

# 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

April 24, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Richard Clark

ROLL CALL

MINUTES – April 10, 2006

COURTESIES – Fire Dept.

PROCLAMATIONS

- April 23 – 29: Crime Victims' Rights Week
- April 23 – 29: Administrative Professionals Week
- April 28: Arbor Day
- April 30 – May 6: Municipal Clerks Week

ADMINISTRATOR REPORTS – Tina Volek

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #4, & #5**

**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. 06-01: 2006 Water and Sewer Line Replacement Project – **Bid Schedules No. 1 and 2.** (Opened 4/11/06). Recommend Schedule 1 to Cop Construction using trenchless technology, \$2,542,856.00 plus a 10% contingency of \$254,285.60 for a total of \$2,797,141.60. Schedule 2 to Western Municipal for \$1,842,712.20, plus 10% contingency of \$184,271.22 for a total of \$2,026,983.42.  
[\(Corresponding Staff Memo A1\)](#)

**(2) One New Current Model 2006 Trailer with CCTV Inspection Equipment.** (Opened 4/11/06). Recommend WP Rentals LLC, Schedule I, \$86,200.00.  
[\(Corresponding Staff Memo A2\)](#)

**B. Approval** of Architectural Fees from CTA Architects and team for the Downtown Transit Operations Center, \$571,913.25.  
[\(Corresponding Staff Memo B\)](#)

**C. Amendment of Lease** for office space to the Transportation Security Administration (TSA), additional \$4,175.43/year for a total annual lease rental of \$36,892.11.  
[\(Corresponding Staff Memo C\)](#)

**D. W.O. 05-04: Terrace Estates**, acceptance of storm drainage easement, from Brian and Jeanne Koukol in Lot 36, Block 3, Terrace Estates Subdivision, 3<sup>rd</sup> filing, \$0.00.

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

**E. W.O. 03-23: Turn Lane for Yellowstone River Road & Hawthorne Lane**, acceptance of warranty deed from Tracy R. Arnold for a tract of land in Lot 1, Block 2, Fritz Subdivision, and located at 1147 Eldora Lane, \$0.00.

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

**F. Acknowledging receipt of petition to vacate** portions of S. 22<sup>nd</sup> St., 2<sup>nd</sup> Ave. S, 3<sup>rd</sup> Ave. S and the alley between S. 22<sup>nd</sup> St. and S. 23<sup>rd</sup> St., ConocoPhillips, petitioner, and setting a public hearing date for 5/22/06.

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

**G. Resolution** creating the Mayor's Committee on Homelessness as an ad hoc committee.

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

**H. Preliminary Plat** of Caleb Park Subdivision; conditional approval of the plat, approval of the variances and adoption of the findings of fact.

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

**I. Final Plat** of Amended Lots 1-7 and 8A, Block 1, Spring Valley Subdivision.

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

**J. Bills and Payroll.**

(1) March 24, 2006  
[\(Corresponding Staff Memo J1\)](#)  
(2) March 31, 2006  
[\(Corresponding Staff Memo J2\)](#)

(3) March 1-31, 2006 (Municipal Court)  
[\(Corresponding Staff Memo J3\)](#)

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

**REGULAR AGENDA:**

2. **PUBLIC HEARING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS** and the FY 2006 Annual Action Plan. Council action scheduled for 5/8/06. **(Action:** Public Hearing only.)  
[\(Corresponding Staff Memo 2\)](#)
3. **PUBLIC HEARING AND RESOLUTION** creating Park Maintenance District (PMD) #4033 in Falcon Ridge Subdivision. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 3\)](#)
4. **PUBLIC HEARING AND SPECIAL REVIEW #808:** A special review to allow a drive-through service for a Walgreens in a Highway Commercial zone adjacent to a residential zoning district on Lots 15 A-H, Block 3 of Vista Heights Subdivision, located at 1600 Main Street. Heights Home Center, LLP, applicant; Jessica Aguilar, Hawkins Company, agent. Zoning Commission recommends conditional approval. **(Action:** approval or disapproval of Zoning Commission recommendation.)  
[\(Corresponding Staff Memo 4\)](#)
5. **PUBLIC HEARING AND SPECIAL REVIEW #809:** A special review to allow an outdoor patio where alcoholic beverages are served at Montana Chad's Bar in a Community Commercial zone on Lots 1A, 2A, 3-5, Block 16 of Suburban Subdivision, located at 3953 Montana Avenue. G & L, LLC, applicant; Charles B Goldy, Jr. of cbg architects, agent. Zoning Commission has no recommendation. **(Action:** approval or disapproval of special review.)  
[\(Corresponding Staff Memo 5\)](#)
6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include the recently annexed property in Annex #06-02, a 19-acre parcel described as a portion of C/S 2776 located on the west side of Highway 87, north of its intersection with Main Street in the Heights, 4A's LLC, petitioner. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)  
[\(Corresponding Staff Memo 6\)](#)
7. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward V to include the recently annexed property in Annex #06-03,

Tracts 1 and 2, C/S 3139, Tract 1, C/S 2379 and two unplatted tracts containing 79 acres located near the southwest corner of the Grand Avenue and 56<sup>th</sup> Street West intersection, Douglas and Ronald Frank, petitioners. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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

8. **PUBLIC HEARING AND RESOLUTION** annexing the contiguous City-owned land known as Annex #06-04: Tract 2B of Amended Tract 2, C/S 727, located on Alkali Creek Rd. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

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

9. **PUBLIC HEARING AND RESOLUTION** annexing the remaining tract of corrected C/S 3223, Amended Tract 1, known as Annex #06-05, McCall Development Inc., petitioners. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.)

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

10. **RESOLUTION** setting building permit fees at the same level established in 1993 and repealing Res. #03-17998. (PH held 4/10/06; action delayed from 4/10/06). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

[\(Corresponding Staff Memo 10\)](#)

11. **CITY ADMINISTRATOR SELECTION.**

- (A) **Approval** of recruitment brochure. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
- (B) **Approval** of contract with The Mercer Group to assist with City Administrator recruitment. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)
- (C) **Resolution** authorizing up to \$7500 from Council Contingency for recruitment expenses incurred via the contract with The Mercer Group. 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

**(NOTE: Additional information on any of these items is available in the City Clerk's Office)**

**Visit our Web site at:  
<http://ci.billings.mt.us>**

## **CALENDAR** **(Council AND Boards & Commissions)**

### **APRIL:**

4/24/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
4/25/2006	Planning Board	6:00 p.m.	4 <sup>th</sup> Floor Library
4/26/2006	Traffic Control Board Housing Authority Development Process Advisory Review Board (DPARB)	NOON NOON 1:00 p.m.	4 <sup>th</sup> Floor Library 2415 1 <sup>st</sup> Avenue North CH Conference Room
4/27/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street

### **MAY:**

5/01/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
5/02/2006	Community Development Board Zoning Commission Aviation & Transit Commission Board of Adjustment	3:00 p.m. 4:30 p.m. 5:30 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library Council Chambers Airport Terminal Council Chambers

5/03/2006	Policy Coordinating Committee	8:00 a.m.	4 <sup>th</sup> Floor Library
5/04/2006	Human Relations Commission	12:15 p.m.	CH Conference Room
5/08/2006	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
5/09/2006	Agenda Review Meeting/Special Work Session Planning Board	6:00 p.m. 6:00 p.m.	3 <sup>rd</sup> Floor Library 4 <sup>th</sup> Floor Library
5/10/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 <sup>rd</sup> St.
5/11/2006	Library Board Public Utilities Board	11:30 a.m. 6:30 p.m.	Library Public Works-Belknap 2251 Belknap Ave
5/15/2006	Council WORK SESSION	5:30 p.m.	Community Center 360 N. 23 <sup>rd</sup> St
5/16/2006	Yellowstone Historic Preservation Board Council Strategic Planning Session	8:00 a.m. 6:00 p.m.	4 <sup>th</sup> Floor Library CH Conference Room
5/22/2006	REGULAR Council Meeting	6:30 p.m.	Council Chambers
5/23/2006	Traffic Control Board Planning Board Special Work Session	NOON 6:00 p.m. 6:00 p.m.	4 <sup>th</sup> Floor Library 4 <sup>th</sup> Floor Library 3 <sup>rd</sup> Floor Library
5/24/2006	Development Process Advisory Review Board (DPARB)	1:00 p.m.	CH Conference Room
5/25/2006	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 <sup>th</sup> Street
5/29/2006	MEMORIAL DAY – CITY OFFICES CLOSED		
5/30/2006	Agenda Review/Special Work Session	6:00 p.m.	3 <sup>rd</sup> Floor Library
5/31/2006	Housing Authority	NOON	2415 1 <sup>st</sup> Avenue North

# A1

## AGENDA ITEM:



### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, April 24, 2006

**TITLE:** W.O. 06-01 Water and Sewer Replacement Projects, Contract Award

**DEPARTMENT:** Public Works - Engineering

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

**PROBLEM/ISSUE STATEMENT:** Sewer main, water main, and related improvements will be replaced by this project. Sewer main replacement will generally occur in the area bound east/west by 27<sup>th</sup> and 31<sup>st</sup> Streets South and north/south by 4<sup>th</sup> and 12th Avenue South. Additional sewer rehabilitation will occur in the general area bound east/west by 32<sup>nd</sup> and 35<sup>th</sup> Streets South and north/south by 6<sup>th</sup> and 9<sup>th</sup> Avenue South. A final area of sewer main replacement will generally occur in the area bound east/west by N. 32<sup>nd</sup> Street and 5<sup>th</sup> Street West and north/south by Grand Avenue and Beverly Hill Boulevard.

Water main replacement will generally occur in the area bound east/west by 12<sup>th</sup> and 17<sup>th</sup> Street West and north/south by O'Malley Drive and Parkhill Drive.

**FINANCIAL IMPACT:** Bids were opened on April 11, 2006 for W.O. 06-01 with the results listed below:

#### SCHEDULE 1

	Trenchless Technology Alternate			
	Engineer's Est.	Cop Construction	Western Municipal	Treco Construction
Zone A	\$1,108,493	\$1,015,031.00	\$1,439,701.90	\$3,164,449.75
Zone B	\$121,745	\$111,666.00	\$200,671.00	\$293,221.00
Zone C	\$1,590,728	\$1,416,159.00	\$2,000,000.00	\$3,059,240.50
Total	\$2,820,966	<b>\$2,542,856.00</b>	\$3,640,372.90	\$6,516,911.25

	Open Cut Alternate			
	Engineer's Est.	Cop Construction	Western Municipal	Treco Construction

Zone A	\$1,113,679	\$1,020,241.00	\$1,445,495.90	\$3,209,436.75
Zone B	\$138,390	\$134,199.50	\$217,870.00	\$393,994.00
Zone C	\$1,684,124	\$1,511,238.50	\$1,939,716.00	\$3,812,388.00
Total	\$2,936,193	\$2,665,679.00	\$3,603,081.90	\$7,415,818.75

## SCHEDULE 2

	<b>Engineer's Est.</b>	<b>Cop Construction</b>	<b>Western Municipal</b>	<b>Treco Construction</b>
Zone B	\$1,324,245	\$1,451,322.00	\$1,403,215.20	\$1,566,311.75
Zone C	\$299,001	\$327,636.00	\$294,958.00	\$374,499.00
Zone D	\$164,100	\$120,734.00	\$144,539.00	\$183,656.75
Total	\$1,787,346	\$1,899,692.00	<b>\$1,842,712.20</b>	\$2,124,467.50

### **RECOMMENDATION**

Staff recommends that Council award a construction contract for Schedule 1 of W.O. 06-01 to Cop Construction using trenchless technology construction methods in the amount of \$2,542,856.00 plus 10% contingency (\$254,285.60) for a total of \$2,797,141.60. Sanitary sewer funds shall be utilized for Schedule 1. Staff recommends that Schedule 2 be awarded to Western Municipal in the amount of \$1,842,712.20 plus 10% contingency (\$184,271.22) for a total of \$2,026,983.42. Water funds shall be utilized for Schedule 2.

Approved By:

City Administrator \_\_\_\_\_

City Attorney \_\_\_\_\_

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# A2

## AGENDA ITEM:



### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, April 24, 2006

**TITLE:** One (1) New Current Model 2006 Trailer With CCTV  
Inspection Equipment

**DEPARTMENT:** Public Works Department

**PRESENTED BY:** Dave Mumford, Public Works Director

**PROBLEM/ISSUE STATEMENT:** The Public Works Department received bids for replacement of a trailer with CCTV inspection equipment in accordance with the approved equipment replacement plan and is recommending award.

**FINANCIAL IMPACT:** The bid was advertised on March 30 and April 6, 2006. There is sufficient money in the FY 06 budget for the Construction and Equipment Fund to cover the award. Three bids were received on April 11, 2006, as follows:

<u>Vendor</u>	<u>Schedule I</u> CCTV Equipment & Trailer	<u>Schedule II</u> Pipe reporting software	<u>Schedule III</u> Large robotic Tractor	<u>Schedule IV</u> Schedules I & II	<u>Schedule V</u> Schedules I, II, & II
Pearpoint, Inc.	\$120,443.00	\$ 6,867.00	\$ 42,108.00	\$162,546.00	\$169,413.00
Aries Industries, Inc.	\$ 72,950.00	\$ 9,921.00	\$ 37,127.00	\$110,077.00	\$119,998.00
WP Rentals, LLC	\$ 86,200.00	\$ 29,789.00	\$ 27,995.00	\$114,195.00	\$143,984.00

Low bidder, Aries Industries, Inc. does not meet bid specifications in 14 different minimum requirements.

#### **RECOMMENDATION**

Staff recommends that Council award the bid for One (1) New Current Model 2006 Trailer with CCTV Inspection Equipment to WP Rentals, LLC (Schedule I) in the amount of \$ 86,200.00.

**Approved By:** City Administrator City Attorney

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# B

## AGENDA ITEM:

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### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, April 24, 2006

**TITLE:** Approval of Architectural Fees from CTA Architects and Team for the Downtown Transit Operations Center

**DEPARTMENT:** Aviation and Transit

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

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**PROBLEM/ISSUE STATEMENT:** On Monday, December 19, 2005, the City Council approved the recommendation from the RFP Committee to choose the team headed by CTA Architects and Engineers for the design, mechanical, electrical, structural, civil engineering, and construction administration services for the Downtown MET Transit Operations Center project. In addition, staff was instructed to negotiate an acceptable fee structure and scope of work. This scope of work was reviewed and an extensive fee analysis was conducted by staff and supports the identified costs.

It should also be highlighted that because of the key location of this project that additional work such as acoustical engineering, increased attention to site safety, and significant public and neighborhood involvement/notification was included in this scope. In addition, it is a goal of this project to incorporate the US Green Building Council Leadership in Energy and Environmental Design (LEED) principles into this project. This basically means that the building design will focus on areas such as sustainable sites, materials and resources, indoor environmental air quality, and innovation and design processes. Staff believes that receiving a LEED certification for this facility is a very worthy and realistic commitment to the project, and has significant public relations value for the City and community. The total cost of this project is estimated at \$4,000,000.

**FINANCIAL IMPACT:** The total costs of the architectural fees with CTA Architects and Team for the City of Billings MET Transit Downtown Operations Center is \$571,913.25. The project will be funded by a Federal Transit Administration (FTA) discretionary grant on an 80% Federal, 20% local basis. The FTA's portion will be \$457,530.60, and the City's match is \$114,382.65. The source of the City's match is in the MET Transit's Capital fund.

### **RECOMMENDATION**

Staff recommends that Council approve the architectural fees to CTA Architects and Team in the amount of \$571,913.25 to cover the architectural services needed for this project.

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

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# C

## AGENDA ITEM:



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### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, April 24, 2006

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**TITLE:** Amendment of Lease for Office Space to the Transportation Security Administration (TSA)

**DEPARTMENT:** Aviation and Transit

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

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**PROBLEM/ISSUE STATEMENT:** On September 8, 2003, City Council approved a Lease with the U.S. General Services Administration (GSA) for the remodeling and use of Airport Terminal Building space, for use by the Transportation Security Administration (TSA) security screening staff, providing a total of 1,101 square feet of usable space for TSA operations. Last Fall, the TSA contacted staff regarding the need for additional space to store supplies at the Airport's Terminal Building, and to provide a private office for their supervisors to handle employee issues, customer complaints, etc. Staff has identified a 177 square foot office that the TSA is willing to add to their existing Lease. The GSA just recently finalized the Amendment to add the additional space to the original Lease agreement. This space is on the very east end of the Terminal, and was previously used years ago by the U.S. Customs. Staff believes this to be a good use for this particular space.

**FINANCIAL IMPACT:** The additional 177 square feet of space will add \$4,175.43 to the annual lease rate paid to the City by the TSA. This Amendment increases the total leased space to 1,278 square feet, and the total annual Lease rental to \$36,892.11. In this particular GSA Lease, the rate is fixed until the Lease expires on December 31, 2008.

#### **RECOMMENDATION**

Staff recommends that Council approve and the Mayor execute the Lease Amendment for the TSA office and storage space.

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

Attachment A: Supplemental Agreement No. 2 – One Page

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# D

## AGENDA ITEM:



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### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, April 24, 2006

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**TITLE:** W.O. 05-04 Terrace Estates - Acceptance of Storm Drainage Easement

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

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

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**PROBLEM/ISSUE STATEMENT:** W.O. 05-04 Terrace Estates will mitigate a storm water problem area by constructing an overflow channel at 1154 Calico Avenue. The legal description of the property is Lot 36, Block 3, Terrace Estates 3<sup>rd</sup> Filing, Yellowstone County, Montana. The overflow channel will help mitigate flooding, erosion, and property damage that occurs during larger storm events. During major storm events, water overtops the curb and gutter and flows across the subject property causing massive erosion and property damage. An easement will be required for the construction of the overflow channel. Brian Koukol, the property owner of 1154 Calico Avenue, has agreed to the easement to further prevent erosion and property damage.

**FINANCIAL IMPACT:** There is no financial impact associated with the acceptance of the Storm Drainage Easement. The property owner will provide the easement in order to provide access to construct and maintain the necessary improvements.

#### **RECOMMENDATION**

Staff recommends that the City Council approve the Storm Drainage Easement.

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

#### **ATTACHMENTS**

- A. Storm Drainage Easement

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E

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**

**CITY OF BILLINGS, MONTANA**

**Monday, April 24, 2006**

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**TITLE:** Acceptance of Warranty Deed for W.O. 03-23 Turn Lane for Yellowstone River Road and Hawthorne Lane

**DEPARTMENT:** Public Works/Engineering

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

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**PROBLEM/ISSUE STATEMENT:** On January 23, 2006 City Council approved the Right-of-Way Agreement with Tracy R. Arnold, located at 1147 Eldora Lane, Billings, MT, and authorized the Mayor to sign the subdivision plat once completed. The right-of-way was obtained for the construction of an eastbound turn lane on Yellowstone River Road at the intersection of Hawthorne Lane. State Law allows the City to acquire right-of-way through the acceptance of a Warranty Deed from the affected property owners. In lieu of a subdivision plat, a warranty deed has been prepared for the Mayor to sign.

**ALTERNATIVES ANALYZED:**

1. Approve the Warranty Deed.
2. Do not approve the Warranty Deed.

**FINANCIAL IMPACT:** There is no financial impact.

**RECOMMENDATION**

Staff requests that Council approve the Warranty Deed.

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

**ATTACHMENT**

A.      Warranty Deed

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F

AGENDA ITEM:



**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

**TITLE:** Vacation of portions of S. 22<sup>nd</sup> Street, 2<sup>nd</sup> Ave. S., 3<sup>rd</sup> Ave. S., and the Alley between S. 22<sup>nd</sup> Street and S. 23<sup>rd</sup> Street

**DEPARTMENT:** Public Works/Engineering

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

**PROBLEM/ISSUE STATEMENT:** ConocoPhillips has petitioned to vacate S. 22<sup>nd</sup> Street from 1<sup>st</sup> Avenue S. to 3<sup>rd</sup> Avenue S., 2<sup>nd</sup> Avenue S. from S. 23<sup>rd</sup> Street to S. 22<sup>nd</sup> Street, 3<sup>rd</sup> Ave. S. from S. 23<sup>rd</sup> Street to S. 22<sup>nd</sup> Street, and the alley between S. 23<sup>rd</sup> Street and S. 22<sup>nd</sup> Street from 1<sup>st</sup> Ave. S. to 3<sup>rd</sup> Ave. S. ConocoPhillips owns all of the property abutting the proposed right-of-way and is proposing to develop the property in the future. Currently, there is a water and storm drain line running through the proposed vacated area. ConocoPhillips will enter into an easement agreement that will allow full access to these lines and will require ConocoPhillips to relocate the water and storm drain if they ever propose to construct a structure over the lines.

**ALTERNATIVES ANALYZED:**

3. Approve acknowledgement of petition to vacate the above-mentioned right-of-way and set a public hearing for May 22, 2006.
4. Do not approve acknowledgement of petition to vacate the above-mentioned right-of-way.

**FINANCIAL IMPACT:** A comparison land sales report was done by Charles H. Hamwey, which valued the right-of-way at \$2.00 per square foot. The right-of-way proposed to be vacated is 109,659 square feet. The total value of the proposed vacated property to be paid to the city from ConocoPhillips is \$219,318.00.

**RECOMMENDATION**

Staff recommends that Council acknowledge the receipt of petition to vacate portions of S. 22<sup>nd</sup> Street, 2<sup>nd</sup> Ave. S., 3<sup>rd</sup> Ave. S., and the Alley between S. 22<sup>nd</sup> Street and S. 23<sup>rd</sup> Street and set a public hearing for May 22, 2006.

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

ATTACHMENTS

- B. Map Depicting Area to be Vacated
- C. Letter from Charles H. Hamwey establishing value of land

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# G

## AGENDA ITEM:



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### CITY COUNCIL AGENDA ITEM CITY OF BILLINGS, MONTANA Monday, April 24, 2006

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**TITLE:** Creation of the Mayor's Committee on Homelessness

**DEPARTMENT:** Planning & Community Services Department

**PRESENTED BY:** Brenda Beckett, Community Development Manager

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**PROBLEM/ISSUE STATEMENT:** The City of Billings has been asked to develop a Mayor's Committee on Homelessness by the Montana Council on Homelessness and the United States Interagency Council on Homelessness secondary to two strategic planning sessions. City Code Section 2-224 requires that ad hoc committees be formed by resolution. The Committee would be responsible for establishing a ten-year strategic plan to promote coordination and effective services expected to have a viable impact on chronic homelessness in Billings. This initiative is also being promoted by the National League of Cities and Towns and is a U.S. Department of Housing & Urban Development (HUD) initiative.

**ALTERNATIVES ANALYZED:** Creating the Mayor's Committee on Homelessness or not creating the Committee. Creating the Committee would enable Community Development staff to coordinate with existing service providers, business people, and consumers to identify strategies designed to impact the chronic homeless population in Billings. The strategic planning sessions were attended by approximately 80 individuals from our community in November 2005 and March 2006. Choosing to not form the Committee would not support current federal and state initiatives to address chronic homelessness.

#### **RECOMMENDATION**

Staff recommends that Council approve the resolution to create the Mayor's Committee on Homelessness as an ad hoc Committee. The deadline for applications would be May 4, 2006. Appointments to the Committee would occur during the May 22, 2006 City Council meeting.

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

#### **ATTACHMENT**

**A:**      **Resolution**

**RESOLUTION NO. 06-\_\_\_\_\_**

**A RESOLUTION CREATING THE COMMITTEE ON  
HOMELESSNESS, AN AD HOC COMMITTEE,  
ESTABLISHING ITS PURPOSE, RESPONSIBILITIES,  
COMPOSITION, AND DURATION**

WHEREAS, homelessness is a social concern throughout the nation and in the City of Billings;

WHEREAS, a proactive approach is necessary to study homelessness within Billings and to promote identification and coordination of available services; and,

WHEREAS, Billings would benefit from a ten-year strategic plan that will aid in having a viable impact on chronic homelessness in Billings; and,

WHEREAS, Section 2-224, BMCC, allows the Mayor and City Council to create ad hoc council advisory committees; and,

WHEREAS, an Ad Hoc Committee would be beneficial in reviewing homelessness in Billings and providing advice to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1. Creation:** There is hereby created the Committee on Homelessness, an ad hoc City Council advisory committee (the Committee).

**Section 2. Purpose:** The Committee's purpose is to review results from strategic planning sessions held in November 2005 and March 2006 written by the Montana Council on Homelessness and to establish a ten-year plan for City Council review as a pilot project in order to impact chronic homelessness in Billings. The Committee will act as a conduit to the Montana Council on Homelessness regarding the City of Billings as a pilot project to address chronic homelessness. The Committee will attempt to streamline processes in order to prevent the duplication of efforts and services, provide input for funding on state and federal initiatives, identify housing and service needs of the homeless population, and provide input on legislative issues regarding chronic homelessness. The Committee will make recommendations to the Mayor and City Council regarding progress on the ten-year strategic plan.

**Section 3. Scope of Responsibilities:** Upon the consent of the City Council, the Committee may provide input to local providers and consumers, the Montana Council on Homelessness, and the United States Interagency on Homelessness regarding the results of the ten-year strategic planning process. The Committee may not commit the City or expend funds.

Section 4. Composition: The Committee shall be composed of 20 members appointed by the Mayor with the consent of the City Council. The members will be appointed from the following public and private sector stakeholders: 1 member from a consumer group; 2 from housing; 1 from code or law enforcement; 2 from health care; 1 from academia; 1 from a veterans' organization; 1 from a philanthropic group; 1 librarian; 2 service providers; 1 from a work force agency; 1 from a faith-based organization; 2 civic and business leaders, 2 from lending institutions, and 2 involved with economic development. The Committee will coordinate community initiatives on homelessness and will operate in an inclusive manner forming consumer and advisory groups in order to develop the most effective strategic plan possible. The Committee's efforts will be facilitated by the Community Development Division staff in conjunction with the City Administrator's office. Ten (10) members will be appointed to serve a two (2) year term and ten (10) members will be appointed to serve a four (4) year term in order to stagger vacancies. Members may serve up to two (2) consecutive four (4) year terms. After initial appointment, members may serve up to two (2) consecutive four (4) year terms.

Section 5. Duration: The Committee shall serve at the pleasure of the Mayor and City Council until excused from duty. The Committee's expected duration is through December, 2016 to accommodate the ten-year planning process. The Committee's duration may be extended to facilitate planning efforts extending beyond the ten-year plan.

