

****ATTENTION****

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, fifth floor of City Hall, 316 N. 26th Street. 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.

Citizens are invited to:

- . Review the Agenda Packet on the City's website at: www.billingsmt.gov and click on "Your Government," "City Council," and "Agendas & Minutes".
- . View the meeting:
 - . On 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.)* Channel 7 or Channel 978 - TDS Fiber.
 - . Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
 - . On the City's website at www.billingsmt.gov and click on "Watch Meetings Online" on the homepage.
 - . In-Person.

Citizens may submit public comment via the following methods:

- . Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- . Email: Council@billingsmt.gov
 - . Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- . Attend the meeting in person

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8210, with any questions.



VISION STATEMENT:
"The Magic City: A diverse,
welcoming community
where people prosper and
business succeeds."

WORK SESSION AGENDA

COUNCIL CHAMBERS

MARCH 2, 2026

5:30 P.M.

CALL TO ORDER: Mayor Nelson

PUBLIC COMMENT ON ALL ITEMS. This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster located at the back of the Council chambers or at the podium.

1. **Provisions for Water/Sewer Service Area Expansion and Annexations:**
 - a. **Meadowlark Mobile Home Park - Request for Water Service.**
 - b. **Blain Property - Request for Sewer Service.**
 - c. **McDougall Subdivision - Request for Water and Sewer Service.**
2. **Draft Disposition Report for Parks, Recreation and Public Land.**
3. **Boards, Commissions and Committees Review (CM O'Donnell Initiative).**

HIGHLIGHT UPCOMING AGENDA ITEMS OF COUNCIL INTEREST:

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 sign the roster at the cart located at the back of the Council chambers or at the podium.)*

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, 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.

City Council Work Session

1. a.

Meeting Date: 03/02/2026

TITLE: Meadowlark Mobile Home Park - Request for Water Service

PRESENTED BY: Mac Fogelsong, City Engineer

Department: Public Works

Presentation: Yes

Legal Review: No

Project Number: N/A

RECOMMENDATION

After a staff presentation, staff recommends the City Council discuss the merits of expanding the water service area to Meadowlark Mobile Home Park to provide the property with City water and provide staff and the applicant direction for subsequent applications that could include annexation.

EXECUTIVE SUMMARY

Meadowlark Mobile Home Park has formally requested connection to the City's water system to address ongoing water quality concerns. The proposed water main extension to Meadowlark Mobile Home Park would be fully funded through the Montana DEQ Emerging Contaminant Grant, including design, construction, staff time, and the City's water system development fee, resulting in no capital cost to the City.

The property is located outside the City's designated annexation areas, and annexation would require preparation of an urban planning study and submission of a petition for Council consideration. If annexed, the property is estimated to generate approximately \$126,000 annually in property tax revenue and \$115,064 in street maintenance district fees, while projected emergency service costs based on 2025 call volume are estimated at approximately \$63,000--\$73,000 per year. Council direction is requested on whether water service should be conditioned upon annexation, provided without annexation, or declined.

If the City desires to provide water service without annexation, the City would require a waiver of right to protest future annexation,

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

The Meadowlark manufactured home court is located on Jellison Road, generally north of the City landfill and west of Blue Creek Road. The court consists of about 220 manufactured homes, currently served by the City sewer system and a privately owned and operated public water supply system utilizing multiple groundwater wells. The City of Billings allowed a sewer connection for the manufactured home court to the City system without annexation in 2016. The Meadowlark water system has challenges with drinking water and has poor aesthetics, including odors and discolored water. Meadowlark water system personnel have been working with the Montana Department of Environmental Quality (DEQ) and the City of Billings to address water quality concerns.

The discoloration and odors in the drinking water indicate high levels of iron and manganese. The Meadowlark Mobile Home Park has a water treatment plant that was placed into service in either 2009 or 2010. The water treatment plant was designed specifically for iron and manganese removal. For several years, the treatment plant reduced the iron and manganese levels in the water system to tolerable and acceptable levels. However, the effectiveness of the plant has diminished. With it, the manganese in the water exceeds EPA's secondary maximum contaminant level (SMCL), and residents' complaints about the water quality have increased. Additionally, manganese is one of the substances on the Environmental Protection Agency's (EPA) list of emerging contaminants.

The owners of the Meadowlark Mobile Home Park have decided that the one long-term solution is to secure funding through the Montana Department of Environmental Quality (MTDEQ) Emerging Contaminant Grant that will fund the construction of a water main down Jellison Road from the Meadowlark Mobile Home Park to Blue Creek Road where it will connect to the City of Billings' water distribution system. From a financial standpoint, funding has been obtained through DEQ in order to construct the water main and pay the City water system development fee. The overall cost of the project is estimated at \$2,364,253.00. The City would act as the grant recipient in order to complete the project, as required by DEQ funding requirements. Through the agreement with DEQ, the City will be reimbursed by the DEQ grant for the cost of the project, including staff time. If constructed, the new water main will have the benefit of providing fire protection at the landfill entrance and, in the future, could be looped through the landfill to provide redundancy to the landfill water system.

Emergency services have indicated there were a high number of calls for service to this area in 2025 (370 calls). The Police Department and Fire Department have concerns with annexation based on call volume and lack of fire

hydrants within the court. Representatives of emergency services will be available to discuss these concerns in detail at the work session.

The property is located outside the zones for annexation identified on the City's Limits of Annexation Map and if annexation is required for service, the applicant would need to prepare an urban planning study and submit an annexation petition.

FISCAL EFFECTS

For the water main extension, the MTDEQ will reimburse the City for the design, construction, and staff time through the MTDEQ Emerging Contaminant Grant, such that there is no cost to the City. In addition, DEQ would pay the City water system development fee. Meadowlark will pay the monthly water fees at the rates established by Council, which include the metered volume charges and the fixed monthly water charges for customers outside the City.

There may be a financial impact to the City to provide water service to Meadowlark Mobile Home Park with water, primarily dependent on the potential cost and demand for emergency service, if annexed. If the property were to be annexed to the City, City staff estimates about \$126,000 will be generated in tax revenue and \$115,064 will be generated in street maintenance district fees annually. Based on known emergency service calls from the manufactured home park in 2025, fire department staff estimates this level of calls would cost approximately \$30,000 - \$40,000 if served by the City. Similarly, police services would cost about \$33,000 annually, assuming each call is one hour in duration.

STAKEHOLDERS

ALTERNATIVES

City Council may:

- Direct staff to move forward with providing water service to Meadowlark Mobile Home Park through annexation; or,
- Direct staff to move forward with providing water service to Meadowlark Mobile Home Park without annexation (waiving annexation requirements); or
- Provide direction not to provide water service to Meadowlark Mobile Home Park. If water is not provided, Meadowlark Mobile Home Park will continue to have water quality problems for its residents.

Attachments

Presentation
Application for Water Service

Tonight's Agenda

Process

Process for expansion of water or sewer service area

Discuss

Discuss three sites that have requested service

- Meadowlark (Water Service Requested)
- Blain Property (Sewer service Requested)
- McDougall Drive (Water and Sewer Requested)

Direction

Give staff direction on each site

- Provide Service, yes/no
- Require Annexation, yes/no

Expansion of Water/Sewer Service Areas

- ▶ Greenfield (undeveloped) sites, typically annexed
 - ▶ Annexation Policy that aligns with CIP
 - ▶ The Tool: Limits of Annexation Map
- ▶ Existing Developed Sites in County

Limits of Annexation Map

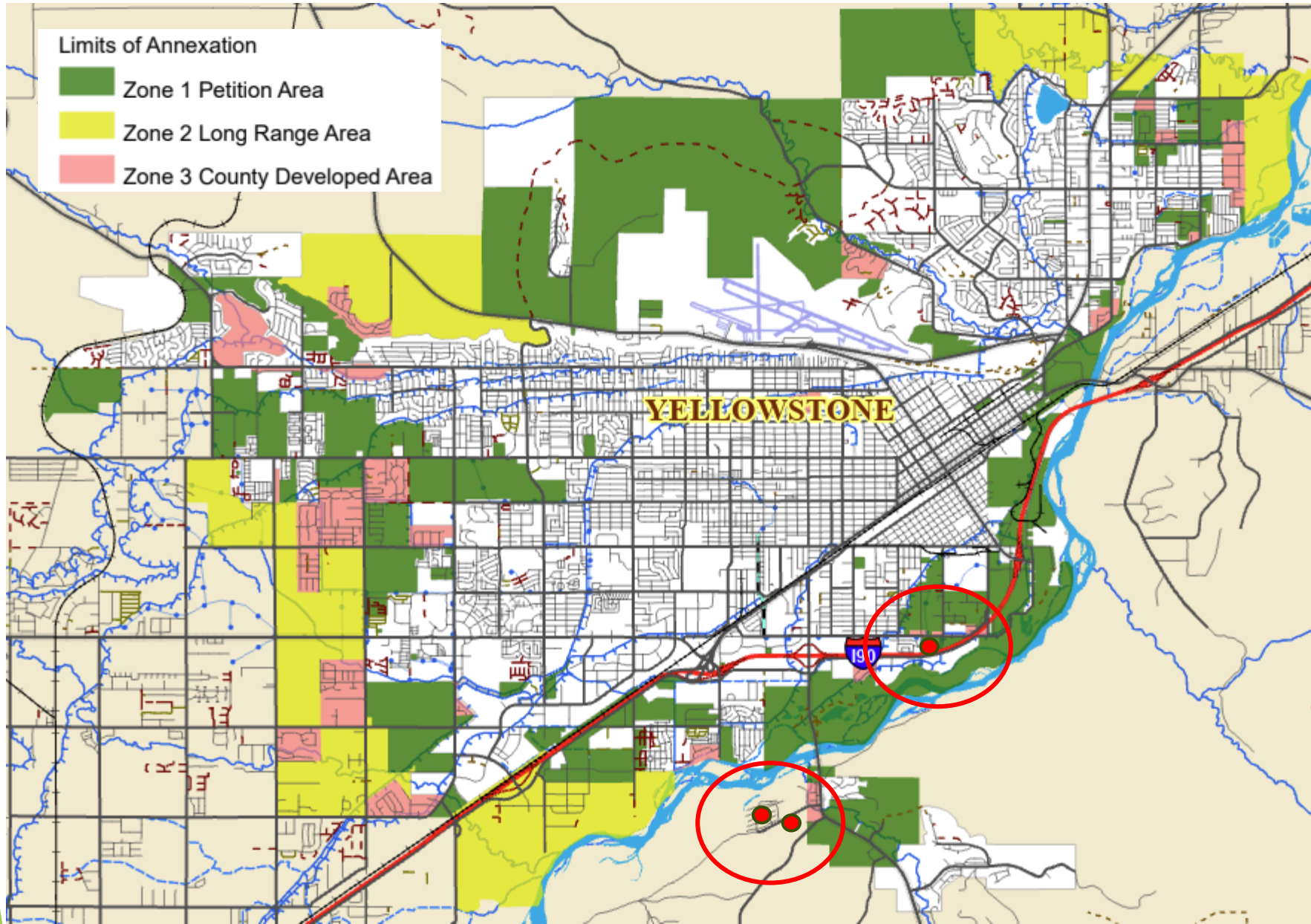
Green is Zone 1 Petition Area

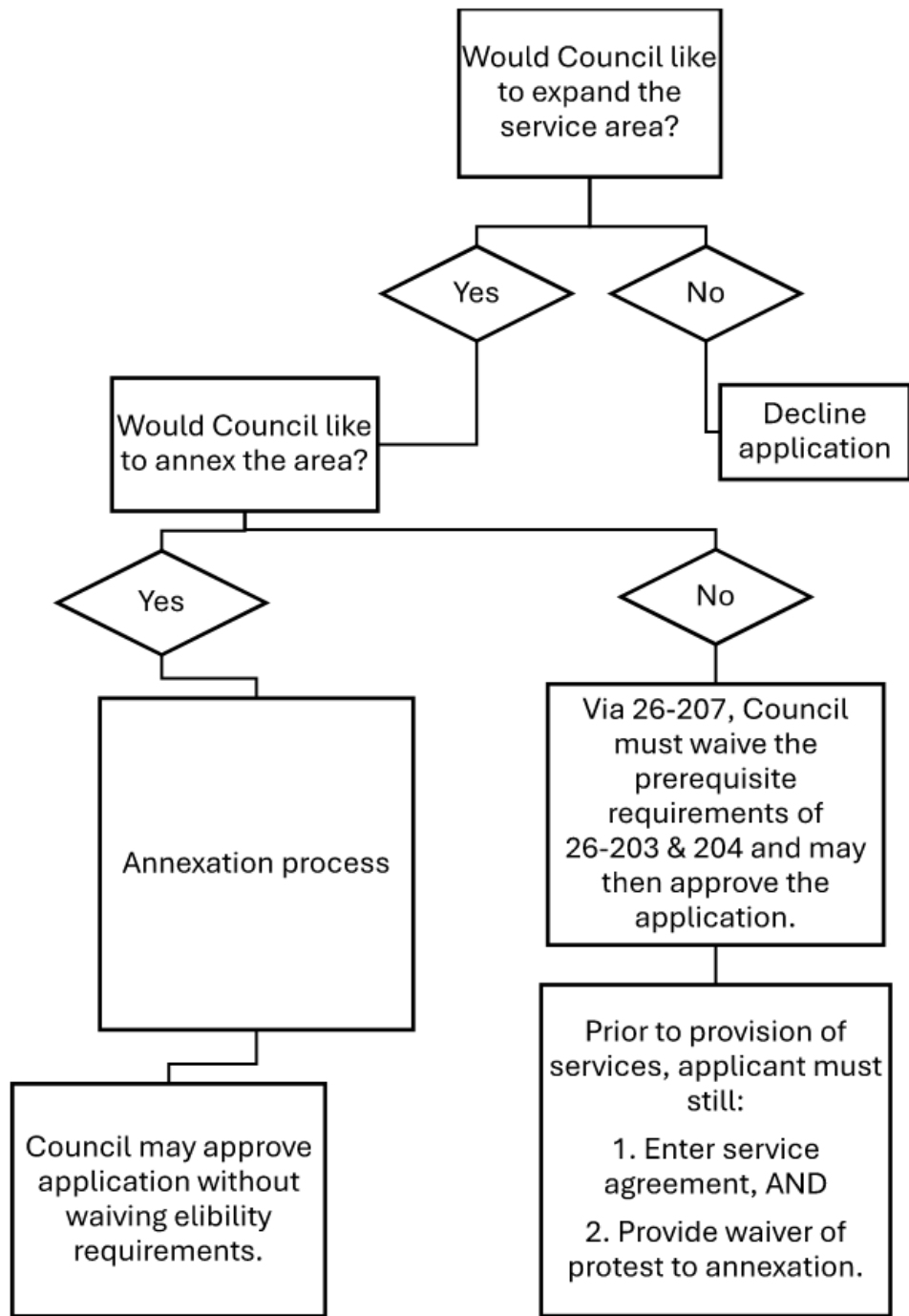
- City Anticipates Service

Areas in Beige (Not on Map)

- Council may allow property directly into annexation petition (green) area with Urban Planning Study

Limits of Annexation Map





Process for Expansion of Water/Sewer Service Area

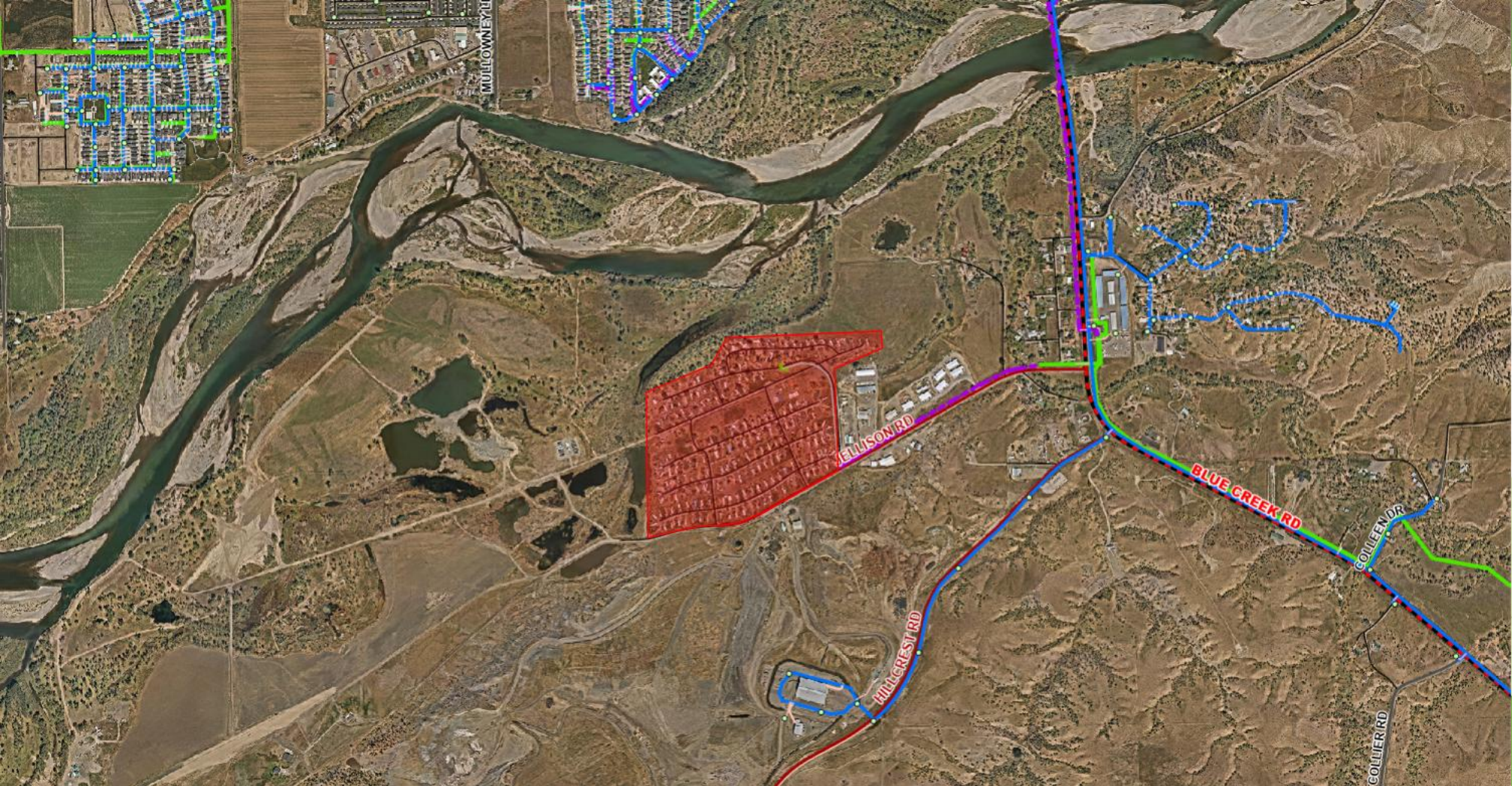
Service Requested from 3 Sites

Meadowlark
(Water Service)

Blain Property
(Sewer Service)

McDougall Drive
(Water and
Sewer Service)

Meadowlark Manufactured Home Park



Meadowlark Manufactured Home Park



Meadowlark Background

Drinking Water Quality
Problems

Funding Source—DEQ
Grant—Requires
Municipal Oversight

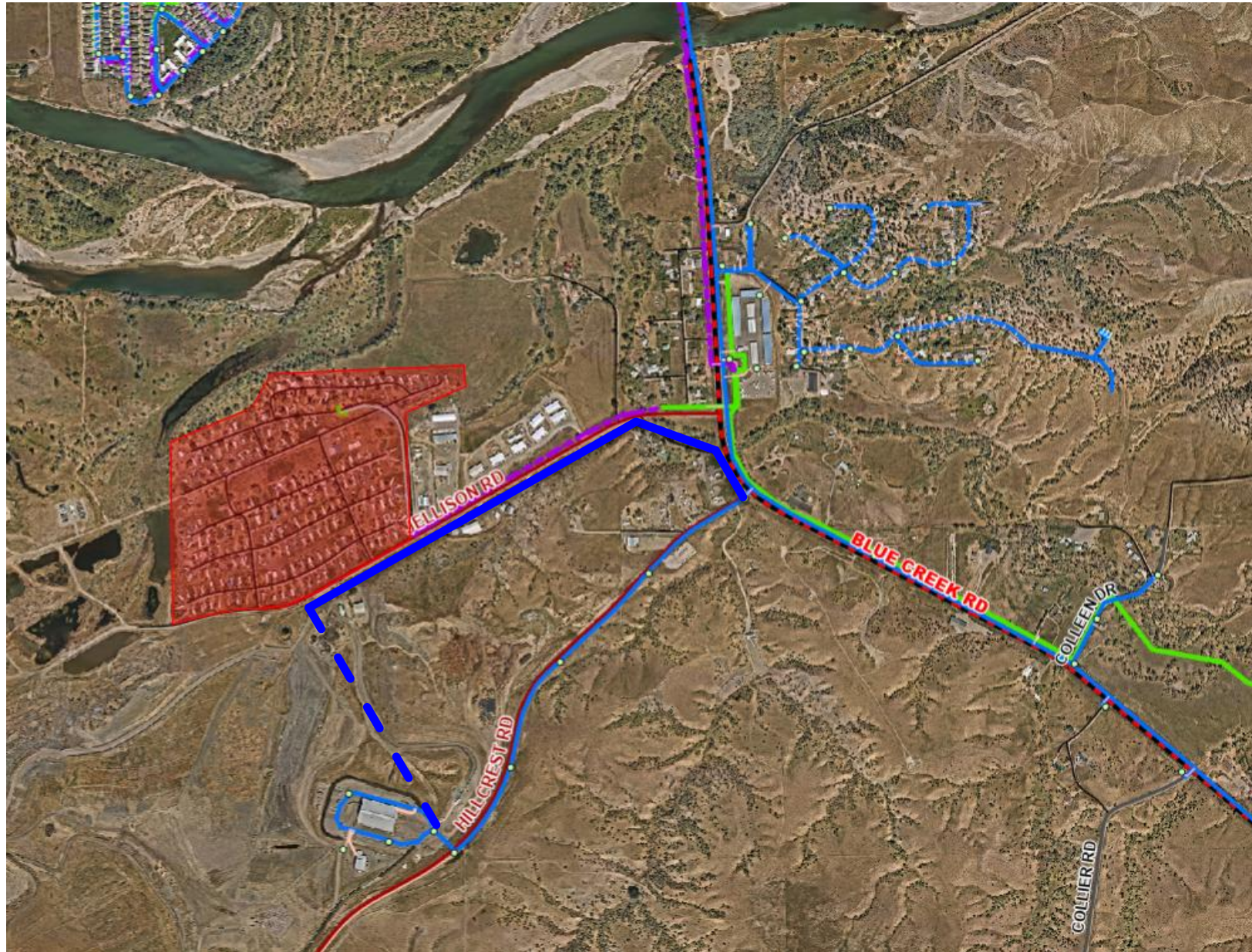
City Utility Benefit--
City Water Main to
Lower Landfill

- Cost borne by DEQ (\$2,364,253.00)—No cost to City
- Current Dead End Water Main to top of Landfill
- New water main provides ability to loop to main from Jellison to Hillcrest—not dead end

City Currently Provides
Sewer Service to
Meadowlark (2016)

Property outside the
annexation area

City Benefit of Water Main



Meadowlark Process (Assume Served with Water)

Annexation

- A. Applicant Prepares Urban Planning Study and Requests Annexation
- B. Annexation Agreement
 - A. Cut off any other services (e.g. marijuana buildings)
 - B. Waiver for future Improvements ?
- C. Consecutive Water Service Agreement
- D. City-DEQ Agreement for Grant Funds
- E. City-Consultant Contract (Design and Construction)

