

# CITY OF BILLINGS

**CITY OF BILLINGS MISSION STATEMENT:  
TO DELIVER COST EFFECTIVE PUBLIC SERVICES  
THAT ENHANCE OUR COMMUNITY'S QUALITY OF LIFE**

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## AGENDA

COUNCIL CHAMBERS

January 10, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley

PLEDGE OF ALLEGIANCE-- Mayor Tooley

INVOCATION – Councilmember Peggie Gaghen

ROLL CALL

MINUTES – December 13, 2004

COURTESIES

PROCLAMATIONS – Mayor Tooley.

- January: Volunteer Blood Donor Month

BOARD & COMMISSION REPORTS – Community Development Board

ADMINISTRATOR REPORTS – Kristoff Bauer.

LEGISLATIVE REPORT – Kristoff Bauer

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: #1 ONLY.**  
**Speaker sign-in required.** (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard **ONLY** during the designated public hearing time for each respective item.)

*(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)*

### **CONSENT AGENDA:**

**1. A. Bid Awards:**

**(1) Cellular Telephone Service.** (Opened 1/04/05). Recommend  
delaying award to 1/24/05.  
[\(Corresponding Staff Memo A1\)](#)

**(2) Rose Park Recreation Building.** (Opened 11/23/04). Recommend

rejecting all bids and rebidding.

[\(Corresponding Staff Memo A2\)](#)

**B. Amendment #1, W.O. 04-12: Alkali Creek Road Reconstruction,** Kadrmass, Lee & Jackson, Inc., \$25,394.00.

[\(Corresponding Staff Memo B\)](#)

**C. Acceptance** of the 2005 High Intensity Drug Trafficking Area (HIDTA) Award, \$159,248.00.

[\(Corresponding Staff Memo C\)](#)

**D. Agreement with Laurel Ford** for a vehicle for Laurel Police Dept. participation in HIDTA Task Force, \$4,200.00 paid by the HIDTA award.

[\(Corresponding Staff Memo D\)](#)

**E. Approval of DBP Grant** to Urban Frontier Development Venture 2, L.P.(SoPo), \$549.00.

[\(Corresponding Staff Memo E\)](#)

**F. Approval of Downtown Revolving Loan** to James E. Turley, D.D.S., P.C., up to \$250,000.00 at 2.625% rate adjusted annually, to finance tenant improvements, technology investment and staff training and retooling for the Digital Dental Office located at 315 North 25<sup>th</sup> Street in the Rocky Mountain Professional Building.

[\(Corresponding Staff Memo F\)](#)

**G. Authorize** submission of an application for a Certified Local Government Grant from the Montana State Historic Preservation Office, \$5,500.00.

[\(Corresponding Staff Memo G\)](#)

**H. Approval** of the FY 2004-2005 Fair Housing Action Plan.

[\(Corresponding Staff Memo H\)](#)

**I. Resolution** relating to financing of Certain Proposed Projects (Water and Wastewater Revenue Bonds); Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

[\(Corresponding Staff Memo I\)](#)

**J. Street Closure requests:**

1) Martin Luther King Day Pedestrian March, Monday January 17, 2005, 6:30 p.m., 3<sup>rd</sup> Avenue North and 4<sup>th</sup> Avenue North between North 27<sup>th</sup> and North 29<sup>th</sup> Streets.

[\(Corresponding Staff Memo J1\)](#)

2) March of Dimes Walk America Event, Saturday, April 23, 2005, 8:30 am to 12:00 noon, 2<sup>nd</sup> and 3<sup>rd</sup> Avenues North from North 11<sup>th</sup> to North 34<sup>th</sup> Streets.

[\(Corresponding Staff Memo J2\)](#)

**K. Second/final reading ordinance expanding Ward I** to include property on South Frontage Road at the southeast corner of the South Billings Boulevard – Interstate 90 Interchange (Annexation #04-12).  
[\(Corresponding Staff Memo K\)](#)

**L. Rescission of Acceptance of QCD** from Rehberg Ranch Estates Marketing to the City of Billings.  
[\(Corresponding Staff Memo L\)](#)

**M. Approval** of the aggregation of Lots and Dedication of Right-of-Way for Lots 44-46, Block 7, Amended West Side Addition.  
[\(Corresponding Staff Memo M\)](#)

**N. Final plat** of Foxtail Village Subdivision.  
[\(Corresponding Staff Memo N\)](#)

**O. Bills and Payroll.**  
(1) November 26, 2004  
[\(Corresponding Staff Memo O1\)](#)

(2) December 3, 2004  
[\(Corresponding Staff Memo O2\)](#)

(3) December 10, 2004  
[\(Corresponding Staff Memo O3\)](#)

(4) December 17, 2004  
[\(Corresponding Staff Memo O4\)](#)

**(Action:** approval or disapproval of Consent Agenda.)

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC: establishing a *Zoning Overlay District* to extend 500 feet from the center line of Shiloh Road from King Avenue West south to Interstate 90, including Zoo Drive; regulating development standards, landscaping standards, building design standards and other site development standards; and sign standards for commercial, industrial and multifamily developments. Zoning Commission recommended on 5/10/04 approval of the Shiloh Corridor Overlay District as a whole, excluding the portion along Zoo Drive. Staff recommends approval of the South Shiloh Corridor Overlay District, as defined by the area 500 feet from the centerline of Shiloh Road, from King Avenue West south to Interstate 90, including Zoo Drive. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 2\)](#)

3. **CONTINUATION OF PUBLIC HEARING AND FIRST READING ORDINANCE** amending BMCC redistricting of the Ward boundaries. Staff recommends Scenario 1, including placing Rehberg Ranch in Ward IV. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 3\)](#)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding Ward II to include recently annexed property. (Annexation #04-09): 1.6 acre parcel of land on the northeast corner of the intersection of Main Street and Airport Road, Lamar Outdoor Advertising Montana, petitioner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 4\)](#)
5. **CONTINUATION OF PUBLIC HEARING AND RESOLUTION regarding the disposal of City-owned property** described as Lots 9-12, Block 142 O.T., located on the 100 Block of South 25<sup>th</sup> Street and authorizing the sale of the land to the Montana Rescue Mission for \$35,000 or \$2.50 a square foot. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 5\)](#)
6. **PUBLIC HEARING AND RESOLUTION** approving Annexation #04-13: a portion of the NW4 of Section 4, T1S, R25E, C/S 1877, Tracts 1 & 2, containing approximately 50 acres, Jack and Robert Sukin, petitioners. Staff recommends approval of the public service report and the resolution of annexation with conditions. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 6\)](#)
7. **PUBLIC HEARING AND SPECIAL REVIEW #774:** a special review to permit the sale of alcohol (full beverage license) without gaming on a property zoned Community Commercial located at 1640 Grand Avenue. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)  
[\(Corresponding Staff Memo 7\)](#)
8. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.** (Restricted to ONLY items not on the printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

## **Council Initiatives**

## **ADJOURN**

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10<sup>th</sup>, 2005**

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**TITLE:** Cellular Telephone Service Bid Award  
**DEPARTMENT:** Administrative Services / Information Technology Division  
**PRESENTED BY:** Jim Guy, Information Technology Manager

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**PROBLEM/ISSUE STATEMENT:** Our current contract for Cellular Service has expired. Bids were opened on January 4<sup>th</sup>. State law requires that bids be referred to the Council for consideration at the first meeting following the opening. Staff requests the award of bid be delayed until January 24<sup>th</sup> to allow for interviews and further evaluation of the bids.

**ALTERNATIVES ANALYZED:**

1. Stay with current provider.
2. Select a new provider.
3. Delay award of bid until January 24<sup>th</sup> to allow further evaluation.

**FINANCIAL IMPACT:** Cellular Service charges are paid by the Information Technology Division and then charged back to individual departments.

**RECOMMENDATION**

Staff recommends that the City Council delay awarding the bid until the next Council meeting on January 24th.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**PROCEDURAL HISTORY**

- December 9<sup>th</sup>, 16<sup>th</sup> and 23<sup>rd</sup>, 2004 – Request for Bids advertisement
- January 4<sup>th</sup> 2005 – Bids received by Information Technology Division
- January 4<sup>th</sup> – January 13<sup>th</sup>, 2005 – Evaluate bids and interview firms.
- January 24<sup>th</sup>, 2005 – Contract awarded.

[\(Back to Consent Agenda\)](#)

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Rose Park Building Replacement, Rejection of Bids  
DEPARTMENT: Parks, Recreation, and Public Lands Department  
PRESENTED BY: Don Kearney, Director, PRPL Department

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**PROBLEM/ISSUE STATEMENT:** This project is designed to construct a pair of buildings containing public toilets, storage, and a picnic shelter facility as a replacement for the toilets and multi-use building at Rose Park destroyed by fire in September of 2003. Bids were opened for the project on November 23, 2004, and the City Council at the December 13, 2004, meeting delayed award of the bids to the January 10, 2005, meeting. The bids received all are substantially above the amount of funding available for the project. Plans to revise the scope of the project to align with the funds available for the project with the apparent low bidder were explored, but our City Attorney has advised against this action. Our recommendation is to reject any and all bids received and to re-bid the project once the scope of the project and specifications have been revised.

**FINANCIAL IMPACT:** Funding for the project is available from the Property Reserve Fund, insurance reimbursements and CIP funds identified for this building and approved in the budget.

**Location of Work:** Rose Park at 21<sup>st</sup> Street West and Avenue D.

**Funding Sources:** Insurance Reimbursement (\$60,865), Approved CIP (\$45,317.20), Property Reserve Fund (\$25,000).

Approved Dollar Amount for Project \$131,182.20

**Spent to date** \$ 9,612.66

Architecture and Engineering \$ 12,000.00

**Funding available for Construction** \$109,569.54

**RECOMMENDATION**

Staff recommends that Council reject all bids received on this project since all bids were substantially above the amount of funding available for the project.

**Approved By:** City Administrator \_\_\_\_\_ City Attorney \_\_\_\_\_

[\(Back to Consent Agenda\)](#)

## AGENDA ITEM:



### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, January 10, 2005

**TITLE:** W.O. 04-12 - Alkali Creek Road Reconstruction, Professional Services Contract Amendment #1

**DEPARTMENT:** Public Works Department – Engineering Division

**PRESENTED BY:** David D. Mumford, P.E., Public Works Director

**PROBLEM/ISSUE STATEMENT:** Public Works staff has requested Kadrmas, Lee & Jackson, Inc. (KLJ) to perform services beyond the scope of the original professional services contract for the Alkali Creek Road Reconstruction project in order to analyze alternatives and develop the least cost roadway reconstruction design. Staff asked KLJ to do the following: (1) additional water main replacement, (2) additional hydrology/hydraulic analyses associated with alternate roadway sections through the terrain constrained areas of the road, and (3) roadway section analysis and cost estimates for alternatives through the terrain constrained areas of the road, and (4) three-way stop control at the Alkali Creek Road & Senators Boulevard intersection. These additions to the project scope require additional efforts by the consultant, and a contract amendment will be needed to compensate them for their additional efforts.

**FINANCIAL IMPACT:** This proposed Contract Amendment amount exceeds the 10 percent authority granted to the City Administrator and must be approved by City Council. The proposed Contract Amendment for \$25,394.00 represents a 12.0 percent increase in the original contract amount of \$210,860.00. Even including this amendment, the professional services contract remains within the amount presented to Council at the November 15 work session. Funding for this amendment is available from general obligation bond funds (\$23,256) and from utility funds (\$2,138).

#### RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute Amendment #1 to the Contract for Professional Services with Kadrmas, Lee & Jackson, Inc. for \$25,394.00.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

#### ATTACHMENT

A. W.O. 04-12 - Alkali Creek Road Reconstruction, Professional Services Contract Amend. #1

## **INTRODUCTION**

Alkali Creek Road from Airport Road to Senators Boulevard is projected to carry up to 10,000 vehicles per day by 2010. The City has chosen a consultant to design a reconstructed street necessary to meet future travel demands. The project will also include storm drainage, water and sewer mains, a multi-use path, sidewalk, and curb & gutter improvements. Road improvements will enhance the safety of the traveling public along this main arterial road, maintain the rural character of the road along the east-west section, and enhance accessibility for students attending Alkali Creek School.

## **PROCEDURAL HISTORY**

### Completed Items

<u>Completed Items</u>	<u>Date</u>
• Voters approve roadway general obligation bond issuance	Nov 03
• Contract for Professional Services Awarded to KLJ	Apr 04
• Preliminary Engineering Report Completed	Sep 04
• 30% Design and Cost Estimate Submitted	Sep 04
• Status Presentation to Council Work Session	Nov 04

### **Future Items**

• 70% Design and Staff Review	Jan 05
• Public Informational Meeting	Jan 05
• SID Creation and Public Hearing	Feb 05
• 95% Design & Review by staff and CTEP	Feb 05
• Bidding & Award	Mar 05

## **BACKGROUND**

This project will provide engineering design and cost estimates for the construction of infrastructure improvements on Alkali Creek Road from Airport Road to Senators Boulevard. This particular road section was identified for improvements in the Billings Urban Area 2000 Transportation Plan improvements based on projected traffic growth and impacts.

Public Works staff has requested Kadrmas, Lee & Jackson, Inc. (KLJ) to perform services beyond the scope of the original professional services contract for the Alkali Creek Road Reconstruction project in order to analyze alternatives and develop the least cost roadway reconstruction design. Staff asked KLJ to do the following: (1) water main replacement, (2) additional hydrology/hydraulic analyses associated with alternate roadway sections through the terrain constrained areas of the road, and (3) roadway section analysis and cost estimates for alternatives through the terrain constrained areas of the road, and (4) intersection changes at the Alkali Creek Road & Senators Boulevard intersection.

This project includes placement of new 12-inch water mains and new 8-inch sewer mains prior to roadway reconstruction. Preliminary water main design revealed the necessity to upgrade the existing main in Alkali Creek Road north of the Saddle Club curve to the larger size to provide required flow and pressure. In Alkali Creek Road north of the Saddle Club curve, the existing water main is an 8-inch diameter pipe. Looping the new 12-inch water mains with pipes to this



existing 8-inch pipe would reduce the operational flow and pressure. Therefore, staff has asked the consultant to design the replacement of approximately 580 feet of 8-inch water main to new 12-inch main.

When the project was originally scoped, it was thought that the roadway, multi-use trail, and storm drain improvements would fit between the top of the creek slope (to the north) and the hillside (to the south) in the east-west section of Alkali Creek Road between Black Pine Street and Morningside Lane without the need for retaining walls. Survey data and preliminary project design revealed more severe terrain constraints in the area east of Black Pine Street than anticipated. Therefore, the roadway section anticipated in the original contract was infeasible. Staff has asked the consultant to analyze alternative roadway geometry sections and associated hydrology/hydraulics to determine the least costly roadway and storm sewer improvements.

When the project was scoped, it was thought that the intersection of Senators Boulevard & Alkali Creek Road would not require any improvements. Subsequent analysis and public input have determined that three-way stop control will be the best design for increasing intersection level of service. Staff has asked the consultant to include three-way stop control into the project plans.

These additions to the project scope require additional efforts by the consultant, and a contract amendment will be needed to compensate them for the additional efforts.

### **RECOMMENDATION**

Staff recommends that Council authorize the Mayor to execute Amendment #1 to the Contract for Professional Services with Kadrmas, Lee & Jackson, Inc. for \$25,394.00

### **ATTACHMENT**

A. W.O. 04-12 - Alkali Creek Road Reconstruction, Professional Services Contract Amend. #1

**AMENDMENT NO. 1**  
**TO**  
**CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND**  
**ENGINEERING SERVICES**  
**CITY OF BILLINGS WORK ORDER 04-12,**  
**Alkali Creek Road – Senators Blvd. To Airport Road**

THIS AGREEMENT, made and entered into on \_\_\_\_\_, 2004, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,  
PO Box 1178  
Billings, Montana 59103,  
Hereinafter designated the City

and

Kadrmass, Lee & Jackson, Inc.  
PO Box 80303  
Billings, Montana 59108  
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated April 26, 2004, for Contractor to provide engineering services to the City for Work Order 04-12, Alkali Creek Road – Senators Blvd. To Airport Road, and;

WHEREAS, the City has need for additional engineering services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Contractor represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree as follows:

Appendix A, Section 3 is amended as follows:

## **1. Proposed Water System Upgrades (310)**

### **Added Scope:**

Replacement of the existing 8" water main from Tepee Trail to Tumbleweed Drive (South). Replace 580' of 8" ductile iron pipe with 12" PVC.

- Additional plan sheet(s) to show 580' of additional water main length.
- Addition to Project Specifications for "Temporary Water Supply"
- Addition to Project Specifications for "Abandonment of 8" Main"
- Addition to Project Specifications for the "Reconnection of Existing Services" (far side and near side)
- Addition to Construction Traffic Control Plans and Specifications
- Addition of Estimated Quantities and Unit Costs

## **2. Roadway Geometrics (306)**

### **Added Scope:**

A. Section through the constrained areas was to consist of 12' driving lanes with 4' gravel shoulders. Approached City about roadway section width and large excavation cuts into the hillside along the south side of the roadway. City suggested eliminating the ditch section by adding curb and gutter.

B. Comparison of a rural typical section and an urban typical section through the portion of the project from the Saddle Club Curve to the constrained areas.

- Changes alignment characteristics
- Changes drainage study characteristics
- Changes Typical Section as scoped
- Changes original cross section analysis
- Changes Estimated Quantities and Unit Prices

## **3. Hydrology/Hydraulic Analysis (307)**

### **Added Scope:**

The east-west leg of the project was to be rural in character and designed with a roadway ditch section. This type of roadway would consist of surface drainage features like ditches, approach pipes and centerline culverts. Revising the roadway section to include curb and gutter (Sta. 62+00 to 76+00, south side of roadway) will require approximately 2300 L.F. of storm sewer main design and storm sewer lateral design in addition to what was anticipated.

- Additional design and drafting for 2300 L.F. additional storm main length.
- Additional design and drafting for additional storm laterals.
- Addition to Construction Traffic Control Plans and Specifications
- Addition of Estimated Quantities and Unit Costs
- Additional inlet spacing design

- Changes drainage study characteristics

#### **4. Preliminary Engineering Report (300)**

##### **Added Scope:**

Following receipt of the preliminary construction cost estimate associated with the improvements recommended in the Project Engineering Report, the City requested alternate analysis to the original design recommendations in order to reduce project costs.

Requested cost analysis was to consider:

**Alternative No. 1** – Remove curb/gutter, 6' emergency lane and accompanying storm sewer on the south side of Alkali Creek Road from Sta. 36+00 to Sta. 53+00.

**Alternative No. 2** – Remove curb/gutter and 6' emergency lane on the south side of Alkali Creek Road from Sta. 36+00 to Sta. 62+00.

Remove the 6' emergency lane on the south side of Alkali Creek Road from Sta. 62+00 to Sta. 76+00. Curb and gutter will remain in this segment to accompany proposed retaining wall section.

Remove curb and gutter on the north side of Alkali Creek Road from Sta. 36+00 to Sta. 76+00. Roadway would consist of a 26' paved surface with no shoulders.

An open channel ditch will be utilized from Sta. 39+00 to Sta. 53+00. Underground storm sewer will begin at Sta. 53+00 to collect the ditch flow into a 24" diameter pipe.

**Alternative No. 3** – Remove the multi-use trail on the north side of Alkali Creek Road from Sta. 71+00 to Sta. 85+00 (between Black Pine Street and Morningside Road). Shift roadway centerline to utilize space previously planned for multi-use trail.

