

****ATTENTION****

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws:

- The Agenda Packet is available for viewing on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting.
- The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable. The Public may also view online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
- Public comment will be taken only during the Public Comment periods as indicated on the agenda. Comments may be sent to Council via email before 3:00 PM, on Monday, September 21st, at: <https://ci.billings.mt.us/1538/City-Council-E-mail-Messages>
- Emails received after 3:00 PM and prior to 5:00 PM, may be read during the meeting.
- The Public may call in during specific Public Comment periods at **406.237.6196**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact City Clerk, Denise Bohlman, at bohlmand@billingsmt.gov, or 657-8210 with any questions.

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

WORK SESSION AGENDA

Council Chambers are CLOSED.
The meeting will be held remotely
via virtual meeting room. Please see
coversheet for details and
instructions for viewing and participation.

September 21, 2020

5:30 P.M.

CALL TO ORDER: Mayor Cole

- 1. West End Reservoir and Treatment Plant Project Update**
(Presented by: Debi Meling, City Engineer)
- Public Comment
- 2. Inner Belt Loop (IBL) Project Update**
(Presented by: Debi Meling, City Engineer)
- Public Comment
- 3. Limits of Annexation Map Amendments**
(Presented by: Wyeth Friday, Planning Director)
- Public Comment

COUNCIL DISCUSSION:

PUBLIC COMMENT on “NON-AGENDA ITEMS”. **Speaker Sign-in required.** *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please call 237-6196 during the public comment period.)*

ADJOURN:

NOTE:

- This meeting is an “informal” meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- *In the event there is a Closed Executive Session at the end of a Work Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4)(a), MCA, “to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position” of the City of Billings.
- Council meetings may be viewed at any time by accessing Community 7 Television online at www.comm7tv.com and clicking on archived programs.

Council Work Session

1.

Meeting Date: 09/21/2020

TITLE: West End Reservoir and Treatment Plant Project Update

PRESENTED BY: Debi Meling

Department: Public Works

Division: Engineering

RECOMMENDATION

The information is being provided for the City Council's information and no action is required at this time.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The West End Reservoir and Treatment Plant project is an exciting project for our community. When complete, it will provide much needed water storage in our potable water system as well as a second source of supply. In addition, the construction of the reservoirs will create an amenity for our city that will be unparalleled in the region. The City Council has heard about this project previously, but given the impact and scale of this project, staff believes it is important that the council be updated regularly on the status. City staff will present the current project status, funding challenges and opportunities, and an updated schedule for the project.

ALTERNATIVES

There are no alternatives to consider as no action is required.

FISCAL EFFECTS

The budget, including funding sources, will be presented for the project.

Council Work Session

2.

Meeting Date: 09/21/2020

TITLE: Inner Belt Loop Project Update

PRESENTED BY: Debi Meling

Department: Public Works

Division: Engineering

RECOMMENDATION

This information is being provided for the City Council's information and no action is required at this time.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Inner Belt Loop (IBL) project has been in the planning stages for many years. In 2014, the first phase of the project, Skyway Drive, was constructed from the west end of Wicks Lane to Alkali Creek. Phase two, continuing the IBL from Alkali Creek to Highway 3, has been planned for construction when funding allows. The City applied for a BUILD grant and was awarded a grant that will cover approximately one half of the estimated \$14M for construction. City staff will present an update of the project including the next steps that need to be taken to complete the construction. In addition, developing a plan for utilities will be integral to successful development of the corridor. Staff will provide information that will be needed in the future when developing the funding strategy and development policies.

ALTERNATIVES

There are no alternatives to consider as no action is required.

FISCAL EFFECTS

A financial summary of the IBL project will be presented including costs to date for phases I and II, the BUILD grant information, and funding required to complete the project. A brief introduction of utility funding scenarios will be presented, as well.

Council Work Session

3.

