

REGULAR MEETING OF THE BILLINGS CITY COUNCIL

April 10, 2006

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Ron Tussing called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by members of Boy Scout Troop #371. The Invocation was given by Councilmember Nancy Boyer.

ROLL CALL – Councilmembers present on roll call were: Ronquillo, Gaghen, Stevens, Brewster, Veis, Ruegamer, Ulledalen, Boyer, Jones and Clark.

MINUTES – March 27, 2006. APPROVED AS PRINTED.

COURTESIES – Exchange City Golf Corporation (ECGC)

- Interim Parks and Recreation Director Gene Blackwell introduced Jeff Mrachak of the Exchange City Golf Corporation (ECGC) board. The ECGC is a non-profit organization that manages the Par 3 Golf Course for the City. Mr. Mrachak presented the City with a check for \$20,000 or 2/3 of the annual dividend from the golf course. The Exchange Club will retain \$10,000 to sponsor other community events, as it has done in past years.

PROCLAMATIONS

- **April 21, 2006 - Head Start, Inc. Day**
- **April 21, 2006 - Thelma Adolph Day**

ADMINISTRATOR REPORTS – Tina Volek

- Interim City Administrator Tina Volek reminded the Council that two (2) items were distributed in the Friday packet – a revised memo for Item 12 – amending the time extension to 90 days from 60 days. The second item is a memo and resolution for an emergency exception from the purchasing policy to address a collapsed culvert on Blonco Circle.
- Ms. Volek said tomorrow evening the Council will hold its agenda review meeting at 5:30 p.m. in the City Hall Conference Room, followed by the second installment of the Council's Strategic Planning session.
- Ms. Volek informed the council of a culvert failure on Blonco Circle that needs immediate attention. She said Staff is asking the Council to declare an emergency and waive the competitive bidding requirements so the repair work can be done as quickly as possible. Ms. Volek noted this item would need to be added to tonight's agenda to take prompt action on the item.
- Ms. Volek also noted that on Monday, April 17th – a special meeting with the Billings Police Foundation board will be held at the Community Center at 5:00 p.m. The Council's regular work session will follow this meeting at 6:00 p.m.

LATE ADDITION:

Councilmember Brewster moved to add an item to the agenda: RESOLUTION 06-18408 declaring an emergency and waiving the competitive bidding requirement to repair the storm drain collapse and allowing the City to enter into a contract with the low bidder in an amount not to exceed \$250,000, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved. Mayor Tussing announced this would be “new” item #13.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, 9B, & #10 through #12 #13 ONLY. Speaker sign-in required.

(Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)

- BILL COLE OF 3733 TOMMY ARMOUR CIRCLE said he represents the Downtown Investors and is speaking in regard to Item 12. They support the 90-day extension. Mr. Cole said they had hoped to be further along with the project, but the problem has been that the City has had difficulties with resolving funding issues related to the parking structure, which represents 20% of this project. He said the project cannot proceed until the City can determine if it will build that parking and how much it will be able build. The developer and City have been working together diligently, with the developer preparing draft documents of a tax increment district. He urged the Council to resolve the parking garage issues and allow the additional time for the developer and City to work out other remaining issues.
- MARY WESTWOOD OF 2808 MONTANA AVENUE spoke on Item #12. She noted she is pleased that the City is working to resolve the issues on the 4th & Broadway project. She supported the 90-day extension of time, but asked that the time extension not be exclusive to one developer. Ms. Westwood said it is important for the City to make the best use of this property.
- JOSEPH WHITE OF 926 N. 30TH ST. said he had submitted a proposal for the 4th & Broadway development but never received a response from the City. He said any Council action on this project would be out of order at this time.
- MICHAEL BURKE OF 2101 LOCUST spoke on Item #12. He said he represents the Sandstone developers. Mr. Burke noted they support the 90-day time extension to work on remaining issues.

CONSENT AGENDA:

1. A. Mayor’s Appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1.	Alex Tommerup	City County Planning	04/10/06	12/31/07

*Unexpired term of Cary Brown (Ward II)

- B. Bid Awards:**
(1) Airport Business Park Paving Project. (Opened 3/28/06).
Recommend JTL Group, Inc., \$170,787.00.
- C. Architectural Services Agreement** with CTA Architects and Engineers for architectural and contract administration services for AIP 27: Security Access Control & CCTV Upgrades, \$80,673.65, including City match of \$8,067.36.
- D. Approval** of *Shiloh Drain* Acquisition Agreement, \$0.
- E. Acceptance** of AIP 30 grant from Federal Aviation Administration (FAA), \$3,958,490.05, including City match of \$197,924.07.
- F. Acceptance** of *American Dream Downpayment Initiative* grant funding through the Montana Department of Commerce for the First-Time Homebuyers' Program, \$23,078.00.
- G. Acknowledging receipt of petition to annex #06-05:** the remainder of Amended Tract 1, C/S 3223, McCall Development, Inc., petitioner, and setting a public hearing date for 4/24/06.
- H. Resolution of Intent 06-18401** to create Park Maintenance District #4032: Riverfront Pointe Subdivision and setting a public hearing for 5/08/06.
- I. Second/final reading ordinance 06-5363** providing that the BMCC be amended by adding a section 13-505; providing for a procedure whereby city contractors can be debarred from bidding on city contracts, establishing an effective date and providing a severability clause.
- J. Second/final reading ordinance 06-5364 for Zone Change #774:** a zone change from Residential 9,600 to Residential 7,000 on Tract 123, Sunny Cove Fruit Farm (Foxtail Village, 2nd Filing), located at the northeast intersection of Grand Avenue and 60th Street West. Kenmark Corporation, applicant, Engineering, Inc., agent; approval of the zone change and adoption of the determinations of the 12 criteria.
- K. Second/final reading ordinance 06-5365 for Zone Change #775:** a text amendment change to Section 27-706(d) of the City Sign Code Circumstance Signs within the Medical Corridor Permit Zoning District. Billings Clinic & St. Vincent Healthcare, applicants; Mary Scrim Dyre and Doug James, agents; approval of the zone change.
- L. Preliminary Plat** of Arlene Subdivision, generally located on the west side of Zimmerman Trail between Poly Drive and Colton Blvd., conditional approval of the preliminary plat and adoption of the Findings of Fact.
- M. Final Plat** of Morning Star Subdivision.

