

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

AGENDA

COUNCIL CHAMBERS

December 12, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Ronquillo

ROLL CALL

MINUTES:

- **November 14, 2011**
- **November 28, 2011**

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. 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. For Items not on this agenda, public comment will be taken at the end of the agenda.)

1. CONSENT AGENDA -- Separations:

A. Mayor Hanel recommends that Council confirm the following appointments:

1.

| | Name | Board/Commission | Term | |
|---|------------------|----------------------|----------|----------|
| | | | Begins | Ends |
| 1 | Norm Kolpin | Aviation & Transit | 01/01/12 | 12/31/15 |
| 2 | Steven Tostenrud | Aviation & Transit | 01/01/12 | 12/31/15 |
| 3 | Marlene Walter | Board of Adjustments | 01/01/12 | 12/31/13 |

| | | | | |
|----|------------------|--------------------------------------|----------|----------|
| 4 | No Applications | Board of Adjustments | 01/01/12 | 12/31/13 |
| 5 | No Applications | Board of Appeals - Architect | 01/01/12 | 12/31/13 |
| 6 | No Applications | Board of Appeals - Electrical | 01/01/12 | 12/31/13 |
| 7 | No Applications | Board of Appeals | 01/01/12 | 12/31/14 |
| 8 | No Applications | Board of Appeals | 01/01/12 | 12/31/14 |
| 9 | No Applications | Board of Appeals | 01/01/12 | 12/31/15 |
| 10 | No Applications | Board of Ethics | 01/01/12 | 12/31/15 |
| 11 | Rod Ostermiller | Board of Health | 01/01/12 | 12/31/14 |
| 12 | No Applications | Community Development | 01/01/12 | 12/31/15 |
| 13 | No Applications | Community Development - Low Mod | 01/01/12 | 12/31/15 |
| 14 | Trent Currie | Community Development - Low Mod | 01/01/12 | 12/31/14 |
| 15 | Jason Banfield | EMS Commission | 01/01/12 | 12/31/12 |
| 16 | No Applications | Exchange City Golf Board | 01/01/12 | 12/31/14 |
| 17 | John Walsh | Housing Authority | 01/01/12 | 12/31/16 |
| 18 | No Applications | Housing Authority - Resident Comm | 01/01/12 | 12/31/13 |
| 19 | Claudia Stephens | Human Relations | 01/01/12 | 12/31/15 |
| 20 | Ian Elliot | Human Relations | 01/01/12 | 12/31/15 |
| 21 | No Applications | Human Relations | 01/01/12 | 12/31/15 |
| 22 | William Lamdin | Library Board | 01/01/12 | 12/31/15 |
| 23 | Don Olsen | Parking Advisory Board | 01/01/12 | 12/31/15 |
| 24 | Steve Bruggeman | Parking Advisory Board | 01/01/12 | 12/31/15 |
| 25 | Ben Surwill | Police Board | 01/01/12 | 12/31/14 |
| 26 | David Hummel | Public Works Board | 01/01/12 | 12/31/15 |
| 27 | James Mariska | Public Works Board | 01/01/12 | 12/31/15 |
| 28 | No Applications | Traffic Control Board | 01/01/12 | 12/31/13 |
| 29 | No Applications | Traffic Control Board | 01/01/12 | 12/31/15 |
| 30 | Damian Forrester | City/County Planning Board - Ward II | 01/01/12 | 12/31/13 |
| 31 | Jennifer Olsen | City/County Planning Board - Ward V | 01/01/12 | 12/31/12 |
| 32 | Nancy Curriden | Yellowstone Historic Preservation | 01/01/12 | 12/31/13 |
| 33 | Barbara Hawkins | Zoning Commission | 01/01/12 | 12/31/15 |
| 34 | Dan Wagner | Zoning Commission | 01/01/12 | 12/31/15 |
| 35 | Leonard Dailey | Zoning Commission | 01/01/12 | 12/31/15 |
| 36 | Bill Ryan | Zoning Commission | 01/01/12 | 12/31/15 |

3. Unexpired term of LaVern Bass
4. Unexpired term of Terry Mattson
15. Unexpired term of James Knox
28. Unexpired term of James Knox

B. Bid Awards:

1. Airport Automobile Parking Concession (Opened 12/6/2011) Recommend delay of award until December 19, 2011.

C. Approval of the City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County for calendar year 2012.

D. Street Closures:

1. **Martin Luther King, Jr. Day Pedestrian March.** January 16, 2012; 6:00 p.m. to 6:50 p.m.; starting at the Court House lawn, crossing at the intersection of N. 27th to 3rd Ave North, to N. 29th, north on N. 29th, across 4th Ave N. to Lincoln Center.

E. Acceptance of Donation from Conoco - \$1,000; Northwestern Energy - \$500; MSU-B - \$500; and Downtown Billings Partnership - \$500 to offset costs associated with the 2011 Montana League of Cities and Towns Conference.

F. Approval of Councilmember McCall to the Montana League of Cities and Towns Board of Directors as District 11 representative.

G. Final Plat Approval of Amended Lot 2A and Tract 4A, Blue Meadow Acreage Tracts, Amended.

H. Bills and Payroll:

1. **November 14, 2011**

2. **November 21, 2011**

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** adopting the Infill Development Policy. Infill Development Policy Ad Hoc Committee recommends approval. (Action: approval or disapproval of Infill Development Policy Ad Hoc Committee's recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** de-annexing Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms; petitioner and property owner Thomas E. Romine. Staff recommends denial of the de-annexation request from the city limits based on the criteria laid out in the City's Deannexation Policy. (Action: approval or disapproval of staff recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign up on the clipboard located at the podium.)

COUNCIL INITIATIVES

ADJOURN

Additional information on any of these items is available in the City Clerk's Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Boards & Commissions Appointments

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Mayor is requesting that the City Council confirm appointments for Board and Commission positions that are vacant due to resignations and positions at term end.

ALTERNATIVES ANALYZED

Council may:

- Confirm the proposed appointments; or
- Not confirm the appointments. Positions that are not filled will be readvertised.

FINANCIAL IMPACT

The proposed action has no financial impact.

RECOMMENDATION

Mayor Hanel recommends that Council confirm the following appointments:

| | Name | Board/Commission | Term | |
|----|------------------|---------------------------------|----------|----------|
| | | | Begins | Ends |
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| 10 | No Applications | Board of Ethics | 01/01/12 | 12/31/15 |
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| | | | | |
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| 36 | Bill Ryan | Zoning Commission | 01/01/12 | 12/31/15 |

- 3. Unexpired term of LaVern Bass
- 4. Unexpired term of Terry Madtson
- 15. Unexpired term of James Knox
- 28. Unexpired term of James Knox

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: New Airport Automobile Parking Concession Bid Award

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

One of the Airport's larger revenue generating concessions is the Automobile Parking Concession. Staff has advertised for qualified concessionaires to bid on the opportunity to operate the Parking Concession for a five (5) year term beginning January 2, 2012. Advertisements to bid the Automobile Parking Concession were placed in the *Billings Times* on November 10 and 17, 2011, the American Association of Airport Executives (AAAE) weekly *Airport Express*, and on the City's Website. A Request for Bids packet was sent to all interested parties. This Concession oversees the operation of the Airport's paid parking, which consists of 195 short term parking stalls and 650 long term parking stalls located in front of the Airport Terminal Building. The concessionaire collects all parking revenues and remits a percentage of the gross receipts back to the City as the fee to run the concession (i.e., the concession fee). During the bid process, the City generally accepts the bid that provides the Airport with the highest percentage of the gross revenues generated by the Parking Concession, so long as other conditions specified in the Request for Bids are met.

ALTERNATIVES ANALYZED

Bids will be opened on December 6, 2011 at 2:00 p.m. The bids will be evaluated on the Minimum Annual Guarantee (MAG) and the Percentage of Gross Revenues to be remitted to the Airport. Bid results will not be available by the deadline for the December 12 meeting, so staff is recommending that the contract award be delayed until the City Council's December 19 meeting.

FINANCIAL IMPACT

The Parking Concession generates approximately \$2,200,000 in gross revenues from which the concessionaire remits the percentage that was bid to the City. This will generally result in revenues for the Airport operation between \$1,700,000 and \$1,900,000 annually, depending on the total gross revenues generated.

RECOMMENDATION

Staff recommends the City Council delay award of the new Parking Concession until December 19 to give staff additional time to analyze the bids received prior to making a recommendation to the City Council.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: City-County Special Investigations Unit (CCSIU) Agreement for 2012

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

In order to continue its operations, the City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County must be approved each year. The current agreement will expire on December 31, 2011, so it is time to renew the agreement for the 2012 calendar year. This agreement has been reviewed by the Yellowstone County Sheriff's office and has been approved by the County Commissioners.

ALTERNATIVES ANALYZED

Council may:

- . Approve the CCSIU Agreement for calendar year 2012; or
- . Not approve the CCSIU Agreement for calendar year 2012.