Passed and approved this 24<sup>th</sup> day of April, 2006.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

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Marita Herold, CMC/AAE      City Clerk

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

# H

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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**TITLE:** Caleb Park Subdivision Major Preliminary Plat

**DEPARTMENT:** Planning and Community Services, through Candi Beaudry, AICP,  
Interim Planning Director

**PRESENTED BY:** Aura Lindstrand, Planner II

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**PROBLEM/ISSUE STATEMENT:** On February 1, 2006, the subdivider applied for preliminary major plat approval for Caleb Park Subdivision, which contains 11 lots on approximately 3.76 acres of land. The subject property is located on the southeast corner of the intersection of Hawthorne Lane and Wicks Lane in the Heights. The property was recently rezoned from Residential 7000 (R-7000) to Residential 5000 (R-5000) and is proposed for single-family residences; the existing church on proposed Lot 11 will remain. The owner is First Free Will Baptist Church and the representing agent is Westly Prouse. The Yellowstone County Board of Planning conducted a public hearing on this application on March 28, 2006, and is forwarding a recommendation of conditional approval to the City Council.

**ALTERNATIVES ANALYZED:** State and City subdivision regulations require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. The City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

**FINANCIAL IMPACT:** Upon development of the property, additional tax revenue for the City may be provided. It is unknown if the developed property will generate enough taxes/fees to pay for all of the required services of this subdivision.

## **RECOMMENDATION**

The Yellowstone County Board of Planning recommends by an 8-2 vote that the City Council conditionally approve the preliminary plat of Caleb Park Subdivision, approve the variances and adopt the Findings of Fact as presented in the staff report.

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

## **ATTACHMENTS**

- A: Preliminary Plat
- B: Site Photographs
- C: Mayor's Approval Letter
- D: Findings of Fact

## **INTRODUCTION**

On February 1, 2006, the subdivider applied for preliminary major plat approval for Caleb Park Subdivision, which contains 11 lots on approximately 3.76 acres of land. The subject property is located on the southeast corner of the intersection of Hawthorne Lane and Wicks Lane in the Heights. The property was recently rezoned from Residential 7000 (R-7000) to Residential 5000 (R-5000) and is proposed for single-family residences; the existing church on proposed Lot 11 will remain.

## **PROCEDURAL HISTORY**

- The subject property was annexed into the City of Billings On July 6, 1984.
- The subject property was rezoned from R-7000 to R-5000 on September 20, 2005, (Zone Change #761).
- The preliminary plat application was submitted to the Planning Division on February 1, 2006.
- A departmental review meeting was conducted with the subdivider and their representative on February 16, 2006.
- The preliminary plat was resubmitted with revisions based on department reviews on February 23, 2006.
- The Planning Board will review the plat on March 14, 2006.
- The Planning Board conducted a public hearing on March 28, 2006, and forwarded a recommendation of conditional approval to the City Council.
- The City Council will consider the preliminary plat on April 24, 2006.

## **BACKGROUND**

The subject property is bordered on the north by the 3 G's Convenience Store and Edgewood Vista Assisted Living Facility within the Neighborhood Commercial (NC) zoning district; and on the south, east and west by vacant land and single family residences within the R-7000 zoning district.

General location:	On the southeast corner of the intersection of Hawthorne Lane and Wicks Lane.
Legal Description:	Amended Tract 1-A of Certificate of Survey 1335
Subdivider/Owner:	The First Free Will Baptist Church
Agent:	Westly Prouse
Engineer:	D & J Surveying
Existing Zoning:	R-5000
Existing land use:	Existing Church and Vacant Land

Proposed land use:	Single-Family Residences
Gross area:	3.76 acres
Net area:	3.38 acres
Proposed number of lots:	11
Lot size:	Max: 2.14 acres Min.: 5,000 square feet
Parkland requirements:	Subdivider is proposing a cash-in-lieu of parkland dedication.

### **ALTERNATIVES ANALYSIS**

One of the purposes of the subdivision review process is to identify potentially negative impacts of a subdivision on adjacent properties and the community. When negative impacts are identified, it is the subdivider's responsibility to mitigate those impacts. Various City departments, utility companies and other agencies have reviewed this application and provided input on potential impacts and mitigation. The Findings of Fact, which are presented as Attachment D, discuss the potential negative impacts that have been identified by reviewers and the following conditions are recommended as measures that will mitigate them.

### **RECOMMENDED CONDITIONS**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact:

1. To minimize effects on local services, the subdivider shall provide centralized delivery boxes with a sufficient pullout to accommodate a mailbox carrier vehicle. The location of the boxes shall be reviewed and approved by the post office. (Recommended by the United States Postal Service)
2. To minimize effects on local services, the entire property shall be annexed into the Heights Water District and a Water Main Agreement shall be executed prior to the final plat. This information shall be included within Section VI. Utilities, of the Subdivision Improvements Agreement (SIA). (Recommended by the Public Utilities Department and the County Water District of Billings Heights)
3. To minimize effects on local streets, the lot corners at the intersection of Caleb Court and Wicks shall be chamfered 10 feet by 10 feet. This shall be depicted on the final plat. (Recommended by the City Engineering Department)
4. To minimize effects on local services, the length of the 1-foot no access strips along the western border of Lot 1 and the eastern border of Lot 10 shall be depicted on the plat. (Recommended by the City Engineering Department)

5. To ensure the provision of sufficient easements along Caleb Court, the sidewalk, fire hydrant, sign, and streetlight easement around the cul-de-sac shall be revised to 6-feet in width to allow sufficient area for a fire hydrant. The 6-foot wide easement shall be clearly labeled on the final plat. (*Recommended by the City Engineering Department*)
6. To minimize effects on local streets, the 1-foot no access strip along Hawthorne Lane shall be removed, as Hawthorne Lane is a collector street. (*Recommended by the City Engineering Department*)
7. To minimize effects on local streets, in lieu of 65-feet wide driveway accesses depicted along Hawthorne Lane, the final plat shall depict a controlled access strip along the northern and western boundaries of Lot 11. A section shall be added to the SIA that only two (2) accesses will be permitted along Hawthorne Lane and one (1) access will be permitted on Wicks Lane to Lot 11. Locations are subject to review and approval by the City Engineering Department. (*Recommended by the City Engineering Department*)
8. To ensure the provision of easements for the location and installation of utilities, the subdivider shall provide easements on the plat in accordance with the plat reviews received from the Montana-Dakota Utilities Company and Northwestern Energy. (*Recommended by the Yellowstone County Board of Planning*)
9. To clarify the width and status of proposed streets, the following statements shall be added to Section III.A of the SIA:
  - Caleb Court shall be 34-foot back-to-back of curb, built to grade with a satisfactory sub base, base course, curb and gutter, and asphalt surface. The design of said streets shall be submitted to and approved by the City Engineering Department. (*Recommended by the City Engineering Department*)
  - A paragraph titled Offsite improvements: A cash contribution is required for the improvements on Wicks Lane. The cash contribution shall be for the construction of half a residential street. This includes curb, gutter, sidewalk, and the difference of the pavement width. An estimate of the cash contribution for the construction of the Wicks Lane needs to be submitted and reviewed by the Engineering Department. The subdivider will receive credit for half of the existing street section. (*Recommended by the City Engineering Department*)
10. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
11. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

## **VARIANCES REQUESTED**

A variance to permit 50-feet of right-of-way for the internal streets, where Section 23-601(k), BMCC, requires 60-feet of right-of-way for local residential streets. Engineering staff is supportive of this variance, as a 50-foot width is adequate to accommodate the proposed traffic generation for the subdivision. Similar variances have been approved by the City Council, provided that 6-foot easements for sidewalks, street lights, and fire hydrants are provided on both sides of the right-of-way. These easements have been depicted on the plat. The proposed variance will not be detrimental to the public, will not cause an increase in public costs, and will not create any nonconformities with the zoning regulations.

A variance to permit 34-feet of back of curb to back of curb width for local residential streets, where Section 23-601(k), BMCC, requires 37-feet. Engineering, Fire, and Planning staff are supportive of this variance, as the proposed width is adequate to accommodate emergency vehicles and vehicular traffic generated for this subdivision. Similar variances have been approved by the City Council, specifically when a reduced right-of-way width is requested. The proposed variance will not be detrimental to the public, will not cause an increase in public costs, and will not create any nonconformities with the zoning regulations.

A variance to permit a cul-de-sac right-of-way width of 87-feet, where Section 23-601(m), BMCC, requires 104-feet of right-of-way width. This variance was determined after the public hearing based on subsequent discussions with the Engineering Department regarding easement widths. Engineering finds the proposed 87-foot width (which is proposed to be the back-to-back of curb paved width) is acceptable, as a 6-foot wide easement will be provided around the cul-de-sac for sidewalks, streetlights and fire hydrants. The proposed variance will not be detrimental to the public, will not cause an increase in public costs, and will not create any nonconformities with the zoning regulations.

## **STAKEHOLDERS**

A public hearing was conducted by the Planning Board on this subdivision on March 28, 2006. There was no public comment received, however there was discussion regarding the utility easements being located along the front property lines where typically, they have been located along side and rear property lines. The City Engineering Department has determined that the intent of Section 23-410, BMCC, is that utility easements be located on the side and rear property lines of subdivisions. At the public hearing, Debi Meling, the Engineering Division Manager was present and discussed the reasons that the City Engineering Department requires that all utility lines be located on side and rear property lines, as follows:

- A lot could potentially have water service, transformer, catv pedestal, telephone pedestal, driveway, sidewalk, storm drainage, street lights, fire hydrants, mailboxes, etc. along the front property lines, which could be difficult to coordinate for installation.
- Private utilities are typically located between the water service curb stop and the residences, thus creating the need for the water service to be installed under the other utilities. This creates higher installation and maintenance costs for the water service and if the curb stop is placed in the right-of-way, the service will either need to be located

underneath the other utilities after installation or a "pigtail" would need to be installed from the curb stop to the residence. If a pigtail is used, it creates another joint and creates the potential for leakage.

- Private utilities are often placed adjacent to the right-of-way where the sidewalk and curb/gutter will be located; compaction over these private utilities is a concern.
- Front lot line utilities could create more street crossings, which requires that any maintenance or replacement work by the City for storm drains or water lines will need to account for the presence of these additional utility crossings. There is a potential for significant cost increases for each crossing during repair of these lines. Additionally, with the high number of crossings the potential for damage to the private utilities will be increased, especially during emergency maintenance repairs.
- Pedestals and transformers will be located in front yards, which does not create an inviting street presence and could become "targets" for vehicles to damage.

The representative for First Free Will Baptist Church, Westly Prouse, was present at the meeting and stated that due to the reduced lot sizes for this subdivision, the location of utility easements on the side and rear property lines is not feasible. An easement located on the rear of the lots could potentially reduce the useable backyard for residences.

The Planning Board discussed this issue and questioned why utilities have not been an issue with previous subdivisions. The Engineering Division Manager and planning staff explained that the utility companies have only recently been requesting easements along front property lines and that most subdivisions have located utility easements along side and rear property lines. While it is the intent of Section 23-410, BMCC, to have utilities located on side and rear property lines; it is not clearly stated within the regulations. A text amendment to clarify this section is being proposed by the Engineering Division. The Planning Board agreed with the justifications discussed by the Engineering Division and stated that it is more desirable from a public health and safety and visual standpoint to have utility easements located on the side and rear property lines. However, in this case, due to the reduced size of the lots and the unclear intent of the subdivision regulations, the Planning Board is recommending to the City Council that utility lines be located along the front property lines in accordance with the utility company reviews (Condition #8).

Upon subsequent discussions with the Engineering Department regarding utility easements, an additional variance was determined necessary between the public hearing and City Council meeting for this subdivision. The variance is to permit a cul-de-sac right-of-way width of 87-feet, where Section 23-601(m), BMCC, requires 104-feet of right-of-way width. Engineering finds the proposed 87-foot width (which is proposed to be the back-to-back of curb paved width is acceptable, as a 6-foot wide easement will be provided around the cul-de-sac for sidewalks, streetlights and fire hydrants. This variance will not alter the preliminary plat in any way and will have no effects on the recommendation of the Planning Board.

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

Consistency with the 2003 Yellowstone County/City of Billings Growth Policy, the 2005 Billings Urban Area Transportation Plan Update, the Heritage Trail Plan, the West Billings Plan and the Northwest Shiloh Area Plan are discussed within the Findings of Fact (Attachment D).

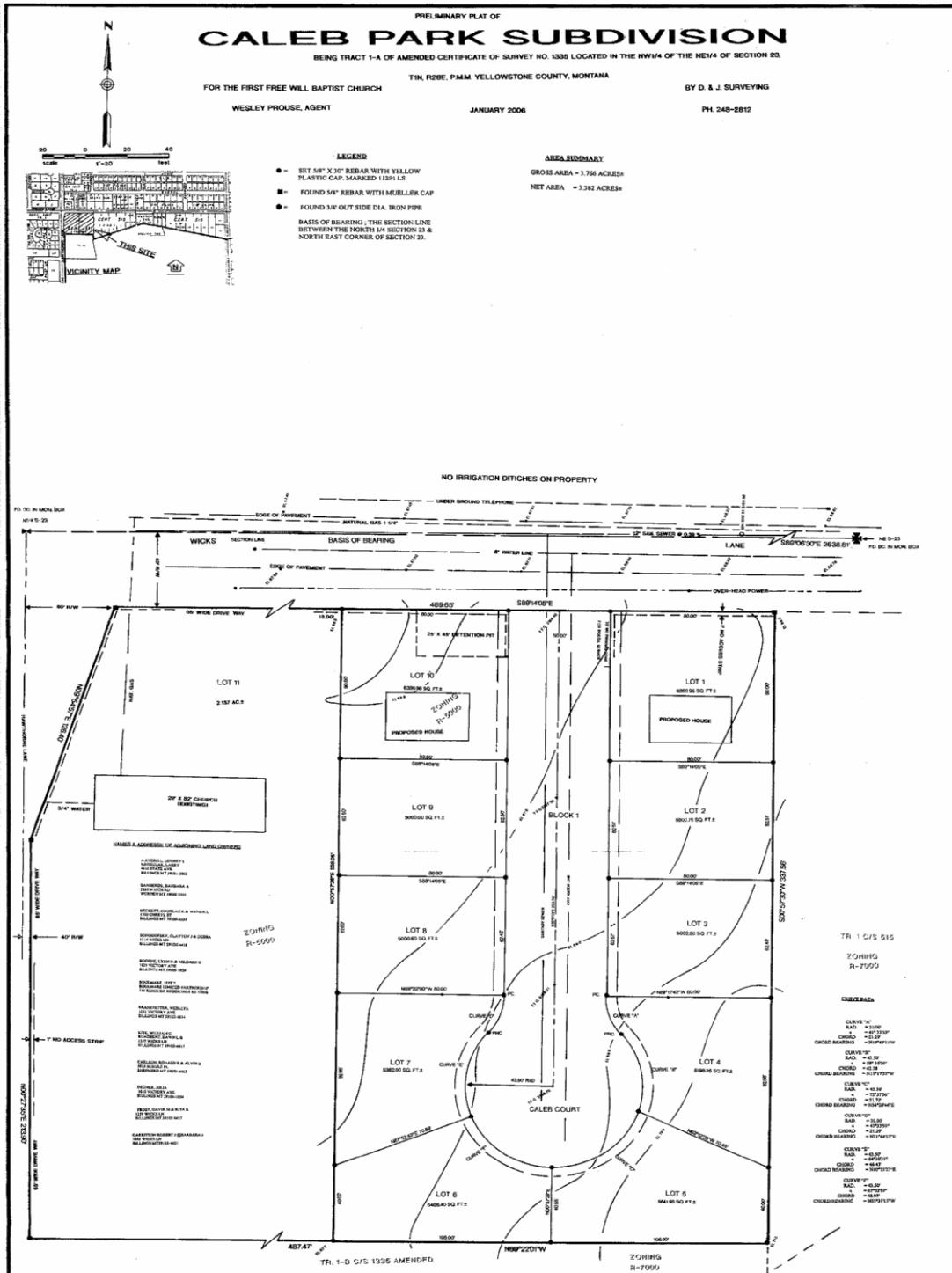
### **RECOMMENDATION**

The Yellowstone County Board of Planning recommends by an 8-2 vote that the City Council conditionally approve the preliminary plat of Caleb Park Subdivision, approve the variances and adopt the Findings of Fact as presented in the staff report.

### **ATTACHMENTS**

- A: Preliminary Plat
- B: Site Photographs
- C: Mayor's Approval Letter
- D: Findings of Fact

**ATTACHMENT A**  
Preliminary Plat of Caleb Park Subdivision



**ATTACHMENT B**  
Site Photographs



Figure 1: View south toward the existing church located on proposed Lot 11.



Figure 2: View west along Wicks Lane along the northern boundary of the subject property.



Figure 3: View east along the northern boundary of the property toward existing single-family residences.



Figure 4: View north across Wicks Lane at the existing 3 G's Convenience Store.

**ATTACHMENT C**  
Mayor's Approval Letter

April 24, 2006

First Free Will Baptist Church  
1545 Hawthorne Lane  
Billings, Montana 59105

Dear Applicant:

On April 24, 2006, the Billings City Council approved the preliminary plat of Caleb Park Subdivision, subject to the following conditions of approval:

1. To minimize effects on local services, the subdivider shall provide centralized delivery boxes with a sufficient pullout to accommodate a mailbox carrier vehicle. The location of the boxes shall be reviewed and approved by the post office. (Recommended by the United States Postal Service)
2. To minimize effects on local services, the entire property shall be annexed into the Heights Water District and a Water Main Agreement shall be executed prior to the final plat. This information shall be included within Section VI. Utilities, of the Subdivision Improvements Agreement (SIA). (Recommended by the Public Utilities Department and the County Water District of Billings Heights)
3. To minimize effects on local streets, the lot corners at the intersection of Caleb Court and Wicks shall be chamfered 10 feet by 10 feet. This shall be depicted on the final plat. (Recommended by the City Engineering Department)
4. To minimize effects on local services, the length of the 1-foot no access strips along the western border of Lot 1 and the eastern border of Lot 10 shall be depicted on the plat. (Recommended by the City Engineering Department)
5. To ensure the provision of sufficient easements along Caleb Court, the sidewalk, fire hydrant, sign, and streetlight easement around the cul-de-sac shall be revised to 6-feet in width to allow sufficient area for a fire hydrant. The 6-foot wide easement shall be clearly labeled on the final plat. (*Recommended by the City Engineering Department*)
6. To minimize effects on local streets, the 1-foot no access strip along Hawthorne Lane shall be removed, as Hawthorne Lane is a collector street. (Recommended by the City Engineering Department)
7. To minimize effects on local streets, in lieu of 65-feet wide driveway accesses depicted along Hawthorne Lane, the final plat shall depict a controlled access strip along the northern and western boundaries of Lot 11. A section shall be added to the SIA that only

two (2) accesses will be permitted along Hawthorne Lane and one (1) access will be permitted on Wicks Lane to Lot 11. Locations are subject to review and approval by the City Engineering Department. (Recommended by the City Engineering Department)

8. To ensure the provision of easements for the location and installation of utilities, the subdivider shall provide easements on the plat in accordance with the plat reviews received from the Montana-Dakota Utilities Company and Northwestern Energy. (*Recommended by the Yellowstone County Board of Planning*)
9. To clarify the width and status of proposed streets, the following statements shall be added to Section III.A of the SIA:
  - Caleb Court shall be 34-foot back-to-back of curb, built to grade with a satisfactory sub base, base course, curb and gutter, and asphalt surface. The design of said streets shall be submitted to and approved by the City Engineering Department. (Recommended by the City Engineering Department)
  - A paragraph titled Offsite improvements: A cash contribution is required for the improvements on Wicks Lane. The cash contribution shall be for the construction of half a residential street. This includes curb, gutter, sidewalk, and the difference of the pavement width. An estimate of the cash contribution for the construction of the Wicks Lane needs to be submitted and reviewed by the Engineering Department. The subdivider will receive credit for half of the existing street section. (Recommended by the City Engineering Department)
10. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
11. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

The Billings City Council also approved the following variances from the City Subdivision Regulations with the preliminary plat approval:

- A variance to permit 50-feet of right-of-way for the internal streets, where Section 23-601(k), BMCC, requires 60-feet of right-of-way for local residential streets.
- A variance to permit 34-feet of back of curb to back of curb width for local residential streets, where Section 23-601(k), BMCC, requires 37-feet.
- A variance to permit a cul-de-sac right-of-way width of 87-feet, where Section 23-601(m), BMCC, requires 104-feet of right-of-way width for cul-de-sacs.

Should you have questions regarding the conditions of approval, please contact Aura Lindstrand with the Planning and Community Services Department at 247-8663 or by email at [lindstranda@ci.billings.mt.us](mailto:lindstranda@ci.billings.mt.us).

The Governing Body's decision may be appealed within 30 days to the Montana District Court for Yellowstone County.

Sincerely,

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Ron Tussing, Mayor

pc: Westly Prouse

## **ATTACHMENT D**

### **Findings of Fact**

The Findings of Fact for Caleb Park Subdivision have been prepared by the Planning Division for review and approval by the Planning Board. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations.

**A. What are the effects on agriculture and agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat and public health and safety? (76-3-608 (3)(a), MCA) (23-304 (c)(1), BMCC)**

**1. Effect on agriculture and agricultural water user facilities**

There are no agricultural water facilities located on the property or within the immediate vicinity of the subject property.

**2. Effect on local services**

- a. **Utilities** – Water to the subject property will be extended from the existing 8-inch water main located within Wicks Lane to the north. At this time, only a portion of Tract 1A (proposed Lot 11 with the existing church) has been annexed into the Heights Water District. As such, Condition #2 requires that the entire property be annexed into the Heights Water District and a Water Main Agreement be executed prior to construction on the property. This information shall be included within the Subdivision Improvements Agreement (SIA). Sanitary sewer lines will be extended from the existing 12-inch main line within Wicks Lane. Both the water and sewer shall be sized and installed in accordance with the City design standards, as specified within the SIA.
- b. **Stormwater** – A stormwater detention facility (pit) is proposed along the north boundary of Lot 10. As specified within the SIA, all drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Department.
- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** - Access to Lots 1 through 10 will be via an approximate 300-foot internal cul-de-sac from Wicks Lane. A 1-foot no access strip has been depicted along the northern boundaries of Lots 1 and 10, to prevent access from Wicks Lane. In order to maintain a safe distance from the intersection of Caleb Court and Wicks Lane, a 1-foot no access strip has also been provided along a portion of the east boundary of Lot 10 and the west boundary of Lot 1. The length of this no access strip shall be depicted on the final plat, as required by Condition #4. Access to the existing church on proposed Lot 11, will be from controlled accesses along Wicks Lane to the north and Hawthorne

Lane to the west. Condition #3 requires that the intersection of Caleb Court with Wicks Lane be chamfered 10 feet by 10 feet on each side of the proposed street.

Caleb Court within the subdivision will maintain 50-foot right-of-way, with a 34-foot back of curb to back of curb paved width. Though the proposed pavement widths satisfy the standards necessary for emergency vehicle access and traffic circulation, the subdivider has requested a variance to permit 50-feet of right-of-way where 60-feet is required, a variance to permit 34-feet of pavement width, and a variance to permit 87-feet of right-of-way (back-to-back of curb width) for the cul-de-sac where 104-feet is required. Engineering, Fire, and Planning staff are supportive of these variances, as 5-foot easements have been depicted on each side of the street to accommodate sidewalks, street lights, and fire hydrants. In order to provide for sufficient width for fire hydrants around the cul-de-sac, the Engineering Department has requested that the easement along Caleb Court be extended to 6-feet, as required by Condition #5. Five feet wide curb walks are proposed along Caleb Court; sidewalks along the entire northern boundary of the subject property (Wicks Lane) will be provided through a cash contribution. No improvements are required along Hawthorne Lane at this time. Upon redevelopment of Lot 11, sidewalks, curb and gutter will be installed to City specifications. A Waiver of Right to Protest has been submitted with this application if redevelopment does not occur before the City finds reconstruction of Hawthorne Lane necessary.

A cash contribution is required for the improvements along Wicks Lane. The cash contribution shall be for the construction of half a residential street, which includes curb, gutter, sidewalk, and the difference of the pavement width. An estimate of the cash contribution for the construction of the Wicks Lane shall to be submitted and reviewed by the Engineering Department, as required by Condition #9. The subdivider will receive a credit for half of the existing street section.

In order to control accesses to the existing church located on proposed Lot 11, the subdivider depicted 1-foot no access strips along the northern and western boundaries of the lot with 65-foot wide driveways for future access. Upon review of the plat, the Engineering Department is requiring that the final plat depict a controlled access strip along the northern and western boundaries of Lot 11. Two (2) accesses will be permitted along Hawthorne Lane and one (1) access will be permitted on Wicks Lane to Lot 11. Locations are subject to review and approval by the City Engineering Department, as specified in Condition #7.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St Andrews Drive (Station #6) approximately 1.5 miles west of the subject property. The subdivision is located within the ambulance service area of American Medical Response (AMR).

- f. **Schools** – The subdivision is located within School District #2. No comments were received from the School District; however the subdivision was submitted for review by the local schools that will be affected by this subdivision. Students from the proposed subdivision will attend Bitterroot Elementary School, Castle Rock Middle School, and Skyview High School. Castle Rock Middle School replied to the information request and stated that they have the capacity to accommodate 90 additional students. The elementary and high schools did not reply to the request for comments.
- g. **Parks and Recreation** – As part of this major plat, the subdivider is required to provide 6,098 square feet (0.14 acres) of dedicated parkland. The subdivider is proposing to provide a cash-in-lieu for the required parkland dedication. The nearest parks to this subdivision are Hawthorne Park, a 3.7 acre park, located approximately ½ mile northeast of the subject property and contains a playground, a wading pool, and a soccer field and Brewington Park, which is undeveloped, located approximately 1/3 mile northwest of the property. The existing Heights multi-use trail is located approximately 1/3 mile west of the proposed subdivision.
- h. **Mail Delivery** - The United States Postal Service is requesting that the applicant provide centralized delivery for the proposed subdivision. The mailboxes should have adequate room for a mail carrier to pull off for mail distribution and access, as required by Condition #1. The location of the mail box shall be reviewed and approved by the post office.

### **3. Effect on the natural environment**

Due to possible variable soils onsite, there may be construction restrictions for the lots within the subdivision. As specified in the SIA, lot specific geotechnical reports may be required with building permits and will be the responsibility of the individual lot owner.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. As indicated within the General Conditions the Run with the Land section of the submitted SIA, future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner.

