

CITY OF BILLINGS

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

AGENDA

COUNCIL CHAMBERS

July 25, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley

PLEDGE OF ALLEGIANCE – Mayor Tooley

INVOCATION – Councilmember Nancy Boyer

ROLL CALL

MINUTES – July 11, 2005

COURTESIES

- City Attorney's Office: Melanie Pfeifer, 2005 Outstanding Prosecutor Award
- City of Billings: Montana Shares Outstanding Workplace Philanthropy Award

PROCLAMATIONS

BOARD & COMMISSION REPORTS – Planning Board

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1, #10 & #11 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. Mayor's Appointments:

Action delayed from 7/11/05.

	Name	Board/Commission	Term	
			Begins	Ends
1.	Stephen Eliason	Animal Control	07/01/05	12/31/09

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

B. Bid Awards:

(1) **W.O. 05-03, 2005 Street Maintenance Contract #2.** (Opened 7/12/05). Recommend JTL Group, Inc., \$1,045,303.04.
([Corresponding Staff Memo B](#))

C. Amended Agreement for Billings Police STEP OT grant from the Montana Dept. of Transportation, (MDOT), State Highway Traffic Safety Contract 2005-08-02-17 and 2005-13-01-17, \$8,500.00 increase.
([Corresponding Staff Memo C](#))

D. CTEP Project Specific Agreement for *Big Ditch Trail*, a continuation of the Heritage Trail on the west side of the Shiloh Underpass, \$135,169.00 CTEP grant, \$20,951.00 local match.
([Corresponding Staff Memo D](#))

E. Approval of Landlord's Consent for transfer of Commercial Ground Lease for Communication Equipment Site Lease from 3 Rivers PCS, Inc. to MTPCS, LLC for a site at the Billings Regional Landfill, \$5,000.00 annual ground rental and use fee.
([Corresponding Staff Memo E](#))

F. Storm Drain Easements, W.O. #04-31: Gold Dust Drainage:

- (1) Jeff and Rosetta Glover, \$0.00
- (2) Robert L. & Helene N. Knight, \$0.00
- (3) Dennis W. & Deanna J. Rudolph, \$0.00

([Corresponding Staff Memo F](#))

G. W.O. 04-12: Acceptance of Warranty Deed from Kenneth J. Rolle for right-of-way for construction and maintenance of Alkali Creek Road improvements, \$0.00.
([Corresponding Staff Memo G](#))

H. Approval of Two (2) Tax Increment Fund Grant Awards for SoNoMa Development Venture, L.P., 2915 2nd Avenue South, (1) \$60,000.00 for housing and (2) \$2,400.00 for parking.
([Corresponding Staff Memo H](#))

I. Acknowledging receipt of petition to annex #05-07: an undeveloped 172-acre parcel located east of the Ironwood Subdivision along Molt Road between the Yellowstone Country Club and the Rims, described as Tract 1, C/S 3030, GSK Partners, LLC petitioner and setting a public hearing for 8/8/05.
([Corresponding Staff Memo I](#))

J. Resolution of Intent to Create a Downtown Business Improvement District (BID) and setting a public hearing for 8/22/05.
([Corresponding Staff Memo J](#))

K. Approval of Sale of surplus Fire Apparatus, 1985 Pierce Arrow Quint to the Columbus Volunteer Fire Department, \$34,000.00.

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

L. Street Closure: Powder Horn Lounge Fundraiser for Montana Troops, Foote Street from Simpson Street to Frontage Road, 11:00 am to 6:00 pm, Sunday, August 7, 2005.

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

M. Second/final reading ordinance for ordinance amending BMCC by adding Sections 10-401 through 10-403; providing for the assessment of administrative fees by municipal court as part of the disposition of all citations, criminal and traffic complaints, and time payment contracts.

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

N. One-year extension of Final Plat for Hogan Homestead Subdivision, Amended Plat of Lot 4A, Block 5 of the Amended Plat of Lots 1 and 4, Block 5.

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

O. Final Plat of Bishop Fox Subdivision.

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

P. Final Plat of Country Homes Subdivision, Amended Lot 6, Block 1.

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

Q. Final Plat of Parkland West Subdivision, 6th Filing, Amended Plat of Lot 3, Block 10.

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

R. Bills and Payroll.

(1) June 30, 2005

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

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION approving the filing of a Federal Transit Administration Section 5309 Discretionary Grant. Staff recommends authorization to file the grant and to execute a grant agreement with the Department of Transportation/Federal Transit Administration. **(Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 2\)](#)

3. PUBLIC HEARING AND FIRST READING ORDINANCE extending the boundaries of Ward IV to include the recently annexed properties in Annex #05-04: a 10.52-acre parcel located near the northeast corner of Grand Avenue and

60th Street West intersection, known as Tract 123 of the Sunny Cove Fruit Farms property, aka the proposed Foxtail Village Subdivision, 2nd Filing. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 3\)](#)

4. **PUBLIC HEARING AND RESOLUTION** creating Park Maintenance District #4029 to include Cottonwood Grove Subdivision. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 4\)](#)

5. **PUBLIC HEARING AND RESOLUTION** vacating Holfeld Lane at a cost of \$4,547.50. Blake Laughlin, petitioner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 5\)](#)

6. **PUBLIC HEARING AND RESOLUTION** disposing of City owned property described at Lots 13-19, Block 231, O.T. and located on the 800 Block of South 28th Street. Staff recommends that Council (1) direct Staff to re-bid the property, or (2) consider a donation of the property to homeWORD. **(Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 6\)](#)

7. **PUBLIC HEARING AND RESOLUTION** disposing of City-owned property described as Lots 1-8, Block 226, O.T. and located on the 700 Block of South 27th Street. Staff recommends that Council re-advertise a request for proposals. **(Action:** approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 7\)](#)

8. **PUBLIC HEARING AND SPECIAL REVIEW #789:** a special review to permit the location of a restaurant grease recycling plant and transfer facility located at 800 Minnesota Avenue in a Heavy Industrial zone described as Tract 1B of C/S 1037 Amended. Baker Commodities, owner; Dave Hurlburt, Ackerly-Hurlburt, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)

[\(Corresponding Staff Memo 8\)](#)

9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #760:** a zone change from Residential Manufactured Home to Highway Commercial on property described as Tract 2, C/S 529 and located at 2202 Main Street. Terrance Luff, owner; Jim Carroll, Downtown Realty, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.)

[\(Corresponding Staff Memo 9\)](#)

10. **2005-2009 TRANSPORTATION IMPROVEMENT PROGRAM.** Staff recommends approval of the Transportation Improvement Program. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 10\)](#)
11. **RESOLUTION Approving Development Agreement** with Downtown Billings Investors, LLC for the redevelopment of Lots 5-10, Block 92, O.T. (Sandstone Downtown Redevelopment Project), providing a subsidy of \$450,000.00 for land, \$2,000,000.00 in Tax Increment Funds (TIF) and \$1,722,500.00 in Parking Funds and authorizing the Mayor to execute said agreement. (Action delayed from 6/27/05). Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 11\)](#)
12. **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



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, JULY 25, 2005

SUBJECT: Boards & Commissions –Appointments

DEPARTMENT: City Administrator’s Office

PRESENTED BY: wynnnette Maddox, Administration

PROBLEM/ISSUE STATEMENT: Confirmation of the appointment for Board and Commission position that has term expired. Term expiration dates on this vacancy was 6/30/05 and the positions must be filled.

FINANCIAL IMPACT: No financial impact involved.

RECOMMENDATION

Mayor Tooley recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Stephen Eliason	Animal Control Board	07/11/05	12/31/09

Approved By: City Administrator ____ City Attorney ____

Attachment

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Work Order 05-03, 2005 Street Maintenance Contract No. 2
DEPARTMENT: Public Works/Engineering
PRESENTED BY: David D. Mumford, PE, Public Works Director

PROBLEM/ISSUE STATEMENT: Bids were received and evaluated for the 2005 Street Maintenance Contract No. 2 on July 12, 2005. Schedule I will overlay Lewis Avenue from Division to 16th Street West, 5th Street West from Broadwater to Grand, 8th Street West from Broadwater to Avenue B, Wicks Lane from Main to Bitterroot, and Babcock Boulevard from Nutter to Wicks. Schedule II will overlay 1st Avenue South from 30th Street to State Avenue.

ALTERNATIVES ANALYZED:

1. Award Work Order 05-03, Contract No. 2, to JTL Group, Inc. in the amount of \$1,045,303.04; or
2. Do not award Work Order 05-03, Contract No. 2.

FINANCIAL IMPACT: Funding for the 2005 Street Maintenance Program, Contract No. 2, will be provided from Gas Tax and Street Maintenance Funds. Schedule II is an MDT route and will be funded by MDT through the City MDT Annual Maintenance Agreement. We received One bid for this project as follows:

	<u>Schedule I</u>	<u>Schedule II</u>	<u>Total</u>
Engineer's Estimate	\$ 791,295.71	\$280,236.16	\$1,071,531.87
JTL Group, Inc.	\$ 776,615.62	\$268,687.42	\$1,045,303.04

CIP Project #ENG98

CIP Budgeted Amount	\$1,325,000.00
Previous Encumbrances	\$ 000,000.00
Budget Fund Balance (after this award)	\$ 548,384.38

RECOMMENDATION

Staff recommends that Council approve Construction Contract No. 2 for the Street Overlay Maintenance Project with JTL Group, Inc. in the amount of \$1,045,303.04.

Approved By: **City Administrator** ____ **City Attorney** ____

INTRODUCTION

Bids were received for the Street Maintenance Overlay Project (Contract No. 2) on July 12, 2005. JTL Group, Inc. is the apparent low bidder.

PROCEDURAL HISTORY

If City Council chooses to award the overlay contract, the project will move forward and be completed within 90 days.

BACKGROUND

This project is part of the ongoing Street Preventative Maintenance Program supported by the City Council since 1985. Annually, staff identifies streets proposed for preventative maintenance. Staff bids the street maintenance in three contracts. The first contract for chip sealing was approved by council on February 14, 2005, and is currently under construction. The second contract is for the overlay resurfacing and will provide new surfacing for Lewis Avenue from Division to 16th Street West, 5th Street West from Broadwater to Grand, 8th Street West from Broadwater to Avenue B, 1st Avenue South from 30th Street to State Avenue, Wicks Lane from Main to Bitterroot, and Babcock Boulevard from Nutter to Wicks. The third contract will be for crack sealing and will be bid later this summer.

ALTERNATIVES ANALYSIS

Bids were received on July 12, 2005, with JTL Group, Inc. being the low bidder in the amount of \$1,045,303.04. JTL Group, Inc. was approximately 2.4% below the Engineer's Estimate.

RECOMMENDATION

Staff recommends that Council approve Construction Contract No. 2 for the Street Overlay Maintenance Project with JTL Group, Inc. in the amount of \$1,045,303.04.

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Approval and Acceptance of Amended Agreement from the Montana Dept of Transportation, State Highway Traffic Safety Contract 2005-08-02-17 & 2005-13-01-17 in the Additional Amount of \$8,500 (Grant Total of \$27,100)

DEPARTMENT: Police Department

PRESENTED BY: Jerry Archer, Chief of Police

PROBLEM/ISSUE STATEMENT: On November 8, 2004, City Council approved an enforcement agreement in the amount of \$18,600. The State of Montana, State Highway Traffic Safety Division has sent us an amended standard agreement which supersedes the original contract. The amended agreement is an increase of \$8,500.00 and has the same end date of September 30, 2005. This grant will give the City a total of \$27,100 for deterrence of violations such as drinking and driving, speeding, lack or misuse of safety restraints, and others. The grant will pay for overtime for the officers involved in these traffic details. Council is being asked to approve the amended agreement and authorize the Mayor to sign.

FINANCIAL IMPACT: There is no City match required. After this is approved by City Council, a budget adjustment will be requested in order to have budget authority to expend the additional \$8,500.

RECOMMENDATION

Staff recommends that Council approve and accept the amended agreement for the Billings STEP OT grant from the Highway Traffic Safety Division of the State of Montana in the amount of \$27,100, and authorize the Mayor to sign.

Approved By: Interim City Administrator ____ City Attorney ____

ATTACHMENT

A - Billings Enforcement Grant #2004-10-08-10 & 2004-13-01-10 Amended Standard Agreement

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2004

TITLE: CTEP Project Specific Agreement – Big Ditch Trail

DEPARTMENT: Public Works Department – Engineering Division

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

PROBLEM/ISSUE STATEMENT: The City of Billings submitted a Montana Department of Transportation (MDT) Community Transportation Enhancement Project (CTEP) grant funding application for the Big Ditch Trail project in 2004. The Big Ditch Trail project will construct a continuation of the Heritage Trail on the west side of the Shiloh Underpass through the dedicated parkland along Rush Subdivision and along Rimrock West Estates Subdivision. The Big Ditch Trail project was approved through a local selection process and approved by MDT. The Project Specific Agreement represents the formal agreement between the City and MDT for the project's scope, funding and federal aid compliance. Council must authorize the Mayor to execute a Project Specific Agreement for the Big Ditch Trail to begin project development. The Project Specific Agreement is on file with the City Clerk's office.

ALTERNATIVES ANALYZED:

- Approve the CTEP Project Specific Agreement.
- Do not approve the CTEP Project Specific Agreement. This would result in the loss of CTEP funding for this project.

FINANCIAL IMPACT: The funding breakdown for this project is as follows:

CTEP Grant	\$135,169
Local Match	\$ 20,951
Total Funds Available	\$156,120

Local match funding will be provided by BikeNet from the Ales to Trails fund raiser.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute the CTEP Project Specific Agreement for Big Ditch Trail.

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Approval of Landlord's Consent for Transfer of Commercial Ground Lease for Communication Equipment Site Lease at the Billings Regional Landfill

DEPARTMENT: Public Works

PRESENTED BY: David Mumford, Director of Public Works

PROBLEM/ISSUE STATEMENT: On April 9, 2001 the City Council approved a commercial ground lease with **3 Rivers PCS, Inc.** for use as a communications equipment site at the Billings Regional Landfill. The period of the agreement is 20 years from the date of approval, and terminates April 8, 2021. Another communication firm, **MTPCS, LLC**, is proposing to acquire the 3 River PCS, Inc. lease for the premises for the remaining term of the lease. Article I, Paragraph G of the agreement with 3 Rivers PCS, Inc., allows such transfer of the lease, provided approval of the Lessor (the City of Billings) is obtained. Attached as Exhibit "A" is the Landlord's Consent and Estoppel Certificate that provides the City's approval of the transfer of the Lease as required in the agreement. City Council approved a similar Consent for Transfer of Stewart Park Antenna Site Lease at its June 27, 2005 meeting.

FINANCIAL IMPACT: The lease agreement provides for an annual ground rental and use fee of \$5,000. The agreement provides for the fees to be adjusted annually by the amount of change in the Consumer Price Index during the previous 12 month period. The transfer would be of the lease in its entirety and would not change obligations and payments due from the lessee during the remaining term of the lease. The yearly payments have been received when due and are up to date with no payment in arrears.

RECOMMENDATION

Staff recommendation is that the City Council approves the Landlord's Consent and Estoppel Certificate as attached.

Approved By: **City Administrator** _____ **City Attorney** _____

ATTACHMENTS:

A. Three copies – Landlord's Consent and Estoppel Certificate

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: W.O. 04-31 – Gold Dust Drainage, Storm Drain Easements
DEPARTMENT: Public Works/Engineering Division
PRESENTED BY: David D. Mumford, P.E., Public Works Director

PROBLEM/ISSUE STATEMENT: Council must approve these three easements in order to construct and maintain storm drain improvements between Senora Ave. and Gold Dust Circle. The easements are with three property owners: (1) Jeff & Rosetta Glover, (2) Robert L. & Helene N. Knight, and (3) Dennis W. & Deanna J. Rudolph. The easements are necessary to install a manhole, build a concrete embankment and reconstruct a segmental retaining wall on property adjacent to a city drainage right-of-way. Staff met with these property owners in June, and they all support these needed improvements. These improvements are the second part of a two-part storm drainage improvement project in that area; the first part being the W.O. 04-31 – Gold Dust Drainage construction bid award approved by Council on July 11. The three easements are on file with the City Clerk's office.

FINANCIAL IMPACT: There is no financial impact in obtaining the easements. The property owners will provide the easements in order to provide access to construct and maintain the necessary improvements.

RECOMMENDATION

Staff recommends that Council approve the storm drainage easements, at no cost.

Approved By: City Administrator ____ City Attorney ____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: W.O. 04-12, Alkali Creek Road, Warranty Deed Execution
DEPARTMENT: Public Works/Engineering Division
PRESENTED BY: David D. Mumford, P.E., Public Works Director

PROBLEM/ISSUE STATEMENT: Council authorized the Mayor to sign a Right-of-Way Agreement with Kenneth J. Rolle at the June 27 Council meeting to acquire 1.194 acres of right-of-way for \$11,264.00 in order to construct and maintain the Alkali Creek Road improvements. The County Clerk & Recorder requires a deed transferring land to a public entity be executed by the Grantor (in this case, Mr. Rolle) and by the Grantee (in this case, the City of Billings) to ensure that the public entity granted the land has acknowledged the land transfer. The Right of Way Agreement and the Warranty Deed are on file with the City Clerk's office.

FINANCIAL IMPACT: There is no financial impact for signing the warranty deed.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute the Warranty Deed with Kenneth J. Rolle at no cost.

Approved By: City Administrator ____ City Attorney ____

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Downtown Billings Partnership (DBP) Recommendation to provide a Grant Award in excess of \$49,999 to SoNoMa Development Venture, L.P., located at 2915 2nd Avenue South.

DEPARTMENT: Administration - Finance Division

PRESENTED BY: Patrick M Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: The DBP seeks Council approval for a \$60,000 housing grant and a \$2,400 parking grant to SoNoMa Development Venture, L.P., located at 2915 2nd Avenue South. The DBP previously awarded a \$35,000 façade grant to the entity for the same project. Because the combined grants exceed \$50,000, the housing and parking grants must receive Council approval before funds may be allocated to the project.

FINANCIAL IMPACT: The Tax Increment Fund has a FY 2006 budget for this grant.

RECOMMENDATION

The Executive Committee of the DBP recommends that Council approve the grant award.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

- A – Downtown Billings Partnership Board Agenda Item 4b
- B – DBP Housing Committee Meeting Agenda Item 2
- C – DBP Urban Design Committee Meeting Agenda Item 1

**DOWNTOWN BILLINGS PARTNERSHIP, INC.
BOARD OF DIRECTORS MEETING
FRIDAY, JUNE 24, 2005 – 7:30 A.M.
MSU-B CONFERENCE ROOM
207 NORTH BROADWAY**

PRESENT: Harrison Fagg, Jim Reno, Ann Miller, Jon Saunders, Bill Fisher, Kay Foster, Lisa Woods, Chuck

Barthuly, Kristoff Bauer, Jock West, Bill Honaker, Randy Hafer and Brenda Burkhartsmeier

GUESTS: Liz Kampa-Weatherwax, Don Olsen, Jeff Pugmire and Maribeth Haynes

DBP STAFF: Greg Krueger, Casidee Riley, Lisa Harmon and Gladys Phelps

AGENDA

1. CALL TO ORDER/INTRODUCTIONS/COURTESIES

DBP Board President, Ann Miller, called the meeting to order at 7:40 a.m. Director Krueger introduced Lisa Harmon as the new Operations Director for the DBP/BID. He also informed the Board that today is Project Manager's last meeting and day with the DBP as she is relocating to California. President Miller announced that today's meeting is also the last Board meeting for Randy Hafer, Greg McDonald and Kristoff Bauer. She presented each with a departing gift as a thank-you for their commitment and dedication to the DBP and downtown Billings. Director Krueger presented President Miller with a Certification of Appreciation for her tenure as Board President during this past year. He also thanked City Administrator Bauer for his work that he has done for the DBP and for the City of Billings.

2. CONSENT AGENDA

- a) Minutes of Previous Meeting – May 27, 2005
- b) Executive Director's Report: Loans/Grants/Agreements – City Council Action Update
- c) Project Manager's Report and approved grants
- d) DBP Financial Reports: Projects – Operations Budget
- e) Staff Grants Update

Greg McDonald moved to approve the Consent Agenda, seconded by Chuck Barthuly. Motion carried.

President Miller requested clarification of the Operations Budget remaining balance, as there had been a different amount indicated on page 1 on the overall Projects Budget and page 2 on the Operations Budget of the spreadsheet at the Executive Committee meeting. Director

Krueger state, although the Operations Budget is a part of the Projects Budget, he sometimes does not update regularly on the Projects Budget spreadsheet. The correct and current balance of the Operations Budget is always correct on the Operations Budget spreadsheet. Director Krueger also provided the Board with a draft of the encumbrance list for FY 05.

DBA Director Woods informed the Board that a grant of \$2,500 had been received from the Piper Jaffray Foundation.

3. BRIEF PRESENTATION: City of Billings Parking Division

This agenda item is delayed until the end of the business meeting.

4. EXECUTIVE COMMITTEE RECOMMENDATIONS

- a) Action Item: Elections: At Large Member and FY2006 Officers** - The Executive Committee recommends the following candidate for the Member-At-Large position and the slate of officers:

- Member-At-Large – Jock West
- President – Jock West
- Vice-President – Chuck Tooley
- Secretary – Kim Olsen
- Treasurer – Joe McClure

Jim Reno moved to elect the aforementioned Member-At-Large and officers, seconded by Harrison Fagg. Motion carried unanimously.

- b) Action Item: Budget Re-Allocations – Budget Goal Discussion/Evaluation –**
President Miller

Informed the Board that the Executive Committee is recommending approval of reallocating \$112,000 from the Quiet Zone Line Item to the Housing Grant Line Item, both under the Property Owners' Line Item in the Projects Budget. Director Krueger provided a recap of this proposal and President Miller provided a recap of the Executive Committee's discussion on this. Discussion followed. This reallocation will allow the funding for the Terrace Apartments Project at \$52,000 and the SoNoMa Project at \$60,000. Jock West commented that the DBP Executive Committee should have the authority to override Sub-Committee's decisions; i.e., Housing Committee, Urban Design Committee, etc. Director Krueger provided a review of the Terrace Apartments project and why it should be approved. Brenda Burkhartsmeier stated that it is important that the DBP have rules and guidelines and Sub-Committees. President Miller reiterated that the Executive Committee recommends approval of this budget reallocation. **Brenda Burkhartsmeier moved to approve the aforementioned budget reallocation, seconded by Harrison Fagg. Motion carried with 1 no vote.**

- c) Action Item: Audit Contract with Galusha, Higgins & Galusha** – President Miller provided a recap of the audit proposal. The Executive Committee

recommends approval of the three-year audit contract. **Jim Reno moved to approve the three-year audit contract, seconded by Jock West. Motion carried.**

- d) **Action Item: Charge to DBP “Partnership Beyond 2008” Committee** – President Miller provided a review of the charges that the Committee needs to address. The Executive Committee recommends approval. **Brenda Burkhartsmeier moved to approve charges for the Committee, seconded by Chuck Barthuly. Motion carried.**

5. OLD BUSINESS AND BRIEF PARTNER REPORTS

- a) **Request from Randy Hafer regarding Facade Grant Program** – President Miller provided a recap of the Executive Committee’s discussion regarding this issue. The Executive Committee did not make a recommendation regarding approval or disapproval of the request, leaving the decision to the complete Board of Directors. Randy Hafer presented a recap of the project of the L & L Building (old Arcade building). He informed the Board that he was aware of his encumbrance expiring on June 30, 2005 and had planned to submit his paid invoices for the project by that date. He is appealing the June 10th deadline for submittal of completion of the project or lose the award. Project Manager Riley provided a recap of the project award. Discussion followed. Director Krueger stated that a determination needs to be made regarding how encumbrances are handled. It will take Board action to change the policy and guidelines. Kristoff Bauer recommended that the application policy can be changed and then Mr. Hafer can reapply for the remainder of the funding upon total completion of the project. Partial payment could be paid for what is completed now. **Jock West moved to enforce the guidelines as stated but allow Mr. Hafer to apply for partial payment for what is completed on the project and extend to deadline from June 10, 2005 to June 30, 2005, seconded by Kay Foster. Motion carried.** Director Krueger informed the Board that Mr. Hafer will have between 80%-90% of his project completed by June 30th. A second motion followed. **Kristoff Bauer moved to direct the Facade Committee to reword the Facade Grant Application to allow reapplication, seconded by Brenda Burkhartsmeier. Motion carried.**

b) Partner Update and Reports:

- **Urban Design** – Don Olsen was present to provide an update and review of the Signage and Wayfinding Project. The current project is in Phase 1 with the Beauchamp Group completing designs and working with the Montana Department of Transportation and the Federal Department of Highways for their sign approval. Mr. Olsen asked the Board if they will support this project in the future to complete it. He reminded the Board the previous signage project had been rejected by the City Council. If the DBP Board does not wish to support the project, it should be terminated. President Miller stated that this will be discussed at the July Board meeting.

