

BOZEMAN^{MT}

THE CITY COMMISSION OF BOZEMAN, MONTANA

REGULAR MEETING AGENDA

Tuesday, February 15, 2022

This meeting will be held using Webex, an online videoconferencing system. You can join this meeting:

Via Webex:

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If you are interested in commenting in writing on items on the agenda please send an email to agenda@bozeman.net prior to 12:00pm on the day of the meeting. You may also comment by visiting the [Commission's comment page](#).

You can also comment by joining the Webex meeting. If you do join the Webex meeting, we ask you please be patient in helping us work through this online meeting.

If you are not able to join the Webex meeting and would like to provide oral comment you may send a request to agenda@bozeman.net with your phone number, the item(s) you wish to comment on, and the City Clerk will call you during the meeting to provide comment.

You may also send the above information via text to 406-224-3967. As always, the meeting will be streamed through the [Commission's video page](#) and available in the City on cable channel 190.

A. Call to Order - 6:00 PM - WebEx Videoconference

B. Pledge of Allegiance and a Moment of Silence

C. Changes to the Agenda

D. Authorize Absence

D.1 [Authorize the Absence of Mayor Cyndy Andrus \(Maas\)](#)

E. Public Service Announcements

E.1 [City of Bozeman offices will be closed Mondays, February 21 in observance of Washington's Birthday. There will be no City Commission meeting on Tuesday, February 22. This is not a garbage holiday and pick up will be on the regularly scheduled day.\(Maas\)](#)

F. FYI

G. Commission Disclosures

H. Consent

H.1 Accounts Payable Claims Review and Approval (Rosenberry)

H.2 Approval of Depository Bonds and Pledged Securities as of December 31, 2021 (Rosenberry)

H.3 Review and Approve the Findings of Fact and Order for the Park View Crossing Major Subdivision Preliminary Plat, Application 21158(Montana)

H.4 Authorize the City Manager to Sign a Utility and Access Easement and Agreement with Northwestern Energy for Residences Adjacent to New Hyalite View Park(Jadin)

H.5 Authorize the City Manager to Sign a Right-of-way Agreement for Construction of Improvements to Story Mill Road - Parcel 2 (Jeffrey Brandner and Raymond Rega)(Murray)

H.6 Authorize the City Manager to Sign a Professional Services Agreement with Green Gardens Group LLC for a Bozeman Watershed Wise Landscape Webinar Series(Ahlstrom)

H.7 Authorize the City Manager to Sign a First Addendum to the Professional Services Agreement for Community Housing Services with HRDC(Munfrada)

H.8 Resolution 5371 Authorizing Prime Change Order 15 with Langlas and Associates for Construction of the Bozeman Public Safety Center(Winn)

H.9 Resolution 5376 Intent to Create a Special Improvement Lighting District 769 for Norton East Ranch Phase 5(Rosenberry)

H.10 Resolution 5378 Intent to Create a Special Improvement Lighting District 770 for Annex of Bozeman(Rosenberry)

H.11 Ordinance 2098 Final Adoption of an Update to the Department Titles of Administrative Services and Public Works to Reflect the City's Current Department Titles, and Creating the Departments of Economic Development and Strategic Services(Giuttari)

I. Public Comment

This is the time to comment on any matter falling within the scope of the Bozeman City Commission. There will also be time in conjunction with each agenda item for public comment relating to that item but you may only speak once. Please note, the City Commission cannot take action on any item which does not appear on the agenda. All persons addressing the City Commission shall speak in a civil and courteous manner and members of the audience shall be respectful of others. Please state your name and address in an audible tone of voice for the record and limit your comments to three minutes.

J. Special Presentation

J.1 Sixth Quarterly Report on Bozeman as an Inclusive City (Mihelich)

J.2 [Fowler Avenue Connection Project Introduction \(Lonsdale\)](#)

K. Action Items

K.1 [Resolution 5372 Amending the City's Annual Budget to Increase the Appropriations for the Christie Fields Playground Project in the Parks and Trails District Fund - Appropriations Will Be Paid With Existing Fund Reserves\(Rosenberry\)](#)

L. Work Session

L.1 [Direction to City Staff on the Development of Water Conservation Standards for New Development and City-Wide Outdoor Watering Restrictions\(Ahlstrom\)](#)

M. FYI / Discussion

N. Adjournment

City Commission meetings are open to all members of the public. If you have a disability that requires assistance, please contact our ADA Coordinator, Mike Gray, at 582-3232 (TDD 582-2301). Commission meetings are televised live on cable channel 190 and streamed live at www.bozeman.net. City Commission meetings are re-aired on cable Channel 190 Wednesday night at 4 p.m., Thursday at noon, Friday at 10 a.m. and Sunday at 2 p.m.

In order for the City Commission to receive all relevant public comment in time for this City Commission meeting, please submit via www.bozeman.net or by emailing agenda@bozeman.net no later than 12:00 PM on the day of the meeting. Public comment may be made in person at the meeting as well.

Memorandum

REPORT TO: City Commission

FROM: Mike Maas, City Clerk
Jeff Mihelich, City Manager

SUBJECT: Authorize the Absence of Mayor Cyndy Andrus

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Administration

RECOMMENDATION: I move to authorize the absence of Mayor Cyndy Andrus.

STRATEGIC PLAN: 1.1 Outreach: Continue to strengthen and innovate in how we deliver information to the community and our partners.

BACKGROUND: Mayor Andrus informed City Manager Mihelich that she would not be in attendance

UNRESOLVED ISSUES: None

ALTERNATIVES: None

FISCAL EFFECTS: None

Report compiled on: February 9, 2022

Memorandum

REPORT TO: City Commission

FROM: Mike Maas, City Clerk

SUBJECT: City of Bozeman offices will be closed Mondays, February 21 in observance of Washington's Birthday. There will be no City Commission meeting on Tuesday, February 22. This is not a garbage holiday and pick up will be on the regularly scheduled day.

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Administration

RECOMMENDATION: Inform holiday hours

STRATEGIC PLAN: 1.1 Outreach: Continue to strengthen and innovate in how we deliver information to the community and our partners.

BACKGROUND: n/a

UNRESOLVED ISSUES: n/a

ALTERNATIVES: none

FISCAL EFFECTS: none

Report compiled on: February 9, 2022

Memorandum

REPORT TO: City Commission

FROM: Anna Rosenberry, Interim Finance Director

SUBJECT: Accounts Payable Claims Review and Approval

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Finance

RECOMMENDATION: The City Commission approves payment of the claims.

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND: Section 7-6-4301 MCA states that claims should not be paid by the City until they have been first presented to the City Commission. Claims presented to the City Commission have been reviewed by the Finance Department to ensure that all proper supporting documentation has been submitted, all required departmental authorized signatures are present indicating that the goods or services have been received and that the expenditure is within budget, and that the account coding is correct.

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission.

FISCAL EFFECTS: The total amount of the claims to be paid is presented at the bottom of the Expenditure Approval List posted on the City's website at <http://www.bozeman.net/government/finance/purchasing>.

Report compiled on: January 27, 2022

Memorandum

REPORT TO: City Commission

FROM: Laurae Clark, Treasurer
Anna Rosenberry, Assistant City Manager

SUBJECT: Approval of Depository Bonds and Pledged Securities as of December 31, 2021

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Finance

RECOMMENDATION: Approve the depository bonds and pledged securities as of December 31, 2021.

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND:

17-6-102. Insurance on deposits. (1) Deposits in excess of the amount insured by the federal deposit insurance corporation or the national credit union administration may not be made unless the bank, building and loan association, savings and loan association, or credit union first delivers to the state treasurer or deposits in trust with some solvent bank, as security therefore, bonds or other obligations of the kinds listed in [17-6-103](#), having a market value equal to at least 50% of the amount of the deposits in excess of the amount insured. The board of investments may require security of a greater value. When negotiable securities are placed in trust, the trustee's receipt may be accepted instead of the actual securities if the receipt is in favor of the state treasurer, successors in office, and the state of Montana and the form of receipt and the trustee have been approved by the board of investments.

(2) Any bank, building and loan association, savings and loan association, or credit union pledging securities as provided in this section may at any time substitute securities for any part of the securities pledged. The substituted collateral must conform to [17-6-103](#) and have a market value at least sufficient for compliance with subsection (1). If the substituted securities are held in trust, the trustee shall, on the same day the substitution is made, forward by registered or certified mail to the state treasurer and to the depository financial institution a receipt specifically describing and identifying both the securities substituted and those released and returned to the depository financial institution.

Section 7-6-207 (2), MCA, requires the City Commission to approve pledged securities at least quarterly.

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission

FISCAL EFFECTS: The city is sufficiently pledged.

Attachments:

[Depository Bonds & Securities 1221.pdf](#)

Report compiled on: January 26, 2022

DEPOSITORY BONDS AND SECURITIES

AS OF
December 31, 2021

	<u>MATURITY</u>	<u>CUSIP NO/LOC NO.</u>	<u>TOTAL AMOUNT</u>
US BANK			
All Accounts			
Federal Deposit Insurance Corporation-Operating Accts			\$ 250,000.00
Federal Deposit Insurance Corporation-CD			\$ 250,000.00
LOC-FHLB Cincinnati	10/15/2021	555391	<u>\$ 17,000,000.00</u>
TOTAL – US Bank			<u>\$ 17,500,000.00</u>

FIRST SECURITY BANK

All Accounts

Federal Deposit Insurance Corporation			\$ 250,000.00
Celina TX ISD REF GO UNLTD BD	08/15/2033	151145NX3	\$ 1,185,000.00
Celina TX ISD REF GO UNLTD BD	08/15/2034	151145NY1	<u>\$ 1,235,000.00</u>
TOTAL - First Security Bank			<u>\$ 2,670,000.00</u>

This is to certify that we, the Commission of the City of Bozeman, in compliance with the provisions of Section 7-6-207, M.C.A., have this day certified the receipts of the First Security Bank and US Bank, for the Depository Bonds held by the Director of Finance as security, for the deposit for the City of Bozeman funds as of December 31, 2021, by the banks of Bozeman and approve and accept the same.

CYNTHIA L. ANDRUS, Mayor

TERRY CUNNINGHAM, Deputy Mayor

I-HO POMEROY, Commissioner

CHRISTOPHER COBURN, Commissioner

JENNIFER MADGIC, Commissioner

PLEGGED SECURITIES AND CASH IN BANK

As of
December 31, 2021

US BANK

Total Cash and CD's on Deposit	\$4,216,963.60
FDIC Coverage	\$500,000.00
Amount Remaining	\$3,716,963.60
Pledges Required 104%	\$3,865,642.14
Actual Pledges	\$17,000,000.00
Over (Under) Pledged	\$13,134,357.86

FIRST SECURITY BANK

CD's	\$2,039,059.96
FDIC Coverage	\$250,000.00
Amount Remaining	\$1,789,059.96
Pledges Required 50%	\$894,529.98
Actual Pledges	\$2,420,000.00
Over (Under) Pledged	\$1,525,470.02

REFERENCE: Section 7-6-207, M.C.A.

Memorandum

REPORT TO: City Commission

FROM: Susana Montana, Senior Planner
Brian Krueger, Development Division Manager
Anna Bentley, Interim Director Community Development Department

SUBJECT: Review and Approve the Findings of Fact and Order for the Park View Crossing Major Subdivision Preliminary Plat, Application 21158

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Community Development - Quasi-Judicial

RECOMMENDATION: Authorize the Mayor to sign the Findings of Fact and Order for the Park View Crossing Major Subdivision Preliminary Plat, Application No. 21158.

STRATEGIC PLAN: 4.2 High Quality Urban Approach: Continue to support high-quality planning, ranging from building design to neighborhood layouts, while pursuing urban approaches to issues such as multimodal transportation, infill, density, connected trails and parks, and walkable neighborhoods.

BACKGROUND:
A Preliminary Plat for a major subdivision application seeking to subdivide the 7-acre Lot 4 of Minor Subdivision 400 into 47 lots including 44 residential townhouse lots. The subdivision would consist of nine fourplex townhouse lots, two triplex townhouse lots, one duplex townhouse lot, two open space (mid-block crossing) lots, one common area storm water pond lot and public roads. This property is zoned R-3, Medium-density Residential. Off-site improvements by the Applicant include a shared-use pathway along the west side of Vaquero Parkway along the subdivision's frontage as partial fulfillment of his parkland contributions.

The City Commission considered the Preliminary Plat application at a public hearing on January 25, 2022 and voted 3 to 0 to approve it.

UNRESOLVED ISSUES: None, with conditions and code provisions.

ALTERNATIVES:
1. Approval of the Findings of Fact and Order as drafted;
2. Approval of the Findings of Fact and Order with modifications; or
3. As determined by the City Commission.

FISCAL EFFECTS: Fiscal impacts are undetermined at this time but will include increased property tax revenues from new development along with increased costs to

deliver municipal services to the property. Impact fees will be collected at the time of issuance of building permits for individual lots, along with City sewer and water connection fees.

Attachments:

[21158 Park View Crossing PP FOF staff rpt.pdf](#)

[21158 Park View Crossing PP City Commission FOF Memo.pdf](#)

[Park View Crossing Preliminary Plat_09242021.pdf](#)

[Park View Crossing_A1Application_04162021.pdf](#)

Report compiled on: February 1, 2022

Bozeman City Commission Findings of Fact and Order for the Park View Crossing Major Subdivision Preliminary Plat; Project No. 21158

Public Hearing Date: City Commission, February 15, 2022 at 6:00 PM via Webex

Project Description: This is a major subdivision application seeking to subdivide the 7-acre Lot 4 of Minor Subdivision 400 into 47 lots, including 44 residential townhouse lots.

Project Legal Description: Lot 4 of Minor Subdivision 400 located in the NE ¼ of Section 3, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana.

Project Location: This property is not addressed. It is located on Vaquero Parkway north of W. Oak Street, west of Davis Lane, east of N. Ferguson Avenue, and south of Baxter Lane.

Development Review Committee (DRC) Recommendation: On November 19, 2021, the DRC determined that the application conformed to Bozeman Municipal Code (BMC) standards and was sufficient for approval with staff-recommended conditions and code provisions.

Community Development Board (CDB) Recommendation: On December 20, 2021, the Community Development Board, serving as the City's Planning Board, reviewed and considered the application materials, public comment, and all the information presented and, by a vote of 6 to 1, recommended approval of the Park View Crossing Preliminary Plat major subdivision with the conditions recommended by staff and all applicable code provisions. This recommendation did not include support of the Applicant's requested subdivision variance to waive installation of a sidewalk along the west side of Stokes Lane. The Applicant withdrew this variance request on December 23, 2021 and it is not referenced herein.

<https://weblink.bozeman.net/WebLink/DocView.aspx?id=258464&dbid=0&repo=BOZEMAN>

Parks Plan Status: The required parkland contribution for this subdivision is still under discussion by the Applicant, the Bozeman Recreation and Parks Department and the Gallatin County Parks Department. Condition of Approval No. 2 requires the parkland plan to be approved by the Bozeman Recreation and Parks Department and submitted with the final Plat application.

City Commission Decision: On January 25, 2022, having reviewed and considered the application materials, public comment, and all the information presented, the City Commission, by a vote of 5 to 0, adopted the findings presented in the staff report for application 21158 and approved the Park View Crossing Major Subdivision Preliminary Plat with conditions and subject to all applicable code provisions.

Commission Recommended Motion for this Finding of Fact and Order: Having reviewed and considered the application materials, public comment, and all the information presented, I hereby adopt the findings presented in Section 7 of this staff report for application 21158 and move to authorize the Mayor to sign the Findings of Fact and Order on behalf of the City Commission, approving the Park View Crossing Major Subdivision Preliminary Plat with conditions and subject to all applicable code provisions.

Report Date: February 2, 2022

Staff Contact: Susana Montana, Senior Planner, Development Review Division, Community Development Department

Karl Johnson, Project Engineer, Engineering Department

Agenda Item Type: Action (Quasi-judicial)

EXECUTIVE SUMMARY

Unresolved Issues

Unresolved issues at this Preliminary Plat stage are related to parklands contributions and stormwater/water quality management issues which must be resolved prior to submittal of the final plat application. The final plat must satisfy all of the recommended preliminary plat conditions of approval and all relevant Bozeman Municipal Code (BMC) code provisions noted on pages 10 through 21 of this report.

Project Summary

This report is based on: (1) the September 24, 2021 revised plat maps; (2) the November 19, 2021 revised application documents; (3) the November 19, 2021 Development Review Committee recommendation for conditions and code provisions; (4) the December 20, 2021 Community Development Board recommendation; (5) the Applicant's December 23, 2021 withdrawal of a sidewalk variance request; (6) the December 27, 2021 staff report to the City Commission which evaluated the application's code compliance; (7) public comment received to date; (8) staff recommendations of conditions of approval and code provisions; (9) all information provided to the City Commission at their January 25, 2022 public hearing on this application; and (10) staff evaluation of the Montana Code Annotated (MCA) subdivision

statutes and relevant Bozeman Municipal Code (BMC) subdivision statutes described in this report.

Application. The property owner/Applicant made application to develop the vacant property on the west side of Vaquero Parkway, south of Baxter Lane, north of W. Oak Street, west of Davis Lane and east of the Gallatin County Regional Park. The application proposes the subdivision of 7-acres into 47 lots: 44 residential lots consisting of nine fourplex lots, two triplex lots and one duplex lot; one common area stormwater facility lot; two common open space (mid-block crossing) lots; and associated streets and rights of way. Off-site improvements by the Applicant include a shared-use pathway along the west side of Vaquero Parkway along the subdivision's frontage as partial fulfillment of his parkland contributions. The two mid-block crossing open space lots would be publicly-accessible and owned and maintained by the Homeowners Association (HOA). The stormwater pond lot would be owned and maintained by the HOA.

The subject property was annexed to the City in 2000 and is zoned R-3, Medium-density Residential District. The property is currently vacant and includes limited natural features. Montana subdivision law requires Applicants to provide information about wildlife and habitat that may be affected by the subdivision. A small section of the Spring Ditch irrigation facility is located near the northern property boundary and encroaches into the northern portion of the subdivision's stormwater easement. The Spring Ditch agricultural water facility would continue to flow and the existing irrigation easement located completely within the adjacent Gallatin County Regional Park would not be abandoned or altered with this subdivision.

A neighbor of the proposed subdivision commented that a flock of partridges are frequently seen wandering about the Site and the adjacent 97-acre Gallatin County Regional Park. She asked if the Applicant conducted an environmental impact study to determine the effect of the development on these avian neighbors. The Applicant provided information regarding wildlife on the Site (see page 25 of this report). In response to this public inquiry, staff researched the Montana Natural Heritage Species of Concern and Potential Species of Concern lists and found that the partridge species of bird is not a Species of Concern and, therefore, is not subject to mitigation should their habitat be altered or removed.

Due to the State Legislature's passing of HB 259, MCA Section 76-3-514 prohibits the *requirement* for a subdivision to provide affordable housing per BMC Section 38.380 and this subdivision does not provide such affordable housing. However, the subdivision provides a mix of residential lot sizes and configurations which offer a mix of townhouse sizes and, one would expect, prices. All lots are in compliance with the R-3 zoning. Eighteen of the lots are sized to accommodate the addition of an Accessory Dwelling Unit (ADU).

The subdivision is proposed for on- and off-site private and public infrastructure and utility construction in a single phase.

Prior to issuance of a building permit for an individual lot, completion of required on- and off-site infrastructure and utilities for the subdivision is required, as is payment of impact fees and sketch plan review of proposed structures on the lot.

Neighborhood centers are required for subdivisions of 10-acres or more per 38.410.020. This subdivision is 7-acres and, therefore, exempt from this requirement. However, the County Regional Park abuts the subdivision along its western frontage.

The subdivision's 44 homes would require 1.31-acres of parkland per BMC 38.420.020.A. The Applicant proposes to meet this requirement by providing both cash-in-lieu (CIL) and parkland-related improvements-in lieu of parkland within the subdivision, due to the proximity of the Site to the 97-acre Regional Park. One of the improvements would be the installation of a 10-foot wide, paved, shared use path along the subdivision's eastern frontage within the Vaquero Parkway right-of-way (ROW). The Recreation and Parks Department continues to work with the Applicant to enable him to satisfy this requirement; please see Condition of Approval No. 2.

The Community Development Board, acting as the Planning Board, held a public hearing on the application on December 20, 2021. The Planning Board is the advisory body to the City Commission on this subdivision application. The Board, by a vote of 6 to 1, recommended approval of the project with the conditions and code provisions outlined in this staff report. One public comment expressing concern about increased traffic and parking congestion on Vaquero Parkway was received during the Board public comment period. The Community Development Board/Planning Board proceedings may be viewed here under the date December 20, 2021: <https://www.bozeman.net/services/city-tv-and-streaming-audio>

Pursuant to BMC 38.240.130A.5.a.(4), Preliminary Plat, the final decision for a Major Subdivision Preliminary Plat with less than 50 lots must be made within 60 working days of the date it was deemed adequate. The Development Review Committee (DRC) deemed the application adequate for continued review on November 19, 2021. The City Commission was required to approve, conditionally approve or deny the subdivision application by January 19, 2022, unless there is a written extension from the developer, not to exceed one year. The City Commission hearing to consider this preliminary plat was scheduled for January 11, 2022. The Applicant provided a written request to postpone the hearing until the January 25, 2022 City Commission hearing. This was granted by the City Commission on January 11, 2022 and the application was re-scheduled for their January 25, 2022 hearing. The January 25, 2022 hearing was held in the City Commission chambers, 121 N Rouse Avenue at 6 pm as well as on Webex.

No member of the public spoke at the hearing.

After the City Commission reviewed and considered the application materials, staff report, advisory review board recommendations, previous public comment, and all the information presented, they made individual findings and voted 3 to 0 to approve the motion to approve

the application. The Commission agreed that the application met the criteria established by the Bozeman Municipal Code. Therefore, the application was approved with conditions and applicable code provisions outlined in these findings.

The City Commission's review, deliberation and findings for this preliminary plat application may be found under the linked minutes and recorded video of the meetings located at this web page filed under the date January 25, 2022:

<https://www.bozeman.net/services/city-tv-and-streaming-audio>

Alternatives

1. Approval of the Findings of Fact and Order as drafted;
2. Approval of the Findings of Fact and Order with modifications; or
3. As determined by the City Commission.

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SECTION 1 - MAP SERIES

Figure 1. Zoning classification: R-3, Medium-density Residential District
Site shown in white circle

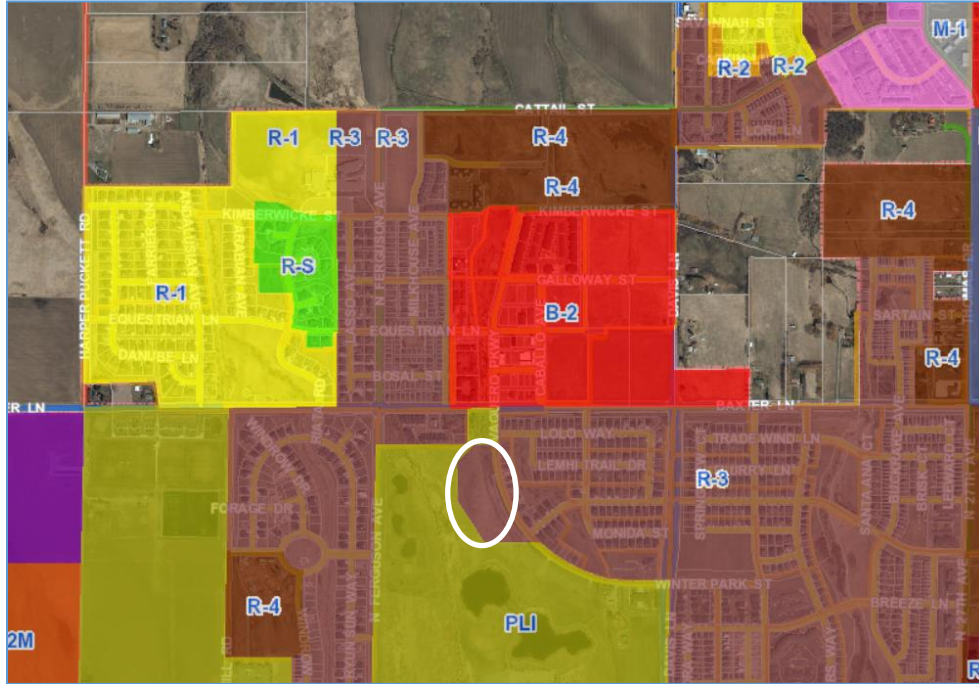


Figure 2. Vicinity Map; subdivision Site noted in the white circle

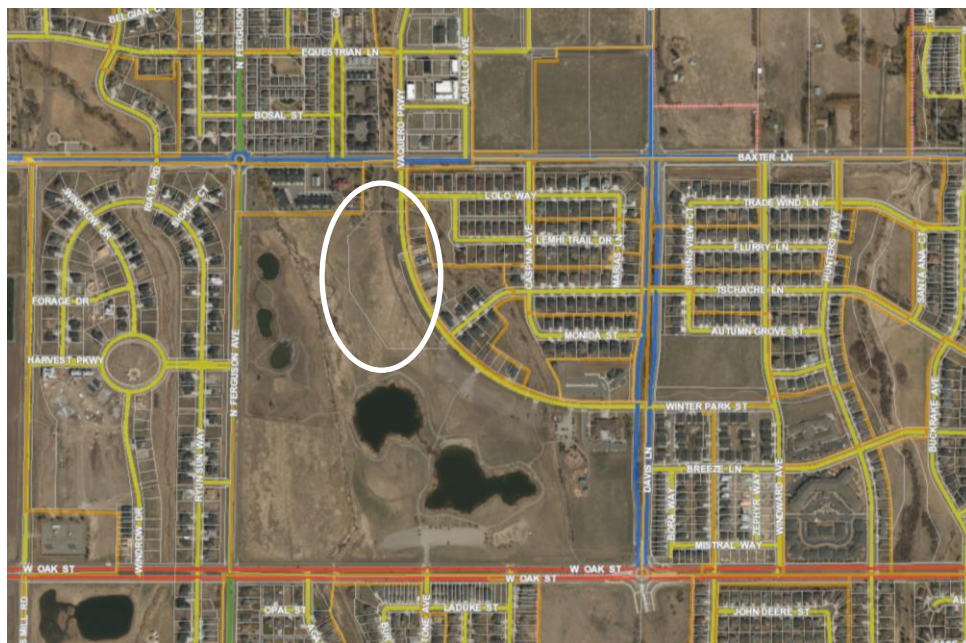


Figure 3. Proposed Preliminary Plat (9/24/21 plat revision)

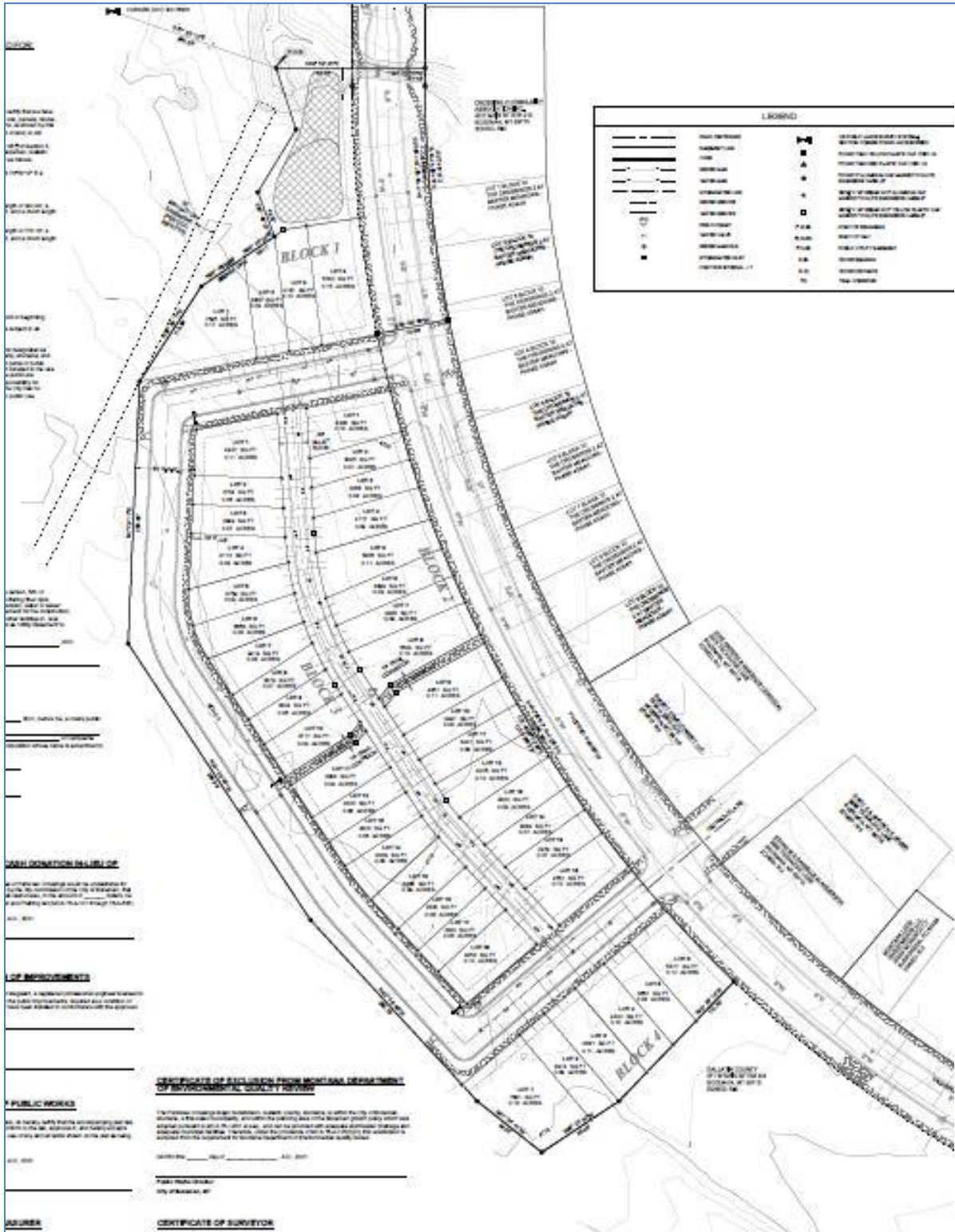


Figure 4: Graphic image of the proposed subdivision



SECTION 2 – REQUESTED VARIANCES

There are no variances requested with this subdivision application.

SECTION 3 - RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval and code provisions satisfy City and relevant State requirements as well as site-specific mitigation for potential adverse impacts associated with development of the proposed subdivision. The conditions of approval are in addition to the required code provisions identified in this report. The conditions are specific to the preliminary plat application. The City Commission considered the impacts as identified in the staff analysis and application materials and finds that the conditions of approval are deemed reasonably-related and roughly-proportionate to the development of this subdivision.

1. BMC 38.400.110. Transportation Pathways. Concurrent with the Applicant’s construction of the west side of Vaquero Parkway along the subdivision’s frontage, the Applicant shall install a paved ten-foot wide “shared-use path” along the east side of the subdivision within the Vaquero Parkway right-of-way (ROW). The shared-use path shall meet City standards. The Applicant is advised that the City of Bozeman will accept responsibility for the maintenance of this shared-use path within the Vaquero Parkway ROW once the path has been installed, inspected and accepted by the City. Details of this shared-use path shall be submitted with the final plat application.

2. BMC 38.420.020 and 080, Parkland Mitigation.

a. Park improvements or parkland improvements-in-lieu required by 38.420.020 and 080 and the Bozeman Parks, Recreation, Open Space and Trails (PROST) Plan must be approved by the Park and Recreation Department (PARKS) prior to final plat approval or an improvements agreement for such shall be executed. Applicants may not financially guarantee the requirements per 38.420.080.A.1 and 2.

b. The shared-use path along the Vaquero Parkway west side ROW may extend further north and south of the subdivision frontage as part of the Applicant’s parkland cash-in-lieu and parkland improvements-in-lieu negotiated with PARKS, pursuant to BMC 38.420.020. Final details of the Applicant’s parkland cash-in-lieu and parkland improvements-in-lieu commitments must be provided with the final plat application submittal.

c. Documentation of compliance with the parkland dedication requirements of Section 38.420 must be provided with the final plat. A table showing the parkland requirements for the subdivision and the method of meeting the parkland dedication must be included on the final plat Conditions of Approval sheet. The table shall explicitly state (1) the parkland requirements of the subdivision; (2) the methods for satisfying this requirement (e.g. cash-in-lieu (CIL) or improvements-in-lieu); (3) how much parkland credit was allocated for each lot within each phase; (4) all areas within the subdivision qualifying for exemption from parkland requirements (i.e., detention/retention areas, watercourse setbacks, wetlands, common open space, parking facilities); and (5) the total area of each above category. The table and its contents must be approved by PARKS.

d. Where CIL has been accepted in-lieu of parkland, the amount of the cash donation must be paid prior to final plat approval and must be stated on the final plat sheet.

3. 38.400.080.B. Sidewalks adjacent to public lands. The sidewalk along the west side of Stokes Lane shall be built to City standards as part of the subdivision public improvements. The applicable City standard sidewalk on the west side of Stokes Lane must be shown on the plat sheets at final plat application submittal and must be shown on infrastructure plans prior to infrastructure approval.

4. BMC 38.240.130.A.5.e (1) (a), Compliance with survey requirements. The proposed perimeter lines of the subdivision do not match the most recent plat for the subdivision (Minor Subdivision No. 400, Lot 4). However, a recent Subdivision Exemption Application, No. 20312, proposes a land swap to adjust these lot lines. That lot line adjustment consists of relocating the common boundary between the two lots allowing the County to have more area at the northern access point from Baxter Lane, and Lot 4 (this subdivision land area) to have a more aligned tie-in/approach with the newly constructed intersection of Vaquero Parkway & Tschache Lane. That revised plat, per Application 20312, must be recorded prior to final plat approval. A digital copy of the recorded plat must accompany the final plat submittal.

5. Public Infrastructure Payback Obligations. Prior to final plat approval, the Applicant shall pay the appropriate “pay back” cost for the N. 19th and Baxter Intersection Payback District traffic signal improvements. The subject property lies within this District and the owner did not participate in the original cost of construction of improvements and, therefore, the current owner will be assessed a payback charge which must be paid prior to final plat approval. The Applicant must contact the City Engineering Department (kajohnson@bozeman.net) for a determination of the payback amount.

6. City of Bozeman Resolution 5076, Policy 1 - The Applicant must provide and file with the County Clerk and Recorder's office executed Waivers of Right to Protest Creation of Special Improvement Districts (SID's) on City standard form for the following:

a. Street improvements to N Ferguson Avenue between W Oak Street and Kimberwicke Street including lighting, signalization, paving, curb/gutter, sidewalk, and storm drainage.

b. Street improvements to Davis Lane between Baxter Lane and Kimberwicke Street including lighting, signalization, paving, curb/gutter, sidewalk, and storm drainage.

c. Intersection improvements at Vaquero Parkway and Baxter Lane including lighting, signalization/channelization, paving, curb/gutter, sidewalk, and storm drainage.

d. Intersection improvements at Caspian Avenue and Baxter Lane including lighting, signalization/channelization, paving, curb/gutter, sidewalk, and storm drainage.

e. Intersection improvements at Tschache Lane and Davis Lane including lighting, signalization/channelization, paving, curb/gutter, sidewalk, and storm drainage.

f. Intersection improvements at Flanders Mill Road and Baxter Lane including lighting, signalization/channelization, paving, curb/gutter, sidewalk, and storm drainage.

The document filed must specify that in the event an SID is not utilized for the completion of these improvements, the developer agrees to participate in an alternate financing method for the completion of said improvements on a fair share, proportionate basis as determined by square footage of property, taxable valuation of the property, traffic contribution from the development, or a combination thereof. The Applicant must provide a copy of the recorded SID waiver prior to final plat approval.

SECTION 4 - CODE REQUIREMENTS REQUIRING PLAT CORRECTIONS

The following are procedural requirements not yet demonstrated by the plat and must be satisfied at the final plat.

1. **BMC 38.100.080.A. Compliance with regulations required.** The Applicant is advised that unmet code provisions, or code provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver or other relaxation of the lawful requirements of the Bozeman Municipal Code or State law.

2. **BMC 38.220.040.A.3. Easements.** All easements, existing and proposed, must be accurately described, dimensioned and shown on each subdivision block of the final plat in their true and correct location on the final plat application. Public utilities must be located within dedicated street right of ways. Utility easements must be provided and granted with the final plat in accordance with public and private design standards.

3. **BMC 38.220.070. Final Plat notations.** Among others, the final plat must contain the following notation on the Conditions of Approval sheet:

a. All public stormwater facilities not on property dedicated to the City of Bozeman shall be located within public stormwater drainage easements that provide for storm water facility maintenance responsibility by the Home Owners' Association (HOA) and which is so noted in the HOA Conditions, Covenants and Restrictions (CC&R) document.

b. Due to known high groundwater conditions in the area, no basements will be permitted with future development of the site. No crawl spaces will be permitted with future development of the site unless a professional engineer registered in the State of Montana certifies that the lowest point of any proposed structure is located above the seasonal high groundwater level and provides supporting groundwater data to the City Engineering Department prior to the release of any building permit for the development. In addition, sump pumps are not allowed to be connected to the sanitary sewer system or the drainage system unless capacity is designed into the drainage system to accept the pumped water. Water from sump pumps may not be discharged on streets, such as into the curb and gutters, where they may create a safety hazard for pedestrians and vehicles.

c. In order to disclose to future purchasers their obligations regarding open space established in the Municipal Code, the following language shall be included on the Conditions of Approval Sheet of the final plat: "Ownership of Common Open Space, trails and the common area stormwater management facility, and responsibility for maintenance thereof and for maintenance of the alley or other City assessments levied on these common lands shall be that of the Home Owners' Association (HOA). Maintenance responsibility shall include, in addition to the common open space, trails and the private alley, snow removal for those assets and irrigation of all vegetative ground cover, boulevard trees and maintenance of irrigation systems in the public right-of-way boulevard strips along all external perimeter development streets and as adjacent to public parks or other common open space areas. All areas within the subdivision that are designated herein as common areas, exclusive of the Lot CA-1 stormwater drainage facility, are for the use and enjoyment by residents of the development and the general public. The common area Lot CA-1 shall be used by this subdivision for stormwater management and shall be owned and maintained by the HOA. The HOA shall be responsible for levying annual assessments to provide for the maintenance, repair, and upkeep of all common areas inclusive of open space lots, trails, Lot CA-1 and the private alley. At the same time of recording the final plat of the subdivision the subdivider shall transfer ownership of all common areas to the HOA created by the subdivider to maintain all common areas within the Park View Crossing Major Subdivision."

d. Approval by any design review entity established in the HOA CC&Rs does not bind the City of Bozeman to approve any construction plan.

e. All open space, trails and public access areas shall be owned and maintained by the Home Owners' Association (HOA).

f. Lots 3D, 4A, 7D and 8A within Block 2 of the Park View Crossing Major Subdivision are subject to a ten-foot building setback from the side property lines abutting the Open Space Lots OS-1 and OS-2. It is the obligation of the lot owner to be fully informed as to this additional standard before beginning any home or site design process.

g. The alley shall be a public right-of-way that is maintained by the HOA.

h. No landscaping, such as trees or woody shrubs, beyond ground cover or fencing shall be installed within a utility or access easement, per BMC 38.410.060.

4. 38.220.050.8. Noxious Weed Control. Noxious weed management and revegetation plan. Noxious weeds must be controlled in all developments as directed by the County Weed Control District (District) in accordance with the Montana County Noxious Weed Control Act (MCA 7-22-21). Prior to final plat approval, the developer must have any noxious weeds identified and their location mapped by a person with experience in weed management and knowledgeable in weed identification. A noxious weed management and revegetation plan approved by the district for control of noxious weeds must be recorded with the County Clerk and Recorder prior to final plat approval. This plan must ensure the control of noxious weeds upon final plat approval and the revegetation of any land disturbed during the construction

of subdivision improvements. The subdivision's HOA, via the CC&R document, shall insure that the plan is implemented and enforced in perpetuity.

5. BMC 38.220.060.A.10.a. Water rights. Water rights, or cash-in-lieu thereof, as calculated by the Director of Public Works, is due with the filing of each subdivision final plat. Prior to final plat approval, the Applicant must satisfy Section 38.410.130 and provide documentation of all water rights pertaining to the proposed subdivision; e.g. previous estimates or actual payment-in-lieu of water rights, certified well logs, decrees or adjudications, etc..

6. BMC 38.600.120. Floodplain disclosure. The current plans are unclear as to whether the proposed stormwater facility will encroach into the mapped floodplain. If encroachment is proposed, the Applicant shall provide an analysis of the impacts of the provided fill with the formal infrastructure submittal. Per 38.600.120, the base flood elevation may not be increased by more than 0.50 ft. Any fill encroachment must be designed to prevent erosion from the 100-year event. This condition must be addressed in the final plat application submittal and approved by the City Engineer prior to final plat approval.

7. BMC 38.220.070. Final Plat.

a. The Applicant shall submit with the application for final plat review and approval, a written narrative stating how each of the conditions of preliminary plat approval and noted code provisions herein have been satisfactorily addressed. This narrative shall be in sufficient detail to direct the reviewer to the appropriate plat, plan, sheet, note, covenant, etc. in the submittal.

b. The final plat must conform to all requirements of the Bozeman Municipal Code (BMC) and the State of Montana Uniform Standards for Monumentation, Certificates of Survey, and Final Subdivision Plats (ARM 24.183.1101, 24.183.1104 and 27.183.1107) and shall be accompanied by all required documents, including certification from the City Engineer that record drawings for public improvements were received, including a platting certificate, and all required and corrected certificates.

8. BMC 38.220.070.A.7. Final Plat documents. Simultaneously with filing of the final plat, in conjunction with required or offered dedications, the subdivider (or owner of the property being subdivided if the owner is not the subdivider) shall transfer ownership to the Home Owners' Association (HOA) of open space lots OS-1 and OS-2, the stormwater drainage common area Lot CA-1, and the stub-out trail connecting the open space Lots OS-1 and OS-2 across Stokes Lane to the County Regional Park property line to the west. These assets shall be conveyed to the HOA and all its right, title, and interest in any improvements made to such open space, trail or drainage lot. For the transfer of real property, the subdivider or owner of the property shall submit with the application for the final plat a warranty deed or other instrument acceptable to the City Attorney transferring fee simple ownership to the HOA and associated realty transfer certificate. The subdivider or owner of the property must record the deed or instrument at the time of recording of the final plat. For personal property installed upon open space owned by the HOA, the subdivider shall provide an instrument acceptable to the City Attorney transferring all its rights, title and interest in such improvements including all applicable warranties to such improvements.

9. BMC 38.220.070. Final Plat. The final plat application shall include three (3) signed reproducible copies on a 3 mil or heavier stable base polyester film (or equivalent). The Gallatin County Clerk & Recorder's office has elected to continue the existing medium requirements of two (2) Mylars with a 1½" binding margin on one side for both plats and COS's. The Clerk and Recorder will file the new Conditions of Approval sheet as the last same sized Mylar sheet in the plat set.

10. BMC 38.220.300 & 310. The Home Owners' Association (HOA) documents must be finalized and recorded with the final plat. The HOA documents must include the requirements of Section 38.220.300 and 320.

11. BMC 38.220.320. Covenants.

a. A Draft Conditions, Covenants & Restrictions (CC&Rs) document must be submitted with initial final plat submittal to be reviewed and approved by the City and, when approved, recorded with the County Clerk and Recorder.

b. In order to disclose to future purchasers their obligations regarding open space established in the Municipal Code, the following language shall be included in the CC&R document: "Ownership of Common Open Space, trails and the common area stormwater management facility, and responsibility for maintenance thereof and for maintenance of the alley or other City assessments levied on these common lands shall be that of the Home Owners' Association (HOA). Maintenance responsibility shall include, in addition to the common open space, trails and the private alley, snow removal for those assets and irrigation of all vegetative ground cover, boulevard trees and maintenance of irrigation systems in the public right-of-way boulevard strips along all external perimeter development streets and as adjacent to public parks or other common open space areas. All areas within the subdivision that are designated herein as common areas, exclusive of the Lot CA-1 stormwater drainage facility, are for the use and enjoyment by residents of the development and the general public. The common area Lot CA-1 shall be used by this subdivision for stormwater management and shall be owned and maintained by the HOA. The HOA shall be responsible for levying annual assessments to provide for the maintenance, repair, and upkeep of all common areas inclusive of open space lots, trails, Lot CA-1 and the private alley. At the same time of recording the final plat of the subdivision the subdivider shall transfer ownership of all common areas to the HOA created by the subdivider to maintain all common areas within the Park View Crossing Major Subdivision."

12. BMC 38.220.320. Covenants. A notice prepared by the City shall be recorded concurrently with the final plat so that it will appear on title reports. This note shall read substantially as follows: "Lots 3D, 4A, 7D and 8A within Block 2 of the Park View Crossing Major Subdivision are subject to a ten-foot building setback from the side property lines abutting the Open Space Lots OS-1 and OS-2. It is the obligation of the lot owner to be fully informed as to this additional standard before beginning any home or site design process. Approval by any design review entity established in the HOA CC&Rs does not bind the City of Bozeman to approve any construction plan."

13. BMC 38.220.320. Covenants. Conditions, Covenants, Restrictions (CC&Rs), and articles of incorporation for the creation of a home owners' association and the CC&R document shall be submitted with the final plat application for review and approval by the Department of Community Development and shall contain, but not be limited to the following items: (1) the orientation and setbacks for corner lots, (2) all additional setbacks required when lots are adjacent to pathway corridors, such as Lots OS-1 and OS-2, (3) provisions for fences, (4) provisions for snow removal, maintenance and upkeep of the alley ROW, all common areas, public trails and storm water runoff facilities, (5) guidelines that outline architectural and landscape requirements for each individual lot and/or phase of the subdivision related to placement of landscaping and boulevard trees within the ROW at a regular spacing for each residential lot, (6) provisions that outline the renewal of an annual contract with a certified landscape nursery person for the upkeep and maintenance of all common open space, trails, etc., (7) landscape details for detention ponds, outlet structures, boulevard trees, parkland, irrigation, etc., (8) mitigation of groundwater with established floor elevations, (9) noxious weed control, and (10) assessment of existing and future Special Improvement Districts, if applicable. These documents shall be submitted to the City Attorney and shall not be accepted by the City until approved as to legal form and effect. A draft of these documents must be submitted for review and approval by the Community Development Department at least 30 working days prior to submitting a final plat application. These documents shall be executed and submitted with the final plat to be recorded with the Gallatin County Clerk and Recorder at the time of final plat recordation.

14. BMC 38.240.150.A.3. Review of Covenants. Deeds and Realty transfer certificates must be provided for transfer of any platted public travelway or tract to the City or other entity in association with filing of the final plat. It is noted that the alley that bisects the subdivision shall be a public right-of-way (ROW) that would be maintained by the HOA.

15. BMC 38.240.150.A.3.d. Transfer of ownership of public land, off-site land, private land, personal property, improvements and water rights; documents required.

a. For the transfer of real property in satisfaction of required or offered dedications to the City, and required or offered donations or grants to the home owners' association (HOA), the subdivider or owner of the property must submit with the application for final plat a warranty deed or other instrument acceptable to the City Attorney transferring fee simple ownership to the City or the HOA.

b. For the transfer of personal property installed upon City-owned rights-of-way (ROW) or HOA-owned parkland improvements or open space, the subdivider must provide the City with an instrument acceptable to the City Attorney transferring all its rights, title and interest in such improvements, including all applicable warranties to such improvements, to the City or the HOA.

c. The subdivider or owner of the property must record the deed or instrument transferring ownership or interests at the time of recording of the final plat with the original of such deed or instrument returned to the City or HOA as applicable.

d. For the transfer of ownership interest in water, the subdivider or owner of the property must submit with the application for final plat a deed or other instrument acceptable to the City Attorney transferring ownership to the City or HOA, along with all required State Department of Natural Resources and Conservation documentation, certification and authorization.

16. BMC 38.240.410. Dedication of Lands to the City of Bozeman. Stokes Lane and the extension of Tschache Lane within the subdivision shall be dedicated to the City of Bozeman. The north-south alleyway between Vaquero Parkway and Stokes Lane shall be a privately-maintained alley located within a public right-of-way (ROW) dedicated to the City. Prior to final plat approval, the certificate of dedication on the final plat shall include the specific names of the streets dedicated to the public for which the City accepts responsibility and shall reflect all such dedications and applicable private maintenance agreements.

17. BMC 38.240.420. Mortgagee. If there are liens or mortgages against the property, the appropriate Mortgagee certificate must be included.

18. BMC 38.240.430 and BMC 38.420.030.D. Cash donation in-lieu of parkland. Where a cash donation or combination of cash and improvement donation has been accepted in-lieu of on-site parkland by the City, the amount of the cash donation must be stated on the final plat.

Where there will be a cash donation in-lieu of parkland dedication, plats of subdivision must show the following certificate:

“Certificate accepting cash donation in-lieu of land dedication

Finding dedication of parkland within the platted area of the Park View Crossing Subdivision would be undesirable for park and playground purposes, it is hereby ordered by the City Commission of the City of Bozeman, that land dedication for park purposes be waived and that cash-in-lieu, in the amount of _____ dollars, and improvements-in-lieu with an estimated value of \$ _____, be accepted in accordance with the provisions of the Montana, Subdivision and Platting Act (MCA 76-3-101 through 76-3-625) and the Bozeman Municipal Code.

DATED this ____ day of _____, 20____.

Signature
City of Bozeman Director of Parks and Recreation”

19. BMC 38.240.450 Improvements. This code requires a certificate of completion of improvements. The certificate must specifically list all installed improvements and financially guaranteed improvements.

20. BMC 38.240.450 and 38.240.520. Certificate of Completion of Improvements. The Applicant is advised where non-public and/or public improvements are to be installed prior to final plat approval, the final plat of the subdivision must contain a Certificate of Completion for these improvements. Prior to final plat approval, Sheet One certificates must list all completed and accepted improvements, as applicable.

21. BMC 38.240.510. Conditions of approval notifications and certifications. Separate the Conditions of Approval Notifications and Certifications Certificate from the non-public improvements certificate and match the language in this section of the BMC.

22. BMC 38.240.520 Certificate of completion of non-public Improvements. This code requires a certificate of completion of non-public improvements. Certificate must specifically list all installed improvements and financially guaranteed improvements.

23. BMC 38.240.530. Completion of water-related improvements. When irrigation of public facilities are to be installed prior to final plat approval, the final plat of subdivision must contain a certificate of completion of water-related improvements. The certificate must list all completed and accepted improvements, including but not limited to all irrigation system record drawings. This certificate must be provided on the final plat.

24. BMC 38.270.030. Completion of improvements. If it is the developer's intent to file the plat prior to the completion of all required improvements, an Improvements Agreement shall be entered into with the City of Bozeman guaranteeing the completion of all improvements in accordance with the preliminary plat submittal information and conditions of approval. If the final plat is to be filed prior to the installation of all improvements, the developer shall supply the City of Bozeman with an acceptable method of security equal to 150 percent of the cost of the remaining improvements.

25. BMC 38.270.030. Completion of improvements. The Applicant must submit plans and specifications for water and sewer main extensions, streets, and storm water improvements, prepared and signed by a professional engineer (PE) registered in the State of Montana, which must be provided to and approved by the City Engineer. Water and sewer plans must also be approved by the Montana Department of Environmental Quality. The Applicant must also provide professional engineering services for construction inspection, post-construction certification, and preparation of Mylar record drawings. Construction shall not be initiated on the public infrastructure improvements until the plans and specifications have been approved and a preconstruction conference has been conducted. Building permits will not be issued prior to City acceptance of the site infrastructure improvements unless all provisions set forth in Section 38.270.030.C of the Bozeman Municipal Code are met to allow for concurrent construction.

26. BMC 38.270.030.B.3. Completion of Improvements, Lighting. Subdivision lighting must be installed or financially guaranteed prior to final plat approval. If a Subdivision Lighting Improvement District (SLID) is utilized for the lighting the Subdivision, the SLID information shall be submitted to the Clerk of Commission after Preliminary Plat approval in hard copy and digital form. The final plat application will not be deemed complete until the resolution to create the SLID has been approved by the City Commission.

27. BMC 38.270.090. Waiver of Park Maintenance District. Executed waivers of right to protest the creation of special improvement districts (SIDs) for a park maintenance district

will be required to be filed and of record with the Gallatin County Clerk and Recorder, unless already filed with annexation or prior development.

28. BMC 38.400.110.B.1, Transportation pathways. Developers must install transportation pathways, to provide adequate multimodal transportation facilities within the development as part of the required development improvements. Transportation pathways must meet Americans with Disabilities Act (ADA) accessibility standards and include the following types of facilities:

- a. Sidewalks (also see 38.400.080.B and 38.510 for sidewalk standards, depending on the applicable block frontage designation);
- b. On-street bike lanes and bike routes;
- c. Boulevard trails; and
- d. Class I trails.

29. BMC 38.410.040. Blocks.

- a. This subdivision includes a mid-block pedestrian crossing in-lieu of a street in order to meet the Block length and width standards of 38.410.040.B and C. This mid-block crossing is represented by the open space Lots OS-1 and OS-2. These lots must be delineated at their corner pins in accordance with 38.410.040 to distinguish them from the abutting private lots.
- b. With the final plat submittal, the Applicant shall provide design sections for the mid-block pedestrian crossing Lots OS-1 and OS-2 as well as for the stub-out trail along that alignment on the west side of Stokes Lane. These lots require 1 tree for every 50 feet per 38.550.050.D.

30. BMC 38.410.060.A. Easements. The final plat must provide all necessary utility and public access easements and they must be described, dimensioned and shown on each subdivision block of the final plat in their true and correct location. All written easements indicated below must be provided on City standard easements templates. Drafts must be prepared for review and approval by the City with the final plat submittal. Signed hard copies of the easements must be submitted to the City Engineering Department. Recorded easement numbers must be provided on the final plat prior to final plat approval. The Applicant may contact the review engineer to receive the standard templates.

- a. The Applicant must provide a ten foot wide utility easement (power, gas, communication, etc.) along the development's property frontage in accordance with the Bozeman Municipal Code (BMC). The required 10-foot front yard utility easement required along the lots on Vaquero Parkway, Stokes Lane and Tschache Lane must be recorded prior to final plat approval.
- b. The Applicant must provide a stormwater drainage easement over the proposed storm water facility on Lot CA-1;

c. Prior to final plat approval, the Applicant shall record an irrevocable public access easement on the two open space Lots OS-1 and OS-2A as well as the short stub-out connection of this trail to the County Regional Park located on the west side of Stokes Lane; and

d. The Applicant is advised that all dedicated public easements must be recorded the City's standard template easement documents separate from the plat and the recorded document number must be listed on the final plat. Easements will be deemed inadequate if they are not in a final draft format (signatures are not required for the draft review). Easements must be stamped by a licensed professional surveyor. In preparing signature blocks on any upcoming documents, please use the following names: Jeff Mihelich, City Manager; Mike Maas, City Clerk; Cynthia L. Andrus, Mayor. If a new member is established, the easement documents must be updated.

31. BMC 38.410.120. Mail delivery. If mail delivery will not be to each individual lot within the development, the developer shall provide an off-street area for a vehicle to pull out of the vehicle or pedestrian travelway to access cluster mailboxes, in cooperation with the USPS. It shall not be the responsibility of the City to maintain or plow any mail delivery area constructed within a City right-of-way (ROW). If cluster boxes are used a dedicated area for a vehicle to pull up and access the boxes outside of the ROW must be shown and labeled on the final plat map.

32. BMC 38.410.130. Water rights. Compliance with BMC 38.410.130, Water Rights, shall be met prior to final plat approval. The Applicant shall provide documentation of all water rights appurtenant to the proposed subdivision; e.g. previous estimates or actual payment - in-lieu of water rights, certified well logs, decrees or adjudications, etc. The Applicant must contact Griffin Nielsen with the City of Bozeman Engineering Department for any cash-in-lieu of water rights determination.

33. BMC 38.410.080.H. Landscape amenities. Stormwater retention/detention facilities in landscaped areas shall be designed as landscape amenities. They shall be an organic feature with a natural, curvilinear shape. The facilities shall have 75 percent of surface area covered with live vegetation appropriate for the depth and design of the retention/detention facility, and be lined with native grasses, indigenous plants, wet root tolerant plant types and groupings of boulders to create a functional yet, natural site feature.

34. BMC 38.550.070. Landscaping of public lands. In accordance with the requirements of this section, installation by the developer of vegetative ground cover, boulevard trees, and irrigation system in the public right-of-way boulevard strips on perimeter streets and in and adjacent to City park lots and any open space lots is required prior to final plat approval or must be financially guaranteed.

35. BMC 38.570.030. Street Lights. The Applicant shall construct street lights per the DSSP and setup a special improvement lighting district (SILD) for maintenance of the lights with the City Finance Department prior to final plat approval.

SECTION 5 - RECOMMENDATIONS AND FUTURE ACTIONS

On November 19, 2021, the Development Review Committee (DRC) determined that the application materials were adequate for continued review and found that application conforms to standards and is sufficient for approval with conditions and code provisions.

The Recreation and Parks Department continues to work with the Applicant to enable him to prepare a final parkland plan for this subdivision as described in Condition of Approval No. 2.

The Community Development Board, acting as the Planning Board, held a public hearing on the application on December 20, 2021. The Planning Board is the advisory body to the City Commission on this subdivision application. The Board, by a vote of 6 to 1, recommended approval of the project with the conditions and code provisions outlined in this staff report.

The public hearing date for the City Commission consideration of this preliminary plat was held on January 25, 2022 in the City Commission Chamber, 121 N Rouse Avenue at 6 PM and was also held on Webex.

After the City Commission reviewed and considered the application materials, staff report, advisory review board recommendations, public comment, and all the information presented, they made individual findings and voted 3 to 0 to approve the motion to approve the application (Mayor Andrus and Commissioner Coburn were absent). The Commission agreed that the application met the criteria established by the Bozeman Municipal Code. Therefore, the application was approved with conditions and applicable code provisions outlined in these findings.

The City Commission's review, deliberation and findings may be found under the linked minutes and recorded video of the meetings located at this web page filed under the date January 25, 2022:

<https://www.bozeman.net/services/city-tv-and-streaming-audio>

SECTION 6 - STAFF ANALYSIS AND FINDINGS

Analysis and resulting recommendations are based on the entirety of the application materials, State and Municipal codes, standards, and plans, public comment, and all other materials available during the review period. Collectively, this information is the record of the review. The following analysis is a summary of the completed review.

Applicable Subdivision Review Criteria for City Advisory Board and City Commission Action on a Preliminary Plat per Bozeman Municipal Code (BMC) Sections 38.240.150.A.2. In considering applications for preliminary plat subdivision approval under this title, the City Commission shall consider the following review criteria.

1. BMC 38.240.150.A.2 and Montana Codes Annotated (MCA) Section 76-3-615, Public comments or documents presented at or prior to the City Commission’s consideration of a plat constitutes new information.

Staff Evaluation: No new information has been presented to the City Commission prior to their January 25, 2022 decision. At that hearing, the staff report, staff presentation, and Applicant representative presentation was entered into the record. In the staff report, public comment received to date was described as follows:

2. BMC 38.240.150.B. The basis for the City Commission's decision to approve, conditionally approve or deny the subdivision must be whether the subdivision application, public hearing if required, planning advisory boards and agencies advice and recommendation and additional information demonstrates that development of the subdivision complies with the Bozeman Municipal Code (BMC), the City's growth policy as described in the Bozeman Community Plan, the Montana Subdivision and Platting Act and other adopted state and local ordinances, including, but not limited to, applicable zoning requirements.

Staff Evaluation: The Preliminary Plat meets these criteria as noted below on pages 24 to 36.

3. BMC 38.240.050.B.2. Consider written comments from appropriate public agencies, utilities or other members of the public.

Staff Evaluation:

a. The Development Review Committee (DRC) reviewed this application and deemed it adequate for further review and public notice on November 19, 2021.

b. The Community Development Board, acting as the Planning Board, reviewed this application on December 20, 2021 and, by a vote of 6 to 1, recommended approval of the preliminary plat with staff-recommended conditions and code provisions. The Board’s recommendation did not include support of the Applicant’s sidewalk variance request. Subsequent to the Board’s recommendation, on December 23, 2021, the Applicant withdrew in writing his sidewalk variance request. It is noted that Condition of Approval No. 3 for this Preliminary Plat requires a code-complying sidewalk along the west side of the new Stokes Lane.

c. Public Comment.

(1) During the December 20, 2021 Community Development Board meeting, a neighbor of the proposed subdivision called in to comment on the application and described his concern with increased traffic and parking congestion along Vaquero Parkway due to the proposed development.

(2) A December 21, 2021 Bozeman Daily Chronicle newspaper article about the December 20, 2021 Community Development Board meeting alerted a neighbor of the proposed subdivision and this neighbor called the Community Development Department to express her concern with potential loss of habitat for a local flock of Partridge birds who frequent the Site and neighboring park. The application material for this project noted that there are not Species of Concern located on or near the Site. Staff reviewed the Montana Natural Heritage Program website listing of Species of Concern and found that Partridge birds are not a Species of Concern and, therefore, the loss of 7-acres of habitat does not need to be mitigated. Furthermore, several site visits by staff after the neighbor's alerting to the presence of these birds, did not reveal the birds on the Site. It is noted that these visits took place in winter and the snow on the ground made it easy to see a brownish bird. Only Macaw birds have been observed on the Site.

