the shared use path is controlled via removable bollards at the entry locations. Additional walkway amenities include entry/wayfinding signs featuring park rules, information, and event notifications.

Another minor circulation improvement in the Master Plan is the creation of berming along the south property boundary. The berming will reinforce the park edge to prevent unauthorized vehicle parking along the alley, as well as buffer neighboring homes from an active play area. The berming also serves as informal seating for the adjacent open field, potentially being of service for large events like “Movies in the Park”.

Shelters & Concessions

A 900 square foot concession and bathroom facility is located central to the ball diamonds in the north of the park. The concession complex features paving and benches in support of the concessions, and a new flag pole for Little League games.

A large shelter serving 70 people is located adjacent to the existing restroom facility on the south side of the park. A new exterior overhead door is proposed on the north west side of the existing restroom building to provide access to a kitchenette from the large shelter.

2 small picnic shelters serving 25 people each are included along the primary East/West walkway through the park. All picnic shelters are furnished with park grade picnic tables with attached benches.

Ancillary amenities in support of picnicking are located adjacent to both large and small picnic shelters. These amenities include: charcoal grills, horseshoe pits, and a sand volleyball court.

Playground

Playground improvements feature in-fill of the existing playground areas with new age appropriate equipment. Equipment in-fill and replacement will respond to the established age segregation in the two playground areas, with the eastern play area being reserved for school age children and the west play area reserved for toddlers. Select replacement of aging playground equipment is also anticipated as the equipment reaches the end of its effective service. The playground surfacing is maintained as a wooden soft fall chips. The existing central parental seating shelter is replaced

with a new shade sail, and the playground areas likewise incorporate shade sails over the existing playground areas.

Exercise Station

A 1,375 square foot adult exercise area is centrally located to overlook the two playground areas. The location will allow parents to use the exercise area while still being in a position to supervise their children. The exercise area features a variety of equipment and activities to be used collectively as a training circuit for users. Grouping of the exercise equipment in one central location will allow the equipment to be easily implemented in a guided recreational program through PRPL or other community groups.

Multi-Use Court

The existing double basketball court is re-imagined as a multi use court. As a part of the Master Plan, the existing asphalt pad is resurfaced and re-striped to accommodate a variety of hard surface activities, while maintaining the existing basketball hoops. Other improvements to the court include placement of a pickle ball net between the two basketball courts for a number of net based games. An 8 foot perimeter fence is also included around the multi-use court for the safety and convenience of all court users.

Irrigation

Irrigation water for Optimist Park is currently supplied by the City municipal water system. Alternative sources of irrigation water should be investigated as possible supply sources including irrigation wells, extension of the Suburban Irrigation Ditch, underground tanks that capture and store storm water. A feasible alternative irrigation water supply could reduce cost and dependency on municipal water.

COST ESTIMATE

The cost estimate for the Optimist Park Master Plan is intended for budgetary purposes only. Pricing reflected in the estimate is accurate for the time of its composition, but it's accuracy is expected to decline the farther implementation extends from the time of the estimate. Pricing is presented as a range of potential costs, with the average price being generally the most accurate to actual costs. Soft costs reflect a percentage of the total project and include items like professional fees, and financing costs.

Description	Low Range	High Range	Average Est.
Demo	\$45,599.25	\$59,159.00	\$52,379.13
Earthwork & Site Prep	\$78,112.95	\$114,705.48	\$96,409.22
Site Hardscape	\$240,176.00	\$281,872.00	\$261,024.00
North Parking Lot	\$226,718.43	\$280,026.69	\$253,372.56
Mitchell Ave Parking Lot	\$110,021.45	\$135,847.27	\$122,934.36
Ryan Ave Parking Lot	\$130,688.97	\$161,355.88	\$146,012.42
Site Furnishings & Improvements ..	\$580,773.00	\$639,142.50	\$609,957.75
Recreation & Play Equipment ..	\$291,246.67	\$309,926.00	\$300,586.34
Landscape	\$207,392.07	\$260,247.76	\$233,819.92
Soft Costs	\$745,184.23	\$874,482.41	\$809,833.32
-(Administration, Design, Financing, Contingency)			
Total	\$2,655,913.03	\$3,116,744.99	\$2,886,329.01

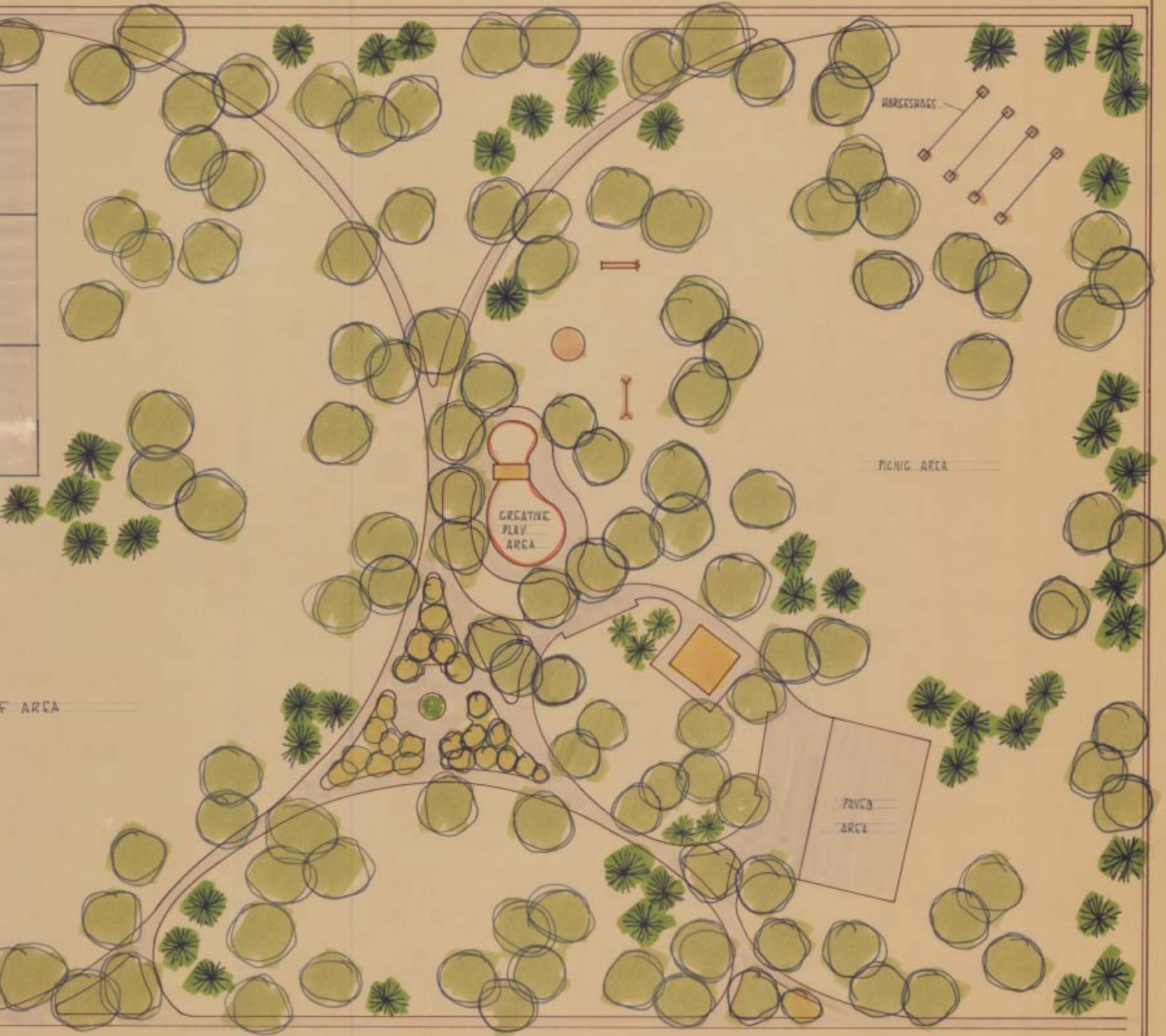
Figure 22. Final Concept - Costs

APPENDIX



Figure A. Un-Adopted Park Master Plan

ALLOWELL LANE



F AREA

HORSESHOES

PICNIC AREA

PAVED AREA

S ST.

SCALE 1"=30'

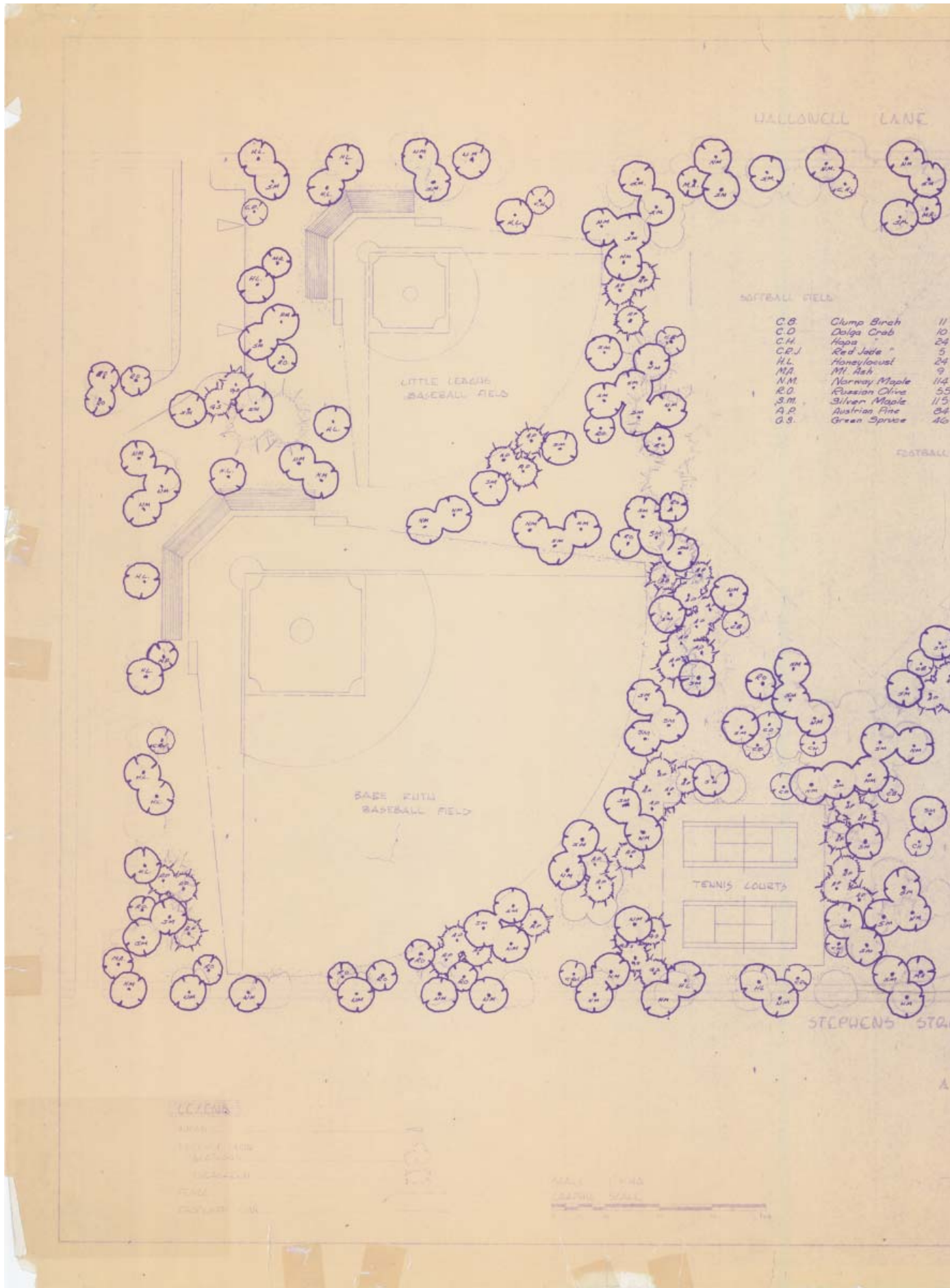
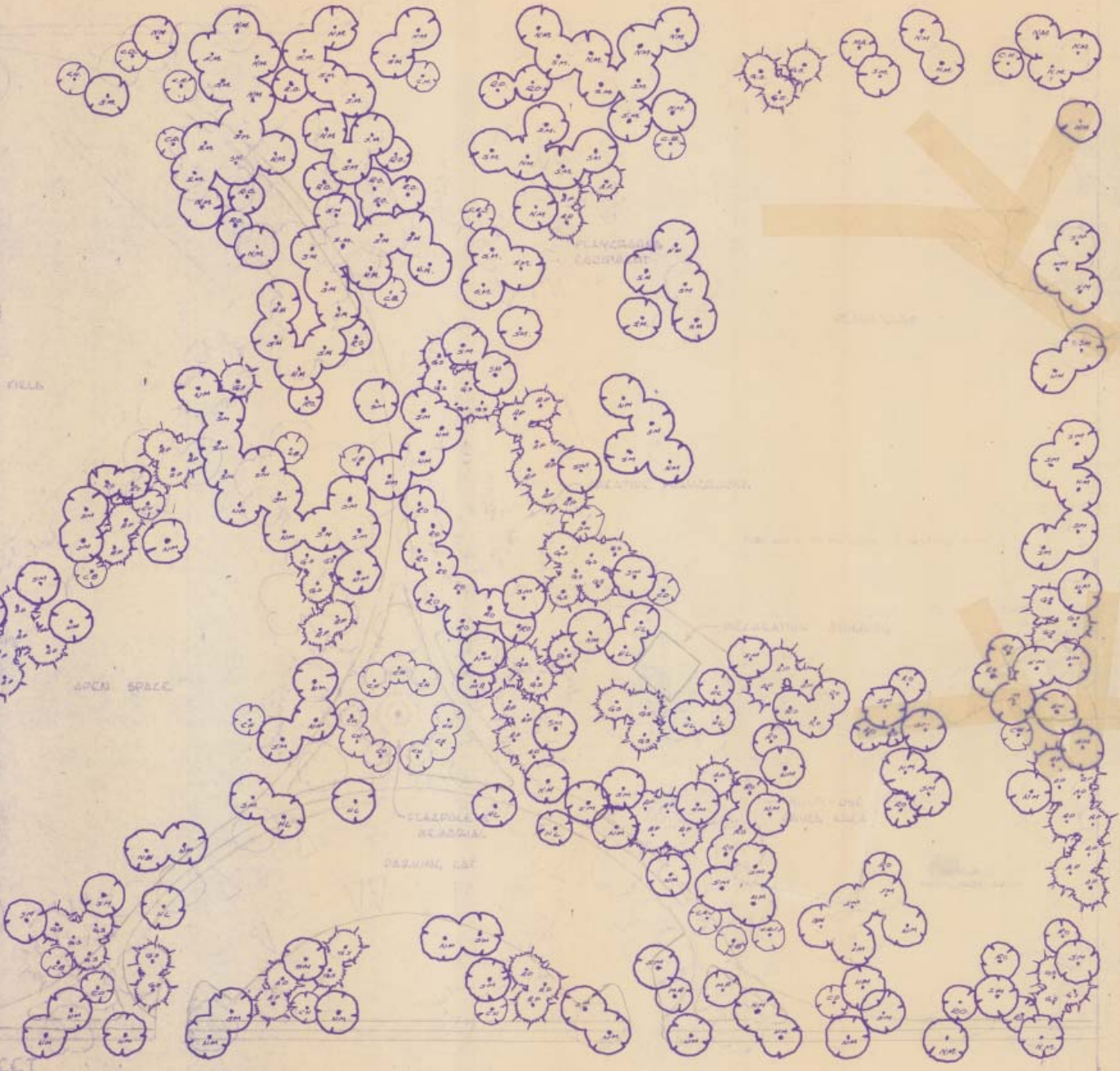


Figure B. Un-Adopted Park Master Plan



MASTER DEVELOPMENT PLAN FOR

OPTIMIST PARK



BILLINGS PARK DEPARTMENT
 BILLINGS, MONTANA
 SEPTEMBER, 1955

THEODORE A. WIRTH AND ASSOCIATES
 ARCHITECTS AND PLANNERS
 1000 N. BRADLEY STREET
 BILLINGS, MONTANA

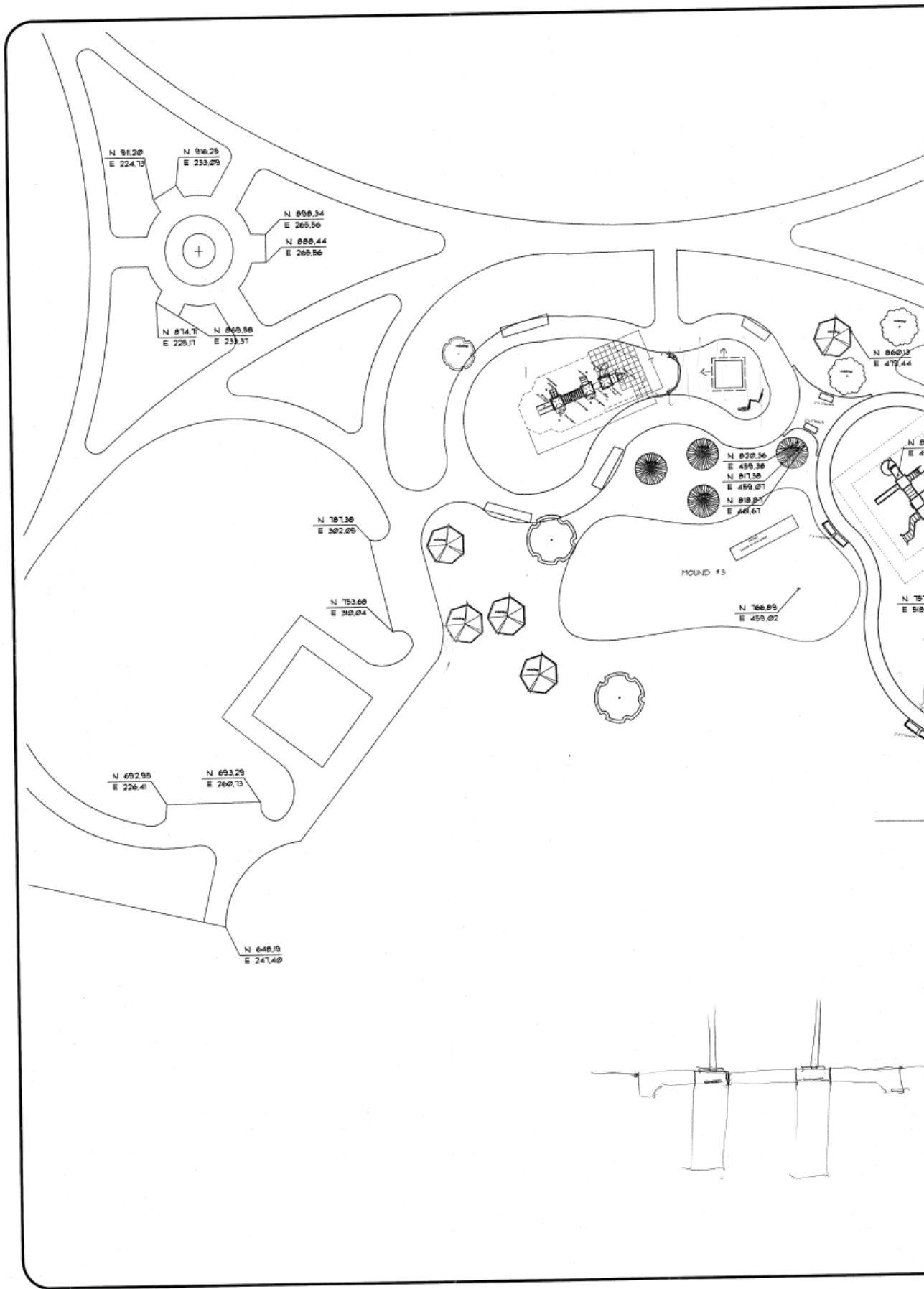
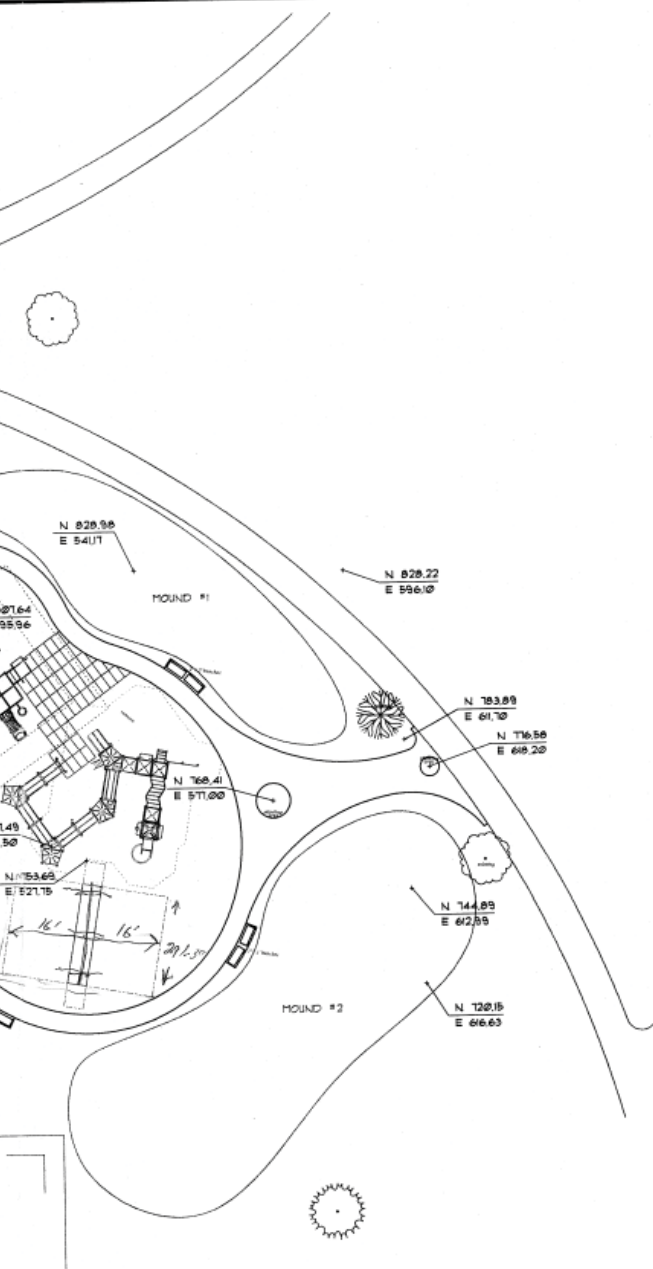