### **5. Effect on the public health and safety**

There are no known health or safety hazards on the property. This property is not within a mapped floodway or flood zone.

## **B. Was an Environmental Assessment required? (76-3-603, MCA) (23-304 (c)(1), BMCC)**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2003 Growth Policy, the 2005 Transportation Plan Update, and the Heritage Trail Plan? (23-304 (c)(3), BMCC)**

**1. Yellowstone County-City of Billings 2003 Growth Policy**

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Goal: More housing and business choices within each neighborhood (Land Use Element Goal, Page 6).**

*The proposed subdivision would provide for more housing choices within this portion of the city.*

- b. **Goal: Safe and efficient transportation system characterized by convenient connections and steady traffic flow (Transportation Goal, Page 10).**

*The proposed subdivision will provide public streets improved to city standards that connect with existing streets, thus creating more efficient transportation connections and ease of traffic flow.*

- c. **Goal: Contiguous development focused in and around existing population centers separated by open space (Land Use Element Goal, Page 6).**

*The subject property is located within the City and is considered an infill development.*

- d. **Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (Land Use Element Goal, Page 6).**

*The subject property is within an urbanized portion of the City and is proposed for single-family residences, which is consistent with the surrounding neighborhood.*

**2. The 2005 Transportation Plan Update**

The proposed subdivision adheres to the goals and objectives of the 2005 Transportation Plan Update and preserves the street network and street hierarchy specified within the plan.

**3. Heritage Trail Plan**

The proposed subdivision lies within the jurisdiction of the Heritage Trail Plan; however no areas are identified for the future preservation of a trail corridor. Hawthorne Lane is identified as a primary bikeway and should be striped in the future.

**4. The Heights Neighborhood Plan**

The proposed subdivision satisfies the following goals of the Heights Neighborhood Plan:

- Develop housing patterns that are compatible with existing neighborhoods. (p. 19)
- To provide housing and commercial development compatible with existing development by identifying vacant areas where infill development could occur. (p. 23)

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

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in 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.

**F. Does the subdivision conform to sanitary requirements? (23-304 (c)(5), BMCC)**

The subdivision will utilize Heights water, City sanitary sewer, and City solid waste collection and disposal services. All services are approved and regulated by state and federal authorities.

**G. Does the proposed subdivision conform to all requirements of the zoning in effect? (23-304 (c)(6), BMCC)**

The subject property is located within the R-5000 zoning district and shall comply with the standards set forth in Section 27-308, BMCC. The proposed density of the plat complies with the minimum lot size for single-family residences, which is 5,000 square feet for the R-5000 zoning district.

**H. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608 (3)(c), MCA) (23-304 9 (c) (7), BMCC)**

Based on discussion by the Planning Board at the March 28, 2006, public hearing, the subdivider will provide 8-foot wide easements along the front lot lines of Caleb Court in accordance with the Montana-Dakota Utilities Company and Northwestern Energy, as required by Condition #8.

**I. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608 (3)(d), MCA) (23-304 9 (c) (8), BMCC)**

Legal and physical access to the proposed subdivision will be by an internal road, Caleb Court, from Wicks Lane.

### **CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Caleb Park Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2003 Growth Policy and Heights Neighborhood Plan and does not conflict with the 2005 Transportation Plan Update or the Heritage Trail Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

**Approved by the Billings City Council on April 24, 2006**

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Ron Tussing, Mayor

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

AGENDA ITEM:

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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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**TITLE:** Final Plat of Amended Lots 1-7 and 8A, Block 1, Spring Valley Subdivision

**DEPARTMENT:** Planning and Community Services, Candi Beaudry, AICP, Interim Planning Director

**PRESENTED BY:** Aura Lindstrand, Planner II

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**PROBLEM/ISSUE STATEMENT:** The final plat of Amended Lots 1-7 and 8A, Block 1, Spring Valley Subdivision is being presented to the City Council for approval. On September 12, 2005, the City Council conditionally approved the 2-lot preliminary minor plat containing 2.578 acres on a property legally described as Lots 1-7 and 8A, Block 1, Spring Valley Subdivision. The subject property is zoned Residential 9600 and is generally located on northeast corner of the intersection of Alkali Creek Road and Indian Trail, adjacent to the north of Alkali Creek Elementary School. The owners are Ernest and Jacqueline Szillat and the agent is Engineering, Inc. 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 Yellowstone County Clerk and Recorder.

**FINANCIAL IMPACT:** Should the City Council approve the final plat, the subject property will further develop, resulting in additional tax revenues for the City.

**RECOMMENDATION**

Staff recommends that the City Council approve the final plat of Amended Lots 1-7 and 8A, Block 1, Spring Valley Subdivision.

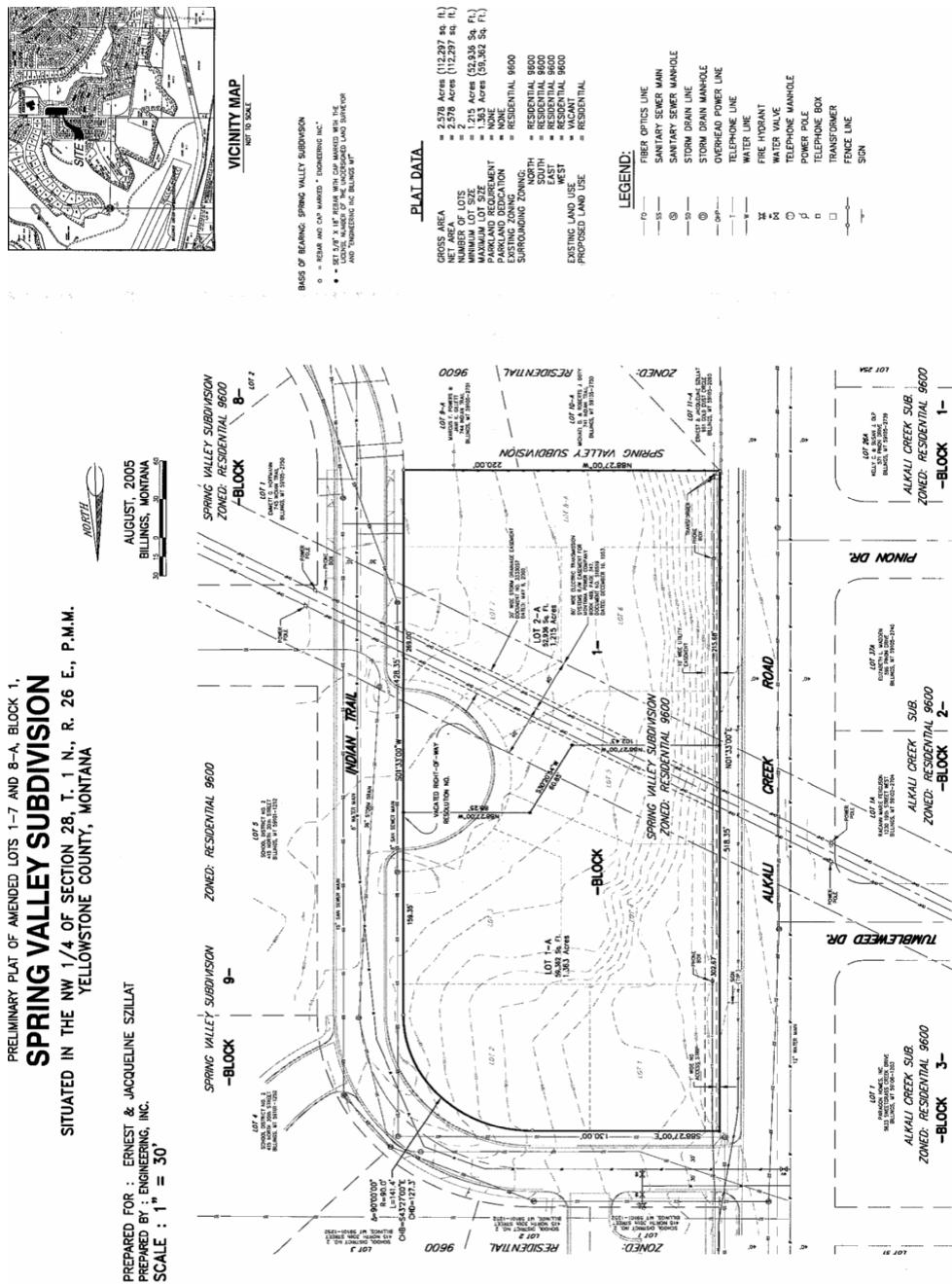
**Approved By:**      **City Administrator**             **City Attorney**       

**ATTACHMENT**

A:      Final Plat

## **ATTACHMENT A**

Preliminary Plat of Amended Lots 1-7 and 8A, Block 1, Spring Valley Subdivision



(Back to Consent Agenda)

J1

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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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 \$730,609.83 have been audited and are presented for your approval for payment. A complete listing of the claims dated March 24, 2006, 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

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

J2

AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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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 \$1,722,824.30 have been audited and are presented for your approval for payment. A complete listing of the claims dated March 31, 2006, 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

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

J3



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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**SUBJECT:** Payment of Claims

**DEPARTMENT:** Municipal Court

**PRESENTED BY:** Nikki R. Schaubel, Municipal Court Administrator

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**PROBLEM/ISSUE STATEMENT:** Claims in the amount of \$539,470.00 have been audited and are presented for your approval for payment. A complete listing of the claims dated March 1, 2006 to March 31, 2006 is on file in the Municipal Court. Claims include payments to individual victims and businesses for restitution, disbursement of surcharges and revenues and return of bonds posted to ensure court appearance.

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims

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

**ATTACHMENTS**

A – Check register 03/01/06 – 03/31/06

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

## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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**TITLE:** Public Hearings for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs and the FY2006 Annual Action Plan

**DEPARTMENT:** Planning and Community Services Department

**PRESENTED BY:** Brenda Beckett, Community Development Manager

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**PROBLEM/ISSUE STATEMENT:** The City Council is scheduled to hold a public hearing on the allocation of the City of Billings FY2006-2007 CDBG and HOME funding and the second year Consolidated Plan Annual Action Plan for FY2006-2007 on Monday, April 24, 2006. Council action is scheduled on May 8.

**ALTERNATIVES ANALYZED:** No additional alternatives have been analyzed. A public hearing is required as a condition of receiving CDBG and HOME funding.

**FINANCIAL IMPACT:** The public hearing will result in additional public input on the use of CDBG & HOME resources in Billings. In FY2006-2007 the City has \$726,020 in new CDBG funding and \$504,467 in HOME funding available for allocation this year which represents a \$110,196 decrease from last year's funding. An additional \$102,196 in CDBG funding is available to allocate this year from projects that have been canceled or completed and \$44,562 from completed HOME projects, resulting in a total of \$1,022,265 available for allocation in CDBG funding and \$617,029 in HOME funding. Federal revenues received for the CDBG and HOME programs are provided through the U.S. Department of Housing and Urban Development. The Community Development Board recommendations are attached and comply with funding limitations.

**RECOMMENDATION**

Staff recommends that the City Council hold a public hearing on April 24<sup>th</sup> to gather public input on the allocation of CDBG and HOME funds in the community for FY2006-2007 and the FY2006-2007 Annual Action Plan as the second year of the Consolidated Plan for FY2005-2009.

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

**ATTACHMENTS**

- A. FY2006-2007 Annual Action Plan
- B. Community Development Board Recommendation (2)
- C. CDBG / HOME Programs FY2006-2007 Project Summaries (7)
- D. Task Force Priorities (4)
- E. FY2006-2007 Revenue (1)

## **INTRODUCTION**

The Community Development Board has made recommendations to City Council on the allocation of CDBG and HOME funding for FY2006-2007. On April 24<sup>th</sup>, the City Council will hold a public hearing to provide public input on the recommendations and the allocation of CDBG and HOME resources in the community. Additional background on the Community Development Board's recommendation will be provided to the City Council prior to the public hearing during a work session on April 17, 2006.

Also for consideration is the FY2006 Annual Action Plan representing the second year of planning for the FY2005-2009 Consolidated Plan. The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated fashion utilizing available federal and non-federal resources. The Annual Action Plan for FY 2006-2007 will serve as the planning tool for the City's FY CDBG and HOME Programs. The Consolidated Plan is required for participation by the City of Billings in the U.S. Department of Housing and Urban Development (HUD) CDBG and HOME Programs and also for homeless programs funded under the McKinley Act and the Housing for Persons with AIDS (HOPWA) Program. The City of Billings does not receive McKinley funds or HOPWA funds and the City's Consolidated Plan is focused on CDBG and HOME activities. The Consolidated Plan combines the planning and application requirements for the CDBG and HOME Programs. Consolidation of the submission requirements for the CDBG and HOME programs allows program planning and citizen participation to take place in a comprehensive context covering both programs. A separate Consolidated Plan is prepared by the City of Great Falls, the City of Missoula, and the State of Montana for urban and rural areas of Montana outside of Billings, Great Falls, and Missoula.

The City Council is asked to consider the input that is received and make a final decision on the FY2006-2007 CDBG and HOME budgets and FY2006-2007 Annual Action Plan on Monday, May 8, 2006.

## **PROCEDURAL HISTORY**

The City of Billings has been receiving CDBG funds since the mid-1970s and HOME funds since the early 1990s. These funds are provided by the federal government and are primarily targeted in Billings to address the affordable housing and neighborhood revitalization needs of the community. The FY2006-2007 budget represents the second year Action Plan to implement the City's 5-Year Consolidated Plan. The Consolidated Plan identifies strategies for the use of housing and community development resources in the community.

In allocating CDBG and HOME resources, the City of Billings goes through an extensive process to gather public input on the use of the funds. This year's applications were available at the beginning of December and due at the end of January 2006. Task force input was requested in February and March. The Community Development Board held budget hearings on the use of

the CDBG and HOME resources on March 23<sup>rd</sup> and 24<sup>th</sup> and prepared its recommendation on April 4<sup>th</sup>. A copy of the priorities of the task forces, as received during this process, is included in Attachment D.

The City Council public hearing is required by the Federal government and is part of the 30-day public comment period on the program beginning April 7<sup>th</sup> and extending to May 7<sup>th</sup>. The City Council is scheduled to act on the CDBG and HOME programs on May 8<sup>th</sup>. An application will then be submitted to HUD for its review and the program year will begin July 1, 2006.

## **BACKGROUND**

The April 24<sup>th</sup> public hearing on the FY2006-2007 CDBG / HOME budget and the 2006-2007 Annual Action Plan is part of the public input process for the use of these funds in the community. Each year the City of Billings requests application for the use of these funds for housing and community development activities. These applications are then forwarded to the Community Development Board, which prepares its recommendation for the City Council consideration.

The City is required to provide no more than 20% of its CDBG funding for administration, fair housing and planning type activities (\$184,014) and must provide 15% (\$75,670) of its annual HOME allocation for activities carried out by nonprofit housing development organizations or CHDOs (Community Housing Development Organizations). The City is required to provide no more than 10% of HOME funding for administration activities (\$57,247). The City can allocate up to 15% of CDBG resources (\$132,602) to nonprofit organizations or other projects classified as public service activities, ranging from daycare to crime prevention activities.

The City received 25 applications for housing and neighborhood activities and 19 applications for public service funding. Project summaries for activities proposed this year are included as Attachment C. CDBG and HOME resources represent the main federal commitment to communities to address the need to preserve the existing supply of affordable housing and promote the development of new affordable housing. Few other federal, state or local resources are available to address these housing needs.

Comments of the speakers at the public hearings may relate to the significant decrease in funding including the inability for the CDBG administration budget to fund activities traditionally supported including fair housing, historic preservation, and task force planning activities. Significant decreases have also occurred in funding available for public service activities. Last year, funding available for public services totaled \$156,396 and this year's available funding is \$132,602. The total request for funding in public services was \$284,900 for FY2006-2007.

## **ALTERNATIVES ANALYZED**

The allocation of funding is restricted by the eligibility requirements for CDBG and HOME funding. Projects are focused on activities that promote new affordable housing or preserving the existing supply of affordable housing and those neighborhoods where the affordable housing

stock is located. The applications for housing and neighborhood activities are consistent with this focus. The Community Development Board reviewed the proposed projects and analyzed various alternatives for funding.

## **STAKEHOLDERS**

Stakeholders for the CDBG and HOME programs include:

1. Applicants for funding - The City receives applications from a variety of nonprofit organizations which apply for public service funding or for housing funding, such as, Living Independently for Today and Tomorrow and Yellowstone County Council on Aging. A summary of the applicants is included as Attachment C and the complete applicants are available online at <http://www.ci.billings.mt.us/Online/living.php>
2. Neighborhood Task Forces – The task forces are consulted throughout the year regarding neighborhood needs and solutions to those needs utilizing both CDBG and HOME resources. Task forces are asked to comment on or prioritize the applications. These priorities have been provided in Attachment D for your review.
3. The Community Development Board, as an advisory body to the City Council, provides detailed oversight to both the CDBG and HOME programs throughout the year and has gone through an extensive process to prepare its recommendations for the City Council consideration at the April 24<sup>th</sup> meeting. Additional information of the Community Development Board's recommendation will be provided to the board prior to the April 24<sup>th</sup> Public Hearing.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLAN**

Projects proposed for consideration are consistent with the goals and objectives of the adopted FY2005-2009 Consolidated Plan for the use of CDBG & HOME resources in Billings. Five primary strategies are proposed in the FY2005-FY2009 Consolidated Plan to meet the diverse needs of Billings' lower-income households. These needs have been primarily identified through the 2005 Billings Housing Needs Assessment completed for the City of Billings by Montana State University-Billings Center for Applied Economic Research. This needs assessment was undertaken utilizing focus groups, individual interviews, a community survey, and an examination of census and housing market data. This work and input from neighborhood groups and community partners resulted in the identification of the following four characteristics of the community that the City of Billings will attempt to address with housing and community development activities: (1) increasing housing cost compared to income and its effect on low income renters and homeowners in achieving safe, decent & affordable housing; (2) An aging population and the associated increase in the percentage of the population with disabilities; (3) A slight decrease in the price of rental housing and short term concern over the number of multi-family units scheduled to be constructed in 2005 and 2006; and (4) The age and condition of the community's affordable housing stock, particularly in the older neighborhoods surrounding the City's Central Business District.

The following five strategies are proposed by the City of Billings in its FY2005-2009 Consolidated Plan to address Billings' housing and community development needs.

### **Strategy #1**

Promote the preservation of the existing supply of affordable housing in the community by:

- Providing affordable financing to allow low and moderate-income homeowners to perform needed repairs to their homes;
- Providing affordable financing to encourage rehabilitation of multi-family units affordable to lower income residents in the community; and,
- Reducing the loss of existing standard housing units affordable to lower income households due to redevelopment activities.

### **Strategy #2**

Promote the preservation and revitalization of the community's older neighborhoods where the affordable housing stock is located by:

- Upgrading the housing stock in older lower income neighborhoods;
- Providing incentives to encourage development of vacant lots and redevelopment of substandard properties in lower income neighborhoods;
- Supporting activities that provide amenities and address infrastructure needs of older lower income neighborhoods; and,
- Supporting efforts of residents of lower income neighborhoods to work together to address needs and respond to opportunities.

### **Strategy #3**

Promote new affordable housing opportunities by:

- Encouraging the development of new affordable single, multi family, and special needs housing in the community through private developers and non-profits; and,
- Promoting homeownership.

## **Strategy #4**

Work as an active partner with non-profits, neighborhood groups, and others to address housing, community, and neighborhood needs by:

- Encouraging housing and community development organizations to work together to build strong community structures to better address needs and respond to opportunities; and,
- Supporting activities that promote fair housing and increase awareness of the rights and responsibilities of protected classes.

## **Strategy #5**

Improve the economic conditions of lower income households in the community by:

- Supporting efforts of community organizations to address the human service needs of lower income residents of the community in general and our lower income neighborhoods in particular; and
- Supporting the efforts of economic development and non-profit agencies to undertake strategies that will result in job training and employment opportunities for lower income households.

Proposed goals and objectives for each of these strategies for FY2006-2007 are identified in the Annual Action Plan included as Attachment A. The complete Draft FY 2005-2009 Consolidated Plan including the 2005 MSU-B Housing Needs Assessment is available for review at <http://www.ci.billings.mt.us/Online/living.php>

## **SUMMARY**

N/A

## **RECOMMENDATION**

Staff recommends that the City Council hold a public hearing on April 24<sup>th</sup> to gather public input on the allocation of CDBG and HOME funds in the community for FY2006-2007 and the FY2006-2007 Annual Action Plan as the second year of the Consolidated Plan for FY2005-2009.

\* The Draft 2006 Annual Action Plan is available for review online at  
<http://www.ci.billings.mt.us/Online/living.php>

\*\* Each application is available for review on line at:  
<http://www.ci.billings.mt.us/Online/living.php>

**ATTACHMENTS**

- A. FY2006-2007 Annual Action Plan
- B. Community Development Board Recommendation (2)
- C. CDBG / HOME Programs FY2006-2007 Project Summaries (7)
- D. Task Force Priorities (4)
- E. FY2006-2007 Revenue (1)

## ATTACHMENT A

### **City of Billings, Montana**

### **ANNUAL ACTION PLAN - FY 2006**

### **CDBG / HOME Programs**

#### **EXECUTIVE SUMMARY**

This is the City of Billings' second year Action Plan of a 5-year strategic plan that identifies activities it will undertake in 2006-2007 to address priority needs in the community. The draft Annual Action Plan is open for public comment extending from April 7<sup>th</sup> through May 7<sup>th</sup>, 2006. A public hearing has been scheduled on April 24, 2006 during the Billings City Council meeting to accept public comments on the Annual Action Plan and Community Development Board recommendations for funding. The Action Plan for FY 2006 will serve as the budget for the City's FY 2006-2007 Community Development Block Grant (CDBG) Program and Home Investment Partnership Program (HOME). Projects proposed for this year are found in Appendix A.

The Consolidated Plan is required for participation by the City of Billings in the U.S. Department of Housing and Urban Development (HUD) CDBG and HOME Programs and also for homeless programs funded under the McKinley Act and the Housing for Persons with AIDS (HOPWA) Program. The City of Billings does not receive McKinley funds or HOPWA funds and the City's Consolidated Plan is focused on CDBG and HOME activities. The Consolidated Plan combines the planning and application requirements for the CDBG and HOME Programs. Consolidation of the submission requirements for the CDBG and HOME Programs allows program planning and citizen participation to take place in a comprehensive context covering both programs. A separate Consolidated Plan is prepared by the City of Great Falls, the City of Missoula, and the State of Montana for urban and rural areas of Montana outside of Billings, Great Falls, and Missoula.

The CDBG and HOME programs covered by the Consolidated Plan have three basic goals:

1. To provide decent housing which includes maintaining the affordable housing stock in the community, increasing the availability of permanent housing that is affordable to lower-income households without discrimination, increasing support of housing which enables persons with special needs to live independently, and to assist homeless persons to obtain affordable housing.
2. To provide a suitable living environment which includes improving the safety and livability of neighborhoods, increasing access to quality facilities and services, reducing the isolation of income groups within areas by deconcentrating housing opportunities and revitalizing deteriorating neighborhoods, restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons, and conserving energy resources.

3. To expand economic opportunities including creating jobs accessible to lower-income individuals, providing access to credit for community development which promotes long-term, economic, and social viability, and empowering lower-income persons in federally assisted and public housing to achieve self-sufficiency.

Activities under these programs must primarily benefit low and moderate income persons. The strategies described in the City of Billings' Consolidated plan outlines a specific course of action for the community's housing and community development activities. The plan builds on local assets to meet the needs of the community and sets forth goals, objectives, and performance measures to assure progress in achieving the strategies described in the plan.

The structure and content of this plan are based on specific requirements of the U.S. Department of Housing and Urban Development for the preparation of the Consolidated Plan. Many terms used in this document are specific to the Consolidated Plan process and HUD programs, and the reader may consult the Community Development Office for assistance.

### ***Available Funding, Expenditure Limits & Match Requirements***

CDBG administration and planning activities are budgeted at \$184,014 which is 20% of our new CDBG allocation (\$726,020) and program income (\$194,049). The proposed budget also includes \$102,196 in projects which have been cancelled or completed. 100% of available funding will be used to benefit the low to moderate income.

The amount of funding available for Public Service Activities is \$132,602. This amount represents 15% of prior year income (15% of \$95,279 is \$14,292) and the new CDBG allocation (15% of \$504,467 is \$108,903), and an additional \$9,407 reprogrammed funding from Public Services from prior years.

HOME administration activities are budgeted at \$57,247 which includes 10% of new HOME revenue (10% of \$504,467 is \$50,447) and program income (10% of \$68,000 is \$6,800).

The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing (MBOH) and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing. MBOH contributed \$4 million in set-aside financing during FY2005-2006.

### ***Past Performance***

The City of Billings received comments from the U.S. Department of Housing and Urban Development regarding Comprehensive Annual Performance Evaluation Report (CAPER) in January 2006. The overall evaluation concluded the City of Billings CDBG and HOME programs are making a positive impact on the community and specifically for low to moderate income households.

## FFY2005-2009 CONSOLIDATED PLAN SUMMARY

The FFY2005-2009 Consolidated Plan followed a plan development process which included the development of the 2005 Billings Housing Needs Assessment completed by Montana State University-Billings, input from neighborhood groups, and public hearings on housing and community development needs and was adopted by the Billings City Council on May 9, 2005.

The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated fashion utilizing available federal and nonfederal resources. Five primary strategies are proposed in the FY2005-FY2009 Consolidated Plan to meet the diverse needs of Billings' lower-income households. These needs have been primarily identified through the 2005 Billings Housing Needs Assessment. This needs assessment was undertaken utilizing focus groups, individual interviews, a community survey, and an examination of census and housing market data. This work and input from neighborhood groups and community partners resulted in the identification of the following four characteristics of the community that the City of Billings will attempt to address with housing and community development activities:

1. Increasing housing cost compared to income and its effect on low income renters and homeowners in achieving safe, decent & affordable housing;
2. An aging population and the associated increase in the percentage of the population with disabilities;
3. A slight decrease in the price of rental housing and short term concern over the number of multi-family units scheduled to be constructed in 2005; and
4. The age and condition of the community's affordable housing stock, particularly in the older neighborhoods surrounding the City's Central Business District.

Addressing these community characteristics requires the continuation of existing partnerships and developing new partnerships between public, private and non-profit sectors of the community.

