

**RESOLUTION NO. 4015**

**A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MILES CITY AND KADRMAS, LEE & JACKSON, INC., FOR SERVICES RELATED TO PERMIT APPLICATION FOR 57 PIT AT THE MILES CITY AIRPORT.**


*WHEREAS*, the City of Miles City and Kadrmass, Lee & Jackson, Inc., have entered into a Miscellaneous Professional Services Agreement to assist with preparing an application for open cut mining related to fifty-seven gravel pit located at the Miles City Airport;

*AND WHEREAS*, the parties desire to amend such agreement to add additional services and modify timelines related to the same;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The "Amendment to Agreement for Professional Services" attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by the Council;
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and to bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 13<sup>TH</sup> DAY OF DECEMBER, 2016.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

  
\_\_\_\_\_  
Lorrie Pearce, City Clerk



## Amendment to Agreement for Professional Services

Project No. 2516112                      Amendment No.      1 (One)

### Background Data

- |                                                          |                                                           |
|----------------------------------------------------------|-----------------------------------------------------------|
| a. Effective Date of Agreement for Professional Services | <u>August 8, 2016</u>                                     |
| b. Engineer                                              | <u>Kadrmass, Lee &amp; Jackson, Inc.</u>                  |
| c. Owner                                                 | <u>City of Miles City</u>                                 |
| d. Project                                               | <u>57 Pit Opencut Mining Permit Renewal</u>               |
| e. This Part of the Project                              | <u>Professional Assistance with Mining Permit Renewal</u> |

### Nature of Amendment (check all that apply)

- Additional services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications to payment to Engineer
- Modifications to time(s) for rendering Services

### Description of Modifications

After reviewing the Department of Environmental Quality (DEQ) letter of November 18, 2016, it appears the Engineer will exceed the original contract amount as the following work items were not anticipated in the initial estimate:

1. DEQ is requiring additional coordination with the Montana Sage Grouse Habitat Conservation Program. In August, the DEQ originally indicated the project was located outside of sage grouse habitat. In September, the DEQ informed the Engineer that the project was indeed within sage grouse habitat and required additional coordination.
2. The boundary of the 57 Pit needs to be revised from the original permit as portion of the current 57 Pit extends outside of the original 2004 boundary. The DEQ is requesting the revised boundary be recalculated and the corners marked.
3. Document coordination between with the Airport, FAA and Owner.
4. Submitting a FAA Form 7460-1 (FAA Notice of Proposed Construction).
5. A field visit by the Engineer's Environmental Specialist is necessary to adequately address the DEQ comments.

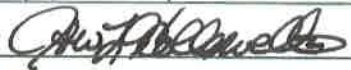
The DEQ is requiring the revised opencut permit application be submitted by December 17, 2016. Following review of the revised permit by the DEQ, it is anticipated final revisions will be completed and the final application will be submitted by January 15, 2017.

A summary of the revised contract amounts follows:


a. Original Agreement amount	\$9,500.00
b. Net change for prior Amendments	\$0.00
c. This Amendment amount	\$3,960.00
d. Adjusted Agreement amount	\$13,460.00

The original Agreement was to be completed within 45 calendar days of issuance of the Agreement. The revised completion date for the Engineer's services is January 15, 2017.

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is December 13, 2016.


Owner City of Miles City  
Signed   
Name John Hollowell  
Title Mayor  
Date 12-13-16

Attest  
Name  
Title

  
Lorrie Pearce  
City Clerk

Engineer Kadmas, Lee & Jackson, Inc.  
Signed   
Name Tom Neigum, PE  
Title Aviation Services Manager  
Date 12/8/16

Attest  
Name  
Title

  
Amanda M. Anderson  
Project Assistant III