Update concerning the Billings City Council meeting for 5:30 pm on Monday, March 23, 2020:

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws:

- The Agenda Packet is available for viewing on the City's website at: Agenda Packet
- Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting.
- The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. The Public may also view online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
- Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Council via email before 3:00 PM on Monday, March 23rd, at: https://ci.billings.mt.us/1538/City-Council-E-mail-Messages
- Emails received after 3:00 PM and prior to 5:00 PM, may be read during the meeting.
- The Public may call in during specific Public Comment periods at **406.237.6196**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact Gavin Woltjer, woltjerg@billingsmt.gov, with any questions.

REVISED 3/20/2020
Consent Agenda Item R has been changed
regarding Confirmation of COVID-19 Emergency Declaration

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

Council Chambers are Closed. The meeting will be held remotely via virtual meeting room. Please see coversheet for details and instructions for viewing and participation.

March 23, 2020

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Joy

ROLL CALL: Councilmembers present on roll call were: ☐ Shaw, ☐ Yakawich, ☐ Neese, ☐ Ewalt, ☐ Joy, ☐ Choriki, ☐ Purinton, ☐ Ronning, ☐ Boyett, ☐ Brown

MINUTES:

- February 24, 2020
- March 9, 2020

COURTESIES:

PROCLAMATIONS:

- National Census Day - April 1, 2020
- National Service Recognition Day - April 7, 2020

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4b, 5 and 6 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments 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. **90-100 Gallon Refuse Carts.** (Opened 3/10/20) Recommend Schafer; $176,778.

2. **W.O. 18-22: Leavens Reservoir Waterline and Improvements.** (Opened 3/17/20) Recommend delay of award until April 13, 2020.

3. **W.O. 19-16: Belknap Office Remodel.** (Opened 3/17/20) Recommendation will be made during the meeting.

4. **W.O. 20-03: Contract No. 2, City Overlay.** (Opened 3/10/20) Recommend Schedule 1: Knife River - Billings; $1,213,427.70 and Schedule 2: Askin Construction; $170,245.50.

5. **W.O. 20-10: WRF Equipment Installation.** (Opened 2/25/20) Recommend Dick Anderson Construction; $1,135,570.

6. **W.O. 20-19: North Park Irrigation System Replacement.** (Opened 3/10/20) Recommend The Good Earth Works Co., Inc.; $423,000.

7. **W.O. 20-32: Water Treatment Plant Sediment Hauling.** (Opened 3/10/20) Recommend Winkler Excavating, Inc.; $110,650.

B. **Professional Services Contract** for W.O. 20-24: West End Storm System Improvements; DOWL; $136,526.75.

C. **Security System Expansion Agreement** for Evidence Facility Expansion; Kenco Security; $94,188.39.

D. **Lease Renewals** of the Non-Commercial Aviation Ground Leases with B & J Properties Limited, LLC, for a ten-year term (4/01/2020-3/31/2030), primary lease revenue first year; $11,330.88, auxiliary lease revenue first year; $1,315.44, revenue subsequent years adjusted by CPI-U.

E. **Grant Application Request** to submit to FTA and/or MDT Transit Planning Division applications for 5310, 5339 or other available capital grants, and to accept and execute any subsequently awarded grant agreement(s) to purchase vehicles or provide other capital assistance.

F. **2020 High Intensity Drug Traffic Area (HIDTA) Award** from the Executive Office of the President, Office of National Drug Control Policy**;** $244,249.

G. **Donation** to the Fire Department from ExxonMobil Pipeline Company for the purchase of fire/rescue equipment and supplies; $2,500.

H. **Acknowledge receipt of petition to vacate** a portion of South 26th Street fronting Lots 23 and 24, Block 142 and Lots 1 and 2, Block 141 of the Billings Original Townsite; Yellowstone Health Partnership, petitioner; and set a public hearing for April 13, 2020.

I. **Acknowledge receipt of petition to vacate** portions of Grand Peaks Drive and Sundance Mountain Trail; J & S Development, petitioner; and set a public hearing for April 13, 2020.

J. **Acknowledge receipt of petition to discontinue** the alley within Block 142 of Original Townsite, Riverstone Health, petitioner; and set a public hearing for April 13, 2020.

K. **Preliminary Major Plat** of Emma Jean Heights Subdivision, 4th Filing, generally located on the west side of Bitterroot Drive and South of Wicks Lane; Felton Associates, Inc., owner; Northern Engineering and Consulting Inc., agent.

L. **Preliminary Major Plat** of High Sierra Subdivision, 10th Filing, generally located north of Annandale Road and west of Greenbriar Road; High Sierra II, Inc., owner; Sanderson Stewart, agent.

M. **Preliminary Major Plat** of High Sierra Subdivision, 14th Filing, generally located northwest of Gleneagles Boulevard and north of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent.

N. **Preliminary Major Plat** of High Sierra Subdivision, 15th Filing, generally located northwest of Gleneagles Boulevard and north of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent.

O. **Preliminary Major Plat** of High Sierra Subdivision, 16th Filing, generally located northwest of Gleneagles Boulevard and north of Matador Avenue; High Sierra II, Inc., owner; Sanderson Stewart, agent.

P. **Resolution** adopting Coulson Park Master Plan.

Q. **Resolution** ordering improvements - 2020 Missing Sidewalk/Miscellaneous Program.

R. **Confirmation** of Joint Declaration of Emergency Resolution concerning COVID-19 Health Crisis with Yellowstone County.

S. **Bills for the Weeks of:**

1. February 10, 2020

2. February 18, 2020

3. March 2, 2020

Recommended Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** creating SILMD 326, King Avenue East street lights. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Presented by: Debi Meling, City Engineer

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution creating SILMD 326, as recommended by staff.

3. **PUBLIC HEARING AND RESOLUTION** creating SID 1408, Wanigan Subdivision Improvements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Presented by: Debi Meling, City Engineer

Recommended Motion: Having conducted a public hearing, considered written

and spoken public testimony, I move to approve the Resolution creating SID 1408, as recommended by staff.

4. SID 1413:

a. PUBLIC HEARING AND RESOLUTION creating SID 1413, Winged Foot Road and Greenbriar Road. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Presented by: Debi Meling, City Engineer

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution creating SID 1413, as recommended by staff.

b. PROFESSIONAL SERVICES CONTRACT for SID 1413, Winged Foot Road and Greenbriar Road; WWC Engineering; $166,587. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Presented by: Debi Meling, City Engineer

Recommended Motion: I move to approve the Professional Services Contract for SID 1413, as recommended by staff.

5. WITHDRAWAL of the unexecuted Development Agreement with WC Commercial. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

Presented by: Mehmet Casey, DBP Board Member

Recommended Motion: I move to approve the withdrawal of the unexecuted Development Agreement with WC Commercial, as recommended by DBP Board.

6. TAX INCREMENT FINANCE ASSISTANCE from Downtown Urban Renewal District to Clocktower Inn for a redevelopment project at 2511 1st Ave North; $116,000. Downtown Billings Partnership Board recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

Presented by: Mehmet Casey, DBP Board Member

Recommended Motion: I move to approve Tax Increment Finance Assistance from Downtown Urban Renewal District to Clocktower Inn for a redevelopment project at 2511 1st Ave North; in the amount of $116,000, as recommended by DBP Board.

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

COUNCIL INITIATIVES:

ADJOURN:

Council Chambers are readily accessible to individuals with physical disabilities.

For more information or to make requests for special arrangements, please contact the City Clerk's Office at 657-8210 or e-mail bohlmand@billingsmt.gov, 72 hours prior to the meeting date.

Please exit the chambers as quickly as possible. (Chamber doors will be **CLOSED** 10 minutes after adjournment of the meeting.)

Council meetings may be viewed at any time by accessing Community 7 Television online at www.comm7tv.com and clicking on archived programs.

Consent **1. A. 1.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Bid Award-90-100 Gallon Refuse Carts

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Bids were received on March 10, 2020, to purchase seven truck loads of new 97 Gallon Refuse Carts for the Public Works Solid Waste Division to enable staff to continue the conversion of the alley 300 gallon service to 97 gallon service. As discussed at the March 4, 2019 Council work session (presentation attached), all residential alley service will be converted, but not all alleys will be converted to curbside service. The plan for the conversion is to address areas causing safety issues first, operational issues second, and then work on converting the remaining areas. The majority of alley 300 gallon services will be converted to 90s, but remain with alley pickup. The primary reasons for the conversion are to improve safety for staff, improve equity for residential customers, and to save money. Additionally, the new collection trucks arms are not designed to pick up the weight of the 300 gallon containers. Solid Waste has experienced damage to the arms from heavy 300 gallon containers.Staff advertised for sealed bids on February 21 and February 28. The City received four bids and Schafer provided the the lowest responsible bid.

ALTERNATIVES ANALYZED

City Council may:

- Approve purchasing the new 97 gallon refuse carts from Schafer.
- Disapprove the purchase and reject all bids, If not approved, the conversion of alley 300 gallon to 97 gallon containers cannot continue.

FINANCIAL IMPACT

This purchase is included in the FY 2020 budget for the Solid Waste Division.

Company	Bid Amount
Toter	$186,175.22
Schafer	$176,778.00
Cascade	$178,152.87
IPL	$145,271.28 (incomplete bid)

RECOMMENDATION

Staff recommends that the City Council award the bid for the 97 gallon refuse carts to Schafer in the amount of $176,778.00.

APPROVED BY CITY ADMINISTRATOR

Attachments

3.4.20 Council Worksession Presentation



Public Works
Solid Waste
Alley Collection

March 4, 2019

The Questions We Will Answer:

1. What is the plan?
2. Why are we doing this?
3. Where are we making changes?
4. How will we move forward?



What is the Plan?

- Not all alley 300s will be converted to curbside!
- Safety issues will be addressed first
- Other areas causing operational issues will be addressed next
- The majority of 300s will be converted to 90s but remain with alley pickup
- This transition is for residential only
  - **Multi-family (triplex or larger) would continue to use their 300 or metal container**



What is the Plan?

Changes are for residential only

Phase 1 – Safety issues causing a large number of problems
(estimated completion = 3/31/19)

- **Replace 190 alley 300s with curbside 90s (150 complete to date)**

Phase 2 – Back-in alley safety issues causing a moderate number of problems
(estimated completion = 6/30/20

- **Replace approximately 300 alley 300s with curbside 90s**

Phase 3 – Other residential 300s
(estimated completion = 6/30/21)

- **Replace 5,700 alley 300s with alley 90s**



Will continue to have about 1,000 300s to service multi-family & commercial customers.

Example of a Phase 2 Change Needed



¾ of the street has 90s, requiring trucks to go up the street



¼ of street has alley 300s requiring trucks to back in to pick up alley

Save $

Equity Issues

Operational Issues

Safety Issues

Why are we doing this?



Why? - Safety Issues

Employee Injuries

- 300s often drop into trucks causing injuries to drivers when removing them
- 410 hours of work are missed every year due to work injuries handling the 300 gallon containers

Public Safety

- Customer injuries due to large, heavy lids
- 300s blow into traffic
- Dead-end alleys
  - Backing into alley from a busy road
  - Backing from alley to street
  - Backing into areas with limited view (corners, trees, poles, etc.)



Why? - Equity Issues

Residential Customers that have a shared 300 gallon container receive unlimited service for the same price as residential customers who have a 96 gallon container

- Many customers serviced by shared 300s do not pay their fair share
  - Should be 3 households sharing 1 300 gallon container, but is actually about 1.7 households per container
  - Illegal dumping/non-paying persons use the 300s
  - Put more garbage in containers than the customer is paying for
  - Businesses run from the home
  - Basement apartments or 2 residences on the same lot
- Customers serviced by 96 gallon containers pay for extra pickups and extra containers





Why? – To Save Money

- $445,000 in workers compensation claims in last 10 years related to handling 300s
- Upgrades needed for garbage trucks
  - **= $25,000/truck for all new trucks**
  - **cannot retro existing trucks**
- 96 gallon container = $46.34 (3 = $139)
- 300 gallon container = $269
- Lids on 300s need replaced often ($98 each)
- Damage to garbage collection vehicles
- Narrow alleys result in damaged fences, poles, eaves, garages, wires, & cables
- For some alleys, need to send solid waste pickups w/ plows & sanders into alleys ahead of garbage truck
- Garbage trucks tear up alleys and increase repair costs utilizing street maintenance funding



Payback period is approximately 2 years

Why? Operational Issues

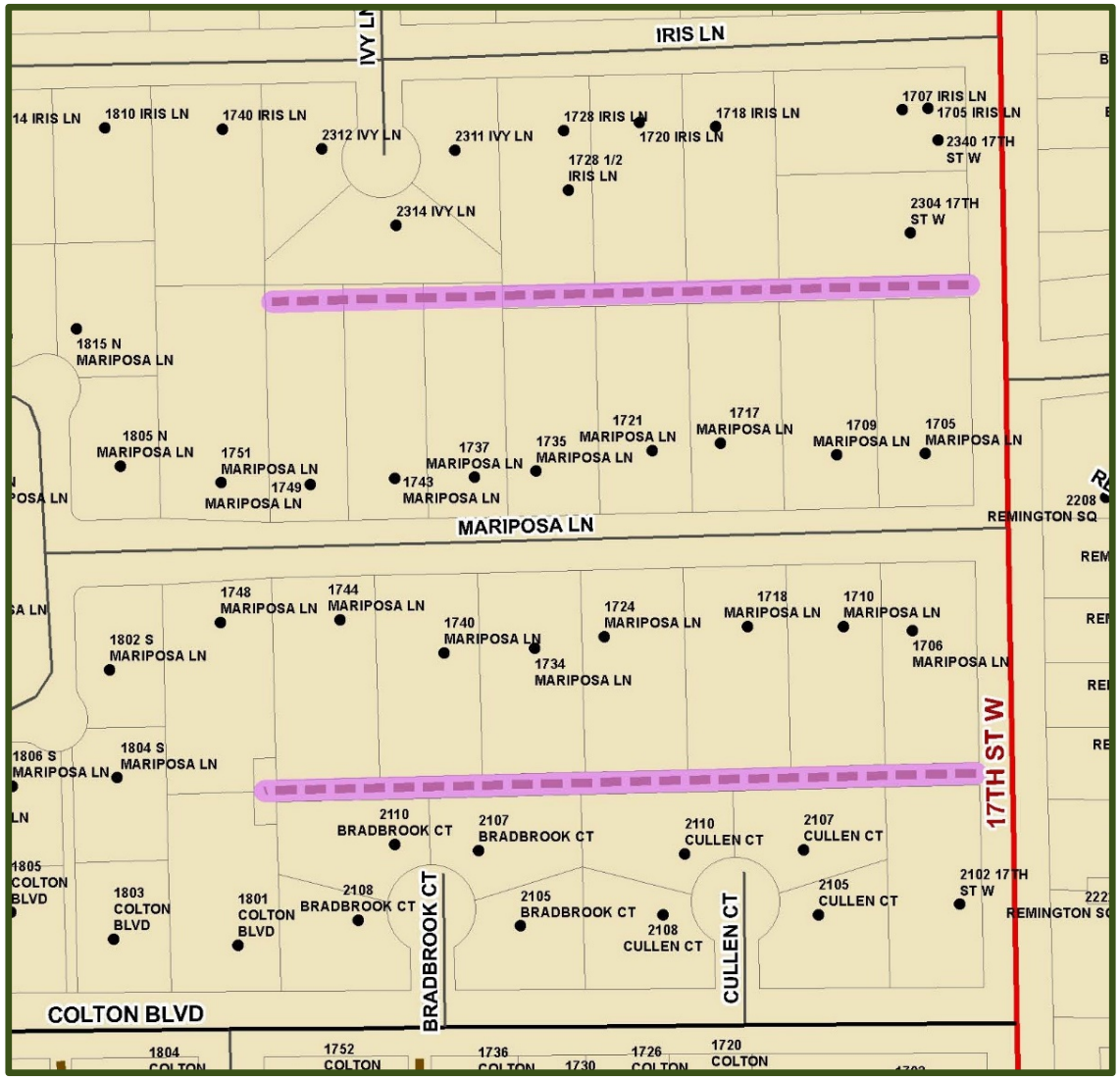
- Solid waste industry is moving away from 300s nationwide resulting in less options for containers/trucks
- Same trucks can be used for 90s as are used for 300s and truck arm modifications are not needed to pick up 90s
- Less abuse of waste where 90s are present
- Have about 1,000 300s that need to be replaced now
- Picking up 300s is inefficient
  - Spend more time packing and dumping 300s than driving to each 90 and dumping
- Receive numerous complaints every week about 300s and alleys.



Where Are We Making Changes?

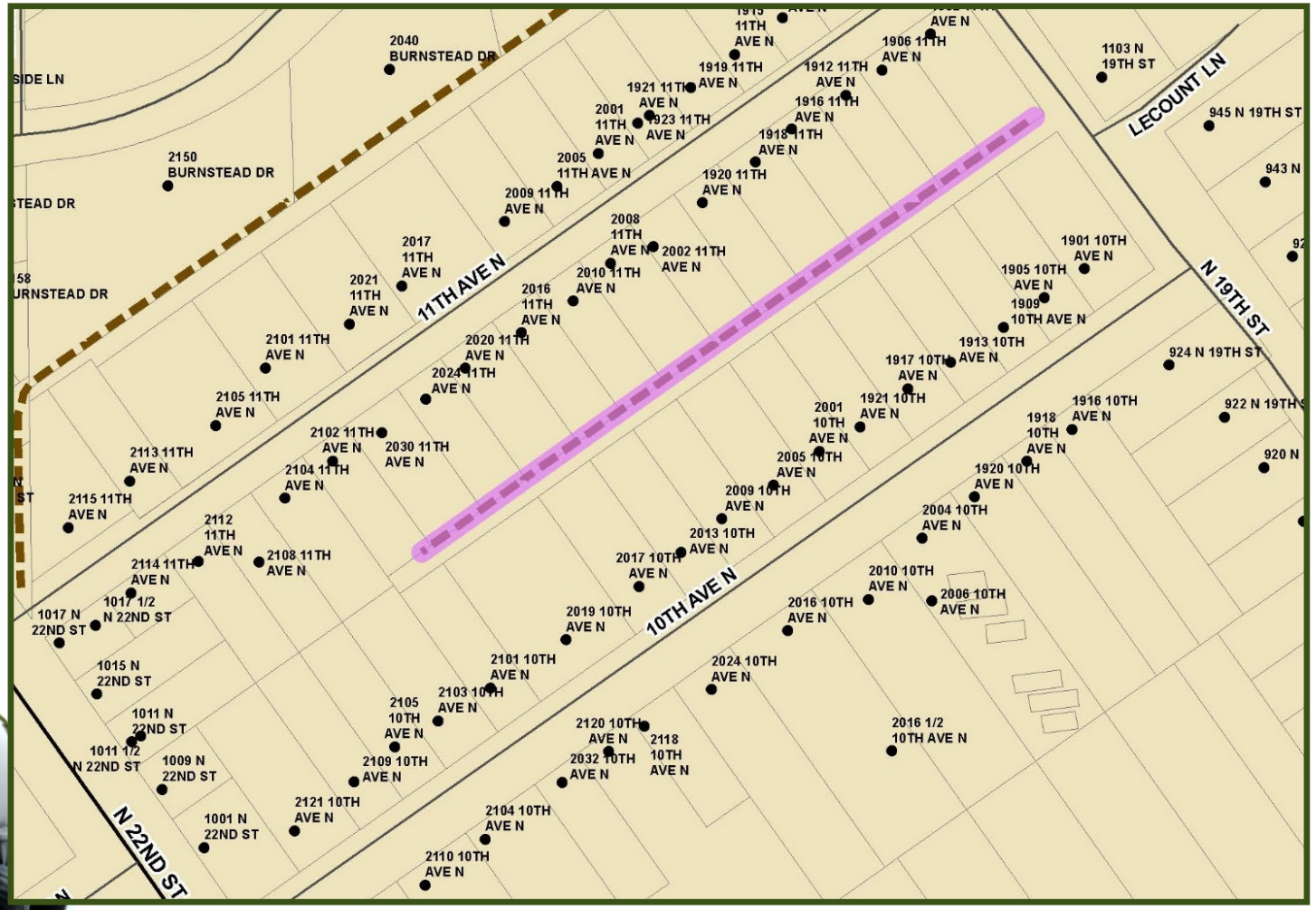
Phase 1 Priority





Where Are We Making Changes?

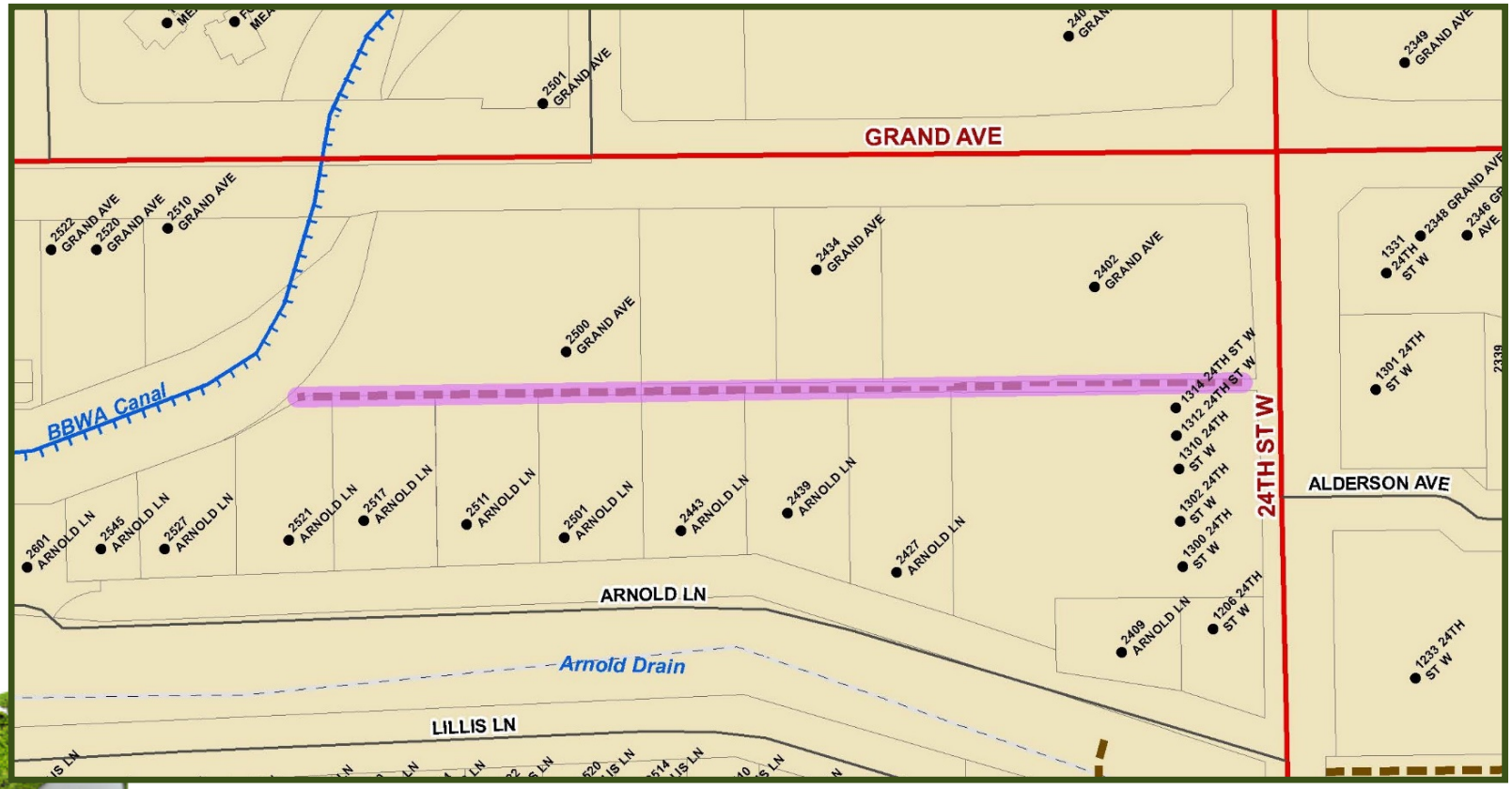
Phase 1 Priority





Where Are We Making Changes?

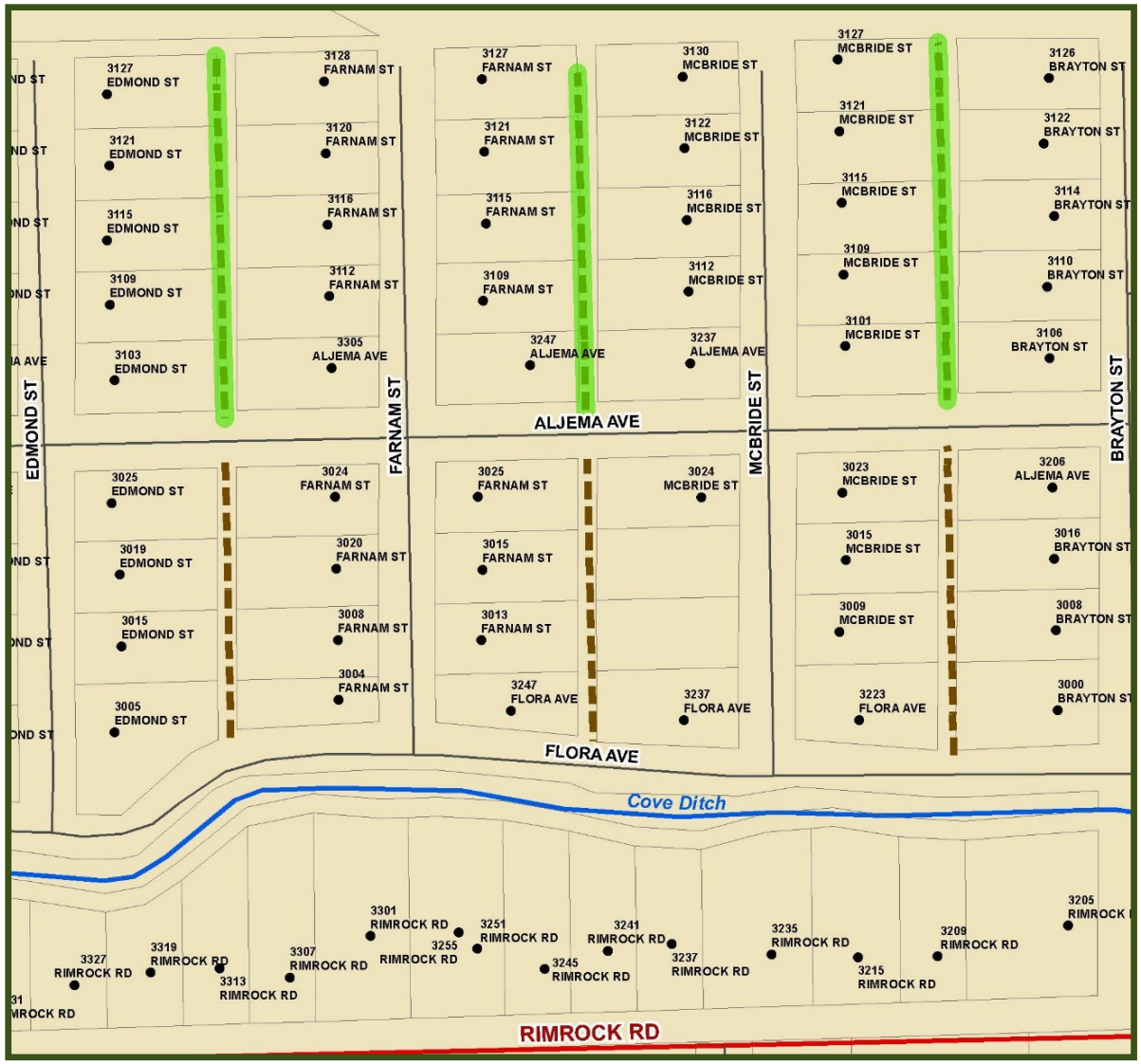
Phase 1 Priority





Where Are We Making Changes?

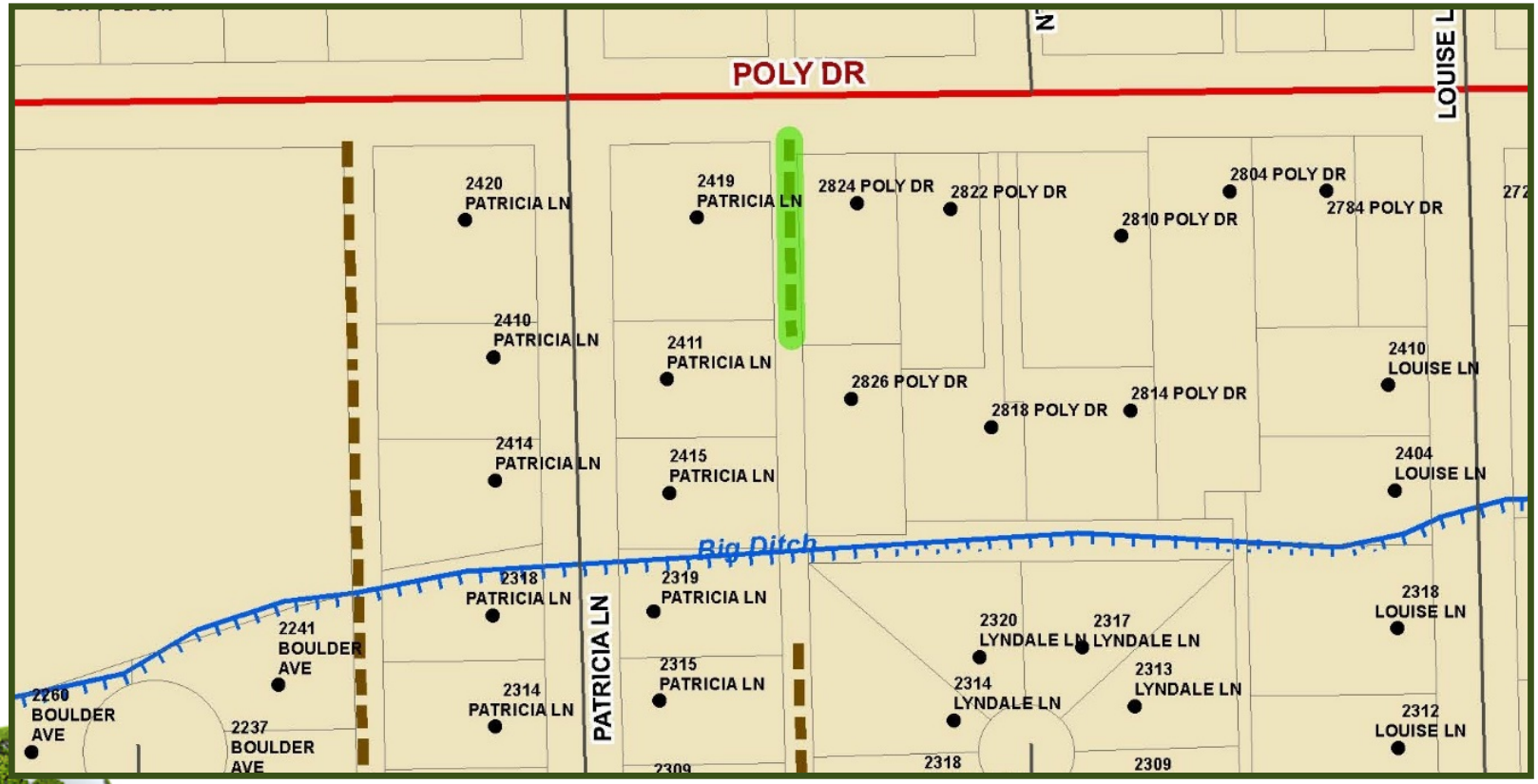
Phase 2 Priority





Where Are We Making Changes?

Phase 2 Priority





Where Are We Making Changes?

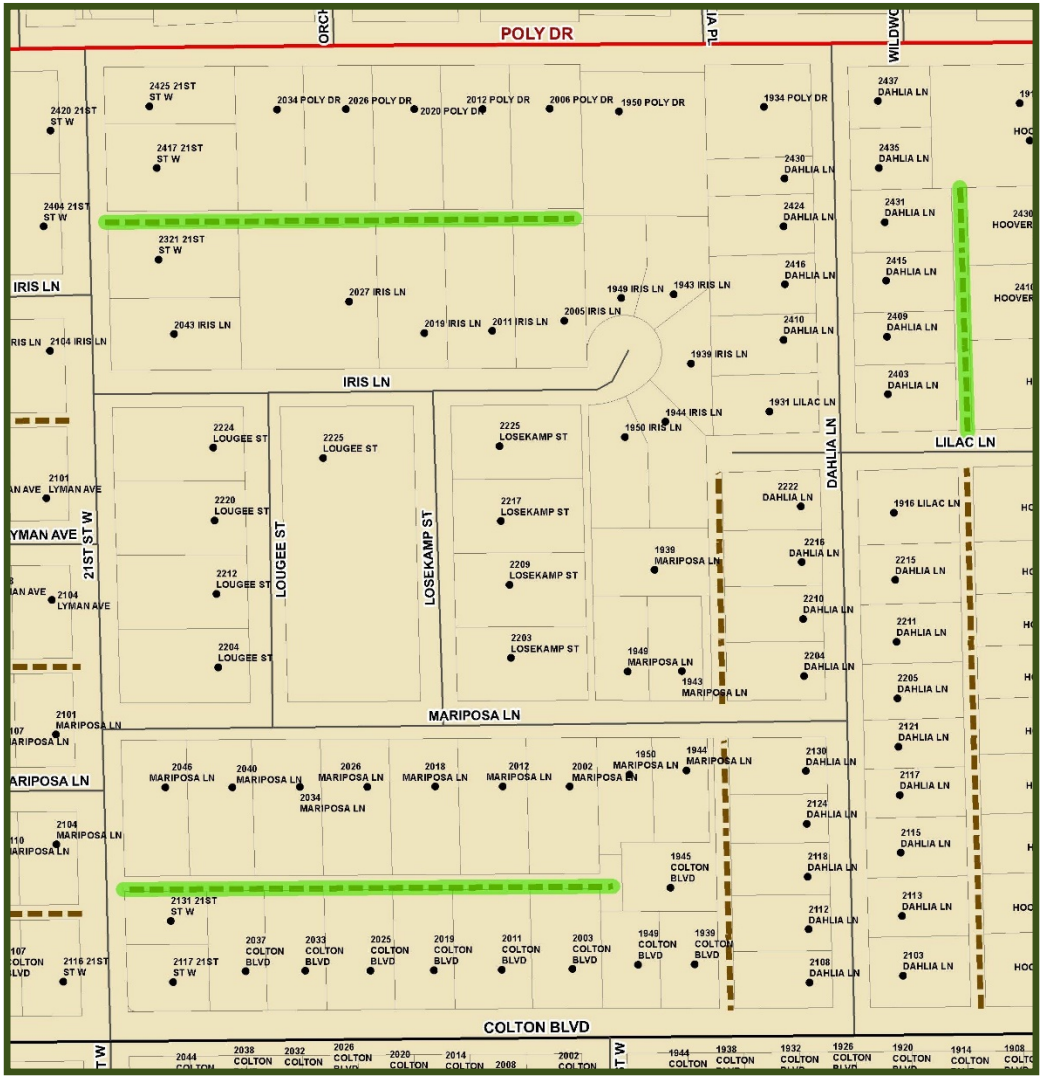
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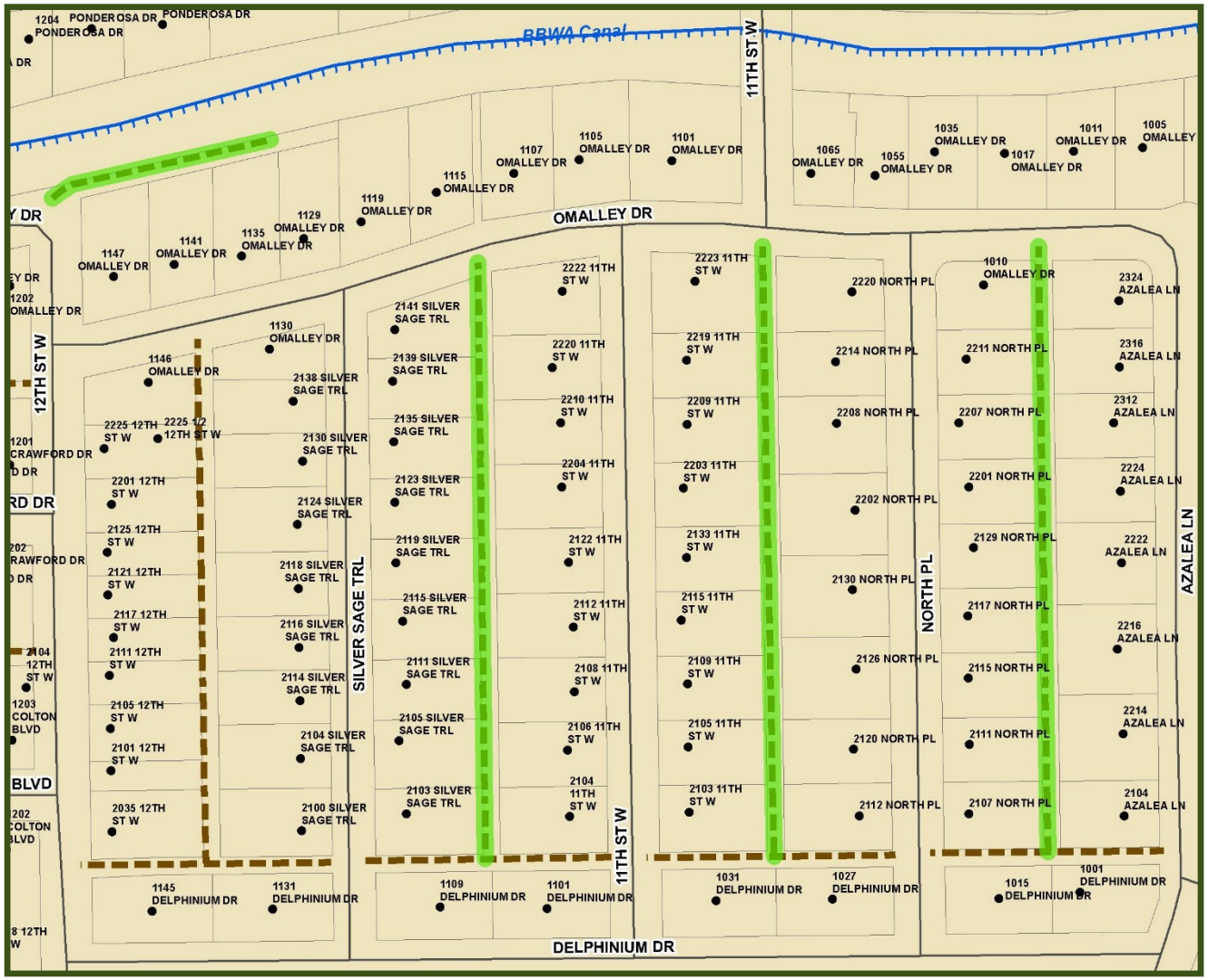
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Where Are We Making Changes?

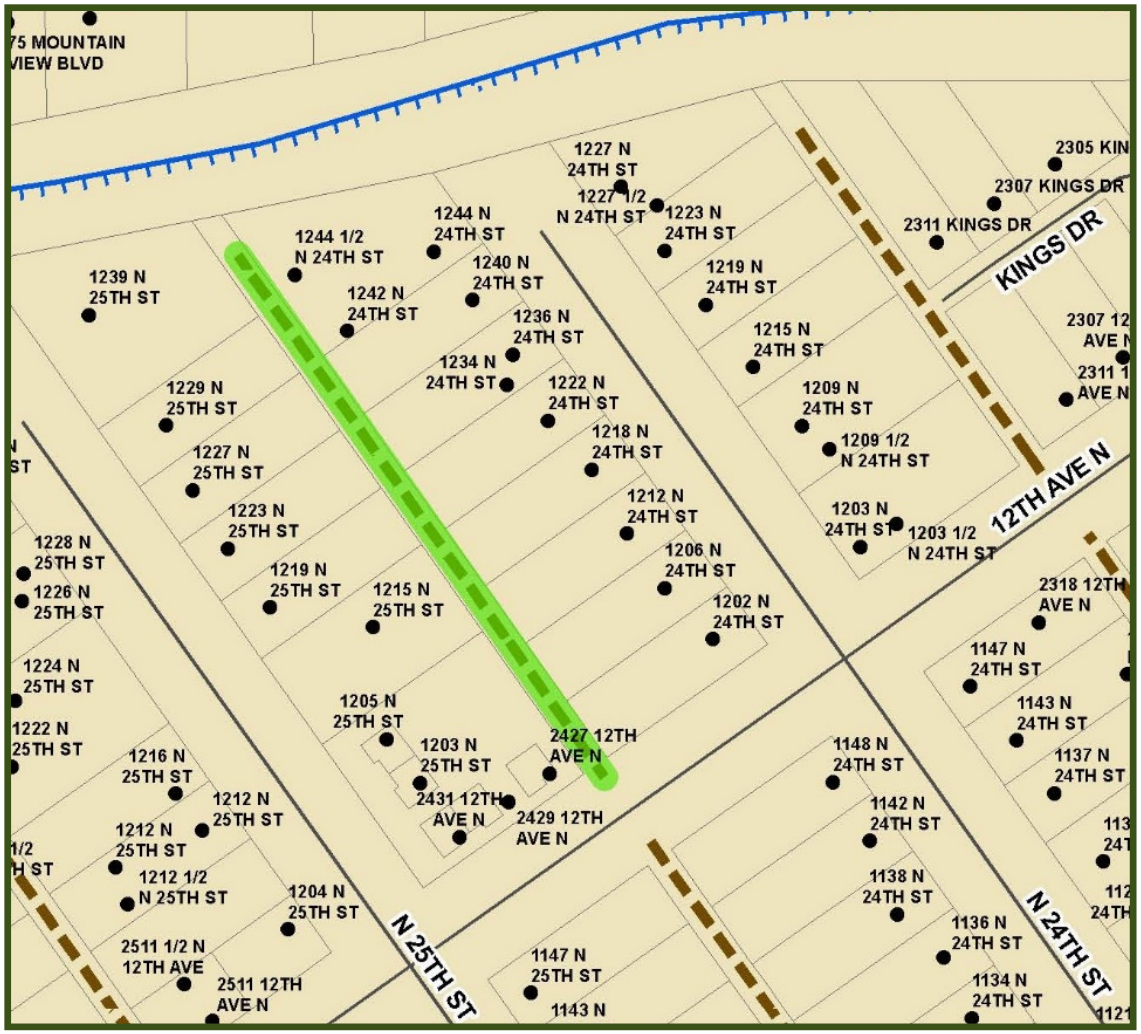
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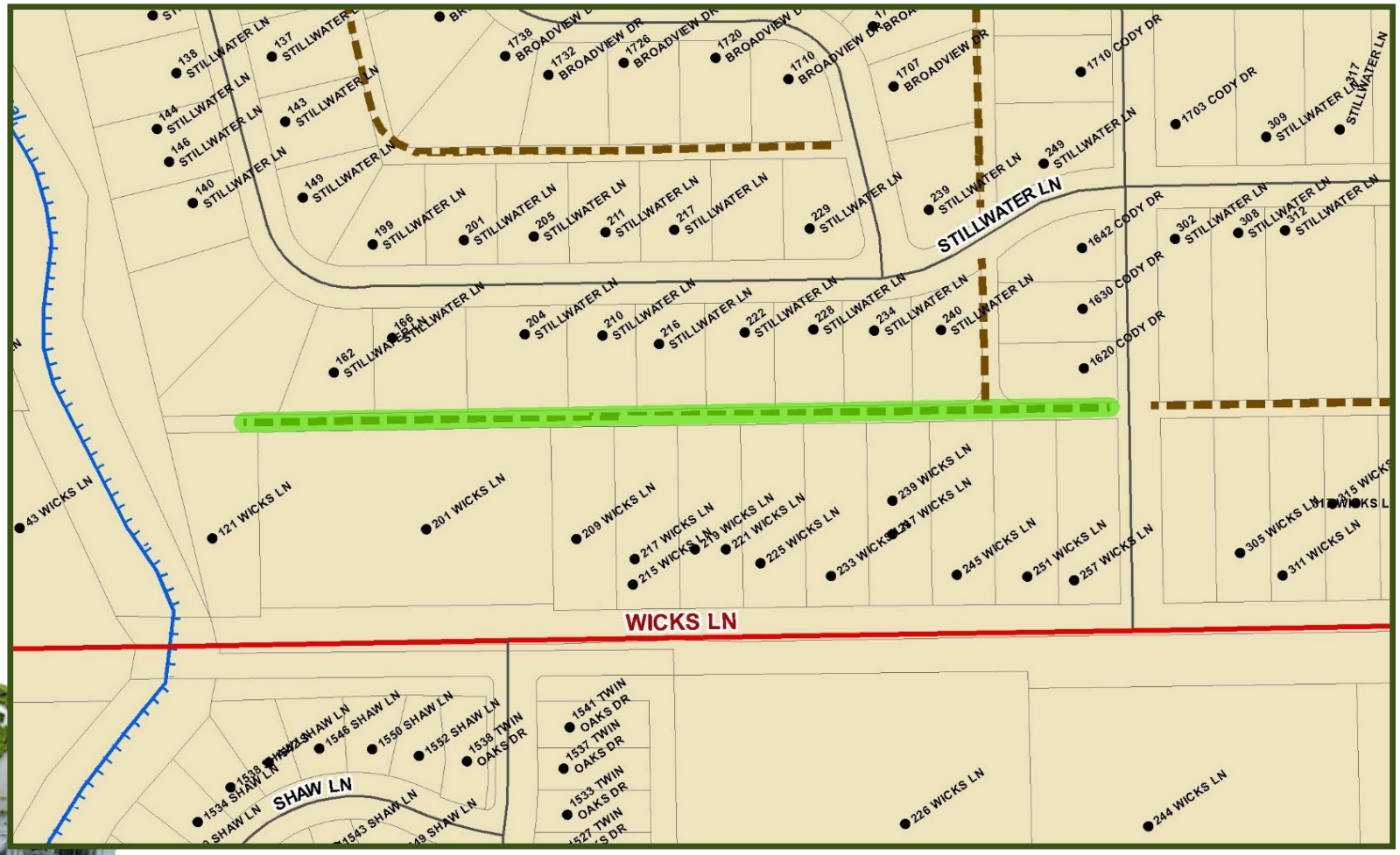
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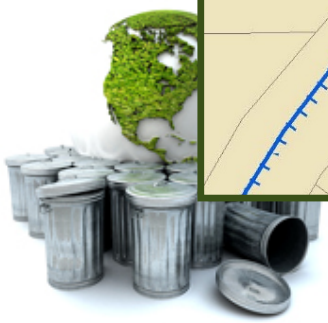




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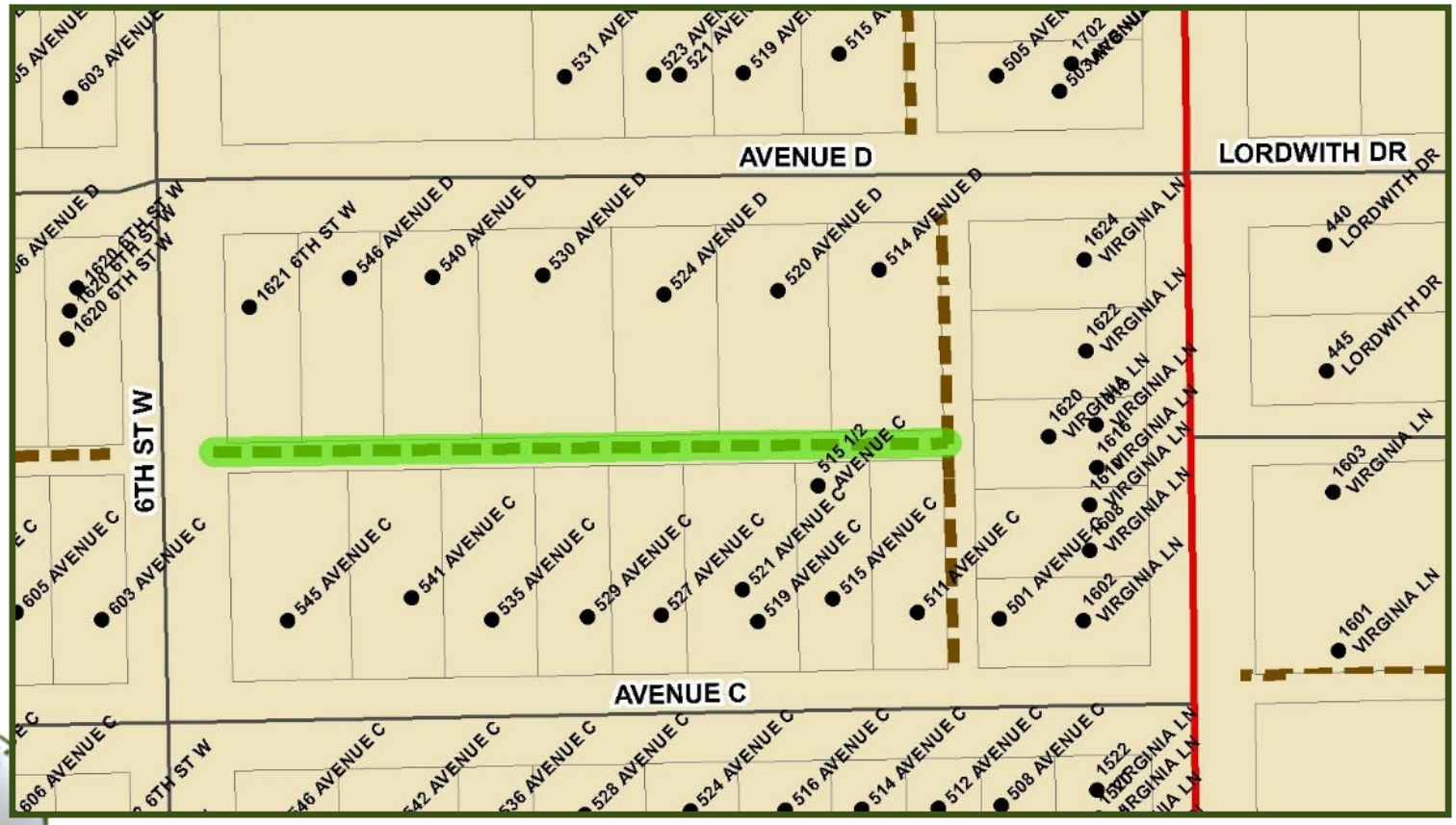
Phase 2 Priority





Where Are We Making Changes?

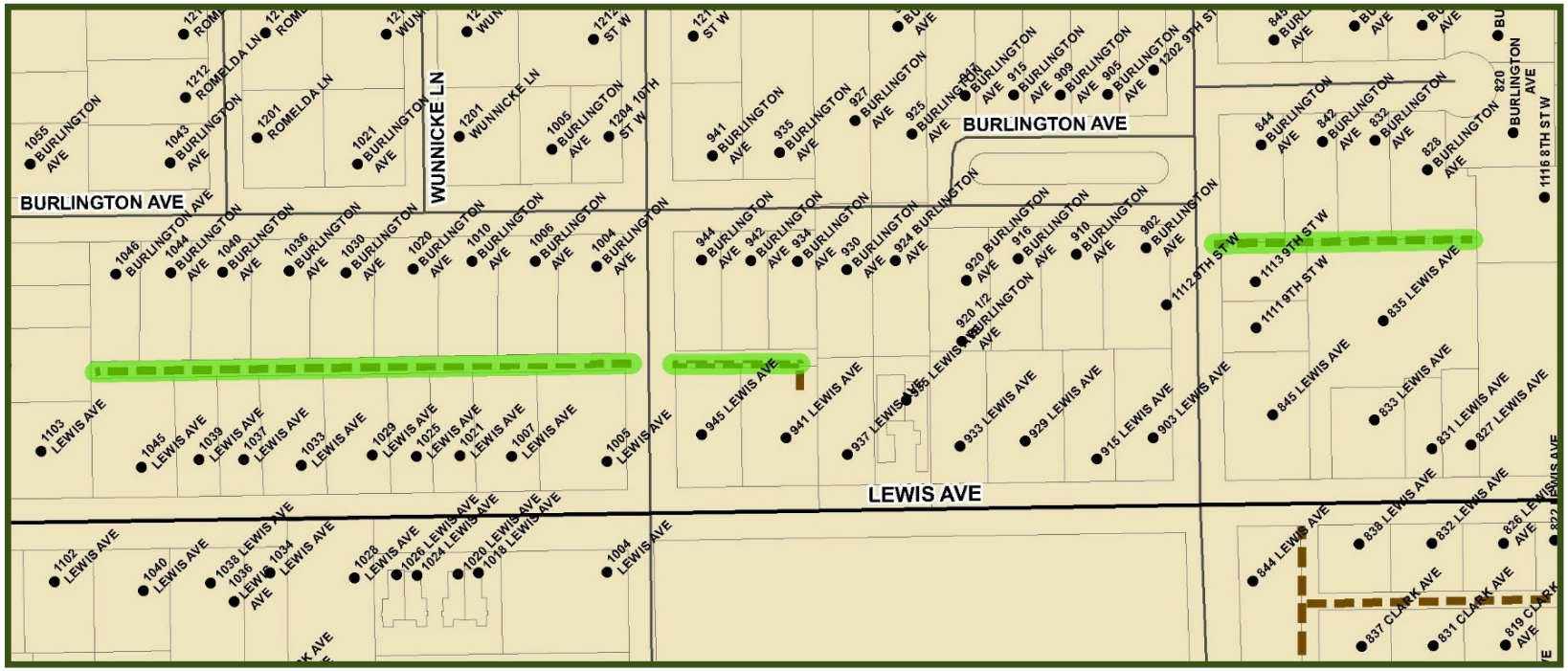
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Where Are We Making Changes?

Phase 2 Priority





Where Are We Making Changes?

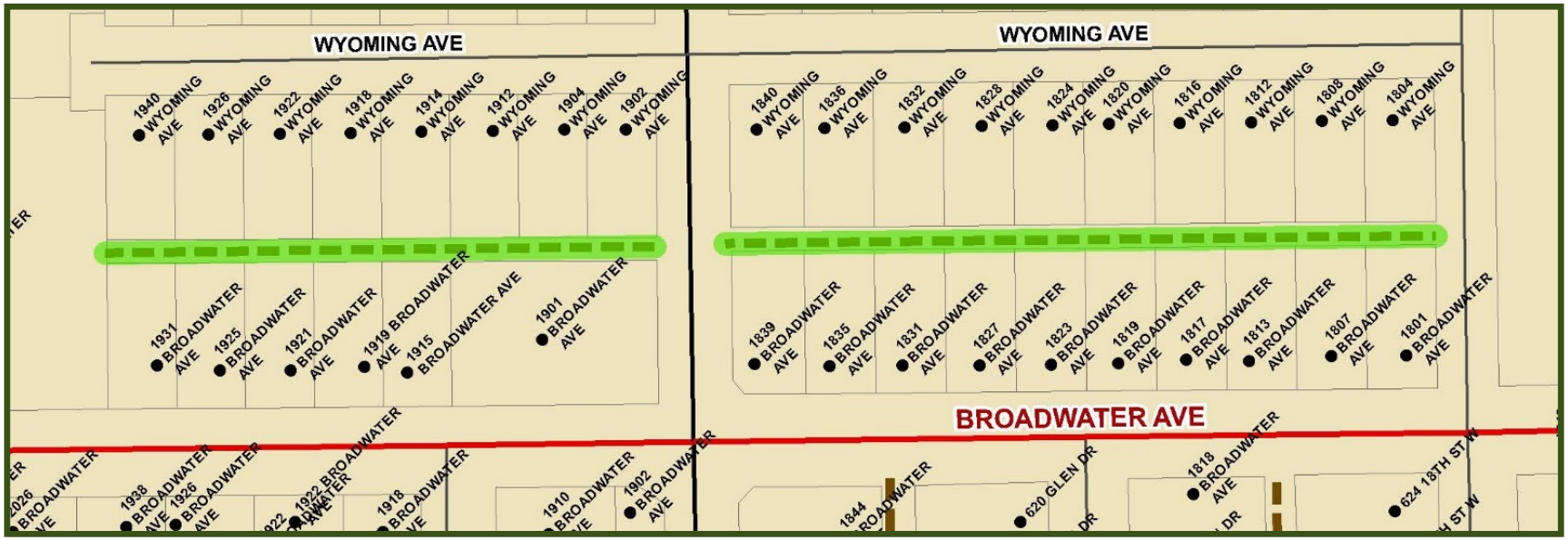
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Where Are We Making Changes?

Phase 2 Priority





Where Are We Making Changes?

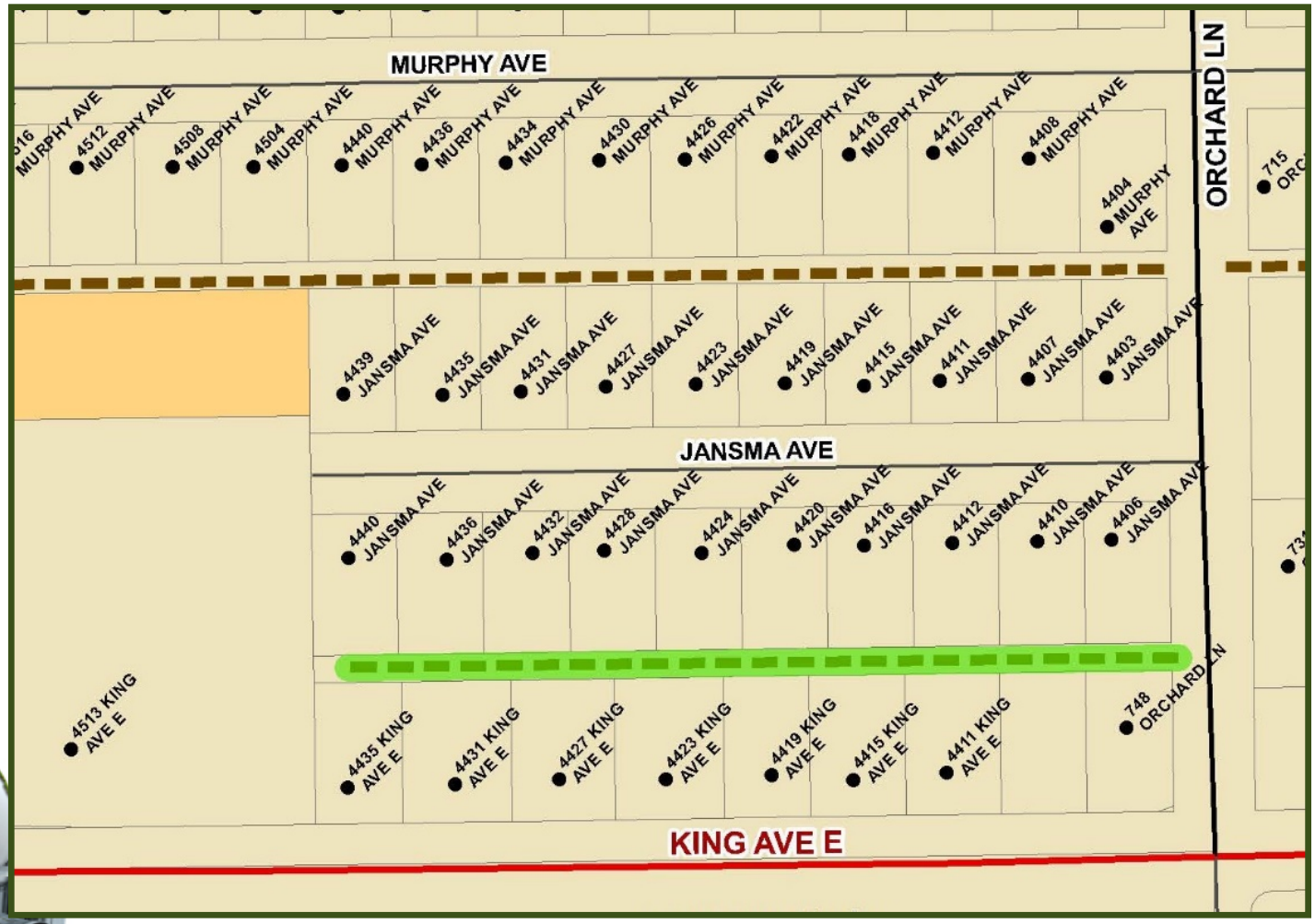
Phase 2 Priority





Where Are We Making Changes?

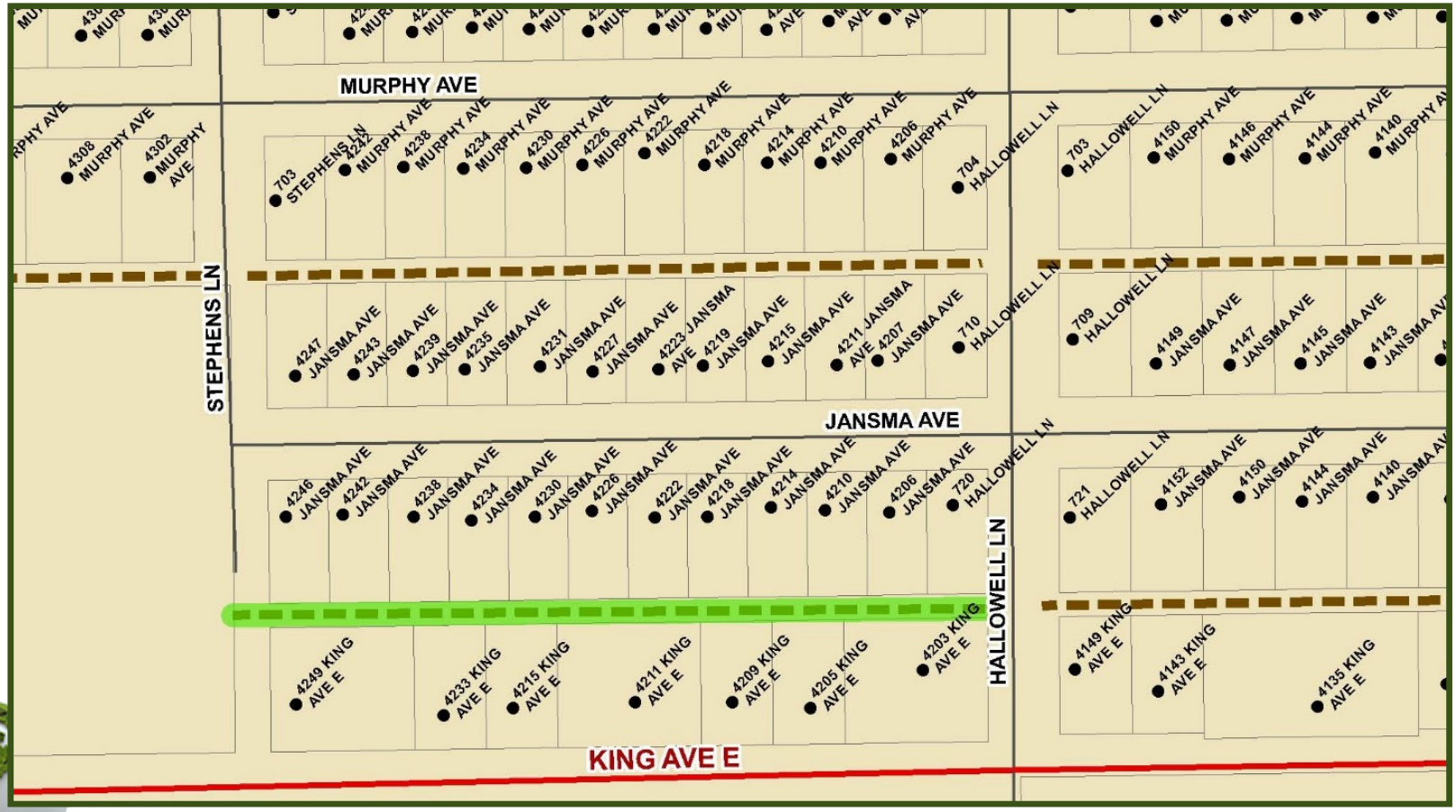
Phase 2 Priority





Where Are We Making Changes?

Phase 2 Priority





Where Are We Making Changes?

Phase 2 Priority





How Will We Move Forward?

Notification

Letter sent to all affected residents 2-4 weeks prior to making changes in an area

Phase 1 Changes

Changes can be made within existing budget

Phase 2-3 Changes FY 20

Request increase in container budget of $180,000 regardless of staying with 300s or changing to 90s

Phase 3 Changes FY 21

Will request the same container budget amount as FY 20 and then decrease budget for FY 22





Thank You!

Consent **1. A. 2.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Bid Award - W.O. 18-22: Leavens Reservoir Waterline and Improvements

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 18-22, Leavens Reservoir Water Line and Improvements, is a project to add a second overflow structure, install new inlet/outlet piping, and construct a new waterline from Normal Avenue to the existing Leavens reservoir. It also includes crack repair, other surface repairs, and baffle wall repairs to the existing reservoir. The project was advertised February 14, 21, 28, March 6, and March 13, 2020, in *The Yellowstone County News* and on the City's website. Bids were opened on March 17, 2020. State law requires City Council to act on bids at the next Council meeting after opening bids. Staff is recommending bid award be delayed in order to evaluate bids.

ALTERNATIVES ANALYZED

There is no viable alternative to delaying the Leavens Reservoir contract award. Staff needs time to evaluate the bids and make a bid recommendation. State law requires the Council to take action on bids at the first meeting following the bid opening and delaying the award at the March 23, 2020, meeting until the April 13, 2020, meeting meets that requirement.

FINANCIAL IMPACT

Bid results will be presented at the April 13, 2020, Council meeting. There is no financial impact with delaying the bid award.

RECOMMENDATION

Staff recommends the City Council delay bid award until the April 13, 2020, Council Meeting.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 3.**

Regular City Council Meeting

Meeting Date: 03/23/2020
TITLE: Bid Award: W.O. 19-16 Belknap Office Remodel
PRESENTED BY: David Mumford, Public Works Director
Department: Public Works
Presentation: No

PROBLEM/ISSUE STATEMENT

This project is phase one of two phases which will remodel the Belknap Service Center to provide space for Public Works staff which are in remote locations currently. The remodel will also consolidate and centralize the Distribution and Collection Division currently spread out within the building and expand the exisiting Fiscal Services area. Phase two will create office space for additional Public Works staff working in a remote location.

Staff opened bids on March 17th for phase 1 of the remodel. The project was advertised on February 14, 21, 28 and March 6, 2020, in *The Yellowstone County News* and on the City's website. The bid opening was delayed until March 17th, 2020, to allow time to obtain the hazardous materials report for contractor bidding information. Delaying the bid opening resulted in the bid results not being known when final agenda memos were due. Staff will present bid results and recommendation at the March 23, 2020, Council Meeting in order to stay on the planned construction schedule.

ALTERNATIVES ANALYZED

City Council may:

- Award the construction contract of W.O. 19-16: Belknap Office Remodel. Staff will present bid results and recommendation to council on March 23, or;
- Do not award a contract and reject all bids. If the Contract is not awarded, phase 1 of the remodel cannot be completed and leases for existing space will need to be extended.

FINANCIAL IMPACT

Funding for this project has been approved by the City Council in the Capital Improvement Plan (CIP) for FY 20 budget. The project will use water and wastewater funds.

Project Budget	$3,200,000
Previously Encumbered	$143,096.00
This Contract	To be presented at 3/23/2020 meeting
Budget Remaining	To be presented at 3/23/2020 meeting

RECOMMENDATION

Staff will present recommendation for award to City Council for W.O. 19-16: Belknap Office Remodel.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 4.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Bid Award: W.O. 20-03 Contract No. 2 City Overlay

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

This project is part of the on-going Street Preventative Maintenance Program supported by the City Council since 1985. Annually, staff identifies streets proposed for preventative maintenance that includes pavement patching, chip seal resurfacing, overlay resurfacing, and crack sealing. This contract includes two schedules. Schedule 1 will mill and overlay approximately 1.5 miles of South 32nd St W (King Ave W to Monad) and 17th St W (Grand Ave to Rimrock). One Additive Alternate was included with Schedule 1. Alternate A is to overlay Zimmerman Trail (Poly Drive to Rimrock). Schedule 2 is work to remove and replace some asphalt surface at Riverfront Park. A work location map for Schedule 1 is attached. The contract was advertised on February 14, 21, 28, and March 6, 2020, in *The Yellowstone County News* and on the City's website. Staff opened bids on March 10th, 2020, for W.O. 20-03 Contract No. 2 City Overlay. There were 4 bids and Knife River submitted the lowest responsible bid for Schedule 1 which is the overlay. Askin Construction submitted the lowest responsible bid for Schedule 2 which is paving work at Riverfront Park. Staff recommends that the project is awarded with the additive alternate A.

ALTERNATIVES ANALYZED

The Council may:

- Award W.O. 20-03 Contract No. 2 City Overlay Schedule 1 with Add Alternative A to Knife River, in the amount of $1,213,427.70 and Schedule 2 to Askin Construction in the amount of $170,245.50; or
- Do not award a contract and reject all bids. If the contract is not awarded, the streets and parks planned for maintenance will continue to degrade.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Schedule 1: Overlay	Add Alternate A: Overlay	Schedule 2: Riverfront Park
Knife River - Billings	$1,010,208.70	$203,219.00	$181,529.00
Askin Construction, LLC	No Bid	No Bid	$170,245.50
Riverside Contracting	$1,454,273.91	$427,875.86	$437,140.00
FirstMark Construction	No Bid	No Bid	$188,000.00

The funding for the project was budgeted in FY20 in the gas tax, arterial, and park funds.

	City Street Preventative Maintenance	Riverfront Park
Project Budget	$2,570,000.00	$284,796.00

Previously Encumbered	$1,282,220.30	$4,990.00
This Contract	$1,213,427.70	$170,245.50
Budget Remaining	$74,352.00	$109,560.50

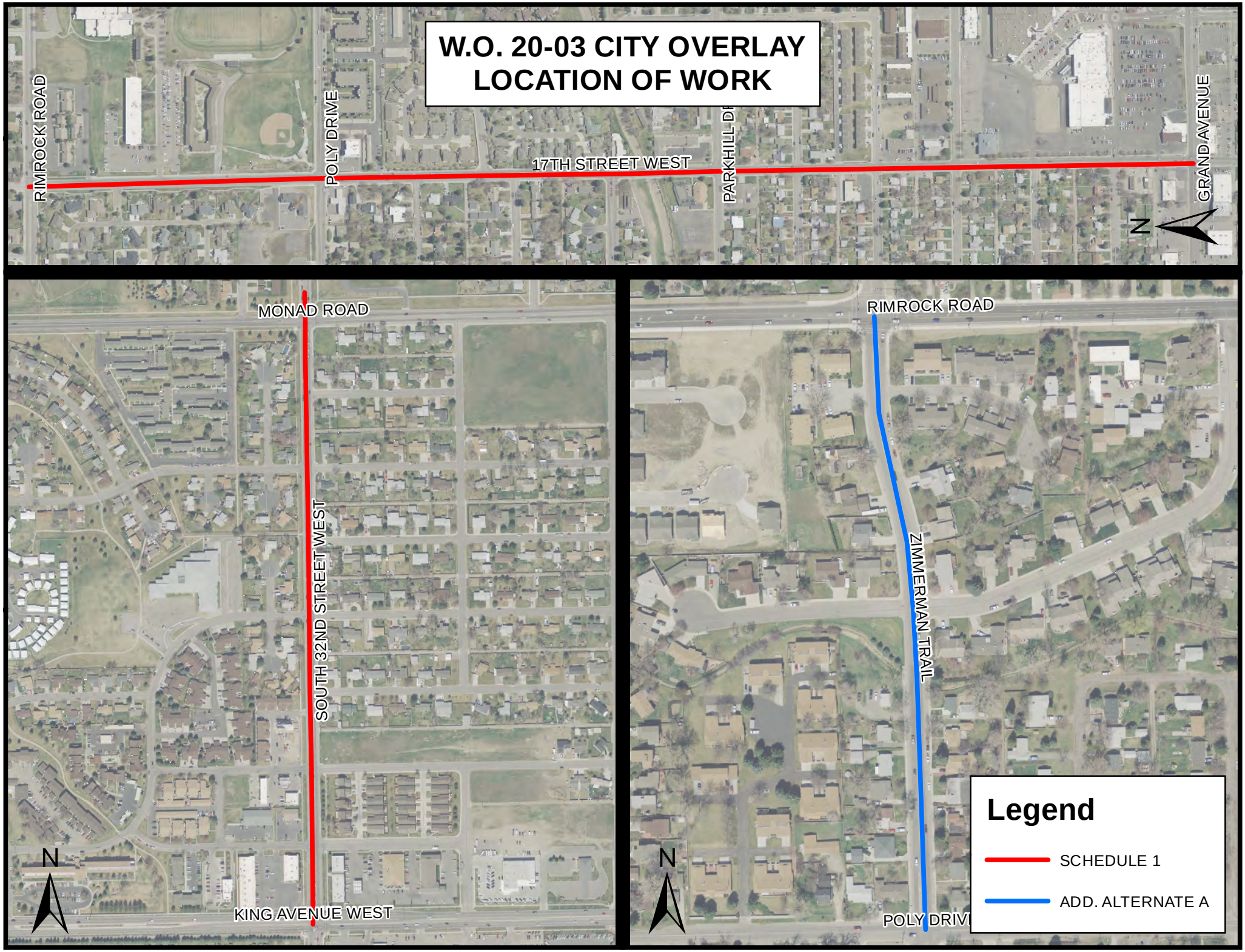
RECOMMENDATION

Staff recommends the City Council award a contract for W.O. 20-03 Contract No.2 City Overlay Schedule 1 with Additive Alternate A to Knife River - Billings in the amount of $1,213,427.70 and Schedule 2 to Askin Construction in the amount of $170,245.50.

APPROVED BY CITY ADMINISTRATOR

Attachments

Overlay Map


W.O. 20-03 CITY OVERLAY
LOCATION OF WORK
RIMROCK ROAD
POLY DRIVE
17TH STREET WEST
PARKHILL DR
GRAND AVENUE
N
MONAD ROAD
SOUTH 32ND STREET WEST
KING AVENUE WEST
N
RIMROCK ROAD
ZIMMERMAN TRAIL
POLY DRIV
Legend
SCHEDULE 1
ADD. ALTERNATE A

Consent **1. A. 5.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: W.O. 20-10, WRF Equipment Installation

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

City Council is asked to consider awarding a contract to Dick Anderson Construction in the amount of $1,135,570.00. The W.O. 20-10: WRF Equipment Installation Project generally consists of:

- installing City-furnished equipment in the headworks building, including one fine screen, two macerators and one vortex grit removal unit,
- modifying the headworks effluent channel,
- installing City-furnished ultraviolet (UV) disinfection equipment,
- installing City-furnished air flotation thickener (AFT) equipment, and
- modifying valves associated with the AFTs.

The purpose of this equipment is to increase capacity and improve redundancy. Installing the macerators reduces long-term equipment maintenance.

The project was advertised in the *Yellowstone County News* and on the City website January 24th and 31st, 2020, and February 7th, 14th and 21st, 2020. The City received bids from two contractors on February 25, 2020, and staff recommended that City Council delay awarding a contract until the March 23, 2020, City Council meeting in order to provide staff with additional time to evaluate the bids. Dick Anderson Construction was determined to be the lowest responsible bidder.

ALTERNATIVES ANALYZED

City Council may:

- Approve awarding a contract to Dick Anderson Construction, or;
- Disapprove awarding a contract to Dick Anderson Construction. If the project is not completed, the WRF will not be able to install equipment already pre-purchased by the City and will not be able to achieve the capacity improvements and maintenance advantages realized by completing the work.

FINANCIAL IMPACT

The following bids were received on February 25, 2020 for W.O. 20-10: WRF Equipment Installation Project:

	Dick Anderson Construction	Sletten Construction Company
Schedule I, Equipment Installation	$956,970.00	$1,089,000.00
Schedule II, Macerators Installation	$49,500.00	$71,000.00
Schedule III, Headworks Effluent Channel	$129,100.00	$242,000.00
TOTAL BID	**$1,135,570.00**	**$1,402,000.00**

Sanitary sewer funds budgeted in FY20 will be used for this project. The project includes additional work beyond the equipment installation planned in the budget. The additional work is to complete portions of W.O. 14-11, Wastewater Treatment Plant Improvements, and the available budget from that project is being used on this project.

FY 20 Budgeted Amount	$750,000.00
W.O. 14-11 Available Budget	$385,570.00
Previously Encumbered	$0
This contract	$1,135,570.00
Remaining Balance	$0

RECOMMENDATION

Staff recommends that City Council award a construction contract for W.O. 20-10: WRF Equipment Installation Project to Dick Anderson Construction in the amount of $1,135,570.00

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 6.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: W.O. 20-19 North Park Irrigation System Replacement

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 20-19: North Park Irrigation System Replacement will replace the existing irrigation system at North Park. The improvements will consist of new piping, valves, sprinkler heads, controls, and a booster pump. The existing system is approximately 50 years old and the sprinklers must be inserted and removed manually to irrigate each zone which is labor intensive. In addition, the park is irrigated during the day which prohibits large portions of the park from being utilized. The new irrigation system will be automated which will allow for the park to be watered at night and allow for full utilization of the park during the day.

The project was advertised on February 14th, February 21st, and February 28th, 2020, in the *Yellowstone County News* and on the City's website. Bids were opened on March 10th, 2020, and two bids were received. The Good Earth Works Co, Inc. submitted the lowest responsible bid.

John's Home and Yard Service submitted the lowest bid price, however, the bid was deemed nonresponsive because the bidder did not meet minimum qualifications. Bidders were required to have experience installing large commercial irrigation systems. John's Home and Yard Service has never installed a commercial irrigation system.

ALTERNATIVES ANALYZED

City Council may:

- Approve the construction contract for W.O. 20-19 North Park Irrigation System Replacement to The Good Earth Works Co, Inc., in the amount of $423,000.00, or;
- Do not approve the construction contract. If the project is not constructed, North Park will continue to be irrigated manually during the day causing large portions of the park to not be utilized. In addition, the irrigation system will continue to be maintenance and labor intensive.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Total Bid
The Good Earth Works Co, Inc.	$423,000.00
John's Home and Yard Service*	$398,000.00*

*Bid deemed nonresponsive

Park funds will be used for this project.

FY20 Budgeted Amount	$714,000
Previously Encumbered	$19,661
This Contract	$423,000
Remaining Budget	$271,339

RECOMMENDATION

Staff recommends that the City Council approve a contract with The Good Earth Works Co, Inc. for W.O. 20-19 North Park Irrigation Replacement, in the amount of $423,000.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 7.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: W.O. 20-32 Water Treatment Plant Sediment Hauling

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 20-32, Water Treatment Plant Sediment Hauling, will excavate and haul approximately 13,500 cubic yards of river sediment to the landfill. The Water Treatment Plant dredges the sedimentation basins on a yearly basis and places the material into drying beds. Once the material is dry, it is hauled to a designated site.

The project was advertised on February 28th, and March 6th, 2020, in the *Yellowstone County News* and on the City's website. Bids were opened on March 10th, 2020, and seven bids were received. Winkler Excavating Inc. submitted the lowest responsible bid.

ALTERNATIVES ANALYZED

City Council may:

- Approve the construction contract with Winkler Excavating, Inc. for W.O. 20-32 Water Treatment Plant Sediment Hauling in the amount of $110,650.00, or;
- Do not approve the construction contract. If the project is not constructed, the Water Plant will not have sufficient room in the drying beds to dredge the sedimentation basins which will make it problematic to get the raw water into the treatment process to provide drinking water to the City.

FINANCIAL IMPACT

The following bids were received and evaluated:

Contractor	Bid Amount
Warren Transport, Inc.	$127,320.00
Firstmark Construction LLC	$124,705.00
Millennium Construction	$258,773.00
Winkler Excavating, Inc.	$110,650.00
Olympus Technical Services	$150,800.00
Knife River	$142,650.00
Askin Construction	$115,260.00

Water funds budgeted in FY20 will be used for this project. The O&M Budget has sufficient funds available to meet the $650 overrun. The bids are based on an estimate of the tonnage of sediment. Payments will be based on actual weights. Historically, estimates have been higher than actual amounts so if that occurs under this project, the final cost may be less that the contract amount.

Budgeted Amount	$110,000.00
Previously Encumbered	$0
This Contract	$110,650.00

Remaining Budget	($650)

RECOMMENDATION

Staff recommends that the City Council approve a contract with Winkler Excavating, Inc. for W.O. 20-32 Water Treatment Plant Sediment Hauling in the amount of $110,650.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. B.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: W.O. 20-24 West End Storm System Improvements Professional Services Contract Award

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 20-24 West Billings Stormwater System Improvements is a project that will provide construction of a defined City managed drainage corridor from the intersection of Rimrock and 54th to the Shiloh Drain along 48th Street West and/or Shiloh Road. In addition, this project includes design and construction of miscellaneous minor drainage improvements along 54th Street West and at existing City maintained detention ponds on the West End.

Staff requested the services of an engineering firm to provide design and construction administration and DOWL was selected through the Request for Proposals (RFP) process. Other firms considered were AE2S, Burns and McDonnell, Great West Engineering, Herrera, Performance Engineering, Sanderson Stewart, Territorial Landworks and WWC Engineering.

As the final route of the drainage corridor is unknown at this time, this project is split into two phases. Phase I will study and identify the most practical alignment for the drainage corridor and will also complete design for the minor improvements along 54th Street West and the existing City maintained detention pond. The contract amount for Phase I is $136,526.75. Once Phase I is completed and the preferred drainage corridor route is identified, Phase II will complete design for the construction improvements identified within Phase I.

ALTERNATIVES ANALYZED

City Council may:

- Approve the professional services contract with DOWL, or;
- Disapprove the professional services contract with DOWL. If the contract is not awarded, the city's storm system on the west end will not be studied and designs for improvements will not be completed.

FINANCIAL IMPACT

FY 2020 Storm Drain Funds will be used for this project.

FY20 Budgeted Amount	$880,000
Previously Encumbered	$0
This Contract	$136,526.75
Budget Remaining	$743,473.25

RECOMMENDATION

Staff recommends that Council approve the professional services contract with DOWL in the amount of $136,526.75 for Phase I for W.O. 20-24; West Billings Stormwater System Improvements.

APPROVED BY CITY ADMINISTRATOR

Attachments

WO 20-24 Contract for Professional Services

Contract for Professional Architectural and Engineering Services

W.O 20-24 West End Storm System Improvements

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

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 9 pages (Basic Services of Contractor);

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

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

Appendix D consisting of 5 pages (Schedule of Professional Fees);

Appendix E consisting of 1 pages (Project Schedule);

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

PART I
SPECIAL PROVISIONS

Section 1. Definitions.

In this Contract:

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

Section 2. Scope of Services.

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

C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.

D. The Engineer shall provide as-built drawings as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings. Requirements for submitting as constructed documents of completed Private Contracts, Work Orders, Special Improvement Districts and Site plans involving any City of Billings infrastructure: a point file; 1 (*.asc, *.txt, comma delimited; point number, northing, easting, elevation and description) / 2 (*.csv, with headings for; point number, northing, easting, elevation and description), with northings and eastings to the nearest tenth of a foot, elevations to the nearest hundredth of a foot, representing new, updated or relocated City of Billings infrastructure features such as, but not limited to Sanitary Sewer Manholes, Storm Drain Manholes, Water Valves, Water Bends, Signals, Street Light, etc., in the coordinates of Montana State Plane, Zone 2500 using NAD83(2011), Horizontal and NAVD88 Vertical, Horizontal units and Vertical units will be International feet, one half size paper copy to scale, one full size paper copy to scale, two CD's or DVD's with PDF files being half size to scale and full size to scale and AutoCAD DWG files as-constructed / as-built, Version 2016, or equivalent.

~~E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.~~

Section 3. Time for Performance.

A. This Contract becomes effective when signed on behalf of Billings.

B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.

C. This Contract shall terminate at midnight on December 31, 2022.

Section 4. Compensation; Method of Payment.

A. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Contractor within 30 days of receiving an acceptable invoice.

B. The Contractor is not entitled to any compensation under this Contract, other than is expressly provided for in this Section.

C. As a condition of payment, the Contractor shall have paid all City taxes currently due and owing by the Contractor.

Section 5. Termination of the Contractor's Services.

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

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

Section 6. Duties Upon Termination

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

Section 7. Insurance.

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

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

C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.
D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

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

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

A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.
B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.
C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless

the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

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

Billings: Debi Meling, PE
City of Billings
Public Works Engineering
2224 Montana Avenue
Billings, Montana (ZIP) FAX: (406) 237-6291

Contractor: DOWL
Greg Gabel, PE, CFM
Project Manager
222 N 32nd Street, Suite 700
Billings, MT 59101 FAX: (406) 656-6398

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

Section 11. Contract Budget.

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

Section 12. Force Majeure.

A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:

1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
2. Strikes or Work stoppages.

3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

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

A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
C. Effectively controls and accounts for all municipal funds and Contract property;
D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
E. Allocates administrative costs to direct service delivery units;
F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
G. Provides accounting records supported by source documentation; and
H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

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

Section 15. Subcontracts.

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

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

PART II
GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

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

Section 2. Nondiscrimination.

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

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the

Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

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

Section 5. Amendment.

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

   Contractor: Wade Irion, PE, Regional Business Supervisor

   Billings: City Council or Authorized Designee

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

Section 6. Jurisdiction; Choice of Law.

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

Section 7. Severability.

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

Section 8. Integration.

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

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and

expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

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

Section 10. Inspection and Retention of Records.

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

Section 11. Availability of Funds.

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

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

City of Billings

_____
William A. Cole, Mayor

Date:_____

ATTEST:

_____
City Clerk

Date:_____

Contractor

_____

Name:_____
Title:_____
Date:_____

IRS Tax ID #_____

APPROVED AS TO FORM:

By_____
BRENT BROOKS, City Attorney

Appendix A

Basic Services of Engineer

Section 1. Engineer's Rights and Duties.

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Engineer's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.

B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.

C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Engineer shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.

D. Engineer's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.

E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.

F. The Engineer shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.

G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.

H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.

I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Engineer. Reports will be submitted in a timely manner to permit prompt resolution of problems.

J. Contract administration duties will include review of contractor certified payrolls for wage rate compliance. Discrepancies in certified payrolls will be resolved with the

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

K. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project the Task Director designated for the Engineer is Greg Gabel, P.E..

Section 2. Billings Rights and Duties.

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

B. Name a Task Director who shall be the liaison between the Engineer and Billings. For this project, the Task Director designated is Tyler Westrope.

Section 3. Scope of Work.

The project is divided into two phases to provide focus and efficiency. Phase I will include landowner coordination, supplemental survey, legal review, right of way research, updates to master plan assumptions and stormwater modeling, hydraulic analysis of required conveyance improvements, preliminary design and cost estimates, all to guide selection of a preferred alternative. The selected storm drainage solution for the 54th to Grand to 48th corridor will then be advanced to Phase II for final design and construction administration. Final design and construction plans for drainage improvements at the Grand Peaks retention pond, Fire Station 7, and the intersection of 54th and Grand will also be included in Phase I.

Task 100: Project Management

1) Perform general project management tasks including; monthly billing, project status updates, and regular coordination with the project team and City of Billings.
    a. Assumed a four-month duration for Phase I.
2) Periodic coordination meetings with City of Billings Project Manager to guide project direction. Four meetings assumed. These meetings may be to discuss findings, strategize for landowner negotiations, or to make key decisions on project direction.
3) Obtain and review additional pertinent information from the City, including as-built construction drawings, drainage reports, and plat maps for recent developments.

Task 100 Deliverables:

1) ***Monthly progress reports will be submitting summarizing the work under the various tasks.***
2) ***Minutes from project review meetings***

Task 200: Ditch Company and Landowner Coordination

1) Prepare for meetings with ditch companies and landowners.
    a. Assume 2.5 hours of preparation and post meeting documentation for each meeting to develop exhibits, electronic presentation materials, and meeting minutes.
2) Coordinate with representatives of Big Ditch and Snow Ditch companies
    a. Assume 1 meetings with Russ Cummins, the ditch superintendent for Big Ditch and Snow Ditch to better understand operation of the ditches.
    b. DOWL has assumed no other meetings with Big Ditch or Snow Ditch.
3) Coordinate with landowners and lessees for Monad Irrigation Ditch and BD/PD-1 Ditch.
    a. It is difficult to estimate the level of effort for landowner negotiation to use these various ditches. DOWL has assumed the following minimum meetings and will not to exceed a total budget of $12,500 for coordination efforts on the Monad Ditch and BD/PD-1 Ditch. It is anticipated some additional coordination and negotiation will still be required through Phase II Final Design.
        i. The Monad Ditch is located on five different properties along 48th Street including, Yellowstone County, Regal Land Development, Darryl & Dana Love, Staley Family Trust, and Danny Brooks.
            1. Assume 2 brief meetings (1 hour each) with individual landowners.
            2. Assumed one representative from DOWL will attend one of the meetings and two representatives will attend the other meeting.
            3. Property owners with historic use from the Monad Ditch include, Regal Land Development, Mary & Joel Dyk Trust, Lenhardt Square Subdivision, St. Vincent Healthcare Subdivision.
                a. DOWL will work with the City of Billings to verify with these property owners that the water rights and/or water shares are no longer needed.
        ii. The BD/PD-1 Ditch is located on five different properties along 48th Street including, Yellowstone County, Legacy Subdivision, Black Rock Subdivision, Valerie Lackman, and Patricia Hart.
            1. Assume 2 brief meetings (1 hour each) with individual landowners.
            2. Assumed one representative from DOWL will attend one of the meetings and two representatives will attend the other meeting.
            3. Assumed ditch users of the BD/PD-1 Ditch include Patricia Hart and Yellowstone County.
                a. DOWL will work with the City of Billings to verify that other developments along the ditch no longer use ditch water.
4) During negotiations with ditch companies and landowners, it is anticipated that additional analysis and coordination may be required to answer questions and address concerns that will arise. DOWL has assumed 20 hours for these additional efforts.
5) Also assumed $5,000 in legal expenses for attorney services to assist in developing joint-use agreements, easements, and to provide legal advice on key points of law.

Task 200 Deliverables:

1) Minutes from landowner/water user coordination meetings including exhibits prepared

2) ***Draft joint use agreements, if negotiation progress that far***
3) ***Supporting exhibits for easements***

Task 300: Surveying, Utilities, and Right-of-Way

Elevation data will be primarily obtained from the City of Billings LiDAR mapping. Supplemental design surveys will be completed to develop construction plans for the individual locations of drainage improvements, for modifications to existing irrigation ditches and structures, and to establish the location of right-of-way in the various areas of proposed construction. An evaluation of potential critical utility conflicts throughout the project area will also be completed.

1) Right-of-Way research will be completed in key areas along the various corridors to verify if the existing ditches are located within the public right-of-way or on private lands. Key areas to be evaluated include the lower portion of 54th Street corridor, the Monad Ditch along the east side of 48th Street, the BD/PD-1 ditch corridor including the section along 48th Street, and the north side of Grand Avenue between 54th and 48th Street.
    a. Right-of-way plans and as-built/record drawings applicable to this project will be obtained from the City.
    b. Obtain plats and certificates of survey to determine the location of the existing right-of-way within the corridor. This will be limited to review the data available online and data provided by the City of Billings. No additional research at the County Court house is assumed for the Phase I right-of-way research.
    c. Survey property controlling corners (e.g. section corners, quarter corners, centerline monument boxes) along the corridor and property corners along the corridor that can be located and tied with minimal effort. Property corners that are not found will not be reset.
2) Design surveys will be completed for development of construction plans associated with the drainage improvements at the Grand Peaks Subdivision retention pond, Fire Station 7, and at the 54th and Grand Intersection. This will include utility locates and establishing their horizontal and vertical position, where possible. Property boundary lines will not be surveyed and assumed to be identified based on as-built plans.
3) Additional survey pickups will be required along several of the key ditches to verify accuracy of the LiDAR data and for use in evaluating existing ditch capacities. DOWL will collect cross-section data on these key ditches every 100 to 200 feet and survey any found structures (culverts, checks, headgates, etc.) within these ditches. The assumed key ditches are: Big Ditch crossing on 52nd Street, Monad Ditch, Monad Drain, and BD/PD-1.
4) Other areas within the study area may require some additional topographic or structure surveys for evaluating alternatives. DOWL has assumed an additional 2 days for a two-man survey crew to collect this miscellaneous survey data.
5) An evaluation of critical utilities (water, sewer, fiber optic, etc..) that could limit the feasibility of alternative outfall alignments will be conducted. DOWL will coordinate with the various utility companies to identify these potential critical conflicts. It assumed utilities will be collected along four 500-ft sections distributed through the 54th Street, Grand Avenue, 48th Street, and potentially Central Avenue corridors.

Task 300 Deliverables:

1) ***Base mapping for final design of drainage improvements at the Grand Peaks Subdivision retention pond, Fire Station 7, and at the 54th and Grand Intersection***

Task 400: Stormwater Modeling

Revisions to the West Billings stormwater model will be completed to better represent the recent development strategy for managing stormwater which includes full retention and subsequent pumped discharge. Updates to the model will include global edits for the entire West Billings stormwater planning model to predict future runoff in light of recent stormwater control methods, updated zoning, and updates to existing (62nd Street detention ponds) or assumed future (i.e. Cottonwood Park) regional detention storage. Updates to the West Billings Stormwater Planning Model will start from the 2018 West Billings Alternatives Modeling, using Alternative 5 as a basis (additional detention storage and 1.0 cfs per 10 acres of assumed runoff). Updates to the model assumptions will be discussed with the City during one of the project meetings. The updated model will then be trimmed to the current study area and adjust to model current runoff conditions along the roadway corridor. This model will be used to evaluate stormwater conveyance alternatives within the current study area corridor, utilizing existing irrigation and drain ditches, new storm drains, or a combination of both. Specific sub-tasks are as follows:

1) Evaluate the benefits of reducing the contributing area to 54th Street, including evaluating the feasibility of redirecting stormwater along Rimrock Road to the new 62nd and Rimrock detention ponds.
2) Evaluate different alternatives for Cottonwood Park detention storage.
3) Evaluate a regional retention pond that discharges into Cove Ditch.
4) Update the current Public Right-of-Way Only Model, which predicts the future roadway runoff under full build-out, to be consistent with other updates and resize the required storm drain accordingly.
5) Review LiDAR data and determine drainage patterns along the key road corridors. Identify how much of the existing roadway drainage already contributes to existing irrigation ditches.
6) Update project-specific model (the model for the 54th to Grand to 48th corridor) to reflect the runoff conditions of the current roadway (2 lane roadway with adjacent open ditches).
7) Evaluate 2-3 alternatives for interim stormwater conveyance along 54th Street to Grand.
8) Evaluate 3-4 alternatives for interim stormwater conveyance along the 54th to 48th Alignment (Along Grand Avenue, down 52nd Street and east along north side of Oak Ridge Subdivision, or down 52nd Street and east along Central Avenue).
9) Evaluate 2-3 alternatives for interim stormwater conveyance along 48th
1) The evaluations will be presented to the City for selection of a preferred alignment to move forward with.
2) The preferred combination of alternatives will be incorporated into the West Billings Stormwater Planning Model for the full-buildout scenario to evaluate future performance.

Task 400 Deliverable:

2) ***Exhibits and tables showing the key results of the stormwater analysis. It assumed no technical memo will be provided.***

Task 500: Irrigation Ditch Capacity Evaluations

1) The available capacity of the existing irrigation and drain ditches will be determined in addition to the required capacity and flow depth for continued irrigation flows. The results of this task will be used to determine the required improvements to existing ditches or ditch structures to accommodate stormwater conveyance.
2) Hydraulic analyses of the following ditches will be completed using GeoHECRAS together with the LiDAR data and cross-section data collected through Task 300.
    a. BD/PD-1 Ditch
    b. Monad Ditch
3) The typical and peak operating flows will be determined through visual observation and discussions with users. No flow measurement will be collected during Phase I. It assumed flow measurement will be completed in Phase II during final design.
4) The required near-term and long-term needs for enlarging the existing ditches will be determined by combining the results of the stormwater modeling (Task 400) and the evaluation of existing ditch capacities.

Task 500 Deliverables:

1) Exhibits and tables showing the key results of the ditch capacity evaluation. It assumed no technical memo will be provided.

Task 600: Preliminary Design and Cost Estimates

1) Identify key utilities within the corridor that potentially have conflicts. Design alternatives discussed below will be design around these key utilities. The future utility layout would be also reviewed for each segment of roadway to verify interim solutions are located in proper locations and are not in conflict with other utilities.
2) Evaluate two alternatives for interim stormwater conveyance along 54th Street to Grand. Solutions will accommodate drainage improvements at Fire Station 7 and the 54th and Grand intersection. The evaluations will include the following:
    a) Assumed the irrigation ditch on the west side is off limits for conveyance of stormwater.
    b) Determine if there is room within the existing right-of-way to construct a roadside drainage ditch, on either the west or east side.
    c) Evaluate a possible combination of a piped storm drain system and an open ditch system.
    d) Cost estimates will be prepared for the recommended alternative.
    e) The evaluation will be presented to the City for selection of a preferred alignment to move forward with.
3) Evaluate 3-4 alternatives for interim stormwater conveyance along the 54th to 48th Alignment (North Side of Grand Avenue, 52nd to North of Oak Ridge Subdivision). The evaluations will include the following:
    a) Evaluate right-of-way or easement needs to construct an open ditch along the alternative corridors.

b) Evaluate construction of a storm drain trunkline to convey flows along Grand Avenue to 48th Street.
c) Evaluate a combination of open ditches and storm drains.
d) Evaluate feasibility of draining runoff west along Grand Avenue, from 48th West to 52nd Street as an interim solution.
e) Evaluate conveying flows south along 52nd Street West corridor to BD/PD-1 ditch and east to 48th Street along the north side of the Oakridge Estates Subdivision east to 48th Street.
f) Evaluate feasibility of draining water into the BD/PD-1 ditch and east along Central Avenue.
g) Cost estimates will be prepared for the various alternatives.
h) The evaluation will be presented to the City for selection of a preferred alignment to move forward with.

4) Evaluate 2-3 alternatives for interim stormwater conveyance along 48th Street from the Big Ditch to the Hogan Slough. The evaluations will include the following:
a) Determine if the Monad ditch can be used as a stormwater conveyance. Also review the possibility of using the Central Ditch for stormwater.
b) Determine if the lower portion of the BD/PD-1 ditch can be used to drain stormwater to the 48th Street Drain.
c) Determine if there is room within the existing right-of-way to construct a roadside drainage ditch, on either the west or east side between Central and King Avenue.
d) Evaluate a combination of open ditches and storm drains.
e) Cost estimates will be prepared for the various alternatives.
f) The evaluation will be presented to the City for selection of a preferred alignment to move forward with.

Task 600 Deliverables:

1) Exhibits and tables showing the key results of the preliminary design. It assumed no technical memo will be provided.

Task 700: Final Design of Select Drainage Improvements

The City has identified three miscellaneous drainage issues located within the proposed study area including the Grand Peaks Subdivision Pump System, Fire Station 7 drainage improvements, and the drainage issue at 54th Street West & Grand. The drainage issue will be developed in conjunction with the overall recommended solution. Depending on timing of the negotiation with landowners and ditch companies the construction of the recommended outfall system may extend into 2021. All three of these drainage improvements will designed in a single 100% construction plans and specifications. DOWL will not prepare a typical competitive bid package, only basic overview drawings and standard details along with Special Provision specifications and a bid item schedule for obtaining contractor quotes.

1) Project Initiation
a. Conduct field review of project areas with City staff to review project objectives, pump location, force main alignment alternatives, and potential solutions.
2) Base Mapping

a. Develop mapping for project drawings using as-builts and limited supplementary survey from Task 300. This scope does not include research to verify existing right-of-way locations or determining locations where additional right-of-way or easements must be secured by the City.

3) Existing Utility Research & Mapping
    a. Collect from City and private utilities available as-builts and other information as applicable. Incorporate available information into design drawings and specifications. Supplement survey will be completed to identify any gaps in the utilities.
4) Preliminary Pump System Design
    a. Review Grand Peaks drainage report and verify maximum storage and required discharge.
    b. Design general layouts and design concepts for pond outlet(s), pump station(s), and force main(s). The pump stations are assumed to be simple below-grade vault/manhole structures with a manufactured vendor package system consisting of single submersible pumps and integral control system with panel. Evaluate trenchless force main installation feasibility and methods. Perform basic system hydraulic evaluation for system component sizing. Prepare 90% review drawings and Special Provisions.
5) Electrical Components
    a. DOWL will specify basic electrical requirements only. All electrical coordination and design is assumed to be the responsibility of the construction contractor or others.
6) Fire Station 7 drainage improvements
    a. DOWL will design a drainage ditch and culvert under the Fire Station approach. It's assumed no hydraulic analysis will be performed for this design.
7) 54th Street West & Grand Avenue
    a. DOWL will regrade the site and design a drainage culvert under 54th Street. It's assumed no hydraulic analysis will be performed for this design.
8) Design Review Meeting
    a. Attend a 90% design review meeting with City staff.
9) Final Drawings & Specifications
    a. Prepare final overview drawings, standard details, and specifications using all input received during preliminary design. Stamp and sign all plans and specifications with the seal of a Professional Engineer.
10) Additional Assumptions
    a. System Components Assumption
        i. It is assumed that the following project features are *not* included in the design: above-ground pump site structures, including pump house or fencing; permanent backup power; crane or hoist system; SCADA, telemetry, or remote monitoring; access roads; detention pond regrading; or any other significant feature not mentioned specifically in this scope.
    b. Geotechnical & Environmental Investigations
        i. It is assumed that basic soils information is available for past City projects to support all design work. No geotechnical investigations or report will be performed as part of this scope. Likewise, no environmental field reviews, literature reviews, sampling, testing, or other related tasks are included in this scope.

c. Stakeholder Coordination
    i. It is assumed that be no general public, landowner, agency, or other stakeholder involvement is required, other than what is specifically stated elsewhere in the scope.
d. Permitting
    i. It is assumed that all permitting, licenses, and approvals necessary to construct the project, including all fees, will be the contractor's responsibility and are excluded from this scope.
e. Bidding & Construction Phases
    i. This scope assumes no bidding or construction phase services.

Task 800 Deliverables:

1) ***Preliminary 90% design review drawings and specifications***
2) ***100% design drawings and specifications for approval***

Task 900: Phase II Scoping

3) Following selection of the preferred combination of alternatives for stormwater conveyance through the project corridor, DOWL will develop a Scope of Work for Final Design. This will include a geotechnical investigation, final design surveys along the selected alignment, final design, final negotiations with landowners, final utility company coordination, and construction administration.

Task 900 Deliverables:

1) Phase II Scope of Work and Budget Estimate

Phase II: Final Design and Contract Administration of Phase I Identified Improvements

To be added by Addendum.

Appendix B

Methods and Times of Payment

Section 1. Payments for Basic Services.

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

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

A. For services rendered prior to construction, Appendix A, the Engineer shall be paid based upon actual time accrued, but not to exceed the total contract amount.

1.	Project Management	$8,560.00
2.	Ditch Company & Landowner Coordination	$22,573.00
3.	Phase I Survey	$29,240.00
4.	Stormwater Modeling	$26,670.00
5.	Irrigation Ditch Capacity Evaluation	$9,477.50
6.	Preliminary Design	$15,725.00
7.	Final Design of Selected Drainage Improvements	$21,706.00
8.	Phase II Scoping	$2,575.00
TOTAL **Phase I Only**		$136,526.75
Phase II - Design and CA of Phase I - To be added by addendum		$TBD

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

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

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

Section 3. Corrections.

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

Section 4. Fee Increases

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

Appendix C

Additional Services of Engineer

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

A. Field and laboratory testing of materials and reports.

B. Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study.

Appendix D

Schedule of Professional Fees

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

The itemized schedule provided below includes direct labor costs, normal payroll and overhead costs, transportation, furnishing equipment and materials normally required for performance of the work and reasonable profit. Direct project costs not itemized herein shall be paid for at actual cost.

MONTANA FEE SCHEDULE

Personnel Billing Rates

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

Description	Rate	Description	Rate
Accounting Manager	$155	Engineer VI	$170
Accounting Technician	$85	Engineer VII	$180
Administrative Assistant	$60	Engineer VIII	$190
Administrative Manager	$95	Engineer IX	$215
Biologist I	$100	Engineer X	$230
Biologist II	$110	Engineering Technician I	$70
Biologist III	$120	Engineering Technician II	$85
Biologist IV	$130	Engineering Technician III	$95
Biologist V	$175	Engineering Technician IV	$115
CAD Drafter I	$75	Engineering Technician V	$125
CAD Drafter II	$90	Engineering Technician VI	$145
CAD Drafter III	$100	Environmental Specialist I	$90
CAD Drafter IV	$110	Environmental Specialist II	$105
CAD Drafter V	$120	Environmental Specialist III	$110
Civil and Transportation Designer	$95	Environmental Specialist IV	$120
Contract Administrator I	$130	Environmental Specialist V	$125
Contract Administrator II	$155	Environmental Specialist VI	$170
Corporate Development Manager	$180	Environmental Specialist VII	$180
Crew Chief I	$90	Environmental Specialist VIII	$190
Crew Chief II	$100	Environmental Specialist IX	$215
Crew Chief III	$105	Environmental Specialist X	$225
Crew Chief IV	$115	Field Project Representative I	$85
Crew Chief V	$125	Field Project Representative II	$95
Cultural Resources Specialist I	$90	Field Project Representative III	$125
Cultural Resources Specialist II	$105	Geologist I	$100
Cultural Resources Specialist III	$115	Geologist II	$110
Cultural Resources Specialist IV	$135	Geologist III	$120
Cultural Resources Specialist V	$165	Geologist IV	$140
Document Production Supervisor	$120	Geologist V	$165
Engineer I	$95	GIS Technician	$75
Engineer II	$105	GIS Specialist	$90
Engineer III	$115	GIS Coordinator	$140
Engineer IV	$140	Graphics Designer	$100
Engineer V	$160	Inspector I	$90

Inspector II	$105
Inspector III	$110
Inspector - Supervisor	$130
Intern I	$55
Intern II	$75
Laboratory Supervisor	$80
Laboratory Manager	$95
Landscape Architect I	$100
Landscape Architect II	$115
Landscape Architect III	$130
Landscape Architect IV	$145
Landscape Architect V	$160
Landscape Architect VI	$170
Landscape Architect VII	$180
Landscape Planner	$105
Landscape Designer	$85
Lead Materials Technician	$85
Marketing & Administrative Manager	$180
Marketing Assistant	$75
Marketing Coordinator	$95
Materials Technician	$60
Materials Technician II	$70
Materials Manager	$100
Planning Technician	$80
Planner I	$90
Planner II	$105
Planner III	$125
Planner IV	$145
Planner V	$160
Planner VI	$170
Planner VII	$180
Planner VIII	$190
Planner IX	$210
Planner X	$250
Professional Land Surveyor I	$90
Professional Land Surveyor II	$100
Professional Land Surveyor III	$110
Professional Land Surveyor IV	$120
Professional Land Surveyor V	$130
Professional Land Surveyor VI	$135
Professional Land Surveyor VII	$145
Professional Land Surveyor VIII	$155
Professional Land Surveyor IX	$170
Professional Land Surveyor X	$190
Project Assistant I	$85
Project Assistant II	$100
Project Administrator	$100
Project Controller	$125
Project Manager I	$125
Project Manager II	$140
Project Manager III	$155
Project Manager IV	$170
Project Manager V	$185
Project Manager VI	$200
Project Manager VII	$215
Proposal Manager	$110
Public Involvement Assistant	$85
Public Involvement Planner	$105
Public Involvement Coordinator	$115
Public Involvement Program Manager	$170
Real Estate Services Manager	$150
Right of Way Assistant	$85
Right of Way Agent I	$95
Right of Way Agent II	$110
Right of Way Agent III	$125
Right of Way Agent IV	$135
Right of Way Agent V	$150
Right of Way Agent VI	$185
Risk Manager	$170
Senior CAD Drafter	$135
Senior Civil and Transportation Designer	$140
Senior Manager I	$200
Senior Manager II	$220
Senior Manager III	$230
Senior Manager IV	$265
Senior Manager V	$275
Senior Manager VI	$295
Senior Materials Technician	$90
Senior Proposal Manager	$155
Survey Crew Surveyor I	$60

Survey Crew Surveyor II	$70
Survey Crew Surveyor III	$80
Survey Crew Surveyor IV	$90
Survey Crew Surveyor V	$100
Survey Technician I	$55
Survey Technician II	$65
Survey Technician III	$75
Survey Technician IV	$85

Survey Technician V	$95
Survey Technician VI	$105
Survey Technician VII	$110
Survey Technician VIII	$120
Survey Technician IX	$140
Survey Technician -- Supervisor	$120
Systems Administrator	$125
Technical Coordinator	$150

Survey Crews

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

Travel, Mileage, & Miscellaneous

Lodging	=	Cost per night
Airfare	=	Cost
Vehicle Usage – Passenger Cars	=	0.85/mile
Vehicle Usage – Trucks & SUV's	=	1.05/mile
Printing/Supplies/Phone/Fax/Postage	=	Note 3
In-House Usage Charges	=	Note 4

Per Diem

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

	Breakfast	Lunch	Dinner	Incidentals	GSA Per Diem Rate
Billings	$13.00	$14.00	$23.00	$5.00	$55.00
Bozeman	$14.00	$16.00	$26.00	$5.00	$61.00
Butte	$13.00	$14.00	$23.00	$5.00	$55.00
Helena	$16.00	$17.00	$28.00	$5.00	$66.00

All other cities not listed above, please use the following link: https://www.gsa.gov/travel/plan-book/per-diem-rates

Please use the following link for the meal breakdown: https://www.gsa.gov/travel/plan-book/per-diem-rates/meals-and-incidental-expenses-mie-breakdown

Notes

1. DOWL's Professional Services Fee Schedule is subject to adjustment each year or at the end of a contract period, whichever is appropriate. Should adjustments be anticipated or required, such adjustments will not affect existing contracts without prior agreement between Client and DOWL.
2. Straight-time rates are given. Multiply by 1.5 for overtime rates. Overtime rates will be applied at the rate prescribed by applicable state law.
3. Direct reimbursable expenses such as travel, freight, subcontractors, and request beyond those requests considered reasonable by the Project Manager for phone/fax/postage, office supplies, reproduction and photography, and laboratory analysis will be billed at cost plus the negotiated markup.
4. In-house equipment usage charges or specialized software/equipment that are not separately stated on the fee schedule will be negotiated at rates deemed fair and reasonable.
5. Late charges will be assessed on the unpaid balance of all accounts not paid within 30 days of the billing date, at a rate of 1.0 percent per month (12% per year).