4. BMC 38.240.150.B.3. The City Commission shall consider the following:

- (a.) Relevant evidence relating to the public health, safety and welfare;
- (b.) Other regulations, code provisions or policies in effect in the area of the proposed subdivision;
- (c.) The recommendation of the advisory bodies;
- (d.) Any relevant public comment; and
- (e.) Individual phases, existing conditions, and changed circumstances for any phase reviewed under 76-3-617 MCA.

Staff Evaluation:

- (a) Please see code evaluations noted on pages 22 through 36.
- (b) Please see code evaluations noted on pages 22 through 36.
- (c) Please see the recommendations noted on pages 1 and 2;
- (d) Please see the public comments noted above;
- (e) The subdivision infrastructure and utilities would be built in a single phase.

4. BMC 38.240.170, Certification that water and waste services are to be provided.

Staff Evaluation: Per the Engineering Report for this subdivision, water and wastewater improvements would be designed to meet City standards and, with the recommended conditions of approval and code provisions, this subdivision would not significantly burden City water or sanitary sewer infrastructure.

5. BMC 38.240.150.B, Features, including well isolation zones, do not encroach onto private property.

Staff Evaluation: Please see the Surface Water discussion below.

38.240.150. D, Finding of Fact. Federal or state governmental entity input. If a federal, BMC or state governmental entity submits a written or oral comment or an opinion regarding wildlife, wildlife habitat, or the natural environment relating to a subdivision application for the purpose of assisting a governing body's review, the comment or opinion may be included in the governing body's written statement under this section only if the comment or opinion provides scientific information or a published study that supports the comment or opinion. A governmental entity that is or has been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the subdivision application must disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection.

Staff Evaluation: No such comment was received for this application.

BMC 38.220.060, Documentation of Compliance with State and Local Adopted Standards.

BMC 38.220.060 A. Staff offers the following summary comments on the information required with BMC 38.220.060.

38.220.060. A.1. Surface Water. A small section of the Spring Ditch is located near the northern property boundary and encroaches into the northern portion of the subdivision's stormwater easement. The original source of the Spring Ditch was believed to be from a natural spring located south of what is now the County Regional Park. Currently the water is collected underground (reportedly via a French drain system under Oak Street) and discharged to a pipe located in the bottom of the man-made Spring Ditch channel. The channel then flows north and crosses Baxter Lane. An existing irrigation easement (Doc. #2081799) is also located within the Regional Park. The existing wetlands located along Spring Ditch are shown on Sheets 1 and 2 of the Preliminary Plat as a wetlands boundary. The Spring Ditch or any associated wetlands would not be altered in any way with the construction of this development.

38.220.060. A.2 Floodplains. The portion of the Spring Ditch 100-year floodplain is located within the Common Area Lot 1 (Lot CA-1) for the stormwater detention pond within of this subdivision. Code Provision No. 6 would require the pond to be designed and built to assure that it would not erode during a 100-year flood event.

38.220.060. A.3. Groundwater. Groundwater is known to be high in this area. The Applicant provided GWIC monitoring wells to establish seasonal minimum and maximum groundwater depths. Code Provision No. 3b prohibits lot owners from building basements and crawl spaces due to high groundwater unless a certified engineer assures the City that no damage to structures would occur.

38.220.060. A.4. Geology, Soils and Slopes. Geology and soils will likely be similar to those encountered during the construction of Phases 4G & 4H of the Crossing 2 at Baxter Meadows subdivision to the east of the Site. There are no known geologic hazards associated with this property other than the regional designation of Seismic Zone 3. Conformance to relevant building codes can mitigate this degree of potential hazard. No unusual construction techniques are required due to geology, slopes, or soil types other than appropriate seismic design standards common throughout the Gallatin Valley. Significant slopes are not anticipated. The NRCS soils report was included with this preliminary plat submittal. Wetlands near Spring Ditch have been delineated and its lines are shown on the Preliminary Plat and would be shown on the final plat.

38.220.060. A.5. Vegetation. The property has been vacant for several years and has not been used agriculturally in the recent past. The property is adjacent to the Gallatin County Regional Park to the west, the Bozeman Fire Station No. 3 to the south, and residential development on all other sides. No known critical plant communities have been located on the property. After development, the majority of vegetation will be lawn, shrubs, and boulevard trees typical of residential subdivisions. Per Code Provision No. 4, an approved weed management plan must be provided with the final plat submittal and recorded prior to approval of the final plat and the subdivision CC&R document must clarify that the HOA is responsible for implementing and enforcing the weed management plan.

38.220.060. A.6. Wildlife. No animals listed under the “Animal Species of Special Concern”, (Montana Natural Heritage Program, Helena, 2003) have been observed or are known to occupy the property. Habitat most suitable for wildlife includes the area around the Spring Ditch that will not be developed.

38.220.060. A.7. Agriculture. Due to development in the area, no agricultural practices have been performed on the property for several years.

38.220.060. A.8 Agricultural Water User Facilities. The Spring Ditch agricultural facility will continue to flow and the existing irrigation easement located completely within the County Regional Park would not be abandoned or altered with this project.

38.220.060. A.9. Water and Sewer. Per the Engineering Report for this subdivision, water and wastewater improvements would be designed to meet City standards and, with the recommended conditions of approval and code provisions, this subdivision would not significantly burden City water or sanitary sewer infrastructure.

38.220.060. A.10. Stormwater Management. The subdivision would not significantly impact stormwater infrastructure. The stormwater systems would be designed to meet City standards and would be maintained by the Park View Crossing HOA [see Conditions of Approval No. 8 and 7 (k)].

38.220.060. A.11. Streets, Roads and Alleys. The subdivision would not significantly impact the City’s street infrastructure. A single “loop” road called Stokes Lane would serve

the subdivision accessed from Vaquero Parkway and an extension of Tschache Lane into the subdivision from the intersection with Vaquero Parkway.

The new Stokes Lane loop road would have the following characteristics:

- 60-foot right-of-way
- 33 feet from back of curb to back of curb
- Standard City of Bozeman curb and applicable curb returns with the exception of a sidewalk along the western side of Stokes Lane which would be substituted by an existing shared-use path/trail within the County Regional Park along this same alignment.

A new privately maintained alley ROW bisects the subdivision in a north/south orientation and would have the following characteristics:

- 30-foot public access easement
- 16-foot paved width
- Inverse crown (without curb and gutter).

This subdivision is not expected to adversely affect existing public land access. Access to the public lands of the County Regional Park and Dinosaur Park currently exist on Oak Street and at the Bozeman's Firehouse No. 3. Furthermore, the Applicant would install a paved 10-foot wide shared-use pathway on the western side of Vaquero Parkway to provide trail/park connectivity for the community. This shared-use path would connect to and through the subdivision via Open Space Lots 1 and 2 and a short stub pathway on the west side of Stokes Lane to the 97-acre Gallatin County Regional Park property line.

38.220.060. A.12. Non-Municipal Utilities. This subdivision would not significantly impact non-municipal utilities. Standard 10-ft utility easements would be provided across all lots. All private utilities are available in the area to serve this subdivision.

38.220.060. A.13. Land Use. This subdivision is consistent with residential land uses allowed by the underlying R-3, Medium-density Residential zoning; specifically, the development of duplex, triplex and fourplex dwelling units are principal permitted uses within the R-3 district. The R-3 district requires a *minimum* density of 5 dwelling units per net -acre. The net -acreage of this 7-acre property excludes 2.93-acres of unbuildable lands of streets, open space lots and the stormwater common area lot. This 4.07 net-acre, 44-residential lot subdivision would more than double the *minimum required* density of 20 dwelling units. The townhome lots are allowed at 3,000 square feet (sf) per dwelling unit lot and the duplex lot is allowed at 2,500 sf per lot. The 4.07-net-acre, 44 dwelling unit subdivision provides 74 percent of the *maximum density allowed* in the R-3 zone for townhome dwelling units. The maximum density for this 4.07-acre subdivision would be 59 townhomes or 71 duplex dwelling units, depending on what type of residential structure is built.

The proposed residential use would not adversely affect adjacent land uses in the area. Existing land uses bordering the east and north sides of the Park View Crossing property are residential, predominantly single-household detached dwelling units with some apartment buildings. The properties bordering the south and west are part of a Gallatin County Regional Park and are in public use, including a Fire Department Station and trail heads for the park.

The subdivision must provide a sidewalk and two open space lots which link Vaquero Parkway ROW to a new shared-use path/trail within the County Regional Park to the west. Two Open Space Lots, OS-1 and OS-2, serve as mid-block crossings for pedestrian and bicyclist and equate to 0.05-acres or 0.71% of the total area. One 0.29-acre lot serves as a Common Area Lot 1 stormwater drainage pond representing 4.14% of the land area. The streets equate to 2.59.64-acres or 37% of the total area. The residential lots total 4.07 net-acres and represent 58.14% of the 7-acre property.

Access to the abutting County Regional Park would be enhanced by the development via sidewalks, the east-west mid-block open space lots extending pedestrian and bicycle access from Vaquero Parkway to the park property line. Both open space lots within the subdivision would be open to the public and easily accessible and would be landscaped and provided with trees and a minimum 5-foot wide sidewalk.

No hazards or nuisances are expected to be created by the development. Safety issues related to construction activity would be effectively controlled by City standards for construction management practices.

38.220.060. A.14. Parks and Recreation Facilities. The Applicant seeks to satisfy Parkland requirements with a combination of cash-in-lieu and off-site trail corridor improvements. The Applicant requests to provide cash-in-lieu of parkland because there is a publicly-accessible 97-acre Gallatin County Regional Park abutting the subdivision to the west. The Applicant would provide a shared-use path along the subdivision's eastern frontage, within the Vaquero Parkway ROW, as part of this parkland in-lieu requirement. The Applicant is continuing negotiations with the Parks Department to satisfy the parkland requirement of this subdivision. Per Condition of Approval No. 2, those agreements would be finalized prior to submittal of a final plat application.

38.220.060. A.15. Neighborhood Center Plan. Neighborhood centers are required for subdivisions of 10-acres or more per 38.410.020. This subdivision is 7-acres and, therefore, exempt from this requirement. However, the County Regional Park abuts the subdivision along its western frontage.

38.220.060. A.16. Lighting Plan. The preliminary street lighting plan is in accordance with the requirements of the BMC. Four street light fixtures are proposed with this development, each light spacing and design would meet City of Bozeman Design Standards and Specifications Policy. Per Code Provision No. 32, the Applicant is required to request the formation of a special improvement lighting district (SILD) for the district property owners, typically the HOA, to pay the costs of operation and maintenance of street light fixtures associated with this subdivision.

38.220.060. A.17. Miscellaneous. Not applicable.

38.220.060. A.18. Affordable Housing. The Applicant does not propose the inclusion of affordable housing meeting the provisions of BMC Section 38.380 and, due to the passage of

State law HB 259 by the 2021 State Legislature resulting in the provisions of MCA Section 76.3.514, the affordable housing provisions of 38.380.030 do not apply to this subdivision.

Montana Code Annotated (MCA) 2021, Title 76. Land Resources and Use.

1. Compliance with the survey requirements of Part 4, Section 76-3-402 of the Montana Subdivision and Platting Act.

a. The Preliminary Plat has been prepared in accordance with the survey requirements of the Montana Subdivision and Platting Act by a Professional Engineer registered in the State of Montana. A Subdivision Exemption lot line adjustment with the County Regional Park lands has been approved per Project No. 20312 but has not been recorded. This lot line adjustment is a result of a “land swap” with Gallatin County to adjust access to the northern portions of the park and the stormwater pond common area lot (CA-1) of this subdivision. Per Condition of Approval No.4, the approved Subdivision Exemption lot line adjustment plat map must be recorded with the Gallatin County Clerk and Recorder prior to approval of the final plat for this subdivision.

Also outlined in Code Provision No. 1, the final plat must comply with State statute, Administrative Rules of Montana, and the Bozeman Municipal Code (BMC). A Condition of Approval sheet must be included with the final plat and updated with any additional required notations as required by these Preliminary Plat conditions or code provisions.

2. Compliance with the local subdivision regulations as provided for in Part 5 of the Montana Subdivision and Platting Act per BMC 38.240.130.A.5.e (1) Criteria, (b).

The final plat must comply with the standards identified and referenced in the BMC. The Applicant is advised that unmet code provisions, or code provisions that are not specifically listed as a condition of approval, does not, in any way, create a waiver or other relaxation of the lawful requirements of the Bozeman Municipal Code or State law. Sections 3 and 4 of this report identify conditions and code corrections necessary to meet all regulatory standards. Staff recommends Conditions of Approval No. 1 through 6 and Code requirements 1 through 35 to address necessary documentation and compliance with adopted standards. Therefore, upon satisfaction of all recommended conditions and applicable code corrections, the subdivision would comply with local subdivision regulations.

3. The provision of easements to and within the subdivision for the location and installation of any necessary utilities per BMC 38.410.060.

Code Provision Numbers 2 and 30 require that all easements, existing and proposed, must be accurately depicted and addressed on the final plat and in the final plat application. Public utilities must be located within dedicated street right of ways. Utility easements need to be provided and granted with the final plat in accordance with public and private design standards.

4. The provision of legal and physical access to each parcel within the subdivision per BMC 38.240.130.A.5.e (1) Criteria, (d).

Access to the property is from Vaquero Parkway which is a City-owned and maintained road. Tschache Lane is being extended into the subdivision from Vaquero Parkway and would be a City-owned and maintained road. The new loop road, Stokes Lane, would be dedicated to the City for ownership and maintenance. An alley ROW would bisect the subdivision in a north-south orientation and would be dedicated to the City although it is required to be privately-maintained by the subdivision HOA per Code Provisions 3c and 11b.

5. Compliance with the local subdivision review procedures provided for in Part 6 of the Montana Subdivision and Platting Act.

The application was initially received on May 19, 2021 and was deemed inadequate for further review. Revised application materials were received on June 30, August 25, and November 19, 2021. The City deemed the application adequate for review on November 19, 2021. A public hearing was held by the Community Development Board on December 20, 2021 and the City Commission hearing was held on January 25, 2022 after the Applicant requested in writing a postponement from the originally-scheduled hearing for January 11, 2022.

The hearings before the Community Development Board and City Commission have been properly noticed as required by the BMC. Based on the recommendation of the Development Review Committee (DRC) and other applicable review agencies, as well as any public testimony received on the matter, the Community Development Board, acting as the Planning Board per 38.240.130.A.3.b, must forward a written recommendation to the City Commission who will make the final decision on the Applicant's request, per 38.240.130.A.5.c. The staff report for the January 25, 2022 City Commission hearing presented the Community Development Board's written recommendation to the Commission on this application. That recommendation was for conditional-approval with the staff-recommended conditions and code provisions.

The final decision for a Major Subdivision Preliminary Plat with less than 50 lots must be made within 60 working days of the date it was deemed adequate (November 19, 2021). Pursuant to BMC 38.240.130.A.5.a.4, the City Commission shall approve, conditionally approve or deny the subdivision application by January 19, 2021 unless there is a written extension from the developer, not to exceed one year. The Applicant requested a continuance of the City Commission's consideration of this application to the January 25, 2021 meeting due to a previously unforeseen conflict with the Commission's scheduling of cases on that date.

Public notice for this application was given as described in Appendix B beginning on December 3, 2021 and ending on December 16, 2021. As of the date of this report, there were two public comments received; both after this public notice period. They are:

(1.) During the public comment period of the December 20, 2021 Community Development Board meeting, a neighbor called in to express concern with (1) potential double-parking by park visitors along Vaquero Parkway; (2) concern with increased traffic congestion on

Vaquero Parkway due to the proposed development; and (3) objection to the sidewalk variance request due to lack of “undue hardship” to the Applicant who wants to avoid the cost of installing the concrete sidewalk.

The Community Development Board proceedings may be viewed here under the date December 20, 2021: <https://www.bozeman.net/services/city-tv-and-streaming-audio>

(2.) On December 22, 2021, another neighbor of the Site called our office to express concern that the increased number of residents of the subdivision would negatively affect a flock of partridge birds whose habitat includes the Site and the neighboring park. She asked if an environmental impact study had been conducted to identify the impact to these birds and their habitat. She stated that neighbors of the area delight in seeing the flock of partridges wander about the area. Staff explained that Montana subdivision law requires Applicants to provide information about wildlife and habitat that may be affected by the subdivision and this information was provided and can be found in the Community Development Board staff report which was sent to her. In response, staff researched the Montana Natural Heritage Species of Concern and Potential Species of Concern lists and the partridge species of birds is not listed therein [Please see 38.220.060.A.6, Wildlife subsection on page 26 of this report].

On December 27, 2021, the staff report for this Park View Crossing Major Subdivision Preliminary Plat application was completed and forwarded with a recommendation for consideration by the City Commission. Based on the recommendation of the DRC and other applicable review agencies, as well as any public testimony received on the matter, the Community Development Board forwarded their written recommendation via that staff report to the City Commission who made the final decision on the application on January 25, 2022.

8. Compliance with Chapter 38 of the Bozeman Municipal Code (BMC) and other relevant regulations.

a. The final plat must comply with the standards identified and referenced in the BMC. The Applicant is advised in Code Provision No. 1 that unmet code provisions, or code provisions that are not specifically listed as a condition of approval, does not, in any way, create a waiver or other relaxation of the lawful requirements of the Bozeman Municipal Code or State law.

b. Sections 3 and 4 of this report identify staff-recommended conditions of approval and applicable code corrections necessary to meet all regulatory standards. It is expected that upon satisfaction of all 6 conditions of approval and 35 code provisions, the subdivision would comply with local subdivision regulations, meeting this criterion.

Primary Subdivision Review Criteria, Montana Code Annotated (MCA) Section 76-3-608. Criteria for local government review.

(1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145.

Staff Comment: The proposed preliminary plat, when satisfying the 6 conditions of approval and 35 code provisions, would meet the requirements of MCA 76-3-608. It is expected that the nearby Meadowlark and Emily Dickinson Elementary Schools, the Chief Joseph Middle School and the Gallatin High School would serve students residing in the proposed subdivision with no adverse impacts to capacity. The Site is not designated a wildland-urban interface parcel.

(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

Staff Comment: Section 7 of this report, found on pages 36 to 38, represent these Findings of Fact and Order.

(3) A subdivision proposal must undergo review for the following primary criteria:

(a) except when the governing body has established an exemption pursuant to subsection (6) or except as provided in 76-3-509, 76-3-609(2) or (4), or 76-3-616, the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils;

(b) compliance with:

(i) the survey requirements provided for in part 4 of this chapter;

(ii) the local subdivision regulations provided for in part 5 of this chapter; and

(iii) the local subdivision review procedure provided for in this part;

(c) the provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and

(d) the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

Staff Comment: Compliance with these elements and criteria are discussed on pages 25 through 28.

(4) The governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through the review required under subsection (3) but may not require a set-aside of land or monetary contribution for the loss of agricultural soils. Pursuant to 76-3-620, the governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

Staff Comment: The subject property has lain fallow for several years and is no longer in agricultural use and, therefore, there are no adverse impacts to agricultural soils as a result of residential development of the Site.

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the impacts of a proposed development may be deemed unmitigable and will preclude approval of the subdivision.

Staff Comment: The six conditions of approval placed on this preliminary plat will not restrict the owner's development of the Site.

(b) When requiring mitigation under subsection (4) and consistent with 76-3-620, a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

Staff Comment: Under subsection 4 above, there is no loss of agricultural soils and, therefore, no mitigation required.

(6) A governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on the information provided pursuant to 76-3-622 only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce.

Staff Comment: As noted on page 26, water and sanitary sewer service would be provided to the subdivision by the City of Bozeman and this service would not significantly burden City water or sanitary sewer infrastructure.

(7) A governing body may not require as a condition of subdivision approval that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 20 years after the date that the final subdivision plat is filed with the county clerk and recorder.

Staff Comment: The special improvement district (SID) waivers noted in Condition of Approval No. 6, found on page 11, follow City of Bozeman Resolution 5076, Policy 1 and are specifically pertinent to the development of this property and this subdivision.

(8) A governing body may not approve a proposed subdivision if any of the features and improvements of the subdivision encroach onto adjoining private property in a manner that is not otherwise provided for under chapter 4 or this chapter or if the well isolation zone of

any proposed well to be drilled for the proposed subdivision encroaches onto adjoining private property unless the owner of the private property authorizes the encroachment. For the purposes of this section, "well isolation zone" has the meaning provided in 76-4-102.

Staff Comment: A small section of the existing Spring Ditch agricultural irrigation facility is located near the northern boundary of this subdivision and encroaches into the northern portion of the subdivision's stormwater easement. The Spring Ditch would not be altered with the development of this subdivision [see Surface Water discussion on page 25].

(9) If a federal or state governmental entity submits a written or oral comment or an opinion regarding wildlife, wildlife habitat, or the natural environment relating to a subdivision application for the purpose of assisting a governing body's review, the comment or opinion may be included in the governing body's written statement under 76-3-620 only if the comment or opinion provides scientific information or a published study that supports the comment or opinion. A governmental entity that is or has been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the subdivision application shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection.

Staff Comment: No federal or state governmental entity has commented on this subdivision proposal.

(10) Findings of fact by the governing body concerning whether the development of the proposed subdivision meets the requirements of this chapter must be based on the record as a whole. The governing body's findings of fact must be sustained unless they are arbitrary, capricious, or unlawful.

Staff Comment: These findings are noted in Section 7 of this report on pages 36 to 38.

MCA 76.3.608(3)a. Effects on local services, the natural environment, wildlife and wildlife habitat, and public health and safety, 38.240.130.A.5.e (1) e.

(3) The effect on local services.

Water/Sewer – Water and sewer systems exist to serve the subdivision. The Applicant proposes to extend water and sewer mains to the subdivision. Code Provision No. 25 requires the Applicant to submit plans for water and sewer main extensions, approved by the Montana Department of Environmental Quality, to be reviewed by the City. Code Provision No. 2 requires a City standard sewer easement where the sewer system is located. Building permits would not be issued prior to City acceptance of site infrastructure improvements, unless concurrent construction is requested and conditions allow.

Water rights exist for the subject property. The Applicant proposes to transfer to City ownership existing water rights as outlined in Code Provision No. 5.

Streets – The 2020 Bozeman Community Plan/Growth Policy and subdivision standards require adequate connectivity of a development to the street grid. Access to the Site would be taken from Vaquero Parkway, a designated local street. A new Stokes Lane would provide access from Vaquero Parkway along with a westward extension of Tschache Lane into the subdivision. An internal north-south alley bisecting the subdivision would be a publicly-accessible yet privately-maintained alley as outlined in Code Provision No. 3g.

BMC 38.400.080, Sidewalks adjacent to public lands. This requires a sidewalk along the western side of the new Stokes Lane as it abuts a public park. Condition of Approval No. 3 requires the final plat to show a City-standard sidewalk meeting this code provision. This BMC standard and Condition of Approval No. 1 would implement the City Community Plan/Growth Policy N-1.8 which states: “Install, replace and maintain missing or damaged sidewalks, trails and shared use paths.”

Walkability, Transit and Bikeability. This subdivision provides a sidewalk along the extension of Tschache Lane, along Stokes Lane, and provides a mid-block crossing pathway within the open space Lots OS-1 and OS-2. Not shown on Sheet 2 of the Preliminary Plat, but required by Condition of Approval No. 3, is a City-standard sidewalk along the west side of Stokes Lane, as required by the following BMC standards.

Sec. 38.400.050. - Street and road right-of-way width and construction standards.

A. All streets and roads providing access to, and within, the proposed development must meet the following standards:

1. Right-of-way width and construction standards contained in this chapter: the most recently adopted long range transportation plan; the City of Bozeman Design Standards and Specifications Policy; and the City of Bozeman Modifications to Montana Public Works Standard Specifications.

Stokes Lane must meet the local street section and include sidewalk, boulevard, and street trees on both sides of the street.

Sec. 38.400.080.B – Sidewalks adjacent to public lands. The developer must install sidewalks adjacent to public lands, including, but not limited to, parks, open space, and the intersection of alleys and streets or street easements. Applicable sidewalks and development frontages adjacent to public lands are subject to the provisions of section 38.510.030.I. Therefore, a 6-foot wide sidewalk is required on the west side of Stokes Lane per Condition of Approval No. 3.

The Community Plan/growth policy encourages development to be walkable, which is defined in the Plan’s Appendix F Glossary as: *Walkable. A walkable area has:*

- *A center, whether it’s a main street or a public space.*
- *People: Enough people for businesses to flourish and for public transit to run frequently.*
- *Parks and public space: Functional and pleasant public places to gather and play.*
- *Pedestrian design: Buildings are close to the street, parking lots are relegated to the back.*
- *Schools and workplaces: Close enough that walking to and from home to these destinations is realistic.*

- *Complete streets: Streets designed for bicyclists, pedestrians, and transit.*

With the complexity of features needed to create a walkable environment, no one Site is likely to provide all the needed elements. The additional density of the proposed subdivision in this area is expected to help provide for element two above--to support public transit in in the area.

Looking at the private, proprietary algorithm of WalkScore.com, the Site was given a Walk Score of 21 out of 100 which denotes that the Site and area are car-dependent. It has a Transit score of 19, which denotes minimal transit service, and a Bike Score of 41, which denotes that the area is “somewhat bikeable” according to the WalkScore.com algorithms.

However, this algorithm walk, transit and bike score may not know the local assets in the area and there is no contact information on the website for staff to inquire as to how recent their data is for this area, or for the City.

There is a Streamline “Brown line” bus stop at Oak at the County Regional Park.

There are bicycle lanes surrounding the area on Davis Lane, Oak Street, Baxter Lane and Ferguson Avenue. A north-south bike route is located one block east on Hunters Way.

The 2017 Bozeman Transportation Master Plan shows a recommended \$250,000 bike path improvement (SP-16) which would extend bike travel lanes or a shared use path along Tschache Lane from Davis Lane west to N. 27th Avenue linking to other north-south facilities.

There would be a shared use path along Vaquero Parkway installed by the Applicant and there are nearby shared use paths along Oak Street and Ferguson Avenue.

Average walk score for the City as a whole was given a 48 out of 100. Again, these values are provided by Walk Score, a private organization which presents information on real estate and transportation through walkscore.com. A score is not an indication of safety or continuity of services or routes. Scores are influenced by proximity of housing, transit, trails, commerce and services and expected ability, as determined by the algorithm, to meet basic needs without using a car. There are no adopted BMC development standards relating to the walk score.

A traffic impact summary was provided with the application and it found that the infrastructure that exists and is proposed for the project would adequately service the development and no upgrades were proposed for any nearby intersections.

Police/Fire – The area of the subdivision is within the service area of both these departments. No concerns regarding service availability have been identified.

Stormwater - The subdivision must construct storm water management and water quality facilities conforming to standards of the Bozeman Municipal Code. The maintenance of the stormwater facilities are the responsibility of the Home Owners’ Association (HOA) as outlined in Code Provisions Numbers 3a and 6. Inspection of installed facilities prior to final plat will verify that standards have been met.

Parklands – The Applicant has asked to provide both cash-in-lieu and improvements-in-lieu contributions in-lieu of providing parkland within the subdivision as required by BMC 38.420. Per conversations with the City of Bozeman Parks and Recreation Department (PARKS), a 10-foot wide paved shared-use pathway would be installed by the Applicant within the Vaquero Parkway right of way (ROW), located immediately east of the platted subdivision area, and would extend from the property’s northern boundary to the southern boundary. As part of this Improvements-in-lieu agreement, the shared use path may be further installed by the Applicant from Baxter Lane to Davis Lane. This has been discussed by PARKS as the ideal location for a shared-use pathway providing connectivity and access to the County Regional Park abutting the subdivision to the west through (1) the sidewalks within the subdivision; (2) through the mid-block crossing Open Space Lots OS-1 and OS-2; (3) to a stub-out concrete pad at the park’s eastern boundary on the same plane/alignment as the OS lots.

This offer would be part of a combined cash- and improvements-in-lieu to satisfy their parkland requirement for the 44 new dwelling units. As the coordination of parkland contributions is ongoing with PARKS, the shared use path surfacing and exact locations and extents of the path improvements have yet to be finalized and, per Condition of Approval No. 2, details of this path must be finalized and submitted for City review and approval with the final plat application.

(4) The effect on the natural environment.

No significant negative impacts to the natural environment have been identified. The stormwater pond of Lot CA-1 at the northern end of the subdivision would be designed to ensure that stormwater would not adversely affect the Spring Ditch irrigation ditch and associated flora and fauna thereon.

The Site is in a potential area of high groundwater which may negatively impact future structures or cause illicit discharges into the sanitary sewer and over burden the surface drainage system. Code Provision No. 3b prohibits crawl spaces or basement without first consulting a professional engineer certified in the State of Montana who would certify that groundwater would not harm these structures. This requirement will protect both future structure owners from future hazards of flooding and lessen burdens on the public from illicit discharges.

BMC 38.550.070, Landscaping of public lands. This requires use of wells or surface water rights to irrigate right-of-way boulevard greens, parks and open spaces rather than municipal water supply.

(5) The effect on wildlife and wildlife habitat.

No animals listed under the “Animal Species of Special Concern”, (Montana Natural Heritage Program, Helena, 2003) have been observed or are known to occupy the property. Habitat most suitable for wildlife includes the area around the Spring Ditch that will not be developed.

(6) The effect on public health and safety.

With the recommended conditions of approval and required plat corrections, the subdivision is not expected to adversely impact public health and safety. The intent of the regulations in Chapter 38 of the Bozeman Municipal Code (BMC) is to protect the public health, safety and general welfare. The subdivision has been reviewed by the DRC which has determined that it is in general compliance with the BMC standards with recommended conditions and code provisions. Conditions deemed necessary to ensure compliance have been noted throughout this staff report. Code Provision No. 1 requires full compliance with all applicable State and BMC code requirements.

All subdivisions must be reviewed against the criteria listed in 76-3-608.3.b-d, Montana Code Annotated (MCA) and as a result, the Department of Community Development has reviewed this application against the listed criteria and further provides the following summary from Applicant submittal materials and code requirements. It is noted that all infrastructure would meet City standards.

SECTION 7 – FINDINGS OF FACT, ORDER, AND APPEAL PROVISIONS

- A. PURSUANT to Chapter 38, Article 2, BMC, and other applicable sections of Chapter 38, BMC, public notice was given, opportunity to submit comment was provided to affected parties, and a review of the preliminary plat described in these findings of fact was conducted.
- B. The purposes of the preliminary plat review were to consider all relevant evidence relating to public health, safety, welfare, and the other purposes of Chapter 38, BMC; to evaluate the proposal against the criteria and standards of Chapter 38 BMC, BMC; and to determine whether the plat should be approved, conditionally approved, or denied.
- C. The matter of the preliminary plat application was considered by the City Commission at a public hearing on January 25, 2022 at which time the Department of Community Development Staff reviewed the project, submitted and summarized the conditions of approval, clarified unresolved issues and summarized the public comment submitted to the City prior to the public hearing.
- D. The owner and Applicant of this preliminary plat, Campeche Shores Development Company, LLC. Is represented by Hyalite Engineering and Mr. Brett Megaard who, on behalf of the owner/applicant, acknowledged understanding and agreement with the recommended conditions of approval and code provisions.
- E. The City Commission requested public comment at the public hearing on January 25, 2022 and no members of the public offered testimony on the proposed subdivision.
- F. It appeared to the City Commission that all parties and the public wishing to examine the proposed preliminary plat and offer comment were given the opportunity to do so. After receiving the recommendation of the relevant advisory bodies established by

Section Chapter 38, BMC, and considering all matters of record presented with the application and during the public comment period defined by Chapter 38, BMC, the City Commission has found that the proposed preliminary plat would comply with the requirements of the Bozeman Municipal Code if certain conditions were imposed. Therefore, being fully advised of all matters having come before her regarding this application, the City Commission makes the following decision.

- G. The preliminary plat has been found to meet the criteria of Chapter 38, BMC, and is therefore approved, subject to the conditions listed in Section 3 of this report and the correction of any elements not in conformance with the standards of the Chapter including those identified in Section 4 of this report. The evidence contained in the submittal materials, advisory body review, public testimony, and this report, justify the conditions imposed on this development to ensure that the final site plan and subsequent construction complies with all applicable regulations, and all applicable criteria of Chapter 38, BMC.
- H. This City Commission order may be appealed by bringing an action in the Eighteenth District Court of Gallatin County, within 30 days after the adoption of this document by the City Commission, by following the procedures of Section 76-3-625, MCA. The preliminary approval of this single phased major subdivision shall be effective for two (2) years from the date of the signed Findings of Fact and Order approval for this single-phase subdivision. At the end of this period the City may, at the request of the subdivider, grant an extension to its approval by the Community Development Director for a period of mutually agreed upon time.

DATED this ____ day of _____, 2022

BOZEMAN CITY COMMISSION

Cynthia L. Andrus

Mayor

ATTEST

Mike Maas

City Clerk

APPROVED AS TO FORM:

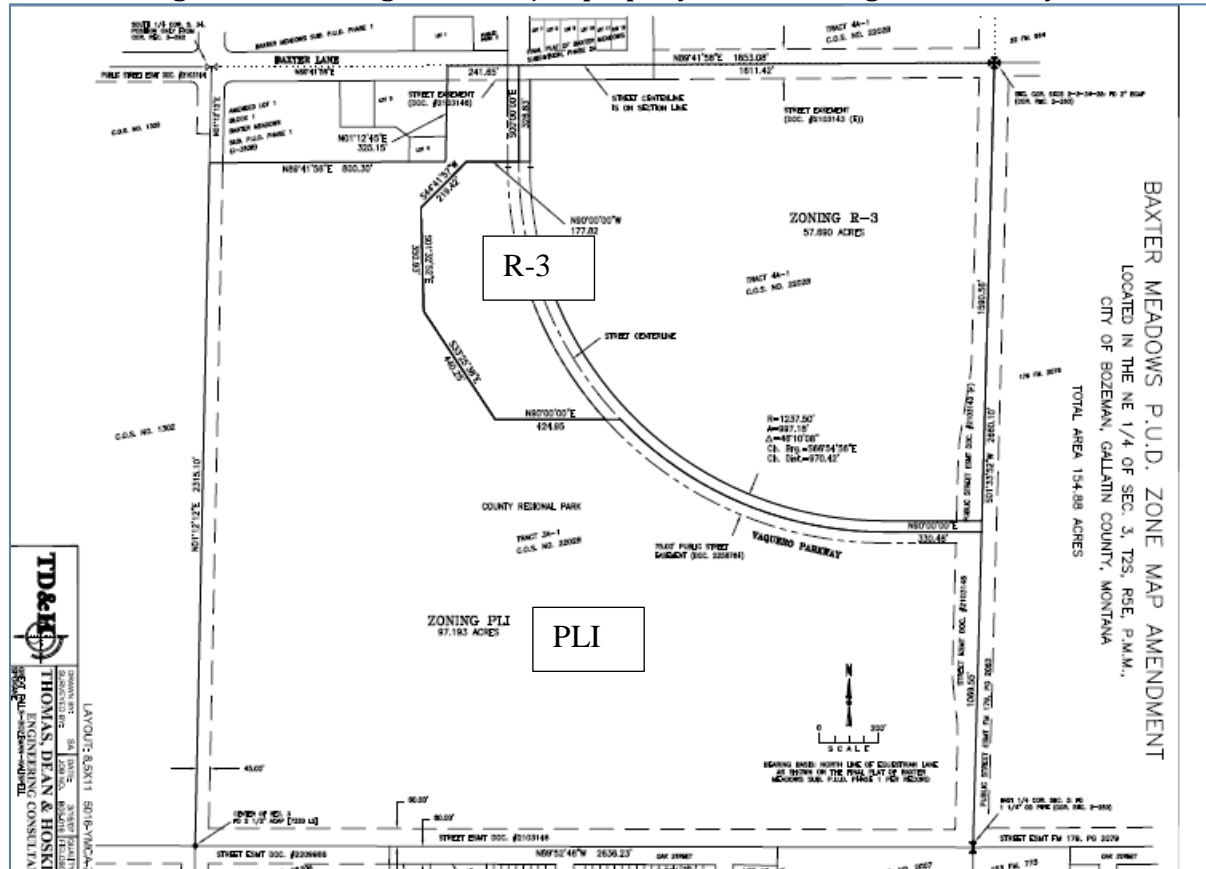
GREG SULLIVAN

City Attorney

APPENDIX A –PROJECT SITE ZONING AND GROWTH POLICY

Project Site Zoning. The subject property is zoned R-3, Medium-density Residential District. The property was annexed into the City in 2001 by Resolution No. 3487. Records indicating when the property was given the R-3 zoning are unclear but by 2010, the Site was zoned R-3.

Figure 5: R-3 zoning for the subject property and PLI zoning for the County Park



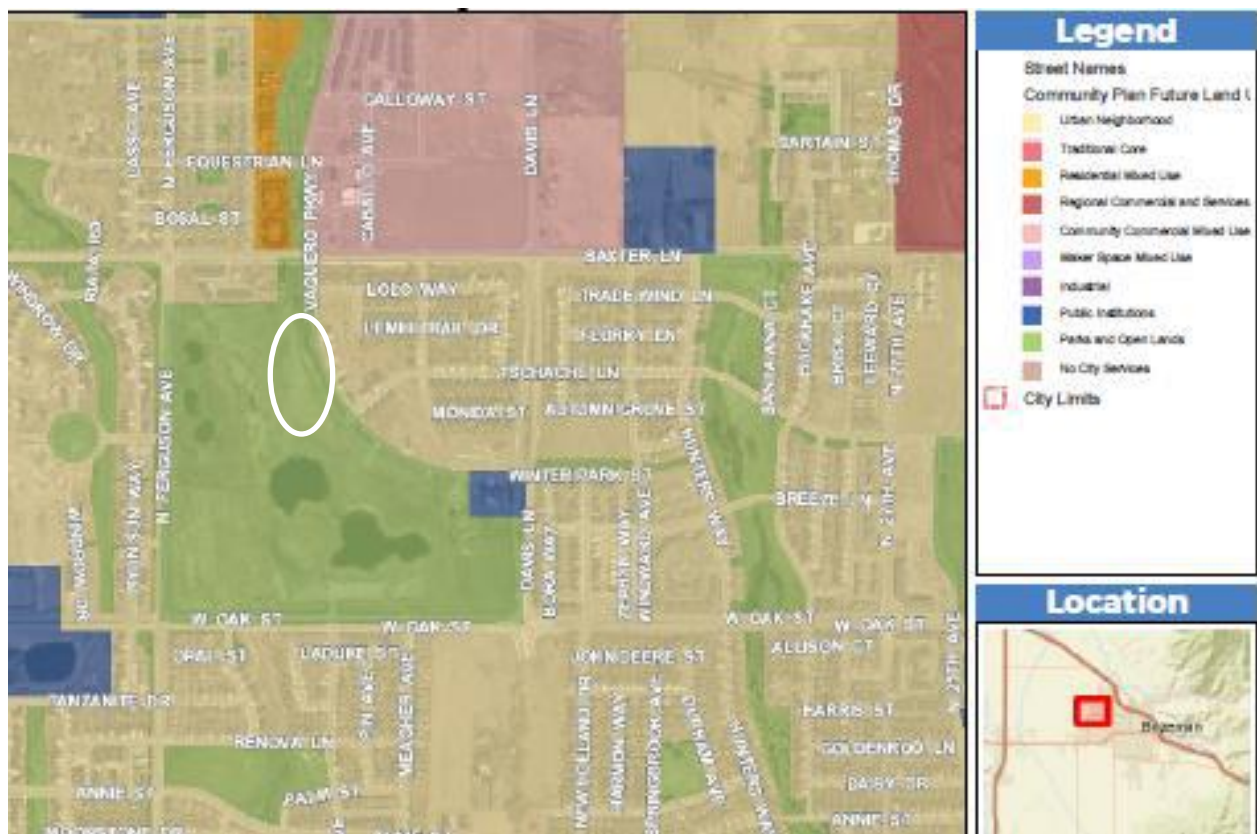
The intent of the R-3 residential medium density district is to provide for the development of one- to five-household residential structures near service facilities within the city. This purpose is accomplished by:

1. Providing for minimum lot sizes in developed areas consistent with the established development patterns while providing greater flexibility for clustering lots and mixing housing types in newly developed areas.
 2. Providing for a variety of housing types, including single household dwellings, two to four household dwellings, and townhouses to serve the varied needs of households of different size, age and character, while reducing the adverse effect of non-residential uses.
- Use of this zone is appropriate for areas with good access to parks, community services and/or transit.

Staff Findings: This subdivision is located next to a regional park. The Streamline Brown Line bus route has a stop at the regional park along W. Oak Street. The Subdivision would provide lots for duplex, triplex and fourplex townhome dwelling units offering a mix of lot sizes.

Adopted Growth Policy Designation: The Future Land Use Map of the Bozeman Community Plan designates the subject property to develop as “Parks and Open Space Lands” (green color on map). This is deemed a “Scribner’s error” or a mistake on our 2020 Community Plan land use map, as the property is zoned R-3, Medium-density Residential and is surrounded by lands designated the “Urban Neighborhood” land use category. The zoning designation of R-3 District for this property confers to the owner the right to develop the land according to the uses and standards allowed by that R-3 District. The zoning surpasses the land use designation. When the Community Plan Future Land Use Map (FLUM) is next updated, this error will be corrected to reflect the correct designation of “Urban Neighborhood” for this Site.

Figure 6: 2020 Community Plan Future Land Use Map of Site



The Urban Neighborhood category (tan color on map) primarily includes “urban density homes in a variety of types, shapes, sizes, and intensities. Large areas of any single type of housing are discouraged. In limited instances, an area may develop at a lower gross density due to site constraints and/or natural features such as floodplains or steep slopes. Complementary uses such as parks, home-based occupations, fire stations, churches, schools,

and some neighborhood-serving commerce provide activity centers for community gathering and services.” “Higher density residential areas are encouraged to be, but are not required or restricted to, proximity to commercial mixed use areas to facilitate the provision of services and employment opportunities without requiring the use of a car.”

Staff Findings: The proposed subdivision would provide a mix of lot sizes and a mix of housing types which are consistent with the Urban Neighborhood land use category and the Community Plan/growth policy goals and objectives. In particular, the mix of lot sizes and housing types would provide the mix of housing in this generally single-household neighborhood that addresses the objective that “Large areas of any single type of housing are discouraged.”

Applicant’s Narrative. The following is a description by the Applicant as to the subdivision’s compliance with applicable Community Plan policies and objectives.

“The Park View Crossing Subdivision has been carefully designed in conformance with the Bozeman Community Plan 2020. As a planned residential community, it is consistent with the Plan Themes and community-derived desired outcomes; specifically:

“Theme 2: A City of Unique Neighborhoods”

Goal N-1: Support well-planned, walkable neighborhoods.

Park View Crossing will provide residents easy access to the neighboring park, while also being centrally located within the city and having multi-modal access to public transportation. A shared use pathway will be constructed along the west side of Vaquero Parkway that will provide park connection from the northern property boundary to the southern edge of the property. Sidewalks will also be provided throughout the development.

Goal N-2: Pursue Simultaneous emergence of commercial nodes and residential development through diverse mechanisms in appropriate locations.

The proposed subdivision will be the last of its kind in the vicinity, as it is surrounded by existing residential development on three sides and the County Regional Park on its fourth.

Goal N-3: Promote a diverse supply of quality housing units.

The townhomes constructed with the development will range from 4-plex to duplex units with individual lot sizes ranging from 7,600 sq. ft. to 2,800 sq. ft. This will provide residents with a variety of home choices while retaining the affordability of the individual units.

Goal N-4: Continue to encourage Bozeman’s sense of place.

The neighborhood will be sought after as it will provide more multifamily housing near the widely known and frequented County Park while maintaining close access to schools, off-leash facilities for dog walking, and public transportation into the city. The property is well within the City of Bozeman Limits, and planned for extension of water and wastewater infrastructure for conveyance to the City. All interior subdivision roads will be paved and include concrete curb,

gutter and sidewalks (per City of Bozeman Standard Specifications). The interior alley will be paved with an inverted crown.”

Staff Findings: The proposed subdivision would provide a mix of housing types and lot sizes that would facilitate a mix of housing sizes and prices which could accommodate middle-income households and could provide smaller dwellings for “starter families” and/or “empty nest” households who could vacate older, larger homes elsewhere in the city which, in turn, could accommodate larger families. This supports the following Community Plan policies:

N-1.1: “Promote housing diversity, including missing middle housing.”

N-1.11: “Enable a gradual and predictable increase in density in developed areas over time.”

N-3.7: “Support compact neighborhoods, small lot sizes, and small floor plans, especially through mechanisms such as density bonuses.”

N-3.8: “Promote the development of “Missing Middle” housing (side by side or stacked duplex, triplex, live-work, cottage housing, group living, rowhouses/townhouses, etc) as one of the most critical components of affordable housing.”

APPENDIX B – NOTICING AND PUBLIC COMMENT

Notice was provided at least 15 and not more than 45 days prior to the Community Development Board and City Commission public hearings. Pursuant to BMC 38.220.420, notice was provided by posting the site, mailing by certified mail to the Applicant and adjacent property owners and by first class mail to all other owners within 200 feet on December 2, 2021. The site was posted with a notice on December 2, 2021 and a legal advertisement was published in the Bozeman Daily Chronicle on December 3rd and 17th, 2021. Content of the notice contained all elements required by Article 38.220., BMC.

No written public comment has been received as of the writing of this staff report. A commenter spoke at the December 20, 2021 Community Development Board public hearing. Another commenter called the Community Development office on December 22, 2021 to express her concerns about the proposed development.

The January 11, 2022 City Commission agenda contained an “action item” that requested the Commission to postpone the hearing on this application to their January 25, 2022 meeting.

APPENDIX C - OWNER INFORMATION

Owner/Applicant: Campeche Shores Development Company, LLC. PO Box 3088, Galveston, TX 77552

Applicant Representative: Mr. Brett Megaard, PE, Hyalite Engineers, PLLC, 2304 N. 7th Avenue, Suite L, Bozeman, MT 59715

Report By: Susana Montana, Senior Planner, Development Review Division, Community Development Department.

Staff Engineer: Karl Johnson, PE, Engineering Department

ATTACHMENTS

A-1 Application Form

Subdivision Plat Sheets 1 through 3 (in a single document)

The full application and file of record can be viewed digitally at

<https://www.bozeman.net/government/planning/using-the-planning-map>, select the "Project Documents Folder" link and navigate to application #21158, as well as digitally at the Community Development Department at 20 E. Olive Street, Bozeman, MT 59715.

Application materials – Available through the Laserfiche archive linked agenda materials and the full file is linked below.

This project can be viewed on the Community Development Viewer interactive map directly with this link:

https://gisweb.bozeman.net/Html5Viewer/?viewer=planning&FILE_NUMBER=21-158

Analysis and resulting recommendations are based on the entirety of the application materials, municipal codes, standards, and plans, public comment, and all other materials available during the review period. Collectively this information is the record of the review.

The analysis is a summary of the completed review.



Commission Memorandum

REPORT TO: Mayor and City Commission

FROM: Susana Montana, Senior Planner, Development Review Division,
Community Development Department

SUBJECT: Park View Crossing Major Subdivision Preliminary Plat Findings
of Fact and Order, Application No. 21158

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Consent

RECOMMENDATION: Authorize the Mayor to sign the Findings of Fact and Order for the Park View Crossing Major Subdivision Preliminary Plat, Application No, 21158.

BACKGROUND: On January 25, 2022, the City Commission held a public hearing on an application for preliminary plat approval for the Park View Crossing Major Subdivision.

The Commission voted 3:0 to approve the application subject to conditions and code provisions to ensure the final plan would comply with all applicable regulations and all required criteria. These findings of fact provide a record of the review and Commission action.

UNRESOLVED ISSUES: Unresolved issues at this Preliminary Plat stage are related to parklands contributions and stormwater/water quality management issues which must be resolved prior to submittal of the final plat application. The final plat must satisfy all of the recommended preliminary plat conditions of approval and all relevant Bozeman Municipal Code (BMC) code provisions noted on pages 10 through 21 of the Findings of Fact and Order staff report.

ALTERNATIVES:

- 1) Approval of the Findings of Fact and Order as drafted;
- 2) Approval of the Findings of Fact and Order with modifications; or
- 3) As determined by the City Commission.

FISCAL EFFECTS: Fiscal impacts are undetermined at this time, but will include increased property tax revenues from new development, along with increased costs to deliver municipal services to the property. Impact fees will be collected at the time of issuance of building permits for individual lots along with City sewer and water connection fees.

Attachment: Findings of Fact and Order
Report compiled on: February 2, 2022

PRELIMINARY PLAT OF PARK VIEW CROSSING MAJOR SUBDIVISION

BEING LOT 4 OF MINOR SUBDIVISION 400 LOCATED IN NE 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST, P.M.M., CITY OF BOZEMAN, GALLATIN COUNTY, MONTANA

PURPOSE OF SURVEY:
Creation of a 44 lot major subdivision.

THIS SURVEY WAS PERFORMED FOR:
Campeche Shores Development LLC

CERTIFICATE OF DEDICATION

We, the undersigned property owner(s), do hereby certify that we have caused to be surveyed, subdivided and platted into lots, parcels, blocks, roads and alleys, and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

Being Lot 4 of Minor Subdivision 400 located in the NE 1/4 of Section 3, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana being more particularly described as follows:

Commencing at the north 1/4 of Section 3, thence S 70°52'13" E a distance of 980.63', the Point of Beginning;

thence N 89°58'45" E a distance of 153.05';
thence S 00°00'14" W a distance of 17.18';
thence along an arc to the right said arc having a length of 242.43', a radius of 1200.00', a chord bearing of S 05°47'01" E, and a chord length of 242.02';
thence S 78°25'00" W a distance of 75.00';
thence along an arc to the right said arc having a length of 770.18', a radius of 1275.00', a chord bearing of S 28°52'38" E, and a chord length of 758.52';
thence S 43°53'11" W a distance of 170.56';
thence S 66°27'34" W a distance of 85.06';
thence N 51°34'41" W a distance of 84.52';
thence N 42°38'48" W a distance of 252.78';
thence N 33°25'49" W a distance of 339.90';
thence N 02°29'17" E a distance of 288.95';
thence N 32°58'17" E a distance of 116.56';
thence N 55°48'25" E a distance of 91.05';
thence N 20°48'07" W a distance of 48.57';
thence N 31°22'05" E a distance of 75.40';
thence N 18°00'02" W a distance of 66.25' to the point of beginning;

Said parcel contains 7.00 acres more or less, and is subject to all easements of record, or apparent on the ground.

The above described tract of land is to be known and designated as Park View Crossing, City of Bozeman, Gallatin County, Montana; and the lands included in all roads, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever. The roadways dedicated to the public are accepted for public use, but the City accepts no responsibility for maintaining the same. The owner(s) agree(s) that the City has no obligation to maintain the roads hereby dedicated to public use.

GRANT OF PUBLIC STORMWATER DRAINAGE EASEMENT

The undersigned hereby grants to the public, for public use forever, the stormwater drainage easement as shown on sheet 1 of this plat over, under, and across Common Area 1.

GRANT OF EASEMENTS

The undersigned hereby grant unto each and every person, firm or corporation, whether public or private, providing or offering fiber optic, telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever.

Dated this _____ day of _____, 2021

CAMPECHE SHORES DEVELOPMENT LLC

State of _____)
County of _____) ss

On this _____ day of _____, 2021, before me, a notary public in and for said county and state, personally appeared _____, of Campeche Shores Development LLC, known to me to be the corporation whose name is subscribed to the within instrument.

Signature of notarial officer _____

Name - typed, stamped, or printed _____

Title (and Rank) _____
Residing at _____
My commission expires: _____

CERTIFICATE OF ACCEPTING CASH DONATION IN-LIEU OF PARK LAND DEDICATION

Finding dedication of parkland within the platted area of Park View Crossing would be undesirable for park and playground purposes, it is hereby ordered by the City Commission of the City of Bozeman, that land dedication for park purposes be waived and that cash-in-lieu, in the amount of _____ dollars, be accepted with the provisions of Montana Subdivision and Platting Act (MCA 76-3-101 through 76-3-625) and the Bozeman Municipal Code.

DATED this _____ day of _____, A.D., 2021.

Director of Parks and Recreation
City of Bozeman, MT

CERTIFICATE OF COMPLETION OF IMPROVEMENTS

I, Campeche Shores Development LLC, and I, Brett Megaard, a registered professional engineer licensed to practice in the State of Montana, hereby certify that the public improvements, required as a condition of approval of Park View Crossing Major Subdivision, have been installed in conformance with the approved engineering specifications and plans.

I/s/
Campeche Shores Development LLC

Brett Megaard, PE 29106
Hyalite Engineers PLLC

CERTIFICATE OF DIRECTOR OF PUBLIC WORKS

I, Director of Public Works, City of Bozeman, Montana, do hereby certify that the accompanying plat has been duly examined and have found the same to conform to the law, approve it, and hereby accept the dedication to the City of Bozeman for the public use of any and all lands shown on the plat as being dedicated to such use.

DATED this _____ day of _____, A.D., 2021.

Public Works Director
City of Bozeman, MT

CERTIFICATE OF COUNTY TREASURER

I, Jennifer Blossom certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided are paid.

Assessor Number RFG8322

DATED this _____ day of _____, A.D., 2021.

Jennifer Blossom
Treasurer of Gallatin County

CERTIFICATE OF CLERK AND RECORDER

I, _____, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock, (a.m., or p.m.), this _____ day of _____, A.D., 2021, and recorded in Book _____ of Plats on Page _____, Records of the Clerk and Recorder, Gallatin County, Montana.

Eric Samersad
Gallatin County Clerk and Recorder

CERTIFICATE OF EXCLUSION FROM MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW

The Park View Crossing Major Subdivision, Gallatin County, Montana, is within the City of Bozeman, Montana, a first-class municipality, and within the planning area of the Bozeman growth policy which was adopted pursuant to MCA 76-1-601 et seq., and can be provided with adequate stormwater drainage and adequate municipal facilities. Therefore, under the provisions of MCA 76-4-125(2)(d), this subdivision is excluded from the requirement for Montana Department of Environmental Quality review.

DATED this _____ day of _____, A.D., 2021.

Public Works Director
City of Bozeman, MT

CERTIFICATE OF SURVEYOR

I, the undersigned, Shannon J. Marinko, Registered Land Surveyor, do hereby certify that between January 1, 2021 and _____, 2021, I surveyed and described the same as shown on the accompanying plat and platted in accordance with the provisions of the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-625, MCA, and the Bozeman Municipal Code.

DATED this _____ day of _____, A.D., 2021.

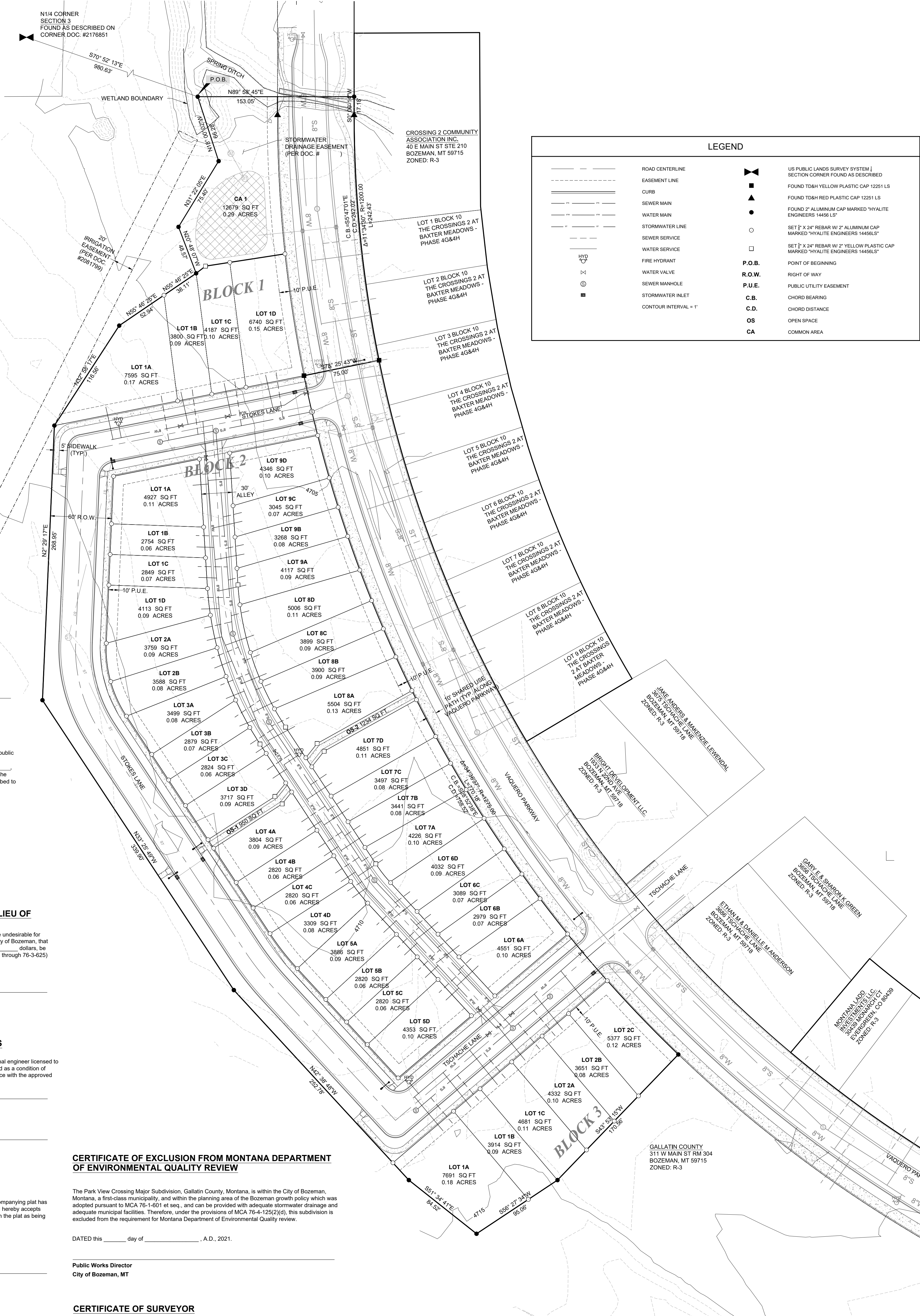
Shannon J. Marinko #LS-14456
Hyalite Engineers, PLLC.

CERTIFICATE OF CITY COMMISSION OF BOZEMAN

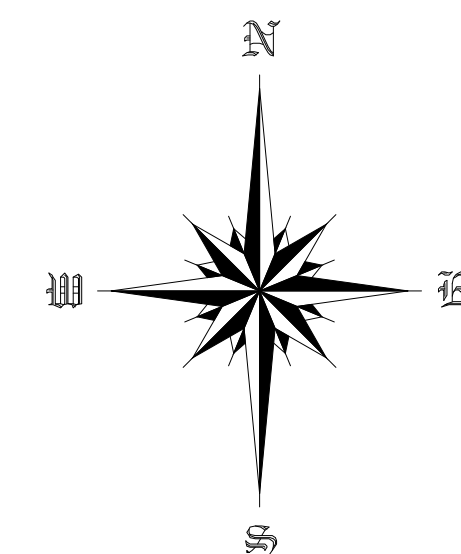
I, Mayor of the City of Bozeman, Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and have found the same to conform to the law, approve it, and hereby accept the dedication to public use.

DATED this _____ day of _____, A.D., 2021.

Mayor
City of Bozeman, Montana



LEGEND			
---	ROAD CENTERLINE	+	US PUBLIC LANDS SURVEY SYSTEM
---	EASEMENT LINE	+	SECTION CORNER FOUND AS DESCRIBED
---	CURB	+	FOUND TDMH YELLOW PLASTIC CAP 12251 LS
---	SEWER MAIN	+	FOUND TDMH RED PLASTIC CAP 12251 LS
---	WATER MAIN	+	FOUND 2" ALUMINUM CAP MARKED 'HYALITE ENGINEERS 14456 LS'
---	STORMWATER LINE	+	SET 1" X 24" REBAR W/ 2" ALUMINUM CAP MARKED 'HYALITE ENGINEERS 14456 LS'
---	SEWER SERVICE	+	SET 1" X 24" REBAR W/ 2" YELLOW PLASTIC CAP MARKED 'HYALITE ENGINEERS 14456 LS'
---	WATER SERVICE	+	SET 1" X 24" REBAR W/ 2" YELLOW PLASTIC CAP MARKED 'HYALITE ENGINEERS 14456 LS'
---	FIRE HYDRANT	+	P.O.B.
---	WATER VALVE	+	R.O.W.
---	SEWER MANHOLE	+	P.U.E.
---	STORMWATER INLET	+	C.B.
---	CONTOUR INTERVAL = 1'	+	C.D.
---		+	O.S.
---		+	CA



- SURVEY NOTES:**
- THIS SURVEY IS CONSIDERED DRAFT UNLESS SIGNED AND STAMPED BY THE PROFESSIONAL LAND SURVEYOR.
 - ALL 44 LOTS ARE DESIGNATED TOWNHOUSE LOTS.
 - THERE ARE A TOTAL OF 9 QUADPLEX TOWNHOUSE UNITS, 2 TRIPLEX TOWNHOUSE UNITS, AND 1 DUPLEX TOWNHOUSE UNIT.
 - THE PROPERTY IS ZONED R-3, PLEASE SEE THE APPLICABLE ZONING REGULATIONS FOR BUILDING SETBACK LOCATIONS, PARKING REQUIREMENTS, ETC.

