

# CITY OF BILLINGS

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

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## AGENDA

COUNCIL CHAMBERS

October 24, 2005

6:30 P.M.

CALL TO ORDER – Mayor Tooley  
PLEDGE OF ALLEGIANCE – Mayor Tooley  
INVOCATION – Councilmember Ed Ulledalen  
ROLL CALL  
MINUTES – October 11, 2005  
COURTESIES  
PROCLAMATIONS  
BOARD & COMMISSION REPORTS  
ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #7 and #8 ONLY. Speaker sign-in required.** (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

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

### **CONSENT AGENDA:**

1. A. **Bid Awards:**

(1) **W.O.99-07\* Lake Elmo Road – Main Street to Hansen Lane, \*Includes Federal Aid Project No. STPE 1099(41), CN5292.** (Opened 10/11/05). Recommend rejecting all bids, adjusting the project scope and re-bidding at a later date.  
([Corresponding Staff Memo A1](#))

(2) **Cascade Pump 20 MF and 200 HP Motor for Wastewater Treatment Plant.** (Opened 9/27/05). Recommend Cascade Pump Company, \$75,100.00.  
([Corresponding Staff Memo A2](#))

**(3) New Current Model One Main Pot Hole Patching Unit.** (Opened 10/18/05). Recommend delaying to 11/14/05.  
[\(Corresponding Staff Memo A3\)](#)

**(4) Hazardous Material Abatement, Building Demolition, Underground Storage Tank Removal and Related Construction Activities for the Properties located at 114-116, and 120 N. 26<sup>th</sup> St. (formerly Darryll Apartments & Commercial Space).** (Opened 10/11/05). Recommend tabling this item indefinitely.  
[\(Corresponding Staff Memo A4\)](#)

**B. Approval of Concession Agreement** with Opti-Fi Networks to operate a Wireless Fidelity Local Area Network (WIFI) concession in the Airport Terminal Building, revenue projected at \$4,000.00 to \$5,000.00 per year.  
[\(Corresponding Staff Memo B\)](#)

**C. Amendment to Stormwater Agreement** with Lake Hills Golf Club to include maintenance of additional storm drain ponds, additional \$10,000.00 to the annual fee.  
[\(Corresponding Staff Memo C\)](#)

**D. Authorization** to execute application for a State Revolving Fund (SRF) backed loan for W.O. 04-36: Briarwood Sanitary Sewer Main Extension, \$4,208,000.00.  
[\(Corresponding Staff Memo D\)](#)

**E. Acceptance** of QCD from Marie L. Engle, Susan Shine and Charlene Mollett for C/S 1024, Tract C for street tract located on Garden Avenue.  
[\(Corresponding Staff Memo E\)](#)

**F. Resolution** approving the revised Interlocal agreement with the Montana Municipal Insurance Authority (MMIA), outlining current services and operations of MMIA.  
[\(Corresponding Staff Memo F\)](#)

**G. Second/Final reading ordinance** expanding the boundaries of Ward V to include recently annexed property in Annex #05-09: Grand Acre Park and right-of-way, an undeveloped 0.363-acre parcel located on Broadwater Avenue, west of 52<sup>nd</sup> St. W, DC Capital Real Estate, LLC petitioner.  
[\(Corresponding Staff Memo G\)](#)

**H. Bills and Payroll.**

(1) September 26, 2005  
[\(Corresponding Staff Memo H1\)](#)

(2) September 30, 2005  
[\(Corresponding Staff Memo H2\)](#)

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

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for Fiscal Year 2004/2005. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
([Corresponding Staff Memo 2](#))
3. **PUBLIC HEARING AND RESOLUTION** approving and adopting budget amendments for Fiscal Year 2005/2006. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
([Corresponding Staff Memo 3](#))
4. **PUBLIC HEARING AND RESOLUTION** authorizing the sale of Lot 8A, Block 13, Lake Hills Subdivision, 18<sup>th</sup> filing to David and Ralna Cunningham, \$2,913.56. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
([Corresponding Staff Memo 4](#))
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #767:** a zone change from Residential 9,600 to Residential Professional, Community Commercial and Residential Multi-Family on a 39.4 parcel located northwest of the intersection of Molt Road, 62<sup>nd</sup> Street West and Rimrock Road described as Tract 6A, C/S 2465, Golden West Partners, LLC, owner, Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the twelve criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.)  
([Corresponding Staff Memo 5](#))
6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #768:** a zone change from Residential 9,600 to Residential Multi-Family and Residential 7,000 on property located northwest of the intersection of Molt Road, 62<sup>nd</sup> Street West and Rimrock Road described as Tract 5A, C/S 2465, Golden West Partners, LLC, owner, Engineering, Inc., agent. Zoning Commission recommends approval and adoption of the twelve criteria. **(Action:** approval or disapproval of Zoning Commission recommendation.)  
([Corresponding Staff Memo 6](#))
7. **ARCHITECTURAL SERVICES CONTRACT** for Phase I: preliminary building design services for City/GSA Building. Recommendation to be made at meeting. **(Action:** approval or disapproval of Staff recommendation.)  
([Corresponding Staff Memo 7](#))
8. **LABOR CONTRACT** between IAFF Local 521 and City of Billings, 3-year term.  
([Corresponding Staff Memo 8](#))
9. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.**  
(Restricted to ONLY items not on the printed agenda; comments limited to 3

minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

## **COUNCIL INITIATIVES**

## **ADJOURN**

## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** W.O. 99-07\* – Lake Elmo Road (Main Street to Hansen Lane), \*Includes Federal Aid Project STPE 1099(41) Lake Elmo Ped/Bike, Contract Award

**DEPARTMENT:** Public Works

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

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**PROBLEM/ISSUE STATEMENT:** This project will reconstruct Lake Elmo Road from Main Street to Hansen Lane. The project includes new street section, curb & gutter, drive approaches, sidewalks, accessibility ramps, storm drain improvements, and irrigation lateral relocation. The bid opening was delayed from September 27, 2005, to October 11, 2005, in order to give prospective bidders more time to prepare their bids. Bids were opened on October 11, 2005, and on October 11, Council delayed awarding of a construction contract until this meeting.

**FINANCIAL IMPACT:** Funding for the project is available from the sources listed below.

**Location of Work:** Lake Elmo Road between Main Street to Hansen Lane  
**Funding Sources:** CTEP Grant (\$176,000), Gas Tax (\$400,000), Assessments (\$160,000), Storm Drain (\$75,000), Other contributions (\$15,000)

**Approved Dollar Amount for Project: \$826,000**

Spent (and obligated) to date: \$ 2,500

**Funding available: \$823,500**

Bids were opened on October 11, 2005 with the following results:

| <b>Firm</b>                | <b>Bid Amount</b>   |
|----------------------------|---------------------|
| Empire Sand & Gravel       | \$1,070,829.50      |
| HL Ostermiller, Inc.       | \$1,409,992.59      |
| <i>Engineer's Estimate</i> | <i>\$925,880.00</i> |

## **RECOMMENDATION**

Staff recommends that Council reject all bids and authorize staff to adjust the project scope and re-bid the project at a later date.

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

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** Cascade Pump 20 MF and 200 HP Motor – Wastewater Plant  
**DEPARTMENT:** Public Works Department  
**PRESENTED BY:** David D. Mumford, P.E., Public Works Director

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**PROBLEM/ISSUE STATEMENT:** In order to move primary treated wastewater to the secondary treatment process, large pumps are required. This pump has been identified as being in need of replacement to ensure uninterrupted operation at the wastewater plant.

**FINANCIAL IMPACT:** Bids were publicly advertised for the replacement of this pump on September 15 and 22, 2005. Bids were opened on September 27, 2005. There is adequate funding in the wastewater plant budget for this expenditure. The bid results are:

|                      |             |
|----------------------|-------------|
| Cascade Pump Company | \$75,100.00 |
|----------------------|-------------|

The bidder is able to supply equipment matching the existing pumping equipment, which is deemed desirable for standardization.

**RECOMMENDATION**

Staff recommends that Council award the bid for the replacement of the Cascade Pump 20 MF and 200 HP Motor to Cascade Pump Company in the amount of \$75,100.00.

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

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AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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TITLE: One Man Pothole Patching Unit  
DEPARTMENT: Public Works Department  
PRESENTED BY: David Mumford, P.E., Director of Public Works

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**PROBLEM/ISSUE STATEMENT:** This One Man Pothole Patching Unit is in the City's Equipment Replacement Program, and was approved by City Council during the FY 05/06 budget process. The budget estimate for this item is \$130,000. The unit's function is to repair potholes using one person.

The Street/Traffic Division advertised for sealed bids for the One Man Pothole Patching Unit on October 6<sup>th</sup> & 13<sup>th</sup> with a bid opening on October 18<sup>th</sup>, 2005.

**FINANCIAL IMPACT:** Received \_\_\_\_\_ bids on the One Man Pothole Patching Unit.

**RECOMMENDATION**

Staff recommends delaying award until November 14, 2005.

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

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## AGENDA ITEM:



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### **CITY COUNCIL AGENDA ITEM**

#### **CITY OF BILLINGS, MONTANA**

#### **Monday, October 24, 2005**

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**TITLE:** Delay of Abatement/Demolition Contract  
**DEPARTMENT:** Administrative Services – Parking Division  
**PRESENTED BY:** Liz Kampa-Weatherwax, Parking Division Director

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**PROBLEM/ISSUE STATEMENT:** The Parking Division acquired the property at 114-116 and 120 North 26<sup>th</sup> Street (formerly the Daryll Apartments, commercial space and Smith's Funeral Chapel) for future expansion of the Park II facility. Hazardous material abatement, underground storage tank removal, building demolition and related construction activities must be completed at these property locations prior to construction. An invitation to bid was advertised on September 29 and October 6, 2005, for the project. A mandatory pre-bid meeting was held on October 4, 2005. No bids were received at the October 11 bid opening. The buildings must be demolished to accommodate the Park II expansion, so staff will solicit new bids and bring them to Council as soon as possible.