Appendix E

Project Schedule

Based on a notice to proceed by Billings date no later than April 1st 2020, the completion date for the Engineer's work through the Phase I Tasks shall be:

A. Phase I Tasks – Fall 2020

B. Phase II Tasks – To be added by addendum

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

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

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/05/2020

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

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

PRODUCER	CONTACT NAME:	
Parker, Smith & Feek, Inc. 2233 112th Avenue NE Bellevue, WA 98004	PHONE (A/C, No, Ext): 425-709-3600	FAX (A/C, No): 425-709-7460
	E-MAIL ADDRESS:	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : National Surety Corp.	
INSURER B : Liberty Mutual Fire Insurance Company	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED: DOWL, LLC, 701 Fifth Ave Ste 4120, Seattle, WA 98104

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	**GENERAL LIABILITY** [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] BI/PD DED: $10,000 GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [X] LOC	X	X	S86MXX80997380	06/01/2019	06/01/2020	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 1,000,000 $ 1,000,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
A	**AUTOMOBILE LIABILITY** [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS	X	X	S86MXA80340501	06/01/2019	06/01/2020	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 1,000,000 $ $ $ $
A	[ ] **UMBRELLA LIAB** [X] OCCUR [X] **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ $0	X	X	XAE00058259656	06/01/2019	06/01/2020	EACH OCCURRENCE AGGREGATE $	$ 1,000,000 $ 1,000,000 $
A	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		S86MXX80997380 ND, WA & WY Stop Gap ** ND, WA & WY Stop Gap	06/01/2019	06/01/2020	WC STATU-TORY LIMITS [X] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
B	Workers Compensation And Employers' Liability			WC2Z91469836029 Workers Comp - AK, ID, CO, MT, OR, VA	06/01/2019	06/01/2020	EA Accident:1,000,000;Disease EA Emp:1,000,000;Disease Pol Limit:1,000,000	

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

DOWL Project # 4036.21844.01
W.O. 20-24 54th to 48th Drain Improvement

City of Billings...
(See Attached Description)

CERTIFICATE HOLDER

City of Billings
Public Works Engineering
2224 Montana Avenue
Billings, MT 59101

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2010/05) **The ACORD name and logo are registered marks of ACORD**

DESCRIPTIONS (Continued from Page 1)

Public Works Engineering is an additional insured on the general liability, automobile, and excess liability policies per the attached endorsements/forms.
Waiver of subrogation applies on the general liability, automobile, and excess liability policies per the attached endorsements/forms.
Notice of cancellation for the general liability, automobile, workers compensation, and excess liability policies per the attached forms, but at least 30 days written notice to the certificate holder.

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

TERRA INSURANCE COMPANY

DATE
03/05/20

CERTIFICATE OF INSURANCE

CERTIFICATE HOLDER

City of Billings
Public Works Engineering
2224 Montana Avenue
Billings, MT 59101

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

The policy of insurance listed below has been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policy. Aggregate limits shown may have been reduced by paid claims.

TYPE OF INSURANCE Professional Liability

POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
220089	01/01/20	12/31/20

LIMITS OF LIABILITY

$2,000,000 **EACH CLAIM**
$2,000,000 **ANNUAL AGGREGATE**

PROJECT DESCRIPTION

54th to 48th Drain Improvement Project
WO 20-24
DOWL LLC's Project Number: 4036.21844.01

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

NAME AND ADDRESS OF INSURED

DOWL, LLC operating as
DOWL
4041 "B" Street
Anchorage, AK 99503

ISSUING COMPANY:

TERRA INSURANCE COMPANY

(A Risk Retention Group)

President

Consent **1. C.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Security System Expansion for New Evidence Building

PRESENTED BY: Rich St. John, Police Chief

Department: Police

Presentation: No

PROBLEM/ISSUE STATEMENT

The Evidence Facility Expansion Project requires an expansion of the existing security system, which was installed and is currently maintained by Kenco Security.

The proposal from Kenco Security is for proprietary equipment which expands and supplements the existing system for the Expansion. The Police Department is requesting Council award a contract to Kenco Security for the additional components and labor required to expand the security system for the new portion of the Evidence Facility.

The new Facility, which will have a larger footprint for the vehicle impound lot, is monitored for motion access around the perimeter. These monitoring units are an expansion to existing systems. Additional swipe key pads are also necessary for access to the secure Facility.

The expanded security system will be used to provide secure access, monitor the interior and exterior of the evidence building, as well as the impound lot.

ALTERNATIVES ANALYZED

City Council may:

- Approve a contract with Kenco Security for all compatible materials and labor required to expand the security system for the Evidence Facility Expansion in the amount of $94,188.39, or;
- Disapprove a contract with Kenco Security for all compatible materials and labor required to expand the security system for the Evidence Facility Expansion, and provide additional guidance to staff.

FINANCIAL IMPACT

Funds are available for this project in the Police Department's budget for the Evidence Facility Expansion.

RECOMMENDATION

Staff recommends that the City Council approve a contract with Kenco Security for all compatible materials and labor required to expand the security system for the Evidence Facility Expansion in the amount of $94,188.39.

APPROVED BY CITY ADMINISTRATOR

Consent **1. D.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Non-Commercial Aviation Ground Leases with B & J Properties Limited, LLC

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

Presentation: No

PROBLEM/ISSUE STATEMENT

B & J Properties Limited, LLC (B & J) acquired the hangar at 2415 Overlook Drive and has been leasing the underlying 39,072 square foot ground parcel since 2008. This primary Non-Commercial Aviation Ground Lease is set to expire on March 31, 2020. B & J desires to continue leasing this parcel and renew its Lease. Staff has worked with B & J on a new Lease for this primary parcel, for a ten-year term beginning April 1, 2020 and terminating on March 31, 2030.

B & J has subleased its hangar to Corporate Air DBA SkySource Aviation, and indicates that SkySource Aviation is in need of additional automobile parking spaces for its employees. Staff has identified a 4,536 square foot parcel across from the primary leasehold that may be used for the overflow parking. A second auxiliary Non-Commercial Aviation Ground Lease has been created for this additional parking area, also for a ten-year term beginning April 1, 2020 and terminating on March 31, 2030. The auxiliary Lease has a 30-day cancellation clause in the event the auxiliary parcel is needed for a future hangar development.

ALTERNATIVES ANALYZED

City Council may:

- Approve the two Non-Commercial Aviation Ground Leases with B & J; or
- Disapprove the two Non-Commercial Aviation Ground Leases with B & J.

FINANCIAL IMPACT

The primary Lease will generate $11,330.88 in its first year. The auxiliary Lease will generate $1,315.44 in its first year. Annual rent on both Leases will be adjusted each year on the anniversary date by the Department of Labor Consumer Price Index For All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics, for the previous twelve months to keep pace with annual inflation.

RECOMMENDATION

Staff recommends that City Council approve both Non-Commercial Aviation Ground Leases with B & J for terms beginning April 1, 2020 and ending March 31, 2030.

APPROVED BY CITY ADMINISTRATOR

Consent **1. E.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Submittal and Acceptance of Capital Grant Application to the Montana Department of Transportation and/or the Federal Transit Administration

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Transit

Presentation: No

PROBLEM/ISSUE STATEMENT

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

Under the current Federal Transportation Bill, FAST-ACT, Section 5310 provides funding allocated to the State of Montana's three larger urban systems (Missoula, Great Falls, and Billings) for capital assistance. This program is administered by the MDT through which MET regularly applies for Section 5310 funding for the purchase of Paratransit vans and other related projects. Grant funding normally provides for a minimum of 80% of the cost of the capital with a local match contribution of 20%. These vans and projects will be included in the MET capital budget and City Equipment Replacement Program (ERP).

Additionally, Section 5339 funding may also become available for capital funding to replace, rehabilitate, purchase buses and related equipment, and to construct or modify bus related facilities. Should capital grant funds become available under the Section 5339 program, MET would apply for and accept these funds as well. The Section 5339 grant funding is also an 80% grant, 20% local share program.

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

ALTERNATIVES ANALYZED

City Council may:

- Approve the Resolution for the City of Billings to apply for and execute grant agreements administered by MDT and/or FTA to purchase vehicles or provide other capital assistance; or
- Disapprove the Resolution and advise staff on how to proceed.

FINANCIAL IMPACT

With 5310 grants, the MET will be able to replace Paratransit vans should the funding be available. For each van, the cost would be approximately $70,000. Federal share (80%) would be approximately $56,000, local share (20%) would be approximately $14,000. Any 5339 grant could provide funding for buses and bus facilities. A new bus is approximately $378,000, with 80% ($302,400) paid with Federal funds and 20% ($75,600) in local share match.

RECOMMENDATION

Staff recommends that the City Council approve the Resolution authorizing the City of Billings MET Transit to apply for any Section 5310, 5339, or any other available capital grants, and allow the Mayor to execute any subsequently awarded FTA grant agreement(s) for the City of Billings MET Transit.

Recommended Motion: I move for the approval and adoption of a Resolution authorizing the MET Transit to apply for any Section 5310, 5339 or other capital grants and allow the Mayor to execute any awarded grant agreement(s).

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION 20-_____

A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS FOR FEDERAL TRANSPORTATION PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS

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

WHEREAS, the Federal Transportation Administration and the Montana Department of Transportation have 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 Federal Transit Administration and/or the Montana Department of Transportation, required for the project.

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

1. That the City of Billings Director of Aviation and Transit is authorized to execute and file all applications on behalf of the City of Billings with the U.S. Department of Transportation, Federal Transit Administration, and/or the State of Montana Department of Transportation – Transit Division, to aid in the financing of all planning, capital, training, demonstration, and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal or State statutes authorizing a project administered by the Federal Transit Administration, and/or the Montana Department of Transportation – Transit Division.

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 U.S. Department of Transportation, Federal Transit Administration, and/or the Montana Department of Transportation – Transit Division, fulfilling 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 U.S. Department of Transportation, Federal Transit

Administration and/or the Montana Department of Transportation – Transit Division, on behalf of the City of Billings.

4. That the Director of Aviation and Transit is designated to furnish such additional information as may be required in connection with all applications.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2020.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

Consent **1. F.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Acceptance and Approval of the 2020 HIDTA Award in the Amount of $244,249

PRESENTED BY: Rich St. John, Police Chief

Department: Police

Presentation: No

PROBLEM/ISSUE STATEMENT

In 2002, Montana was designated as a High Intensity Drug Traffic Area (HIDTA). The Office of National Drug Control Policy (ONDCP) has awarded grants to the Eastern Montana Drug Task Force for eighteen years and the City of Billings is the recipient and administrative agency for the grants. The ONDCP has offered a $244,249 grant for the calendar year 2020. The HIDTA Task Force consists of personnel from U.S. Marshal's Service, FBI, Drug Enforcement Administration (DEA), Alcohol, Tobacco & Firearms (ATF), Immigration & Customs Enforcement (ICE), Department of Criminal Investigation (DCI), Yellowstone County Sheriff's Office, and the Billings Police Department. The Task Force is managed by a Sergeant from the Billings Police Department. The 2020 HIDTA Award will be used to pay for a Support Specialist position for the HIDTA task force, all task force overtime, administrative and investigative travel, cell phones, copier maintenance agreement, investigative/office supplies, and informant costs.

ALTERNATIVES ANALYZED

The City Council may:

- Approve and accept the 2020 HIDTA Award, in the amount of $244,249, or
- Not accept the 2020 HIDTA Award, in the amount of $244,249, thus costing the Public Safety Fund additional expenses for investigating and prosecuting drug related cases.

FINANCIAL IMPACT

The 2020 HIDTA Award in the amount of $244,249 will require no City match. The award has been budgeted in Fund 2550 for the balance of FY 19/20 and any remaining funds will be budgeted in FY21.

RECOMMENDATION

Staff recommends that the City Council approve and accept the 2020 HIDTA award from the Executive Office of the President, Office of National Drug Control Policy, in the amount of $244,249, and authorize the Mayor to sign the necessary award documents, when they are received.

APPROVED BY CITY ADMINISTRATOR

Attachments

Award

February 24, 2020

Mayor William Cole
City of Billings
210 N 27TH ST
Billings, MT 59101-1938

Dear Mayor Cole:

We are pleased to inform you that your request for funding from the High Intensity Drug Trafficking Areas (HIDTA) Program has been approved, and a grant (Grant Number G20RM0038A) has been awarded in the amount of $244,249.00. This grant will support initiatives designed to implement the Strategy proposed by the Executive Board of the Rocky Mountain HIDTA and approved by the Office of National Drug Control Policy (ONDCP).

The original Grant Agreement, including certain Special Conditions, is enclosed. By accepting this grant, you assume the administrative and financial responsibilities outlined in the enclosed Grant Conditions, including the timely submission of all financial and programmatic reports, the resolution of audit findings, and the maintenance of a minimum level of cash-on-hand. Should your organization not adhere to these terms and conditions, ONDCP may terminate the grant for cause or take other administrative action.

If you accept this award, please sign both the Grant Agreement and the Grant Conditions and return a copy to:

Finance Unit
National HIDTA Assistance Center
11200 NW 20th Street, Suite 100
Miami, FL 33172
(305) 715-7600
Or via email to your respective NHAC accountant.

Please keep the original copy of the Grant Agreement and Grant Conditions for your file. If you have any questions pertaining to this grant award, please contact Sherri Lucas at (202) 395 - 5506.

Sincerely,

Shannon Kelly
National HIDTA Director

Executive Office of the President Office of National Drug Control Policy	**Grant Agreement**	
1. Recipient Name and Address William Cole City of Billings 210 N 27TH ST Billings, MT 59101-1938	4. Award Number (FAIN): G20RM0038A 5. Period of Performance: From 01/01/2020 to 12/31/2021	
2. Total Amount of the Federal Funds Obligated: $244,249	6. Federal Award Date: February 24, 2020	7. Action: Initial
2A. Budget Approved by the Federal Awarding Agency $244,249	8. Supplement Number	
3. CFDA Name and Number: *High Intensity Drug Trafficking Areas Program - 95.001*	9. Previous Award Amount:	
3A. Project Description *High Intensity Drug Trafficking Areas (HIDTA) Program*	10. Amount of Federal Funds Obligated by this Action: $244,249.00 11. Total Amount of Federal Award: $244,249.00	
12. This Grant is non-R&D and approved subject to such conditions or limitations as are set forth on the attached pages.		
13. Statutory Authority for Grant: *Public Law 116-93*		
AGENCY APPROVAL	**RECIPIENT ACCEPTANCE**	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Office of National Drug Control Policy	15. Typed Name and Title of Authorized Official Mayor William Cole City of Billings	
16. Signature of Approving ONDCP Official Shannon T. Kelly	17. Signature of Authorized Recipient/Date	
AGENCY USE ONLY		
18. Accounting Classification Code DUNS: 838638369 EIN: 1816001237A4	19. HIDTA AWARD *OND1070DB2021XX OND6113* *OND2000000000 OC 410001*	

GRANT CONDITIONS

A. General Terms and Conditions

1. This award is subject to The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200 (the "Part 200 Uniform Requirements"), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. Part 3603. For this award, the Part 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

   For more information on the Part 200 Uniform Requirements, see https://cfo.gov/cofar/. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.

2. This award is subject to the following additional regulations and requirements:

   - 28 CFR Part 69 – "New Restrictions on Lobbying"
   - Conflict of Interest and Mandatory Disclosure Requirements, set out in paragraph 7 of these terms and conditions
   - Non-profit Certifications (when applicable)

3. Audits conducted pursuant to 2 CFR Part 200, Subpart F, "Audit Requirements" must be submitted no later than nine months after the close of the grantee's audited fiscal year to the Federal Audit Clearinghouse at https://harvester.census.gov/facweb/.

4. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out.

5. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.

6. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent (s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.

These general terms and conditions, as well as archives of previous versions of the general terms and conditions, are available online at www.whitehouse.gov/ondcp/grants-programs.

7. Conflict of Interest and Mandatory Disclosures

   A. Conflict of Interest Requirements

As a non-Federal entity, you must follow ONDCP's conflict of interest policies for Federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from subrecipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

i. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of subawards and contracts.

ii. None of your employees may participate in the selection, award, or administration of a subaward or contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or contractors or parties to subawards or contracts.

iii. If you have a parent, affiliate, or subsidiary organization that is not a state, local government, or Native American tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

B. Mandatory Disclosure Requirement

As a non-Federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award that includes the term and condition outlined in 200 CFR Part 200, Appendix XII "Award Term and Condition for Recipient Integrity and Performance Matters," are required to report certain civil, criminal, or administrative proceedings to System for Award Management (SAM). Failure to make required disclosures can result in remedies such as: temporary withholding of payments pending correction of the deficiency, disallowance of all or part of the costs associated with noncompliance, suspension, termination of award, debarment, or other legally available remedies outlined in 2 CFR 200.338 "Remedies for Noncompliance".

8. Federal Funding Accountability and Transparency (FFATA) / Digital Accountability and Transparency Act (DATA Act). Each applicant is required to (i) Be registered in SAM before submitting its application; (ii) provide a valid DUNS number in its application; (iii) continue to maintain an active System for Award Management registration with current information at all times during which it has an active Federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.

9. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 CFR 200.331.

10. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180, dealing with all sub-awards and contracts issued under the grant.

11. As specified in the HIDTA Program Policy and Budget Guidance, recipient must:

a) Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that Federal award funds are managed in compliance with Federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

c) Evaluate and monitor compliance with applicable statute and regulations, and the terms and conditions of the Federal award.

d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.

e) Take reasonable measures to safeguard protected PII and other information ONDCP or the recipient designates consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain and report current information to the SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition (below). This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

b. Reached its final disposition during the most recent 5 year period; and

c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition (below);

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

(3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or

(4) Any other criminal, civil, or administrative proceeding if:

(i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5 year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and state level, but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

C. Program Specific Terms and Conditions

The following special conditions are incorporated into each award document.

1. This grant is awarded for above program. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance (PPBG).
2. This award is subject to the requirements in ONDCP's HIDTA PPBG.
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e., the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 7 of the HIDTA Program Policy and Budget Guidance.
6. Property acquired with these HIDTA grant funds is to be used for activities of the Rocky Mountain HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, this equipment must be made available to the HIDTA's Executive Board for use by other HIDTA participants.
7. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

D. Federal Award Performance Goals

1. All entities that receive funds from this award are responsible for achieving performance goals established in the HIDTA Performance Management Process (PMP) and approved by the HIDTA's Executive Board and ONDCP.
2. All entities that receive funds from this award must report progress in achieving performance goals at least quarterly using the PMP.

   See also Section A. 4 regarding Federal Financial Reports.

E. Payment Basis

1. A request for Advance or Reimbursement shall be made using the HHS/DPM system (https://pms.psc.gov/).
2. The grantee, must utilize the object classes specified within the initial grant application each time they submit a disbursement request to ONDCP. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered using the corresponding object class designations. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be Federal Deposit Insurance Corporation (FDIC) insured. The account must be interest bearing.

3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), awardees and sub-awardees shall promptly, but at least annually, remit interest earned on advances to HHS/DPM using the remittance instructions provided below.

   Remittance Instructions - Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN), reason for check (remittance of interest earned on advance payments), check number (if applicable), awardee name, award number, interest period covered, and contact name and number. The remittance must be submitted as follows:

   Through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment.

   (i) For ACH Returns:

   Routing Number: 051036706
   Account number: 303000
   Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN

   (ii) For Fedwire Returns*:

   Routing Number: 021030004
   Account number: 75010501
   Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY
   (* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

   For recipients that do not have electronic remittance capability, please make check** payable to: "The Department of Health and Human Services."

   Mail Check to Treasury approved lockbox:
   HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231
   (** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

   Any additional information/instructions may be found on the PMS Web site at http://pms.psc.gov/.

4. The grantee or subgrantee may keep interest amounts up to $500 per year for administrative purposes.

RECIPIENT ACCEPTANCE OF GRANT CONDITIONS

Date: _____

_____

William Cole

City of Billings

Initiative Cash by HIDTA

FY 2020

Awarded Budget (as approved by ONDCP)

HIDTA	Agency Name	Initiative	Cash	Type	Grant
Rocky Mountain	City of Billings	Eastern Montana HIDTA Drug Task Force	244,249.00	Investigation	G20RM0038A
	Agency Total : City of Billings		**244,249.00**		
Total			**244,249.00**		

2/11/2020 1:36:23 PM

Budget Detail

2020 - Rocky Mountain

Initiative - Eastern Montana HIDTA Drug Task Force

Investigation

Award Recipient - City of Billings (G20RM0038A)

Resource Recipient - Billings Police Department

Indirect Cost: 0.0%

Awarded Budget (as approved by ONDCP)		***$244,249.00***
Personnel	**Quantity**	**Amount**
Administrative Staff	1	$50,440.00
Total Personnel		**$50,440.00**
Fringe	**Quantity**	**Amount**
Administrative staff	1	$17,654.00
Total Fringe		**$17,654.00**
Overtime	**Quantity**	**Amount**
Investigative - Law Enforcement Officer	10	$74,000.00
Support	1	$1,000.00
Total Overtime		**$75,000.00**
Travel	**Quantity**	**Amount**
Administrative		$3,500.00
Investigative/Operational	9	$5,000.00
Total Travel		**$8,500.00**
Services	**Quantity**	**Amount**
Communications - mobile phones & pagers		$7,200.00
Service contracts		$2,080.00
Software - maintenance		$5,200.00
Total Services		**$14,480.00**
Equipment	**Quantity**	**Amount**
Technical investigative equipment		$9,300.00
Total Equipment		**$9,300.00**
Supplies	**Quantity**	**Amount**
Investigative/Operational		$2,375.00
Office		$1,500.00
Total Supplies		**$3,875.00**
Other	**Quantity**	**Amount**
PE/PI/PS		$65,000.00
Total Other		**$65,000.00**
Total Budget		**$244,249.00**

Consent **1. G.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: $2,500 Donation from ExxonMobil Pipeline Company

PRESENTED BY: William Rash, Fire Chief

Department: Fire

Presentation: No

PROBLEM/ISSUE STATEMENT

On March 2, 2020 the City of Billings Fire Department received a letter and a check in the amount of $2,500.00 from ExxonMobil Pipeline Company through their Corporate Citizenship, Public & Government Affairs Department for the purpose of providing financial support to Billings Fire Department's emergency response capabilities.

ALTERNATIVES ANALYZED

City Council may approve or disapprove accepting the $2,500 donation from ExxonMobil Pipeline Company for the purchase of fire / rescue equipment and supplies.

FINANCIAL IMPACT

Funds can be used to purchase fire and rescue equipment and supplies that we would not have been able to purchase without the donation from ExxonMobil Pipeline Company.

RECOMMENDATION

Staff recommends accepting the $2,500 donation from ExxonMobil Pipeline Company for the purchase of fire/rescue equipment and supplies.

APPROVED BY CITY ADMINISTRATOR

Consent **1. H.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Acknowledge Receipt of Petition to Vacate a portion of South 26th Street and Set a Public Hearing

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

In 2005, the City vacated a portion of South 26th Street between 1st Avenue South and 2nd Avenue South to Yellowstone Health Partnership. They have utilized this right of way to allow Riverstone Health to expand their campus. At that time, Yellowstone Health Partnership did not own one property on the northeast corner of 2nd Avenue South and South 26th Street, therefore, could not vacate a small portion of South 26th Street that fronted this property. Yellowstone Health Partnership has since gained ownership of this property and is proposing to vacate the rest of South 26th Street up to the northern boundary of 2nd Avenue South. This will allow further expansion of the campus. Yellowstone Health Partnership obtained an appraisal for the right of way proposed to be vacated which determined the property to be valued at $29,500. The area of the right of way proposed to be vacated is 4,000 square feet.

Attached is an overall map showing the campus along with past right of way vacations.

ALTERNATIVES ANALYZED

The Council may:

- Approve acknowledgment of petition to vacate the above-mentioned right-of-way and set a public hearing for April 13, 2020.
- Do not acknowledge the petition and terminate the right-of-way vacation process. If not approved, future development would need to be designed to accommodate the South 26th Street right of way.

FINANCIAL IMPACT

There is minimal cost to the city to acknowledge this petition and set a public hearing date.

RECOMMENDATION

Staff recommends that Council acknowledge the receipt of petition to vacate a portion of South 26th Street and set a public hearing for April 13, 2020.

APPROVED BY CITY ADMINISTRATOR

Attachments

Petition to Vacate
Letter from Petitioner

Map of ROW proposed to be vacated
Overall Map of Campus
Appraisal

REQUEST TO VACATE PUBLIC RIGHT-OF-WAY
CITY OF BILLINGS

Description of Right-of-Way to be vacated:

Right-of-way to be vacated is 50 LF of South 26th Street (80-foot wide) located between the existing limits of vacated right-of-way on the northwest end to the right-of-way line for 2nd Avenue South.

We, being all the abutting property owners, request of the City Council the vacation of the above described:

__X__Street **_____Alley** **_____Other R/W**

SIGNATURE	DATE	PROPERTY OWNERSHIP
	6/5/19	Lots 23 & 24, Block 142 Lots 1 & 2, Block 141 Billings Original Townsite

(Additional signatures, if needed, can be on additional sheets.)

WE, the utility companies and governmental departments, listed below, approve, or disapprove this request as noted by our signatures.

	Approved By/Date	Disapproved By/Date
City Public Works	2/18/20	
Heights Water	N/A	
Montana Dakota Utilities	5-15-19	
Northwestern Energy	6.3.19	
Charter	5/15/19	
CenturyLink	5/15/19	
City/Co. Planning	2/13/20	

(A letter of explanation may be attached with "See Attached Letter" entered in the appropriate signature slot.)

Petitioner's interest in vacating the public right-of-way: RiverStone Health seeks to vacate the remainder of S. 26th Street between 1st and 2nd Avenue South as they recently acquired Lots 23 and 24, Block 142. Vacation of the right-of-way will allow RiverStone Health to improve campus circulation for pedestrian, bicycle, and vehicular traffic.

The petitioner acknowledges and understands that the City will appoint an appraiser to estimate the value of the real property being vacated, and the petitioner agrees that the fee for the appraiser will be borne by the petitioner(s).

ATTACHMENTS:

__X__Title Report(s)
__X__Comments from all Utilities

ATTACHMENTS:

- X Title Report(s)
- X Comments from all Utilities
- X Map of R/W to be Vacated
- NA Traffic Accessibility Study (When required by the City)

AN APPLICATION FEE OF $200 MUST ACCOMPANY THIS PETITION.

Fee Received By: _____ **Date:** 2/18/20

City Engineers Office

A DEPOSIT FOR AN APPRAISAL MUST ALSO ACCOMPANY THIS REQUEST.

Deposit Amount: Appraisal Submitted

Received By: _____ **Date:** _____

City Clerk

Copies of City of Billings Ordinance No. 80-4269 and 90-4822, establishing the procedure and compensation to the City of Billings for Discontinuance and Vacation of City Streets, Alleys, and Rights-of-Way, are attached for reference.

The application fee, as stated in BMC 22-602, will be set by the City Administrator after review by the staff. The City Clerk will advertise the public hearing at least one week before the petition is acted upon by the City Council.

This petition is to be returned to the City Clerk, PO Box 1178, Billings, MT 59103. (First Floor, City Hall)

This petition must be accompanied by the statements and reports as listed in BMC 22-601 (a), (b), (c), (d), (e), and (f). (Copy attached)

CONTACT PERSON FOR PETITION:

Bryan Alexander

Telephone No.: 406-869-3343

Mailing Address: 1300 N. Transtech Way

Billings, MT 59102

Date: December 9, 2019

CITY COUNCIL ACTION: _____

DATE: _____

RiverStone Health

Connecting you to a better life®

December 2, 2019

Chris Kukulski, City Administrator
City of Billings
P.O. Box 1178
Billings, MT 59101

Dear Chris,

There is an item coming before City Council that proposes to vacate a very small piece of South 26th Street to Yellowstone Health Partnership (YHP). This section is one lot wide. The remainder of the block of South 26th Street between 1st Avenue South and 2nd Avenue South has already been vacated to YHP. With the vacation of this small space we will be able to redesign the traffic flow through our campus to enhance the safety of drivers, bicyclists, and pedestrians working, visiting, and seeking services at RiverStone Health.

The property in question comprises 50 lineal feet of the South 26th Street right-of-way fronting Lots 23 & 24, Block 142 and Lots 1 & 2, Block 141 of the Billings Original Townsite. The right-of-way is 80 feet wide, so the area being petitioned is 4,000 square feet.

YHP is a 501(c)(3) whose sole sponsoring member is RiverStone Health. YHP's primary role is to hold property and debt for RiverStone Health, a public entity. YHP delivers no services other than those provided directly to RiverStone Health.

The reason the area under consideration now was not previously vacated was that the lot was privately owned until August 31, 2017 when Yellowstone Health Partnership purchased it on behalf of RiverStone Health. With this purchase, YHP now holds title to the entire area circumscribed by 1st Avenue South, South 25th Street, 2nd Avenue South, and South 27th Street as well as most of the block circumscribed by South 27th Street, 2nd Avenue South, South 26th Street, and 3rd Avenue South.

We respectfully ask the City Council consider conveying this small piece of property to YHP without cost. There are three (3) primary reasons we make this request:

1. RiverStone Health is a public entity, organized in 1998 as a multi-jurisdictional service district for health services and health department functions under an interlocal agreement. The sponsoring local governments (i.e., signatories to the interlocal agreement) for the multi-jurisdictional service district are the City of Billings, the City of Laurel, and Yellowstone County. The City of Billings has a governance interest in RiverStone Health, appointing two members to the Board of Health that serves as our overall governing body. Although some mistakenly think that RiverStone Health is a private non-profit organization, it is in fact governmental, legally named Yellowstone City-County Health Department and serving as the local public health agency for Yellowstone County.

2. Although YHP is a non-profit, it provides no services other than for RiverStone Health. The multi-jurisdictional service district lacks statutory authority to hold debt, although as a completely controlled 501(c)(3) YHP can do so for the public entity. The fact that Yellowstone Health Partnership can own real property and hold debt on behalf of the multi-jurisdictional service district has been key to the growth and development of RiverStone Health and its South Billings campus.
3. Over the last ten years, RiverStone Health has made significant improvements to its South Billings campus. We have built two new structures, remodeled the original building on the campus, enhanced greenspaces and the overall appearance of the campus, and removed several structures that were no longer safely habitable. In spring 2020 we will restore the community garden that used to serve our community until the new community health center facility was built and the area in which the former community garden was located was needed for parking. With the recent purchase of the property described above and the razing of the unsafe structure, we now have space not only for the community garden, but also for a community orchard that will serve the residents of South Billings who live in a designated "food desert" due to the absence of access to fresh fruits and vegetables. Further, because the razed structure played an important role in the development of South Billings, when we create the community garden and orchard we will honor the history of the structure and its impact on our neighborhood.

As many are aware, RiverStone Health paid the City of Billings for the most recent property we obtained from it. The current request is for a very small piece of property that best serves the City, our organization, and the people we serve by being vacated to support the work of RiverStone Health. Given our long history of community and campus improvement, our public status, and our relationship with the City of Billings as a sponsor of the multi-jurisdictional service district, we respectfully ask that the small space described above be vacated to Yellowstone Health Partnership at no cost.

I am happy to meet with you or Council as you deem most appropriate to further discuss this request.

Respectfully,

John Felton, MPH, MBA, FACHE
President & CEO / Health Officer

EXHIBIT A

RIVERSTONE HEALTH RIGHT–OF–WAY VACATION

WITHIN

BILLINGS ORIGINAL TOWNSITE BLOCK 141 & 142

PREPARED FOR : RIVERSTONE HEALTH

PREPARED BY : SANDERSON STEWART

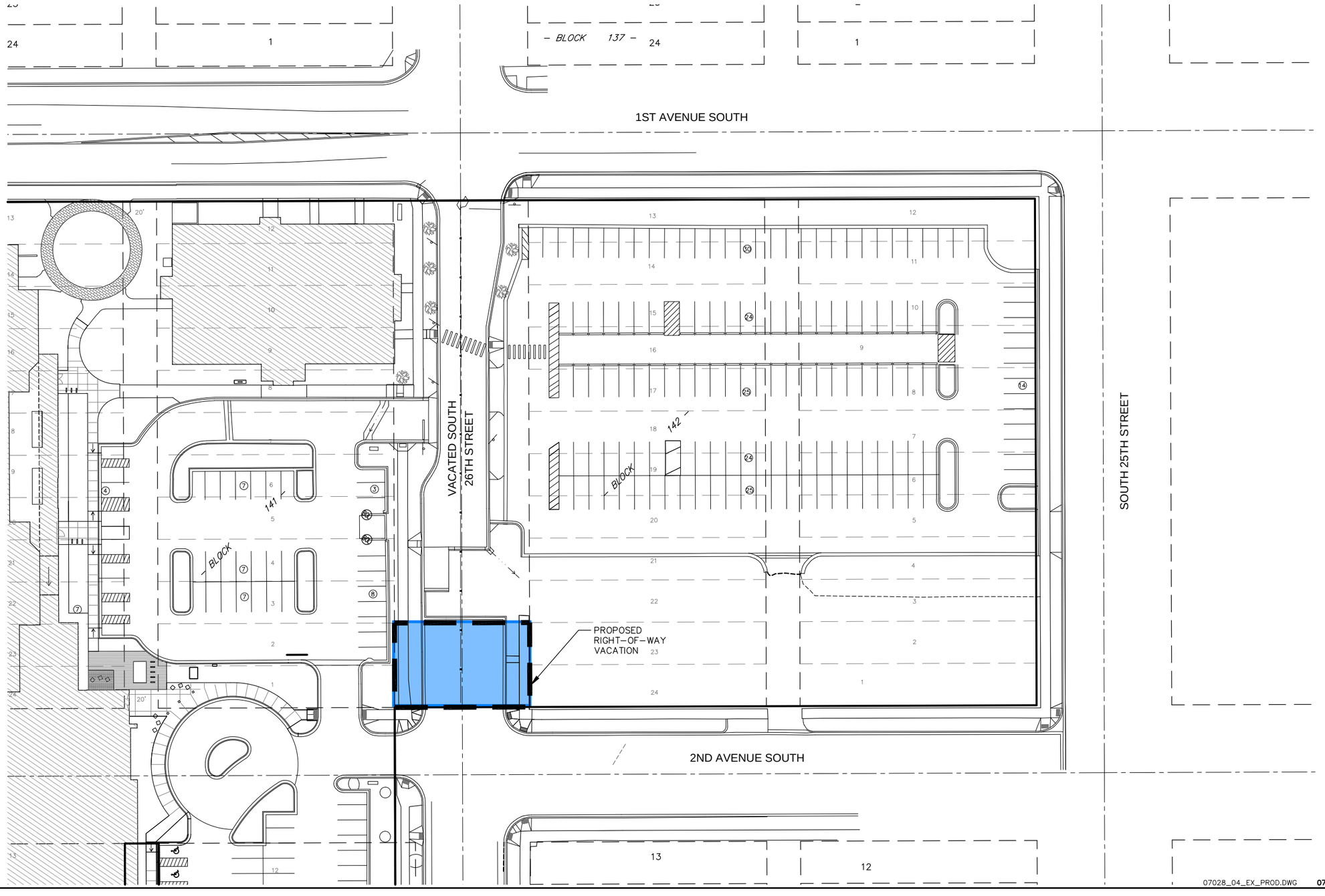
DECEMBER 2019

BILLINGS, MONTANA

NORTH

30 0 30 60

SCALE: 1" = 60'



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EXHIBIT B

RIVERSTONE HEALTH RIGHT-OF-WAY VACATIONS

WITHIN

BILLINGS ORIGINAL TOWNSITE BLOCK 141, 142, & 163

PREPARED FOR : RIVERSTONE HEALTH

PREPARED BY : SANDERSON STEWART

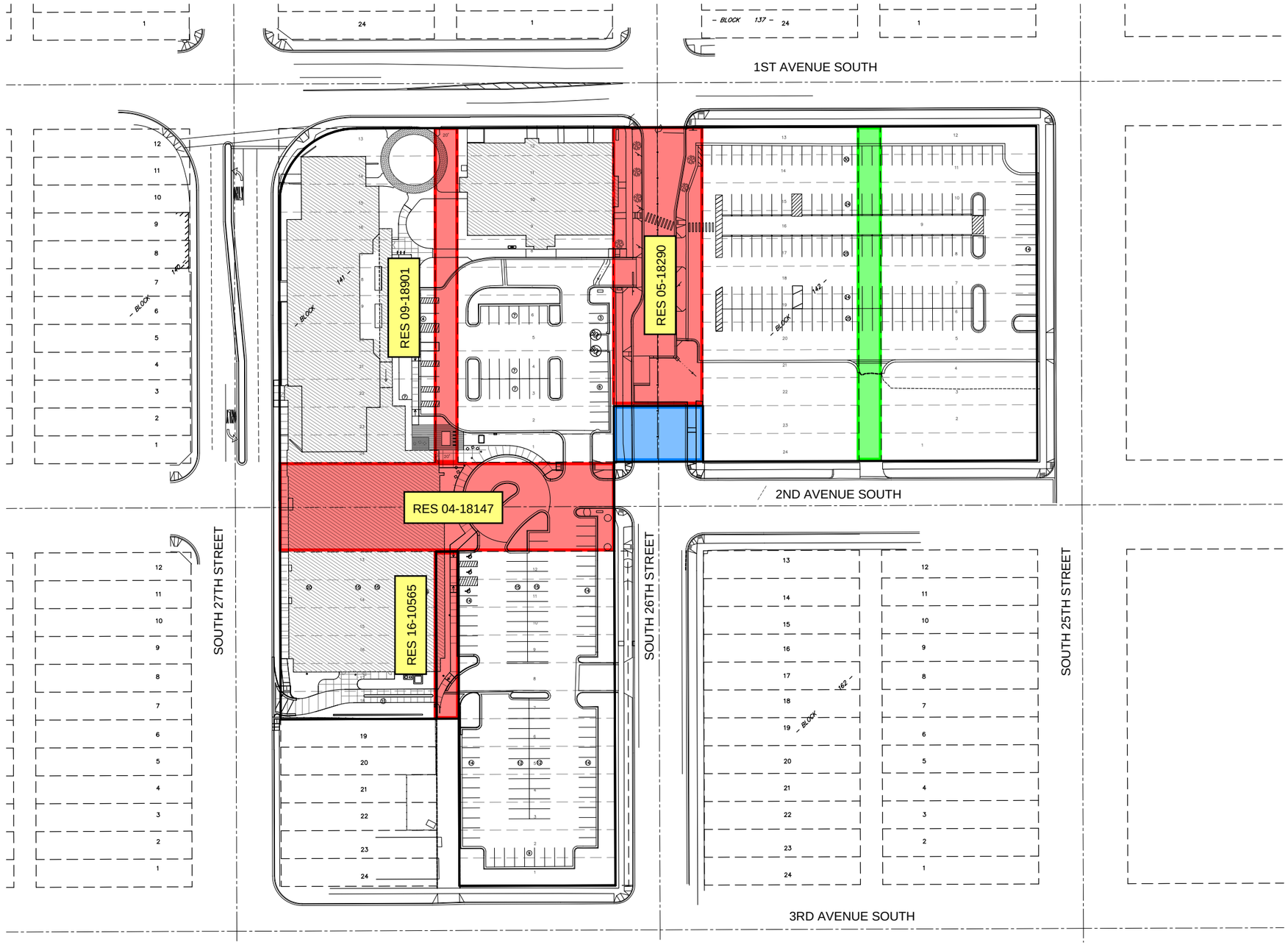
DECEMBER 2019

BILLINGS, MONTANA

NORTH

50 0 50 100

SCALE:1" = 100'



EXISTING RIGHT-OF-WAY VACATIONS

PROPOSED ALLEY DISCONTINUANCE

PROPOSED RIGHT-OF-WAY VACATION

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THE APPRAISAL GROUP, LTD. Real Estate Appraisers and Consultants

"A Sound Appraisal is Investment Insurance"

State Certified General Appraisers
Steven M. Repac
Thomas C. Moss (1951-2003)

State Certified Residential Appraiser
Jody J. Deines-Pierce

Mr. Jeff Ivie
Facilities and Safety Manager
RiverStone Health
123 So. 27th Street
Billings, Montana 59101

29 Nov 19

Re: So. 26th Street – Proposed Acquisition of Street Vacation
Located along 2nd Ave. So. & So. 26th St., Billings, MT

Dear Mr. Ivie:

Enclosed please find the completed appraisal of property rights on the above reference property. I conducted my site investigation on 22 Nov 19; that is the effective date of valuation in this report.

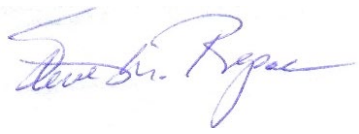
I have determined that the value of the encumbered surface rights of the fee interest of the proposed acquisition is:

$29,500
Twenty-Nine Thousand Five Hundred Dollars

This report has been prepared in compliance with prevailing standards outlined in the Uniform Standards for Professional Appraisal Practice (USPAP). This Appraisal Report is intended to comply with the reporting requirements set forth under Standards Rule 2(a) of USPAP for an appraisal.

Thank you for your trust and confidence in employing my services for this important matter. Should you have any questions or need additional information pertaining to this appraisal assignment, please contact me at your convenience.

Respectfully,



Steven M. Repac
MT. General Certification No. 058

APPRAISAL REPORT

(APPRAISAL REPORT FOR R/W ACQUISITION)

(1) PROJECT N0.: N/A PROJECT ID: N/A
DESIGNATION: Portion of So. 26th Street Vacation PARCEL NO.: N/A

(2) RECORD OWNER: City of Billings
ADDRESS: 2224 Montana Avenue, Second Floor, Billings, MT 59101

CONTRACT PURCHASER: N/A
ADDRESS:

LESSEE OF ACQUISITION: N/A
ADDRESS:

(3) ADDRESS AND/OR LOCATION OF THE PROPERTY: Portion of 2nd Ave. South & So. 26th Street

(4) BRIEF LEGAL DESCRIPTION OF THE PROPERTY: T1S, R26E, P.M.M., Sec. 3: A portion of So. 26th Street situated adjacent south of previous 26th St. Vacation (Res #05-18290).



Date Taken: 22 Nov 19 Taken by: S. Repac
Taken From: Northwest side of remaining portion of So. 26th St. Facing: South-southeast
Remarks: Photo shows the area remaining in So. 26th St. and the proposed acquisition. Curb & gutter, boulevard landscaping, sidewalk, underground utilities, and pavement will remain on the west side of the street (right in photo).

(5) 5 YEAR DELINEATION OF TITLE:
To: N/A
From: Recording Info.
Date:
Consideration (last transfer): Not Determined

(6) CLIENT & INTENDED USERS: The client is Yellowstone Health Partnership – by direction of Jeff Ivie, Facilities and Safety Manager. The intended users of this report include the client, and the City of Billings and any assigns. This appraisal may be made available to property owners, or others, only at the discretion of the City of Billings, through legal proceedings, or from public records.

(6a) PURPOSE AND INTENDED USE OF THIS APPRAISAL: The purpose of the appraisal is to estimate the Market Value, as defined in MCA 70-30-313, of all the rights of ownership of the proposed acquisition of So. 26th Street, subject to any stated assumptions and limiting conditions. The intended use of this appraisal is for the purpose of establishing just compensation for the acquisition of the described property interest(s).

This appraisal will be used to determine the fair market value of a proposed acquisition of the encumbered fee interest in a remaining portion of South 26th Street – adjacent north of 2nd Ave. South. The proposed acquisition is a full acquisition, and

therefore does not require the consideration of any adverse (or beneficial) affects the acquisition may have on any remainder property.

(7) PROPERTY RIGHTS OR INTEREST BEING APPRAISED:
Encumbered Fee ☒ Easement ☐ Permit ☐ Other (specify) N/A

(7a) TYPE OF PROPERTY APPRAISED:
The subject property is an example of a "special purpose property": A limited-market property with a unique physical design, special construction materials, or a layout that restricts its utility to the use for which it was built (The Dictionary of Real Estate Appraisal, 4th Edition, p. 272).

(8) MARKET VALUE is to be established in terms of cash or based on terms of financial arrangements equivalent to cash for the rights being appraised, as follows:

> 70-30-313. Current fair market value is the price that would be agreed to by a willing and informed seller and buyer, taking into consideration, but not limited to, the following factors:
>
> (1) the highest and best reasonably available use and its value for such use, provided current use may not be presumed to be the highest and best use;
> (2) the machinery, equipment, and fixtures forming part of the real estate taken; and,
> (3) any other relevant factors as to which evidence is offered.

(8a) EFFECTIVE DATE OF VALUE: 22 Nov 2019

(8b) DATE OF THIS REPORT: 29 Nov 2019

(9) SCOPE OF WORK: Summarize the process of collecting, confirming, and reporting data contained in this report:
Several of the following sources were utilized in providing both general and detailed information pertaining to the area real estate market; including sales, listings, rents, general market statistics, etc. The geographical area researched was the downtown Billings "southside" area: generally extending from Montana Avenue to State Avenue from north to south, and from So. 21st St. to So. 41st St. from east to west. The time span used in the search of market data is roughly from 2008 to current - this span of time allows for the most current information to be researched, along with providing some data on sales and resales for the development of time adjustments for use in the project reports. Primary data may have been gathered from any of the following sources:

•Office files
•Market participants, including brokers/real estate agents, buyers, sellers, lenders, property managers, landlords, and/or tenants. The area considered for the collection of sales data include the general neighborhood of the subject property, which by physical proximity defines the south side of the city of Billings, Montana,
•County Clerk and Recorder Deed records
•County Assessor records
•Multiple Listing Service records
•City Planning/Engineering Office
•Building Inspector's Office
•Professional exhibits provided by the prospective buyer (Riverstone Health) relating to future street construction
•City of Billings Engineering personnel
•Professional real estate articles dealing with the appraisal of limited market and special purpose properties.

The State of Montana is a "nondisclosure" state and as such, sale prices of real estate are not publicly recorded, therefore, few centralized sources of sale prices for real estate transactions exist. In addition no one associated with a real estate sales transaction is obligated to release or verify information. The client is hereby notified that it is possible there may be sales of comparable properties of which we have no knowledge and, therefore, have not been analyzed for use with this series of reports. The information presented herein has been gathered from sources deemed reliable and every effort has been made to insure its accuracy. All sales used were confirmed with either the buyer, seller, or real estate agent of the transaction and are presented in the body of this report. When conflicting information was provided the source deemed most reliable was used. Data believed to be unreliable was not included in the report nor used as a basis for the value conclusion.

(9a) APPRAISAL METHODS AND TECHNIQUES EMPLOYED IN THIS APPRAISAL:
The Cost Approach will be solely utilized to develop the value in this assignment. The Cost Approach has two parts to its development: the (1) development of an opinion of land value, and the (2) estimation of the contributory value of any improvements. As noted above, the subject is an example of a *Special Purpose Property.* The Sales Comparison Approach is excluded in the report, because there are very few identified street sales that have any relevance to the subject assignment – and none that would allow the abstraction of a contributory improvement value. The Income Approach is also excluded because the current marketplace does not demonstrate sales of street parcels with ground leases on them that can be analyzed to determine a land value in the subject market area. The omission of the Sales Comparison and Income Approaches to value do not, in my opinion, erode the credibility of this appraisal report or the values estimated herein.

(10) ASSUMPTIONS AND LIMITING CONDITIONS: List only those assumptions and limiting conditions applicable to this parcel.

Extraordinary Assumptions:
None noted.

Hypothetical Conditions:
None noted.

(11) SUMMARY DESCRIPTION OF NEIGHBORHOOD:
Summary description of the neighborhood considered for collection of sales data:
Surrounding area is: Depressed ☒ Declining ☐ Static ☒ Growing ☐ Other _____
Unusual features affecting property values: Major railroad corridor separates land uses and relative property values in this area.
Subject property conforms with general area: Yes ☒ No ☐ Beneficial aspects of the subject neighborhood include its relatively high traffic counts, location in a sector of the "south-side" that has experienced some new construction, and good proximity to transportation linkages. Negative aspects include the subject's relatively close proximity to distressed and older,

and highly depreciated properties. Parking in CBD zoned areas is limited to on-street parking spaces – which enhances the utility of most improved land uses.

If no, explain:

Surrounding area is: Vacant ☐ Partially Developed ☒
Developed ☒ Warehouse In Transition ☒ To office and flex building uses

Zoning in the area: Various zoning in area; mostly South 27th Street Permit Zoning along So. 27th Street, Controlled Business District (CBD) in all areas north of 2nd Ave. South around high-volume traffic areas, Controlled Industrial (CI) in areas generally east of So. 25th St., and Community Commercial (CC) in areas south and east of 2nd Ave. South.

Has subject project influenced property values? Yes ☐ No ☒

If yes, explain:

(12) SUMMARY DESCRIPTION OF PROPERTY BEFORE ACQUISITION:

Total Area Contiguous Ownership (Larger Parcel): From Sanderson Stewart Engineers: 4,000 sq.ft.
Shape: Rectangular - 80' wide x 50' deep
Dimensions: See attached plans
Corner Site: ☐ Interior Site: ☒ Alley Access: ☐
Access: From 2nd Ave. South
Property's present location in respect to grade: At grade with 2nd Ave. South
Topography: Generally level
Drainage: Crowned street - appears adequate
Present Use: Residential: ☐ Commercial: ☐ Industrial: ☐
Suburban Residential: ☐ Special Purpose: ☒ Farm/Ranch: ☐
Other: Fully improved street

Zoning: Central Business District (CBD)
Utilities: Phone: ☒
Power: ☒
Sewerage: ☒
If septic, describe location and show on site plan: N/A
Water: ☒
If private well, describe location and show on site plan: N/A
Description of improvements: Fully improved street with sidewalk, curb and gutter, paving, landscaping, plus a fire hydrant at the south end.

(12a) Real Estate Taxes: Year: 2019 Tax Code: N/A Geocode: N/A
Assessed Land Value: N/A 2019 Taxes: N/A Outstanding SIDs: N/A

(12b) Traffic Counts near Subject: 1st Ave. So.: 9,840 vpd avg.; So. 27th St.: 13,610 vpd avg.

(13) Fencing (Fencing, Gates, Portals and/or Cattle Guards within R/W acquisition):

None.

(14) HIGHEST AND BEST USE:

Summary analysis and conclusion based on the use being reasonably probable, legally permissible, physically possible, financially feasible, and maximally profitable – and results in the highest land value.

Highest and Best Use As-Vacant:

Physically Possible: Soils have not been independently tested, but nearby land uses suggest soils could be used to support various commercial and residential land uses. All city services are present. There are no obvious areas of limitation.

Legally Permissible: The zoning on the subject property is CBD, which primarily accommodates stores, hotels, governmental and cultural centers and service establishments at the central focal point of the city's arterial and transportation system, where the CBD can conveniently serve the population of the entire urban area with a varied and specialized selection of goods and services. In order to protect the public interest and welfare and facilitate an attractive, efficient and prosperous CBD, the emphasis is on larger scale building and specialty shops. CBD zoning carries no maximum height restrictions, lot coverage percentages, and no setbacks. Development in the immediate CBD-zoned area is characterized by commercial land uses interspersed around major intersections.

Financially feasible uses are apparent for commercial land use purposes.

Maximally profitable use "as vacant" is considered to be for an access street for the adjacent property to the north, east and west land ownership. If the property is not used for a street, then inclusion into the aforementioned adjacent property area would enhance the larger ownership's utility for parking.

Highest & Best Use As-Improved:

The use of the real estate reflected in this appraisal will be as a portion of a fully improved street.

(15) LAND VALUATION, BEFORE:
Land values based on Sales Catalog/Project Report N/A : Sale Numbers N/A ; or Sales contained below:

A number of sales were researched in the Billings market for this report. Due to locational attributes and other similarities, the appraiser limited the search to sales of commercially-zoned land parcels along major arterials in the Billings south side proper. Following are the most germane to this assignment:

#	Location	Zoning	Sale Date	Orig. Sale Price	TA Sales $	Size (ac.)	Sq Ft.	TA $/Sq Ft.	CBD $/sf
1	N of RR tracks	CBD	20-Jan-11	$56,000	$56,000	0.161	7,000		$8.00
2	N of RR tracks	CBD	13-Jan-12	$80,000	$80,000	0.220	9,578		$8.35
3	S of RR tracks	So. 27th Permit	3-Oct-12	$42,000	$42,000	0.241	10,500	$4.00	
4	S of RR tracks	CC	24-May-12	$35,000	$35,000	0.241	10,500	$3.33	
5	S of RR tracks	So. 27th Permit	4-Oct-12	$80,000	$80,000	0.482	21,000	$3.81	
6	S of RR tracks	So. 27th Permit	18-Dec-15	$196,500	$196,500	0.643	28,000	$7.02	
7	S of RR tracks	NC	18-May-18	$230,000	$230,000	0.913	39,770	$5.78	
8	S of RR tracks	So. 27th Permit	5-May-08	$230,000	$230,000	0.964	42,000	$5.48	
9	S of RR tracks	So. 27th Permit	13-Aug-12	$257,250	$257,250	1.125	49,000	$5.25	
Subj.						0.0918	4,000		
			Mean	$134,083	$134,083	0.554	$24,150	4.95	8.18
			Median	$80,000	$80,000	0.482	$21,000	5.25	8.18

SURVEY OF SALES:

Sale 1: An abstracted land value from the sale of a corner lot north of the tracks with a 1.288 sf building on it that used to be a gas station. The building is still being used and at the time of sale was rented out for a retail store.

Sale 2: Sale is located north of the tracks along Montana Avenue and was an interior parking lot with 27 spaces.

Sale 3: Sale was three vacant interior lots located along So. 28th St., that were purchased with six others to the north. Purchaser was a church and these lots were used for assemblage purposes.

Sale 4: Sale of three lots on the NEC of So. 26th St., and 5th Ave. South. The site is in close proximity to the Conoco refinery.

Sale 5: Sale is of an improved corner site with six lots along So. 28th St.; the property had an older rundown house on it that was razed – the cost of the demolition was added to the purchase price.

Sale 6: Sale is the sale of eight (8) city lots located along So. 27th Street north of 7th Ave. South. This sale had quite a bit of visibility from a higher traffic volume street.

Sale 7: Sale is located along the south side of State Avenue just east of Ace Hardware. The zoning is Highway Commercial, but is close enough in comparison that some similiarities can be drawn.

Sale 8: Sale is part of a half of a city block along the west side of So. 27th Street, between 4th and 5th Aves So. to a church organization.

Sale 9: Sale is another half of a city block along So. 27th Street, between 10th and 11th Aves So., to a church organization.

ANALYSIS OF THE COMPARABLE SALES:

Taken in sum, the collective sales range in age from 2008 through 2018 and indicate a mean price of $4.95 per sf for non-CBD zoned land – and a median indication of $5.25 per sf for non-CBD zoned land. The only two CBD-zoned sales were located on the north side of the tracks and they had a mean (and median) indication of $8.18 per sf. Of course, there are differences between most of the sales and the subject property. Some of the sales are located in what might be termed as more "favorable" locations, next to other properties with higher values, or having better connectivity to desirable traffic grids. It is interesting to note that in this study – in general – size differences seem not to correlate with unit prices; usually smaller parcels will exhibit higher unit prices and vice-versa. This could be because there is a decided difference between those properties located on the south side of the railroad corridor – as opposed to properties located on the north or southwest side. Also, I could not prove a trend in sales prices over the timespan of the sales in this area – this specific area (south-side) has had a hard time stabilizing and demonstrating increased values over the past 10 years or so.

Adjustments to sales can be made for the following reasons:

1. *Real Property Rights Conveyed*
2. *Financing Terms*
3. *Conditions of Sale*
4. *Expenditures Made Immediately After Purchase*
5. *Market Conditions (Time)*
6. *Location*
7. *Physical characteristics*
8. *Economic characteristics*
9. *Use/Zoning*
10. *Non-realty components of value*

Instead of trying to make finite mathematically quantitative adjustments to the sales for differences, I prefer to rank (or sort) the sales as to whether they are considered "superior", "inferior", or "equal" to the subject property. This process effectively

mirrors the actions of the marketplace and attempts to recreate the purchase decision that a marketplace participant would go through when they interact with a seller. More quantitative adjustments are not employed, since the population of comprehensive sales data for these types of properties is not available. In addition, a systematic grid-adjustment process that employs specific percentage or dollar-amount adjustments is not characteristic of the behavior and thinking of most purchasers of this type of property, and in that sense may be unrealistic. As an alternative, a qualitative approach is used to bracket the subject property between sets of comparable sales – superior and inferior properties – this often represents a more realistic and reliable approach. In this way, a subject is bracketed between higher and lower sales prices and a value within this range can be selected as the indicated value via the sales comparison approach (Ref: Property to Property Comparison, Thomas Rodgers, MAI, Appraisal Journal, Jan 1994, pg. 64.)

Below are listed the sales and their respective bracketing with regard to the subject property:

Bracketing Analysis

#	Zoning	Sq.Ft.	$/Sq.Ft.	Superior	Equal	Inferior
1	CBD	7,000	$8.00	xxx		
2	CBD	9,579	$8.35	xxx		
3	So. 27th Permit	10,500	$4.00		xxx	
4	CC	10,500	$3.33			xxx
5	So. 27th Permit	21,000	$3.81		xxx	
6	So. 27th Permit	28,000	$7.02	xxx		
7	NC	39,770	$5.78		xxx	
8	So. 27th Permit	42,000	$5.48	xxx		
9	So. 27th Permit	49,000	$5.25	xxx		

Reasoning for the Bracketing:

Sales 1 and 2 are sales with the same zoning as the subject, but they are located north of the railroad tracks and are generally considered superior to properties located south of the tracks. Sales 6, 8 and 9 are located along So. 27th Street and enjoy higher site prominence and vehicular traffic than the subject property. This bracket analysis suggests that the subject should be valued below $5.25 per sq. ft. Sale 4 is located three blocks south of the subject, but is considered to be inferior with regard to location. This "inferior" indicator suggests a value above $3.33 per sq. ft. Sales 3, 5 and 7 range from $3.81 to $5.78 per sq. ft., and these sales are considered to be the most indicative of value for the subject. Since I didn't have enough data to prove a demonstrable increase in prices on the south side over time I feel compelled to emphasize the upper end of the range to account for some plausible increase. The upper-end is accordingly emphasized twice as much as the lower end, with the result approximating $4.85 per sq. ft.

Improvements:

The subject street area is improved with public sidewalks, curb and gutter, landscaping, paving and underground utilities (notably a fire hydrant and storm drain catch basin on the west side of the street). From inspection, it was observed that these improvements were in overall "good" condition, with good utility for the proposed development of the vacated street as a private access to the RiverStone Health complex. The following calculation is proposed for the estimation of contributive value for these improvements:

Grading, public sidewalk, curb & gutter, asphalt paving, landscaping is estimated to cost $20,555 (rounded) new (Marshall & Swift Cost Service, Sec. 66, p.1; 12/2017 and modified by adjustments). The concrete improvements, the fire hydrant, and the storm drain catch basin and piping appear to have effective ages of 15 years; the paving an effective age of 20 years; and the landscaping an effective age of 6-8 years. The age-life method of depreciation is shown below as a rough guide in determining the contributive value for the improvements.

Contributive Value of Improvements

Item	Cost New	TEL	EA	% Dep.	Cont. Value
Concrete Imps.	5,547	35	15	42.9%	3,170
Asphalt Paving	7,620	25	20	80.0%	1,524
Fire Hydrant & Storm Drain	5,000	60	15	25.0%	3,750
Landscaping	2,388	25	7	28.0%	1,719
Total Cost	20,555				10,163

TEL – Total Economic Life
EA – Effective Age

Overall then, the (depreciated) value of the improvements are considered to contribute roughly $10,163 to the value of the site, or $2.54/sq. ft. overall ($10,163 / 4,000 sf).

Therefore, the following value is concluded:

Subject Site 4,000 sq. ft. @ $4.85/sq.ft. = $19,400
CV of Improvements @ $2.54/sq.ft. = $10,163
Total Value @ $7.39/sq.ft. = $29,500 (rounded)

(16) VALUE BASED ON COST APPROACH: $29,500

(17) VALUE BASED ON SALES COMPARISON APPROACH: N/A

(18) VALUE BASED ON INCOME APPROACH: N/A

(19) RECONCILIATION AND CONCLUSION TO VALUE: $29,500

(35) I CERTIFY THAT:

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three (3) year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the properties that are the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.

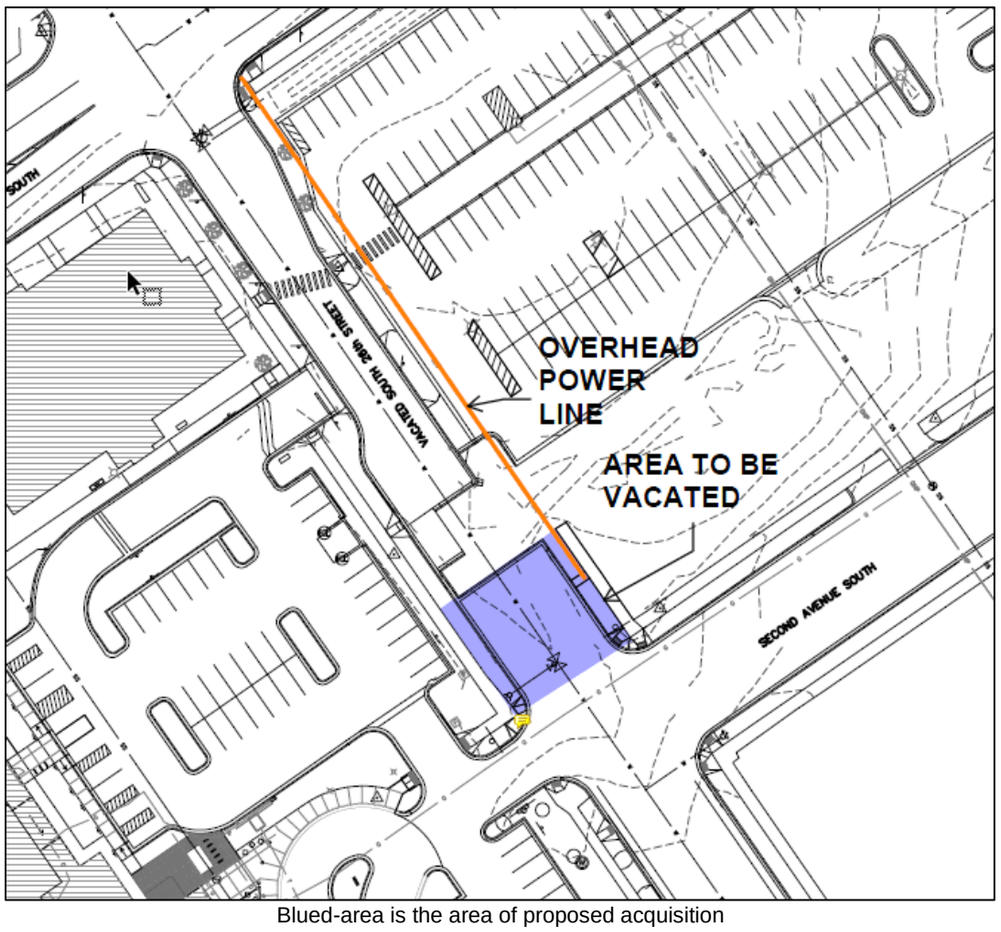
Respectfully submitted,

DATE: 29 Nov 19

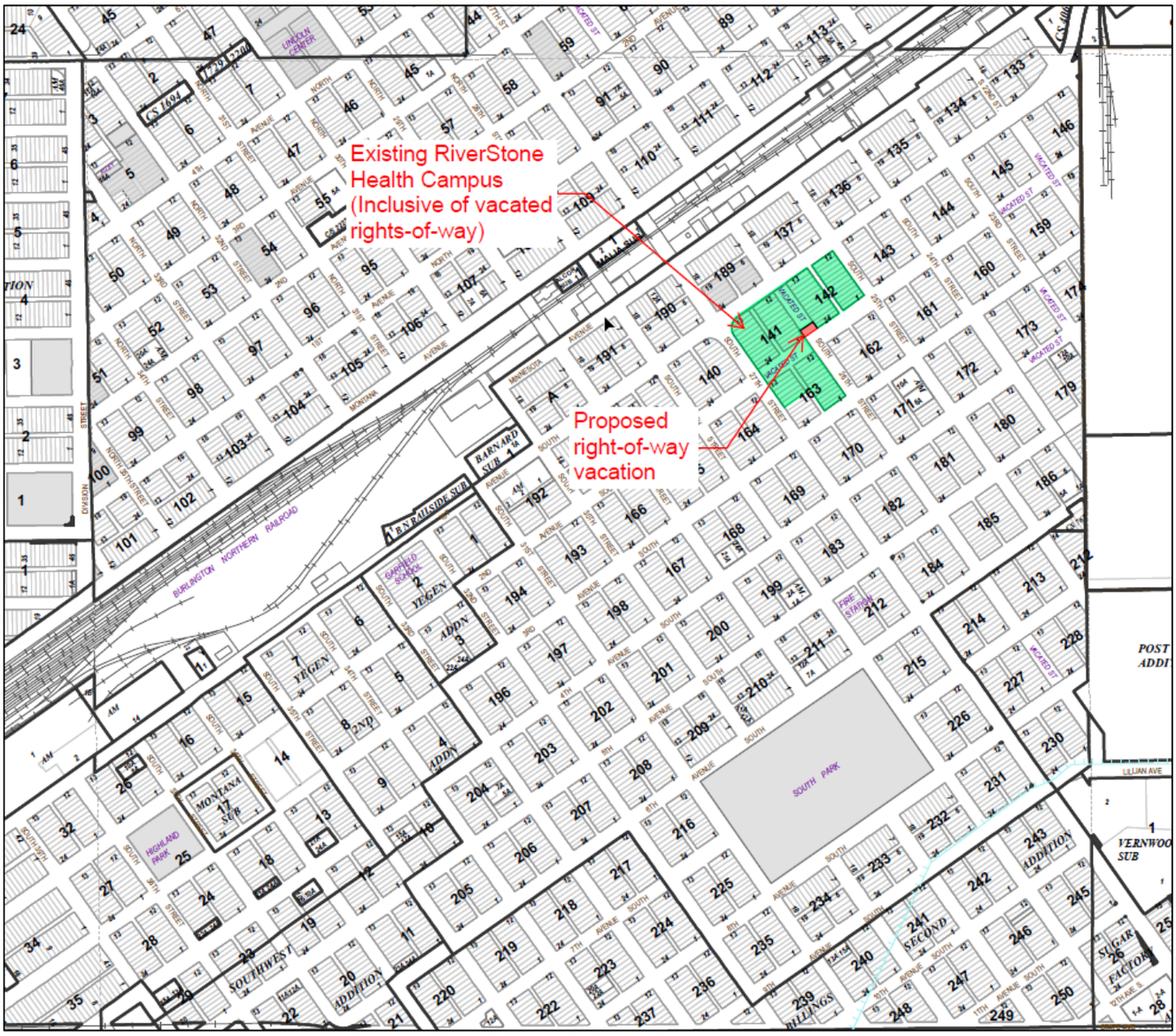
SIGNATURE: _____

Appraised By: Steven M. Repac, MT. Montana Certified General No. 58

(36) EXHIBITS:



Blued-area is the area of proposed acquisition



Area of Proposed Acquisition Relative to RiverStone Health Campus

Consent **1. I.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Acknowledge Receipt of Petition to Vacate Portions of Grand Peaks Drive and Sundance Mountain Trail and set a Public Hearing

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

J & S Development, the developer of Grand Peaks Subdivision, received preliminary plat approval of Grand Peaks 5th Filing and Grand Peaks Subdivision 6th Filing on December 16, 2019. As a condition of the approval, it was required that the existing Grand Peaks Drive and Sundance Mountain Trail right of way be vacated prior to final plat approval. Grand Peaks Subdivision 5th Filing and 6th Filing realigns the streets. There have been no improvements made on the portions of right of way to be vacated. J & S Development is the original developer, therefore, the right of way to be vacated is returned at no cost to the developer in accordance with Administrative Order 56. Attached is a map showing the right of way to be vacated.

ALTERNATIVES ANALYZED

The Council may:

- Acknowledge receipt of the petition to vacate the above mentioned right of way and set a public hearing for April 13, 2020; or
- Do not acknowledge the petition to vacate the right of way. If not acknowledged, the right of way vacation cannot proceed.

FINANCIAL IMPACT

Administrative Order 56 states that since the right of way proposed to be vacated will revert to the original developer and no streets are constructed, there is no cost for the vacation. New right of way will be dedicated to replace the vacated area.

RECOMMENDATION

Staff recommends that Council acknowledge receipt of the petition to vacate portions of Grand Peaks Drive and Sundance Mountain Trail and set a public hearing for April 13, 2020.

APPROVED BY CITY ADMINISTRATOR

Attachments

Petition to Vacate
Exhibit
Ownership Report
Administrative Order #56

REQUEST TO VACATE PUBLIC RIGHT-OF-WAY
CITY OF BILLINGS

Description of Right-of-Way to be vacated:

Legal Description: Vacated Portion of Grand Peaks Drive

That portion of Grand Peaks Drive, a 56-foot wide public road right-of-way created by the Plat of Grand Peaks Subdivision, document No. 3423673 of Yellowstone County records, beginning at the northerly line of Lot 8, Block 6, Grand Peaks Subdivision, Third Filing, document No. 3665544, extending northerly and westerly to the easterly right-of-way line of 54th Street West, as shown on the Attached Exhibit A.

Legal Description: Vacated Sundance Mountain Trail

All of Sundance Mountain Trail, a 56-foot wide public road right-of-way created by the Plat of Grand Peaks Subdivision, document No. 3423673 of Yellowstone County records, beginning at the northerly right-of-way line of Grand Peaks Drive and extending northerly between Lot 1, Block 5 and Lot 2, Block 4 of said Grand Peaks Subdivision to the north line of said Subdivision, as shown on the Attached Exhibit A.

We, being all the abutting property owners, request of the City Council the vacation of the above described:

_____Street _____Alley _____Other R/W

SIGNATURE	DATE	PROPERTY OWNERSHIP
	2-26-2020	J & S DEVELOPMENT

(Additional signatures, if needed, can be on additional sheets.)

WE, the utility companies and governmental departments, listed below, approve, or disapprove this request as noted by our signatures.

	APPROVED BY/DATE	DISAPPROVED BY/DATE
City Public Works		3/1/20
YVEC	BRENT KOCH 2/11/20	
Montana-Dakota Utilities	BRENT PENNEY 2/11/20	
Century Link	2/11/20	
Charter	2/10/20	
City/Co. Planning Board	3/3/20	

(A letter of explanation may be attached with "See Attached Letter" entered in the appropriate signature slot(s).)

Petitioner's interest in vacating the public Right-of-Way:

Re-arranging blocks and re-platting existing residential lots per preliminary plats of Grand Peaks Subdivision Fifth and Sixth Filings. See attached "Exhibit A".

The petitioner acknowledges and understands that the City will appoint an appraiser to estimate the value of the real property being vacated, and the petitioner agrees that the fee for the appraiser will be borne by the petitioner(s).

ATTACHMENTS:

- X **Title Report(s)**
- X **Comments from all Utilities**
- X **Map of R/W to be Vacated**
- NA **Traffic Accessibility Study (When Required by the City)**

AN APPLICATION FEE OF $200 MUST ACCOMPANY THIS PETITION.

Fee Received By: _____ **Date:** 2/28/20
City Clerk

A DEPOSIT FOR AN APPRAISAL MUST ALSO ACCOMPANY THIS REQUEST.

Deposit Amount: _____

Received By: _____ **Date:** _____
City Clerk

EXHIBIT A

GRAND PEAKS DRIVE AND SUNDANCE MOUNTAIN TRAIL RIGHT–OF–WAY VACATION

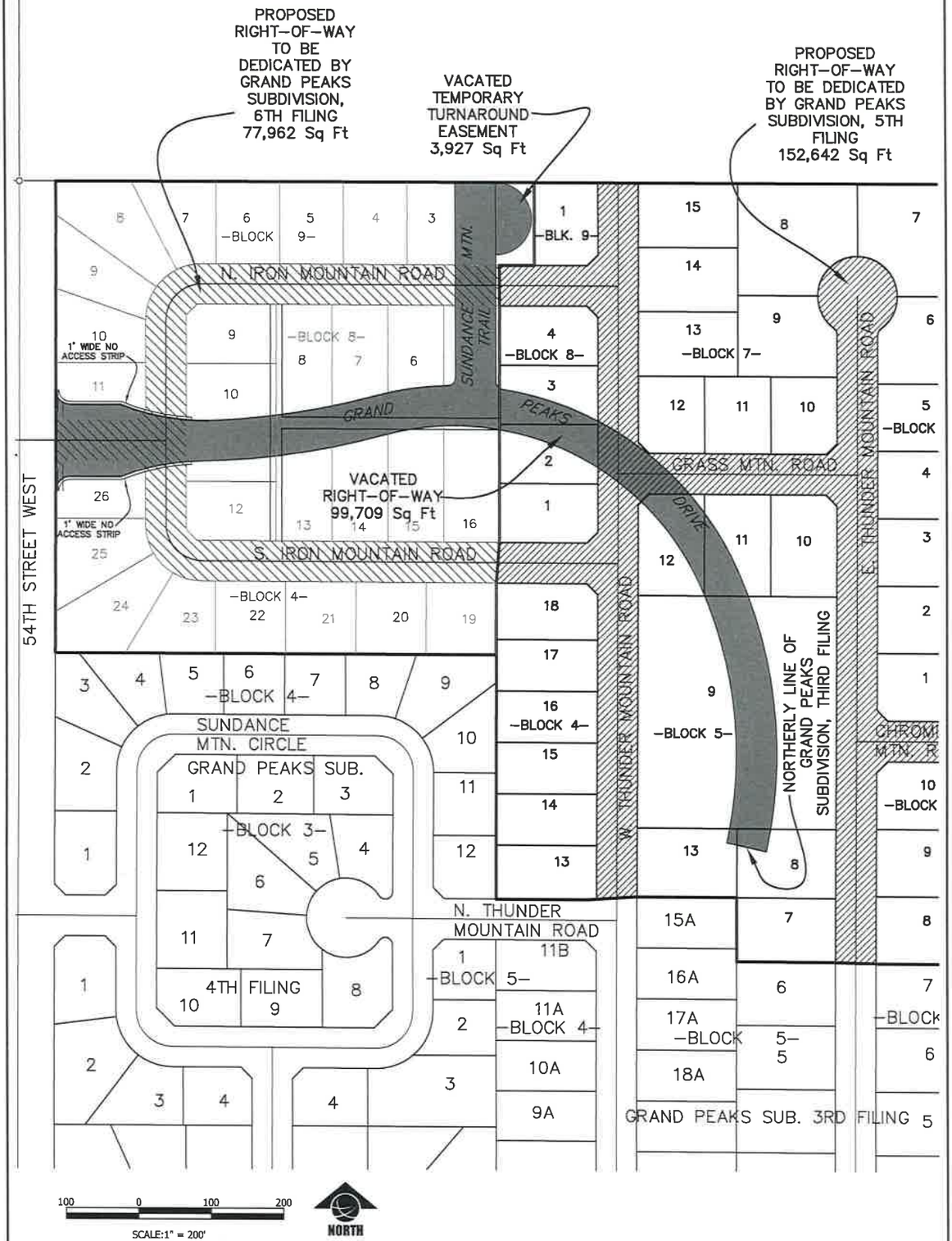
WITHIN

GRAND PEAKS SUBDIVISION, FIFTH AND SIXTH FILINGS

PREPARED FOR : J & S DEVELOPMENT COMPANY — JANUARY 2020

PREPARED BY : SANDERSON STEWART — BILLINGS, MONTANA

PARCEL 2B OF CORRECTED AMENDED TRACT 2
CERTIFICATE OF SURVEY No. 1952



06024_185_RIGHT OF WAY EXHIBIT.DWG 06024.185 1/28/2020 BG/EJG

Yellowstone County, Montana

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

Back to Search Form Full Orion Detail

Owner Information

Please Note:* Owner information is supplied by the **Montana Department of Revenue. To request updates to addresses or other ownership information, please **contact the DOR office at 896-4000**. Records for the current year will **not** be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax ID: A33960

Primary Party

Primary Owner Name: J&S DEVELOPMENT CO **Ownership History**

2020 Mailing Address: J&S DEVELOPMENT CO
1733 E THUNDER MOUNTAIN RD
BILLINGS, MT 59106-8505

Property Address:

Township: 01 N Range: 25 E Section: 32

Subdivision: GRAND PEAKS SUB (08) Block: 5 Lot: 1

Full Legal: GRAND PEAKS SUB (08), S32, T01 N, R25 E, BLOCK 5, Lot 1, ACRES 3.938

GeoCode: 03-1032-32-3-06-01-0000

Show on Map *(May not work for some newer properties.)*

Property Assessment Information

Levy District: BILLINGS

2019 Assessed Value Summary

Assessed Land Value = $ 41,780.00

Assessed Building(s) Value = $ 0.00

Total Assessed Value = $ 41,780.00

Assessed Value Detail Tax Year: 2019

Class Code	Amount
2201 - Residential City or Town Lots = $	41,780.00
Total = $	41,780.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at 406-896-4000.

City of Billings SID Payoff Information

Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2008	636.16 P	636.14 P	1,272.30
2009	625.63 P	625.62 P	1,251.25

Yellowstone County, Montana

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Back to Search Form Full Orion Detail

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Tax ID: A33956

Primary Party

Primary Owner Name: J&S DEVELOPMENT CO **Ownership History**

2020 Mailing Address: J&S DEVELOPMENT CO
1733 E THUNDER MOUNTAIN RD
BILLINGS, MT 59106-8505

Property Address:

Township: 01 N Range: 25 E Section: 32

Subdivision: GRAND PEAKS SUB (08) Block: 2 Lot: 5

Full Legal: GRAND PEAKS SUB (08), S32, T01 N, R25 E, BLOCK 2, Lot 5, ACRES 3.895

GeoCode: 03-1032-32-3-03-41-0000

Show on Map *(May not work for some newer properties.)*

Property Assessment Information

Levy District: BILLINGS

2019 Assessed Value Summary

Assessed Land Value = $ 41,552.00

Assessed Building(s) Value = $ 0.00

Total Assessed Value = $ 41,552.00

Assessed Value Detail Tax Year: 2019

Class Code	Amount
2201 - Residential City or Town Lots	$ 41,552.00
Total	$ 41,552.00

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City of Billings SID Payoff Information

Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2008	634.99 P	634.98 P	1,269.97
2009	624.19 P	624.19 P	1,248.38

Yellowstone County, Montana

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

Back to Search Form Full Orion Detail

Owner Information

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Tax ID: A33959

Primary Party

Primary Owner Name: J&S DEVELOPMENT CO **Ownership History**

2020 Mailing Address: J&S DEVELOPMENT CO
1733 E THUNDER MOUNTAIN RD
BILLINGS, MT 59106-8505

Property Address:

Township: 01 N Range: 25 E Section: 32

Subdivision: GRAND PEAKS SUB (08) Block: 4 Lot: 2

Full Legal: GRAND PEAKS SUB (08), S32, T01 N, R25 E, BLOCK 4, Lot 2, ACRES 6.884

GeoCode: 03-1032-32-3-05-11-0000

Show on Map *(May not work for some newer properties.)*

Property Assessment Information

Levy District: BILLINGS

2019 Assessed Value Summary

Assessed Land Value = $ 55,240.00
Assessed Building(s) Value = $ 0.00
Total Assessed Value = $ 55,240.00

Assessed Value Detail Tax Year: 2019

Class Code	Amount
2201 - Residential City or Town Lots = $	55,240.00
Total = $	55,240.00

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City of Billings SID Payoff Information

Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2008	730.72 P	730.71 P	1,461.43
2009	717.11 P	717.10 P	1,434.21

Yellowstone County, Montana

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

Back to Search Form Full Orion Detail

Owner Information

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Tax ID: A33955

Primary Party

Primary Owner Name: J&S DEVELOPMENT CO **Ownership History**

2020 Mailing Address: J&S DEVELOPMENT CO
1733 E THUNDER MOUNTAIN RD
BILLINGS, MT 59106-8505

Property Address:

Township: 01 N Range: 25 E Section: 32

Subdivision: GRAND PEAKS SUB (08) Block: 2 Lot: 4

Full Legal: GRAND PEAKS SUB (08), S32, T01 N, R25 E, BLOCK 2, Lot 4, ACRES 3.454

GeoCode: 03-1032-32-3-03-31-0000

Show on Map *(May not work for some newer properties.)*

Property Assessment Information

Levy District: BILLINGS

2019 Assessed Value Summary

Assessed Land Value = $ 39,129.00

Assessed Building(s) Value = $ 0.00

Total Assessed Value = $ 39,129.00

Assessed Value Detail Tax Year: 2019

Class Code	Amount
2201 - Residential City or Town Lots = $	39,129.00
Total = $	39,129.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at 406-896-4000.

City of Billings SID Payoff Information

Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2008	622.75 P	622.74 P	1,245.49
2009	612.42 P	612.41 P	1,224.83

Yellowstone County, Montana

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

Back to Search Form Full Orion Detail

Owner Information

Please Note:* Owner information is supplied by the **Montana Department of Revenue. To request updates to addresses or other ownership information, please **contact the DOR office at 896-4000**. Records for the current year will **not** be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax ID: A34980

Primary Party

Primary Owner Name: J & S DEVELOPMENT CO 1/2 IN & GRAND PEAKS WEST LLC 1/2 INT

Ownership History

L Additional Legal Owners

2020 Mailing Address: J & S DEVELOPMENT CO 1/2 IN &
1733 E THUNDER MOUNTAIN RD
BILLINGS, MT 59106-8505

Property Address:

Township: 01 N Range: 25 E Section: 32

Subdivision: GRAND PEAKS SUB 3RD FILING (14) Block: 6 Lot: 8

Full Legal: GRAND PEAKS SUB 3RD FILING (14), S32, T01 N, R25 E, BLOCK 6, Lot 8

GeoCode: 03-1032-32-3-05-17-0000

Show on Map *(May not work for some newer properties.)*

Property Assessment Information

Levy District: BILLINGS

2019 Assessed Value Summary

Assessed Land Value = $	43,337.00
Assessed Building(s) Value = $	0.00
Total Assessed Value = $	43,337.00

Assessed Value Detail Tax Year: 2019

Class Code	Amount
2201 - Residential City or Town Lots = $	43,337.00
Total = $	43,337.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at 406-896-4000.

City of Billings SID Payoff Information

Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2014	1,119.64 P	1,119.64 P	2,239.28

ADMINISTRATIVE ORDER NO. 56

Pursuant to Administrative Order, the following procedure is hereby established for determining the valuation of public rights-of-way proposed for vacation.

1. If the City of Billings and the petitioner mutually agree that vacating a public right-of-way is appropriate, and the public has no cost basis in the right-of-way, staff may recommend to the City Council that the right-of-way be returned to the adjacent property from which it was originally dedicated at no cost. This will generally be limited to rights-of-way within platted but undeveloped subdivisions. It would not generally apply to unimproved rights-of-way within otherwise developed parts of the city.

2. In all other cases, the value of public right-of-way to be vacated shall be established in accordance with City Ordinance #90-4922, except the following administrative procedure may be used in lieu of the preparation of a formal appraisal with the mutual agreement of the petitioner and the City.

    a. The value of public right-of-way to be vacated shall generally be considered to have a value equivalent to the adjacent property to which it would become attached. Costs associated with making the right-of-way whole for development (i.e., relocation of utilities, etc.) will be considered a cost of development and will not generally be deducted from the real property value.

    b. The petitioner may elect to submit comparable sales data from recent property transactions within a reasonable proximity of the proposed right-of-way vacation area. The petitioner and the City may mutually agree to a property value based upon comparable sales data in lieu of the preparation of a formal appraisal.

    c. On a case-by-case basis, the petitioner and the City may agree to a lesser value of the vacated right-of-way based upon the proposed use of the acquired land. This would generally involve proposed developments where the vacated right-of-way would be converted to open green space, park area, or other such use that could be construed as an overall public benefit.

This Administrative Order is intended to recognize the stewardship aspect of administering public assets while acknowledging the equity issues associated with vacation of right-of-way within previously undeveloped areas. It is also intended to recognize that public rights-of-way could be vacated for less than appraised value in those cases where the proposed use would reflect a general benefit to the public.

Dated this 25 day of January 1999

Mark Watson

Mark Watson, City Administrator

C:\Corel\Office7\WPWin7\Watson\ROW Admin Order.wpd

Consent **1. J.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Acknowledge Receipt of Petition to Discontinue the alley within Block 142 within the Billings Original Townsite and Set a Public Hearing

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Through the expansion of the Riverstone Health campus, a parking lot was constructed on the north half of Block 142 within the Billings Original Townsite. This is located between 1st Avenue North and 2nd Avenue North west of South 25th Street. There is an alley right of way in the middle of the block that runs north/south from 1st Avenue South to 2nd Avenue South. With the parking lot construction, the approach off of 1st Avenue North to the alley was closed off. Access to the alley right of way was maintained from 2nd Avenue North as there is a sanitary sewer main within the alley right of way.

Recently, Riverstone Health submitted a permit to build a warehouse next to the alley right of way. With this, they are proposing to close off the access from 2nd Avenue North and access the warehouse from the parking lot. They originally wanted to vacate the alley, however, with the sanitary sewer main located in the alley, city staff prefers to keep this alley as right of way. Riverstone Health has petitioned the city to discontinue the alley. This would keep the area as right of way, but would not allow through vehicle access. If the access at 2nd Avenue South is allowed to be closed, access to the sanitary sewer would need to be through the private parking lot. The city would need to enter into an easement for this access which will be presented at the April 13th City Council meeting.

ALTERNATIVES ANALYZED

The Council may:

- Approve acknowledgment of petition to discontinue the above-mentioned alley and set a public hearing for April 13, 2020.
- Do not acknowledge the petition and terminate the discontinue process. If not approved, the petitioner would need to maintain access from 2nd Avenue South.

FINANCIAL IMPACT

There is minimal cost to the city to acknowledge this petition and set a public hearing date.

RECOMMENDATION

Staff recommends that Council acknowledge the receipt of petition to discontinue the alley within Block 142 of Original Townsite and set a public hearing for April 13, 2020.

APPROVED BY CITY ADMINISTRATOR

Attachments

Petition to Discontinue
Exhibit of Right of Way
Overall Area Map

REQUEST TO ~~VACATE~~ DISCONTINUE PUBLIC RIGHT-OF-WAY
CITY OF BILLINGS

Description of Right-of-Way to be ~~vacated~~ discontinued:

Discontinue the use of the alley located between South 25th Street and South 26th Street from First Avenue South and Second Avenue South.

We, being all the abutting property owners, request of the City Council the ~~vacation~~ discontinuance of the above described:

____Street **X ____Alley** **_____Other R/W**

SIGNATURE	DATE	PROPERTY OWNERSHIP
	2/5/20	Lots 1-24, Block 142 Billings Original Townsite

(Additional signatures, if needed, can be on additional sheets.)

WE, the utility companies and governmental departments, listed below, approve, or disapprove this request as noted by our signatures.

	Approved By/Date	Disapproved By/Date
City Public Works	2/18/20	
Heights Water	N/A	
Montana Dakota Utilities	12-18-19	
Northwestern Energy	1.31.20	
Charter	12-18-19	
CenturyLink	1/29/2020	
City/Co. Planning	2/13/20	

(A letter of explanation may be attached with "See Attached Letter" entered in the appropriate signature slot.)

Petitioner's interest in ~~vacating~~ discontinuing the public right-of-way: RiverStone Health seeks to discontinue use of the alley through Block 142 of the Billings Original Townsite. Parking lot is currently constructed across the alley portions of Lots 4 through 20 and access to a new warehouse is proposed between Lots 1 through 3 and 22 through 24. It is desired to eliminate the existing approach from Second Avenue South and provide access from the existing parking lot. All existing utilities will be maintained and be accessible.

The petitioner acknowledges and understands that the City will appoint an appraiser to estimate the value of the real property being vacated, and the petitioner agrees that the fee for the appraiser will be borne by the petitioner(s).

__X__ Map of R/W to be Vacated
__NA__ Traffic Accessibility Study (When required by the City)

AN APPLICATION FEE OF $200 MUST ACCOMPANY THIS PETITION.

Fee Received By: _____ **Date:** 2/18/20
City Engineers Office

A DEPOSIT FOR AN APPRAISAL MUST ALSO ACCOMPANY THIS REQUEST.

Deposit Amount: NA

Received By: _____ **Date:** _____
City Clerk

Copies of City of Billings Ordinance No. 80-4269 and 90-4822, establishing the procedure and compensation to the City of Billings for Discontinuance and Vacation of City Streets, Alleys, and Rights-of-Way, are attached for reference.

The application fee, as stated in BMC 22-602, will be set by the City Administrator after review by the staff. The City Clerk will advertise the public hearing at least one week before the petition is acted upon by the City Council.

This petition is to be returned to the City Clerk, PO Box 1178, Billings, MT 59103. (First Floor, City Hall)

This petition must be accompanied by the statements and reports as listed in BMC 22-601 (a), (b), (c), (d), (e), and (f). (Copy attached)

CONTACT PERSON FOR PETITION:

Bryan Alexander

Telephone No.: 406-869-3343

Mailing Address: 1300 N. Transtech Way
Billings, MT 59102

Date: June 3, 2019

CITY COUNCIL ACTION: _____

DATE: _____

EXHIBIT A

RIVERSTONE HEALTH ALLEY DISCONTINUANCE

WITHIN

BILLINGS ORIGINAL TOWNSITE BLOCK 142

PREPARED FOR : RIVERSTONE HEALTH

PREPARED BY : SANDERSON STEWART

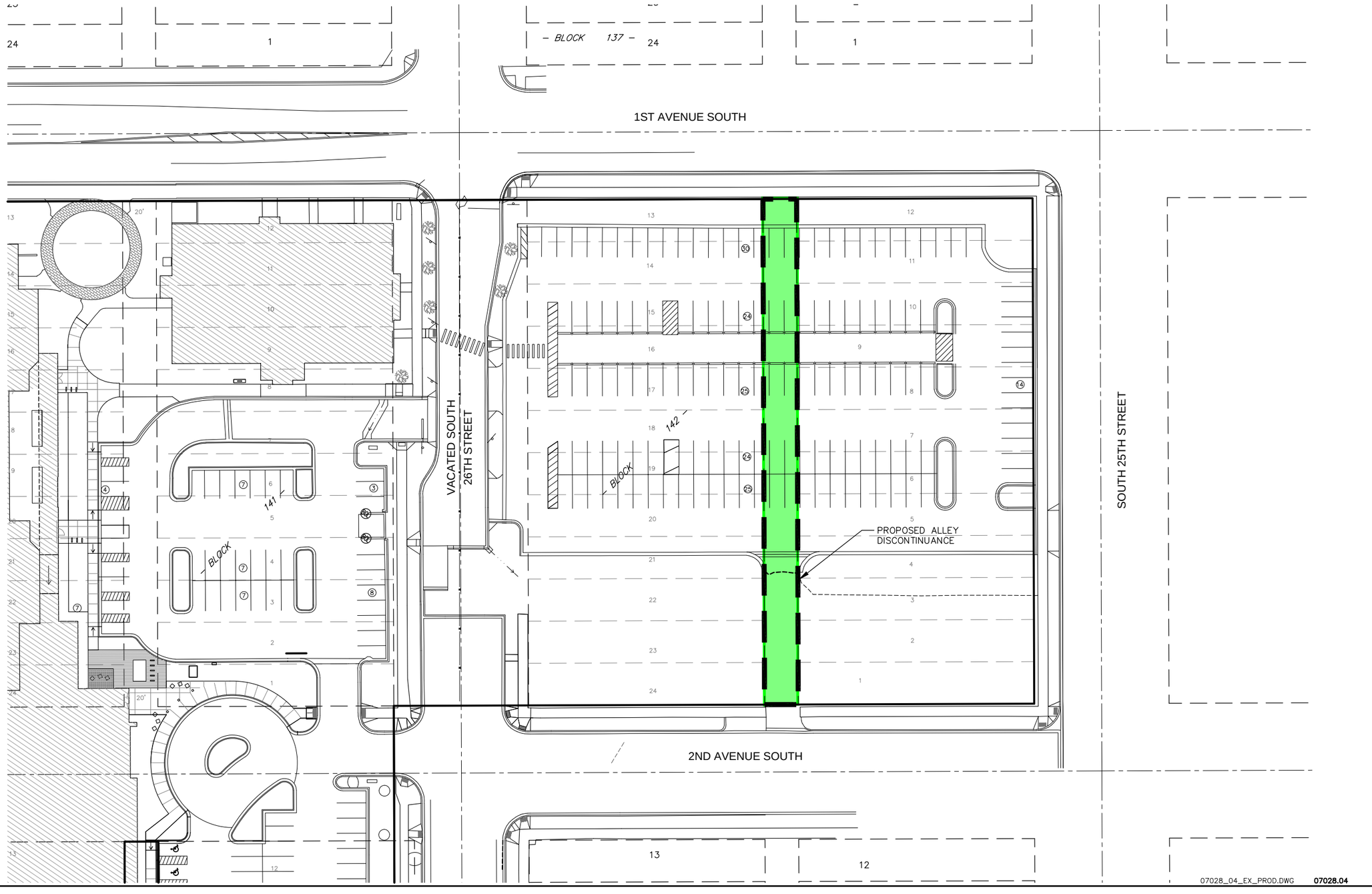
DECEMBER 2019

BILLINGS, MONTANA

NORTH

30 0 30 60

SCALE: 1" = 60'



P:\07028_04_RiverStone_Health_Traffic_Circulation_Improvements\CADD_C3D\PRODUCTION_DWG\07028_04_EX_PROD.dwg, 11x17 LANDSCAPE, 12/17/2019 12:54:53 PM, balexander, 1:1

EXHIBIT B

RIVERSTONE HEALTH RIGHT-OF-WAY VACATIONS

WITHIN

BILLINGS ORIGINAL TOWNSITE BLOCK 141, 142, & 163

PREPARED FOR : RIVERSTONE HEALTH

PREPARED BY : SANDERSON STEWART

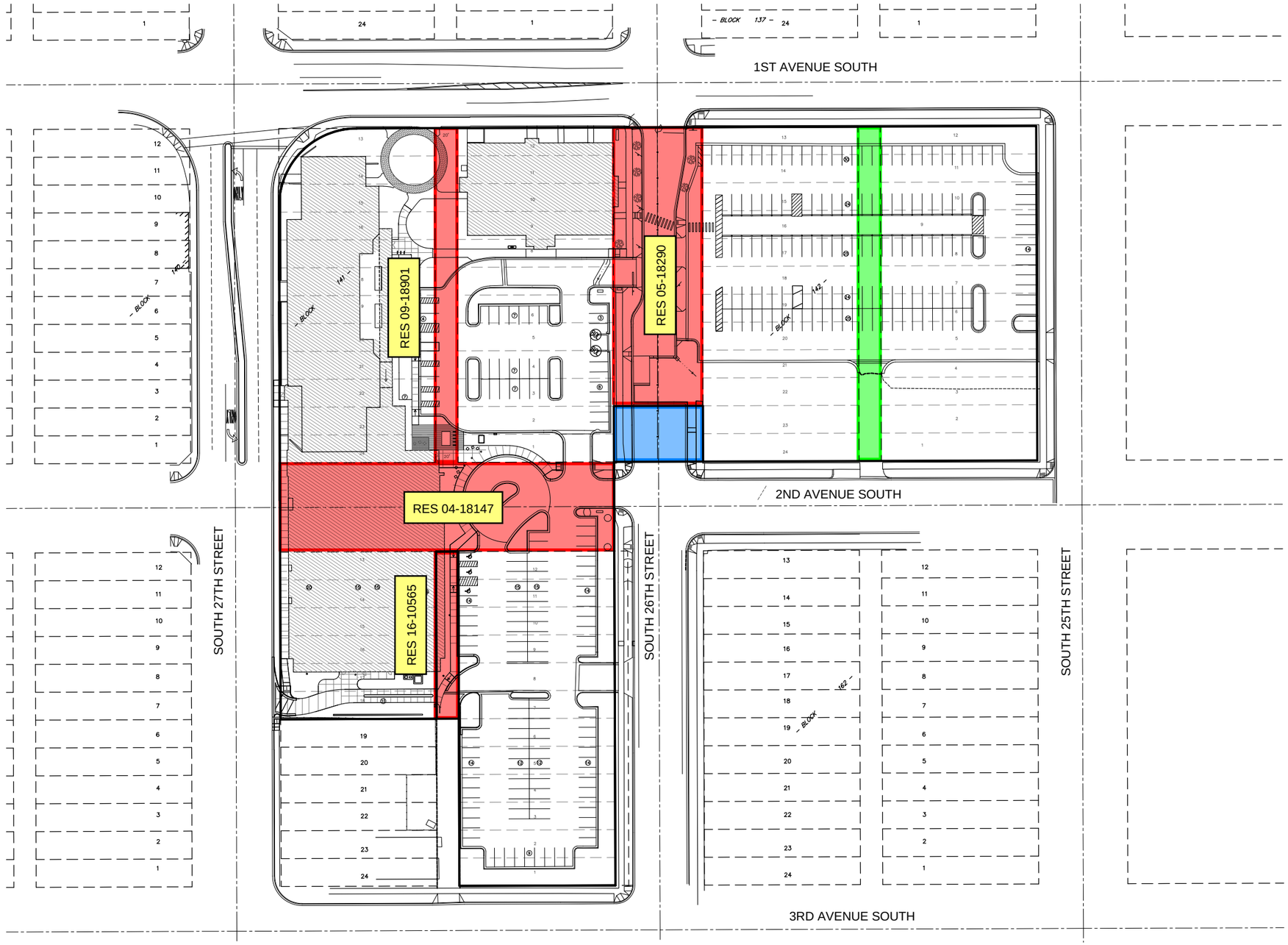
DECEMBER 2019

BILLINGS, MONTANA

NORTH

50 0 50 100

SCALE:1" = 100'



EXISTING RIGHT-OF-WAY VACATIONS

PROPOSED ALLEY DISCONTINUANCE

PROPOSED RIGHT-OF-WAY VACATION

P:\07028_04_RiverStone_Health_Traffic_Circulation_Improvements\CADD_C3D\PRODUCTION_DWG\07028_04_EX_PROD.dwg, 11x17 LANDSCAPE (2), 12/17/2019 12:55:38 PM, balexander, 1:1

Consent **1. K.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Emma Jean Heights Subdivision, 4th Filing - Preliminary Major Plat

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

On January 2, 2020, Northern Engineering and Consulting Inc., agent for Felton Associates, Inc., applied for preliminary major plat approval for Emma Jean Heights Subdivision, 4th Filing. The proposed subdivision creates 43 lots for single-family residential development. This proposal is the fourth filing of a master planned subdivision that was first reviewed in 2006. The subject property is generally located on the west side of Bitterroot Drive, south of Wicks Lane in northeast Billings Heights. The property is zoned Residential-7000 (R-70).

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on March 27, 2020. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

VARIANCE REQUESTED

No variance has been requested.

FINANCIAL IMPACT

Approval of this subdivision will have no direct financial impact on the Planning Division.

BACKGROUND

PROCEDURAL HISTORY PLAT INFORMATION

- Pre-application meeting September 19, 2019
- Preliminary plat application to the Planning Division on January 2, 2020
- Departmental review meeting January 16, 2020
- Preliminary plat resubmittal January 23, 2020
- Planning Board plat review February 11, 2020
- Planning Board public hearing February 25, 2020
- Preliminary plat to City Council March 23, 2020
- 60 working-day preliminary plat review period ends March 27, 2020

PLAT INFORMATION

General location:	West side of Bitterroot Drive, south of Wicks Lane
Legal Description:	Lot 1A, Block 19, Emma Jean Heights Subdivision, 3rd Filing
Owner/Subdivider:	Felton Associates, Inc.
Engineer and Surveyor:	Northern Engineering and Consulting Inc.
Existing Zoning:	R70
Existing land use:	Vacant Land
Proposed land use:	Residential
Gross and Net area:	13.61 acres / 8.01 acres
Proposed number of lots:	43
Lot size:	Max: 3.308 acres Min: 7,500 square feet
Parkland requirements:	The applicant is proposing to provide 1.97 acres of parkland with this submittal.

STAKEHOLDERS

Staff gave a brief presentation about this proposed plat to the Planning Board. President Woods called for questions and discussion from the members of the Board. There were no questions from the board for staff. President Woods asked if the applicant or their agent wished to speak. Mr. Felton, applicant, stood and addressed the board saying he feels Planner Green's presentation covered the request. He also stated he is anxious for the City to install the proposed storm water line in Bitterroot Drive pursuant with an agreement with the City. There were no questions from the board for Mr. Felton.

President Woods opened the public hearing and asked if there was anyone wishing to speak in favor or against Emma Jean Heights Subdivision, 4th Filing. There was none. The public hearing was closed and a motion made to forward a recommendation of approval to the City Council and adopt the Findings of Fact, the motion was seconded. The motion passed with an unanimous vote from the Planning Board.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan, Billings Heights Neighborhood Plan and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

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, private service/utility providers and affected school districts 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.

The Planning Board recommends conditional approval of the preliminary plat of Emma Jean Heights Subdivision, 4th Filing, to the City Council and adoption of the Findings of Fact as presented in the staff report and the SIA.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat page 1
Proposed Plat page 2
SIA
Mayor's approvel letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Emma Jean Heights Subdivision, 4th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 was historically used for irrigated pasture and was the site of a gravel mine. It was annexed and master planned for development in 2006. The subdivision is adjacent to similar residential uses on all sides. It will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on agriculture.

The 4th Filing of the subdivision has some lots near the Billings Bench Water Association (BBWA) irrigation canal. No water rights are being transferred to new lot owners, and therefore the subdivision should not have an effect on agricultural water user facilities. The BBWA has asked for a 20-foot maintenance easement for a trackhoe to clean Lateral #1 every 5 years or as needed. There is an existing easement on the main ditch of 25 feet from centerline of ditch. The easements as shown on this applicant are the same as ones provided with previous filings. A concern expressed by the BBWA was people pumping water from the ditch without permits. In the SIA under Property Conditions and Information for Lot Purchasers, E. it outlines property owners along the ditch can buy a permit to pump water from the BBWA.

2. Effect on local services

a. **Utilities** – Water services to the subject property are provided by the County Water District of Billings Heights (CWDBH). The existing water mains in the subdivision will be extended to serve the new lots. The new water lines within the streets of this filing will provide looped lines to equalize pressure in the subdivision. The subdivider will connect to existing water lines in Tania Circle, Emma Avenue and Anchor Avenue. The improvements are subject to the review and approval by CWDBH prior to construction.

   Sanitary sewer service will be provided by the City of Billings by connecting to existing sewer mains in the subdivision. Those mains are in Tania Circle, Emma Avenue and Anchor Avenue. As proposed, the City of Billings Public Works Department finds the sewer main extensions to be acceptable. All sewer line installation is subject to review and approval by City of Billings Engineering Department prior to installation.

MDU will provide gas services, and North Western Energy will provide electric services to the subdivision. Easements shall be shown on the face of the final plat as requested by these utility providers.

b. **Storm water** – A storm water master plan was reviewed in 2007 for the overall master planned area of Emma Jean Heights Subdivision. There currently are no City storm sewer lines for this development to connect. This subdivision will be able to connect in the future once the lines are installed in Bitterroot Drive. Until then, the subdivider has constructed internal storm sewer lines draining to temporary retention ponds.

   At this time, storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to retention areas on Lots 12 and 13, Block 2 of Emma Jean Heights Subdivision, 1st Filing and Lots 10 and 11, Block 10, of Emma Jean Heights Subdivision, 2nd Filing.

   In addition to the proposed storm water management facilities, a Storm Water Pollution Prevention Plan (SWPPP) will be required of the developer and construction contractors prior to site disturbance to ensure that storm drain facilities are not compromised during site and home construction.

   These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.

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

d. **Streets** – The proposed subdivision will be accessed by the extension of the existing streets Anchor Avenue, Tania Circle and Jean Avenue. The new streets will be built to the current design standards of 34-foot wide streets with curb, gutter and boulevard-style sidewalk within 56-foot rights-of-way. The developer is required to construct all handicap ramps and aprons at road intersections, or where there is a proposed handicap ramp along internal roadways. The developer will grade the sites for the boulevard sidewalk. This is pointed out by the developer in the SIA under the heading II Transportation b. Sidewalks.

   A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision's impact on the street network in the surrounding area.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The Police Department has no concerns with the proposal. The nearest fire station is located at 1601 St. Andrews Drive (Station #6).

In the SIA under **III Emergency Service,** the applicant indicates he will be installing 'An operational fire hydrant within 600 feet of the furthest portion of a residence under construction. The fire hydrants will be installed with infrastructure construction and streets.

The police department responded stating, 'Continued development and annexation without adding resources has affected our ability to deliver service'.

The subdivision is located within the ambulance service area of American Medical Response (AMR).

f. **Schools** – School District #2 provides educational services to elementary through high school students. Beartooth Elementary School, Medicine Crow Middle School, and Skyview High School will serve the children in this subdivision. Other subdivisions recently proposed in the heights have received comments from School District #2 stating that is additional capacity at the schools.

g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.88 acres (11% of the net single-family lot area). The applicant is proposing to dedicate 1.72 acres east of the 3rd Filings Park Dedication, Tract 1. They will also be dedicating 0.25 acres of parkland with the multi-use trail along the BBWA.

   The subdivider had master planned the subdivision parkland areas for the entire subdivision during the First Filing. The park master plan includes a 2.8 acre centralized neighborhood park and an additional 1.7 acres of linear parkland along the BBWA canal, for a total of 4.5 acres of parkland.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision. With the previous filing the developer provided centralized delivery facilities and the same is proposed for this filing. The developer will consult with the USPS prior to placement of the centralized mailboxes. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively flat with a slight slope to the east. A preliminary geotechnical evaluation was done for the subject area in December of 2006 to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. Prospective lot owners are encouraged to review the study and see what considerations they should take with structures and location of structures. This subdivision is not in a flood plain as identified on the Yellowstone County Current Floodplain Maps.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. The effects on public health and safety should be minimal.

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

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

C. Does the subdivision conform to the 2016 City of Billings Growth Policy, The Billings Heights Neighborhood Plan, the 2018 Urban Area Transportation Plan, 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:

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
>
> **Home Base (healthy, safe and diverse housing options)** Homes that are safe and sound support a healthy community

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan identifies this area for medium density residential development on its Future land Use Map, as this area was not yet annexed or developed when the Plan was adopted. The subdivision meets the following goals of the Heights Neighborhood Plan:

a) **Increase extent and quality of non-motorized transportation facilities (Transportation Goal, Page 17).** The provision of a trail corridor along the BBWA Canal through the subdivision from Bitterroot Drive and Hawthorne Lane is a significant amenity for the neighborhood and the Heights overall.

b) Provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high-density multi-family development along arterial routes. Maintain similar housing in established neighborhoods (Land Use Goal, Page

19). This subdivision provides medium density residential single-family development in a neighborhood with existing single family and some two-family development.

c) **Encourage infill housing (Housing Goal, Page 23).** This property is surrounded by existing City and County development on the north, south, east and west and municipal services are already provided too much of the neighborhood making development of this property logical to provide municipal services efficiently.

3. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan identifies a potential multi-use trail along the south side of the BBWA canal. The developer started construction of a trail along the BBWA with the first filing, and will continue its development with subsequent filings. This fourth filing has some lots that will have BBWA along the rear property line. The applicant will be continuing the multi-use trail along the south side of the BBWA canal.

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

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

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

The subject property is located within the R-70 zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

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

The subdivider shall provide utility easements as requested by private utility companies on the face of the final plat.