FINANCIAL IMPACT

There will be no additional financial impact to the City since the costs for the officers assigned to the CCSIU are included in the Police Department budget and all other expenses for CCSIU are budgeted in Fund 718 - Drug Forfeitures and Fines.

RECOMMENDATION

Staff recommends that the City Council approve the City-County Special Investigations Unit (CCSIU) Agreement with Yellowstone County for calendar year 2012.

APPROVED BY CITY ADMINISTRATOR

Attachments

CCSIU Agreement

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, 2012 through December 31, 2012.

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 or his designee. 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.

- 1) Disrupt illegal drugs, drug/gang and organized criminal activities within the City, County and State.
- 2) Gather and report intelligence data relating to illegal drugs, 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 Captain of Investigations 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 Captain in charge of Investigations 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, liabilities, damages, losses, judgments and expenses, including attorney's fees, arising out of or resulting from this contract provided that any such claims, liability, 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, liabilities, damages, losses, judgments and expenses, including attorney's fees, arising out of or resulting from this contract provided that any such claim, liability, 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 office will need to be borrowed by an assigned CCSIU detective from that agency.

THIS AGREEMENT IS EXECUTED THIS ____ DAY OF _____, 2011.

SIGNED:

MAYOR, CITY OF BILLINGS

DATE _____

COUNTY COMMISSIONER

DATE _____

COUNTY COMMISSIONER

DATE _____

COUNTY COMMISSIONER

DATE _____

ATTEST:

CARI MARTIN, CITY CLERK
CITY OF BILLINGS

JEFF MARTIN
CLERK AND RECORDER
YELLOWSTONE COUNTY

APPROVED AS TO FORM:

BRENT BROOKS, CITY ATTORNEY
CITY OF BILLINGS

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Martin Luther King Jr Day March

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

A pedestrian march route has been requested for the following event:

Who: Martin Luther King Jr. Day

Event: Pedestrian March

Date and Time: Monday January 16th 6:00 pm to 6:50 pm

Where: Start at the Court House lawn; across intersection of N. 27th to 3rd Ave North to 29th Street; North on 29th across 4th Ave N. to Lincoln Center.

Recommended conditions of approval include Black Heritage Foundation:

1. Provide a certificate of insurance with required liability amounts naming the City of Billings as additional insured.
2. Provide Police assistance for use of streets.

ALTERNATIVES ANALYZED

The Council may:

- Approve the request to use the above pedestrian march route for Martin Luther King Jr Day; or
- Do not approve the request

FINANCIAL IMPACT

Administrative time to process the permit is offset by the application fee. Police assistance to be paid for by Black Heritage Foundation.

RECOMMENDATION

Staff recommends that Council approve the use of the streets listed above for the Martin Luther King Jr. pedestrian march.

APPROVED BY CITY ADMINISTRATOR

Attachments

Martin Luther King Jr March



**City of Billings
RIGHT-OF-WAY ACTIVITY
PERMIT**

Please check the type of activity you are applying for:

Parade Run/Walk/Procession Street/Alley Closure Block Party

Submit this application with attachments to either the: Public Works office, 2224 Montana Ave., Billings, MT 59101 or Downtown Billings office, 2815 2nd Ave North, Billings, MT 59101. Application packet should be turned in at least 60 days prior to the date of the proposed event for approval.

PERSON MAKING APPLICATION PAUL J. REEDER

ORGANIZATION MAKING APPLICATION BLACK HERITAGE FOUNDATION

PHONE 406-252-7458

ADDRESS P.O. Box 31001 BILLINGS MT 59107
CITY STATE ZIP

EMAIL ADDRESS pauljreeder@imt.net

APPROXIMATE TIME EVENT WILL:

Assemble 6:00 p.m. Start 6:15 p.m. Disband 6:50 p.m.

DATE OF EVENT Monday, January 16, 2012

PURPOSE/DESCRIPTION OF EVENT: (Description and detail of the event.)

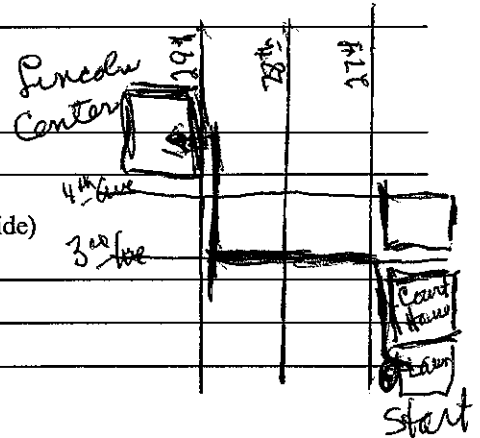
Pedestrian march procession, possibly up to 200 persons (depending on weather) marching together to honor the legacy of Martin Luther King Jr. No motor vehicles. We ask for Police escort to facilitate at intersections, and use of street.

EVENT ROUTE /STREET TO BE CLOSED: (Please attach map.)

Assemble at Court House lawn; walk on sidewalk to and through intersection of N. 27th St. and 3rd Ave N. Walk in street on 3rd Ave to 29th St, then north on 29th across 4th Ave N, to Lincoln Center, to enter Lincoln Center Auditorium

BLOCK PARTY STREET LOCATION (IF APPLICABLE):

CLEAN UP IMPLEMENTATION: (Company contracted or services you will provide)



CERTIFICATION OF INSURANCE WHICH MUST SHOW: (1) The limits of liability coverage for the period of this agreement as a minimum of \$750,000 per claim/ \$1.5 million per occurrence general liability, and (2) the City of Billings named on the Certificate of Insurance as the additional insured. (Refer to the sample insurance copy. Please note a certificate of insurance *is not required* for Block Parties)

NOTICE: ANY MARKINGS (NO PAINT ALLOWED) TO BE PLACED ON PUBLIC RIGHT-OF-WAY MUST BE APPROVED BY THE CITY TRAFFIC/ENGINEERING DEPARTMENT PRIOR TO PLACEMENT, BE ENVIRONMENTALLY SAFE, AND NOT CONFLICT WITH EXISTING MARKINGS.

FOR DOWNTOWN EVENTS: YOU OR THE ORGANIZATION YOU REPRESENT MUST "ASSIGN" THE FIRST TWO BLOCKS OF THE DOWNTOWN EVENT ROUTE FOR NO PARKING TWO HOURS PRIOR TO YOUR EVENT USING THE ROUTE SIGNS PROVIDED BY THE CITY. IT IS YOUR RESPONSIBILITY TO PROVIDE THE APPROPRIATE BARRICADES FOR THE STREET CLOSURE.

IF USING THE ESTABLISHED EVENT ROUTE, THE CITY WILL PROVIDE TWO POLICE OFFICERS WITH VEHICLES TO START THE EVENT, AND A STREET SWEEPER, IF NECESSARY, TO FOLLOW THE EVENT.

COORDINATOR OF EVENTS AT WHICH ALCOHOL WILL BE CONSUMED IN PUBLIC RIGHT-OF WAY ARE REQUIRED TO OBTAIN AN OPEN-CONTAINER PERMIT FROM THE POLICE DEPARTMENT

UPON SIGNING OF THIS APPLICATION, THE APPLICANT AGREES NOT TO VIOLATE ANY STATE OR CITY CODES IN THE PRESENTATION OF THE REQUESTED SPECIAL ACTIVITY.

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Billings, its officers, agents, employees and volunteers from damage to property and for injury to or death of any person and from all liability claims, actions or judgments which may arise from the activity.

Applicants also agree to obtain valid "save or hold harmless agreements" from all participants in its activity, protecting the City of Billings from all losses arising out of its activity, including damages of any kind or nature.

APPLICANT SIGNATURE Paul J Reeder DATE Nov 2, 2011
APPLICATION APPROVED _____ DATE _____
APPLICATION DENIED _____ DATE _____

ADDITIONAL RESTRICTIONS OR SPECIAL CONDITIONS: YES [] NO []
(IF YES, ATTACH COPY)