BASIS OF BEARING Geodetic North @ GPS Position LAT. 45°41'58.18" NORTH LONG. 111°05'19.96" WEST	MAJOR SUBDIVISION CITY OF BOZEMAN, GALLATIN COUNTY, MONTANA	SCALE BAR 0' 50' 100' 150'	<table border="1"><tr><td>1/4</td><td>SEC</td><td>T</td><td>R</td></tr><tr><td>3</td><td>2S</td><td>5E</td><td></td></tr></table>	1/4	SEC	T	R	3	2S	5E		HYALITE 2334 N. 7th AVE. STE. 100 BOZEMAN, MT 59715 PHONE: (406) 387-2781 FAX: (406) 322-9222 www.hyaliteeng.com	DRAWN BV	DATE 09/24/2021	PRELIMINARY PLAT
1/4	SEC	T	R												
3	2S	5E													
					SCALE 1"=50'	SHEET 1 OF 3	PROJECT NUMBER 193211								

CONDITIONS OF APPROVAL PARK VIEW CROSSING MAJOR SUBDIVISION

BEING LOT 4 OF MINOR SUBDIVISION 400 LOCATED IN NE $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST, P.M.M., CITY OF BOZEMAN, GALLATIN COUNTY, MONTANA

OWNER'S CERTIFICATION

I, the undersigned property owner, do hereby certify that the text and/or graphics shown on the Conditions of Approval sheet(s) represent(s) requirements by the governing body for final plat approval and that all conditions of subdivision application have been satisfied.

I, the undersigned property owner, do hereby certify that the information shown is current as of the date of this certification, and that changes to any land-use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or by local regulations.

I, the undersigned property owner, do hereby certify that I acknowledge that federal, state and local plans, policies, regulations, and/or conditions of subdivision approval may limit the use of the property, including the location, size, and use as shown on the Conditions of Approval sheet or as otherwise stated. Buyers of property should ensure that they have obtained and reviewed all sheets of the plat and all documents recorded and filed in conjunction with the plat. Buyers of property are strongly encouraged to contact the local planning department and become informed of any limitations on the use of the property prior to closing.

Dated this _____ day of _____, 2021

Its: _____
Campeche Shores Development LLC

State of _____)
County of _____) ss

On this _____ day of _____, 2021, before me, a notary public in and for said county and state, personally appeared _____, know to me to be the _____ of Campeche Shores Development LLC known to me to be the corporation whose name is subscribed to the within instrument.

Signature of notarial officer _____

Name - typed, stamped, or printed _____

Title (and Rank) _____

Residing at _____

My commission expires: _____

CERTIFICATE OF TRANSFER OF OWNERSHIP & COMPLETION OF NON-PUBLIC IMPROVEMENTS

The following are hereby granted and donated to the property owner's association noted below for their use and enjoyment: Open Space parcel with trails contained within. Unless specifically listed in the Certificate of Dedication, the city accepts no responsibility for maintaining the same. Campeche Shores Development LLC, hereby certify that the following non-public improvements, required to meet the requirements of Chapter 38 of the Bozeman Municipal Code, or as a condition(s) of approved plans and specification prepared in accordance with the standards of Chapter 38 or other City design standards, or have been financially guaranteed and are covered by the subdivision improvements agreement accompanying and recorded with this plat.

Installed Improvements:
Financially Guaranteed Improvements:

Dated this _____ day of _____, 2021

Its: _____
Campeche Shores Development LLC

The subdivider hereby grants ownership of all non-public infrastructure improvements to the property owners association created by Document # _____

CONDITIONS OF APPROVAL:

- Private utilities shall be located in alleys where applicable.
- All lots are subject to a 10'-wide public utility easement along front lot lines.
- Lots 3D, 4A, 7D, and 8A shall each have a ten-foot side setback along the side abutting open space Lots OS-1 or OS-2.
- If a utility easement is greater than the building setback required by Chapter 38, B.M.C, said easement shall apply.
- Due to the potential of high groundwater tables in the areas of the subdivision, it is not recommended that residential dwellings or other structures with full or partial basements be constructed without first consulting a professional engineer licensed in the State of Montana and qualified in the certification of residential and commercial construction.
- All portions of the subdivision are zoned R-3. Land uses and development standards shall comply with the requirements of the City's zoning regulations (City of Bozeman Municipal Code).
- Generally, homes on corner lots shall have the same orientation as homes on lots on the interior of the block.
- City standard sidewalks shall be constructed on all public street frontages prior to occupancy of any structure on individual lots. Upon the third anniversary of the plat recordation of the subdivision, any lot owner who has not constructed the required sidewalk shall, without further notice, construct within 30 days, the sidewalk for their lot(s), regardless of whether other improvements have been made upon the lot.
- Ownership of Common Open Space areas and trails contained within, and responsibility of maintenance thereof and for city assessments levied on the common open space lands shall be that of the property owner's association. Maintenance responsibility shall include, in addition to the common open space and trails, all vegetative ground cover, boulevard trees and irrigation systems in the public right-of-way boulevard strips along the external perimeter development streets and as adjacent to public parks or other common open space areas. All areas within the subdivision that are designated herein as common open space including trails are for the use and enjoyment by residents of the development and the general public. The property owner's association shall be responsible for levying annual assessments to provide for maintenance, repair, and upkeep of all common open space areas and trails. At the same time of recording the final plat of the subdivision, the subdivider shall transfer ownership of all common open space areas within each phase to the property owner's association created by the subdivider to maintain all common open space areas within Parkview Crossing Major Subdivision.

BASIS OF BEARING
Geodetic North @
GPS Position
LAT. 45°41'58.18" NORTH
LONG. 111°05'19.96" WEST

MAJOR SUBDIVISION
CITY OF BOZEMAN,
GALLATIN COUNTY,
MONTANA

SCALE BAR



1/4	SEC	T	R
<input checked="" type="checkbox"/>	3	2S	5E
<input type="checkbox"/>			
<input type="checkbox"/>			

HYALITE
2334 N. 7th AVE. S.E. BOZEMAN, MT. 59715
PHONE: (406) 587-5781 FAX: (406) 522-9222
www.hyaliteeng.com

DRAWN	DATE	PRELIMINARY PLAT
BV	09/24/2021	
SCALE	SHEET	PROJECT NUMBER
1"=50'	3 OF 3	193211

DEVELOPMENT REVIEW APPLICATION

PROJECT IMAGE



PROJECT INFORMATION

Project Name: Park View Crossings

Project Type(s): Major Subdivision

Street Address: Vaquero Parkway

Legal Description: Lot 4 of Minor Sub 400, S 34, T01 S, R05 E

Description of Project: New major subdivision - new water/sewer/storm infrastructure and internal road network

Current Zoning: R-3

Gross Lot Area: 7.0 Acres

Block Frontage(s): Landscaped

Number of Buildings: 44 units total

Type and Number of Dwellings: (9) 4-plex, (2) 3-plex, (1) 2-plex

Building Size(s): (24) 3-bedroom, (20) 2-bedroom

Building Height(s): 38 feet

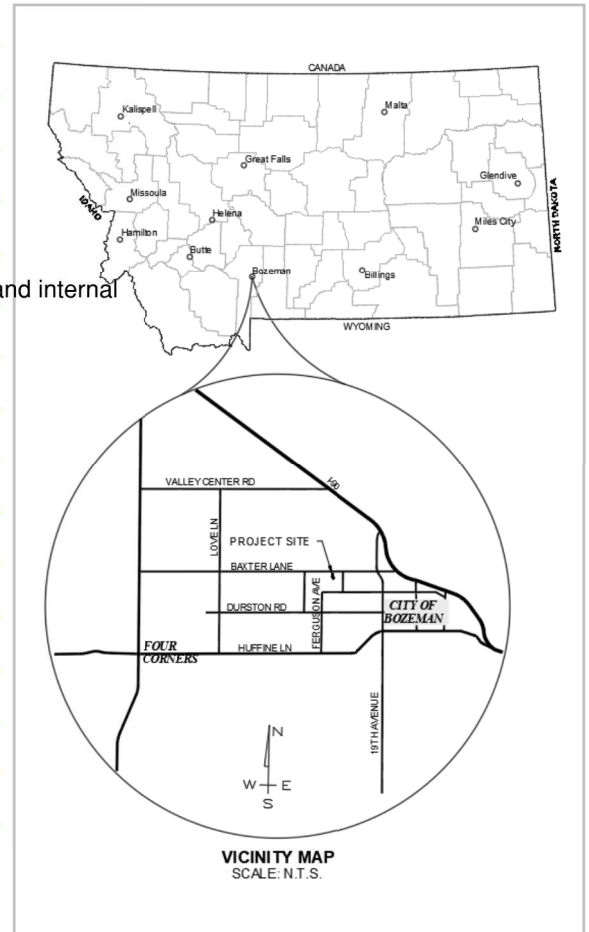
Number of Parking Spaces: N/A

Affordable Housing (Y/N): Y

Cash-in-lieu Parkland (Y/N): Y

Departure/Deviation Request (Y/N): N

VICINITY MAP



SPECIAL DISTRICTS

Overlay District: Neighborhood Conservation None

Urban Renewal District: Downtown North 7th Avenue Northeast North Park None

PROPERTY OWNER

Name: Campeche Shores Development Company, LLC

Full Address: PO Box 3088, Galveston, TX 77552

Email: ELS8535@GMAIL.COM

Phone: 406-579-1989

APPLICANT

Name: Campeche Shores Development Company, LLC

Full Address: PO Box 3088, Galveston, TX 77552

Email: ELS8535@GMAIL.COM

Phone: 406-579-1989

REPRESENTATIVE

Name: Hyalite Engineers, PLLC (Brett Megaard, PE)

Full Address: 2304 N. 7th Ave Ste. L, Bozeman, MT 59715

Email: 406-587-2781

Phone: bmegaard@hyaliteeng.com

CERTIFICATIONS AND SIGNATURES

This application must be signed by both the applicant(s) and the property owner(s) (if different) for all application types before the submittal will be accepted. The only exception to this is an informal review application that may be signed by the applicant(s) only.

As indicated by the signature(s) below, the applicant(s) and property owner(s) submit this application for review under the terms and provisions of the Bozeman Municipal Code. It is further indicated that any work undertaken to complete a development approved by the City of Bozeman shall be in conformance with the requirements of the Bozeman Municipal Code and any special conditions established by the approval authority. I acknowledge that the City has an Impact Fee Program and impact fees may be assessed for my project. Further, I agree to grant City personnel and other review agency representative's access to the subject site during the course of the review process (Section 38.200.050, BMC). I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.

Certification of Completion and Compliance – I understand that conditions of approval may be applied to the application and that I will comply with any conditions of approval or make necessary corrections to the application materials in order to comply with municipal code provisions.



Statement of Intent to Construct According to the Final Plan – I acknowledge that construction not in compliance with the approved final plan may result in delays of occupancy or costs to correct noncompliance.

Applicant Signature: 
7B909DBA3A9643D...

Printed Name: JOHN R SULLIVAN

Owner Signature: 
7B909DBA3A9643D...

Printed Name: JOHN R SULLIVAN

Representative Signature:  
7B909DBA3A9643D...

Printed Name: JOHN R SULLIVAN BRETT MEGAARD

APPLICATION TYPE

Check all that apply

	FORM		FORM
<input type="checkbox"/> 1. Administrative Interpretation Appeal	AIA	<input type="checkbox"/> 16. PUD Preliminary Plan	PUDP
<input type="checkbox"/> 2. Administrative Project Decision Appeal	APA	<input type="checkbox"/> 17. PUD Final Plan	PUDFP
<input type="checkbox"/> 3. Annexation and Initial Zoning	ANNX	<input type="checkbox"/> 18. Reasonable Accommodation	RA
<input type="checkbox"/> 4. Commercial/Nonresidential COA	CCOA	<input type="checkbox"/> 19. Site Plan	SP
<input type="checkbox"/> 5. Comprehensive Sign Plan	CSP	<input type="checkbox"/> 20. Special Use Permit	SUP
<input type="checkbox"/> 6. Condominium Review	CR	<input type="checkbox"/> 21. Special Temporary Use Permit	STUP
<input type="checkbox"/> 7. Conditional Use Permit	CUP	<input type="checkbox"/> 22. Subdivision Exemption	SE
<input type="checkbox"/> 8. Extension to Approved Plan	EXT	<input type="checkbox"/> 23. Subdivision Pre-Application	PA
<input type="checkbox"/> 9. Growth Policy Amendment	GPA	<input checked="" type="checkbox"/> 24. Subdivision Preliminary Plan	PP
<input type="checkbox"/> 10. Informal Review	INF	<input type="checkbox"/> 25. Subdivision Final Plat	FP
<input type="checkbox"/> 11. Master Site Plan	MSP	<input type="checkbox"/> 26. Wetland Review	WR
<input type="checkbox"/> 12. Modification/Plan Amendment	MOD	<input type="checkbox"/> 27. Zone Map Amendment	ZMA
<input type="checkbox"/> 13. Neighborhood/Residential COA	NCOA	<input type="checkbox"/> 28. Zone Text Amendment	ZTA
<input type="checkbox"/> 14. Pre-application Consultation	None	<input type="checkbox"/> 29. Zoning/Subdivision Variance	Z/SVAR
<input type="checkbox"/> 15. PUD Concept Plan	PUDC	<input type="checkbox"/> 30. Zoning Deviation/Departure	None
		<input type="checkbox"/> 31. Other: _____	

REQUIRED FORMS

Varies by project type

APPLICATION FEE

Varies by project type

CONTACT US

Alfred M. Stiff Professional Building
20 East Olive Street
Bozeman, MT 59715

phone 406-582-2260
fax 406-582-2263
planning@bozeman.net
www.bozeman.net/planning

Development Review Application COVID-19 Acknowledgment of Application Processing Delays

On March 13, 2020, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak.

On March 12, 2020, the Governor of the State of Montana issued Executive Order No. 2-2020 Declaring a State of Emergency to Exist Within the State of Montana Related to the Communicable Disease COVID-19.

The City of Bozeman issued a COVID-19 emergency declaration on March 16, 2020. The City subsequently issued Order ED-05 setting forth public meeting protocols on March 31, 2020 and Order ED-06 closing City facilities to public entry, including the Stiff Professional Building, on March 23, 2020. Order ED-05 states in relevant parts, "In accordance with the Emergency Declaration, public meeting agendas will be limited to only essential matters. . . ." It describes notice requirements, the use of videoconferencing or telephonic technology to hold remote hearings, and providing the public an opportunity to participate remotely. A copy of Order ED-05 is attached to this form.

On March 27, 2020 the Attorney General of the State of Montana issued a letter of guidance to local governments recommending public meetings be held only for essential business, and those public meetings be held remotely.

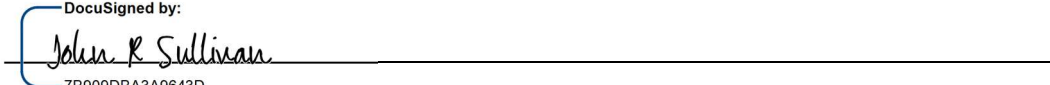

Provisions in the emergency declarations and City of Bozeman Orders may restrict or delay the ability of the City to complete the review and finally approve certain development review applications.

Acknowledgment and signatures

This acknowledgement must be signed by both the applicant(s) and the property owner(s) (if different) for all application types before the submittal will be accepted and processed.

As indicated by the signature(s) below, the applicant(s) and property owner(s) submit this application for review under the terms and provisions of the Bozeman Municipal Code the City's COVID-19 Emergency Declaration and subsequent Orders issued by the City Manager. I acknowledge that the City may be delayed in the processing of my application and may not be able to complete the application review within standard time limits due to the constraints present under the emergency orders. I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.

Certification of Acknowledgment – I understand that there may be delays in the processing of my application and that it may reach a point in processing where it may not proceed to final approval and that I will not hold the City responsible for any delays presented under the emergency order.

Applicant	
Signature:	
Printed	<small>7B909DBA3A9643D...</small>
Name:	JOHN R SULLIVAN
Owner	
Signature:	
	<small>7B909DBA3A9643D...</small>

Printed
Name:

JOHN R SULLIVAN

Owner
Signature

Printed
Name:

If signing as a corporation or LLC, please provide the title and position of the individual signing on behalf of the corporation/LLC. Attach separate sheets for additional owner signatures.

Memorandum

REPORT TO: City Commission

FROM: Addi Jadin, Park Planning and Development Manager
Mitch Overton, Director of Parks and Recreation
Chuck Winn, Assistant City Manager

SUBJECT: Authorize the City Manager to Sign a Utility and Access Easement and Agreement with Northwestern Energy for Residences Adjacent to New Hyalite View Park

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Agreement - Property

RECOMMENDATION: Authorize the City Manager to Sign a Utility and Access Easement and Agreement with Northwestern Energy for Residences Adjacent to New Hyalite View Park

STRATEGIC PLAN: 1.4 Business and Institutional Partnerships: Explore opportunities for partnerships with key business groups and non-profit organizations.

BACKGROUND: Properties at the cul-de-sac terminus of Cherry Lane in the New Hyalite Subdivision are served with lower amperage than is typical for new construction due to their distance from the existing transformer. Customers at 1450 Cherry Lane are approaching completion of a single-family construction project (Building Permit 21-31213) and need their service upgraded from a 200A panel to a 400A panel which is typical of newer construction/remodels.

Due to the era of the subdivision, existing Northwest Energy easements are prescriptive and the existing service line runs through multiple backyards with sheds and other encroachments. This subdivision configuration has caused the need for other public utilities to be run through the park parcel.

Allowing the 5-foot by approximately 220-foot underground electrical power line easement through the park alleviates undue burden on the service provider and expense that would be passed on to the residence. Relevant City Departments have reviewed the proposed easement to mitigate impacts to the park and existing utilities. Conditions are included in the agreement including the following:

- Fee based on the current City-adopted parkland cash-in-lieu appraisal value of \$2.07 per square foot, amounting to \$2277.00
- Restoration and weed monitoring requirements for the area of disruption

- Minimum boring depth of 3-4 feet for the new service line to avoid conflict with other utilities

UNRESOLVED ISSUES: NA

ALTERNATIVES: Per Commission

FISCAL EFFECTS: Payment of \$2277 will be made to the Park Land Trust Fund.

Attachments:

[Hyalite View Park - NWE Underground Electric Easement.docx](#)

Report compiled on: February 3, 2022

After Recording, Return To:
NorthWestern Energy
Lands & Permitting Department
11 East Park Street
Butte, MT 59701-1711

UNDERGROUND ELECTRIC AND ACCESS EASEMENT AND AGREEMENT

City of Bozeman, a Municipal Corporation of the State of Montana, with a mailing address of 121 North Rouse Avenue, PO Box 1230, Bozeman, MT 59771, the GRANTOR(S), in consideration of two thousand two hundred and twenty seven dollars (\$2,277.00) and other good and valuable consideration, receipt of which is acknowledged, grant(s) to NORTHWESTERN CORPORATION, a Delaware corporation, d/b/a NORTHWESTERN ENERGY, of 11 East Park Street, Butte, Montana 59701-1711, GRANTEE, and to its successors, assigns and apportionees, an easement to install, construct, operate, maintain, replace, upgrade and remove an underground electric power line, communications systems, and necessary appurtenances for the purpose of transmitting electricity over, under, along and across a strip of City of Bozeman parkland situated in Gallatin County, Montana, five feet wide to be located on the following described real property:

A portion of a park in the New Hyalite View Subdivision, located in Section 17, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of Gallatin County, Montana.

The approximate location of the easement is more particularly described on the attached Exhibit A which by this reference is made a part hereof.

This grant includes the right of the GRANTEE, its successors, permittees, licensees, and assigns and its and their agents and employees, to enter at all times upon the above-described land by using existing roads or trails or otherwise by a route causing the least damage and inconvenience to the GRANTOR(S) in order to survey and establish the route and location of the easement and the underground power line and to:

- (1) Construct, operate, patrol, repair, substitute, remove, enlarge, replace, and maintain the underground power line, services, connections, accessories and appurtenances;
- (2) Support the underground power line across drainage areas with structures which GRANTEE deems necessary.

THE GRANTEE AGREES:

- (1) That, in connection with the construction, operating, patrolling, repairing, substituting, removing, enlarging, replacing, and maintaining of said underground power line, it will repair or replace, at its sole expense, or pay to GRANTOR(S) the reasonable value of any damages to growing crops, existing fences, ditches and other appurtenances

of said land that may be disturbed by its operation, as determined by the GRANTOR, in a timely manner when weather conditions are conducive.

(2) That it will notify the Parks and Recreation Department prior to any actions that could interfere with events or seasonal maintenance planned for the park area.

(3) That, during operations involving excavation, it will remove the topsoil from the trenched area to a depth of one foot, or to the full depth of the topsoil, whichever is less, and stockpile said top soil for replacement over the trench. It will remove from the site any large rocks or surplus excavating material or any debris that may have been exposed by the excavation and remains after backfilling is completed. And, it will leave the finished surface in substantially the same condition as existed prior to the beginning of operations except that the surface of backfilled areas may be mounded sufficiently to prevent the formation of depressions after final settlement has taken place.

(4) That it will monitor the disturbed area for weed emergence and revegetate as needed for a period of 5 years after the initial installation and shall perform at its sole expense, or pay to GRANTOR the reasonable value for, weed mitigation necessitated in the area of disturbance.

(5) That the power line will be installed at depth no greater than four feet below the surface of the existing terrain to avoid conflicts with other public utilities in the parkland.

(6) That, prior to construction, it will pay the City two thousand two hundred seventy-seven dollars (\$2277.00) for the one thousand one hundred (1100) square foot area of the easement which is based on the City-adopted appraisal value for parkland (\$2.07 per square feet) and the dimensions of the easement being five (5) feet wide by roughly two hundred twenty (220) feet in length.

THE GRANTOR(S) AGREES:

(1) At no time will they modify the finished grade of the land over the underground powerline by removal of existing soil or by placement of fill material within the boundaries of said easement without the prior written consent of the GRANTEE.

(2) The GRANTOR(S) warrants that they are lawfully seized and possessed of the real property described above, that they have a lawful right to convey the property, or any part of it, and that they will forever defend the title to this property against the claims of all persons.

(3) The GRANTEE may peaceably hold and enjoy the rights and privileges herein granted without any interruption by the GRANTOR(S). The terms, covenants and provisions of this easement and agreement shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

DATED this _____ day of _____, 20 .

ACCEPTED:

CITY OF BOZEMAN
By _____
City Manager

ATTEST:

City Clerk

STATE OF MONTANA)
) ss.
County of Gallatin)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared JEFF MIHELICH and MIKE MAAS, known to me to be the City Manager and City Clerk for the City of Bozeman and the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of the City of Bozeman.

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

(SEAL)

Notary Public for the State of Montana

(Printed Name)
Residing at Bozeman, Montana
My Commission Expires: / /20

NorthWestern Corporation, a Delaware Corporation, d/b/a NorthWestern Energy

Roy Ishkanian, Manager of Lands & Permitting

STATE OF MONTANA)
) ss.
County of Gallatin)

On this ____ day of _____, 20____, before me the undersigned, a Notary Public for the State of Montana, personally appeared, Roy Ishkanian, known to me to be the Manager of Lands & Permitting and the person whose name is subscribed to the within instrument and acknowledged to me that he executed the within instrument for and on behalf of NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy.

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

(SEAL)

Notary Public for the State of Montana

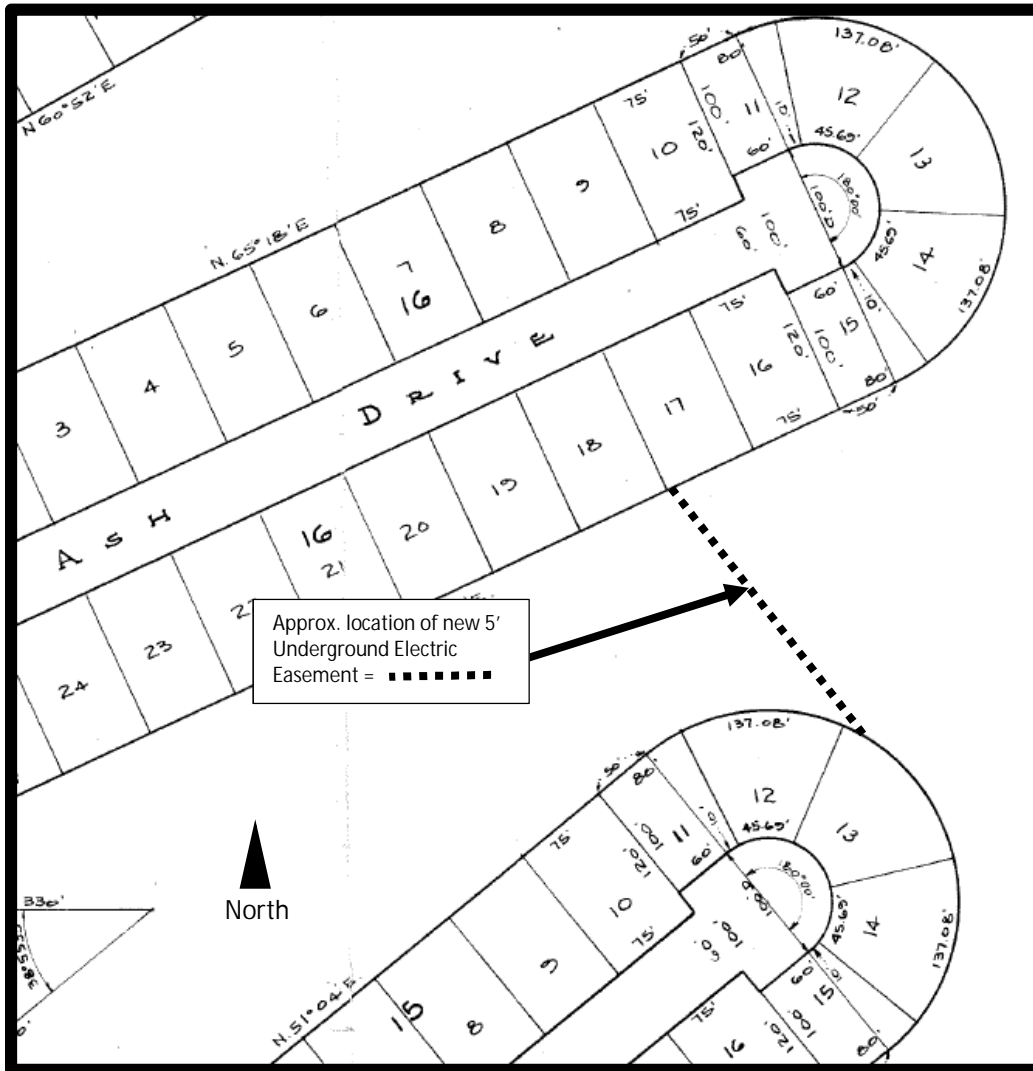
(Printed Name)
Residing in _____
My Commission Expires _____/ _____/20____

Project: BOZ RS 1450 CHERRY DR.
Agent: Dylan Swanson
Engineer: Kory Graham
SAP No.: 24137903-1000
QRM #: _____

Exhibit "A"

The following is made a part of that certain Underground Electric Easement, dated _____ by and between The City of Bozeman, a political subdivision of the State of Montana, as "Grantor" and Northwestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy as "Grantee".

All distances, areas and measurements shown below are approximate and not to scale.



A portion of a park in the New Hyalite View Subdivision, located in Section 17, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of Gallatin County, Montana.

Memorandum

REPORT TO: City Commission

FROM: Bob Murray, Project Engineer
Lance Lehigh, Interim City Engineer

SUBJECT: Authorize the City Manager to Sign a Right-of-way Agreement for Construction of Improvements to Story Mill Road - Parcel 2 (Jeffrey Brandner and Raymond Rega)

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Agreement - Property

RECOMMENDATION: Authorize the City Manager to sign the Right-Of-Way Agreement, Storm Drain Easement, Waiver Valuation, Escrow Instructions, Buyer's Instructions, and Closing Statements needed for the City to install improvements to Story Mill Road.

STRATEGIC PLAN: 4.3 Strategic Infrastructure Choices: Prioritize long-term investment and maintenance for existing and new infrastructure.

BACKGROUND: By adopting the City of Bozeman Capital Improvement Plan the City Commission has directed staff to install improvements to Story Mill Road. In order to carry out that direction it is necessary to acquire Right-of-Way. The attached documents, which have been executed by the property owners, are the result of those efforts and are necessary to the completion of that project.


UNRESOLVED ISSUES: None.

ALTERNATIVES: As suggested by the City Commission.

FISCAL EFFECTS: The total cost of this acquisition is \$2,639.25 which will be paid for using the Street Impact Fee Fund.

Attachments:
[Story Mill Road Agreements, Easements and Closing Documents.pdf](#)
[Story Mill Road Agreements, Easements and Closing Documents 2.pdf](#)

Report compiled on: February 3, 2022

	City of Bozeman Engineering Division Public Works Department	Project Name: Story Mill- R/W ACQ. Project No: 20023.03 Parcel No: 2
-----------------------------------------------------------------------------------	-----------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

RIGHT-OF-WAY AGREEMENT

This Right-of-Way Agreement (the "Agreement") has been reached this 8th day of September, 2021 between **Jeffrey R. Brandner and Raymond D. Rega**, each as to a 50% interest (hereinafter the "GRANTORS"), the owners of Tract 1 of Certificate of Survey No. 1895, located in the SW1/4 of Section 32, Township 1 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official survey thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana, and as further shown on Certificate of Survey No. 2547, EXCEPTING therefrom that portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed, recorded September 19, 2014 as Document No. 2492376, records of Gallatin County, Montana, and the **City of Bozeman**, a Municipal Corporation of the State of Montana (hereinafter the "GRANTEE"), for the purchase of said property interest(s). The compensation amount to be paid and other considerations to be given in full satisfaction of this Agreement are as follows:

Compensation:

Parcel 2: Storm Drain Easement	142 sq.ft.*	\$1,300
Cost to cure: None		N/A

* Figure 1

Total (rounded) **\$1,300.00**

Considerations:

1. In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this Agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. GRANTORS certifies that any known encumbrances on the property are shown on this Agreement. If GRANTORS sells their remaining property prior to the project being constructed, GRANTORS agrees to provide the purchaser(s) with a copy of this entire Agreement and agree to make the sale of their remaining property subject to all the terms and conditions contained in this Agreement. GRANTORS agrees that they will, at the GRANTEE'S request, execute deeds and/or easements required by for all real property agreed to be conveyed by this Agreement.
2. Taxes and special assessments, if any, delinquent from former years, and taxes and special assessments for the current year, if due and/or payable, shall be paid by the GRANTORS.
3. This Agreement embodies the whole Agreement between the parties hereto as it pertains to the real estate, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
4. The GRANTORS hereby agrees that the compensation herein provided to be paid includes full compensation for their interest and the interests of their life tenants, remaindermen, reversioners, liens and lessees, and any and all other legal and equitable interest that are or may be outstanding and said GRANTORS agrees to discharge the same.
5. This Agreement shall be deemed a contract extending to and binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and

assigns of the parties, only when the same shall have been approved by the City Manager on behalf of the Public Works Department.

- 6. The property transfer shall be effective upon acceptance by GRANTORS and GRANTEE, evidenced by the execution of this Agreement by the GRANTORS and GRANTEE and payment of the compensation amount.

Of the total amount of compensation hereinabove agreed upon, the sum of **\$1,300.00** shall be paid upon execution and delivery of a good and sufficient: Storm Drain Easement and Temporary Construction Permit.

Disbursement of funds will be made in the following manner:

GRANTORS	Amount of Payment
Jeffrey R. Brandner and Raymond D. Rega	\$1,300.00

The GRANTORS certifies that there are no known hazardous materials on the property being acquired.


The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above.

JEFFREY R. BRANDNER AND RAYMOND D. REGA



 Jeffrey R. Brandner

Date: 9/8/2021



 Raymond D. Rega

Date: 8/5/21

CITY OF BOZEMAN

 By: Jeff Mihelich
 City Manager

Date: _____

ATTEST:

 By: Mike Maas
 City Clerk

Date: _____

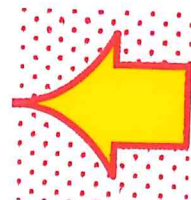


FIGURE 1

RIGHT-OF-WAY ACQUISITION
WITHIN

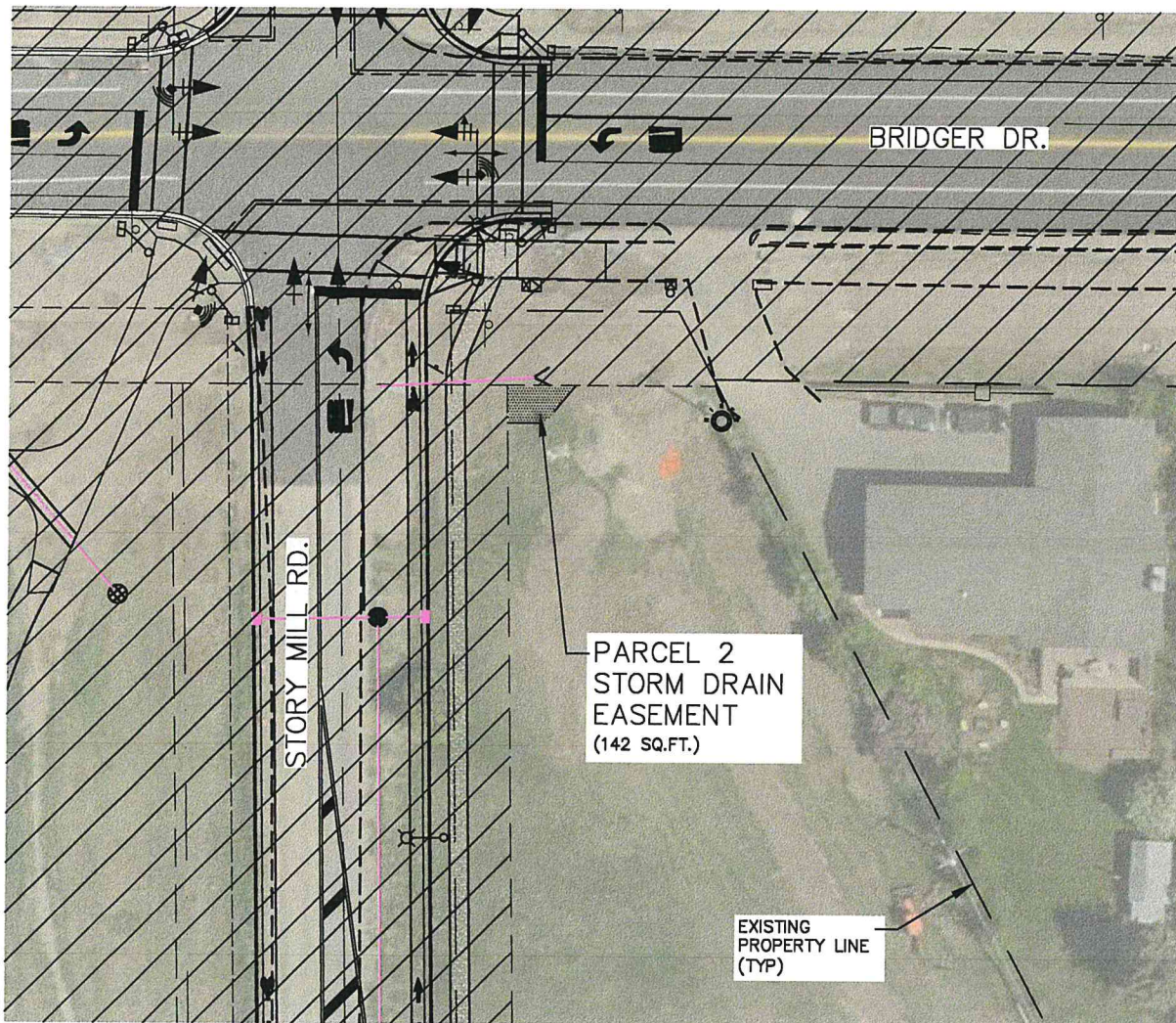
TRACT 1, C.O.S. 1895,
LOCATED IN SW1/4, S32, T1S, R6E, P.M.M.

PREPARED FOR : CITY OF BOZEMAN

JULY, 2021

PREPARED BY : SANDERSON STEWART

BOZEMAN, MONTANA

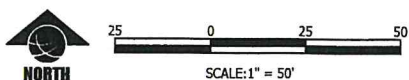


NOTES:

1. AERIAL IMAGE LOCATIONS ARE APPROXIMATE AND MAY NOT BE EXACT.
2. NEW PROJECT IMPROVEMENT LOCATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE.


R/W LEGEND

	EXISTING ROAD R/W
	STORM DRAIN EASEMENT



STORY MILL-R/W ACQ
PARCEL 2

Return to:
Sanderson Stewart
106 East Babcock, Suite L1
Bozeman, MT 59715

	<p align="center">City of Bozeman Engineering Division Public Works Department</p>	<p>Project Name: Story Mill- R/W ACQ. Project No: 20023.03 Parcel No: 2</p>
-----------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------

STORM DRAIN EASEMENT

The GRANTORS, **Jeffrey R. Brandner and Raymond D. Rega**, each as to a 50% interest, whose address is 2300 Story Mill Road, Bozeman, MT 59715, for and in consideration of One and No/100 - Dollars, and other valuable consideration, in hand paid, conveys and grants to the GRANTEE, the **City of Bozeman**, a Municipal Corporation of the State of Montana, with offices at 121 North Rouse Avenue, Bozeman Montana 59715, its successors or assignees, a perpetual storm drain easement to lay, construct and maintain public storm drainage distribution facilities with the usual appurtenances in, over, under, along, through, and across the following described real property located in Gallatin County, Montana:

Tract 1 of Certificate of Survey No. 1895, located in the SW1/4 of Section 32, Township 1 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official survey thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana, and as further shown on Certificate of Survey No. 2547, EXCEPTING therefrom that portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed, recorded September 19, 2014 as Document No. 2492376, records of Gallatin County, Montana.

Said storm drain easement is depicted on **Exhibit A** attached hereto and more particularly described as:

Beginning at the Northwest corner of the easement herein described, being a point on the East right-of-way of Story Mill Road and the North right-of-way of Bridger Drive that bears S 00° 58' 02" E, 20.00' and S 89° 59' 58" E, 15.00' from the northwest corner of Tract 1, Certificate of Survey No. 1895, said point of beginning; Thence, from said point of beginning, S 89° 59' 58" E, 18.48 feet along the North right-of-way of Bridger Drive; Thence, S 39° 42' 57" W, 13.00 feet; Thence, N 89° 59' 58" W, 10.00 feet to the East right-of-way of Story Mill Road; Thence, N 00° 58' 19" W, 10.00 feet along the East right-of-way of Story Mill Road to the North right-of-way of Bridger Drive and to the point of beginning, and containing 142 sq.ft., more or less, as shown on **Exhibit A**.


All improvements installed within the easement by GRANTEE are the property of the GRANTEE, removable at its option. The failure of GRANTEE to exercise any of its rights granted herein shall not be construed as a waiver or abandonment of the right.

GRANTORS hereby covenants with GRANTEE that GRANTORS has good title to the above-described tract of land and covenants that GRANTEE shall have quiet and peaceable possession of the easement; and shall have a free and unrestricted right to access and maintain said facilities for the purpose of constructing and/or improving storm drainage distribution facilities as necessary.

Upon completion of said project for which access is hereby provided, the GRANTEE shall restore the property as nearly as possible to its original condition. The GRANTEE agrees to hold GRANTORS harmless from any and all liability that may result or arise from the exercise of the rights granted hereby.

The GRANTEE hereby covenants and agrees to defend and indemnify GRANTORS, its officers, directors, employees, agents, and invitees and save them harmless from any and all liability, loss, costs or obligations, including, without limitation, reasonable attorneys' fees, on account of, or arising out of, any such injury or loss caused or claimed to be caused by the exercise of this easement or use of this easement, however occurring, other than those caused solely by the willful or negligent acts or omissions of the GRANTORS.

JEFFREY R. BRANDNER AND RAYMOND D. REGA, each as to a 50% interest



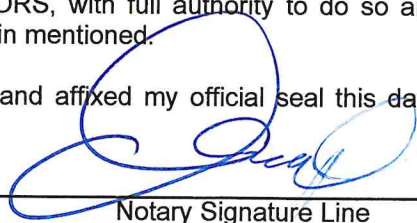
Jeffrey R. Brandner

ACKNOWLEDGMENT OF GRANTORS

State of Montana)
County of Gallatin) ss.

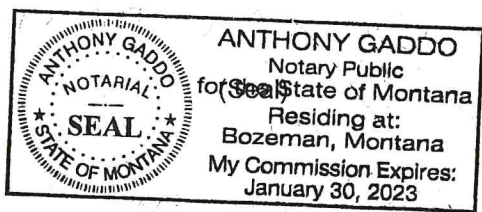
On this 16th day of September, 2021, before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, **Jeffrey R. Brandner**, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTORS, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.



Notary Signature Line

Notary Printed Name
Notary Public for the State of _____
Residing at: _____
My Commission Expires: _____ / _____ / 20_____




Raymond D. Rega

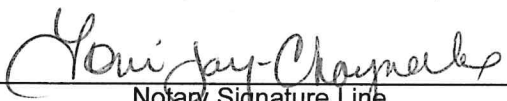
ACKNOWLEDGMENT OF GRANTORS

State of New Jersey
County of Somerset) ss.

On this 30th day of August, 2021, before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, **Raymond D. Rega**, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTORS, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

Toni Jay-Choynake
Notary Public (Seal) New Jersey
Commission Expires: December 29, 2021


Notary Signature Line
Toni Jay-Choynake
Notary Printed Name

Notary Public for the State of New Jersey
Residing at: Somerset County #2354073
My Commission Expires: 12 / 29 / 2021

CERTIFICATE OF ACCEPTANCE

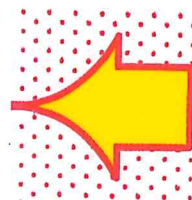
THIS IS TO CERTIFY that the City of Bozeman, a Municipal Corporation of the State of Montana, GRANTEE herein, acting by and through its City Manager and City Clerk for the City of Bozeman, hereby accepts for public purposes, the real property, or interest therein, described in this instrument and consents to the recordation thereof.

CITY OF BOZEMAN

By: Jeff Mihelich
City Manager

ATTEST:

By: Mike Maas
City Clerk



State of Montana)
) ss.
County of Gallatin)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Jeff Mihelich and Mike Maas, known to me to be the City Manager and City Clerk for the City of Bozeman and the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for and on behalf of the City of Bozeman.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

(Seal)

Notary Signature Line

Notary Printed Name

Notary Public for the State of _____

Residing at: _____

My Commission Expires: ____ / ____ / 20__

EXHIBIT A STORM DRAIN EASEMENT

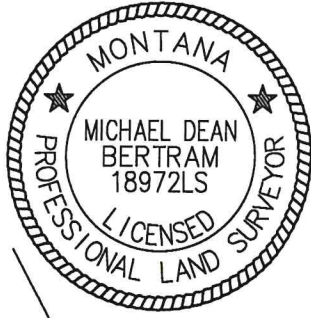
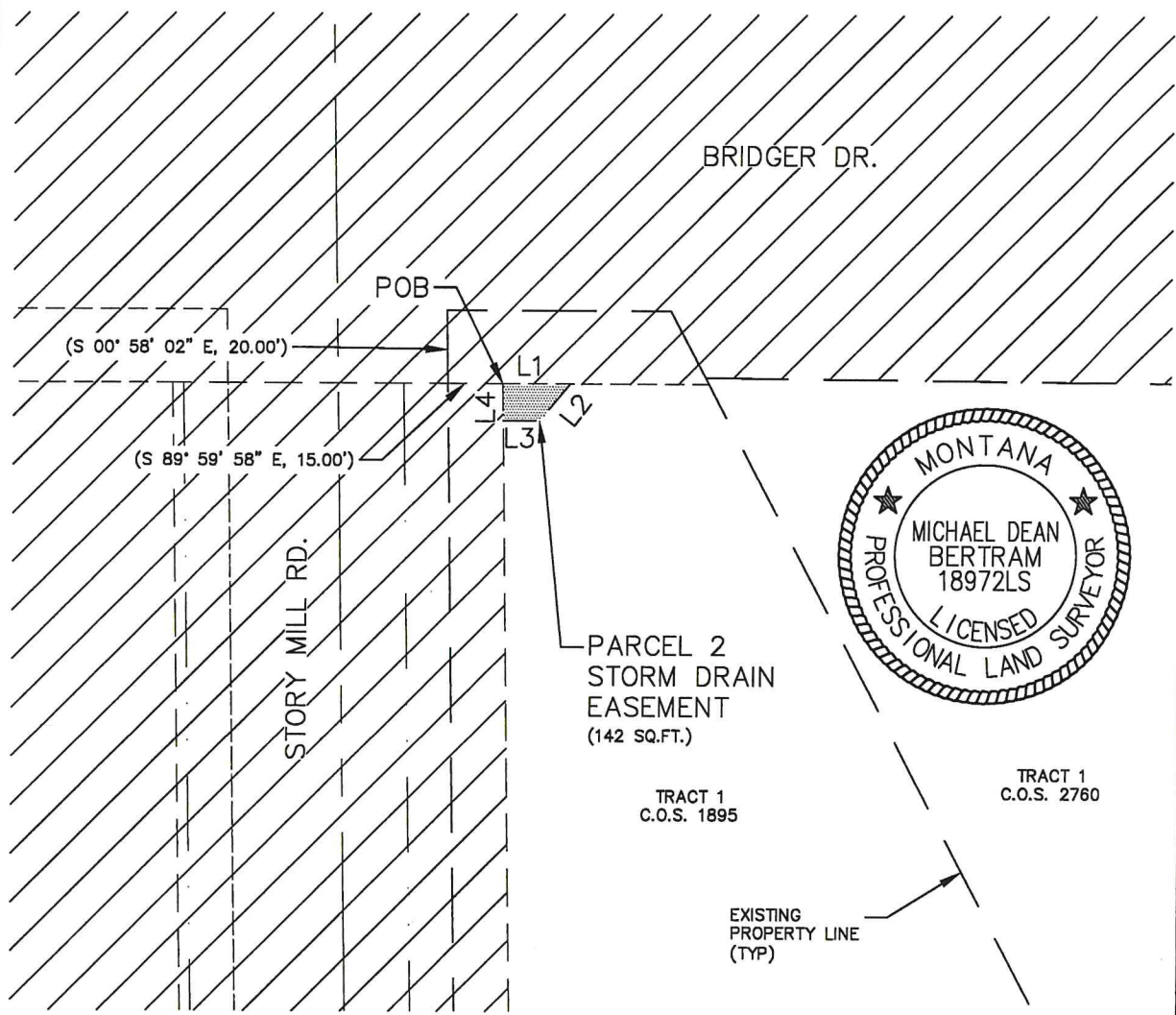
WITHIN
TRACT 1, C.O.S. 1895,
LOCATED IN SW1/4, S32, T1S, R6E, P.M.M.

PREPARED FOR : CITY OF BOZEMAN

JULY, 2021

PREPARED BY : SANDERSON STEWART

BOZEMAN, MONTANA



PARCEL 2
STORM DRAIN
EASEMENT
(142 SQ.FT.)

TRACT 1
C.O.S. 1895

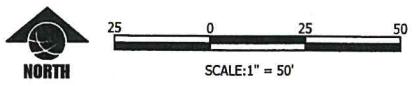
TRACT 1
C.O.S. 2760

EXISTING
PROPERTY LINE
(TYP)


- L1 S 89° 59' 58" E, 18.48 FEET
- L2 S 39° 42' 57" W, 13.00 FEET
- L3 N 89° 59' 58" W, 10.00 FEET
- L4 N 00° 58' 19" W, 10.00 FEET

R/W LEGEND

- EXISTING ROAD R/W
- STORM DRAIN EASEMENT



STORY MILL-R/W ACQ
PARCEL 2

	City of Bozeman Engineering Division Public Works Department	Project Name: Story Mill- R/W ACQ.
		Project No: 20023.03
		Parcel No: 2

WAIVER VALUATION

OWNERSHIP INFORMATION				
Property Owner:	Jeffrey R. Brandner and Raymond D. Rega			
Property Address:	2300 Story Mill Road			
Property Location:	Bozeman, MT			
PROPERTY INFORMATION				
Present Use: Vacant Land	Highest and Best Use: High Density Residential			
Zoning Authority: City	Zoning Classification: R-4			
Property Size (Before): 1.552 acres	Improvements: Commercial Building			
ACQUISITION INFORMATION				
Partial Acquisition: <input checked="" type="checkbox"/>	Full Acquisition: <input type="checkbox"/>			
Area to be Acquired				
Parcel No.	Area (sq.ft.)	Fee	Perm. Easement	
Parcel 2 SDE	142	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DESCRIPTION OF ACQUISITION:

Permanent property rights to utilize portions of the subject property for transportation and utility improvements are required. A storm drain easement has been requested to allow the proposed project improvements to be constructed by the City of Bozeman.

VALUATION ANALYSIS:

The subject property has been valued as if raw, vacant land that is available for the highest and best use. The data for the subject property and comparable sales was verified by an external field inspection and desk review. This is a simplified valuation report, and as such, contains summary discussions of the data, reasoning and analysis that were used to develop the opinion of value.

The Sales Comparison approach was utilized to determine the land value of the subject property. The Sales Comparison approach is recognized as the most appropriate and reliable method for estimating the value of land such as the subject property. Research of the local real estate market was conducted to document recent sales information for properties similar to the subject property. The comparable sales information utilized to develop the opinion of value of raw, vacant land similar to the subject property is detailed below:

COMPARABLE SALES INFORMATION				
Comp. Parcel #	Subject	1	2	3
Property Address / Legal Description	2300 Story Mill Rd Bozeman, MT	TBD St Andrews Bozeman, MT	TBD Wilda Bozeman, MT	1550/1660 N 27th Bozeman, MT
Zoning Authority	City	City	City	City
Zoning	R-4	R-3	R-2	R-4

Current Use	Vacant	Vacant Residential	Vacant Residential	Vacant Residential
Date of Sale	--	9/19/2019	1/30/2019	11/30/2020
Sales Price	--	\$135,000	\$312,500	\$2,817,750
Size (acres)	1.552	0.856	1.000	3.799
Indicated \$/sq.ft.	--	\$5.21 ¹	\$8.28 ¹	\$17.45 ¹

¹ Adjusted for current market conditions

The comparable sales data ranged from \$5.21 per sq.ft. to \$17.45 per sq.ft. The average value of the three comparable parcels is \$10.31 per sq.ft. The size of the subject property is most similar to Comparable 2 while the access and location are more similar to Comparable 1. The zoning of the subject property matches Comparable 3, however Comparable 3 is larger (combined 2 parcels) and exhibits a closer proximity to economic centers. Given all these factors, the indicated market value of the subject property is estimated to be \$9.50 per sq.ft. for unencumbered vacant land with similar property characteristics as just compensation for the acquisition of vacant land in fee.

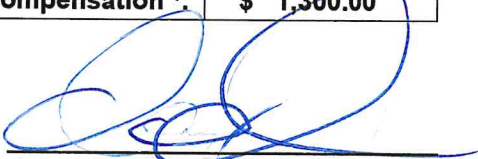
Easements grant specific rights on a piece of land to another entity for specific uses, but do not transfer title of the land. Compensation for easement interests is determined as a percentage of the fee value (100% acquisition value) based on the level to which the acquired interest limits/encumbers the use of the property by the owner. For storm drain easements, the owner retains little use of the impacted land and is valued at 95% of the fee value.

VALUATION CALCULATION:

COMPENSATION		
Item	Calculation Detail	Compensation
Parcel 2 SDE:	142 sq.ft. x \$9.50 per sq.ft. x 95% =	\$ 1,282
	Subtotal:	\$ 1,282
Cost to Cure:	None	N/A
Total Compensation 1:		\$ 1,300.00

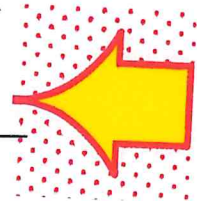
¹ Rounded to nearest \$50 increment.
\$500 minimum with permanent easements

Date of Inspection: July 14, 2021
Date of Valuation: July 19, 2021

Prepared By: 
Name: Tony Gaddo
Title: Senior Engineer / REALTOR

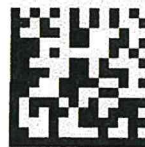
Date Approved: _____

Approved By: _____
City of Bozeman
Name:
Title:



INSTRUCTIONS TO:

Montana Title & Escrow, Inc.
1925 N. 22nd Avenue, Suite 102
Bozeman, MT 59718



131274-1004

DATE: 9/8/21

RE: ESCROW NO.: M-27-863
PROPERTY: Parcel 2
2300 Story Mill Road, Bozeman, MT 59715

You are handed herewith an executed:

- Storm Drain Easement
- Power of Attorney
- Request for Taxpayer I.D.# (1099 Reporting) if payment to be made to Grantor.

Which you are authorized and instructed to record through the above referenced escrow:

- Without demand for any consideration to the undersigned, monetary or otherwise, for their delivery of said instrument or (Check One)
- Provided you hold for the account of the undersigned the sum of \$1,300.00 to be paid to Jeffrey R. Brandner and Raymond D. Rega, split evenly between both Grantors.

I am to be of no expense in connection with this transaction and no documentary transfer tax is to be affixed to said EASEMENT.

Transfer tax, if applicable, and recording fees are to be collected from the grantee. When recorded, document is to be returned to the grantee. Preparation of this instrument and recording of same is to be done at no expense to the undersigned.

READ, APPROVED AND ACCEPTED BY:



Jeffrey R. Brandner

Date: 9/8/2021



Raymond D. Rega

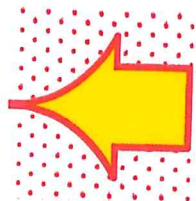
Date: 8/5/21

The above instruction and Deed mentioned therein have been reviewed and are hereby approved by the undersigned. You are to record said STORM DRAIN EASEMENT concurrently with the other documents contained in the above numbered escrow and charge my account for the cost incurred.

_____ Date: _____
JEFF MIHELICH, CITY MANAGER

Received _____,
Montana Title & Escrow, Inc.

BY: _____
CANDACE D. ELSER



Montana Title & Escrow, Inc.
 1925 N. 22nd Avenue, Suite 102
 Bozeman, MT 59718
 Phone: (406) 587-7702
 Fax: (406) 587-2891

Date: January 31, 2022
 Escrow No.: M-27863
 Escrow Officer: Candace Elser
 Property Address:
 2300 Story Mill Road, Bozeman, MT 59715



679549-1210-
0

BUYER'S INSTRUCTIONS

Montana Title & Escrow, Inc., a Montana Corporation, is licensed to perform escrow services by the State of Montana.

It is understood, by the parties hereto, that when the term "Escrow Holder" is used throughout these instructions it is always referring to Montana Title & Escrow, Inc. unless specifically stated otherwise.

I/We hand you herewith:

Cashier's check or verifiable funds in the amount stated on the attached Estimated Settlement Statement.

You are hereby authorized to deliver and/or record all said documents and disburse said funds, together with the proceeds of any easement mentioned, on account for the purchase price of the real property described in your above numbered escrow and on account for the other costs, fees and adjustments in connection therewith, when you can issue your 2006 ALTA Standard Owners Policy of Title Insurance in the amount of \$1,300.00.

Title to be as vested in the name of: CITY OF BOZEMAN, A MONTANA MUNICIPAL CORPORATION

SUBJECT TO:

1. All printed exceptions and conditions in the policy.
2. All general and special taxes as shown in Item 6 below.
3. The lien of supplemental taxes which may be assessed as a result of revised assessed values.
4. Bond and/or Special Assessments not delinquent.
5. Covenants, Conditions, Restrictions, Easements, Reservations now of record
6. Exceptions Numbered: 1 -7 as shown on the Title Commitment dated September 14, 2021

The undersigned Buyer acknowledges that he/she has received and read a copy of the Preliminary Report or Title Commitment Order No. M-27863. Seller to acknowledge that the information contained in the Preliminary Report is correct to the best of his/her knowledge.

The receipt by escrow of all documents and monies required to transfer title in accordance with these instructions shall be deemed as sufficient indication that all contingencies and/or conditions contained in the Purchase Agreement by and between the within Buyers and Sellers have been removed, complied with, or will be satisfied outside of escrow.

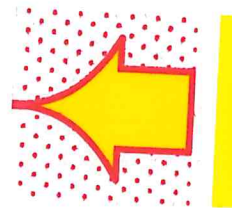
These instructions are effective until revoked by any of the undersigned through written demand delivered to Escrow Holder. I hereby agree to pay all my proper costs and fees, including any adjustments, and request you to remit balance to me at the address shown below.

BUYER:

CITY OF BOZEMAN, A MONTANA MUNICIPAL CORPORATION

By: _____
Jeff Mihelich, City Manage

By: _____
Mike Maas, City Clerk



Mailing Address: _____

Phone: _____ Email: _____

Received by Montana Title & Escrow, Inc.

By: _____ Date: _____ Time: _____

Montana Title & Escrow, Inc.

1925 N. 22nd Avenue
 Suite 102
 Bozeman, MT 59718
 (406) 587-7702

File Number: M-27863
 Sales Price: \$1,300.00
 Close Date: 2/28/2022
 Disbursement Date: 2/28/2022
 Date Prepared: 1/31/2022 11:10:39 AM

BUYER(S) ESTIMATED CLOSING STATEMENT

Type: Sale
 Property: 2300 STORY MILL ROAD
 BOZEMAN, MT 59715 (GALLATIN)

Buyer(s): CITY OF BOZEMAN, A MONTANA MUNICIPAL CORPORATION
 PO BOX 1230
 121 N ROUSE
 Bozeman, MT 59771

Seller(s): JEFFREY R. BRANDNER AND RAYMOND D. REGA
 1118 Bridger Dr
 Bozeman, MT 59715

Lender:

Legal Desc: A STORM DRAIN EASEMENT ON THE FOLLOWING DESCRIBED LAND: Tract 1 of Certificate of Survey No. 1895, located in the SW1/4 of Section 32, Township 1 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official survey thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana, and as further shown on Certificate of Survey No. 2547.

Excepting therefrom that portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed, recorded September 19, 2014 as Document No. 2492376, records of Gallatin County, Montana. SAID STORM DRAIN EASEMENT IS MORE PARTICULARLY DESCRIBED AS: Beginning at the Northwest corner of the easement herein described, being a point on the East right-of-way of Story Mill Road and the North right-of-way of Bridger Drive that bears S 00°58'02" E, 20.00' and S 89°59'58" E, 15.00' from the northwest corner of Tract 1, Certificate of Survey No. 1895, said point of beginning; Thence, from said point of beginning, S 89°59'58" E, 18.48 feet along the North right-of-way of Bridger Drive; Thence S 39°42'57" W, 13.00 feet; Thence N 89°59'58" W, 10.00 feet to the East right-of-way of Story Mill Road; Thence N 00° 58'49" W, 10.00 feet along the East right-of-way of Story Mill Road to the North right-of-way of Bridger Drive and to the point of beginning.

Description	P.O.C.	Debit	Credit
Deposits, Credits, Debits			
Sale Price of Property		\$1,300.00	
Title Charges			
Title - Lender's coverage Premium \$0.00 to Montana Title & Escrow, Inc.			
Title - Owner's Title Insurance \$1,300.00 Premium \$175.00 to Montana Title & Escrow, Inc.		\$175.00	
Title - Settlement or closing fee \$1,000.00 to Montana Title & Escrow, Inc.		\$1,000.00	
Title - E-Recording Service Fee to Simplifile		\$4.25	
Title - Additional Title Work Charges to Montana Title & Escrow, Inc.		\$110.00	
Government Recording and Transfer Charges			
RECORDING STORM DRAIN EASEMENT to MLHC Recording Account \$50.00		\$50.00	
Totals		\$2,639.25	\$0.00

Balance Due FROM Buyer: \$2,639.25

Issued Date: January 31, 2022
 Lender's Basic (non-discounted) Rate:

I/We hereby agree to pay all my proper costs and fees, including any taxes, assessments and liens of public record, and any adjustments thereto, and authorize you to deduct same from funds due me and remit the balance to me at an address designated by the undersigned.

APPROVED AND ACCEPTED

BUYER(S)
 CITY OF BOZEMAN, A MONTANA MUNICIPAL CORPORATION

By: _____
 Jeff Mihelich, City Manager

By: _____
 Mike Maas, City Clerk

SETTLEMENT COORDINATOR


 Candace Elser

Montana Title & Escrow, Inc.

1925 N. 22nd Avenue
Suite 102
Bozeman, MT 59718
(406) 587-7702

File Number: M-27863
Sales Price: \$1,300.00
Close Date: 2/28/2022
Disbursement Date: 2/28/2022
Date Prepared: 1/31/2022 11:10:50 AM

BUYER(S) FINAL CLOSING STATEMENT

Type: Sale
Property: 2300 STORY MILL ROAD
BOZEMAN, MT 59715 (GALLATIN)

Buyer(s): CITY OF BOZEMAN, A MONTANA MUNICIPAL CORPORATION
PO BOX 1230
121 N ROUSE
Bozeman, MT 59771

Seller(s): JEFFREY R. BRANDNER AND RAYMOND D. REGA
1118 Bridger Dr
Bozeman, MT 59715

Lender:

Legal Desc: A STORM DRAIN EASEMENT ON THE FOLLOWING DESCRIBED LAND: Tract 1 of Certificate of Survey No. 1895, located in the SW1/4 of Section 32, Township 1 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official survey thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana, and as further shown on Certificate of Survey No. 2547.