Figure C. Existing Playground Improvements



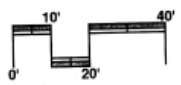
This drawing is the property of the Landscape Architect. It has been prepared specifically for this site and is not to be used for any other purpose, location, or Owner without written consent of the Landscape Architect.

Optimist Park Playground Control Plan

**COPYRIGHT
1998**
CARL THUESEN A.S.L.A.
GOLF COURSE ARCHITECTURE
LANDSCAPE ARCHITECTURE

**CARL THUESEN
A S L A**
GOLF COURSE ARCHITECTURE
LANDSCAPE ARCHITECTURE
1925 GRAND AVE. SUITE 105
P.O. BOX 22843
BILLINGS, MT 59104
406/252-5545 FAX 245-9855

Drawn by: CSG
Date: 4/16/98
Checked by: CAT
Date: 4/16/98
Rev: 4/21/98
Rev: 4-23-98
CADD File: SHEET1-
OVERALL.DGN



**SHEET
1 OF 2**

Optimist Park Master Plan

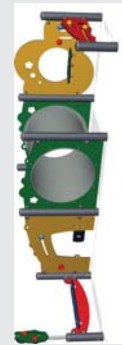
8.18.2016



Large Shelter



Interpretive Signs



Tot-Lot Play Equipment



Tot-Lot Play Equipment

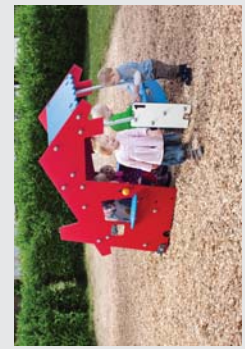
Figure D. Option 1 - Public Meeting 1



Option 1

prosc
consulting
LLC

ILLDI
Land Design, Inc.
www.illdi.com
406.593.3350



Tot-Lot Play Equipment



School Age Play Equipment



School Age Play Equipment



Optimist Park Master Plan

8.18.2016



Large Shelter



Interpretive Signs



Tot-Lot Play Equipment



Tot-Lot Play Equipment

Figure E. Option 2 - Public Meeting 1



School Age Play Equipment



School Age Play Equipment



Adult Exercise Area



Option 2



pros consulting LLC

IDI Land Design, Inc
www.idi.net 406.653.3350

Optimist Park Master Plan

8.18.2016



Figure F. Option 3 - Public Meeting 1



Tot-Lot Play Equipment



Adult Exercise Area



Splash Pad



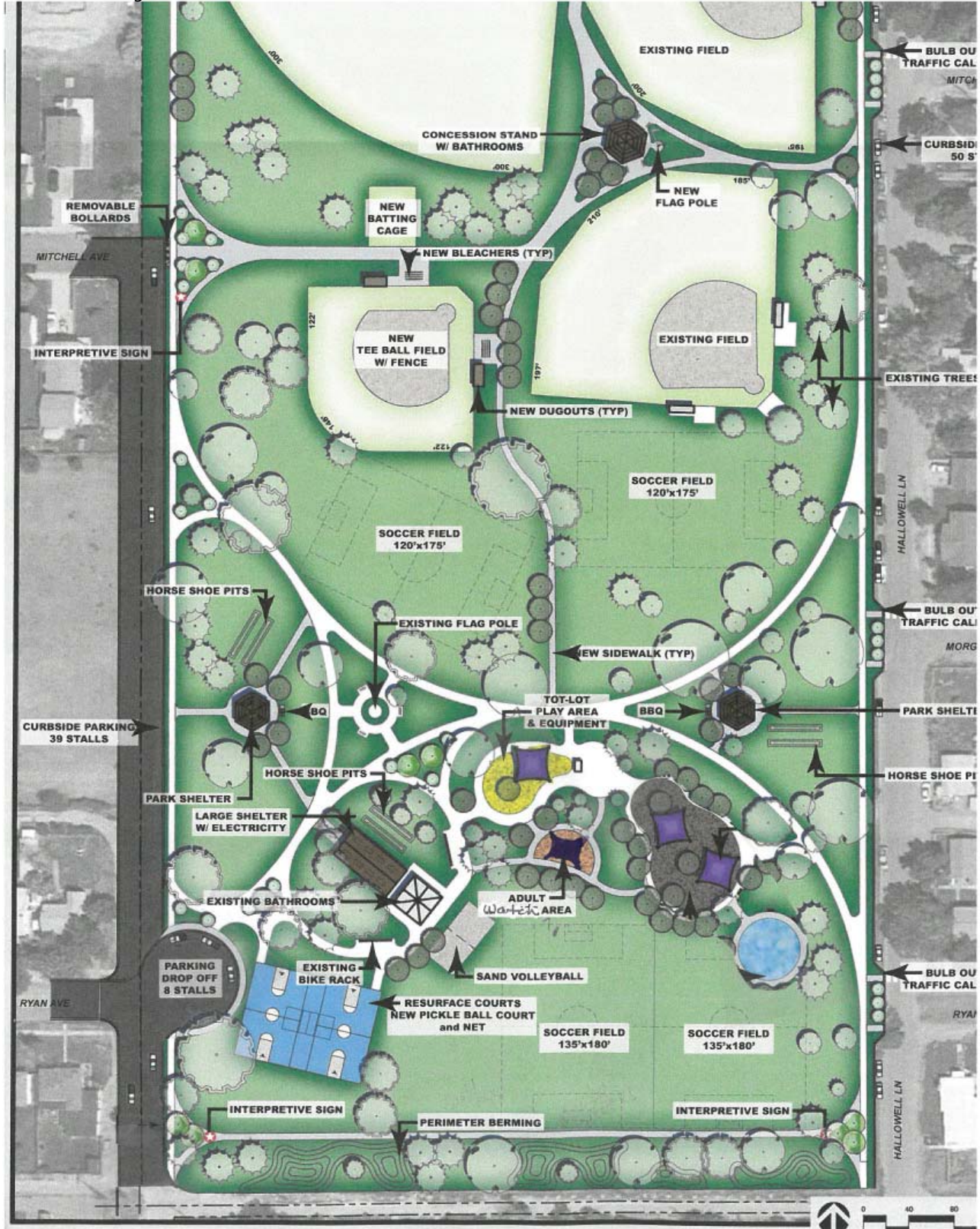
Option 3



We like Option 2 with the following changes:
 no adult exercise area, make it a shaded area where parents and grandparents could sit and watch their kids
 add the shade sails (from option 3)
 add the splash pad (from option 3)
 add the parking drop off (from option 1)

A

I did some quick cutting and pasting from the 3 handout sheets and have attached a copy, so you could see what I was describing



Figures H. Public Meeting 1 Comment Cards

Optimist Park Master Plan

8.18.2016



Large Shelter



Shelter w/ Viewing Deck



Interpretive Signs



Shade Sail



Tot-Lot Play Equipment



Adult Exercise Area



Splash Pad



B



Option 3

pros consulting

LDI Land Design, Inc.

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 8-18-16
 As someone who uses this park and rides by frequently I can tell you that this is a true asset to the southwest corridor and the city. I compare it to Pioneer with its aesthetics and recreational potential. Saying that, the true issue with the park is the parking issue. I would support both option 2 and 3 because of the ability to increase on-site parking which would help, probably not completely alleviate the issues along Hollowell. I like the idea incorporating the 18-stall parking lot on-site with the alley access shown on option 3, could these spots host additional handicapped parking? I know there has been talk for a long time utilizing the alley on the west side and I think that is a very important part of the master plan.

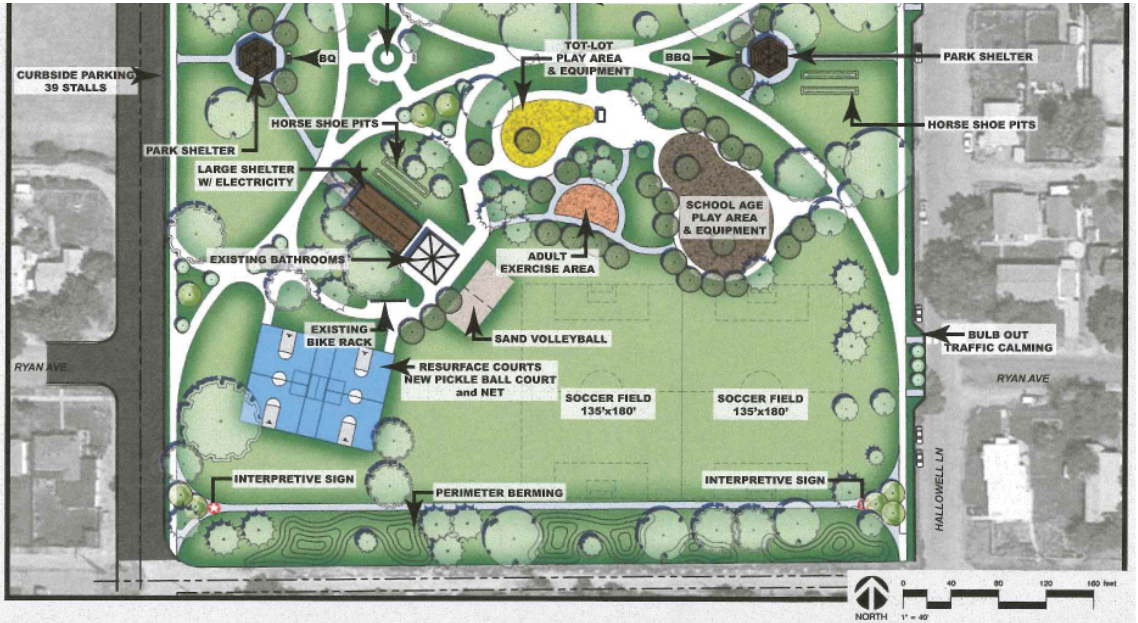
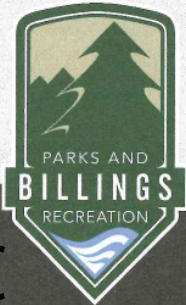
Figures H. Public Meeting 1 Comment Cards



School Age Play Equipment



Adult Exercise Area



Option 2



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 8-18-16

plan 2 sounds the best



School Age Play Equipment



Adult Exercise Area



Figures H. Public Meeting 1 Comment Cards



Option 2



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 8-18-16

2, 11 48 33-

looks like this is the only affordable one

Figures H. Public Meeting 1 Comment Cards



School Age Play Equipment



Adult Exercise Area



E Option 2



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 8-18-16

~~like but dont~~ -ok- 1st pick (Average 4 million)
~~like bulb outs~~
 To narrow will cause vehicle accidents (15 mile an hour speed limits while baseball is in progress)



Adult Exercise Area



Splash Pad



F Option 3



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 8-18-16

No To much \$ Average 4.8 million

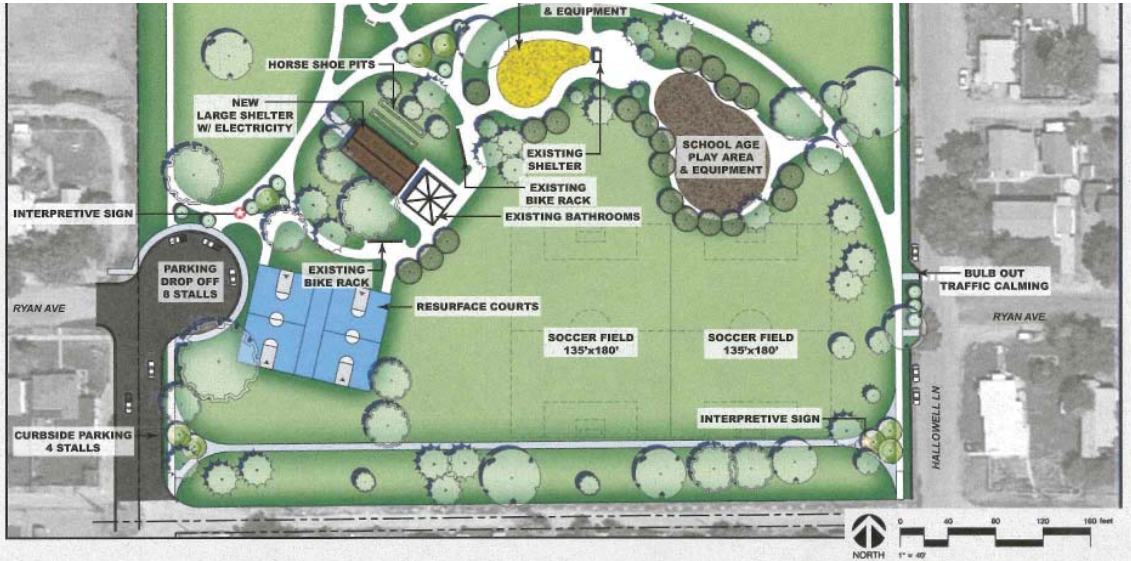
Figures H. Public Meeting 1 Comment Cards



School Age Play Equipment



School Age Play Equipment



G

Option 1



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 8-18-16

Cost 1,707,919 1,580,820 ~~2,200,000~~ Good
 High Average



School Age Play Equipment



Adult Exercise Area



H

Option 2



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 8-18-16

I approve # 2 = with Stephens to go to the north end of track

Figures H. Public Meeting 1 Comment Cards



School Age Play Equipment



School Age Play Equipment



Option 1

pros consulting LLC

LDI Land Design, Inc.

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 8-18-16

Stephens... [Handwritten comment]

MS... [Handwritten comment]

NEBOR

Figures H. Public Meeting 1 Comment Cards

Optimist Park Master Plan

8.18.2016



Large Shelter



Shelter w/ Viewing Deck



Interpretive Signs



Shade Sail



Tot-Lot Play Equipment



Adult Exercise Area



Splash Pad



Option 3

pros consulting LLC

LDI Land Design Inc.

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 8-18-16

Loved the options for Optimist Park, by far my favorite is Option 3.

Thanks for letting me look them over and have my say! I want some in my park. ☑ Pickle Ball! Tennis courts! Basketball courts!

Jeannette Vieg, CAP

Optimist Park Master Plan

8.18.2016



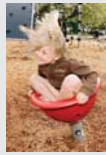
Large Shelter



Interpretive Signs



Tot-Lot Play Equipment



Tot-Lot Play Equipment



Tot-Lot Play Equipment



School Age Play Equipment



School Age Play Equipment



K

Option 1



pros consulting

LDI Land Design, Inc.

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 8-18-16
 Hello my name is Jesse I live right next to Optimist park and I have looked at the plans for optimist park and think that plan one is the best option. I think plan two has an unnecessary road that puts the children of the boys and girls club in danger. I think plan three is terribly it has the dangerous road and has a completely unnecessary parking area at the end of Mitchell. To build the parking lot they would have to cut down two large established trees and I think it would be a terrible place for a parking lot. Thanks for your time.

Optimist Park Master Plan

8.18.2016



Large Shelter



Shelter w/ Viewing Deck



Interpretive Signs



Shade Sail



Tot-Lot Play Equipment



Adult Exercise Area



Splash Pad



Option 3



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO javism@ci.billings.mt.us PUBLIC MEETING 8-18-16

The following items need to be included: Additional Parking on the West Side, Baseball has always been popular in this area; so Baseball should be a priority. Resurface the Basketball Courts. There are always someone playing basketball. The two Park Shelters would be nice. I see numerous families picnicking. A large Shelter near the current bathrooms would be used. I frequently see large groups at the Park. Horseshoes are popular in Billings. Splash Pad would be used a lot. Highland Park and South Park are the closest Splash Pads.

Optimist Park Master Plan

8.18.2016



Large Shelter



Interpretive Signs



Tot-Lot Play Equipment



Tot-Lot Play Equipment



Tot-Lot Play Equipment



School Age Play Equipment



School Age Play Equipment



M



Option 1



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 8-18-16

Traffic will be completely stopped if the bump outs are added without the widening/completion of the street. I drive Hallowell every day back and forth to work, and when it's baseball season, cars are parked on both sides and only allow for one vehicle to pass going North or South at a time. It's already pretty difficult, and with the bumpouts would make it even more challenging for cars to back up, parallel park, etc. One thing I love about Optimist, having grown up near it and now own a home near it, is that traffic can only flow on one side. We can put the kiddo in the stroller and easily walk to Stephens Lane and then to the park without having traffic issues. Families often walk this "back way" to avoid the traffic on Hallowell. There are a lot of kiddos from the Boys and Girls Club, and my sons daycare in the neighborhood, who cross from the Boys and Girls Club lot onto the park. There is no liability now for the kids coming from the Boys and Girls Club; any proposal other than Option 1 will create significant liability for the city. I am highly in favor of Option 1.