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Agreements
 - A. Service w/o Annexation
 - B. Consecutive Water Service
 - A. Cut off any other services (e.g. marijuana building(s))
- C. City-DEQ for Grant Funds
- D. City-Consultant (Design and Construction)
- E. Waiver of future annexation

Considerations of Annexation

A. Downside: Emergency Service Calls (2025)

DEPARTMENT	TOTAL	
AMERICAN MEDICAL RESPONSE	72	
BILLINGS POLICE DEPARTMENT	13	
BLUE CREEK VOLUNTEER FIRE DEPARTMENT	80	Cost = \$30,000 - \$40,000
YELLOWSTONE COUNTY SHERIFF'S OFFICE	205	Cost = \$33,000 (1 hour calls)
GRAND	370	

- B. Estimated Tax Revenue \$126,000/Year
- C. Street Maintenance Fees \$115,064
- D. Upside of Water Main Fire Protection at Landfill Entrance
- E. Downside: Emergency response inside of court (conditions)
 - A. Narrow Roads, No fire hydrants
- F. PD and FD not in support of annexation

Meadowlark

Discussion and Direction

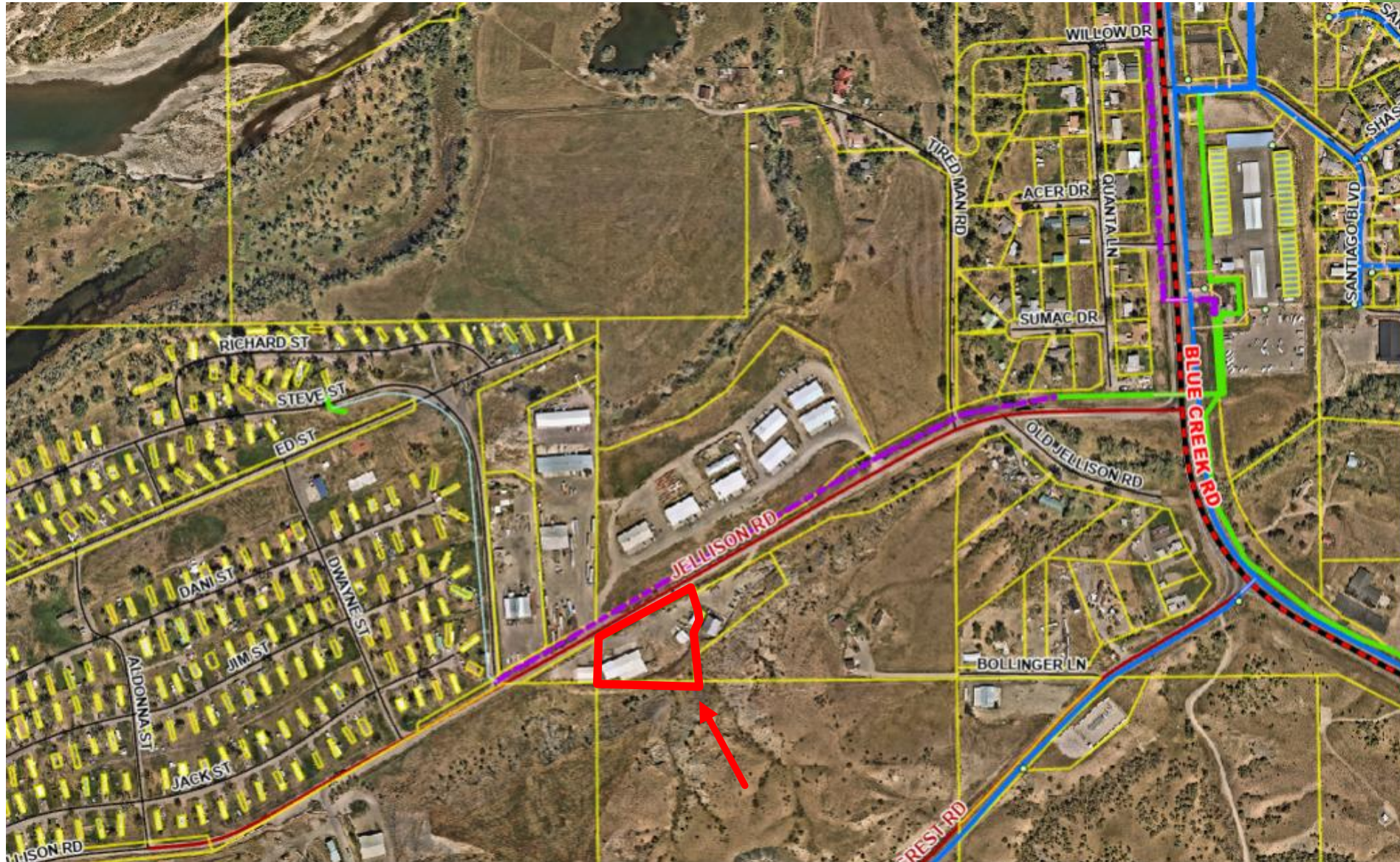


Provide Water Service?

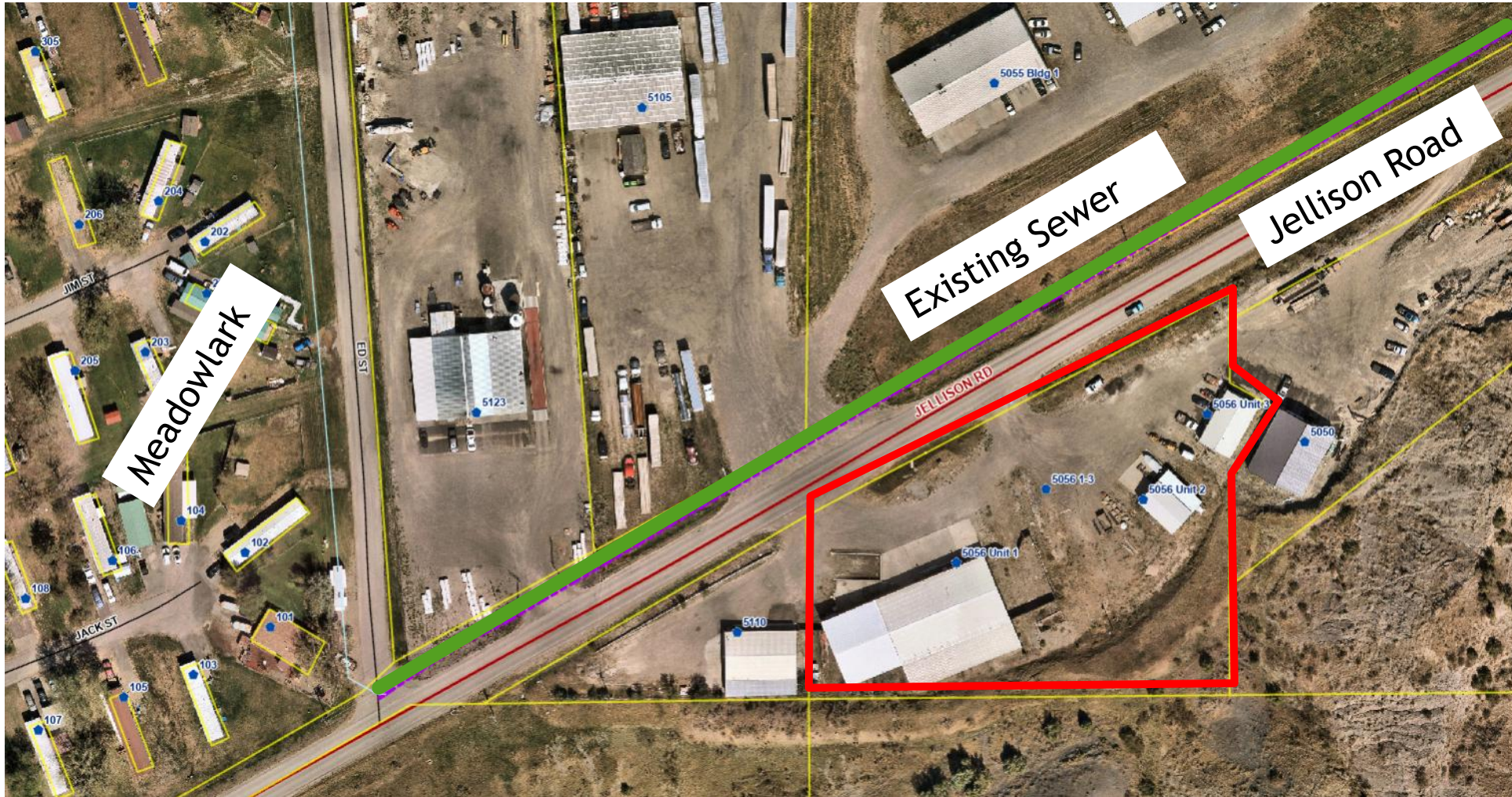


Annex?

Blain Property Map



Blain Property Map



Blain Property Background

Owner of one lot on public street (Jellison Road) in County

- Water hauled to cistern and septic system
- Petitioned City for sewer service

Property outside annexation area

Blain Property Process (If serving with sewer)

Annexation

- A. Applicant Prepares Urban Planning Study and Requests Annexation
- B. Annexation Agreement
 - A. Waiver for future Improvements (Jellison Road)?

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Service Agreement
 - A. Service without Annexation
- C. Waiver of future annexation

Considerations for Annexation

Blain Property

Likely low number emergency
service calls

Estimated tax revenue
\$9,000/year

Estimated street maintenance
fees \$2,800/year

No significant reason not to
annex?

Blain Property

Discussion and Direction

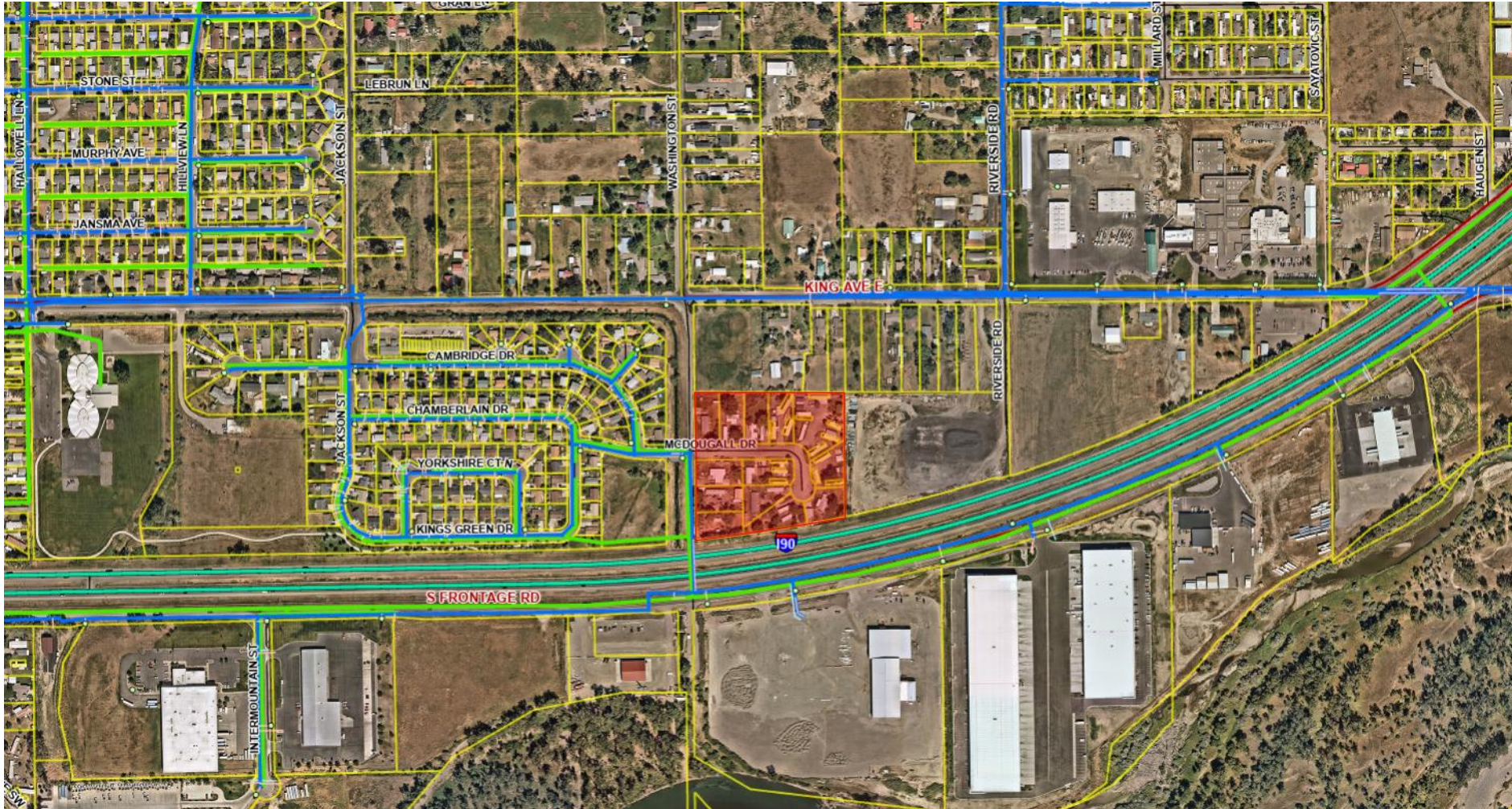


Provide Sewer Service?

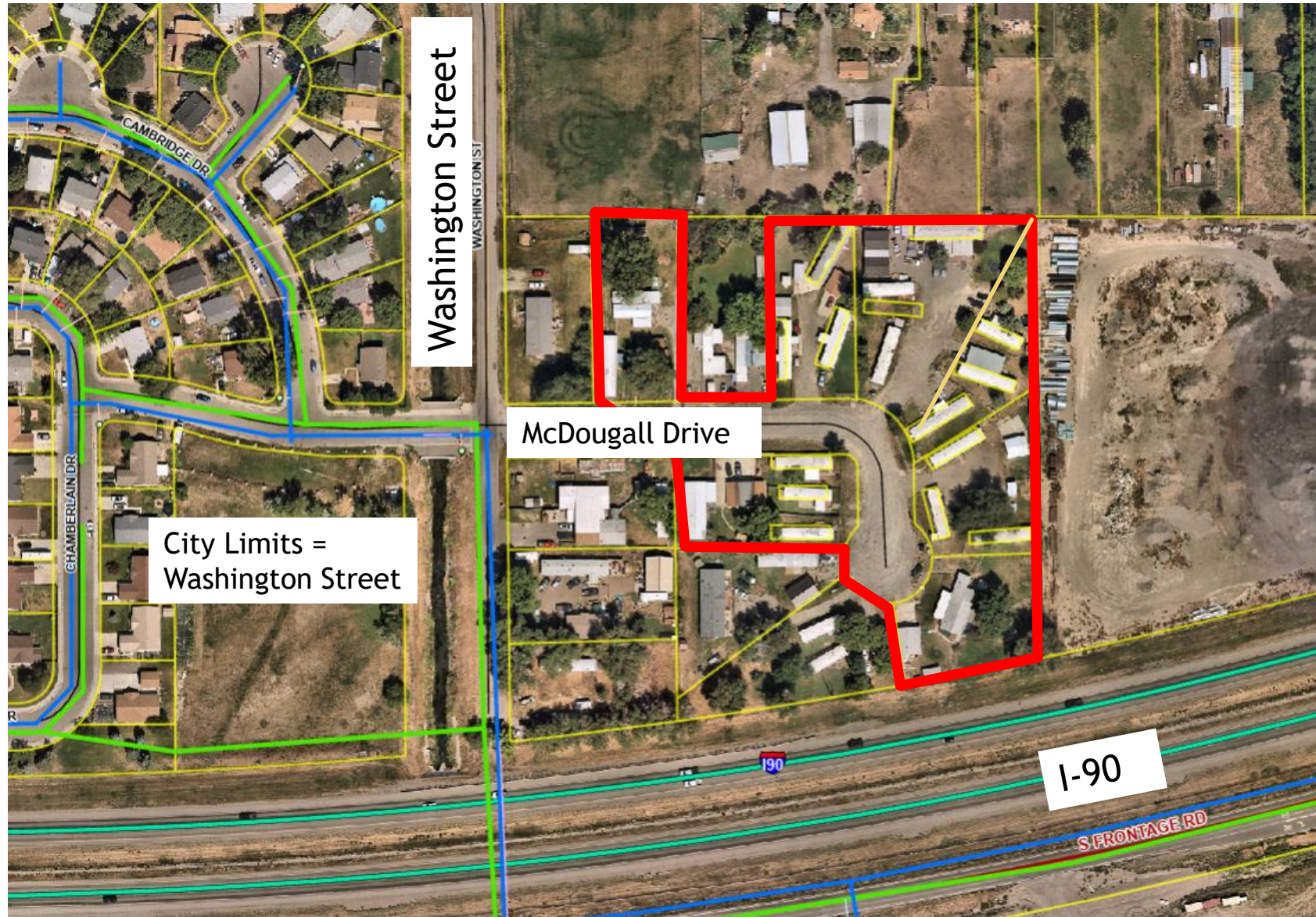


Annex?

McDougall Drive Property Map



McDougall Drive Property Map



McDougall Drive

Background

Owner of seven lots on public gravel street in County

- Water wells and septic systems
- Petitioned City for services

Property adjacent to existing City Limits
(Zone 1 Green)

Water and sewer exists in Washington Street

Emergency Services—currently served by City
fire (BUFSA)

- 2 calls in 2025

McDougall Process (Serving Water & Sewer)

Annexation

- A. Property Ready (Zone 1 Green)--
Petition
- B. Annexation Agreement
 - A. Pave/curb gravel street?
 - B. Sidewalk?
 - C. Waiver for future Improvements ?

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Agreements
 - A. Service without annexation
 - A. Disconnect any wells
 - B. Waiver of future annexation

Considerations for Annexation-McDougall

- A. Property in Green—Anticipated for Annexation
- B. Public works—Services immediately adjacent
 - A. No City cost to extend
- C. Emergency Service Calls (2025)---2
- D. Estimated Tax Revenue \$5,300.00/Year
- E. Street Maintenance Fees \$3,300.00/Year
- F. No material reasons not to annex?

McDougall Dr.

**Discussion
and Direction**



Provide Services?



Annex?



APPLICATION FOR MODIFICATION TO WATER SERVICE AREA

- 1. Applicant’s Name: Meadowlark of Billings LLC
- 2. Mailing Address: 51 W Center St STE 600 Orem UT 84057
- 3. Legal description of area to be served: See Attached

- 4. The total population to be served by the proposed development is ~750 and the estimated volume of wastewater to be contributed in gallons per capita from said development is N/A – Already connected to city sewer. gpcd.

- 5. Present Zoning RMH Proposed Zoning RMH

- 6. Expected Wastewater Type (industrial/commercial/residential) and description (e.g. restaurant or gas station): Residential – Manufacture Home Community

- 7. If the property described in paragraph 3 above is not entirely within the city’s full service urban planning area or the city’s facilities planning area and the applicant is not seeking annexation, describe good and sufficient cause for the request for a waiver of annexation requirements:

A waiver of annexation requirements is requested due to timing and funding constraints tied to a \$2,000,000 Montana DEQ grant designated for connection to the City of Billings water system. The property is already served by Billings sewer infrastructure, and it has been our understanding that the City has not wanted to pursue annexation of Meadowlark Estates. Requiring annexation at this time may delay the project and jeopardize time-sensitive grant funding. Granting a waiver allows the connection to proceed within the funding timeline and ensures the intended public health and infrastructure benefits are achieved.

- 8. Engineer for Applicant: Sanbell – Bryan Alexander

- 9. Provide details regarding specific expansion, extension, modification or other service request:

Once the public water main is extended to the park, it is proposed to connect to the park's existing private water system. A master water meter and appropriate backflow prevention, as approved by the City, will be placed between the new public water main and the internal private water system of the park.

Jay Van Tassell
Applicant’s Signature

2/25/26
Date

If a Corporate Owner, by _____
(Its Corporate Officer designated as representative for purpose of application.)

Date



PUBLIC WORKS DEPARTMENT'S ACTION:

_____DENIED, PENDING ADDITIONAL INFORMATION

_____DENIED

_____CONDITIONALLY GRANTED, SUBJECT TO CITY COUNCIL APPROVAL

THIS APPROVAL IS SUBJECT TO A MUTUALLY ACCEPTABLE SERVICE AGREEMENT.

By: _____
City Engineer

EXHIBIT A – Legal Description of Property

Real property in the City of Billings, County of Yellowstone, State of Montana, described as follows:

Parcel A:

Township 1 South, Range 26 East of the Principal Montana Meridian, in Yellowstone County, Montana.

Section 20: SW1/4SW1/4;
W1/2SE1/4SW1/4

TOGETHER with Grant of Access Easement across Jellison Road Pond Subdivision first contained in instrument described as Subdivision Improvement Agreement (Paragraph 6), recorded August 5, 1996, under Document #1840273, restated in instrument described as Mutual Grant of Easements and Agreement, recorded December 2, 2009, under Document #3533118, records of Yellowstone County, Montana.

EXCEPTING therefrom that portion of the W1/2SW1/4SW1/4 described as follows:

Beginning at the Northwest corner of Tract 1 of Certificate of Survey No. 926, thence North 06°40' West a distance of 690 feet; thence West to the East line of Section 19, Township 1 South, Range 26 East; thence following the East line of said Section 19, South 0°05' East to the Section corner of Sections 19, 20, 29 and 30 Township 1 South, Range 26 East, M.P.M.; thence North 89°30'30" East, 377.49 feet to the point of beginning.

Parcel B:

That part of Sections 20 and 29, Township 1 South, Range 26 East of the Principal Montana Meridian, in Yellowstone County, Montana, described as follows:

Beginning at a point that is South 00°05' East a distance of 884.9 feet from the northwest corner of Section 29, Township 1 South, Range 26 East, M.P.M.; thence North 65°40'08" East a distance of 333.3 feet; thence North 5°31' East a distance of 754.3 feet; thence North 6°40' West a distance of 690 feet; thence West to the east line of Section 19, Township 1 South, Range 26 East, M.P.M.; thence following the east line of said Section 19, South 00°05' East to the section corner of Sections 19, 20, 29 and 30, Township 1 South, Range 26 East M.P.M.; thence South 00°05' East following the east line of Section 30, Township 1 South, Range 26 East M.P.M., a distance of 884.9 feet to the point of beginning.

TOGETHER with Grant of Access Easement across Jellison Road Pond Subdivision first contained in instrument described as Subdivision Improvement Agreement (Paragraph 6), recorded August 5, 1996, under Document #1840273, restated in instrument described as Mutual Grant of Easements and Agreement, recorded December 2, 2009, under Document #3533118, records of Yellowstone County, Montana.

EXCEPTING therefrom the following tract of land:

Certificate of Survey No. 796.

Parcel C:

That part of NW1/4 and NW1/4SW1/4 of Section 29, Township 1 South, Range 26 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 2, of Certificate of Survey No. 796 on file in the office of the Clerk and Recorder of said County, under Document #600808.

TOGETHER with Grant of Access Easement across Jellison Road Pond Subdivision first contained in instrument described as Subdivision Improvement Agreement (Paragraph 6), recorded August 5,

1996, under Document #1840273, restated in instrument described as Mutual Grant of Easements and Agreement, recorded December 2, 2009, under Document #3533118, records of Yellowstone County, Montana.