Meeting Date: 09/21/2020

TITLE: Annexation Committee Map Amendment Recommendations

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Division: Planning

RECOMMENDATION

The City Council consider the Limits of Annexation Map amendments recommended by the City Annexation Committee and provide direction as staff prepares to bring these amendments to the Council for formal action at a regular meeting in October.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

To provide guidance on Annexation Policy and Map amendments, an Annexation Committee, consisting of representatives from Administration, Airport, Fire, Parks, Planning, Police, Public Works, and Transit advises the City Council. The Committee meets to review the Annexation Policy, discuss revisions to the map, and develop strategies for long term growth management and service delivery. The Committee did not receive any requests from private property owners to amend the Annexation Map in fall 2019. However, the Committee is recommending four changes to the map based on staff knowledge of potential future development by property owners and infrastructure projects the City has included in its CIP or long range plans. The Committee is not recommending any changes to the Policy at this time. The Annexation Committee's recommendations are being presented to the Council at this Work Session. Formal action on the recommendations is expected at the Council's regular meeting on October 12.

The City Council first adopted an Annexation Policy and accompanying Map 18 years ago in May 2002. The original adoption of the Policy was driven by annexations in the early 2000s of areas like Rehberg Ranch and Briarwood that were placing significant service demands on City services and the Council realized it needed a formal process and criteria to make future annexation decisions. To provide guidance on Annexation Policy and Map amendments, an Annexation Committee was formed to advise the City Council. The current adopted policy established two limits of annexation. The City Annexation Petition Area (Red) defines an area where annexation petitions may be supported in the short term. The Long Range Urban Planning Area (Orange) covers areas where City services may be extended but would require additional analysis and funding to support those services.

The City of Billings has annexed about 5 square miles since 2004 (38.65 to 43.97 sq. mi.) when the Policy and Limits of Annexation Map were further refined to be similar to what they are today. The community's growth over this period has challenged the City's ability to balance serving new areas and maintaining a high level of service to existing citizens. Recent discussions and funding efforts centered on the need to increase public safety services has been a core part of these service issues. These challenges have meant the Committee continues to be cautious in recommending any expansion of the annexation areas. Staff also has recognized Council concerns in considering recent annexations that there is a lot of property already in the City Annexation Petition Area that could need services. However, it is important to recognize not all of the current City Annexation Petition Area is facing development/redevelopment in the near future as portions are already built out with residential

or commercial uses. Ensuring proper municipal infrastructure is positioned to serve City expansion long term is also a critical element in the community's sustainability so it is necessary to expand in some areas.

Orange Area Recommendations:

The Annexation Committee is making two recommendations to City Council to expand the Long Range Urban Planning Area (See draft map attached to this memo). Both of these areas are being recommended due to future City initiated and State initiated infrastructure that is going to occur and influence these areas for urban development.

West Billings Reservoir Area (1) - The City of Billings has programmed the construction of a west end reservoir and water treatment plant into its adopted Capital Improvement Plan, and anticipates construction of these facilities in the next 4 years. The project is located in the former Knife River Gravel Mine south of the Shiloh Conservation Area, east of 48th Street West and in the area around Hesper Road. While the reservoir will provide significant additional drinking water storage for the City and the plant will add redundancy and improved capabilities to the City water system, this location means future municipal services will be available along this western edge of the current City Limits. While the City is not prepared to service some of this area right now, the Annexation Committee sees the need to expand the Long Range Urban Planning Area to encompass an area south, west and northwest of this project along the 48th Street West corridor in anticipation of future City development in this area. It is expected that if the Council amends the map to include this area for Long Range Urban Planning, City staff will continue to analyze the future service options as the reservoir and water plant project move ahead in 2021.