**FINANCIAL IMPACT:** The Parking Enterprise Fund has included the costs of necessary abatement and demolition as a portion of the approved Park II Expansion budget.

#### **RECOMMENDATION**

Staff recommends that City Council indefinitely table this item.

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

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** Approval of Concession Agreement with Opti-Fi Networks to Operate a Wireless Fidelity Local Area Network (WIFI) Concession in the Airport Terminal Building

**DEPARTMENT:** Aviation and Transit

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

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**PROBLEM/ISSUE STATEMENT:** With the advent of wireless network cards in laptop computers, business travelers have been able to take advantage of locations that offer Wireless Fidelity Local Area Networks (WIFI) to connect to the Internet to access their e-mails and to do work related items utilizing WIFI connections while away from the office. For the past three years, airports across the country have been installing WIFI networks to accommodate these business travelers. This is especially true in airports that have airline hub operations where people are required to spend one or two hours between connecting flights. More recently, travelers are now using their Blackberries and Personnel Digital Assists (PDA) to do text messaging and e-mails over WIFI networks. Hence, what was once a convenience for the business traveler has turned into a convenience factor for the general populace and is predicted to expand greatly. The City's Airport staff recently advertised a Request for Proposal (RFP), seeking a firm with expertise in the WIFI area to establish a user friendly network at the Airport utilizing the WIFI technology currently available. This proposal requested that the successful Concessionaire provide a turnkey solution for the City's Airport, including providing technical support for the customers, maintenance of the equipment, and the accounting functions related to providing this service. While some airports are providing WIFI service for free to their passengers, staff felt that WIFI service should be provided, but at the same time paid for by those who are utilizing the system. Given the dire state of the airline industry, it is hard to justify subsidizing a free WIFI program through the airline's agreement with the City. While ten RFP's were sent to interested companies, only one proposal was received that met the RFP requirements. Fortunately, this proposal is from a company that has installed a number of WIFI networks in airports around the country. The sole proposal was received from Opti-Fi Networks. Their proposal provides for WIFI service starting at the price of \$2.99 for short time frame connections, and \$6.95 for a daily connections. Frequent travelers will also have the opportunity to purchase monthly memberships at a reduced rate. The rates charged by Opti-Fi are very competitive with what other vendors are charging for WIFI service at other airports and the \$2.99 rate is the lowest rate we are aware of.

**FINANCIAL IMPACT:** There is no capital cost associated with the installation of the WIFI system and the City will receive 20% of the revenues generated on the WIFI concession at the Airport. Revenues to the City are initially projected at \$4,000 to \$5,000 per year.

**RECOMMENDATION**

Staff recommends that Council approve the Concession Agreement with Opti-Fi Networks to install and operate a WIFI system at the City of Billings Logan International Airport.

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

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** Amendment to Stormwater Agreement with Lake Hills Golf Club  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** David D. Mumford, PE, Public Works Director

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**PROBLEM/ISSUE STATEMENT:** Currently, a Stormwater Improvements and Maintenance Agreement exist between the City of Billings and Lake Hills Golf Club. This agreement was approved by City Council on June 12<sup>th</sup>, 2000. The agreement details all of the maintenance required for two storm drain ponds that the city constructed on Lake Hills Golf Course serving public right-of-way. The City is currently paying Lake Hills Golf Club \$20,000 annually plus the annual CPI for maintenance of these existing ponds. As Lake Hills Subdivision continues to develop, additional storm drain ponds on the golf course are needed. These ponds have been identified within a feasibility study prepared by Interstate Engineering, Inc. The city will construct all of these ponds in three phases with the first phase to be constructed the fall of 2005. This will be constructed in lieu of constructing an outfall to Five-Mile Creek. With construction of these ponds, the maintenance agreement with Lake Hills Golf Club must be amended to include the maintenance of the additional ponds. This will cost the city an additional \$10,000 annually for the maintenance of all present and future ponds to be constructed according to the feasibility study.

**ALTERNATIVES ANALYZED:**

1. Approve the Amendment to Stormwater Improvements and Maintenance Agreement with Lake Hills Golf Club.
2. Do not approve the Amendment to Stormwater Improvements and Maintenance Agreement with Lake Hills Golf Club.

**FINANCIAL IMPACT:** Currently, the city pays an annual maintenance fee to Lake Hills Golf Club for storm drain maintenance equal to \$20,000 plus the annual CPI. This year's fee is about \$22,000 which has already been budgeted. The amendment to this maintenance agreement will add an additional \$10,000 to that annual fee. This additional \$10,000 will be paid from the Lake Hills Subdivision Storm Drain Infall Project, ENGD001 in the CIP approved in FY '06. This additional amount will need to be budgeted for on an annual basis.

CIP Project #ENGD001

|   |               |
|---|---------------|
| CIP Budgeted Amount                         | \$ 425,000.00 |
| Previous Encumbrances                       | \$ 000,000.00 |
| Budget Fund Balance<br>(after this payment) | \$ 415,000.00 |

**RECOMMENDATION**

Staff recommends that Council approve the Amendment to Stormwater Improvements and Maintenance Agreement with Lake Hills Golf Club to include maintenance of additional storm drain ponds to be constructed on the Lake Hills Golf Course.

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

**ATTACHMENT**

- A.        Amendment to Stormwater Improvements and Maintenance Agreement with Lake Hills Golf Club

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** W.O. 04-36 – Briarwood Sanitary Sewer Main Extension, State Revolving Fund (SRF) Backed Loan Application

**DEPARTMENT:** Public Works

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

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**PROBLEM/ISSUE STATEMENT:** The Briarwood Wastewater Treatment Facility (WWTF) experiences many operational problems handling waste, and a sanitary sewer main will be extended to Briarwood to replace the existing WWTF. The cost of the project exceeds the amount of immediate funding available, so a loan or revenue bond sale will be required to finance the sewer extension. The State Revolving Fund (SRF) was established by the legislature to make at or below market interest rate loans to eligible Montana entities for water and wastewater improvement projects. The SRF loans are funded with capitalization grants from the U.S. Environmental Protection Agency and are matched with State issued general obligation bonds. The current SRF loan terms are 20 year amortization with a 3.75% interest rate. A comparative current market rate for 20 year, non-collateralized revenue bonds is 5.1%. The cost savings for the SRF loan versus revenue bond financing is estimated to be more than \$596,000 over the life of the loan. The SRF Application is available at the City Clerk's office.

**ALTERNATIVES ANALYZED:**

- Apply for SRF funding. The estimated cost savings for the SRF loan versus revenue bond financing would exceed \$596,000 over the life of the loan.
- Do not apply for the SRF loan. Revenue bonds would still need to be sold for the project.

**FINANCIAL IMPACT:** The Capital Improvement Plan (CIP) funding for this project is as follows:

**CIP Project PWB1 (FY 05: \$600,000 & FY 06: \$3,654,000)**

|   |                                |
|---|--------------------------------|
| Total Funds Available                       | \$4,254,000                    |
| Spent to date                               | \$ 46,000                      |
| <b>Amount to be funded through SRF Loan</b> | <b>\$4,208,000 (This memo)</b> |

## **RECOMMENDATION**

Staff recommends that Council authorize the Mayor to execute the application for a State Revolving Fund backed loan in the amount of \$4,208,000.

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

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** Quitclaim Deed for Certificate of Survey 1024, Tract C  
**DEPARTMENT:** Public Works/Engineering  
**PRESENTED BY:** David D. Mumford, PE, Public Works Director

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**PROBLEM/ISSUE STATEMENT:** The property owners of Certificate of Survey 1024 located on Garden Avenue have agreed to quitclaim Certificate of Survey 1024, Tract C to the City Of Billings. Certificate of Survey 1024, Tract C is a road tract located on Garden Avenue. The properties surrounding Tract C are within the City's boundaries.

**ALTERNATIVES ANALYZED:**

3. Accept the quitclaim deed from property owners of Certificate of Survey 1024, Tract C.
4. Do not accept the quitclaim deed from property owners of Certificate of Survey 1024, Tract C.

**FINANCIAL IMPACT:** The property owners of Certificate of Survey 1024 have agreed to quitclaim the necessary street tract at no cost to the City.

**RECOMMENDATION**

Staff requests that Council accept the quitclaim deed for Certificate of Survey 1024, Tract C.

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

**ATTACHMENT**

- B. Exhibit showing street tract to be quitclaimed
- C. Quitclaim Deed





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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** Revised Interlocal Agreement and New Memorandum of Liability Coverage

**DEPARTMENT:** Administrative Services

**PRESENTED BY:** Rick Harden

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**PROBLEM/ISSUE STATEMENT:**

The Montana Municipal Insurance Authority (MMIA) Board of Directors has refined the Interlocal Agreement Governing the Montana Municipal Insurance.

The MMIA desires that the above document be approved by the Council, signed, and returned to MMIA no later than November 25, 2005.

**FINANCIAL IMPACT:**

None

**RECOMMENDATION**

Staff recommends that Council approve and authorize the Mayor to sign the attached Revised and Restated Interlocal Agreement Governing the Montana Municipal Insurance Authority.

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

**ATTACHMENT**

A – Revised Interlocal Agreement and Resolution No. 05- \_\_\_\_\_

## **INTRODUCTION**

The Montana Municipal Insurance Authority (MMIA) Board of Directors has refined the Interlocal Agreement Governing the Montana Municipal Insurance. The MMIA desires that the above document be approved by the Council, signed, and returned to MMIA no later than November 25, 2005.