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

Legal and physical access is provided to the proposed lots from Jean Avenue, Anchor Avenue, Columbine Drive and Tania Circle. These streets connect to existing street network from previous filings, and out to Bitterroot Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Emma Jean Heights Subdivision, 4th Filing 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 Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Emma Jean Heights Subdivision, 4th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council March 23, 2020

_____

William A. Cole, Mayor

EMMA JEAN HEIGHTS SUBDIVISION 4th FILING

BEING PART OF EMMA JEAN HEIGHTS SUBDIVISION 3rd FILING BLK 19 LT 1A1
SITUATED IN THE NE ¼ OF SECTION 23
T1N, R26E, P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
FOR: FELTON ASSOCIATES, INC.
BY: NORTHERN ENGINEERING AND CONSULTING, INC.
200 N 34th STREET
BILLINGS, MT 59101
DATE: 1-24-2020

CONSIDERING THE BASIS OF BEARING TO BE THE EAST LINE OF THE NE ¼ OF SECTION 23, T1N R26E, SAID LINE HAVING A BEARING OF S00°15'32"W

ZONING EXISTING: R-7000
PROPOSED: R-7000

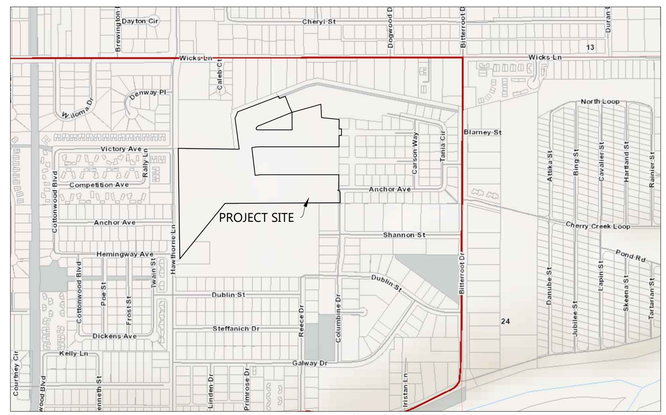
LAND USE: EXISTING: VACANT
PROPOSED: SINGLE FAMILY RESIDENTIAL

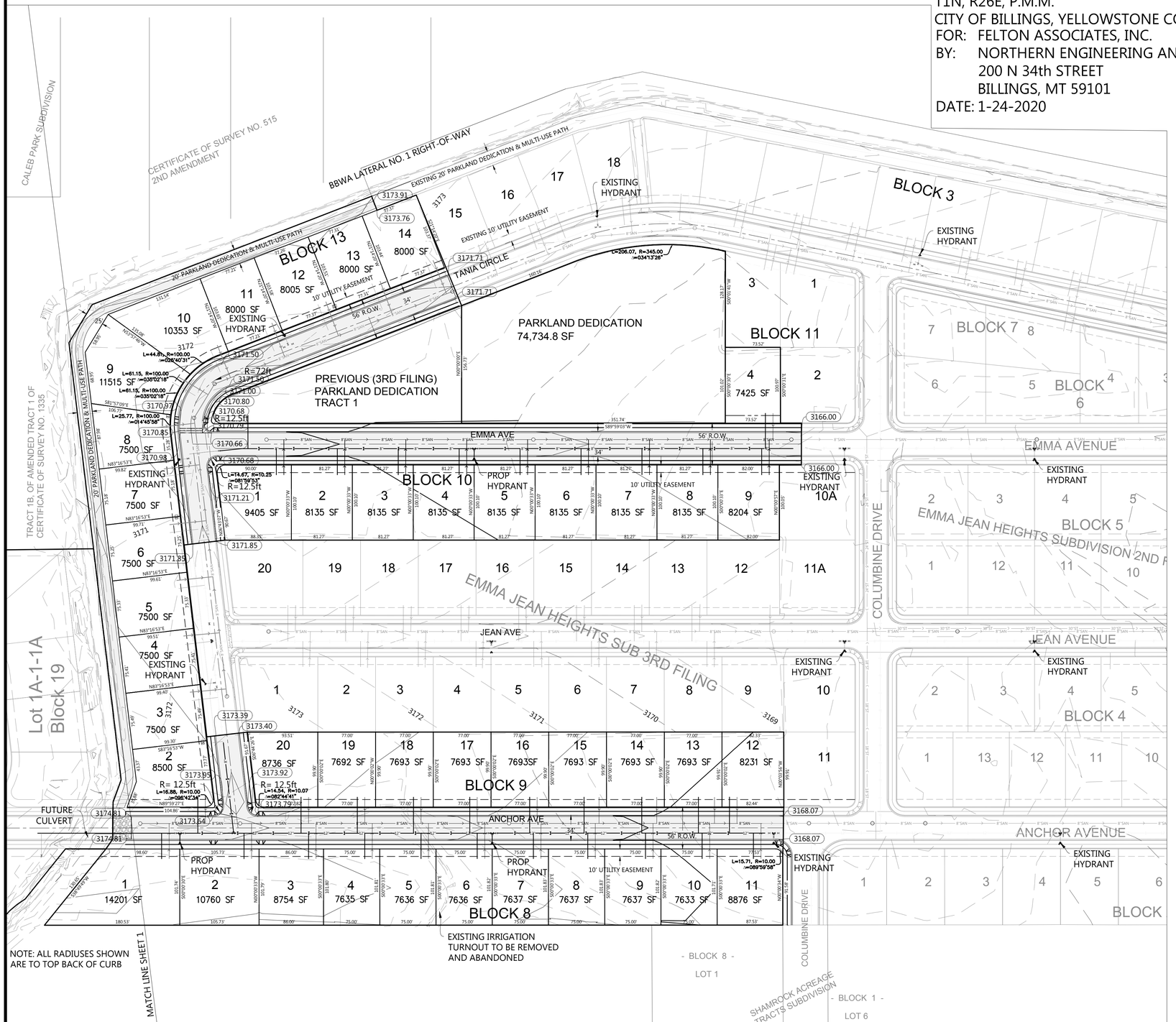
NUMBER OF LOTS: 43
MAXIMUM LOT AREA 14,201 SF:
MINIMUM LOT AREA: 7,500 SF
AREA OF PARKLAND: 1.98 ACRE
LINEAR FEET OF STREETS: 2,400.3 LF
NET LAND: 8.01 ACRE
GROSS LAND: 13.64 ACRE

LEGEND

- FIRE HYDRANT
- WATER VALVE
- WATER TEE
- MANHOLE
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- EXISTING STORM SEWER

VICINITY MAP





NOTE: ALL RADIUSES SHOWN ARE TO TOP BACK OF CURB

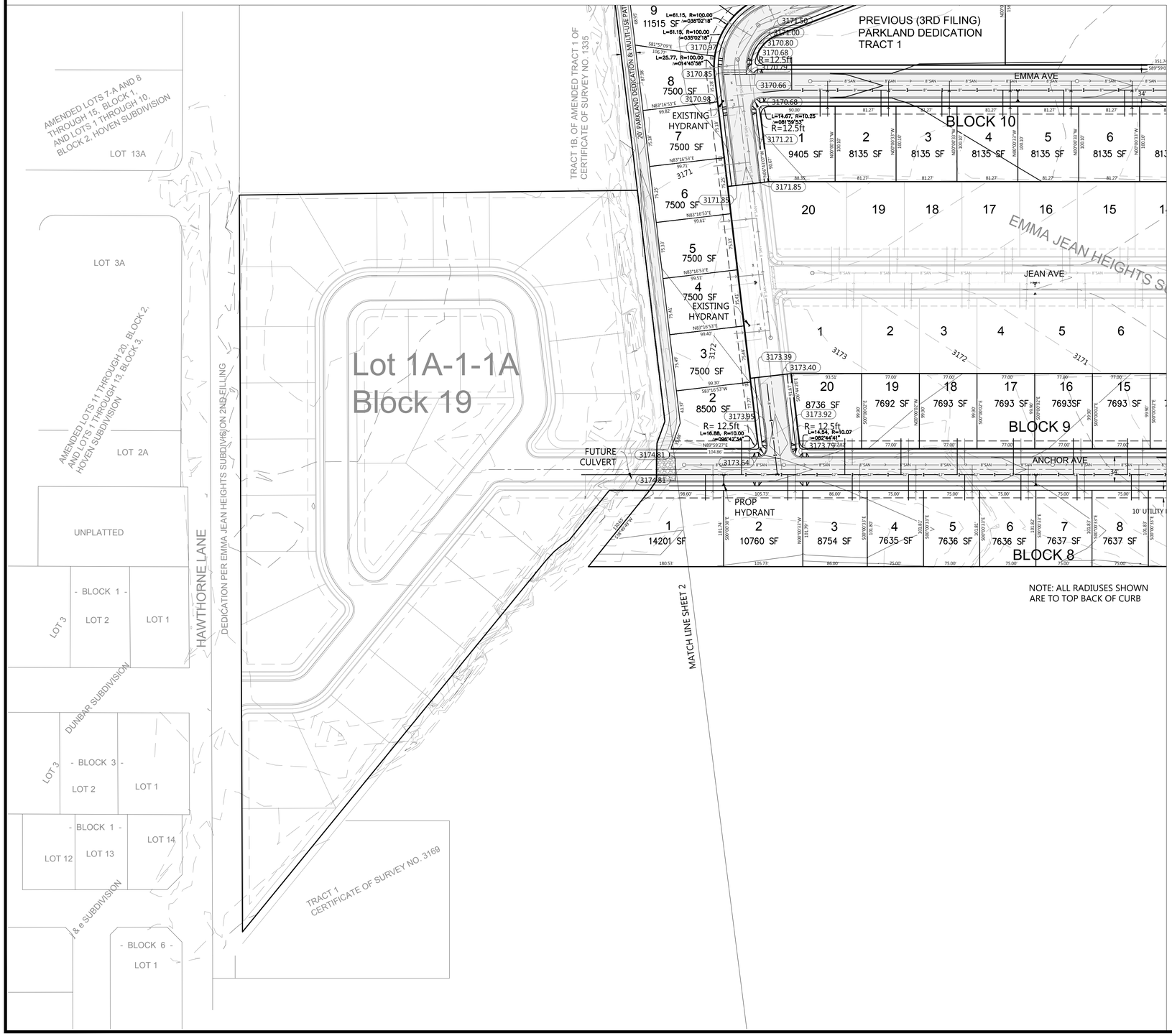
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EMMA JEAN HEIGHTS 4th FILING Preliminary Plat	JOB NO : 19-148
	DATE: 1/24/2020
	SHEET : 1 OF 2

NORTHERN ENGINEERING & CONSULTING, INC.
200 N 34th Street, Billings, MT 59101
Phone: 406-839-2217
email: info@necimt.com, web: www.neciusa.com

EMMA JEAN HEIGHTS SUBDIVISION 4th FILING

BEING PART OF EMMA JEAN HEIGHTS SUBDIVISION 3rd FILING BLK 19 LT 1A1
SITUATED IN THE NE $\frac{1}{4}$ OF SECTION 23
T1N, R26E, P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
FOR: FELTON ASSOCIATES, INC.
BY: NORTHERN ENGINEERING AND CONSULTING, INC.
200 N 34th STREET
BILLINGS, MT 59101
DATE: 1-24-2020



NOTE: ALL RADIUSES SHOWN ARE TO TOP BACK OF CURB

LEGEND

- FIRE HYDRANT
- WATER VALVE
- WATER TEE
- MANHOLE
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
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SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FURTURE SPECIAL IMPROVEMENT DISTRICTS

Emma Jean Heights Subdivision, 4th Filing

Table of Contents
(City of Billings)

I. Property Conditions and Information for Lot Purchasers
II. Transportation
  A. Streets
  B. Sidewalks
  C. Street Lighting
  D. Traffic Control Devices
  E. Access
  F. Billings Area Bikeway and Trail Master Plan
  G. Public Transit
III. Emergency Services
IV. Storm Drainage
V. Utilities
  A. Water
  B. Sanitary Sewer
  C. Power, Telephone, Gas, and Cable Television
VI. Parks/Open Space
VII. Irrigation
VIII. Soils/Geotechnical Study
IX. Financial Guarantees
X. Legal Provisions Applying to Subdivider

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS

Emma Jean Heights Subdivision, 4th Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between **Felton Associates, Inc.**, whose address for the purpose of this agreement is **PO Box 598, Frenchtown, MT 59834**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the plat of *Emma Jean Heights Subdivision, 4th Filing*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of *Emma Jean Heights Subdivision, 4th Filing*; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Emma Jean Heights Subdivision, 4th Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide

damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

D. The following lot owners should be aware that the minimum main floor elevation of 3168.25 feet based on NAVD 88 differentially leveled from NGS Benchmark "B124" brass cap set in concrete on the west side of Bench Blvd. approximately 200 feet north of Logan Lane must be maintained to prevent flooding: Lots 4 of Block 11; Lots 8 and 9 of Block 10; Lots 12 and 13 of Block 9; and Lots 10 and 11 of Block 8.

E. No water rights have been transferred to the lot owners. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

F. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

G. All construction traffic shall be limited to using Anchor Avenue from Bitterroot Drive and shall not use neighboring residential streets.

H. There exists the potential for variable soils conditions and groundwater levels within this subdivision area. Assessment and mitigation of these conditions, if necessary, shall be the responsibility of the lot owner. Additional geotechnical studies may be necessary at the time of individual lot development.

I. The subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

J. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

II. TRANSPORTATION

A. Streets

Subdivider will execute a private contract to construct public streets, curb and gutter, and some sidewalks within the Subdivision. The improvements will consist of 34-foot from back of curb to back of curb residential streets constructed within a 56-foot right-of-way using standard curb and gutter and full width asphalt pavement. Road Closed sign assemblies will be placed at the end of Anchor Avenue until such time this street is extended with future filings.

B. Sidewalks

Sidewalks adjacent to interior subdivision streets shall be 5-foot boulevard walk style with a boulevard width of 5-feet and shall have the walks installed at the time that housing units are constructed on the lot and shall be included in each building permit.

Subdivider will install, with the private contract, corner intersection handicap ramps and aprons, parallel handicap ramps, and will grade all street frontages for sidewalk finished grades.

The City of Billings reserves the right to construct sidewalks not completed within three (3) years of the date of the Final Plat is recorded for the development and to assess the adjacent property owner for the sidewalk work.

C. Street Lighting

Construction or installation of streetlights within the Subdivision will not be required at this time, but streetlights shall be included in the Waiver for construction of the same in the future. Said Waiver shall also include a maintenance district for streetlight energy and maintenance of streetlights. Conduits and pull boxes will be installed, if required, at intersections.

D. Traffic Control Devices

Subdivider will furnish necessary traffic control devices within or adjacent to the Subdivision in conformance with the City of Billings standards and in accordance with the plans and specifications approved by the City. The Subdivider shall include one (1) Road Closed Sign Setup assemblies at the 4th

Filing endpoints of Anchor Ave until such time this street is extended with future filing.

Street name signs for streets within the Subdivision shall be furnished and installed by the Subdivider in accordance with the specifications of the City Engineer.

E. Access

Primary subdivision access is from a single access to Bitterroot Drive via a public street (Anchor Avenue) located approximately 970 feet south of Wicks Lane. There is also access on the south from Columbine Drive, an existing County gravel road within a 60-foot right-of-way.

F. Major Offsite Intersection Contributions

Offsite intersection contributions for Emma Jean Heights Subdivision, 4th Filing have been identified in accordance with the 2007 Traffic Accessibility Study for Emma Jean Heights Subdivision Residential Development, Billings, MT prepared by HKM Engineering. The amount assessed for capacity losses to the Hawthorne Drive & Yellowstone River Road intersection and the Wicks Lane & Hawthorne Drive intersection is $4,982.11, which shall be made as a cash contribution by the Subdivider prior to final plat approval.

G. Billings Area Bikeway & Trail Master Plan

The Emma Jean Heights Subdivision, 4th Filing is within the planning area for the Billings Area Bikeway & Trail Master Plan. The Trail Plan indicates a proposed multi-use trail along the south side of the BBWA lateral ditch. The path will be built in accordance with the "City Trails and Bikeway Design Standards" as the pathway is platted.

H. Public Transit

Met Transit provides service to the Billings Heights with a route on Bitterroot Drive. No improvements are required to ensure public transit service.

III. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

IV. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Emma Jean Heights Stormwater Management Plan prepared by HKM Engineering, Inc. April 2007, and the Comprehensive Drainage Plan Report prepared by Interstate Engineering, Inc. June 2013. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

The storm drainage for public streets will include a combination of surface drainage and curb and gutter. The runoff will be conveyed to and discharged to temporary detention and retention ponds located within the Emma Jean Heights Subdivision that are sized to store stormwater from all phases of the subdivision. The temporary detention and retention ponds are located on Lots 12 and 13, Block 2 of Emma Jean Heights Subdivision, 1st Filing, and on Lots 10 and 11, Block 10 of Emma Jean Heights Subdivision, 2nd Filing. The temporary detention and retention ponds will be removed, and stormwater conveyance infrastructure will be connected to the storm sewer truck main within Bitterroot Drive when it is constructed in the future.

V. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fee in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

The water mains, appurtenances extensions, and connections shall be sized and installed as approved by the Manager of the Heights Water District and shall be installed in conformance with District design standards and specifications and the rules and regulations of the District and the Montana State Department of Environmental Quality.

Water mains and water service lines to the curb stop will be installed by the Subdivider under private contract.

The Subdivider acknowledges that the Subdivision shall be responsible for the payment of buy-in fees to the District prior to water being supplied to the Subdivision.

B. Sanitary Sewer

Sanitary sewer mains and lateral sanitary sewer service lines to the nearest property line will be installed by the Subdivider under private contract.

Sewer mains and appurtenances shall be sized and installed as approved by the City Public Works Department and shall be installed in conformance with City design standards and specifications and the rules and regulations of the City and the Montana State Department of Environmental Quality.

The Subdivider acknowledges that the Subdivision shall be subject to applicable sanitary sewer system development fees in affect at the time new sewer service connections are made.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines within the public right-of-way shall be installed prior to surface improvements. The location of all such facilities within the public right-of-way shall be subject to the approval of the City Engineer.

10-foot utility easements are provided along the side, rear, or front lot lines of selected lots for utility services as shown on the plat of Emma Jean Heights Subdivision, 4th Filing.

VI. PARKS/OPEN SPACE

The parkland requirements for the Emma Jean Heights Subdivision, 4th Filing is 0.88 acres (11% of the net area) or an equal cash donation. The parkland requirement for the entire planned area of Emma Jean Heights Subdivision is 4.31 acres (11% of the net area). 0.77 acres of parkland has been dedicated in Emma Jean Heights Subdivision, 1st Filing and a cash contribution equal to 0.81 acres has been made by the Subdivider for Emma Jean Heights, 2nd Filing. For the 3rd Filing, 0.75 acres has been dedicated as parkland within Lot 1 Block 19 of Emma Jean Heights Subdivision. For the 4th Filing the Developer will dedicate 1.72 acers east of the 3rd Filing Park Dedication Tract 1 and 0.25 acres parkland dedication along the multi-use path.

An SID and a PMD will be created to the fund the development and maintenance of the parks in the subdivision.

VII. IRRIGATION

Billings Bench Water Association Lateral No. 1 right-of-way utility crossings at the west end of Anchor Avenue shall be constructed with Emma Jean Heights Subdivision, 4th Filing by the subdivider. The Anchor Avenue crossing over the Billings Bench Water Association Lateral No. 1 shall be constructed in subsequent filings of Emma Jean Heights Subdivision. The Emma Jean Heights Subdivision 4th Filing subdivider shall remove the existing irrigation turnout located north of the proposed future Anchor Avenue canal crossing and shall remove the irrigation ditch lateral through the Emma Jean Heights Subdivision 4th Filing; the subdivider has executed a Well Agreement with irrigation ditch easement grantee to abandon the irrigation ditch and easement.

- No water rights have been transferred to the lot owners.

VIII. SOILS/GEOTECHNICAL STUDY

A geotechnical investigation was performed for the area of Emma Jean Heights Subdivision, 4th Filing. The investigation found subsoils generally consist of sand lean clay and lean clay with sand overlying poorly graded gravels with silt and sand. Subsurface groundwater was not encountered in borings that ranged in depth from 6.5 to 12.5 feet.

The geotechnical investigation found that residential construction can be supported on spread footings placed below frost depth.

IX. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

X. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" Felton Associates, Inc.

By: _____

Title: _____

STATE OF MONTANA)

: ss
County of)

On this _____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____ _____, known to me to be the _____ of *(Subdivider),* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20__.

"CITY"
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Waiver of Right to Protest
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Emma Jean Heights Subdivision, 4th Filing

Signed and dated this _____ day of _____, 20___.

Subdivider/Owner

_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be Charlie Felton, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

_____

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

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

March 23, 2020

Felton Associates, Inc.
P.O. Box 598
Frenchtown, MT 59834

Dear Applicant:

On March 23, 2020, the Billings City Council conditionally approved the preliminary plat of Emma Jean Heights Subdivision, 4th Filing, subject to the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

_____

William A. Cole, Mayor

pc: Northern Engineering and Consulting Inc.

Consent **1. L.**

Regular City Council Meeting

Meeting Date: 03/23/2020
TITLE: High Sierra Subdivision, 10th Filing - Preliminary Major Plat
PRESENTED BY: Monica Plecker
Department: Planning & Community Services
Presentation: No

PROBLEM/ISSUE STATEMENT

On January 2, 2020, High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 10th Filing. The proposed subdivision creates 37 lots for single-family residences. The subject property is generally located north of Annandale Road and west of Greenbriar Road in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R)

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on March 27, 2020. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

VARIANCE REQUESTED

No variance has been requested.

FINANCIAL IMPACT

Approval of this subdivision will have no direct financial impact on the Planning Division.

BACKGROUND

PROCEDURAL HISTORY PLAT INFORMATION

- Pre-application meeting September 19, 2019
- Preliminary plat application to the Planning Division on January 2, 2020
- Departmental review meeting January 16, 2020
- Preliminary Plat resubmittal January 23, 2020
- Planning Board plat review February 11, 2020
- Planning Board public hearing February 25, 2020
- Preliminary plat to City Council March 23, 2020
- 60 working-day preliminary plat review period ends March 27, 2020

PLAT INFORMATION

General location: North of Annandale Road in the Billings Heights
Legal Description: Lot 2A, Block 2 of Amended Lot 2, Block 1, and Lots 2 & 3, Block 2 of Marisela Sub.
Owner/Subdivider: High Sierra II, Inc.
Engineer and Surveyor: Sanderson Stewart
Existing Zoning: R-70-R
Existing land use: Dry land agriculture
Proposed land use: Residential
Gross and Net area: 10.267acres / 8.250 acres
Proposed number of lots: 37
Lot size: Max: 14,829 square feet

Min.: 7,038 square feet
Parkland requirements: 0.907 acres of parkland is required; this parkland dedication is being met with High Sierra Subdivision, 14th Filing parkland dedication.

STAKEHOLDERS

Staff gave a brief presentation to the Planning Board about High Sierra Subdivision 10th Filing. President Woods called for questions and discussion from the members of the Board. President Woods noted the parkland dedication for this parcel is to be met with the 14th Filing of High Sierra Subdivision and asked what will happen should the 14th Filing remain unbuilt. Planner Green explained the applicant plans to start with development of High Sierra Subdivision 14th filing. However, if the planning board wanted to add a condition to have the applicant provide a letter of credit for parkland for the 10th Filing until the 14th filing is built that would provide funds for parkland. President Woods voiced concern with potential loss of the parkland due to failure of development. He commented a bond would ensure development of the parkland in the future. Board member Thompson asked about the road width for Annandale Road. Planner Green said it will be built initially as this project's contribution as a 30-ft surface large enough to handle two-way traffic. Project Engineer Gary Owen explained the dimensions of a minor arterial being a width of 49-feet back-to- back, and 80-feet of right-of-way with a 5-foot boulevard and a provision for a bike lane. There were no other question for staff, President Woods asked if the applicant or agent wished to address the board.

Mr. Oakland commended Dave Green for his presentation of this application. He said the 10th filing is a component of the High Sierra subdivision Master Plan. In response to question by Board member Hillius, Mr. Oakland said maintenance of the temporary storm water detention ponds are the Homeowners Association's responsibility.

Mr. Owen, agent for the project, stood to address the board and said the detention ponds are maintained by the Home Owners Association with the intent for the City to build permanent storm water facilities that will be maintained by the Home Owners Association as well. There were no other questions from the board. President Woods opened the public hearing for comments.

Mr. Terry Odegaard a retired real estate agent voiced concern with the issue of public safety as denoted in the Findings of Fact. Mr. Odegaard feels development should be slowed down until the City can provide sufficient public safety services for this area. He stated he is appalled with the lack of services for the rate of development. He said there will continue to be problems and

people will be hurt and killed if the City continues to expand without addressing public safety.

There was no one else to speak concerning the subdivision. The public hearing was closed and a motion was made to forward a recommendation of conditional approval as outlined in the staff report and the Findings of Fact, the motion was seconded. There was no further discussion and the motion passed with a unanimous vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan, The Billings Heights Neighborhood Plan and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact. High Sierra, 10th filing is not located within the Billings Heights Neighborhood Plan.

RECOMMENDATION

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, private service/utility providers and affected school district, 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.

The Planning Board recommends conditional approval of the preliminary plat of High Sierra Subdivision, 10th Filing, to the City Council, adopt the Findings of Fact as presented in the staff report and the SIA.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To provide for the installation of utilities and mitigate impacts on local services, prior to final plat approval, recordable easement documents shall be provided with the final documents for the temporary turnaround at the end of Chino Circle.
2. To provide for the proper location and installation of a Central Box Unit (CBU), prior to final plat approval, the applicant will coordinate where a CBU would be best for deliveries from the USPS.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
SIA
Mayor's approval letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 10th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 was used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. The proposed subdivision is adjacent to similar residential uses to the south, west, and east. It will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located approximately 3/4 mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

Utilities – Public water services to the subject property are provided by the County Water District of Billings Heights (CWDBH). There are existing 8-inch mains in Bonito Loop and Annandale Road that will be extended to serve the new lots. These lines will be looped wherever possible to equalize water pressure within the subdivision. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the CWDBH.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in Bonito Loop and the existing 10-inch main in Annandale Road. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, easement are shown on the face of the plat.

Storm water – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. The

stormwater will be directed to temporary detention ponds. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

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

Streets – Access to the lots in the 10th Filing will be via extension of roads built with the previous filings of this subdivision. The internal subdivision streets will be constructed to 34-feet pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. The proposed subdivision will be accessed by an extension of Bonito Loop to complete its loop back to Annandale Road. The Bonito Loop extension and the new local street, Chino Circle, will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. Chino Circle will end with a temporary turnaround and will be extended further in future filings of the subdivision. Since the proposed turnarounds are located off the subject property, it is recommended that recordable easement documents accompany the final plat documents. **(Condition #1)**

Annandale Road fronts the southern boundary of this subdivision. It is identified as a Minor Arterial on the transportation classification map and will therefore be built to an arterial standard. Only a small portion of Annandale will be built with this filing, only the frontage along Lots 32 & 33, Block 16. The remainder of Annandale will be built at a later time with future development of Lot 39, Block 17.

A Traffic Impact Study (TIS) was completed for High Sierra Subdivision filings 5 through 12. Eight intersections were analyzed to determine impacts to them from the creation of these filings. Three area intersections were identified as being affected by the High Sierra Subdivision, Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. Based on the updated review for the High Sierra Subdivision, 10th Filing, it was determined that the developer shall contribute 0.91%, 0.82%, and 0.72%, respectively, toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be calculated and made prior to final plat approval.

Emergency services – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

Schools – Independent School District provides educational services to elementary students, while School District #2 provides service to middle and high school students (Castle Rock Middle School, and Skyview High School). The Independent School District superintendent commented that there is capacity at the school for more students, however no busing service will be provided. A response from School District #2 states there is additional capacity at Castle Rock and Skyview.

Parks and Recreation – The parkland dedication requirement for this subdivision amounts to 0.907 acres. The subdivider proposes to provide cash in lieu of parkland for this filing of the subdivision. A comparative market analysis shall be used to determine the parkland dedications amount in accordance with Section 23-1006, BMCC. The nearest park to this property Sally Ann Park, to the north and east of the property adjacent to the proposed detention pond. This City Park is not yet developed.

Mail Delivery - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #2)**

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and east sides. A geotechnical study was performed for the subdivision a summary of the information from that study is included in the SIA under the heading VIII. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

Comments received from the police state that continued growth of the city would require additional resources to be able to maintain expected levels of service.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.1.]

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

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
>
> This filing of High Sierra Subdivision is outside of the Billings Heights Neighborhood Plan study area.

3. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows future bike lanes along Annandale Road. These improvements will be addressed at the time of development of Lot 39, Block 17.

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

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

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

The subject property is located, at this time, within the R-70-R zoning district. All building development on the lot shall comply with current zoning when applying for a building permit.

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

The subdivider has provided private utility easements as required by private utility providers on the face of the plat.

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

Legal and physical access is provided to the proposed lots from the extension of Bonito Loop and the creation of Chino Circle, both local streets to be dedicated to the public as shown on the plat. Annandale Road also provides access and will be constructed to a minor arterial standard to its intersection with Bonito Loop, with this filing.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 10th Filing 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 Update and does not conflict with the Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 10th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 23, 2020

_____

William A. Cole, Mayor

PRELIMINARY PLAT OF

HIGH SIERRA SUBDIVISION, TENTH FILING

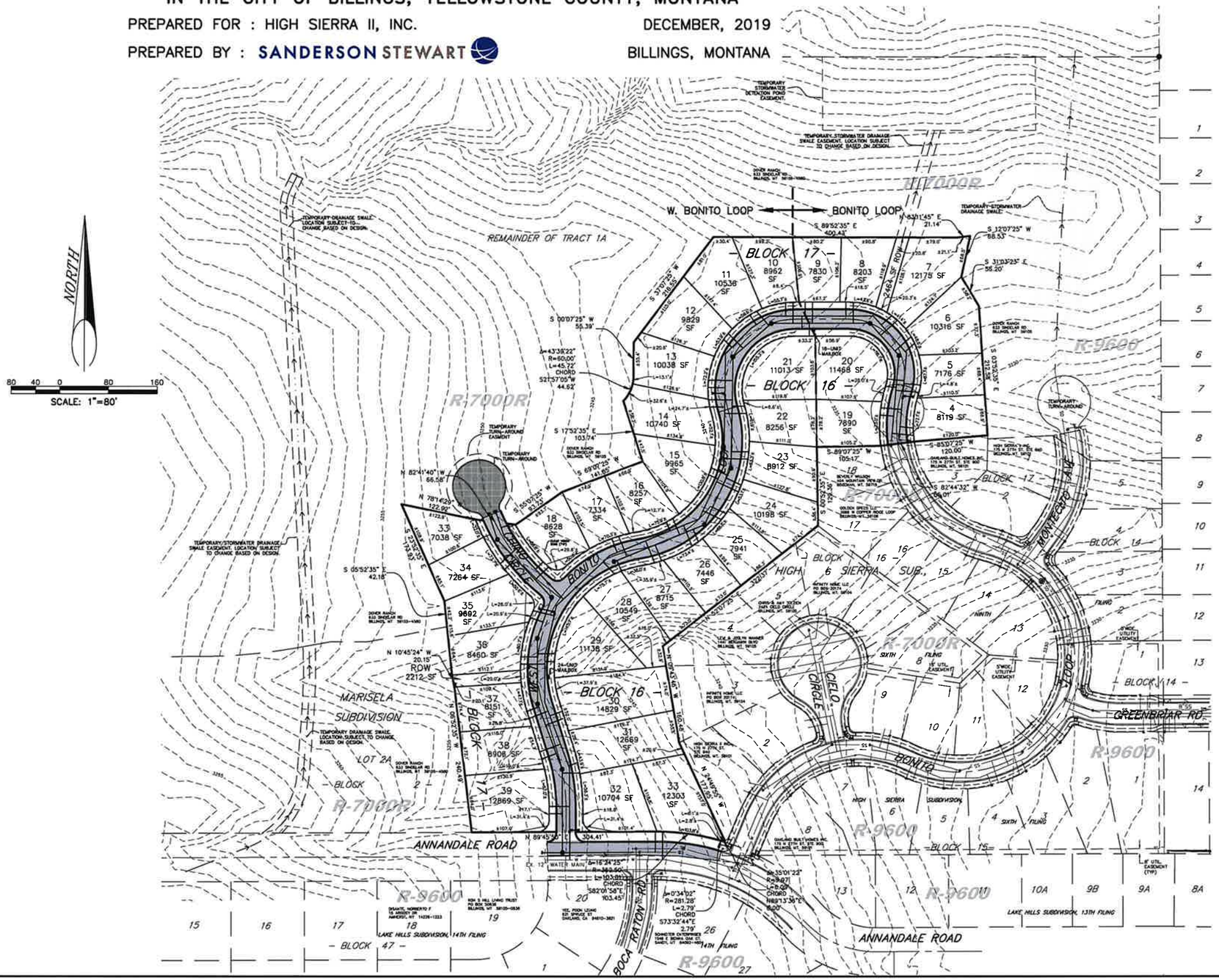
BEING A PORTION OF LOT 2A, BLOCK 2 OF AMENDED PLAT OF LOT 2, BLOCK 1 AND LOTS 2 & 3, BLOCK 2 OF MARISELA SUBDIVISION SITUATED IN THE SW1/4 OF SECTION 9, T. 1 N., R. 26 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

DECEMBER, 2019

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA


NORTH
80 40 0 80 160
SCALE: 1"=80'
W. BONITO LOOP
BONITO LOOP
REMAINDER OF TRACT 1A
MARISELA SUBDIVISION
LOT 2A
BLOCK 16
BLOCK 17
BLOCK 6
BLOCK 14
BLOCK 15
BLOCK 47
HIGH SIERRA SUB., SIXTH FILING
HIGH SIERRA SUBDIVISION
CIELO CIRCLE
MONTECRO AVE
GREENBRIAR RD
ANNANDALE ROAD
BOCA RATON RD
LAKE HILLS SUBDIVISION, 14TH FILING
LAKE HILLS SUBDIVISION, 13TH FILING
R-7000R
R-9600
TEMPORARY TURN-AROUND EASEMENT
TEMPORARY TURN-AROUND
TEMPORARY STORMWATER DETENTION POND EASEMENT
TEMPORARY STORMWATER DRAINAGE SWALE EASEMENT, LOCATION SUBJECT TO CHANGE BASED ON DESIGN
TEMPORARY DRAINAGE SWALE, LOCATION SUBJECT TO CHANGE BASED ON DESIGN
ROW 2212 SF
ROW 2468 SF
S 89°52'35" E 400.43'
N 0°01'45" E 21.14'
S 12°07'25" W 88.53'
S 31°03'23" E 56.20'
S 0°07'25" W 55.39'
S 37°07'25" W 208.55'
S 17°32'35" E 103.74'
S 69°07'25" W 141.85'
S 0°52'35" E 42.16'
N 10°45'24" W 20.15'
N 89°45'35" W 304.41'
S 89°07'25" W 105.17'
S 85°37'25" W 120.00'
S 82°44'32" W 56.01'
S 0°52'35" E 1308.35'
S 37°07'25" W 208.55'
N 82°41'40" W 66.58'
N 78°14'29" W 122.92'
N 0°52'35" W 1308.35'
N 89°07'25" E 1320.00'
N 0°52'35" W 1320.00'
S 89°07'25" W 1320.00'
S 0°52'35" E 1320.00'
L=43°38'22" R=60.00' L=45.72' CHORD S21°57'05"W 44.62'
L=0°34'02" R=281.28' L=2.79' CHORD S73°32'44"E 2.79'
L=35°01'22" R=9.07' L=5.55' CHORD N89°13'36"E 5.46'
Δ=15°24'25" R=363.50' L=97.75' CHORD S82°01'54"E 103.45'
EX 12" WATER MAIN
TEMPORARY STORMWATER DRAINAGE SWALE EASEMENT, LOCATION SUBJECT TO CHANGE BASED ON DESIGN.
8" WDC UTILITY EASEMENT
8' UTIL. EASEMENT (TYP)
10' UTIL. EASEMENT
5' WDC UTILITY EASEMENT
1 2 3 4 5 6 7 8 9 10 11 12 13 14
15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33
34 35 36 37 38 39
1 2 3 4 5 6 7 8 9 10 11 12 13 14
15 16 17 18 19 20
1 2 3 4 5 6 7 8 9 10 11 12 13
1 2 3 4 5 6 7 8 9 10 11 12 13 14
1 2 3 4 5 6 7 8 9 10 11 12 13 14
1 2 3 4 5 6 7 8 9 10 11 12 13 14

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

P Z-19-00241

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, TENTH FILING

Table of Contents

I.	Variances		SIA-2
II.	Property Conditions and Information for Lot Purchasers		SIA-2
III.	Transportation		SIA-3
	A.	Streets	SIA-3
	B.	Sidewalks	SIA-4
	C.	Street Lighting	SIA-4
	D.	Traffic Control Devices	SIA-4
	E.	Access	SIA-5
	F.	Billings Area Bikeway and Trail Master Plan	SIA-5
	G.	Public Transit	SIA-5
IV.	Emergency Services		SIA-5
V.	Storm Drainage		SIA-6
VI.	Utilities		SIA-7
	A.	Water	SIA-7
	B.	Sanitary Sewer	SIA-8
	C.	Power, Telephone, Gas, and Cable Television	SIA-8
VII.	Parks/Open Space		SIA-8
VIII.	Soils/Geotechnical Study		SIA-9
IX.	Financial Guarantees		SIA-9
X.	Legal Provisions Applying to Subdivider		SIA-10

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59101

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, TENTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____ 20___, by and between **HIGH SIERRA II, INC.,** whose address for the purpose of this agreement is 175 North 27th Street, Suite 900; Billings, MT 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of High Sierra Subdivision, Tenth Filing, being a Portion of Lot 2A, Block 2 of Amended Plat of Lot 2, Block 1 and Lots 2 and 3, Block 2 of Marisela Subdivision, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held by the Yellowstone County Board of Planning on the ___ day of _____, 20___ the Board recommended for approval, subject to certain conditions, an area known as the High Sierra Subdivision, Tenth Filing; and

WHEREAS, at a regular meeting held on the ___ day of _____, 20___ the City Council approved, subject to certain conditions, a preliminary plat of High Sierra Subdivision, Tenth Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of High Sierra Subdivision, Tenth Filing, upon filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations; the rules, regulations, policies, and resolutions of the City of Billings; and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained, and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

No variances are being requested with this subdivision.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required five-foot-wide boulevard-style sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the geotechnical investigation report for this property, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical investigation prior to construction. Assessment and mitigation, if any, of these conditions shall be the responsibility of the lot owner.

D. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater

Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

E. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

F. There is attached hereto a waiver waiving the right to protest the creation of the special improvement district, or districts, which, by this reference, is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners, of the developments described herein. Said waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.

G. Lot owners should be aware that agricultural activities could be present on surrounding properties. Any impacts associated with agricultural activities, and any issue arising therefrom, is the responsibility of the lot owners.

III. TRANSPORTATION

A. Streets

Bonito Loop, West Bonito Loop and Chino Circle within the subdivision shall be public and shall be located within a 56-foot right-of-way and have a street width of 34-foot back of curb to back of curb. These internal access roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, Subdivision Regulations, and Uniform Building Code.

Annandale Road shall be a minor arterial and shall be located within an existing 80-foot right-of-way, and have a street width of 49-foot back of curb to back of curb. Annandale Road shall be built to grade with satisfactory subbase, base course, curb and gutter and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, Subdivision Regulations, and Uniform Building Code. The Annandale Road improvements adjacent to Lot 39, Block 17

High Sierra Subdivision, Tenth Filing will not be required at this time, but will be required at the time of development of a future filing of High Sierra Subdivision immediately west of the west property line of lot 39, Block 17 of High Sierra Subdivision, 10th Filing.

B. Sidewalks

City and the Subdivider agree that the developer will install accessibility ramps at time of private contract construction. Individual lot owners will be responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The City reserves the right to construct any missing sidewalk and assess the property owners three years after construction of a phase.

The sidewalk along the Annandale Road frontage of Lot 39, Block 17 is not required at this time. The sidewalk adjacent to Lot 39, Block 17 will be constructed with a future private contract that constructs Annandale Road to the west. The construction of Annandale Road and sidewalk adjacent to Lot 39, Block 17 will be required with a future filing of High Sierra Subdivision immediately west of the west property line of Lot 39, Block 17 of High Sierra Subdivision, 10th Filing.

A 10-foot-wide sidewalk shall be constructed in the 20-foot wide right-of-way corridors and shall be installed at the time of private contract construction.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time. If street lights are installed, a maintenance district will be formed for future maintenance of the street lights.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.

A master plan traffic accessibility study has been completed for High Sierra Subdivision A master plan traffic accessibility study has been completed for High Sierra Subdivision, Fifth through Twelfth Filing. That study analyzed impacts to eight intersections affected by additional traffic generated with the development of High Sierra. Three of those intersections were noted for improvements: Wicks Lane/Fantan Street; Wicks Lane/Gleneagles Blvd; and Wicks Lane/St. Andrews Dr. An update to the study has been completed for this filing. Based on the 37 lots proposed within this subdivision, the percent of traffic contribution to these intersections is as follows:

Wicks/Fantan:	0.91%	$2,275.00
Wicks/Gleneagles:	0.82%	$2,050.00
Wicks/St. Andrews:	0.72%	$1,800.00

As requested by the City of Billings Public Works Department, cash contributions to intersection improvements will be determined at the time of final plat.

E. Access

Two accesses will be provided for the subdivision from Bonito Loop and Annandale Road and West Bonito Loop and Annandale Road. Location of these accesses shall be subject to review and approval by the City Engineering Office.

F. Billings Area Bikeway and Trail Master Plan

No bikeway or trail requirements for this specific area.

G. Public Transit

There are no MET Transit routes that service this subdivision at this time. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from Bonito Loop and Annandale Road and West Bonito Loop and Annandale Road. The City will provide emergency service. Fire hydrants shall be provided at each street intersection, and at intermediate locations where distances exceed 500 feet. Appropriate turn arounds will be located on any street in excess of 150 feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division. Because the City of Billings storm drain system is not available in the area of the subdivision, stormwater will be handled on site through surface flow on the streets, inlets, and piping. The stormwater design for High Sierra Subdivision, Tenth Filing, will conform to the current City of Billings Stormwater Management Manual.

A cut-off ditch has been constructed west of the residential lots in this subdivision and direct stormwater runoff to the north. The Subdivider will construct temporary stormwater detention pond north of the subdivision that will remain in place until the permanent stormwater facilities are constructed with a future filing of High Sierra Subdivision. The stormwater ditch and stormwater detention pond will be located in an easement and will allow for access and maintenance.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings and the County Water District of Billings Heights.

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department, Distribution and Collection Division, and the County Water District of Billings Heights. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater fees in effect shall be submitted with the applications.

It is acknowledged that the properties subject to the Subdivision Improvements Agreement shall be subject to the appropriate buy-in fee for the County Water District of Billings Heights in effect at the time of payment. Fees shall be paid as applied for in the extension application and as per the first paragraph above.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.), shall be in accordance with design standards, specifications, rules and regulations of, and as approved by the City of Billings Public Works Department, County Water District of Billings Heights, Fire Department, and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making connections to an existing water main stub located in Bonito Loop and Annandale Road. The existing water main in these streets is an 8-inch in diameter main and is a part of the County Water District of Billings Heights water distribution system. A new 8-inch water main will be installed in the local interior streets. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately

sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the County Water District of Billings Heights and Montana Department of Environmental Quality and will be approved by the County Water District of Billings Heights.

B. Sanitary Sewer

The subdivision will be served by one connection to an existing 8-inch sanitary sewer main located in Bonito Loop. A connection will also be made to the sanitary sewer main located in Annandale Road. The sanitary sewer that is connected to Annandale Road will be 10-inch diameter and will be extended north in West Bonito Loop and Chino Circle. The remaining sanitary sewer located within the subdivision will consist of an 8-inch sanitary sewer main. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way, where possible, and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

The park land required for this subdivision is 0.907 acres. The Subdivider dedicated land for a public park that included a dedication to cover this subdivision with the filing of High Sierra Subdivision, 14th Filing. Therefore, no additional parkland is required with High Sierra Subdivision, 10th Filing.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

VIII. SOILS/GEOTECHNICAL STUDY

The Subdivider has performed a preliminary geotechnical analysis for this property dated June 16, 2014.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Site and lot grading can be accomplished using conventional earthmoving equipment. In areas where significant cuts will be made for streets and utility installation the auger was able to drill to depths of 25-feet. Typically, if the shale can be drilled with an auger it can also be excavated with a large track hoe.

3. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.

4. Provide positive drainage away from residences.

5. Street subgrade, utility trenches, parking areas and concrete flatwork should be placed at a minimum of 97 percent of ASTM D698.

6. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. Auger refusal was encountered in several of the borings at depths of 9 to 12 feet. The boring logs should be reviewed for conditions across the site.

7. For home construction, the majority of the foundation will be located on weathered sandstone bedrock or weathered shale bedrock. Two alternative foundation recommendations are provided within the geotechnical report.

IX. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said

special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

X. LEGAL PROVISIONS

A. The Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.

C. The covenants, agreements, and all statements in this agreement apply to, and shall be binding, on the heirs, personal representatives, successors, and assigns of the respective parties.

D. In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement, or to give any notice required herein, then the prevailing party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this agreement, or any provisions herein, shall be made in writing and executed in the same manner as this original document, and shall, after execution, become a part of this agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. The Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

By: _____

Its: _____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the _____ of **HIGH SIERRA II, INC.**, and who acknowledged to me that said company executed the same.

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

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

This Agreement is hereby approved and accepted by City of Billings, this _____ day of _____, 20___.

"CITY" CITY OF BILLINGS, MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of_____, 20___, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires:_____

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

High Sierra Subdivision, Tenth Filing

Signed and dated this _____ day of _____, 20___.

"SUBDIVIDER" **HIGH SIERRA II INC.**

_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be **HIGH SIERRA II INC.**, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

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

March 23, 2020

High Sierra II, Inc.
175 N 27th St Suite 900
Billings, MT 59101

Dear Applicant:

On March 23, 2020, the Billings City Council conditionally approved the preliminary plat of High Sierra Subdivision, 10th Filing, subject to the following conditions of approval:

1. To provide for the installation of utilities and mitigate impacts on local services, prior to final plat approval, recordable easement documents shall be provided with the final documents for the temporary turnaround at the end of Chino Circle.

2. To provide for the proper location and installation of a Central Box Unit (CBU), prior to final plat approval, the applicant will coordinate where a CBU would be best for deliveries from the USPS.

3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

_____

William A. Cole, Mayor

pc: Sanderson Stewart

Consent **1. M.**

Regular City Council Meeting

Meeting Date: 03/23/2020
TITLE: High Sierra Subdivision, 14th Filing - Preliminary Major Plat
PRESENTED BY: Monica Plecker
Department: Planning & Community Services
Presentation: No

PROBLEM/ISSUE STATEMENT

On January 1, 2020, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 14th Filing. The proposed subdivision creates 90 lots for residential development on a 37.3-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision. The subject property is generally located northwest of Gleneagles Boulevard and north of Matador Avenue in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on March 27, 2020. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

VARIANCE REQUESTED

No variance has been requested.

FINANCIAL IMPACT

Approval of this subdivision will have no direct financial impact on the Planning Division.

BACKGROUND

PROCEDURAL HISTORY

- Pre-application meeting November 21, 2019
- Preliminary plat application submitted to the Planning Division January 2, 2020
- Departmental review meeting January 16, 2020
- Preliminary plat resubmitted January 23, 2020
- Planning Board review meeting February 11, 2020
- Planning Board public hearing February 25, 2020
- Preliminary plat to City Council March 23, 2020
- 60 working-day preliminary plat review period ends March 27, 2020

PLAT INFORMATION

General location:	Northwest of Gleneagles Boulevard and north of Matador Avenue
Legal Description:	Amended COS 3573, Tract A1-1
Owner/Subdivider:	High Sierra II Inc.

Engineer and Surveyor: Sanderson Stewart
Existing Zoning: R-70-R
Existing land use: Vacant
Proposed land use: Residential
Gross and Net area: 37.3 acres / 26.5 acres
Proposed number of lots: 90
Lot size: Max: 307,462 square feet
Min: 7,040 square feet
Parkland requirements: Parkland dedication requirements for this proposed plat is 1.876 acres. The applicant will be providing 5.310 acres, this amount includes and satisfies parkland dedication for the 10th, 14th, 15th and 16th filings.

STAKEHOLDERS

Staff gave a brief presentation to the Planning Board. President Woods asked if there were any questions from the members of the Board for staff. In response to question by Board Member Thompson, Planner Green explained that the developer would contribute financially to several intersections. The contribution will be a percentage of the cost of the improvements planned for the intersection. Gary Owen said a Traffic Impact Study identifies the contribution and the City Engineering Division requires funds comparable to a similar intersection with signalization. There were no other questions for staff. President Woods asked if the applicant or agent would like to address the board. Mr. Gary Oakland stood to answer any questions the board may have, there were no questions. President Woods opened the public hearing at this time. There was no one wishing to speak concerning this proposed subdivision. The public hearing was closed and a motion was made to forward a recommendation of conditional approval to the City Council, the motion was seconded. There was no further discussion and the motions was unanimously approved.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan, the Billings Heights Neighborhood Plan and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

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, private service/utility providers and affected school district, 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.

The Planning Board recommends conditional approval of the preliminary plat of High Sierra Subdivision, 14th Filing, to the City Council, and adoption of the Findings of Fact as presented in the staff report and the SIA.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard

acceptable format. 3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
SIA
Mayor's approval letter
High Sierra 14th, 15th, and 16, filings shown together

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 14th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 was used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. This proposed subdivision is adjacent to similar residential uses to the south, west, and east. It will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

a. **Utilities** – Public water services to the subject property will be provided by making two connections to existing water lines in Matador Avenue and the other is located just north of the intersection of Morocco Drive and Sierra Granda Boulevard. A new 8-inch water line will be installed in the interior street of the subdivision. These lines will be looped wherever possible to equalize water pressure within the subdivision. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 15-inch sewer main in located at the intersection of Sierra Granda Boulevard Morocco Drive. A connection will also be made to the existing sewer located; it will be extended in Entrada Road to near the intersection of Morocco Drive and Entrada Road. The sanitary sewer lines within the subdivision will be 8-inch lines. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, these easement are shown on the face of the plat.

b. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. The stormwater will be directed to temporary detention ponds. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

The SIA, under the heading V. Storm Drainage, outlines the maintenance of the ponds and all appurtenances associated with them is the responsibility of the HOA. There is an existing HOA with the subdivision and this filing will be included in the same HOA.

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** – Access to the lots in the 14th Filing will be via extension of roads built prior to this subdivision, Matador Avenue and Cherry Hills Road. The internal subdivision streets will be constructed to 34-feet pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. Sidewalks will be installed at the time of individual lot development. The developer will install accessible ramps at the intersections, which will be completed with the subdivision street improvements.

Based on the Traffic Impact Study (TIS) the 14th Filing will affect the following intersections. Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. It was determined that the developer shall contribute 1.95%, 2.17%, and 1.72%, respectively, toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be made prior to final plat approval.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 has indicated that there is additional capacity at all three schools.

g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 1.876 acres. The subdivider is proposing to dedicate 5.310 acres.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and east sides. A geotechnical study was performed for the subdivision a summary of the information from that study will be included in the SIA under the heading VIII. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

Comments received from the police state that continued growth of the city would require additional resources to be able to maintain expected levels of service.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.1.]

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

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for medium density residential development on its Future land Use Map, as this area was not yet annexed or developed when the Plan was adopted. The subdivision meets the following goals of the Heights Neighborhood Plan:

a) **To prohibit dead-end water and sewer service lines. To promote resident health, safety and welfare (Infrastructure Goal Page 21).** This proposed subdivision is looping water and sewer service lines wherever possible with only minor dead ends in future road connections.

b) **Provide safe, good quality and affordable housing in the Heights. Develop**

housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods (Land Use Goal, Page 19). This subdivision provides medium density residential single-family development in a neighborhood with existing single-family development.

3. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. There will be no trails built with this subdivision.

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

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations.

The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

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

The subject property is located, at this time, within the R-70-R zoning district. All building development on the lot shall comply with current zoning when applying for a building permit.

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

The subdivider has provided private utility easements as required by private utility providers on the face of the plat.

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

Legal and physical access is provided to the proposed lots from the extension of Matador Avenue, Madrid road, Entrada Road, Morocco Road, Mesa Oaks Lan and Cherry Hills Road, all local streets to be dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 14th Filing 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 Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 14th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 23, 2020

_____

William A. Cole, Mayor

PLAT OF

HIGH SIERRA SUBDIVISION, 14TH FILING

BEING AMENDED TRACT A1-1 OF AMENDED TRACT A1 OF CERTIFICATE OF SURVEY NO. 3573
SITUATED IN THE NE1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: HIGH SIERRA II, INC.

DECEMBER, 2019

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

PLAT DATA

GROSS AREA	=	±37.3 ACRES
NET AREA	=	±26.5 ACRES
NUMBER OF LOTS	=	90
MINIMUM LOT SIZE	=	7,040 S.F.
MAXIMUM LOT SIZE	=	307,427 S.F.
LINEAL FEET OF STREETS	=	5,628 L.F.
PARKLAND REQUIREMENT	=	1.87 AC.
PARKLAND DEDICATION	=	231,325 S.F.
EXISTING ZONING	=	R7000R
SURROUNDING ZONING:		
NORTH	=	R7000R
SOUTH	=	R9600/PUBLIC
EAST	=	R9600/R5000/RMF
WEST	=	R7000R
EXISTING LAND USE	=	AGRICULTURE/GRAZING
PROPOSED LAND USE	=	R7000R

NOTES:

1. ALL INTERNAL STREETS SHALL BE BUILT TO CITY OF BILLINGS STANDARDS 34' BACK TO BACK IN A 56' WIDE R.O.W.
2. STORM DRAIN STORAGE WILL BE PROVIDED IN A TEMP. STORMWATER DETENTION POND LOCATED NORTH OF THE SUBDIVISION. MAIN AND INLETS WILL BE PROVIDED AS NECESSARY.
3. IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.

NORTH

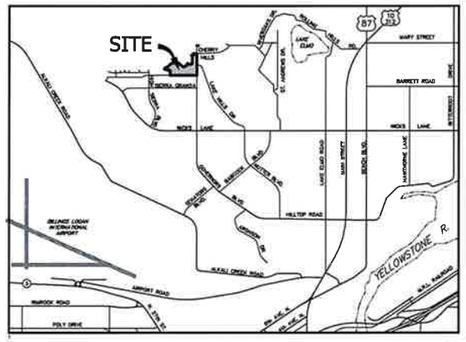
80 40 0 80 160

SCALE: 1" = 80'

BASIS OF BEARING: (ORIGINAL PLAT/C.O.S.) on THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT [monument description] IS x.xxxxxxxxxx; THE CONVERGENCE ANGLE IS -+x°xx'xx". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

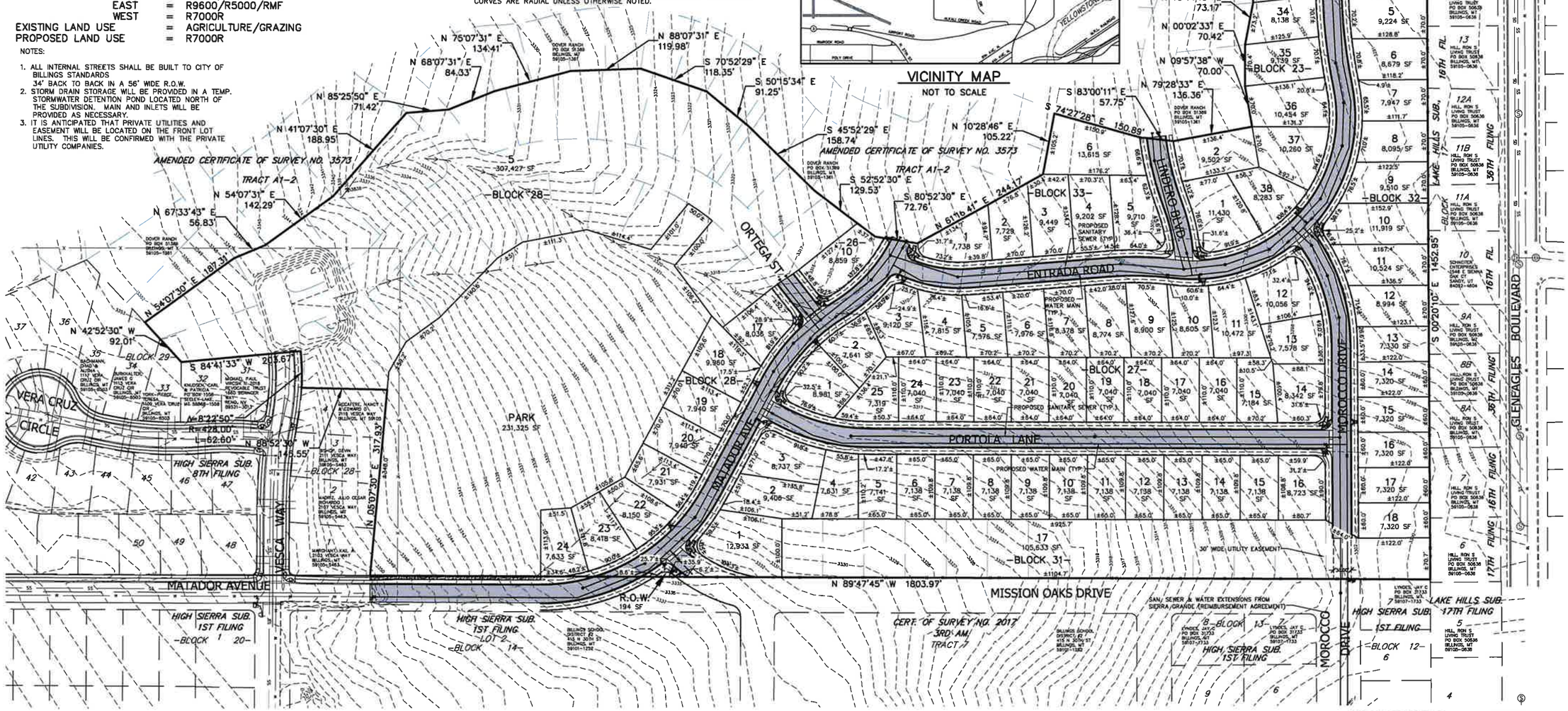
- o FOUND SURVEY MONUMENT, AS NOTED
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

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



VICINITY MAP

NOT TO SCALE



82061_129_HS14TH_PRELIM.DWG 82061.129 01/23/20 BG

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

P Z-19-00242

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, FOURTEENTH FILING

Table of Contents

I.	Variances		SIA-2
II.	Property Conditions and Information for Lot Purchasers		SIA-2
III.	Transportation		SIA-5
	A.	Streets	SIA-5
	B.	Sidewalks	SIA-6
	C.	Street Lighting	SIA-6
	D.	Traffic Control Devices	SIA-6
	E.	Access	SIA-7
	F.	Billings Area Bikeway and Trail Master Plan	SIA-7
	G.	Public Transit	SIA-7
IV.	Emergency Services		SIA-7
V.	Storm Drainage		SIA-8
VI.	Utilities		SIA-8
	A.	Water	SIA-9
	B.	Sanitary Sewer	SIA-10
	C.	Power, Telephone, Gas, and Cable Television	SIA-10
VII.	Parks/Open Space		SIA-10
VIII.	Irrigation		SIA-11
IX.	Soils/Geotechnical Study		SIA-11
X.	Financial Guarantees		SIA-12
XI.	Legal Provisions Applying to Subdivder		SIA-12

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, FOURTEENTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____, 20___, by and between **HIGH SIERRA II, Inc.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900 , Billings, MT 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on _____ day of _____, 20___, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 14th Filing; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20___, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 14th Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 14th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the Geotechnical Investigation Report High Sierra Subdivision 129 Lots in 14th, 15th and 16th Filings Billings, Montana by Rawhide Engineering Inc. dated January 22, 2020. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Variations in soils may exist between the explored locations and the nature and extent of soil variations may not be evident until construction occurs.

3. These filings have sandstone caprock scattered throughout much of the site and it will have to be removed during construction of the interior streets and to excavate foundations.

4. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the

excavation. The boring logs should be reviewed for conditions across the site.

5. Fill should be placed and compacted to a minimum of 97 % relative compaction, in accordance with the ASTM D698 compaction test method. Fills greater than 4-feet should be compacted to 98% of ASTM D698.

6. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97% of ASTM D698.

7. This site varies widely across the total acreage. Some of the foundation will be located on weathered shale bedrock. Portions of the site will have foundations in the medium stiff to soft sandy lean clay soils. Two alternative foundation recommendations are provided within the geotechnical report.

8. Final elevations at the site should be planned so that drainage is directed away from all foundation and concrete slabs. In accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible. Plants and landscaping should not be allowed within 3 feet of foundations. Landscaping features such as curbing should not be allowed to create ponding adjacent to the foundations.

The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. Failure to follow all recommendations in the geotechnical report including grading, foundation design and especially drainage and landscaping will render the geotechnical report null and void. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is

expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 14th Filing, and future filings of High Sierra Subdivision.

G. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

H. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.

1. The lowest finish floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb, measured from the highest location along the lot frontage. Home builder and lot owner may find it necessary to raise the finish floor elevation of house or garage above this minimum during on-site building design and/or during on-lot grading.

2. The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide

positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window wells) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

III. TRANSPORTATION

A. Streets

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

Matador Avenue from east line of Lot 1, Block 28 of High Sierra Subdivision 8th Filing to the west line of Lot 24, Block 28 of High Sierra Subdivision 14th Filing will be constructed in an existing 60-foot wide right of way and include curb and gutter on the north side of the road and 30-feet of asphalt. Matador Avenue from the west lot line of Lot 24, Block 28 of High Sierra Subdivision 14th Filing to the intersection of Entrada Road, Morocco Drive from the south lot line of Lot 18, Block 32 north to the intersection of Entrada Road, Portola Lane from the intersection of Matador Avenue to the intersection of Morocco Drive, Entrada Road from the intersection of Matador Avenue to one lot depth north of the intersection of Cherry Hills Road, Cherry Hills Road from the

intersection of Entrada Road east to the existing terminus of Cherry Hills Road in Lake Hills Subdivision 35th filing, Lindero Boulevard northerly from the intersection of Entrada Road, and 75 feet of Ortega Street west from the intersection of Matador Avenue will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). The improvements for Mission Oaks Drive east of Matador Avenue will be constructed with High Sierra Subdivision 16th Filing. Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

B. Sidewalks

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard.

2. Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.

3. A 10-foot-wide sidewalk shall be constructed in the 20-foot wide right-of-way corridors and shall be installed at the time of private contract construction.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time, but street lights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for street lights may be formed for future maintenance of any street lights installed in the future.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS), the 14th Filing development's portion of critical volumes for impacted intersections are as follows (based on a $250,000.00 intersection improvement cost):

	Wicks Lane/Gleneagles Blvd	Wicks Lane/Fantan St.	Wicks Lane/St. Andrews Drive
14th Filing	1.95% ($4,875.00)	2.17% ($5,425.00)	1.72% ($4,300.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections.

E. Access

Matador Avenue and Cherry Hills Road provide access to High Sierra Subdivision, 14th filing. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 14th Filing, and as such, no trail improvements are required as part of this subdivision.

G. Public Transit

The subdivision does not require improvements to ensure public transit service.

IV. EMERGENCY SERVICE

The City will provide emergency service. Fire hydrants shall be provided at each street intersection and at intermediate locations where distances exceed 500-feet. Appropriate turn-arounds will be located on any dead-end street in excess of 150-feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600-feet of the furthest portion of a residence under construction or within 400-feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a new detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility has been sized to accept runoff generated from the High Sierra Subdivision, 14th Filing, as well as some run-on volume generated by High Sierra Subdivision 1st Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater retention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the

approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Developer/Owner acknowledges that the Subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making two connections to public water mains, one at Matador Avenue just east of the intersection with Vesca Way and one just north of the intersection of Morocco Drive and Sierra Granda Boulevard. New 12-inch water main will be included in Morocco Drive from the connection point just north of the intersection of Morocco Drive/Sierra Granda Boulevard to the intersection of Morocco Drive/Entrada Road, in Entrada Road north of the intersection of Entrada Road/Morocco Drive, in Matador Avenue from the intersection of Matador Avenue/Mission Oaks Drive to the intersection of Matador Avenue/Ortega Drive, and in Ortega Drive west of Matador Avenue. New 8-inch water main will be installed in the remaining local interior streets of the subdivision. Water mains are subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and are also subject to approval by the City of Billings.

Since the 12-inch water main extension within Morocco Drive from the connection point to the southern boundary of High Sierra Subdivision, 14th Filing serves other existing platted lots outside High Sierra Subdivision, 14th Filing, the Subdivider shall file a reimbursement agreement to recover the costs associated with serving these existing lots (Lots 2 through 7, Block 13 inclusive, and Lots 2 through 7, inclusive, Block 12, High Sierra Subdivision, First Filing).

B. Sanitary Sewer

The subdivision will be served by making a connection to an existing 15-inch diameter sewer main located at the intersection of Sierra Granda Boulevard and Morocco Drive and extending the sewer main to the subdivision boundary. The 15-inch sewer trunk main will be further extended in a northerly direction within Morocco Drive, in Lindero Boulevard and within a portion Entrada Road. A connection will also be made to the existing sewer located at the intersection of Cherry Hills Road and Gleneagles Boulevard and 8-inch sewer will be extended westerly and southerly within Entrada Road to near the intersection of Morocco Drive/Entrada Road. The remaining sanitary sewer located within High Sierra Subdivision, 14th Filing will consist of 8-inch sanitary sewer main which is subject to approval from the City of Billings.

The 15-inch trunk sewer main extended off-site from the intersection of Sierra Granda Boulevard and Morocco Drive is eligible for City of Billings oversizing reimbursement and Subdivider shall be eligible for reimbursement compensation according to City policy in effect at the time of the recording of the final plat. Subdivider shall follow City policy requirements in order to receive compensation.

In addition to the City oversizing compensation, and since the 15-inch sewer main extension within Morocco Drive from Sierra Granda Boulevard north to the southern boundary of High Sierra Subdivision, 14th Filing serves other existing platted lots outside High Sierra Subdivision, 14th Filing, the Subdivider shall file a reimbursement agreement to recover the costs associated with serving these existing lots owned by others (Lots 2 through 7, Block 13 inclusive, and Lots 2 through 7, inclusive, Block 12, High Sierra Subdivision, First Filing).

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

The park land required for this subdivision is 1.876 acres. The Subdivider proposes to dedicate land for a public park.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

VIII. IRRIGATION

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the Geotechnical Investigation Report High Sierra Subdivision 129 Lots in 14th, 15th and 16th Filings Billings, Montana by Rawhide Engineering Inc. dated January 22, 2020. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Variations in soils may exist between the explored locations. The nature and extent of soil variations may not be evident until construction occurs.

3. These filings have sandstone caprock scattered throughout much of the site and it will have to be removed during construction of the interior streets and to excavate foundations.

4. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.

5. Fill should be placed and compacted to a minimum of 97 % relative compaction, in accordance with the ASTM D698 compaction test method. Fills greater than 4-feet should be compacted to 98% of ASTM D698.

6. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97% of ASTM D698.

7. This site varies widely across the total acreage. Some of the foundation will be located on weathered shale bedrock. Portions of the site will have foundations in the medium stiff to soft sandy lean clay soils. Two

alternative foundation recommendations are provided within the geotechnical report.

8. Final elevations at the site should be planned so that drainage is directed away from all foundation and concrete slabs. In accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible. Plants and landscaping should not be allowed within 3 feet of foundations. Landscaping features such as curbing should not be allowed to create ponding adjacent to the foundations.

The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. Failure to follow all recommendations in the geotechnical report including grading, foundation design and especially drainage and landscaping will render the geotechnical report null and void. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

By:_____

Its:_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ _____ of **HIGH SIERRA II, INC.**, and acknowledged to me that he/she executed the same.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20___.

"CITY" **CITY OF BILLINGS, MONTANA**

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

High Sierra Subdivision, 14th Filing

Signed and dated this _____ day of _____, 20___.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____of **HIGH SIERRA II, INC.,** the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

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

March 23, 2020

High Sierra II, Inc.
175 N 27th St Suite 900
Billings, MT 59101

Dear Applicant:

On March 23, 2020, the Billings City Council conditionally approved the preliminary plat of High Sierra Subdivision, 14th Filing, subject to the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

_____

William A. Cole, Mayor

pc: Sanderson Stewart

EXHIBIT A

HIGH SIERRA SUBDIVISION, 14TH, 15TH AND 16TH FILINGS – CONCEPT

WITHIN

TRACT A1–1 OF AMENDED TRACT A1 CERTIFICATE OF SURVEY 3573

PREPARED FOR : HIGH SIERRA II, INC.

PREPARED BY : SANDERSON STEWART

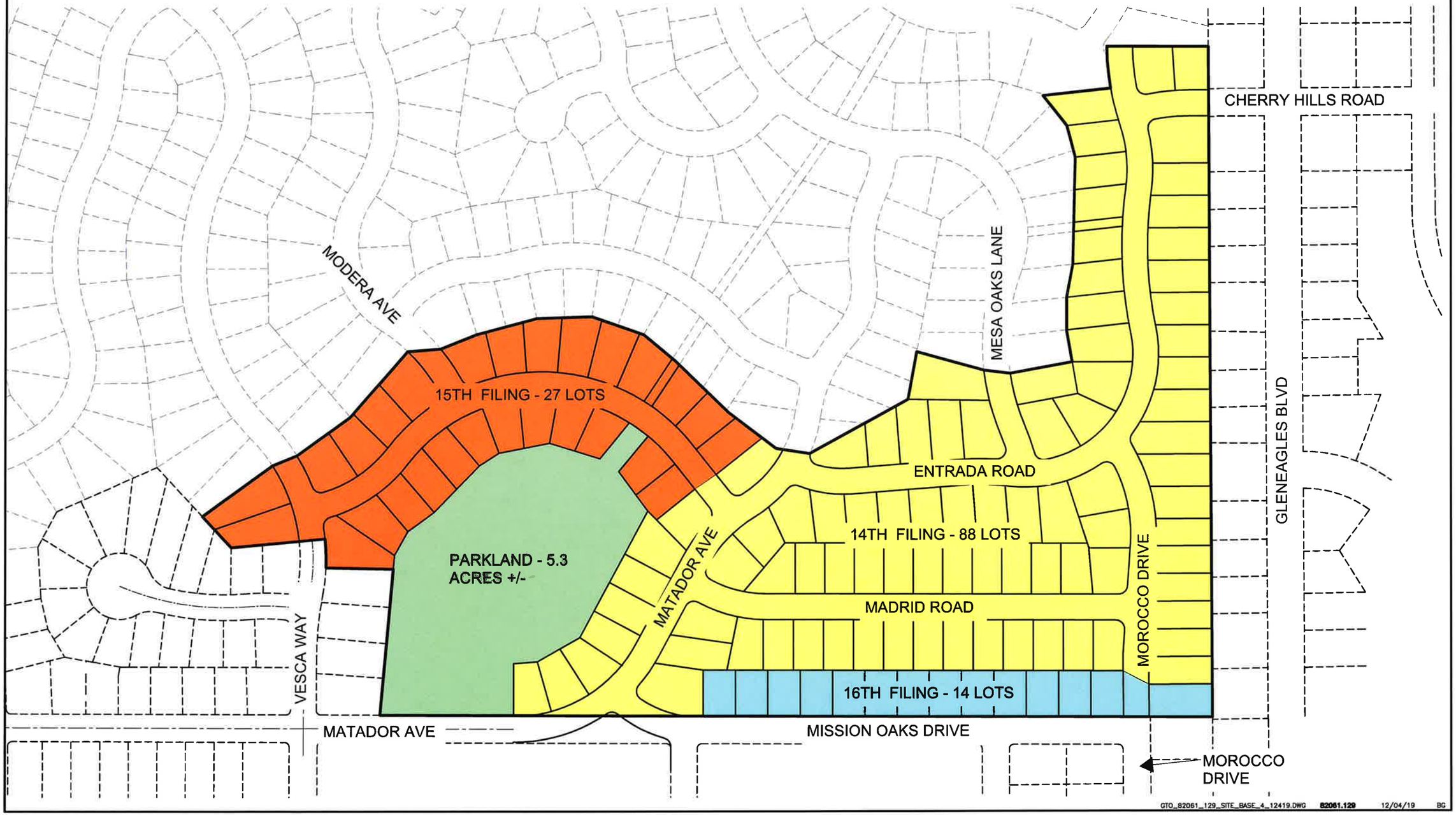
DECEMBER, 2019

BILLINGS, MONTANA

NORTH

100 0 100 200

SCALE:1" = 200'



GTO_82061_129_SITE_BASE_4_12419.DWG 82061.129 12/04/19 BG

Consent **1. N.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: High Sierra Subdivision, 15th Filing - Preliminary Major Plat

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

On January 1, 2020, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 15th Filing. The proposed subdivision creates 27 lots for residential development on a 7.06-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision. The subject property is generally located northwest of Gleneagles Boulevard and north of Matador Avenue in northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on March 27, 2020. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

VARIANCE REQUESTED

No variance has been requested.

FINANCIAL IMPACT

Approval of this subdivision will have no direct financial impact on the Planning Division.

BACKGROUND

PROCEDURAL HISTORY

- Pre-application meeting November 21, 2019
- Preliminary plat application submitted to the Planning Division January 2, 2020
- Departmental review meeting January 16, 2020
- Preliminary plat resubmitted January 23, 2020
- Planning Board review meeting February 11, 2020
- Planning Board public hearing February 25, 2020
- Preliminary plat to City Council March 23, 2020
- 60 working-day preliminary plat review period ends March 27, 2020

PLAT INFORMATION

General location:	Northwest of Gleneagles Boulevard and north of Matador Avenue

Legal Description:	Lot 5, Block 28 of High Sierra Subdivision, 14th Filing
Owner/Subdivider:	High Sierra II Inc.
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	R-70-R
Existing land use:	Vacant
Proposed land use:	Residential
Gross and Net area:	7.06 acres / 5.33 acres
Proposed number of lots:	27
Lot size:	Max: 11,642 square feet Min: 7,162 square feet
Parkland requirements:	Parkland dedication requirements for this proposed plat is 0.587. This parkland dedication is being met with High Sierra, 14th Filing.

STAKEHOLDERS

Staff gave a brief presentation to the Planning Board. President Woods asked if there were any question from the board for planning staff. There were none. The applicant and agent did not address the board and there were no questions from the board for them.

President Woods opened the public hearing. Mr. Nathan Anderson stood to speak and reported water seeping out from the base of the fire hydrant near his home west of the proposed subdivision. He believes there is a natural spring located there. He said he found water seepage when he dug an 18" fence post hole in his back yard. He also stated the adjacent parcel is frequently flooded. Mr. Anderson also voiced concern with children's safety and the traffic speeds. He asked about this development's impact on the fire fighters' and police officer's resources. He asked what will be done if the public safety mill levy does not pass and spoke about the developer building homes with very limited public safety services. There were no others wishing to speak.

Mr. Gary Owen, agent for the applicant, stood to address the concerns of the property owner. Board member Thompson asked if the water is coming from a known source. Gary Owen stated they are aware of the spring and they are planning to address the issue with the street development. They plan to run storm drain to pick up the spring and funnel the water out of the area. They are also aware of the runoff on Matador and the storm water design will pick up water and convey it northward to existing detentions ponds.

The public hearing was closed and brought back to the board for a motion. A motion was made to recommend conditional approval to the City Council and adopt the findings of fact as presented by staff, the motion was seconded. There was no further discussion. The board voted unanimously in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan, the Billings Heights Neighborhood Plan and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

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, private service/utility providers and affected school district, 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.

The Planning Board recommends conditional approval of the preliminary plat of High Sierra Subdivision,

15th Filing, to the City Council, adopt the Findings of Fact as presented in the staff report and the SIA.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
SIA
Mayor's approval letter
High Sierra Subdivision 14th, 15th and 16th Filings

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 15th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 was used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. This proposed subdivision is adjacent to similar residential uses to the south and west. It will provide housing in an area that is not particularly productive for agriculture. There should not be a negative effect on the agricultural industry.

This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

a. **Utilities** – Public water services to the subject property will be provided by making two connections to existing water lines one from Matador Avenue and Ortega Street intersection and one just north of the intersection of Vesca Way and Vera Cruz Circle. A new 8-inch water line will be installed in the interior street of the subdivision. These lines will be looped wherever possible to equalize water pressure within the subdivision. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in located at the intersection of Matador Avenue and Ortega Street. The sanitary sewer lines within the subdivision will be 8-inch lines. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, these easement are shown on the face of the plat.

b. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. The stormwater will be directed to detention ponds. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

The SIA, under the heading V. Storm Drainage, states there is an existing HOA with the subdivision and this filing will be included in the same HOA to maintain the storm water system.

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** – Access to the lots in the 15th Filing will be via Vesca Way. The internal subdivision street, Ortega Street, will be constructed to 34-feet pavement width, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. This street will connect to Matador Avenue, which will be built with the 14th Filing. Sidewalks will be installed at the time of individual lot development. The developer will install accessible ramps at the intersections, which will be completed with the subdivision street improvements.

Based on the Traffic Impact Study (TIS) the 15th Filing will affect the following intersections. Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. It was determined that the developer shall contribute 0.60%, 0.67%, and 0.53%, respectively, toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be made prior to final plat approval.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock

Middle School, and Skyview High School). School District #2 has indicated that there is additional capacity at all three schools.

g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.587 acres. The 0.587 acres will be a portion of a larger piece of parkland provided with the 14th Filing. With the 14th Filing the subdivider is proposing to dedicate 5.310 acres.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and west sides. A geotechnical study was performed for the subdivision a summary of the information from that study will be included in the SIA under the heading VIII. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

Comments received from the police state that continued growth of the city would require additional resources to be able to maintain expected levels of service.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.1.]

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

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for medium density residential development on its Future land Use Map, as this area was not yet annexed or developed when the Plan was adopted. The subdivision meets the following goals of the Heights Neighborhood Plan:

a) **To prohibit dead-end water and sewer service lines. To promote resident health, safety and welfare (Infrastructure Goal Page 21).** This proposed subdivision is looping water and sewer service lines wherever possible with only minor dead ends in future road connections.

b) **Provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods (Land Use Goal, Page 19).** This subdivision provides medium density residential single-family development in a neighborhood with existing single-family development.

3. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. There will be no trails built with this subdivision.

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

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

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

The subject property is located, at this time, within the R-70-R zoning district. All building development on the lot shall comply with current zoning when applying for a building permit.

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

The subdivider has provided private utility easements as required by private utility providers on the face of the plat.

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

Legal and physical access is provided to the proposed lots from the extension of Vesca Way and Matador Avenue, all local streets to be dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 15th Filing 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 Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 15th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 23, 2020

_____

William A. Cole, Mayor

PRELIMINARY PLAT OF

HIGH SIERRA SUBDIVISION 15th FILING

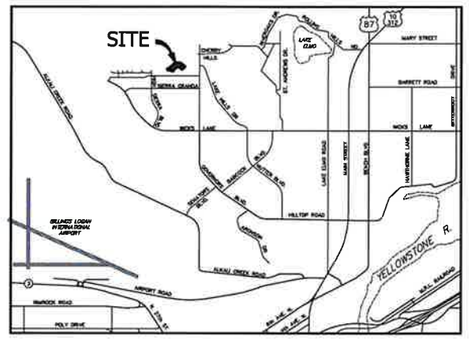
BEING LOT 5, BLOCK 28 OF HIGH SIERRA SUBDIVISION 14th FILING
SITUATED IN THE NE1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

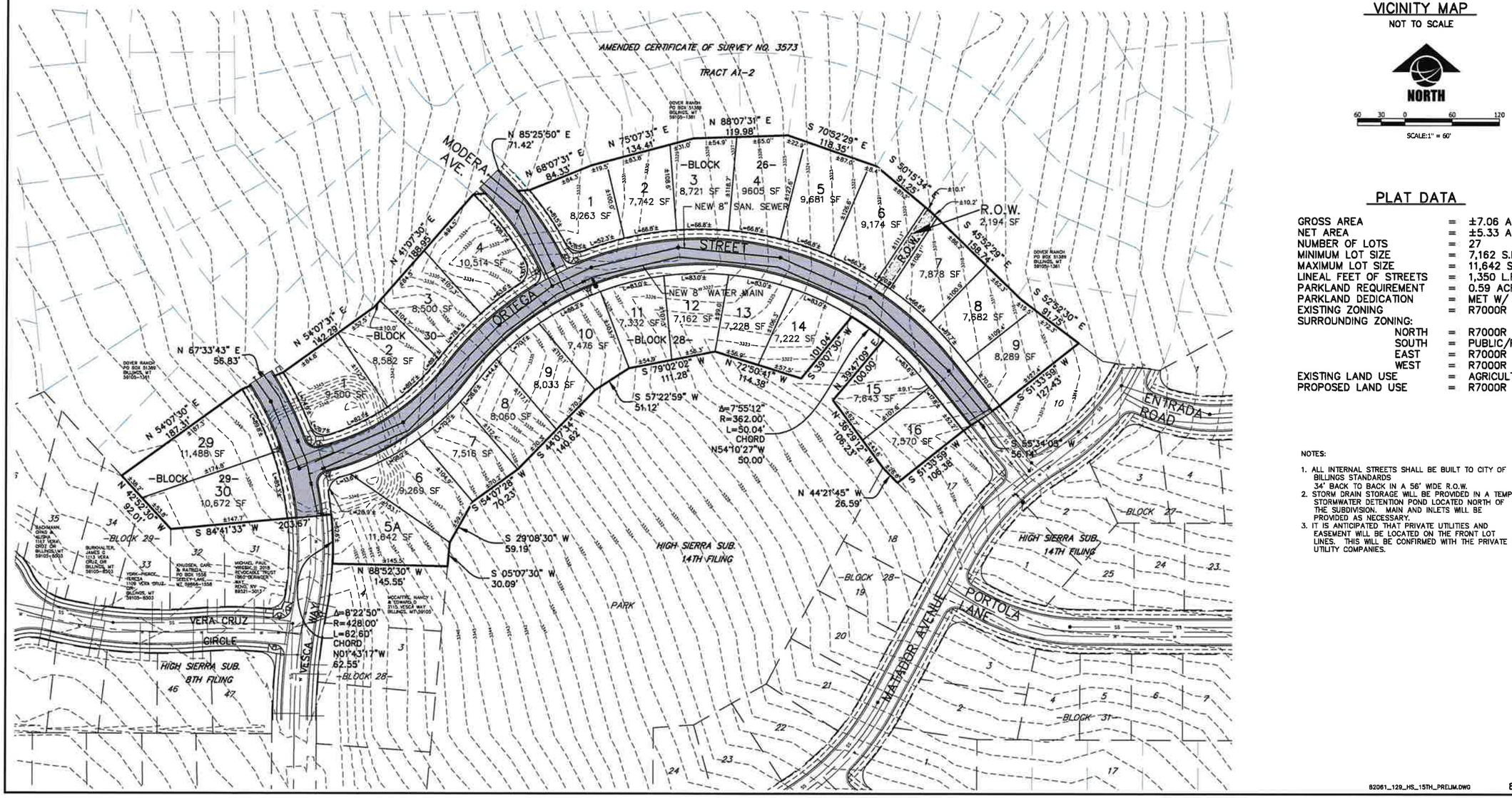
DECEMBER 2019

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE



PLAT DATA

GROSS AREA	=	±7.06 ACRES
NET AREA	=	±5.33 ACRES
NUMBER OF LOTS	=	27
MINIMUM LOT SIZE	=	7,162 S.F.
MAXIMUM LOT SIZE	=	11,642 S.F.
LINEAL FEET OF STREETS	=	1,350 L.F.
PARKLAND REQUIREMENT	=	0.59 ACRES
PARKLAND DEDICATION	=	MET W/ 14TH FILING
EXISTING ZONING	=	R7000R
SURROUNDING ZONING:		
NORTH	=	R7000R
SOUTH	=	PUBLIC/R7000R
EAST	=	R7000R
WEST	=	R7000R
EXISTING LAND USE	=	AGRICULTURE/GRAZING
PROPOSED LAND USE	=	R7000R

NOTES:

1. ALL INTERNAL STREETS SHALL BE BUILT TO CITY OF BILLINGS STANDARDS 34' BACK TO BACK IN A 56' WIDE R.O.W.
2. STORM DRAIN STORAGE WILL BE PROVIDED IN A TEMP. STORMWATER DETENTION POND LOCATED NORTH OF THE SUBDIVISION. MAIN AND INLETS WILL BE PROVIDED AS NECESSARY.
3. IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

P Z-19-00256

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, FIFTEENTH FILING

Table of Contents

I.	Variances	SIA-2
II.	Property Conditions and Information for Lot Purchasers	SIA-2
III.	Transportation	SIA-5
	A. Streets	SIA-5
	B. Sidewalks	SIA-5
	C. Street Lighting	SIA-6
	D. Traffic Control Devices	SIA-6
	E. Access	SIA-7
	F. Billings Area Bikeway and Trail Master Plan	SIA-7
	G. Public Transit	SIA-7
IV.	Emergency Services	SIA-7
V.	Storm Drainage	SIA-8
VI.	Utilities	SIA-8
	A. Water	SIA-9
	B. Sanitary Sewer	SIA-9
	C. Power, Telephone, Gas, and Cable Television	SIA-9
VII.	Parks/Open Space	SIA-9
VIII.	Irrigation	SIA-9
IX.	Soils/Geotechnical Study	SIA-10
X.	Financial Guarantees	SIA-11
XI.	Legal Provisions Applying to Subdivder	SIA-11

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, FIFTEENTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____, 20___, by and between **HIGH SIERRA II, Inc.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900, Billings, MT 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on _____ day of _____, 20___, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 15th Filing; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20___, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 15th Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 15th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the Geotechnical Investigation Report High Sierra Subdivision 129 Lots in 14th, 15th and 16th Filings Billings, Montana by Rawhide Engineering Inc. dated January 22, 2020. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Variations in soils may exist between the explored locations. The nature and extent of soil variations may not be evident until construction occurs.

3. These filings have sandstone caprock scattered throughout much of the site and it will have to be removed during construction of the interior streets and to excavate foundations.

4. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the

excavation. The boring logs should be reviewed for conditions across the site.

5. Fill should be placed and compacted to a minimum of 97 % relative compaction, in accordance with the ASTM D698 compaction test method. Fills greater than 4-feet should be compacted to 98% of ASTM D698.

6. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97% of ASTM D698.

7. This site varies widely across the total acreage. Some of the foundation will be located on weathered shale bedrock. Portions of the site will have foundations in the medium stiff to soft sandy lean clay soils. Two alternative foundation recommendations are provided within the geotechnical report.

8. Final elevations at the site should be planned so that drainage is directed away from all foundation and concrete slabs. In accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible. Plants and landscaping should not be allowed within 3 feet of foundations. Landscaping features such as curbing should not be allowed to create ponding adjacent to the foundations.

The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. Failure to follow all recommendations in the geotechnical report including grading, foundation design and especially drainage and landscaping will render the geotechnical report null and void. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is

expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 15th Filing, and future filings of High Sierra Subdivision.

G. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

H. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.

1. The lowest finish floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb, measured from the highest location along the lot frontage. Home builder and lot owner may find it necessary to raise the finish floor elevation of house or garage above this minimum during on-site building design and/or during on-lot grading.

2. The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide

positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window wells) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

III. TRANSPORTATION

A. Streets

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

   Vesca Way for about 150 feet, Modera Avenue for about 110 feet, and Ortega Street from the intersection of Vesca Way east to the intersection of Matador Avenue will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

B. Sidewalks

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-

wide boulevard type sidewalk with a minimum 5-foot-wide boulevard.

2. Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.

3. A 10-foot-wide sidewalk shall be constructed in the 20-foot wide right-of-way corridors and shall be installed at the time of private contract construction.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time, but street lights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for street lights may be formed for future maintenance of any street lights installed in the future.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS), the 15th Filing development's portion of critical volumes for impacted intersections are as follows (based on a $250,000.00 intersection improvement cost):

	Wicks Lane/Gleneagles Blvd	Wicks Lane/Fantan St.	Wicks Lane/St. Andrews Drive
15th Filing	0.60% ($1500.00)	0.67% ($1675.00)	0.53% ($1325.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections.

E. Access

Vesca Way, Matador Avenue, and Ortega Street provide access to the subdivision. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 15th Filing, and as such, no trail improvements are required as part of this subdivision.

G. Public Transit

The subdivision does not require improvements to ensure public transit service.

IV. EMERGENCY SERVICE

The City will provide emergency service. Fire hydrants shall be provided at each street intersection and at intermediate locations where distances exceed 500-feet. Appropriate turn-arounds will be located on any dead-end street in excess of 150-feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600-feet of the furthest portion of a residence under construction or within 400-feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.

- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a new detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility has been sized to accept runoff generated from the High Sierra Subdivision, 15th Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater retention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Developer/Owner acknowledges that the Subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making two connections to public water mains, one on Ortega Street just west of the Matador Avenue/Ortega Street intersection and one on Vesca Way just north of the intersection of Vesca Way/Vera Cruz Circle. A new 12-inch water main will be installed in Ortega Street from Matador Road to Modera Avenue, and in Modera Avenue. A new 8-inch water main will be installed in the remaining local interior streets of the subdivision which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and are also subject to approval by the City of Billings.

B. Sanitary Sewer

The subdivision will be served by making a connection to an existing 8-inch diameter sewer main located at the intersection of Matador Avenue and Ortega Street and extending the 8-inch sewer main within Ortega Street.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

The park land required for this subdivision is 0.587 acres. The Subdivider previously dedicated land for a public park that included a dedication to cover this subdivision with the filing of High Sierra Subdivision, 14th Filing. Therefore, no additional parkland is required with High Sierra Subdivision, 15th Filing.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

VIII. IRRIGATION

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the Geotechnical Investigation Report High Sierra Subdivision 129 Lots in 14th, 15th and 16th Filings Billings, Montana by Rawhide Engineering Inc. dated January 22, 2020. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Variations in soils may exist between the explored locations. The nature and extent of soil variations may not be evident until construction occurs.

3. These filings have sandstone caprock scattered throughout much of the site and it will have to be removed during construction of the interior streets and to excavate foundations.

4. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.

5. Fill should be placed and compacted to a minimum of 97 % relative compaction, in accordance with the ASTM D698 compaction test method. Fills greater than 4-feet should be compacted to 98% of ASTM D698.

6. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97% of ASTM D698.

7. This site varies widely across the total acreage. Some of the foundation will be located on weathered shale bedrock. Portions of the site will have foundations in the medium stiff to soft sandy lean clay soils. Two alternative foundation recommendations are provided within the geotechnical report.

8. Final elevations at the site should be planned so that drainage is directed away from all foundation and concrete slabs. In accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible. Plants and landscaping

should not be allowed within 3 feet of foundations. Landscaping features such as curbing should not be allowed to create ponding adjacent to the foundations.

The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. Failure to follow all recommendations in the geotechnical report including grading, foundation design and especially drainage and landscaping will render the geotechnical report null and void. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

By:_____

Its:_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ _____ of **HIGH SIERRA II, INC.**, and acknowledged to me that he/she executed the same.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20___.

"CITY" **CITY OF BILLINGS, MONTANA**

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

High Sierra Subdivision, 15th Filing

Signed and dated this _____ day of _____, 20___.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____of **HIGH SIERRA II, INC.,** the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

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

March 23, 2020

High Sierra II, Inc.
175 N 27th St Suite 900
Billings, MT 59101

Dear Applicant:

On March 23, 2020, the Billings City Council conditionally approved the preliminary plat of High Sierra Subdivision, 15th Filing, subject to the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

_____

William A. Cole, Mayor

pc: Sanderson Stewart

EXHIBIT A

HIGH SIERRA SUBDIVISION, 14TH, 15TH AND 16TH FILINGS – CONCEPT

WITHIN

TRACT A1–1 OF AMENDED TRACT A1 CERTIFICATE OF SURVEY 3573

PREPARED FOR : HIGH SIERRA II, INC.

PREPARED BY : SANDERSON STEWART

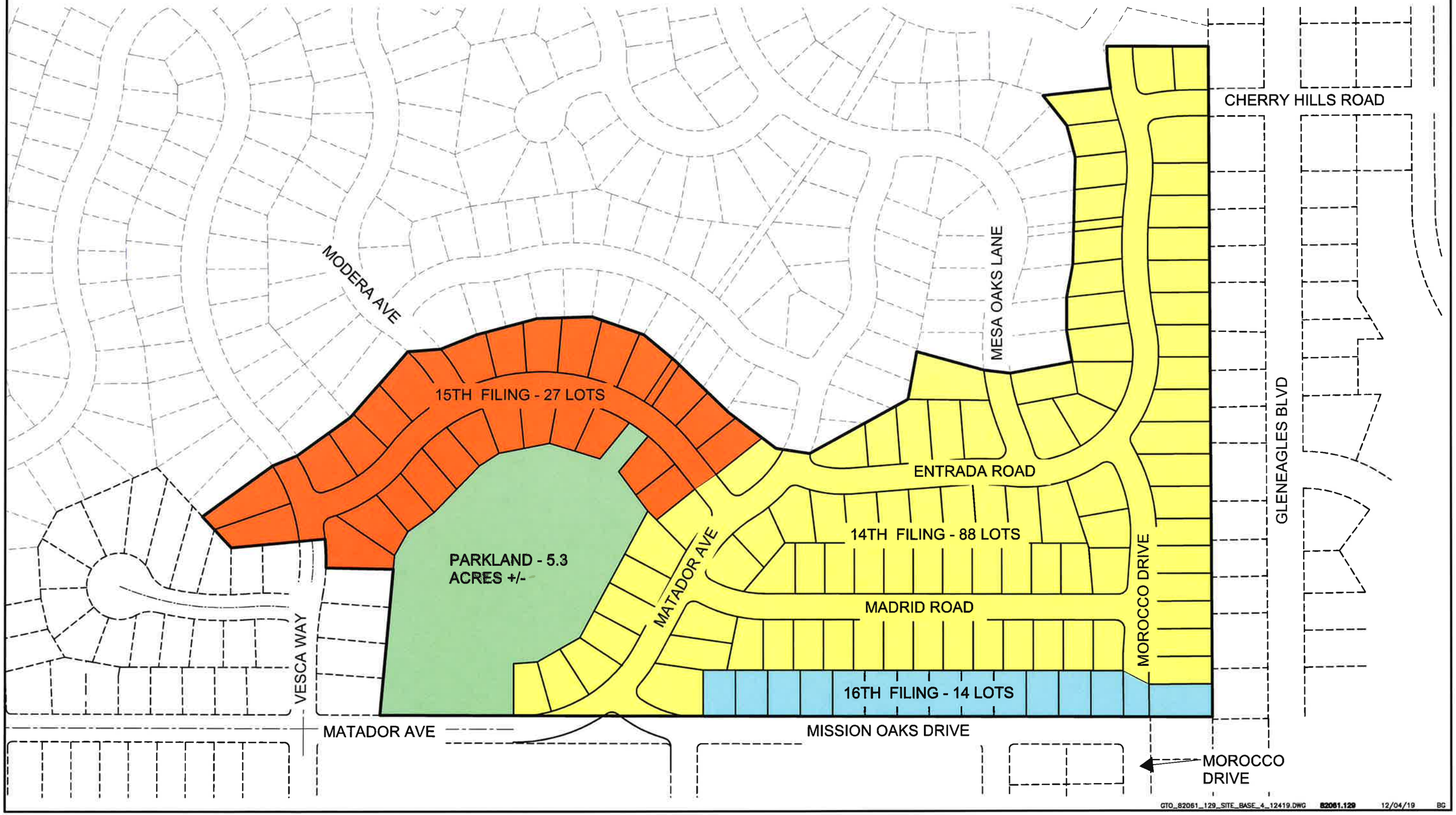
DECEMBER, 2019

BILLINGS, MONTANA

NORTH

100 0 100 200

SCALE:1" = 200'



GTO_82061_129_SITE_BASE_4_12419.DWG 82061.129 12/04/19 BG

Consent **1. O.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: High Sierra Subdivision, 16th Filing - Preliminary Major Plat

PRESENTED BY: Monica Plecker

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

On January 1, 2020, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 16th Filing. The proposed subdivision creates 14 lots for residential development on a 2.42-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision. The subject property is generally located northwest of Gleneagles Boulevard and north of Matador Avenue in northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on March 27, 2020. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

VARIANCE REQUESTED

No variance has been requested.

FINANCIAL IMPACT

Approval of this subdivision will have no direct financial impact on the Planning Division.

BACKGROUND

PROCEDURAL HISTORY

- Pre-application meeting November 21, 2019
- Preliminary plat application submitted to the Planning Division January 2, 2020
- Departmental review meeting January 16, 2020
- Preliminary plat resubmitted January 23, 2020
- Planning Board review meeting February 11, 2020
- Planning Board public hearing February 25, 2020
- Preliminary plat to City Council March 23, 2020
- 60 working-day preliminary plat review period ends March 27, 2020

PLAT INFORMATION

General location: Northwest of Gleneagles Boulevard and north of Matador Avenue

Legal Description:	Lot 17, Block 27 of High Sierra Subdivision, 14th Filing
Owner/Subdivider:	High Sierra II Inc.
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	R-70-R
Existing land use:	Vacant
Proposed land use:	Residential
Gross and Net area:	2.425 acres / 2.315 acres
Proposed number of lots:	14
Lot size:	Max: 8,618 square feet Min.: 7,000 square feet
Parkland requirements:	Parkland dedication requirements for this proposed plat is 0.255. This parkland dedication is being met with High Sierra Subdivision, 14th Filing.

STAKEHOLDERS

Staff gave a brief presentation to the Planning Board. President Woods asked if there were any questions from the board for staff, there were none. He then asked if the applicant or the agent would like to address the board. Mr. Gary Oakland stood for questions from the board, there were none. President Woods opened the public hearing, no one stood to give any comments on the proposed plat. The public hearing was closed.

President Woods asked if there was a motion on the proposed subdivision. A motion was made to forward a recommendation of conditional approval to the City Council with the Findings of Fact, the motion was seconded. There was no discussion on the motion and it was passed with a unanimous vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan, the Billings Heights Neighborhood Plan and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact.

RECOMMENDATION

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, private service/utility providers and affected school district, 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.

The Planning Board recommends conditional approval of the preliminary plat of High Sierra Subdivision, 16th Filing, to the City Council, and adoption of the Findings of Fact as presented in the staff report and the SIA.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
SIA
Mayor's approval letter
High Sierra Subdivision 14th, 15th and 16th Filings

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 16th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 was used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. This proposed subdivision is adjacent to similar residential uses to the south and west. It will provide housing in an area that is not particularly productive for agriculture. There should not be a negative effect on the agricultural industry.

This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

a. **Utilities** – Public water services to the subject property will be provided by making two connections to existing water lines one from Morocco Drive and Mission Oaks Drive intersection and one at the intersection of Matador Avenue and Mission Oaks Drive. A new 8-inch water line will be installed in the interior street of the subdivision. These lines will be looped wherever possible to equalize water pressure within the subdivision. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 15-inch sewer main in located at the intersection of Mission Oaks Drive and Morocco Drive. The sanitary sewer lines within the subdivision will be 8-inch lines. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, these easement are shown on the face of the plat.

b. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. The stormwater will be directed to detention ponds. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

The SIA, under the heading V. Storm Drainage, states there is an existing HOA with the subdivision and this filing will be included in the same HOA to maintain the storm water system.

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** – Access to the lots in the 16th Filing will be via Matador Avenue, Mission Oaks Drive and Morocco Drive. Mission Oaks Drive runs east and west between Matador Avenue and Morocco Drive. The internal subdivision street, Mission Oaks, will be constructed as a half street built to a 30-foot pavement width, with curb, gutter on the north side of the street within a 60-foot wide right-of-way. Sidewalks will be installed at the time of individual lot development. The developer will install accessible ramps at the intersections, which will be completed with the subdivision street improvements.

Based on the Traffic Impact Study (TIS) the 16th Filing will affect the following intersections. Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. It was determined that the developer shall contribute 0.31%, 0.34%, and 0.27%, respectively, toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be made prior to final plat approval.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state; 'Continued development and annexation without commensurate resources has adversely affected our ability to deliver services'.

f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School). Comments received from School District #2 state they additional capacity in all schools at this time.

g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.255 acres. This parkland dedication is being satisfied with the 14th Filings where the subdivider is proposing to dedicate 5.310 acres.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and west sides. A geotechnical study was performed for the subdivision a summary of the information from that study will be included in the SIA under the heading VIII. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

Comments received from the police state that continued growth of the city would require additional resources to be able to maintain expected levels of service.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.1.]

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

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for medium density residential development on its Future land Use Map, as this area was not yet annexed or developed when the Plan was adopted. The subdivision meets the following goals of the Heights Neighborhood Plan:

a) **To prohibit dead-end water and sewer service lines. To promote resident health, safety and welfare (Infrastructure, Goal Page 21).** This proposed subdivision is looping water and sewer service lines wherever possible with only minor dead ends in future road connections.

b) **Provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods (Land Use Goal, Page 19).** This subdivision provides medium density residential single-family development in a neighborhood with existing single-family development.

3. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. There will be no trails built with this subdivision.

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

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations.

The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

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

The subject property is located, at this time, within the R-70-R zoning district. All building development on the lots shall comply with current zoning when applying for a building permit.

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

The subdivider has provided private utility easements as required by private utility providers on the face of the plat.

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

Legal and physical access is provided to the proposed lots from the extension of Mission Oaks Drive, all local streets to be dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 16th Filing 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 Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 16th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 23, 2020

_____

William A. Cole, Mayor

PRELIMINARY PLAT OF

HIGH SIERRA SUBDIVISION 16th FILING

BEING LOT 17, BLOCK 31 OF HIGH SIERRA SUBDIVISION 14th FILING
SITUATED IN THE NE1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

DECEMBER 2019

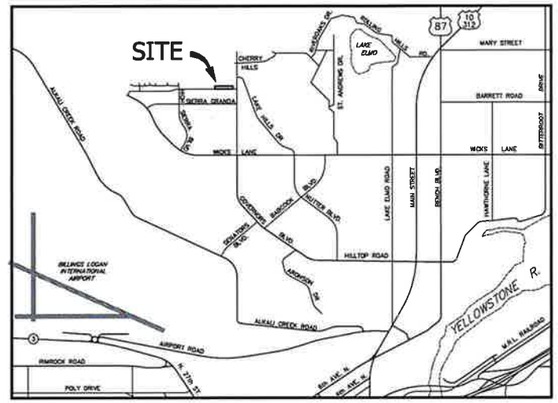
PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

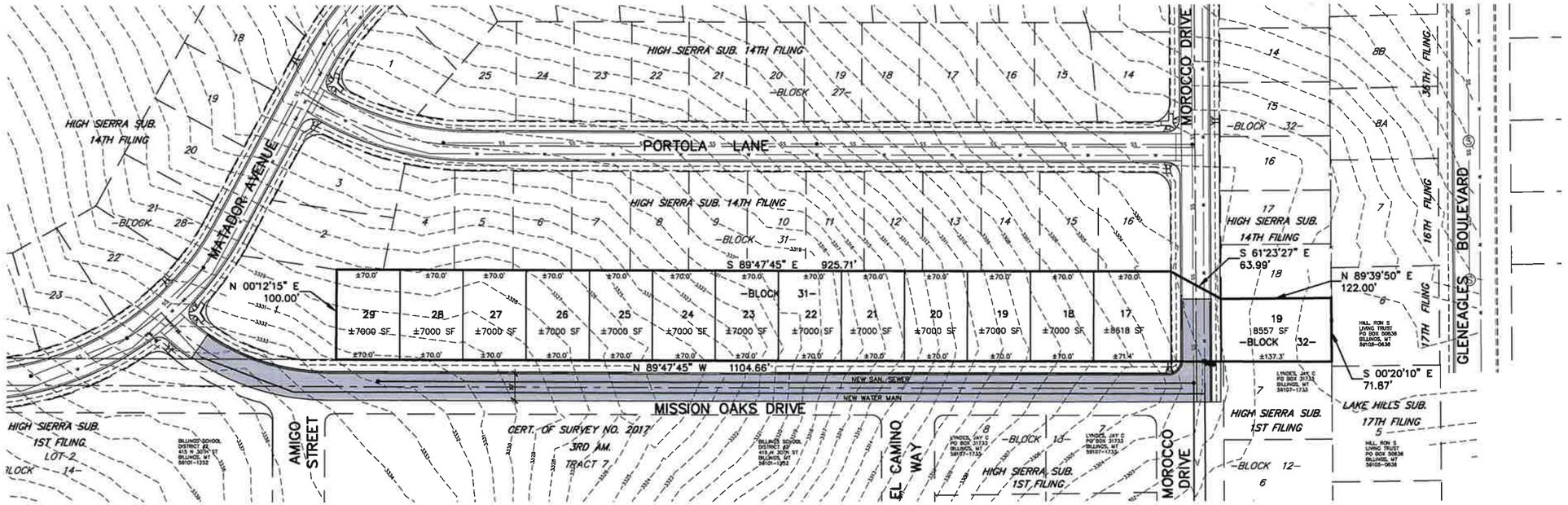
NORTH

60 30 0 60 120

SCALE:1" = 60'



VICINITY MAP
NOT TO SCALE



NOTE:

IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.

PLAT DATA

GROSS AREA	= 105,633 Sq Ft
NET AREA	= 100,857 Sq Ft
NUMBER OF LOTS	= 14
MINIMUM LOT SIZE	= 7,000 Sq Ft
MAXIMUM LOT SIZE	= 8,618 Sq Ft
LINEAL FEET OF STREETS	= ±100 LF
PARKLAND REQUIREMENT	= 11,094 Sq Ft
PARKLAND DEDICATION	= PREVIOUSLY MET W/ 14TH FILING
EXISTING ZONING	= R7000 RESTRICTED
SURROUNDING ZONING:	
NORTH	= R7000 RESTRICTED
SOUTH	= R9600, PUBLIC
EAST	= R9600
WEST	= R7000 RESTRICTED
EXISTING LAND USE	= UNDEVELOPED
PROPOSED LAND USE	= SINGLE FAMILY RESIDENTIAL/R7000R

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

P Z-19-00257

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, SIXTEENTH FILING

Table of Contents

I.	Variances		SIA-2
II.	Property Conditions and Information for Lot Purchasers		SIA-2
III.	Transportation		SIA-5
	A.	Streets	SIA-5
	B.	Sidewalks	SIA-6
	C.	Street Lighting	SIA-6
	D.	Traffic Control Devices	SIA-6
	E.	Access	SIA-7
	F.	Billings Area Bikeway and Trail Master Plan	SIA-7
	G.	Public Transit	SIA-7
IV.	Emergency Services		SIA-7
V.	Storm Drainage		SIA-8
VI.	Utilities		SIA-8
	A.	Water	SIA-9
	B.	Sanitary Sewer	SIA-9
	C.	Power, Telephone, Gas, and Cable Television	SIA-9
VII.	Parks/Open Space		SIA-9
VIII.	Irrigation		SIA-9
IX.	Soils/Geotechnical Study		SIA-10
X.	Financial Guarantees		SIA-11
XI.	Legal Provisions Applying to Subdivder		SIA-11

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS HIGH SIERRA SUBDIVISION, SIXTEENTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____, 20___, by and between **HIGH SIERRA II, Inc.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900, Billings, MT 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on _____ day of _____, 20___, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 16th Filing; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20___, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 16th Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 16th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the Geotechnical Investigation Report High Sierra Subdivision 129 Lots in 14th, 15th and 16th Filings Billings, Montana by Rawhide Engineering Inc. dated January 22, 2020. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Variations in soils may exist between the explored locations. The nature and extent of soil variations may not be evident until construction occurs.

3. These filings have sandstone caprock scattered throughout much of the site and it will have to be removed during construction of the interior streets and to excavate foundations.

4. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the

excavation. The boring logs should be reviewed for conditions across the site.

5. Fill should be placed and compacted to a minimum of 97 % relative compaction, in accordance with the ASTM D698 compaction test method. Fills greater than 4-feet should be compacted to 98% of ASTM D698.

6. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97% of ASTM D698.

7. This site varies widely across the total acreage. Some of the foundation will be located on weathered shale bedrock. Portions of the site will have foundations in the medium stiff to soft sandy lean clay soils. Two alternative foundation recommendations are provided within the geotechnical report.

8. Final elevations at the site should be planned so that drainage is directed away from all foundation and concrete slabs. In accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible. Plants and landscaping should not be allowed within 3 feet of foundations. Landscaping features such as curbing should not be allowed to create ponding adjacent to the foundations.

The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. Failure to follow all recommendations in the geotechnical report including grading, foundation design and especially drainage and landscaping will render the geotechnical report null and void. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is

expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 16th Filing, and future filings of High Sierra Subdivision.

G. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

H. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.

1. The lowest finish floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb, measured from the highest location along the lot frontage. Home builder and lot owner may find it necessary to raise the finish floor elevation of house or garage above this minimum during on-site building design and/or during on-lot grading.

2. The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide

positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window wells) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

III. TRANSPORTATION

A. Streets

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

   Mission Oaks Drive from Matador Avenue to Morocco Drive will be constructed within an existing 60-foot right-of-way. The Subdivider shall construct the north curb and gutter and 30-feet of asphalt paving if the south side of the street has not yet been constructed at the time of recording the final plat of High Sierra Subdivision, 16th Filing. Subdivider may choose to utilize an SID to cost share the improvements with adjacent landowners at the time of construction. Morocco Drive adjacent to Lot 19, Block 32 of High Sierra Subdivision 16th filing will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter

will be installed per the City of Billings Standards in place at time of construction.

B. Sidewalks

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk on the north side of Mission Oaks Drive with a minimum 5-foot-wide boulevard.

2. Subdivider will install accessible ramps at the intersections of Mission Oaks Drive/Morocco Drive and Mission Oaks Drive/El Camino Way which shall be completed with the subdivision improvements.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time, but street lights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for street lights may be formed for future maintenance of any street lights installed in the future.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS), the 16th Filing development's portion of critical volumes for impacted intersections are as follows (based on a $250,000.00 intersection improvement cost:

	Wicks Lane/Gleneagles Blvd	Wicks Lane/Fantan St.	Wicks Lane/St. Andrews Drive
16th Filing	0.31% ($775.00)	0.34% ($850.00)	0.27% ($675.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections.

E. Access

Morocco Drive (via Entrada Road) and Matador Avenue provide access to the subdivision. The interior street (Mission Oaks Drive) will be located within an existing 60-foot right-of-way and will have a minimum width of 30-feet of asphalt pavement and curb and gutter only on the north side.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 16th Filing, and as such, no trail improvements are required as part of this subdivision.

G. Public Transit

The subdivision does not require improvements to ensure public transit service.

IV. EMERGENCY SERVICE

The City will provide emergency service. Fire hydrants shall be provided at each street intersection and at intermediate locations where distances exceed 500-feet. Appropriate turn-arounds will be located on any dead-end street in excess of 150-feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600-feet of the furthest portion of a residence under construction or within 400-feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.

- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

Storm drainage for Mission Oaks Drive (fronting the 14 lots within High Sierra Subdivision, 16th Filing) shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a new detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility has been sized to accept runoff generated from the High Sierra Subdivision, 16th Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater retention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Developer/Owner acknowledges that the Subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of

Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making two connections to public water mains, one at Morocco Drive at the intersection of Morocco Drive/Mission Oaks Drive and one at the intersection of Matador Avenue/Mission Oaks Drive. A new 12-inch water main will be installed in the Mission Oaks Drive which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and are also subject to approval by the City of Billings.

B. Sanitary Sewer

The subdivision will be served by making a connection to an existing 15-inch diameter sewer main located at the intersection of Mission Oaks Drive and Morocco Drive and extending the 8-inch sewer main westward within Mission Oaks Drive.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

The park land required for this subdivision is 0.255 acres. The Subdivider previously dedicated land for a public park that included a dedication to cover this subdivision with the filing of High Sierra Subdivision, 14th Filing. Therefore, no additional parkland is required with High Sierra Subdivision, 16th Filing.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

VIII. IRRIGATION

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the Geotechnical Investigation Report High Sierra Subdivision 129 Lots in 14th, 15th and 16th Filings Billings, Montana by Rawhide Engineering Inc. dated January 22, 2020. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Approximately 6-inches of surface soils should be stripped and removed from the site or stockpiled for use in non-structural areas.

2. Variations in soils may exist between the explored locations. The nature and extent of soil variations may not be evident until construction occurs.

3. These filings have sandstone caprock scattered throughout much of the site and it will have to be removed during construction of the interior streets and to excavate foundations.

4. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.

5. Fill should be placed and compacted to a minimum of 97 % relative compaction, in accordance with the ASTM D698 compaction test method. Fills greater than 4-feet should be compacted to 98% of ASTM D698.

6. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97% of ASTM D698.

7. This site varies widely across the total acreage. Some of the foundation will be located on weathered shale bedrock. Portions of the site will have foundations in the medium stiff to soft sandy lean clay soils. Two alternative foundation recommendations are provided within the geotechnical report.

8. Final elevations at the site should be planned so that drainage is directed away from all foundation and concrete slabs. In accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible. Plants and landscaping

should not be allowed within 3 feet of foundations. Landscaping features such as curbing should not be allowed to create ponding adjacent to the foundations.

The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. Failure to follow all recommendations in the geotechnical report including grading, foundation design and especially drainage and landscaping will render the geotechnical report null and void. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

By:_____

Its:_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ _____ of **HIGH SIERRA II, INC.**, and acknowledged to me that he/she executed the same.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20___.

"CITY" **CITY OF BILLINGS, MONTANA**

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

High Sierra Subdivision, 16th Filing

Signed and dated this _____ day of _____, 20___.

"SUBDIVIDER" **HIGH SIERRA II, INC.**

_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____of **HIGH SIERRA II, INC.,** the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

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

March 23, 2020

High Sierra II, Inc.
175 N 27th St Suite 900
Billings, MT 59101

Dear Applicant:

On March 23, 2020, the Billings City Council conditionally approved the preliminary plat of High Sierra Subdivision, 16th Filing, subject to the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

_____

William A. Cole, Mayor

pc: Sanderson Stewart

EXHIBIT A

HIGH SIERRA SUBDIVISION, 14TH, 15TH AND 16TH FILINGS – CONCEPT

WITHIN

TRACT A1–1 OF AMENDED TRACT A1 CERTIFICATE OF SURVEY 3573

PREPARED FOR : HIGH SIERRA II, INC.

PREPARED BY : SANDERSON STEWART

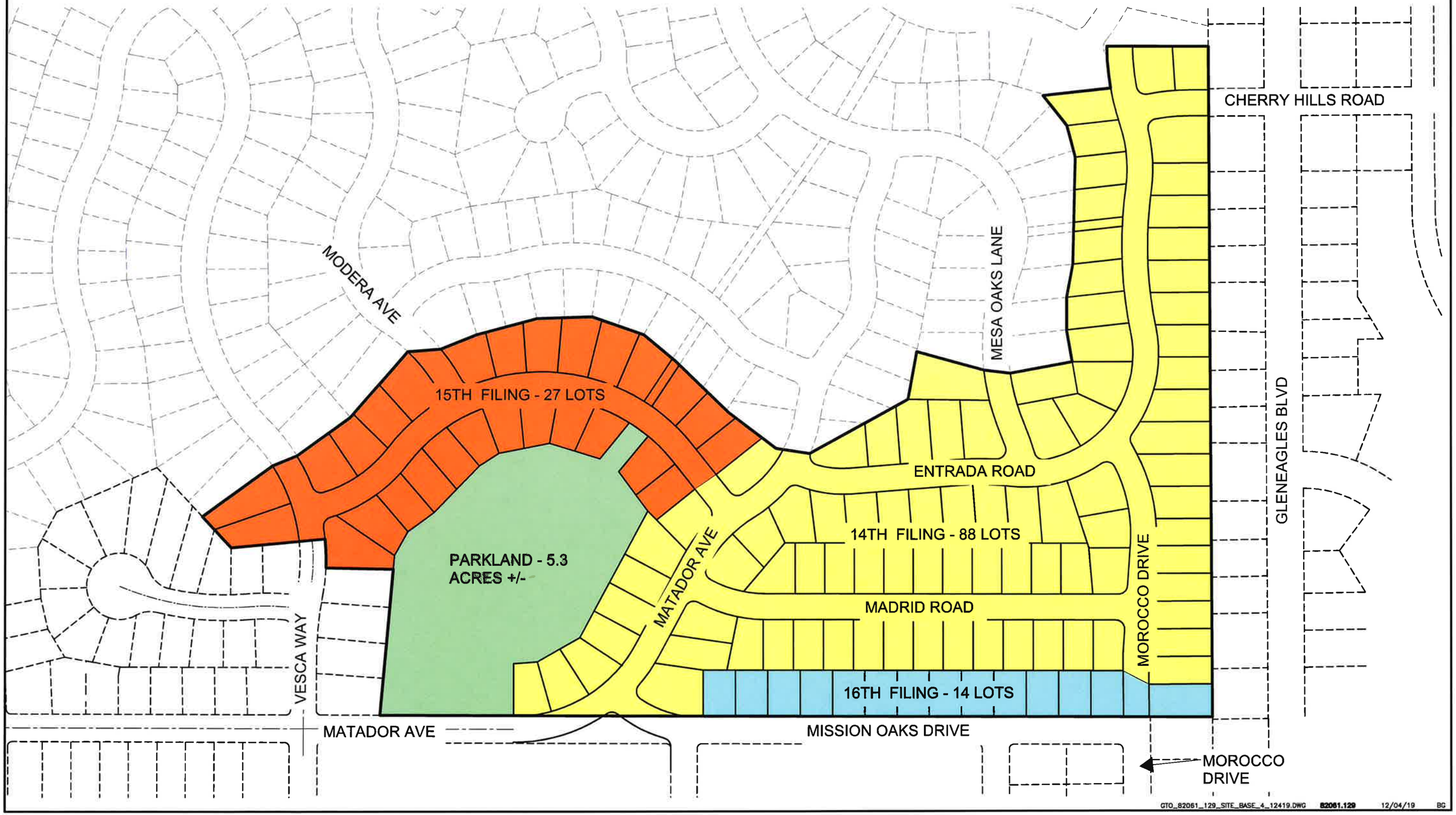
DECEMBER, 2019

BILLINGS, MONTANA

NORTH

100 0 100 200

SCALE:1" = 200'



GTO_82061_129_SITE_BASE_4_12419.DWG 82061.129 12/04/19 BG

Consent **1. P.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Resolution Adopting Coulson Park Master Plan

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

Department: Parks/Rec/Public Lands

Presentation: No

PROBLEM/ISSUE STATEMENT

Coulson Park is a community park located between the Yellowstone River to the east, Interstate 90 on the west, the old PPL Montana Power Plant site on the South and the interstate 90 bridge over the Yellowstone River to the north. This land has long been in the possession of the City of Billings and was recently annexed into the city limits.

