

CITY OF BILLINGS

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

AGENDA

COUNCIL CHAMBERS

December 11, 2006

6:30 P.M.

CALL TO ORDER – Mayor Tussing

PLEDGE OF ALLEGIANCE – Mayor Tussing

INVOCATION – Councilmember Nancy Boyer

ROLL CALL

MINUTES – November 27, 2006

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS – Tina Volek

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #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. **Mayor's Appointments:**

	Name	Board/Commission	Term	
			Begins	Ends
1.	Mary Lou Affleck	Homelessness Committee	12/10/06	12/31/08

*Unexpired term of Clark Swan (Lending background)

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

B. Bid Awards:

(1) W.O. 01-05: Lake Hills Storm Drain. (Opened 11/14/06).

(Delayed from 11/27/06). Recommend rejecting all bids.

[\(Corresponding Staff Memo B1\)](#)

(2) W.O. 06-20: Downtown Billings Wayfinding Signage. (Opened

11/14/06). Recommend rejecting all bids.

[\(Corresponding Staff Memo B2\)](#)

(3) W.O. 05-19: Gabel Road Bike/Pedestrian Path, Transtech Center Subdivision, Federal Aid No. STPE 1099(45), MDT CN 5712. (Opened 11/28/06). Recommend Base Bid and Additive Alternate #1 to JTL Group, Inc., \$84,440.00 and 30 calendar days, contingent on CTEP concurrence.

[\(Corresponding Staff Memo B3\)](#)

C. SILMD 299 – Vintage Estates Subdivision, Street Lighting Agreement with Yellowstone Valley Electric Company for light district ownership, energy, and maintenance.

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

D. City/County Special Investigations Unit (CCSIU) Agreement with Yellowstone County, term: 1/1/07 – 12/31/07.

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

E. Agreement for health insurance consultant services. Delay action until 1/8/07.

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

F. Professional Services Contract for SID 1374 – Gateway Triangle Improvements, Morrison-Maierle, Inc., \$229,981.00.

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

G. Library Reserve Contribution to Joint Community Library Project, \$150,000.00.

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

H. Acceptance of donation from Ira & Carolyn Robison to the Billings Animal Shelter General Donation Account, \$720.00.

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

I. Street Closure: *Magic City Blues Festival*, Montana Ave. between 2300 and 2500 blocks from 9:00 a.m. on Friday, August 10, 2007 to Noon on Sunday, August 12, 2007.

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

J. Preliminary plat of Amended Lot 12 and 13, Block 1, Broso Valley Park Subdivision, generally located southeast of Gabel Road and southwest of Broso Park Drive, conditional approval of the plat and adoption of the Findings of Fact.

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

K. Final plat of E. D. King Subdivision.
[\(Corresponding Staff Memo K\)](#)

L. Bills and Payroll.

(1) November 9, 2006
[\(Corresponding Staff Memo L1\)](#)
(2) November 17, 2006
[\(Corresponding Staff Memo L2\)](#)

(Action: approval or disapproval of Consent Agenda.)

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION FOR ANNEX #06-15:** annexing 39.65 acres described as Tract 1A, of Amended Tracts 1 and 2, C/S 3279 and generally located east of the intersection of Grand Avenue and 54th St. W adjacent to Bishop Fox Subdivision, Rod Wilson and Judith Deines, owners & petitioners. Staff recommends conditional approval. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 2\)](#)
3. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Ordinance #02-5219, an ordinance providing that the BMCC be amended by revising Section 13-502: execution of contract; providing authority to and limitations on City Administrator approval of contract change orders. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 3\)](#)
4. **FAIR HOUSING ACTION PLAN FOR FY06-07.** Staff and Community Development Board recommend approval. **(Action:** approval or disapproval of Staff and Community Development Board recommendation.)
[\(Corresponding Staff Memo 4\)](#)
5. **RESOLUTION** creating an *Events Ad Hoc Committee*, establishing the committee purpose, the scope of its responsibilities, its composition and its duration. Staff recommends approval. **(Action:** approval or disapproval of Staff recommendation.)
[\(Corresponding Staff Memo 5\)](#)
6. **PUBLIC COMMENT** on Non-Agenda Items -- Speaker sign-in required.
(Restricted to ONLY items not on this 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)

DECEMBER 2006:

12/11/2006	Energy & Conservation Commission Parking Advisory Board REGULAR Council Meeting	3:00 p.m. 4:00 p.m. 6:30 p.m.	BOC Conference Rm 4848 Midland Rd. CH Conference Room Council Chambers
12/12/2006	Planning Board Traffic Control Board	6:00 p.m. NOON	4 th Floor Library 4 th Floor Library
12/13/2006	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
12/14/2006	Library Board	NOON	Library
12/18/2006	Council WORK SESSION REGULAR Council Meeting (re-Scheduled from 12/16/06)	5:30 p.m. 6:30 p.m.	CANCELLED Council Chambers
12/21/2006	Public Utilities Board	6:30 p.m.	Public Works-Belknap 2251 Belknap Ave
12/25/2006	CHRISTMAS DAY – CITY OFFICES CLOSED		
12/26/2006	Planning Board REGULAR Council Meeting	6:00 p.m. 6:30 p.m.	CANCELLED CANCELLED
12/27/2006	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
12/28/2006	Yellowstone County Board of Health	TO BE ANNOUNCED	

JANUARY 2007:

1/02/2007	NEW YEAR'S DAY – CITY OFFICES CLOSED		
1/02/2007	Council WORK SESSION Community Development Board Zoning Commission Aviation & Transit Commission	5:30 p.m. 3:00 p.m. 4:30 p.m. 5:30 p.m.	CANCELLED 4 th Floor Library Council Chambers Airport Terminal
1/03/2007	Board of Adjustment	6:00 p.m.	Council Chambers
1/04/2007	EMS Commission Human Relations Commission	7:30 a.m. 12:15 p.m.	Main Fire Station CH Conference Room
1/08/2007	Parking Advisory Board REGULAR Council Meeting	4:00 p.m. 6:30 p.m.	CH Conference Room Council Chambers
1/09/2007	Council Agenda Setting Meeting Planning Board	5:30 p.m. 6:00 p.m.	CH Conference Room 4 th Floor Library
1/10/2007	Parks/Recreation/Cemetery Bd	11:30 a.m.	Community Center 360 N. 23 rd St.
1/11/2007	Library Board	NOON	3 rd Floor Library
1/15/2007	MARTIN LUTHER KING DAY – CITY OFFICES CLOSED		
1/16/2007	Yellowstone Historic Preservation Board Council WORK SESSION	8:00 a.m. 5:30 p.m.	4 th Floor Library Community Center 360 N. 23 rd St
1/22/2007	REGULAR Council Meeting	6:30 p.m.	Council Chambers
1/23/2007	Planning Board Traffic Control Board	6:00 p.m. NOON	4 th Floor Library 4 th Floor Library
1/24/2007	Housing Authority Development Process Advisory Review Board (DPARB)	NOON 1:00 p.m.	2415 1 st Avenue North CH Conference Room
1/25/2007	Yellowstone County Board of Health	7:00 a.m.	Community Health Center 123 So. 27 th Street
1/29/2007	Council WORK SESSION	5:30 p.m.	Community Center
1/30/2007	Council Agenda Setting Meeting	5:30 p.m.	CH Conference Room

A



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, DECEMBER 11, 2006

TITLE: Boards & Commissions –Appointment
DEPARTMENT: City Administrator's Office
PRESENTED BY: wynnette Maddox, Administration

PROBLEM/ISSUE STATEMENT: Confirmation of the appointment for a Board and Commission position that is vacant due to a resignation.

FINANCIAL IMPACT: No financial impact involved.

RECOMMENDATION

Mayor Tussing recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Mary Lou Affleck	Homelessness Committee	12/10/06	12/31/08

Unexpired term of Clark Swan (Lending background)

Approved By: City Administrator City Attorney

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B1

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Work Order 01-05, Lake Hills Storm Drain- Reject Bids

DEPARTMENT: Public Works/Engineering

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

PROBLEM/ISSUE STATEMENT: This project was designed to construct an outfall from Lake Hills Subdivision to Five-Mile Creek to handle the storm water in Lake Hills Subdivision. After careful evaluation of the outfall, it was determined to be cost prohibitive. Interstate Engineering, Inc. performed a feasibility study to recycle the storm water from Lake Hills Subdivision onto Lake Hills Golf Course. The feasibility study proved that retaining the storm water on the Golf Course was more economical. This project would construct phase I of the feasibility study, which includes the construction of one pond and the expansion of two existing ponds. Bids were received and evaluated for Work Order 01-05 on November 14, 2006. It was determined that there are insufficient funds to award this contract at this time. This project will be reevaluated to be bid in the fall 2007.

ALTERNATIVES ANALYZED:

1. Reject all bids for Work Order 01-05, Lake Hills Storm Drain.

FINANCIAL IMPACT: Funding for Work Order 01-05, Lake Hills Storm Drain will be provided from Storm Drain Funds in FY '07. We received three bids for this project as follows:

	<u>Total</u>
Engineer's Estimate	\$ 653,908.00
COP Construction	\$ 710,261.00
Donnes, Inc.	\$ 823,031.00
Western Municipal	\$ 760,531.62
<u>CIP Project #ENG D001</u>	
CIP Budgeted Amount	\$563,000.00

RECOMMENDATION

Staff recommends that Council reject all bids for the construction contract for Work Order 01-05, Lake Hills Storm Drain due to the lack of sufficient funding.

Approved By: City Administrator City Attorney

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

B2

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Work Order 06-20, Downtown Billings Wayfinding Signage – Bid Award
DEPARTMENT: Public Works/Engineering
PRESENTED BY: David D. Mumford, Public Works Director

PROBLEM/ISSUE STATEMENT: Bids were received for Work Order 06-20 on November 14, 2006. The project is for the installation of wayfinding signs in the downtown area to direct pedestrians and drivers to points of cultural interest. Included in the project are 24 wayfinding directional signs in the downtown area, plus a gateway monument sign on South 27th Street. The only bid received exceeded the project budget by \$77,241 or almost 50%. Staff will continue to work with the Downtown Billings Partnership to determine if it is feasible to reduce the scope of the project and re-bid the work.

FINANCIAL IMPACT: Funding to fabricate and install the signs is budgeted by the Downtown Billings Partnership. Only a single bid was received for the project as follows:

Sign Products, Inc. \$ 239,241.00

Project Budget \$162,000.00

RECOMMENDATION

Staff recommends that Council reject all bids for Work Order 06-20, Downtown Billings Wayfinding Signage.

Approved By: City Administrator City Attorney

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: W.O. 05-19 – Gabel Road Bike Ped Path - Billings, Federal Aid No. STPE 1099(45), Construction Contract Award

DEPARTMENT: Public Works

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

PROBLEM/ISSUE STATEMENT: This project will construct a multi-use trail from the terminus of the Trans Tech Trail, within the Trans Tech Center, to the existing sidewalk at S 32nd St W. The base bid was for the trail and related work, and the additive alternate was for installation of a metal railing needed where the trail will pass near the Hogan's Slough. One bidder's proposal was rejected as being unresponsive due to not signing the CTEP Proposal. Bids were opened for the project on November 28, 2006, and, by law, Council must act on the bid opening at this meeting.

FINANCIAL IMPACT: Funding for the project is available from a federal CTEP grant and donated match funds from the Bottrell Family Investments, LP (BFI).

Location of Work: Trans Tech Center (between Gabel Road and S. 32nd St. W.)
 Funding Sources: CTEP Grant (\$100,000), local match (\$15,500) provided by BFI.