## **BACKGROUND**

The original Interlocal Agreement, under which the MMIA currently operates, was created in 1986. It addressed the formation of the MMIA and initial operations. Since inception, MMIA has added a number of services and adjusted its operations based on member needs. Based upon the aforementioned, the MMIA Board of Directors decided to revise the Interlocal Agreement to reflect current operations.

The revisions are as follows:

1. **Recitals: Page 2, #7:** The original document limited the provision of services to just those who were members of MMIA. The revision “jointly provides such other administrative services to political subdivisions of the State.”
2. **Article VIII: Page 7, 8.01, B:** The original document did not provide for the expansion of the Board based on population growth. Currently the Board consists of six representatives from populations greater than 20,000 and six represented from populations less than 20,000. A thirteenth member is elected by the other twelve. This revision will allow for automatic expansion of the Board by two – one representing a member whose population grows beyond 20,000 and a corresponding addition of an elected member representing population less than 20,000.
3. **Article XV: Page 15, 15.02, B:** To allow one MMIA program to loan funds to develop a new Program of Authority, when secured by a promise to repay the funds to the lending Program. This allows the Authority the flexibility to consider requests of the membership for the development of a new program.
4. **Article XXII: Page 20, 22.03:** The revised indemnification language meets current standards for the indemnification of the Directors, Officers or Committee members representing Member Entities.
5. **Article XXV: Page 21:** Sets forth the process for amending the Revised Agreement. The Revised Agreement may be amended by two-thirds of the Member Entities, acting through their governing bodies.
6. **Article XXIX: Page 22:** Upon acceptance of the Revised Agreement, the Authority will file the signed documents with the Secretary of State and then with the various county clerk and recorders of Member Entities, in keeping with current statutory requirements.

## **RECOMMENDATION**

Staff recommends that Council approve and authorize the Mayor to sign the attached Revised and Restated Interlocal Agreement Governing the Montana Municipal Insurance Authority.

**ATTACHMENT**

A – Revised Interlocal Agreement and Resolution No. 05- \_\_\_\_\_

RESOLUTION NO. 05- \_\_\_\_\_

A RESOLUTION OF THE CITY OF BILLINGS  
APPROVING THE REVISED INTERLOCAL AGREEMENT WITH  
THE MONTANA MUNICIPAL INSURANCE AUTHORITY (MMIA)

WHEREAS, the City Council of Billings desires to adopt the Revised Interlocal Agreement with the Montana Municipal Insurance Authority (MMIA); and

WHEREAS, the Revised Interlocal Agreement with MMIA outlines the current services and operations of the MMIA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, HEREBY adopts the Revised Interlocal Agreement with the Montana Municipal Insurance Authority (MMIA) attached as ATTACHMENT A.

PASSED by the City Council and APPROVED this 24<sup>th</sup> day of October, 1005.

THE CITY OF BILLINGS

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

ATTEST:

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

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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**TITLE:** Second Reading of an Ordinance expanding Ward V  
**DEPARTMENT:** Planning and Community Services Department  
**PRESENTED BY:** Candi Beaudry, AICP, Planning Division Manager

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**PROBLEM/ISSUE STATEMENT:** On September 26, 2005, the City Council adopted Resolution No. 05-18357 annexing .363 acres, including a .294-acre parcel located north of Broadwater Avenue and west of 52<sup>nd</sup> Street West and a portion of the Broadwater Avenue right-of-way. (Annexation #05-09). The owners, DC Capital Real Estate, LLC, originally petitioned the annexation of this property. 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 V was held on October 11, 2005. A second reading of the ordinance is the final step in the procedure to expand the ward boundaries.

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

**RECOMMENDATION**

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

**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 V 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 NW1/4 of Section 4, T.1S., R.25E., P.M.M.,  
Yellowstone County, Montana, more particularly described as: Grand Acres  
Subdivision, First Filing, Grand Acres Park, Recorded June 16, 1959, Under  
Document No. 623226, Records of Yellowstone County, Montana; including all  
adjacent right-of-way of Broadwater Avenue. Containing 0.363 gross and 0.294  
net acres, more or less. (# 05-09) See Exhibit "A" Attached

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 11<sup>th</sup> day of October, 2005.

PASSED by the City Council on the second reading this 24<sup>th</sup> day of October, 2005.

THE CITY OF BILLINGS:

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Charles F. Tooley, MAYOR

ATTEST:

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



OT 68 A

LOT 67 A

65-68.

95-100

56TH STREET

125-128

65A-2

65A

LOT 66 A

65A-3

65A-4

54TH STREET

WEST

GRAND AVENUE

CERT. 2298

TR. 3

TR. 2

LOT 1 BLOCK 1

LOT 2

C/S 1634 TR. 2

EXISTING CITY LIMITS

CERT. 2379 TR. 1

TR. 2

CERT. 2178 TR. 1

TR. 3

C/S 1877

BROADWATER AVENUE

PROPOSED ANNEXATION 05-09

GRAND ACRES PARK

52ND STREET WEST

54TH STREET

VINTAGE LN

MERLOT LN

BURLINGTON

CABERNET

RIESLING LN

SUB PARK

WINEYARD DR

TR. 1C

TR. 1B

TR. 2C

CERT. 298

TR. 2B

OAK RIDGE

ESTATES

DOVETAIL

ROCK CIRCLE

TR. 1

CERT. 2175

TR. 1

CERT. 2189

CERT. 2203

TR. 1

WELLS CARDEN ESTATES SUB.

4TH FILING

52ND STREET WEST

54TH STREET

56TH STREET

1322

CERT. 2229

TRACT 1

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

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

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---

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

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$268,031.17 have been audited and are presented for your approval for payment. A complete listing of the claims dated September 26, 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:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

---

---

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

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$2,189,727.05 have been audited and are presented for your approval for payment. A complete listing of the claims dated September 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

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



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**CITY COUNCIL AGENDA ITEM****CITY OF BILLINGS, MONTANA****Monday, OCTOBER 24, 2005**

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**SUBJECT:** Public Hearing and Approval of Resolution Approving and Adopting Budget Amendments for Fiscal Year 2004/2005

**DEPARTMENT:** Administration-Finance Division

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

---

**PROBLEM/ISSUE STATEMENT:** A budget adjustment is requested for Fiscal Year 2004/2005. This amendment is to transfer fixed assets from an internal service fund to general fixed assets and does not require cash outlay. This transfer is necessary to move infrastructure fixed assets (Midland Road) from Motor Pool to General Fixed Assets as required by Government Accounting Standards Board (GASB) pronouncements.

**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and approve the resolution approving and adopting the budget amendment for Fiscal Year 2004/2005 per attached.

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

**ATTACHMENT**

A-Resolution to Make Fiscal Year 2004/2005 Adjustment Appropriations (with Exhibit A)

**RESOLUTION 05-**

A RESOLUTION TO MAKE FISCAL YEAR 05  
ADJUSTMENTS APPROPRIATIONS PURSUANT TO M.C.A. 7-  
6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND  
REVISIONS WITHIN THE GENERAL CLASS OF SALARIES  
AND WAGES, MAINTENANCE AND SUPPORT AND  
CAPITAL OUTLAY.

WHEREAS, M.C.A. 7-6-4006 provides that the City Council, upon proper resolution, adopted by said Council at a regular meeting and entered into its Minutes, may transfer or revise appropriations within the general class of salaries and wages, maintenance and support, and capital outlay, and

WHEREAS, based upon Governmental Accounting Standard Board (GASB) pronouncements, it is necessary to alter and change said appropriations for FY 2004/2005.

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

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT)

PASSED AND APPROVED by the City Council, this 24th day of October, 2005.

THE CITY OF BILLINGS:

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

ATTEST:

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

**EXHIBIT A**

**BUDGET ADJUSTMENTS**

|                        | <u><b>Revenue</b></u> | <u><b>Expenditure</b></u>                    |
|------------------------|-----------------------|--|
| 601-1551-481      8214 |                       | \$1,371,195 Transfer to General Fixed Assets |

Increase the approved FY2005 budget by \$1,371,195 to transfer infrastructure assets (Midland Road) from Motor Pool to General Fixed Assets (GFA). This transfer does not affect cash.

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



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**CITY COUNCIL AGENDA ITEM****CITY OF BILLINGS, MONTANA****Monday, OCTOBER 24, 2005**

---

**SUBJECT:** Public Hearing and Approval of Resolution Approving and Adopting Budget Amendments for Fiscal Year 2005/2006

**DEPARTMENT:** Administration-Finance Division

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

---

**PROBLEM/ISSUE STATEMENT:** Budget adjustments are requested for Fiscal Year 2005/2006. Cash reserves are the revenue source for the Library, the EOC 911, and the Drug Forfeiture fund adjustments. Loan payment proceeds are sufficient to payoff the Fannie Mae loan. The Airport capital budget adjustments are to reestablish the budget authority for four capital projects from Fiscal Year 2005. The Airport projects were not be started prior to the end of Fiscal Year 2005 because three were rejected due to excessively high bid amounts and no bids were received for the forth. Reserves are available in the Airport's capital funds to pay for these projects.

**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and approve the resolution approving and adopting the budget amendments for Fiscal Year 2005/2006 per attached.

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

**ATTACHMENT**

A-Resolution to Make Fiscal Year 2005/2006 Adjustment Appropriations (with Exhibit A)

**RESOLUTION 05-**

A RESOLUTION TO MAKE **FISCAL YEAR 2006**  
ADJUSTMENTS APPROPRIATIONS PURSUANT TO M.C.A. 7-  
6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND  
REVISIONS WITHIN THE GENERAL CLASS OF SALARIES  
AND WAGES, MAINTENANCE AND SUPPORT AND  
CAPITAL OUTLAY.