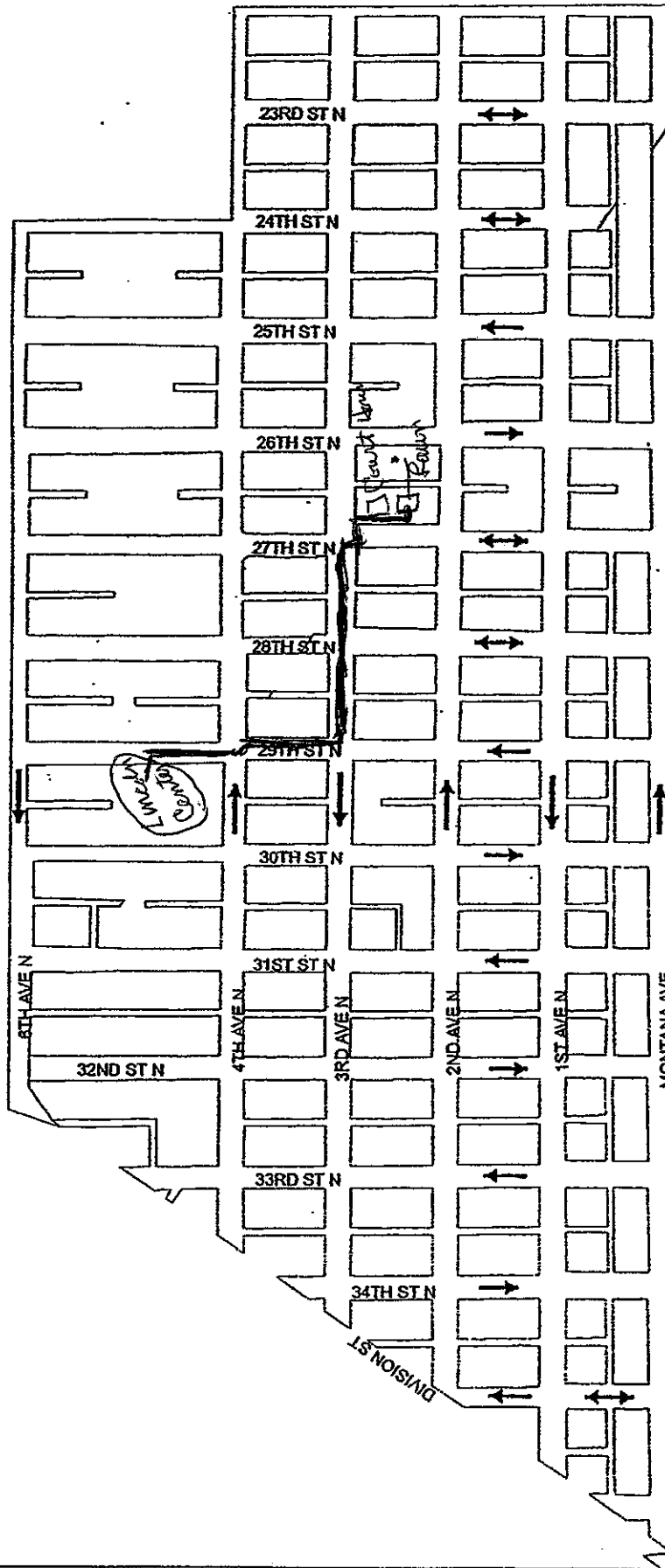
FOR CITY USE ONLY

FEE: \$100.00 _____
PAID: _____
DATE: _____

- COPIES TO:**
CITY ADMINISTRATOR
DEPUTY CITY ADMINISTRATOR
POLICE CHIEF
FIRE CHIEF
FIRE MARSHALL
MET TRANSIT MANAGER
STREET/TRAFFIC SUPERINTENDANT
TRAFFIC ENGINEER
PRPL DIRECTOR
PARKING SUPERVISOR
CITY ATTORNEY

Downtown Billings Street Direction Map

(IF Applicable) of your own map



Martin Luther King Jr. Day - March
Mon. Jan 16, 2012



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/2/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
 ISU Streeter Brothers Insurance
 2823 6th Ave N
 P.O. Box 1416
 Billings MT 59103

INSURED
 Black Heritage Foundation Of Billings & Yell
 PO Box 31001
 Billings MT 59107

CONTACT NAME: Teri Keller
PHONE (A/C, No, Ext): (406) 252-0551 **FAX (A/C, No):** (406) 252-4532
E-MAIL ADDRESS: teri@streeterbros.com

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|--------|
| INSURER A: Zurich American Ins Co Of Il | 27855 |
| INSURER B: | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |
| INSURER F: | |

COVERAGES CERTIFICATE NUMBER: CL1111203016 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|---|-----------------------------------|------------------------------|---------------|-------------------------|-------------------------|--|--|
| A | GENERAL LIABILITY | | | PPS02048777 | 11/22/2011 | 11/22/2012 | EACH OCCURRENCE \$ 2,000,000 | |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 | |
| | CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | X | | | | | MED EXP (Any one person) \$ 10,000 | |
| | | | | | | | PERSONAL & ADV INJURY \$ 2,000,000 | |
| | | | | | | | GENERAL AGGREGATE \$ 4,000,000 | |
| | | | | | | | PRODUCTS - COMP/OP AGG \$ 4,000,000 | |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | | |
| | <input checked="" type="checkbox"/> POLICY | <input type="checkbox"/> PRO-JECT | <input type="checkbox"/> LOC | | | | \$ | |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ | |
| | ANY AUTO | | | | | | BODILY INJURY (Per person) \$ | |
| | ALL OWNED AUTOS | <input type="checkbox"/> | SCHEDULED AUTOS | | | | BODILY INJURY (Per accident) \$ | |
| | HIRED AUTOS | <input type="checkbox"/> | NON-OWNED AUTOS | | | | PROPERTY DAMAGE (Per accident) \$ | |
| | | | | | | | \$ | |
| | UMBRELLA LIAB | | OCCUR | | | | EACH OCCURRENCE \$ | |
| | EXCESS LIAB | | CLAIMS-MADE | | | | AGGREGATE \$ | |
| | | | | | | | \$ | |
| | DED | | RETENTION \$ | | | | | |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | | WC STATUTORY LIMITS | |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | | Y/N | N/A | | | OTHER | |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. EACH ACCIDENT \$ | |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE \$ | |
| | | | | | | | E.L. DISEASE - POLICY LIMIT \$ | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Martin Luther King March from the Courthouse to the Lincoln Center 1/16/12

| | |
|--|---|
| CERTIFICATE HOLDER City of Billings PO Box 1178 Billings, MT 59103 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
| | AUTHORIZED REPRESENTATIVE Richard Hall/TERI <i>Richard Hall</i> |

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Acceptance of MLCT Conference Donations

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

City Council members solicited donations from local businesses to help offset City costs of the 2011 Montana League of Cities and Towns Conference held in Billings in October. As a result of donations, the Council had to pay only \$2,432 from the Council Contingency Fund for its share of the event.

Administrative Order #103 requires that donations of more than \$500 be accepted by the City Council. The following contributions are recommended for Council acceptance:

Conoco: \$1,000

Northwestern Energy: \$500

MSU-B: \$500

Downtown Billings Partnership: \$500

ALTERNATIVES ANALYZED

The Council may:

1. Accept the contributions;
2. Accept only part of the contributions; or
3. Accept none of the contributions.

FINANCIAL IMPACT

Two contributions already have been accepted. If all the contributions are accepted, the donations will offset \$7,000 of the conference costs.

RECOMMENDATION

It is recommended that the Council accept the contributions from Conoco, Northwestern Energy, MSU-B and the Downtown Billings Partnership.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/12/2011
TITLE: MLCT Board Appointment
PRESENTED BY: Tina Volek
Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City of Billings has a permanent seat on the Montana League of Cities and Towns (MLCT) Board of Directors as the District 11 representative. Council Member Richard Clark has served in that position, but will be leaving the Council at the end of his term in December 2011.

Several Council Members have suggested that Council Member Jani Clark be appointed by the Council to fill the District 11 seat.

ALTERNATIVES ANALYZED

The Council may:

- Appoint Ms. McCall to the District 11 MLCT seat; or
- Appoint another Council Member to the seat.

FINANCIAL IMPACT

There is no financial impact from this appointment.

RECOMMENDATION

It is recommended that the City Council appoint Council Member McCall to the MLCT District 11 seat.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Final Plat of Amended Lot 2A and Tract 4A, Blue Meadow Acreage Tracts
Subdivision, Amended

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The final plat for Amended Lot 2A and Tract 4A, Blue Meadow Acreage Tracts, Amended is being presented to Council for approval. On June 13, 2011, City Council conditionally approved the preliminary plat for this 4-lot subdivision. The subject property is located on the west side of Shiloh Road, between Rimrock Road and Poly Drive. The property is zoned Residential 9600 (R-96) and is planned for additional residential development. The subdivider is Kincaid Land, LLC, and the agent is C&H Engineering & Surveying. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or deny the final plat of Amended Lot 2A and Tract 4A, Blue Meadow Acreage Tracts, Amended. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in 76-3-611, MCA and Section 23-307, BMCC.

FINANCIAL IMPACT

Should the City Council approve the final plat, the creation and development of additional residential lots will result in an increase in property tax revenues.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Amended Lot 2A and Tract 4A, Blue Meadow Acreage Tracts, Amended.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Payment of Claims November 14, 2011.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$754,306.98 have been audited and are presented for your approval for payment. A complete listing of the claims dated November 14, 2011, is available in the Finance Department.