Approved Dollar Amount for Project: \$115,500
 Spent (and obligated) to date: \$ 19,082
 Funding available: \$ 96,418

Bids were opened on November 28, 2006 with the following results:

Firm	Base Bid	Additive Alternate #1	Base Bid + Additive Alternate #1
JTL Group, Inc.-Billings	\$79,190.00	\$5,250.00	\$84,440.00
CMG Construction, Inc.	\$85,280.00	\$5,040.00	\$90,320.00
HL Ostermiller Const., Inc.	Proposal rejected as unresponsive.		
Riverside	\$108,546.75	\$6,237.00	\$114,783.75
Engineer's Estimate	\$84,540.00	\$2,730.00	\$87,270.00

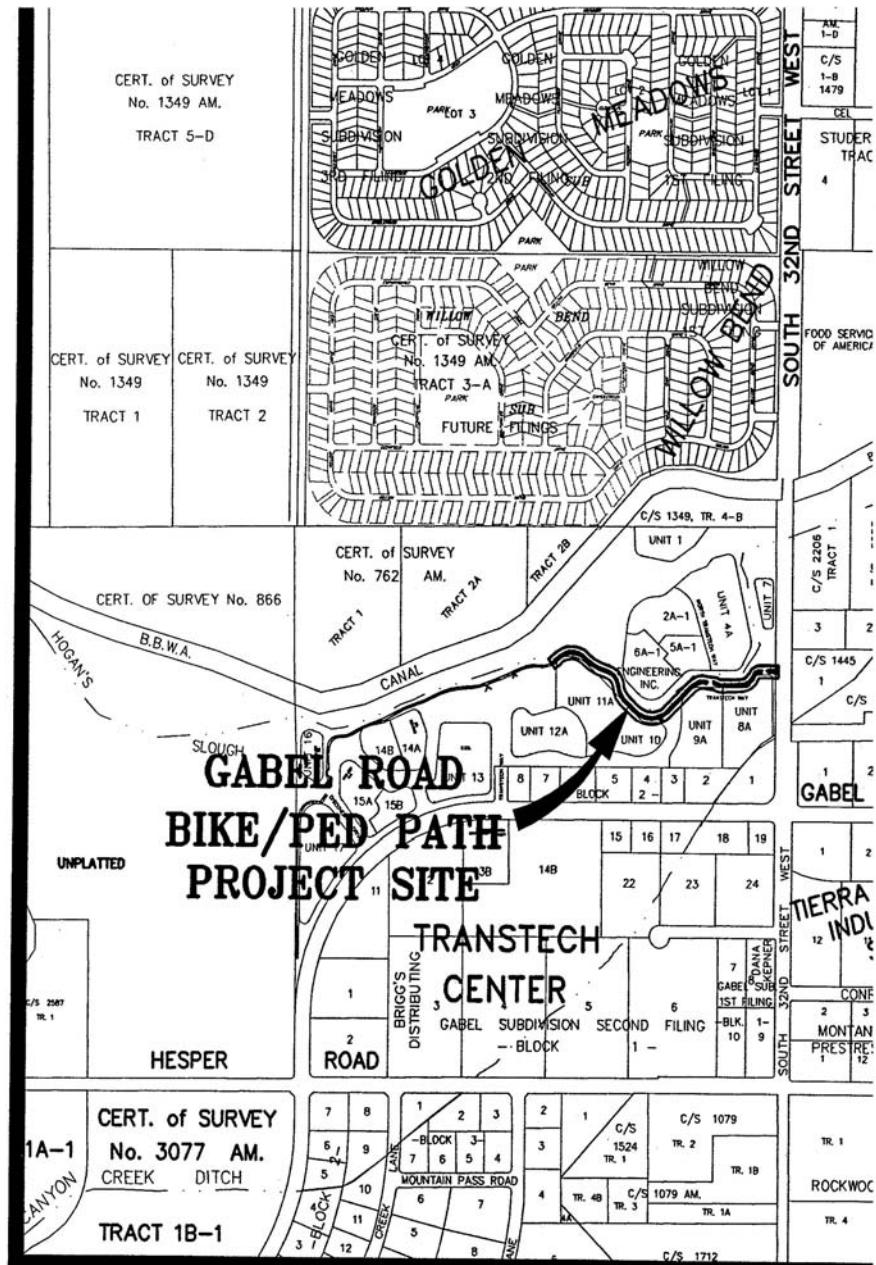
RECOMMENDATION

Staff recommends that Council award a construction contract for W.O. 05-19 – Gabel Road Bike Ped Path - Billings, Federal Aid No. STPE 1099(45) for Base Bid and Additive Alternate 1 to JTL Group, Inc. - Billings, for \$84,440.00 and 30 calendar days, contingent on CTEP concurrence.

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

ATTACHMENT

A. Area Map of the Gabel Road Bike Ped Path - Billings



Attachment A

Area Map

VICINI
NOT 1

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C



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, DECEMBER 11, 2006

TITLE: SILMD 299 – Vintage Estates Subdivision

DEPARTMENT: Public Works Department

PRESENTED BY: David D. Mumford, Public Works Director

PROBLEM/ISSUE STATEMENT: The City Council held a public hearing and created SILMD 299 at its September 11, 2006 meeting. Details of the creation including cost appropriations are included in the September 11th memo. Creation of the district required a contract between the City and the Yellowstone Valley Electric Company (YVEC) for light district ownership, energy, and maintenance by the YVEC. The contract is the standard form SILMD contract utilized on all YVEC and NorthWestern Energy street light districts.

FINANCIAL IMPACT: All maintenance and energy costs for these proposed light districts would be paid for by assessments against properties within the district.

RECOMMENDATION

Staff recommends that Council approve the standard form SILMD contract with YVEC for SILMD 299.

Approved By: _____ City Administrator _____ City Attorney _____

ATTACHMENTS

A. SILMD 299 Contract

STREET LIGHTING AGREEMENT

THIS AGREEMENT, effective this _____ day of _____, 2006, by and between Yellowstone Valley Electric Cooperative, Inc., a Corporation doing business at 150 Cooperative Way, Huntley, Montana 59037, hereinafter called the "Cooperative" and THE CITY OF BILLINGS, a municipal corporation organized under the laws of the State of Montana, whose mailing address is PO Box 1178, Billings, Montana 59103, hereinafter called the "City".

WITNESSETH:

WHEREAS, Special Improvement Lighting Maintenance District No. _____ has been duly and regularly created by the City Council of the City of Billings, Montana for the purpose of providing new 100 Watt high pressure sodium (HPS) street lighting within the boundaries of said District; and

WHEREAS, the Cooperative is willing to supply, install, operate and own the facilities within said lighting district(s), and furnish electrical energy to and maintenance for said lighting district(s), upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

SECTION 1. INSTALLATION OF NEW FACILITIES

The Cooperative undertakes and agrees to construct and install the street lighting facilities in said lighting district(s) at its own expense, and such work shall be commenced and completed by January 1, 2007. The said facilities shall be of the type hereinafter specified and shall be installed at the locations and according to the specifications of the City given prior to the commencement of the work.

- (a) Type of facilities: 100 watt, High Pressure Sodium, black, Acorn type fixtures, mounted at 12 feet on black decorative fiberglass poles fed by underground wiring.
- (b) Locations: There will be 12 units spaced and located in accordance with the map of said lighting district on file in the office of the City Engineer of the City of Billings, Montana. Type of equipment and number of lights may be modified only by the written consent of the parties hereto.

SECTION 2. OWNERSHIP

The facilities to be constructed and installed are, and shall remain, the property of the Cooperative for a thirty year (30) term. At the beginning of the thirty-first year, the ownership of the street lights described within this agreement shall be turned over to the City of Billings without compensation to the Cooperative. The City of Billings shall be responsible for all ownership and maintenance expenses related to the City's ownership of the street lights. The Cooperative shall continue to bill the City of Billings for the electrical usage of the street lights.

SECTION 3. MAINTENANCE, OPERATION AND REPAIR

- A. Cooperative agrees to operate and perform ordinary maintenance of the Facilities while the lights are under the ownership of the Cooperative. Lights shall be turned on a dusk and turned off at dawn each day during the term of this Agreement.
- B. The charges specified herein are based on normal conditions and do not cover charges for extraordinary repair and/or replacement costs.
- C. Cooperative will make necessary repairs and replacements within a reasonable time after receiving notice of any outage or other damage to the facilities while the lights are under the ownership of the Cooperative. The Cooperative shall have no obligation to patrol the facilities to determine that they are in operating condition.

SECTION 4. SUPPLY OF ENERGY TO SYSTEM

The Cooperative agrees to supply electrical energy to said street lighting system for the charges hereinafter specified, irrespective of the ownership of the lights.

SECTION 5. CHARGES

- A. The City undertakes and agrees to pay the Cooperative for furnishing, operating, and maintaining, as provided herein, said street lighting system to be constructed and owned by the Cooperative and for supplying electrical energy hereto. The charge for each lighting unit shall be based on the rate schedule approved by the Board of Trustees of the Cooperative in effect at the time the lighting unit(s) are installed, subject to amendment or revision. The electric energy supply portion of

the unit charge is subject to change based on the approval of the Board of Trustees of the Cooperative. The initial rate for each 100 watt, HPS, Acorn Fixture on a fiberglass pole is \$364.67 per year. If additional units are subsequently installed by mutual consent of the parties hereto, the charges for such additional lights shall be in accordance with the rates in effect at the time said installation are made, subject to amendment or revision by the Board of Trustees of the Cooperative.

- B. The Cooperative shall have the right to make additional charges to City for the cost of labor (including applicable overheads) and the actual material cost for repairs to and/or replacement of street lighting facilities that are extraordinary repairs and/or replacement costs.
- C. Bills for said services shall be due and payable in cash or valid warrants when rendered each month and will become delinquent thirty (30) days thereafter.

SECTION 6. FORCE MAJEURE

- A. The Cooperative shall not be liable for failure to comply with any of the terms and conditions of this Agreement where such failure is caused by acts of God, government regulations or order, strikes or labor difficulties, fires, floods, droughts, riots, destruction of property, or by any other cause beyond its reasonable control.
- B. If the Cooperative is unable to fulfill any obligation by reason of a cause beyond its reasonable control, then it shall notify the City and the Cooperative shall use its best efforts to complete the work in a timely manner.

SECTION 7. TERM

This agreement shall be and remain in full force and effect for a period of two (2) years and eleven (11) months from the date hereof, and shall thereafter continue in force and effect for successive periods of two (2) years and eleven (11) months each, until and unless terminated by either party giving to the other party notice in writing at least sixty (60) days prior to the expiration of the initial term hereof, or any renewal thereof, of its intention to terminate this Agreement at the expiration of such initial term or any renewal.

SECTION 8. LIABILITY, RELEASE AND LIMITATION OF LIABILITY

- A. The Cooperative, in the construction, maintenance and operation of the street lighting system provided for herein, shall use reasonable care and shall indemnify, hold harmless and defend the City of Billings of and from any and all damages, injuries and expenses of any kind, including attorney's fees, caused by the negligence, acts or omissions of the Cooperative, its agents, representative, or employees, or by the failure of the Cooperative to comply with the provisions of this Agreement.
- B. If this Agreement terminates, City shall under no circumstances be entitled to claim or recover consequential damages or any nature arising, or claimed to have arisen, as a result of said termination.

SECTION 9. INDEPENDENT CONTRACTOR

For any services performed hereunder, Cooperative is an independent contractor, responsible to the City only as to the results to be obtained and to the extent that the service shall be done in accordance with any plans or specifications furnished by the City.