Optimist Park Master Plan

10.13.2016



Figure J. Preferred Concept Master Plan - Public Meeting 2



School Age Play Equipment



School Age Play Equipment



Adult Exercise Area



Preferred Concept





School Age Play Equipment



Adult Exercise Area



A



Preferred Concept *pros consulting* **LDI**
 Land Design, Inc.
 www.ldiinc.net 406.333.3333

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 9-22-10

*Splash pad should be added back in -
 Stephens Lane should NOT be completed and
 move east parking to south end utilizing alley & berm area*

*Swap locations of Volley ball & large Shelter
 for easier access from south parking*

Figures K. Public Meeting 2 Comment Cards



Shade Sail



School Age Play Equipment



School Age Play Equipment



Adult Exercise Area



B



Preferred Concept pros consulting



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO javism@ci.billings.mt.us

PUBLIC MEETING 9-22-

I DO NOT like the Stephens Road plan the idea of the children will cross the street to go from the park to the boys + girls club - I don't want the parking lot off Mitchell Ave to the traffic congestion!

I propose you take the South Perimeter berming and make that parking. I feel putting a Stephens lane up to Mitchell Ave will just create a drag strip.

Figures K. Public Meeting 2 Comment Cards



School Age Play Equipment



Adult Exercise Area



Preferred Concept pros consulting LLC LDI Land Design, Inc. www.ldi.com 402.253.3356

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 9-22

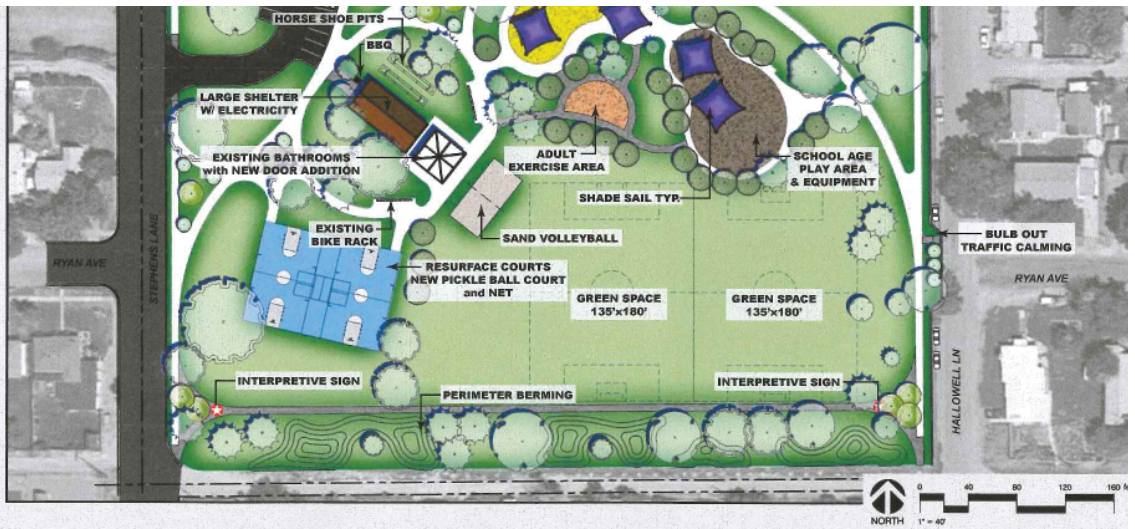
*MAJOR SIDE WALK IN NO ALONG FEEL TO GET MOVES FROM WALK
 JASON BLISS
 Jeff W. Orsini*



School Age Play Equipment



Adult Exercise Area



Preferred Concept pros consulting LLC LDI Land Design, Inc. www.ldi.com 402.253.3356

COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us PUBLIC MEETING 9-22

*Rave Travel Alley
 Improve Stephens Lane
 improve HALLOWELL one both sides*

Figures K. Public Meeting 2 Comment Cards



School Age Play Equipment



Adult Exercise Area



E



Preferred Concept pros consulting



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 9-22

Basket ball court is needed
 Water pad for younger children is needed
 Parking is needed no soccer

Figures K. Public Meeting 2 Comment Cards



Shade Sail



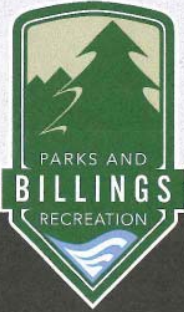
School Age Play Equipment



School Age Play Equipment



Adult Exercise Area



F



Preferred Concept pros consulting



COMMENTS, LIKES & DISLIKES - PLEASE SEND ADDITIONAL COMMENTS TO jarvism@ci.billings.mt.us

PUBLIC MEETING 9-22-

1 NO STEPHENS LANE Extension
 2 MOVE PARKING TO SOUTH & WEST OF PARK
 3, WHEN HALLOWELL IS COMPLETED IT WILL ADD PARKING

Figures K. Public Meeting 2 Comment Cards



PREPARED BY



Land Design, Inc.
www.ldinc.net 406.655.3550

in association with



Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Special Review 952 - Drive Through at 54th St West and Grand Avenue -
Public Hearing

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a special review request to locate a drive through service for a pharmacy adjacent to a residential zone in a proposed 57,000 square foot building in a Community Commercial (CC) zone on Lot 1, Block 1, Bishop Fox Subdivision, an 8.197 acre parcel of land. The Zoning Commission conducted a public hearing on January 3, 2017, and is forwarding a recommendation of conditional approval.

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

ALTERNATIVES ANALYZED

City Council may:

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

APPLICATION DATA

OWNER: Bishop Fox Company, Ted Lovec

AGENT: CTA Architects & Engineers, Ron Isackson

LEGAL DESCRIPTION: Lot 1, Block 1, Bishop Fox Subdivision

ADDRESS: None assigned

CURRENT ZONING: CC

EXISTING LAND USE: Vacant - agricultural land

PROPOSED USE: Anchor grocery store with drive-thru pharmacy window, with multiple small lot commercial businesses

SIZE OF PARCEL: 8.195 acres

The Planning Division reviewed the application and recommended conditional approval to the Zoning Commission. The Zoning Commission concurred with the recommendation. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all

parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council have designated all CC zoning districts can have a drive through service adjacent to a residential zone as long as they go through the special review process. There are requirements for landscaping and screening from residential uses next to commercial uses within the zoning regulations.

The application meets criteria from the second requirement as it is consistent with some of the objectives of the 2016 Growth Policy:

Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective.

The proposed special review will promote development of a commercial service area where none currently exists on land that has been zoned appropriately for this commercial use and has easy access to City services and infrastructure. This will provide additional services to residents within the neighborhood and throughout West Billings.

Strong Neighborhoods and Essential Investments: Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed development of this vacant land will provide walkable services to the immediately adjacent neighbors. Conditions of approval will be proposed to ensure this development does not impact these same neighbors with excessive noise, light and other intrusions.

Prosperity: A diversity of available jobs can ensure a strong Billings' economy.

Successful businesses that provide local jobs benefit the community. The proposed special review will support a new businesses, provide employment opportunities at this location, and benefit the community with needed local services.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site is in a developing area of Billings, with mainly residential development occurring at this time. Everyday services are not yet available and the proposed development will bring these services closer to this residential population. The overall development will include a grocery store, a pharmacy, a gasoline service station as well as several other service businesses to the 8+ acre site. The proposed drive through service window for the pharmacy within the grocery store is the reason a special review is required. It is anticipated there will be minimal impacts from the proposed location of the drive through service window that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of Conditional Approval with the following recommended conditions:

1. The special review approval is limited to Lot 1, Block 1, Bishop Fox Subdivision generally located north of Grand Avenue, on the east side of 54th St West.
2. The special review is for the construction and operation of a drive through service window on the southeast corner of the proposed grocery store on the north end of the site. No other use is intended or implied.
3. The drive through service window will not be open 24-hours a day. Hours of operation will be submitted for approval at the time of building permit application. Hours of operation should not occur before 6 am or after 10 pm on a daily basis.

4. Any outdoor announcement system associated with the drive through service window shall not be audible at any property line.
5. The landscaping along the north property line and the northerly 360 feet of the east property line shall consist of the trees, shrubs and pedestrian sidewalk as shown on the submitted site plan (L101).
6. For safety purposes and to minimize light impacts to neighboring properties, bollard style lighting shall be placed intermittently along the pedestrian sidewalk in the landscaped perimeter buffer yard.
7. Accessibility ramps and appropriate signage shall be placed wherever necessary for safe pedestrian crossing of internal driveways.
8. No internally illuminated signage will be placed on any wall parallel to the north or east property lines.
9. Short term bicycle parking shall be installed along the south elevation of the proposed store at a location determined appropriate by the architect and developer. The short term bicycle parking shall provide space for up to 8 bicycles. This parking will encourage cyclists to access the store itself rather than use the drive through window as well as support neighborhood access to the store using multiple transportation options. The architect and developer will follow the City of Billings Off-Street Bicycle Parking Guidelines for selection of hardware and placement of the parking racks.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
11. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

FINANCIAL IMPACT

If the special review is approved and the property develops, value will be added to the City's tax base. City permit fees and assessments for access to public utilities will pay for these services. The development will pay its fair share of the cost of adjacent street improvements including contributing to the cost of Grand Avenue and 54th St West improvements. If the special review is not approved, the property may remain undeveloped until a new buyer and developer is secured by the owner.

BACKGROUND

This is a special review request to allow a drive through window service on the southeast corner of a new retail grocery store and pharmacy in the north half of Lot 1, Block 1 of Bishop Fox Subdivision. The site is located on the northeast corner of the intersection of 54th St West and Grand Avenue. The property was re-zoned and annexed 10 years ago and is not yet developed. The special review is required whenever a drive through service is located adjacent to a residential zone. There is residential zoning to the north and east of the subject property. The overall site plan shows multiple commercial buildings on the property, but the special review application is only required for the drive through associated with the anchor building.

The surrounding neighborhoods to the north and east are recently developed but there are subdivision fences in place already along the north property line. Fences along the east property line are not yet in place. During the subdivision of these neighborhoods, pedestrian access points were designated so there will be walking access for these neighbors to the new

commercial businesses and services. In addition, the new Fire Station to the west of the development will share a drive approach off 54th St West. The drive approach accommodates visitors to the Fire Station - fire apparatus has a separate dedicated drive approach.

Grand Avenue and 54th St West are both principal arterial streets. This section of Grand Avenue is scheduled for arterial street improvements in the next 2 years. As part of this project, a signal will be installed at the intersection of 54th St West. There will be 3 access points for this property - 1 off Grand Avenue with a deceleration lane for west bound traffic and 2 off 54th St West. Grand Avenue carries about 10,000 vehicle trips per day just west of Shiloh Road. Between Shiloh Road and 66th St West, the traffic volume drops off significantly. This will likely change when the Ben Steele Middle School at 56th St West and Grand Avenue opens in the fall of 2017. There are no traffic counts available for 54th St West north of Grand Avenue up to Rimrock Road. Traffic counts on Rimrock Road near the intersection with 54th St Street West traffic volume is about 5,100 vehicles per day.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on January 3, 2017, and received the staff report and recommendation as well as testimony from the applicant's agent, Dayton Rush of CTA Architects and Engineers. The Zoning Commission also received testimony from Charlie Hamwey, agent for Bishop Fox Company, Connie Nicely of 1526 Silver Run Trail, and Jenny McGahan of 1548 Silver Run Trail.

Mr. Rush testified the application was fairly straight forward and the designers were sensitive to the adjacent residences by providing the required screening and wide buffer yards with trees, shrubs and grass. The proposed walkway in the north and east buffer yards will run between the elevated berm plantings and the 6-foot screening fence. Mr. Rush stated the applicant is in agreement with the proposed conditions of approval. Mr. Rush stated additional analysis of traffic impacts will happen after the zoning process is complete.

Mr. Hamwey testified he is the real estate agent for the owner and seller of the property, Bishop Fox Company. He stated the owner and buyer have worked for about a year with site planning and he believes the project will be a gem for the west end of Billings. He stated the engineering and design work being done by Sanderson Stewart for the Grand Avenue and 54th St West improvements will be well done and compliments the proposed site design.

Connie Nicely of 1526 Silver Run Trail testified she was concerned with the proposed walkway and screening fence that will run right outside her front door. She pointed out the location of her home and front door on one of the pictures. Ms. Nicely was concerned about the safety and security of her home. She stated the walkway will be hidden by the screening fence. She stated she was concerned with lighting and noise from the new development. She questioned why the drive through was located on the east corner of the building closest to the residential area. In response to a question from Commissioner Larson, Ms. Nicely stated she was aware of the zoning of the adjacent property when she purchased her dwelling.

Jenny McGahan of 1548 Silver Run Trail testified she was concerned with people who might be using the walking path right outside their back yard. She was also concerned with people who would be using the walking path and the security of her property. She stated she was concerned with truck noise and lighting. She stated she was concerned whether the screening fence will be a safe and secure barrier or not. She stated the future development of a 24-hour gas station would add to this security concern. She agreed with Ms. Nicely the drive through window should be on the west side of building. She was concerned the landscaping would not

be enough to suppress the sound of trucks coming to the property.

In response to the concerns expressed, Mr. Rush stated the installed landscaping will be more mature than subdivision landscaping. He stated the minimum caliper of canopy trees would be 2 inches and the minimum height of evergreen trees would be 6 feet at time of planting. He stated the fence along the east property line will likely match or be consistent with the existing fence on the north property line. He stated shrubs will be interspersed with the trees and then mulch and grass as ground cover. He stated the developer would like the landscaping to mature as soon as possible since this is a benefit to the property.

The public hearing was closed and Commissioner Dennis Ulvestad made a motion to recommend conditional approval. The motion was seconded by Commissioner Michael Larson. Mr. Larson stated the walkway and buffer area is a great feature of this plan. He stated he has lived near another similar location and he frequently used the walkway to access the services. He stated there was never a security issue. Chairman Dan Wagner complemented the design of the buffer yard with the trees, shrubs and walkway. He stated this should not become a security issue for the adjacent residences but a benefit to everyone. The Commission voted 5-0 in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

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

RECOMMENDATION

The Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 952 on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos

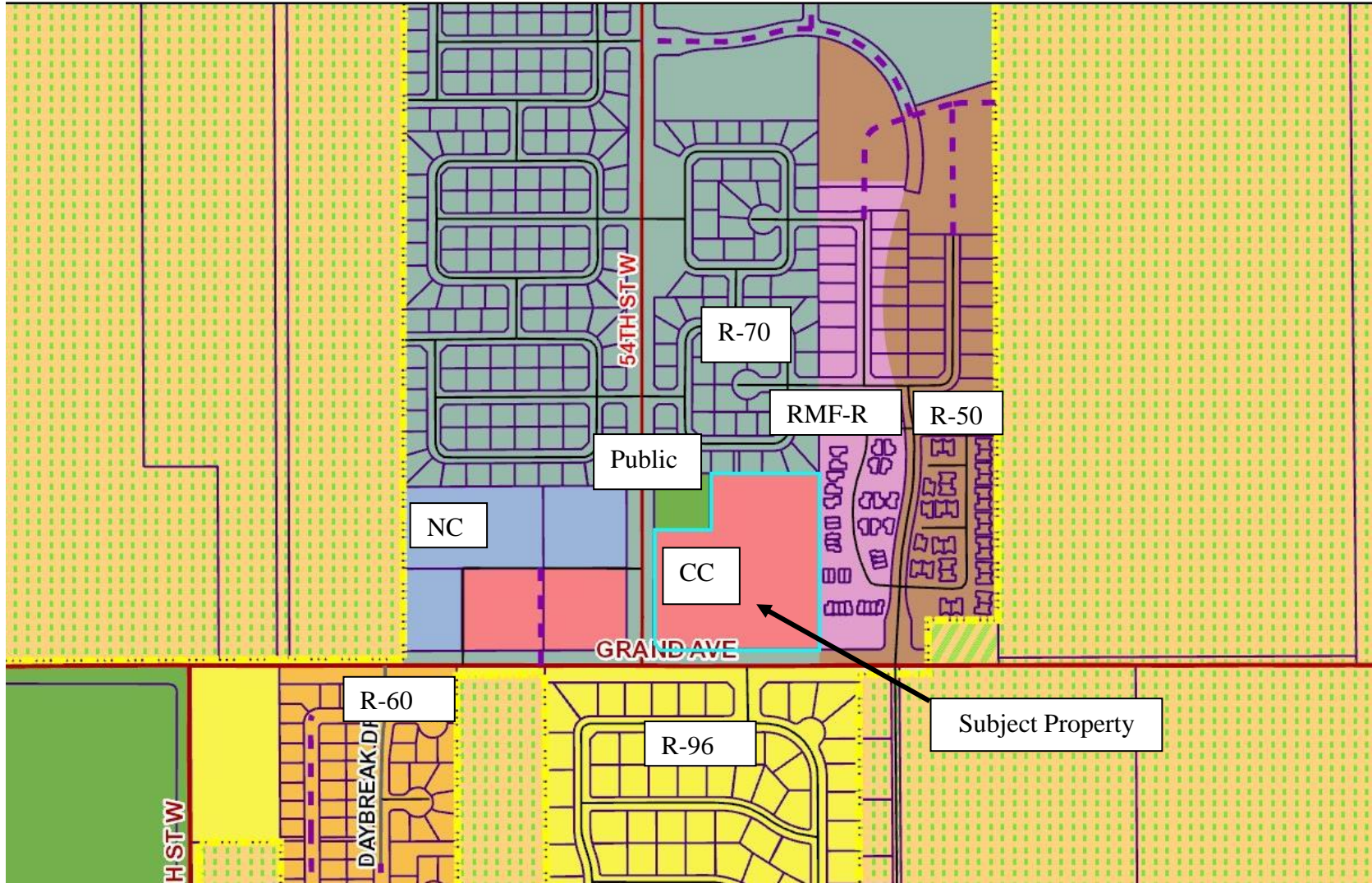
Applicant Letter, Site Plans and Bicycle Parking Guidelines