WHEREAS, M.C.A. 7-6-4006 provides that the City Council, upon proper resolution, adopted by said Council at a regular meeting and entered into its Minutes, may transfer or revise appropriations within the general class of salaries and wages, maintenance and support, and capital outlay, and

WHEREAS, based upon a **Quarterly** Budget Review (**FY 2005/2006**), it is necessary to alter and change said appropriations.

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

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT)

PASSED AND APPROVED by the City Council, this 24th day of October, 2005.

THE CITY OF BILLINGS:

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

ATTEST:

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



## EXHIBIT A

### BUDGET ADJUSTMENTS

|   |      | <u>Revenue</u> | <u>Expenditure</u>                    |
|---|------|----------------|---------------------------------------|
| 260-5512-455  | 9292 |                | \$ 36,161 Building Improvements       |
| Increase the approved FY06 budget by \$36,161 in the Library Fund for the code compliance project.  |      |                |                                       |
| 225-2232-422  | 3590 |                | \$ 40,000 Other Professions Services  |
| To increase the EOC 911 fund for the GIS position within Yellowstone County.  |      |                |                                       |
| 304-1532-471  | 6100 |                | \$ 2,000,000 Loan Principal Payment   |
| To repay Fannie Mae loan early because related loan from the City to a qualified borrower was paid early.   |      |                |                                       |
| 562-7120-711  | 9290 |                | \$ 95,600 Kitchen floor repairs       |
| 562-7120-711  | 9290 |                | \$ 30,600 Restroom remodel            |
| 562-7120-711  | 9290 |                | \$ 20,600 Terminal building dock lift |
| 407-7128-711  | 9397 |                | \$ 705,000 Airfield electrical vault  |
| To reestablish budget authority in airport capital funds 562 and 407 to allow for the completion of four important FY 2005 capital projects. Three were previously bid and rejected due to overly high bid prices and one, the Kitchen Floor Project, received no bids. |      |                |                                       |
| 718-2160-421  | 3870 |                | \$ 2,100 Travel to pick up K-9's      |
| 718-2160-421  | 9491 |                | \$ 17,000 Two K-9's                   |
| To purchase two K-9's to replace the two retired. Additional travel budget is required to pick the K-9's up in Ohio and to return them to Billings. The Drug Forfeiture Fund has adequate reserves to fund these budget adjustments.                                    |      |                |                                       |

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

## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

---

**TITLE:** Public Hearing for Resolution Authorizing the Sale of Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing

**DEPARTMENT:** Public Works

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

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**PROBLEM/ISSUE STATEMENT:** The City of Billings owns Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing as shown on the attached map. Lot 8A was acquired from the County in 1994 who acquired it through a tax delinquency. Lot 8A is worthless to the city and unable to fit a structure due to its small land area. David and Ralna Cunningham, owners of both lots adjacent to Lot 8A, have offered to purchase Lot 8A from the city. They have offered the city \$1.69 per square foot, which is the same price that they have paid for another vacant lot within the subdivision in April 2005. The Public Hearing Notice was advertised on October 6, 2005.

**ALTERNATIVES ANALYZED:**

1. Approve Resolution Authorizing the Sale of Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing.
2. Do not approve the Resolution Authorizing the Sale of Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing.

**FINANCIAL IMPACT:** David and Ralna Cunningham have offered to purchase Lot 8A for \$1.69 per square foot, which is comparable to another purchase of theirs in the neighborhood. With a total lot area of 1,724 square feet, the total cost David and Ralna Cunningham would have to pay the city is \$2,913.56.

**RECOMMENDATION**

Staff recommends that Council approve the Resolution Authorizing the Sale of Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing to David and Ralna Cunningham.

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

**ATTACHMENT**

- A. Map Depicting Lot proposed to be Sold

- B. Proposal to Purchase City-Owned Property
- C. Resolution Authorizing Sale of Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing

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

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

WHEREAS, the City of Billings owns and desires to dispose of property it currently owns, located on Lake Hills Drive and described as Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing, in the City of Billings, Yellowstone County, Montana; and

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

Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing, in Yellowstone County, Montana, according to the official plat now on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana; and

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

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on the 24<sup>th</sup> day of October, 2005;

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

That the City staff is authorized to proceed with the sale of Lot 8A, Block 13, Lake Hills Subdivision 18<sup>th</sup> Filing, under the requirements of Section 22-902 of the Billings, Montana City Code.

APPROVED AND PASSED by the City Council of the City of Billings, Montana this 24<sup>th</sup> day of October, 2005.

THE CITY OF BILLINGS:

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

ATTEST:

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MARITA HEROLD, CMC/AAE , CITY CLERK

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

## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, October 24, 2005**

---

**TITLE:** Zone Change #767 – Public Hearing and 1<sup>st</sup> reading of ordinance  
**DEPARTMENT:** Planning & Community Services  
**PRESENTED BY:** Nicole M. Cromwell, AICP, Zoning Coordinator, Planner II

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**PROBLEM/ISSUE STATEMENT:** This is a zone change request from R-9,600 to Residential Professional (3.82 acres), Community Commercial (16.02 acres) and Residential Multi-Family (19.57 acres) on property located northwest of the intersection of Molt Road, 62<sup>nd</sup> Street West and Rimrock Road described as Tract 6A of Certificate of Survey 2465, a 39.4 acre parcel. The property owner is Golden West Partners, LLC and Engineering, Inc. is the agent. The Zoning Commission held a public hearing October 4, 2005, and is recommending approval on a 5-0 vote.

**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 will increase the city's tax base when the property is developed for neighborhood and community commercial purposes. The multi-family zoning will allow the city to recapture some of the investment in the extension of city utilities to this area of northwest Billings.

**RECOMMENDATION**

The Zoning Commission recommends that the City Council approve Zone Change #767 on 1<sup>st</sup> reading and adopt the determinations of the discussed 12 criteria.

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

## **ATTACHMENTS**

- A: Site photographs
- B: Zoning Map
- C: Concept site plan
- D: Ordinance

## **INTRODUCTION**

This is a zone change request from Residential-9,600, the default zoning adopted when the property was annexed in 2002, to Residential Professional, Community Commercial and Residential Multi-Family for a 39.4 acre parcel located west of the intersection of Molt Road, 62<sup>nd</sup> Street West and Rimrock Road. The property is west of the Yellowstone Club Estates, Augusta Ranch and east of the developing Copper Ridge Subdivision.

## **PROCEDURAL HISTORY**

- Application submitted on September 1, 2005.
- Zoning Commission held a public hearing on October 4, 2005, and voted 5-0 to recommend approval.
- The City Council will hold a public hearing on October 24, 2005, and make a decision on the zone change application.
- If the ordinance is approved on first reading, the City Council will consider it for second reading on November 14, 2005.

## **BACKGROUND**

The subject property is currently vacant and city utilities are being installed in a new section of Rimrock Road west from the intersection of Molt Road and 62<sup>nd</sup> Street West. The 2005 Northwest Shiloh Area Plan identified this intersection of two arterial streets as an ideal location for neighborhood commercial and retail services for the developing neighborhoods of Ironwood Estates, Augusta Ranch, Copper Ridge and Falcon Ridge subdivisions. The closest retail services are currently located 4.5 miles from this intersection and residents should have a local source for necessities. Services that might locate within this re-zoned area include grocery stores, restaurants, banks, gas stations, convenience stores and professional offices. The area proposed for Residential Multi-Family zoning mirrors the zoning north of Cove Ditch in Falcon Ridge Subdivision. This proposed concept development for this multi-family zone is at a density of 16 to 18 dwelling units per acres or about 360 dwelling units.

The City Zoning Commission reviewed this application and held a public hearing on the proposal on October 4, 2005. The Zoning Commission voted 5-0 to recommend approval based on the attached twelve (12) criteria for zone changes. The proposed zoning would allow the development of a small commercial area to serve this growing neighborhood as well as provide a mix of housing types for this new neighborhood. The proposal is supported by the 2003 Growth Policy and the 2005 Northwest Shiloh Area Plan.

## **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.

The City Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*  
The proposed zone change is in compliance with the following goals of the Growth Policy:
  - New Development that is sensitive to and compatible with the character of



adjacent City neighborhoods.

- Contiguous development focused in and around existing population centers separated by open space.
- Affordable housing for all income levels dispersed throughout the City and County.
- Unobstructed views of the rimrocks surrounding the City of Billings.

The new zoning is in the city limits and in an area that will be served by municipal utilities and fire and police protection. The property is bordered on the east by a principal arterial street (Molt Road) and on the south by a collector street (Rimrock Road) and is compatible with existing zoning in the surrounding area including Falcon Ridge Subdivision to the north. The 2005 Northwest Shiloh Area Plan specifically shows the intersection of Molt Road and Rimrock Road as a location for new community and neighborhood commercial uses.

2. *Is the new zoning designed to lessen congestion in the streets?*

The new zoning will generate an increase in traffic. The commercial uses will dictate the location of drive approaches and will have to conform to city and state access policies. The developer will be required to submit a Traffic Accessibility Study at the time of subdivision review. This study will review the traffic impact that the new development will have on the surrounding streets and will detail the mitigation measures that the developers will be required to implement. Previous subdivisions have submitted a pro-rated share into a restricted fund account for the reconfiguration and control measures for Rimrock Road and Molt Road intersection. The preliminary plan for the intersection is to eliminate the super-elevated curve and replace it with a normal 4-way intersection with traffic control.

3. *Will the new zoning secure safety from fire, panic and other dangers?*

These lots have or will have public street frontage and are served by the City Fire Department. In addition, in the subdivision review process, the Fire Department will review the layout of the proposed subdivision to ensure that fire protection can be provided to all new structures.

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 districts, as do all districts, have limits on the maximum percentage of lot that can be covered with structures. The Residential Multi-Family zone allows 55 percent lot coverage. The Residential Professional and Community Commercial zones allow 50 percent lot coverage.