EXCEPTING therefrom the following 3 tracts of land:

1. Certificate of Survey No. 926
2. Certificate of Survey No. 990
3. Jellison Detention Pond Subdivision

Parcel D:

That part of NW1/4 and NW1/4SW1/4 of Section 29, Township 1 South, Range 26 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 3, of Certificate of Survey No. 796 on file in the office of the Clerk and Recorder of said County, under Document #600808.

TOGETHER with Grant of Access Easement across Jellison Road Pond Subdivision first contained in instrument described as Subdivision Improvement Agreement (Paragraph 6), recorded August 5, 1996, under Document #1840273, restated in instrument described as Mutual Grant of Easements and Agreement, recorded December 2, 2009, under Document #3533118, records of Yellowstone County, Montana.

EXCEPTING therefrom the following 2 tracts of land:

1. Certificate of Survey No. 926
2. Jellison Road Detention Pond Subdivision

PARCEL E:

THAT PART OF EAST1/2 SOUTHEAST1/4 SOUTHWEST1/4 OF SECTION 20 AND NORTHEAST1/4 NORTHWEST1/4, SECTION 29, TOWNSHIP 1 SOUTH, RANGE 26 EAST, OF THE PRINCIPAL MONTANA MERIDIAN, IN YELLOWSTONE COUNTY, MONTANA, DESCRIBED AS TRACTS 1 AND 2, OF CERTIFICATE OF SURVEY NO. 990 ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, UNDER DOCUMENT #753675.

TOGETHER with Grant of Access Easement across Jellison Road Pond Subdivision first contained in instrument described as Subdivision Improvement Agreement (Paragraph 6), recorded August 5, 1996, under Document #1840273, restated in instrument described as Mutual Grant of Easements and Agreement, recorded December 2, 2009, under Document #3533118, records of Yellowstone County, Montana.

PARCEL F:

THAT PART OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 26 EAST, OF THE PRINCIPAL MONTANA MERIDIAN, IN YELLOWSTONE COUNTY, MONTANA, DESCRIBED AS TRACTS 1, 2, 3, 4, 5 AND 6, OF CERTIFICATE OF SURVEY NO. 926 ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, UNDER DOCUMENT #716027.

TOGETHER with Grant of Access Easement across Jellison Road Pond Subdivision first contained in instrument described as Subdivision Improvement Agreement (Paragraph 6), recorded August 5, 1996, under Document #1840273, restated in instrument described as Mutual Grant of Easements and Agreement, recorded December 2, 2009, under Document #3533118, records of Yellowstone County, Montana.

EXCEPTING THEREFROM THE FOLLOWING TRACT OF LAND:

JELLISON ROAD DETENTION POND SUBDIVISION

PARCEL G:

TOGETHER with Grant of easement for the location, repair and maintenance of water wells as described in Grant of Easement recorded July 31, 2018, under Document #3856234 and Affidavit of Identity recorded May 19, 2020, under Document #3920883, records of Yellowstone County, Montana.

City Council Work Session

1. b.

Meeting Date: 03/02/2026
TITLE: Blain Property - Request for Sewer Service
PRESENTED BY: Mac Fogelsong, City Engineer
Department: Public Works
Presentation: Yes
Legal Review: No
Project Number: N/A

RECOMMENDATION

After a staff presentation, staff recommends the City Council discuss the merits of expanding the sewer service area to Amended Certificate of Survey 1788, Tract 1-A (Blain Property) to provide the property with City sewer and provide staff and the applicant direction for subsequent applications that could include annexation.

EXECUTIVE SUMMARY

The Blain property, a 2.018-acre site proposed to house the Yellowstone Valley Animal Shelter, has requested connection to the existing 6-inch sanitary sewer force main in Jellison Road through a modification to the sewer service area. The property lies outside the City's designated annexation zones; annexation would require an urban planning study and submission of a petition for Council consideration. If annexed, the annexation agreement would include a waiver of the right to protest future improvements to Jellison Road. If the City desires to provide sewer service without annexation, the City would require a waiver of the right to protest future annexation.

There is no significant fiscal impact to the City, as the property owner will fund design and construction, pay the sewer system development fee, and pay ongoing monthly sewer charges. If annexed, the property is estimated to generate approximately \$9,000 in annual tax revenue and \$2,800 in street maintenance district fees.

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

The Blain property is located on the south side of Jellison Road, approximately halfway between the City landfill and Blue Creek Road. The property is 2.018 acres and consists of one large metal building, approximately 11,400 square feet, and 2 smaller metal buildings. Staff understands the facility will be used to house the Yellowstone Valley Animal Shelter. Emergency services do not anticipate a large volume of calls for service from this property.

There is an existing 6-inch sanitary sewer force main that serves the Meadowlark Mobile Home Park in Jellison Road. The property owner has submitted an Application for Modification to Sanitary Sewer Service Area. This would allow the Blain property to connect to the existing sewer with a grinder pump and low pressure sewer service.

The property is located outside the zones for annexation identified on the City's Limits of Annexation Map and if annexation is required for service, the applicant would need to prepare an urban planning study and submit an annexation petition.

FISCAL EFFECTS

There is no significant financial impact to the City to provide sewer service to the Blain property. The property owner will be required to pay for the design and construction of the sewer service. If the property were to be annexed to the City, City staff estimates about \$9,000 will be generated in tax revenue and \$2,800 will be generated in street maintenance district fees annually.

The property owner will pay the City sewer system development fee and the monthly sewer fees at the rates established by Council, which include the metered volume and the fixed monthly water charges.

STAKEHOLDERS

ALTERNATIVES

City Council may:

- Direct staff to move forward with providing sewer service to the Blain property through annexation; or,
- Direct staff to move forward with providing sewer service to the Blain property without annexation (waiving annexation requirements); or,
- Provide direction not to provide sewer service to the Blain property. If sewer service is not provided, the existing septic system may not have the capacity to support the Yellowstone Valley Animal Shelter sewer needs.

Attachments

Presentation
Application for Sewer Service

Tonight's Agenda

Process

Process for expansion of water or sewer service area

Discuss

Discuss three sites that have requested service

- Meadowlark (Water Service Requested)
- Blain Property (Sewer service Requested)
- McDougall Drive (Water and Sewer Requested)

Direction

Give staff direction on each site

- Provide Service, yes/no
- Require Annexation, yes/no

Expansion of Water/Sewer Service Areas

- ▶ Greenfield (undeveloped) sites, typically annexed
 - ▶ Annexation Policy that aligns with CIP
 - ▶ The Tool: Limits of Annexation Map
- ▶ Existing Developed Sites in County

Limits of Annexation Map

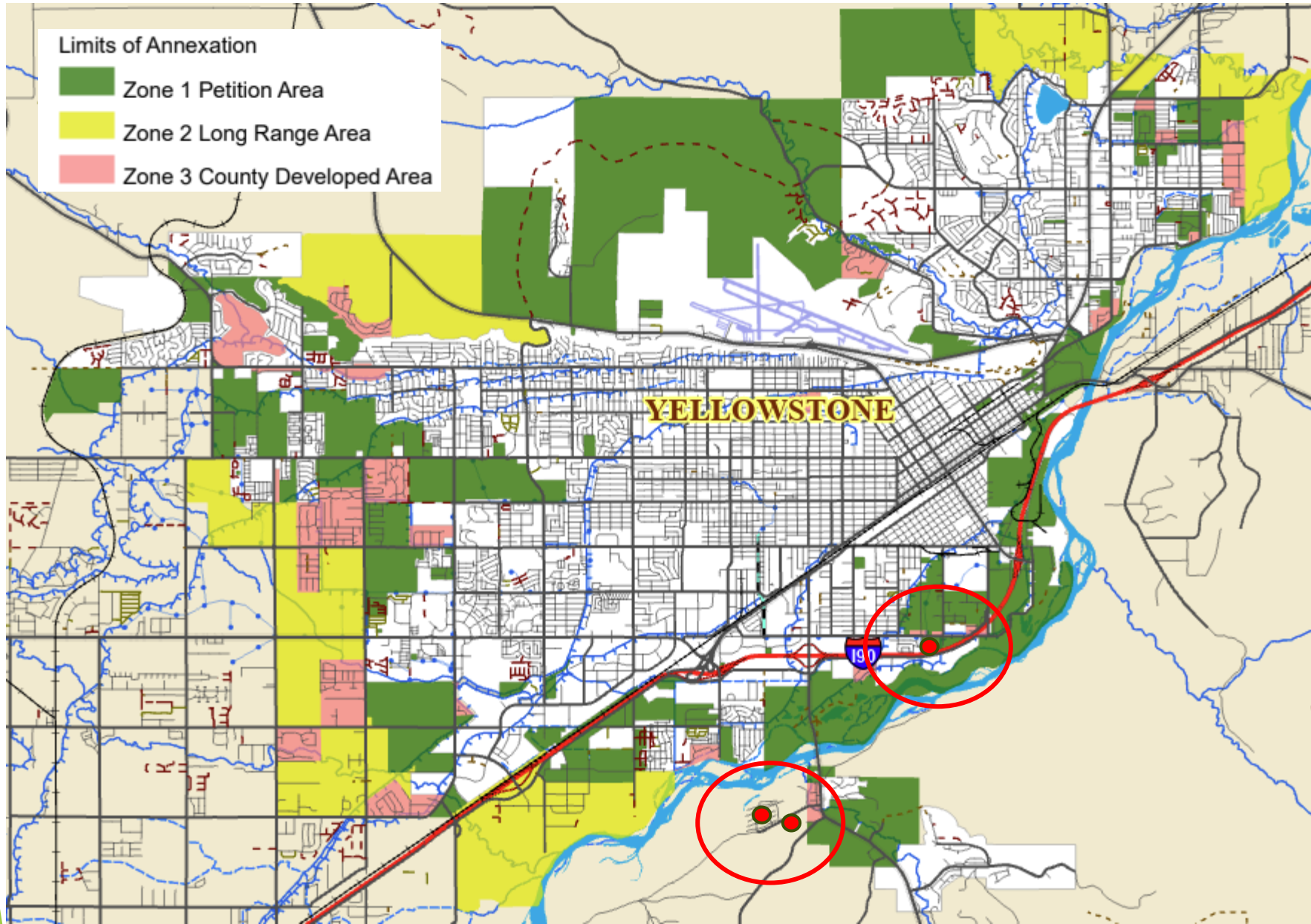
Green is Zone 1 Petition Area

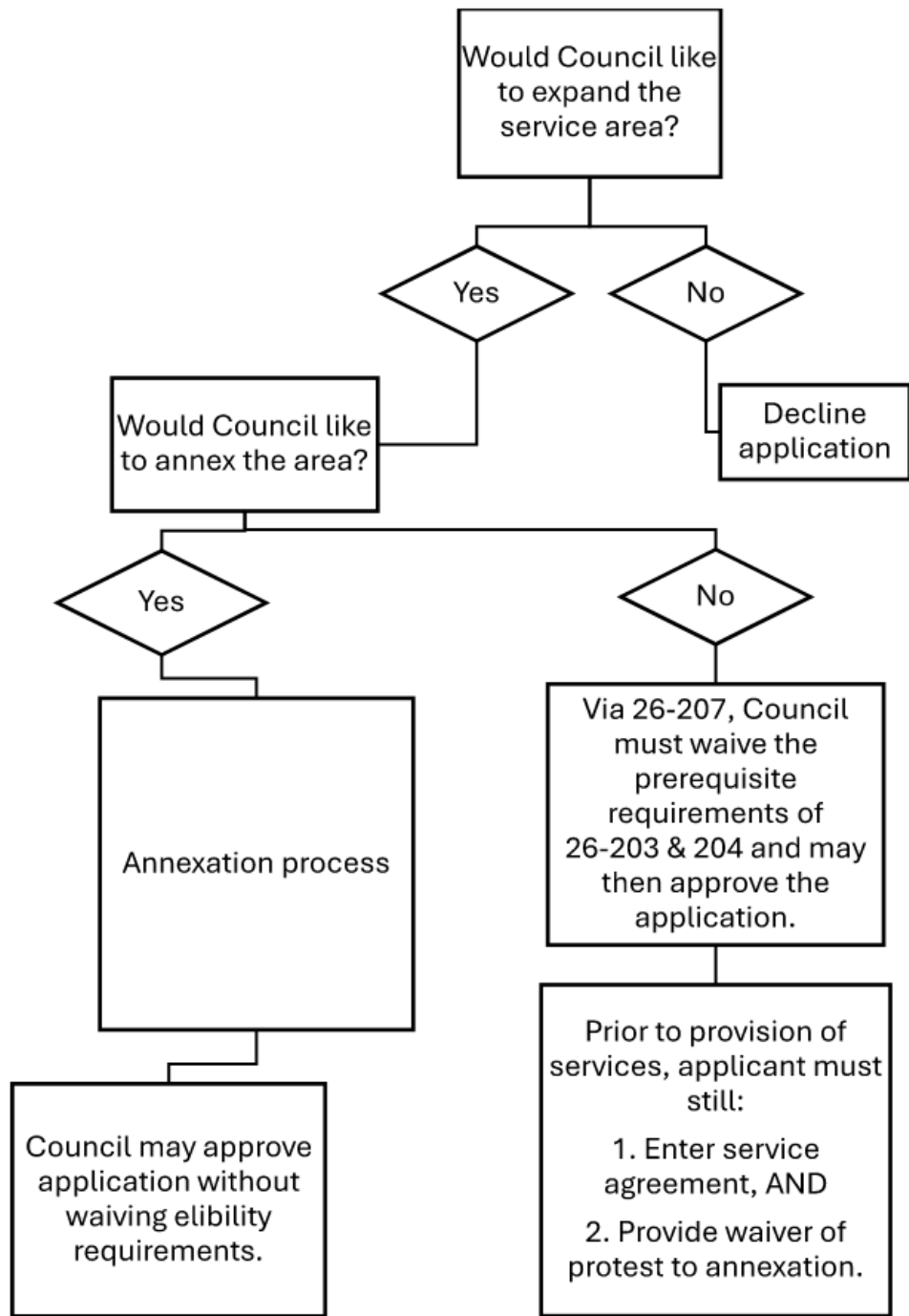
- City Anticipates Service

Areas in Beige (Not on Map)

- Council may allow property directly into annexation petition (green) area with Urban Planning Study

Limits of Annexation Map





Process for Expansion of Water/Sewer Service Area

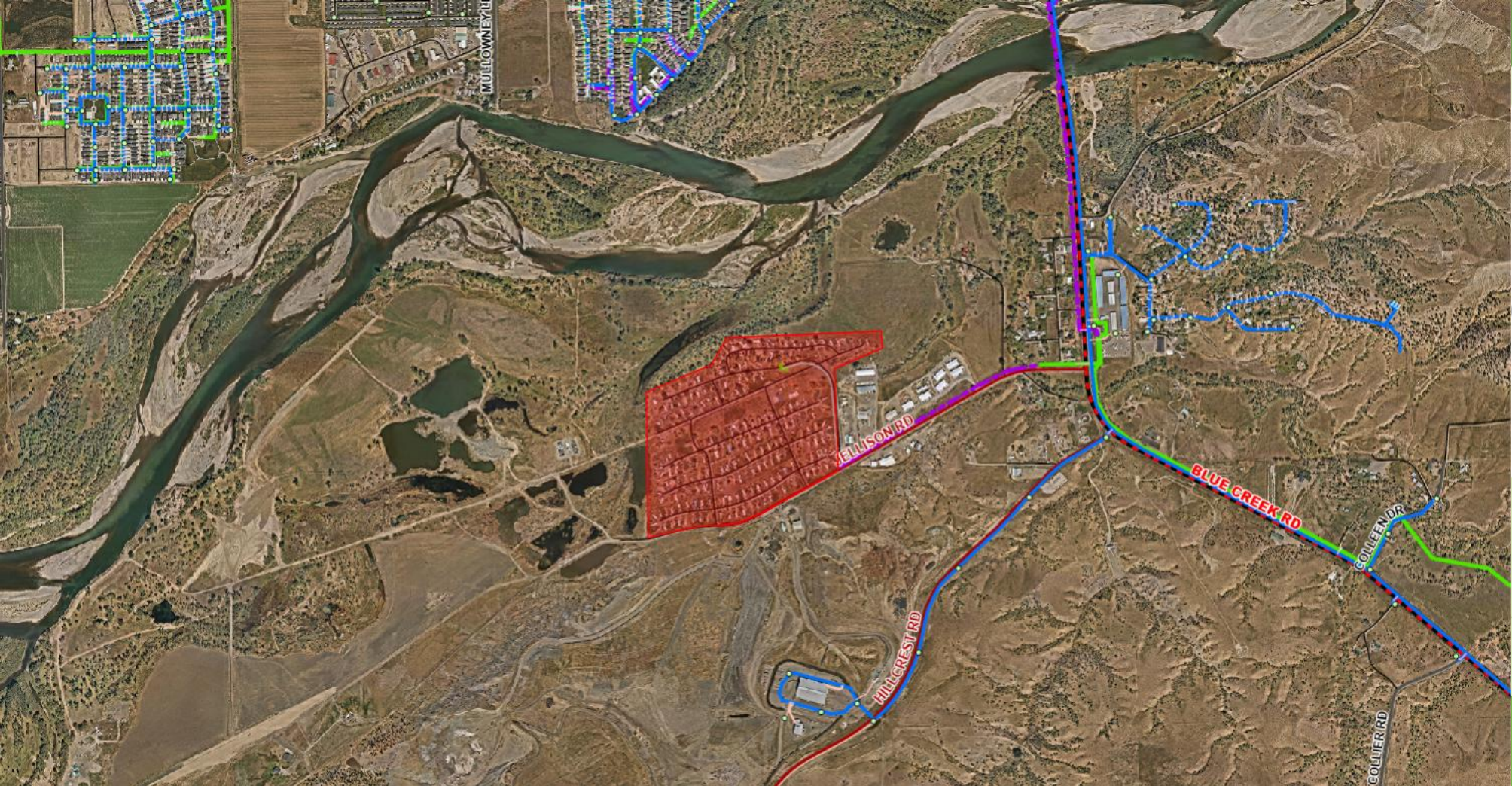
Service Requested from 3 Sites

Meadowlark
(Water Service)

Blain Property
(Sewer Service)

McDougall Drive
(Water and
Sewer Service)

Meadowlark Manufactured Home Park



Meadowlark Manufactured Home Park



Meadowlark Background

Drinking Water Quality
Problems

Funding Source—DEQ
Grant—Requires
Municipal Oversight

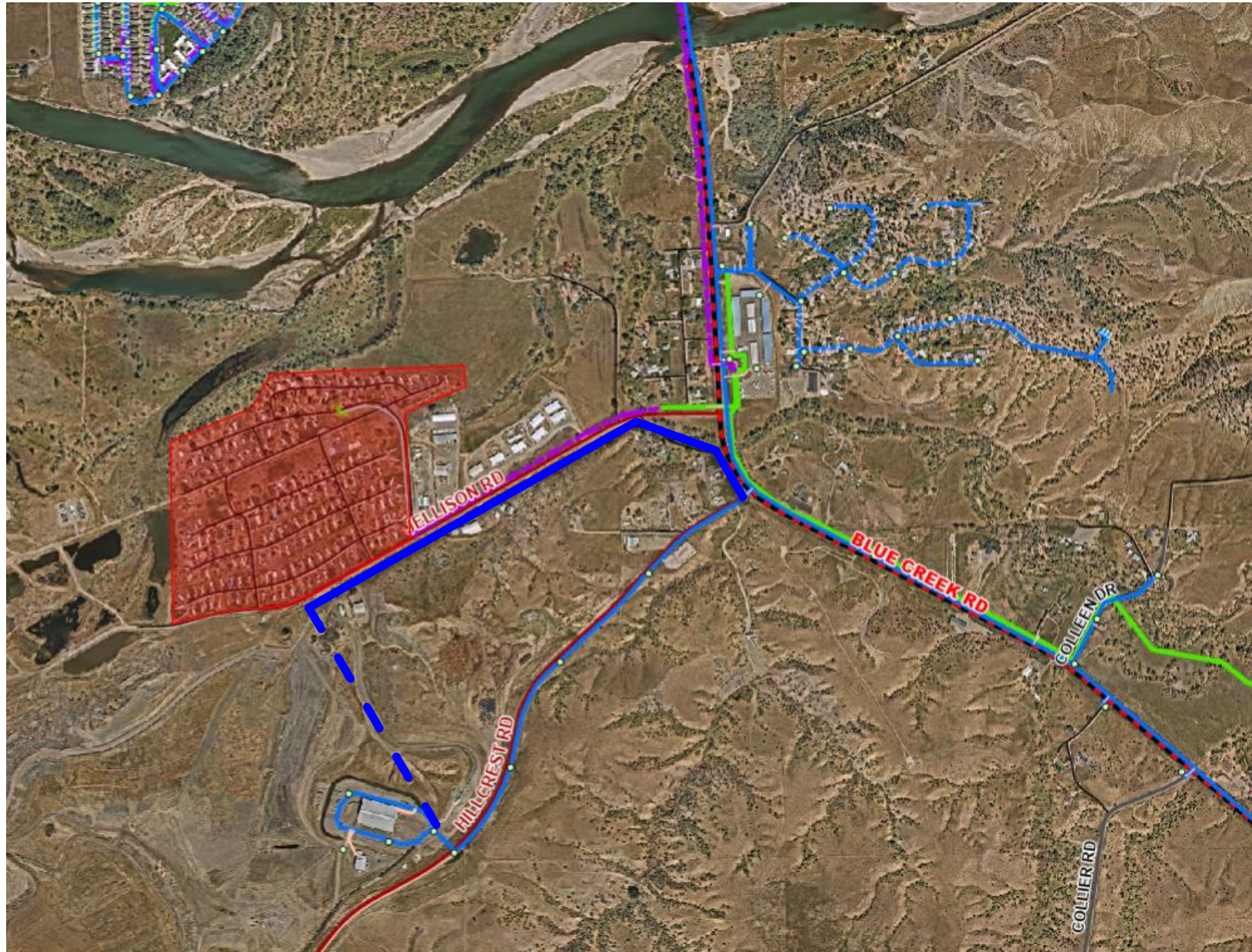
City Utility Benefit--
City Water Main to
Lower Landfill

- Cost borne by DEQ (\$2,364,253.00)—No cost to City
- Current Dead End Water Main to top of Landfill
- New water main provides ability to loop to main from Jellison to Hillcrest—not dead end

City Currently Provides
Sewer Service to
Meadowlark (2016)

Property outside the
annexation area

City Benefit of Water Main



Meadowlark Process (Assume Served with Water)

Annexation

- A. Applicant Prepares Urban Planning Study and Requests Annexation
- B. Annexation Agreement
 - A. Cut off any other services (e.g. marijuana buildings)
 - B. Waiver for future Improvements ?
- C. Consecutive Water Service Agreement
- D. City-DEQ Agreement for Grant Funds
- E. City-Consultant Contract (Design and Construction)

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Agreements
 - A. Service w/o Annexation
 - B. Consecutive Water Service
 - A. Cut off any other services (e.g. marijuana building(s))
- C. City-DEQ for Grant Funds
- D. City-Consultant (Design and Construction)
- E. Waiver of future annexation

Considerations of Annexation

A. Downside: Emergency Service Calls (2025)

DEPARTMENT	TOTAL	
AMERICAN MEDICAL RESPONSE	72	
BILLINGS POLICE DEPARTMENT	13	
BLUE CREEK VOLUNTEER FIRE DEPARTMENT	80	Cost = \$30,000 - \$40,000
YELLOWSTONE COUNTY SHERIFF'S OFFICE	205	Cost = \$33,000 (1 hour calls)
GRAND	370	