In January of 2019 the Parks and Recreation department began the master planning process for Coulson Park with the goal of a robust public input process. A Steering Committee was formed along with Stakeholder Groups to guide and recommend as the project moved forward. A series of meeting and input opportunities were held including 5 meetings with the Steering Committee and Stakeholder Groups, 15 public outreach meetings and events and 2 on line surveys. A project website has been maintained throughout the project and over 500 responses were collected. All of these meetings and comments helped to guide and shape the plan to be reflective of the desires of the citizens of Billings.

The Parks and Recreation Department partnered with Big Sky Economic Development Authority (BSEDA) to receive a $45,000 State grant from the Montana Department of Justice Natural Resource Damage Program (NRDP) awarded to the City. BSEDA also raised an additional $45,000 for a total of $90,000 to fund the master planning effort.

DHM Design of Bozeman was selected as the consultant for this project. Under the direction of PRPL staff, the Coulson Park Master Plan was prepared. The final plan was presented to the Parks, Recreation and Cemetery Board (PRC Board) on February 12, 2020, and they voted to recommend that City Council adopt the Plan.

ALTERNATIVES ANALYZED

City Council may:

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

FINANCIAL IMPACT

There is no direct financial impact for this master plan study to the City.

RECOMMENDATION

Staff and the PRC Board recommend that the City Council approve and adopt the Coulson Park Master Plan as the governing document for future development of the park.

APPROVED BY CITY ADMINISTRATOR

Attachments

Coulson Park Master Plan Resolution
Coulson Park Master Plan Final Report

RESOLUTION 20-_____

A RESOLUTION ADOPTING A MASTER PLAN FOR THE DEVELOPMENT OF COULSON PARK

WHEREAS, the public interest requires the creation and adoption of a master plan for Coulson 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 approved for this Community Park; and

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, MONTANA:

1. *Master Plan.* The master plan for Coulson Park presented for adoption and attached as Exhibit "A" is the official master plan of 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 the end of Charlene Street. 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 and can be incorporated as part of an "amended" park master plan to be presented for adoption at that time.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 23 day of March 2020.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

CITY OF BILLINGS
COULSON PARK FINAL DRAFT MASTER PLAN

PREPARED BY DHM DESIGN | FEBRUARY 4th, 2020



Aerial view of cliffs from Coulson Park

COULSON PARK: FINAL DRAFT MASTER PLAN

JANUARY 2020

Prepared for:
The City of Billings
Department of Parks, Recreation and Public Lands
Michael Whitaker, Director
Mark Jarvis, Park Planner

Prepared by:
DHM DESIGN
27 East Main Street, Suite D
Bozeman, MT, 59715

In Collaboration with:
Stahly Engineering

For further information:
WWW.COULSONPARK.COM



Design team members present to Parks and Recreation Board at August 14, 2019 meeting

COULSON PARK
STEERING COMMITTEE & STAKEHOLDER GROUPS

STEERING COMMITTEE:

Michael Whitaker – City of Billings Parks & Recreation
Mark Jarvis – City of Billings Parks & Recreation
Scott Walker – City of Billings Planning Division
Mike Pigg – City of Billings Parks & Recreation
Penny Ronning – Billings City Council Member
Kory Thompson – City of Billings Parks & Recreation
Jim Ronquillo – Parks & Recreation Board Member
Terri Walters – Montana Fish, Wildlife and Parks
Chuck Platt – Parks & Recreation Board Member
Steve Arveschoug – Big Sky Economic Development
Shelli Mann – Yellowstone County Lodging Association
Kris Carpenter – BillingsNOW
Boris Krizek – City of Billings Environmental Affairs
Patrick Klugman – Big Sky Economic Development

STAKEHOLDER GROUPS:

Scott Family Trust
Downtown Billings Alliance
Billings Clinic
Riverstone Health
Billings Chamber of Commerce
Yellowstone Valley Citizens Council
Billings Trail Net
Billings Parks and Recreation Board
Friends of Billings Dog Parks
Our Montana Inc.
Yellowstone River Parks Association
Buchanan Capital Inc.
Yellowstone Historical Society
Western Heritage Center
Yellowstone County Museum
Yellowstone County Commissioners
ExxonMobil
Phillips 66
Montana Sulphur and Chemical
CHS / Cenex
Montana Dakota Utilities
Northwestern Energy
Native American Development Corporation
American Indian Higher Education Consortium
American Indian Coalition Committee
Big Sky Pepsi
Montana Department of Transportation



Main Street of Historic Coulson Townsite (photo courtesy of Western Heritage Museum, Billings, MT)

TABLE OF CONTENTS

1.0 Introduction

1.1 Introduction to the Master Plan 6

2.0 Summary and Background Information

2.1 Summary of the Master Plan 7

2.2 Master Plan Goals 9

2.3 RELIVE: Yellowstone River History 10

2.4 REVIVE: River Front Land Use 12

2.5 RECONNECT: Billings to the River 14

2.6 RESTORE: Riparian and Riverine Ecology 16

2.7 REENVISION: Gateway to Billings 20

3.0 Design Process

3.1 Community Outreach 22

3.2 Preliminary Design 24

3.3 Draft Masterplan Design 27

4.0 Final Master Plan Design

4.1 Final Master Plan: Five Areas of the Park 29

4.2 South Park 31

4.3 Central Spine 33

4.4 Coulson Center 35

4.5 River North 37

4.6 Far North Corridor 39

5.0 Final Master Plan Support Diagrams

5.1 Masterplan Overlay Analysis 40

5.2 Circulation 41

5.3 Ecology 42

6.0 Site Phasing

6.1 Site Phasing 43

7.0 Appendices

7.1 Opinion of Probable Cost 45

8.0 Credits 53

1.1 COULSON PARK MASTER PLAN

INTRODUCTION

In the summer of 2011 an ExxonMobil oil pipeline ruptured near Laurel, MT, approximately 10 miles west of Billings, resulting in 85 miles of adversely affected natural resources along the Yellowstone River and adjoining shorelines and floodplain lands. The current site of Coulson Park was impacted by the spill resulting in the need to repair, replace, and rehabilitate natural resources affected by the oil discharged into the Yellowstone River.

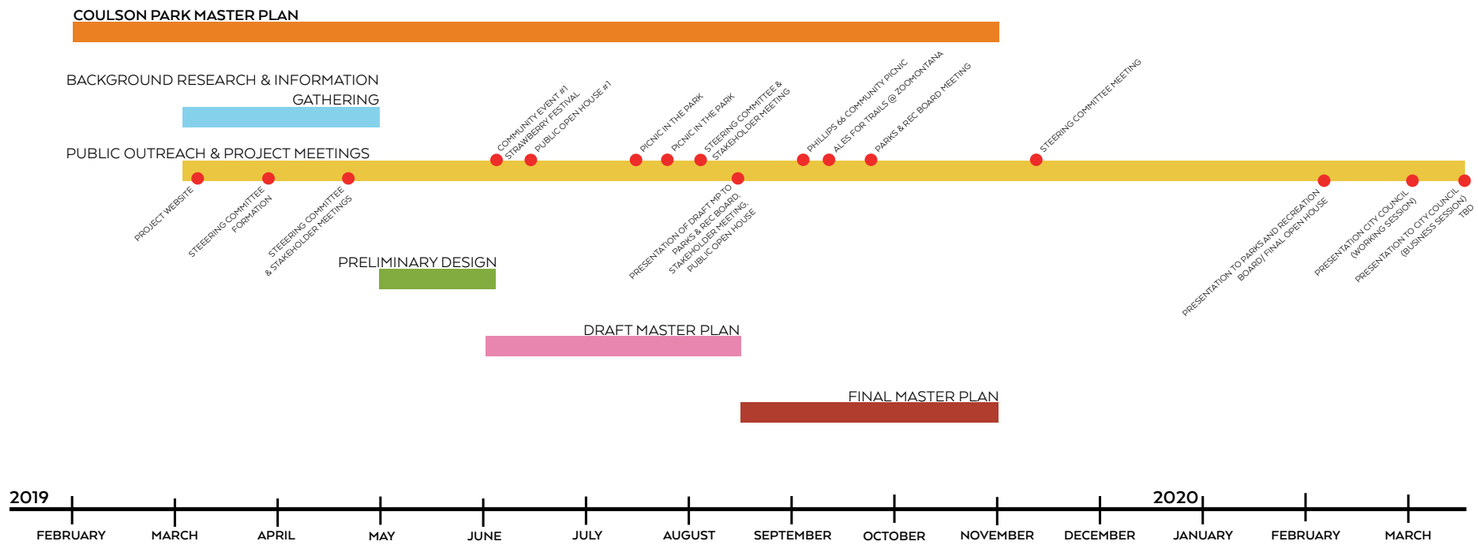
The State of Montana through the Department of Justice Natural Resource Damage Program and the U.S. Department of the Interior worked with ExxonMobil to develop a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment, issued in January 2017, which led to $9.5 million in restoration projects on the Yellowstone River. In 2017 the State of Montana created a Yellowstone River Recreation Project Advisory Committee to prioritize recreation projects in areas along the river impacted by the oil spill. The advisory committee and the State of Montana Natural Resource Damage Program prepared the Final Yellowstone River Recreation Project Priority Plan issued in May of 2018. The result of the Plan was to identify how $2.3 million in settlement funds would be appropriated to recreation human use services losses identified as general recreation activities, water based recreational activities, and loss of access to the river, river access sites, and parks. The objectives of the selected projects were to identify preferred projects to meet the restoration plan goal of providing additional opportunities to offset existing locations lost due to the spill.

In 2017 the City of Billings, working in conjunction with Big Sky Economic Development Authority, submitted a project abstract application to the Yellowstone River Recreation Project Advisory Committee and were awarded funds for the development of a master plan for Coulson Park. The City of Billings Parks and Recreation Department lead an RFP process for the master planning and community outreach efforts for Coulson Park, from which DHM Design and Stahly Engineering were selected.

The following pages document the culmination of the master planning and public outreach efforts for Coulson Park over the course of 2019 and 2020. The Final Master Plan is the first milestone in the process of re-imagining and projecting a new future for Coulson Park. The following report describes a vision and framework for review, discussion, and decision making. The objectives of the Final Master Plan are to:

- Outline the goals and vision for Coulson Park;
- Provide insight into the community outreach process and how that lead the park design;
- Showcase the Final Master Plan park design and discuss phasing opportunities

PROJECT TIMELINE





Picnic in the Park community meeting August 1st, 2019

2.1 SUMMARY OF THE MASTER PLAN

The final park master plan is a visible statement of current site conditions, future park improvements and supporting information needed to make a successful, realistic transition.

Every master planning process is unique, owing to the fact that each region, city, and park has a different story to tell. This master plan is a flexible framework for breathing life into the Coulson Park site, one rich in historical, cultural and ecological significance. Master plans are most successful when they represent a vision that brings together the concerns of invested interest groups. Together, their participation creates a ground swell of community and political support.

The completion of this master plan was possible through a robust engagement process, where multiple groups of diverse backgrounds, ages and interests came together and let it be known that they care about the future of Coulson Park. Good master plans involve the community and other stakeholders from the outset, giving the plan a legitimate base and a better chance to come to fruition. While circumstances vary from place to place, the decision to develop a master plan is often determined by the need to understand the current conditions of the park, to generate and build community interest and participation, to create a new and common vision for the parks future, and to develop a clear set of recommendations and implementation strategies.

The design committed its efforts to drawing out Billing's dream for Coulson Park, envisioning a healthy, vibrant riverfront experience for generations of community members and visitors to enjoy. From the start of the process of completing this master plan, the design team set goals for themselves, for the master plan and for everyone who was involved in the master planning process to gather behind. These goals: to re-live history; revive riverfront land use; re-connect Billings to the river; re-store riverine ecology and re-envision the gateway to Billings, comprise the ultimate vision of the master plan - a guiding document intended to help the Billings Parks and Recreation Department re-imagine the future of Coulson Park.



Coulson Park present day



Coulson Park future day

Midland Empire Society

Local Feature Stories

The Billings Gazette

SECOND SECTION

VOL. LI.—NO. 31. BILLINGS, MONTANA, SUNDAY, DECEMBER 4, 1938

MAPS YIELD FACTS ABOUT EARLY-DAY

Land Office Has Record Of First Survey Made in This Area 60 Years Ago

Chart Prepared by W. W. de Lacy in 1878 Shows Few Homes That Had Been Established North and West of Yellowstone.

By WAYNE FARLEY.

ONE of the first homesteads granted by the federal government, through the United States general land office, in the area now included as a part of Billings was to Perry W. McAdow in 1879, three years before Billings was founded.

McAdow filed March 8 on all of that portion of section 2, of 1S-26E, which lies west of the Yellowstone river, containing 457.86 acres, and which now is included as a part of the McAdow addition to the city of Billings.

Earlier that year Thomas McGirr had rites on a homestead near the present location of Huntley, which subsequently became known as the Charles O'Donnell place, and later in the same year several other early-day settlers in the region filed on various acreages.

These filings were the first possible because previous to the fall of 1878 the entire area was merely a portion of the vast, unsurveyed regions of the west.

It was not until the late summer and early fall of 1878 that the first surveys were undertaken and completed in the immediate vicinity of where Billings now stands.

The maps drawn by those first early-day surveyors, somewhat the worse for wear during frequent handling in the last 60 years, and records of homestead filings are to be found in the district land office in the federal building in Billings.

These maps and records reveal an interesting story of the settlement of the region to those familiar with them, but are somewhat forbidding to the ordinary layman.

They reveal how, as more and more people moved into eastern and south central Montana, settlements were extended to take in more and more territory, farm and grazing lands were taken up in the then isolated areas, and the white man extended his domination in an ever-widening circle to take in, finally, most of the area formerly occupied by the Indians.

Makes First Survey.

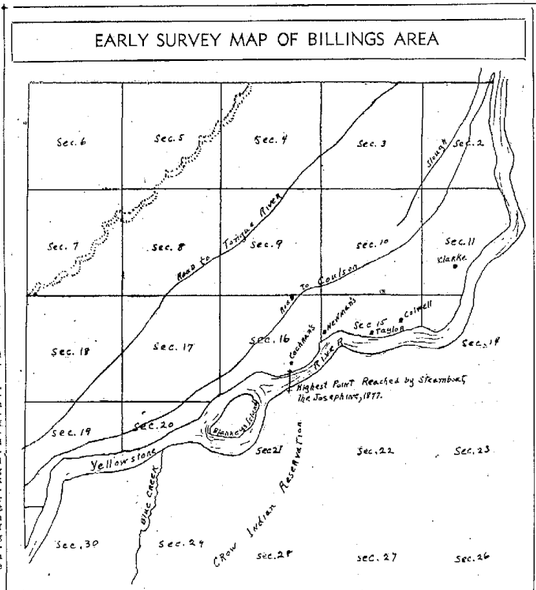
The first survey of the area was made by W. W. de Lacy, under government contract, and included portions of townships 1S-26E and 1N-26E, both of which now are partly occupied by Billings.

At that time, all of the area south of the Yellowstone river was included in the Crow Indian reservation, so de Lacy's survey of 1S-26E included only that portion of the township lying north and west of the river, a total of 8,589.60 acres and Blankley's island in the Yellowstone river, which was located at a point near the present south bridge.

Although Billings was not to be founded until three years later, in 1882, Coulson was a flourishing little settlement at the time of this first survey, and the map shows the old wagon road leading to that community. Another road, running north and almost parallel to the Coulson road, is shown leading to Tongue river.

There were few settlers in the region in 1878, and the homes of those who had settled in the township surveyed were located by small black squares (see accompanying tracing of survey map.)

De Lacy completed the survey in the fall of 1878 and sent it in to the general land office in Washington, D. C., for approval, necessary before homesteads could be filed. Although the map officially was not filed with



The first survey of the area where Billings now is located was made in 1878 by W. W. de Lacy, under government contract. The survey was of 8,589.60 acres of township 1S-26E, lying north and west of the Yellowstone river, upon which a large portion of the city of Billings now is located. The above tracing of that survey shows the locations of the houses of the few settlers then in the area. The top line of the map, the base line, passes through the point where the courthouse now is located. That portion of the township lying south and east of the river, then a part of the Crow reservation, was surveyed first in 1904 by Henry B. Davis.

BATHHOUSE BEING CONSTRUCTED AT SOUTH PARK POOL TO PROVIDE MODERN FACILITIES FOR SWIMMERS

By PAUL J. MALONE.

Billings swimmers are to get a new bathhouse at South park pool to replace the structure which has served as a change house since the pool was constructed 24 years ago.

Work on the new building has already started and it is expected to be completed in time for the opening of the 1939 swimming season. Fifteen thousand dollars will be expended for the new bathhouse and for swimming pool equipment.

This is the first major change that has been made at the pool since it was opened in 1914. In addition to the erection of the bathhouse, a circulating system is to be installed at the pool so that fresh water will fill the pool at all times. Kenneth Chrysler of the city engineer's office, supervisor of the pool work, said.

Two Change Rooms.

The new building is to be 28 feet wide and 168 feet long and will run along the south side of the pool. It will include an office and two change rooms, each being capable of accommodating 300 persons. The facilities for men and boys will be in one large room while the change room for women and girls will have separate dressing booths.

A feature of the new bathhouse is to be the continuous shower and foot bath through which all swimmers must pass before they can enter the pool. Swimmers will enter the house from the south side, receive a basket at the attendant's desk, enter the locker room, change clothes, return the basket containing their clothes to the attendant and then walk through the shower and foot bath en route to the pool. There will be separate entrances and exits for men and women.

Finished in Stucco.

The outside of the house is to be finished in stucco. The building will include rest rooms for both men and women in the east end of the structure. These will be for the use of park patrons during the summer, Chrysler said.

The works progress administration is supplying all labor for the project and a portion of the materials. The $15,000 is to be used entirely for equipment and materials.

Circling the pool and bathhouse will be an open wire fence, much the same as the one now around Athletic park on North Twenty-seventh street. There will be no bleachers installed immediately, but park officials and the city engineer's office are contemplating the erection later of some seats bordering the pool.

Pool Accommodates 500.

The 62-foot-by-170-foot pool, which is capable of accommodating 500 swimmers at one time and during the summer months handles between 500 and 1,500 swimmers a day, is not to be changed other than having the circulating system installed. The pool is nine feet deep at the east end and three feet deep at the west end. Some new diving equipment may be purchased.

Since the pool was constructed, it

(Continued on Page 6, Column 8.)

Friends Plan Rites in Honor Of Petzoldt

Testimonial rites and a dinner t recognition of their distinguish missionary service on the Crow In dian reservation will be given in hon or of Dr. and Mrs. William A. Pe zoldt of Lodge Grass on Sunday, D cember 11.

Dr. and Mrs. Petzoldt complete their thirty-fifth year of missionar work among the Indians of the re ervation last Thursday, December and during that period have rendere a valuable service to the Baptist de nomination, of which they are mem bers, and to the Indians.

The testimonial service will tak place in the Chivers memorial chap at Lodge Grass, starting at 10:30 m., with the Rev. Chester A. Bentle missionary pastor, at Crow Agenc presiding as master of ceremonies the service and at the feast whic will follow.

Studies Indian Life.

During his career with the Indian Dr. Petzoldt has made an exhausti study of Indian life and customs an has become widely known as a le turer on such subjects. He also ha gained prominence as a contributo to religious and other publication and is listed in "Who's Who in Ame ica."

Both Dr. and Mrs. Petzoldt ha spoken at national and state Bapti conventions, and in churches in eve state of the Northern Baptist conve tion. They have made Lodge Grass familiar name to Baptists.

Possessing outstanding speakin ability, they have come to be in de mand outside of denominational ci cles, and frequently speak to college and high schools, commercial organ izations, women's clubs and to pr fessional and service clubs.

Born in New York.

Born at Lowville, N. Y., on Aug. 1872, the son of Mr. and Mrs. Wi liam Frederick Petzoldt, the pastor graduated from the Marion (N. Y Collegiate institute in 1893, from th University of Rochester in 1897, an received the honorary degree of doct of divinity from Linfield college, Mc Minnville, Ore., in 1928.

He was married to Anna F. Kric of Carroll, Iowa, on April 26, 189 and was ordained to the Baptist min istry the same year.

After being ordained, he and Mr Petzoldt moved to Sheridan, Wyo where they served from 1899 to 190 then moving to Lodge Grass aft the Indians had held a council an asked for "this teacher of the Jesu Road."

When they first arrived on the re ervation, there were no Protestan Christians there. Since that time, 3 years ago, they have held more tha 700 baptisms, organized six India churches, and have seen white Bap tist churches established at Hardi Wyola and Lodge Grass as by-pr ducts of the Indian missions.

Adopted by Crow Tribe.

Dr. Petzoldt is the only mission ary ever appointed by the Hom Mission society as a pioneer mission ary to a tribe of Indians and continu ing with that tribe throughout h missionary career. Through the wor that he and his wife have don they have endeared themselves to th Crows and have been adopted in the tribe.

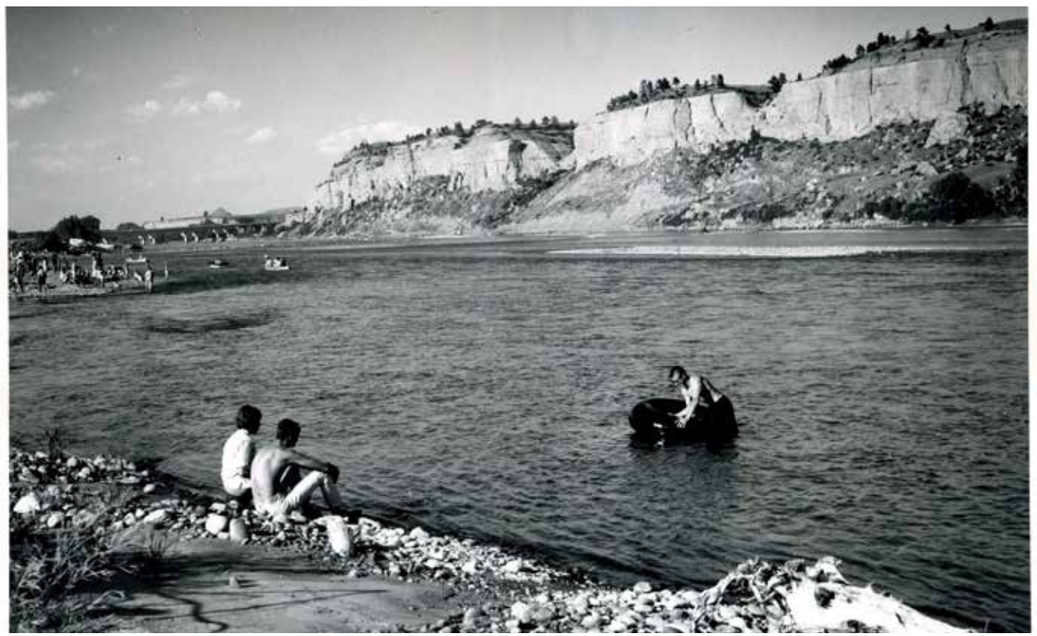
At the testimonial service are e pected representatives of the tw Baptist home societies, the federal gov ernment, the Indian office at Wash ington, D. C., the state of Montan Big Horn county, the Montana Bap tist state convention, the Burlington railroad, church, business and ser vice groups of Billings, Sheridan Wyo., Hardin, Crow Agency, St. Xa vier, Wyola and Lodge Grass, and In dians from the near-by Cheyenne re ervation.

Special music will be furnished b people from Sheridan, the Lodg

Billings Gazette 1938 (photo courtesy Western Heritage Center, Billings, MT)



Yellowstone River - December 1951 (photo courtesy Western Heritage Center, Billings, MT)



Yellowstone River - Summer 1966 (photo courtesy Western Heritage Center, Billings, MT)

2.2 MASTER PLAN GOALS

The transformation of Coulson Park represents an opportunity for Billings to re-imagine the park's future and in turn reflect the values and principles held by the community moving forward.

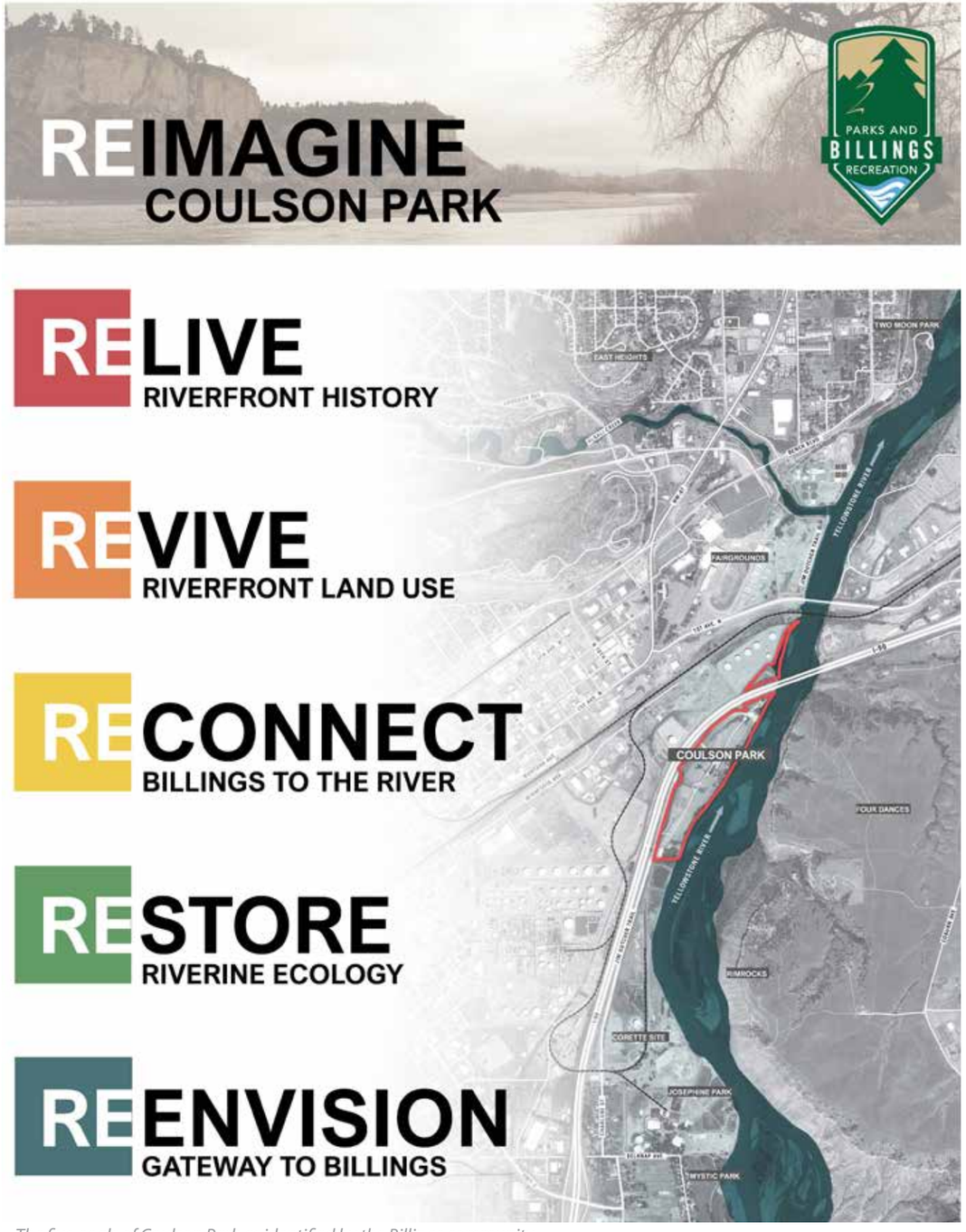
1. HISTORY
Coulson Park occupies a portion of the original town site of Coulson, which existed approximately from 1877- 1882. The park presents an opportunity to tell not just the town's story, but the history of all peoples who called the Clark's Fork Bottom and Yellowstone Valley home. There is significant interest in providing a variety of cultural and educational opportunities in the park on the banks of the infamous Yellowstone River.

2. LAND USE
The land on which the park resides has been subjected to a range of damaging activities and uses since the early 1900's. The annexation of the site into the city parks system allows for an opportunity to demonstrate the value of park space and become a recreational asset to the community at-large. A range of park amenities is presented within the master plan, ranging from passive park experiences to activity based opportunities, the majority of which respond to the river.

3. CONNECTIONS
The location of Coulson Park presents an opportunity to provide a feasible connection between downtown Billings and the Yellowstone River. Efforts are underway to strengthen bicycle and pedestrian connections to the park, leveraging the presence of the heritage trail currently passing through the site. The development of the park also presents an opportunity to consider additional access points to the river and across the river, linking up with the Four Dances Recreation Area.

4. ECOLOGY
Coulson Park provides an opportunity to improve, enhance, and expand the ecological and natural resources found along the Yellowstone River and associated floodplain. Proposed park improvements are opportunities for habitat and riparian connections and restoration efforts. The park will showcase native trees and plants, lending a high degree of natural character and aesthetic to the final park design.

5. GATEWAY
The park location is one which many people, Billings residents and travelers alike, pass by on a daily basis, with unobstructed views of the park, river, and cliffs beyond. Due to the high visibility of the site it presents the opportunity to act as a gateway into Billings and showcase the values held by the community.



The five goals of Coulson Park as identified by the Billings community

2.3 RELIVE YELLOWSTONE RIVER HISTORY

Coulson Park presents an opportunity to showcase the rich history of the site and various peoples throughout time that have called the Yellowstone Valley and Clark's Fork Bottom home.

The Coulson Park site occupies land once a part of the original town site of Coulson. In the late nineteenth century with the railroad progressing westward and economic activity expanding, merchants and traders from the Bozeman area had their sights set on settling the Clark's Fork Bottom area. With an already established river navigation system in place the Yellowstone Valley was viewed as a critical hub for hauling freight north to the Judith and Musselshell Basins, some of the most productive areas within the Montana Territory at the time. The town of Coulson was strategically located to potentially take advantage of both forms of transit and trade.

The area had long been at the crossroads of trade, dating to the centuries of barter, subsistence transactions between the region's prehistoric inhabitants. Bands of Mountain and River Crows once traversed the lands, traveling hundreds of miles to established trading centers, where they would exchange goods and materials from far away lands. Soon after these trading patterns expanded to include American and Canadian trappers during the fur trade era. This era of economic dependence and exchange of cultures lasted until more permanent settlements were established in the area, including the park namesake - the town of Coulson.

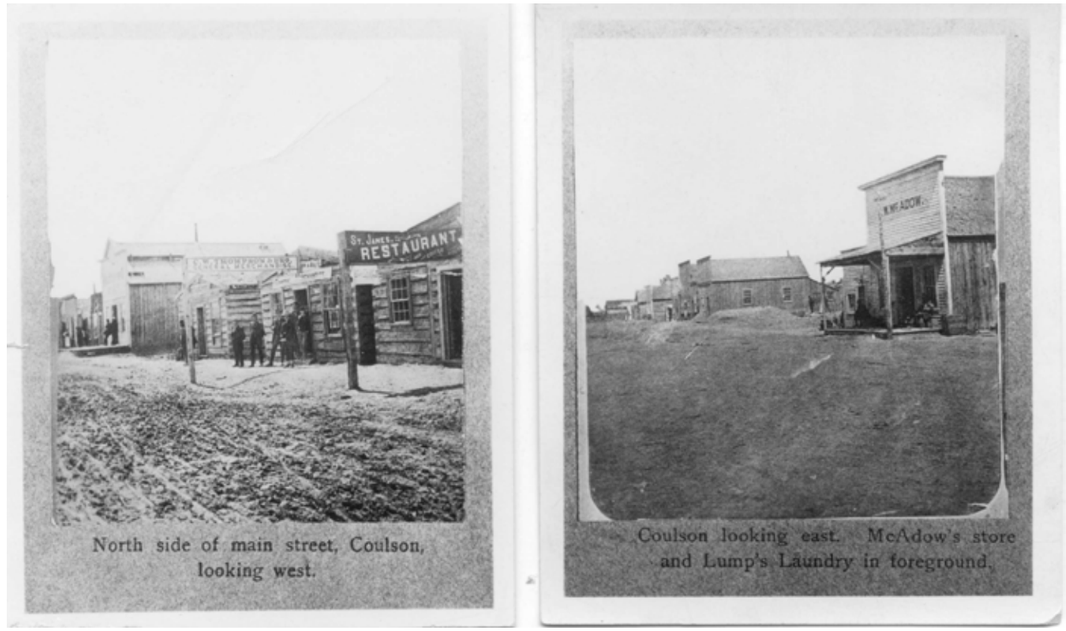
During the last third of the nineteenth century more permanent settlements started to shape the Yellowstone Valley. In 1870's various settlers were determined to establish a solidified transportation base along the banks of the Yellowstone River. Additionally the beginning of the valley's agriculture cultivation and associated activities were beginning to take root. It was the combination of market access, good quality land, and traffic flow that lead to the establishment of settlements at Canyon Creek, Young's Point, and Coulson. The majority of these communities early settlers came from Bozeman and the Gallatin Valley. These early entrepreneurs utilized existing homesteading laws and the presence of the region's military posts to leverage business ventures and opportunities in the valley.

P.W. "Bud" McAdow of Bozeman, had made money mining for gold, and used those funds to establish a wholesale business in the Gallatin Valley. His early interest in the Yellowstone focused on producing means for transporting goods and provisions to the Crow agency, recognizing that transportation was key to the settlement and development of the valley. After a series of attempts to establish a settlement along the banks of the Yellowstone, in 1877 McAdow went all in and named the location "Coulson" in honor of S.B. Coulson and the Coulson Line steamboat company. Over the next five years Coulson expanded, with historic records reporting that at it's height it had a post office, three general stores, brewery, hotel, five saloons, a saw mill, and up to 30 other buildings by 1882.

Unfortunately for the town of Coulson and its residents, when the railroad did arrive in 1882, an opportunity to claim two side by side sections two miles west lead to the establishment of Billings. For a short time the two towns existed in tandem, connected by a trolley, but over time the economic opportunities of Billings prevailed and in the end Coulson faded away.



Town of Coulson April 1882 (photo courtesy Western Heritage Center, Billings, MT)



Main Street in town of Coulson 1882 (photo courtesy Western Heritage Center, Billings, MT)

COULSON PARK RELIVE
RIVERFRONT HISTORY

GOALS
- SHOW HISTORIC TOWN SITE WITHIN PARK
- LEVERAGE INFORMATION FROM ALL GROUPS THAT CALLED CLARK'S FORK BOTTOM HOME
- FEATURE INTERPRETIVE SIGNAGE, TIMELINE, STORYBOARDS TO FACILITATE EDUCATION



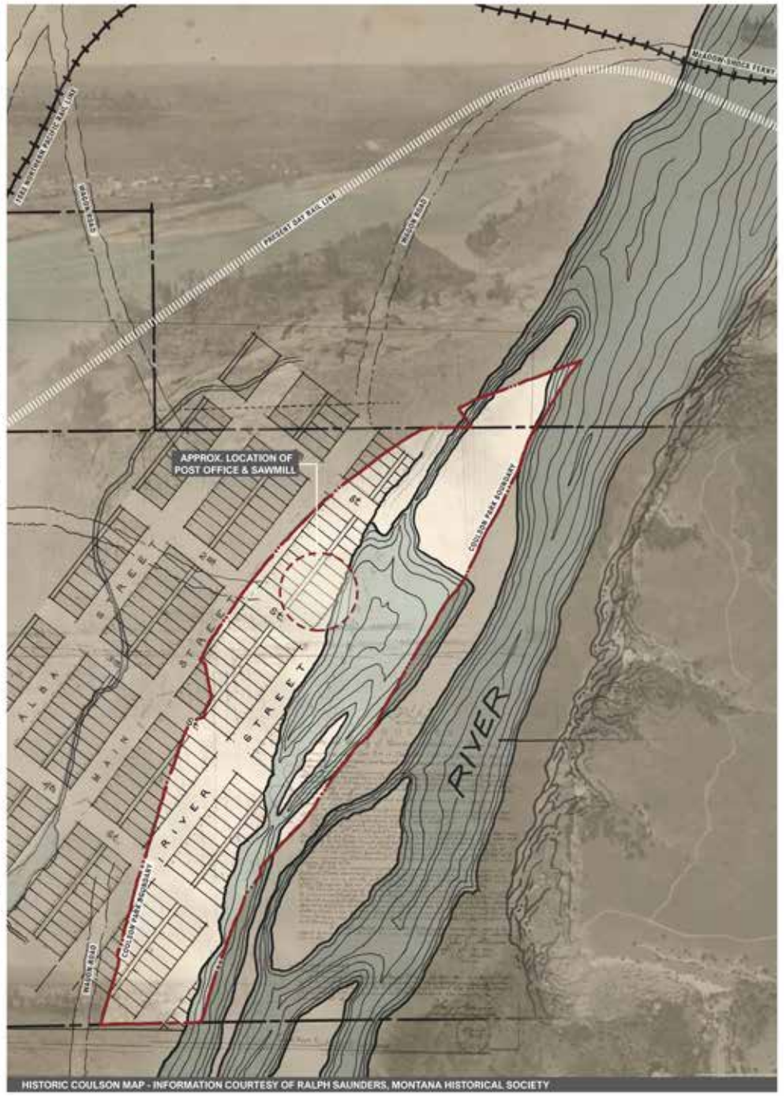
CRAM'S 1880 MAP


PLAT MAP OF COULSON

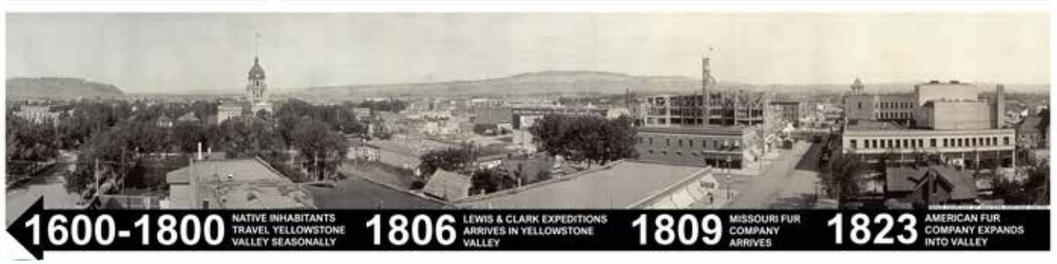


1882 CUSTER COUNTY EARLY BILLINGS PLAT


OLD ROAD TO COULSON DeLACY MAP



HISTORIC COULSON MAP - INFORMATION COURTESY OF RALPH SAUNDERS, MONTANA HISTORICAL SOCIETY



COULSON PARK RELIVE
RIVERFRONT HISTORY

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CROW RESERVATION IN MONTANA


CROW TRIBE CARRYING TIPI




STEAMER JOSEPHINE 1874


WAGON ROADS LEAD TO AND FROM COULSON

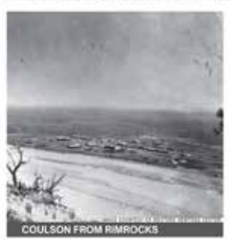

VIEW OF COULSON SETTLEMENT FROM THE NORTH


1882 COULSON STREETSCAPE


1882 COULSON MAINSTREET


1880'S COULSON MAINSTREET


FREIGHTERS OUTFIT COULSON LATE MAY 1882


COULSON FROM RIMROCKS


COULSON FROM RIMROCKS


MRS. BAUMGARTNER STANDING ON TOP OF RIMROCKS 1910




PICNIC IN COULSON


RAILROAD BRIDGE


BRIDGE CROSSING NORTH OF COULSON



Presentation boards highlighting early history of site and town of Coulson

2.4 REVIVE RIVER FRONT LAND USE

The land on which Coulson Park resides has long suffered due to industrial, mining, and other harmful utilizations of the land. Understanding these past and present day activities is critical when considering the future of Coulson Park.

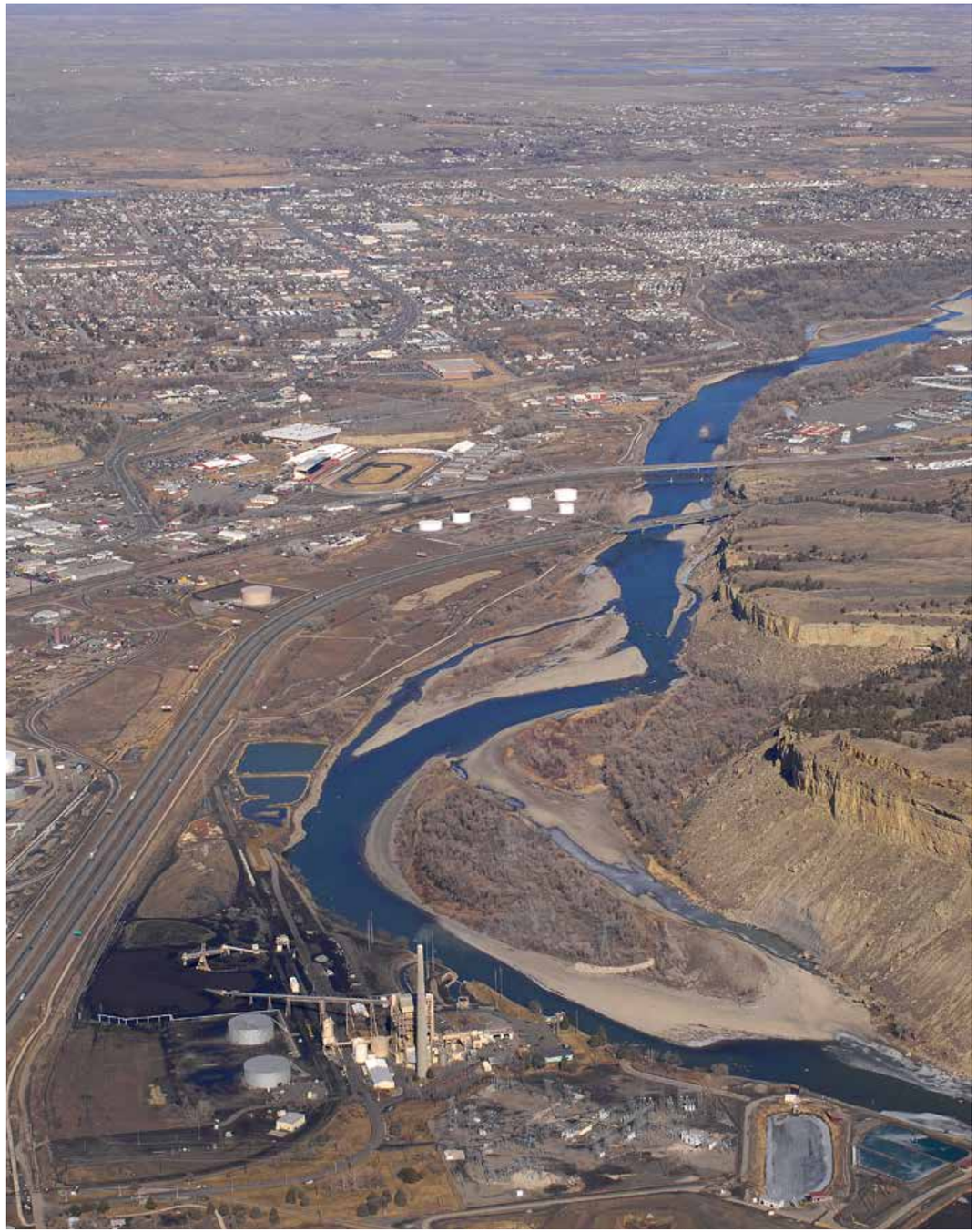
In the early twentieth century, with Billings firmly established as the regional economic and transportation center within the Yellowstone Valley, the town of Coulson and the land it occupied along the river, shifted into a pattern of industrial uses and neglect. Historical records indicate that the Yegen Brothers Power Plant was constructed on site over the course of the years spanning 1902 - 1908. The power plant was shown on the city of Billings maps until 1935, but by 1940 aerial photography shows that only the foundation of the plant remained.

In the year 1940 the Coulson site was officially used as the City of Billings landfill (though it had likely operated as a local dump for the decades leading up to this official designation). Over the course of nearly a twenty year period landfill operations took place on site. Car bodies were used as rip rap to embank the river. Garbage was brought into the site over the course of a work day and then burned at the end of the day and pushed into the river. During this time period it has also been documented that the City of Billings operated a sand and mining operation in the area. In 1959 the landfill officially closed and sometime during the 1960's became a city park.

Around the same period of time some of the surrounding industrial landowners constructed pipelines through the Coulson Park site, many of which are still active today. At present Cenex, Montana Dakota Utilities, and Phillips66 operate active pipelines within the Coulson Park boundaries. These pipelines are largely routed along Charlene Street on the westside of the park. Montana Sulphur and Chemical has a decommissioned line on site, which does at times cut through more of a central portion of the park.

The design team has met with the different pipeline company representatives to gain an understanding of some of their ongoing maintenance and operations needs on the active pipelines. Based upon these conversations and historical landfill data presented above the design team makes the following recommendations as applies to the master planning of Coulson Park:

- Map extents of former landfill; minimize excavation operations within landfill zone
- Maintain minimum 48" earth cover on top of pipelines
- Keep all trees minimum 25' distance away from pipelines
- Keep all structures minimum 50' distance away from pipelines
- Notify companies prior to any construction work



2007 aerial of Coulson Park and surrounding area (photo courtesy Western Heritage Museum, Billings, MT)

COULSON PARK REVIVE

RIVERFRONT LAND USE

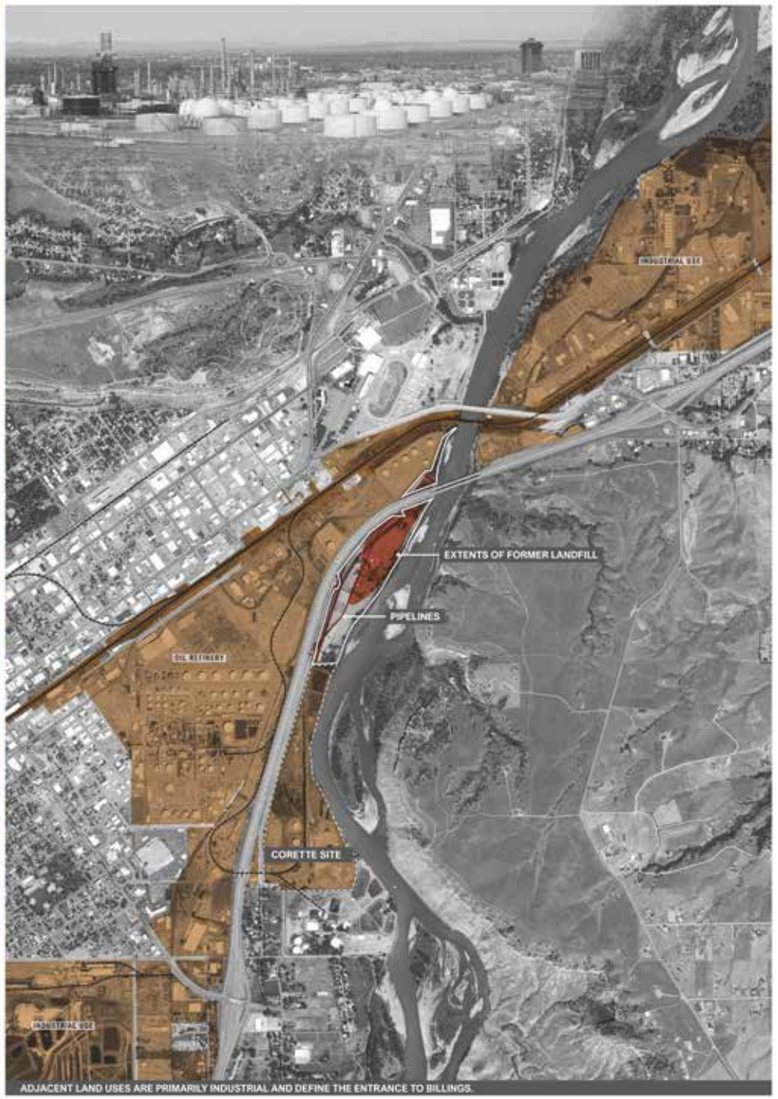
GOALS

- PROVIDE SPACE THAT IS FLEXIBLE AND RESILIENT TO CHANGE
- OFFER PARK AMENITIES FOR YEAR-ROUND USE
- PRESERVE NATURAL QUALITIES OF THE SITE


COULSON PARK SITE USED AS BILLINGS DUMP


COAL FREIGHT MOVING THROUGH BILLINGS


THE CORETTE SITE SOUTH OF COULSON PARK



ADJACENT LAND USES ARE PRIMARILY INDUSTRIAL AND DEFINE THE ENTRANCE TO BILLINGS.



COULSON PARK REVIVE

RIVERFRONT LAND USE

GOALS

- PROVIDE SPACE THAT IS FLEXIBLE AND RESILIENT TO CHANGE
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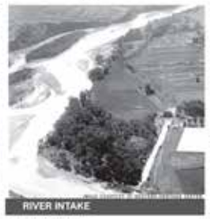

SIGN ON RIMROCKS BEYOND FAIRGROUNDS


VIEW OF FAIRGROUNDS


RIVER RECREATION IN THE 1960'S


VIEW OF FAIRGROUNDS


CORETTE FROM ABOVE


RIVER INTAKE


BILLINGS FROM ABOVE


FAIRGROUNDS FROM ABOVE






VIEW ACROSS RIVER FROM CORETTE SITE


COULSON LANDFILL 1961






AERIAL VIEW 2007



Presentation boards highlighting the past uses of park land throughout the twentieth century

2.5 RECONNECT BILLINGS TO THE RIVER

The proximity to downtown Billings presents an opportunity to establish a meaningful connection between the city and the Yellowstone River. It is also encouraged to examine potential connections across the river to the Four Dances Recreation Area and how Coulson Park can enhance the bike and pedestrian networks.

Coulson Park occupies a wedge of land positioned between the Yellowstone River to the east and I-90 to the west. While the site is highly visible from those traveling on the interstate, vehicle access to the park is challenging. Presently the park is accessed by vehicle from South 27th Street, turning north onto Garden St, west onto Belknap St, and then north onto Charlene St. Visitors continue on Charlene St past the old PPL Corette Power Plant site and eventually arrive at the southern Coulson Park parking lot. Unfortunately because of the park's unique location there are no financially feasible options available to provide an additional vehicle access point to the park. This constraint is a factor which must be considered when thinking about future park programming and activities.

Bike and pedestrian users arriving to the park are most likely to use the Jim Dutcher Heritage Trail which passes through the site. The 10-foot wide concrete paved trail provides access south to Mystic Park and north into backside of MetraPark, with further connections to Two Moon Park and up into the Billings Heights neighborhood. There are a number of additional informal unpaved trails throughout the park, in particular along the bank of the river.

One must also consider the river as a means of transportation and arrival or departure from the park site. Presently there is a boat ramp and launch for boat put-in and take-out related river activities.

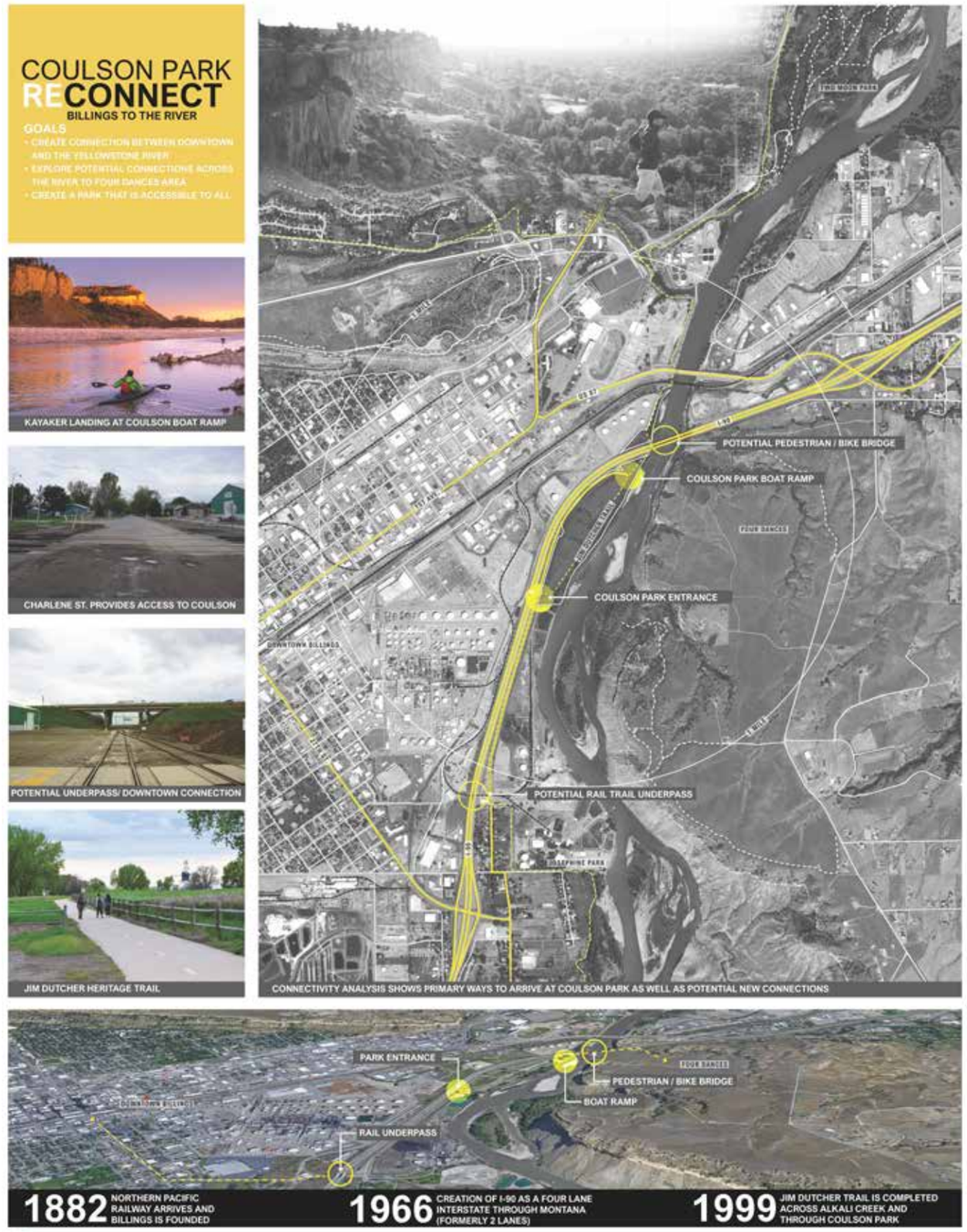
Based on some of the opportunities and constraints mentioned above, the project design team makes the following recommendations as applies to the master planning of Coulson Park:

- Continue conversation with necessary parties re: providing vehicular and/or bicycle and pedestrian access point at Lillian Ave / Erie Dr railroad spur underpass; this would provide means for those visiting Coulson Park to bypass residential neighborhood and is a more direct connection to downtown Billings

- Work with Montana Department of Transportation in design of replacement bridge over Yellowstone River; this is a near-term project for MDT and the project team strongly recommends continued conversations with them obtain a bike / ped separated bridge, linking Coulson Park with the Four Dances Recreation Area and areas east

- Support Marathon Loop trail network efforts to complete gaps of missing trail segments; completion of the loop trail will provide access to a wide range of citizens

- Provide access / connection points to Corette site for future expansion



Presentation board examining local and regional connections to Coulson Park



I-90 Bridge crossing over Yellowstone River - slated for replacement by MDT



Existing Jim Dutcher Heritage Trail supports many user different user types





Existing rail spur underpass below I-90 - new connection potential to downtown Billings



Proximity of Coulson Park and Downtown Billings

2.6 RESTORE RIPARIAN AND RIVERINE ECOLOGY

Coulson Park provides an opportunity to improve, enhance, and expand the ecological and natural resources found along the Yellowstone River and associated floodplain.

The Yellowstone River is the main hydrological feature near Coulson Park. A U.S. Geological Service (USGS) gaging station is located approximately one mile down gradient from the site. The station number is 6214500, and has been used intermittently since 1904. The Yellowstone River at the point of the gaging station (river mile 360.3) drains 11,795 square miles. The Yellowstone River has an average flow of approximately 7,000 cubic feet per second (cfs) and a base flow of 27,500 cfs. The legal description of the gaging station is Southeast ¼, Southeast ¼, Southeast¼, Section 27, Township 1 North, Range 26 East of the Montana Principle Meridian. The station has been surveyed on NAD 27 horizontal datum and NA VD 29 elevation datum.

Regional Geology

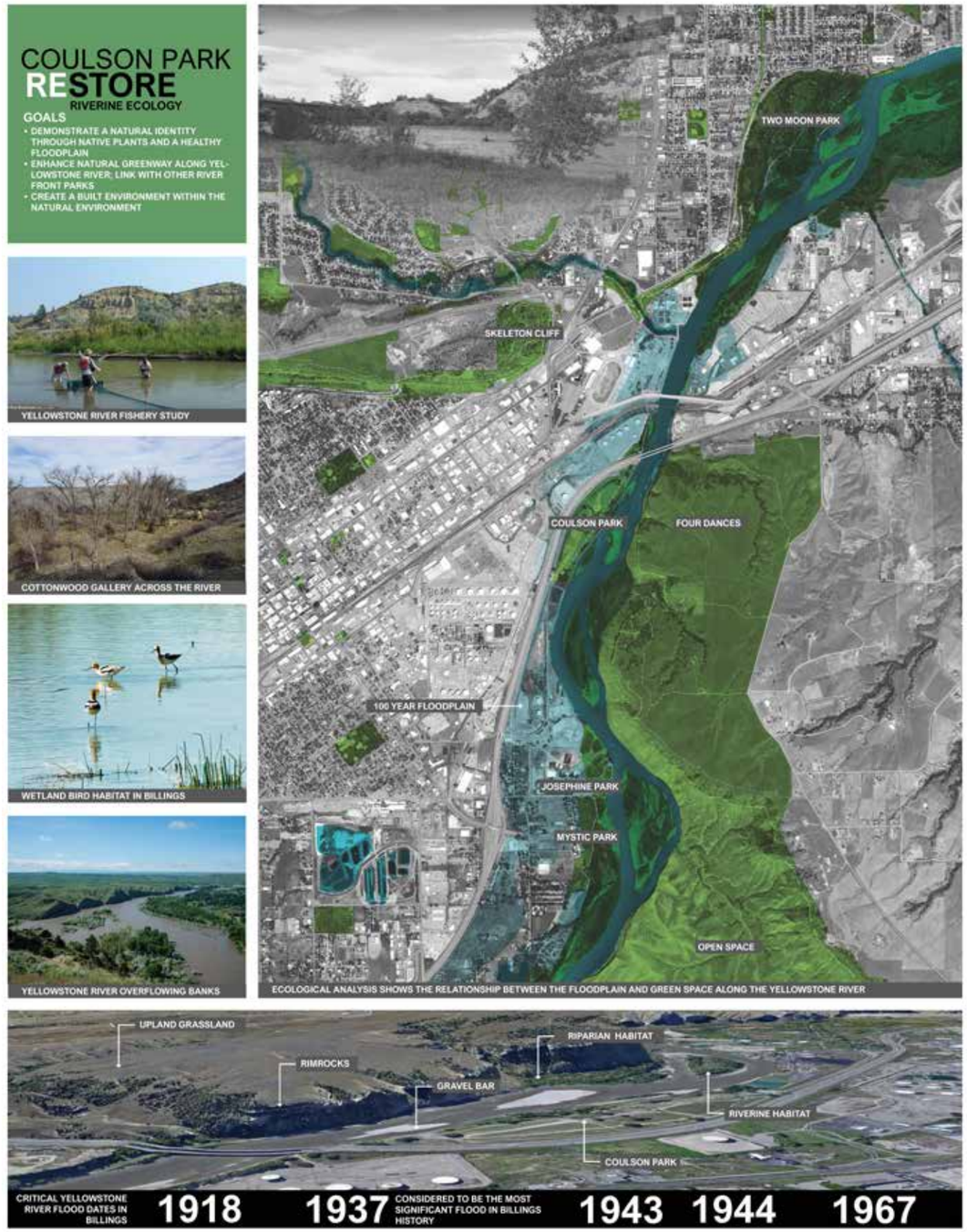
The main geologic formations that are present at Coulson Park are Quaternary Alluvium and Holocene and Pleistocene alluvial terrace gravels. These geologic units have been described on the USGS Geologic Map (Lopez, 2000) as follows:

- Quaternary Alluvium (Holocene): gravel, sand, silt, and clay along active channels of rivers, creeks, and tributaries. Coarse, well-rounded gravel restricted mainly to the Yellowstone River drainage.
- Alluvial Gravel, Terrace Level 1: (Holocene and Pleistocene): gravel underlying terraces about 1 to 20 feet above present altitude of the Yellowstone River. Mostly cobbles and pebbles with minor amounts of sand and silt. Clasts are mainly granitic igneous rocks, granitic gneiss, schist, and quartzite, with much less limestone and sandstone 20 to 40 feet thick (Gosling and Pashley, 1973).

Ecological Communities

Forested Riparian - This vegetative zone includes mature trees over 6 meters (20 feet) tall and is found mostly along the periphery and intermittently throughout the Project Area. The dominant tree species within the Project Area includes: Plains Cottonwood (Populus deltoides) and Narrowleaf Cottonwood (Populus angustifolia).

The Riparian Scrubland / Scrub Shrub Wetland zone within the Project Area is dominated by woody vegetation less than 6 m (20 feet) tall. The species include true shrubs, young trees, and trees or shrubs that are small or stunted because of environmental conditions. The most dominant vegetative class of within the Project Area, this system occurs on both sides of the river and includes the following dominant vegetation types: Sandbar willow (Salix exigua), Mountain willow (Salix monticola), Bebs willow (Salix bebbiana), Geyer willow (Salix geyeriana), Whiplash willow (Salix lucida), Wax current (Ribes cereum), Shrubby cinquefoil (Dasiphora fruticose) and Silver sage (Salvia argenea).



Presentation board highlighting surrounding parks, open spaces, and natural areas adjacent Coulson Park

Wildlife

A review of Montana Fish, Wildlife and Parks GIS database was conducted to understand wildlife usage on the property. There are no mapped habitats, game management units, or access points located within the project area. On site investigations and review of aerial imagery suggest that there is potential raptor habitat located within and adjacent to the project area. Additionally, a review of U.S. Fish and Wildlife's Information, Planning, and Consultation (IPAC System) was conducted to evaluate potential habitat for Threatened and Endangered Species (T&E). There is no mapped critical habitat located within the project area. A list of potential migratory birds that are protected under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act are included in Table X below.

Game fish species in the Yellowstone River within the project area include the following species: Rainbow trout (Oncorhynchus mykiss), brown trout (Salmo trutta), channel catfish (Ictalurus punctatus), smallmouth bass (Micropterus dolomieu), Sauger (Sander canadensis), and walleye (Sander vitreus).

Table X - Potential Migratory Bird Occurrence List (USFWS - Coulson Park)

Common Name	Scientific Name	Breeding Timeframe	Notes
Bald Eagle	*Haliaeetus leucocephalus*	12/1 - 08/31	This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Ace or for the potential susceptibilities in onshore areas from certain types of development or activities.
Golden Eagle	*Aquila chrysaetos*	01/01 - 08/31	This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCR) in the continental USA.
Brewer's Sparrow	*Spizella breweri*	05/15 - 08/10	This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCR) in the continental USA.
Clark's Grebe	*Aechmorphus clarkii*	01/01- 12/31	This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska
Lewis's Woodpecker	*Melanerpes lewis*	04/20 - 10/30	This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska
Pinon Jay	*Gymnohinus cyanocephalus*	02/15 - 07/15	This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska



Presentation board highlighting ecological communities and floodplain boundaries on site

Brownsfield Study Review
Phase II Environmental Review – Final
Site Lithology – Dump Site

Soil sampling was conducted as part of a Brownsfield Study on the site in 1998 / 1999. The lithology encountered in the three boreholes was fairly consistent. Lithology generally consisted of silty and clayey sand containing wood, brick, glass and metal fragments (fill) to a depth of 8 to 11 feet below ground surface (bgs) underlain by alluvial sands and gravels to 15 feet bgs. Groundwater was encountered in the alluvial sands and gravels at the depth of 9 to 11 feet bgs.

In a review of field results and analytical data, petroleum hydrocarbons were present in soil and groundwater samples collected from each monitoring well location. Dissolved metal concentrations of iron and manganese, exceeding WQB-7 secondary standards, were also detected in groundwater samples from all three wells. Additionally, upon review of PID readings and observations during drilling, the vadose zone soils appear to have lower hydrocarbon concentrations than the soils below the water table. This would suggest that the soil and dump fill materials encountered in the wells above the water table are not the contributing source to the groundwater hydrocarbon impact. According to the report, the analytical data and the measured groundwater gradient, it appeard that the petroleum hydrocarbons present in the three monitor well locations are being transported by groundwater from a source area located up-gradient of, or very near monitor well MW-3. As expected in this scenario, groundwater concentrations for BTEX/GRO decrease in monitoring wells towards the Yellowstone River. Additionally, review of the chromatogram of the groundwater sample collected from MW-3 indicates that the gasoline constituents appear to be composed of fresh, unweathered gasoline. Potential sources of the hydrocarbon impacts may be from one or more of the underground petroleum pipelines buried up-gradient of MW-3, or some other unidentified source(s).

Phase I Findings 2005

In 2005 Pioneer performed a Phase I Brownfields Site Assessment for the Coulson Park Site located in Billings, Montana. This was completed in conformance with the scope and limitations of ASTM Practice E 1527-00 (ASTM 2000a) and applicable EPA rules and guidance.
The Coulson Park Site is located over a historic city landfill and adjacent to industrial properties. Numerous known and/or potentially contaminated sites are located in close proximity to the Coulson Park Site. The following list summarizes the recognized potential adverse environmental conditions in connection with the Coulson Park Site:

- Residual hydrocarbon contaminated groundwater and soils along the Conoco Phillips pipeline leak site;
- Potential for contaminated groundwater to migrate from the up-gradient sites to and across the Coulson Park Site;
- Potential for unknown pockets of contamination to exist in the historic landfill debris;
- Potential unknown leaks or spills of petroleum hydrocarbons along pipelines, which travel through the Coulson Park Site;
- Potential for landfill debris to surface in areas with inadequate soil cap and pose health and or safety risks;
- Potential for contaminated groundwater seepage to surface along the bank of the Coulson Park Site; and
- Potential for the surface water quality to pose a health risk along the side channel to be degraded from the historic activities at the Coulson Park Site and/or up-gradient properties.

Bank Erosion Potential

Bank erodibility factors and hazard ratings have been identified by Rosgen (1996) (Appendix E). Streambank erodibility factors include:

- Bank Height vs. Backfill Depth
- Bank Angle
- Density of Roots, Bank Surface Protection, Percent of Total Bank Height with Roots
- Soil Stratification
- Particle Size

With the exception of a limited area with a low bank angle and small areas with significant vegetation, the streambank along Coulson Park exhibits high or high/moderate erosion potential in all categories and needs protection.



Aerial of the Yellowstone River

Conclusions

Based on the findings from the Phase I and Phase II study's, and according to the finding opinion from Pioneer, the Coulson Park Site may contain any or all of the potential adverse environmental conditions listed in their Phase I report.

The research that was conducted by Pioneer indicates that known adverse environmental conditions caused by the pipeline leak have been monitored and the data indicates improved groundwater quality in conjunction with the known hydrocarbon leak; however, non-hydrocarbon analytes such as nitrate/nitrite, sulfate, ammonia, phosphorus, and heavy metals may continue to be present at the site and should be evaluated to determine if the concentration level of these analytes pose any risks to the environment and/or public health and safety. In addition, due to presence of nitrate/nitrite, sulfate, and ammonia in previous groundwater seepage samples and the nature of up gradient property uses, Pioneer recommended any future sampling of groundwater seepage along the eastern bank of Coulson Park should include analysis for coliform.

The bank of the Yellowstone River adjacent to Coulson Park has experienced erosion. Changes in the Yellowstone River over time have resulted both from natural flood events and the activities of man. The erosion has resulted in loss of park area and the exposure of fill from the historic Billings landfill. It is recommended that the bank be protected with rip-rap to prevent further erosion.

Restoration Concept

The Project Area restoration concept focuses on two main ecologic communities, riparian and wetland. For the purpose of this report and based on stakeholder goals, upland communities are reserved for future restoration opportunities. The surveyed riparian and wetland communities are recommended for preservation, enhancement or creation.

- Preservation - The protection of intact and functioning wetland or riparian habitat through ecologic and landscape planning and site development.
- Enhancement - The restoration of partially functioning healthy wetlands and riparian areas. This can include noxious weed elimination, planting, seeding, and other restoration techniques.
- Creation - Identifying and re-establishing areas that are heavily degraded but have the opportunity due to location and surrounding vegetation for full restoration activities resulting in the creation of a new wetland or riparian area.

These opportunities are mapped on and shown on page 15. All priorities and decisions about restoration actions should be guided by stakeholder goals and values.

Riparian Restoration Opportunities

As discussed in the existing conditions section, the health and quality of the riparian environment within the Project Area is good.

Riparian Preservation

Riparian preservation includes developing a regular monitoring and maintenance plan to preserve the existing high quality riparian habitat. Monitoring noxious and native vegetation will preserve and sustain current riparian conditions. By limiting access to sensitive areas and minimizing disturbance by directing human traffic through way-finding and the creation of designated, formalized paths can greatly reduce impact to these areas.

Riparian Enhancement

Riparian enhancement will improve exiting conditions to increase habitat value. This is done through the development and implementation of a weed management plan to control noxious vegetation, identifying aboricultural maintenance needs/plans and increasing plant diversity through planting and seeding. The resulting enhancement will provide increased habitat value for wildlife and improve overall ecological conditions.

Riparian Creation

Riparian creation is the most intensive of the three types of restoration. This involves grading the topography to create elevations with the appropriate available water to support native riparian vegetation plantings. Areas identified within the report are immediately adjacent to the river bank and are located in close proximity to the river water table. Areas identified for bank stabilization as part of river improvements are ideal locations for this recommended intervention as bank stabilization and riparian creation are both interventions with overlapping goals.



Recreationalists enjoying the Yellowstone River

2.7 RE-ENVISION THE GATEWAY TO BILLINGS

Coulson Park provides an opportunity to act as an eastern gateway into Billings, and showcase community values and principles as they relate to recreation and natural amenities within the City parks system.

Coulson Park is approximately 56 acres in total size, wedged between the Yellowstone River to the east and northeast and Interstate 90 to the west and northwest. To the south it is bordered by the former Corette Power Plant site. It is designated a community park within the Billings Parks and Recreation Department system. A park of this size is meant to meet community based recreational needs and provide recreational opportunities to a range of user types, while also preserving unique landscapes and open spaces.

The park is undeveloped except for two vault restrooms, located in the central portion of the property, and a billboard sign, located next to the interstate in the northern portion of the site. A boat ramp / launch is also located at the north end of site, just prior to the interstate bridge river crossing. Several underground pipelines transverse the western portion of the site, and a series of unimproved roads criss-cross the park property. The site is fairly level with a gentle slope down to the northeast. The park supports grass cover and scattered tree areas. The banks along the river shore line are moderately to deeply eroded and range in height from a few feet in the northern portion of the park to approximately 8 feet in the southern portion. A large portion of Coulson Park, approximately 44 acres, is within the 100-year floodplain as mapped by the Federal Emergency Management Act (FEMA). The areas outside of the floodplain run up a central spine of land within the park, and as a result can be more fully developed as this land is not subject to floodplain regulations.

Due the high visibility of the site from the interstate there is an excellent opportunity to showcase the community's values as it relates to recreation and natural amenities. It offers the community an opportunity to highlight the many different cultures present in Billings and provide education and learning opportunities on a range of subjects from history to the environment. Based on some of the opportunities and constraints mentioned above, the project design team makes the following recommendations as applies to the master planning of Coulson Park:

- Activate the park with a mix of programming to meet a range of different user types and user groups; reference 2017 Parks and Recreation Comprehensive Master Plan to understand what types of amenities are missing from the parks systems and what the community desires in terms of potential facilities

- Improve river access through additional trails and other bank improvements to facilitate a variety of river based activities or means for enjoying the river

- Develop Coulson Park in manner to act as an entry gateway into Billings



Aerial view of Coulson Park, May 2019



Aerial view of Coulson Park, May 2019



Aerial view of Coulson Park, May 2019

COULSON PARK PRESENT DAY











PRESENT DAY DIAGRAM OF COULSON PARK INDICATED BOTH OPPORTUNITIES AND CONSTRAINTS THAT WILL EFFECT THE DESIGN MOVING FORWARD















Presentation boards highlighting current park site conditions and uses

3.1 COMMUNITY OUTREACH

At the outset of the project the design team, along with the City of Billings Parks and Recreation Department, have embraced an open dialogue with the community and developed a design that is responsive to diverse public needs and desires.

At the outset of the project the design team, along with the City of Billings Parks and Recreation Department, have embraced an open and robust dialogue with the community and developed a design that is responsive to diverse public needs and desires. The team has developed the design of the Master Plan around how the programs can best service the community in order to activate the park for current and future generations. In order to align the community's vision with the final plan, four Draft Master Plan options were presented to the public for transparent and open feedback.

Working with the Parks and Recreation Department team a Coulson Park Steering Committee was formed at the beginning of a project to provide focused guidance and strategic direction throughout the course of the project. Key stakeholder groups and organizations were identified and invited to a series of park design discussions over the course of 2019. It was critical to the project team, and the City, that the stakeholders represent a wide range of community interests so that all visions and needs could be captured and incorporated into the final design.

The project team also engaged with the community directly through five (5) Steering Committee and Stakeholder Group meetings, six (6) public open houses, and three (3) local community events. Additionally a project website was established, and regularly updated, to contain all relevant project design information and exhibits for those that were unable to attend the open houses or be engaged with at a community event. As a result 1,951 people, 65% from Montana cities such as Bozeman, Helena, Red Lodge, Missoula, and Butte, and 50% specifically from Billings viewed the website to learn more about the park. Two on-line surveys were developed to provide additional feedback during the Preliminary Design and Draft Master Plan phases to reach a wider audience and user groups within Billings and beyond. The first survey posted on June 7th, 2019 resulted in 34 responses, and the second survey posted on July 30th, 2019 resulted in 118 responses.

These public outreach efforts made the future of Coulson Park a reality. The following list represents the Coulson Park meetings, events, and surveys the community participated in over the duration of the park master planning process:

2019	MEETING/ EVENT	# OF PEOPLE	# OF COMMENTS
April 18th & 19th	Master Plan Kickoff (Steering Committee @ Stakeholder Group	36	36
June 7th	Steering Committee & Stakeholder Group (Preliminary Design options presented)	30	30
June 7th	Opportunities & Constraints survey posted to website		
June 8th	Downtown Billings Strawberry Festival (Open to General Public, Preliminary Design options presented)	500+	75
June 13th	Public Open House (Preliminary Design options presented)	15	12
July 25th	Picnic in the Park (Draft MP Design options presented)	12	12
July 26th	Picnic in the Park (Draft MP Design options presented)	12	12
July 30th	Design Options survey posted to website		
August 1st	Steering Committee & Stakeholder Groups, Picnic in the Park (Draft MP Design options presented)	45	35
August 14th	Parks & Rec. Board Meeting (Public), Stakeholder Group Meeting, Public Open House	50	25
September 5th	Steering Committee & Stakeholder Group Meeting, Phillips 66 Community Picnic	250+	50
September 6th	Ales for Trails @ ZooMontana	500+	100
September 11th	Parks & Rec. Board (Open to General Public)		
November 13th	Steering Commitee Meeting	12	12
2020			
February 4th	Public Open House	TBD	TBD
February 12th	Parks & Rec. Board Meeting (Open to General Public)	TBD	TBD
March 2nd	Billings City Council Presentation - Working Session (Open to General Public)	TBD	TBD



Master Planning Kickoff, April 18th, 2019



View of the Sacrifice Cliffs from Coulson Park site



Coulson Park Public Open House, June 13th, 2019



Image boards used to determine desired park programs



Downtown Billings Strawberry Festival, June 8th, 2019



Goals for the future park site, presented at the Public Open House on June 13th, 2019

3.2 PRELIMINARY DESIGN

Early discussions in the design process for Coulson Park focused on the types of programming desired at the site, level of activity, and character of the improvements.

After the April 18th and 19th, 2019 Kickoff meeting with the Billings Parks and Recreation team, Stakeholders, and Steering Committee the design team started the Preliminary Design Process through a survey asking general questions about current uses within the park and future programmatic priorities. The results, based on 34 responses shown in graph form on the right, provided direction in three key areas:

- Pedestrian, bicycle, and river access users
- Improved vehicular circulation and access
- Active and passive recreational uses

With these concepts the design team began to collect character imagery and generate diagrams with preliminary ideas that drove the overall spatial programming and layout of the park site. The programs were layered with known site constraints and opportunities including the existing floodplain, underground pipelines, access limitations, and historic uses of the site.

- Program "A": Active Program

The Active Program space focused on increasing recreational opportunities throughout the middle core sections of the park with vegetative screening along Charlene Street and the river front area. Active uses such as a bike park, dog park, bouldering areas, sports courts, rope course, rock climbing, youth and tot lot playgrounds were introduced as options to activate the spaces. Access throughout the park was increased with the placement of four parking and/or drop off areas connected by an interior trail network. River access points at the north and south ends of the park provide boat, rescue, and swimming entrances. Terraced seating along the river provides visual and passive opportunities at multiple locations. A central event space provided opportunity for larger gatherings, community activities, or historical interpretations.

- Program "B": Passive Program

The Passive program focuses on maintaining a naturalized, passive program developed in three layers. The first layer is a screening and buffer layer running parallel to Charlene Street, moving into vegetated open space, then a riparian forest along the riverfront. An interior trail network connected the River South Node to the River North node and with a larger multi-modal trail that tied into the southern trail head. Focus was made on developing vegetative screening, upland grasslands, and maintaining more natural systems throughout the park for passive uses.

- Program "C": Hybrid Program Active Program

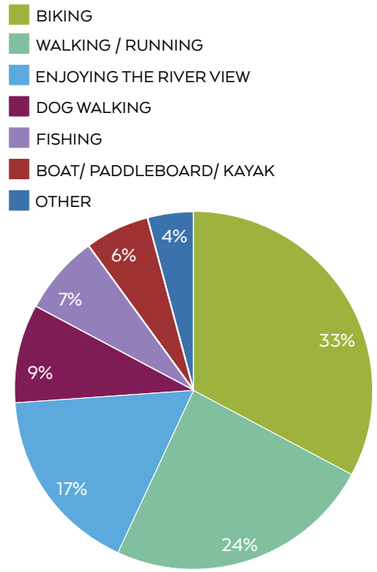
The Hybrid Program, which was the preferred program by the community, was a unique balance between the Active and Passive programs. Large systems of active recreational uses were integrated within the expanses of open and naturalized spaces. This allowed the program to focus on developing a natural buffer between Charlene Street and increase habitat areas along the river front while providing diverse uses throughout the park. Three parking and/or drop off areas were placed at key entry points along Charlene to increase all-age access to nodes such as the River South and North nodes, and the central event space. Pedestrian and bicycle systems were developed through an internal trail system linking the northern and southern areas, with a wider multi-modal path connecting the exiting trail system to the future bike and pedestrian bridge proposed along Interstate 90.

The three diagrams, along with supplementary photo boards and outreach surveys were brought to the annual Strawberry Festival on June 8th, 2019, and the June 13th Public Open House. The results of the outreach discussions resulted in a strong preference for the Hybrid Program. Within each concept there was a resounding need for specific programs such as a dog park, bike park, natural play areas, and larger gathering spaces for arts, history, and culture. Furthermore the design team was able to gain insight on how to address and plan for passive use programming throughout the park that would maintain views to the Yellowstone River and allow better access through the riparian corridor.

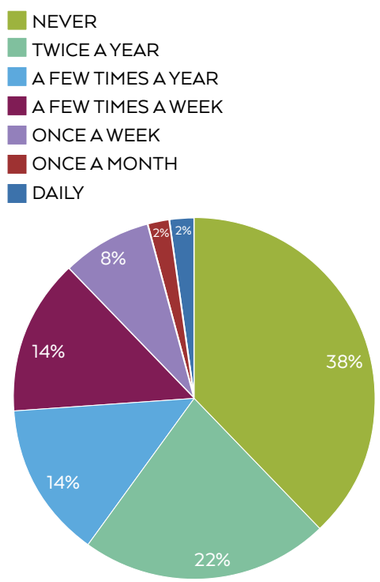


Downtown Billings Strawberry Festival, June 8th, 2019

HOW DO YOU CURRENTLY USE THE PARK?



HOW OFTEN DO YOU USE THE PARK?

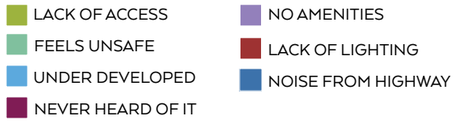


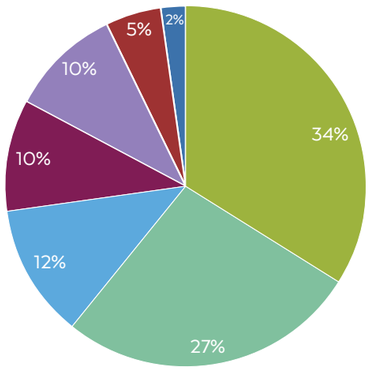
WHAT IS MOST IMPORTANT TO YOU, IN REGARDS TO THE CURRENT OR FUTURE USE OF THE SITE?

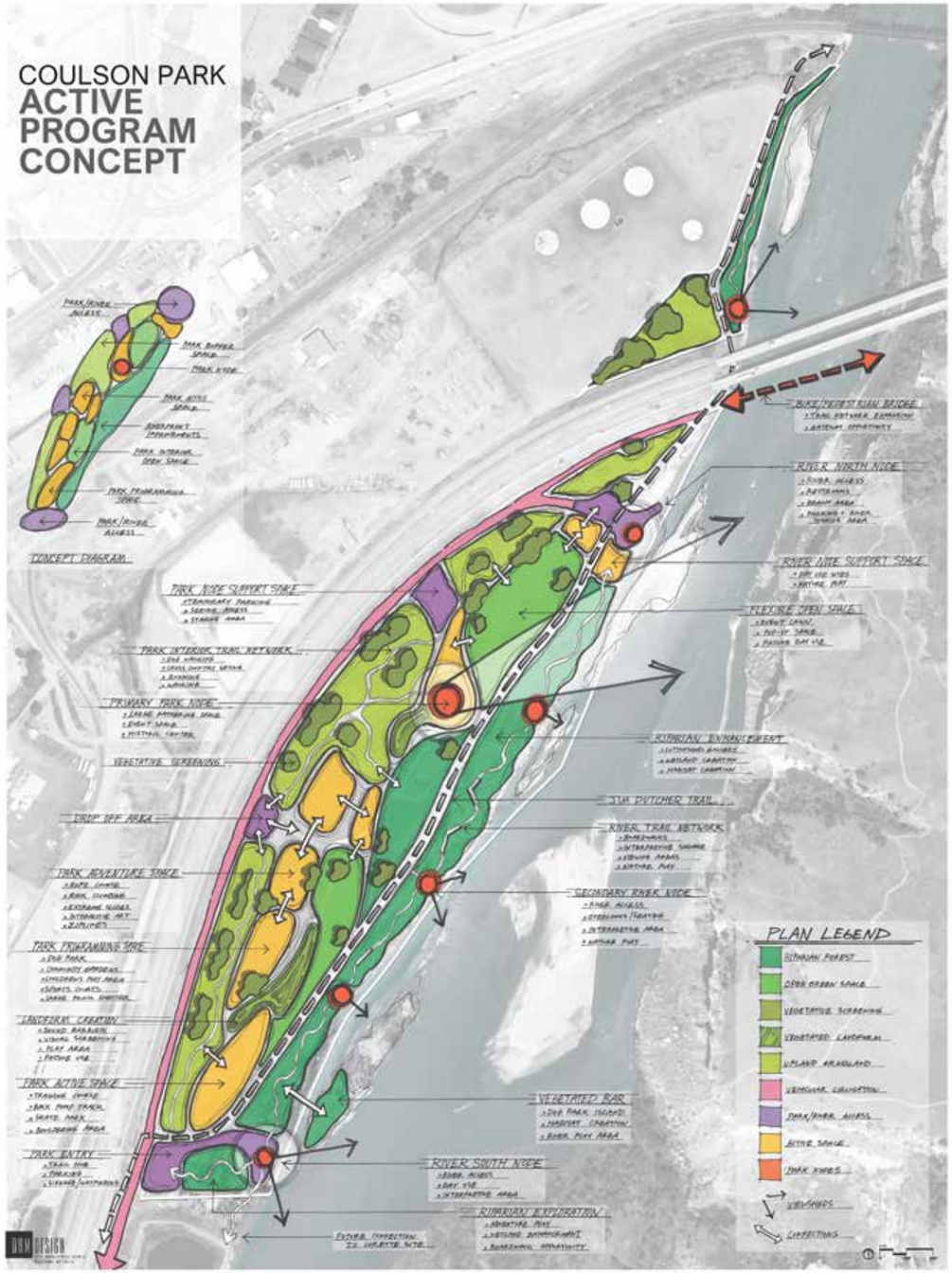


Survey results from preliminary design community outreach

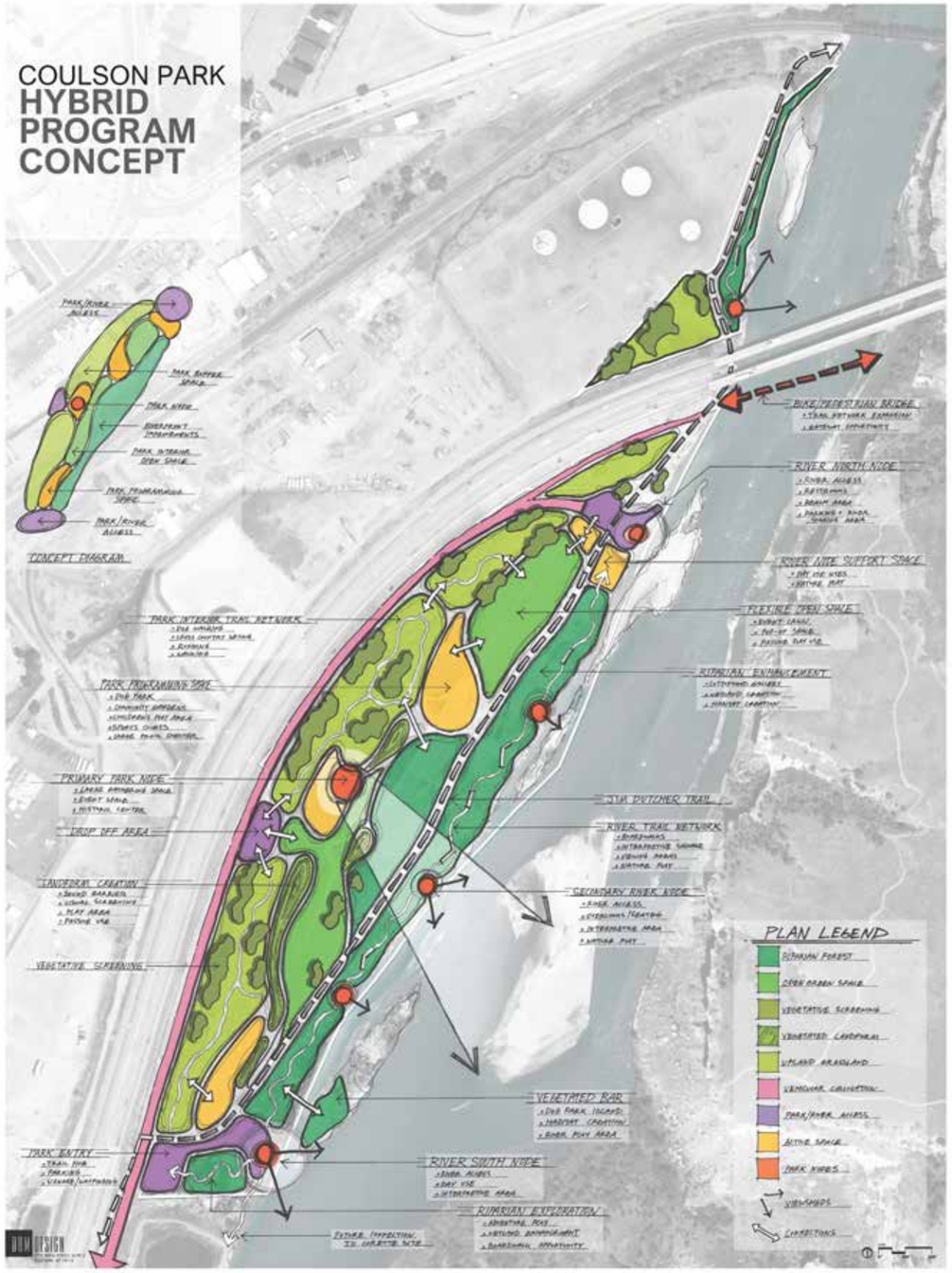
WHAT KEEPS YOU FROM USING THE PARK?







Preliminary park concept design diagram - active scenario



Preliminary park concept design diagram - hybrid scenario



Preliminary park concept design diagram - passive scenario

3.3 DRAFT MASTER PLAN DESIGN

Preliminary design efforts spurred the development of four draft masterplan options to expand upon the spatial hierarchy of the site and arrive at park programming solutions.

Building upon the active and hybrid program concepts selected during the preliminary design phase, the design team worked out programming solutions for the entire park site. Providing a level of spatial hierarchy was necessary to define areas of active use within the context of site circulation and larger passive natural areas. Four different draft masterplan options looked at ways of spatially achieving the overall project goals defined by the community while showcasing the range of design options possible on site.

The design team generated four design solutions at a level of detail necessary to help the public provide further feedback on the teams direction. Each site plan solution contained a unique combination of compatible park programs that told a different story of what an experience in Coulson Park could be like.

The four draft masterplans, along with supporting vignettes of the park were taken back to Billings for another round of stakeholder meetings and participation in community events. These meetings provided insights and feedback about which draft masterplan, or parts there of, were viewed most favorably. Survey responses showed that people preferred options A, B and C above option D, with option A being the favorite option. There was a particular interest in a bike park and outdoor community gathering space. Along with this, community members were asked how often they would use the programs in Coulson Park. Over 50 percent of survey responders indicated that they would use the park programs shown in their selected draft masterplan multiple times a month.

The creation and public review of four draft masterplans helped ensure the design process was moving in a direction that would be supported and adopted by the public. Moreover, providing multiple masterplan options and going though another round of outreach gave the community more time to come forward and rally together to let the design team know what programs worked best for the Billings community.

The draft masterplan phase culminated with the preparation and presentation of a singular draft site plan. Along with three perspective renderings, the draft plan was presented to the Steering Committee, stakeholder groups, and at a annual community event (Ales for Trails at ZooMontana). Once again the design team engaged with the community to gain insights and feedback on their views and opinions of the draft park plan.



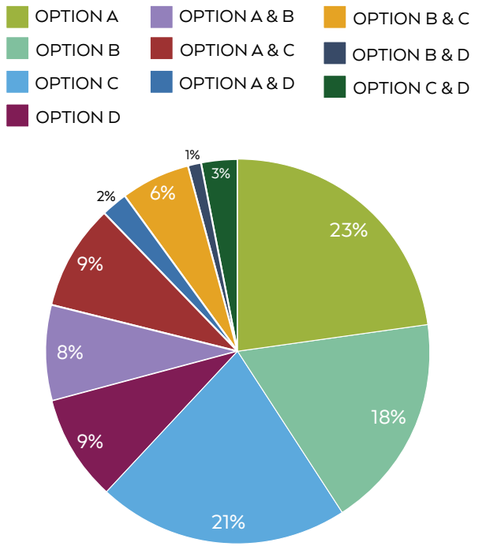




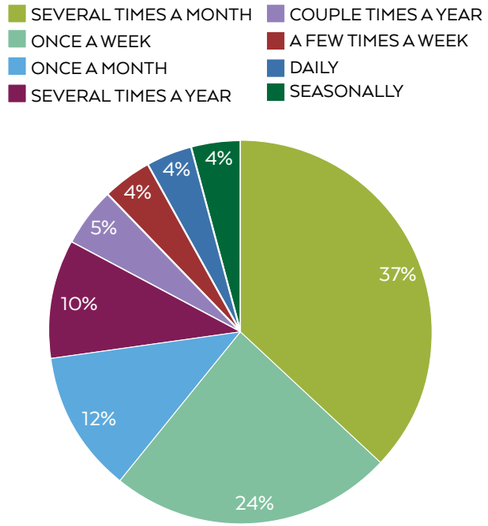


Four different park design site plans presented to community during draft phase

WHAT IS YOUR PREFERRED DESIGN OPTION?



HOW OFTEN WOULD YOU USE YOUR FAVORITE FEATURE OF THE PARK?





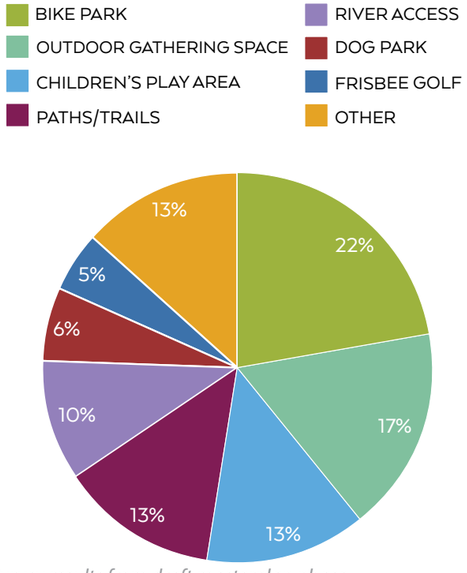


Perspective renderings at draft plan phase



Draft park site plan

WHAT IS YOUR FAVORITE ELEMENT OF ALL THE SITE PLANS?



Survey results from draft masterplan phase



Draft site plan presented to the Steering Committee

4.1 FINAL MASTER PLAN: FIVE AREAS OF THE PARK

The park has five main areas: Coulson South, the Central Spine, Coulson Center, River North and the Far North Corridor, each contains unique programs and amenities.

This section outlines the specific features found in each main area of Coulson Park. All five areas contain unique landscape characteristics and programming solutions. Careful analysis of existing site opportunities and constraints has been complimented by robust public outreach initiatives and stakeholder involvement to define the programming objectives for each area. The five areas are linked together by the existing Jim Dutcher Heritage Trail as well as a proposed accessible loop trail. The interconnectivity and compatibility of programs and amenities in all five areas of the park is the result of a robust master planning process.

The master planning process for Coulson Park has resulted in a cohesive and phased approach to development across the site. Compatible program opportunities are widespread throughout the park and are connected by a hierarchy of accessible routes that transport park visitors through a restored riparian corridor. Within the first 5-10 years, visitors will enjoy improved access to the river at the Coulson South park entrance and the River North boat ramp area. Providing access to amenities and programs for all ages and physical abilities will draw people from Billings to the Yellowstone River, which will result in an increased interest in the park. As specific interest groups garner community support and funding, the full spectrum of park programs will come together resulting in a rich community gathering destination at the rivers edge.



⑤ **Far North Corridor: +/-** 6 ACRES

④ **River North: +/-** 16 ACRES

③ **Coulson Center: +/-** 12 ACRES

② **Central Spine: +/-** 16 ACRES

① **Coulson South: +/-** 6 ACRES

Final Coulson Park masterplan

LEGEND

1. SOUTH PARKING
   +/- 50 PARKING SPACES
2. RAMBLE
   NATURE PLAY AREA IN RIPARIAN FOREST
3. ARTISTS POINT
   RIVER ACCESS POINT WITH SEATING AREAS FOR RIMROCK VIEWING
4. LARGE SHELTER
   40x60 RENTABLE EVENT SHELTER
5. NATURE PLAY
   YOUNGER AGES ADVENTURE PLAY AREA
6. HARMONY PARK
   EXPERIENTIAL MUSIC AND SOUND PARK
7. DOG PARK
   FENCED AND MULCHED AREA FOR LARGE AND SMALL DOG ACTIVITIES
8. LOOKOUT POINT
   SEATING AREA ON BERM WITH VIEWS TO RIVER AND BIKE PARK
9. SKILLS TRACK
   SPECIAL FEATURES COURSE DESIGNED FOR ADVANCED RIDERS
10. PUMP TRACK
    STANDARD COMPETITION-RATED COURSE
11. KIDS TRACK
    SMALL SCALE COURSE DESIGNED FOR YOUNGER AGES
12. COULSON POND
    FLOW THROUGH POND WITH ADJACENT LAWN SPACE
13. COULSON SQUARE
    HISTORICAL & CULTURAL INTERPRETIVE ELEMENTS; COMMUNITY GATHERING SPACE; POP-UP AND FOOD TRUCK ACCESS
14. CENTRAL PARKING
    +/- 50 PARKING SPACES
15. EVENT OVERFLOW PARKING
    +/- 300 COMBINED INFORMAL PARKING SPACES
16. COULSON PAVILION
    +/- 750 SEAT CAPACITY AMPHITHEATER AND MULTI-USE GATHERING SPACE
17. NATURE PLAY
    OLDER AGES ADVENTURE PLAY AREA
18. SCULPTURE PARK
    OUTDOOR GALLERY FOR LOCAL/NATIONAL ART INSTALLATIONS AND EXHIBITS
19. GAMES AREA
    SAND VOLLEYBALL; HORSESHOES; FIELD GAMES
20. RIVER DAY USE SITES
    +/- 4 SITES WITH PICNIC TABLES
21. NORTH PARKING
    +/- 5 PULL THROUGH TRAILER PARKING STALLS AND +/- 15 PARKING SPACES
22. BOAT RAMP
    YEAR-ROUND BOAT PUT IN AND TAKE OUT; IN STREAM SAFETY IMPROVEMENTS
23. INSPIRATION POINT
    RIVERFRONT VIEW TO HISTORIC FERRY RINGS

See plan at right

See plan at left

4.2 COULSON SOUTH

The Coulson South area is a natural entrance to the site defined by a large cotton-wood gallery that opens up to incredible views of the Rim Rocks.

The Coulson South area is the primary gateway and entry experience for Coulson Park. Park visitors driving up Charlene street from the south are greeted with park entry signage, easy access to parking, restrooms, and amenities. Wide accessible paths lead directly from the entrance toward a large shelter with adjacent lawn and nature play area, or down a tree lined walk opening up to Artists Point.

A large picnic shelter points toward the river and will be available for events, parties and celebrations. An open lawn space spills out of the shelter and creates a visual connection to a natural play area where parents can easily supervise their children during an event. Two large landscaped berms planted with native grasses buffer the shelter and playground from the sound and presence of vehicles driving on I-90. The winged shape of the berms are designed to embrace the shelter and natural play area with slides and climbing boulders built into the sides of the landforms.

The Coulson South area is intended to be a gateway for both vehicular and pedestrian use. The parking lot can accommodate approximately 50 vehicles and also serves as a trail head for those arriving to access the Jim Dutcher Heritage Trail. Trail signage and bike amenities will help Coulson Park visitors feel connected to Billings' greater park system. Accessible restrooms located near the parking area compliment the shelter, bike trail-head and day use at the Artists Point.

To reach Artists Point visitors may easily stroll down the wide accessible route toward the river, or wander through the Ramble where paths navigate through dense riparian vegetation underneath large cottonwood trees. Upon reaching the point, visitors will witness a dramatic view of the South Rim Rocks across the river. A protected beach area is ideal for spending a day in the sun while boulders provide access to the rivers edge for kayakers and floaters. Walking north along the river from Artists Point visitors will reach the Harmony Park, where they can express themselves through sound and music.

Six primary areas define Coulson South:

① South Parking (+/- 50 spaces)
② Large Shelter
③ Play Lawn
④ Kids Nature Playground
⑤ Ramble
⑥ Artists Point and Beach
⑦ Harmony Park



Coulson Park Final Site Plan: South Park



Coulson Park south entry



South Park berms, turf lawn, play area and large picnic shelter



Artist Point and view of river and cliffs



River get-down access at Artist Point

4.3 CENTRAL SPINE

The Central Spine is characterized by large open settings and active recreational spaces including a dog park and bike park.

The Central Spine area of Coulson Park connects Coulson South to Coulson Center. The area contains a large expanse of flat grassland outside of the floodplain to accommodate large scale recreational opportunities. Lowlands along the Jim Dutcher trail are interwoven with a creek and passive use trails.

Arrival from the south parking area will take visitors past a 1.5 acre fenced in dog park. The dog park is a large open expanse with a trail around the perimeter and two shelters for escaping the heat of summer or a rainy day. The area inside the perimeter trail will be a soft mulched surface to reduce maintenance costs.

North of the dog park a large landscaped berm rises up. At the top, Lookout Point provides park visitors with a place to view the dog park, bike park and creek as it winds its way toward Coulson Pond. The creek is designed to foster wetland creation across the park and provide safe opportunities for park visitors to interact with water. The creek will also act to further buffer the active uses going on at the Bike Park from the more passive riverfront experiences. Functionally the creek is part of the park irrigation system design. Water will be pulled from the nearby river via an in-stream intake structure. From this structure it will be pumped underground in piping and will daylight at a source point at the head of the creek. From here water will meander down the creek channel, eventually arriving at the pond. Visitors crossing over the creek from the bike park will be directed through productive riparian wetlands towards a river overlook.

Overwhelming input from community members during public outreach events helped spur the development of a 4 acre bike park within the Central Spine. The Bike Park is broken into four specific areas in order to accommodate all types of riders with varying levels of experience. A kids pump track at the far north of the site is located directly adjacent to a large shade shelter where parents can supervise their kids as they learn to ride. A larger central pump track is designed to accommodate competitions that will help the bike park generate revenue. A flow track and skills course winds its way from the bike park shelter, around the Central Spine at the toe of the berm and next to the creek. And finally an all ages, all users perimeter trail circumnavigates the entire bike park - providing users opportunities to travel between the pump tracks, skills course or watch the users enjoy the biking amenities.

Five primary areas define the Central Spine:

① Dog Park
② Bike Park
③ Landscape Berm and Lookout Point
④ Creek and wetland creation
⑤ Shade Structure





View east into dog park



View west over creek, wetlands, and bike park



View of bike park pump track

4.4 COULSON CENTER

The Coulson Center area is a dynamic historic and cultural gathering place for visitors to re-imagine and re-envision the Billings riverfront.

Coulson Center is planned as the nucleus of Coulson Park. The Coulson Center site marks the location of the historic Coulson town-site and draws attention to Billings past while becoming a gateway experience for the city. This portion of the site is highly visible from I-90 as it crosses the Yellowstone River and enters Billings. Because of this high visibility and historic significance a large multipurpose performance pavilion is proposed for this area. The pavilion and supporting spaces are planned to accommodate all types of events and will serve as a cultural and education hub for the park.

Visitors arriving to this central area of the park will be able to park in a new +/- 50 vehicle capacity lot. For larger occasions the fields adjacent this lot can be used for overflow parking. Park guests will then proceed through a formal promenade aligned with the former street layout of the town of Coulson. Visitors then emerge into Coulson Square, a flexible open space with amenities that foster education, community and cultural identity. Interpretive exhibits, signage and visual aids will help visitors re-imagine the historic uses of the site, while large flexible spaces and boulder outcrops create places for playing, eating, and enjoying views to the southern rim rocks over Coulson Pond. The square is planned to have restroom facilities and amenities to accommodate pop up events, food trucks, and other temporary uses. Coulson Square also serves as a platform to facilitate large cultural events taking place to the east at the performance pavilion.

While the location of the Pavilion is optimal for iconic, riverfront programs, the process of locating and designing the pavilion structure relied on feedback and involvement from the community. Through stakeholder meetings and conversations with many groups representing the Native American communities in Billings it became apparent that a place to host pow wows and other cultural events was critically needed. The design of the pavilion reflects a traditional pow wow dance arbor while also speaking to a new generation of arts and culture in the city. The Pavilion is built into a large berm that provides amphitheater style seating that faces out to views of the rim rocks. Special spatial consideration has been taking into consideration for locating bleachers and pop up tents inside and around the Pavilion while operating as a dance arbor. The roofs angle allows the pavilion to be lit up at night for music, dance and theater performances, all while capturing spectacular views of the southern rim rocks and cliffs.

Looking out from Coulson square visitors will be greeted with views of the southern rim rocks over Coulson Pond. The pond and adjacent wetlands will help the site be resilient during frequent and widespread flooding that occurs in the Yellowstone River floodplain. Summertime visitors might birdwatch or fish and winter visitors can skate the ice. The pond, designed within the floodplain will further tell the history of the Yellowstone River's ever changing course through the Clark's Fork Bottom. The pond will also serve as the irrigation source for all new park plantings. Fed by the meandering creek, water will be pulled from the pond as needed via an intake line and pump and dispersed to the rest of the site. An exit structure will allow water to return to the river thus creating a flow through system, only using water when needed and helping address water quality. Passive trails meander across bridges and through restored riparian forest toward the river.

Seven primary areas define Coulson Center:

① Central Parking
② Overflow Parking
③ Promenade
④ Coulson Square
⑤ Pavilion
⑥ Berm + Amphitheater Seating
⑦ Coulson Pond





View of Coulson Square



View of Coulson Pond with Coulson Square in foreground



View of performance pavilion during cultural event



View of pavilion during evening concert

4.5 RIVER NORTH

River North revives riverfront land use and provides passive and active recreational opportunities.

River North is envisioned as a revival of the Coulson Park boat ramp and river access location. The site serves as a put-in / take-out for local river recreationalists including fishermen, rafters and kayakers. Improved access and amenities will encourage better, more consistent use of the River North Area. Compatible uses adjacent to the boat ramp and within the floodplain include four day use picnic sites and a large games area (sand volleyball courts on the plan). The interior of this northern portion of the park is almost wholly located within the floodplain and a result more passive use is programmed for this space. Trails provide access through this ecological restoration zone with the potential for a land art themed sculpture walk. At the south end, near the performance pavilion berm, another nature play themed boulder-field area is proposed for kids enjoyment.

The Yellowstone River flows above its banks in the spring and below its banks in the fall. This dynamic riverine system requires the implementation of in-stream improvements to improve safe year round use of the boat ramp. An in-stream structure located upstream of the boat ramp will create an eddy moment that will allow users improved water flow conditions and safer conditions for boat launching or take-out related activities.

Tree plantings at the western edge of the site will provide separation between I-90 and an open restored grassland located within the floodplain. These plantings will serve as a backdrop for the sculpture park containing environmental art installations. Walking south from the sculpture park visitors will find another nature play area embedded into a berm facing the river.

Six primary areas define River North:

① North Parking
② Improved Boat Ramp and In-Stream Structure
③ Day-Use Picnic Sites
④ Games Area (sand volleyball courts shown)
⑤ Sculpture Park
⑥ Nature Play Area





View of River North boat ramp, in-stream structure, and day-use picnic sites



View of sculpture park

4.6 FAR NORTH CORRIDOR

The Far North Corridor is a narrow stretch of parkland north of I-90 bound by an industrial tank farm facility to the west and the Yellowstone River to the East.

In this sense the Far North Corridor is the least developable portion of the park. The site is unique in that it is only accessed via the Jim Dutcher Heritage Trail. The narrow corridor provides excellent views to the river, and a number of smaller river overlooks with bench seating or picnic tables are proposed. A larger river overlook is strategically located - called Inspiration Point. Here visitors will be provided visual cues and interpretive signage to the location of the historic ferry rings embedded in the cliff faces across the river.

Two primary areas define Far North Corridor:

① River Overlook
② Inspiration Point



5.1 SITE PLAN OVERLAY ANALYSIS

This diagram overlays site constrains and opportunities with the final masterplan to show how the design works within Coulson Park's existing conditions and context.

Existing site conditions influenced specific siting of programs and amenities in Coulson Park. Underground pipelines and the Yellowstone River floodplain limit where certain types of improvements, such as grading + cut / fill activities and permanent structures, may be completed within the park boundaries. Furthermore, the site contains large cottonwood stands that are of ecological and aesthetic importance. Throughout the design process, consideration of existing site opportunities and constraints have influenced the design teams efforts and been key talking points with community members and stakeholders.

Routine inspection and access of underground pipelines requires that permanent structures be constructed at least 50' offset of pipeline infrastructure / centerlines. Moreover, trees may not be planted within a 25' offset of pipeline alignments.

Of Coulson Park's 56 acres, roughly 11 of them occur outside of the floodplain. The buildable zone extends north from the South Park area of the park, up a central spine and contains the majority of activity based park improvements. With the exception of the River North area, all significant earthwork, hardscape and built improvements are to be constructed within the buildable zone.

Large existing trees and shrubs are to be preserved to the greatest extent possible. The large existing cottonwood trees within the park provide excellent shade and buffer from I-90. The final master plan of Coulson park will expand the native mixed cottonwood floodplain ecosystem already occurring within the park.