- **City** – Kristoff Bauer informed the Board that the City is attempting to develop space in the Library for the Federal Courts when the James F. Battin Federal Building undergoes asbestos abatement. The City is moving forward tentatively. The DBP Board needs to stay aware of the progress of this endeavor.
- **Property Owners' Committee** – Randy Hafer informed the Board that he has received a letter from Congressman Rehberg regarding the Federal Building and his support to keep the offices in the downtown area. Mr. Hafer also stated that Senator Burns' office has contacted him about his support.

3. BRIEF PRESENTATION: City of Parking Division

Liz Kampa-Weatherwax, City Parking Division Supervisor, provided a presentation on the proposed parking rate increases for meters and the parking garages. She has already provided several presentations to different downtown organizations for their input. Discussion followed her presentation. Comments given stated that the meters should increase but not the parking garages. It was clarified that only monthly garage rates would increase, not hourly rates. The overall consensus was that the rate increase was reasonable. It was emphasized that the reserved parking spaces in the garages should be only from 7:00 a.m.-6:00 a.m., not 24 hours/day.

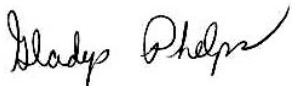
6. NEW BUSINESS

There was no new business.

7. ROUND TABLE DISCUSSION – PUBLIC COMMENT – ADJOURNMENT

The meeting was adjourned at 9:35 a.m.

Respectfully submitted,



Gladys Phelps
Assistant Secretary

**DBP HOUSING COMMITTEE MEETING
TUESDAY, JUNE 7, 2005 – 12:00 NOON
DBP CONFERENCE ROOM**

PRESENT: Mike Schaer, Mary Lou Affleck, Kim Olsen and Jason Hinch

GUESTS: Rhonda-High Plains Architects

DBP STAFF: Greg Krueger, Casidee Riley and Gladys Phelps

Housing Committee Chair, Jason Hinch, called the meeting to order at 12:05 p.m.

AGENDA

1. Review of Minutes

The minutes of the Housing Committee meeting of May 9, 2005 were presented for review. There were no corrections or additions. Chair Hinch accepted the minutes as presented.

2. New Applications

- **SoNoMa Project, Application #602, 2915 Second Avenue South, Randy Hafer – Chair Hinch provided a review of the reapplication. DBP Director Krueger then provided a recap of the DBP Board's decision to continue to accept applications for the grant programs. At the present time, there is \$192,000 that is not assigned to any specific project. High Plains Architects' representative, Rhonda, provided an updated recap of the project. The units will now be for sale condominiums in the price range of \$96,000-\$120,000. The new construction is scheduled to be completed in the fall. There are tenants currently living in the existing building. The project's financing is in place. The bank is not requiring any pre-sale of the units. Discussion followed. Kim Olsen moved to approve a Housing Grant up to \$60,000, pending DBP Board approval and approval by the City Council, seconded by Mary Lou Affleck. Motion carried. Director Krueger requested that Chair Hinch attend the DBP Board meeting in June to explain the importance of funding housing projects.**

3. Old Applications

- **Terrace Apartments, Application #601, 300 North 25th Street – Project Manager Riley provided a recap of the DBP Board questions regarding this project. The Board wishes to have more information regarding this project. Chair Hinch will also discuss this project at the June DBP Board meeting. This project is the only existing property owner to come forward to put his own money into the project.**

Project Manager Riley also informed the Committee that there is \$122,000 of funding that is unallocated at this time. Discussion followed.

The meeting was adjourned at 12:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gladys Phelps". The signature is written in black ink and is positioned above the printed name.

**Gladys Phelps
DBP Executive Assistant**

**URBAN DESIGN COMMITTEE MEETING
THURSDAY, JUNE 9, 2005 – 11:45 A.M.
DBP CONFERENCE ROOM**

PRESENT: Kim Olsen, Don Olsen, Donna Forbes, Candi Beaudry, Jason Maloney, Mike Burke and

Maribeth Haynes

DBP STAFF: Casidee Riley, Lisa Harmon and Gladys Phelps

GUESTS: Randy Hafer

Urban Design Committee Chair, Kim Olsen, called the meeting to order at 11:55 a.m.

AGENDA

1. New Applications

- **Parking – SoNoMa Building – Application #802 – Randy Hafer** – Randy Hafer provided a recap of the project. He is reapplying for a Parking Grant as the encumbrance for his previous grant award has expired. This project will contain a total of 12 condominium units that are “For Sale” units ranging in price from \$96,900-\$119,000. This price range is considered “affordable housing” for Billings. He informed the Committee that he has also applied for a Housing Grant and Facade Grant that have been awarded. The first four units will be completed in September. The parking lot will be completed in the second phase of the project that will occur in approximately 5-7 months. He anticipates completing 2-4 units at a time depending upon the pre-sale. Kim Olsen informed the Committee that the Housing Grant award was for FY 05 with an encumbrance for FY 06 with work completed by June 30, 2005. Discussion followed. **Candi Beaudry moved to approve a Parking Grant award of up to \$2,400 with irrigated sod (grass) as a minimum enhancement and a chain link fence surrounding the parking lot, seconded by Mike Burke. Motion carried.** The Committee strongly encouraged Mr. Hafer to go beyond just planting grass as an enhancement.

Chair Olsen stated that the Committee needs to develop a statement of intent and review the current guidelines for the parking grants. The goal is to promote better visibility and enhancement for parking lots for projects. Discussion followed.

2. Signage and Wayfinding Update

Project Manager provided an update on the project. The Beauchamp Group will be submitting their proposal and signage to the Montana Department of Transportation and then to the Federal Department of Transportation for review and approval.

3. Discussion of method for prioritizing grant applications

Discussion was held regarding methods for prioritizing the grant applications. Discussion will continue at the July meeting.

The meeting was adjourned at 1:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gladys Phelps".

Gladys Phelps
DBP Executive Assistant

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Annexation petition #05-07: Acknowledge receipt of petition and set a public hearing date

DEPARTMENT: Planning and Community Services

PRESENTED BY: Candi Beaudry, AICP, Planning Division Manager

PROBLEM/ISSUE STATEMENT: The owners of this property are petitioning to annex land to the City of Billings under 7-2-4600, MCA. The 172-acre undeveloped parcel is located east of the Ironwood Subdivision along Molt Road between the Yellowstone Country Club and the rims. The owner intends to subdivide this property in the near future. The petitioner is requesting annexation in order to obtain city water and sewer services. City Council will consider this annexation at two separate Council meetings. At the first meeting, the Council acknowledges receipt of a petition and sets a public hearing date for August 8, 2005. At the second meeting, the Council conducts the hearing and acts on the petition to annex.

ALTERNATIVES ANALYZED: MCA, Section 7-2-4600 allows owners of more than 50% of the property to petition the city for annexation. The only alternative that is consistent with City Council policy is to acknowledge receipt of the petition and set a public hearing date. The proposed subdivision lies within the acceptable limits of annexation.

FINANCIAL IMPACT: A fiscal impact analysis and staff recommendation will be prepared and presented at the public hearing.

RECOMMENDATION

Staff recommends that the City Council acknowledge receipt of the annexation petition and schedule a public hearing for August 8, 2005, to consider annexing this property.

Approved by: **City Administrator** ____ **City Attorney** ____

ATTACHMENTS

- A. Property data
- B. Annexation petition
- C. Map

ATTACHMENT A
Annexation #05-07 Property Data

Type of annexation:	Petitioned - MCA 7-2-4600
Petitioner:	GSK Partners, LLP
Purpose of annexation:	Obtain City services
Property included:	Tract 1, Certificate of Survey, 3030, Sections 19 and 20, T.1N., R.25E.
Location:	North of Yellowstone Country Club Subdivision
Total area:	172 acres
Current zoning:	Residential 15,000
Current land use:	Vacant
Future zoning:	R-9,600
Future land use:	Single Family Residential

ATTACHMENT B
Annexation Petition #05-07

8A0507-592

**PETITION
FOR ANNEXATION
TO THE CITY OF BILLINGS**

NOTICE TO PETITIONER

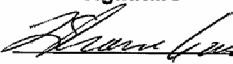
This is a Petition to the City of Billings requesting the annexation of property to the City, pursuant to MCA Title 7, Chapter 2, Part 46. Procedures for annexation are governed by the Statutes of the State of Montana. This Petition requires the signatures of more than 50% of the Resident Freeholder Electors to be considered for annexation.

INSTRUCTIONS

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.
2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

The map must show:
 - a. The present and proposed boundaries of the municipality;
 - b. The present streets, major trunk water mains and sewer mains;
 - c. The zoning of the property requesting annexation and the property immediately adjacent to it.
3. The Petition may be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4th Floor of Parnly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, and Finance Department. If no problems with the Petition have been noted by the departments, the City Clerk will schedule the Petition for City Council action.
4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.
5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
6-21-5	Shane Gundlach		4281 Cedar Wood Ln Billings, MT 59106

(06/10/05) Revised 6/99

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Resolution of Intent to Create a Downtown Business Improvement District

DEPARTMENT: Administration

PRESENTED BY: Bruce McCandless, Deputy City Administrator

PROBLEM/ISSUE STATEMENT: The City Council is being asked to adopt a resolution of intent to create a downtown Business Improvement District (BID). This is the first step toward creating the BID that has been under consideration for several years. The BID would provide litter control, snow removal, graffiti removal, security and could provide other services that are requested by property owners. The petition that requests the BID creation is signed by owners of 61.5% of the affected property. This resolution calls for a public hearing and district creation on August 22, 2005.

ALTERNATIVES ANALYZED: The Council may adopt or reject the resolution of intent.

FINANCIAL IMPACT: The City has two roles in the proposed BID. It is the only body that can create and administer the district and it is a major property owner. The total annual assessments are estimated to range between \$135,000 and \$150,000 per year. The assessments average \$951.22 per tax code number for the 143 properties within the proposed district. The City's estimated assessment would be \$13,800 per year.

RECOMMENDATION

Staff recommends that Council approve the Resolution of Intent that sets a public hearing date for August 22, 2005 to consider creating the downtown Business Improvement District.

Approved By: **City Administrator** ____ **City Attorney** ____

ATTACHMENTS

- A: Resolution of Intent
- B: Petitions – available in City Clerk's office

INTRODUCTION

The Council is asked to adopt a resolution of intent to create a new downtown BID. The BID will allow property owners to collectively provide cleaning, security and other services to properties within the district. If Council adopts the resolution a public hearing will be held on August 22 and the Council will consider a resolution creating the district.

BACKGROUND

The BID proposes to maintain certain special improvements to benefit certain property located in the downtown. The purpose of BIDs is to provide funding for the purposes and powers that will serve a public use; will promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; and will be of special benefit to the property within the boundaries of any district created pursuant to the provisions of Montana Code annotated, Title 7, Chapter 12, Part 11, as amended. The services of this BID will initially include public sidewalk sweeping, security, public sidewalk snow removal and graffiti removal and abatement within the boundaries described in Exhibit A. Services may be expanded in subsequent years if requested by owners.

Approval of the Resolution of Intent to create Business Improvement District No. 0001 for Downtown Billings is the first step in the process to create the district. If the Resolution of Intent is approved it will be advertised and a Notice of Public Hearing sent to all property owners within the proposed district that outlines its purpose and gives the date, location, and the hearing time. The public hearing and consideration of the resolution to create the district will take place at the August 22, 2005 City Council meeting. The funding for the FY 06 operation comes from the tax increment district funds that are allocated to the Partnership. If the BID is created, its first assessments will be collected in November 2006 for the FY 07 budget year.

ALTERNATIVES ANALYSIS

The Council may approve the resolution or reject it. If it approves the resolution a public hearing will be scheduled for August 22, 2005 and the Council will consider creating the district. Rejecting this resolution will terminate the Council's consideration of the issue.

STAKEHOLDERS

There are a total of 143 properties within the proposed district and Attachment B contains the signatures of the property owners representing over 60% of the area. At a public meeting of the affected property owners, seven prospective directors were identified and recommended to the Mayor for his consideration as District Trustees.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The proposed BID is consistent with the 1997 Downtown Framework Plan and the Urban Renewal Plan (tax increment).

RECOMMENDATION

Staff recommends that Council approve the Resolution of Intent that sets a public hearing date for August 22, 2005 to consider creating the downtown Business Improvement District.

ATTACHMENTS

- A: Resolution of Intent
- B: Petitions – available in City Clerk's office

ATTACHMENT A

Resolution No. 05- _____

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF MAINTAINING THE COMMON AREA IMPROVEMENTS AND OTHER PORTIONS OF IMPROVEMENTS MADE IN DOWNTOWN, CITY OF BILLINGS, MONTANA

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Proposed Business Improvement District (B.I.D.); Intention To Create Business Improvement District. The B.I.D. proposes to maintain certain special improvements to benefit certain property located in the City of Billings, Montana. The purpose of this B.I.D. is to provide funding for the purposes and powers that will serve a public use; will promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; and will be of special benefit to the property within the boundaries of any district created pursuant to the provisions of Montana Code annotated, Title 7, Chapter 12, Part 11, as amended.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as the Business Improvement District No. 0001 of the City of Billings, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as "Exhibit A" hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on "Exhibit B" hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on "Exhibit C" hereto.

Section 4. Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibit "A" are hereby declared to be the Business Improvement District and the territory which will benefit and be benefited by and will be assessed for a portion of the costs of the maintenance as described in Section 1.

Section 5. General Character of the Maintenance to be Performed. The general character of the maintenance includes public sidewalk sweeping, security, public sidewalk snow removal and graffiti removal and abatement and maintaining other sidewalk furniture, equipment and improvements installed in the public areas NOT including city streets, private property or alleyways.

Section 6. Assessment Methods; Property To Be Assessed. All properties within the District are to be assessed for a portion of the costs of maintaining the sidewalk Public Area

Improvements in Business Improvement District, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the improvements.

Section 7. Assessable Area. All properties in the District will be assessed for their proportionate share of the costs of maintaining the activities of the Business Improvement District. Public Area Improvements as prescribed in Section 7-12-1133 subsection (e), M.C.A. **The assessments to fund the work plan for the first year are to be a total amount derived by adding: \$0.045 for each square foot of lot as prescribed in Section 7-12-1133, subsection (b); AND \$0.00065 per dollar of taxable value as prescribed in Section 7-12-1133, subsection (c); AND \$0.022 per square foot of the building above the first floor as prescribed in Section 7-12-1133, subsection (d), M.C.A.**

Section 8. Payment of Assessments. The assessments for the costs of maintaining the services provided by the Business Improvement District shall be payable, as prescribed in Section 7-12-1133 subsection (e), M.C.A.

Section 9. Duration of District. The duration of the B. I. D. shall be for a period of 10 years as prescribed in Section 7-12-1141, M.C.A.

Section 10. Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the proposed District subject to assessment and taxation for the cost and expense of maintaining the Business Improvement District may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period from July 28, 2005, through August 12, 2005, written protest against the proposed Business Improvement District, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Monday, August 22, 2005 at 6:30 p.m., in the Council Chambers, located on the Second Floor of the City Hall at 220 North 27th Street, in Billings, Montana.

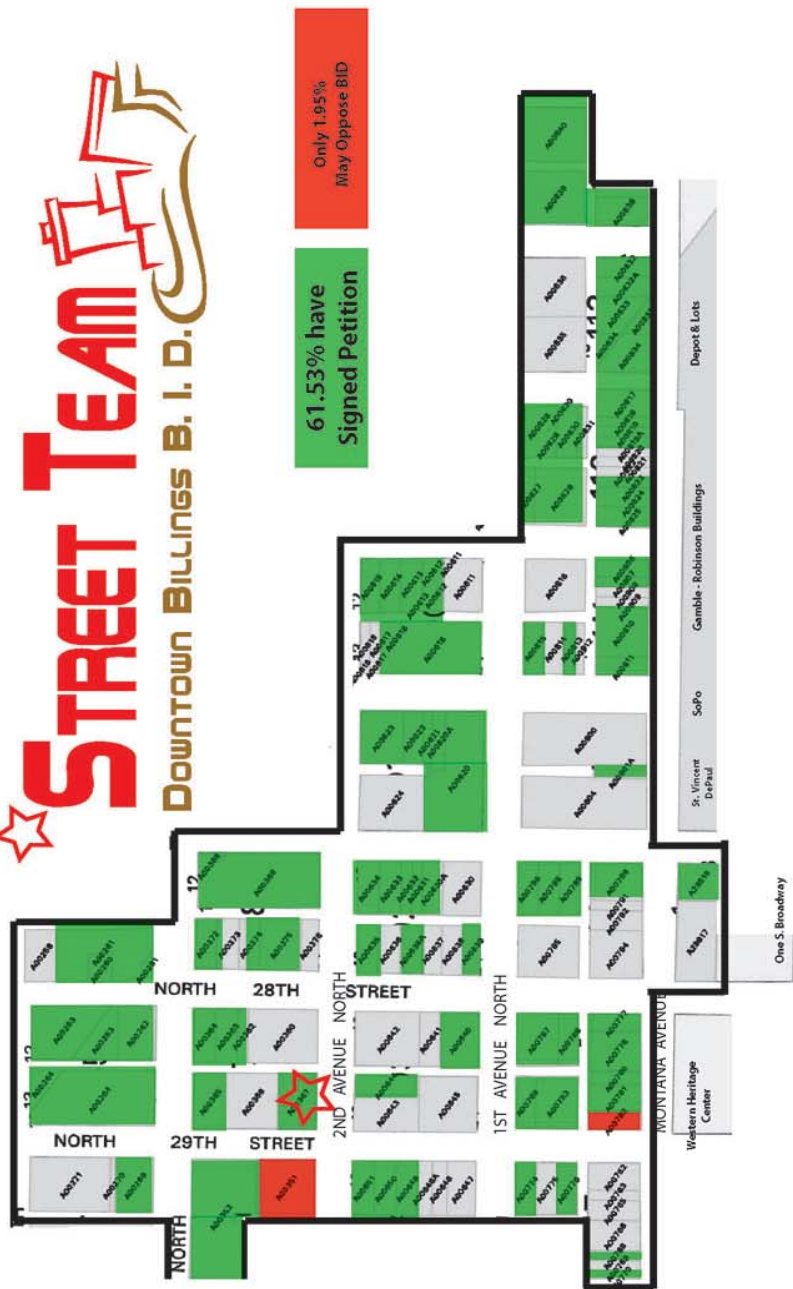
Section 11. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution in the Billings Times, a newspaper of general circulation in the County on Thursday, July 28, 2005, and Thursday, August 4, 2005, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said Notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the proposed district listed in his or her name upon the last completed assessment roll for State, County, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this ____ day of _____, 2005.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

EXHIBIT A - MAP



Building Owners leasing Land from the Railroad will be given the opportunity to participate in BID services via an annual Contract For Services equal to their potential assessment rate.

Business Improvement District REVISED & COMPLETE
Map as of July 1, 2005 - Street Teams to start on
July 1, 2005! BUT - Assessments do not begin until Nov. 2006

EXHIBITS “B” AND “C” ARE AVAILABLE IN THE CITY CLERK’S OFFICE

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Sale of Surplus Fire Apparatus
DEPARTMENT: Fire
PRESENTED BY: Marvin Jochems, Fire Chief

PROBLEM/ISSUE STATEMENT: On October 12, 2004 the City Council approved the bid award to Sutphen Corporation for the purchase of 70ft 'Quint' front-line fire apparatus and the removal from service as surplus property a 1985 Pierce Arrow "Quint" [unit #4084]. The Fire Department has received a firm offer from the Columbus (MT) Volunteer Fire Department in the amount of \$34,000. The sale of this surplus vehicle was advertised on the City of Billings Fire Department web-site. The advertising was limited because MCA 7-5-4303 allows for one government agency to purchase from another government agency without advertising for bid.

FINANCIAL IMPACT: None.

RECOMMENDATION: Staff recommends that Council approve the sale the 1985 Pierce Arrow Quint fire apparatus to the Columbus Volunteer Fire Department in the amount of \$34,000.

Approved By: City Administrator _____ City Attorney _____

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

L

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Powder Horn Lounge Fundraiser for Montana Troops Street Closure
DEPARTMENT: Parks, Recreation and Public Lands
PRESENTED BY: Gene Blackwell, Parks, Recreation and Public Lands Interim Director

PROBLEM/ISSUE STATEMENT: The Powder Horn Lounge requests street closure of Foote Street from Simpson Street to Frontage Road from 11:00 am to 6:00 pm on Sunday, August 7, 2005, for a fundraiser for Montana troops in Afghanistan.

Recommended conditions of approval include Powder Horn Lounge:

1. Obtain the proper open container from the Police Department if alcohol will be consumed in the public right of way
2. Contact Police Department to determine if noise permit will be required
3. Contact all businesses and make them aware of the event 30 days in advance
4. Clean the area to be used and provide and empty waste cans
5. Notify all emergency facilities, bus lines and media at least two weeks in advance of the event
6. Provide and install adequate traffic barricades and signs directing motorists around closure
7. Provide certificate of insurance naming City of Billings as additional insured

ALTERNATIVES ANALYZED:

1. Approve request to close streets for the events (recommended).
2. Deny the street closures

FINANCIAL IMPACT: There are no costs to the City of Billings other than administrative time to process permit. Police, traffic control and litter removal are to be paid for by the Powder Horn Lounge.

RECOMMENDATION

Staff recommends that Council approve the closure named above for the fundraiser for the Montana troops in Afghanistan on Sunday, August 7, 2005.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

- A. Right of Way Special Activity Permit (2 pages)

B. Event map (1 page)

C. Certificate of insurance (1 page)

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



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Second Reading Ordinance to establish Administrative Fees for the
Municipal Court

DEPARTMENT: Administration

PRESENTED BY: Bruce McCandless, Deputy City Administrator

PROBLEM/ISSUE STATEMENT: On July 11 the City Council adopted on first reading an ordinance establishing two administrative cost recovery fees for the Municipal Court. The Council will consider approving the ordinance on second and final reading. The fees will help to support Municipal Court and related public safety services.

FINANCIAL IMPACT: The court cost administrative fee is estimated to produce \$120,000 per year for the General Fund. The time pay fee revenue cannot be estimated because establishing the fee may affect the number of people that request the time pay option.

RECOMMENDATION

Staff recommends that Council approve on second reading the ordinance that creates two Municipal Court administrative fees.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

A: Ordinance

ORDINANCE 05- _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING SECTIONS TO BE NUMBERED 10-401 THROUGH 10-403; PROVIDING FOR THE ASSESSMENT OF ADMINISTRATIVE FEES BY MUNICIPAL COURT AS PART OF THE DISPOSITION OF ALL CITATIONS, CRIMINAL AND TRAFFIC COMPLAINTS, AND TIME PAYMENT CONTRACTS.

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 a section to be numbered 10-401, to read as follows:

Sec. 10-401. Purpose and Intent.

The City Council enacts this ordinance to help defray Municipal Court related administrative and processing fees and costs incurred by the City for processing misdemeanor criminal offenses and time payment contracts.

Section 2. That the Billings, Montana City Code be amended by adding a section to be numbered 10-402, to read as follows:

Sec. 10-402. Establishment of Municipal Court Disposition Administrative Fee.

There is hereby established administrative fees and charges to be assessed by the Municipal Court as part of the disposition of all citations and complaints, criminal and traffic, for which there is a conviction, bond forfeiture, nolo contendere plea, or plea of guilty entered. An administrative processing fee for any citation or complaint in the Billings Municipal Court of ten dollars (\$10.00) shall be assessed each citation or complaint in addition to the regular fines, surcharges and fees at the time the defendant pleads or is convicted of any charges. The amount of the administrative processing fee may be modified by resolution of the City Council.

Section 3. That the Billings, Montana City Code be amended by adding a section to be numbered 10-403, to read as follows:

Sec. 10-403. Establishment of Municipal Court Time Pay Contract Administrative Fee.

The Municipal Court shall assess a fee on all time payment contracts allowed the defendant for payment of fines, costs and charges in Municipal Court on an installment basis at an amount of ten dollars (\$10.00). The amount of the administrative processing fee may be modified by resolution of the City Council.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. 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.

PASSED by the City Council on first reading this 11th day of July, 2005.

PASSED, ADOPTED and APPROVED on second reading this _____ day of July, 2005.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Hogan Homestead Subdivision, Amended Plat of Lot 4A, Block 5 of the Amended Plat of Lots 1 and 4, Block 5 final plat—request for 1-year extension

DEPARTMENT: Planning and Community Services

PRESENTED BY: Wyeth Friday, Planner I, through Ramona Mattix, Planning Director

PROBLEM/ISSUE STATEMENT: The Hogan Homestead Subdivision, Amended Plat of Lot 4A, Block 5 of the Amended Plat of Lots 1 and 4, Block 5 was preliminarily approved by the Billings City Council with conditions on June 10, 2002. It contains 2 lots and is located at the southeast corner of the intersection of King Avenue West and South 24th Street West. BMCC Section 23-304(g) allows preliminary plat approval to be in force for not more than 3 years. However, if requested by the subdivider and recommended by the Planning Board, the City Council may extend or conditionally extend its approval for no more than one additional calendar year. The Planning Board considered this request at its July 12, 2005, meeting and is recommending approval.