- B. Estimated Tax Revenue \$126,000/Year
- C. Street Maintenance Fees \$115,064
- D. Upside of Water Main Fire Protection at Landfill Entrance
- E. Downside: Emergency response inside of court (conditions)
 - A. Narrow Roads, No fire hydrants
- F. PD and FD not in support of annexation

Meadowlark

Discussion and Direction

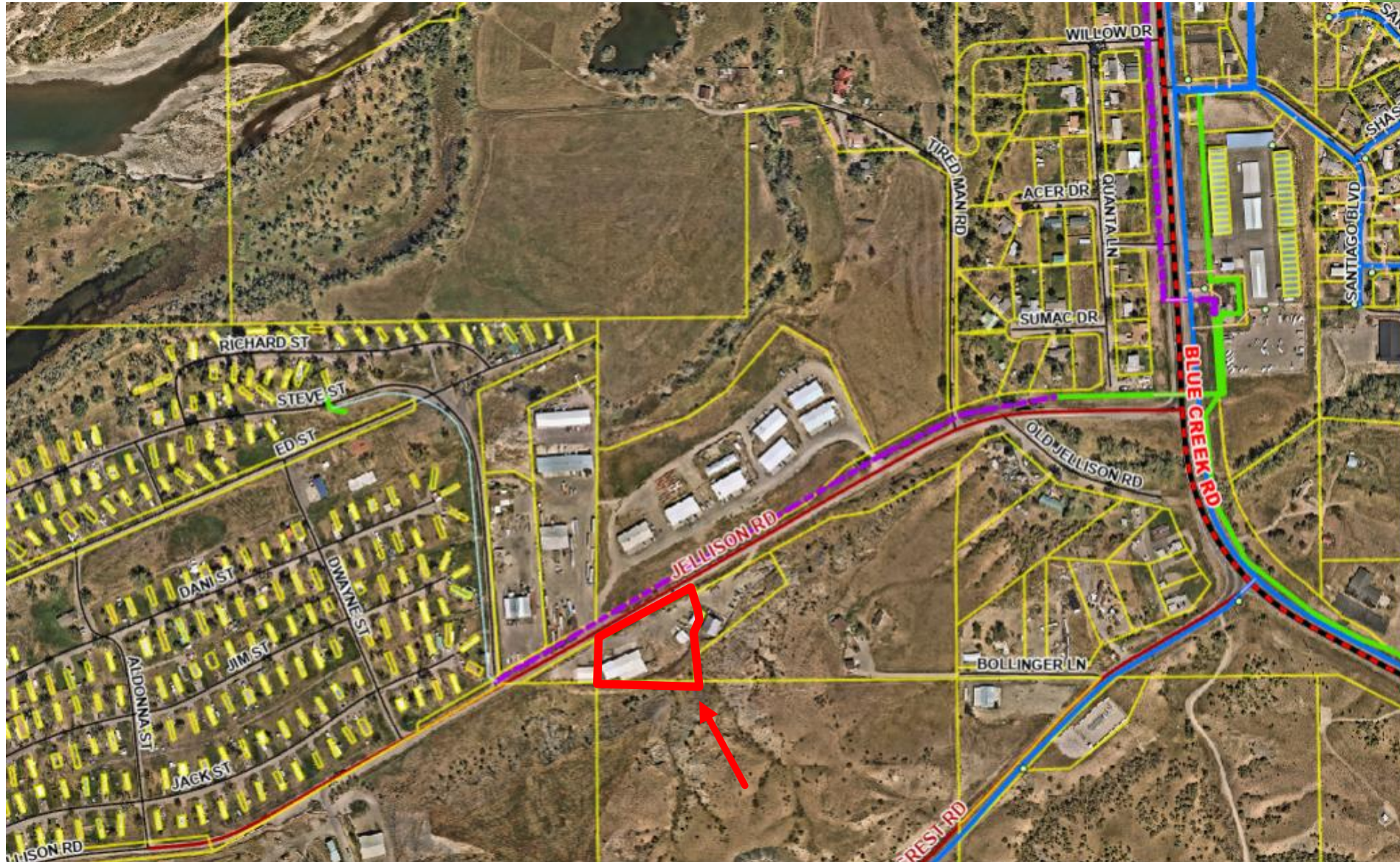


Provide Water Service?

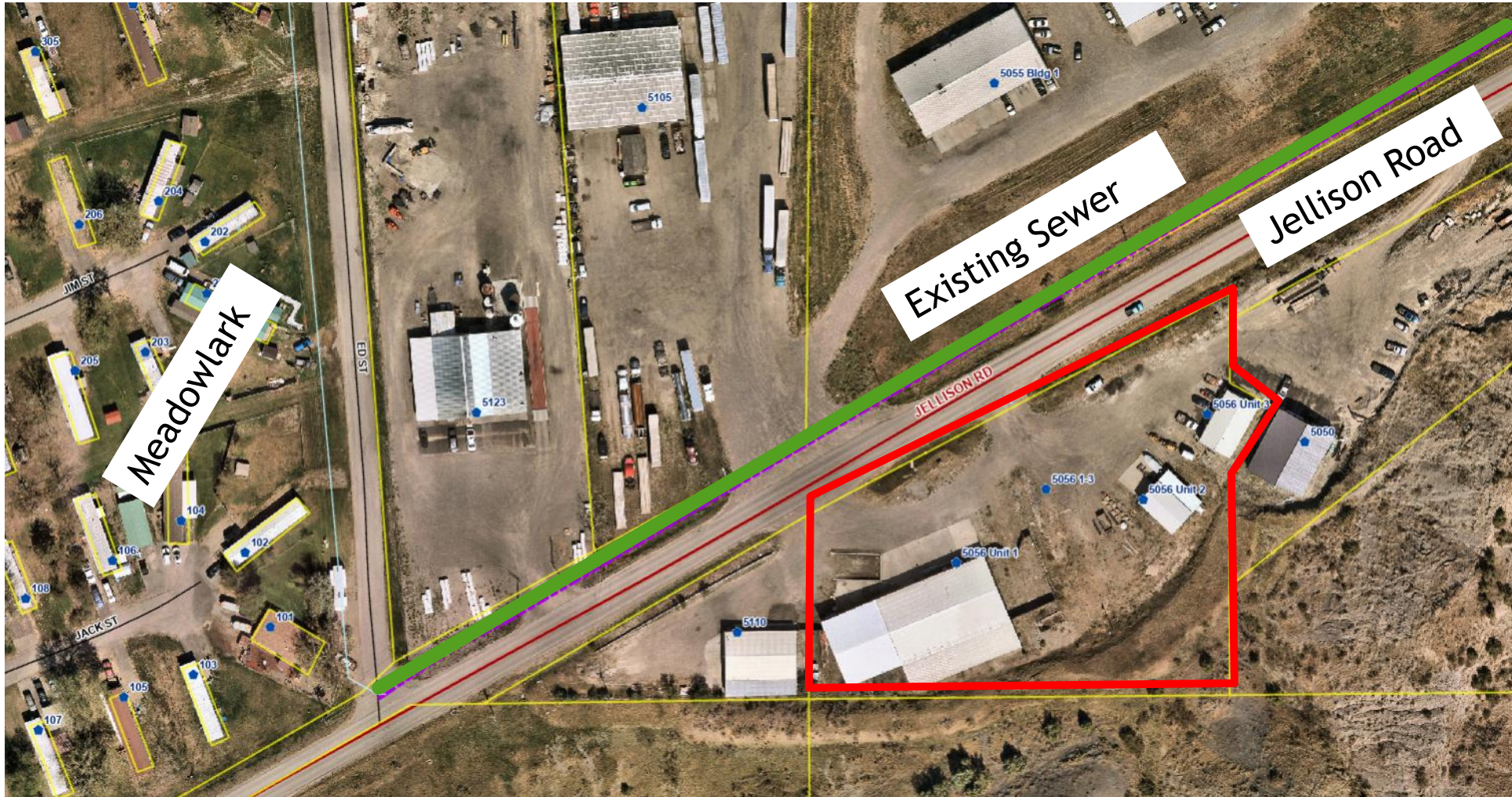


Annex?

Blain Property Map



Blain Property Map



Blain Property Background

Owner of one lot on public street (Jellison Road) in County

- Water hauled to cistern and septic system
- Petitioned City for sewer service

Property outside annexation area

Blain Property Process (If serving with sewer)

Annexation

- A. Applicant Prepares Urban Planning Study and Requests Annexation
- B. Annexation Agreement
 - A. Waiver for future Improvements (Jellison Road)?

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Service Agreement
 - A. Service without Annexation
- C. Waiver of future annexation

Considerations for Annexation

Blain Property

Likely low number emergency
service calls

Estimated tax revenue
\$9,000/year

Estimated street maintenance
fees \$2,800/year

No significant reason not to
annex?

Blain Property

Discussion and Direction

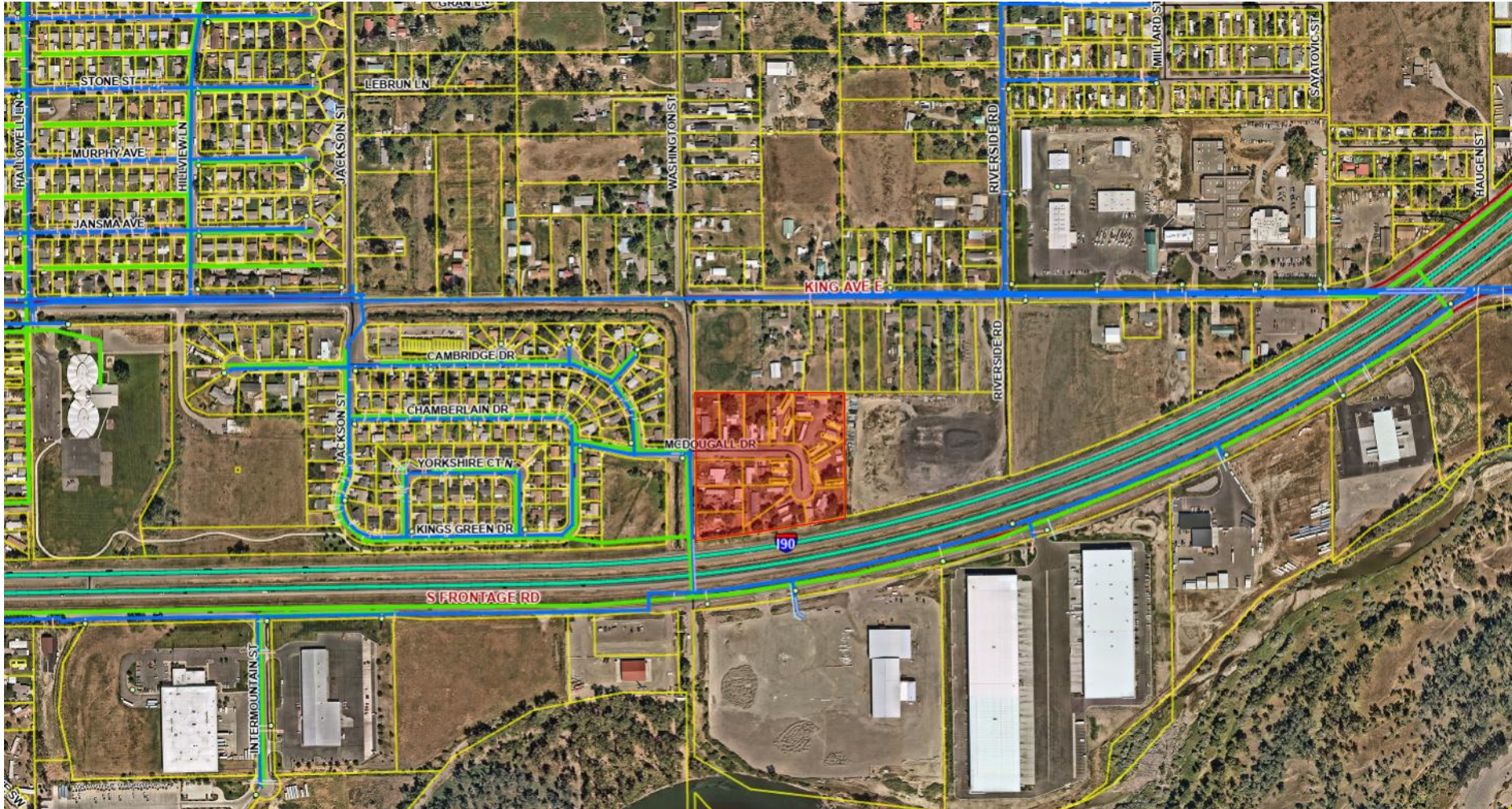


Provide Sewer Service?

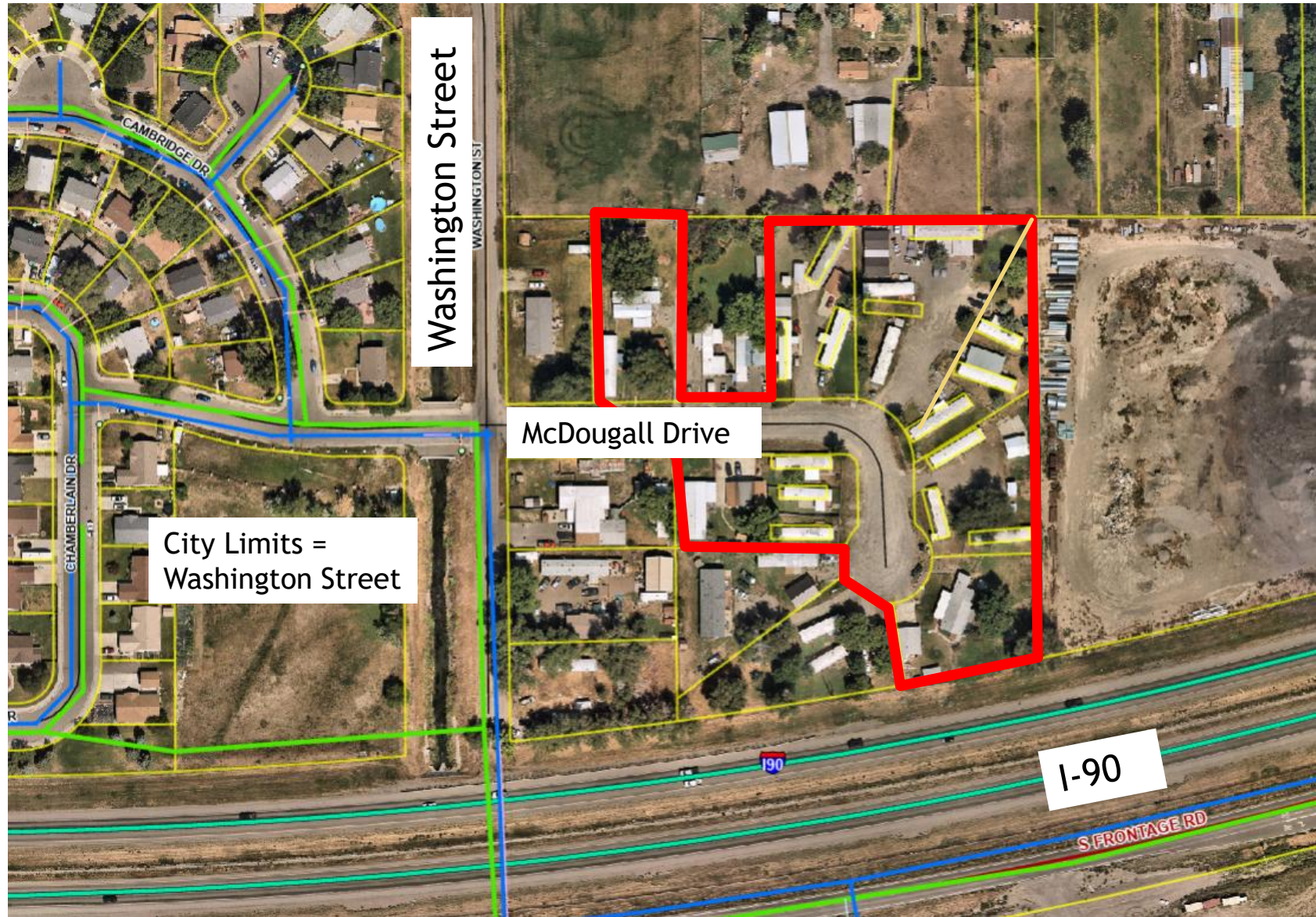


Annex?

McDougall Drive Property Map



McDougall Drive Property Map



McDougall Drive

Background

Owner of seven lots on public gravel street in County

- Water wells and septic systems
- Petitioned City for services

Property adjacent to existing City Limits
(Zone 1 Green)

Water and sewer exists in Washington Street

Emergency Services—currently served by City
fire (BUFSA)

- 2 calls in 2025

McDougall Process (Serving Water & Sewer)

Annexation

- A. Property Ready (Zone 1 Green)--
Petition
- B. Annexation Agreement
 - A. Pave/curb gravel street?
 - B. Sidewalk?
 - C. Waiver for future Improvements ?

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Agreements
 - A. Service without annexation
 - A. Disconnect any wells
 - B. Waiver of future annexation

Considerations for Annexation-McDougall

- A. Property in Green—Anticipated for Annexation
- B. Public works—Services immediately adjacent
 - A. No City cost to extend
- C. Emergency Service Calls (2025)---2
- D. Estimated Tax Revenue \$5,300.00/Year
- E. Street Maintenance Fees \$3,300.00/Year
- F. No material reasons not to annex?

McDougall Dr.

**Discussion
and Direction**



Provide Services?



Annex?



APPLICATION FOR MODIFICATION TO SANITARY SEWER SERVICE AREA

1. Applicant's Name: Southwood APTS, LLC
2. Mailing Address: 5056 Jellison Road, Billings, MT 59101
3. Legal description of area to be served: Parcel 1A, COS 1788, S20, T01 S, R26 E

4. The total population to be served by the proposed development is NA and the estimated volume of wastewater to be contributed in gallons per capita from said development is 590 . gpcd.
5. Present Zoning CX - Heavy Commercial Proposed Zoning CX - Heavy Commercial
6. Expected Wastewater Type (industrial/commercial/residential) and description (e.g. restaurant or gas station): The expected wastewater type will be commercial. The facility will be used to house the Yellowstone Valley Animal Shelter while their new facility is being designed and constructed. It is anticipated that the Shelter may continue their operations at this location for 2 - 3 years.

7. If the property described in paragraph 3 above is not entirely within the city's full service urban planning area or the city's facilities planning area and the applicant is not seeking annexation, describe good and sufficient cause for the request for a waiver of annexation requirements:
We were originally told to follow the process laid out in BMC Article 26-200, which details the process for applying for sanitary sewer service. The prerequisite to this application process is to complete the City's annexation requirements. We were then told by the Planning Department that this property was uneligible to annex because it does not fall into the Red or Yellow zones - areas currently suitable for annexation or identified for annexation in the long term.

8. Engineer for Applicant: Stahly Engineering & Assoc., - Dax Simek, PE
9. Provide details regarding specific expansion, extension, modification or other service request:
It is proposed that this property would connect to the existing 6-inch sanitary sewer forcemain located in Jellison Road - directly in front of the property. The connection would be accomplished by a grinder pump and low pressure sewer service line, per the City of Billings requirements.

Gary Blain
Applicant's Signature

17/02/2026
Date

If a Corporate Owner, by _____
(Its Corporate Officer designated as representative for purpose of application.)

Date



PUBLIC WORKS DEPARTMENT'S ACTION:

_____ DENIED, PENDING ADDITIONAL INFORMATION

_____ DENIED

_____ CONDITIONALLY GRANTED, SUBJECT TO CITY COUNCIL APPROVAL

THIS APPROVAL IS SUBJECT TO A MUTUALLY ACCEPTABLE SERVICE AGREEMENT.

SUBJECT TO THE CONDITIONS STATED IN THE ATTACHED LETTER.

By: _____
City Engineer






COB App for Sanitary Sewer Service Area Modification

Final Audit Report

2026-02-17

Created:	2026-02-17
By:	Ali Blain (aliblain1@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAEXLb1IVZmPoQjyLttv49TduyJLdyIK-u

"COB App for Sanitary Sewer Service Area Modification" History

-  Document created by Ali Blain (aliblain1@gmail.com)
2026-02-17 - 3:42:13 PM GMT
-  Document emailed to Gary Blain (cchuey@hotmail.com) for signature
2026-02-17 - 3:42:17 PM GMT
-  Email viewed by Gary Blain (cchuey@hotmail.com)
2026-02-17 - 3:43:02 PM GMT
-  Document e-signed by Gary Blain (cchuey@hotmail.com)
Signature Date: 2026-02-17 - 3:43:35 PM GMT - Time Source: server
-  Agreement completed.
2026-02-17 - 3:43:35 PM GMT

City Council Work Session

1. c.

Meeting Date: 03/02/2026**TITLE:** McDougall Subdivision - Request for Water and Sewer Service**PRESENTED BY:** Mac Fogelsong, City Engineer**Department:** Public Works**Presentation:** Yes**Legal Review:** No**Project Number:** N/A

RECOMMENDATION

After a staff presentation, staff recommends Council discuss the merits of expanding the water and sewer service area through annexation to provide 7 lots along McDougall Street with City water and sewer and provide staff and the applicant with direction for subsequent applications.

EXECUTIVE SUMMARY

Paul Corcoran, owner of 7 of the 14 lots in McDougall Subdivision, has requested connection to existing City water and sewer mains located adjacent to the subdivision at Washington Street and McDougall Drive. The subdivision is immediately adjacent to City limits and located within the Zone 1 Petition Area on the City's Limits of Annexation Map. Annexation would incorporate the seven lots and McDougall Drive into the City and may require public improvements, including water and sewer extensions and potential street upgrades, to be addressed through an annexation agreement. The property owner would fund design and construction of required infrastructure, pay applicable system development fees, and pay ongoing monthly utility charges. If annexed, the lots are estimated to generate approximately \$5,300 annually in property tax revenue and \$3,300 in street maintenance district fees; Council direction is requested on whether to provide service with annexation, without annexation, or to decline service.

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

Paul Corcoran, the owner of 7 of the 14 lots in McDougall Subdivision, has requested water and sewer service from the City. Currently, the lots in the subdivision are on wells for water service and drain fields for sewer service. There are existing City water and sewer mains in Washington Street at the intersection of McDougall Drive that would be utilized for the water and sewer extensions. These mains are directly adjacent to the site.

McDougall Subdivision is immediately adjacent to the City limits and is in the Zone 1 Petition Area (green area) on the City Limits of Annexation Map. McDougall Subdivision is already served by the City fire department as it is located in the Billings Urban Fire Area (BUFSA). If the 7 lots are annexed, all of McDougall Drive, currently a 35-foot wide gravel street located in a 60-foot public right-of-way, would be annexed into the City with the lots. McDougall Drive street improvement requirements would be determined during the annexation process if the City provides water and sewer service and would be included in the annexation agreement. Potential public improvements associated with annexation could include extending public water and sewer mains, paving and curbing the gravel street, and adding sidewalk. Emergency services have indicated there were few calls for service to this area in 2025 (2 calls).

Staff requests direction from Council on whether the property should be provided water and sewer service, and if so, whether the property should be annexed or whether the Council desires to provide water and sewer service without annexation.

FISCAL EFFECTS

There is no significant financial impact to the City to provide water and sewer service to McDougall Subdivision. The owner would pay for the design and construction of the water and sewer mains that will be extended to provide service to the subject lots, as well as the system development fee and ongoing monthly water and sewer charges. City staff estimates tax revenues of about \$5,300 per year and street maintenance district fees of about \$3,300 per year if the property were to be annexed into the City.