SECTION 10. APPLICABLE LAW

- A. This Agreement shall be governed in all respects by the laws of the State of Montana.
- B. All hiring by the parties will be on the basis of merit and qualifications. The parties may not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability or national origin.
- C. Cooperative shall have and maintain complete control over all of its employees, subcontractors, agents and operations, being responsible for any required payroll deductions and providing required benefits, such as, but not limited to, worker's compensation and unemployment insurance.

SECTION 11. TERMINATION

Either party may terminate this Agreement if the other party defaults in performance or breaches any of the terms of this Agreement and fails to cure such default or breach within thirty (30) days after written notice of such default.

SECTION 12. INSURANCE

Without limiting any of the Cooperative's obligations hereunder, Cooperative shall provide and maintain comprehensive general liability and automobile liability insurance adequate to secure its indemnity obligation hereunder. City shall have the right to request proof of such insurance coverage.

SECTION 13. BINDING EFFECT AND ASSIGNMENT

- A. The Contract shall be binding upon and shall inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties.
- B. Either party may assign this Agreement upon written consent of the other party.

SECTION 14. NO THIRD PARTY BENEFICIARY

This Agreement is for the exclusive benefit of the parties and shall not constitute a third party beneficiary agreement and shall not be relied upon or enforced by a third party.

SECTION 15. AUTHORITY

Each party represents that it has full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to sign this Agreement.

SECTION 16. INTEGRATION

This Agreement constitutes the entire agreement of the parties. Covenants or representations not contained in this Agreement shall not be binding upon the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized officers.

YELLOWSTONE VALLEY
ELECTRIC COOPERATIVE, INC.

By: 
General Manager

Date: November 30, 2016

THE CITY OF BILLINGS

By: _____
Mayor

Date: _____

ATTEST: _____

City Clerk

D

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: City-County Special Investigations Unit (CCSIU) Agreement

DEPARTMENT: Police Department

PRESENTED BY: Rich St. John, Chief of Police

PROBLEM/ISSUE STATEMENT: Each calendar year the CCSIU Agreement with Yellowstone County needs to be approved. The current agreement will expire on December 31, 2006. It is now time to approve the agreement for the year 2007. This agreement has been reviewed with Undersheriff Jay Bell of Yellowstone County Sheriff's Office. When the Council approves this agreement, it will then be sent over to Yellowstone County for the Commissioners' approval.

FINANCIAL IMPACT: There will be no additional financial impact to the City since the officers involved are currently included in the Police Department budget and Fund 718 is where all expenditures are budgeted for CCSIU.

RECOMMENDATION

Staff recommends that Council approve and authorize the Mayor to sign the CCSIU agreement with Yellowstone County.

Approved By: City Administrator _____ City Attorney _____

ATTACHMENT
A-CCSIU Agreement w/Yellowstone County – 4 pages

AGREEMENT

CITY-COUNTY SPECIAL INVESTIGATIONS UNIT (CCSIU)

This Agreement establishes and governs the operation of the ***CITY-COUNTY SPECIAL INVESTIGATIONS UNIT (CCSIU)***:

The undersigned public agencies are charged with enforcing the law and protecting their citizens from illegal activity. Recognizing that resources are limited and that such limitations are detrimental to combating crime within Yellowstone County and the City of Billings, and recognizing that the problem can be most effectively resolved by pooling of resources and the joint exercise of respective authorities, a joint CCSIU is established.

PARTIES: This Agreement is between:

- (1) Billings Police Department
- (2) Yellowstone County Sheriff's Office

DURATION: This Agreement is in effect from January 1, 2007 through December 31, 2007.

PROJECT DESCRIPTION:

It is proposed that a joint City-County Special Investigations Unit be established. This Unit will be comprised of personnel assigned from the Yellowstone County Sheriff's Office and the Billings Police Department. It is agreed that full-time investigative personnel will be assigned to the Unit. The CCSIU will be a component of the Rocky Mountain High Intensity Drug Traffic Area (RMHIDTA). Either agency may withdraw from the Unit at any time with 30 days notice.

STRUCTURE AND ORGANIZATION:

The Unit Supervisor and Unit members will be determined by mutual agreement between both agencies. The Unit Supervisor shall be responsible to keep both agencies informed on all matters relating to the operations, including expenditures, accomplishments, problems and all other issues involving the CCSIU.

All persons assigned to the Unit shall work under the immediate supervision and direction of the Unit Supervisor. City Detectives will be indirectly supervised and evaluated by the Captain of

Investigations. All persons assigned to the Unit shall adhere to the rules and regulations as set forth in the Unit's Policy and Procedures Manual, as well as their individual departmental rules, policies and procedures.

For the purpose of indemnification of participating jurisdictions against losses, damages, or liabilities arising out of the services and activities of the Unit, the personnel so assigned by any jurisdiction shall be deemed to be continuing under the employment of that jurisdiction and its police department.

Each agency contributing personnel to the Unit will continue that employee as an employee of the contributing agency and will be solely responsible for that employee, including wages and benefits.

Any duly sworn peace officer, while assigned to duty with the Unit as herein provided and working at the direction of the Unit Supervisor, shall have the same powers, duties, privileges, protections and immunities as are conferred upon him/her as a peace officer in his/her own jurisdiction. Billings Police Officers will be deputized as Yellowstone County Sheriff's Deputies while assigned, even on a temporary basis, to the CCSIU.

CONTEMPLATED UNIT TASKS:

At the direction of the Unit Supervisor, the CCSIU will concentrate efforts on local cases. Investigations will center around narcotics trafficking and organized criminal activities. In circumstances where a determination of specific priorities of these investigations must be made, the Unit Supervisor will make the determination in consultation with the Sheriff and Police Chief, or their designees.

UNIT OBJECTIVES:

This section identifies specific targeted objectives to be attained by the CCSIU during the program year. Objectives will be reviewed and revised as necessary by December 1, 2007.

- 1) Disrupt drug, drug/gang and organized criminal activities within the City, County and State.
- 2) Gather and report intelligence data relating to illegal drug, drug/gang and organized criminal activities within the City, County and State.
- 3) Make arrests that will impact all levels of drug and organized criminal activities.
- 4) Effectively prosecute drug traffickers and organized criminal activity participants.
- 5) Promote law enforcement cooperation through joint investigations and close coordination with other police agencies and task forces.

PETTY CASH AND FORFEITURE FUND:

Agencies involved in the City-County Special Investigations Unit will each place **SIX THOUSAND DOLLARS** (\$6,000.00) into the Petty Cash Fund. The monies will be utilized by the Unit for buys and informants. As financial transactions take place, an equal amount of monies will be deducted from each agency's monies. The Supervisor of the Unit will be responsible for administering the monies as needed and keeping a running log of all expenditures, to include incident numbers and reason for purchase(s). The money log will be audited by the Yellowstone County Auditor or his/her representative, on a quarterly basis. A copy of the audit will be submitted to the Chief of Police or his designee.

Replacement of the Petty Cash Fund will be accomplished by the following procedures:

CITY OF BILLINGS:

The Unit Supervisor will make a written request through the Chief of Police or his designee, who, in turn, will approve the request and submit it to the City Finance & Administrative Services Department. The City Financial Services Manager will direct monies to the Unit Supervisor, who will deposit the reimbursement back to the Petty Cash Fund.

YELLOWSTONE COUNTY:

The Unit Supervisor will make a written request to the Yellowstone County purchasing department to replenish their portion of the fund.

Forfeiture vehicles that are to be sold at auction will be sold at either the Yellowstone County Sheriff's Sale or at auction by the Billings Police Department. Any forfeiture monies acquired by the Unit from any source will be split equally between the agencies. All forfeiture procedures will be handled by the Unit Supervisor and the Yellowstone County Attorney's Office, at no cost to the City.

INDEMNITY CLAUSE:

The City shall have the duty to defend Yellowstone County and shall indemnify and hold harmless Yellowstone County and its agents and employees from and against all claims, damages, losses, judgments and expenses, including attorney's fees, arising out of or resulting from this contract provided that any such claims, damage, loss, judgment or expense is caused in whole or in part, by a negligent act, error or omission of the City, its employees or agents.

Yellowstone County shall have the duty to defend the City and shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses, judgments and expenses, including attorney's fees, arising out of or resulting from this contract provided that any such claim, damage, loss or expense is caused in whole or in part by any negligent act, error, or omission of Yellowstone County, its employees, officials or agents.

RESOURCES:

All available resources that are currently available in the City of Billings Investigations Division and in the Yellowstone County Investigations Division will be made available to the CCSIU. Any specialized equipment that is not being kept at the location of the CCSIU location will need to be borrowed by an assigned CCSIU detective from that agency.

THIS AGREEMENT IS EXECUTED THIS ____ DAY OF _____, 2006.

SIGNED:

MAYOR, CITY OF BILLINGS

DATE _____

COUNTY COMMISSIONER

DATE _____

COUNTY COMMISSIONER

DATE _____

COUNTY COMMISSIONER

DATE _____

ATTEST:

*MARITA HEROLD, MMC CITY CLERK
CITY OF BILLINGS*

*TONY NAVE
CLERK AND RECORDER
YELLOWSTONE COUNTY*

APPROVED AS TO FORM:

*BRENT BROOKS, CITY ATTORNEY
CITY OF BILLINGS*

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

E

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Health Insurance Consultant Services

DEPARTMENT: Public Works

PRESENTED BY: David Mumford, Public Works Director

PROBLEM/ISSUE STATEMENT: The Health Insurance Committee recently prepared a Request For Proposals (RFP) for consultant services. The RFP was advertised in the Billings Times on October 19 and October 26, 2006. Seven firms were also sent copies of the RFP via email. The contract would be for three years with an option to extend the contract for two years with council approval.

Proposals were received from two firms, Gallagher Benefit Services, Inc. and Wohlman & Toschi, Inc., to provide health insurance consultant services for the City.

The selection committee included Council Member Clark, David Mumford, Karla Stanton, Vicky Harrison, Pat Weber, John Ruddock, Dan Bryan and Scott Conrad.

RECOMMENDATION

The Committee recommends that City Council delay action on the bid award until their January 8, 2007, meeting to allow the section committee and Legal Department staff to further review the proposals and make a recommendation for City Council consideration.

Approved By: City Administrator _____ City Attorney _____

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

F

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Special Improvement District 1374 – Gateway Triangle Improvements
Contract for Professional Engineering Services

DEPARTMENT: Public Works – Engineering Division

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

PROBLEM/ISSUE STATEMENT: Mayor and Council are asked to consider a motion authorizing the Mayor to sign a Contract for Professional Services with Morrison-Maierle, Inc. for engineering services for creation, design, and construction administration for Special Improvement District 1374-Gateway Triangle. SID 1374 will construct streets, sidewalks, curb and gutter, and storm drainage facilities within the Gateway Triangle area. This area is bounded by 1st Avenue South on the north, North 27th Street on the west, 7th Avenue South on the south, and the Conoco Refinery property to the east. Morrison-Maierle, Inc. was selected to perform these services according to the City's Request for Proposals and Consultant Selection Policy.

ALTERNATIVES ANALYZED:

1. Authorize the Mayor to sign the contract with Morrison-Maierle, Inc.
2. Do not authorize the Mayor to sign the contract with Morrison-Maierle, Inc.

FINANCIAL IMPACT: The City's funding for the design and construction of this project has been approved in the FY07 CIP. The remaining funding will be contributed by the adjoining property owners.