FINANCIAL IMPACT: Extension of the preliminary plat approval for one year should not have a financial impact.

RECOMMENDATION

The Planning Board recommends that the City Council approve the request for a one year extension of the preliminary plat approval for Greenfield Subdivision.

Approved By: City Administrator _____ City Attorney _____

ATTACHMENT A

RYAN RESTAURANT CORP.
2038 Overland Avenue
Billings, MT 59102



June 23, 2005

City of Billings
Planning & Community Services Department
Wyeth Friday, Planner I
210 North Broadway, 4th Floor
Billings, MT 59101
(406) 657-8246

RE: Preliminary plat approval for Hogan Homestead Subdivision

Dear Wyeth:

Thank you for your help in the subdivision process. As per Section 23-204(g) of the City Subdivision Regulations, please accept this letter as a request for a one-year extension for the preliminary plat approval for Hogan Homestead Subdivision, Amended Lot 1 and 4, Block 5. Upon the granting of this request for extension by the City Planning Department, I will submit the final documents for the proposed subdivision to you prior to July 1, 2006, for the City Council's final approval.

Thank you for your time. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Ballou".

Tim Ballou
Director of Development

(Back to Content Agenda)





AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Final Plat of Bishop Fox Subdivision

DEPARTMENT: Planning and Community Services, Ramona Mattix, AICP, Planning Director

PRESENTED BY: Nicole Cromwell, AICP, Planner II, Zoning Coordinator

PROBLEM/ISSUE STATEMENT: The final plat for Bishop Fox Subdivision is being presented to Council for approval. On April 25, 2005, the City Council conditionally approved the five (5) lot preliminary minor plat. The City Council conditions of approval have been satisfied and 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: Should the City Council approve the final plat, the subject property may further develop, resulting in additional tax revenues for the City.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Bishop Fox Subdivision.

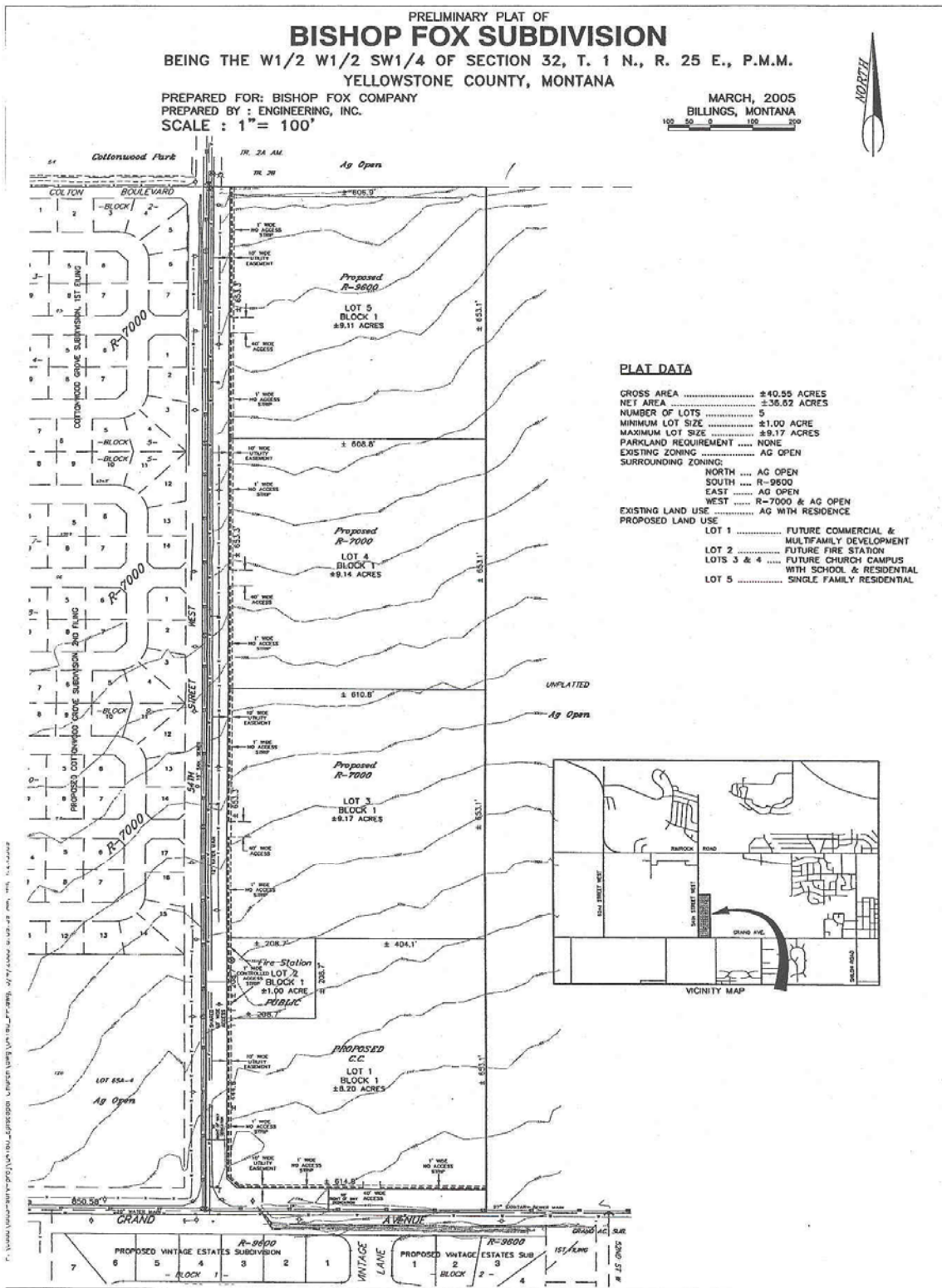
Approved By: City Administrator _____ City Attorney _____

ATTACHMENT

A: Plat

ATTACHMENT A

Final Plat



(Back
to Consent Agenda)

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, May 9, 2005

TITLE: Amended Lot 6, Block 1, Country Homes Subdivision, Preliminary Plat
DEPARTMENT: Planning and Community Services
PRESENTED BY: Wyeth Friday, Planner I, through Ramona Mattix, Planning Director

PROBLEM/ISSUE STATEMENT: On April 1, 2005, the subdivider of this property, Holly Wedel, applied for preliminary plat approval for the Amended Lot 6, Block 1, Country Homes Subdivision. This subdivision would create two residential lots. The property is located at 1908 Bitterroot Drive in the Billings Heights. The City Council will review the preliminary plat and make a decision regarding approval at its May 9, 2005 meeting.

ALTERNATIVES ANALYZED: State and City subdivision regulations require that preliminary plats be reviewed using criteria that are set out in those laws. The City may not unreasonably restrict an owner's ability to develop his land if the subdivider provides evidence that any identified adverse effects can be mitigated.

FINANCIAL IMPACT: When the property is developed the new residents will need City services. It is unknown if the value of the proposed home will generate sufficient taxes and fees to pay for the required services. However, this property will use existing City sewer lines in the alley behind the property.

RECOMMENDATION

Planning staff recommends that the Billings City Council conditionally approve the preliminary plat of Amended Lot 6, Block 1, Country Homes Subdivision, and accept the attached findings of fact.

Approved by: City Administrator _____ City Attorney _____

ATTACHMENTS

- A. Plat
- B. Site photographs
- C. Findings of Fact
- D. Mayor's approval letter

INTRODUCTION

On April 1, 2005 the Planning Department received a preliminary plat application for the Amended Lot 6, Block 1, Country Homes Subdivision. The 23,000-square-foot property is located on the west side of Bitterroot Drive in the Billings Heights. The City Council must approve, conditionally approve or deny the preliminary plat within 35 working days of its submittal.

PROCEDURAL HISTORY

- The preliminary plat application was submitted to the Planning Department on April 1, 2005.
- Staff was scheduled to receive comments from reviewing departments/agencies by April 18, 2005.
- The City Council will consider the application at its meeting on May 9, 2005.

BACKGROUND

The subject property is legally described as Amended Lot 6, Block 1, Country Homes Subdivision. The property is zoned R-7000 and the proposed subdivision contains 2 single-family residential lots. The property has one existing residence located on the proposed Lot 6A of the subdivision.

General location:	1908 Bitterroot Drive in the Billings Heights
Legal Description:	Amended Lot 6, Block 1, Country Homes Subdivision,
Subdivider:	Holly R. Wedel
Owner:	Holly R. Wedel
Engineer and Surveyor:	North Star Land Services
Existing Zoning:	R-7000
Surrounding zoning:	North: R-7000 South: R-7000 East: R-7000 West: R-7000
Existing land use:	One Single-family dwelling
Proposed land use:	Two single-family dwellings or duplex units
Gross area:	23,037.652 square feet
Proposed number of lots:	2
Lot size:	Max.: 10,878.826 square feet

Min.: 10,878.826 square feet

Parkland requirements:

No parkland dedication is required

ALTERNATIVES ANALYSIS

One of the purposes of the City's subdivision review process is to identify potentially negative effects of property subdivision. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various City departments reviewed this application and provided input on effects and mitigation. The planning staff develops and recommends conditions of approval that are based on the departments' comments. The Findings of Fact, which are presented as an attachment, discuss the potential negative effects and the following conditions are recommended as measures that will mitigate them.

RECOMMENDED CONDITIONS

1. To minimize the effects on local services and bring the Subdivision Improvement Agreement into compliance with the rules, regulations, and policies of the City of Billings, prior to final plat approval the subdivider shall:
 - Remove the first paragraph of Section VI. Utilities in the Subdivision Improvement Agreement.
 - Remove the sentence that reads "When and if new construction takes place on this property, all storm water from a 24-hour, 100-year storm will be retained on site" from Section V. Storm Drainage in the Subdivision Improvement Agreement.
2. To minimize the effects on local services, prior to final plat approval the subdivider shall replace the language in Part B of Section II. Conditions that Run with the Land of the Subdivision Improvement Agreement with the following language: "Bitterroot Drive is classified as a Principal Arterial in the area of this subdivision. Structures built on this subdivision must meet a structural setback of 80-feet from the centerline of Bitterroot Drive as per BMC 27-602."
3. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES

None were requested.

STAKEHOLDERS

A public hearing is not scheduled for the City Council meeting but nearby property/business owners may attend the Council meeting. The Planning Department received no public comments or questions about the subdivision up to the time this report was submitted to the City Council.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy, Transportation Plan and Heritage Trail Plan is discussed in the Findings of Fact.

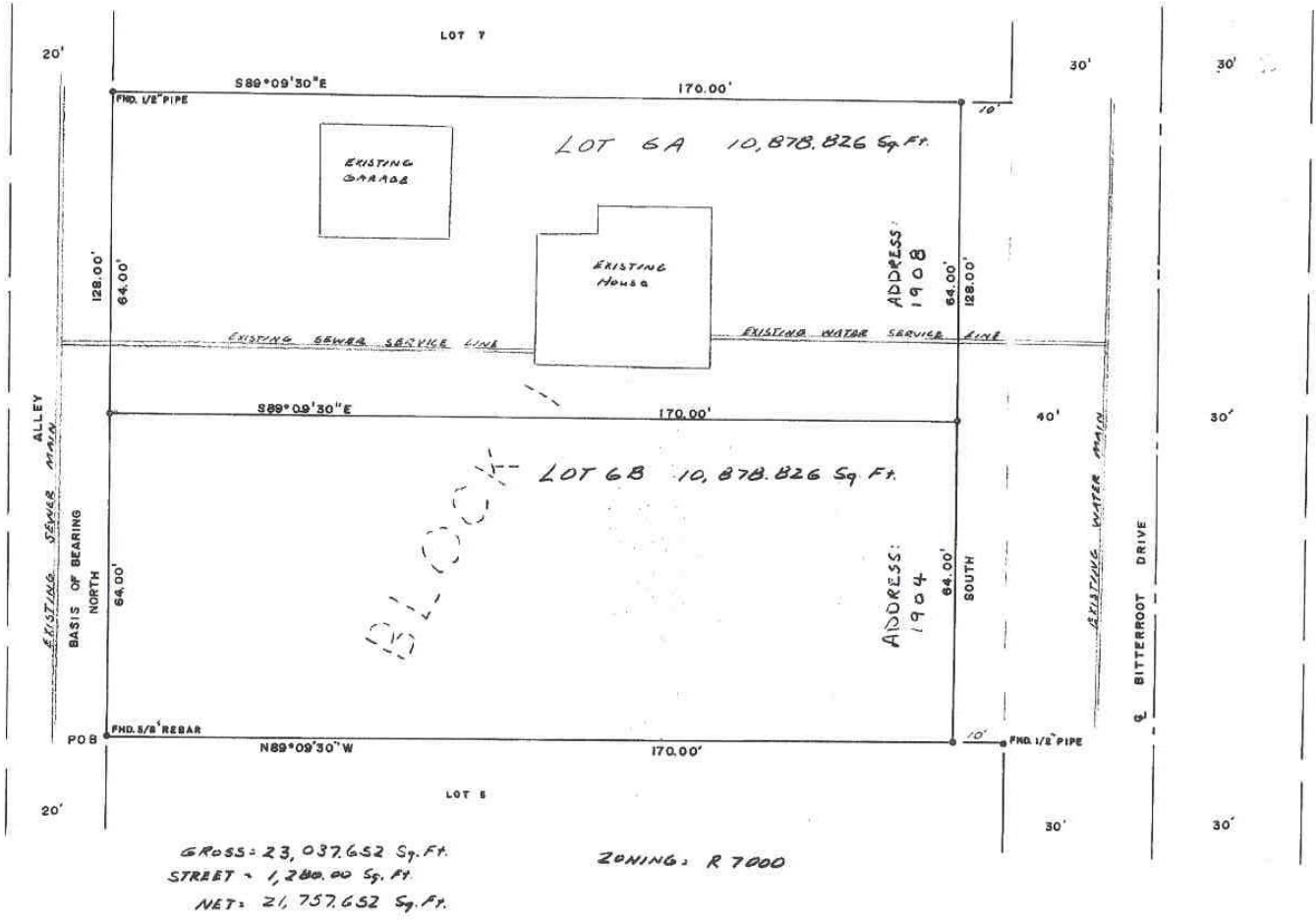
RECOMMENDATION

Planning staff recommends that the Billings City Council conditionally approve the preliminary plat of Amended Lot 6, Block 1, Country Homes Subdivision, and accept the attached findings of fact.

ATTACHMENTS

- A. Plat
- B. Site photographs
- C. Findings of Fact
- D. Mayor's approval letter

ATTACHMENT A
Plat of Amended Lot 6, Block 1, Country Homes Subdivision



ATTACHMENT B
Site Photographs



Figure 1: Looking northwest across Bitterroot Drive at the subject property. The existing residence is visible at the right in the photo and the vacant portion of the lot that would be Lot 6B is visible at center and left in the photo.



Figure 2: Looking southwest across Bitterroot Drive at the subject property. The existing residence and detached garage is visible in the center of the photo. A detached garage on the property to the north is visible on the right edge of the photo.

ATTACHMENT C
Findings of Fact

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [BMC 23-304 (c) (1) and MCA 76-3-608 (3) (a)]

1. Effects on agriculture

This subdivision should have no impact on agriculture or agricultural water user facilities. The subject property is located in an existing residential area of the Billings Heights where there is no agricultural activity. There are no irrigation ditches on or adjacent to this property.

2. Effect on local services

- a. **Utilities** – Water and sanitary sewer lines will be extended by the developer from the Bitterroot Drive right-of-way for water and the alley right-of-way for sewer. The County Water District of Billings Heights will provide domestic water service to the subdivision. The existing home on the property is already served by the Water District and new development of the property also may be served by the Water District. Sanitary sewer service is provided by the City of Billings. The existing home on the property is served by sewer line running in the alley behind the property. New development on the property also may be served by connecting to this same sewer line. The City Public Works Department is requiring the subdivider to remove the first paragraph on Section VI. Utilities in the SIA. Public Works staff found that the language provided in the second paragraph is acceptable for the purposes of extension and connection to the City sewer system (**See Condition 1**).

New development on the property will comply with the City of Billings *Stormwater Management Manual* and be approved by the City Engineer. The property is currently located outside of the City's existing stormwater facilities system, so storm water will be retained on site. The City Engineering Department is requiring that the subdivider remove the language in Section V. Storm Drainage of the SIA that refers to retaining stormwater on site from a 24-hour, 100-year event. City Engineering staff only wants the language referencing compliance with the *Stormwater Management Manual* to be included in the SIA. The subdivider does have this language in place (**See Condition 1**).

Private utilities will be extended to this property under the companies' operating rules. The utilities for new development on this subdivision will come either from the alley behind the property or from the Bitterroot Drive right-of-way. All utilities serving new development on this subdivision shall be buried if possible.

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. **Streets** - The subdivider proposes to have a single new access to Lot 6B off of Bitterroot Drive. The existing residence on Lot 6A is already served via an access on Bitterroot Drive. The subdivider is dedicating an additional 10-feet of right-of-way for Bitterroot Drive to make a total half right-of-way of 40 feet. This is to accommodate

future expansion of Bitterroot Drive. Bitterroot Drive is classified as a Principal Arterial in the area of this subdivision. Structures located on this property must meet a structural setback of 80-feet from the centerline of Bitterroot Drive as per BMC 27-602. This should be noted in the “Conditions that Run with the Land” Section of the Subdivision Improvement Agreement (**See Condition 2**).

- d. **Emergency services** – Billings Police and Fire Departments will respond to emergencies in this subdivision. The nearest fire station at this time is Station #6 at 1601 St. Andrews in the Billings Heights. The Fire Department has not identified any concerns with the proposed subdivision. The Police Department has not identified any concerns with this subdivision. AMR provides medical care and transport for this subdivision and did not have any concerns with this subdivision.
- e. **Schools** – The subdivision is in the School District #2. No comments have been received from School District #2.
- f. **Parks and Recreation** – Because this is a minor plat, no parkland dedication is required.
- g. **MET Transit** – MET Transit’s nearest route is at the intersection of Bitterroot and Elaine Street about 1/10 of a mile from the subdivision. The creation of this subdivision will not cause MET to expand its service area.

3. Effect on the natural environment

The subject property is level ground with one existing residence. The area all around the property is currently developed for residential uses so impacts to the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There should be no effect on wildlife and its habitat. The property is not habitat for any known endangered species, there is residential development all around the property, and no comments were received by Montana Fish, Wildlife and Parks.

5. Effect on the public health, safety and welfare

There do not seem to be any threats to the public health and safety from this subdivision as proposed. There is adequate access to the property for emergency services from Bitterroot Drive and the alley behind the property.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMC 23-304 (c) (1))]

Since this is a minor subdivision, an Environmental Assessment is not required.

C. Does the subdivision conform to the 2003 Yellowstone County and City of Billings Growth Policy, the Billings Urban Area 2000 Transportation Plan, and the Heritage Trail Plan? [BMC 23-304 (c) (3)]

1. 2003 Growth Policy:

The subdivision meets the following goals/policies of the Growth Policy

- a. Predictable land use decisions that are consistent with neighborhood character and land use patterns. (*Land Use Element #1*)
- b. Contiguous development focused in and around existing population centers separated by open space. (*Land Use Element #4*)

2. Urban area transportation plan

The subdivision is in the jurisdictional area of the Urban Area 2000 Transportation Plan. The proposal to dedicate an additional 10 feet of right-of-way for Bitterroot Drive for future expansion complies with the Transportation Plan's identification of Bitterroot Drive as a Principal Arterial. This subdivision complies with the Transportation Plan.

3. Heritage Trail Plan

The subdivision is within the jurisdictional area of the Heritage Trail Plan. The Plan does identify Bitterroot Drive as an arterial bikeway, so eventually the street should be striped for bike lanes. There are no plans to do so at this time and this subdivision does not conflict with the Heritage Trail Plan.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMC 23-304 (c) (4)]

This proposed subdivision meets the requirements of the Montana Subdivision and Platting Act and the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [BMC 23-304 (c) (5)]

The subdivision will use Water District of Billings Heights domestic water service, City sanitary sewer, and solid waste collection and disposal services. All services are approved and regulated by state and federal authorities.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMC 23-304 (c) (6)]

The property is within the R-7000 zoning district. The proposed lot sizes for this subdivision, at more than 9,600-square-feet each, would allow single-family residential or duplex uses on the property. The proposal meets zoning requirements.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) © and BMC 23-304 © (7)]

The subdivision abuts public street rights-of-way in the front and a public alley right-of-way on the back. Utilities will access this subdivision from one, or both, of these public rights of way.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMC 23-304 © (8)]

Both lots will have access to Bitterroot Drive, a public street.

CONCLUSIONS OF FINDING OF FACT

The proposed Amended Lot 6, Block 1 of the Country Homes Subdivision does not create any adverse impacts that warrant denial of the subdivision. The subdivision will impact local services and cause some increase in demand for those services. However, when the vacant parcel is developed the homeowners will pay property taxes and fees that should help to support those services. The proposed subdivision conforms to some of the goals and policies of the 2003 Growth Policy. The proposal also is in conformance with the Transportation and Heritage Trail plans. The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each parcel.

Approved by the Billings City Council, May 9, 2005.

Charles F. Tooley, Mayor

ATTACHMENT D

Mayor's Approval Letter

May 9, 2005

Holly R. Wedel
1908 Bitterroot Drive
Billings, MT 59105

Dear Holly R. Wedel:

On May 9, 2005 the Billings City Council conditionally approved the preliminary plat of Amended Lot 6, Block 1 of Country Homes Subdivision. The conditions of approval are as follows:

1. To minimize the effects on local services and bring the Subdivision Improvement Agreement into compliance with the rules, regulations, and policies of the City of Billings, prior to final plat approval the subdivider shall:
 - Remove the first paragraph of Section VI. Utilities in the Subdivision Improvement Agreement.
 - Remove the sentence that reads "When and if new construction takes place on this property, all storm water from a 24-hour, 100-year storm will be retained on site" from Section V. Storm Drainage in the Subdivision Improvement Agreement.
2. To minimize the effects on local services, prior to final plat approval the subdivider shall replace the language in Part B of Section II. Conditions that Run with the Land of the Subdivision Improvement Agreement with the following language: "Bitterroot Drive is classified as a Principal Arterial in the area of this subdivision. Structures built on this subdivision must meet a structural setback of 80-feet from the centerline of Bitterroot Drive as per BMC 27-602."
3. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

If you have questions please contact Wyeth Friday in the Planning Department at 247-8660 or by email at fridayw@ci.billings.mt.us.

Sincerely,

Charles F. Tooley, Mayor

Cc: Tom Kelly, North Star Land Services, P.C.

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Q

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Parkland West Subdivision, 6th Filing, Amended Plat of Lot 3, Block 10, Final Plat

DEPARTMENT: Planning and Community Services

PRESENTED BY: Wyeth Friday, Planner I, through Ramona Mattix, Planning Director

PROBLEM/ISSUE STATEMENT: This final plat is being presented to the City Council for approval. The preliminary plat was approved on July 12, 2004. The Parkland West Subdivision, 6th Filing, Amended Plat of Lot 3, Block 10 is located at the southwest corner of the intersection of Central Avenue and 32nd Street West. It contains 2 lots for commercial development. The final documents meet all of the preliminary plat approval conditions. The City Attorney reviewed and approved the subdivision plat and the associated documents.