ALTERNATIVES ANALYZED

The Council may:

- Approve the payment of claims; or
- Not approve the payment of claims.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

Report

| Check | Vendor | Amount | Date | Status Changed By | Payment Type |
|--------|--|-------------------|------------|-------------------|--------------|
| 750598 | A-1 Landscaping & Nursery | 23,159.81 | 11/14/2011 | bestm | Check |
| 750604 | Appassure Software Inc. | 22,973.00 | 11/14/2011 | bestm | Check |
| 750606 | Archie Cochrane | 3,588.21 | 11/14/2011 | bestm | Check |
| 750607 | Associated Employers Of Montana | 2,908.75 | 11/14/2011 | bestm | Check |
| 750616 | Bison Motor Company | 82,534.95 | 11/14/2011 | bestm | Check |
| 750620 | Business Tax Section | 2,714.71 | 11/14/2011 | bestm | Check |
| 750623 | Cmg Construction, Inc. | 71,053.66 | 11/14/2011 | bestm | Check |
| 750625 | Continuant Inc | 7,545.00 | 11/14/2011 | bestm | Check |
| 750626 | Cop Construction Co | 60,372.31 | 11/14/2011 | bestm | Check |
| 750627 | Creative Monograms | 3,008.00 | 11/14/2011 | bestm | Check |
| 750629 | Cta Architects | 3,685.72 | 11/14/2011 | bestm | Check |
| 750638 | Dxp Enterprises, Inc. | 7,066.64 | 11/14/2011 | bestm | Check |
| 750643 | Endress & Hauser Inc | 2,821.60 | 11/14/2011 | bestm | Check |
| 750647 | Farr Associates Architecture | 5,520.00 | 11/14/2011 | bestm | Check |
| 750656 | General Contractors Construction Company Inc | 40,897.64 | 11/14/2011 | bestm | Check |
| 750657 | General Electric Capital Corp | 14,057.63 | 11/14/2011 | bestm | Check |
| 750663 | Graybar Electric Company Inc | 3,537.00 | 11/14/2011 | bestm | Check |
| 750665 | Hach Company | 10,471.50 | 11/14/2011 | bestm | Check |
| 750673 | Housing Authority Of Billings | 3,724.25 | 11/14/2011 | bestm | Check |
| 750679 | J & J Concrete | 49,107.29 | 11/14/2011 | bestm | Check |
| 750681 | Jtl Group Inc DbA Knife River | 24,165.90 | 11/14/2011 | bestm | Check |
| 750686 | Koinonia Housing Construction | 3,950.00 | 11/14/2011 | bestm | Check |
| 750693 | Mailing Technical Services | 4,912.77 | 11/14/2011 | bestm | Check |
| 750698 | Mes-Nw | 7,828.10 | 11/14/2011 | bestm | Check |
| 750701 | Montana Department Of | 26,806.20 | 11/14/2011 | bestm | Check |
| 750710 | Northwestern Energy | 14,355.15 | 11/14/2011 | bestm | Check |
| 750711 | Octane Addictions Inc | 2,880.00 | 11/14/2011 | bestm | Check |
| 750713 | One Eighty Communications | 5,173.80 | 11/14/2011 | bestm | Check |
| 750717 | Parkson Corporation | 4,606.10 | 11/14/2011 | bestm | Check |
| 750722 | Public Utilities | 7,019.76 | 11/14/2011 | bestm | Check |
| 750730 | Riverstone Health | 6,795.00 | 11/14/2011 | bestm | Check |
| 750747 | South Park Senior Citizen | 16,665.72 | 11/14/2011 | bestm | Check |
| 750753 | Tnt Springs Inc | 3,107.14 | 11/14/2011 | bestm | Check |
| 750754 | Town & Country Supply Association | 112,797.39 | 11/14/2011 | bestm | Check |
| 750761 | Us Bank Commercial Banking | 5,290.00 | 11/14/2011 | bestm | Check |
| 750769 | Yellowstone County Gis | 7,000.00 | 11/14/2011 | bestm | Check |
| 750770 | Yellowstone County Sheriffs | 15,847.50 | 11/14/2011 | bestm | Check |
| | | 689,948.20 | | | |

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Payment of Claims November 21, 2011.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,890,458.46 have been audited and are presented for payment approval. A complete listing of the claims dated November 21, 2011, is available in the Finance Department.

ALTERNATIVES ANALYZED

The Council may:

- Approve the payment of claims; or
- Not approve the payment of claims.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

Report

| Check | Vendor | Amount | Date | Status | Changed By | Payment Type |
|--------|--|---------------------|------------|--------|------------|--------------|
| 750774 | Ace Electric Inc | 9,760.44 | 11/21/2011 | bestm | | Check |
| 750776 | ACOM Inc | 2,797.50 | 11/21/2011 | bestm | | Check |
| 750781 | Ahanu Construction Inc | 229,783.85 | 11/21/2011 | bestm | | Check |
| 750786 | Arrow Striping & Manufacturing Inc | 39,198.55 | 11/21/2011 | bestm | | Check |
| 750793 | Billings Gazette | 18,157.54 | 11/21/2011 | bestm | | Check |
| 750798 | Bison Motors | 12,495.74 | 11/21/2011 | bestm | | Check |
| 750799 | Bobcat of Big Sky | 5,162.90 | 11/21/2011 | bestm | | Check |
| 750800 | Bobcat Of Bigsky, Inc. | 19,006.94 | 11/21/2011 | bestm | | Check |
| 750801 | Branch Group Inc | 9,468.99 | 11/21/2011 | bestm | | Check |
| 750805 | Business Tax Section | 11,460.21 | 11/21/2011 | bestm | | Check |
| 750814 | Connor's Garage Door Service | 3,395.00 | 11/21/2011 | bestm | | Check |
| 750815 | Crane Tech Services & Material | 4,600.00 | 11/21/2011 | bestm | | Check |
| 750817 | Csg Systems Inc | 18,645.31 | 11/21/2011 | bestm | | Check |
| 750822 | Dowl Hkm | 35,392.24 | 11/21/2011 | bestm | | Check |
| 750826 | Ed Bartlett Llc | 3,907.93 | 11/21/2011 | bestm | | Check |
| 750831 | Escosupply | 5,378.34 | 11/21/2011 | bestm | | Check |
| 750835 | Fisher Construction | 81,379.58 | 11/21/2011 | bestm | | Check |
| 750836 | Four Beers Inc | 74,763.56 | 11/21/2011 | bestm | | Check |
| 750838 | Fremont Motors | 11,216.43 | 11/21/2011 | bestm | | Check |
| 750842 | Gcr Cobre Billings Tire Center | 16,407.00 | 11/21/2011 | bestm | | Check |
| 750845 | Gillig Corporation | 3,124.89 | 11/21/2011 | bestm | | Check |
| 750846 | Good Earth Works Co Inc The | 127,397.59 | 11/21/2011 | bestm | | Check |
| 750850 | Guardian Security Inc | 6,002.50 | 11/21/2011 | bestm | | Check |
| 750855 | Hcl Equipment Inc | 4,625.00 | 11/21/2011 | bestm | | Check |
| 750865 | Iaff | 4,228.20 | 11/21/2011 | bestm | | Check |
| 750866 | Ibm Corporation | 15,401.32 | 11/21/2011 | bestm | | Check |
| 750871 | Industrial Communications &Electron | 10,898.43 | 11/21/2011 | bestm | | Check |
| 750873 | Ingram Library Services | 7,276.32 | 11/21/2011 | bestm | | Check |
| 750881 | Jims Electric Service | 2,798.00 | 11/21/2011 | bestm | | Check |
| 750884 | Jtl Group Inc DbA Knife River | 7,479.24 | 11/21/2011 | bestm | | Check |
| 750890 | Labor Ready Inc | 3,307.85 | 11/21/2011 | bestm | | Check |
| 750901 | MONTANA CSED | 5,173.13 | 11/21/2011 | bestm | | Check |
| 750902 | Montana Dakota Utilities | 83,846.07 | 11/21/2011 | bestm | | Check |
| 750907 | Montana State Fireman's Assoc | 2,748.58 | 11/21/2011 | bestm | | Check |
| 750909 | Morrison Maierle Inc | 2,971.86 | 11/21/2011 | bestm | | Check |
| 750912 | Mppa | 2,505.73 | 11/21/2011 | bestm | | Check |
| 750919 | Northwestern Energy | 145,129.30 | 11/21/2011 | bestm | | Check |
| 750920 | Northwestern Energy | 81,114.72 | 11/21/2011 | bestm | | Check |
| 750923 | Ostermiller Const | 270,238.96 | 11/21/2011 | bestm | | Check |
| 750925 | Paint-All Inc | 2,850.00 | 11/21/2011 | bestm | | Check |
| 750929 | Pierce Flooring | 20,497.95 | 11/21/2011 | bestm | | Check |
| 750944 | Rimrock Foundation | 13,587.86 | 11/21/2011 | bestm | | Check |
| 750945 | Riverside Sand & Gravel Inc | 48,411.55 | 11/21/2011 | bestm | | Check |
| 750952 | Sanderson Stewart | 26,629.09 | 11/21/2011 | bestm | | Check |
| 750956 | Solid Waste Systems Inc | 19,961.63 | 11/21/2011 | bestm | | Check |
| 750958 | Springline Construction INC | 19,568.98 | 11/21/2011 | bestm | | Check |
| 750960 | Star Service Inc | 125,638.96 | 11/21/2011 | bestm | | Check |
| 750966 | Sunset Excavation | 14,585.25 | 11/21/2011 | bestm | | Check |
| 750972 | Town & Country Supply Association | 88,871.37 | 11/21/2011 | bestm | | Check |
| 750981 | Van Arsdale Construction | 4,863.50 | 11/21/2011 | bestm | | Check |
| 750991 | Yellowstone County Finance Dpt | 19,950.00 | 11/21/2011 | bestm | | Check |
| 750992 | Yellowstone County Sheriffs | 10,367.26 | 11/21/2011 | bestm | | Check |
| | | 1,814,429.14 | | | | |

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Public Hearing and Resolution to Adopt an Infill Development Policy for the City of Billings

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The City, in coordination with various local organizations and firms, hosted an Infill Workshop in Billings in April, 2011. Following that workshop, the City Council directed staff to start the process of developing a draft infill development policy for the City of Billings. Some of the workshop attendees and others in the community formed an ad-hoc committee to develop the draft policy to present to the City Council for consideration in late 2011 (See Policy Drafting Time Line below). The ad hoc committee held five meetings and wrote an Infill Development Policy for Council consideration. Staff requests that the City Council conduct a public hearing and take action on the Infill Development Policy at this meeting.