STAKEHOLDERS**ALTERNATIVES**

City Council may:

- Direct staff to move forward with providing water and sewer service to McDougall Subdivision with annexation; or,
- Direct staff to move forward with providing water and sewer service to McDougall Subdivision without annexation, waiving annexation requirements; or,

- Provide direction not to provide water and sewer service to McDougall Subdivision. If water and sewer service is not provided, the owner may continue to experience water and sewer issues.

Attachments

Presentation
Application for Sewer Service
Application for Water Service

Tonight's Agenda

Process

Process for expansion of water or sewer service area

Discuss

Discuss three sites that have requested service

- Meadowlark (Water Service Requested)
- Blain Property (Sewer service Requested)
- McDougall Drive (Water and Sewer Requested)

Direction

Give staff direction on each site

- Provide Service, yes/no
- Require Annexation, yes/no

Expansion of Water/Sewer Service Areas

- ▶ Greenfield (undeveloped) sites, typically annexed
 - ▶ Annexation Policy that aligns with CIP
 - ▶ The Tool: Limits of Annexation Map
- ▶ Existing Developed Sites in County

Limits of Annexation Map

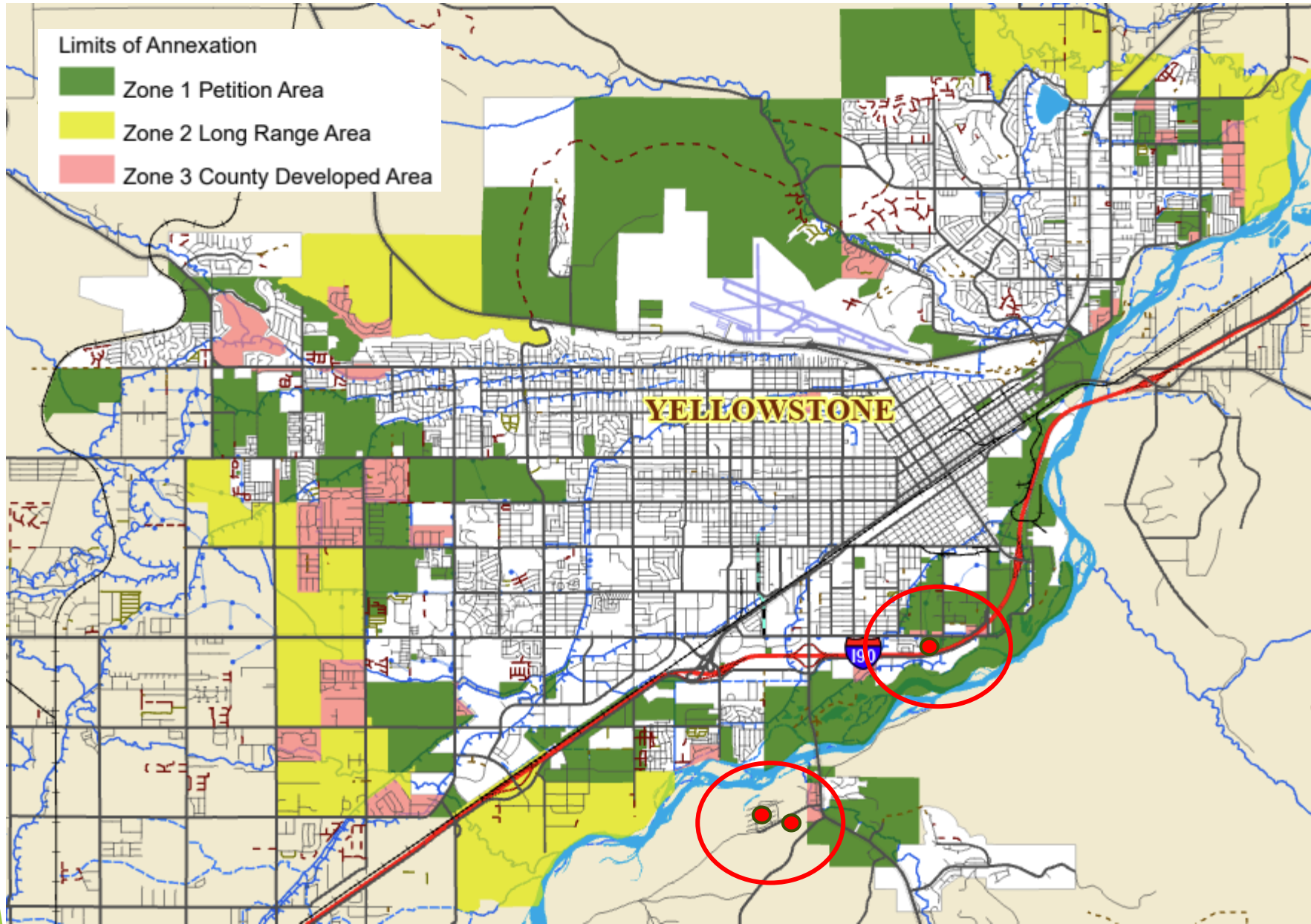
Green is Zone 1 Petition Area

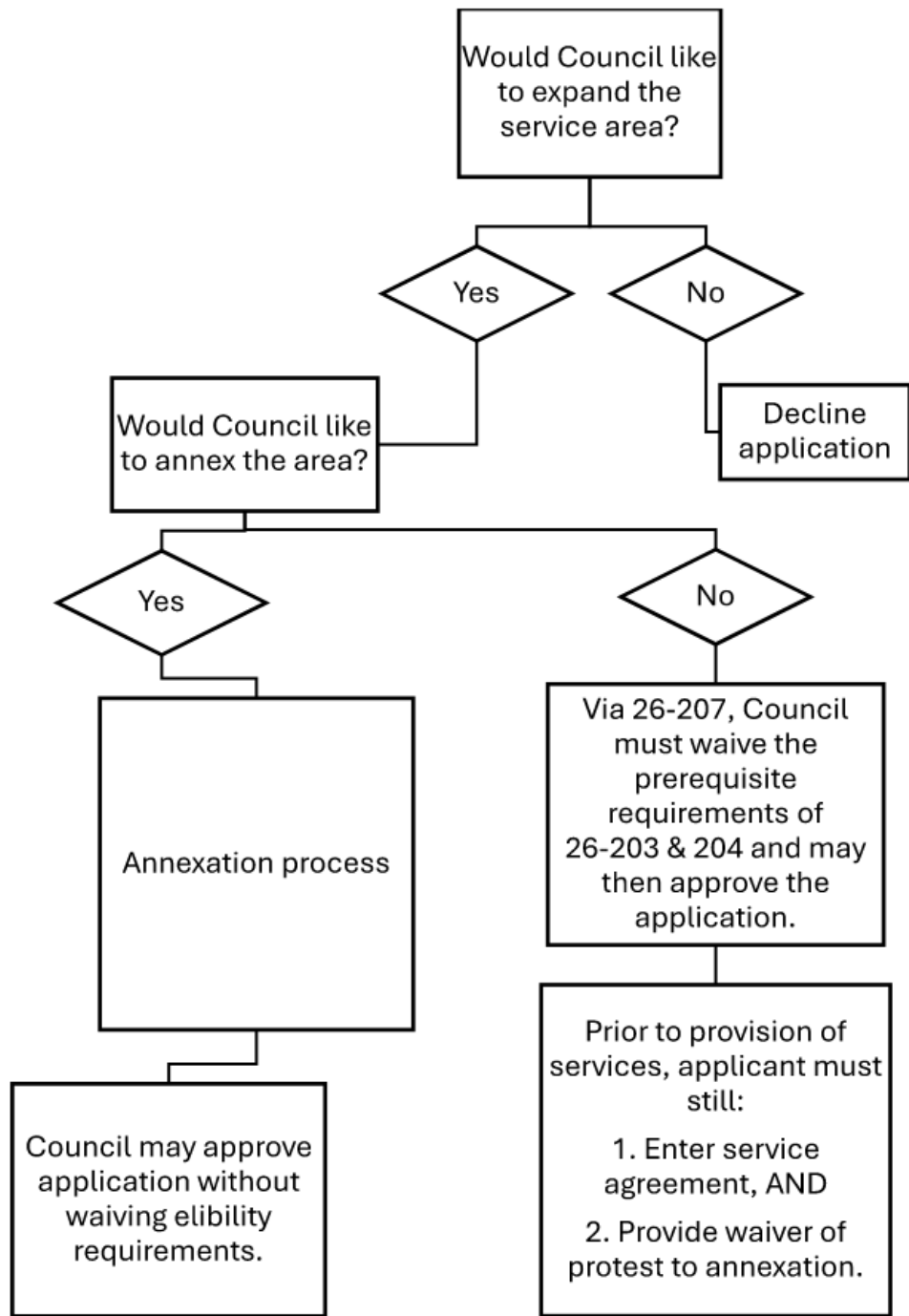
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- Council may allow property directly into annexation petition (green) area with Urban Planning Study

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Process for Expansion of Water/Sewer Service Area

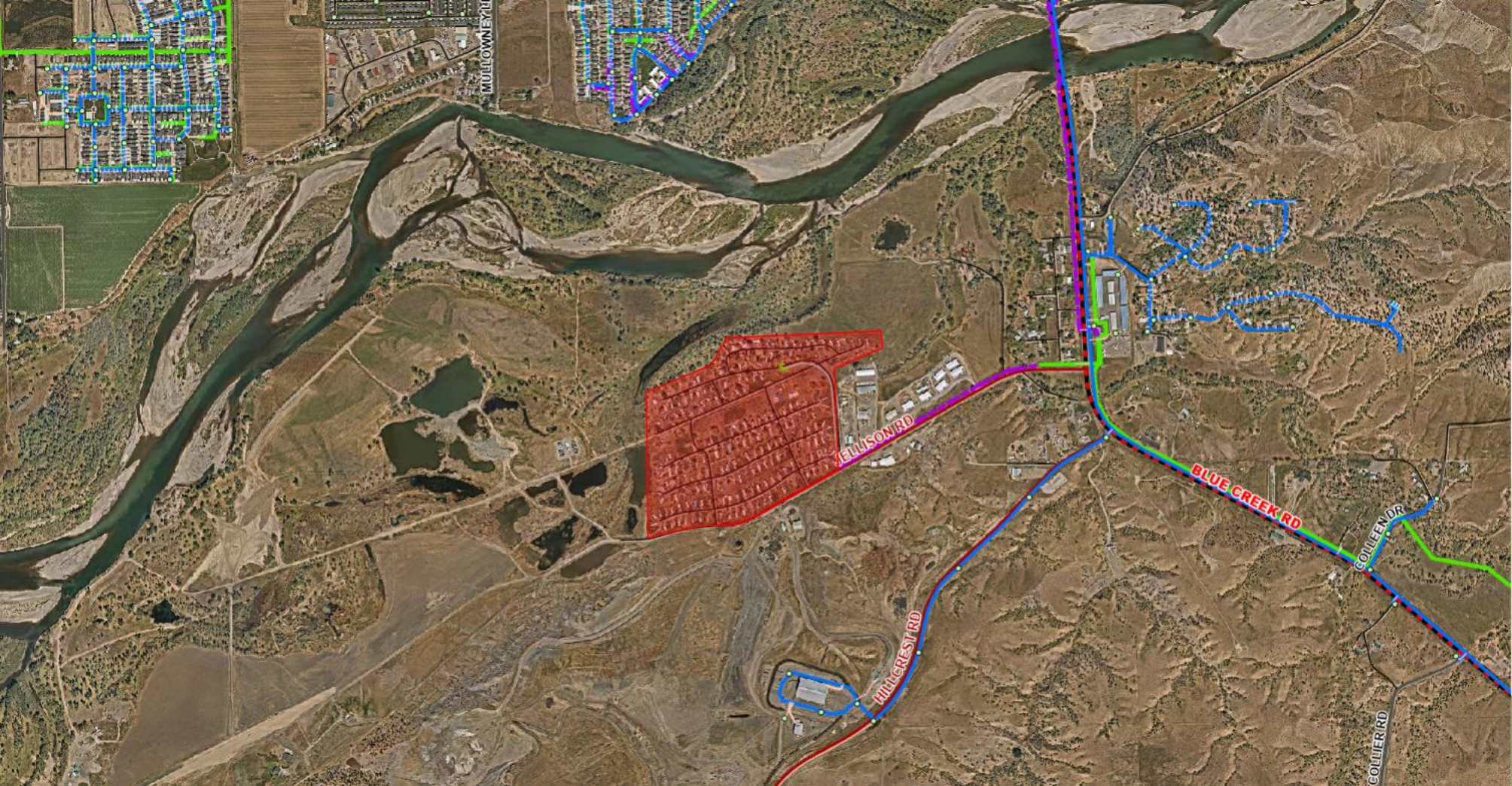
Service Requested from 3 Sites

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McDougall Drive
(Water and
Sewer Service)

Meadowlark Manufactured Home Park



Meadowlark Manufactured Home Park



Meadowlark Background

Drinking Water Quality
Problems

Funding Source—DEQ
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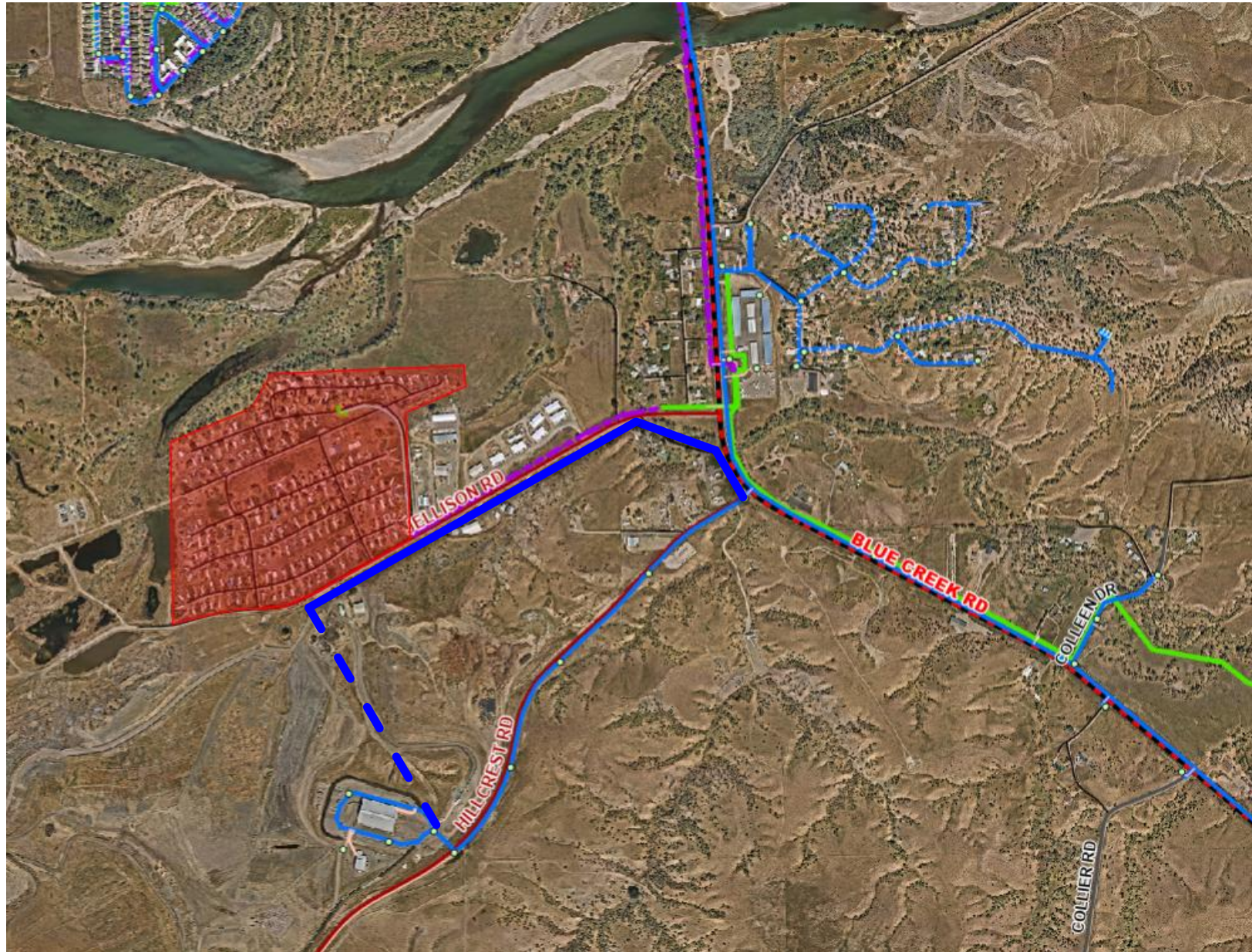
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City Currently Provides
Sewer Service to
Meadowlark (2016)

Property outside the
annexation area

City Benefit of Water Main



Meadowlark Process (Assume Served with Water)

Annexation

- A. Applicant Prepares Urban Planning Study and Requests Annexation
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 - A. Cut off any other services (e.g. marijuana buildings)
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- E. City-Consultant Contract (Design and Construction)

OR

Waive Annexation Reqs.

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Considerations of Annexation

A. Downside: Emergency Service Calls (2025)

DEPARTMENT	TOTAL	
AMERICAN MEDICAL RESPONSE	72	
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BLUE CREEK VOLUNTEER FIRE DEPARTMENT	80	Cost = \$30,000 - \$40,000
YELLOWSTONE COUNTY SHERIFF'S OFFICE	205	Cost = \$33,000 (1 hour calls)
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- B. Estimated Tax Revenue \$126,000/Year
- C. Street Maintenance Fees \$115,064
- D. Upside of Water Main Fire Protection at Landfill Entrance
- E. Downside: Emergency response inside of court (conditions)
 - A. Narrow Roads, No fire hydrants
- F. PD and FD not in support of annexation

Meadowlark

Discussion and Direction

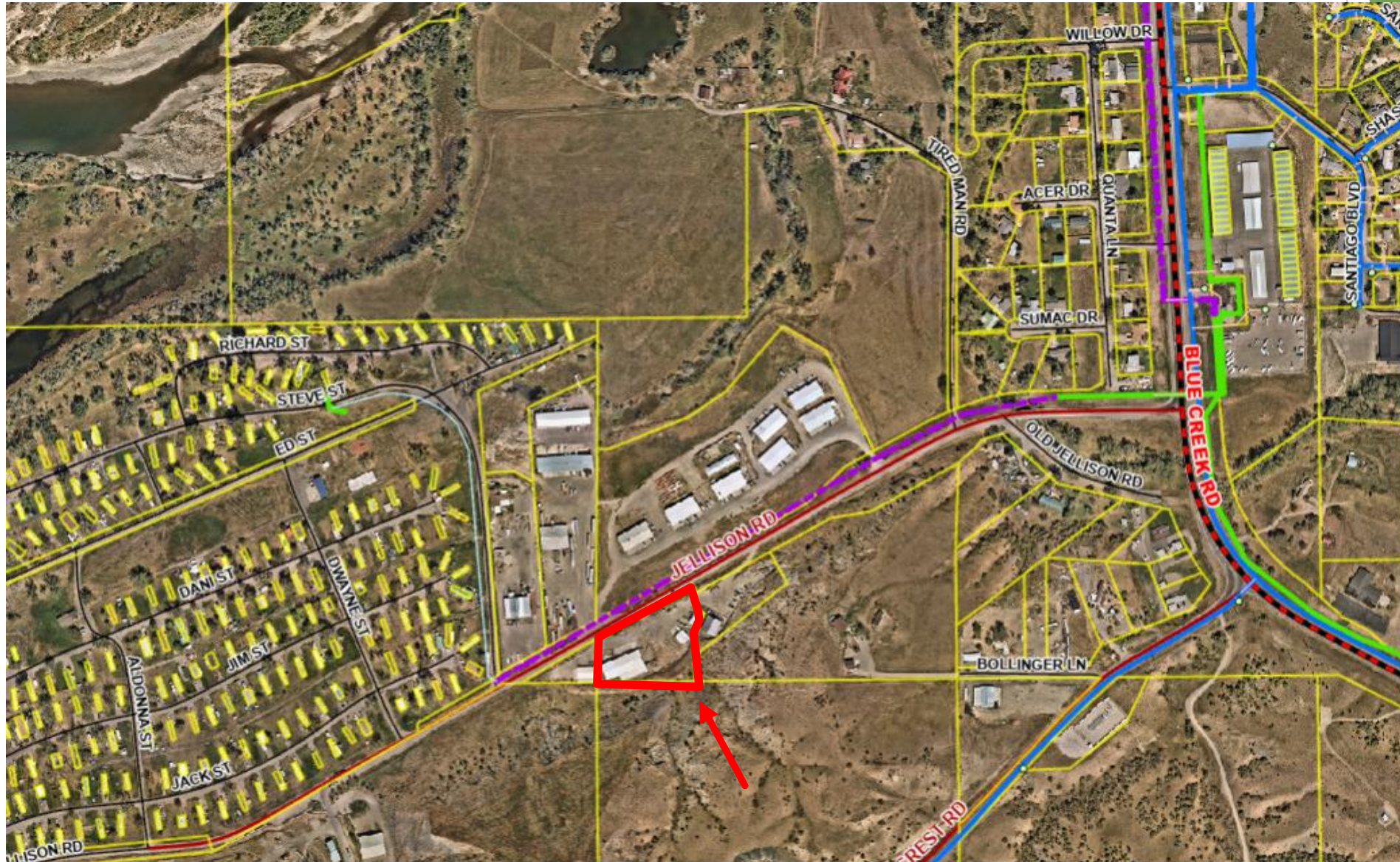


Provide Water Service?

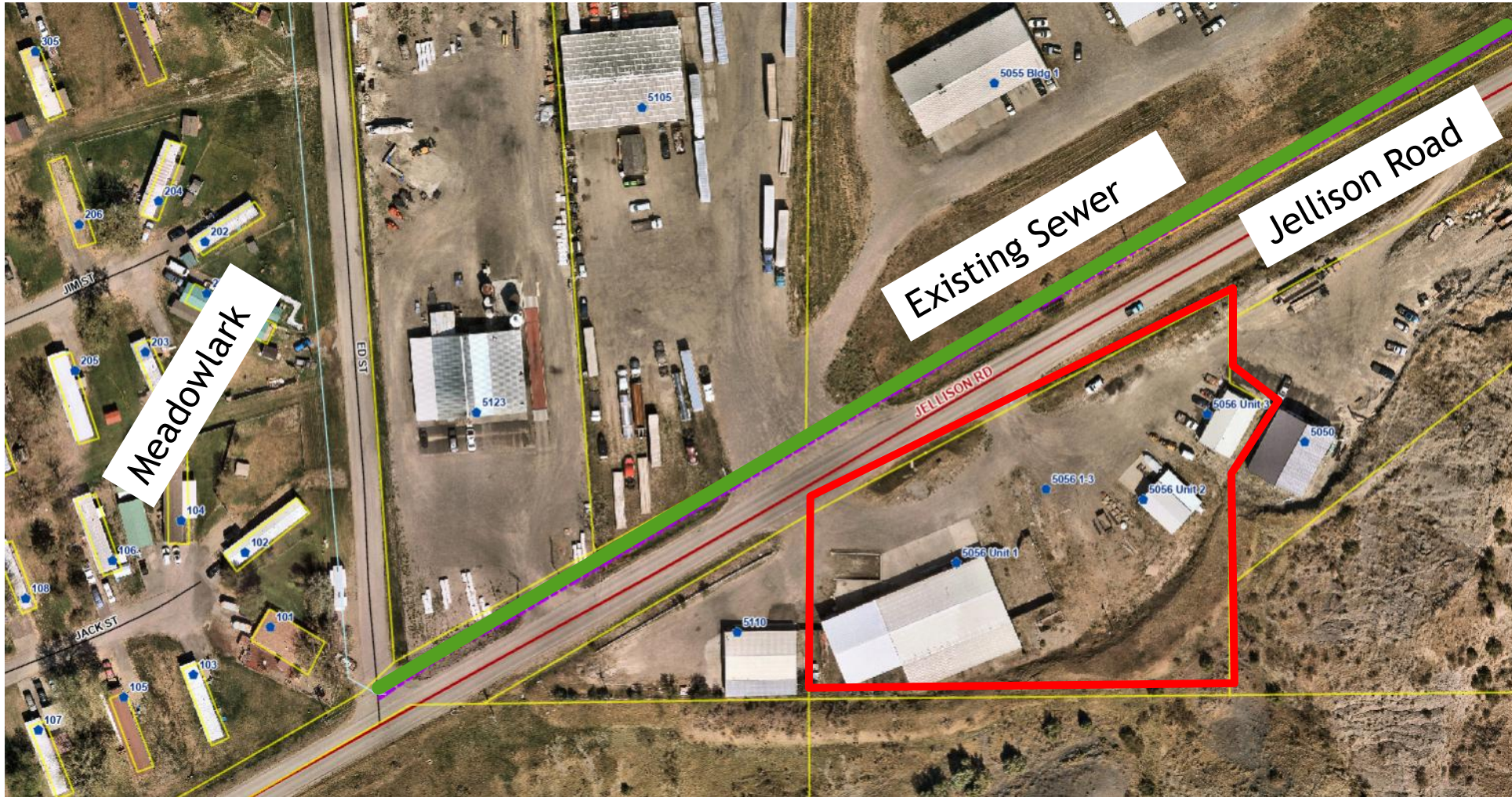


Annex?