Email from adjacent owner

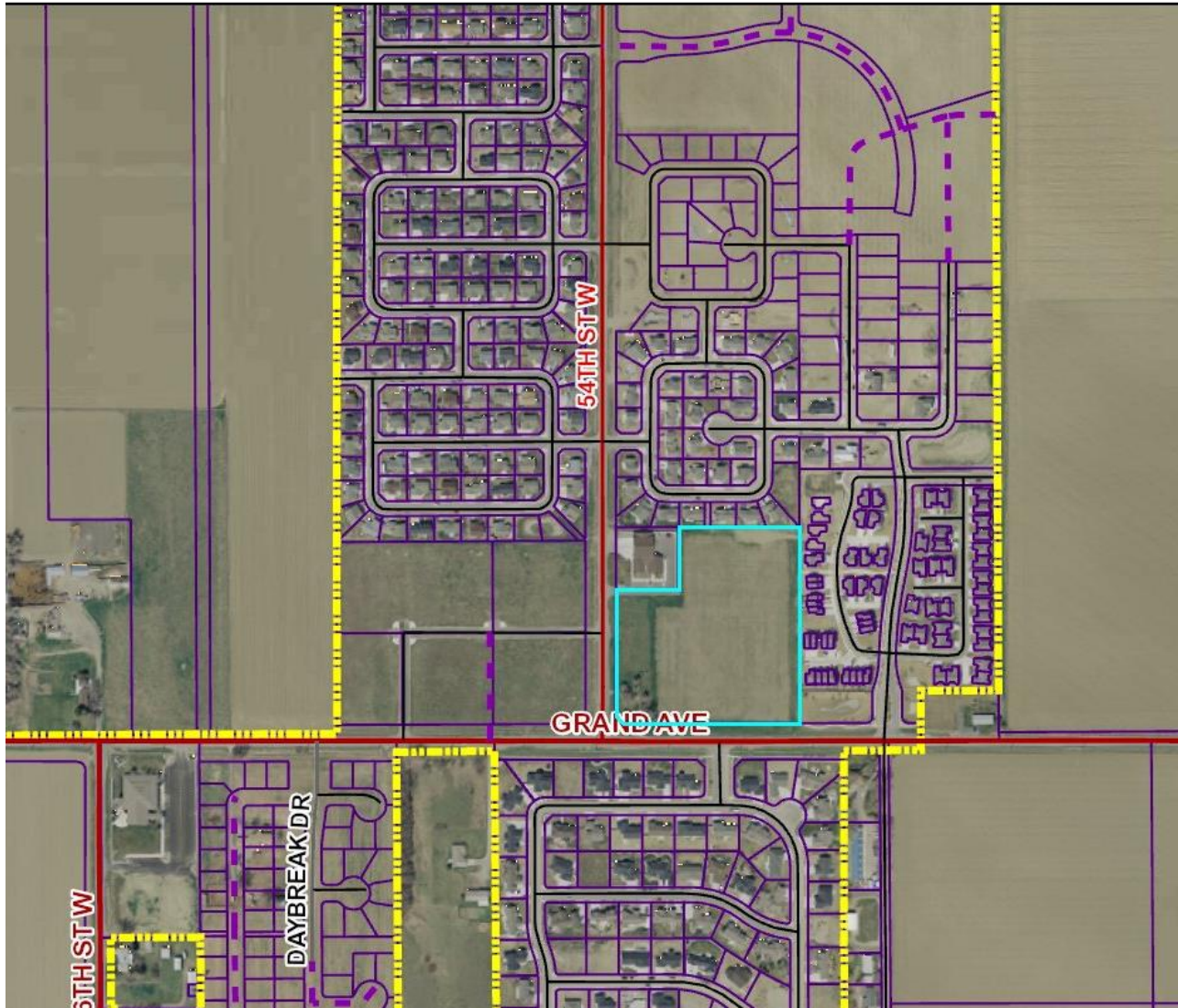
Surrounding Zoning

Special Review #952 – Grand Avenue & 54th St West

SR 952



SR 952



Subject Property – view from access drive off Yellowstone River Road



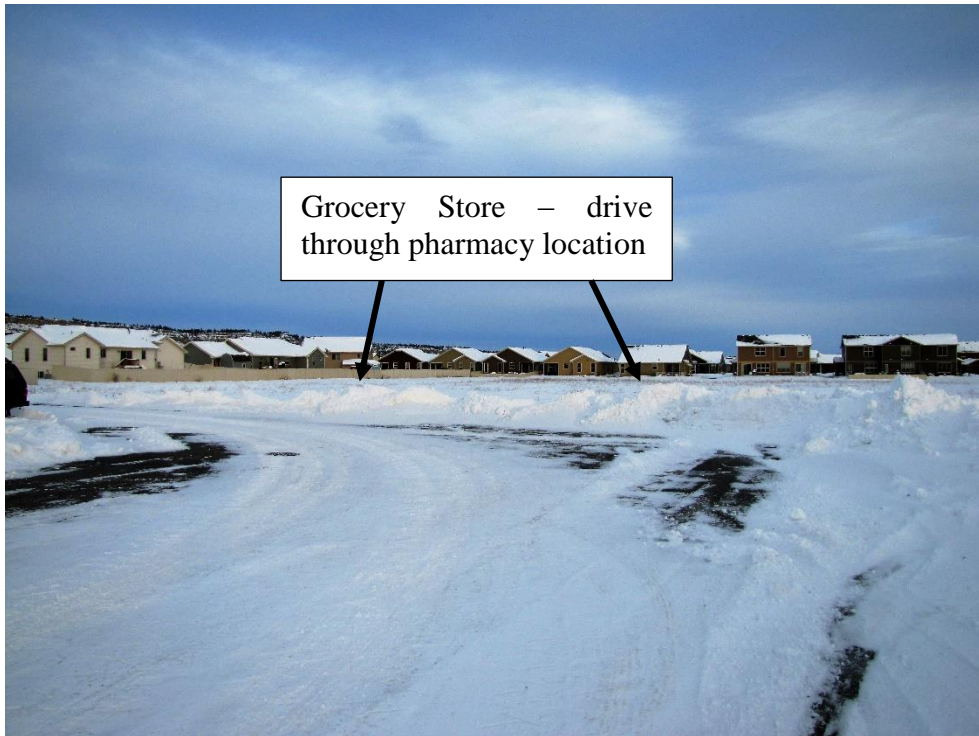
View east of 54th St West



View south along 54th St West



Fire Station #7 on 54th St West



View east to proposed grocery store location

Application and Site Plans
Special Review #952 – Grand Avenue and 54th St West



P-2-16-00224

PIONEERING ENVIRONMENTS

December 5, 2016

City of Billings
Planning and Community Services Department
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

RE: Special Review Application – NE Corner of 54th Street and Grand Avenue

To whom this may concern,

Per Sec 27- 612 (b) of the City code, a special review is required for the 53,000± square foot building proposed to be located on Lot 1, Block 1 of the Bishop Fox Subdivision. More specifically, the special review is required due to a drive-thru being proposed on the east side of the building. Please note, there is a preliminary plat application being submitted concurrently with this application, which proposes a minor subsequent subdivision of Lot 1, Block 1 into four lots.

Special Review Application Questions:

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

This project is consistent with the goals of Essential Investments, Community Fabric, Strong Neighborhoods, Mobility and Access, and Prosperity as outlined in the Growth Policy. The retail grocery market is an essential service for the existing neighborhood within the city limits. The site layout integrates trails and green space landscaping, contributing to connectivity for mobility and access and improving the community character. The project increases prosperity by creating economic opportunities and local jobs.

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

The land proposed to be developed is currently open pasture and zoned community commercial. The zoning type is fulfilled by the project development.

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

Public interest is served by the proposed site having safe bike and pedestrian connectivity to the existing sidewalk/trail facilities adjacent to the development. In addition, screening according to the City's current landscape guidelines will be provided

g:\absbmt\completeness and sufficiency review\submittal\1_20161128_submittal_cover letter_.docx

to "break-up" views from existing residential properties from both the east and north property lines.

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

It is the intention of the Owner to build a building for retail use. As discussed above, the proposed building will have a drive-thru window for retail services on the east wall. Per Sec 27-612 (b) of the City code a special review is required due the building having a drive-thru. Screening will be provided in the 30-foot setback, along the east property line, to break-up the views of vehicles of passing through the drive-thru window.

Included with this letter are the required attachments for the subdivision completeness review. The following is a description of what has been included:

- Review Fee Check for \$1,215.00 – Included with this letter
- Check for \$45.00 as a deposit for posting of zoning request signs
- Site Plan
- Landscape Plan and Sections
- Building Elevations
- 300' Radius Map
- Address Labels

Please let us know, if you require any additional information.

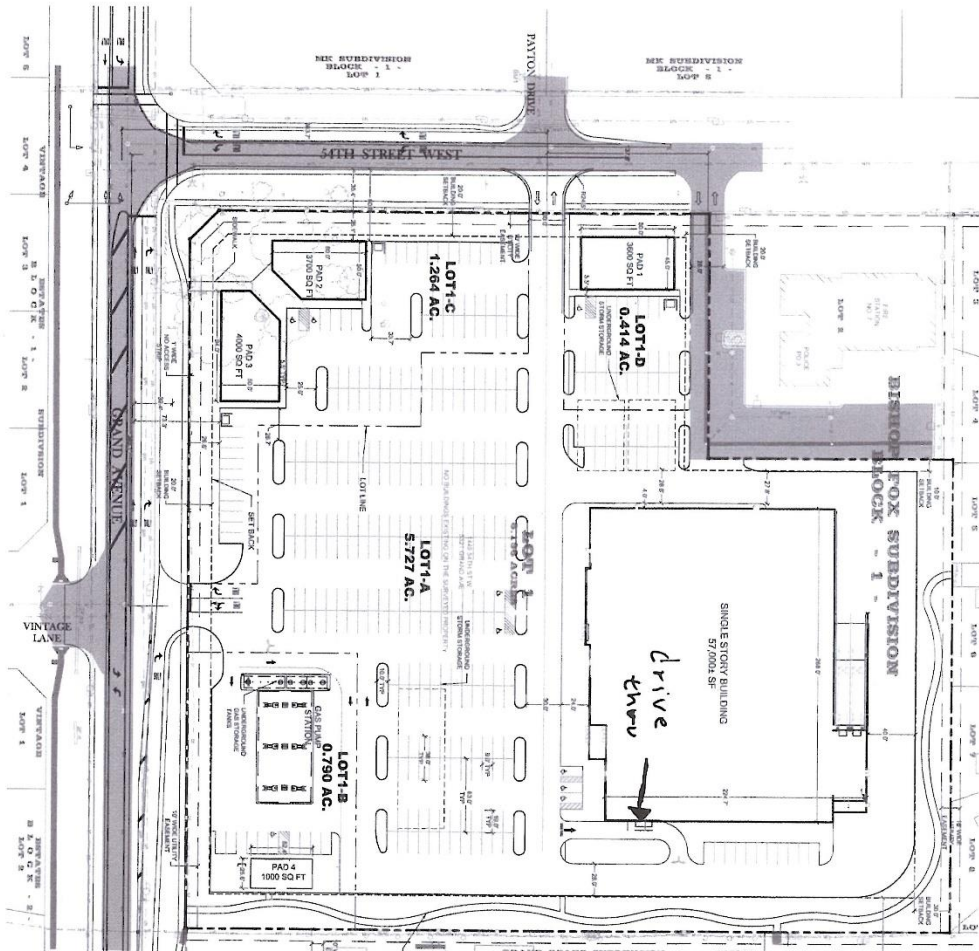
Sincerely,

CTA ARCHITECTS ENGINEERS



Ron Isackson, PE

cc: CTA File -



APPLICATION DATA:

OWNER: BISHOP FOX COMPANY
 124 CRAWFORD DR.
 BILLINGS, MT 59102
P 2-16-00224
 LEGAL: SOUTHWEST ONE QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 25 EAST, P.M.M., CITY OF BILLINGS, COUNTY OF YELLOWSTONE, STATE OF MONTANA.
 LOCATION: LOT 1, BLOCK 1, BISHOP FOX SUBDIVISION

ZONING: CC (COMMUNITY COMMERCIAL)
 CURRENT LAND USE: UNDEVELOPED/AGRICULTURAL
 PROPOSED LAND USE: RETAIL GROCERY

LAND PARCEL SIZE: 8.197 AC
 GROSS ACRE SUBJECT SITE: 267,667 SQ. FT.
 GROSS SQ. FOOTAGE

SUBDIVISION DATA:

LOT 1-A: 8,727 AC
 LOT 1-B: 0,750 AC
 LOT 1-C: 1,264 AC
 LOT 1-D: 0,414 AC
 TOTAL: 8,155 AC

BUILDING DATA:

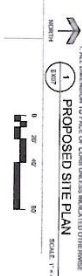
SINGLE STORY BUILDING: 57,024 SF
 PAD 1: 3,600 SF
 PAD 2: 3,700 SF
 PAD 3: 4,000 SF
 PAD 4: 1,000 SF
 TOTAL: 69,324 SF

PARKING REQUIREMENTS:

FOR RETAIL: 1 SPACE PER EVERY 200 SF FOR THE FIRST 10,000 SF OF GROSS FLOOR AREA, AND 1 SPACE PER EVERY 80 SF GROSS FLOOR AREA, WITH A 10 SPACE MINIMUM.

PARKING DATA:

BUILDING	GROSS AREA (SF)	REQUIRED STALLS	PROVIDED STALLS
SINGLE STORY	57,024	199	253
PAD 1	3,600	18	27
PAD 2 & PAD 3	7,700	39	65
PAD 4	1,000	13	10
TOTAL	69,324	269	355



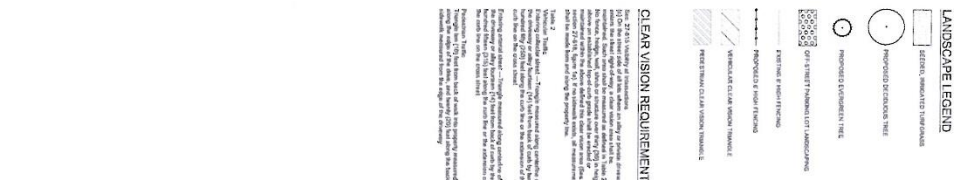
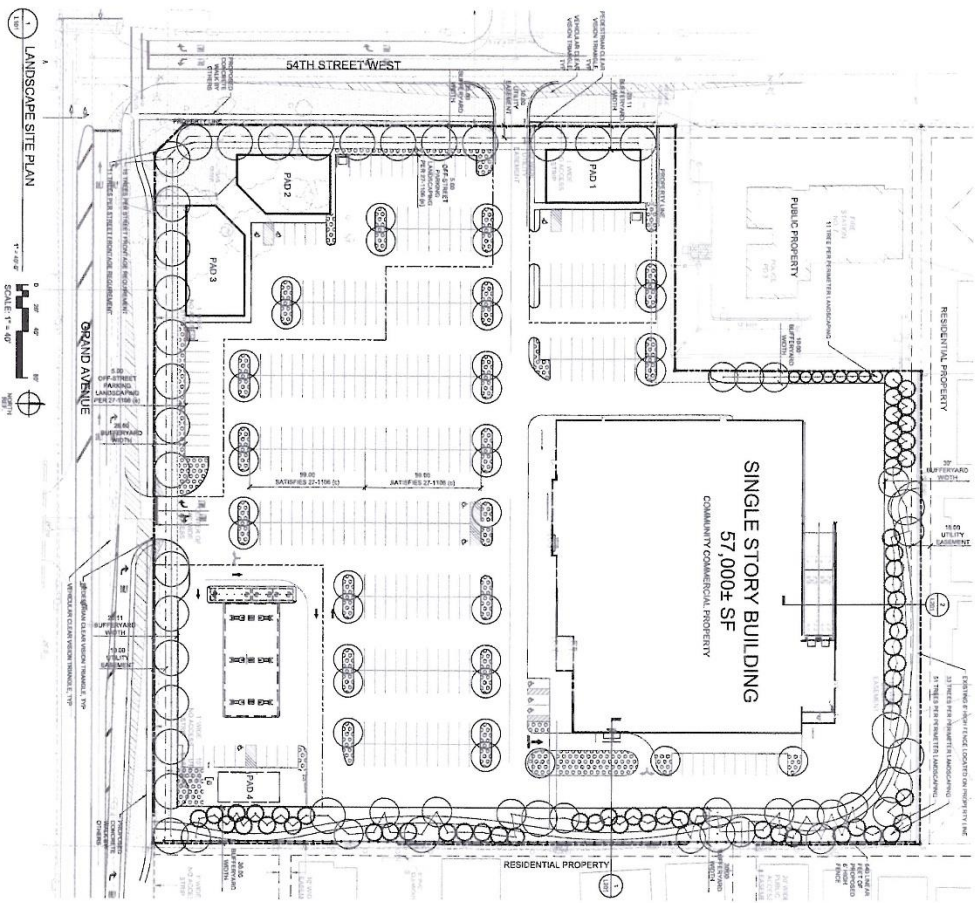
NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

SITE PLAN
EX07

BILLINGS, MONTANA
 GRAND AVE. & 54TH ST.
SPECIAL REVIEW SP SUBMITTAL



11/13/2016
 CHECKED BY: [Name]
 DRAWN BY: [Name]
 SPECIAL REVIEW SP SUBMITTAL



CLAR VISION REQUIREMENTS

101.2. The minimum height of the new or existing trees shall be 12 feet at the time of planting. The minimum height of the new or existing trees shall be 12 feet at the time of planting. The minimum height of the new or existing trees shall be 12 feet at the time of planting.

PARKING LOT LANDSCAPING

101.2. The minimum height of the new or existing trees shall be 12 feet at the time of planting. The minimum height of the new or existing trees shall be 12 feet at the time of planting. The minimum height of the new or existing trees shall be 12 feet at the time of planting.

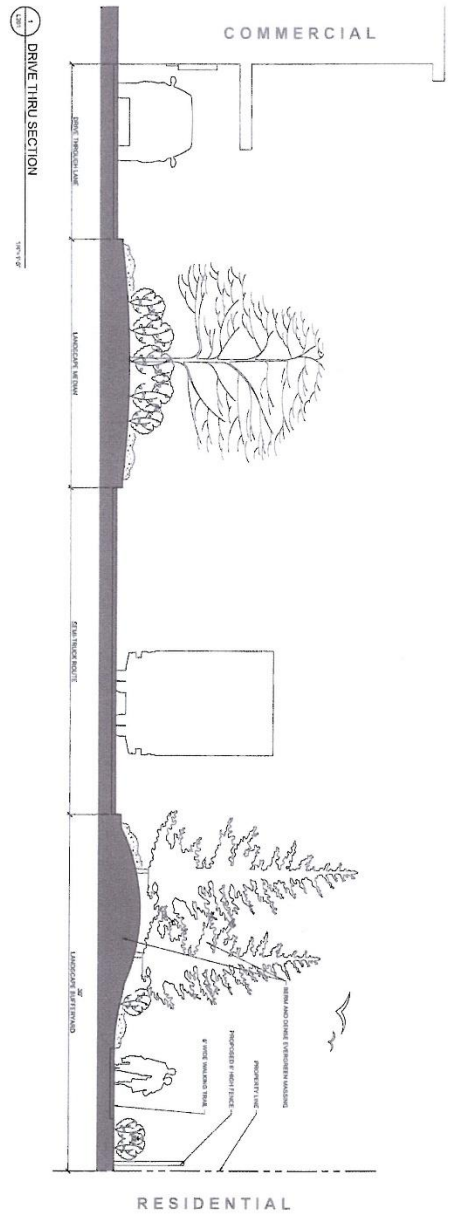
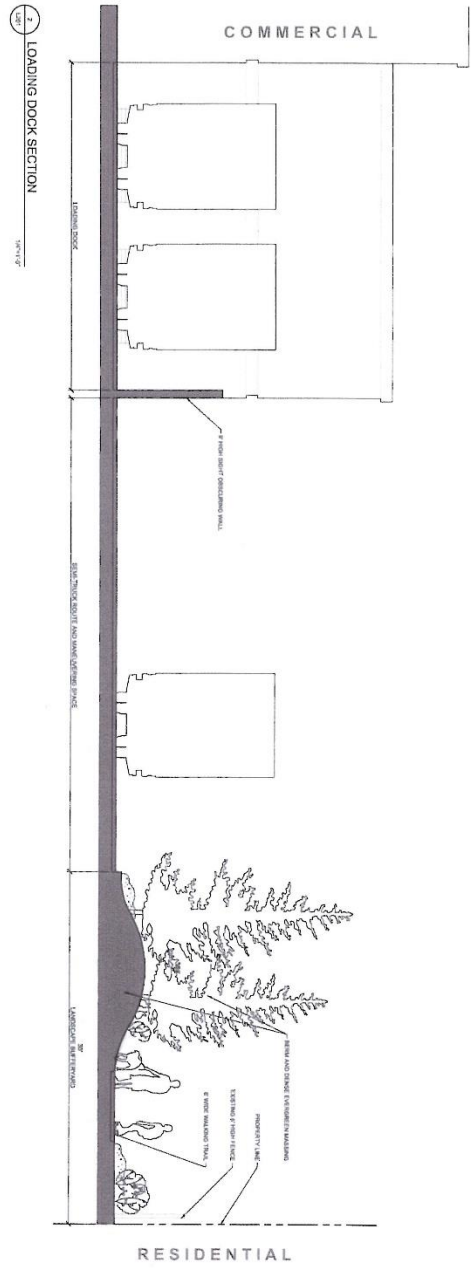
NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

LANDSCAPE SITE PLAN

L101

CTA

BILLINGS, MONTANA
GRAND AVE. & 54TH ST.
SPECIAL REVIEW SP SUBMITTAL



NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

SITE
SCHEMATIC
L201

DATE: 11/15/2016
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 SPECIAL REVIEW SP SUBMITTAL

BILLINGS, MONTANA
 GRAND AVE. & 54TH ST.
SPECIAL REVIEW SP SUBMITTAL

P-7-16-00224



City of Billings

Off-Street Bicycle Parking Guidelines

Thank you for choosing to provide safe and convenient bicycle parking to your customers, clients, employees and residents. This will help meet the City's goal to improve and prioritize bicycle accommodations within Billings.