N. Bills and Payroll.

- (1) March 10, 2006
- (2) March 17, 2006

(Action: approval or disapproval of Consent Agenda.)

Councilmember Clark separated Item K. Councilmember Veis moved to approve the Consent Agenda with the exception of Item K, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

Councilmember Veis moved for approval of Item K, seconded by Councilmember Brewster. Councilmember Clark said at the last meeting the vote was close on this item. He noted that he was proposing an 80-square foot maximum on freestanding signs at that meeting. Councilmember Clark made a substitute motion to change the maximum sign dimension from 175 square feet to 100 square feet, seconded by Councilmember Gaghen. There was no discussion. On a voice vote, the substitute motion failed. Councilmembers voting “yes” were: Ronquillo, Gaghen, Stevens and Clark. On a voice vote on the original motion, the motion was approved. Councilmembers voting “no” were: Gaghen and Clark.

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION 06-18402 revising the 2004 Annexation Policy and Map (and amending Res. 04-18225). Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Interim Planning Director Candi Beaudry said Staff is proposing to revise the Annexation Policy and Map that was originally approved in 2004. The policy has a provision that allows the map to be reviewed along with any revision in the Capital Improvement Plan (CIP). The CIP was recently revised and approved the Council, hence the reason for a revised annexation map and to also address some developers’ requests for annexation for areas to be annexed.

Ms. Beaudry explained the map has three (3) tiers of annexation proposed. Immediately surrounding most of the existing city limits is an area in red, an area where Staff is recommending the City support annexation within the next six – 2006 – 2012. The area in orange is an area that is further out, but to which the City could logically extend services, but the costs to provide services have not yet been programmed. The yellow area is an area that is uncertain due to unknowns such as costs, feasibility of bringing service to the area and political situations.

Ms. Beaudry indicated several “hatched” areas that represent developer requests. Staff has made recommendations on how these areas should be color coded, based on its determinations of how/when services can be provided to these areas. She then highlighted some of the changes Staff is recommending from the 2004 policy, including the following:

- The first area – south of the river along Blue Creek Road. Staff recommends changing the color from orange to red since the City will be constructing a sewer line along Blue Creek Rd. to serve Briarwood Sub.

and would naturally be able to serve the immediately adjacent and surrounding area.

- The area that includes Blaine's Trailer Park has been eliminated from the recommended area because it is developed to standards less than city standards, which would make it expensive to annex and bring up to city standards.
- The area on south Shiloh Rd has a number of changes. The first area recommended for red coding or immediate annexation is the area that is surrounded on three sides by city limits and an area below the BBWA Canal. The next areas are areas being requested by developers for annexation. The area known as the Larsen/Long property and immediately north of ZooMontana is not recommended for inclusion in the immediate annexation area. While City sewer and water are in the area, the sewer and water is near the zoo entrance, the lines are large sized and can be extended, but the cost of extension is unknown at this time. The developer has indicated that they would be willing to enter into a reimbursement agreement for the water and sewer. The next area is west of Montana Sapphire along King Ave. also has utilities in the area and the developer has indicated they will pay for the cost of extending these utilities and would be agreeable to entering into a reimbursement agreement with the City. Ms. Beaudry said the City has determined it has the money available for reimbursement for this area.
- The Frank property on Grand Ave and 56th Street is recommended to change from yellow to red, or immediately annexable. The change is based on the ability to extend water and sewer to the area. The developer will pay for the extension of the utilities. Because it is adjoining nearby city limits, it is also not as much of a burden on existing fire and police resources.
- The next area is classified as an unknown area on Rimrock. It is included in the City's water and sewer master plan and is looking at the potential to serve the area. But at this point it is unknown as to how this area can be served. It is so far out on Rimrock Rd that it exceeds the response time for fire service at this time. Staff is recommending that this property not be included in the area for immediate annexation.
- The next area is in the Heights and is a request by a landowner. Little is know about the ability to extend utilities to this area or what type of facility upgrades may be needed to do the extensions. Staff is therefore recommending that this area be coded as orange until a better analysis can be done of what is required to serve that area.

Ms. Beaudry noted that the map has not changed a great deal. Some of the color coding has changed for some areas and a little expansion has been incorporated. She said as they proceed in the future, Staff will have better tools to model the effects of annexation and further refinements can be made to the annexation boundaries.

Councilmember Boyer asked if the City has a public process to update the map. Ms. Beaudry said when the next full CIP update is done; the public will be more involved in

the annexation boundary process as well. Costs of service and technical feasibility of serving proposed areas will be analyzed and input from residents will be sought as to where they want to see the City expand.

Mayor Tussing asked if the Staff has calculated the costs of annexing all of the areas proposed in the red area – i.e. the area recommended for annexation within the next six years and how much that would add to the population. Ms. Beaudry said they did a very general calculation based on the 2004 map. The analysis used a 4 dwelling unit/acre density and subtracted 20% of the land for streets and other amenities such as parks. She noted the Staff calculated the potential for 25,000 dwelling units. Mayor Tussing said the Police Dept. has indicated that continued annexation may negatively affect their ability to provide service. He said his concern is that it will not be too long if annexation continues, that the City will find itself in a situation worse than before the public safety levy was approved. Ms. Beaudry noted that much of the immediately annexable area is undevelopable because it is in the floodplain and there is a lot of commercially zoned property that would not increase the number of dwelling units, as well as some land that would not change character, i.e. become more dense.

Councilmember Boyer said the Council had requested a consultant report on the costs of development. She asked if that report was done. Interim City Administrator Tina Volek said that report is not planned at this time, but is an item Staff will be discussing with the Council during the budget discussions. Councilmember Veis said at the time the Council discussed that item, there was “at best, a ‘tepid’ response from the Council.” Councilmember Boyer said the previous Council was very interested in determining the costs to the City of development and she wanted the Council to look at this item during the budget process.