7. *Will the new zoning avoid undue concentration of population?*  
The Residential Multi-Family allows single-family detached dwellings, duplexes and townhomes based on minimum lot areas.
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 generate an increase in traffic over existing conditions. However, development of the site at densities allowed under the current R-9,600 zoning would do the same. Also, the property adjoins Molt Road which is designated as a principal arterial street in the Transportation Plan and traffic mitigation will be reviewed at the time of subdivision review.  
*Water and Sewerage:* The City of Billings will provide water and sanitary sewer service using the water and sewer mains that are located in the Molt Road right-of-way. The property will pay appropriate construction, system development and franchise fees at the time of development.  
*Schools and Parks:* At the time of subdivision development the developer will be required to either dedicate lot area as parkland or give equivalent cash payment to support local parkland development. The tax records state that children from this development would attend Arrow Head Elementary, Will James Middle and West High.  
*Fire and Police:* The subject property is currently served by the City of Billings fire and police departments. Provisions for adequate service will be reviewed and ensured at the time of subdivision review.
9. *Does the new zoning give reasonable consideration to the character of the district?*  
The subject property is surrounded by a rapidly developing area of northwest Billings. Multi-family zoning is located just north of the property as well as single family and two family zones. The area south of the subject parcel is located outside of the city limits and features active agricultural uses and low density residential homes. The new zoning will provide a greater mix of housing choices in the surrounding area. The new zoning will provide local commercial and retail services within the neighborhood. The closest existing commercial area is 4.5 miles from this location.
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 districts.
11. *Was the new zoning adopted with a view to conserving the value of buildings?*  
The new zoning should not negatively affect the value of the surrounding buildings or homes. The new development is proposed to offer local commercial and retail services and offer a variety of housing types.
12. *Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?*  
Yes, the new zoning will allow for more dense development on lots that will be served

with City water and sanitary sewer. The 2003 Growth Policy supports new development that is contiguous to existing populations (Falcon Ridge Subdivision), as well as affordable housing choices this development may offer with different housing types allowed by the new zoning.

### **STAKEHOLDERS**

The Zoning Commission held a public hearing on October 4, 2005, and John Stewart, P.E. of Engineering, Inc. spoke on behalf of the owner, Golden West Partners, LLC. In addition, Gary Oakland of Oakland Homes and developer of Copper Ridge Subdivision to the west, and Dennis Buscher, developer of Falcon Ridge Subdivision and Augusta Ranch Subdivision, spoke in favor of the proposed zoning. No one spoke in opposition to the application and no letters protesting the zone change were received by the Planning Department or the Zoning Commission.

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

Consistency with the 2003 Growth Policy and 2005 Northwest Shiloh Area Plan is discussed in the Alternatives Analysis section of this report.

### **RECOMMENDATION**

The Zoning Commission recommends that the City Council approve Zone Change #767 on 1<sup>st</sup> reading and adopt the determinations of the discussed 12 criteria.

### **ATTACHMENTS**

- A: Site photographs
- B: Zoning Map
- C: Concept site plan
- D: Ordinance

ATTACHMENT A  
Site photographs

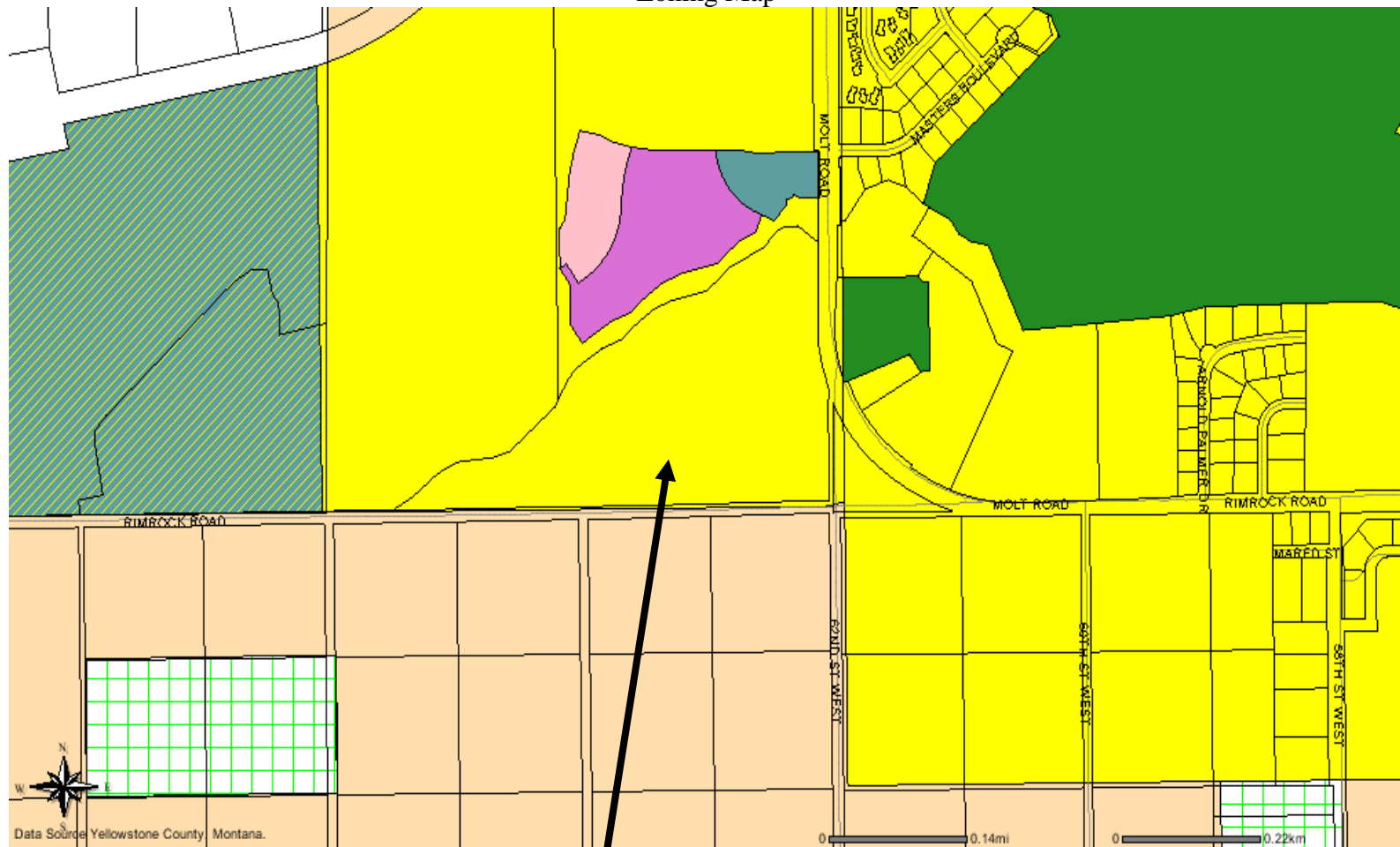


Subject property from the south east corner of site – view north



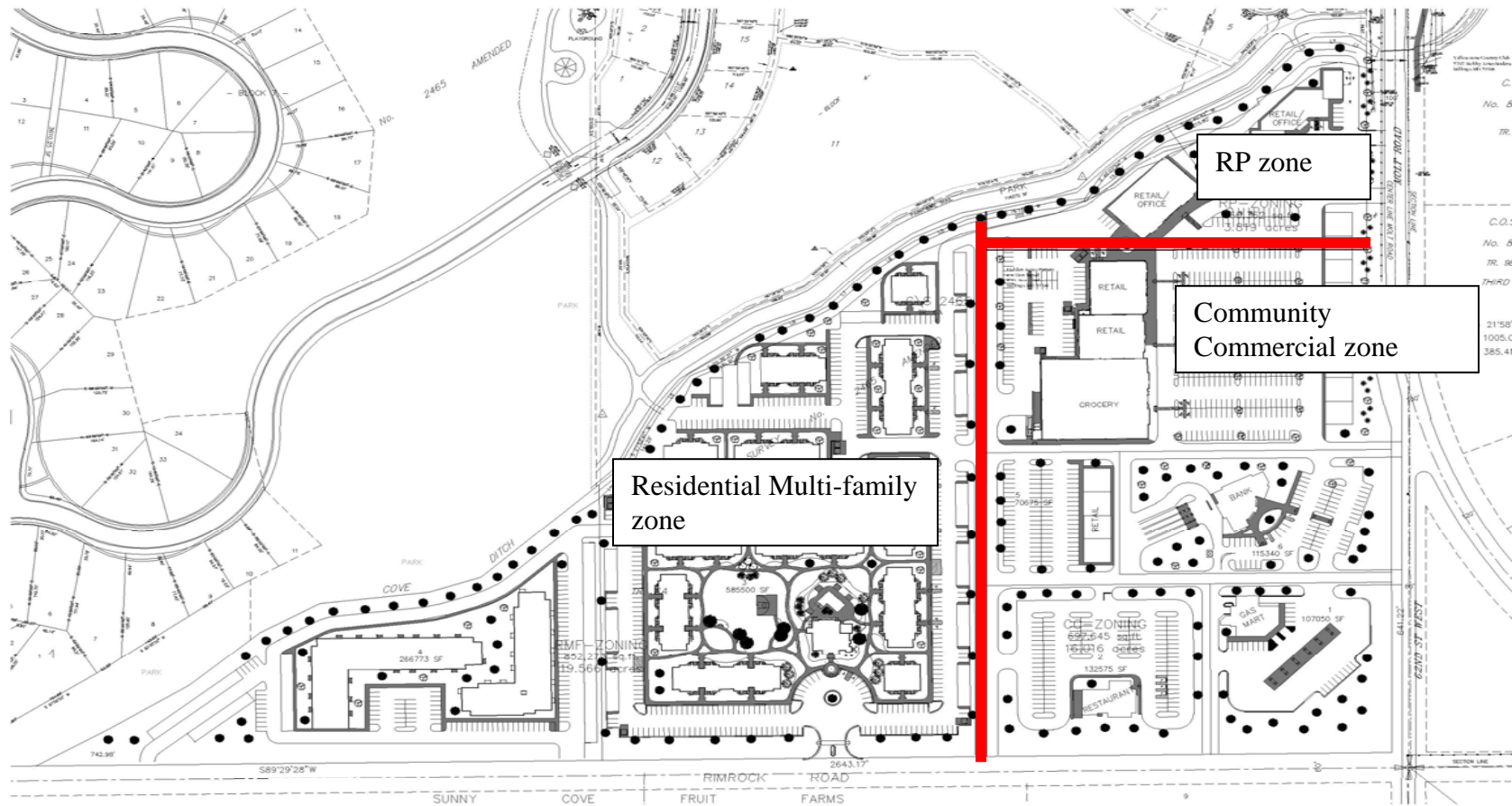
Subject property from the south east corner of site – view north and west

ATTACHMENT B  
Zoning Map



Subject Property

ATTACHMENT C  
Concept site plan



ATTACHMENT D

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

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON **TRACT 6A OF CERTIFICATE OF SURVEY 2465**. THE SUBJECT PROPERTY IS LOCATED WEST AND NORTH OF THE INTER-SECTION OF MOLT ROAD, 62<sup>ND</sup> STREET WEST AND RIMROCK ROAD.