Customers and Clients

Bicycle Parking

1. Bicycle parking spaces are at least 2 feet by 6 feet; minimum 7 feet overhead clearance.
2. A minimum 5 feet access aisle behind rack for bicycle maneuvering.
3. Spaces should not block pedestrians; 4 foot throughway recommended, 3 feet required.
4. Bicycle rack installed a minimum of 30 inches from adjacent walls and other edges.

Bicycle Rack Site Location

1. Located in highly visible area outside main entrance of building and easily accessible.
2. On a hard surface, such as concrete.
3. In rows and within 50 walking feet of a main entrance, distributed to serve all entrances and buildings.
4. Shared bicycle parking facilities within 150 feet of main entrances to buildings served.

Bicycle Racks*

1. Two points of contact with bicycle.
2. Supports "U" type shackle-lock.
3. Securely anchored.



RECOMMENDED



NOT RECOMMENDED

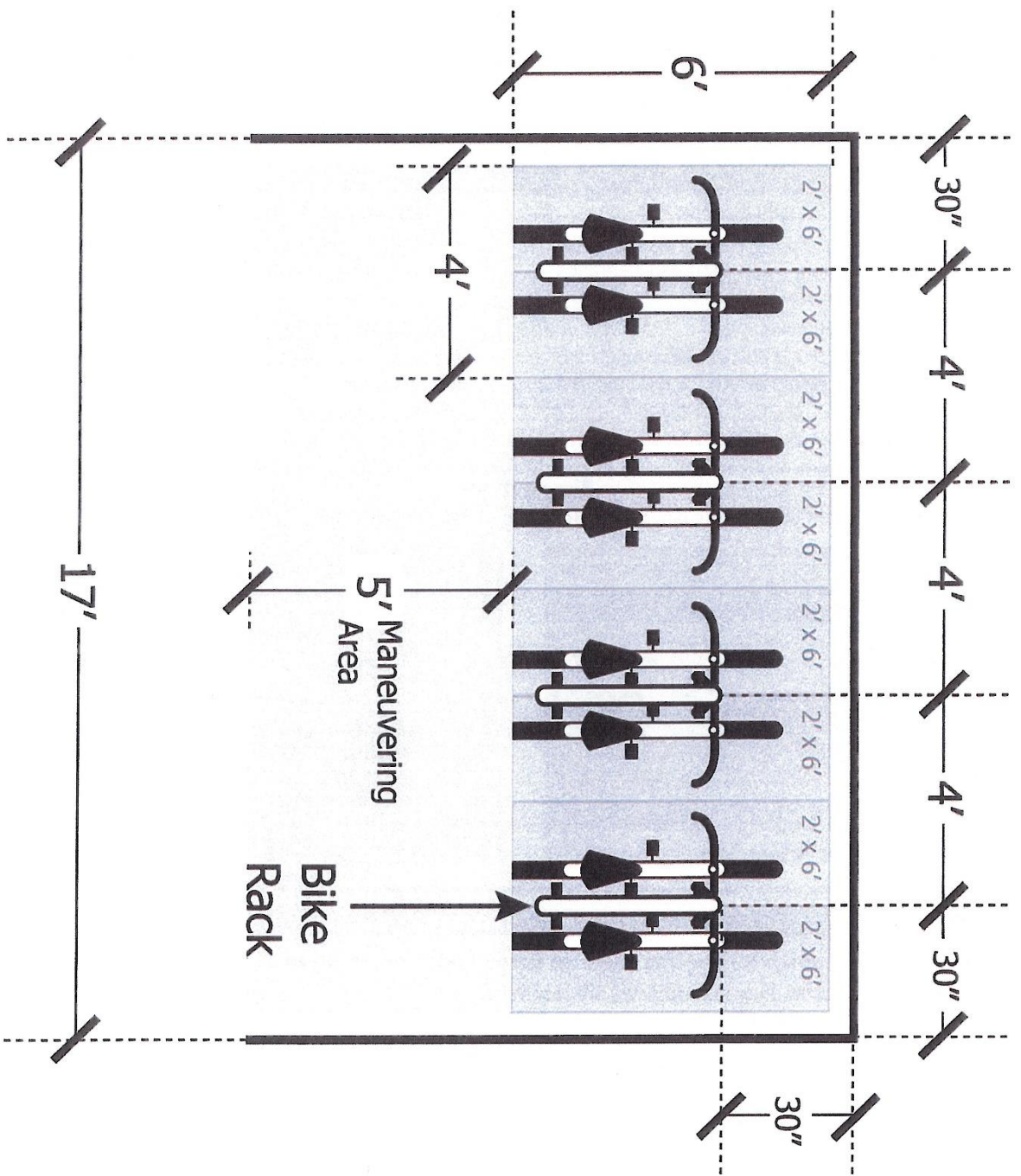
*examples only. not an all inclusive set.

Employees and Residents

1. Either located on site or in an area where the closest point is no more than 300 feet from site.
2. To provide security, long-term facilities are recommended in at least one of the following locations:
 - In a locked room
 - In an area enclosed with a fence with a locked gate.
 - Within 100 feet of an attendant or security guard.
 - In an area monitored by a security camera; or
 - In an area that is visible from employee work areas.
3. At least 50 percent of long-term bicycle parking should be covered.
4. A minimum of 30 percent attached to floor or ground.

For Questions Contact:

Jeffrey Butts,
 Bicycle and Pedestrian
 Coordinator
 406.247.8637
 buttsj@ci.billings.mt.us



Cromwell, Nicole

From: Taj Mukadam <tajmukadam@gmail.com>
Sent: Tuesday, January 3, 2017 1:11 PM
To: Cromwell, Nicole
Cc: Steve Robinson; Bryce B
Subject: Drive thru special review

Nicole,

These are the questions that were submitted to me by the neighbors to the east of the proposed drive through.

1. My front door faces the future parking lot/ drive through. Will there be fencing installed between the proposed sidewalk/ parking area to prevent unwanted foot traffic into my yard/ neighborhood?
2. What will the light intrusion be from the store and parking lot?
3. What will the Grand Avenue improvements be? Will there be any SIDs that will affect my property or Silverrun HOA?

Thanks for your assistance.

Taj Mukadam
Silverrun HOA

Sent from my iPhone

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Zone Change 952 - 1236 & 1240 Avenue D - Public Hearing

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 7,000 (R-70) to Residential 6,000 (R-60) on Lot 10A, Block 5 of Curtis Subdivision, 3rd Filing, a 23,800 square foot parcel of land. A pre-application neighborhood meeting was held at Territorial Landworks, 3333 2nd Ave. North on November 11, 2016. The owner is Shahan Enterprises. The Zoning Commission conducted a public hearing on January 3, 2017, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria.

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

ALTERNATIVES ANALYZED

City Council may:

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

The Planning staff reviewed the request and recommended approval based on the proposed findings of the 10 criteria for zone changes. The Zoning Commission concurred. The multi-family dwellings have existed within this neighborhood for over 60 years and are well maintained. The proposed zoning will stabilize the property value, allow for future investment in maintenance without risk to the property owners, provides a needed housing choice in this area of Billings, and is supported by the City's Infill Policy and 2016 Growth Policy. The guidelines for Strong Neighborhoods and Home Base in the 2016 Growth Policy include: " *Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels, 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, a mix of housing types that meet the needs of a diverse population is important, and homes that are safe and sound support a healthy community* ". The proposed zone change is supported by these guidelines. The proposed zoning would allow the property to be converted to a unit-ownership in the future, allowing for more homeownership in the neighborhood.

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

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Home Base: A mix of housing types that meet the needs of a diverse population is important; Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe;

The proposed zoning would allow the existing 4-plex dwellings to be conforming to the zoning. The current zoning discourages investment in the property for regular maintenance or improvements since the structures could not be re-built. Financing improvements or sale of the property is unnecessarily complicated by the current zoning. The property provides a desirable and needed housing choice in the area dominated by single family and two-family dwellings. The neighborhood is stable, safe and conveniently located near services.

- Strong Neighborhoods: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels; 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; Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning will allow the current 4-plexes to remain and the new owner to convert the apartments to a unit-ownership development. Each resident would own their dwelling and a part of the common area of the property. The property is within walking distance of services along Grand Avenue and 13th Street West. The apartments at this location have fit in well with the neighborhood for over 60 years.

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

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

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

Public health and public safety will be promoted by the proposed zoning. The current zoning of the parcel does not provide certainty for future re-construction of the two 4-plexes and encourages the property owner to not invest in regular maintenance or upgrades of the property. This tends to have a negative effect on the surrounding properties and neighborhood. Ensuring the zoning is conforming to the development will promote the public health, safety and general welfare of the area.

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

Transportation: The proposed zoning will not have any effect on the existing transportation system.

Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

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

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

The new zoning will have no effect on transportation systems.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to continue at this location and the use is compatible with the existing neighborhood.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning south and west of the subject property and is an appropriate zone with the adjacent residential neighborhood to the north and east.

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

The property is currently developed with two 4-plex dwellings, a nonconforming use in the existing R-70 zone. Approval of the zone change will make the current development conforming to zoning and will conserve the value of the existing buildings. The value of existing buildings and the parcel will be improved and conserved by the proposed zoning.

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

The proposed zoning will allow the existing development to continue and to be re-constructed if necessary in the future. This is the most appropriate use of the land at this location.

FINANCIAL IMPACT

If the zone change is approved city fees for arterial construction and storm water will be adjusted to the new zoning designation of R-60. The property value of the buildings will be stabilized and may increase over time when improvements are completed on the property. Denial of the zone change could de-stabilize the property value and lead to future dis-investment in building maintenance.

BACKGROUND

In 1983, the property proposed a zone change from R-70 to Residential Professional but the application was withdrawn by the applicant. The owner wanted to build a doctor's office on the corner where the current multi-family garage is located. The Planning staff and Zoning Commission did not support the zone change for this purpose. Surrounding property zoning has changed over time and the City has reviewed several zone changes in the area since the adoption of zoning in 1972. Eight of these zone changes were to change from a low density residential zoning to a higher density zone such as R-70, R-60 or RMF-R. Three of these 8 zone changes were recently approved for existing 2-family or multi-family properties to eliminate the non-conformity between the adopted zoning and the actual property development. These zone changes were approved. The remaining 5 zone changes date from the 1970s and 1980s. Three of these zone changes were approved, 1 was withdrawn and 1 was denied.

This is a zone change request to allow an existing multi-family development to be conforming with zoning for the purposes of future financing, re-construction or conversion to unit ownership. A unit ownership would allow each apartment to be individually owned and group ownership of the common elements. The current zoning, R-70, only allows single family and two-family dwellings. The proposed zoning, R-60, also allow multi-family dwellings. The property consists of two 4-plex multi-family buildings (1236 and 1240 Avenue D) and a garage storage building facing 13th Street West. The 4-plex apartments were constructed in 1950 and the 9-stall garage building was constructed in 1994. The garage units provide off-street parking and storage for the apartment residents.

The property is located on the southeast corner of the intersection off Avenue D and 13th Street West, a central and stable neighborhood in the City. There is a mix of zoning designations in the area including a Public zone for Evergreen Park - a wide boulevard style neighborhood park on Avenue D from 13th Street West to 15th Street West. There are 2 properties on 13th Street West zoned RP and developed for a dental office and general office space. North and east of the property is R-70 zoning and these lots are developed with single family and two-family dwellings. West across 13th Street West were several zone changes in the 1980s. Three of these zone changes were approved, 1 was R-60 zoning along Avenue C north of the Evergreen IGA. These lots are developed with single family and two-family homes. The zoning on the south side of Avenue C to Grand Avenue is CC. The intersection of 13th St West and Grand Avenue is a commercial node with a variety of businesses serving the adjacent neighborhoods including 2 grocery stores, pharmacies, gas stations as well as 3 bars and casinos.

13th Street West is a Collector Street that carries about 8,100 vehicle trips per day north of Grand Avenue. Avenue D is a local street so no traffic counts are taken on this street. The intersection is a 2 way stop controlled intersection.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on January 3, 2017, and received the staff recommendation and testimony from the applicant's agent, Kolton Knatterud of Territorial Landworks. No other testimony was received.

In response to a question from Commissioner Larson, Mr. Knatterud stated other issues addressed at the neighborhood meeting included the condition of the alley south of the property and whether any existing off-street parking on the site would be eliminated. Mr. Knatterud stated the new owner intends to pave the off-street spaces that abut the alley, but the City would be in charge of any grading or improvements to the alley. He also stated the off-street parking situation should improve since the garage spaces currently are not being used to park tenant vehicles but are used for general storage purposes. In response to a question from Commissioner Ulvestad, Mr. Knatterud stated the new owner would like to start renovations and site improvements as soon as possible but no firm time frame has been established.

Commissioner Larson made a motion to recommend approval and adoption of the findings of the 10 criteria. The motion was seconded by Commissioner Ulvestad. The motion was approved on a 5-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

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

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 952 on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos
Applicant Letter and pre-app info
Ordinance

Surrounding Zoning
Zone Change #952 – 1236 & 1240 Avenue D

ZC 952



ZC 952





Subject Property – view from Avenue D



View south and west from Avenue D



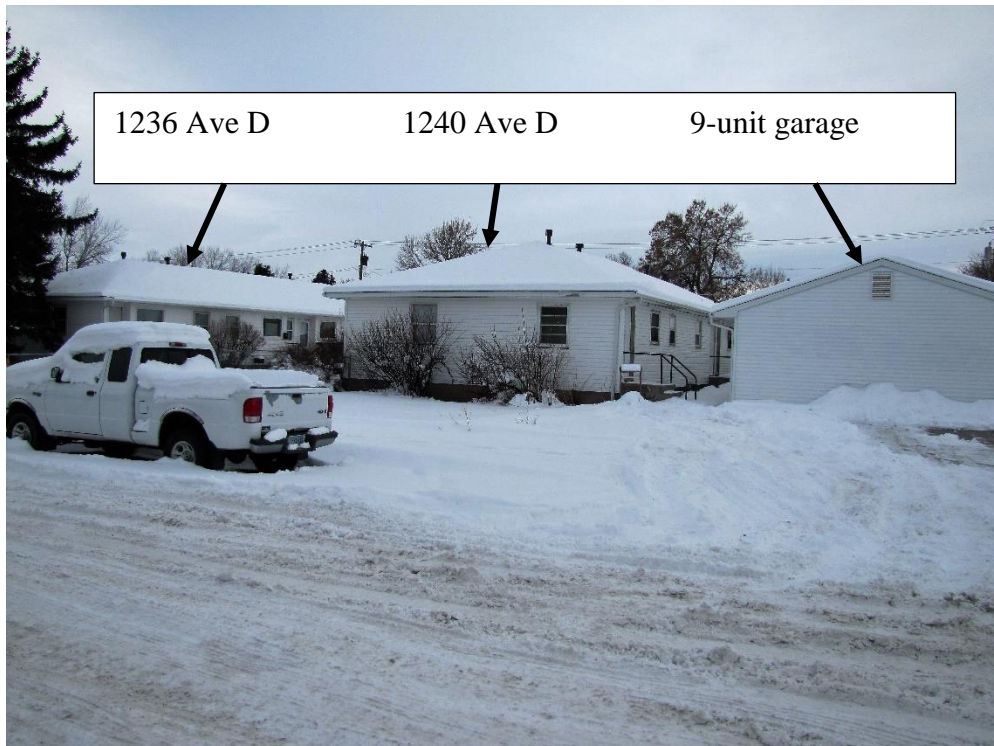
View west on Avenue D



View north across Avenue D



View east on Avenue D



View south from the north side of Avenue D

Application and pre-application meeting notes
Zone Change #952 – 1236 & 1240 Avenue D

November 16, 2016



Planning & Community Services Department
Planning Division
2825 3rd Ave. North, 4th Floor
Billings, MT 59101

RE: City Zone Change Application
Curtis Subdivision 3rd Filing, S31, T01N, R26E, Block 5, Lot 10A, Yellowstone County, MT.

Dear Chairperson:

The owner of the above property, Shahan Enterprises, wishes to change the zoning from R-70 to R-60. This change would help bring the lot into conformance with current zoning regulations. The property is 0.546 acres in size and currently contains two (2) apartment buildings and one (1) garage building. Each apartment building has four (4) rental units. **There are no planned changes to the existing development.** The requested zone change would allow the owner to convert the existing rental units into townhomes increasing affordable housing. Having unit ownership will also likely improve property condition.

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

The requested zone change serves to encourage development within the City Limits and provide a choice of housing.

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

The requested zone change would help bring the lot into conformance with current zoning regulations. There are several other properties in the vicinity zoned R-60 therefore the new zoning would fit with the existing zoning and land uses. Re-zoning the property to R-60 would allow the owner to convert the existing rental units into townhomes. Townhomes would bring more direct ownership into the neighborhood and increase affordable housing in Billings. Home owners have a greater tendency to maintain their homes and neighborhood increasing values. A Home Owners Association would be formed to provide maintenance of the common area.

Thank you for consideration of our request.

Sincerely,
Territorial-Landworks, Inc.



Jordan Ornquist, E.I.