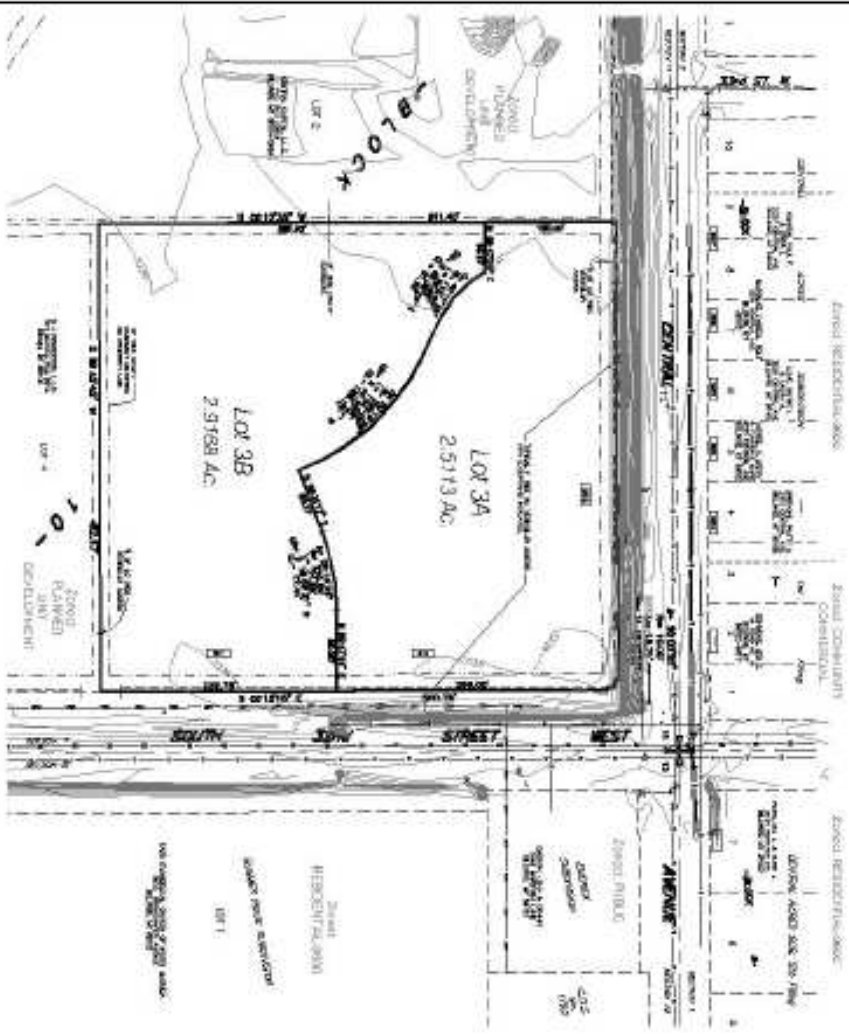
FINANCIAL IMPACT: There should be no direct financial impact to the City for approving this final plat.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of the Parkland West Subdivision, 6th Filing, Amended Plat of Lot 3, Block 10. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

Approved By: City Administrator _____ City Attorney _____

PRELIMINARY PLAN OF LOT 1, BLOCK 10,
PARKLAND WEST SUBDIVISION, 6th FILING
SITUATED IN THE NE1/4 OF SECTION 11, T. 1 S., R. 25 E.,
YELLOWSTONE COUNTY, MONTANA
P.M.M.
PREPARED FOR: LAUREL FEDERAL CREDIT UNION
PREPARED BY: ENGINEERING, INC.
SCALE: 1" = 50'

APRIL 2004
PAGES 160-170[illegible][illegible][illegible]

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R

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, July 25, 2005

TITLE: Payment of Claims
DEPARTMENT: Administration – Finance Division
PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Claims in the amount of \$1,154,218.01 have been audited and are presented for your approval for payment. A complete listing of the claims dated June 30, 2005 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:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Public Hearing and Council Resolution Approval to File For a Federal Transit Administration Section 5309 Discretionary Grant

DEPARTMENT: Aviation/Transit Department

PRESENTED BY: J. Bruce Putnam, A.A.E., Director of Aviation/Transit

PROBLEM/ISSUE STATEMENT: Over the past three years, the City was successful in receiving Department of Transportation (DOT) Federal Transit Administration (FTA) Discretionary dollars for the construction of a downtown transit transfer center facility. In order to apply for a grant to formally commit the dollars, it is necessary to submit a grant application, along with a resolution authorizing the Mayor to execute the grant agreement with the DOT/FTA. There is also a requirement for a public hearing to be held regarding this grant application. Public hearing notices were published in the Billings Times on June 23, June 30, and July 7, advertising for a public hearing on July 25, 2005.

At a recent Council Work Session staff was instructed to proceed with the purchase of the Wells Fargo Drive-up Bank property at 2513 Second Avenue North as the site for the new downtown transit facility. The submittal of the grant application and subsequent FTA obligation of the grant funds needs to be accomplished before the City can proceed with the negotiation and purchase of the Wells Fargo property, and the construction of the transit facility.

FINANCIAL IMPACT: The combined total of the DOT Appropriation Acts of 2003, 2004, and 2005 equals \$4,383,547 in Federal funds for a downtown transit facility. The grant agreement will be written for \$5,479,437 which includes the 80% Federal share of \$4,383,547 and the 20% City local share of \$1,095,890. There are funds identified in the FY 05/06 budget for this project, and it has been submitted and approved through the CIP process. Items requiring bids will come back to the City Council for approval/bid award.

RECOMMENDATION

Staff recommends that following the public hearing, Council approve a resolution authorizing the filing of a grant application and the execution of a grant agreement with the Department of Transportation/Federal Transit Administration upon receipt of the grant offer (as provided under the Federal Transit Act, TEA-21 Reauthorization and the Department of Transportation Appropriations Acts, 2003, 2004, and 2005).

Approved By: **City Administrator** ____ **City Attorney** ____

ATTACHMENT

A – Authorizing Resolution (2 pages).

AUTHORIZING RESOLUTION

RESOLUTION NO. 05-

A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS AND GRANT AMENDMENTS WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS UNDER THE FEDERAL TRANSIT ACT, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21 REAUTHORIZATION), AND THE DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACTS, 2003, 2004, AND 2005.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

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

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964 as amended, that in connection with the filing of all applications for financial assistance, under the Federal Transit Act, TEA-21 Reauthorization and the Department of Transportation Appropriations Acts, 2003, 2004, and 2005, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act, and other pertinent directives, and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that disadvantaged business enterprises (minority business enterprises and women business enterprises) be utilized to the fullest extent possible in connections with all projects, and that definitive procedures shall be established and administered to ensure that minority business enterprises shall have the maximum feasible opportunity to compete for contracts, supplies, equipment contracts, or consultant and other services:

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

1. That the City of Billings Mayor is authorized to execute and file all applications and grant amendments on behalf of the City of Billings with the U.S. Department of Transportation, to aid in the financing of all planning, capital, training, demonstration and/or operating assistance projects.
2. That the City of Billings Mayor is authorized to execute and file with such applications/amendments an assurance or any other document required by U.S. Department of Transportation effectuating the purpose of the proposed projects, including the local share.

3. That the Transit Manager is designated to furnish such additional information as the U.S. Department of Transportation may require in connection with all the applications.
4. The City of Billings Mayor is authorized to set forth and execute minority business enterprise (disadvantaged enterprise business and women business enterprise) policies and procedures in connection with the procurement needs of all projects.
5. The City of Billings Mayor is authorized to execute all grant agreements on behalf of the City of Billings with the U.S. Department of Transportation to aid in the financing of all planning, capital, training, demonstration, and/or operating assistance projects.

RES. No. 00 -

APPROVED this 25th day of July 2005.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC CITY CLERK

CERTIFICATE

The undersigned duly qualified and acting City Clerk of the City of Billings certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Billings City Council held on _____, 2005.

If applicant has an Official Seal, impress here.

(Seal)

Signature of Recording Officer

Title of Recording Clerk

Date

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Public Hearing and First Reading of an Ordinance expanding Ward IV
DEPARTMENT: Planning and Community Services Department
PRESENTED BY: Candi Beaudry, AICP, Planning Division Manager

PROBLEM/ISSUE STATEMENT: On July 11, 2005, the City Council adopted Resolution No. 05-18305 annexing approximately 10.53 acres located near the intersection of 60th Street West and Grand Avenue (Annexation #05-04). The property must be added to one of the City's election wards. The first reading and public hearing on the ordinance to add the property to Ward IV will be held on July 25, 2005. The second reading of the ordinance is scheduled for Council action on August 8, 2005.

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

RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the first reading of this ordinance that adds property to City Ward IV.

Approved by: **City Administrator** _____ **City Attorney** _____

ATTACHMENT

A: Ward Ordinance and Exhibit A

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 IV 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 land situated in the SW1/4 of Section 31, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as: Sunny Cove Fruit Farms, Lot 123, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana; including all adjacent right-of-way of 60th Street West and Grand Avenue. Containing 10.532 gross and 9.328 net acres, more or less. See Exhibit "A" Attached

(# 05-04)

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 25th day of July, 2005.

PASSED by the City Council on the second reading this 8th day of August, 2005.

THE CITY OF BILLINGS:

Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Herold, CITY CLERK

[illegible][illegible]

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Public Hearing and Resolution to Create – PMD No. 4029, Cottonwood Grove Subdivision

DEPARTMENT: Department Of Parks, Recreation, & Public Lands

PRESENTED BY: Gene Blackwell, Acting Director

PROBLEM/ISSUE STATEMENT: Cottonwood Grove Subdivision contains boulevard area on 54th Street West, street landscaping on Colton Boulevard, and a storm water detention area. The development and improvement of these areas will be by the developer through private contract. The Park Maintenance District needs to be created at this time to provide for the maintenance of these public area improvements. As a condition of the Cottonwood Grove Subdivision, 1st Filing final plat approval, the subdivision must provide for the maintenance of the public landscaping areas by establishing a park maintenance district. Waivers of Protest to creating this district are on file for all properties in Cottonwood Grove Subdivision. The Resolution of Intent to Create PMD 4029 was approved by City Council on June 27, 2005. A Notice of the Intention to create the district was advertised as required and mailed to all property owners within the proposed district. The required period for protests or comments to be filed was July 1st through July 15th, 2005, and a report will be made prior to the Public Hearing at the July 25th meeting.

ALTERNATIVES ANALYZED:

- Create Park Maintenance District 4029 now to assure assessments can be collected in November 2005, to pay costs of maintenance as the public area improvements are developed. This is the requirement approved in the Subdivision Improvement Agreement and the staff recommendation.
- Do not create Park Maintenance District 4029 at this time.

FINANCIAL IMPACT: The maintenance costs for the public area improvements are estimated to be \$2,885.00 for the first year. The assessment rate for this amount is \$0.00239 per square foot of property in District 4029. The estimate of the first year costs and assessment rate for the lots is shown in “Exhibit D” of the attached PMD documents for the coming year.

RECOMMENDATION

Staff recommends Council approve the Resolution to Create Park Maintenance District No. 4029 as proposed.

Approved By: **City Administrator** _____ **City Attorney** _____

ATTACHMENTS:

A: Resolution to Create Park Maintenance District No. 4029; and Exhibits A-D thereto attached.

INTRODUCTION

Consideration and approval of the Resolution to Create Park Maintenance District No. 4029 for the maintenance of Cottonwood Grove Subdivision streetscape and public areas completes the process to create the Park Maintenance District.

PROCEDURAL HISTORY

- The Cottonwood Grove Subdivision, 1st Filing has been approved and filed. The final plat of Cottonwood Grove Subdivision, 2nd Filing is proposed to be submitted to the Planning Department in early June, 2005.
- The annexation conditions and Subdivision Improvements Agreement provides for the public landscape improvements to be installed by private contract as the subdivision is developed and with Waivers of Protest filed and recorded for all lots within the subdivision that allow the creation of a Park Maintenance District to maintain the public areas.
- The Resolution of Intent To Create Park Maintenance District 4029 was approved by the City Council on June 27th, 2005.
- A Public Notice of Intent was advertised on June 30th and July 7th, 2005, as required. The 15 day period for Protests and Comments was from July 1st through July 15th, 2005. The Notice explain to the affected property owners the protest and comment procedures.
- The date for a Public Hearing and Council consideration of the Resolution to Create the district was set for the July 25th, 2005, regular City Council meeting.

BACKGROUND

In the past, subdivisions have been platted along arterial streets with the back of the lots along it and the lot fronts facing inward and away from the major thoroughfare to leave an undeveloped right-of-way strip that is poorly or not maintained. Since the mid-1990s, developers of subdivisions have been required to improve these strips and create a home-owners association or Park Maintenance District to assure maintenance and upkeep of them by the subdivision or PRPL Parks grounds keeping staff. This provides a professional level of maintenance to areas of public landscape as they develop and are brought into the city.

The Cottonwood Grove Subdivision, 1st Filing, Subdivision Improvements Agreement calls for the public areas to be maintained and the Park Maintenance District to be created. The proposed maintenance district includes all lots in both filings of Cottonwood Grove Subdivision. Lots shall not be eligible for assessment until such time as the final plat of the property is filed and the Restrictions on Transfers and Conveyances are lifted. All filings have or will have on file Waivers of Protest for the formation of the park maintenance district for all lots within Cottonwood Grove Subdivision. Approval of the Resolution to Create Park Maintenance District No. 4029 for Cottonwood Grove Subdivision completes the creation process.

ALTERNATIVES ANALYSIS

- Create the Park Maintenance District now to assure assessments can be collected in November 2005, to pay costs of maintenance for the spring and summer of 2006 as the park development commences. The approved Subdivision Improvements Agreements call for maintenance of the public areas and the creation of the Park Maintenance District. This is the staff recommendation.
- Do not create the Park Maintenance District at this time.

STAKEHOLDERS

- The developers have agreed to the maintenance of the public areas in Cottonwood Grove Subdivision.
- The appearance of poorly or non-maintained strips along a number of major arterial streets has a negative impact on the Billings community. The purchasers of the properties within the district will be aware of the public area maintenance required within the subdivision when they buy the property.
- Existing property owners shall be notified via the creation process.

CONSISTENCY WITH ADOPTED POLICIES AND PLANS

The use of maintenance districts to provide maintenance and upkeep for parks, public rights-of-way, and public areas provides means to assure adequate maintenance of high visibility open space and landscape that otherwise would not be cared for. This has improved the environment, increased the quality of life for Billings' residents, and increased the value of surrounding businesses and private property. The revenue provided helps support the overall park operations in all of the general fund supported parks by allowing better trained, more competent staffing and state of the art operations and equipment. The City Council has supported creation of Park Maintenance Districts and the addition of contract maintenance for other public areas as a way to provide well-maintained public landscape at a time when the general fund revenues are not available for these purposes.

RECOMMENDATION

Staff recommends Council approve the Resolution to Create Park Maintenance District No. 4029 as proposed.

Approved By: **City Administrator** ____ **City Attorney** _____

ATTACHMENTS:

A: Resolution to Create Park Maintenance District No. 4029; and Exhibits A-D thereto attached.

RESOLUTION No. 05-
A RESOLUTION CREATING SPECIAL IMPROVEMENT MAINTENANCE
DISTRICT NO. 4029 FOR THE PURPOSE OF MAINTAINING EXISTING
AND FUTURE PUBLIC AREA IMPROVEMENTS IN COTTONWOOD GROVE
SUBDIVISION, FIRST AND SECOND FILINGS,
CITY OF BILLINGS, MONTANA

WHEREAS, the City Council of Billings, Montana, hereby finds, determines and declares that:

1. The public interest and convenience require the creation of the above named district.
2. That said district is of more than local or ordinary public benefit.
3. All lands are benefited and no lands that are not benefited have been included within the district. All lands within the district will be enhanced in value to the extent of the assessments to be levied upon such lands, and all lands included within the district should be assessed accordingly to pay the costs and expenses of the district.

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

1. *Jurisdiction and Creation.* Special Improvement Maintenance District Number 4029 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Special Improvement Maintenance District Number 4029. All lands included within Special Improvement Maintenance District Number 4029 are benefited and no lands that are not benefited have been included in said district.
2. *General Character of Improvement and Maintenance.* The general character of the improvements to be maintained is as follows: boulevard in 54th Street West, landscaping, trees, irrigation systems, irrigation system water services, weed control, storm detention facilities, and other public area improvements installed by the developer, Parks Department and/or as part of a future Special Improvement District. The purpose of said district is to provide perpetual maintenance of the above-mentioned items.
3. *Boundaries.* The Boundaries of the district are described and designated on Exhibits "A" and "B" attached hereto.
4. *Ownership.* The ownership records of all properties within the said district are described and designated in Exhibit "C" attached hereto.

5. *Maintenance Estimate:* The estimated cost of the proposed maintenance for the first year will be \$2,885.00 as described in the Maintenance Estimate attached hereto in Exhibit "D".
6. *Assessment Method:* All of the costs and expenses of the district will be assessed against the eligible lots in the entire district, and each lot or parcel of land within the district will be assessed per square foot of lot area. Assessments for each lot during the first year will be approximately \$0.00239 per square foot. In accordance with 7-1-1479 MCA, the assessment for each lot in each ensuing year will be set by the City Council by resolution.
7. *Payment of Assessment.* The assessments for all maintenance and costs of the district shall be paid in equal annual installments, provided that payment of one-half of said annual assessment may be deferred to May 31 of the year following the assessment. All money derived from the collection of said assessments otherwise shall constitute a fund to be known as Fund of Special Improvement Maintenance District Number 4029.
8. *Bonds for Improvement.* There will be no bonds sold for this district as it is for maintenance only.
9. *Engineering.* No engineering will be required.
10. *District Accounts.* The Director of Finance is hereby authorized and directed to establish the necessary accounts to govern the receiving of all revenues and the expenditures of the same district.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this _____ day of _____, 2005.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Harold, CMC, CITY CLERK

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Vacation of Holfeld Lane Right of Way – Public Hearing and Resolution
DEPARTMENT: Public Works/Engineering
PRESENTED BY: David D. Mumford, PE, Public Works Director

PROBLEM/ISSUE STATEMENT: Blake Laughlin, owner of Certificate of Survey 1883, Tract 1-A, has requested that the city vacate Holfeld Lane. Holfeld Lane is a small right-of-way that connects Certificate of Survey 1883, Tract 1-A to Swords Lane in the Heights. The city has no use for the right-of-way, and it will become Mr. Laughlin's access to Swords Lane.

ALTERNATIVES ANALYZED:

1. Approve vacation of Holfeld Lane right-of-way as shown on Attachment A at a cost of \$4,547.50 to the requestor.
2. Do not approve vacation of Holfeld Lane Right-of-Way.

FINANCIAL IMPACT: Rod Wilson, a local realtor in town, has come up with two comparison sales in the area. Rod Wilson has determined that the Holfeld Right-of Way is valued at \$.85 per square foot. The total area proposed to be vacated is 5,350 square feet. The total cost Mr. Laughlin would have to pay the city is \$4,547.50.

RECOMMENDATION

Staff recommends that Council, after holding a public hearing, approve the vacation of Holfeld Lane right-of-way as shown on Attachment A at a cost of \$4,547.50 to the requestor.

Approved By: **City Administrator** ____ **City Attorney** ____

ATTACHMENT

- A. Map Depicting Area to be Vacated
- B. Resolution

RESOLUTION NO. 05-_____

A RESOLUTION OF THE CITY OF BILLINGS,
MONTANA, DISCONTINUING AND VACATING **Holfeld Lane**.

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, as per Section 22-601 BMCC, requesting discontinuance and vacation of **Holfeld Lane** as described hereinafter; and WHEREAS, a public hearing was properly noticed and held as required by law.

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

1. **DISCONTINUANCE AND VACATION.** Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., **Holfeld Lane** more particularly described as follows:

Beginning at a point which is the southeast corner of Lot 1, Block 2, Holfeld Subdivision;
thence, from said point of beginning, N 00°21'00" E a distance of 110.00 feet;
thence N 44°39'00" W a distance of 14.14 feet;
thence N 68°32'55" E a distance of 53.85 feet;
thence S 00°21'00" W a distance of 140.00 feet;thence N 89°39'00" W a distance of 40.00 feet to the point of beginning;
containing an area of 5,350 square feet.

Is hereby discontinued, abandoned and vacated.

2. **PUBLIC INTEREST.** The discontinuance, vacation and abandonment of the above described **Holfeld Lane** is in the best interest of the public and can be done without any public detriment. Ownership of the vacated area will revert to the current owner of Certificate of Survey 1883, Tract 1-A.

PASSED by the City Council and APPROVED this 25th day of July 2005.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Public Hearing on Disposing of City-Owned Property – Lots 13-19, Block 231, Billings Original Town

DEPARTMENT: Planning and Community Services

PRESENTED BY: Ramona Mattix, Planning Director

PROBLEM/ISSUE STATEMENT: The City of Billings has requested bids for the purchase of city-owned property on the 800 Block of South 28th Street. The request for bids was in response to homeWORD's desire to construct new affordable housing on this site. Bids were opened on July 12th and non-responsive bid of zero dollars (\$0) was received. homeWORD is a non-profit organization and hopes to acquire the land and complete construction of new affordable multi-family housing utilizing Low Income Tax Credits. Prior to the consideration of the sale, the City is required to approve a resolution of intent to dispose of the property, hold a public hearing, and advise adjacent neighbors and the community of the proposed action and public hearing.

ALTERNATIVES ANALYZED: Alternatives for the disposition and sale of this property include: 1) selling the land according to the existing S. 27th Street Development Incentives. This allows for reductions in the sales price based on the number of jobs being created and the value of the improvements, and provides a discount for a cash sale; 2) selling the property at appraised value; 3) requesting bids to determine interest of other parties in the property; and 4) deciding not to sell the land for this project. The City pursued the option of selling the land according to the S. 27th Street Development Incentives in conjunction with requesting bids to determine if other parties are interested in purchasing the property.

FINANCIAL IMPACT: The City land (24,500 sq. ft.) could generate up to \$75,000 in revenue. The land was acquired for redevelopment purposes in 1994 using tax increment resources at a cost of \$23,553.

RECOMMENDATION

Staff recommends that the Council (1) direct staff to re-bid the sale of the property or (2) hold a public hearing on July 25th on the proposed sale of Lots 13-19, Block 231, Original Town and consider a donation of the property to homeWORD. The Council could also elect not to sell the property at this time.

Approved By: City Administrator ____ City Attorney ____

INTRODUCTION

City Council action is required to receive public input to consider the sale of City-owned property located on the 800 block of South 28th Street. The City Council approved a Resolution of Intent to Sell City-owned Property on June 27, 2005, setting the public hearing on the disposition of the property for July 25, 2005. Prior to the public hearing, the City has notified the surrounding property owners of the proposed action. The South Side Task Force has also been advised of the proposed action. On June 30th, the City advertised for bids to purchase the property to determine interest from other parties in the site. A non-responsive bid of zero dollars (\$0) for the property was received from homeWORD.

PROCEDURAL HISTORY

The land was acquired for redevelopment purposes with tax increment resources for \$23, 553 in 1994. Other redevelopment projects on South 27th 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, Security Armored Express, and Montana Rescue Mission.

On July 25th, a public hearing will be held on the proposed sale of the property. Council action on a resolution authorizing the disposition of the property will be considered on August 8, 2005.

BACKGROUND

The current request for bids has been triggered by interest expressed by homeWORD to purchase the property. The HomeWORD, based in Missoula, has been active in housing in Billings over the past seven years. homeWORD has recently completed the Acme Hotel, an affordable housing project, and conducts monthly home buyer education training for home buyers in the community.

The South 27th Street Development Incentives were approved in the late 1980's and are designed to encourage the sale and development of properties along the South 27th Street Corridor. The incentives include a reduction in the sales price based on the size of the development, the number of jobs created and the value of improvements or increased tax base, and rewards cash sales. The incentives also allow for the payment of 5% sales commission to realtors for sales over \$100,000. In response to the request from homeWORD, the City of Billings has requested bids for the property to determine if other parties are interested in purchasing and developing the property.

ALTERNATIVES ANALYSIS

Alternatives for the disposition and sale of this property include: 1) selling the land according to the existing S. 27th Street Development Incentives. This allows for reductions in the sales price based on the number of jobs being created and the value of the improvements, and provides a discount for a cash sale; 2) selling the property at appraised value; 3) requesting bids to determine interest of other parties in the property; and 4) deciding not to sell the land for this project. The City pursued the option of selling the land according to the S. 27th Street

Development Incentives in conjunction with requesting bids to determine if other parties are interested in purchasing the property.

STAKEHOLDERS

The South Side Task Force and the surrounding neighbors have been advised of the proposed development and the public hearing scheduled for July 25th.

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 South 27th Street zoning designation.

RECOMMENDATION

Staff recommends that the Council (1) direct staff to re-bid the sale of the property or (2) hold a public hearing on July 25th on the proposed sale of Lots 13-19, Block 231, Original Town and consider a donation of the property to homeWORD. The Council could also elect not to sell the property at this time.

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Public Hearing on Disposing of City-Owned Property – Lots 1-8, Block 226, Billings Original Town

DEPARTMENT: Planning and Community Services

PRESENTED BY: Ramona Mattix, Planning Director

PROBLEM/ISSUE STATEMENT: The City of Billings has requested bids for the purchase of city-owned property on the 700 Block of South 27th Street. The request for bids was in response to Aztec Properties, LLC's (Aztec) desire to construct a new Meineke Car Care Center on this site. Bids were opened on July 12th and no bids were received. Prior to the consideration of the sale, the City is required to approve a resolution of intent to dispose of the property, hold a public hearing, and advise adjacent neighbors and the community of the proposed action and public hearing.

ALTERNATIVES ANALYZED: Alternatives for the disposition and sale of this property include: 1) selling the land according to the existing S. 27th Street Development Incentives. This allows for reductions in the sales price based on the number of jobs being created and the value of the improvements, and provides a discount for a cash sale; 2) selling the property at appraised value; 3) requesting bids to determine interest of other parties in the property; and 4) deciding not to sell the land. The City pursued the option of selling the land according to the S. 27th Street Development Incentives in conjunction with requesting bids to determine if other parties are interested in purchasing the property.

FINANCIAL IMPACT: The City land (28,000 sq. ft.) could generate approximately \$85,000 in revenue. The site, including structures that existed at the time, was acquired for redevelopment purposes in three transactions in the 1980s for \$113,000 using Tax Increment (3 lots) and CDBG (5 lots) resources.