Analysis requirements:

- Meeting with City to discuss cost savings measures
- Determination of three working alternatives to consider
  - Additional design and drafting to develop costs for each alternative
  - Develop recommendations and prepare report to the City

**5. Multi-use Trail/Bike Route Options  
Roadway Geometrics (306)**

**Added Scope:** City requested options for fitting the multi-use path and roadway section through the constrained area east of Morningside Lane.

**Option A:** The multi-use trail would end at the intersection of Black Pine Street.  
Under Option A, the street width would be increased to allow for a 4' paved shoulder (bike route) on each side of the roadway, from Black Pine Street to the east end of the project, Station 89+50.

**Option B:** The multi-use trail would end at the intersection of Morningside Lane.  
Under Option B, the street width would allow for a 4' paved shoulder (bike route) on each side, from Morningside Lane to the east end of the project, Station 89+50.

**Option C:** Extend 8' wide multi-use trail from Black Pine Street to the east end of the project limits, Station 89+50.

Analysis requirements:

- Meeting with City to discuss multi-use trail/bike route options
- Determination of three working options to consider
  - Additional design and drafting to develop costs for each alternative
  - Develop recommendations and prepare report to the City

**6. Roadway Geometrics (306)**

The multi-use path will end at Black Pine Street.

**7. Roadway Geometrics (306)**

The Senators Boulevard – Alkali Creek Road intersection shall become a three-way stop controlled intersection.

Appendix B, Section 1, Paragraph A is amended to include the following:

For Design Engineering Tasks 100 through 805 from Appendix A, as amended:

Road reconstruction, road improvements, storm water study & Direct expenses (Geotechnical subconsultant, other direct)	\$164,287.00
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Water main extensions from Tumbleweed Drive to

within 150 feet of Indian Trail	\$ 31,054.00
Sanitary sewer main extensions to provide service to the lots on the south side of the rural section of the road	\$ 40,913.00
<b>Total Design Engineering</b>	<b>\$236,254.00</b>

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

CONSULTANT

NAME: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF BILLINGS, MONTANA

BY: \_\_\_\_\_  
Mayor

DATE: \_\_\_\_\_

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C

AGENDA ITEM:



**CITY COUNCIL AGENDA ITEM**

**CITY OF BILLINGS, MONTANA**

**Monday, January 10, 2005**

**TITLE:** Acceptance and Approval of the 2005 High Intensity Drug Trafficking Area (HIDTA) Award #I5PRMP606 in the amount of \$159,248

**DEPARTMENT:** Police Department

**PRESENTED BY:** Ron Tussing, Chief of Police

**PROBLEM/ISSUE STATEMENT:** Senator Baucus succeeded in getting Montana the designation of a High Intensity Drug Traffic Area, and the Office of National Drug Control Policy (ONDCP) has awarded the Eastern Montana Drug Task Force \$159,248 for the calendar year 2005. This is the fourth year the City of Billings is the recipient agency of this award. In 2004, the HIDTA Award was \$117,575. The 2005 HIDTA Award will be used to pay for 1 Administrative Assistant position for the HIDTA task force, task force overtime, investigative travel, an automobile lease agreement with Laurel Ford, cell phones, copier maintenance agreement, investigative/office supplies, equipment and informant costs. HIDTA does pay for all costs associated with the Task Force, except for the Task Force Officers' salary and benefits. When the award documents are received, staff asks that the Mayor be authorized to sign.

**FINANCIAL IMPACT:** The \$159,248 award will require no city match. A budget adjustment will be required in Fund 255 after the approval of this agenda item.

**RECOMMENDATION**

Staff recommends that Council approve and accept the 2005 HIDTA award from the Executive Office of the President, Office of National Drug Control Policy in the amount of \$159,248 and authorize the Mayor to sign the necessary documents, when they are received.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

## **INTRODUCTION**

Since 1999, Senator Max Baucus tried to have Montana designated as a High Intensity Drug Trafficking Area (HIDTA) in order to receive federal resources to battle the methamphetamine epidemic in Montana communities. Senator Baucus succeeded in his cause and Montana was designated as a HIDTA in 2002. This memo is to ask Council for acceptance and approval of the 2005 Award in the amount of \$159,248.

## **BACKGROUND**

For several years, Senator Baucus tried, and in 2002 finally succeeded, in designating Montana as a High Intensity Drug Trafficking Area because of the amount of methamphetamine in the State. This designation provides federal money to help address the problem of use and abuse of methamphetamine-related crimes. Since Montana has been given the HIDTA designation, Eastern Montana Drug Task Force at the Rocky Mountain High Intensity Drug Trafficking Area was created in 2002. This task force consists of personnel from the following agencies: Alcohol, Tobacco and Firearms (1); Border Patrol (1); Billings Police Department (4); Drug Enforcement Administration (2); FBI (1); Laurel Police Dept. (1); Probation and Parole (1); State of Montana Division of Criminal Investigations (1); Yellowstone County Sheriff's Office (2);. The Task Force is managed by a Sergeant from the Billings Police Department and is currently housed in the with the FBI offices in the Western Security Bank Building. Within the next month, the Task Force will relocate to the U. S. Marshall's Building across from Yellowstone County Courthouse. Tonight, Council is being asked to approve and accept the 2005 HIDTA Award.

## **RECOMMENDATION**

Staff recommends Council approve and accept the 2005 HIDTA Award from the Executive Office of the President, Office of National Drug Control Policy in the amount of \$159,248 and authorize the Mayor to sign the necessary documents when they are received.

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Vehicle Lease Agreement with Laurel Ford for Laurel Police Dept.  
participation in the HIDTA Task Force.

**DEPARTMENT:** Police Department

**PRESENTED BY:** Ron Tussing, Chief of Police

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**PROBLEM/ISSUE STATEMENT:** The Laurel Police Department has one officer who is a member of the High Intensity Drug Traffic Area (HIDTA) Task Force. He is in need of a vehicle in order to do his undercover work. The Billings Police Department is the host agency for HIDTA. Laurel Ford has agreed to lease the City of Billings one vehicle for the officer's use, which will be paid for with HIDTA funds. In 2003, the Deputy City Attorney prepared an "Interlocal Agreement between the City of Billings and the City of Laurel" since the City of Laurel wants to participate in the HIDTA Task Force, but they cannot afford a car for the officer. This Interlocal Agreement is valid for a period of 5 years, through December 7, 2008. Laurel Police Department will provide the officer and the City of Billings will provide for the vehicle lease. If any damage occurs to the vehicle, the City of Laurel will reimburse the City of Billings for any damages.

**FINANCIAL IMPACT:** The cost of leasing one vehicle is \$350 per month. For the 12 month period, the cost will be \$4,200 which will be paid for by the 2005 HIDTA award.

**RECOMMENDATION**

Staff recommends Council approval of the attached 12 month automobile lease agreement with Laurel Ford.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT**

A - Lease Agreement with Laurel Ford

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Downtown Billings Partnership (DBP) Recommendation to provide Grant Awards in excess of \$49,999.

**DEPARTMENT:** Administration-Finance Division

**PRESENTED BY:** Patrick M. Weber, Financial Services Manager

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**PROBLEM/ISSUE STATEMENT:** The DBP seeks Council approval of grant amounts in excess of \$49,999 for an additional \$549.00 awning grant for Urban Frontier Development Venture 2, L.P. (SoPo). On April 26, 2004, the Council approved excess amounts totaling \$71,107.50 for SoPo.

**FINANCIAL IMPACT:** The Tax Increment Fund has a FY 2005 budget for this grant.

**RECOMMENDATION**

The Executive Committee of the DBP recommends that Council approve the additional \$549.00, which is in excess of the \$49,999 cap for the awning grant award to Urban Frontier Development Venture 2, L.P.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT**

*A- DBP Executive Committee Meeting Agenda Item 3b*

## **INTRODUCTION**

- Tax Increment grant amount in excess of \$49,999 requires Council action approving the excess amount.

## **BACKGROUND**

- On April 26, 2004, the Council approved the excess amount of \$21,108.50 of the following DBP approved grants to Urban Frontier Development Venture 2, L.P.:

♦ Façade grant	\$36,107.50
♦ Housing grant	32,000.00
♦ Parking grant	<u>3,000.00</u>
♦ Total	<u>\$71,107.50</u>
- The additional awning grant of \$549.00 will bring the total grants awarded to Urban Frontier Development Venture 2, L.P. to \$71,656.50.

## **RECOMMENDATION**

The Executive Committee of the DBP recommends that Council approve the additional \$549.00, which is in excess of the \$49,999 cap for the awning grant award to Urban Frontier Development Venture 2, L.P.



**Executive Agenda Item 3b – Board Agenda Item 3c**

**December**

**PROJECT MANAGER'S REPORT**

**Grant Programs**

Below is the current status of each of the grant programs. Please see attached spreadsheets for grant details.

**Technical Assistance Bank**

- No new applications received
- Available balance as of December 10: \$58,070

**Façade Grant Program**

- Grants awarded:
  - SoPo Lofts at 2608 Montana Avenue, Urban Frontier Development, \$549
  - Snow Country Clothing at 2821 2<sup>nd</sup> Avenue N., Denice Johnson, \$780
  - Marcasa Clothing at 100 N Broadway, Chuck Barthuly, \$1,183
    - additional \$260 pending Committee review
  - Amfac Building at 3005 1<sup>st</sup> Avenue S., Archie Barnard, \$28,744
  - Oliver Building at 2702 Montana Avenue, Oliver Bldg Dev. Venture, \$45,000
    - additional \$5,000 pending Committee review
- Available balance as of December 10: \$44,112

**Housing Grant Program**

- Applications received and pending Committee review:
  - Oliver Building at 2702 Montana Avenue, Oliver Bldg Dev. Venture, \$41,000
- Available balance as of December 10: \$220,000

**Retail Rehab Grant Program**

- No new applications received
- Available balance as of December 10: \$30,000

**Parking Grant Program**

- Applications received and pending Committee review:
  - Oliver Building at 2702 Montana Avenue, Oliver Bldg Dev. Venture, \$1,600
- Available balance as of December 10: \$71,200

**Committees**

**Urban Design**

The Urban Design Committee met on December 8<sup>th</sup>. A Parking Grant application(#702) received for the Oliver Building was tabled until the next Committee meeting to allow time for a

**Downtown Billings Partnership, Inc.**

Downtown Billings Association, Inc. - Downtown Property Owners Committee - Parking Advisory Board - Billings Cultural Partners  
2906 3rd Ave. North - PO box 2117 - 59103 - Tel. 406-294-5060 - Fax. 406-294-5061 - [www.downtownbillings.com](http://www.downtownbillings.com)

presentation regarding the Downtown Signage and Wayfinding project. The Beauchamp Group, Inc. presented a Preliminary Design Concept to the Committee. A full report of that presentation is available in the Contract for Services – Beauchamp Group report, *Agenda Item 5i*.

### **Façade Improvement**

The committee is very active and has granted several awards in the last month. Two applications that were awarded, Marcasa Clothing (#90) and the Oliver Building (#92), have additional funds pending Committee review and approval. One other application, Schwend Apartments (#69), has grant funds pending approval -- the Committee requested additional information in September. The Committee reviewed the Façade informational flyer on December 8<sup>th</sup> and I continue to work on refining it.

### **Housing**

The committee will meet on December 15<sup>th</sup> to review a Housing Grant application for the Oliver Building at 2702 Montana Avenue.

### **Technical Assistance Bank**

No new applications received.

### **Other Activities**

#### **Downtown Billings Website**

In an effort to make the website more user friendly for persons interested in applying for grants I created a Grant & Loan Programs page on our existing website. The site, [www.downtownbillings.com/dbp/dbpgrants.html](http://www.downtownbillings.com/dbp/dbpgrants.html), can be accessed from the “Everything Page” on our [www.downtownbillings.com](http://www.downtownbillings.com) website. The page allows the user to view a listing and description of each program. Users may also download the applications and view a current map of the TID.

I also assisted in updating the Property Owners website, accessible through our Downtown Billings site. Using a format designed by Greg Krueger, I created informational pages that allow the user to view Property Owner Committee meeting times, proposed BID Footprint, Montana state BID laws, and a page which allows them to sign the BID petition. The site, [www.downtownbillings.com/BID/index.html](http://www.downtownbillings.com/BID/index.html), offers several other features including Frequently Asked Questions regarding a BID.

#### **DBP Newsletter**

I designed and created the Winter 2004 Downtown Billings Newsletter. Featured stories included the DBP Grant and Loan Programs, a look at the Billings Cultural Partners, and some of the renovations being done “South of the Tracks.”

#### **Meetings Attended**

- Meeting w/ Chad Schoff November 9<sup>th</sup>
- RLF Committee Mtg - November 9<sup>th</sup>
- CTA Final Walkthrough November 9<sup>th</sup>
- Meeting w/ Tobey Stapleton - November 9<sup>th</sup> & 12<sup>th</sup>
- Executive Committee Mtg - November 12<sup>th</sup>

- Sandstone Towers Mtg November 16<sup>th</sup>
- Façade Committee Mtg November 18<sup>th</sup>
- DBP Board Mtg November 19<sup>th</sup>
- Train Bypass Mtg - November 30<sup>th</sup>
- BID Town Mtg November 30<sup>th</sup>
- Façade Committee Mtg December 1<sup>st</sup>
- DBA Christmas Stroll - December 3<sup>rd</sup>
- Meeting w/ Errol Beauchamp - December 7<sup>th</sup>
- Meeting w/ Vicky Harrison - December 8<sup>th</sup>
- Urban Design Committee Mtg December 8<sup>th</sup>

**Signage & Wayfinding Preliminary Concept Design Presentation**

- Chamber After Hours - December 8<sup>th</sup>
- Train Bypass/BSEDA Mtg - December 9<sup>th</sup>

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F

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Revolving Loan Fund Recommendations for:  
James E. Turley, D.D.S., P.C.

DEPARTMENT: Administration-Finance Division

PRESENTED BY: Patrick M Weber, Financial Services Manager

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**PROBLEM/ISSUE STATEMENT:** The Downtown Revolving Loan Committee met on December 6, 2004 and recommends the following loan:

James E. Turley, D.D.S., P.C.	\$250,000.00
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**FINANCIAL IMPACT:** After awarding this loan, the loan fund will have a balance available of approximately \$360,000.00.

**RECOMMENDATION**

Staff recommends that council approve the loan.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT**

A-Loan Description

## **INTRODUCTION**

- The loan is to finance a portion the following costs:
  - Leasehold improvements of approximately \$455,000. (James E. Turley, D.D.S., P.C.'s Digital Dental Office will be a tenant in the Rocky Mountain Professional Building.)
  - Equipment of approximately \$655,000.
  - Development, site management and other costs of approximately \$57,000.
  - Staff training and retooling of approximately \$171,000.

## **BACKGROUND**

- The Rocky Mountain Professional Building has been awarded the following from Tax Increment funds:

• Downtown revolving loan	\$250,000.00
• Large project grant	<u>530,000.00</u>
♦ Total	<u>\$780,000.00</u>



Revolving Loan Fund Loans

Monday, January 10, 2005

The James E. Turley, D.D.S., P.C. loan will have the following terms and requirements:

Loan	The lesser of \$250,000.00 or 20% of allowed project costs.
Interest Rate	2.625% adjusted annually to low federal funds rate.
Term	Amortized over ten years
Payments	Minimum monthly payments based on a 5% rate
Personal guarantees	The City will obtain personal guarantees from Dr. James E. Turley and Mrs. Rita M. Turley.
Security	The City's UCC filing to secure equipment and receivables will be subordinate to earlier filings by the company's primary lender.
Other	Dr. Turley will personally finance a minimum of 20% of total project costs.

This loan is for tenant improvements, technology investment and staff training and retooling for the Digital Dental Office, which will be located at 315 North 25<sup>th</sup> Street in the Rocky Mountain Professional Building.

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G

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Certified Local Government Grant Program  
**DEPARTMENT:** Planning and Community Services  
**PRESENTED BY:** Ramona Mattix, Planning Director, and John Walsh, Community Development Manager

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**PROBLEM/ISSUE STATEMENT:** The State of Montana Historic Preservation Office has designated the City of Billings as Certified Local Government (CLG) for historic preservation activities. As a CLG, the City is eligible to receive state funding to coordinate historic preservation efforts in our area. Applications for FY2005-06 funding from the State are due on January 31, 2005. The City of Billings utilizes Certified Local Government funding for activities in support of the efforts of the Yellowstone Historic Preservation Board since 1997. A description of these activities is provided in Attachment A.

**ALTERNATIVES ANALYZED:** Agree or decline to participate in State CLG program and accept CLG grant funding to coordinate historic preservation activities.

**FINANCIAL IMPACT:** City Council approval would allow the City of Billings to apply for \$5,500 in State of Montana Certified Local Government funding. These funds will be matched through resources available through the Community Development Block Grant program.

**RECOMMENDATION**

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

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT**

- A. Yellowstone Historic Preservation Board Work Plan (3 pages)

# **Yellowstone Historic Preservation Board**

## **FY05 Work Plan**

### **Goals & Objectives**

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

### **FY05 Projects**

1. Prepare Power point/web site presentation on architectural forms and styles of Billings South Side neighborhood. Identify styles and find the buildings and Host Programs.

**Time Frame:** Prepare summer 2004 and present fall 2004  
**Who:** Western Heritage Center (WHC)  
**Status:** Completed: Waiting for review and feedback by State Historic Preservation Office

2. Complete monthly web site updates on activities and programs. Add information and photographs on all local National Register sites. Add link to National Park Service's technical resources to the site.

**Time Frame:** Ongoing  
**Who:** WHC

3. Update the Yellowstone Historic Preservation Board brochure. Include information on WEB site and contact information for historic preservation concerns.

**Time Frame:** Fall 2004  
**Who:** WHC  
**Status:** Underway

4. Initiate update on the Walking Tour booklet including eight additional historic properties in the Montana Avenue corridor, properties in the community that tell the story of a segment of the city (example of the O'Donnell, Moss and Castle historic residences) and brief biographies of J.G. Link and Chandler Cohagen.

**Time Frame:** Fall 2004  
**Who:** WHC  
**Status:** Underway

5. Present Eugene Carroll Award and Host Annual Breakfast Roundtable – Tuesday, March 15, 2005 at the Billings Railroad depot – Address sound system concerns and provide display tables for others with project information, blueprints etc.

**Time Frame:** Winter 2005  
**Who:** Committee/WHC

6. Complete PowerPoint Presentations before Laurel City Council, Billings City Council and Yellowstone County Commissioners.

**Time Frame:** Winter 2005  
**Who:** Chair, WHC & Historic Preservation Officer (HPO)

7. National Historic Preservation Week Activities - May of 2005. Board committee will decide on a kids program and speaker and other events

**Time Frame:** Spring 2005  
**Who:** Committee & WHC

8. Continue to improve local library and electronic database on historic properties.

**Time Frame:** Ongoing  
**Who:** HPO & WHC

9. Complete consideration of expansion of Historic District west on Montana Avenue and to Minnesota Ave.

**Time Frame:** Summer & Fall 2004  
**Who:** Committee & HPO/WHC  
**Status:** Project continues as board priority. Additional time and resources needed to meet standards for National Register status causing unanticipated delay and extra staff time.

10. Nominate expanded Billings Townsite Historic District to the National Register

**Time Frame:** Summer 2004  
**Who:** HPO/WHC

11. Adopt standards for new construction in historic district.

**Time Frame:** Summer 2004  
**Who:** Committee & HPO/WHC  
**Status:** Draft completed. Public input being requested from property owners that would be impacted by standards

12. Prepare PowerPoint / web site presentation on architectural forms and styles of rural Yellowstone County. Identify styles and find the buildings. Host programs in the spring.