Councilmember Stevens asked if the City has an idea of the revenues the annexations will produce, i.e. the additional tax dollars that will be available for the police dept. Ms. Volek said it is generally acknowledged in local government that residential development does not come close to paying for the cost of providing services to the home, unless it is very high end development. Commercial development is a different matter however.

The public hearing was opened. RICK LEUTHOLD OF ENGINEERING INC., 1300 N. TRANSTECH WAY said he is working with several developers to modify the boundaries of the annexation map. He noted that in all the developer-related requests, they have submitted requests that indicate the developer will be responsible for any additional costs or upsizing that might be necessary. Mr. Leuthold said he has reviewed with the Planning Staff the areas recommended for inclusion in the immediately annexable area as well as coding for areas not immediately recommended for annexation and understands the rationale. He asked the Council to consider including the Larsen/Long property in the area immediately annexable. The property will not require additional extension of utilities because of immediate access to existing lines.

TOM ZURBUCHEN OF 1747 WICKS LANE urged the Council to accept the new annexation map as presented by Staff. If annexation is allowed to occur in a helter-skelter fashion, costs of public safety, water and sewer will skyrocket. As property within city limits grows, the cost each person pays will decrease, even though the total tax collected will remain the same. He urged the Council to give some consideration to amending the charter to include the ability to float its mills to get additional tax revenues as growth occurs.

BLAINE POPPLER OF 5403 KING AVE. W encouraged the Council to approve the new annexation map. Prior to 2004, the City didn't have an annexation plan and a color-coded map and the City relied on criteria such as whether the property was contiguous to the City, was it more than 10 acres, can the City provide service to it, etc. This is a policy that is a well-researched group of properties and a conservative approach to annexation. On several properties the plan corrects a situation where one-half of the property is in the City and the other one-half is not. Mr. Poppler said the City needs to stay pro-growth, but be sensible in its approach.

ROD WILSON OF 422 SHAMROCK LN said he represents the Frank property. He thanked the Council for considering it for inclusion in the Urban Planning Area. Mr. Wilson said it will fit well within the City and it will help pay for the infrastructure that was installed in this area. He said he added up the fees this development will pay to the Public Utilities dept and it is close to $\frac{3}{4}$ of a million dollars.

JOSEPH WHITE OF 926 N. 30TH ST. said he had not read the policy, but he supports keeping agricultural land in an agricultural state until the City has a detailed master plan. He does not support expansion of the City into agricultural areas.

There were no other speakers. The public hearing was closed. Councilmember Veis asked for a clarification of the Larsen/Long property on the proposed annexation map. Ms. Beaudry said Staff is recommending no change in coding, i.e. it would stay orange. The developer is recommending that it be changed to a red zone.

Councilmember Ruegamer moved for approval of the Staff recommendation, seconded by Councilmember Veis. Councilmember Clark asked about the reimbursement funds. Ms. Beaudry said the Public Works Dept has established a reimbursement fund (~\$500,000/year each for water and wastewater) in the CIP. Public Works Director Dave Mumford added that the fund was established to reimburse developers that have paid the cost of utility improvements or extensions upfront because they want to develop faster than the City has funding available. He noted that at this point FY2007 amounts have been used and part of FY2008 has been allocated.

Councilmember Jones asked if the reimbursement is coming from people that are connecting to the system. Mr. Mumford explained that as each property connects to the system, the owner pays a fee to connect to the system. It is these fees that are accumulated and pay for the reimbursements. Councilmember Gaghen asked if interest is built into the reimbursement. Mr. Mumford said interest is not built into the reimbursement; a flat sum is reimbursed. Councilmember Ronquillo asked if developers pay for lift stations. Mr. Mumford said in some cases they do. Developers pay for the "size" they need to serve their development, while the City requires the "size" it will need for future development in the area. As development occurs, the City reimburses the developer for size they initially required and covers the "upsizing" that may have occurred.

Councilmember Stevens asked if the annexation map is meant to be a guideline and not set in stone. Ms. Beaudry said it is a policy and can be used only as a guide rather than a regulation. She reminded the Council that the process is to update the map with the CIP, which is scheduled to be updated in 2007.

Mayor Tussing commented that it is great the City has an annexation plan and the color coding represents a much more rational approach to annexation. "But I want the Council to be aware of the fact that the potential to add 25,000 more people would significantly impact the City's ability to deliver public safety services. During the recent

police chief selection, everyone was talking about PR and image, which is all fine, but I didn't hear anyone talking about the ability to deliver service. Crime went up significantly in 2005; traffic enforcement went down, so two or three years from now, I don't want to hear that we are in a crisis mode because we've annexed all this property and its now been developed. I want us to be thinking about this as we do it," he emphasized. Mayor Tussing said he agrees with the annexation policy and agrees that all of the red area should be annexed.

Councilmember Jones amended the motion to ADD the Larsen/Long property (by the zoo) to the "red" area on the annexation map, seconded by Councilmember Gaghen. On a voice vote the amended motion was unanimously approved. On a voice vote of the motion as amended, the motion was unanimously approved.

3. PUBLIC HEARING AND RESOLUTION 06-18403 annexing a 19-acre parcel described as a portion of C/S 2776 located on the west side of Highway 87, north of its intersection with Main Street in the Heights, 4A's LLC, petitioner, Annex #06-02. Staff recommends conditional approval. (Action: approval or disapproval of Staff recommendation.)

Juliet Spalding of the Planning Dept. said the subject property is known as the 4A's property. The owners of the property petitioned for annexation under Title 76-2-4601 MCA and they intend to obtain City services. Receipt of the petition was acknowledged and tonight's public hearing was scheduled at the Council's last meeting.

The subject property is the parcel that is currently split between City and country jurisdiction. The southerly portion was annexed in 1980 and was never developed. The owners would now like to develop the entire parcel and are requesting annexation. It is currently zoned Community Commercial. Conceptual plans include mixed commercial use along Highway 87 and some higher density residential development in the interior. The parcel is within the urban planning area and the council just approved the map (Item 2 above) that brought this area into the area of annexation.