ALTERNATIVES ANALYZED

The City Council should conduct the advertised public hearing and then may:

1. Adopt the Resolution and Infill Development Policy;
2. Adopt the Resolution and Infill Development Policy with modifications;
3. Not adopt the Resolution and Infill Development Policy; or
4. Postpone action on the Resolution and Infill Development Policy to a date certain.

FINANCIAL IMPACT

There should be no direct financial impact from the adoption of the resolution and policy. This policy will provide guidance to the community to encourage and support infill development in areas of the City. Some implementation strategies outlined in the Policy may impact public or private financial resources but all will be considered through review, discussion, and approval processes by the City and community.

BACKGROUND

The City Council's interest in encouraging infill development was first included in its strategic planning process a few years ago and fueled the current effort to develop an infill policy. Infill development means development of under-utilized or vacant parcels that are connected to or able to take advantage of existing infrastructure. Furthermore, it is development that is urban in nature, within the City limits, and designed and constructed to be compatible with existing neighborhoods while providing amenities that enhance community quality of life.

Following the Infill Development Workshop in Billings in April an ad hoc committee made up of

...forming the Infill Development Workshop in Billings in April, an ad hoc committee made up of people from the local land development community, health, realty, engineering, and legal professions, as well as City staff and other interested residents, worked for the past six months to complete a draft Infill Development Policy (See Policy Drafting Time Line below). The Committee drafted the policy with the intent that it is a road map to guide the City in encouraging infill development. Adoption of the Policy shows City support for moving forward with strategies to encourage infill development and does not, in itself, change any regulations, policies or other processes the City currently manages. If this Policy is adopted, the community will have to choose a few of the implementation strategies per year to determine if they may be implemented. A great deal of additional community input and participation will be needed for many of these strategies to become reality, but the adoption of this Policy will provide direction that has not existed before.

POLICY DRAFTING TIME LINE

- o April 26 and 27 – Infill Policy Workshop
- o June 15 – First Ad Hoc Committee Policy Development Meeting
- o July 20 – Second Ad Hoc Committee Policy Development Meeting
- o August 24 – Third Ad Hoc Committee Policy Development Meeting
- o October 5 – Fourth Ad Hoc Committee Policy Development Meeting
- o October 6 – Discussion at Adjacent Neighborhood Meeting (Task Force Chairs)
- o October/November: Outreach to Stakeholders, organizations about Infill Policy Development
- o October 25 – Discussion at Home Builders Association Meeting
- o October 26 – Discussion at Billings Association of Realtors Government Affairs Committee Meeting
- o October 26 – Discussion with City Development Process Review Advisory Board
- o November 8 – Discussion with Yellowstone County Board of Planning
- o November 10, 5:30 pm, 3rd Floor of the Parmly Library – Public Meeting to Review Draft Policy
- o November 15 – Ad Hoc Committee Meeting to review public meeting comments and other input on draft policy to finalize draft for Council Work Session
- o November 21 – City Council Work Session to Review Final Draft
- o December 12 - City Council conducts a public hearing and considers action on the Resolution and Policy

STAKEHOLDERS

Formation of this Draft Policy started with more than 80 members of the Billings community at the Infill Workshop in April. Since that time, more than 40 people have remained on an email notification list that provides updates on the ad hoc committee's meetings and work, and between 15 and 20 people have participated in the ad hoc committee meetings throughout the summer and fall.

As outlined in the Policy Drafting Time Line included in the Background section of this memo, the Policy has been shared and discussed by the Adjacent Neighborhood Meeting of the Neighborhood Task Force Chairs, several Neighborhood Task Force Meetings, the Home Builders Association, the Billings Association of Realtors Government Affairs Committee, the City Development Process Review Advisory Board, and the Yellowstone County Board of Planning. The Policy has evolved as the ad hoc committee has worked on it and input and comments from stakeholders have been incorporated into the final draft being presented to the Council. Some comments and concerns that were brought up repeatedly to the Committee and staff are provided below with brief answers:

- Changes in density allowances on existing neighborhoods, especially single family. *Any consideration of density bonuses or changes in density would have to be vetted through a process that would include the public as issues like mapping of areas where density bonuses might work best and potential zoning changes would need to be considered.*
- City provided information on City infrastructure and services in a central clearing house type system. *The City has most of the data on condition of existing water, sewer, storm drain, sidewalk, curb and gutter, and other facilities. However, an implementation strategy of this Policy is to create some sort of data base or clearing house of this information that would be easily accessible to the public for potential redevelopment and development projects.*
- Whether incentives might be tied to changes in permitting processes and fee structures. *The ad hoc committee included this as an implementation strategy, and City staff is open to examining whether current permit processing procedures and fee structures might be able to be changed in the future to encourage infill development projects.*
- Whether the Policy would negatively affect ongoing “greenfield” development on the fringes of the City. *The Policy is designed to specifically focus on development and redevelopment of property that is near the urban core and in areas that are completely surrounded by the City Limits and served by existing City services. It does not address property on the fringes of the City and should not negatively or positively affect development in these areas.*
- Improving the City’s response time to updating infrastructure if a redevelopment project involves significant infrastructure reconstruction. *The Policy refers to targeting public investments by identifying areas of focus for improvements utilizing the Capital Improvement Plan and other options.*
- Increased education and training on how to work with the Building Code when completing renovations of older existing buildings. Comments received at the time the draft policy went to the Council Work Session also suggested that education and training addressing working with electrical or natural gas utilities in existing urban areas also be included in future training sessions. *The Policy recommends providing education and training on Building Codes, focused on renovation of existing buildings, as well as safety and training on working with and around electrical and natural gas utilities in developed urban areas.*

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Infill Development Policy is consistent with the following adopted or soon to be adopted policies or plans:

- The City Council’s interest in encouraging infill development was first included in its strategic planning process in 2009 and fueled the current effort to develop an infill policy.
- The Yellowstone County and City of Billings 2008 Growth Policy Update also identifies Community Goals and Objectives that support infill development.
- The East Billings Urban Renewal District (EBURD) Master Plan adopted in 2009 supports development and redevelopment activities in this existing urban area of Billings.
- The Form Based Code now under development for the EBURD is designed to support and encourage development and redevelopment through new approaches to zoning in this area of Billings.
- The South Billings Boulevard Urban Renewal District Master Plan now under development supports development and redevelopment activities in this existing urban area of Billings.

RECOMMENDATION

The Infill Development Policy Ad Hoc Committee recommends that the City Council conduct a public hearing, approve the Resolution, and adopt the Infill Development Policy as presented in this memo.

APPROVED BY CITY ADMINISTRATOR

Attachments

Infill Dev. Policy

RESOLUTION NO. 11- _____

A RESOLUTION OF THE CITY OF BILLINGS TO ADOPT AN INFILL DEVELOPMENT POLICY

WHEREAS, in enacting this resolution, it is the intent of the City Council to encourage efficient utilization of City infrastructure and services; support development and redevelopment of land within the City limits that can access existing City infrastructure and services, preserve established neighborhoods, set a high standard for the City's built environment, and improve the quality of life of Billings residents; and

WHEREAS, the *2010 Community Investment Plan: City of Billings City Council and Staff Strategic Priorities* identified one of its goals to make infill a priority; and

WHEREAS, infill development can benefit the City of Billings by reducing the cost of basic City services, providing housing choices, encouraging walkable communities and revitalizing existing neighborhoods; and

WHEREAS, the City of Billings has annexed more than nine square miles since 2000 (32.8 to 41.9 sq. mi.) and many of those annexations required a considerable outlay of City funds to ensure acceptable levels of service to the annexed properties and to maintain the levels of service within the existing City limits; and

WHEREAS, it has been shown by an analysis of Billings' property tax structure by Joseph Minicozzi of Public Interest Projects, Inc. that property tax values per acre in downtown Billings can be as much as seven or eight times that of commercial development in West Billings; and

WHEREAS, the Billings City Council encourages redevelopment of the City of Billings urban area through formation and implementation of Tax Increment Finance (TIF) Districts, Historic Districts, and Business Improvement Districts (BID); and

WHEREAS, the City of Billings City Council desires to establish clear policy, shared vision for the future, consistency in decision making, and public-private cooperation and partnerships to foster infill development within the city.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the City of Billings adopt the following Infill Development Policy.