RECOMMENDATION

Staff recommends that the Council (1) hold a public hearing on July 25th on the proposed sale of Lots 1-8, Block 226, Original Town, and (2) re-advertise request for proposals for sale of Lots 1-8, Block 226, Original Town.

Approved By: City Administrator _____ City Attorney _____

INTRODUCTION

City Council action is required to receive public input to consider the sale of City-owned property located on the 700 block of South 27th Street. The City Council approved a Resolution of Intent to Sell City-owned Property on June 27, 2005, setting the public hearing on the disposition of the property for July 25, 2005. Prior to the public hearing, the City has notified the surrounding property owners of the proposed action. The South Side Task Force has also been advised of the proposed action. On June 30th, the City advertised for bids to purchase the property to determine interest from other parties in the site. No bid for the property was received on July 12, 2005.

PROCEDURAL HISTORY

The land was acquired for redevelopment purposes in three transactions in the 1980s for \$113,000 using Tax Increment (3 lots) and CDBG (5 lots) resources. Other redevelopment projects on South 27th 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, Security Armored Express, and the Montana Rescue Mission.

On July 25th, a public hearing will be held on the proposed sale of the property.

BACKGROUND

The current request for bids has been triggered by interest expressed by Aztec to purchase the property for a Meineke Car Care Center. Meineke is currently building a facility off Shiloh and Grand and is interested in constructing a second facility in Billings.

Prior to consideration of this request, the City of Billings must follow 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 setting the public hearing on the proposed action for July 25th. The process also included mailing a notice of the public hearing to all property owners within 300 feet of the site.

The South 27th Street Development Incentives were approved in the late 1980's and are designed to encourage the sale and development of properties along the South 27th Street Corridor. The incentives include a reduction in the sales price based on the size of the development, the number of jobs created and the value of improvements or increased tax base, and rewards cash sales. The incentives also allow for the payment of 5% sales commission to realtors for sales over \$100,000. In response to the request from Aztec, the City of Billings has requested bids for the property to determine if other parties are interested in purchasing and developing the property.

ALTERNATIVES ANALYSIS

Alternatives for the disposition and sale of this property include: 1) selling the land according to the existing S. 27th Street Development Incentives. This allows for reductions in the sales price based on the number of jobs being created and the value of the improvements, and provides a discount for a cash sale; 2) selling the property at appraised value; 3) requesting bids to determine interest of other parties in the property; and 4) deciding not to sell the land. The City pursued the option of selling the land according to the S. 27th Street Development Incentives in conjunction with requesting bids to determine if other parties are interested in purchasing the property.

STAKEHOLDERS

The South Side Task Force and the surrounding neighbors have been advised of the proposed development and the public hearing scheduled for July 25th.

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 South 27th Street Zoning District.

RECOMMENDATION

Staff recommends that the Council (1) hold a public hearing on July 25th on the proposed sale of Lots 1-8, Block 226, Original Town, and (2) re-advertise request for proposals for sale of Lots 1-8, Block 226, Original Town.

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, JULY 25, 2005

TITLE: Public Hearing for Special Review #789
DEPARTMENT: Planning & Community Services
PRESENTED BY: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

PROBLEM/ISSUE STATEMENT: This is a Special Review to permit the location of a restaurant grease recycling plant and transfer facility for raw materials to be shipped to a rendering plant in Spokane, Washington. The subject property is described as Tract 1B of C/S 1037 Amended at 800 Minnesota Avenue in a Heavy Industrial zone. Baker Commodities is the owner and Dave Hurlburt of Ackerly-Hurlburt Architects is the agent. The Zoning Commission conducted a public hearing on July 5, 2005, and is forwarding a recommendation of conditional approval to the City Council.

ALTERNATIVES ANALYZED: Before taking any action on an application for a Special Review use, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The Council shall take one of the following actions:

- Approve the application;
- Conditionally approve the application;
- Deny the application;
- Allow withdrawal of the application; or
- Delay the application for a period not to exceed thirty (30) days.

FINANCIAL IMPACT: The special review, if approved, should increase the tax base of the City.

RECOMMENDATION

The Zoning Commission is recommending that the City Council grant conditional approval for Special Review #789.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

- A. Zoning Map
- B. Site Photographs
- C. Site Plans
- D. Information on Baker Commodities
- E. Letters of objection and support

INTRODUCTION

The applicant is requesting a Special Review to permit the continuation of the use of the property as a transfer station for raw materials shipped daily to a Baker Commodities rendering plant in Spokane, WA and to add a restaurant grease re-processing plant. The raw material storage (livestock carcasses) with daily shipping to Spokane, WA has been conducted on this 3.7 acre property since August of 2004. Baker Commodities was not aware until May 2005 that a special review approval was required to operate at this location. The Zoning Commission voted 4-1 to recommend conditional approval to the City Council.

PROCEDURAL HISTORY

- A special review application was received on June 6, 2005.
- The City Zoning Commission voted 4-1 at its public hearing on July 5, 2005 for conditional approval of the special review.
- The City Council will conduct a public hearing and consider this application on July 25, 2005.

BACKGROUND

Section 27-306. Commercial and Industrial Uses specifies that a Special Review is necessary for certain manufacturing uses within a Heavy Industrial zoning district. These uses include meat packing plants, poultry slaughtering, grain mill products, sugar refineries, candy manufacturers, and animal fat rendering plants and ancillary uses. A use that requires special review in a Heavy Industrial zone has a high potential for conflict with adjacent land uses as well as the creation of nuisance conditions. Baker Commodities has been in operation for approximately 75 years in several locations throughout the United States. The company does not intend to construct or operate a full-scale animal rendering plant at this location. Baker Commodities intends to continue to provide a transfer facility for raw materials and construct a restaurant grease re-processing plant. The grease re-processing plant will collect used food-grade grease and oil from local restaurants and re-process it for sale to other users. The process should not release steam or odor from the plant.

A situation in April 2005 when a large number of buffalo carcasses were stored on the property prompted an investigation and review by the Planning Department and City/County Health. It was discovered at that time a Special Review was required for the operation of the transfer station and the proposed addition of a restaurant grease re-processing plant. Since May 2005 Baker Commodities has taken steps to control odors, insects and ensure proper short-term storage of the animal carcasses brought to the property. The Planning Department has not registered any further complaints about odors or insects since June 15, 2005.

The City Zoning Commission has considered the application and is recommending conditional approval. The development of the property will include a storage bunker for raw materials, an addition to the existing enclosed building to the south of the property and a tank containment area for the finished recycled grease products. The Zoning Commission is recommending eight (8) conditions of approval to eliminate the potential for conflict with surrounding property.

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 Article (27-1500).

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 proposed use is compatible with the adjoining land uses.

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

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

Based on the above criteria, the Zoning Commission is recommending approval with the following conditions:

1. The special review approval shall be limited to Tract 1B of C/S 1037.
2. The transfer station for raw materials – animal carcasses - shall be controlled at all times with either a closed and locked gate or staffed when open to receive materials. “No dumping” signs shall be posted at the entrances and exits to the property.
3. All animal carcasses shall be stored in an enclosed building or container until shipped off site. No animal carcasses shall be stored in the open or on the ground. The operator shall employ all available means to control flies and odors.
4. All used grease and oil brought to the site shall be stored in water tight containers. Barrels or drums shall have tight fitting lids.
5. Baker Commodities shall obtain all necessary and required permits to access public utility services including water supply and waste water discharge to the public sewer system.
6. The operator of the site shall appoint an individual to act as a contact person and complaints about failure to comply with these conditions shall be directed to that person in writing as a first step in resolving the problem. Failure to reasonably address the complaint will be considered a violation of the zoning regulations and enforcement of the regulations and conditions shall be as set forth in Section 27-1604 of the Billings Montana City Code.
7. The development of the site shall be in substantial conformance with the submitted site plan dated 6/1/2005.
8. All other limitations on expansion or changes in operations shall apply in accordance with Section 27-613(c) of the Billings Montana City Code.

****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

The public hearing held on July 5, 2005, before the City Zoning Commission was attended by Mr. Dave Hurlburt of Ackerly-Hurlburt Architects, agent for the applicant, Mr. Dick Hinthorne of Baker Commodities, JT Smith of Beartooth Resource Conservation & Development and several other representatives from Baker Commodities. Mr. Hinthorne and Mr. Smith offered testimony to the Zoning Commission in support of the application. Don Stanaway of AI Distributors, 900 1st Avenue North, offered testimony against the proposal. Mr. Stanaway explained that when the buffalo carcasses were brought to the property in April 2005 the smell was so bad several employees were physically ill and had to leave work for the day. Mr. Stanaway indicated that customers and employees have complained since that time but the smell has not been a daily problem. Mr. Stanaway suggested that a condition of approval should be that if odors are escaping the property again, the operation should be shut down permanently. Mr. Pat Cormier, owner of Casey's Golden Pheasant on North Broadway, testified that he uses the services of Baker Commodities for weekly pickup of his restaurant grease but is seriously concerned about odors from the animal carcass storage operation. If the wind shifts towards downtown and Baker Commodities has another problem as they had in April, downtown businesses could be adversely affected.

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 re-development in a blighted area of the City Of Billings.
- The proposal will comply with conditions of approval to mitigate any potential for conflict with adjacent land uses.
- Baker Commodities, Beartooth Resource Conservation & Development and the Yellowstone County Commissioners have partnered to bring the services Baker Commodities offers to Billings and Yellowstone County. A tax abatement application is pending.

RECOMMENDATION

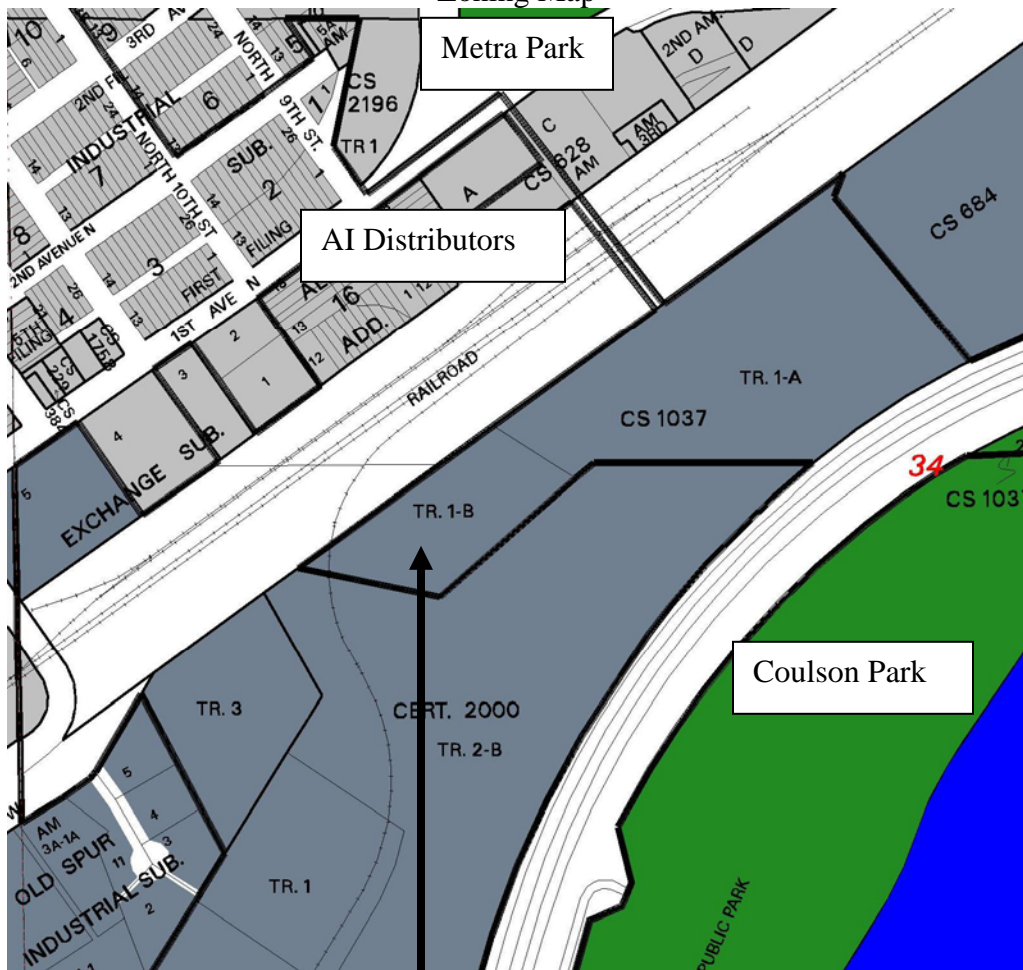
The Zoning Commission is recommending that the City Council grant conditional approval for Special Review #789.

ATTACHMENTS

- A. Zoning Map
- B. Site Photographs
- C. Site Plans
- D. Information on Baker Commodities
- E. Letters of objection and support

ATTACHMENT A

Zoning Map



Subject Property – 800 Minnesota Avenue

ATTACHMENT B
Site Photographs for Special Review #789



Existing conditions at 800 Minnesota Avenue



ATTACHMENT B, continued
Site Photographs for Special Review #789



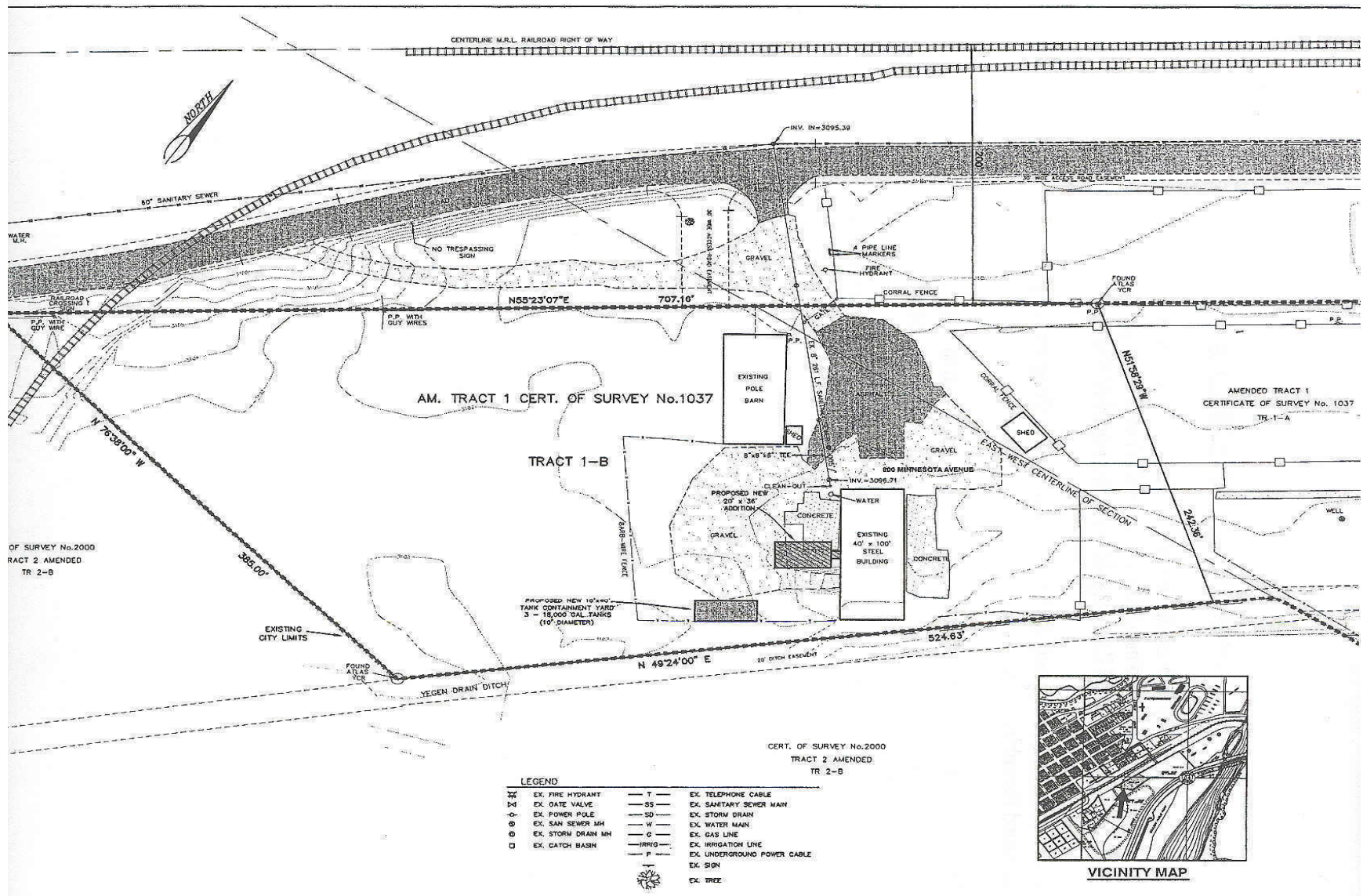
View south to rear of 800 Minnesota – New raw material storage will be to the left of the existing building



View north east to rear of AI Distributors

ATTACHMENT C

Site Plan – Special Review #789



ATTACHMENT D

Baker Commodities Company Profile

Baker Commodities, Inc.

They've Come a Long Way, Baby

the Jerome brothers had a nose for business. About 75 years ago, Frank, Paul, and Varney Jerome, started a fertilizer business in a suburb of Los Angeles, CA, subsequently moving their venture to the Imperial Valley four years later. Five years after that move, they were a player in the rendering industry.

To service the dairies located in the Imperial Valley, the Jeromes began collecting dead stock in a 1921 Studebaker touring car. Their "modern" plant consisted of an open tank filled with water that was heated to boiling with live steam. The dead stock was skinned and then boiled to render the fat. The fat was then barreled and, along with the hides, sold in nearby Los Angeles. This being 1935, it took the brothers nearly two days to process one cow.

Jump forward to 2001. What the Jeromes started back then is now an eight plant, 12 collection station, modern rendering operation known today as Baker Commodities, Inc.

In the Beginning

Once the Jeromes began their rendering business, it didn't take long for them to expand. Within 25 years of that first cow being rendered, the Jeromes had opened rendering plants and hog farms in Arizona and New Mexico, began a solvent extraction plant in Southern California, acquired rendering, tallow, and packing operations, including one in Honolulu, HI, and sailed across the sea, shipping their tallow to the Orient.

One of those key purchases occurred in 1948. Frank and his brothers bought a defunct rendering business named Baker Rendering Company, previously owned by Phil Baker. The property where the company was located was converted to a fish reduction plant named Harbor By-Products, which became a subsidiary of Baker Rendering Company. Baker Rendering was relocated to Bandini Boulevard in Vernon, CA, just down the street from where Baker Commodities, Inc., is headquartered today.



Jim Andreoli, right front, with sons, Jim Jr., Tony, and Andy.

The Jeromes toiled in their various ventures for several years, going through the typical trials and errors. As the business grew, Frank realized the need for qualified employees. From 1950 until 1960, he hired seven key individuals who would eventually become part of the Baker family. One of these key employees was Jim Andreoli, who was hired in 1951 as chief accountant, leaving his position at a public accounting firm.

Since mechanization of existing facilities and new construction was important to the company at this time, Frank became acquainted with Jack Keith, an engineer who, together with the Jeromes, formed Keith Engineering Company, a business that was instrumental in developing new rendering processes beneficial to Baker, including the first continuous rendering system at Baker's Los Angeles, CA, plant in 1960. Keith Engineering also developed the Keith Press, which later became known as the Duke Pressor when Keith Engineering was sold to The Dupps Company.

It wasn't long before the Jerome brothers saw the need to create incentives to retain these seven key men who had been with the company for so many years. So in 1961, the



Baker Commodities is proud of their modern odor control system at their Massachusetts plant, which was totally rebuilt after a devastating fire in 1996.

Jeromes formed Baker Commodities, Inc., naming the brothers and these pivotal employees as owners.

Growth Continues

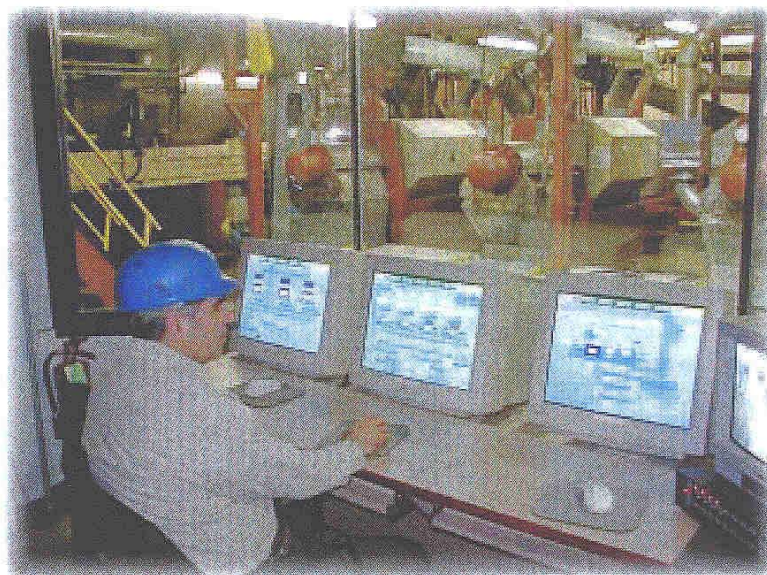
From 1961 until the mid-1980s, Baker acquired a number of small rendering companies, primarily in California. In 1974, Baker ventured into the Korean market by establishing Samyang Baker Tank Terminal in Inchon, Korea, with Sam Yang Foods as co-owner.

In 1976, Baker Commodities, Inc., was sold to Canadian Pacific Enterprises, a subsidiary of Canadian Pacific Railroad. Under this new ownership, the growth continued, including the acquisition of Corenco Corporation, which was headquartered outside Boston, MA. Corenco was originally formed as Lowell Fertilizer Company in 1898 by the Swift family, owners of Swift Meat Packing. That rendering plant was substantially destroyed in a 1996 fire, was totally rebuilt, and today is a state-of-the-art facility using computer controlled processing and possessing one of the most up-to-date odor control systems in the industry.

In 1982, Baker purchased several rendering companies in New York, including a plant in Rochester (Wm. Stappenbeck, Inc.) that began operation in 1892 as A-Peterson.

Andreoli, who was a key player when Baker first incorporated, again became a notable part of the company's history when he reacquired Baker from Canadian Pacific in 1985. It was at this same time that his three sons, Jim Jr., Tony, and Andy, became renderers alongside their father.

Under Andreoli's leadership, Baker Commodities continued to thrive, acquiring additional companies throughout the Western United States and on the Eastern coast, including Seattle Rendering Works and Johnson Manufacturing in Seattle, WA, One More Time in California, The Grease Company in Las Vegas, NV, Independent Tallow in Boston, MA, Twin Town Rendering in Maine, and Maricopa By-Products in Phoenix, AZ. Today, Baker Commodities operates facilities in Arizona, California, Hawaii, Massachusetts, New York, and Washington, with raw material



Joe Cantin monitors a new state-of-the-art process control system at Baker Commodities' Billerica, MA, facility.

collection stations in California, Nevada, Maine, Montana, New York, Oregon, Rhode Island, Vermont, and Washington. Bulk liquid terminals owned or leased in Long Beach, CA, Tacoma, WA, Newington, NH, and Inchon, Korea, service Baker's vast tallow business.

Baker is both a manufacturer and a merchandiser, not only selling its own products of tallow, feed fat, and meat and bone meal, but also buying products from other renderers for resale. As a leading exporter of U.S. rendered products, Baker sold tallow and meat and bone meal in 20 different countries in 1999. Through the activities of George Congleton, Baker's vice president of marketing, the company has participated in numerous seminars in China, which has helped to open up this vast market to U.S. rendered products.

Baker prides itself on utilizing the latest technology, not only in processing its materials, but controlling odor. With five plants located in the heart of major cities, three of which are situated in residential neighborhoods, Baker has remained vigilant in applying good rendering practices and using the best odor control technology to prevent and control odors. The company has also remained proactive with local citizen groups and governmental

agencies and takes complaints seriously by responding immediately.

Dedication is Honored

As was evident throughout Baker's growth, part of the success of the company is due to its dedicated employees. Baker believes that it has one of the most stable management teams in the industry. Ray Kelly, executive vice president, has been with the company for over 30 years. Congleton, Bill Sikes, vice president operations, and Jim Reynolds, chief financial officer, have been with Baker over 35 years. Ed Murakami, who recently retired after 40 years with the company, continues to consult for Baker and four other officers have over 20 years with the company. Baker is proud of its over 600 employees who go the extra mile to ensure the company lives up to its motto, "Quality and Pride... Worldwide."

Baker employees strive to remain active in local communities and community organizations. As a result, these dedicated individuals have received numerous civic awards, including being named an "Honorary Citizen," "Man of the Year," and "Businessman of the Year" by these organizations.