Enclosures: Zone Change Application Packet
Copy of the Plat
Site Photos Exhibit

C. Shahan Enterprises
File and Scan (w/ enclosures)

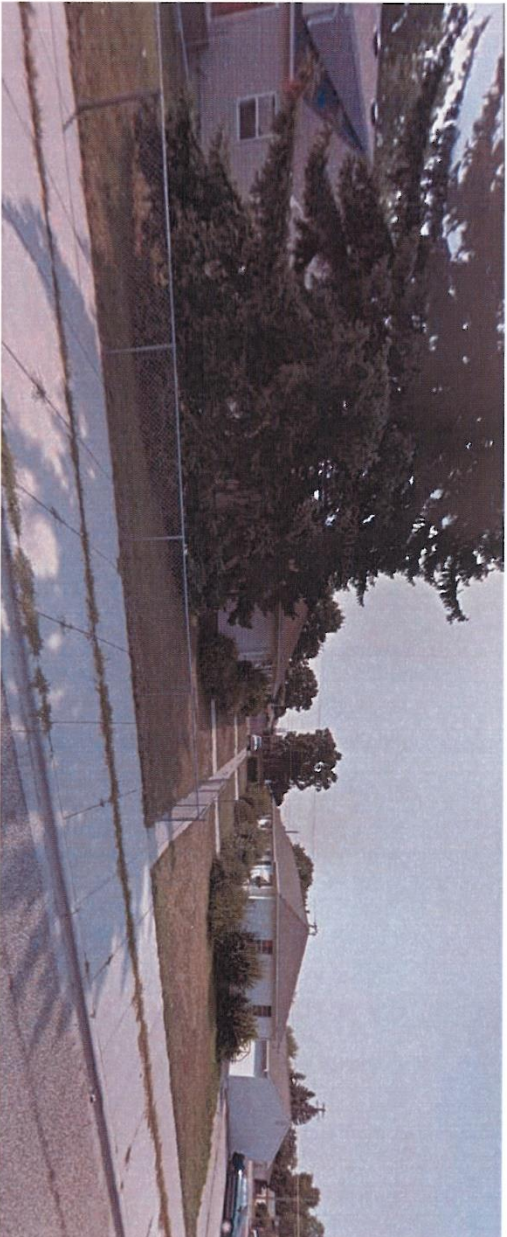
\\TII-MSL-FILE1\itii work\1_ACTIVE FILES\2016 Projects\4353 - Shahan Enterprises Ave D Townhome\4_PLANNING\4.5 Zone Change\ltr.2016-10-26.Zone Change Application Coverletter (DRAFT).doc Wednesday, November 16, 2016, 9:21 AM

Site Photo Exhibit

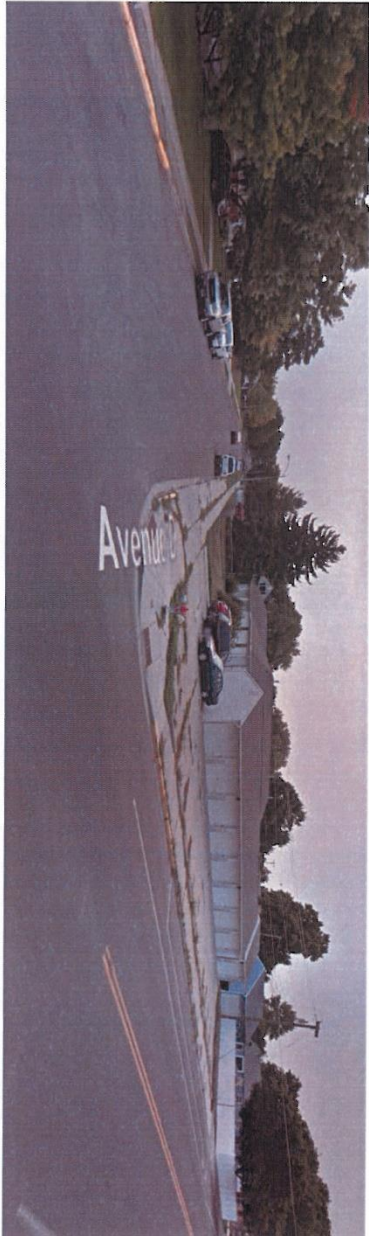
Aerial map of subject property at 1236 Avenue D



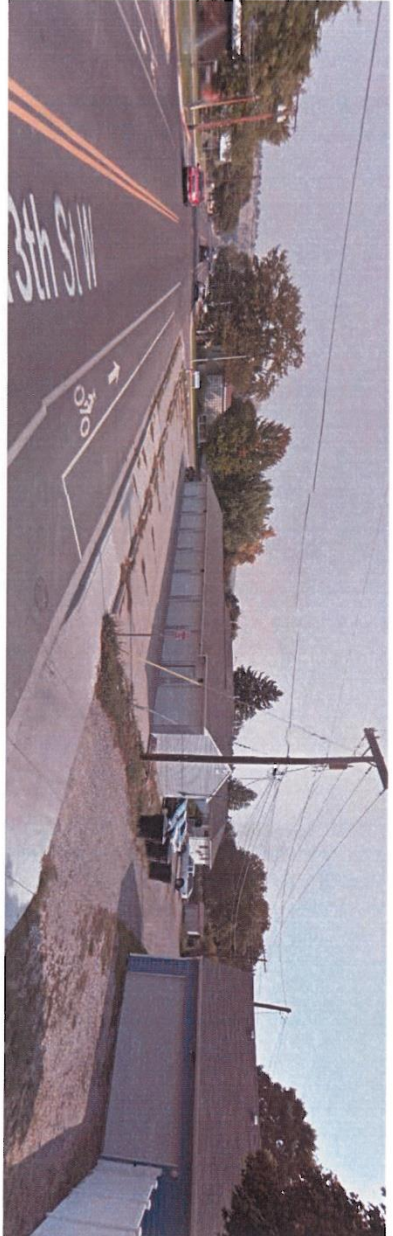
Looking south from Avenue D



Looking southeast from the intersection of 13th Street W and Avenue D



Looking northeast from 13th Street W.



NAME	ADDRESS	COMMENTS
Richard Decker	1219 AVE D.	CONCEIVED ABOUT PARKING, MAKE SOME ACCESSORY SPACE
Dean Kyle	1209 Ave C	IMPROVE EFF ALLY PARKING & SNOW REMOVAL FOR GARAGE PARKING?

11/11/16

To whom it may concern,

I am a homeowner at 1224 Ave D Billings Mt.

I strongly support the change in zoning.

Please call me with any questions

Sincerely,

Barb Wilkins

NEIGHBORHOOD MEETING

PREPARED IN ACCORDANCE WITH CITY OF BILLINGS ZONING REGULATIONS

for

Curtis Subdivision 3rd Filing, Block 5, Lot 10A

Located in
Section 31, T01N, R26E,
Billings, Yellowstone County, Montana

November 11, 2016

Prepared For:
Shahan Enterprises
8105 Alamosa Lane
Bozeman, MT 59718

Prepared By:
Territorial-Landworks, Inc.
3333 2nd Ave. Suite 100
Billings, MT 59101

A neighborhood meeting was conducted at Territorial Landworks on Friday November 11, 2016 from 12-1PM for a zone change pre-application. Below is a synopsis of the meeting events and discussion.

- Project introduction: Applicant explained the purpose for the rezone and intent to convert the existing rental units into townhome units. No new buildings or major modifications are planned.
- Attendee was concerned over increasing density. It was clarified that the intended project would not increase density as no additional living units are proposed.
- Attendee was concerned about parking. It was clarified that the proposed project would likely decrease on street parking because the existing garage units would belong to the unit owners as opposed to the current situation where the garage units are not available to renters.
- Applicant explained the benefit of townhomes over the current conditions and how it could benefit the neighborhood.
- Attendee asked why this was not possible under the existing zoning classification of R7. Applicant clarified that the existing building is nonconforming and therefore could not be changed from rental units to townhome units.
- Attendee was interested about how the zone change would impact taxes to the subject property and the surrounding properties.
- Attendee asked if there would be a home owners association and how snow removal would be provided. It was explained that there would be an association to provide maintenance and oversight of the common areas on the property including snow removal.
- Attendee recommended that the alley be paved and dumpster area be improved.

- Attendee supported the zone change and ability to purchase the units as opposed to continuing renting.
- Attendee had continued concern about a need for alley improvements and requested that there be conditions that doors, windows, trim, concrete, and alley paving be improved.
- End of meeting.

Prepared by:
TERRITORIAL-LANDWORKS, INC.



Jordan Ornquist, E.I.

11/14/2016

Date

\\TLI-MSL-FILE1\Tli work\1_ACTIVE FILES\2016 Projects\4353 - Shahan Enterprises Ave D Townhome\4_PLANNING\4.5 Zone Change\2016-11-11.Neighborhood Meeting Minutes.doc

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 10A, Block 5 of Curtis Subdivision 3rd Filing, a 23,800 square foot parcel of land, generally located on 1236 & 1240 Avenue D

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

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

2. DESCRIPTION That Lot 10A, Block 5 of Curtis Subdivision 3rd Filing, a 23,800 square foot parcel of land, generally located on 1236 & 1240 Avenue D is presently zoned **Residential 7,000 (R-70)** and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 7,000 (R-70) to Residential 6,000 (R-60)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 6,000 (R-60)** as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading January 23, 2017

PASSED, ADOPTED AND APPROVED on second reading February 13, 2017.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk
Zone Change 952 – 1236 & 1240 Avenue D

Regular City Council Meeting

Meeting Date: 01/23/2017

TITLE: Zone Change 953 - 940 & 950 Yellowstone River Road - Public Hearing

PRESENTED BY: Nicole Cromwell

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 7,000 (R-70) to Community Commercial (CC) on Tract 14, C/S 4 (Brittain Acres), a 2.12 acre parcel of land. A pre-application neighborhood meeting was held at Country Inn and Suites, 231 Main Street on November 14, 2016. The agent is Eric Nord of Crist, Krogh and Nord, PLLC and the owner is River Park Retirement Court, LLC doing business as River Park Storage (Gerald Klein). The Zoning Commission conducted a public hearing on January 3, 2017, and is recommending approval and adoption of the findings of the 10 criteria.

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

ALTERNATIVES ANALYZED

City Council may:

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

The Planning staff evaluated the proposed zoning based on the 10 criteria for zone changes and recommended denial to the Zoning Commission. The Zoning Commission did not concur with the staff recommendation based on the testimony of the owner, his agent and their finding that the existing use was benign and would not likely change to a use with more impact due to the property location and circumstances specific to this property.

The Planning staff agreed the existing use was not having a detrimental impact on the surrounding properties but staff must always consider the potential future uses of the property under the proposed zoning. The Zoning Commission found the proposed zoning would support the conservation of the value of the buildings on the site, does not and will not have an impact on the adjacent Kiwanis Bike Path or the traffic on Yellowstone River Road, and was supported by the 2016 Growth Policy guidelines for Strong Neighborhoods, Prosperity and Essential Investments by supporting existing in-fill development (the storage spaces), providing a convenient location for an essential neighborhood service and retaining and supporting an

existing business at this location.

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

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the Heights Neighborhood Plan (2006):

- The Heights Neighborhood Plan Land Use goals and objectives stated the need to *"prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods."*

The proposed zoning of CC is proposed to make an existing benign use for personal storage a conforming use on the property. The storage units were constructed in 2012 and have existed as a separate business entity for over 2.5 years without any impact to the surrounding properties. While the proposed zoning could allow some future intense commercial uses of the property, the Zoning Commission finds this is highly unlikely given the specific location and nature of the property. The applicant and agent have stated a restrictive covenant will be placed on the land that will restrain any future owner from re-developing the property for any use other than personal storage. Restrictive covenants are private and the City has no participation or authority in them. They also are able to be privately lifted or amended by the property owner(s), and are not part of the criteria considered by staff, the Zoning Commission, or the City Council, when reviewing zoning applications.

- Essential Investments and Strong Neighborhoods: Neighborhoods that are safe and attractive and provide essential services are much desired

The proposed zoning would allow an existing neighborhood service to remain in this residential area. Residents of Billings Heights have a growing need for off-site storage of household items, especially boats and RVs. This facility provides a convenient location for this type of storage without any impact to the surrounding neighbors.

- Prosperity: Retaining and supporting existing businesses helps sustain a healthy economy.

The existing business on the property will be supported and maintained by the proposed zone change. The existing R-70 zoning makes it impossible for the current owner to sell the property since all the structures and business could not be re-built if necessary in the future. A re-build confirmation from the City is necessary for any financing or insurance coverage of the business.

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

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

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

Public health and public safety will be promoted by the proposed zoning. The current zoning of the parcel – R-70 – allowed the previous owner to construct the personal storage buildings for use by the manufactured home park residents. The previous owner passed away and the current owner has run the facility as a separate business since April of 2014. The leasing and renting of the storage space to the public has had little or no impact on the adjacent neighbors. The new zoning will allow the current use and practice to continue in the future. Public health, safety and general welfare will be promoted by allowing the existing use to continue, preventing

dis-investment in the property and closure of a successful business.

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

Transportation: The proposed zoning will have no measurable effect on the transportation system.

Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools should not be affected by the proposed zoning.

Fire and Police: The subject property is served by City public safety services. The Police and Fire Departments had no concerns with the zone change.

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

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

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

The new zoning should have no effect on vehicle or pedestrian traffic. The existing drive approach on Yellowstone River Road recently received approval of an easement from the City Council to continue the access to the storage unit property. City Engineering staff has no concern with the access easement.

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

The new zoning does promote compatible urban growth in this area. The personal storage units provide a service to residents in the area. The property is not an intrusion to the area and is a benign use. The proposed zoning will allow the existing storage units and garages to continue to be rented to the general public. While not enforceable by the City or tied to the criteria for zone changes, the owner and agent have stated that they will restrict future uses of the property by a covenant that runs with the land.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The property is setback about 150 feet from Yellowstone River Road and is separated from the neighborhoods to the west and north by a significant ditch. The property is suitable for the existing personal storage units and should be allowed to continue with conforming zoning.

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

The property is currently developed with a 2-family dwelling, 5 accessory buildings and 2 storage unit buildings along the north and south property lines. Approval of the zone change would allow the storage units to continue. The value of existing buildings and the parcel will be conserved by the proposed zoning. Denial of the zone change would de-value the personal storage units on the property as well as the current operating business.

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

The proposed zoning may encourage the most appropriate use of this land in Billings. This specific location and use is appropriate.

FINANCIAL IMPACT

Approval of the zone change will stabilize the market and taxable value of the property. The new zoning will effect the assessments for arterial construction and storm water services.

BACKGROUND

The subject property was owned by the same party who owned the River Road Manufactured Home Park. The principal owner, Clarence Klein, held both properties until he passed away in late 2013. Subsequently, the manufactured home park was sold to another party, an LLC named River Road Mobile Home Court (Richard Dorn). The subject property is now owned by an LLC named River Park Retirement Court and the principal owner of the LLC is Gerald Klein, a relative of Mr. Clarence Klein. The existing zoning, R-70, applies to both the manufactured home park and the subject property. The zoning is the original zoning adopted by the County and remained the same after annexation to the City in 1984. R-70 zoning does not allow manufactured home parks, but the existing manufactured home park containing 65 units is allowed to continue so long as the use does not cease to exist for more than 1 year. A special exception (now called a special review) was granted by the County in 1984 to allow the construction of an over-sized accessory building on the south end of the manufactured home park (Tract A in Lot 15). In 2012, Mr. Clarence Klein applied for building permits to construct additional storage units for the manufactured home park on the subject property (Lot 14). The building permit was approved as submitted since the proposed use was in conjunction with - and not separate from - the manufactured home park.

Several zone changes have been approved in the area from residential zoning to commercial zoning in the last 10 years. Two zone changes for 807, 821 and 823 Bench Boulevard were approved since 2007, the last one to change to CC zoning. These lots are at the intersection of Bench Boulevard and Hilltop Road, two principal arterial streets. Another corner property on the southeast leg of this intersection was approved for NC zoning by the County in 2006. A subsequent zone change for CC zoning on this parcel was denied by the City Council in 2013. A zone change to CC for a parcel on the west side of Bench Boulevard (1026 Bench) was approved by the City in 2012 and personal storage units have been constructed.

This is a zone change request to allow the storage units and accessory garages to continue as an independent commercial business. The units have been rented to the general public for the past 2.5 years and has had no impact on the surrounding neighborhood. Mr. Gerald Klein now desires to sell the subject property. Potential buyers are notified of the original intent of the storage units and garages, the current zoning, and the inability to grant a re-build letter for the property under the current R-70 zoning. Although the intent is to legalize an established use on the property, the proposed zoning does not and cannot restrict future uses on the property that are compliant with the proposed CC zoning. The owner and agent have proposed to place a permanent restrictive covenant on the land to not allow any future use of the land except as a personal storage business. Restrictive covenants are private and the City has no participation or authority in them. They also are able to be privately lifted or amended by the property owner(s), and are not part of the criteria considered by staff, the Zoning Commission, or the City Council, when reviewing zoning applications.

Yellowstone River Road is a principal arterial street that carries about 7,900 vehicle trips per day. Most of the zoning along this road is residential both in the City and County. The City Council granted a formal easement to the subject property on November 28, 2016. The property has had informal access to Yellowstone River Road since before the property was annexed to the City. A residential property to the north at 956 Yellowstone River Road also uses this access

point. The existing use is compatible with the existing access to Yellowstone River Road.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on January 3, 2017 and received the staff report, testimony from the owner, Gerald Klein, the agent Eric Nord, as well as Tom Rowe, and Randy Bjelkevig, real estate agents for the owner. No other testimony was received.

Mr. Nord testified in favor of the proposed zone change. He stated he disagreed with the staff's conclusions and findings for the 10 criteria. He stated the existing and only use of the property is for the personal storage units and the 1 duplex dwelling. He stated the use is entirely benign to the neighborhood. He stated these units have very low traffic and the storage yard is only open during daylight hours. He stated any traffic crossing the Kiwanis bike path would be a minor impact compared to the 3 major street crossing further north on this bike path. He stated there have been no concerns expressed by anyone concerning the bike path crossing. He stated his client is interested in retiring and selling the property, but no sale can occur until the zoning is changed to a district that allows the existing use. He stated his client is willing and ready to place permanent restrictive covenant on the property that will preclude any future use of the land except for personal storage units.

In response to a question from Commissioner Larson, Mr. Nord stated the only reasonable use of the property is the current use. He stated the proposed restrictive covenant would prevent any future detrimental uses of the property such as bars, casinos, liquor stores, auto sales and similar uses with a greater impact on the neighborhood. In response to a question from Commissioner Ulvestad, staff explained that zone changes cannot be conditionally approved only approved or denied. In response to a question from Commissioner Boyett, staff explained other methods to accomplish conformity such as a Planned Development zone change. Staff stated this has been used in some cases for personal storage units, stand alone commercial uses in existing residential areas and similar situations.

Mr. Nord stated the proposed covenant could accomplish the same intent in this case. He stated if the current LLC imposes the covenant, then is dissolved after the sale of the property, the new owner and any future owner could not change or remove the covenant. The only way to remove such a restriction would be to re-incorporate the same LLC, a process that is difficult and not common. In response to a question from Commissioner Larson, Mr. Nord stated he disagreed with the staff assessment the proposed zoning could be considered illegal spot zoning. He stated the proposed use of the property is an existing use and is not detrimental to the surrounding owners in any way. Mr. Nord stated the proposal does not meet the criteria to be an illegal spot zone.

Mr. Randy Bjelkevig testified in favor of the zone change. He stated he has been trying to market the property for the current owner and has had several interested buyers. These buyers have lost interest after the disclosure of the zoning nonconformance. He stated there would be no useful purpose in denying the zone change as proposed by staff recommendation. The use of the property has had no impact in the neighborhood.

Mr. Tom Rowe, also representing the owner, stated the storage units have been rented out for

the past 2.5 years. These renters have not caused any problems for traffic, the bike path, or the neighborhood. He stated there have been no objections from any of the surrounding owners and noted there were no objections to the zone change at the pre-application meeting with the neighbors.