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Description	P.O.C.	Debit	Credit
Deposits, Credits, Debits			
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Title Charges			
Title - Lender's coverage Premium \$0.00 to Montana Title & Escrow, Inc.			
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Title - Settlement or closing fee \$1,000.00 to Montana Title & Escrow, Inc.		\$1,000.00	
Title - E-Recording Service Fee to Simplifile		\$4.25	
Title - Additional Title Work Charges to Montana Title & Escrow, Inc.		\$110.00	
Government Recording and Transfer Charges			
RECORDING STORM DRAIN EASEMENT to MLHC Recording Account \$50.00		\$50.00	
Totals		\$2,639.25	\$0.00

Balance Due FROM Buyer: \$2,639.25

APPROVED AND ACCEPTED

BUYER(S)
CITY OF BOZEMAN, A MONTANA MUNICIPAL CORPORATION

By: _____
Jeff Mihelich, City Manager

By: _____
Mike Maas, City Clerk

SETTLEMENT COORDINATOR


Candace Elser

Memorandum

REPORT TO: City Commission

FROM: Jessica Ahlstrom, Water Conservation Program Manager
John Alston, Director of Utilities

SUBJECT: Authorize the City Manager to Sign a Professional Services Agreement with Green Gardens Group LLC for a Bozeman Watershed Wise Landscape Webinar Series

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Agreement - Vendor/Contract

RECOMMENDATION: Authorize the City Manager to Sign a Professional Services Agreement with Green Gardens Group LLC for a Bozeman Watershed Wise Landscape Webinar Series

STRATEGIC PLAN: 6.1 Clean Water Supplies: Ensure adequate supplies of clean water for today and tomorrow.

BACKGROUND: The core objective of the City's water conservation program is to educate and empower residents to use water efficiently. In the summer of 2021, the City hired the Environmental Protection Agency's WaterSense® accredited Green Gardens Group to host their Watershed Wise Landscape Webinar Series for Bozeman residents to provide them with the knowledge to increase outdoor water use efficiency through landscape and irrigation changes. Dozens of community members signed up for the Webinar Series in 2021 and overwhelmingly provided positive feedback about the content. With fifty percent of summer water use going into lawns and landscapes, expanding efficient outdoor water use practices in the community is central to reducing overall water demand and extending the reach of the City's current reliable water supply.

The City would like to offer the Green Gardens Group Watershed Wise Landscape Webinar Series to residents in 2022. The Webinar Series provides comprehensive guidance to water customers regarding landscaping basics, turf removal and organic maintenance, irrigation efficiency, composting and soil health, and drought tolerant landscape design through an interactive online program. Throughout the webinars, attendees are invited to submit their questions in the online Q/A chat box. Live responses to questions will be provided by professional landscape designers and various polls create an interactive environment and an opportunity to engage the audience. Taught by experienced landscape designers through a series of six interactive online courses, these topics will again provide water customers with the information needed to transform their landscape to improve water quality

and reduce water use. All course content is customized for the City of Bozeman and will be offered to customers throughout the months of April/May 2022. Considering the limitations imposed on in-person outreach events due to COVID-19, these online courses will provide the community with an opportunity to engage and learn about outdoor water use efficiency safely.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As suggested by the City Commission

FISCAL EFFECTS: Total costs for this project equal \$9,700.00 and will be paid for out of the Water Conservation Division professional services fund.

Attachments:

[Professional Services Agreement_G3_Water Wise Landscape Webinar Series.pdf](#)

[Attachment A_G3_Scope of Services.pdf](#)

Report compiled on: February 2, 2022



PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2022 (“Effective Date”), by and between the **CITY OF BOZEMAN, MONTANA**, a self-governing municipal corporation organized and existing under its Charter and the laws of the State of Montana, 121 North Rouse Street, Bozeman, Montana, with a mailing address of PO Box 1230, Bozeman, MT 59771, hereinafter referred to as “City,” and, G3LA, LLC dba Green Gardens Group, 149 S. Barrington Ave. # 758, Los Angeles, CA 90049, hereinafter referred to as “Contractor.” The City and Contractor may be referred to individually as “Party” and collectively as “Parties.”

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

1. **Purpose:** City agrees to enter this Agreement with Contractor to perform for City services described in the Scope of Services attached hereto as Exhibit A and by this reference made a part hereof.
2. **Term/Effective Date:** This Agreement is effective upon the Effective Date, and will expire on the 5th day of March, 2023 unless earlier terminated in accordance with this Agreement.
3. **Scope of Services:** Contractor will perform the work and provide the services in accordance with the requirements of the Scope of Services. For conflicts between this Agreement and the Scope of Services, unless specifically provided otherwise, the Agreement governs.
4. **Payment:** City agrees to pay Contractor the amount specified in the Scope of Services. Any alteration or deviation from the described services that involves additional costs above the Agreement amount will be performed by Contractor after written request by the City, and will become an additional charge over and above the amount listed in the Scope of Services. The City must agree in writing upon any additional charges.
5. **Contractor’s Representations:** To induce City to enter into this Agreement, Contractor makes the following representations:
 - a. Contractor has familiarized itself with the nature and extent of this Agreement, the

Scope of Services, and with all local conditions and federal, state and local laws, ordinances, rules, and regulations that in any manner may affect cost, progress or performance of the Scope of Services.

b. Contractor represents and warrants to City that it has the experience and ability to perform the services required by this Agreement; that it will perform the services in a professional, competent and timely manner and with diligence and skill; that it has the power to enter into and perform this Agreement and grant the rights granted in it; and that its performance of this Agreement shall not infringe upon or violate the rights of any third party, whether rights of copyright, trademark, privacy, publicity, libel, slander or any other rights of any nature whatsoever, or violate any federal, state and municipal laws. The City will not determine or exercise control as to general procedures or formats necessary to have these services meet this warranty.

6. Independent Contractor Status/Labor Relations: The parties agree that Contractor is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Contractor is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Contractor is not authorized to represent the City or otherwise bind the City in any dealings between Contractor and any third parties.

Contractor shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, Montana Code Annotated (MCA), and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Contractor shall maintain workers' compensation coverage for all members and employees of Contractor's business, except for those members who are exempted by law.

Contractor shall furnish the City with copies showing one of the following: (1) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (2) proof of exemption from workers' compensation granted by law for independent contractors.

In the event that, during the term of this Agreement, any labor problems or disputes of any type arise or materialize which in turn cause any services to cease for any period of time, Contractor specifically agrees to take immediate steps, at its own expense and without expectation of reimbursement from City, to alleviate or resolve all such labor problems or disputes. The specific steps Contractor shall take shall be left to the discretion of Contractor; provided, however, that Contractor shall bear all costs of any related legal action. Contractor shall provide immediate relief to the City so as to permit the services to continue at no additional cost to City.

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

7. Indemnity/Waiver of Claims/Insurance: For other than professional services rendered, to the fullest extent permitted by law, Contractor agrees to release, defend, indemnify, and hold harmless the City, its agents, representatives, employees, and officers (collectively referred to for purposes of this Section as the City) from and against any and all claims, demands, actions, fees and costs (including attorney's fees and the costs and fees of expert witness and consultants), losses, expenses, liabilities (including liability where activity is inherently or intrinsically dangerous) or damages of whatever kind or nature connected therewith and without limit and without regard to the cause or causes thereof or the negligence of any party or parties that may be asserted against, recovered from or suffered by the City occasioned by, growing or arising out of or resulting from or in any way related to: (i) the negligent, reckless, or intentional misconduct of the Contractor; or (ii) any negligent, reckless, or intentional misconduct of any of the Contractor's agents.

For the professional services rendered, to the fullest extent permitted by law, Contractor agrees to indemnify and hold the City harmless against claims, demands, suits, damages, losses, and expenses, including reasonable defense attorney fees, to the extent caused by the negligence or intentional misconduct of the Contractor or Contractor's agents or employees.

Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity that would otherwise exist. The indemnification obligations of this Section must not be construed to negate, abridge, or reduce any common-law or statutory rights of the City as indemnitee(s) which would otherwise exist as to such indemnitee(s).

Contractor's indemnity under this Section shall be without regard to and without any right to contribution from any insurance maintained by City.

Should the City be required to bring an action against the Contractor to assert its right to defense or indemnification under this Agreement or under the Contractor's applicable insurance policies required below, the City shall be entitled to recover reasonable costs and attorney fees incurred in asserting its right to indemnification or defense but only if a court of competent jurisdiction determines the Contractor was obligated to defend the claim(s) or was obligated to indemnify the City for a claim(s) or any portion(s) thereof.

In the event of an action filed against the City resulting from the City's performance under

this Agreement, the City may elect to represent itself and incur all costs and expenses of suit.

Contractor also waives any and all claims and recourse against the City, including the right of contribution for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to the performance of this Agreement except “responsibility for [City’s] own fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent” as per 28-2-702, MCA.

These obligations shall survive termination of this Agreement and the services performed hereunder.

In addition to and independent from the above, Contractor shall at Contractor’s expense secure insurance coverage through an insurance company or companies duly licensed and authorized to conduct insurance business in Montana which insures the liabilities and obligations specifically assumed by the Contractor in this Section. The insurance coverage shall not contain any exclusion for liabilities specifically assumed by the Contractor in this Section.

The insurance shall cover and apply to all claims, demands, suits, damages, losses, and expenses that may be asserted or claimed against, recovered from, or suffered by the City without limit and without regard to the cause therefore and which is acceptable to the City. Contractor shall furnish to the City an accompanying certificate of insurance and accompanying endorsements in amounts not less than as follows:

- Workers’ Compensation – statutory;
- Employers’ Liability - \$1,000,000 per occurrence; \$2,000,000 annual aggregate;
- Commercial General Liability - \$1,000,000 per occurrence; \$2,000,000 annual aggregate;
- Automobile Liability - \$1,000,000 property damage/bodily injury per accident; and
- Professional Liability - \$1,000,000 per claim; \$2,000,000 annual aggregate.

The above amounts shall be exclusive of defense costs. The City shall be endorsed as an additional or named insured on a primary non-contributory basis on both the Commercial General and Automobile Liability policies. The insurance and required endorsements must be in a form suitable to City and shall include no less than a thirty (30) day notice of cancellation or non-renewal. Contractor shall notify City within two (2) business days of Contractor’s receipt of notice that any required insurance coverage will be terminated or Contractor’s decision to terminate any required insurance coverage for any reason.

The City must approve all insurance coverage and endorsements prior to the Contractor commencing work.

8. Termination for Contractor's Fault:

a. If Contractor refuses or fails to timely do the work, or any part thereof, or fails to perform any of its obligations under this Agreement, or otherwise breaches any terms or conditions of this Agreement, the City may, by written notice, terminate this Agreement and the Contractor's right to proceed with all or any part of the work ("Termination Notice Due to Contractor's Fault"). The City may then take over the work and complete it, either with its own resources or by re-letting the contract to any other third party.

b. In the event of a termination pursuant to this Section 8, Contractor shall be entitled to payment only for those services Contractor actually rendered.

c. Any termination provided for by this Section 8 shall be in addition to any other remedies to which the City may be entitled under the law or at equity.

d. In the event of termination under this Section 8, Contractor shall, under no circumstances, be entitled to claim or recover consequential, special, punitive, lost business opportunity, lost productivity, field office overhead, general conditions costs, or lost profits damages of any nature arising, or claimed to have arisen, as a result of the termination.

9. Termination for City's Convenience:

a. Should conditions arise which, in the sole opinion and discretion of the City, make it advisable to the City to cease performance under this Agreement, the City may terminate this Agreement by written notice to Contractor ("Notice of Termination for City's Convenience"). The termination shall be effective in the manner specified in the Notice of Termination for City's Convenience and shall be without prejudice to any claims that the City may otherwise have against Contractor.

b. Upon receipt of the Notice of Termination for City's Convenience, unless otherwise directed in the Notice, the Contractor shall immediately cease performance under this Agreement and make every reasonable effort to refrain from continuing work, incurring additional expenses or costs under this Agreement and shall immediately cancel all existing orders or contracts upon terms satisfactory to the City. Contractor shall do only such work as may be necessary to preserve, protect, and maintain work already completed or immediately

in progress.

c. In the event of a termination pursuant to this Section 9, Contractor is entitled to payment only for those services Contractor actually rendered on or before the receipt of the Notice of Termination for City's Convenience.

d. The compensation described in Section 9(c) is the sole compensation due to Contractor for its performance of this Agreement. Contractor shall, under no circumstances, be entitled to claim or recover consequential, special, punitive, lost business opportunity, lost productivity, field office overhead, general conditions costs, or lost profits damages of any nature arising, or claimed to have arisen, as a result of the termination.

10. Limitation on Contractor's Damages; Time for Asserting Claim:

a. In the event of a claim for damages by Contractor under this Agreement, Contractor's damages shall be limited to contract damages and Contractor hereby expressly waives any right to claim or recover consequential, special, punitive, lost business opportunity, lost productivity, field office overhead, general conditions costs, or lost profits damages of any nature or kind.

b. In the event Contractor wants to assert a claim for damages of any kind or nature, Contractor shall provide City with written notice of its claim, the facts and circumstances surrounding and giving rise to the claim, and the total amount of damages sought by the claim, within thirty (30) days of the facts and circumstances giving rise to the claim. In the event Contractor fails to provide such notice, Contractor shall waive all rights to assert such claim.

11. Representatives and Notices:

a. **City's Representative:** The City's Representative for the purpose of this Agreement shall be Jessica Ahlstrom, Water Conservation Program Manager, or such other individual as City shall designate in writing. Whenever approval or authorization from or communication or submission to City is required by this Agreement, such communication or submission shall be directed to the City's Representative and approvals or authorizations shall be issued only by such Representative; provided, however, that in exigent circumstances when City's Representative is not available, Contractor may direct its communication or submission to other designated City personnel or agents as designated by the City in writing and may receive approvals or authorization from such persons.

b. Contractor's Representative: The Contractor's Representative for the purpose of this Agreement shall be Pamela Berstler, CEO G3LA, LLC dba G3, Green Gardens Group, or such other individual as Contractor shall designate in writing. Whenever direction to or communication with Contractor is required by this Agreement, such direction or communication shall be directed to Contractor's Representative; provided, however, that in exigent circumstances when Contractor's Representative is not available, City may direct its direction or communication to other designated Contractor personnel or agents.

c. Notices: All notices required by this Agreement shall be in writing and shall be provided to the Representatives named in this Section. Notices shall be deemed given when delivered, if delivered by courier to Party's address shown above during normal business hours of the recipient; or when sent, if sent by email or fax (with a successful transmission report) to the email address or fax number provided by the Party's Representative; or on the fifth business day following mailing, if mailed by ordinary mail to the address shown above, postage prepaid.

12. Permits: Contractor shall provide all notices, comply with all applicable laws, ordinances, rules, and regulations, obtain all necessary permits, licenses, including a City of Bozeman business license, and inspections from applicable governmental authorities, and pay all fees and charges in connection therewith.

13 Laws and Regulations: Contractor shall comply fully with all applicable state and federal laws, regulations, and municipal ordinances including, but not limited to, all workers' compensation laws, all environmental laws including, but not limited to, the generation and disposal of hazardous waste, the Occupational Safety and Health Act (OSHA), the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA, all applicable City, County, and State building and electrical codes, the Americans with Disabilities Act, and all non-discrimination, affirmative action, and utilization of minority and small business statutes and regulations.

14. Nondiscrimination and Equal Pay: The Contractor agrees that all hiring by Contractor of persons performing this Agreement shall be on the basis of merit and qualifications. The Contractor will have a policy to provide equal employment opportunity in accordance with all applicable state and federal anti-discrimination laws, regulations, and contracts. The Contractor will not refuse employment to a person, bar a person from employment, or discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, color, religion, creed, political ideas, sex, age, marital status, national origin, actual or perceived sexual orientation, gender identity, physical or mental disability, except when the reasonable demands of the position

require an age, physical or mental disability, marital status or sex distinction. The Contractor shall be subject to and comply with Title VI of the Civil Rights Act of 1964; Section 140, Title 2, United States Code, and all regulations promulgated thereunder.

Contractor represents it is, and for the term of this Agreement will be, in compliance with the requirements of the Equal Pay Act of 1963 and Section 39-3-104, MCA (the Montana Equal Pay Act). Contractor must report to the City any violations of the Montana Equal Pay Act that Contractor has been found guilty of within 60 days of such finding for violations occurring during the term of this Agreement.

Contractor shall require these nondiscrimination terms of its subcontractors providing services under this Agreement.

15. Intoxicants; DOT Drug and Alcohol Regulations/Safety and Training: Contractor shall not permit or suffer the introduction or use of any intoxicants, including alcohol or illegal drugs, by any employee or agent engaged in services to the City under this Agreement while on City property or in the performance of any activities under this Agreement. Contractor acknowledges it is aware of and shall comply with its responsibilities and obligations under the U.S. Department of Transportation (DOT) regulations governing anti-drug and alcohol misuse prevention plans and related testing. City shall have the right to request proof of such compliance and Contractor shall be obligated to furnish such proof.

The Contractor shall be responsible for instructing and training the Contractor's employees and agents in proper and specified work methods and procedures. The Contractor shall provide continuous inspection and supervision of the work performed. The Contractor is responsible for instructing its employees and agents in safe work practices.

16. Modification and Assignability: This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The Contractor may not subcontract or assign Contractor's rights, including the right to compensation or duties arising hereunder, without the prior written consent of the City. Any subcontractor or assignee will be bound by all of the terms and conditions of this Agreement.

17. Reports/Accountability/Public Information: Contractor agrees to develop and/or provide documentation as requested by the City demonstrating Contractor's compliance with the requirements of this Agreement. Contractor shall allow the City, its auditors, and other persons authorized by the City to inspect and copy its books and records for the purpose of verifying that the reimbursement of monies distributed to Contractor pursuant to this Agreement was used in

compliance with this Agreement and all applicable provisions of federal, state, and local law. The Contractor shall not issue any statements, releases or information for public dissemination without prior approval of the City.

18. Non-Waiver: A waiver by either party of any default or breach by the other party of any terms or conditions of this Agreement does not limit the other party's right to enforce such term or conditions or to pursue any available legal or equitable rights in the event of any subsequent default or breach.

19. Attorney's Fees and Costs: In the event it becomes necessary for either Party 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's fees and costs, including fees, salary, and costs of in-house counsel including the City Attorney's Office staff.

20. Taxes: Contractor is obligated to pay all taxes of any kind or nature and make all appropriate employee withholdings.

21. Dispute Resolution:

a. Any claim, controversy, or dispute between the parties, their agents, employees, or representatives shall be resolved first by negotiation between senior-level personnel from each party duly authorized to execute settlement agreements. Upon mutual agreement of the parties, the parties may invite an independent, disinterested mediator to assist in the negotiated settlement discussions.

b. If the parties are unable to resolve the dispute within thirty (30) days from the date the dispute was first raised, then such dispute may only be resolved in a court of competent jurisdiction in compliance with the Applicable Law provisions of this Agreement.

22. Survival: Contractor's indemnification shall survive the termination or expiration of this Agreement for the maximum period allowed under applicable law.

23. Headings: The headings used in this Agreement are for convenience only and are not be construed as a part of the Agreement or as a limitation on the scope of the particular paragraphs to which they refer.

24. Severability: If any portion of this Agreement is held to be void or unenforceable, the

balance thereof shall continue in effect.

25. **Applicable Law**: The parties agree that this Agreement is governed in all respects by the laws of the State of Montana.

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

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

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

29. **Integration**: This Agreement and all Exhibits attached hereto constitute the entire agreement of the parties. Covenants or representations not contained herein or made a part thereof by reference, are not binding upon the parties. There are no understandings between the parties other than as set forth in this Agreement. All communications, either verbal or written, made prior to the date of this Agreement are hereby abrogated and withdrawn unless specifically made a part of this Agreement by reference.

30. **Consent to Electronic Signatures**: The Parties have consented to execute this Agreement electronically in conformance with the Montana Uniform Electronic Transactions Act, Title 30, Chapter 18, Part 1, MCA.

****** END OF AGREEMENT EXCEPT FOR SIGNATURES ******

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written or as recorded in an electronic signature.

CITY OF BOZEMAN, MONTANA

G3LA, LLC dba Green Gardens Group

By _____

By _____

Jeff Mihelich, City Manager

Pamela Berstler, CEO

APPROVED AS TO FORM:

By _____

Greg Sullivan, Bozeman City Attorney

Attachment A: Scope of Services

G3LA, LLC dba G3, Green Gardens Group Watershed Wise Landscape Webinar Series

I. Introduction

This document outlines the tasks to be completed by G3LA, LLC dba G3, Green Gardens Group, (hereinafter “Contractor”) for the Watershed Wise Landscape Webinar Series for the City of Bozeman, Department of Public Works (hereinafter “City”), 20 East Olive Street Bozeman, Montana 59715.

II. Purpose

The City requires an organization with the skills and expertise to host a watershed wise landscape webinar series to educate and inspire Bozeman residents to establish beautiful low water use landscapes and reduce outdoor water use. Bozeman residents have expressed interest in gaining a better understanding on how to transform high water use lawns into water-efficient landscapes. The intent of this project is to provide Bozeman residents with the knowledge to make water-saving landscape transformations from an accredited WaterSense® professional certifying organization.

III. Scope of Services

Contractor will provide an interactive online program consisting of six classes to educate, inspire and motivate homeowners to transform yards into watershed-wise landscapes. Throughout the webinars, attendees are invited to submit their questions in the online Q/A chat box. Live responses to questions will be provided by professional landscape designers and various polls create an interactive environment and an opportunity to engage the audience.

Learning Objectives:

- Evaluate a property as though it were a mini-watershed
- Use soil food web principles to remove lawn without chemicals and build living soil
- Review irrigation methods and practices to maximize water use efficiency
- Select and place plants on a property according to water needs and key design principles
- Tips and techniques to compost building for a healthy soil sponge
- Proper design, installation, and maintenance of drip irrigation systems

Description of Classes:

Each webinar within the series must have at least 5, but no more than 100 attendees. The webinar series is to be completed in April/May 2022 and the format for each webinar within the series is as follows:

- Instructor welcome attendees
- Discuss any relevant City rebates or water conservation programs
- Cover curriculum and offer ongoing Q/A throughout

- Follow up with links to resources and City rebates

Each webinar included in the series is listed below:

Watershed Wise Landscaping – 60 minute webinar that discusses key principles of a watershed wise landscape, the recommended model for any landscape transformation program and outlines the following information:

- Building healthy living soil
- Utilizing passive rainwater
- Selecting local climate appropriate/native plants
- Using high efficiency irrigation

Turf: Remove, Replace, or Maintain It (Organically) – 60 minute webinar that discusses removing and managing turf using the following information:

- Removing turf without the use of chemicals
- Replacing turf with climate appropriate plantings
- Keeping the turf in place but maintaining it in an organic manner
 - Building soil for healthy lawns
 - Properly irrigating a lawn
 - Simple lawn care strategies to improve resilience
 - Managing the big three: weeds, pests, and disease

Irrigation Basics and Water-Use Efficiency – 60 minute webinar that reviews best practices for irrigation and water use efficiency, including the following topics:

- Overview of an irrigation system
- Irrigation and the soil moisture balance
- Typical irrigation problems in the landscape
- Tips for conservation
- Converting to drip irrigation

Compost, Building the Soil Sponge – 60 minute webinar that covers the following process for creating healthy soil:

- Understanding how plants work with their soil
- Introducing the soil food web
- Techniques and tips for making compost
- Sheet mulching to build healthy soil
- Selecting other soil amendments for the garden

Garden Design Workshop – 90 minute webinar that takes attendees through the step-by-step process of creating a successful watershed wise design and include the following information:

- Raingarden design and placement
- Selecting a plant palette

- Role of native plants
- Layout recommendations
- Design considerations

Drip Irrigation Maintenance and Troubleshooting – 60 minute webinar that details the following steps to an efficient drip system:

- Understanding the basics of drip irrigation
- Techniques on proper drip design
- How to properly install drip irrigation
- Discuss resources for troubleshooting
- How to implement a maintenance program for the drip system

IV. Contractor Responsibilities

Contractor shall:

- Set up a secure calendar of classes and online registration database through Contractor’s website to manage and deliver the webinar program via Zoom online meeting platform;
- Communicate with participants through email as needed before the webinar takes place, including registration confirmation and reminders;
- Provide two qualified instructors for each webinar; one instructor to lead the webinar and another instructor to be available throughout the webinar to answer questions submitted by attendees via the Q/A chat box, manage polls, and provide backend support during events;
- Ensure that the class curriculum is regionally appropriate within the Bozeman service area. All customized content shall be approved by City;
- Provide City with registration and attendance detail;
- Collect, tally and submit class evaluation forms.

V. City Responsibilities

City shall:

- Provide webinar advertising and marketing to the public;
- Provide Contractor with access to relevant images and information to be used in customizing webinars for regional appropriateness;
- Provide resources and information on relevant programs to be included in webinars;
- Provide input and final approval of customized class content;
- Attend each webinar.

VI. Cost and Timeline

The six webinars included in the Watershed Wise Landscape Webinar Series are to be hosted one time each in April/May 2022. The total cost to host each of the six webinars once, plus a

one-time customization fee for the Drip Irrigation Maintenance and Troubleshooting class, totals \$9,700.00.

Cost:	\$250	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,950.00	\$1,500.00	TOTAL: \$9,700.00
	One-time Customization Fee for the Drip Irrigation Maintenance and Troubleshooting Class	Watershed Wise Landscaping Class	Turf: Remove, Replace or Maintain It (Organically) Class	Irrigation Basics and Water Use Efficiency Class	Compost, Building the Soil Sponge Class	Garden Design Workshop Class	Drip Irrigation Maintenance and Troubleshooting Class	

If after the third presentation of a webinar topic of Contractor’s curriculum, City wishes to take over the instructions, each webinar can be licensed indefinitely for a one-time payment of \$750.00 per presentation. The license includes both virtual and in-person rights to the presentations. The license is limited to the Bozeman, MT service area and Contractor will retain all intellectual property rights to the material.

Memorandum

REPORT TO: City Commission

FROM: Renata Munfrada, Community Housing Program Coordinator
David Fine, Economic Development Program Manager
Brit Fontenot, Economic Development Director

SUBJECT: Authorize the City Manager to Sign a First Addendum to the Professional Services Agreement for Community Housing Services with HRDC

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Agreement - Vendor/Contract

RECOMMENDATION: Authorize the City Manager to sign the First Addendum to the Professional Services Agreement for Community Housing Services with HRDC.

STRATEGIC PLAN: 4.5 Housing and Transportation Choices: Vigorously encourage, through a wide variety of actions, the development of sustainable and lasting housing options for underserved individuals and families and improve mobility options that accommodate all travel modes.

BACKGROUND: Housing affordability is a critical issue for the community and has been an ongoing concern since it was identified as an issue in the 1972 community master plan. The City works closely with HRDC to provide additional capacity regarding affordable housing best practices and updated program guidance.

Per BMC Sec. 38.380.010 A., The Bozeman Community Plan established a goal to encourage an adequate supply of affordable housing and land for affordable housing in Bozeman. A lack of affordable housing affects the ability of many residents to find housing which is adequate for their basic housing needs.

The Professional Services Agreement (PSA) for the Community Housing Program Scope of Services Amendment includes the proposed HRDC Community Development Director (CDD) base operational budget of \$14,400 for FY2022. The budget was not included in the original PSA.

The HRDC CDD helps staff to respond to inquiries from developers of subsidized and market rate housing, provides technical assistance to housing developers and non-profits, and assist citizens seeking affordable housing resources with information and access to services. The City has contracted with HRDC for this service in the past, but, as an oversight, it was not included in the current PSA.

UNRESOLVED ISSUES: None at this time.

ALTERNATIVES: At the direction of the City Commission.

FISCAL EFFECTS: The cost of the amendment is \$14,400. Funding is available in the Community Housing Fund budget for FY2022.

Attachments:

[Amendment 1 to PSA with HRDC for Community Housing Services.docx](#)

Report compiled on: January 31, 2022



FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR Community Housing Program Services dated January 31, 2022 (the “Agreement”) is made and entered into this 6th day of July, 2022, by and between the **CITY OF BOZEMAN, MONTANA**, a self governing municipal corporation organized and existing under its Charter and the laws of the State of Montana, 121 North Rouse Street, Bozeman, Montana, with a mailing address of PO Box 1230, Bozeman, MT 59771, hereinafter referred to as “City,” and Human Resource Development Council of District IX, hereinafter referred to as “Contractor.”

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree to amend the Agreement as follows:

1. **Scope of Services Amended:** The scope of services is amended to include additional services as defined in Exhibit “B” attached hereto.
2. **Agreement still valid.** All remaining terms and provisions of the Agreement remain valid.

****** END OF AGREEMENT EXCEPT FOR SIGNATURES ******

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

CITY OF BOZEMAN, MONTANA

HUMAN RESOURCE DEVELOPMENT

COUNCIL OF DISTRICT IX, INC.

By _____
Jeff Mihelich, City Manager

By _____
Print Name: Heather Grenier
Title: President/CEO, HRDC

APPROVED AS TO FORM

By _____
Greg Sullivan, Bozeman City Attorney

Exhibit “B”

Since 1983, HRDC has served as an extension of the City’s housing and community development staffing. HRDC’s Community Development Director (CDD) works closely with City staff to provide additional capacity regarding affordable housing best practices and updated program guidance. The CDD helps staff to respond to inquiries from developers of subsidized and market rate housing, provides technical assistance to housing developers and non-profits, and assists citizens seeking affordable housing resources with information and access to services. The CDD also works to build a more sustainable community by focusing on the relationships between affordable housing, economic and workforce development, and transportation systems within the city.

Memorandum

REPORT TO: City Commission

FROM: Chuck Winn, Assistant City Manager

SUBJECT: Resolution 5371 Authorizing Prime Change Order 15 with Langlas and Associates for Construction of the Bozeman Public Safety Center

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Approve Resolution 5371, Authorizing Prime Change Order 15 with Langlas and Associates for Construction of the Bozeman Public Safety Center.

STRATEGIC PLAN: 3.1 Public Safety: Support high quality public safety programs, emergency preparedness, facilities, and leadership.

BACKGROUND: On July 27, 2020, the City Commission approved the Guaranteed Maximum Price Amendment for Construction of the Bozeman Public Safety Center as a part of the General Construction/Construction Manager agreement. This amendment contains provisions for altering the conditions of the agreement as authorized by the owner (City) to include additional work and credits resulting in a credit to the owner's contingency of \$17,400.92. The majority of additional costs in this change order are attributed to a change in the apparatus by necessitated by change in the fire station door package resulting from the award of an bid alternate. The Safety Center budget contains both owner and contractor contingencies to address unforeseen conditions, scope gaps, and owner requested changes. While every reasonable attempt was made to include everything in the original project plans and specs, projects of this size and complexity require changes during construction. The changes included in this request are reasonable and are within existing contingency amounts and overall project budget as authorized by the City Commission

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the Commission.

FISCAL EFFECTS: The net amount of Change Order 15 is within the approved contingency amounts and authorized project budget.

Attachments:

[Resolution_5371 CO15.docx](#)

[BPSC Job No. 19426 Prime CO 15 signed STL.pdf](#)

Report compiled on: January 31, 2022



RESOLUTION 5371

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA,

WHEREAS, the City Commission did, on July 27, 2020, authorize award of the Guaranteed Maximum Price (GMP) Amendment for Construction of the Bozeman Public Safety Center with Langlas and Associates; and

WHEREAS, Section 7-5-4308, Montana Code Annotated, provides that any such alterations for modification of the specifications and/or plans of the contract be made by resolution; and

WHEREAS, it has become necessary in the prosecution of the work to make alterations and modifications to the specifications and/or plans of the contract.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, that the proposed modifications and/or alternates to the GMP Amendment for Construction of the Bozeman Public Safety Center, as contained in Change Order #15, attached hereto, be and the same are hereby approved; and the City Manager is hereby authorized and directed to execute the contract change order for and on behalf of the City; and the City Clerk is authorized and directed to attest such signature.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 15th day of February, 2022.

CYNTHIA L. ANDRUS

Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney



PRIME CHANGE ORDER # 15

PROJECT: Bozeman Public Safety Center **DATE:** 12/21/2021
907 N. Rouse Ave. **PROJECT #** 19426
Bozeman, MT 59715 **ORIG. CONTRACT DATE:** 08.05.19
PROJECT MANAGER: Loren Cantrell

Langlas & Associates, Inc. is directed to make the following changes in this Contract:

Reference attached Change Estimate Log, dated 12/21/2021

CE No.	Description	Cost
ADD (DEDUCT) FROM CONTRACT AMOUNT		
55	Increase Roof Drain Pipe Sizing from 4" to 6" (RFI 109)	\$ 3,249.62
62a	Credit Duplicate Screen Cost from Prior CE	\$ (642.15)
73	Sitework Reclamation after NWE Permanent Service Install	\$ 1,472.46
81	Added Plate Steel at Courtroom Clerestory Walls	\$ 1,587.10
83	Facilities Storage Building Revised Design	\$ (11,528.53)
99	Remove Elevator Power Module and Cab Light Disconnects	\$ (11,539.42)
TOTAL		\$ (17,400.92)

CHANGES TO CONSTRUCTION CONTINGENCY		
<i>Construction Contingency Amount Prior to this Change Order</i>		\$ 472,730.40
81	Added Angle at Courtroom Clerestory Walls	\$ (6,889.29)
85a	Correct Pump Electrical Disconnect Credit	\$ (603.08)
86	Raceway and Box Rough-In for Four-Fold Door Control Wiring	\$ (40,793.71)
94	Additional Welding from Relief Angle to Steel Stud Framing	\$ (8,349.79)
Total Construction Contingency Change with this Change Order		\$ (56,635.87)
New Construction Contingency Amount		\$ 416,094.52

Original Contract Sum: \$238,788.00
 Net Change by Previously Authorized Change Orders: \$37,134,495.71
 Contract Sum Prior to this Change Order: \$37,373,283.71
 Total this Change Order: -\$17,400.92
 New Contract Sum: \$37,355,882.79

Contract Time shall be Modified as Follows:

Contract Time is unchanged.
 Date of Substantial Completion will be April 30, 2022.

Authorization for Work Described Above:

Owner
 City of Bozeman
 121 N. Rouse Ave.
 Bozeman, MT 59715

Contractor
 Langlas & Associates, Inc.
 1019 E. Main St., Suite 101
 Bozeman, MT 59715

 Name Date

 12.21.21

 Name Date

Under penalty of law (including perjury and/or false/fraudulent claims against the State), the above signed on behalf of the Contractor hereby certifies, warrants, and guarantees that this claim made for Work on this Contract is a true statement of the costs, adjustments and/or time sought and is fully documented and supported under the contract between the parties.



Change Estimate Log

Project Name:
Bozeman Public Safety Center

Job Number: 19426

Date: 12/21/2021

☐ = Current CO Proposed
ROM = Rough Order of Magnitude

CONTRACT SUMMARY		CONSTRUCTION CONTINGENCY SUMMARY	
Contract Sum at GMP	\$ 36,436,485.00	Construction Contingency at GMP	\$ 888,695.00
Previously Approved CO's	\$ 936,798.71	Previously Approved Adjustment	\$ 415,964.60
Current Contract Sum	\$ 37,373,283.71	Current Contingency Amount	\$ 472,730.40
Current Proposed CO	\$ (17,400.92)	Current Proposed Adjustment	\$ 56,635.87
Pending CE's	\$ 161,352.79	Pending CE's	\$ 1,809.06
Potential New Contract Sum	\$ 37,534,636.50	Potential Contingency Remaining	\$ 414,285.46

CE #	Related Document	Prime CO #	Description	City of Bozeman			Langlas			Comments
				Potential Revision for Review	Current CO for Approval	Approved Amount	Potential Revision to Construction Contingency	Current Adjustment to Construction Contingency for Approval	Approved Adjustment to Construction Contingency	
Starting Contract Amount (EWA 1)						\$ 238,788.00			\$ -	
1	CoB Permit No. 28701	1	Provide demolition permit fees by Contractor. Previously listed "by Owner".			\$ 2,009.57				
2	RTI Invoice 19-4779	1	Provide Hazardous Material Survey and Sample Testing. Previously listed "by Owner".			\$ 5,225.24				
3	RTI Invoice 19-4823	2	Provide Hazardous Material Air Clearance Testing. Testing previously "by Owner".			\$ 2,537.25				
4	EWA #1A	3	Remove buried foundation elements below Building "H", deemed as unforeseen conditions			\$ 1,270.14				
5	EWA #2A	3	Concrete and Asphalt Material Crushing, Testing and Survey			\$ 78,685.26				
6	EWA #3	4	Rouse Avenue Utilities Early Work			\$ 121,747.67				
7	EWA #3 T&M Work	5	Miscellaneous Time and Material Work During EWA 3 (NWE Prep, Insulate Water Main, etc.)			\$ 324.23				
8	EWA #4 Sitework Package	5	Early Sitework Package Contract Awards and General Conditions			\$ 3,073,348.35				
13	GMP Exhibit No. 1	GMP	Add Building Packages to Contract for Guaranteed Maximum Price			\$ 32,912,549.30			\$ (888,695.00)	Negative amounts to Const. Contingency mean funds added.
TOTALS AT GMP						\$ 36,436,485.00			\$ (888,695.00)	
9	L. Evans E-mail 05.05.20	7	Soil Removal and Replacement in Soft Areas in South West Parking Lot Area			\$ 3,781.06				Tracked T&M.
10	S. Holt E-mail 05.19.20	7	Hand Compaction of Curb Subbase and Base Due to Conflict with NWE Gas Line						\$ 3,795.74	Approved by C.Winn via phone call 06/04 with L.Cantrell
11	ASI 003	7	Increase in Storm Drain Pipe due to Design Development			\$ 1,808.20				
12	L. Evans E-mail 07.09.20	7	Soil Removal and Replacement in Soft Areas on West Drive and North Parking Lot Areas			\$ 10,476.03				Tracked T&M.
14	PR 01	-	Decorative Fencing VE			Not Accepted				Closed 11.19.20 OAC. Savings \$26,115.98.
15a	PR 02 - Civil and Landscape	14	Modifications to Civil and Landscaping between EWA 4 and Final Design			\$ 2,329.18				Approved 10/29/21 OAC
15b	PR 02 - Fencing		Modifications to Permanent Fencing between EWA 4 and Final Design	\$ -						LL e-mail follow-up 12/10/21 with secure fence VE feedback.
16a	Addendum 4 / RFI 006	8	Building Permit Review Comment Changes - Structural Revisions			\$ 41,163.21				
16b	Addendum 4 and 5		Building Permit Review Comment Changes							
17	GC/CM Agreement §11.3	7	Builder's Risk Insurance						\$ 75,404.91	
18	PCO 1, 2, 3	7	EWA Permitting and Testing Fees not included with GMP						\$ 11,724.21	Inadvertently not included with GMP document.
19	Bid Package 10A / PR 20	14	Fall Protection Roof Anchors			\$ 1,790.66			\$ 31,037.87	Sent to T1 9/17/21 for review.
20	Alternate 8	7	Savings to Split Solar PV from Electrical Subcontractor			\$ (9,034.67)				
21	Building Re-Bid 08/07/20	7	Contract Re-Bid Bid Packages			\$ (7,973.95)				
22	Addendum 5 / PR 03 & 03.1	7	Additional Sanitary Waste Plumbing and Backwater Valve Resulting from Building Permit Review			\$ 37,151.70				
23	PR 04	8	Replace KS-3 Faucets in Family Care 100F & Kitchenette 105A with Touch-Free KS-4 Faucets			\$ 595.47				
24	RFI 023	7	Insulation Cover Protection Over Sand Oil Separator Vault and Inlet Pipe			\$ 2,950.12				
25	RFI 024	11	Reduction of Embed Studs			\$ (2,002.28)				Discussed 03.04 and approved
26	Building Re-Bid 08/07/20		Contract Remaining Bid Package Allowances							See Allowance Log.
27	RFI 033	9	Embed Plates at Bottom of All Brace Frame Footings			\$ 22,855.51				
28	RFI 020	8	Foundation Wall Thickness Change at Stair 3 Alcove			\$ 661.43				
29	ASI 010	8	Revised Foundation Wall Height at Area A			\$ 684.20				
30	ASI 016	8	PD Open Office Electrical and Technology Revisions			\$ 4,516.68				
31	RFI 067	9	Modify Fitness Storage Room Doors with Louver Grilles			\$ 137.62				
32	RFI 039b / PR 06	9	Wall & Casework Modifications in Open Office 110			\$ 971.25				
33	PR 05	8	Ceiling and Electrical Revisions			\$ 2,170.33				
34	Building Permit		Schedule Extension for Permit Review Delay							Reserve costs for future discussion and evaluation of schedule.
35a	RFI 042	12	Area A Entry Footing Change			\$ 4,780.40				Sent to T1 for review 04/15/21
35b	RFI 066, ASI 019	12	Area D Entry Footing Change			\$ 4,043.52				Sent to T1 for review 04/15/21
36	Anodized Aluminum VE	8	Revise Aluminum Storefront, Curtainwall, Automatic Sliding Entrances and Windows to Anodized			\$ (11,117.65)				
37	Sheet L-002 Note 2	11	Drilling of Irrigation Well						\$ 14,342.82	Drilling of the well not included in GMP.
38	RFI 057	10	Electrical Room 148B Changes (Elimination of Panel, relocate circuiting, reduced panel rating)			\$ (2,558.34)				
39	RFI 043	-	Glycol Concentration Discrepancies for AHU-2, AHU-3 and ERV-1			Closed				RFI response revised so there would be no cost change.
40	RFI 089	13	Screened Rock for Interior Backfill and Slab Prep			\$ 4,290.93				Sent to T1 for review 8/5/21
41a	PR 08a - Rough-in	13	PD Interview Rooms Building Security System Coordination with Getac Video Solutions			\$ 8,262.16				
41b	PR 08a - Cameras	14	PD Interview Rooms Building Security System Coordination with Getac Video Solutions			\$ 54,472.36				Pricing options from AVI and LONG submitted to T1 10/25/21
42	PR 09	10	Modified Furniture Layout in Digital Forensics Room 142E			\$ 2,195.67				
43	PR 10	-	Changes to FD Wardrobe Closet			Not Accepted				Due to ceiling height change, CoB opted to forgo. OAC 04/01/21
44	PR 07	9	Additional Exterior Electrical Outlets			\$ 714.47				Building mounted receptacles, only, approved.
45	Bid Package 31 Allowances	13	Material Off-Haul and Structural Fill Import Beyond Contract Allowances			\$ 27,567.69				Sent to T1 8/4 for review.

CE #	Related Document	Prime CO #	Description	Potential Revision for Review	Current CO for Approval	Approved Amount	Potential Revision to Construction Contingency	Current Adjustment to Construction Contingency for Approval	Approved Adjustment to Construction Contingency	Comments
46	RFI 065	12	Revision and Rework of Area D Wall - Along GL D.2 at V-190			\$ 927.33				
47	ASI 24	10	Modification of Hand Rail Design and Installation			\$ 3,658.57				
48	ASI 28	10	VAV Schedule Revisions			\$ (781.79)				
49	RFI 071	9	Horizontal Joint Reinforcement in 8M-1 and 12M-3 Wall Types			\$ (5,746.15)				
50	PR 11	14	Courtroom AV			\$ 7,552.47				Sent to T1 8/12/21
51	CASE Testing	10	Masonry Grout Comparison Testing			\$ 6,908.07				
52	Sub.05 3100-01 / RFI 050	11	Credit to Omit Primer on Underside of Deck at Non-Exposed Areas			\$ (11,837.15)				Sent to T1 for approval 03.22.21
53	Bid Package 7E	11	Add Vapor Barrier at Exterior CMU Walls						\$ 72,264.70	
54	PR 12	-	FD Kitchen Dishwasher/Sanitizer Addition			Not Accepted				Not Approved. OAC 05/06/21
55	RFI 109	15	Increase Roof Drain Pipe Sizing from 4" to 6"		\$ 3,249.62					Sent to T1 for review 10/28/21; discussed 10/29/21. T1 will review with
56	Master Budget Reconciliation	10	Move Builder's Risk Insurance from Contractor Contingency to Owner Change			\$ 75,404.91			\$ (75,404.91)	Originally shown on Owner side of Master Budget Sheet.
57	PR 13	13	Drive Approach Sleeves to Future NWE Overhead Line Relocation			\$ 5,519.52				Approved in 06/10/21 OAC.
58	Allowance 2	10	Add to Winter Conditions Allowance			\$ 380,000.00			\$ 200,000.00	Not to Exceed shared cost between Owner and Contingency.
59	ASI 40 / Submittal #6111		Revised Masonry Veneer Ledger Angle Details	\$ 12,571.97			\$ 1,809.06			
60	RFI 032	12	Revised Brick Ledge at Grid A.4			\$ 1,074.82				
61	PR 14	12	Fire Department Gear Dryer (Electrical Modifications)			\$ 867.04				
62	PR 15	13	Fire Department Conference Room Second Display and Screen Size Increase			\$ 3,495.16				Approved in 06/10/21 OAC.
62a	PR 15 Correction	15	Credit Duplicate Screen Cost from Prior CE		\$ (642.15)					
63	PR 16	hold	Super Graphics	\$ 3,893.39						Likely public areas only. Revisit closer to turnover
64	ASI 39	12	Second Level Floor Box Locations			\$ (977.88)				Sent to T1 for review 04/15/21
65	ASI 43a		Masonry Mechanical Chase Opening in Area D Grid 2.7 Wall	\$ 542.25						
66	PR 17	13	FD GPS Repeater Infrastructure			\$ 2,627.73				Approved in 06/10/21 OAC.
67	PR 18	13	Future Judge Restroom RR-251 Plumbing Rough-in			\$ 2,697.87				Revised, submitted to T1 06/24/21 for review.
68	PR 18	-	Future Judge's Office 251 and Judge Restroom RR-251 Shell Fit Out			Not Accepted				Per 06/10/21 OAC, do not price.
69	RFI 199	13	Add (2) Dedicated Circuits for AV Racks in Briefing Room 122 and Storage ST-105			\$ 1,241.74				Sent to T1 7/28/21 for review.
70			Open							
71	Spec 27 5319, 28 3201, T-006		In-Building Wireless Systems							
72	Solar PV Array Upgrade	13	Upgrade Solar Panel Array from 50kW to 250kW			\$ 255,842.11				
73	NWE Work Outside Contract	15	Sitework Reclamation after NWE Permanent Service Install		\$ 1,472.46					Sent to T1 for review 12/02/21
74	PR 20	-	Combined with CE 72							
75	PR 21	13	Dual Data Port at Police Dept Canopies			\$ 657.83				Approved in 06/10/21 OAC.
76	ASI 48	13	Steel Sheathing Wall Assembly Revisions			\$ (14,237.86)				
77	PR 19	13	Courtroom Casework Revisions			\$ 3,358.37				Approved in 06/10/21 OAC.
78	PR 22	13	FD Cleaning (Rm. 154C) - Electrical Updates			\$ (279.78)				
79	PR 23		South Lobby Furring Wall	\$ 5,340.21						Sent to T1 for review 12/2/21.
80	PR 24	-	Armory Counter and Shelving Extension			Accepted				ROM. \$1,533.40. Final cost to be incorporated into BP 12B.
81	RFI 179	15	Added Angle and Plate Steel at Courtroom Clerestory Walls		\$ 1,587.10			\$ 6,889.29		Discussed 12/9 OAC. Split plate and angle.
82	Bid Package 9A, VE Price 1	-	Eliminate Drywall Z-Reglet Details			Closed				Due to schedule progression, Bid Time VE credit cannot be taken.
83	Bid Package 13A / PR 28	15	Facilities Storage Building Revised Design		\$ (11,528.53)					Approved by CoB during 12/16/21 OAC
84	PR 25	hold	Landscape Boulders at South Staff Entry	\$ 15,069.65						Hold for now OAC 8/5/21
85	Irrigation Well	13	Credit for Actual Well Development Depth and Pump Electrical Disconnect						\$ (1,200.92)	Recharge Construction Contingency per CE#37, above.
85a	Irrigation Well Credit Correction	15	Correct Pump Electrical Disconnect Credit					\$ 603.08		
86	Submittal 486	15	Raceway and Box Rough-In for Four-Fold Door Control Wiring					\$ 40,793.71		Submitted to T1 for review 12/2/21.
87	Bid Package 9D	14	Replace Flooring Subcontractor						\$ 84,000.19	50/50 split Const. Contingency and Contractor Out-of-Pocket
88	ASI 56	-	Four Fold Door Control Box and Pilaster Coordination			Closed				LL and T1 addressing separately from the contract.
89	PR 26	-	Delete Window Film and add Black-out Roller Shade at Evidence Pick-Up Window			Not Accepted.				Not Accepted.
90	Bid Package 31 Allowance		Material Off-Haul Beyond Contract Allowance (August 2021 through December 2021)	holding						
91	ASI 57	14	PD Records HD Storage Area Change to Workstations			\$ 5,365.26				Approved 09/02/21 OAC.
92	RFI 207.1		Change Open Office 110 East Wall TVs from Ceiling Mount to Wall Mount							
93	Bid Package 9C		Contract No-Bid Acoustic Ceiling Tile and Wall Panels Bid Package	\$ 106,563.05						
94	RFI 216 / Insp. Report 9.9.21	15	Additional Welding from Relief Angle to Steel Stud Framing					\$ 8,349.79		Sent to T1 for review 12/3/21.
95	RFI 222	14	Add Remote Operators to SRG-1 Courtroom Return Grilles			\$ 5,777.53				Approved 10/14/21 OAC
96	RFI 171		Entry Vestibule HSS Spacers							
97	PR 27		Fire Station Alerting System Revisions	\$ 4,628.09						Sent to T1 12/6/21
98	ASI 61	-	Apparatus Bay Striping			Closed				Langlas agreed to cover this cost along with whole floor epoxy.
99	PR 29	15	Remove Elevator Power Module and Cab Light Disconnects		\$ (11,539.42)					Approved 12/9
100	ASI 63		Add Brick Veneer Ledger Angle at FD Vestibule East Exterior Wall							
101	ASI 64		Elevator FACP Cabling	\$ 673.51						
102	RFI 236		Add Parapet Cap Flashing at Area D Roof Screen Walls	\$ 921.05						Sent to T1 for review 12/6/21.
103	RFI 195	-	Change Service Window to Painted Black Finish			Not Accepted				Closed 12/09/21 OAC.
104	PR 30		Chair Rail Wall Protection	\$ 11,149.62						
105	ASI 66		Speaker Cabling and Back Boxes for Fire Station Alert System							
106										
TOTALS POST GMP				\$ 161,352.79	\$ (17,400.92)	\$ 936,798.71	\$ 1,809.06	\$ 56,635.87	\$ 415,964.60	



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: RFI 109

CE No: **55**
 Revision # **1**
 Date: **10/26/2021**

Description: **Increase Roof Drain Pipe Sizing from 4" to 6"**

Category	Description	Quantity	Unit	Unit Cost	Total
	ADD				
06A.0610	Steel Stud Framing - Increase Wall Thickness	1	sum	\$ 119.65	\$ 119.65
07A.0720	Acoustic Batt Insulation at Thickened Walls		no charge		\$ -
22A.1500	Pipe and Fitting Size Change (Net 4" to 6")	1	sum	\$ 2,978.66	\$ 2,978.66
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
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					\$ -
					\$ -
					\$ -
					\$ -
	SUBTOTAL				\$ 3,098.31
	GC/CM Business Insurance			0.625%	\$ 19.36
	CM Fee			3.2%	\$ 99.77
	Bond			1.0%	\$ 32.17
	TOTAL				\$ 3,249.62



SUBCONTRACTOR CHANGE ORDER REQUEST

SUBCONTRACTOR: LANGLAS - FRAMING
CONTACT: ELIZABETH OLIVER
ADDRESS: 1019 E. MAIN ST SUITE 101
PHONE: BOZEMAN, MT 59715
FAX: 406-585-4110

CONTRACTOR: LANGLAS & ASSOCIATES
PROJECT MANAGER: _____
ADDRESS: 1019 E. MAIN ST SUITE 101
BOZEMAN, MT 59715
PHONE: 406-585-3420
FAX: 406-585-4110

PROJECT NAME: BOZEMAN PUBLIC SAFETY CENTER
PROJECT ADDRESS: 901 N ROUSE AVENUE
BOZEMAN, MT 59715
THIS IS IN RESPONSE TO: RFI 109
CCD #: _____
RFI #: _____
REQUESTED FROM: THINKONE ARCHITECTS
ON DATE: 1/13/2021
SUBCONTRACTOR COR #: 8

DESCRIPTION: Doubled up 3-5/8" C4a wall to accommodate storm drain piping between "Court Conf" 250B and "Hotel Office" 260A.

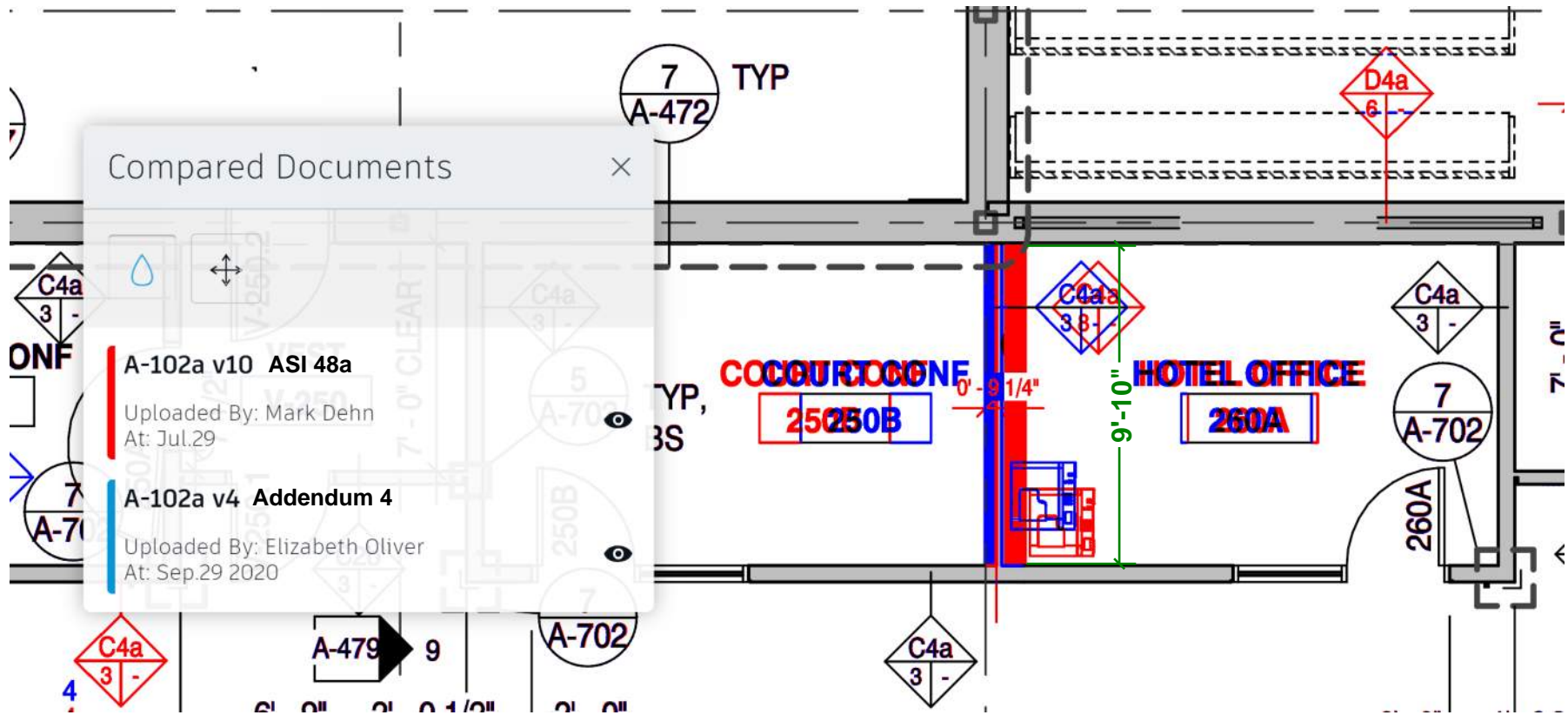
DRAWINGS: _____

	Trade Description	QTY	Unit	Unit Price	Taxes	Total Cost
SUBCONTRACTORS:	Paradigm Contractors		sum			\$0.00
						\$0.00
						\$0.00
	Description	Hours	Rate	Labor Amt.	Burden	Total Cost
LABOR:	Carpenter		67.00	-	-	\$0.00
	Laborer		46.00	-	-	\$0.00
	Project Engineer		80.00	-	included	\$0.00
	Description	QTY	Unit	Unit Price	Taxes	Total Cost
MATERIAL:	3-5/8" Stud 30MIL EQD 14'-3" tall	156.8	lf	0.577		\$90.48
	3-5/8" Track 30MIL EQD 10' length	20	lf	0.656		\$13.12
						\$0.00
						\$0.00
	Description	QTY	Unit	Unit Price	Taxes	Total Cost
EQUIPMENT:						\$0.00
						\$0.00
						\$0.00
						\$0.00
CREDITS:						
SUBTOTAL:						\$103.60
OVERHEAD:					10%	\$10.36
PROFIT:					5%	\$5.70
GRAND TOTAL:						\$119.65

NOTES: _____

Authorized Signature

Date





3701 River Drive North
Great Falls, MT 59405
406.761.2557
406.452.9084 Fax
www.centralph.com

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WORK MOD / SMALL PROJECT PRICING WORKSHEET

Job Name: Bozeman Public Safety Center

Description: RFI 109 Roof Drain Sizing Changes

Date: 2/8/2021

Material/Labor Direct Costs	Qty	Material Unit Price	Material Cost	Labor Hrs	Labor Rate/Hr	Labor Cost
Plumbing:						
Delete 4" RD/DSN	-1	\$2,575	(\$2,574.50)		\$85.00	\$0.00
Add 6" RD/DSN	1	\$3,487	\$3,486.58		\$85.00	\$0.00
Delete 4" Pipe, Fittings	-1	\$120	(\$119.63)		\$85.00	\$0.00
Add 6" Pipe, Fittings	1	\$614	\$614.33		\$85.00	\$0.00
Delete 4" Pipe	(260)	\$2	(\$626.60)		\$85.00	\$0.00
Add 6" Pipe	260	\$4	\$936.00		\$85.00	\$0.00
4" Hangers	-1	\$102	(\$101.84)		\$85.00	\$0.00
6" Hangers	1	\$181	\$180.50		\$85.00	\$0.00
Misc. Plumbing Materials			\$89.74			
Sheet Metal:						
			\$0.00		\$85.00	\$0.00
			\$0.00		\$85.00	\$0.00
			\$0.00		\$85.00	\$0.00
			\$0.00		\$85.00	\$0.00
Misc. Sheet Metal Materials			\$0.00			
Sheet Metal Shop Fabrication:						
			\$0.00		\$95.00	\$0.00
			\$0.00		\$95.00	\$0.00
			\$0.00		\$95.00	\$0.00
Misc. Sheet Metal Materials			\$0.00			
Total Material/Labor Direct Costs			\$1,884.58			\$0.00
Supervision:						
Plumbing Supervision				1	\$90.00	\$90.00
Sheet Metal Supervision					\$90.00	\$0.00
PM Time					\$90.00	\$0.00
Total Supervision						\$90.00

SUMMARY	
Materials (detail above)	\$1,884.58
Equipment Rent	
Subsistence	
Lodging Costs	
Mileage (Total Miles X \$1.25)	
Subtotal	\$1,884.58
15% Overhead & Profit	\$282.69
Labor (detail above)	\$90.00
Subcontractors/Vendors:	
DKB	\$629.00
	-
	-
Subcontractors with 10% Overhead & Profit	\$691.90
Bond (If Applicable)	\$0.00
CGR 1% State Tax (If Applicable)	\$29.49
TOTAL AMOUNT DUE	\$2,978.66



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: PR 15 Correction

CE No: **62a**
 Revision # _____
 Date: 11/26/2021

Description: **Credit Duplicate Screen Cost from Prior CE**
 Original CE62 incorrectly included QTY (2) of the Audiovisual Subcontractor's pricing for PR 15 change.

Category	Description	Quantity	Unit	Unit Cost	Total
	DEDUCT				\$ -
27B.2740	AVI Systems	(1)	sum	\$ 612.25	\$ (612.25)
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
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					\$ -
					\$ -
					\$ -
					\$ -
			SUBTOTAL		\$ (612.25)
			GC/CM Business Insurance	0.625%	\$ (3.83)
			CM Fee	3.2%	\$ (19.72)
			Bond	1.0%	\$ (6.36)
	TOTAL				\$ (642.15)

Previously Approved CE Provided for Reference



Change Estimate Report

Project:	Bozeman Public Safety Center	CE No:	62
Project #:	19426	Revision #:	
Change Source:	PR 15	Date:	5/25/2021
Description: Fire Department Conference Room Second Display and Screen Size Increase			

Category	Description	Quantity	Unit	Unit Cost	Total
	ADD				\$ -
26A.1600	Electrical Raceway, Boxes and Power	1	sum	\$ 1,610.72	\$ 1,610.72
27A.2700	Cat 6 & Coax cabling to new TV locations	1	sum	\$ 497.20	\$ 497.20
27B.2740	AVI Systems	2	sum	\$ 612.25	\$ (1,224.50)
					\$ -
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					\$ -
SUBTOTAL					\$ 3,332.42
			GC/CM Business Insurance	0.625%	\$ 20.83
			CM Fee	3.2%	\$ 107.31
			Bond	1.0%	\$ 34.61
	TOTAL				\$ 3,495.16

QTY (2) typographic error.