## FFY 2005-2009 STRATEGIC PLAN

The following five strategies are proposed by the City of Billings in its FY2005-2009 Consolidated Plan to address Billings' housing and community development needs.

### **Strategy #1**

Promote the preservation of the existing supply of affordable housing in the community, by:

- Providing affordable financing to allow low and moderate-income homeowners to perform needed repairs to their homes;
- Providing affordable financing to encourage rehabilitation of multi-family units affordable to lower income residents in the community; and,
- Reducing the loss of existing standard housing units affordable to lower income households due to redevelopment activities.

### ***Strategy #2***

Promote the preservation and revitalization of the community's older neighborhoods where the affordable housing stock is located, by:

- Preserve the housing stock in older lower income neighborhoods;
- Providing incentives to encourage development of vacant lots and redevelopment of substandard properties in lower income neighborhoods;
- Supporting activities that provide amenities and address infrastructure needs of older lower income neighborhoods; and,
- Supporting efforts of residents of lower income neighborhoods to work together to address needs and respond to opportunities.

### ***Strategy #3***

Promote new affordable housing opportunities, by:

- Encouraging the development of new affordable single, multi family, and special needs housing in the community through private developers and non-profits; and,
- Promoting homeownership.

### ***Strategy #4***

Work as an active partner with non-profits, neighborhood groups, and others to address housing, community, and neighborhood needs, by:

- Encouraging housing and community development organizations to work together to build strong community structures to better address needs and respond to opportunities; and,
- Supporting activities that promote fair housing and increase awareness of the rights and responsibilities of protected classes.

### ***Strategy #5***

Improve the economic conditions of lower income households in the community, by:

- Supporting efforts of community organizations to address the human service needs of lower income residents of the community in general and our lower income neighborhoods in particular; and
- Supporting the efforts of economic development and non-profit agencies to undertake strategies that will result in job training and employment opportunities for lower income households.

The complete FY2005-2009 Consolidated Plan can be viewed online:

<http://www.ci.billings.mt.us/Living/community/consolidatedplan2005.php>

FFY 2006 ANNUAL PLAN		
Strategy #1 - Promote the preservation of the existing supply of affordable housing in the community.		
Objective	Implementation Plan	2006-2007 Goals
Provide affordable financing to lower income homeowners to perform needed repairs.	Complete substantial rehabilitation work through the Housing Rehabilitation Loan Program.	12 homes
	Complete minor rehabilitation work through the Minor Home Repair Program.	15 homes
	Provide funding for single purpose rehabilitation projects targeted to elderly and special needs lower income homeowners.	6 ramps by LIFTT, 40 home repairs for the elderly by YCCOA, 5 homes by Rebuilding Together
	Pursue grant and private funding to support activities that increase resources available for housing rehabilitation activities.	Staff support & coordination to Rebuilding Together and other organizations performing rehabilitation
Provide affordable financing to rehabilitate rental units affordable to lower income residents.	Complete substantial rehabilitation <sup>1</sup> work to rental units for occupancy by lower income, elderly and special needs households through the Rental Rehabilitation Program.	10 Rental Units
	Pursue private resources to support rental rehabilitation activities.	Utilize Fannie Mae's America's Community Fund for rental rehabilitation activities to complete 1 project in FY2006
Reduce the loss of existing standard housing units affordable to lower income households due to redevelopment activities.	Organize task force of organizations involved with redevelopment activities to promote the preservation of the existing supply of affordable housing and to mitigate the effects of demolition or conversion when it does occur.	Establish work group by 6/1/2006 to begin work on new housing preservation guidelines <sup>2</sup>

<sup>1</sup> For the purposes of this plan, substandard condition of housing is defined by the City of Billings as properties requiring more than \$20,000 in funding to complete all required code related improvements to the property. Substandard condition but suitable for rehab would be those properties where \$20,000 invested would address all safety hazard conditions related items associated with the house within primary systems ranging from electrical, plumbing, heating, roofing, and foundation repairs.

<sup>2</sup> Housing is being lost due to redevelopment activities separate from CDBG and HOME activities. This work group would be established to study the loss of housing units due to demolition or redevelopment activities and to develop local housing preservation guidelines acceptable to the community. This initiative will increase local awareness of the negative cumulative effect resulting in the loss of affordable housing units. Local guidelines will be developed which balance the expansion needs of our community with affordable housing.

Strategy #2 - Promote the preservation and revitalization of the community's older neighborhoods where the affordable housing stock is located.		
<b>Objective</b>	<b>Implementation Plan</b>	<b>2006-2007 Goals</b>
Preserve the housing stock in older lower income neighborhoods	See also implementation plan for strategy #1.	
	Support house painting program for lower income homeowners.	5 homes
	Support Tree Program to remove and replace diseased or dangerous trees for lower income homeowners.	12 trees through public service activity
	Support activities that help preserve historic properties.	Implement annual YHPB work plan
Provide incentives to encourage development of vacant lots and redevelopment of substandard properties in lower income neighborhoods	See also implementation plan for strategy #3.	
	Provide funding for Affordable Housing Volunteer Demolition program to eliminate blighted substandard properties in lower income neighborhoods and replace with new affordable housing.	1 property
Support activities that provide amenities and address the infrastructure needs of older lower income neighborhoods	Support planned neighborhood improvements included in City's Capital Improvement Plan.	Implement City's FY2006-2007 CIP including improvements to the Galles Building and Central Park Playground
	Provide Special Assessment Grants for lower income households to help pay for SID's resulting from the City's public improvement projects.	10 Homeowners
	Encourage the redevelopment of the South 27 <sup>th</sup> Street Corridor.	Complete 1 new redevelopment project (800 block S. 28 <sup>th</sup> , 700 block S. 27 <sup>th</sup> & 500 block S. S7th)
	Encourage the implementation of the Heritage Trail Bike Plan in lower income areas.	Plan needed improvements in task force neighborhoods
	Promote historic preservation activities in a coordinated manner through Historic Preservation Organizations.	Implement annual YHPB work plan
Support efforts of residents of lower income neighborhoods to work together to address needs and respond to opportunities	Support Neighborhood Planning efforts and provide on-going support for monthly task force meetings.	

Strategy #3 - Promote new affordable housing opportunities.		
<b>Objective</b>	<b>Implementation Plan</b>	<b>2006-2007 Goals</b>
Encourage the development of new affordable single family, and multi family, special needs housing in the community through private developers and non-profits	<p>Provide funding through the CDBG / HOME, and Other Affordable Housing Funds to encourage the development of new affordable housing in the community emphasizing new / converted:</p> <ul style="list-style-type: none"> <li>• Elderly and Disabled housing</li> <li>• Special needs housing</li> <li>• Housing in lower income neighborhoods (Strategy #2)</li> <li>• Housing for very low and extremely low-income renters</li> </ul>	20 units
Promote homeownership	Provide funding to Community Development Housing Development Organizations (CHDOs) to undertake activities to meet priority affordable housing needs.	20 units
	Complete Phase II & III of the Kings Green Affordable Housing Project.	15 units  Complete Phase II of Kings Green, utilize the Affordable Housing Task force to make recommendations regarding infrastructure development post Phase II
	Work to address loss of mobile/manufactured housing affordable to lower income households.	Establish work groups to study & make recommendations
	Work with Affordable Housing Task Force to identify and address barriers to affordable housing and to encourage infill development.	
	Support activities of the Housing Authority of Billings and other assisted housing providers to meet the needs of very low-income households.	Support implementation of HAB's 5-Year Plan
	Provide funding for support services to address the needs of the homeless, elderly, and special needs populations.	Staff support for the new Mayor's Commission on Homelessness

	Assist lower income households achieve home ownership through the City's First Time Homebuyer program and low interest "set aside" financing available through Montana Board of Housing (MBOH).	48 homebuyers & \$4 million in set aside financing
	Participate with Montana Homeownership Network to increase First Time Homebuyer opportunities in the City leveraging resources available through Fannie Mae, MBOH etc.	20 homebuyers
	Support homebuyer education in partnership with Montana Homeownership Network.	150 households
	Support Billings Partners for American Indian Homeownership effort to increase homeownership rates for American Indians and other minorities in the community.	Implementation of partnership goals to increase the homeownership rate for American Indians in Billings
	Support the Hispanic American Homeownership & Economic Development.	Staff support to establish new group to increase economic opportunities and homeownership for Hispanic Americans in Billings

**Strategy #4 - Work as an active partner with non-profits, neighborhood groups, and others to address housing & community development needs.**

<b>Objective</b>	<b>Implementation Plan</b>	<b>2006-2007 Goals</b>
Encourage housing & community and development organizations to work together to build strong community structures to better address needs and respond to opportunities	Sponsor the Affordable Housing Task Force which brings together organizations such as the Housing Authority of Billings, Habitat for Humanity, HRDC, Big Sky EDA, homeWORD, realtors and lenders to address affordable housing issues of common concerns.	Complete work on the new strategic plan and implement plan
	Sponsor the Adjacent Neighborhood Committee which brings together the City's neighborhood task forces and Downtown Partnership.	Host bi-monthly meetings and provide staff support for task force initiatives
	Support the activities of the Billings American Indian Homeownership Partnership which brings together approximately 20 organizations to increase the homeownership rate for American Indians.	Implementation of partnership goal to increase the homeownership rate for American Indians in Billings.

	Support Neighborhood Task Forces to identify and address neighborhood needs.	Complete neighborhood plans & support distribution of monthly newsletters
	Support the Hispanic American Homeownership & Economic Development.	Staff support to establish new group to increase economic opportunities and homeownership for Hispanic Americans in Billings
Support activities that promote fair housing and increase awareness of the rights and responsibilities of protected classes	Undertake fair housing activities in a coordinated manner.	Implement existing FY2003-2007 Fair Housing Plan through the FY 2006-2007 Fair Housing Action Plan
	Complete new Analysis of Impediments to Fair Housing Choice for the Billings community in 2007 and develop new Fair Housing Plan for FY2008-2012 <sup>3</sup> .	Apply for 2006 Fair Housing Initiatives Program (FHIP) funding through HUD  Adopt new fair housing plan in 2007

#### **Strategy #5 - Improve the economic conditions of lower income households in the community.**

<b>Objective</b>	<b>Implementation Plan</b>	<b>2006-2007 Goals</b>
Support efforts of community organizations to address the human service needs of lower income residents of the community in general and lower income neighborhoods in particular	Utilize up to 15% of CDBG funding for public service activities to improve the economic conditions of lower income households.	Develop performance measures to determine impact of assisted activities
Support the efforts of economic development and non-profit agencies to undertake strategies that will result in job	Provide technical assistance to lower income households interested in starting or expanding an existing business.	Provide Technical assistance to 100 lower income households  Develop performance measures to determine impact of assisted activities

<sup>3</sup> The City of Billings follows a separate five-year cycle for fair housing planning. The most recent Analysis of Impediments to Fair Housing Choice was completed in 2002, resulting in the 2003-2007 Fair Housing Plan.

training and employment opportunities for lower income households	Support the Hispanic American Homeownership & Economic Development.	Staff support to establish new group to increase economic opportunities and homeownership for Hispanic Americans in Billings
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**ATTACHMENT B -- COMMUNITY DEVELOPMENT BOARD RECOMMENDATIONS**

**FY 2006-2007**

CDBG/HOME GRANT HISTORY		2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	Staff Recommendations		CD Board Recommends		
							Requested	CDBG	HOME	CDBG	HOME
Admin / Planning	<b>HN-1</b> CDBG Administration	\$172,402	\$175,000	\$173,493	\$173,800	\$175,000	\$175,000			<b>\$175,000</b>	
	<b>HN-2</b> HOME Administration	\$57,138	\$60,000	\$63,629	\$66,000	\$65,000		\$57,247			<b>\$57,247</b>
Fair Housing	<b>HN-3</b> Professional Services			\$15,000		\$25,000	\$9,014			<b>\$9,014</b>	
	<b>HN-4</b> Yellowstone Historic Preservation Board	\$7,500	\$7,500	\$7,500	\$6,500	\$6,500	\$0			<b>\$0</b>	
Affordable Housing Activities	<b>HN-25</b> McKinley School / North Elevation Task Force					\$15,500	\$0			<b>\$0</b>	
	<b>HN-5</b> Community Housing Resource Board	\$15,000	\$15,000	\$15,000	\$13,000	\$13,100	\$0			<b>\$0</b>	
Neighborhood Projects	<b>HN-6</b> Community Housing Resource Board - HOME FUNDS				\$2,000	\$5,000		\$0			<b>\$0</b>
	<b>HN-7</b> Community Housing Investment Program					\$15,120	\$0			<b>\$0</b>	
Park Imp.	<b>HN-8</b> Housing Rehabilitation Loan Program	\$250,000	\$300,000	\$300,000	\$250,000	\$300,000	\$250,000			<b>\$250,000</b>	
	<b>HN-9</b> Minor Home Repair Program	\$100,000	\$115,000	\$100,000	\$60,000	\$100,000	\$60,000			<b>\$60,000</b>	
Econ Dev	- Rental Rehabilitation Program	\$20,000	\$40,000	\$40,000	\$57,290	-	-	-			
	<b>HN-10</b> HOME/CDBG Affordable Housing Support	\$250,000	\$464,000	\$500,000	\$346,133	\$400,000	\$100,000	\$199,112	<b>\$100,000</b>	<b>\$199,112</b>	
Neighborhood Projects	<b>HN-11</b> HOME First Time Home Buyer Program	\$200,000	\$100,000	\$175,000	\$375,000	\$450,000	\$150,000	\$285,000	<b>\$150,000</b>	<b>\$285,000</b>	
	- homeWORD - Homebuyer Education				\$3,000	-	-	-			
Fair Housing	<b>HN-12</b> Set-Aside for CHDOs - must be 15% of HOME funds	\$75,300	\$84,703	\$84,535	\$80,310	\$75,670	\$0	\$75,670		<b>\$75,670</b>	
	<b>HN-13</b> Living Independently for Today & Tomorrow	\$15,000	\$15,000	\$10,000	\$10,000	\$12,500	\$10,000		<b>\$10,000</b>		
Neighborhood Projects	<b>HN-14</b> Yellowstone County Council on Aging - MHR Program	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000		<b>\$5,000</b>		
	<b>HN-15</b> Rebuilding Together			\$5,000	\$5,000	\$10,000	\$10,000		<b>\$10,000</b>		
Econ Dev	- CDBG Demolition Program			\$10,000		-	-	-			
	<b>HN-16</b> Property Management	\$12,000	\$12,000	\$10,000	\$8,000	\$8,000	\$8,000		<b>\$8,000</b>		
Neighborhood Projects	<b>HN-17</b> Special Assessment Grants	\$50,000	\$50,000	\$40,000	\$40,000	\$50,000	\$50,000		<b>\$50,000</b>		
	<b>HN-18</b> Paint Program			\$5,000	\$2,000	\$5,000	\$2,000		<b>\$2,000</b>		
Fair Housing	<b>HN-19</b> Code Enforcement - Abatement & Graffiti					\$50,000	\$50,000		<b>\$25,000</b>		
	<b>HN-20</b> Garfield Elementary Renovation - Phase III Parking						\$250,000	\$40,000		<b>\$0</b>	
Neighborhood Projects	<b>HN-21</b> Friendship House - Community Technology Center						\$20,000	\$20,000		<b>\$15,000</b>	
	<b>HN-22</b> PRPL - Skate Park - The Galles Building Improvements						\$30,000	\$50,000		<b>\$50,000</b>	
Econ Dev	<b>HN-23</b> PRPL - Pioneer Park Disc Golf Course						\$40,000 - pools	\$21,000	\$21,000		<b>\$0</b>
	<b>HN-24</b> BSEDA		\$10,000	\$10,000	\$7,500	\$10,000	\$7,500			<b>\$7,500</b>	

**PUBLIC SERVICE ACTIVITIES**

**FY 2006-2007**

<i>CDBG GRANT HISTORY</i>		2002-2003	2003-2004	2004-2005	2005-2006	<i>Amount Requested</i>	<i>CD Board Recommends</i>	
Public Service Activities	<b>PS-1</b>	Big Sky Prevention of Elder Abuse - Social Work	\$5,667	\$9,500	\$9,500	\$9,025	\$10,000	<b>\$9,000</b>
	<b>PS-2</b>	Big Sky Senior Helping Hands Program	\$14,667	\$18,000	\$20,000	\$19,000	\$20,000	<b>\$19,000</b>
	<b>PS-3</b>	Billings Food Bank	\$6,667	\$16,000	\$10,000	\$10,000	\$20,000	<b>\$8,500</b>
	<b>PS-4</b>	Billings Public Schools - REWARDS					\$8,300	<b>\$0</b>
	<b>PS-5</b>	Boys & Girls Club - Bair Family Clubhouse	\$3,667	\$4,000	\$4,000	\$5,000	\$5,000	<b>\$4,000</b>
	<b>PS-19</b>	Central / Terry Task Force - PCE Groundwater Education					\$2,500	<b>\$1,000</b>
	<b>PS-6</b>	Family Service, Inc.	\$16,667	\$17,000	\$20,000	\$20,000	\$30,000	<b>\$19,000</b>
	<b>PS-7</b>	Friendship House - Summer Enrichment	\$11,717	\$9,000	\$10,000	\$12,000	\$15,000	<b>\$10,000</b>
	<b>PS-8</b>	homeWORD - Financial Fitness					\$6,000	<b>\$0</b>
	<b>PS-9</b>	HRDC - Homeless Program				\$10,000 <i>Hsg Counseling</i>	\$40,000	<b>\$0</b>
	<b>PS-10</b>	HRDC - Growth Thru Art	\$9,667	\$10,000	\$10,000	\$11,771	\$25,000	<b>\$10,000</b>
	<b>PS-11</b>	Parents Let's Unite for Kids	\$2,167	\$2,500	\$2,500	\$2,500	\$4,000	<b>\$2,500</b>
	<b>PS-12</b>	Tree Trimming, Planting & Removal	\$15,000	\$15,000	\$10,000	\$10,000	\$15,000	<b>\$8,802</b>
	<b>PS-13</b>	Tumbleweed Runaway Program, Inc.	\$16,000	\$15,050	\$15,050	\$12,500	\$18,000	<b>\$10,700</b>
	<b>PS-14</b>	Yellowstone Co. Council on Aging - Resource Center					\$10,000	<b>\$2,000</b>
	<b>PS-15</b>	Yellowstone Health Partnership - Med Assistance	\$2,667	\$9,500	\$9,500	\$9,500	\$12,000	<b>\$9,000</b>
	<b>PS-16</b>	Young Families Early Head Start	\$7,117	\$10,000	\$11,000	\$10,000	\$32,000	<b>\$9,000</b>
	<b>PS-17</b>	YWCA of Billings Children's/Women's Services	\$1,667	\$2,000	\$2,100	\$2,100	\$2,100	<b>\$2,100</b>
	<b>PS-18</b>	YWCA Gateway House	\$4,667	\$10,000	\$8,000	\$8,000	\$10,000	<b>\$8,000</b>

**ATTACHMENT C**  
**COMMUNITY DEVELOPMENT APPLICANTS**  
**HOUSING & NEIGHBORHOOD ACTIVITIES FOR FY2006-2007**

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		<u>Amount</u>
<b>ADMINISTRATION/PLANNING</b>		
1. CDBG Administration		\$175,000
2. HOME Administration		\$ 65,000
3. Professional Services		\$ 25,000
4. Yellowstone Historic Preservation Board		\$ 6,500
<b>FAIR HOUSING ACTIVITIES</b>		
5. Community Housing Resource Board – CDBG		\$ 13,100
6. Community Housing Resource Board – HOME		\$ 5,000
7. Community Housing Investment Program		\$ 15,120
<b>AFFORDABLE HOUSING ACTIVITIES</b>		
8. Housing Rehabilitation Loan Program		\$300,000
9. Minor Home Repair Program		\$100,000
10. HOME/CDBG Affordable Housing Support Program		\$400,000
11. HOME First Time Home Buyer Program		\$450,000
12. Set-Aside for CHDOs		\$ 75,670
13. Living Independently For Today & Tomorrow		\$ 12,500
14. Yellowstone County Council on Aging – Minor Home Repair		\$ 5,000
15. Rebuilding Together – Home Rehabilitation		\$ 10,000
<b>NEIGHBORHOOD PROJECTS</b>		
16. Property Management		\$ 8,000
17. Special Assessment Grants		\$ 50,000
18. Paint Program		\$ 5,000
19. Code Enforcement – Abatement & Graffiti		\$ 50,000
20. Garfield Elementary Renovation – Phase III Parking / Sidewalks		\$250,000
21. Friendship House – Community Technology Center		\$ 20,000
<b>PARK Improvements</b>		
22. PRPL – Galles Building Renovation		\$ 50,000
23. PRPL – Pioneer Park Disc Golf Course Improvements		\$ 21,000
<b>ECONOMIC DEVELOPMENT</b>		
24. BSEDA – Small Business Development Center		\$ 10,000
<b>Total Requested</b>		<b>\$2,121,890</b>

**COMMUNITY DEVELOPMENT APPLICANTS**

**HOUSING & NEIGHBORHOOD ACTIVITIES - PROJECT SUMMARIES**  
**FY 2006 - 2007**

<i>ADMINISTRATION / PLANNING / FAIR HOUSING ACTIVITIES</i>		
HN - 1	<b><i>CDBG Administration</i></b>  Funds are requested for general administration expenditures for CDBG Program including office space, salaries and benefits for various staff positions. CDBG also provides the resources for administration for other grant programs related to Community Development received by the City.	\$175,000
HN - 2	<b><i>HOME Administration</i></b>  Funds are requested for general HOME administration expenditures For HOME Program.	\$65,000
HN - 3	<b><i>Professional Services</i></b>  Funds are used to contract for professional services on an as-needed basis. In 2007, funds will be needed to conduct the Analysis of Impediments to Fair Housing Choice as a HUD requirement. In addition, \$5,000 would be set aside to assist non-profit organizations with pre-development costs for affordable housing projects. Those organizations that are not currently CHDOs or not eligible for HOME predevelopment assistance would be eligible to apply for this funding.	\$25,000
HN - 4	<b><i>Yellowstone Historic Preservation Board</i></b>  Funds will be used to match \$5,500 in grant funding made available to Certified Local Governments for historic preservation activities through the Montana State Historic Preservation Office. This funding is used to carry out historic preservation activities in Billings and Yellowstone County.	\$6,500
HN - 5	<b><i>Community Housing Resource Board - CHRB</i></b> <b><i>Fair Housing Education &amp; Outreach</i></b>  Funds are requested to finance the contract labor position, supplies, and postage to further fair housing opportunity through community education and outreach.	\$13,100  CDBG Funding
HN - 6	<b><i>Community Housing Resource Board - CHRB</i></b> <b><i>Fair Housing Education &amp; Outreach</i></b>  Funds are requested to finance the contract labor position, supplies, and postage to further fair housing opportunity through community education and outreach.	\$5,000  HOME Funding
HN - 7	<b><i>Community Housing Investment Program - CHIP</i></b> <b><i>Fair Housing Inclusive Residences</i></b>  Funds are requested for salaries, employee benefits, rent, and other administrative costs to conduct the identification, assessment, and processing of fair housing complaints and other education and enforcement activities.	\$15,120
<i>AFFORDABLE HOUSING ACTIVITIES</i>		
HN - 8	<b><i>Housing Rehabilitation Loan Program</i></b>  Funds are requested to rehabilitate up to 15 homes throughout the City of Billings. The program is intended to provide affordable financing to low / moderate income applicants to provide substantial improvements that help preserve the City's affordable housing stock and revitalize older neighborhoods. Funds will be used to partially fund the CD Grants Coordinator positions.	\$300,000

HN - 9	<b><i>Minor Home Repair Program</i></b>	\$100,000
	Funds are requested to assist approximately 20 low-income homeowners with emergency repairs related to basic systems or accessibility for a physically disabled occupant. The program is available for mobile / manufactured mobile homes and for owner / occupied homes that are not appropriate for the Housing Rehabilitation Loan Program.	
HN - 10	<b><i>HOME / CDBG Affordable Housing Support Program</i></b>	\$400,000
	Funds are requested to encourage the development of affordable housing for lower-income households in the City of Billings. Applicants for this program can be for-profit developers or non-profit agencies.	
HN - 11	<b><i>HOME First Time Home Buyer Program</i></b>	\$450,000
	Funds are requested to assist approximately 40 low-income families in the purchase of their first home. The program is designed to provide financial assistance to help qualify for traditional housing financial programs to purchase a home. Funds will be used to provide down payment assistance, closing costs, and minor repairs and for related project administration expense.	
HN - 12	<b><i>HOME Set-Aside Community Development Organizations (CHDO)</i></b>	\$75,670
	As a recipient of HOME funds, the City of Billings must provide at least 15% of its funding for CHDO activities. This funding is requested for CHDOs to develop affordable housing in the community.	
HN - 13	<b><i>Living Independently for Today and Tomorrow (LIFTT)</i></b>	\$12,500
	Funds are requested to construct or provide maintenance work on ramps for low-income persons with disabilities to access their homes. Approximately six households will be assisted.	
HN - 14	<b><i>Yellowstone County Council on Aging – Minor Home Repair Program</i></b>	\$5,000
	Funds are requested for this Minor Home Repair program which assists low-income persons over the age of 60 with safety-related repairs.	
HN - 15	<b><i>Rebuilding Together – Home Rehabilitation</i></b>	\$10,000
	Funds are requested for building materials and construction costs to assist up to five low-income households. Volunteers paint, clean, weatherize, and do carpentry, plumbing, roofing, and electrical work.	
<b><i>NEIGHBORHOOD PROJECTS</i></b>		
HN - 16	<b><i>Property Management</i></b>	\$8,000
	Funds are requested to pay existing SIDs and maintain weeds and snow on property previously acquired through the CDBG program. These properties are primarily located along South 27 <sup>th</sup> Street.	
HN - 17	<b><i>Special Assessment Grants</i></b>	\$50,000
	Funds are requested to provide grant funds to lower-income households impacted by Special Improvement District assessments for public improvements such as curb, gutter, and sidewalk projects in lower income areas.	
HN - 18	<b><i>Paint Program</i></b>	\$5,000
	Funds are requested to assist approximately 10 Billings homeowners to purchase paint and painting materials in order to paint the exterior of their owner-occupied homes. This program would be available to both stick-built and mobile / manufactured homes who meet total household income of 60% median income or less.	