East Heights Billings Bypass Area (2) - The Montana Department of Transportation (MDT) is in the process of constructing the Billings Bypass between Johnson Lane in Lockwood and the Billings Heights area at Mary Street and Highway 312. The City of Billings and Yellowstone County have fully supported this project and committed locally allocated Federal transportation funds to complete it. This project will provide a major transportation corridor connecting both Lockwood and the Billings Heights, but also I-90/I-94 and Highway 87 to northern Montana and Canada. When this project is completed, it will have a significant impact on the eastern portion of Billings Heights, much of which is still in the County and only some of which is in the City Annexation Petition Area. The Metropolitan Planning Organization (MPO) for Billings and the Urban Area of Yellowstone County has programmed an North Bypass Corridor Study to be completed in 2021 to address future access and development along the northern segment of the Bypass from where it crosses the Yellowstone River to where it intersects with highways 87 and 312. The Annexation Committee sees the need to include the entire east Billings Heights area in the Long Range Urban Planning Area now to anticipate both this upcoming study and the need to plan for development in the area that should be in the City with municipal services.

Red Area Recommendations: The Annexation Committee is making two recommendations to City Council to expand the City Annexation Petition Area (See draft map attached to this memo). Both of these areas are being recommended due to recent and future City infrastructure projects in the Adopted CIP and long range infrastructure planning that will influence these areas for urban development.

West Airport Highway 3 Area (3) - Before the City was awarded a BUILD Grant in early September to construct the Inner Belt Loop and the Skyline Trail, there was already significant long term planning and potential development activity along the Highway 3 Corridor west of the Airport. The City has limited water and sewer infrastructure in this vicinity but is planning for further service expansion. The Airport continues to monitor development impacts to its

operations. Some rezoning in the County in the past 5 years in the area has led to initial development by Billings Flying Service north of Highway 3. The MPO's completion of the Highway 3 Corridor Study in 2015 laid out significant improvements to the road corridor and assessed future land use opportunities, as well as developed the Skyline Trail concept. Most recently, the adoption this summer of the Inner Belt Loop Corridor Study by the City and County also identified the future urban development potential for the area along Highway 3. While the area the Annexation Committee is recommending be included does not encompass all of the future development area, the Committee recognized the need to begin including this area so that new development in the short term will occur in the City on municipal services and send the message that this area should be served by the City. The City Annexation Committee members found that adding this area to the City Annexation Petition Area would not put a significant or immediate strain on City service delivery in this location and the benefits of having urban development in the City in this area versus rural County development outweighed any possible challenges.

Grand and 62nd Street Area (4) - This area has been a focus of internal staff discussion for a few years as the City Limits are just east of this intersection and also north at the intersection of 62nd Street West and Rimrock Road. The City also completed a project a few years ago to extend water and sewer west along Grand to near the 60th Street West intersection. The long term plan for this area is to eventually utilize 62nd Street West to loop utilities between Grand and Rimrock Road to better service the property within the current City Annexation Petition Area east of 62nd Street West between Rimrock Road and Grand Avenue. Having this area all within the City Annexation Petition Area east of 62nd Street West except for the northeast corner of the Grand Avenue and 62nd Street West intersection does not make sense from a long term municipal service standpoint. Further, the property owner at this northeast corner has expressed interest in the past year to annex and develop this location. The City Annexation Committee members found that adding this small area to the City Annexation Petition Area would not put a significant strain on City service delivery in this location and the benefits of having urban development in the City in this area versus rural County development outweighed any minimal service challenges.

ALTERNATIVES

No formal action is required by the City Council at this meeting. Staff will bring the Limits of Annexation Map recommendations to a regular Council meeting in October for action.

In making its recommendations to amend the Limits of Annexation Map, staff considers the ability to serve areas outside the existing City limits based on existing resources, effects on City residents, and programmed improvements, including the Capital Improvement Plan (CIP). The Committee also considers the long range opportunities for urban development while striving not to favor one department's ability to provide service over another department's limitation(s).

FISCAL EFFECTS

Making amendments to the City Limits of Annexation Map does not immediately impact the City budget. However, future annexations in the areas that are included in the City Annexation Petition Area will have both revenue and cost implications for City service delivery. Future decisions in the CIP process about infrastructure projects also will have an impact on where the City invests in long range City growth and expansion. There is a balance the City must achieve between efficient service delivery to existing City residents and future expansion to provide services for urban development. Not identifying future areas of City expansion and making long

term investments can also have a significant cost as rural development occurs in places that interrupts future City expansion and makes future service delivery more complicated and costly.