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 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 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 described as **TRACT 6A OF CERTIFICATE OF SURVEY 2465** is presently zoned Residential-9,600 and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential-9,600** to **Residential Multi-family (RMF) on a 19.57 acre portion (See Exhibit A), Residential Professional (RP) on a 3.82 acre portion (See Exhibit B), and Community Commercial (CC) on a 16.02 acre portion (See Exhibit C)** and from the effective date of this ordinance shall be subject to all the rules and regulations pertaining to **Residential Multi-family, Residential Professional, and Community Commercial** 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 as provided by law.

PASSED by the City Council on first reading October 24, 2005.

PASSED, ADOPTED AND APPROVED on second reading November 14, 2005.

CITY OF BILLINGS:

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

ATTEST:

BY:  
Marita Herold, CMC/AAE, City Clerk

ZC #767

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**
**CITY OF BILLINGS, MONTANA**
**Monday, October 24, 2005**


---

**TITLE:** Zone Change #768 – Public Hearing and 1<sup>st</sup> reading of ordinance

**DEPARTMENT:** Planning & Community Services

**PRESENTED BY:** Nicole M. Cromwell, AICP, Zoning Coordinator, Planner II

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**PROBLEM/ISSUE STATEMENT:** This is a zone change request from R-9,600 to Residential Multi-Family (6.07 acres) and Residential-7,000 (45.78 acres) on property located northwest of the intersection of Molt Road, 62<sup>nd</sup> Street West and Rimrock Road described as Tract 5A of Certificate of Survey 2465, a 63.7 acre parcel. The property owner is Golden West Partners, LLC and Engineering, Inc. is the agent. The Zoning Commission held a public hearing October 4, 2005, and is recommending approval on a 5-0 vote.

**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:

5. Approve the zone change request
6. Deny the zone change request
7. Allow withdrawal of the application
8. Delay action for up to thirty (30) days

**FINANCIAL IMPACT:** This zone change will increase the city's tax base when the property is developed for multi-family and duplex townhomes. The new zoning will allow the city to recapture some of the investment in the extension of city utilities to this area of northwest Billings.

**RECOMMENDATION**

The Zoning Commission recommends that the City Council approve Zone Change #768 on 1<sup>st</sup> reading and adopt the determinations of the discussed 12 criteria.

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

**ATTACHMENTS**

- A: Site photographs
- B: Zoning Map
- C: Concept site plan
- D: Ordinance

## **INTRODUCTION**

This is a zone change request from Residential-9,600, the default zoning adopted when the property was annexed in 2002, to Residential Multi-family and Residential-7,000 for a 63.7 acre parcel located west of the intersection of Molt Road, 62<sup>nd</sup> Street West and Rimrock Road. The property is west of the Yellowstone Club Estates, Augusta Ranch, east of the developing Copper Ridge Subdivision, and north of Cove Ditch

## **PROCEDURAL HISTORY**

- Application submitted on September 1, 2005.
- Zoning Commission held a public hearing on October 4, 2005, and voted 5-0 to recommend approval.
- The City Council will hold a public hearing on October 24, 2005, and make a decision on the zone change application.
- If the ordinance is approved on first reading, the City Council will consider it for second reading on November 14, 2005.

## **BACKGROUND**

This is a zone change from Residential-9,600 to Residential Multi-family and Residential- 7,000 on property just west of Falcon Ridge Subdivision (formerly known as Golden Acres Subdivision, 1<sup>st</sup> Filing). The subject property is generally located west of Molt Road and north of Rimrock Road and west of Tract 6A of C/S 2465, the subject of Zone Change #767. The developers are proposing to develop this area into a mixture of housing types including single family, two-family and multi-family units. The development will compliment the Copper Ridge Subdivision to the west that features single family only units and Falcon Ridge to the east that features single family, two family and multi-family units. This tract will be a transition from the higher density zones along Molt Road and Rimrock Road to the lower density zones to the west and north. The area proposed for Residential Multi-family zoning will mirror the zoning east of the Cove Ditch in Falcon Ridge Subdivision. The multi-family density will likely be at an approximate density of 10 to 14 dwelling units per acre or about 130 dwellings total. The proposed 45.78 acres for the R-7,000 zoning will include lots large enough to support two-family dwellings (minimum lot size of 9,600 square). The lots will transition from two-family lots on the east to single family lots to the west.

The City Zoning Commission reviewed this application and held a public hearing on the proposal on October 4, 2005. The Zoning Commission voted 5-0 to recommend approval based on the attached twelve (12) criteria for zone changes. The Residential Multi-Family and Residential-7,000 zoning districts would allow for the development of a mixture of housing types in this new neighborhood of northwest Billings. The 2003 Growth Policy, the 2001 West Billings Neighborhood Plan and the 2005 Northwest Shiloh Area Plan indicate the need for a mixture of housing types and densities in this area.

## **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.

The City Zoning Commission, prior to any recommendation, shall consider the following:

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

The proposed zone change is in compliance with the following goals of the Growth Policy:

- New Development that is sensitive to and compatible with the character of adjacent City neighborhoods.
- Contiguous development focused in and around existing population centers separated by open space.
- Affordable housing for all income levels dispersed throughout the City and County.
- Unobstructed views of the rimrocks surrounding the City of Billings.

The new zoning is in the city limits and in an area that will be served by municipal utilities and fire and police protection. The property is bordered on the south by a collector street (Rimrock Road) and is compatible with existing zoning in the surrounding area including Falcon Ridge Subdivision to the east and Copper Ridge Subdivision to the west.

2. *Is the new zoning designed to lessen congestion in the streets?*

The new zoning will generate an increase in traffic. The commercial uses will dictate the location of drive approaches and will have to conform to city and state access policies. The developer will be required to submit a Traffic Accessibility Study at the time of subdivision review. This study will review the traffic impact that the new development will have on the surrounding streets and will detail the mitigation measures that the developers will be required to implement.

3. *Will the new zoning secure safety from fire, panic and other dangers?*

These lots have or will have public street frontage and are served by the City Fire Department. In addition, in the subdivision review process, the Fire Department will review the layout of the proposed subdivision to ensure that fire protection can be provided to all new structures.

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 districts, as do all districts, have limits on the maximum percentage of lot that can be covered with structures. The Residential Multi-Family zone allows 55

percent lot coverage. The Residential-7,000 zone allows 30 percent lot coverage.

7. *Will the new zoning avoid undue concentration of population?*

The Residential Multi-Family allows single-family detached dwellings, duplexes and townhomes based on minimum lot areas. The Residential-7,000 allows single family and two-family dwelling units. The maximum number of dwelling units on the area proposed for the R-7,000 zone would be 177 two family dwellings.

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 generate an increase in traffic over existing conditions. However, development of the site at densities allowed under the current R-9,600 zoning would do the same. Also, the property adjoins Rimrock Road which is designated as a collector street in the Transportation Plan and traffic mitigation will be reviewed at the time of subdivision review.

*Water and Sewerage:* The City of Billings will provide water and sanitary sewer service using the water and sewer mains that are to be located in the Rimrock Road right-of-way. The property will pay appropriate construction, system development and franchise fees at the time of development.

*Schools and Parks:* At the time of subdivision development the developer will be required to either dedicate lot area as parkland or give equivalent cash payment to support local parkland development. The tax records state that children from this development would attend Arrow Head Elementary, Will James Middle and West High.

*Fire and Police:* The subject property is currently served by the City of Billings fire and police departments. Provisions for adequate service will be reviewed and ensured at the time of subdivision review.

9. *Does the new zoning give reasonable consideration to the character of the district?*

The subject property is surrounded by a rapidly developing area of northwest Billings. Multi-family zoning is located just east and north of the property as well as single family, two family and commercial zones. The area south of the subject parcel is located outside of the city limits and features active agricultural uses and low density residential homes. The new zoning will provide a greater mix of housing choices in the surrounding 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 districts.

11. *Was the new zoning adopted with a view to conserving the value of buildings?*

The new zoning should not negatively affect the value of the surrounding buildings or homes. The new development is proposed to offer a variety of housing types.

12. *Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?*

Yes, the new zoning will allow for more dense development on lots that will be served with City water and sanitary sewer. The 2003 Growth Policy supports new development that is contiguous to existing populations (Falcon Ridge Subdivision and Copper Ridge Subdivision), as well as affordable housing choices this development may offer with different housing types allowed by the new zoning.