INFILL DEVELOPMENT POLICY

1. POLICY STATEMENT

Infill development has been proven to promote housing and retail choices, encourage economic development, and support the efficient use of existing municipal infrastructure and services.

This policy is intended to clarify community priorities and guide the development of future regulations. Provisions of this policy are not intended to have regulatory effect and should not be interpreted in themselves to authorize, require, prohibit, or influence any particular project, property, land use application, or proceeding. However, as a non-binding, statement of city goals and intentions, the policy may be cited by citizens, staff, and decision-makers as a basis for influencing decisions that are discretionary in nature and that otherwise permit consideration of such goals and intentions.

For the purposes of this policy, “infill development” means development of under-utilized or vacant parcels that are connected to or able to take advantage of existing infrastructure. Furthermore, it is development that is urban in nature, often multi-story, within the City limits, and designed and constructed to be compatible with existing neighborhoods while providing amenities that enhance the community’s quality of life.

2. GOALS OF INFILL POLICY

- (a) Encourage and support efficient and strategic public and private investments, including the enhancement of existing public resources, such as schools, libraries, and parks, and to support targeted private investments
- (b) Capitalize on development opportunities by reforming regulations to create incentives and provide additional land use predictability through City-supported changes to subdivision, zoning, and site development regulations.
- (c) Ensure compatibility with and work to enhance existing neighborhood amenities by implementing neighborhood plans, involving residents early in planning processes, and striving for a shared vision of the future.
- (d) Find ways to include safety, health, environmental, and transportation benefits for the community when considering any infill development plan or project to always improve the overall sense of place.

3. IMPLEMENTATION

(a) The City of Billings shall work in cooperation with developers, organizations, agencies, and community members to implement the goals of the policy using the following strategies as a guide:

i. **Provide Resources:**

- Provide maps identifying where tax parcels are in close proximity to public services including, but not limited to, water, sewer, schools, transit routes, Tax Increment Finance Districts, etc.
- Inventory and map parcels that are vacant and provide information on the eligibility of parcels for funding programs
- Establish a list of potentially underutilized parcels and invite landowners to include properties on a voluntary basis
- Target public investments by identifying areas of focus and enhance through the Capital Improvement Plan planning process
- Explore multi-use development opportunities through public partnerships (schools/community centers/parks/libraries)

ii. **Develop Incentives**

- Assess and catalog the condition of public infrastructure and make it easily accessible to the community
- Explore changes to streamline permit-review process and reduce development fees
- Provide training and/or education on building codes and working with and around electrical and natural gas utilities, particularly for the renovation of existing buildings, and including the use of non-traditional energy systems like solar, wind, or geothermal applications.
- Provide information and education to the public on how City assessments and fees are determined and applied across the City to enable better understanding of how assessments and fees affect infill development
- Establish annual award to recognize exceptional infill projects
- Research and prioritize potential regulatory changes, including but not limited to: density bonuses; infrastructure cost-sharing; two-way streets, right-of-way enhancements (trees); modifications to City assessments; parking standard adjustments ; changes to street widths
- Consider City-initiated rezoning of property

iii. **Ensure Compatibility**

- Implement form-based code in East Billings Urban Renewal District (EBURD) and explore similar code changes in other parts of the City based on EBURD code

- Support educational presentations about infill in general; facilitation by trained presenters; Neighborhood Task Force presentations/education
- Engage major employers to identify infill locations for workforce housing
- Develop criteria and identify preferred infill areas and areas of stability to provide a guide to developers on preferred infill development locations

iv. **Enhance Livability**

- Encourage energy efficiency and LEED construction incentives;
- Promote attractive streetscape construction and enhance public spaces through landscaping and other amenities
- Support transportation system connectivity improvements for all users and location efficient development
- Explore public transit route improvements, including downtown circulator and commuter routes
- Continue to assess the positive impact of bike police patrols in the Business Improvement District and downtown area on public safety and use of public spaces;
- Continue to identify ways to promote the Billings brand and sense of place to people within and outside the community

(b) The City Council recognizes that infill development practices evolve and the tools and strategies to fulfill this policy may change over time. It is expected that this policy will be reviewed periodically to reflect the best practices in infill development for the City of Billings. Therefore, the City Council supports the following strategies for policy review and monitoring policy implementation:

- i. The City will participate in periodic events to showcase infill projects, share information, and monitor policy implementation progress.
- ii. In conjunction with the infill events, City staff will provide an annual summary report to the City Council and public outlining the policy implementation achievements to date.
- iii. City staff in coordination with infill developers will review the financial benefits of infill projects through before and after tax comparisons and other means.
- iv. Existing advisory boards such as the Development Process Advisory Review Board, Aviation and Transit Board, Public Works Board, Parking Advisory Board, City Zoning Commission, Yellowstone County Board of Planning, Yellowstone Historic Preservation Board, and Neighborhood Task Forces are encouraged to provide ongoing feedback and act as a conduit for public participation on the implementation of the Infill Development Policy.

PASSED by the City Council and APPROVED this ____ day of _____, 2011.

THE CITY OF BILLINGS:

BY: _____

Thomas W. Hanel, MAYOR

ATTEST:

BY: _____

CITY CLERK

Regular City Council Meeting

Meeting Date: 12/12/2011

TITLE: Public Hearing and Resolution to Exclude Lots 26 and 27, the west half of Lot 28 and Lot 38, and Lot 40, Sunny Cover Fruit Farms from the City Limits

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The Planning Division is requesting the City Council conduct a public hearing and deny a Resolution to Exclude Property described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms. The deannexation would result in about 46 acres of undeveloped, west end land being taken out of the City. Petitioner and property owner Thomas E. Romine has signed the attached petition to request this property be deannexed. A 20-day public comment period beginning November 17 was legally noticed on November 17 and December 1. No comments have been received as of November 23, 2011. City staff has reviewed this deannexation request and does not support the deannexation of this property.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Resolution to Exclude Property to deannex the subject property; or
- Not approve the Resolution to Exclude Property and not deannex the subject property.

FINANCIAL IMPACT

This property was intended to be developed in the City for residential uses and has been providing City tax and assessment revenue even as undeveloped land for the past 5 years, so there is some potential for lost tax revenue for the City if the property is deannexed. The property was annexed by the City in 2006 at the request of the current property owner with the intent to develop the property. It is within the City's Limits of Annexation designated for annexation into the City within the next 5 years. This means that the City could deannex the property now and be petitioned to annex the property again at any time. The greatest costs to the city by deannexing are lost tax and assessment revenue and the potential that the City will be asked to annex the property in the near future, which will require a new annexation review.

BACKGROUND

The Planning Division is requesting the City Council deny a Resolution to Exclude Property described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms. The deannexation would result in about 46 acres of undeveloped, west end land zoned Residential-9600 being taken out of the City.

Staff has reviewed this deannexation petition and finds that the requested deannexation is at odds with several criteria in the City's Deannexation Policy. The requested deannexation is inconsistent with the City's Deannexation Policy in that:

- The property is currently within and adjacent on the north, east, south, and partially on the west sides to acceptable limits of annexation as defined on the most recent update of the

Limits of Annexation Map. This results in the deannexation of the property being in conflict with the City's Annexation Policy and Limits of Annexation Map as it is an area where annexation would be supported and it is already in the City.

- The property also is adjacent to public right-of-way on 62nd Street West and borders 60th Street West right-of-way on both the east and west sides, as the existing undeveloped right-of-way passes through the property. Deannexation of the property would mean that the undeveloped 60th Street West right-of-way would be removed from the City as would the portion of 62nd Street West right-of-way along the west edge of the property.
- While the property is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without a significant expenditure of personal or public funds, the City would be able to serve the subject property from existing water and sewer lines in Rimrock Road and 58th Street West. Elevation differences between the current water and sewer lines that would serve this property might require a lift station or low pressure system to tie into the existing water and sewer mains, according to the City Public Works Department. This could be considered an "unreasonable expense of personal or public funds," as stated in the City's Deannexation Policy and alluded to by the property owner in the attached deannexation petition owner statement. However, development of this property to Residential-9600 zoning densities in the City would be a significant development project that might include 150 or more single-family residential units.

The requested deannexation is consistent with the City's Deannexation Policy in that:

- The property is not encumbered by any indebtedness of any improvement district of which the territory is a part.
- The property is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits.