The Council would likely want to know specific cost estimates for future service delivery to the areas identified for the Annexation Petition Area (Red area). This is not possible at this time both because the specific development plans for these areas is not known and because the City has not completed a Cost of Service Study to help inform these situations. However, the Annexation Committee has been very intentional about the two areas it has recommended for inclusion in the Annexation Petition Area this year to minimize short term service impacts in anticipation of future service delivery analysis.

Attachments

Annexation Policy
Adopted Annexation Map
Proposed Map Amendments

RESOLUTION NO 17-10618

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, further amended it by Resolution on April 10, 2006, May 23, 2011, and on May 23, 2016, and it is amended from time to time.

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

That the City Council now makes and adopts the following amendments to the Annexation Policy:

ANNEXATION POLICY Revised, May 8, 2017

1. Statement of Intent

The City of Billings intends to permit the annexation of land as to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the annexed territory and existing City properties.

2. Policy Statement

The City Council shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and the Billings Municipal City Code, Section 26-204 and Sections 20-301 through 305. The Council may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

- The area must be located within the Red Area of the Limits of Annexation as defined herein;
- The City must be able provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City;
- Existing or proposed public improvements within the area to be annexed must meet City standards;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- All residential property owners within the area to be annexed must create or join an existing park maintenance district;

- Residential densities planned for development within the area to be annexed must meet an overall average density of at least 4-7 dwelling units per acre as per the 2016 City of Billings Growth Policy; and
- The proposed land use within the area to be annexed must conform to the goals of the Adopted City of Billings Growth Policy.

3. Limits of Annexation Map (attached) - The City shall prepare a map showing limits of annexation for two time periods. The first time period shall be known as the City Annexation Petition Area (Red Area). The City will utilize its Five-Year Capital Improvements Plan and ongoing analysis of its ability to provide services when considering amendments to the Red Area. The second time period shall be called the Long Range Urban Planning Area (Orange Area) and shall be reviewed by the City for amendments based on its service master plans and ongoing analysis of its ability to provide services. In order for a property to be considered for annexation, it shall be located within the City Annexation Petition Area (Red Area) on the Limits of Annexation Map.

a. Map Amendments

A map amendment shall be prepared for Council consideration whenever the Capital Improvements Plan is revised. A map amendment may be initiated by City staff, or requested by a property owner, in preparation for a future annexation request. Unless a property may be considered under the criteria outlined in subsection 'b' below, a property may not request inclusion in the City Annexation Petition Area unless it has first been included in the Long Range Urban Planning Area.

For any map amendment involving addition of property to the Long Range Urban Planning Area, the property owner must submit a letter requesting inclusion of the property in the Long Range Urban Planning Area. For any map amendment involving the addition of property to the Red Area of the map, an Urban Planning Study shall be completed by the petitioner who requests the amendment. An Urban Planning Study shall evaluate how a development proposal will impact the following elements:

- Streets and transportation
- Traffic circulation and generation
- Storm sewers and storm water management
- Wastewater service
- Sanitation and solid waste management
- Water service
- Parks, recreation and public lands
- Public safety (police, fire and other emergency services)
- Public schools
- Projected and estimated population
- Soils, geology and topography
- Effects of urbanization on the existing environment
- Effects on agriculture
- Existing and potential land use
- Historic sites
- Development timetables

- Capital improvements
- Methods of funding for public improvements
- Other considerations

Map amendments will be recommended to City Council by a committee of representatives from City Administration, Public Works Department, Fire Department, Parks Department, Planning Division, Police Department, and MET Transit.