Ms. Spalding noted at this time it is not known how much commercial or residential development will occur. She said it is likely that it will include more than four dwelling units/acre, the standard the City currently uses. Highway 87 is an arterial street and Pemberton Lane is a collector street. Services will likely extend from either Pemberton or Main St. Park land requirements and school capacity will be evaluated at the time of subdivision review. The existing use is pasture land. Staff is recommending approval with one condition – that the owners enter into either a subdivision improvements agreement (SIA) or a development agreement prior to development of the parcel, which specify infrastructure requirements.

The public hearing was opened. BLAINE POPPLER OF 5403 KING AVE. W said he is part of the 4A's organization and is asking for approval of the annexation. The parcel is across the street from existing City limits and is an excellent property for future development on the east edge of Billings. City water and storm sewer runs up Highway 87 and can easily be extended to the subject parcel. Mr. Poppler noted that the Heights Water District confirmed that they can serve the property via either the 10-inch line in Highway 87 or the 8-inch line in Pemberton and most likely will require the developers to loop the water from Highway 87 over to Pemberton. He said the City services are all in place in the area. Mr. Poppler noted there is an increasing demand in that immediate area

for additional housing choices, along with commercial opportunities along the Highway 87 side. Community Commercial zoning allows not only commercial, but multi-family and single family development along the same lines of a RMF-R development. He noted this will present a good opportunity to do some higher density housing in the area, if the economy permits.

JOSEPH WHITE OF 926 N. 30TH ST. urged the Council to conduct an in-depth study of the area before annexing or subdividing it any more. He spoke of the wildlife in this area and the need for a flyway through this area for the birds that inhabit the area.

There were no other speakers. The public hearing was closed. Councilmember Ulledalen moved for approval of the Staff recommendation, seconded by Councilmember Boyer. On a voice vote the motion was unanimously approved.

4. FRANK PROPERTY:

A. PUBLIC HEARING AND RESOLUTION 06-18404 approving the *Frank Property Urban Planning Study* and expanding the Urban Planning Area to include Tracts 1 and 2, C/S 3139, Tract 1, C/S 2379 and two unplatted tracts containing 79 acres, located near the southwest corner of the Grand Avenue and 56th Street West intersection. Douglas and Ronald Frank, owners. Planning Board recommends acceptance of the urban planning study and approval of expanding the urban planning area. (Action: approval or disapproval of Planning Board recommendation.

Interim Planning Director Candi Beaudry noted her presentation would cover both Items A and B. She noted that the Council should however take separate action on each item. Ms. Beaudry said the Urban Planning Area is an area where services have been determined that they can be provided safely and effectively and is a prerequisite for annexation and the extension of services. The request for an expansion of the Urban Planning Area goes to the Planning Board first for review and recommendation.

The expansion request also requires public hearing before the Council and acceptance by the Council – the action before the Council this evening. Ms. Beaudry noted that if the Council accepts this study and approves the expansion, the property is then eligible for annexation, which is the subject of Part B this evening.

Ms. Beaudry said the Frank property is located on Grand and 58th, just west of 56th Street. It is currently zoned Agricultural Open Space and Agricultural Suburban and is being actively farmed. The concept for this development is to rezone it to single-family R-9600 and include some duplex and residential multi-family zoning as well, R-7000. The estimated number of dwelling units is 598. She noted also that a portion of the subject property already lies within the Urban Planning Area and a portion of the property was added to the annexation area via the action of Item 2 this evening.

Ms. Beaudry said the population of the area is estimated to be 632 people, housed in a variety of single-family, duplex and multi-family dwellings. The property has access to both Grand Avenue and 56th St. W – both arterial streets. All utilities and services can be provided to the property with the developers' investment. Schools will be impacted and all students will need to be bused to other schools. Soils in the area have a problem in that they have low bearing strength. This factor and the fact that the

property lies within the 100-year floodplain will be dealt with during the subdivision review. The property contains no historical sites. She noted also that the cost to provide services to the area will exceed the revenue generated from the property. The Planning Board has recommended that this planning study be accepted and the Urban Planning Area be expanded to include the subject property. Planning Staff recommends approval of the annexation.

Mayor Tussing asked if there was any information on the number of pets this development might bring. Ms. Beaudry said the Staff has considered this because often there are conflicts between pets and the surrounding agricultural uses, which may necessitate fencing and screening. Mayor Tussing said he is concerned not only about the conflict, but the additional pets all the annexations will add, creating additional burdens on services provided by the City's animal shelter. He noted the shelter has been criticized recently because it no longer accepts animals from the county. Mayor Tussing said he did not want to see the City in crisis because of the increased demand on services and the fact that it has not dealt with the increasing need as it went along.

The public hearing was opened. ROD WILSON OF 422 SHAMROCK LN said this property is unique in its ability to develop – one portion is on Grand Ave. and one portion is on 56th St., which provides a good environment for looping water systems and a wonderful transition for traffic, so that you can have longer, meandering streets within the subdivision. The proposed dwelling units will be a mixed use of single family and multi-family restricted. Mr. Wilson noted that School District #2 owns property in the area but is not sure what it will do with the 40-acres it owns in the area. There will be commercial development nearby on 54th St. near where the new fire station will be built. Mr. Wilson said his analysis also showed the development will contribute in excess of \$300,000 to Cottonwood Park. He urged the Council to approve the Urban Planning Area expansion and the annexation.

There were no other speakers. The public hearing was closed. Councilmember Boyer moved for approval of the Planning Board recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

B. PUBLIC HEARING AND RESOLUTION 06-18405 annexing Tracts 1 and 2, C/S 3139, Tract 1, C/S 2379 and two unplatted tracts containing 79 acres located near the southwest corner of the Grand Avenue and 56th Street West intersection, Douglas and Ronald Frank, petitioners, Annex #06-03. Staff recommends conditional approval of the resolution. (Action: approval or disapproval of Staff recommendation.)

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Boyer moved for approval of the Staff recommendation, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

The Council took a break at 8:10 p.m. The meeting was called back to order at 8:25 p.m.

5. PUBLIC HEARING CONTINUED AND RESOLUTION FOR ANNEXATION #05-06: a 116.17- acre parcel located on the north side of Rimrock Road at the intersection of 70th Street West and extending to the railroad property on the north and west, known as Tract 1, C/S 1871 and Tract 2A, C/S 2465. Larry Staley and Westward Ho Company, petitioners. (Action delayed from 2/27/06). Staff recommends denial of the petition. ~~and resolution.~~ (Action: approval or disapproval of Staff recommendation.)