HN - 19	<b><i>Code Enforcement – Abatement &amp; Graffiti</i></b>	\$50,000
	Funds are requested to assist in the costs of voluntary abatements, graffiti removal for low / moderate income households, and for the placement of sanitary equipment to clean unkempt areas.	
HN - 20	<b><i>Garfield Elementary Renovation – Phase III Parking / Sidewalks</i></b>	\$250,000
	Funds are requested for the renovation of parking spaces and sidewalks at Garfield Elementary School. Costs will fund professional contract services, repair / maintenance, insurance / financial / legal services.	
HN - 21	<b><i>Friendship House – Community Technology Center</i></b>	\$20,000
	Renovation funding is requested to remodel and expand an old storage room off of the gymnasium to house the new Community Technology Center.	
<b><i>PARK IMPROVEMENT PROJECTS</i></b>		
HN - 22	<b><i>PRPL – Galles Building Renovations</i></b>	\$50,000
	Funds are requested for remodeling first floor of the building with restrooms, concession area, commercial / office space, exterior lighting and security measures.	
HN - 23	<b><i>PRPL – Pioneer Park Disc Golf Course Improvements</i></b>	\$21,000
	Funds are requested to clean up and restore heavily used wear areas around “tee” throwing points and the target baskets.	
<b><i>ECONOMIC DEVELOPMENT</i></b>		
HN - 24	<b><i>Big Sky Economic Development Authority (BSEDA) – Small Business Development Center</i></b>	\$10,000
	Funds would be used to supplement the operational expense of the program and provide training materials free of charge to clients attending pre-business workshops.	

**COMMUNITY DEVELOPMENT APPLICANTS  
PUBLIC SERVICE ACTIVITIES FOR FY2006-2007**  
**TABLE OF CONTENTS**

1. Big Sky Prevention of Elder Abuse – Social Work	\$ 10,000
2. Big Sky Senior Helping Hands Program	\$ 20,000
3. Billings Food Bank	\$ 20,000
4. Billings Public Schools - REWARDS	\$ 8,300
5. Boys & Girls Club of Yellowstone Co.	\$ 5,000
6. Family Service, Inc.	\$ 30,000
7. Friendship House – Summer Enrichment	\$ 15,000
8. homeWORD – Financial Fitness	\$ 6,000
9. HRDC – Community Partnership for the Homeless Program	\$ 40,000
10. HRDC – Growth Thru Art	\$ 25,000
11. Parents Let's Unite for Kids – Transition Training	\$ 4,000
12. Tree Trimming, Planting, & Removal Program	\$ 15,000
13. Tumbleweed Runaway Program, Inc.	\$ 18,000
14. Yellowstone County Council on Aging – Resource Center	\$ 10,000
15. Yellowstone Health Partnership – Medication Assistance Program	\$ 12,000
16. Young Families Early Head Start	\$ 32,000
17. YWCA - Children's Services	\$ 2,100
18. YWCA - Gateway House	\$ 10,000
 <b>Total Requested</b>	 <b>\$282,400</b>

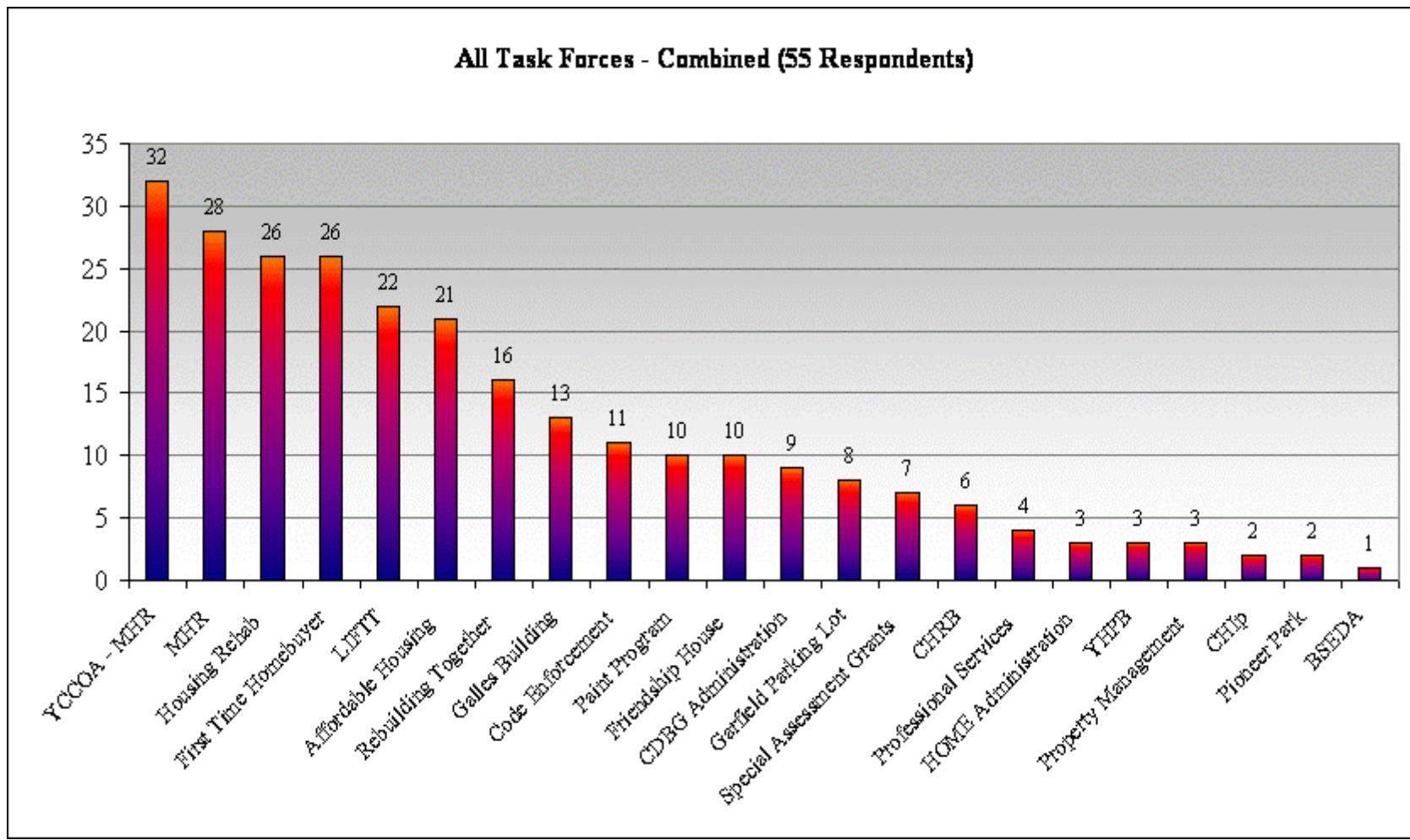
**COMMUNITY DEVELOPMENT APPLICANTS**  
**PUBLIC SERVICE ACTIVITIES - PROJECT SUMMARIES**  
**FY 2006 - 2007**

PS - 1	<b><i>Big Sky Prevention of Elder Abuse – Social Work</i></b>	
	Funds are requested to help pay the salary of the Elder Support Social Worker who works with elders and disabled adults to prevent abuse and remediate effects of abuse by resorting economic stability to clients and helping them continue to live safely and independently at home.	\$10,000
PS - 2	<b><i>Big Sky Senior Helping Hands Program</i></b>	
	Funds are requested for in-home staff salaries providing in-home services to very low-income, vulnerable elders in the Billings community. Services include homemaking, shopping, transportation, socialization, assistance with personal care and hygiene, medication management, health monitoring and health care.	\$20,000
PS - 3	<b><i>Billings Food Bank</i></b>	
	Funds are requested to purchase a walk-in freezer which will allow greater capacity in the second warehouse.	\$20,000
PS - 4	<b><i>Billings Public Schools – REWARDS</i></b>	
	Funding is requested to pay for the salaries of two certified teachers at Orchard School who will work in the REWARDS program. This program provides students extended learning from 2:30pm to 5:30pm in a safe environment.	\$8,300
PS - 5	<b><i>Boys &amp; Girls Club of Yellowstone County</i></b>	
	Funds are requested to pay for wages for a part-time staff member to manage the technology education center at the club.	\$5,000
PS - 6	<b><i>Family Service, Inc.</i></b>	
	Funds are requested to prevent homelessness of families living in low-income situations. Services are available to help with rents, mortgages, utilities, and deposits.	\$30,000
PS - 7	<b><i>Friendship House - Summer Enrichment Program</i></b>	
	Funds are requested for personnel and administrative costs associated with the Summer Enrichment Program (SEP). SEP is a comprehensive program that addresses the multi-needs of youth ages 4 - 12 and provides basic human service needs.	\$15,000
PS - 8	<b><i>homeWORD – Financial Fitness</i></b>	
	Funds are requested to support the salary of the Financial Fitness Coordinator who would provide the Financial Fitness education course (15 hour, 5 week course).	\$6,000
PS - 9	<b><i>HRDC – Community Partnership for the Homeless Program</i></b>	
	Funding is requested for salaries, benefits, and other administrative costs to expand intensive case management and supportive services to homeless individuals and families in the Montana Rescue Mission and the Women and Family Shelter.	\$40,000
PS - 10	<b><i>HRDC - Growth Thru Art</i></b>	

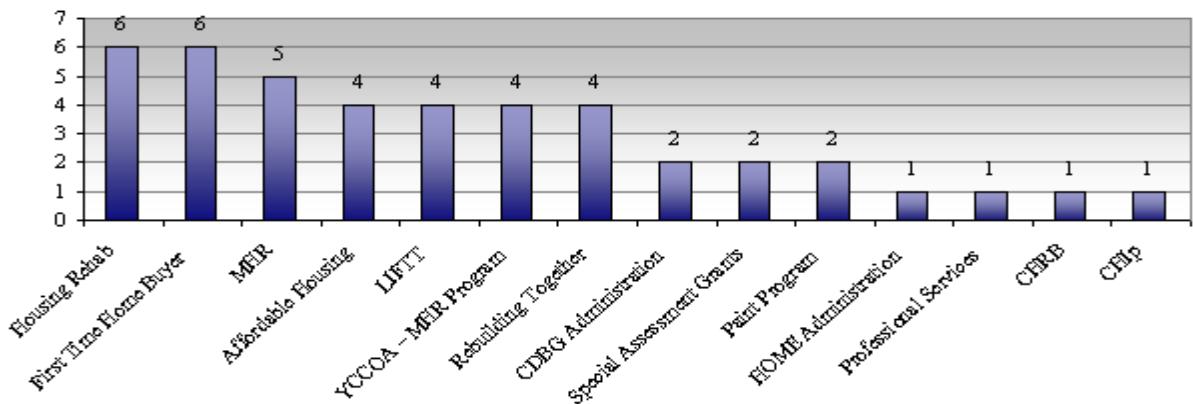
	Funds are requested to fund personnel and art supplies allowing the organization to continue to provide ongoing studio experiences, workshops, presentations and exhibitions, and opportunities to celebrate artists' personal growth through artistic expression for adults with disabilities.	\$25,000
PS - 11	<b><i>Parents Let's Unite for Kids (PLUK) – Transition Training for Kids with Special Needs</i></b> Funds are requested for personnel, printing and postage costs for this new program. The Transition Project will focus on preparing young people with disabilities (roughly ages 12 to 18) for the process of moving from their public school lives into adulthood – preparing for employment, secondary education or vocational training.	\$4,000
PS - 12	<b><i>Tree Trimming, Planting, &amp; Removal Program</i></b> Funding is requested to remove diseased or dangerous trees and to plant new trees for low-income households throughout the City of Billings.	\$15,000
PS - 13	<b><i>Tumbleweed Runaway Program, Inc. - Runaway &amp; Homeless Youth Program (RHY)</i></b> Funding is requested to support wage / salary for a crisis counselor working as a mentor, and service broker to troubled youth and their families. Services include crisis intervention, emergency shelter, family mediation, short term counseling, adolescent support groups and advocacy.	\$18,000
PS - 14	<b><i>Yellowstone County Council on Aging – Resource Center</i></b> Funds are requested for staff salaries to manage the Resource Center. This program assists the elderly, adults with physical disabilities in identification of needs, accessing services, completing program assistance applications, and advocacy.	\$10,000
PS - 15	<b><i>Yellowstone Health Partnership - Medication Assistance Program</i></b> Funds are requested for salaries of staff for the Medication Assistance Program (MAP) at the Deering Clinic site.	\$12,000
PS - 16	<b><i>Young Families Early Head Start - Child Care for High School Parents</i></b> Funding is requested to support salaries and benefits for staff who provide comprehensive child care and development services to infants and toddlers whose parents are teenagers, completing their high school education.	\$32,000
PS - 17	<b><i>YWCA - Children's Services</i></b> Funding is requested to provide partial scholarships to low and moderate income families accessing YWCA Children's Services programs for affordable and quality care / educational experiences. The programs include preschool, child care, and after-school care.	\$2,100
PS - 18	<b><i>YWCA - Gateway House Domestic Violence &amp; Sexual Assault Services</i></b> Funding is requested to support general operating expenses of the program, which includes utilities, phones taxes, supplies, security, building repairs, and accountant contracted services. Gateway services include housing, support, education, and advocacy for victims of domestic violence and sexual assault.	\$10,000

*ATTACHMENT D*

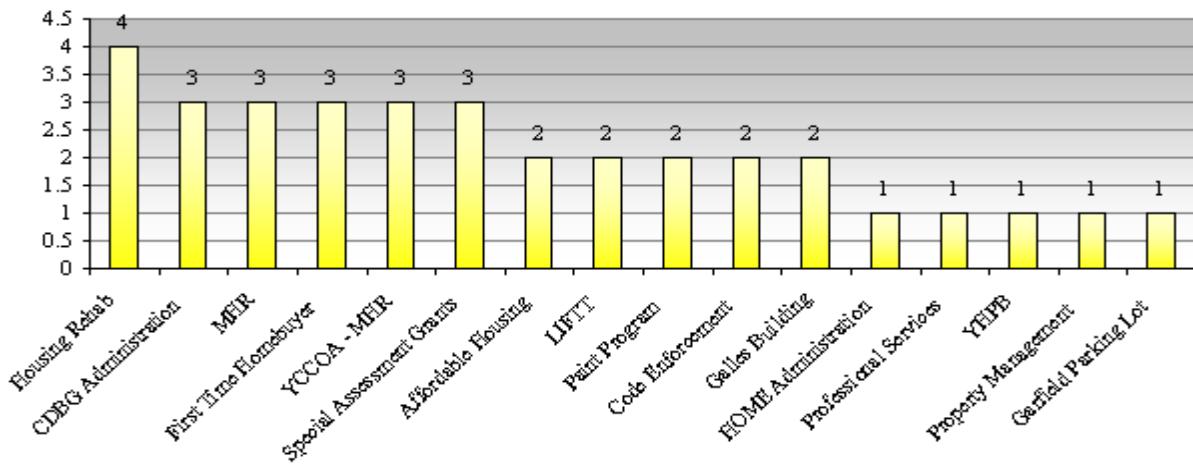
*CDBG / HOME FY 2006-2007*



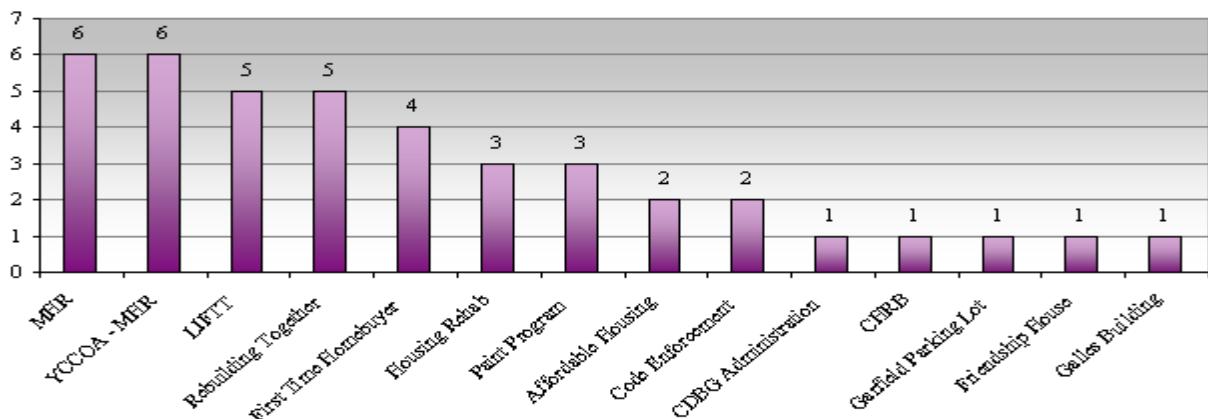
**Central - Terry Priorities - 9 Respondents**



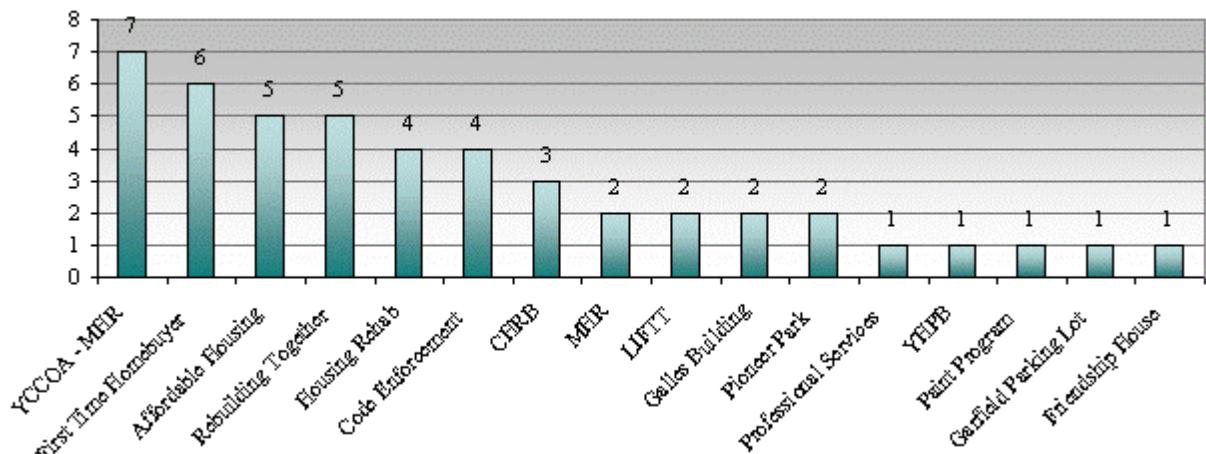
**North Park Priorities - 7 Respondents**



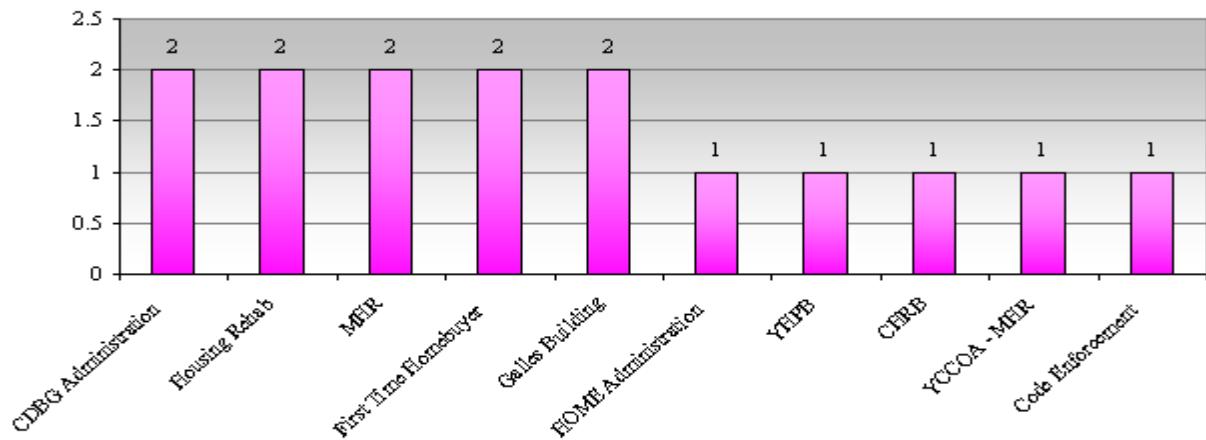
**West End Priorities - 9 Respondents**



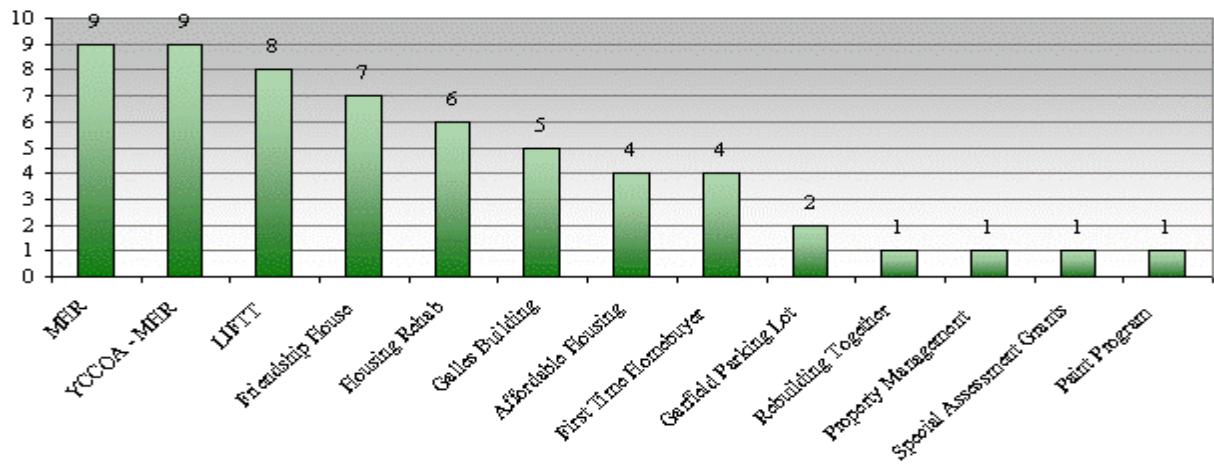
### Heights Priorities - 10 Respondents



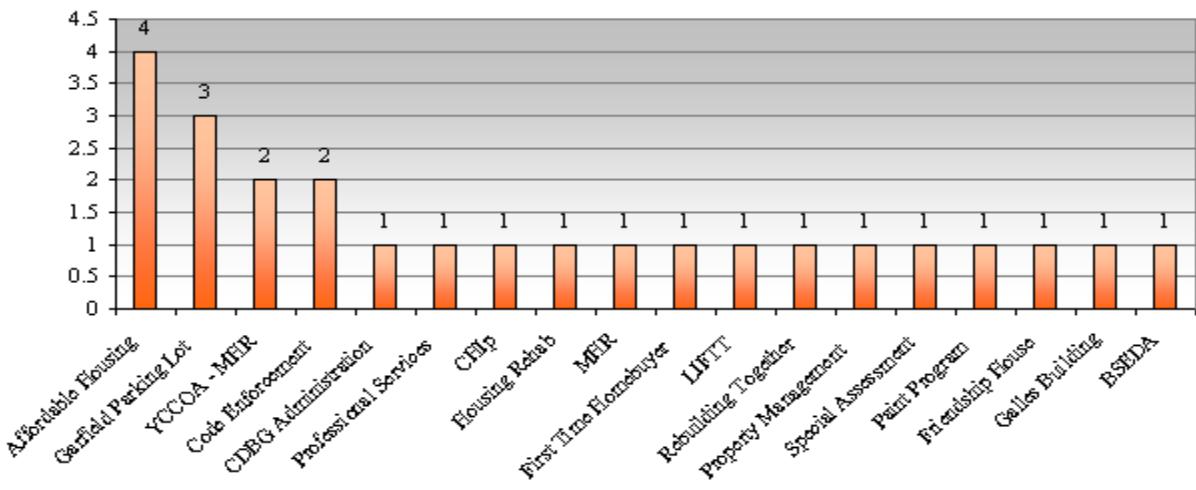
### North Elevation Priorities - 3 Respondents



### South Side Priorities - 12 Respondents



### Southwest Corridor Priorities - 5 Respondents



**ATTACHMENT E**  
**COMMUNITY DEVELOPMENT DIVISION**

**Preliminary Revenue FY 2006-2007**

**CDBG REVENUE**

HUD CDBG Grant	\$726,020	Annual Allocation
Loan Principal	\$11,500	Parkview Convalescent
Loan Interest	\$9,500	Parkview Convalescent
CDBG Reprogrammed* Funds	\$102,196	See detail below
Housing Rehab Loans Repayment	\$20,000	At 50% year lapsed
Land Sales	\$91,920	South 27th Street properties
Prior Year Program Income - Rehab	\$44,987	Rehab program income over estimate
Rental Rehab Loan Repayment	\$16,000	At 50% year lapsed
Rehab Interest	\$142	Rehab interest received

**CDBG Revenue Total:** **\$1,022,265**

**20% Cap on CDBG Administration:** **\$184,014** Includes only new revenue, not reprogrammed\*

**PUBLIC SERVICE FUNDING**

15% of CDBG Allocation (\$726,020)	\$108,903
15% of previous year program income (\$95,279)	\$14,292
<i>Public Service Reprogrammed:</i>	
- Neighborhood Contact Officer 00-01	\$1,369
- Police Graffiti Removal 01-02	\$829
- Neighborhood Contract Police 02-03	\$6,416
- Temporary Teens 02-03 & 03-04	\$793

**PUBLIC SERVICE TOTAL:** **\$132,602**

**HOME REVENUE**

HUD HOME Grant	\$504,467	
FTHB Payback	\$68,000	At 50% year lapsed
HOME Reprogrammed*	\$44,562	
<b>HOME Revenue Total:</b>		<b>\$617,029</b>

**10% Cap on HOME Administration:** **\$57,247** Includes only new revenue, not reprogrammed\*

<i>CDBG Reprogrammed Funds Detail:</i>		Cancelled or completed projects (not included in caps)
- Terry Park Demolition / Rehab 98-99	\$605	
- Billings Promise 99-00 (Admin-		
Planning)	\$344	
- Demolition Program 00-01	\$15,725	
- Cobb Field Handicap Lift 00-01	\$10,000	
- SW Corridor BikeNet 00-01 & 01-02	\$60,000	

- King Avenue Improvements 01-02	\$12,808
- Rental Rehab 02-03	\$214
- Athletic Pool 02-03	\$2,500
<b>HN / Admin Reprogrammed Total:</b>	<b>\$102,196</b>

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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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**TITLE:** Public Hearing and Resolution to Create - Park Maint. District No. 4033, Falcon Ridge Subdivision

**DEPARTMENT:** Department Of Parks, Recreation, & Public Lands

**PRESENTED BY:** Gene Blackwell, Acting Director

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**PROBLEM/ISSUE STATEMENT:** Falcon Ridge Estates, First Filing, and Falcon Ridge Subdivision, First Filing, contains approximately 4.6 acres of dedicated park and public open space. It includes trail greenways throughout the subdivision, which provides connectivity between the many large public park areas. The development and improvement of the park 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 the public area improvements. As a condition of the Falcon Ridge Subdivision, 1st Filing final plat approval, a park maintenance district must be established. The Resolution to Create the District is the final action in the process to include all lots of Falcon Ridge Subdivision in Park Maintenance District No. 4033. A report of protest and comments received will be provided to the City Council at the start of the Public Hearing.