Rationale

When proposing amendments to the map, the committee shall consider and document for Council:

- distance from existing city services and response times;
- capacity and location of existing facilities and future upgrades or construction of new facilities;
- cost of city services;
- effect on existing residents; and
- conformance with all adopted plans including the Capital Improvements Plan, the Growth Policy, applicable area plans, the Billings Area Bikeway and Trails Master Plan, the most current Transportation Plan, the most current sewer, water and storm sewer plans, and other applicable adopted planning documents.

The Council will then determine at its discretion whether to approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

b. Consideration for property outside the Long Range Urban Planning Area being brought directly into the City Annexation Petition Area.

There may be circumstances when previous development and infrastructure improvements within the City have created situations where the City may choose to consider bringing a property outside of the Long Range Urban Planning Area directly into the City Annexation Petition Area. In this instance, the City Council will use all of the following criteria in guiding its decision:

- An Urban Planning Study as outlined in subsection 'a' above has been completed on the subject property and the City has performed long range service studies that include the property.
- City water and sewer lines are directly adjacent to the property and are sized appropriately to serve development on the property
- The property is directly adjacent to the City Limits
- The City property adjacent already is developed and designed to connect via roads to the property
- City services providers are able to serve the property while there is the potential for increases in response times for public safety services.

After review of all of these criteria, the City Council may consider adding the property into the Red City Annexation Petition Area. However, it remains the City Council's discretion as to whether to include any property in any Limits of Annexation area.

4. Obligation of City

The City may choose to annex any property in accordance with the provisions of the following state statutes:

- Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
- Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
- Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
- Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
- Annexation by Petition (7-2-4601 et. seq., MCA)
- Annexation with the Provision of Services (7-2-4701 et. seq., MCA)

The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for; a) a development agreement prior to the issuance of a building permit, or b) a subdivision improvements agreement at the time of final subdivision plat approval. In the event the property to be annexed is already developed and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

5. Obligation of Petitioner

Petitions for annexation must comply with the provisions of Annexation by Petition (7-2-4601 et. seq., MCA) and Section 26-204 and Sections 20-301 through 305, BMCC. A fee, to be established by the City Administrator, must be paid at the time the petition is submitted. If the area to be annexed is not developed, petitioners are required to comply with the conditions of approval prior to the issuance of a building permit or at the time of final subdivision plat approval. If the area to be annexed is developed and requires the construction or installation of public improvements, the petitioner must enter into an annexation agreement prior to the City Council acting on the resolution of annexation.

APPROVED AND PASSED by the City Council of the City of Billings, this 8th day of May, 2017.