Interim Planning Director Candi Beaudry said Staff is recommending denial of the annexation of this property for two reasons: (1) last June the Council denied the expansion of the Urban Planning Area to include this property, so this property is ineligible for annexation; and (2) based on the annexation policy and map approved earlier this evening (See Item 2), this property does not lie within the annexation area for the next six years.

The public hearing was opened. RICK LEUTHOLD OF ENGINEERING INC. said this area should be considered for future annexation. Some service-related issues still remain in that there remains some difficulty and ability to provide appropriate services to the area. "However, with the advent of construction of a fire service facility, possible police services ... and water and sewer services nearby ... we can bring this into service as we look forward into the next twelve months," he stated. Mr. Leuthold said he hoped the Council considered the annexation policy as a guideline and that items like this annexation can be brought back and reviewed. He said as growth continues and the ability to provide services presents itself, they will be back before the Council in the future to explore annexation in this area.

KEVIN NELSON OF 4235 BRUCE AVE. said he wished the Council would develop a policy to remediate issues for the hopscotch road system that occurs with annexation and its accompanying development. He said that as development moves out, the City needs to develop the roads with it.

There were no other speakers. The public hearing was closed. Councilmember Jones moved for approval of the Staff recommendation of denial, seconded by Councilmember Boyer. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING AND RESOLUTION 06-18406 creating PMD #4031 for park land maintenance in Copper Ridge Subdivision, 1st Filing. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Interim Parks and Recreation Director Gene Blackwell said the Council approved the resolution of intent to create this district on March 10th. A notice of intent was mailed that established a period for protest and comment. The notice was legally advertised as required. No protests were received. Councilmember Boyer asked if there are residences in Copper Ridge Subdivision at this time. Mr. Blackwell replied that several houses are being built at this time and the park areas that will be served by this district are under construction. Councilmember Boyer asked if the owners are aware of the waivers of protest. Mr. Blackwell replied "yes".

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Clark moved for approval of the Staff recommendation, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING AND RESOLUTION setting building permit fees at the same level established in 1993 and repealing Res. #03-17998. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Building Official Kim Palmieri said the City is limited by state statute in the amount of reserve fees it can keep. That amount is equal to twelve months of operating expenses. He noted that the term “reserves” also include obligations, or money that has been paid, but for which services have not yet been provided. Mr. Palmieri said in 1999 it was determined that the City would exceed the 12-month reserve threshold so fees were lowered. Fees were lowered again in 2000. In 2003, an increase was necessary. Analysis shows that another increase is needed this year, which would restore the fee levels of 1993 – 1999. Expenses have continued to grow each year however. Staff levels have remained constant since 2004. Beginning in 2004, reserves have steadily declined.

Mr. Palmieri said the fee increase proposal was presented to several stakeholder groups – the Homebuilders Association and the Development Process Advisory Review Board (DPARB). The Homebuilders were notified on March 15th. While not entirely happy about the increase, the Homebuilders understood it was a part of doing business. On March 22nd DPARB heard the proposal also. He also showed fee comparisons with the State of Montana and the three other largest cities in the state – Missoula, Bozeman and Great Falls. In all cases, the City’s fees are still substantially less than the fees charged by the State of Montana or the three other cities in Montana. He noted that the proposed increase is an 11% increase.

Councilmember Jones noted that revenues are declining and asked if that was due to a decrease in the number of permits or a decrease in the valuation of permits and asked if the amount of work was decreasing. Mr. Palmieri said there are many variables that affect revenues. He noted he based his estimates in part on previous years, but added that some of the decline may be due to market fluctuations. Interim City Administrator Tina Volek said some of the decline is attributable to the market as interest rates have risen. Additionally, she noted that DPARB encouraged the addition of staff to improve the turnaround time for permits. Staff was added and has been maintained at the increased level. Ms. Volek said DPARB has expressed its satisfaction with the improved turnaround times. She also noted that the City’s costs for liability insurance, personnel, utilities, etc. have increased, which accounts for some of the increase in expenses.

Mayor Tussing asked if it was possible to establish some parameters for the division to work within instead of having to adjust these fees by large increases. Ms. Volek said Staff can take a look at that possibility.

The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Ronquillo moved to delay action until the next meeting on April 24 so that Staff can determine reserve levels and its percentage, seconded by Councilmember Stevens. Councilmember Jones made a SUBSTITUTE motion to postpone further discussion until after Item #13 this evening, seconded by Councilmember Ruegamer. Councilmember Jones suggested that Staff could get the information during the time delay and have it ready when the Council resumes

discussion after Item #13. On a voice vote on the substitution motion, the motion was unanimously approved.

Discussion resumed after consideration of new item #13. Deputy City Administrator Bruce McCandless noted that in April 2002, Staff presented to the Council a number of reserve recommendations. The Council adopted these recommendations. The recommendation concerning the Building Fund is that the City retain a 25% of annual appropriation reserve, based on 3 months of operation and basically allowing a shut down of operation if that ever became necessary. The recommendation also states that State law limits the reserve to a 1-year reserve. The recommendation also stated that "the reserve established per recommendation will cover cash flow needs. Items not covered could include accumulations for large capital purchases, emergency cash needs and other unforeseen cash needs." Mr. McCandless noted that it also did not include the statement that 'reserves' are collected and often contain obligations to perform services after the receipt of those fees. He asked the Council to delay action to allow Staff time to estimate what those obligations are and bring the information back to the Council at the next meeting.

Councilmember Stevens moved to delay action to April 24th, seconded by Councilmember Jones. On a voice vote, the motion was unanimously approved.

8. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #CC05-03: a variance from Section 6-1208(h)(3) concerning driveway width and Section 6-1203(j)(2) concerning curb cuts on property located on Lots 7-12, Block 91, O.T., generally located between N. 27th Street and N. 26th Street and between 1st Avenue N. and 2nd Avenue N., known as the former Smith Funeral Home site. City of Billings, applicant. (Delayed from 2/27/06). Staff recommends delaying approval until approval of the Park II bids. (Action: approval or disapproval of Staff recommendation.)