Site Conditions Overlay Analysis Plan

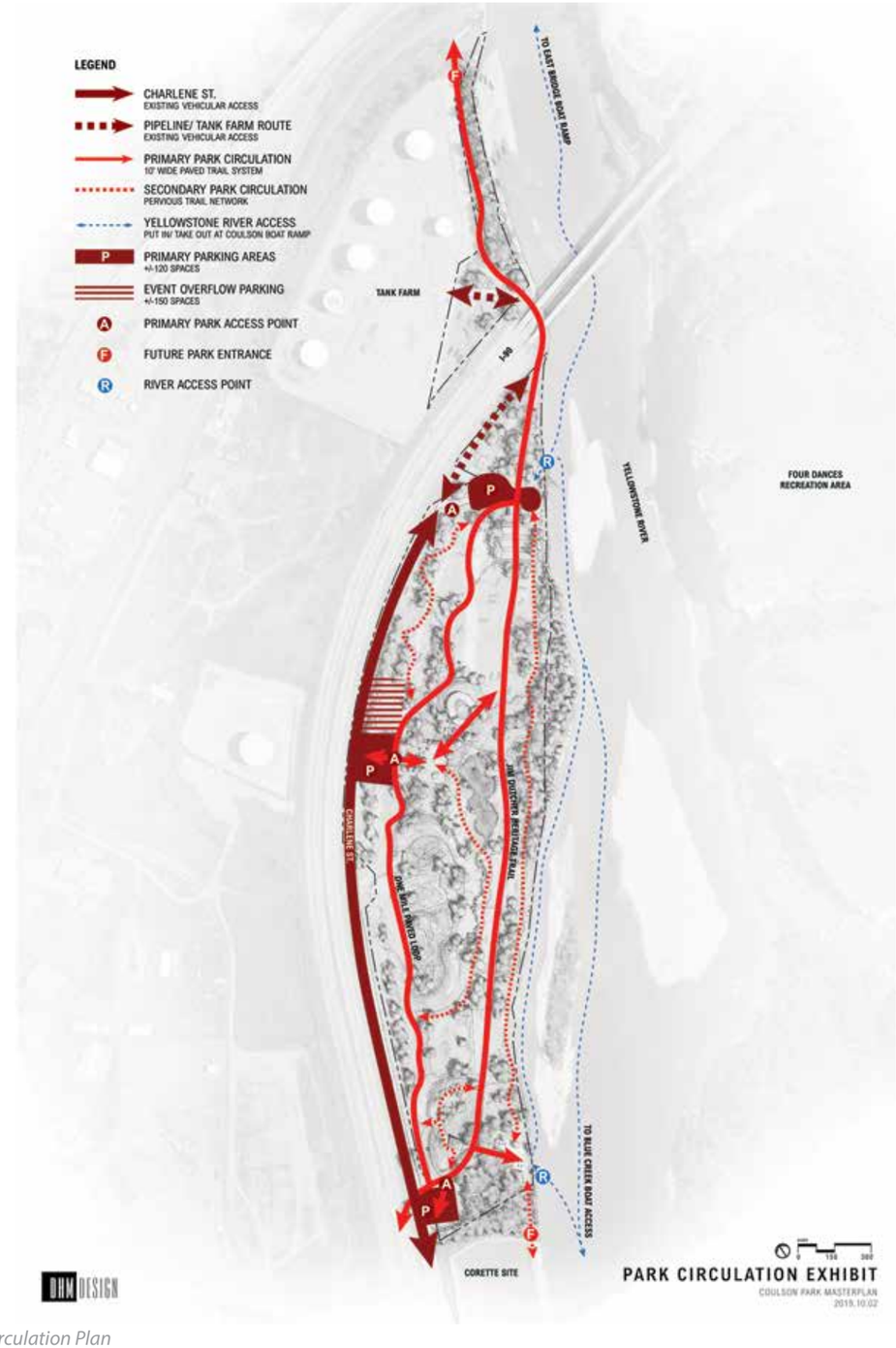
5.2 CIRCULATION ANALYSIS

This diagram shows park circulation and indicates points of access and connection across the site.

Coulson Park is accessible via the Jim Dutcher Heritage Trail, Charlene St. as well as the Yellowstone River. A goal of the master plan is to re-connect Billings with the river. Providing and maintaining safe access to the park is key for the long term success of the master plan. The potential of forming future connections upstream and downstream of the park has been considered as a part of the master plan process. The master plan builds upon all major access points, while considering how to better move visitors throughout the park.

Three parking areas inside the park allow for access to key park amenities including restroom facilities. The three parking areas are linked by a one mile paved loop trail that navigates through all major programmed areas of the park. This primary circulation route utilizes the existing bike trail and establishes a major arterial pathway along the western portion of the park. Primary circulation connections from the loop trail toward the river are critical in the South Park and Coulson Center areas of the park. Secondary circulation provides visitors with opportunities to get deep into the site and navigate through the more natural and ecologically rich areas.

Access to and from the river was taken into consideration throughout the design process. Bank stabilization and in-stream improvements compliment improvements to the boat ramp and river view areas to create a park that is better accessed from the Yellowstone river.



Park Circulation Plan

5.3 ECOLOGICAL ANALYSIS

This diagram classifies ecological intervention within Coulson park.

A large portion Coulson Park is located within the Yellowstone River floodplain. The design team has analyzed existing site ecology in order design the master plan in a way that ties Coulson Park into its greater ecological context. The dynamic seasonal flows of the Yellowstone require that the park be designed to demonstrate resilience when water rises above the rivers banks. The master plan provides improvements to the riparian areas of the site, as well as the creation of new riparian areas. At the rivers edge, riverine improvements will help stabilize banks and improve access to the river.

The master plan calls for roughly 500 trees to be planted throughout the park, the majority of these plantings are to occur west of the Jim Dutcher Heritage Trail. This area of riparian creation will address gaps and re-connect the floodplain across the park. The existing riparian corridor east of the trail will benefit from enhancement of its existing ecological conditions. Removal of noxious vegetation while seeding and planting native vegetation will help Coulson Park to the greater mixed cottonwood floodplain ecosystems found within the Yellowstone River Valley.



Park Ecological Analysis Plan

6.1 SITE PHASING

The parks large scale and complexity of the site's conditions and transformation means that the process of implementing the final design will transpire over a multi-year time frame.

It will be years before the park is complete, and it's build-out and growth is anticipated to be implemented in a phased approach as funding and other priorities dictate. The process will take time as new vegetation and ecological communities establish and as pathways and trails expand to provide access to new park amenities and features over time. Throughout this growth process it is important that design and implementation happen in a dedicated and focused manner, not ad hoc or piecemeal. It is crucial that the early phases of development be compelling and exciting to the Billings community in order to activate the park site and provide clear design qualities and principles to be upheld in future construction phases.

Early investments will need to transform the identity of the site from one of being undeveloped and un-utilized to one primed for use and activity. Critical infrastructure for future park phases are mandatory at these early stages of the park in order to prepare the site for future programming and build out. At Coulson Park this specifically would be execution of the pond, creek, water infrastructure, and electrical infrastructure necessary for future park irrigation and electrical needs. It is anticipated that civic, cultural and recreation groups along with private investors will respond, investing in additional facilities and programs that further help to activate and sustain the park.

The master plan envisions steady, intelligent, and flexible growth over the course of the park development. The site phasing strategy has three main objectives:

- Create a compelling and achievable first phase of development that will initiate broad based use of the park. Capturing a wide range of community user groups will generate enthusiasm and commitment on the part of stakeholders and attract investment.

- Establish a physical landscape framework that is flexible in order to respond to unforeseen change but coherent enough to help shape park development and form. It is important in early stages of park development to define spatial structure that can be further defined and filled in over time. Implementation should to the greatest degree possible be choreographed as a series of harmonious and complimentary projects.

- Plan for steady growth with continued community participation. While the master plan defines specific park programming in designated areas on site there is still design work to be done. There are future choices related to the character and intensity of proposed park uses and it is important that the community stay involved in the decision making process in order to generate sustained interest and success.

Organization of Phases:

The phasing plan suggests a set of initial targets for the growth and development of the park. In each phase particular focus has been paid to program, circulation, and ecological goals in order to suggest meaningful park projects. This proposed framework certainly merits ongoing study and evaluation in order to meet evolving parks system wide needs and community expectations.

Phase 1: River North - first phase
The first phase of park development is linked to specific improvements associated with the funding awarded to the city + project by the Yellowstone River Recreation Project Advisory Committee. The funding stipulations require the money to be spent on restrooms, upgrades to the existing boat ramp, and improvements to river recreation access. As a result of these requirements it is suggested that Phase 1 of the park focus on the master plan improvements proposed in and around the existing boat ramp. Other suggested amenities would include day use picnic sites and the games area.

Phase 2: Site Infrastructure + Pond and Creek
It is critical in the early phase of the park development that necessary infrastructure related to future park projects be installed in order to establish the required framework once those respective improvements are constructed. For Coulson Park this would pertain to all aspects of the irrigation and electrical infrastructure. Specific site elements related to this phase includes: river intake structure, piping, creek, pond, irrigation intake structure and pump, exit structure and piping, and any electrical infrastructure.

Phase 3 - 7: With the required park infrastructure in place Phases 3 - 7 enhance the park program offerings and plantings. The order of these improvements can shift around in response to different funding opportunities or community priorities. It is recommended that the first phases address river access and a diversity of uses to attract a wide variety of the community and generate interest and excitement.

Phase 3 - Coulson South

Phase 4 - River North - second phase

Phase 5 - Coulson Center

Phase 6 - Bike Park

Phase 7 - Dog Park

Phase 8: Far North Corridor
It is recommended this portion of the park come at the end of the park development. The design team recommends continued coordination with the Montana Department of Transportation on the re-design of the bridge crossing over the Yellowstone River and work towards getting a bike + pedestrian specific bridge incorporated into the design. In order to maintain maximum spatial flexibility in the park to accommodate this need all work in this portion of the site should be held off until that design is fully resolved.



⑧ Far North Corridor

river trails
overlooks w site furnishings
interpretive signage

① River North

boat ramp improvements (1)
in-stream structure + bank stabilization (1)
restrooms (1)

④ River North

parking lot (1)
day use sites (1 / 2)
games area (1 / 2)
pathways and trails (1 / 2)
kids play area (2)
trees and plantings (2)

⑤ Coulson Center

restrooms
parking lot
Promenade
Coulson Sqaure
interpretive elements
Performance Pavilion
amphitheater seating
pathways and trails
trees and plantings
landscape berms
site furnishings
site lighting

② Site Infrastructure + Pond & Creek

river intake structure + piping
creek
pond
irrigation intake structure
electrical infrastructure

⑥ Bike Park

kids pump track
regulation pump track
skills course
perimeter trail
landscape berms
site furnishings
shade structure
pathways and trails
trees and plantings

⑦ Dog Park

small park shelter
pathways and trails
fences and gates
site furnishings
trees and plantings

③ Coulson South

restrooms
large park shelter
Artist's Point
turf lawn
kids play area
Harmony Park
pathways and trails
kids play area
trees and plantings
landscape berms
entry signage
site furnishings

Coulson Park - Phasing Plan



Phase 1 + 2



Phases 1 - 3



Phases 1 - 4



Phases 1 - 5



Phases 1 - 6



Phases 1 - 7

Coulson Park - Implementation Plan Series based on proposed phasing

7.1 Appendices

Coulson Park Cost Summary

	SUMMARY
Project Start-up	$3,118,966
Demo	$230,750
Site Infrastructure + Pond & Creek	$1,687,847
South Park	$1,759,729
Dog Park	$581,643
Bike Park	$2,171,710
Coulson Center	$2,075,948
River North	$1,053,814
Subtotal	**$12,680,407**

	CONTINGENCIES
Design Range 10%	$1,268,041
20%	$2,536,081
Construction Range 10%	$1,268,041
20%	$2,536,081
Total Project Cost at 10%	**$15,216,488**
Total Project Cost at 20%	**$17,752,570**

	POTENTIAL SAVINGS
Earthwork (On-Site Soil for Berming)	($744,920)

	FUNDING & POTENTIAL FUNDING AVAILABLE	
State (River North- Restroom)	($110,000)	*To be completed prior to Site Infrastructure + Pond & Creek. YRRPPP funding*
State	($250,000)	*YRRPPP funding*
Big Sky Economic Development Match	($250,000)	
Cost Range After Savings/Funding (10%)	**$13,861,568**	
Cost Range After Savings/Funding (20%)	**$16,397,650**	

NOTE:

- The estimate is based on conceptual level of planning and design that is in support of this opinion of probable cost. At the Master Plan level of design, it is difficult to determine the complete scope of the project in detail. Further Design Development and Construction Documentation will be required to develop a specific program with a more defined cost estimate.
- The estimate should be used for preliminary budgeting purposes only.
- The preliminary unit quantities are assumptions based on the Master Plan programming as well as assumptions based in similar project experiences.
- All costs are given in 2019 construction dollars. A yearly inflation factor has not been added.
- Costs/fees for planning, design, environmental studies, site surveying, testing, and other consultant or project overhead fees are not included.
- Estimates given assume all designs and improvements will be made with qualified professionals, and a qualified contractor through a public bid process.
- Yellowstone River Recreation Project Priority Plan (YRRPPP)

Opinion of Probable Cost - Coulson Park - City of Billings, Montana

Opinion of Probable Costs Based Upon Master Plan of Approximate 56 Acre Site
Prepared By: DHM Design
October 7, 2019

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
Project Start-Up					
Project Start Up and Preparation *- Mobilization* *- Permits* *- Vehicle Tracking* *- Dust Control (Water)*	LS	$11,026,440.85	15.00%	$1,653,966.13	
Potholing Utilities (Non-Destructive)	EA	50	$500.00	$25,000.00	*Allowance*
Erosion Control & Stormwater Management	LS	1	$125,000.00	$125,000.00	*Allowance*
Construction Staking / Surveying	LS	1	$45,000.00	$45,000.00	*Allowance*
Traffic Control	LS	1	$20,000.00	$20,000.00	*Allowance*
Environmental Remediation, Extents of Impact Not Yet Known	LS	1	$1,250,000.00	$1,250,000.00	*Allowance*
			Section Subtotal	**$3,118,966.1**	
Demolition					
Vegetation					
Tree Protection	LF	12,500	$1.50	$18,750.00	*Allowance*
Tree / Shrub Removal	EA	10	$1,200.00	$12,000.00	

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
Site Infrastructure + Pond and Creek					
Earthwork					
Topsoil Strip and Stockpile Existing, 6" depth	CY	2,560	$4.25	$10,880.00	
Rough Grading	CY	5,119	$20.00	$102,380.00	
Topsoil Placing	CY	1,111	$4.25	$4,721.75	
Export from excavation of pond and stream	CY	9,600	$20.00	$192,000.00	
Water Infrastructure					
River intake structure	LS	1	$350,000.00	$350,000.00	*Allowance*
Piping to creek source	LF	300	$50.00	$15,000.00	*Allowance*
Wet Well (intake line, structure, labor)	LS	1	$80,000.00	$80,000.00	*Allowance*
Pump Station (includes standard enclosure)	LS	1	$150,000.00	$150,000.00	*Allowance*
Irrigation Controller	LS	1	$45,000.00	$45,000.00	
Pond					
Compacted Clay, 12" depth, fine-graded, as pond subgrade	CY	1,150	$20.00	$23,000.00	
Liner System	LS	1	$25,000.00	$25,000.00	
Pond Overflow Drain Structure	LS	1	$10,000.00	$10,000.00	*Allowance*
Pond Overflow Outfall (Hard Pipe or Surface TBD)	LS	1	$50,000.00	$50,000.00	*Allowance*
Boulders, to match Yellowstone River	EA	40	$530.00	$21,200.00	*Aesthetic Purposes*
Cobble	TON	900	$55.00	$49,500.00	*6" depth*
Creek					
Compacted Clay, 12" depth, fine-graded, as creek subgrade	CY	500	$20.00	$10,000.00	
Liner System	LS	1	$25,000.00	$25,000.00	
Boulders, to match Yellowstone River	EA	70	$530.00	$37,100.00	*Aesthetic Purposes*
Cobble	TON	720	$55.00	$39,600.00	*12" depth*
Structures					
Footbridge, across constructed creek	EA	2	$20,000.00	$40,000.00	
Electrical Infrastructure					
Transformer, Distribution, Meter, etc	LS	1	$250,000.00	$250,000.00	*Allowance*
Planting					
Deciduous Shade Tree, 2" caliper	EA	20	$550.00	$11,000.00	
Wetland Sod	SF	9,248	$1.00	$9,248.00	
Native Seed	SF	87,872	$0.18	$15,816.96	
Irrigation					
irrigated Area	SF	97,120	$1.25	$121,400.00	
			Section Subtotal	$1,687,847	
			20% Design Contingency	$337,569	*Will Reduce w/ drawing advancement*
			20% Construction Contingency	$337,569	*Will Reduce w/ drawing advancement*
			Section Total	**$2,362,985**	

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
South Park					
Earthwork					
Topsoil - Strip & Stockpile Existing, 6" depth	CY	1,270	$4.25	$5,397.50	
Rough Grading	CY	1,000	$20.00	$20,000.00	
Topsoil Placing	CY	1,000	$4.25	$4,250.00	
Import for Berming	CY	6,700	$20.00	$134,000.00	*(Potential Savings if by City)*
Parking Lot					
South Lot, Compacted Roadbase	SF	19,325	$5.00	$96,625.00	
South Lot, 6" Depth Concrete @ Accessible Stalls	SF	850	$7.25	$6,162.50	
South Lot, 6ft Concrete Wheel Stops	EA	43	$150.00	$6,450.00	
Surfaces					
Park Loop Trail (10' wide concrete)	SF	4,500	$7.25	$32,625.00	
Concrete at Shade Structure & Restroom Pad	SF	2,400	$7.25	$17,400.00	
Concrete Pathways	SF	9,575	$7.25	$69,418.75	
ADA Accessible Stabilized Pathway	SF	24,246	$5.00	$121,230.00	
Artist Point (Beamstone boulders, get-down / planting pockets, river access)	LS	1	$450,000.00	$450,000.00	*Allowance*
Play Areas					
Concrete Playpit Wall	LF	300	$42.00	$12,600.00	
EWF Surfacing, 18" Min. Depth	CY	450	$36.00	$16,200.00	
Underdrain - Inlets, Piping, Crushed Rock, Outfall	LS	1	$8,500.00	$8,500.00	
Play Features - Installed	LS	1	$300,000.00	$300,000.00	*Allowance*
Harmony Park, Musical Equipment	LS	1	$80,000.00	$80,000.00	*Allowance*
Structures					
Shade Shelter, Large (40x60), @ South End	EA	1	$120,000.00	$120,000.00	*Allowance*
Restroom (includes concrete pad)	LS	1	$55,000.00	$55,000.00	
Signage					
Custom Entry Sign, Wall integrated into berm	LS	1	$30,000.00	$30,000.00	*Allowance*
Planting					
Deciduous Shade Tree, 2" caliper	EA	40	$550.00	$22,000.00	
Shrub	EA	100	$37.00	$3,700.00	
Native Seed	SF	30,154	$0.18	$5,427.72	
Turf Lawn	SF	22,000	$0.85	$18,700.00	
Irrigation					
Irrigated Area	SF	52,154	$1.25	$65,192.50	
Tree (Drip Line)	EA	23	$150.00	$3,450.00	
Site Furnishings					
Picnic Tables	EA	14	$1,600.00	$22,400.00	*Allowance*
Benches	EA	12	$1,500.00	$18,000.00	*Allowance*
Trash Receptacle	EA	12	$1,000.00	$12,000.00	*Allowance*
Bike Rack	EA	6	$500.00	$3,000.00	*Allowance*

Section Subtotal	$1,759,729	
20% Design Contingency	$351,946	*Will Reduce w/ drawing advancement*
20% Construction Contingency	$351,946	*Will Reduce w/ drawing advancement*
Section Total	**$2,463,621**	

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
River North					
Earthwork					
Topsoil Strip and Stockpile Existing, 6" depth	CY	2,109	$4.25	$8,963.25	
Rough Grading	CY	1,894	$20.00	$37,880.00	
Topsoil Placing	CY	740	$4.25	$3,145.00	
Import for Berming	CY	1,275	$20.00	$25,500.00	*(Potential Savings if by City)*
Parking Lot					
North Lot, Compacted Roadbase	SF	26,350	$5.00	$131,750.00	
North Lot, 6ft Concrete Wheel Stops	EA	20	$150.00	$3,000.00	
North Lot, 6" Depth Concrete @ Accessible Stalls	SF	850	$7.25	$6,162.50	
Surfaces					
Park Loop Trail (10' wide concrete)	SF	7,620	$7.25	$55,245.00	
ADA Accessable Stabilized Pathway	SF	8,825	$5.00	$44,125.00	
Crusher Fines Trails	SF	13,595	$4.25	$57,778.75	
Riverbank Stabilization + Boat Ramp Improvements	LS	1	$200,000.00	$200,000.00	*Allowance*
Play Areas					
Concrete Play Pit Wall	LF	400	$42.00	$16,800.00	
EWF Surfacing, 18" Min Depth	CY	322	$36.00	$11,592.00	
Underdrain - Inlets, Piping, Crushed Rock, Outfall	LS	1	$8,000.00	$8,000.00	
Play Equipment - Installed	LS	1	$150,000.00	$150,000.00	*Allowance*
Games Area	LS	1	$30,000.00	$30,000.00	*Allowance*
Fences					
3-Rail Wood Fencing - At Parking Areas & Pedestrian Entry's	LF	345	$43.00	$14,835.00	*Allowance*
Planting					
Deciduous Shade Tree, 2" caliper	EA	130	$550.00	$71,500.00	
Shrub	EA	100	$37.00	$3,700.00	
Native Seed	SF	36,320	$0.18	$6,537.60	
Structures					
Restroom (includes concrete pad, completed in Phase 1 with State grant funding, NRDP)	LS	1	$55,000.00	$55,000.00	*Allowance*
Irrigation					
Irrigated Area	SF	40,000	$1.25	$50,000.00	
Trees (Drip Line)	EA	110	$150.00	$16,500.00	
Site Furnishings					
Picnic Tables	EA	8	$1,600.00	$12,800.00	*Allowance*
Benches	EA	12	$1,500.00	$18,000.00	*Allowance*
Trash Receptacle	EA	12	$1,000.00	$12,000.00	*Allowance*
Bike Rack	EA	6	$500.00	$3,000.00	*Allowance*

Section Subtotal	**$1,053,814**	
20% Design Contingency	$210,763	*Will Reduce w/ drawing advancement*
20% Construction Contingency	$210,763	*Will Reduce w/ drawing advancement*
Section Total	**$1,475,340**	

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
Coulson Central					
Earthwork					
Topsoil Strip and Stockpile Existing, 6" depth	CY	2,127	$4.25	$9,039.75	
Rough Grading	CY	2,453	$20.00	$49,060.00	
Topsoil Placing	CY	979	$4.25	$4,160.75	
Import for Berming	CY	3,471	$20.00	$69,420.00	*(Potential Savings if by City)*
Parking Lot					
Central Lot, Compacted Roadbase	SF	22,500	$5.00	$112,500.00	
Central Lot, 6" Depth Concrete @ Accessible Stalls	SF	850	$7.25	$6,162.50	
Central Lot, 6ft Concrete Wheel Stops	EA	57	$150.00	$8,550.00	
Surfaces					
Park Loop Trail (10' wide concrete)	SF	7,000	$7.25	$50,750.00	
Coulson Square & Promenade Decorative Concrete, 6" Depth	SF	19,000	$12.00	$228,000.00	
Concrete Pathways and Flatwork	SF	8,490	$7.25	$61,552.50	
Amphitheater at Pavilion - Structural Concrete	CY	123	$1,500.00	$184,500.00	
ADA Accessible Stabilized Pathway	SF	3,480	$5.00	$17,400.00	
Crusher Fines Trails	SF	14,720	$4.25	$62,560.00	
Structures					
Coulson Park Performance Pavilion (Includes Lighting)	EA	1	$750,000.00	$750,000.00	*Allowance*
Restroom (includes concrete pad)	LS	1	$55,000.00	$55,000.00	
Interpretive Elements / Signage					
Coulson Square Cultural & Historic Elements	LS	1	$40,000.00	$40,000.00	*Allowance*
Sawmill Feature @ Coulson Square (Interpretive Signage)	LS	1	$2,000.00	$2,000.00	*Allowance*
Post Office Feature @ Coulson Square (Interpretive Signage)	LS	1	$2,000.00	$2,000.00	*Allowance*
Lighting					
Pedestrian Lights, @ Coulson Square, along 10' wide trail	EA	14	$7,000.00	$98,000.00	
Electrical Infrastructure @ Stage/Dance Arbor	LS	1	$25,000.00	$25,000.00	*Allowance*
Parking Lot Lighting	EA	8	$3,000.00	$24,000.00	
Planting					
Deciduous Shade Tree, 2" caliper	EA	105	$550.00	$57,750.00	
Shrub	EA	100	$37.00	$3,700.00	
Native Seed	SF	24,759	$0.18	$4,456.62	
Turf Lawn	SF	28,113	$0.85	$23,896.05	
Irrigation					
Irrigated Area	SF	52,872	$1.25	$66,090.00	
Trees (Drip Line)	EA	40	$150.00	$6,000.00	
Site Furnishings					
Picnic Tables	EA	14	$1,600.00	$22,400.00	*Allowance*
Benches	EA	12	$1,500.00	$18,000.00	*Allowance*
Trash Receptacles	EA	12	$1,000.00	$12,000.00	*Allowance*
Bike Rack	EA	4	$500.00	$2,000.00	*Allowance*
			Section Subtotal	$2,075,948	
			20% Design Contingency	$415,190	*Will Reduce w/ drawing advancement*
			20% Construction Contingency	$415,190	*Will Reduce w/ drawing advancement*
			Section Total	**$2,906,327**	

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
Bike Park					
Earthwork					
Topsoil Strip and Stockpile Existing, 6" depth	CY	3,536	$4.25	$15,028.00	
Rough Grading	CY	7,530	$20.00	$150,600.00	
Topsoil Placing	CY	1,307	$4.25	$5,554.75	
Import for Berming	CY	25,800	$20.00	$516,000.00	*(Potential Savings if by City)*
Surfaces					
Park Loop Trail (10' wide concrete)	SF	7,000	$7.25	$50,750.00	
Concrete Flatwork (under shade structure and misc. pathways)	SF	2,000	$7.25	$14,500.00	
Crusher Fines Trails	SF	14,050	$4.25	$59,712.50	
Structures					
Shade Shelter, Large, @ Bike Park	EA	1	$60,000.00	$60,000.00	
Bike Park					
Pump Track	LS	1	$300,000.00	$300,000.00	*Allowance*
Intermediate Track	LS	1	$350,000.00	$350,000.00	*Allowance*
Advanced Track	LS	1	$350,000.00	$350,000.00	*Allowance*
All Ages Perimeter Trail	LS	1	$100,000.00	$100,000.00	*Allowance*
Planting					
Deciduous Shade Tree, 2" caliper	EA	100	$550.00	$55,000.00	
Shrub				$0.00	
Native Seed	SF	70,605	$0.18	$12,708.90	
Irrigation					
Irrigated Area	SF	70,605	$1.25	$88,256.25	
Trees (Drip Line)	EA	60	$150.00	$9,000.00	
Site Furnishings					
Picnic Tables	EA	6	$1,600.00	$9,600.00	*Allowance*
Benches	EA	10	$1,500.00	$15,000.00	*Allowance*
Trash Receptacles	EA	10	$1,000.00	$10,000.00	*Allowance*
			Section Subtotal	$2,171,710	
			20% Design Contingency	$434,342	*Will Reduce w/ drawing advancement*
			20% Construction Contingency	$434,342	*Will Reduce w/ drawing advancement*
			Section Total	**$3,040,395**	

Category	Unit	Qnty	Unit Cost	Total Cost	Comments
Dog Park					
Earthwork					
Topsoil Strip and Stockpile Existing, 6" depth	CY	1,430	$4.25	$6,077.50	
Rough Grading	CY	2,859	$20.00	$57,180.00	
Surfaces					
Park Loop Trail (10' wide concrete)	SF	2,750	$7.25	$19,937.50	
(4) Entry Points @ Dog Park, 6" Depth, Grey	SF	900	$7.25	$6,525.00	
ADA Accessible Stabilized Pathway	SF	7,422	$5.00	$37,110.00	
Dog Park Surfacing, 12" Depth	CY	2,365	$50.00	$118,250.00	*(Potential Savings if by City)*
Underdrain: Inlets, Perf. Piping, Filter Fabric, Outfall	LS	1	$16,000.00	$16,000.00	
Crusher Fines Trails	SF	14,050	$4.25	$59,712.50	
Fencing and Gates					
Concrete Curb, Perimeter & Fence Mount	LF	1,150	$20.00	$23,000.00	
5'-0" Height Perimeter Chainlink Fence, Black Vinyl-Coated	LF	1,150	$50.00	$57,500.00	
4'-0" Wide Pedestrian Gates	EA	8	$500.00	$4,000.00	
10'-0" Wide Maintenance/Pedestrian Gates	EA	2	$1,200.00	$2,400.00	
Structures					
Shade Shelter, Small, @ Dog Park	EA	2	$40,000.00	$80,000.00	
Planting					
Deciduous Shade Tree, 2" caliper	EA	65	$550.00	$35,750.00	
Shrub	EA	50	$37.00	$1,850.00	
Native Seed	SF	10,000	$0.18	$1,800.00	
Irrigation					
Irrigated Area	SF	20,000	$1.25	$25,000.00	
Tree (Drip Line)	EA	65	$150.00	$9,750.00	
Site Furnishings					
Picnic Tables	EA	3	$1,600.00	$4,800.00	*Allowance*
Benches	EA	8	$1,500.00	$12,000.00	*Allowance*
Dog Waste Station	EA	6	$500.00	$3,000.00	*Allowance*

Section Subtotal	$581,643	
20% Design Contingency	$116,329	*Will Reduce w/ drawing advancement*
20% Construction Contingency	$116,329	*Will Reduce w/ drawing advancement*
Section Total	**$814,300**	

Project Construction Subtotal:	**$12,680,407**
20% Design Contingency	**$2,536,081**
20% Construction Contingency	**$2,536,081**
*does not include design fees	
Project Construction Total:	**$17,752,570**

Note: Opinion of Probable Costs does not account for City regulated costs towards tap fees of any type.

8.1 Credits

Coulson Park Master Plan
Billings, Montana

Project Team:

DHM Design
Eric Meadows
Griffin Foster
Henry Herman
Sarah Fontana
Stephen Ellsperman
Jeremy Allison

Stahly Engineering
Dax Simek
Ryan Harbach

Department of Parks and Recreation:
Michael Whitaker, Director
Mark Jarvis, Park Planner
Mike Pigg, Superintendent of Parks
Korey Thompson, Superintendent of Recreation

Consent **1. Q.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: W.O. 20-02 Missing Sidewalk/Miscellaneous Program - Resolution Ordering Improvements

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

The City has an annual program to make improvements that deals with tripping hazards, drainage problems, property owner requests, complaints, and other miscellaneous concrete work. This program is split into three separate projects. The first project, sidewalk tripper repair, deals with tripping hazards that can be repaired by grinding them. The second project, small concrete replacement, primarily includes tripping hazards that need to be replaced instead of repaired. The third project is the Missing Sidewalk/Miscellaneous project and is the subject of this council action.

The Missing Sidewalk/Miscellaneous project is intended to concentrate on installing sidewalk in areas that are missing pedestrian facilities. As a priority, City staff identified areas that are along arterial streets, collector streets, school routes, or in high pedestrian areas for inclusion in this program. The streets identified as needing sidewalk are Aronson Avenue from Governors Boulevard to Nutter Boulevard; 11th Avenue North from North 22nd Street to North 27th Street, and ADA improvements to the sidewalk on the west side of 24th Street West between Lewis Avenue and Broadwater Avenue. Attached is a map showing the sidewalk areas. Along with the missing sidewalk, there is miscellaneous concrete work to address problems throughout the city, including ADA improvements, that are too large for the sidewalk tripper repair or replacement projects.

The property owners are responsible for paying for sidewalk on their addressed side and drive approaches on both addressed and non-addressed sides. The City is responsible to pay for curb and gutter replacement, sidewalk on non-addressed sides of properties, and ADA improvements at corners and on sidewalks that are in good condition, but were constructed before ADA requirements were in place. There are a number of properties within the district that have zero assessment. The improvements along their property is either on the non-addressed side or curb, gutter, or ADA improvements only. Identifying the properties in the Resolution allows those property owners to add improvements to the project and be assessed for them which is a common occurrence for this project.

ALTERNATIVES ANALYZED

The Council may:

• Approve the Resolution ordering construction of the improvements; or
• Do not approve the Resolution ordering construction of the improvements. If the Council does not approve the Resolution, the property owners cannot be assessed and the work will not occur because there is no other source of funding.

FINANCIAL IMPACT

The project is funded through gas tax and direct property assessments. The assessments included in the resolution are in the amount of $390,000.

RECOMMENDATION

Staff recommends that Council approve a resolution ordering improvements identified in the 2020 Missing Sidewalk/Miscellaneous Program.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Ordering Improvements
Exhibit A to Resolution
Exhibit B to Resolution

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No. 20-_____, entitled: **A RESOLUTION RELATING TO 2020 CITY MISSING SIDEWALK/MISCELLANEOUS PROJECT; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE** (the "Resolution") was duly adopted by the City Council of the City at a meeting on March 23, 2020; that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand officially this _____ day of _____, 2020.

_____
Denise Bohlman
City Clerk

RESOLUTION NO. 20 - _____

A RESOLUTION RELATING TO 2020 CITY MISSING SIDEWALK/MISCELLANEOUS PROJECT; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE.

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

Section 1. Authorization. Certain curbs, gutters, sidewalks, drive approaches, alley approaches and/or appurtenant features or a combination thereof in certain locations in the City have deteriorated, settled and cracked, or none exist, and the safety and convenience of the public require installation, construction, reconstruction, repair and/or replacement thereof. Pursuant to M.C.A. 7-14-4109, the Council is authorized to order the installation, construction, reconstruction and/or replacements of certain curbs, gutters, sidewalks, drive approaches and/or appurtenant features or a combination thereof (the "Improvements") in certain locations in the City and without creation of a special improvement district.

Section 2. Ordering of Improvements. It is hereby ordered that the Improvements, consisting of the construction and installation of curbs, gutters, sidewalks, drive approaches and appurtenant features as shown on Exhibit A hereto and as more particularly described herein, be installed, constructed, reconstructed, repaired and/or replaced.

Section 3. Estimated Costs of the Improvements. The City estimates that the costs of the Improvements are $390,000. Costs of the Improvements include costs of the design, engineering, construction and installation of the Improvements, costs of funding a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"), costs associated with the sale of the Bonds (as hereinafter defined), and all other incidental costs as described below:

Construction Costs	$315,962.84
City Engineering (Project Management)	43,337.16
Finance	1,200.00
Revolving Fund	19,500.00
Issuance Costs	10,000.00
Total Assessed Costs	$390,000.00

Section 4. Property to be Assessed. The properties which are adjacent to the Improvements will be assessed for costs of the Improvements as shown on Exhibit B hereto. The cost to be assessed against each property will vary depending upon the actual construction that is required adjacent to each such property.

Section 5. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners. Each such owner will have thirty (30) days from the date of said notice in which to install the Improvements with respect to its property at its own expense. In the event that any owner does not install the Improvements with respect to its property, the City will install such Improvements and will assess the costs of the Improvements against such property.

Section 6. Payment for Improvements. Costs of the Improvements (unless paid directly by the affected property owner) are to be paid from the proceeds of Sidewalk, Curb, and Gutter Improvement Bonds (the "Bonds") in an aggregate principal amount not to exceed $390,000.

Section 7. Bond Financing; Pledge of Revolving Fund; Findings and Determinations. The Bonds will be repaid from the assessments for costs of the Improvements, together with interest thereon calculated pursuant to M.C.A. 7-12-4189, to be levied against the properties to be assessed for the Improvements. Assessments for the costs of the Improvements, together with interest thereon, shall be payable over a term not exceeding 12 years, each in equal semiannual installments as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Principal of and interest on the Bonds will be paid from such assessments.

After the Bonds are issued, all property owners to be levied for the Improvements shall have the right to prepay assessments as provided by law.

This Council further finds that it is in the public interest, and in the best interest of the City and the properties to be assessed for the Improvements, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize the issuance of the Bonds and the pledge of the Revolving Fund therefor, this Council has taken into consideration the following factors:

(a) Estimated Market Value of Parcels. The estimated market value of the properties to be assessed for the Improvements as of the date of adoption of this resolution, as estimated by the County Assessor, ranges from $22,917 to $1,106,600 and is set forth in Exhibit B. The estimated average market value of the properties to be assessed for the Improvements is $225,519 and the median market value of the properties to be assessed for the Improvements is $214,500. The special assessments to be levied against each property listed on Exhibit B hereto are less than the increase

in estimated value of the properties as a result of the construction of the Improvements.

(b) Diversity of Property Ownership. There are a total of 101 properties to be assessed for the Improvements and such properties are owned by separate owners.

(c) Comparison of Special Assessments, Property Taxes and Market Value. Based on an analysis of the aggregate amount of the proposed assessments, any outstanding assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a property to be assessed for the Improvements) against each property to be assessed for the Improvements in comparison to the estimated market value of such property after the Improvements, the City concludes that, overall, the estimated market value of the properties to be assessed for the Improvements exceeds the sum of the proposed assessments, outstanding assessments and delinquent property taxes, and is set forth in Exhibit B hereto.

(d) Delinquencies. An analysis of the amount of delinquencies in the payment of outstanding assessments or property taxes levied against the properties to be assessed for the Improvements is set forth in Exhibit B hereto, which analysis shows that of 101 properties, 0 properties were delinquent.

(e) Public Benefit of the Improvements. The Improvements are required for the safety and convenience of the public. Pursuant to the City's Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new sidewalk, curb, gutter, and drive approaches is to be borne by the adjacent property owners.

8.1 Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

8.2 Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii)

expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

8.3 Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of $390,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

8.4 Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

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

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 23rd of March, 2020.

_____
Mayor

Attest:

_____
City Clerk

Exhibit A
Location of Work
2020 Missing Sidewalk/Miscellaneous

A) ***Sidewalk:*** **1010 S 29th, 1310 O Malley Dr, 118 S Santa Fe Dr, 2303 Elsa Dr, 2240 Monad Rd, 902 24th St W, 824 24th St W, 818 24th St W, 814 24th St W, 2523 11th Ave N, 1101 N 27th St, 1104 N 26th St, 1045 N 26th St**

B) ***Curb and Gutter:*** **2523 Beth Dr, 37 Monroe St, 2944 Colonial Pl, 1700 block of Virginia Ln (West Side)**

C) ***Sidewalk, Curb and Gutter:*** **114 S Santa Fe, 2805 Beth Dr, 2737 Beth Dr, 1514 Yellowstone Ave, 1514 Yellowstone Ave, 1512 Yellowstone Ave, 1508 Yellowstone Ave, 922 24th St W, 912 24th St W, 2403 Wyoming Ave**

D) ***Curb, Gutter, Sidewalk and Drive Aprons:*** **2223 8th Ave N, 2337 Yellowstone Ave, 1236 Colton Blvd, 2423 Ash St, 2419 Ash St, 4409 Ryan Ave, 404 18th St W, 537 Avenue B, 3121 Morledge St, 808 24th St W, 708 24th St W, 1045 N 27th St, 2207 11th Ave N, 1703 Avenue D, 1702 Avenue F, 1701 Avenue F, 1928 17th St W, 1815 17th St W**

E) ***Curb, Gutter and Drive Aprons:*** **206 Birchwood Dr**

F) ***Sidewalk, Curb, Gutter and ADA Ramps:*** **2445 Terry Ave, 2446 Terry Ave, 2502 Terry Ave, 2501 Terry Ave, 1022 24th St W, 1101 N 24th St, 2303 11th Ave N, 2415 11th Ave N, 1102 N 25th St, 1048 N 25th St, 1045 N 25th St, 1048 N 23rd St, 2320 11th Ave N, 1036 N 22nd St, 1103 N 23rd St, 2303 11th Ave N, 1033 N 22nd St, 951 Aronson Ave, 1001 Aronson Ave, 922 Aronson Ave, 950 Aronson Ave, 301 Ecton Cir, 938 Aronson Ave, 301 Stewart Ct N, 202 Ashley Ct N, 979 Dixon Cir, 1028 Aronson Ave**

G) ***Sidewalk, Curb, Gutter, Drive Aprons and ADA Ramps:*** **2415 Brook Hollow Dr, 1045 N 23rd St**

H) ***ADA Ramp:*** **381 Aronson Pl, 380 Aronson Pl, 792 Aronson Ave, 454 Sahara Dr, 402 Sahara Dr, 793 Aronson Ave, 305 Camel Pl, 304 Camel Pl, 664 Mecca Dr, 703 Aronson Ave, 603 Aronson Ave, 665 Aronson Ave, 654 Aronson Ave, 321 Caravan Ave, 311 Tabriz Dr, 546 Aronson Ave**

Missing Sidewalk Locations

A) ***Aronson Ave(Governors Blvd to Nutter Blvd):*** **905 Aronson Ave, 909 Aronson Ave, 911 Aronson Ave, 921 Aronson Ave, 931 Aronson Ave, 933 Aronson Ave, 939 Aronson Ave, 943 Aronson Ave, 947 Aronson Ave, 1033 Aronson Ave, 1017 Aronson Ave, 1015 Aronson Ave, 1009 Aronson Ave, 918 Aronson Ave, 914 Aronson Ave, 910 Aronson Ave, 906 Aronson Ave, 934 Aronson Ave, 1018 Aronson Ave, 1014 Aronson Ave, 1010 Aronson Ave, 1032 Aronson Ave**

B) ***11th Ave N (N 27th St to N 22nd St):*** **2307 11th Ave N**

C) ***24th St W (Lewis Ave to Broadwater Ave, West side):*** **1018 24th St W, 1012 24th St W, 1008 24th St W, 1004 24th St W, 916 24th St W, 908 24th ST W, 720 24th St W**

D) ***Random Locations sidewalk:*** **Racquet Dr & Zimmerman Trail SW corner**

E) ***Random Locations, Sidewalk, Curb and Gutter:*** **111 Hilltop Rd**

Exhibit B

2020 Missing Sidewalk/Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	Assessment (C)	A + B + C	Market Value
A01882A				$3,332.66	$3,332.66	$132,200.00
A02112				$6,290.09	$6,290.09	$168,500.00
A02499B				$2,468.64	$2,468.64	$158,700.00
A04106				$0.00	$0.00	$172,600.00
A04477				$4,748.43	$4,748.43	$240,700.00
A04675	2701	$11.87		$355.48	$367.35	$228,200.00
A04676	2701	$11.90		$2,871.03	$2,882.93	$176,600.00
A05872				$3,783.19	$3,783.19	$177,600.00
A05997				$0.00	$0.00	$216,200.00
A06047				$4,480.58	$4,480.58	$212,300.00
A06048				$2,221.78	$2,221.78	$202,700.00
A08177				$7,302.45	$7,302.45	$289,300.00
A08178				$7,445.63	$7,445.63	$338,100.00
A08640				$0.00	$0.00	$196,400.00
A09709				$3,431.41	$3,431.41	$184,400.00
A09734				$5,046.31	$5,046.31	$225,500.00
A09795				$5,046.31	$5,046.31	$152,600.00
A09814				$0.00	$0.00	$835,065.00
A10211				$0.00	$0.00	$188,600.00
A10212				$0.00	$0.00	$185,900.00
A10213				$0.00	$0.00	$164,400.00
A10214				$0.00	$0.00	$154,400.00
A10215				$0.00	$0.00	$160,700.00
A10216				$888.71	$888.71	$160,800.00
A10217				$0.00	$0.00	$155,800.00
A10218				$370.30	$370.30	$162,200.00
A10219				$0.00	$0.00	$159,600.00
A10220				$0.00	$0.00	$158,400.00
A10221				$370.30	$370.30	$159,800.00
A10222				$0.00	$0.00	$145,800.00
A10223				$0.00	$0.00	$149,200.00
A10224				$0.00	$0.00	$173,700.00
A10225				$4,858.28	$4,858.28	$212,600.00
A10241				$0.00	$0.00	$172,100.00
A10248				$0.00	$0.00	$215,000.00
A10249				$0.00	$0.00	$86,022.00
A12334				$7,132.31	$7,132.31	$139,100.00
A12678				$5,046.31	$5,046.31	$234,700.00

Exhibit B

2020 Missing Sidewalk/Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	Assessment (C)	A + B + C	Market Value
A13575				$829.46	$829.46	$227,200.00
A13901				$2,863.62	$2,863.62	$208,300.00
A13902	2912	$457.56		$1,826.79	$2,284.35	$196,500.00
A13911				$0.00	$0.00	$242,600.00
A14637				$2,160.06	$2,160.06	$129,800.00
A14888				$3,461.44	$3,461.44	$210,700.00
A16257				$10,170.80	$10,170.80	$189,300.00
A16258				$5,122.43	$5,122.43	$35,459.00
A16271				$4,947.15	$4,947.15	$338,700.00
A16294				$6,899.85	$6,899.85	$184,500.00
A16305				$866.49	$866.49	$168,200.00
A16317				$1,999.60	$1,999.60	$162,500.00
A16328				$2,424.20	$2,424.20	$178,200.00
A16337				$0.00	$0.00	$1,106,600.00
A16348				$0.00	$0.00	$97,900.00
A16359				$4,779.29	$4,779.29	$176,300.00
A16402				$9,316.03	$9,316.03	$219,300.00
A16459				$1,073.03	$1,073.03	$118,800.00
A16469				$0.00	$0.00	$154,584.00
A16491				$0.00	$0.00	$140,600.00
A16501				$8,948.41	$8,948.41	$126,000.00
A16502				$8,552.20	$8,552.20	$174,400.00
A17352				$1,303.44	$1,303.44	$241,800.00
A17353				$925.74	$925.74	$241,800.00
A17354				$7,479.98	$7,479.98	$483,700.00
A19835				$4,236.19	$4,236.19	$224,100.00
A19836				$4,042.40	$4,042.40	$201,100.00
A19837				$6,511.04	$6,511.04	$222,300.00
A19839				$3,270.95	$3,270.95	$243,700.00
A19842				$8,590.87	$8,590.87	$252,500.00
A19843				$6,671.50	$6,671.50	$296,100.00
A19844				$5,171.80	$5,171.80	$232,200.00
A19845				$6,498.69	$6,498.69	$243,000.00
A19846				$4,350.98	$4,350.98	$256,800.00
A19847				$6,455.49	$6,455.49	$181,300.00
A19917				$3,610.39	$3,610.39	$229,200.00
A19921				$9,417.86	$9,417.86	$218,500.00
A19922				$4,320.12	$4,320.12	$217,400.00

Exhibit B

2020 Missing Sidewalk/Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	Assessment (C)	A + B + C	Market Value
A19923				$3,178.37	$3,178.37	$292,300.00
A19925				$7,239.29	$7,239.29	$220,900.00
A19966				$4,782.99	$4,782.99	$248,600.00
A19967				$5,739.59	$5,739.59	$243,900.00
A19968				$6,060.51	$6,060.51	$268,300.00
A19969				$4,844.71	$4,844.71	$261,900.00
A19970				$5,980.28	$5,980.28	$221,500.00
A19999				$10,615.15	$10,615.15	$245,200.00
A20000				$0.00	$0.00	$258,100.00
A20010				$16,750.96	$16,750.96	$314,800.00
A20011				$11,443.38	$11,443.38	$243,200.00
A20012				$0.00	$0.00	$240,600.00
A20027				$0.00	$0.00	$241,000.00
A20028				$7,957.66	$7,957.66	$214,500.00
A20029				$4,196.69	$4,196.69	$231,900.00
A20030				$5,579.13	$5,579.13	$258,600.00
A20032				$4,043.63	$4,043.63	$194,300.00
A20075				$14,158.88	$14,158.88	$321,000.00
A20097				$6,727.04	$6,727.04	$223,000.00
A21226				$4,924.94	$4,924.94	$349,800.00
A24359				$0.00	$0.00	$22,917.00
A27718				$0.00	$0.00	$372,400.00
A31058				$0.00	$0.00	$347,100.00
C05611				$5,628.50	$5,628.50	$277,700.00
C08182				$23,559.06	$23,559.06	$245,500.00

Average		$3,861.00	$3,866.00	$225,519.00
Median		$3,461.00	$3,461.00	$214,500.00
Low		$0.00	$0.00	$22,917.00
High		$23,559.00	$23,559.00	$1,106,600.00

Consent **1. R.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Confirmation of COVID 19 Joint Emergency Declaration

PRESENTED BY: Brent Brooks, City Attorney

Department: Legal

Presentation: No

PROBLEM/ISSUE STATEMENT

On Monday March 16, 2020, Mayor Cole along with the Board of County Commissioners for Yellowstone County, signed and issued a Joint Declaration of Emergency concerning the COVID-19 (corona virus) health crisis. This Declaration is authorized by Sections 10-3-402, 10-3-404 and 10-3-406, Montana Code Annotated (hereinafter referenced as MCA) and for the Mayor, by Section 2-903, BMCC (City Code). Section 2-903, BMCC provides that the Mayor shall have the authority to declare the existence of a state of emergency in the event it is deemed necessary to declare the existence of an emergency without delay, or when there is inadequate time to call a meeting of the city council. Such action shall be subject to later confirmation or revocation by the City Council. Therefore this participation in the Joint Declaration by Mayor Cole is on this Regular agenda for consideration and confirmation by the entire City Council.

Some Council Members have previously inquired about who has what authority concerning the local decisions in the COVID-19 situation or other crucial public health and safety issues. A few background comments are helpful. Under MCA section 50-2-106(1), a City and County may form a City-County Board of health. The City of Billings and Yellowstone County have done so through an interlocal agreement.The members of the board of Health are appointed pursuant to MCA section 50-2-106(2) as follows:
(a) one person appointed by the county commissioners who serves at their pleasure;
(b) one person appointed by the governing body of each city that participates in the city-county board who serves at the pleasure of the appointing governing body;
(c) additional members appointed by the county commissioners and governing body or bodies of the city or cities participating in the city-county board as mutually agreed upon who serve at the pleasure of the appointing commissioners or governing body.

Under Montana Code Annotated Section 50-2-116, t he local health board has numerous powers which are quite lengthy. One of the powers of the board is to hire a local Health Officer The qualifications of that officer are listed in MCA section 50-2-116(1)(a). The Board maintains supervisory control of the health Officer.

For the current decisions such as the closure of bars, casinos and restaurants, the authority to do so is vested in this local Health Officer pursuant to MCA section 50-2-118. That statutes provides

"In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:
(1) make inspections for conditions of public health importance and issue written orders for

compliance or for correction, destruction, or removal of the condition;
(2) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;
(3) report communicable diseases to the department as required by rule;
(4) establish and maintain quarantine and isolation measures as adopted by the local board of health; and
(5) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated."

The local Health Officer may amend any orders previously issued as authorized by MCA section 50-2-118. The local Health Officer also consults with and is a member of the local Unified health Command. This group consists of Billings Clinic, St Vincent Healthcare, Riverstone Health and the County Disaster and Emergency Services Director and the Health Officer. The group makes recommendations to the Health Officer as that person performs duties from MCA Section 50-2-118 cited above. The Unified Health Command, the Emergency Operations Center, Board of County Commissioners and the Mayor/City Council have no supervisory authority over the Health Officer for the duties listed in MCA section 50-2-118.

There has also been a question from the Council about what the the Emergency Operation Center (EOC) is and how it relates to and works with the Health Officer and Unified Health Command. The EOC is intended to be an avenue of communication between all affected city and county emergency services departments on a variety of issues. It also exists so that emergency services officials can communicate a consistent message to the public as needed. The EOC has no authority to issue declarations and similar directives. That is done by our elected city and county officials and the County Health Officer

The legal advisor of the local City-County health board and Health Officer is the County Attorney as provided in MCA section 50-2-115.

:

ALTERNATIVES ANALYZED

City Council may:

- Approve and confirm the Mayor's participation in the Joint Emergency Declaration, or;
- Disapprove and not confirm the Joint Emergency Declaration

Confirmation or non-confirmation of the Declaration of Emergency does not impact the decisions within the statutory authority of the local Health Officer.

FINANCIAL IMPACT

Approval and confirmation of the Emergency Declaration will make the City better able to obtain various state and federal funds to assist in the costs of the emergency. Disapproval and non-confirmation will make it more difficult to apply for and potentially receive such funds.

RECOMMENDATION

Staff recommends that the Council approve and confirm the Mayor's participation in the Joint Declaration of Emergency issued March 16, 2020.

APPROVED BY CITY ADMINISTRATOR

Attachments

Emergency Declaration Resolution

Return To:
Board Clerk

MC 3914534
03/18/2020 09:48 AM Pages: 1 of 4 Fees: 0.00
Jeff Martin Clerk & Recorder, Yellowstone MT

Joint Yellowstone County and City of Billings Emergency Declaration

Resolution No. 20-31

CITY OF BILLINGS RESOLUTION NO. 20-10856

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, as of March 10, 2020, the United States Centers for Disease Control and Prevention (CDC) indicates there are over 125,000 confirmed cases of COVID-19 worldwide with over 900 confirmed cases in the United States;

WHEREAS, the Montana Department of Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana;

WHEREAS, although there are presently confirmed cases in Montana, and the Montana DPHHS, local health departments, health and medical departments and local jurisdictions have activated response plans and protocols to combat the virus in Montana;

WHEREAS, local officials are working to identify, contact, and test individuals in the State of Montana who have been potentially exposed to COVID-19 in coordination with the CDC;

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the City of Billings and Yellowstone County and its people;

WHEREAS, on March 12, 2020, Governor Bullock declared a state of emergency for Montana as defined in §§10-3-103 and 10-3-302, MCA.

WHEREAS, Section 10-3-103(4) MCA defines "disaster" as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause;

WHEREAS, Section 10-3-103(8) MCA defines "emergency" as the imminent threat of a disaster causing immediate peril to life or property that timely action may avert or minimize;

WHEREAS, The Mayor of the City of Billings has the authority to enter into this Joint Declaration under Section 2-903, Billings Montana City Code; and,

WHEREAS, Yellowstone County and the City of Billings are addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors;

WHEREAS, on March 15, 2020, Governor Bullock ordered closed all K-12 schools for a period of two (2) weeks;

NOW, THEREFORE, BE IT RESOLVED pursuant to Title 10, Chapter 3, Part 4, MCA, the Yellowstone County Commission and the Billings City Council declare that an emergency for Yellowstone County and the City of Billings is posed.

IN ADDITION, by this declaration we direct the implementation of the Comprehensive Emergency Management Plan and authorize all necessary County and/or City agencies, including but not limited to the Yellowstone County Emergency Operations Center, to take appropriate action to assist the County and City and individuals in containing, preparing for, responding to and recovering from this disaster emergency, to protect County and local property, and to provide such other assistance as is necessary to protect the public health, welfare, and safety. Included is necessary testing, equipment such as Personal Protective Equipment (PPE) and other materials and supplies deemed necessary to assist with finding, preventing and combatting the virus.

MC 3914534
03/18/2020 09:48 AM Pages: 3 of 4 Fees: 0.00
Jeff Martin Clerk & Recorder, Yellowstone MT

BE IT FURTHER RESOLVED that copies of this resolution will be filed with the Yellowstone County Clerk and Recorder.

PASSED AND ADOPTED this 16th day of March 2020.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Denis Pitman, Chairman

ATTEST:

Donald W. Jones, Member

Jeff Martin, Clerk and Recorder

John Ostlund, Member

STATE OF MONTANA)
:
County of Yellowstone)

On the 16th day of March, 2020, before me, a Notary Public in and for the State of Montana, personally appeared Denis Pitman, Chairman, Donald W. Jones, John Ostlund and Jeff Martin know to me to be the Board of County Commissioners and the Clerk and Recorder of Yellowstone County, Montana, and who signed the foregoing instrument and who acknowledged to me that they executed the same.

WITNESS my hand and seal the day and year hereinabove written.

TERI REITZ NOTARIAL SEAL STATE OF MONTANA

TERI REITZ
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
February 27, 2022

MC 3914534
03/18/2020 09:48 AM Pages: 4 of 4 Fees: 0.00
Jeff Martin Clerk & Recorder, Yellowstone MT

CITY OF BILLINGS:

BY: William A Cole
William A. Cole, Mayor

CITY OF BILLINGS * YELLOWSTONE COUNTY, MONTANA * SEAL

ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

CERTIFICATE

STATE OF MONTANA } SS
County of Yellowstone }

I hereby certify that this sheet, and all sheets identified by impression of my Official Seal, are each and all true and correct copies of originals filed in my office on 3/18/2020 at 9:48 o'clock A M, under Document Number 3914534.

IN TESTIMONY WHEREOF, I have here unto set my hand and affixed my seal of Office 3/18/2020.

JEFF MARTIN
County Clerk & Recorder

By: JMC
Deputy

Consent **1. S. 1.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Payment of Claims for the week of February 10, 2020

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

Presentation: No

PROBLEM/ISSUE STATEMENT

Claims in the amount of $1,168,969.85 have been audited and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

City Check Payment Approval Process

Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the Department Director or designee must perform an initial review and approval of the purchase. The number of approvals within the Department can vary based upon the size of the Department, but no less than one approver within each Department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director.

If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

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 Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

councilmemo wk of 02102020

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830567	A+ Electric Motor Repair	Water	$ 3,590.00	20-142; H-5 REBUILD CLEAN & TEST MOTOR BEARINGS
02/10/2020	830574	Applied Industrial Tech	Water	$ 4,536.50	7018171410; THOMAS PUMP 3 MOTOR REPLACEMENT
02/10/2020	830578	Big Sky Linen & Uniform	General	$ 15.00	laundry services for senior center 0430200
02/10/2020	830578	Big Sky Linen & Uniform	General	$ 15.00	laundry services for senior center 0426388
02/10/2020	830578	Big Sky Linen & Uniform	General	$ 62.48	laundry services for senior center 0429256
02/10/2020	830578	Big Sky Linen & Uniform	General	$ 17.20	laundry services for senior center 0427319
02/10/2020	830578	Big Sky Linen & Uniform	Transit	$ 264.20	Linen service for January
02/10/2020	830578	Big Sky Linen & Uniform	Ballpark Donations	$ 7.15	laundry services for Dehler 0428258
02/10/2020	830578	Big Sky Linen & Uniform	General	$ 15.00	laundry services for senior center 0428260
02/10/2020	830578	Big Sky Linen & Uniform	Transit	$ 56.25	Linen service for January
02/10/2020	830578	Big Sky Linen & Uniform	Transit	$ 163.95	Linen service for January
02/10/2020	830578	Big Sky Linen & Uniform	Transit	$ 32.64	Linen service for January
02/10/2020	830578	Big Sky Linen & Uniform	Transit	$ 39.14	Linen service for January
02/10/2020	830578	Big Sky Linen & Uniform	Public Safety	$ 30.51	1076 JAN 2020/FIRE & 911 LINEN SERVICE
02/10/2020	830578	Big Sky Linen & Uniform	Public Safety	$ 366.11	1076 JAN 2020/FIRE & 911 LINEN SERVICE
02/10/2020	830578	Big Sky Linen & Uniform	Wastewater	$ 731.57	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Water	$ 63.10	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Building	$ 25.05	Invoice 0430311
02/10/2020	830578	Big Sky Linen & Uniform	Water	$ 874.08	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Wastewater	$ 362.44	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Water	$ 543.66	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Wastewater	$ 19.42	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Water	$ 402.88	2600 2-3-20; MONTHLY UNIFORM FEES
02/10/2020	830578	Big Sky Linen & Uniform	Wastewater	$ 306.06	9300 2-3-20; FLOOR MATS
02/10/2020	830578	Big Sky Linen & Uniform	Water	$ 459.09	9300 2-3-20; FLOOR MATS
02/10/2020	830578	Big Sky Linen & Uniform	Airport	$ 481.10	Building Maintenance Uniform Cleaning
02/10/2020	830578	Big Sky Linen & Uniform	Airport	$ 176.25	ARFF/AFM Laundry Services
02/10/2020	830578	Big Sky Linen & Uniform	Airport	$ 112.60	Building Maintenance Janitorial Supplies
02/10/2020	830578	Big Sky Linen & Uniform	Public Safety	$ 43.00	January 2020
02/10/2020	830578	Big Sky Linen & Uniform	Facilities Mngmt	$ 380.40	January 2020
02/10/2020	830578	Big Sky Linen & Uniform	Facilities Mngmt	$ 865.40	January 2020
02/10/2020	830582	Billings Depot Inc	Engineering	$ 10,917.20	Depot Rent March
02/10/2020	830582	Billings Depot Inc	P.W. Admin	$ 2,729.30	Depot Rent March
02/10/2020	830585	Brenntag Pacific	Wastewater	$ 7,517.50	BPI17267; CHEMICALS
02/10/2020	830585	Brenntag Pacific	Street/Traffic	$ 7,503.50	hicothaw used to melt snow on streets
02/10/2020	830587	Business Tax Section	Tax Increment S	$ 934.53	Police Evidence Building
02/10/2020	830587	Business Tax Section	Public Safety	$ -	Police Evidence Building
02/10/2020	830587	Business Tax Section	General	$ 2.95	Retainage Release
02/10/2020	830587	Business Tax Section	General	$ 2.73	Retainage release
02/10/2020	830587	Business Tax Section	Solid Waste	$ 5,737.18	WO 17-12 Landfill Reconfiguration; Pmt 11
02/10/2020	830590	Century Link	General	$ 41.28	406-657-3014 Parks 3890 Stillwater

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830590	Century Link	Phone System	$ 140.14	406-657-3009 PUD Measured Lines 406-247-8579
02/10/2020	830590	Century Link	Phone System	$ 2,701.83	406-657-8377 Main System Centrex
02/10/2020	830590	Century Link	General	$ 46.29	406-652-8403 Stewart Park Batting Cages
02/10/2020	830590	Century Link	General	$ 57.51	406-652-5507 Parks
02/10/2020	830590	Century Link	Airport	$ 103.32	406-252-9412 Airport
02/10/2020	830590	Century Link	General	$ 51.66	406-652-0269 Cemetery FAX Line
02/10/2020	830590	Century Link	Parking	$ 49.28	406-657-3054 Park 1 Elevator Phone
02/10/2020	830590	Century Link	Phone System	$ 90.86	406-252-3774 BOC Measured Lines 406-252-3789
02/10/2020	830590	Century Link	Phone System	$ 42.45	406-657-8419 MET Fax and 406-247-8520 Kenco Fax
02/10/2020	830590	Century Link	Transit	$ 53.13	406-254-7038 MET Transit
02/10/2020	830590	Century Link	Public Safety	$ 51.66	406-655-0728 Fire Maintenance Shop
02/10/2020	830590	Century Link	Phone System	$ (0.94)	406-247-8641 PRPL -Fax and 406-657-3052 Senior center fax
02/10/2020	830590	Century Link	Phone System	$ 93.48	406-248-9124 Met Measured Lines 406-248-9179
02/10/2020	830590	Century Link	Airport	$ 62.14	406-256-6014 Airport P9 Building -Dec. 30 19 charge to correct line
02/10/2020	830590	Century Link	Public Safety	$ 41.32	406-245-6600 Crime Prevention Alarm
02/10/2020	830590	Century Link	Library	$ 194.96	Library 6 lines
02/10/2020	830590	Century Link	Solid Waste	$ 67.96	406-245-7193 Solid Waste Landfill
02/10/2020	830590	Century Link	IT Resources	$ 41.28	406-245-4437 Kenco Security Alarm IT Alarm
02/10/2020	830590	Century Link	Public Safety	$ 42.45	406-245-1743 Fire Elevator
02/10/2020	830590	Century Link	Solid Waste	$ 123.34	406-245-9820 Solid Waste Landfil
02/10/2020	830590	Century Link	Street/Traffic	$ 41.28	406-245-9906 PW Traffic Signal 4th 27
02/10/2020	830590	Century Link	Phone System	$ 84.92	406-248-3329 Airport Measured Lines 406-248-9989
02/10/2020	830590	Century Link	Phone System	$ 64.26	Library 6 lines
02/10/2020	830590	Century Link	Airport	$ 41.28	406-245-1044 Airport Terminal Power M
02/10/2020	830590	Century Link	Library	$ 192.78	406-245-1579 Library 6 lines
02/10/2020	830590	Century Link	Airport	$ (194.96)	Credit -Incorrect Account Number to Airport
02/10/2020	830590	Century Link	Airport	$ (62.14)	406-252-0721 Airport 1FB Line -Dec. 30 19 corrected line credit
02/10/2020	830590	Century Link	Phone System	$ 42.45	Streets Fax 406.657.8338
02/10/2020	830590	Century Link	Phone System	$ 41.28	Fire Alarm 406.657.3058
02/10/2020	830590	Century Link	Phone System	$ 41.28	Pioneer Park 406.657.8298
02/10/2020	830590	Century Link	Phone System	$ 41.28	Four Dances 406.657.3040
02/10/2020	830596	Community Solutions	Court Grants	$ 1,760.00	19 Jan. EtG's CSI
02/10/2020	830596	Community Solutions	Court Grants	$ 500.00	20 Jan. DUI Home Visits
02/10/2020	830596	Community Solutions	Court Grants	$ 500.00	20 Jan. ETC Home Visits
02/10/2020	830606	Dell Computer L P	General	$ 2,636.08	2- i7 Processors, 16GB RAM, 256GB, Monitors, & sound bars
02/10/2020	830606	Dell Computer L P	Fleet	$ 188.09	Dell 2280 SSD 512GB -Keith in Motor Pool
02/10/2020	830606	Dell Computer L P	General	$ (1,398.99)	Code Enforcement paid for previous laptop on I20-005937 -Fleet will
02/10/2020	830606	Dell Computer L P	Fleet	$ 1,398.99	Charging Fleet for this invoice, but they took the laptop on I20-011927.
02/10/2020	830606	Dell Computer L P	General	$ 1,398.99	Dell Latitude5424 rugged laptop with AT&T cellular, i5 Processor, 8GB
02/10/2020	830607	Desert Mt Corporation	Street/Traffic	$ 3,691.40	ice slicer used to melt snow on streets
02/10/2020	830615	First American Title Company	CDBG	$ 25,100.00	REHAB - Marstaeller, Steven 45-02 / Alderson Ave.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830616	First Montana Title Co	CDBG	$ 15,000.00	FTHB Victoria Hazel 437 Wyoming Avenue
02/10/2020	830623	Graybar Electric Company	Wastewater	$ 141.68	9314246997; NEW CONTROL ROOMPATCH PANEL WRF
02/10/2020	830623	Graybar Electric Company	Water	$ 1,918.50	9314246996; REPLACEMENT LED LIGHT FOR FILTER BUILDING &
02/10/2020	830623	Graybar Electric Company	Street/Traffic	$ 502.36	base/lid for signal at 6th & n13th
02/10/2020	830623	Graybar Electric Company	Wastewater	$ 247.00	9314226906;SOLIDS BUILDING NETWORK FIBER ENDS
02/10/2020	830623	Graybar Electric Company	Transit	$ 133.10	lights for the mechanic's office
02/10/2020	830629	HDR, Inc.	Wastewater	$ 9,563.04	WO 19-21 WRF Influent Lift Station; 1200241148 Pmt 7
02/10/2020	830631	High Point Networks	Phone System	$ 5,415.55	2 ST50A MiTel switches & 5 year annual billing support
02/10/2020	830641	JC Billion Inc	Street/Traffic	$ 35,961.00	2020- one ton 4x4 reg cab long box pickup with snow plow
02/10/2020	830643	John Zink Company	Wastewater	$ 26,840.00	WO 20-34 WRF Temporary Biogas Flare Project
02/10/2020	830644	Johnson Controls	Airport	$ 2,956.00	Invoice #-94044171347. Security & Fires System Rep. and Badge
02/10/2020	830650	KTVQ Communications	P.W. Admin	$ 2,025.00	All-inclusive strategic planning, creative and production for both video
02/10/2020	830650	KTVQ Communications	P.W. Admin	$ 8,000.00	All-inclusive strategic planning, creative and production for both video
02/10/2020	830650	KTVQ Communications	P.W. Admin	$ 833.34	All-inclusive strategic planning, creative and production for both video
02/10/2020	830650	KTVQ Communications	P.W. Admin	$ 340.00	All-inclusive strategic planning, creative and production for both video
02/10/2020	830658	Mahoney & Associates	General	$ 6,901.00	FY19 Draft and Final Cost Allocation Plan
02/10/2020	830665	Midland West Manufacturing	Street/Traffic	$ 1,070.00	17384
02/10/2020	830665	Midland West Manufacturing	Solid Waste	$ 5,350.00	17384
02/10/2020	830668	Montana Dakota Utilities	Wastewater	$ 70.51	017 739 3911 9
02/10/2020	830668	Montana Dakota Utilities	General	$ 422.59	902 360 1000 6
02/10/2020	830668	Montana Dakota Utilities	Public Safety	$ 250.80	958 650 1000 3
02/10/2020	830668	Montana Dakota Utilities	Wastewater	$ 16.23	559 250 1000 5
02/10/2020	830668	Montana Dakota Utilities	Public Safety	$ 393.90	307 111 5825 0
02/10/2020	830668	Montana Dakota Utilities	Airport	$ -	595 580 1000 1
02/10/2020	830668	Montana Dakota Utilities	Water	$ 422.00	825 150 1000 5
02/10/2020	830668	Montana Dakota Utilities	Public Safety	$ 16.80	357 004 5071 7
02/10/2020	830668	Montana Dakota Utilities	Public Safety	$ 1,301.67	819 360 1000 8
02/10/2020	830668	Montana Dakota Utilities	Wastewater	$ 45.62	470 750 1000 0
02/10/2020	830672	MT Waterworks	Water	$ 2,675.00	31030; H.S. POST CHLORINATION
02/10/2020	830672	MT Waterworks	Water	$ 24.90	3/4" X CLOSE BRASS NIPPLE
02/10/2020	830672	MT Waterworks	Water	$ 487.72	12" X 15" SH CI-FC REPAIR CLAMP - F1-1350 X 15-SH
02/10/2020	830672	MT Waterworks	Water	$ 518.80	TYLER 5-1/4" HD 12# DROP LID - WATER (TY502418)
02/10/2020	830672	MT Waterworks	Water	$ 447.16	6" HYMAX COUPLING - 6.42-7.68 2000078260 (2000078260)
02/10/2020	830672	MT Waterworks	Water	$ 4,518.00	7' FIRE HYDRANT - PUSH ON P/N: 8920144
02/10/2020	830672	MT Waterworks	Water	$ 600.00	CURB BOX 3/4" - 1-1/2" TAP - 6-1/2' BURY(MINNESOTA)
02/10/2020	830672	MT Waterworks	Water	$ 51.00	ASPHALT BLACK MARKING PAINT P/N: S03550
02/10/2020	830672	MT Waterworks	Water	$ 20.08	4" FULL FACE FLANGE GASKETS 0723236 (0723236)
02/10/2020	830672	MT Waterworks	Water	$ 60.60	BLACK GLOSS PAINT - 1770 OSHA BLACK (1770 OSHA BLACK)
02/10/2020	830672	MT Waterworks	Water	$ 10.80	3"FULL FACE FLANGE GASKETS #150 0723210 (0723210)
02/10/2020	830672	MT Waterworks	Water	$ 45.60	ORANGE UPSIDE DOWN MARKING PAINT
02/10/2020	830672	MT Waterworks	Water	$ 65.53	1" BALL CORP STOP CTS - COMPRESSION B25008 (H2500008)

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830673	Musol Limited	Wastewater	$ 4,860.20	13031; CHEMICALS
02/10/2020	830674	Napa Auto Parts	Transit	$ 214.35	3977-00-175296
02/10/2020	830674	Napa Auto Parts	Transit	$ 567.44	3977-00-175163 PO NUM 309761
02/10/2020	830674	Napa Auto Parts	Transit	$ 76.62	3977-00-175163
02/10/2020	830674	Napa Auto Parts	Transit	$ 38.00	3977-00-175704
02/10/2020	830674	Napa Auto Parts	Transit	$ (14.70)	3977-00-175300
02/10/2020	830674	Napa Auto Parts	Water	$ 271.12	170144
02/10/2020	830674	Napa Auto Parts	Public Safety	$ 29.99	170909
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 41.83	170030
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 4.97	170161
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 256.66	171158
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 132.47	96706
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 14.85	170520
02/10/2020	830674	Napa Auto Parts	Street/Traffic	$ 96.54	170855
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 20.91	170870
02/10/2020	830674	Napa Auto Parts	General	$ 80.99	171087
02/10/2020	830674	Napa Auto Parts	Water	$ 211.78	170269
02/10/2020	830674	Napa Auto Parts	Public Safety	$ 48.59	168998
02/10/2020	830674	Napa Auto Parts	Street/Traffic	$ 19.17	169854
02/10/2020	830674	Napa Auto Parts	Water	$ 39.80	170180
02/10/2020	830674	Napa Auto Parts	Public Safety	$ 115.17	171060
02/10/2020	830674	Napa Auto Parts	Engineering	$ 10.94	170208
02/10/2020	830674	Napa Auto Parts	Public Safety	$ 16.66	170513
02/10/2020	830674	Napa Auto Parts	Engineering	$ 142.75	170531
02/10/2020	830674	Napa Auto Parts	Engineering	$ 144.64	170677
02/10/2020	830674	Napa Auto Parts	Fleet	$ 19.80	170752
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 42.99	170753
02/10/2020	830674	Napa Auto Parts	Public Safety	$ 19.49	170153
02/10/2020	830674	Napa Auto Parts	Street/Traffic	$ 4.35	170883
02/10/2020	830674	Napa Auto Parts	Public Safety	$ 4.25	169052
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 3.66	169978
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 5.57	170008
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 130.76	170607
02/10/2020	830674	Napa Auto Parts	Water	$ 10.90	170832
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 92.10	97151
02/10/2020	830674	Napa Auto Parts	Solid Waste	$ 98.38	171184
02/10/2020	830674	Napa Auto Parts	Street/Traffic	$ 22.37	16798
02/10/2020	830674	Napa Auto Parts	Water	$ 6.36	170028
02/10/2020	830674	Napa Auto Parts	Water	$ 143.40	169994
02/10/2020	830674	Napa Auto Parts	Transit	$ 6.63	Drillbits for shop
02/10/2020	830674	Napa Auto Parts	Transit	$ 43.25	3977-00-176940

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830674	Napa Auto Parts	Transit	$ 19.50	3977-00-176818
02/10/2020	830674	Napa Auto Parts	Fleet	$ 14.37	170791 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 9.87	170788 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 26.30	169708 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 143.40	170859 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 316.89	168879 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 51.04	170692 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 14.30	170519 PO NUM 309801
02/10/2020	830674	Napa Auto Parts	Fleet	$ 13.09	169708 PO NUM 309801
02/10/2020	830677	NorthWestern Energy	Water	$ 1,414.89	0722252-4
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 22.82	0723879-3
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 0.78	1312707-1
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 52.35	1738989-1
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 8.06	0723387-7
02/10/2020	830677	NorthWestern Energy	General	$ 9.45	1635289-0
02/10/2020	830677	NorthWestern Energy	Wastewater	$ 113.51	1704030-4
02/10/2020	830677	NorthWestern Energy	General	$ 40.67	0722277-1
02/10/2020	830677	NorthWestern Energy	General	$ 101.71	0720841-6
02/10/2020	830677	NorthWestern Energy	General	$ 227.87	0722256-5
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 6.87	1564209-3
02/10/2020	830677	NorthWestern Energy	General	$ 6.10	3477233-5
02/10/2020	830677	NorthWestern Energy	Water	$ 2,240.23	0722270-6
02/10/2020	830677	NorthWestern Energy	General	$ 306.04	0722995-8
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 1.04	0971824-8
02/10/2020	830677	NorthWestern Energy	General	$ 1.04	1692666-9
02/10/2020	830677	NorthWestern Energy	General	$ 6.10	3020837-5
02/10/2020	830677	NorthWestern Energy	Water	$ 710.04	0100478-7
02/10/2020	830677	NorthWestern Energy	General	$ 6.22	1156527-2
02/10/2020	830677	NorthWestern Energy	Water	$ 143.42	0723043-6
02/10/2020	830677	NorthWestern Energy	General	$ 7.64	1902257-3
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 7.12	2047000-1
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 7.78	2047011-8
02/10/2020	830677	NorthWestern Energy	Wastewater	$ 96.76	0723383-6
02/10/2020	830677	NorthWestern Energy	General	$ 6.10	0920801-8
02/10/2020	830677	NorthWestern Energy	General	$ 6.10	1230066-1
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 1.02	1797828-9
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 7.51	2047018-3
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 6.10	3660075-7
02/10/2020	830677	NorthWestern Energy	General	$ 132.45	0712539-6
02/10/2020	830677	NorthWestern Energy	Water	$ 9.89	0722249-0
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 6.10	0723840-5

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830677	NorthWestern Energy	Radio	$ 170.40	1006915-1
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 1.42	2041362-1
02/10/2020	830677	NorthWestern Energy	Wastewater	$ 1,649.22	2132749-9
02/10/2020	830677	NorthWestern Energy	Wastewater	$ 18.08	1704025-4
02/10/2020	830677	NorthWestern Energy	Airport	$ 6.10	0712805-1. IP-10. January 2020
02/10/2020	830677	NorthWestern Energy	Airport	$ 283.94	0712535-4. Employee Parking. January 2020
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 6.10	1242222-6
02/10/2020	830677	NorthWestern Energy	Water	$ 4.25	1346673-5
02/10/2020	830677	NorthWestern Energy	General	$ 6.10	3178260-0
02/10/2020	830677	NorthWestern Energy	Park Maint	$ 7.26	1514388-6
02/10/2020	830677	NorthWestern Energy	General	$ 48.32	1941243-6
02/10/2020	830677	NorthWestern Energy	Public Safety	$ 36.18	0712532-1
02/10/2020	830677	NorthWestern Energy	Wastewater	$ 891.17	0723878-5
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 7.90	0855404-0
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 44.92	1045820-6
02/10/2020	830677	NorthWestern Energy	Street/Traffic	$ 79.50	3648861-7
02/10/2020	830677	NorthWestern Energy	Water	$ 6.10	1160807-2
02/10/2020	830677	NorthWestern Energy	Water	$ 6.74	1867265-9
02/10/2020	830677	NorthWestern Energy	General	$ 6.10	1588262-4
02/10/2020	830677	NorthWestern Energy	General	$ 15.23	0978917-3
02/10/2020	830686	Polydyne Inc	Wastewater	$ 2,975.74	1423888; CHEMICALS
02/10/2020	830687	PoliceOne Academy	Public Safety	$ 8,550.00	Police One Academy 010135-3610, Annual billings for subscription
02/10/2020	830688	Public Utilities	Facilities Mngmt	$ 485.54	158260
02/10/2020	830688	Public Utilities	Airport	$ 5,904.32	136516
02/10/2020	830688	Public Utilities	Wastewater	$ 9.45	180645
02/10/2020	830688	Public Utilities	General	$ 94.59	255552
02/10/2020	830688	Public Utilities	Airport	$ 84.32	250836-West End T-Hangars
02/10/2020	830688	Public Utilities	Airport	$ 94.22	250848-Edwards Jet Center 1871 Aviation Place
02/10/2020	830688	Public Utilities	Airport	$ 114.82	250854-Marchi Hangar
02/10/2020	830688	Public Utilities	Airport	$ 168.64	250834-QTA
02/10/2020	830688	Public Utilities	Airport	$ 143.05	250843-Airfield Maintenance Compactor
02/10/2020	830688	Public Utilities	Airport	$ 269.66	250847-UPS Gate 21
02/10/2020	830688	Public Utilities	Airport	$ 6.31	250842-Executive Hangars USDA APHIS
02/10/2020	830688	Public Utilities	Airport	$ 114.44	250845-Airfield Maintenance
02/10/2020	830688	Public Utilities	Airport	$ 47.11	250859-TSA
02/10/2020	830688	Public Utilities	Airport	$ 94.59	250858-Billings Fire Center-BLM
02/10/2020	830688	Public Utilities	Airport	$ 67.71	250828-Alpine Air-Maintenance
02/10/2020	830688	Public Utilities	Airport	$ 57.33	250855-Marchi Office
02/10/2020	830688	Public Utilities	Airport	$ 94.59	250849-Rocky Mountain College-EJC
02/10/2020	830688	Public Utilities	Airport	$ 134.98	250851-Edwards Jet Center 1691 Aviation Place
02/10/2020	830688	Public Utilities	Airport	$ 94.59	250831-Zone Dispatch-IP6 & IP7

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830688	Public Utilities	Airport	$ 47.11	250832-Corp Air/Alpine
02/10/2020	830688	Public Utilities	Airport	$ 114.82	250840-Edwards Jet Center West
02/10/2020	830688	Public Utilities	Airport	$ 114.82	250850-US Postal Service Gate 15
02/10/2020	830688	Public Utilities	Airport	$ 88.28	250842-Executive Hangars
02/10/2020	830688	Public Utilities	Airport	$ 67.49	250853-Aerotronics
02/10/2020	830688	Public Utilities	Airport	$ 94.59	250857-MT State Lands DEQ/DNRC
02/10/2020	830690	Public Works-Admin	Water	$ 4,270.00	135505823; ENGINEERING PERMITS
02/10/2020	830690	Public Works-Admin	Wastewater	$ 390.00	135505823; ENGINEERING PERMITS
02/10/2020	830690	Public Works-Admin	Water	$ 2,010.00	135505823; ENGINEERING PERMITS
02/10/2020	830691	QSI 2011, Inc	General	$ 10,810.80	One year renewal -Silver Level April 2020-March 2021
02/10/2020	830694	Redline Systems Inc	Wastewater	$ 3,723.40	2741; CONVEYOR BELTING
02/10/2020	830696	Remix Software Inc	Transit	$ 15,000.00	Planning Software for bus route design
02/10/2020	830699	Rocky Mountain Compost	Park Maint	$ 1,320.00	playground chips for several of our PMD parks
02/10/2020	830699	Rocky Mountain Compost	Park Maint	$ 3,520.00	playground chips for several of our PMD parks
02/10/2020	830699	Rocky Mountain Compost	Park Maint	$ 880.00	playground chips for several of our PMD parks
02/10/2020	830699	Rocky Mountain Compost	Park Maint	$ 264.00	playground chips for several of our PMD parks
02/10/2020	830699	Rocky Mountain Compost	Park Maint	$ 990.00	playground chips for several of our PMD parks
02/10/2020	830701	Routeware Inc	Solid Waste	$ 9,000.00	Perpetual OBC Software License 3128-RO
02/10/2020	830701	Routeware Inc	Solid Waste	$ 328.50	Analog to USB converter (3 channel) INV-000693
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 377.75	56341 HOPPEL, MATT ANNUAL PHYSICAL 1/15/2020
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 668.96	56341 RASH ANNUAL PHYSICAL 1/23/2020
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 633.96	56341 THOMPSON, CHELSEA ANNUAL FIRE PHYSICAL 1/17/2020
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 761.96	56241 MAKIN, KEENAN PRE-EMPLOYMENT PHYSICAL 1/29/2020
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 761.96	56341 ROBINSON, CHASE PRE-EMPLOYMENT PHYSICAL
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 741.96	56341 RITTER, MICHAEL PRE-EMPLOYMENT PHYSICAL 1/30/2020
02/10/2020	830703	St V's Occupational Health	Public Safety	$ 252.00	56341 ANDERSON, NICHOLAS ANNUAL FIRE PHYSICAL 1/29/2020
02/10/2020	830707	Solid Waste Systems	Solid Waste	$ 321.52	120269
02/10/2020	830707	Solid Waste Systems	Solid Waste	$ 3,655.34	120270
02/10/2020	830707	Solid Waste Systems	Solid Waste	$ 142.02	120317
02/10/2020	830707	Solid Waste Systems	Solid Waste	$ 1,537.48	120258
02/10/2020	830711	Stewart Title Company	CDBG	$ 10,000.00	FTHB MacKenzie Larchick 708 Custer Avenue
02/10/2020	830715	Sundown Security	General	$ 188.66	Deposit Deliveries
02/10/2020	830715	Sundown Security	Water	$ 131.20	Deposit Deliveries
02/10/2020	830715	Sundown Security	Engineering	$ 196.35	Deposit Deliveries
02/10/2020	830715	Sundown Security	Wastewater	$ 87.47	Deposit Deliveries
02/10/2020	830715	Sundown Security	P.W. Admin	$ 21.82	Deposit Deliveries
02/10/2020	830715	Sundown Security	Airport	$ 2,927.66	Invoice #52777. Skycap Services 1/24-1/30/20
02/10/2020	830715	Sundown Security	General	$ 363.00	mail box deliveries - 1819, 1178, 30958
02/10/2020	830717	Swank Enterprises	Solid Waste	$ 567,980.84	WO 17-12 Landfill Reconfiguration; Pmt 11
02/10/2020	830718	T.W. Clark Construction	Public Safety	$ -	Police Evidence Building
02/10/2020	830718	T.W. Clark Construction	Tax Increment S	$ 92,518.90	Police Evidence Building

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/10/2020	830720	The Babcock LLC	Facilities Mngmt	$ 2,715.13	All Expenses through January 31, 2020
02/10/2020	830722	TMG Services Inc	Water	$ 3,496.65	0044710-IN; REPLACEMENT PARTS FOR ANNUAL WINTER
02/10/2020	830722	TMG Services Inc	Water	$ (800.00)	0044307-CM; CREDIT FOR PARTS
02/10/2020	830723	TNT Springs Inc	Solid Waste	$ 157.90	190334
02/10/2020	830723	TNT Springs Inc	Solid Waste	$ 234.16	190363
02/10/2020	830723	TNT Springs Inc	Solid Waste	$ 315.80	190225
02/10/2020	830723	TNT Springs Inc	Fleet	$ 1,969.28	190285 PO NUM 309794
02/10/2020	830723	TNT Springs Inc	Fleet	$ 217.84	190225 PO NUM 309794
02/10/2020	830724	Town & Country Supply	Airport	$ 6,543.90	Invoice #405768. Unleaded and Diesel Fuel for Operations
02/10/2020	830725	Tractor & Equipment	Solid Waste	$ 1,199.23	BLWO0196989
02/10/2020	830725	Tractor & Equipment	Solid Waste	$ 6,391.00	BLWO0196989
02/10/2020	830725	Tractor & Equipment	Fleet	$ 629.16	BLW00196869
02/10/2020	830725	Tractor & Equipment	Solid Waste	$ 1,179.65	Parts for the Landfill BLCS0723936
02/10/2020	830725	Tractor & Equipment	Street/Traffic	$ 77.52	BLCS0722205
02/10/2020	830725	Tractor & Equipment	Street/Traffic	$ 197.89	BLCS0723759
02/10/2020	830725	Tractor & Equipment	Water	$ 194.44	BLCS0723192
02/10/2020	830727	Tru Directional	Street/Traffic	$ 3,233.00	boring at 6th ave N crossing
02/10/2020	830727	Tru Directional	Street/Traffic	$ 2,578.00	boring underN13th crossing
02/10/2020	830728	TWE Manufacturing	Airport	$ 1,927.09	Invoice #43881. Repair/Replace Gen. #3 Block Heater
02/10/2020	830728	TWE Manufacturing	Airport	$ 4,114.44	Invoice #43880. Annual Generator Service
02/10/2020	830731	United Way- Yellowstone Co	Police Programs	$ 604.45	Reimbursement of HIDTA SP-Connect Coalitions expenses for
02/10/2020	830731	United Way- Yellowstone Co	Police Programs	$ 51,726.15	Reimbursement of HIDTA SP-Connect Coalitions expenses for
02/10/2020	830739	Western Water Consult	#N/A	$ 2,710.00	SID 1413 Lake Hills Subdivision 21st Filing; 193050001 Pmt 1
02/10/2020	830741	Yellowstone County	Public Safety	$ 2.92	YCDF 2nd quarter inmate medical billings
02/10/2020	830741	Yellowstone County	Public Safety	$ 3,700.00	YCDF JAN 2020 Jail boarders
02/10/2020	830743	Yellowstone County GIS	IT Resources	$ 8,750.00	Yellowstone County GIS/MOU Agreement 3rd quarter payment
02/10/2020	830743	Yellowstone County GIS	Public Safety	$ 120.00	20-03: MAP BOOKS FOR 911 CENTER
02/10/2020	830744	Yellowstone Co Sheriff	Police Programs	$ 3,547.95	Overtime.
02/10/2020	830744	Yellowstone Co Sheriff	Police Programs	$ 3,379.43	Services. PE/PI $$.
02/10/2020	830746	Yellowstone Valley An Shelter	Public Safety	$ 22,855.58	contract 12-22-19/1-21-20

Consent **1. S. 2.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Payment of Claims for the week of February 18, 2020

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

Presentation: No

PROBLEM/ISSUE STATEMENT

Claims in the amount of $4,102,339.29 have been audited and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

City Check Payment Approval Process

Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the Department Director or designee must perform an initial review and approval of the purchase. The number of approvals within the Department can vary based upon the size of the Department, but no less than one approver within each Department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director.

If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

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 Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

councilmemo wk of 02182020

Check Date	Check#	Name	Fund Name		Amount	Item Desc
02/18/2020	830783	4 Seasons Electric Llc	Library	$	11,917.97	Battery replacement/check for emergency lighting
02/18/2020	830786	Ace Electric Inc	Facilities Mngmt	$	4,081.00	Inv. 50122 80 circuit panelboard outside finance.
02/18/2020	830971	Altitude Signal LLC	Arterial Streets	$	252,375.00	WO 20-99 City Wide Traffic Signal Replacement; I001481
02/18/2020	830972	American Title & Escrow	CDBG	$	90,108.59	Purchase of 817 North 22nd Street, 59101
02/18/2020	830974	Angel Armor LLC	Public Safety	$	4,065.71	Vests/plates.
02/18/2020	830975	Archie Cochrane	Water	$	1,573.02	NONSTOCKING ITEMS-P.U.D.
02/18/2020	830975	Archie Cochrane	Public Safety	$	92.72	5312146
02/18/2020	830975	Archie Cochrane	Public Safety	$	13.16	5312420
02/18/2020	830975	Archie Cochrane	Public Safety	$	75.39	5311967
02/18/2020	830975	Archie Cochrane	Public Safety	$	506.80	5312527
02/18/2020	830975	Archie Cochrane	Library	$	29.10	5312061
02/18/2020	830975	Archie Cochrane	Public Safety	$	9.60	5312248
02/18/2020	830975	Archie Cochrane	Public Safety	$	796.59	5312806
02/18/2020	830975	Archie Cochrane	Public Safety	$	14.23	5312121
02/18/2020	830975	Archie Cochrane	Public Safety	$	77.14	5312504
02/18/2020	830975	Archie Cochrane	Public Safety	$	43.73	5312614
02/18/2020	830975	Archie Cochrane	Public Safety	$	14.81	5311947
02/18/2020	830975	Archie Cochrane	Public Safety	$	27.97	5312271
02/18/2020	830975	Archie Cochrane	Public Safety	$	147.26	5313952
02/18/2020	830975	Archie Cochrane	Public Safety	$	100.70	5313777
02/18/2020	830975	Archie Cochrane	Public Safety	$	127.29	5314141
02/18/2020	830975	Archie Cochrane	Public Safety	$	77.38	51313951
02/18/2020	830975	Archie Cochrane	Public Safety	$	13.16	5312983
02/18/2020	830975	Archie Cochrane	Public Safety	$	145.02	5313169
02/18/2020	830975	Archie Cochrane	Street/Traffic	$	178.69	5314132
02/18/2020	830975	Archie Cochrane	Public Safety	$	76.99	5314189
02/18/2020	830975	Archie Cochrane	Public Safety	$	100.70	5314326
02/18/2020	830975	Archie Cochrane	Public Safety	$	(155.00)	5313790
02/18/2020	830975	Archie Cochrane	Public Safety	$	118.66	5313875
02/18/2020	830975	Archie Cochrane	Public Safety	$	276.92	5314140
02/18/2020	830975	Archie Cochrane	Public Safety	$	69.88	5314186
02/18/2020	830980	Bcs Scrip	Health Ins Fund	$	4,500.00	2019 Healthy IS FINAL gift cards
02/18/2020	830981	Bibliotheca LLC	Library	$	4,496.00	INV-US28852 Windows 10 upgrades
02/18/2020	830981	Bibliotheca LLC	Library	$	2,370.00	INV-US28987 RFID Tags
02/18/2020	830984	Billings Clinic	Public Safety	$	600.00	SANE 2020016
02/18/2020	830984	Billings Clinic	Public Safety	$	600.00	SANE 2019162
02/18/2020	830984	Billings Clinic	Public Safety	$	600.00	SANE 2020013
02/18/2020	830984	Billings Clinic	Public Safety	$	600.00	SANE 2020020
02/18/2020	830984	Billings Clinic	Public Safety	$	600.00	SANE 2020009
02/18/2020	830987	Blgs Industrial Revitalize	Tax Increment E	$	34,987.00	TIF Management FY2020
02/18/2020	830995	Business Tax Section	Storm Sewer	$	27.90	WO 19-23 Lincoln Ln Storm Drain Improvements

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	830995	Business Tax Section	Wastewater	$ 31,237.35	WO 14-11 Water Reclamation Facility Nutrient; Pmt 31
02/18/2020	830995	Business Tax Section	Water	$ 156.18	WO 17-05 Monad Rd & Daniel St Traffic Signal
02/18/2020	830995	Business Tax Section	Storm Sewer	$ 35.12	WO 17-05 Monad Rd & Daniel St Traffic Signal
02/18/2020	830995	Business Tax Section	Arterial Streets	$ 225.13	WO 17-05 Monad Rd & Daniel St Traffic Signal
02/18/2020	830997	Cardinal Tracking Inc	Parking	$ 1,820.00	121267_ Handheld Warranty Renewal
02/18/2020	830997	Cardinal Tracking Inc	Parking	$ 6,112.80	121267 TickeTrak STANDARD Annual Software License and Customer
02/18/2020	830998	Castlerock Excavating	Storm Sewer	$ 2,762.76	WO 19-23 Lincoln Ln Storm Drain Improvements
02/18/2020	831001	Century Link	Street/Traffic	$ 53.13	406-259-3298 PW Traffic 3728 McDougall
02/18/2020	831001	Century Link	Engineering	$ 112.13	406-259-7758 Measured Lines Depot
02/18/2020	831001	Century Link	EOC 911	$ 45.65	406-245-3108 911
02/18/2020	831001	Century Link	EOC 911	$ 7,318.98	406-245-8527 New 9-1-1 Center
02/18/2020	831001	Century Link	Radio	$ 311.26	406-248-3636 Fire Airport Radio Tower Jellison
02/18/2020	831001	Century Link	Airport	$ 45.66	406-245-5834 Airport Alarm
02/18/2020	831001	Century Link	EOC 911	$ 46.26	406-245-2296 911
02/18/2020	831001	Century Link	Public Safety	$ 119.32	406-245-7469 Fire
02/18/2020	831001	Century Link	Public Safety	$ 118.32	406-373-3742 Fire RR Crossing Alarm
02/18/2020	831001	Century Link	EOC 911	$ 45.65	406-245-3107 911
02/18/2020	831001	Century Link	Radio	$ 311.26	406-248-3635 Fire Airport Radio Tower WCK
02/18/2020	831001	Century Link	Water	$ 39.44	406-245-3659 PUD Alarm Water Tower
02/18/2020	831001	Century Link	Wastewater	$ 41.28	406-259-2328 PUD Sahara Sand Lift Station
02/18/2020	831001	Century Link	EOC 911	$ 311.26	406-245-7101 9-1-1 Center Landfill #2
02/18/2020	831001	Century Link	P.W. Admin	$ 74.75	406-259-7758 Measured Lines Depot
02/18/2020	831001	Century Link	Public Safety	$ -	406-245-7481 Police
02/18/2020	831001	Century Link	Phone System	$ 228.20	406-248-3049 Main System T1 City/County Tie
02/18/2020	831001	Century Link	EOC 911	$ 311.26	406-245-7102 9-1-1 Center Fox Reservoir #2
02/18/2020	831007	City High Ditch Water	General	$ 9,000.00	ditch user fee for 2020 lateral service
02/18/2020	831012	Cummins Rocky Mountain	Fleet	$ 494.84	21074 PO NUM 309809
02/18/2020	831012	Cummins Rocky Mountain	Transit	$ 114.45	38-22135
02/18/2020	831012	Cummins Rocky Mountain	Transit	$ 161.78	38-21820
02/18/2020	831012	Cummins Rocky Mountain	Transit	$ 374.37	38-22197
02/18/2020	831012	Cummins Rocky Mountain	Transit	$ 872.38	38-21720 PO NUM 309807
02/18/2020	831012	Cummins Rocky Mountain	Solid Waste	$ 98.81	21195
02/18/2020	831012	Cummins Rocky Mountain	Solid Waste	$ 98.81	21147
02/18/2020	831012	Cummins Rocky Mountain	Solid Waste	$ 655.00	21318
02/18/2020	831012	Cummins Rocky Mountain	Transit	$ 1,408.72	38-22284
02/18/2020	831012	Cummins Rocky Mountain	Transit	$ (125.00)	38-22312
02/18/2020	831016	Dept Of Natural Resources	Airport	$ 24,000.00	Invoice #SULS2000231. State Land Lease
02/18/2020	831020	DOWL	Arterial Streets	$ 35,057.72	S 32nd St W (King Ave W to Gabel); 2-4051.21836.01 Pmt 2
02/18/2020	831020	DOWL	Storm Sewer	$ 754.57	62nd and Rimrock Stormwater; Retainage Release 2F
02/18/2020	831030	Ferguson Enterprises Inc	Water	$ 7,180.00	0736093; 16" VALVES FOR WATER MAINS
02/18/2020	831032	Flathead County Sheriff	Police Prog	$ 34,479.65	Personnel and benenfits.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831039	HDR, Inc.	Street/Traffic	$ 492.44	WO 20-33 Public Works GIS Services
02/18/2020	831039	HDR, Inc.	Storm Sewer	$ 656.59	WO 20-33 Public Works GIS Services; 120046266 Pmt 1
02/18/2020	831039	HDR, Inc.	Wastewater	$ 820.74	WO 20-33 Public Works GIS Services
02/18/2020	831039	HDR, Inc.	Water	$ 820.74	WO 20-33 Public Works GIS Services
02/18/2020	831039	HDR, Inc.	Light Maint	$ 164.14	WO 20-33 Public Works GIS Services
02/18/2020	831039	HDR, Inc.	Solid Waste	$ 328.29	WO 20-33 Public Works GIS Services
02/18/2020	831041	Hose & Rubber Supply	Wastewater	$ 328.38	NONSTOCKING ITEMS-P.U.D.
02/18/2020	831041	Hose & Rubber Supply	Public Safety	$ 21.91	1391655
02/18/2020	831041	Hose & Rubber Supply	Solid Waste	$ 141.11	1390417
02/18/2020	831041	Hose & Rubber Supply	Solid Waste	$ 17.40	1390381
02/18/2020	831041	Hose & Rubber Supply	Solid Waste	$ 107.71	1391652
02/18/2020	831041	Hose & Rubber Supply	Water	$ 96.57	1391857
02/18/2020	831041	Hose & Rubber Supply	Solid Waste	$ 345.29	1390831
02/18/2020	831041	Hose & Rubber Supply	Solid Waste	$ 1,015.82	1390829
02/18/2020	831041	Hose & Rubber Supply	Solid Waste	$ 700.49	1390515
02/18/2020	831043	Iaff	Payroll Clear	$ 5,063.88	Payroll Summary
02/18/2020	831047	Ingram Library Services	Library	$ 9.60	43597605
02/18/2020	831047	Ingram Library Services	Library	$ 35.95	43597607
02/18/2020	831047	Ingram Library Services	Library	$ 10.61	43748227
02/18/2020	831047	Ingram Library Services	Library	$ 27.58	43763635
02/18/2020	831047	Ingram Library Services	Library	$ 224.60	43602595
02/18/2020	831047	Ingram Library Services	Library	$ 17.39	43602600
02/18/2020	831047	Ingram Library Services	Library	$ 16.49	43597606
02/18/2020	831047	Ingram Library Services	Library	$ 10.19	43602596
02/18/2020	831047	Ingram Library Services	Library	$ 47.50	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 15.33	43660434
02/18/2020	831047	Ingram Library Services	Library	$ 16.52	43726470
02/18/2020	831047	Ingram Library Services	Library	$ 16.49	43597605
02/18/2020	831047	Ingram Library Services	Library	$ 10.96	43763636
02/18/2020	831047	Ingram Library Services	Library	$ 10.18	43602595
02/18/2020	831047	Ingram Library Services	Library	$ 23.67	43799399
02/18/2020	831047	Ingram Library Services	Library	$ 9.59	43803164
02/18/2020	831047	Ingram Library Services	Library	$ 31.86	43803161
02/18/2020	831047	Ingram Library Services	Library	$ 32.95	43602603 March Teen Book Discussion
02/18/2020	831047	Ingram Library Services	Library	$ 15.93	43660433
02/18/2020	831047	Ingram Library Services	Library	$ 93.00	43660437
02/18/2020	831047	Ingram Library Services	Library	$ 50.25	43763635
02/18/2020	831047	Ingram Library Services	Library	$ 393.79	43602595
02/18/2020	831047	Ingram Library Services	Library	$ 56.77	43602597
02/18/2020	831047	Ingram Library Services	Library	$ 15.90	43602602
02/18/2020	831047	Ingram Library Services	Library	$ 10.17	43726477

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831047	Ingram Library Services	Library	$ 69.47	43597604
02/18/2020	831047	Ingram Library Services	Library	$ 17.67	43748226
02/18/2020	831047	Ingram Library Services	Library	$ 9.19	43597604
02/18/2020	831047	Ingram Library Services	Library	$ 176.84	43597607
02/18/2020	831047	Ingram Library Services	Library	$ 83.73	43597610
02/18/2020	831047	Ingram Library Services	Library	$ 9.57	43602593
02/18/2020	831047	Ingram Library Services	Library	$ 20.22	43763637
02/18/2020	831047	Ingram Library Services	Library	$ 168.78	43803160
02/18/2020	831047	Ingram Library Services	Library	$ 22.00	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 281.25	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 97.91	43763636
02/18/2020	831047	Ingram Library Services	Library	$ 41.23	43602595
02/18/2020	831047	Ingram Library Services	Library	$ 32.42	43803159
02/18/2020	831047	Ingram Library Services	Library	$ 14.37	43602599
02/18/2020	831047	Ingram Library Services	Library	$ 66.09	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 4.79	43748225
02/18/2020	831047	Ingram Library Services	Library	$ 15.57	43799398
02/18/2020	831047	Ingram Library Services	Library	$ 133.09	43799399
02/18/2020	831047	Ingram Library Services	Library	$ 9.60	43799400
02/18/2020	831047	Ingram Library Services	Library	$ 17.40	43803160
02/18/2020	831047	Ingram Library Services	Library	$ 33.82	43602600
02/18/2020	831047	Ingram Library Services	Library	$ 9.19	43597604
02/18/2020	831047	Ingram Library Services	Library	$ 51.51	43597607
02/18/2020	831047	Ingram Library Services	Library	$ 10.78	43748229
02/18/2020	831047	Ingram Library Services	Library	$ 14.99	43602594
02/18/2020	831047	Ingram Library Services	Library	$ 49.53	43602595
02/18/2020	831047	Ingram Library Services	Library	$ 98.13	43799400
02/18/2020	831047	Ingram Library Services	Library	$ 13.80	43803162
02/18/2020	831047	Ingram Library Services	Library	$ 15.93	43803163
02/18/2020	831047	Ingram Library Services	Library	$ 27.55	43799397
02/18/2020	831047	Ingram Library Services	Library	$ 10.59	43660431
02/18/2020	831047	Ingram Library Services	Library	$ 17.69	43726472
02/18/2020	831047	Ingram Library Services	Library	$ 31.82	43748224
02/18/2020	831047	Ingram Library Services	Library	$ 15.18	43799399
02/18/2020	831047	Ingram Library Services	Library	$ 51.01	43602598
02/18/2020	831047	Ingram Library Services	Library	$ 4.79	43803161
02/18/2020	831047	Ingram Library Services	Library	$ 29.52	43803164
02/18/2020	831047	Ingram Library Services	Library	$ 72.02	43660430
02/18/2020	831047	Ingram Library Services	Library	$ 48.03	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 65.09	43726476
02/18/2020	831047	Ingram Library Services	Library	$ 225.73	43799400

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831047	Ingram Library Services	Library	$ 26.38	43660436
02/18/2020	831047	Ingram Library Services	Library	$ 50.89	43726473
02/18/2020	831047	Ingram Library Services	Library	$ 24.93	43726474
02/18/2020	831047	Ingram Library Services	Library	$ 557.85	43726476
02/18/2020	831047	Ingram Library Services	Library	$ 59.98	43597603
02/18/2020	831047	Ingram Library Services	Library	$ 31.86	43748227
02/18/2020	831047	Ingram Library Services	Library	$ 116.78	43597607
02/18/2020	831047	Ingram Library Services	Library	$ 150.06	43602595
02/18/2020	831047	Ingram Library Services	Library	$ 21.99	43799399
02/18/2020	831047	Ingram Library Services	Library	$ 48.33	43597606
02/18/2020	831047	Ingram Library Services	Library	$ 5.39	43748228
02/18/2020	831047	Ingram Library Services	Library	$ 7.35	43799398
02/18/2020	831047	Ingram Library Services	Library	$ 18.00	43602601
02/18/2020	831047	Ingram Library Services	Library	$ 15.93	43660434
02/18/2020	831047	Ingram Library Services	Library	$ 38.94	43803164
02/18/2020	831047	Ingram Library Services	Library	$ 14.75	43803166
02/18/2020	831047	Ingram Library Services	Library	$ 24.75	43726474
02/18/2020	831047	Ingram Library Services	Library	$ 19.16	43726474
02/18/2020	831047	Ingram Library Services	Library	$ 32.41	43726475
02/18/2020	831047	Ingram Library Services	Library	$ 933.11	43726476
02/18/2020	831047	Ingram Library Services	Library	$ 681.14	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 58.55	43660431
02/18/2020	831047	Ingram Library Services	Library	$ 16.49	43660432
02/18/2020	831047	Ingram Library Services	Library	$ 85.62	43803165
02/18/2020	831047	Ingram Library Services	Library	$ 20.65	43726473
02/18/2020	831047	Ingram Library Services	Library	$ 10.79	43660435
02/18/2020	831047	Ingram Library Services	Library	$ 226.72	43726471
02/18/2020	831047	Ingram Library Services	Library	$ 22.00	43726475
02/18/2020	831047	Ingram Library Services	Library	$ 11.39	43726475
02/18/2020	831047	Ingram Library Services	Library	$ 19.24	43597608
02/18/2020	831047	Ingram Library Services	Library	$ 10.77	43597609
02/18/2020	831054	JC Billion Inc	Public Safety	$ 30,542.00	2020, RAM 2500 SLT CREW CAB, 4X4 PICKUP, BRIGHT WHITE
02/18/2020	831060	Knife River	Street/Traffic	$ 1,458.90	1 1/2" crushed base
02/18/2020	831060	Knife River	Water	$ 15,462.60	WO 17-05 Monad Road & Daniel ST Traffic Signal
02/18/2020	831060	Knife River	Storm Sewer	$ 3,477.20	WO 17-05 Monad Road & Daniel ST Traffic Signal
02/18/2020	831060	Knife River	Arterial Streets	$ 22,287.95	WO 17-05 Monad Road & Daniel ST Traffic Signal
02/18/2020	831060	Knife River	Street/Traffic	$ 62.05	1 1/2" crushed base
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ 15.62	SHIPPING
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ 9.48	14140 READ HEAD GASKETS, 1.75" SJ TAIL [HOSE REPAIRS]
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ 354.00	PEDAL CUTTER BLADE, HURST 110R010
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ 255.00	PANT NOMEX XXXL - CREWBOSS

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ 675.00	SWP0104 PANT: WILDLAND PPE NOMEX IIIA, NAVY BLUE
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ -	GLOBE: Regular 32-46: H-Back padded ripcord suspenders w/buttons
02/18/2020	831062	L N Curtis and Sons	Public Safety	$ 39,519.90	GLOBE GXTREME 3.0 JACKET/PANT SYSTEM
02/18/2020	831066	Mailing Tech Services	Central Service	$ 6,190.10	January 2020 Postage Invoices
02/18/2020	831068	Midland Implement	Street/Traffic	$ 107.47	38988001
02/18/2020	831068	Midland Implement	General	$ 2,767.88	repairs to equipment
02/18/2020	831072	Montana CSED	Payroll Clear	$ 3,056.82	Payroll Summary
02/18/2020	831075	MT Municipal Interlocal	Property Ins	$ 53,740.79	Deductible Recovery Invoice February 2020 #120002
02/18/2020	831076	Montana Peterbilt LLC	Solid Waste	$ 3,138.59	36149
02/18/2020	831076	Montana Peterbilt LLC	Solid Waste	$ 116.58	97355
02/18/2020	831076	Montana Peterbilt LLC	Fleet	$ 52.14	97950 PO NUM 309822
02/18/2020	831079	Montana State Fireman	Payroll Clear	$ 4,127.84	Payroll Summary
02/18/2020	831080	Motor Power Equipment	Fleet	$ 142.89	297043 PO NUM 309823
02/18/2020	831080	Motor Power Equipment	Street/Traffic	$ 66.09	298637
02/18/2020	831080	Motor Power Equipment	Street/Traffic	$ 3,064.83	123081
02/18/2020	831081	MPPA	Payroll Clear	$ 3,572.75	Payroll Summary
02/18/2020	831083	MT Waterworks	Water	$ 6,344.55	6' 6" FIRE HYDRANT - PUSH ON
02/18/2020	831083	MT Waterworks	Water	$ 162.56	3/4" COUPLING CTS X FLARE P/N: 74755Q34
02/18/2020	831083	MT Waterworks	Water	$ 8,400.00	3/4" METER LOOPS AKA YOKE
02/18/2020	831083	MT Waterworks	Water	$ 723.00	31065; CURB BOX LOCKS
02/18/2020	831083	MT Waterworks	Water	$ 4,090.34	31073; VALVE, FITTINGS TO REPAIR WATER MAIN
02/18/2020	831088	NorthWestern Energy	Engineering	$ 90.25	Electricity Depot Parking Lot #3243625-5
02/18/2020	831088	NorthWestern Energy	P.W. Admin	$ 22.56	Electricity Depot Parking Lot #3243625-5
02/18/2020	831088	NorthWestern Energy	Airport	$ 33.68	0719759-3. Gate 12. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 26.20	0712791-3. Gate 16. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 29.04	0720296-3. Gate 29. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 7.51	0712813-5. Burn Pit. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 33.83	2114868-9. Runway Weather System. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 44.39	0712795-4. Gate 17. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 28.27	0712797-0. Gate 9. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 92.34	0719760-1. Gate 14. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 31.08	0719761-9. Gate 15. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 36.23	0719762-7. Gate 13. January 2020
02/18/2020	831088	NorthWestern Energy	Airport	$ 16.90	0712534-7. Gate 16 Light. January 2020
02/18/2020	831088	NorthWestern Energy	Wastewater	$ 242.81	1175972-7 JAN 2020; MONTHLY SERVICE FEE
02/18/2020	831088	NorthWestern Energy	Public Safety	$ 427.91	0100477-9: FIRE6 MONTHLY ELECTRICAL SERVICE
02/18/2020	831088	NorthWestern Energy	Water	$ 493.06	1920951-9 JAN 2020; MONTHLY SERVICE FEES
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 5.09	2055817-7
02/18/2020	831088	NorthWestern Energy	Public Safety	$ -	1183483-5
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 0.65	3590004-2
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 0.51	1045813-1

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831088	NorthWestern Energy	General	$ 44.14	1904944-4
02/18/2020	831088	NorthWestern Energy	Transit	$ 573.13	0719225-5
02/18/2020	831088	NorthWestern Energy	Building	$ 24.74	1569631-3
02/18/2020	831088	NorthWestern Energy	General	$ 145.23	0712538-8
02/18/2020	831088	NorthWestern Energy	Public Safety	$ 308.80	0720817-6
02/18/2020	831088	NorthWestern Energy	Water	$ 197.24	1142253-2
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.74	0881455-0
02/18/2020	831088	NorthWestern Energy	General	$ 1.98	1849408-8
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 1.17	1948667-9
02/18/2020	831088	NorthWestern Energy	General	$ 31.74	0813489-2
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 1.31	1265177-4
02/18/2020	831088	NorthWestern Energy	General	$ 81.18	0722901-6
02/18/2020	831088	NorthWestern Energy	General	$ 6.48	0722976-8
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 7.01	0723393-5
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.74	0723883-5
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 18.35	1513802-7
02/18/2020	831088	NorthWestern Energy	General	$ 6.22	0722281-3
02/18/2020	831088	NorthWestern Energy	General	$ 8.45	0722862-0
02/18/2020	831088	NorthWestern Energy	General	$ 6.10	0723046-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723396-8
02/18/2020	831088	NorthWestern Energy	General	$ 18.62	0723887-6
02/18/2020	831088	NorthWestern Energy	General	$ 38.95	1160780-1
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 40.74	1513800-1
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 7.27	2047013-4
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 18.35	1513804-3
02/18/2020	831088	NorthWestern Energy	Park Maint	$ -	1513796-1
02/18/2020	831088	NorthWestern Energy	General	$ 13.05	0723053-5
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 8.06	0723386-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723397-6
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 7.01	2047007-6
02/18/2020	831088	NorthWestern Energy	General	$ 252.79	0722273-0
02/18/2020	831088	NorthWestern Energy	General	$ 33.43	0722278-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 8.06	0723388-5
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723835-5
02/18/2020	831088	NorthWestern Energy	General	$ 161.67	0723884-3
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 7.01	2047010-0
02/18/2020	831088	NorthWestern Energy	General	$ 10.05	0722272-2
02/18/2020	831088	NorthWestern Energy	General	$ 18.62	0723065-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 2.65	0723391-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.87	0723885-0
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 7.01	2047019-1

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.71	0722272-2
02/18/2020	831088	NorthWestern Energy	General	$ 17.56	0722808-3
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723384-4
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723398-4
02/18/2020	831088	NorthWestern Energy	General	$ 23.50	0999807-1
02/18/2020	831088	NorthWestern Energy	General	$ 114.65	0722275-5
02/18/2020	831088	NorthWestern Energy	General	$ 8.45	0722258-1
02/18/2020	831088	NorthWestern Energy	General	$ 6.22	0722280-5
02/18/2020	831088	NorthWestern Energy	General	$ 6.22	0722283-9
02/18/2020	831088	NorthWestern Energy	General	$ 6.22	0722284-7
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 7.64	2047017-5
02/18/2020	831088	NorthWestern Energy	General	$ 8.68	0722852-1
02/18/2020	831088	NorthWestern Energy	General	$ 18.62	0723064-2
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723395-0
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 8.45	0723836-3
02/18/2020	831088	NorthWestern Energy	General	$ 6.22	0722253-2
02/18/2020	831088	NorthWestern Energy	General	$ 15.45	0722259-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 8.06	0723385-1
02/18/2020	831088	NorthWestern Energy	General	$ 17.56	0722279-7
02/18/2020	831088	NorthWestern Energy	General	$ 86.18	0723005-5
02/18/2020	831088	NorthWestern Energy	General	$ 6.22	0723025-3
02/18/2020	831088	NorthWestern Energy	General	$ 13.86	0722274-8
02/18/2020	831088	NorthWestern Energy	General	$ -	0723039-4
02/18/2020	831088	NorthWestern Energy	General	$ 6.10	0723049-3
02/18/2020	831088	NorthWestern Energy	General	$ 3.96	0723391-9
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 8.06	0723392-7
02/18/2020	831088	NorthWestern Energy	Park Maint	$ 6.22	0723394-3
02/18/2020	831088	NorthWestern Energy	Water	$ 2,656.62	2082903-2 JAN 2020; MONTHLY SERVICE FEE
02/18/2020	831088	NorthWestern Energy	Transit	$ 2,364.10	Electricity at METroplex 12/26/19 to 01/24/20
02/18/2020	831088	NorthWestern Energy	General	$ 46.73	0712387-0
02/18/2020	831088	NorthWestern Energy	General	$ 193.27	0712536-2
02/18/2020	831088	NorthWestern Energy	Water	$ 2,470.74	0723040-2
02/18/2020	831088	NorthWestern Energy	General	$ 59.86	0723045-1
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 0.65	1748896-6
02/18/2020	831088	NorthWestern Energy	General	$ 140.99	0720821-8
02/18/2020	831088	NorthWestern Energy	Water	$ 1,920.93	0722264-9
02/18/2020	831088	NorthWestern Energy	Street/Traffic	$ 0.38	1740357-7
02/18/2020	831088	NorthWestern Energy	Water	$ 48.79	0723059-2
02/18/2020	831088	NorthWestern Energy	General	$ 52.21	0720818-4
02/18/2020	831088	NorthWestern Energy	General	$ 24.47	1836666-6
02/18/2020	831088	NorthWestern Energy	Wastewater	$ 77,767.60	0100591-7

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831088	NorthWestern Energy	Public Safety	$ 725.74	0871546-8
02/18/2020	831089	NS Corporation	Airport	$ 5,328.01	Invoice #0098322-IN. Bruch Project Parts for QTA
02/18/2020	831100	RDO Equipment Co.	Solid Waste	$ 56,690.00	Landfill GPS System
02/18/2020	831100	RDO Equipment Co.	Solid Waste	$ 9.02	Fittings for the Landfill P5843712
02/18/2020	831100	RDO Equipment Co.	Water	$ 479.22	W2579812
02/18/2020	831100	RDO Equipment Co.	Solid Waste	$ 1,144.36	Filters for the Landfill P5827512
02/18/2020	831103	Rocky Mt Compost	Solid Waste	$ 17,000.00	Cleanup of garbage-brush screening for the Landfill 16371
02/18/2020	831110	Sletten Construction	Wastewater	$ 3,092,498.80	WO 14-11 Water Reclamation Facility Nutrient; Pmt 31
02/18/2020	831111	Solid Waste Systems	Fleet	$ 1,374.52	120448 PO NUM 309829
02/18/2020	831111	Solid Waste Systems	Fleet	$ 147.72	120384 PO NUM 309829
02/18/2020	831111	Solid Waste Systems	Street/Traffic	$ 917.20	120458
02/18/2020	831111	Solid Waste Systems	Solid Waste	$ 384.37	120419
02/18/2020	831111	Solid Waste Systems	Solid Waste	$ 2,428.97	120464
02/18/2020	831111	Solid Waste Systems	Solid Waste	$ 540.18	120491
02/18/2020	831111	Solid Waste Systems	Solid Waste	$ 1,375.79	120458
02/18/2020	831111	Solid Waste Systems	Solid Waste	$ 271.42	120384
02/18/2020	831111	Solid Waste Systems	Solid Waste	$ 35.15	120384
02/18/2020	831115	St V's Occupational Health	General	$ 2,505.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Street/Traffic	$ 190.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Solid Waste	$ 210.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Wastewater	$ 92.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Health Ins Fund	$ 815.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	General	$ 95.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Transit	$ 95.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Transit	$ 265.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Water	$ 138.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Public Safety	$ 377.75	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Public Safety	$ 40.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831115	St V's Occupational Health	Fleet	$ 240.00	Drug Testing, On-site nursing, DOT Physicals, Hep B shots
02/18/2020	831116	Star Service Inc	Wastewater	$ 4,300.00	Labor & materials to demo existing sludge pump & install new
02/18/2020	831122	Terracon Consultants	Gas Tax	$ 8,314.75	WO 20-17 Laredo Rock Fall; TD18009 Pmt 4
02/18/2020	831125	Tire-Rama	Solid Waste	$ 1,810.28	Recaps 1050333378
02/18/2020	831125	Tire-Rama	Street/Traffic	$ 17.50	1050334311
02/18/2020	831125	Tire-Rama	Street/Traffic	$ 2,982.00	1050333532
02/18/2020	831125	Tire-Rama	Solid Waste	$ 1,320.00	Recaps 105033263
02/18/2020	831125	Tire-Rama	Solid Waste	$ 16,874.40	Tires for the Scraper 1050333462
02/18/2020	831125	Tire-Rama	Public Safety	$ 275.00	UNIT #4074, replaced tire pressure sensors per/Fleet
02/18/2020	831125	Tire-Rama	Solid Waste	$ 78.23	Trailer Tire
02/18/2020	831125	Tire-Rama	Solid Waste	$ 482.02	Tires for Solid Waste and the Landfill 1050334286/1050333766
02/18/2020	831125	Tire-Rama	Solid Waste	$ 1,029.50	Tires for Solid Waste and the Landfill 1050334286/1050333766
02/18/2020	831125	Tire-Rama	Street/Traffic	$ 85.18	1050334726

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/18/2020	831126	Titan Machinery Inc	Fleet	$ 206.90	13493745 PO NUM 309838
02/18/2020	831126	Titan Machinery Inc	Fleet	$ 206.90	13532128 PO NUM 309838
02/18/2020	831126	Titan Machinery Inc	Street/Traffic	$ 1,851.94	13543835
02/18/2020	831126	Titan Machinery Inc	Street/Traffic	$ 625.28	13532119
02/18/2020	831126	Titan Machinery Inc	Street/Traffic	$ 209.00	13548510
02/18/2020	831126	Titan Machinery Inc	Street/Traffic	$ 102.52	13549147
02/18/2020	831126	Titan Machinery Inc	Solid Waste	$ 486.63	13526497
02/18/2020	831130	Town & Country Supply	Public Safety	$ 703.09	405279 FIRE 1 - BLENDED DIESEL [370 GALLONS TOTAL]
02/18/2020	831130	Town & Country Supply	Public Safety	$ 579.93	405279 FIRE 1 - UNLEADED 2/8/2020
02/18/2020	831130	Town & Country Supply	Public Safety	$ 570.08	405278 FIRE 5: BLENDED DIESEL
02/18/2020	831130	Town & Country Supply	Public Safety	$ 247.03	405280 FIRE 6 - BLENDED DIESEL [130 GALLONS TOTAL]
02/18/2020	831130	Town & Country Supply	Transit	$ 11,066.00	405808 PO NUM 309837
02/18/2020	831130	Town & Country Supply	Airport	$ 10,393.66	Invoice #405510. Diesel fuel for Operations
02/18/2020	831130	Town & Country Supply	Fleet	$ 15,242.81	405654 PO NUM 309802
02/18/2020	831130	Town & Country Supply	Fleet	$ 7,516.18	405477 PO NUM 309808
02/18/2020	831130	Town & Country Supply	Wastewater	$ 444.72	WWTP FUEL
02/18/2020	831131	Tractor & Equipment	Solid Waste	$ 664.96	Parts for the Landfill BLCS0724601
02/18/2020	831131	Tractor & Equipment	Water	$ 1,594.92	NONSTOCKING ITEMS-P.U.D.
02/18/2020	831131	Tractor & Equipment	Solid Waste	$ 1,901.62	Parts for the Landfill BLCS0724384
02/18/2020	831131	Tractor & Equipment	Solid Waste	$ 312.27	BLWO0197301
02/18/2020	831131	Tractor & Equipment	Solid Waste	$ 1,144.00	BLWO0197301

Consent **1. S. 3.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Payment of Claims for the week of March 2, 2020

PRESENTED BY: Andy Zoeller, Finance Director

Department: Finance

Presentation: No

PROBLEM/ISSUE STATEMENT

Claims in the amount of $1,853,375.78 have been audited and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

City Check Payment Approval Process

Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the Department Director or designee must perform an initial review and approval of the purchase. The number of approvals within the Department can vary based upon the size of the Department, but no less than one approver within each Department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director.