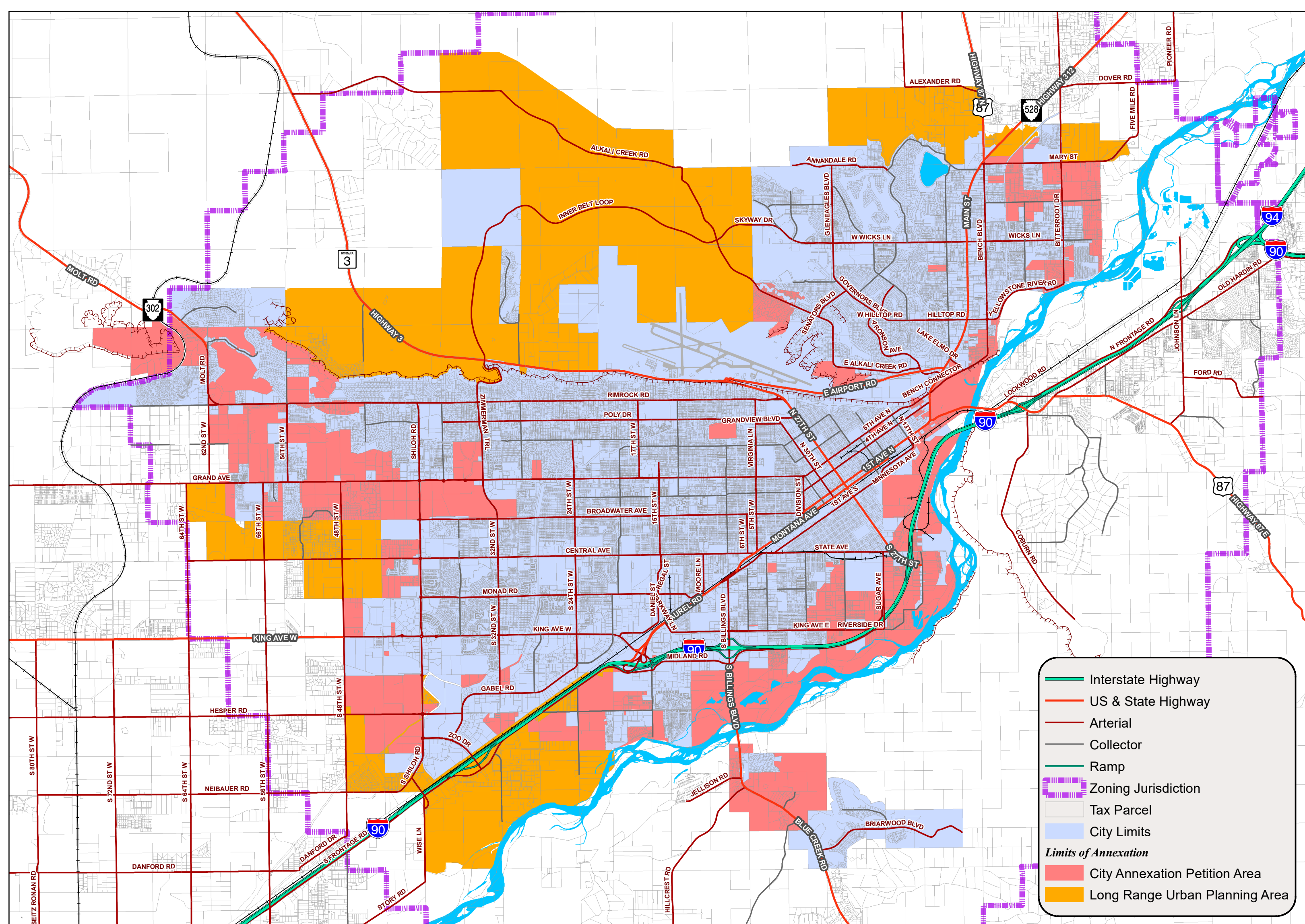


THE CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel Mayor

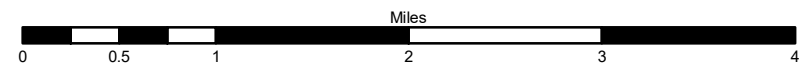
ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman City Clerk