Baker Commodities has also been

Continued on page 23

Profile *Continued from page 17*

recognized for its distinguished service and outstanding contributions to the rendering industry. Andreoli and Murakami have both been awarded the Pacific Coast Renderers Association's coveted Tallowmaster award.

Baker Gives Back

Although the company relishes in its success, it is quick to give back, not only to the community and industry, but also to children in need.

In 1956, Frank, Paul, and Varney founded The Jerome Foundation, with a primary focus to promote the care and education of children. Although the Jerome brothers are no longer alive, the foundation continues today under the direction of four Baker employees and a nephew of the Jerome's.

There are two Jerome Foundations, the primary operation being in the United States and an affiliated foundation in the Philippines, where the Jeromes operated three copra crushing plants until 1973. The U.S. foundation fully funds the Philippine operations as well as provides funding to other U.S. charities for children related activities. Thanks to the generosity of the foundation, over 13,000 surgical procedures have been performed in the Philippines, mainly harelip, cleft palate, and clubfoot operations. The foundation covers the costs of these procedures, which are performed in the Philippines by Philippine doctors, some of whom were trained in the United States at Jerome Foundation expense.

Baker Commodities gives back to the rendering community by remaining involved with industry associations. As an active member of the Pacific Coast Renderers Association and the National Renderers Association practically since their inceptions, the Baker Commodities' management team has in the past and currently serves on numerous committees and boards of directors, donating effortless time and monies in support of what they feel are vital organizations to the continued success of not only Baker, but also of the rendering industry. ♦

ATTACHMENT E

Special Review #789 Letters of objection and support



A & I Distributors

(Automotive & Industrial Distributors)

900 1st Avenue North • Box 1999 • Billings, Montana 59103-1999
Phone (406) 245-6443 • Fax (406) 256-1113

July 5, 2005

Zoning Commission
City/County Planning Dept.
510 North Broadway 4th Floor
Billings, MT 59101

Dear Gentlemen:

Reference zoning commission hearing July 5, 2005.

Subject: Special Review 789: 800 Minnesota Avenue, Baker Commodities, Spokane, Washington.

As long time members of the Billings Chamber of Commerce, as well as a past board member, we welcome any new or expanding businesses to Billings.

However, on or about April 14/15, 2005 many of our employees noticed a horrible stench in the air. Upon further investigation it was determined the stench was coming from the Baker operation. The stench was so severe that three of our employees went home sick and many others were ill but continued to work.

Our property is located just north of the Baker location at 900 1st Avenue North just across the tracks.

We strongly suggest that if this zoning is approved and the plant is allowed to be constructed that the Zoning Commission conditionally approved this application with the understanding that if the stench ever returns again that the City of Billings will permanently shut the plant down.

Sincerely,

Don Stanaway
Vice-President

PUBLIC AUCTION YARDS
OF BILLINGS, MONTANA
P. O. Box 1781 Phone (406) 245-6447



July 5, 2005

To Whom It May Concern:

RE: Baker Commodities

Baker Commodities services are essential to the countless businesses in Billings and surrounding areas.

We need to be able to have their operation in Billings to accommodate the many restaurants, food services and livestock industry.

We had Darlington Industries for several years. When they left our community, it was then realized how important their services were.

Baker Commodities has made a commitment to Billings and we need to keep them here. They are good neighbors and we would encourage that their permit be granted.

Public Auction Yards

Bob Cook
Manager



City of Billings
Public Works Department
406-657-8260
P.O. Box 1178
4848 Midland Road
Billings, Montana 59103
FAX: 406-247-8626

July 5, 2005

TO: Whom it May Concern

Re: Baker Commodities

A few years ago the Billings Rendering Plant ceased operations. They provided collection and recycling of dead animals, meat processing waste, and restaurant grease. At that time, there was no other option except to take that material to the Billings Landfill. Baker Commodities, which is based out of Spokane, Washington began exploring the possibility of providing collection of that type of material and transporting it to Spokane for recycling. As most people know, transportation to the point of processing is one of the greatest expenses of a recycling program. Baker Commodities has persisted in being able to provide collection and recycling for a waste stream that would otherwise end up in the Billings Landfill.

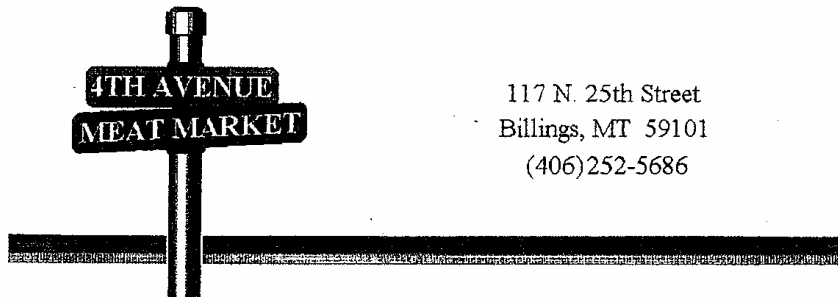
The City of Billings Solid Waste Division encourages recycling of waste whenever possible, and the service that Baker Commodities provides is important and beneficial.

SOLID WASTE DIVISION

A handwritten signature in black ink that reads "Ken Behling".

Ken Behling
Solid Waste Superintendent





117 N. 25th Street
Billings, MT 59101
(406)252-5686

5-July-2005

To whom it may concern:

I am writing in support of Baker Commodities. Baker Commodities provides our sector of business a valuable and essential service in the removal of renderable products. They come to our business at least once a week to pick up our rendering and beef hides. Without their service, we would be forced to put these products in the county landfill.

When Darling Delaware closed, it put everyone from farmers to the retailers in a bind to dispose of these materials. It was a boon to have Baker Commodities step into this area and provide services.

I have always believed that recycling a product is always better than throwing it away. A rendering plant recycles these materials into everything from cosmetics, lotions, and animal feeds.

Sincerely,

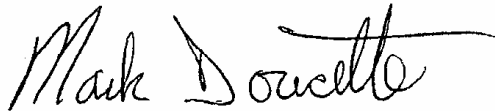
Kevin Harrell, partner

To whom it may concern

Baker Commodities

Has been providing a much needed service by picking up our waste from the area Albertsons meat departments. They have been a good business partner in providing this needed service and it would be difficult not having them as our partner.

**Mark Doucette
Albertsons Inc.
Meat Merchandising Manager
Big Sky**

A handwritten signature in black ink that reads "Mark Doucette". The signature is written in a cursive style with a long horizontal stroke at the end.

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: Zone Change #760 Public Hearing and 1st Reading of Ordinance
DEPARTMENT: Planning and Community Services
PRESENTED BY: Nicole Cromwell, AICP, Planner II, Zoning Coordinator

PROBLEM/ISSUE STATEMENT: This is a zone change request from Residential Manufactured Home to Highway Commercial on Tract 2 of Certificate of Survey 529. The subject property is located at 2202 Main Street and supports an existing manufactured home and a barber shop. The property owner is Terrance Luff and the agent is Jim Carroll of Downtown Realty. The Zoning Commission held a public hearing on July 5, 2005, and voted 5-0 to recommend approval.

ALTERNATIVES ANALYZED: State law at MCA 76-2-304 requires that all zone changes be reviewed in accordance with 12 criteria. Using the 12 criteria to determine the appropriateness of the zone change request, the City Council may:

1. Approve the zone change request
2. Deny the zone change request
3. Allow withdrawal of the application
4. Delay action for up to thirty (30) days

FINANCIAL IMPACT: This zone change should increase the City's tax base when the new zoning takes effect.

RECOMMENDATION

The Zoning Commission recommends that the City Council approve Zone Change #760 and adopt the determinations of the discussed 12 criteria.

Approved by: _____ **City Administrator** _____ **City Attorney**

ATTACHMENTS:

- A: Site photographs
- B: Map
- C: Ordinance

INTRODUCTION

This is a zone change request from Residential Manufactured Home to Highway Commercial on Tract 2 of Certificate of Survey 529. The subject property is located at 2202 Main Street and has 1.231 acres in lot area and currently supports a manufactured home and the former Luff Barber Shop.

PROCEDURAL HISTORY

- On June 6, 2005, the Planning Department received the application for a zone change.
- The Zoning Commission held a public hearing on July 5, 2005, and voted 5-0 to recommend approval of the requested Zone Change.
- The City Council will hold a public hearing on July 25, 2005, and make a decision on the zone change application.
- If the Zone Change ordinance is approved on first reading, the City Council will consider it for second reading on August 8, 2005.

BACKGROUND

There are no immediate plans to develop the property and it is currently on the market for sale. The existing barber shop is a non conforming use and if the zoning were changed, the barber shop would become a conforming use. The manufactured home however would become a nonconforming use. The zoning regulations would allow that manufactured home to remain or be replaced in the future as long as the new manufactured home was not substantially larger than the existing one.

The Planning Department reviewed the application and recommended approval to the Zoning Commission based on the attached twelve (12) criteria for zone changes. The property is adjacent to Highway Commercial zones to the north and south and has frontage on Main Street, a principal arterial street and state highway. A new owner of the property could re-develop the lot for any use allowed within Highway Commercial zones. Any new development would have to supply landscaping and buffering to existing residential areas to the west.

The City Zoning Commission reviewed this application and held a public hearing on July 5, 2005. The Zoning Commission voted 5-0 to recommend approval based on the attached twelve (12) criteria for zone changes.

ALTERNATIVES ANALYSIS

The City Council may approve, deny, delay or allow withdrawal of the zone change. All zone changes must be evaluated using the 12 criteria that are set out in MCA 76-2-304. The 12 criteria and the Zoning Commission's determinations are listed below.

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

The new zoning will help to curb leapfrog development by allowing redevelopment and infill in an existing and growing city neighborhood. The 2003 Growth Policy supports the development of commercial uses along existing arterial streets. The proposed zoning is compatible with surrounding zoning and with existing developments.

2. *Is the new zoning designed to lessen congestion in the streets?*
The new zoning may increase the traffic generated from this site. The new traffic generated would vary depending on the chosen use for the existing barber shop. There is no current planned use for the property and any change to the existing drive approach would require city and state approval.
3. *Will the new zoning secure safety from fire, panic and other dangers?*
This lot has public street frontage and is served by the City Fire Department and Police Departments. No public health or safety issues have been raised with this application.
4. *Will the new zoning promote health and general welfare?*
The new zoning contains restrictions on uses allowed and provides for minimum setback requirements for structures.
5. *Will the new zoning provide adequate light and air?*
The new zoning provides for sufficient setbacks for structures to allow for adequate light and air.
6. *Will the new zoning prevent overcrowding of land?*
The new zoning, as do all districts, has limits on the maximum percentage of lot that can be covered with structures. The Highway Commercial zone allows maximum lot coverage of 75 percent or 40,217 square feet on this 1.231 acre lot. The existing lot coverage of 5 percent could increase significantly with the construction of a highway commercial use. The maximum lot coverage should still prevent the overcrowding of land in this area.
7. *Will the new zoning avoid undue concentration of population?*
The new zoning of Highway Commercial allows single-family and multifamily dwellings, based on minimum lot area. The lot could support up to nine (9) single family homes or an apartment building with up 33 dwelling units. The new zoning should not create an undue concentration of population.
8. *Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?*
Transportation: The new zoning will not have a significant effect on the adjacent streets or traffic patterns.
Water and Sewerage: The City current provides water and sewer service to the property and has adequate facilities to serve this property. Any additional development of the property will require evaluation of the existing services.
Schools and Parks: There should be no effect on parks or schools from this rezoning.

Fire and Police: The property is served by existing services and there should be no effect on these services from the new zoning.

9. *Does the new zoning give reasonable consideration to the character of the district?*
The primary zoning in this area is Highway Commercial with Residential Manufactured Home neighborhoods to the west. The intensity of the commercial development has increased over the past decade and many properties in this area are re-developing. The manufactured home neighborhoods to the west are provided some screening from the Main Street activity by landscaping, fencing and an irrigation ditch that runs north and south through the area.
10. *Does the new zoning give consideration to peculiar suitability of the property for particular uses?*
The subject property is suitable for the requested zoning district.
11. *Was the new zoning adopted with a view to conserving the value of buildings?*
The new zoning is not expected to appreciably alter the value of buildings in the area. The existing building on the property will retain its value and will be conforming to the zoning regulations. The existing manufactured home will become nonconforming but can be retained and replaced in the future.
12. *Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?*
Yes, the new zoning will encourage the most appropriate use of this land in the area.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2003 Growth Policy Plan is discussed in the Alternatives Analysis section of this report.

STAKEHOLDERS

The Zoning Commission held the public hearing on July 5, 2005, and Terrance Luff, the applicant, and Jim Carroll, the agent, explained the proposal to the commission. Mr. Luff is ready to retire and the existing commercial use does not conform to the zoning and limits the market potential for the property. No opponents of the proposal were present at the public hearing and the Planning Department did not receive any written objections.

RECOMMENDATION

The Zoning Commission recommends that the City Council approve Zone Change #760 and adopt the determinations of the discussed 12 criteria.

ATTACHMENTS:

- A: Site photographs
- B: Map
- C: Ordinance

ATTACHMENT A
Site Photographs – Zone Change # 760



2202 Main Street – Luff Barber Shop



Manufactured home to the west of the property

ATTACHMENT A continued
Zone Change #760



Property directly south of 2202 Main Street

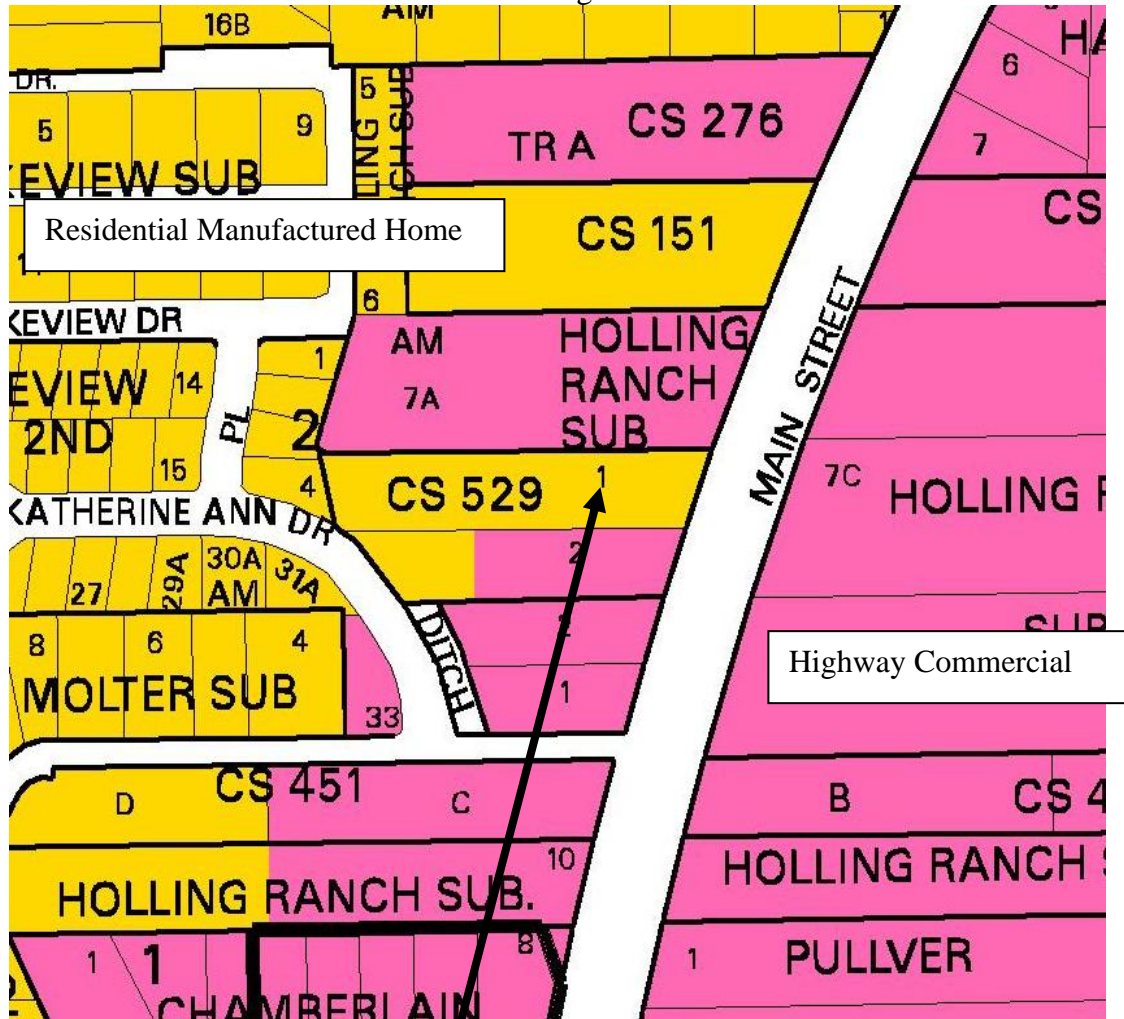


Property directly north of 2202 Main Street

ATTACHMENT B

Zoning Map

Zone Change #760



2202 Main Street

Subject Property and Surrounding Zoning

ATTACHMENT C
ORDINANCE NO. 05-
AN ORDINANCE AMENDING THE ZONE
CLASSIFICATION ON Tract 2 of Certificate of Survey #529 a
1.231 acres parcel of land. **THE SUBJECT PROPERTY IS**
LOCATED AT 2202 MAIN STREET.

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

1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.

2. DESCRIPTION. A tract of land known as Tract 2 of C/S #529 containing 1.231 acres of land, more or less and is presently zoned Residential Manufactured Home and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential Manufactured Home** to **Highway Commercial** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Highway Commercial** zones as set out in the Billings, Montana City Code.

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

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

PASSED by the City Council on first reading July 25, 2005.

PASSED, ADOPTED AND APPROVED on second reading August 8, 2005.

CITY OF BILLINGS:

BY: _____

Charles F. Tooley, Mayor

ATTEST:

BY:

Marita Herold, CMC/AAE, City Clerk

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, July 25, 2005

TITLE: 2005-2009 Transportation Improvement Program
DEPARTMENT: Planning and Community Services Department
PRESENTED BY: Scott Walker, Transportation Planner

PROBLEM/ISSUE STATEMENT: Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) every 2 years. Our current 2005-09 TIP falls into this category.

This updated TIP is being presented to Council for review of the current projects and costs associated with them. All federally funded transportation projects are recommended to the Policy Coordinating Committee (PCC). The PCC is the final approving authority for transportation-related documents within the Billings Urban Area. The Mayor serves as Council's representative on the PCC. The PCC is composed of four members; the Mayor of the City of Billings, the Chair of the Yellowstone County Commission, the President of the Yellowstone County Board of Planning, and the District Administrator, Billings District, of Montana Department of Transportation.

ALTERNATIVES ANALYZED: The Council may elect to recommend approval of the 2005-09 Transportation Improvement Program in order to continue the implementation of federally funded transportation projects as presented. If Council chooses to recommend modifications to the proposed program, the Mayor will present these recommendations to the PCC for further consideration.

FINANCIAL IMPACT: A range of federal funding sources is available to the Billings Urban Area for the purposes of funding transportation system improvements. A list of those sources which, when available to the Billings Urban Area, are shown in the Transportation Improvement Program. Project implementation is indicated as expected to occur during the pertinent program year.

RECOMMENDATION

Staff recommends that Council approve the Transportation Improvement Program and forward that recommendation to PCC.

Approved By: **City Administrator** ____ **City Attorney** ____

ATTACHMENT

A. Transportation Improvement Program

INTRODUCTION

The Transportation Improvement Program (TIP) is a short-range program of highway and transit projects in the Billings Metropolitan Planning Organization area and is prepared by Planning Department staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

PROCEDURAL HISTORY

The development of the TIP document is the responsibility of the Billings urbanized area Metropolitan Planning Organization and provides an opportunity for local officials to determine priorities and spending for federal highway and transit funds. Any transportation project located in the Billings urbanized area must be included in the TIP prior to receiving federal funds. TIP projects must be included in the area's 20 year Transportation Plan, and are proposed for the TIP by local elected officials, transit operating officials, or state highway agencies. The TIP is reviewed and endorsed annually by the PCC and may be modified through the TIP amendment process. The PCC includes the Mayor of Billings, Chair of the Yellowstone County Commission, President of the Yellowstone County Board of Planning and the District Administrator of the Montana Department of Transportation. After PCC endorsement, the TIP is submitted to the Montana Department of Transportation (MDT) and to the Federal Highway Administration and Federal Transit Administration for federal review of the document and approval of conformity determination.

The Technical Advisory Committee will be meeting to review and make recommendation of this document on the 20th of July.

The Mayor will forward the Council's recommendation to the Policy Coordinating Committee for final action.

BACKGROUND

The TIP is a required fiscal planning document for federally assisted highway and transit improvements in the Billings Urban Transportation Planning Area, and covers a five-year program period. The emphasis is on the first two (2) years of the program. Projects in these two years can be shifted around based on available funding

Also included in this document are the current transit projects. These projects must appear in an approved TIP before they can be funded.

ALTERNATIVES ANALYSIS

None

RECOMMENDATION

Staff recommends that Council approve the Transportation Improvement Program and forward that recommendation to PCC.

ATTACHMENT

- A. Transportation Improvement Program

BILLINGS URBAN AREA



TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

FY 2005 – 2009

August 2005

Prepared by:

Yellowstone County Board of Planning

In Cooperation With:

City of Billings
Yellowstone County
Yellowstone County Board of Planning
Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration

Reviewed By:

Date

Technical Advisory Committee	7/20/05
Yellowstone County Board of Planning	//05
Billings City Council	//05
Yellowstone County Commissioners	//05

Approved By:

Date

Billings Policy Coordinating Committee	//05
Montana Department of Transportation	//05
Federal Highway Administration	//05
Federal Transit Administration	//05

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METROPOLITAN TRANSPORTATION PLANNING PROCESS SELF-CERTIFICATION

The Billings Metropolitan Planning Organization for the Billings, Montana, urbanized area hereby certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 49 U.S.C. 5323 (k) and 23 U.S.C. 134 and 23 CFR 450.334;
- II. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794;
- III. Section 1101 (b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (49 CFR part 26);
- IV. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and the U. S. DOT implementing regulation; (49 CFR Parts 27, 37, and 38)
- V. The provision of 49 CFR part 20 regarding restrictions on influencing certain activities; and
- VI. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U. S. C. 7504, 750 (c) and (d)).

Joint MPO / MDT review of the Billings transportation planning process serves as the basis for this certification statement.

Public participation in the TIP is encouraged at the meetings of the Billings Technical Advisory Committee, Yellowstone County Board of Planning, Billings City Council and Yellowstone County Commission.

Billings, Montana
Metropolitan Planning Organization

Signed _____
President, Yellowstone County Board of Planning

Dated _____

INTRODUCTION

PREFACE

The Yellowstone County Board of Planning (YCBP) is the metropolitan planning organization (MPO) for the Billings urbanized area. The Transportation Improvement Program (TIP) is the funding mechanism for transportation projects requesting federal dollars in the Billings urbanized area. All MPO's are required by the Transportation Equity Act for the 21st Century (TEA-21) to produce a TIP and update it at least biannually. TEA-21 was signed into law by President Clinton on June 9, 1998. The act authorizes highway, highway safety, transit, and other surface transportation program for six years. This document contains a list of all surface transportation projects requesting the use of federal funds found in the TEA-21. With TEA-21, local jurisdictions working through YCBP's Policy Coordinating Committee (PCC) determine how the area's transportation system is put in place.

PURPOSE OF THE TIP

The Transportation Improvement Program (TIP) is a short-range program of highway and transit projects in the Billings Metropolitan Planning Organization area and is prepared by YCBP staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

THE TIP PROCESS

The development of the TIP document is the responsibility of the Billings urbanized area Metropolitan Planning Organization and provides an opportunity for local officials to determine priorities and spending for federal highway and transit funds. Any transportation project located in the Billings urbanized area must be included in the TIP prior to receiving federal funds. TIP projects must be included in the area's 20 year Transportation Plan, and are proposed for the TIP by local elected officials, transit operating officials, or state highway agencies. The TIP is reviewed and endorsed annually by YCBP's PCC and may be modified through the TIP amendment process. The PCC includes the Mayor of Billings, Chair of the Yellowstone County Commission, President of the Yellowstone County Board of Planning and the District Administrator of the Montana Department of Transportation. After PCC endorsement, the TIP is submitted to the Montana Department of Transportation (MDT) and to the Federal Highway Administration and Federal Transit Administration for federal review of the document and approval of conformity determination.

FEDERAL REGULATIONS

The Transportation Improvement Program (TIP) is a required fiscal planning program for federally assisted Highway and Transit improvements for the Billings Urbanized

Area and the Montana Department of Transportation (MDT) over a five-year period. The principal focus is given to the first two years of the program, the Biennial Element, which contains projects that could be implemented in 2005 and/or 2006.

The TIP is prepared annually and is in conformance with 23 CFR, Part 450 324-330.