There was no Staff report. The public hearing was opened. There were no speakers. Councilmember Veis moved to continue the public hearing for 90 days (or the first meeting closest to the 90-day period), seconded by Councilmember Ronquillo. Councilmember Stevens asked if this was in response to giving the 4th & Broadway project a 90-day extension. Interim City Administrator Tina Volek replied that the variance requests are predicated on the current Park II configuration. If that structure is redesigned, it may not be necessary to consider these variances or they may need to be modified. On a voice vote, the motion was unanimously approved.

9. FALCON RIDGE ESTATES:

A. PUBLIC HEARING AND RESOLUTION 06-18407 vacating right-of-way for portions of the existing Falcon Ridge Subdivision, 1st Filing, at no cost. Dennis Buscher, petitioner. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

There was no Staff report. The public hearing was opened. There were no speakers. The public hearing was closed. Councilmember Gaghen moved for approval of the Staff recommendation, seconded by Councilmember Ronquillo. On a voice vote, the motion was unanimously approved.

B. FINAL PLAT of Falcon Ridge Estates Subdivision. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Councilmember Gaghen moved for approval of the Staff recommendation, seconded by Councilmember Veis. On a voice vote, the motion was unanimously approved.

10. RESOLUTION authorizing condemnation of six properties on Grand Avenue. (Delayed from 1/9/06). Staff recommends delaying action for 30 days to allow staff to evaluate the market analysis and renegotiate with affected property owners. (Action: approval or disapproval of Staff recommendation.)

Public Works Director Dave Mumford said Staff had a market analysis done on the six properties on Grand Avenue. The information was reviewed and compared to the property appraisals. Mr. Mumford said the numbers from both were very similar. Staff is now providing the property owners with the original appraisal and the comparative market analysis information and giving them an offer based on those analyses. He said he would like a delay to give the property owners a little longer to look over the information and offer. Councilmember Boyer asked what response Staff is getting to the information. Mr. Mumford said the response to date has not been too favorable because the offers are similar to what the value of the original offers was.

Councilmember Jones asked who conducted the re-evaluation. Mr. Mumford replied that the Yellowstone Group (i.e. Tom Llewellyn) did the analysis. Mr. Llewellyn was already working on a market analysis for First Interstate Bank on several of these properties, whose owners were looking to refinance. He already had an idea of the market rates. Councilmember Gaghen asked if all of the property valuations increased a bit. Mr. Mumford noted that several property valuations actually decreased from what was originally offered by the City.

Councilmember Stevens moved for approval of the Staff recommendation for a 30-day delay, seconded by Councilmember Brewster. On a voice vote, the motion was unanimously approved.

11. REPORT FROM AD HOC COMMITTEE on City Administrator Selection. ~~A recommendation to the Council by the Ad Hoc Committee will be made at the meeting.~~ Staff recommends the Council direct Staff to assist with recruitment and make any budgetary adjustments needed to accomplish the tasks (Action: approval or disapproval of Staff recommendation.)

Deputy City Administrator Bruce McCandless noted there was no additional report from the committee this evening other than was presented at the previous work session. He noted that he had not yet received a revised contract from Mr. Mercer. Mr. McCandless reminded the Council that Mr. Mercer has agreed to perform any level of recruitment tasks that the Council directs him to and will do that for expenses only.

Councilmember Boyer asked if the Council needs to establish a budget number for the Mercer Group and any other expenses that might be incurred in the search. Mr. McCandless said Mr. Mercer could give the Council a better idea of his expenses. Other expenses that may be incurred could be relocation expenses if someone from outside the community is hired. He said Staff has planned in the FY2007 budget an allocation to cover some of those expenses. If the Council wants to proceed before then and incurs

most of the recruiting expenses prior to July 1st, Staff will most likely come to the Council with a FY2006 budget amendment to cover those expenses.

Councilmember Jones asked what salary savings the City realized. Mr. McCandless said the savings were not significant because the severance agreement with Mr. Bauer was for several months of pay, noting he could have that estimate for the Council tomorrow. Councilmember Boyer also asked for the amount in Council Contingency. Mr. McCandless said the fund initially had \$75,000 in it and he believed no funds had been expended from it. He reminded the Council that the way Council Contingency funds are committed is with a resolution. If Council Contingency is not utilized, payment would be made by overrunning the City Administrator's budget, which would then come to the Council in the form of an FY2006 budget amendment.

Councilmember Veis moved to direct staff to bring a contract with Mr. Mercer to the next meeting (on April 24), but within that time frame have Mr. Mercer start work on the recruitment brochure so that the Council could also review it at the next meeting, seconded by Councilmember Brewster. Councilmember Veis reminded the Council that the ad hoc committee also recommended that a job description for the City Administrator be created and the salary be set at \$125,000, noting that unless the Council changes this, that is the direction Mr. Mercer will use for the brochure. Councilmember Brewster said Mr. Mercer will be advertising a salary range and the \$125,000 is the high end. Councilmember Veis said the ad hoc committee's recommendation was that the \$125,000 is the low end of the range.

Mayor Tussing amended the motion to have the Mercer Group incorporate the recommendations of the ad hoc committee, the department heads and the Council and bring back a draft brochure with qualifications to the next meeting for review and before the brochure is distributed, seconded by Councilmember Clark. Councilmember Veis said that was part of the "intent" of his motion. Mayor Tussing withdrew his amendment and Councilmember Clark withdrew his second.

Councilmember Boyer said a job description is needed for the City Administrator. She noted she did not care who prepared it, but one needs to be done. Councilmember Brewster said the intent was to prepare the recruitment brochure which would be based on the criteria developed by the Council, leadership team and the ad hoc committee. Councilmember Ulledalen said there are three sets of criteria and Mr. Mercer could be directed to work with those criteria to draft the brochure. The Council can review the draft brochure and amend it after it receives the draft.