FY07 CIP Funds:	Gas Tax	\$992,000.00
	Storm Drain	\$135,000.00
	Corner Lot	\$40,000.00
	TOTAL	\$1,167,000.00
Amount of this Request:		\$ 229,981.00
FY07 CIP Funds Remaining:		\$ 937,019.00

RECOMMENDATION

Staff recommends that Council authorize the Mayor to sign the Contract for Professional Services for the creation, design, and construction administration of SID 1374-Gateway Triangle with Morrison-Maierle, Inc. in the amount not to exceed \$229,981.00.

INTRODUCTION

This SID project will construct streets, sidewalks, curb and gutter, and storm drainage facilities within the Gateway Triangle area. This area is bounded by 1st Avenue South on the north, North 27th Street on the west, 7th Avenue South on the south, and the Conoco Refinery property to the east. Construction is anticipated to begin in 2008.

PROCEDURAL HISTORY

- Request for Proposals was advertised September 28, 2006.
- Only one proposal was received in response to the Request for Proposals. The proposal was received from Morrison-Maierle, Inc.
- The selection committee consisting of Vern Heisler (Engineering), Lora Mattox (Planning), Bill Kemp (Street/Traffic), Damon Combs (Engineering) and Councilmember Jim Ronquillo reviewed Morrison-Maierle, Inc.'s proposal and approved the selection of Morrison-Maierle, Inc.

BACKGROUND

The Gateway area SID was included in the FY07 CIP to improve streets, curb and gutter, sidewalks, and storm drainage in the area bounded by 1st Avenue South on the north, North 27th Street on the west, 7th Avenue South on the south, and the Conoco Refinery property to the east.

The project will be phased based upon fund availability. The first phase will include the area of 5th Avenue South between South 27th Street and South 24th Street, a block of South 26th Street between 5th Avenue South and 6th Avenue South, and a block of South 25th Street between 5th Avenue South and 6th Avenue South. The contract with Morrison-Maierle, Inc. includes design of the first phase and a storm drain study of the entire SID area.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to sign the Contract for Professional Services for the creation, design, and construction administration of SID 1374-Gateway Triangle with Morrison-Maierle, Inc. in the amount not to exceed \$229,981.00

Approved By: City Administrator ____ City Attorney ____

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM**CITY OF BILLINGS, MONTANA****Monday, December 11, 2006**

TITLE: Library Reserve Contribution to Joint Community Library Project

DEPARTMENT: Library

PRESENTED BY: Bill Cochran, Library Director

PROBLEM/ISSUE STATEMENT: At the Work Session of October 16, 2006, Montana State University – Billings Chancellor Dr. Ron Sexton reported on a \$250,000 federal appropriation for the Joint Community Library Project at the College of Technology campus. Library Board of Trustees President Lloyd Mickelson also reported that the project is the Board's highest capital priority. The Council directed the Library Board and Staff to prepare a recommendation to the Council on a City contribution to the project. Both the University's appropriation and the City's CIP anticipate that the project will begin in FY09.

ALTERNATIVES ANALYZED: In answer to a question from City Administrator Tina Volek at the Work Session regarding what amount of City contribution would be necessary to accomplish preliminary planning, Dr. Sexton responded that \$150,000 would be adequate. At its regular monthly meeting of November 9, the Library Board of Trustees considered smaller contributions, reflecting concern about existing deficit spending from Library reserves for current service levels. By a unanimous vote, however, the members present recommended that the City Council approve use of \$150,000 of Library reserves, as well as any other City funds available, for planning for the Joint Community Library Project.

FINANCIAL IMPACT: The Library is deficit spending from unobligated cash reserves estimated to be \$1,662,982 at the beginning of FY08, to maintain current services at a projected rate of a little more than \$150,000 per year. Allocating \$150,000 to the Joint Community Library Project represents acceleration of the depletion of reserves by approximately one year.

RECOMMENDATION

The Library Board of Trustees and Staff recommend that Council approve the use of \$150,000 of Library reserves, and any other City funding available, for planning of the Joint Community Library Project with Montana State University – Billings and direct Staff to include authorization of this expenditure in the next regularly scheduled City budget amendment.

Approved By: City Administrator ____ City Attorney ____

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

H

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Acceptance and Recognition of Donation to the Billings Animal Shelter
DEPARTMENT: Police Department, Animal Shelter Division
PRESENTED BY: Rich St. John, Chief of Police

PROBLEM/ISSUE STATEMENT: November 13, 2006 the Billings Animal Shelter received a donation from Ira & Carolyn Robison in the amount of \$720.00. When contacted, Mr. Robison stated that he would like the donation to be used for such things as food or supplies. We are requesting City Council to authorize acceptance of this donation.

ALTERNATIVES ANALYZED:

- Approval and acceptance of the donation.
- Denial and return of the donation.

FINANCIAL IMPACT: The donation has been deposited to Fund 716, which is the general donation account for the Animal Shelter, and will be used where needed to benefit our community's animals.

RECOMMENDATION

Staff recommends City Council approval and acceptance of this generous donation to the Billings Animal Shelter General Donation Account in the amount of \$720.

Approved By: City Administrator ____ City Attorney ____

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Magic City Blues Festival Street Closure request

DEPARTMENT: Parks, Recreation and Public Lands

PRESENTED BY: Mike Whitaker, Parks, Recreation and Public Lands Director

PROBLEM/ISSUE STATEMENT: Tim Goodridge of the Magic City Blues Festival requests the closure of Montana Avenue between the 2300 and 2500 blocks from 9:00 am on Friday, August 10, 2007, until noon on Sunday, August 12, 2007, for the annual Magic City Blues Festival. Please see enclosed map of event layout and letters of support from Montana Avenue business owners.

Recommended conditions of approval include Magic City Blues Festival:

1. Contact all businesses and make them aware of the event
2. Clean the area to be used following the event and provide and empty waste cans
3. Notify all emergency facilities, bus lines and media at least two weeks in advance of the event
4. Provide a certificate of insurance with required liability amounts naming City of Billings as additional insured (will be obtained at least one month prior to event)
5. Obtain the proper permit for alcohol consumption in the public right of way from the Billings Police Department
6. Provide security for the event
7. Provide and install adequate traffic barricades and signs directing motorists around closure

ALTERNATIVES ANALYZED:

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

FINANCIAL IMPACT: There are no costs to the City of Billings other than administrative time to process permit. Traffic control and litter removal are to be paid for by the event sponsors. However, the sponsors have agreed in advance to provide adequate insurance, a refundable cleanup deposit and a \$150 administrative fee, if they are recommended to do so by the ad-hoc committee planned to look at event permits.

RECOMMENDATION

Staff recommends that Council approve the closures named above for the annual Magic City Blues Festival.

Approved By: City Administrator City Attorney

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

J

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: Preliminary Plat of Amended Lot 12 and 13, Block 1, Broso Valley Park Subdivision

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

PRESENTED BY: David Green, Planner I

PROBLEM/ISSUE STATEMENT: On November 1, 2006, Brandon-Legg Development Corporation applied for preliminary subsequent minor plat approval for Amended Lots 12 and 13, Block 1, Broso Valley Park Subdivision, which contains four (4) lots on approximately 289,238 square feet (6.64 acres) of land for commercial development. The proposed subdivision is located southeast of Gabel Road and southwest of Broso Park Drive. The owner is Brandon-Legg Development Corporation and representing agent is Engineering Incorporated.

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.

FINANCIAL IMPACT: Should the City Council approve the preliminary plat, the subject property may further develop under private ownership, resulting in additional tax revenues.

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Amended Lots 12 and 13, Block 1, Broso Valley Park Subdivision and adoption of the Findings of Fact as presented in the staff report to the City Council.

Approved by: City Administrator _____ City Attorney _____

ATTACHMENTS

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

INTRODUCTION

On November 1, 2006, Brandon-Legg Development Corporation applied for preliminary plat approval for a subsequent minor subdivision of Amended Lots 12 and 13, Block 1, Broso Valley Park Subdivision. The subject property contains 289,238 square feet (6.64 acres) of land for commercial development. The subject property is currently vacant land and is zoned Controlled Industrial.

PROCEDURAL HISTORY

- The final plat for Broso Valley Parks' Subdivision was approved on April 14, 2003.
- The preliminary plat application was submitted to the Planning Department on November 1, 2006.
- The City Council will consider the preliminary plat application on December 11, 2006.

BACKGROUND

General location:

The proposed subdivision is located southeast of Gabel Road and southwest of Broso Park Drive

Legal Description:

Lot 12 and 13, Block 1, Broso Valley Park Subdivision

Subdivider:

Brandon-Legg Development Corporation

Owner:

Same

Engineer and Surveyor:

Engineering, Inc.

Existing Zoning:

Controlled Industrial

Existing land use:

Vacant Land

Proposed land use:

Commercial Development

Gross area:

6.64 acres

Net area:

6.64 acres

Proposed number of lots:

4

Lot size:

Max: 78,408 square feet (1.80 acres)
Min.: 59,677 square feet (1.38 acres)

Parkland requirements:

A parkland dedication is not required, as this is a subsequent minor subdivision and it is commercial.

ALTERNATIVES ANALYSIS

One of the purposes of the City's subdivision review process is to identify potential negative effects of property subdivision. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various City departments have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss the potential negative impacts of the subdivision and the following conditions of approval are recommended as measures to further mitigate any impacts.

RECOMMENDED CONDITIONS OF APPROVAL

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 ensure legal and physical access, a reciprocal access easement agreement shall be provided with the final plat for the private internal streets and reference to this document shall be included in the SIA. *(Recommended by the Planning Division)*
2. To ensure there are no duplications on street names, the private internal street currently called Bighorn Drive on the plat will be renamed so it is not a duplicate name in Yellowstone County. The new name shall be approved by the Fire Department. *(Recommended by the Fire Department and the County GIS Department)*
3. The final plat shall show an easement for the water line that goes to the 'Welcome to Billings' sign that currently exists on the property northeast of Zoo Drive. *(Recommended by the Public Utilities Division)*
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

None

STAKEHOLDERS

A public hearing is not scheduled for the City Council meeting; however nearby property/business owners may attend the City Council meeting. The Planning Department has received no public comments or questions regarding the proposed subdivision.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the Growth Policy, the 2005 Transportation Plan Update, and Heritage Trail Plan are discussed within the Findings of Fact.

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Amended Lots 12 and 13, Block 1, Broso Valley Park Subdivision and adoption of the Findings of Fact as presented in the staff report to the City Council.