**ALTERNATIVES ANALYZED:**

- Create the Park Maintenance District now to assure assessments can be collected in November, 2006, to pay costs of maintenance as the park is developed. This is the requirement approved in the Subdivision Improvement Agreement and the staff recommendation.
- Do not create the Park Maintenance District at this time.

**FINANCIAL IMPACT:** The maintenance costs for the public area improvements are estimated to be \$10,621.00 for the first year. The assessment rate for this amount is \$366.24 per unit for the 29 lots in the first filings for District 4033. The assessment 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. 4033.

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

**ATTACHMENT**

A: Resolution to Create Park Maintenance District No. 4033; and Exhibits A-D thereto attached.

## **INTRODUCTION**

The Public Hearing and consideration and approval of the Resolution to Create Park Maintenance District No. 4033 for the maintenance of 4.6 acres of public park in completes the action needed to create the district.

## **PROCEDURAL HISTORY**

- The Falcon Ridge Estates Subdivision, First Filing, and Falcon Ridge Subdivision, First Filing, is in the process of being approved and filed. The remaining filings will be submitted to the Planning Department in the near future.
- The Master Plan for the construction of the public area improvements was developed with the PRPL Department and adopted by the City Council with the approval of the Subdivision Master Plan
- The Resolution of Intent to Create the Park Maintenance District was approved by City Council on March 27<sup>th</sup>, 2006.
- A Notice of Passage of the Resolution of Intent was advertised March 30<sup>th</sup> and April 6<sup>th</sup>, 2006, as required and was mailed to property owners within the proposed district providing information about the proposed maintenance district and explaining the procedures for filing protest and comment, and the date and time of the Public Hearing.
- The required protest and comment period was from March 30<sup>th</sup> through April 14<sup>th</sup>, 2006.
- The Public Hearing and Council consideration of the Resolution to Create the district at completes the creation process.

## **BACKGROUND**

The Falcon Ridge Estates Subdivision, First Filing, and Falcon Ridge Subdivision, First Filing Subdivision Improvement Agreements call for the park improvements to be made and the Park Maintenance District to be created. The proposed maintenance district includes all lots and blocks of Falcon Ridge Subdivision. Said 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 Falcon Ridge Estates Subdivision, First Filing, and Falcon Ridge Subdivision, First Filing Copper Ridge Subdivision.

## **ALTERNATIVES ANALYSIS**

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

## **STAKEHOLDERS**

- The developers have agreed to the development and maintenance of the public areas in Falcon Ridge Estates Subdivision, First Filing, and Falcon Ridge Subdivision, First Filing.
- The 29 lots initially included in the PMD in Falcon Ridge Estates Subdivision, First Filing, and Falcon Ridge Subdivision, First Filing consist of single-family and multi-family units. The residents and property owners have agreed to the development. The build-out will take place at a much faster rate as the open space and park amenities are developed.
- Billings residents would see increasingly heavy use and deterioration of the existing developed parks and park facilities if not for the requirement that new subdivisions provide developed parks for their residents to mitigate that problem.

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

The extension of quality landscape maintenance services to new subdivision parks through the use of Special Improvement Districts and maintaining them through Park Maintenance Districts continues the Parks 20/20 plan recommendations, and conforms to city policy adopted in 1982 regarding new subdivision parks. The use of Park Maintenance Districts has allowed the use of the PRPL Parks grounds keeping staff to provide professional level maintenance to areas of public grounds and landscaping in new subdivisions as they develop and are brought into the city. This has improved the environment, increased the quality of life for Billings' residents, and increased the value of surrounding 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 staff and providing added support for state of the art operations and equipment that would be otherwise be limited by General Fund revenue constraints.

Maintaining this subdivision's public area with a maintenance district continues the process of extending maintenance services to the developing areas of Billings, even though the revenue growth of the city general fund has not been adequate to provide for the maintenance of these new parks. Park Maintenance Districts revenue is estimated to be \$548,986 to offset maintenance expenses in the upcoming 2007 FY PRPL Parks Operation and Maintenance budget and is projected to equal over 25% of the total Parks Division Operations & Maintenance budget this year.

## **RECOMMENDATION**

Staff recommends Council approve the Resolution to Create Park Maintenance District No. 4033.

## **ATTACHMENT**

A: Resolution to Create Park Maintenance District No. 4033; and Exhibits A-D thereto attached.

**RESOLUTION NO. 06-\_\_\_\_\_**

**A RESOLUTION CREATING PARK MAINTENANCE  
DISTRICT NO. 4033 FOR THE PURPOSE OF MAINTAINING EXISTING  
AND FUTURE PUBLIC AREA IMPROVEMENTS IN  
FALCON RIDGE ESTATES, FIRST FILING, AND FALCON RIDGE  
SUBDIVISION, FIRST FILING, 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.* Park Maintenance District Number 4033 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Park Maintenance District Number 4033. All lands included within Park Maintenance District Number 4033 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: landscaping, trails, trees, irrigation systems, irrigation system water services, lighting, storm water detention facilities, and other park equipment and public area improvements installed by the developer, Parks Department and/or as part of a future Park 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 Exhibit "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 \$366.24/unit as described in the Maintenance Estimate attached hereto in Exhibit "D".
6. *Assessment Method.* All eligible properties within the District are to be assessed for a portion of the costs of maintaining the Falcon Ridge Estates, First Filing, and Falcon Ridge Subdivision, First Filing, public area improvements as specified herein. Said properties 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. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Falcon Ridge Estates, First Filing, and Falcon Ridge Subdivision, First Filing, Public Area Improvements, based on the assessable area method of assessment described in Section 7-12-4162 through 7-12-4165, M.C.A., as particularly applied and set forth herein.
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 Park Maintenance District Number 4033.
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 \_\_\_\_\_, 2006.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, 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, APRIL 24, 2006**

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**TITLE:** Public Hearing for Special Review #808

**DEPARTMENT:** Planning & Community Services

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

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**PROBLEM/ISSUE STATEMENT:** This is a Special Review to allow a drive-through window for a new Walgreen's Drug Store in a Highway Commercial zone adjacent to a Neighborhood Commercial zone that is used for multi-family residential dwellings, Lots 15 A-H, Block 3 of Vista Heights Subdivision. The property is addressed as 1600 Main Street and currently supports the former Ashley Furniture Store and multi-tenant retail building. Heights Home Center, LLC is the owner, Hawkins Companies, Jessica Aguilar is the agent and Walgreen's is the prospective buyer. The Zoning Commission conducted a public hearing on April 4, 2006, 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 have little financial impact to the City.

**RECOMMENDATION**

The Zoning Commission is recommending that the City Council conditionally approve Special Review #808 on a 4-0 vote.

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

**ATTACHMENTS**

- A. Zoning Map
- B. Site Photographs
- C. Site Plan

## **INTRODUCTION**

This is a request for a special review to allow a drive-through window for a new Walgreen's Drug Store in a Highway Commercial zone adjacent to multi-family dwellings along Kelby Drive to the west. The property is located at the north west corner of the intersection of Main Street and Wicks Lane. The property is addressed as 1600 Main Street. The applicant proposes to demolish a portion of the existing building and construct a new building with a drive through service window on the north side of the new building. A Special Review must be approved to have the drive-through use on the commercially zoned property adjacent to the residential property to the west. The applicant intends to fully re-develop the southern portion of the property including new screening, parking lot pavement and landscaping. The drive through service windows will be located on the north side of the new building so they are not directly adjacent to the multi-family dwelling to the west.

## **PROCEDURAL HISTORY**

- A special review application to allow the drive through service was received on March 6, 2006.
- The City Zoning Commission voted 4-0 at its public hearing on April 4, 2006, to recommend conditional approval of the special review.
- The City Council will conduct a public hearing and consider this application on April 24, 2006.

## **BACKGROUND**

This property is surrounded by high-density retail and commercial development. In addition, to the west are 36 dwelling units along the east side of Kelby Drive directly west of the proposed development. Main Street and Wicks Lane are classified as principal arterial streets and are designed to carry high volumes of traffic through this area of the City. The 2005 traffic count for Wicks Lane at this location is 11,000 vehicle trips per day and the count on Main Street at this location is 14,600 vehicle trips per day.

The applicant plans to work with the existing drive approaches onto Wicks Lane. The drive approach closest to Main Street will be for right turns in to the property and right turns out of the property. No left turns out of the property will be allowed at this drive approach. The drive approach closest to the western property line will be marked for all turn movements including left turns to head east towards Main Street.

The Planning staff considered the application and recommended conditional approval to the Zoning Commission. The City Zoning Commission has considered the application and is recommending conditional approval of the special review request based on its concurrence with the Planning staff recommendation.

## **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 does comply 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, the 2003 Growth Policy, and the Heights Neighborhood Plan.

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 and conditions are being recommended that will ensure compatibility.*

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 conditional approval of the special review request.

## **CONDITIONS OF APPROVAL**

1. The special review approval shall be limited to Lots 15A through 15H of Block 3, of Vista Heights Subdivision as shown on the site plans submitted with this application.
2. Any expansion of the proposed new Walgreen's building greater than 10 percent will require an additional special review approval as per BMCC 27-613(c).
3. Any new lighting within the parking lot areas shall have full cut-off shields so light is directed to the ground and not onto adjacent property.
4. The existing drive approach near the intersection of Wicks Lane and Main Street shall be marked for right turns and right turns out of the property.
5. Landscaping shall be installed as shown on the site plans submitted with the application including the dumpster enclosures and the 6-foot sight-obscuring fence along the west property boundary.
6. There shall be no outdoor public address system or outside announcement system with the exception of the speaker system for the drive through service windows.
7. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, all landscaping requirements specified on Section 27-1101, and all other City regulations that apply.

**\*\*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 April 4, 2006, before the City Zoning Commission was attended by Ms. Jessica Aguilar of Hawkins Companies on behalf of the prospective buyer, Walgreen's. Ms. Aguilar explained the business plans for re-development of the property and that Walgreen's hopes to capture existing traffic on Wicks Lane and Main Street. The new store should not generate additional destination trips. A traffic accessibility study has been drafted and submitted to the City Traffic Engineer and the Montana Department of Transportation for their approval. The Zoning Commission expressed concern with the drive approach closest to the intersection on Wicks Lane. The concern focused on the lack of stopping distance and queuing space for traffic turning west on to Wicks from Main Street. Ms. Aguilar explained that the preliminary access plan has received favorable review and should not cause any traffic problems at the intersection. No other persons attended the public hearing and no letters in opposition to the application were received by the Planning Department.

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

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

- New Development that is sensitive to and compatible with the character of adjacent City neighborhoods.

### **RECOMMENDATION**

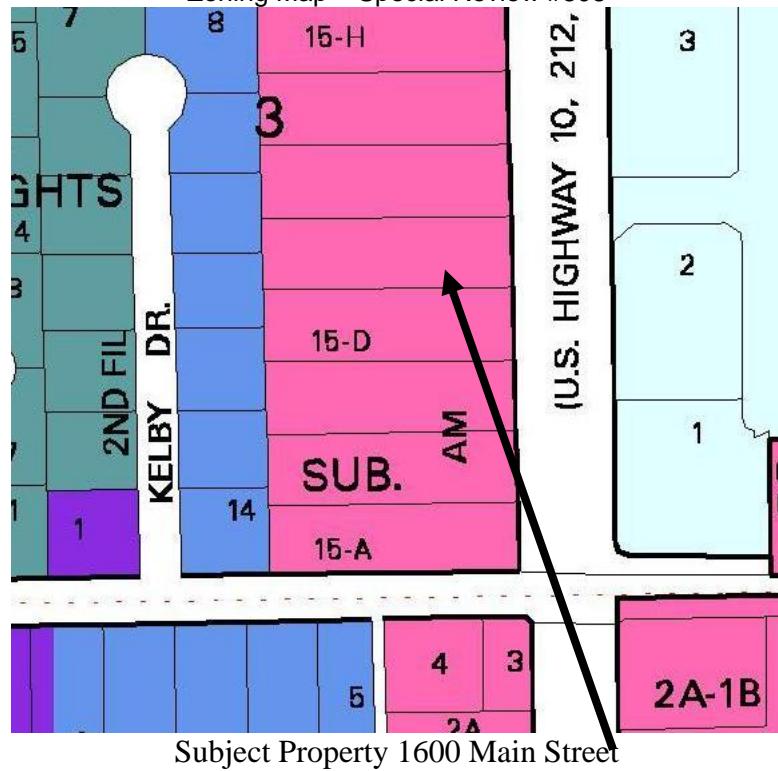
The Zoning Commission is recommending that the City Council conditionally approve Special Review #808 on a 4-0 vote.

### **ATTACHMENTS**

- A. Zoning Map
- B. Site Photographs
- C. Site Plan

**ATTACHMENT A**

Zoning Map – Special Review #808



**ATTACHMENT B**  
Site Photographs for Special Review #808

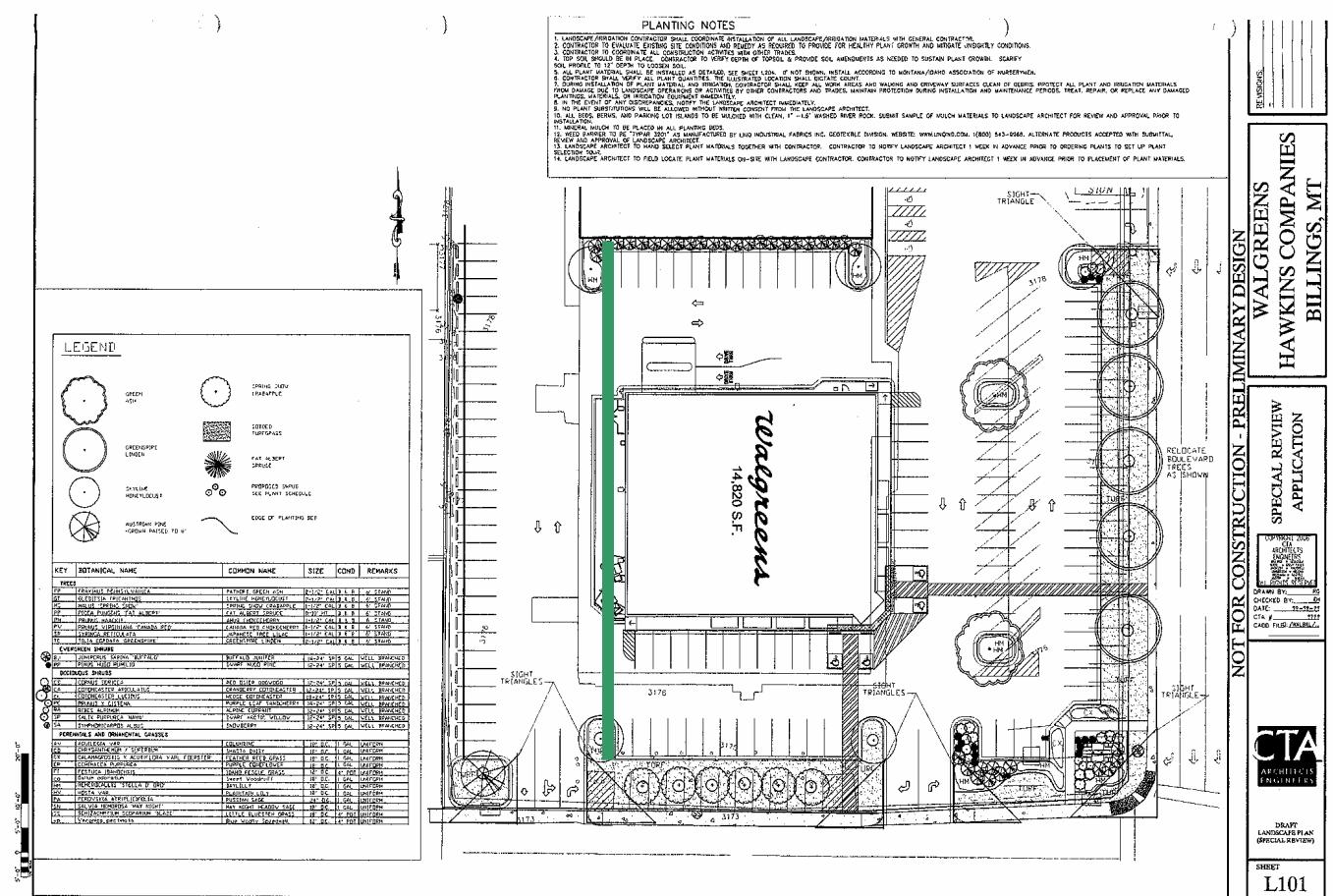


1600 Main Street



## ATTACHMENT C

### Site Plan – Special Review #808



New screened fence line shown in green above

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## AGENDA ITEM:



**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, APRIL 24, 2006**

**TITLE:** Public Hearing for Special Review #809  
**DEPARTMENT:** Planning & Community Services  
**PRESENTED BY:** Nicole Cromwell, AICP, Zoning Coordinator, Planner II

**PROBLEM/ISSUE STATEMENT:** This is a Special Review to permit to allow an outdoor patio where alcoholic beverages are served at Montana Chad's Bar in a Community Commercial zone, Lots 1A, 2A, 3, 4, & 5, Block 16 of Suburban Subdivision. The subject property is located at 3953 Montana Avenue. G & L, LLC is the owner, and Charles B. Goldy, Jr. is the agent. The Zoning Commission conducted a public hearing on April 4, 2006, and is forwarding no recommendation to the City Council. No motion offered was seconded and no vote was taken on the application.

**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 have little financial impact to the City.

## RECOMMENDATION

The Zoning Commission is forwarding no recommendation to the City Council on Special Review #809.

**ATTACHMENTS**

- D. Zoning Map
- E. Site Photographs
- F. Site Plan
- G. Proposed Off-street parking plan

## **INTRODUCTION**

This is a request for a special review to allow the addition of an outdoor patio on the east side of the existing Montana Chad's Bar & Casino at 3953 Montana Avenue in a Community Commercial zone. The property is located at the northwest corner of the intersection of Montana Avenue and Cook Avenue and is bounded on the west by 4<sup>th</sup> Street West. The applicant proposes to construct an enclosed outdoor patio lounge on the east side of the existing building that will include security exit-only gates to the parking lots, security screens, and safety glass inserts to control noise and wind and a retractable roof. A Special Review must be approved to allow an outdoor patio lounge where an existing liquor license has been approved. There are multi-family dwellings to the north and west of the subject site. The Zoning Commission could not reach consensus on a recommendation on the special review request. The primary outstanding issue is available off-street parking.

## **PROCEDURAL HISTORY**

- A special review application to allow an outdoor patio lounge was received on March 6, 2006.
- The City Zoning Commission held a public hearing on April 4, 2006, and could not reach consensus on a recommendation for this the special review request.
- The City Council will conduct a public hearing and consider this application on April 24, 2006.

## **BACKGROUND**

This property is surrounded by a mix of commercial and low-intensity industrial uses as well as the apartments and multi-family dwellings along 4<sup>th</sup> Street West and Cook Avenue. Montana Avenue is classified as a principal arterial street and is designed to carry high volumes of traffic through this area of the City. The 2005 traffic count for Montana Avenue at this location is 16,900 vehicle trips per day.

The patio addition is approximately 880 square feet in area and will not trigger landscaping improvements to the property through the building permit process. However, through the special review approval the Zoning Commission and the City Council may call for improvements that are not normally required. These may include improvements to drive approaches, landscaping, lighting, solid waste disposal enclosures and other improvements that make the use more compatible with the neighborhood.

The Planning Department reviewed the application and recommended conditional approval. Staff determined the patio addition to be an appropriate use considering the location of the property, the type of facility proposed, the character of the surrounding properties, and the existing uses in the area. Planning staff recommended conditions for this special review based on the approval criteria for special review uses. This property is adjacent to 4<sup>th</sup> Street West and Cook Avenue that supports multi-family residences. Planning staff recommended conditions to address light, traffic safety, noise, traffic flows and the aesthetics of the property.

The Zoning Commission could not reach consensus on a recommendation to the City Council. The primary outstanding issue with the application is the availability of off-street parking for the current and proposed patio lounge expansion. Montana Chad's owns the triangular property where the expansion is proposed as well as the 21,000 square foot parking lot directly west across 4<sup>th</sup> Street West. The applicant and agent did not have adequate information available at the public hearing to demonstrate that adequate off-street parking was available and met the requirements of the City Of Billings Site Development code (BMCC 6-1200).

The applicant's agent has subsequently submitted a proposed parking plan for Montana Chad's that shows 74 available parking spaces. Forty-eight of those spaces are located on the lot across 4<sup>th</sup> Street West from the building location. In addition, Engineering staff have provided information concerning the Site Development regulations and how it applies to Montana Chad's. In general, the required number of off-street parking spaces for a new restaurant would equal one for 100 square feet of gross floor area {BMCC 6-1203(j)}. However, the site development regulations make certain allowances for expansion of existing businesses and exempt all buildings in existence on or before May 3, 1972, the date of the adoption of the current off-street parking standards. The site development regulations for off-street parking standards will only apply to the proposed outdoor patio lounge area. That area will require nine (9) off-street parking spaces.

### **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).
  - i. *This application does comply with the requirements of the zoning regulations.*
2. Is consistent with the objectives and purposes of Chapter 27 and the Growth Policy.
3. This application is generally consistent with the purposes of Chapter 27, the 2003 Growth Policy.
4. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.
5. The proposed use is compatible with the adjoining land uses and conditions are being recommended that will ensure compatibility.

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

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

Based on the above criteria, the Zoning Commission is forwarding no recommendation on the special review request.

### **CONDITIONS OF APPROVAL**

The Planning Department reviewed the application, recommended conditional approval and proposed the following conditions of approval to the Zoning Commission:

8. The special review approval shall be limited to Lots 1A, 2A, 3, 4, & 5 of Block 16, of Suburban Subdivision as shown on the site plans submitted with this application.
9. Any expansion of the proposed new outdoor patio lounge greater than 10 percent will require an additional special review approval as per BMCC 27-613(c).
10. Any new lighting within the parking lot areas shall have full cut-off shields so light is directed to the ground and not onto adjacent property.
11. The angle parking spaces between the existing south elevation of the building and the sidewalk adjacent to Montana Avenue shall be eliminated. Backing and turning of vehicles encroaches on the public sidewalk and will interfere with the safe operation of the proposed south exit door from the patio lounge.
12. The remaining parking spaces that abut the public sidewalk on Montana Avenue shall have wheel stops installed to prevent parked vehicles from encroaching on the public sidewalk or driving over the public sidewalk.
13. There shall be no outdoor public address system, outside announcement system or music broadcast of any kind.
14. The existing dumpster shall be enclosed on three (3) sides by a sight obscuring fence or wall and by a sight obscuring gate on the remaining side. No chain-link or wire fencing material is allowed for this enclosure.
15. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, all landscaping requirements specified on Section 27-1101, and all other City regulations that apply.

**\*\*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 April 4, 2006, before the City Zoning Commission was attended by the owners of Montana Chad's and agent Charles B. Goldy, Jr. Mr. Goldy explained the business plans to address the state-mandated indoor smoking ban that will take effect on October 1, 2009. The outdoor patio lounge would allow patrons to smoke outside the building. The patio lounge would take up five (5) existing parking spaces on the east-side of the building. The four (4)

spaces that exist on the south side of the building were also recommended by the Planning staff to be eliminated due to pedestrian safety concerns. Mr. Goldy explained that adequate parking did exist even with the elimination of these nine (9) spaces since Montana Chad's owns the open parking lot directly west across 4<sup>th</sup> Street West. The Engineering Division did not provide any written concern about the application, however the applicant and agent did not provide a detailed site plan of the adjacent parking lot or a written analysis of the total parking available compared to what is required by the City Of Billings Site Development code (BMCC 6-1200). Planning staff explained that the applicant will need to meet the requirements of the Site Development code at the time of building permit application.

Linda Lane, representing the management of the apartment buildings located at 402 Cook Avenue, testified that on-street parking in the area is frequently full of Montana Chad's patrons during the evening hours. She explained that tenants have moved out of the apartments because they could not find parking in the evening after short errands to the drug store or supermarket. The apartment buildings only provide some of the required off-street parking but it has not been a problem until recently. There are off-street parking spaces along the alley for some of the apartments but many still have to park on the street.

Mr. Goldy explained that he would work with the Engineering Division and the Planning Department to determine the required number of off-street parking spaces for Montana Chad's with the patio lounge addition.

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

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

- New Development that is sensitive to and compatible with the character of adjacent City neighborhoods.

#### **RECOMMENDATION**

The Zoning Commission is forwarding no recommendation to the City Council on Special Review #809.