If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

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 Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

councilmemo wk of 03022020

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831299	Altitude Signal LLC	Street/Traffic	$ 3,960.00	EDI 6 channel signal monitor
03/02/2020	831304	Archie Cochrane	Public Safety	$ 198.36	5314901
03/02/2020	831304	Archie Cochrane	Public Safety	$ 371.71	5315005
03/02/2020	831304	Archie Cochrane	Public Safety	$ 132.62	5314545
03/02/2020	831304	Archie Cochrane	Public Safety	$ 147.26	5314657
03/02/2020	831304	Archie Cochrane	Public Safety	$ 543.42	5315109
03/02/2020	831304	Archie Cochrane	Public Safety	$ 153.98	5315206
03/02/2020	831304	Archie Cochrane	Public Safety	$ 211.20	5315363
03/02/2020	831304	Archie Cochrane	Public Safety	$ 77.14	5315166
03/02/2020	831304	Archie Cochrane	Fleet	$ 23.28	5315353 PO NUM 309887
03/02/2020	831304	Archie Cochrane	Fleet	$ 46.96	5315331 PO NUM 309887
03/02/2020	831304	Archie Cochrane	Fleet	$ 274.32	5315331 PO NUM 309887
03/02/2020	831304	Archie Cochrane	Fleet	$ 159.10	5315333 PO NUM 309887
03/02/2020	831304	Archie Cochrane	Public Safety	$ 99.62	5315817
03/02/2020	831304	Archie Cochrane	Public Safety	$ 14.81	5315823
03/02/2020	831304	Archie Cochrane	Water	$ (400.00)	5316732
03/02/2020	831304	Archie Cochrane	Water	$ 1,582.35	5315988
03/02/2020	831304	Archie Cochrane	Public Safety	$ 276.92	5315926
03/02/2020	831304	Archie Cochrane	Transit	$ 21.94	5316362 PO NUM 309874
03/02/2020	831304	Archie Cochrane	Transit	$ 263.76	5316477
03/02/2020	831304	Archie Cochrane	Transit	$ 23.80	5316225 PO NUM 309874
03/02/2020	831305	AT & T Corp	Phone System	$ 3.46	Metro Cell #140.100.1797 Account#28728417856
03/02/2020	831305	AT & T Corp	Public Safety	$ 240.84	Animal Control -MDT
03/02/2020	831305	AT & T Corp	Wastewater	$ 44.98	PW Environmental
03/02/2020	831305	AT & T Corp	Public Safety	$ 2,631.42	Police Department Cell Phone
03/02/2020	831305	AT & T Corp	Facilities	$ 26.88	Facilities -Jessica Iverson
03/02/2020	831305	AT & T Corp	Public Safety	$ 3,692.88	Police MDT Toughbooks
03/02/2020	831305	AT & T Corp	Public Safety	$ 283.53	Animal Control Cell Phones
03/02/2020	831305	AT & T Corp	IT Resources	$ 47.25	IT Department -On call Phone
03/02/2020	831305	AT & T Corp	Parking	$ 97.63	Parking Division Meter Maintenance
03/02/2020	831305	AT & T Corp	Airport	$ 529.09	Airport
03/02/2020	831305	AT & T Corp	Wastewater	$ 44.98	PW Environmental
03/02/2020	831305	AT & T Corp	Building	$ 361.26	PW-Building Tablets (Planning)
03/02/2020	831305	AT & T Corp	Public Safety	$ 286.84	Comm. Center 9-1-1
03/02/2020	831305	AT & T Corp	Public Safety	$ 9.48	Detective Chartier -MDT
03/02/2020	831305	AT & T Corp	Public Safety	$ 1,158.46	MDT Fire
03/02/2020	831305	AT & T Corp	Transit	$ 453.60	MET Transit Tablets
03/02/2020	831305	AT & T Corp	Public Safety	$ 120.42	Yellowstone County Cellular Charges -Three cradlepoints
03/02/2020	831305	AT & T Corp	Public Safety	$ 1,144.50	Fire Department Cell Phones
03/02/2020	831305	AT & T Corp	Phone System	$ 335.16	MET Max Transit
03/02/2020	831305	AT & T Corp	Public Safety	$ 87.39	ICAC -Campbell and Spare

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831305	AT & T Corp	Police Progs	$ 80.28	CCSIU Toughbook
03/02/2020	831305	AT & T Corp	Public Safety	$ 283.49	Police -Resource Officers
03/02/2020	831305	AT & T Corp	General	$ 47.25	Legal Dept -Domestic Violence
03/02/2020	831305	AT & T Corp	Phone System	$ 10.70	Code Enforcement -created in error
03/02/2020	831305	AT & T Corp	Building	$ 461.49	PW-Building Cell Phones
03/02/2020	831305	AT & T Corp	Police Progs	$ 47.25	Domestic Violence -Katie Nash
03/02/2020	831305	AT & T Corp	Wastewater	$ 472.10	PWBLKNP Electricians -Phones
03/02/2020	831305	AT & T Corp	Water	$ 310.64	PW-Dis/Coll. Cityworks iPads 60/40
03/02/2020	831305	AT & T Corp	General	$ 94.50	City Attorney -Legal
03/02/2020	831305	AT & T Corp	Facilities	$ 103.45	Facilities City Hall Plus 30% of 406-672-3027
03/02/2020	831305	AT & T Corp	Wastewater	$ 89.96	PW Environmental Phones
03/02/2020	831305	AT & T Corp	General	$ 340.80	Code Enforcement
03/02/2020	831305	AT & T Corp	Water	$ 96.66	PWBLKNP STORES -75/25
03/02/2020	831305	AT & T Corp	P.W. Admin	$ 50.91	PWBLKNP OFFICE -60/40
03/02/2020	831305	AT & T Corp	Parking	$ 64.26	Parking Phones
03/02/2020	831305	AT & T Corp	Facilities	$ 100.25	Facilities BOC Plus 70% of 406-672-3027
03/02/2020	831305	AT & T Corp	General	$ 47.25	Municipal Court
03/02/2020	831305	AT & T Corp	Water	$ 562.25	PWBLKNP COMM-METER CityWorks/Neptune
03/02/2020	831305	AT & T Corp	Wastewater	$ 207.10	PW-Dis/Coll. Cityworks iPads 60/40
03/02/2020	831305	AT & T Corp	Court Grants	$ 210.26	Muni Court DC
03/02/2020	831305	AT & T Corp	Water	$ 1,043.16	PWBELKNAP-WT Water Treatment
03/02/2020	831305	AT & T Corp	Engineering	$ 104.52	Engineering Tablets -three tablets at $119.99 each
03/02/2020	831305	AT & T Corp	Water	$ 611.54	PWBELKNAP-DIST COLL 60/40
03/02/2020	831305	AT & T Corp	Engineering	$ 225.29	PW-Engineering Cell Phones and MiFi
03/02/2020	831305	AT & T Corp	Water	$ 337.86	PWBLKNP MTRSHOP
03/02/2020	831305	AT & T Corp	General	$ 4.20	PRPL-Parks MiFi 406.850.7416 -West End Shop
03/02/2020	831305	AT & T Corp	Water	$ 118.49	PW-Distribution Collection Tablets 60/40
03/02/2020	831305	AT & T Corp	Wastewater	$ 856.85	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
03/02/2020	831305	AT & T Corp	Wastewater	$ 32.36	PWBLKNP STORES -75/25
03/02/2020	831305	AT & T Corp	General	$ 296.40	PRPL - Recreation Division
03/02/2020	831305	AT & T Corp	Wastewater	$ 407.69	PWBELKNAP-DIST COLL 60/40
03/02/2020	831305	AT & T Corp	Phone System	$ 16.96	TeleComm Manager
03/02/2020	831305	AT & T Corp	Library	$ 134.86	Library Out Reach
03/02/2020	831305	AT & T Corp	P.W. Admin	$ 34.20	PWBLKNP OFFICE -60/40
03/02/2020	831305	AT & T Corp	Transit	$ 91.02	Trans-On Call MET
03/02/2020	831305	AT & T Corp	Library	$ 291.05	Library
03/02/2020	831305	AT & T Corp	General	$ 174.20	PRPL Parks Tablets
03/02/2020	831305	AT & T Corp	Facilities	$ 19.47	Facilities -Jessica
03/02/2020	831305	AT & T Corp	Wastewater	$ 79.00	PW-Distribution Collection Tablets 60/40
03/02/2020	831305	AT & T Corp	General	$ 677.02	Parks Dept.
03/02/2020	831306	Auto Trim Design	Public Safety	$ 1,481.00	CENTURY TOPPER FOR NEW BC1, FIRE UNIT #4076

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831306	Auto Trim Design	Solid Waste	$ 1,236.74	9028158.01
03/02/2020	831319	Black Box Network	Phone System	$ 9,960.89	Three month Renewal for maintenance thru 3/1/2020
03/02/2020	831319	Black Box Network	Library	$ 746.11	Renewal for Library thru May 2020
03/02/2020	831321	Bridgeport Trucking	Solid Waste	$ 6,936.45	36932
03/02/2020	831321	Bridgeport Trucking	Solid Waste	$ 6,936.45	36931
03/02/2020	831323	Business Tax Section	Water	$ 228.40	WO 15-35 Zone 1 WTP Waterline Improvements; 2 WO1535 WMC
03/02/2020	831323	Business Tax Section	Wastewater	$ 8,214.15	WO 14-11 Water Reclamation Facility Nutrient
03/02/2020	831329	Chicago Title of MT	CDBG	$ 10,000.00	FTHB Benjamin Negaard 1009 North 22nd
03/02/2020	831338	Cummins Rocky Mt	Street/Traffic	$ 1,829.99	22202
03/02/2020	831338	Cummins Rocky Mt	Solid Waste	$ 66.91	22156
03/02/2020	831338	Cummins Rocky Mt	Solid Waste	$ 456.54	22425
03/02/2020	831338	Cummins Rocky Mt	Transit	$ 73.65	38-22408
03/02/2020	831338	Cummins Rocky Mt	Transit	$ 83.82	38-22472
03/02/2020	831338	Cummins Rocky Mt	Transit	$ 27.82	38-22479
03/02/2020	831338	Cummins Rocky Mt	Transit	$ (73.65)	38-22445
03/02/2020	831338	Cummins Rocky Mt	Fleet	$ 500.40	22425 PO NUM 309889
03/02/2020	831338	Cummins Rocky Mt	Fleet	$ 838.08	22330 PO NUM 309889
03/02/2020	831344	Downtown Blgs Partners	Tax Incrmt N 27th	$ 23,286.75	Urban Revitalization District operating agreement
03/02/2020	831345	DXP Enterprises, Inc.	Solid Waste	$ 3,371.32	Flammable Material Storage for Solid Waste 51188729
03/02/2020	831346	Dynamic Specialty	Airport	$ 3,002.22	Invoice #42442. Replacement Tank for De-Ice Skid
03/02/2020	831349	Empire Garage Owners	Parking	$ 8,604.61	2182020_February Assessment
03/02/2020	831363	Great West Eng	Solid Waste	$ 3,488.75	Miscellaneous engineering Services for the Landfill
03/02/2020	831369	HDR, Inc.	Wastewater	$ 14,801.82	WO 19-11 WRF Nutrient Recovery & Biosolids Facilities Plan
03/02/2020	831369	HDR, Inc.	Water	$ 12,720.24	WO 18-23 Water Master Plan Update
03/02/2020	831369	HDR, Inc.	Water	$ 1,687.18	Water Treatment Facility High Service Pump H2-2 Replacement
03/02/2020	831369	HDR, Inc.	Water	$ 38,599.44	Leavens Reservoir Expansion & Zone 1 Improvements
03/02/2020	831369	HDR, Inc.	Wastewater	$ 166,608.05	WWTP Nutrient Upgrade Expansion & Improvements
03/02/2020	831369	HDR, Inc.	Wastewater	$ 32,556.98	WO 19-21 WRF Influent Lift Station
03/02/2020	831369	HDR, Inc.	Water	$ 16,240.51	WO 20-08 Low Service Pump Station NO. 1 Backup Generator
03/02/2020	831373	I-State Truck, Inc.	Solid Waste	$ 404.68	C251284003.01
03/02/2020	831373	I-State Truck, Inc.	Solid Waste	$ (111.55)	C251284204.01
03/02/2020	831373	I-State Truck, Inc.	Solid Waste	$ 1,529.98	R251071433.01
03/02/2020	831373	I-State Truck, Inc.	Street/Traffic	$ 73.96	C251283969.01
03/02/2020	831373	I-State Truck, Inc.	Street/Traffic	$ 322.96	C251284335.01
03/02/2020	831373	I-State Truck, Inc.	Water	$ 357.98	C251284230.01
03/02/2020	831373	I-State Truck, Inc.	Street/Traffic	$ 132.22	C251283737.01
03/02/2020	831373	I-State Truck, Inc.	Solid Waste	$ 941.00	C251284127.01
03/02/2020	831373	I-State Truck, Inc.	Fleet	$ 16.80	C251284133.01 PO NUM 309897
03/02/2020	831374	Iaff	Payroll Clearing	$ 5,063.88	Payroll Summary
03/02/2020	831380	InfoSend Inc	P.W. Admin	$ 12,300.22	165884; MONTHLY STATEMENT PRINTING AND MAILING
03/02/2020	831380	InfoSend Inc	P.W. Admin	$ 3,075.88	165884; MONTHLY STATEMENT PRINTING AND MAILING

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831389	Kadrmas Lee & Jackson	Water	$ 9,747.70	WO 19-01 South Side Triangle Water Main Replacement
03/02/2020	831397	KTVQ Communication	P.W. Admin	$ 2,165.00	All-inclusive for both video content and digital display
03/02/2020	831397	KTVQ Communication	P.W. Admin	$ 5,000.00	All-inclusive for both video content and digital display
03/02/2020	831397	KTVQ Communication	P.W. Admin	$ 9,125.00	All-inclusive for both video content and digital display
03/02/2020	831397	KTVQ Communication	Transit	$ 3,980.00	TV ads for January
03/02/2020	831398	L N Curtis and Sons	Public Safety	$ 246.00	FC104-YN: WILDLAND SHIRTS
03/02/2020	831398	L N Curtis and Sons	Public Safety	$ 1,900.00	BOOTS: STRUCTURE FIRE / NEW HIRES
03/02/2020	831398	L N Curtis and Sons	Public Safety	$ 3,800.00	BOOTS: GLOBE 430A400 - REPLACEMENTS
03/02/2020	831398	L N Curtis and Sons	Fire Grants	$ 166.47	SHIPPING
03/02/2020	831398	L N Curtis and Sons	Fire Grants	$ 5,399.00	CTC6002 RESCUE 42-TELECRIB TRUCK KIT
03/02/2020	831399	L P Anderson Tire	Public Safety	$ 65.00	1127981
03/02/2020	831399	L P Anderson Tire	General	$ 38.00	1128027
03/02/2020	831399	L P Anderson Tire	Public Safety	$ 1,536.90	1127914
03/02/2020	831399	L P Anderson Tire	Public Safety	$ 65.00	1128001
03/02/2020	831399	L P Anderson Tire	Building	$ 428.60	1128106
03/02/2020	831399	L P Anderson Tire	General	$ 120.00	1128027
03/02/2020	831399	L P Anderson Tire	Public Safety	$ 119.00	1128241
03/02/2020	831399	L P Anderson Tire	Street/Traffic	$ 183.00	1128238
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	31002096 PACKING, PREFORMED
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	10005305 RING, BACK UP
03/02/2020	831408	MES-NW	Public Safety	$ 2,095.62	REGULATOR HOSE, HUD, QD-QUICK DISCONNECT
03/02/2020	831408	MES-NW	Public Safety	$ 2,860.02	201136-04 HOSE ASSY, QD, HUD, 6-WIRE, SNAP FIT
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	200923-013 PACKING, PREFORMED
03/02/2020	831408	MES-NW	Public Safety	$ 19.50	31003409 LARGE SIZING DOT
03/02/2020	831408	MES-NW	Public Safety	$ 38.15	803351-01 STEM ASSEMBLY, PURGE
03/02/2020	831408	MES-NW	Public Safety	$ 19.50	31003408 MEDIUM SIZING DOT
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	200923-04 PACKING, PREFORMED
03/02/2020	831408	MES-NW	Public Safety	$ 30.40	18071-00 RETAINER, PACKING
03/02/2020	831408	MES-NW	Public Safety	$ 2,418.00	SPARE HARNESS KIT, X3PRO, PARA, EBSS
03/02/2020	831408	MES-NW	Public Safety	$ 2,704.02	804098-02 VALVE, ASSY, CYLINDER
03/02/2020	831408	MES-NW	Public Safety	$ 56.20	311002486 PACKING, PREFORMED
03/02/2020	831408	MES-NW	Public Safety	$ 28.70	36705-01 RETAINER PACKING BACKUP
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	31002100 PACKING, PREFORMED
03/02/2020	831408	MES-NW	Public Safety	$ 1,712.56	200083-01 DIAPHRAGM & VALVE ASSY, EZ FLO +
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	200923-010 PACKING, PREFORMED
03/02/2020	831408	MES-NW	Public Safety	$ 23.40	36684-047 RING, RETAINING EXTERNAL HD
03/02/2020	831408	MES-NW	Public Safety	$ 23.40	18070-00 PACKING, PREFORM, .07W X .114ID
03/02/2020	831408	MES-NW	Public Safety	$ 56.20	Scott Safety replacement filter, Cartridge, Pressure reducer
03/02/2020	831408	MES-NW	Public Safety	$ 19.50	31003407 SMALL SIZING DOT
03/02/2020	831408	MES-NW	Public Safety	$ 28.10	10007563 PACKING, PREFORMED
03/02/2020	831415	Montana CSED	Payroll Clearing	$ 3,056.82	Payroll Summary

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831420	MT State Fireman	Payroll Clearing	$ 4,173.04	Payroll Summary
03/02/2020	831421	Morrison Maierle	Water	$ 5,163.97	WO1815 Voelker Pump Station Improvements
03/02/2020	831422	MPPA	Payroll Clearing	$ 3,549.70	Payroll Summary
03/02/2020	831425	Napa Auto Parts	Fleet	$ 27.00	177246 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Fleet	$ 101.55	177246 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Fleet	$ 47.33	177350 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Fleet	$ 31.03	177246 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Fleet	$ 60.47	177246 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Fleet	$ 24.50	178264 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Fleet	$ 16.70	176789 PO NUM 309923
03/02/2020	831425	Napa Auto Parts	Water	$ 72.13	177424
03/02/2020	831425	Napa Auto Parts	Fleet	$ 9.53	177981
03/02/2020	831425	Napa Auto Parts	Solid Waste	$ 5.48	178263
03/02/2020	831425	Napa Auto Parts	General	$ 70.42	176675
03/02/2020	831425	Napa Auto Parts	Solid Waste	$ 105.04	177096
03/02/2020	831425	Napa Auto Parts	Public Safety	$ 14.71	177393
03/02/2020	831425	Napa Auto Parts	Water	$ 94.14	177409
03/02/2020	831425	Napa Auto Parts	Public Safety	$ 3.22	177391
03/02/2020	831425	Napa Auto Parts	Water	$ (43.71)	177444
03/02/2020	831425	Napa Auto Parts	Public Safety	$ 4.27	177489
03/02/2020	831425	Napa Auto Parts	Street/Traffic	$ 21.20	177622
03/02/2020	831425	Napa Auto Parts	Solid Waste	$ 10.16	177746
03/02/2020	831425	Napa Auto Parts	Public Safety	$ 16.78	177840
03/02/2020	831425	Napa Auto Parts	Solid Waste	$ 21.20	177982
03/02/2020	831425	Napa Auto Parts	Transit	$ 26.43	BK 3/4"DR EXT 16" (shop tool)
03/02/2020	831425	Napa Auto Parts	Solid Waste	$ 46.47	176814
03/02/2020	831425	Napa Auto Parts	Wastewater	$ 91.19	177080
03/02/2020	831425	Napa Auto Parts	Fleet	$ 17.27	177793
03/02/2020	831425	Napa Auto Parts	Water	$ 11.04	177719
03/02/2020	831425	Napa Auto Parts	Public Safety	$ (14.71)	177796
03/02/2020	831425	Napa Auto Parts	Building	$ 20.69	178477
03/02/2020	831425	Napa Auto Parts	Water	$ 132.94	176787
03/02/2020	831425	Napa Auto Parts	Street/Traffic	$ 34.00	176798
03/02/2020	831425	Napa Auto Parts	Fleet	$ (26.36)	178271
03/02/2020	831425	Napa Auto Parts	Street/Traffic	$ 73.96	177693
03/02/2020	831425	Napa Auto Parts	Public Safety	$ 81.47	176883
03/02/2020	831425	Napa Auto Parts	General	$ 170.48	176676
03/02/2020	831425	Napa Auto Parts	Fleet	$ 26.36	177932
03/02/2020	831425	Napa Auto Parts	Public Safety	$ (6.23)	177960
03/02/2020	831425	Napa Auto Parts	Transit	$ 36.54	3977-00-181498
03/02/2020	831425	Napa Auto Parts	Transit	$ 36.99	3977-00-181498 PO NUM 309908

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831425	Napa Auto Parts	Transit	$ 4.99	3977-00-179940
03/02/2020	831425	Napa Auto Parts	Transit	$ 136.78	3977-00-179440 PO NUM 309864
03/02/2020	831425	Napa Auto Parts	Transit	$ 188.66	3977-00-179940 PO NUM 309864
03/02/2020	831425	Napa Auto Parts	Transit	$ 16.38	3977-00-179929
03/02/2020	831425	Napa Auto Parts	Transit	$ (4.99)	3977-00-179935
03/02/2020	831425	Napa Auto Parts	Street/Traffic	$ 30.61	pin assembly/adapter/gloves for service truck 1118
03/02/2020	831425	Napa Auto Parts	Street/Traffic	$ 85.50	adapters/couplers/tape for unit 1118
03/02/2020	831425	Napa Auto Parts	Transit	$ 73.48	3977-00-179440
03/02/2020	831425	Napa Auto Parts	Transit	$ 41.27	3977-00-180137 PO NUM 309875
03/02/2020	831425	Napa Auto Parts	Transit	$ 11.70	179457-eye wash station @ 11.70,179324 - Hybrid Air hose
03/02/2020	831425	Napa Auto Parts	Transit	$ 1.14	3977-00-180032
03/02/2020	831425	Napa Auto Parts	Transit	$ 152.12	179457-eye wash station @ 11.70,179324 - Hybrid Air hose
03/02/2020	831425	Napa Auto Parts	Transit	$ 67.64	3977-00-179093
03/02/2020	831425	Napa Auto Parts	Transit	$ 1.80	3977-00-180039
03/02/2020	831425	Napa Auto Parts	Transit	$ 25.83	3977-00-180736
03/02/2020	831425	Napa Auto Parts	Transit	$ 534.00	3977-00-178770 PO NUM 309843
03/02/2020	831428	NorthWestern Energy	Airport	$ 413.59	0712792-1. IP-7. February 2020
03/02/2020	831428	NorthWestern Energy	Airport	$ 511.02	0712809-3. IP-11(12) Alpine. February 2020
03/02/2020	831428	NorthWestern Energy	Airport	$ 33,825.61	0100482-9. Vault Main Account. February 2020
03/02/2020	831428	NorthWestern Energy	Airport	$ 965.29	0712800-2. IP-9. February 2020
03/02/2020	831428	NorthWestern Energy	General	$ 142.68	0722266-4
03/02/2020	831428	NorthWestern Energy	Parking	$ 3,284.72	0720834-1
03/02/2020	831428	NorthWestern Energy	General	$ 34.24	0722257-3
03/02/2020	831428	NorthWestern Energy	General	$ 6.10	0722237-5
03/02/2020	831428	NorthWestern Energy	General	$ 30.26	0722293-8
03/02/2020	831428	NorthWestern Energy	Parking	$ 836.71	0720829-1
03/02/2020	831428	NorthWestern Energy	Radio	$ 201.82	0721580-9
03/02/2020	831428	NorthWestern Energy	Water	$ 2,836.92	0100606-3
03/02/2020	831428	NorthWestern Energy	Solid Waste	$ 3,256.58	3252194-0
03/02/2020	831428	NorthWestern Energy	Facilities	$ 535.48	0975808-7
03/02/2020	831428	NorthWestern Energy	Water	$ 508.96	1116452-2
03/02/2020	831428	NorthWestern Energy	Facilities	$ 766.02	1160802-3
03/02/2020	831428	NorthWestern Energy	Water	$ 71,868.82	0100606-3
03/02/2020	831428	NorthWestern Energy	Facilities	$ 2,316.40	1160804-9
03/02/2020	831428	NorthWestern Energy	Facilities	$ 3,158.27	1269391-7
03/02/2020	831428	NorthWestern Energy	Water	$ 814.76	0100485-2
03/02/2020	831428	NorthWestern Energy	General	$ 153.83	0925496-2
03/02/2020	831428	NorthWestern Energy	Water	$ 4,831.79	0100540-4
03/02/2020	831428	NorthWestern Energy	Wastewater	$ 945.65	0100606-3
03/02/2020	831428	NorthWestern Energy	General	$ 102.90	0712683-2
03/02/2020	831428	NorthWestern Energy	General	$ 6.10	0831702-6

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831428	NorthWestern Energy	Public Safety	$ 567.39	0712537-0
03/02/2020	831428	NorthWestern Energy	Transit	$ 25.13	0712764-0
03/02/2020	831428	NorthWestern Energy	Public Safety	$ 394.46	0720840-8
03/02/2020	831428	NorthWestern Energy	Engineering	$ 36.34	Depot parking lot lights #0698856-2
03/02/2020	831428	NorthWestern Energy	P.W. Admin	$ 9.09	Depot parking lot lights #0698856-2
03/02/2020	831429	Ovivo USA LLC	Wastewater	$ 74,520.00	WO 19-45 WRF Headworks Grit Unit; 8478008/1
03/02/2020	831438	Pigeon Mt Industries	Public Safety	$ 3,696.00	SM230100N, TERRADAPTOR TRIPOD SYSTEM
03/02/2020	831438	Pigeon Mt Industries	Public Safety	$ 350.55	PE42140 CASCADE LITTER FLOTATION SYSTEM
03/02/2020	831438	Pigeon Mt Industries	Public Safety	$ 1,650.40	SM230552 TERRADAPTOR HARKEN WINCH
03/02/2020	831438	Pigeon Mt Industries	Public Safety	$ 430.67	CASCADE PROSERIES STEEL 1P RECTANGULAR, NO LIFTS
03/02/2020	831438	Pigeon Mt Industries	Public Safety	$ 885.50	CASCADE TRAIL TECH LITTER WHEEL 3/4" TOP RAIL
03/02/2020	831443	Public Utilities	Wastewater	$ 2,540.82	111176
03/02/2020	831445	RDO Equipment Co.	Solid Waste	$ 445.00	Parts for the Landfill P5880412
03/02/2020	831445	RDO Equipment Co.	Solid Waste	$ 200.00	W2549812
03/02/2020	831445	RDO Equipment Co.	Solid Waste	$ 15,096.00	W2549812
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 2,250.00	20 Jan. Ancillary DUI
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 2,931.32	20 Jan. No Ins. Copays, Dedut. DUI
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 100.00	20 Jan. Screenings CTC
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 1,050.00	20 Jan. No Ins. Copays, Dedut Drug
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 200.00	20 Jan. Screenings Drug
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 1,050.00	20 Jan. Ancillary CTC
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 390.00	20 Jan. Ancillary Drug
03/02/2020	831449	Rimrock Foundation	Court Grants	$ 1,824.56	20 Jan. No Ins. Copays, Dedut. CTC
03/02/2020	831452	Routeware Inc	Solid Waste	$ 12,099.00	OBC support fee, camera system fee, Cellular data charge
03/02/2020	831456	Sanderson Stewart	Tax Incrmt S	$ 29,414.34	WO 19-22 King Ave. E (Orchard to Jackson)
03/02/2020	831456	Sanderson Stewart	Water	$ 5,836.65	WO 19-01 Water/Sewer Replacement Project
03/02/2020	831456	Sanderson Stewart	Tax Incrmt S	$ 11,614.16	WO 19-22 King Ave. E (Orchard to Jackson)
03/02/2020	831459	SHI International	General	$ 403.95	Acrobat Adobe Pro -Sarah Lane -Finance
03/02/2020	831459	SHI International	Transit	$ 367.51	MS Office Professional -Rusty -MET
03/02/2020	831459	SHI International	Engineering	$ 1,837.55	Qty.5 Foxit Phantom PDF - Engineering
03/02/2020	831459	SHI International	P.W. Admin	$ 145.34	Foxit Phantom PDF -Christina Fox. PW
03/02/2020	831459	SHI International	Engineering	$ 726.70	Qty.5 MS Office Professional -Engineering
03/02/2020	831461	Sletten Construction	Wastewater	$ 813,200.24	WO 14-11 Water Reclamation Facility Nutrient
03/02/2020	831465	Steiner Thuesen PLLC	Park District 1	$ 2,968.00	WO 20-19 Project # PKNPIR North Park Irrigation System Replacement
03/02/2020	831468	Stewart Title Company	CDBG	$ 10,000.00	FTHB Kathleen Sanchez 585 Wheatstone Drive S
03/02/2020	831471	Sundown Security	Airport	$ 3,000.73	Invoice #52802. Skycap Services 2/7-2/13/20.
03/02/2020	831475	Tele-Consultants, Inc	Planning	$ 21,800.00	Non Motorized Trail Map 0005-Final Invoice
03/02/2020	831477	Territorial Landworks	Gas Tax	$ 7,196.00	WO 20-28 Songbird Dr
03/02/2020	831482	Town & Country Supply	Transit	$ 3,799.97	405680 PO NUM 309866
03/02/2020	831482	Town & Country Supply	Transit	$ 11,308.71	405835 PO NUM 309907
03/02/2020	831482	Town & Country Supply	Fleet	$ 11,653.43	405851 PO NUM 309884

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831482	Town & Country Supply	Airport	$ 17,293.36	Invoice #405861. QTA Car Rental Fuel
03/02/2020	831483	Tractor & Equipment	Solid Waste	$ 1,063.79	BLWO0197351
03/02/2020	831483	Tractor & Equipment	Solid Waste	$ 5,120.50	BLWO0197351
03/02/2020	831483	Tractor & Equipment	Solid Waste	$ 1,484.60	Filters for the Landfill BLCS0725333
03/02/2020	831483	Tractor & Equipment	Solid Waste	$ 1,144.00	AUTO &TRUCK MAINT.ITEMS PI5908
03/02/2020	831483	Tractor & Equipment	Solid Waste	$ 165.05	AUTO &TRUCK MAINT.ITEMS
03/02/2020	831487	Valmont Industries	Street/Traffic	$ 3,490.00	CD2169452 PO NUM 309086
03/02/2020	831492	Verizon Wireless	Solid Waste	$ 107.88	PW-Solid Waste
03/02/2020	831492	Verizon Wireless	Police Progs	$ 80.02	CCSIU RAVEN
03/02/2020	831492	Verizon Wireless	Airport	$ 54.00	Airport
03/02/2020	831492	Verizon Wireless	Parking	$ 26.97	Parking 406-690-5822
03/02/2020	831492	Verizon Wireless	General	$ 107.46	City Administrator 0100-13130-403450
03/02/2020	831492	Verizon Wireless	Police Progs	$ 53.94	CCSIU MDT
03/02/2020	831492	Verizon Wireless	Library	$ 26.97	LBRY OTRCH Library Outreach
03/02/2020	831492	Verizon Wireless	Wastewater	$ 43.15	PW-DIS-COLL Cityworks 60/40
03/02/2020	831492	Verizon Wireless	General	$ 0.99	Code Enforcement 406.694.2069 Laptop
03/02/2020	831492	Verizon Wireless	Police Progs	$ 49.99	CCSIU Cell/PTT
03/02/2020	831492	Verizon Wireless	General	$ (20.87)	Code Enforcement 406.694.2069 Laptop
03/02/2020	831492	Verizon Wireless	Public Safety	$ 560.14	MDT Toughbooks
03/02/2020	831492	Verizon Wireless	Water	$ 26.97	PW Belknap Meter Shop
03/02/2020	831492	Verizon Wireless	Water	$ 242.36	PW-Distribution Collection Tablets 60/40
03/02/2020	831492	Verizon Wireless	Solid Waste	$ 499.81	Solid Waste Tablets -Routware
03/02/2020	831492	Verizon Wireless	Water	$ 64.73	PW-DIS-COLL Cityworks 60/40
03/02/2020	831492	Verizon Wireless	Solid Waste	$ 269.73	PW-SW-ON CALL Solid Waste On Call
03/02/2020	831492	Verizon Wireless	Engineering	$ 134.85	PW-Engineering
03/02/2020	831492	Verizon Wireless	Street/Traffic	$ 161.82	PW-Streets City Works
03/02/2020	831492	Verizon Wireless	Police Progs	$ 462.06	CCSIU Cell/PTT
03/02/2020	831492	Verizon Wireless	Public Safety	$ 54.00	Robinson
03/02/2020	831492	Verizon Wireless	Street/Traffic	$ 53.94	PW-Streets 406-647-1377 iPad, 406-633-1991 iPad
03/02/2020	831492	Verizon Wireless	Transit	$ 308.27	MET AVL
03/02/2020	831492	Verizon Wireless	Public Safety	$ 80.02	Police iPad St John 406-690-5955 Police iPad Lawrence 406-690-2161
03/02/2020	831492	Verizon Wireless	Water	$ 26.97	PWBLKNP Water Treatment Brian Risser 406-696-4245
03/02/2020	831492	Verizon Wireless	Water	$ 161.82	PWBLNP Comm-Meter CityWorks/Neptune
03/02/2020	831492	Verizon Wireless	Public Safety	$ 40.01	Police MiFi 406-633-0820 406-598-6294
03/02/2020	831492	Verizon Wireless	Wastewater	$ 161.57	PW-Distribution Collection Tablets 60/40
03/02/2020	831492	Verizon Wireless	Solid Waste	$ 26.97	PW Dozer Trimble Dozer
03/02/2020	831498	Western Municipal Const	Water	$ 22,611.92	WO 15-35 Zone 1 WTP Waterline Improvements;2 WO1535 WMC
03/02/2020	831504	Yllwstn Animal Shelter	Public Safety	$ 22,855.58	contract 1-222-20/2-21-20
03/02/2020	831508	Montana Dakota Utilities	General	$ 335.00	571 295 3342 8
03/02/2020	831508	Montana Dakota Utilities	Facilities	$ 3,800.27	989 733 1000 0
03/02/2020	831508	Montana Dakota Utilities	Water	$ 94.79	510 490 1000 5

Check Date	Check#	Name	Fund Name	Amount		Item Desc
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 227.67	310 490 1000 7	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 75.28	566 923 1000 8	
03/02/2020	831508	Montana Dakota Utilities	Facilities	$ 282.08	130 733 1000 8	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 261.42	209 077 5055 6	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 363.40	210 490 1000 8	
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 29.92	735 453 1000 2	
03/02/2020	831508	Montana Dakota Utilities	Solid Waste	$ 1,655.19	770 390 1000 2	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 118.19	527 033 1000 4	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 557.22	410 490 1000 6	
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 185.73	410 490 1000 6	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 683.04	310 490 1000 7	
03/02/2020	831508	Montana Dakota Utilities	General	$ 75.28	371 101 1000 6	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 3,950.74	500 490 1000 7	
03/02/2020	831508	Montana Dakota Utilities	P.W. Admin	$ 44.35	595 373 1000 1	
03/02/2020	831508	Montana Dakota Utilities	Public Safety	$ 415.97	533 653 1000 1	
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 65.86	868 563 1000 7	
03/02/2020	831508	Montana Dakota Utilities	Facilities	$ 2,266.35	929 780 1000 4	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 29.89	076 225 9180 3	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 229.65	010 490 1000 0	
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 7,398.19	293 780 1000 2	
03/02/2020	831508	Montana Dakota Utilities	Public Safety	$ 69.82	514 117 0478 9	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 50.74	600 490 1000 6	
03/02/2020	831508	Montana Dakota Utilities	Transit	$ 1,597.54	962 880 1000 0	
03/02/2020	831508	Montana Dakota Utilities	Public Safety	$ 17.41	062 907 9494 7	
03/02/2020	831508	Montana Dakota Utilities	General	$ 334.94	437 780 1000 9	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 16.77	610 490 1000 4	
03/02/2020	831508	Montana Dakota Utilities	Parking	$ 73.19	799 152 1209 0	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 126.00	832 001 1000 1	
03/02/2020	831508	Montana Dakota Utilities	Public Safety	$ 722.14	885 880 1000 4	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 564.08	900 490 1000 3	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 50.74	600 490 1000 6	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 66.36	666 923 1000 7	
03/02/2020	831508	Montana Dakota Utilities	Facilities	$ 2,931.45	757 633 1000 2	
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 3,699.10	293 780 1000 2	
03/02/2020	831508	Montana Dakota Utilities	Parking	$ 93.13	303 725 2591 2	
03/02/2020	831508	Montana Dakota Utilities	General	$ 31.30	061 943 1000 6	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 56.32	110 490 1000 9	
03/02/2020	831508	Montana Dakota Utilities	Public Safety	$ 608.45	169 233 1000 3	
03/02/2020	831508	Montana Dakota Utilities	Library	$ 2,663.38	219 924 4851 0	
03/02/2020	831508	Montana Dakota Utilities	Wastewater	$ 3,699.10	293 780 1000 2	
03/02/2020	831508	Montana Dakota Utilities	Public Safety	$ 382.96	442 190 1000 4	

Check Date	Check#	Name	Fund Name	Amount		Item Desc
03/02/2020	831508	Montana Dakota Utilities	Engineering	$ 177.40	595 373 1000 1	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 54.70	800 490 1000 4	
03/02/2020	831508	Montana Dakota Utilities	Water	$ 335.55	700 490 1000 5	
03/02/2020	831508	Montana Dakota Utilities	Facilities	$ 684.99	993 733 1000 4	
03/02/2020	831508	Montana Dakota Utilities	Parking	$ 14.40	717 353 1000 6	
03/02/2020	831508	Montana Dakota Utilities	General	$ 104.26	927 890 1000 3	
03/02/2020	831509	NorthWestern Energy	General	$ 110.66	0723035-2	
03/02/2020	831509	NorthWestern Energy	General	$ 7.26	0723055-0	
03/02/2020	831509	NorthWestern Energy	General	$ 26.02	0723058-4	
03/02/2020	831509	NorthWestern Energy	Street/Traffic	$ 6.22	0723644-1	
03/02/2020	831509	NorthWestern Energy	Parks	$ 157.51	1059093-3	
03/02/2020	831509	NorthWestern Energy	General	$ 7.52	0722905-7	
03/02/2020	831509	NorthWestern Energy	General	$ 12.14	0723056-8	
03/02/2020	831509	NorthWestern Energy	Parking	$ 1,205.31	1594282-4	
03/02/2020	831509	NorthWestern Energy	Public Safety	$ 414.74	1984150-1	
03/02/2020	831509	NorthWestern Energy	General	$ 1,529.57	0100506-5	
03/02/2020	831509	NorthWestern Energy	General	$ 6.10	0722247-4	
03/02/2020	831509	NorthWestern Energy	General	$ 13.29	0722269-8	
03/02/2020	831509	NorthWestern Energy	General	$ 93.86	0722933-9	
03/02/2020	831509	NorthWestern Energy	General	$ 189.85	0723037-8	
03/02/2020	831509	NorthWestern Energy	Water	$ 1,365.44	0722252-4	
03/02/2020	831509	NorthWestern Energy	General	$ 7.63	0723036-0	
03/02/2020	831509	NorthWestern Energy	General	$ 33.41	0789437-1	
03/02/2020	831509	NorthWestern Energy	Engineering	$ 522.96	1741314-7	
03/02/2020	831509	NorthWestern Energy	Facilities	$ 1,438.78	3602454-5	
03/02/2020	831509	NorthWestern Energy	General	$ -	0722263-1	
03/02/2020	831509	NorthWestern Energy	General	$ 47.47	0723042-8	
03/02/2020	831509	NorthWestern Energy	Water	$ 160.72	0723043-6	
03/02/2020	831509	NorthWestern Energy	Public Safety	$ 1,607.41	3448739-7	
03/02/2020	831509	NorthWestern Energy	General	$ 18.01	0723044-4	
03/02/2020	831509	NorthWestern Energy	General	$ 6.10	0723162-4	
03/02/2020	831509	NorthWestern Energy	Parking	$ 1,859.95	1569636-2	
03/02/2020	831509	NorthWestern Energy	P.W. Admin	$ 130.75	1741314-7	
03/02/2020	831509	NorthWestern Energy	Transit	$ 340.09	1784756-7	
03/02/2020	831509	NorthWestern Energy	Facilities	$ 6,123.87	0100507-3	
03/02/2020	831509	NorthWestern Energy	General	$ 13.01	0722292-0	
03/02/2020	831509	NorthWestern Energy	General	$ 7.65	0723090-7	
03/02/2020	831509	NorthWestern Energy	Street/Traffic	$ 6.10	0723645-8	
03/02/2020	831509	NorthWestern Energy	Public Safety	$ 248.82	1984155-0	
03/02/2020	831509	NorthWestern Energy	General	$ -	0723051-9	
03/02/2020	831509	NorthWestern Energy	General	$ 8.15	0723057-6	

Check Date	Check#	Name	Fund Name	Amount	Item Desc
03/02/2020	831509	NorthWestern Energy	Parking	$ 611.68	3279035-4
03/02/2020	831509	NorthWestern Energy	Parking	$ 168.70	3463478-2
03/02/2020	831509	NorthWestern Energy	Parking	$ 2,669.77	3067416-2
03/02/2020	831509	NorthWestern Energy	Facilities	$ 62.47	3602453-7
03/02/2020	831509	NorthWestern Energy	General	$ 100.04	0722255-7

Regular City Council Meeting

Meeting Date: 03/23/2020
TITLE: Public Hearing and Resolution Creating SILMD 326
PRESENTED BY: David Mumford, Public Works Director
Department: Public Works
Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 19-22 is a project to install new street lighting along King Avenue East between Orchard Lane and Jackson Street. If streetlights are installed, a Special Improvement Light Maintenance District (SILMD) is required to provide energy and maintenance to the new lights. Council passed a Resolution of Intention to Create SILMD 326 at its February 24, 2020, meeting and set a March 23, 2020 public hearing on the proposed district. Legal notice of the proposed district and public hearing was published and was mailed to all property owners in the proposed district in accordance with State law.

The new lighting will use cobra style poles with LED lamps and underground wiring. The SILMD will include the power costs for the district, anticipated annual maintenance costs for the lights, and the ability to replace the infrastructure when the equipment has exceeded its useful life.

The deadline for written protests is Monday, March 16, 2020 at 5:00 p.m. The number and percentage of valid written protests received will be reported at the March 23, 2020 Council meeting. As provided in State law, the City Council has the authority to create the district if the legal protest does not exceed 50%.

ALTERNATIVES ANALYZED

City Council may:

- Pass the Resolution creating SILMD 326 to provide a source of funding for operation, maintenance and replacement of the streetlights; or
- Do not pass the Resolution creating the district. If the Council does not adopt the Resolution, the property owners cannot be assessed for operation, maintenance and replacement of the streetlights and the new lighting will not be installed.

FINANCIAL IMPACT

All costs of maintaining, replacing and providing energy for the lighting are paid from assessments against the properties within the light district. There are no City owned properties within the district.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the resolution creating SILMD 326 if the valid protest does not exceed 50%.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution to Create
Exhibit A

RESOLUTION NO. 20-_____

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 326 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF SECURING AND PROVIDING ENERGY AND MAINTENANCE AND REPLACEMENT FOR NEW STREETLIGHTING, SETTING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATED RATE FOR ENERGY AND MAINTENANCE THEREOF, AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFORE FOR THE FIRST YEAR, AND THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS.

WHEREAS, the City Council of the City of Billings, Montana, on the 24th day of February, 2020, passed Resolution 20-10851, a Resolution of Intention to Create a Special Improvement Lighting Maintenance District designated as No. 326, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the creation of said district, and the protests are overruled and denied.

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

SECTION 1:

That the City Council of the City of Billings, Montana does hereby create a District, to be

known and designated as Special Improvement Lighting Maintenance District No. 326, hereinafter called the District, for the purpose of securing and providing energy and maintenance for new street lights for lighting said District.

SECTION 2:

That the boundaries of the District are as set forth in Resolution of Intention No. 20-10851, hereinafter called the Resolution, on file in the office of the City Clerk of Billings, Montana, and by this reference is incorporated herein and made a part hereof.

SECTION 3:

That the City Council hereby finds and determines that each property described within the Resolution of Intent, is especially benefited and affected by said improvements, and each of the properties are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

SECTION 5:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at $7.94 per unit, per month, and that NorthWestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance and replacement as needed to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures,

poles, cables and other incidental equipment.

SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of $4,045.96; that the entire cost of said District shall be paid by the owners of the property depicted in Exhibit “A” attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which it's assessable lot area bears to the total assessable lot area of the entire District, exclusive of streets, avenues, alleys and public places. The estimated cost of the District per year for property owners is on the basis of approximately $0.00830852 per square foot.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as the "Special Improvement Lighting Maintenance District No. 326 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining or replacement as needed said lights, wiring, fixtures and poles and supplying electrical current therefore.

SECTION 8:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

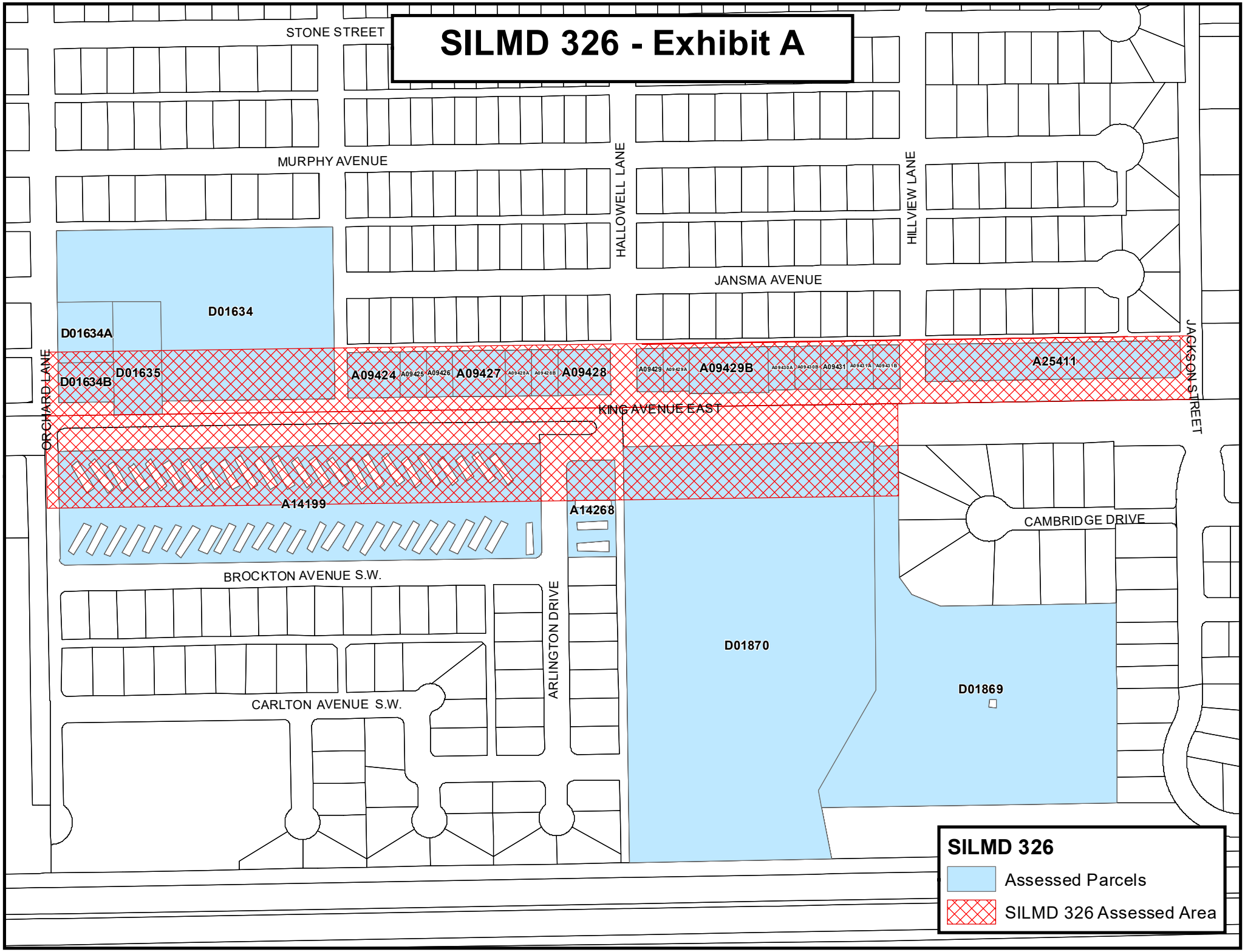
PASSED by the City Council of the City of Billings, Montana and approved this 23rd day of March, 2020.

THE CITY OF BILLINGS:

BY:_____
William A. Cole
MAYOR

ATTEST:

BY:_____
Denise Bohlman CITY CLERK


SILMD 326 - Exhibit A
STONE STREET
MURPHY AVENUE
HALLOWELL LANE
HILLVIEW LANE
JANSMA AVENUE
JACKSON STREET
ORCHARD LANE
KING AVENUE EAST
CAMBRIDGE DRIVE
BROCKTON AVENUE S.W.
ARLINGTON DRIVE
CARLTON AVENUE S.W.
D01634
D01634A
D01634B
D01635
A09424
A09425
A09426
A09427
A09428A
A09428B
A09428
A09429
A09429A
A09429B
A09430A
A09430B
A09431
A09431A
A09431B
A25411
A14199
A14268
D01870
D01869
SILMD 326
Assessed Parcels
SILMD 326 Assessed Area

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: SID 1408 Wanigan Sub Improvements Public Hearing and Resolution Creating District

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The objective of the Gravel Streets Paving Program is to bring all streets in the City up to urban standards, which includes asphalt, curb, sidewalk, and storm drain systems. Streets that are a part of the program are constructed through the Special Improvement District (SID) process with assessments paid by property owners for the newly developed curbing, road, sidewalk, and any restoration behind the sidewalk. Gas tax funds are used for corner lot subsidies per the City's SID policy (Resolution No. 04-18204). A Resolution of Intent to create the district was approved by City Council on February 24, 2020. Protests will be announced at the Council meeting.

ALTERNATIVES ANALYZED

City Council may:

- Conduct a public hearing and approve the resolution creating SID 1408, Wanigan Sub Improvements; or
- After holding a public hearing, not approve the resolution creating SID 1408, Wanigan Sub Improvements. If not approved, the improvements will not be constructed.

FINANCIAL IMPACT

The project is funded through direct property assessments and gas tax and is estimated at $1,252,862.51.

Estimated Assessments	$830,245.27
Gas Tax Funds	$422,617.24

Funding budgeted in FY 20 is sufficient for the proposed project.

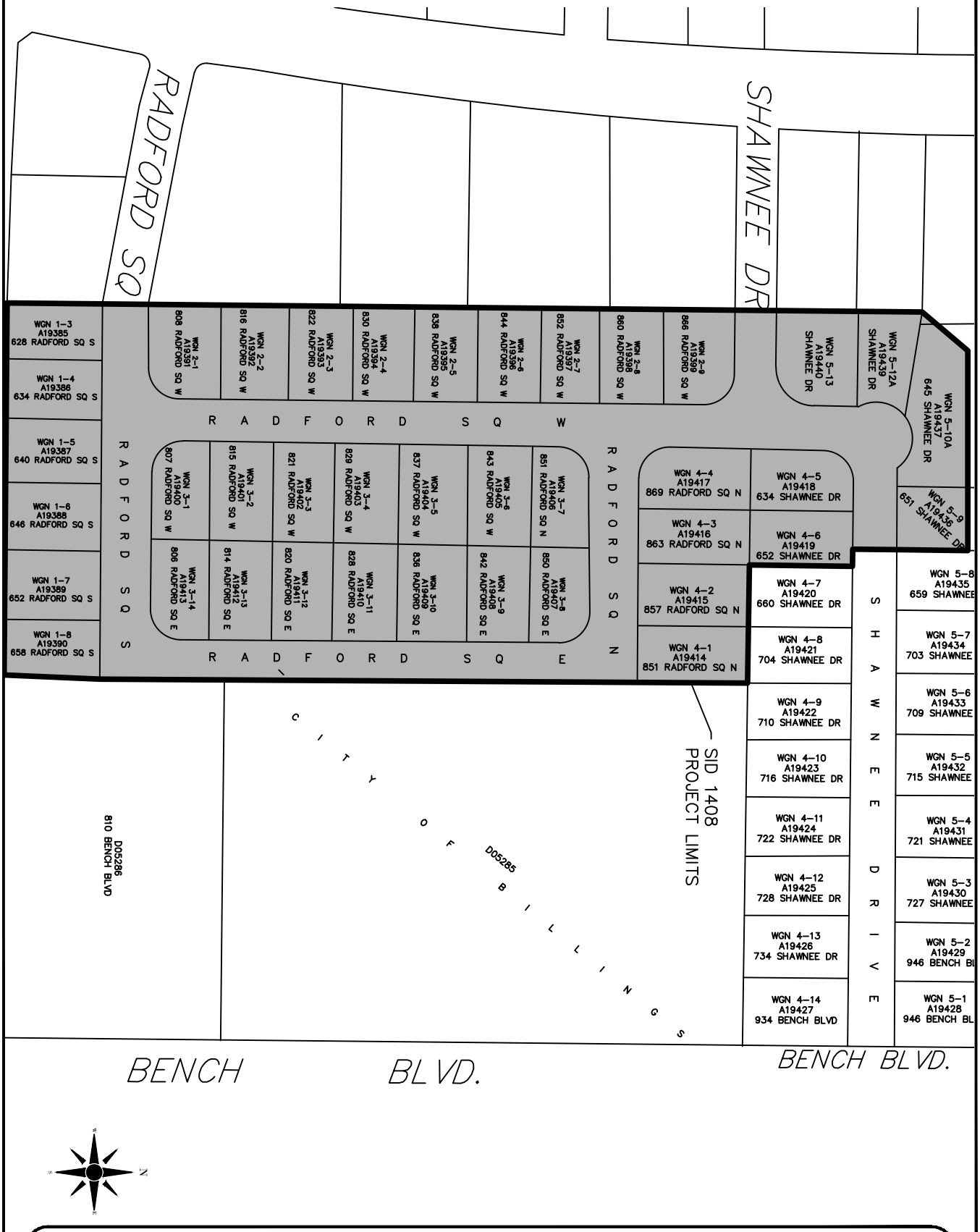
RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve the Resolution creating SID 1408, Wanigan Sub Improvements.

APPROVED BY CITY ADMINISTRATOR

Attachments

Boundary Map
Resolution Creating District



CITY OF BILLINGS
ENGINEERING DIVISION
2224 MONTANA AVENUE
BILLINGS, MT 59101
PHONE (406) 657-8231
FAX (406) 237-8291

No.	Revision	Date
1		12/2/20

S.I.D. 1408 WANIGAN SUB IMPROVEMENTS
RESOLUTION EXHIBIT A

Billings Pride of the City

General Notes

Scale: NONE

Date: 2/10/2020

Project Sheet: SID 1408

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 20-_____ _____, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1408**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **March 23, 2020**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand officially this _____ day of _____.

_____
Denise Bohlman CITY CLERK

RESOLUTION NO. 20-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1408**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

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

Section 1. Passage of Resolution of Intention. This Council, on **February 24, 2020,** adopted Resolution No. **20-10849** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1408** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of special improvement district bonds drawn on the District (the "Bonds"), the creating and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with the law, and on **March 23, 2020**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

Section 3. Protests. Within the Protest Period, zero protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for 0% of the total costs of the Improvements or representing 0% of the area of the District to be assessed for the cost of the Improvements. **The protest represents 0% of the assessed cost.**

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

Section 5. Reimbursement Expenditures.

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

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

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

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs for the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **$830,245.27** after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2 (d) (3) of the Regulations.

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

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

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **23rd Day of March, 2020.**

THE CITY OF BILLINGS:

BY _____
William A. Cole MAYOR

ATTEST:

BY_____
Denise Bohlman CITY CLERK

Regular **4. a.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: SID 1413 Winged Foot and Greenbriar Public Hearing and Resolution Creating District

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: Yes

PROBLEM/ISSUE STATEMENT

Ron Hill, owner of 21 of the 24 lots proposed in the SID 1413 district boundary, desires to construct public improvements on Winged Foot Road and Greenbriar Road. These improvements generally consist of water, sanitary sewer, storm drain, curb and gutter, and street improvements. Ron Hill will pay a cash contribution for 21 of his lots. Ron Hill's cash contribution represents 66.6% of the total project costs. This is necessary to meet the 50% requirement of the City's Raw Land District Requirements (Resolution No. 05-18234). The City will be making a cash contribution in the amount of $243,212.23 for the portion of Greenbriar Road that has no lot frontage.

The protest period ended on March 16th. Staff will present protests at the council meeting.

ALTERNATIVES ANALYZED

The Council may:

• Conduct a public hearing and approve the resolution creating SID 1413; or
• After holding a public hearing, do not approve the resolution creating SID 1413. If not approved, Winged Foot Road and Greenbriar Road will not be constructed by adjacent property owners. Both of these streets need to be constructed to make the 24 lots constructible.

FINANCIAL IMPACT

The total estimated costs of the improvements are $1,162,537.61. The costs of the improvements are to be paid from the following sources: (1) $144,754.73 of Special Improvement District bonds; (2) $774,570.65 of cash contribution by Ron Hill, which is the assessment for 21 of the 24 lots in the District; and (3) $243,212.23 of cash contribution from the City of Billings from gas tax, water and sewer funds.

RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve the resolution creating SID 1413 Winged Foot Road and Greenbriar Road.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Creating District

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 20-_____ _____, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1413**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **March 23, 2020**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand officially this _____ day of _____.

_____
Denise Bohlman CITY CLERK

RESOLUTION NO. 20-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1413**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

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

Section 1. Passage of Resolution of Intention. This Council, on **February 24, 2020,** adopted Resolution No. **20-10850** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1413** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of special improvement district bonds drawn on the District (the "Bonds"), the creating and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with the law, and on **March 23, 2020**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

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

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

Section 5. Reimbursement Expenditures.

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

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

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

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs for the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **$144,754.73** after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2 (d) (3) of the Regulations.

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

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

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **23rd Day of March, 2020.**

THE CITY OF BILLINGS:

BY _____
William A. Cole MAYOR

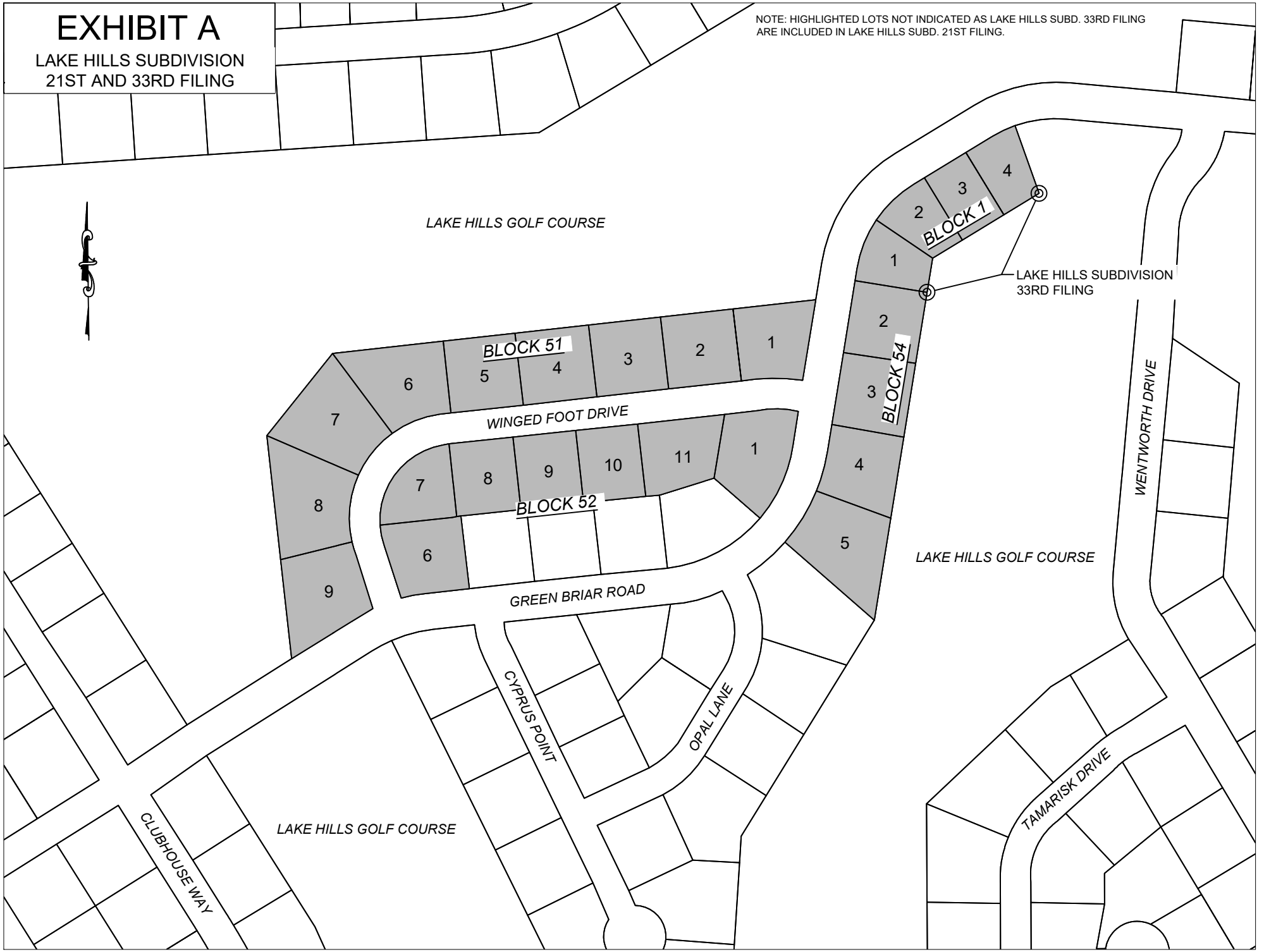
ATTEST:

BY_____
Denise Bohlman CITY CLERK

EXHIBIT A

LAKE HILLS SUBDIVISION
21ST AND 33RD FILING

NOTE: HIGHLIGHTED LOTS NOT INDICATED AS LAKE HILLS SUBD. 33RD FILING ARE INCLUDED IN LAKE HILLS SUBD. 21ST FILING.



Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: SID 1413 Winged Foot and Greenbriar Professional Services Contract

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

SID 1413 Winged Foot and Greenbriar, will construct improvements on Winged Foot Road and Greenbriar Road within Lake Hills Subdivision. These improvements generally consist of water, sanitary sewer, storm drain, curb and gutter, and street improvements. Mayor and Council are asked to consider authorizing and executing a Contract for Professional Services with WWC Engineering to provide engineering design and construction administration for SID 1413. The contract is in the amount of $166,587. WWC Engineering was selected based on proposals requested from a list of prequalified consultants for this type of work. Proposals were received from Great West, Performance Engineering, Sanderson Stewart, Stahly Engineering, and Territorial Landworks Inc.

ALTERNATIVES ANALYZED

City Council may:

- Approve the professional services contract with WWC Engineering, or;
- Disapprove the professional services contract with WWC Engineering. If not approved, another option will need to be considered for design and construction administration for SID 1413.

FINANCIAL IMPACT

The professional services contract with WWC Engineering is for $166,587 and will be paid out of the SID funds.

RECOMMENDATION

Staff recommends that the City Council approve the professional services contract with WWC Engineering for SID 1413 for $166,587.

APPROVED BY CITY ADMINISTRATOR

Attachments

SID 1413 Professional Services Contract

Contract for Professional Architectural and Engineering Services

Project SID 1413 Winged Foot Road and Greenbriar Road

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

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 4 pages (Basic Services of Contractor);

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

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

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

Appendix E consisting of 1 pages (Project Schedule);

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

PART I
SPECIAL PROVISIONS

Section 1. Definitions.

In this Contract:

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

Section 2. Scope of Services.

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

C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.
D. The Engineer shall provide as-built drawings as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings. Requirements for submitting as constructed documents of completed Private Contracts, Work Orders, Special Improvement Districts and Site plans involving any City of Billings infrastructure: a point file; 1 (*.asc, *.txt, comma delimited; point number, northing, easting, elevation and description) / 2 (*.csv, with headings for; point number, northing, easting, elevation and description), with northings and eastings to the nearest tenth of a foot, elevations to the nearest hundredth of a foot, representing new, updated or relocated City of Billings infrastructure features such as, but not limited to Sanitary Sewer Manholes, Storm Drain Manholes, Water Valves, Water Bends, Signals, Street Light, etc., in the coordinates of Montana State Plane, Zone 2500 using NAD83(2011), Horizontal and NAVD88 Vertical, Horizontal units and Vertical units will be International feet, one half size paper copy to scale, one full size paper copy to scale, two CD's or DVD's with PDF files being half size to scale and full size to scale and AutoCAD DWG files as-constructed / as-built, Version 2016, or equivalent.
E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.

Section 3. Time for Performance.

A. This Contract becomes effective when signed on behalf of Billings.
B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
C. This Contract shall terminate at midnight on December 31, 2022.

Section 4. Compensation; Method of Payment.

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

Section 5. Termination of the Contractor's Services.

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

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

Section 6. Duties Upon Termination

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

Section 7. Insurance.

A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor

shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.

B. The Contractor shall provide the following insurance:

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

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

D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

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

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

A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.

B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.

C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this

Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

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

Billings: Debi Meling, PE
City of Billings
Public Works/Engineering
2224 Montana Avenue
Billings, Montana 59101 FAX: (406) 237-6291

Contractor: Greg Reid
WWC Engineering
550 South 24th Street West, Suite 201
Billings, MT 59102

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

Section 11. Contract Budget.

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

Section 12. Force Majeure.

A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:

1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
2. Strikes or Work stoppages.
3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

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

A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
C. Effectively controls and accounts for all municipal funds and Contract property;
D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
E. Allocates administrative costs to direct service delivery units;
F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
G. Provides accounting records supported by source documentation; and
H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

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

Section 15. Subcontracts.

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

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

PART II
GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

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

Section 2. Nondiscrimination.

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

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the

Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

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

Section 5. Amendment.

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

Contractor: Greg Reid, PE
(Billings Branch Manager)

Billings: City Council or Authorized Designee

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

Section 6. Jurisdiction; Choice of Law.

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

Section 7. Severability.

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

Section 8. Integration.

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

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent

act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

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

Section 10. Inspection and Retention of Records.

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

Section 11. Availability of Funds.

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

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

City of Billings

_____
William A. Cole, Mayor

Date:_____

ATTEST:

_____
City Clerk

Date:_____

Contractor

_____

Name:_____
Title:_____
Date:_____

IRS Tax ID #_____

APPROVED AS TO FORM:

By_____
BRENT BROOKS, City Attorney

Appendix A

Basic Services of Engineer

Section 1. Engineer's Rights and Duties.

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Engineer's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.

B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.

C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Engineer shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.

D. Engineer's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.

E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.

F. The Engineer shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.

G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.

H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.

I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Engineer. Reports will be submitted in a timely manner to permit prompt resolution of problems.

J. Contract administration duties will include review of contractor certified payrolls for wage rate compliance. Discrepancies in certified payrolls will be resolved with the Contractor. A signed Engineer's Payroll Check Sheet (included in the Standard

Modifications to MPWSS) will be submitted as proof of this review with one copy of each payroll.

K. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project the Task Director designated for the Engineer is Taylor Kasperick working under the Principal-in-Charge, Greg Reid.

Section 2. Billings Rights and Duties.

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

B. Name a Task Director who shall be the liaison between the Engineer and Billings. For this project, the Task Director designated is Chris Hertz.

Section 3. Scope of Work.

Task 1. – Survey

WWC will complete the following work for site survey:

- Collection of:
  - Topography
  - Lot pins or monuments
  - Dry utilities via a One-Call WWC will conduct
  - Wet utilities at property tie in locations
- Set project control for construction

Task 2. – Design

Under **Task 2**, WWC will complete design and construction plans for the road, sidewalk, ADA ramps, water, sanitary sewer, and storm sewer. The following items will be completed as part of this task:

- Water and sanitary main design per preliminary layout in accordance with Montana Department of Environmental Quality, City of Billings and Heights Water Standards
- Heights Water will be contacted regarding the proposed layout for input during the design phase
- Stormwater collection and dispersion across the Lake Hills Golf Course
  - WWC will prepare preliminary design and assist the City with negotiations with the Lake Hills Golf Course for approval of the proposed improvements
  - It is anticipated that a maintenance agreement will be prepared by WWC and completed by the City and the ownership of the Lake Hills Golf Course should one not already be in place
- Road grading and layout will be completed per the drainage points identified in the preliminary plans
  - WWC will prepare a variation request for the reduced road width section across the golf course

    - This task will also include completion of sight distance calculations to determine traffic control requirements at the proposed intersections, if necessary
- ADA ramp grading will be prepared with point tables for staking locations and slope labels for cross slope and longitudinal slope for City review
    - If requested, WWC can present several ADA ramp options for the City's selection (i.e., ramps with curb, ramps with transition, etc.)
- Intersection designs will be completed to identify locations of warping at the intersections for tie in
- Construction plans will be prepared for all civil design items
    - Sidewalks requiring construction as part of SID contract will be denoted on plans
    - Plans will be provided in 11"x17" format
    - Final plans will include a title sheet, typical sections, grading and site layout sheets, plan and profile sheets, and other detail sheets as needed
- A sidewalk easement will be prepared for completion by property owners along Winged Foot Drive, should boulevards in excess of 3' be desired
- A geotechnical investigation will be completed as part of this task to provide recommendations for pavement thicknesses and utility construction in addition to an infiltration test for the proposed stormwater dispersion area to determine feasibility of infiltration of nuisance flows. Rimrock Engineering will be used for this service.

Task 3. – Project Permitting and Coordination with City/MDEQ

WWC will prepare documents to receive approval from the following authorities:

- City of Billings for stormwater, roads, ADA, sidewalk, and sanitary sewer
- Heights Water for water lines
- MDEQ for water lines and sanitary sewer

WWC will prepare the following specific documents as part of the project:

- Engineer's Opinion of Probable Construction Costs
- Construction specification book (special provisions, bidding documents, etc.)
- Water and Sewer Report
- Stormwater Report

Permit fees are included in WWC's cost estimate for submittal to MDEQ and Heights Water. City of Billings permitting fees are not included in the proposed costs.

Task 4. – Bid Assistance

Under this task, WWC will assist with contracting of the project; including providing contract documents to bidders, attending pre-bid meeting, preparing addendums to the contract due to Contractor's questions, bid review, and contract document completion.

Task 5. – Construction Administration and Staking

WWC will provide construction staking to the Contractor for the items listed below. WWC will coordinate with the Contractor such that the staking is conducted in minimal site trips to limit costs. It has been assumed that the selected Contractor will have GPS capability for site grading such that staking of subgrade, base, and surface is not required.

Staking Items:

- Sanitary sewer, storm drain, and water mains
- Sanitary sewer and water main services
- Dry Utility Crossings
- Curb and gutter
- Handicap ramps and curb fillets (locations staked horizontally with a single vertical reference point per ramp).
- Monument box and sign locations
- Pinning of Property Corners

WWC will provide oversight during construction of the improvements for the Project. For purposes of this estimate, we have estimated our time based on a 12-week construction timeframe. As part of construction administration, WWC will prepare project close out documents (e.g., as-builts, testing results, inspection videos, etc.) for submittal to the City, Heights Water, and MDEQ.

WWC will also sub-contract a third-party testing service to perform compaction testing of trenches, subgrade, and base, in addition to asphalt and concrete testing. We intend to use Terracon or Rimrock Engineering for these services, dependent on who the Contractor intends to use as their testing service.

Appendix B

Methods and Times of Payment

Section 1. Payments for Basic Services.

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

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

A. For services rendered prior to construction, Appendix A, the Engineer shall be paid based upon actual time accrued, but not to exceed the total contract amount.

i.	Survey	$2,252.00
ii.	Design	$30,014.00
iii.	Project Permitting & Coordination with City/MDEQ	$41,583.00
iv.	Bid Assistance	$1,522.00
v.	Construction Administration and Staking	$91,216.00
	Total	**$166,587.00**

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

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

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

Section 3. Corrections.

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

Section 4. Fee Increases

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

Appendix C

Additional Services of Engineer

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

A. Field and laboratory testing of materials and reports.

B. Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study.

Appendix D

Schedule of Professional Fees

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

The itemized schedule provided below includes direct labor costs, normal payroll and overhead costs, transportation, furnishing equipment and materials normally required for performance of the work and reasonable profit. Direct project costs not itemized herein shall be paid for at actual cost.

2020 RATE SCHEDULE

Personnel	Hourly Fee
Professional Level 8	$155
Professional Level 7	$151
Professional Level 6	$146
Professional Level 5	$140
Professional Level 4	$129
Professional Level 3	$119
Professional Level 2	$108
Professional Level 1	$97
CADD Operator 8	$103
CADD Operator 7	$97
CADD Operator 6	$92
CADD Operator 5	$87
CADD Operator 4	$82
CADD Operator 3	$77
CADD Operator 2	$72
CADD Operator 1	$67
Technician 8	$97
Technician 7	$92
Technician 6	$87
Technician 5	$82
Technician 4	$77
Technician 3	$72
Technician 2	$67
Technician 1	$62
Administrative Specialist	$73
Administrative Assistant	$58

*Note: The above charges include fringe benefits, overhead, etc.
No multiplier is used for billing purposes.

2020 MISC. EXPENSES

Item	Fee	Description
Expenses		
Subcontracts (Labor and Services)		Cost + 15%
Equipment and Supply Purchaces for Client		Cost + 15%
Miscellaneous Reimburseable Expenses		Cost + 15%
Mileage	$0.80	per mile ($25/day min)
Office		
Photocopies	$0.15	per page
Large Format Photocopies - B&W	$0.60	per sq. ft.
Large Format Photocopies - Color	$0.75	per sq. ft.
Drawings - Large Format Plots	$11	per sheet
Drawings - 11"x17"	$1.30	per page
Facsimiles	$1	per page
Field Equipment		
Generator	$100	per day
Fluids Pump	$100	per day
Air Compressor	$50	per day
ATV	$120	per day
UTV	$175	per day
UTV with Tracks	$250	per day
Tape Reel, Motorized	$50	per day
Power Hand Auger	$15	per hour
Surveying Equipment		
UAV	$250	per flight (2 flight minimum)
UAV	$5	per acre (500 acre minimum
GPS (Global Posotioning System)	$350	per day
GeoXH GPS	$100	per day
Total Station	$25	per hour
Robotic Total Station	$35	per hour
Differential Levels, etc.	$15	per hour
Survey Rebar & Cap	$7	each
Lath, Survey	$45	per bundle
Stakes	$30	per bundle
T-Post and Flags	$15	each
Environmental Monitoring		
Organic Vapor, O_2/LEL Meters	$40	per day
Water level, Interface Probes	$50	per day
Disposable Bailers	$10	each
Turbidity, pH, Conductivity, DO Meters	$50	per day
High Capacity In-Line Filters	$25	each
Low Capacity In-Line Filters	$15	each
Disposable No-Purge Sampler - Large	$50	each
Disposable No-Purge Sampler - Small	$35	each
Transducer/Data Logger	$50	per day (or $200/week)
Flow Meter	$135	per day (or $450/week)
Photoionization Detector	$85	per day
Bailing Cord	$0.08	per foot

Appendix E

Project Schedule

Based on a notice to proceed by Billings date no later than March 24, 2020, the completion date for the Engineer's work through final design shall be:

A. Preliminary Design – April/May 2020

C. Final Design – May 2020

D. Bidding & PreConstruction Services – June 2020

E. Construction Administration Services – July 2020

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

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

Appendix F

Certificate(s) of Insurance

Regular **5.**

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Downtown Billings Partnership - Tax Increment Assistance - Stillwater Building

PRESENTED BY: Chris Kukulski, City Administrator

Department: City Hall Administration

Presentation: Yes

PROBLEM/ISSUE STATEMENT

WC Commercial, owner of the Stillwater Building (former Battin Federal Courthouse), requested tax increment assistance in the amount of $1.5 million. WC Commercial purchased the building in 2016 and has since completed a significant asbestos abatement. This building site is mentioned specifically in the amended 2008 Urban Renewal Plan. The Downtown Billings Partnership (DBP) board reviewed the application at its September 22, 2017 meeting and made a recommendation to City Council on October 23, 2017 for approval of the expenditure. Council approved the expenditure. A development agreement was transmitted to WC Commercial after approval by City Council. The development agreement was not signed or returned by WC Commercial. The DBP sent letters to WC Commercial on April 26, 2019 and September 26, 2019. The DBP's letters requested the May 15, 2019 Development Agreement be executed and returned by October 31, 2019. The Development Agreement has not been executed as of the date of this memo.

ALTERNATIVES ANALYZED

City Council may:

- Approve, the DBP recommendation of the termination of the Development Agreement with WC Commercial or;
- Disapprove BP recommendation of the termination of the Development Agreement with WC Commercial and provide staff and the DBP with further direction

FINANCIAL IMPACT

Termination of the Development Agreement with WC Commercial will unencumber $1.5 million in TIF Funding and allow the DBP to accept additional applications for TIF grant funding.

RECOMMENDATION

Downtown Business Partnership recommends the termination of the unexecuted Development Agreement with WC Commercial. The attached letter will be sent to WC Commercial if approved by City Council.

APPROVED BY CITY ADMINISTRATOR

Attachments

Termination Letter

March xx, 2020

Via Certified Mail, Return Receipt Requested and First-Class Mail

Mr. Joe Holden
WC Commercial LLC
316 North 26th St
Billings. MT 59101

Dear Mr. Holden:

This will follow up the letters of April 26 and September 26, 2019 from Downtown Billings Partnership to you and your attorney Mr. Noennig regarding the proposed Stillwater Building Development Agreement. The Partnership's September 26 letter requested that the Development Agreement transmitted on May 15, 2019 be executed and returned by October 31, 2019 or the Partnership would assume that WC Commercial no longer wished to be a party to the Agreement.

Given the passage of this deadline and lack of response, Downtown Billings Partnership hereby terminates the Stillwater Building Development Agreement and further consideration of TIF funding for the project described in WC Commercial LLC's funding application.

This will confirm that WC Commercial is certainly welcome to submit another application to the Downtown Billings Partnership for a grant of tax increment funds for an urban renewal project in Billings.

Sincerely,

Katy Easton
Downtown Billings Alliance

Cc: James A. Patten, DBP Board President
Brent Brooks, City Attorney
Jeffery A. Hunnes, DBP counsel

Regular City Council Meeting

Meeting Date: 03/23/2020

TITLE: Downtown Billings Partnership - Tax Increment Assistance - Clocktower Inn, 2511 1st Ave North,

PRESENTED BY: Chris Kukulski, City Administrator

Department: City Hall Administration

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The Downtown Billings Partnership (DBP) Board of Directors is presenting this recommendation to the City Council for allocating up to $116,000 in tax increment finance funds (TIF) from the Downtown Urban Renewal District to Clocktower Inn, LLC. The allocation would be used for the enhancement and renovation of the facade and improvement of the point of entry into the Clocktower Inn. The property is located at 2511 1st Ave North. See application and architectural drawings for details (attached) . If approved, the TIF funds will reimburse the applicant for the described costs for the improvement and development of the property. The applicant plans to begin construction this spring and have much of the remodeling work completed by summer. The DBP Board of Directors voted to support funding of this application at its meeting on February 28, 2020, under its authority per the Memorandum of Understanding between the City of Billings, and the DBP approved by the City Council in May 2019.

ALTERNATIVES ANALYZED

The City Council is the final authority in disbursing TIF funding. The City Council may:

- Approve the recommendation from the DBP Board for the expenditure of these TIF funds, or;
- Disapprove the recommendation from the DBP Board for the expenditure of these TIF funds.

FINANCIAL IMPACT

The request is for up to $116,000 to be reimbursed to Clocktower Inn LLC, for the identified work (See TIF Application Attachment). The estimated total project cost is $649,841, making the private to public investment ratio for this project about 6:1. The funds are payable pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.

RECOMMENDATION

The DBP Board of Directors recommends that the City Council approve a reimbursement up to $116,000 from the Downtown Urban Renewal tax increment finance district funds to Clocktower Inn, for its redevelopment project at 2511 1st Ave North.

APPROVED BY CITY ADMINISTRATOR

Attachments

Clocktower Inn app
CTI Docs
DBP Minutes 02-28-2020
Clocktower Inn Stellas

Downtown Billings Starts here.

DOWNTOWN URBAN RENEWAL ASSISTANCE

APPLICATION FORM FOR GRANTS AND REVOLVING LOAN FUND LOANS

VALID THROUGH 6/30/2018

BUSINESS CONTACT INFORMATION

Contact Name	Steve Wahrlich	Date business commenced:	Apr. 1 1967
Title	Managing Member	Number of Employees:	80
Company name	Best Western Plus Clocktower Inn	☐ Sole proprietorship	
Phone/#	406-325-1732	☐ Partnership	
E-mail	swp@bwclocktowerinn.com	☐ Corporation	
Company mailing address City, State ZIP Code	2511 1st Ave N. Billings, MT. 59101	☒ Other EIN or Soc. S # 81-0296977	

CHECK THE MAP ON THE LINKS PAGE (4) BEFORE CONTINUING

Check all that apply: ☒ I am a property owner inside the District ☒ I own and operate a business within the District
☐ I plan to purchase property in District ☐ I plan to move a business into the District

If your proposed project has a different physical address than the mailing address, please fill in the street address, below:

Street Address: _____, 59101

Check all that apply: ☐ I am interested in a **low rate loan** ☒ I am interested in a **reimbursement grant (RG)**

What is the total cost of the project, including property acquisition, if applicable? $650,000 - $700,000 1

How much are you wanting to borrow from the Loan Fund **(RLF)**? ⊖ 2

A Minimum of 20% Equity Investment is required and all loans are capped at 20% or less of the total cost (box 1) up to $250,000

How much do you need to make the project "pencil out" **(RG and/or RLF)?** 15-20% 3

Briefly describe your proposed project:

See Attached.

Exterior Renovation:

Best Western Plus ClockTower Inn

November 15, 2019

Narrative Summary:

The hotel and restaurant were built in 1966 and since that time very little has done to change the exterior of the hotel. This project is geared to do several items:

1. As guests drive in – either hotel or restaurant, is their first visual would be more of a park like setting, complete with fireplace, sitting areas and landscaping. These are the 6 spots in front of Stella's Kitchen and Bakery.
2. Then as they look to the rear of the parking lot, the "motel" look would be updated to include:
    a. Breaking up the parking and adding landscape islands – we do not lose any parking just modify what we have.
    b. Redo the roof line – We'll be removing about 8' of the existing roof on the entry door side, creating a gutter/trough, and adding back the 8' of roof but tilting upward vs. the old motel look. This roof line will entail a fair amount of support columns – very similar to the steel work we completed on 26th street about 6 years ago.
    c. The final aspect of this is to provide of softening of the rooms with a screening detail.

The best example of what we're looking at doing the is the Lark in Bozeman – www.larkbozeman.com. Not the addition but the original Imperial 400 motel.

Sources and Uses Budget: Cost of the project $650,000 - $700,000. We've received two bids in this range. We are currently have plans into the city for a building permit and of the bids we have selected a preliminary local contractor. Detailed costs will be provided once we are under contract.

Timeline: - Our goal is to complete this project prior to our busy season. We anticipate breaking ground/ demolition mid-late January and complete the project in 64-76 days. The only item not anticipated to be completed is the additional landscape, which will be completed once the weather is appropriate.

CONTINUATION PAGE

PROJECT: Clock Tower Inn Court Yard Improvements

APPLICATION #:
DATE OF APPLICATION:
PERIOD THRU:
PROJECT #s:

Payment Application containing Contractor's signature is attached.

A	B	C	D	E	F	G		H	I
ITEM #	WORK DESCRIPTION	SCHEDULED AMOUNT	COMPLETED WORK AMOUNT PREVIOUS PERIODS	COMPLETED WORK AMOUNT THIS PERIOD	STORED MATERIALS (NOT IN D OR E)	TOTAL COMPLETED AND STORED (D + E + F)	% COMP. (G/C)	BALANCE TO COMPLETION	RETAINAGE (If variable)
1	Insurance	$5,646.00				$0.00		$5,646.00	
2	General Conditions	$35,664.00				$0.00		$35,664.00	
3	Sitework	$133,736.00				$0.00		$133,736.00	
4	Concrete	$3,745.00				$0.00		$3,745.00	
5	Metal	$132,252.00				$0.00		$132,252.00	
6	Carpentry	$77,040.00				$0.00		$77,040.00	
7	Moisture -Thermal	$83,647.00				$0.00		$83,647.00	
8	Finishes	$14,980.00				$0.00		$14,980.00	
9	Specialties	$663.00				$0.00		$663.00	
10	Mechanical	$8,185.00				$0.00		$8,185.00	
11	Electrical	$5,318.00				$0.00		$5,318.00	
12	Alternate #1 - Patio	$148,965.00				$0.00		$148,965.00	
	TOTALS	$649,841.00	$0.00	$0.00	$0.00	$0.00	0%	$649,841.00	$0.00

ARCHITECTURAL ABBREVIATIONS

AB	ANCHOR BOLT	FTNG	FOOTING	RD	ROOF DRAIN
ABV	ABOVE	GA	GAUGEOR GAGE	RECY	RECYCLE(D)
A/C	AIR CONDITIONING	GALV	GALVANIZED	REF	REFERENCE
ACT	ACOUSTICAL CEILING TILE	GB	GYPSUM BOARD	REFRIG	REFRIGERATOR OR REFRIGERATION
AD	AREA DRAIN	GC	GENERAL CONTRACTOR	REINF	REINFORCE
ADDL	ADDITIONAL	GL	GLASS, GLAZING	REQD	REQUIRED
ADJ	ADJUSTABLE	GWB	GYPSUM WALL BOARD	RM	ROOM
AFF	ABOVE FINISH FLOOR	GYP	GYPSUM	RO	ROUGH OPENING
ALT	ALTERNATE	HC	HANDICAP	ROW	RIGHT OF WAY
ALUM	ALUMINUM	HDR	HEADER	S	SOUTH
ARCH	ARCHITECT(URAL)	HDW	HARDWARE	SC	SOLID CORE
AWN	AWNING	HM	HOLLOW METAL	SCHED	SCHEDULE
BJ	BOTTOM OF	HORIZ	HORIZONTAL	SECT	SECTION
BD	BOARD	HR	HOUR	SFRM	SPRAY APPLIED FIRE RESISTIVE MATERIAL
BLDG	BUILDING	HT	HEIGHT	SGL	SINGLE
BLKG	BLOCKING	HTD	HEATED	SHT	SHEET
BM	BEAMOR BENCHMARK	HVAC	HEATING/VENTILATION & AIR CONDITIONING	SIM	SIMILAR
BRG	BEARING	ID	INSIDE DIAMETER	SPECS	SPECIFICATIONS
BTWN	BETWEEN	INFO	INFORMATION	SOD	SLAB ON DECK
BUR	BUILTUP ROOF	ISO	ISOCYANURATE	SOG	SLAB ON GRADE
CAB	CABINET	INSUL	INSULATE / INSULATED / INSULATION	SOH	SAME OPPOSITE HAND
CJ	CONTROL JOINT	INT	INTERIOR	SS	STAINLESS STEEL
CL	CENTERLINE	INV	INVERT	ST	STONE TILE
CLG	CEILING	JT	JOINT	STND	STANDARD
CMU	CONCRETE MASONRY UNIT	KIT	KITCHEN	STL	STEEL
CO	CLEAN OUT	L	LONG / LENGTH	STRUCT	STRUCTURAL
COL	COLUMN	LAM	LAMINATE(D)	TEMP	TEMPERED
CONC	CONCRETE	LAV	LAVATORY	THK	THICK
CONT	CONTINUOUS	LF	LINEAR FEET	THRESH	THRESHOLD
CONST	CONSTRUCTION	LP	LOW POINT	T.O.	TOP OF
CG	CORNERGUARD	LT	LIGHT	TOBM	TOP OF BEAM
CPT	CARPET	MAS	MASONRY	T.O.P.	TOP OF PLATE
CSMT	CASEMENT	MATL	MATERIAL	T.O.S.	TOP OF STEEL
CT	CERAMIC TILE	MAX	MAXIMUM	T/	TOP OF
D	DEEP	MECH	MECHANIC(AL)	T&G	TONGUE AND GROOVE
DF	DRINKING FOUNTAIN	MEZZ	MEZZANINE	TEL	TELEPHONE
DH	DOUBLE HUNG	MFR	MANUFACTURER	THK	THICK
DIM(S)	DIMENSIONS	MH	MANHOLE	TRANS	TRANSOM
DISP	DISPENSER	MIN	MINIMUM	TV	TELEVISION
DN	DOWN	MISC	MISCELLANEOUS	TYP	TYPICAL
DR	DOOR	MO	MASONRY OPENING	UL	UNDERWRITERS LABORATORY
DS	DOWNSPOUT	MTL	METAL	UNO	UNLESS NOTED OTHERWISE
DTL	DETAIL	N	NORTH	VB	VINYL BASE
DWG	DRAWING	NIC	NOT IN CONTRACT	VCT	VINYL COMPOSITION TILE
E	EAST	NOM	NOMINAL	VERT	VERTICAL
EA	EACH	NTS	NOT TO SCALE	VEST	VESTIBULE
EC	EXISTING COLUMN	OC	ON CENTER	VIF	VERIFY IN FIELD
EJ	EXPANSION JOINT	OD	OUTSIDE DIAMETER OR OVERFLOW DRAIN	VP	VENEER PLASTER
ELEC	ELECTRICAL	OPNG	OPENING	VR	VAPOR RETARDER
EL	ELEVATDN	OPP	OPPOSITE	VT	VINYL TILE
ELEV	ELEVATOR	OVHD	OVERHEAD	VWC	VINYL WALL TILE
EQ	EQUAL	PL	PLATE	W	WIDE OR WEST
EQUIP	EQUIPMENT	PLAM	PLASTIC LAMINATE	W/	WITH
EWC	ELECTRIC WATER COOLER	PLYWD	PLYWOOD	WC	WATER CLOSET
EXH	EXHAUST	PNL	PANEL	WD	WOOD
EXIST	EXISTING	PNT	PAINT	WDW	WINDOW
EXP	EXPANSION OR EXPOSED	POLY	POLYESTER OR POLYOLEFIN	WG	WALL GUARD
EXT	EXTERIOR	PSF	POUNDS PER SQUARE FOOT	WH	WATER HEATER
FACP	FIRE ALARM CONTROL PANEL	PSI	POUNDS PER SQUARE INCH	W/IN	WITHIN
FD	FLOOR DRAIN	PT	PRESSURE TREATED OR POINT	W/O	WITHOUT
FE	FIRE EXTINGUISHER	PVMT	PAVEMENT	WP	WATERPROOF
FEC	FIRE EXTINGUISHER CABINET	QTR	QUARTER	WR	WATER RESISTANT
FIN	FINISH	QTY	QUANTITY	WT	WEIGHT
FIXT	FIXTURE	R	RADIUS	WWF	WELDED WIRE FABRIC
FLR	FLOOR	RA	RETURN AIR	#	NUMBER OR POUND
FND	FOUNDATION	RB	RUBBER BASE	@	AT
FR	FRAME				
FT	FEET/FOOT OR FIRE TREATED				

PROJECT SUMMARY:

THE PROJECT CONSISTS OF AN SURFACE REPAIRS TO PARKING LOT, SITE DRAINAGE IMPROVEMENTS, EXTERIOR RAILING REPLACEMENT, AND REPLACEMENT OF BALCONY ROOF OVERHANG.

THE PROJECT ALSO INCLUDES THE PARTIAL RE-ROOFING OF THE FACILITY, WITH THE INCORPORATION OF ADDITIONAL ROOF INSULATION TO COUNTERACT CHRONIC ICE-DAM PROBLEMS.

CLOCK TOWER INN
COURTYARD IMPROVEMENTS

2511 1st AVENUE NORTH
BILLINGS, MONTANA

INFORMATIONAL DRAWINGS:

COVER

CIVIL DRAWINGS

C1.0 CIVIL COVER SHEET

C1.1 EXISTING PLANS & DEMOLITION

C1.2 NORTHEAST PARKING LOT SITE PLAN

C1.3 NEW PATIO SITE PLAN

C1.4 NORTHEAST PARKING LOT GRADING PLAN

C1.5 NEW PATIO GRADING PLAN

LANDSCAPE DRAWINGS

L1.0 PARKING IRRIGATION PLAN
L1.1 PARKING PLANTING PLAN

L2.0 COURTYARD IRRIGATION PLAN
L2.1 COURTYARD PLANTING PLAN

L3.0 DETAILS
L3.1 DETAILS

ARCHITECTURAL DRAWINGS

D2.1 DEMOLITION PLANS- MAIN LEVEL
D2.2 DEMOLITION PLANS - UPPER LEVEL
D2.3 DEMOLITION PLANS- ROOF LEVEL

A2.1 MAIN LEVEL FLOOR PLAN
A2.2 UPPER LEVEL FLOOR PLAN
A2.3 ROOF PLAN

A3.1 ENLARGED COURTYARD PLAN- GROUND LEVEL
A3.2 ENLARGED COURTYARD PLAN- UPPER LEVEL
A3.3 ROOF FRAMING DETAILS

A4.1 BUILDING EXTERIOR ELEVATIONS- DETAILS
A4.2 BUILDING EXTERIOR ELEVATIONS
A4.3 BUILDING EXTERIOR ELEVATIONS- DETAILS

A5.1 BUILDING SECTIONS / DETAILS
A5.2 BUILDING SECTIONS / DETAILS
A5.3 BUILDING SECTIONS / DETAILS

A7.1 ENLARGED COURTYARD PLAN- MAIN LEVEL SOFFIT RCP
A7.2 ENLARGED COURTYARD PLAN- UPPER LEVEL SOFFIT RCP

GENERAL PROJECT NOTES:

1. DRAWINGS CONTAINED WITHIN THESE DOCUMENTS ARE ABBREVIATED IN NATURE. CONTRACTOR IS EXPECTED TO USE QUALITY, ACCEPTABLE STANDARD CONSTRUCTION PRACTICES & TECHNIQUES.
2. CONTRACTOR TO SUBMIT SHOP DRAWINGS, PRODUCT & FIXTURE EXAMPLES / LITERATURE, MATERIALS SAMPLES & FINISH SAMPLES TO THE ARCHITECT FOR WRITTEN CONFIRMATION OF APPROVAL BEFORE ORDERING / INSTALLATION. ALTERNATIVES ARE ACCEPTABLE ON ARCHITECTS APPROVAL.
3. DO NOT SCALE FROM DRAWINGS. IF A DIMENSION DOES NOT EXIST OR IS IN ERROR, CONTACT THE ARCHITECT IMMEDIATELY FOR WRITTEN CLARIFICATION.
4. CONTRACTOR(S) SHALL GUARANTEE THEIR WORK FOR A PERIOD OF NO LESS THAN ONE YEAR FROM THE DATE SUBSTANTIAL COMPLETION. CONTRACTOR(S) SHALL REPLACE ALL DEFECTIVE PARTS & SUPPLIES AT THEIR COST.
5. CONTRACTOR SHALL SUPPLY ALL PARTS, MATERIALS & LABOR ASSOCIATED WITH COMPLETING THIS PROJECT, UNLESS OTHERWISE NOTED.
6. ALL INSULATION SHALL HAVE A FLAME SPREAD RATING NOT TO EXCEED 25 AND A SMOKE DEVELOPMENT RATING NOT TO EXCEEDING 50.