Mr. Gerald Klein, owner, testified in favor of the zone change. He stated he is one of the owners of the LLC. He stated the manufactured home park has been in separate ownership since April of 2014. He stated when his father passed away there were many projects he had not completed and this was one of those projects. He stated there is and will not be any impact to the Kiwanis bike path. He stated his father originally built these units for his tenants in the mobile home park for parking their boats and trailers. He stated he is ready to sign a restrictive covenant for the property so it will stay in the same use forever. He stated he is ready to move forward on this property and sell to an interested buyer when the zoning issue is resolved. In response to a question from Commissioner Ulvestad, Mr. Klein stated the staff over-stated the possibility of other uses of the property in the future and in any case, the restrictive covenant would allay these concerns.

Commissioner Larson made a motion to recommend approval. Mr. Larson, in support of his motion, stated he specifically disagreed with the staff finding the proposed zoning is inconsistent with the neighborhood plan and growth policy, that the proposed zoning should not be considered an illegal spot zoning, and as a Zoning Commission member he believes it is incumbent to propose positive motions for consideration rather than motions to deny. He stated the existing use of the property has had and will not have any impact on the neighborhood. He stated the City Council should have the opportunity to consider the proposed restrictive covenant as well. The motion was seconded by Commissioner Boyett. Mr. Boyett stated the property should be zoned in conformance with its use and it is likely this use will remain in place for a considerable amount of time even without a restrictive covenant. Commissioner Mariska stated he agreed with motion and the proposed findings. He stated the storage units here have not been problem and the proposed covenant is a positive reinforcement of this proposed zoning. Commission Ulvestad also stated he supports the motion. Mr. Ulvestad stated the commission gives great weight to the staff recommendation, but in this case for this particular property, the CC zoning is appropriate. The motion carried on a 5-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

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

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 953 on 5-0 vote.

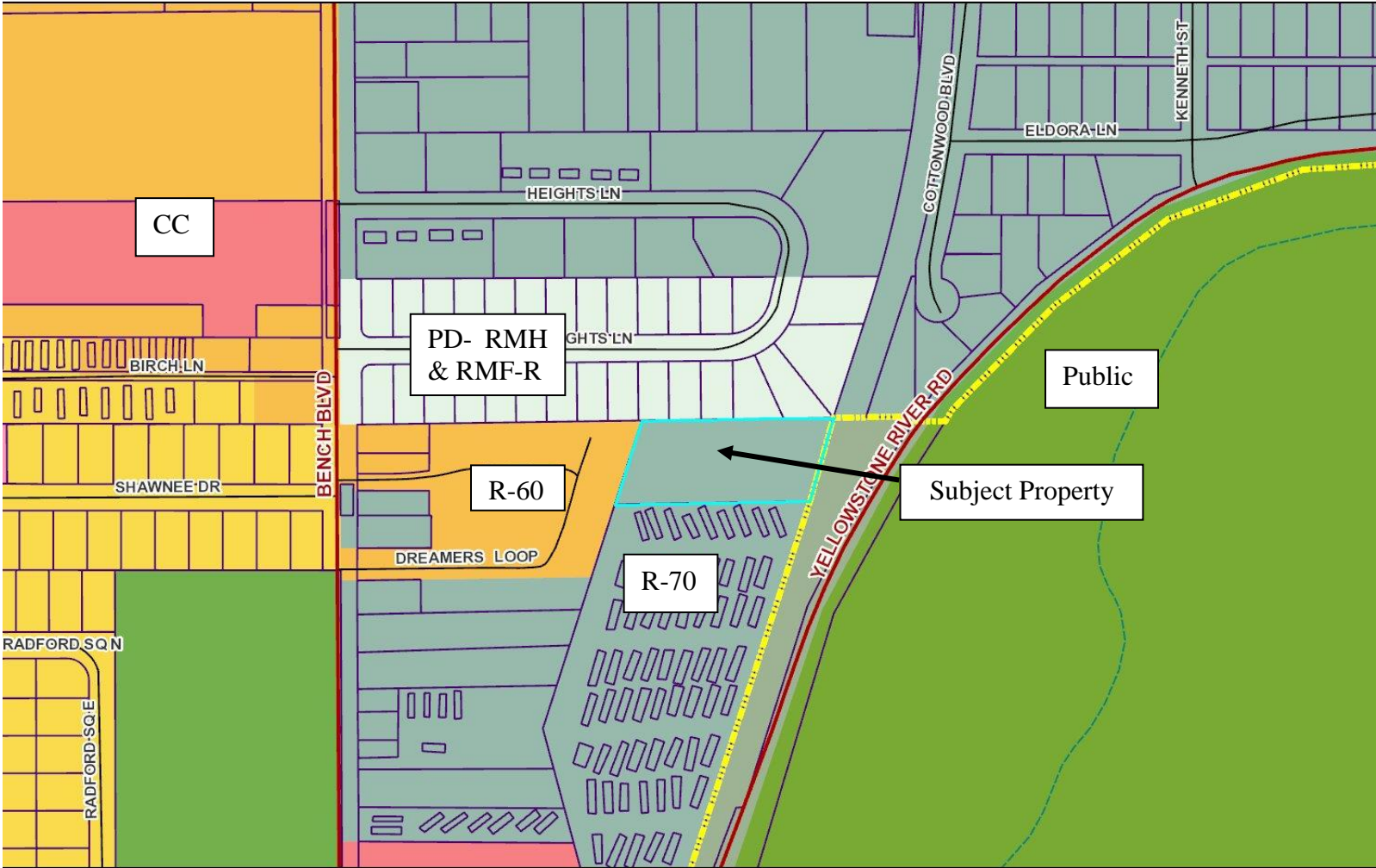
APPROVED BY CITY ADMINISTRATOR

Attachments

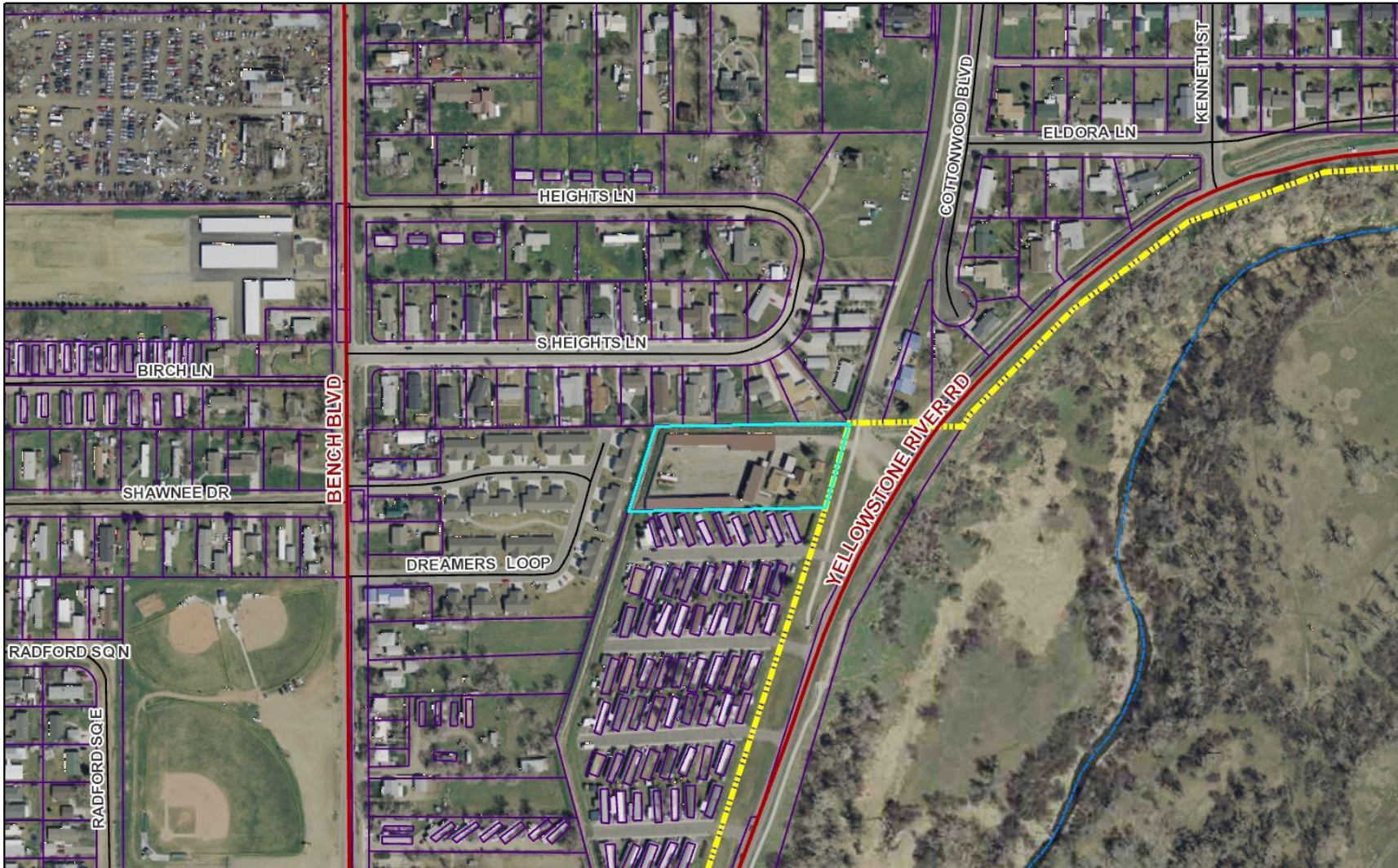
Zoning Map and Site Photos
Applicant Letter and pre-app info
Ordinance

Surrounding Zoning
Zone Change #953 – 940 & 950 Yellowstone River Road

ZC 953



ZC 953





Subject Property – view from access drive off Yellowstone River Road



View west into subject property



View north and west to South Heights Lane neighborhood



View north along Kiwanis Trail bike path



View east to Yellowstone River Road



View south and west – RV camper on PRPL property – Kiwanis Trail

Application and pre-application meeting notes
Zone Change #953 – 940 & 950 Yellowstone River Road

OWNER/APPLICANT STATEMENT
IN SUPPORT OF ZONE CHANGE REQUEST
FROM R-7000 TO COMMUNITY COMMERCIAL

Preliminary Information

The Owner/Applicant, River Park Retirement Court, is a Montana LLC, d/b/a River Park Storage (“River Park Storage”). River Park Storage is located at 940-950 Yellowstone River Road, Billings MT. The Owner makes this application by and thru its duly authorized manager, Gerald J. Klein.

The subject property’s legal description is SW ¼ of Section 23, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Tract 14 of Certificate of Survey 4 (Brittain Acres), Recorded April 11, 1945, under document No. 399701, Records of Yellowstone County, Montana, (“Tract 14”). Tract size 2.12 acres.

Introduction

940-950 Yellowstone River Road was the address for the duplex that was the original structure on Tract 14. The rear portion of the lot remained vacant until the storage facility started to take shape.¹ River Park Storage has been operating under a City of Billings business license since 2012. The license is current to 2017 and may be found under OL-17-10288. The River Park Storage facility offers bays and enclosed units to qualifying members of the general public.

Answers to Questions Propounded by the Commission

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

The proposed zone change from R-7000 to Community Commercial aligns with the vision and policies that govern future growth in Billings for the following reasons;

Infill: The zone change is within the city limits and is an example of how an existing developed commercial property infills the existing neighborhood. In addition, the future development of additional bays and units will not impact bordering properties since the property infill will occur in the center of the property.

Tax Revenue and Community Benefit: Increased revenue and local tax benefits from the River Park Storage operation are being realized. The property taxes are based on a property type

¹ The building permit file and building plans are on file with City of Billings Building Department re:BP-12-2881

classified as “Commercial Urban” and this rate is consistent with the land use and is much higher than a residential use assessment.

Aesthetics: Neighborhood aesthetics are improved with the utilization of the storage facility for RV’s, extra autos, appliances, and other property that would otherwise have to be left out in the “open”. Seasonal furniture, playground equipment, maintenance equipment, tools, trailers can be stowed in the facility leaving yards, alleyways, and lawns clutter free.

Safety: Storing extra vehicles away from the curbside improves traffic safety and pedestrians can be observed more readily. During the winter months, snow removal will be enhanced if non-essential vehicles are off the street and stored in a secure facility.

Crime Prevention: The storage facility is secure and access is restricted. Removal of property from neighborhood streets, yards and driveways will deter prowling and crimes against property.

Code Compliance: The storage facility offers a reasonable solution to the ordinance that requires that RV’s, trailers and boats are stored off the street. Per the ordinance River Park Storage offers a solution to this prohibition.

Existing Services: The property will require the same services that are currently delivered to the tract. The change to a zoning designation of Community Commercial will not increase or over burden the current infrastructure. The utilities that are in place, fire and police services are more than adequate

Traffic Flow: River Park Storage is accessible from Yellowstone River Road. Due to the infrequent and restricted access there is little to no traffic going into and going out of the facility on a daily basis.

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

Deficiencies in the Existing Zoning: The existing R-7000 zoning is incompatible with the property use and future economic development of this tract. With the current zoning the property is not marketable or economically sustainable. There are a limited number of units that currently exist on the property and the profit margin is not in line with the annual increases in the commercial urban property tax rate. Any additional units developed would be non-conforming in this R-7000 classification. A zone change to Community Commercial will put the property’s current use in balance with the need for increased revenue to meet increasing commercial tax rates and commercial risk coverages premiums.

The New Zoning Will Fit in with Neighboring Zoning and Land use: The new zoning will fit in with the neighborhood zoning landscape because it has been a tried and proven low impact

River Park Retirement Court LLC
d/b/a River Park Storage
Zone Change Application Statement

commercial activity. The storage facility has been in operation for almost five years. It has a track record of being a “good neighbor”. The Owner has gone to great lengths to ensure that this commercial activity is strictly regulated by a lease agreement that takes into consideration the impact of the activity on the environment, prohibiting side business activity in the storage facility, prohibiting disturbances, and encouraging respect for our neighbors’ peaceful enjoyment of their property. A zone change to Community Commercial will not open the door to disruptive high impact commercial activity. There is pride and a legacy contingent with the Owners’ operation of a storage facility that is and will remain compatible with its Billings Heights neighbors’ expectation of a low impact commercial activity.

Conclusion

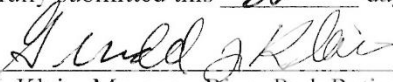
The Owner/Applicant respectfully requests that the Zoning Commission and City Council consider and approve a zone change of the above described Tract 14 from R-7000 to Community Commercial.

Table of Contents

The following documents have been attached to this application for your consideration:

- Excerpted portions of the Lease Agreement for River Park Storage;
- Photographs of River Park Storage facility;
- Orion Yellowstone County property tax detail report; and
- Certificate of Survey 4 Brittain Acres Record No. 399701.

Respectfully submitted this 20th day of November, 2016.



Gerald J. Klein, Manager, River Park Retirement Court, LLC
River Park Storage
Mail to: P.O. Box 731
Sedro Woolley WA 98284

River Park Storage Pre- Application Neighborhood Meeting Summary

Date of Pre-Application Meeting: November 14, 2016 @ 10:30 a.m. to 12:00 p.m.

Meeting Location: County Inn Suites, Meeting Room, 231 Main Street, Billings MT

The Notice that was mailed to property owners within 300 feet of the proposed zone change was posted in the corridor outside the meeting room together with a map of the property.

Materials were distributed to the attendees and reviewed with the small group. The owner pointed out that the storage facility in this heights neighborhood should be considered a low impact commercial activity.

Also it was noted that the storage facility has very strict rules and regulations for its use and the types of property that can be stored inside. Access is also strictly limited during business hours. The dates for public hearing, January 3, 2017, was discussed, as well as, the next steps after the zoning commission examines the application.

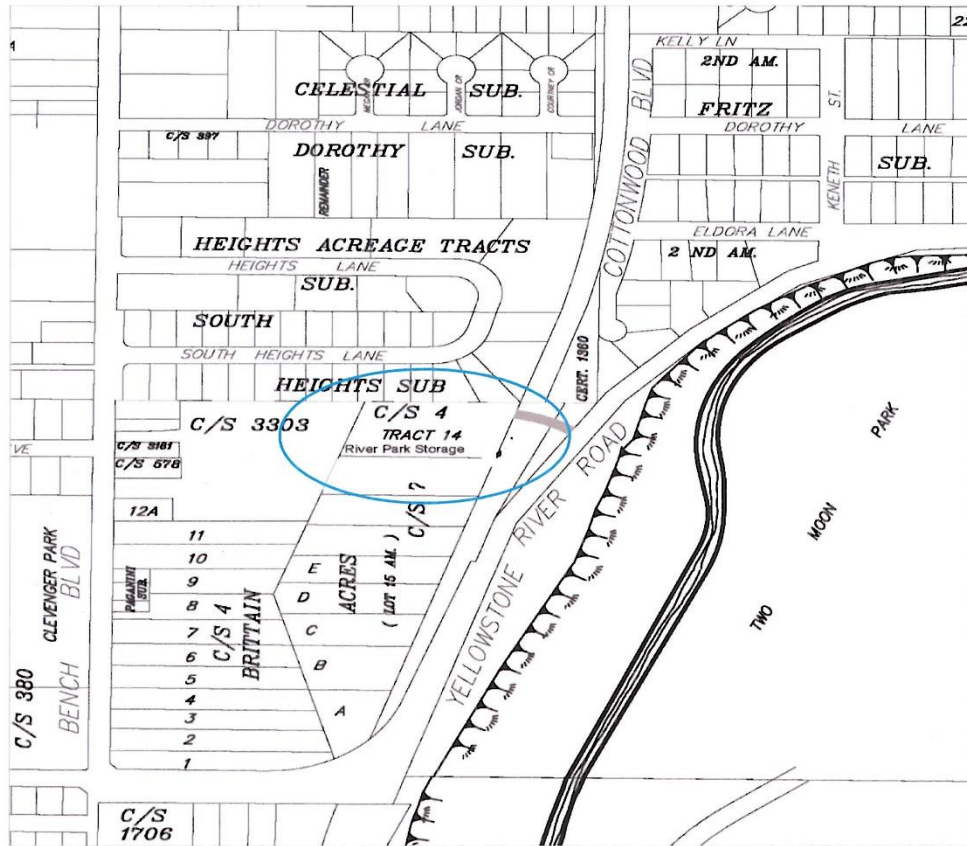
All participants agreed that it made sense that since the property was an existing storage/rental operation it should be zoned community commercial. There were no concerns or objections voiced during the meeting.

I hereby certify that the above summary is an accurate record of the pre-application meeting.

Dated this 28th day of November, 2016.