From a service standpoint, City staff did not have any significant concerns with deannexation of the property since it has not yet been developed. Comments from the City Police, Fire, Public Works, and Finance departments expressed no significant impacts to their services if the property were deannexed. Other departments did not provide comments on the deannexation request. The conflict with this request falls almost completely within criteria in the City's Deannexation Policy; the expectation that this property will be developed in the City in the future and the removal of road and road right-of-way from the City.

STAKEHOLDERS

The property owner petitioning to deannex is the primary stakeholder in this process. The City has followed the procedures for deannexation as per 7-2-48 of the MCA, including advertising and allowing for a 20-day comment period on the deannexation request prior to conducting a public hearing on the request. The Planning Division has not received any public comment aside from the information submitted by the property owner for this deannexation request.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

This deannexation petition is not in alignment with all of the deannexation criteria as set out in the City's Deannexation Policy and discussed in more detail in the Background Section of this report.

RECOMMENDATION

Staff recommends that Council not approve the Resolution to Exclude property described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms from the city limits based on the criteria laid out in the City's Deannexation Policy.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution to Exclude

Deannexation Exhibit

Deannexation Petition

City Deannexation Policy

Deannexation Petition Owner Statement

RESOLUTION 11 - _____

A RESOLUTION TO EXCLUDE TERRITORY UNDER THE PROVISIONS OF TITLE 7, CHAPTER 2,
PART 48 OF THE MONTANA CODE ANNOTATED

WHEREAS, the City Council of the City of Billings has determined that a petition to exclude the territory now within the City of Billings was signed by the requisite number of qualified electors of the City, and that granting of the petition is in the best interest of the City of Billings and will not materially mar the symmetry of the City; and

WHEREAS, the Billings City Council desires to exclude said territory from the City of Billings pursuant to Title 7, Chapter 2, Part 48 of the Montana Code Annotated; and

WHEREAS, the boundaries of the territory that the Billings City Council desires to exclude is particularly described as follows:

TERRITORY DEANNEXED. A tract of land situated in the NE1/4 of Section 36, T.1N., R.24E., and the NW1/4 of Section 31, T.1N., R.25E., P.M.M., Billings, Yellowstone County, Montana, more particularly described as:

Sunny Cove Fruit Farms, Lots 26 and 40, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana, annexed under Resolution No. 06-18392, Recorded March 08, 2006, Under Document No. 3369380, Records of Yellowstone County, Montana;

Sunny Cove Fruit Farms, Lot 27, the west ½ of Lot 28 and Lot 38, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana, (now described as, Amended Plat of Sunny Cove Fruit Farms, Lot 27A, Recorded December 29, 2009, Under Document No. 3536038, Records of Yellowstone County, Montana); Including all adjacent right-of-way of 60th Street West and 62nd Street West. Containing 46.579 gross and 44.135 net acres, more or less.

(# 11-04) See Exhibit "A" Attached

1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:
 - A. The Billings City Council desires to exclude the above described contiguous territory.
 - B. All registered voters in the territory to be embraced were immediately notified, in writing.
 - C. Notice of the City Council's intent to exclude said territory was passed under Resolution No. 11-19123, and published as provided in Section 7-1-4127, MCA, with notice that for a period of twenty (20) days after first publication of the notice, the Billings City Clerk accepted written comments approving or disapproving the proposed exclusion of the above described territory from the City of Billings from registered voters residing in the area proposed to be excluded.
 - D. The City Clerk forwarded all written communication received by the Clerk to the City Council for consideration.

E. A public hearing on the question of exclusion of said territory was held on December 12, 2011.

APPROVED AND PASSED by the City Council of the City of Billings this 12th day of December, 2011.

THE CITY OF BILLINGS

BY: _____

Thomas W. Hanel, MAYOR

ATTEST:

BY: _____

Cari Martin, CITY CLERK

EXHIBIT A

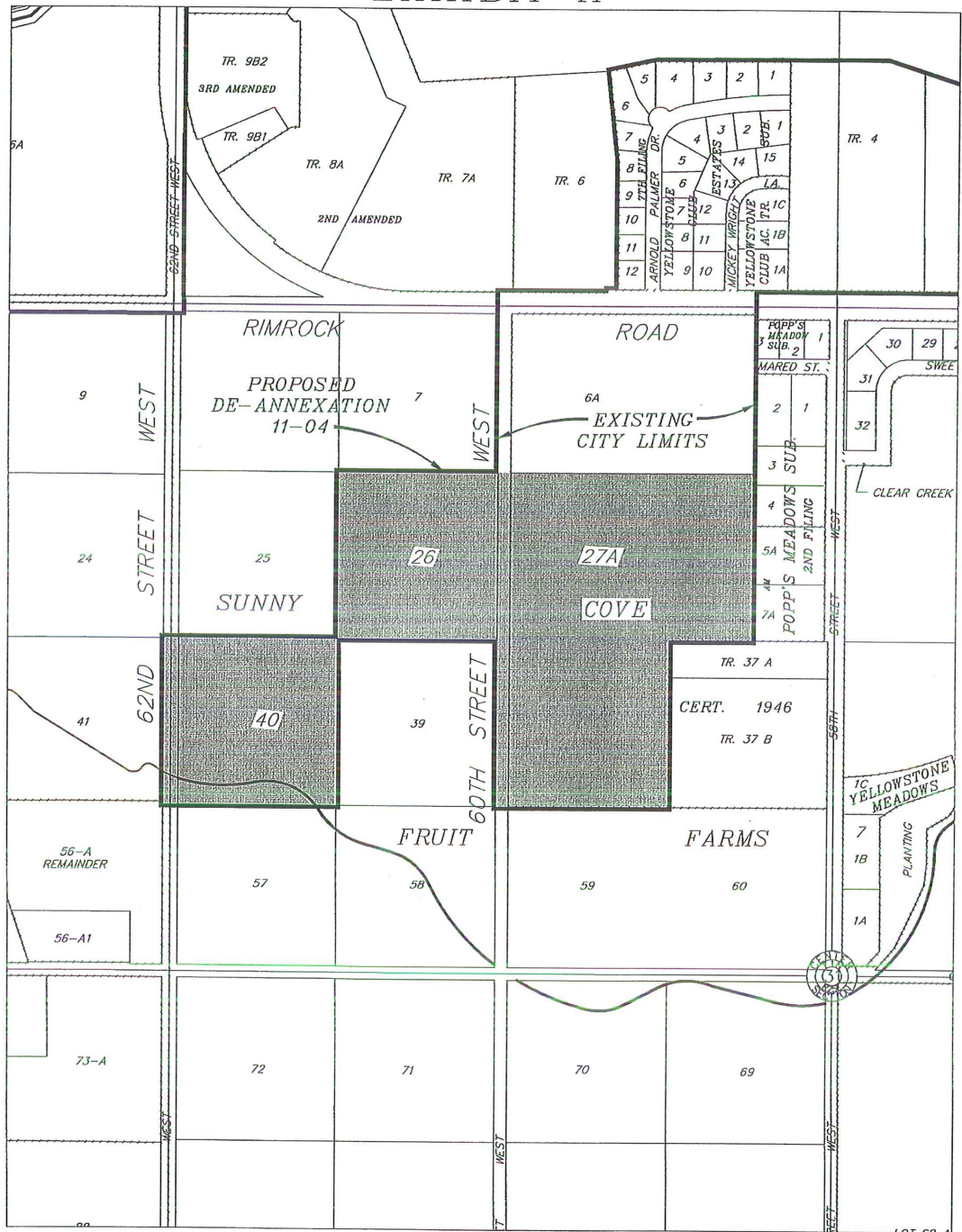
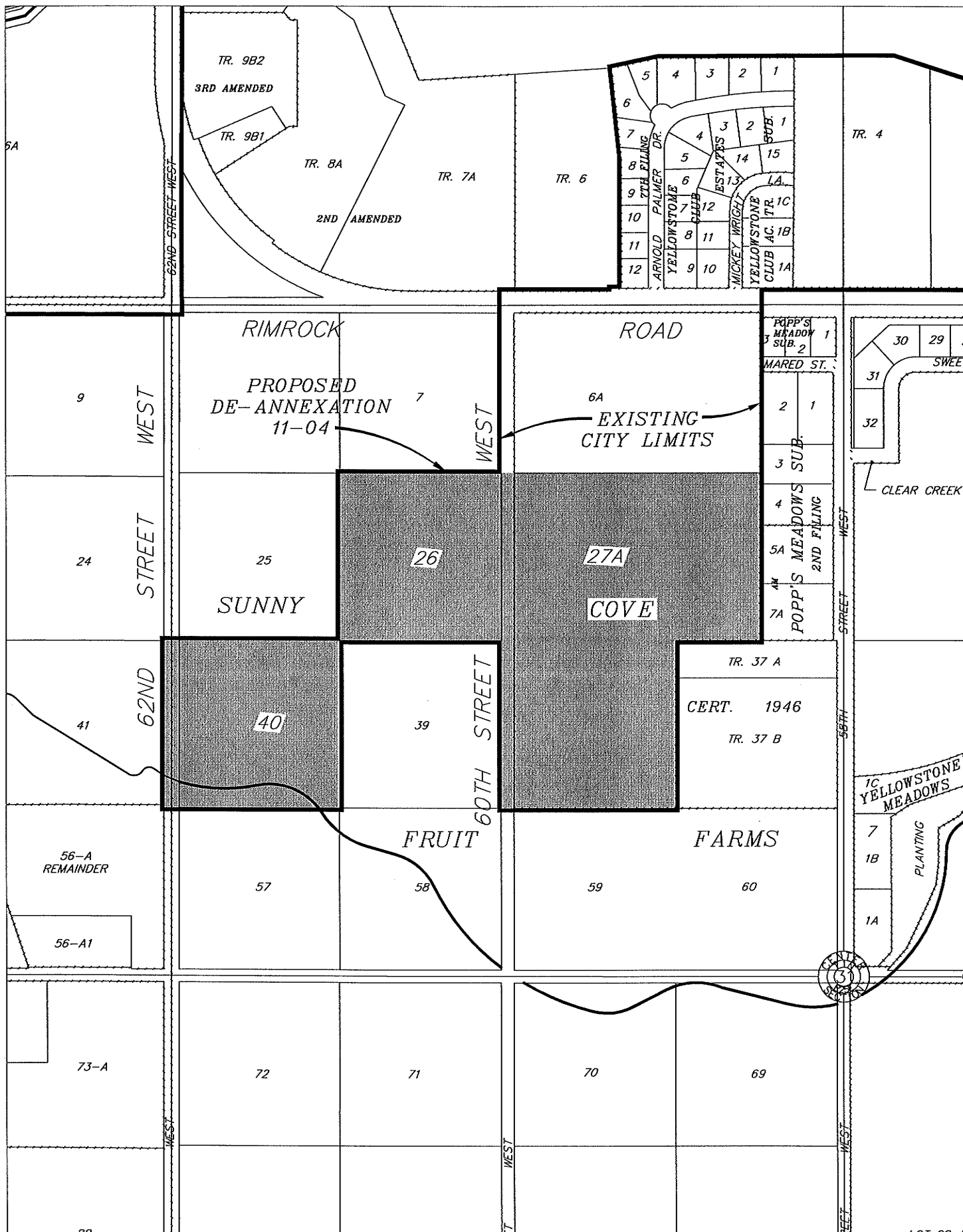