#### **ATTACHMENTS**

- D. Zoning Map
- E. Site Photographs
- F. Site Plan
- G. Proposed off-street parking plan

**ATTACHMENT A**

Zoning Map – Special Review #809



**ATTACHMENT B**  
Site Photographs for Special Review #809



Subject Property at 3953 Montana Ave



Adjacent Parking lot at 4200 Montana Ave

**ATTACHMENT B, continued**

Site Photographs for Special Review #809

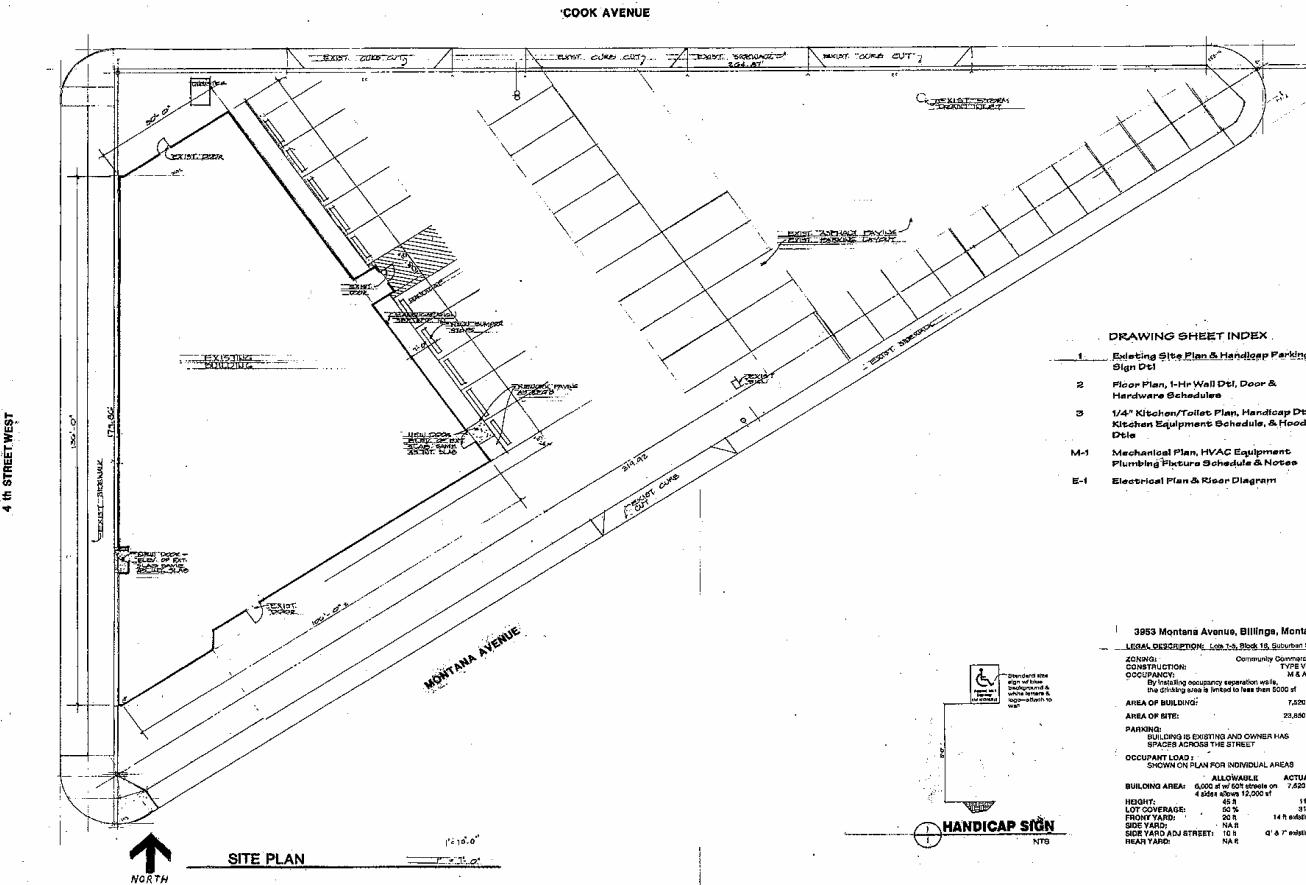


Apartments at 402 Cook Avenue view south

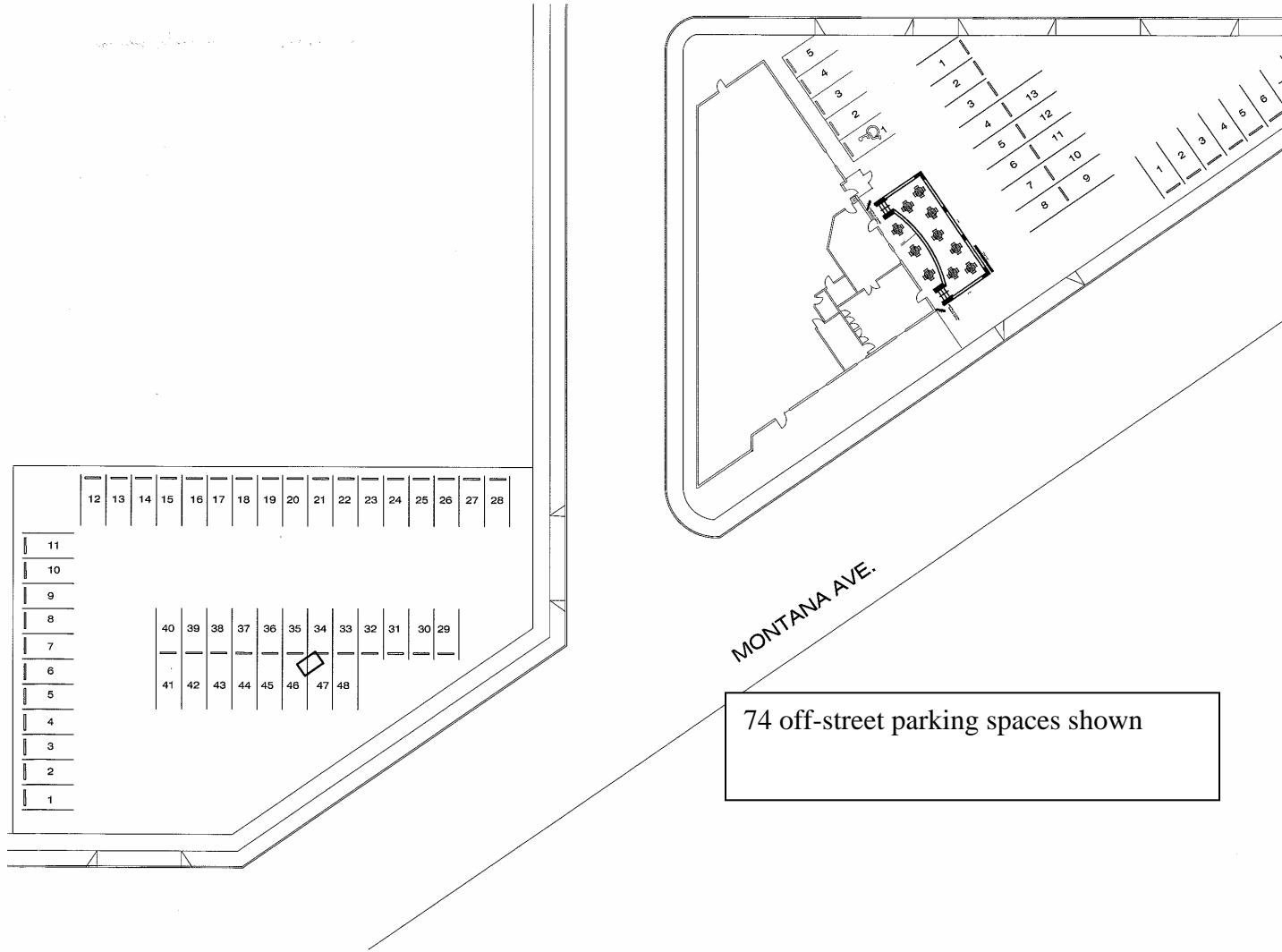


Apartments at 402 Cook Ave view northwest from 4<sup>th</sup> St West

**ATTACHMENT C**  
Site Plan – Special Review #809



**ATTACHMENT D**  
Proposed off-street parking plan – Special Review #809



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

# 6

## AGENDA ITEM:



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### CITY COUNCIL AGENDA ITEM

#### CITY OF BILLINGS, MONTANA

#### Monday, April 24, 2006

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**TITLE:** Public Hearing and First Reading of an Ordinance Expanding Ward II

**DEPARTMENT:** Planning and Community Services Department

**PRESENTED BY:** Juliet Spalding, Planner II

---

**PROBLEM/ISSUE STATEMENT:** On April 10, 2006, the City Council approved the annexation of the north 19 acres of Certificate of Survey No. 2776. (Annexation #06-02). The petition for annexation was submitted by owners of property, 4A's, LLC, Dean Luptak, Secretary. After annexation, 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 II will be held on April 24, 2006. The second reading of the ordinance is scheduled for Council action on May 8, 2006.

**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 II.

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

#### **ATTACHMENT**

- A. Ward Ordinance and Exhibit A

**ORDINANCE NO. 06-\_\_\_\_\_**

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

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

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 SE1/4 of Section 10 and the SW1/4 of Section 11, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Certificate of Survey 2776, a partition of Tract 1, Recorded September 3, 1993, Under Document No. 1702477, Records of Yellowstone County, Montana, less that portion of Tract 1 previously annexed as Tract 1 of Certificate of Survey 1965 Recorded January 21, 1980, Under Document No. 1154541, Records of Yellowstone County, Montana, annexed by City of Billings Resolution No. 84-14768 passed and approved by City Council December 17, 1984; including all adjacent right-of-way of U.S Highway No. 87 and existing U.S. Highway No. 87 right-of-way south of proposed Annexation wholly surrounded by City of Billings city limits.

Containing 22.516 gross and 19.038 net acres, more or less.

(# 06-02) 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 24<sup>th</sup> day of April, 2006.

PASSED by the City Council on the second reading this 8<sup>th</sup> day of May, 2006.

THE CITY OF BILLINGS:

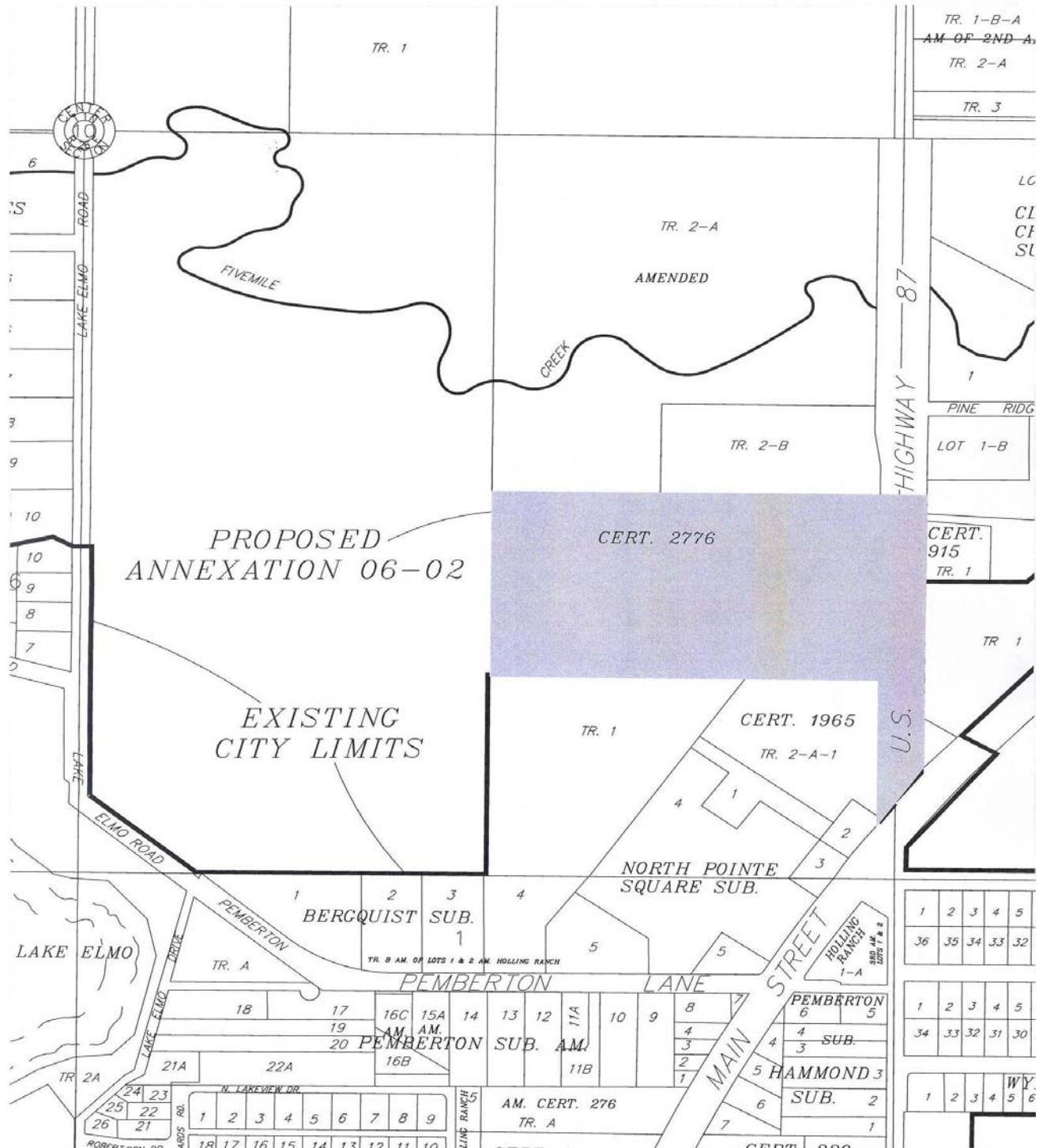
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Ron Tussing, MAYOR

ATTEST:

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

*EXHIBIT A*



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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

---

**TITLE:** Public Hearing and First Reading of an Ordinance Expanding Ward V

**DEPARTMENT:** Planning and Community Services Department

**PRESENTED BY:** Candi Beaudry, AICP, Interim Director

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**PROBLEM/ISSUE STATEMENT:** On April 10, 2006, the City Council approved the annexation of Tracts 1 and 2, Certificate of Survey No. 3139, Tract 1, Certificate of Survey No. 2379, and two unplatted tracts containing 79 acres. (Annexation #06-03). The petition for annexation was submitted by Ronald and Douglas Frank, owners of properties. After annexation, 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 will be held on April 24, 2006. The second reading of the ordinance is scheduled for Council action on May 8, 2006.

**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 V.

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

**ATTACHMENT**

**B.** 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 NE1/4 of Section 5, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as: Certificate of Survey 3139, Tracts 1 and 2, Recorded April 18, 2003, Under Document No. 3225759, Records of Yellowstone County, Montana; Certificate of Survey 2379, Tract 1, Recorded June 2, 1986, Under Document No. 1395571; Along with a portion of unplatte land in the NE1/4 of Section 5, T.1S., R.25E., P.M.M. beginning at the SW corner of Certificate of Survey No 3139; Thence S 00° 11' 15" E for an approximate distance of 1321.06 feet to a point on the mid E-W Section line of said Section 5; Thence at an easterly direction along the said mid section line to the SW corner of Certificate of Survey 2379; Thence N 00° 15' 45" W for a distance of 660.00 feet to the NW corner of said Certificate of Survey 2379; Thence N 89° 51'58" E for a distance of 660.00 feet to the NE corner of said Certificate of Survey 2379; Thence N 00° 15' 08" W for an approximate distance of 658.24 feet along the east section line of Section 5 to the N1/16 corner of said Section 5; Thence S 89° 56' 55" W for an approximate distance of 1304.60 feet to the SE corner of Certificate of Survey 3139; Thence S 89° 56'55" W for a distance of 652.30' to the Point of Beginning. Containing 78.749 gross and net acres, more or less.

(# 06-03) See Exhibit "A" Attached

3. **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 24<sup>th</sup> day of April, 2006.

PASSED by the City Council on the second reading this 8<sup>th</sup> day of May, 2006.

THE CITY OF BILLINGS:

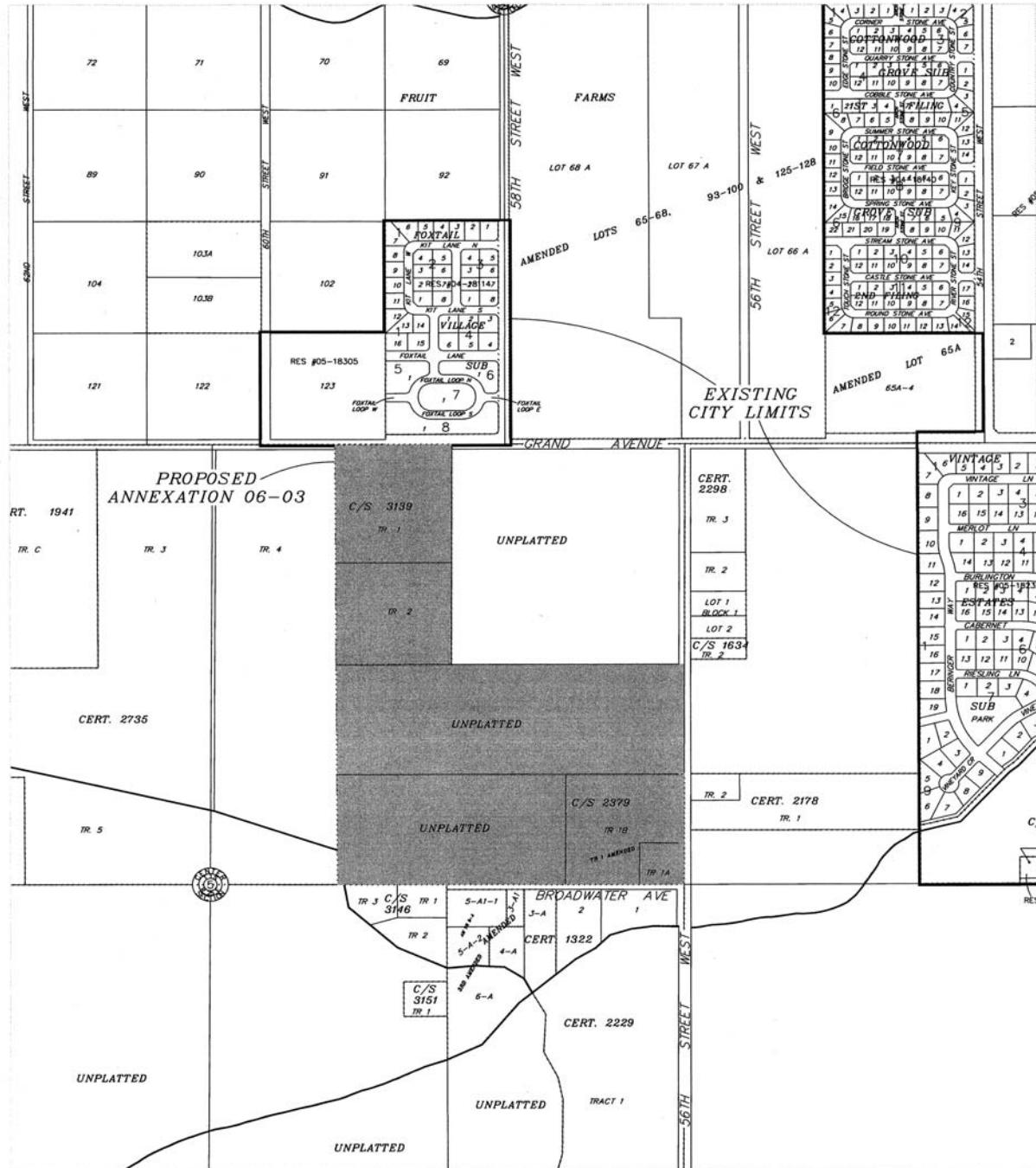
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Ron Tussing, MAYOR

ATTEST:

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

*EXHIBIT A*



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

**AGENDA ITEM:**

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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

---

**TITLE:** Public Hearing and Resolution to Annex – Annexation #06-04

**DEPARTMENT:** Planning and Community Services Department

**PRESENTED BY:** Candi Beaudry, AICP, Interim Director

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**PROBLEM/ISSUE STATEMENT:** In 2005, the City of Billings completed the reconstruction of Alkali Creek Road from Black Pine Street to the Holiday Station. The project was completed within the existing Alkali Creek Road right-of-way. Most of the right-of-way lies within the City limits with the exception of a small section beginning at the east edge of Certificate of Survey 727 and ending near the bend at the Holiday Station. This section was deeded to the City of Billings in 2005, as Tract 2B of Amended Tract 2, Certificate of Survey 727, but remains outside the City limits. The City Council passed a resolution of intent to annex this property on March 27 and set a public hearing date for April 10, 2006. The public hearing and 20-day protest period were advertised in accordance with state statute.

**ALTERNATIVES ANALYZED:** The City has the authority to annex contiguous government land as granted by state law, 7-2-4401 et. seq., Montana Code Annotated. The existing right-of-way is currently owned by City but was never annexed to the City. The requirement for a public service report is waived for this annexation because the parcel is owned by the City and will be used for public right-of-way.

**FINANCIAL IMPACT:** There will be no financial impact resulting for this annexation as the City currently maintains this portion of Alkali Creek Road.

**RECOMMENDATION**

Staff recommends that City Council approve a Resolution to annex the contiguous City land, known as Tract 2B of Amended Tract 2, Certificate of Survey 727, located on Alkali Creek Road.

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

**ATTACHMENT**

A. Resolution

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY OF BILLINGS APPROVING THE ANNEXATION OF CONTIGUOUS GOVERNMENT LAND PURSUANT TO TITLE 7, CHAPTER 2, PART 44, MCA.

WHEREAS, the land proposed to be annexed has been deemed contiguous to the City of Billings, and

WHEREAS, the City of Billings has beneficial interest in the land contiguous to the Billings' City limits, and

WHEREAS, The City Administrator has filed with the City Clerk a description of the land and a certification of ownership, and

WHEREAS, The City Council passed a resolution of intent to annex on March 27, 2006, and public notice was published advertising the required 20-day protest period and the date of the public hearing,

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

1. TERRITORY ANNEXED. Pursuant to the request submitted as provided M.C.A., Title 7, Chapter 2, Part 44, the following territory is hereby annexed to the City of Billings:

A tract of land situated in the SW1/4 of Section 28, T.1N., R.26E., Yellowstone County, Montana, more particularly described as: Certificate of Survey 727, Tract 2B of Amended Tract 2, Recorded August 4, 2005, under Document No. 3342937, Records of Yellowstone County, Montana, containing 1.194 gross and net acres.

(# 06-04) See Exhibit "A" Attached

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 44, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 24th day of April, 2006.

THE CITY OF BILLINGS:

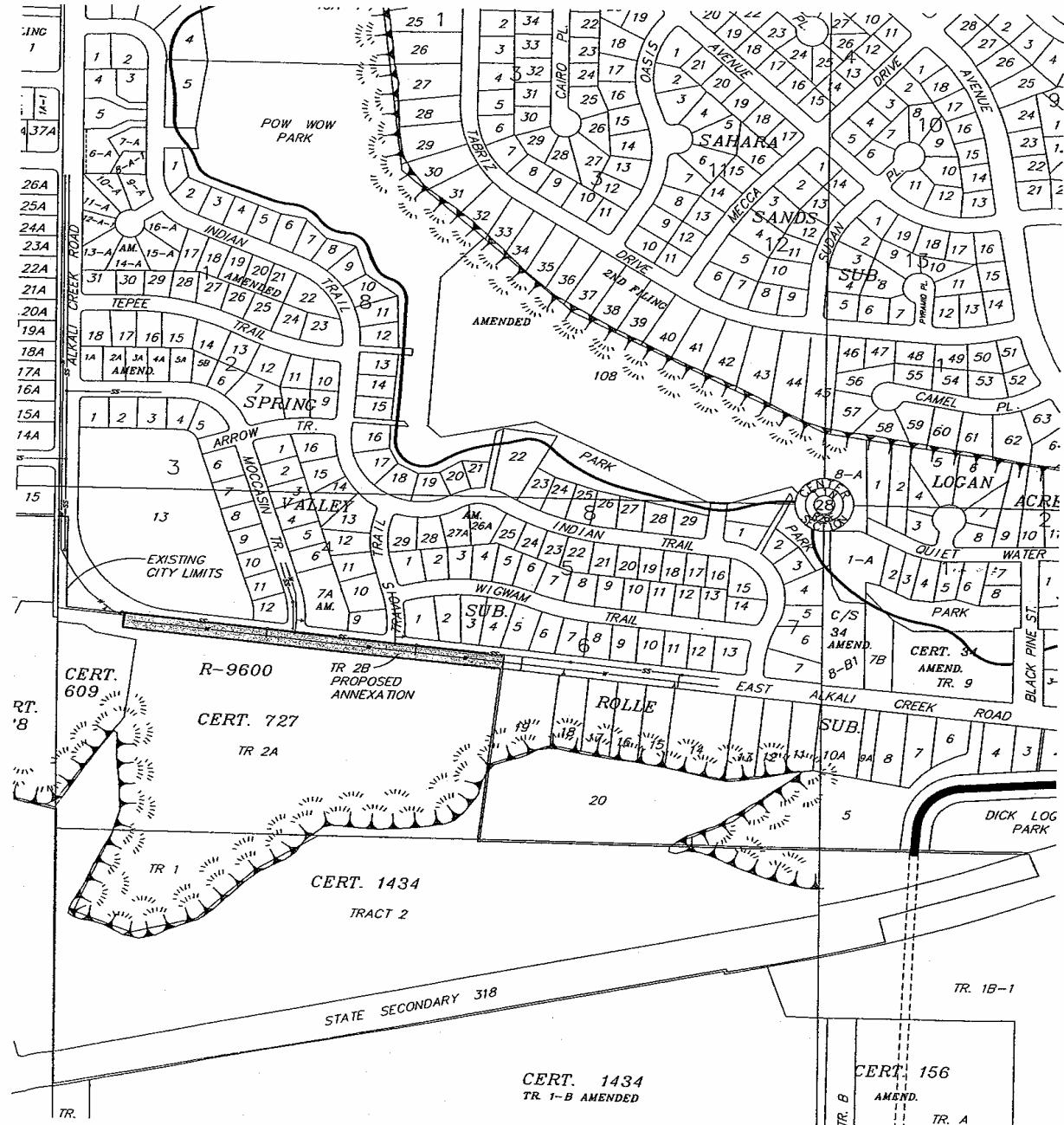
BY: \_\_\_\_\_  
Ron Tussing, MAYOR

ATTEST:

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

(AN 06-04)

*EXHIBIT A*



### (Back to Regular Agenda)

## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

---

**TITLE:** Public Service Report, Public Hearing and Resolution for Annexation #06-05

**DEPARTMENT:** Planning and Community Services Department, Candi Beaudry, AICP, Interim Planning Director

**PRESENTED BY:** Aura Lindstrand, Planner II

---

**PROBLEM/ISSUE STATEMENT:** Owners and petitioners, McCall Development, Inc., are petitioning to annex an approximate 89.381 acre parcel legally described as the remainder tract of corrected Certificate of Survey 3223, Amended Tract 1, located within Section 20, T1S, R26E, into the City of Billings pursuant to Section 7-2-4600 of the Montana Code Annotated (MCA). The subject property is located east off of Mullowney Lane, directly south of Elysian Road, north of the Yellowstone River (south of the West Billings I-90 Interchange) and is currently zoned Public. There is a concurrent zone change application for the subject property to rezone the property to Planned Development (PD) and a subdivision application for 145 lots within the 1st Filing of Josephine Crossing Subdivision.