Change Order



AVI Systems Inc., 2300 E 54th Street N, Suite 2 Sioux Falls, SD, 57104 | Phone: (605)782-4141, Fax: (605)782-4142

Proposal Number: 1061653

Prepared For: Langlas & Associates, Inc.
Attn: Bud Daigle

Proposal Date: May 14, 2021

Change Order: CCO for 21 0217 PR 15 Conf Rm Monitor Update
Customer PO: 194262740

Prepared By: Mark Hunt
Phone: (406)969-3336
Email: mark.hunt@avisystems.com

Project: Bozeman Public Safety Center 957742
Project Number: 957742

BILL TO

Attn: Bud Daigle
Langlas & Associates, Inc.
1019 E Main St, Suite 101
Bozeman, MT, 59715
Phone: (406)585-3420
Email:
Customer Number: LAN001

SITE

Attn: Elizabeth Oliver
Bozeman Public Safety Center
901 N. Rouse Ave. & 300 E. Oak St
Bozeman, MT, 59715
Phone:
Email: elizabeth@langlas.com

COMMENTS

PRODUCTS AND SERVICES SUMMARY

Equipment	\$362.25
Integration	\$0.00
PRO Support	\$0.00
Shipping & Handling	\$250.00
Tax	\$0.00
Grand Total	\$612.25

SERVICES TO BE PROVIDED

STATED PER PR 15 CONFERENCE ROOM MONITOR UPDATE 193

PRODUCTS AND SERVICES DETAIL

PRODUCTS:

<u>Model #</u>	<u>Mfg</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Extended</u>
ConfRm 193 Monitor Update					
Bozeman Public Safety CONF RM 193 - T-504					
75UT640S0UA	LG	75IN LCD TV 3840X2160 UHD TAA MNTR SIMPLE EDITOR SMART WIFI HDMI 3YR	2	\$2,101.85	\$4,203.70
MP-WP152-B	CRESTRON	Media Presentation Wall Plate - HDMI®, Black	1	\$75.00	\$75.00
DL-AR2	LIBERTY AV	DIGITALINX SECURE ADAPTER RING	1	\$73.93	\$73.93
C2G-29132	C2G	6ft VALUE SERIES F TYPE RG6 VIDEO CBL	1	\$11.88	\$11.88
HDPMM06F	LIBERTY AV	HDMI PREMIUM 18G CBL W/NET 6'	2	\$12.71	\$25.42

E2-HDSEM-M-05 LSTU	LIBERTY AV CHIEF	HDMI CBL HS W/NET CL2/FT4 5M LARGE FIXED THINSTALL UNIVERSAL	1 1	\$48.82 \$118.59	\$48.82 \$118.59
Sub-Total: ConfRm 193 Monitor Update					\$4,557.34
86UT640S0UA	LG	86IN LCD TV 3840X2160 UHD TAA MNTR SIMPLE EDITOR SMART WIFI HDMI 3YR	-1	\$3,783.33	\$-3,783.33
60-1471-13	EXTRON	USB Extender Plus R	-1	\$411.76	\$-411.76
Sub-Total: Bozeman Public Safety CONF RM 193 - T-504					\$-4,195.09
<u>Total:</u>					<u>\$362.25</u>

PRO SUPPORT:

Model #	Mfg	Description	Qty	Price	Extended
---------	-----	-------------	-----	-------	----------

Refer to Page 1 for the Grand Total that includes Taxes, and Shipping & Handling.

AGREED AND ACCEPTED BY

Customer hereby accepts the above change to goods and/or services from AVI Systems, Inc and agrees to add this Change Order to the original Retail Sales Agreement. Unless stated otherwise in the "Change Order Summary" above, AVI will include all applicable taxes and delivery charges to the amount of each invoice. Pricing in this Change Order is valid for 30 days.

Company

Signature

Printed Name

Date

CONFIDENTIAL INFORMATION

The company listed in the "Prepared For" line has requested this confidential price quotation, and shall be deemed "Confidential Information" as that term is defined in the T&Cs. This information and document is confidential and is intended solely for the private use of the customer identified above. Customer agrees it will not disseminate copies of this quote to any third party without the prior written consent of AVI. Sharing a copy of this quote, or any portion of the Agreement with any competitor of AVI is a violation of this confidentiality provision. If you are not the intended recipient of this quote (i.e., the customer), you are not properly in possession of this document and you should immediately destroy all copies of it.



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: Bid Package 13A / PR 28

CE No: **83**
 Revision # **1**
 Date: **12/15/2021**

Description: **Facilities Storage Building Revised Design**
 Revise Facilities Garage from PEMB to wood frame structure.

Category	Description	Quantity	Unit	Unit Cost	Total
	DEDUCT				\$ -
13A.1300	GMP Contract Amount for PEMB	(1)	sum	\$ 58,372.00	\$ (58,372.00)
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
	ADD				\$ -
02E.0220	Building Excavation for Central Piers		No Change		\$ -
03A.0320	Foundation Piers	1	sum	\$ 2,159.85	\$ 2,159.85
06A.0610	Wood Framed Structure	1	sum	\$ 17,921.90	\$ 17,921.90
07A.0720	5-1/2" (R-20) Batt, Wall Insulation	1080	sf	\$ 1.50	\$ 1,620.00
07A.0720	2'-0" (R-49) blow-in insulation	476	sf	\$ 3.50	\$ 1,666.00
07E.0721	3/4" (R-3.8) Continous Exterior Rigid Insulation	1350	sf	\$ 2.00	\$ 2,700.00
07C.0750	Metal Panel Roofing, Snow Guards, Gutter/Down	1	sum	\$ 19,156.00	\$ 19,156.00
09A.0920	5/8" Type X Gyp Ceiling Hang, Tape, Finish	410	sf	\$ 1.45	\$ 594.50
09B.0990	Paint Interior Plywood Walls and GWB Ceiling	1420	sf	\$ 1.10	\$ 1,562.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
	SUBTOTAL				\$ (10,991.75)
			GC/CM Business Insurance	0.625%	\$ (68.70)
			CM Fee	3.2%	\$ (353.94)
			Bond	1.0%	\$ (114.14)
	TOTAL				\$ (11,528.53)



**EASTON
CONCRETE**

20 West Haley Springs

Tel: 1-406-587-0806

Unit A

Fax: 1-406-587-6279

PO Box 11078

[Web: www.eastoncompanies.com](http://www.eastoncompanies.com)

Bozeman, MT 59719

PCO

Job Name/Number: Bozeman Public Safety Center

9/24/2021

PCO #028

Langlas ATTN: Loren Cantrel

Job #

FACILITIES BUILDING PIERS

DESCRIPTION	QUANTITY	UNIT	AMOUNT
2 ADDITIONAL 30" PIERS @ FACILITIES BUILDING			
Concrete 4500PSI AIR	2.5	CY	
Reinforcing	0.26	TN	
Sonotube	1	EA	
Labor	2	MH	
			\$1,870.00
Schedule Impact	YES		
Subtotal			\$1,870.00
Overhead		10%	\$187.00
Profit		5%	\$102.85
Total			\$2,159.85

Customer Signature _____ Date _____

THANK YOU FOR DOING BUSINESS WITH US. WE LOOK FORWARD TO SERVING YOU AGAIN.



SUBCONTRACTOR CHANGE ORDER REQUEST

SUBCONTRACTOR: LANGLAS - FRAMING
CONTACT: ELIZABETH OLIVER
ADDRESS: 1019 E. MAIN ST SUITE 101
PHONE: BOZEMAN, MT 59715
FAX: 406-585-4110

PROJECT NAME: BOZEMAN PUBLIC SAFETY CENTER

PROJECT ADDRESS: 901 N ROUSE AVENUE
BOZEMAN, MT 59715

THIS IS IN RESPONSE TO: PR 28

CCD #: _____

RFI #: _____

CONTRACTOR: LANGLAS & ASSOCIATES
PROJECT MANAGER: _____
ADDRESS: 1019 E. MAIN ST SUITE 101
BOZEMAN, MT 59715
PHONE: 406-585-3420
FAX: 406-585-4110

REQUESTED FROM: THINKONE ARCHITECTS

ON DATE: 10/6/2021

SUBCONTRACTOR COR #: 10

DESCRIPTION: Construct wood framed facilities storage garage.

DRAWINGS: S-801, S-802, A-010, A-011, A-012

	Trade Description	QTY	Unit	Unit Price	Taxes	Total Cost
SUBCONTRACTORS:	Right On Builders (Labor & Mat'l)	1	sum	9,450.00		\$9,450.00
						\$0.00
						\$0.00
	Description	Hours	Rate	Labor Amt.	Burden	Total Cost
LABOR:	Carpenter	20	67.00	1,340.00	included	\$1,340.00
	Laborer	20	52.04	1,040.80	included	\$1,040.80
	Project Engineer	10	80.00	800.00	included	\$800.00
	Description	QTY	Unit	Unit Price	Taxes	Total Cost
MATERIAL:	Engineered Truss Package	1	sum	2,056.000		\$2,056.00
	22"x30" Attic Access Door	1	sum	330.000		\$330.00
	Misc. Small Tools, Fasteners, etc.	1	sum	500.000		\$500.00
						\$0.00
						\$0.00
	Description	QTY	Unit	Unit Price	Taxes	Total Cost
EQUIPMENT:						\$0.00
						\$0.00
						\$0.00
						\$0.00
CREDITS:						
SUBTOTAL:						\$15,516.80
OVERHEAD:					10%	\$1,551.68
PROFIT :					5%	\$853.42
GRAND TOTAL:						\$17,921.90

NOTES: _____

Authorized Signature

Date



P.O. Box 17227
Missoula, MT 59808
Phone 406-829-9100
Fax: 406-829-8450

TO: Langlas & Associates, Inc.
1019 E. Main St.
Ste. 101
Bozeman, MT 59715

CHANGE ORDER REQUEST

DATE: 6/28/2021 CHANGE ORDER #: 3
JOB NAME: Bozeman Public Safety
JOB #: _____

WE HEREBY PROPOSE TO MAKE THE FOLLOWING CHANGES:

Install metal roofing on the Facilities Garage premanufactured building \$12,940.00

Material \$5,845.00
Labor \$3,443.50
OHP 15% \$1,393.28
Perdium \$460.00
Mobilize \$680.00
Cont Tax \$118.22
Freight \$1,000.00
\$12,939.99

WE AGREE HEREBY TO MAKE THE FOLLOWING CHANGE SPECIFIED ABOVE AT THIS PRICE: \$ 12,940.00
PREVIOUS CONTRACT AMOUNT: \$ 879,371.00
REVISED CONTRACT TOTAL: \$ 892,311.00

Summit Roofing Inc. DATE
Bill Johns / President
PRINTED NAME/TITLE

ACCEPTED BY DATE
PRINTED NAME/TITLE



P.O. Box 17227
Missoula, MT 59808
Phone 406-829-9100
Fax: 406-829-8450

TO: Langlas & Associates, Inc.
1019 E. Main St.
Ste. 101
Bozeman, MT 59715

CHANGE ORDER REQUEST

DATE: 10/15/2021 CHANGE ORDER #: 4
JOB NAME: Bozeman Public Safety
JOB #: PR #28

WE HEREBY PROPOSE TO MAKE THE FOLLOWING CHANGES:

BPSC PR #28 (Added snow guards Fascia, Vent, additional Fasteners) \$6,216.00

Material \$2,655.00
Labor \$1,900.00
OHP 15% \$683.25
Perdium \$262.00
Mobilize \$380.00
Cont Tax \$58.80
Freight \$277.00
\$6,216.05

WE AGREE HEREBY TO MAKE THE FOLLOWING CHANGE SPECIFIED ABOVE AT THIS PRICE: \$ **6,216.00**
PREVIOUS CONTRACT AMOUNT: \$ 892,311.00
REVISED CONTRACT TOTAL: \$ 898,527.00

Summit Roofing Inc. DATE

Bill Johns / President
PRINTED NAME/TITLE

ACCEPTED BY DATE

PRINTED NAME/TITLE



Change Estimate Report

Project: Bozeman Public Safety Center
Project #: 19426
Change Source: Irrigation Well Credit Correction

CE No: 85a
Revision #:
Date: 11/25/2021

Description: Correct Pump Electrical Disconnect Credit

Table with 6 columns: Category, Description, Quantity, Unit, Unit Cost, Total. Rows include DEDUCT FROM CONTINGENCY, Pump Electrical Disconnect, and a final TOTAL row showing a total of 603.08.

Previously Approved CE Provided for Reference



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: Irrigation Well

CE No: **85**
 Revision #
 Date: **8/3/2021**

Description: **Credit for Actual Well Development Depth and Pump Electrical Disconnect**

Electrical Disconnect Credited, but was not included in PCO 11.

Category	Description	Quantity	Unit	Unit Cost	Total
RECHARGE CONSTRUCTION CONTINGENCY					
01G.0101	Pump Electrical Disconnect	1	sum	\$ 575.00	\$ 575.00
01G.0101	Credit for Actual Well Development	1	sum	\$ 570.00	\$ 570.00
					\$ -
					\$ -
					\$ -
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DEDUCT FROM CONTRACT SIDE					
02I.0292	Pump Electrical Disconnect		sum	\$ 575.00	\$ -
02I.0292	Credit for Actual Well Development		sum	\$ 570.00	\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
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					\$ -
					\$ -
				SUBTOTAL	\$ 1,145.00
				GC/CM Business Insurance	0.625% \$ 7.16
				CM Fee	3.2% \$ 36.87
				Bond	1.0% \$ 11.89
				TOTAL	\$ 1,200.92



Change Estimate Report

Project: Bozeman Public Safety Center CE No: 37
Project #: 19426 Revision #:
Change Source: Sheet L-002 Note 2 Date: 11/24/2020
Description: Drilling of Irrigation Well

Table with columns: Category, Description, Quantity, Unit, Unit Cost, Total. Includes rows for 'DEDUCT FROM CONTIGNECY' and 'DEDUCT'.

Bozeman Public Safety Center Irrigation Well Bid

Unit Rate Schedule for Drilling, Construction, Test Pumping & Pump Installation

Table with columns: Item, Description, Estimated Quantity, Units, Rate, Total. Lists items 1A through 7A and a TOTAL row.

Total in words: Twenty-Four Thousand & 00/100

Contractor: Potts Drilling, Inc
80730 Gallatin Road
Bozeman, MT 59718
(406) 585-6812

Signature: [Handwritten Signature] Print: David A. Potts Date: 10.20.2020

Owner:

Signature: _____ Print: _____ Date: _____

Original Proposal from Potts included electrical disconnect.



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: Submittal 486

CE No: **86**
 Revision # **1**
 Date: **11/2/2021**

Description: **Raceway and Box Rough-In for Four-Fold Door Control Wiring**
 Required conduit feeds and wiring for folding apparatus bay doors, control panels and master control panel with the individual control panels located on the CMU pilasters next to the door opening. Includes raceway and circuiting for Four-Fold doors beyond what is called out within Electrical Keynotes 8, 9, and 11 on sheet E-101C.

Category	Description	Quantity	Unit	Unit Cost	Total
	DEDUCT FROM CONTINGENCY				\$ -
26A.1600	Raceway, Boxes, Wiring for Four-Fold Doors	1	sum	\$ 38,894.32	\$ 38,894.32
					\$ -
					\$ -
					\$ -
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					\$ -
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			SUBTOTAL		\$ 38,894.32
			GC/CM Business Insurance	0.625%	\$ 243.09
			CM Fee	3.2%	\$ 1,252.40
			Bond	1.0%	\$ 403.90
	TOTAL				\$ 40,793.71

PROPOSED CHANGE ORDER

Liberty Electric Inc.

9660 Summit Drive
Missoula, MT 59808

CCN#	APPARATUS 2
Date:	11/2/2021
Project Name:	Bozeman Public Safety C
Project Number:	BZ20SAFETY
Page Number:	1

Client Address:

Langlas & Associates, Inc.

Contact: Elizabeth Oliver
1019 East Main Street Suite 101
Bozeman, MT 59715

Work Description

Name of Project: Bozeman Public Safety Center

We reserve the right to correct this quote for errors and omissions.

This quote covers direct costs only, and we reserve the right to claim for impact and consequential costs.
This price is good for acceptance within 10 days from the date of receipt.

We request a time extension of x days.

The following is our Division 16 pricing for APPARATUS 2 which involves required conduit feeds and wiring for folding apparatus bay doors with the control panels located next to each of the respective 5 folding doors.

Note: Termination of control wiring by others per direction from Langlas.

By OH Door Installer ✓

Itemized Breakdown

System	Material(\$)	Labor Hrs
UNDERGROUND	3,065.53	113.63
ABOVE GROUND	6,576.41	201.55
Total	9,641.94	315.18

UNDERGROUND

Description	Qty	Net Price U	Total Mat.	Labor U	Total Hrs.
3/4" ELBOW 90 DEG - RMC - GALV	-10	717.42 C	-71.74	31.25 C	-3.13
1" ELBOW 90 DEG - RMC - GALV	30	1,143.91 C	343.17	40.00 C	12.00
3/4" CONDUIT - PVC40	-365	55.55 C	-202.76	4.50 C	-16.43
1" CONDUIT - PVC40	1,311	155.78 C	2,042.28	5.50 C	72.11
3/4" COUPLING - PVC	-10	29.87 C	-2.99	0.00 C	-0.00
1" COUPLING - PVC	30	45.33 C	13.60	0.00 C	0.00
3/4" ADAPTER FEM - PVC	-10	70.93 C	-7.09	12.50 C	-1.25
1" ADAPTER FEM - PVC	30	96.47 C	28.94	15.00 C	4.50
#14 THHN BLACK	5,731	160.90 M	922.12	5.38 M	30.83

ORIGINAL

PROPOSED CHANGE ORDER

Client Address:

Liberty Electric Inc.

9660 Summit Drive
Missoula, MT 59808

Langlas & Associates, Inc.

1019 East Main Street Suite 101
Bozeman, MT 59715

CCN#

Date:

Project Name:

Project Number:

Page Number:

APPARATUS 2

11/2/2021

Bozeman Public Safety C

BZ20SAFETY

2

Description	Qty	Net Price U	Total Mat.	Labor U	Total Hrs.
SCRATCH IN PVC	15	0.00E	0.00	1.00E	15.00
Totals	6,752		3,065.53		113.64

ABOVE GROUND

Description	Qty	Net Price U	Total Mat.	Labor U	Total Hrs.
1/2" CONDUIT - EMT	-100	50.38 C	-50.38	3.48 C	-3.48
3/4" CONDUIT - EMT	855	87.06 C	744.36	4.00 C	34.20
1" CONDUIT - EMT	215	165.03 C	354.81	5.06 C	10.88
3/4" ELBOW 90 DEG - EMT	20	398.90 C	79.78	25.00 C	5.00
1/2" CONN SS STL - EMT	-10	46.70 C	-4.67	10.00 C	-1.00
3/4" CONN SS STL - EMT	70	78.02 C	54.61	12.50 C	8.75
1" CONN SS STL - EMT	20	144.89 C	28.98	15.00 C	3.00
1/2" COUPLING SS STL - EMT	-10	52.01 C	-5.20	4.00 C	-0.40
3/4" COUPLING SS STL - EMT	88	79.80 C	70.22	5.00 C	4.40
1" COUPLING SS STL - EMT	22	122.82 C	27.02	6.25 C	1.38
1" CONN COMP STL - EMT	30	45.74 C	13.72	19.50 C	5.85
1" COUPLING - RMC - GALV	80	316.22 C	252.98	0.00 C	0.00
1" ELBOW 90 DEG - RMC - GALV	40	1,143.91 C	457.56	40.00 C	16.00
1" CONN THRD HUB INSUL - RMC - MALL OR STL	15	1,691.20 C	253.68	31.25 C	4.69
1/2" 1-H STRAP - EMT - STEEL	-13	8.49 C	-1.10	6.13 C	-0.80
3/4" 1-H STRAP - EMT - STEEL	106	15.43 C	16.36	6.75 C	7.16
1" 1-H STRAP - EMT - STEEL	27	24.47 C	6.61	7.38 C	1.99
1" CONDUIT - PVC40	200	155.78 C	311.56	5.50 C	11.00
1" COUPLING - PVC	40	45.33 C	18.13	0.00 C	0.00
1" ADAPTER FEM - PVC	40	96.47 C	38.59	15.00 C	6.00
#14 THHN BLACK	6,492	160.90 M	1,044.56	5.38 M	34.93
4x2 1/8" SQ BOX COMB KO	-5	181.37 C	-9.07	28.75 C	-1.44
4" SQ BLANK COVER	-5	36.77 C	-1.84	3.13 C	-0.16
1G MSNRY BOX 3 1/2" DEEP	45	511.91 C	230.36	43.75 C	19.69
4" OCT CONC RING BLANK COVER	45	543.99 C	244.80	3.13 C	1.41
16X16X12 JUNCTION BOX NEMA 4X	5	480.00 E	2,400.00	3.00 E	15.00
MASONRY FACTOR	50	0.00 E	0.00	0.35 E	17.50
Totals	8,362		6,576.43		201.54

Summary

General Materials		9,641.96
Material Total		9,641.96
JOURNEYMAN	(315.18 Hrs @ \$61.00)	19,225.98
FOREMAN @ 25%	(78.80 Hrs @ \$61.00)	4,806.80
Subtotal		33,674.74
Overhead	(@ 10.000 %)	3,367.47
Markup	(@ 5.000 %)	1,852.11
Subtotal		38,894.32

ORIGINAL

PROPOSED CHANGE ORDER

Liberty Electric Inc.

9660 Summit Drive
Missoula, MT 59808

Client Address:

Langlas & Associates, Inc.

1019 East Main Street Suite 101
Bozeman, MT 59715

CCN#

Date:

Project Name:

Project Number:

Page Number:

APPARATUS 2

11/2/2021

Bozeman Public Safety C

BZ20SAFETY

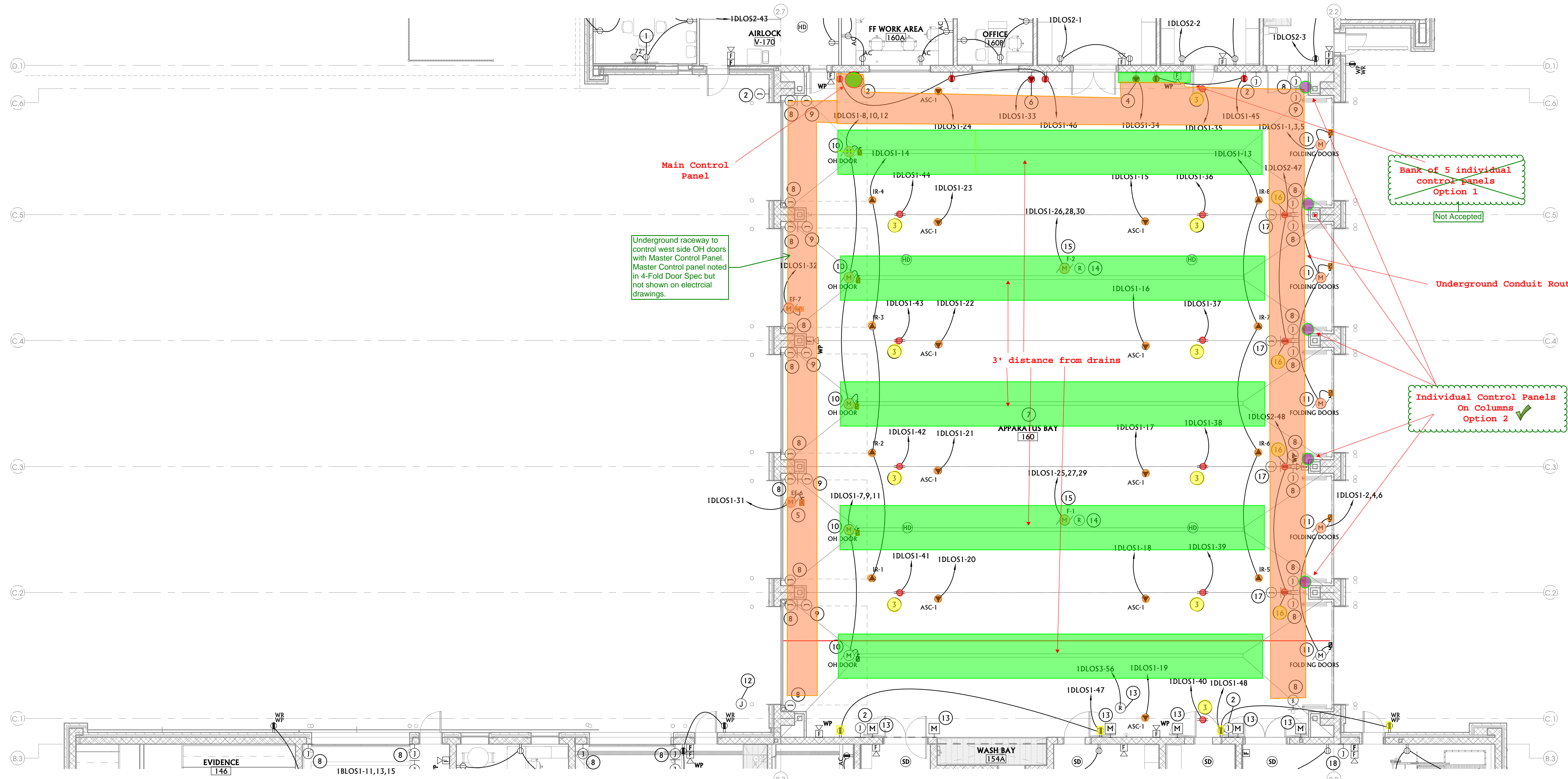
3

Summary (Cont'd)

Final Amount

\$38,894.32

ORIGINAL



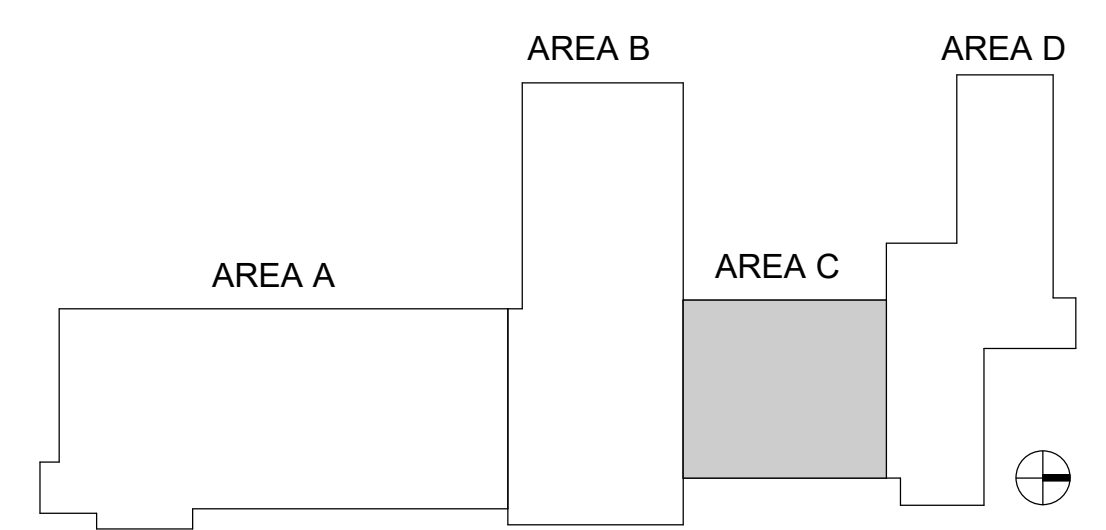
ELECTRICAL POWER & FIRE ALARM PLAN - LEVEL 01 - AREA C
 1/8" = 1'-0"

ELECTRICAL POWER GENERAL NOTES	
A	ELECTRICAL CONTRACTOR SHALL PROVIDE TAMPER RESISTIVE RECEPTACLES FOR ALL 120V WIRING DEVICES INSTALLED IN THE PROJECT INTERIOR REGARDLESS OF LOCATION.
B	ALL MECHANICAL EQUIPMENT THAT DOES NOT HAVE A DISCONNECT SHOWN AT DEVICE ON PLAN IS PROVIDED WITH A FACTORY DISCONNECT. EC TO CONNECT DISCONNECT AND VFD WHEN PRESENT. ALL VFD'S ARE PROVIDED BY TC, INSTALLED COMPLETE BY EC TO CIRCUIT AS SHOWN ON PLAN.
C	ALL WIRING DEVICES LOCATED IN APPARATUS BAY, SALLEY PORT, VEHICLE EXAM, FITNESS, STORAGE AREA, AND SECURE CIRCULATION AREAS SHALL BE CONSIDERED ROUGH SERVICE AREAS AND SHALL REQUIRE STAINLESS STEEL DEVICE COVER PLATES.
D	COORDINATE LOCATION OF ALL DEVICES WITH ARCHITECTURAL PLANS, CASEWORK, SHOP DRAWINGS AND EQUIPMENT MANUFACTURER'S DETAILS BEFORE ROUGHING IN.
E	ELECTRICAL CONTRACTOR SHALL PROVIDE ARC FAULT BREAKERS ON ALL 120V BRANCH CIRCUITS SERVING DEVICES IN SLEEPING UNITS.
F	FIRE ALARM PANELS SHALL BE SEISMIC RATED.
G	FIRE ALARM CIRCUITS SHALL BE INSTALLED TO CLASS 1 SURVIVABILITY (SPRINKLED & IN CONDUIT)

ELECTRICAL KEYNOTES	
1	PROVIDE RECEPTACLE IN RECESSED FLAT PANEL TELEVISION ENCLOSURE. SEE COMMUNICATIONS PLANS FOR ENCLOSURE DETAILS.
2	PROVIDE ROUGH-IN FOR CALL ALERT SYSTEM SPEAKERS PROVIDED AND INSTALLED BY OTHERS. PROVIDE 4" SQUARE BOX AT 13'-0" AFF AND CONDUIT INTO ACCESSIBLE CEILING SPACE. COORDINATE LOCATION AND REQUIREMENTS WITH SYSTEM PROVIDER.
3	DEVICE FOR DROP CORD. SEE DETAIL 4/E-400 FOR ADDITIONAL INFORMATION.
4	DEVICE FOR AVEC PANEL FOR CONTROL OF VEHICLE EXHAUST SYSTEM. COORDINATE EXACT LOCATION WITH EQUIPMENT SUPPLIER PRIOR TO ROUGH-IN.
5	EC TO PROVIDE A SQ D CLASS #3110, HEAVY DUTY FUSED DISCONNECT IN A NEMA 1 ENCLOSURE. FUSE PER MANUFACTURERS RECOMMENDATIONS. PROVIDE WITH START-STOP PUSH BUTTON AND HAND-OFF-AUTO SELECTOR SWITCH. COORDINATE WITH TC FOR CONTROL VOLTAGE.
6	DEVICE FOR TOXALERT SYSTEM CONTROLLER. COORDINATE EXACT LOCATION WITH EQUIPMENT PROVIDER PRIOR TO ROUGH-IN.
7	APPARATUS BAY CLASSIFIED AS COMMERCIAL GARAGES, REPAIR AND STORAGE. ALL ELECTRICAL WIRING AND ELECTRICAL UTILIZATION EQUIPMENT IN APPARATUS ROOM AND ADJACENT SPACES NOT EFFECTIVELY CUT OFF BY WALLS OR PARTITIONS SHALL COMPLY WITH NEC ARTICLE 511.
8	PROVIDE ROUGH-IN W/ EMPTY 1/2" C THAT CONTAINS A PULL CORD TO THE SAFETY BEAM DEVICES LOCATED ON BOTH SIDES OF THE DOOR FROM THE OH DOOR MOTOR. COORDINATE W/ DOOR SUPPLIER FOR ANY ADDITIONAL REQUIREMENTS.

ELECTRICAL KEYNOTES	
9	PROVIDE ROUGH-IN FOR OVERHEAD DOOR PUSHBUTTON CONTROLLER PROVIDED BY OTHERS. PROVIDE EMPTY 1/2" C WITH PULL CORD TO OVER HEAD DOOR MOTOR. COORDINATE EXACT LOCATION OF PUSH BUTTON WITH DOOR SUPPLIER PRIOR TO ROUGH-IN.
10	PROVIDE POWER CONNECTION TO OVERHEAD DOOR MOTOR. COORDINATE EXACT REQUIREMENT AND LOCATION W/ DOOR EQUIPMENT SUPPLIER. EC TO PROVIDE A SQ D CLASS #3110, HEAVY DUTY FUSED DISCONNECT IN A NEMA 1 ENCLOSURE. FUSE PER MANUFACTURERS RECOMMENDATIONS.
11	PROVIDE POWER CONNECTION TO OVERHEAD DOOR MOTOR. COORDINATE EXACT REQUIREMENT AND LOCATION W/ DOOR EQUIPMENT SUPPLIER. EC TO PROVIDE A SQ D CLASS #3110, HEAVY DUTY FUSED DISCONNECT IN A NEMA 1 ENCLOSURE. FUSE PER MANUFACTURERS RECOMMENDATIONS. EC TO PROVIDE ROUGH-IN FOR SAFETY DEVICES AND PUSHBUTTON CONTROLLER PER MANUFACTURERS RECOMMENDATIONS.
12	PROVIDE 3/4" CONDUIT TO SNOW MELT SENSOR FROM SNOW MELT CONTROLLER LOCATED IN MECHANICAL ROOM M-305. COORDINATE LOCATION WITH MC PRIOR TO ROUGH-IN.
13	EC TO PROVIDE ROUGH-IN AND POWER FOR MAGNETIC DOOR HOLDERS PROVIDED WITH DOOR HARDWARE. COORDINATE REQUIREMENTS WITH EQUIPMENT PROVIDER. ROUTE CIRCUIT FOR DOOR HOLDERS THROUGH FA RELAY PROVIDED BY FA CONTRACTOR.
14	PROVIDE FA RELAY FOR SHUTDOWN OF HVLS FAN.
15	ROUTE CIRCUIT FOR HVLS FAN THROUGH FA RELAY PROVIDED BY FA CONTRACTOR. RECEPTACLE RECESSED MOUNTED IN FOURFOLD DOOR PEDESTAL. SEE ARCHITECTURAL DETAILS FOR ADDITIONAL INFORMATION.
16	

ELECTRICAL KEYNOTES	
17	PROVIDE ROUGH-IN FOR OVERHEAD DOOR PUSHBUTTON CONTROLLER PROVIDED BY OTHERS. PUSHBUTTON LOCATED IN FOURFOLD DOOR PEDESTAL. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION. PROVIDE EMPTY 1/2" C WITH PULL CORD TO OVER HEAD DOOR MOTOR. COORDINATE EXACT LOCATION OF PUSH BUTTON WITH DOOR SUPPLIER PRIOR TO ROUGH-IN.
18	PROVIDE ROUGH-IN FOR CALL ALERT SYSTEM DOORBELL/EMERGENCY ALERT PUSH BUTTON PROVIDED AND INSTALLED BY OTHERS. PROVIDE 4" SQUARE BOX AND CONDUIT INTO ACCESSIBLE CEILING SPACE. COORDINATE LOCATION AND REQUIREMENTS WITH SYSTEM PROVIDER.



thinkone
shaping the built environment
101 E MAIN | STUDIO ONE | BOZEMAN MT 59715

AndersonMasonDale Architects

ACE INC
ARCHITECTURE • PLANNING • DESIGN ASSOCIATED • CONSTRUCTION • ENGINEERING

Architect
ThinkOne Architects
101 E Main St. Studio 1
Bozeman, MT, 59715
T: 406-586-7020

Associate Architect
AndersonMasonDale Architects, P.C.
3198 Speer Boulevard
Denver, CO 80211
T: 303-294-9448

Associate Architect
Morrison-Maierle, Inc.
2880 Technology Blvd.
Bozeman, MT 59715
T: 406-587-0721

Structural Engineer
Morrison-Maierle, Inc.
2880 Technology Blvd.
Bozeman, MT 59715
T: 406-587-0721

MEP Engineer
Associated Construction Engineering Inc.
12 N Broadway
Belgrade, MT, 59714
T: 406-388-3320

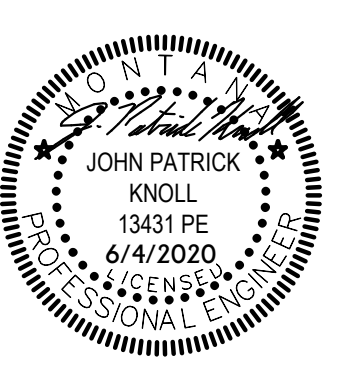
Civil Engineer
Morrison-Maierle, Inc.
2880 Technology Blvd.
Bozeman, MT 59715
T: 406-587-0721

Information Technology
BCER Engineering
10807 New Allegiance Dr., Suite 400
Colorado Springs, CO 80921
T: 406-533-1112

Landscape Architect
Design 5 Landscape Architecture
37 E Main St
Bozeman, MT, 59715
T: 406-587-4873

Acoustical Engineer
Big Sky Acoustics
PO BOX 27
Helena, MT 59624
T: 406-457-0407

CITY OF BOZEMAN
City of Bozeman
121 N Rouse Ave.
Bozeman, MT 59715
T: 406-582-2300
F: 406-582-2301



Issue: ISSUE FOR BID
Date: JUNE 04, 2020

BOZEMAN PUBLIC SAFETY CENTER
N. ROUSE AVE. & E. OAK ST.,
BOZEMAN MT

Project Number: 1825

ACE Project Number: 19B24921
Drawn By: JG
Reviewed By: JK
Approved By: JK

ELECTRICAL POWER & FIRE ALARM PLAN - LEVEL 01 - AREA C

E-101C



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: RFI 216 / Insp. Report 9.9.21

CE No: **94**
 Revision #
 Date: 12/3/2021

Description: **Additional Welding from Relief Angle to Steel Stud Framing**
 Welding of masonry veneer ledger angle per details X-1 through X-5 issued with Inspection Report. Welding of backside angle shown in details X-4 has been removed.

Category	Description	Quantity	Unit	Unit Cost	Total
	DEDUCT FROM CONTINGENCY				\$ -
05B.0520	TrueNorth Steel / Sowles Erectors Welding	1	sum	\$ 7,961.00	\$ 7,961.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
	SUBTOTAL				\$ 7,961.00
	GC/CM Business Insurance			0.625%	\$ 49.76
	CM Fee			3.2%	\$ 256.35
	Bond			1.0%	\$ 82.68
	TOTAL				\$ 8,349.79



#N/A
#N/A

Notification of Change

Project No: **PMN0382**

NOC No.: 23
Date:

Proj. Name: Bozeman Public Safety Zone

To: LANGLAS
ATTN: Russel Pierce/ Sam Holt
1019 E Main St. Suite 101
Bozeman, MT 59715

CC:

Subject: Addtl Weld @ ledger inspection report

Change Requested By: J Chiono

Sent Via:

Description of Change:

Pricing Valid for:

Added weld per inspection report

~~Sowles: \$7532~~ Revised to remove cost for weld not performed adequately along GL 1.17 to 3x3 angle
 Revised total : \$6922
 +POH

for backside angle weld specified by engineer to compensate for weld not performed adequately

SCHEDULE INFORMATION
ADDED WORKING DAYS DUE TO CHANGE

Original Price:		(Taxes NOT Included)
Total All Previous Price Changes:		(Taxes NOT Included)
Subtotal (Price+All Previous Changes):	\$ -	(Taxes NOT Included)
PRICE OF THIS CHANGE:	\$ 7,961	(Taxes NOT Included)
Revised Contract Amount:		(Taxes NOT Included)
Outstanding Changes Pending Approval:		

A signature below indicates acceptance of all changes shown herein. Any work associated with this change will begin upon receipt of a signed copy of this N.O.C. in our office.

Accepted By _____
 Date: _____
 CO #: _____

J. Chiono

 TrueNorth Steel

PMN0382

Jenna Chiono

From: Elizabeth Oliver <elizabeth@langlas.com>
Sent: Friday, September 17, 2021 4:43 PM
To: Jenna Chiono
Cc: Konnor Backer
Subject: RE: BPSC - Structural Steel Special Inspection Report - 9-9-2021
Attachments: Pages from Structural Steel Special Inspection 9-9-2021 - LL comments to TNS.pdf
Categories: change order, Important

⚠ **CAUTION:** This email originated outside of the organization. Do not open any links or attachments unless you know the content is safe.

Jenna,

Yes, see attached. Generally what we've proposed to the City and Design Team is that Langlas/Sowles/TNS will be responsible for any scope of work in details X-4 and X-5 that is above and beyond what is required in details X-1 through X-3. A way to think about it would be to price the change as if X-1 through X-3 applied at all locations. They are expecting a time and material report of this work, so we can start with how it makes the most sense on your side to prepare the request for change.

Thanks,

Beth Oliver

Project Manager

Langlas & Associates, Inc.

Direct: (406) 577-1258

Cell: (319) 899-0218

From: Jenna Chiono <Jenna.Chiono@TrueNorthSteel.com>
Sent: Friday, September 17, 2021 4:21 PM
To: Elizabeth Oliver <elizabeth@langlas.com>
Cc: Konnor Backer <kbacker@Langlas.com>
Subject: RE: BPSC - Structural Steel Special Inspection Report - 9-9-2021

Afternoon Beth- any movement on the markup we discussed?

Thanks,

Jenna Chiono

Project Manager

406-869-2618 Direct

406-702-0350 Cell

www.truenorthsteel.com

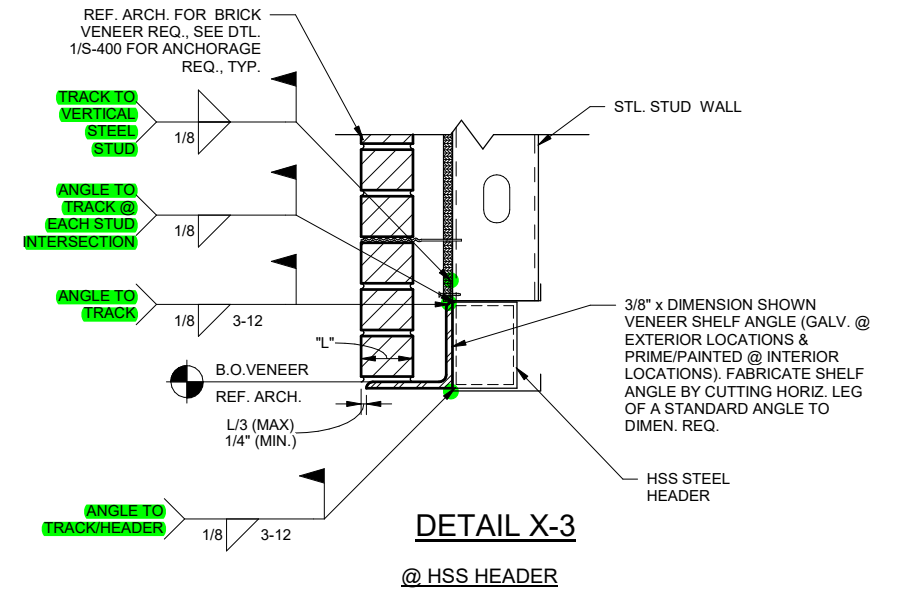
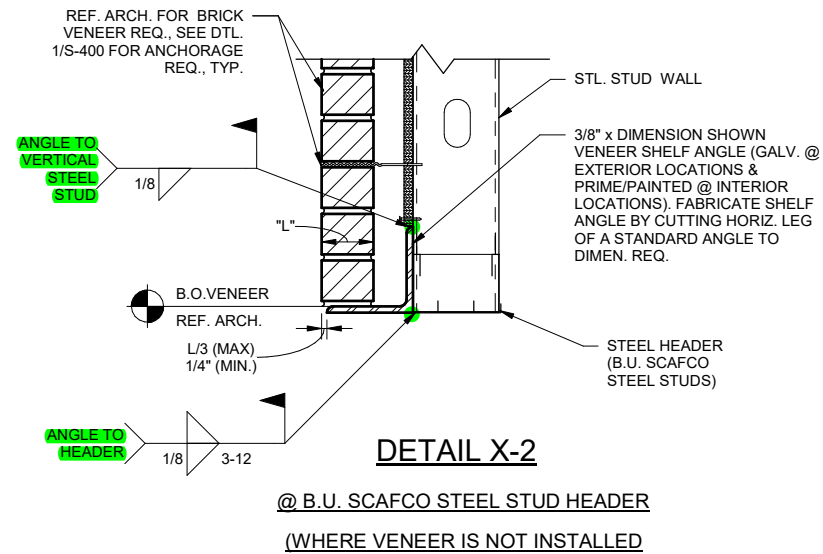
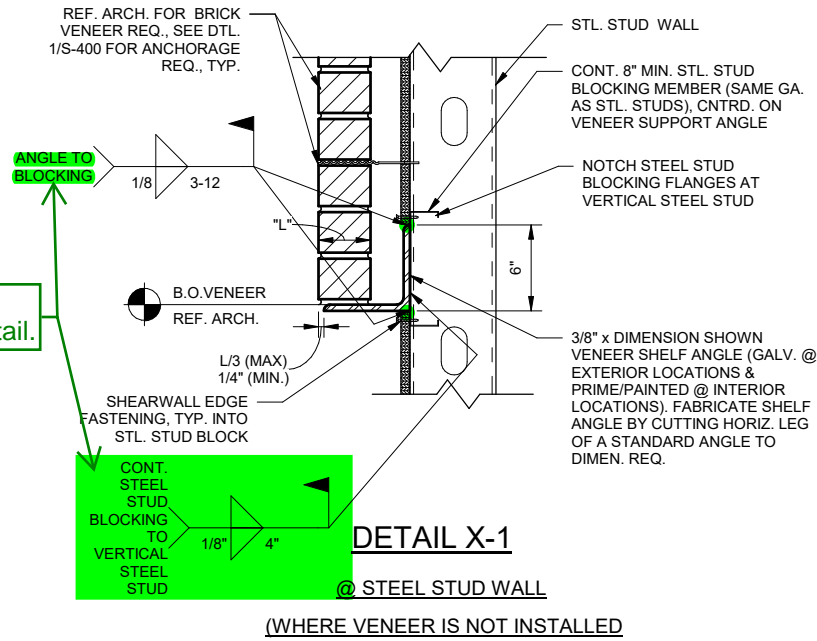


1501 South 30th Street West
Billings, MT 59102

New welding scope highlighted in green.

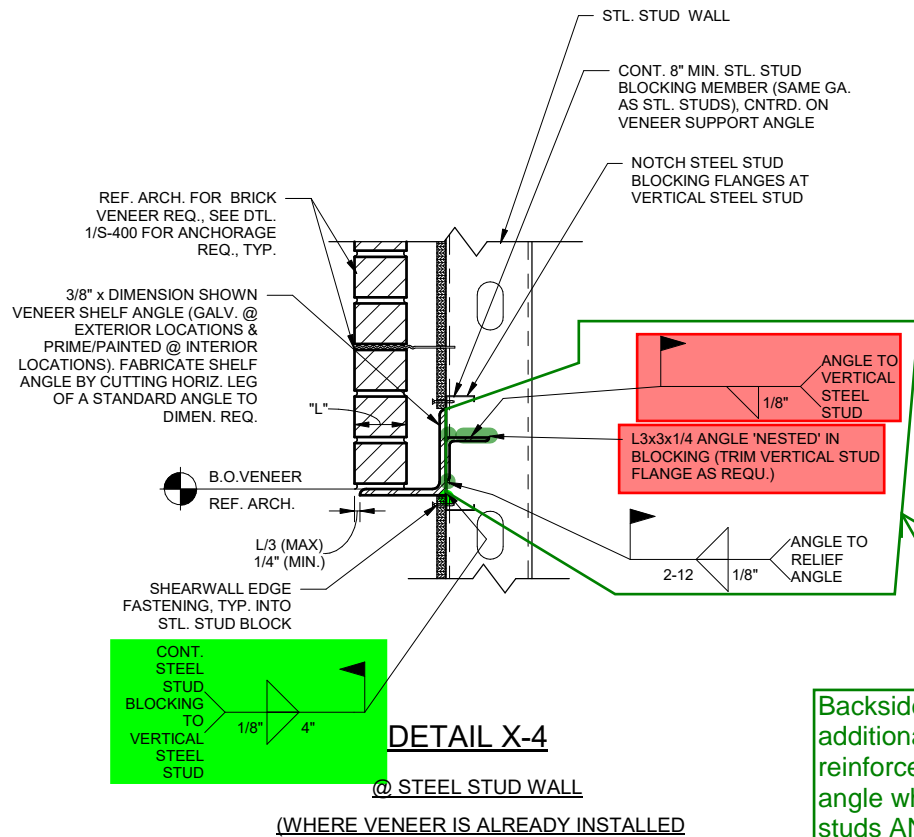
TNS/Sowles
Responsibility in Red.

Addition to original detail.

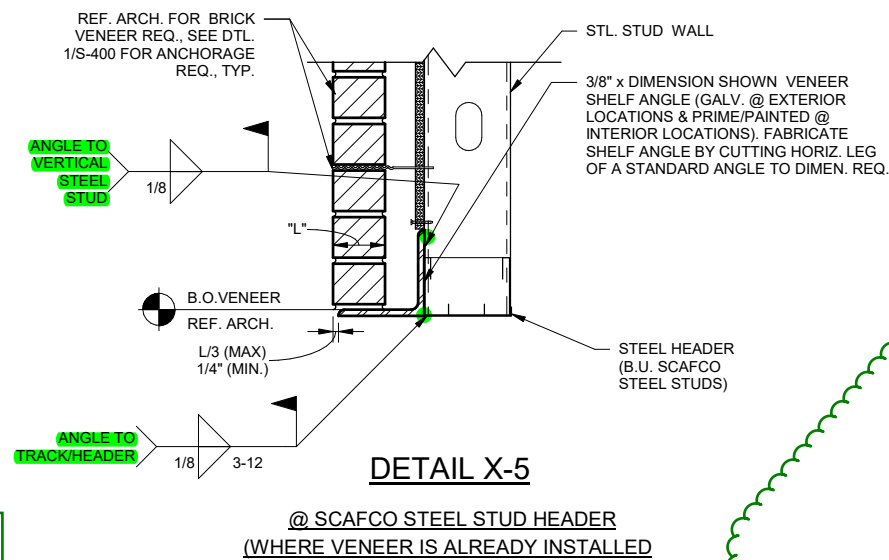


New. Note that no details on contract drawings addressed window header condition.

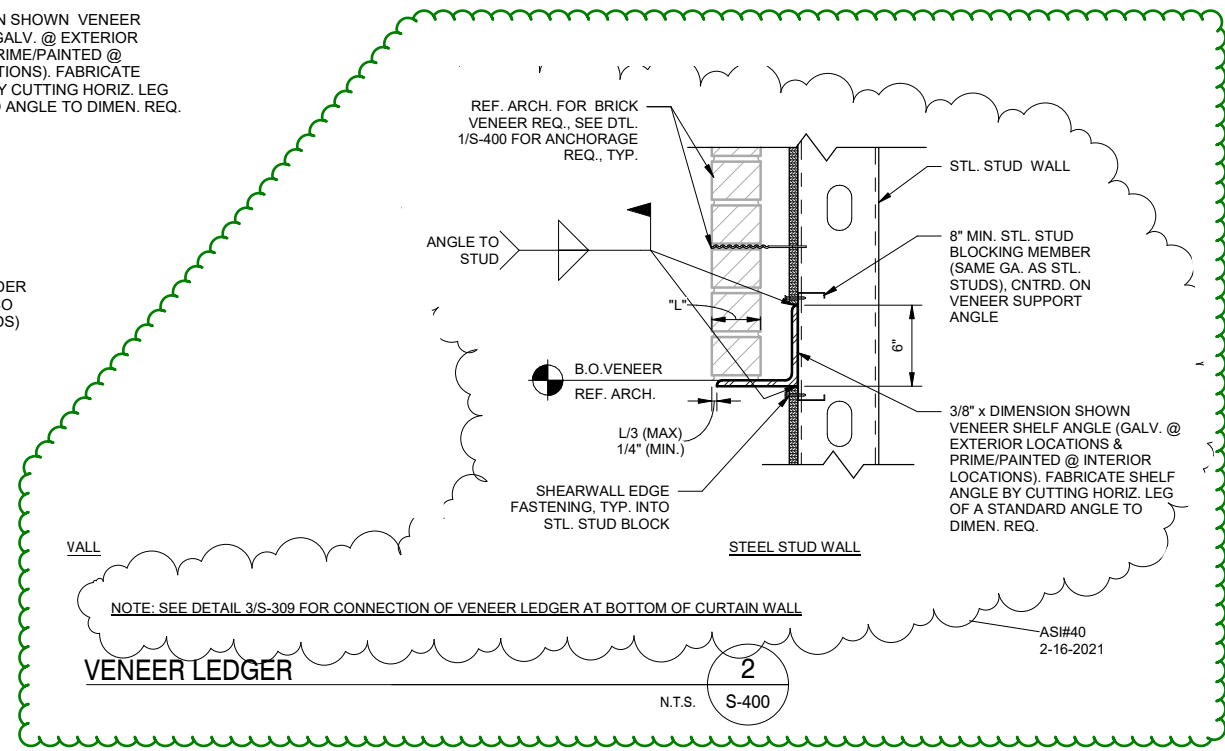
New. Note that no details on contract drawings addressed window header condition.



Backside angle is additional work required to reinforce top side of relief angle where welds missed studs AND added welding to blocking.



New. Note that no details on contract drawings addressed window header condition. Nearly same as X-2 and X-3, except topside weld is on backside, instead of front, because veneer now blocks access to front.



Contract Drawing detail provided for reference.

AISC ADVANCED CERTIFIED ERECTOR



302 South 24th Street
Billings, MT 59101

Phone 406-248-4361

Address: TrueNorth Steel
1501 S. 30th Street W.
Billings, MT 59102

September 23, 2021

Attention: Jenna Chiono

Reference: **Bozeman Public Service Center**
Our Project No. **20115**
Transmittal No. **40**


Subject: Steel Erection

At your direction, per signed Field Work Order # RA1 - RA4
or as per the directed changes, the cost associated are as follows:

Description: Added additional weld to the brick releif angle at Area A per engineers request.

Labor:	Ironworker Hours:		<u>61</u>	@	\$99.00	\$6,039.00
	Overtime Premium:		<u>8</u>	@	\$22.88	\$183.04
	Double Time Premium:		<u>0</u>	@	\$45.76	<u>\$0.00</u>
						\$6,222.04
Subcontractors / Engineers Hours:			<u>0</u>	@	\$100.00	\$0.00
Equipment:	Crane Hours:	Boom Trk	<u>0</u>	@	\$150.00	\$0.00
	Crane Hours:	90 ton	<u>0</u>	@	\$255.00	\$0.00
	Forklift Hours:		<u>0</u>	@	\$50.00	\$0.00
	40ft Manlift Hours:		<u>5</u>	@	\$34.00	\$170.00
	60ft Manlift Hours:		<u>0</u>	@	\$45.00	\$0.00
	80ft Manlift Hours:		<u>0</u>	@	\$80.00	\$0.00
	Scissor Lift Hours:		<u>0</u>	@	\$26.00	\$0.00
	Fueled Welder Hours:		<u>47</u>	@	\$23.50	\$1,104.50
	Electric Welder Hours:		<u>0</u>	@	\$17.50	\$0.00
	Torch Set Hours:		<u>3</u>	@	\$11.70	\$35.10
	Drill Hours:		<u>0</u>	@	\$14.00	\$0.00
	Deck Saw Hours:		<u>0</u>	@	\$15.00	\$0.00
	Generator Hours:		<u>0</u>	@	\$60.00	\$0.00
	Compressor Hours:		<u>0</u>	@	\$21.00	<u>\$0.00</u>
	Equipment Total:					\$1,309.60
Material:			<u>0</u>	@	\$0.00	\$0.00

Please issue a change order to our contract in the amount of **\$7,532.00** for this additional work.

Thank you,

Mike Williams
Project Manager

**REVISED- removed weld to 3x3x1/4
at loaded veneer along 1.17 = ~ 60'
(\$610)
Revised total = \$6922**

Daily Field Work Order

Job Name: BOZEMAN P.S.C Job # 20115 Date: 9/14/2021

Reference: AREA A RELIEF ANGLE FWO# 20115- R.A. #1

Description: Schedule Impact: Yes/No Y

AFTER COMPLETING WELDS PER ORIGINAL DETAIL, SOWLES WENT BACK AND ADDED ADDITIONAL WELDS PER STRUCTURAL ENGINEERS REQUEST

Personnel	Classification				Hours			Equipment	Size / Qty.	Hours
	S	G	F	J	Reg.	O.T.	DBL			
<u>MIKE JAGELSKI</u>				<u>1</u>	<u>5</u>			Crane		
								Forklift		
<u>ROB CHOISLER</u>				<u>1</u>	<u>5</u>			Boomlift <u>45</u>	<u>1</u>	<u>5</u>
								Boomlift		
								Boomlift		
								Scissorlift		
								Scissorlift		
								Welder F or E	<u>1</u>	<u>5</u>
								Torch		
								Mag Drill		
								Deck Saw		
								Generator		
								Compressor		
								Bits, Blades, etc.		
								Materials		
								Contractor		
								Comments:		

Total labor hours 10

SOWLES authorized representative: MBck Signed: _____ Contractor authorized representative: _____

Daily Field Work Order

Job Name: BOZEMAN P.S.C. Job # 20115 Date: 9/15/2021

Reference: AREA A RELIEF ANGLE FWO# 20115 - R.A. #2 Complete Ongoing

Description: Schedule Impact: Yes/No y

AFTER AGREEMENT, SOWLES WAS ASKED TO WELD THE VERTICAL METAL STUDS TO THE METAL HORIZONTAL BLOCKING. 4" OF WELD EACH SIDE OF VERTICAL STUD. ALSO 3x3x1/4 ANGLE WAS INSTALLED @ AREAS FOR POST BRICK INSTALL SUPPORT.

Personnel	Classification				Hours			Equipment	Size / Qty.	Hours
	S	G	F	J	Reg.	O.T.	DBL			
<u>MARK BROWNBACK</u>		/			<u>10</u>			Crane		
								Forklift		
<u>MIKE JAGELSKI</u>				/	<u>10</u>			Boomlift		
								Boomlift		
<u>ROB CRISLER</u>				/	<u>10</u>			Boomlift		
								Scissorlift		
								Scissorlift		
								Welder ¹ F or E ³	<u>4</u>	<u>10 ea.</u>
								Torch		
								Mag Drill		
								Deck Saw		
								Generator		
								Compressor		
								Bits, Blades, etc.		
								Materials		
								Contractor		
								Comments:		

Total labor hours 30 Contractor authorized representative:

SOWLES authorized representative: Signed: Mark A Brownback Signed:

Daily Field Work Order

Job Name: BOZEMAN P.S.C. Job # 20115 Date: 9/16/2021

Reference: AREA A RELIEF ANGLE FWO# 20115 - R.A.#3 Complete Ongoing

Description: Schedule Impact: Yes/No

AFTER THE MASONS WERE FINISHED ON SCAFFOLD, SOWLES CAME IN AND COMPLETED THE REMAINDER OF THE ADDED WELDS ON RELIEF ANGLE PER PRE-BRICK INSTALL DETAILS. ALSO WELDED 3"x3"x1/4" ANGLE TO RELIEF ANGLE.

Personnel	Classification				Hours			Equipment	Size / Qty.	Hours
	S	G	F	J	Reg.	O.T.	DBL			
<u>MARK BROWBACK</u>		<u>1</u>			<u>3</u>			Crane		
								Forklift		
<u>MIKE YAGELSKI</u>				<u>1</u>	<u>5</u>			Boomlift		
								Boomlift		
<u>ROB CRISLER</u>				<u>1</u>	<u>5</u>			Boomlift		
								Scissorlift		
								Scissorlift		
								Welder F or E	<u>2 ELEC</u>	<u>5 EACH</u>
								Torch	<u>1 FUEL</u>	<u>3</u>
								Mag Drill		
								Deck Saw		
								Generator		
								Compressor		
								Bits, Blades, etc.		
								Materials		
								Contractor		
								Comments:		
Total labor hours					<u>13</u>					

SOWLES authorized representative: [Signature] Signed: _____

Contractor authorized representative: _____ Signed: _____

Daily Field Work Order

Job Name: BOZEMAN P.S.C. Job # 20115 Date: 9/17/2021

Reference: AREA A RELIEF ANGLE FWO# 20115 R.A #48 Complete Ongoing

Description: Schedule Impact: Yes/No

PER LANGAS' REQUEST, SOWLES WAS ASKED TO BE PRESENT DURING THE WELDING INSPECTION IN ORDER TO FIX OR REMEDY ANY PROBLEMS FOUND BY INSPECTOR SO PREP COULD BE PERFORMED TO WALL FOR MASONS

Personnel	Classification				Hours			Equipment	Size / Qty.	Hours
	S	G	F	J	Reg.	O.T.	DBL			
<u>MARK BROWNBACK</u>		<u>/</u>				<u>4</u>		Crane		
								Forklift		
<u>ROB CRISLER</u>				<u>/</u>		<u>4</u>		Boomlift		
								Boomlift		
								Boomlift		
								Scissorlift		
								Scissorlift		
								Welder F o <u>E</u>	<u>1</u>	<u>2</u>
								Torch		
								Mag Drill		
								Deck Saw		
								Generator		
								Compressor		
								Bits, Blades, etc.		
								Materials		
								Contractor		
								Comments:		

Total labor hours: 8

SOWLES authorized representative: [Signature] Signed: _____

Contractor authorized representative: _____ Signed: _____



Change Estimate Report

Project: Bozeman Public Safety Center
 Project # 19426
 Change Source: PR 29

CE No: **99**
 Revision # **1**
 Date: **11/15/2021**

Description: **Remove Elevator Power Module and Cab Light Disconnects**
 Return price originally sent was for each; this new price reflects credit for all (4).