Blain Property Map



Blain Property Map



Blain Property Background

Owner of one lot on public street (Jellison Road) in County

- Water hauled to cistern and septic system
- Petitioned City for sewer service

Property outside annexation area

Blain Property Process (If serving with sewer)

Annexation

- A. Applicant Prepares Urban Planning Study and Requests Annexation
- B. Annexation Agreement
 - A. Waiver for future Improvements (Jellison Road)?

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Service Agreement
 - A. Service without Annexation
- C. Waiver of future annexation

Considerations for Annexation

Blain Property

Likely low number emergency
service calls

Estimated tax revenue
\$9,000/year

Estimated street maintenance
fees \$2,800/year

No significant reason not to
annex?

Blain Property

Discussion and Direction

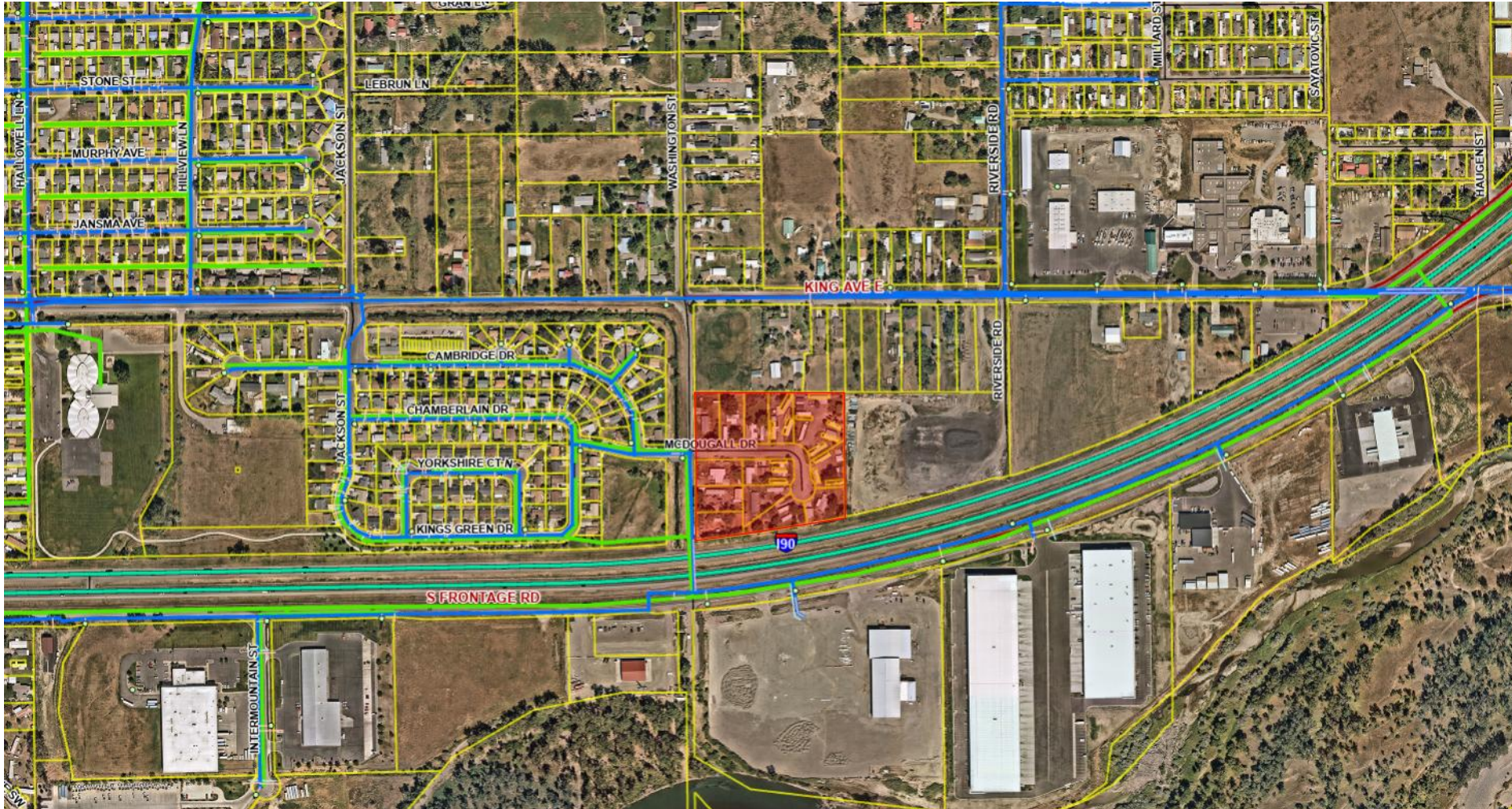


Provide Sewer Service?

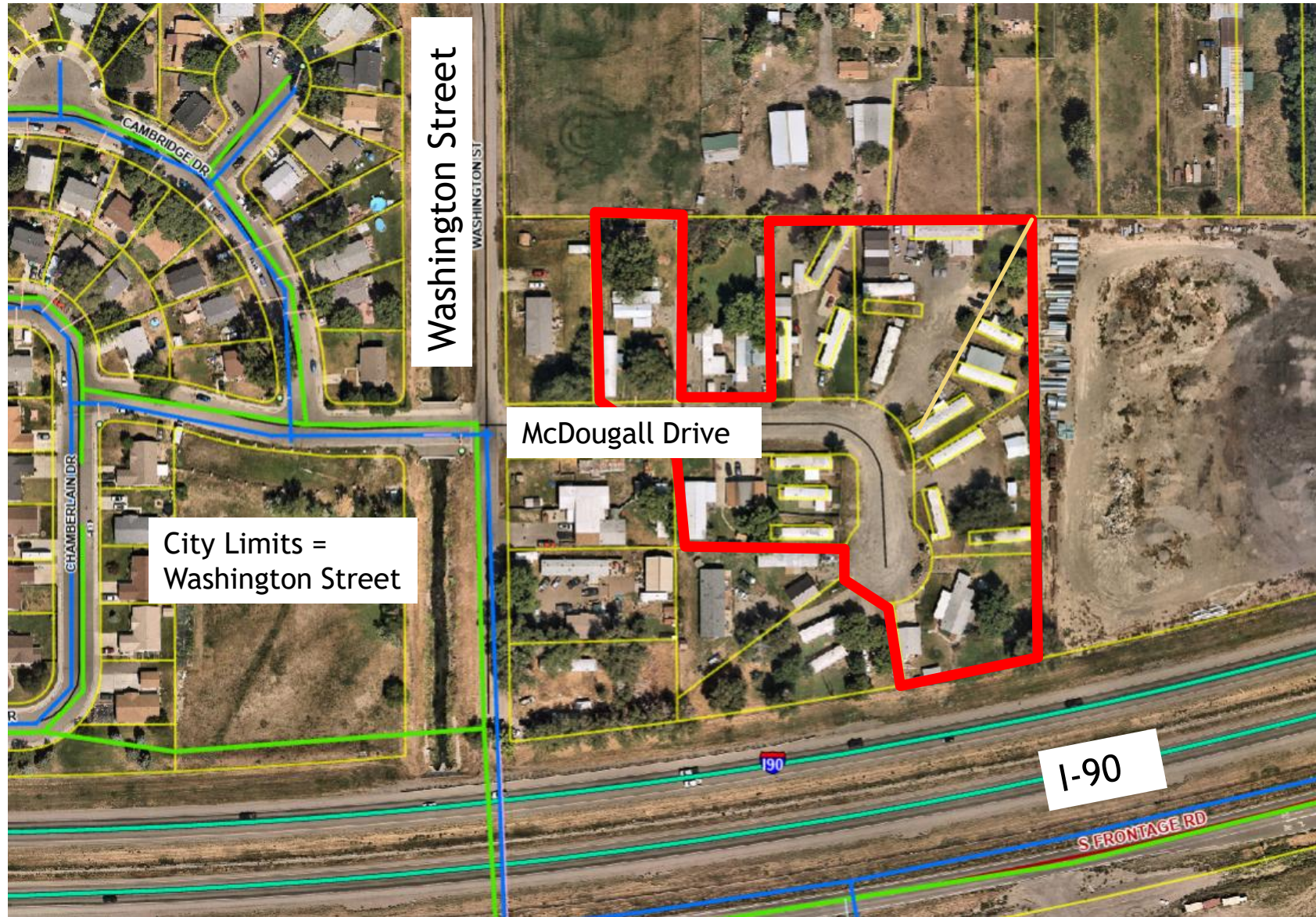


Annex?

McDougall Drive Property Map



McDougall Drive Property Map



McDougall Drive

Background

Owner of seven lots on public gravel street in County

- Water wells and septic systems
- Petitioned City for services

Property adjacent to existing City Limits
(Zone 1 Green)

Water and sewer exists in Washington Street

Emergency Services—currently served by City
fire (BUFSA)

- 2 calls in 2025

McDougall Process (Serving Water & Sewer)

Annexation

- A. Property Ready (Zone 1 Green)--
Petition
- B. Annexation Agreement
 - A. Pave/curb gravel street?
 - B. Sidewalk?
 - C. Waiver for future Improvements ?

OR

Waive Annexation Reqs.

- A. Public Hearing and Waive Annexation Requirements
- B. Agreements
 - A. Service without annexation
 - A. Disconnect any wells
 - B. Waiver of future annexation

Considerations for Annexation-McDougall

- A. Property in Green—Anticipated for Annexation
- B. Public works—Services immediately adjacent
 - A. No City cost to extend
- C. Emergency Service Calls (2025)---2
- D. Estimated Tax Revenue \$5,300.00/Year
- E. Street Maintenance Fees \$3,300.00/Year
- F. No material reasons not to annex?

McDougall Dr.

**Discussion
and Direction**



Provide Services?



Annex?



APPLICATION FOR MODIFICATION TO SANITARY SEWER SERVICE AREA

- 1. Applicant's Name: Paul Corcoran – McDougall Trailer Park
- 2. Mailing Address: 516 Park Lane, Billings, Montana, 59102
- 3. Legal description of area to be served: McDougall Subd, S15, T01, R26 E, Lots 1-11

- 4. The total population to be served by the proposed development is Est. 55 and the estimated volume of wastewater to be contributed in gallons per capita from said development is 100. gpcd.
- 5. Present Zoning Residential Mobile Home Proposed Zoning Residential Mobile Home
- 6. Expected Wastewater Type (industrial/commercial/residential) and description (e.g. restaurant or gas station): Strictly residential wastewater, and there is no future plans for commercial lots within the Park.
- 7. If the property described in paragraph 3 above is not entirely within the city's full service urban planning area or the city's facilities planning area and the applicant is not seeking annexation, describe good and sufficient cause for the request for a waiver of annexation requirements:

The main area of concern with annexation would be the initial capital costs of the project, getting the right-of-way up to City of Billings standards. The client would seek to either privately fund the improvements or seek to set up a Special Improvement District if annexation is required. The applicant also has no feasible alternatives currently available to them for improving their sewer system. Existing sewer service is less than 1,000 feet away; therefore, agencies would not allow a new drainfield(s) for the property.

- 8. Engineer for Applicant: Great West Engineering, Inc.

- 9. Provide details regarding specific expansion, extension, modification or other service request:
The McDougall Trailer Park project would utilize existing City sewer main infrastructure in the intersection of McDougall Drive and Washington Street. The extension would consist of 850 lineal feet of sewer main. The sewer extension would enter the property at the intersection, where the existing manhole would be the connection point. The main will extend approximately 440 feet from west to east and approximately 410 feet from north to south on the east end of the property. New appurtenances including manholes, etc. will be placed in accordance to the Montana Department of Environmental Quality, Montana Public Works Stand Specifications (MPWSS), and City of Billings Modifications to the MPWSS.

DocuSigned by:
Paul Corcoran
D5EED2F52B3341D...

Applicant's Signature

2/26/2026

Date

If a Corporate Owner, by _____
(Its Corporate Officer designated as representative for purpose of application.)

Date



PUBLIC WORKS DEPARTMENT'S ACTION:

_____DENIED, PENDING ADDITIONAL INFORMATION

_____DENIED

_____CONDITIONALLY GRANTED, SUBJECT TO CITY COUNCIL APPROVAL

THIS APPROVAL IS SUBJECT TO A MUTUALLY ACCEPTABLE SERVICE AGREEMENT.

By: _____
City Engineer



APPLICATION FOR MODIFICATION TO WATER SERVICE AREA

- 1. Applicant's Name: Paul Corcoran – McDougall Trailer Park
- 2. Mailing Address: 516 Park Lane, Billings, Montana, 59102
- 3. Legal description of area to be served: McDougall Subd, S15, T01, R26 E, Lots 1-11

- 4. The total population to be served by the proposed development is Est. 55 and the estimated volume of wastewater to be contributed in gallons per capita from said development is 100. gpcd.
- 5. Present Zoning Residential Mobile Home Proposed Zoning Residential Mobile Home
- 6. Expected Wastewater Type (industrial/commercial/residential) and description (e.g. restaurant or gas station): Strictly residential wastewater, and there is no future plans for commercial lots within the Park.
- 7. If the property described in paragraph 3 above is not entirely within the city's full service urban planning area or the city's facilities planning area and the applicant is not seeking annexation, describe good and sufficient cause for the request for a waiver of annexation requirements:

The main area of concern with annexation would be the initial capital costs of the project, getting the right-of-way up to City of Billings standards. The client would seek to either privately fund the improvements or seek to set up a Special Improvement District if annexation is required. The applicant also has no feasible alternatives currently available to them for improving their water system. Existing water service is less than 1,000 feet away; therefore, agencies would not allow a new well(s) for the property.

- 8. Engineer for Applicant: Great West Engineering, Inc.

- 9. Provide details regarding specific expansion, extension, modification or other service request:
The McDougall Trailer Park project would utilize existing City water main infrastructure in the intersection of McDougall Drive and Washington Street. The extension would consist of 920 lineal feet of water main. The water main extension would enter the property at the intersection, where a new 1.5" or 2" meter on the water main will be placed to meter the flows into the Park. The main will extend approximately 440 feet from west to east and approximately 480 feet from north to south on the east end of the property. New appurtenances including gate valves, fire hydrants, etc. will be placed in accordance to the Montana Department of Environmental Quality, Montana Public Works Stand Specifications (MPWSS), and City of Billings Modifications to the MPWSS.

DocuSigned by:
Paul Corcoran
D5EE02F52B9341D...

Applicant's Signature

2/26/2026

Date

If a Corporate Owner, by _____
(Its Corporate Officer designated as representative for purpose of application.)

Date:



PUBLIC WORKS DEPARTMENT'S ACTION:

_____DENIED, PENDING ADDITIONAL INFORMATION

_____DENIED

_____CONDITIONALLY GRANTED, SUBJECT TO CITY COUNCIL APPROVAL

THIS APPROVAL IS SUBJECT TO A MUTUALLY ACCEPTABLE SERVICE AGREEMENT.

By: _____
City Engineer

City Council Work Session

2.

Meeting Date: 03/02/2026
TITLE: Disposition Report
PRESENTED BY: Gavin Woltjer
Department: Parks/Rec/Public Lands
Presentation: Yes
Legal Review: No
Project Number: N/A

RECOMMENDATION

PRPL leadership and Property Disposition Committee recommends that Council accept this report.

EXECUTIVE SUMMARY

In December 2024, Council discussed PRPL's park maintenance budget shortfall and raised concerns about maintaining properties that could potentially be disposed of. Following park tours with Council members and public discussion in February 2025--where community sentiment favored retaining parkland--Council established a Disposition Committee to evaluate PRPL and select City-owned properties.

The committee, composed of Council representatives, community stakeholders, and City staff, met nine times between April and October 2025. Its goal was to balance fiscal responsibility with public interest in preserving open space while identifying properties that could be sold or managed differently to address maintenance funding challenges.

Based on committee input and professional real estate evaluations, a Phase 1 list of properties was developed for Council consideration. After the November 2025 election, the process was paused until new leadership was seated in January 2026. The list was presented to the PRPL Board in February 2026, with the understanding that only Council has authority over property disposition. PRPL Board recommends that any sale proceeds should remain within the PRPL budget or reserve until a reinvestment plan is finalized.

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

At the December 2, 2024, Council meeting, former PRPL Director Mike Pigg presented information regarding park maintenance budget shortfalls. During that discussion, several Council members expressed concern that the shortfall could not be adequately addressed if PRPL continued maintaining park properties that could potentially be disposed of.

Between December 2024 and February 18, 2025, then-Councilman Tom Rupsis coordinated tours of parks with Council members from Ward 1, Ward 2, and Ward 5 within their respective areas. Council members provided feedback to Councilman Rupsis following those tours. During this same timeframe, City staff sought input from George Warmer, Supervising Broker at Coldwell Banker, to evaluate a selection of City-owned properties and provide professional analysis regarding whether those properties were salable and/or developable.

Council revisited the issue of property disposition at its February 18, 2025, meeting. Public comment during that meeting strongly favored retaining PRPL parkland. In response to the direction provided by Council to PRPL staff, and the significant public interest expressed, Council determined that a committee should be formed to review PRPL parkland and provide recommendations regarding potential disposition or alternative management strategies.

Councilman Rupsis and Councilwoman Rogers volunteered to serve on the committee. Councilman Rupsis met with City Administrator Kukulski to discuss additional representation for the committee. It was determined that the committee should include individuals supportive of parks, trails, and open spaces to help compile, examine, and evaluate information gathered through discussions, PRPL input, and site tours.

The committee included:

Councilman Tom Rupsis
Councilwoman Rogers
Bill Morgan (Audubon Society)
Carolyn Sevier (YRPA)
Brandon Scala (local business representative)
Maia Dickerson (PRPL Board)
Elizabeth (Matt) Clark (high school student representative)
Kevin Iffland (Assistant City Administrator)

Cole McQuillan (PRPL Parks Superintendent)
Gavin Woltjer (Interim PRPL Director)

The committee's goal was to help address park maintenance budget challenges by evaluating where land could potentially be sold or managed differently. While the primary focus was parkland, the scope was not limited exclusively to PRPL properties. Several properties reviewed are owned or managed by Public Works, Planning, or Code Enforcement. The committee operated with the understanding that it must balance Council's fiscal concerns with the community's desire to preserve open space.

The committee met on the following dates:

April 21
May 19
June 2
June 30
July 14
July 28
August 25
September 22
October 27

Following the conclusion of committee meetings, Interim PRPL Director Woltjer met in October 2025 with Dominic Neameyer and Brittani Hunter, real estate salespersons with Coldwell Banker, to determine a proposed "Phase 1" list of properties for Council consideration. This list was developed based on:

1. The disposition committee's level of support for potential disposal, and
2. Professional feedback from Mr. Neameyer and Ms. Hunter regarding development feasibility and marketability.

During this process, Mr. Neameyer and Ms. Hunter provided valuation estimates for the identified Phase 1 properties.

The proposed Phase 1 list includes (valuations from Coldwell Banker in ()); current maintenance costs to PRPL in []):

Career Center Park (\$30,000-\$40,000) [no expense to PRPL]
Daniels Park (\$200,000-\$225,000) [\$2000]
Lampman Park (\$600,000-\$850,000) [\$1500]
Meadowlark lots (\$55,000-\$65,000) [\$2500]
Parking lot on Minnesota Ave between S. 27th and S. 26th (\$207,000-\$260,000) [maintenance costs unknown]
Palisades Park (\$200,000-\$220,000) [\$2000]
Ramada Park (\$90,000-\$100,000) [\$500]
Rush Park (\$400,000-\$450,000) [\$5000]
Sandra Subdivision (\$25,000-\$50,000) [maintenance costs unknown]
Spring Valley Subdivision (\$65,000-\$70,000) [maintenance costs unknown]
802 Yellowstone (no value provided; late addition to list) [maintenance costs unknown]

(see attachment Coldwell City Property Price Recommendations for detailed property information).

Following the November 2025 municipal elections, and after consultation with elected officials, City administration, and members of the committee, the decision was made to pause the project until the newly elected Mayor and Council members were seated in January 2026.

Interim PRPL Director Woltjer presented the proposed Phase 1 list to the PRPL Board at its February 11, 2026, meeting, held at 11:00 a.m. at the Billings Parks and Recreation office located at 390 N. 23rd Street. The public was given notice of this meeting.

During the meeting, Interim Director Woltjer clarified that while the PRPL Board would vote on each property, only Council has the authority to retain or dispose of City-owned property. The Board acknowledged this distinction.

The PRPL Board further stated that any vote in favor of disposing of parkland would be contingent upon the condition that all revenues generated from the sale of parkland remain within the Parks, Recreation, and Public Lands budget or reserve account until a final plan for expenditure of those funds is formally established. (see Attachment PRPL Board Comments and Vote Outcome)

A full listing of the aforementioned properties included in Phase 1 is listed on the PRPL website under the Resources tab in the section labeled Disposal of Parkland Information: billingsparks.org/resources/disposal-of-parkland-information/.

FISCAL EFFECTS

The range of potential revenue generated from the seven (7) identified PRPL properties sales is: \$1,575,000 -- \$1,950,000*.

The estimated yearly maintenance savings for PRPL is: \$13,500.

*The parking lot on Minnesota Ave, Sandra Subdivision, Spring Valley Subdivision, and 802 Yellowstone are not factored within these projected fiscal effects.

STAKEHOLDERS

PRPL department
Public Works department
Code Enforcement
Parking Division
Users of PRPL parkland

ALTERNATIVES

Council may accept this report.
Council may reject this report.
Council may alter the scope of this report.

Attachments

Coldwell City Property Price Recommendations
PRPL Board Comments and Vote Outcome

Property Overview

Location: Career Center Park (D00328)

Acreage: 2.44 Acres

Zoning: P1-Parks and Open Space

Utilities: Water and sewer in 36th Street West

Access: No Legal Access

Description

Relatively flat, obsolete lot layout

Recommended Listing Price

As a donation to School District 2, the recommended price is due to the layout and accessibility.