FINANCIAL RESOURCES

A range of federal funding sources is available to the Billings Urban Area for the purposes of funding transportation system improvements. Following is a list of those sources which, when available to the Billings Urban Area, are shown in the Transportation Improvement Program. Project implementation is indicated as expected to occur during the pertinent program year.

FUNDING SOURCES

- Surface Transportation Program Urban (STPU)
- Surface Transportation Program Primary (STPP)
- National Highway System (NHS)
- Interstate Maintenance (IM)
- Surface Transportation Railroad Program (STRRP)
- Surface Transportation Enhancement (STPE)
- Surface Transportation Program Hazard Elimination - Safety (STPHS)
- Bridge Replacement and Rehabilitation Program (BR)
- Community Transportation Enhancement Program (CTEP)
- State Funded Construction (SFC)
- Congestion Mitigation Air Quality (CMAQ)
- Montana Air Congestion Initiative (MACI)
- FTA Section 5309 (Formerly Sec. 3)
- FTA Section 5307 (Formerly Sec. 9)
- FTA Section 5310 (Formerly Sec. 16)

AIR QUALITY CONSISTENCY

The City of Billings was designated as a non-attainment area for both Total Suspended Particulates (TSP) and Carbon Monoxide (CO) on May 26, 1988. As such, Billings was required to prepare a Transportation Control Plan (TCP). The TCP identified strategies to mitigate the TSP and CO problems. The TCP is the Billings element of Montana's State Implementation Plan (SIP). The TIP is required to be, and is, consistent with the TCP as discussed in the Billings conformity statement.

In 1987 the standard for TSP was dropped, and a new standard for particulate matter under 10 microns in size (PM - 10) was adopted (7/1/87 at 52 FR 24854). Billings is considered to be in compliance with this new standard.

CONFORMITY OF THE BILLINGS AREA TRANSPORTATION IMPROVEMENT PROGRAM WITH THE 1990 CLEAN AIR ACT

The Billings Urbanized Area was designated non-attainment for carbon monoxide (CO) on 3/3/78 (43 FR 8962) with a secondary classification of "unclassified". EPA approved the Billings CO control Plan on 1/16/86 (51 FR 2397). Billings was then redesignated as "Not Classified" on 11/6/91 (56 FR 56697). The area meets the qualifications of the Clean Air Act (CAA) for classification as an attainment area for ozone.

The Billings "not classified" carbon monoxide (CO) nonattainment area was redesignated by the Environmental Protection Agency (EPA) to attainment for the CO National Ambient Air Quality Standards (NAAQS) with an approved limited maintenance plan effective April 22, 2002. Under a CO limited maintenance plan, the motor vehicle emissions budgeted may be treated as essentially non-constraining for the length of the maintenance period because growth would need to exceed reasonable expectations to create a violation of the NAAQS for transportation-related CO. Therefore conformity demonstration using regional emissions analysis is not required, however, individual projects may still be required to conduct "hot spot" analysis.

As demonstrated in the following sections, the Transportation Improvement Program (TIP) satisfactorily meets the requirements established by the 1990 amendments to the CAA regarding the conformity of TIP's.

- The most recent estimates of CO mobile source emissions have been developed by the Analytical Services Section, Montana Department of Environmental Quality and are based upon development and transportation data provided by the Yellowstone County Board of Planning.

TRANSPORTATION CONTROL MEASURES

Specific Transportation Control Measures have not been proposed for the Billings area recently, however, the SIP completed in 1986 included the widening of Exposition Drive (Main Street) and the signalization at Main Street and First Avenue North. Both of these projects were completed in 1983.

There are no Transportation Control Measures (TCM's) in the State Implementation Plan (SIP) and therefore there are no specific TCM's recommended for implementation in this TIP.

TIP CONFORMITY

As a prerequisite for receiving Federal-aid transportation funds through the TIP, a determination must be made that the proposed transportation projects do not cause or contribute to violations of the carbon monoxide ambient air quality standards. An analysis, which meets the EPA conformity determination regulations specified in 40 CFR Part 51 was performed in conjunction with the development of the Billings Urban Area 2005 Transportation Plan. The plan was found to conform at the federal level June 29, 2005. The analysis appears in Section 4, pages 49-52 of the Plan document and is titled "Air Quality/Conformity". As the transportation projects in the TIP are contained in the Transportation Plan's analysis, a separate analysis for the TIP is not necessary.

New projects contained in the 2005-2009 Billings Area Transportation Improvement Program are listed below. Regionally significant projects and projects exempt from regional analysis per 40 CFR 93.126, 93.127 and 93.128 are reflected in tables following the new project listing. The new projects are as follows:

Midland Road/S. Billings Blvd.

This project will install a traffic signal at the intersection of Midland Road and South Billings Boulevard.

Monad Road

This project will install a turn bay on Monad Road at Shiloh Road.

Pinehills Interchange

This project will overlay the Pinehills Interchange West and Southeast.

R.R. Crossing Improvements

This project will upgrade the signals/circuitry at 2nd Avenue South, Gabel Road, Johnson Lane, 1st Avenue South R.R. Crossing locations.

I-90

This project will overlay I-90 from the Lockwood Interchange to Johnson Lane.

The following projects are considered regionally significant. They were included in the regional analysis completed for the Billings Urban Area 2000 Transportation Plan. The projects are included here for tracking purposes and are in the process of being implemented.

Project	Scope	Comments
Billings Airport Road	Reconstruction	
Shiloh Road Corridor	Reconstruction	
6th Avenue-Bench Blvd. Connection	Grade Separation	
North Bypass	Location Study	

The following is a list of all projects that are part of the Exempt Scenario for purposes of air quality conformity analysis.

NEW PROJECTS **EXEMPT** FROM REGIONAL ANALYSIS

Project	Scope	Comments
Midland Rd./S. Billings Blvd.	Signal	New Signal Install
Monad Road	Turn Bay	New Turn Bay
Pinehills Interchange	Overlay	
I-90	Overlay	Lockwood to Johnson Ln.
R.R. 2 nd Ave. S.	Circuitry	
R.R. Gabel Road	Circuitry	
R.R. Johnson Lane	Circuitry	
R.R. 1 st Ave. S.	Circuitry	
R.R. S. 27 th Street	Concrete Crossing	

ENERGY CONSERVATION CONSIDERATIONS

Energy impact analyses have been conducted as a part of the urban transportation planning process. In addition, increased attention has been given to energy conservation and contingency planning on a project specific basis.

As part of the 2005 update of the Billings Urban Area Transportation Plan, energy conservation was considered in each of the proposed alternative transportation networks.

The City of Billings has a well-developed transit system, and ride-sharing opportunities have also been examined. Transit facilities and highway system proposals will continue to be considered in a comprehensive method through the adopted Transportation Planning process.

The detailed energy conservation analysis of specific projects has been conducted for each of the major highway construction projects recommended in the Billings Urban Area Transportation Plan.

PROGRAMMING OF NON-URBAN SYSTEM, FEDERAL AID AND STATE FUNDING

Proposed projects involving federal-aid funding, other than urban system funding, that are proposed within existing rights-of-way and which are determined to not significantly change traffic patterns, are not considered to be of appropriate scale to warrant a modification to a currently valid TIP.

When there is knowledge of such projects prior to the annual adoption of the TIP, each project will be included in the program. Generally, projects falling within this category are those which serve to preserve and maintain the integrity of the existing plant or facility such as: overlays to improve or maintain surface conditions; bridge expansion joints and deck repairs necessary to maintain structural and surface sufficiency; slope repair necessary to maintain drainage adequacy; etc. Projects of this nature will be identified by the Department of Transportation with appropriate justification when requesting program approval of federal highway funds.

Local urban area officials will be advised by the department through the local planning process of the Department's intent to expend federal funds (non-urban system) for such improvements in their area.

**BILLINGS URBAN AREA
TRANSPORTATION IMPROVEMENT PROGRAM
FY 2005 – 2009**

**TABLE 1
TRANSPORTATION REVENUE ESTIMATES (2005-2006)
BILLINGS, MONTANA**

**TABLE 1
TRANSPORTATION REVENUE
ESTIMATES (2005-2009)
BILLINGS, MONTANA**

	SURFACE TRANS. PROGRAM (STP) (URBAN)	URBAN HIGHWAY PILOT IMP. PROGRAM (UHPIP)	MONTANA AIR CONGESTION INITIATIVE (MACI)	SURFACE TRANSPORTATION ENHANCEMENT (STE) (CTEP)	NH/NCPD/IM/BR STPX/STPRP/ STPHS/DEMO	TRANSIT SEC. 5309	TRANSIT SEC. 5307	TRANSIT SEC. 5310	GAS TAX CITY	GAS TAX COUNTY	TRANSADE	OTHER FUNDS (LOCAL)	TOTAL
2005	* \$ 6,978,965	\$ 1,464,782	** \$ 7,999,729	CITY \$ 2,034,090 COUNTY \$ 965,304	\$ 6,724,000	*** \$ 6,813,082	OPER. \$1,172,329	\$ 41,306	\$1,718,338	\$ 289,887	**** \$ 70,000	OPER. \$ 2,602,645 SEC.5310 \$ 165,226 SEC.5309 \$ 1,703,270	\$ 34,018,953
2006	\$ 2,587,036		\$ 1,286,229	CITY \$ 409,331 COUNTY \$ 151,483	\$ 13,365,821	\$ 1,400,000	OPER. \$1,230,945	\$ 88,809	\$1,718,338	\$ 289,887	**** \$ 130,000	OPER. \$ 2,676,866 SEC.5310 \$ 22,202	\$ 27,060,217
2007	\$ 2,587,036		\$ 1,376,204	CITY \$ 409,331 COUNTY \$ 151,483			OPER. \$1,292,392	\$ 142,507	\$1,718,338	\$ 289,887	**** \$ 130,000	OPER. \$ 2,761,816 SEC.5310 \$ 35,627	\$ 10,894,621
2008	\$ 2,587,036		\$ 1,472,603	CITY \$ 409,331 COUNTY \$ 151,483			OPER. \$1,357,117	\$ 101,201	\$1,718,338	\$ 289,887	**** \$ 130,000	OPER. \$ 2,831,289 SEC.5310 \$ 25,300	\$ 13,962,670
2009	\$ 2,587,036		\$ 1,575,685	CITY \$ 409,331 COUNTY \$ 151,483			OPER. \$1,424,973		\$1,718,338	\$ 289,887	**** \$ 130,000	OPER. \$ 2,889,085	\$ 11,175,818
TOTAL	\$17,327,109	\$ 1,464,782	\$ 13,710,450	CITY \$ 3,671,414 COUNTY \$ 1,571,236	\$ 20,089,821	\$ 8,213,082	OPER. \$6,477,756	\$ 373,823	\$8,591,690	\$ 1,449,435	\$ 590,000	OPER. \$ 13,761,701 SEC.5310 \$ 248,355	\$ 97,112,279

* Includes carryover balance

** Includes Carryover Balance From 1998-2004

*** Includes Carryover Balance From 2003-04

**** Includes Local Match

REVENUE-2005

BILLINGS URBAN AREA TRANSPORTATION IMPROVEMENT PROGRAM FY 2005 – 2009

TABLE 2
TRANSPORTATION PROJECT PRIORITY LIST
BILLINGS, MONTANA

RANK	PROJECT	TYPE OF WORK	PROJECT LENGTH	PHASE	ESTIMATED COST	FUNDING SOURCE
DEMONSTRATION PROJECT (MT)						
1	AIRPORT ROAD	Reconstruction	2	PE RW IC CONST.	2,181,465 1,894,000 1,262,321 9,629,214	DEMO DEMO DEMO
				TOTAL	\$14,967,000	
SURFACE TRANSPORTATION PROGRAM-URBAN (STPU)						
1	AIRPORT ROAD	Reconstruction	2	PE RW IC CONST.	N/A N/A N/A 4,256,803	STPU
				TOTAL	\$4,256,803	
2	SHILOH ROAD	Environmental	4	PE RW IC CONST.	1,358,672 N/A N/A 20,700,000	STPU PRELIMINARY EST.
				TOTAL	\$22,058,672	
3	MIDLAND ROAD/S. BILLINGS BLVD.	Traffic Signal	N/A	PE RW IC CONST.	63,710 28,350 18,900 207,000	STPU STPU
				TOTAL	\$317,960	
4	GRAND AVENUE	Reconstruction	1	PE RW IC CONST.	UNKNOWN UNKNOWN UNKNOWN UNKNOWN	
				TOTAL	\$0	
5	32ND STREET WEST	Construction	1.5	PE RW IC CONST.	UNKNOWN UNKNOWN UNKNOWN UNKNOWN	
				TOTAL	\$0	
SURFACE TRANSPORTATION PROGRAM-HIGHWAY SAFETY (STPHS, STPU & IM)						
1	2002 SHILOH/MONAD TURN BAY	Construction	N/A	CONST.	241,000	STPHS
				TOTAL	\$241,000	
2	2002 SAFETY IMPROVEMENTS VARIOUS LOCATIONS	Upgrade	N/A	CONST.	\$522,000	STPHS
				TOTAL	\$522,000	
3	2000 ELECTRICAL-BILLINGS VARIOUS LOCATIONS	Upgrade	N/A	CONST.	\$11,000	STPHS
				TOTAL	\$11,000	
MONTANA AIR CONGESTION INITIATIVE (MACI)						
1	6TH AVE. TO BENCH BLVD. CONNECTION	Grade Separation	0.5	PE RW IC CONST.	1,053,502 825,000 850,000 6,050,000	MACI MACI MACI MACI
				TOTAL	\$8,778,502	
URBAN PAVEMENT PRESERVATION						
	PAVER PROGRAM-BILLINGS	Pavement Preservation	N/A	CONST.	UNKNOWN	UPP
				TOTAL	\$0	
* Based on MDT Funding						
INTERSTATE MAINTENANCE						
	PINEHILLS INTERCHANGE-WEST	Overlay	N/A	PE IC CONST.	20,000 90,800 968,000	IM IM IM
				TOTAL	\$1,078,800	
	PINEHILLS INTERCHANGE-SOUTHEAST	Overlay	N/A	PE RW IC CONST.	448,000 448,800 299,200 329,100	IM IM IM IM
				TOTAL	\$4,487,000	

TABLE 3
TRANSPORTATION PROJECT PRIORITY LIST
BILLINGS, MONTANA

RANK	PROJECT	TYPE OF WORK	PROJECT LENGTH	PHASE	ESTIMATED COST	FUNDING SOURCE
URBAN HIGHWAY PILOT IMPROVEMENT PROGRAM (UHIP)						
1	RIMROCK ROAD (SHILOH-54TH)	Reconstruction	1.5	PE RW IC CONST.	459,057 10,000 UNKNOWN 1,454,782	PILOT PILOT PILOT
				TOTAL	\$1,923,839	
BRIDGE (BH)						
1	W. BILLINGS-KING AVENUE BRIDGES	Structure Rehab/ Replacement	N/A	PE RW IC CONST.	1,007,222 10,000 243,750 7,790,200	BH BH BH BH
				TOTAL	\$9,051,172	
SURFACE TRANSPORTATION PROGRAM-RAIL PROGRAM (STPRP)						
1	MOORE LANE-BILLINGS	Circuitry Upgrade, Relocate Crossing, Upgrade Traffic Signal	N/A	PE RW IC CONST.	147,636 10,000 10,200 506,000	STPRP/STPRR
				TOTAL	\$673,836	
2	2ND AVENUE SOUTH	R.R. Crossing Signal Upgrade	N/A	PE RW IC CONST.	4,000 0 0 89,000	STPRP/STPRR STPRP/STPRR
				TOTAL	\$93,000	
3	GABEL ROAD	R.R. Crossing Signal Upgrade	N/A	PE RW IC CONST.	6,000 7,000 0 154,200	STPRP/STPRR STPRP/STPRR STPRP/STPRR
				TOTAL	\$167,200	
4	JOHNSON LANE	R.R. Crossing Signal Upgrade	N/A	PE RW IC CONST.	3,000 0 0 118,000	STPRP/STPRR STPRP/STPRR
				TOTAL	\$121,000	
5	1ST AVENUE SOUTH	Circuitry Upgrade	N/A	PE RW IC CONST.	6,000 0 0 126,000	STPRP/STPRR STPRP/STPRR
				TOTAL	\$132,000	
TRANSPORTATION, COMMUNITY & SYSTEM PRESERVATION (TCSP)						
	ALKALI CREEK-BIKE PATH	Construction	0.5	PE CONST.	50,000 450,000	TCSP TCSP
				TOTAL	\$500,000	
SURFACE TRANSPORTATION PROGRAM-FLEXIBLE						
1	I-90 - LOCKWOOD TO JOHNSON LANE	Overlay	N/A	PE CONST.	35,000 260,000	STPX STPX
				TOTAL	\$295,000	
2	I-90 - NORTHEAST OF BILLINGS	Pavement Preservation	N/A	PE CONST.	35,000 836,000	STPX STPX
				TOTAL	\$871,000	
NATIONAL CORRIDOR PLANNING & DEVELOPMENT (NCPD)						
1	NORTH BY PASS	Environmental Review & Location Study	14		9,306,636 5,000,000	NCPD 2005 EARMARK
				TOTAL	\$14,306,636	

ADVANCEMENT OF PROJECTS

It is mutually agreed that the first two years of this program is best estimate of the project phase that will be undertaken during the Biennial timeframe. Occasionally, projects advance through the design process faster than anticipated. An approved project may accelerate into the next logical phase providing that the funding source does not change from that, which was initially identified in the TIP. Federal, State, and local governments have agreed that a TIP revision is not required in order to accelerate a specific project phase, so long as other planned work is not unduly delayed.

- The priorities with regard to the FTA Section 5307 projects in the Biennial Element are: 1) Operating Assistance.
- The priorities with regard to the FTA Section 5310 projects in the Biennial Element are: 1) Four (4) replacement vehicles for MET Special Transit, 2) Two (2) replacement vehicles for MET Special Transit.
- The priorities with regard to the FTA Section 5309 projects are: 1) Buses and Bus Facilities, and 2) Billings Bus/Medical Facility (Deaconess) per Congressional appropriation.

PRIVATE ENTERPRISE PARTICIPATION

Both the City of Billings and Yellowstone County have locally developed policies and procedures to examine opportunities for private sector participation in the provision of transit services and related support services. The City of Billings adopted resolution 86-15346 which states said policy and provides a process for implementation. The Council approved that resolution on July 7, 1986. Further, a Private Transportation Enterprise Participation Policy (PEP) and implementing Procedures were adopted by the MPO's Technical Advisory Committee on April 24, 1986, by the Policy Coordinating Committee on May 8, 1986, and by the Yellowstone County Planning Board on May 13, 1986.

The City's MET Transit Division has examined various opportunities for private sector provision of services. The system utilizes private tire firms to handle parts of servicing of the tire inventory. The system also contracts with various private firms for radiator repair, air compressor rebuilds, as well as glass, bodywork on the vehicles, and occasional component rebuilds.

The required TIP documentation related to the PEP process is as follows:

- a) The City of Billings MET Transit System solicited the possible interest or involvement of the private sector in providing leased tires for the MET Transit fleet of coaches. In the spring of 1993 and again in the spring of 1996 and 2001, a Request for Bids was sent to potentially interested private vendors and was also advertised in a local newspaper and a national transit journal. In both 1993 and 1996, the bids were evaluated

based on cost and ability to perform and the bid from Firestone was the low bid and accepted. In 2001, two firms requested bid packages but only Firestone submitted a bid. That bid was lower than the previous contract from them and that bid was accepted. The current contract for the tire lease is in effect through June 30, 2006.

- b) No other proposals were received from the private sector.
- c) There are no known impediments to holding service out for competition.
- d) There are no known private sector complaints.

The Yellowstone County Planning Department has and will continue to follow their adopted policy and procedures regarding private sector participation. The mailing list of private providers has been updated and used to provide notice about TAC and PCC meetings, including those that deal with the UPWP projects and process as well as the TIP process. Through these mailings the private providers are aware of the development of the proposed transit capital and operating projects as well as the proposed paratransit capital projects for the five years covered in the TIP.

FEDERAL TRANSIT ADMINISTRATION PROJECTS

The Federal Transit Act funded projects, including FTA Section 5309 grant projects, (Biennial Element) are intended to insure the continued efficient operation, maintenance and administration of the MET Transit system fleet and facilities, including meeting federal regulations such as the Americans with Disabilities Act (ADA). The operating grants are for the fiscal years of July 2005 to June 2006 and July 2006 to June 2007 and the Section 5309 grant projects will permit Bus and Bus Facilities projects in Fiscal Years 2005-2006 through 2009-2010.

The vehicles for MET Special Transit are projects to enable the City to continue providing the required specialized demand-responsive paratransit service for citizens who are unable to use the MET Transit System due to their disabling conditions. The projects to purchase a vehicle for COR Enterprises address some of the transportation needs of developmentally impaired or disabled residents.

**BILLINGS URBAN AREA
TRANSPORTATION IMPROVEMENT PROGRAM
FY 2005 – 2009**

TABLE 4
TRANSPORTATION PROJECT PRIORITY LIST
BILLINGS, MONTANA

PROJECT	ESTIMATED TOTAL
FTA SECTION 5307	
OPERATING PROJECT (7-1-05 TO 6-30-2006)	3,774,974
OPERATING PROJECT (7-1-2006 TO 6-30-2007)	3,907,811
TOTAL	\$7,682,785
PROJECT	ESTIMATED TOTAL
TRANSIDE	
MET SPECIALIZED TRANSPORTATION-OPERATING (2005)	70,000
MET SPECIALIZED TRANSPORTATION-OPERATING (2006)	130,000
TOTAL	\$200,000
FTA SECTION 5310	
FOUR (4) REPLACEMENT VEHICLES FOR MET SPECIALIZED TRANSIT (FY 2005)	206,532
TWO (2) REPLACEMENT VEHICLES FOR MET SPECIALIZED TRANSIT (FY 2006)	111,011
TOTAL	\$317,543 *
* DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT	
PROJECT	ESTIMATED TOTAL
FTA SECTION 5309	
BUSES & BUS FACILITIES (2005)	2,429,446
BILLINGS BUS/MEDICAL FACILITY (DEACONESS)	3,036,806
TOTAL	\$5,466,252

TABLE 5
MULTI-YEAR STAGING PROGRAM

CALENDAR YEARS 2005 - 2009

PROJECT		2005	2006	2007	2008	2009	2010
SURFACE TRANSPORTATION PROGRAM	SHILOH ROAD CORRIDOR (ENVIRONMENTAL)						
	GRAND AVENUE						
	32ND STREET WEST						
	SHILOH ROAD CORRIDOR						
	MIDLAND/S. BILLINGS BLVD. SIGNAL						
	2000 ELECTRICAL UPGRADE						
	2002 SAFETY IMPROVEMENTS						
	SHILOH/MONAD TURN BAYS						
BRIDGE MAINTENANCE FUNDED	KING AVENUE BRIDGES						
MACI FUNDED	6TH AVE.-BENCH BLVD. CONNECTION						
PILOT FUNDED	RIMROCK ROAD						
VARIOUS FUNDED	AIRPORT ROAD (RECONSTRUCTION)						
	PINEHILLS INTERCHANGE-WEST						
	PINEHILLS INTERCHANGE-SOUTHEAST						
	MOORE LANE R.R. CROSSING						
	2ND AVENUE SOUTH R.R. CROSSING						
	GABEL ROAD R.R. CROSSING						
	JOHNSON LANE R.R. CROSSING						
	SOUTH 27TH STREET R.R. CROSSING						
	I-90 - LOCKWOOD TO JOHNSON LN. (OVERLAY)						
	I-90 - N.E. OF BILLINGS (PAVEMENT PRESERVATION)						
	ALKALI CREEK BIKE PATH						
	NORTH BY PASS (ENVIRONMENTAL & LOCATION)						
	CTEP PROJECTS (VARIOUS)						