Mayor Tussing said the Council needs to decide if the \$125,000 is the low, mid or high point of the range. Mr. McCandless reminded the Council that at the work session they asked Mr. Mercer to provide the Council with information on competitive salaries. He said he believes Mr. Mercer still intends to do that and can include that number in the draft brochure. Mr. McCandless also noted that the City is under contract with AEM to develop job descriptions for every job in the City. He said he could speak with AEM to see what they think about developing a job description for a City Administrator. Mr. McCandless said the Council and Staff already have quite a bit of guidance as to what should be in a job description because the charter lays out quite a bit of the job description for a City Administrator. Additionally, the Council has the characteristics and profile that the three previously mentioned groups have compiled. AEM could also do personal interviews with Ms. Volek, Mr. McCandless and the Mayor and Council as far as

what you would like to see included in a job description for a City Administrator. Mr. McCandless said this is a "tool" for the Council to use if they chose to.

Councilmember Boyer said no matter who does the job description, she wants to be sure that the Council sees the draft before anything is finalized. Councilmember Clark said the attributes of a new administrator and what the job actually is are all being "jumbled into one pile here". Councilmember Veis said the ad hoc committee said there needs to be a distinction made between those two items; currently there is no job description for a City Administrator. He said the ad hoc committee's recommendation to the Council was to "have" a job description for the City Administrator in conjunction with describing the criteria the Council for like to see for the City Administrator. "We could do one without the other in both cases. But as long as we are doing them now and they seem to run on very parallel and similar tracks and we have a company under contract that can do this for us, I'm sure it would be their recommendation to go ahead and do it," he stated.

Councilmember Boyer said when the City advertises (and that is what Mr. Mercer will do for the City), the attributes and expectations must be included, noting that is separate from the job description. She said a job description is necessary to show candidates so that they know exactly what will be expected of them. Councilmember Ulledalen reminded the Council that they also discussed using the job description and the expectations will be used to define the review of the person chosen for hire. It sets the framework for what will be evaluated down the road. On a voice vote on the original motion (by Councilmember Veis), the motion was unanimously approved.

Councilmember Veis moved to have Staff prepare a resolution for expending Council Contingency for the Mercer Group expenses for the agenda of the next meeting on April 24, seconded by Councilmember Boyer. Councilmember Jones said the Council should wait to see what monies are available for these expenses before passing a resolution. Councilmember Jones said he wants to see the salary savings first and Staff can contract with Mercer Group without this resolution proceeding. On a voice vote, the motion was approved. Councilmembers Brewster, Jones and Gaghen voted "no".

Councilmember Brewster moved to direct Staff to find the quickest medium possible to complete the job description for the City Administrator, seconded by Councilmember Stevens. Councilmember Jones amended the motion to have AEM do the job description, seconded by Councilmember Ruegamer. Councilmember Ruegamer said the City has gone 30 years with a job description for a City Administrator. He did not want that part to delay the recruitment process. Councilmember Stevens said she feels it has been very irresponsible of the City not to have a job description for the City Administrator, given the size of the community. She said she supported the original motion to accomplish the task of creating the job description as expediently as possible. Councilmember Jones said AEM prepares job descriptions as a profession and is actually here in Billings, noting Councilmember Clark is on its board. He said he believed the Council should use a local firm that can easily go through this process and get to the people it needs to access to complete the job description. Councilmember Boyer called for the question, seconded by Councilmember Stevens. On a voice vote on the call for the question, the motion was approved. Councilmembers Brewster, Clark and Jones voted "no". On a voice vote on the amendment for AEM to do the job description, the amendment was disapproved. Councilmembers Ruegamer, Ronquillo, Jones and Clark

voted "yes". On a voice vote on the main motion made by Councilmember Brewster, the motion was approved. Councilmembers Ronquillo, Clark and Jones voted "no".

Councilmember Veis noted that the Council still needs to have the salary discussion. He asked the Council to be ready to discuss that issue in two weeks (at the next meeting) so they can approve a recruitment brochure.

12. 4TH AND BROADWAY REDEVELOPMENT – 2005. ~~Report by the Review Committee will be made at the meeting.~~ Staff recommends the Council grant a 60-day 90-day time extension for completing negotiations with both developers. (Action: approval or disapproval of Staff recommendation.)

Councilmember Clark moved to accept the revised Staff recommendation to change the extension time to 90 days instead of 60 days, seconded by Councilmember Ruegamer. On a voice vote, the motion was unanimously approved.

LATE ADDITION:

13. RESOLUTION 06-18408 declaring an emergency and waiving the competitive bidding requirement to repair the storm drain collapse and allowing the City to enter into a contract with the low bidder in an amount not to exceed \$250,000. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Public Works Director Dave Mumford said on March 28th there was a failure of two 90-inch culverts on Blonco Circle in the Heights. The culverts were installed in 1982 and it appears that the original welds have failed over the years. Staff is asking the Council to allow Staff to proceed without the formal bidding process by getting quotes from available contractors and to enter a contract in an amount not to exceed \$250,000. Mr. Mumford noted that design has been completed and Staff is negotiating with contractors at this time. He emphasized that it is important to proceed as soon as possible because Blonco Circle is the way in and out for four homes, but there are water and sewer lines that are situated on top of these culverts. If the culverts fail, there is a potential for sewer to discharge into Alkali Creek. Mr. Mumford noted that Staff hopes to begin this work next week.

Councilmember Veis asked if there is a warranty on the culvert. Mr. Mumford replied there is no warranty and the manufacturer is no longer in business. Councilmember Stevens asked if the culvert was installed according to recommended procedures in 1982. Mr. Mumford said the installation is not the problem; the actual welds from the manufacturer are what failed, not the installation.

Councilmember Brewster moved for approval of the Staff recommendation, seconded by Councilmember Stevens. On a voice vote, the motion was unanimously approved.

The Council continued discussion on Item #7 at this point. See Item #7 for the details.

~~13.~~ 14. PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required. (Restricted to ONLY items not on the printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.)