### **STAKEHOLDERS**

The Zoning Commission held a public hearing on October 4, 2005, and John Stewart, P.E. of Engineering, Inc. spoke on behalf of the owner, Golden West Partners, LLC. Gary Oakland of Oakland Homes and developer of Copper Ridge Subdivision to the west, and Dennis Buscher, developer of Falcon Ridge Subdivision and Augusta Ranch Subdivision spoke in favor of the proposed zoning. Mr. Oakland and Mr. Buscher are the prospective buyers of the subject property. No one spoke in opposition to the application and no letters protesting the zone change were received by the Planning Department or the Zoning Commission.

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

Consistency with the 2003 Growth Policy and 2005 Northwest Shiloh Area Plan is discussed in the Alternatives Analysis section of this report.

### **RECOMMENDATION**

The Zoning Commission recommends that the City Council approve Zone Change #768 on 1<sup>st</sup> reading and adopt the determinations of the discussed 12 criteria.

### **ATTACHMENTS**

- A: Site photographs
- B: Zoning Map
- C: Concept site plan
- D: Ordinance

ATTACHMENT A - Site photographs

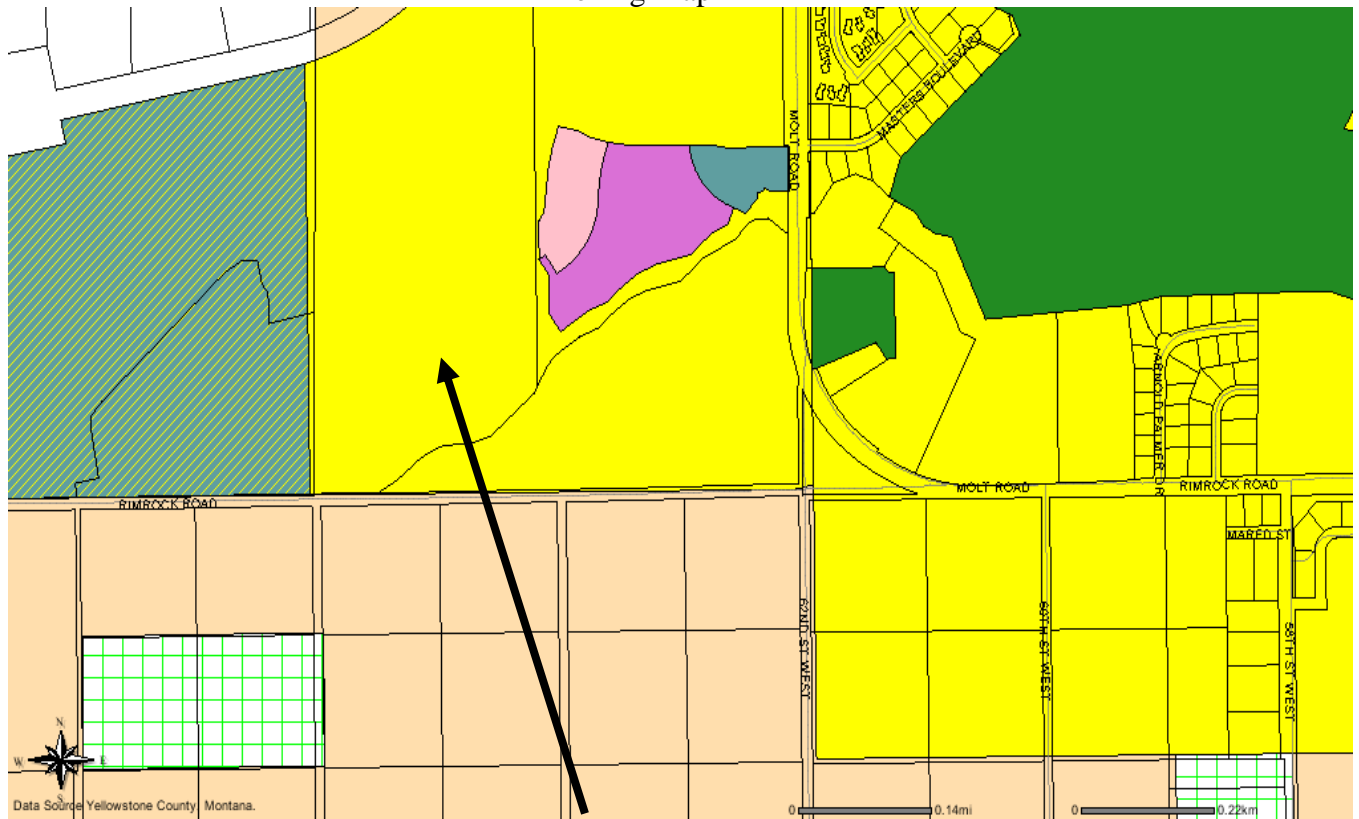


The south east corner of Tract 6A just east of the site – view north and west



The south east corner of subject site view south and west – across Rimrock Road

ATTACHMENT B  
Zoning Map



Subject Property



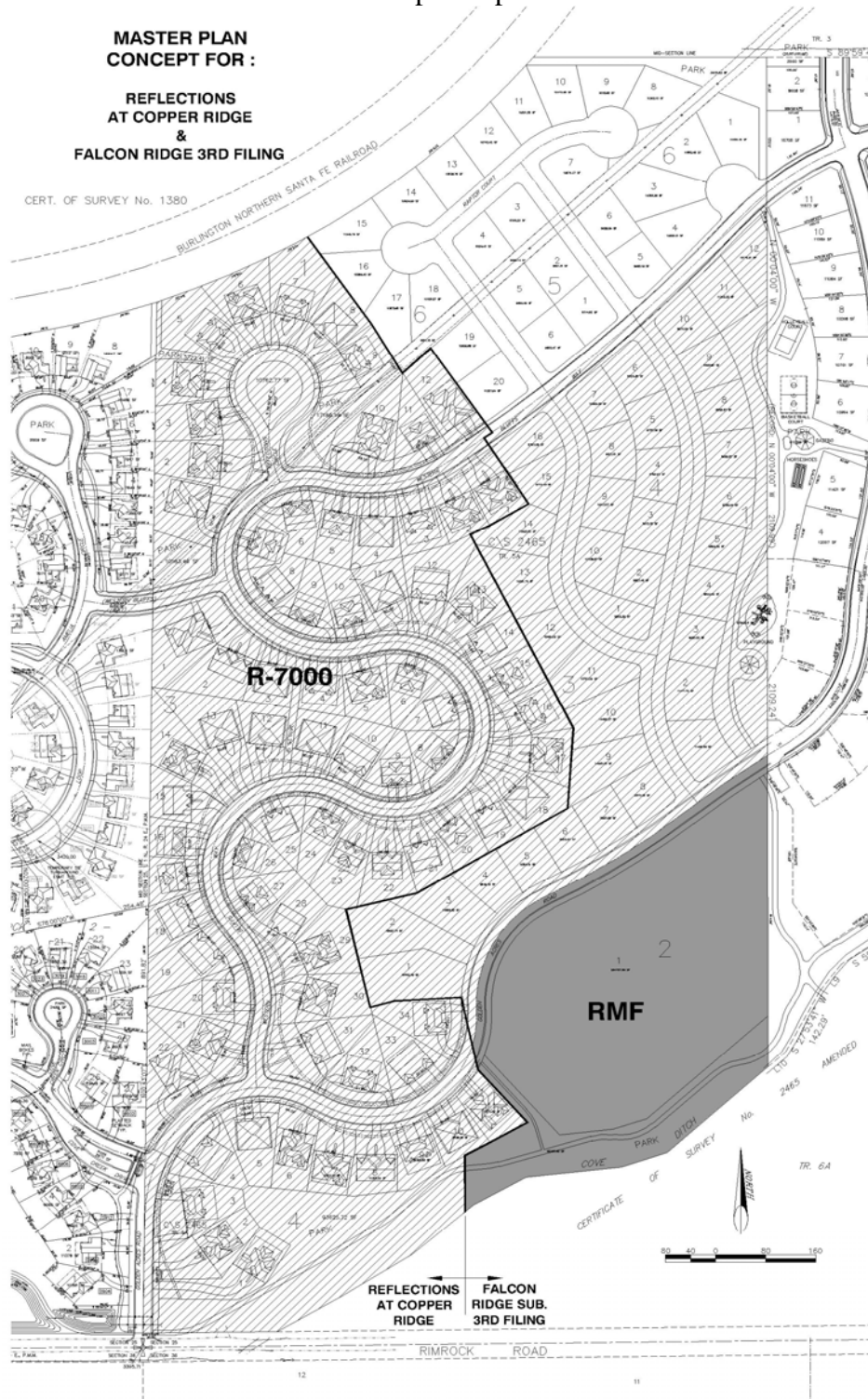
# ATTACHMENT C

## Concept site plan

MASTER PLAN  
CONCEPT FOR :

REFLECTIONS  
AT COPPER RIDGE  
&  
FALCON RIDGE 3RD FILING

CERT. OF SURVEY No. 1380



ATTACHMENT D

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

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON **TRACT 5A OF CERTIFICATE OF SURVEY 2465**. THE SUBJECT PROPERTY IS LOCATED WEST AND NORTH OF THE INTER-SECTION OF MOLT ROAD, 62<sup>ND</sup> STREET WEST AND RIMROCK ROAD.

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 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 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 described as **TRACT 5A OF CERTIFICATE OF SURVEY 2465** is presently zoned Residential-9,600 and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential-9,600** to **Residential Multi-family (RMF) on a 6.07 acre portion (See Exhibit A) and Residential-7,000 (R70) on a 45.78 acre portion (See Exhibit B)** and from the effective date of this ordinance shall be subject to all the rules and regulations pertaining to **Residential Multi-family and Residential-7,000** 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 as provided by law.

PASSED by the City Council on first reading October 24, 2005.