	PRELIMINARY ENGINEERING
	RIGHT OF WAY/UTILITIES
	CONSTRUCTION

ALL TIMEFRAMES ARE APPROXIMATE

BILLINGS URBAN AREA TRANSPORTATION IMPROVEMENT PROGRAM FY 2005 – 2009

TABLE 6
MULTI-YEAR IMPROVEMENT PROGRAM
FISCAL YEAR 2005
HIGHWAY

PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	NATIONAL HIGHWAY SYSTEM (NHS)	STATE FUNDED CONSTRUCTION URBAN (SFCU)	SURFACE TRANSPORTATION ENHANCEMENT (STE)		PILOT PROGRAM	DEMO FUNDS	BRIDGE FUNDS	TCSP FUNDS	NCPD/ IM/ STPX FUNDS	STPRP/ UHPP/ STPHS FUNDS	TOTAL
						CITY	COUNTY							
Estimated carryover balance		4,866,188	6,797,645			1,624,759	813,821	1,464,782	13,885,535					
Estimated allocation		2,587,036	1,202,084			409,331	151,483							
Estimated beginning balance		7,453,224	7,999,729			2,034,090	965,304							
AIRPORT ROAD	PE								1,100,000					1,100,000
MIDLAND/S. BILLINGS (SIGNAL)	PE	63,710												63,710
6TH AVE. N.-BENCH CONNECTION	PE		450,000											450,000
CTEP PROJECTS	CONST.					1,740,000								1,740,000
RIMROCK ROAD (SHILOH TO 54TH)	RW							10,000						10,000
2000-ELECTRICAL UPGRADE	CONST.												11,000	11,000
W. BILLINGS-KING AVENUE (BRIDGES)	RW									110,000				110,000
PINEHILLS INTERCHANGE-WEST	PE											20,000		20,000
PINEHILLS INTERCHANGE-SOUTHEAST	PE											448,000		448,000
RAILROAD CROSSING (2ND AVENUE S.)	PE												4,000	4,000
RAILROAD CROSSING (GABEL ROAD)	PE/RW												13,000	13,000
RAILROAD CROSSING (JOHNSON LANE)	PE												3,000	3,000
RAILROAD CROSSING (1ST AVENUE SOUTH)	PE												6,000	6,000
RAILROAD CROSSING (SOUTH 27TH)	PE			5,000										5,000
BIKEPATH - ALKALI CREEK *	PE													
I-90 (OVERLAY LOCKWOOD TO JOHNSON LANE)	CONST.											260,000		260,000
NORTH BY PASS (ENVIRONMENTAL & LOCATION)	OTHER											5,000,000		5,000,000
TOTAL (HIGHWAY)		63,710	450,000	5,000	0	1,740,000		10,000	1,100,000	110,000	0	5,728,000	37,000	9,243,710

* SEE BIENNIAL ELEMENT (FUNDS OBLIGATED)

TABLE 6
TRANSIT
MULTI-YEAR IMPROVEMENT PROGRAM
FISCAL YEAR 2005

PROJECT DESCRIPTION	TRANSIT SEC. 5307	TRANSIT SEC. 5309	TRANSIT ** SEC. 5310	TRANSADE	OTHER * FUNDS	TOTAL
TRANSIT OPERATING (7/05-6/06)	1,172,329				2,602,645	3,774,974
BILLINGS DOWNTOWN BUS FACILITY		4,383,547			1,095,887	5,479,434
MET TRANSIT BUS PURCHASE		83,099			20,775	103,874
BILLINGS BUS/MED. FACILITY (DEACONESS)		2,429,445			607,361	3,036,806
4 MET TRANSIT VEHICLE PURCHASES			41,306		165,226	206,532
MET SPECIALIZED TRANSIT OPERATING				35,000	35,000	70,000
TOTAL - TRANSIT	1,172,329	6,896,091	41,306	35,000	4,526,894	12,671,620

* LOCAL MATCH FOR TRANSIT

** DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT

TABLE 7
MULTI-YEAR IMPROVEMENT PROGRAM
FISCAL YEAR 2006

PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	PILOT PROGRAM/ NH	DEMO FUNDS	BRIDGE/ TCSP FUNDS	SURFACE TRANSPORTATION ENHANCEMENT (STE)		STPRR/ TCSP/STPHS STPX FUNDS	INTERSTATE MAINTENANCE FUNDS	TRANSIT SEC. 5307	TRANSIT SEC. 5309	TRANSIT SEC. 5310	TRANSADA	OTHER * FUNDS	TOTAL
							CITY	COUNTY								
Estimated carryover balance		7,389,514	7,999,729	1,454,782	12,785,535		UNKNOWN	UNKNOWN								
Estimated allocation		2,587,036	1,202,084				491,014	160,838								
Estimated beginning balance		9,976,550	9,201,813				491,014	160,838								
6TH AVE. N.-BENCH CONNECTION	RW		825,000													825,000
AIRPORT ROAD	RW				1,894,000											1,894,000
AIRPORT ROAD	IC				1,262,321											1,262,321
RIMROCK ROAD (SHILOH-54TH)	PE/CONST.			1,454,782												1,454,782
BIKE PATH - ALKALI CREEK	CONST.								450,000							450,000
MIDLAND/S. BILLINGS (SIGNAL)	RW	28,350														28,350
MIDLAND/S. BILLINGS (SIGNAL)	IC	18,900														18,900
MIDLAND/S. BILLINGS (SIGNAL)	CONST.	207,000														207,000
W. BILLINGS-KING AVENUE (BRIDGES)	CONST.					7,661,500				128,700						7,790,200
SHILOH/MONAD TURN BAYS	CONST.								241,000							241,000
RAILROAD CROSSING (2ND AVENUE S.)	IC/CONST.								89,000							89,000
RAILROAD CROSSING (GABEL ROAD)	IC/CONST.								154,000							154,000
JOHNSON LANE R.R. CROSSING	IC/CONST.								118,000							118,000
1ST AVENUE SOUTH R.R. CROSSING	CONST.								126,000							126,000
RAILROAD CROSSING (MOORE LANE)	RW/IC								20,200							20,200
RAILROAD CROSSING (SOUTH 27TH)	CONST.								63,800							63,800
I-90 N.E. (PAVEMENT PRESERVATION)	CONST.								836,000							836,000
BIKE PATH - ALKALI CREEK ***	CONST.															0
PAVER PROGRAM-BILLINGS	CONST.														UNKNOWN	0
TRANSIT OPERATING (7/06-6/07)											1,230,945				2,676,866	3,907,811
MET ELECTRONIC FARE SYSTEM *****												1,400,000				1,400,000
MET SPECIALIZED TRANS.-1 VAN	PURCHASE												44,000		11,000	55,000
COR ENTERPRISES	PURCHASE												34,400		8,600	43,000
MET SPECIALIZED TRANS.-OPERATING														65,000	65,000	130,000
TOTAL		254,250	825,000	1,454,782	3,156,321	7,661,500	610,627		2,098,000	128,700	1,230,945	1,400,000	78,400	65,000	2,687,866	21,114,364

** LOCAL MATCH FOR TRANSIT & PILOT PROGRAM
 *** FUNDING LEVELS UNKNOWN AT THIS TIME-MET
 **** SEE BIRNBAUM ELEMENT FUNDS OBLIGATED

Table 8
MULTI-YEAR IMPROVEMENT PROGRAM
FISCAL YEAR 2007

PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	DEMO FUNDS	BRIDGE/ STPRR SAFETY FUNDS	SURFACE TRANSPORTATION ENHANCEMENT (STE)		TRANSIT SEC. 5307	TRANSIT SEC. 5309	TRANSIT SEC. 5310 **	TRANSADA	OTHER * FUNDS	TOTAL
						CITY	COUNTY						
Estimated carryover balance		7,135,264	8,376,813	9,629,214		0	0						
Estimated allocation		2,587,036	1,202,084										
Estimated beginning balance		9,722,300	9,578,897										
6TH AVENUE/BENCH	IC		550,000										550,000
6TH AVENUE/BENCH	CONST.		6,000,000										6,000,000
AIRPORT ROAD	CONST.	4,256,803		9,629,214									13,886,017
RAILROAD CROSSING (MOORE LANE)	CONST.				506,000								506,000
2002 SAFETY IMPROVEMENTS-BILLINGS	CONST.				522,000								522,000
TRANSIT OPERATING (7/07-6/08)								1,292,392				2,761,816	4,054,208
MET SPECIALIZED TRANS.-3 VANS **										142,507		35,627	178,134
MET SPECIALIZED TRANS.-OPERATING **											65,000	65,000	130,000
TOTAL		4,256,803	6,550,000	9,629,214	1,028,000			1,292,392	0	142,507	65,000	2,862,443	25,826,359

* LOCAL MATCH FOR TRANSIT

** DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT

TABLE 9
MULTI-YEAR IMPROVEMENT PROGRAM
FISCAL YEAR 2008

PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	NATIONAL HIGHWAY SYSTEM (NHS)	INTERSTATE MAINTENANCE (IM)	SURFACE TRANSPORTATION ENHANCEMENT (STE)		TRANSIT SEC. 5307	TRANSIT SEC. 5309	TRANSIT ** SEC. 5310	TRANSADE	OTHER * FUNDS	TOTAL
						CITY	COUNTY						
Estimated carryover balance		2,878,461	3,028,897										
Estimated allocation		2,587,036	1,202,084										
Estimated beginning balance		5,465,497	4,230,981										
TRANSIT OPERATING (7/08-6/09)								1,357,117				2,831,289	4,188,406
MET SPECIALIZED TRANS.-2 VANS										101,201		25,300	126,501
MET SPECIALIZED TRANS.-OPERATING											65,000	65,000	130,000
TOTAL		0	0	0	0	0		1,357,117	0	101,201	65,000	2,921,589	4,444,907

* LOCAL MATCH FOR TRANSIT & SHOLOH ROAD PROJECT

** DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT

TABLE 10
MULTI-YEAR IMPROVEMENT PROGRAM
FISCAL YEAR 2009

PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	NATIONAL HIGHWAY SYSTEM (NHS)	STATE FUNDED CONSTRUCTION URBAN (SFCU)	SURFACE TRANSPORTATION ENHANCEMENT (STE)		DEMO FUNDS	TRANSIT SEC. 5307	TRANSIT SEC. 5309	TRANSIT ** SEC. 5310	TRANSADA	OTHER * FUNDS	TOTAL
						CITY	COUNTY							
Estimated carryover balance		\$ 5,465,497	\$ 4,230,981											
Estimated allocation		\$ 2,587,036	\$ 1,202,084											
Estimated beginning balance		\$ 8,052,533	\$ 5,433,065											
TRANSIT OPERATING (7/09-6/10)									1,424,973				2,889,085	4,314,058
MET SPECIALIZED TRANS.-OPERATING												65,000	65,000	130,000
TOTAL		\$ -	\$ -			\$ -		0	1,424,973			65,000	2,954,085	4,444,058

* LOCAL MATCH FOR TRANSIT & SHILOH ROAD PROJECT

** DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT

BILLINGS URBAN AREA TRANSPORTATION IMPROVEMENT PROGRAM FY 2005 – 2009

TABLE 11
BIENNIAL ELEMENT
JULY 1, 2005 - JUNE 30, 2006
(HIGHWAY)

PROJECT/ PHASE	PROJECT NUMBER	PROJECT DESCRIPTION	TOTAL ESTIMATED COST	FEDERAL FUNDS AND SOURCES	NON-FEDERAL FUNDS AND SOURCES	RECIPIENT OF FUNDS	RESPONSIBLE IMPLEMENTING AGENCY
AIRPORT ROAD (PE)	MT (009)	RECONSTRUCTION	1,100,000	1,100,000 FHWA	0 MATCH	MDT	MDT
AIRPORT ROAD (RW/IC)	MT (009)	RECONSTRUCTION	3,156,321	3,156,321 FHWA	0 MATCH	MDT	MDT
6TH AVE.-BENCH BLVD. CONNECTION (PE)	CM 1099 (32)	CONSTRUCTION	450,000	389,610 FHWA	60,390 STATE/LOCAL MATCH	MDT	MDT
6TH AVE.-BENCH BLVD. CONNECTION (RW)	CM 1099 (32)	CONSTRUCTION	825,000	714,285 FHWA	110,715 STATE/LOCAL MATCH	MDT	MDT
SHILOH ROAD CORRIDOR (PE)	STPU 1031	ENVIRONMENTAL	ONGOING	0 FHWA	0 STATE MATCH	MDT	MDT
BILLINGS BY-PASS (STUDY)	NCPD 56 (55)	LOCATION/ENV.	5,000,000	5,000,000 EARMARK	0 STATE MATCH	MDT	MDT
MIDLAND RD./S. BILLINGS BLVD. (PE)	STPU 1033 (1)	DESIGN SIGNAL	63,710	55,160 FHWA	8,550 STATE/LOCAL MATCH	MDT	MDT
MIDLAND RD./S. BILLINGS BLVD. (RW/IC/CONST.)	STPU 1033 (1)	CONSTRUCTION	254,250	220,130 FHWA	34,120 STATE/LOCAL MATCH	MDT	MDT
I-90 PINEHILLS INTERCHANGE-W. (PE)	IM 90-8(156)453	OVERLAY	20,000	18,248 FHWA	1,752 STATE/LOCAL MATCH	MDT	MDT
I-90 PINEHILLS INTERCHANGE-S.E. (PE)	IM 90-8(158)457	OVERLAY	448,000	408,755 FHWA	39,245 STATE MATCH	MDT	MDT
I-90 LOCKWOOD TO JOHNSON LANE (CONST.)	STPX 56931 (1)	OVERLAY	260,000	225,108 FHWA	34,892 STATE MATCH	MDT	MDT
I-90 N.E. (CONST.)	IM I-90	PAVEMENT PRESERVATION	836,000	762,766 FHWA	73,234 STATE MATCH	MDT	MDT
CTEP PROJECTS (IC)	STPE VARIOUS	LISTED BELOW *	1,740,000	1,506,492 FHWA	233,508 LOCAL MATCH	MDT	MDT
KING AVENUE BRIDGES (RW/IC)	BH 1010 1	STRUCTURE REHAB	110,000	88,000 FHWA	22,000 STATE MATCH	MDT	MDT
KING AVENUE BRIDGES (CONST.)	BH 1010 1	STRUCTURE REHAB	7,661,500	6,129,200 FHWA	1,532,300 STATE MATCH	MDT	MDT
KING AVENUE BRIDGES (CONST.)	BH 1010 1	STRUCTURE REHAB	128,700	117,426 FHWA	11,274 STATE MATCH	MDT	MDT
RIMROCK ROAD (SHILOH-54TH) (RW)	PILOT	RECONSTRUCTION	10,000	8,658 FHWA	1,342 STATE MATCH	MDT	MDT
RIMROCK ROAD (SHILOH-54TH) (PE/CONST.)	PILOT	RECONSTRUCTION	1,454,782	1,259,550 FHWA	195,312 STATE MATCH	MDT	MDT
2000 ELECTRICAL UPGRADE (CONST.)	STPHS 1032 1	SIGNAL PHASING	11,000	10,000 FHWA	1,000 STATE MATCH	MDT	MDT
2ND AVE.S. R.R. CROSSING (PE)	STPRP 1099 37	SIGNAL	4,000	3,600 FHWA	400 STATE MATCH	MDT	MDT
2ND AVE.S. R.R. CROSSING (IC/CONST.)	STPRP 1099 37	SIGNAL	89,000	80,100 FHWA	8,900 STATE MATCH	MDT	MDT
GABEL ROAD R.R. CROSSING (PE/RW)	STPRP 1099	SIGNAL	13,000	11,700 FHWA	1,300 STATE MATCH	MDT	MDT
GABEL ROAD R.R. CROSSING (IC/CONST.)	STPRP 1099	SIGNAL	154,000	138,600 FHWA	15,400 STATE MATCH	MDT	MDT
JOHNSON LANE R.R. CROSSING (PE)	STPRP 1099	SIGNAL	3,000	2,700 FHWA	300 STATE MATCH	MDT	MDT
JOHNSON LANE R.R. CROSSING (IC/CONST.)	STPRP 1099	SIGNAL	118,000	106,200 FHWA	11,800 STATE MATCH	MDT	MDT
1ST AVE. S. R.R. CROSSING (PE)	STPRP 1022	CIRCUITRY UPGRADE	6,000	5,400 FHWA	600 STATE MATCH	MDT	MDT
1ST AVE. S. R.R. CROSSING (CONST.)	STPRP 1022	CIRCUITRY UPGRADE	126,000	113,400 FHWA	12,600 STATE MATCH	MDT	MDT
S. 27TH STREET R.R. CROSSING (PE)	NH 53-1	CONCRETE CROSSING	5,000	4,329 FHWA	671 STATE MATCH	MDT	MDT
S. 27TH STREET R.R. CROSSING (CONST.)	NH 53-1	CONCRETE CROSSING	63,800	55,238 FHWA	8,561 STATE MATCH	MDT	MDT
MOORE LANE R.R. CROSSING (RW/IC)	STPRR 1099 33	RELOCATE CROSSING	20,200	18,180 FHWA	2,020 STATE MATCH	MDT	MDT
SHILOH/MONAD INTERSECTION (CONST.)	STPHS 1031 3	TURN BAYS	241,000	216,900 FHWA	24,100 STATE MATCH	MDT	MDT
PAVER PROGRAM-BILLINGS ** (CONST.)	UNKNOWN	PAVEMENT PRESERVATION	UNKNOWN	0 FHWA	0 STATE MATCH	MDT	MDT
ALKALI CREEK BIKE PATH (PE)	TCSP 0	CONSTRUCTION	50,000	50,000 FHWA	0 STATE MATCH	MDT/MPO	LOCAL
ALKALI CREEK BIKE PATH (CONST.)	TCSP 0	CONSTRUCTION	450,000	450,000 FHWA	0 STATE MATCH	MDT/MPO	LOCAL

* GABEL ROAD BIKEPATH/ALKALI CK. BIKEPATH, POMPEYS PILLAR, JACKSON ST. SIDEWALK, LAKE ELMO RD. BIKEPATH, STEWA
** MDT FUNDING LEVELS UNKNOWN

TABLE 12
BIENNIAL ELEMENT
JULY 1, 2005 - JUNE 30, 2007
(TRANSIT)

PROJECT/ FUNDING SOURCE	TOTAL EST. COST	FEDERAL FUNDS AND SOURCES	NON- FEDERAL AND SOURCES	RECIPIENT OF FUNDS
FTA SECTION 5307				
OPERATING PROJECT (7-1-05 TO 6-30-06)	3,774,974	1,172,329	2,602,645	CITY
OPERATING PROJECT (7-1-06 TO 6-30-07)	3,907,811	1,230,945	2,676,866	CITY
FTA SECTION 5309				
BILLINGS DOWNTOWN BUS FACILITY	4,383,547	4,383,547	0	CITY
BILLINGS BUS/MED. FACILITY (DEACONESS)	3,036,806	2,429,445	607,361	CITY
FTA SECTION 5310				
MET TRANSIT VAN (4) PURCHASE	206,532	41,306	165,226	CITY
1 NEW VEHICLE FOR COR (FY 06)	43,000	34,400	8,600	STATE
1 NEW MET SPECIALIZED TRANSIT FY (06)	55,000	44,000	11,000	STATE
TRANSIDE				
MET SPECIALIZED TRANSIT OPERATING-2005	70,000	35,000	35,000	CITY
MET SPECIALIZED TRANSIT OPERATING-2006	130,000	65,000	65,000	CITY

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AGENDA ITEM:

**CITY COUNCIL AGENDA ITEM**

CITY OF BILLINGS, MONTANA

Monday, July 25, 2005

TITLE: Resolution Approving Sandstone Development Agreement

DEPARTMENT: Administration

PRESENTED BY: Bruce McCandless, Deputy City Administrator

PROBLEM/ISSUE STATEMENT: The Sandstone project is a proposal to redevelop downtown property, a majority owned by the City, by assembling land and constructing a 12-15 story mixed-use building. The Council will consider approving a resolution and development agreement that outline the City's and developer's obligations for the project. This item was considered at the June 27th meeting and postponed to this meeting. Council received additional requested information at its July 18 work session.

ALTERNATIVES ANALYZED: The Council may approve the agreement as submitted, amend it or reject it.

FINANCIAL IMPACT: The proposed project requires significant public subsidy to compete in the marketplace that includes land on the city's outskirts that is easier and less expensive to develop. The proposed tax increment from the project is estimated at \$200,000 per year. The subsidy is estimated to be about \$450,000 for land, \$2,000,000 in tax increment funds and \$1,722,500 in parking funds. There should be no un-reimbursed costs for a \$2,000,000 Fannie Mae loan but the City will be required to set aside \$500,000 of General Fund money to secure the loan.

RECOMMENDATION

Staff recommends that Council approve the resolution and development agreement with Downtown Billings Investors, LLC for the Sandstone downtown redevelopment project.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

A: Resolution

B: Development Agreement

INTRODUCTION

The Council will consider approving a development agreement with the developer of the proposed Sandstone downtown redevelopment project. The agreement outlines each party's obligations for the project.

PROCEDURAL HISTORY

- City Council work session discussions were held on November 1 and December 6, 2004 and on May 2, 2005.
- A Resolution of Intent to create a new tax increment district, a Resolution Declaring Blight and a Resolution of Intent to dispose of City land were approved by Council on June 13, 2005.
- The City/County Planning Board considered and recommended approval of an Urban Renewal Plan for a new tax increment district at its June 14, 2005 meeting.
- The development agreement and an Ordinance creating a new tax increment district will be considered by Council on June 27, 2005.
- The Tax Increment District was created by Council on July 11, 2005.
- A Resolution disposing of land was scheduled for Council action on July 11, 2005. The land disposition was tabled because the City received no qualified bids by the submittal deadline. The bidding process will have to be repeated if the Council approves the development agreement.
- The Fannie Mae loan approval and a bond resolution are scheduled for August, 2005.
- Architect selection is scheduled for August or September, 2005.

BACKGROUND

Since last fall, City staff has been working with the proposed developer of the Sandstone redevelopment project. The proposal initially included all property on the west side of the 100 block of N. 27th Street except the Grand Hotel. Gene Rockman, who owns the property at 2nd Ave. North, later withdrew from the project. The proposed project now involves five (5) City owned lots and one lot owned by Harrison Fagg, the proposed developer. The project is a single building that will house a ground floor of retail space, 2-4 levels of parking, up to 40 housing units and possibly some office space.

The project is complex because it involves at least six (6) separate actions by the Council: creating a tax increment district and issuing bonds, purchasing public parking spaces, borrowing Fannie Mae funds to assist the housing component of the project, consolidating the land, selecting the architect and awarding a construction contract for its portion of the project. The developer has a role in each of these items. A development agreement is the preferred method to clearly identify each party's obligations.

The development agreement covers the issues in the following way:

- The developer will construct a 10+ story building that contains residential and commercial condominium units, plus parking, using private and public financing.
- The City will be transfer the property to the developer for no cost.

- The City will create a new tax increment district containing the consolidated property, it will issue bonds of at least \$2,008,493 and these proceeds will be released to the developer to cover documented construction costs.
- The City will borrow \$2 million from Fannie Mae and re-lend it to the developer, who will pay all issuance and interest costs. The loan will have a two year term and then will be replaced by permanent financing or paid when condo units are purchased.
- The City will be required to commit \$500,000 to secure the loan.
- The City will purchase approximately 106 parking spaces for \$16,250 each, or a total of \$1,722,500.
- The developer will comply with all state and local laws, including competitively bidding the public parking and paying prevailing wages on the entire project.
- The developer will prepare unit ownership (condo) and owner association incorporation and bylaw documents and file them after the City reviews and approves them.

There are multiple contingencies and conditions that must be satisfied in order to finally and irrevocably commit both the developer and the City.

ALTERNATIVES ANALYSIS

- The City Council may reject the agreement and withdraw from the project. The project will not proceed since the City's land is critical to the project.
- The Council may modify the agreement and change either the amount or types of support for the project or any of the conditions. The developer may not be able to proceed with less support because developing a downtown high-rise is more expensive than developing outside of the city's core.
- The Council may approve the agreement. If all conditions are satisfied, the City will provide approximately \$6.2 million in subsidy (including a \$2 million loan) for the \$17 million project. The project will put City property on the tax roll, generate temporary and permanent employment, create 30-40 downtown single family residential units and improve the appearance of N. 27th Street.

STAKEHOLDERS

Downtown property owners, merchants and professional staff have endorsed the project to this point. It is possible that some people may object to the project because there is only one viable purchaser/developer. Some property owners may be concerned about the effects of a 10-15 story building with a parking garage in this location.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The project is identified in the N. 27th Street Urban Renewal Plan that was adopted by the City/County Planning Board and is recommended to the City Council. The urban renewal plan is consistent with the 2003 Growth Policy and the 1997 Downtown Framework Plan.

RECOMMENDATION

Staff recommends that Council approve the resolution and development agreement with Downtown Billings Investors, LLC for the Sandstone downtown redevelopment project.

ATTACHMENTS

A: Resolution

B: Development Agreement

ATTACHMENT A

RESOLUTION 05-

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT FOR THE REDEVELOPMENT OF LOTS 5-10, BLOCK 92 OF THE BILLINGS ORIGINAL TOWNSITE WITH DOWNTOWN BILLINGS INVESTORS, LLC AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

WHEREAS, the City of Billings finds it desirable to redevelop downtown property located in the 100 block of N. 27th Street and described as Lots 5, 6, 8, 9 and 10, Block 92 of the Billings Original Townsite, and,

WHEREAS, Downtown Billings Investors, LLC submitted a development proposal that, in cooperation with the City of Billings, will accomplish this redevelopment by constructing a 12-15 story building with retail, parking, office and residential units.

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

The City Council approves the Development Agreement for the property redevelopment as described in the agreement and which is attached to this Resolution, and

The Mayor is authorized to execute said agreement on behalf of the City of Billings and other such documents that effectuate the agreement.

APPROVED AND PASSED by the City Council of the City of Billings this ____ day of _____, 2005.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE CITY CLERK

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