Recommended Price: \$30,000-\$40,000

Pricing Factors

- Best use is for school district 2.
- Location highly desirability, within city limits and surrounding properties



Property Overview

Location: Daniels Park (A26224, A24654A)

Acreage: 6.064 Acres

Zoning: P1-Parks and Open Space

Utilities: Water and sewer available for connections

Access: City Street access

Description

6 acres well equipped for subdivision development. Neighboring single family residential and undeveloped land.

Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$200,000-225,000

Pricing Factors

- Residential development
- Location desirability
- Potential storm water swale running through it



Property Overview

Location: Lampman Park (C08071)

Acreage: 9.405 Acres

Zoning: P1-Parks and Open Space

Utilities: Water and Sewer available for main extensions or service taps

Access: Extension of public right away, with streets/carriage lanes

Description

Highly desirable development site, surrounded by single residential, patio and multifamily

Recommended Listing Price

Based on recent land sales, market demand, and highly desirable property characteristics, we recommend

Recommended Price: \$600,000-\$625,000 Residential

\$800,000 - \$850,000 Multi family/commercial

Pricing Factors

- High density for multi development or single residential property
- Future Land Use Mapping – Highest and Best Use
- Location highly desirability, within city limits and surrounding properties



Property Overview

Location: Meadow Lark Lots (**C00408B, C00408C, C00408D, C00408E, C00408F, C00408G, C00409**)

Acreage: 10,600-12,000 SQFT Lots

Zoning: P1-Parks and Open Space

Utilities: Watermain in Covert Lane sewer in alley back of lots. Likely needs services to each lot

Access: Public right of way

Description

Relatively flat, drainage on one parcel, fronts parkland

Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$55,000-\$65,000

Pricing Factors

- Single residential properties
- Location, Park front
- **C00408D** May be undevelopable or need soil reclamation being in a drainage. This parcel should be kept or significantly discounted



S

Property Overview

Location: Located on Minnesota Ave between S 27t and S 26th St (**A01266A**)

Acreage: 0.5958 Acres (25,954 SF)

Zoning: CBD

Utilities: Water and sewer available for services

Access: City Street access

Description

Fully paved lot with sidewalk, curb and gutter

Recommended Listing Price:

Base on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$207,000-260,000

Pricing Factors

- On site Improvements
- Location
- Access



Property Overview

Location: Palisades Park (C03184C)

Acreage: 4.021 Acres

Zoning: P1-Parks and Open Space

Utilities: Available – need water and sewer services

Access: City Street access, Private Road Easement if not public dedicated ROW

Description

Four acres of development potential, complemented by one acre reserved for natural drainage and environmental flow

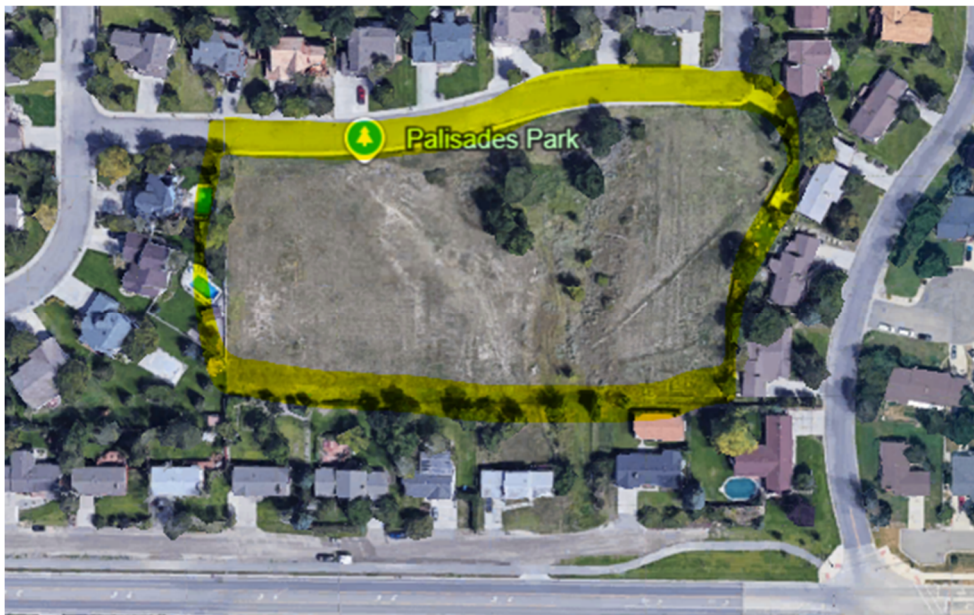
Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$200,000 - \$220,000

Pricing Factors

- Site will be split with West / East capabilities
- Topography may have difficult of the usability of the land and layout
- Location desirability and access



Property Overview

Location: Ramada Park (A20235A)

Acreage: 1.102 acres

Zoning: P1-Parks and Open Space

Utilities: Available – need water and sewer services

Access: City Street Access

Description

A parcel offering a gentle slope, a south ditch, with strong residential development

Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$90,000-\$100,000

Pricing Factors

- Comparable acreage sales in the area
 - Topography and usability of the land, including the ditch
 - Location desirability and access
-



Property Overview

Location: Rush Park (A29814)

Acreage: 3.752 Acres

Zoning: P1-Parks and Open Space

Utilities: Water available in Poly Drive, small sewer extension could be needed for Poly Dr or Hi Line Drive

Access: City Street access, Private Road Easement

Description

Relatively flat, with ditch running through the northwest corner,

Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$400,000 - \$450,000

Pricing Factors

- Larger building sites, low density for development or single residential property
- Ditch Location, private road ROW
- Location highly desirability, within city limits and surrounding properties



Property Overview

Location: Sandra Subdivison (**A13811A, A13819, A13820**)

Acreage: A13811A= 0.228 AC, A13819 = 0.488 AC, A13820=0.488 AC

Zoning: P2- Public – Civic & Institutional

Utilities: Water available, needs services. Sewer not available

Access: Street

Description

Large lots near the river with great views!

Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: **A13811A**= 25-30k, **A13819 & A13820**=40-50k (recommend selling together because of sewer crossing encumbrance)

Pricing Factors

- Location
- No sewer available



Property Overview

Location: Spring Valley Subdivision (A14536A)

Acreage: 11,571 sqft

Zoning: N3-Suburban Neighborhood

Utilities: Available – need water and sewer services

Access: Off City Street

Description

A scenic parcel offering privacy, natural terrain, and development potential for residential build

Recommended Listing Price

Based on recent land sales, market demand, and unique property characteristics, we recommend:

Recommended Price: \$65,000-\$70,000

Pricing Factors

- Comparable acreage sales in the area
- Topography and usability of the land
- Location desirability and accessible



PRPL Board Comments and Vote Outcome

Property:	Retain:	Dispose:	*Partial Sell:	Comments:
Career Center Park		0	7	0 Sell or donate to SD2
Daniels Park		4	0	3 Partial sell only
Lampman Park		0	7	0 Active Resolution from 2013
Meadow Lark lots		0	7	0
Parking lot on Minnesota Ave	x	x	x	no input (Parking division)
Palisades Park		1	6	0
Ramada Park		2	0	5
Rush Park		1	6	0
Sandra Subdivision	x	x	x	no input (Public Works)
Spring Valley Subdivision	x	x	x	no input (Public Works)
802 Yellowstone	x	x	x	no input (Code Enforcement)

*Partial descriptions have not been determined

City Council Work Session

3.

Meeting Date: 03/02/2026

TITLE: Boards, Commissions and Committees Review (CM O'Donnell Initiative)

PRESENTED BY: Chris Kukulski, City Administrator

Department: City Hall Administration

Presentation: No

Legal Review: No

Project Number: N/A

RECOMMENDATION

Staff recommends Council consider the proposed initiative.

EXECUTIVE SUMMARY

Councilmember O'Donnell's proposed an initiative to review whether existing boards, committees and commissions are statutorily required; could be consolidated with others; or are no longer relevant and should be dissolved. "A list of existing boards, commissions and committees is attached as Exhibit A."

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

Councilmember O'Donnell brought forward an initiative on February 9, 2026 to review whether existing boards, committees and commissions are worthwhile; could be consolidated with others; or are no longer relevant and should be dissolved. Council voted unanimously to move forward with the initiative.

The review process could be assigned to the existing Council Operations Committee without the need for additional legal advertising or a Council resolution. If Council wishes to create another Ad-Hoc Council Advisory Committee, which would require legal advertisement, appointments by Mayor and Council and approval of a resolution by Council at a regular business meeting.

Council Operations Committee current members are: Mayor Mike Nelson, Deputy Mayor Boyett and Deputy Mayor Pro Tempore Neese. The meetings are open to the public and other Councilmembers are welcome to participate. They meet the first Monday of each month at 11:00 AM. This committee already exists, notice of their meetings are published and a web page for this committee is maintained.

Billings, Montana City Code (BMCC) Article 2-500 Boards, Commissions and Committees (See Exhibit B attached)

Sec. 2-501. - Permanent advisory boards, ad hoc council advisory committees or statutory boards.

There are three (3) different types of advisory boards, committees or commissions.

(1) Permanent advisory boards are established by ordinance (this article; City Charter, Article V).

(2) Ad hoc council advisory committees (section 2-224) are created by council resolution, have a specific purpose, and have a limited duration.

(3) Statutory boards are required by state or federal law.

Sec. 2-501.2. - Appointment.

Members of advisory boards, commissions, and committees shall be appointed by the mayor with the consent of the city council, unless otherwise provided by federal or state law, or interlocal agreement.

(1) Notice of a vacancy shall be published thirty (30) days prior to appointment.

(2) Members of boards, commissions, or committees shall hold no elected city office unless required by federal or state law, or interlocal agreement. (See Exhibit C attached)

FISCAL EFFECTS

N/A

STAKEHOLDERS

N/A

ALTERNATIVES

City Council may:

- Assign the Boards, Commissions and Committee review initiative to the existing Council Operations Committee

- or;
- Create a new Ad-Hoc Council Advisory Board, Commission and/or Committee to manage Councilmember O'Donnell's initiative or;
- Vote to not move forward with Boards, Commissions and Committee review

Attachments

Board Listings
City Code Boards, Commissions and Committees
Council Operations Committee

	Type	Board/Commission	Liason
1	Local	Animal Control Board	Tom Stinchfield
2	Statutory	Aviation and Transit Board	Jeff Roach
3	Statutory	Board of Appeals	Jessica Fust
4	Local	Bicycle and Pedestrian Advisory Committee	Mike Hayes
5	Statutory	Billings BID	Katy Easton
6	Local	Billings Parking Board	Tracy Scott
7	Statutory	Board of Health	John Felton/Carrie Ludwig
8	Local	Budget and Finance Committee	
9	Local	Citizen Police Advisory Board	Rich St. John
10	Statutory	City Board of Adjustments	Karen Husman
11	Statutory	City Zoning Commission	Karen Husman
12	Statutory	Community Development Board	Brenda Beckett
13	Local	Council Operations Committee	
14	Local	Downtown Revolving Loan Committee	Andy Zoeller
15	Statutory	County Water District of Billings Heights	
16	Statutory	Downtown Urban Renewal Advisory Committee	Mehmet Casey
17	Statutory	EBURD Advisory Committee	Heather Doty
18	Local	Energy and Conservation Commission	Louis Engels
19	Local	Exchange City Golf Cooperation Board	Gavin Woltjer
20	Statutory	Housing Authority	Patti Webster
21	Local	Human Relations Commission	Karla Stanton
22	Local	Legislative and Local Affairs Committee	
23	Statutory	Library Board	Kelsie Rubich
24	Local	Parks, Recreation and Cemetery Board	Gavin Woltjer
25	Statutory	Police Board	Rich St. John
26	Statutory	Policy Coordinating Committee (PCC)	Lora Mattox
27	Local	Public Arts Committee	Tate Johnson
28	Local	Public Works Board	PWA
29	Statutory	SBBURD Advisory Committee	
30	Statutory	Tourism BID Board	John Brewer
31	Statutory	Yellowstone County Planning Board	Wyeth Friday
32	Statutory	Yellowstone County Soil Conservation District	LaVerne Ivie
33	Statutory	Yellowstone Historic Preservation Board	Dave Green



ARTICLE 2-500. - BOARDS, COMMISSIONS AND COMMITTEES

Footnotes:

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Editor's note— Ord. No. 09-5485, § 1, adopted January 12, 2009, amended article 2-500 in its entirety, in effect repealing and reenacting said article to read as herein set out. Formerly, article 2-500 pertained to similar subject matter, and derived from the Code of 1967, §§ 2.24.010, 2.24.020, 2.24.040, 2.24.060, 2.29.010, 2.29.020, 2.66.010, 2.66.040, 2.66.060, 2.76.010, 2.76.020, ; Ord. No. 83-4523, § 1, adopted June 20, 1983; Ord. No. 83-4559, §§ 1, 2, adopted November 28, 1983; Ord. No. 97-5035, §§ 2—4, adopted September 8, 1997, and Ord. No. 06-5356, § 1, adopted January 9, 2006.

Charter reference— Boards, commissions or committees, Art. V.

Cross reference— Open public meetings and records, § 2-601 et seq.; code of ethics, § 2-701 et seq.; historic preservation board, § 6-1121 et seq.; downtown redevelopment board, § 9-301 et seq.; city-county planning board, § 20-201 et seq.; board of architectural review, § 27-802; zoning commission and board of adjustment, § 27-1001 et seq.

DIVISION 1. - GENERALLY

Sec. 2-501. - Permanent advisory boards, ad hoc council advisory committees or statutory boards.

There are three (3) different types of advisory boards, committees or commissions.

- (1) Permanent advisory boards are established by ordinance (this article; City Charter, Article V).
- (2) Ad hoc council advisory committees (section 2-224) are created by council resolution, have a specific purpose, and have a limited duration.
- (3) Statutory boards are required by state or federal law.

All boards, committees or commissions shall be governed by this article except as otherwise provided by Charter, this Code, statute or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-501.1. - Qualifications for membership.

- (a) Unless otherwise required by law, other city ordinance or permitted by interlocal agreement or memorandum of understanding with any other governmental or non-governmental entity or organization, all members of city advisory boards, commissions or committees must hold the following qualifications:
- (1) Resident of the city for at least two (2) years;
 - (2) Registered voter of the city; and
 - (3) Eighteen (18) years of age or older.
- (b) A city employee shall not be appointed to serve on a city advisory board, commission or committee that provides advice to the department for whom the employee works.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 13-5615, § 1, 9-9-13; Ord. No. 19-5726, § 1, 10-15-19)

Sec. 2-501.2. - Appointment.

Members of advisory boards, commissions, and committees shall be appointed by the mayor with the consent of the city council, unless otherwise provided by federal or state law, or interlocal agreement.

(1) Notice of a vacancy shall be published thirty (30) days prior to appointment.

(2) Members of boards, commissions, or committees shall hold no elected city office unless required by federal or state law, or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-502. - Compensation, expenses.

The members of advisory boards, committees, and commissions of the city shall serve without compensation, but shall be reimbursed their necessary expenses with prior authorization of the mayor and city council.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-503. - Loss of membership.

If a member of any board, committee or commission of this city fails to attend three (3) consecutive scheduled meetings of such board, committee or commission without being excused from such attendance, such person shall no longer be considered a member of such board, committee or commission, and the position shall be declared vacant by the mayor, unless otherwise provided by statute or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 19-5726, § 2, 10-15-19)

Sec. 2-503.1. - Forfeiture of office.

The position of advisory board, commission, or committee member is forfeited and becomes vacant upon the occurrence of any of the following events prior to the expiration of the term:

- (1) The death of the member;
- (2) The member's resignation;
- (3) The member's conviction of a felony;
- (4) The member's ceasing to meet the qualifications in section 2-501.1; or
- (5) The decision of a competent legal tribunal declaring void the member's appointment.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 19-5726, § 3, 10-15-19)

Sec. 2-503.2. - Removal of any or all members.

Members of advisory boards, commissions and committees serve at the discretion of the mayor and city council. Upon two-thirds ($\frac{2}{3}$) vote of the mayor and city council, any or all members of an advisory board, commission or committee may be removed.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-504. - Filling unexpired term.

When possible, vacancies occurring for any reason during the member's term shall be filled within sixty (60) days in the same manner as the original appointment. The appointment shall be for the remainder of the unexpired term. If a position remains vacant beyond sixty (60) days, notice of the vacancy shall be published periodically according to the judgment of the mayor until the vacancy has been filled.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 19-5726, § 3, 10-15-19)

Sec. 2-505. - Terms of office.

Except as otherwise provided by Charter, this Code, statute or interlocal agreement:

The terms of members of a permanent advisory board or commission will run on a calendar year basis. During the transition to the calendar year terms, any member whose term expires prior to December 31 will holdover in office at least until December 31 or until his position is filled by appointment, whichever is later. All board and commission appointees after the initial appointments shall be appointed for four (4) years. Each member shall be limited to two (2) consecutive four (4) year terms.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-506. - Staff liaison.

Each permanent advisory board shall have a designated staff liaison appointed by the city administrator. The staff liaison shall be responsible for preparing the meeting agenda, advertising the meeting, taking minutes, and handling any communications between the board, the mayor or city council, or the city administrator.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-507. - Meetings, rules and procedure.

All boards, commissions, and committees shall comply with this article and the following rules of procedure. A board, commission or committee shall not establish its own bylaws or any other rules without the prior written approval of the city council, unless otherwise required by law. All bylaws or rules of procedure existing on the effective date of this article are void and shall be replaced with the rules of procedure set by ordinance.

- (1) *Election of chairperson and vice-chairperson; presiding officer.* At the first meeting of every calendar year, a chairperson and vice-chairperson shall be elected by a majority of members present at the meeting. The chairperson shall be the presiding officer and shall be responsible for recognizing those who would like to speak and generally enforcing a productive decorum. In the absence of the chairperson, the vice-chairperson shall be the presiding officer.

(2) *Location; calling to order; quorum.* The advisory boards, commissions or committees shall hold regular meetings for the transaction of city business as required. A majority of the meetings held by each board, commission or committee in any calendar year shall be located in a public facility owned by a governmental entity. Any regular meeting may be canceled or rescheduled by majority vote of the advisory board, commission or committee at any time prior to the last business day before the scheduled meeting. The presiding officer or any three (3) members may request that a special meeting be called. The request shall be submitted to the staff liaison who shall prepare the agenda and notice in writing, which notice shall be delivered or mailed to all members. All meetings shall be held in accordance with the public notice and public meeting laws.

At any regular or special advisory board, commission or committee meeting, the presiding officer shall call the roll, and the names of all members present shall be recorded in the minutes. The presiding officer shall announce whether or not a quorum is present. Unless otherwise set by law, a simple majority of the members of the advisory board, commission or committee duly appointed and qualified is necessary to constitute a quorum. A meeting must have a quorum present in order to conduct business. Members must be physically present for meetings, and no proxy votes shall be allowed. Members shall vote on all agenda items unless prohibited by law.

(3) *Meetings open to the public.* All meetings of the boards, commissions, committees, subcommittees or other entities created by the city council shall be open to the public if required by state law. "Meeting" means the convening of a quorum of the membership of the boards, commissions or committees created by the city council, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the city council has supervision, control, jurisdiction, or advisory power.

A public comment period shall be provided at each meeting. The presiding officer may set time limits for the comments.

(4) *Proposed agenda.*

- a. The presiding officer through the staff liaison shall prepare a draft regular meeting agenda and shall provide the same to the members in accordance with an agreed process designed to provide them with sufficient time and opportunity to review the draft agenda and request changes therein prior to its finalization.
- b.

The staff liaison shall prepare the final agenda of business to be considered at the regular meeting and shall transmit copies of the same to the members on or before close of business on the Monday preceding the regular meeting at which the matters are to be considered. Agenda items may only be removed from the agenda by the consent of a three-fourths ($\frac{3}{4}$) majority of the members present.

- c. Only matters that appear on the agenda shall be considered by the members at its regular meeting. Matters that are ministerial or deemed not of significant interest to the public may be added by consent of a three-fourths ($\frac{3}{4}$) majority of all members present.

(5) *Order of business for regular meetings.* At all regular meetings of the advisory boards, commissions and committees, the order of business shall be as follows:

- a. Call to order;
- b. Roll call;
- c. Correcting, if necessary, and approving minutes of the last meeting or meetings;
- d. Staff liaison reports;
- e. Public comment on the published agenda or non-agenda items. Speakers are requested to indicate their desire to speak and which item or items on which they wish to offer comment by filling in their name, address and agenda item number or subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the presiding officer.
- f. Agenda. The agenda constitutes an individually numbered listing of business items either:
 1. Requiring a public hearing prior to action;
 2. Giving a special informational presentation; or
 3. Any item that requires separate time by the board, commission or committee to fully discuss the matter prior to rendering a decision.
- g. Adjourn.

The order of business may be altered for any meeting by a majority vote of the members present. The order of business for any special meeting shall be specified in the notice calling for the special meeting.

(6) *Minutes.*

- a.

Appropriate minutes of all meetings of advisory boards, commissions and committees shall be kept by the staff liaison and shall be available for inspection by the public.

b. Such minutes shall include without limitation:

1. Date, time, and place of meeting;
2. A list of the individual members of the board, commission or committee in attendance;
3. The substance of all matters proposed, discussed, or decided; and
4. At the request of any member, a record by individual members of any votes taken.

(7) *Distribution of minutes.* It shall be the duty of the staff liaison to see that copies of the minutes are transmitted to the members as soon after the original minutes are written as possible. The minutes must be finally approved at the next meeting and shall be posted on-line at the city's website within ten (10) business days after final approval. The minutes are permanent records of the city and must be retained indefinitely.

(8) *Rules of procedure for meetings.* The meetings of the advisory boards, commissions or committees shall in all cases be governed by the following rules, unless otherwise set by interlocal agreement, statute, or ordinance, or unless they are suspended pro tem by a majority vote:

a. *Decorum.*

1. The presiding officer shall preserve order and decorum and shall decide all questions of order, subject to appeal to the board, commission or committee.
2. Every member, previous to speaking, shall address the presiding officer, but shall not proceed until recognized and named by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.
3. When two (2) or more members address the presiding officer, the first to have precedence shall be decided by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.
4. While a question is being placed on the floor, no member shall speak or walk across the meeting room or leave the same.
5. When any member is addressing the group, no other member shall engage in private conversation or do any other act to divert attention or interrupt the speaker.

6. At meetings all questions relating to the priority of business shall be decided without debate.
7. To preserve meeting decorum and minimize distractions, television cameras are to be confined to designated areas. Interviews in the chamber are permissible after meetings. No interview or live narration will be allowed in the chamber prior to or during the proceedings of a meeting.

b. *Meeting protocol.*

1. A member shall not speak more than twice on the same subject without leave of a majority of the group, nor more than once until every member desiring to speak on the pending question has had an opportunity to do so.
2. No motion shall be debated or put to a vote unless the same shall be seconded. The motion and second shall then be stated by the presiding officer.
3. All motions shall be stated in clear, concise and definite terms, beginning with the language: "I move that . . . ". "I so move" or any other abbreviated language does not constitute correct form for a motion and is out of order.
4. After a motion has been stated by the presiding officer it shall be deemed in possession of the group, but may be withdrawn at any time before amendment or decision, by the mover with consent of the second.
5. If a question under consideration contains more than one (1) distinct proposition any member may demand a division.
6. When a question is under debate, no motion shall be entertained, except: First, to adjourn; second, to lay on the table; third, for the previous question; fourth, to postpone to a day certain; fifth, to refer to a committee; sixth, to amend; and seventh, to postpone indefinitely. These motions shall have precedence in the order stated.
7. Amendment of a question may take the form of a motion to substitute. Adoption of a motion to substitute shall be deemed approval of the substitute motion itself and further debate and amendment of the adopted substitute motion are not in order. The provisions of Robert's Rules of Order Newly Revised concerning substitute motions are superseded by this rule of procedure.
8. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken. Motions to adjourn and lay on the table shall not be debatable.
9. No motion on a subject different from that under consideration shall be permitted.
10. After a vote is announced, no member shall change his vote without following the procedure for reconsideration.
- 11.