**Time Frame:** Complete Winter 2005 & Present Spring 2005  
**Who:** WHC

13. Review building permits as needed

**Time Frame:** Ongoing as needed  
**Who:** Committee & HPO/WHC

14. Consider nomination of Swords Park on the National Register of Historic Places.

**Time Frame:** Summer and Fall 2004  
**Who:** HPO/WHC  
**Status:** Project delayed due to priority given by board to Historic District expansion

15. Promote additional nominations for the National Register. Assure resources are available for property owners, such as literature and technical assistance. Look at possible school nomination sites and find out how the school can help.

**Time Frame:** Ongoing  
**Who:** WHC/HPO

16. Provide historic preservation materials for inclusion in new Bike Net map

**Time Frame:** Summer 2004  
**Who:** HPO/WHC  
**Status:** Completed

17. Complete work on grant for Historic Survey of Laurel

**Time Frame:** Summer 2004  
**Who:** WHC  
**Status:** Completed

18. Coordinate with the local school districts to promote increased awareness of local historic preservation work - explore the utilization of a historic preservation trunk for schools, including a trunk that focuses on math and architecture

**Time Frame:** Spring 2005  
**Who:** WHC

[\(Back to Consent Agenda\)](#)

H

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Fair Housing Action Plan FY 04 - 05  
DEPARTMENT: Planning and Community Services  
PRESENTED BY: Ramona Mattix and John Walsh

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**PROBLEM/ISSUE STATEMENT:** The Fair Housing Action Plan provides the City of Billings with a mechanism to address the impediments identified in the 2002 Analysis of Impediments to Fair Housing Choice. The City Council was presented and approved a five year Fair Housing Work Plan in October 2002, which details strategies designed to address the impediments identified in the analysis. This plan is available upon request. As a recipient of CDBG and HOME funds, the City of Billings is required to affirmatively further fair housing in our community.

Action is needed on the Fair Housing Action Plan for the current year (Attachment A). Also included for review is the Fair Housing Annual Performance Report (Attachment B) for FY 2003 - 2004. This report details progress this past year in addressing the goals and objectives included in the Fair Housing Work Plan.

**FINANCIAL IMPACT:** The City of Billings has made CDBG funding available through the annual allocation process for fair housing activities to meet the objectives outlined in the Fair Housing Action Plan. The amount of funding allocated was \$15,000 awarded to the Community Housing Resource Board.

**RECOMMENDATION**

The Community Housing Resource Board, Community Development Board, and Staff recommend Council approve the FY 04 - 05 Fair Housing Action Plan.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENTS**

A - Fair Housing Action Plan FY 04-05

B - Fair Housing Annual Performance Report 03-04

## COMMUNITY DEVELOPMENT DIVISION

### FAIR HOUSING ACTION PLAN FY 2004-2005

<b>Strategy One: Promote the development of an integrated, comprehensive strategic plan to guide fair housing education, outreach, and enforcement.</b>		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Work to encourage fair housing stakeholders / organizations to adopt a comprehensive strategic plan.	Support the adoption of a comprehensive strategic plan by key stakeholders.  Facilitate the development and adoption of preliminary action plans for organizations represented on the Community Housing Resource Board (CHRB) by June 2005 in order to prepare reporting for the FY04 -05 Performance Report.	Community Development (CD) Staff  CHRB
B. Support CHRB's planning efforts to:  1. Determine funding needs and potential resources.  2. Prioritize activities based on funding availability.  3. Increase membership & work towards enhancing communication with community groups.	Investigate / Seek stable funding sources including FHIP funding, in-kind assistance, and local foundations.  Develop strategy for applying for and administering FHIP grant during the next SuperNOFA cycle.  Increase in-kind activities.  Send yearly letter to all neighborhood task forces offering Fair Housing presentations.  Work towards enhancing communication with community groups and increasing board membership where practical: <ul style="list-style-type: none"> <li>• Montana Banking Association</li> <li>• Home Builders Association</li> <li>• Chamber of Commerce</li> <li>• Mortgage Insurers</li> <li>• BSEDA</li> <li>• Job Service</li> <li>• Fannie Mae</li> <li>• Architect's Association</li> </ul>	CD Staff / CHRB  CD Staff / CHRB  CHRB  CHRB
C. Enhance relationship with MT Fair Housing	CD Staff will collect complaint data from MT Fair Housing on a routine basis, and will forward Fair Housing Annual Performance Report and Action Plan.	CD Staff / MT Fair Housing
<b>Strategy Two: Ensure the community's fair housing efforts are documented through the institution of data tracking systems.</b>		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Operate a data tracking system.	Archive phone calls, referrals, type of calls, organizational presentations, number of constituents reached, media outreach, workshop attendance and materials distributed. This information will be provided by CHRB to the CHRB, Community Development, and City Council on an annual basis.	CHRB

B. Report annual fair housing activities to key stakeholders.	Develop annual report including information provided by the CHRB.	CHRB / CD Staff
C. Develop a plan to establish a point of contact for fair housing issues and referrals.	Research electronic / such as voice mail, email, etc. to be considered as part of FHIP grant applications.	CHRB / CD Staff

**Strategy Three: Promote fair housing education and training activities citywide.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Provide funding and support to CHRB to promote education and training activities including: 1. Training activities for housing providers. 2. Training activities for community development organizations. 3. Conduct training programs to address impediments for historically underserved populations.	Conduct 28-30 trainings to a variety of organizations (per year).	CHRB
	Conduct training for Chamber of Commerce.	CHRB
	Hold annual disabilities conference.	CHRB
	Investigate other opportunities for accessibility training (city building inspectors).	CHRB / CD Staff

**Strategy Four: Promote fair housing outreach and public relations activities citywide.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Provide funding and support to CHRB to promote outreach and public relations activities, including: 1. Improve / increase fair housing outreach and public relations efforts. 2. Increase awareness of CHRB's services and activities. 3. Undertake outreach efforts to small landlords and provide targeted training biannually.	Update website as needed; periodic Billings Outpost column; continue "Did You Know" columns in Gazette.	CHRB
	Develop marketing and public image campaign for CHRB during Fair Housing Month.	CHRB
	Work with MT Landlord Association and property management firms to determine the educational needs of small / new landlords and implement training.	CHRB

**Strategy Five: Promote affordable housing and economic opportunities for low / moderate income persons and protected classes such as minorities and the disabled.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Implement the goals and objectives outlined in the City of Billings five year housing and community development Consolidated Plan, including:		



<ol style="list-style-type: none"> <li>1. Increase the number of affordable single family and multi-family units.</li> <li>2. Support goals of the Billings Partners for American Indian Homeownership (BPAIHO).</li> <li>3. Coordinate the fair housing efforts among the various housing groups in the community.</li> </ol>	<p>Continue to provide HOME and CDBG funds for affordable housing projects. Investigate additional funding sources / options for new housing projects. Increase collaboration between BPAIHO and CHRB - develop strategies to promote and more aggressively find areas for educational opportunities.</p> <p>Invite BPAIHO member to serve on CHRB Board.</p> <p>Establish a bi-annual meeting for staff from the various groups to discuss fair housing needs and issues.</p>	<p>CD Staff</p> <p>CD Staff</p> <p>CHRB / CD Staff</p> <p>CHRB / CD Staff</p>
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**COMMUNITY DEVELOPMENT DIVISION**  
**FAIR HOUSING ANNUAL PERFORMANCE REPORT**  
**FY 2003-2004**

<b>Strategy One: Promote the development of an integrated, comprehensive strategic plan to guide fair housing education, outreach, and enforcement.</b>		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Work to encourage fair housing stakeholders / organizations to adopt a comprehensive strategic plan.	Support the adoption of a comprehensive strategic plan by key stakeholders.  Facilitate the development and adoption of action plans for organizations represented on the Community Housing Resource Board (CHRB) by October 2004.	Community Development (CD) Staff  CHRB
B. Support Community Housing Resource Board (CHRB's) planning efforts to:		
1. Determine funding needs and potential resources.	Investigate / Seek stable funding sources including FHIP funding, in-kind assistance, and local foundations.  Develop strategy for applying for and administering FHIP grant.	CD Staff / CHRB  CD Staff / CHRB
2. Prioritize activities based on funding availability.	Increase in-kind activities.	CHRB
3. Increase membership & work towards enhancing communication with community groups.	Seek representative from Head Start.  Send yearly letter to all neighborhood task forces offering Fair Housing presentations.	CHRB  CHRB
C. Enhance relationship with MT Fair Housing	CD Staff will collect complaint data from MT Fair Housing on a routine basis, and will forward Fair Housing Annual Performance Report and Action Plans.	CD Staff / MT Fair Housing
<i>Work Completed from June 1, 2003 through June 30, 2004</i>		
<p><b>A:</b> The mayor proclaimed April "Fair Housing Month". The Fair Housing Plan was adopted by the City Council on Monday, December 8, 2003. CHRB has continued to hold meetings with some of the CHRB board members in order to develop preliminary fair housing action plans, which will be completed by October 2004.</p> <p><b>B1:</b> The Community Development office reviewed FHIP funding application and CHRB participated in planning meetings along with other groups in order to prepare the FHIP grant, which was completed by the Community Development Office and submitted on June 29, 2004. This application represents a coordinated effort between the City of Billings, CHRB, the Billings Partners for American Indian Homeownership, and the Interfaith Hospitality Network of Yellowstone County.</p> <p>CHRB has pursued grants from Fannie Mae, Target, Associated Territory Resource, Sterling Savings Bank, Little Bighorn Bank, United Way, Rocky Mountain Bank, Montana Dakota Utilities, Bair Foundation, Montana Bankers Association, Wells Fargo, First Interstate Bank, Billings Gazette, US Bank, Stockman Bank, CDBG, First Citizens Bank, Western Security Bank, Heritage Bank, Yellowstone Property Managers, Countrywide Mortgage, Empire Bank, HRDC and Housing Authority during this reporting period.</p> <p><b>B2:</b> Information on in-kind donations is not currently available.</p> <p><b>B3:</b> A new board member was recruited and Marie Eckhardt has joined the CHRB from Head Start. A letter went to</p>		

all Task Forces in January of 2004 inviting them to schedule fair housing training.

**C:** This report will be the second annual report submitted to MT Fair Housing. Montana Fair Housing worked with the CHRB in the Emerging Markets training. Community Development has obtained Montana Fair Housing data from July 2003 through June 2004 on discriminatory complaints.

**Strategy Two: Ensure the community's fair housing efforts are documented through the institution of data tracking systems.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Operate a data tracking system.	Archive phone calls, referrals, type of calls, organizational presentations, number of constituents reached, media outreach, workshop attendance and materials distributed.	CHRB
B. Report annual fair housing activities to key stakeholders.	Develop annual report including information provided by the CHRB.	CHRB / CD Staff
C. Develop a plan to establish a point of contact for fair housing issues and referrals.	Research electronic / automated response systems such as voice mail, email, etc. to be considered as part of FHIP grant application.	CHRB / CD Staff
<i>Work Completed from June 1, 2003 through June 30, 2004</i>		

**A:** Information is not currently available regarding the types of calls or referrals made by the CHRB.

Fair Housing presentations were made by the CHRB to REALTORS, Landlords, Predatory Lending Workshop, Montana Job Service, Family Tree, Crossroads, Yellowstone County Council on Aging, Billings Minority Coalition, Yellowstone AIDS Project, Indian Health Board, Mental Health Center, Young Families, School District II, Living Independently for Today and Tomorrow, and at the Homebuyer Expo during this reporting period. The CHRB also reported 194 fair housing related phone calls during this reporting period.

**B:** Community Development will develop this annual report to be presented to the Community Development Board and City Council fall of 2004.

**C:** CHRB contact information is available in the Billings business section and the yellow pages of the QWestDex phone book, on all CHRB brochures, in newspaper columns, and on two billboards shown during April 2004 for Fair Housing month.

The FHIP grant application included moving the primary referral hotline to the Community Development office.

**Strategy Three: Promote fair housing education and training activities citywide.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Provide funding and support to CHRB to promote education and training activities including: 1. Training activities for housing providers. 2. Training activities for community development organizations.	Conduct 28-30 trainings to a variety of organizations (per year).	CHRB
	Conduct trainings for Chamber of Commerce and BSEDA.	CHRB
3. Conduct training programs to address impediments for historically underserved populations.	Hold annual disabilities conference. Investigate other opportunities for accessibility training (city building inspectors).	CHRB CHRB / CD Staff
<i>Work Completed from June 1, 2003 through June 30, 2004</i>		

**A1:** CHRB made presentations to 17 different organizations during this reporting period.

CHRB completed the Emerging Markets II Workshop on December 5, 2003. This workshop provided training to 100 individuals including: realtors, lawyers, property managers, advocates, for disability access, architects, builders, and regulators. Agenda items included universal design, compliance, accessibility, and future trends in housing.

CHRB made additional presentations to REALTORS, Homeownership Expo, Landlords, Congressmen, Predatory Lending Workshop (65 attendees), Montana Job Service, Family Tree, Crossroads, Yellowstone County Council on Aging, Billings Minority Coalition, Yellowstone AIDS Project, Mental Health Center, Montana State University – Billings, Indian Health Board, Young Families, School District II, and Living Independently for Today and Tomorrow during this reporting period.

The Fair Housing Right to Know brochure is presented at all of the First Time Homebuyer Workshops held by homeWord. FHEO logo is represented on all CDBG literature and letterhead, and CHRB is given free advertising space in the Homebuyers Workshop hosted by the Affordable Housing Task Force.

**A3:** The Emerging Markets Workshop meets the disabilities conference goal.

**Strategy Four: Promote fair housing outreach and public relations activities citywide.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Provide funding and support to CHRB to promote outreach and public relations activities, including:		
1. Improve / increase fair housing outreach and public relations efforts.	Update website as needed; bi-weekly Billings Outpost column; explore a TV-7 program; continue “Did You Know” columns in Gazette.	CHRB
2. Increase awareness of CHRB’s services and activities.	Develop marketing and public image campaign for CHRB during Fair Housing Month.	CHRB
3. Undertake outreach efforts to small landlords and provide targeted training biannually.	Work with MT Landlord Association and property management firms to determine the educational needs of small / new landlords and implement training.	CHRB

*Work Completed from June 1, 2003 through June 30, 2004*

**A1:** “Did You Know” columns run in the Billings Gazette on a daily basis. Other articles have run in School District II newsletter and the BEA newsletter.

**A2:** Articles, billboards, television PSAs and materials were used to market during fair housing month in April. Electronic billboards were requested from First Citizen’s Bank, Western Security Bank, Central High School and HRDC. Fair housing displays were established in member offices and public buildings. Four television shows were held with TV7. Additional presentations were made to the American Indian Club at Montana State University – Billings and Rocky Mountain College.

**A3:** Emerging Markets Workshop meets this goal along with the Homebuyers Exposition. Landlord / Tenant workshop planning occurred in February 2004, and a workshop occurred on April 29<sup>th</sup>, 2004. Number of attendees is currently not available.

**Strategy Five: Promote affordable housing and economic opportunities for low / moderate income persons and protected classes such as minorities and the disabled.**

<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
<p>A. Implement the goals and objectives outlined in the City of Billings five year housing and community development Consolidated Plan, including:</p> <ol style="list-style-type: none"> <li>1. Increase the number of affordable single family and multi-family units.</li> <li>2. Support goals of the Billings Partners for American Indian Homeownership (BPAIHO).</li> <li>3. Coordinate the fair housing efforts among the various housing groups in the community.</li> </ol> <p>A. Implement the goals and objectives outlined in the City of Billings five year housing and community development Consolidated Plan, including:</p>	<p>Continue to provide HOME and CDBG funds for affordable housing projects. Investigate additional funding sources / options for new housing projects. Increase collaboration between BPAIHO and CHRB - develop strategies to promote and more aggressively find areas for education opportunities.  Establish a quarterly meeting for staff from the various groups to discuss fair housing needs and issues.</p>	<p>CD Staff  CD Staff  CHRB / CD Staff  CHRB / CD Staff</p>
<i>Work Completed from June 1, 2003 through June 30, 2004</i>		
<p><b>A1:</b> Accomplished through FY 2004 - 2005 allocations.</p> <p><b>A3:</b> FHIP grant funding will establish quarterly collaborative meetings from at least three groups in addition to the City of Billings to provide a multi-pronged approach to delivering education and outreach to members of protected classes over an 18 month project period. HUD should announce grant awardees sometime during the fall of 2004.</p> <p>CHRB bi-monthly board meetings also meet this goal.</p> <p>Included in First Time Homebuyers class undertaken monthly in partnership with homeWord, Beartooth RC &amp; D and Neighborhood Housing Services.</p>		

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Resolution Relating to Financing of Certain Proposed Projects;  
Establishing Compliance with Reimbursement Bond Regulations under  
the Internal Revenue Code

**DEPARTMENT:** Administrative Services

**PRESENTED BY:** Patrick Weber, Director of Financial Services

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**PROBLEM/ISSUE STATEMENT:** The City does not anticipate issuing water and wastewater revenue bonds until February. The estimated project cost for the water is \$14,914,200 and for the wastewater is \$5,674,500. However, the City expects to expend monies related to the projects before funds are available from the bond sale proceeds. The following resolution allows the City to reimburse those expenses from the bond sale proceeds.

**RECOMMENDATION**

Staff recommends City Council approve the attached resolution.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT**

A – Resolution prepared by Dorsey & Whitney

[\(Back to Consent Agenda\)](#)

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Martin Luther King Day Pedestrian March Street Closure Request  
DEPARTMENT: Parks, Recreation and Public Lands  
PRESENTED BY: Don Kearney, Parks, Recreation and Public Lands Director

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**PROBLEM/ISSUE STATEMENT:** Paul Reeder of the Black Heritage Foundation requests temporary street closures along the following route for the annual pedestrian march in observance of Martin Luther King Day on Monday, January 17, 2005: 6:30pm - Assemble on the Court House lawn; walk on sidewalk to corner of N.27<sup>th</sup> and 3<sup>rd</sup> Ave. N; cross N.27<sup>th</sup>; march in street to N. 29<sup>th</sup>, then north on N. 29<sup>th</sup> disbanding at the Lincoln Center at approximately 6:50pm.

Recommended conditions of approval include Black Heritage Foundation:

1. Having no alcohol consumption in the public right of way
2. Contacting all businesses and making them aware of the event
3. Cleaning the area to be used following the event and providing and emptying waste cans
4. Notifying all emergency facilities, bus lines and media at least two weeks in advance of the event
5. Providing certificate of insurance naming City of Billings as additional insured

**ALTERNATIVES ANALYZED:**

1. Approve request to close streets for the event (recommended)
2. Deny the street closure

**FINANCIAL IMPACT:** There are no costs to the City of Billings other than administrative time to process permit (\$30.00). Traffic control and litter removal are to be paid for by the event coordinators.

**RECOMMENDATION**

Staff recommends that Council approve the closures named above for the annual Martin Luther King Day march.

Approved By: City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT**

A. Right of Way Special Activity Permit Application and supporting documents (3 pages).

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: March of Dimes Walk America Event  
DEPARTMENT: Parks, Recreation and Public Lands  
PRESENTED BY: Don Kearney, Parks, Recreation and Public Lands Director

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**PROBLEM/ISSUE STATEMENT:** The March of Dimes requests temporary closure of 2<sup>nd</sup> Ave. N. and 3<sup>rd</sup> Ave. N. from N. 11<sup>th</sup> St. to N. 34<sup>th</sup> St. from 8:30am to 12:00 noon for their Walk America event on Saturday, April 23, 2005.