- JOHN HINES OF 2822 MINNESOTA AVE. (i.e. the Men's Rescue Mission) urged the Council to approve the resolution creating the Mayor's Commission on Homelessness. This commission is being assembled as one element of the City's participation in the national 10-year plan to reduce chronic homelessness that affects the entire country. Interim City Administrator Tina Volek noted this item would be on the Council's 4/24/06 agenda.
- TED HOLMAN OF 2822 MINNESOTA AVE. (i.e. the Men's Rescue Mission) read a prepared statement from Jeffrey Sonsoucie, founder of Peter's Way Café & Resource/Referral Project. Mr. Holman said he and his friends have been looking at the resources for the homeless and found it frustrating to try to find the help needed. He noted that the resources already exist in many cases, but there is no coordination between agencies and no single agency overseeing these efforts. The commission will be able to expedite solutions to assisting the homeless.
- KEVIN NELSON OF 4235 BRUCE AVE spoke on the City's noise ordinance. He read the definitions from BMCC Sec 24-351 and the regulations from BMCC 24-352. Mr. Nelson said no one should have to listen to the boom boxes from two blocks down the street and urged the Council to take a step forward in enforcing the noise restrictions. Mr. Nelson also asked for an explanation of the potential conflict of interest he thought he heard referred to earlier in the meeting. He referred to Councilmember Jones' comment that Councilmember Clark serves on the board of AEM, a consultant under contract with the City to update job descriptions for all City employees. Mr. Nelson questioned whether Councilmember Clark should be voting on the subject of the City Administrator selection criteria. He suggested that City Attorney Brent Brooks explain to the Council whether that constitutes a conflict of interest. Mr. Brooks commented on the noise issue, clarifying there is a City ordinance on noise and a state law concerning noise. The City encountered some difficulties with this several years ago in regard to sweepers on commercial lots. It was found at that time that the ambient noise of everyday traffic was often higher than the levels in the noise ordinance. He noted that the noise ordinance was enacted in 1967 and may need to be updated to reflect current standards.
- DAVID BOVEE of 424 LEWIS AVE said he requested information on the Tax Increment Financing four weeks ago from both the City and the Downtown Billings Partnership. He said it appears "there is none. The City provides no public information of this public money to the public." He also was told certain reports he requested do not exist. Mr. Bovee said he researched state law (Chapter 7, Part 15, Sections 4200 & 4300) that covers tax increment financing. He stated the City appears to be totally ignorant of these laws. Mr. Bovee said the State requires an annual report for the previous fiscal year be filed by Sept. 30th and published in a newspaper and be available in the City Clerk's office for inspection by the public during regular business hours. He was told there is no such report. He urged the City to try to abide by state law if it wants to continue with tax increment financing. Ms. Volek noted that Mr. McCandless has sent a letter to Mr. Bovee attempting to answer all of his questions.
- TOM ZURBUCHEN OF 1747 WICKS LANE spoke on revenues and services pertaining to annexations. Mr. Zurbuchen said it is the City's job to provide services. He also said it is a known fact that residential annexations do not pay for the

services they require and are allowed under law. Mr. Zurbuchen said the City cannot keep growing and developing without additional funding. One way to address this growing need is to amend the charter to allow the City to float its mills, so that as the City grows, it can increase its mills also. As inflation occurs, the City would also be allowed to increase its taxation. The objective should be to keep up with growth and inflation.

COUNCIL INITIATIVES

- Councilmember Veis announced that there are volunteer opportunities for the Councilmembers to participate in the “Clark on the Yellowstone” event from July 22-25. Mayor Tussing noted the event in Billings is on July 21.
- Councilmember Stevens asked Staff about the anonymous letter sent to the Council from an employee that was concerned about education not being paid heed to in the classification process. She asked if the letter was being addressed. Interim City Administrator Tina Volek she has a copy of the letter. Since it was anonymous she did not realize the Council wanted a reply. Councilmember Jones said classification plans are always controversial and he was concerned about “jumping on board here” because the Council may be inundated with letters. He said he was not too concerned at this point because the City was going through a process that includes representation from both sides. Councilmember Ruegamer said it is a waste of Staff time to answer anonymous letters. Ms. Volek informed the Council that AEM would be presenting a status report at the Council’s next work session on April 17th.
- Councilmember Clark asked about the concern expressed by Mr. Nelson during his comments given during the public comment period earlier. City Attorney Brent Brooks said there is no conflict of interest if the Councilmember had no personal or financial interest in the matter. City ordinance is very clear as to what constitutes a personal or financial interest. Mr. Brooks offered to provide additional information on conflict of interest. Councilmember Brewster said it would be a good idea for all Councilmembers to have additional information on what constitutes a conflict of interest and full disclosure.
- COUNCILMEMBER ULLEDALEN: MOVED to create a Council subcommittee consisting of Councilmembers Veis, Clark, Jones, Boyer and Brewster to monitor the City Administrator selection process to insure the process keeps going, seconded by Councilmember Boyer. Councilmember Ulledalen said he wanted to make sure the details were taken care of, that someone maintained leadership of the process, the process continued moving along and momentum was not lost. Councilmember Ronquillo said any councilmember that wanted to participate should be allowed to do so. On a voice vote the motion failed. Councilmembers voting “yes” were: Stevens, Brewster, Jones, Ulledalen and Boyer.
- Councilmember Gaghen said she spoke with Cal Spangler of Young Families today. He informed her that they would no longer have use of Beartooth School for their program. Their agreement with the School District ends on June 30th. Young Families is still interested in the Naval Reserve Center in North Park. Councilmember Boyer asked where the City is at with that item. Mr. McCandless replied that he had spoken with the Navy commander who informed Mr. McCandless that he had not yet

received the report, but was expecting it any time. Mr. McCandless said he also received a call from Mr. Spangler today.

- Mayor Tussing invited the Councilmembers to a Community Prayer Breakfast on April 25th at 7:00 a.m. at the Billings Hotel.
- COUNCILMEMBER ULLEDALEN: MOVED to have the 4th & Broadway Development Ad Hoc Committee provide monthly status reports to the Council, seconded by Councilmember Gaghen. Councilmember Boyer said the Council needed to start receiving numbers from the developer. On a voice vote, the motion was unanimously approved.

ADJOURN – With all business complete, the Mayor adjourned the meeting at 10:30 P.M.

THE CITY OF BILLINGS:

By: _____
Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE, City Clerk