No motion for reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made except by a member who voted with the majority. If the motion for reconsideration is approved by a majority vote of the board, commission or committee, then the decision on which the vote is to be reconsidered is placed back on the agenda at a location specified by the presiding officer for further consideration and another vote.

12. In case a voice vote is indeterminate, a roll call vote shall be taken.
13. In case of a tie vote on any proposal, the proposal shall be considered lost/failed.
14. The staff liaison shall rule on all questions of parliamentary procedure and the staff liaison's decision shall be final.
15. Every member present shall vote upon every question submitted, unless excused or unless the member has a financial or personal interest as defined in section 2-702. If a member has a financial or personal interest, the member shall, immediately after the motion has been made and seconded, or as soon thereafter as the member may be recognized by the presiding officer, publicly disclose the nature and extent of such interest and disqualify himself or herself from participation in the deliberation and voting on the question.

c. *Documentation of proceedings.*

1. In all cases the name of the member proposing a motion and seconding the motion shall be entered in the minutes.
2. Any member may demand the roll call of ayes and noes upon any question pending. Except as provided in this subsection, a vote on all matters shall be by voice vote.
3. All reports or proposals shall be reduced to writing before being submitted to a vote.
4. Application of Robert's Rules of Order. In all parliamentary practice not herein prescribed, Robert's "Rules of Order Newly Revised" shall govern so far as applicable.

- d. *Public hearings.* Public hearings may be required by law or by council policy. Public hearings are held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including views of interested parties. When public hearings are required by law, they shall be held as set out herein. At the commencement of any public hearing, the presiding officer may set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be adhered to strictly. At the conclusion of his testimony at a public hearing, any individual may be questioned by any member. The time involved in such question and reply shall not count against the time allowed for the presentation of views.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-508. - Limitations of powers.

A member of an advisory board, commission or committee, except as otherwise provided by law, shall not:

- (1) Incur city expense or obligate the city in any way without prior authorization of the mayor and city council.
- (2) Make any written or oral report of any board, commission or committee activity to any individual or body unless:
 - a. To the mayor and city council;
 - b. Authorized to do so by majority vote of the entire membership of the board, commission or committee; or
 - c. Allowed by law.
- (3) Independently investigate citizen complaints against departments or individual employees or volunteers by questioning witnesses or otherwise.
- (4) Conduct any activity which might constitute or be construed as establishment of city policy.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-509. - Supervision by mayor and city council.

The advisory boards, commissions or committees are established to advise and provide recommendations to the mayor and city council on particular issues. As such, the mayor and city council have the authority to direct, supervise, and oversee the activities of any board, commission or committee.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-510. - Reports.

The presiding officer of each board, commission or committee shall report to the mayor and city council annually either in person or in writing. If the presentation is in person, it will be at a council work session at a date and time arranged through the staff liaison.

(Ord. No. 09-5485, § 1, 1-12-09)

DIVISION 2. - ANIMAL CONTROL BOARD

Sec. 2-511. - Created.

There is hereby created an animal control board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-512. - Composition, appointment.

The animal control board shall be composed of five (5) members.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-513. - Powers and duties.

The animal control board shall serve in an advisory capacity to the city council and shall be for the purpose of providing citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out and further, to report any shortcomings and to make recommendations to the city council in the formulation of programs and policies to improve among others the following areas of concern:

- (1) Reserved.
- (2) Reserved.
- (3) The formulation of policies, regulations, implementation and control of animals within the city;
- (4) Solving the serious problem created by the uncontrolled reproduction of pet animals;
- (5) Cooperation with other municipal, county and state governments.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 09-5489, § 1, 4-13-09)

Secs. 2-514—2-517. - Reserved.

DIVISION 3. - AVIATION/TRANSIT BOARD

Sec. 2-518. - Created.

There is hereby created an aviation/transit board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-519. - Composition; appointment.

- (a) The aviation/transit board shall be composed of seven (7) members.
- (b) After June 20, 1983 at the time the first vacancy on the board occurs, that position will be filled by appointment of a person from an airport impact area. An airport impact area is defined as an area close to the airport that may in some way be impacted by activity at the airport. As the next vacancy occurs, it will be filled by a person with business management background not related to airport activities. Thereafter, one (1) appointee to the aviation/transit board shall be from an impact area and one (1) shall be a person with a business management background not related to airport activity; provided, that the requirements as imposed herein shall be followed as closely as reasonably possible.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-520. - Duties and responsibilities.

The aviation transit board shall be a citizens advisory board to the city council to aid the city council in formulating city policy in matters pertaining to the MET Transit System, the airport and the concomitant properties. The primary responsibility of the board is to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out and further, to report any shortcomings and make recommendations to the city council.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-521—2-524. - Reserved.

DIVISION 4. - COMMUNITY DEVELOPMENT BOARD

Sec. 2-525. - Created.

There is hereby created a community development board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-526. - Composition, appointment.

The community development board shall be composed of nine (9) members. Six (6) members shall be appointed from lower-income neighborhoods of the city as defined by federal regulations for the community development block grant program and three (3) additional members from the community at large.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-527. - Powers and duties.

The community development board shall serve in an advisory capacity to the city council for the purpose of providing citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out and further, to report any shortcomings and make recommendations to the city council in the area of community development.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-528—2-532. - Reserved.

DIVISION 5. - RESERVED

Footnotes:

--- (6) ---

Editor's note— Ord. No. 12-5591, § 1, adopted November 26, 2012, repealed the former division 5, §§ 2-533—2-535 in its entirety, which pertained to the emergency services board, and derived from Ord. No. 09-5485, § 1, adopted January 12, 2009.

Secs. 2-533—2-539. - Reserved.

DIVISION 6. - RESERVED

Footnotes:

--- (7) ---

Editor's note— Ord. No. 17-5688, § 1, adopted April 10, 2017, repealed Div. 6, §§ 2-540—2-544, which pertained to the ethics board and derived from Ord. No. 09-5485, § 1, adopted Jan. 12, 2009.

Secs. 2-540—2-549. - Reserved.

DIVISION 7. - HUMAN RELATIONS COMMISSION

Sec. 2-550. - Created.

There is hereby created a human relations commission.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-551. - Composition, appointment.

The human relations commission shall consist of nine (9) members to be appointed by the mayor with the consent of the city council. The members shall be broadly representative of all citizens and shall reflect as far as possible the religious, racial, ethnic and minority groups of the community whose training, interest, background or experience will aid the commission in its work.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 20-5734, 3-9-20)

Sec. 2-552. - Functions and duties.

The function and duties of the human relations commission shall be to:

- (1) Promote mutual understanding and respect among all;
- (2) Become informed on all matters concerning human relations and foster programs of community education with the object of improving human relations among all citizens of the community;
- (3) Review, study, and assist with complaints, problems and specific situations arising between groups or individuals which result in tensions, discriminations, or prejudice in the city;
- (4) Cooperate with and advise various groups and agencies in programs devoted to the improvement of human relations;
- (5) Inform and make recommendations to the mayor and city council concerning any matters or programs brought before the commission for the furtherance and advancement of human relations and at least once a year submit a report of its work; and
- (6) Refer all matters to the police department that are within its jurisdiction.

Nine (9) members and one city staff member shall meet the 1st Thursday of each month, 12:15 p.m., City Hall Conference Room.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 20-5734, 3-9-20)

Secs. 2-553—2-556. - Reserved.

DIVISION 8. - LIBRARY BOARD

Sec. 2-557. - Created.

There is hereby created a library board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-558. - Composition; appointment.

The library board shall consist of six (6) members appointed by the mayor with the consent of the city council and other members who may be appointed pursuant to contract.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-559. - Organization.

The library board shall elect from its membership at the first meeting of every calendar year a chairperson and vice-chairperson. The library director shall serve as secretary. The board shall also elect one (1) person to serve on the library federation board of trustees. The chairperson and the federation representative may be, but need not be, the same person.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-560. - Powers and duties.

The library board shall be advisory to the city council and shall only assume those functions additionally as may be prescribed and agreed upon by contract between the city and other governmental agencies.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-561—2-564. - Reserved.

DIVISION 9. - BILLINGS PARKING BOARD

Footnotes:

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Editor's note— Ord. No. 15-5660, §§ 1—3, adopted October 26, 2015, amended division 9 in its entirety to read as herein set out. Formerly, division 9 pertained to the parking advisory board, and derived from Ord. No. 09-5485, § 1, adopted January 12, 2009.

Sec. 2-565. - Created.

There is hereby created a parking policy board to be named the Billings Parking Board.

(Ord. No. 15-5660, § 1, 10-26-15)

Sec. 2-566. - Composition, appointment, term.

The Billings Parking Board shall be composed of nine (9) members.

(Ord. No. 15-5660, § 1, 10-26-15)

Sec. 2-567. - Powers and duties.

The Billings Parking Board shall advise and make policy recommendations to the city council in all aspects of parking within the city. The purpose of the board is to provide citizen input to the policy decisions of the city council. The primary responsibilities of the board are to provide input and policy recommendations on all aspects of public parking, including but not limited to, on-street parking, parking meters, parking garages, parking lots, long-range financial plans for parking, annual budget, operating and capital projects plans, parking fees, parking fines and other existing and proposed parking policies of the city, to report any shortcomings, and to make recommendations to the city council with regard to public parking.

(Ord. No. 15-5660, § 1, 10-26-15)

Secs. 2-568—2-571. - Reserved.

DIVISION 10. - PARKS, RECREATION AND CEMETERY BOARD

Sec. 2-572. - Created.

A parks, recreation and cemetery board is hereby created.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-573. - Composition, appointment.

The parks, recreation and cemetery board shall consist of nine (9) members. At least one (1) such member shall be representative of School District Number 2.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-574. - School appointee.

If the member of the parks, recreation and cemetery board who is also a representative of School District Number 2 ceases to be the nominee of the school district, his or her membership on this board shall forthwith terminate, and a successor nominee of the school district shall be appointed.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-575. - Powers and duties.

The parks, recreation and cemetery board shall serve in an advisory capacity to the city council for the purpose of providing citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out. Further, to report any shortcomings and to make recommendations to the city council in the following and other related areas:

- (1) Establishment, acquisition, maintenance and management of city parks;
- (2) Establishment, acquisition, maintenance and conduct of playgrounds, swimming pools, baths, gymnasiums, recreation halls, recreation places, recreation centers and athletic activities within the city limits and within four and one-half (4½) miles from the city limits together with recommendations to the city concerning entertainment, plays, concerts and celebrations;
- (3) Cooperate with all other governmental and private agencies and entities in the development of recreational activities and opportunities within the city and surrounding areas;
- (4) Establishment, acquisition, maintenance and management of the city cemeteries.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-576—2-579. - Reserved.

DIVISION 11. - PUBLIC WORKS BOARD

Footnotes:

--- (9) ---

Editor's note— Ord. No. 10-5504, §§ 1—4, adopted February 22, 2010, amended division 11 in its entirety to read as herein set out. Formerly, division 11, §§ 2-580—2-582 pertained to the public utilities board, and derived from Ord. No. 09-5485, § 1, adopted January 12, 2009.

Sec. 2-580. - Created.

There is hereby created a public works board.

(Ord. No. 10-5504, § 2, 2-22-10)

Sec. 2-581. - Composition, appointment.

The public works board shall be composed of seven (7) members.

(Ord. No. 10-5504, § 3, 2-22-10; Ord. No. 22-5803, § 1, 4-25-22)

Sec. 2-582. - Powers and duties.

The public works board shall serve in an advisory capacity to the city with respect to all aspects of public works. The board may recommend to the city the adoption of such rates, fees and charges as it may deem just and proper, subject to other requirements and provisions imposed by law.

In addition, the board shall serve in an advisory capacity to the city council in all aspects of traffic control.

The purpose of the board is to provide citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review the existing and proposed city policies and to review the city department activities to ensure that city policies are being implemented and carried out and further to report any shortcomings and to make recommendations to the city council.

(Ord. No. 10-5504, § 4, 2-22-10; Ord. No. 22-5803, § 1, 4-25-22)

Secs. 2-583, 2-584. - Reserved.

DIVISION 12. - RESERVED

Footnotes:

--- (10) ---

Editor's note— Ord. No. 22-5803, § 2, adopted April 25, 2022, repealed Div. 12, §§ 2-585—2-587, which pertained to traffic control board and derived from Ord. No. 09-5485, § 1, adopted Jan. 12, 2009.

Secs. 2-585—2-587. - Reserved.

Billings City Council

Council Operations Committee Rules

Adopted November 3, 2022

- 1. PURPOSE AND JURISDICTION.** This Committee is formed for the purpose of advising City Council on matters within this Committee’s jurisdiction and to explore policy issues in depth. The jurisdiction of this Committee includes general Council operations and logistics, including agenda development, meeting rules, strategic planning processes, new member orientation, and city administrator review processes. In addition, this Committee may work on matters referred to it by the full Council. The work of the Committee is limited to making reports and recommendations to the full Council. Absent extenuating circumstances as determined by the Council, no matter within this Committee’s jurisdiction shall generally be placed on the agenda for a Council business meeting without having first been considered by this Committee.
- 2. ORGANIZATIONAL MEETING.** The first meeting of the Committee during the biennium shall be an organizational meeting. The meeting agenda shall focus on electing a Chair, setting meeting dates and times, and debating, amending, and adopting rules. Once adopted by a majority vote of the Committee, rules shall be reported to the full Council for review. Such report may also include a request for staff support, which must be approved by the full Council.
- 3. MEETINGS.**

 - a. Date and time.** Meetings shall be held on the first Thursday of each month at 4 p.m. Public notice shall be given at least two weeks in advance, indicating the date and time, location, and agenda of the meeting. A sample legal ad is attached as Exhibit A. The legal ad and agenda shall be emailed to the City Clerk using the same format and font in the template no later than noon on the Tuesday of the week it is to be published.
 - b. Location.** Regular Committee meetings shall generally be held at the city hall conference room. Committee members may choose to hold a meeting in a different location, so long as the public will have access and notice is provided in advance of the meeting.
 - c. Open Meetings.** All meetings of the Committee shall be open to the public in accordance with Sec. 2-3-203, MCA, and public comment shall be received during the time designated on the agenda. Any materials made available to Committee members shall also be available to the public. The Chair of the Committee may reasonably limit the time available for public comment and set the length of time in advance that an individual may speak.
 - d. Special Meetings.** The Committee may, by a majority vote, schedule special meetings in addition to the standing monthly meeting.
 - e. Procedure.** All meetings of this Committee shall be conducted in accordance with these rules and Robert’s Rules of Order.

f. Presiding Officer. The Chair of the Committee, as selected by a majority vote of the Committee, shall preside over all Committee meetings. In the event the Chair is unavailable, the Chair may designate a Presiding Officer.

g. Quorum. A majority of the members of the Committee shall constitute a quorum. A quorum is necessary for the conduct of Committee business.

h. Remote Attendance. The committee will comply with the City Council's Resolution No. 22-11092 governing remote participation at committee meetings that is attached as Exhibit B.

4. AGENDAS. Agendas shall be provided to the Clerk for publication as set forth in section 3 above and shall contain, at a minimum, the following information:

- Date, Place and Time of the meeting
- Call to Order by Chair
- Roll Call of Committee members and staff present
- Topics of Discussion
- Public Comment Periods
- Adjournment

a. New business. Items shall be placed on this Committee's agenda by Council referral or at the discretion of the Chair. Committee members may, by a majority vote, place an item on a future Committee meeting agenda.

b. Referrals from Council. Council may, by a majority vote, refer an item to this Committee for consideration and recommendations. When an item is referred to Committee by Council, the item shall be placed on the next reasonably available Committee agenda.

c. Public Comment. All Committee agendas shall include a designated time for public comment. Copies of the agenda shall be made available to members of the public at the meeting.

5. MINUTES. Minutes shall be kept of all Committee meetings. Minutes are not required to be a verbatim transcript. Video or audio recordings of meetings may be kept in lieu of written minutes. All minutes and recordings of Committee meetings shall be made available to the public on the official website of the City of Billings. In addition to any official recording made, a written record of the meeting must also be made and must include the following:

- a. Date, time, and place of meeting;
- b. A list of members in attendance;
- c. Substance of all matters proposed, discussed, or decided; and
- d. A record of the votes by individual members.

If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item for the purpose of providing assistance to the public in accessing that portion of the meeting.

6. CONDUCTING BUSINESS.

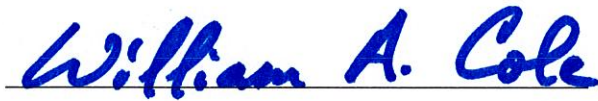
a. Voting. A majority vote of all Committee members present shall be required for a report or recommendation to Council.

b. Hearings. This Committee is authorized to conduct hearings, hear presentations, receive reports, and otherwise explore issues within the Committee's jurisdiction.

c. Reports. This Committee shall present reports and recommendations to the Council for consideration. Such reports may be written or oral. Members voting in the minority on any issue may provide a written or oral minority report to Council.

7. **AMENDING THE RULES.** These Rules shall only be amended by a majority vote of the Committee and shall take effect upon report to the full Council.

Dated: November 3, 2022



William A. Cole, Committee Chairman

Exhibit A

NOTICE OF PUBLIC MEETING

The (Name of Committee) will hold a public meeting on _____, _____, 2022, at _____ AM/PM, in the _____ Room, at _____ Street, Billings, Montana.

The meeting is open to any interested members of the public. Meeting agendas are prepared and available online at <https://www.billingsmt.gov/1592/Council-Ad-Hoc>

For additional information, contact (List the chairperson for the committee here with email and phone number).

Published on _____, 2022.

Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

Dept: Admin. - Council
Publish: _____

EXHIBIT B

RESOLUTION 22-11092

**A RESOLUTION ESTABLISHING RULES, PROCEDURES, AND CRITERIA
FOR A CITY COUNCIL MEMBER OR A MEMBER OF A CITY BOARD,
COMMISSION, OR COMMITTEE TO PARTICIPATE REMOTELY IN
PUBLIC MEETINGS**

WHEREAS, pursuant to 2-3-103, MCA, and the Montana Constitution, the City of Billings must establish procedures for permitting and encouraging the public to participate in decisions of the City Council and of the City's boards, committees, or agencies that are of significant interest to the public; and

WHEREAS, the City has adopted such procedures through Chapter 2, Article 2, Billings, Montana City Code, among others; and

WHEREAS, the City Council desires to adopt procedures and establish rules to authorize members of Council and the City's boards, commissions, and committees to participate remotely under specific circumstances and conditions while ensuring such remote participation fulfills the City's obligation to permit and encourage public participation.

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

Pursuant to BMCC 2-212, the City Council hereby establishes the following criteria that must be met and procedures that must be followed to authorize a council member or a member of a City board, agency, or committee to participate in their official capacity at a public meeting through remote participation. Whenever this policy refers to a City Council member the same criteria and procedures apply to members of City boards, commissions, and committees unless a specific standard applies.

1. Remote participation means participation by a Council member at any meeting of the City Council through the use of technology such as a video meeting software application.
2. Remote participation by a Council member may be available only upon a determination by the city administrator that the City has the technological and administrative capacity to support remote participation and remote participation is beneficial and convenient for the administration of city business in the discretion of the city administrator.
3. Council members are expected to attend meetings in person absent authorization by the presiding officer as described in the following paragraph.
4. Remote participation may be authorized by the presiding officer only under the following circumstances:
 - a. Council member illness or health condition;

- b. Council member personal emergency, travel, or other circumstances reasonably limiting the Council member's ability to participate in person; or
 - c. Fire, flood, earthquake, or other community emergency that makes it impracticable for the Council member to attend the meeting.
5. A Council member shall submit a request to the presiding officer, city administrator, and city clerk in advance of the meeting to determine if an arrangement for remote participation is possible. The Council member seeking such accommodation shall endeavor to advise the City of their intent to participate remotely at the earliest possible time and not less than twenty-four (24) hours prior to the meeting unless notice within that time frame is not reasonable under the circumstances. The presiding officer shall seek to advise the Council member within 12 hours of the meeting if the request is approved or denied. Any approved request does not guarantee that a remote connection can be established or maintained during the meeting.
6. A Council member may be authorized to participate remotely pursuant to any single request for no more than two consecutive meetings. A Council member must submit a subsequent request to participate remotely for any additional meetings. Other than illness or injury, in no case may a Council member be authorized to participate remotely for more than four meetings in any calendar year without approval by a majority of the Council, board, commission or committee. Remote participation is generally intended to be a temporary accommodation, and repeated absence from in-person attendance for the same or different reasons may result in refusal to grant additional requests.
7. The Council member participating remotely must ensure the equipment, technology and venue the Council member uses meets the following to ensure that the Council member's remote participation is materially comparable to in-person participation and is not a distraction for the public or other Council members:
 - a. Each member of Council and the public must be able to adequately see and hear the Council member participating remotely;
 - b. The Council member participating remotely must be able to adequately see and hear the other Council members and City staff;
 - c. The Council member participating remotely must be able to reasonably observe all materials reviewed and discussed by the Council during the meeting; and
 - d. The Council member participating remotely must ensure they have a suitable location from which to participate and must ensure they do not communicate with others not in the meeting regarding matters on the agenda.
8. A Council member participating remotely meeting the above requirements will be counted in determining a quorum and is eligible to vote on all business presented during the meeting. If, at any time, the member does not have the required connection meeting the requirements above or the connection fails during a presentation, public hearing, or any other time in which the item is discussed, then the member attending remotely will be considered absent for that portion of the meeting and is not eligible to vote. However, the member may appeal to the

presiding officer if their absence might not have had a material adverse impact on their ability to make a fair judgment or the public's ability to observe the Council member. The presiding officer has the sole and final discretion to approve or deny the appeal.

- 9. If the Mayor is remotely participating in a meeting and the Deputy Mayor or the Deputy Mayor Pro Tempore is participating in person, the Deputy Mayor or Deputy Mayor Pro Tempore shall preside over the meeting. If the Mayor, Deputy Mayor, and Deputy Mayor Pro Tempore, or other presiding officer in the case of a City board, commission, or committee, are absent or participating remotely, the Council shall select a temporary presiding officer to preside over the meeting.
- 10. No member shall be allowed to participate remotely in a meeting closed to the public pursuant to BMCC 2-600 and state law by electronic means.
- 11. This policy does not grant any member of the public a right to remotely attend or offer public comment at a public meeting by electronic means or authorize the City to conduct public meetings of the City Council or of a city board, commission, or committee wherein the public's only means of participation in the meeting is through remote methods. If a meeting is to occur limiting the public to only remote participation, such a decision may be made only upon a determination that public health or safety or other exigent circumstances necessitate a fully remote meeting. For the City Council such a decision may be made by the presiding officer or City Administrator. For boards, commissions, and committees, such a decision may be made by the City Administrator.

This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 19th day of December, 2022.



CITY OF BILLINGS

DocuSigned by:
 By: William A. Cole
 William A. Cole, Mayor

ATTEST:

DocuSigned by:
 By: Denise R. Bohlman
 Denise R. Bohlman, City Clerk