Recommended conditions of approval include March of Dimes:

1. Having no alcohol consumption in the public right of way
2. Contacting all businesses and making them aware of the event 60 days in advance.
3. Cleaning the area to be used after the event as well as providing and emptying waste cans
4. Notifying all emergency facilities, bus lines and media at least two weeks in advance of the event.
5. Providing a certificate of insurance naming City of Billings as additional insured

**ALTERNATIVES ANALYZED:**

- Approve request to close streets for the event (recommended)
- Deny the street closures

**FINANCIAL IMPACT:** There are no costs to the City of Billings for this event other than administrative time to process the permit.

**RECOMMENDATION**

Staff recommends that Council approve closure named above for the March of Dimes Walk America event.

**Approved By:** City Administrator \_\_\_\_\_ City Attorney \_\_\_\_\_

**ATTACHMENTS**

A. Application and supporting documents (6 pages)

[\(Back to Consent Agenda\)](#)

K

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Second Reading of an Ordinance Expanding Ward I  
DEPARTMENT: Planning and Community Services  
PRESENTED BY: Candi Beaudry, AICP, Planning Division Manager

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**PROBLEM/ISSUE STATEMENT:** On November 22, 2004 the City Council adopted Resolution No. 04-18224 annexing property on South Frontage Road at the southeast corner of the South Billings Boulevard – Interstate 90 Interchange (Annexation #04-12). The property must be added to one of the City's election wards. This ordinance will add the property to Ward I. The first reading and public hearing for this ordinance was done on December 13, 2004. This is the second reading of the ordinance.

**FINANCIAL IMPACT:** There are no direct financial impacts if this ordinance is approved.

**RECOMMENDATION**

Staff recommends that the City Council approve the second reading of this ordinance that adds property to City Ward I.

Approved by: City Administrator \_\_\_\_\_ City Attorney \_\_\_\_\_

**ATTACHMENT**

A: Ward Ordinance and Exhibit A

**ORDINANCE NO. 04-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD I PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

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

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to the following designated Ward the following described real property:

A tract of unplatted land situated in the NW1/4, Section 16, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as follows:

Beginning at the northwest corner of Lot 5, Block 1 of Willowbrook Subdivision, Recorded May 30, 2002, Under Document No. 3178165, Records of Yellowstone County, Montana;  
thence in a southerly direction along the west boundary line of said subdivision for a distance of 654.21 feet to a point on said boundary line;  
thence N 89° 59' 42" W for a distance of 871.37 feet to a point on the south right-of-way line of South Frontage Road; thence crossing the said right-of-way to the West N 89° 59' 42" W to the north right-of-way line of said South Frontage Road; thence along said north right-of-way line of South Frontage Road and parallel to the south right-of-way line of South Frontage Road in a northeasterly direction to a point on said north right-of-way that is perpendicular to the northwest corner of Lot 5, Block 1 of Willowbrook Subdivision; thence in a southerly direction to the northwest corner of Lot 5, Block 1 of Willowbrook Subdivision which is the Point of Beginning.  
Including all adjacent right-of-way of South Frontage Road through Lot 5, Block 1 of Willowbrook Subdivision.

Containing 12.800 gross acres, and 10.000 net acres, more or less. See Exhibit "A" attached.

(# 04-12)

2. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and

alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 13<sup>th</sup> day of December, 2004.

PASSED by the City Council on the second reading this 10<sup>th</sup> day of January, 2005.

THE CITY OF BILLINGS:

\_\_\_\_\_  
Charles F. Tooley, MAYOR

ATTEST:

BY:\_\_\_\_\_  
Marita Herold, CITY CLERK

## 63



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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Rescission of Acceptance of Quitclaim Deed, From Rehberg Ranch Estates Marketing to the City of Billings

**DEPARTMENT:** Planning Department and City Attorney

**PRESENTED BY:** Juliet Spalding, Planner I and Brent Brooks, City Attorney

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**PROBLEM/ISSUE STATEMENT:** A Quitclaim Deed has been previously presented to and accepted by the City of Billings from Rehberg Ranch Estates Marketing, Inc., during the regular City Council Meeting of June 28, 2004. The purpose of conveying this Quitclaim Deed to the City was for the purpose of dedicating a small portion of land (910 square feet) to the public for park land. Subsequent to the City Council acceptance of this Quitclaim Deed, additional discussions occurred between the Planning Department, City Attorney and Clerk and Recorder and it was the consensus that the Quitclaim Deed was unnecessary and duplicative since this small park land dedication was already noted on the Rehberg Ranch Estates Subdivision, First Filing, Amended Plat Lots 5, 6, 10, 11, Block 7. Since the dedication of this small square footage for park land is noted on the amended plat, there is no need for the previous Quitclaim Deed accepted by the City Council. The most appropriate method of handling what is a housekeeping issue is for the Mayor and City Council to rescind its previous acceptance of the Quitclaim Deed. A copy of the Quitclaim Deed, the previous staff memo of June 28, 2004 and a brief rescission document are attached hereto.

**ALTERNATIVES ANALYZED:** None.

**FINANCIAL IMPACT:** There is no financial impact to the City should the Quitclaim Deed be rescinded.

**RECOMMENDATION**

Staff recommends that Council rescind the previously accepted Quitclaim Deed.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

## **ATTACHMENTS**

- A. Quitclaim Deed
- B. June 28, 2004 Staff Memo
- C. Rescission Document

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2004**

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**TITLE:** Amended West Side Addition, Lots 44-46, Block 7, Aggregation of Lots and Dedication of Right-of-Way

**DEPARTMENT:** Planning and Community Services

**PRESENTED BY:** Candi Beaudry, AICP, Planning Division Manager

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**PROBLEM/ISSUE STATEMENT:** This amended plat is being presented to the City Council for approval of the dedication of right-of-way located at the southwest corner of Grand Avenue and Division Street. The purposes of the amended plat are to aggregate three lots and dedicate a portion of those lots to the public as street right-of-way. Since the City owns the lots, it was not necessary to establish the street right-of-way when the intersection was reconstructed. However, the City is intending on selling the lots after the plat is recorded. Prior to this sale, it is necessary to separate the area being used for street purposes from the area to be sold. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

**FINANCIAL IMPACT:** There will be no financial impact to the City by this dedication of right-of-way from what is currently City property.

**RECOMMENDATION**

Staff recommends that the City Council approve the Amended West Side Addition, Lots 44-46, Block 7.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Foxtail Village Subdivision Final Plat  
DEPARTMENT: Planning and Community Services  
PRESENTED BY: Candi Beaudry, AICP, Planning Division Manager

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**PROBLEM/ISSUE STATEMENT:** This final plat is being presented to the City Council for approval. The preliminary plat was conditionally approved by the Council on May 10, 2004. The subject property is zoned Residential 9,600 and Residential 7,000 and is located on the northwest corner of 58<sup>th</sup> Street West and Grand Avenue. The subdivision will create 42 residential lots. The subdivider has met the conditions for final plat approval. The City Attorney has reviewed and approved the subdivision plat and the associated documents. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

**FINANCIAL IMPACT:** The creation of 42 residential lots will increase the City's tax revenue on this parcel.

**RECOMMENDATION**

Staff recommends that the City Council approve the final plat of Foxtail Village Subdivision.

Approved By: City Administrator \_\_\_\_ City Attorney \_\_\_\_

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10th, 2005**

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TITLE: Payment of Claims  
DEPARTMENT: City Administrator's Office  
PRESENTED BY: Patrick M. Weber, Financial Services Manager

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$304,559.65 have been audited and are presented for your approval for payment. A complete listing of the claims dated November 26th, 2004 is on file in the Finance Department.

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT:**

A -- List of claims greater than \$2500

[\(Back to Consent Agenda\)](#)

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10th, 2005**

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TITLE: Payment of Claims  
DEPARTMENT: City Administrator's Office  
PRESENTED BY: Patrick M. Weber, Financial Services Manager

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$1,177,166.42 have been audited and are presented for your approval for payment. A complete listing of the claims dated December 3<sup>rd</sup>, 2004 is on file in the Finance Department.

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT:**

A -- List of claims greater than \$2500

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10th, 2005**

---

TITLE: Payment of Claims  
DEPARTMENT: City Administrator's Office  
PRESENTED BY: Patrick M. Weber, Financial Services Manager

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$480,904.36 have been audited and are presented for your approval for payment. A complete listing of the claims dated December 10th, 2004 is on file in the Finance Department.

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT:**

A -- List of claims greater than \$2500

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10th, 2005**

---

TITLE: Payment of Claims  
DEPARTMENT: City Administrator's Office  
PRESENTED BY: Patrick M. Weber, Financial Services Manager

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$628,975.33 have been audited and are presented for your approval for payment. A complete listing of the claims dated December 17th, 2004 is on file in the Finance Department.

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENT:**

A -- List of claims greater than \$2500

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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TITLE: Public Hearing and First Reading, South Shiloh Corridor Overlay District  
 DEPARTMENT: Planning and Community Services Department  
 PRESENTED BY: Candi Beaudry, AICP, Planning Division Manager

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**PROBLEM/ISSUE STATEMENT:** The Shiloh Corridor Overlay District was separated into two segments, north and south of King Avenue. The ordinance for a zoning text amendment pertaining to the north segment was approved on second reading on December 13, 2004. In cooperation with the affected landowners, the zoning text amendment pertaining to the south district is presented to Council on first reading of the ordinance.

**ALTERNATIVES ANALYZED:** The City Council may approve or deny the first reading of the Shiloh Corridor Overlay District South as a text amendment to the Billings Municipal City Code. If the Overlay District is approved on first and second reading, the Council may choose to proceed with a zone change to provide additional notice and comment on these regulations. It is the opinion of the City Attorney that the Overlay District is a text amendment and is not required to be processed as a zone change.

**FINANCIAL IMPACT:** No financial impact to the City is anticipated from the creation of the Shiloh Corridor Overlay District.

**RECOMMENDATION**

The City Zoning Commission recommends that Council hold a public hearing and adopt the Shiloh Corridor Overlay District as a whole, excluding the portion along Zoo Drive. However, staff is recommending that Council hold a public hearing and adopt the South Shiloh Corridor Overlay District, as defined by the area 500 feet from the centerline of Shiloh Road, from King Avenue West south to Interstate 90, including Zoo Drive on First Reading of the Ordinance. The South Shiloh Corridor Overlay District addresses the concerns voiced by the Zoo Drive landowners about the original Overlay District which prompted the City Zoning Commission recommendation.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

## **ATTACHMENT**

- A. Ordinance (Note: Changes shown in blue and underscored or struckout, represent the most recent revisions requested by Jerry Thomas and Jim Coontz, representing four of the six affected landowners.)

## **INTRODUCTION**

At request of the City Council, staff worked with the affected landowners south of King Avenue to develop regulations for the Shiloh and Zoo Drive corridors to address the inherent needs of commercial properties reliant on Interstate commerce and meet the objectives of an enhanced entryway to the City of Billings. The landowners, represented by six individuals, comprise 100% of the potentially affected commercial properties that are located within the City limits.

## **PROCEDURAL HISTORY**

October 25, 2004 – Council approved the Shiloh Corridor Overlay District on first reading amending the regulations to reduce the area from King Avenue north to Rimrock Road to include those properties within 500 feet of the centerline of King Avenue. Staff was instructed to work with the landowners south of King Avenue to develop regulations that meet their objectives as well as the enhanced aesthetic standards for an entryway corridor.

December 13, 2004 – Council approved the Shiloh Corridor Overlay District on 2<sup>nd</sup> Reading and instructed staff to move forward with a zone change for the affected properties in the district.

## **BACKGROUND**

The property owners south of King Avenue have been generally supportive of an overlay zoning district that would enhance the aesthetic appeal of their properties. The landowners have also consistently opposed the application of a uniform standard throughout the Shiloh Road and Zoo Drive corridor. The properties south of King Avenue are regarded as largely dependent on regional commercial trade, oriented to the Interstate as distinguished from the properties north of King Avenue that relied more on community trade. Recognizing this difference, Council requested staff to collaborate with the landowners to develop a set of standards that met the special needs of these properties while still satisfying the greater community preference of an aesthetically enhanced entryway. The specific needs identified by these landowners included:

- Massing or clumping of landscape elements
- Exempting landscaping requirements for interior of parking lots
- Restrict the amount of light spillage onto neighboring properties to 1.5 foot candles
- Remove separate categories for large and small large parcels as they pertain to the Relative Criteria
- Allow special or auxiliary flashing lights if they are part of the sign's message (electronic signs)
- Allow video boards
- Allow decorative borders or framing area of monument sign supports to be greater than freestanding signs.
- Increase the maximum height of free standing signs for properties contiguous to Zoo Drive and Interstate 90 to 40 feet measured from the centerline of Zoo Drive or Shiloh Road



- Allow applicant to appeal staff's determination to Director or City Council. This is the same appeal process approved in the Shiloh Corridor Overlay District – North.

### **ALTERNATIVES ANALYSIS**

The City Council may approve or deny the first reading of the South Shiloh Corridor Overlay District as a text amendment to the Billings Municipal City Code. Following the approval of the ordinance on the second reading, staff will proceed with a zone change for those properties affected by the new regulations if directed to do so by Council.

### **STAKEHOLDERS**

On October 10, 2004, the Planning and Community Services Director and Planning Manager held a meeting with landowners and representatives of landowners for the commercial properties located along Shiloh Road and Zoo Drive. These owners, as listed in the County tax records, include:

BROSOVICH, EUGENE A & CAROL C  
SHILOH 47 LLP  
PIERCE BUILDING LLP  
MONTANA SAPPHIRE LLC  
LONG FAMILY LIMITED PARTNERSHIP  
REGER, JAMES R & DEBORAH C

County property owners were excluded because the City cannot enforce these regulations in the County.

At the owners request, the City Council agreed to separate the Shiloh Corridor Overlay District in order to allow the owners to develop their own regulations. A draft of these regulations was discussed with the landowners on November 23, 2004. Mr. Reger was not present at the meeting. The owners present provided written changes to the draft at that meeting. Mr. Reger submitted comments in later correspondence in opposition to the regulations. Writing for himself and Mr. Joel Long, he indicated that they do not approve of light limitations for certain users; they do not approve of planners making final decisions on who and what can go on their property; they want an appeal process with no limitations; they do not approve of the point system, they want the sign ordinance agreeable to their first agreement made last summer; and they want a uniform tree implemented along Zoo Drive and Shiloh Road.

The Planning staff redrafted the regulations and attempted to address all comments from the affected landowners while still maintaining enhanced site development standards. The final draft still lists appeal criteria as recommended by the City Attorney.

### **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The South Shiloh Corridor Overlay District implements the policies and strategies of the West Billings Plan. In addition, these regulations further address the goals, policies and objectives of the 2003 Growth Policy, specifically:

Goal: Attractive and accessible communities.  
Policy: Create attractive entryways and improve access to and through Billings and Yellowstone County  
Objective: Increase the visual appeal of our highway and railroad corridors.

Goal: Visually appealing communities.  
Policy: Certain areas have been targeted to increase the aesthetic or visual quality of the community: the Rimrocks, the Yellowstone River, Downtown Billings and urban streetscapes.  
Objective: Improve the image of the Community.

## **RECOMMENDATION**

The City Zoning Commission recommends that Council hold a public hearing and adopt the Shiloh Corridor Overlay District as a whole, excluding the portion along Zoo Drive. However, staff is recommending that Council hold a public hearing and adopt the South Shiloh Corridor Overlay District, as defined by the area 500 feet from the centerline of Shiloh Road, from King Avenue West south to Interstate 90, including Zoo Drive on First Reading of the Ordinance. The South Shiloh Corridor Overlay District addresses the concerns voiced by the Zoo Drive landowners about the original Overlay District which prompted the City Zoning Commission recommendation.

## **ATTACHMENT**

- A. Ordinance (Note: Changes shown in blue and underscored or struckout, represent the most recent revisions requested by Jerry Thomas and Jim Coontz, representing four of the six affected landowners.)

**ORDINANCE NO. 04-\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING A SECTION TO BE NUMBERED 27-1500; ESTABLISHING A ZONING OVERLAY DISTRICT TO EXTEND 500 FEET FROM THE CENTER LINE OF SHILOH ROAD FROM KING AVENUE SOUTH TO I 90 INCLUDING ZOO DRIVE REGULATING DEVELOPMENT STANDARDS, LANDSCAPING STANDARDS, BUILDING DESIGN STANDARD AND OTHER SITE DEVELOPMENT STANDARDS, AND SIGN STANDARDS FOR COMMERCIAL, INDUSTRIAL AND MULTIFAMILY DEVELOPMENTS.

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

**Section 1.** That the Billings, Montana City Code be amended by adding Section 27-1400 through 1424.

SEC. 27-1500. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT

**Sec. 27 - 1501. PURPOSE.**

The purpose of the South Shiloh Corridor Overlay District is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

**Sec. 27-1502. District Boundaries.**

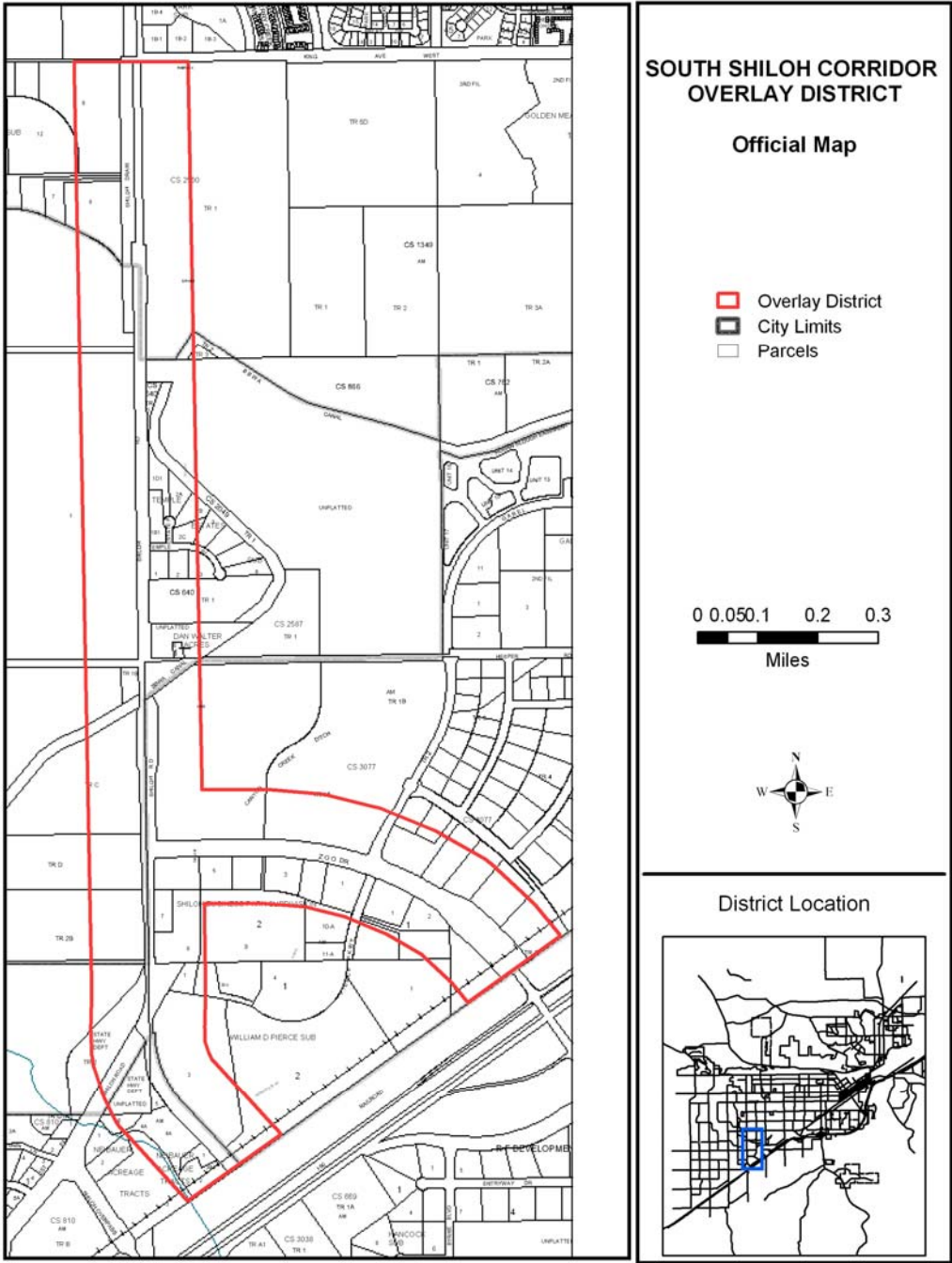
The boundaries of the South Shiloh Corridor Overlay District shall be that displayed on the map at the end of Section 27-1403. In no case shall the boundaries of the district exceed a depth of 500 feet from the centerline of the right-of-way of Shiloh Road from King Avenue south to Interstate 90 [and Zoo Drive from Interstate 90 to the intersection of Shiloh Road](#). If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in Section 27-1500.