Category	Description	Quantity	Unit	Unit Cost	Total
	DEDUCT				\$ -
26A.2600	Elevator Power Module & Cab Light Disconnect	1	sum	\$ (11,002.12)	\$ (11,002.12)
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
			SUBTOTAL		\$ (11,002.12)
			GC/CM Business Insurance	0.625%	\$ (68.77)
			CM Fee	3.2%	\$ (354.27)
			Bond	1.0%	\$ (114.26)
			TOTAL		\$ (11,539.42)

PROPOSED CHANGE ORDER

Liberty Electric Inc.

9660 Summit Drive
Missoula, MT 59808

CCN#

PR029

Date:

11/4/2021

Project Name:

Bozeman Public Safety C

Project Number:

BZ20SAFETY

Page Number:

1

Client Address:

Langlas & Associates, Inc.

Contact: Elizabeth Oliver
1019 East Main Street Suite 101
Bozeman, MT 59715

Work Description

Name of Project: Bozeman Public Safety Center

We reserve the right to correct this quote for errors and omissions.

This quote covers direct costs only, and we reserve the right to claim for impact and consequential costs.
This price is good for acceptance within 10 days from the date of receipt.

We request a time extension of x days.

The following is our Division 16 pricing for PR029 which involves revisions to the elevator power and controls systems.

Note: The power FA/TS/120V for elevator 3 is required to be located on the 3rd level per the elevator installer. These items will need to be extended up to the 3rd level.

Itemized Breakdown

Description	Qty	Net Price U	Total Mat.	Labor U	Total Hrs.
3/4" CONDUIT - EMT	40	87.06 C	34.82	4.00 C	1.60
1" CONDUIT - EMT	0	165.03 C	0.00	0.00 C	0.00
1 1/4" CONDUIT - EMT	-40	267.96 C	-107.18	5.88 C	-2.35
3/4" CONN SS STL - EMT	2	78.02 C	1.56	12.50 C	0.25
1" CONN SS STL - EMT	-1	144.89 C	-1.45	15.00 C	-0.15
1 1/4" CONN SS STL - EMT	-3	242.82 C	-7.28	17.50 C	-0.53
3/4" COUPLING SS STL - EMT	3	79.80 C	2.39	5.00 C	0.15
1" COUPLING SS STL - EMT	0	122.82 C	0.00	0.00 C	0.00
1 1/4" COUPLING SS STL - EMT	-3	247.97 C	-7.44	8.13 C	-0.24
3/4" 1-H STRAP - RMC - STEEL	4	20.53 C	0.82	6.75 C	0.27
1" 1-H STRAP - RMC - STEEL	1	25.07 C	0.25	7.38 C	0.07
1 1/4" 1-H STRAP - RMC - STEEL	-3	59.65 C	-1.79	8.75 C	-0.26
#12 THHN SOLID BLACK	135	221.93 M	29.96	6.75 M	0.91
#10 THHN SOLID BLACK	0	347.21 M	0.00	0.00 M	0.00
# 8 THHN BLACK	-40	612.41 M	-24.50	8.75 M	-0.35
# 6 THHN BLACK	0	942.26 M	0.00	0.00 M	0.00
# 4 THHN BLACK	-120	1,442.13 M	-173.06	12.75 M	-1.53
PLATT COST CREDIT	-1	11,060.78 E	-11,060.78	0.00 E	-0.00

ORIGINAL

PROPOSED CHANGE ORDER

Liberty Electric Inc.

9660 Summit Drive
Missoula, MT 59808

Client Address:

Langlas & Associates, Inc.

1019 East Main Street Suite 101
Bozeman, MT 59715

CCN#

PR029

Date:

11/4/2021

Project Name:

Bozeman Public Safety C

Project Number:

BZ20SAFETY

Page Number:

2

Description	Qty	Net Price U	Total Mat.	Labor U	Total Hrs.
CORE DRILL	2	200.00 E	400.00	0.00 E	0.00
MATERIAL HANDLING FOR RETURN	1	0.00 E	0.00	1.00 E	1.00
Totals	-23		-10,913.67		-1.16

Summary

General Materials					-10,913.67
Material Total					-10,913.67
JOURNEYMAN		(-1.16 Hrs @ \$61.00)			-70.76
FOREMAN @ 25%		(-0.29 Hrs @ \$61.00)			-17.69
Subtotal					-11,002.12
Final Amount					\$-11,002.12

ORIGINAL



platt.com

Northern Mountain District - Montana Region

Recap Document

11/3/2021

DESIG: PR 29

CUSTOMER: Liberty Electric

PROJECT: BPSC

DESIG	DESCRIPTION	QTY PRIOR TO CHANGE	ACTION	QTY	TOTAL	UNIT PRICE	EXT. PRICE
100A ELEV MODULE	ES3T1R2GF1NB	4	CANCELLED	-4	0		\$10,916.40
ELEVATOR CAB	DH221FGK -- INCLUDES 25% RESTOCKING FEE	4	RETURN	-4	0		\$144.38
							\$11,060.78

Platt standard terms conditions will apply to sale of material related to this document. They may be viewed at <http://www.platt.com/service/terms.pdf>

Memorandum

REPORT TO: City Commission

FROM: Bernie Massey, Assistant Treasurer
Laurae Clark, Treasurer
Anna Rosenberry, Assistant City Manager

SUBJECT: Resolution 5376 Intent to Create a Special Improvement Lighting District 769 for Norton East Ranch Phase 5

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Adopt Commission Resolution No. 5376, Intent to Create Special Improvement Lighting District #769 for Norton East Ranch Phase 5.

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND: 7-12-4301. Special improvement districts for lighting streets authorized.
(1) The council of any city or town is authorized to:
(a) create special improvement districts embracing any street or streets or public highway therein or portions thereof and property adjacent thereto or property which may be declared by said council to be benefited by the improvement to be made for the purpose of lighting such street or streets or public highway;
(b) require that all or any portion of the cost of installing and maintaining such lighting system be paid by the owners of the property embraced within the boundaries of such districts; and
(c) assess and collect such portion of such cost by special assessment against said property.
(2) The governing body may create special lighting districts on any street or streets or public highway for the purpose of lighting them and assess the costs for installation and maintenance to property abutting thereto and collect the costs by special assessment against the property

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission.

FISCAL EFFECTS: As a result of creating this lighting district, the City will pay the associated power bills and schedule system maintenance. We will recover these costs by billing property owners each year on their City Assessment bill. It is

estimated to cost \$32.41 per acre within the district or \$577.56 annually for the entire district, or on an average size lot of 5624 square feet the annual estimated cost would be \$4.18, which is payable semiannually.

Attachments:

[Resolution 5376-Intent to Create SILD 769.docx](#)

[Schedule A.pdf](#)

[Exhibit B-Norton East Ranch Sub, Ph 5 .pdf](#)

Report compiled on: January 31, 2022



RESOLUTION 5376

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 769 (NORTON EAST RANCH PHASE 5) DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS OF MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT.

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Bozeman (the “City”), Montana, as follows:

Section 1

Intention to Create District; Proposed Improvements. It is the intention of this Commission to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Part 43, as amended, a special improvement lighting district to serve Norton East Ranch Phase 5 (the “District”) for the purpose of maintenance and energy costs. The district will pay the maintenance and energy costs for twenty-two (22) Signify Lumec RoadFocus LED Cobrahead 25 watt single upsweep luminaires on round tapered steel poles, mounted at 25-30 per City of Bozeman standards; seventeen (17) Signify Lumec RoadFocus LED Cobrahead 38 watt single upsweep luminaires on round tapered steel poles, mounted at 25-30’ per City of Bozeman standards and four (4) Signify Lumec RoadFocus LED Cobrahead 38 watt single upsweep luminaires on round tapered steel poles, mounted at 30’. The poles will be K-KLAD over galvanized – Hunter Green. The initial monthly charge per fixture per month (the “Monthly

Charge”) is estimated as follows: \$.88 per 25 watt LED fixture or; \$19.36 total for all 25 watt fixtures, and \$1.37 per 38 watt LED fixture or; \$28.77 for all 38 watt fixtures. This calculates to \$577.56 annually.

Section 2

Number of District. The District, if the same shall be created and established, shall be known and designated as Special Improvement Lighting District No. 769 (Norton East Ranch Phase 5) of the City of Bozeman, Montana.

Section 3

Boundaries of District. The limits and boundaries of the District are depicted on a map attached as **Exhibit A** hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on **Exhibit B** hereto (which is hereby incorporated herein and made a part hereof).

Section 4

Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibit A are hereby declared to be the special lighting district and the territory which will benefit and be benefited by the Improvements and will be assessed for the costs of the Improvements as described in Section 1. The Improvements, in the opinion of this Commission, are of more than local and ordinary benefit. The property included within said limits and boundaries is hereby declared to be the property benefited by the Improvements.

Section 5

Assessment Methods. All properties within the District are to be assessed for a portion of the maintenance and energy costs, as specified herein. The maintenance and energy costs shall be assessed against the property in the District benefiting, based on the actual area method of assessment described in Sections 7-12-4323, MCA, as particularly applied and set forth in this

Section 5. The annual maintenance and energy costs are estimated at \$577.56, and shall be assessed against each lot, tract or parcel of land in the District for that part of the costs that the area of such lot, tract or parcel bears to the total area of all lots, tracts or parcels of land in the District, exclusive of streets, avenues and alleys. The total area of the District to be assessed is 17.82 acres, or 776,105 square feet, exclusive of parks and open space. The initial costs of the Improvements per acre shall be \$32.41 or \$0.000744 per square foot annually.

Section 6

Payment of Assessments. Special assessments for the annual maintenance and energy costs are estimated at \$577.56, plus any increases, as may be permitted by the Public Service Commission, and any additional authorized charges shall be levied each year against all properties in the District and shall be payable in equal semiannual installments. The first year of special assessment billing will include an additional amount not to exceed \$500 for publication and mailing associated with creation of the District which shall be assessed in the same manner as the Improvements resulting in a cost not to exceed \$60.47 per acre, or \$0.001389 per square foot.

Section 7

Extraordinary Repair or Replacement. The maintenance and energy costs and assessments set forth in Section 1 and 5 are based on normal conditions and do not cover charges for repair and/or replacement. The City may make an additional charge to the District for costs of labor and actual material costs for repairs and/or replacement of the fixtures for damage caused by third parties and not paid by such third parties. The City will assess such costs and charges against the properties in the District in the same manner as the other assessment is made.

Section 8

Discontinuation of District. If at any time after the initial term of the District a petition is presented to the City Commission, signed by the owners or agents of more than three-fourths of the total amount of property within the District, asking that the maintenance and operation of the special lighting system and the furnishing of electrical current in the district be discontinued, or if a

majority of the City Commission votes to discontinue the District, the City Commission shall, by resolution, provide for discontinuing the maintenance and operation of the lighting system. If the Commission has, prior to the presentation of a petition or by a majority vote of the Commission to discontinue the District, entered into any contract for the maintenance and operation of the lighting system, the maintenance and operation may not be discontinued until after the expiration of the contract.

Section 9

Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of maintenance and energy may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (March 7, 2022) written protest against the proposed maintenance and energy costs, or against the extension or creation of the District or both, and this Commission will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on March 22, 2022 at 6 pm in Bozeman City Hall, City Commission Room, 121 N Rouse Ave.

Section 10

Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the *Bozeman Daily Chronicle*, a newspaper of general circulation in the county on February 20, 2022 and February 27, 2022, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 15th day of February, 2022.

CYNTHIA ANDRUS
Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Bozeman, Montana (the “City”), hereby certify that the attached resolution is a true copy of Resolution No. **5376**, entitled: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 769 (NORTON EAST RANCH PHASE 5) DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS FOR MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT**, (the “Resolution”), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City of Bozeman at a meeting on February 15, 2022, and that the meeting was duly held by the City Commission 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 Commissioners voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 16th day of February, 2022.

MIKE MAAS
City Clerk

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 769
(NORTON EAST RANCH PHASE 5)**

CITY OF BOZEMAN, MONTANA

NOTICE IS HEREBY GIVEN that on October 19, 2021, the City Commission (the “Commission”) of the City of Bozeman, Montana (the “City”), adopted a Resolution of Intention No. **5376** to create Special Improvement Lighting District No. **769** (the “District”) for the purpose of maintaining lighting and assessing the cost for maintenance and energy to **NORTON EAST RANCH PHASE 5**, and paying maintenance and energy costs relating thereto.

A complete copy of the Resolution of Intention (the “Resolution”) No. **5376** is on file with the City Clerk which more specifically describes the nature of the costs, the boundaries and the area included in the District, the location of the Improvements and other matters pertaining thereto and further particulars. A list of properties in the District and the amount of the initial assessment accompanies this notice. The Resolution and accompanying exhibits may be also viewed on the City’s website at www.bozeman.net. The district will pay the maintenance and energy costs for twenty-two (22) Signify Lumec RoadFocus LED Cobrahead 25 watt single upsweep luminaires on round tapered steel poles, mounted at 25-30 per City of Bozeman standards; seventeen (17) Signify Lumec RoadFocus LED Cobrahead 38 watt single upsweep luminaires on round tapered steel poles, mounted at 25-30’ per City of Bozeman standards and four (4) Signify Lumec RoadFocus LED Cobrahead 38 watt single upsweep luminaires on round tapered steel poles, mounted at 30’. The poles will be K-KLAD over galvanized – Hunter Green. The initial monthly charge per fixture per month (the “Monthly Charge”) is estimated as follows: \$.88 per 25 watt LED fixture or; \$19.36 total for all 25 watt fixtures, and \$1.37 per 38 watt LED fixture or; \$28.77 for all 38 watt fixtures. This calculates to \$577.56 annually.

All properties in the District will be assessed for their proportionate share of the costs of the Improvements on an “area basis” annually and will be payable in equal semiannual installments. The annual costs of the Improvements at the initial Monthly Charge are \$577.56 per year for the entire District. The total area of the District to be assessed is 17.82 acres, or

776,105 square feet, exclusive of parks and open space. The initial costs of the Improvements per acre shall be \$32.41, or \$0.000744 per square foot. On an average size lot of 5624 square feet the annual estimated cost would be \$4.18 which is payable semiannually. The annual assessments for costs of the Improvements may be increased as approved by the Public Service Commission and may be increased to cover extraordinary expenses of repair and maintenance. The first year of special assessment billing will include an additional amount not to exceed \$500 for publication and mailing associated with creation of the District which shall be assess in the same manner as the Improvements resulting in a cost not to exceed \$60.47 per acre, or \$0.001389 per square foot.

On Tuesday, February 15, 2022, at 6:00 p.m., in the Commission Room at City Hall 121 N Rouse Ave, Bozeman, Montana, the City Commission will conduct a public hearing to hear and pass upon all written protests against the creation or extension of the District, or the Improvements. Due to the City's Declaration of Emergency for the Covid-19 Pandemic, this meeting may be held online using Webex or other technology.

Written protests against the creation or extension of the District and the costs may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the costs. Such protests must be delivered to the City Clerk at City Hall, 121 N Rouse Ave, Bozeman, Montana not later than 5:00 p.m., M.T., on March 7, 2022.

Further information regarding the proposed District or other matters in respect thereof may be obtained from the City Clerk at City Hall, 121 N Rouse Ave, Bozeman, Montana or by telephone at (406) 582-2320.

DATED this 18nd day of February, 2022.

Mike Maas
City Clerk
City of Bozeman

Legal Ad

Publication Dates:

Sunday, February 20, 2022

Sunday, February 27, 2022

RESOLUTION 5376

Resolution of Intent to create SILD No. 769 for the purpose of maintaining lighting and assessing the cost for maintenance and energy to NORTON EAST RANCH PHASE 5, and paying maintenance and energy costs relating thereto.

AFFIDAVIT OF MAILING

STATE OF MONTANA)
 : ss
County of Gallatin)

Mike Maas, City Clerk, being first duly sworn, says:

That I cause to be mailed first class the Notice in regards to the owners in Special Improvement Lighting District No. 769, as listed in Exhibit "B", on Friday, February 18, 2022, directed to the owners at the addresses shown on Exhibit "B".

_____ Mike Maas
City Clerk

Subscribed and sworn before me this 18th day of February, 2022.

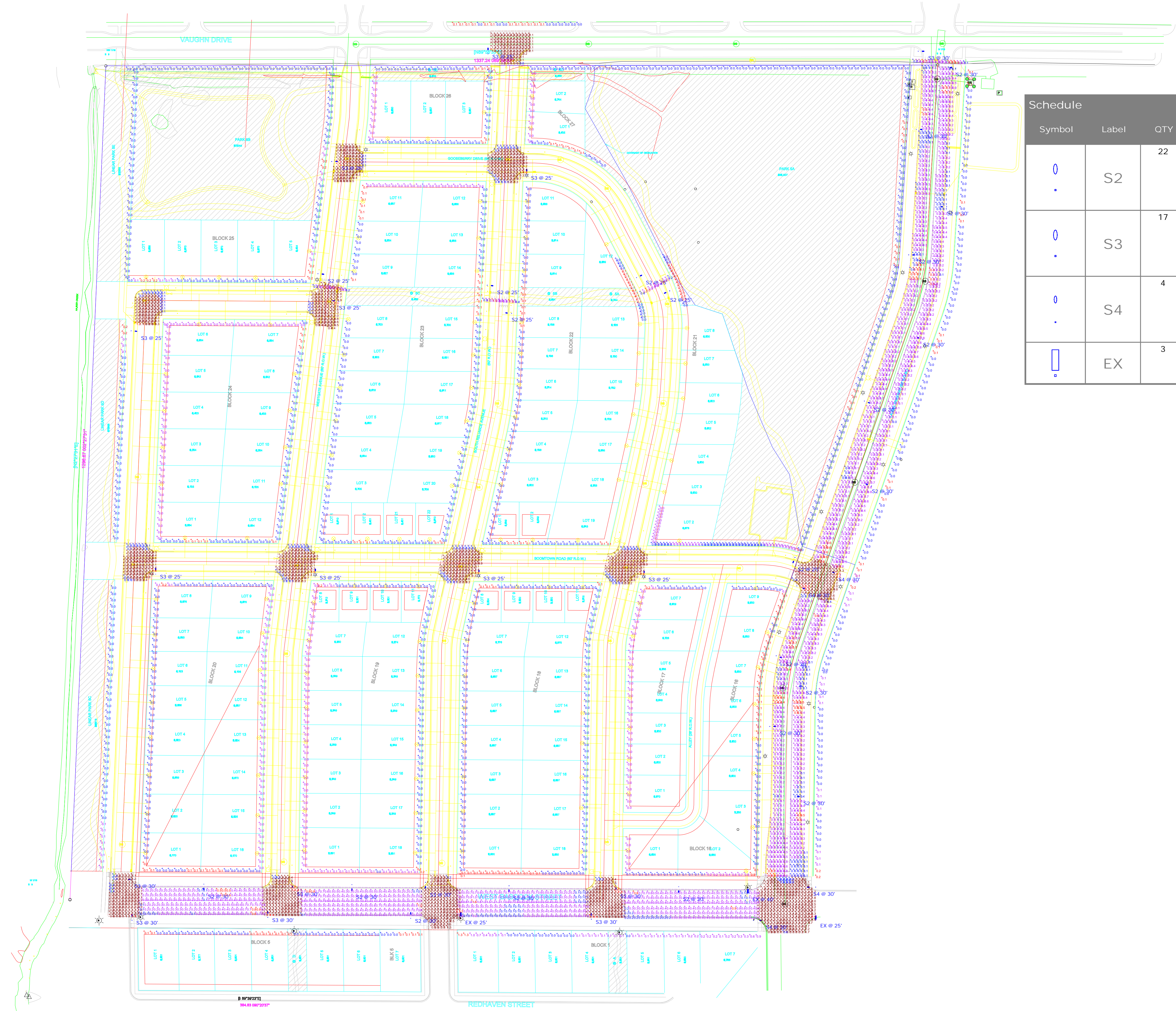
(Notarial Seal)

_____ Printed Name _____
Notary Public for the State of Montana
Residing at: see seal
My Commission expires: see seal



Northern Rockies Agency, in its capacity as the local manufacturer's representative for the products specified, certifies these photometrics are in compliance with the standards in the City of Bozeman Design Standards and Specification Policy, specifically Section XII Subsection D. Compliance with overall lighting design criteria is subject to review by the City of Bozeman.

Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lumen Multiplier	LLF	Wattage
0	S2	22	Lumec by Signify	RFS-25W16LED2.7K-G2-R2M-UNV-DMG-FAWS-PH9-RCD7-GN6TX	RoadFocus Small - LED Cobra Head; 2700K; Type II Distribution; 2,858 Lumens; B1-U0-G1; Field Adjustable Wattage Selector Included; 24W; 25'-30' Pole, 6' Mast Arm	1	1	24.18
0	S3	17	Lumec by Signify	RFS-35W16LED2.7K-G2-R3M-UNV-DMG-FAWS-PH9-RCD7-GN6TX	RoadFocus Small - LED Cobra Head; 2700K; Type III Distribution; 4,125 Lumens; B1-U0-G1; Field Adjustable Wattage Selector Included; 38W; 25'-30' Pole, 6' Mast Arm	1	1	38
0	S4	4	Lumec by Signify	RFS-35W16LED2.7K-G2-R3M-UNV-DMG-FAWS-PH9-RCD7-GN6TX	RoadFocus Small - LED Cobra Head; 2700K; Type III Distribution; 4,125 Lumens; B1-U0-G1; Field Adjustable Wattage Selector Included; 38W; 30' Pole, 10' Mast Arm	1	1	38
□	EX	3	Existing Fixture Estimate	Estimate Only: 250W HPS Type III Fixture	250W HPS Cobra Head Luminaire; Type III Distribution; Flat Lens; B3-U0-G3	1	0.7	286.3



Plan View
Scale: 1" = 80'

NORTON EAST RANCH SUBDIVISION, PHASE 5

Phase	Blk	Lot	Address	ACTUAL Sq Ft	Owner	Owner Address
5A	18	1		7,530.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	2		5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	3		5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	4		5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	5		5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	6		5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	7		5,776.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	8		6,657.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	9		6,651.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	10		6,651.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	18	11		6,648.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	1		7,091.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	2		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	3		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	4		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	5		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	6		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	7		5,350.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	8		3,212.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	9		3,301.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	10		3,301.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	11		3,172.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	12		5,274.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	13		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	14		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	15		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	16		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	17		5,349.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	19	18		7,091.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	1		6,170.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	2		6,025.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	3		5,969.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	4		5,523.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	5		5,086.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	6		5,123.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	7		5,093.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	8		5,876.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	9		5,876.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	10		5,094.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	11		5,126.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	12		5,087.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	13		5,524.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	14		5,970.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	15		6,025.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	20	16		6,170.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	22	1		3,549.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	22	2		3,549.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	22	19		6,943.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	23	1		3,510.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	23	2		3,401.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	23	21		3,401.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	23	22		3,510.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	24	1		6,584.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
	24	12		6,584.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
5B	22	3		6,500.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702

5D

18	15	5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
18	16	5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
18	17	5,697.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
18	18	7,530.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	1	6,678.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	2	5,000.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	3	5,000.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	4	5,002.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	5	5,003.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	6	5,000.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
21	7	5,000.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	12	6,089.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	13	5,126.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	14	5,190.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	15	5,162.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	16	5,109.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	17	5,085.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
22	18	6,358.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
26	1	6,880.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
26	2	5,637.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
26	3	7,067.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702
27	2	4,744.00	Norton Properties LLC	63020 NE Lower Meadow Dr, Ste 200, Bend, OR 97702

776,105.00

Memorandum

REPORT TO: City Commission

FROM: Bernie Massey, Assistant Treasurer
Laurae Clark, Treasurer
Anna Rosenberry, Assistant City Manager

SUBJECT: Resolution 5378 Intent to Create a Special Improvement Lighting District 770 for Annex of Bozeman

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Adopt Commission Resolution No. 5378, Intent to Create Special Improvement Lighting District #770 for Annex of Bozeman

STRATEGIC PLAN: 7.5. Funding and Delivery of City Services: Use equitable and sustainable sources of funding for appropriate City services, and deliver them in a lean and efficient manner.

BACKGROUND: (1) The council of any city or town is authorized to:
(a) create special improvement districts embracing any street or streets or public highway therein or portions thereof and property adjacent thereto or property which may be declared by said council to be benefited by the improvement to be made for the purpose of lighting such street or streets or public highway;
(b) require that all or any portion of the cost of installing and maintaining such lighting system be paid by the owners of the property embraced within the boundaries of such districts; and
(c) assess and collect such portion of such cost by special assessment against said property.
(2) The governing body may create special lighting districts on any street or streets or public highway for the purpose of lighting them and assess the costs for installation and maintenance to property abutting thereto and collect the costs by special assessment against the property

UNRESOLVED ISSUES: None

ALTERNATIVES: As suggested by the City Commission

FISCAL EFFECTS: As a result of creating this lighting district, the City will pay the associated power bills and schedule system maintenance. We will recover these costs by billing property owners each year on their City Assessment bill. It is estimated to cost \$32.80 per acre within the district or \$162.36 annually for

the entire district, or on an average size lot of 215,638 square feet the annual estimated cost would be \$162.36, which is payable semiannually

Attachments:

[Resolution5378-Intent to Create SILD 770.docx](#)

[Schedule A.pdf](#)

[Exhibit B.pdf](#)

Report compiled on: February 4, 2022



RESOLUTION 5378

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 770 (ANNEX OF BOZEMAN) DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS OF MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT.

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Bozeman (the “City”), Montana, as follows:

Section 1

Intention to Create District; Proposed Improvements. It is the intention of this Commission to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Part 43, as amended, a special improvement lighting district to serve Annex of Bozeman) (the “District”) for the purpose of maintenance and energy costs. The district will pay the maintenance and energy costs for one (1) Lumec by Signify RoadFocus small LED Cobra head 40 watt single upsweep luminaire on round tapered steel poles, mounted at 25-30’ per City of Bozeman standards; and three (3) Lumec by Signify RoadFocus medium LED Cobra head 80 watt single upsweep luminaire on round tapered steel poles, mounted at 40’ per City of Bozeman standards. The poles will be K-KLAD over galvanized – Hunter Green. The initial monthly charge per fixture per month (the “Monthly Charge”) is estimated as follows: \$2.34 per 40 watt LED fixture, and \$3.73 per 80 watt LED fixture or; \$162.36 annually for all fixtures.

Section 2

Number of District. The District, if the same shall be created and established, shall be known and designated as Special Improvement Lighting District No. 770 (Annex of Bozeman) of the City of Bozeman, Montana.

Section 3

Boundaries of District. The limits and boundaries of the District are depicted on a map attached as **Exhibit A** hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on **Exhibit B** hereto (which is hereby incorporated herein and made a part hereof).

Section 4

Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibit A are hereby declared to be the special lighting district and the territory which will benefit and be benefited by the Improvements and will be assessed for the costs of the Improvements as described in Section 1. The Improvements, in the opinion of this Commission, are of more than local and ordinary benefit. The property included within said limits and boundaries is hereby declared to be the property benefited by the Improvements.

Section 5

Assessment Methods. All properties within the District are to be assessed for a portion of the maintenance and energy costs, as specified herein. The maintenance and energy costs shall be assessed against the property in the District benefiting, based on the actual area method of assessment described in Sections 7-12-4323, MCA, as particularly applied and set forth in this Section 5. The annual maintenance and energy costs are estimated at \$360.00, and shall be assessed against each lot, tract or parcel of land in the District for that part of the costs that the area of such lot, tract or parcel bears to the total area of all lots, tracts or parcels of land in the District, exclusive

of streets, avenues and alleys. The total area of the District to be assessed is 4.95 acres, or 215,638 square feet, exclusive of parks and open space. The initial costs of the Improvements per acre shall be \$32.80 or \$0.000753 per square foot annually.

Section 6

Payment of Assessments. Special assessments for the annual maintenance and energy costs are estimated at \$162.36, plus any increases, as may be permitted by the Public Service Commission, and any additional authorized charges shall be levied each year against all properties in the District and shall be payable in equal semiannual installments. The first year of special assessment billing will include an additional amount not to exceed \$500 for publication and mailing associated with creation of the District which shall be assessed in the same manner as the Improvements resulting in a cost not to exceed \$133.81 per acre, or \$0.003072 per square foot.

Section 7

Extraordinary Repair or Replacement. The maintenance and energy costs and assessments set forth in Section 1 and 5 are based on normal conditions and do not cover charges for repair and/or replacement. The City may make an additional charge to the District for costs of labor and actual material costs for repairs and/or replacement of the fixtures for damage caused by third parties and not paid by such third parties. The City will assess such costs and charges against the properties in the District in the same manner as the other assessment is made.

Section 8

Discontinuation of District. If at any time after the initial term of the District a petition is presented to the City Commission, signed by the owners or agents of more than three-fourths of the total amount of property within the District, asking that the maintenance and operation of the special lighting system and the furnishing of electrical current in the district be discontinued, or if a majority of the City Commission votes to discontinue the District, the City Commission shall, by resolution, provide for discontinuing the maintenance and operation of the lighting system. If the Commission has, prior to the presentation of a petition or by a majority vote of the Commission to

discontinue the District, entered into any contract for the maintenance and operation of the lighting system, the maintenance and operation may not be discontinued until after the expiration of the contract.

Section 9

Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of maintenance and energy may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (03/07/2022) written protest against the proposed maintenance and energy costs, or against the extension or creation of the District or both, and this Commission will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on March 22, 2022 at 6 pm in Bozeman City Hall, City Commission Room, 121 N Rouse Ave.

Section 10

Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the *Bozeman Daily Chronicle*, a newspaper of general circulation in the county on February 20, 2022 and February 27, 2022, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 15th day of February, 2022.

CYNTHIA ANDRUS

Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Bozeman, Montana (the “City”), hereby certify that the attached resolution is a true copy of Resolution No. **5378**, entitled: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 770 (ANNEX OF BOZEMAN) DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS FOR MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT**, (the “Resolution”), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City of Bozeman at a meeting on February 15, 2022, and that the meeting was duly held by the City Commission 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 Commissioners voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 15th day of February, 2022.

MIKE MAAS
City Clerk

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 770
(ANNEX OF BOZEMAN)**

CITY OF BOZEMAN, MONTANA

NOTICE IS HEREBY GIVEN that on February 15, 2022, the City Commission (the “Commission”) of the City of Bozeman, Montana (the “City”), adopted a Resolution of Intention No. **5378** to create Special Improvement Lighting District No. **770** (the “District”) for the purpose of maintaining lighting and assessing the cost for maintenance and energy to **ANNEX OF BOZEMAN**), and paying maintenance and energy costs relating thereto.

A complete copy of the Resolution of Intention (the “Resolution”) No. **5378** is on file with the City Clerk which more specifically describes the nature of the costs, the boundaries and the area included in the District, the location of the Improvements and other matters pertaining thereto and further particulars. A list of properties in the District and the amount of the initial assessment accompanies this notice. The Resolution and accompanying exhibits may be also viewed on the City’s website at www.bozeman.net. The district will pay the maintenance and energy costs for one (1) Lumec by Signify RoadFocus small LED Cobra head 40 watt single upsweep luminaire on round tapered steel poles, mounted at 25-30’ per City of Bozeman standards; and three (3) Lumec by Signify RoadFocus medium LED Cobra head 80 watt single upsweep luminaire on round tapered steel poles, mounted at 40’ per City of Bozeman standards. The poles will be K-KLAD over galvanized – Hunter Green. The initial monthly charge per fixture per month (the “Monthly Charge”) is estimated as follows: \$2.34 per 40 watt LED fixture, and \$3.73 per 80 watt LED fixture or; \$162.36 annually for all fixtures.

All properties in the District will be assessed for their proportionate share of the costs of the Improvements on an “area basis” annually and will be payable in equal semiannual installments. The annual costs of the Improvements at the initial Monthly Charge are \$162.36 per year for the entire District. The total area of the District to be assessed is 4.95 acres, or 215,638 square feet, exclusive of parks and open space. The initial costs of the Improvements per acre

shall be \$32.80, or \$0.000753 per square foot. On an average size lot of 215,638 square feet the annual estimated cost would be \$162.36 which is payable semiannually. The annual assessments for costs of the Improvements may be increased as approved by the Public Service Commission and may be increased to cover extraordinary expenses of repair and maintenance. The first year of special assessment billing will include an additional amount not to exceed \$500 for publication and mailing associated with creation of the District which shall be assess in the same manner as the Improvements resulting in a cost not to exceed \$133.81 per acre, or \$0.003072 per square foot.

On Tuesday, February 15, 2022, at 6:00 p.m., in the Commission Room at City Hall 121 N Rouse Ave, Bozeman, Montana, the City Commission will conduct a public hearing to hear and pass upon all written protests against the creation or extension of the District, or the Improvements. Due to the City's Declaration of Emergency for the Covid-19 Pandemic, this meeting may be held online using Webex or other technology.

Written protests against the creation or extension of the District and the costs may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the costs. Such protests must be delivered to the City Clerk at City Hall, 121 N Rouse Ave, Bozeman, Montana not later than 5:00 p.m., M.T., on March 7, 2022.

Further information regarding the proposed District or other matters in respect thereof may be obtained from the City Clerk at City Hall, 121 N Rouse Ave, Bozeman, Montana or by telephone at (406) 582-2320.

DATED this 18th day of February, 2022.

Mike Maas
City Clerk
City of Bozeman

Legal Ad

Publication Dates:

Sunday, February 20, 2022

Sunday, February 27, 2022

RESOLUTION 5378

Resolution of Intent to create SILD No. 770 for the purpose of maintaining lighting and assessing the cost for maintenance and energy to ANNEX OF BOZEMAN, and paying maintenance and energy costs relating thereto.

AFFIDAVIT OF MAILING

STATE OF MONTANA)
 : ss
County of Gallatin)

Mike Maas, City Clerk, being first duly sworn, says:

That I cause to be mailed first class the Notice in regards to the owners in Special Improvement Lighting District No. 770, as listed in Exhibit "B", on Friday, February 18, 2022, directed to the owners at the addresses shown on Exhibit "B".
































Mike Maas
City Clerk

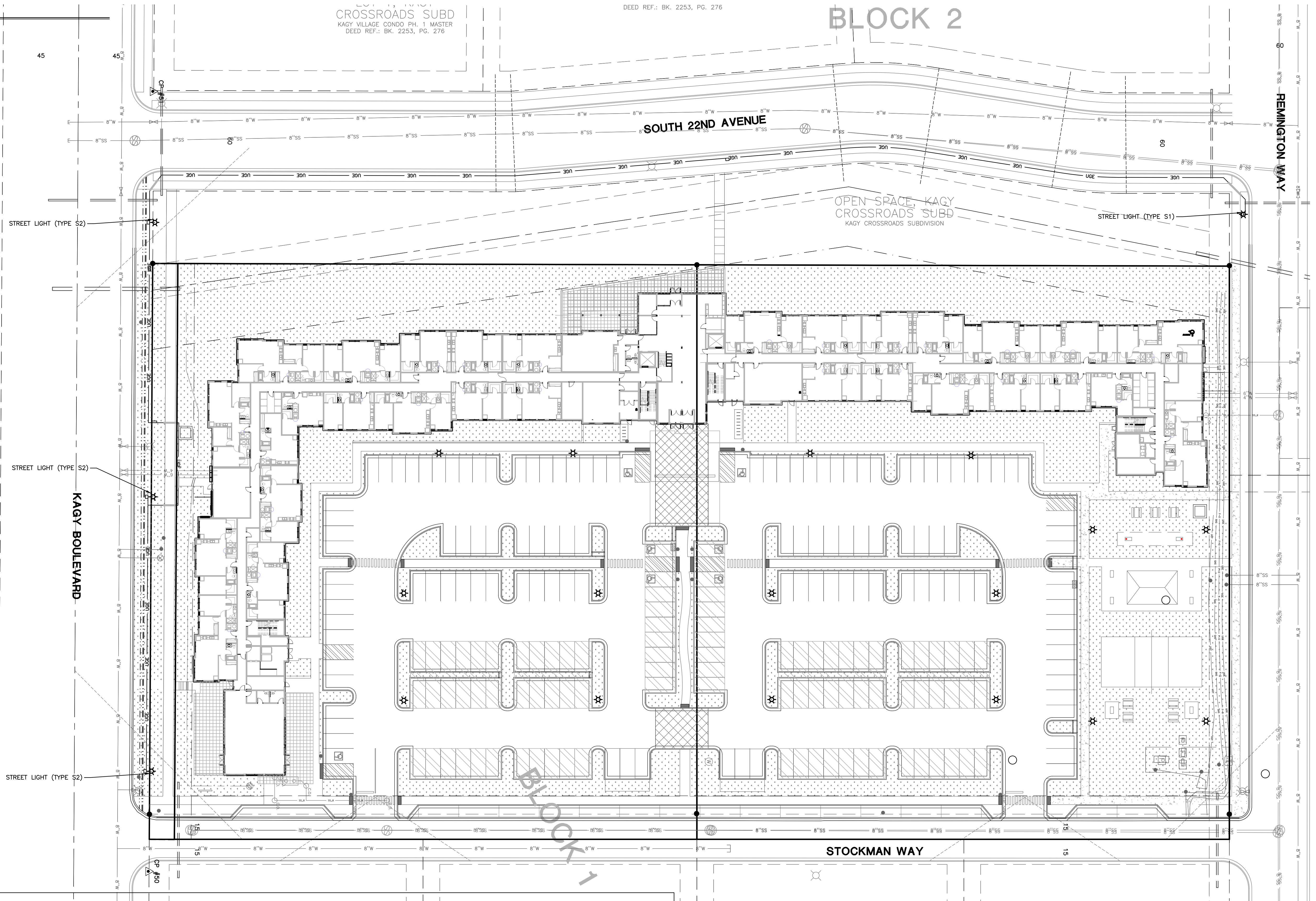
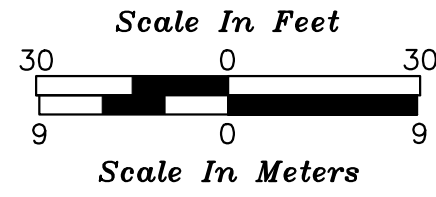
Subscribed and sworn before me this 18th day of February, 2022.

(Notarial Seal)

Printed Name _____
Notary Public for the State of Montana
Residing at: see seal
My Commission expires: see seal

LEGEND

-  EXISTING UG POWER BOX
-  EXISTING TELEPHONE BOX
-  EXISTING UTILITY BOX
-  EXISTING SANITARY SEWER MANHOLE
-  EXISTING STORM SEWER MANHOLE
-  EXISTING SANITARY SEWER CLEANOUT
-  EXISTING FIRE HYDRANT
-  EXISTING WATER VALVE
-  EXISTING CURB STOP
-  EXISTING POWER POLE
-  PROPOSED SANITARY SEWER MANHOLE
-  PROPOSED STORM SEWER MANHOLE
-  PROPOSED STORM SEWER INLET
-  PROPOSED SANITARY SEWER CLEANOUT
-  PROPOSED FIRE HYDRANT
-  PROPOSED WATER VALVE
-  PROPOSED CURB STOP
-  PROPOSED LIGHT POLE
-  PROPOSED WATER WELL
-  PROPERTY BOUNDARY LINE
-  SURROUNDING PROPERTY LINE
-  SETBACK LINE
-  EASEMENT LINE
-  EXISTING OVERHEAD ELECTRIC LINE
-  EXISTING UNDERGROUND ELECTRIC LINE
-  EXISTING GAS LINE
-  EXISTING UNDERGROUND PHONE LINE
-  EXISTING WATER MAIN
-  EXISTING SANITARY SEWER MAIN
-  EXISTING STORM SEWER
-  PROPOSED UNDERGROUND PHONE LINE

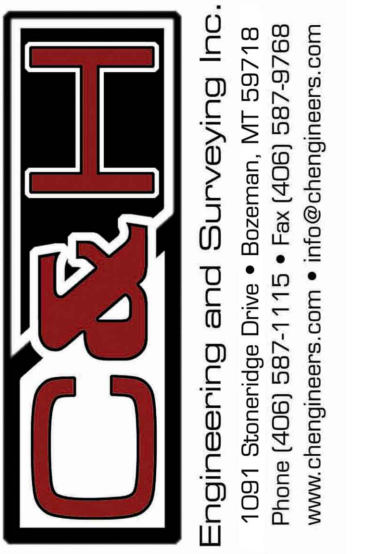


LIGHT FIXTURE TABLE

LABLE	MANUFACTURER	CATALOG NUMBER	DESCRIPTION	LUMENS	BUG	MOUNTING HEIGHT	MAST ARM	LUMEN MULTIPLIER	WATTAGE
S1	LUMEC BY SIGNIFY	RFS-.35W32LED 2.7K-G2-R2S- UNV-DMG-FAWS -PH9-RCD7-GN 6TX	RoadFocus Small- LED Cobra Head; 2700k; Type II Distribution; Field Adjustable Wattage Selector Included;	4,654	B1-U0-G1	25'-30'	6'-0"	1	40
S2	LUMEC BY SIGNIFY	RFM-80W48LED 3K-G2-R2M-U NV-DMG-FAWS- PH9-RCD7-GN6 TX	RoadFocus Medium - LED Cobra Head; 3000K; Type II Distribution; Field Adjustable Wattage Selector Included;	10,422	B2-U0-G2	40'-0"	6'-0"	1	80

1 R.O.W. LIGHTING PLAN
EX1.0 SCALE: 1"=30'

Sheet 1 of 1



BOZEMAN
© 09/2021
ENGINEER
MAC
DRAFTER
JC

**RIGHT-OF-WAY
LIGHTING PLAN
EXHIBIT**

**ANNEX OF BOZEMAN
LOT 1A, BLOCK 1, AMENDED PLAT J-328 B
KAGY CROSSROADS SUBDIVISION
CITY OF BOZEMAN, MONTANA**

Issue Date: 11/9/2021

EX1.0

Exhibit B

The Annex of Bozeman
Lighting District #770
Amended Plat of Lot 1 and Lot 6 Block 1 Correction Plat of Kay Crossroads Subdivision
FY 22

Lot	Location ID	Assessed Sqft	Address	Owner Name	Owner Address	City	State	Zip
1A		215,638		Bozeman Owner LLC	408 Massachusetts Ave Ste 300	Indianapolis	IN	46204

Total Sqft 215,638

Memorandum

REPORT TO: City Commission

FROM: Jennifer A. Giuttari, Assistant City Attorney
Greg Sullivan, City Attorney
Anna Rosenberry, Assistant City Manager

SUBJECT: Ordinance 2098 Final Adoption of an Update to the Department Titles of Administrative Services and Public Works to Reflect the City's Current Department Titles, and Creating the Departments of Economic Development and Strategic Services

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Ordinance

RECOMMENDATION: I move to adopt Ordinance 2098: Updating the Department Titles of Administrative Services and Public Works to Reflect the City's Current Department Titles, and Creating the Departments of Economic Development and Strategic Services.

STRATEGIC PLAN: 7.1 Values-Driven Culture: Promote a values-driven organizational culture that reinforces ethical behavior, exercises transparency and maintains the community's trust.

BACKGROUND: Ordinance 2098 revises the entire Bozeman Municipal Code so that it properly reflects the City's current department title for the department of finance. Additionally, this Ordinance revises the Bozeman Municipal Code to split the current Department of Public Works into two new departments - the Department of Transportation and Engineering, and the Department of Utilities. This Ordinance also recognizes the retroactive creation of the Departments of Economic Development, and Strategic Services.

On February 1, 2022, after consideration of the staff presentation and the materials submitted in support, the City Commission voted unanimously to provisionally adopt Ordinance 2098.

UNRESOLVED ISSUES: N/A

ALTERNATIVES: N/A

FISCAL EFFECTS: N/A

Attachments:
[220120 Ord. 2098 - final.pdf](#)

220120 Ord. 2098 Exhibit A Finance - final.pdf
220120 Ord. 2098 Exhibit B Trans.-Eng. - final.pdf
220120 Ord. 2098 Exhibit C Utiliites - final.pdf

Report compiled on: January 14, 2022



ORDINANCE 2098

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA UPDATING THE DEPARTMENT TITLES OF ADMINISTRATIVE SERVICES AND PUBLIC WORKS TO REFLECT THE CITY'S CURRENT DEPARTMENT TITLES, AND ESTABLISHING THE DEPARTMENTS OF ECONOMIC DEVELOPMENT AND STRATEGIC SERVICES.

WHEREAS, the City Charter [vests in the City Commission all powers of the city](#), and mandates the City Commission, [by ordinance, to establish, alter or abolish any city department](#).

WHEREAS, the City of Bozeman department of administration was previously renamed, and the name currently assigned to the department shall now be reflected in the Bozeman Municipal Code as department of finance; and

WHEREAS, the City of Bozeman City Manager wishes to divide the department of public works into two new department titles so as to better reflect the specialties and work load of each department, thereby retiring the department and director title “public works”; and

WHEREAS, the City of Bozeman City Manager wishes to create a newly named department of transportation and engineering, which is administered by the director of transportation and engineering; and

WHEREAS, the City of Bozeman City Manager wishes to create a newly named department of utilities, which is administered by the director of utilities; and

WHEREAS, the City of Bozeman City Manager previously created the department of economic development, administered by the director of economic development, and Bozeman Municipal Code shall now reflect such a department; and

WHEREAS, the City of Bozeman City Manager previously created the department of strategic services, administered by the director of strategic services, and the Bozeman Municipal Code shall now reflect such a department.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

Bozeman Municipal Code. Section 2.04.010 shall be amended as follows:

Sec. 2.04.010. Administrative departments established.

A. The following administrative departments of the city are established:

1. Department of ~~finance~~administrative services;
2. Department of fire;
3. Department of human resources;
4. Department of information technology;
5. Department of law;
6. Department of parks and recreation;
7. Department of community development;
8. Department of police; ~~and~~
9. Department of ~~public works~~Transportation and Engineering;
10. Department of Utilities;
11. Department of Economic Development; and
12. Department of Strategic Services.

B. The commission may by ordinance establish, alter, or abolish city departments, officers, or agencies and may prescribe the functions of all departments, offices and agencies. The city manager may, by administrative order, transfer or add functions to the departments, to include organizing or reorganizing all divisions thereunder.

Section 2

Division 2 of the Bozeman Municipal Code shall be amended as follows:

DIVISION 2. – DEPARTMENT OF ~~ADMINISTRATIVE SERVICES~~ FINANCE

Section 3

All references throughout the Bozeman Municipal Code to the department of administrative services shall be replaced with the department of finance, as indicated in *Exhibit A*

to this Ordinance. *Exhibit A* shall not be codified and is attached to this Ordinance solely for legislative purposes.

Section 4

All references throughout the Bozeman Municipal Code to the director of administrative services shall be replaced with the director of finance, as indicated in *Exhibit A* to this Ordinance. *Exhibit A* shall not be codified and is attached to this Ordinance solely for legislative purposes.

Section 5

That Division 10 of the Bozeman Municipal Code shall be amended as follows:

DIVISION 10. - DEPARTMENT OF ~~PUBLIC WORKS~~ TRANSPORTATION AND ENGINEERING

Section 6

Bozeman Municipal Code. Section 2.04.1350 shall be amended as follows:

Sec. 2.04.1350. Director designated; powers and duties.

The director of transportation and engineering ~~public works~~ shall be the head of the department of transportation and engineering ~~public works~~ and shall work under the supervision and control of the city manager in all matters. The director shall discharge all of the duties prescribed by law for that officer, and as such shall manage and have charge of the construction, improvements, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways, and of all sewers and sewerage disposal plants, drains, ditches, culverts, canals, streams and watercourses. ~~The director shall manage and have charge of the waterworks system owned by the city, and improvements thereon, and shall have charge of the enforcement of all obligations of privately owned or operated public utilities enforceable by the city.~~ The director of transportation and engineering shall have charge and supervision of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; and charge of the cleaning, sprinkling and lighting of streets and public places; and of the collection and disposal of waste; and charge and supervision of the preservation of papers, plans, tools and appliances belonging to the city and pertaining to the department of transportation and engineering ~~public works~~. The director shall receive such salary as may be fixed by the city manager.

Section 7

All references throughout the Bozeman Municipal Code to the department of public works, shall be replaced with the department of transportation and engineering, as indicated in

Exhibit B to this Ordinance. *Exhibit B* shall not be codified and is attached to this Ordinance solely for legislative purposes.

Section 8

All references throughout the Bozeman Municipal Code to the director of public works shall be replaced with the director transportation and engineering, as indicated in *Exhibit B* to this Ordinance. *Exhibit B* shall not be codified and is attached to this Ordinance solely for legislative purposes.

Section 9

Article 4 of the Bozeman Municipal Code shall be amended to include the following new Division:

DIVISION 11.- DEPARTMENT OF UTILITIES.

Section 10

Article 4, Division 11 of the Bozeman Municipal Code shall be codified to include the following new Section:

Sec. 2.04.1380. Sewer connection requirements; director designated; powers and duties.

The director of utilities shall manage and have charge of the waterworks system owned by the city, and improvements thereon, and shall have charge of the enforcement of all obligations of privately owned or operated public utilities enforceable by the city. The director shall receive such salary as may be fixed by the city manager. The director of utilities shall have authority to compel the making of sewer connections whenever, in view of a contemplated street improvement which has been ordered by the commission, or as a sanitary regulation, a sewer connection should in the director's judgment be constructed. The director shall cause written notice requiring such construction to be given to the owner of each lot or parcel of land for which such connection is to be made. Such notice shall be served by the director of utilities or some person designated by the director in the manner provided for the service of summons in civil actions. Nonresidents of the city, or persons who cannot be found, may be served by one publication of such notice in a daily newspaper of general circulation in the city. It shall state the time within which such connections shall be constructed, and if they are not constructed within the time specified, they may be constructed by the city and the cost thereof, together with a penalty of five percent, assessed against the lots and lands for which such connections are made. Such assessments shall be certified and collected as other assessments for street improvements.

Section 11

All references throughout the Bozeman Municipal Code to the department of public works, shall be replaced with the department of utilities, as indicated in *Exhibit C* to this Ordinance. *Exhibit C* shall not be codified and is attached to this Ordinance solely for legislative purposes.

Section 12

All references throughout the Bozeman Municipal Code to the director of public works shall be replaced with the director utilities, as indicated in *Exhibit C* to this Ordinance. *Exhibit C* shall not be codified and is attached to this Ordinance solely for legislative purposes.

Section 13

That Article 4 of the Bozeman Municipal Code shall be amended to include the following new Division:

DIVISION 12.- DEPARTMENT OF ECONOMIC DEVELOPMENT (RESERVED).

Section 14

That Article 4 of the Bozeman Municipal Code shall be amended to include the following new Division:

DIVISION 13.- DEPARTMENT OF STRATEGIC SERVICES (RESERVED).

Section 15

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 16

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 17

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 18

Codification.

Sections 10 through 15 of this Ordinance shall be codified and included as new divisions, as written above, in Chapter 2, Article 4 of the Bozeman Municipal Code, which is currently entitled *Administration: Departments*. Bozeman Municipal Code shall be amended to include new Sec. 2.04.1380, as set forth in Section 11 of this Ordinance.

Section 19

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the ____ day of _____, 20__.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

MIKE MAAS
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the ___ of _____, 20___. The effective date of this ordinance is _____, __, 20__.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

BOZEMAN MUNICIPAL CODE SECTION	CURRENT LANGUAGE	REPLACEMENT LANGUAGE
Sec. 2.03.550. Financial disclosure statement.	administrative services	finance
Sec. 2.04.150. Director of administrative services; appointment; powers and duties.	administrative services	finance
Sec. 2.04.160. City manager duties.	administrative services	finance
Sec. 2.05.200. Board; donations.	administrative services	finance
Sec. 2.05.210. Recreation fees.	administrative services	finance
Sec. 2.05.1790. Annual reports.	administrative services	finance
Sec. 2.05.1970. Bozeman Downtown Business Improvement District Board.	administrative services	finance
Sec. 2.06.580. Monthly settlement and collection from county treasurer.	administrative services	finance
Sec. 2.06.590. Annual tax reports to commission; contents.	administrative services	finance
Sec. 2.06.600. Special assessments—Collection procedure.	administrative services	finance
Sec. 2.06.610. Same—Procedure for levy.	administrative services	finance
Sec. 2.06.630. Same—Form of notice and receipt.	administrative services	finance
Sec. 2.06.640. Same—Notice of payment deadlines and delinquency conditions.	administrative services	finance
Sec. 2.06.650. Same—Delinquency report.	administrative services	finance
Sec. 2.06.670. Same—Certificates to county clerk and county treasurer.	administrative services	finance
Sec. 2.06.680. Same—Notice publication required.	administrative services	finance
Sec. 2.06.690. Same—Payment procedure.	administrative services	finance
Sec. 2.06.700. Delinquent tax sales; director of administrative services authority and duties.	administrative services	finance
Sec. 2.06.710. Reinstating special assessments.	administrative services	finance

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 2.04.150. Director of administrative services; appointment; powers and duties.	administrative services	finance
Sec. 2.04.160. City manager duties.	administrative services	finance
Sec. 2.05.200. Board; donations.	administrative services	finance
Sec. 2.05.210. Recreation fees.	administrative services	finance
Sec. 2.05.1790. Annual reports.	administrative services	finance
Sec. 2.05.1970. Bozeman Downtown Business Improvement District Board.	administrative services	finance
Sec. 2.06.580. Monthly settlement and collection from county treasurer.	administrative services	finance
Sec. 2.06.590. Annual tax reports to commission; contents.	administrative services	finance
Sec. 2.06.600. Special assessments—Collection procedure.	administrative services	finance
Sec. 2.06.610. Same—Procedure for levy.	administrative services	finance
Sec. 2.06.630. Same—Form of notice and receipt.	administrative services	finance
Sec. 2.06.640. Same—Notice of payment deadlines and delinquency conditions.	administrative services	finance
Sec. 2.06.650. Same—Delinquency report.	administrative services	finance
Sec. 2.06.670. Same—Certificates to county clerk and county treasurer.	administrative services	finance
Sec. 2.06.680. Same—Notice publication required.	administrative services	finance
Sec. 2.06.690. Same—Payment procedure.	administrative services	finance
Sec. 2.06.700. Delinquent tax sales; director of administrative services authority and duties.	administrative services	finance
Sec. 2.06.710. Reinstating special assessments.	administrative services	finance
Sec. 2.06.720. Special improvement districts; annual reports.	administrative services	finance
Sec. 2.06.1690. Credits against development impact fees.	administrative services	finance
Sec. 2.06.1890. Proof of wages and benefits and other requirements.	administrative services	finance
Sec. 4.04.050. Exceptions to section 4.04.030.	administrative services	finance

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 8.02.020. Dog and cat licenses— Requirements generally; fee; expiration.	administrative services	finance
Sec. 8.02.180. Enforcement for violations; liability of owner; permit transfers.	administrative services	finance
Sec. 12.02.080. Transfer of license.	administrative services	finance
Sec. 12.02.240. Compliance regarding violations.	administrative services	finance
Sec. 14.01.040. Sale of lots.	administrative services	finance
Sec. 14.01.050. Transfer of lots.	administrative services	finance
Sec. 14.01.060. Record of lots sold.	administrative services	finance
Sec. 14.01.080. Interment permit required.	administrative services	finance
Sec. 14.01.090. Disinterment.	administrative services	finance
Sec. 14.01.110. Expenditures; payment of claims.	administrative services	finance
Sec. 14.01.130. Same—Fund established; maintenance fee; agreement and deposit conditions.	administrative services	finance
Sec. 14.01.140. Same—Form of agreement.	administrative services	finance
Sec. 14.01.150. Same—Fund recordkeeping and reports.	administrative services	finance
Sec. 16.02.110. Abatement by city.	administrative services	finance
Sec. 16.02.120. Notice of assessment— Appeal of charges.	administrative services	finance
Sec. 16.08.160. License; application; fee; change; confidentiality.	administrative services	finance
Sec. 34.04.030. Fees; payments and deposit.	administrative services	finance
Sec. 34.04.060. Construction ordered by city; warrant for payment of costs.	administrative services	finance
Sec. 34.05.160. Suspension or revocation of exclusive uses of public right-of-way.	administrative services	finance
Sec. 40.02.710. Application; existing service; requirements.	administrative services office	finance department
Sec. 40.03.680. Application and other service conditions.	administrative services office	finance department

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 40.03.1620. Sewer connections;deferred payments authorized when.	administrative services	finance
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NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

BOZEMAN MUNICIPAL CODE SECTION	CURRENT LANGUAGE	REPLACEMENT LANGUAGE
Sec. 2.04.1370. Engineer and other department personnel.	public works public service	<u>transportation and engineering</u> <u>transportation and engineering</u>
Sec. 2.06.1630. Definitions.	director of public service	<u>director of transportation and engineering</u>
Sec. 2.06.1660. Water impact fees.	public service	<u>transportation and engineering</u>
Sec. 10.03.110. Same— Issuance restrictions and moving conditions.	public works	<u>transportation and engineering</u>
Sec. 16.06.070. Exceptions.	public service	<u>transportation and engineering</u>
Sec. 28.03.050. Permitted locations.	public works	<u>transportation and engineering</u>
Sec. 32.02.010. Definitions.	public works	<u>transportation and engineering</u>
Sec. 32.02.020. City collection of solid waste.	public works	<u>transportation and engineering</u>
Sec. 32.02.030. Collection and disposal by city; exemptions; article provisions not exclusive.	public works	<u>transportation and engineering</u>
Sec. 32.02.050. Administration; rules and regulations.	public works	<u>transportation and engineering</u>
Sec. 32.02.110. Violation; penalty.	public works	<u>transportation and engineering</u>
Sec. 34.02.030. Work in streets; permit required; interfering with authorized work prohibited.	public works	<u>transportation and engineering</u>
Sec. 34.02.040. Obstructing or encumbering streets; permit required.	public works	<u>transportation and engineering</u>
Sec. 34.02.050. Structures in streets; permit required.	public works	<u>transportation and engineering</u>
Sec. 34.02.060. Obstructions; warning signals required.	public works	<u>transportation and engineering</u>

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 34.02.070. Removal of litter or obstructions; notice; work performed by city when; costs.	public works	<u>transportation and engineering</u>
Sec. 34.02.080. Removal of obstructions; time limit; interfering when work performed by city prohibited.	public works	<u>transportation and engineering</u>
Sec. 34.02.090. Violations; penalties.	public works	<u>transportation and engineering</u>
Sec. 34.04.020. Repair of sidewalks by abutting owners; failure to repair.	public works	<u>transportation and engineering</u>
Sec. 34.05.020. Definitions.	public works	<u>transportation and engineering</u>
Sec. 34.05.100. Encroachments permitted under this article; additional standards.	public works	<u>transportation and engineering</u>
Sec. 34.05.110. Notification of name or address change.	public works	<u>transportation and engineering</u>
Sec. 34.05.130. Special event or temporary permits.	public works	<u>transportation and engineering</u>
Sec. 34.05.140. Fees.	public works	<u>transportation and engineering</u>
Sec. 34.05.150. Suspension and revocation of permits for non-substantial encroachments.	public works	<u>transportation and engineering</u>
Sec. 34.05.160. Suspension or revocation of exclusive uses of public right-of-way.	public works	<u>transportation and engineering</u>
Sec. 34.06.010. Definitions.	public works	<u>transportation and engineering</u>
Sec. 34.06.020. Snow and ice to be removed from sidewalks.	public works	<u>transportation and engineering</u>
Sec. 34.06.050. Appeals.	public works	<u>transportation and engineering</u>
Sec. 34.08.200. Notice to city and other officials.	public works	<u>transportation and engineering</u>

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 36.01.020. Definitions.	public works	<u>transportation and engineering</u>
Sec. 36.01.060. Emergency and experimental regulations authorized when.	public works	<u>transportation and engineering</u>
Sec. 36.02.030. Violation of chapter; penalty.	public works	<u>transportation and engineering</u>
Sec. 36.03.020. Horns and warning devices required.	public works	<u>transportation and engineering</u>
Sec. 36.03.050. Size and weight of vehicles, trailers, loads and tires; state regulations applicable.	public works	<u>transportation and engineering</u>
Sec. 36.03.490. Turning markers; placement authorized; driver obedience required.	public works	<u>transportation and engineering</u>
Sec. 36.03.500. Restricted right, left or U-turns; signs authorized.	public works	<u>transportation and engineering</u>
Sec. 36.04.030. Locations where prohibited.	public works	<u>transportation and engineering</u>
Sec. 36.04.040. Prohibited near hazardous or congested areas.	public works	<u>transportation and engineering</u>
Sec. 36.04.060. Standing or parking—One-way streets.	public works	<u>transportation and engineering</u>
Sec. 36.04.070. Same—One-way roadways.	public works	<u>transportation and engineering</u>
Sec. 36.04.080. Additional or temporary parking regulations.	public works	<u>transportation and engineering</u>
Sec. 36.04.090. Parking signs required.	public works	<u>transportation and engineering</u>
Sec. 36.04.100. Angle parking.	public works	<u>transportation and engineering</u>
Sec. 36.04.130. Private parking signs prohibited without permit.	public works	<u>transportation and engineering</u>
Sec. 36.04.150. Narrow street parking restrictions.	public works	<u>transportation and engineering</u>
Sec. 36.04.170. Parking restrictions near schools.	public works	<u>transportation and engineering</u>

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 36.04.190. Special needs bus loading/unloading zones; establishment; parking restrictions.	public works	<u>transportation and engineering</u>
Sec. 36.04.200. Tow-away zones; establishment; parking restrictions.	public works	<u>transportation and engineering</u>
Sec. 36.04.240. Large vehicles; parking restrictions.	public works	<u>transportation and engineering</u>
Sec. 36.04.280. Loading zones.	public works	<u>transportation and engineering</u>
Sec. 36.04.290. Loading and unloading; backing into curb permitted when.	public works	<u>transportation and engineering</u>
Sec. 36.04.310. Bus stops and taxi stands.	public works	<u>transportation and engineering</u>
Sec. 36.04.360. Montana State University Residential On-Street Parking Permit Regulation Program.	public works	<u>transportation and engineering</u>
Sec. 36.04.365. Bozeman Senior High School Residential On-Street Parking Permit Regulation Program.	public works	<u>transportation and engineering</u>
Sec. 36.05.010. Installation; director of public works authority.	public works	<u>transportation and engineering</u>
Sec. 36.05.070. Traffic lanes, crosswalks, and safety zones; when designation authorized.	public works	<u>transportation and engineering</u>
Sec. 36.06.010. Designation; sign placement; traffic movement restricted.	public works	<u>transportation and engineering</u>
Sec. 36.07.010. General rule.	public works	<u>transportation and engineering</u>
Sec. 36.08.010. Determination and designation.	public works	<u>transportation and engineering</u>
Sec. 36.08.020. Intersections with arterial and through streets.	public works	<u>transportation and engineering</u>
Sec. 36.09.050. Routes established.	public works	<u>transportation and engineering</u>

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 40.02.1100. Rules and regulations adopted; part of contract with customer.	public works	<u>transportation and engineering</u>
Sec. 40.06.010. Adoption of the Montana Public Works Standard Specifications.	director of public works director of public service	<u>director of transportation and engineering</u> <u>director of transportation and engineering</u>
Sec. 40.06.020. Adoption of City of Bozeman Modifications to the Montana Public Works Standard Specifications.	public service	<u>transportation and engineering</u>
Sec. 40.06.030. Adoption of the city design standards and specifications policy.	public service	<u>transportation and engineering</u>
Sec. 40.06.040. Amendment of the city modifications to the MPWWS and city design standards and specifications policy.	public service	<u>transportation and engineering</u>

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

BOZEMAN MUNICIPAL CODE SECTION	CURRENT LANGUAGE	REPLACEMENT LANGUAGE
Sec. 40.02.150. Interfering with or polluting water supply prohibited.	public works	<u>utilities</u>
Sec. 40.02.350. Waiver of regulations; conditions.	public works	<u>utilities</u>
Sec. 40.02.1100. Rules and regulations adopted; part of contract with customer.	public works	<u>utilities</u>
Sec. 40.02.1270. Authority to restrict outdoor use of water.	public works	<u>utilities</u>
Sec. 40.02.1290. Sprinkling systems; timing.	public works	<u>utilities</u>
Sec.40.02.1300. Landscaping; seeding; sodding; planting.	public works	<u>utilities</u>
Sec. 40.02.1310. Notice required.	public works	<u>utilities</u>
Sec. 40.02.1330. Exception to maintain sanitation.	public works	<u>utilities</u>
Sec. 40.03.330. Waiver of regulations; conditions.	public works	<u>utilities</u>
Sec. 40.03.910. Definitions.	public works	<u>utilities</u>
Sec. 40.03.930. Discharge prohibitions.	public works	<u>utilities</u>
Sec. 40.03.1115. Local limits.	public works	<u>utilities</u>
Sec. 40.03.1150. Sampling, analysis and inspection.	public works	<u>utilities</u>
Sec. 40.03.1160. Reporting and compliance requirements.	public works	<u>utilities</u>
Sec. 40.03.1240. Notification of violation.	public works	<u>utilities</u>
Sec. 40.03.1250. Consent orders.	public works	<u>utilities</u>
Sec. 40.03.1260. Show cause hearing.	public works	<u>utilities</u>
Sec. 40.03.1270. Compliance orders.	public works	<u>utilities</u>
Sec. 40.03.1280. Cease and desist orders.	public works	<u>utilities</u>

NOT FOR CODIFICATION – FOR LEGISLATIVE PURPOSES ONLY

Sec. 40.03.1290. Administrative fines.	public works	<u>utilities</u>
Sec. 40.03.1620. Sewer connections;deferred payments authorized when.	public service	<u>utilities</u>
Sec. 40.04.070. Definitions.	public works	<u>utilities</u>

Memorandum

REPORT TO: City Commission

FROM: Jeff Mihelich, City Manager
Jim Veltkamp, Chief of Police
Cassandra Tozer, Human Resources Director
Melody Mileur, Communications and Engagement Manager
Dani Hess, Community Engagement Coordinator

SUBJECT: Sixth Quarterly Report on Bozeman as an Inclusive City

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Plan/Report/Study

RECOMMENDATION: None

STRATEGIC PLAN: 3.3 Friendly Community: Ensure Bozeman continues to welcome diversity through policies and public awareness.