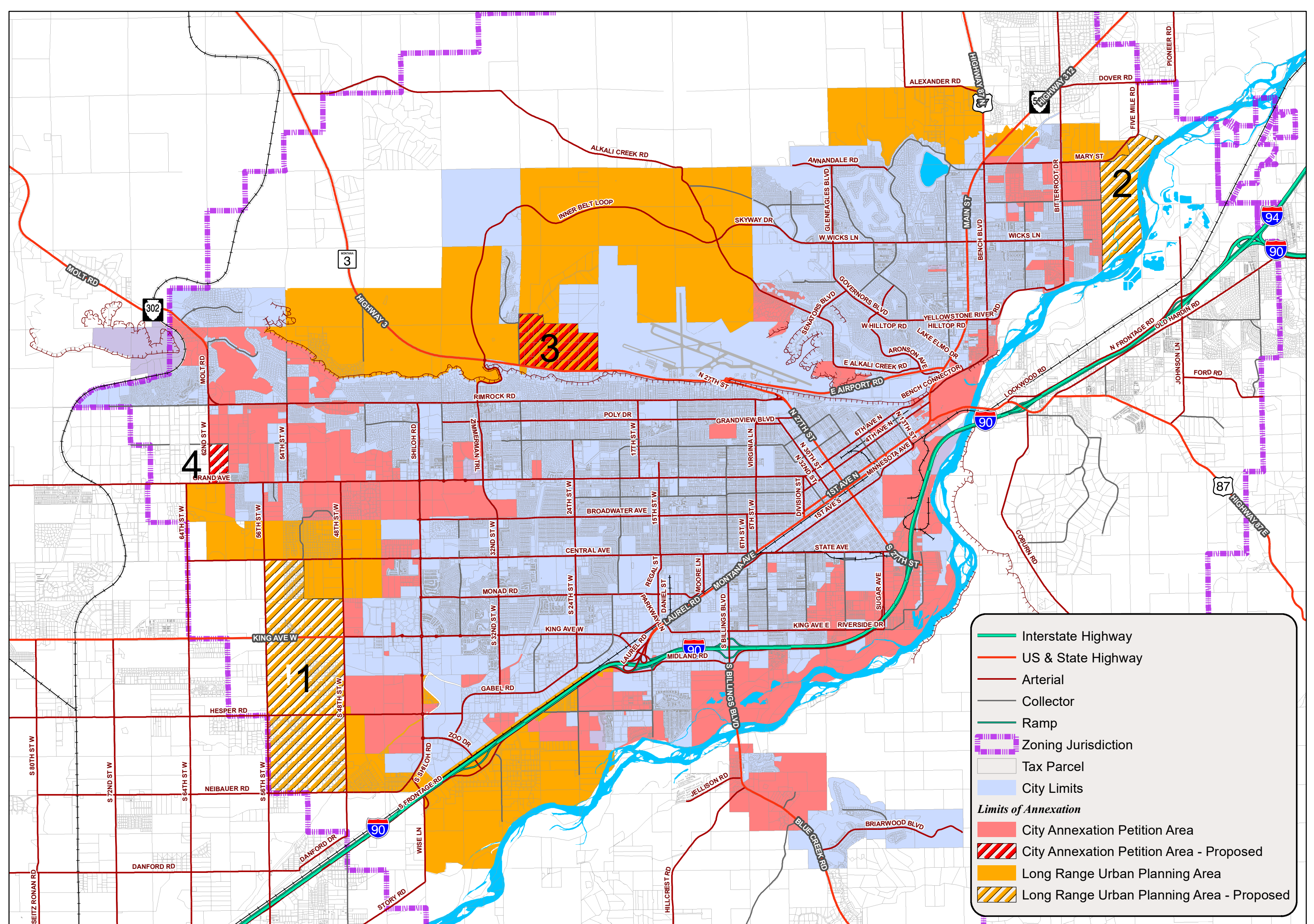
Limits of Annexation Map

Revised April 23, 2018



Map Document: \\pwu-w12k07\GIS_Files\Mapping_Projects\Projects\Planning\2016\RFI_0097_LimitsOfAnnexation_rev2_2016\RFI_0097_LimitsOfAnnexation_23APR18 (11x17).mxd
Date: 4/9/2018

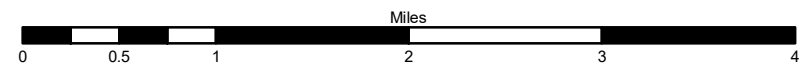




	Interstate Highway
	US & State Highway
	Arterial
	Collector
	Ramp
	Zoning Jurisdiction
	Tax Parcel
	City Limits
Limits of Annexation	
	City Annexation Petition Area
	City Annexation Petition Area - Proposed
	Long Range Urban Planning Area
	Long Range Urban Planning Area - Proposed

Limits of Annexation Map

Revised June 18, 2020 (DRAFT ONLY)



Map Document: \\pwu-w12k07\GIS_Files\Mapping_Projects\Projects\Planning\2016\RFI_0097_LimitsOfAnnexation\RFI_0097_LimitsOfAnnexation_17JUN20 (11x17).mxd
Date: 6/18/2020