**Sec. 27-1503. Review Criteria.**

1. **Generally.** The South Shiloh Corridor Overlay District review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the development may proceed.

New developments and existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five percent must comply with these regulations.

2. **Absolute Criteria.** A developer must meet all absolute criteria to obtain Planning and Community Services Department approval. The absolute criteria are defined in Sections 27-1506 through 27-1508. Absolute criteria also include all other applicable codes, ordinances, and statutes, including, but not necessarily limited to, minimum engineering and building standards, public service and utility requirements, and environmental regulations.
3. **Relative Criteria.** Relative criteria are the “points” of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in Section 27-1509. The development plans are evaluated against the relative criteria and scored on a point chart.



**SEC. 27-1504. APPLICATION AND APPROVAL PROCESS.**

**Comment [CB1]:** There are no similar sections in the Unified Code that can be referenced. Also with no building permits in the County, requiring a detailed application this is the only way to ensure compliance.

1. **Approval Required.** If the development is within the City limits, a building permit must be applied for from the City Building Division. Planning Department approval is required prior to construction. If the development is outside the City limits, a Zoning Compliance Permit must be applied for from the Planning and Community Services Department. Planning Department approval is to ensure compliance with the Zoning Regulations. This does not in anyway imply approval by any other city or county department.
2. **Content of Application.** Each application for development located in the South Shiloh Corridor Overlay District shall include the following:
  - a. The name and address of the property owner and applicant, if different;
  - b. The legal and general description of the tracts or lots upon which review is sought;
  - c. A statement of proposed use;
  - d. A complete site development plan drawn to scale of no less than 1" = 40' indicating:
    - i. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
    - ii. Dimension and location of all existing and proposed buildings, recreation areas, utility and service areas, trash storage area, fire hydrants, access drives, full width of street and adjacent drives, parking areas, existing utility lines, and easements;
    - iii. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
    - iv. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
    - v. Location and description of all off-site improvements and right-of-way dedication; and,
    - vi. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
    - vii. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
  - e. Building plans drawn to a scale of no less than 1/16" = 1'-0" for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
  - f. A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
  - g. A timetable for the proposed construction project; and

- h. A complete form showing compliance with the relative criteria and points assigned (see Section 27-1424);
- i. Any other information pertinent to the particular project which, in the opinion of the Zoning Coordinator, is determined to be necessary for the review of the project.

**SEC. 27-1505. DEFINITIONS.**

Terms not specifically defined in this chapter shall have the same meanings as defined in BMCC Section 27-201 and in Section 27-1104. The standard dictionary meaning shall be applied to terms not otherwise defined.

**SEC. 27-1506. ABSOLUTE CRITERIA.**

**1. Development Standards**

- a. **Shiloh Road and Zoo Drive Frontage Setbacks.** The minimum frontage setback from the property line along Shiloh Road and Zoo Drive for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in Section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in BMCC Section 27-602 must also be maintained.
- b. **Other Regulations.** All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- c. **Sidewalks.** All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one canopy tree per every forty (40) linear feet.

**2. Landscaping Standards.**

- a. **Shiloh Road and Zoo Drive Frontage Setback Landscaping Required.** All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road and Zoo Drive, excluding driveways. Frontage setbacks shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) feet of frontage. Trees may be massed within the frontage setback as long as the same densities are maintained.

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- b. **Right-of-Way Frontage other than Shiloh Road and Zoo Drive Landscaping Required.** All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of four (4) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. Massing of landscaping elements with the required number of landscaping is permitted to meet the intent of 2(a) above.

c. **Off-Street Parking Lot Landscaping.**

- i. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
- ii. Two (2) canopy and/or evergreen trees and (5) shrubs shall be required for every nine (9) parking spaces. Deleted: eight (8)
- iii. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
- iv. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred fifty (150) feet. See Section 27-1106 for additional requirements. Deleted: one hundred (100)
- v. Trees and shrubs may be massed. Formatted: Bullets and Numbering

- d. **Commercial Uses Abutting Residential and Public Uses.** All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) linear feet. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use. Deleted: six (6)  
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A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.

- e. **Non-living Material Allowed.** River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than 25 percent of the landscaped area shall contain non-living material.
- f. **Landscape Maintenance Required.** All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- g. **Protection of Landscaped Areas.** Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- h. Landscape Exemptions. Uses for automobile and recreation vehicle sales are exempt from the tree requirements in the interior of their lots only as long as the required trees are replaced with Deleted: A



shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc. If no landscaping is provided in the interior of lots, at least one additional tree and two additional shrubs per 500 feet of frontage should be provided in perimeter landscape to offset the exemption. This landscaping may also be massed.

i. **Plant Standards:**

- i. Canopy tree: A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.
- ii. Evergreen: A tree or shrub of a species that normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
- iii. Shrubs: The minimum size of a shrub shall be at least five (5) gallons.
- iv. Recommended Tree Types. It is recommended that the developer work with the City Parks Department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the Planning Department.
- v. Fractions in the Calculations of Number of Trees and Shrubs. In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five tenths (.5) shall be rounded down to the nearest whole number; fractions five tenths and more (.5) shall be rounded up to the nearest whole number.

**SEC. 27-1507. BUILDING DESIGN STANDARDS.**

1. **Materials:** All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
2. **Roofs:** Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the Zoning Coordinator or his/her designee. Pitched roofs are encouraged wherever possible.
3. **Mechanical Equipment:** Mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.

4. **Elevations and Facades:** Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural façade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

**SEC. 27-1508. ADDITIONAL PROVISIONS.**

1. **Storage of Merchandise:** Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. However, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.
2. **Area Lighting:**
  - a. All outdoor pole lighting shall be fully shielded cut off fixtures with recessed lamps (no light emitted by the fixture is projected above the horizontal plan of the fixture, and no dropped lenses) and mounted at heights no greater than twenty (20) feet above grade.

All outdoor lighting, except street lights, shall be located and aimed or shielded so as to minimize stray light trespassing across property boundaries and no more than 1.5 foot candles as measured vertically at the lot line.

3. **Canopy, Marquee and “Wall Pack” Lighting:** Canopy, marquee and “wall pack” lighting shall be fully shielded with recessed lamps. No internally illuminated fascia shall be allowed.
4. **Storage of Junk:** No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.
5. **Waste Storage Area:** All solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

**SEC. 27-1509. DEVELOPMENT FEATURES REQUIRED TO EARN POINTS (RELATIVE CRITERIA).**

a. In accordance with Sec. 27-1503, each application for development in South Shiloh Corridor Overlay District must score a minimum number of points based on the relative criteria described below. The number of points required depends on the underlying zoning of the property on which the development is located. Design elements are listed under nine category headings. A project shall earn one point for each design element that it incorporates. At least one point shall be earned from seven (7) out of the nine (9) categories listed. The developer must attain a minimum of 15 points.

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<#>Twenty (20) points if the lot size is greater than 25,000 square feet; or ¶  
<#>¶  
Fifteen (15) points if the lot size is less than 25,000 square feet.

#### 1. Site Development:

- a. Pavement along Shiloh and Zoo frontage setback is less than or equal to thirty-five (35) feet.
- b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.

#### 2. Access:

- a. A transit or school bus stop.
- b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the Subdivision Regulations.
- c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each 50 feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
- d. Provision for internal access between lots.

- e. A single approach onto a public road that serves multiple lots.

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#### 3. Lighting:

- a. All lighting shall be cut off type fixtures with recessed lamps having no dropped lenses.
- b. Light spill over limits at 1.5 foot candles or less will meet the relative criteria for light trespass.
- c. Continuity of lighting fixture design with adjacent properties.
- d. Incorporate outdoor light fixtures at heights less than twenty (20) feet.

#### 4. Parking:

- a. A joint use parking agreement.
- b. Parking provided does not exceed one hundred twenty-five (125) percent of required spaces.

- c. Landscaping internally integrated in parking areas and/or sales area.
- d. Parking lots placed at the rear and/or side of the building, none in front.

**5. Scale:**

- a. The mass and scale does not exceed that of the surrounding development by more than 10 percent.
- b. The height of structures does not exceed that of the surrounding development by more than 10 percent.
- c. The building size does not exceed that of the surrounding development by more than 10 percent.

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**6. Landscaping:**

- a. Buildings have landscaping immediately adjacent to a building.
- b. Landscaping exceeds the minimum number of trees and shrubs that are required by ten (10) percent each.
- c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along all streets except Shiloh Road and Zoo Drive, at one tree per 25 feet of street frontage.
- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

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**7. Architectural Design:**

- a. Building materials are natural, i.e. wood or stone.
- b. Pitched roof with a minimum 3:12 pitch.

- c. Exceeds the state energy code requirements by:
  - Twenty-five (25) percent = One (1) point
  - Fifty (50) percent = Two (2) points
  - More than seventy-five (75) percent = Three (3) points
- d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.
- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;

**Facade relief elements**

- Two (2) or more colors
- Natural earth toned colors
- Substantial fenestration using windows, doors, or other openings
- Two (2) or more materials that break up the mass of the structure
- Articulation of the parapet walls
- Change in wall plane
- Change in roof plane
- Extended roof overhangs
- Significant variation in building masses and/or forms

**8. Signage**

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- a. Signage is not internally illuminated.
- b. Monument signs used in lieu of pole signs.
- c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
- d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).
- e. Comprehensive sign plan [\(See also 27-1517\)](#).

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**9. Mixed Use:**

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One point will be given for each [subdivision or building](#) that contains two (2) or more of the following uses:

- Office

- Retail
- Personal services such as dry cleaner, laundromats, beauty salons
- Residential
- Hotel/motel
- Medical
- Entertainment
- Restaurant

#### **SEC. 27-1510. SIGNAGE STANDARDS - PURPOSE, INTENT, AND SCOPE**

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

1. **Permits Required.** Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the Planning and Community Services Department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit application, the Zoning Coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds 15 days, the applicant may seek immediate approval from the Planning Director. If an application is determined to be incomplete, the applicant shall be notified within 5 days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this Section.
2. **Permit Applications.** All permit applications for signs shall include a site plan that provides the following information:
  - a. The location of the affected lot, building and sign;
  - b. The scale of the site plan;
  - c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
  - d. All existing signs on the site including their size and height; and
  - e. The legal description of the parcel.

## **SECTION 27-1511. DEFINITIONS**

The definitions used in this chapter may be found below and in Section 27-703 of the City of Billings Sign Regulations or Article X, Section of the Yellowstone County Sign Regulations.

1. **Bulletin Board:** A sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.
2. **Electronically Changeable Message Sign:** A computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed, such as a programmable display system. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed.
3. **Flashing Sign:** An electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.
4. **Incidental Sign:** Signs allowed under temporary use Groups I and II, such as garage sale signs and banners.
5. **Individual Business:** One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.
6. **Monument Sign:** A sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.
7. **Multiple Businesses:** Multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.
8. **Support Structure(s):** Posts or columns and their anchors and bolts that structurally support the sign attached to it.
9. **Three-Sided Sign:** A sign with three (3) faces.
10. **Two-Sided Sign:** A sign with two (2) faces.

## **SECTION 27-1512. EXEMPT SIGNS.**

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the International Building Code.

1. The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this Section, reader board or similar sign specifically designed for replaceable copy.
2. Painting, repainting or normal maintenance, unless a structural or electrical change is made.
3. Temporary banners and temporary signs as permitted herein.
4. Real estate sign as permitted herein.
5. Incidental signs.
6. Political signs.
7. Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

**SECTION 27-1513. PROHIBITED SIGNS.**

The following signs are prohibited in all zones unless otherwise specifically permitted.

1. Sign which by shape, wording or location resemble or conflict with traffic control signs or devices
2. Signs that create a safety hazard for pedestrian or vehicular traffic
3. Signs with special or auxiliary flashing lights which are not a part of the sign's message.
4. Portable signs
5. Portable reader boards
6. Portable electric signs
7. Banner signs
8. Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
9. Roof signs
10. Billboards

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- | 11. Painted signs on buildings, including those attached on or to the surface of windows.

**SECTION 27-1514. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.**

The following signs may be permitted in any zone, subject to the limitations as provided herein.

1. **Bulletin boards:** Bulletin boards may be permitted on the premises of public, charitable or religious institutions, subject to the following:
  - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of six (6) feet above the ground.
  - c. The sign, if lighted, shall use low-intensity lighting.
  - d. A thirty-two (32) square foot, double-faced sign, no higher than fourteen feet above grade, is authorized for a public or private school on property not less than three acres in size.
2. **Temporary Residential Subdivision or Area Name Signs:** A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
  - a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one 1 year. The Planning Division may extend the one year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
3. **Permanent Residential Subdivision or Area Name Signs:** Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:
  - a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and
  - b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
4. **Contractor, Architect, Surveyor, or Engineer Signs:** One on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:
  - a. The sign is located on the parcel on which the construction is located.
  - b. The sign shall not exceed forty (40) square feet in area; and

- c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve months without approval from the Planning Department. The Planning Department may extend the one (1) year time period upon written request of the owners/developers of the project.

**5. Real Estate Sign:**

- a. Residential and Agricultural use or property: One temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
- b. Commercial and Industrial use or property: One temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
- c. Open house and directional sign: For (a) and (b) above, an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.

6. **Electronically Changeable Message Sign:** Electronically changeable message signs shall be permitted in Community Commercial, Highway Commercial, Controlled Industrial, Heavy Industrial, Entryway General Commercial, and Entryway Light Industrial zones in accordance with the standards of Sections 27-1417 through 27-1423 and their definitions.

**SECTION 27-1515. SIGN STANDARDS IN AGRICULTURAL (A-O) AND RESIDENTIAL (A-S, R-150, R-96, R80 R-70R R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) ZONES**

1. **Permitted Signs by Zone:** Sign structures are permitted in the agricultural and residential zones in accordance with the following uses and standards:
  - a. A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet and a maximum height of four (4) feet above grade.
  - b. A freestanding or wall sign identifying a community residential facility, family day-care home, child day-care center in a residence, nursery school, or similar institution is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet, a maximum height of four (4) feet above grade and is unlighted.

**2. Permitted Signs by Use**

- a. The standards in Tables 1 and 2 apply to the following uses:
- Residential/Semi-Public uses include a church, public park, multiple-family dwelling, dormitory, fraternity, sorority, nursing home, retirement apartment, public building, child day-care center, family day-care provider, non-profit community hall or lodge, animal clinic, cemetery, or sanitarium.
  - School/Public uses include a school (kindergarten through university), hospital, police station, fire station, post office, or public golf course, incinerator, solid waste recycling transfer site, or landfills.
- b. **Wall signs:** On-premises wall signs are permitted, not to exceed the maximum number and size as shown in Table 1. Wall signs shall be unlighted or have low-intensity lighting, and shall be placed flat against the outside wall of the main building.

Use per Paragraph 2(a)	Maximum Number of Signs	Maximum Sign Area
Residential/Semi-Public	1	20 square feet
Schools/Public Use	1	32 square feet

**Table 1**

– Wall Signs – Agricultural and Residential Zones

- c. **Freestanding signs:** On-premises freestanding signs are permitted, not to exceed the maximum number, size and height as shown in Table 2. On-premises freestanding signs shall be unlighted or have low-intensity lighting.

Use per Paragraph 2(a)	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Height
Residential/Semi-Public	1	16 square feet	6 feet
Schools/Public Use	1	32 square feet*	15 feet

\*Maximum sign area may be increased to 48 square feet for monument signs seven feet or less in height.

**Table 2** – Freestanding Signs – Agricultural and Residential Zones

### 3. Multiple Arterials

In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

**SECTION 27-1516. SIGN STANDARDS FOR BUSINESS AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI).**

1. Permitted signs by zone: Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.
  - a. **Wall Signs – Individual and Multiple Businesses:** Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of 250 square feet, whichever provides the smaller area. Mansard roofs shall not be included when calculating the total area of the wall.
  - b. **Freestanding Signs (pole or monument design) – Individual Businesses:** One on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in Table 3.
  - c. The maximum height of the on-premise sign may be increase to forty (40) feet above grade measured at the centerline of Shiloh Road or Zoo Drive, whichever is adjacent and the area may be increased to 200 square feet, provided the parcel is contiguous with Interstate 90 or Zoo Drive.

Zoning District	Maximum Area ≤ 100' Street Frontage	Maximum Area ≥ 100' Street Frontage	Maximum Sign Height
RP	50 square feet	50 square feet	15 feet
NC	50 square feet	50 square feet	15 feet
CC	80 square feet	140 square feet	20 feet
HC	80 square feet	140 square feet	20 feet
CI	80 square feet	140 square feet	20 feet
HI	50 square feet	50 square feet	15 feet
ELC	80 square feet	120 square feet	20 feet
EGU	80 square feet	140 square feet	20 feet
EMU	50 square feet	50 square feet	15 feet
ELI	80 square feet	140 square feet	20 feet

**Table 3 – Freestanding Signs – Commercial and Industrial Zones**

- d. **Freestanding Signs (pole or monument design) – Multiple Businesses**
  - i. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in Table 4.
  - ii. Freestanding signage allowed for an individual business under Paragraph b. of this Section shall not be combined with signage allowed for multiple businesses under this Paragraph.

- iii. The minimum separation between signs shall be 500 feet, measured from the center of the sign.

Zoning District	Maximum Number of Signs	Maximum Area	Maximum Sign Height
RP	1	75 square feet	15 feet
NC	1	75 square feet	15 feet
CC	1 per 500 feet of street frontage*	175 square feet	20 feet
HC	1 per 500 feet of street frontage*	175 square feet	20 feet
CI	1 per 500 feet of street frontage*	175 square feet	20 feet
HI	1 per 500 feet of street frontage*	75 square feet	15 feet
ELC	1 per 500 feet of street frontage*	150 square feet	15 feet
EGU	1 per 500 feet of street frontage*	175 square feet	20 feet
EMU	1	75 square feet	15 feet
ELI	1 per 500 feet of street frontage*	175 square feet	20 feet

\*One freestanding sign is permitted on parcels with less than 500' of lineal street frontage.