PROJECT TEAM:

OWNER	CONTRACTOR	ARCHITECT	SITE	STRUCTURAL	CIVIL
CLOCK TOWER INN		2NORTH 128 CLARK AVENUE BILLINGS, MT 59101 p. 406.254-7328 c. 406.855-1529	FOLEY GROUP 100 N. 27TH STREET, SUITE 450 BILLINGS, MT 59101 p. 406.294-4477 c. 406.861-4380	WHITTEN & BORGES, P.C. 645 GRAND AVENUE, SUITE H BILLINGS, MT 59101 p. 406.248-5449 c. 406.672-6408	SANDERSON STEWART 1300 TRANSTECH WAY BILLINGS, MT 59102 p. 406.869.3366 c. 406.580.1043

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

STATE OF MONTANA
REGISTERED
M. MILES BORGES
4427
PROFESSIONAL ENGINEER

DRAWING COVER
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/02/2019
REVISIONS

2NORTH
DENNIS LYNN DEPPMEIER, AIA
PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328
blueboy@bresnan.net

COVER

BEST WESTERN PLUS CLOCKTOWER INN

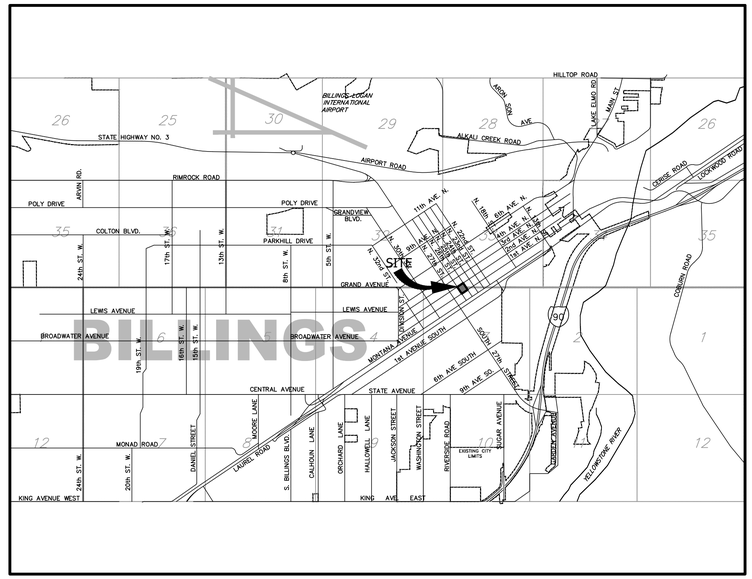
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E
BILLINGS, MONTANA

PREPARED FOR:

2 NORTH P.C.
128 CLARK AVENUE
BILLINGS, MONTANA 59101

PREPARED BY:

SANDERSON STEWART
1300 North Transtech Way
Billings, Montana 59102
Phone: 406.656.5255
www.sandersonstewart.com



NORTH

VICINITY MAP

Sheet List Table	
SHEET NUMBER	SHEET TITLE
C1.0	COVER SHEET
C1.1	EXISTING SITE PLAN AND DEMOLITION
C1.2	NORTHEAST PARKING LOT SITE PLAN
C1.3	NEW PATIO SITE PLAN
C1.4	NORTHEAST PARKING LOT GRADING PLAN
C1.5	NEW PATIO GRADING PLAN

GOVERNING AGENCIES
CITY OF BILLINGS

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
2224 MONTANA AVENUE
BILLINGS, MONTANA 59101
CHRIS HERTZ (406) 657-3095

PUBLIC WORKS DEPARTMENT
COLLECTION & DISTRIBUTION DIVISION
2224 MONTANA AVENUE
BILLINGS, MONTANA 59101
JOE SHERIDAN (406) 657-8341

UTILITY COMPANIES

ELECTRIC
NORTHWESTERN ENERGY
1944 MONAD ROAD
BILLINGS, MONTANA 59102
JUSTIN MURRAY
(406) 655-2544

NATURAL GAS
MONTANA-DAKOTA UTILITIES Co.
5181 SOUTHGATE DRIVE
BILLINGS, MONTANA 59101
MICHELLE TIPTON
(406) 896-4241

TELEPHONE
CENTURYLINK
219 CALHOUN LANE
BILLINGS, MONTANA 59102
JENN TRETIN
(406) 255-8324

CABLE TV
CHARTER
1860 MONAD ROAD
BILLINGS, MONTANA 59102
GARY GOODALE
(406) 200-7707

PRELIMINARY - FOR REVIEW

SANDERSON STEWART
Enduring Community Design

BRYAN S ALEXANDER 15193PE
LICENSED PROFESSIONAL ENGINEER
MONTANA

DRAWING HISTORY

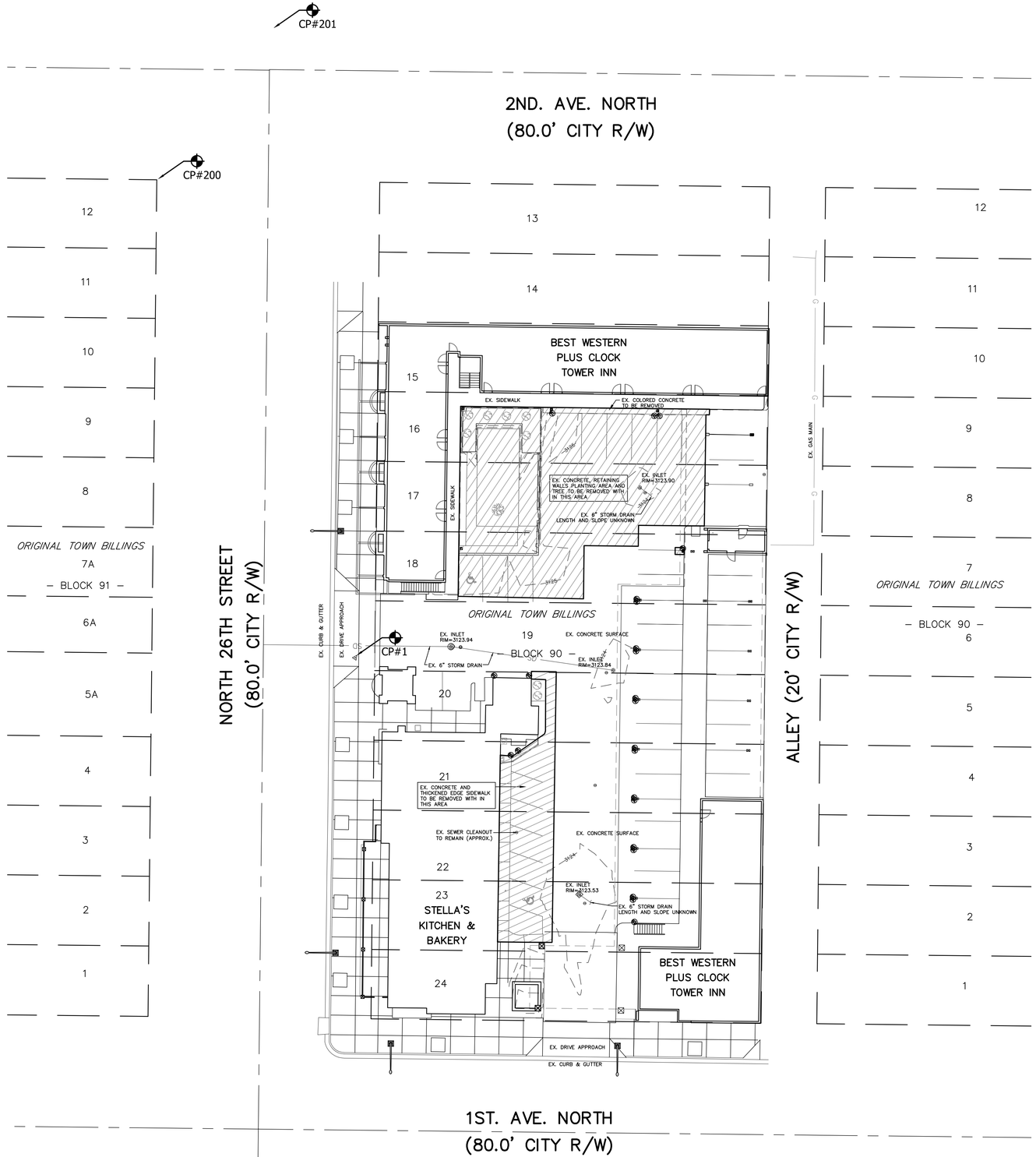
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FILE: 77213_01_COVER.DWG
PROJECT NO: 77213.01
CAD: BMB/EJG
QUALITY ASSURANCE: RSA

BEST WESTERN PLUS CLOCKTOWER INN
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E
BILLINGS, MONTANA
COVER SHEET

C1.0

SANDERSON STEWART 50 YEARS ...and we're just getting started



PROJECT SURVEY CONTROL				
Point #	Northing	Easting	Elevation	Description
1	164194.52	633992.45	3124.28	CP /MAG NAIL
2	164391.97	634305.77	3122.62	CP /MAG NAIL
3	164397.35	634314.52	3123.04	CP /MAG NAIL
200				
201				
	IFT	IFT	USSF	

PROJECT DATUM: LOW DISTORTION PROJECTION COORDINATE SYSTEM (LDP MT83-BLGS-IF) NORTH AMERICAN DATUM OF 1983
SURVEYED: 7/13/17 BY: MC

SITE DEMOLITION NOTES:

1. ALL LOCATIONS AND DIMENSIONS OF EXISTING AND PROPOSED FEATURES ARE APPROXIMATE AND THE PROJECT DRAWINGS MAY NOT INCLUDE ALL EXISTING FEATURES WITHIN THE PROJECT BOUNDARIES. THE CONTRACTOR SHALL THOROUGHLY REVIEW THE SITE PRIOR TO BIDDING AND CONSTRUCTION TO BECOME FAMILIAR WITH THE EXISTING SITE FEATURES AND CONDITIONS. IF DISCREPANCIES ARE FOUND BETWEEN THE PROJECT DRAWINGS AND FIELD CONDITIONS THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER FOR CLARIFICATION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING AND PAYING FOR ALL PERMITS NECESSARY TO COMPLETE THE PROPOSED WORK INCLUDING DEMOLITION, RIGHT-OF-WAY AND ENVIRONMENTAL PERMITS.
3. ALL EXISTING BUILDINGS, ASPHALT, CONCRETE AND OTHER EXISTING FACULTIES WITHIN THE "DEMO. AREA" TO BE REMOVED AND PROPERLY DISPOSED IN ACCORDANCE TO ALL FEDERAL, STATE AND LOCAL REGULATIONS. ALL BUILDING BASEMENTS TO BE FILLED IN PER THE PROJECT GEOTECHNICAL REQUIREMENTS.
4. ALL REMOVED, DISTURBED OR DAMAGED EXISTING ASPHALT, CURB AND GUTTER, PUBLIC SIDEWALK AND PAVEMENT MARKINGS WITHIN THE PUBLIC RIGHT-OF-WAY TO BE RESTORED IN ACCORDANCE TO CITY STANDARDS. ALL ASPHALT MATCH LINES SHALL BE SAW CUT TO PROVIDE FLUSH TRANSITION.
5. ALL EXCAVATIONS OR VOIDS CREATED DURING DEMOLITION SHALL BE BACKFILLED AND COMPACTED IN A CONTROLLED MANNER PER THE PROJECT GEOTECHNICAL REQUIREMENTS. INCLUDES BUILDING BASEMENT AREAS. SEE REQUIREMENTS FOR "PAVEMENT SUBGRADE AREAS" IN TABLE 1 OF THE GEOTECHNICAL REPORT.

LEGEND

- SANITARY SEWER CLEAN OUT
- CATCH BASIN
- GAS METER
- POWER METER
- BOLLARD
- CLEAN-OUT
- 3157 (TYP.) EXISTING GRADE CONTOURS
- TYPICAL
- DECIDUOUS TREE
- BUSH
- DEMO AREA

NORTH

20 10 0 20 40
SCALE: 1" = 20'

NOTE:

-EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. SERVICE LINES (WATER, POWER, GAS, STORM, SEWER, TELEPHONE & TELEVISION) MAY NOT BE STRAIGHT LINES OR AS INDICATED ON THE PLANS. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.

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PRELIMINARY - FOR REVIEW

SANDERSON STEWART
Enduring Community Design

MONTANA
BRYAN S ALEXANDER
15193PE
LICENSED PROFESSIONAL ENGINEER

DRAWING HISTORY

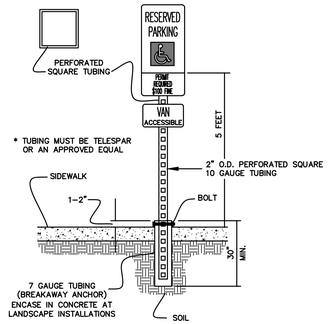
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FILE: 77213_01_EX_DEMO_PROD.DWG
PROJECT NO: 77213.01
CAD: BMB/EJG
QUALITY ASSURANCE: RSA

BEST WESTERN PLUS CLOCKTOWER INN
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E
BILLINGS, MONTANA
EXISTING SITE PLAN AND DEMOLITION

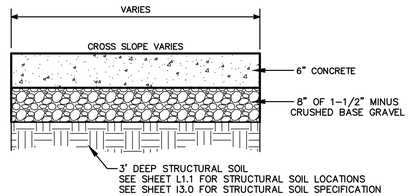
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SANDERSON STEWART
50 YEARS
...and we're just getting started



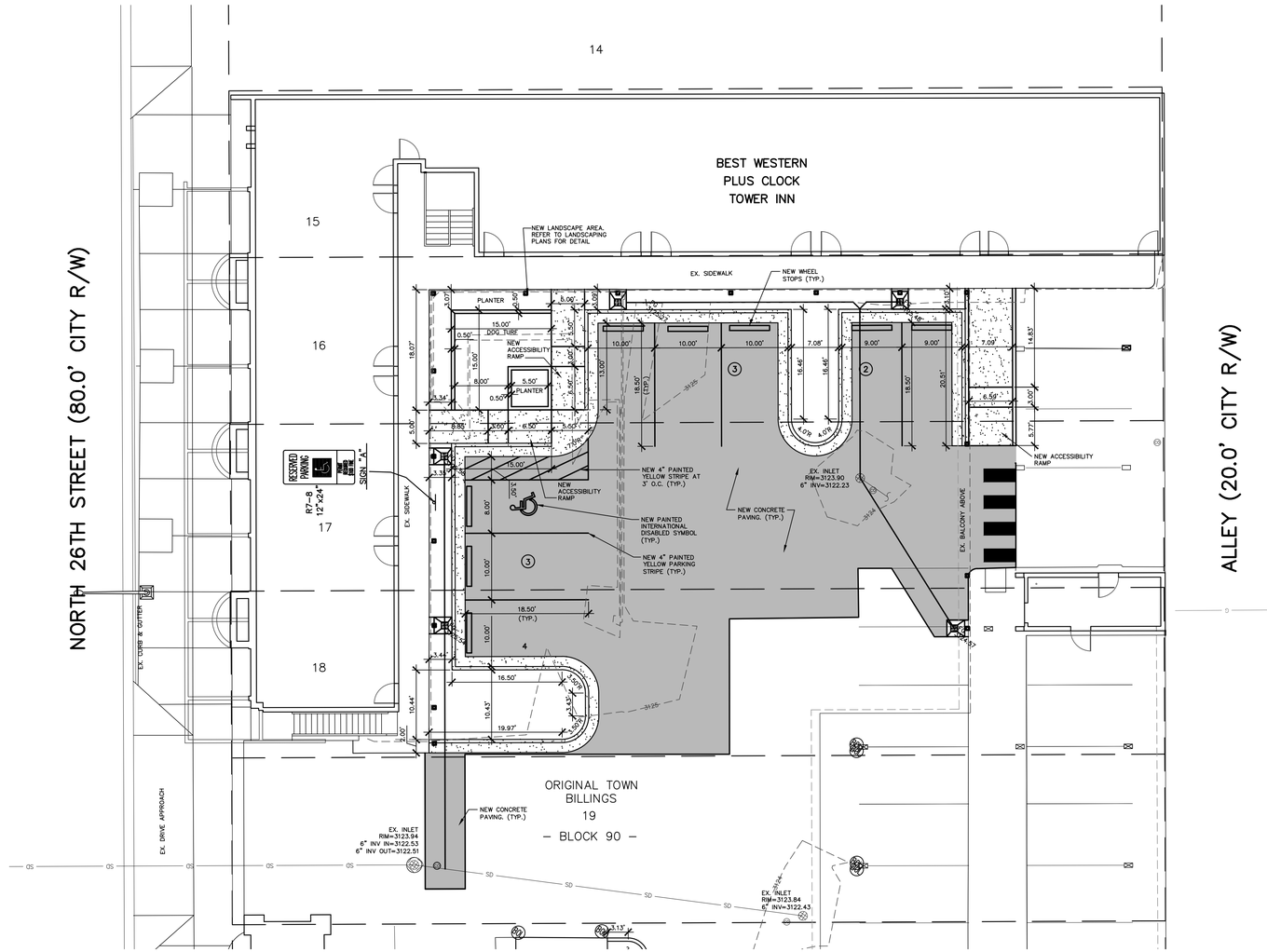
HANDICAP SIGN DETAIL

NOT TO SCALE



TYPICAL DRIVEABLE CONCRETE SECTION

NOT TO SCALE



LEGEND

- SANITARY SEWER CLEAN OUT
- CATCH BASIN
- GAS METER
- POWER METER
- 3157 (TYP.) EXISTING GRADE CONTOURS TYPICAL

NORTH

SCALE: 1:10_XREF

NOTE:

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Enduring Community Design

BRYAN S ALEXANDER 15193PE
LICENSED PROFESSIONAL ENGINEER
MONTANA

DRAWING HISTORY

DESCRIPTION	DATE
REVIEW SET	08/02/19

FILE: 77213_01_SITE PLAN_PROD.DWG
PROJECT NO: 77213.01
CAD: BMB/EJG
QUALITY ASSURANCE: RSA

BEST WESTERN PLUS CLOCKTOWER INN

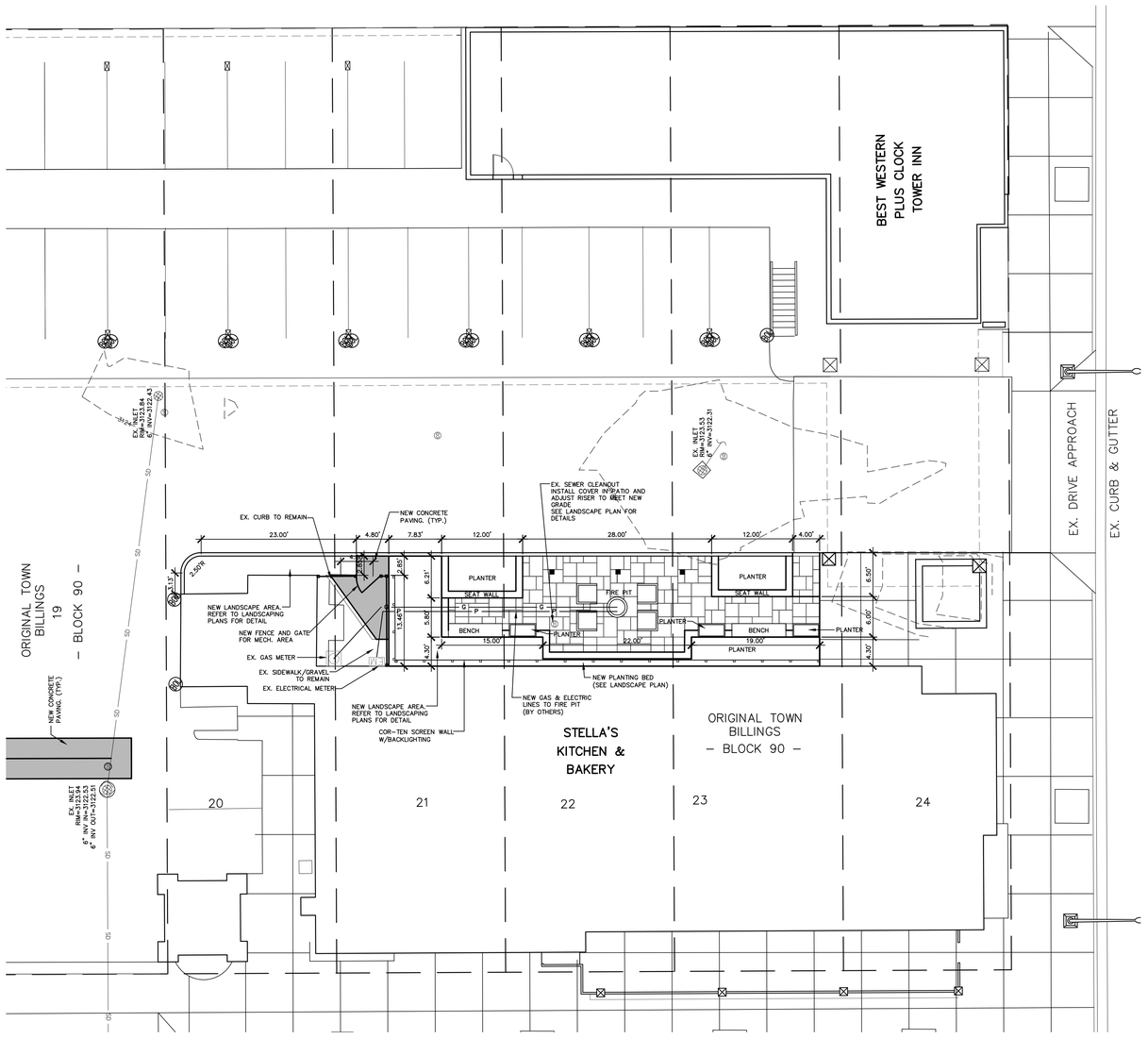
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E

BILLINGS, MONTANA

NORTHEAST PARKING LOT SITE PLAN

C1.2

SANDERSON STEWART 50 YEARS ...and we're just getting started



LEGEND

SANITARY SEWER CLEAN OUT		– – – 3157 – – –	EXISTING GRADE CONTOURS
CATCH BASIN		(TYP.)	TYPICAL
GAS METER			
POWER METER			

NORTH

10' 5' 0 10' 20'

SCALE: 1"=10'

NOTE:

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PRELIMINARY - FOR REVIEW

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Enduring Community Design

MONTANA PROFESSIONAL ENGINEER
BRYAN S ALEXANDER
15193PE
LICENSED PROFESSIONAL ENGINEER

DRAWING HISTORY

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PROJECT NO: 77213.01

CAD: BMB/EJG

QUALITY ASSURANCE: RSA

BEST WESTERN PLUS CLOCKTOWER INN

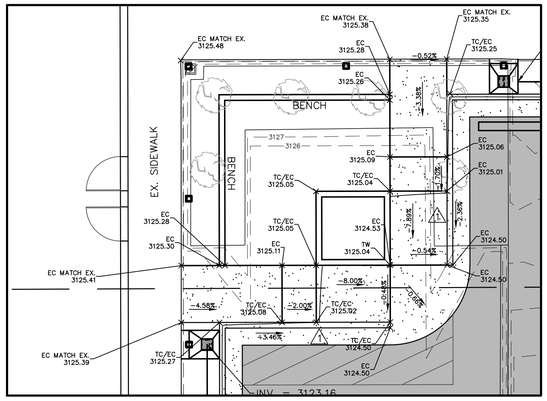
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E

BILLINGS, MONTANA

NEW PATIO SITE PLAN

C1.3

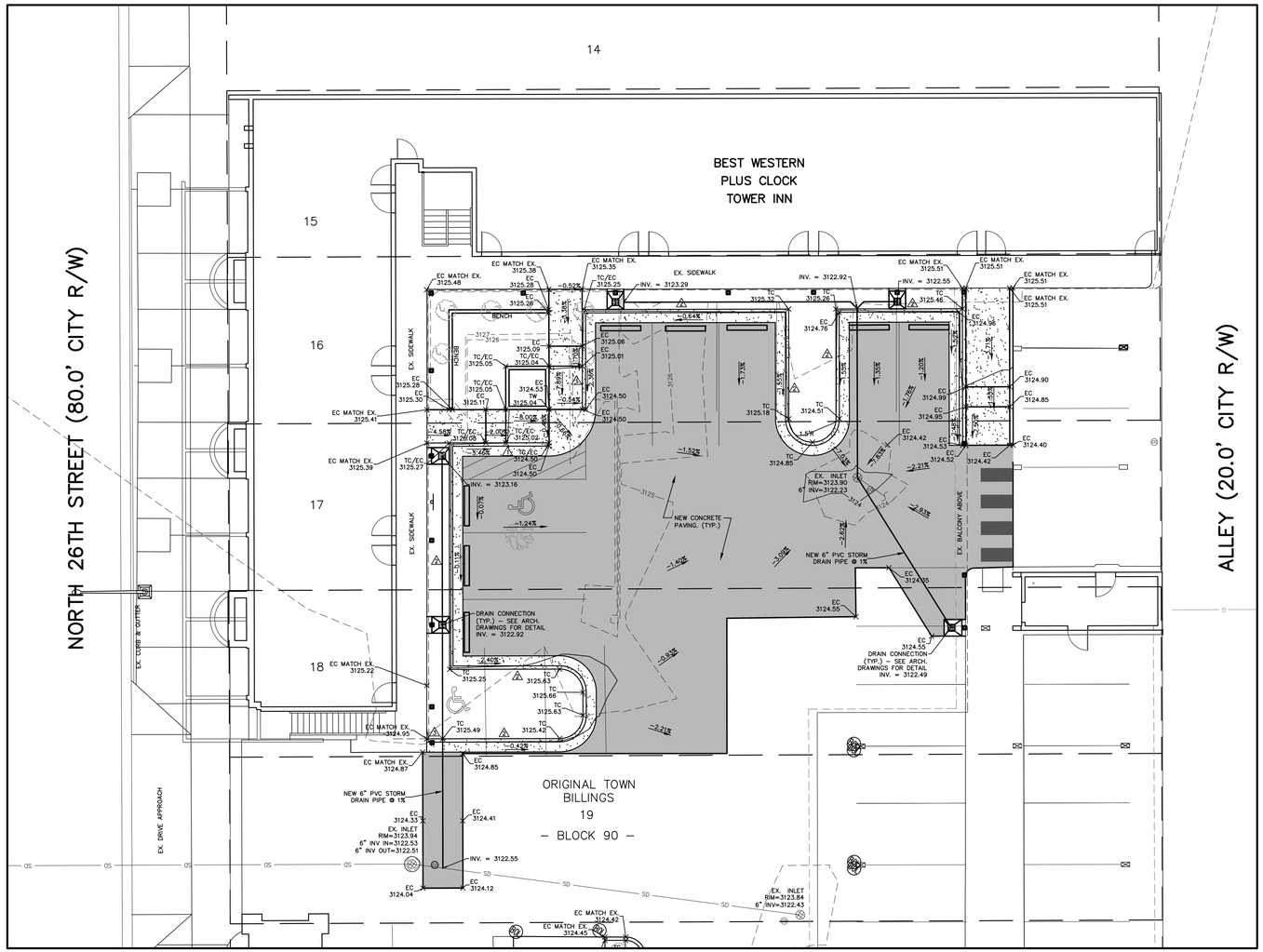
SANDERSON STEWART 50 YEARS ...and we're just getting started



VERTICAL CURB GRADING AT ADA RAMP

NOT TO SCALE

NORTH



NORTH

SCALE:
1"=10'

NOTE:

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LEGEND:

- VERTICAL CURB
- SPILL CURB
- TAPER CURB HEAD 3'

VERTICAL CURB → TOP OF CURB - 0.50' = FLOWLINE

SPILL CURB → TOP OF CURB - 0.62' = LIP
TOP OF CURB - 0.50' = FLOWLINE

EW = FINISHED GRADE AT EDGE OF WALK
TC = FINISHED GRADE AT TOP BACK OF CURB
TW = FINISHED GRADE AT TOP OF WALL
EC = FINISHED GRADE AT EDGE OF CONCRETE
EX = APPROXIMATE EXISTING ELEVATION

3157 EXISTING GRADE CONTOURS
3157 FINISH GRADE CONTOURS

PRELIMINARY - FOR REVIEW

SANDERSON STEWART
Enduring Community Design

BRYAN S ALEXANDER 15193PE LICENSED PROFESSIONAL ENGINEER MONTANA

DRAWING HISTORY

DATE	DESCRIPTION
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FILE: 77213_01_GRADING_PROD.DWG
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CAD: BMB/EJG
QUALITY ASSURANCE: RSA

BEST WESTERN PLUS CLOCKTOWER INN

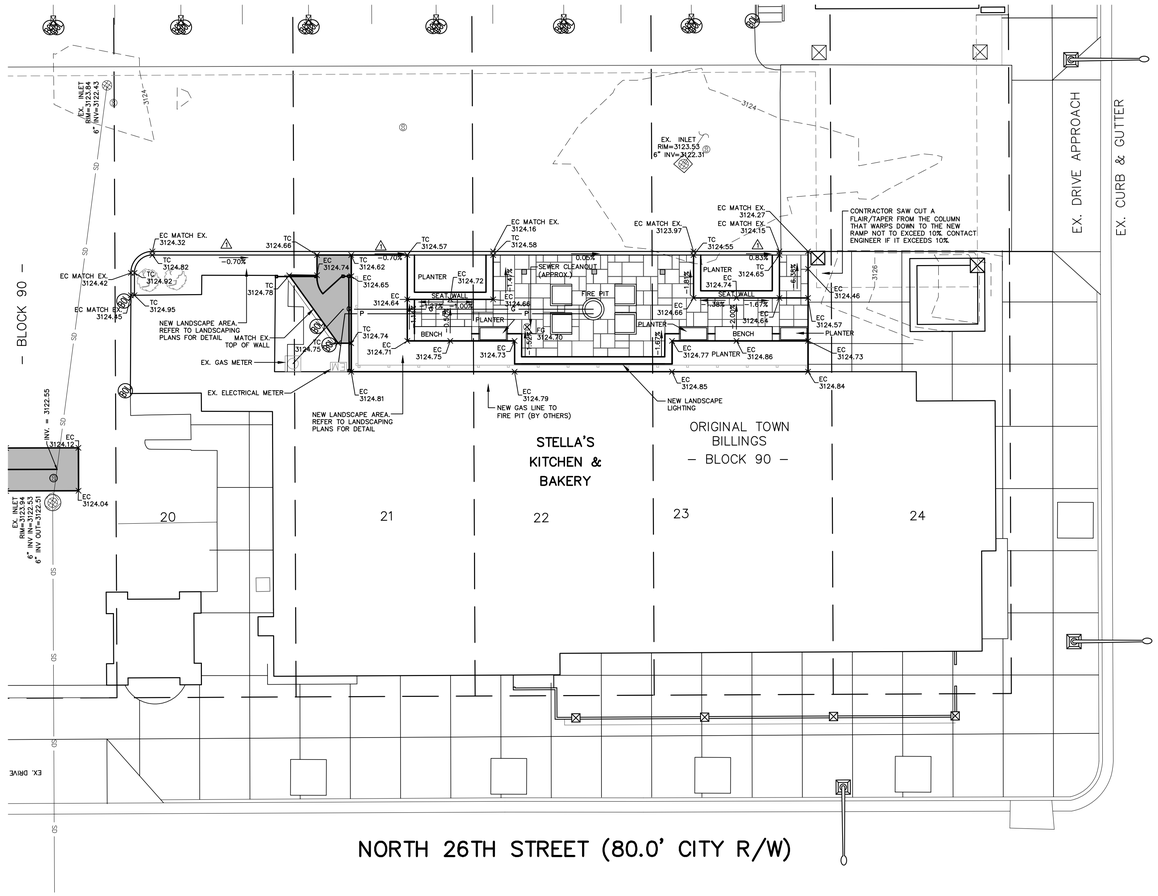
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E

BILLINGS, MONTANA

NORTHEAST PARKING LOT GRADING PLAN

C1.4

SANDERSON STEWART 50 YEARS ...and we're just getting started



NORTH

10' 5' 0 10' 20'

SCALE: 1"=10'

LEGEND:

- VERTICAL CURB
- SPILL CURB
- TAPER CURB HEAD 3'

VERTICAL CURB — TOP OF CURB - 0.50' = FLOWLINE

SPILL CURB — TOP OF CURB - 0.62' = LIP
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EX = APPROXIMATE EXISTING ELEVATION

--- 3157 --- EXISTING GRADE CONTOURS
——3157—— FINISH GRADE CONTOURS

NOTE:

-EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. SERVICE LINES (WATER, POWER, GAS, STORM, SEWER, TELEPHONE & TELEVISION) MAY NOT BE STRAIGHT LINES OR AS INDICATED ON THE PLANS. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.

-ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL, 2010, AND THE CITY OF BILLINGS STANDARD MODIFICATIONS, DATED FEBRUARY, 2015.

-UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE OF MONTANA AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.

PRELIMINARY - FOR REVIEW

SANDERSON STEWART
Enduring Community Design

BRYAN S ALEXANDER 15193PE
LICENSED PROFESSIONAL ENGINEER
MONTANA

DRAWING HISTORY

DATE	DESCRIPTION
08/02/19	REVIEW SET
-	-
-	-
-	-
-	-
-	-
-	-
-	-

FILE: 77213_01_GRADING_PROD.DWG
PROJECT NO: 77213.01
CAD: BMB/EJG
QUALITY ASSURANCE: RSA

BEST WESTERN PLUS CLOCKTOWER INN

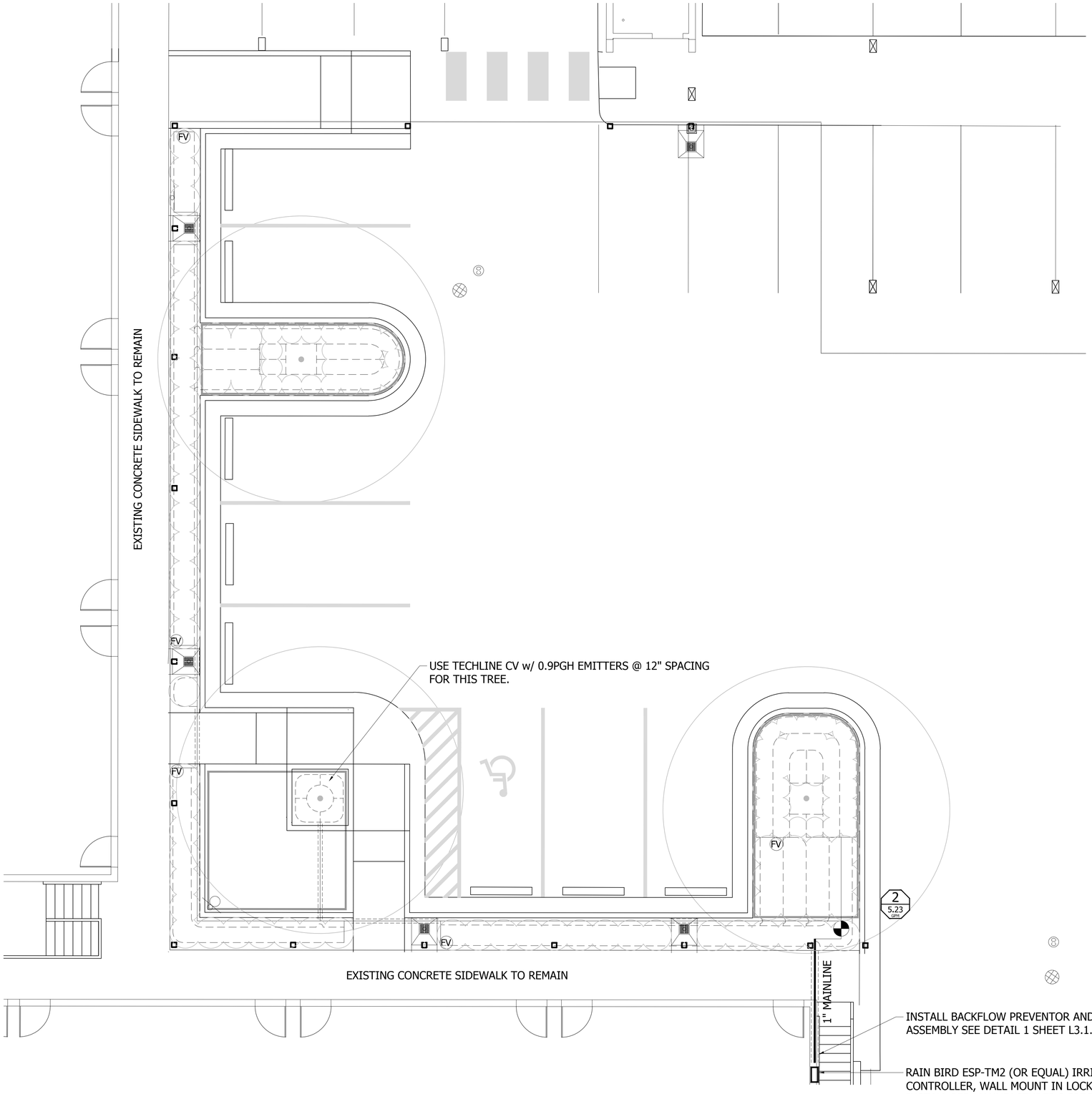
PARKING LOT IMPROVEMENTS BILLINGS ORIGINAL TOWNSITE
LOTS 13-24, BLOCK 90, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26E

BILLINGS, MONTANA

NEW PATIO GRADING PLAN

C1.5

SANDERSON STEWART 50 YEARS ...and we're just getting started



IRRIGATION NOTES

1. NEW IRRIGATION SYSTEM TO CONNECT TO EXISTING WATER SOURCE, CONTRACTOR TO VERIFY IRRIGATION SYSTEM PRESSURE AND FLOW (GPM) AND ADD TO OR ADJUST THE IRRIGATION SYSTEM AS REQUIRED.
2. INSTALL BACKFLOW PREVENTOR AND WINTERIZATION ASSEMBLY AT WATER SUPPLY CONNECTION. SEE DETAIL 1 SHEET L3.1.
3. DO NOT INSTALL THE IRRIGATION SYSTEM WHEN OBVIOUS OBSTRUCTIONS, GRADE CHANGES OR OTHER DETRIMENTAL SITE GEOMETRY EXISTS
4. THE PLAN IS DIAGRAMMATIC FOR PIPING. ADJUST PIPE LOCATION AS NECESSARY. ALL VALVES AND PIPING ARE TO BE INSTALLED IN PLANTING BEDS.
5. MAINLINE SHALL BE 1" SOLVENT WELDED SCH 40 PVC PIPE.
6. LATERAL PIPE SHALL BE AS FOLLOWS: SIZE ALL LATERAL LINES & SUPPLY AND EXHAUST HEADERS UNDER THE FOLLOWING GUIDELINES: 0-4 GPM=BLANK NETAFIM TUBING, 4-10 GPM=3/4" CL 200 PVC PIPE. LARGER PIPE SIZES MAY BE SUBSTITUTED WITHOUT APPROVAL OF THE LANDSCAPE ARCHITECT.
7. ALL PIPES MUST BE TRENCHED. MAINLINE IS TO HAVE 18" OF COVER, LATERAL PIPE IS TO HAVE 12" OF COVER.
8. ALL PIPE SLEEVING TO BE 4" SCH 40 PVC PIPE.
9. NETAFIM LOW VOLUME CONTROL ZONE KIT SHALL BE INSTALLED IN NDS VALVE BOXES. USE A 12" STANDARD BOX FOR ONE KIT.
10. USE ONE 10" ROUND NDS VALVE BOX FOR MANUAL FLUSH VALVE.
11. ALL VALVE BOXES TO HAVE BOLT DOWN COVERS. PROVIDE VALVE BOX EXTENSIONS AS REQUIRED.
12. ALL VALVE CONTROL WIRES MAY BE INSTALLED IN TRENCHES WITH PIPE AS LONG AS THE WIRES ARE INSTALLED UNDER THE PIPE.
13. DBY DRY SPLICE WIRE CONNECTORS SHALL BE USED FOR WIRE TO VALVE CONNECTION.
14. 24 VOLT CONTROL WIRING SHALL CONSIST OF THE FOLLOWING, 14-1 PE RED FOR CONTROL VALES, 12/1 PE WHITE FOR COMMON AND 14/1 PE BLUE FOR A SPARE
15. CONNECTION OF QUICK COUPLERS SHALL USE LASCO G13S212 SWING JOINT
16. IRRIGATION CONTROLLER IS LOCATED NEXT TO THE WATER SOURCE UNDER THE STAIRS IN A LOCKING BOX.
17. MAINTENANCE PERIOD – THE CONTRACTOR SHOULD MAINTAIN ALL PLANTINGS AND IRRIGATION FOR A PERIOD OF NOT LESS THAN 3 MONTHS FROM THE TIME OF SUBSTANTIAL COMPLETION. THE CONTRACTOR SHOULD PROVIDE A COMPLETE MAINTENANCE MANUAL TO THE OWNER THAT COVERS ALL IRRIGATION OPERATIONS AND PLANT MAINTENANCE INCLUDING PRUNING, FERTILIZATION AND ANY SPECIAL NEEDS.
18. FOR DETAILS SEE SHEETS L3.0 & L3.1

IRRIGATION KEY

- NETAFIM LOW VOLUME CONTROL ZONE KIT - #LVCZS8010075-LF.
- FV — NETAFIM #TSLOV (OR EQUAL) MANUAL FLUSH VALVE
- 1 / xx — ZONE NUMBER / GPM PER ZONE
- PIPE SLEEVE
- NETAFIM TECHLINE CV DRIPLINE. 0.6GPH EMITTERS, 12" SPACING. BURY DEPTH OF 4".

SCALE: 1"=5'

NORTH

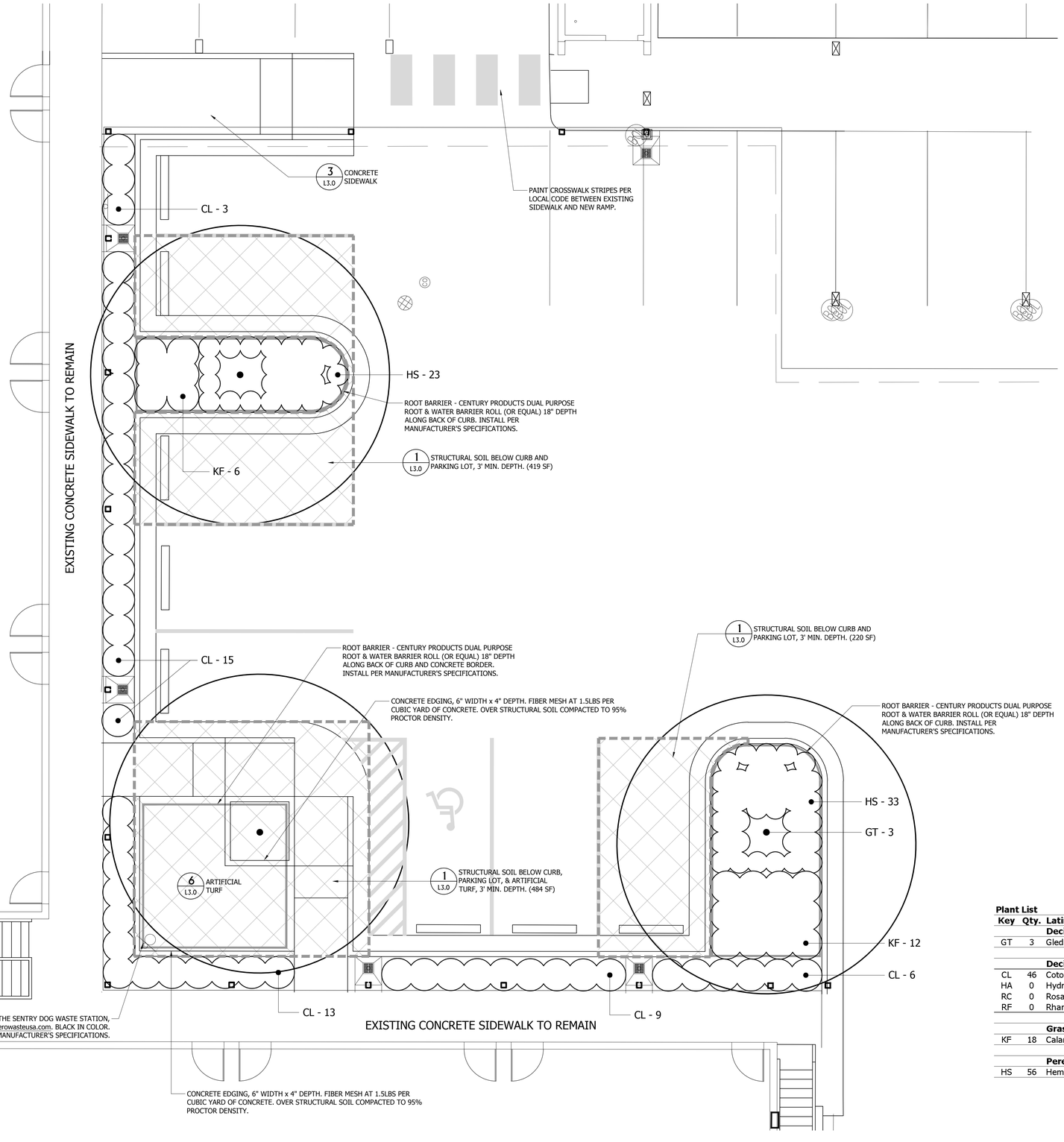
FOLEY GROUP
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ph:406-294-4477 fax: 406-294-4478
email: jim@foleygroupinfo.com

DRAWING PARKING IRRIGATION PLAN
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/2/2019
REVISIONS

NORTH
DENNIS LYNN DEPPMEIER, AIA
PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328

L1.0



PLANTING NOTES

1. PLANT LOCATION LAYOUT - ALL PLANTS SHALL BE PLACED IN BEDS BY THE CONTRACTOR FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. A MINIMUM OF 3 DAYS NOTICE SHALL BE PROVIDED TO THE LANDSCAPE ARCHITECT PRIOR TO THIS OPERATION.
2. DISCREPANCIES - PLANT MATERIALS SHALL BE FURNISHED IN THE QUANTITIES AND/OR SPACING AS NOTED. IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LIST, THE PLAN SHALL DICTATE.
3. SUBSTITUTIONS - ANY SUBSTITUTIONS, OR SUGGESTED PLAN CHANGES MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO COMMENCING WORK.
4. PLANT QUALITY - ANY PLANT NOT IN EXCELLENT CONDITION SHALL BE REJECTED BY THE LANDSCAPE ARCHITECT. ALL PLANTS THAT ARE REJECTED SHALL BE IMMEDIATELY REMOVED FROM THE JOB SITE AND BE REPLACED AT THE CONTRACTOR'S EXPENSE. ALL PLANTS ARE TO MEET OR EXCEED THE AMERICAN STANDARDS FOR NURSERY STOCK, 2014 EDITION AS SET FORTH BY AMERICANHORT.
5. PLANTING BEDS - BEDS TO HAVE 18" MIN. PLANTING MIX. SEE DETAIL 1 SHEET L3.0 AND DETAIL 9 SHEET L3.1.
6. PLANT GUARANTEE - THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL INCLUDING TREES, SHRUBS, PERENNIALS AND FLOWERS FOR A PERIOD OF ONE YEAR AFTER THE DATE OF SUBSTANTIAL PROJECT COMPLETION.
7. ROOT BARRIER - INSTALL ROOT BARRIER AS INDICATED ON PLAN, UTILIZE CENTURY PRODUCTS DUAL PURPOSE ROOT & WATER BARRIER ROLL (OR EQUAL) 24" DEPTH. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
8. MULCH - ALL BEDS TO HAVE +/-3" ROCK MULCH OVER WEED FABRIC.
9. MAINTENANCE PERIOD – THE CONTRACTOR SHOULD MAINTAIN ALL PLANTINGS AND IRRIGATION FOR A PERIOD OF NOT LESS THAN 3 MONTHS FROM THE TIME OF SUBSTANTIAL COMPLETION. THE CONTRACTOR SHOULD PROVIDE A COMPLETE MAINTENANCE MANUAL TO THE OWNER THAT COVERS ALL IRRIGATION OPERATIONS AND PLANT MAINTENANCE INCLUDING PRUNING, FERTILIZATION AND ANY SPECIAL NEEDS.
10. SEE SHEET L3.1 FOR PLANTING DETAILS.

Plant List

Key	Qty.	Latin Name	Common Name	Size	Cond.	Remarks
		Deciduous Trees				
GT	3	Gleditsia triacanthos 'Impcole'	Imperial Honeylocust	3" cal.	B&B	full & upright, symmetrical
		Deciduous Shrubs				
CL	46	Cotoneaster lucidus	Cotoneaster Hedge	5 gal.	cont. grown	full, matching
HA	0	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	5 gal.	cont. grown	matching
RC	0	Rosa 'Champlain'	Champlain Shrub Rose	5 gal.	cont. grown	full, matching
RF	0	Rhamnus frangula 'Ron Williams'	Fine Line Buckthorn	5 gal.	cont. grown	full, matching
		Grasses				
KF	18	Calamagrostis acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	1 gal.	cont.	full
		Perennials				
HS	56	Hemerocallis 'Stella de Oro'	Stella de Oro Daylilly	1 gal.	cont.	24" O.C.

SCALE: 1" = 5'

NORTH

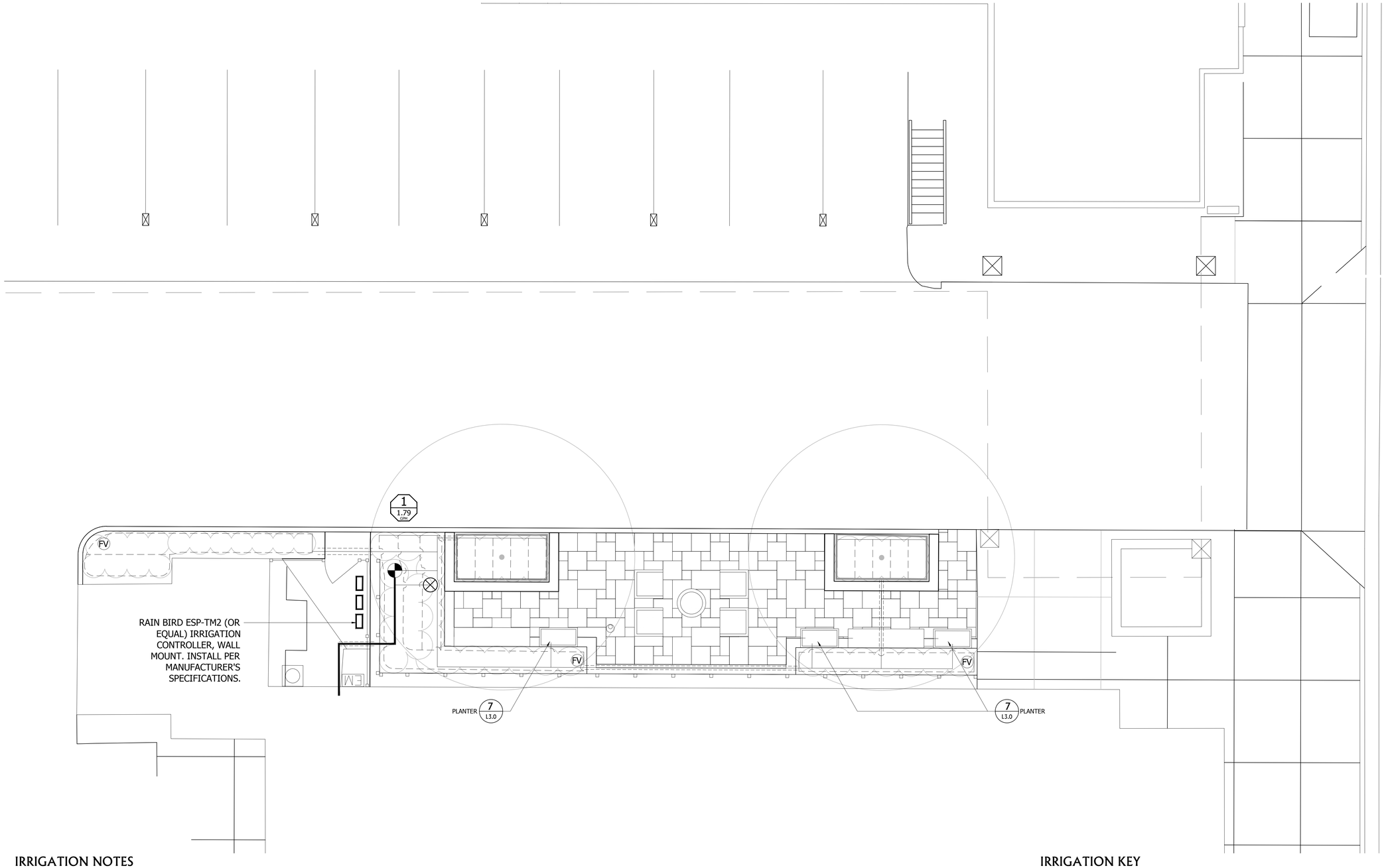
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BILLINGS, MONTANA
OWNER CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/2/2019
REVISIONS

NORTH
DENNIS LYNN DEPPMEIER, AIA
PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328

L1.1



IRRIGATION NOTES

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2. INSTALL BACKFLOW PREVENTOR AND WINTERIZATION ASSEMBLY AT WATER SUPPLY CONNECTION. SEE DETAIL SHEET L3.1.
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4. THE PLAN IS DIAGRAMMATIC FOR PIPING. ADJUST PIPE LOCATION AS NECESSARY. ALL VALVES AND PIPING ARE TO BE INSTALLED IN PLANTING BEDS.
5. MAINLINE SHALL BE 1" SOLVENT WELDED SCH 40 PVC PIPE.
6. LATERAL PIPE SHALL BE AS FOLLOWS: SIZE ALL LATERAL LINES & SUPPLY AND EXHAUST HEADERS UNDER THE FOLLOWING GUIDELINES: 0-4 GPM=BLANK NETAFIM TUBING, 4-10 GPM=3/4" CL 200 PVC PIPE. LARGER PIPE SIZES MAY BE SUBSTITUTED WITHOUT APPROVAL OF THE LANDSCAPE ARCHITECT.
7. ALL PIPES MUST BE TRENCHED. MAINLINE IS TO HAVE 18" OF COVER, LATERAL PIPE IS TO HAVE 12" OF COVER.
8. ALL PIPE SLEEVING TO BE 4" SCH 40 PVC PIPE.
9. NETAFIM LOW VOLUME CONTROL ZONE KIT SHALL BE INSTALLED IN NDS VALVE BOXES. USE A 12" STANDARD BOX FOR ONE KIT.
10. USE ONE 10" ROUND NDS VALVE BOX FOR MANUAL FLUSH VALVE.
11. ALL NDS VALVE BOXES TO HAVE BOLT DOWN COVERS. PROVIDE VALVE BOX EXTENSIONS AS REQUIRED.
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15. CONNECTION OF QUICK COUPLERS SHALL USE LASCO G13S212 SWING JOINT
16. IRRIGATION CONTROLLER IS LOCATED IN MECHANICAL AREA.
17. MAINTENANCE PERIOD – THE CONTRACTOR SHOULD MAINTAIN ALL PLANTINGS AND IRRIGATION FOR A PERIOD OF NOT LESS THAN 3 MONTHS FROM THE TIME OF SUBSTANTIAL COMPLETION. THE CONTRACTOR SHOULD PROVIDE A COMPLETE MAINTENANCE MANUAL TO THE OWNER THAT COVERS ALL IRRIGATION OPERATIONS AND PLANT MAINTENANCE INCLUDING PRUNING, FERTILIZATION AND ANY SPECIAL NEEDS.
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IRRIGATION KEY

- NETAFIM LOW VOLUME CONTROL ZONE KIT - #LVCZS8010075-LF.
- FV NETAFIM #TSLOV (OR EQUAL) MANUAL FLUSH VALVE
- RAINBIRD 44LRC QUICK COUPLER WITH KEY OR EQUAL.
- PIPE SLEEVE
- 1 / xx ZONE NUMBER / GPM PER ZONE
- NETAFIM TECHLINE CV DRIPLINE. 0.4GPH EMITTERS, 12" SPACING. BURY DEPTH OF 4".

SCALE: 1" = 5'

NORTH

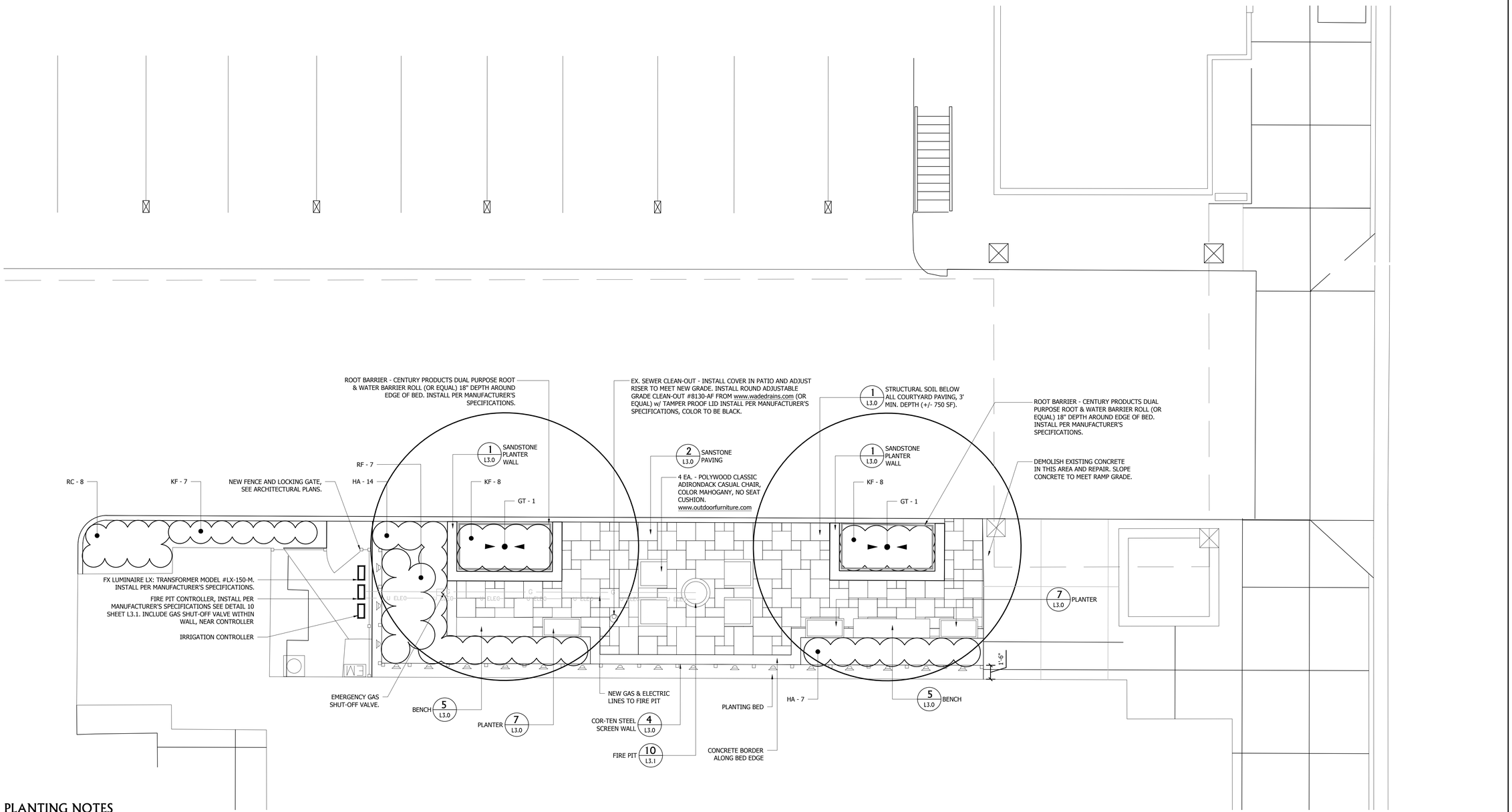
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blueboy@bresnan.net

L2.0



PLANTING NOTES

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5. PLANTING BEDS - BEDS TO HAVE 18" MIN. PLANTING MIX. SEE DETAIL 1 SHEET L3.0 AND DETAIL 9 SHEET L3.1. UTILIZE STRUCTURAL SOIL UNDER COURTYARD PAVING, SEE DETAIL 1 SHEET L3.0.
6. PLANT GUARANTEE - THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL INCLUDING TREES, SHRUBS, PERENNIALS AND FLOWERS FOR A PERIOD OF ONE YEAR AFTER THE DATE OF SUBSTANTIAL PROJECT COMPLETION.
7. ROOT BARRIER - INSTALL ROOT BARRIER ALONG BACK OF CURB, UTILIZE CENTURY PRODUCTS DUAL PURPOSE ROOT & WATER BARRIER ROLL (OR EQUAL) 24" DEPTH. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
8. MULCH - ALL BEDS TO HAVE +/-3" ROCK MULCH OVER WEED FABRIC.
9. MAINTENANCE PERIOD – THE CONTRACTOR SHOULD MAINTAIN ALL PLANTINGS AND IRRIGATION FOR A PERIOD OF NOT LESS THAN 3 MONTH FROM THE TIME OF SUBSTANTIAL COMPLETION. THE CONTRACTOR SHOULD PROVIDE A COMPLETE MAINTENANCE MANUAL TO THE OWNER THAT COVERS ALL IRRIGATION OPERATIONS AND PLANT MAINTENANCE INCLUDING PRUNING, FERTILIZATION AND ANY SPECIAL NEEDS.
10. SEE SHEET L3.1 FOR PLANTING DETAILS.

LIGHTING KEY

FX LUMINAIRE NP: UP LIGHT, 2 EACH TREE. MODEL #NP-3LED-FB SPIKE MOUNT. 4 TOTAL.

FX LUMINAIRE PB: UP LIGHT. MODEL #PB-1LED-FB SPIKE MOUNT. 19 TOTAL.

INSTALL LIGHT FIXTURES PER MANUFACTURER'S SPECIFICATIONS.

LED COLOR TEMPERATURE TO BE IN THE 2700K TO 3000K RANGE.

Plant List

Key	Qty.	Latin Name	Common Name	Size	Cond.	Remarks
		Deciduous Trees				
GT	2	Gleditsia triacanthos 'Impcole'	Imperial Honeylocust	3" cal.	B&B	full & upright, symmetrical
		Deciduous Shrubs				
CL	0	Cotoneaster lucidus	Cotoneaster Hedge	5 gal.	cont. grown	full, matching
HA	21	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	5 gal.	cont. grown	matching
RC	8	Rosa 'Champlain'	Champlain Shrub Rose	5 gal.	cont. grown	full, matching
RF	7	Rhamnus frangula 'Ron Williams'	Fine Line Buckthorn	5 gal.	cont. grown	full, matching
		Grasses				
KF	23	Calamagrostis acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	1 gal.	cont.	full
		Perennials				
HS	0	Hemerocallis 'Stella de Oro'	Stella de Oro Daylilly	1 gal.	cont.	24" O.C.

SCALE: 1" = 5'

NORTH

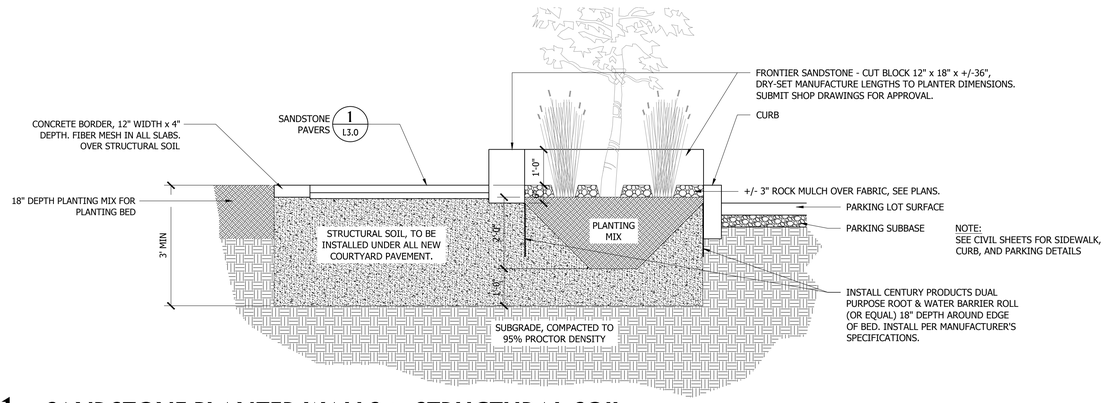
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L2.1



1 SANDSTONE PLANTER WALLS & STRUCTURAL SOIL

L2.1 : L3.0 NOT TO SCALE

STRUCTURAL SOIL SPECIFICATION

STRUCTURAL SOIL MATERIAL IS DESIGNED AS FOLLOWS. THE THREE COMPONENTS OF THE STRUCTURAL SOIL ARE MIXED IN THE FOLLOWING PROPORTIONS BY WEIGHT, CRUSHED STONE: 80%; CLAY LOAM: 19.97%; HYDROGEL: 0.03%. TOTAL MOISTURE AT MIXING SHOULD BE 10% (AASHTO T-99 OPTIMUM MOISTURE).

CRUSHED STONE (GRANITE OR LIMESTONE) SHOULD BE UNIFORMLY GRADED FROM 3/4"-1 1/2", HIGHLY ANGULAR WITH NO FINES. THE CLAY LOAM SHOULD CONFORM TO THE USDA SOIL CLASSIFICATION SYSTEM (GRAVEL<5%, SAND 25-30%, SILT 20-40%, CLAY 20-35%). ORGANIC MATTER SHOULD RANGE BETWEEN 2% AND 5%. THE HYDROGEL, A POTASSIUM PROPENOATE-PROPENAMIDE COPOLYMER IS ADDED IN A SMALL AMOUNT TO ACT AS A TACKIFIER, PREVENTING SEPARATION OF THE STONE AND SOIL DURING MIXING AND INSTALLATION.

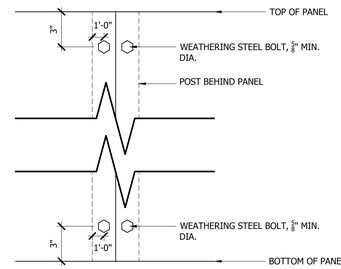
MIXING CAN BE DONE ON A PAVED SURFACE USING FRONT-END LOADERS. TYPICALLY THE STONE IS SPREAD IN A LAYER, THE DRY HYDROGEL OR A SLURRY OF HYDROGEL IS ADDED TO THE STONE AND SCREENED MOIST LOAM IS SPREAD EVENLY ON TOP. THE ENTIRE PILE IS TURNED AND MIXED UNTIL A UNIFORM BLEND IS PRODUCED. THE STRUCTURAL SOIL IS THEN INSTALLED AND COMPACTED IN 6" LIFTS

THIS MATERIAL IS TO BE COMPACTED TO NOT LESS THAN 95% PROCTOR DENSITY (AASHTO T-99).

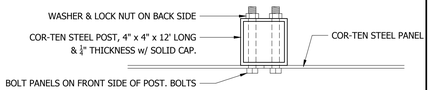
PLANTING MIX SPECIFICATION

PROVIDE IMPORTED TOPSOIL OR MANUFACTURED TOPSOIL FROM OFF-SITE SOURCES; DO NOT OBTAIN FROM AGRICULTURAL LAND, BOGS OR MARSHES. VERIFY SUITABILITY OF SOIL TO PRODUCE VIABLE PLANTING SOIL. CLEAN SOIL OF ROOTS, PLANTS, SOD, STONES, CLODS, CLAY LUMPS, POCKETS OF COARSE SAND, CONCRETE SLURRY, CONCRETE LAYERS OR CHUNKS, CEMENT, PLASTER, BUILDING DEBRIS, AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.

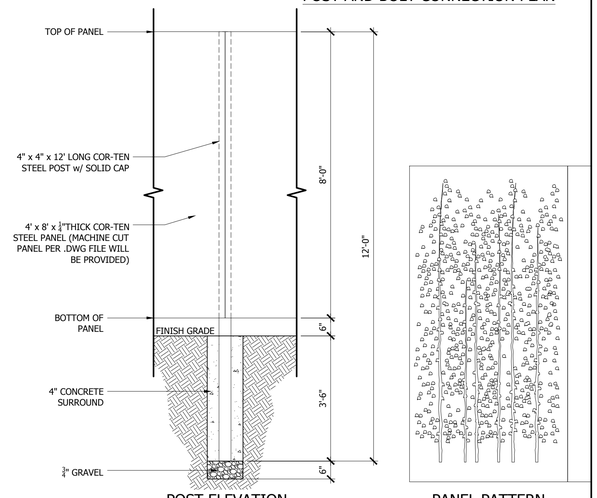
PROVIDE NUTRIENT AND PLANTING SUITABILITY ANALYSIS FROM A LOCAL CERTIFIED TESTING LABORATORY. AMEND TOPSOIL AS RECOMMENDED BY LAB. PROVIDE ALL LAB RESULTS TO LANDSCAPE ARCHITECT FOR APPROVAL BEFORE PLACING TOPSOIL ON SITE.



POST AND BOLT CONNECTION ELEVATION



POST AND BOLT CONNECTION PLAN

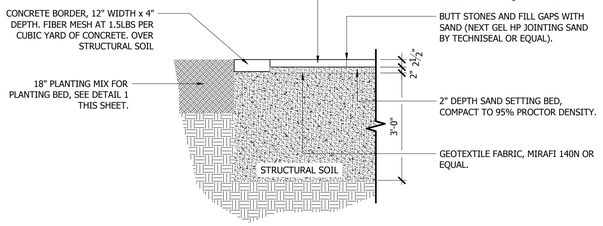


POST ELEVATION

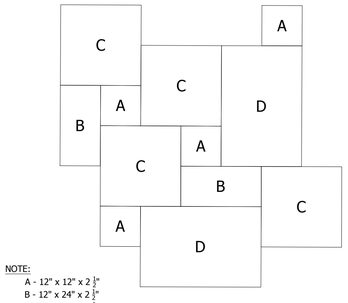
PANEL PATTERN

4 POSTS FOR COR-TEN PANELS

L2.1 : L3.0 NOT TO SCALE



SANDSTONE PAVER SECTION



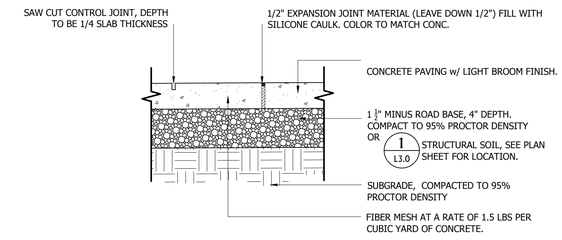
NOTE:
A - 12" x 12" x 2 1/2"
B - 12" x 24" x 2 1/2"
C - 24" x 24" x 2 1/2"
D - 24" x 36" x 2 1/2"
1) START STONE PATTERN ALONG CURB AND CUT STONE AS REQUIRED.
2) ALL STONE TO BE TIGHTLY BUTTED

SANDSTONE PAVER PATTERN

2 SANDSTONE PAVERS

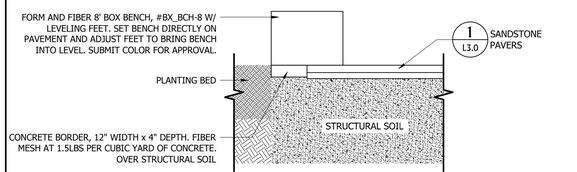
L2.1 : L3.0 NOT TO SCALE

NOTE:
CONCRETE SPECIFICATIONS
1. ALL CONCRETE TO BE A MINIMUM OF A 4" DEPTH, 4500 PSI AT 28 DAYS, 5% TO 7% AIR ENTRAINED, 4" SLUMP.
2. FIBERMESH IS TO BE MIXED AT A RATE OF 1.5 POUNDS PER CUBIC YARD OF CONCRETE. UTILIZE FIBERMESH 300 BY PROPEX FIBERMESH OR EQUAL.
3. ANY DEVIATION FROM THE PLAN MUST BE APPROVED BY THE OWNERS REPRESENTATIVE PRIOR TO CONSTRUCTION



3 CONCRETE SIDEWALK

L1.1 : L3.0 NOT TO SCALE

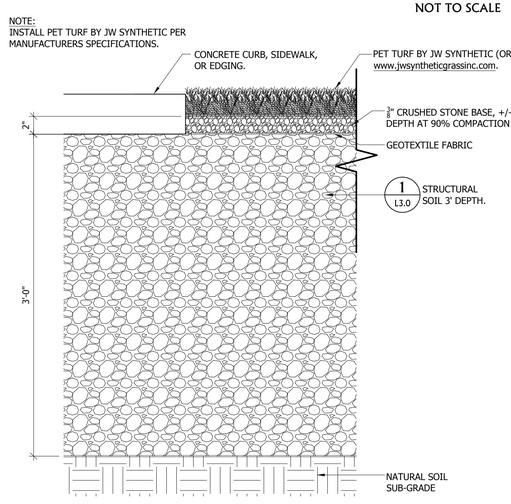


COURTYARD BENCH

NOTE:
1. ALIGN BACK OF BENCH WITH BACK OF CONCRETE BORDER BETWEEN PLANTING BED AND SANDSTONE PAVERS.
2. SEE PLAN FOR BENCH LOCATIONS.

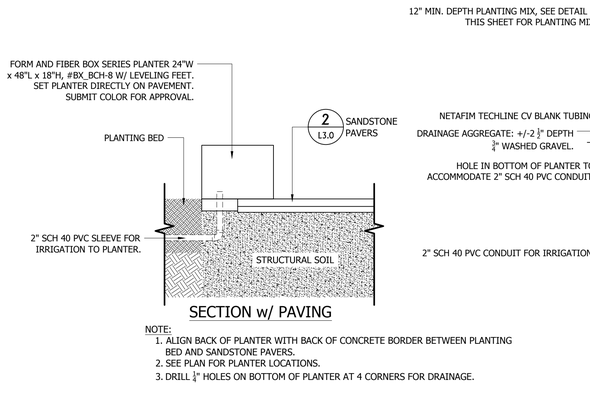
5 BENCH

L1.1,L2.1 : L3.0 NOT TO SCALE



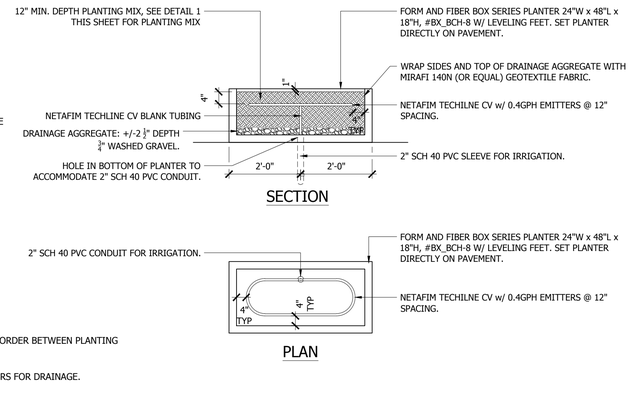
6 ARTIFICIAL TURF

L1.1 : L3.0 NOT TO SCALE



SECTION w/ PAVING

NOTE:
1. ALIGN BACK OF PLANTER WITH BACK OF CONCRETE BORDER BETWEEN PLANTING BED AND SANDSTONE PAVERS.
2. SEE PLAN FOR PLANTER LOCATIONS.
3. DRILL 1/4" HOLES ON BOTTOM OF PLANTER AT 4 CORNERS FOR DRAINAGE.



SECTION

PLAN

7 PLANTERS

L2.0, L2.1 : L3.0 NOT TO SCALE

FOLEY GROUP
Land Planning & Design
100 North 27th Street,Suite 401
Billings, MT 59101
ph:406-294-4477 fax: 406-294-4478
email: jim@foleygroupinfo.com

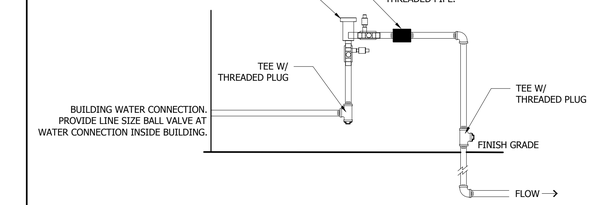
CLOCK TOWER INN COURTYARD IMPROVEMENTS

DRAWING DETAILS
PROJECT BILLINGS, MONTANA
OWNER CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/2/2019
REVISIONS

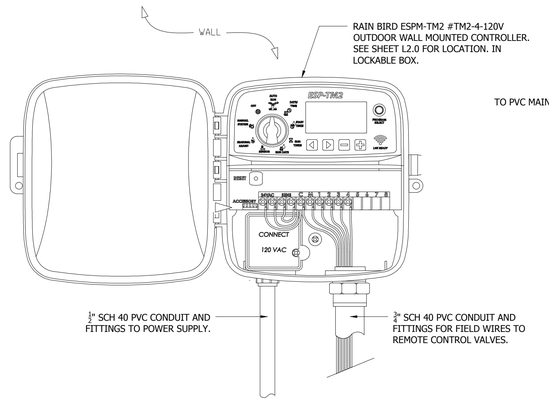
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PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328

L3.0



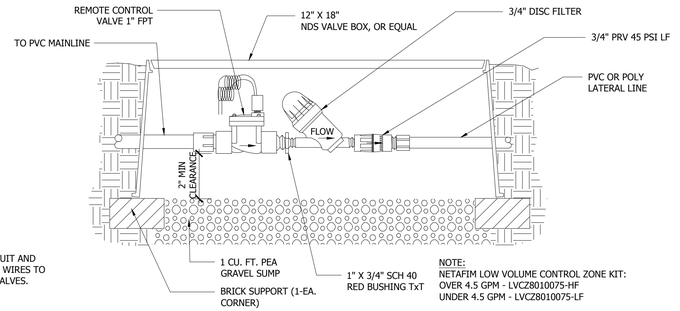
1 IRRIGATION WATER SUPPLY

L1.0,L2.0 : L3.1 NOT TO SCALE



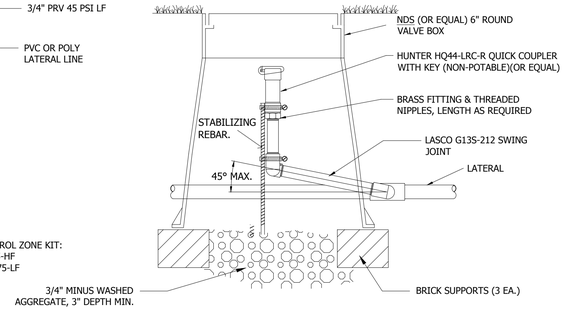
2 IRRIGATION CONTROLLER

L1.0,L2.0 : L3.1 NOT TO SCALE



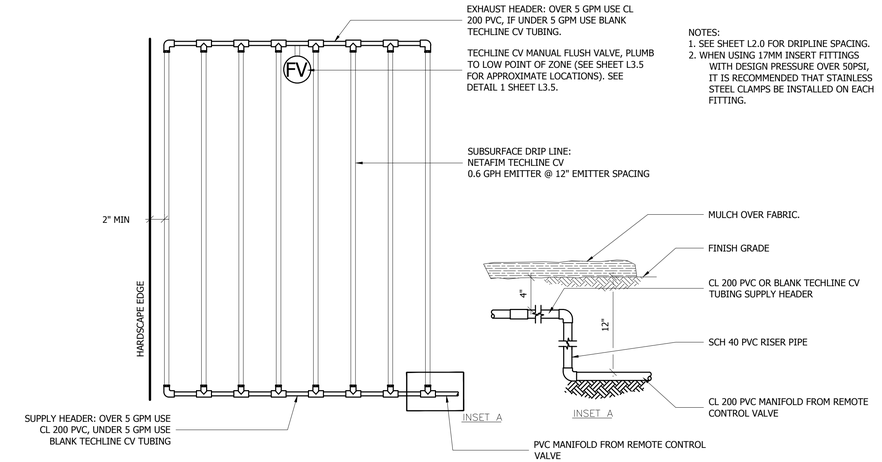
3 NETAFIM LOW VOLUME CONTROL ZONE KIT

L1.0,L2.0 : L3.1 NOT TO SCALE



4 QUICK COUPLER

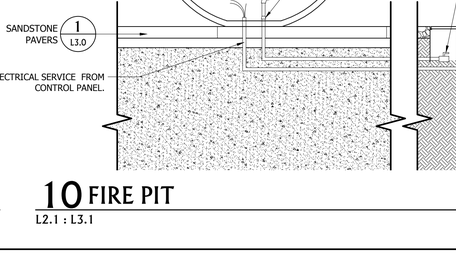
L1.0,L2.0 : L3.1 NOT TO SCALE



NOTES:
1. SEE SHEET L2.0 FOR DRIPLINE SPACING.
2. WHEN USING 17MM INSERT FITTINGS WITH DESIGN PRESSURE OVER 50PSI, IT IS RECOMMENDED THAT STAINLESS STEEL CLAMPS BE INSTALLED ON EACH FITTING.

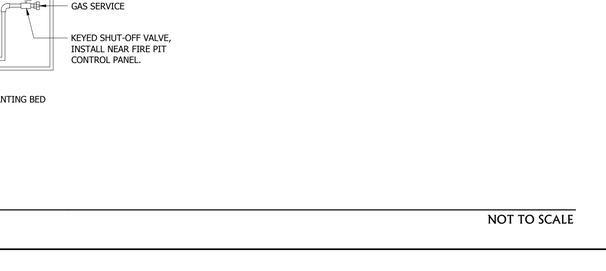
5 NETAFIM LAYOUT

L1.0,L2.0 : L3.1 NOT TO SCALE



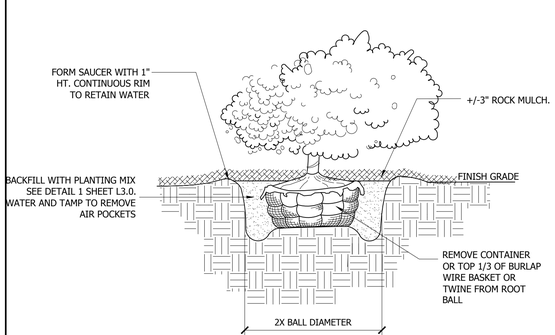
6 MANUAL FLUSH VALVE

L2.3 : L3.1 NOT TO SCALE



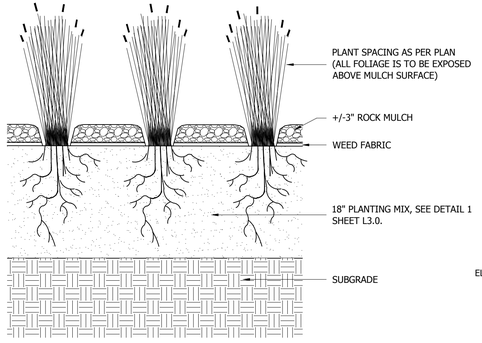
7 DECIDUOUS TREE - 3 WIRE

L1.1,L2.1 : L3.1 NOT TO SCALE



8 SHRUB

L1.1,L2.1 : L3.1 NOT TO SCALE



9 ORNAMENTAL GRASSES / PERENNIALS

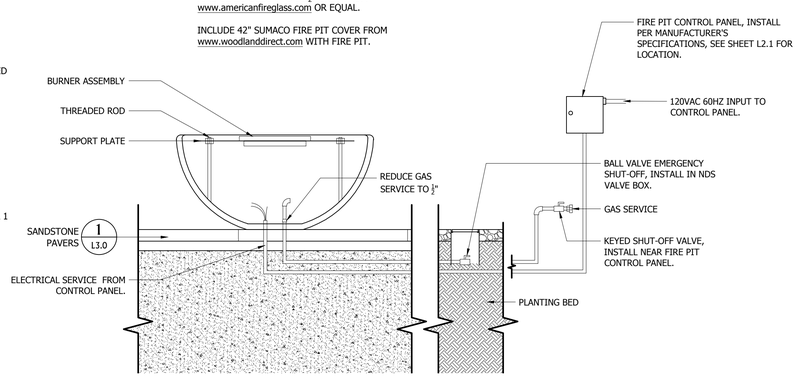
L1.1,L2.1 : L3.1 NOT TO SCALE

NOTES:
DETAIL IS DIAGRAMMATIC. INSTALL ALL COMPONENTS PER MANUFACTURER'S SPECIFICATIONS AND TO LOCAL CODE.

www.woodlanddirect.com 42" SUMACO AUTO IGNITION FIRE PIT, COLOR TO BE DARK WALNUT. FIRE GLASS COLOR TO BE ½" GREY FROM www.americanfireglass.com OR EQUAL.

INCLUDE 42" SUMACO FIRE PIT COVER FROM www.woodlanddirect.com WITH FIRE PIT.

INSTALL 6 www.potrisers.com "INVISIBLE" POT FEET #PR2 (OR EQUAL) TO BASE OF FIRE PIT TO ALLOW FOR DRAINAGE. SPACE FEET EVENLY AND UTILIZE CONSTRUCTION ADHESIVE TO PERMANENTLY MOUNT FEET TO BASE.



10 FIRE PIT

L2.1 : L3.1 NOT TO SCALE

FOLEY GROUP
Land Planning & Design
100 North 27th Street,Suite 401
Billings, MT 59101
ph:406-294-4477 fax: 406-294-4478
email: jim@foleygroupinfo.com

DRAWING DETAILS
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER CLOCK TOWER INN

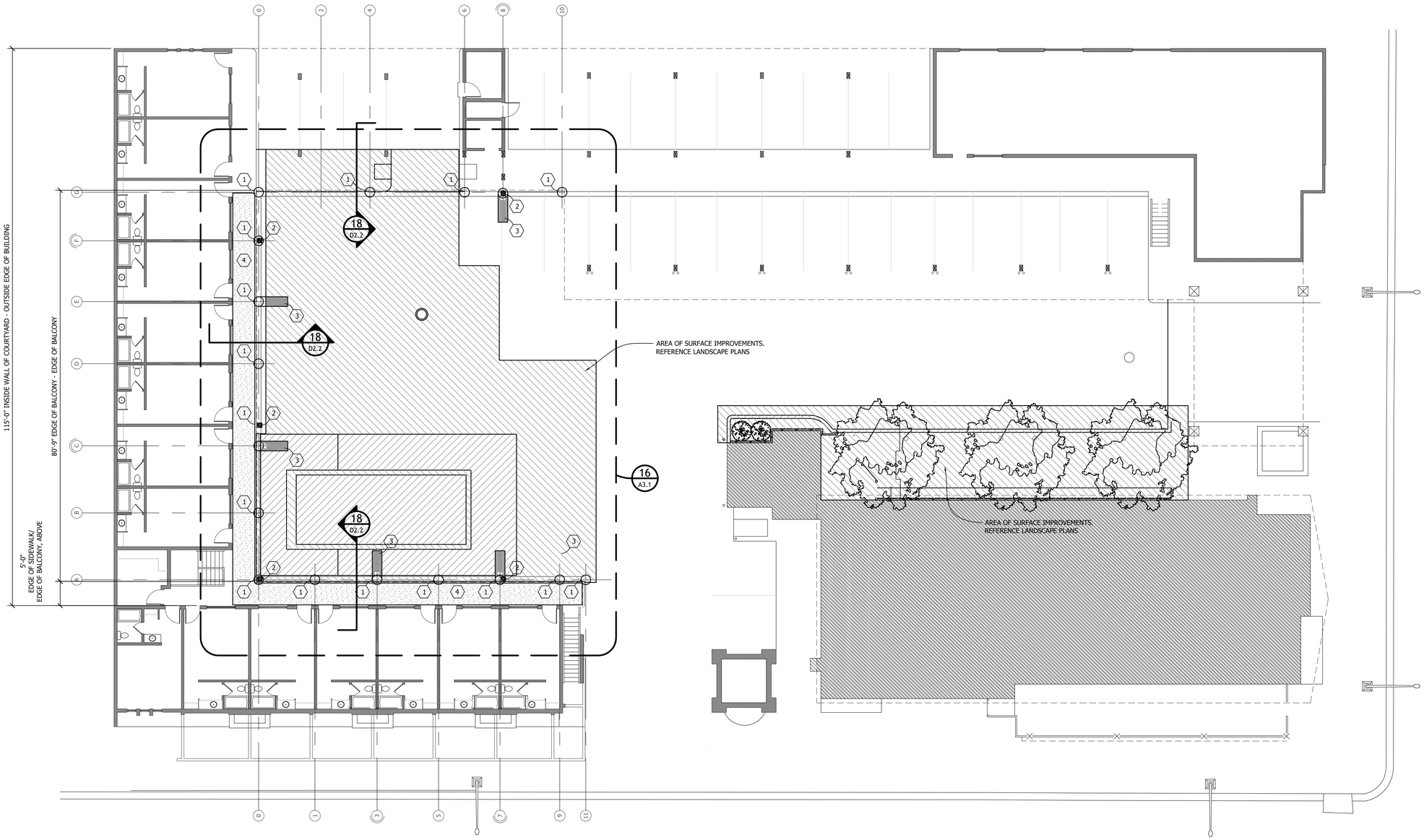
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ISSUE DATE 8/2/2019
REVISIONS

NORTH
DENNIS LYNN DEPPMEIER, AIA
PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328

L3.1

DEMOLITION PLAN LEGEND

SYMBOL	DESCRIPTION
	DEMO: MAIN LEVEL NOTES
1	EXCAVATE FOR NEW POST FOOTING. REF: 16/A3.1
2	REMOVE EXISTING DOWNSPOUT/ BOX COLUMN ASSEMBLY. REF: 18/D2.2
3	EXCAVATE FOR NEW STORM DRAIN CONNECTIONS. COORDINATE W LANDSCAPE PLAN
4	DEMO SOFFIT FOR ACCESS TO CEILING LIGHTS. INSPECT BALCONY FRAMING & RIM JOIST TO ENSURE SOUND STRUCTURE.



16 DEMOLITION PLAN: MAIN LEVEL

D2.1 : D2.1

3/32" = 1'-0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING: DEMOLITION PLAN: MAIN LEVEL
PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

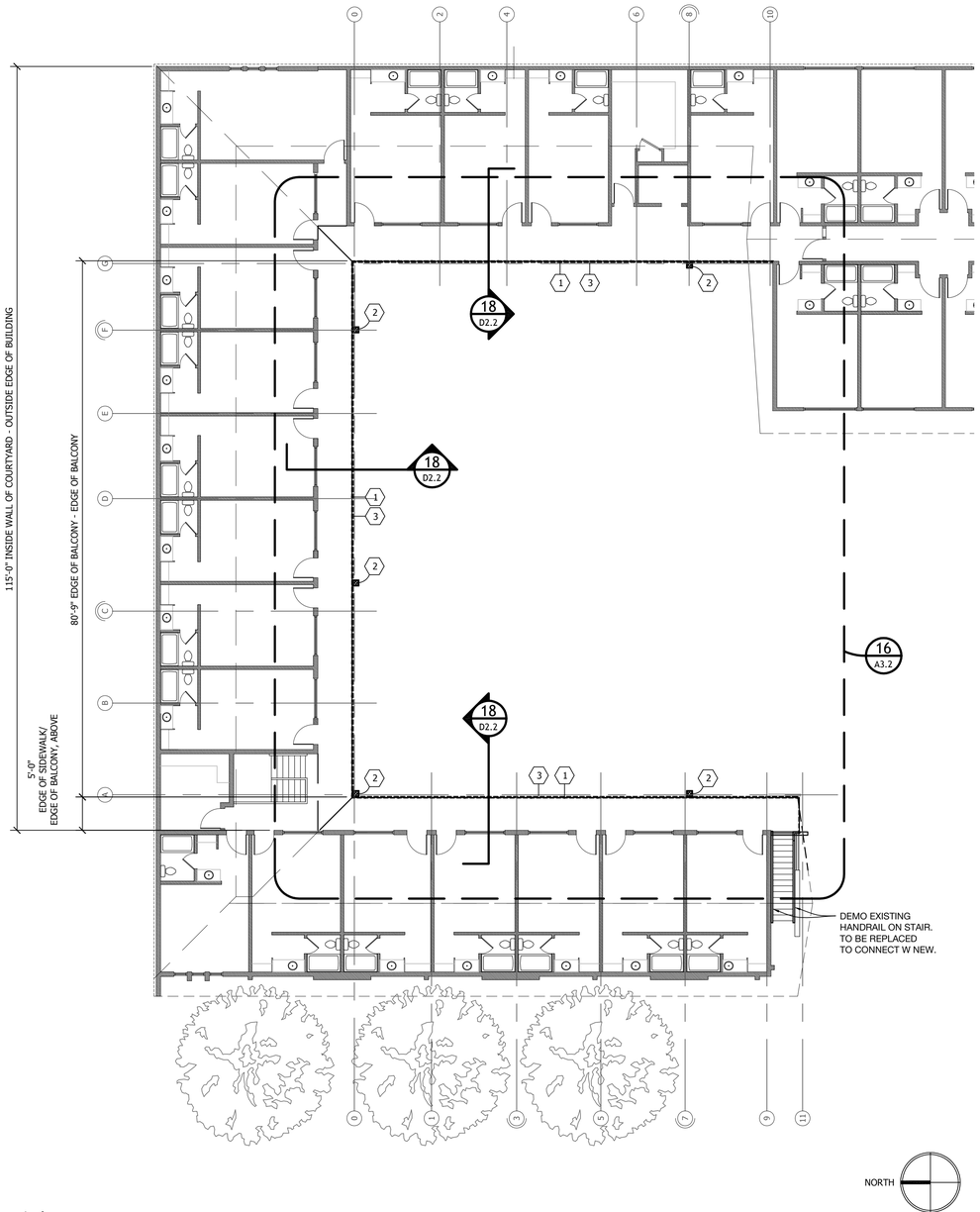
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blueboy@bresnan.net

D2.1

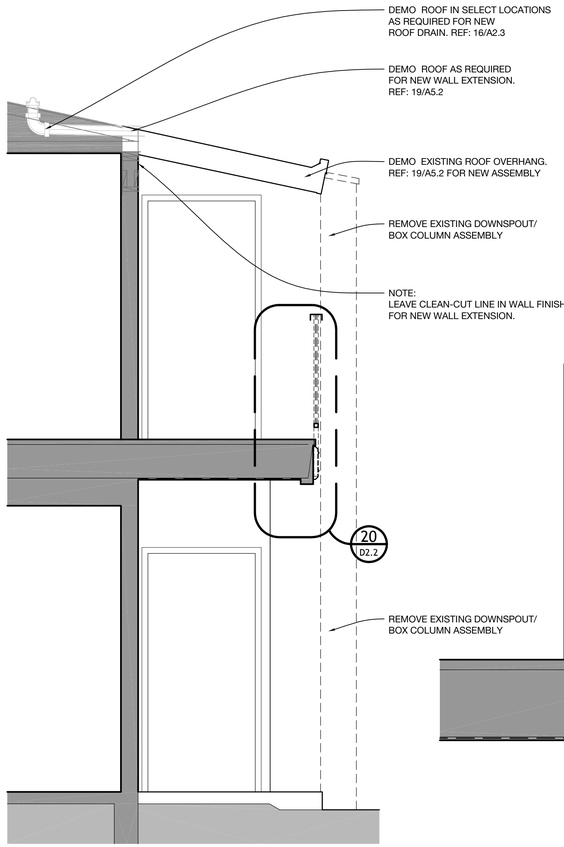
DEMOLITION PLAN LEGEND

SYMBOL	DESCRIPTION
	DEMO: SECOND LEVEL NOTES
1	REMOVE ALL EXISTING RAILING ASSEMBLY. REF: 20/D2.2
2	REMOVE EXISTING DOWNSPOUT/ BOX COLUMN ASSEMBLY. REF: 18/D2.2
3	REMOVE BEVELED 2x12 TRIM BOARDS. TYP AT ALL BALCONY EDGE. REF: 20/D2.2



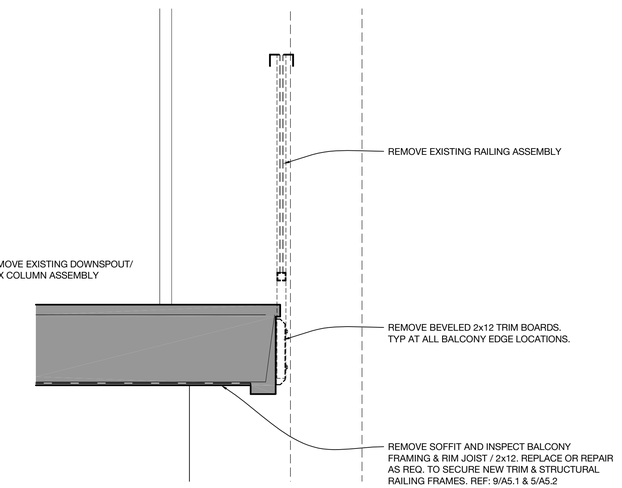
16 DEMOLITION PLAN: SECOND LEVEL

D2.2 : D2.2 — 3/32" = 1'-0"



18 DEMOLITION SECTION

D2.2 : D2.2 — 1/2" = 1'-0"



20 DEMOLITION SECTION

D2.2 : D2.2 — 1" = 1'-0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING: DEMOLITION PLAN: SECOND LEVEL
PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

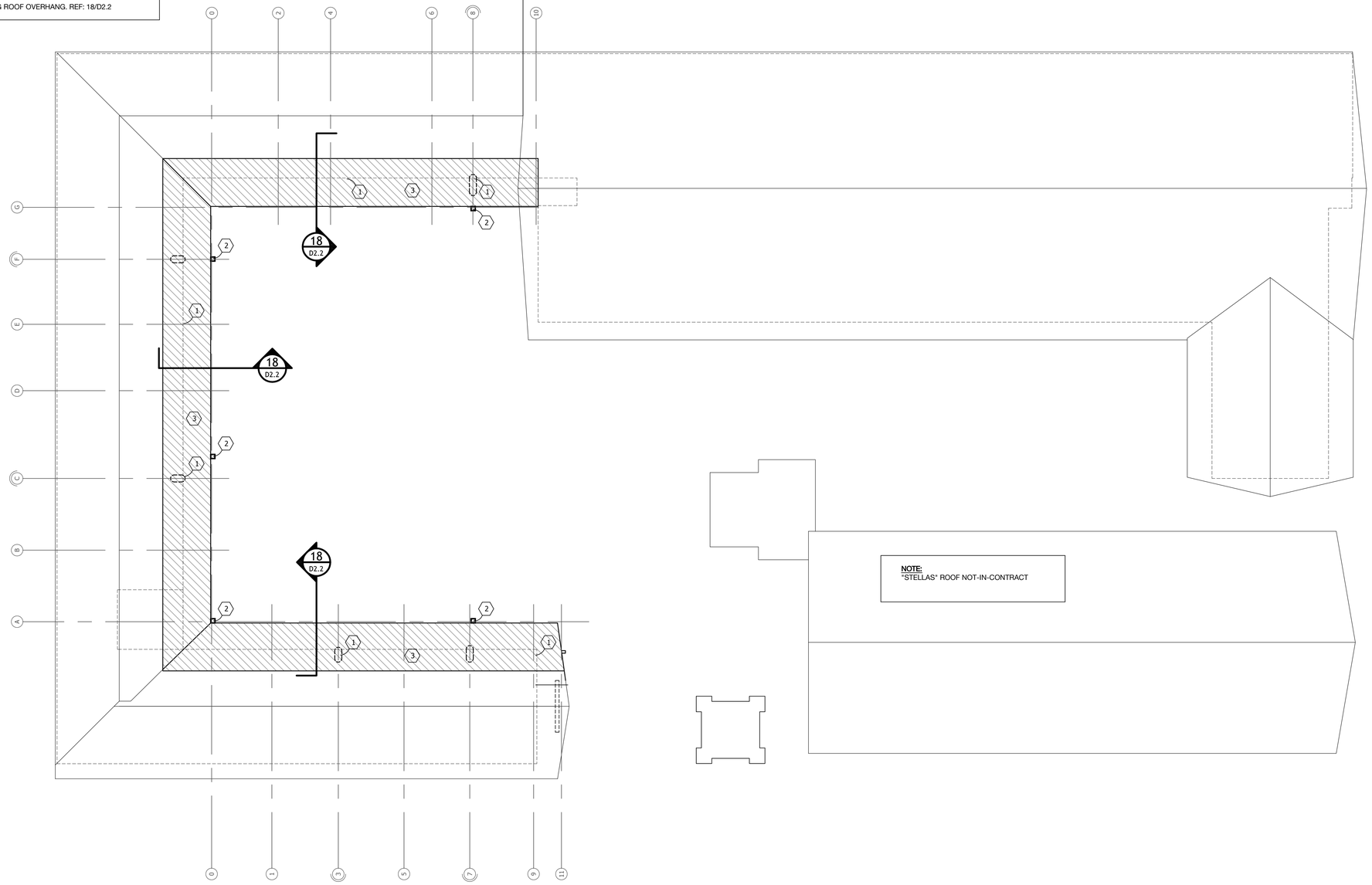
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blueboy@bresnan.net

D2.2

DEMOLITION PLAN LEGEND

SYMBOL	DESCRIPTION
	DEMO: ROOF LEVEL NOTES
1	DEMO AS REQ. FOR NEW ROOF DRAINS. REF: 19/A5.2
2	REMOVE EXISTING DOWNSPOUT/ BOX COLUMN ASSEMBLY. REF: 18/D2.2
3	DEMO EXISTING ROOF OVERHANG. REF: 18/D2.2



NORTH

16 DEMOLITION PLAN: ROOF

D2.3 : D2.3

3/32" = 1'-0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
16656
MONTANA
LICENSED ARCHITECT

DRAWING: DEMOLITION PLAN: ROOF

PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA

OWNER: CLOCK TOWER INN

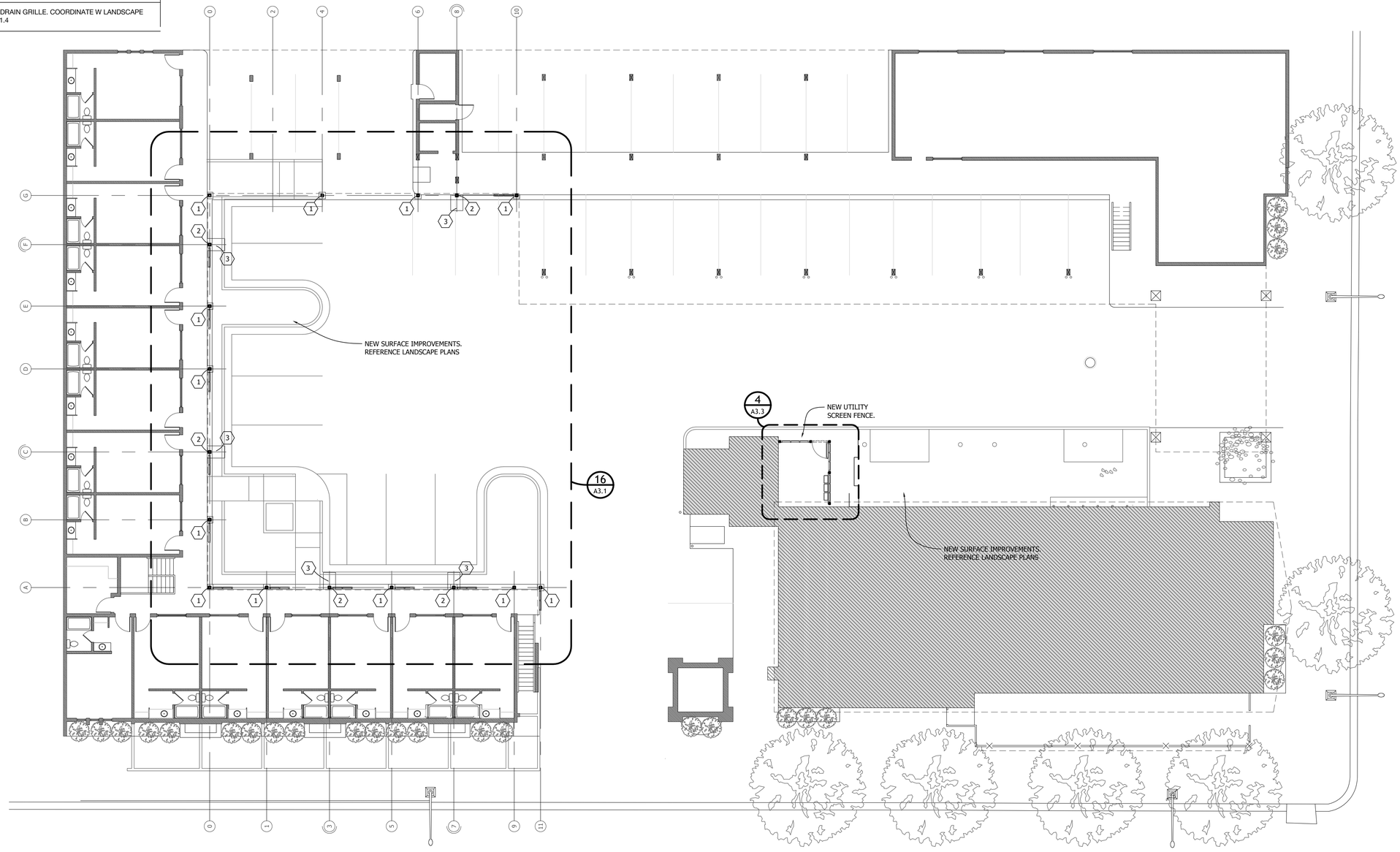
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blueboy@bresnan.net

D2.3

REMODEL PLAN LEGEND

SYMBOL	DESCRIPTION
	MAIN LEVEL REMODEL NOTES
1	NEW 6x6 TUBE STEEL COLUMN REF: 16 / A5.3
2	NEW 6x6 DOUBLE CHANNEL STEEL DRAIN COLUMN. REF: 16 / A5.3
3	NEW STORM DRAIN GRILLE. COORDINATE W LANDSCAPE PLAN. REF: C1.4



NORTH

16 MAIN LEVEL PLAN

A2.1 : A2.1

3/32" = 1'-0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING: MAIN LEVEL PLAN
PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

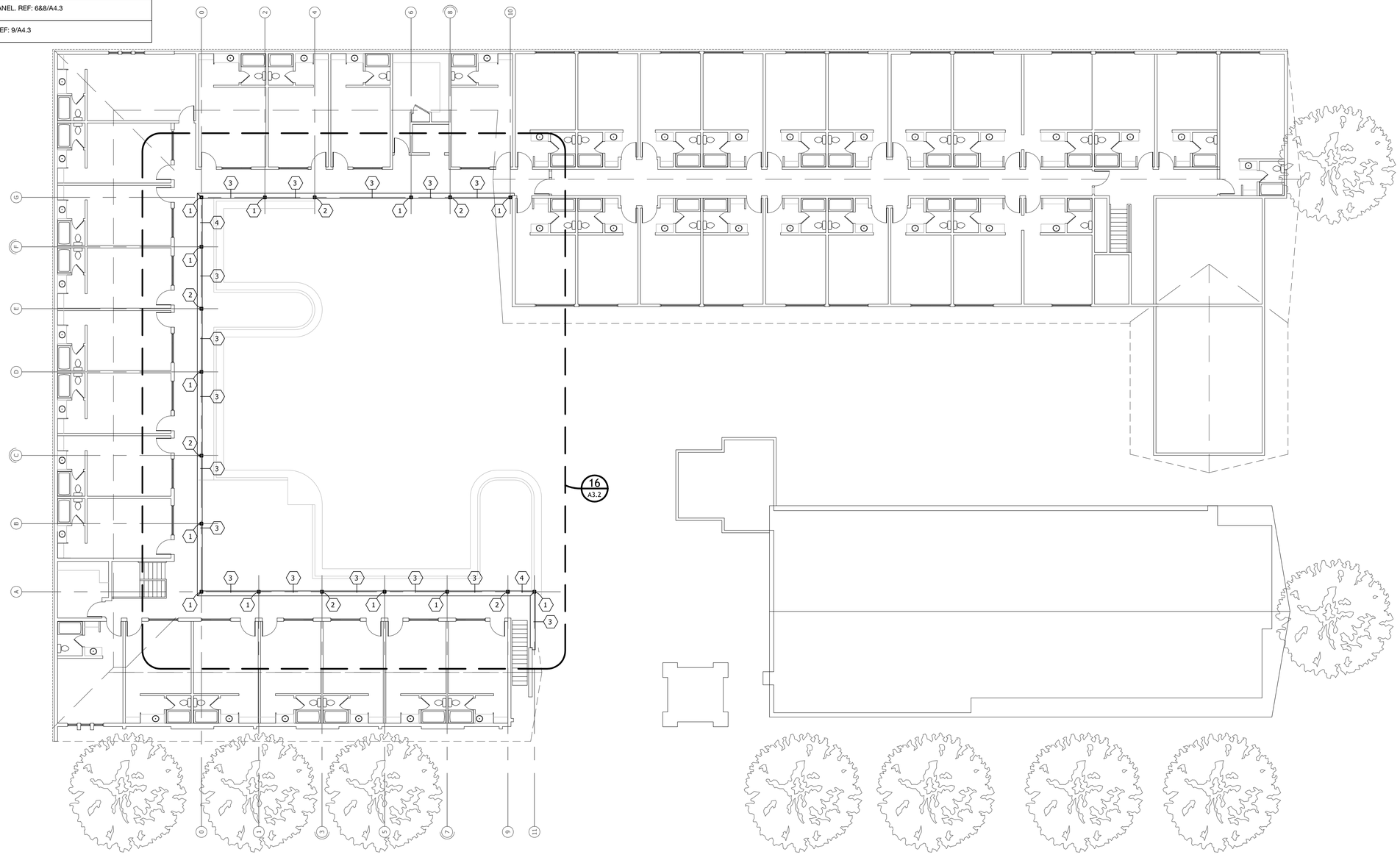
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blueboy@bresnan.net

A2.1

REMODEL PLAN LEGEND

SYMBOL	DESCRIPTION
	UPPER LEVEL REMODEL NOTES
1	NEW 6x6 TUBE STEEL COLUMN. REF: 16 / A5.3
2	NEW 6x6 DOUBLE CHANNEL STEEL DRAIN COLUMN. REF: 16 / A5.3
3	NEW RAILING PANEL. REF: 6&8/A4.3
4	NEW RAILING. REF: 9/A4.3



NORTH

16 UPPER LEVEL FLOOR PLAN

A2.2 : A2.2

3/16" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING UPPER LEVEL FLOOR PLAN
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER CLOCK TOWER INN

PROJECT NO 14001
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PRINCIPAL

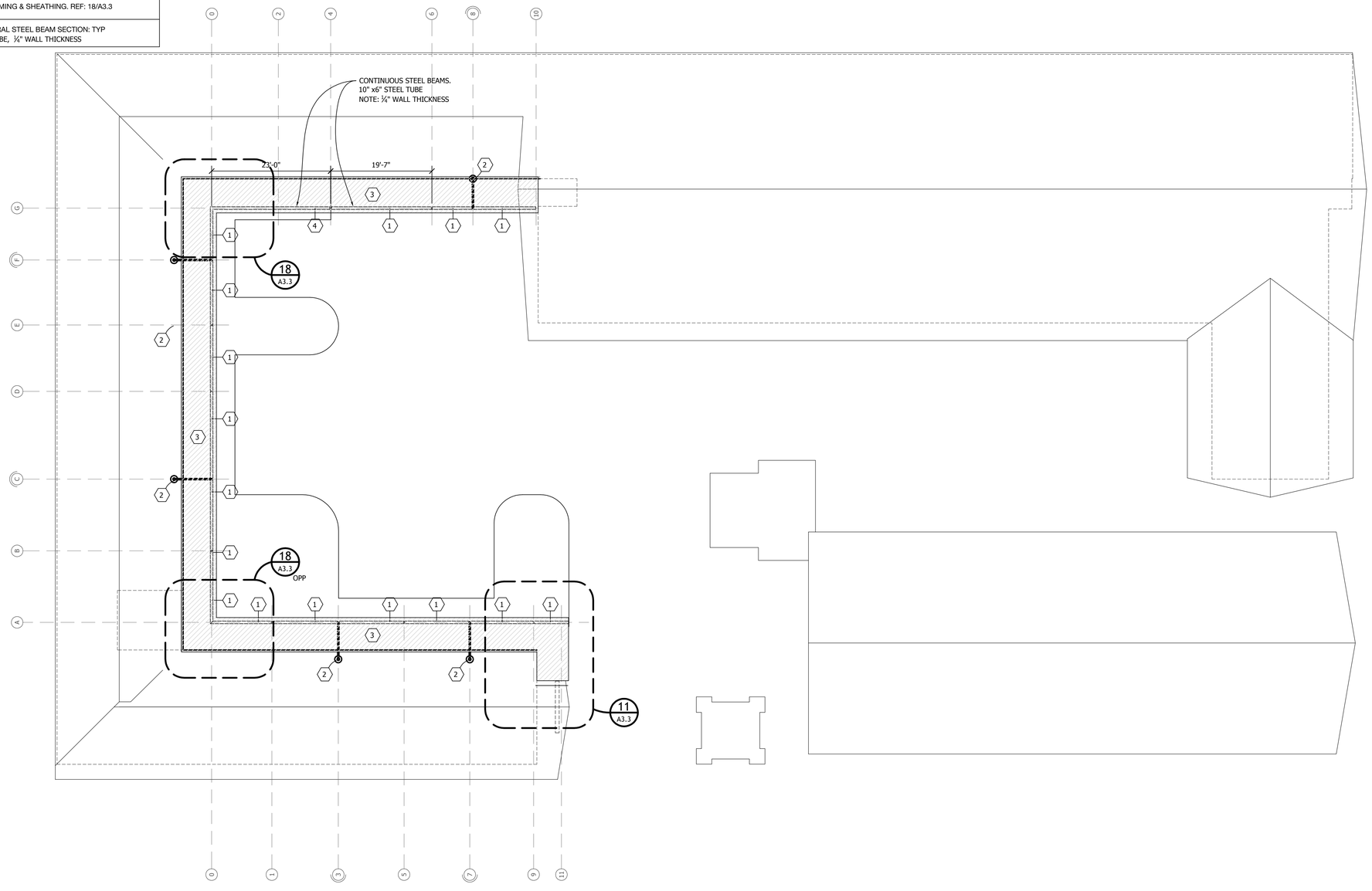
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328

blueboy@bresnan.net

A2.2

REMODEL PLAN LEGEND

SYMBOL	DESCRIPTION
	ROOF LEVEL REMODEL NOTES
1	NEW STRUCTURAL STEEL BEAM SECTION: TYP 10" x6" STEEL TUBE, TYP. 3/16" WALL THICKNESS
2	NEW ROOF DRAIN LOCATION. REF: 19/A5.2
3	NEW ROOF FRAMING & SHEATHING. REF: 18/A3.3
4	NEW STRUCTURAL STEEL BEAM SECTION: TYP 10" x6" STEEL TUBE, ¼" WALL THICKNESS



16 ROOF PLAN

A2.3 : A2.3

NORTH

3/16" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING ROOF PLAN

PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA

OWNER CLOCK TOWER INN

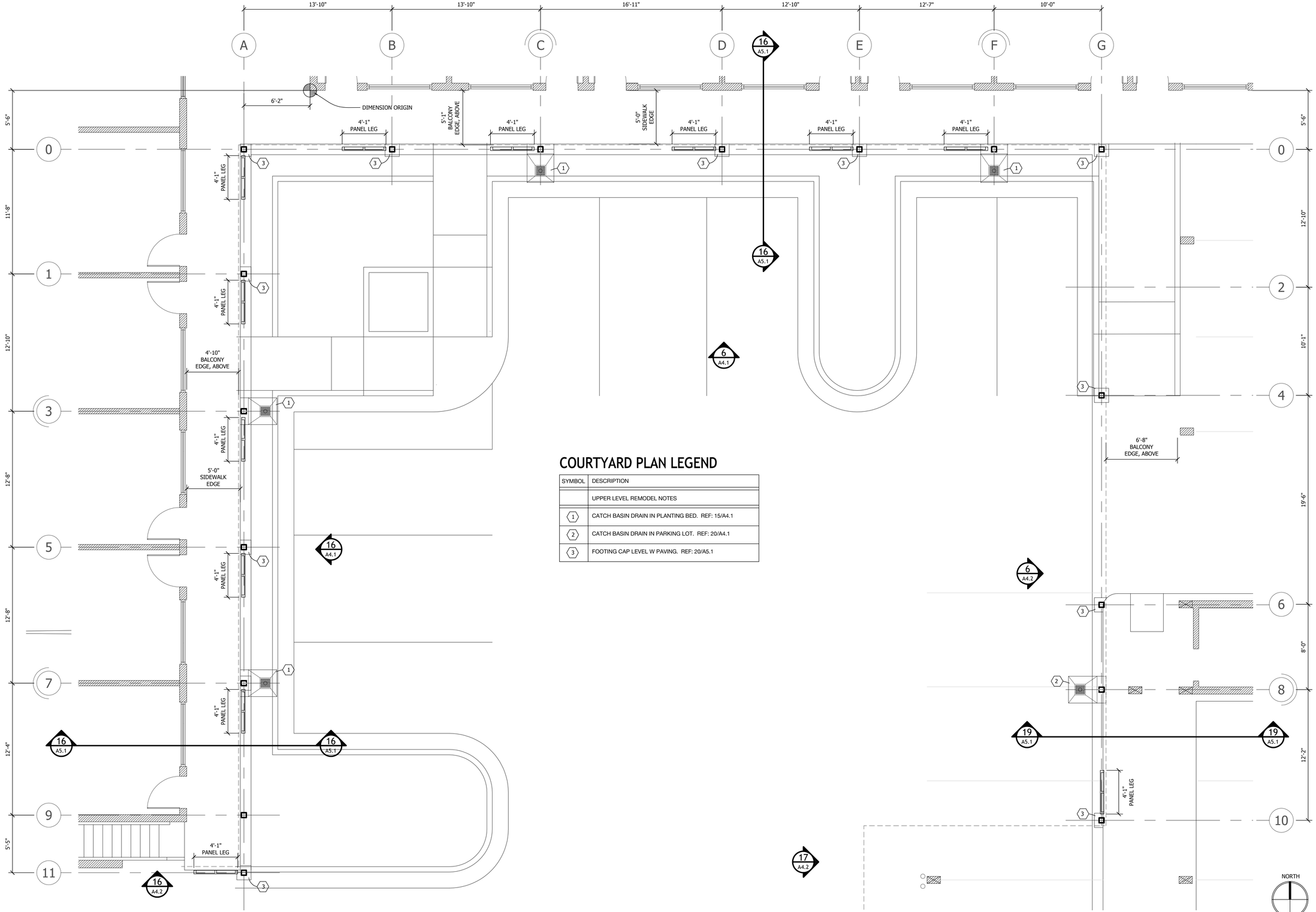
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PRINCIPAL

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blueboy@bresnan.net

A2.3



COURTYARD PLAN LEGEND

SYMBOL	DESCRIPTION
	UPPER LEVEL REMODEL NOTES
1	CATCH BASIN DRAIN IN PLANTING BED. REF: 15/A4.1
2	CATCH BASIN DRAIN IN PARKING LOT. REF: 20/A4.1
3	FOOTING CAP LEVEL W PAVING. REF: 20/A5.1

16 ENLARGED COURTYARD PLAN- GROUND LEVEL

A2.1 : A3.1

1/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING ENLARGED COURTYARD PLAN- GROUND LEVEL

PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA

OWNER CLOCK TOWER INN

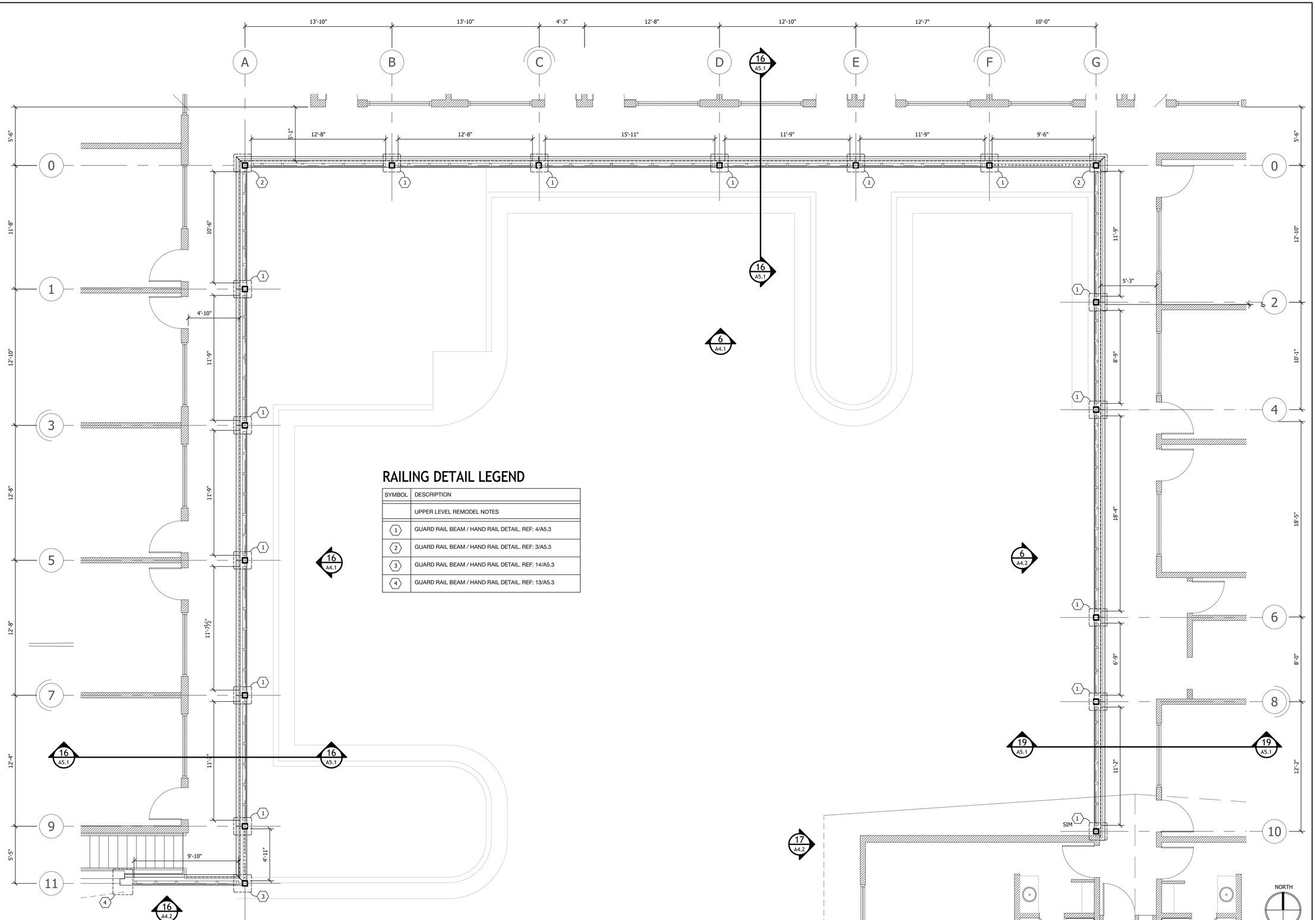
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PRINCIPAL

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blueboy@bresnan.net

A3.1



RAILING DETAIL LEGEND

SYMBOL	DESCRIPTION
	UPPER LEVEL REMODEL NOTES
1	GUARD RAIL BEAM / HAND RAIL DETAIL. REF: 4/A5.3
2	GUARD RAIL BEAM / HAND RAIL DETAIL. REF: 3/A5.3
3	GUARD RAIL BEAM / HAND RAIL DETAIL. REF: 14/A5.3
4	GUARD RAIL BEAM / HAND RAIL DETAIL. REF: 13/A5.3

16 ENLARGED COURTYARD PLAN- SECOND LEVEL

A2.2 : A3.2

1/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
16656
MONTANA
LICENSED ARCHITECT

DRAWING ENLARGED COURTYARD PLAN- SECOND LEVEL

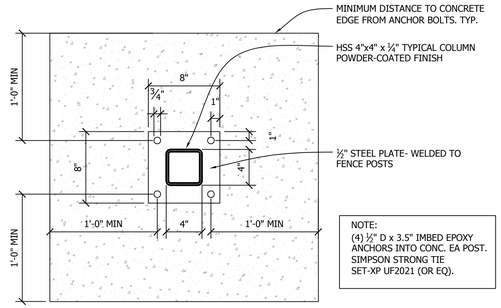
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA

OWNER CLOCK TOWER INN

PROJECT N O 14001
ISSUE DATE 8/02/2019
REVISIONS

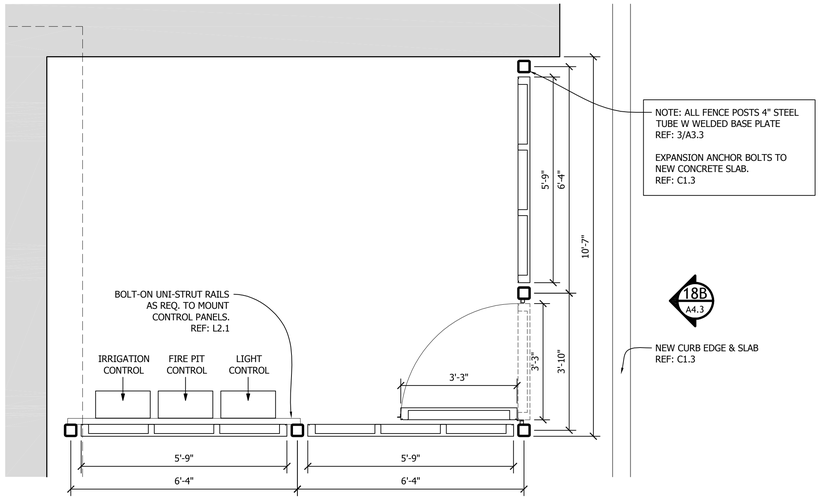
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A3.2



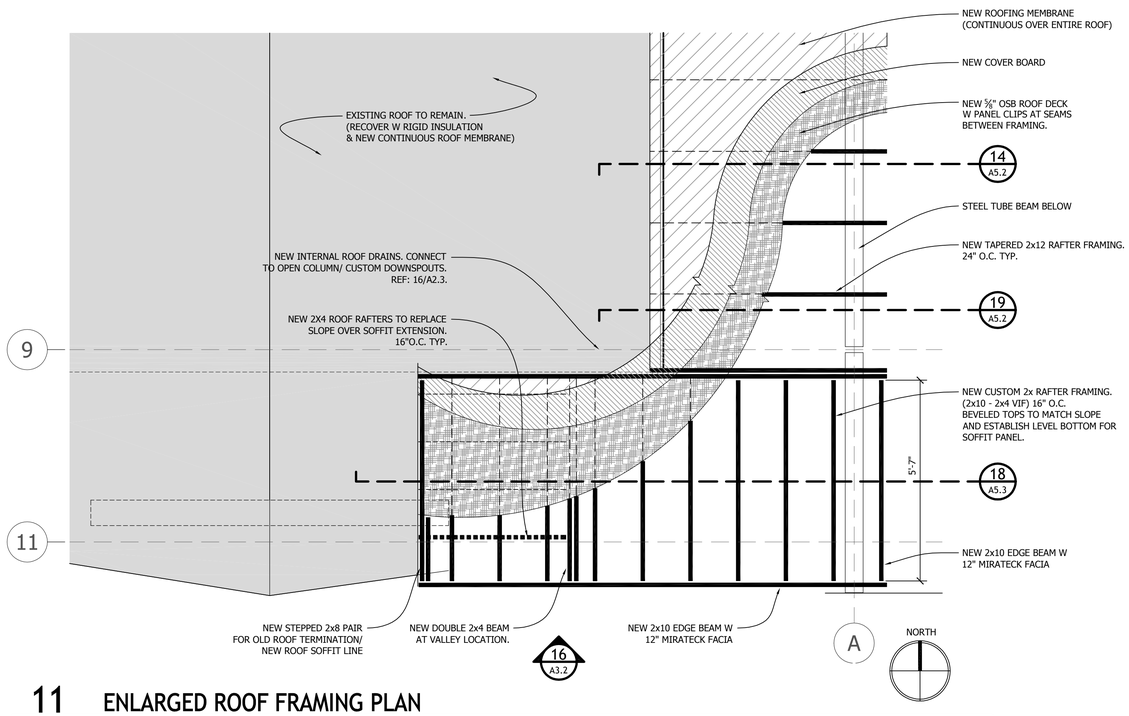
3 FENCE POST BASE PLATE

A4.3 : A3.2 — 3" = 1' - 0"



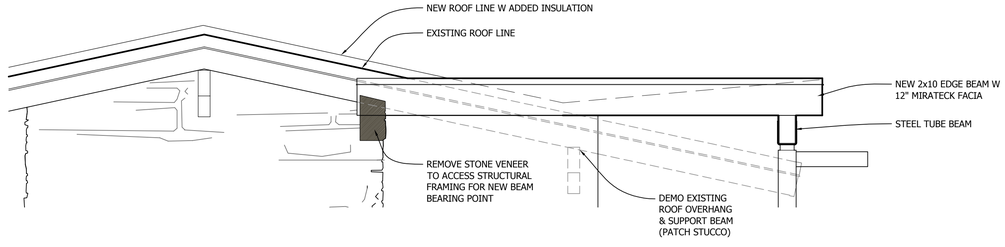
4 ENLARGED EQUIPMENT YARD PLAN

A2.1 : A3.2 — 1/2" = 1' - 0"



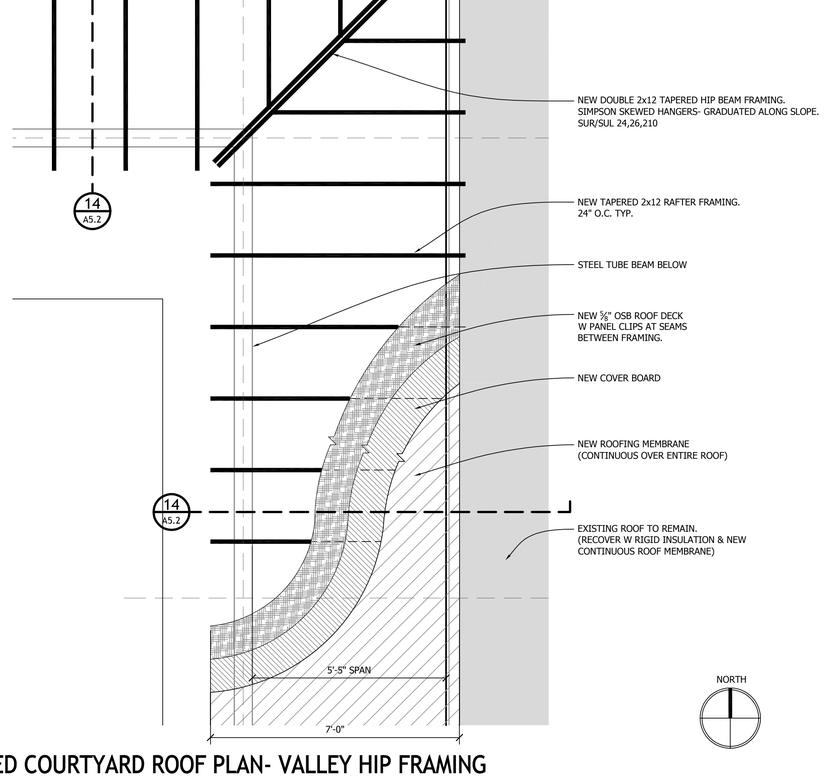
11 ENLARGED ROOF FRAMING PLAN

A2.3 : A3.2 — 1/2" = 1' - 0"



16 ENLARGED ROOF FRAMING REFERENCE ELEVATION

A2.3 : A3.2 — 1/2" = 1' - 0"



18 ENLARGED COURTYARD ROOF PLAN- VALLEY HIP FRAMING

A2.3 : A3.2 — 1/2" = 1' - 0"

STATE OF MONTANA — BILLINGS — DENNIS LYNN DEPPMEIER — 1656 — MONTANA — LICENSED ARCHITECT

STATE OF MONTANA — REGISTERED — M. MILES BORNER — 34227 — PROFESSIONAL ENGINEER

DRAWING: ROOF FRAMING DETAILS
PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/02/2019
REVISIONS

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PRINCIPAL
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MOB 406-855-1529 TEL 406-254-7328
blueboy@bresnan.net

A3.3



6 NORTH WING- SOUTH EXTERIOR ELEVATION

A2.1 : A4.1

3/16" = 1' - 0"

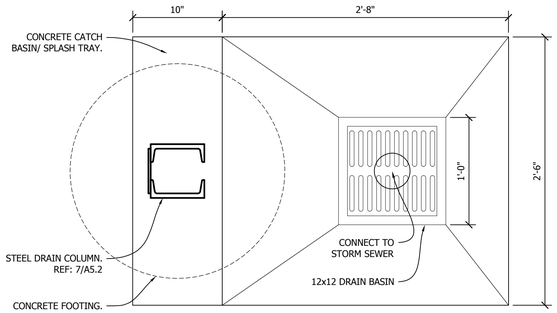
GENERAL NOTES

1. NEW STEEL STRUCTURE TO BE POWDER COATED TO MATCH EXISTING STEEL, ON SITE.

2. EXISTING CONCRETE SLAB TO REMAIN IN-TACT. LIMITED SAW CUTS FOR NEW COLUMN FOOTING FORMS TO BE REVIEWED & APPROVED BY ARCHITECT PRIOR TO EXECUTION.