BACKGROUND: On July 22, 2020 the City Commission was presented with the “Bozeman as an Inclusive City Review of Policies.” This internal review presented 24 actions items describing how the City could continue to strive toward a more equitable and inclusive organization and community. As a part of the report City staff will be providing the City Commission with quarterly updates on the progress made on the actions outlined in the report. This is the sixth quarterly report on this topic to come before the Commission.

The report includes detailed updates on completed and in progress/ongoing actions as well as a timeline and budget for each action in the report. To view previous quarterly reports visit the City’s website www.bozeman.net/equityandinclusion

Some key highlights from the report include:

- An updated training schedule for all city staff, supervisors, and elected officials to receive a series of workshops on equity and inclusion.
- The City's recently adopted Paid Parental Leave policy
- Recent data on the diversity of the City's Citizen Advisory Boards

UNRESOLVED ISSUES: None

ALTERNATIVES: None

FISCAL EFFECTS: None

Attachments:

[FINAL Inclusive City Report February 2022.pdf](#)

Report compiled on: February 3, 2022



Inclusive City Quarterly Report February 2022

FEBRUARY 15, 2022

City of Bozeman
Inclusive City Project Team

MT
BZN

City Manager Update

In July of 2020, staff came before the City Commission with the Inclusive City report. This internal report has 24 actions describing how we can continue to strive towards a more equitable and inclusive organization and community.

This is the City's sixth quarterly report. We continue to remain dedicated to this work and I'm proud of the progress we are seeing across our organization. 17 of the 24 actions are now complete or in progress and work continues to move forward. As we begin the next steps to develop an equity and inclusion plan we know that more actions are to come.

To view all previous reports visit our website at www.bozeman.net/equityandinclusion. This report includes a list of completed actions along with updates on newly completed items, updates on actions that are in progress, and a detailed timeline and associated budget for all actions. Words matter in this work, and it's important to point out that many of these items may never be "complete" but will be "ongoing" efforts that the City is dedicated to incorporating as a part of routine work.

Over the last three months several of our biggest projects have gained momentum and we are seeing great progress. I'm excited to say that we are finalizing a new contract for our training program and expect to roll out a foundational diversity, equity and inclusion training to all city staff at the end of March. While our first training is encouraged for every city employee, we will also sponsor a series of additional trainings over the course of several months to allow elected officials, supervisors, our Inclusive City team, and any other interested staff the opportunity to build on their knowledge.

To kick off 2022 the City officially signed into effect its first ever Paid Parental Leave policy! The policy offers eight weeks of paid parental leave to eligible city employees in the event that they (or their partner or spouse) experience a birth or adoption. This policy recognizes the importance of bonding or caring for a new child, and supports parents financially during an exciting time in their lives.

Lastly, the City Commission recently underwent a long process to consolidate the City's Citizen Advisory Boards and while doing so also focused on diversity, equity and inclusion in the new boards. At the direction of the Commission staff conducted a voluntary demographic survey of the existing board members, and then the same survey of the new board members once consolidation was complete. Though there is much more progress to be made, it is exciting to see that in most of the categories we now have a more diverse mix of people on our boards.

In the simplest terms, our goal is to ensure that every resident, visitor, and City of Bozeman employee feels welcomed and valued, and can thrive no matter their race, identity, or life circumstance. – Jeff Mihelich

Completed Actions

For further detail on completed actions please review previous reports on our website at www.bozeman.net/equityandinclusion

City Manager Recommendations

1. Provide a quarterly progress report to the City Commission and interested stakeholders

The next report will be delivered in May 2022.

4. Sponsor a Diversity, Equity and Inclusion Summit with community partners such as Montana State University, HRDC, and Montana Racial Equity Project

The Community Roundtable on Equity & Inclusion was hosted in partnership with the Montana State University Office of Diversity & Inclusion, Montana Racial Equity Project, Bozeman School District, and Bozeman Health. The 2.5 hour virtual event took place on Monday, October 25th and was attended by over 120 community members and leaders of organizations addressing our community's most pressing needs. The planning committee took steps to create a welcoming and inclusive space by co-creating and delivering a land acknowledgement, establishing group agreements for participation in discussion, and providing language access for Spanish speakers through live interpretation, and accommodating the needs of people with low or no vision or hearing.

The event covered the data with a presentation of equity indicators, made space for the voices of three local storytellers who shared their lived experiences, and sparked discussion among attendees about how we can all contribute to closing the gaps in our community. Out of these facilitated discussions, we gathered input, listened to people's experiences, and exchanged contact information. We are excited to maintain momentum, strengthen existing relationships, and build new ones as we take the next steps together.

The event closed by asking participants to commit to taking action in their organizations or personal lives through continued learning about inequity and injustice, contributing to the work being done by local organizations to correct inequities, and participate in the City of Bozeman's upcoming efforts to develop a Diversity, Equity & Inclusion plan. Participants were directed to the city's website to stay informed and engaged as we lay the groundwork for a Diversity, Equity & Inclusion plan in the coming year.

6. Become a member of the Government Alliance on Race and Equity (GARE)

The City of Bozeman was accepted into GARE in November 2020. Bozeman is now the first organization from Montana to be a part of GARE! As a part of the City's membership there are opportunities to learn from leaders in the space as well as share successes. Several staff have already completed the GARE Foundations training course "Advancing Racial Equity: The Role of Government" and are utilizing the network to ensure the City's actions are in line with best practices.

Diversity, Inclusion and interaction with Minorities – Bozeman Police Department

2. Augment existing policies and update to “Bias-free Policing”

The Bozeman Police Department has reviewed its existing policies against the [model policy of “Bias-Free Policing”](#) and updated the department’s existing policies where necessary to be in line with this national best practice **(See Appendix A.)** The final policy has now replaced the prior policy and staff have completed a training program which highlighted the changes and the key points.

Use of Force – Bozeman Police Department

1. Policy Changes

The Bozeman Police Department has made revisions to the current policy which includes providing additional policy direction concerning de-escalation and use of force. The goal of the updates is to address community concerns and provide clarity for officers. As a result, a new and updated “Use of Force” policy **(see Appendix B)** has been finalized and approved. The updated policy has been implemented and staff have completed a training program to familiarize them with the changes.

Citizen Appeal Process – Bozeman Police Department

1. Create a stand-alone citizen complaint policy.

As of this quarter (Spring 2022), the “complaint form” that will begin each complaint process has been finalized and is now available on the Bozeman Police Department website. The overall citizen complaint policy has now also been completed and will be included when the Police Department begins publically publishing all policies.

2. Clearly distinguish inquiries from complaints

After distinguishing inquiries from complaints, Bozeman Police Department staff began the lengthy process of formulating workflow stemming from each category, which has now also been completed. The workflow clearly separates and defines “inquiries,” “minor complaints,” and “major complaints.” After that, it distinguishes which major complaints will require an administrative investigation and which will require an external investigation.

In Progress Actions

City Manager Recommendations

2. Identify anti-discrimination, implicit bias and systemic racism training for elected officials and department heads.

In September 2021 the Bozeman City commission along with Directors and City Management participated in a four hour foundational diversity, equity and inclusion training through The Equity Project.

Due to timing and mobilization challenges with our partners at the National League of Cities Race, Equity and Leadership (REAL) program, the City has made the decision to switch to a new partner to administer a training program. The Equity Project will now take over to deliver a series of four workshops, intended to build on foundational training. Workshop 1 - Foundations of Equity, Diversity, and Inclusion will roll out to all city staff, including elected officials and department heads, at the end of March 2022. It is very important that everyone in our organization, regardless of position, has the opportunity to experience this base-line training.

Workshops 2 – 4 which will build on the basic foundations will be offered to all elected officials, directors and supervisors, Inclusive City team members, and any additional staff wishing to grow their understanding of diversity, equity and inclusion. The workshops will continue through Summer 2022.

A contract with The Equity Project is expected to be finalized at the beginning of March 2022.

5. Accelerate the implementation of body worn cameras for the Bozeman Police Department.

During this quarter, a contract was finalized with the chosen vendor, Getac Video Solutions. Problem-solving continued with a test patrol car video system installed in one of the patrol cars and work began on installation of the interview room video systems in the Bozeman Public Safety Center. Although installation of the patrol car video systems in the entire fleet was delayed due to technical issues, we anticipate completing installation within the next quarter. During this quarter, we also formulated a team and began putting together a community engagement plan regarding body worn cameras, anticipating implementation later this year. Community engagement efforts are expected to occur this spring from March – May.

3. Develop a City Equity and Inclusion Plan to engage stakeholders and identify gaps community wide and to implement policies that help all persons in Bozeman thrive regardless of economic, racial, cultural, or gender identity.

Community engagement, data collection, and analysis produced the [Equity Indicators Report](#) and data sharing agreements with local organizations to identify and measure disparities in our community based on race, ethnicity, age, gender, sexual orientation, and socioeconomic circumstances. These equity indicators will guide the development of an Equity & Inclusion Plan to close gaps and address disparities through concrete actions

we can take within the City of Bozeman as an organization and in coordination with community partners. A dashboard to communicate and update equity indicators will follow the launch of the Climate Plan dashboard being finalized this Spring.

We are currently building a diverse team of staff across City departments and at all levels of leadership to guide and conduct the planning process. We will engage with external experts, partner organizations, and local community groups throughout the process and anticipate completing the Equity and Inclusion plan in Spring of 2023.

Anti-discrimination

1. Implement additional training for all city staff.

As mentioned above under City Manager’s Recommendation Action 2, the City has defined a training program with The Equity Project to deliver a series of four workshops, intended to build on foundational training. Workshop 1 - Foundations of Equity, Diversity, and Inclusion will roll out to all city staff, including elected officials and department heads, at the end of March 2022. It is very important that everyone in our organization, regardless of position, has the opportunity to experience this base-line training.

Workshops 2 – 4 which will build on the basic foundations will be offered to all elected officials, directors and supervisors, Inclusive City team members, and any additional staff wishing to grow their understanding of diversity, equity and inclusion. The workshops will continue through Summer 2022.

A contract with The Equity Project is expected to be finalized at the end of February 2022.

In June of 2021, the City Commission intentionally earmarked approximately \$61,000 for the Bozeman Police Department to use to increase training in the areas of implicit bias and de-escalation. During this quarter, the Bozeman Police Department utilized those funds to purchase a virtual reality training simulator. Rather than spending the funds on one-time training, the purchase of this system will allow the department to conduct ongoing training on these issues. In addition, the system will be used to offer training to other City employees, train new officers on a wide variety of topics, and during events such as the Citizen’s Police Academy.

Training	Date Completed	Length	# Staff Trained	Comments
Workplace Diversity	Started December 2020, Ongoing	1 hour	98.2% of all employees	Cultural diversity can strengthen an organization’s values and enhance community awareness. Due to our country’s rapid growth and ever-changing diverse populations, organizations are realizing strength in the marketplace is linked to their ability to attract a culturally diverse workforce. Unfortunately, discrimination still occurs on many levels. The goals of this program are to promote awareness and encourage acceptance, describe

				strategies to create a positive and accepting work environment, and to highlight the steps to take should discrimination occur in the workplace.
GARE Foundations Advancing Racial Equity: The Role of Government	Started December 2020, Ongoing	6 hours	7	This course provides an introduction to the role, responsibilities and opportunities for government to advance racial equity. Participants gain awareness of the history of race and of implicit and explicit bias and individual, institutional, and structural racism and how it impacts the workplace. The course also focuses on normalizing racial equity as a core value with clear definitions of key terminology, operationalizing racial equity via new policies and institutional practices, and organizing, both internally and in partnership with other institutions and the community. Participants also become skilled at identifying and addressing institutional and structural racism.

3. Review employee performance appraisal system

The City’s Human Resources department is working with managers, supervisors and represented employee groups to seek input on a new approach to performance evaluation. The new approach will have an emphasis on coaching and development and will aim to facilitate timely, reliable and valuable feedback for all employees. Once input has been received by staff the program will be reviewed and approved by City Management before being launched with employees in the “non-represented” category and MFPE union.

4. Review best practice recommendations, including the THRIVE index and the Municipal Equality index

City staff had initial discussions on the City’s current scores in the THRIVE index (**Appendix C**) and the Municipal Equality Index (**Appendix D.**) Based on the City’s scores from 2019, the team has identified several key areas where additional progress can be made:

1. THRIVE Index:
 - The City of Bozeman signed into effect this month a new policy to provide paid parental leave of up to eight weeks for City employees. The policy recognizes the importance of bonding and caring for a new child, and hopes to support parents during an exciting and stressful time in their lives. The policy provides eligible City employees with up to eight weeks paid parental leave in the event of a birth or adoption, either experienced by themselves or with their spouse or partner. Prior to this policy staff were able to take their sick or vacation leave but no

officially policy was in place. To our knowledge 8 weeks is the most leave offered by a municipality in Montana.

2. Municipal Equality Index: The City of Bozeman’s score for 2021 was released this fall with a score of 80 points out of 100. This is an increase of 2 points from the previous year. To compare, Bozeman’s score in 2016 was 58. We have made great progress and we are continuing to evaluate how we can make adjustments to improve our number. You can read the full report from MEI [on their website](#) or in **Appendix D**.

6. Evaluate Diversity and Inclusion on Advisory Boards

The City Commission recently took action to consolidate many of the City’s Citizen Advisory Boards. As a part of the consolidation process the City Commission prioritized diversity, equity and inclusion in the new structure. At the direction of the Commission the City developed a voluntary survey to gather baseline information from the existing Citizen Advisory Board members. Because the survey is voluntary it is not precise but provides an important touchpoint for elected officials and leaders to understand the demographic makeup of advisory boards. Per the recommendation of the City Manager this survey will be conducted every two years to track progress and will be shared on the equity indicators dashboard.

The results from the data collection of the newly appointed boards show increased diversity in several important categories including age, race/ethnicity, sexual orientation, and type of residence. A full comparison is included in **Appendix E**.

Diversity, inclusion and interaction with minorities – Bozeman Police Department

1. Training

This item will be an ongoing effort by the Bozeman Police Department to explore additional training opportunities on topics including recognizing implicit bias, anti-racial profiling and Bias-Free policing.

Training	Date Completed	Length	# Staff Trained	Comments
Implicit Bias	November 2020	2.5 hours	64 (all officers)	Officers completed an online course intended to help them understand how implicit bias impacts actions and decisions. The course examined the relationship between unconscious and implicit bias, addressed illicit bias and how it affects decision making, and discussed the importance of communicating effectively.
Implicit Bias and Microaggressions	November, 2021	3 hours	5 officers	Officer attended a workshop at MSU, during which they gained an understanding of the cycle of oppression, implicit bias and microaggressions. The workshop

				provided an opportunity for self-reflection and an opportunity to develop skills regarding how to respond to microaggressions.
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Use of Force

1. Training

This item will be an ongoing effort by the Bozeman Police Department to incorporate more communication and de-escalation, scenario-based, in-service trainings for officers. Staff will also evaluate and consider additional training programs on topics that include communication, de-escalation, intervention, recognizing force mitigation opportunities, use of force decision-making and more.

Training	Date Completed	Length	# Staff Trained	Comments
Decision Making	November 2020	2 hours	64 (all officers)	Officers attended a training regarding making good decisions during critical incidents. This training included the science behind why poor decisions are sometimes made, the inherent “fight or flight” response and how to overcome it, and how to remain calm and think critically during high-stress incidents.
De-escalation, Intervention, and Force Mitigation	January 2021	2 hours	62 (all officers)	Officers completed an online course focusing on “De-Escalation, Intervention, and Force Mitigation.” After defining each term, the training discussed the importance of focusing on a “guardian” mindset, described a variety of factors involved in human interaction, and explored techniques for lowering emotions to change behavior in volatile situations.
Situational Awareness for Force Usage Training	May, 2021	2 hours	40	After participating in a live scenario that obviously required force, officers were placed in a slightly altered scenario that did not require force. Scenarios were intended to train officers to individually assess each situation, utilize good communication skills, recognize potential danger versus lethal danger, and focus on de-escalating whenever possible.
Force Mitigation	September, 2021	2 hours	64 (all)	Every year, all officers must certify in a variety of “less lethal” options, all designed to mitigate the amount of force used during an encounter. During each training cycle, officers must complete a written or verbal test, practice with the tool, then complete a

				scenario that includes communicating with the individual in an attempt to avoid force, then deciding whether that tool is appropriate for the scenario.
Communication and De-escalation	October, 2021	3 hours	6 (newly hired officers)	As part of their initial training, all new officers hired this quarter attended a 3 hour class on communication and verbal de-escalation tactics. This course includes examining the topic of “communication” from both legal and best-practice perspectives and ways to verbally de-escalate situations.
Crisis Negotiations Course	November, 2021	40 hours	3 (officers)	Three current officers attended a 40 hour course focused on communicating effectively with those in a variety of crises, with the common goal always being to avoid using any type of force to resolve the situation.
Crisis Negotiations Conference	November, 2021	16 hours	3 (officers)	Three different current officers attended a 2 day course which included classes on a variety of crisis negotiations topics. The conference and all included course again center on decreasing the need for any force.
De-escalation and “less lethal” force scenarios	December, 2021	2 hours	39 (officers)	Officers attended a monthly training which consisted of three different scenarios, all of which focused on either de-escalation tactics or the use of “less lethal” tools.
Use of Force scenarios	January, 2022	2 hours	40 (officers)	Officers attended a monthly training focused on barricaded subjects, active shooters, and hostage situations. Focus was placed on attempting to avoid any use of force during each scenario.

Citizen Appeal Process

3. Refine the complaint investigative process.

Discussions are still ongoing regarding the citizen’s appeal process, including who will conduct the review and how a review will be requested.

Bozeman as an Inclusive City Report – Actions, Budget, Timeline

Green = Complete

Yellow = In progress or Ongoing

Red = Not yet started

City Manager Recommendations

Based on the review of our existing policies, procedures, training protocols and best practices the City Manager recommends the following actions:

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
1. PROVIDE A QUARTERLY PROGRESS REPORT TO THE CITY COMMISSION AND INTERESTED STAKEHOLDERS	CITY MANAGER'S OFFICE	IMMEDIATELY - FIRST REPORT NOVEMBER 2020	\$0
2. IDENTIFY ANTI-DISCRIMINATION, IMPLICIT BIAS AND SYSTEMIC RACISM TRAINING FOR ELECTED OFFICIALS AND DEPARTMENT HEADS	HUMAN RESOURCES/CITY MANAGER'S OFFICE	DEVELOP 12-MONTH TRAINING PROGRAM BY DECEMBER 2020	\$53, 745 (PAID FOR THROUGH GRANT)
3. DEVELOP A CITY DIVERSITY, EQUITY AND INCLUSION PLAN TO ENGAGE STAKEHOLDERS AND IDENTIFY GAPS COMMUNITY WIDE AND TO IMPLEMENT POLICIES THAT HELP ALL PERSONS IN BOZEMAN THRIVE REGARDLESS OF ECONOMIC, RACIAL, CULTURAL, OR GENDER IDENTITY	CITY MANAGER'S OFFICE	18 MONTHS	UNKNOWN
4. SPONSOR A DIVERSITY, EQUITY AND INCLUSION SUMMIT WITH COMMUNITY PARTNERS SUCH AS MONTANA STATE UNIVERSITY, HRDC, AND MONTANA RACIAL EQUITY PROJECT	CITY MANAGER'S OFFICE	2021	UNKNOWN
5. ACCELERATE THE IMPLEMENTATION OF BODY WORN CAMERAS FOR THE BOZEMAN POLICE DEPARTMENT	BOZEMAN POLICE DEPARTMENT	BPD WILL HAVE RECOMMENDATION ON TIMELINE AS A PART OF THE UPCOMING CAPITAL IMPROVEMENT PLANNING PROCESS AND WILL MAKE	BPD WILL HAVE COST ESTIMATES AS A PART OF THE UPCOMING CAPITAL IMPROVEMENT PLANNING PROCESS.



		RECOMMENDATIONS ON FISCAL YEAR.	
6. BECOME A MEMBER OF THE GOVERNMENT ALLIANCE ON RACE AND EQUITY	CITY MANAGER'S OFFICE	IMMEDIATELY	\$1,000 ANNUALLY

Overall Diversity for the Organization

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
<p>1. MAKE DIVERSITY A FORMAL AND HIGH PRIORITY FOR THE ORGANIZATION</p> <p>The City will communicate its commitment to diversity to all city staff and significantly increase formal training for supervisors and employees on implicit bias. The City will review and adjust its employee performance appraisal system to ensure consistency of evaluations and non-discrimination.</p>	<p>CITY MANAGER</p>	<p>HOLD ALL CITY STAFF MEETING AND PASS ADMINISTRATIVE ORDER</p>	<p>\$0</p>

Anti-discrimination

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
1. IMPLEMENT ADDITIONAL TRAINING FOR ALL CITY STAFF	HUMAN RESOURCES	LMS "WORKPLACE DIVERSITY" DEPLOYED TO ALL EMPLOYEES BY DECEMBER. ESTABLISH A 12 MONTH TRAINING CALENDAR FOR ALL EMPLOYEES BY MARCH 2022	WE HAVE A SYSTEM WITH THESE TYPES OF TRAININGS INCLUDED BUT MAY NEED FUNDING FOR IN PERSON TRAINING
The City will consider more frequent and additional trainings including trainings on "Inclusion in the Workplace" and "Implicit Bias"			
2. EMPLOYEE ENGAGEMENT SURVEYS	HUMAN RESOURCES	MOVED TO SPRING 2022	\$0
The City will engage employees annually to gauge inclusion and engagement in the workplace to measure the success of other efforts by the City.			
3. EMPLOYEE PERFORMANCE APPRAISAL SYSTEM	HUMAN RESOURCES	FY22	\$0
The City will review its employee performance appraisal system and provide updates with greater consideration to fairness and inclusion.			
4. REVIEW BEST PRACTICE RECOMMENDATIONS, INCLUDING THE THRIVE INDEX AND THE MUNICIPAL EQUALITY INDEX	HUMAN RESOURCES/CITY MANAGER'S OFFICE	INITIAL MEETING WITH CITY MANAGER TO REVIEW THESE PROGRAM ELEMENTS IN JANUARY 2021 IMPLEMENTATION OF PAID PARENTAL LEAVE POLICY, EFFECTIVE JAN 1, 2022. ADDITIONAL POLICIES CURRENTLY IN REVIEW.	\$0 FOR INITIAL REVIEW. IMPLEMENTING NEW ELEMENTS MAY REQUIRE FUNDING.

The City will review the best practices of the THRIVE index and the Human Rights Campaign’s Municipality Equality index and consider City policies that may need additional updates to meet these best practices.			
5. REVIEW HOW THE CITY HANDLES ANONYMOUS COMPLAINTS (ETHICS ORDINANCE)	CITY MANAGER’S OFFICE	2022	\$0
The City will review the current policies within the ethics ordinance that requires complainants to give their name before complaints are given a complaint investigation status. The review will consider the failures of the policy to meet the needs of the victim and should be updated to reflect those needs.			
6. EVALUATE DIVERSITY & INCLUSION ON ADVISORY BOARDS	CITY CLERK’S OFFICE	SUMMER 2021	\$0
The City will conduct an evaluation of City Advisory Boards to determine how or if the City tracks diversity on these boards and consider systems that could be implemented to support diversity and inclusion in these spaces.			

Diversity, inclusion and interaction with minorities – Bozeman Police Department

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
1. ADD FUTURE TRAININGS	POLICE DEPARTMENT		
The Bozeman Police Department will explore additional training opportunities on topics including recognizing implicit bias, anti-racial profiling, and Bias-Free Policing.	IMPLICIT BIAS TRAINING (ONLINE) (2.5 HR)	NOVEMBER 2020	\$3,400
2. AUGMENT EXISTING POLICIES AND UPDATE TO “BIAS-FREE POLICING”	POLICE DEPARTMENT		
The Bozeman Police Department will review its existing policies against the model policy of “Bias-Free Policing” and update existing policies where necessary to be in line with this national best practice.		COMPLETED AND TRAINING IMPLEMENTED	\$0
3. BROADEN COMMUNITY OUTREACH EVENTS			
The Bozeman Police Department will give continued consideration to broadening community outreach events to interact with more Montana State University groups as well as other community groups.	POLICE DEPARTMENT	TO BE DETERMINED DEPENDENT UPON PANDEMIC-RELATED RESTRICTIONS	N/A

Hiring Practices - Overall

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
<p>1. CONTINUED EFFORTS TO REACH OUR BEST PRACTICES</p> <p>The City will continue to evaluate and improve its efforts to achieve our best practices in hiring and recruitment. This includes improving our results for candidates and evaluating the impacts of turnover.</p>	HUMAN RESOURCES	APRIL 2021	MAY NEED MINIMAL AMOUNTS FOR JOB POSTINGS TO NICHE GROUPS.
<p>2. UPDATE HIRING PRACTICES POLICY</p> <p>The City will update the hiring practices manual to reflect current practices and further efforts for diversity. The City will also train supervisors to the hiring practices and hold supervisors accountable for not following hiring practices.</p>	HUMAN RESOURCES	2021-2022	\$0
<p>3. REVIEW AND UPDATE THE LANGUAGE AND IMAGES USED FOR ADVERTISING POSITIONS</p> <p>The City will review the language and images used for recruiting and advertising open city positions to specialized groups. Language and images should take into consideration literal and visual differences in varied applicant pools.</p>	HUMAN RESOURCES	2021	\$20,000
		<p>WORK WITH A CONSULT TO DEVELOP NEW VISUAL AND WRITTEN MATERIALS</p>	

Use of Force

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
<p>1. POLICY CHANGES</p> <hr/> <p>The Bozeman Police Department will make revisions to the current BPD policy and provide additional policy direction concerning de-escalation and use of force. These updates hope to address community concerns and provide clarity for officers.</p>	POLICE DEPARTMENT	COMPLETE AND TRAINING IMPLEMENTED	\$0
<p>2. FUTURE TRAININGS</p> <p>The Bozeman Police Department will incorporate more communication and de-escalation scenario-based in-service trainings for officers. They will also evaluate and consider additional training programs on topics that include communication, de-escalation, intervention, recognizing force mitigation opportunities, use of force decision-making, and others.</p>	POLICE DEPARTMENT		
	DECISION MAKING (IN PERSON FOR OFFICERS) (2 HR)	NOVEMBER 2020	\$0
	DE-ESCALATION AND FORCE MITIGATION (ONLINE FOR ALL OFFICERS) (2 HR)	FALL 2020	\$3,400
	DE-ESCALATION SCENARIOS (IN PERSON FOR OFFICERS) (2 HR)	MAY, 2021	\$0
	FORCE MITIGATION	OCTOBER, 2021	\$0



	COMMUNICATION AND DE-ESCALATION	OCTOBER, 2021	\$0
	CRISIS NEGOTIATIONS	NOVEMBER, 2021	\$687 IN CURRENT BUDGET
	DE-ESCALATION AND "LESS LETHAL" FORCE SCENARIOS	DECEMBER, 2021	
	USE OF FORCE SCENARIOS	JANUARY, 2021	

Citizen Appeal Process – Bozeman Police Department

ACTION ITEM	LEAD DEPARTMENT	TIMELINE FOR IMPLEMENTATION	BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR)
1. CREATE A STAND-ALONE CITIZEN COMPLAINT POLICY			
The Bozeman Police Department will create a stand-alone Citizen Complaint Policy that will be available on the City’s website with clear instructions on how to file a complaint, the complaint investigation process, timeline for response, and steps for further engagement after an outcome has been determined.	POLICE DEPARTMENT	SPRING 2021	\$0
2. CLEARLY DISTINGUISH INQUIRIES FROM COMPLAINTS			
The Bozeman Police Department will create a process, including defining the terms “inquiry” and “complaint” to clearly distinguish inquiries from complaints requiring an investigation and create a system for documenting inquiries.	POLICE DEPARTMENT	SPRING 2021	\$0
3. REFINE THE COMPLAINT INVESTIGATIVE PROCESS			
The Bozeman Police Department will review and update the Complaint Investigative Process to establish a clear timeframe for notification and follow-up within 24 hours with a complainant. The Bozeman Police Department will also explore options for developing an appeal process for citizens that are unsatisfied with the outcome of a complaint investigation.	POLICE DEPARTMENT	SPRING 2021	\$0



I. PURPOSE

The purpose of this policy is to emphasize the Bozeman Police Department's commitment to fair and bias-free treatment of all people and to clarify the circumstances in which agency personnel may consider specified characteristics when carrying out duties. Fair and bias-free policing enhances legitimate law enforcement efforts and promotes trust within the community.

II. POLICY

People having contact with Bozeman Police Department personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with law, and without consideration of specified characteristics as defined in this policy.

II. DEFINITIONS

- A. Biased Policing: Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.
- B. Fair and Bias-free Treatment: Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.
- C. Police Services: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services; crime prevention; public information; and community engagement.
- D. Specified Characteristics: For the purposes of this policy, real or perceived personal characteristics, to include but not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.
- E. Racial profiling: The detention, official restraint, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual.

III. GUIDELINES



A. Fair and Impartial Treatment

1. Biased policing, including racial profiling, is prohibited both in enforcement of the law and the delivery of police services.
2. Agency personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances. This does not mean that all people in the same or similar circumstances must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, for example when dealing with people with disabilities, injury, or illness.
3. Agency personnel may only consider specified characteristics when credible, timely intelligence relevant to the locality links a person or people with a specified characteristic(s) to a particular unlawful incident, or to particular unlawful incidents or criminal patterns.
4. Officers shall not engage in a practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law, particularly if the reason for the stop is based primarily on their race or ethnicity.
5. Restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the agency's relationship with diverse communities.

B. Compliance

1. Where appropriate, agency personnel are encouraged to intervene at the time the biased policing incident occurs. Agency personnel who witness or who are aware of instances of biased policing shall report the incident to a supervisor.
2. Supervisors shall:
 - a. Ensure that all agency personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring.
 - b. Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.
 - c. Ensure that those who report instances of biased policing are not subject to retaliation.
3. The department will ensure the ability to document the race of those contacted



during vehicle and person stops. Personnel shall comply with all departmental direction regarding how to assist in ensuring the accurate documentation of this criteria.

4. Any written complaint of racial profiling or other biased policing shall be handled in accordance with the department's Administrative Investigations and Discipline Policy.

C. Training

All agency personnel will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to fair and bias-free policing. Topics should include legal aspects and the psychology of bias, cultural awareness, and racial profiling.



I. POLICY

The purpose of this policy is to provide officers of the Bozeman Police Department with guidelines on the reasonable use of force. It consists of general principles and values and is not a statement of what must be done in a particular situation. The Bozeman Police Department values the sanctity of human life and the importance of treating all persons with dignity and respect. It is the policy of this department that police officers shall use only force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others.

II. DEFINITIONS

- A. **Force:** Any physical efforts used by an officer to control, overpower, or restrain another.
- B. **Lethal Force:** Force likely to cause death or serious bodily harm.
- C. **Less-lethal Force:** Any use of force other than that which is considered lethal force.
- D. **Objectively Reasonable:** As decided by the US Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the Fourth Amendment ‘reasonableness’ inquiry is whether the officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
- E. **De-escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- F. **Exigent Circumstances:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- G. **Chokehold:** A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.
- H. **Vascular Restraint:** A physical maneuver that restricts blood flow to an



individual's brain for the purposes of incapacitation.

III. GUIDELINES

It is recognized that officers may be confronted with situations where use of force may be required to make an arrest, prevent escape, as self-defense, or to protect the public. Many force and equipment options are available to the officer. The officer must choose the appropriate option based on an objectively reasonable belief of the threat, either actual or perceived.

A. ESCALATION AND DE-ESCALATION

1. The amount of time available to an officer to evaluate and respond to a situation may impact the officer's decision. Often an officer must make a split-second decision in reaction to a threat or risk. A number of factors should be taken into consideration when an officer selects force options and when evaluating whether an officer has used reasonable force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual reasonable opportunity to submit to verbal commands before force is used.
3. While it is preferred that officers attempt to de-escalate a situation by gaining compliance through advice, warning or persuasion, it is sometimes necessary to use physical force.
4. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
5. Officers must react to all situations in an objectively reasonable manner as outlined in *Graham vs. Connor*. Factors which may affect an officer's force option selection include but are not limited to;
 - a. Officer/Subject factors (age, size, relative strength, skill level, injury/exhaustion level)
 - b. Influence of drugs or alcohol
 - c. Proximity of weapons
 - d. Availability of other options
 - e. Seriousness of the offense
 - f. Fear of injury or death to the officer or another
 - g. Actions of the subject
 - h. Number of subjects present



- i. Location of officer and availability of back-up
 - j. Other exigent circumstances
6. It is important to note that an officer does not need to gain control over an individual by use of the lowest level of force available when reason dictates otherwise and the officer can articulate that a higher level of force was reasonable. The law, proper training, and common sense should dictate the officer's discretion to escalate and/or de-escalate the use of force.
 7. Officers have a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so. The excessive force shall be reported to a supervisor as soon as possible.
 8. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

B. USE OF FORCE OPTIONS

1. LESS-LETHAL LEVELS OF FORCE:

a. LOW LEVEL

- 1) **Officer presence and verbal commands:** When practical, verbal commands should be used in combination with other levels of force as a means to control the situation
- 2) **Restraints:** Includes the use of handcuffs, flex cuffs, Restraint strap, leg restraints, WRAP and belly belt. This also includes actually placing hands on a person in a gentle to firm manner to gain control over the subject.

b. INTERMEDIATE LEVEL

- 1) **Compliance techniques (Soft):** Includes pressure points, takedowns, and joint manipulation.
- 2) **Chemical Agents:** Includes oleoresin capsicum (OC), Ortho Chlorobenzalinalonitrate (CS gas)
- 3) **Temporary Incapacitation (Hard):** Techniques include strikes with hands, elbows, feet, and knees; expandable or straight baton, flashlight, or weapon of necessity. Includes use of 12-gauge bean bag



projectile, rubber baton, bullet, diversionary or distraction devices, Canine Contacts/Bites, Conducted Electrical Weapons (Taser).

2. **LESS-LETHAL USE OF FORCE:**

Officers are authorized to use department approved less-lethal force techniques, issued equipment, or weapons of necessity or opportunity for resolution of incidents as follows:

- a. To protect themselves or another from physical injury, or the threat thereof.
- b. To restrain or subdue a non-compliant individual.
- c. To bring an unlawful situation safely and effectively under control.
- d. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.

3. **AUTHORIZED LESS-LETHAL EQUIPMENT:**

Officers are not permitted to use department issued or authorized equipment unless qualified in its use as determined by training procedures. Patrol Officers are required to carry on their duty belt, at least two of the following less lethal equipment items:

- a. OC spray
- b. Baton (Asp)
- c. Flashlight (Available for use as a baton)
- d. Taser

4. **LETHAL FORCE:**

- a. In accordance with M.C.A. 45-3-101 through 45-3-106, and this policy, Officers are authorized to use lethal force with issued firearms, other issued equipment or weapons of necessity or opportunity to:
 1. Protect the police officer or others from what is reasonably believed to be a threat of death or serious bodily injury; and/or
 2. Prevent the commission of a forcible felony.



- b. Before using a firearm, police officers should identify themselves and state their intent to shoot, whenever feasible or practical.
- c. An officer's decision to present or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation has already escalated or may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm.
- d. The use of a firearm against a moving motor vehicle is inherently dangerous. Officers shall not discharge a firearm at a motor vehicle or its occupant(s) unless the officer has an objectively reasonable belief that:
 - 1. The vehicle or suspect poses an immediate threat of death or serious bodily injury to the officer or another person;
 - 2. If an officer finds themselves in the path of an oncoming vehicle, when reasonable or practical, the officer should attempt to move from the path of a vehicle causing a threat.
- e. The firing of warning shots is inherently dangerous and should not be fired except under the most compelling circumstances. A warning shot may be fired in an effort to stop a person only when the officer is authorized to use lethal force, and if the officer reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter.
- f. The use of chokeholds and vascular neck restraints are prohibited unless deadly force is authorized.

C. REPORTING USE OF FORCE

- 1. Supervisor notification and a written Use of Force Report is required in the following situations:
 - a. Any use of force option above Low Level is utilized.
 - b. When force is used while displaying or presenting a firearm or less-lethal tool towards a subject to gain compliance.
 - c. When lethal Force is threatened or used.



2. The on-call Command Duty Officer will be immediately notified and will direct the investigation in the following situations:
 - a. When a firearm is discharged during a use of force incident.
 - b. When any use of force results in death or serious injury.
 - c. When a subject complains that serious injury has been inflicted.
 - d. When misconduct surrounding the use of force is alleged or suspected.

D. REVIEW AND INVESTIGATION

1. All Use of Force Reports and related supplemental reports shall be reviewed by the chain of command to determine whether; departmental rules, policy or procedures were followed, the relevant policy was clearly understandable and effective to cover the situation, and department training is currently adequate.
 - a. A review board may be appointed at the discretion of the Chief of Police.
 - b. The Chief of Police may determine if a full internal or criminal investigation is warranted. If so determined, the Chief shall follow the guidelines in the Discipline and Complaint Policy, Investigation of Serious Complaints.
 - c. All findings of policy violation or training inadequacies shall be reported to the Chief of Police, along with any recommended disciplinary action and/or corrective action plan.

E. TRAINING

1. All officers shall receive training on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to:
 - a. Provide techniques for the use of and reinforce the importance of de-escalation;
 - b. Simulate actual shooting situations and conditions;
 - c. Enhance officers' discretion and judgement in using less-lethal and deadly force in accordance with this policy.
3. All use of force training shall be documented.

A. City of Bozeman Thrive Index assessment:

We have also continued to evaluate employment practices against the **Thrive Index** with very good results (see below.) We have found that the City has been consistently upholding the objectives put forth, as hiring and employment practices are designed to be fair and equitable to all applicants and employees. No changes have been made in our general response this year, but we continue to see great participation in our Leave Bank programs. These programs continue to help employees obtain paid leave for maternity and family care by voluntary pooling employee sick leave hours.

CITY OF BOZEMAN AND THE THRIVE INDEX		
Adequate wages and benefits	City of Bozeman	Comment
Are part-time workers paid the same (per hour, including benefits) as full-time workers performing the same or similar tasks?	Y	
Are most part-time workers guaranteed a minimum number of hours per week? If not, are there ways they could be?	Y	Some departments guarantee a range of hours vs. a set schedule - i.e. at least 12, but not more than 18
Are workers who remain on the job for a specified period of time eligible for a pay increase?	Y	
Are workers who remain on the job for a specified period of time eligible for paid sick leave for themselves or to care for a family member?	Y	
When job-skill demands or responsibilities increase, are wages adjusted upward?	Sometimes	The City works to ensure employees are working within their class specification. Reclassifications and/or promotions are the avenue for pay increases, and department heads request those during the annual budget process.

Are workers paid for their entire scheduled shift, even if business is slow?	Sometimes	Employees get paid for the hours they work. Shifts are not typically cut short, but if there is an urgent need to close a facility, employees would not be paid for the closure. This rarely happens.
Are hourly wages higher for nonstandard shifts, such as nights or weekends?	Sometimes	Depending on the Collective Bargaining Agreement, there may be shift premiums.
Opportunities for Upward Mobility		
Do low-wage workers have opportunities for on-the-job or cross-task training or outside educational opportunities that can lead to upward mobility?	Y	
Can schedules accommodate workers' pursuit of educational opportunities?	Sometimes	The City makes every effort to accommodate employees' requests for time off and/or modified schedules. However, based on the need to efficiently and safely operate City business, not every request can be granted every time.
When skill demands or job responsibilities increase, is training provided for newly assigned tasks?	Y	
Can workers cross-train in different areas to increase their flexibility and value to the company (recognizing that outsourcing of some functional areas or other factors may prohibit this)?	Y	
Are there opportunities for upward mobility within the company that do not require geographic relocation?	Y	
Support for personal and family needs		
Can worker breaks be scheduled to accommodate the need for phone calls at pre-specified times for working caregivers?	Y	

Are occasional calls for urgent matters allowable? Can children or caregivers call an employee at work when necessary?	Y	
Are workers who remain on the job for a specified period of time eligible during their regular work hours to care for their health or a family member's without losing pay (e.g., able to leave for an hour or two for a trip to the doctor)?	Y	
Can personal time be taken in small increments of an hour or two (for doctor's appointments, parent-teacher conferences, educational opportunities, etc.)?	Y	
Do you offer paid or unpaid maternity or paternity leave for workers? Is the length of this leave negotiable?	Y	Paid time is offered through employee accruals, our Sick Leave Bank, and our Direct Donation policies, and can be used for the entire absence (at 100% pay)
Work scheduling, predictability, and flexibility		
Is there a systematic way for workers to communicate their preferences for hours and schedules? If not, could some such system be implemented?	Y	
Does the shift/hours scheduling system take account of workers' constraints and preferences?	Y	
Are work schedules announced more than a day or two in advance? Can workers trade shifts with colleagues when time conflicts develop (allow "shift-swapping")?	Y	
If workers are asked to stay beyond the end of scheduled shifts to finish assignments or for administrative procedures, are they given advance notice of when this may be required?	Y	
Does the measured workload take into account the quality or difficulty of tasks along with simpler measures of the number of customers, clients, or patients?	Y	
Autonomy, respect, and trust		
Are workers protected from "no-fault" absence or tardiness policies (ones that lead to disciplinary actions or dismissal, even for excused absences)?	Y	
Are workers allowed or encouraged to contribute ideas to better organize or improve their work teams or work areas?	Y	
Can workers occasionally make personal phone calls?	Y	

I. Non-Discrimination Laws**

This category evaluates whether discrimination on the basis of sexual orientation and gender identity is prohibited by the city, county, or state in areas of employment, housing, and public accommodations.

	STATE	COUNTY	MUNICIPAL	AVAILABLE
Employment	0/0	0/0	5/5	5/5
Housing	0/0	0/0	5/5	5/5
Public Accommodations	0/0	0/0	5/5	5/5
SCORE				30 out of 30
FLEX Single-Occupancy All-Gender Facilities	+0	+0	+0	+2
FLEX Protects Youth from Conversion Therapy	+0	+0	+0	+2

II. Municipality as Employer

By offering equivalent benefits and protections to LGBTQ+ employees, awarding contracts to fair-minded businesses, and taking steps to ensure an inclusive workplace, municipalities commit themselves to treating LGBTQ+ employees equally.

	COUNTY	MUNICIPAL	AVAILABLE
Non-Discrimination in City Employment		7/7	7/7
Transgender-Inclusive Healthcare Benefits		6	6
City Contractor Non-Discrimination Ordinance		3/3	3/3
Inclusive Workplace		0	2
SCORE			26 out of 28
FLEX City Employee Domestic Partner Benefits		+0	+1

III. Municipal Services

This section assesses the efforts of the city to ensure LGBTQ+ residents are included in city services and programs.

	COUNTY	MUNICIPAL	AVAILABLE
Human Rights Commission	0	0	5
NDO Enforcement by Human Rights Commission	0	0	2
LGBTQ+ Liaison in City Executive's Office		0	5
SCORE			0 out of 12
FLEX Youth Bullying Prevention Policy for City Services		+0/+0	+1/+1
FLEX City Provides Services to LGBTQ+ Youth		+0	+2
FLEX City Provides Services to LGBTQ+ People Experiencing Homelessness		+0	+2
FLEX City Provides Services to LGBTQ+ Older Adults		+0	+2
FLEX City Provides Services to People Living with HIV or AIDS		+0	+2
FLEX City Provides Services to the Transgender Community		+0	+2

IV. Law Enforcement

Fair enforcement of the law includes responsible reporting of hate crimes and engaging with the LGBTQ+ community in a thoughtful and respectful way.

	MUNICIPAL	AVAILABLE
LGBTQ+ Liaison/Task Force in Police Department	0	10
Reported 2019 Hate Crimes Statistics to the FBI	12	12
SCORE	12 out of 22	

V. Leadership on LGBTQ+ Equality

This category measures the city leadership's commitment to fully include the LGBTQ+ community and to advocate for full equality.

	MUNICIPAL	AVAILABLE
Leadership's Public Position on LGBTQ+ Equality	5	5
Leadership's Pro-Equality Legislative or Policy Efforts	2	3
SCORE	7 out of 8	
FLEX Openly LGBTQ+ Elected or Appointed Leaders	+2	+2
FLEX City Tests Limits of Restrictive State Law	+3	+3

TOTAL SCORE 75 + TOTAL FLEX SCORE 5 = Final Score 80
CANNOT EXCEED 100

** On June 15, 2020, the U.S. Supreme Court ruled in *Bostock v. Clayton County, Georgia* that sexual orientation and gender identity discrimination are prohibited under federal sex-based employment protections. Nevertheless, it is imperative that localities continue enacting explicitly LGBTQ+-inclusive comprehensive non-discrimination laws since it will likely take additional litigation for *Bostock* to be fully applied to all sex-based protections under existing federal civil rights law. Moreover, federal law currently lacks sex-based protections in numerous key areas of life, including public spaces and services. Lastly, there are many invaluable benefits to localizing inclusive protections even when they exist on higher levels of government. **For these reasons, the MEI will continue to only award credit in Part I for state, county, or municipal non-discrimination laws that expressly include sexual orientation and gender identity.**

PTS FOR SEXUAL ORIENTATION PTS FOR GENDER IDENTITY FLEX PTS for criteria not accessible to all cities at this time.

FOR MORE INFORMATION ABOUT CITY SELECTION, CRITERIA OR THE MEI SCORING SYSTEM, PLEASE VISIT [HRC.ORG/MEI](https://hrc.org/mei). All cities rated were provided their scorecard in advance of publication and given the opportunity to submit revisions. For feedback regarding a particular city's scorecard, please email mei@hrc.org.

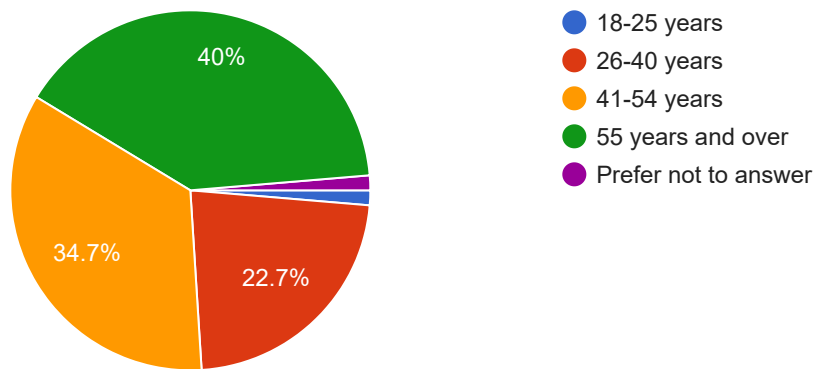
October 2021

Advisory Board Member Demographic Survey*

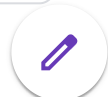
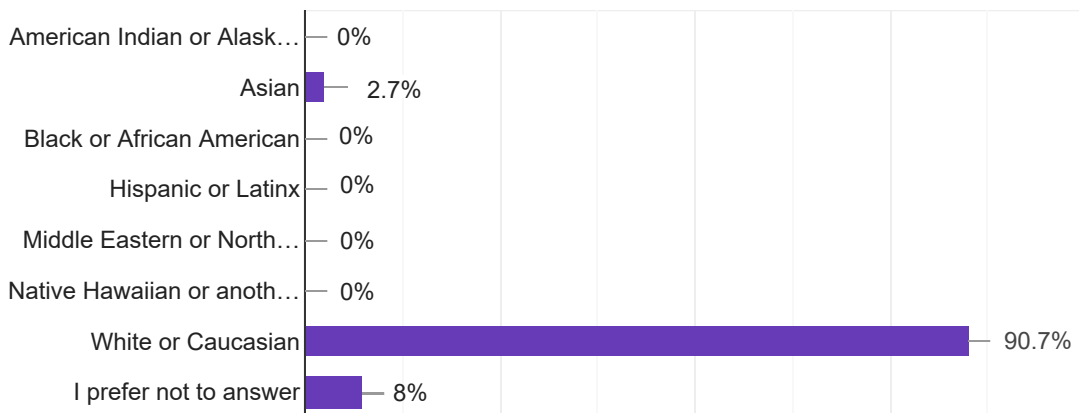
*53% of Board Members surveyed at this time responded to this voluntary survey

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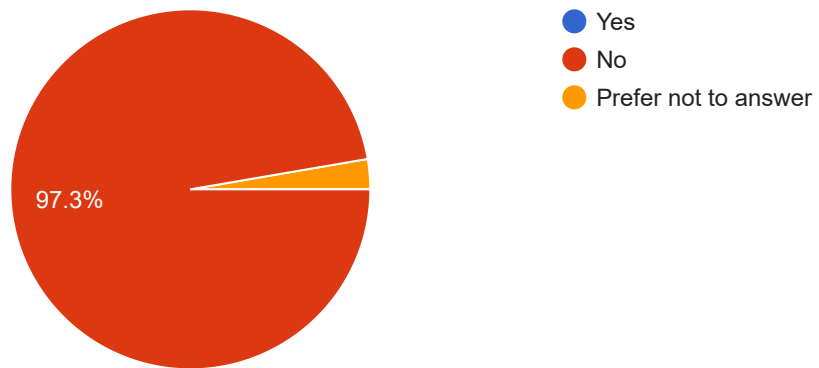
What is your age bracket?



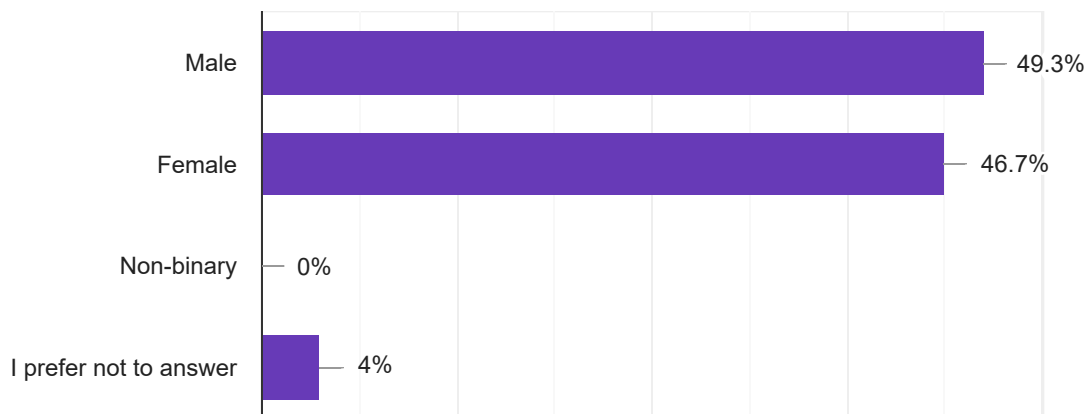
With which racial or ethnic group(s) do you identify? (Select all that apply)



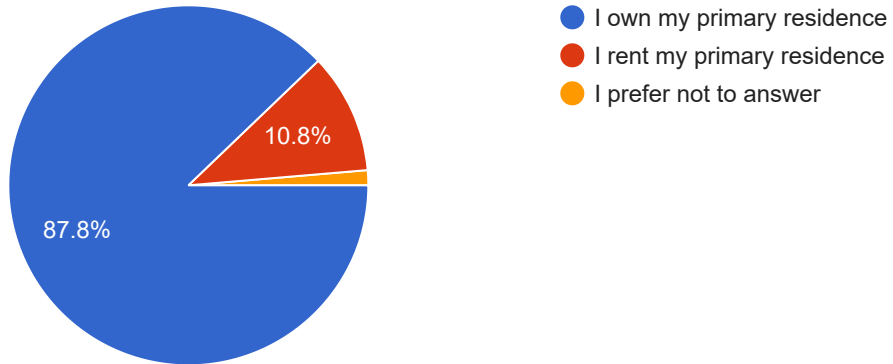
Do you have a disability?



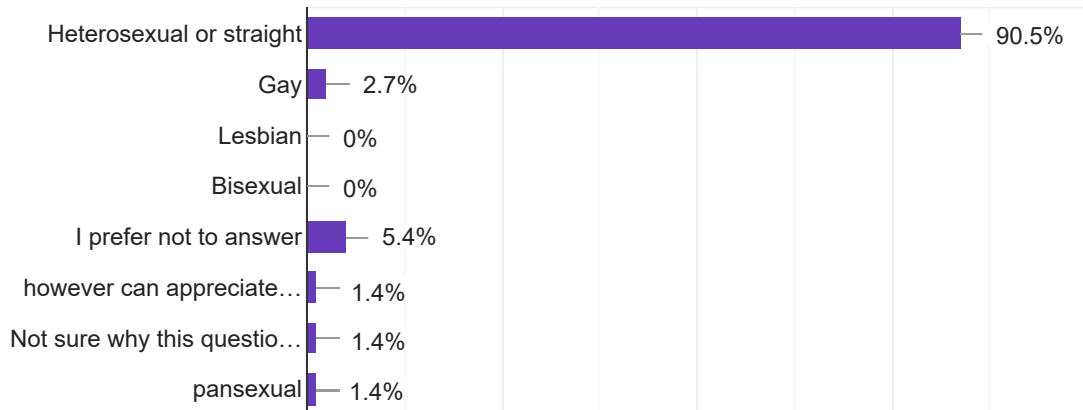
With which gender(s) do you mostly identify?



Primary Residence



Sexual orientation



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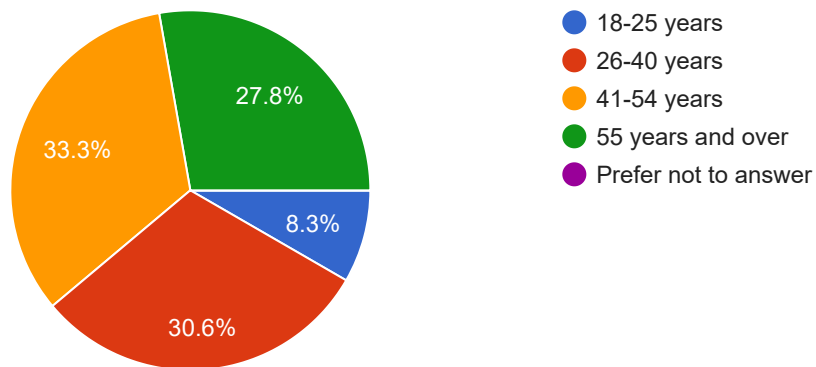


Advisory Board Member Demographic Survey*

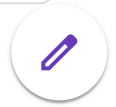
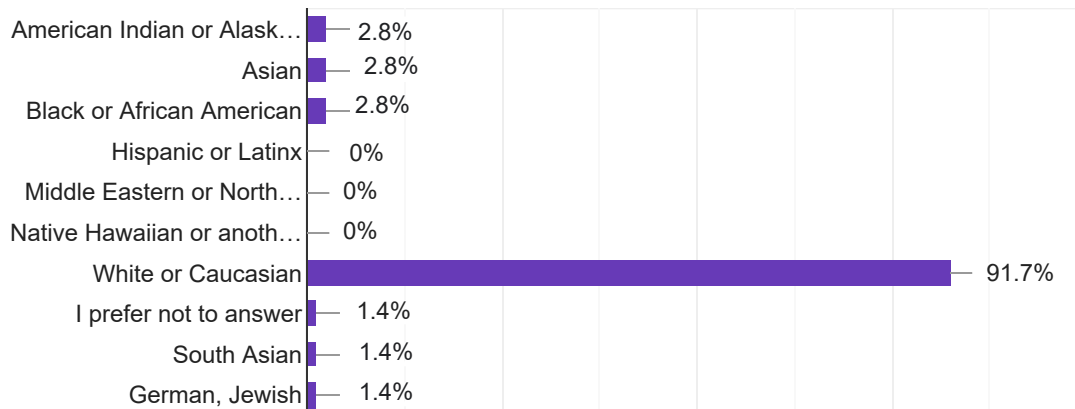
*71% of Board Members surveyed at this time responded to this voluntary survey

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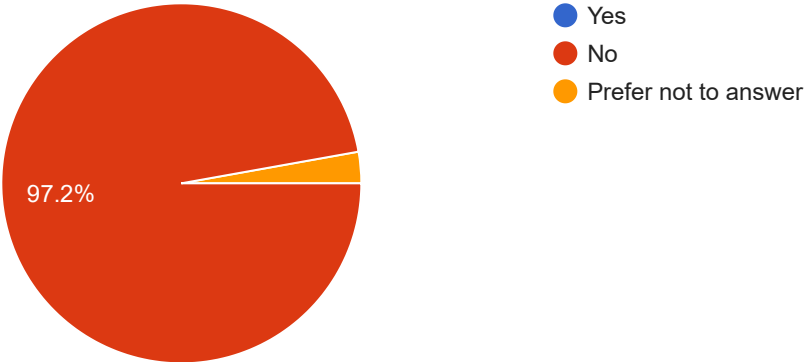
What is your age bracket?