PASSED, ADOPTED AND APPROVED on second reading November 14, 2005.

CITY OF BILLINGS:

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

Charles F Tooley, Mayor

ATTEST:

BY:

Marita Herold, CMC/AAE, City Clerk

ZC #768

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**
**CITY OF BILLINGS, MONTANA**
**Monday, October 24, 2005**


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**TITLE:** Architectural Services Contract for City/GSA Building

**DEPARTMENT:** Administration

**PRESENTED BY:** Bruce McCandless, Deputy City Administrator

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**PROBLEM/ISSUE STATEMENT:** On September 13, 2005, the City Council authorized staff to develop a project in cooperation with the General Services Administration (GSA) to construct an addition to the Parmly Billings Library. GSA would use the building for interim US District Court offices/courtrooms while the Battin Federal Building is remodeled. The Council took this action because it wants to retain the US District Court in the downtown, desires to help the Library and Municipal Court expand and because the proposed GSA lease should amortize a significant part of the building cost. The first step in project development is to contract with an architectural firm for preliminary building design services. A review committee was formed to review responses to the City's request for qualifications and the committee's recommendation will be made at the Council meeting.

**ALTERNATIVES ANALYZED:** There are several alternatives available to the Council:

- Approve the proposed preliminary design contract
- Reject the proposed contract
- Delay the contract until responses to the City's 4<sup>th</sup> Ave. North and Broadway Request for Development Proposals (RFDP) are received and analyzed
- Terminate all present development activities at 4<sup>th</sup> and Broadway and undertake development planning

**FINANCIAL IMPACT:** The contract is divided into phases. Phase 1 is the preliminary building design and those design services will be paid at an hourly rate with a spending cap. The funding sources include up to \$100,000 in tax increment funds and Parking, Library and General Funds may supplement that source if needed. At this time staff does not believe that a budget amendment will be needed.

**RECOMMENDATION**

Staff will make a recommendation at the Council meeting.

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

**ATTACHMENTS**

A:     RFQ is available in the City Clerk's office

## **INTRODUCTION**

On September 13, 2005, the City Council authorized staff to develop a project in cooperation with the General Services Administration (GSA) to construct an addition to the Library and offer it to the GSA for interim US District Court offices/courtrooms. The first step in project development is to contract with an architectural firm for design services.

## **BACKGROUND**

In June 2005 the City Administrator reviewed with City Council a proposal to construct an addition to the Parmly Billings Library, to lease it to the GSA for interim US District Court space and when vacated by the GSA in 3-5 years, to convert it to Library and Municipal Court offices. During July and August, staff continued working with the GSA to further develop the concept. On September 6 the City Council heard from representatives of the GSA and Federal Courts that they would like to sole source contract with the City for this interim court space. On September 13 the Council adopted a resolution instructing staff to continue working with GSA to develop the project. The GSA issued its Solicitation for Offers (SFO) on October 5, 2005. In order to adequately respond to the SFO the City must contract with an architectural firm to prepare preliminary building designs and cost estimates. This preliminary design contract (Phase 1) is the subject of this contract award. If the preliminary building designs are acceptable to the GSA and the cost information justifies the City's investment, a final design contract (Phase 2) will be negotiated and presented to the Council for its approval.

## **ALTERNATIVES ANALYSIS**

- Approve the preliminary design contract: the contractor will perform most of its work within 30 days and will help develop the City's response to the SFO. The Council will be asked to approve the response and decide whether to proceed to final design. That decision will be based on how much of the building cost will be amortized during the GSA lease, the residual cost and how the City can finance that cost. In addition to the GSA building decision, the City also needs to determine Library improvements and expansion costs and plan for a bond issue to generate those funds. According to the CIP, a Library improvement bond issue is scheduled for the 2009 election. Bond proceeds of \$5.7 - \$7.9 million would be used to remodel and expand the Library. These improvements are necessary to meet Library use demands, regardless of the GSA building decision.
- Reject the design contract: the GSA has an urgent need for the interim court space and rejecting the contract will probably cause the GSA to seek alternative proposals.
- Delay contract award: a delay may allow the City Council to determine if the GSA project or private development is the best option for the 4<sup>th</sup> and Broadway property. A significant delay will probably have the same effect as rejecting the contract. If there is a moderate delay, the GSA may decide to wait for the City since this property and the City's proposed development is presently the best option available to them.
- Terminate all development activity: ending all of the current processes would allow the City Council to initiate and participate in a planning process to determine the best long-term uses for this highly visible and high-value property. Planning the development would allow the Council to understand and balance the various interests and needs such as parking, the Library and its operations, 4<sup>th</sup> floor offices, the Lincoln Center and its

parking demand, the Gazette and its development plans, the Deaconess/Underriner property, housing, street function, aesthetics and additional factors. Taking this action would force the GSA to examine other alternatives for interim US court space.

### **RECOMMENDATION**

Staff will make a recommendation at the Council meeting.

### **ATTACHMENTS**

A: RFQ is available in the City Clerk's office

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## AGENDA ITEM:




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**CITY COUNCIL AGENDA ITEM**
**CITY OF BILLINGS, MONTANA**
**Monday, October 24, 2005**


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**TITLE:** International Association of Firefighters (IAFF) Local 521 2005-2008 contract

**DEPARTMENT:** Administration

**PRESENTED BY:** Bruce McCandless, Deputy City Administrator

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**PROBLEM/ISSUE STATEMENT:** All confirmed firefighters below the rank of Asst. Chief are members of this local chapter of the IAFF. The contract between the local and the City expired on June 30, 2005. Management staff and union representatives have been negotiating a new contract since April. The Council is being asked to approve a new three (3) year contract.

**ALTERNATIVES ANALYZED:** The Council can approve the contract, approve it with changes or reject the contract. Amending it or rejecting it will return the contract to management and union representatives to continue negotiations, or either party may request mediation. By state law, firefighters cannot strike, so the process for resolving contract disputes is mediation, followed by public fact-finding and concluding with binding arbitration.

**FINANCIAL IMPACT:** The estimated cost for the first year of the contract is approximately \$549,000 in wages and benefits and \$15,600 for additional advanced training certifications. The second year of the contract adds about \$50,000 for higher longevity payments for senior employees. There is no cost estimate for the third year because there is a wage re-opener that requires the parties to negotiate the 3<sup>rd</sup> year wages beginning in April 2007.

**RECOMMENDATION**

Staff recommends that Council approve the three (3) year contract with the IAFF local 521.

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

**ATTACHMENTS**

A: Contract



## **INTRODUCTION**

All confirmed firefighters below the rank of Asst. Chief are members of this local chapter of the IAFF. The contract between the local and the City expired on June 30, 2005. Management staff and union representatives have been negotiating a new contract since April. The Council is being asked to approve a new three (3) year contract.

## **BACKGROUND**

The City and Local 521 IAFF have historically negotiated two (2) or three (3) year contracts. The most recent contract expired on June 30, 2005. Management and union negotiators started negotiating a new contract in April. There are a number of substantial changes to the contract and those changes required more time than usual to research, negotiate, discuss with the union membership and determine the impact of the changes. While the contract contains many changes, the primary issue that the Council and Administration wanted to resolve in this negotiation was to devise a means to end the potential continuing liability from the "hours" lawsuit filed by individual firefighters against the City in 2000. The proposed contract resolves that issue by clearly identifying the firefighters as hourly employees and ties pay practices to that classification. The 3<sup>rd</sup> year wage re-opener is a response to the uncertainty caused by the lawsuit, the status of the public safety levy and upcoming contract negotiations with the City's other unions. The changes that have the greatest impact on operations or finances are as follows:

- All firefighters are hourly employees and will be paid for actual hours worked during each pay period. The suppression employees work an average of 87 hours per pay period but can they fluctuate from 48 to 120 hours.
- The hourly rate of pay will be frozen for the first two years of the contract for suppression employees, but fire prevention, training and maintenance employees will receive a COLA raise based on the CPI-U.
- Longevity pay will increase for employees with 15+ years of service in the contract's second year.
- Opportunity for special certification pay will expand for those firefighters that attain advanced training, such as Advanced EMT, International Building Code or Certified Fire Protection Specialist certifications.
- A Deputy Chief position will be created outside of the union but a union member must be promoted to the position if/when it is filled.
- Grievance response times are increased for both parties.
- The reimbursement for relevant education will increase by \$8,000/year.
- The promotional priority procedures and testing are updated.
- Suppression employees will earn vacation and sick leave credits based upon hours worked (2272/yr versus 2080/yr for most full-time employees).
- Wages for the third year of the contract will be negotiated starting in April, 2007.

## **ALTERNATIVES ANALYSIS**

The Council can approve, reject or amend the contract proposal. Approving it puts the contract provisions in place effective on July 1, 2005 through June 30, 2008, with a 3<sup>rd</sup> year wage re-opener. Rejecting or amending the contract forces the union and management to reopen negotiations or either party can request mediation. By state law, firefighters can't strike but the

process for resolving contract disputes begins with state mediation, then fact-finding and finally ends with binding arbitration. In mediation the two sides identify the outstanding issues and the mediator works between the two sides, trying to devise a resolution. Fact-finding involves both sides presenting their cases and the fact-finder recommending solutions to the issues. Those recommendations are made public and public airing of the issues and solutions is intended to pressure the two sides to agree with the recommendations. Binding arbitration requires both parties to make final proposals and the arbitrator must choose one of them. Arbitration imposes a solution on the parties and the decision may not be appealed unless the arbitrator exceeds his/her authority as outlined in state law. The local is expected to vote on this contract during the week of October 17, so results of the election should be available before the October 24 Council meeting.

### **RECOMMENDATION**

Staff recommends that Council approve the three (3) year contract with the IAFF local 521.

### **ATTACHMENTS**

A: Contract

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