The petitioners are requesting annexation in order to obtain municipal water and sewer services for a proposed major subdivision in accordance with Section 7-2-4601, MCA. This public service report describes the City's capacity to serve the proposed development.

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

**FINANCIAL IMPACT:** The City can provide municipal services to the subject property. While the annexation will increase the City's tax base, in general, the costs of providing service to residential properties exceed the revenues generated from property tax.

## **RECOMMENDATION**

Staff recommends that the City Council approve the Resolution of Annexation for the remainder tract of corrected Certificate of Survey 3223, Amended Tract 1, subject to the following conditions of approval:

- a. Prior to site development a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
- b. A Subdivision Improvements Agreement (SIA) and Waiver of Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for forming a Park Maintenance District at the time of subdivision.

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

## **ATTACHMENT**

A. Resolution

## **INTRODUCTION**

This petition for annexation is for an 89.381 acre parcel located adjacent to the south of Elysian Road, north of the Yellowstone River. The owner, McCall Development, Inc. is requesting annexation to obtain City services for an approximate 300+ lot residential and commercial subdivision to be processed in two (2) filings. The property is currently zoned Public; the owner has submitted a concurrent zone change application for Planned Development. The subject property is located within the Urban Planning Area and is identified on the Limits of Annexation map for annexation within the next seven (7) years.

## **PROCEDURAL HISTORY**

- On March 1, 2006, a preliminary plat application for Josephine Crossing Subdivision was submitted to the Planning Department.
- On March 6, 2006, the Annexation Petition and zone change request from Public to Planned Development (PD) was submitted to the Planning Department.
- On March 30, 2006, a preliminary review of the zone change was conducted by the Planning Department.
- On April 10, 2006, the City Council acknowledged the annexation petition and set a public hearing date for April 24, 2006.
- On April 11, 2006, the Planning Board conducted the plat review of the preliminary plat.
- On April 24, 2006, the City Council will conduct the public hearing and potentially adopt a resolution annexing the subject property.
- On April 25, 2006, the Planning Board will conduct the public hearing of the preliminary plat.
- On May 2, 2006, the City Zoning Commission will conduct a public hearing for the proposed zone change to Planned Development (PD)
- On May 8, 2006, if the annexation is approved by the City Council, a public hearing for the first reading to expand Ward Boundary I will be conducted.
- On May 22, 2006, if the expansion of the ward boundary is approved, the City Council will conduct the second and final reading. In addition, a public hearing for the proposed zone change will be conducted by the City Council at this meeting; the preliminary plat of Josephine Crossing Subdivision will be on the consent agenda at this meeting.
- On June 12, 2006, if the zone change is approved, the 1st reading of the ordinance will be conducted by the City Council.
- On June 26, 2006, the second reading of the zone change ordinance will be conducted if the City Council approves the 1st reading.

## **BACKGROUND**

The subject property is adjacent to the south of properties located within the City Limits and is within the limits of annexation as specified by the Annexation Policy adopted by the City Council in 2004.

## **ALTERNATIVES ANALYSIS**

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

1. The area is located within the Limits of Annexation and within the Urban Planning Area.
2. The City is able to provide adequate services.
3. The proposed improvements for the subdivision, including streets, satisfy City standards.
4. Upon approval of the final subdivision plat, the owners will sign a Waiver of Right to Protest the creation of any Special Improvement Districts.
5. Upon approval of the final subdivision plat, the owners will form a Park Maintenance District.
6. Residential densities will be approximately seven (7) dwelling units per acre.

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

**Departmental Response:** City departments and Yellowstone County were given the opportunity to comment on this annexation. All City departments responded favorably. No comments were received from Yellowstone County.

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

- **Water:** Water to the subject property will be extended from the existing 16-inch water main within Sacagawea Drive via the Heritage Trail pathway in Riverfront Pointe Subdivision to the north and the existing 12-inch water main within 12th Street West at the northeast corner of the property.
- **Sewer:** Sanitary sewer will be connected to the existing main lines within Riverfront Pointe Subdivision to the north. The eastern portion of proposed Block 2 and future eastern development will discharge to the existing sanitary sewer system within South 12th Street West located northeast of the subdivision.

- **Stormwater:** Stormwater drainage will consist of curb and gutter surface collection and curb inlets that drain into storm drainage piping. This piping will discharge into a temporary open channel that drains into an existing irrigation ditch discharge located at the southeast corner of the subject property. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Department.
- **Transportation:** As indicated on the proposed preliminary plat, access to the subdivision will be via internal streets from Elysian Road located along the northern boundary of the property from Mullowney Lane to the west. Mullowney Lane at its intersection with Elysian Road west of the subdivision is a collector and will be required to be widened with this subdivision to provide a left turn lane onto Elysian Road. Improvements along Elysian Road will include a 28-foot back-to-back of curb width with the exception of the intersection with Mullowney Lane, which will be wider to provide for an entry island. Internal roads, including South 12th Street West, will maintain 56-foot wide right-of-ways with 34-foot back-to-back of curb pavement widths. While all of the lots will front on public streets and will front on pocket parks in most cases, the alleys will provide the main access to the residences. The subdivider is proposing 20-foot wide alleys with 12-feet of pavement width for access to rear facing garages along the alleys.
- **Fire Station:** The subject property is currently served by the Billings Fire Department, which will continue to service the property upon annexation. The nearest fire station is located at 604 South 24<sup>th</sup> Street West (Station #5).
- **Parks:** As part of the proposed preliminary plat, the subdivider is required to provide 1.48 acres of dedicated parkland. The subdivider is proposing to provide a total of 4.58 acres of dedicated parkland. Approximately 1.59 acres of that total will be provided via the 20-foot wide Heritage Trail easement and park located along the southern boundary of proposed Lot 20, Block 5. The remaining 2.99 acres will be provided within pocket parks interspersed throughout the subdivision; however they will not count toward the parkland dedication. The internal pocket parks will be dedicated and a private Homeowner's Association will maintain the parks. The Park Maintenance District (PMD) created for the parkland dedication located along the southern boundary of proposed Lot 20, Block 5, shall be expanded to include the pocket parks. If the Homeowner's Association dissolves or does not maintain the parks, the underlying PMD will be assessed to the owners for the maintenance.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the Heritage Trail Plan. The subdivider is proposing a 20-foot wide trail dedication along the southern boundary of proposed Lot 20, Block 5. The sidewalks and alleys within the subdivision will provide links to the main trail system and future connections to Riverfront Park to the southeast of the property.

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

- **Transit:** The MET transit system responded to the proposed annexation and stated that they are unable to provide a fixed bus route service at this time.
- **Fire:** The Fire Department had no objection with this annexation request.
- **Police:** The Police Department had no objection with this annexation request.
- **Public Utilities Department:** The Public Utilities Department has no objection with the annexation request.
- **Ambulance Service:** The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City Ordinance, 90% of ambulance calls must be answered within 8 minutes; this annexation is within the area of acceptable response time.
- **Legal and Finance:** General Fund services, such as Legal and Finance have indicated that they will not be negatively impacted.
- **Other Departments:** City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve new development whether in the City or the County.

## **STAKEHOLDERS**

Annexation by petition does not require notification of adjoining landowners; however, it does require the City Council conduct a public hearing. Notice of the public hearing was posted on the property on April 3, 2006, and published in the Billings Times on April 6, 2006. The Planning Division has received no public comments regarding the proposed annexation.

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

Annexation of this property would adhere to the following goals, objectives and policies of the *Yellowstone County and City of Billings 2003 Growth Policy Plan*:

- Affordable housing for all income levels dispersed throughout the City and County. (Land Use Element Goal, page 6).
- More housing and business choices within each neighborhood. (Land Use Element Goal, page 6)

- Safe and efficient transportation system characterized by convenient connections and steady traffic flow (Transportation Goal, Page 10).
- A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness. (Transportation Goal, Page 9)

### **RECOMMENDATION**

Staff recommends that the City Council approve the Resolution of Annexation for the remainder tract of corrected Certificate of Survey 3223, Amended Tract 1, subject to the following conditions of approval:

- a. Prior to site development a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
- b. A Subdivision Improvements Agreement (SIA) and Waiver of Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for forming a Park Maintenance District at the time of subdivision.

### **ATTACHMENT**

- A. Resolution

**RESOLUTION NO. 06-\_\_\_\_\_**

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

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

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

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

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

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

A tract of land situated in the NW ¼ of Section 20, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: the remainder tract of Corrected Certificate of Survey 3223, Tract 1 Amended, Under Document No. 3360294, Records of Yellowstone County, Montana; Containing 89.381 gross acres, more or less.

(# 06-05 Exhibit "A" Attached)

2. **CONDITIONS.** The annexation is approved, subject to the following conditions:
  - a. Prior to site development a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
  - b. A Subdivision Improvements Agreement (SIA) and Waiver of Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for forming a Park Maintenance District at the time of subdivision.

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

PASSED by the City Council and APPROVED this 24th Day of April, 2006.

THE CITY OF BILLINGS:

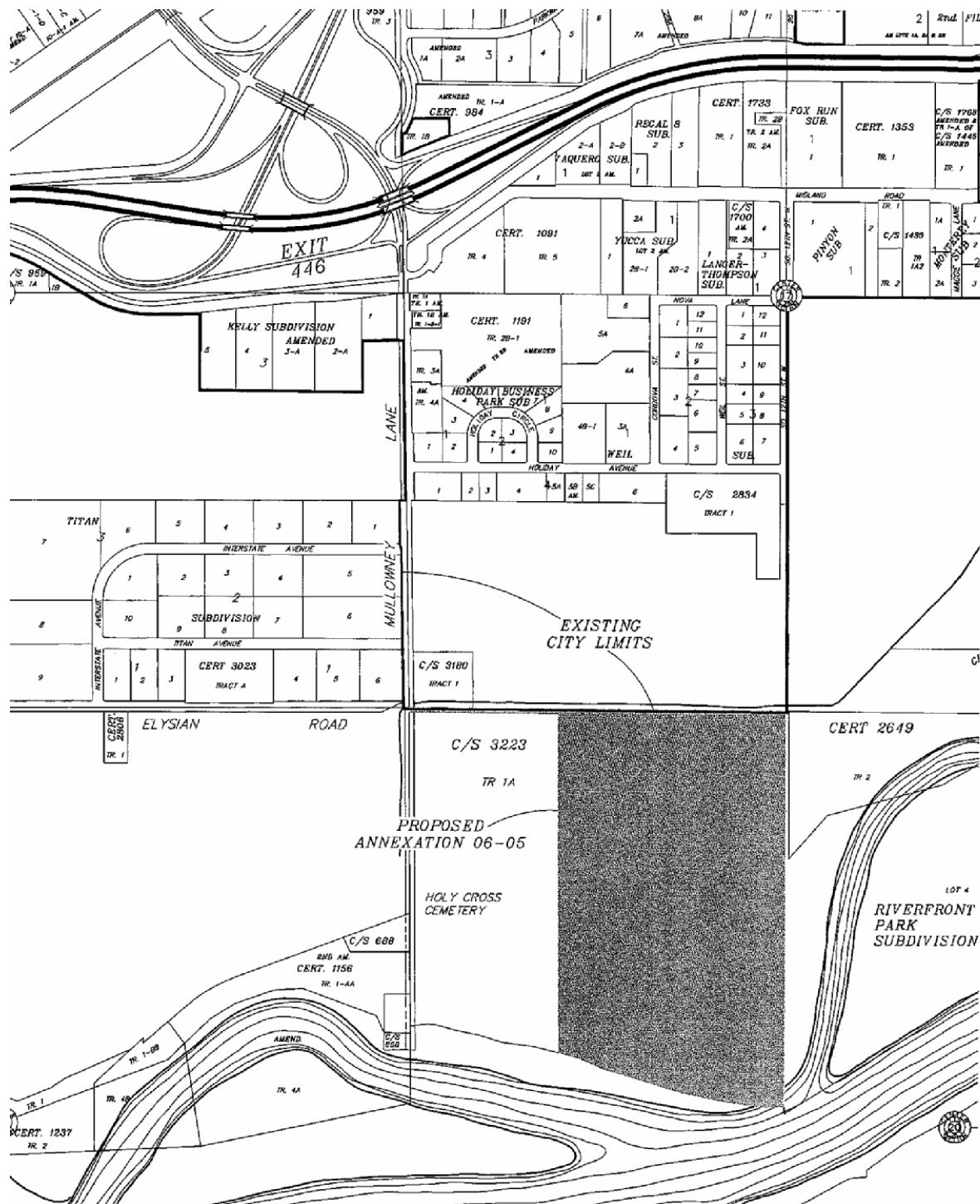
BY: \_\_\_\_\_  
Ron Tussing, MAYOR

ATTEST:

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

(AN 06-05)

## EXHIBIT A



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## AGENDA ITEM:



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**CITY COUNCIL AGENDA ITEM**  
**CITY OF BILLINGS, MONTANA**  
**Monday, April 24, 2006**

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**TITLE:** **Resolution to Set Permit Fees**

**DEPARTMENT:** **Planning and Community Services, Building Division**

**PRESENTED BY:** **Kim Palmieri, Building Official**

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**PROBLEM/ISSUE STATEMENT:** The Building Division is proposing a resolution to increase building permit fees by approximately 11%. The City Council held a public hearing on this item on April 10, 2006. After closing the public hearing, the Council voted to delay action until the Building Division provided more information on its reserve account. Action was delayed until April 24, 2006.

**ALTERNATIVES ANALYZED:**

1. Approve the resolution at proposed level.
2. Do not approve the resolution and retain the current fee schedule.

**FINANCIAL IMPACT:** Building Division revenue projections are estimated to increase \$150,000 annually.

**RECOMMENDATION**

Staff recommends that Council approve the resolution to set building permit fees at the same level established in 1993, as printed in the 1991 Edition of the Uniform Codes.

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

**ATTACHMENT**

- A. Resolution (4 pages)

## **INTRODUCTION**

Section 6-202 of the BMCC authorizes the City to set permit fees by Council Resolution. In 1993 fees were set based on those printed in the 1991 Edition of the Uniform Codes (Resolution 93-16708). This fee schedule remained in place until July of 1999 when fees were reduced by 25%. The reductions were necessary for the City to comply with the statutory requirements imposed by the 1997 Montana Legislature. House Bill 388 in part, requires local Building Departments limit their operating reserve fund to the estimated cost of conducting the operation for a twelve month period. In 1999 it was determined the Building Division budget would exceed allowed reserves; therefore, a reduction of fees was necessary. In June of 2003 a resolution was approved to re-instate a portion of those fees that had been reduced in 1999. The proposed fee schedule will be identical to the schedule used from 1993 to 1999. As costs increase due to inflation and personnel (two positions added in 2004) an adjustment in fees is necessary. The Building Division cash balance is currently below 800,000. In June 2007 this balance is projected to fall below \$600,000. The cash balance should be maintained at the six to nine month level of the annual operation cost. The operating cost for fiscal year 2006 – 2007, is \$1.6 million.

Setting these permit fees will result in an average increase of 11% across the board. As an example, a single family home valued at \$150,000, which is currently charged a permit fee of \$733, will increase to \$814. Passage of this resolution will slow the decline in the Building Division cash balance. Staff will continue to monitor the cash balance and provide future recommendations as necessary.

## **ALTERNATIVES ANALYSIS**

1. If the resolution is approved, the Building Division will proceed with the increase in building permit fees.
2. If the resolution is not approved, current fees will remain in place and the Building Division will draw from the reserve funds. In a future year it will be necessary to approve a greater increase.

## **RECOMMENDATION**

Staff recommends that Council approve the resolution to set building permit fees at the same level established in 1993, as printed in the 1991 Edition of the Uniform Codes.

## **ATTACHMENT**

- A. Resolution (4 pages)

**RESOLUTION 06-\_\_\_\_\_**

**A RESOLUTION SETTING BUILDING, ELECTRICAL,PLUMBING AND  
MECHANICAL PERMIT FEES**

WHEREAS, the building, electrical, plumbing and mechanical permit fees were last set in June, 2003, by Council Resolution 03-17998; and,

WHEREAS, it has become necessary for the efficient operation of city services to increase the fees due to inflation, increased demand for services, additional staffing, and the need to maintain an acceptable cash balance; and,

WHEREAS, increasing all fees approximately 11% will result in the fee schedule being identical to what it was from 1993 to 1999; and,

WHEREAS, said fees are established and will apply until changed by a subsequent resolution.

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

1. BUILDING PERMIT FEES. Residential and Commercial Building Permit fees are to be charged based on the most recent valuation table established in the Building Safety Magazine and in accordance with the 1991 Edition of the Uniform Building Code Fee Schedule and are set as follows:

**RESIDENTIAL AND COMMERCIAL BUILDING PERMIT FEES  
[ADD 65% PLAN CHECK FOR COMMERCIAL & MULTI-FAMILY]**

<b>VALUATION</b>	
\$1 - \$500	15.00
\$501 - \$2,000	15.00 for the first \$500
Plus for each additional \$100 or fraction of >2.00	
\$2,001 TO \$25,000	45.00 for the first \$2,000
Plus for each additional \$1000 or fraction of >9.00	
\$25,001 to \$50,000	252.00 for the first \$25,000
Plus for each additional \$1,000 or fraction of > 6.50	6.50
\$50,001 to \$100,000	414.50 for the first \$50,000
Plus for each additional \$1,000 or fraction of > 4.50	4.50

\$100,001 to \$500,000	639.50 for the first \$100,000
Plus for each additional \$1,000 or fraction of >	3.50
\$500,001 to \$1,000,000	2039.50 for the first \$500,000
Plus for each additional \$1,000 or fraction of >	3.00
\$1,000,001 and up	3539.50 for the first \$1,000,000
Plus for each additional \$1,000 or fraction of >	2.00

**OTHER INSPECTIONS AND FEES** \$30.00\*

Includes inspections outside of normal business hours (Minimum charge – two hours), re-inspection fee, inspections for which no fee is specifically indicated, and additional plan review required by changes, additions or revisions to approved plans (Minimum charge –  $\frac{1}{2}$  hour).

\*Or the total hourly cost to the City, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**2. ELECTRICAL PERMIT FEES.** Electrical Permit fees are to be charged as follows:

A. Single Family Swelling (includes garage wired at same time)	
100 to 300 amp service	130.00
301 or more amp service	200.00
B. Interior Rewire Only or New Addition to Home	40.00
C. Residential Change of Service	25.00
D. Private Property Accessory Building (Garages, Barns, Sheds, Etc.)	
To 200 amp service	40.00
201 to 300 amp service	100.00
301 or more amp service	130.00
E. Modular Home - No basement and/or garage	40.00
Modular Home – With basement and/or garage	65.00
F. Mobile Home located in a court	25.00
Mobile Home located outside of a court	40.00
G. Livestock Wells, Irrigation Wells	40.00
H. Irrigation Pump or Machines, per unit (one pump or one pivot)	35.00
I. Temporary Construction Service (ADDITIONAL FEE)	25.00
J. New service only	40.00
K. Multi-family Dwellings Per Building +>	100.00
Plus per unit, up to and including 12 units >	40.00
[\$90.00 per bldg. Fee does not apply to remodel/rewire projects only. Over 12 units under one roof will use commercial fee]	
L. Mobile Home Courts and/or Recreational Vehicle Parks	
up to 3 spaces	45.00
(Audit. spaces at same time plus per space) - >	5.00

M.	Requested Inspection for 1 hour or less Plus \$18.00 for each 30 minutes or fractional part thereof in excess of one hour plus travel and per diem.	40.00
N.	Permit Renewal Fee (Up to One Year Upon Approval)	40.00

**COMMERCIAL, INDUSTRIAL, INSTITUTIONAL PROJECTS:**

Project Cost

\$ 0 - \$ 500	30.00
\$ 501 - \$ 1,000	30.00 for first \$500 plus 6% of balance
\$ 1,001 - \$10,000	60.00 for first \$1,000 plus 2% of balance
\$10,001 - \$50,000	240.00 for first \$10,000 plus 0.5% of balance
\$50,001 - or more	440.00 for first \$50,000 plus 0.3% of balance

**3. PLUMBING PERMIT FEES.** Plumbing Permit fees are to be charged as follows:

**PERMIT ISSUANCE**

A. For the issuance of each permit [Minimum total on each permit]	20.00
B. For issuing each supplemental permit	10.00

**UNIT FEE SCHEDULE (in addition to Items 1 and 2 above)**

A. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection)	7.00
B. For each building sewer and each trailer park sewer	15.00
C. Rainwater systems – per drain (inside building)	7.00
D. For each cesspool (where permitted)	25.00
E. For each private sewage disposal system	40.00
F. For each water heater and/or vent	7.00
G. For each gas-piping system of one to five outlets	5.00
H. For each additional gas piping system outlet, per outlet	1.00
I. For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	7.00
J. For installation, alteration, or repair of water piping and/or water-treating equipment, each	7.00
K. For each repair or alteration of drainage or vent piping, each fixture	7.00
L. For each lawn sprinkler system on any one meter, including backflow protection devices	7.00
M. For atmospheric-type vacuum breakers not included in Item L:	
1 to 5	5.00
Over 5, each	1.00
N. For each backflow protective device other than atmospheric-type	
Vacuum breakers; 2 inch diameter and smaller	7.00
over 2 inch diameter	15.00

OTHER INSPECTIONS AND FEES	\$30.00*
Includes inspections outside of normal business hours (Minimum charge – two hours), re-inspection fee, inspections for which no fee is specifically indicated, and additional plan review required by changes, additions or revisions to approved plans (Minimum charge – ½ hour).	
*Or the total hourly cost to the City, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	

MECHANICAL PERMIT FEES. Mechanical Permit fees are to be charged as follows:

Permit Issuance

A. For the issuance of each permit [Minimum Total on each permit]	15.00
B. For issuing each supplement permit	4.50

UNIT FEE SCHEDULE

A. For the installation or relocation of each forced-air gravity-type Furnace or burner, including ducts and vents attached to such appliance, Up to and including 100,000 Btu/h	9.00
B. For the installation or relocation of each forced-air gravity-type Furnace or burner, including ducts and vents attached to such appliance, over 100,000 Btu/h	11.00
C. For the installation or relocation of each floor furnace, including vent	9.00
D. For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater	9.00
E. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	4.50
F. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit or each heating cooling, absorption, or evaporative cooling system including installation of controls regulated by this code	9.00
G. For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 Btu/h	9.00
H. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 Btu/h and including 500,000 Btu/h	16.50
I. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h	22.50
J. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h	33.50
K. For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 Btu/h	56.00

L. For each air handling unit to and including 10,000 cfm, including ducts attached thereto	6.50
Note: This fee shall not apply to an air handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this Code.	
M. For each air handling unit over 10,000 cfm	11.00
N. For each evaporative cooler other than portable type	6.50
O. For each ventilation fan connected to a single duct	4.50
P. For each ventilation system, which is not a portion of any heating or air conditioning system authorized by a permit	6.50
Q. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	6.50
R. For the installation or relocation of each domestic type incinerator	11.00
S. For the installation or relocation of each commercial or industrial type incinerator	45.00
T. For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories, or for which no other fee is listed in this Code	6.50

**OTHER INSPECTIONS AND FEES** \$30.00\*

Includes inspections outside of normal business hours (Minimum charge – two hours), re-inspection  
fee, inspections for which no fee is specifically indicated, and additional plan review required by  
changes, additions or revisions to approved plans (Minimum charge –  $\frac{1}{2}$  hour).

\*Or the total hourly cost to the City, whichever is the greatest. This cost shall include supervision,  
overhead, equipment, hourly wages and fringe benefits of the employees involved.

4. **EFFECTIVE DATE.** This resolution shall be effective immediately upon passage.
5. **REPEALER.** All resolutions inconsistent herewith, including Resolution 03-17998, are  
hereby repealed.
6. **SEVERABILITY.** If any provision of this resolution or the application thereof to any  
person or circumstances is held invalid, such invalidity shall not affect the other provisions of this  
resolution which may be given effect without the invalid provisions or application, and, to this end,  
the provisions of this resolution are declared to be severable.

PASSED by the City Council and APPROVED April 24, 2006.

THE CITY OF BILLINGS

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST

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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, April 24, 2006**

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**TITLE:** City Administrator Search

**DEPARTMENT:** Administration

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

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**PROBLEM/ISSUE STATEMENT:** At its April 10 meeting the City Council directed that three items be returned for its consideration at the April 24 meeting: a contract/agreement with Jim Mercer, a draft recruitment brochure and a resolution authorizing using Council contingency for the Mercer contract expenses. The Council can take action on any, all or none of these items.

**FINANCIAL IMPACT:** The Mercer agreement is for actual expenses, not to exceed \$7,500. The agreement includes preparation of the brochure, so there is no additional charge for that item. The contingency resolution authorizes up to \$7,500 for Mercer's expenses. The contingency account is budgeted at \$75,000 and \$10,000 has been spent to support the Lewis and Clark signature event. FY 06 year end projections show that the City Administrator budget probably cannot absorb the Mercer contract expense without going over the budget but the Mayor and Council budget probably can. As some Councilmembers pointed out, all of these divisions are in the General Fund, therefore the money comes from the same source regardless of which division spends the funds.

**RECOMMENDATION**

Staff recommends that Council:

- A: review, modify and approve the brochure
- B: review and approve the Mercer agreement
- C: approve the Council contingency resolution

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

**ATTACHMENTS**

- A      Council contingency resolution

**RESOLUTION NO. 06-\_\_\_\_\_**

**A RESOLUTION TO ADJUST APPROPRIATIONS PER 7-6-4236  
MCA AS AMENDED, AND PROVIDING AUTHORIZATION FOR  
EXPENDITURES AS INDICATED BELOW.**

**WHEREAS**, the City Council of the City of Billings, upon proper resolution, duly passed at a regular meeting and entered into its Minutes, may authorize expenditure of funds; and

**WHEREAS**, it is necessary to authorize said expenditures.

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

That the following FY 2006 appropriation be approved as follows:

FROM:	Non-departmental / Council Contingency	\$7,500
TO:	City Administrator	\$7,500

To pay for actual expenses incurred, not to exceed \$7,500, by The Mercer Group Inc. for recruiting a city administrator.

**APPROVED** by the Billings City Council this 24<sup>th</sup> day of April, 2006

**CITY OF BILLINGS**

By:\_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

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

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