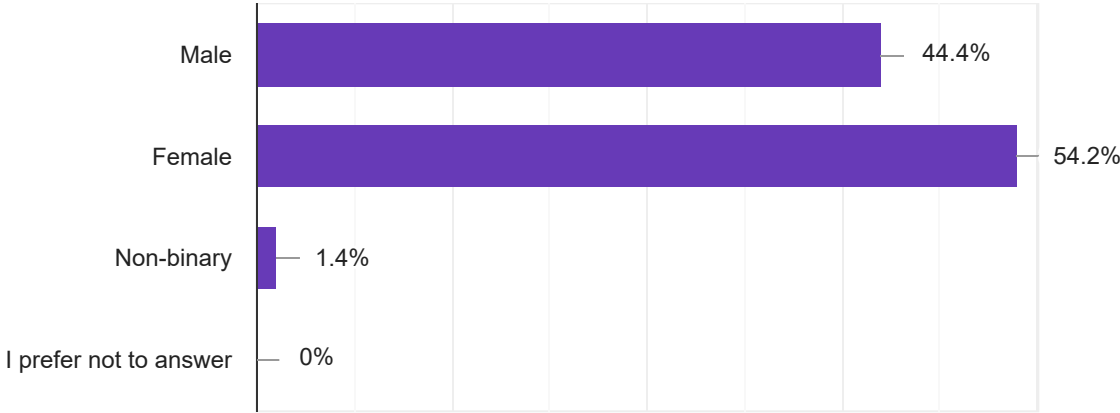
With which racial or ethnic group(s) do you identify? (Select all that apply)



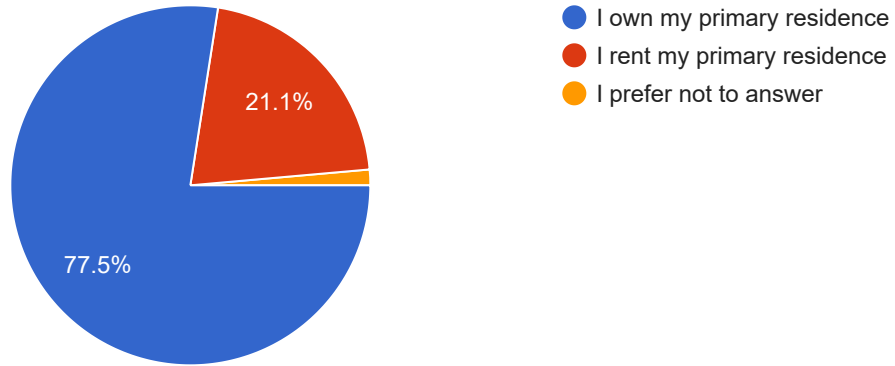
Do you have a disability?



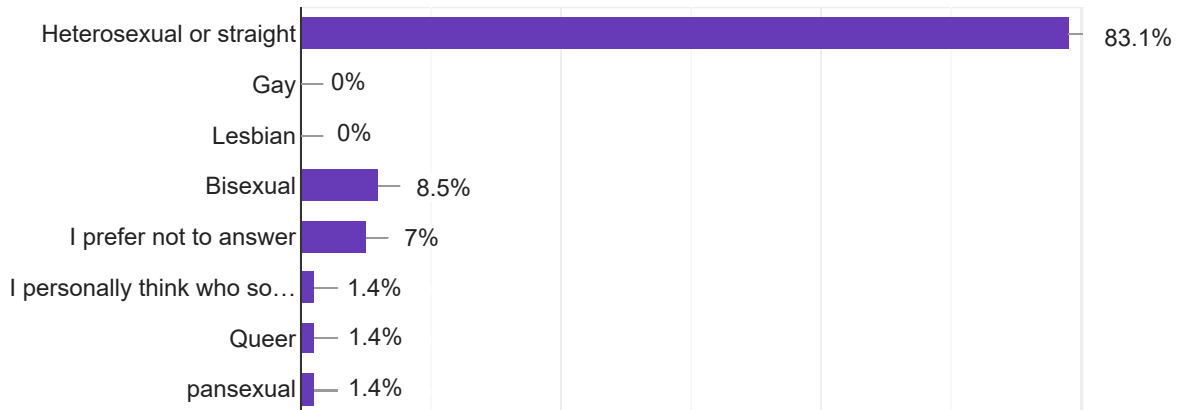
With which gender(s) do you mostly identify?



Primary Residence



Sexual orientation



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Memorandum

REPORT TO: City Commission

FROM: Taylor Lonsdale, Engineer
Dani Hess, Community Engagement Coordinator

SUBJECT: Fowler Avenue Connection Project Introduction

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Citizen Advisory Board/Commission

RECOMMENDATION: No action required.

STRATEGIC PLAN: 1.2 Community Engagement: Broaden and deepen engagement of the community in city government, innovating methods for inviting input from the community and stakeholders.

BACKGROUND: The purpose of this special presentation is to introduce the Fowler Avenue Connection project team, scope, time frame, existing conditions, and community engagement process.

Fowler Avenue is a critical multi-modal transportation corridor for our growing community. The Fowler Avenue Connection project will connect Huffine Lane to Oak Street and Davis Lane creating a significant north-south connection to neighborhoods, schools and jobs. The Fowler Avenue corridor passes through existing neighborhoods as well as properties that are currently in Gallatin County. Due to the impacts this project will have on adjacent neighborhoods and its importance to the broader transportation system, the design will be informed by community input. We look to inform and consult with the community on the existing needs and challenges of the corridor while involving the community in evaluating alternatives for the design of the corridor.

The construction of the Fowler Avenue Connection is scheduled in FY23. The pre-design phase is currently underway and includes existing conditions assessments and Right of Way acquisition.

Community engagement efforts are also underway. Information and activities to get to know the project and provide initial input are available now on [Engage Bozeman](#). Throughout Spring 2023, additional constituent meetings, open community forums, and walk audits will also provide opportunities for the community to learn about and provide input on the

project. The purpose of engagement at this stage of the project is to:

- Inform the community of the project scope, time frame, phases, and community engagement process
- Define which decisions have already been made and which decisions public input will influence (ie: Fowler will be built. We need input on what type of bicycle facilities will be included. Some number of large existing trees will likely need to be removed. Why? How could we mitigate this?)
- Consult the community on issues that they feel are critical to the project to understand specific concerns and considerations
- Define decision making criteria such as cost of construction, operations, maintenance; conformance with design standards; safety and accessibility for people of all ages and abilities using all modes of travel; vehicle traffic capacity and level of service; natural resource impacts; and goals set forth in guiding plans (ie: Community Plan, Climate Plan)
- Involve appropriate constituents and city staff in developing design alternatives based on criteria

UNRESOLVED ISSUES: None.

ALTERNATIVES: None identified or recommended.

FISCAL EFFECTS: Fees for this will be paid from the Street Impact Fee Fund Project Number SIF076, and total costs of pre-design services will be \$341,700.

Attachments:

[20210810_Fowler_Scope_of_Work_Pre-Design.pdf](#)

Report compiled on: February 7, 2022

Exhibit A

Fowler Avenue Connection – Huffine Lane to Oak Street

Pre-Design Scope of Work

8/5/21

Sanderson Stewart, along with our subconsultants, SK Geotechnical and Weston Solutions, is pleased to provide this scope of work for the Pre-Design Phase of the Fowler Avenue Connection project. Pre-design services for the project will include a preliminary traffic analysis (including demand modeling, forecasting future traffic volumes, an evaluation of a 3-lane vs. 5-lane typical section, and an evaluation of traffic signals vs. roundabouts for the Babcock Street and Durston Road intersections), topographic survey, preliminary geotechnical analysis/report, environmental review, wetland delineation, preliminary stormwater analysis, concept-level design of intersection improvements, opinions of probable construction cost, identification of public and private utility conflicts/extensions, and a preliminary right-of-way review. Project services will also include a comprehensive community engagement process and will conclude with a pre-design report and a presentation to the City Commission. A detailed scope of services for these pre-design tasks is outlined as follows.

Phase 1 - Project Initiation

This phase of the project will include all project initiation and planning tasks, including scoping, contract preparation, meetings with the City of Bozeman, and coordination with sub-consultants. All project management tasks, client meetings and subconsultant coordination for tasks beyond project initiation will be allocated to the remaining project phases.

Phase 2 - Traffic Data Collection

Traffic data collection will include AM and PM peak hour turning movement counts at the following project corridor intersections:

- Fowler Ave/Main St (Huffine Ln)
- Fowler Ave/Babcock St
- Fowler Ave/Durston Rd
- Fowler Ave/Oak St

In addition to the turning movement counts, average daily traffic (ADT) counts will be collected in conjunction with the turning movement counts. All traffic data will be collected using Miovision Scout video data collection systems. Data processing will also result in breakdowns of trucks, buses, bicycles and pedestrians, as well as directional distribution. Video data will be stored throughout the duration of the project in case additional processing is needed.

Raw traffic count data will be adjusted for seasonal variation using the most current available Montana Department of Transportation (MDT) seasonal adjustment factors.

Phase 3 – Traffic Modeling and Analysis

This phase will include development of a sub-area traffic model of Northwest Bozeman that will be utilized for the evaluation of alternatives and to assess impacts on adjacent corridors. Key aspects of this phase will be to assess when a 5-lane roadway or larger intersections may be needed based on demand and how this additional link in the network will impact demand. Sanderson Stewart will utilize StreetLight Location-Based Services (LBS) Data to assess origins and destinations within the study area and approximate the traffic volumes on the corridor after construction. Combining the volume-calibrated historical LBS origin-destination data with the historic ADTs, projections of design year (10-year and 20-year) traffic volumes will be developed with adjustments for current data and historic background growth rates in the area. Three-lane and five-lane typical sections will be analyzed for the Fowler Avenue corridor, along with peak hour (AM and PM) intersection capacity calculations for the four primary corridor intersections (listed above in the Traffic Data Collection phase). An evaluation of traffic signal vs. roundabout control will be conducted for the Babcock Street and Durston Road intersections, including an analysis of MUTCD traffic signal warrants. Opinions of probable construction cost will be developed for the alternatives to aid in that comparison. Minor improvements will be considered at the existing signalized Huffine Lane intersection (including a review of a recent traffic study conducted by MDT calling for dual turn lanes) and the roundabout at Oak Street, as needed.

This phase will also include a review and analysis of crash data for the most recent three-year period available, corridor traffic simulation for the AM and PM peak periods using either Synchro or Vissim, and an evaluation of bike and pedestrian accommodations along and across the corridor. Crash data will be requested from the City of Bozeman Police Department and MDT for the entire corridor. It is assumed that the City of Bozeman will provide copies of traffic impact studies prepared for area developments.

The preliminary traffic analysis findings and recommendations will be summarized in report format with supportive tables and exhibits and incorporated into the pre-design report.

Phase 4 - Preliminary Stormwater Analysis

This task will include a cursory review of existing stormwater infrastructure, identification of low points along the corridor and locations where future detention ponds or pipe extensions may be needed. Potential LID treatments will be considered, and problem areas identified, but the sizing of stormwater infrastructure will be completed with a future phase of the project. Sanderson Stewart will coordinate with the City Stormwater Division as needed and will ensure conformance with the City's Stormwater Facilities Plan.

Phase 5 - Preliminary Lighting Analysis

This task will include preliminary lighting calculations for the project corridor (including intersection lighting), a preliminary concept lighting plan, and opinions of probable construction cost for the different alternatives. Sanderson Stewart will also coordinate with Northwestern Energy to discuss locations and general feasibility for providing electrical service(s). A preliminary lighting design narrative will be developed for inclusion in the pre-design report.

Phase 6 – Environmental Surveys

This phase of the project will consist of several baseline environmental surveys by Weston Solutions, Inc., including a Biological Resource Review, Hazardous Materials/Substances – Initial Site Assessment, Wetland Delineation and Mitigation Alternatives. If more detailed analysis is required beyond these initial reviews/assessments, Weston Solutions will provide an additional proposal. The extent of waterways and wetlands within the right-of-way will be flagged, surveyed, and included in the base drawings. If calculated impacts to any waters of the U.S. require a Section 404 permit, the Sanderson Stewart team will prepare and submit the appropriate permit application as part of the future design phase of the project. A more detailed scope of services for this phase (provided by Weston Solutions) is included as an attachment to this scoping document.

Phase 7 - Geotechnical Analysis

Soils and pavement design evaluations will be conducted and recommendations for the roadway surfacing section will be prepared by SK Geotechnical. This evaluation will consist of eleven (11) borings, including six (6) within or adjacent to the existing roadway pavement and five (5) borings off the existing roadway. Laboratory testing will be conducted, and a geotechnical report will be prepared for inclusion in the overall pre-design report. A scope of services for this task provided by SK Geotechnical is included as an attachment to this scoping document.

Phase 8 - Topographic Survey

A detailed topographic survey of the Fowler Avenue corridor will be conducted from Huffine Lane to Oak Street using a combination of GPS, LIDAR scanning and total station techniques. The survey area will include the anticipated future right-of-way and the entire City-owned parcel located on the southeast corner of Fowler Avenue & Oak Street. Survey tasks will include compilation of all plats and certificates of survey along the corridor. A corner record search to establish right-of-way will be conducted, but a complete boundary survey is not included. Up to 40 hours of field time will be spent searching for property corners. Additional pre-survey research will be conducted as required, utility locates will be requested, and survey control will be set by Sanderson Stewart with monuments at a minimum spacing of 0.25 miles. Sanderson Stewart will prepare right-of-entry requests for all large properties on the corridor and as needed for smaller properties.

Sanderson Stewart will assemble and review existing as-built drawings for the corridor as available from the City of Bozeman, MDT, and private utilities. Base drawings will be prepared in Autocad format following the completion of the topographic survey, and additional pick-up topo will be conducted as needed throughout the duration of the project. Base drawings will be prepared in Bobcat Low Distortion Projection (LDP) coordinates. Public and private utilities will be located prior to the survey via one-call for inclusion in base drawings. This phase also includes traffic control needed for the completion of survey tasks.

Phase 9 - Conceptual Design

Design concepts at this phase of the project will consist of plan view sheets showing geometrics, lane configurations and typical sections. Two intersection design alternatives will be considered at the Babcock Street and Durston Road intersections, including traffic signals and roundabouts. Two typical section alternatives will be considered, generally consisting of three-lane and five-lane alternatives. Potential right-of-way impacts will be identified for each typical section alternative and for the intersection alternatives. Concept

drawings will be prepared in plan view only. Bike and pedestrian facilities will also be included in all concept design alternatives. Utilities and stormwater facilities will be addressed with a narrative in the pre-design report but will not be shown in the concept design. Coordination with known adjacent site development projects will be provided as needed to address access locations, and water and sewer services, if needed.

The deliverable for this phase will include 11x17 plan drawings incorporating the base topographic survey and proposed improvements overlaid on an aerial image. This phase will include coordination with the City's right-of-way consultant as necessary for a preliminary review of right-of-way constraints. Opinions of probable cost will be prepared for all alternatives considered in the conceptual design (two typical section alternatives and two intersection alternatives at Babcock Street and Durston Road).

Phase 10 – Community Engagement

Fowler Avenue is a critical multi-modal transportation corridor for our growing community. It connects neighborhoods, schools, and jobs. The Fowler Avenue corridor passes through existing neighborhoods and its development will have an impact on the surrounding community. Given these critical factors, it is vital that our community be engaged in the development of this project. We look to inform and consult with the community on the existing needs and challenges of the corridor while involving the community in evaluating alternatives for the design of the corridor.

Community Engagement for the Pre-Design Phase of the Fowler Avenue project will include the following:

- Implement a Community Engagement Platform (Engagement HQ by Bang the Table) where project information will be available.
- Sanderson Stewart will develop a two-way communication campaign with project details including how to engage.
- Utilize social media, postcard mailers, trail/park/yard signage to drive use of engagement platform.
- Host up to eight (8) Stakeholder Meetings (individual or combined stakeholder groups, including the list provided in the Fowler Community Engagement Plan; assume all meetings will be virtual).
- Host up to three (3) Walking Audits (one for each ½ mile segment of the project; assume meetings will be in-person).
- Host up to two (2) town hall sessions (assume they will be virtual meetings with the same content held at two (2) different times to offer options to attendees), complement with online virtual open house on Community Engagement Platform that includes videos from the live meeting, the same meeting graphics, and opportunities for online public input.
- Present the project at up to two (2) City Commission meetings to provide overview of alternatives considered, public input received, and the preferred design alternative.

Phase 11 – Public and Private Utility Coordination

Sanderson Stewart will provide coordination with the City of Bozeman on existing public utilities and proposed extensions, as well as private utility companies throughout the development of the concept designs and pre-design report. This phase of the project will include a high-level review of potential water and sewer extensions/ and CIP projects, and it will address annexation of County parcels and the subsequent connections to water and sewer. Private utility coordination is anticipated to consist primarily of review of concept plans by utility

companies for identification of possible conflicts and opportunities for expansion. Tasks include correspondence and up to two meetings with utility companies.

Phase 12 - Pre-Design Report

The findings from Phases 1-11 will be summarized and documented through the preparation of a detailed pre-design report. This report will be a bound report including concept level design drawings, opinions of probable cost, and various recommended improvements for the corridor. A draft report will be prepared for review by the City of Bozeman, and the report will then be finalized following receipt of review comments and City Commission decision on design alternatives. The final deliverable will consist of three bound hard copies of the final report and an electronic copy in pdf format.

Phase 13 – Annexation and Initial Zoning Applications for County Parcels

This phase of the project will include the preparation of an annexation and initial zoning application to the City of Bozeman Planning Division for the three large County parcels on the corridor (or portions thereof) that have been or will be acquired by the City of Bozeman for the Fowler Avenue public right-of-way. The final extent of properties to be annexed will be made through coordination with the City and their right-of-way agent during the right-of-way acquisition process. This scope of work assumes up to three annexation and initial zoning applications.

The work includes the preparation of required materials, outlined in the Annexation Application Checklist and the Zone Map Amendment Checklist, attendance at a Bozeman Planning Board, Zoning Commission and City Commission public hearings. Specific items to be included in this scope include:

- Application checklists
- Project narrative
- Responses to review criteria
- Application exhibits
- Printed mylars upon approval of annexation and zone map amendment
- Attendance at one City Planning Board Meeting
- Attendance at one City Zoning Commission Meeting
- Attendance at one City Commission meeting (assume one meeting for all applications)
- Legal description for resolutions of annexation and amendment

Fees and Billing Arrangements:

Sanderson Stewart will bill for its services on a lump sum basis with a project total of \$341,700.00, based on the attached labor summary. Sanderson Stewart shall submit invoices to the Client for work accomplished during each calendar month. The amount of each monthly invoice shall be determined on the “percentage of completion method” whereby Sanderson Stewart will estimate the percentage of the total work (provided on a lump sum basis) accomplished during the invoicing period.

Schedule:

The anticipated schedule for this project consists of a pre-design report deliverable within eight (8) months of notice to proceed. A more detailed schedule will be provided upon notice to proceed.

Fowler Avenue-- Main to Oak

Pre-Design

8/5/2021



	LaborCategory	Total PlanHours	Total PlanBill Amt
Phase: Project Initiation			
Task: City Consultation & Meetings			
	Principal	4.00	820.00
	Senior Engineer I	4.00	580.00
Task: Project Scoping			
	Senior Engineer I	10.00	1,450.00
	Senior Engineer I	2.00	290.00
	Senior Engineer II	20.00	3,700.00
	Senior Engineer II	2.00	370.00
Task: Project Planning			
	Senior Engineer I	2.00	290.00
	Senior Engineer II	4.00	740.00
Subtotal		48.00	8,240.00
Expenses			0.00
Total for Project Initiation		48.00	8,240.00
Phase: Traffic Data Collection			
Task: Project Mgmt & Consultation			
	Senior Engineer I	14.00	2,030.00
	Senior Engineer I	2.00	290.00
Task: Traffic Data Collection			
	Senior Engineer I	2.00	290.00
	Staff Engineer I	16.00	1,600.00
Task: Compile/Process Count Data			
	Staff Engineer I	16.00	1,600.00
Task: Count Data Summary Figures			
	Senior Engineer I	4.00	580.00
	Staff Engineer II	16.00	1,760.00
Subtotal		70.00	8,150.00
Expenses			2,300.00
Total for Traffic Data Collection		70.00	10,450.00
Phase: Traffic Modeling and Analysis			
Task: Project Mgmt & Consultation			
	Senior Engineer I	10.00	1,450.00
	Senior Engineer I	4.00	580.00
Task: City Consultation & Meetings			
	Senior Engineer I	10.00	1,450.00
	Senior Engineer I	4.00	580.00
Task: LBS O-D Data Analysis & Future Volumes			
	Senior Engineer I	20.00	2,900.00
	Staff Engineer I	80.00	8,000.00
Task: Crash Data Analysis			
	Senior Engineer I	16.00	2,320.00
Task: Evaluate Signals vs Roundabouts			
	Staff Engineer II	16.00	1,760.00

Task: Traffic Signal Warrant Analysis			
	Senior Engineer I	4.00	580.00
	Staff Engineer II	16.00	1,760.00
Task: Traffic Simulation			
	Senior Engineer I	8.00	1,160.00
	Staff Engineer I	60.00	6,000.00
Task: Evaluate Bike/Ped Accomodations			
	Senior Engineer I	4.00	580.00
	Staff Engineer II	8.00	880.00
Task: Traffic Exhibits			
	Staff Engineer I	8.00	800.00
Task: Traffic Report			
	Senior Engineer I	8.00	1,160.00
	Staff Engineer II	24.00	2,640.00
Task: Quality Control Review			
	Principal	4.00	820.00
	Senior Engineer I	8.00	1,160.00
Subtotal		312.00	36,580.00
Expenses			9,600.00
Total for Traffic Modeling and Analysis		312.00	46,180.00
Phase: Preliminary Stormwater Analysis			
Task: Project Mgmt & Coordination			
	Principal	2.00	410.00
	Project Engineer II	6.00	750.00
	Senior Engineer I	6.00	870.00
Task: Stormwater Review and Write-Up			
	Project Engineer II	16.00	2,000.00
	Staff Engineer I	24.00	2,400.00
Subtotal		54.00	6,430.00
Expenses			
Total for Preliminary Stormwater Analysis		54.00	6,430.00
Phase: Preliminary Lighting Analysis			
Task: Project Mgmt & Coordination			
	Principal	2.00	410.00
	Senior Engineer I	4.00	580.00
Task: Lighting Review and Write-up			
	Senior Engineer I	8.00	1,160.00
	Staff Engineer I	28.00	2,800.00
Subtotal		42.00	4,950.00
Expenses			
Total for Preliminary Lighting and Analysis		42.00	4,950.00
Phase: Environmental Review			
Task: Project Mgmt & Consultation			
	Project Engineer II	4.00	500.00
	Senior Engineer I	8.00	1,160.00
Subtotal		12.00	1,660.00
Subconsultant (Weston Solutions)			15,465.00
Total for Environmental Review		12.00	17,125.00

Phase: Geotechnical Analysis			
Task: Project Mgmt & Consultation			
	Project Engineer II	4.00	500.00
	Senior Engineer I	8.00	1,160.00
Subtotal		12.00	1,660.00
Subconsultant (SK Geotechnical)			29,750.00
Total for Geotechnical Analysis		12.00	31,410.00
Phase: Topographic Survey			
Task: Project Mgmt & Consultation			
	Senior Engineer II	8.00	1,480.00
	Senior Professional Land Surveyor	8.00	1,160.00
Task: Survey Control - Set Monuments			
	Staff Surveyor II	10.00	1,050.00
Task: Project control - Levels, Notes, Adjust			
	Staff Surveyor II	16.00	1,680.00
	Staff Surveyor II	16.00	1,680.00
Task: Cadastral - Plats, COSs, RW maps, LDR's			
	Designer I	24.00	3,480.00
	Senior Professional Land Surveyor	24.00	3,480.00
Task: Cadastral - RW, Property Search & Tie			
	Staff Surveyor II	16.00	1,680.00
Task: Cadastral - Base Map Drafting			
	Designer I	24.00	2,280.00
	Senior Professional Land Surveyor	24.00	3,480.00
Task: Topographic Survey			
	Staff Surveyor II	80.00	8,400.00
Task: Scanning and Scan Registry			
	Staff Surveyor II	8.00	840.00
	Staff Surveyor II	8.00	840.00
Task: Scan Data Cleanup and 3D Linework			
	Designer I	64.00	6,080.00
Task: Draft Topo & Base Plan			
	Designer I	48.00	4,560.00
Task: ROW Exhibit			
	Right-of-Way Agent	8.00	1,160.00
	Senior Professional Land Surveyor	8.00	1,160.00
Task: QC Review			
	Principal	4.00	820.00
	Senior Professional Land Surveyor	8.00	1,160.00
Task: Right-of-Entry Letters			
	Clerical/Admin	8.00	600.00
	Senior Engineer I	2.00	290.00
Subtotal		416.00	47,360.00
Expenses			6,305.00
Total for Topographic Survey		416.00	53,665.00

Phase: Conceptual Design			
Task: Project Mgmt & Coordination			
	Principal	8.00	1,640.00
	Project Engineer II	8.00	1,000.00
	Senior Engineer I	8.00	1,160.00
	Senior Engineer II	8.00	1,480.00
Task: Corridor Concept Design (3 and 5 lane)			
	Senior Designer II	120.00	13,200.00
	Senior Engineer II	40.00	7,400.00
	Staff Engineer I	80.00	8,000.00
Task: Intersection Concept Design (rndbt/signal)			
	Senior Designer II	80.00	8,800.00
	Senior Engineer I	20.00	2,900.00
	Senior Engineer II	20.00	3,700.00
	Senior Engineer II	20.00	3,700.00
	Staff Engineer I	80.00	8,000.00
Task: Typical Sections			
	Senior Designer II	8.00	880.00
	Senior Engineer II	4.00	740.00
	Staff Engineer I	8.00	800.00
Task: QC Review			
	Principal	4.00	820.00
	Senior Engineer II	4.00	740.00
Subtotal		520.00	64,960.00
Expenses			
Total for Conceptual Design		520.00	64,960.00
Phase: Community Engagement			
Task: Project Mgmt & Coordination			
	Marketing Director	8.00	1,080.00
	Principal	10.00	2,050.00
	Senior Land Planner	20.00	2,900.00
Task: Prepare and Update Engagement HQ Site			
	Marketing Director	12.00	1,620.00
	Principal	6.00	1,230.00
	Senior Land Planner	48.00	6,960.00
Task: Mailers/Yard Signage/Social Media			
	Clerical/Admin	24.00	1,800.00
	Marketing Director	24.00	3,240.00
	Principal	4.00	820.00
	Senior Land Planner	8.00	1,160.00
Task: Stakeholder Meetings (8 Meetings)			
	Marketing Director	16.00	2,160.00
	Principal	24.00	4,920.00
	Senior Land Planner	24.00	3,480.00
Task: Walking Audits (3 Meetings)			
	Principal	9.00	1,845.00
	Senior Land Planner	9.00	1,305.00
Task: Town Hall Meetings (2 Meetings)			
	Graphic Artist	24.00	2,280.00

	Marketing Director	24.00	3,240.00
	Principal	24.00	4,920.00
	Senior Land Planner	24.00	3,480.00
Task: City Commission Meetings (2 Meetings)			
	Principal	4.00	820.00
	Senior Land Planner	10.00	1,450.00
Subtotal		356.00	52,760.00
Expenses			
Total for Community Engagement		356.00	52,760.00
Phase: Public and Private Utility Coordination			
Task: Public Utility Coordination			
	Senior Engineer I	2.00	290.00
	Senior Engineer II	4.00	740.00
	Senior Engineer II	8.00	1,480.00
	Senior Engineer II	8.00	1,480.00
Task: Utility Write-Up for Report			
	Project Engineer II	8.00	1,000.00
	Senior Engineer II	4.00	740.00
Subtotal		34.00	5,730.00
Expenses			
Total for Public and Private Utility Coordination		34.00	5,730.00
Phase: Pre-Design Report			
Task: Project Mgmt & Coordination			
	Principal	4.00	820.00
	Senior Engineer I	12.00	1,740.00
Task: City Meetings			
	Principal	4.00	820.00
	Senior Engineer I	8.00	1,160.00
Task: Report Writing			
	Project Engineer II	20.00	2,500.00
	Senior Engineer I	20.00	2,900.00
	Staff Engineer I	40.00	4,000.00
Task: Opinions of Probable Cost			
	Project Engineer II	8.00	1,000.00
	Senior Engineer I	8.00	1,160.00
	Senior Engineer II	8.00	1,480.00
	Staff Engineer I	24.00	2,400.00
Task: QC Review			
	Principal	4.00	820.00
	Senior Engineer II	8.00	1,480.00
Subtotal		168.00	22,280.00
Expenses			
Total for Pre-Design Report		168.00	22,280.00
Phase: Annexation and Zone Map Amendments			
Task: Project Mgmt & Coordination			
	Senior Land Planner	10.00	1,450.00
Task: Prepare Applications			
	Land Planner	30.00	3,900.00
	Senior Land Planner	8.00	1,160.00

	Senior Land Planner	10.00	1,450.00
Task: Application Exhibits			
	Land Planner	20.00	2,600.00
	Senior Land Planner	8.00	1,160.00
	Senior Professional Land Surveyor	20.00	2,900.00
Task: Planning/Zoning/Commission Meetings			
	Senior Land Planner	20.00	2,900.00
Subtotal		126.00	17,520.00
Expenses			
Total for Annexation and Zone Map Amendments		126.00	17,520.00
Total for Fowler Ave-- Pre-Design		2,170.00	341,700.00

Memorandum

REPORT TO: City Commission

FROM: Anna Rosenberry, Assistant City Manager

SUBJECT: Resolution 5372 Amending the City's Annual Budget to Increase the Appropriations for the Christie Fields Playground Project in the Parks and Trails District Fund - Appropriations Will Be Paid With Existing Fund Reserves

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: I move to approve Resolution No 5372 - Amending the City's Annual Budget to Increase the Appropriations for the Christie Fields Playground Project in the Parks and Trails District Fund.

STRATEGIC PLAN: 3.4 Active Recreation: Facilitate and promote recreational opportunities and active health programs and facilities.

BACKGROUND: The City's current Parks and Trails District budget includes \$110,000 in funding for the playground equipment at the Christie Fields (CIP item GF092). The pricing for this project needs to be increased so that we can keep up with inflationary increases for equipment and supplies, as well as to incorporate features that improve the overall accessibility of the playground. The structure will be upgraded to include the addition of synthetic turf, providing superior mobility and low maintenance. An additional \$125,000 is requested.

The current play structure at Christie Fields is approximately 30 years old (well beyond the standard useful life of 15 years.) Due to its age, replacement parts are no longer available and sections of the equipment are closed as they fail or become unsafe. Given this state, it is the structure that the public most frequently requests we consider replacing.

The Parks and Trails Fund is estimated to have over \$473,000 in fund reserves available to be spent. We recommend paying for the playground cost increases/enhancements with fund reserves.

UNRESOLVED ISSUES: None.

ALTERNATIVES: None.

FISCAL EFFECTS:

If approved, this budget amendment would allow the city to spend an additional \$125,000 on the Christie Fields Playground project. Cash on hand in the Parks and Trails District fund would decrease, as would the fund balance. The estimated Fund Balance at the end of FY22 would drop by \$125,000 from \$473,000 to \$348,000.

Attachments:

[NOTICE - P&T Christie Field Budget Amendment Hearing.docx](#)
[Resolution 5372 Budget Amendment P&T Dist.docx](#)

Report compiled on: February 9, 2022

NOTICE OF PUBLIC HEARING FOR BUDGET AMENDMENT

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 7-6-4021, Montana Code Annotated, the City Commission of the City of Bozeman, Montana will conduct a public hearing on amending the municipal budget for Fiscal Year 2021-2022 embodied in Commission Resolution No. 5372, at 6:00 pm on Tuesday, February 15, 2022, at City Hall, 121 N. Rouse Avenue, Bozeman, Montana.

The commission will consider amending the city's annual budget to make a \$125,000 addition to the capital appropriations for the Christie Fields Playground project in the Parks & Trails District fund, as approved June 22, 2021. The new appropriations will be paid for with existing fund reserves.

Copies of Commission Resolution No. 5372 are on file in the office of the City Clerk, City Hall, 121 N. Rouse Avenue, and may be examined by all interested citizens.

Any and all interested persons are invited to attend the public hearing and to submit testimony in support or in opposition to the proposed budget amendment or to submit written testimony prior to or during the public hearing. Written testimony can be submitted to the City Clerk, mmaas@bozeman.net, PO Box 1230, Bozeman, Montana 59771.

If you have a disability that requires assistance, please contact the City of Bozeman's ADA Coordinator, Mike Gray, mgray@bozeman.net, at 582-2307 (TDD 582-2301). If you have questions about the budget proposal, please contact Anna Rosenberry, Assistant City Manager, arosenberry@bozeman.net at 582-2325.

Dated this 27th day of January, 2022

Mike Maas, City Clerk

Legal Ad

Publish: Sunday, February 6, 2022
Sunday, February 13, 2022



RESOLUTION 5372

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, AMENDING THE CITY'S ANNUAL BUDGET TO INCREASE THE APPROPRIATIONS FOR THE CHRISTIE FIELDS PLAYGROUND PROJECT IN THE PARKS AND TRAILS DISTRICT FUND. APPROPRIATIONS WILL BE PAID WITH EXISTING FUND RESERVES.

WHEREAS, the City Commission did, on the 22nd day of June, 2021, after due and proper legal notice, conduct a public hearing and adopt a municipal budget for Fiscal Year 2021-2022 (Fiscal Year 2022); and

WHEREAS, the Parks and Trails District Fund is estimated to have over \$473,000 in fund reserves available that could be appropriated to additional capital projects; and

WHEREAS, the City Commission did, on the 15th day of February, 2022, after due and proper legal notice, conduct a public hearing on proposed amendments to the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, to wit:

Section 1 – Appropriation Additions

The City Commission of the City of Bozeman, Montana, does hereby authorize additional expenditures for the GF092 – Playground Equipment - Christie Fields Playground Project, increasing appropriation by \$125,000 in the Parks and Trails District Fund.

Section 2 – Use of Fund Reserves in the Parks and Trails District Fund

The increased appropriation will be paid with existing Fund Reserves in the Parks and

Trails District Fund.

Section 3

Pursuant to Section 7-6-4030, M.C.A., this resolution, upon its passage, shall be in full force and effect on July 1, 2021.

Section 4

That should it be found by any court of competent jurisdiction that any section, clause, portion, sentence, word, or phrase of this resolution is deemed to be contrary to any existing law or regulations, that in this instance, it is the intent of the City Commission of the City of Bozeman, Montana, that all other portions, sections, words, clauses, phrases, or paragraphs of this document shall remain in full force and effect.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 15th day of February, 2022.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

Memorandum

REPORT TO: City Commission

FROM: Jessica Ahlstrom, Water Conservation Program Manager
John Alston, Director of Utilities

SUBJECT: Direction to City Staff on the Development of Water Conservation Standards for New Development and City-Wide Outdoor Watering Restrictions

MEETING DATE: February 15, 2022

AGENDA ITEM TYPE: Policy Discussion

RECOMMENDATION: City Staff seek direction from the City Commission to develop landscape and irrigation performance and design standards for new development as well as city-wide time-of-day and day-of-week outdoor watering restrictions.

STRATEGIC PLAN: 6.1 Clean Water Supplies: Ensure adequate supplies of clean water for today and tomorrow.

BACKGROUND: In 2013, the City Commission adopted an [Integrated Water Resources Plan](#) (Plan) in order to guide future water use and supply policies and practices. The Plan calls for water conservation to fill fifty percent of the gap between water supply and demand over the next 40 years. Upon adoption of the Plan, the City Commission specifically supported an education and incentive-based approach to conservation while recognizing that the Plan acknowledges a future need to take a regulatory approach to water conservation.

Outdoor watering of lawns and landscapes represents fifty percent of annual residential water use in Bozeman. A recent analysis of single family water use based on year-built indicates that homes built over the last decade are applying over twice the amount of water to landscapes as compared to older homes, despite being located on smaller lots with less landscaping. This is likely due in large part to the installation of inefficient irrigation systems and high water use turfgrass in new construction.

Bozeman is a fast-growing drought-prone community facing numerous water supply constraints posed by its headwaters location in the Upper Missouri River Watershed, impacts of climate change on water supply yields, and challenging legal framework regarding new water right appropriations. In order to ensure that Bozeman has a reliable water supply available for the future, City Staff ask the City Commission to consider landscape and irrigation performance and design standards for new development to ensure that outdoor watering associated with future growth is more efficient; as well as to consider establishing time-of-day and day-of-week watering restrictions for all water customers, regardless of drought condition.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As suggested by the City Commission.

FISCAL EFFECTS: None at this time.

Attachments:

[Proposed Revisions to Landscape and Irrigation Performance and Design Standards_Presentation Slides_Feb 15.pdf](#)

Report compiled on: December 27, 2021

Work Session

Proposed Landscape and Irrigation Performance and Design Standards



Jessica Ahlstrom

Water Conservation Program Manager

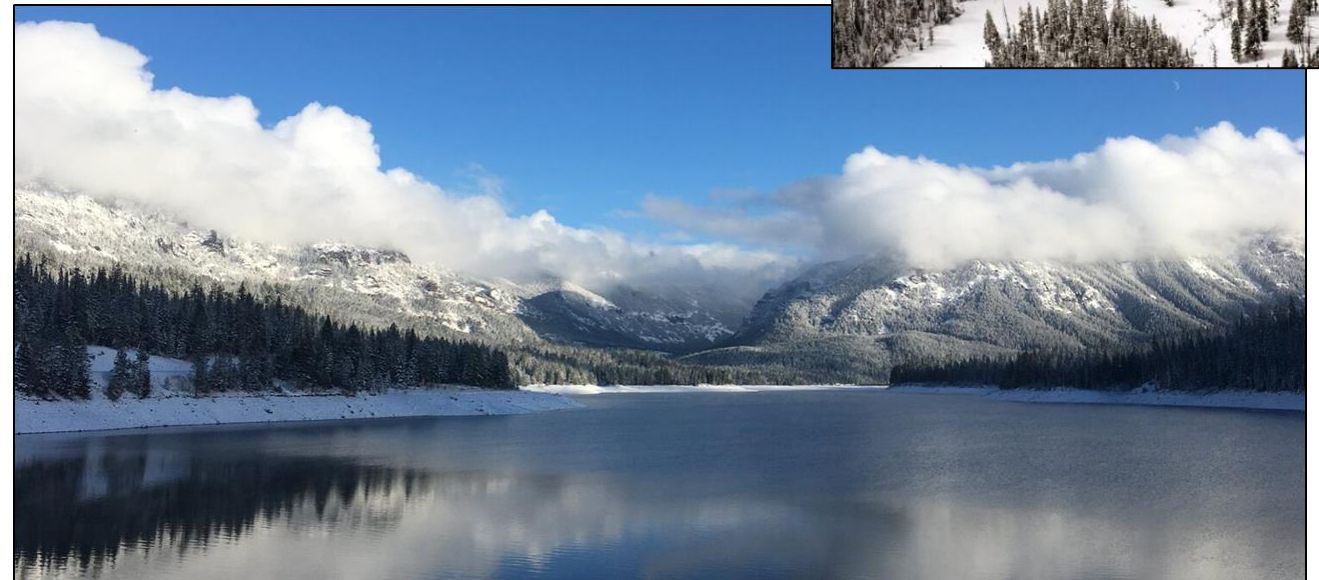
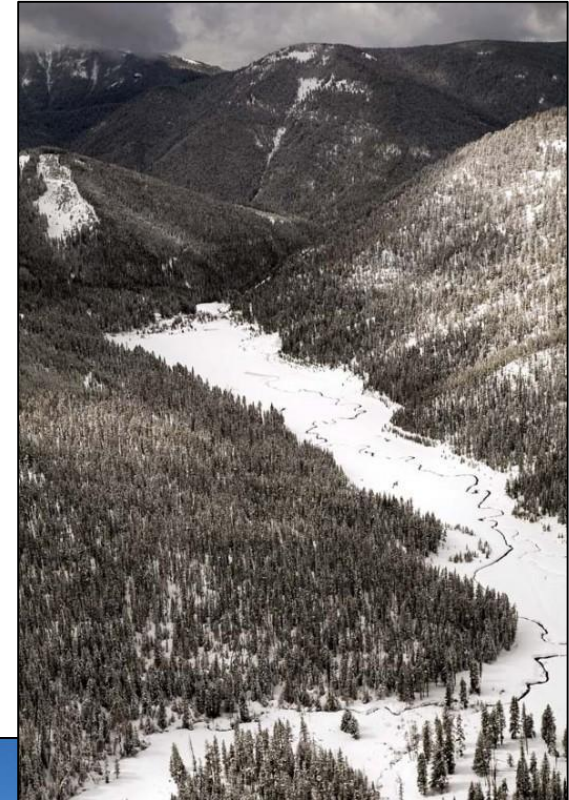
February 15, 2022

Integrated Water Resources Planning

- IWRP & Implementation Plan adopted in 2013
- Water conservation to fill 50% of gap between supply and demand
- Upon adoption, City Commission supported an initial focus on water conservation outreach and education

Water Supply Constraints:

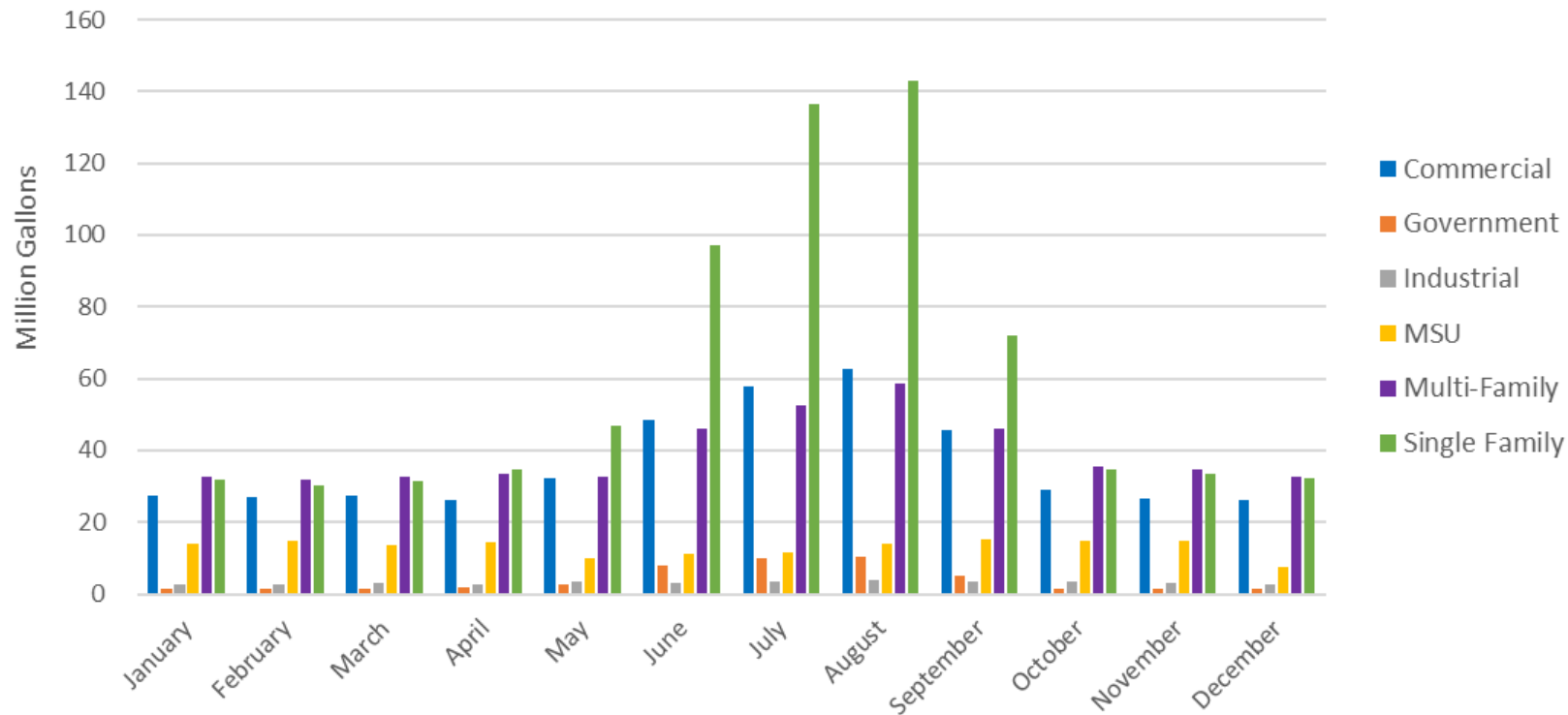
- Limited supplies
- Limited storage
- Drought prone
- Snowpack reliant
- Climate change
- Closed basin status re:
new water right appropriations



Rising Outdoor Water Use

50% of annual residential water use goes into lawns and landscapes

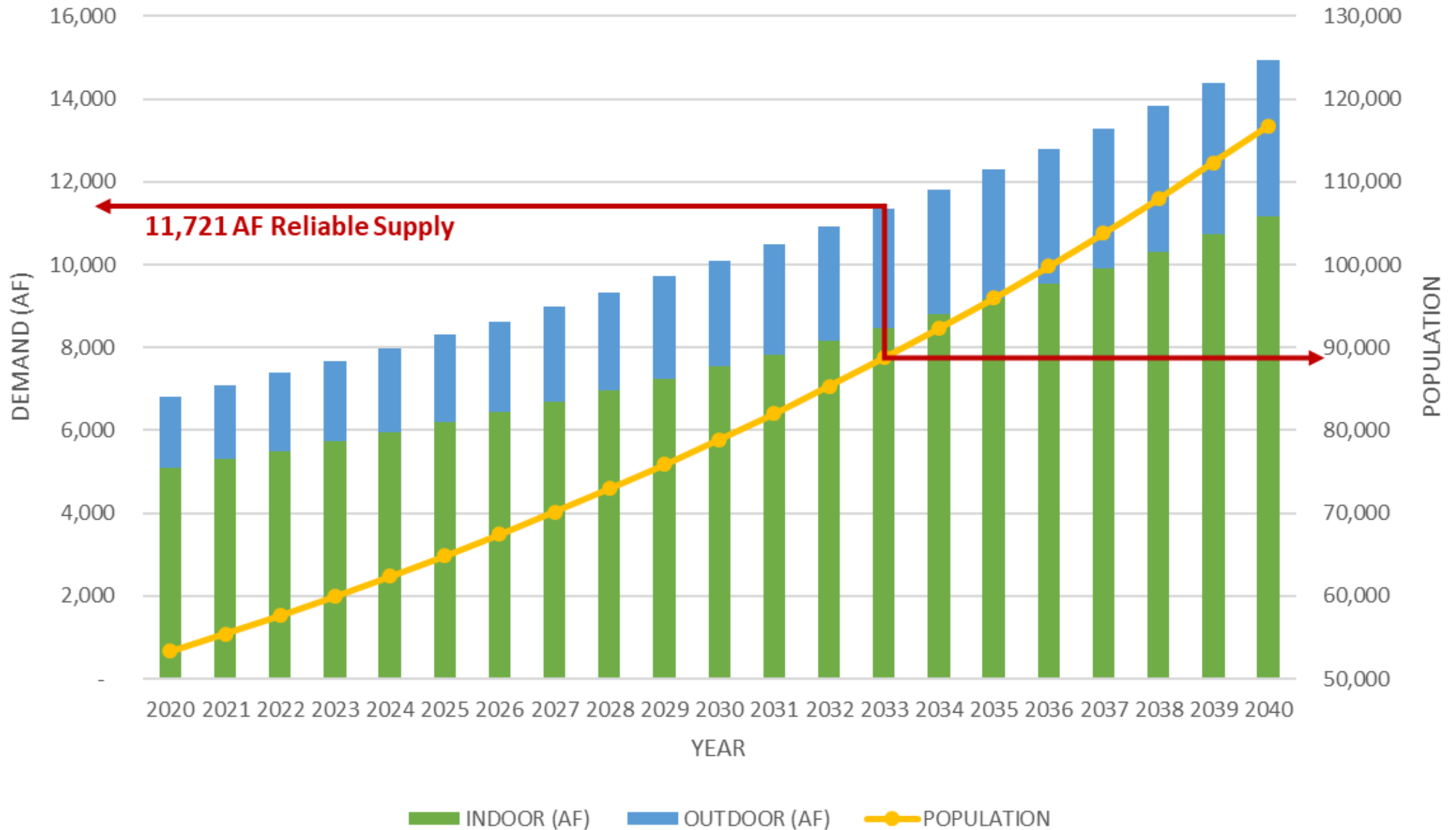
Average Monthly Water Demand by Customer Class (2016 -2020)



TRENDS:

- Single family homes built since 2009:
 - lots are 20% smaller,
 - outdoor water use is 2x higher,
 - outdoor water use exceeds plant water demands
- More large developments are expected to connect to city water for irrigation in the future

PROJECTED WATER DEMAND vs. RELIABLE SUPPLY



Questions for Consideration

- Does the City Commission agree with proposed water conservation standards for new development (Tier 2: Recommended Standards)?
- Does the City Commission support implementing time of day & day of week watering restrictions for all water customers city-wide?



Code Change Approaches

- **Four Elements**

- Landscape design standards
- Irrigation design standards
- Irrigation performance standards
- Large landscape standards

- **Three Tiers:**

- 1) Minimum standards
- 2) Recommended standards
- 3) Maximum standards

- **Two Administrative Processes:**

- Residential & Commercial ≥ 5 units
 - Formal plan review process
- Residential 4 unit or less
 - Building permit process



Minimum Standards Included in ALL Tiers

Landscape design standards

- Limit installation of high water use turfgrass, focusing on ‘functional turf’ areas
 - Varies based on project/land use type
- Topsoil depth & quality requirements
- Mulch requirements

Irrigation performance standards

- Weather based controllers
- High efficiency nozzles
- Adequate operating pressure

Irrigation design standards

- Require irrigation design plans for projects ≥ 5 units
 - Head to head coverage
 - Hydrozoning
 - Low flow or drip irrigation requirements (trees, perennials, etc.)
 - Prohibit overhead spray from being installed in narrow vegetated areas

Overarching Goals:

- Limit high water use turfgrass
- Require drought tolerant landscaping
- Require high efficiency irrigation
- Limit overhead spray irrigation

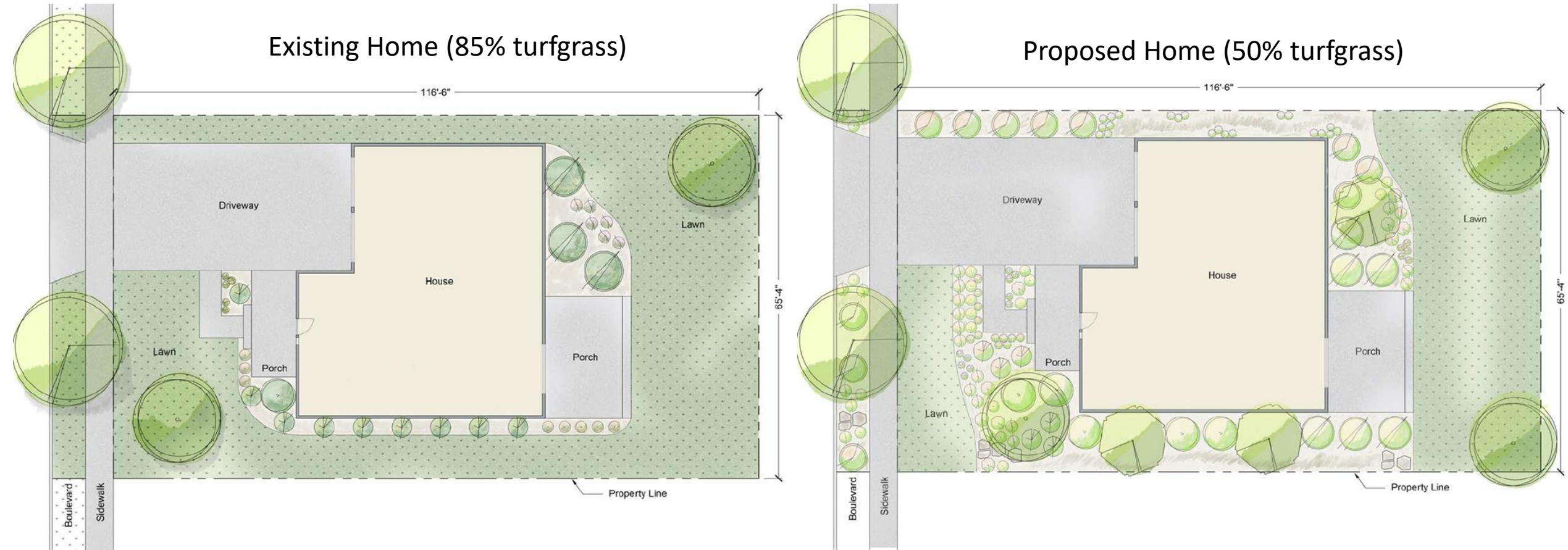
	Tier I: Minimum Standards	Tier II: Recommended Standards	Tier III: Maximum Standards
Additional Landscape Design Standards	<p>Turfgrass limits based on total vegetated area:</p> <ul style="list-style-type: none"> - SF: 75% turf - MF & COM: 50% turf 	<p>Turfgrass limits based on total vegetated area:</p> <ul style="list-style-type: none"> - SF: 50% turf - MF & COM: 40% turf - <u>Option</u> not to exceed water budget of <11 gal/sq. ft. of landscaped area 	<p>Turfgrass limits based on total vegetated area:</p> <ul style="list-style-type: none"> - SF: 35% turf - MF & COM: 20% turf - <u>Option</u> not to exceed water budget of <9 gal/sq. ft. of landscaped area - Require submittal of lab test to demonstrate topsoil quality - All landscape retrofit projects require landscape permit to ensure project complies with new standards
Additional Irrigation Design & Performance Standards	<ul style="list-style-type: none"> - Prohibit overhead spray from being installed in areas less than 6 ft. wide 	<ul style="list-style-type: none"> - Prohibit overhead spray from being installed in areas less than 10 ft. wide - Irrigation design plans and O&M plans required for all projects subject to plan review 	<ul style="list-style-type: none"> - Prohibit overhead spray from being installed in areas less than 12 ft. wide - Prohibit turf from being installed in all boulevard areas - Irrigation permit and performance requirement of 70% distribution uniformity (verified by third party certified contractor) required

	Tier I: Minimum Standards	Tier II: Recommended Standards	Tier III: Maximum Standards
Large Landscape Requirements	- None	- Flow sensor installation required	- Irrigation sub-meter required - Irrigation rate structure for sub-metered accounts
Compliance Review & Inspections	- Plan review & compliance inspections for ≥ 5 units - ‘Self-certification’ compliance checklist for residential 4 units or less	- Plan review & compliance inspections for ≥ 5 units - ‘Self-certification’ compliance checklist for residential 4 units or less - Inspect 5% of SF homes annually	- Plan review & compliance inspections for projects of all sizes - ‘Self-certification’ compliance checklist for residential 4 units or less with inspections for all SF homes.
Time of Day & Day of Week Watering Restrictions	- Watering limited to the hours of 6pm to 10am	- Watering limited to three assigned days per week - Watering limited to the hours of 8pm to 8am - These requirements will apply to <u>every</u> water customer	- Watering limited to three assigned days per week - Watering limited to the hours of 10pm to 8am

Typical Bozeman Single Family Home

Existing Home (85% turfgrass)

Proposed Home (50% turfgrass)



Proposed landscape:

35% less turfgrass

25% outdoor water use reduction

40% reduction in water bill (outdoor use)

35% higher installation cost, but lower maintenance costs

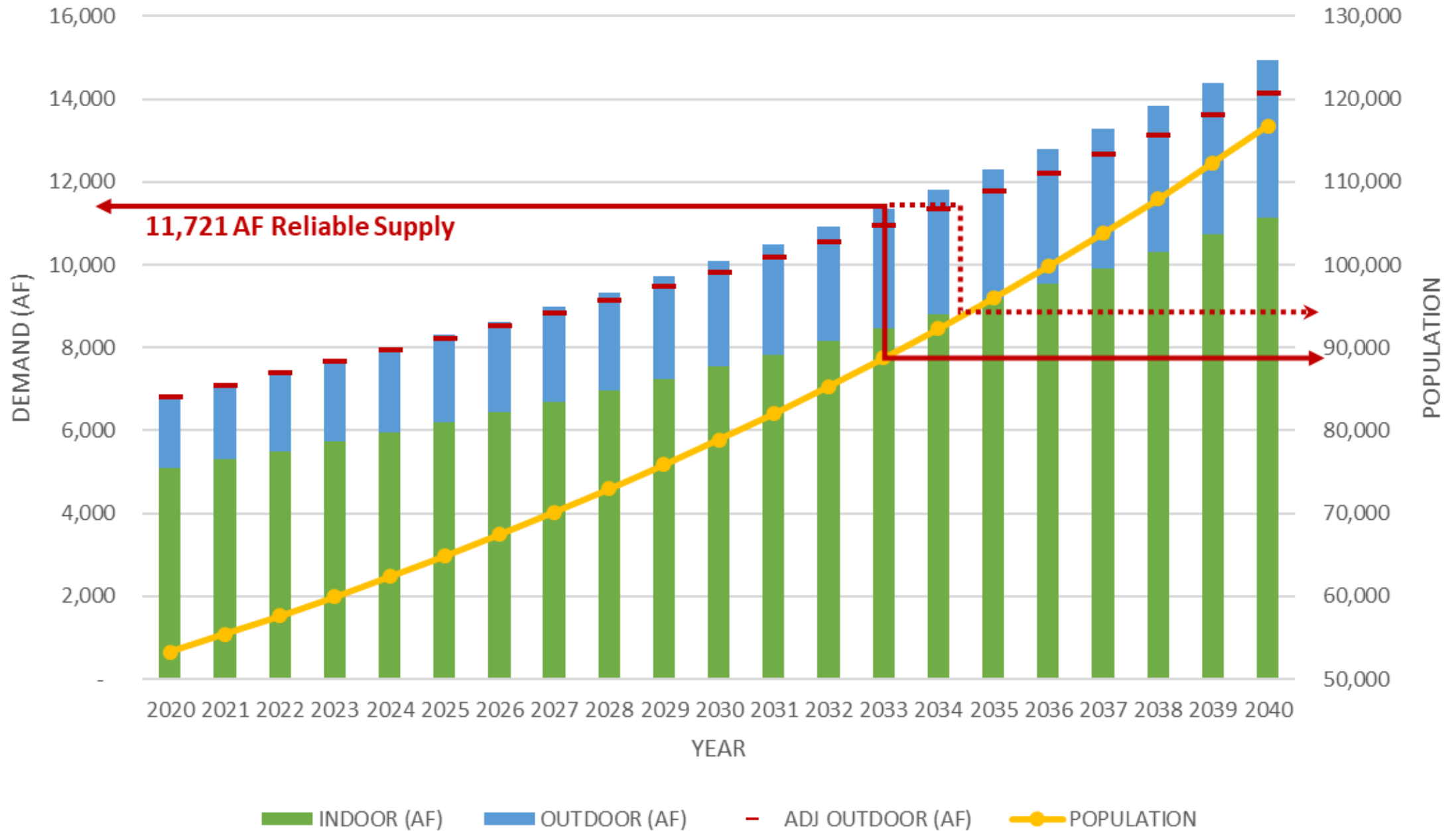
Benefits of Recommended Standards

	Water Saved in 2040	Single Family Home Equivalents	Benefit / Cost Ratio to City
Tier 1: Minimum Standards	465 AF/YR	1,860 homes	3.68
Tier 2: Recommended Standards	751 AF/YR	3,004 homes	5.17
Tier 3: Maximum Standards	1,291 AF/YR	5,164 homes	5.45

Qualitative Benefits to Proposed Standards	
-Increased plant diversity	-Increased wildlife habitat
-Improved watershed health	-Reduced stormwater runoff
-Climate adaptive landscapes during drought	-Increased shade
-Lower maintenance	-Reduced pesticides and fertilizers
Ability for residents to landscape yards to align with values	
Best in class utility	Leader in conservation



PROJECTED WATER DEMAND vs. RELIABLE SUPPLY

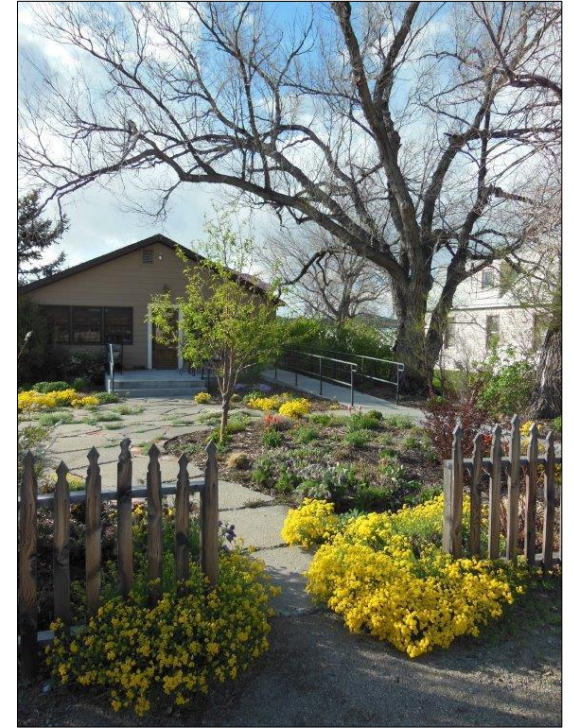


Next Steps

- If the City Commission directs staff to move forward, staff will begin community engagement
 - Consult key groups on impacts and implementation of new standards
 - Inform the Bozeman community of new standards
 - A communication and education campaign will follow any formal adoption of new standards



Thank you.



Questions for Consideration

- Does the City Commission agree with proposed water conservation standards for new development (Tier 2: Recommended Standards)?
- Does the City Commission support implementing time of day & day of week watering restrictions for all water customers city-wide?