**Table 4** – Standards for on-premises signs for multiple businesses

**2. Incentive to Substitute Height Restricted Monument Signs for Freestanding Signs.**

- a. Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under Paragraphs 1 b. and 1 c. with maximum sign number(s) and area(s) as provided in Tables 5 and 6. There is no minimum separation requirement between signs.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	1	50 square feet
NC	1	50 square feet
CC	2	90 square feet

HC	2	90 square feet
CI	2	90 square feet
HI	2	90 square feet
ELC	2	80 square feet
EGC	2	90 square feet
EMU	2	50 square feet
ELI	2	90 square feet

**Table 5** – Standards for on-premises monument signs for individual businesses

\*Two freestanding signs are permitted on parcels with more than 500' of lineal street frontage

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	2	50 square feet
NC	2	50 square feet
CC	2 per 500 feet of street frontage*	90 square feet
HC	2 per 500 feet of street frontage*	90 square feet
CI	2 per 500 feet of street frontage*	90 square feet
HI	2 per 500 feet of street frontage*	90 square feet
ELC	2 per 500 feet of street frontage*	80 square feet
EGC	2 per 500 feet of street frontage*	90 square feet
EMU	2 per 500 feet of street frontage*	50 square feet
ELI	2 per 500 feet of street frontage*	90 square feet

**Table 6** – Standards for on-premises monument signs for multiple businesses

### 3. Multiple Arterials

In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

#### **SECTION 27-1517. COMPREHENSIVE SIGN PLAN**

For shopping centers, industrial parks, mixed use developments, and hotel conference centers; the Zoning Coordinator may approve a comprehensive sign plan that deviates from the provisions set forth in Section 27-1416 above, provided the following standards and conditions are met:

1. The development exceeds the following minimum square foot floor area requirements:
  - a. 250,000 square feet for a shopping center or hotel conference center
  - b. 250,000 square feet of commercial/industrial floor space for a mixed use development
  - c. 300,000 square feet for an industrial park
2. The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
3. The sign plan shall conform to the standards of Section 27-1416; except that a maximum of three of the allowed signs under Section 27-1416 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
4. The sign plan shall be consistent with the Yellowstone County - City of Billings 2003 Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the Zoning Coordinator.
5. The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the Planning and Community Services Department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
6. Modifications to the approved sign plan shall require reapplication and approval by the Zoning Coordinator.

#### **SECTION 27-1518. SIGN LOCATION AND SETBACK.**

1. All signs shall be located so that they:
  - a. Do not interfere with vehicular or pedestrian accessibility or sight distance;
  - b. Conform to the provisions of Section 27- 615, the clear vision triangles and visibility at intersections; and
  - c. No sign may encroach upon, or overhang, adjacent property or public right-of-way.
2. All signs shall be located and set back as follows:
  - a. Any portion of a freestanding sign shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.

- b. The support structure of a monument sign shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

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#### **SECTION 27-1519. SIGN AREA AND CALCULATION.**

1. The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.
2. Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.
3. The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A 50 percent increase in monument sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.
4. The sign area for multiple-sided signs shall be calculated as follows:
  - a. The total sign area for a two-sided sign shall be calculated using one face, but the second face may not exceed the area of the first face.
  - b. The total sign area for a three-sided sign shall be calculated using one face, but the second and third face total area may not exceed the area of the first face.

#### **SECTION 27-1520. MAINTENANCE OF SIGNS.**

1. Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
2. Any damaged sign base shall be repaired within sixty (60) days.
3. Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.



**SECTION 27-1521. NONCONFORMING SIGNS.**

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

**SECTION 27-1522. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS**

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

**SECTION 27-1523. SIGN ILLUMINATION.**

Externally illuminated signs shall have lighting confined to the sign with the light source positioned and shielded to eliminate spill over impacts to the surrounding area(s) in such a manner that it conforms to the site lighting standards. See 27-1508-2. The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

**SECTION 27-1524. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.**

# SHILOH CORRIDOR OVERLAY ZONE PERMIT

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Permit # \_\_\_\_\_

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## Application Information

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Owner Name (if different): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_ Phone: \_\_\_\_\_

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## Property Information

Property Address: \_\_\_\_\_

Section, Township, Range: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Lot size: \_\_\_\_\_ sq. ft. Lot area covered by structure(s): \_\_\_\_\_ sq.ft. \_\_\_\_\_ %

Subdivision/COS: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

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### FOR OFFICE USE ONLY

Date Received \_\_\_\_\_

Number of relative criteria categories met: \_\_\_\_\_ Total number of points scored: \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

## RELATIVE CRITERIA

- Applicant must obtain points from seven (7) of nine (9) categories.
- Applicant must obtain 15 points:

1.	<b>SITE DEVELOPMENT</b> <ul style="list-style-type: none"> <li>a. Frontage pavement less than 35' along Shiloh Road <a href="#">and Zoo Drive</a></li> <li>b. Public use space included</li> </ul>	  
2.	<b>ACCESS</b> <ul style="list-style-type: none"> <li>a. MET transit or school bus stop</li> <li>b. Bikepath or pedestrian trail easement (above what subdivision requires)</li> <li>c. Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max)</li> <li>d. Reciprocal access between lots</li> <li>e. <a href="#">A single approach serving multiple lots</a></li> <li>f. <a href="#">f. </a></li> <li>f. <a href="#">f. </a></li> </ul>	      
3.	<b>LIGHTING</b> <ul style="list-style-type: none"> <li>a. <a href="#">a. </a></li> <li>a. <a href="#">All cutoff lighting</a></li> <li>b. <a href="#">Light measurement of 1.5 foot candles or less, measured vertically at property line.</a></li> <li>c. Continuity of lighting fixture design with adjacent properties.</li> <li>d. Incorporate outdoor light fixtures at heights less than <a href="#">twenty (20)</a> feet.</li> </ul>	    

4.	<b>PARKING</b> <ol style="list-style-type: none"> <li>Joint use parking agreement.</li> <li>Parking does not exceed 125% of required spaces</li> <li>Landscaping internally integrated in parking areas.</li> <li>Parking lots placed at the rear and/or side of building – none in front.</li> </ol>	    
5.	<b>SCALE</b> <ol style="list-style-type: none"> <li>Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent.</li> <li>Height of structures does not exceed that of the surrounding development by more than 10 percent.</li> <li>Building size does not exceed that of the surrounding development by more than 10 percent.</li> </ol>	   
6.	<b>LANDSCAPING</b> <ol style="list-style-type: none"> <li>Buildings have foundation planting.</li> <li>Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) each.</li> <li>Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.</li> <li>Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.</li> <li>Terraced or bermed site design.</li> <li>Stormwater retention areas include significant landscaping.</li> <li>Bufferyards larger than required by at least ten (10) percent.</li> <li>Continuity of landscaping features at interface with adjacent property.</li> <li>Canopy trees placed in the boulevard along <u>all</u> streets <u>except Shiloh Road and Zoo Drive</u> at one tree per <u>twenty 20</u> feet of street frontage.</li> <li><u>Installation of a curvilinear boulevard walk.</u></li> <li><u>Incorporates existing trees in landscape design.</u></li> </ol>	             
7.	<b>ARCHITECTURAL DESIGN</b> <ol style="list-style-type: none"> <li>Building materials are natural, i.e. wood or stone.</li> <li>Pitched roof with a minimum 3:12 pitch.</li> <li>Exceeds the state energy code requirements by: <ul style="list-style-type: none"> <li>Twenty-five (25) percent = One (1) point</li> <li>Fifty (50) percent = Two (2) points</li> <li>More than seventy-five (75) percent = Three (3) points</li> </ul> </li> </ol>	   

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	<p>d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.</p> <p>e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;</p> <p>f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains <u>four (4)</u> facade relief elements;</p> <p>g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;</p> <p><b>Facade relief elements</b></p> <ul style="list-style-type: none"> <li>• Two (2) or more colors</li> <li>• Natural earth toned colors</li> <li>• Substantial fenestration using windows, doors, or other openings</li> <li>• Two (2) or more materials that break up the mass of the structure</li> <li>• Articulation of the parapet walls</li> <li>• Change in wall plane</li> <li>• Change in roof plane</li> <li>• Extended roof overhangs</li> </ul> <p>h. Significant variation in building masses and/or forms</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
8.	<p><b>SIGNAGE</b></p> <p>a. Signage is not internally illuminated.</p> <p>b. Monument signs used in lieu of pole signs.</p> <p>c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.</p> <p>d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).</p> <p>e. Comprehensive sign plan.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
9.	<p><b>MIXED USE</b></p> <p>One point will be given for each building that contains two (2) or more of the following uses:</p> <ul style="list-style-type: none"> <li>• Office</li> <li>• Retail</li> <li>• Personal services</li> <li>• Residential</li> <li>• Hotel</li> </ul>	<p>_____</p>

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	<ul style="list-style-type: none"><li>• Medical</li><li>• Entertainment</li><li>• Restaurant</li></ul>	
	<b>TOTAL POINTS</b>	_____

## **SECTION 27-1525. REEXAMINATION OF REGULATIONS.**

After one year of the effective date of this ordinance, and periodically afterwards, these regulation shall be reviewed for their effectiveness and the practicality of implementation and enforcement.

## **SECTION 27-1526. APPEAL PROCESS**

An appeal may be made by any applicant aggrieved by a denial of a Shiloh Corridor Overlay Zone permit by the Planning and Community Services Department. The applicant shall first appeal to the Department Director, and if not satisfied with the Director's determination, may then file an appeal with City Council. The City Council shall hold a public hearing and make a determination whether to approve or deny the appeal. Before either the Director or City Council makes a determination on the appeal, the following criteria shall be considered:

1. That the official erred in the interpretation or application of this chapter.
2. That approving the permit will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
3. That no substantial detriment to the public good is created;
4. That the intent and purpose of this chapter is not impaired.

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Upon receiving written notice of denial of a permit from the Planning and Community Services Department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the Department Director. The Director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the Department Director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the Director's determination, a request for appeal before the City Council. If an appeal is requested, the Planning and Community Service Director shall:

1. Submit a staff report to the City Council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of the permit.
2. Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.
3. Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

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Upon reversing a decision to deny an appeal, the Council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the appeal is granted, shall be deemed a violation of this chapter.

Under no circumstances shall the Council issue a decision that would allow a use not permitted under the terms of this chapter in the district involved. Approval of a permit shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

**Section 2.**     **REPEALER.**   All resolutions, ordinances and sections of the City Code in conflict herewith are hereby repealed.

**Section 3.**     **SEVERABILITY.**   If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 4.**     **EFFECTIVE DATE.**   This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading January 10, 2005.

PASSED, ADOPTED AND APPROVED on second reading January 24, 2005.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley, Mayor

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk

Unified Zoning Regulations Text Amendments

[\(Back to Regular Agenda\)](#)



## AGENDA ITEM:



**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

**TITLE:** Continuation of Public Hearing and First Reading, Ward Redistricting Ordinance

**DEPARTMENT:** Planning and Community Services Department

**PRESENTED BY:** Ramona Mattix, AICP, Director

**PROBLEM/ISSUE STATEMENT:** The state of Montana has completed the redistricting of its election precincts, based on the new population information from the 2000 Census. The City Council discussed redistricting Council Wards based on the new Census information on November 22, 2004, and continued the public hearing, as well as voted to place the Rehberg Ranch development into Ward 2. Staff previously presented two alternatives for consideration, and has revised one of these alternatives after meeting with Councilwoman McDermott. These alternatives consider existing population, future growth, income, and election precinct boundaries.

**ALTERNATIVES ANALYZED:**

1. Scenario – Southern expansion of Ward 1
2. Scenario – Southern expansion of Ward 3

**FINANCIAL IMPACT:** There is no financial impact related to Ward Redistricting.

**RECOMMENDATION**

Staff recommends that the City Council hold a public hearing and amend BMCC, Section 11-102 to redistrict Ward boundaries based on Scenario 1, including placing Rehberg Ranch in Ward IV.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENTS**

- A. Ordinance
- B. Scenario 1
- C. Scenario 2

## **INTRODUCTION**

The purpose of the current redistricting is to update BMCC Section 11-102 to reflect new population numbers as reported by the 2000 Census. Current city ordinance states that city wards are to follow county election precincts. The Montana statute (Section 7-5-4401, MCA) addressing division of municipalities into wards requires that the city be divided “into wards for election and other purposes, having regard to population **so as to make them as nearly equal as possible.**” That is the same standard that was used for state districting until 2003 (please see the staff memo of November 22, 2004 for the discussion of legal requirements). Dwayne Winslow, Yellowstone County Election Administrator, requested that the City follow precinct boundaries as closely as possible for consistency in voting locations.

## **WARD CHANGES**

The 2000 Census showed the following changes from the 1990 Census:

### **Population Growth**

In 2000 three Wards were roughly equal in population (Wards 1, 4 & 5) and three experienced double digit growth rates within the last 10 years (Wards 2, 3 and 5). The city overall has averaged about 1% population growth per year, but the growth varied widely from Ward to Ward.

### **School Age Demographics**

Statistics for school age children 5 to 19 also vary greatly from Ward to Ward. Ward 2 had a very high jump in school age children – nearly 25%, and Wards 3 and 5 each had over an 11% increase. Ward 4 on the other hand only added seven (7) children over all in 10 years, less than one half of one percent increase.

### **Elderly Population**

From 1990 to 2000 the growth in people over 65 increased at double the growth in overall population (9.9% versus 18%), and the differences in growth rate among Wards were dramatic from a nearly 14% loss in Ward 1 to over 30% increases in Ward 2 and 5. These large increases were most likely due to the construction of senior retirement and assisted living facilities in those Wards.

The scenarios proposed were based on these items:

#### *Scenario 1*

- (1) Election precinct boundaries. No precincts are split in Scenario 1.
- (2) The current council members' addresses. Staff ensured that council members remained in the wards they represent. Two council members live close to a boundary, so the boundary was adjusted elsewhere so that the council members would remain in their ward.
- (3) Population including future growth.
- (4) Polling locations. City Council directed Rehberg Ranch be moved to Ward 2 with the nearest polling place at Alkali Creek School.

### *Scenario 2*

- (5) Election precinct boundaries. Scenario B also closely follows election precincts, but precinct 38 is split. Precinct 43 was moved to Ward 1, and Briarwood was moved to Ward 3.
- (6) The current council members' addresses. Council members still remain in the wards they represent. Two council members live close to a boundary, so the boundary was adjusted elsewhere so that the council members would remain in their ward.
- (7) Population placement included a lesser amount future growth and more existing population for Ward 1. Ward 4 had the least population, and Wards 3 & 5 would both be areas of future growth.
- (8) Income – adding a larger area north of Laurel Road and south of Central and Grand to Ward 1 placed some similar income areas in the same Ward. This was also the reason for adding Briarwood to Ward 3
- (9) Polling locations. City Council directed Rehberg Ranch be moved to Ward 2 with the nearest polling place at Alkali Creek School. In Scenario B placing Briarwood in Ward 3 does puts the nearest polling place Casa Village on Monad for those residents.

### **PROCEDURAL HISTORY**

- The last major changes to Ward boundaries based on population occurred in 1993. All subsequent changes to Ward boundaries have occurred due to annexation actions by Council.
- Public Hearing on November 22, 2004, Council voted to place Rehberg Ranch in Ward 2.
- Public Hearing continued to January 10, 2005

### **BACKGROUND**

The legal analysis in the previous staff memo indicates that consideration of future growth is a legitimate purpose in redistricting. Areas for residential growth in Billings based on both plat and building permit information and reinforced by the adopted annexation policy are Rehberg Ranch, Briarwood, the Heights, and the west end of Districts 4 & 5. Ward 3 which covers Central Billings and the commercial area of King to Shiloh is the least likely area that could experience residential growth.

Scenario 1 assigns a robust population to Ward 3 which balances out a lack of residential growth potential. Briarwood, adjacent to Ward 1, would be a growth area for Ward 1 which otherwise has no growth potential. Ward 5 has the least population, but also has the most near term growth potential. No precincts are split by Ward boundaries that are not also split by the City limits.

Scenario 2 assigns Briarwood to Ward 3, moves precinct 43 and 32 and a portion of 38 into Ward 1, making it the most populous Ward in the City. This scenario splits 1 precinct which would require a change in current city code.

Staff notes in both scenarios, placing Rehberg Ranch in Ward 2 shifts the closest polling place from about a mile away at Poly to nearly 4 miles at Alkali Creek Elementary, and gives Ward 2 the most future residential growth potential. This would result in a future major inequity in population.

**CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

Ward boundaries are not addressed by any adopted policy or plan with the exception of current City Code.

**RECOMMENDATION**

Staff recommends that the City Council revise City Code and redistrict Ward boundaries based on Scenario 1, including placing Rehberg Ranch in Ward IV.

**ORDINANCE NO. 05-\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT  
THE BILLINGS, MONTANA CITY CODE BE AMENDED BY  
REVISING SECTION 11-102; CHANGING WARD DISTRICT  
BOUNDARIES TO REFLECT NEW CENSUS INFORMATION AND  
ACCOUNT FOR FUTURE GROWTH.

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

Sec. 11-102. Ward boundaries.

(a) Pursuant to MCA 7-5-4401 and the Charter, the boundaries of the five (5) city wards are hereby changed and established. The wards are described by a map based on designated county election precincts.

(b) The city ward boundaries are illustrated on the city map marked Exhibit "A" on file in the clerk's office and by this reference made a part hereof.

(c) As the city boundaries change the ward boundaries will be changed by an ordinance amending this section and the city ward boundaries as established herein. Such change shall be certified to the election administrator as required by MCA 13-3-103(1) not more than ten (10) days after the change. The city ward boundaries will be changed to conform to MCA 7-5-4401 and other provisions of law as required by law. Such boundary changes shall be kept on file in the clerk's office.