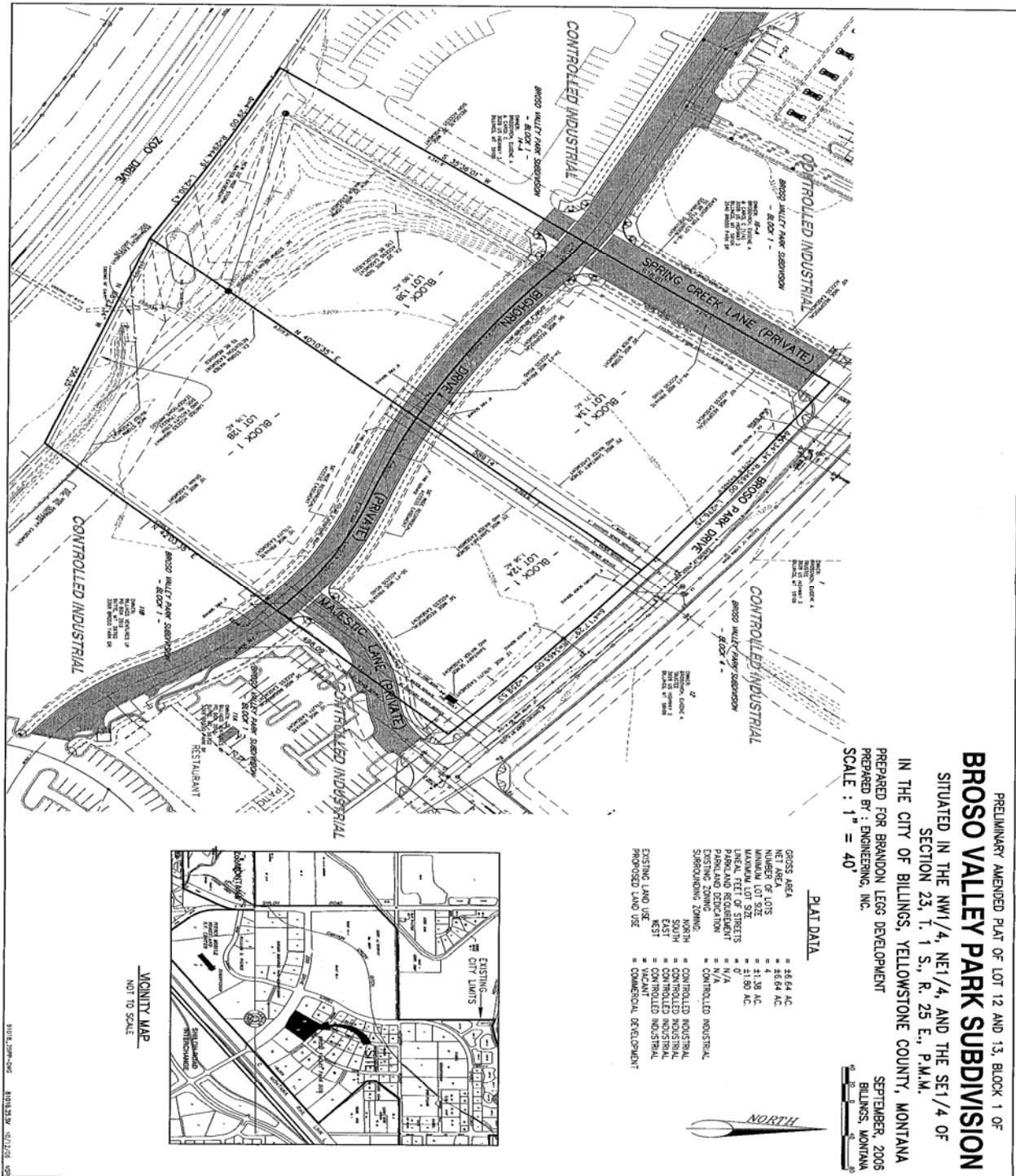
ATTACHMENTS

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

ATTACHMENT A

Preliminary Plat of Amended Lots 12 and 13, Block 1, Broso Valley Park Subdivision

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ATTACHMENT B
Site Photographs



Figure 1: View south across the property from Broso Park Drive toward the subject property.



Figure 2: View west across Broso Park Drive across subject property



Figure 3: View east of the subject property along Broso Park Drive.



Figure 4: View north west from the subject property across Broso Park Drive.

ATTACHMENT C

Findings of Fact

Staff is forwarding the recommended Findings of Fact for Amended Lots 12 and 13, Block 1, Broso Valley Park Subdivision for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations (Sections 23-304(c), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [MCA 76-3-608 (3) (a) and (23-302(H)(2), BMCC)]

1. Effect on agriculture and agricultural water user facilities

There are no agricultural uses on this land or surrounding land, therefore there are no anticipated effects on agricultural or agricultural water user facilities.

2. Effect on local services

- a. **Utilities** – There is an existing 12 inch water line and an existing 8 inch sanitary sewer line located within Broso Park Drive. Condition #3 requires a utility easement shall be shown on the final plat for a water line that goes to the existing ‘Welcome to Billings’ sign.
- b. **Storm water** – As specified in the submitted Subdivision Improvements Agreement (SIA), storm drainage shall be provided by a combination of surface drainage and curb and gutters. Storm water detention shall be retained on site for each specific lot. All drainage improvements, including the sizing of the surface or underground storage, will be subject to review and approval by the city engineering department and in conformance with the *Storm water Management Manual* and Section 23-706, BMCC.
- 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 proposed Lot 12A, 12B, 13A and 13B, Block 1, will be via Broso Park Drive and Majestic Lane, which are existing 70-foot rights-of-way constructed to city standards. Internal private streets, Bighorn Drive and Spring Creek Lane, will serve individual lots. Both private streets are a 56 feet wide and will be built to city standards. A reciprocal access easement will provide shared internal access. Condition #1 requires the easement document be provided with the final plat to ensure legal and physical access to all lots.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 604 South 24th Street (Station #5). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** - There are no effect on schools, as this is a commercial subdivision.

g. **Parks and Recreation** - There is no parkland dedication requirement, as this is a commercial subdivision.

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment, as there will be short term air and noise pollution associated with construction on the property. However, the property is within an urbanized portion of the city and these effects should be minimal.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and 23-901, BMCC)]

An Environmental Assessment is not required, as this is a subsequent minor plat.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2003 Growth Policy, the Urban Area 2000 Transportation Plan and the Heritage Trail Plan? (23-301, BMCC)

1. Yellowstone County-City of Billings 2003 Growth Policy

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

- a. Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, Page 6)

The proposed subdivision is consistent with the surrounding neighborhood, as it is a commercial subdivision.

- b. 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 will be surrounded on all sides by commercial used within the Controlled Industrial zoning district; the proposed commercial uses are compatible.

- c. Entryways to our communities should be attractive and not present physical barriers discouraging economic growth. (Land Use Element Goal, Page 7)

The subdivision is along the Shiloh Corridor Overlay District and will be an attractive entrance to the community and encourage economic growth it is easily accessed from the interstate.

2. Urban Area 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 Heritage Trail Master Plan does not depict any corridors on this property.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and (23-301, 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.

E. Does the subdivision conform to sanitary requirements? [(23-408, BMCC)]

The property is served by municipal water, sewer, and solid waste services.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [(23-402, BMCC)]

The subject property is located within Controlled Industrial zoning district and shall comply with the standards set forth in Section 27-309, BMCC and Section 27-1431 through 1453 Shiloh Corridor Overlay District.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and (23-410(A)(1), BMCC)]

There are proposed utility easements located along the property line between proposed lot 13A and 12A with additional easements on both sides of Bighorn Drive, which are acceptable to the city.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and (23-406, BMCC)]

Access to the proposed lots will be via Bighorn Drive and Spring Creek Lane, both internal private roads, from Broso Valley Drive, a city right-of-way.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended lots 12 and 13, Block 1, Broso Valley 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 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, December 11, 2006

Ron Tussing, Mayor

ATTACHMENT D
Mayor's Approval Letter

December 11, 2006

City of Billings
Engineering Department
510 North Broadway, 4th Floor
Billings, Montana 59101

Dear Applicant:

On December 11, 2006, the Billings City Council conditionally approved the preliminary plat of Amended lots 12 and 13, Block 1, Broso Valley Park, subject to the following conditions of approval:

1. To ensure legal and physical access, a reciprocal access easement agreement shall be provided with the final plat for the private internal streets and reference to this document shall be included in the SIA. *(Recommended by the Planning Division)*
2. To ensure there are no duplications on street names, the private internal street currently called Bighorn Drive on the plat will be renamed so it is not a duplicate name in Yellowstone County. The new name shall be approved by the Fire Department. *(Recommended by the Fire Department and the County GIS Department)*
3. The final plat shall show an easement for the water line that goes to the 'Welcome to Billings' sign that currently exists on the property northeast of Zoo Drive. *(Recommended by the Public Utilities Division)*
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green with the Planning Division at 247-8654 or by email at greend@ci.billings.mt.us.

Sincerely,

Ron Tussing, Mayor

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K

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: Final Plat of E. D. King Subdivision

DEPARTMENT: Planning and Community Services

PRESENTED BY: David Green, Planner I

PROBLEM/ISSUE STATEMENT: The final plat of E. D. King Subdivision is being presented to the City Council for approval. On October 10, 2006, the City Council conditionally approved the 3-lot preliminary minor plat on approximately 172,918 square feet (3.97 acres) for commercial development. The subject property is zoned Community Commercial and is located on the northeast corner of Grand Avenue and Zimmerman Trail. Latigo Development LLC, owner and the representing 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 E. D. King Subdivision.

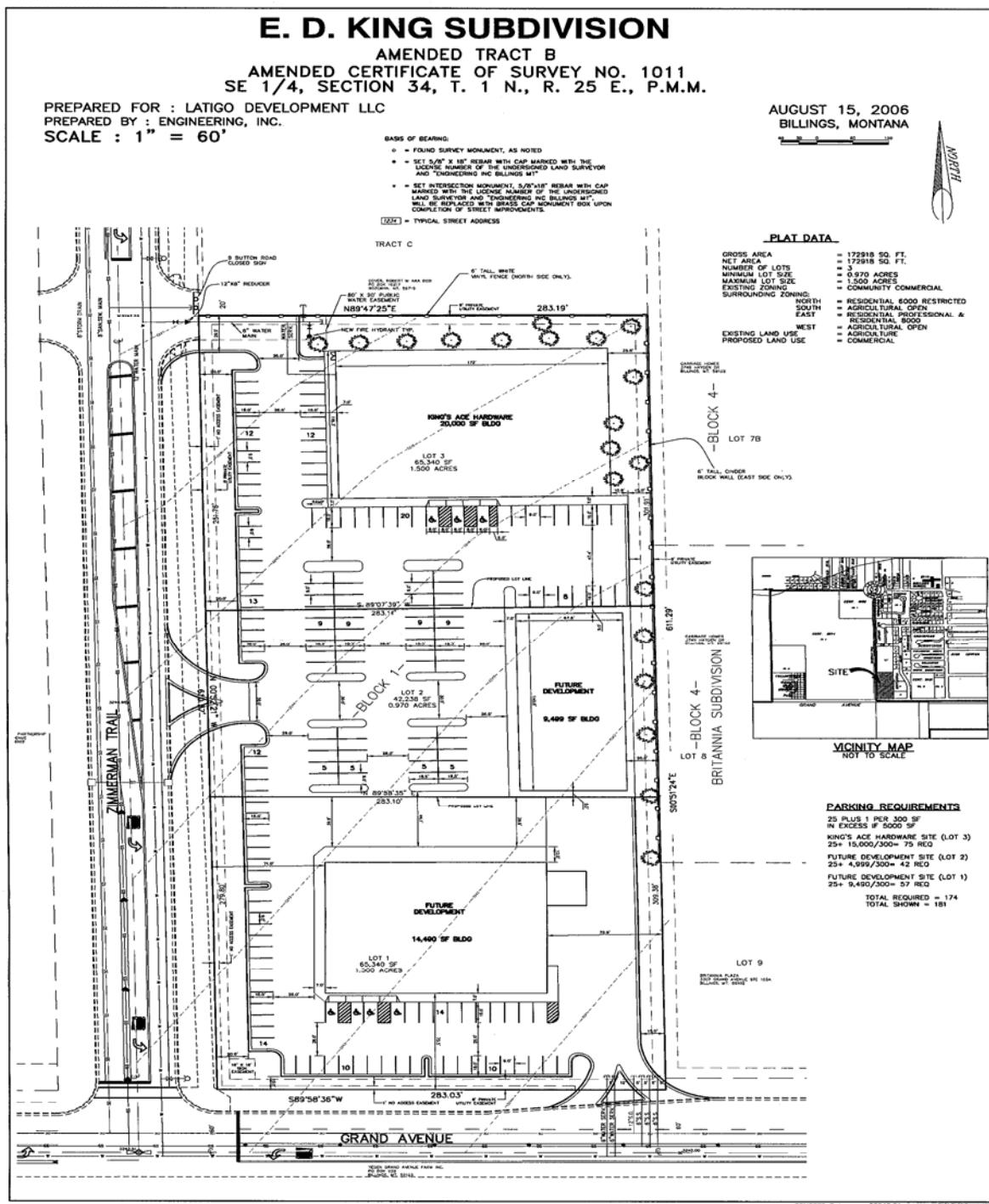
Approved By: City Administrator _____ City Attorney _____