EXHIBIT A



RESOLUTION 05-18271

A RESOLUTION ESTABLISHING A POLICY RELATED TO THE EXCLUSION OF TERRITORY FROM THE CITY OF BILLINGS OTHERWISE REFERRED TO AS "DEANNEXATION", PURSUANT TO MANDATORY PROVISIONS OF SELF-GOVERNING LOCAL GOVERNMENTS, 7-1-114, MCA AND EXCLUSION OF TERRITORY, 7-2-4801, ET. SEQ., MCA.

WHEREAS, The City of Billings is subject to all state laws providing for the exclusion of territory from the City pursuant to 7-1-114, MCA, and

WHEREAS, The City Council desires a policy to determine when exclusion of territory is in the best interest of the City pursuant to 7-2-4801, et. seq., MCA,

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

That the City of Billings is committed to providing cost effective services to all territories within the City. It is recognized that in some instances the City may be incapable of providing these services to certain territories without unreasonably burdening the existing taxpayers or the individual landowner. In those cases, it may be in the best interest of the City and City residents to exclude these territories from the municipality.

The Billings City Council has the authority to exclude territory from the City in accordance with 7-2-4801, et seq, MCA. In doing so, the City Council must find that:

1. A petition, signed by a majority of qualified electors who voted in the last City election or by owners of not less than three-fourths in value of territory to be excluded, has been filed with the City Clerk; and
2. The territory to be excluded is within the existing City limits and on the border of the City; and
3. Granting the petition is in the best interest of the City; and
4. The exclusion of the territory will not mar the symmetry of the City.

Exclusion of the territory may be considered in the best interest of the City if the territory:

1. Is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without an unreasonable expenditure of personal or public funds, and
2. Is not adjacent to public rights-of-way, and
3. Is not encumbered by any indebtedness of any improvement district of which the territory is a part, and
4. Is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits, and
5. Is not adjacent to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map.

Passed by the City Council, this 23rd day of May, 2005



THE CITY OF BILLINGS:

BY: Charles F. Tooley
MAYOR

Mayor Pro Tem
in the absence
of the Mayor

ATTEST:

BY: Marita Herold
Marita Herold, CMC/AEE CITY CLERK

STATEMENT IN SUPPORT OF DE-ANNEXATION

Note the attached maps received from the Public Works Department showing the location of the water and sewer lines. The water line runs along Rimrock Road east to west approximately 660 feet north of the subject property. The sewer line runs up 58th Street West to Rimrock and along the south side of Rimrock, again approximately 660 feet of the subject property. Refer to the Limits of Annexations map which shows the City Limits (areas in light blue). I have also indicated city limits on my map from the Yellowstone County Interactive Mapping Site with a dark blue line.

The subject property is part of an operating farm that I have owned since December of 1977. In response to several serious inquiries from real estate developers and commercial agents and on the advice of Engineering, Inc., I petitioned in 2006 to bring into the City approximately 60 acres of the farm property. As a result of this annexation, my real estate taxes rose from \$1,733 in 2006 to \$14,682 in 1977. \$12,578 of this increase was for assessments for storm sewer (\$4,126) and street maintenance (\$8,452), something Engineering, Inc. neglected to tell me. There is no prospect or plan to extend water and sewer lines or storm sewer to the subject property of this request, thus rendering this property undevelopable in the foreseeable future. **The main impediment to future development is the unavailability of sewer service.** It continues to be farmed while I find myself slowly getting taxed out of this farm property with no possibility for development. I am petitioning to de-annex approximately 45 acres, the portion of the total ground that does not have access to sewer. This property substantially meets the criteria established by the City Council for de-annexation. The remaining 14.196 of ground of the original approximately 60 acres brought into the City will remain within the City limits, fronts Rimrock Road and has water service now and the possibility of sewer service.

The land being petitioned to be de-annexed is not served by city water, sewer or storm sewer. Because of the slope of the land south from Rimrock Road, for this property to receive sewer service would require either a pump station along Rimrock or extension of the sewer main from 58th Street West along a non-existent Colton Road, which is in the county, to the west to the non-existent 60th Street West (over 1300 feet) and then over 650 feet north to reach the southernmost boundary of the subject property (a total of nearly 2000 feet). It would take an additional 2000 feet to reach Lot 40. Again, **the lack of availability of sewer service is the main impediment to future development.** Joe Sheridan of Public Works informs me that **the extension of sewer lines west of 58th along Colton is not included in the Facilities Master Plan for the period through 2025.**

Referring to the City of Billings Resolution establishing a policy related to the exclusion of territory from the City of Billings, the following criteria are to be considered:

1. A petition, signed by a majority of qualified electorsor by owners of not less than the three-fourths in value of territory to be excluded, has been filed with the City Clerk. *I am sole owner of the subject property and the petition has been filed with the City Clerk.*
2. The territory to be excluded is within the existing City limits and on the border of the City. *The subject property is in the City limits and is on the border, there being no property adjacent to the south or west within the City limits.*

3. Granting the petition is in the best interest of the City. (See criteria below) *This property meets all the criteria for the best interest of the City except adjacent to acceptable limits for annexation.*
4. The exclusion of the territory will not mar the symmetry of the City. *Tract 40 is an isolated tract dangling alone and all of the subject property is on the outskirts of the City and is a peninsula of the City limits. De-annexation will square up the City limits.*

Again, referring to the City of Billings Resolution regarding de-annexation, exclusion of the territory may be considered in the best interest of the City if the territory:

1. Is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without an unreasonable expenditure of personal or public funds. *The subject property is not connected to City water, wastewater or storm drainage facilities and the cost of extending those services to this property are prohibitive.*
2. Is not adjacent to public rights-of-way. *Of the subject property, only tract 40 is adjacent to a constructed road and that road is 62nd Street West, a county road.*
3. Is not encumbered by any indebtedness of any improvement district of which the territory is a part. *The subject property is not so encumbered.*
4. Is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits. *The subject property meets these criteria.*
5. Is not adjacent to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map. *The property is adjacent to areas coded red (indicating property that is within the limits of annexation for the period 2011-2015). Given the current and foreseeable future climate for real estate development and extension of city services, I would suggest that this map is no longer realistic for that time frame. **Indeed, as noted above, the extension of a sewer main west of 58th along Colton is not included in the Facilities Master Plan for the period through 2025.** It is interesting to note that property immediately west and to the south of the subject property is not included even in the Long Range Planning Area and that this property is surrounded on three sides by County property.*

I respectfully submit the Petition for De-annexation to the City Council.



Thomas E. Romine