Gerald J. Klein, Manager
Owner River Park Retirement Park, LLC
d/b/a River Park Storage

ILLUSTRATIVE MAP OF ROADS AND DEVELOPMENTS IN THE HEIGHTS





Structures located on Tract 14 – 940-950 Yellowstone River Road

- Residence(s) car port(s) and garage
- Storage unit inventory consists of 23 enclosed units and 22 open bays

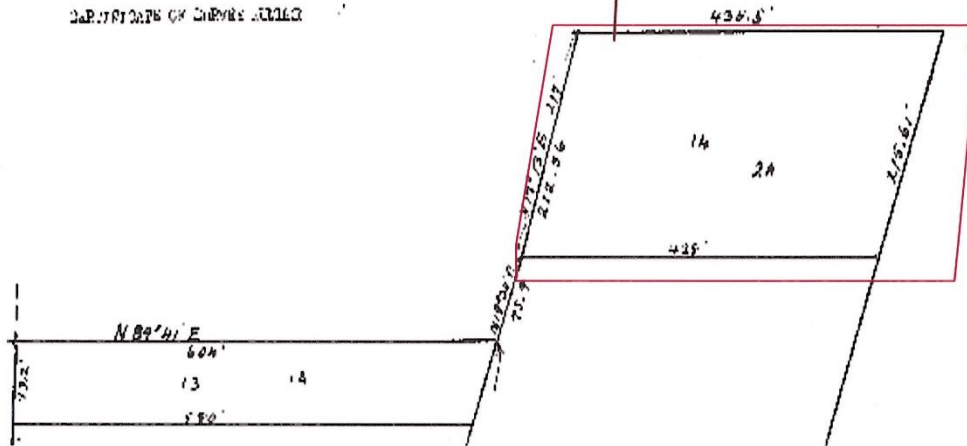
Zone Change to Community Commercial is Compatible with the Billings Heights Neighborhood Plan

- The River Park Storage operation has been offering storage under a City of Billings business license for several years and is a proven low impact commercial activity
- The rules and regulations strictly limit access to the storage facility to day-time business hours and no commercial activity is allowed in the facility
- Storage of chemicals or other solvents is strictly prohibited so there are no noxious odors or hazards contingent with this commercial activity
- River Park Storage offers an affordable alternative to storing boats and RV's in the "open" on residential property-this improves the aesthetics of the neighborhood
- Owners of RV's and boats that live in surrounding high density developments with limited off-street parking or covenants against RV's are able to take advantage of storage in their locale
- The storage area is set back from the property's frontage and not visually obtrusive
- The neutral colored steel security fencing serves as a screen for adjacent property owners
- Getting RV's, boats and vehicles off the street and behind the walls of the storage facility is a deterrent to prowling and other crimes against property
- Any future development and addition of more bays and units will "infill" the lot since the existing structures' footprints are located along the perimeter and boundaries of the property

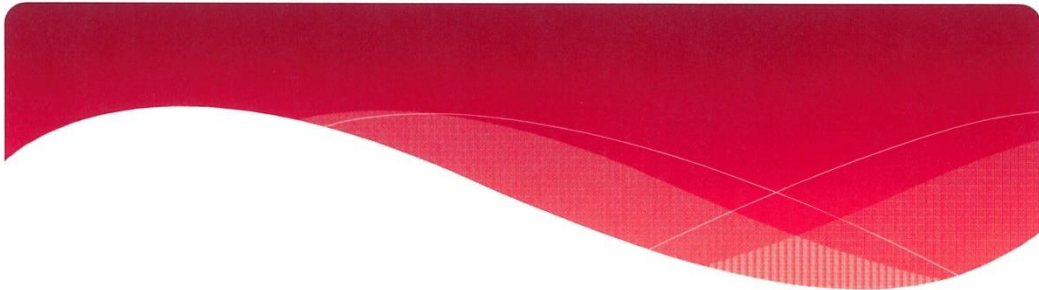


PLAT
OF
BRITAIN ACRES
IN SW¹ SEC 23 T1N R26E
1946 SCALE 1"=100' J. J. JIMASON

DEPARTMENT OF INTERIOR



Excerpted from 25th day of April, 1945 Certificate of Survey



PROPER STORAGE OF CAMPERS, BOATS AND TRAILERS

(Section 24-406)



Do: Store your camper, trailer or boat in the back yard or properly store on the driveway; in the garage or at a storage facility.

Do Not: Use the City's on-street parking for storage of campers, trailers or boats in residential areas.

Excerpted from Storage Facility Lease Agreement:

River Park Storage
940-950 Yellowstone River Road
Billings MT, 59105

.....

5. USE OF PREMISES AND PROPERTY AND COMPLIANCE WITH LAW. Occupant shall store only personal property that belongs to Occupant. Because the value of the personal property may be difficult or impossible to ascertain, Occupant agrees that under no circumstances will the aggregate value of all personal property stored in the Premises exceed, or be deemed to exceed, \$5,000 and may be worth substantially less than \$5,000. Occupant shall not permit any Hazardous Materials (as defined below) to be stored in the Premises or the Property or store any improperly packaged food or perishable goods, construction debris, asbestos or asbestos containing products, tires, batteries, propane, liquid natural gas tanks, fertilizers, pesticides, flammable materials, explosives, ammunition, corrosives, petroleum products and other inherently dangerous material in the Premises or the Property and shall not store any personal property on the Premises which would result in the violation of any law or regulation of any governmental authority, including without limitation, all laws and regulations relating to Hazardous Materials, waste disposal and other environmental matters, and Occupant shall comply with all laws, rules, regulations and ordinances of any and all governmental authorities concerning the Premises and its use. For purposes of this Agreement, "Hazardous Materials" shall include but not be limited to any hazardous or toxic chemical, gas, liquid, substance, material or waste that is or becomes regulated under any applicable local, state or federal law or regulation. Occupant acknowledges and agrees that the Premises and the Property are not suitable for the storage of heirlooms or precious, invaluable or irreplaceable property. Occupant acknowledges that the Premises may be used for storage only, and that use of the Premises for the conduct of a business or for human or animal habitation is specifically prohibited. No business, commercial, hobby, or any other activities inconsistent with the storage of goods may be conducted in the facility including but not limited to: manufacturing, fabrication, construction, mechanical servicing, welding, or power tool operation. Upon termination of this Agreement, Occupant shall remove all Occupant's personal property from the Premises unless there are unpaid charges secured by Owner's lien rights as referenced herein and under Montana law.

Occupant shall not smoke, drink or use drugs on the premises. No occupant shall disturb the peace on the premises. Any person found by the management, or reported to be in any area of the premises that is not that of the Occupant's unit or bay, will be considered to be trespassing and subject to immediate eviction without recourse. Occupants are only permitted to be on the premises for the time it takes to add or remove stored items.

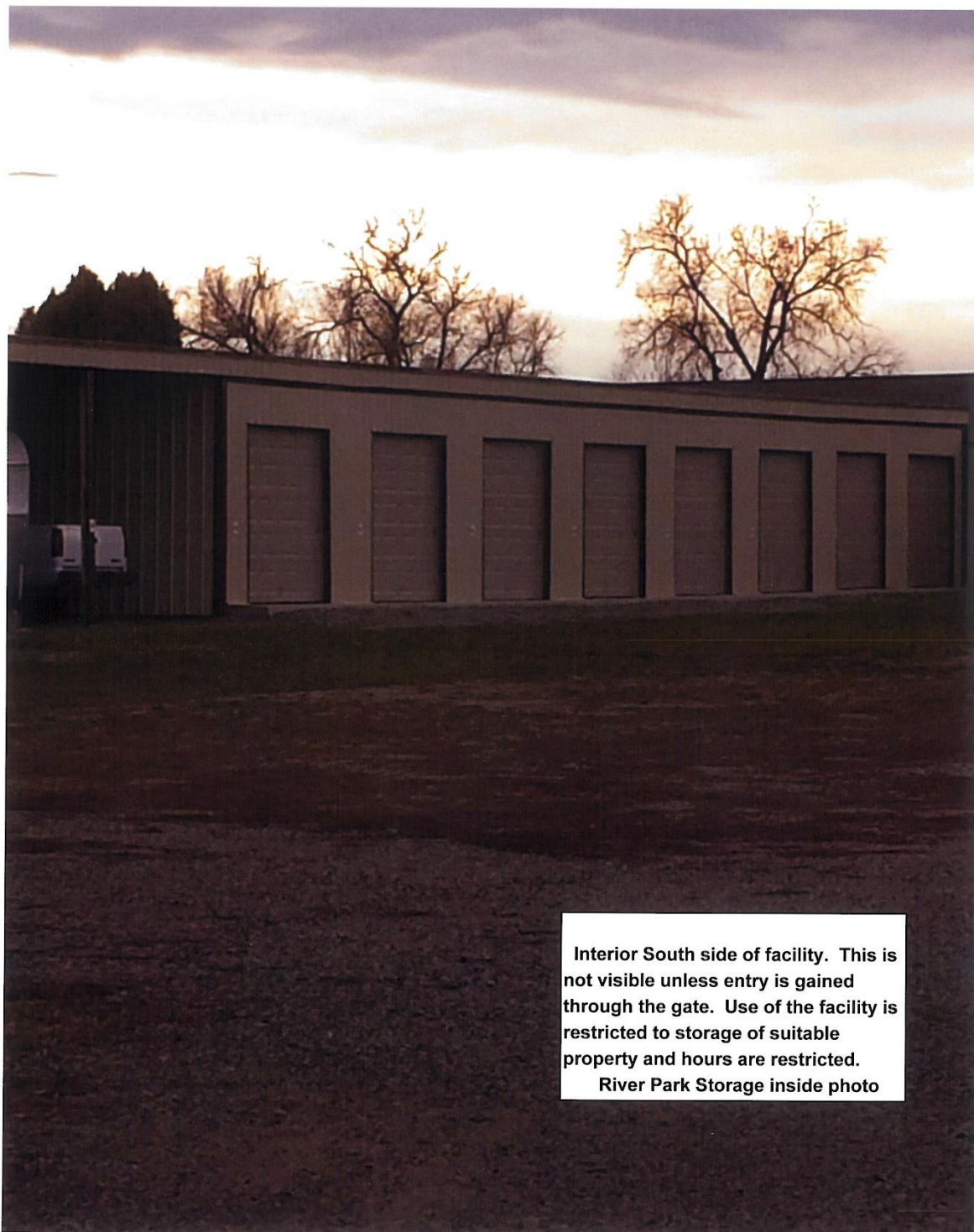
Vehicles that are not registered with the Occupant's unit or bay may not enter the facility or be left unattended on the Premises. Vehicles left at the facility will be subject to towing at the owner's expense.

Items placed in the Premises must belong to the Occupant. This also pertains to any vehicle storage.

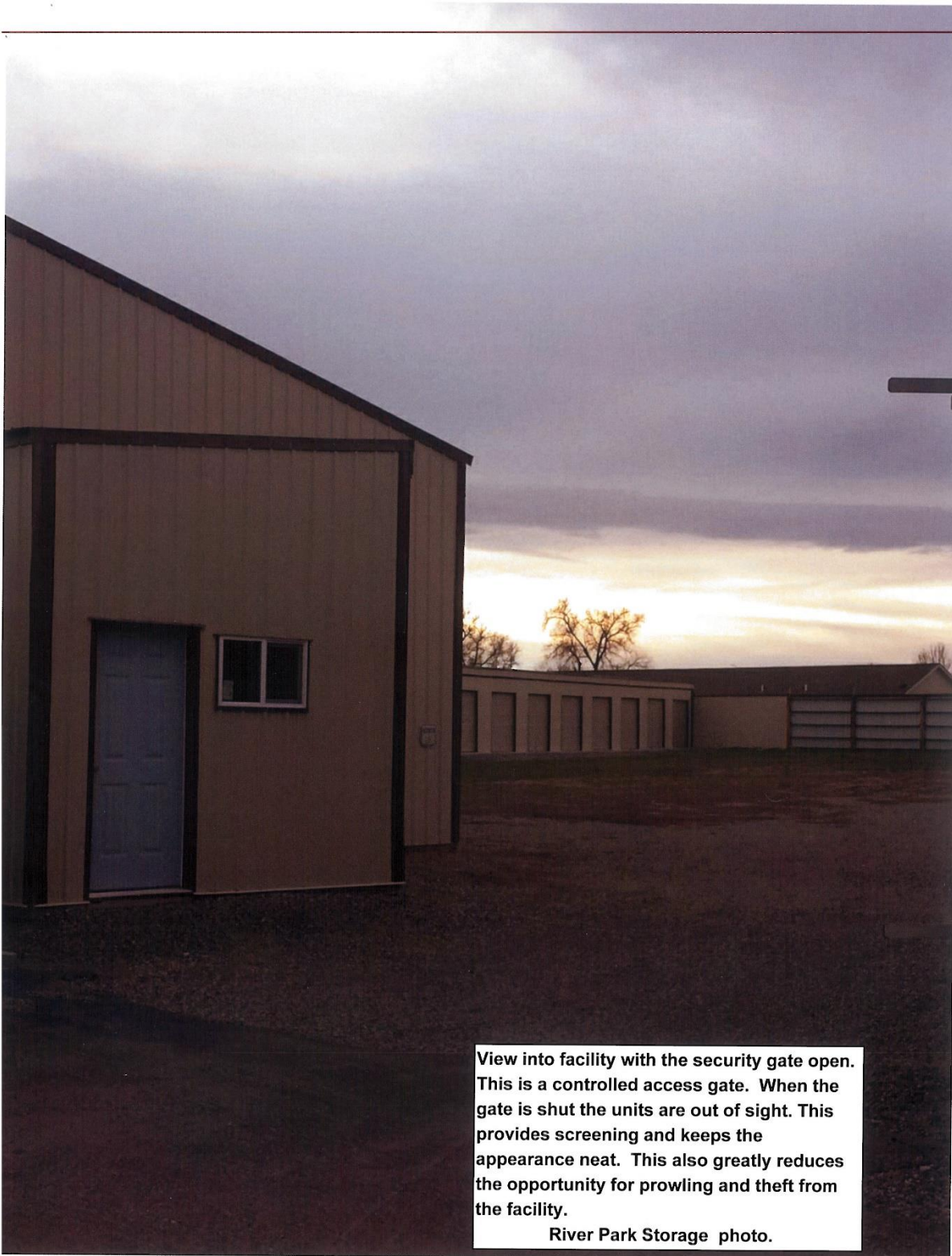
At the expiration of the lease term, Occupant shall surrender the Premises in as good condition as it was in the beginning of the term, reasonable use and wear from the normal business uses excepted.

6. ENTRY TO THE PREMISES. The entry code is to be used by the Occupant. The Occupant is not to give the entry code to any other person. If the Occupant has a household member who needs the code, they must obtain it from the River Park Storage management and provide sufficient identification to obtain it for use in conjunction with the assigned unit or bay. Access to the River Park Storage facility is strictly limited from 7:00am-8:00pm seven days a week. The 5 miles per hour speed limit will be strictly enforced.

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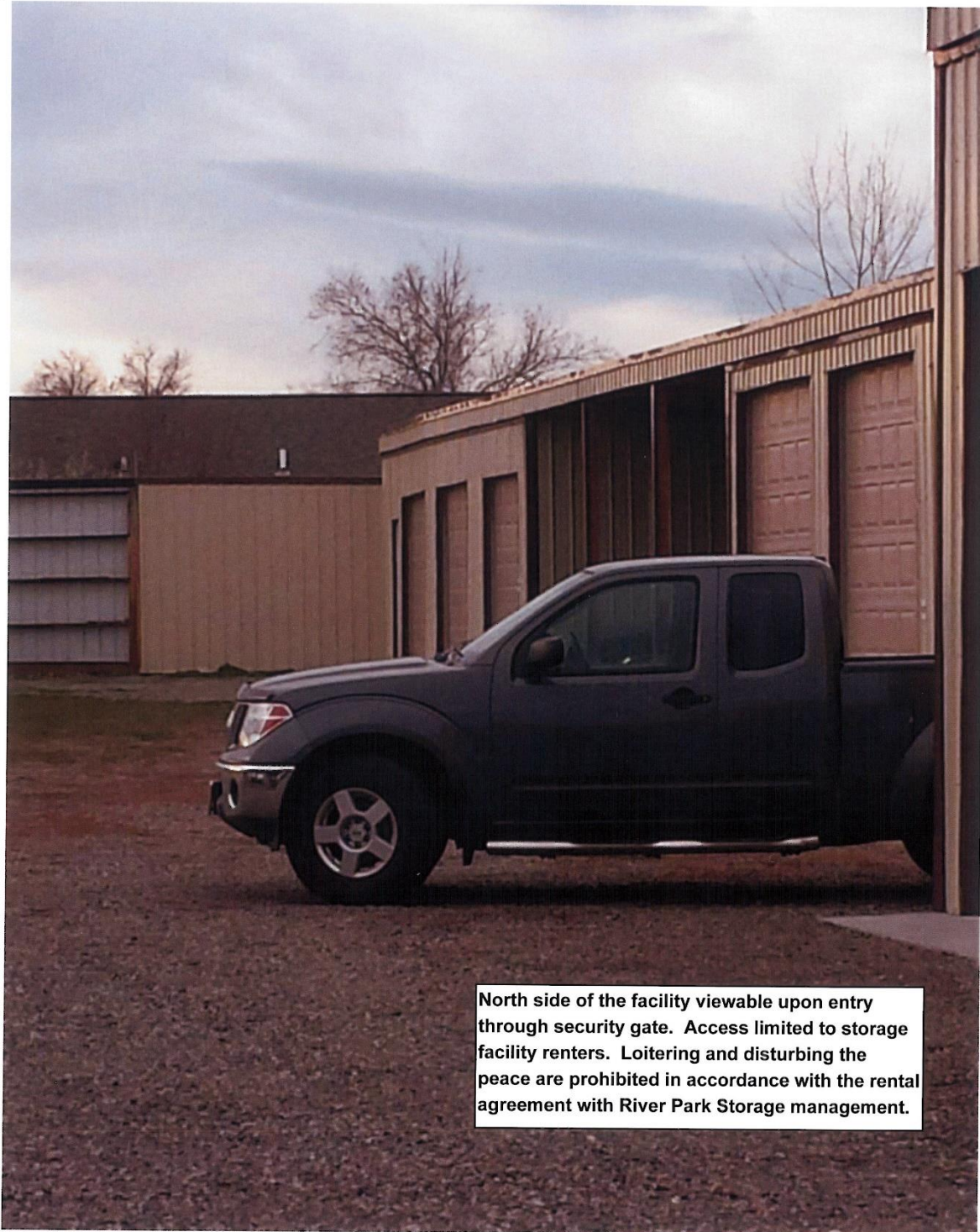


**Interior South side of facility. This is not visible unless entry is gained through the gate. Use of the facility is restricted to storage of suitable property and hours are restricted.
River Park Storage inside photo**



View into facility with the security gate open. This is a controlled access gate. When the gate is shut the units are out of sight. This provides screening and keeps the appearance neat. This also greatly reduces the opportunity for prowling and theft from the facility.

River Park Storage photo.



North side of the facility viewable upon entry through security gate. Access limited to storage facility renters. Loitering and disturbing the peace are prohibited in accordance with the rental agreement with River Park Storage management.



Storage facility located in the rear of the property. Beyond the screening fence and gate.

Rental house/
duplex in front
portion of
property.

View of property from the walking trail and Yellowstone River Road. The location of storage facility is "off the beaten path" and creates a "uniquely Billings" rural feel. The facility has a low visual profile consistent with its proven low impact commercial activity that has been ongoing in this Billings Heights location.
River Park Storage - photo

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Tract 14, C/S 4 (Brittain Acres), a 2.12 acre parcel of land, generally located on 940 & 950 Yellowstone River Road

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

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

2. DESCRIPTION That Tract 14, C/S 4 (Brittain Acres), a 2.12 acre parcel of land, generally located on 940 & 950 Yellowstone River Road is presently zoned **Residential 7,000 (R-70)** and is shown on the official zoning maps within these zones.

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

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

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

PASSED by the City Council on first reading January 23, 2017

PASSED, ADOPTED AND APPROVED on second reading February 13, 2017.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk
Zone Change 953 – 940 & 950 Yellowstone River Road