ATTACHMENT

A: Final Plat

ATTACHMENT A

Final Plat



L1

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM

CITY OF BILLINGS, MONTANA

Monday, December 11, 2006

TITLE: Payment of Claims

DEPARTMENT: Administration – Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Claims in the amount of \$980,761.26 have been audited and are presented for your approval for payment. A complete listing of the claims dated November 9, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator City Attorney

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L2

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: Payment of Claims

DEPARTMENT: Administration – Finance Division

PRESENTED BY: Patrick M. Weber, Financial Services Manager

PROBLEM/ISSUE STATEMENT: Claims in the amount of \$744,747.31 have been audited and are presented for your approval for payment. A complete listing of the claims dated November 17, 2006, is on file in the Finance Department.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

Approved By: City Administrator City Attorney

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AGENDA ITEM:

CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: Public Hearing and Resolution for Annexation #06-15

DEPARTMENT: Planning and Community Services Department

PRESENTED BY: Aura Lindstrand, Planner II

PROBLEM/ISSUE STATEMENT: Owners and petitioners, Rod Wilson and Judith Deines, are requesting annexation of an approximate 39.65 acre property legally described as Tract 1-A of Amended Tracts 1 and 2 of Certificate of Survey 3279, located in the SW1/4, Section 32, Township 1N, Range 25E, into the City of Billings pursuant to Section 7-2-4600 of the Montana Code Annotated (MCA). The subject property is generally located east of the intersection of Grand Avenue and 54th Street West adjacent to Bishop Fox Subdivision. The petitioner is requesting annexation in order to obtain city water and sewer services for completion of a major subdivision including several possible zone changes on the property. The subject property is currently vacant agricultural land and is zoned Agricultural Suburban (AS).

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 Tract 1-A of Amended Tracts 1 and 2 of Certificate of Survey 3279, 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 a 39.65 acre parcel located on east of the intersection of Grand Avenue and 54th Street West adjacent to Bishop Fox Subdivision. The owner, Rod Wilson and Judith Deines, are requesting annexation to obtain city services for completion of a major subdivision including several possible zone changes on the property. The subject property is currently agricultural land zoned Agricultural Suburban. The 1-acre tract located on the southeast portion of the property was created by an agricultural exemption in October 2006, and contains a single-family residence to remain in the county. It 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 October 25, 2006, the Annexation Petition was submitted to the Planning Department.
- On November 27, 2006, the City Council acknowledged the annexation petition and set a public hearing date for December 11, 2006.
- On December 5, 2006, the City Zoning Commission will conduct a public hearing for several zone changes on the subject property including Residential Multi-Family Restricted (RMF-R), Residential 5000 (R-50), and Residential 7000 (R-70).
- On December 11, 2006, the City Council will conduct the public hearing and potentially adopt a resolution annexing the subject property.
- On December 12, 2006, the Planning Board will conduct a plat review for Grand Peaks Subdivision, a major preliminary plat located on the subject property.
- On December 18, 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 January 8, 2006, if the expansion of the ward boundary is approved, the City Council will conduct the second and final reading for ward boundary expansion and the Council will conduct a public hearing on the proposed zone change.
- On January 9, 2006, the Planning Board will conduct a public hearing on the proposed major subdivision.
- On January 22, 2006, if the zone change is approved, the City Council will approve the 2nd reading of the zone change. The preliminary plat will either be approved, conditionally approved, or denied by the City Council at this meeting.

BACKGROUND

The subject property is surrounded on two (2) sides by 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 and updated in 2006.

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 10 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 main lines within Grand Avenue and 54th Street West.
- **Sewer:** Sanitary sewer will be connected to the existing main line within Grand Avenue.
- **Stormwater:** A stormwater 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:** The subject property will be accessed from internal streets off of Grand Avenue and 54th Street West. These streets will be constructed to city standards and are being reviewed with the subdivision. A Traffic Accessibility Study (TAS) was submitted with the subdivision application and states that the proposed subdivision will create approximately 3,559 trips per day. The applicant will be required to provide a monetary

contribution for the future improvements to the intersection of Grand Avenue and 54th Street West and potentially the intersection of Rimrock Road and 54th Street West.

- **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 S 24th Street West (Station #5). The proposed fire station on 54th Street West is to be located directly adjacent to the west of the subject property on Lot 2, Bishop Fox Subdivision.
- **Parks:** The proposed Cottonwood Park is to be located northwest across 54th Street West from the subject property. The applicant is not proposing any onsite parkland within the subdivision, however will be required to pay a cash-in-lieu for the parkland requirement.
- **Bicycle and pedestrian facilities:** The property lies within the jurisdiction of the Heritage Trail Plan, however no corridors have been identified on the subject property. With the subdivision, the applicant has provided two trail easements along the western portion of the property connecting to the commercial and residential properties within Bishop Fox Subdivision.

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 had no objection with the annexation request.
- **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 November 22, 2006, and published in the Billings Times on November 16, 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*:

- 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).

RECOMMENDATION

Staff recommends that the City Council approve the Resolution of Annexation for Tract 1-A of Amended Tracts 1 and 2 of Certificate of Survey 3279, 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:

Territory situated in the SW1/4 of Section 32, T.1N, R.25E, P.M.M. and the NW1/4 of Section 4, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract 1-A of Amended Tracts 1 & 2 of Certificate of Survey 3279, Recorded November 22, 2006, Under Document No. 3401372, Records of Yellowstone County, Montana; including all adjacent right-of-way of Grand Avenue.

Containing 39.649 gross and 39.546 net acres.

(# 06-15 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 11th day of December, 2006.

THE CITY OF BILLINGS:

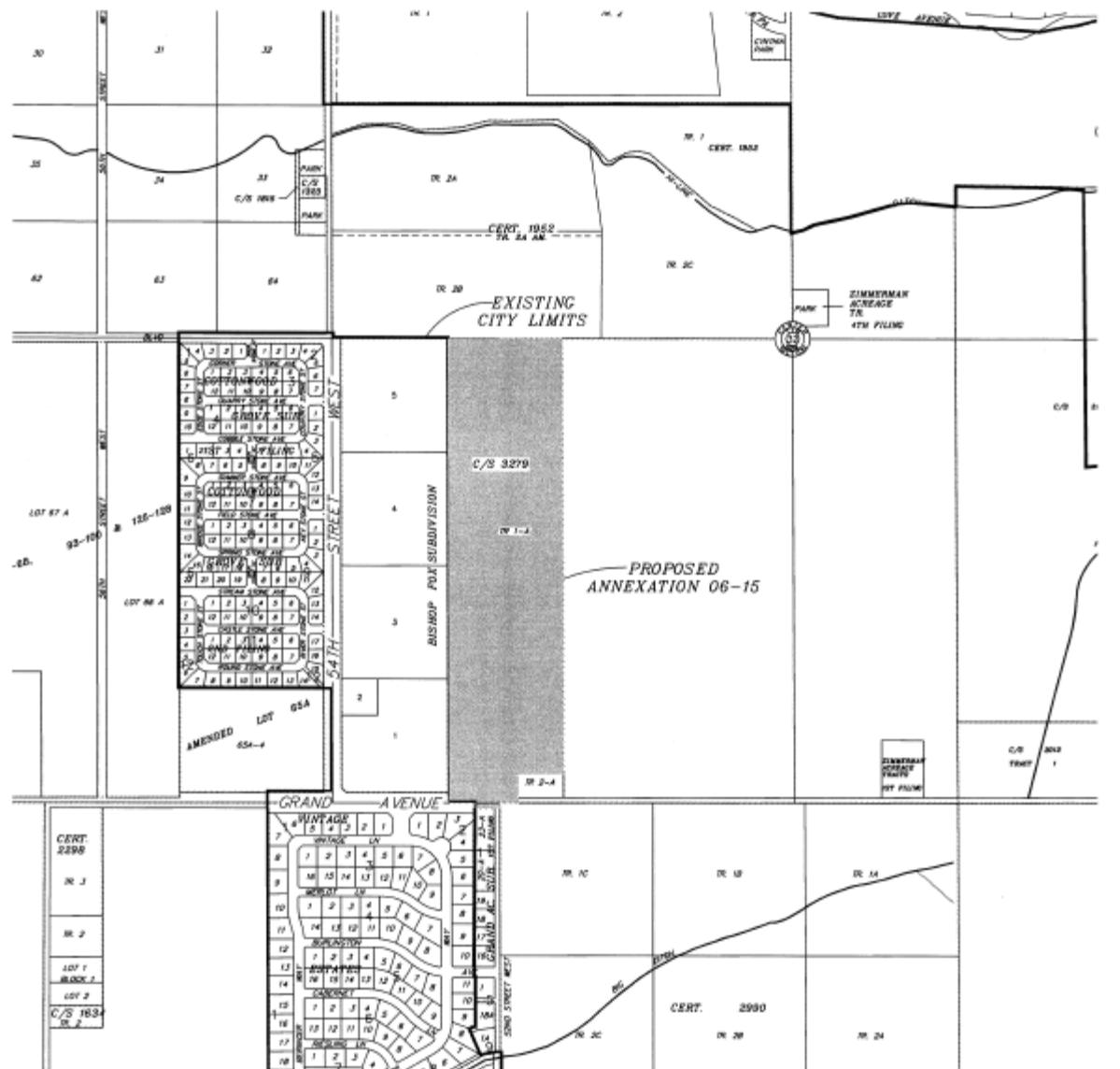
BY: _____
Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, MMC CITY CLERK

(AN 06-15)

EXHIBIT A



(Back to Regular Agenda)

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: Proposed Amendments to City Code Section 13-502 Concerning Limited Delegation of Contract Signing Authority to City Administrator

DEPARTMENT: City Administrator and City Attorney

PRESENTED BY: Tina Volek, City Administrator, Brent Brooks, City Attorney, Assistant City Attorney, Bonnie J. Sutherland

PROBLEM/ISSUE STATEMENT:

Recent large construction projects involving the water treatment facility filter building and the Park II Expansion have required numerous change orders which have exceeded the City Administrator's authority to execute. These change orders therefore require Mayor and City Council approval on a Regular Agenda. As part of investigating a solution to frequent, large amount change orders on substantial City projects, the City Administrator and City Attorney's Office have proposed an amendment to City ordinance Section 13-502 which will give the Mayor and City Council greater flexibility in approving change orders. The proposed amendments allow the Mayor and Council to delegate contract execution to the City Administrator by Resolution, especially for specific projects. This new language is found in Section 13-502(b)(3) as indicated by underlines.

FINANCIAL IMPACT:

There is no financial impact to the City if the proposed amendments are adopted by the Mayor and City Council.

RECOMMENDATION

Staff recommends that Council approve and adopt the proposed amendments upon first reading allowing greater flexibility in addressing significant and time sensitive change orders.