3. SPRINKLER LINES FOR HANGING BASKETS TO BE INSTALLED BY OWNER, NIC.

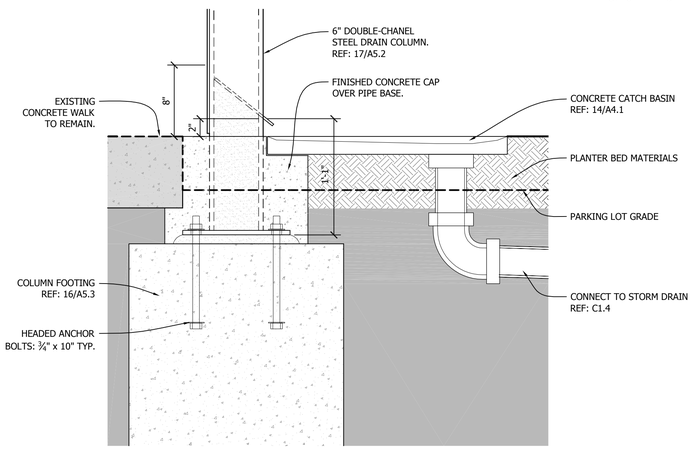
4.



14 CATCH BASIN- PLANTER DTL

A4.1 : A4.1

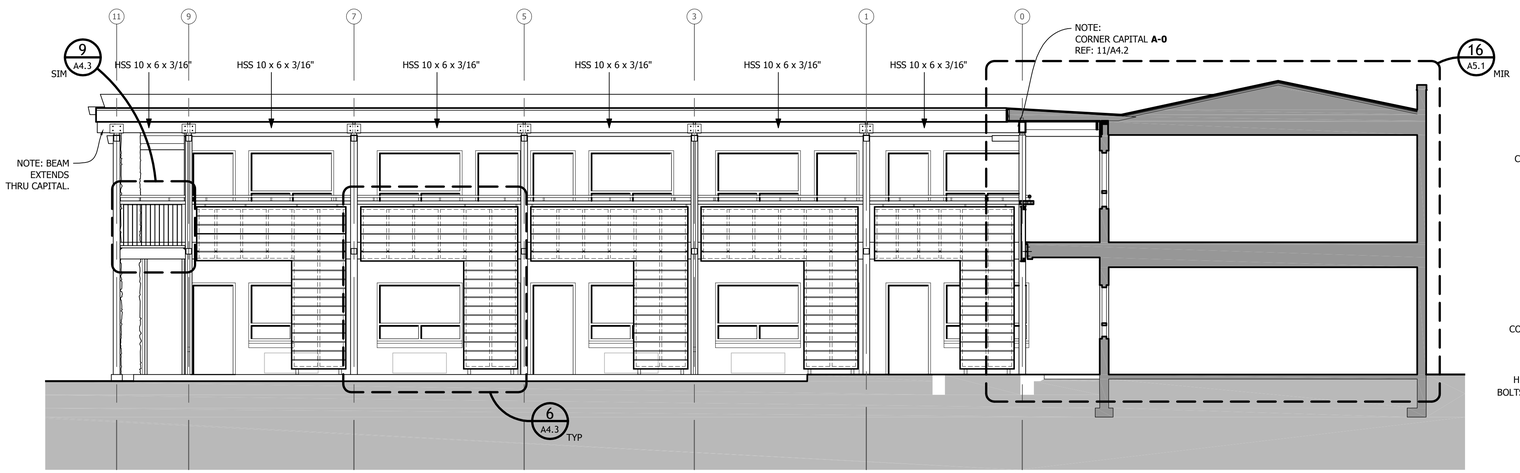
1-1/2" = 1' - 0"



15 CATCH BASIN- COLUMN BASE: PLANTER DTL

A3.1 : A4.1

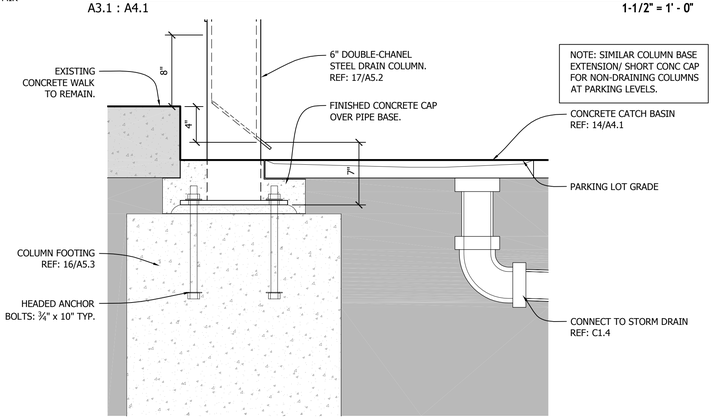
1-1/2" = 1' - 0"



16 WEST WING- EAST EXTERIOR ELEVATION

A2.1 : A4.1

3/16" = 1' - 0"



20 CATCH BASIN- COLUMN BASE: PAVING DTL

A3.1 : A4.1

1-1/2" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN
DEPPMEIER
16656
MONTANA
LICENSED ARCHITECT

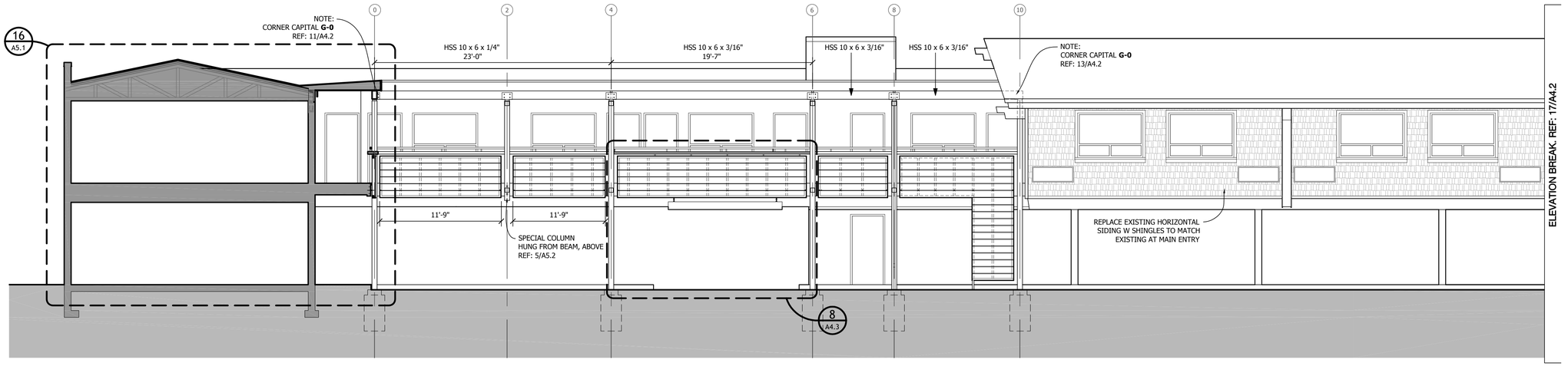
STATE OF MONTANA
W. MILES BORGES
24227
PROFESSIONAL ENGINEER

DRAWING EXTERIOR ELEVATIONS
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER CLOCK TOWER INN

PROJECT N O 14001
ISSUE DATE 8/02/2019
REVISIONS

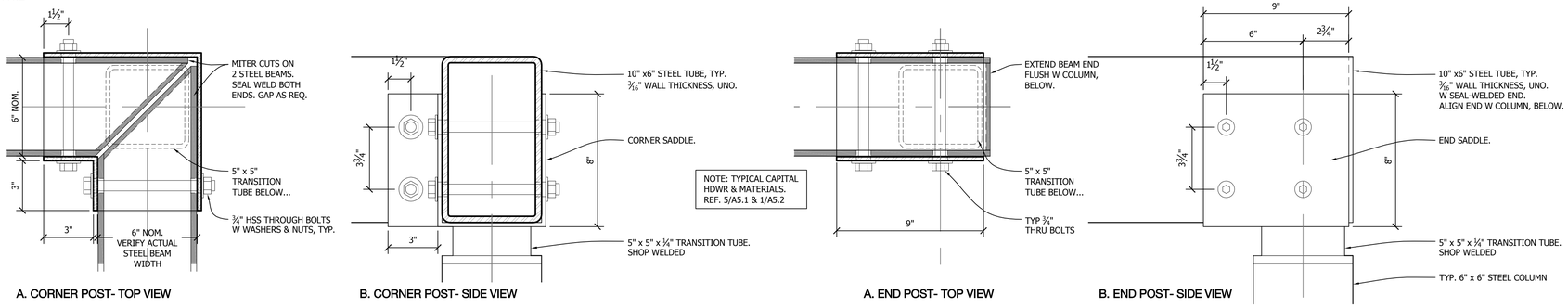
NORTH
DENNIS LYNN DEPPMEIER, AIA
PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 **TEL** 406-254-7328
blueboy@bresnan.net

A4.1



6 EAST WING- PARTIAL WEST EXTERIOR ELEVATION

A2.1 : A4.2 — 3/16" = 1' - 0"

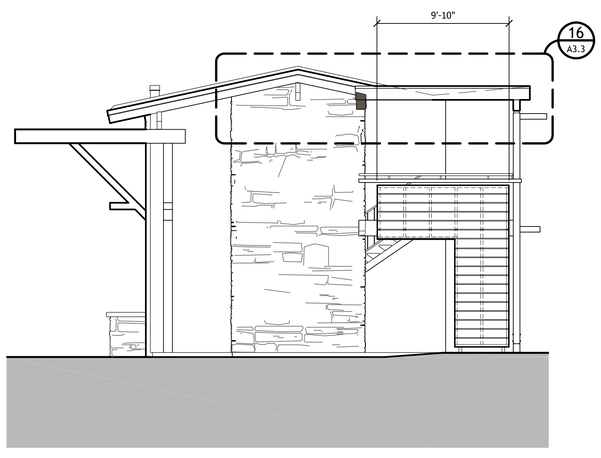


11 ATYPICAL COLUMN CAPITALS: CORNER POST

A2.1 : A4.2 — 3" = 1' - 0"

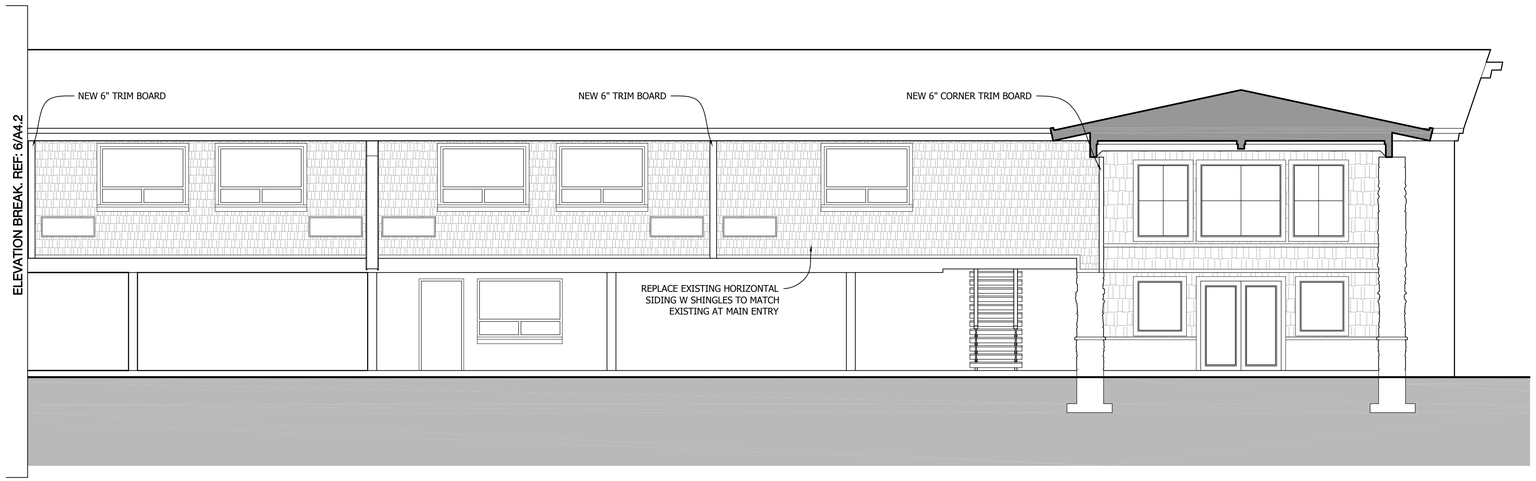
13 ATYPICAL COLUMN CAPITALS: END POST

A2.1 : A4.2 — 3" = 1' - 0"



16 WEST WING- SOUTH EXTERIOR ELEVATION

A2.1 : A4.2 — 3/16" = 1' - 0"



17 EAST WING- PARTIAL WEST EXTERIOR ELEVATION

A2.1 : A4.2 — 3/16" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN
DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

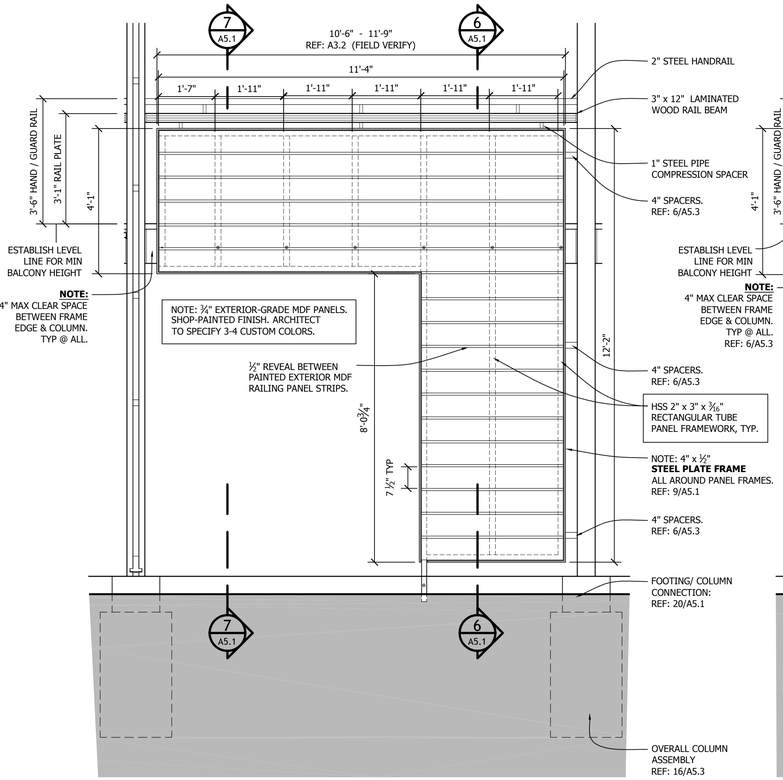
STATE OF MONTANA
W. MILES BORNES
PROFESSIONAL ENGINEER

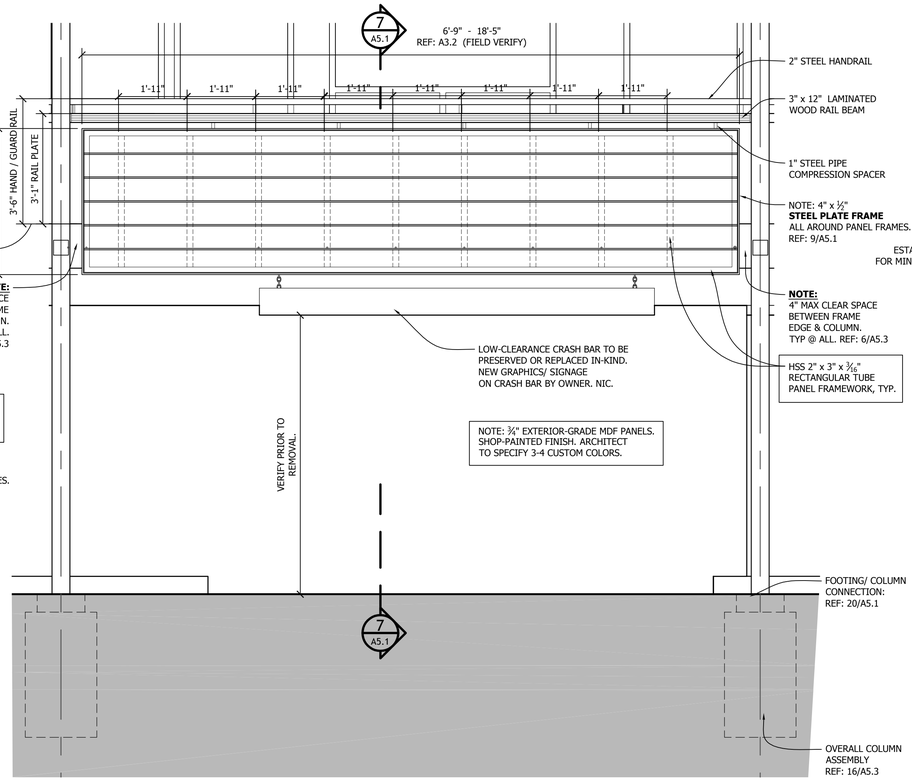
DRAWING: EXTERIOR ELEVATIONS
PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

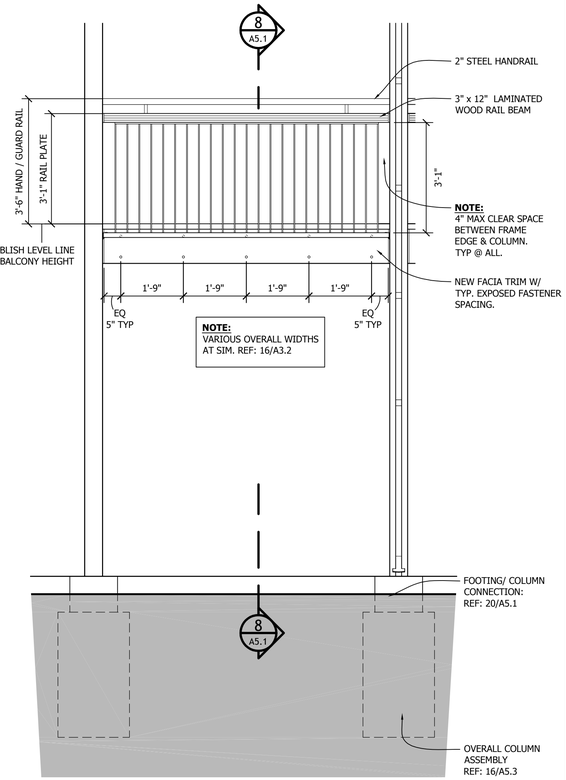
PROJECT NO 14001
ISSUE DATE 8/02/2019
REVISIONS

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MOB 406-855-1529 TEL 406-254-7328
blueboy@bresnan.net

A4.2







6 TYPICAL "L" PANEL FRAME MODULE

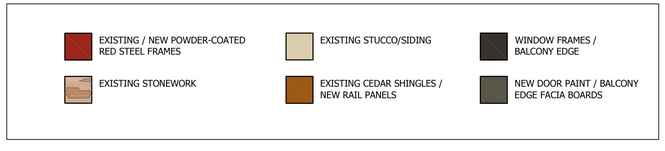
A4.2 : A4.3 — 1/2" = 1' - 0"

8 RECTANGULAR PANEL FRAME

A4.2 : A4.3 — 1/2" = 1' - 0"

9 RAILING SECTION

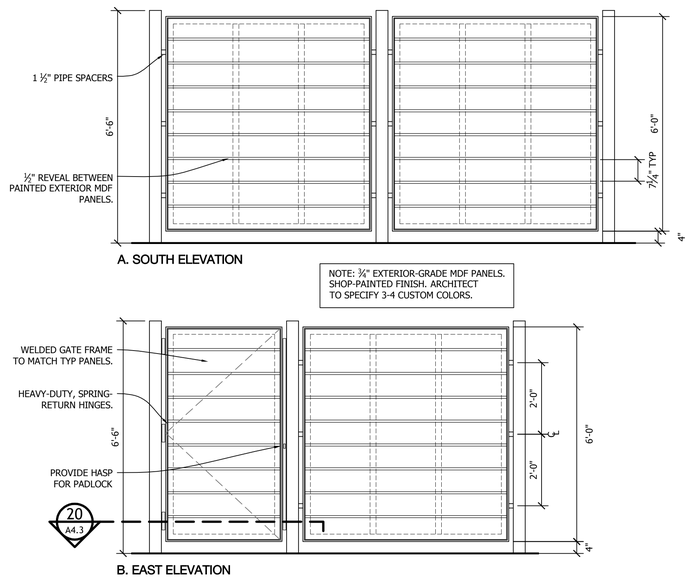
A4.2 : A4.3 — 1/2" = 1' - 0"





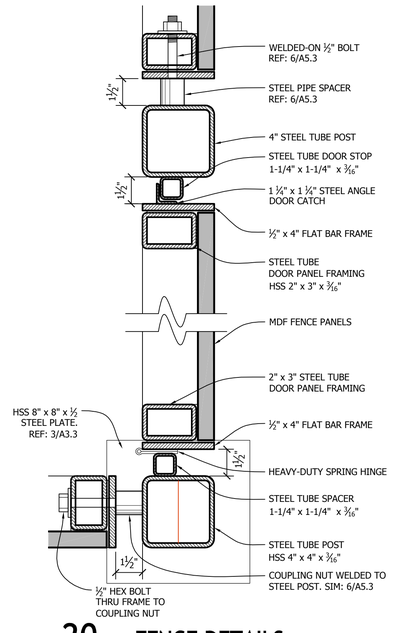
16 ELEVATION COLOR KEY

A4.1 : A4.3 — 1/8" = 1'-0"



18 UTILITY FENCE ELEVATIONS

A3.3 : A4.3 — 1/2" = 1' - 0"



20 FENCE DETAILS

A3.3 : A4.3 — 3" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
16656
MONTANA
LICENSED ARCHITECT

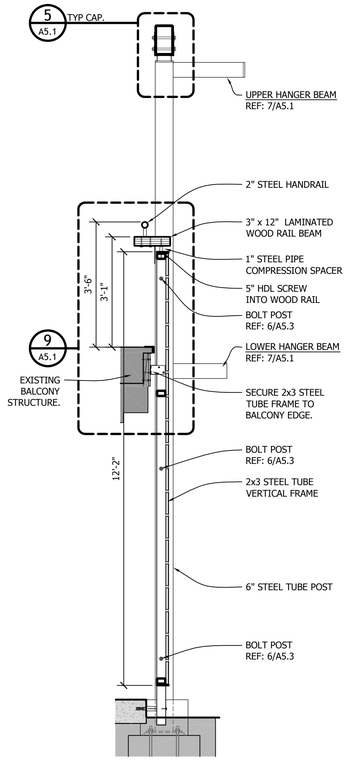
STATE OF MONTANA
REGISTERED
K. MILES BORGER
34225PE
Aug 2019
PROFESSIONAL ENGINEER

DRAWING: ELEVATION DETAILS
PROJECT: CLOCK TOWER
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/02/2019
REVISIONS

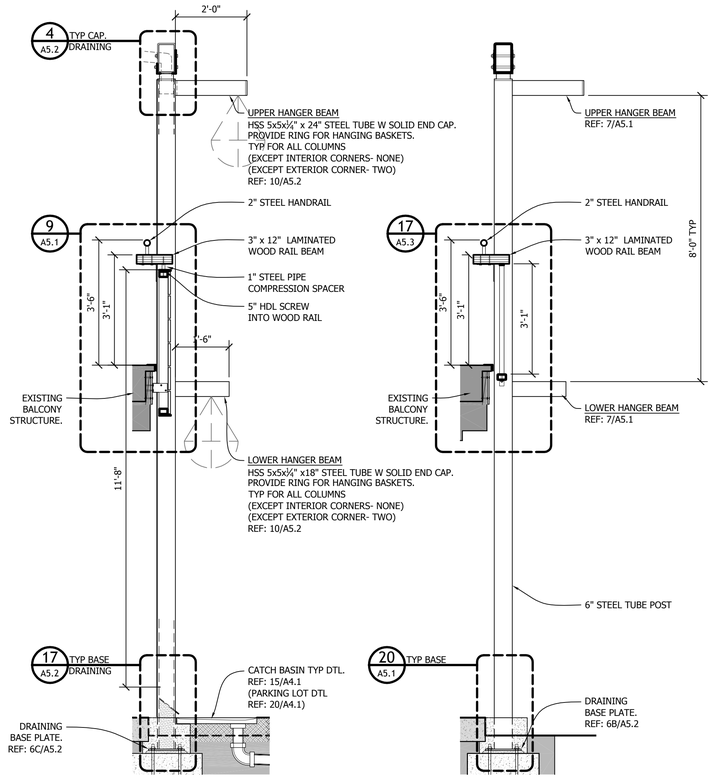
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blueboy@bresnan.net

A4.3



6 FRAME MODULE: FULL

A4.1 : A5.1 — 1/2" = 1' - 0"

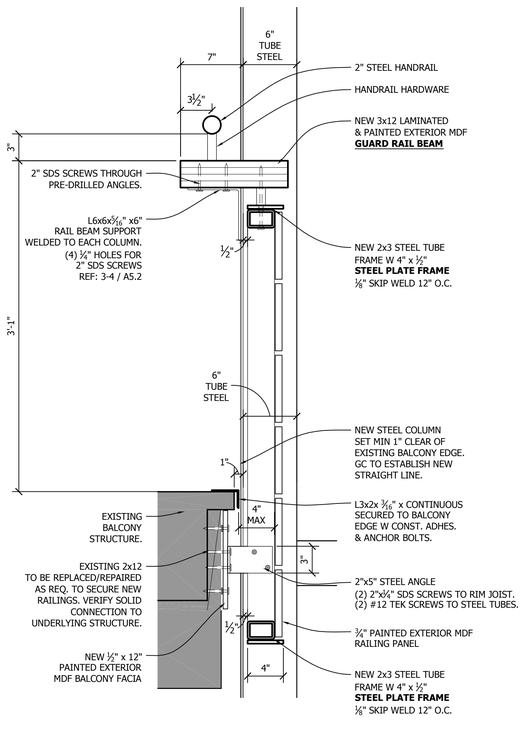


7 FRAME MODULE: UPPER

A4.1 : A5.1 — 1/2" = 1' - 0"

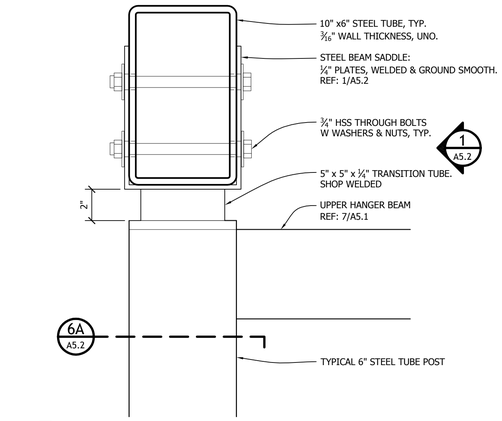
8 RAILING SECTION

A4.1 : A5.1 — 1/2" = 1' - 0"



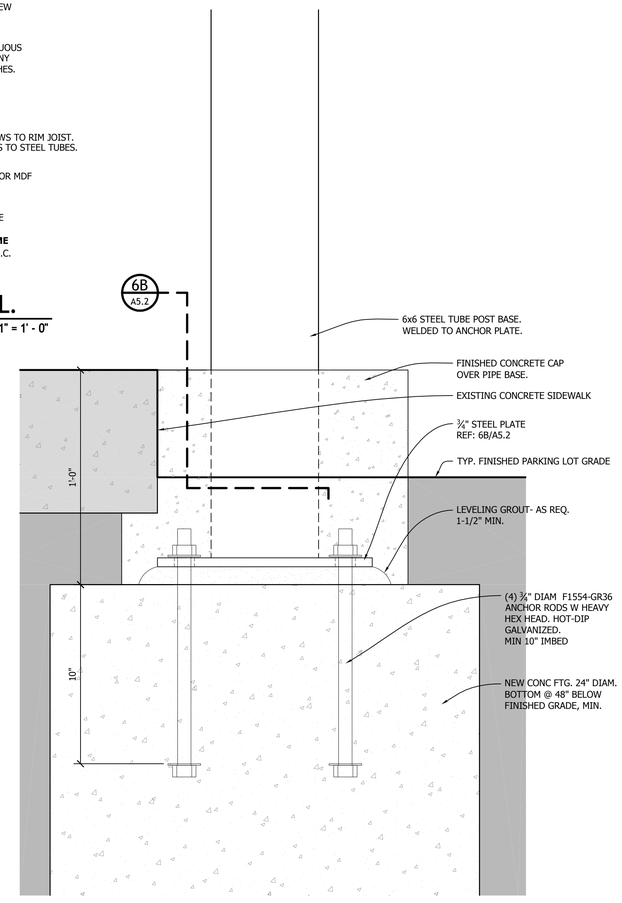
9 BALCONY-PANEL CONNECTION DTL.

A5.1 : A5.1 — 1" = 1' - 0"



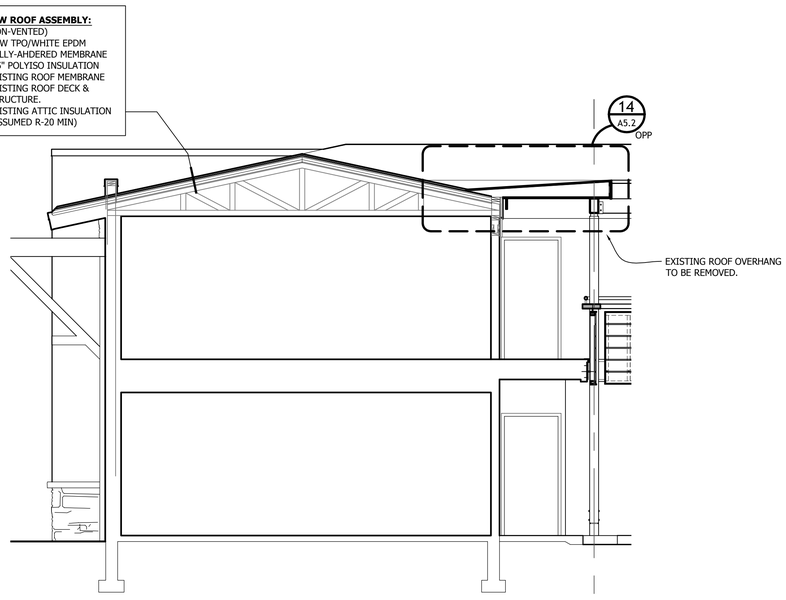
5 COLUMN CAPITAL DETAIL

A5.1 : A5.1 — 3" = 1' - 0"



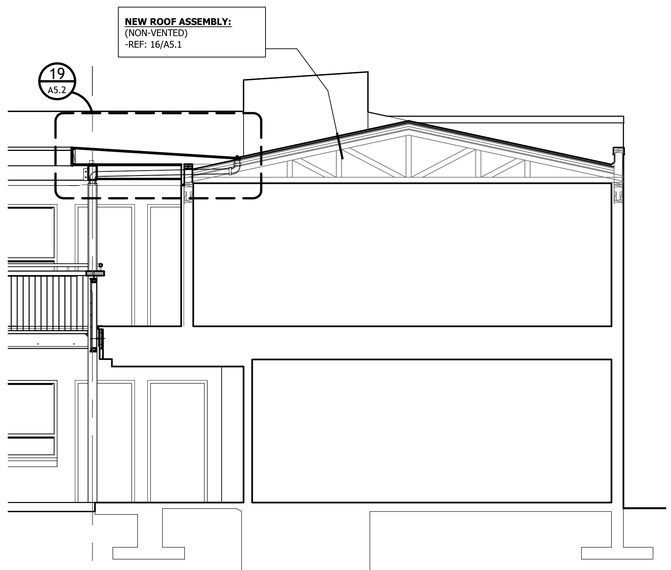
20 COLUMN BASE DETAIL

A5.1 : A5.1 — 3" = 1' - 0"



16 BUILDING SECTION

A2.1 : A5.1 — 1/4" = 1' - 0"



19 BUILDING SECTION

A2.1 : A5.1 — 1/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
16656
MONTANA
LICENSED ARCHITECT

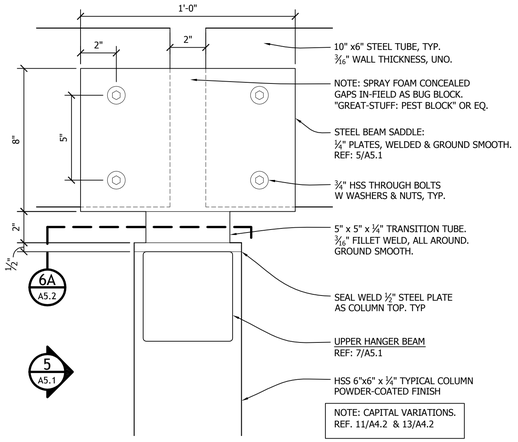
STATE OF MONTANA
REGISTERED
W. MILES BORESON
#14227
PROFESSIONAL ENGINEER

DRAWING — BUILDING SECTIONS
PROJECT — CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA
OWNER — CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/02/2019
REVISIONS

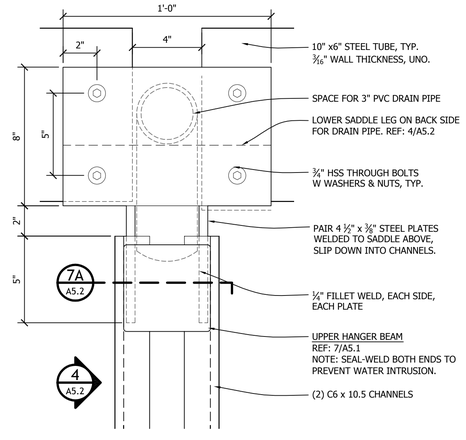
NORTH
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PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
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blueboy@bresnan.net

A5.1



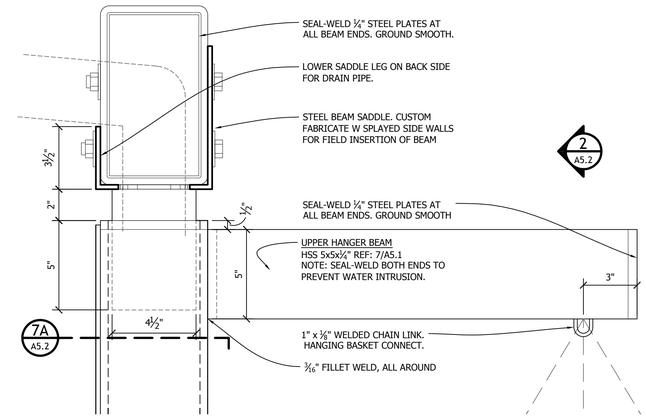
1 TYP COLUMN CAPITAL

A5.1 : A5.2 — 3" = 1' - 0"



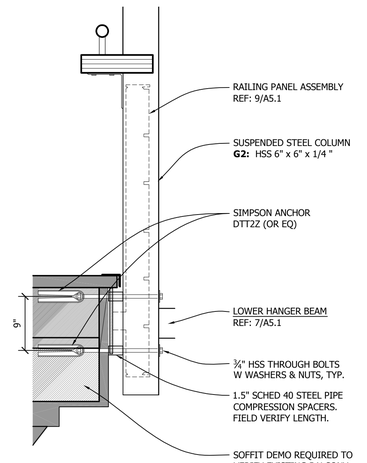
2 DRAINING COLUMN CAPITAL

A5.1 : A5.2 — 3" = 1' - 0"



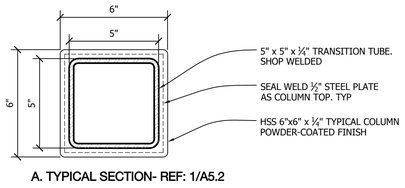
4 DRAINING COLUMN CAPITAL DETAIL

A2.1 : A5.2 — 3" = 1' - 0"

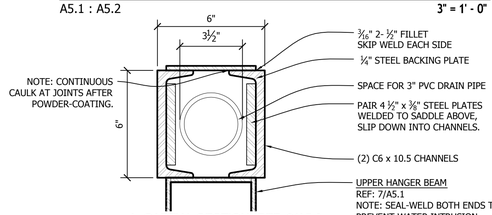


5 SPECIAL COLUMN DETAIL

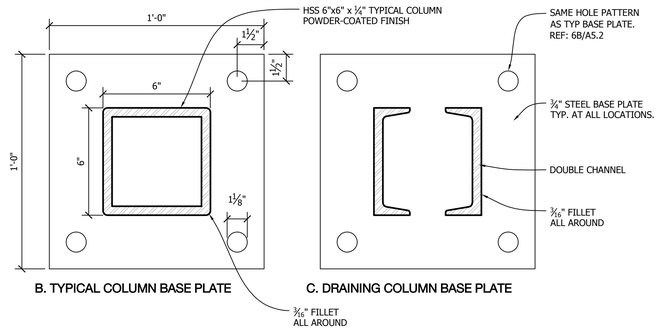
A4.2 : A5.2 — 3/4" = 1' - 0"



A. TYPICAL SECTION- REF: 1/A5.2

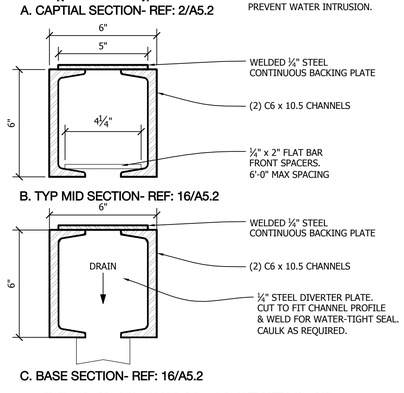


A. CAPTIAL SECTION- REF: 2/A5.2



B. TYPICAL COLUMN BASE PLATE

C. DRAINING COLUMN BASE PLATE



B. TYP MID SECTION- REF: 16/A5.2

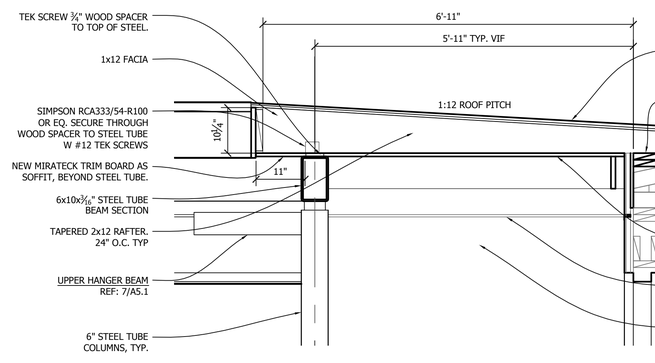
C. BASE SECTION- REF: 16/A5.2

6 COLUMN SECTIONS

A5.1 : A5.1 — 3" = 1' - 0"

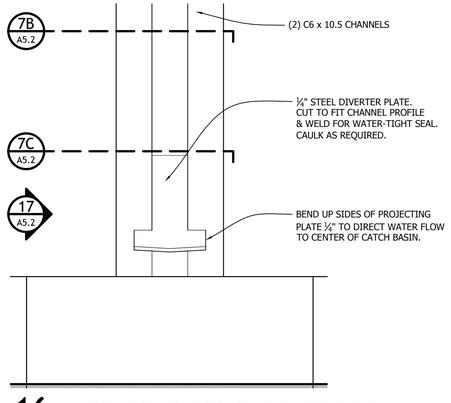
7 DRAINING COLUMN SECTIONS

A5.2 : A5.2 — 3" = 1' - 0"



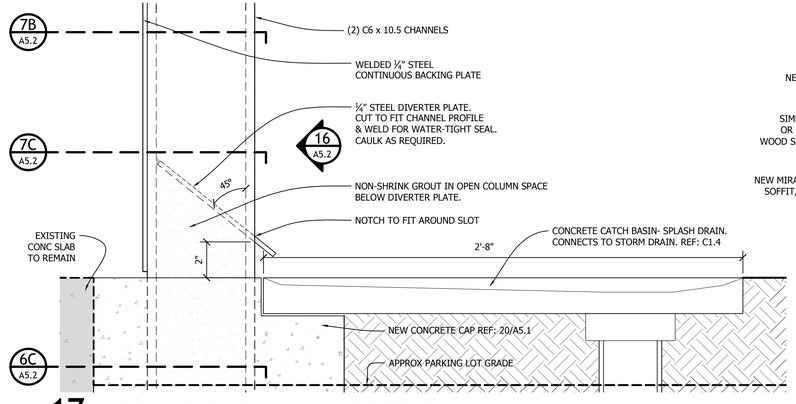
14 TYPICAL ROOF OVERLAY SECTION

A5.1 : A5.2 — 3/4" = 1' - 0"



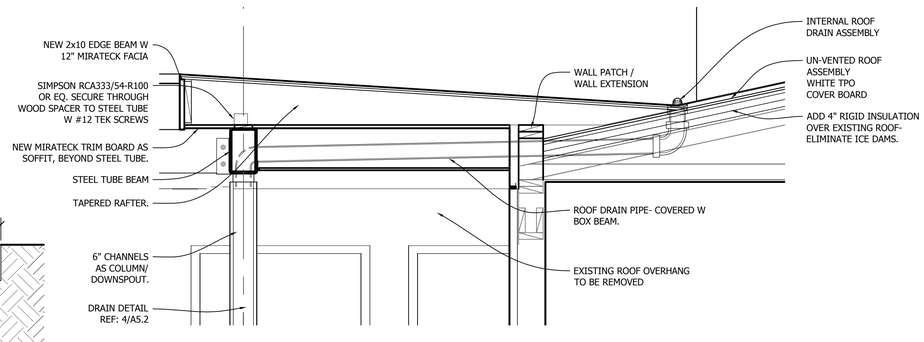
16 DRAINING COLUMN BASE DETAIL

A5.1 : A5.2 — 3" = 1' - 0"



17 DRAINING COLUMN BASE DETAIL

A5.1 : A5.2 — 3" = 1' - 0"



19 ROOF OVERLAY SECTION

A5.1 : A5.2 — 3/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
16656
LICENSED ARCHITECT
MONTANA

STATE OF MONTANA
M. MILES BORDER
PROFESSIONAL ENGINEER

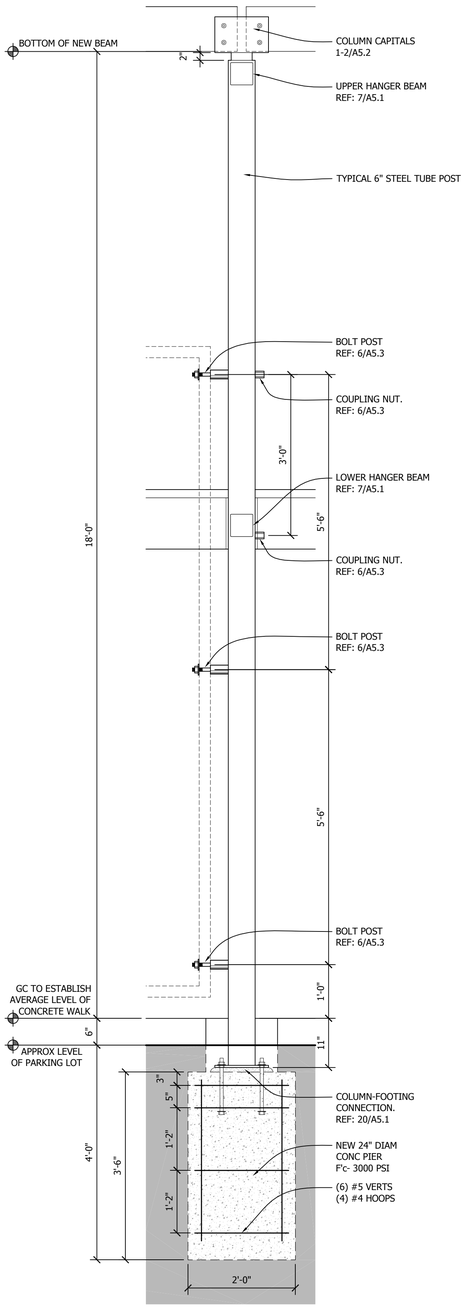
CLOCK TOWER INN COURTYARD IMPROVEMENTS

DRAWING: BUILDING SECTIONS
PROJECT: CLOCK TOWER INN
BILLINGS, MONTANA
OWNER: CLOCK TOWER INN

PROJECT N O 14001
ISSUE DATE 8/02/2019
REVISIONS

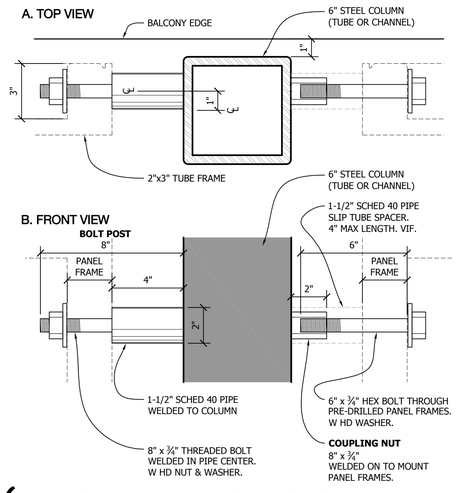
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PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
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A5.2



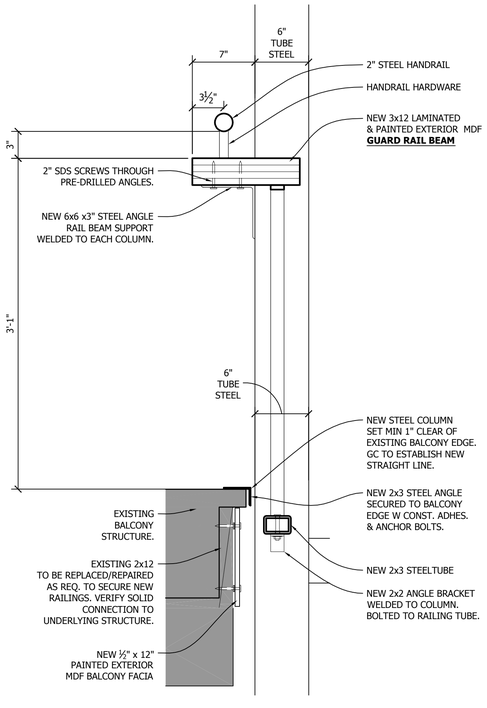
16 COLUMN CONNECTION DETAILS

A4.1 : A5.3 1/2" = 1' - 0"



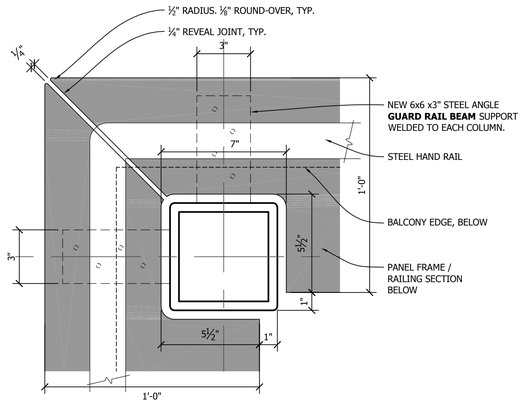
6 PANEL FRAME CONNECTION DTL

A5.3 : A5.3 1/2" = 1' - 0"



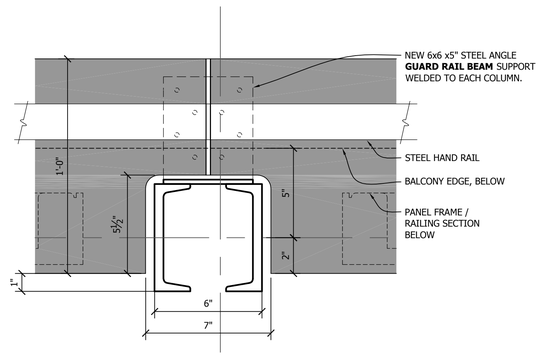
17 BALCONY-RAIL CONNECTION DTL.

A5.1 : A5.3 1" = 1' - 0"



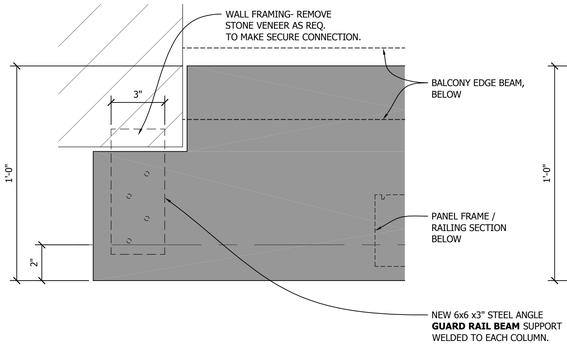
3 RAILING BEAM PLAN DETAIL

A3.2 : A5.3 3" = 1' - 0"



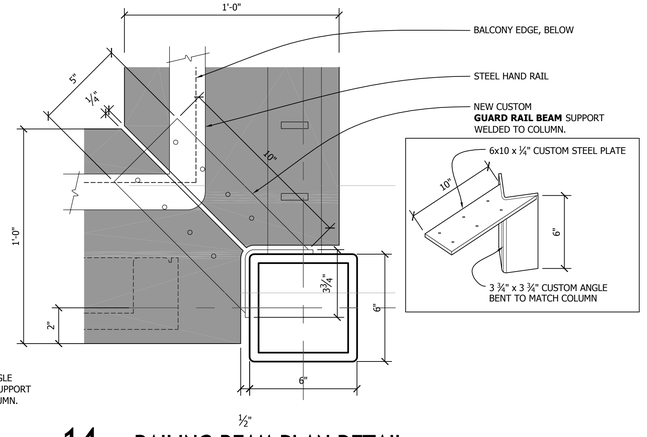
4 RAILING BEAM PLAN DETAIL

A3.2 : A5.3 3" = 1' - 0"



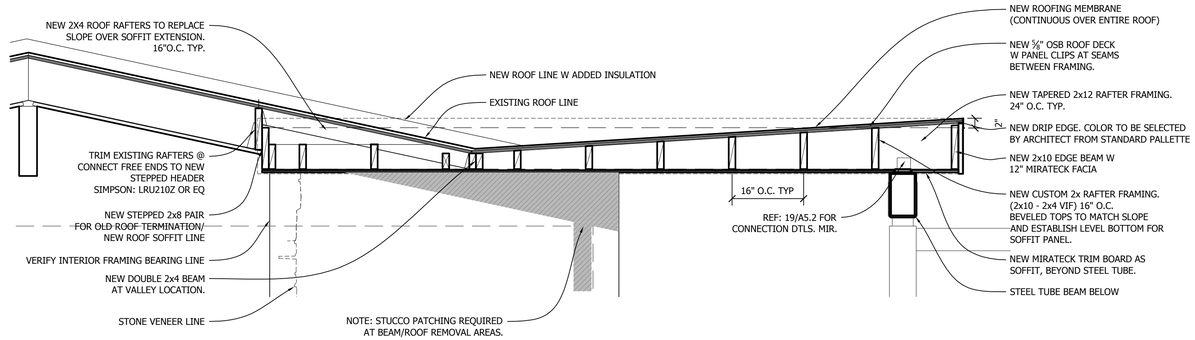
13 RAILING BEAM PLAN DETAIL

A3.2 : A5.3 3" = 1' - 0"



14 RAILING BEAM PLAN DETAIL

A3.2 : A5.3 3" = 1' - 0"



18 ENLARGED ROOF FRAMING DETAIL SECTION

A3.3 : A5.3 3/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN
DEPPMEIER
16656
MONTANA
LICENSED ARCHITECT

STATE OF MONTANA
REGISTERED
W. MILES BORGES
24229
PROFESSIONAL ENGINEER

DRAWING BUILDING SECTIONS

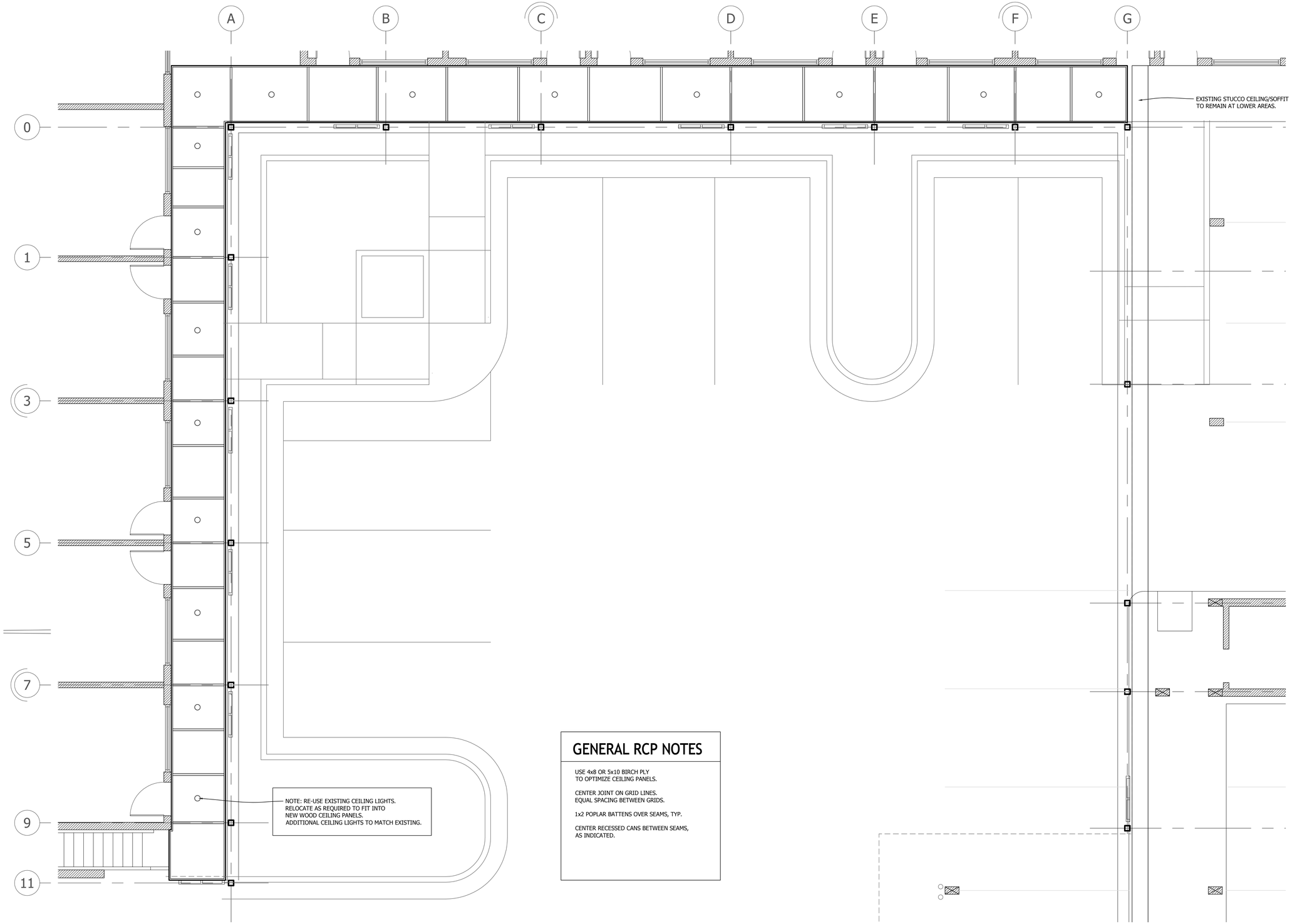
PROJECT CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA

OWNER CLOCK TOWER INN

PROJECT N O 14001
ISSUE DATE 8/02/2019
REVISIONS

NORTH
DENNIS LYNN DEPPMEIER, AIA
PRINCIPAL
128 CLARK AVE., BILLINGS, MT 59101
MOB 406-855-1529 TEL 406-254-7328
blueboy@bresnan.net

A5.3



GENERAL RCP NOTES

USE 4x8 OR 5x10 BIRCH PLY
TO OPTIMIZE CEILING PANELS.

CENTER JOINT ON GRID LINES.
EQUAL SPACING BETWEEN GRIDS.

1x2 POPLAR BATTENS OVER SEAMS, TYP.

CENTER RECESSED CANS BETWEEN SEAMS,
AS INDICATED.

16 ENLARGED COURTYARD PLAN- GROUND LEVEL SOFFIT RCP

A3.1 : A7.1

1/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

ENLARGED COURTYARD PLAN- GROUND LEVEL SOFFIT RCP

DRAWING

CLOCK TOWER INN COURTYARD IMPROVEMENTS

PROJECT
BILLINGS, MONTANA

OWNER
CLOCK TOWER INN

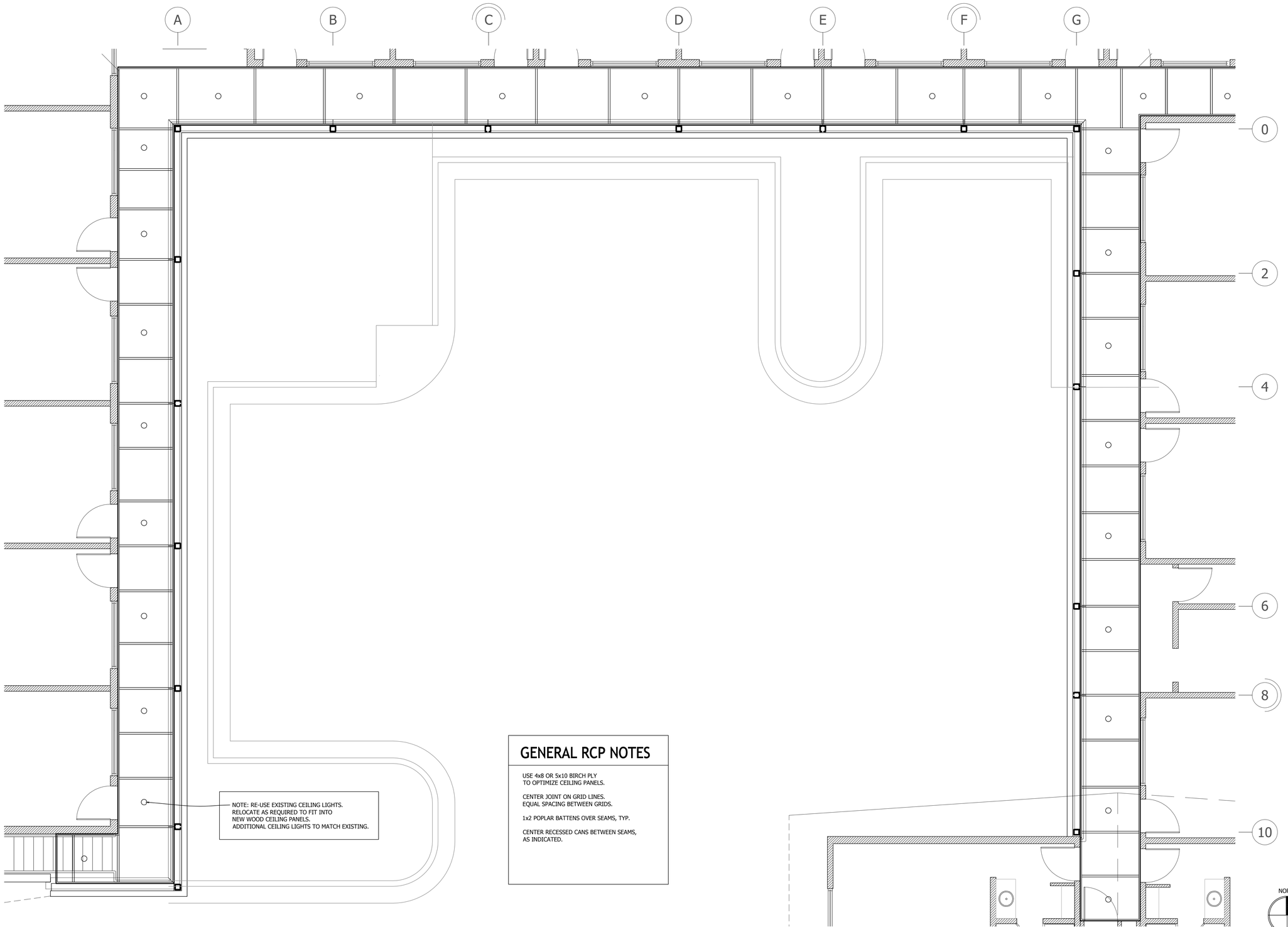
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A7.1



GENERAL RCP NOTES

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TO OPTIMIZE CEILING PANELS.

CENTER JOINT ON GRID LINES.
EQUAL SPACING BETWEEN GRIDS.

1x2 POPLAR BATTENS OVER SEAMS, TYP.

CENTER RECESSED CANS BETWEEN SEAMS,
AS INDICATED.

16 ENLARGED COURTYARD PLAN- UPPER LEVEL SOFFIT RCP

A3.2 : A7.2

1/4" = 1' - 0"

STATE OF MONTANA
BILLINGS
DENNIS LYNN DEPPMEIER
1656
MONTANA
LICENSED ARCHITECT

DRAWING: ENLARGED COURTYARD PLAN- UPPER LEVEL SOFFIT RCP

PROJECT: CLOCK TOWER INN COURTYARD IMPROVEMENTS
BILLINGS, MONTANA

OWNER: CLOCK TOWER INN

PROJECT NO 14001
ISSUE DATE 8/02/2019
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A7.2

Exterior Renovation:

Best Western Plus ClockTower Inn

November 15, 2019

Narrative Summary:

The hotel and restaurant were built in 1966 and since that time very little has done to change the exterior of the hotel. This project is geared to do several items:

1. As guests drive in – either hotel or restaurant, is their first visual would be more of a park like setting, complete with fireplace, sitting areas and landscaping. These are the 6 spots in front of Stella's Kitchen and Bakery.
2. Then as they look to the rear of the parking lot, the "motel" look would be updated to include:
    a. Breaking up the parking and adding landscape islands – we do not lose any parking just modify what we have.
    b. Redo the roof line – We'll be removing about 8' of the existing roof on the entry door side, creating a gutter/trough, and adding back the 8' of roof but tilting upward vs. the old motel look. This roof line will entail a fair amount of support columns – very similar to the steel work we completed on 26th street about 6 years ago.
    c. The final aspect of this is to provide of softening of the rooms with a screening detail.

The best example of what we're looking at doing the is the Lark in Bozeman – www.larkbozeman.com. Not the addition but the original Imperial 400 motel.

Sources and Uses Budget: Cost of the project $650,000 - $700,000. We've received two bids in this range. We are currently have plans into the city for a building permit and of the bids we have selected a preliminary local contractor. Detailed costs will be provided once we are under contract.

Timeline: - Our goal is to complete this project prior to our busy season. We anticipate breaking ground/ demolition mid-late January and complete the project in 64-76 days. The only item not anticipated to be completed is the additional landscape, which will be completed once the weather is appropriate.

THE WHY

For over 50 years the Ponderosa/ClockTower Inn has stood here with virtually no change to the exterior. Yes in 2006 we added the Tower on first street and in 2011 we enhanced the 26th street side of the building – this was done to enhance the view from the $60 million dollar plus Federal Courthouse, but virtually nothing has been done to the interior parking area and façade of the hotel. So, what happens now when guests arrive, they pull in and immediately think: Is this a dingy old motel and or is the area safe?

The other area to address is in front of Stella's, creating an urban greenspace. By removing 5 parking stalls and adding a more park like setting provides a visual that is very different than any other place in downtown. We just happened to do it in our parking lot. We see using this area for mini entertainment i.e.; Sunday morning jazz – of course weather permitting or Christmas carolers during the holiday season or maybe just a place to site and relax.

Doing these two items does several items:

1. It starts extending the perception of downtown – downtown is more than just 2 blocks between 1st Ave N and 2nd Ave N. and 27th and 28th street.
2. Since Stella's does a lot of local business it helps with the perception that downtown is safe and inviting.
3. Finally, it provides for an updated looking building on the east side of 27th Street. Right now, we are lacking any innovation on this side of 27th street. We need to ensure that both local and out of town travelers are aware that our downtown is more than a block here and a block there.

What building east of 27th street and West of 22nd St has done any meaningful exterior renovation that impacts locals and travelers? We see this as a major step in broadening the term of downtown.

Each Best Western® branded hotel is independently owned and operated.

CONTINUATION PAGE

PROJECT: Clock Tower Inn Court Yard Improvements

APPLICATION #:
DATE OF APPLICATION:
PERIOD THRU:
PROJECT #s:

Payment Application containing Contractor's signature is attached.

A	B	C	D	E	F	G		H	I
			COMPLETED WORK						
ITEM #	WORK DESCRIPTION	SCHEDULED AMOUNT	AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD	STORED MATERIALS (NOT IN D OR E)	TOTAL COMPLETED AND STORED (D + E + F)	% COMP. (G/C)	BALANCE TO COMPLETION	RETAINAGE (If variable)
1	Insurance	$5,646.00				$0.00		$5,646.00	
2	General Conditions	$35,664.00				$0.00		$35,664.00	
3	Sitework	$133,736.00				$0.00		$133,736.00	
4	Concrete	$3,745.00				$0.00		$3,745.00	
5	Metal	$132,252.00				$0.00		$132,252.00	
6	Carpentry	$77,040.00				$0.00		$77,040.00	
7	Moisture -Thermal	$83,647.00				$0.00		$83,647.00	
8	Finishes	$14,980.00				$0.00		$14,980.00	
9	Specialties	$663.00				$0.00		$663.00	
10	Mechanical	$8,185.00				$0.00		$8,185.00	
11	Electrical	$5,318.00				$0.00		$5,318.00	
12	Alternate #1 - Patio	$148,965.00				$0.00		$148,965.00	
	TOTALS	$649,841.00	$0.00	$0.00	$0.00	$0.00	0%	$649,841.00	$0.00

122
LARK

DBP Board Meeting
February 28, 2020
7:30 am, GW Building

ATTENDED:							
Andy Patten	Norm McDonald	Marguerite Jodry	Steve Wahrlich	Ethan Kanning	Dave Fishbaugh	Kevin Iffland	Jock West
Sam Merrick	Chris Montague	Sean Lynch	Jana Hafer	Joni Harman	Kim Olsen	Denis Pitman	Ignacio Barrón Viela
Katy Easton	Mehmet Casey	James Chandler	Emily Meick	**GUESTS:**	Wyeth Friday	Randy Hafer	Tim Tevlin
ABSENT:							
Steve Arveschoug	Steve Tostenrud	Zach Dunn	Penny Ronning				

1. **Call to Order and Introductions** – Mr. Patten called the meeting to order at 7:29 am and introduced Mr. Tevlin, the new SBURA leader.
2. **Regular Agenda**
    a. **Minutes – January 24, 2020** – Mr. Wahrlich made a motion to approve minutes. Seconded by Mr. Miller and approved by all.
    b. DBP Staff Update
        i. **Development Director** – Mr. Casey traveled to Helena with Mr. Friday to meet the Montana TIF working group. Development agreements for the TIF projects recently approved by Council are being reviewed by the attorney. Mr. Casey has established a better communication with the Gazette to help dispel inaccuracies. He recently toured ABT and he's received some final pieces for that agreement. He and Mr. Headlee are working on marketing for a recruitment packet.
            1. Mr. Wahrlich suggested reaching out to legislative candidates about TIF and starting now with educational pieces.
                a. Ms. Easton reminded all that the DBP board cannot endorse a candidate, but it can help educate.
            2. Mr. Montague asked about the new TIF district.
                a. Mr. Casey has reached out and a petition was turned in with four signatures.
                b. Mr. Iffland will meet with Mr. Fagg on Monday. The blight portion remains unclear. The area would either be annexed or a new district. The City remains neutral, because there isn't enough information yet.
                    i. Ms. Easton said the DBA is also neutral and she wonders if it's worth the time and effort. Annexation won't reset the base, as their section would start a new base. Mr. Iffland's point is important: Can a new boundary be identified, and does it contain enough blight?
        ii. **CEO** – Ms. Easton's working to finalize bonding a project to extend the lifespan of the TIF district. She's looking at bonding street conversions on N. 29th and N. 30th, which would allow for the capture of an additional 15 million dollars at the end of its lifespan. She's worked closely with City staff to determine a project that could be executed quickly. They have also looked at possibly financing City Hall in the Stillwater building. The next step for street conversions is to move forward to Council. DBA staff help bolster buy-in and spread information. Everyone, including Council, is fairly positive about the project and the benefits are good.
            1. Mr. Iffland said the Stillwater building is just a thought currently. They're in premature negotiations and waiting for more significant information.
            2. Mr. Wahrlich suggested looking at N. 26th as the next street to convert.
    c. **Financials** – Mr. Casey provided a handout and explained that nothing major changed since last meeting with typical expenses. Ms. Easton spoke of a hail claim on the roof of Yesteryears, which will likely start with good weather. The claim isn't for the entire roof but smaller identified sections that need fixed to extend the continued life of the building.

3. **Old Business**
    a. **Stillwater Update** – Ms. Easton spoke of a lunch with Mr. Holden that was set up by Mr. Pitman. She expected to talk and feel him out, but it didn't go as expected. He doesn't plan to bring a lawsuit, but he plans to go to the Gazette about an agenda against him. Ms. Easton has a letter from the attorney, and she feels comfortable sending it. There's a low risk of litigation, but the board isn't free of that possibility.
        i. Mr. Pitman said resolving the issue is the best way forward. Mr. Holden could be a good partner.
        ii. Mr. Iffland suggested approaching City Council at the next business meeting with the letter to be dissolved because it was approved by Council.
        iii. Mr. Wahrlich suggested putting Mr. Holden in good light. It's a success for downtown, because he was able to complete the project on his own.
4. **New Business**
5. **Action Items**
    a. **TIF Policy Packet** – Ms. Easton provided binders with backup documents for TIF policy for the board, City Council, and anyone interested in applying. Grant applications have been emailed. With this binder, the board is ready to start fresh with a structured program. There are five different grant applications to review: CPTED, Sign applications, Façade applications, Technical Assistance grants, and Large Projects. They have been reviewed and commented on by the Development Committee and some board members. Ms. Easton would like to create a quarterly grant cycle and she would appreciate board input.
        i. Ms. Jodry did not receive the emailed applications.
        ii. **Presentation** – Mr. Hafer gave a short presentation as a developer on smaller TIF programs to make them more defined and predictable. thinks smaller project should be 1:1 match instead of 5:1 due to size and because it's not necessarily an incentive. In his opinion, Feasibility/Technical Assistance grants were the most successful and allowed owners to consider older buildings. The process needs to be easier. In terms of a large projects, he needs predictability and a schedule for several big projects currently downtown. The binder helps and provides transparency, but it should be a value evaluation to determine if a project is contributing to the goals of downtown. He provided a handout with a value chart and ratios that increase with project size.
            1. Ms. Easton appreciates Mr. Hafer's effort. She doesn't think it will be decided right now. She proposed that either the board start the grant cycle in April or take slower steps and start accepting applications in FY21. She suggested taking this back to the Development Committee to spend some time diving in. There would be an opportunity in March to bring it back to the board.
                a. Mr. Hafer said he's willing to wait. If the board could take time, it would be better for everyone to help determine funding. He thinks it should go to Council, so they understand the process.
                b. Mr. Casey isn't opposed to matching on smaller projects; however, it currently corresponds with City TIF policy.
                c. Mr. Montague and Ms. Olsen both agree that the board shouldn't rush.
                d. Mr. Lynch thinks it should go through to complete the process.
    b. **Recommendation for 2511 1st Ave. N.** – Mr. Casey gave a brief overview of the project, which would enhance the façade and improve the point of entry into the Clocktower Inn, as well as extending the vibrancy of downtown east of N. 27th. DBP Staff and Development Committee recommend approval of this project by the Board of Directors with the following contingencies:
        i. Fund 203 will encumber up to $116,000 to be disbursed in FY21.
        ii. DBP and Clocktower Inn, LLC must sign a development agreement or award letter within 90 days of Council approval.
        iii. This TIFD reimbursement is the maximum that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.

iv. If the project is not complete by June 30, 2020 or funds are not available, reimbursement will be carried into FY22.
    1. Mr. Wahrlich asked if he should leave and Mr. Patten said he could stay.
    2. Ms. Hafer thinks it's important to include financials to see matching amounts.
        a. Mr. Wahrlich said $700,000 is the total cost. If the project doesn't get done by summer 2020, he would miss the summer window. It's a time-sensitive project.
    3. Ms. Jodry struggles to see property as blighted but understands the outdated exterior. It would help to better understand how it promotes connectivity and improves the pedestrian experience.
        a. Mr. Wahrlich said there's a consistent number of people walking through the property with multiple points of entry.
    4. Mr. Merrick made a motion to approve the project with the contingencies laid out by the Development Committee. Seconded by Ms. Harman.
        a. Ms. Easton spoke of re-educating Council about what applies as public benefit. If this goes to Council, Mr. Wahrlich could help formulate that conversation.
        b. Mr. West struggles with the perception that downtown is unsafe and welcoming. If the project helps make it more welcoming, then he's for it.
        c. Motion approved by all. Mr. Wahrlich abstained from voting.

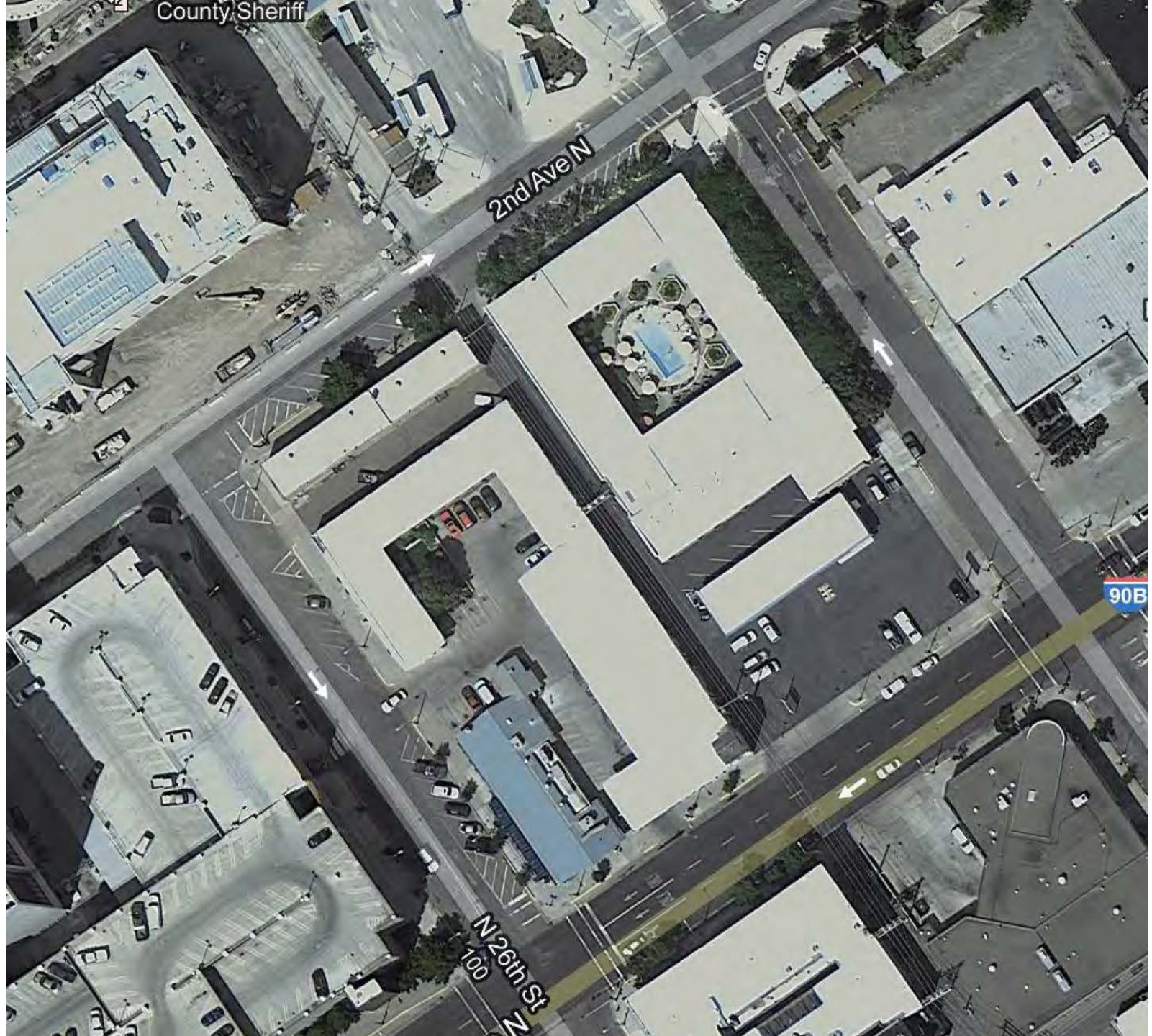
c. **Recommendation for 14 N. 29th Street** – Mr. Casey gave a brief overview of the technical assistance grant, which would include a grandfathered 1:1 match. DBP Staff and Development Committee do not recommend approval of this project by the Board of Directors due to the following reasons:
    i. Applicant has already indicated that he would come back for more TIFD dollars for the actual project, which the committee eagerly welcomes.
    ii. Expenses of the study can be used as part of the total private investment in the 5:1 match later of if the applicant applies changes soon and requests TIFD dollars toward the project.
    iii. While ask is nominal to the amount of taxes the owner had been paying over the course of twenty-plus years, what happens if a study is funded but ultimately the owner decided he cannot afford the project?
    iv. A feasibility study may not be the best use of TIFD money due to lack of visibility.
        1. Mr. Hafer said there's currently no defined technical assistance program, which didn't guarantee anything because there wasn't anything to work from. He didn't hear the decision until he asked. He said studies are completed upfront to determine project feasibility and it's not an invisible process. He feels as though it wasn't properly addressed. The building owner will pull it off any, because the project is important. Definition is critical.
            a. Mr. Patten asked if a study would relate to the structural integrity of a building.
                i. Mr. Hafer said yes, but it's not the only aspect. It could help with the entire financials of a project.
        2. Mr. Lynch asked if there's a defined policy. He's unsure of how Council might react without definition.
            a. Ms. Easton said one currently doesn't exist, but it has previously. This project was grandfathered in and the last one in this manner.
        3. Ms. Hafer said the applicant wasn't invited to state his case. If it wasn't a 1:1 in the past, the board should look at what was done.
            a. Mr. Casey said the applicant isn't presenting today. The last two applicants requested to be in attendance. He's unsure how to approach the recommendation not to move forward. It must come to the board first, because it can be modified or changed, and this is part of the cleanup and the binder.

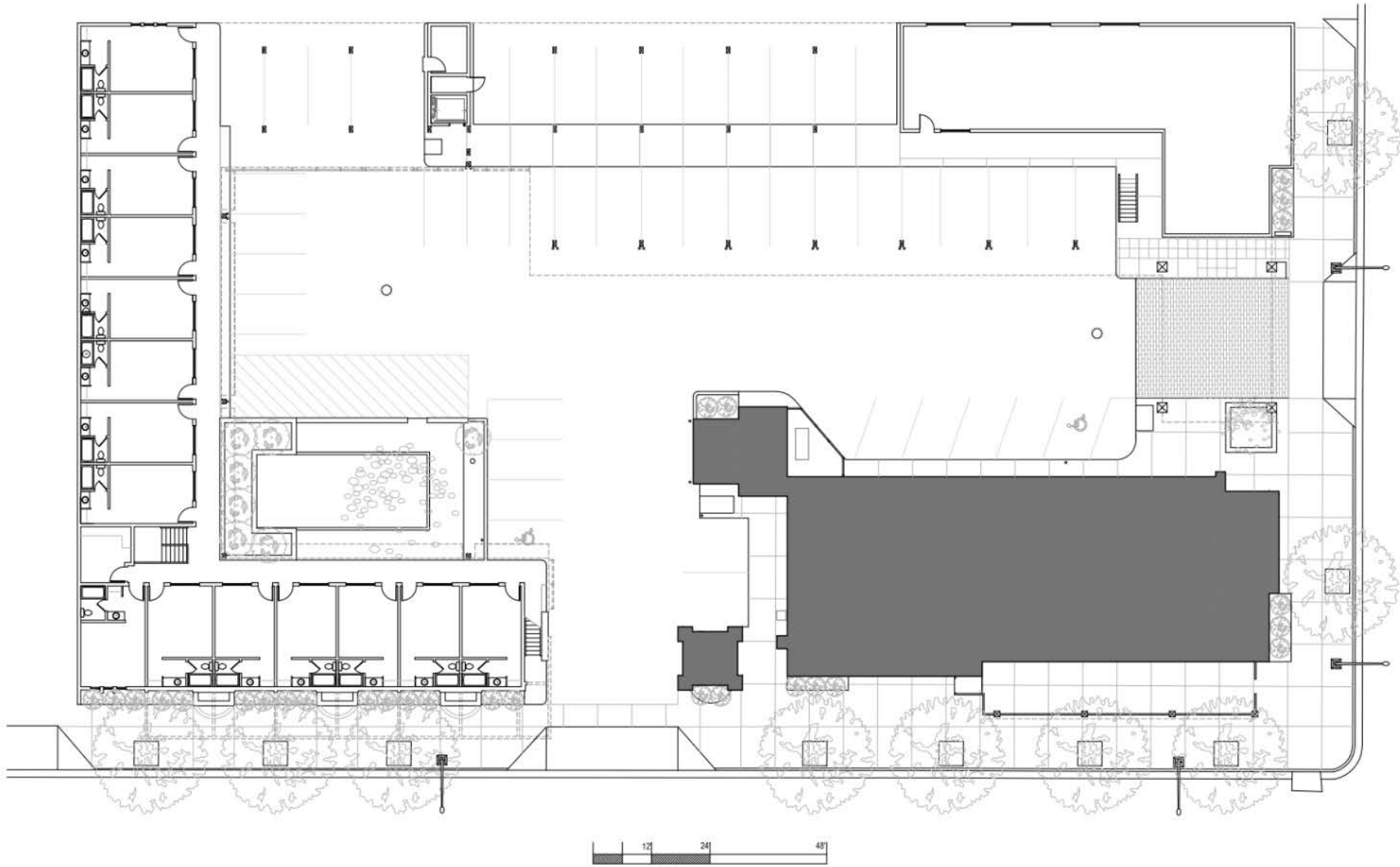
4. Mr. Fishbaugh said projects were grandfathered and the feasibility study falls into plans for July 1. He asked if it's outside the board's plan.
    a. Ms. Easton said no, it's not outside but it was part of a group that applied before. The it was nebulous, and the binder is part of clarifying the process.
5. Ms. Olsen said it's good that the board is focusing on improving these programs, but the board isn't evaluating on past technical assistance grants.
6. Mr. Lynch made a motion to follow the recommendation of DBP Staff and Development Committee. Seconded by Mr. West.
    a. Ms. Jodry asked if the applicant could come back in July when the process is finalized.
        i. Mr. Casey said yes, and it was communicated to the applicant.
    b. Ms. Hafer feels as though the applicant wasn't treated fairly. He didn't know he could attend the meeting.
        i. Mr. Casey apologized for not providing prompt answers.
    c. Motion approved 15 – 1.

6. Partner Reports
- **a. City of Billings**
- **b. Yellowstone County**
- **c. School District #2**
- **d. Big Sky EDA**
- **e. Downtown Billings Alliance**
- **f. Business Improvement District**
- **g. Billings Cultural Partners**
- **h. Parking Advisory Board**
- **i. Downtown Billings Property Owners Association**

7. **Adjournment** – Meeting was adjourned at 9:05 am.
    - **a. Next Meeting: March 27, 2020**

ClockTower Inn & Stella’s Kitchen & Bakery


County Sheriff
2nd Ave N
90B
N 26th St
100



CLOCKTOWER INN FACADE IMPROVEMENT STUDY AS-BUILT SITE PLAN

2 north




H&H
TOYOTA
TACOMA
4x4
CORT



Previous


Molly's Patch
BUS PARK


4DR4

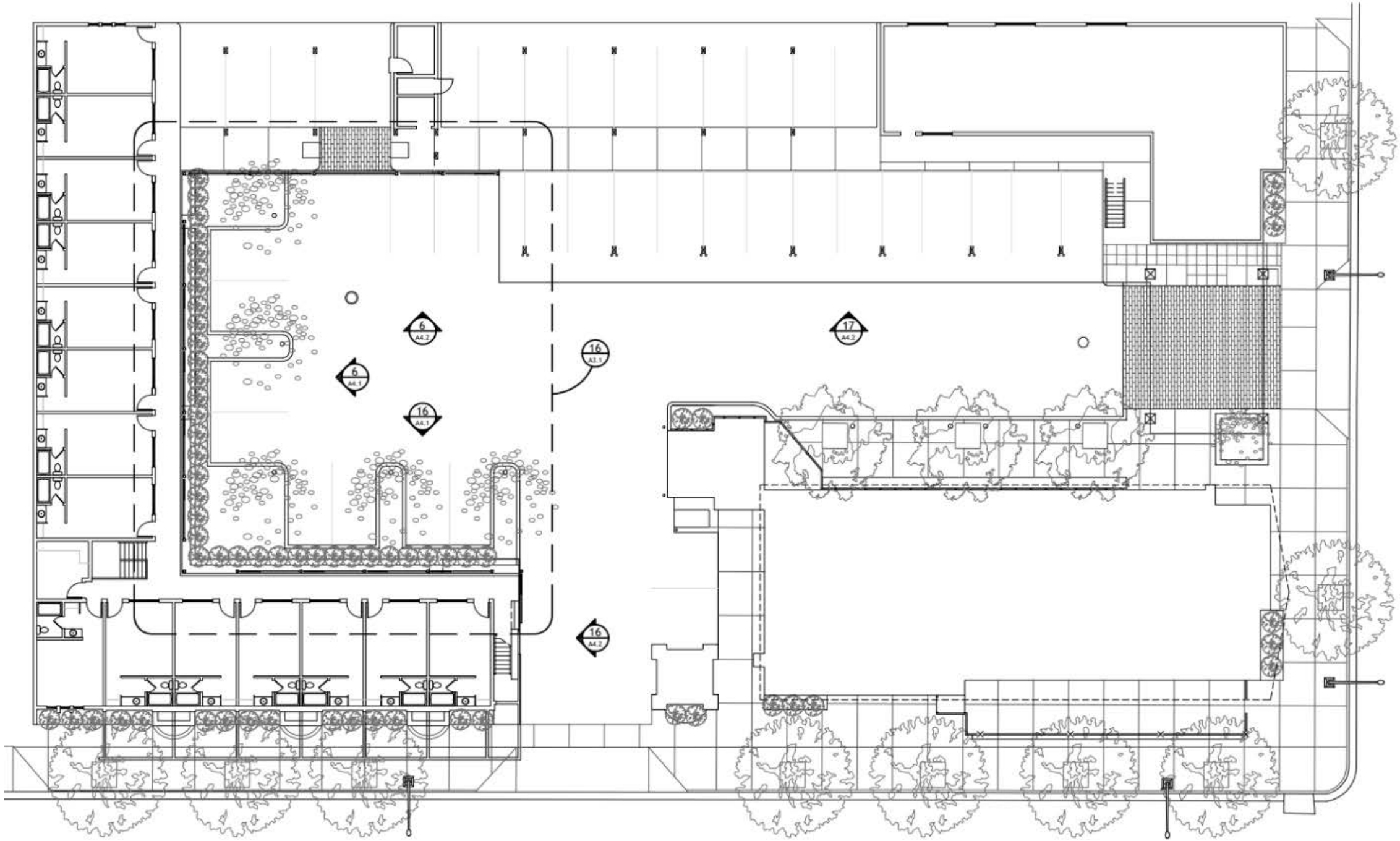


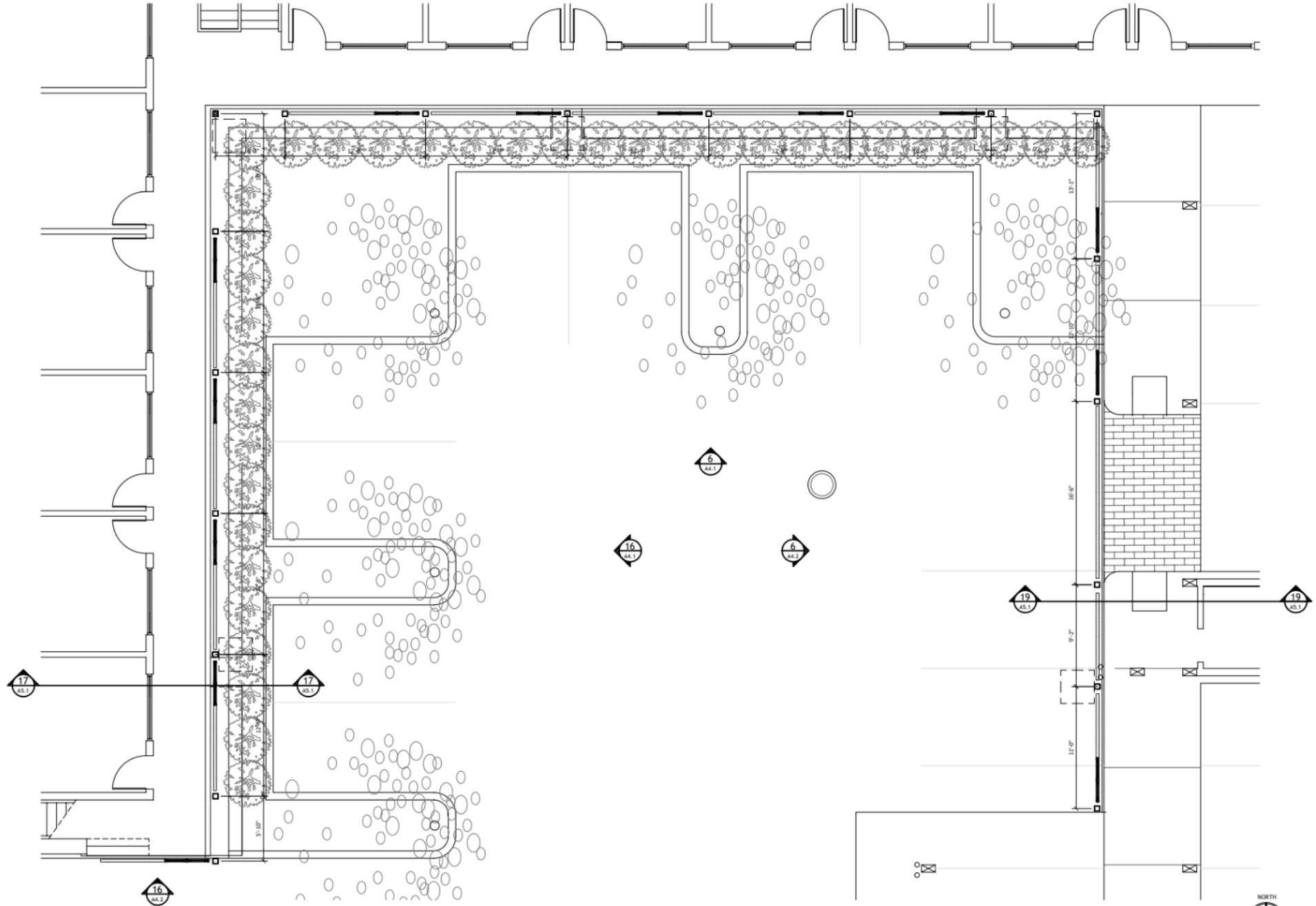






URBAN COURTYARD


6
A4.2
6
A4.1
16
A4.1
16
A3.1
16
A4.2
17
A4.2



16 ENLARGED COURTYARD PLAN- GROUND LEVEL

A2.1 : A3.1

1/4" = 1'-0"

DRAWING ENLARGED COURTYARD PLAN- GROUND LEVEL

PROJECT CLOCK TOWER INN FACADE IMPROVEMENTS
BILLINGS, MONTANA

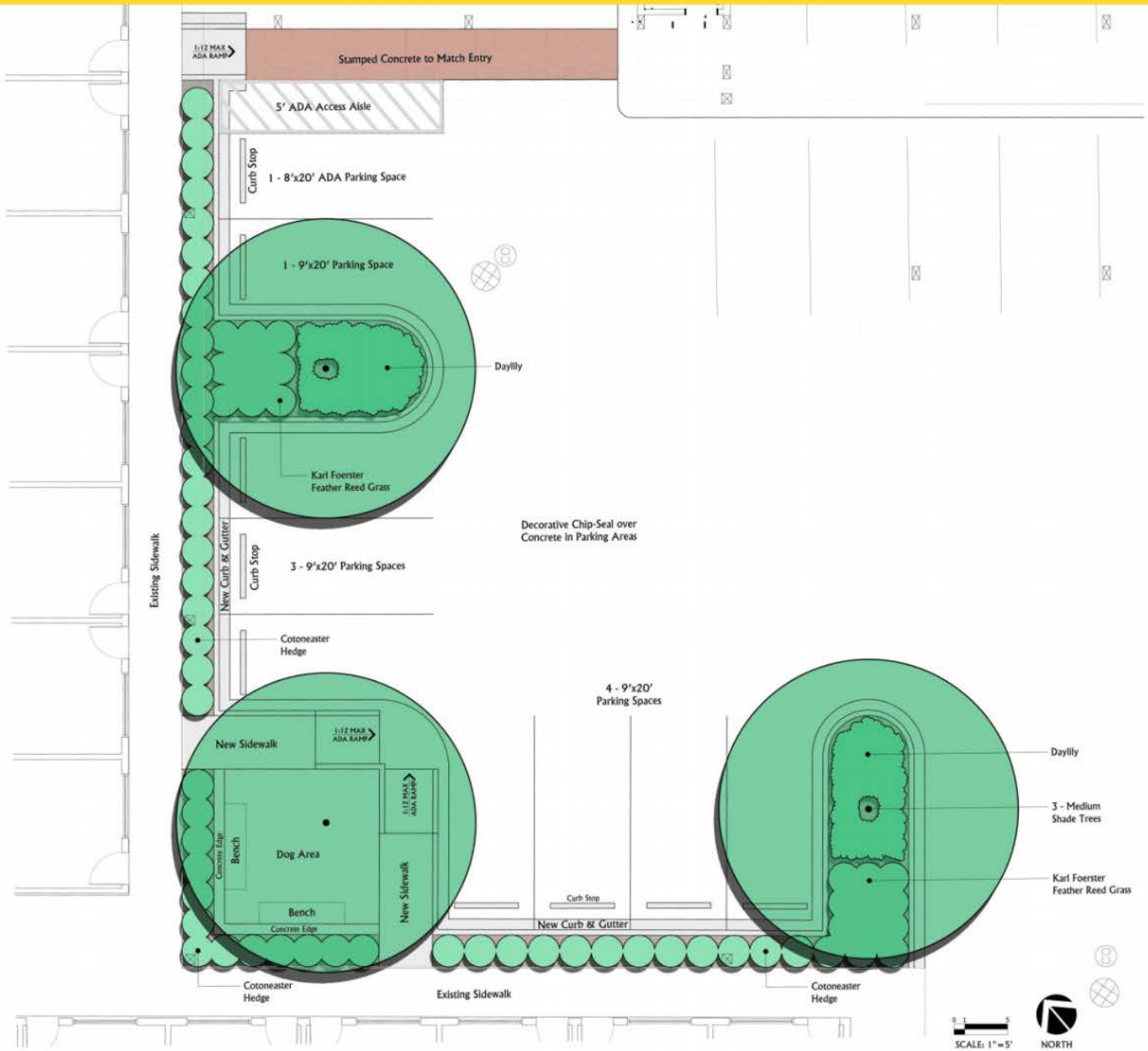
OWNER CLOCK TOWER INN

PROJECT N 14001
ISSUE DATE 9/11/2019
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DESIGN DEVELOPMENT

A3.1



Clocktower Inn North Area Parking Concept

FOLEY GROUP



6 NORTH WING- SOUTH EXTERIOR ELEVATION

A2.1 : A4.1

3/16" = 1' - 0"

6 TYPICAL "L" PANEL FRAME MODULE

A4.2 : A4.3

1/2" =

EXISTING / NEW POWDER-COATED RED STEEL FRAMES

EXISTING STUCCO/SIDING

WINDOW FRAMES / BALCONY EDGE

EXISTING STONEWORK

EXISTING CEDAR SHINGLES / NEW RAIL PANELS

NEW DOOR PAINT / BAL EDGE FACIA BOARDS






Stella's
KITCHEN & BAKERY









Clocktower Inn Courtyard Perspective Views

FOLEY GROUP
FG
Land Planning & Design