(Ord. No. 83-4516, §§ 1(1.16.020, 1.16.030), 6-6-83; Ord. No. 86-4720, 12-22-86; Ord. No. 93-4935, § 1, 10-4-93; Ord. No. 94-4949, § 1, 1-24-93)

**Editor's note:** The city ward boundaries as established in § 11-102, have been amended by the adoption of the following ordinances: Ord. No. 84-4589, adopted May 21, 1984; Ord. No. 84-4590, adopted June 4, 1984; Ord. No. 85-4617, adopted Jan. 7, 1985; Ord. No. 85-4624, adopted Feb. 11, 1985; Ord. No. 85-4625, adopted Feb. 25, 1985; Ord. No. 85-4628, adopted March 4, 1985; Ord. No. 85-4637, adopted April 22, 1985; Ord. No. 85-4645, adopted June 3, 1985; Ord. No. 85-4646, adopted June 3, 1985; Ord. No. 85-4647, adopted May 20, 1985; Ord. No. 85-4652, adopted Aug. 5, 1985; Ord. No. 85-4659, adopted Aug. 19, 1985; Ord. No. 85-4660, adopted Aug. 19, 1985; Ord. No. 85-4666, adopted Sept. 23, 1985; Ord. No. 85-4674, adopted Nov. 18, 1985; Ord. No. 86-4681, adopted Jan. 17, 1986; Ord. No. 86-4708, adopted Dec. 22, 1986; Ord. No. 87-4722, adopted Jan. 26, 1987; Ord. No. 87-4723, adopted Jan. 26, 1987; Ord. No. 87-4741, adopted Aug. 3, 1987; Ord. No. 88-4759, adopted April 25, 1988; Ord. No. 88-4760, adopted April 25, 1988; Ord. No. 88-4763, adopted May 2, 1988; Ord. No. 88-4764, adopted May 23, 1988; Ord. No. 88-4765, adopted May 23, 1988; Ord. No. 88-4769, adopted Aug. 15, 1988; Ord. No. 88-4770, adopted Aug. 15, 1988; Ord. No. 88-4771, adopted Aug. 22, 1988; Ord. No. 88-4774, adopted Nov. 7, 1988; Ord. No. 88-4775, adopted Dec. 28, 1988; Ord. No. 89-4776, adopted Feb. 6, 1989; Ord. No. 89-4786, adopted June 5, 1989; Ord. No. 89-4794, adopted Aug. 7, 1989; Ord. No. 4795, adopted Aug. 7, 1989; Ord. No. 89-4796, adopted Aug. 7, 1989; Ord. No. 89-4797, adopted Aug. 7, 1989; Ord. No. 89-4799, adopted Aug. 21, 1989; Ord. No. 89-4800, adopted Aug. 21, 1989; Ord. No. 89-4803, adopted Sept. 25, 1989; Ord. No. 89-4804, adopted Sept. 25, 1989; Ord. No. 89-4805, adopted Oct. 16, 1989; Ord. No. 89-4806, adopted Oct. 16, 1989; Ord. No. 89-4810, adopted Nov. 13, 1989; Ord. No. 89-4812, adopted

Nov. 20, 1989; Ord. No. 89-4815, adopted Dec. 4, 1989; Ord. No. 89-4816, adopted Dec. 4, 1989; Ord. No. 89-4817, adopted Dec. 4, 1989; Ord. No. 89-4818, adopted Dec. 4, 1989; Ord. No. 90-4819, adopted Jan. 8, 1990; Ord. No. 90-4828, adopted May 7, 1990; Ord. No. 90-4832, adopted June 18, 1990; Ord. No. 90-4833, adopted June 18, 1990; Ord. No. 90-4835, adopted July 23, 1990; Ord. No. 90-4836, adopted July 23, 1990; Ord. No. 90-4837, adopted July 23, 1990; Ord. No. 90-4851, adopted Nov. 19, 1990; Ord. No. 90-4852, adopted Nov. 19, 1990; Ord. No. 90-4854, adopted Dec. 10, 1990; Ord. No. 91-4859, adopted Feb. 11, 1991; Ord. No. 91-4860, adopted Feb. 11, 1991; Ord. No. 91-4861, adopted Feb. 11, 1991; Ord. No. 91-4873, adopted June 24, 1991; Ord. No. 91-4874, adopted June 24, 1991; Ord. No. 91-4875, adopted June 24, 1991; Ord. No. 91-4878, adopted June 24, 1991; Ord. No. 91-4888, adopted Sept. 23, 1991; Ord. No. 91-4891, adopted Nov. 4, 1991; Ord. No. 94-4950, adopted Feb. 7, 1994; Ord. No. 94-4951, adopted Feb. 7, 1994; Ord. No. 94-4952, adopted Feb. 7, 1994; Ord. No. 94-4964, adopted June 27, 1994; Ord. No. 94-4974, adopted Nov. 14, 1994; Ord. No. 95-4979, adopted Feb. 27, 1995; Ord. No. 95-4989, adopted Aug. 14, 1995; Ord. No. 95-4991, adopted Aug. 28, 1995; Ord. No. 95-4992, adopted Aug. 28, 1995; Ord. No. 95-4994, adopted Oct. 10, 1995; Ord. No. 96-4999, adopted Mar. 18, 1996; Ord. No. 96-5000, adopted Mar. 18, 1996; Ord. No. 96-5010, adopted Aug. 26, 1996; Ord. No. 96-5011, adopted Sept. 23, 1996; Ord. No. 96-5012, adopted Oct. 15, 1996; Ord. No. 97-5014, adopted Jan. 13, 1997; Ord. No. 97-5020, adopted May 12, 1997; Ord. No. 97-5030, adopted June 23, 1997; Ord. No. 97-5031, adopted July 14, 1997; Ord. No. 97-5042, adopted Oct. 27, 1997; Ord. No. 97-5043, adopted Nov. 10, 1997; Ord. No. 97-5045, adopted Dec. 8, 1997; Ord. No. 98-5050, adopted Jan. 26, 1998; Ord. No. 98-5069, 9-28-98; Ord. No. 99-5086, 5-10-99; Ord. No. 99-5096, 8-9-99; Ord. No. 99-5100, 8-23-99; Ord. No. 99-5103, 9-27-99; Ord. No. 99-5104, 10-12-99; Ord. No. 99-5108, 12-13-99; Ord. No. 00-5109, 1-10-00; Ord. No. 00-5117, § 1, 5-8-00; Ord. No. 00-5124, 6-26-00; Ord. No. 00-5130, § 1, 9-11-00; Ord. No. 00-5132, § 1, 10-10-00; Ord. No. 01-5142, § 1, 3-12-01; Ord. No. 01-5144, § 1, 3-12-01; Ord. No. 01-5146, § 1, 3-26-01; Ord. No. 01-5147, § 1, 4-9-01; Ord. No. 01-5153, § 1, 5-29-01; Ord. No. 01-5154, § 1, 6-11-01; Ord. No. 01-5157, § 1, 6-25-01; Ord. No. 01-5158, § 1, 6-25-01; Ord. No. 01-5159, § 1, 6-25-01; Ord. No. 01-5160, § 1, 6-25-01; Ord. No. 01-5161, § 1, 6-25-01; Ord. No. 01-5170, § 1, 8-27-01; Ord. No. 01-5171, § 1, 8-27-01; Ord. No. 01-5172, § 1, 9-10-01; Ord. No. 01-5173, § 1, 9-10-01; Ord. No. 01-5177, § 1, 11-26-01; Ord. No. 01-5178, § 1, 11-26-01; Ord. No. 02-5180, § 1, 1-14-02; Ord. No. 02-5182, § 1, 2-11-02; Ord. No. 02-5183, § 1, 2-11-02; Ord. No. 02-5187, § 1, 3-25-02; Ord. No. 02-5188, § 1, 4-4-02; Ord. No. 02-5189, § 1, 4-8-02; Ord. No. 02-5190, § 1, 4-8-02; Ord. No. 02-5194, § 1, 4-22-02; Ord. No. 02-5195, § 1, 4-22-02; Ord. No. 02-5196, § 1, 4-22-02; Ord. No. 02-5203, § 1, 4-22-02; Ord. No. 02-5208, § 1, 6-10-02; Ord. No. 02-5209, § 1, 6-10-02; Ord. No. 02-5210, § 1, 6-10-02; Ord. No. 02-5211, § 1, 6-10-02; Ord. No. 02-5215, § 1, 7-8-02; Ord. No. 02-5216, § 1, 7-22-02; Ord. No. 02-5227, § 1, 11-25-02; Ord. No. 02-5228, § 1, 11-25-02; Ord. No. 02-5229, § 1, 11-25-02; Ord. No. 03-5233, § 1, 1-13-03; Ord. No. 03-5235, § 1, 2-10-03; Ord. No. 03-5238, § 1, 2-24-03; Ord. No. 03-5242, § 1, 4-14-03; Ord. No. 03-5244, § 1, 5-27-03; Ord. No. 03-5255, § 1, 9-22-03; Ord. No. 03-5260, § 1, 12-8-03; Ord. No. 04-5263, § 1, 1-26-04; Ord. No. 04-5264, § 1, 1-26-04; Ord. No. 04-5268, § 1, 3-8-04; Ord. No. 04-5269, § 1, 3-8-04; Ord. No. 04-5276, § 1, 5-10-04; Ord. No. 04-5277, § 1, 5-10-04; Ord. No. 04-5283, § 1, 5-24-04; Ord. No. 05\*\*

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Public Hearing and First Reading of an Ordinance Expanding Ward II  
**DEPARTMENT:** Planning and Community Services  
**PRESENTED BY:** Wyeth Friday, Planner I through Ramona Mattix, Planning Director

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**PROBLEM/ISSUE STATEMENT:** On December 13, 2004 the City Council adopted Resolution No. 18229 annexing Tract 3, Certificate of Survey No. 90, Gauger Acres, including all contiguous right-of-way of Main Street (Annexation #04-09). This is 1.6 acre parcel of land on the northeast corner of the intersection of Main Street and Airport Road. The property must be added to one of the City's election wards. This ordinance will add the property to Ward II.

**FINANCIAL IMPACT:** There are no direct financial impacts if this ordinance is approved.

**RECOMMENDATION**

Staff recommends that the City Council approve the first reading of this ordinance that adds the property annexed by Resolution No. 18229 to City Ward II.

**Approved by:**      **City Administrator** \_\_\_\_\_      **City Attorney** \_\_\_\_\_

**ATTACHMENTS**

A:      Ward Ordinance

**ORDINANCE NO. 05-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING  
BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS,  
IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES;  
AND CHANGING THE WARD BOUNDARIES ESTABLISHED  
THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL  
PROPERTY TO WARD II PROVIDING FOR CERTIFICATION  
AND REPEALING OF ALL ORDINANCES AND  
RESOLUTIONS INCONSISTENT THEREWITH.

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

3. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102 (c) and the State Law, Billings Municipal Code, Section 11-102 (c) Ward Boundaries is hereby amended by adding to the following designated Ward the following described real property:

**Ward II:**

Tract 3, Certificate of Survey No. 90, situated in the NE1/4, NE1/4, SW1/4 of Section 27, T.1N., R.26E., P.M.M., recorded February March 18, 1948, Under Document No. 436284, Records of Yellowstone County, Montana; including all contiguous right-of-way of Main Street.

Containing 1.603 gross acres, and 0.887 net acres, more or less  
(Annexation #04-09)

4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.
3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 10th day of January, 2005.

PASSED by the City Council on the second reading this 24th day of January, 2005.

THE CITY OF BILLINGS:



ATTEST:

\_\_\_\_\_  
Charles F. Tooley, MAYOR

BY:\_\_\_\_\_  
Marita Herold, CMC CITY CLERK

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, January 10, 2005**

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**TITLE:** Continuance of Public Hearing on Resolution Authorizing Disposal of City-Owned Property – Lots 9-12, Block 142, Billings Original Town

**DEPARTMENT:** Planning and Community Services

**PRESENTED BY:** Ramona Mattix, Planning Director, and John Walsh, Community Development Manager

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**PROBLEM/ISSUE STATEMENT:** The City of Billings recently requested bids for the purchase of city-owned property on the southwest corner of 1<sup>st</sup> Avenue South and South 25<sup>th</sup> Street. The request for bids was in response to Montana Rescue Mission's (MRM) desire to move their operations to this site. Bids were opened on November 30<sup>th</sup> and MRM submitted the only bid of \$20,160. MRM is a non-profit organization and hopes to acquire the land and complete construction of a new Men's Mission and Women's & Family Shelter.

**ALTERNATIVES ANALYZED:** The City previously pursued the option of selling the land according to the S. 27<sup>th</sup> Street Development Incentives in conjunction with requesting bids to determine if other parties are interested in purchasing the property. Alternatives now considered for the disposal of the property include: (1) Accepting the bid by MRM for \$20,160; (2) Negotiating an alternative sales price with MRM for \$35,000 or \$2.50 a square foot, an amount consistent with recent City sales in the area including Deering Clinic's purchase of City right-of-way on 2<sup>nd</sup> Avenue South in June; (3) Reject the bid and continue to make the property available for redevelopment.

**FINANCIAL IMPACT:** The land was acquired for redevelopment purposes from City-County Health in a land trade completed in 2003 for the Deering Clinic Expansion project. The property traded to City-County Health was originally purchased in the 1980's through the CDBG Program for \$30,000 and partly donated to the City by the American Baptist Home Mission Society.

**RECOMMENDATION**

Staff recommends that the Council approve the attached resolution authorizing the sale of the land to the Montana Rescue Mission for \$35,000 or \$2.50 a square foot.

Approved By: City Administrator \_\_\_\_\_ City Attorney \_\_\_\_\_

**ATTACHMENT**

A. Resolution (1)

## **INTRODUCTION**

City Council action is required to authorize the sale of City-owned property located on the southwest corner of 1<sup>st</sup> Avenue South & South 25<sup>th</sup> Street. The City Council approved a Resolution of Intent to Sell City-owned Property on November 8, 2004, setting the public hearing on the disposition of the property for December 13, 2004. One bid for the property was received from the Montana Rescue Mission on November 30<sup>th</sup>. The bid and associated development plan has been reviewed and a recommendation on the disposition of the property is now being presented for City Council action. The December 13<sup>th</sup> public hearing has been continued until January 10<sup>th</sup>.

## **PROCEDURAL HISTORY**

The land was acquired for redevelopment purposes through a land trade completed with Deering Clinic in 2003. The property traded to Deering Clinic was donated to the City of Billings by the American Baptist Home Mission Society (Lots 9-12, Block 163, Original Town) or purchased through the CDBG program (Lots 17 & 18, Block 163, Original Town) for \$30,000. Other redevelopment projects on South 27<sup>th</sup> Street include the current site of the women's prison, the Chamber of Commerce, the Labor Temple, the Justice Building, Probation and Parole, the Deering Clinic, Youth Treatment Center, Northern Plains Resource Council, Mailing Technical Services, and Security Armored Express.

On November 8<sup>th</sup>, the City Council approved a Resolution stating the City's intent to dispose of the property and scheduled a public hearing for December 13<sup>th</sup>. Prior to the public hearing, the City was notified the surrounding property owners of the proposed action. The South Side Task Force has also been advised of the proposed action.

On November 18<sup>th</sup>, the City advertised for bids to purchase the property to determine interest from other parties in the site and forwarded a copy of the bid proposal to the Billings Association of Realtors. On November 30<sup>th</sup> the City received one bid for \$20,160 from MRM. MRM's development plan includes the future acquisition of adjacent right-of-way. A concept meeting with to review MRM's overall development plan for the area was held with City Departments on December 2<sup>nd</sup>. MRM will work to address development requirements identified during the meeting as they move forward with their project.

On December 13<sup>th</sup>, a public hearing was held on the proposed sale of the property. The public hearing has been continued to January 10, 2005, at which time the Council will consider the resolution authorizing the disposal of the property.

## **BACKGROUND**

MRM's bid price is based on their determination that the market value of the land is \$31,500 or \$2.25 a square foot. MRM proposes a discounted sales price of \$20,160 based on the South 27<sup>th</sup> Street Development Incentives approved in the late 1980's to encourage the sale and development of properties along the South 27<sup>th</sup> Street Corridor. MRM would qualify for a 10%

reduction in the sales price based on the value of the improvement and a 10% discount for cash sales.

Recent City transactions in the South 27<sup>th</sup> Street Corridor resulted in the sale of land for \$2.50 a square foot. Past sales were based on a market value for the land of approximately \$3.00 a square foot. In June 2004 the City Council, based on past practices, approved the sale of 2<sup>nd</sup> Avenue right-of-way to Deering Clinic for \$2.50 a square foot. Deering Clinic had proposed a sales price of a \$1 square foot. MRM's development plan includes purchasing right of way from the City in the future.

MRM's bid price is based in part on the value of other properties that they have previously acquired adjoining the city property and on 2nd Avenue South. Past appraisals in the area demonstrate higher land values on South 27<sup>th</sup> Street and closer to the Downtown. Properties located on South 26<sup>th</sup> and South 28<sup>th</sup> appraised at a lower value than properties on South 27<sup>th</sup>. Similarly properties fronting 1<sup>st</sup> Avenue South should appraise at a higher value than properties on 2<sup>nd</sup> Avenue South.

The current request for bids has been triggered by interest expressed by MRM to purchase the property. The Montana Rescue Mission has operated for over 50 years to address the needs of homeless families and individuals in Billings. The new shelter on South 25<sup>th</sup> would replace the MRM's existing Men's Mission at 2822 Minnesota Avenue and the Women's & Family Shelter at 2520 1<sup>st</sup> Avenue North. The MRM has previously purchased 8 lots to the south of the City-owned lots (Lots 1-8 Block 142), 8 additional lots across the street (Lots 17-24, Block 143) and property located on the block south of the site (Lots 1-12, Block 162).

Prior to consideration of this request, the City of Billings has followed state law for the disposition of city-owned property. This process included the approval of a City Council Resolution indicating the City's intent to sell the property and the public hearing on the proposed action for December 13<sup>th</sup>. The process also included mailing a notice of the public hearing to all property owners within 300 feet of the site.

### **ALTERNATIVES ANALYSIS**

The City previously pursued the option of selling the land according to the S. 27<sup>th</sup> Street Development Incentives in conjunction with requesting bids to determine if other parties are interested in purchasing the property. Alternatives now considered for the disposal of the property include: Alternatives for the disposition and sale of this property include: (1) Accepting the bid by MRM for \$20,000; (2) Negotiating an alternative sales price with MRM for \$35,000 or \$2.50 a square foot, an amount consistent with recent City action in the area including Deering Clinic's purchase of City Right of Way on 2<sup>nd</sup> Avenue South in June; (3) Reject the bid and continue to make the property available for redevelopment.

## **STAKEHOLDERS**

Downtown Partnership; MRM will be relocating within the tax increment district but moving from the core of downtown to the South 27<sup>th</sup> Street Corridor.

The South Side Task Force and the surrounding neighbors were advised of the proposed development and the public hearing scheduled for December 13<sup>th</sup>.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

Development of the property is consistent with redevelopment efforts in the area. The development of the site must meet the requirements of the Central Business District zoning designation. The acquisition of adjacent right-of-way needs to be consistent with the Gateway Business Park Plan.

## **RECOMMENDATION**

Staff recommends that the Council approve the attached resolution authorizing the sale of the land to the Montana Rescue Mission for \$35,000 or \$2.50 a square foot.

## **ATTACHMENT**

A. Resolution (1)

RESOLUTION 05 - \_\_\_\_\_

A RESOLUTION PURSUANT TO BILLINGS,  
MONTANA CITY CODE, ARTICLE 22-900: SALE,  
DISPOSAL OR LEASE OF CITY PROPERTY,  
DESCRIBING THE PROPERTY TO BE DISPOSED OF  
AND AUTHORIZING CITY OFFICIALS TO PROCEED.

WHEREAS, the City of Billings owns and desires to dispose of the public property on the 100 block of South 25<sup>th</sup> Street; and

WHEREAS, the location of the public property to be disposed of is more particularly described as follows:

Lots 9-12, Block 142, Original Town, City of Billings, Yellowstone County, Montana, according to the official plat now on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana; and

WHEREAS, the notice required by Section 22-902 of the Billings Montana City Code has been duly published and mailed; and

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on the 13<sup>th</sup> day of December 2004 and continued on January 10, 2005;

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

That the City staff is authorized to proceed with the sale of lots 9-12, Block 142, Original Town, to Montana Rescue Mission (MRM) for \$35,000.00 under the requirements of Section 22-902 of the Billings, Montana City Code.

APPROVED AND PASSED by the City Council of the City of Billings, Montana this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
CHARLES F. TOOLEY, MAYOR

ATTEST:

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MARITA HEROLD, CMC/AAE, CITY CLERK

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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**MONDAY, JANUARY 10, 2005**

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**SUBJECT:** Annexation 04-13, Certificate of Survey 1877, Tracts 1 and 2, Public Service Report and Public Hearing

**DEPARTMENT:** Planning and Community Services Department

**PRESENTED BY:** Candi Beaudry, AICP, Planning Division Manager

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**PROBLEM/ISSUE STATEMENT:** The petitioners and owners, Jack and Robert Sukin, are requesting approval of the petition to annex a portion of the NW1/4 Section 4, T. 1S, R. 25 E., containing approximately 50 acres, in accordance with 7-2-4601 et. seq., MCA. The owners are requesting annexation in order to obtain municipal sewer and water for a proposed 112-lot residential subdivision being reviewed concurrently with the petition to annex. This public service report is being presented for Council's consideration at this time.