Approved By: City Administrator ____ City Attorney ____

ATTACHMENTS

A. Draft Amendments to Section 13-502 of the Billings City Code

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 13-502; DELEGATING TO THE CITY ADMINISTRATOR OR DESIGNEE THE AUTHORITY TO EXECUTE CERTAIN CONTRACT AMENDMENTS OR CHANGE ORDERS AND AMENDING ORDINANCE 02-5219.

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

Section 1. That Section 13-502 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 13-502. Execution of contract.

- (a) Within ten (10) working days after the acceptance of a bid, the bidder and the city shall make, execute and deliver to each other in duplicate a contract in accordance with the bid; provided, that the parties to the contract may extend the period for execution.
- (b) The city administrator; or his/her designee is authorized to execute amendments or change orders to all contracts; executed by the mayor if the changes are:
 - (1) Within the scope of the project or purchase, provided ~~however~~ that increases in the scope of street improvement projects to add improvements requested and paid for by adjacent property owners are permissible; and
 - (2) Executed in writing; and
 - (3) Any increase in contract amount does not exceed: (a) ten (10) percent of the contract price; or ~~one hundred thousand dollars (\$100,000.00), or~~ the budgeted contingency, whichever is less; or (b) the amount set by Council resolution for a specific project.
- (c) ~~The total amount of all change orders or amendments on any given project will be cumulatively combined and when any single amendment or change order exceeds the limit under subsection (b) of this section the proposed change must be presented to the city council for approval. However, where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city council may,~~

~~upon recommendation of the city administrator, extend the aggregate limits of subsection (1)(b) of this section upon initial award and approval of the particular contract.”~~

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this _____ day of _____, 2006.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2007.

CITY OF BILLINGS

By _____
Ron Tussing, Mayor

ATTEST:

By _____
Marita Herold, MMC City Clerk

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

AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday December 11, 2006

TITLE: Fair Housing Action Plan FY 06 - 07

DEPARTMENT: Planning and Community Services

PRESENTED BY: Brenda Beckett, Community Development Manager

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

Action is needed on the Fair Housing Action Plan for the current year (Attachment A). Also included for review is the Fair Housing Annual Performance Report (Attachment B) for FY 2005 - 2006. This report details progress this past year in addressing the goals and objectives included in the Fair Housing Work Plan.

FINANCIAL IMPACT: The City of Billings has made funding available through a competitive allocation process for fair housing activities to meet the objectives outlined in the Fair Housing Action Plan. In 2006, the City was awarded \$92,879 from HUD, through the Fair Housing Initiatives Program. This funding was distributed among the City and three partners. Funds were used for innovative activities to further fair housing education and outreach.

RECOMMENDATION

The Community Development Board and Staff recommend Council approve the FY 06 - 07 Fair Housing Action Plan.

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

ATTACHMENTS

A - Fair Housing Action Plan FY 06-07

B - Fair Housing Annual Performance Report 05-06

COMMUNITY DEVELOPMENT DIVISION
FAIR HOUSING ACTION PLAN
FY 2006-2007

Strategy One: Promote the development of an integrated, comprehensive strategic plan to guide fair housing education, outreach, and enforcement.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Work to encourage fair housing stakeholders / organizations to adopt a comprehensive strategic plan.	<p>Support the adoption of a comprehensive strategic plan by key stakeholders.</p> <p>Facilitate the development and adoption of preliminary action plans for organizations represented on the Community Housing Resource Board (CHRB) by June 2006 in order to prepare reporting for the FY05 -06 Performance Report.</p>	Community Development (CD) Staff CHRB
B. Support CHRB's planning efforts to: <ol style="list-style-type: none"> 1. Determine funding needs and potential resources. 2. Prioritize activities based on funding availability. 3. Increase membership & work towards enhancing communication with community groups. 	<p>Investigate / Seek stable funding sources including FHIP funding, in-kind assistance, and local foundations.</p> <p>Develop strategy for applying for and administering FHIP grant during the next SuperNOFA cycle.</p> <p>Increase in-kind activities.</p> <p>Send yearly letter to all neighborhood task forces offering Fair Housing presentations.</p> <p>Work towards enhancing communication with community groups and increasing board membership where practical and appropriate:</p> <ul style="list-style-type: none"> • Montana Banking Association • Home Builders Association • Chamber of Commerce • Mortgage Insurers • Easter Seals • Fannie Mae • Architect's Association 	CD Staff / CHRB CD Staff / CHRB CHRB CHRB

C. Enhance relationship with MT Fair Housing	CD Staff will collect complaint data from MT Fair Housing on a routine basis, and will forward Fair Housing Annual Performance Report and Action Plan.	CD Staff / MT Fair Housing

Strategy Two: Ensure the community's fair housing efforts are documented through the institution of data tracking systems.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Operate a data tracking system.	Archive phone calls, referrals, type of calls, organizational presentations, number of constituents reached, media outreach, workshop attendance and materials distributed. This information will be provided by CHRB to the CHRB, Community Development, and City Council on an annual basis.	CHRB
B. Report annual fair housing activities to key stakeholders.	Develop annual report including information provided by the CHRB.	CHRB / CD Staff
C. Develop a plan to establish a point of contact for fair housing issues and referrals.	Research electronic / such as voice mail, email, etc. to be considered as part of FHIP grant application.	CHRB / CD Staff

Strategy Three: Promote fair housing education and training activities citywide.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Provide funding and support to promote education and training activities including: 1. Training activities for housing providers.	Provide a Fair Housing Act workshop for FHIP grant partners	CD Staff

<p>2. Training activities for community development organizations.</p>	<p>Conduct fair housing workshops, including to Montana Migrant & Seasonal Farmworker's Council, Tumbleweed and the Indian Health Board</p>	<p>CHRB</p>
	<p>Develop fair housing materials to include an overview of the Fair Housing Act and contact information to file a complaint Develop a newsletter focusing on the Fair Housing Act Develop Fair Housing curriculum for dissemination at Volunteer Appreciation Event Provide a Fair Housing Act workshop focusing on disabilities, for Service Providers</p>	<p>IHN / YCCOA IHN IHN CD Staff</p>
	<p>Develop & distribute a culturally sensitive Fair Housing brochure Develop and include Fair Housing & Predatory lending curriculum to Financial Fitness class Develop & distribute a Spanish/English Fair Housing brochure targeted toward disabled, senior citizens & Hispanics Include articles in the Resource Center's monthly newsletter Conduct a Fair Housing Legal clinic</p>	<p>BPAIH homeWORD YCCOA YCCOA YCCOA</p>
<p>3. Conduct training programs to address impediments for historically underserved populations.</p>	<p>Develop Fair Housing materials to be included in agency Intake packet Utilize HRDC's current outreach activities to increase the awareness of fair housing & landlord/tenant issues</p>	<p>HRDC HRDC</p>

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

Goals / Objectives	Activities	Parties Responsible
<p>A. Provide funding and support to promote outreach and public relations activities, including:</p>	<p>Update website as needed; periodic Billings Outpost column; continue "Did You Know" columns in Gazette.</p>	
<p>1. Improve / increase fair housing outreach and public relations efforts.</p>	<p>Develop & distribute Fair Housing Act and Fair Housing & Disability brochures in audio, English & Spanish format Develop & distribute Spanish & bilingual brochure regarding tenant rights & responsibilities</p>	<p>CHRB</p>

	Review Fair Housing Partnership with new City Council members.	
2. Increase awareness of CHRB's services and activities.	Conduct outreach to Community Events including MSU-B Pow-Wow, Rocky Mountain Pow-Wow and American Indian Heritage Day	BPAIH
3. Undertake outreach efforts to small landlords and provide targeted training biannually.	Create and launch a fair housing website with a counter Develop marketing and public image campaign for CHRB during Fair Housing Month.	CHRB
	Work with MT Landlord Association and property management firms to determine the educational needs of small / new landlords and implement training.	CHRB

Strategy Five: Promote affordable housing and economic opportunities for low / moderate income persons and protected classes such as minorities and the disabled.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Implement the goals and objectives outlined in the City of Billings five year housing and community development Consolidated Plan, including:	Continue to update, produce and distribute the Community Guide to Fair and Affordable Housing.	CHRB
1. Increase the number of affordable single family and multi-family units. 2. Support goals of the Billings Partners for American Indian Homeownership (BPAIHO). 3. Coordinate the fair housing efforts among the various housing groups in the community.	Continue to provide HOME and CDBG funds for affordable housing projects. Investigate additional funding sources / options for new housing projects. Increase collaboration between BPAIHO and CHRB - develop strategies to promote and more aggressively find areas for educational opportunities. Invite BPAIHO member to serve on CHRB Board. Convene a minimum of one meeting per quarter with all FHIP partners to review grant objectives & grant progress	CD Staff CD Staff CHRB / CD Staff CD Staff

COMMUNITY DEVELOPMENT DIVISION
ANNUAL PERFORMANCE REPORT
FY 2005-2006

Strategy One: Promote the development of an integrated, comprehensive strategic plan to guide fair housing education, outreach, and enforcement.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Work to encourage fair housing stakeholders / organizations to adopt a comprehensive strategic plan.	<p>Support the adoption of a comprehensive strategic plan by key stakeholders.</p> <p>Facilitate the development and adoption of preliminary action plans for organizations represented on the Community Housing Resource Board (CHRB) by June 2006 in order to prepare reporting for the FY05 -06 Performance Report.</p>	Community Development (CD) Staff CHRB
B. Support CHRB's planning efforts to: <ol style="list-style-type: none"> 1. Determine funding needs and potential resources. 2. Prioritize activities based on funding availability. 3. Increase membership & work towards enhancing communication with community groups. 	<p>Investigate / Seek stable funding sources including FHIP funding, in-kind assistance, and local foundations.</p> <p>Develop strategy for applying for and administering FHIP grant during the next SuperNOFA cycle.</p> <p>Increase in-kind activities.</p> <p>Send yearly letter to all neighborhood task forces offering Fair Housing presentations.</p> <p>Work towards enhancing communication with community groups and increasing board membership where practical and appropriate:</p> <ul style="list-style-type: none"> • Montana Banking Association • Home Builders Association • Chamber of Commerce • Mortgage Insurers • Job Service • Fannie Mae • Architect's Association 	CD Staff / CHRB CD Staff / CHRB CHRB CHRB

C. Enhance relationship with MT Fair Housing	CD Staff will collect complaint data from MT Fair Housing on a routine basis, and will forward Fair Housing Annual Performance Report and Action Plan.	CD Staff / MT Fair Housing
<i>Work Completed from July 1, 2005 through June 30, 2006</i>		
<p>A: CHRB has continued to hold meetings with the CHRB board members in order to develop preliminary fair housing action plans. One hundred percent of the CHRB membership has approved and adopted plans.</p> <p>B1: The Community Development office coordinated a successful FHIP application to HUD and was awarded \$92,000. CHRB participated in planning meetings along with other groups in order to prepare the FHIP grant. This application represents a coordinated effort between the City of Billings, CHRB, the Billings Partners for American Indian Homeownership, and the Interfaith Hospitality Network of Yellowstone County. CHRB has enhanced their in kind and pro bono assistance, as well as initiated contacts with a diverse funding core of local financial resources.</p> <p>B2: Specifically funded activities include board members and Project Director donated time. Billings Gazette “Did You Know” series along with workshop advertising and special events and US Bank funding of Community Guide preparation. Task force letters sent and Project Director and board members met with Descro, Southside, Heights, North Elevation, Southwest corridor and North Park Task Forces.</p> <p>B3: The seven neighborhood task forces have agreed to include the fair housing logo and CHRB phone number in their monthly newsletters. CHRB membership remains constant with 24 member organizations. Montana Banking Association is now a CHRB member and cooperative discussions have been held with Countrywide and Wells Fargo. Additionally, CHRB has met numerous times with the Home Builders Association and the Architects Association.</p> <p>C: This report will be the forth annual report submitted to MT Fair Housing. Community Development partnered with Montana Fair Housing to conduct a workshop focusing on Fair Housing in April. Community Development has obtained Montana Fair Housing data from July 2005 through June 2006 on discriminatory complaints. The CHRB has made a concerted effort to include Montana Fair Housing in board meetings, joint workshops, and housing complaint referrals.</p>		