**ALTERNATIVES ANALYZED:** The City Council may approve or disapprove a petition submitted by owners of 50% of the real property in the area to be annexed (7-2-4601 (3)(b), MCA).

**FINANCIAL IMPACT:** The City can provide service to this property. Generally, the costs of providing service to residential properties exceed the revenues generated from property tax.

**RECOMMENDATION**

Staff recommends that City Council approve the Resolution of Annexation with the following conditions:

1. That prior to development of the site the following shall occur:
  - a. A Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
  - b. A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for developing a neighborhood park within the subdivision.

**Approved By:**      **City Administrator** \_\_\_\_    **City Attorney** \_\_\_\_

**ATTACHMENTS**

A. Resolution

## **INTRODUCTION**

The owner submitted a petition for annexation for a 50-acre property located southeast of the intersection of Grand Avenue and 54<sup>th</sup> Street West on November 1, 2004. The owner also submitted a 112-lot preliminary subdivision plat application at the same time. Upon annexation the zoning of the property will automatically convert from Agricultural- Suburban to Residential-9,000. The owners plan to develop this property for single family residential use. The City approved expansion of the Urban Planning Area on April 22, 2002 to include this property along with an additional 4,350 acres in the West Billings area.

## **PROCEDURAL HISTORY**

- Request for Urban Planning Area expansion approved April 22, 2002,
- Petition for annexation and subdivision submitted November 1, 2004.
- City Council voted to acknowledge receipt of the petition for annexation and set a date for public hearing on December 13, 2004.
- If the Council approves the petition for annexation, it shall hold the First Reading and Public Hearing on a resolution to adjust the City Council Ward boundaries on January 24, 2005 and the Second Reading on February 14, 2005.
- Concurrent applications:
  - Preliminary plat application for the Vintage Estates Subdivision will be presented to Council for their action on January 24, 2005

## **BACKGROUND**

The Urban Planning Study that incorporated this property and an additional 4,350 acres in the West Billings area was previously approved by City Council in 2002. The approval of the Study and expansion of the Urban Planning Area is required prior to annexation of any property to the City of Billings. This petition for annexation is for a 50-acre parcel located south of Grand Avenue and west of 52<sup>nd</sup> Street West.

## **ALTERNATIVES ANALYSIS**

The City Council has expressed concerns about how annexations may affect the City's ability to provide services to annexed property without diminishing the services provided to existing City residents. To address these concerns, Council adopted an annexation policy that lists criteria for suitable annexations. The proposed annexation complies with the recently adopted Annexation Policy criteria as follows:

1. The area is located within the Limits of Annexation and within the Urban Planning Area.
2. The City is able to provide adequate services.
3. The proposed improvements meet City standards.
4. Upon approval of the final subdivision plat, the owners will sign a Waiver of Right to Protest the Creation of Special Improvement Districts.
5. Upon approval of the final subdivision plat, the owners will form a Park Maintenance District.
6. Residential densities will be approximately 4 dwelling units per acre.
7. With the exception of being contiguous to existing City limits, the proposed annexation meets the goals of the City-County Growth Policy.

Although MCA 7-2-4600 allows the municipality to waive the requirement of an annexation public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. State law lists the required contents of a public services plan including a 5-year (minimum) plan that outlines how and when services and infrastructure will be extended to the annexed area and how they will be financed. This report follows that general format.

**Departmental Response:** City departments and Yellowstone County were given the opportunity to comment on this annexation. School District #2 and Yellowstone County were also notified of this annexation. All City departments responded favorably. No comments were received from School District #2. Yellowstone County requested that upon subdivision approval, 52<sup>nd</sup> Street West be improved to County road standards and the names of connecting roadways be continued.

**City Facilities:** The following improvements and facilities are necessary to provide adequate services to the subject property.

**Water:** Water service is available adjacent to the subject property in Grand Avenue. An existing 20-inch main is located within Grand Avenue right-of-way and will provide for a future connection to the property.

**Sewer:** A 27-inch sanitary sewer line is located in Grand Avenue which provides options for future connections. The future subdivision will connect to City sewer and pay the required construction and system development fees. Individual services will be required to pay connection fees.

**Stormwater:** Stormwater runoff will be detained on-site and eventually discharge from this property to the Big Ditch. The stormwater collection facilities will be designed and constructed in accordance with City regulations at time of development.

**Transportation:** The annexation area is located near the intersection of Grand Avenue and 54<sup>th</sup> Street West. Both routes are classified as arterials. Upon approval of the subdivision, the subdivider will be contributing financially to improvements at the intersection of Grand Avenue and 54<sup>th</sup> Street West and Rimrock Road and 54<sup>th</sup> Street West. The subdivider will also dedicate 60 feet of right-of-way to the City and financially secure the cost of improvements to this part of Grand Avenue

**Fire Stations:** Primary fire protection will be provided by Fire Station #5 located at 604 S. 24<sup>th</sup> Street West.

**Parks:** The area to be annexed is within the benefited area of the future Cottonwood Park. Upon approval of the subdivision, the subdivider will contribute funding towards the development of this park and the subdivision will become part of the Cottonwood Park Maintenance District. The subdivider also intends on setting aside approximately 2 acres for a neighborhood park and Heritage Trail bikepath. The Parks, Recreation and Public Lands

Department has requested that the subdivider develop the neighborhood park as the subdivision develops. This request is included in the resolution of annexation.

**Bicycle and pedestrian facilities:** The future subdivision will be required to install sidewalks at the time of development. Additionally, the Big Ditch is identified in the Heritage Trail Plan as a route for an off-street bicycle and pedestrian path. The future subdivision will dedicate a 20-foot right-of-way along the ditch for this facility.

**General City Services:** These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property.

**Transit:** MET does not regularly serve this area, but paratransit services will be provided.

**Fire:** The property is currently within the Billings Urban Fire Service Area (BUFSA) and is served by the Billings Fire Department. After annexation, the Billings Fire Department will continue to serve this area.

**Police:** The Police Department had no objection with this annexation request.

**Ambulance Service:** The City does not provide ambulance service but dictates the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. This annexation is within the area of acceptable response time.

**Legal and Finance:** General Fund services such as Legal and Finance have indicated that they will not be negatively impacted.

**Other Departments:** City/County services such as Library, Planning, and Environmental Health are only slightly affected by the annexation since they will serve new development if it is in the City or if it remains in the County.

## **STAKEHOLDERS**

The annexation by petition method does not require notification of adjoining landowners but does require the City Council to hold a public hearing. Notice of the public hearing was posted on the property and published in the Billings Gazette. The Planning Division has received no comments on this proposed annexation.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

There are two land use plans that guide development in the vicinity of the Study Area; The West Billings Plan and the 2003 Growth Policy.

The annexation is consistent with the following Growth Policy goals:

- Affordable housing for all income levels dispersed throughout the City and County (Land Use Element Goal, page 6).

- More housing and business choices within each neighborhood (Land Use Element Goal, page 6)
- A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness (Open Space and Recreation Element Goal, page 8).
- Safe traffic speeds consistent with the surrounding uses (Transportation Element Goal, page 9).
- Visually appealing rights-of-way that serve the needs of all uses (Transportation Element Goal, page 10).

The annexation is *not* consistent with these goals:

- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (Land Use Element Goal, page 6).
- Contiguous development focused in and around existing population centers separated by open space (Land Use Element Goal, page 6).

The annexation is generally consistent with the West Billings Plan's policies.

### **RECOMMENDATION**

Staff recommends that City Council approve the Resolution of Annexation with the following conditions:

1. That prior to development of the site the following shall occur:
  - a. A Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
  - b. A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for developing a neighborhood park within the subdivision.

### **ATTACHMENTS**

- A. Resolution

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY OF BILLINGS  
APPROVING PETITIONS FOR ANNEXATION  
AND ANNEXING TERRITORY TO THE CITY.**

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the E1/2 NW1/4 of Section 4, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:  
Certificate of Survey 1877, Tracts 1 and 2, Recorded April 20, 1979, Under Document No. 1125965, Records of Yellowstone County, Montana; containing 50.101 gross acres and 49.853 net acres, more or less.

(Annexation (# 04-13))

2. CONDITIONS. The annexation is approved subject to the following conditions:

That prior to development of the site the following shall occur:

- a. A Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
- b. A Subdivision Improvements Agreement (SIA) and Waiver of Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for developing a neighborhood park within the subdivision.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 10th day of January, 2005.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_

Charles F. Tooley, MAYOR

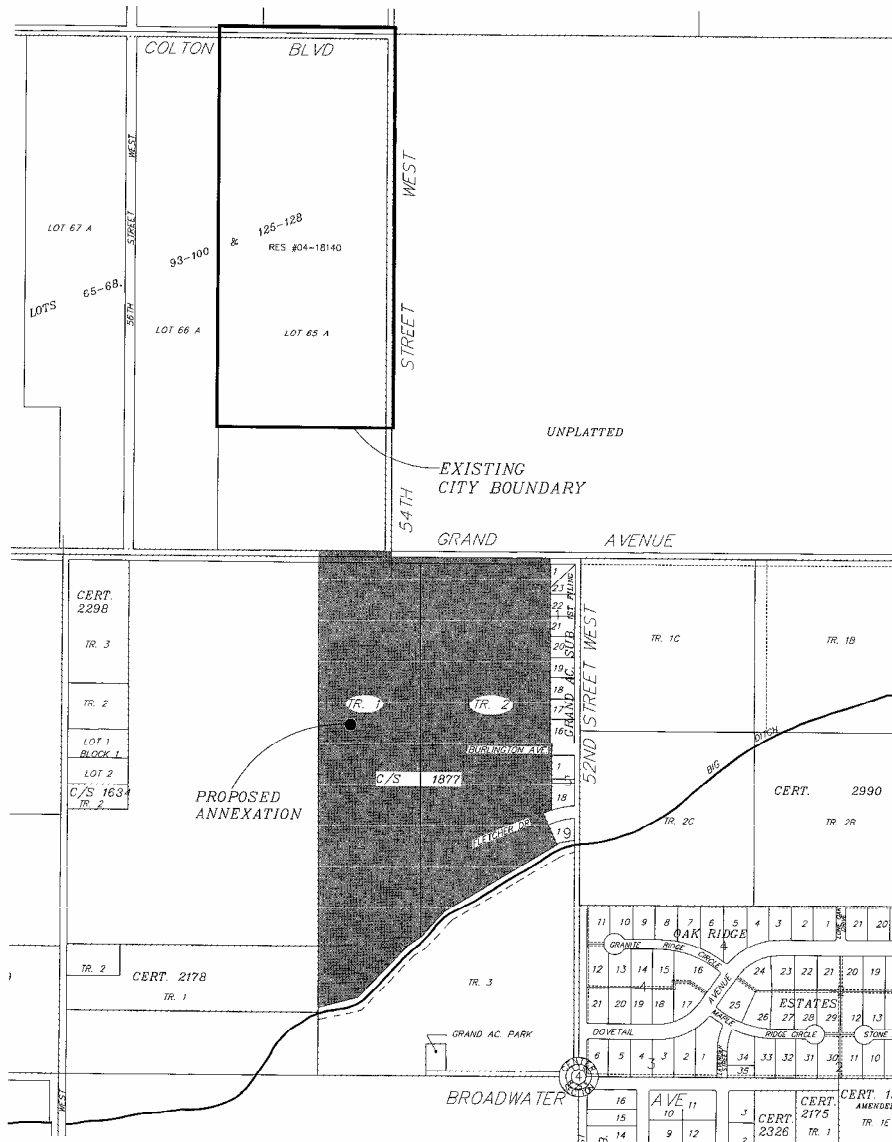
ATTEST:

BY: \_\_\_\_\_

Marita Herold, CMC/AAE CITY CLERK



# EXHIBIT "A"



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**MONDAY, JANUARY 10, 2005**

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**TITLE:** Public Hearing for Special Review #774  
**DEPARTMENT:** Planning & Community Services  
**PRESENTED BY:** Nicole Cromwell, AICP, Planner II

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**REQUEST:** A Special Review to permit the sale of alcohol (full beverage license) without gaming on a property zoned Community Commercial (CC) located at 1640 Grand Avenue. The property owner is 17<sup>th</sup> & Grand, LLC and the representing agents are Rebecca Reno, John T. Jones and Jim Coons, AIA. The Zoning Commission conducted a public hearing on December 7, 2004, and is forwarding a recommendation of conditional approval to the City Council.

**ALTERNATIVES ANALYZED:**

3. Approval;
4. Conditional approval; or
5. Denial.

**FINANCIAL IMPACT**

The special review, if approved, would increase the City's tax base.

**RECOMMENDATION**

The Zoning Commission is recommending per a 4-0 vote that the City Council grant conditional approval for Special Review #774.

**Approved By:** City Administrator \_\_\_\_ City Attorney \_\_\_\_

**ATTACHMENTS**

- A. Zoning Map
- B. Site Photographs

## INTRODUCTION

This is a special review to re-locate the City Vineyard and City Brew business from 2228 Grand Avenue to 1640 Grand Avenue. The special review is for the location of an all-beverage license at 1640 Grand Avenue, a former Novus Auto Glass shop. The property is located in a Community Commercial zone on Lots 9 & 10, Block 1 of Luse Subdivision and is owned by 17<sup>th</sup> & Grand LLC. The special review application also includes the west 50 feet of Lot 6, Block 1 Luse Subdivision and the lot is proposed for re-development as a parking area for the proposed City Vineyard and City Brew. There are no uses within 600 feet that require a waiver of the separation requirement.

The site is located at a controlled intersection however there are several existing traffic conflicts along Grand Avenue at this location. A concept meeting with the applicant and architect suggested some conditions of design that can reduce the potential for new conflicts at this location. The proposed site plan shows compliance with all site development requirements including arterial setbacks, parking, landscaping and building coverage.

## PROCEDURAL HISTORY

- The application was received on November 1, 2004.
- The City Zoning Commission voted 4-0 for conditional approval of the special review and is forwarding a positive recommendation to the City Council.
- The City Council will conduct a public hearing for consideration of this application on January 10, 2005.

## ALTERNATIVES ANALYSIS

Section 27-1503(D) specifies that all Special Reviews shall comply with the following three (3) criteria:

1. Complies with all requirements of this chapter.  
*This application complies with the requirements of the zoning regulations.*
2. Is consistent with the objectives and purposes of Chapter 27 and the Growth Policy.  
*This application is generally consistent with the purposes of Chapter 27 with the recommended conditions of approval.*
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.  
*The recommended conditions will ensure increased compatibility with and separation from the adjoining land uses.*

The City Council shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.

4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

Based on the above criteria, the Zoning Commission has recommended conditional approval for this application.

The Zoning Commission is forwarding the following conditions of approval to the City Council for consideration:

1. The special review approval shall be limited to Lots 9 & 10 and the west 50 feet of Lot 6, Block 1 of Luse Subdivision as shown on the site plans submitted with this application. The all beverage liquor license without gaming shall be limited to no more than 3,500 square feet in floor area and will be located only on lots 9 and 10 of Block 1, Luse Subdivision.
2. The site shall be landscaped and screened from adjacent properties as shown on the site plan dated 10/26/04 and provided with the Special Review application.
3. Changes in floor plans or interior remodeling may occur. Increases of floor area for the all beverage liquor license beyond 3,500 square feet or the addition of an outdoor patio will require another Special Review application {BMCC 27-613}.
4. Trash enclosures shall be constructed of wood, vinyl, brick, stone or concrete block or other building materials and provide a closing gate on one side. No chain link or wire material is allowed for this enclosure.
5. The fence provided to screen the proposed parking lot on the west 50 feet of Lot 6, Block 1 Luse Subdivision shall be constructed of new material and be wood, vinyl, brick, stone or concrete block or other building materials and be at least 6 feet in height from finished grade. No chain link or wire is allowed for this sight obscuring fence.
6. Any new drive approach off Grand Avenue or 17<sup>th</sup> Street West shall be approved by the City Engineering Division.

**\*\*NOTE\*\*** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Department points out that the use and development of the property must be in accordance with the submitted site plan.

## **STAKEHOLDERS**

There was no public comment on the Special Review. Agents Rebecca Reno, John Jones and Jim Coons provided testimony and answered all questions of the Zoning Commission. The applicant and agents have discussed the proposed development with all surrounding property owners and city departments and the submitted plan for approval has addressed all issues.

### **CONSISTENCY WITH ADOPTED PLANS AND POLICIES**

In addition to the above discussion in the Alternatives Analysis section, this application conforms to the goals of the 2003 City of Billings/Yellowstone County Growth Policy, specifically:

- The proposal provides infill development within an existing commercial corridor.
- The proposal provides contiguous development focused in and around an existing population center.

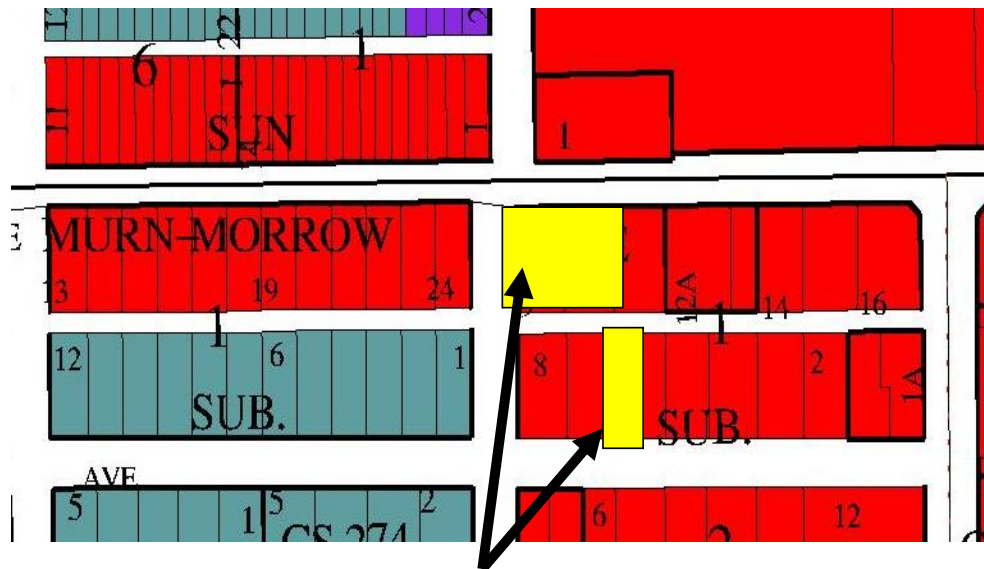
### **RECOMMENDATION**

The Zoning Commission is recommending per a 4-0 vote that the City Council grant conditional approval for Special Review #774.

### **ATTACHMENTS**

- C. Zoning Map
- D. Site Photographs

**ATTACHMENT A**  
Surrounding Zoning



Subject Property 1640 Grand and additional parking on west 50 feet of Lot 6

**ATTACHMENT B**  
Site Photographs



**Figure 1:** From north east corner of the subject property looking south and west at vacant building. 17<sup>th</sup> St West in the background



**Figure 2:** Intersection of 17<sup>th</sup> St West and Grand Avenue from existing building



**Figure 3:** View east of subject property to adjacent Grand Ave businesses



**Figure 4:** A view east along the alley to be re-paved for access to the parking area to be developed on Alderson Avenue.

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