Strategy Two: Ensure the community's fair housing efforts are documented through the institution of data tracking systems.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Operate a data tracking system.	Archive phone calls, referrals, type of calls, organizational presentations, number of constituents reached, media outreach, workshop attendance and materials distributed. This information will be provided by CHRB to the CHRB, Community Development, and City Council on an annual basis.	CHRB
B. Report annual fair housing activities to key stakeholders.	Develop annual report including information provided by the CHRB.	CHRB / CD Staff
C. Develop a plan to establish a point of contact for fair housing issues and referrals.	Research electronic / such as voice mail, email, etc. to be considered as part of FHIP grant application.	CHRB / CD Staff

Work Completed from July 1, 2005 through June 30, 2006

- A. The CHRB logged over 250 phone calls on the information line from July 31, 2005 to January 1, 2006. Approximately 60% of those were landlord tenant "concerns" and were referred to the appropriate agency. The Fair Housing Referral Hotline was transferred to the Community Development office January of 2006 at the inception of the FHIP grant. A total of 208 phone calls have been received from Jan. through June, 2006. CHRB has conducted 28 Fair Housing In-service trainings to a total of 637 people.
- B. This report constitutes the annual report.
- C. The Fair Housing Hotline is in place and operational at the City offices, as noted above. The transfer took place to ensure accessibility.

Strategy Three: Promote fair housing education and training activities citywide.		
<i>Goals / Objectives</i>	<i>Activities</i>	<i>Parties Responsible</i>
A. Provide funding and support to CHRB to promote education and training activities including:		
1. Training activities for housing providers.	Conduct 28-30 trainings to a variety of organizations (per year).	CHRB
2. Training activities for community development organizations.	Conduct training for Chamber of Commerce.	CHRB
3. Conduct training programs to address	Hold annual disabilities conference.	CHRB

impediments for historically underserved populations.	Investigate other opportunities for accessibility training (city building inspectors).	CHRB / CD Staff
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Work Completed from July 1, 2005 through June 30, 2006

A-1 The CHRB has conducted 28 Fair Housing In-service training to a total of 637 people.

A-2 The Chamber of Commerce has been approached by the CHRB for education information.

A-3 The CHRB did not sponsor a disabilities conference during this time frame, however, work began on Emerging Markets III.

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

Goals / Objectives	Activities	Parties Responsible
<p>A. Provide funding and support to CHRB to promote outreach and public relations activities, including:</p> <ol style="list-style-type: none"> 1. Improve / increase fair housing outreach and public relations efforts. 2. Increase awareness of CHRB's services and activities. 3. Undertake outreach efforts to small landlords and provide targeted training biannually. 	<p>Update website as needed; periodic Billings Outpost column; continue "Did You Know" columns in Gazette.</p> <p>Review Fair Housing Partnership with new City Council members.</p> <p>Develop marketing and public image campaign for CHRB during Fair Housing Month.</p> <p>Work with MT Landlord Association and property management firms to determine the educational needs of small / new landlords and implement training.</p>	<p>CHRB</p> <p>CHRB</p> <p>CHRB</p>

Work Completed from July 1, 2005 through June 30, 2006

A-1 This is been accomplished. "Did you Know" columns appear regularly in the Gazette.

A-2 CHRB has produced enhanced Public Service Announcements, a new banner and billboard design and provided new faces on TV programs through enlisting board members. An informational mailing through the Public Utilities bills was completed.

A-3 A workshop with the Montana Landlord Association was advertised and held in late March. The Housing Authority of Billings mailed informative flyers to all their landlords.

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

Goals / Objectives	Activities	Parties Responsible
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A. Implement the goals and objectives outlined in the City of Billings five year housing and community development Consolidated Plan, including:	Continue to update, produce and distribute the Community Guide to Fair and Affordable Housing. Investigate, initiate and facilitate PUD II, A Fair and Affordable Housing Primer to be delivered to 30,000+ households via a Utility Bill cycle.	
<ol style="list-style-type: none"> 1. Increase the number of affordable single family and multi-family units. 3. Support goals of the Billings Partners for American Indian Homeownership (BPAIHO). 3. Coordinate the fair housing efforts among the various housing groups in the community. 	<p>Continue to provide HOME and CDBG funds for affordable housing projects.</p> <p>Investigate additional funding sources / options for new housing projects.</p> <p>Increase collaboration between BPAIHO and CHRB - develop strategies to promote and more aggressively find areas for educational opportunities.</p> <p>Invite BPAIHO member to serve on CHRB Board.</p> <p>Establish a bi-annual meeting for staff from the various groups to discuss fair housing needs and issues.</p>	<p>CD Staff</p> <p>CD Staff</p> <p>CHRB / CD Staff</p> <p>CHRB / CD Staff</p>

Work Completed from July 1, 2005 through June 30, 2006

A-1 CDBG and HOME funds were allocated to the Affordable Housing Fund and two new projects were approved. Community Development Division is seeking approval from Wells Fargo for a new affordable housing program to assist low income homebuyers.

A-2 CD Staff provide support to the BPAIH and attend monthly meetings.

A-3 The FHIP quarterly meeting provides an opportunity for this discussion.

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AGENDA ITEM:



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, December 11, 2006

TITLE: Resolution Creating a Billings Events Ad-Hoc Committee

DEPARTMENT: Administration

Parks, Recreation and Public Lands

PRESENTED BY: Bruce McCandless, Deputy City Administrator

Mike Whitaker, PRPL Director

PROBLEM/ISSUE STATEMENT: The City Council will consider adopting a resolution that creates a Billings Events Ad-Hoc Committee. The committee's purpose is to review the City's event permitting and regulatory processes and make recommendations to the Council for any changes.

FINANCIAL IMPACT: The City does not charge for event permits but estimates that about \$10,000 per year in City staff and Downtown Billings Association (DBA) staff time are spent reviewing applications, helping coordinate and clean-up after events. The staff is unaware of any insurance claims made against the City due to an event mishap. Under its Montana Municipal Insurance Authority (MMIA) coverage, the City has a \$25,000 deductible, so any claims against the City could potentially put that amount of money at risk. Optional commercial liability insurance for events that protects the city and event sponsors will cost at least \$2,075 per year. The premium cost could be recovered by charging event sponsors for the coverage.

RECOMMENDATION

Staff recommends that Council approve the resolution that creates a Billings Events Ad-Hoc Committee.

Approved By: City Administrator City Attorney

ATTACHMENTS

A: Resolution

INTRODUCTION

The City Council will consider adopting a resolution that creates a Billings Events Ad-Hoc Committee. The committee's purpose is to review the City's event permitting and regulatory processes and make recommendations to the Council for any changes.

BACKGROUND

The City considers applications for about 60 events per year that use or occupy public property, usually street rights of way. This does not include events that occur in parks and which fall under a different code section and permit procedure. Many of the events occur downtown but some, such as foot or bicycle races, use City streets and rights of way. The City requires permit applications for these events and many departments review them for compliance with City Code and for safety. For the past few years, the DBA has assisted PRPL by coordinating application reviews and helping the event sponsors to organize and conduct downtown events. There is no charge for the permits. Staff estimates that it and DBA spend about \$10,000 per year in staff time to review, coordinate, monitor and clean up after the events.

DBA and City staff recently proposed changing the event application and permitting process. The proposal was to charge an application fee, charge a refundable clean-up deposit and solidify the liability insurance requirement. The staff also researched the availability of a commercial liability insurance policy that could be used by event sponsors as a last resort method of obtaining the required level of liability coverage. Staff met with several of the event sponsors to review the proposal and the sponsors voiced a number of concerns about the proposal. Staff decided to eliminate any specific proposals when it presented the issue to Council at its November 6th work session.

At the work session, staff reviewed the present status of the event application and permitting process and its shortcomings. Staff asked the Council to give it guidance on the following issues:

- Whether to charge a permit application fee and how much.
- Whether to charge a refundable clean-up deposit and how much.
- Whether to require liability insurance at the Montana governmental tort claim limit; \$750,000/claim and \$1,500,000/occurrence.
- Whether to allow event sponsors to access a last resort liability insurance policy that covers the City and the events.
- Whether to create an events ad-hoc committee that would study these issues and make recommendations to the Council.

The Council adopted an initiative at its November 13 regular meeting and directed staff to prepare the needed documentation to create a nine member ad-hoc study committee. The committee will be responsible for studying the four issues shown above plus whether the City should establish criteria that would control what groups and types of events can be scheduled for public rights of way. The committee may study other issues related to this topic.

STAKEHOLDERS

The stakeholders will be represented on the committee. The committee includes two Councilmembers and seven citizen members. The citizen members will apply through the usual board and commission application process and will probably come from the group of event sponsors that have already shown their interest in the topic. The committee will be assisted by DBA and City staff that is primarily responsible for reviewing and assisting events.

RECOMMENDATION

Staff recommends that Council approve the resolution that creates a Billings Events Ad-Hoc Committee.

ATTACHMENTS

A: Resolutions

ATTACHMENT A

RESOLUTION NO. 06-_____

A RESOLUTION OF THE BILLINGS MONTANA CITY COUNCIL CREATING AN EVENTS AD HOC COMMITTEE, ESTABLISHING THE COMMITTEE PURPOSE, THE SCOPE OF ITS RESPONSIBILITIES, ITS COMPOSITION AND ITS DURATION

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

Section 1. Creation: There is hereby created the Billings Events Ad Hoc Committee (the Committee).

Section 2. Purpose: The Committee’s purpose is to review the City’s event scheduling and permitting processes and to recommend needed changes to the City Council. The issues that the Committee will study include but are not limited to the following:

- Whether to establish an event permit fee and if so, the amount and method of assessment;
- Whether to establish a site clean-up deposit and if so, the amount and methods of assessment;
- Whether to require general liability insurance protection for the events, their sponsors and the City at the Montana governmental tort limit of \$750,000/claim and \$1,500,000/occurrence, but if not, the appropriate dollar amount of coverage;
- Whether to establish criteria that event sponsors must meet to be permitted to hold events on public property and if so, identify the criteria; and
- Whether the City of Billings should purchase a “last resort” events insurance policy that will provide general liability insurance protection for certain qualified events and the City and if so, whether to recover the cost of that insurance from event sponsors who choose to utilize the policy.

Section 3. Scope of Responsibilities: The Committee will advise the City Council. It may not commit the City or expend funds.

Section 4. Composition: The Committee is composed of nine (9) members; two (2) City Council members and seven (7) citizens that represent events or cooperating agencies. City staff members from Parks and Recreation, Engineering and City Administration may be ex-officio members of the Committee and may advise and assist the Committee with its task. The City Council members are Vince Ruegamer and Chris “Shoots” Veis. The citizen members will be solicited through the City’s customary board and commission membership application process and the applicant names will be submitted to the City Council for appointment.

Section 5. Duration: The Committee shall serve at the pleasure of the Mayor and City Council until excused from duty. The committee will strive to complete its work and report to the Council within ninety (90) days of the committee membership being named.

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, MMC City Clerk

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